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OF

THE FIRST SESSION

OF

THE THIRTY-NINTH CONGRESS.

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them, now to stack their arms and surrender themselves without condition to their prisoners? That will be the state of affairs if the present reconstruction policy of the Administration succeeds. If in our work of reconstruction we do not secure the rights of loyal men who were our friends and allies in the late rebel States, we shall come short of our duty and be guilty of a blunder which, in such an hour as this, is worse than a crime. Sir, I want the loyal men of the nation, who saved it in its hour of peril, not only to administer the national and State governments, South as well as North, but to say who shall vote for their law-makers in those States consecrated by the blood of half a million men.

Our friends are mistaken, honestly mistaken I grant you, but nevertheless mistaken, when they say there are no loyal men in the South. Sir, I know the South better than that, and I stand here to say that I do not believe at the time the ordinances were passed in the eleven rebel States that more than two States—South Carolina and Mississippi—and possibly not more than one would have voted by ballot at any fairly conducted election for secession and rebellion. I grant that after the rebellion was inaugurated a majority were carried into it, and that a majority in all those States, unless it be in Tennessee and Arkansas, and perhaps even these are hostile at the present time to this Government. But there are large numbers of men in those States who are loyal to the Government, and I desire to strengthen their hands by giving the black man the ballot. In that way only can we strengthen these men and preserve the local State governments. The unfortunate reconstruction "experiment" of the Administration has put the loyal men, black and white, under the foot of the traitor in nearly all the late rebel States, and they are powerless and compelled to submit, because the Government has bound them hand and foot and turned them over to the tender mercies of their enemies and ours. Sir, it is the cause of the loyal white and black men of the South which I plead; it is their cause which this Congress is fighting. What I demand, and what this Congress demands, is that the loyal men of the South shall administer their local and State governments of the South; that none shall hold the offices, national and State, but loyal men. We have the right to demand this.

Sir, if we would have loyal Representatives here, we must first secure a loyal constituency at their backs. It is idle to talk of loyal Representatives and disloyal constituents. It is not worth while to deceive ourselves on this point, or attempt to deceive others. The solution of this great question of restoration is the work of statesmen, not of demagogues. All over the land demagogues are clamorous, and denounce Congress because they do not at once declare the late rebel States restored to all their constitutional relations to the national Government and at once admit their disloyal Representatives, who have the unblushing hardihood to approach and demand admission to this temple. Everywhere demagogues and traitors unite in denouncing the Congress of the United States because they have given six months to the consideration of this new and difficult problem of reorganizing constitutional State governments in eleven rebel States. Why, sir, we have spent six months on the tax bill, a subject with which we are familiar, and which has been in the hands of one of the ablest and most experienced committees of this House, yet with all the aid of the Treasury Department and the special commission authorized by the last Congress we could not get through with the tax bill until last evening. This question of taxation is an old and familiar one, and if we commit a blunder time will develop it and legislation can correct it. But this question of reconstruction is a new and perplexing question; a question which ought to command the best ability of the nation, because we are to walk in new and unknown paths, paths which have never been illuminated by the foot-print of the statesmen who have preceded us. If we com-

mit a blunder it may be fatal, at least for a generation. This Congress is honestly laboring to secure an early restoration of these States, and while I do not believe the propositions reported by the committee are all the loyal men of the South had the right to expect and to demand at our hands, I shall vote for them if I can get nothing better.

But it is said that there are no loyal men in the South; that all were swept into this rebellion, and we are coolly and refreshingly told that the oath must be modified in order that rebels may be appointed to office. Sir, this claim that there are no loyal men in the South is a fallacy. I have lived in the South for years, and I know that there is not a State in which loyal men cannot be found to fill all the offices of the State and national Government. If they have not, then I would import them. I would do as I advised Mr. Lincoln to do in 1861, when he had up the question of appointing a postmaster at Louisville. He happened one morning when I was in his room, when the case was up, to do me the honor to ask me what I would do. There was a loyal man who had been always faithful to our ideas an applicant for the place, and also a new convert. I said, "If I had the appointing power, and there were but one man in the State who had voted for me or voted to maintain our ideas, I would appoint him to the best office in the State in the gift of the Executive, and if he could not write his name I would appoint and pay a clerk out of the secret service fund to sign his name for him." You need not talk to me about there not being loyal men enough in the South to discharge the duties of all the offices there. It is a fallacy. Many honest men of my own personal acquaintance went into the rebellion believing it to be right; and before the close of the war and since the close of the war, have come out of it just as honest, and are satisfied that it was wrong.

Sir, I do not believe, with all the political heresy which has been taught at the South for the past thirty years, with all the political iniquity which has been taught in the name of religion and in the name of Christ in the South by men professing to teach the Gospel; I do not believe that all this, with the war and all the terrible consequences which have followed in its train, has been enough to obliterate from the South an entire love for the old flag and the old Union.

I know that there are men in the South everywhere capable of filling all the offices. My judgment has been strengthened on this point by many letters which I have received during the war and since the war. A private soldier in the Union Army wrote me a letter after Sherman had passed through Georgia, in which the following beautiful and touching incident was related. At one of our military posts where thousands came to receive rations from the Government which they were madly fighting to destroy, there came one morning a tall, elderly lady of commanding appearance, and of evident culture and refinement, asking for bread. When it was handed to her by a brave boy in blue who stood proudly beneath the stars and stripes, she betrayed emotions which she could not suppress, and the tears stole down her cheeks as she said, "Little did I think three years ago, when decking my three sons for the war, that I would ever come to this; then I had husband, sons, home, and all that heart could wish; now I am homeless, childless, a widow, and a beggar, asking alms of the Government which we have sought to destroy. But it is all right. It is the punishment meted out by Providence for our sins, and I submit."

Sir, there are thousands of just such mothers as this in every State in the South to-day, and there is not a loyal man or woman in this nation who would not do all in their power to alleviate their wants and bind up their bleeding and broken hearts.

There is another beautiful incident which I must not omit. Last summer, when the convention met in North Carolina, in response to the President's proclamation to reorganize a

constitutional State government, Mr. Reade, the president of that convention, on taking the chair, uttered words which thrilled the continent. I have no language to tell you, Mr. Speaker, how they touched my heart as I read them on the shores of the Pacific. I know that every loyal man in this nation called down benedictions on his head. These are his golden words:

"Fellow-citizens, we are going home. Let painful recollections upon our late separation and pleasant memories of our early union quicken our footsteps toward the old mansion, that we may grasp hard again the hands of friendship, which stand at the door; and, sheltered by the old homestead which was built upon a rock, and has weathered the storm, enjoy together the long, bright future which awaits us."

Sir, every loyal Representative in this Hall stands ready with open hand to-day to welcome all who thus speak from the heart; and, sir, whatever of local interest or of prejudice or of passion may have carried an erring brother into this rebellion if he but set his face toward the old homestead, uttering such brave words as these, I will run to meet him afar off, and for him the fatted calf shall be slain. But I do not propose to start out laden down with pardons and with the fatted calf smoking hot from the oven and hunt up and thrust both pardons and feast upon unrepentant, malignant, and defiant rebels. Nor do I propose to stand before them, hat in hand, and ask them on what terms they propose to return to the old mansion. Sir, every rebel shall resume his citizenship upon the terms and conditions prescribed by the loyal men of this nation, or, so far as I am concerned, he shall remain an alien forever.

Mr. Speaker, to me the only vital and living question growing out of this subject of reconstruction is whether the loyal men of the South, whether all citizens of the United States residing in the South, shall have the right of the ballot. And when I say all loyal citizens I mean all, black as well as white. I hold that every man born in the United States is a citizen of the United States, and that every citizen, native-born or naturalized, has the right to a voice in the Government under which he lives. It is a natural right, a divine right if you will, a right of which the Government cannot justly deprive any citizen except as a punishment for crime. Sir, every American citizen of the age of twenty-one years, not convicted of an infamous offense, has the right to vote for or against those who are to make and administer the laws under which he lives. That is the high prerogative of every American citizen. Anything short of that is but a mockery.

I want this Congress, before it shall adjourn, to insist that every man who has been loyal to the Government in the South, whatever his race or color, shall have the right to the ballot. We now have the golden opportunity. If you do not guaranty these precious rights of the citizen now you leave the great work before us unfinished; and I warn you that agitation will follow your refusal to enact justice, and that there shall be no repose until every citizen of the Republic is enfranchised and stands equal before the law. Shall we falter, Mr. Speaker, in this sublime hour of victory which God has given us, or shall we finish the work which He has committed to our hands by securing the complete enfranchisement of all citizens of the United States?

The voice of every friend of this country in Europe, as it comes to us across the sea, cries out to us to enfranchise the men who in the late struggle were our friends and our allies. From Switzerland, the grand republic of the Old World, there come to us words of counsel and wisdom which we ought not to disregard. From every land beneath the sun, where liberty is loved and human hearts have been touched by our heroic struggle, there comes to us a plea that in reconstructing this Government we shall first of all see to it that justice is the basis upon which we build.

And better than all this, from the loyal men of the South, both white and black, there comes up to us the prayer that we will see to it that they have justice; that we will not falsify the

pledges which the nation has made. Sir, do gentlemen expect that we can make the pledges we have made, and then turn these people over to the tender mercies of their enemies and ours without calling down upon us the execrations and denunciations of all right-thinking men? If they do, they are mistaken. Shall we hear and answer these words of counsel and wisdom and the prayer of our friends and allies, or shall we turn for counsel and advice to our late enemies?

We are as a nation either to go forward in the great work of progress or go backward; we cannot stand still. And I am desirous to know whether this Congress is going to attempt the work of staying the great anti-slavery revolution which has swept over the country and obliterated all the pro-slavery landmarks erected by parties and by men. Sir, I have faith to believe that neither President nor Cabinet nor Congress can long stay with their puny efforts the grand decree of the nation. He who attempts it, be he President, Cabinet minister, or statesman, will fall before its advancing power, and his political grave will be marked by the skeletons of those who for the past quarter of a century, having betrayed liberty, were wrecked along the political coast and to-day lie unburied and unhonored because there were none so base as to do them reverence.

Sir, I know that our hour of triumph may be delayed; but I have faith to believe that we cannot be defeated. Let the ballot be placed in the hands of every loyal man in the South, and this nation is safe—safe from rebellion, safe from repudiation, safe from a war of races, safe from the domination of traitors in its councils. Sir, without the ballot in the hands of every loyal man the nation is not safe. The ballot is the only sure weapon of protection and defense for the poor man, whether white or black. It is the sword and buckler and shield before which all oppressions, aristocracies, and special privileges bow. Sir, Mr. Lincoln, in a letter written to Governor Hahn, of Louisiana, pleading for the right of the black man to vote, said most beautifully and, as I believe, prophetically that "in some trying time the vote of the black man may serve to keep the jewel of liberty in the family of freedom."

I believe this most fully; and believing it, I would be false to myself and false to my country if I did not demand it. If I were a black man, with the chains just stricken from my limbs, without a home to shelter me or mine, and you should offer me the ballot, or a cabin and forty acres of cotton land, I would take the ballot, conscious that, with the ballot in my hand, rightly used, all else should be added unto me.

Sir, I would like to know whether there is one professedly loyal man in this nation who would rather confer the ballot upon a traitor to his country than upon a loyal black man who has fought to save the Republic. I should like to hear such a man speak out here or elsewhere. Sir, however much brazen-faced impudence there is in every public assembly, there is no man in this House so bold or so bad as to make such a declaration.

Mr. LE BLOND. With my colleague's permission, I wish to ask him a question. I infer from his remarks that he is in favor of negro suffrage. I wish to know whether he is in favor of negro suffrage in the States.

Mr. ASHLEY, of Ohio. Everywhere.

Mr. LE BLOND. In the State of Ohio?

Mr. ASHLEY, of Ohio. Everywhere.

Mr. LE BLOND. Then I wish to ask the gentleman another question: does he claim that Congress has the power to confer the right of suffrage upon negroes in the States?

Mr. ASHLEY, of Ohio. Well, sir, I do not intend to put myself on record against the right of Congress to do that. I am not prepared now to argue the point with my colleague; but I will say to him that when the time comes for the American Congress to take action on the question, I will be ready to speak. I will not say now whether I would vote for or against such a proposition.

Mr. LE BLOND. I wish to ask my colleague one more question: is he in favor of the report of the reconstruction committee?

Mr. ASHLEY, of Ohio. Well, sir, I am voting for it.

Mr. LE BLOND. Is my colleague in favor of keeping the States out until the conditions prescribed in that report are complied with?

Mr. ASHLEY, of Ohio. If my colleague had listened to my remarks and to the amendment which I presented, he would not have felt called upon to interrupt me to put this inquiry.

Mr. LE BLOND. I would like to inquire why the gentleman yields the question of suffrage, as he does, in supporting the proposition of the committee.

Mr. ASHLEY, of Ohio. Because I cannot get it. [Laughter.] Is not that a fair answer?

Mr. LE BLOND. That is honest.

Mr. ASHLEY, of Ohio. Now, sir, let us look at this question for a moment from the stand-point of the black man. And he who will not look at this question from the stand-point of the black man is unfit to sit in judgment on this question. Let me ask gentlemen on the other side, with whom I always deal fairly, suppose your ancestors had been in bondage for two hundred years, and that this nation—this nation of hypocrites and liars for more than eighty years—had enslaved and degraded you as no people were ever degraded before—making merchandise of your entire race, while professing Christianity and a love for liberty. I say suppose this to have been your condition when this war began—a war inaugurated on the part of your masters to establish a government which should perpetuate your bondage—and after becoming satisfied that we could not conquer your masters without your aid, we had invited you in the hour of the nation's agony to join our army and help put down the rebellion, promising you your freedom, and that you had come two hundred thousand strong, and had stayed, if you did not turn, the tide of battle, thereby giving us the victory. I say suppose this to be the case, and after the rebellion had been crushed and your masters were put down by your aid, we had coolly and unblushingly turned you over to the control of local State governments administered by your late masters. I ask, what kind of justice would you call that?

Mr. ELDRIDGE. I wish to inquire—

Mr. ASHLEY, of Ohio. If you will answer that I will yield the floor.

Mr. ELDRIDGE. Was that so from the beginning?

Mr. ASHLEY, of Ohio. It was so with me. I do not know what issue the gentleman had. So far as his votes indicated, his position was on the other side.

Mr. ELDRIDGE. Was that the position of Mr. Lincoln and those who supported him from the beginning of the war?

Mr. ASHLEY, of Ohio. I do not think it was at the beginning.

Mr. ELDRIDGE. Was it at the end of the war?

Mr. ASHLEY, of Ohio. Yes, sir.

The SPEAKER. The gentleman's time has expired.

Mr. GARFIELD. I move that my colleague's time be extended.

Mr. LE BLOND. He is entitled to credit, and deserves extension. [Laughter.]

There was no objection, and it was ordered accordingly.

Mr. ASHLEY, of Ohio. Mr. Speaker, I want my friend from Ohio, or any one on that side of the House, to tell me, if after having fought to save the nation under the promise of freedom and the protection of his life and property, what would be his feelings toward those who committed the great crime of turning him over to the control of his enemies and ours? What would you say of such a Government? What would you say of the honor of its rulers? Sir, I know not what other men would say, but

if I were a black man I would not submit. I would rather be the slave of one man who had a pecuniary interest in my health and life than to be the slave of a State whose government was controlled by my late masters. It is a terrible thing to be the slave of a State whose government is administered in the spirit of caste. Sir, if the members of this House could witness what I have often seen, free men made the slave of the State, they would know how intolerable is such a condition, and would not sleep soundly if by their vote they permitted four million people, who were our allies and friends in this late war, to become the slaves of a State whose government was in the hands of rebels.

Mr. HIGBY. They have reenacted the same laws.

Mr. ASHLEY, of Ohio. These laws have been reenacted in some of the so-called reconstructed States, as my friend from California remarks. Sir, I repeat, if this great injustice was done me I would not submit; and I tell you that these four million people, soon to increase to ten millions, will not submit to such monstrous legislation. If I were a black man I would rather go into rebellion and revolution than submit to such an intolerable wrong. I would take my children and go daily with them to the altar and swear eternal hostility to those who thus betrayed me. I would consecrate all the powers of mind and strength which I possessed to brand those with infamy who had been so false to my people, and to put them into history along with those who, in every generation, have disgraced the world as the betrayers of mankind and enemies of the human race.

Sir, nothing can give such security to the poor man as the ballot. The prejudice of caste is strong, but the ballot will soon banish its baneful spirit. If in the days of Know-Nothingism the Irishman had not had the protection which the ballot alone could give him his condition would have been intolerable. How much more intolerable the condition of the black man without the ballot when completely under the dominion of his late slave-master!

Mr. ELDRIDGE. Let me ask a question.

Mr. ASHLEY, of Ohio. Not now. When Richmond fell, when Lee surrendered, when the last rebel army surrendered, and the bells all over the North were ringing out their peals of joy, who were the men that stood up first in this Union and asked for mercy to a fallen foe? The men who had a right to speak, Garrison, Phillips, Beecher, Greeley, Bryant, and Gerrit Smith—the men of heart, of intellect, and of soul. While they demanded justice for black men and the loyal men of the South, they plead also for mercy to a fallen foe.

When I came here last spring to see the President he was talking about making treason odious, and declaring that traitors should take a back seat. I was more anxious to secure justice to our friends and allies than to execute vengeance on our enemies. All we asked then and all we ask now is justice—justice to our friends and mercy to a fallen foe. All we ask now for white men and black men in the South and in the North is justice; and I tell you, that by the blessing of God, we intend to have it. Be not deceived. You cannot always postpone the demands of justice. As a nation we have learned by sad experience that we cannot trample upon it with impunity. Neither laws nor customs nor despotism can silence its claim, because it is a principle implanted by the Creator in every human heart, and can never be wholly eradicated by the selfishness or tyranny of man. He who understands the simple teachings of the golden rule comprehends the application of justice alike by Governments and men.

It needs no learning or superior wisdom to interpret it. The ignorant black, so recently a slave, and the most scholarly white alike understand it. Justice demands liberty and equality before the law for all. It speaks in the heart of every man, wherever born, with an inspiration like unto that which spoke on the day of Pentecost with tongues of fire. Woe

to the statesman or party or nation which tramples on this principle! Its complete recognition by our Government will bring us national grandeur and national glory, and secure unity, peace, prosperity, power. Its rejection will tarnish the fair fame of our country, and bring discord, dissension, adversity, war.

Let the corner-stone of each reconstructed State be justice and the cap-stone will be liberty. With liberty and justice as the fundamental law of our national and State governments there can be no war of races, no secession, no rebellion. It is injustice and oppression which bring dissension and war. The opposite will bring harmony and peace. He who votes injustice to-day will be held accountable by the people now, and in the great tribunal of human history will be justly chargeable with all the oppression, wrongs, and wars which must follow the enactment of injustice into law. The law-maker who demands nothing for himself which he will not concede to the humblest citizen is the only true statesman. Make the community of interests one by guarantying the equal rights of all men before the law, and the fidelity of every inhabitant of such a commonwealth becomes a necessity not only from interest but from a love of justice.

Sir, this Congress is writing a new chapter in American history. Let every man whose great privilege it is to record his name where it will stand forever, so record it as to secure the triumph of justice, and his name and memory shall have a life coequal with the Republic.

Sir, he who has comprehended the logic of the terrible conflict through which we have passed and studied with profit the lessons which it has taught, will have learned the point at which in our great march as a nation we have reached, and know something of the course which in the future it will travel.

Animated for many years by conflicting, sectional, hostile forces, I have lived to see since my entrance into Congress these antagonistic views so modified and melted into one that to-day the condition is accepted by all patriotic, right-thinking men, and the historian without confusion can make up the record. If this war has taught us any one lesson more clearly than another, it is that we are inseparably one people, that this continent can never again become the abode of human slavery, and that in all our future deliberations in these Halls old antagonisms will cease to divide us, and our hopes and aspirations become one, because our interests are one.

Let this measure, or those which the Senate may perfect, pass and go into the Constitution of the country; let the propositions before us become the law of the land, and you will have done something toward securing the triumph of justice. Pass these acts, and justice as a flaming sword will stand at the doors of the nation's council halls to guard its sanctuary from the presence of traitors. Pass them, and he who approaches this temple of liberty shall pause at the threshold before entering and swear eternal fidelity to the Republic.

Let these propositions pass and the proposed amendment of the Constitution become part of our fundamental law, and a generation shall not pass away before witnessing the complete enfranchisement of every freeman and the entire abolition of all class legislation.

In this faith and with this hope, believing that Providence in the future as in the past will overrule all for our good and supply where we have failed, I am prepared to give my voice and my vote for whatever measure a majority of the loyal members of the American Congress may adopt for the restoration of the States lately in rebellion.

Mr. LATHAM obtained the floor.

Mr. WRIGHT. I ask now to have the question answered which I put to the gentleman from Ohio, [Mr. ASLEY,] namely, what does he mean by a loyal man? I doubt very much whether he can answer it.

The SPEAKER. The gentleman from West Virginia [Mr. LATHAM] has the floor.

Mr. ELDRIDGE. I hope the gentleman

from West Virginia will allow the gentleman from Ohio to answer the question. I understood him to say he would answer it when he got through.

The SPEAKER. The gentleman from Ohio has resumed his seat.

Mr. ELDRIDGE. I think he waited to answer the question.

The SPEAKER. The gentleman from West Virginia is entitled to the floor.

Mr. LATHAM. Mr. Speaker, we seem to have fallen upon an age of theories. We are told from day to day with much seeming sincerity and an air of the most profound political sagacity that the Union when restored must be restored upon a basis which will make it as permanent as the everlasting hills and as invulnerable as the throne of the Eternal, and with such safeguards that even treason will no longer be possible within its jurisdiction. I need not refer to particulars or quote authorities or precedents upon this point to show that I state the case fairly. To attempt to do so would be but to recite a hundred speeches made upon this floor during the present session, and the daily editorials of a thousand newspapers, made and published throughout the length and breadth of the land during the same period, and would be only an insipid reiteration of what everybody knows. The people have heard so much upon this subject; they have heard such declarations so often and so confidently made, and by those whom they have confidence will do what they themselves say ought to be done and must be done, that those of them who really love their country and are devoted to their Government are almost ready to believe that the long-looked for millennium will be ushered in with the reconstruction of the Union.

The only question with them is, how is it to be done? The nation has been in labor upon this subject for six months, until recently relieved by the delivery of the congressional committee on reconstruction. All now, except a few copperheads and their sympathizers in the country, throw up their hats and exclaim, "It is done! Eureka!" Now, sir, my mind is not so constituted and has not been so educated as to enable me to weave fine-spun theories or to comprehend the metaphysical affinity between principles which seem to have no connection with each other; and it is for the purpose of stating as briefly and candidly as possible the difficulties under which I am laboring with reference to the series of measures now under consideration, with a view to having those difficulties removed by the Gamaliels of the House, at whose feet I so willingly sit, that I have sought this opportunity of addressing you. And as I desire to be as brief as possible, I will enter at once upon a statement of my case.

With reference to the disqualifying bill reported by the committee, but which is not now under immediate consideration, I have no difficulty; and you may extend the disqualification of the enemies of my country to any extent you please without doing any violence to my feelings. All I ask with reference to this bill is an opportunity to vote upon it. I confess, however, that I do not see that the bill adds anything to the disqualifications which now exist, or disqualifies any one who is not disqualified by existing laws. No one who ever gave voluntary aid to the rebellion is now permitted to qualify in any position of trust under the Federal Government without taking the test oath; and of course no one would be permitted to take the test oath and enter upon the discharge of official duties under the Government if it was known at the time that he was committing perjury.

Further, should it be objected that the test oath may be decided unconstitutional or that it may be repealed by a majority vote, I reply that the test oath and this bill stand constitutionally upon exactly similar foundations. But I pass to the consideration of the measure under immediate consideration.

Now, sir, the prominent idea with me, and

with gentlemen who advocate this measure, is to restore the Union upon a basis which will secure the future peace of the country. This idea is inseparably connected in my mind with whatever is denominated a plan of reconstruction or restoration. Now, I propose to examine the provisions of this bill and test them severally and as a whole by this rule. This bill recites an amendment to the Constitution of the United States as having been submitted by Congress to the several States for their final action, and provides, in substance at least, that the ratification of this amendment shall be a condition precedent to the right of representation in the eleven States lately constituting the so-called confederate States of America. This amendment contains four distinct propositions.

The first provides that no State shall make any discrimination in civil rights of citizens of the United States on account of race, color, or previous condition of slavery. If the term "civil rights" be construed not to include what is properly understood as "political rights," I think this provision just within itself, and that it probably includes nothing more than the Constitution originally intended to include. But, sir, we are not called upon to consider this proposition as connected with this bill on its individual merits. That was done when it was under consideration by this House as a constitutional amendment. We are now called upon to consider its bearing upon reconstruction—how, under its operation, rebellion and treason will be rendered impossible, or the Government will be made stronger to resist and overcome them. This, sir, is the point which is beyond my comprehension, and upon which I desire information.

In what way would constitutional equality of "civil rights" prevent the manufacturers of Massachusetts, the distillers of Pennsylvania or elsewhere, or the cotton-growers of the South from resisting forcibly the execution of unjust and oppressive laws, or from attempting to establish an independent government, if in their opinion such government would be more conducive to their best interests than the Federal Government? In a word, what additional security for future peace would be given by this provision, or what additional power would it give to the Government to crush rebellion or punish treason? Besides, sir, the "civil rights bill," which is now a law, and is enforced in Tennessee by Tennessee State officers, covers exactly the same ground as this amendment; and yet the Congress which passed this bill refuses to recognize the right of representation in a State which enforces it by its own officers, until the Constitution can be amended in a particular which when accomplished will give to Congress no power which it has not exercised without the amendment.

The second proposition in this bill is to base representation upon suffrage instead of aggregate numbers, as at present. I confess I am more doubtful of the merits of this as a distinct proposition than of the other. Taxation and representation are principles the separation of which has never before been attempted or for a moment countenanced by the American people. Their attempted separation by the British Parliament precipitated the American Revolution, and their union was the one principle upon which our forefathers were united throughout the bloodiest conflicts and darkest hours of that ever-memorable struggle. It is the principle which was submitted to "wager of battle," vindicated by the sword, and baptized with the best of patriots' blood. Shall we now abandon it on the plea of party expediency only, and for an experiment which has so far been discarded by the wisdom of the world? Suffrage has never in the history of the world been made the basis of representation, at least by any Government which does not itself prescribe the qualifications of electors. And, for one, I should hesitate before throwing what I believe would prove so corrupting an influence upon the political morals of the country. I am willing, however, that

this proposition too should go to the people for their consideration as an amendment to the Constitution of the United States.

This proposition, however, and the first of which I have spoken, are not of the issues which were involved in and decided by the late war. They were as germane, as fundamental principles upon which to erect our political fabric when the Constitution was framed, and at any time prior to the war, as now. If they are right in our form of government now, they were right then; if they were wrong then, they are wrong now; and there is, in my humble opinion, no propriety in attempting to connect them with the question of the restoration of the Union. How would this provision, if incorporated into the Constitution, deprive the people of any portion of the country of the power to rebel against it, or give to the Government any power to crush such rebellion which it does not now possess? The history of the world does not prove that depriving any portion of the people of political rights or of political power ever made them better citizens or more loyal subjects.

With reference to the third or disfranchising proposition, I have only to say that I regard it as wholly impracticable, and as calculated, if not intended, to defeat the whole plan for the restoration of the States lately overrun by the rebellion until after the next presidential election. Its effect, whatever its purpose may be, is purely partisan, because in the nature of things it can never be ratified, and its ratification is made a condition-*precedent* to restoration. On this account only I voted against the entire proposition as a constitutional amendment.

I am in favor of restoration, and this proposition is opposed to it. That is the simple issue. Gentlemen pretend, and the country, credulous and not given to thorough investigation, but disposed to take things as they appear on their face, believe that this House has voted, by voting for this proposition, to disfranchise rebels. The issue is deceptive, is false. Those occupying the position to which the responsibility attaches have voted to shift that responsibility by submitting the question of disfranchisement to the rebels themselves. Sir, what would you think of the judge, who, upon the trial of a prisoner for murder, when the jury brought in their verdict of "guilty," should say to the criminal, "You are convicted by the evidence; the finding of the jury is 'guilty'; the penalty of the law is that you hang by the neck until you are dead; you deserve to hang, but I propose to submit the question of hanging to yourself?" This House, sir, has done as much.

If the committee on reconstruction found, upon this six months' investigation, that the governments of the "States lately constituting the so-called confederate States of America" are in the hands of or controlled by the enemies of the United States, why did they not say so, and bring in a bill providing for wresting those State governments from the hands of our enemies, and placing them in the hands of our friends, that we might act upon something practical, and that the country might understand what we meant? The committee was organized with instructions to inquire into the condition of those States, and to report the result of such inquiry to Congress. If this is all they intend to report, they have not discharged the duty which was imposed upon them.

My impression is that the troubles by which we find the subject of reconstruction now surrounded do not of necessity result from the appointment of a committee or from the investigation. Ordinarily the report of the President, the sworn executive officer of the Government, should be conclusive upon questions involving the harmonious relations of the several parts of the Union, the execution of and obedience to the law; but I do not regard such report as necessarily conclusive, and consequently the appointment of a committee with the instructions given this one was not, in my opinion, unwise. The present weakly, sickly, puny condition of the child is not the neces-

sary consequence of having given it out to nurse, but of giving it to those who cared not for its life.

Upon the merits of the fourth as a distinct proposition I presume we are all agreed, but how its adoption is to prevent another rebellion is the point upon which I desire information.

I now ask indulgence for a few moments while I explain as briefly as possible the difficulties which stand in the way of my support to this bill as a whole. Before, however, entering directly upon this discussion I will just here remark that I do not comprehend how or why the reconstruction or restoration of the States lately overrun by the rebellion involves the necessity of reconstructing the Constitution and Government of the United States. Was the Government of the United States overthrown, or were any of its parts or functions destroyed by the rebellion? If not, where or why the necessity of its reconstruction? Did the rebellion expose imperfection or weakness in any of its parts? Or did we, during its existence, feel the need of the exercise of any power which we did not at the same time feel we had the right to exercise? Did we experience during the rebellion that any change in the Constitution, or even in the form of our Government, could make us stronger than we were?

Sir, we had the right to use, and did use, all the means which God and nature had given us to preserve the life of the Republic. More men and more money were the only agencies which could have given us additional strength, and constitutional amendments could not supply these demands. Sir, even the success of the rebellion would have proved nothing against the wisdom of the provisions of our Constitution, the success of republican institutions, or the strength and permanence of our form of government which it would not have proved equally against that system called the laws of nations, and which we are informed supplanted the Constitution during the war. Much less does the mere fact of rebellion prove anything against either, for all the systems of which we have any information, from the most arbitrary and unjust on earth to that which was established by eternal wisdom for the government of angels in heaven, have been assailed by organized rebellion.

"Irreversible guarantees against rebellion" are a myth, a farce, a deception—mere claptrap, coined for party purposes—the device of demagoguery, and not the dictate of statesmanship. Security against rebellion is in the administration rather than in the form of government. Place all political power securely in the hands of its friends, and then make it, by the manner of its administration, what the Almighty intended civil government to be—"a terror to evil-doers, and a praise to them that do well"—by making the punishment of crime and the reward of virtue swift and certain, and you have the guarantees, and all the guarantees, against the renewal of the conflict here that the Almighty has in heaven against its renewal there.

There are two principles involved in the provisions of this bill which I desire to notice. First, that the approval of three fourths of the States now represented in Congress is sufficient to ratify the constitutional amendment. And second, that the ratification of the constitutional amendment recited in this bill shall be a condition-*precedent* to the right of representation in the States now unrepresented in Congress. These principles are necessarily based upon the presumption that these are not now States of the American Union. If this presumption be true, I ask gentlemen when and by what act they ceased to be States? Was it by the act of rebellion? That I admit was the design of the rebellion; but the rebellion failed in its purposes. Was it by the formal act or ordinance of secession? To state this proposition is now to answer it.

Am I told that the recognition of belligerent rights by the law of nations severed the connection? That the law of nations prevailed

during the war and must prevail during the settlement growing out of it? I admit that the United States had the right to, and did, exercise and accord belligerent rights during the war to any extent justified either by policy or the dictates of humanity; but in so doing they never for a moment surrendered the rights of the sovereign; and that upon the submission of those in rebellion to the Constitution and laws the right to the exercise of belligerent powers under the law of nations ceased. Sovereignty alone prevailed—had triumphed; the Constitution and municipal law of the land attached, and the treatment to be accorded the offenders must be under the provisions of and in accordance with these instead of the law of nations, administered by the United States as sovereign and not as belligerent. Who, until at the present time, ever heard of a sovereign Power governing in time of peace any portion of its subjects as belligerents under the law of nations? Oh, what fools the wise men of past generations have been! How they must have desired to see the things that we see, to hear the things that we hear, to know the things that we know! How hard to die without seeing, hearing, and knowing them!

Sir, I assert, without fear of overreaching the principles of law governing the case, that loyal citizens, by being for a time overpowered by the rebellion, have lost none of the rights which attach or ever attached to them by virtue of the Constitution of the United States; and that consequently when they restore their State governments in harmony with that of the United States, they are entitled to exercise all the functions of a State, and to all the rights of a State in the Union. I say the "loyal citizens," for I believe the disloyal are entitled under the Constitution to no right except the right to be hung. When, however, an amnesty or pardon for past offenses is granted, the party having received it may then appeal for protection, and as of right in all matters affected or reached by such amnesty or pardon, to that law which, had it been enforced against him, might have demanded even his life. The law against which he had offended and by which he was condemned, which, while under condemnation, only thundered its anathemas against him, has, upon pardon and reconciliation, become his friend and the advocate of his rights which attach by virtue of such pardon. Now, in what do these rights consist? Do they consist solely of what we term "civil rights," or do they include "political rights" also? My own impression is that they include just what the sovereign granting the pardon may elect to have them include, nothing more, nothing less. And that if it is not yet safe to trust political power in the hands of the reconstructed, it should simply be withheld from them, and that those only who have been continuously loyal should be permitted to exercise it.

The committee, however, has failed to give us any information as to whether those State organizations are in the hands of the friends or the enemies of the Federal Government, or whether those recently in rebellion, but who have been pardoned, may yet be safely invested with "political rights." Where is the protection or encouragement they propose for the Union men of the South? Where, where are the recommendations of this committee upon the most vital question of the day, or involved in all the issues now upon us—the reward and encouragement of loyalty in the section lately overrun by rebellion? Echo answers, where! Gentlemen have labored hard to prove that the loyal are in like condemnation with the disloyal, because they were within rebel lines during the war; that all are "alien enemies" together; that the law of nations justifies us in treating them as such, and that we can make no discrimination between them. Let us see how this is. Allegiance and protection are reciprocal duties, binding, the one upon the citizen, the other upon the Government; and inseparably connected with the faithful observ-

ance of all the obligations of allegiance are all the rights which attach by virtue of citizenship. Now, when do these mutual obligations cease? Vattel, page 96, says:

"The natural subjects of a prince are bound to him without any other reserve than the fundamental laws; it is their duty to remain faithful to him, as it is his, on the other hand, to take care to govern them well. Both parties have but one common interest; the people and the prince together constitute but one complete whole, one and the same society. It is, then, an essential and necessary condition of political society that the subjects remain united to their prince as far as in their power."

Am I told that the late civil war dissevered all these bonds and relieved both parties from the observance of these reciprocal obligations and duties? Chitty, in his note to Vattel, page 97, says:

"No individual can shake off his natural allegiance until the part of country where he resides is absolutely conquered and the parent State has acknowledged the severance."

And in his Treatise on Commercial Law, page 129, he elaborates the same doctrine; and I assert, without fear of successful contradiction, that all the authorities on public law, where they touch upon this doctrine, confirm it.

The questions, how the subjects of a government who have been engaged in an unsuccessful rebellion may be treated, and how loyal citizens residing within the rebellious districts should be regarded, have never been considered questions legitimately belonging to the department of international law; because as subjects and citizens they are the objects of the local municipal regulations and laws of the country; the law of nations ceases to operate so soon as the state of war ceases to exist; and when we look to works of international law for authorities or precedents upon these points, we become bewildered because we are traveling out of the record. I have, however, some authorities which, though not bearing directly upon these points, go beyond and cover them. These authorities presuppose—necessarily, because wise men who have written upon these subjects never dreamed of the application of the principles of international law to a country subsequent to the overthrow of an unsuccessful rebellion. These authorities, then, presuppose the success of the rebellion and the permanent partition of the country. In the case of *Respublica vs. Samuel Chapman*, 1 Dallas, page 56, the court held that—

"None are subjects of the adopted government who have not freely assented thereto."

And in the case of *Kelly vs. Harrison*, 2 Johnson's Cases, page 29, the court held that—

"The division of an empire works no forfeiture of a right previously acquired, and as a consequence of it all the citizens of the United States who were born prior to our independence, and under the allegiance of the King of Great Britain, would be still entitled in Great Britain to the rights of British subjects."

This very language has been reaffirmed by the Supreme Court of the United States; and all these principles here contended for are as old as the law and are of universal acceptance, except with the new school of authorities, who have not yet published their works.

Does, then, the obligation of impartial justice on the part of the Government toward the subject or citizen cease, while that of fealty on his part remains; or does the obligation of fealty attach without carrying with it all the rights and privileges of citizenship? No, they both cease at one and the same time, the same instant, when the Government acknowledges its inability to extend its protection to him, and not until then. But am I told that the exercise and according of belligerent rights during the late civil war actually amounted, in contemplation of public law, to an acknowledgment of the severance by the United States? If so, then all, loyal and disloyal, "without distinction of race, color, or previous condition of slavery," within the limits of the late rebellion, are now aliens, foreigners, not citizens of the United States; and you have no more right, except as might makes right, to extend over them the provisions of your municipal law for the collection of taxes, and for other purposes, than you have to extend them over the people of Mexico, China, or the Russian

empire. And why is Jeff. Davis to-day a state prisoner if you can deal with him only in accordance with the law of nations? The United States, sir, by the result of the late war, have acquired no right by conquest which does not legitimately belong to them as sovereign. It was simply a reassertion and triumphant vindication of their disputed sovereignty. The application of the law of nations works an extension or enlargement rather than a forfeiture or limitation of the rights of revolted subjects during the revolt, but all the rights and remedies of the sovereign, and all the pains and penalties which the law denounces against the offenders, an enlargement of power in the Government, and an abridgment of the rights of the offender, attach immediately upon the vindication of the national integrity.

I know that I am now trenching upon the doctrines of the distinguished gentleman from Pennsylvania, [Mr. STEVENS,] and I desire information from him upon the point I now make. Admit, for sake of argument, that all within the lines of the late rebellion were and are "alien enemies." By what principle or upon what authority would you define the limits of the late rebellion with sufficient certainty to ascertain who are "alien enemies?" When and by whom were they so defined? Was it by the President in his proclamation of August 16, 1861? The Government of Great Britain accorded "belligerent rights" to the rebels, by proclamation of the Queen, on the 13th day of May, 1861. The right to the exercise of "belligerent rights" by the United States has been recognized by the Supreme Court from the 15th day of May, 1861, and the President frequently changed the limits by proclamations of different dates, and on April 2, 1866, declared it without form and void—without "a local habitation or a name." As I remarked in this House, on the 8th day of January last, "the rebellion was never bounded by State lines, but its authority was extended wherever its power could carry it." The Supreme Court of the United States, upon this point, (2 Black, page 673, the decision being made during the existence of the rebellion,) say:

"It has a boundary marked by lines of bayonets and which can be crossed only by force; south of this line is enemy's territory, because it is claimed and held in possession by an organized, hostile, and belligerent power."

Now, who can define any fixed limits to the rebellion? To-day that "line of bayonets" is at Gettysburg, and all "south of that line is enemy's territory, because it is held by an organized hostile and belligerent power;" to-morrow that line is at Richmond, and then all between Gettysburg and Richmond is not enemy's territory, because it is not held by the enemy. To-day that "line of bayonets" bears hard upon Louisville, and "all south is enemy's territory;" to-morrow that line is at Chattanooga, Atlanta, Savannah, Columbia, Raleigh! To-day that line is at Jefferson City; to-morrow at Little Rock, at Shreveport, at Galveston, at the Rio Grande—nowhere! Now, who, I ask, ever has defined or ever shall or can define the limits of the rebellion, so as to determine that all were enemies within certain fixed geographical limits? How long occupancy by the enemy and peaceable acquiescence by the inhabitants, does it require to convert the citizen into a "public enemy"—a day, a month, or a year? I trust the gentleman from Pennsylvania never got south of that "line of bayonets," and thus became an "alien enemy," though it strikes me I have heard that the "line of bayonets" was at some time extended north of some of his property, which must now be liable to seizure by the Government as "enemy's property," because it was within "enemy's territory," "claimed and held in possession by an organized, hostile, and belligerent power."

What, sir, is the legitimate bearing of this doctrine upon the fundamental principles of our Government? This bill, sir, contains on its face, though somewhat veiled, and is so interpreted by its author, the monstrous doctrine the enormity of which I have been en-

deavoring to expose. Recognize this doctrine as a principle in our Government and rebellion will cease to be an individual crime and treason will be impossible, because the instant you engage in them you become an "alien enemy," entitled to "belligerent rights," and can be dealt with only in accordance with the law of nations as a "public enemy." In this way, sir, I admit that the committee has found the great panacea for all our troubles—the great and "irreversible guarantee against rebellion and treason"—by legalizing them. Wonderful discovery! Yet how plain, how simple! How is Columbus outstripped in teaching his wondering admirers how to set an egg on end! "The invention all admire, and each, how He to be the inventor missed; so easy it seems, Once found, which, yet unfound, most would have thought Impossible."

What, think you, would our revolutionary fathers, who said that levying war against the United States was treason to be punished by the municipal law, think if they should rise from their graves to find what fools they are discovered to have been? "Angels and ministers of grace," spirits of Washington, Jefferson, Madison, and Hamilton, "defend us" from such heresy!

I, sir, am neither misrepresenting the principles of this bill nor placing a false construction upon this doctrine. It is the one leading idea which has been persistently pressed by the gentleman from Pennsylvania [Mr. STEVENS] in connection with every measure which has been introduced looking to a restoration of the Union. It is the construction which he gives to this bill, of which he himself is the author. It is the principle further presented by him in the following section of the bill offered by him to the House on yesterday:

Sec. 6. All persons who held office, either civil or military, under the government called the "confederate States of America," or who swore allegiance to said government, are hereby declared to have forfeited their citizenship and to have renounced their allegiance to the United States, and shall not be entitled to exercise the elective franchise until five years after they shall have filed their intention or desire to be reinvested with the right of citizenship, and shall swear allegiance to the United States and renounce allegiance to all other governments or pretended governments, the said application to be filed and oath taken in the same courts that are authorized by law to naturalize foreigners.

"Forfeited their citizenship;" not citizens, then aliens. Citizens only can be punished for treason. Jeff. Davis "held office under and swore allegiance to the so-called confederate States of America;" hence Jeff. Davis is an alien, and hence he cannot be tried and punished for treason against the United States. Let us pause, sir, before we make this leap.

Sir, this is a subject which deserves the most careful and serious consideration of this Congress and of the country. It is a subject which should be approached and considered by all in no party spirit, but in the spirit of true and unbiased statesmanship and patriotism, and with a view to its bearing upon generations—millions of American citizens—yet unborn, and upon the future prosperity, security, and happiness of our entire common country. I have examined the plan (if plan it may be called) of reconstruction submitted by the committee, with a mind, I think, divested of prejudice and with the permanent welfare of my country only in view, and I am unable to give the plan my support, believing, for the reasons stated, that if adopted it would be productive of more evil than good. It is probably not my place to suggest or offer any plan further than has been indicated in the remarks I have made in opposition to the one proposed. I am prepared, however, to support any plan which promises a restoration of the Union upon principles which promise security to the country and do justice to the downtrodden and long overrun loyalists of the South, and which do not render treason impossible by simply legalizing it. I could even support this bill, not, however, as an *ultimatum*, if this monstrous doctrine was expunged from it; for though I would not make the reconstruction of the Government of the United States a

condition for the restoration of the Union, I would be willing for restoration to take place either with or without the other conditions contained in this bill, the essentials of loyalty, properly organized constituency, &c., being complied with.

If the State governments, organized under the auspices of the President, are to be accepted as legitimate—and which is necessarily to be inferred from the action of the committee, because they do not, after six months' investigation, propose any change—then let us say so, and let the country so understand it. If they are not to be accepted as legitimate, then let the committee recommend what changes shall be made and how, and I venture it will be done. A stroke of his pen and a crack of his whip by the honorable gentleman from Pennsylvania, the chairman of the committee, are all that would be needed. If political power is in the hands of those who should not be its custodians, let us wrest it from them. If disloyalty to the United States is made honorable and loyalty made odious, let us reverse the order of things, and let us meet the issue fairly, and do it without any indirection, that the country and the world may know what we intend and why we intend it. If we have to appeal to the law of necessity to accomplish our purposes, let us do it. If those purposes are legitimate, are necessary for our present peace and future security and happiness, the country and the world will approve and justify it. I need not tell you, sir, that it is time Congress had a practicable policy before the country. The eyes of the world are on us, and the historian pauses with ink-dipped pen. What shall he write—that the virtue, intelligence, and patriotism of the American people have triumphed, or that a great people, powerful in war, united by disaster, have failed in the hour of triumph, have proved themselves incapable of securing the blessings and reaping the fruits of victory? Heaven save my country!

Mr. BROMWELL obtained the floor, but yielded to

Mr. STEVENS, who moved to postpone the further consideration of this bill till to-morrow, after the morning hour.

The motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, announced that the Senate had concurred in the amendment of the House to Senate bill No. 237, granting a pension to Mrs. Martha Stevens.

CANAL AND SEWERAGE COMPANY.

Mr. STEVENS. I desire to call up the motion to reconsider the vote of the House on Friday last by which it agreed to certain amendments to Senate bill No. 290, to incorporate the Canal and Sewerage Company of the District of Columbia.

The question was on agreeing to the amendments.

Mr. STEVENS. The gentleman from Maryland [Mr. F. THOMAS] may not probably have expected this to be called up to-day. I therefore, with his leave, will move that the House adjourn so as to let it come up to-morrow morning.

Mr. F. THOMAS. I hope the gentleman from Pennsylvania will allow the motion to reconsider to go over till Friday, when the bill will come up regularly. It takes me certainly by surprise.

Mr. STEVENS. I am really not acting for myself but for the gentleman from Illinois, [Mr. INGERSOLL,] who is not present at this moment.

Mr. DAVIS. I move that the House adjourn.

The SPEAKER. The gentleman from Pennsylvania [Mr. STEVENS] has the floor on the motion to reconsider, which brings up the bill. It will be the unfinished business if the House adjourns now.

Mr. F. THOMAS. I very much prefer that the gentleman from Pennsylvania should let this go over till Friday, because on last Friday

when it was before the House it was understood that it would not be called up till the Friday ensuing.

Mr. STEVENS. Friday is private-bill day.

Mr. F. THOMAS. This was ruled to be a private bill against my objection.

The SPEAKER. This bill was reported on Friday. The gentleman from Maryland [Mr. F. THOMAS] objected that it was not a private bill, and the Chair ruled against him. On Friday next a great number of committees desire to make reports, and this would block their way.

Mr. F. THOMAS. Notwithstanding the prompting of the Chair, I still hope the gentleman from Pennsylvania will allow me one single moment. I have reason to believe that a much wider range is to be given to this subject than he anticipated. I believe it is to be contended very gravely that the Chesapeake and Ohio Canal Company have forfeited their charter.

Mr. STEVENS. I do not know anything about it.

Mr. F. THOMAS. If the gentleman will allow me one moment—

Mr. STEVENS. I suggest that we had better adjourn, and when it comes up to-morrow morning anything that I can do to accommodate the gentleman—

Mr. F. THOMAS. Allow me to finish what I have to say. I have other business to-day engaging my attention, and this new issue that is made will impose upon me the necessity—

Mr. STEVENS. I will refer the gentleman now to the gentleman for whom I am acting, [Mr. INGERSOLL,] who has just come in.

Mr. F. THOMAS. I would really like to know for whom the gentleman is acting.

The SPEAKER. The allusion to the Chair's prompting the gentleman from Pennsylvania [Mr. STEVENS] by the gentleman from Maryland [Mr. F. THOMAS] is not just. It is the duty of the Chair always to state to the House the condition of public business, and the manner in which a bill may impede public or private business.

Mr. F. THOMAS. It was not in any bad temper that I made the remark, it was jocular. I was about to repeat—

Mr. STEVENS. I have nothing further to say. The subject is before the House.

Mr. F. THOMAS. I will then ask that this bill be postponed until next Friday morning, because I find that there is this labor imposed upon me: to look into all the laws of Maryland, of Virginia, and of the United States from 1825 to 1850, with a view to meet this new issue, that the Chesapeake and Ohio canal corporation have forfeited their charter. I had not expected that this bill would come up so soon as this, and I therefore ask that its further consideration be postponed until Friday next.

Mr. SCHENCK. I would ask if that postponement would have any effect upon the special order, the bill to regulate the pay of the Army.

The SPEAKER. It would come up as unfinished business, and would take up all Friday until disposed of.

Mr. INGERSOLL. I hope the House will not postpone the consideration of this bill till next Friday. The question as to whether the Chesapeake and Ohio Canal Company have forfeited any of their rights under their charter from Rock creek to Seventeenth street is not a question that this House will be called upon to consider and settle. If they have any existing right there, that right is reserved under this bill. I notify the gentleman from Maryland [Mr. F. THOMAS] that that question will not be settled by the House.

Mr. F. THOMAS. If that is so it will save me a great deal of trouble.

Mr. INGERSOLL. That is so, and therefore the gentleman may save himself that trouble. If there has been any forfeiture it will be for the court to declare it, and not for the House; if there has been no forfeiture it will still be the same, so that it is simply a

question of expediency in regard to incorporating this Canal and Sewerage Company. And that question, it seems to me, might as well be disposed of to-morrow as any other time. I hope, therefore, the House will not postpone the consideration of this subject until next Friday.

Mr. F. THOMAS. Then I will vary my proposition. I will ask the chairman of the Committee for the District of Columbia [Mr. INGERSOLL] to take the sense of the House now for or against these amendments. If it be his purpose to insist upon those amendments, or rather, I refer to one in particular, then the bill will have one character. If it be his purpose to ask the House to reconsider its action in that respect, and to refuse to amend the bill as the gentleman himself proposed on last Friday, then the bill will have another character. I wish, therefore, that the gentleman would now have this question of amendment disposed of, so that the House may have the bill up to-morrow, not in two aspects, but in one only.

The point to which I wish to call the attention of the gentleman is this: there was a section in this bill, as it came from the Senate, which assumes that the rights granted to the city of Washington in this city canal have been forfeited to the Government. The same section also assumes that the rights which the Chesapeake and Ohio Canal Company enjoyed east of Rock creek have also been forfeited to the Government. If I remember aright that is the second section of the bill. The Senate thought proper subsequently to incorporate into the bill a provision to this effect: that no rights are to be disposed of under the provisions of this bill but those which the United States may possess. When the bill was under consideration in the House last Friday, the gentleman from Illinois [Mr. INGERSOLL] moved to amend that last section, which says that no rights shall be granted except those which the United States may possess, by inserting the words "except as herein before provided," or words to that effect. In other words, he was disposed, as I then supposed, to abrogate that section which was inserted in the Senate, and to suffer this subject to go before the commissioners, who are to be appointed under this law, to condemn all these interests, under the assumption that Washington city had no title, and that the Chesapeake and Ohio canal had no title to this property.

Now, if the gentleman from Illinois means to insist upon that amendment, it will give the bill one character; if he does not intend to insist upon it, then the bill will have another and an entirely different character. I wish, therefore, he would signify his determination one way or the other in regard to that amendment. Does he adhere to it, or does he desire the House to abandon it?

Mr. INGERSOLL. I cannot conceive, nor do I yield the point, that the character of the bill will be changed, whether the amendments be adopted or not. Certainly there is but one amendment that can have any special bearing on the bill, and that is the amendment to the seventeenth section adding the words referred to by the gentleman from Maryland. The other amendment relates merely to the names of the corporators. Now, that amendment to the seventeenth section was proposed by the committee in order to save more certainly the rights not only of this corporation, but of other parties, whether bodies-corporate or private persons. I do not understand that it changes the character of the bill, or that it is material whether the amendment be adopted or rejected.

Mr. F. THOMAS. I merely desire to know from the gentleman from Illinois whether he adheres to that amendment or desires to expunge it.

Mr. INGERSOLL. I do not know that I can give the gentleman a direct answer with regard to that; for I really do not know whether or not the retention of the amendment is essential to secure the rights of the corporation or of individuals who may be affected by the bill.

If it is not essential, I have no desire that it shall be retained. If it is essential for the rights of any parties I want it to be retained.

Mr. F. THOMAS. The gentleman surely does not understand me. A motion has been made by the gentleman from Pennsylvania to reconsider the amendment adopted by the House. I take it for granted that the motion was made for some practical purpose. I take it for granted that it was with the view of bringing those amendments again before the House for consideration, so that they may be either rejected or acquiesced in. I simply desire now to know whether it is intended to expunge the amendment to which I have referred or to adhere to it. If the design of the reconsideration is that the House shall reject the amendment which has been adopted, let us determine the question now, and then we shall know in what shape the bill will come up hereafter.

Mr. INGERSOLL. My present impression is that the committee are anxious that the House shall adhere to the amendments, and do not desire that the House shall reconsider the vote by which the amendments were adopted.

Mr. F. THOMAS. I do not understand, then, for what purpose the motion to reconsider was made.

Mr. INGERSOLL. So far as my feelings are concerned, I should prefer that the discussion of the bill should go on this evening.

The question being taken on the motion of Mr. F. THOMAS, to postpone the further consideration of the subject until Friday next, immediately after the reading of the Journal, there were—ayes 47, noes 24; no quorum voting.

The SPEAKER, under the rule, ordered tellers, and appointed Messrs. F. THOMAS and INGERSOLL.

The House divided; and the tellers reported—ayes fifty-seven, noes not counted. So the motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, announced that the Senate had passed a bill (S. No. 208) entitled "An act to protect American citizens engaged in lumbering on the St. Croix river, in the State of Maine," in which the concurrence of the House was requested.

Mr. McKEE asked leave of absence for one week.

Leave was granted.

USE OF THE HALL.

Mr. CULLOM. I ask unanimous consent to offer the following resolution:

Resolved, That the Committee on Rules be instructed to inquire into the expediency of suspending the rule of this House which forbids the use of the Hall except as stated in said rule, so that the House may grant the use of the Hall to such persons as may be deemed proper, who may desire to lecture for the benefit of the soldiers' and sailors' fair about to be held in this city.

Mr. SPALDING. I object.

MARY C. HAMILTON.

On motion of Mr. LAWRENCE, of Pennsylvania, by unanimous consent, Senate bill No. 56, for the relief of Mary C. Hamilton, was recommitted to the Committee on Invalid Pensions.

FRESH-WATER BASIN FOR IRON-CLADS.

Mr. LYNCH. I ask unanimous consent that Senate joint resolution No. 92, authorizing the appointment of examiners to examine a site for a fresh-water basin for iron-clad vessels of the United States Navy, be taken from the Speaker's table and considered at this time.

Mr. SPALDING. I object.

BANGOR CUSTOM-HOUSE.

Mr. J. M. HUMPHREY, by unanimous consent, from the Committee on Commerce, reported a bill making an appropriation for the enlargement and repair of the custom-house and post office building at Bangor, Maine; which was read a first and second time, ordered to be printed, and recommitted.

MICHAEL HAAK.

Mr. ANCONA, by unanimous consent, introduced a bill granting to Michael Haak compensation for the use of his farm near Reading, Pennsylvania, by troops of the United States as a camp of rendezvous and instruction; which was read a first and second time, and referred to the Committee of Claims.

ENROLLED BILL SIGNED.

Mr. COBB, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled Senate bill No. 237, granting a pension to Mrs. Martha Stevens; when the Speaker signed the same.

And then, on motion of Mr. DAVIS, (at four o'clock and five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule and referred to the appropriate committees:

By Mr. BUCKLAND: The petition of soldiers of Ottawa county, Ohio, in favor of equalizing bounties.

By Mr. DAVIS: The petition of Mary Riggles, for relief.

Also, the petition of R. N. Gare, Alfred Wilkinson, and eighty others, citizens of central New York, praying for an increase of the duties on imports.

By Mr. O'NEILL: The memorial of the Philadelphia Board of Trade, urging the favorable action of Congress upon the bill now before the Senate relating to appointments to the Naval Academy, and especially upon that section which directs a selection of naval cadets to be made from the deserving and qualified naval apprentices who have served not less than one year in that capacity.

By Mr. PHELPS: The petition of F. P. Salas, for return of duty on imported goods.

IN SENATE.

WEDNESDAY, May 30, 1866.

Prayer by the Chaplain, Rev. E. H. GRAY. The Journal of yesterday was read and approved.

PETITIONS AND MEMORIALS.

Mr. WILSON presented two petitions of citizens of Mercer county, New Jersey, who were mustered into the service of the United States as soldiers or sailors in the years 1861, 1862, and 1863, praying for a balance of bounty which they allege to be due them; which was referred to the Committee on Military Affairs and the Militia.

Mr. SHERMAN presented a petition of soldiers and sailors honorably discharged from the service of the United States, praying for an equalization of bounties; which was ordered to lie on the table.

He also presented a communication from the Secretary of the Treasury addressed to him, transmitting statements in regard to the public debt; which was ordered to be printed.

Mr. POMEROY presented the petition of Henry S. Davis, praying for the payment of a balance claimed to be due him for work done in the west wing of the Patent Office building, under a contract with the Commissioner of Patents, dated November 6, 1857; which was referred to the Committee on Public Buildings and Grounds.

REPORTS OF COMMITTEES.

Mr. RIDDLE. I am directed by the Committee on the District of Columbia, to whom was referred the bill (S. No. 227) to incorporate the Washington Glass Company, to report it back with an amendment, and to ask for its immediate consideration.

The PRESIDENT *pro tempore*. It requires unanimous consent to consider the bill on the day it is reported.

Mr. GRIMES. Is it printed?

Mr. RIDDLE. The Committee on the District of Columbia have had the bill before them, and unanimously recommend it.

Mr. JOHNSON. I ask the honorable member if the bill has been printed.

Mr. RIDDLE. It has never been printed that I am aware of.

Mr. JOHNSON. Let it be printed.

The PRESIDENT *pro tempore*. Objection being made, the bill lies over, and will be printed, under the rule.

Mr. GRIMES, from the Committee on Naval Affairs, to whom was referred a joint resolution (S. R. No. 95) amendatory of a resolution regulating the investment of the naval pension fund, approved July 1, 1864, reported it without amendment.

Mr. GRIMES. The Committee on Naval Affairs, to whom were referred resolutions of the Legislature of New York in favor of an increase in the pay of naval officers, a memorial of the Board of Trade of Buffalo for the same purpose, a memorial of Rear Admiral S. W. Godon, and other naval officers of the Brazil squadron, praying for an increase of pay, thirteen petitions of officers of the Navy attached to the navy-yard at Mare Island, California, the petition of officers of various navy-yards, a memorial of Vice Admiral D. G. Farragut and other naval officers of the United States, a memorial of assistant and acting assistant surgeons of the United States Navy, and resolutions of the Chamber of Commerce of the State of New York on the same subject, have instructed me to report them back, and to ask to be discharged from their further consideration. I will state that an order has been made—Order No. 75—by the Navy Department in regard to the increase of the pay of naval officers, which, in a measure, accomplishes the purpose sought by the memorialists in these cases, and which order, I am happy to say, meets with the approval of the Committee on Naval Affairs, and therefore obviates the necessity of any further legislation on the subject.

The report was agreed to.

Mr. TRUMBULL. I am instructed by the Committee on the Judiciary, to whom was referred a petition of citizens of Iowa, praying for the enactment of just and equal laws for the regulation of inter-State insurance of all kinds, to ask to be discharged from its further consideration, the committee thinking that it is not a subject over which the Congress of the United States can properly take control.

The report was agreed to.

Mr. TRUMBULL. The same committee, to whom was referred a joint resolution (S. R. No. 91) to refer the claim of Frederick Vincent, administrator of Le Caze & Mallet, to the Court of Claims, have instructed me to report it back with a recommendation that the resolution be rejected. I desire to state, in reference to this matter, that it seems that the parties to whom this resolution relates obtained a bill for their relief some years ago; and the condition of the bill was that a certain amount of money should be paid to them, which should be in full of all claims growing out of the transaction to which it referred. The parties received that money, gave a receipt for it according to the form prescribed by the bill, and now come in with an application to receive something more growing out of the same transaction. I am instructed by the committee to report the resolution back with a recommendation that it be rejected.

Mr. POLAND. The Committee on the Judiciary, to whom was referred a bill (S. No. 268) to prevent and punish the manufacture and use of false, forged, or counterfeit brands, stamps, dies, or stencils, have had the same under consideration, and are of opinion that no such legislation as this bill proposes is needed, and therefore report adversely to it. I move that the bill be indefinitely postponed.

The motion was agreed to.

Mr. HARRIS. The Committee on the Judiciary, to whom was referred the memorial of the Milwaukee and Rock River Canal Company, praying that the remainder of a certain trust fund arising from the sale of canal lands be paid to them, have instructed me to report adversely to the prayer of the petition, and ask to be discharged from its further consideration. The Senator from Wisconsin [Mr. Howe] has an interest in this matter.

Mr. DOOLITTLE. Before the vote is taken to discharge the committee, I wish that might lie over until to-morrow. I understand there was some attorney representing that company—

The PRESIDENT *pro tempore*. No action can be taken on the report to-day except by unanimous consent. If the Senator objects it lies over.

Mr. DOOLITTLE. Let it lie over until to-morrow.

The PRESIDENT *pro tempore*. Objection being made, it lies over under the rule.

Mr. HOWE subsequently said: I move that the memorial reported by the Senator from New York be recommitted to the Committee on the Judiciary. I would be glad to have it returned to the committee for further consideration.

The motion was agreed to.

Mr. HARRIS, from the Committee on the Judiciary, to whom was referred the petition of Austin Bingham, and others, late slaves belonging to the estate of G. W. P. Custis, praying that certain lands be set apart for them, reported adversely thereon, and asked to be discharged from its further consideration; which was agreed to.

He also, from the Committee on Private Land Claims, to whom was referred a bill (S. No. 308) confirming the title of Alexis Gardapier to a certain tract of land in the county of Brown, and State of Wisconsin, reported it with an amendment.

Mr. ANTHONY. The Committee on Printing, to whom was referred the resolution to print additional copies of the report of the Committee on Mines and Mining explaining certain amendments to Senate bill No. 257, have directed me to report it back without amendment, and to ask for its present consideration.

There being no objection, the resolution was considered by unanimous consent and agreed to, as follows:

Resolved, That five thousand copies of the report of the Committee on Mines and Mining explaining certain proposed amendments to Senate bill No. 257, together with a like number of copies of said bill with the proposed amendments recommended by the committee, be printed for the use of the Senate.

DISTRICT SUPREME COURT.

Mr. WADE. The Committee on the District of Columbia, to whom was referred the amendment made by the House of Representatives to the bill (S. No. 184) to define more clearly the jurisdiction and powers of the supreme court of the District of Columbia, and for other purposes, have instructed me to report it back and ask that the Senate agree to the amendment made by the House of Representatives, and I wish to have it acted on now.

By unanimous consent, the Senate proceeded to consider the amendment of the House of Representatives.

Mr. WADE. I will state in a moment what the amendment is. The House of Representatives strike out the first four sections of the bill. Those sections undertake more particularly to specify the subjects of the jurisdiction of the court, and the practice, in some respects, making very slight alterations, which were suggested principally by the clerk of that court. After it went to the House of Representatives, the judges of the court, on looking it over, I believe, persuaded the House that it was unnecessary to alter the practice as proposed. In the fifth section, a new subject was introduced, and that was a provision for attachments, which they thought very essential, and the House thought so, too, and retained that portion of the bill together with the section providing for an increase of the salary of the judges. The rest is stricken out. That is all of the bill that is left.

Mr. JOHNSON. I ask the honorable member if the sections retained are amended in any way.

Mr. WADE. No, sir; not at all.

The PRESIDENT *pro tempore*. The amendment of the House of Representatives will be read.

Mr. WADE. I think it is not necessary to read it.

Mr. JOHNSON. I do not ask for the reading.

Mr. HENDRICKS. We ought to know what it is.

Mr. JOHNSON. I think the honorable member from Indiana will understand it in a moment. The bill came, originally, from the Judiciary Committee, and my impression at the time was that the first four sections gave the court no additional power. The House of Representatives have stricken out those sections, leaving the others.

The PRESIDENT *pro tempore*. The reading of the amendment can be dispensed with by the unanimous consent of the Senate if they prefer acting upon the amendment without hearing it read. The question is on concurring in the amendment made to the bill by the House of Representatives.

The amendment was concurred in.

PRINTING OF A BILL.

On motion of Mr. LANE, of Kansas, it was *Ordered*, That the bill (S. No. 344) donating public lands to the several States which may provide agricultural colleges for the education of persons of African descent be printed.

BILLS INTRODUCED.

Mr. CHANDLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 347) to change certain collection districts in Maryland and Virginia; which was read twice by its title, and referred to the Committee on Commerce.

FORT LEAVENWORTH RESERVE.

Mr. LANE, of Kansas, submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the Committee on Military Affairs and the Militia be instructed to inquire as to the expediency of granting the right of way to the Platte Country and Western and Fort Des Moines railroads through that portion of the Fort Leavenworth military reserve lying on the north side of the Missouri river, to report by bill or otherwise.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House of Representatives had agreed to the first, fourth, and seventh amendments of the Senate, and disagreed to the second, third, fifth, and sixth amendments of the Senate to the bill (H. R. No. 37) making appropriations for the support of the Military Academy for the year ending the 30th of June, 1867, asked a committee of conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUFUS P. SPALDING of Ohio, Mr. SHELBY M. CULLOM of Illinois, and Mr. WILLIAM RADFORD of New York managers at the same on its part.

The message further announced that the House of Representatives had disagreed to the amendment of the Senate to the joint resolution (H. R. No. 134) relative to appointments to the Military Academy of the United States, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. ROBERT C. SCHENCK of Ohio, Mr. H. E. PAINE of Wisconsin, and Mr. L. H. ROUSSEAU of Kentucky managers at the same on its part.

The message also announced that the House of Representatives had disagreed to the amendment of the Senate to the bill (H. R. No. 255) making appropriations for the construction, preservation, and repair of certain fortifications and other works of defense for the year ending June 30, 1867, asked a committee of conference on the disagreeing votes of the two Houses, and had appointed Mr. HENRY J. RAYMOND of New York, Mr. SIDNEY PERHAM of Maine, and Mr. WILLIAM E. NIBLACK of Indiana managers at the same on its part.

The message further announced that the House of Representatives had passed the following bill, in which it requested the concurrence of the Senate:

A bill (H. R. No. 613) to continue in force and to amend an act to establish a Bureau for the Relief of Freedmen and Refugees, and for other purposes.

HOUSE BILL REFERRED.

The bill from the House of Representatives

(H. R. No. 613) to continue in force and to amend an act to establish a Bureau for the Relief of Freedmen and Refugees, and for other purposes, was read twice by its title, and referred to the Committee on the Judiciary.

Mr. TRUMBULL subsequently said: A bill relating to the Freedmen's Bureau passed by the House of Representatives has been referred to the Committee on the Judiciary. There are now pending before the Committee on Military Affairs one or two bills on that subject. I think they had better be together, and I suggest, as that committee has those bills now pending, this had better go to the same committee.

The PRESIDENT *pro tempore*. It will be referred to the Committee on Military Affairs if there be no objection. The reference made to the Judiciary Committee will be corrected, and the bill is referred to the Committee on Military Affairs and the Militia.

KENTUCKY MILITIA.

Mr. SPRAGUE. I move that the Senate proceed to the consideration of Senate resolution No. 94.

The motion was agreed to; and the joint resolution (S. R. No. 94) providing for the payment of certain Kentucky militia forces was read a second time and considered as in Committee of the Whole. It directs the Secretary of War to cause to be investigated the claims of the forces called out under the command of James S. Fisk, in May, 1862, and to pay them at the same rate for actual service rendered, while absent from their homes as was allowed by law to other volunteer forces in the military service at the date specified; and in estimating the amount due them, their officers are to be paid as of the grade to which the number of men would have been entitled under the mustering regulations of the Army in force at the date specified.

Mr. SPRAGUE. I ask for the reading of the report accompanying the joint resolution.

The Secretary read the following report, submitted by Mr. SPRAGUE from the Committee on Military Affairs and the Militia on the 16th instant:

The Committee on Military Affairs and the Militia, to whom was referred the petition of James S. Fisk, and others, of the home guard of Rock Castle and Lincoln counties, in Kentucky, praying compensation for services rendered during the threatened raid of the rebel John Morgan, in 1862, having had the subject under consideration, beg respectfully to report:

That in May, 1862, the State of Kentucky, at or near Cumberland Gap, was threatened by the rebel forces under the command of John Morgan; that the petitioner, James S. Fisk, was at the time commanding a battalion of home guard in the counties of Rock Castle and Lincoln, in said State, which organization was called into service by Brigadier General T. W. Morgan, United States volunteers, for the protection of telegraph lines and railroads and other lines of communication threatened by the enemy. This force was at no expense to the Government and has as yet received no pay. It was not mustered into or out of the service of the United States, hence the accounting officers of the Treasury do not consider existing legislation a sufficient warrant for the payment. General T. W. Morgan, United States volunteers, had no authority to call out militia forces. He did not seek authority from General Buell, his immediate commander, either before or after the issuing of the order, although he had ample time to do so. Had he performed his duty in this respect, the War Department would probably have sanctioned his act, and the forces would have been paid at the time the services were rendered.

The committee are of the opinion that the claimants, who actually performed service, should not be kept out of their pay by the neglect of General Morgan to obtain authority for his order; but they should be paid for the time they were actually in service, the officers of the grade established by regulation for the number of men performing service. The committee therefore recommend the passage of the accompanying resolution.

Mr. SPRAGUE. I move that the name "Fisk," as printed in the resolution, be changed to "Fish." It is a clerical error.

The PRESIDENT *pro tempore*. That correction will be made, as it is a clerical mistake.

Mr. SPRAGUE. I think the report states the facts clearly with reference to this case. These forces were actually called into the service of the United States, although they were not mustered into the service, and performed actual service. It is not clearly set forth in the report or in the orders the number of men that were actually employed, but the resolution is so

drawn that the Secretary of War is to investigate and find out the number, and pay them the same amount as was allowed by law to other volunteer forces at that time.

Mr. FESSENDEN. I should like to inquire of the Committee on Military Affairs, as these men were never mustered into the service of the United States, what the view of the War Department is on the subject; whether they have had any information or communication with the Department to know the views of the Department on the subject, or whether they have undertaken to order the Secretary of War to pay these men without first understanding what position is assumed with regard to them in the War Department itself. I make this inquiry because I deem it altogether unsafe for a committee of Congress to act on questions of this kind without first communicating with the Department and getting the views of the Department on the subject.

Mr. SPRAGUE. The War Department have been consulted in reference to this matter, and as the troops were actually in the service of the Government and performed service, they are inclined to believe and feel that compensation should be allowed. These companies—there were five of them, I believe—actually performed service under the command of a United States officer who was regularly mustered in; and he testifies that they performed valuable service; but in the condition of affairs in the early years of the war the authority was not obtained which would have been obtained undoubtedly had the request been made of the Department. The Secretary of War informs us that if application had been made at the proper time through the proper channel he has no doubt these forces would have been employed.

Mr. GUTHRIE. I move to amend the bill by striking out after the word "rendered," in line seven, the words "while absent from their homes" and inserting in lieu of those words "and make them the same allowances for rations and clothing;" so as to make the resolution read, "and to pay the said forces at the same rate for actual service rendered, and make them the same allowances for rations and clothing as was allowed by law to other volunteer forces." When General Morgan was at Cumberland Gap, upon which the confederate forces were pressing, he called out this militia force under Colonel Fish.

Mr. FESSENDEN. I understood from the statement in the report that they were called out by a militia officer, and not by an officer of the United States.

Mr. GUTHRIE. General Morgan was in the service of the United States, and in command of Cumberland Gap. These troops were called out to keep up his connections and maintain him in command of that position, and they went repeatedly from Lincoln and Rock Castle counties guarding provisions and supplies. They were the mountaineers in that section of country, and were enabled to communicate with General Morgan in the Gap. We know in Kentucky that they rendered valuable service.

I had a conversation with the Secretary of War upon this subject, and he thought the matter came properly within the scope of legislation by Congress, and referred to a case in Maryland where troops were called out under General Morris, I think. In that case the calling out of the troops had not the sanction of the general commanding, but they were called out in an emergency, and Congress passed a resolution authorizing them to be paid, and he said a resolution of this kind would be proper to authorize the Secretary of War to pay these troops. He saw no reason why they should not be paid, but he could not pay them, as their calling out had not been sanctioned by the Commander-in-Chief, and he recommended that the case be brought to the Legislature for action. The amendment which I offer is to explain to the accounting officers what their duty will be under the joint resolution, that

these men are to have the same provision that other troops have. It is notorious in Kentucky that they were called out and did good service in keeping up communication with Cumberland Gap.

Mr. SPRAGUE. The words "while absent from their homes" were inserted because it was not clearly set forth whether these men were actually at all times in the service or whether they were at stated points ready to be called upon whenever an emergency seemed to demand. There is nothing of that kind set forth in the petition or in the papers accompanying the joint resolution. As regards rations and clothing, it is evident that if they were at home they would not require clothing or rations from the Government, as they did not come within the same scope as troops who were mustered into the service and were in camp. They might have been at their homes, ready at all times to be called upon as home guards. It was thought best by the committee to make this provision allowing them pay while they were absent from their homes. These men did perform military service under the order of the commanding general of the department at that point; but the amount of service and the manner of rendering it is not clearly set forth, and therefore the committee thought it well to put in a provision of this kind.

Mr. GUTHRIE. These men were called out for this service one hundred and fifty miles from where they lived, guarded the supplies to the Cumberland Gap, and returned. They were liable to be ordered away at any moment, and were ordered on service. I suppose the object is to deduct the time when they went home and staid all night, but they were in service during the whole time. I presume that these men having homes to go to, places to stay at, did probably, with permission of their officers, go home sometimes to assemble again, but they were subject to call at all times, and probably had an agreed rendezvous to meet at.

Mr. FESSENDEN. If they were not mustered into service they were not subject to the call of the commander.

Mr. GUTHRIE. They were actually as much subject to call as if they had been mustered into service. They knew nothing about the difference between being mustered into service and not being mustered. They were under this officer, and they went at his bidding and at his orders, guarded the supplies, scoured the country, and did everything that men in their situation living in that mountain country were fit to do. I suppose that really and in truth they were as much at the command and subject to the call of the commanding officer as if they had a regular camp; but I have no doubt some of them did go home, when they returned to the neighborhood, to their families. I think we had better leave the matter to be settled by the Secretary of War. If they were substantially and fairly and honestly in the service, they ought to be paid; if they were not, of course they ought not to be paid.

Mr. SHERMAN. I am somewhat familiar with the calling out of the troops in the different States at the time of the Morgan raid, and also at the time that General Morgan, who commanded at Cumberland Gap, left that post, and I think the committee have established the correct rule in allowing pay during the time these men were absent from home. I suppose there were thirty or forty thousand at the same time called out in the same way in Ohio who rendezvoused at Cincinnati and points above and below, and were engaged in the same service. It seems to me there ought to be no allowance made for rations or clothing, because the citizens generally fed them. I was in Cincinnati at the time, and I know a good deal of the manner in which these volunteer soldiers were treated. Very few of them were put to any expense. Either the communities from which they went or the cities or communities in which they were fed them, and they wore their ordinary clothes. It seems to me there is no necessity for any allowance of clothing or for

rations. The committee have allowed them pay while they were absent from their homes, and that, I think, is enough.

Mr. GUTHRIE. This resolution relates especially to the men who were called out at Cumberland Gap.

Mr. SHERMAN. They ought to be paid for their services, but they marched no further than other troops marched in Ohio.

Mr. GUTHRIE. They did not go to Ohio at all.

Mr. SHERMAN. I know; but other troops came from Ohio down to Kentucky.

Mr. GUTHRIE. They have been paid.

Mr. SHERMAN. Yes, but they have not received anything for rations and clothing, and I think the same rule ought to be applied to all. The committee, it seems to me, have made a fair adjustment of this matter.

Mr. GUTHRIE. I withdraw the amendment. I think it is reasonable, but I do not want to have any skirmish about it.

The PRESIDENT *pro tempore*. The amendment is withdrawn.

The joint resolution was reported to the Senate without amendment and ordered to be engrossed for a third reading. It was read the third time and passed.

MILITARY ACADEMY BILL.

The Senate proceeded to consider its amendments to the bill (H. R. No. 87) making appropriations for the support of the Military Academy for the year ending the 30th of June, 1867, which were disagreed to by the House of Representatives.

Mr. FESSENDEN. I move that the Senate insist on its amendments and agree to the conference asked by the House of Representatives. The motion was agreed to.

The PRESIDENT *pro tempore*. How shall the committee be appointed?

Several SENATORS. By the Chair.

By unanimous consent the Chair was authorized to appoint the committee; and Messrs. FESSENDEN, CONNESS, and RIDDLE were appointed.

MILITARY ACADEMY APPOINTMENTS.

The Senate proceeded to consider its amendment to the joint resolution (H. R. No. 134) relative to appointments to the Military Academy of the United States, which was disagreed to by the House of Representatives.

Mr. GRIMES. I call for the reading of the amendment which has been disagreed to.

The Secretary read it, as follows:

Add as a new section:
And be it further resolved, That in all appointments of cadets to the Military Academy after the present year, the person authorized to nominate shall nominate not less than five candidates for each vacancy, all of whom shall be actual residents of the congressional district, Territory, or District of Columbia, entitled to the appointment; and the selection of one shall be made from the candidates, according to their respective merits and qualifications, under such rules and regulations as the Secretary of War shall from time to time prescribe; but this shall not apply to the appointment of cadets authorized by the President of the United States.

Mr. WILSON. Is there any other amendment?

The PRESIDENT *pro tempore*. None.

Mr. WILSON. I think the Senate had better recede than have a controversy over this matter. A committee of conference on every little bill here seems to me unnecessary. I move that the Senate recede from its amendment.

Mr. TRUMBULL. The Senator from Rhode Island who offered it [Mr. ANTHONY] is not in.

Mr. JOHNSON. The provision stricken out by the House was offered by the Senator from Rhode Island. It would be better to wait, I think, until he is in his seat.

Mr. WILSON. I move that the bill be laid aside for the present.

The PRESIDENT *pro tempore*. That will be done by common consent.

Mr. ANTHONY subsequently moved that the Senate insist on its amendment, and agree to the conference asked by the House of Representatives.

The motion was agreed to; and Messrs. WILSON, ANTHONY, and HENDRICKS were appointed conferees on the part of the Senate.

FORTIFICATION APPROPRIATION BILL.

The Senate proceeded to consider its amendment to the bill (H. R. No. 255) making appropriations for the construction, preservation, and repair of certain fortifications and other works of defense for the year ending June 30, 1867, which was disagreed to by the House of Representatives.

Mr. FESSENDEN. I move that the Senate insist on its amendment, and agree to the conference asked by the House.

The motion was agreed to; and Messrs. MORGAN, MORRILL, and SAULSBURY were appointed conferees on the part of the Senate.

WOMEN'S HOSPITAL.

Mr. MORRILL. There is a bill on the table which comes from the House of Representatives amended. I desire to call it up and concur in the amendments. It is Senate bill No. 167, to incorporate the Women's Hospital Association of the District of Columbia.

Mr. HOWARD. It is very nearly one o'clock, and I hope the joint resolution to amend the Constitution will be taken up.

Mr. MORRILL. This is pending simply on a question of concurring in the amendments made by the House to a bill of the Senate, and will not occupy two minutes.

Mr. HOWARD. If it does not go beyond one o'clock I shall not object.

Mr. MORRILL. Let it come up. I move to take it up.

The motion was agreed to; and the Senate proceeded to consider the amendments of the House of Representatives to the bill (S. No. 167) to incorporate the Women's Hospital Association of the District of Columbia.

The PRESIDENT *pro tempore*. The first amendment of the House has already been concurred in.

The Secretary read the second amendment of the House of Representatives, which was in the first section, line three, after the name "Adelaide J. Brown," to strike out all the names to and including that of "Mary K. Lewis," in line seven, except that of "Mary W. Kelly," and to insert "Elmira W. Knap, Mary C. Havermer, Mary Ellen Norment, Jane Thompson, Maria L. Harkness, Isabella Margaret Washington, and Mary F. Smith."

Mr. MORRILL. I move that the Senate concur in that amendment.

The motion was agreed to.

The next amendment was after the word "Columbia," at the end of section one, to add "by the name of the Columbia Hospital for Women and Lying-in Asylum."

Mr. MORRILL. I move that the Senate concur in that amendment.

The motion was agreed to.

The next amendment was in section two, line two to strike out the word "twelve" and insert "twenty-four" as the number of directors.

The amendment was concurred in.

The next amendment was in section three, after the word "directors" at the end of line three to insert "to consist of the first twelve of the above-named incorporators."

The amendment was concurred in.

The next amendment was in section four, line one, after the word "the" to insert "first twelve."

The amendment was concurred in.

The next amendment was in section five, after the word "Women" in line three, to insert "and Lying-in Asylum."

The amendment was concurred in.

The next amendment was in section five, line four, after the word "with" to insert "board, lodging."

The amendment was concurred in.

The PRESIDENT *pro tempore*. The amendments are completed.

DEATH OF GENERAL SCOTT.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States:

To the Senate and House of Representatives:

With sincere regret I announce to Congress that Winfield Scott, late lieutenant general in the Army of the United States, departed this life at West Point, in the State of New York, on the 29th day of May instant, at eleven o'clock in the forenoon. I feel well assured that Congress will share in the grief of the nation which must result from its bereavement of a citizen whose high fame is identified with the military history of the Republic.

ANDREW JOHNSON.

WASHINGTON, May 30, 1866.

Mr. WILSON. I offer the following resolution:

Resolved by the Senate, (the House of Representatives concurring,) That the Committee on Military Affairs and the Militia of the Senate and the Committee on Military Affairs of the House of Representatives, be, and they are hereby, appointed a joint committee of the two Houses of Congress to take into consideration the message of the President of the United States announcing to Congress the death of Lieutenant General Winfield Scott, and to report what method should be adopted by Congress to manifest their appreciation of the high character, tried patriotism, and distinguished public services of Lieutenant General Winfield Scott, and their deep sensibility upon the announcement of his death.

There being no objection, the Senate proceeded to consider the resolution; and it was adopted unanimously.

Mr. WILSON. As this committee is to be a joint one, and the resolution will have to be acted on by the House of Representatives, I move, for the present, that the message of the President be laid upon the table, and printed. The motion was agreed to.

RECONSTRUCTION.

Mr. HOWARD. I now move to take up House joint resolution No. 127.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. R. No. 127) proposing an amendment to the Constitution of the United States.

The PRESIDENT *pro tempore*. The question is on the amendments proposed by the Senator from Michigan, [Mr. HOWARD.]

Mr. HOWARD. The first amendment is to section one, declaring that "all persons born in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the States wherein they reside." I do not propose to say anything on that subject except that the question of citizenship has been so fully discussed in this body as not to need any further elucidation, in my opinion. This amendment which I have offered is simply declaratory of what I regard as the law of the land already, that every person born within the limits of the United States, and subject to their jurisdiction, is by virtue of natural law and national law a citizen of the United States. This will not, of course, include persons born in the United States who are foreigners, aliens, who belong to the families of ambassadors or foreign ministers accredited to the Government of the United States, but will include every other class of persons. It settles the great question of citizenship and removes all doubt as to what persons are or are not citizens of the United States. This has long been a great desideratum in the jurisprudence and legislation of this country.

The PRESIDENT *pro tempore*. The first amendment proposed by the Senator from Michigan will be read.

The Secretary read the amendment, which was in line nine, after the words "section one," to insert:

All persons born in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the States wherein they reside.

So that the section will read:

SEC. 1. All persons born in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the States wherein they reside.

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Mr. DOOLITTLE. I presume the honorable Senator from Michigan does not intend by this amendment to include the Indians. I move, therefore, to amend the amendment—I presume he will have no objection to it—by inserting after the word "thereof" the words "excluding Indians not taxed." The amendment would then read:

All persons born in the United States, and subject to the jurisdiction thereof, excluding Indians not taxed, are citizens of the United States and of the States wherein they reside.

Mr. HOWARD. I hope that amendment to the amendment will not be adopted. Indians born within the limits of the United States, and who maintain their tribal relations, are not, in the sense of this amendment, born subject to the jurisdiction of the United States. They are regarded, and always have been in our legislation and jurisprudence, as being *quasi* foreign nations.

Mr. COWAN. The honorable Senator from Michigan has given this subject, I have no doubt, a good deal of his attention, and I am really desirous to have a legal definition of "citizenship of the United States." What does it mean? What is its length and breadth? I would be glad if the honorable Senator in good earnest would favor us with some such definition. Is the child of the Chinese immigrant in California a citizen? Is the child of a Gypsy born in Pennsylvania a citizen? If so, what rights have they? Have they any more rights than a sojourner in the United States? If a traveler comes here from Ethiopia, from Australia, or from Great Britain, he is entitled, to a certain extent, to the protection of the laws. You cannot murder him with impunity. It is murder to kill him, the same as it is to kill another man. You cannot commit an assault and battery on him, I apprehend. He has a right to the protection of the laws; but he is not a citizen in the ordinary acceptance of the word.

It is perfectly clear that the mere fact that a man is born in the country has not heretofore entitled him to the right to exercise political power. He is not entitled, by virtue of that, to be an elector. An elector is one who is chosen by the people to perform that function, just the same as an officer is one chosen by the people to exercise the franchises of an office. Now, I should like to know, because really I have been puzzled for a long while and have been unable to determine exactly, either from conversation with those who ought to know, or from the decisions of the Supreme Court, the lines and boundaries which circumscribe that phrase, "citizen of the United States." What is it?

So far as the courts and the administration of the laws are concerned, I have supposed that every human being within their jurisdiction was in one sense of the word a citizen, that is, a person entitled to protection; but in so far as the right to hold property, particularly the right to acquire title to real estate, was concerned, that was a subject entirely within the control of the States. It has been so considered in the State of Pennsylvania; and aliens and others who acknowledge no allegiance, either to the State or to the General Government, may be limited and circumscribed in that particular. I have supposed, further, that it was essential to the existence of society itself, and particularly essential to the existence of a free State, that it should have the power, not only of declaring who should exercise political power within its boundaries, but that if it were overrun by another and a different race, it would have the right to absolutely expel them. I do not know that there is any danger to many of the States in this Union; but it is proposed that the people of Cal-

ifornia are to remain quiescent while they are overrun by a flood of immigration of the Mongol race? Are they to be immigrated out of house and home by Chinese? I should think not. It is not supposed that the people of California, in a broad and general sense, have any higher rights than the people of China; but they are in possession of the country of California, and if another people of a different race, of different religion, of different manners, of different traditions, different tastes and sympathies are to come there and have the free right to locate there and settle among them, and if they have an opportunity of pouring in such an immigration as in a short time will double or treble the population of California, I ask, are the people of California powerless to protect themselves? I do not know that the contingency will ever happen, but it may be well to consider it while we are on this point.

As I understand the rights of the States under the Constitution at present, California has the right, if she deems it proper, to forbid the entrance into her territory of any person she chooses who is not a citizen of some one of the United States. She cannot forbid his entrance; but unquestionably, if she was likely to be invaded by a flood of Australians or people from Borneo, man-eaters or cannibals if you please, she would have the right to say that those people should not come there. It depends upon the inherent character of the men. Why, sir, there are nations of people with whom theft is a virtue and falsehood a merit. There are people to whom polygamy is as natural as monogamy is with us. It is utterly impossible that these people can meet together and enjoy their several rights and privileges which they suppose to be natural in the same society; and it is necessary, a part of the nature of things, that society shall be more or less exclusive. It is utterly and totally impossible to mingle all the various families of men, from the lowest form of the Hottentot up to the highest Caucasian, in the same society.

It must be evident to every man intrusted with the power and duty of legislation, and qualified to exercise it in a wise and temperate manner, that these things cannot be; and in my judgment there should be some limitation, some definition to this term "citizen of the United States." What is it? Is it simply to put a man in a condition that he may be an elector in one of the States? Is it to put him in a condition to have the right to enter the United States courts and sue? Or is it only that he is entitled as a sojourner to the protection of the laws while he is within and under the jurisdiction of the courts? Or is it to set him upon some pedestal, some position, to put him out of the reach of State legislation and State power?

Sir, I trust I am as liberal as anybody toward the rights of all people, but I am unwilling, on the part of my State, to give up the right that she claims, and that she may exercise, and exercise before very long, of expelling a certain number of people who invade her borders; who owe to her no allegiance; who pretend to owe none; who recognize no authority in her government; who have a distinct, independent government of their own—an *imperium in imperio*; who pay no taxes; who never perform military service; who do nothing, in fact, which becomes the citizen, and perform none of the duties which devolve upon him, but, on the other hand, have no homes, pretend to own no land, live nowhere, settle as trespassers where ever they go, and whose sole merit is a universal swindle; who delight in it, who boast of it, and whose adroitness and cunning is of such a transcendent character that no skill can serve to correct it or punish it; I mean the Gypsies. They wander in gangs in my State. They follow no ostensible pursuit for a livelihood. They trade horses, tell fortunes, and things disappear mysteriously. Where they came from nobody knows. Their very origin is lost in mystery. No man to-day can tell from whence the Zin-

gara come or whither they go, but it is understood that they are a distinct people. They never intermingle with any other. They never intermarry with any other. I believe there is no instance on record where a Zingara woman has mated with a man of any other race, although it is true that sometimes the males of that race may mate with the females of others; but I think there is no case in history where it can be found that a woman of that race, so exclusive are they, and so strong are their sectional antipathies, has been known to mate with a man of another race. These people live in the country and are born in the country. They infest society. They impose upon the simple and the weak everywhere. Are those people, by a constitutional amendment, to be put out of the reach of the State in which they live? I mean as a class. If the mere fact of being born in the country confers that right, then they will have it; and I think it will be mischievous.

I think the honorable Senator from Michigan would not admit the right that the Indians of his neighborhood would have to come in upon Michigan and settle in the midst of that society and obtain the political power of the State, and wield it, perhaps, to his exclusion. I do not know that anybody would agree to that. It is true that our race are not subjected to dangers from that quarter, because we are the strongest, perhaps; but there is a race in contact with this country which, in all characteristics except that of simply making fierce war, is not only our equal, but perhaps our superior. I mean the yellow race; the Mongol race. They outnumber us largely. Of their industry, their skill, and their pertinacity in all worldly affairs, nobody can doubt. They are our neighbors. Recent improvement, the age of fire, has brought their coasts almost in immediate contact with our own. Distance is almost annihilated. They may pour in their millions upon our Pacific coast in a very short time. Are the States to lose control over this immigration? Is the United States to determine that they are to be citizens? I wish to be understood that I consider those people to have rights just the same as we have, but not rights in connection with our Government. If I desire the exercise of my rights I ought to go to my own people, the people of my own blood and lineage, people of the same religion, people of the same beliefs and traditions, and not thrust myself in upon a society of other men entirely different in all those respects from myself. I would not claim that right. Therefore I think, before we assert broadly that everybody who shall be born in the United States shall be taken to be a citizen of the United States, we ought to exclude others besides Indians not taxed, because I look upon Indians not taxed as being much less dangerous and much less pestiferous to society than I look upon Gypsies. I do not know how my honorable friend from California looks upon Chinese, but I do know how some of his fellow-citizens regard them. I have no doubt that now they are useful, and I have no doubt that within proper restraints, allowing that State and the other Pacific States to manage them as they may see fit, they may be useful; but I would not tie their hands by the Constitution of the United States so as to prevent them hereafter from dealing with them as in their wisdom they see fit.

Mr. CONNESS. Mr. President, I have failed to learn, from what the Senator has said, what relation what he has said has to the first section of the constitutional amendment before us; but that part of the question I propose leaving to the honorable gentleman who has charge of this resolution. As, however, the State of California has been so carefully guarded from time to time by the Senator from Pennsylvania and others, and the passage, not only of this amendment, but of the so-called civil rights bill, has been deprecated because of its pernicious influence upon society in California, owing to the contiguity of the

Chinese and Mongolians to that favored land, I may be excused for saying a few words on the subject.

If my friend from Pennsylvania, who professes to know all about Gypsies and little about Chinese, knew as much of the Chinese and their habits as he professes to do of the Gypsies, (and which I concede to him, for I know nothing to the contrary,) he would not be alarmed in our behalf because of the operation of the proposition before the Senate, or even the proposition contained in the civil rights bill, so far as it involves the Chinese and us.

The proposition before us, I will say, Mr. President, relates simply in that respect to the children begotten of Chinese parents in California, and it is proposed to declare that they shall be citizens. We have declared that by law; now it is proposed to incorporate the same provision in the fundamental instrument of the nation. I am in favor of doing so. I voted for the proposition to declare that the children of all parentage whatever, born in California, should be regarded and treated as citizens of the United States, entitled to equal civil rights with other citizens of the United States.

Now, I will say, for the benefit of my friend, that he may know something about the Chinese in future, that this portion of our population, namely, the children of Mongolian parentage, born in California, is very small indeed, and never promises to be large, notwithstanding our near neighborhood to the Celestial land. The habits of those people, and their religion, appear to demand that they all return to their own country at some time or other; either alive or dead. There are, perhaps, in California today about forty thousand Chinese—from forty to forty-five thousand. Those persons return invariably, while others take their places, and, as I before observed, if they do not return alive their bones are carefully gathered up and sent back to the Flowery Land. It is not an unusual circumstance that the clipper ships trading between San Francisco and China carry at a time three or four hundred human remains of these Chinese. When interred in our State they are not interred deep in the earth, but laid very near the surface, and then mounds of earth are laid over them, so that the process of disinterment is very easy. That is their habit and custom; and as soon as they are fit for transmission to their own country they are taken up with great regularity and sent there. None of their bones are allowed to remain. They will return, then, either living or dead.

Another feature connected with them is, that they do not bring their females to our country but in very limited numbers, and rarely ever in connection with families; so that their progeny in California is very small indeed. From the description we have had from the honorable Senator from Pennsylvania of the Gypsies, the progeny of all Mongolians in California is not so formidable in numbers as that of the Gypsies in Pennsylvania. We are not troubled with them at all. Indeed, it is only in exceptional cases that they have children in our State; and therefore the alarming aspect of the application of this provision to California, or any other land to which the Chinese may come as immigrants, is simply a fiction in the brain of persons who deprecate it, and that alone.

I wish now to address a few words to what the Senator from Pennsylvania has said as to the rights that California may claim as against the incursion of objectionable population from other States and countries. The State of California at various times has passed laws restrictive of Chinese immigration. It will be remembered that the Chinese came to our State, as others did from all parts of the world, to gather gold in large quantities, it being found there. The interference with our own people in the mines by them was deprecated by and generally objectionable to the miners in California. The Chinese are re-

garded, also, not with favor as an addition to the population in a social point of view; not that there is any intercourse between the two classes of persons there, but they are not regarded as pleasant neighbors; their habits are not of a character that make them at all an inviting class to have near you, and the people so generally regard them. But in their habits otherwise, they are a docile, industrious people, and they are now passing from mining into other branches of industry and labor. They are found employed as servants in a great many families and in the kitchens of hotels; they are found as farm hands in the fields; and latterly they are employed by thousands—indeed, I suppose there are from six to seven thousand of them now employed in building the Pacific railroad. They are there found to be very valuable laborers, patient and effective; and, I suppose, before the present year closes, ten or fifteen thousand of them, at least, will be employed on that great work.

The State of California has undertaken, at different times, to pass restrictive statutes as to the Chinese. The State has imposed a tax on their right to work the mines, and collected it ever since the State has been organized—a tax of four dollars a month on each Chinaman; but the Chinese could afford to pay that and still work in the mines, and they have done so. Various acts have been passed imposing a poll tax or head tax, a capitation tax, upon their arrival at the port of San Francisco; but all such laws, when tested before the supreme court of the State of California, the supreme tribunal of that people, have been decided to be unconstitutional and void.

Mr. HOWARD. A very just and constitutional decision, undoubtedly.

Mr. CONNESS. Those laws have been tested in our own courts, and when passed under the influence of public feeling there they have been declared again and again by the supreme court of the State of California to be void, violative of our treaty obligations, an interference with the commerce of the nation. Now, then, I beg the honorable Senator from Pennsylvania, though it may be very good capital in an electioneering campaign to declaim against the Chinese, not to give himself any trouble about the Chinese, but to confine himself entirely to the injurious effects of this provision upon the encouragement of a Gypsy invasion of Pennsylvania. I had never heard myself of the invasion of Pennsylvania by Gypsies. I do not know, and I do not know that the honorable Senator can tell us, how many Gypsies the census shows to be within the State of Pennsylvania. The only invasion of Pennsylvania within my recollection was an invasion very much worse and more disastrous to the State, and more to be feared and more feared, than that of Gypsies. It was an invasion of rebels, which this amendment, if I understand it aright, is intended to guard against and to prevent the recurrence of. On that occasion I am not aware, I do not remember that the State of Pennsylvania claimed the exclusive right of expelling the invaders, but on the contrary my recollection is that Pennsylvania called loudly for the assistance of her sister States to aid in the expulsion of those invaders—did not claim it as a State right to exclude them, did not think it was a violation of the sovereign rights of the State when the citizens of New York and New Jersey went to the field in Pennsylvania and expelled those invaders.

But why all this talk about Gypsies and Chinese? I have lived in the United States for now many a year, and really I have heard more about Gypsies within the last two or three months than I have heard before in my life. It cannot be because they have increased so much of late. It cannot be because they have been felt to be particularly oppressive in this or that locality. It must be that the Gypsy element is to be added to our political agitation, so that hereafter the negro alone shall

not claim our entire attention. Here is a simple declaration that a score or a few score of human beings born in the United States shall be regarded as citizens of the United States, entitled to civil rights, to the right of equal defense, to the right of equal punishment for crime with other citizens; and that such a provision should be deprecated by any person having or claiming to have a high humanity passes all my understanding and comprehension.

Mr. President, let me give an instance here, in this connection, to illustrate the necessity of the civil rights bill in the State of California; and I am quite aware that what I shall say will go to California, and I wish it to do so. By the influence of our "southern brethren," who I will not say invaded California, but who went there in large numbers some years since, and who seized political power in that State and used it, who made our statutes and who expounded our statutes from the bench, negroes were forbidden to testify in the courts of law of that State, and Mongolians were forbidden to testify in the courts; and therefore for many years, indeed, until 1862, the State of California held officially that a man with a black skin could not tell the truth, could not be trusted to give a relation in a court of law of what he saw and what he knew. In 1862 the State Legislature repealed the law as to negroes, but not as to Chinese. Where white men were parties the statute yet remained, depriving the Mongolian of the right to testify in a court of law. What was the consequence of preserving that statute? I will tell you. During the four years of rebellion a good many of our "southern brethren" in California took upon themselves the occupation of what is there technically called "road agents." It is a term well known and well understood there. They turned out upon the public highways, and became robbers, highway robbers; they seized the treasure transmitted and conveyed by the express companies, by our stage lines, and in one instance made a very heavy seizure, and claimed that it was done in accordance with the authority of the so-called confederacy. But the authorities of California hunted them down, caught a few of them, and caused them to be hanged, not recognizing the commission of Jeff. Davis for those kinds of transactions within our bounds. The spirit of insubordination and violation of law, promoted and encouraged by rebellion here, affected us so largely that large numbers of—I will not say respectable southern people, and I will not say that it was confined to them alone—but large numbers of persons turned out upon the public highways, so that robbery was so common upon the highways, particularly in the interior and in the mountains of that State, that it was not wondered at, but the wonder was for anybody that traveled on the highways to escape robbery. The Chinese were robbed with impunity, for if a white man was not present no one could testify against the offender. They were robbed and plundered and murdered, and no matter how many of them were present and saw the perpetration of those acts, punishment could not follow, for they were not allowed to testify. Now, sir, I am very glad indeed that we have determined at length that every human being may relate what he heard and saw in a court of law when it is required of him, and that our jurors are regarded as of sufficient intelligence to put the right value and construction upon what is stated.

So much for what has been said in connection with the application of this provision to the State that I in part represent here. I beg my honorable friend from Pennsylvania to give himself no further trouble on account of the Chinese in California or on the Pacific coast. We are fully aware of the nature of that class of people and their influence among us, and feel entirely able to take care of them and to provide against any evils that may flow from

their presence among us. We are entirely ready to accept the provision proposed in this constitutional amendment, that the children born here of Mongolian parents shall be declared by the Constitution of the United States to be entitled to civil rights and to equal protection before the law with others.

Mr. HOWARD. There is a typographical error in the amendment now under consideration. The word "State" in the eleventh line is printed "States." It should be in the singular instead of the plural number, so as to read "all persons born in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State" (not States) "wherein they reside." I move that that correction be made.

Mr. JOHNSON. I suggest to the Senator from Michigan that it stands just as well as it is.

Mr. HOWARD. I wish to correct the error of the printer; it is printed "States" instead of "State."

The PRESIDENT *pro tempore*. The correction will be made.

Mr. JOHNSON. I doubt whether it is an error of the printer.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Wisconsin to the amendment of the Senator from Michigan to the resolution before the Senate.

Mr. DOOLITTLE. I moved this amendment because it seems to me very clear that there is a large mass of the Indian population who are clearly subject to the jurisdiction of the United States who ought not to be included as citizens of the United States. All the Indians upon reservations within the several States are most clearly subject to our jurisdiction, both civil and military. We appoint civil agents who have a control over them in behalf of the Government. We have our military commanders in the neighborhood of the reservations, who have complete control. For instance, there are seven or eight thousand Navajoes at this moment under the control of General Carlton, in New Mexico, upon the Indian reservations, managed, controlled, fed at the expense of the United States, and fed by the War Department, managed by the War Department, and at a cost to this Government of almost a million and a half of dollars every year. Because it is managed by the War Department, paid out of the commissary fund and out of the appropriations for quartermasters' stores, the people do not realize the enormous expense which is upon their hands. Are these six or seven thousand Navajoes to be made citizens of the United States? Go into the State of Kansas, and you find there any number of reservations, Indians in all stages, from the wild Indian of the plains, who lives on nothing but the meat of the buffalo, to those Indians who are partially civilized and have partially adopted the habits of civilized life. So it is in other States. In my own State there are the Chippewas, the remnants of the Winnebagoes, and the Pottawatomes. There are tribes in the State of Minnesota and other States of the Union. Are these persons to be regarded as citizens of the United States, and by a constitutional amendment declared to be such, because they are born within the United States and subject to our jurisdiction?

Mr. President, the word "citizen," if applied to them, would bring in all the Digger Indians of California. Perhaps they have mostly disappeared; the people of California, perhaps, have put them out of the way; but there are the Indians of Oregon and the Indians of the Territories. Take Colorado; there are more Indian citizens of Colorado than there are white citizens this moment if you admit it as a State. And yet by a constitutional amendment you propose to declare the Utes, the Tabahuaches, and all those wild Indians to be citizens of the United States, the great Republic of the world, whose citizenship should be a

title as proud as that of king, and whose danger is that you may degrade that citizenship.

Mr. President, citizenship, if conferred, carries with it, as a matter of course, the rights, the responsibilities, the duties, the immunities, the privileges of citizens, for that is the very object of this constitutional amendment to extend. I do not intend to address the Senate at length on this question now. I have simply raised the question. I think that it would be exceedingly unwise not to adopt this amendment and to put in the Constitution of the United States the broad language proposed. Our fathers certainly did not act in this way, for in the Constitution as they adopted it they excluded the Indians who are not taxed; did not enumerate them, indeed, as a part of the population upon which they based representation and taxation; much less did they make them citizens of the United States.

Mr. President, before the subject of the constitutional amendment passes entirely from the Senate, I may desire to avail myself of the opportunity to address the body more at length; but now I simply direct what I have to say to the precise point contained in the amendment which I have submitted.

Mr. FESSENDEN. I rise not to make any remarks on this question, but to say that if there is any reason to doubt that this provision does not cover all the wild Indians, it is a serious doubt; and I should like to hear the opinion of the chairman of the Committee on the Judiciary, who has investigated the civil rights bill so thoroughly, on the subject, or any other gentleman who has looked at it. I had the impression that it would not cover them.

Mr. TRUMBULL. Of course my opinion is not any better than that of any other member of the Senate; but it is very clear to me that there is nothing whatever in the suggestions of the Senator from Wisconsin. The provision is, that "all persons born in the United States, and subject to the jurisdiction thereof, are citizens." That means "subject to the complete jurisdiction thereof." Now, does the Senator from Wisconsin pretend to say that the Navajoe Indians are subject to the complete jurisdiction of the United States? What do we mean by "subject to the jurisdiction of the United States?" Not owing allegiance to anybody else. That is what it means. Can you sue a Navajoe Indian in court? Are they in any sense subject to the complete jurisdiction of the United States? By no means. We make treaties with them, and therefore they are not subject to our jurisdiction. If they were, we would not make treaties with them. If we want to control the Navajoes, or any other Indians of which the Senator from Wisconsin has spoken, how do we do it? Do we pass a law to control them? Are they subject to our jurisdiction in that sense? Is it not understood that if we want to make arrangements with the Indians to whom he refers we do it by means of a treaty? The Senator himself has brought before us a great many treaties this session in order to get control of those people.

If you introduce the words "not taxed," that is a very indefinite expression. What does "excluding Indians not taxed" mean? You will have just as much difficulty in regard to those Indians that you say are in Colorado, where there are more Indians than there are whites. Suppose they have property there, and it is taxed; then they are citizens.

Mr. WADE. And ought to be.

Mr. TRUMBULL. The Senator from Ohio says they ought to be. If they are there and within the jurisdiction of Colorado, and subject to the laws of Colorado, they ought to be citizens; and that is all that is proposed. It cannot be said of any Indian who owes allegiance, partial allegiance if you please, to some other Government that he is "subject to the jurisdiction of the United States." Would the Senator from Wisconsin think for a moment of bringing a bill into Congress to subject these wild Indians with whom we have no treaty to the laws and regulations of civilized life? Would he think of punishing them for instituting among them-

selves their own tribal regulations? Does the Government of the United States pretend to take jurisdiction of murders and robberies and other crimes committed by one Indian upon another? Are they subject to our jurisdiction in any just sense? They are not subject to our jurisdiction. We do not exercise jurisdiction over them. It is only those persons who come completely within our jurisdiction, who are subject to our laws, that we think of making citizens; and there can be no objection to the proposition that such persons should be citizens.

It seems to me, sir, that to introduce the words suggested by the Senator from Wisconsin would not make the proposition any clearer than it is, and that it by no means embraces, or by any fair construction—by any construction, I may say—could embrace the wild Indians of the plains or any with whom we have treaty relations, for the very fact that we have treaty relations with them shows that they are not subject to our jurisdiction. We cannot make a treaty with ourselves; it would be absurd. I think that the proposition is clear and safe as it is.

Mr. JOHNSON. Mr. President, the particular question before the Senate is whether the amendment proposed by the Senator from Wisconsin shall be adopted. But while I am up, and before I proceed to consider the necessity for that amendment, I will say a word or two upon the proposition itself; I mean that part of section one which is recommended as an amendment to the old proposition as it originally stood.

The Senate are not to be informed that very serious questions have arisen, and some of them have given rise to embarrassments, as to who are citizens of the United States, and what are the rights which belong to them as such; and the object of this amendment is to settle that question. I think, therefore, with the committee to whom the matter was referred, and by whom the report has been made, that it is very advisable in some form or other to define what citizenship is; and I know no better way of accomplishing that than the way adopted by the committee. The Constitution as it now stands recognizes a citizenship of the United States. It provides that no person shall be eligible to the Presidency of the United States except a natural-born citizen of the United States or one who was in the United States at the time of the adoption of the Constitution; it provides that no person shall be eligible to the office of Senator who has not been a citizen of the United States for nine years; but there is no definition in the Constitution as it now stands as to citizenship. Who is a citizen of the United States is an open question. The decision of the courts and the doctrine of the commentators is, that every man who is a citizen of a State becomes *ipso facto* a citizen of the United States; but there is no definition as to how citizenship can exist in the United States except through the medium of a citizenship in a State.

Now, all that this amendment provides is, that all persons born in the United States and not subject to some foreign Power—for that, no doubt, is the meaning of the committee who have brought the matter before us—shall be considered as citizens of the United States. That would seem to be not only a wise but a necessary provision. If there are to be citizens of the United States entitled everywhere to the character of citizens of the United States there should be some certain definition of what citizenship is, what has created the character of citizen as between himself and the United States, and the amendment says that citizenship may depend upon birth, and I know of no better way to give rise to citizenship than the fact of birth within the territory of the United States, born of parents who at the time were subject to the authority of the United States. I am, however, by no means prepared to say, as I think I have intimated before, that being born within the United States, independent of any new constitutional

provision on the subject, creates the relation of citizen to the United States.

The amendment proposed by my friend from Wisconsin I think, and I submit it to the Senate, should be adopted. The honorable member from Illinois seems to think it unnecessary, because, according to his interpretation of the amendment as it stands, it excludes those who are proposed to be excluded by the amendment of the Senator from Wisconsin, and he thinks that that is done by saying that those only who are born in the United States are to become citizens thereof, who at the time of birth are "subject to the jurisdiction thereof," and he supposes and states very positively that the Indians are not subject to the jurisdiction of the United States. With due deference to my friend from Illinois, I think he is in error. They are within the territorial limits of the United States. If they were not, the provision would be altogether inapplicable to them. In one sense, therefore, they are a part of the people of the United States, and independent of the manner in which we have been dealing with them it would seem to follow necessarily that they are subject to the jurisdiction of the United States, as is anybody else who may be born within the limits of the United States. But when the United States took possession—England for us in the beginning, and our limits have been extended since—of the territory which was originally peopled exclusively by the Indians, we found it necessary to recognize some kind of a national existence on the part of the aboriginal settlers of the United States; but we were under no obligation to do so, and we are under no constitutional obligation to do so now, for although we have been in the habit of making treaties with these several tribes, we have also, from time to time, legislated in relation to the Indian tribes. We punish murder committed within the territorial limits in which the tribes are to be found. I think we punish the crime of murder committed by one Indian upon another Indian. I think my friend from Illinois is wrong in supposing that that is not done.

Mr. TRUMBULL. Not except where it is done under special provision—not with the wild Indians of the plains.

Mr. JOHNSON. By special provision of legislation. That I understand. I am referring to that.

Mr. TRUMBULL. We propose to make citizens of those brought under our jurisdiction in that way. Nobody objects to that, I reckon.

Mr. JOHNSON. Yes, I do. I am not objecting at all to their being citizens now; what I mean to say, is that over all the Indian tribes within the limits of the United States, the United States may—that is the test—exercise jurisdiction. Whether they exercise it in point of fact is another question; whether they propose to govern them under the treaty-making power is quite another question; but the question as to the authority to legislate is one, I think, about which, if we were to exercise it, the courts would have no doubt; and when, therefore, the courts come to consider the meaning of this provision, that all persons born within the limits of the United States and subject to the jurisdiction thereof are citizens, and are called upon to decide whether Indians born within the United States, with whom we are now making treaties are citizens, I think they will decide that they have become citizens by virtue of this amendment. But at any rate, without expressing any decided opinion to that effect, as I would not do when the honorable member from Illinois is so decided in the opposite opinion, when the honorable member from Wisconsin, to say nothing of myself, entertains a reasonable doubt that Indians would be embraced within the provision, what possible harm can there be in guarding against it? It does not affect the constitutional amendment in any way. That is not my purpose, and I presume is not the purpose of my friend from Wisconsin.

The honorable member from Illinois says that the terms which the member from Wis-

consin proposes to insert would leave it very uncertain. I suppose that my friend from Illinois agreed to the second section of this constitutional amendment, and these terms are used in that section. In apportioning the representation, as you propose to do by virtue of the second section, you exclude from the basis "Indians not taxed." What does that mean? The honorable member from Illinois says that that is very uncertain. What does it mean? It means, or would mean if inserted in the first section, nothing, according to the honorable member from Illinois. Well, if it means nothing inserted in the first section it means nothing where it is proposed to insert it in the second section. But I think my friend from Illinois will find that these words are clearly understood and have always been understood; they are now almost technical terms. They are found, I think, in nearly all the statutes upon the subject; and if I am not mistaken, the particular statute upon which my friend from Illinois so much relied as one necessary to the peace of the country, the civil rights bill, has the same provision in it, and that bill I believe was prepared altogether, or certainly principally, by my friend from Illinois. I read now from the civil rights bill as it passed:

"That all persons born in the United States and not subject to any foreign Power, excluding Indians not taxed, are hereby declared to be citizens."

What did these words mean? They meant something; and their meaning as they are inserted in that act is the same meaning which will be given to them if they are inserted in the first section of this constitutional amendment. But I conclude by saying that when we are trying to settle this, among other questions, for all time, it is advisable—and if my friend will permit me to say so, our clear duty—to put every provision which we adopt in such plain language as not to be capable of two interpretations, if we can. When Senators upon the floor maintain the opinion that as it now stands it is capable of an interpretation different from that which the committee mean, and the amendment proposed gets clear of that interpretation which the committee do not mean, why should we not adopt it?

I hope, therefore, that the friends—and I am the friend of this provision as far as we have gone in it—that the friends of this constitutional amendment will accept the suggestion of the honorable member from Wisconsin.

Mr. TRUMBULL. The Senator from Maryland certainly perceives a distinction between the use of the words "excluding Indians not taxed" in the second section and in the first. The second section is confined to the States; it does not embrace the Indians of the plains at all. That is a provision in regard to the apportionment of representation among the several States.

Mr. JOHNSON. The honorable member did not understand me. I did not say it meant the same thing.

Mr. TRUMBULL. I understood the Senator, I think. I know he did not say that the clause in the second section was extended all over the country, but he did say that the words "excluding Indians not taxed" were in the second section, and inasmuch as I had said that those words were of uncertain meaning, therefore, having gone for the words in the second section I was guilty of a great inconsistency. Now, I merely wish to show the Senator from Maryland that the words in the second section may have a very clear and definite meaning, when in the first section they would have a very uncertain meaning, because they are applied under very different circumstances. The second section refers to no persons except those in the States of the Union; but the first section refers to persons everywhere, whether in the States or in the Territories or in the District of Columbia. Therefore the criticism upon the language that I had used, it seems to me, is not a just one.

But the Senator wants to insert the words, "excluding Indians not taxed." I am not willing to make citizenship in this country de-

pend on taxation. I am not willing, if the Senator from Wisconsin is, that the rich Indian residing in the State of New York shall be a citizen and the poor Indian residing in the State of New York shall not be a citizen. If you put in those words in regard to citizenship, what do you do? You make a distinction in that respect, if you put it on the ground of taxation. We had a discussion on the civil rights bill as to the meaning of these words, "excluding Indians not taxed." The Senator from Maryland, [Mr. JOHNSON,] I think, on that occasion gave this definition to the phrase "excluding Indians not taxed," that it did not allude to the fact of taxation simply but it meant to describe a class of persons; that is, civilized Indians. I was inclined to fall into that view. I was inclined to adopt the suggestion of the Senator from Maryland, that the words "excluding Indians not taxed" did not mean literally excluding those upon whom a tax was not assessed and collected, but rather meant to define a class of persons, meaning civilized Indians; and I think I gave that answer to the Senator from Indiana, [Mr. HENDRICKS,] who was disposed to give it the technical meaning that "Indians not taxed" meant simply those upon whom no tax was laid. If it does mean that, then it would be very objectionable to insert those words here, because it would make of a wealthy Indian a citizen and would not make a citizen of one not possessed of wealth under the same circumstances. This is the uncertainty in regard to the meaning of those words. The Senator from Maryland and myself, perhaps, would understand them alike as embracing all Indians who were not civilized; and yet, if you insert that language, "Indians not taxed," other persons may not understand them that way; and I remember that the Senator from Indiana was disposed to understand them differently when we had the discussion upon the civil rights bill. Therefore I think it better to avoid these words and that the language proposed in this constitutional amendment is better than the language in the civil rights bill. The object to be arrived at is the same.

I have already replied to the suggestion as to the Indians being subject to our jurisdiction. They are not subject to our jurisdiction in the sense of owing allegiance solely to the United States; and the Senator from Maryland, if he will look into our statutes, will search in vain for any means of trying these wild Indians. A person can only be tried for a criminal offense in pursuance of laws, and he must be tried in a district which must have been fixed by law before the crime was committed. We have had in this country, and have to-day, a large region of country within the territorial limits of the United States, unorganized, over which we do not pretend to exercise any civil or criminal jurisdiction, where wild tribes of Indians roam at pleasure, subject to their own laws and regulations, and we do not pretend to interfere with them. They would not be embraced by this provision.

For these reasons I think this language is better than the language employed by the civil rights bill.

Mr. HENDRICKS. Will the Senator from Illinois allow me to ask him a question before he sits down?

Mr. TRUMBULL. Certainly.

Mr. HENDRICKS. I wish to know if, in his opinion, it is not a matter of pleasure on the part of the Government of the United States, and especially of Congress, whether the laws of the United States be extended over the Indians or not; if it is not a matter to be decided by Congress alone whether we treat with the Indians by treaty or govern them by direct law; in other words, whether Congress has not the power at its pleasure to extend the laws of the United States over the Indians and to govern them.

Mr. TRUMBULL. I suppose it would have the same power that it has to extend the laws of the United States over Mexico and govern her if in our discretion we thought proper to

extend the laws of the United States over the republic of Mexico, or the empire of Mexico, if you please so to call it, and had sufficient physical power to enforce it. I suppose you may say in this case we have the power to do it, but it would be a violation of our treaty obligations, a violation of the faith of this nation, to extend our laws over these Indian tribes with whom we have made treaties saying we would not do it.

Mr. FESSENDEN. We could extend it over Mexico in the same way.

Mr. TRUMBULL. I say we could extend it over Mexico just as well; that is, if we have the power to do it. Congress might declare war, or, without declaring war, might extend its laws, or profess to extend them, over Mexico, and if we had the power we could enforce that declaration; but I think it would be a breach of good faith on our part to extend the laws of the United States over the Indian tribes with whom we have these treaty stipulations, and in which treaties we have agreed that we would not make them subject to the laws of the United States. There are numerous treaties of that kind.

Mr. VAN WINKLE. If the Senator will permit me, I wish to remind him of a citation from a decision of the Supreme Court that he himself made here, I think, when the veto of the civil rights bill was under discussion; and if I correctly understood it, as he read it, the Supreme Court decided that these untaxed Indians were subjects, and distinguished between subjects and citizens.

Mr. TRUMBULL. I think there are decisions that treat them as subjects in some respects. In some sense they are regarded as within the territorial boundaries of the United States, but I do not think they are subject to the jurisdiction of the United States in any legitimate sense; certainly not in the sense that the language is used here. The language seems to me to be better chosen than it was in the other bill. There is a difficulty about the words, "Indians not taxed." Perhaps one of the reasons why I think so is because of the persistency with which the Senator from Indiana himself insisted that the phrase "excluding Indians not taxed," the very words which the Senator from Wisconsin wishes to insert here, would exclude everybody that did not pay a tax; that that was the meaning of it; we must take it literally. The Senator from Maryland did not agree to that, nor did I; but if the Senator from Indiana was right, it would receive a construction which I am sure the Senator from Wisconsin would not be for; for if these Indians come within our limits and within our jurisdiction and are civilized, he would just as soon make a citizen of a poor Indian as of the rich Indian.

Mr. HENDRICKS. I expected the Senator from Illinois, being a very able lawyer, at the head of the Judiciary Committee, to meet the question that I asked him and to answer it as a question of law, and not as a question of military power. I did not ask him the question whether the Government of the United States had the military power to go into the Indian territory and subjugate the Indians to the political power of the country; nor had he a right to understand the question in that sense. I asked him the question whether, under the Constitution, under the powers of this Government, we may extend our laws over the Indians and compel obedience, as a matter of legal right, from the Indians. If the Indian is bound to obey the law he is subject to the jurisdiction of the country; and that is the question I desired the Senator to meet as a legal question, whether the Indian would be bound to obey the law which Congress in express terms extended over him in regard to questions within the jurisdiction of Congress.

Now, sir, this question has once or twice been decided by the Attorney General, so far as he could decide it. In 1855 he was inquired of whether the laws of the United States regulating the intercourse with the Indian tribes, by the general legislation in regard to Oregon,

had been extended to Oregon; and he gave it as his opinion that the laws had been extended to Oregon, and regulated the intercourse between the white people and the Indians there. Subsequently, the Attorney General was asked whether Indians were citizens of the United States in such sense as that they could become the owners of the public lands where the right to acquire them was limited to citizens; and in the course of that opinion he says that the Indian is not a citizen of the United States by virtue of his birth, but that he is a subject. He says:

"The simple truth is plain that the Indians are the subjects of the United States, and therefore are not, in mere right of home-birth, citizens of the United States. The two conditions are incompatible. The moment it comes to be seen that the Indians are domestic subjects of this Government, that moment it is clear to the perception that they are not the sovereign constituent ingredients of the Government. This distinction between citizens proper, that is, the constituent members of the political sovereignty, and subjects of that sovereignty, who are not therefore citizens, is recognized in the best authorities of public law."

He then cites some authorities. Again, he says:

"Not being citizens of the United States by mere birth, can they become so by naturalization? Undoubtedly."

"But they cannot become citizens by naturalization under existing general acts of Congress. (2 Kent's Commentaries, page 72.)"

"Those acts apply only to foreigners, subjects of another allegiance. The Indians are not foreigners, and they are in our allegiance without being citizens of the United States."

Mr. JOHNSON. Whose opinion is that?

Mr. HENDRICKS. That is the opinion of Mr. Cushing, given on the 5th of July, 1856. I did not intend to discuss this question, but I will make one further reply to the Senator from Illinois. When the civil rights bill was under consideration I was of the opinion that the term "not taxed" meant not taxed; and when words are plain in the law I take them in their natural sense. When there is no ambiguity the law says there shall be no construction; and when you say a man is not taxed I presume it means that he is not taxed. I do not know any words that express the meaning more clearly than the words themselves, and therefore I cannot express the meaning in any more apt words than the words used by the Senator from Wisconsin, "Indians not taxed." When I said that that was making citizenship to rest upon property I recollect, or I think I do, the indignant terms in which the Senator from Illinois then replied, conveying the idea that it was a demagogical argument, in this body to speak of a subject like that; and yet to-day he says to the Senator from Wisconsin that it is not a statesmanlike proposition. He makes the same point upon the Senator from Wisconsin which he undertook to make upon me on the civil rights bill.

If it is the pleasure of Congress to make the wild Indians of the desert citizens, and then if three fourths of the States agree to it, I presume we will get along the best way we can; and what shall then be the relations between these people and the United States will be for us and for our descendants to work out. They are not now citizens; they are subjects. For safety, as a matter of policy we regulate our intercourse with them to a large extent by treaties, so as that they shall assent to the regulations that govern them. That is a matter of policy, but we need not treat with an Indian. We can make him obey our laws, and being liable to such obedience he is subject to the jurisdiction of the United States. I did not intend to discuss this question, but I got into it by the inquiry I made of the Senator from Illinois.

Mr. HOWARD. I hope, sir, that this amendment will not be adopted. I regard the language of the section as sufficiently certain and definite. If amended according to the suggestion of the honorable Senator from Wisconsin it will read as follows:

All persons born in the United States, and subject to the jurisdiction thereof, excluding Indians not taxed, are citizens of the United States, and of the State wherein they reside.

Suppose we adopt the amendment as suggested by the honorable Senator from Wisconsin, in what condition will it leave us as to the Indian tribes wherever they are found? According to the ideas of the honorable Senator, as I understand them, this consequence would follow: all that would remain to be done on the part of any State would be to impose a tax upon the Indians, whether in their tribal condition or otherwise, in order to make them citizens of the United States. Does the honorable Senator from Wisconsin contemplate that? Does he propose to leave this amendment in such a condition that the State of Wisconsin, which he so ably represents here, will have the right to impose taxes upon the Indian tribes within her limits, and thus make of these Indians constituting the tribes, no matter how numerous, citizens of the United States and of the State of Wisconsin? That would be the direct effect of his amendment if it should be adopted. It would, in short, be a naturalization, whenever the States saw fit to impose a tax upon the Indians, of the whole Indian race within the limits of the States.

Mr. CLARK. The Senator will permit me to suggest a case. Suppose the State of Kansas, for instance, should tax her Indians for five years, they would be citizens.

Mr. HOWARD. Undoubtedly.

Mr. CLARK. But if she refuse to tax them for the next ten years how would they be then? Would they be citizens or not?

Mr. HOWARD. I take it for granted that when a man becomes a citizen of the United States under the Constitution he cannot cease to be a citizen, except by expatriation or the commission of some crime by which his citizenship shall be forfeited.

Mr. CLARK. If it depends upon taxation.

Mr. HOWARD. The continuance of the quality of citizenship would not, I think, depend upon the continuance of taxation.

Mr. CLARK. But still he would be an "Indian not taxed."

Mr. HOWARD. He has been taxed once.

Mr. CLARK. The point I wish to bring the Senator to is this: would not the admission of a provision of that kind make a sort of shifting use of the Indians?

Mr. HOWARD. It might, depending upon the construction which would happen to be given by the courts to the language of the Constitution. The great objection, therefore, to the amendment is, that it is an actual naturalization, whenever the State sees fit to enact a naturalization law in reference to the Indians in the shape of the imposition of a tax, of the whole Indian population within their limits. There is no evading this consequence, but still I cannot impute to the honorable Senator from Wisconsin a purpose like that. I think he has misapprehended the effect of the language which he suggests. I think the language as it stands is sufficiently certain and exact. It is that "all persons born in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside."

I concur entirely with the honorable Senator from Illinois, in holding that the word "jurisdiction," as here employed, ought to be construed so as to imply a full and complete jurisdiction on the part of the United States, coextensive in all respects with the constitutional power of the United States, whether exercised by Congress, by the executive, or by the judicial department; that is to say, the same jurisdiction in extent and quality as applies to every citizen of the United States now. Certainly, gentlemen cannot contend that an Indian belonging to a tribe, although born within the limits of a State, is subject to this full and complete jurisdiction. That question has long since been adjudicated, so far as the usage of the Government is concerned. The Government of the United States have always regarded and treated the Indian tribes within our limits as foreign Powers, so far as the treaty-making power is concerned, and so far especially as the commercial power is con-

cerned, for in the very Constitution itself there is a provision that Congress shall have power to regulate commerce, not only with foreign nations and among the States, but also with the Indian tribes. That clause, in my judgment, presents a full and complete recognition of the national character of the Indian tribes, the same character in which they have been recognized ever since the discovery of the continent and its occupation by civilized men; the same light in which the Indians were viewed and treated by Great Britain from the earliest commencement of the settlement of the continent. They have always been regarded, even in our ante-revolutionary history, as being independent nations, with whom the other nations of the earth have held treaties, and in no case, I believe, has either the Government of Great Britain or of the United States recognized the right of an individual Indian to transfer or convey lands. Why? If he was a citizen, in other words, if he was not a subject of a foreign Power, if he did not belong to a tribe whose common law is that land as well as almost every other description of property shall be held in common among the members of the tribe, subject to a chief, why is it that the reservation has been imposed and always observed upon the act of conveyance on the part of the Indian?

A passage has been read from an opinion given by Mr. Attorney General Cushing on this subject, in which, it seems to me, he takes great liberties with the Constitution in speaking of the Indian as being a subject of the United States. Certainly I do not so hold; I cannot so hold, because it has been the habit of the Government from the beginning to treat with the Indian tribes as sovereign Powers. The Indians are our wards. Such is the language of the courts. They have a national independence. They have an absolute right to the occupancy of the soil upon which they reside; and the only ground of claim which the United States has ever put forth to the proprietorship of the soil of an Indian territory is simply the right of preemption; that is, the right of the United States to be the first purchaser from the Indian tribes. We have always recognized in an Indian tribe the same sovereignty over the soil which it occupied as we recognize in a foreign nation of a power in itself over its national domains. They sell the lands to us by treaty, and they sell the lands as the sovereign Power owning, holding, and occupying the lands.

But it is useless, it seems to me, Mr. President, to enlarge further upon the question of the real political power of Indians or of Indian tribes. Our legislation has always recognized them as sovereign Powers. The Indian who is still connected by his tribal relation with the government of his tribe is subject for crimes committed against the laws or usages of the tribe to the tribe itself, and not to any foreign or other tribunal. I believe that has been the uniform course of decision on that subject. The United States courts have no power to punish an Indian who is connected with a tribe for a crime committed by him upon another member of the same tribe.

Mr. FESSENDEN. Within the territory. Mr. HOWARD. Yes, sir. Why? Because the jurisdiction of the nation intervenes and ousts what would otherwise be perhaps a right of jurisdiction of the United States. But the great objection to the amendment to the amendment is that it is an unconscious attempt on the part of my friend from Wisconsin to naturalize all the Indians within the limits of the United States. I do not agree to that. I am not quite so liberal in my views. I am not yet prepared to pass a sweeping act of naturalization by which all the Indian savages, wild or tame, belonging to a tribal relation, are to become my fellow-citizens and go to the polls and vote with me and hold lands and deal in every other way that a citizen of the United States has a right to do.

Mr. DOOLITTLE. Mr. President, the Senator from Michigan declares his purpose to be

not to include these Indians within this constitutional amendment. In purpose I agree with him. I do not intend to include them. My purpose is to exclude them; and the question between us is whether his language includes them and mine excludes them, or whether his language excludes them and mine includes them. The Senator says, in the first place, if the words which are suggested by me, "Indians not taxed," are to govern, any State has it in its power to naturalize the Indian tribes within its limits and bring them in as citizens. Can a State tax them unless they are subject to the State? Certainly not. My friend from Michigan will not contend that an Indian can be taxed if he is not subject to the State or to the United States; and yet, if they are subject to the jurisdiction of the United States they are declared by the very language of his amendment to be citizens.

Now, sir, the words which I have used are borrowed from the Constitution as it stands—the Constitution adopted by our fathers. We have lived under it for seventy years; and these words, "Indians not taxed," are the very words which were used by our fathers in forming the Constitution as descriptive of a certain class of Indians which should not be enumerated as a part of our population, as distinguished from another class which should be enumerated as a part of our population; and these are words of description used by them under which we have acted for seventy years and more. They have come to have a meaning that is understood as descriptive of a certain class of Indians that may be enumerated within our population as a part of the citizens of the United States, to constitute a part of the basis of the political power of the United States, and others not included within it are to be excluded from that basis. The courts of the United States have had occasion to speak on this subject, and from time to time they have declared that the Indians are subjects of the United States, not citizens; and that is the very word in your amendment where they are "subject to the jurisdiction" of the United States. Why, sir, what does it mean when you say that a people are subject to the jurisdiction of the United States? Subject, first, to its military power; second, subject to its political power; third, subject to its legislative power; and who doubts our legislative power over the reservations upon which these Indians are settled? Speaking upon that subject, I have to say that one of the most distinguished men who ever sat in this body, certainly that have sat in this body since I have been a member of it, the late Senator from Vermont, Judge Collamer, time and again urged upon me, as a member of the Committee on Indian Affairs, to bring forward a scheme of legislation by which we should pass laws and subject all the Indians in all the Territories of the United States to the legislation of Congress direct. The Senator from Ohio not now in his seat [Mr. SHERMAN] has contended for the same thing, and other members of Congress contend that the very best policy of dealing with the Indian tribes is to subject them at once to our legislative power and jurisdiction. "Subjects of the United States!" Why, sir, they are completely our subjects, completely in our power. We hold them as our wards. They are living upon our bounty.

Mr. President, there is one thing that I doubt not Senators must have forgotten. In all those vast territories which we acquired from Mexico, we took the sovereignty and the jurisdiction of the soil and the country from Mexico, just as Mexico herself had held it, just as Spain had held it before the Mexican republic was established; and what was the power that was held by Spain and by Mexico over the Indian tribes? They did not recognize even the possessory title of an Indian in one foot of the jurisdiction of those territories. In reference to the Indians of California, we have never admitted that they had sufficient jurisdiction over any part of its soil to make a treaty with them. The Senate of the United

States expressly refused to make treaties with the Indians of California, on the ground that they had no title and no jurisdiction whatever in the soil; they were absolutely subject to the authority of the United States, which we derived from our treaty with Mexico.

The opinion of Attorney General Cushing, one of the ablest men who has ever occupied the position of Attorney General, has been read here, in which he states clearly that the Indians, though born upon our soil, owing us allegiance, are not citizens; they are our subjects; and that is the very word which is used in this amendment proposed to the Constitution of the United States, declaring that if they be "subject" to our jurisdiction, born on our soil, they are, *ipso facto*, citizens of the United States.

Mr. President, the celebrated civil rights bill which has been passed during the present Congress, which was the forerunner of this constitutional amendment, and to give validity to which this constitutional amendment is brought forward, and which without this constitutional amendment to enforce it has no validity so far as this question is concerned, uses the following language:

"That all persons born in the United States, and not subject to any foreign Power, excluding Indians not taxed, are hereby declared to be citizens of the United States."

Why should this language be criticised any more now, when it is brought forward here in this constitutional amendment, than when it was in the civil rights bill? Why should the language be more criticised here than it is in the second section of this constitutional amendment, where the same words are used? The second section, in apportioning representation, proposes to count the whole number of persons in each State, "excluding Indians not taxed." Why not insert those words in the first section as well as in the second? Why not insert them in this constitutional amendment as well as in the civil rights bill? The civil rights bill undertook to do this same thing. It undertook to declare that "all persons born in the United States, and not subject to any foreign Power, excluding Indians not taxed, are hereby declared to be citizens of the United States." But, sir, the committee of fifteen, fearing that this declaration by Congress was without validity unless a constitutional amendment should be brought forward to enforce it, have thought proper to report this amendment.

Mr. FESSENDEN. I want to say to the honorable Senator, who has a great regard for truth, that he is drawing entirely upon his imagination. There is not one word of correctness in all that he is saying, not a particle, not a scintilla, not the beginning of truth.

Mr. DOOLITTLE. I take a little issue with my friend from Maine on that point as a question of fact.

Mr. FESSENDEN. In the first place, this was not brought forward by the committee of fifteen at all.

Mr. DOOLITTLE. This proposition was first introduced into the House by a gentleman from Ohio by the name of BINGHAM.

Mr. FESSENDEN. I thought the Senator was speaking of this first part of the section, the amendment, not the whole.

Mr. DOOLITTLE. No, sir; that is proposed by the Senator from Michigan. As I understand, a member from Ohio, Mr. BINGHAM, who in a very able speech in the House maintained that the civil rights bill was without any authority in the Constitution, brought forward a proposition in the House of Representatives to amend the Constitution so as to enable Congress to declare the civil rights of all persons, and that constitutional amendment, Mr. BINGHAM being himself one of the committee of fifteen, was referred by the House to that committee, and from the committee it has been reported. I say I have a right to infer that it was because Mr. BINGHAM and others of the House of Representatives and other persons upon the committee had doubts, at least, as to

the constitutionality of the civil rights bill that this proposition to amend the Constitution now appears to give it validity and force. It is not an imputation upon any one.

Mr. GRIMES. It is an imputation upon every member who voted for the bill, the inference being legitimate and logical that they violated their oaths and knew they did so when they voted for the civil rights bill.

Mr. DOOLITTLE. The Senator goes too far. What I say is that they had doubts.

Mr. FESSENDEN. I will say to the Senator one thing: whatever may have been Mr. BINGHAM's motives in bringing it forward, he brought it forward some time before the civil rights bill was considered at all and had it referred to the committee, and it was discussed in the committee long before the civil rights bill was passed. Then I will say to him further, that during all the discussion in the committee that I heard nothing was ever said about the civil rights bill in connection with that. It was placed on entirely different grounds.

Mr. DOOLITTLE. I will ask the Senator from Maine this question: if Congress, under the Constitution now has the power to declare that "all persons born in the United States, and not subject to any foreign Power, excluding Indians not taxed, are hereby declared to be citizens of the United States," what is the necessity of amending the Constitution at all on this subject?

Mr. FESSENDEN. I do not choose that the Senator shall get off from the issue he presented. I meet him right there on the first issue. If he wants my opinion upon other questions, he can ask it afterward. He was saying that the committee of fifteen brought this proposition forward for a specific object.

Mr. DOOLITTLE. I said the committee of fifteen brought it forward because they had doubts as to the constitutional power of Congress to pass the civil rights bill.

Mr. FESSENDEN. Exactly; and I say, in reply, that if they had doubts, no such doubts were stated in the committee of fifteen, and the matter was not put on that ground at all. There was no question raised about the civil rights bill.

Mr. DOOLITTLE. Then I put the question to the Senator: if there are no doubts, why amend the Constitution on that subject?

Mr. FESSENDEN. That question the Senator may answer to suit himself. It has no reference to the civil rights bill.

Mr. DOOLITTLE. That does not meet the case at all. If my friend maintains that at this moment the Constitution of the United States, without amendment, gives all the power you ask, why do you put this new amendment into it on that subject?

Mr. HOWARD. If the Senator from Wisconsin wishes an answer, I will give him one such as I am able to give.

Mr. DOOLITTLE. I was asking the Senator from Maine.

Mr. HOWARD. I was a member of the same committee, and the Senator's observations apply to me equally with the Senator from Maine. We desired to put this question of citizenship and the rights of citizens and freedmen under the civil rights bill beyond the legislative power of such gentlemen as the Senator from Wisconsin, who would pull the whole system up by the roots and destroy it, and expose the freedmen again to the oppressions of their old masters.

Mr. DOOLITTLE. The Senator has made his answer, I suppose.

Mr. HOWARD. Yes, sir.

Mr. DOOLITTLE. Mr. President, when the Senator undertakes to say that I have any disposition to subject the freedmen to the despotism of their old masters, he says that which there is not a particle of foundation or excuse for saying. I say to that Senator—

Mr. HOWARD. I beg the Senator to allow me one word. I made no personal imputation against the Senator from Wisconsin.

Mr. DOOLITTLE. I desire to finish my sentence before being interrupted.

Mr. HOWARD. I will not be forced by the Senator into a false position.

Mr. DOOLITTLE. I do not desire to be interrupted until I finish one sentence. I say to that Senator that so far as the rights of the freedmen are concerned, I am willing to compare my course of action in this body or elsewhere with his. I say to that Senator that I labored as hard as he has labored to secure the rights and liberties of the freedmen, to emancipate the slaves of the South, and to put an end forever not only to slavery, but to the aristocracy that was founded upon it; and I have never, by word or deed, said or done anything, as a member of this body or elsewhere, tending to build up any oppression against the freedmen, tending to destroy any of their rights. I say to that honorable Senator, and I am ready at any time to meet him in argument upon it although it is drawing me now from the question in dispute, that I myself prepared and introduced here and urged a bill whose provisions defended every right of the freedmen just as much as the bill to which we have now made reference, and I am prepared to do so and to defend their rights with the whole power of the Government.

But, sir, the Senator has drawn me off from the immediate question before the Senate. The immediate question is, whether the language which he uses, "all persons subject to the jurisdiction of the United States," includes these Indians. I maintain that it does; and, therefore, for the purpose of relieving it from any doubt, for the purpose of excluding this class of persons, as they are, in my judgment, utterly unfit to be citizens of the United States, I have proposed this amendment, which I borrow from the Constitution as it stands, which our fathers adopted more than seventy years ago, which I find also in the civil rights bill which passed this present Congress, and which I find also in the second section of this constitutional amendment when applied to the enumeration of the inhabitants of the States. I insist that it is just, proper in every way, but reasonable, that we exclude the wild Indians from being regarded or held as citizens of the United States.

Mr. WILLIAMS. I would not agree to this proposed constitutional amendment if I supposed it made Indians not taxed citizens of the United States. But I am satisfied that, giving to the amendment a fair and reasonable construction, it does not include Indians not taxed. The first and second sections of this proposed amendment are to be taken together, are to be construed together, and the meaning of the word "citizens," as employed in both sections, is to be determined from the manner in which that word is used in both of those sections. Section one provides that—

All persons born in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

If there be any doubt about the meaning of that paragraph, I think that doubt is entirely removed by the second section, for by the second section of this constitutional amendment Indians not taxed are not counted at all in the basis of representation. The words in the second section are as follows:

Representatives shall be apportioned among the several States which may be included within the Union, according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed.

They are not to be regarded as persons to be counted under any circumstances. Indians not taxed are not even entitled to be counted as persons in the basis of representation under any circumstances; and then the section provides—

But whenever, in any State, the elective franchise shall be denied to any portion of its male inhabitants, being citizens of the United States, &c.

Now, can any reasonable man conclude that the word "citizens" there applies to Indians not taxed, or includes Indians not taxed, when they are expressly excluded from the basis of representation and cannot even be taken into the enumeration of persons upon

whom representation is to be based? I think it is perfectly clear, when you put the first and second sections together, that Indians not taxed are excluded from the term "citizens;" because it cannot be supposed for one moment that the term "citizens," as employed in these two sections, is intended to apply to Indians who are not even counted under any circumstances as a part of the basis of representation. I therefore think that the amendment of the Senator from Wisconsin is clearly unnecessary. I do not believe that "Indians not taxed" are included, and I understand that to be a description of Indians who maintain their tribal relations and who are not in all respects subject to the jurisdiction of the United States.

In one sense, all persons born within the geographical limits of the United States are subject to the jurisdiction of the United States, but they are not subject to the jurisdiction of the United States in every sense. Take the child of an ambassador. In one sense, that child born in the United States is subject to the jurisdiction of the United States, because if that child commits the crime of murder, or commits any other crime against the laws of the country, to a certain extent he is subject to the jurisdiction of the United States, but not in every respect; and so with these Indians. All persons living within a judicial district may be said, in one sense, to be subject to the jurisdiction of the court in that district, but they are not in every sense subject to the jurisdiction of the court until they are brought, by proper process, within the reach of the power of the court. I understand the words here, "subject to the jurisdiction of the United States," to mean fully and completely subject to the jurisdiction of the United States. If there was any doubt as to the meaning of those words, I think that doubt is entirely removed and explained by the words in the subsequent section; and believing that, in any court or by any intelligent person, these two sections would be construed not to include Indians not taxed, I do not think the amendment is necessary.

Mr. SAULSBURY. I do not presume that any one will pretend to disguise the fact that the object of this first section is simply to declare that negroes shall be citizens of the United States. There can be no other object in it, I presume, than a further extension of the legislative kindness and beneficence of Congress toward that class of people.

"The poor Indian, whose untutored mind,
Sees God in clouds, or hears him in the wind,"
was not thought of. I say this not meaning it to be any reflection upon the honorable committee who reported the amendment, because for all the gentlemen composing it I have a high respect personally; but that is evidently the object. I have no doubt myself of the correctness of the position, as a question of law, taken by the honorable Senator from Wisconsin; but, sir, I feel disposed to vote against his amendment, because if these negroes are to be made citizens of the United States, I can see no reason in justice or in right why the Indians should not be made citizens. If our citizens are to be increased in this wholesale manner, I cannot turn my back upon that persecuted race, among whom are many intelligent, educated men, and embrace as fellow-citizens the negro race. I therefore, as at present advised, for the reasons I have given, shall vote against the proposition of my friend from Wisconsin, although I believe, as a matter of law, that his statements are correct.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Wisconsin to the amendment proposed by the Senator from Michigan.

Mr. DOOLITTLE. I ask for the yeas and nays on that question.

The yeas and nays were ordered.

Mr. VAN WINKLE. I desire to have the amendment to the amendment read.

The Secretary read the amendment to the amendment, which was to insert after the word

"thereof" in the amendment the words "excluding Indians not taxed;" so that the amendment, if amended, would read:

All persons born in the United States, and subject to the jurisdiction thereof, excluding Indians not taxed, are citizens of the United States and of the State wherein they reside.

The question being taken by yeas and nays, resulted—yeas 10, nays 30; as follows:

YEAS—Messrs. Buckalew, Cowan, Davis, Doolittle, Guthrie, Hendricks, Johnson, McDougall, Norton, and Riddle—10.

NAYS—Messrs. Anthony, Clark, Conness, Cragin, Creswell, Edmunds, Fessenden, Foster, Grimes, Harris, Henderson, Howard, Howe, Kirkwood, Lane of Kansas, Morgan, Morrill, Nye, Poland, Pomeroy, Ramsey, Sherman, Stewart, Sumner, Trumbull, Van Winkle, Wade, Wiley, Williams, and Wilson—30.

ABSENT—Messrs. Brown, Chandler, Dixon, Lane of Indiana, Nesmith, Saulsbury, Sprague, Wright, and Yates—9.

So the amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question now is on the amendment of the Senator from Michigan.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The next amendment proposed by the Senator from Michigan [Mr. HOWARD] will be read.

The Secretary read the amendment, which was in section two, line twenty-two, after the word "male," to strike out the word "citizens" and insert "inhabitants, being citizens of the United States;" so as to make the section read:

Sec. 2. Representatives shall be apportioned among the several States which may be included within the Union, according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But whenever, in any State, the elective franchise shall be denied to any portion of its male inhabitants, being citizens of the United States, not less than twenty-one years of age, or in any way abridged, except for participation in rebellion or other crime, the basis of representation in such State shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens not less than twenty-one years of age.

Mr. JOHNSON. Is it supposed that that amendment changes the section as it was before? It appears to me to be the same as it was before, because, although the word "inhabitants" is used, it is in connection with the other words that they are to be citizens of the United States. As it originally stood it read:

But whenever, in any State, the elective franchise shall be denied to any portion of its male citizens.

Mr. FESSENDEN. The object is the same as in the amendment already made, to prevent a State from saying that although a person is a citizen of the United States he is not a citizen of the State.

Mr. HOWARD. The object is to make section two conform to section one, to make them harmonize.

Mr. JOHNSON. I am satisfied.

The amendment was agreed to.

Mr. SAULSBURY. Is it in order now to offer an amendment to the first section?

The PRESIDENT *pro tempore*. There are several more amendments before the Senate, offered by the Senator from Michigan, [Mr. HOWARD,] not yet acted upon. The next amendment offered by him will be read.

The Secretary read the amendment, which was to add at the end of section two the words "in such State."

The amendment was agreed to.

The next amendment was to insert as section three the following:

Sec. 3. That no person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two thirds of each House, remove such disability.

Mr. HENDRICKS. I move to amend the amendment by inserting after the word "shall" in the thirty-seventh line the words "during the term of his office." I presume I understand

the idea upon which this section rests. It is, I suppose, that men who held office, and upon assuming the office took the oath prescribed by the Constitution, became obligated by that oath to stand by the Constitution and the oath, and that going into the rebellion was not only a breach of their allegiance, but a breach of their oath. I presume that is the theory of it; and that persons who have violated the oath to support the Constitution of the United States ought not to be allowed to hold any office. If it does not rest upon that proposition, then I am not able to see why these men should be excluded more than others who have violated their allegiance. Now, sir, what is the obligation prescribed in the sixth article of the Constitution?

"The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution."

I presume that that oath means that in the discharge of the duties of the office the party will support the Constitution of the United States. I have not examined any authorities upon this subject, and have seen no opinion expressed upon it, but I presume that is the meaning and force of the oath. When a Senator of the United States takes the oath to support the Constitution of the United States, it means that, as a Senator, in the discharge of his official duty, he will obey the Constitution, and in no respect violate its provisions. If a member of a State Legislature takes that oath, I presume it means that as a legislator for the State he will respect and obey the Constitution, and when his term of office has expired I suppose the oath ceases to be obligatory upon him, or, rather, that the oath has done its work. If he has obeyed the oath while he held the office, I presume his obedience to it is no longer required by virtue of the oath itself. Everybody, by virtue of his allegiance, is bound to obey the Constitution of the United States, to stand by the Union. But this oath of itself is an oath of office binding upon him as an officer, else why is it that if a Senator taking this oath, serves six years and is reelected, he is sworn again? For the simple reason that he is entering upon another term of service, and for that term of service he must take this official oath to obey the Constitution of the United States. I presume this oath means as if it read, "Senators and Representatives and all other officers in the United States and in the States shall be bound by an oath or affirmation to support the Constitution of the United States in their offices." I know of no other purpose that there can be to require a special oath from an officer.

If this be the proper construction of the oath—and I do not express an opinion upon the subject with a great deal of confidence—then the amendment which I propose to this section ought to be adopted, because after the term of service has expired in any particular office the official oath is satisfied, and the party becomes one of the mass of the community, and if he went into the rebellion he went into it violating his allegiance, like any and all other citizens who with him went into the rebellion. It is for that reason that I propose the amendment.

Mr. HOWARD. I hope this amendment will not be adopted. I do not regard the constitutional oath referred to by the Senator from Indiana precisely in the same light in which he presents it. If I understand him rightly, he holds that although a person may have taken that constitutional oath, if he has not committed insurrection during the continuance of his term of office, but commits that act after the expiration of that term, the previous taking of the oath by him adds to the act no additional moral guilt. I do not concur with him in that view. It seems to me that where a person has taken a solemn oath to support the Constitution of the United States there is a fair moral implication that he cannot afterward commit an act which in its effect would destroy the

Constitution of the United States without incurring the guilt of at least moral perjury. I desire to see such a comment made upon this violation of the oath of office by insurgents as will stigmatize that act for all time to come, and I think the loyal people of the United States are of the same opinion.

Mr. SAULSBURY. I had supposed that the Senate would adopt this amendment without any discussion. The proposition of the Senator from Indiana, in my judgment, is so plain that I did not suppose it could have been questioned, that the oath a person takes when he enters upon the exercise of an office, or as preparatory to the discharge of the duties of an office, relates simply and solely to that office and does not extend beyond it. I never heard the interpretation of the oath of office as given by the Senator from Indiana questioned before. I shall therefore vote for his amendment.

Mr. VAN WINKLE. If I understand the language and effect of this amendment, it is intended to debar those who were under that oath of office at the time they went into rebellion from hereafter holding office either under the State or national Government. I certainly concur with the Senator from Indiana, that the binding force of an official oath only continues as long as the term of the office. If it is the intention to exclude from these privileges any one who has ever held an office under the national Government or the State governments, then the language of the section is correct as it is; but if it is intended to confine it to those who were at the moment of separating themselves from the Government and going over to the rebellion under the obligation of an oath to support the Constitution, then I think the amendment offered by the Senator from Indiana should be adopted. We all admit that the obligation to support the Constitution is as binding on every citizen of the United States as an oath can make it, and that in fact oaths in most cases are of no effect except to have a most solemn acknowledgment of the duty that the oath seems to many to impose; but it does add something to the guilt of the party that at the time he engaged in rebellion he was actually under the obligation of an oath to support the Constitution. I shall favor the amendment if the object is to exclude those who were in the actual exercise of these offices, and therefore under the binding force of their official oaths, at the moment that they embarked in the rebellion. Whatever view the majority have of it of course should govern the language employed; but understanding that the word "oath" is here introduced to designate that class of persons, I shall vote with the Senator from Indiana for his amendment. It would have been sufficient, if the other view was to prevail, to have said that no one who had ever held office under the General or State government should have these privileges, and then there would be no necessity of course for introducing this amendment. I hope that it will prevail, because while it will exclude a very great many it will still leave some to hold office in the southern States, especially in those States where they will have very few qualified persons, and where many, we may infer, have a less degree of guilt at least than those whom this amendment will exclude.

Mr. JOHNSON. I am opposed to the amendment as proposed by the committee, and shall vote, therefore, for the amendment suggested by the member from Indiana, because the former excludes too many persons from eligibility to office. All history shows, as I think, that on the conclusion of a civil war, the more mild, consistently with the safety of the country, the measures are which are adopted the better for the restoration of entire peace and harmony.

The effect of the amendment of the committee will be to embrace nine tenths, perhaps, of the gentlemen of the South, to disfranchise them until Congress shall think proper by a majority of two thirds of each branch to remove the restriction. I have no idea that with

a provision like this, the constitutional amendment will receive the sanction of any southern State, for if the suggestion of the member from Indiana is not adopted then all who have at any time held any office under the United States or who have been in any branch of the Legislature of a State, which they could not be without taking the oath required by the Constitution of the United States, are to be excluded from holding the office of Senator or Representative or that of an elector for President, or any office, civil or military, under the United States; and not satisfied with that, all who have held office under any State, military or civil, legislative or judicial, are to fall within the inhibition.

Mr. FESSENDEN. Those who have been members of a State Legislature.

Mr. JOHNSON. And all that have held judicial office. They are all obliged to take the oath.

Mr. FESSENDEN. The Senator will observe it is following the constitutional provision.

Mr. JOHNSON. I know it is. But all the members of the State Legislature, all the judicial officers of the State, are compelled to take the oath prescribed by the Constitution of the United States; and I suppose it is fair to estimate that persons will be excluded who held office twenty and thirty years ago, as well as those who held office at the time the rebellion broke out. Now, I put it to Senators to say whether they think that these southern States will, with such a restriction as that, accept this constitutional amendment. If the amendment was in separate articles, so that each article might be acted upon separately by the States, the rejection of some of the articles would not be so fatal, perhaps, as will be a rejection of the whole. Suppose the whole is rejected, and it must be if any part is, where are we? Just where we are now. Where are we now? As far as arms are concerned, peace has returned; as far as harmony is concerned, peace is apparently as far off as ever; and what is to be the effect upon the prosperity of the States which are to be kept in this condition of thralldom? Who will go as immigrants into the southern States? Who will invest their capital, who will engage in the cultivation of cotton and of rice and of sugar? And just in proportion as these products are lessened, just so in proportion is the prosperity of the whole country delayed.

I have had occasion to say more than once, and the idea is so fully impressed upon my mind that I hope the Senate will excuse me for reiterating it, that we ought to consider, it is due to justice to consider, it is due to generosity and magnanimity to consider, that many of the men who will be excluded by this constitutional amendment from sharing in the honors of the country believed that the Constitution as it stood gave them the right to secede. Illegal as the notion was in my judgment, yet some of the brightest intellects in the country, North as well as South, maintained the same doctrine; and the war, therefore, in which we have been engaged was not a war like the civil wars which have existed in other countries. It was a war growing out of a difference of constitutional opinion, to say nothing of anything else. The opinion entertained by the South was as honest as was the opinion entertained by the North—wrong, dangerous, unconstitutional, inconsistent as I think it is with the continuance of any Union to be formed out of the States of the United States, but still honestly entertained. Now they have become satisfied by the result of the conflict that their doctrine was one which could not be maintained and never will be suffered to exist as long as the people of the United States are true to the interest and the prosperity and renown of the country.

Why, then, should we exclude the numerous class that will be excluded by this provision? Do you not want to act upon the public opinion of the masses of the South? Do you not want to win them back to loyalty? And if you do,

why strike at the men who, of all others, are most influential and can bring about the end which we all have at heart? That my friend from Indiana properly construes the obligation of that oath I have no doubt. I think every lawyer in the Senate would say, every statesman within the sound of my voice would say, that for no act done after the termination of the official term of the officer, inconsistent with the Constitution of the United States, by him who had been the incumbent of the office, could he be indicted for perjury; and if he could not be indicted for perjury, it could only be because the legal obligation of the oath—I am not speaking now of the moral obligation—expired at the termination of the term of office to which the party had been elected or appointed.

Then as to the moral obligation, what does it add to the force of that moral obligation which allegiance as between the Government and the party owing the allegiance creates? Treason has been committed against the United States, according to the letter of the law and according to our understanding of the law; but it is neither more nor less treason, it is not a milder or more aggravated type of treason, because the parties who may have committed it may at some time or other have taken an oath to support the Constitution of the United States. If any man was indicted who had not taken that oath, he could not be permitted to urge in his defense or in extenuation of his crime that he had never taken an oath to support the Constitution.

But this amendment does not go far enough. I suppose the framers of the amendment thought it was necessary to provide for such an exigency. I do not see but that any one of these gentlemen may be elected President or Vice President of the United States, and why did you omit to exclude them? I do not understand them to be excluded from the privilege of holding the two highest offices in the gift of the nation. No man is to be a Senator or Representative or an elector for President or Vice President—

Mr. MORRILL. Let me call the Senator's attention to the words "or hold any office, civil or military, under the United States."

Mr. JOHNSON. Perhaps I am wrong as to the exclusion from the Presidency; no doubt I am; but I was misled by noticing the specific exclusion in the case of Senators and Representatives. But I submit to the Senate whether it is advisable, whether it is politic, looking to the end which we all seek to accomplish, the true restoration of the Union, a union of hearts as well as a union of hands, that you should exclude the large mass of people from participating in the honors of the Government who will be excluded by this provision.

Mr. GUTHRIE. I am inclined to vote for this amendment without going into a criticism upon the legal effect of the oath. I am against the section altogether on account of its proscriptive nature. I will vote for the amendment, because if it be adopted it will reduce the number to whom the section will apply. I should be glad if now, after having been so many months in session, we had agreed among ourselves as to the conciliation of the South, because conciliation at last is our only true policy; for unless we come to agree with each other; unless we are able again to meet and unite in these Halls as citizens and representatives of a common country, to shape the destinies of that country in Congress, to direct it against embattled nations, if it shall become necessary, we are not a united people.

This third section is not an act of conciliation, it is an act of proscription. It is true it is not as extensive as the third section sent to us from the other House was. I think we have gained an advantage in that respect. That measure was intended to proscribe all the active population of the rebel States, because they all stood by the southern movement. This section as it now stands certainly proscribes the representative men of the South, the men who had influence, and who still have influence in their localities, and who can do more in the

work of conciliation here and elsewhere than all the men that you leave out of it. They are the representative men of the South, they have the confidence of the people of that section of the country. I think they have given abundant evidence that they are satisfied that they have tried the game of secession and given it up honestly and entirely, and are willing to come back to join in the Government heart and hand, and carry forward its flag, looking to the bright destiny of this nation in the future. The amendment will make the section less proscriptive, diminish the number which fall victims under its rule, and for that reason I shall vote for it. Now is the hour for conciliation, now is the time to trust in the South.

Mr. HENDRICKS. It is proper, perhaps, I should say that I do not expect to vote for the third section whether the amendment which I propose be adopted or not; but I suppose that I understood the purpose of the caucus, from which this amendment came, to be to exclude the men who violated their oath of office when they went into the rebellion, who added moral perjury to the crime of violating their allegiance. I thought the language went further than the caucus intended, and therefore I moved this amendment with a view of confining the section to the very case which I had a right to presume was intended to be met. If my amendment be adopted, it will leave the section to exclude all persons who at the time they went into the rebellion were under the obligation of an official oath to support the Constitution of the United States.

Mr. SHERMAN. I would ask my friend, the Senator from Indiana, whether it excludes those who resigned an office in the United States Army, for instance, for the purpose of going into the rebellion. Does not his amendment exclude from the operation of the section those who held office under the United States, resigned it, and then went into the insurrection, as in the case of General Lee?

Mr. HENDRICKS. I think not. If the Senator will observe the language he will see that it has not the effect which he fears. I use the words "during the term of his office." A man's term does not expire because he resigns his office. If a man holds an office the term of which the law fixes at four years, the term is four years. If he holds an office during good behavior, the term is thus fixed; the resignation of an officer does not put an end to the term; that is judicially settled. In some of the States, for political purposes, it is provided in the constitution that a man elected to a judicial office shall not, during the term of the office for which he was elected, be eligible to any other office. Judicial officers holding office under a constitution like that have resigned during the term and been elected to other offices, executive, perhaps, in their character, and the courts have always held that they could not take the office to which they were elected when the term of the previous office was fixed by law. That is clear law, I presume, so that I think the word "term" excludes all men who, at the time they went into the rebellion, were under the obligation of an official oath to support the United States Constitution.

Mr. VAN WINKLE. I hope the Senator will make that point clear.

Mr. HENDRICKS. If these words will make it any more conclusive, I am willing to say, "during the term of office for which he was elected or appointed;" but I think the expression "during the term of the office" is equally comprehensive.

Mr. SHERMAN. I do not know that it is worth while to discuss the precise effect of the amendment, because I think the Senator from Indiana is satisfied that his amendment will not prevail; but the objection which occurred to me the moment it was offered was, that it would relieve from the operation of the third section the very men who ought to be excluded from ever hereafter holding office under the United States. Take the case of Senators holding seats as members of this body who resigned

their seats here and went directly to the South and took up arms. The term of their office in some cases expired by limitation on the 4th of March after they retired from here, and before they actually took up arms; and yet, on leaving this Senate Chamber, they proceeded to the South and organized rebellion, and they would be relieved from the operation of this section by the amendment of the Senator from Indiana.

So in the case of officers of the Army and Navy, all of whom had sufficient respect for the oath which they had taken to resign their offices and to see carefully that their resignations were accepted, so that the termination of their office was authenticated in the records of the War Department and the Navy Department. Then, having put an end to their offices under the United States, they proceeded to the South and organized rebellion against the Government of the United States. They would, in my judgment, be relieved from the operation of the third section.

But I take it all of us understand the meaning of the third section. It is that, for a time at least, all who have violated not only the letter but the spirit of the oath of office they took when they became officers of the United States, and took the oath to support the Constitution of the United States, shall not hold office until a state of affairs shall come when two thirds of both Houses may, by a general amnesty, wipe out all these disabilities; and it seems to me that this is a reasonable stipulation, one that the United States may exact. After the attempted revolution in England in 1745, the English Government was considered extremely liberal when, two years after the Pretender had been overthrown by force of arms, all the pains and penalties imposed by Great Britain on his adherents were removed, except the power to hold office; and I believe all who took part in that rebellion were forever disfranchised from holding an office of honor, trust, or profit in the kingdom of Great Britain. It was considered extremely liberal that all the other penalties of treason were removed.

The effect of this section is simply to remove all the penalties that rest on these men for treason except the power to hold office; and if a new generation of men should hold all the offices in the southern States; if the young men who are now growing up should hold all the offices of honor, trust, and profit there, I think no harm would result. If those men who have once taken an oath of office to support the Constitution of the United States and have violated that oath in spirit by taking up arms against the Government of the United States are to be deprived for a time at least of holding office, it is not a very severe stipulation.

Mr. HENDRICKS. I ask for the yeas and nays on my amendment.

The yeas and nays were ordered; and being taken, resulted—yeas 8, nays 34; as follows:

YEAS.—Messrs. Buckalew, Davis, Guthrie, Hendricks, Johnson, Riddle, Saulsbury, and Van Winkle—8.

NAYS.—Messrs. Anthony, Chandler, Clark, Cowan, Conness, Cragin, Creswell, Doolittle, Edmunds, Fessenden, Foster, Grimes, Harris, Henderson, Howard, Howe, Kirkwood, Lane of Indiana, Lane of Kansas, Morgan, Morrill, Norton, Nye, Poland, Pomeroy, Ramsey, Sherman, Stewart, Sumner, Trumbull, Wade, Wiley, Williams, and Wilson—34.

ABSENT.—Messrs. Brown, Dixon, McDougall, Nesmith, Sprague, Wright, and Yates—7.

So the amendment to the amendment was rejected.

Mr. JOHNSON. I move now to amend the amendment by striking out all after "States" in line thirty-five down to the word "State" in line thirty-six. The words which I propose to strike out are "or as a member of any State Legislature, or as an executive or judicial officer of any State." I ask for the yeas and nays on this.

The yeas and nays were ordered.

Mr. COWAN. I am opposed to this section *in toto*. I am opposed to the infliction of punishment of any kind upon anybody unless by fair trial where the party himself is summoned and heard in due course of law. I am

as much opposed to a bill of pains and penalties, or to the exercise of judicial power by Congress through the medium of an amendment to the Constitution, as I am opposed to it in an act of Congress where it is expressly forbidden, and in any vote which I give upon propositions to modify this section I do not wish to be understood as being willing to vote for that principle in any event.

The question being taken by yeas and nays, resulted—yeas 10, nays 32; as follows:

YEAS—Messrs. Buckalew, Cowan, Davis, Doolittle, Guthrie, Hendricks, Johnson, Norton, Riddle, and Saulsbury—10.

NAYS—Messrs. Anthony, Chandler, Clark, Conness, Cragin, Creswell, Edmunds, Fessenden, Foster, Grimes, Harris, Henderson, Howard, Howe, Kirkwood, Lane of Indiana, Lane of Kansas, Morgan, Morrill, Nye, Poland, Pomeroy, Ramsey, Sherman, Stewart, Sumner, Trumbull, Van Winkle, Wade, Willey, Williams, and Wilson—32.

ABSENT—Messrs. Brown, Dixon, McDougall, Nesmith, Sprague, Wright, and Yates—7.

So the amendment to the amendment was rejected.

Mr. JOHNSON. I now move to amend the amendment by striking out in line thirty-three the words "having previously taken" and inserting "at any time within ten years preceding the 1st of January, 1861, had taken;" so as to make it read:

No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who at any time within ten years preceding the 1st of January, 1861, had taken an oath as a member of Congress, &c.

I ask for the yeas and nays on this proposition.

The yeas and nays were ordered; and being taken, resulted—yeas 10, nays 32; as follows:

YEAS—Messrs. Buckalew, Cowan, Davis, Doolittle, Guthrie, Hendricks, Johnson, Norton, Riddle, and Saulsbury—10.

NAYS—Messrs. Anthony, Chandler, Clark, Conness, Cragin, Creswell, Edmunds, Fessenden, Foster, Grimes, Harris, Henderson, Howard, Howe, Kirkwood, Lane of Indiana, Lane of Kansas, Morgan, Morrill, Nye, Poland, Pomeroy, Ramsey, Sherman, Stewart, Sumner, Trumbull, Van Winkle, Wade, Willey, Williams, and Wilson—32.

ABSENT—Messrs. Brown, Dixon, McDougall, Nesmith, Sprague, Wright, and Yates—7.

So the amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Senator from Michigan, [Mr. HOWARD,] to insert the words which have been read as the third section of the proposed article of amendment to the Constitution.

Mr. VAN WINKLE. I am induced, by a remark made by the Senator from Ohio, to make an inquiry. I understood him to say that the meaning of the last clause of this section, which clause tends to reconcile me to the whole section, is that there can only be a general removal of the disability by a general amnesty; and although he did not say distinctly that there could not be a removal of the disability in an individual case, I should like to know what is the understanding, at least of the mover of this proposition, in reference to that point. This is to go into our Constitution and to stand to govern future insurrection as well as the present; and I should like to have that point definitely understood. I would suggest, although I do not make the motion, that instead of "two thirds of each House" we should insert "a majority of all the members elected to each House." It strikes me that it is very difficult to get a two-thirds majority unless under very peculiar circumstances on anything, and that a majority of all the members elected to each House, which is being substituted for the two-thirds vote in many of our State Legislatures, would be sufficient in the present case.

Mr. HOWARD. If I understood the inquiry put by the honorable Senator from West Virginia, it was whether the latter clause in section three would not require a general act to be passed by Congress removing the disabilities in all cases. I do not so understand the clause. I understand that the clause gives to Congress full discretionary power to grant an amnesty in an individual case, when applied

for, or a part of the whole. Any portion of persons here proscribed may be pardoned, or rather this disability may be removed as to any portion of them in detail or in gross. In short, I regard it as a discretionary authority given to Congress, to be exercised by Congress in individual instances, or in any other form that Congress may see fit to exercise the power. I entertain no doubt whatever that such will be the construction that will be put upon it.

Mr. VAN WINKLE. I am entirely satisfied with the explanation; but I was induced to make the inquiry by a remark of the Senator from Ohio, who, I supposed, spoke with knowledge, that it only applied to a general amnesty. The language certainly would cover the removal of the disability in individual cases.

Mr. SHERMAN. I did not hear the Senator from West Virginia, and I beg him to repeat his statement.

Mr. VAN WINKLE. I say I am satisfied with the explanation made by the Senator from Michigan; but I had understood the Senator from Ohio while up a few moments ago to give the last clause of this amendment the interpretation that it would not be in the power of Congress to remove the disability in individual cases. I understood the Senator from Ohio to say that Congress would have the power by a general amnesty to remove this disability. The Senator spoke generally. He may not have intended to contradict the other power; and I made the inquiry to be certain on that point.

Mr. SHERMAN. I have no doubt that the larger power includes the other. The power to make a general amnesty would include the power to make an amnesty as to classes or particular individuals. I do not think there is any doubt about that.

Mr. SAULSBURY. I move to amend the amendment by inserting after the word "House" in the fortieth line, the words "and the President may by the exercising of the pardoning power;" so as to make the clause read:

Congress may by a vote of two thirds of each House, and the President may by the exercise of the pardoning power, remove such disability.

Mr. HOWARD. I hope that amendment will not be adopted.

Mr. SAULSBURY. I call for the yeas and nays upon it.

The yeas and nays were ordered; and being taken, resulted—yeas 10, nays 32; as follows:

YEAS—Messrs. Buckalew, Cowan, Davis, Doolittle, Guthrie, Hendricks, Johnson, Norton, Riddle, and Saulsbury—10.

NAYS—Messrs. Anthony, Chandler, Clark, Conness, Cragin, Creswell, Edmunds, Fessenden, Foster, Grimes, Harris, Henderson, Howard, Howe, Kirkwood, Lane of Indiana, Lane of Kansas, Morgan, Morrill, Nye, Poland, Pomeroy, Ramsey, Sherman, Stewart, Sumner, Trumbull, Van Winkle, Wade, Willey, Williams, and Wilson—32.

ABSENT—Messrs. Brown, Dixon, McDougall, Nesmith, Sprague, Wright, and Yates—7.

So the amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the amendment offered by the Senator from Michigan to insert certain words as the third section.

Mr. HOWARD. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DOOLITTLE. I will state briefly why I cannot vote for this amendment as a substitute for the third section of the resolution which has been stricken out. My first reason is that by a law of Congress now all persons mentioned in this section are excluded from holding any of these offices. The oath that is required by a law of Congress to be taken by every person holding an office under the United States—

Mr. TRUMBULL. Does that prevent their holding a State office?

Mr. DOOLITTLE. No; it does not prevent the holding of a State office, but it prevents them from holding any office under the Government of the United States, and that is as far as I think we ought to go. No person can be a Senator or Representative in Congress, or an elector of President and Vice President,

or hold any office, civil or military, under the United States, under the law as it now stands, who does not take an oath that he has not participated in the rebellion. The oath which we require at their hands prevents any such persons from holding any such offices. That law is upon our statute-book. That law will remain upon the statute-book just as long as Congress in its judgment shall think best to retain it. And, sir, there is, in my judgment, no danger whatever, no apprehension, that that law will be taken from our statute-book so long as the public interests require that it should there remain. Therefore, in my judgment, it is not necessary to adopt any such constitutional amendment, because this amendment contains a clause putting it in the power of Congress to put an end to the effect of this provision. It is true that it requires two thirds of Congress in order to do it, whereas under the law as it now stands a majority of Congress could change the existing law on that subject. What I maintain is this: Congress is the representative of the American people; Congress speaks the will of the American people, and I do not think that it is in accordance with our system of government, which presumes that Congress speaks for the people, to suppose that a majority of Congress will repeal this oath until a majority of the people of the United States are in favor of doing so; and when a majority of the people are in favor of universal amnesty they have a right to express that opinion and to have universal amnesty.

I undertake to say that upon no principle of statesmanship or Christianity, whether you derive your conclusions from the experience of history, the teachings of Christianity, or the teachings of a wise statesmanship, can you desire to retain in this country any considerable portion of its people who shall be under the ban of eternal proscription. What, Mr. President, is the duty of the Government, having suppressed the rebellion? It is to punish the guilty leaders under the law of the land; it is to bring them to punishment; and the duty of Congress is, if there is anything which stands in the way and which Congress can remove, to pass such laws as may expedite the trials of the great offenders. The great offenders should be tried and punished, and those that you do not try and do not punish should not be held under proscription, the unrelenting, eternal enemies of the Republic.

Again, Mr. President, this provision, if it passes, will have the effect of putting a new punishment, not prescribed by the laws, upon all those persons who are embraced within its provisions. Nobody can doubt that. It is in the nature of a bill of pains and penalties, imposed by constitutional enactment it is true, but it is a punishment different from the punishment now prescribed by law. What is the effect of adopting it? What is the legal effect of adopting a new punishment for an offense which has already been committed? It repeals the old punishment, and that cannot be inflicted. If to-day the punishment for the crime of murder is death, and to-morrow you change your punishment to imprisonment for life, the old penalty is repealed; it cannot be inflicted upon a culprit who has been guilty previous to the passage of the law. Such has been decided by the courts many times to be the law; and if by a constitutional amendment you impose a new punishment upon a class of offenders who are guilty of crime already, you wipe out the old punishment as to them, not as to those who are not embraced within this. This only embraces a particular class of individuals who have taken an oath to support the Constitution of the United States. Now, I do not propose to wipe out the penalties that these men have incurred by their treason against the Government; but I would punish a sufficient number of them to make treason odious. I would punish the leaders, those who were instrumental in bringing on this rebellion; but to the masses I would give amnesty.

Mr. NYE. How many would you like to hang?

Mr. DOOLITTLE. The Senator himself stated the other day that five or six would be enough to hang.

Mr. NYE. Do you acquiesce in that?

Mr. DOOLITTLE. I think I ought to be satisfied if the Senator from Nevada is satisfied with five or six.

But, Mr. President, I have another objection which weighs, perhaps, still more upon my mind than those I have stated. The insertion of this section into this constitutional amendment, if these provisions are not to be submitted separately, tends to prevent the adoption of the amendment by a sufficient number of States to ratify it. You say every day that you cannot get a jury under the laws of several of the States, Virginia and others; that to-day the state of public opinion is such that you cannot get a jury who would convict a person of crime, and yet you propose to submit this constitutional amendment to be passed upon by the people of those States to determine the question whether they will adopt a constitutional amendment upon a popular vote, which constitutional amendment on its face declares that all of those men who have ever taken an oath to support the Constitution of the United States are forever to be excluded from holding office under the United States or within the State unless two thirds of Congress will consent to give them the privilege.

Sir, what States will adopt it? It is possible that some one, two, perhaps three, of those States to be affected by this amendment may adopt it.

Mr. LANE, of Kansas. Four will accept that part of it.

Mr. DOOLITTLE. What four?

Mr. LANE, of Kansas. Virginia, Tennessee, Arkansas, and Louisiana. I saw some gentlemen on Monday from Tennessee, and talked with them about this particular clause, and they told me it would be the most popular thing that could be tendered. And the very men that you want to hang ought to accept it joyfully in lieu of their hanging. [Laughter.]

Mr. DOOLITTLE. The Senator from Kansas, perhaps, has information on this subject that other Senators do not possess.

Mr. LANE, of Kansas. I saw those gentlemen on Monday.

Mr. DOOLITTLE. I do not know who those particular gentlemen were. Were they the gentlemen that deserved hanging or not? [Laughter.]

Mr. LANE, of Kansas. They were conservatives from Tennessee.

Mr. DOOLITTLE. Mr. President—

Mr. SHERMAN. If it will not interrupt my friend from Wisconsin I should like to ask him a question, whether there is in history an example of an insurrection of the most ordinary character terminating with no punishment to any man, no deprivation of property, no deprivation of franchise, no deprivation of any right whatever except the right to hold office; whether ever more generous terms were held out to persons who had been engaged in insurrection than are here proposed?

Mr. DOOLITTLE. I understand, then, my friend, the Senator from Ohio, to admit that adopting this section does away with all further punishment.

Mr. SHERMAN. No; I do not think this will prevent your hanging four or five.

Mr. DOOLITTLE. I understood the Senator by his question to admit that adopting this repeals all other penalties as against the men included within the section.

Mr. SHERMAN. Not at all. If the Senator wants to take the blood of four or five I am perfectly willing.

Mr. DOOLITTLE. Mr. President, I deem this entirely unnecessary, as I stated at the beginning. I deem it as the adoption of a new punishment as to the persons who are embraced within its provisions, and therefore the abolition of the existing punishment; and I deem it as tending to prevent the adoption of the amendment by a sufficient number of States to secure the ratification of the other

part of the constitutional amendment. If this is to be inserted as a part of the amendment, to be submitted as a part and parcel of the whole, so that the whole must be taken together and the different sections shall not be acted upon separately, it will tend to prevent its adoption, and preventing its adoption has no other tendency or effect than to keep open this difficulty for years to come.

Mr. TRUMBULL. I do not suppose we shall get any vote on this matter to-night. If I thought so I should not take up any time; but I can hardly forbear saying a word or two in reply to the Senator from Wisconsin, [Mr. DOOLITTLE.] They seem to have peculiar notions in Wisconsin in regard to offices, and the Senator who has just taken his seat regards it as a punishment that a man cannot hold an office. Why, sir, how many suffering people there must be in this land! He says this is a bill of pains and penalties because certain persons cannot hold office; and he even seems to think it would be preferable in some instances to be hanged. He wants to know of the Senator from Ohio if such persons are to be excepted. This clause, I suppose, will not embrace those who are to be hanged. When hung they will cease to suffer the pains and penalties of being kept out of office. I recollect having seen in the newspapers—I do not know whether it is true or not; I very seldom allude to newspaper articles—but I saw in some of the newspapers that an officer of this Government, who was supposed to control some patronage in the minor offices of the country, spoke of the officers as "eating the bread and butter of the President." I recollect the Senator from Wisconsin himself, in a speech some days ago, spoke of the President's officers. The President has got no officers.

Mr. DOOLITTLE. I never stated that.

Mr. TRUMBULL. The Senator spoke of their being responsible to the President.

Mr. DOOLITTLE. So I did, and that is a fact.

Mr. TRUMBULL. How so?

Mr. DOOLITTLE. They are responsible to the President.

Mr. TRUMBULL. They are responsible to the law of the land and not to the President.

Mr. DOOLITTLE rose.

Mr. TRUMBULL. Let the Senator keep cool. I undertake to say that a person holding office, who does not acknowledge his responsibility to the law and his oath of office, but to a President, is not fit to be an officer. No officer is responsible to the President, but his responsibility is to the law under which he acts. The President is not omnipotent in this country. He does not create offices; he cannot appoint an individual to the humblest office in the land except in pursuance of the Constitution and the law. He himself is responsible to the Constitution and the law, and so is the most inferior postmaster in the land. This idea that the offices of this country belong to the President, that men eat his bread and butter, is very erroneous. Why, sir, the President feeds nobody. It is derogatory to the position of any man who holds an office to talk of his eating the bread and butter of the President and being responsible to the President and not to his oath of office, to the law and the Constitution.

Why, sir, who ever heard of such a proposition as that laid down by the Senator from Wisconsin, that a bill excluding men from office is a bill of pains and penalties and punishment? The Constitution of the United States declares that no one but a native-born citizen of the United States shall be President of the United States. Does, then, every person living in this land who does not happen to have been born within its jurisdiction undergo pains and penalties and punishment all his life, because by the Constitution he is ineligible to the Presidency? This is the Senator's position.

But he tells us that there is no necessity for this clause; and why? Oh, we have a law that excludes from office every one of these individuals. Have we? How long is it since the

Senator from Wisconsin stood up in this body and with loud voice proclaimed to the Senate and the nation that each House should judge for itself whether members should be admitted into the body, and that Congress had no right to decide upon it? Now he tells us that we have a law which excludes all these persons from office, and he does not want it in the Constitution. How long is it since he argued and urged here that the Senate should decide for itself whether the rebellious States were fit to be represented or not? To-day he tells us we have a law which prevents each House from admitting disloyal persons. I am glad the Senator is disposed to obey the law; and I trust we shall hear no more of his saying that it is for the Senate exclusively to decide, irrespective of law, whether persons are to be admitted to seats.

I know that each House is the judge of the elections, the qualifications, and the returns of its own members under the Constitution; but each House is not made the judge of whether there is a constituency authorized to representation or not. That is a question proper to be decided by the joint action of both Houses. Each House may have the physical power to decide it, but Senators have no right to vote that the representatives of Maximilian in Mexico, of Napoleon in France, or of the people of Canada, shall be admitted to seats here; and they have just as little right to admit the representatives of any other people not recognized by law as entitled to representation, as they have to admit representatives from Mexico, or France, or Canada. But the Senator says that this provision excluding leading rebels from office will not be accepted in the South. Sir, has it come to this, that the leaders of the infamous rebellion who undertook to overthrow the Government, who marshaled armies and maintained a war against it for four or five years, when put down by force of arms cannot be deprived of the privilege of holding offices? The Senator says the South will not accept it; but, sir, they have gone further than this in Maryland, in Tennessee, in West Virginia, in Missouri. Everywhere in the South where loyal men have the control they not only exclude the leading traitors from office, but also from the right of suffrage.

Mr. LANE, of Kansas. And so in Arkansas.

Mr. TRUMBULL. In Arkansas also, I am reminded by the Senator from Kansas. Sir, the object of this provision is to place these rebellious States in the hands of loyal men. Is the Senator from Wisconsin opposed to it? Does he want to put the control of these States in the hands of disloyal men? If he does not, then vote for this provision. That is all there is to it, and if the time ever comes, as I trust it will, when these leaders shall be cured of their malignity toward the Union, when they shall be willing to treat loyal men and Union men fairly and justly, it will be in the power of Congress to remove the disability; and if the people of these localities are then willing to trust the repentant rebels they can elect them to office. Sir, it is intended to put some sort of stigma, some sort of odium upon the leaders of this rebellion, and no other way is left to do it but by some provision of this kind. The Senator wants it in a law. Sir, what would it be good for in a law? So far as the members of this body and of the other House are concerned, the Constitution of the United States has provided the qualifications for a Senator and for a Representative, and it has been held more than once that it is incompetent to add to those qualifications by law. You may do it by a change of the Constitution, and hence the propriety of putting it here. The test oath is a different thing. The oath does not go to the qualification, but to the discharge of the duties subsequently, and the requirement of the oath may be constitutional when a direct disqualification imposed by law would not be constitutional.

That is a proposition, however, which I do not propose to argue at this time. I rose merely to repel the idea that it was imposing

pains and penalties to deprive a man from holding office. I rose to repel the idea that the offices of this country belonged to the President, and that men who held them were living upon his bounty; to show that the oath was not a sufficient protection; and that to have the proper protection against leading rebels being elevated to office, not by Union men but by the rebels, it was necessary to insert a clause of this kind. We find that every southern State which is in the hands of loyal men, although it may have been formerly engaged in this rebellion, has not only excluded from office, but from the right of suffrage also, all the leading traitors; and, sir, I apprehend that this proposition will be a popular provision with loyal men, and how the disloyal regard it is not a matter of so much consequence.

Mr. DOOLITTLE. Mr. President—

Mr. HENDRICKS. If the Senator will yield I will move an adjournment.

Mr. GRIMES. Let us go into executive session.

Several SENATORS. It is too late.

Mr. HENDRICKS. If there is any business in executive session desirable to be done, I will give way.

Mr. GRIMES. I move that the Senate proceed to the consideration of executive business. ["No, no; it is too late."]

The PRESIDING OFFICER, (Mr. POMEROY in the chair.) The Senator from Iowa moves that the Senate proceed to the consideration of executive business.

Several SENATORS. Let us adjourn.

The question being put on Mr. GRIMES's motion, a division was called for.

Mr. SHERMAN. If there is any controversy about it, I move that the Senate adjourn.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, May 30, 1866.

The House met at twelve o'clock m.

The Journal of yesterday was read and approved.

CALL OF COMMITTEES.

The SPEAKER stated the first business in order to be the call of committees for reports, commencing with the select committee on war debts of loyal States.

WAR DEBTS OF LOYAL STATES.

Mr. BLAINE. I am instructed by the committee on war debts of loyal States to report a bill to reimburse the States which have furnished troops to the Union Army for advances made and expenses incurred in raising the same. On a conference with the members of the special committee and the friends of this bill generally in the House, I find an indisposition to consider and press it at this time. I have, therefore, yielded my own judgment in regard to it and make the following motion: that the bill be recommitted to the select committee on war debts of loyal States, and that the same be continued as now organized, with leave to report at the next session, by bill or otherwise.

There was no objection, and it was ordered accordingly.

WAR DEBTS OF KANSAS.

Mr. BLAINE, from the same committee, reported back House bill No. 259, to reimburse the State of Kansas; which was referred to the Committee on Appropriations.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. FORNEY, its Secretary, notifying the House that that body had passed House bill No. 11, to facilitate commercial, postal, and military communication among the several States; with amendments, in which he was directed to ask the concurrence of the House.

AIR-LINE RAILROAD.

Mr. STEVENS. I am instructed by the select committee on a military and postal railroad from Washington to New York to report back House bill No. 91, to authorize the build-

ing of a military and postal railroad from Washington, District of Columbia, to the city of New York. I do not see the gentleman from Maryland [Mr. F. THOMAS] in the House, and such being the case, I move that the bill be recommitted, and now enter a motion to reconsider, giving notice that I shall call it up in about a week.

It was ordered accordingly.

RAILROAD LINE TO THE NORTHWEST.

Mr. STEVENS, from the same committee, reported back House bill No. 527, to promote the construction of a line of railroads between the city of Washington and the Northwest, for national purposes.

The bill, which was read, is as follows:

A bill to promote the construction of a line of railroads between the city of Washington and the Northwest, for national purposes.

Whereas there is now a complete line of railroad between the city of Washington and Cumberland, in Allegany county, in the State of Maryland, which is about being shortened nearly fifty miles by a line from said city of Washington to the Point of Rocks, on the Potomac river, in Frederick county, in said State; and whereas a company has been incorporated by the State of Maryland to construct a railroad from Cumberland aforesaid to the Pennsylvania line in the direction of Pittsburg, designed to connect with a railroad in Pennsylvania to the latter city; and whereas the Pittsburg and Connellsville Railroad Company, incorporated by the State of Pennsylvania, has completed a railroad from Pittsburg to Connellsville, on a line to connect with the Maryland road aforesaid; and whereas but a comparatively short distance between Cumberland and Pittsburg remains to be completed to furnish, with the railroad between Washington and Cumberland, a direct railroad communication, by a short and advantageous route, between Washington city and Pittsburg, and the connections with the Northwest from the latter city; and whereas the Legislature of Pennsylvania has attempted to create impediments in connecting the railroad so as aforesaid authorized to be built in Pennsylvania and Maryland, which prevent at this time the completion of a work of national importance, and has thereby attempted to impair the value of a franchise under which the citizens of Maryland and Pennsylvania have made large investments; and whereas it is proper for military and postal purposes, and especially to facilitate and regulate commercial intercourse among the States: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Pittsburg and Connellsville Railroad Company of Pennsylvania and the Pittsburg and Connellsville Railroad Company of Maryland be, and they are hereby, authorized to complete their respective works, and to unite the same so as to form one continuous line between Cumberland and Pittsburg, according to the powers given to the said companies in and by their respective charters as originally granted, and the supplements thereto, so far as they are not inconsistent with the provisions of this act.

SEC. 2. And be it further enacted, That if any person shall willfully do, or cause to be done, any act or acts whatever whereby any building, structure, or other work, or any engine, car, or machine, or other property appertaining to the railroad so to be constructed shall be injured, impaired, destroyed, or stopped, the person or persons so offending shall be guilty of a misdemeanor, and, on conviction thereof by any court of competent jurisdiction, shall be punished by fine not less than \$1,000 nor more than \$5,000, or by imprisonment not less than one year nor more than five years, or both, at the discretion of the court, and shall also forfeit and pay to the parties aforesaid, their associates, successors, or assigns, double the amount of damages sustained by means of such offenses, to be recovered by the parties aforesaid, with costs of suit, by action of debt or case.

SEC. 3. And be it further enacted, That the lines of railway carrying the mails of the United States which may be or are now constructed under the authority of either of the States through which the railroad hereby authorized shall pass, and all railroads in the United States, by their connections, shall have the right to connect for the purpose of transportation with the said railway company, as aforesaid, on fair and equal terms, as now customary upon main lines in the United States: Provided, That the said lines of railway so claiming the right to connect shall reciprocate in traffic with the line hereby authorized, upon the same terms and without any discrimination or prejudice against it. Such connecting lines shall have the right to sell through tickets, check through baggage, and transport freights in such manner and upon such terms as are customary between connecting lines of railway. And through tickets, through checks for baggage, and through receipts for freights shall be furnished by the line hereby authorized over such lines of railway as may connect with it, and as the traveler and shipper or consignor may select, and without discrimination or prejudice to any one or more of said connecting lines of railway.

SEC. 4. And be it further enacted, That if any suit or proceeding, either in law or equity, or any criminal prosecution, shall be commenced in any State court against the said companies, their successors, or assigns, or any person authorized or employed by them, for any act done or omitted to be done in and about the construction and use of the railroad hereby authorized under and by virtue of this act, or to restrain, by injunction or otherwise, the construction, com-

pletion, or operation of the said railroad, or for any damages growing out of the use of the same, or construction thereof, and the defendant shall, at the time of entering his appearance or within thirty days thereafter, in such courts in said action or proceeding, file a petition, stating the facts and verified by affidavits, for the removal of the cause for the trial at the next circuit court of the United States to be holden in the district where such suit or prosecution is pending, and offer good and sufficient security for his filing in such circuit court, on the first day of its next session, copies of the process and other proceedings against him in such State court, and also for his appearing in such circuit court, and entering special bail in the cause of proceeding, (if special bail was originally required therein,) it then shall be the duty of the State court to accept the security, and proceed no further in the cause or prosecution; and the bail that shall have been originally taken in such State court shall be discharged. And upon such copies being filed as aforesaid, in such circuit court of the United States, the cause or prosecution shall proceed therein in the same manner as if it had been brought in such circuit court, whatever may be the amount in dispute or the damage claimed, or whatever may be the citizenship of the parties, any law to the contrary notwithstanding. And any attachment of the goods or the estate of the defendant by original process from such State court shall hold the goods and estate so attached to answer the final judgment, in the same manner as by the laws of such State they would have been holden to answer final judgment had it been rendered in the court in which the suit or prosecution was commenced; and from any final judgment rendered in any such suit or prosecution by such circuit courts, writ of error shall lie to the Supreme Court of the United States, whatever may be the amount of such judgment, any law to the contrary notwithstanding.

SEC. 5. And be it further enacted, That the said line of railroad, with the ferries, crossings, bridges, and roadway, hereby authorized to be constructed, and the parts of existing railways which may become a part of the said road, shall be deemed and considered a national public highway and post road, with which all the principal railway lines and mail routes in the United States, either now constructed or hereafter to be constructed, shall have the right to connect for transportation purposes on fair and equitable terms. And such connecting lines shall, at all times, have the right to sell through tickets and check through baggage, in such manner and upon such terms as are now or may hereafter be customary between the connecting lines of the country. And the corporation herein mentioned shall, so far as may be practicable, furnish through tickets to passengers and through checks for baggage over such connecting lines of railway as the traveler may select, and without discrimination or prejudice to any one or more of said connecting lines. And the company shall provide all their night passenger trains a sufficient number of first-class sleeping-cars with all modern improvements and all proper and necessary bedding to fully accommodate the public, and the tariff of prices in addition to the regular rate of fare shall not exceed three dollars for a stateroom, one dollar for a double and fifty cents for a single berth.

SEC. 6. And be it further enacted, That said corporations shall make an annual report of their operations to the Secretary of the Interior in such form and containing such items of information as he may prescribe; said report to be verified by the certificates, under oath, of the president, treasurer, chief engineer, and general superintendent of such corporations or railways.

SEC. 7. And be it further enacted, That the said corporations shall, as soon as practicable, so commence and prosecute the work of constructing and equipping said railroad that it shall be fully completed and equipped in three years from and after the passage of this act.

SEC. 8. And be it further enacted, That this act shall be deemed and taken as a public act, and as such, notice shall be taken of it by the courts, without the necessity of pleading the same.

Mr. STEVENS. Unless some gentleman desires to oppose the bill, I shall call for the previous question.

Mr. BLAINE. I do not know that I am opposed to the bill, but I should like to have some explanation of it. It strikes me as a most extraordinary bill on which to demand the previous question. I think it ought to have an amendment that the county commissioners throughout the United States shall be abolished and let Congress do their duties.

Mr. STEVENS. If the gentleman will move to confine the operations to his own county in Maine, I will not object.

Mr. BLAINE. My own county is not one that invokes the special power of Congress for such a purpose.

Mr. STEVENS. I call the previous question.

Mr. BLAINE. I hope we shall have some little discussion.

The question being taken on seconding the demand for the previous question, no quorum voted.

Tellers were ordered; and Messrs. STEVENS and ANCONA were appointed.

Mr. FARNSWORTH. Is this a bill to open communication with the West?

Mr. STEVENS. Yes, sir; by the Baltimore and Ohio railroad to Pittsburg.

The House divided; and the tellers reported—ayes 66, noes 28.

So the previous question was seconded.

The main question was then ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time.

Mr. ELDRIDGE. I call for the reading of the engrossed bill.

The SPEAKER. It is not here, and the bill goes to the Speaker's table.

Mr. STEVENS. What will be its condition?

The SPEAKER. After the morning hour the majority may make an order to go to the business on the Speaker's table, and then it will come up.

Mr. STEVENS. I do not consider that a fair way of opposing it.

Subsequently Mr. STEVENS moved to reconsider the vote by which the bill was ordered to be engrossed and read a third time.

CLEVELAND AND MAHONING RAILROAD.

Mr. GARFIELD, from the select committee on a military and postal railroad from Washington to New York, reported back House bill No. 537, to authorize the Cleveland and Mahoning Railroad Company, a corporation created and existing under the laws of the States of Ohio and Pennsylvania, to continue and construct the railroad of said company from the village of Youngstown, Mahoning county, in said State of Ohio, to and into the said State of Pennsylvania, and thence by the most advantageous and practicable route to the city of Pittsburg in said State of Pennsylvania, and to establish said road as a military, postal, and commercial railroad of the United States.

The question was on ordering the bill to be engrossed and read a third time.

The bill was read in full.

Mr. LE BLOND. I wish to inquire in what stage this bill is before the House.

The SPEAKER. It was read a first and second time, referred to the committee, and reported back; and the question now is on ordering it to be engrossed and read a third time.

Mr. LE BLOND. I have not had an opportunity to examine the bill, but it seems to embrace features which, if I understand them aright, I can under no circumstances vote for. I therefore call for the reading of the engrossed bill.

Mr. GARFIELD. The gentleman cannot do that until it has been ordered to be engrossed.

The SPEAKER. After the previous question is seconded and the main question ordered, if the bill is ordered to be engrossed the gentleman can then demand the reading of the engrossed bill.

Mr. LE BLOND. I shall reserve that right.

Mr. GARFIELD. The grounds on which this bill is based are almost identical with those which gave rise to the Pittsburg and Connellsville bill that has just passed to its third reading, and is now on the Speaker's table awaiting engrossment. I desire to explain, in a few words, the points involved in both these measures.

In 1851 the State of Ohio, before we had a general railroad law, chartered the Cleveland and Mahoning Railroad Company, and authorized it to construct a railroad from the city of Cleveland to Youngstown, and thence down the Mahoning valley to the Pennsylvania line, and in the year 1853 the State of Pennsylvania chartered a company made up of the same corporators and authorized them to construct a road from the State line, and connecting with the Cleveland and Mahoning road, to the city of Pittsburg. So that in 1853 the company was authorized by the Legislatures of the two States to build a road from the city of Cleveland to the city of Pittsburg on the most direct route possible, making a line of one hundred and thirty-four miles between the two cities, sixteen miles shorter than any existing road,

and almost in a direct line with the Pittsburg and Connellsville line, through Cumberland, connecting thence to the Point of Rocks, and making, when the roads shall be completed, a continuous line between Cleveland and Washington, eighty-four miles shorter than any existing line, and the shortest possible route between those two cities. When sixty-seven miles of this road were completed and the remainder of the route surveyed and the money raised for its construction, the Legislature of Pennsylvania, in May of 1864, repealed the charter of the Pennsylvania portion of the road, and we are thus shut out from this direct avenue to Pittsburg, and the value of the investment has been very seriously diminished. Thus, if I am correctly informed, by the overwhelming influence of a railroad corporation in Pennsylvania, acting through the Legislature, the Pennsylvania end of the enterprise is overthrown, and the company, with all its expenses, with its paid-up stock, and everything ready to complete it, has had its charter knocked out from under it. Our people have applied to the Legislature of Pennsylvania to do them justice and allow the work to go on, and thus secure the opening of a direct communication between the West and the Atlantic sea-board, but they have never been able to get either sort of relief or justice. They have been referred to railroad committees, and railroad committees have referred them to railroad presidents and managers, but to no purpose.

After repeated efforts to secure their rights from the Legislature of Pennsylvania, they have now appealed to Congress and ask to be defended in their rights and privileges and allowed by authority of Congress to go forward and complete this line of roads, which is a work of great national importance. The road contemplated in this bill will open up one of the richest mineral valleys of the country to direct communication with the Atlantic sea-board. The Mahoning valley abounds in iron ore and coal, and is vitally and intimately connected with the Lake Superior iron interest. Vast quantities of Lake Superior iron are brought to that valley and mixed with our Ohio ore, and when melted by the use of our coal makes a quality of iron equal to the best Swedish iron, and according to the test of the Navy Department the finest iron produced in the United States. The great interests thus proposed to be opened are in some measure paralyzed by the action of the Legislature of Pennsylvania. That State sits between the Atlantic and the West forbidding transit across her territory except by the route already provided, which is in the hands of a gigantic monopoly. No member of Congress from the West can reach this city from the lakes unless he shall go eighty-four miles out of the way through Pittsburg and Harrisburg and Baltimore; and the people of the West, as well as those of New England, demand that there shall be free communication between these two sections of the Union, and that no State Legislature shall obstruct or hinder it.

Mr. STEVENS. The people of Pennsylvania demand it also.

Mr. GARFIELD. I have no doubt of that. I believe it is for the best interest of Pennsylvania that this line should be opened.

Mr. WILSON, of Iowa. I would ask the gentleman whether this bill confers any other powers on the corporation than those derived from the charters originally granted by the States of Ohio and Pennsylvania.

Mr. GARFIELD. It does not, except in this: it provides that the same contingency which has happened in the case of the Connellsville road shall not happen in this case, namely, that when the charter of the Pennsylvania end of the road had been repealed and the parties applied to the circuit court of the United States, which decided that the repeal was unconstitutional, adverse parties then went to the State courts and undertook to obstruct its operations by vexatious suits of various kinds.

Mr. BLAINE. Do I understand the gen-

tleman from Ohio [Mr. GARFIELD] to say that the State courts have overruled the decisions of the United States courts?

Mr. GARFIELD. I say that suits were brought in the State courts for injunctions against passing over certain lands along the road. Now, I wish to say that it is provided in this bill that the company may go to the district or circuit court of the United States and obtain the right of way. That is the additional legislation in this bill.

Mr. WILSON, of Iowa. I would ask the gentleman if this bill recognizes and preserves the identical corporation created by the acts of the Legislatures of the States of Ohio and Pennsylvania.

Mr. GARFIELD. It does. This bill is not in the interest of any set of men to create them a corporation. It simply declares that the corporation created by the Legislatures of the States of Ohio and Pennsylvania may go forward in accordance with the terms of its charter and complete the work as its charter authorized it to do, notwithstanding the repeal of that charter.

Mr. O'NEILL. I would like to ask the gentleman this question: has the State of Pennsylvania violated any right which was given to this railroad company when it was incorporated by the Legislature of Pennsylvania?

Mr. GARFIELD. In no other way than by taking away all the rights which had vested in the corporation, and that, too, after it had expended large sums of money, and had a large portion of its road completed and in running order. If that is not taking away any rights, then it has not taken away any of them. And this, let me say, was done without a hearing, without any legal process in the courts, but by the mere force of votes in the Legislature.

Mr. O'NEILL. Just as this bill may be passed here, by the mere brute force of this House. I would now ask the gentleman another question. I have not seen the charter of this road in so far as it runs through the State of Pennsylvania; but I presume in that charter there was a limit of time in which this road was to be finished and completed. I desire to know whether that time had expired when this charter was repealed by the Legislature of Pennsylvania. That State is not in the habit of taking away or interfering with vested rights.

Mr. GARFIELD. I am glad to hear the last statement of the gentleman, for the most of us had the contrary opinion.

Mr. O'NEILL. I am glad to have been able to correct the gentleman.

Mr. GARFIELD. I wish to repeat that nothing but the mere force of votes in the Legislature took away this charter; not based upon any decision of the court or any violation of the charter, but simply upon the action of the Legislature of Pennsylvania.

Mr. O'NEILL. I venture to say before this House that the Legislature of Pennsylvania has not taken away from this corporation any vested right. And I will say further, that there is no evidence before this House that the people of Pennsylvania demand the passage of any such legislation as this here. The people of Pennsylvania believe that they have rights which their own Legislature can give them, and with which Congress has no right to interfere.

Mr. GARFIELD. Mr. Speaker, I desire to resume the floor, as the morning hour has nearly expired.

Mr. HALE. I desire to ask the gentleman, if it be true that the Legislature of Pennsylvania has taken away vested rights, what has prevented the enforcement and vindication of those rights through the courts?

Mr. GARFIELD. After this Pittsburg and Connellsville Company had secured in the circuit court of the United States a decision declaring the repeal of the charter unconstitutional, still all along the line of the road suits were brought on minor questions, obstacles were thrown in the way, so that company cannot successfully go forward with the work, or secure subscriptions to their stock, unless they

can have some higher assurance that they will be protected in their rights, and they therefore ask that Congress shall declare these roads postal and military roads and commercial highways, and thus give them the high sanction of the national legislature that they may go forward without fear of disturbance or interruption.

Mr. PAINE. I desire to ask the gentleman from Ohio [Mr. GARFIELD] to give us some further information upon the point embraced in the inquiry of the gentleman from Iowa, [Mr. WILSON:] that is, as to the corporation that is to exercise the rights conferred by this bill. I believe I am right when I say that this Cleveland and Mahoning Railroad Company, having finished their road to Youngstown, have leased that road for a long term, perhaps for ninety-nine years, to the Atlantic and Great Western Railway Company, in which Sir Morton Peto was interested. Now, I wish to inquire of the gentleman from Ohio whether I am right in this, and also whether, if this bill be passed, the rights and franchises conveyed by it will pass to the Cleveland and Mahoning Railroad Company, or to the English company to which I have referred.

Mr. GARFIELD. Not to the English company. The Cleveland and Mahoning Railroad Company, although they have leased a part of their road, have preserved their organization intact.

Mr. BLAINE. For how long have they granted a lease?

Mr. GARFIELD. For ninety-nine years.

Mr. BLAINE. Is it not for nine hundred and ninety-nine years?

Mr. GARFIELD. No, sir. Although the company has leased a branch of its road the corporation still preserves its distinct character, and is going forward as a corporation to complete its road.

Mr. DAWES. I wish to make an inquiry of the gentleman from Ohio. If this corporation has granted away its franchises, can it, by virtue of a new grant from us, resume its franchises and prevent its grantees from exercising those franchises?

Mr. GARFIELD. I do not know that I quite understand the gentleman's question.

Mr. DAWES. I do not know the facts in this case; but I desire to submit this inquiry to the gentleman from Ohio: if it be true that this company has granted these rights to an English company—

Mr. GARFIELD. Let me interrupt the gentleman just here to say that the company has merely leased the use of a portion of its road to an English company. It has not sold its franchises.

Mr. BLAINE. For how long has the lease been granted?

Mr. GARFIELD. For ninety-nine years, as I have already stated.

Mr. BLAINE. With the privilege of renewal.

Mr. DAWES. Let me conclude the question I was putting—

The SPEAKER. The morning hour has expired, and the bill goes over until to-morrow.

RIOT AT MEMPHIS.

The SPEAKER, by unanimous consent, laid before the House a communication from the Secretary of War, in response to a resolution of the House of the 28th instant, transmitting two reports of Major General Stoneman concerning the recent riot at Memphis.

The communication, with the accompanying documents, was laid on the table, and ordered to be printed.

LEAVE OF ABSENCE.

Mr. CLARK, of Ohio, asked leave of absence for Mr. BUNDY.

Leave was granted.

DRAWBACKS UNDER INTERNAL REVENUE ACT.

Mr. HUBBARD, of Connecticut, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee of Ways and Means be directed to inquire whether the rules and regula-

tions prescribed for obtaining evidence of exportation to entitle exporters to the benefit of drawback under the act to provide internal revenue are not unnecessarily expensive and burdensome, and whether existing rules upon that subject ought not to be revised and amended; and that the said committee have leave to report by bill or otherwise.

CIRCUIT COURT.

Mr. LAWRENCE, of Ohio, by unanimous consent, introduced a bill to authorize judges to be allotted to hold circuit courts; which was read a first and second time, and referred to the Committee on the Judiciary.

CRIMES AGAINST THE UNITED STATES.

Mr. LAWRENCE, of Ohio, by unanimous consent, also introduced a bill to repeal certain parts of the act approved April 30, 1790, entitled "An act for the punishment of certain crimes against the United States;" which was read a first and second time, and referred to the Committee on the Judiciary.

PROCEEDINGS IN CRIMINAL CASES.

Mr. LAWRENCE, of Ohio, by unanimous consent, also introduced a bill to amend an act regulating proceedings in criminal cases, and for other purposes, approved March 3, 1865; which was read a first and second time, and referred to the Committee on the Judiciary.

RECONSTRUCTION.

The morning hour having expired, the House, agreeably to order, resumed the consideration of House bill No. 543, to restore to the States lately in insurrection their full political rights, on which Mr. BROMWELL was entitled to the floor.

Mr. BROMWELL. Mr. Speaker, I deem myself fortunate in being permitted to take any part in the work of pacification and restoration of the Government upon which we have entered. I would even deem myself fortunate to be permitted to speak at this time if it were possible for me to vindicate the great principles embodied in these measures in so ample a manner as the occasion requires.

As when the war of the Revolution had ended it was the work of years to define the principles and settle the forms of this Government, so now, when this war of independence has terminated, the task remains to repair as far as possible the disasters of the nation, and provide for the restoration and reconstruction of our institutions upon such principles and by such means as will secure to all the inhabitants of this Union the blessings of free, orderly, and permanent Government.

I do not say that this must be the work of years. I do not wish to see any further delay in this matter than is absolutely necessary to secure the most complete and successful results; but I will say that no wise man can expect to accomplish these ends by hot haste in such a work as this. Wherefore I have been and still am for the most mature deliberation, and the closest scrutiny into the principles of our Government, and into every requirement of this emergency which the subject will admit. Could I have my way, I would exhaust every power of this Congress, and all the laws of nations, and the laws of war so far as they are in agreement with our Constitution; and if those were not sufficient I would amend our organic law until it should no longer be under the reproach of being insufficient in that point which is vital in all constitutions.

I cannot but regard the series of measures which have been in part adopted, and are in part still pending before this House, as among the most notable which the world has ever seen; for if we consider the vast extent of territory over which they will act, the millions of beings whose condition they will affect, and the grand destinies directly and indirectly involved in their operation, we may venture to assign to these measures an importance in the eyes of future historians and statesmen second to none the world has seen; not even the famous Magna Charta, the Declaration of American Independence, the Ukase of Freedom of the Czar of all the Russias, nor all these if combined.

It is to be expected measures like these which

dedicate half a continent to equal rights, which strike down by a series of blows every form of despotism and unshackle a whole nation in a day, should meet with every form of opposition, and should call up against them every interest, passion, and prejudice which has warred against liberty until now.

For why, Mr. Speaker, is it that all men, everywhere, are not now and have not been at all times free? Is it because every man has not desired freedom for himself? Is it because society has not at all times desired freedom for all society? On the contrary, liberty, the same of which we now speak, has been the watchword of all nations. It has been the theme of the poet, orator, and statesman, from the rude chant of Skald and Trouvere to the polished sentences of Roman jurists or of the philosophers of the modern world, all have spoken and breathed for liberty, yet nations which loved liberty have lived in chains; democracies have organized oligarchies; oligarchies have crawled as slaves to despots; and despotism has generated anarchy; and thus the world has struggled on groaning through shifting scenes of turmoil and oppression until now, with scarcely a spot on the whole surface of the globe where organized freedom has been secured to the body of the people.

It is because liberty exists in its securities and not in its promulgation, and because nations have ignored the only security the case admits of, that liberty has been defeated first and last.

There is but one security, and that is justice. He who would enlarge the area of freedom must first enlarge the area of justice, for justice and liberty are twin sisters; they cannot be separated. Where justice reigns liberty takes up her abode and is without an enemy in the whole domain.

For this reason, as we have seen, the Revolution of 1776 fell short of accomplishing all which it might have accomplished, because entire justice had not been done in this country in laying the foundations of the Government. For this reason we have seen a bill guarantying civil rights in our day met with opposition, precisely such as the constitutional amendment abolishing slavery, and precisely such opposition as has met every measure of freedom from the beginning until now.

Though the results achieved by the Revolution of 1776 fell far short of what might have been attained, yet we still boast with pride that during a period of twenty years, including the time of the Revolution itself, more was done for freedom than during twenty centuries before. Therefore we may well look back and take a lesson from the past.

Ninety years ago the people of this country were united in an effort to rid themselves from transatlantic tyranny. At this season of that memorable year, after the battles of Lexington and Bunker Hill had been fought, the multitudes of the cities and the scattered dwellers in the mountains and valleys were perplexed and oppressed with the weight of the great problems then forced upon them. The long agitation of years had brought a crisis, and war, terrible in its destruction and unmeasured in its burdens, or political servitude for themselves and their posterity, must then be chosen. Who cannot see that at such a crisis as that radical measures, and radical measures only, could suffice? Who will not see that any such tinkering as is called conservatism would have been a mockery at such an hour, when the destiny of the nation was to be settled by measures absolute and firm?

And now, sir, what do we see? A like crisis has come upon us; and now, when that element of wrong which was left in this Government has worked on until the terrible convulsion it has produced has destroyed the institutions of government in one third of the States; when the people are just returning from the terrible conflict which raged from border to border of the land, what do we hear? The self-same arguments, the same outcry, which rang in the ears of the radicals of the Revolution. Centralism, radicalism, ultraism, despotism—these are the cries. The reserved

rights of the States are brought up. And in this outcry, as it now finds support in the dispensing power and patronage that is brought to its aid, not only those who have been long known and recognized as enemies of everything like progress and humanity, but others who loved to walk with liberty and with justice when they wore their silver slippers, now join in calling the men who stood by the civil rights bill *tinklers of the Constitution*. These men would walk upright with the great Union and Republican party, which achieved this victory for law and order, if it were not for some reason or other better to walk halt, limp, and cry out as they see an opportunity to bring thrift by so doing from those that are in power for the time being. They are like that minister in the kingdom of Assyria, who, having come up to the prophet of the Lord with loud professions of veneration for Jehovah in acknowledgment of the great favor conferred on him, finally said:

"In this thing, the Lord pardon thy servant, that when my master goeth into the house of Rimmon to worship there, and he leaneth on my hand, and I bow myself in the house of Rimmon; when I bow down myself in the house of Rimmon, the Lord pardon thy servant in this thing."

Every man whose master leans on his arm is in the house of Rimmon, while the rights of humanity are being invaded, and while everything for which the war has been fought through seas of blood is being trampled and defiled.

The civil rights bill, which stands prominent among those measures which have been before the House, has been met by opposition from this class of men. But that law will stand among the immortal things of the world when the men whose voices have been raised against it shall be forgotten, all at least but one of them, and his memory perpetuated in the continuous astonishment of successive generations that a man could be found who would consent to place the veto of official power upon that measure at such a time. I am not here to-day either to call for vengeance on the South or to hurl back epithets of disrespect which have been thrown upon both branches of this Congress, including some of the most noble minds that the country contains. But I am here to say that it would be well for some of those who fancy they stand high in the seat of power to reflect upon that which is to come when the pen of history shall record the fate of those who dared to cast themselves beneath the wheels of progress at such an hour as this.

Mr. Speaker, there is one thing further I will say, and I say it in pain, but I will say it because it springs not only from my own heart but from the hearts of this whole people who feel the warm blood of their fathers gushing about their hearts when they think that our martyred President lies in his bloody grave, and that assassination has changed the Administration. I speak of it in pain. I would not by this heap obloquy upon any official of the United States, but I will speak for my country. Have we ever known, since the Government came into existence, or did we ever dream that it should happen in the history of America, that this thing should be; that such a lesson should be taught the world as has been taught in olden lands and in Mexico and other disturbed and distracted countries; that the knife of the assassin could smite down the head of the nation and thereupon it should be lawful for a man to change the administration of affairs, thus holding forth a perpetual invitation to every party which will arise in the struggles of this country to imitate that example and reap the reward? We have had nothing in our history which we can contemplate with greater, more terrible foreboding than this most melancholy spectacle, and the people feel it. Ah! they feel it as they walk in the shadows of Oak Ridge, where sleeps the murdered champion of our liberties and rights. Who can contemplate without a shudder the spectacle we now present and the terrible consequences of such a precedent as this?

Now, sir, when all other arguments are exhausted, the opponents of these bills and amendments claim, as a last resort, that State rights

are invaded. What are State rights, sir? Reserved rights. And what are the reserved rights of the States? Manifestly they are legal rights which were existing anterior to the Union and inherent in the States. Could a State reserve any other rights than these? The States clearly reserved the rights they had, and not the rights they had not. Now, was it ever known in the world that a State could reserve a right or have a right, either in this Union or out of it, to do manifest injustice? The rights reserved by the States must be inherent rights; and if we inquire what are inherent rights, we are referred to the compact of society. What is the compact of society? The legal fiction by which each man is supposed to have given up a portion of his rights that he might come in and enjoy the privileges and immunities which society bestows. To suppose that one man gives up more than another or gives up the same to receive less than another, or that one class of society gives up more than another or gives up the same to receive less than another, is to suppose a fraud upon that individual or class. It is to deny the compact of society by denying mutuality therein, for mutuality is the essence of every contract, even in one made in terms, the parties being present and consenting; and much more so as to a contract which never was in fact made, but is supposed in order to found a right in all to affect the rights of each.

The States never had the right, and therefore never reserved it, to fight against and oppose such measures as these. Why, sir, the very object of establishing this Government was to make it sure that no Government should ever exist upon this continent capable of denying or having the power to deny these rights. This is why we are to-day citizens of this Republic.

Again, I say that justice is what we must have as the security of freedom or we are destroyed. What says the ancient maxim concerning the duty and discretion of judges? *Discretio est discernere per legem justitiam*—that the judge shall discern justice by the law. This maxim, like any other of transcendent truth, affirms two truths at once. First, that the judge shall discern justice by the law, and not otherwise. Secondly, that by the law he shall discern justice, and not anything else. This, bear in mind, is the maxim concerning the discretion of the judge, a dispenser of justice according to laws already formed. But with how much more force does it apply to the legislator. When he comes to lay down the first principles of law and build a government, he must go by the law, and in that law discern justice and nothing else. Now, I maintain that the series of measures here proposed, and which have been partly passed, have embodied in them more of justice and more of freedom and more of magnanimity than the world has ever seen in any similar case, or than those engaged in this rebellion had any right to expect.

In regard to the constitutional amendment and the disfranchisement it provides, about which so much has been said, let it be borne in mind that the Constitution, of which our friends are so tenacious, makes these men traitors, the punishment of whom is death, as provided by their fathers and not by us. Therefore, since they come before us stripped of their rights by their own offenses, this, as I take it, is an enabling act to them which confers upon them rights that they had no ground to claim, and in a very limited time of probation restores them to the position in which they stood when they cast their rights, civil and political, into the furnace of this rebellion. Then there is a proposition for changing the basis of representation. For one, I cannot do otherwise than support that proposition, for I had the honor to write with my own hand and bring the same proposition last January to this House, and after so modifying it that it should not even say that a State might under any circumstances, disfranchise any of its inhabitants, offered it here. And having so done, I stand by it to-day as I stood by it then, and as I gave on that occasion all the reasons

I had to urge in favor of its adoption I will not repeat them now.

Upon those rational and reasonable propositions being ratified by the people, this bill comes in and says that these insurrectionary States shall again come back into the family of the Union with the rights which they forfeited when they attempted to strike down the Government of their country. But this bill is assailed at once; just as in a court of law there can be found attorneys ready to take the side of any criminal however vile, so in the field of politics, and in the forum of this nation, you find men who are ever ready to defend the last right, ay, and the last wrong of these traitors, from the chief arch-conspirator who is now luxuriating at Fortress Monroe, down to Semmes, who made the ocean red with the blood and fire he brought upon our shelterless commerce.

Mr. WRIGHT. Why do you not try that arch-traitor, as you call him?

Mr. BROMWELL. Because I am not a judge nor a prosecuting attorney, and have nothing to do with it. But I say these men do not lack defenders. There are apologists for these traitors; there are men who to-day are using every means to make "the worse appear the better cause," and gild over and varnish their most damnable crimes that posterity may gaze upon them as heroes in a "lost cause." That is the term they now use, "our lost cause." Doubtless there will be soon to hear from another "lost cause" in this country, and I trust in God there may.

I allude to the attempt to foist upon us in this country a third party, having neither object nor aim, unless it be to prop up and force the traitors into the power from which they were driven by the war. I think it will soon be upon the same ground as the "lost cause," for the American people have not stood at the guns for four years in vain, and borne the burdens and sorrows of war for naught; they are not now to gather the apples of Sodom when they come to pluck the fruits of victory. It may be partly successful for a time; but let me ask those who stand up for it to bear in mind that ancient maxim to which I have before now called their attention, that "the feet of the avenging gods are shod with wool." They move as noiselessly and as surely as the foot of time. The retribution may not be heralded in its coming, but its advance is inevitable as fate. The falsities and subterfuges of men will melt as snow before the anger of the American people, who are now bearded and mocked by the men who were lately defying our flag and laws as leaders of the rebel armies.

These bills, sir, present a most magnanimous picture of the minds of our people; and I am glad they do. I am not here to curse the South. I do not wish to punish the South. I only ask for justice and security; but these I will demand until the latest hour. But God do so to me if to-day I would vote on a solitary bill in this House from any motive of revenge, or with a desire to humiliate or make mean any people within the bounds of our broad Republic.

The grand cause of our troubles, slavery, has we know benefited the South more than the North. But I am not here prepared to charge the South alone with all the crime. If the ocean was paved with the bones of captives dying on their way to the southern markets, ships of the North were furnished to carry on the horrid traffic. If a southern taskmaster cracked his whip above the trembling victim in the rice swamp, the northern money-changer shut out the sound by the jingle of the gold which the barbarian produced for us. If the bloodhound tore the flesh from the victim, as he fled from brutal and savage punishment, the jails of the North yawned for his cowering form even when he appealed for protection at the altars of Christ the Lord.

It was in a land of civilization these things were done. It was in a land of Bibles these things were done. Who wonders, then, that the punishment fell upon us? Who wonders that our rivers ran with blood, and that the

earth was honeycombed with graves? Who wonders that the angel of destruction spread his wings upon the smoke of a thousand battle-fields and rode on the flames of consuming cities through half our land? It was but one of the retributions which this nation brought upon itself.

Now, sir, I come to a principle of law which no man will deny. I say that if there is one obligation on earth which a man is bound to respect more than all others, it is the obligation of a trust. We are the trustees of that unfortunate race who have been our victims. We are not so created by any law; we are not so appointed by any court; but we are "trustees in our own wrong." We made ourselves such, and we cannot shirk off the duty. It is because our people feel the weight of this truth that they are ready to support such measures as the Freedmen's Bureau bill, which has been sneered at and scoffed at as paying out the hard-earned money of the people for "lazy niggers," not admitting the truth that it paid more for white refugees, the victims of this rebellion. Sir, if it paid ten times as much for the black man it would not discharge the debt of blood and sweat and groans which is heaped up against this people.

We are trustees of that unfortunate race. We brought them here. They are turned loose on our hands. Other nations have lands and homes and property, but these people have nothing we would allow them to call their own. And I cannot see how a man can find it in his heart to turn round at this hour, when thousands of them are turned penniless from the fields where they bore our flag, and with his soul squatting in its cavern meanly count the vile pennies that would serve to give himself the title patent of manhood if he would stand up and take the responsibilities which himself and his God have imposed on him.

When all else fails, we are reminded of Mr. Lincoln's policy; we are told that Mr. Lincoln's was identical with this policy which paves the way for the entrance of the rebels into power and scatters palms and flowers under their feet—this policy which shuts the door in the face of the black man and the loyal white man of the South.

Who was Abraham Lincoln? And why do these apologists for treason and slavery appeal to him? I, too, can speak of Abraham Lincoln, for I can do so without the consciousness that in his life-time, during the years of his patience and perplexity and pain, I had spoken of him otherwise. I will not tell you how much I was his friend, for that would be to signalize my own regard for virtue. I will not try to express to you my feelings on that doleful day, and since, for the interior feelings of the heart shrink from expression, and this the more so as they are more interior and worthy of a man. But I will speak of one thing, that he was great. It may not affect these measures that he was so, but we may well inquire *why* it was so. What was the quality in him which made him so? The people, the world, and we have said that he was great, that henceforth his name must stand with those of the most illustrious few; those chosen and separated in the minds of men, even from the multitude of world-wide renown; those whose moral forms rise from distance to distance along the river of centuries, as the pyramids, complete and eternal, tower above wrecks, and rubbish along the desert-bound, mysterious Nile.

Abraham Lincoln was great. The people say it in their cottages where he was a welcomed and an equal guest; the cities, from their palaces, at whose portals the great rose up to do him reverence; the traveler by the wayside; the soldiers from their tents; and we have assembled in the capital of the nation to confirm and write it down. Why was he great? It was not because of birth. It was not because of education. It was not because of eloquence; although he had uttered some of the most eloquent sentences in the language. It was not by military prowess, for he never commanded

in the field. What was it? The truth is, the people saw in him something they never expected to see—a ruler of a great, powerful, and turbulent nation devoted to the truth above all things; to human rights as the foundation of all governmental institutions. They saw in him a man clad with power such as no scepter ever wielded, who walked humbly before his God, whose presence and authority he was not ashamed to recognize in every act of his official career. They heard words from him which touched the tenderest and subtlest chords of human feeling; words which pierced the coverings of interest and prejudice, and silenced the obdurate passions which those who possess them still wish to subdue; words filled with truth and wisdom and charity, as the choice and heavy grains of the harvest are filled with nutriment and life; words which appealed to the obscured nobleness of the human soul, winning and drawing by reciprocal influences of sympathy, until the affections of men's hearts everywhere stretched forth their eager and grasping tendrils to twine about his own, and Abraham Lincoln became the good St. John of the new dispensation now dawning on the world, and which I trust will soon be set up by the American people in the name of God and humanity.

Well may we come up here to celebrate by words and acts his life-long devotion to high principles, those distinguished deeds which have made his name familiar and will make it familiar to the eye and ear of men until the tablets of history shall crumble beneath the corrosions of the ages or the waters of oblivion whelm the choral bark of song. Deeds which have not only canonized but apotheosized him in the hearts of the American people, since his shed blood before our eyes has realized the mythic legend of the beloved Baldur slain by the enemy of light and truth. And here let me ask, why were we so shocked by his assassination? Why did we look on it, not as murder but as profanation, not as a crime of earth but as an assault of hell? Why is it that we feel to-day as though we could not be content unless we could express, by visible signs, our horror of the crime? Is it not for the same reason that the ancients cast dust in the air when they saw the divine truth profaned by acts of sacrilege; because that justice and liberty are stricken down by the blow which smote the beloved Chief Magistrate of this Republic; because it was but another of those strokes which have been aimed so often at the life of the nation, and which, as the life-long champion of the principles of the Declaration of American Independence, he received in his own body as the head and front of the American nation which that charter founded? Disguise it as we may, deny it as we can, the reason why the world and we have been so much moved, is not that a man was slain, but that a champion had fallen; not that a champion only, but that the champion of a cause was smitten; not that a cause was assaulted, but that the cause in which all men have an interest dearer than life was stricken by his death-blow.

There is but one way to honor Abraham Lincoln. It is not by crying out that his policy was this or that; it is not by going with tears and sighs to his grave; but it is by laying the foundations of this Government on the principles he professed; by carrying them out as he did in every sphere of life through which he passed, from the beginning when he worked as a tiller of western soil, up to that hour when on the steps of this Capitol he uttered his second inaugural address, so different from all the state papers of the world, which yet rings through our ears as the voice of one of the ancient prophets who spoke for Jehovah Sabaoth to the hosts of Israel. It is only by doing this that we can accomplish the end we have in view. Without this our sorrow for him is but grief dressed up for an occasion that sounding eulogies may invite applause. But when we lay the foundations of this Government in truth and justice and the protection of human rights, then we may welcome in that

golden-age of which he spoke in words that I will borrow now that I may clothe my own with their transcendent beauty, when he said:

"The chords of memory stretching from every battle-field and patriot grave to every heart and hearth-stone in this broad land shall yet swell the chorus of the Union when they shall be touched, as they surely will be, by the better angels of our nature."

Welcome, such angels, welcome to this Hall, and at this hour. Come, Liberty, come, Union, come, Peace; clasp your hands, and rest once more your folding wings beside the altar of our common country.

Mr. HART obtained the floor.

Mr. SCHENCK. With the consent of the gentleman from New York, [Mr. HART,] who yields to me for that purpose, I desire to move that this subject be postponed until Monday next after the morning hour. I make the motion at the request of the gentleman from Pennsylvania, [Mr. STEVENS,] of the reconstruction committee, who, being upon the invalid list, has been compelled to retire to his lodgings.

The motion to postpone was agreed to.

PAY OF THE ARMY.

The SPEAKER stated that the next special order was bill of the House No. 450, to reduce and establish the pay of the officers and to regulate the pay of the soldiers of the armies of the United States.

Mr. SCHENCK. In order to facilitate the consideration of this bill, and to enable amendments to be offered directly to it, I will ask that the substitute reported by the Committee on Military Affairs be considered as the original bill.

No objection was made, and the substitute reported by the Committee on Military Affairs was read in lieu of the original bill.

Mr. WRIGHT. I will inquire of the gentleman from Ohio [Mr. SCHENCK] if he proposes to make any provision for the pay of a general.

Mr. SCHENCK. I have an amendment to propose which will meet the point of the inquiry of the gentleman from New Jersey, [Mr. WRIGHT.]

Mr. Speaker, I believe the House will acquit me of any disposition, either in regard to its general business or when considering any matter which comes from my own committee, to protract discussion by making speeches for speaking sake. I prefer, so far as practicable, always to have business debate upon the subject which may be under consideration by the House. I propose, therefore, not to speak in general terms of our Army and its organization, but of that very important element connected with its prosperity and usefulness, the pay and compensation that shall be allowed to those who are engaged in the public service in that Army. And I will explain the particular object the committee had in view in the bill which they now present for the consideration and action of the House, and those circumstances and existing facts which seem to require that a change shall be made in the present mode of compensating those who serve, either as officers or men, in the armies of the United States.

This bill, it will be observed, is entitled "A bill to reduce and establish the pay of the officers and to regulate the pay of the soldiers of the armies of the United States." In one sense it increases the pay of the soldiers by retaining to them the pay allowed by law, that which was given them during the late war, and not permitting that pay to expire by limitation, and thus revert to the old pay of thirteen dollars per month. So far as the officers are concerned, this is a bill not so much to reduce their compensation in any great degree as it is to attempt by legislation to readjust the system of payment now in use in the Army so far as officers are concerned. The pay of the officers of the Army of the United States has always been rather a mystery to outsiders and the uninitiated; and well it may be. It seems to me that at no time heretofore, nor even now, have the officers of the Army been at all adequately recompensed for their service, when you consider their pay proper. Their pay proper

has always been insufficient; and the pay being low, there has been ingrafted upon the system, as a traditionary mode of eking it out, various allowances. And those allowances have been changed and varied from time to time, with a general tendency to increase, until now what is given to an officer as his compensation is made up in some small proportion of pay proper, but in a very much more considerable proportion of allowances.

Now, the object of this bill is to simplify this whole matter, and to readjust the system of payment, so that Army officers shall hereafter be paid as naval officers are paid and as civil officers are paid, by yearly salaries, given to officers in their several grades according to the nature of their services and responsibilities, with as few allowances as may be possible. This bill increases the pay beyond what appears upon the statute-books as the recognized and established pay proper, but not the full compensation including pay proper and allowances. Now, you may take the pay of an officer of the Army of any grade; for instance, look at the pay of a major general as it now stands upon your statute-book. The pay proper of a major general is \$220 per month, or a yearly aggregate of \$2,640. Now, according to this bill, which makes his pay \$6,000 or \$7,000, it might be supposed that his pay is very largely increased; but the truth is that which is called "pay" is proportionately but a small part of the money which a major general actually receives. He is allowed commutation for four servants at sixteen dollars per month each, or \$768 a year. The allowance for clothing for those four servants is \$312 per year. He is allowed for subsistence for himself fifteen rations per day for three hundred and sixty-five days, or five thousand four hundred and seventy-five per year; and for his servants four rations per day, or fourteen hundred and sixty per year, making an aggregate of six thousand nine hundred and thirty-five rations, which, at thirty cents per ration, would make \$2,080 50. This is allowed him for subsistence for himself and servants, without taking into account the possibility of his having charge of a military department, when his allowance for rations, for himself at least, is doubled. Then there is an allowance for forage for horses. A major general is allowed to draw forage for five horses, amounting, at the present appraised value of forage here in this city, to \$208 50 for each horse, making an addition of \$1,042 50. This, however, the officer draws in kind for the horses he actually keeps; he cannot, under the present law as changed some three years ago, have commutation in money for forage. If stationed at this city, or anywhere else at a post, a major general has an allowance for fuel; and at the price estimated for fuel in this city this allowance to a major general is, when commuted in cash, \$509 62. Then there is commutation for the number of rooms which he is allowed, being, by the present regulations, eighteen dollars for each room in this city, twelve dollars in New York, and nine dollars elsewhere, making, in this city, \$1,296 more. The total is \$8,648 62, all of which is drawn in cash, with the exception of the forage for horses, amounting in value to \$1,042 50.

About the same proportion prevails in regard to the other officers. For instance, a brigadier general here in Washington receives a brigadier general's pay, \$1,488; but by reason of the allowances in cash, and \$834, the value of the forage allowed in kind, his actual pay, without double rations, amounts to \$6,269 75; thus illustrating what I have stated, that with respect to all these officers, the pay proper bears but a small proportion to the amount actually paid to them for their services to the Government. I might, with the paper which I have before me, exhibit and comment upon the difference between the pay proper of the various officers of subordinate grades, showing the same difference. But I will not do this now, being ready, however, to make any explanation upon these subjects to any gentleman who may wish to

make any inquiry. There is, also, I may say, a class of allowances not included in this statement, one particularly, the longevity ration, which increases the pay by the addition of a ration for every five years' faithful service, that ration being thirty cents a day.

Now, sir, I am not to be understood as objecting particularly to these allowances, embodying the system which has prevailed, under the present law, for properly compensating those who are in the military employ of the Government. But this bill is introduced, as I have said, for the purpose of readjusting and simplifying the whole matter. While, by this bill, the pay of some officers will be considerably reduced, others will have their pay slightly increased; but it is proposed that the whole of them shall be put upon a footing of pay proper in the shape of salary or general compensation, so that the system will be radically and entirely changed, and it will not be hereafter, as it has been heretofore, a mystery to any one seeking to know how much an Army officer receives for his services to the Government.

There are several objections to this mode of compensation which has prevailed so long, and which so many ineffectual attempts have been made, as I admit, to change, because, like any other long-established, traditional system, whenever you touch it everybody interested in it bristles up, and some plausible reason is urged for not interfering with that which already exists. One of the reasons against this system, the first which occurs to me as I speak, is that the moral effect of the present mode of payment upon the officers themselves is bad. I will explain what I mean. When a man is made a second lieutenant in the Army of the United States, the moment he receives his commission, or at the end of his first month, when he comes to the paymaster in order to obtain compensation for that month's service, he is met by a temptation to misrepresent what he is entitled to. He knows what his pay proper is; he knows he has certain allowances, allowance for a servant, allowance for clothing for a servant, allowance for the pay of a servant; and he knows if he is stationed at a post that he is entitled to certain other allowances. If he is a mounted officer he has an allowance for a horse if he keeps one. What does he do? He desires, his pay being small, to obtain the largest amount the Government will afford to him. He therefore is induced by the temptation possibly to misrepresent a claim for a servant whom he never employs and for forage for a horse which was never foaled. I say the usage has grown up in the Army so that it is almost a matter of course for the paymaster or paymaster's clerk to make out rolls including all these allowances, and the officer is tempted to certify to them when the fact is not according to his certificate. He justifies himself by saying, "My pay is too small, and the only way in which I can be adequately compensated is to eke out this pay by putting in these allowances. Others do it and why should not I?"

I insist one of the first and prominent objections we meet at the threshold when we come to look at this system of payment is the bad effect on the mind of the officer himself. I do not say this in disparagement of officers, regular or volunteer, who have been in the Army and acted like others. I do not say members of Congress do not find the longest way round to be the shortest way to the capital when they feel their compensation as members is not sufficient and a little stretching of mileage may help to pay, perhaps, a board bill unreasonably high in this extravagant city of Washington. I would not say anything except to allude, for illustration, to allowances for newspapers, stationery, and other matters; and suppose members of Congress, no worse and no better than officers of the Army, were paid in whole or almost altogether by these allowances; the pay being small, and insufficient to buy everything, is it not to be expected the stretching would be more than the law allowed? I object, there-

fore, to this system of payment because of its immoral effect.

Again, there is an objection to the payment because it opens the door for legislation by the chief officers of the War Department instead of by Congress. There is allowed commutation for so many rooms, and for so much fuel for those rooms, varying according to the different months of the year. These may be changed from time to time by an order of the War Department. What is the consequence? Take this instance. Nine dollars for a time was the commutation for a room. An officer is allowed so many rooms, according to his grade, and receives three, four, or five times nine dollars to make out his monthly allowance for that purpose. It was found during the war prices ran up so high in Washington the Department increased the commutation from nine to eighteen dollars, doubling the allowance of those who got the benefit of it. A like change was made in New York city, while at all the other posts in the United States I believe it remains unchanged. The effect of this is, it leaves to the heads and chiefs of bureaus the power to fix the rates of pay. It may be said this is right because they understand the emergency of the occasion and the circumstances by which a man is surrounded in the locality where his duty may call him. But that may be said of every officer. It has been found that it works very well without it in the main. There are many good officers paid in a different way, and although there may be something in that argument, there is far more, it seems to me, in the arguments against this mode of compensation and in favor of giving a just, reasonable compensation altogether, with as few variations as possible, so that we may know what it is that each man receives.

Another thing which connects itself immediately with this objection is, that it tends to take away the independence of the officers. If an officer knows that according to his rank he receives so many hundred or so many thousand dollars per year for his services, and that it is secured to him by law of Congress, he will not seek or intrigue to get this or that post, or this or that particular kind of service which may tend to increase his pay or allowance. In so far, then, as these allowances are at the discretion of the executive department and not under the control of the law-making power, they tend to take away the independence of the officer, who ought to feel that he is paid so much for his services, and that as long as he is fit to be kept in that place nobody can vary the compensation to which he is entitled.

Another effect is upon legislation itself. We are continually passing laws the exact effect of which we do not quite understand. For instance, it is understood at the War Department if you want to add something to the pay of an officer, it is best not to come at it directly—so many dollars and cents—but to add a ration or double the rations, or make his allowances the same as those of some other officer who before that time has got his allowances increased by law, so that nothing appears upon the statute-book indicating an increase of pay specifically. I could point to a number of such cases like that where the pay is largely increased. We do not know how much we increase it if we legislate in the dark, as most of us do who do not make this subject a study.

I have in my mind at this moment a chief of a bureau whose pay was increased in that way. During the Mexican war it was thought that the chiefs of two of the bureaus in the War Department ought to be helped in some way, as those gentlemen are helped usually, and a law was passed which gave to them what was never before given to the heads of bureaus, namely, double rations. That added some twelve or fourteen hundred dollars to their pay. Since this war commenced we have made another bureau, and we do not put that other bureau upon the same footing as the rest.

Although it is by no means one of the highest bureaus, nor its head as high as some others in rank, or as high as some in the Army who had not got this double ration, yet when the bill came to be passed it was provided that the head of that bureau should have the same rank, pay, and emoluments, as were allowed to certain officers in 1846. There did not appear anything about money on the face of the bill, but he got about fourteen hundred dollars additional compensation. The gentleman who now occupies that position could not possibly have been a party to the transaction, though he consented to receive it. The present head of the bureau was not placed there until the change was made by the last Congress.

I do not make any particular complaint against that bureau or that particular officer, but I cite the fact only as an illustration of this principle. The system is objectionable, because we are led by blind legislation to increase the pay in this indirect manner. I have given this merely as an illustration of the general objection.

The great object of this bill is to introduce a system by which the country shall know what it pays to those whom it employs. This system has worked very well in the Navy. I believe that the officers of the Navy are very inadequately paid, and receive very much less than the officers of the Army receive. In the naval service, as you will see by referring to the Naval List, the officers have graduated pay. I do not mean pay eked out by allowances, but graduated pay according to their services. For instance, a captain on the active list receives \$3,500 a year; when on shore duty, \$2,800 a year; when on leave, \$2,100 a year; and if he be put on the retired list he receives only \$1,600 a year; that is, when upon hard, active duty he gets the most pay; when put upon what is considered lighter and easier duty, although it may involve additional expenses to him, his pay is reduced; and when upon his own application he is permitted to go off on leave of absence his pay is reduced still lower.

That seems to be a fair and just classification of compensation to the officers as they happen to be engaged. Now, in the Army it is just the reverse. An officer of any grade in the field gets considerably less pay, because he gets no allowance for fuel, quarters, &c. I think he gets about nine hundred and twenty-one dollars less than officers of a similar grade who are upon duty here in Washington or elsewhere out of the field. It is true that the officer in the field is relieved from certain expenses, but at the same time he does harder and more active work. There is a difference made between officers of the Army and Navy in this respect. An officer of the Army on leave of absence—I do not mean on furlough, when he may be on reduced pay—gets his full pay, not allowances of certain kinds which are not given except in cases of duty at posts or elsewhere, but the full pay that he would have had if in the field; so that the whole thing is between the Army and Navy. In the Navy the principle is that you shall pay a round sum. In the Army the principle is that you shall give too little for pay and help it out by allowances. In the Navy the man paid must be engaged in the hard and active duties appropriate to his profession. In the Army when a man is withdrawn from active service his pay goes up, and he gets additional allowances. What has been the consequence? I am coming now to the general question, and I know how sensitive the House has been made to be on this subject. We live here in Washington in the atmosphere of the Departments, the bureaus, and of the staff, excellent gentlemen who have done good service, but who, as I said a little while ago, like all officers and soldiers, are human.

The effect of our legislation in all times past has been rather to build up this bureau or departmental influence, and has been against the officers who have been active in the hard work in the field. It may be said that a great many

who have been employed in the Departments during the war would rather have been at the front. I dare say there are instances where that would be the fact. I think I know some such cases; but, somehow or other, owing to some influence that is at work all the while, there is a tendency toward Washington, a centripetal instead of a centrifugal force at work, that makes men prefer work in the Departments rather than active professional duties.

Now what is the consequence? You go to the War Department and you find its different bureaus swarming with officers. Instead of having an officer of professional skill, as should be the case, at the head of each bureau, and under him officers of a subordinate grade, you find not only officers of rank for chiefs of bureaus and heads of divisions, but there are employed under them commissioned officers doing clerical duty, from major general down to second lieutenant; officers engaged in sitting at desks and looking after matters which might at least be just as well attended to by intelligent clerks employed for that purpose. It is not so in the Navy Department. I know that comparisons are invidious, but it serves as a good illustration. This is an old system. I do not give blame to the head of the one Department any more than praise to the head of the other for this system. It is a thing we are seeking to reform and correct. But it has been a long time growing up, and the difficulty of reform, as we all know, increases just in proportion to the length of time the abuse has existed.

What do we find in the Navy Department? In all the bureaus, outside of the Bureau of Steam Engineering, in which are employed some eight professional engineers of the Navy of different grades; in all the other seven or eight bureaus you will find but about sixteen commissioned officers employed; but there is not a bureau in the War Department in which there are not only sixteen commissioned officers employed, but in some of them many times sixteen officers. In most of the bureaus in the Navy Department the chiefs are the only commissioned officers employed. I could illustrate my argument more at length, for I have all the facts and even the names here on my desk.

Mr. NIBLACK. I did not have an opportunity of listening to the bill as it was read, and ascertaining what were its provisions. I would therefore inquire of the chairman of the Committee on Military Affairs [Mr. SCHENCK] whether the pay which he now proposes by this bill to give the officers of the Army is to be uniform, or whether it is to be varied according to location and the kind of services those officers may be called upon to perform.

Mr. SCHENCK. It is to be uniform pay, with certain changes in the bill, which I shall propose by way of amendment.

Mr. NIBLACK. It has occurred to me that an officer assigned to duty on the plains, where transportation is very high, ought to have more pay than under other circumstances.

Mr. SCHENCK. That is provided for in the bill; he gets transportation in kind or is allowed mileage.

I do not know but the House is getting impatient and wearied of an explanation so much more protracted than I intended to make when I arose. But having thought much of this subject, having looked into it very carefully, I am tolerably full of it. But I will not trouble the House with more figures or further comparisons at this time. I will only say that after having reported this bill back, believing it needs some further provisions in it, I have prepared and will submit for the consideration of members some two or three amendments. And although it may only be in order for me to offer them successively to the bill I will read them all now, so that the whole subject may be in possession of the House. For instance, the gentleman from New Jersey [Mr. WRIGHT] inquires whether any provision has been made for the pay of a general. I propose, now that it may be assumed that that office will be established, to move to amend by striking out the

line which now reads, "of a lieutenant general \$12,000," and inserting in lieu thereof "of a general, \$15,000; of a lieutenant general, \$10,000."

I propose by that amendment to raise the pay of a general to \$3,000 more than this bill proposes for a lieutenant general, and to make the pay of a lieutenant general somewhat less than is here proposed, because he then ceases to be the head of the Army.

Now, I know these sums sound large, and gentlemen may be dissatisfied with them. But they will not be so much dissatisfied, perhaps, when they learn to what the entire compensation of those officers would amount by the various commutations and allowances which are now made under existing law.

Mr. WRIGHT. My only object was to correct what I supposed to be an accidental omission in the bill.

Mr. SCHENCK. So I understood. I propose, as a further amendment, to offer the following as an additional section to come in after section three:

That forage in kind may be allowed and drawn for horses of mounted officers actually kept by them when and at the place where they are on duty, in accordance with the provisions of sections one and two of the act to define the pay and emoluments of certain officers of the Army, and for other purposes, approved July 17, 1862.

Prior to 1862 there was commutation for forage. The officer did not draw it in kind, but drew money for it. In 1862, to prevent further abuse in that direction, the law was amended, so that the officer must show that he actually kept the horse or horses allowed him; and for the horse or horses actually kept by him an allowance of forage is made. He draws the forage in kind at the cost of the Government. I propose that this shall be continued. It would seem to be unfair to make no distinction between officers not required to be mounted and those who must be mounted, and who, in order to a proper position in the commands to which they may be assigned, are under the necessity of keeping a certain number of horses, the number being fixed by law. Hence I propose that forage shall be allowed in kind for the number of horses actually kept in accordance with the requirement of the law by a mounted officer.

I propose, also, to offer the following as an additional section:

That in lieu of the additional ration which was allowed to commissioned officers of the line and staff by the provisions of section fifteen of the act to increase the present military establishment of the United States, and for other purposes, there shall be allowed and paid to every commissioned officer of the Army of the United States ten per cent. per annum on his yearly pay for each full and complete term of five years of continuous and faithful service as such officer; and this increased graduated compensation shall be allowed in the case of any officer or soldier of volunteers who may be commissioned in the regular Army, to include the time during which he so served faithfully and honorably as a volunteer.

By the present law there is allowed in certain cases a longevity ration—a ration which is added to the number of rations regularly allowed by law for each successive term of five years, faithful service. During the first term of five years' service the officer gets no additional ration. In his second term of five years he has a ration added amounting annually to \$109 85. During the third term of five years he is entitled to draw two longevity rations, amounting to \$219 70 per year. During the fourth term of five years he receives three additional rations, amounting to \$329 55 annually. So the increase proceeds during each successive term of five years. When an officer has served twenty-five years his longevity ration amounts during his sixth term of five years to \$549 25 annually.

Now, under the system which I propose, a second lieutenant with pay amounting to \$1,600 a year, will receive after his first five years' service \$160 additional per annum. After ten years' faithful service he will have \$320 added to his pay. So each of the other officers will receive for each successive term of five years' service an addition of ten per cent. to his regular pay. This appears to me a simpler and

plainer system than the allowance of the longevity ration. As to the longevity ration, I have always thought it a good thing to give it to officers as a reward for faithful service. At the same time in this country it has another usefulness in keeping pace somewhat with that increase of family in which Americans are apt to indulge. [Laughter.]

There is a provision in this section which is not now in any law, but which at the close of the war I suggest it is proper to add, that those who have been in the volunteer service and afterwards come into the regular Army shall be allowed to count, in the time for which this longevity ration is given, the time they served as volunteers.

Leaving that portion, after referring for a few moments to the other parts of the bill, I will then detain the House no longer.

The fourth section as it stands in the printed bill provides for keeping up the pay of the soldier to sixteen dollars. Gentlemen may not all be aware that the increase of the pay of the soldiers of our Army, though seeming to be made necessary by the increased cost of subsistence, from thirteen dollars to sixteen dollars, will come down of itself, or will expire by limitation at the end of the war, whenever that doubtful time shall be found. They will return then to thirteen dollars unless by some positive legislation sixteen dollars is preserved. I have always believed in paying the private soldier well, as well as the officer. I would, therefore, in view of these facts, keep up to sixteen dollars per month; and I would, for the sake of getting good soldiers and continuing them in the Army as enlisted men, go one step further, as has been done in this bill, and provide for each successive year of faithful service there shall be added a dollar per month to the pay of any soldier, running on as he shall reenlist.

It may be objected to this, when the soldier has served three or four enlistments he will receive twenty dollars per month. Let it be so. Your old veteran soldiers fit for service at all who thus enlist and reenlist are worth that much more than raw recruits. I hold it to be a good principle in that view of compensation. Then it has another advantage: it will be one of the best means in the world to prevent soldiers deserting from the Army. I have always thought, instead of this system of bounty which we have been compelled to keep up, it would have been much better if this system had been adopted and the soldiers compensated for the time they remained in the service. It would have been a reward for continued faithful service.

There is a provision in regard to the pay of officers and enlisted men. It states they shall be paid regularly at the end of every month. If anything will prevent desertion and dissatisfaction among the soldiers it seems to me it is that provision. This was one of the greatest difficulties felt during the war, made necessary, perhaps, in some degree by financial burdens upon the country, but still more than it should have been. The soldier was paid sometimes every two months, sometimes every eight months, sometimes hardly at all, and sometimes the last three or four months of his service being left without pay he was taken back and paid up to some period dating antecedently several months.

We provide in the sixth section that the allowance now made by law to officers traveling under orders where transportation is not furnished in kind shall be increased to ten cents per mile.

We provide in the seventh section for restoring extra-duty pay to soldiers employed as artificers or laborers.

Both of these sections are in accordance with the wishes of every one connected with the War Department. They commend themselves, and I need not further comment upon them. With this explanation, a great deal fuller than anything I intended when I rose, I leave this bill for the present, desiring there shall be a reasonable opportunity for amendment and for debate, intending, however, when

that debate seems to be less for business purpose and to put the bill in a good shape either to be adopted or rejected by the House, to call the previous question.

Mr. ROSS. I will ask the gentleman, before he takes his seat, if in his judgment the public service would suffer by the reduction of the compensation, say twenty or twenty-five per cent., in time of peace.

Mr. SCHENCK. I think it would. The bill is really in itself, in most of its parts, a reduction of the pay of officers, so that a further reduction would not be a full compensation to them. I have illustrated it by the Navy. And I will say, at the same time, that I do not think the officers of that arm of the service are sufficiently paid; and I had hoped that a bill would have been brought in by the Committee on Naval Affairs providing for some readjustment of their pay. And while the gentleman calls my attention to the subject, I will say that while there has been such delay in paying officers of the Navy, and while the chief of a bureau in the Navy Department gets only one half the compensation of the chief of a bureau in the Army, there has been slipped through Congress a piece of legislation not known perhaps to all the members of the House by which a law was repealed which provided certain allowances; and there has just been published an order of the Navy Department adding thirty-three and a third per cent. as allowances to the pay of the officers of the Navy.

Mr. ROSS. Cannot these officers live on the same compensation as members of Congress in time of peace? I do not see why their pay should be higher than ours.

Mr. SCHENCK. Nor I. I do not know how it is with the gentleman from Illinois, but I do not get near enough to subsist myself and family, and I am by no means an extravagant man. I will send the amendments that I have indicated to the desk.

The SPEAKER. Unless there is a separate vote demanded, the question will be upon the adoption of the amendments in gross.

The Clerk read the amendments, as follows:

In section one strike out line eight and insert in lieu thereof the following:

Of a general \$15,000; of a lieutenant general \$10,000.

Sec. 3. *And be it further enacted*, That in lieu of the additional ration which was allowed to commissioned officers of the line and staff by the provisions of section fifteen of the act to increase the present military establishment of the United States, and for other purposes, there shall be allowed and paid to every commissioned officer of the Army of the United States ten per cent. per annum on his yearly pay for each full and complete term of five years of continuous and faithful service as such officer; and this increased graduated compensation shall be allowed in the case of any officer or soldier of volunteers who may be commissioned in the regular Army, to include the time during which he so served faithfully and honorably as a volunteer.

Sec. 4. *And be it further enacted*, That forage in kind may be allowed and drawn for by horses of mounted officers actually kept by them when and at the place where they are on duty, in accordance with the provisions of sections one and two of the act to define the pay and emoluments of certain officers of the Army, and for other purposes, approved July 17, 1862.

No objection being made, the amendments were adopted.

Mr. PAINE. I desire to ask the chairman of the committee a question. I quite agree with what he said when he informed the House that the difference between the pay of an officer on hard service in the field and on light duty in cities is quite essential. I have by my own experience been able to test that to my satisfaction. The gentleman seeks to introduce into this bill a correct principle when he proposes to give to those officers who are performing the more laborious field service a higher rate of pay. But I wish to ask him if in the first section he is not incorporating provisions which are in violation of that just principle. The bill proposes to pay to a brigadier general when commanding a military department or a division in the field \$5,500, and when commanding a brigade in the field only \$5,000. It allows to a colonel commanding a brigade or military post \$3,500, and when commanding a regiment in the field only \$3,000. And it allows a lieutenant colonel when com-

manding a regiment or military post \$2,800, and when on other duty, which may be more laborious and perilous, only \$2,600. It is possible, I think, so to conform these provisions to the other parts of the bill as to obviate these objections; but I would ask if these are not obnoxious to the objections that the gentleman has himself urged to the whole pay system of the Army.

Mr. SCHENCK. I will answer the gentleman with pleasure. I have not pretended to take the ground that there was to be a sort of bed of Procrustes by which every man should be measured and cut off a certain length, which should be invariable. I have proposed to adopt a general system of compensation by salaries, fixing them with reference to the office and duty to be performed; just as they have done in the Navy, where it has been found to work well, as I explained. The officer who is at sea gets a certain compensation, on shore duty a less compensation, and on leave of absence less. Thus there is a gradation, and yet the general fact is that he is paid by a salary, but it is a salary for each class of duties fixed by law.

Now, instead of saying that every major general shall receive so much, and every brigadier general so much, there is a difference of this kind made, just as there is a difference as to the allowance made to certain officers of the Navy, according to the rate of the vessel which they command or serve on board of, or whether they command a single vessel or a fleet. This very line to which the gentleman refers is an illustration. A brigadier general when commanding a division of the Army or a division in the field is allowed \$5,000 a year, because he is then in fact acting as a major general. Though we do not give him a major general's pay, yet we give him something between the highest pay apportioned to his rank and the lowest pay of the rank next above him. So also in regard to colonels. We make a distinction between a colonel commanding a regiment and one commanding a military post. A good deal has been said—and I admit that there is some equity in that view—of the expenses to which a man may be put by his assignment to particular duty. For instance, you put a man in command of a post on the plains, where everybody is passing to and fro. He must necessarily need a little higher pay than others might do, because of the entertainment he must afford to such persons. That is one reason for the difference of pay.

But, sir, I do not desire to detain the House. I only wish the gentleman would understand that we propose merely to graduate these salaries, not merely as between different officers, but between officers of the same rank when engaged on different duties.

Mr. BLAINE. Mr. Speaker, I was not present in the Committee on Military Affairs when they agreed to report this bill, and I am compelled to disagree from its general provisions. I wish to state as briefly as may be the reasons why I am not able to concur with my friend, the honorable chairman of the committee, [Mr. SCHENCK,] who has just addressed the House.

The argument of the chairman of the Committee on Military Affairs, whether so intended or not, gets a little advantage, I think, in contrasting the pay of bureau officers with the pay of officers in the field. That is not the question before us. The question is whether by this bill you will create a gross inequality in the pay of officers who are in the field at different points of the widely extended area of the United States.

Let me state a case. I will suppose there are ten general officers in this city to-day to be ordered by General Grant to as many different points. Let us suppose the system of commutation of forage, rations, fuel, servants' clothing, quarters, &c., entirely abolished. You send one officer to a post in the Northeast, another to San Francisco, another to Fort Bridger, another to New Orleans, another to New Mexico, and so on, and then give them

all the same arbitrary amount of pay as proposed in the pending bill, and I submit that you have imposed the grossest inequality of burden and responsibility upon them.

Mr. GARFIELD. Does not the bill allow mileage?

Mr. BLAINE. I am not talking about mileage. I am talking about the expenses of living after the various posts of service shall have been reached. I was talking only yesterday with an officer who has served in the Rocky mountains and at Fort Bridger. The Government has had to contract there for wood at nearly one hundred dollars per cord and corn at twelve dollars a bushel and flour at seventy-five dollars a barrel. I submit that if you send a brigadier general out there under the pay provided in this bill and compel him to forego all the privileges of commutation he cannot feed two horses and keep two servants on his entire pay.

The gentleman from Ohio says he does not draw his rations in kind but takes commutation. I know that is the case, but he draws it in commutation of value at the point where he is stationed. If a cord of wood costs \$100 where he is stationed, he is entitled to commutation for that. If it costs only eight dollars he is entitled only to that. But this bill abolishes this whole resource of the officer and leaves him the same arbitrary amount of pay, no matter where he may be stationed, and utterly regardless of the extraordinary expenses to which he may be subjected.

Now, Mr. Speaker, the principle of commutation, with which the gentleman finds so much fault, has been in vogue ever since the organization of our Army, and is in practice in every other army on the globe, I believe. One would suppose that a system so extended and uniform must have something of justice and reason and necessity and common sense to rest upon. Let us pursue this question a little further. Take two officers of the same rank, station one of them in the city of Washington and the other at the base of the Rocky mountains, and give them the same salary; the one at Washington will be able to live comfortably upon his pay, while the one at the base of the Rocky mountains will starve on his pay. Now, why should you, under the plea of equalizing the pay of the Army, subject an officer at a distant post to this additional hardship and this unendurable expense?

Let me say in this connection that in my judgment the chairman of the Committee on Military Affairs yielded the whole question when he put an amendment on this bill allowing forage to be drawn in kind. Why allow forage to be drawn in kind more than fuel? Why should there be commutation on that more than on anything else which hitherto has been commuted? The necessities are the same in the one case as in the other; the hardships are the same; the circumstances and facts are precisely the same. And I can see no logical reason why in the one case there should be commutation, and in the other there should be none.

The gentleman says the mounted officer should have it because he has horses to provide for. Why make a distinction between mounted officers and officers on foot, and not make any between officers in different localities? The difference of necessary expense of living between a cavalry officer and infantry officer at the same post is not half so great as the possible difference between two infantry officers located at different posts.

In reply to the question of economy I beg to say a single word. It does not seem entirely clear that any money would be saved to the Treasury even if this bill should be adopted just as the committee has reported it. Under its provisions some officers would get decidedly more than they do to-day, even with all these commutations.

Mr. SCHENCK. Most of them would get less.

Mr. BLAINE. I admit that many of them would get less, but those would get less who

can least afford to take less. I beg the House not to be carried off into a support of this arbitrary principle because there may be some abuses in the case of bureau officers. I know there have been abuses. I will refer to one which made some little noise at the time. When General Halleck was here in Washington as General-in-Chief of the Army, with the rank of major general, by a certain construction of commutation and allowances he drew some twenty-two hundred dollars more pay than either General Grant or General Sherman, commanding armies in the field, with the same rank. That was a great abuse. But I do not see why you should correct the abuse in this way, by creating a new abuse in making injurious discriminations between officers in the field.

You may question any officer in the Army, and he will tell you this is unjust. Apply this bill as drafted to an expedition like the one sent to Utah by President Buchanan. Suppose you had said to the officers of that expedition that they should have no commutation for rations, no commutation for fuel or forage. The second lieutenant, on his pay of \$1,600 a year, being obliged to buy his own rations and fuel and forage, the clothing and rations for his servant, could not have lived through that winter on double the amount of his entire pay.

I trust the House will bear in mind that the great amount of services to be performed by our Army hereafter will be at just such exposed points as those to which I have referred. If you choose to send a lot of men out into the wilderness to fight the Indians, to guard the overland mail route, or to protect the Pacific railroad, do not send them out there to starve, as they would do under the provisions of this bill.

Mr. FARQUHAR. I will ask the gentleman from Maine [Mr. BLAINE] if the difficulty might not be obviated by allowing officers to draw their rations in kind at the posts where the prices were so high.

Mr. BLAINE. That would be a very great improvement, and would make a very great difference.

Mr. FARQUHAR. The gentleman speaks of the Utah expedition. That was an expedition in the field, where they do not have commutation, but draw in kind.

Mr. BLAINE. I know they draw in kind in the field, as the gentleman says; and he speaks from experience in these matters. But under the bill of the gentleman from Ohio [Mr. SCHENCK] they would not be allowed to do that. The gentleman from Indiana will observe that this will cut them off from that privilege, and that the officer would be required to buy out of his private purse all of his rations and fuel, no matter how exorbitant and enormous the cost might be.

I trust, Mr. Speaker, that if it be necessary to correct any excess of pay or allowances in any particular—in a bureau here or a bureau there—we shall confine ourselves to that task, and not legislate in this wholesale manner in regard to officers in the field and at distant posts.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. COOPER, his Private Secretary.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, announced that the Senate had passed a joint resolution (S. R. No. 94) providing for the payment of certain Kentucky militia forces, in which the concurrence of the House was requested.

The message also announced that the Senate had agreed to the amendments of the House to the following named Senate bills:

An act (S. No. 167) to incorporate the Women's Hospital Association of the District of Columbia; and

An act (S. No. 184) to define more clearly the jurisdiction and powers of the supreme

court of the District of Columbia, and for other purposes.

PAY OF THE ARMY—AGAIN.

Mr. THAYER. Mr. Speaker, the proposition which is now before the House to alter the system of payment of officers of the Army is by no means a new or original proposition; and I am not vain enough to suppose that I shall be able to shed much additional light on the subject. It is my purpose, however, to place upon the record my opposition to this bill, and to detain the House a few moments while I give my reasons for that opposition. The system which has always obtained for the payment of officers of the Army is one which is founded upon equity and the necessity of the case. Propositions have frequently been made for a change of that system and for the substitution of a rigid, uniform, and invariable rule of pay for all officers in all situations. Those propositions, whether made in this House or elsewhere, have, after undergoing careful scrutiny, uniformly failed to receive the approval of those whose judgment is entitled to the highest consideration, and those who have hitherto constituted the law-making power of the country.

Sir, it must be manifest that in a country including so large a space as that which is covered by the United States, embracing so many degrees of latitude and longitude, the expenses of living must differ vastly in different parts of the country. The price of subsistence is one thing at St. Louis; it is a totally different thing at Eastport. It is one thing at New Orleans; it is a different thing at Philadelphia. It is one thing at Carlisle, an interior town in my own State; it is quite another thing in Washington.

Now, sir, the present system, that which has always been adopted by this Government, and the one which, as I am informed, prevails in every service, is founded upon the idea of remedying all this inequality by making the Government the purchaser of the necessities of life for the officer, furnishing them to him as a part of his pay.

Sir, an officer who is obliged to pay but a small price for his board in a town where the price of living is cheap, is, as any man must see, on an entirely different footing from an officer who is placed in another position where the expense of living is extremely high. The Government remedies this inequality by purchasing the subsistence and furnishing it in kind to both the officers.

The Government can go into all the markets of the United States and purchase its provisions for the Army. It can purchase them at rates vastly below the prices which an individual officer would be obliged to pay for his individual subsistence. The Government, therefore, has hitherto thought it wise to purchase by contract the subsistence for the officer, and to deal out to him, whether he be situated in Arizona or in Boston, those provisions which it has purchased for the common benefit of the Army. So with regard to forage and fuel. The Government can purchase those articles at rates vastly below the prices at which an individual officer would be obliged to provide his individual forage and fuel. Why, sir, an officer who has to pay eight dollars per cord for wood in the place where he is stationed cannot be said to be on a footing of equality as regards pay with an officer who is obliged to pay fifty or even one hundred dollars per cord for wood, as it has been stated was the case at Fort Bridger, where the Government, as is alleged, was obliged to pay the latter sum.

Now, sir, take an officer and place him in a cheap locality and compel him to pay for his own subsistence, allow him to draw no rations, allow him no forage and no fuel, and he may pay his way out of his own salary. Take a captain for instance, with \$2,000 a year. He may, if he be assigned to a cheap locality, by rigid economy live upon the sum you propose to assign him for his living by this bill. If

you place that officer in any other position where subsistence and forage and fuel command inordinate prices, you do not support that officer, you compel him to resign. That is the only effect of your bill. No man will remain in the service when the compensation you propose to give him will not supply the ordinary necessities of human existence.

Nor will he remain if he sees he is made the subject of invidious discrimination and inequality. Officers have no selection at the posts at which they will serve. They are in the hands of the War Department and the President. Where they are ordered there they must go. They cannot make their own beds. They must lie wherever the Government chooses to place them. It is a rule, as we well know, that the most desirable positions in assignment of duty shall be assigned to officers who have seniority in the service. Officers, then, sir, who have arrived at such a time of life, who have been for a sufficient period in service to command the most economical positions to which officers are assigned, may be relieved to some extent of the hardships of the proposed bill. But take the general run of officers, the most of them are not entitled by seniority to any preference of that kind. They must go where they are ordered, and when they go you propose to deprive them of subsistence, of forage, of transportation, and everything, I believe, that they have had before, no matter whether they are at a cheap position or a dear position; no matter whether they are at a position where they can save fifty dollars a year or be left \$1,500 or \$2,000 in debt at the end of the year. You say they shall have the same salary without regard to circumstances, and without regard to the expense they incur. Common sense and common justice are against it, and that is my reason for opposing the bill.

An officer is entitled to quarters. You propose not to give him quarters. There are many posts where there are quarters built for the use of officers. You do not intend, I suppose, to prohibit him from occupying these quarters. You do not intend to say when you send a man to the West that he shall not inhabit our forts. I do not see that you propose to charge him rent for quarters furnished to him. If you do not propose to make him pay for the use of quarters, I ask upon what ground you make a discrimination against other officers, upon what ground you say officers where there are Government quarters shall have the use of them free and where there are none the officers shall pay for them out of their own pockets. Is there any justice in that?

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. FORNEY, its Secretary, notifying the House that that body insisted on its amendments to House joint resolution No. 154, relative to appointments to the Military Academy of the United States, disagreed to by the House, agreed to the conference asked for, and had appointed Mr. WILSON, Mr. ANTHONY, and Mr. HENDRICKS managers of such conference on its part.

Also, that it insisted on its amendments to House bill No. 37, making appropriations for the support of the Military Academy during the year ending the 30th of June, 1867, disagreed to by the House, agreed to the conference asked for, and had appointed Mr. FESSENDEN, Mr. CONNESS, and Mr. RIDDLE managers of such conference on its part.

Also, that it insisted on its amendment to House bill No. 255, making appropriations for the construction, preservation, and repair of certain fortifications and other works of defense for the year ending the 30th of June, 1867, disagreed to by the House, agreed to the conference asked for, and had appointed Mr. MORGAN, Mr. MORRILL, and Mr. SAULSBURY managers of such conference on its part.

PAY OF THE ARMY—AGAIN.

Mr. THAYER. Mr. Speaker, an analogy

has been attempted to be drawn between the compensation of an officer in the Army and that of an officer in the Navy. Now, I do not think it requires much discrimination to perceive that there is a total failure in the attempted analogy. An officer of the Navy, if he is at sea, of course lives on board of his ship. He has no quarters to pay for. If he is on shore, on leave, he can select the place of his residence. In point of fact, we know that all our Navy officers do that. They locate their homes wherever they please; if poor, with a view to economy as well as comfort; if rich, they may choose their homes in more expensive localities; and while they are on leave they can go to those homes and occupy them. It is a matter which is entirely under their own control and at their own option. They may select whatever part of the country they please. When they are at sea their quarters are of course furnished. They live without rent. They receive their supplies from the purser, or rather from the paymaster of the ship, as he is now called. So that, so far as any argument is to be deduced from an analogy between the situation of the two kinds of officers, it strikes me there is a total failure in it. There is no analogy between the circumstances of the officers in the two branches of the service.

How can you fix any rigid system of pay which will do equal justice to all the officers of the Army whatever their situation or command may be? That is a question which has been attempted to be solved by very many gentlemen before the gentleman from Ohio [Mr. SCHENCK] attempted it, and no man has ever yet succeeded in doing it. You cannot by the force of ingenuity make any scale of pay which will do equal justice between the officers of the Army, wherever they may be situated and whatever their circumstances in the service may be. It is an impossibility, simply and purely. That is the reason why, from the foundation of the Government, the system which now prevails has existed. It is simple, it is just. A man who is in one place gets no more than the man who is in another place. It adjusts all the inequalities of living everywhere. Whether the officer is in one extremity of the country or another the Government does him equal justice by the system which now obtains. It buys for him his subsistence, his forage, his fuel, his quarters, and gives them to him at what they cost the Government, and if he does not choose to use the subsistence, forage, fuel, &c., it allows him as an equivalent the price which the Government has had to pay at the point where the officer is stationed.

Now, one would think that a system so plain, so apparently just and equal as that, ought not to be disturbed, especially when the manifest and obvious result of a disturbance such as is here contemplated would be to introduce the grossest inequality. You would drive many officers, in my judgment, from the service of the United States if you put them upon salaries such as are contemplated by this bill, and place them at certain posts which might be designated.

Mr. Speaker, I do not intend to take up further the time of the House in the consideration of this bill. It is a subject which, though one of great consequence, is really embraced within a very narrow compass. It is one for which it seems to me common sense furnishes the safest solution, and equal justice the true rule.

Much has been said by my friend from Ohio [Mr. SCHENCK] in regard to the bureaus of the War Department in this city. For what purpose, or what legitimate connection the bureaus have with this bill, I cannot conceive. I may say, however, that during the consideration of a former bill in the House it was attempted to arouse some prejudices by an appeal against the bureaus of the War Department in this city and those who have the fortune or the misfortune, whichever you may choose to call it, of belonging to them. I would like to know what that has to do with this subject. If any man votes for this bill upon the idea that he is

going to inflict an injury upon the bureaus of the War Department, I tell him he will commit a very grave mistake. I tell him that the injury he will inflict will be upon the officers in the distant, destitute posts of this country where all the necessities of life are scarce and high. Why, sir, even a bureau officer here may creep into some dirty hole and live in rags, perhaps, upon the pay proposed in the gentleman's bill without subsistence quarters, fuel, forage, or anything. But there are places where officers, and many of them, who have shed their blood in defense of your cause, in the far and remote West where subsistence and all these things are so high, cannot live upon the salary which you propose to give them while you strip them of the support which you have hitherto given them by furnishing these things in kind.

Sir, this legislation is not in its effect, whether the intention be so or not, against the bureaus here. It is vastly more against the officers situated in the manner to which I have referred than it is against the gentlemen whose positions have been made the subject of such frequent remark by the gentleman from Ohio, [Mr. SCHENCK.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, informed the House that the Senate had adopted a concurrent resolution in reference to the death of Lieutenant General Scott.

DEATH OF GENERAL SCOTT.

The SPEAKER, by unanimous consent, laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

With sincere regret I announce to Congress that Winfield Scott, late lieutenant general in the Army of the United States, departed this life at West Point, in the State of New York, on the 29th day of May instant, at eleven o'clock in the forenoon. I feel well assured that Congress will share in the grief of the nation which must result from its bereavement of a citizen whose high fame is identified with the military history of the Republic.

ANDREW JOHNSON.

WASHINGTON, May 30, 1866.

The message was laid upon the table, and ordered to be printed.

The SPEAKER also laid before the House the following message from the Senate of the United States:

IN SENATE OF THE UNITED STATES,
May 30, 1866.

Resolved by the Senate, (the House of Representatives concurring), That the Committee on Military Affairs and the Militia of the Senate and the Committee on Military Affairs of the House of Representatives be, and they are hereby, appointed a joint committee of the two Houses of Congress to take into consideration the message of the President of the United States announcing to Congress the death of Lieutenant General Winfield Scott, and to report what method shall be adopted by Congress to manifest their appreciation of the high character, tried patriotism, and distinguished public services of Lieutenant General Scott, and their deep sensibility upon the announcement of his death.

Mr. SCHENCK. I move that the House concur in that resolution.

The resolution was concurred in.

Mr. SCHENCK. I hope there will be no more business done to-day; and I offer the following resolution:

Resolved, That from respect to the memory of the deceased this House do now adjourn.

The motion was agreed to; and thereupon (at ten minutes before four o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule and referred to the appropriate committees: By the SPEAKER: The petition of Allen J. Denten, chairman, and Mark E. Foster, secretary, on behalf of colored people of Goldsboro', North Carolina, asking that the protecting influence of the Freedmen's Bureau may be continued.

By Mr. BEAMAN: The petition of Charles D. Stevens, and others, citizens of Michigan, touching inter-State insurance.

By Mr. DELANO: The petition of 55 citizens of

Licking county, Ohio, praying for an increased duty on foreign wools.

By Mr. ELLIOT: The petition of John Sherlock, for American register for British brig *Resolute*.

By Mr. LAFLIN: The petition of citizens of Little Falls, Herkimer county, New York, in favor of the modification of the law taxing State bank circulation ten per cent. after July 1, 1866.

By Mr. PERHAM: The petition of Alexander M. Pecs, for pension.

IN SENATE.

THURSDAY, May 31, 1866.

Prayer by the Chaplain, Rev. E. H. GRAY.
The Journal of yesterday was read and approved.

PETITIONS AND MEMORIALS.

Mr. ANTHONY. I present the memorial of John R. Bartlett, who was secretary of state of Rhode Island, offering to the Government of the United States a collection of books, pamphlets, and a large number of volumes of newspaper cuttings relating to the rebellion. These cuttings are taken from the northern papers, the southern papers, and English and French papers, and include, also, the poetry of the rebellion, the ballads, caricatures, biographies, eulogies, and a vast variety of subjects, all relating to the rebellion. I move the reference of the memorial to the Committee on the Library.

The motion was agreed to.

Mr. ANTHONY. I also present from the same person a memorial submitting to Congress a work entitled, "The Literature of the Rebellion," containing a catalogue of books and pamphlets relating to the rebellion, and to subjects growing out of that event or connected therewith. This collection embraces, I believe, more than three thousand articles, books, pamphlets, reports, eulogies, and everything relating to the rebellion. I move its reference to the same committee.

The motion was agreed to.

Mr. HARRIS. I present the petition of a number of citizens of the State of Florida, who represent that they were forced to enter the rebel army, and to give their notes for horses in the cavalry, and that their officers retained the amount of those notes out of their pay; that they lost their horses, and now they are sued upon the notes. They want Congress to pass some law which will enable them to defend themselves. I move that the petition be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. NYE presented the memorial of Paul S. Forbes, praying for relief under his contract for the building of the engine of the steamer *Algonquin*; which was referred to the Committee on Naval Affairs.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. SUMNER, it was

Ordered, That the petition of William Crosswell, praying for a pension, be taken from the files of the Senate and referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. DOOLITTLE, from the Committee on Indian Affairs, to whom the subject was referred, reported a bill (S. No. 348) to supply deficiencies and relieve destitute Indians in the southern superintendency; which was read, and passed to a second reading. He presented a letter of the Secretary of the Interior, submitting estimates for deficiencies for the support of destitute Indians in the southern superintendency, to accompany the bill; which were ordered to be printed.

Mr. GRIMES, from the Committee on Naval Affairs, to whom was referred a bill (S. No. 269) to define the number and regulate the appointment of officers in the Navy, reported it with amendments.

Mr. HENDRICKS. The Committee on Public Lands, to whom was referred a bill (S. No. 341) amendatory of the preemption laws, and for other purposes, have instructed me to report it back, in order that it may be printed and recommitment to that committee.

The bill was ordered to be printed and recommitment to the Committee on Public Lands.

Mr. RAMSEY, from the Committee on Naval

Affairs, to whom were referred the petition and other papers of Paul S. Forbes, praying for relief under his contract with the Navy Department for building the sloop-of-war *Idaho*, submitted a report, accompanied by a joint resolution (S. R. No. 99) for the relief of Paul S. Forbes, under his contract with the Navy Department for the building and furnishing of the sloop-of-war *Idaho*. The joint resolution was read and passed to a second reading, and the report was ordered to be printed.

Mr. STEWART, from the Committee on Public Lands, to whom was referred a bill (H. R. No. 466) erecting the Territory of Montana into a surveying district, and for other purposes, reported it with an amendment.

Mr. WADE, from the Committee on Territories, to whom was referred a bill (H. R. No. 508) to amend the organic acts of the Territories of Nebraska, Colorado, Dakota, Montana, Washington, Idaho, Arizona, Utah, and New Mexico, reported it with amendments.

Mr. MORRILL, from the Committee on the District of Columbia, to whom was referred a bill (S. No. 325) to give certain powers to the levy court of the county of Washington in the District of Columbia, reported it with amendments.

Mr. ANTHONY, from the Committee on Post Offices and Post Roads, to whom was referred a petition of citizens of Pennsylvania, praying for a modification of the postal laws so as to permit the postage on books and documents transmitted to historical societies and libraries to be paid for on delivery, asked to be discharged from its further consideration; which was agreed to.

LETTER CARRIERS IN SAN FRANCISCO.

Mr. RAMSEY. The Committee on Post Offices and Post Roads, to whom was referred the joint resolution (H. R. No. 142) authorizing the Postmaster General to pay additional salary to letter carriers in San Francisco, have instructed me to report it back without amendment, and recommend its passage; and as the resolution is a very brief one and may be easily comprehended, I hope that by common consent it will be considered at the present time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which authorizes the Postmaster General to pay such additional salary to letter carriers in San Francisco, above that provided by law, as may be necessary to secure competent persons for such service.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MINERAL-WATER BOTTLES.

Mr. JOHNSON. Some eight or ten days ago I moved to reconsider the vote on the passage of Senate bill No. 265, in relation to the sale of mineral-water bottles in this District. I move now that that motion be taken up with a view of offering one or two amendments to get clear of the objections to which the bill was obnoxious.

The motion was agreed to; and the Senate proceeded to consider the motion to reconsider the vote by which the bill (S. No. 265) to protect the manufacturers of mineral waters in the District of Columbia, and for other purposes, was passed.

The motion to reconsider was agreed to.

The PRESIDENT *pro tempore*. It is moved that the vote by which this bill was ordered to be engrossed for a third reading be now reconsidered.

The motion was agreed to.

Mr. JOHNSON. I move to amend the bill by striking out the word "allowable" in the fourth line of the first section, and inserting "allowed to be sold."

The amendment was agreed to.

Mr. JOHNSON. I also move to amend the bill by inserting after the word "marked" in the fifth line of the second section the words "for sale."

The amendment was agreed to.

Mr. JOHNSON. I now move to amend the bill by striking out in line five of the second section the words "or to sell, dispose of, or to buy;" so as to make the section read:

It is hereby declared to be unlawful for any person or persons hereafter, without the permission of the owner or owners thereof, to fill with mineral waters or other beverages any such bottles so marked for sale, or to traffic in any such bottles so marked, &c.

Mr. MORRILL. I should like to have an explanation as to the object of this amendment.

Mr. JOHNSON. The objection to which the bill as it passed the Senate was liable, as I thought—and in that I had the concurrence of several members of the Senate—was, that it would subject to the penalty which the bill imposes all who might buy mineral water in bottles, or get possession of bottles containing mineral water, and might afterward dispose of them in any way. The object of the bill is to protect the maker of the bottles, who is to place his name on the bottles under the authority of the first section, from having his bottles traded in by others. If the amendment which I suggest shall be adopted, then the penalty which the law will impose in order to protect the manufacturer of the bottles will be as against those who traffic in the bottles.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

PROPERTY OF RELIGIOUS CORPORATIONS.

Mr. WILLEY. I move that the Senate proceed to the consideration of House bill No. 564.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 564) to annul the thirty-fourth section of the declaration of rights of the State of Maryland, so far as it applies to the District of Columbia. It proposes to repeal and annul the thirty-fourth section of the declaration of rights of the State of Maryland, adopted 1776, so far as it has been recognized and adopted in the District of Columbia; and all sales, gifts, and devises prohibited by that section, or any law passed in accordance therewith, are to be, when hereafter made, valid and effectual.

Mr. JOHNSON. The clause in the declaration of rights of Maryland, which it is proposed to repeal so far as the District of Columbia is concerned, limits the amount of real estate that any religious congregation may hold. If it is repealed absolutely, there will be no limit here within the District, and they may hold any amount of real property. I ask the Senator from Iowa [Mr. KIRKWOOD] if it came from his committee.

Mr. KIRKWOOD. I know nothing about it. I want to hear what you have to say about it.

Mr. JOHNSON. If this bill passes there will be no limit in the District, and they can receive any amount of real or personal estate.

Mr. HENDERSON. What is the limit in your declaration of rights?

Mr. JOHNSON. I forget the amount of the limit. I ask that the bill lie upon the table for a moment until I can see the extent of the limitation in Maryland. I forget what it is.

The PRESIDENT *pro tempore*. It is moved that this bill be laid on the table temporarily. Is there any objection?

Mr. WILLEY. I have no objection, if the Senator from Maryland insists upon it.

Mr. JOHNSON. We can take it up in a moment. I only want to see what it is.

The PRESIDENT *pro tempore*. The bill will be laid on the table temporarily.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House of Representatives had passed a bill (H. R. No. 513) to reduce internal taxation and to amend an act entitled "An act to provide internal revenue to support the Government, pay interest on the public debt, and for other purposes," approved June 30, 1864, and acts amendatory thereof, in which it requested the concurrence of the Senate.

The message further announced that the House of Representatives had non-concurred in the amendment of the Senate to the bill (H. R. No. 459) granting a pension to Anna E. Ward, the former announcement of concurrence in the amendment having been a mistake.

The message further announced that the House of Representatives had concurred in the amendments of the Senate to the bill (H. R. No. 11) to facilitate commercial, postal, and military communication among the several States.

ANNA E. WARD.

The Senate proceeded to consider its amendment to the bill (H. R. No. 459) granting a pension to Anna E. Ward, which was disagreed to by the House of Representatives.

Mr. LANE, of Indiana. I move that the Senate insist on its amendment to the bill, ask for a committee of conference on the disagreeing votes of the two Houses thereon, and that the conferees on the part of the Senate be appointed by the President *pro tempore*.

The motion was agreed to; and Messrs. LANE of Indiana, EDMUNDS, and GUTHRIE were appointed the committee on the part of the Senate.

BILL INTRODUCED.

Mr. CHANDLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 349) to amend an act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, 1864, and the amendment thereto; which was read twice by its title, and referred to the Committee on Finance.

LEAVE OF ABSENCE.

Mr. WILLIAMS. I desire to ask leave of absence for my colleague [Mr. NESMITH] for two weeks from Monday next. He has business that requires him to be absent from the Senate.

Leave was granted.

PENSION LAWS.

Mr. LANE, of Indiana. I desire to make a report from the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 363) supplementary to the several acts relating to pensions. I will state that the House have concurred mainly in the amendments of the Senate, and that the amendments proposed by the House, which we have agreed to, are simply verbal and immaterial. I move that the Senate concur in the report of the committee of conference.

The PRESIDENT *pro tempore*. The report of the committee of conference will now be read and considered, if there be no objection. The Secretary read it, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 363) supplementary to the several acts relating to pensions having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House of Representatives recede from their disagreement to Senate amendments numbered one, two, three, four, and five.

That the House recede from their disagreement to Senate amendment numbered six, and agree to the same with an amendment, as follows: after the word "to" strike out the words "materially interfere with the performance of manual labor without wholly incapacitating them therefor" and insert "render their inability to perform manual labor equivalent to the loss of a hand or a foot."

That the House recede from their disagreement to Senate amendment numbered seven, and agree to the same with an amendment, as follows: strike out all of the new section proposed to the word "effect," and retain the remainder as an addition to section three of the House bill.

That the House recede from their disagreement to Senate amendment numbered eight, and agree to the same with the following amendments: in the third line strike out "fifty" and insert "twenty-five;" in line six strike out "twenty-five" and insert "fifteen;" and in line seven, after the word "pensioner," insert "or his attorney in fact."

That the House recede from their disagreement to Senate amendment numbered nine, and agree to the same with the following amendment: after the word "age" in line six insert "and the father as well as the mother."

That the House recede from their disagreement to Senate amendment numbered ten, and that the following be inserted after the word "time" in line six: "and in every case in which a claim for pension shall

not have been filed within three years after the discharge or decease of the party on whose account the claim is made, the pension, if allowed, shall commence from the date of filing the last paper in said case by the party prosecuting the same."

That the House refuse to recede from their disagreement to Senate amendment numbered eleven, and that the Senate recede from said amendment.

That the House recede from their disagreement to Senate amendment numbered twelve, and agree to the same with the following amendment: in lines fifteen, sixteen, and seventeen, strike out the words "for a period of two years next preceding the enlistment of the man."

H. S. LANE.

P. G. VAN WINKLE.

Managers on the part of the Senate.

SIDNEY PERHAM,

G. V. LAWRENCE,

NELSON TAYLOR,

Managers on the part of the House.

The report was concurred in.

INTERNAL REVENUE.

The bill (H. R. No. 513) to reduce internal taxation and to amend an act entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," approved June 30, 1864, and acts amendatory thereof, was read twice by its title and referred to the Committee on Finance.

Mr. FESSENDEN. It is suggested to me that it may be well to print a few extra copies of this bill, as they will be needed for use to a considerable extent. I propose that we order the printing of five hundred extra copies, and I suppose it can be done by common consent.

The PRESIDENT *pro tempore*. Under the rules a motion to print extra copies goes to the Committee on Printing; but the Chair can entertain the motion by the unanimous consent of the Senate. The Senator from Maine moves that five hundred extra copies of this bill be printed.

Mr. FESSENDEN. The Senator from New Hampshire suggests to me that the law requiring such a motion to be referred to the Committee on Printing can hardly be dispensed with by unanimous consent.

Mr. CLARK. The law requires that a motion to print extra copies should go to the Committee on Printing. They can report it back in a few moments.

Mr. ANTHONY. That is the law.

The PRESIDENT *pro tempore*. The motion will be referred to the Committee on Printing.

Mr. ANTHONY subsequently, from the Committee on Printing, to whom was referred the motion submitted by Mr. FESSENDEN to print five hundred extra copies of House bill No. 513, reported in favor of the motion; and it was agreed to.

DEATH OF GENERAL SCOTT.

Mr. WILSON, from the joint Military Committees of the two Houses, authorized to report what measures should be taken in relation to the death of General Scott, reported the following concurrent resolutions:

Resolved by the Senate, (the House of Representatives concurring,) That the two Houses of Congress have received with profound sensibility the intelligence of the death of Brevet Lieutenant General Winfield Scott.

Resolved, That the exalted virtues, both public and private, and the wisdom, patriotism, and valor of this illustrious man in defense of his country and the maintenance of her honor and glory for more than half a century against foreign and domestic enemies, in war and in peace, claim the liveliest gratitude and the deepest veneration of the American people.

Resolved, That as a further mark of respect to the memory of the deceased, when the two Houses of Congress adjourn to-day, they shall adjourn to meet on Monday next, and that a joint committee, to consist of seven members of the Senate and nine members of the House of Representatives, be appointed, who, together with the Presiding Officers of both Houses, shall proceed to West Point to represent Congress at the funeral ceremonies which are to take place to-morrow, and that said committee be attended by the Sergeants-at-Arms of both Houses.

Mr. WILSON. I ask for the present consideration of the resolutions.

The resolutions were considered by unanimous consent, and agreed to *nem. con.*

Mr. WILSON subsequently said: I move that the committee ordered to be appointed to attend the funeral of General Scott to-morrow be appointed by the Chair.

The motion was agreed to.

A message was afterward received from the House of Representatives, by Mr. McPHERSON, its Clerk, announcing its concurrence in the resolutions.

The PRESIDENT *pro tempore* appointed Mr. WILSON, Mr. JOHNSON, Mr. LANE of Indiana, Mr. DAVIS, Mr. GRIMES, Mr. ANTHONY, and Mr. NESMITH as the committee on the part of the Senate.

KANSAS AND NEOSHO VALLEY RAILROAD.

Mr. POMEROY. I move that the Senate proceed to the consideration of Senate bill No. 285.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 285) granting lands to the State of Kansas to aid in the construction of the Kansas and Neosho Valley railroad and its extension to Red river.

The bill was reported from the Committee on Public Lands with amendments.

The first amendment reported by the committee was in section one, line ten, after the word "Kansas" to insert "with a view of its extension."

The amendment was agreed to.

The next amendment was in section one, line twelve, to strike out the word "Parston" and insert "Preston."

The PRESIDENT *pro tempore*. That modification will be made without a vote, if there be no objection.

The next amendment was in the same section, line fifteen, after the word "land" to insert "or parts thereof."

The amendment was agreed to.

The next amendment was in the same section, line forty-five, to strike out after the word "road" the words "from the even-numbered sections of said lands reserved to the United States;" so that the proviso will read:

And provided further, That said lands hereby granted shall not be selected beyond twenty miles from the line of said road, &c.

The amendment was agreed to.

The next amendment was in section two, line fifteen, after the word "who" to insert "make their settlement after the passage of this act, and;" so that the clause will read:

That settlers under the provisions of the homestead act who make their settlement after the passage of this act, and comply with the terms and requirements of said act, shall be entitled, &c.

The amendment was agreed to.

The next amendment was in the same section, lines eighteen and nineteen, to strike out the words "anything in this act to the contrary notwithstanding."

The amendment was agreed to.

The next amendment was in section three, line four, after the word "at" to insert "all;" so that the clause will read:

Said company, after the construction of its road, shall keep it in repair and use, and at all times be in readiness to transport troops, &c.

The amendment was agreed to.

The next amendment was in section three, line seventeen, to strike out "one hundred" and insert "so many," and in line eighteen to strike out "and" and insert "as are;" so that the clause will read:

Then the said Secretary of the Interior shall issue to the said company patents for so many sections of the land within the limits above named as are contiguous with said completed section hereinbefore granted.

The amendment was agreed to.

The next amendment was in line twenty-four of the same section to strike out "one hundred sections of said" and insert "the."

The amendment was agreed to.

The next amendment was in the same section, lines twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, and thirty-one, to strike out the following proviso:

Provided, That if said railroad company or its assigns shall fail to complete at least one section of said road each year from the date of its acceptance of the grant provided for in this act, then its right to the lands for said section so failing of completion shall revert to the Government of the United States.

The amendment was agreed to.

The next amendment was in line thirty-two of the same section to strike out "further" in the clause "and provided further."

The PRESIDENT *pro tempore*. That is a verbal amendment, and will be made without a vote unless there be objection.

The next amendment was in section eight, line ten, after the word "assigns" to strike out "and to its branches;" so that the clause will read:

And the right of way through said Indian Territory is hereby granted to said Kansas and Neosho Valley Railroad Company, its successors and assigns, to the extent of one hundred feet on each side of said road or roads, &c.

The amendment was agreed to.

The next amendment was in section nine, line six, after "public" to strike out "domain" and insert "lands of the United States."

The amendment was agreed to.

The next amendment was in section ten, line seven, after the word "approval" to insert "of the President."

The amendment was agreed to.

The next amendment was in section eleven, line three, after the word "State" to strike out "may connect with the Kansas and Neosho Valley railroad at any point on the line of said road," and in lieu thereof to insert the following:

Which may have been heretofore or shall hereafter be recognized and subsidized by any act of the Congress of the United States, may connect, unite, and consolidate with this railroad company, after the same shall be located to the valley of the Neosho river, upon just, fair, and equitable terms, to be agreed upon between the parties, and shall not be against the public interest or the interest of the United States; nor shall any road authorized to connect as aforesaid charge the road so connecting a greater tariff per mile for freight or passengers than is charged for the same per mile by its own road: And provided further, That should the Leavenworth, Lawrence, and Fort Gibson Railroad Company, or the Union Pacific Railroad Company, southern branch, construct and complete its road to that point on the southern boundary of the State of Kansas where the line of said Kansas and Neosho Valley railroad shall cross the same, before the said Kansas and Neosho Valley Railroad Company shall have constructed and completed its said road to said point, then and in that event the company so first reaching in completion the said point on the southern boundary of the State of Kansas shall be authorized, upon obtaining the written approval of the President of the United States, to construct and operate its line of railroad from said point to a point at or near Preston, in the State of Texas, with grants of land according to the provisions of this bill, but upon the further special condition, nevertheless, that said railroad company shall have commenced in good faith the construction thereof before the said Kansas and Neosho Valley Railroad Company shall have completed its said railroad to said point: And provided further, That said other railroad company, so having commenced said work in good faith, shall continue to prosecute the same with sufficient energy to insure the completion of the same within a reasonable time, subject to the approval of the President of the United States: And provided further, That the right of way, when not otherwise granted in this bill, shall be obtained by said Kansas and Neosho Valley Railroad Company, or either of the other companies named in this act, in accordance with the provisions of section three of an act to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri river to the Pacific ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862.

Mr. HENDRICKS. I presume that amendment will, to some extent, involve the general merits of the bill, on which I desire to address the Senate very briefly. But if it is the intention of the Senator from Michigan to call up his resolution proposing an amendment to the Constitution this morning, of course I will waive the examination of this bill at present.

Mr. HOWARD. Certainly I intended to call it up this morning at one o'clock.

The PRESIDENT *pro tempore*. The morning hour has expired; and the unfinished business of yesterday is before the Senate, upon which the Senator from Wisconsin [Mr. DOOLITTLE] is entitled to the floor.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. McPHERSON, its Clerk, announcing that the House had passed the following bill and resolution of the Senate, without amendment:

A bill (S. No. 208) to protect American citizens engaged in lumbering on the St. Croix river, in the State of Maine; and

A joint resolution (S. R. No. 92) authorizing the appointment of examiners to examine a site for a fresh-water basin for iron-clad vessels of the United States Navy.

The message also announced that the House insisted on its disagreement to the amendment of the Senate to the bill (H. R. No. 459) granting a pension to Anna E. Ward, and agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses; and that Messrs. NELSON TAYLOR of New York, P. SAWYER of Wisconsin, and AARON HARDING of Kentucky, were conferees on the part of the House.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

A bill (H. R. No. 527) to promote the construction of a line of railroads between the city of Washington and the Northwest for national purposes; and

A bill (H. R. No. 537) to promote the construction of a line of railroad from Pittsburg, Pennsylvania, to Cleveland, Ohio.

These two bills were read twice by their titles, and on motion of Mr. GRIMES referred to the Committee on Foreign Relations.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House of Representatives had signed the following enrolled bills; which were thereupon signed by the President *pro tempore*:

A bill (S. No. 184) to define more clearly the jurisdiction and powers of the supreme court of the District of Columbia, and for other purposes;

A bill (S. No. 167) to incorporate the Women's Hospital Association of the District of Columbia; and

A bill (H. R. No. 11) to facilitate commercial, postal, and military communication among the several States.

RECONSTRUCTION.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. R. No. 127) proposing an amendment to the Constitution of the United States, the pending question being on the amendment of Mr. HOWARD to insert as section three of the proposed article of constitutional amendment the following:

That no person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two thirds of each House, remove such disability.

Mr. DOOLITTLE. Mr. President, I thank the Senate for its kindness in postponing the consideration of this resolution last evening until the present moment. The hour was late and I was somewhat weary; and more, at the moment, from the manner and tone of my friend from Illinois, perhaps, than anything else, I confess that I felt some little degree of resentment, but that has passed. I know my friend from Illinois so well, and have known him so long, that it is but just to him and myself to say that I know very well that under that tone which he sometimes assumes in debate, apparently of anger, so provoking to a stranger, nothing of the kind is, in fact, intended. Sir, the moment has passed, and with it all feeling of resentment. I shall address myself to the ideas to which he gave utterance in reply to some points which I had briefly stated in objection to this amendment.

He began by saying that there were some peculiar ideas in Wisconsin, he thought. Now, I assure my friend that no ideas are prevalent there, that I am aware of, which do not prevail also in Illinois and the adjoining States. Among others, he referred to what has been referred to before, a certain statement alleged to have been made by the First Assistant Post-

master General, formerly Governor of the State of Wisconsin. It so happens that since last evening's discussion I met Governor Randall, and he authorized me to say to my friend from Wisconsin [Illinois] that the remark to which he refers is not correct, that the statement is false, and therefore those who repeat it are giving currency to a falsehood unjust to him.

Mr. HOWE. Was that remark addressed to me—your "friend from Wisconsin?"

Mr. DOOLITTLE. I meant to say "my friend from Illinois." It was my friend from Illinois who made the remark yesterday.

Mr. TRUMBULL. I believe I stated that I had seen some statement in the papers in regard to it, and I think I said I did not know whether it was true or not.

Mr. DOOLITTLE. I did not understand the Senator from Illinois to vouch for the truth of it. What I state is, that the First Assistant Postmaster General authorizes me to say that the statement to which the Senator referred as circulating is false.

Mr. TRUMBULL. I know nothing about the statement, any further than that I saw it in the papers.

Mr. DOOLITTLE. Of course I do not intend to say that what the Senator stated, that he saw it in a newspaper, is false—not at all, but that the statement circulating in reference to Governor Randall was a false statement. My friend from Illinois also made a remark in relation to what I said on a former occasion which I think was not warranted by what I said. I stated that executive officers were responsible to the President as the chief executive officer of the Government. My friend from Illinois seems to think that because I made this statement that they are responsible to the President, because he under the Constitution has placed upon him the responsibility of seeing that the laws are faithfully executed, I intended to say that these men were subject merely to the will of the Executive and not to the laws of the land. Not at all, sir. The responsibility of the Executive is to see that those men who are exercising executive functions under him faithfully execute the laws of the land.

And, sir, is that an idea peculiar to Wisconsin? I think that is a fundamental idea well understood, and has been from the beginning of the Government, that the President being the chief Executive and sworn under the Constitution to see that the laws are faithfully executed, executive officers who are under him are responsible to him in that sense that he must see that they faithfully discharge their duties.

Now, Mr. President, enough on this question which has no bearing whatever on the subject before the Senate.

Mr. HOWE. My colleague will indulge me—

Mr. DOOLITTLE. If my colleague will allow me to conclude, I desire to leave all these personal matters and go on simply with the consideration of the question before the Senate.

Mr. HOWE. I simply want to know precisely what the contradiction is which is made here in behalf of the First Assistant Postmaster General. I understand him to deny the truth of a statement made yesterday by the Senator from Illinois. The statement made by the Senator from Illinois, I think, has some reference to a declaration of mine made here some time previous. I should like to know what the precise issue is. Here is one remark made by the Senator from Illinois yesterday, as printed in the Globe:

"I recollect having seen in the newspapers—I do not know whether it is true or not; I very seldom allude to newspaper articles—but I saw in some of the newspapers that an officer of this Government, who was supposed to control some patronage in the minor offices of the country, spoke of the officers as 'eating the bread and butter of the President.' I recollect the Senator from Wisconsin himself in a speech some days ago, spoke of the 'President's officers.'"

Is it denied by the First Assistant Postmaster General that he has spoken of officers as "eating the bread and butter of the President?" Is that the statement which is denied?

Mr. DOOLITTLE. The statement that I made was that I had seen the First Assistant Postmaster General, and that in conversation, alluding to that subject, he had authorized me to state that that rumor or statement which was circulating in the newspapers is not true, that it is false.

Mr. HOWE. The language substantially as used by the Senator from Illinois yesterday, I believe, was first introduced here by myself. I stated here that I had been told that the First Assistant Postmaster General had declared that no man should eat the bread and butter of the President unless he sustained his policy. That is as near as I remember the language. I made that statement upon the authority of a member of the House of Representatives. I met the First Assistant Postmaster General in the evening after I had made that remark. He did not call its correctness in question; but when I returned to my boarding-house, I found a note from him asking me upon what authority I made that statement. I replied to him, saying I made it upon the authority of the Representative of the fifth district of the State of Wisconsin, since which I have heard nothing from him or any one else questioning the accuracy of that statement until this remark was made here by my colleague.

Mr. DOOLITTLE. I have stated what he authorized me to state on that subject. Of course I personally do not undertake to state the fact one way or another.

But enough, sir, on that subject of personalities. I wish to call the attention of the Senate to the question involved in the amendment. I stated in the course of my remarks yesterday that the oath which Congress required all officers under the Government of the United States to take, so long as that oath remained unrepealed by law, effected all that is effected by this amendment. It excludes those who cannot take it from entering upon any office under the Government of the United States. Of course the oath does not refer to State officers. As to State officers, this proposed amendment goes further than that oath; but as to all Federal officers, the oath required to be taken by them, that they have not engaged in this rebellion against the Government of the United States, is as effectual, so long as that law stands unrepealed, as this amendment would be.

The Senator from Illinois, in reply to this, says that it is a new doctrine in me to maintain that members of Congress should obey the laws of the land and take the oaths which are prescribed by law before they are entitled to admission; that I have contended that each House was to judge for itself of the qualifications, elections, and returns of its members; and that in that judgment each House was independent of the other. Mr. President, I have contended that each House is the judge, and the sole judge, the judge without appeal, the judge over whom neither the President nor the Supreme Court nor the other House has any rightful control whatever. But does the Senator from Illinois suppose that I ever maintained that the House of Representatives or the Senate, in making up its judgment, should violate the laws of the land? Such an idea never entered into my brain, I can assure the Senator from Illinois. I supposed that the Senate of the United States would judge according to law. Has it come to this, that because I insist that the Senate of the United States shall judge upon the elections, qualifications, and returns of its members, I have any idea that the Senate will undertake to violate the laws of the land or repeal the laws of the land? I never heard such an idea suggested by any human being. I never thought that it could enter into the mind of any human being. I have confidence in the judgment of the Senate, that the Senate will judge right, that the Senate will judge as a tribunal authorized by the Constitution to judge, and to which is given the sole judgment on that question. I think, therefore, that the remark of the Senator from Illinois, that he was glad that I was

now disposed to obey the laws, was a remark which was not called for by anything I have ever uttered on this floor or elsewhere. I am just as much in favor of maintaining the laws and the Constitution as the Senator from Illinois possibly can be, and I have always maintained the validity of this oath, under the Constitution, which was required. As to the President of the United States, his oath is specified in the Constitution; and as the Vice President, in the event of the resignation or death of the President, is to exercise the same office, the only doubt I have ever had was whether the Vice President ought not to take the same oath as the President; whether we can prescribe to the Vice President a different oath from what the Constitution requires us to prescribe to the President. That is the only doubt I have ever had, and that is a question upon which I have doubts, for the reason I have stated, because the Vice President, in a certain contingency, is to take the place of the President, and to act in his stead. But, sir, that is not a question arising here.

I maintained, further, that this proposed amendment prescribes a new punishment for an offense which has already been committed. My honorable friend says that this is not punishment; that that idea must be peculiar to Wisconsin; that to pass a law or the sentence of a court or the decree of any tribunal which shall deprive a person of an office, or which shall disqualify him forever to hold an office is not a punishment. Sir, this idea is by no means peculiar to Wisconsin. There is not a State in this Union where, in some of the criminal statutes, is not to be found, as a part of the penalty attached to the crime which has been committed, a disqualification in certain cases to hold an office; and in cases of impeachment before this body, the highest tribunal known to the laws of the land, when the judgment of this body is pronounced, it is confined by the Constitution to that very thing, removal from office and disqualification from ever holding office, after the judgment of the Senate sitting as a court of impeachment. The Constitution says:

"Judgment in cases of impeachment shall not extend further than removal from office and a disqualification to hold and enjoy any office of honor, trust, or profit under the United States."

In the State of Illinois, in the State of Wisconsin, and other States, there are criminal statutes, in which, on the commission of certain offenses, a part of the punishment which is imposed by express statute is made the deprivation of this right to hold an office, disqualification forever to hold an office. It is part and parcel of the judgment in a criminal case. It carries that effect with it. Many of the States provide that when a person has been convicted of an offense amounting to a felony he shall not only be deprived of the right to hold office, but the right to vote as a citizen; his citizenship is forfeited. Sir, this is a penalty, a new penalty, an additional penalty imposed after the fact has transpired, after the crime has been committed. Where a new punishment is provided by law for an offense which has already been committed, unless the law which provides for it expressly saves it, the old penalty is gone. Such is the decision of all criminal courts in all States and countries. You cannot change the punishment of the offense without wiping out the old penalty, and here, sir, if you insert by way of a constitutional amendment this *ex post facto* provision, a bill of attainder, for it is nothing more nor less, it wipes out the old penalty, and all the penalties which attach will be the penalties which attach under this provision, unless the provision itself provides for saving the old penalty.

But, Mr. President, there is another objection to this proposed amendment as it stands. This amendment applies equally to those who were forced into the rebel service as to those who went in voluntarily. I call the attention of Senators to the fact that the men who were conscripted into the rebel service, men who were carried into it at the point of the bayonet,

men who were hunted all over the States of the South by the myrmidons of this rebellion to compel them to enter the service, are just as much subjected to penalties under this amendment as those who went into it of their own free will. Mr. President, has it come to this, that in this high place and in this body, we can make no distinction between the innocent and the guilty; no distinction in favor of those men who have been hunted like wild beasts from valley to valley all over the States of the South, and forced, conscripted, compelled to go into the service against their will, but that they are to stand upon precisely the same ground with the men who were guilty of this offense from the beginning? Sir, public judgment revolts against the proposition, and the conscience and the humanity of the American people will stamp this proposition as being in violation of every principle of justice and against the humanity of the age. It is beyond belief that the Senate of the United States proposes to treat these men who have been hunted, conscripted, and forced at the point of the bayonet to go into the rebellion, as if they were equally guilty with the leaders of the rebellion.

Mr. President, I speak of the injustice of the proposition in this respect. What hope is there that a proposition like that will receive the sanction of the American people? None whatever. It ought not to receive their sanction, for it is founded in injustice, that injustice which annihilates the distinctions between innocence and guilt, between the men who have suffered, and suffered more than the men of the North have suffered; who have been conscripted, forced into the rebellion, and compelled at the point of the bayonet to do its bidding, and the men who went into it of their own free will. Sir, it is perhaps predestined that this resolution must pass in this form. It has perhaps passed through one of those consultations where results are arrived at that no considerations can change. Nothing can modify it. It must be, like the decrees of fate, accomplished. But, sir, it does seem to me that this Senate ought to pause before they abolish all distinction in the southern States between those who were forced into the rebel army and those who went in of their own free will.

But, sir, there is another objection to this amendment as it stands. It proposes to annul in some cases the pardons and amnesties which have already been granted under the laws of Congress, and the proclamations of the President issued in pursuance thereof. Are we prepared to do that? Can this Congress stand before this country and the civilized world and say, "We authorized the President of the United States by proclamations to declare full amnesty and pardon upon certain terms and conditions; that amnesty and pardon has been extended; the oaths of allegiance have been taken; these men have in good faith accepted the conditions of the pardon and amnesty; and yet Congress proposes by a constitutional amendment to annul those pardons and wipe out that amnesty?" On what kind of principle can we stand before the civilized world and do that? That I may make no mistake I desire to read the section of the statute which authorized both President Lincoln and President Johnson to grant pardon and amnesty to those who had taken part in the rebellion. On the 17th of July, 1862, Congress enacted in these words:

"That the President is hereby authorized, at any time hereafter—

No limitation as to time—

"by proclamation, to extend to persons who may have participated in the existing rebellion in any State or part thereof, pardon and amnesty, with such exceptions and at such time and on such conditions as he may deem expedient for the public welfare."

Now, Mr. President, independent of that authority which the Constitution confers upon the President as the chief Executive to issue pardons to persons who are guilty of offenses against the laws of the United States, here is an express provision enacted by Congress,

authorizing the President, as he should deem expedient for the public welfare, to grant amnesty and pardon to those who had been engaged in this rebellion. In pursuance of this statute, Mr. Lincoln, President of the United States, in December following the passage of this law did issue a proclamation granting pardon and amnesty to persons who had been engaged in this rebellion, upon the terms and conditions therein specified. I read from that proclamation:

"Whereas in and by the Constitution of the United States it is provided that the President 'shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment;' and whereas a rebellion now exists whereby the loyal State governments of several States have for a long time been subverted, and many persons have committed, and are now guilty of, treason against the United States; and whereas, with reference to said rebellion and treason, laws have been enacted by Congress, declaring forfeitures and confiscation of property and liberation of slaves, all upon terms and conditions therein stated, and also declaring that the President was thereby authorized at any time thereafter, by proclamation, to extend to persons who may have participated in the existing rebellion, in any State or part thereof, pardon and amnesty, with such exceptions and at such times and on such conditions as he may deem expedient for the public welfare; and whereas the congressional declaration for limited and conditional pardon accords with well-established judicial exposition of the pardoning power; and whereas, with reference to said rebellion, the President of the United States has issued several proclamations, with provisions in regard to the liberation of slaves; and whereas it is now desired by some persons heretofore engaged in said rebellion to resume their allegiance to the United States, and to reinaugurate loyal State governments within and for their respective States: Therefore,

"I, Abraham Lincoln, President of the United States, do proclaim, declare, and make known to all persons who have, directly or by implication, participated in the existing rebellion, except as hereinafter excepted, that a full pardon is hereby granted to them and each of them, with restoration of all rights of property, except as to slaves."

The conditions were the taking of a certain oath which is herein mentioned, and which it is not necessary that I should read. Now, the persons who were excepted from the benefits of this pardon and amnesty granted by President Lincoln, were as follows:

"The persons excepted from the benefits of the foregoing provisions are all who are, or shall have been, civil or diplomatic officers or agents of the so-called confederate government; all who have left judicial stations under the United States to aid the rebellion; all who are, or shall have been, military or naval officers of said so-called confederate government above the rank of colonel in the army or of lieutenant in the navy; all who left seats in the United States Congress to aid the rebellion; all who resigned commissions in the Army or Navy of the United States and afterwards aided the rebellion; and all who have engaged in any way in treating colored persons, or white persons in charge of such, otherwise than lawfully as prisoners of war, and which persons may have been found in the United States service as soldiers, seamen, or in any other capacity."

All these classes of persons were excepted from this pardon and amnesty; but the constitutional amendment now proposed to be inserted includes very many of those persons to whom pardon and amnesty were extended under the Constitution and laws of the United States by President Lincoln. Now, I ask, by what right do you undertake to annul that amnesty and take away that pardon? Is it upon the ground that might gives right, and that if by any proceeding the Constitution of the United States can be amended so as in effect to work an *ex post facto* attainder of men to whom pardon and amnesty have been extended, you will do it?

Mr. MORRILL. Will the Senator allow me to ask him a question?

Mr. DOOLITTLE. If it is right on this point.

Mr. MORRILL. Are we to understand the Senator to maintain that amnesty and pardon necessarily relieve from all civil disabilities, and grant restoration of all civil rights?

Mr. DOOLITTLE. I think so, undoubtedly. I think undoubtedly that where an offense is committed by any person against the laws of the United States, and the President, in pursuance of the Constitution and laws, grants full pardon and amnesty to the offender, he is restored to his position as a citizen to all intents and purposes.

Mr. JOHNSON. The honorable member perhaps might state it in this way: one of the

acts we have passed during the rebellion provides that for the offenses stated in that act a person may be indicted and tried and punished, and it provided, as a part of the punishment, for his exclusion from the right to hold office. Now, I submit to my friend from Maine whether if one has been convicted under that act, and has been adjudged to suffer that punishment, and the President then should pardon him, the pardon would not remove the disability consequent upon that judgment.

The question in relation to the general effect of the pardoning power of the President has been discussed in the Supreme Court, so far as the exercise of that power concerns the obligation to take the oath which we have prescribed for permission to practice in the courts of the United States. The Senate will remember that the same oath which we take here every lawyer is required to take before he can practice in the courts of the United States. The validity of that act, as far as counsel is concerned, was one of the questions which were argued and reargued by direction of the court at the last term; and as the two gentlemen who applied to practice without taking the oath had been pardoned by the President, another question was argued, whether the effect of the pardon was not to exempt them from the obligation to take the oath, and upon that question, I have reason to believe, the Supreme Court was divided. Certainly, from all accounts, four of the judges thought that the pardon did operate as an exemption, and one doubted; and the question is now held under advisement, to be settled the one way or the other when the Supreme Court meets; but the authorities cited—have not them in my memory exactly—went very far, as I thought, to prove that the operation of the pardon was to clear the party pardoned from the obligation to take that oath; and that upon the ground that the oath itself excluding a party from the privilege of practicing in the courts of the United States was in the nature of a penalty.

Mr. HOWE. Mr. President—

Mr. GRIMES. Let me say one word.

Mr. DOOLITTLE. All this is in my speech.

Mr. HOWE. I wish the Senator from Maryland, as he was giving us the state of the authorities on this question, would tell us whether he knows of any authority which has gone to the extent of declaring that either an amnesty or a pardon can impose any limitation upon the power of the people of the United States through an amendment of their Constitution to fix the qualifications of officers.

Mr. JOHNSON. That is not the question to which I spoke; it is quite another inquiry. I was speaking of the operation of a statute.

Mr. HOWE. But it is the question which the Senator from Maine was suggesting.

Mr. GRIMES. The Senator from Wisconsin [Mr. Howe] has hit at the very suggestion which I was about to make. It may be, and probably is, that in the case put by the Senator from Maryland, where the disability to hold future office was attached to the commission of a crime which had been proved against the party, that would be regarded as a part of the penalty; but the fallacy of the Senator from Wisconsin [Mr. DOOLITTLE] is, that he assumes that this disability embodied in the third section is as a penalty for an offense committed. It is intended as a prevention against the future commission of offenses, the presumption being fair and legitimate that the man who has once violated his oath will be more liable to violate his fealty to the Government in the future.

Mr. MORRILL. Before the honorable Senator from Wisconsin proceeds, I trust he will allow me a moment as I seem to have been misunderstood. I did not intend to interrupt the line of his remarks; but I did intend to bring to his mind the question whether he recognized what I regard as an obvious distinction between the penalty which the State affixes to a crime and that disability which the State imposes and has the right to impose against persons whom it does not choose to intrust with

official station. That was the distinction, and I wished to see if the honorable Senator recognized it.

Mr. DOOLITTLE. The question of the effect of the pardon upon men who have been convicted of offenses is pretty well understood by all who are familiar with judicial proceedings. We all know that if a man is convicted of felony a full pardon restores him to his civil rights. He may be pardoned on condition that he shall not be restored to his civil rights; and if the pardon expresses that condition it is good. He may be pardoned out of the State prison on the condition that he shall leave the State. He may be pardoned out on the condition that he shall not be restored to his civil rights as a citizen, his right to vote and hold office. But when an unlimited, unconditional pardon is given it covers the whole ground. The question in regard to lawyers is altogether a different case from the case of a man who has committed an offense, because to practice law is the lawyer's business, his profession, he lives by it, and to take it from him is to deprive him of a valuable thing. The other is a question which goes to disability as to civil rights growing out of the commission of a crime.

I have said, Mr. President, that Mr. Lincoln's proclamation specified certain persons that were excepted from the operation of the amnesty which he granted. Mr. Johnson after he became President, on the 29th of May, 1865, in pursuance of the statute which I have read, and which gave him full authority to act in the case and to specify the terms and conditions upon which amnesty and pardon should be given, issued a proclamation in which he used the following language:

"Whereas the President of the United States, on the 8th day of December, A. D. 1863, and on the 25th day of March, A. D. 1864, did, with the object to suppress the existing rebellion, to induce all persons to return to their loyalty, and to restore the authority of the United States, issue proclamations offering amnesty and pardon to certain persons who had directly or by implication participated in the said rebellion; and whereas many persons who had so engaged in said rebellion have, since the issuance of said proclamations, failed or neglected to take the benefits offered thereby; and whereas many persons who have been justly deprived of all claim to amnesty and pardon thereunder, by reason of their participation directly or by implication in said rebellion, and continued hostility to the Government of the United States since the date of said proclamation, now desire to apply for and obtain amnesty and pardon:

To the end, therefore, that the authority of the Government of the United States may be restored, and that peace, order, and freedom may be established, I, Andrew Johnson, President of the United States, do proclaim and declare that I hereby grant to all persons who have, directly or indirectly, participated in the existing rebellion, except as hereinafter excepted, amnesty and pardon, with restoration of all rights of property, except as to slaves, and except in cases where legal proceedings, under the laws of the United States providing for the confiscation of property of persons engaged in rebellion, have been instituted; but upon the condition, nevertheless, that every such person shall take and subscribe the following oath, (or affirmation,) and thenceforward keep and maintain said oath inviolate; and which oath shall be registered for permanent preservation, and shall be of the tenor and effect following, to wit:

"I, _____, do solemnly swear, (or affirm,) in presence of Almighty God, that I will henceforth faithfully support, protect, and defend the Constitution of the United States, and the Union of the States thereunder; and that I will in like manner abide by and faithfully support all laws and proclamations which have been made during the existing rebellion with reference to the emancipation of slaves. So help me God."

Mr. President, the question is sometimes asked, where did Mr. Johnson, as President, get the power to prescribe any such condition as this? Here is the statute, in the twelfth volume of the Statutes-at-Large, page 592, in which Congress in express terms declared that he should have power to grant pardon and amnesty "with such exceptions, and at such time, and on such conditions as he may deem expedient for the public welfare." He deemed it expedient for the public welfare, in granting this pardon and amnesty, to require of those who accepted it that they should take that oath. He had authority, under the statute, to prescribe it as one of the conditions of the amnesty granted; and the oath is, that henceforth they will faithfully support and defend the Constitution of the United States and the Union of

the States thereunder, and that they will in like manner abide by and faithfully support all laws and proclamations which have been made during the existing rebellion with reference to the emancipation of slaves. There is where he got the power. At all events, if there were any doubt about his having the power under the language of the Constitution itself, there is an authority given by Congress to him to say that if the men who had been engaged in the rebellion would take an oath to support the Constitution henceforth, and to support the proclamations emancipating slaves, they should have pardon. Sir, in addition to that oath he went further and put into the very pardons themselves which were granted to the individuals, terms and conditions there expressed.

Mr. SAULSBURY. Mr. President—

Mr. DOOLITTLE. I hope the Senator from Delaware will not interrupt me. I have been very much interrupted, and have had three or four speeches interjected into my speech now. It costs too much to print a speech with the speeches of others in it. Mr. Johnson, in his proclamation from which I have read, specified the exceptions, namely:

"The following classes of persons are excepted from the benefits of this proclamation: first, all who are or shall have been pretended civil or diplomatic officers or otherwise domestic or foreign agents of the pretended government; second, all who left judicial stations under the United States to aid the rebellion; third, all who shall have been military or naval officers of said pretended confederate government above the rank of colonel in the army or lieutenant in the navy; fourth, all who left seats in the Congress of the United States to aid the rebellion; fifth, all who resigned or tendered resignations of their commissions in the Army or Navy of the United States to evade duty in resisting the rebellion; sixth, all who have engaged in any way in treating otherwise than lawfully as prisoners of war persons found in the United States service as officers, soldiers, seamen, or in other capacities; seventh, all persons who have been or are absentees from the United States for the purpose of aiding the rebellion; eighth, all military and naval officers in the rebel service who were educated by the Government in the Military Academy at West Point or the United States Naval Academy; ninth, all persons who held the pretended offices of Governors of States in insurrection against the United States; tenth, all persons who left their homes within the jurisdiction and protection of the United States, and passed beyond the Federal military lines into the pretended confederate States for the purpose of aiding the rebellion; eleventh, all persons who have been engaged in the destruction of the commerce of the United States upon the high seas, and all persons who have made raids into the United States from Canada, or been engaged in destroying the commerce of the United States upon the lakes and rivers that separate the British Provinces from the United States; twelfth, all persons who, at the time when they seek to obtain the benefits hereof by taking the oath herein prescribed, are in military, naval, or civil confinement or custody, or under bonds of the civil, military, or naval authorities or agents of the United States as prisoners of war, or persons detained for offenses of any kind, either before or after conviction; thirteenth, all persons who have voluntarily participated in said rebellion, and the estimated value of whose taxable property is over twenty thousand dollars; fourteenth, all persons who have taken the oath of amnesty as prescribed in the President's proclamation of December 8, A. D. 1863, or an oath of allegiance to the Government of the United States since the date of said proclamation, and who have not thenceforward kept and maintained the same inviolate; *Provided*, That special application may be made to the President for pardon by any person belonging to the excepted classes; and such clemency will be liberally extended as may be consistent with the facts of the case and the peace and dignity of the United States."

These were the terms of amnesty and pardon which were proclaimed by the President, in pursuance of the express statute passed by the Congress of the United States. Now, sir, this amendment proposed to the Constitution embraces large numbers of persons to whom pardon and amnesty have already been given. I know it may be said that by an amendment of the Constitution of the United States, which is the supreme law of the land, you can annul all existing rights. You could, perhaps, by an amendment to the Constitution of the United States, enact a provision which would deprive individual citizens of their property, and vest the whole of it in the government of a State or in the Government of the United States; you might, perhaps, by a constitutional amendment, pass a bill of attainder by which certain men should be sentenced to death and to corruption of blood; but, sir, would it be right? That is the question.

Where men in good faith have taken this oath and accepted the terms of this amnesty and pardon, is it right to undertake, by a constitutional amendment, to rob them of this vested right? Sir, I have never been taught to believe that might was right, or that such a provision would be right because we had the power to pass it. I maintain that good faith, the good faith of this Government which was pledged by the Congress of the United States, and the President acting under the authority of Congress, requires us not to undertake to destroy or take away the rights which we ourselves have vested. Our honor is involved in it, and we cannot, as honorable men, it seems to me, undertake to annul what we ourselves have given and they have accepted in good faith.

While upon this subject of pardons, as so much has been said from time to time of the numbers of pardons that have been granted, I beg leave to state from a paper which I hold in my hand, furnished to me, and which I believe to be correct, that there still remain unpardoned, liable to trial and to conviction and punishment among the chief leaders of the rebellion, one hundred and thirty major and brigadier generals, eighty-eight members of the confederate congress, so called, one hundred and fifty-eight ex-United States Army officers, and one hundred and twenty-two ex-United States Navy officers, who left our service to join the rebellion, and of the prominent rebel officials, like cabinet officers and governors of States, thirty-seven. In all five hundred and thirty-five of these principal officers remain unpardoned. They are in the hands of the law, liable to be tried, certainly all the civilians at least. As to major generals and brigadier generals who surrendered, the terms of the surrender may control the good faith of the United States on the question of their trial, conviction, and punishment.

Mr. President, to this amendment I object also because it assumes on the part of the Constitution of the United States to fix the qualifications of those officers who hold offices under the State governments. If it were confined to officers under the United States, to Senators and Representatives in Congress, and to all persons holding office under the Government of the United States, I could well see the propriety of the United States prescribing the qualifications of their own officers. But when you go beyond that and undertake by the Constitution of the United States to prescribe the qualifications of officers under the laws and constitutions of the States, it seems to me you are interfering with a question which belongs to the people of the States. In the States of Tennessee, Missouri, Maryland, and West Virginia the people have assumed to pass upon the question for themselves. They prescribe the qualifications of those who shall hold offices under their State governments. I think that is a matter which belongs to the people of the States.

I stated yesterday that in my judgment one of the great dangers to be apprehended from inserting this proposition as a part of the constitutional amendment to be submitted would be to prevent the adoption of the residue of the amendment, for I understand this proposition to be to submit all these sections together as one amendment, although there are five or six sections, the subjects-matter of which are entirely distinct. The proposition seems to be to submit them all together, so that if there is one section which three fourths of the States refuse to sanction, all will be lost. I think that certainly if this amendment is to be pressed in its present form each section should be submitted in so many distinct and independent articles so that if any article were adopted by three fourths of the States, that article could become a part of the Constitution. For instance, that article which forbids the assumption of the rebel debt and that article on the subject of the basis of representation might be adopted, when this, from the form in which it stands, would not be able to command the assent or

ratification of three fourths of the States, and therefore all might be lost.

Now, Mr. President, I confess for one that if constitutional amendments are to be submitted I desire that they should be submitted in such a form that they will be adopted. I want this thing closed up, not kept open forever. If these amendments are submitted in such form as not to receive the sanction of three fourths of the States, where are we? Still in a state of *quasi* war. I think that this clause which is now proposed to be inserted in the amendment, instead of tending to reconstruction or restoration, has a tendency to obstruct the very thing at which all aim or should aim.

I am just as liable to be mistaken as any other person; but it is my deliberate opinion that if on the first day of this session we had admitted into both Houses of Congress those gentlemen who came here and who were prepared in good faith to take the oath which we require to be taken, we should this day be in a much better condition than we are now. I believe that if these men who could take the oath had been admitted, and those who could not take it had been sent home, the people of those States would have found men who would take the oath, there would have been Representatives from many, if not all, of the States, by this time, and we should have presented the spectacle of a united people, the United States, not the disunited States, not a condition of *quasi* war, a moral warfare, a condition in which we hear from one end of the session almost to the other continual denunciation and vituperation, and which does not tend to peace, does not tend to restoration or the harmony of the States.

I believe, sir, that these men would have been able in all these States to have built up a powerful party to support them if we had taken them by the hand, countenanced them, and given them the moral support of Congress and of the Government. But by our treating them as if they were like rebels themselves we discourage them and discourage the men who stood with them. I have no doubt of another thing, that if this day the Representatives from all these States who could take the oath of allegiance were in Congress, speaking the voice of a united people to the civilized world, our bonds would stand at ten per cent. higher than they do to-day. I have no doubt of another thing, that had all these States been represented by loyal men taking the oath of allegiance, joining with us heart and hand to speak the united voice of the American people, Maximilian would have left Mexico before now.

Sir, did you not read the speech of Roebuck in the British Parliament the other day, the man who from the beginning hoped for the dissolution of the Union, labored for it, denounced the English Government for not interfering to aid the South to dissolve the Union?

Mr. CONNESS. I believe, if the Senator will permit me to say it, that he uses the term, applied to our country, of "disunited States." I think he does.

Mr. DOOLITTLE. I say that is the position in which you place us and have endeavored to place us from the beginning and from before the beginning of this Congress, while I have struggled to place us in the position of the United States, speaking one voice, rallying under the same flag; and I repeat it here, without twenty-five stars on it, either. Our national salute is thirty-six guns, not twenty-five; our flag bears thirty-six stars, the representatives of thirty-six States of the Union, not twenty-five. And, sir, placed in that position, how much better should we stand before the nations of the earth. Roebuck would not rise in Parliament to say, "Wait a little longer; the war is not yet over; the States are still separated; they are denouncing each other; there is danger of a new civil war breaking out."

Mr. President, I say, as I said before, that I claim no more weight for my opinion than belongs to any other person; but this is the light in which I look upon the situation. This

is the danger which is impending over us now, that we are endeavoring to put into this constitutional amendment that which, instead of tending to peace, tends to obstruction, tends not to restore but to keep separated.

I had no intention of detaining the Senate at so much length; but I wish to move an amendment to this proposition. After the words "shall have" and before the words "engaged in insurrection or rebellion," in line thirty-seven, I move to insert the word "voluntarily." I shall also propose in the same section, after the word "thereof" and before the word "but," in line thirty-nine, to insert "excepting those who have duly received pardon and amnesty under the Constitution and laws, and will take such oath as shall be required by law." My first amendment is to insert the word "voluntarily," and on that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DAVIS. Mr. President, I do not propose to debate at this time the subject of the proposed amendment to the Constitution of the United States; but I will make a single remark in support of the view taken by the honorable Senator from Wisconsin in relation to his proposition to exempt from the effect of the amendment now pending all the persons who were forced involuntarily into the confederate service. I am somewhat surprised that a proposition so just, so humane, and so politic as that should not receive the unanimous sanction of the Senate. We all know that coercion and a power of compulsion to do a criminal act, which cannot be resisted by the party who is guilty of the act, exempts from culpability and punishment. If that be a true principle in relation to crimes that strike at the peace and welfare of society, and which crimes are supposed, and in fact do generally, import a high degree of moral turpitude, how much more forcibly ought such a principle to be applicable to this proposed amendment to the Constitution. We know, as a matter of public history, that in some of the confederate States there was a universal conscription of every man who could carry a gun. In one of those States, at least, it swept through all classes, from boys of sixteen to men of sixty years of age. These men were not allowed to choose whether or not they would enter into the camp and into the army of the rebellion. The whole country was hunted over to find every man who was capable of bearing arms, and, without regard to his own judgment or his own disposition to enter into the rebellion or to keep out of it, he was forced by a resistless power to become a conscript in the rebel army. There were feeble old men and immature boys who were in great numbers thus forced into the army of the confederate States. Is there anything of justice, much less of policy and statesmanship, that requires that all those soldiers of the rebel army should be inexorably punished? Notwithstanding the position assumed by the Senator from Illinois, that a disqualification for office is no punishment, I maintain that it is a punishment, and a grievous punishment, and such as a great and generous nation, or the representatives of a great and magnanimous people ought not to impose upon such a number of persons. I suppose that if the honorable Senator from Illinois himself was to come in a class, in the form of an amendment to the Constitution, that would exclude him during his life-time from office, he would regard it as some punishment. It is punishment, and punishment of the most grievous and dishonoring character, for a man to be excluded from taking part in the Government of his country by filling such an office as those authorized to fill them might call him to the discharge of the duties of.

But, Mr. President, there is another idea connected with this subject that has been forced on my mind. We know from the public prints and the history of the rebellion that late in the war about one third of the armies of the rebels deserted and abandoned their camps and their banner. That was an

enormous desertion, and it could only have resulted from the fact that the greater proportion of them were forced into the service and were required to fight for a cause against which they were opposed in principle and sentiment and if left to their own free will would never have entered. This proscriptive amendment is to operate inexorably upon those who will go into the confederate service as well as those who were involuntarily, and by a force which was resistless by them, compelled to go into it. It embraces and proscribes during their lifetime those who were involuntarily forced into the service and who abandoned it and deserted it on the first opportunity, as well as those who went into it with a free and deliberate will, and continued in it to the end. In the language of the honorable Senator from Wisconsin, what will a civilized world think of the justice and humanity, much less of the policy, of such a proscription as this? If the object of its friends was to prevent perpetual reunion and a return by the rebel States to loyalty and to true fealty to this Government, it seems to me this would be one of the most effective measures that they could devise to produce such a state of things.

I rose, Mr. President, not to enter into this debate, which I expect to do at a later period of it, but simply to urge this single consideration in support of the humane and just and statesmanlike proposition that the honorable Senator from Wisconsin has offered as an amendment to this section of the proposed amendment to the Constitution.

Mr. WILLEY. Mr. President, it is a matter of indifference to me whether the amendment proposed by the honorable Senator from Wisconsin be adopted or not. My impression is that if it should be incorporated into the proposed constitutional amendment it will emasculate it pretty effectually, and that the practical result will be that you will find in the end very few individuals who ever entered into the rebellion voluntarily. A few of the more prominent, of course, could not escape; but it would be almost impossible to prove in the southern States, where there would be a general disposition to evade the fact, that any person who has not been very prominently engaged in the rebellion had ever entered into it voluntarily. Indeed, if I understand the argument or affidavit of Mr. Stephens, made before the committee of fifteen, I take it that his plea is that he never entered into the rebellion voluntarily.

But, sir, I did not rise so much to say anything upon the amendment offered by the Senator from Wisconsin as to reply to the argument of the Senator from Kentucky, which is but a reiteration of the argument of the Senator from Pennsylvania [Mr. COWAN] the other day, and of the repeated arguments of the Senator from Wisconsin, [Mr. DOOLITTLE,] that this amendment is vindictive in its character; that it is *ex post facto* in its nature; that it is designed as a punishment for the crime of treason. I utterly deny that such is the philosophy of the amendment, or that such can be said properly to be the intention of the amendment. It may, in its results, operate as a punishment, as an odium, as a disgrace upon the parties to whom it shall apply; but, sir, what is the purpose of this amendment? I will state what I understand to be its purpose. It is not to punish the men who engaged in the rebellion for the crime which they have committed; the law in that respect is ample now; but, not being penal in its character, it is precautionary. It looks not to the past, but it has reference, as I understand it, wholly to the future. It is a measure of self-defense. It is designed to prevent a repetition of treason by these men, and being a permanent provision of the Constitution, it is intended to operate as a preventive of treason hereafter by holding out to the people of the United States that such will be the penalty of the offense if they dare to commit it. It is therefore not a measure of punishment, but a measure of self-defense; and the honorable Senator from Wisconsin was,

in point of fact, driven to that conclusion at last by the interrogatory propounded to him by his colleague; and then he asked, in consideration of the amnesty proclaimed by Mr. Johnson and of the legislation of Congress on that subject, would it be just, would it be right to incorporate such a provision as this in the Constitution of the United States, excluding these men hereafter forever from holding office?

Now, sir, is it right? The duty of the Government and the citizen is reciprocal; the obligation is mutual. The Government owes to its citizen protection; the citizen owes to the Government obedience and support; and I demand to know of the Senator from Wisconsin, or any other Senator, whether there is in the annals of history the case of a Government so benign as has been that of the United States, and where the obligation on the part of the Government has been so perfectly performed and so adequately extended? Do Senators pretend to say that the men disqualified by the proposed amendment rebelled because they had any just cause to rebel, any just cause of complaint on the part of the Government; that it had failed to afford them the protection that was due from the Government to them? Do Senators pretend to say that there was the shadow of a pretext to justify these men in going into the rebellion?

Then, sir, if they cannot answer these interrogatories in the affirmative, as I know they cannot, and will not dare to do so, how does the case stand? Here was the Federal Government extending to these men ample protection. What did they do? Yield to the Government the support that was due from them to the Government? No, sir; not only did they withhold support from the Government, but they drew the sword to destroy it. And now, sir, the proposition is, shall these men, who have thus forfeited their allegiance and shown how unfaithful they could be to the most benign Government in the world, be allowed again to become the depositaries of the political power of the United States, the custodians and executors of our laws and liberties? Would there be any justice or any propriety in allowing men to be again introduced into the Government who have, under such circumstances as these, shown themselves to be so faithless to their trust? That is the question; and looking to the future peace and security of this country, I ask whether it would be just or right to allow men who have thus proven themselves faithless to be again intrusted with the political power of the State. I think not; and upon that ground I think this exclusion is wise, is just, is charitable, and is Christian, and that we would be faithless to our trust if we allowed the interests of the country and its future peace and welfare to be again disturbed by men who have shown themselves thus faithless in the past. And, sir, it does seem to me that there is a degree of presumption in men who have hardly yet washed their hands of the blood of our fellow-citizens that they have shed in their insane efforts to destroy this Government, coming here and clamoring at the door of Congress again for the very political power which they have hitherto used for the destruction of this Government.

You may say they will do us no harm by being again allowed to hold office. How was it in the origin of our troubles? How was it when these men were in office before the rebellion commenced? How did they use the power that was intrusted to them? I answer, by sending our vessels away from our shores; by transferring our arms from the North to the South; and by depleting the Treasury of the United States by preconcerted arrangements, so that when the rebellion should be precipitated upon the country the power of the Federal Government would be crippled and to a great extent destroyed. Shall we again trust men of this character, who, while acting under the obligation of the oath to support the Constitution of the United States, thus betrayed their country and betrayed their trust?

I hope, sir, that we shall hear no more outcry about the injustice, the inhumanity, and the want of Christian spirit in thus incorporating into our Constitution precautionary measures that will forever prohibit these unfaithful men from again having any part in the Government. They have no moral right to it; they have forfeited it by their past conduct. If, hereafter, they shall show works meet for repentance, and that they are to be relied upon, this provision contains within it the means by which the disability may be removed, and they may be again allowed to participate in the political administration of the Government.

Mr. DAVIS. I will say a word in notice of the remarks of the honorable Senator from West Virginia. He and myself and the honorable Senator who now occupies the chair [Mr. HARRIS] are lawyers. We have read of the atrocious penal code of England, and the number of crimes that are punishable there by death and by transportation. We have read also of some of the benignant principles of law that characterize the administration of the penal code of England; and among those principles is this: it is better, says the law, that ninety-nine guilty men shall escape punishment than that one innocent man shall be punished. But the honorable Senator, in the benignity of his nature, reverses the humane spirit of that maxim of the law, and lest some men, under the pretext of having been involuntarily forced into the military service of the rebellion, should escape, he is anxious to have them all punished, guilty and innocent. That is about the spirit of his remarks. In the administration of this penal code of England, as it has been transferred to the United States and to all the States of America, what is the instruction rendered, I suppose by yourself, sir, if you ever presided in a criminal court, and certainly by every judge in America who has presided in a criminal court?

"If, upon a review of the whole case, you have reasonable doubt of the guilt of the accused, it is your duty to give the accused the benefit of that doubt, and to acquit."

Mr. WILLEY. The honorable Senator will allow me to say that he totally misinterprets my remarks. The point of my remarks was to show that the guilt or innocence of the party was not the matter at issue; that we were not trying them for their crimes, but we were providing security for the future peace of the country.

Mr. DAVIS. The honorable Senator is an American citizen; he is a patriot; he is a Senator; and in addition to that he is a professor of the Christian religion, a follower of the lowly and humble Redeemer, whose death was given to expiate the sins of a fallen and a wicked world. What is the spirit that is taught to him by his Great Teacher? You say forgive your enemies; you say turn your other cheek to the man who smites you. You are taught benevolence and philanthropy and forgiveness by the precepts of the religion which the honorable Senator professes, and of which, I have no doubt, he is a very exemplary member; but it seems to me that he forgot all the spirit of his Christian charity and faith in the tenor of the remarks which he made.

The honorable Senator stated another principle to which I fully subscribe. It was this: that the duty of protection by the Government and the duty of obedience to the Government are mutual. It is the duty of the citizen to obey the law; and it is the duty of the Government to protect the citizen and to enable him to perform his obligation to obey the law. Now, sir, what has been the condition and what was the condition of things at the commencement of this rebellion? In the State of Tennessee there were two issues before the people submitted to the aggregate vote of the State. The one was whether the State would call a convention even to consider the subject of secession, and the other was whether the State would secede. On the first issue there were nearly fifteen thousand votes of a majority of the people of the State of Tennessee

see against the calling of a convention; and upon the question of secession there was a majority of upward of fifty-six thousand votes in that State against it. How was it in the State of Virginia, the Senator's own State? There was a large majority of the people of Virginia against secession, and that majority was demonstrated by an actual vote at the polls of the people. Now, apply the principle of the honorable Senator. Here was a majority of fifty-six thousand people in the State of Tennessee, and a majority of from twelve to fifteen thousand loyal people in his own State. They expressed opposition to secession at the polls. What was the duty and the obligation of the Government, according to the honorable Senator's own maxim and according to the universal maxim of justice and humanity as between governors and governed? These people were anxious to adhere to the Union, to perform their duties loyally as citizens. They expressed that disposition and purpose in the most solemn manner, and in the State of Tennessee by an overwhelming vote. According to the honorable Senator's maxim—a principle to which I yield my hearty assent, and to which no just and humane man can offer a dissent—the Government of the United States ought to have upheld, supported, and protected this fifty-six thousand majority in the State of Tennessee in their wish and purpose to adhere to the Union; and so of the Senator's own State. Did the Government of the Union perform its obligation to the people?

The Senator asks triumphantly, was there ever a Government in the world, since the commencement of time, that so perfectly and fully discharged all its obligations to these people who went into the rebellion? Sir, I say that at that great crisis, at the time when the question of loyalty and disloyalty was to be effectively and finally decided, the Government was in flagrant default. It was not in the act of protecting the majorities in those States and the people in the other southern States who were opposed to secession in their position of fidelity to the Government. None of the honorable Senator's zeal, none of his eloquence, none of his vehemence of declamation against these rebels can shake the truth of that position. The true and loyal men who constituted large majorities in many of the southern States were abandoned, or, if they were not abandoned, they were left wholly without defense and protection by the Government that he wants now to oppress them. Sir, I tell the honorable Senator, and it is the truth of the case, that before the Government of the United States can hold these men rigorously to the charge of treason, to the consequences of treason and rebellion, to its forfeitures, its punishments, and disabilities, he and those who favor such a policy ought to be prepared to demonstrate beyond question that the Government performed its duty fully and effectively toward these people. That cannot be done. It was not the fact.

Then I assume, upon the gentleman's own principle and the fair deductions from it, that every man who was willing to remain faithful to the Government of the United States, provided he had received such protection and support from the Government as would have enabled him to maintain that position, ought to come under the benefit of the reservation, the exception of the honorable Senator from Wisconsin. If there is any doubt in discriminating the guilty from the innocent, those who ought to receive the immunity from those who ought not to receive it, I, to save the innocent, would give it indefinitely to all, just as the benignant principle of the common law of England declares that if there is a doubt, the accused shall receive the benefit of the doubt, and that it is better for ninety-nine guilty men to escape than that one innocent man should be punished.

But, Mr. President, I do not intend at this time to enter into a discussion on this subject. I shall avail myself of the right which the honorable Senator from Wisconsin said he would.

At a future time, in the progress of this debate, it is my purpose to enter into it, and to enter into it with more fullness and detail of principle and of fact than I have attempted upon the present occasion.

Mr. SAULSBURY. It is not my intention now to enter into the discussion of the details of this proposition. I intend to do so before the debate closes. The immediate question before the Senate, as I understand, is to insert after the words "shall have," in the thirty-seventh line of this third section, the word "voluntarily;" so that it will read:

That no person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the Government of the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State to support the Constitution of the United States, shall have voluntarily engaged in insurrection or rebellion against the same, &c.

The proposition is to insert the word "voluntarily." It is objected to, I understand. Upon what ground? I should like some gentleman to answer the question, upon what ground do Senators object to the insertion of the word "voluntarily?" If am compelled to do a thing against my will, if I cannot avoid it, shall my involuntary service be imputed to me as a crime? Sir, has not the spirit of vengeance gone far enough? Are you not satisfied with visiting punishments upon voluntary acts, but will you also visit them upon involuntary and unwilling acts? I read in the newspapers that we live in the nineteenth century, the Christian age, illuminated from the great East; that we receive our instructions in religion, morals, trade, and everything else from New England; and yet one of these modern doctrines and modern teachings is this, that involuntary acts are to be punished! That is the direct proposition before the American Senate; and when an amendment is seriously offered providing that men who have been constrained by force to enter into what you call the "rebel" service, shall be exempted from criminality, a star arises in the East, though it may not be over the plains of Bethlehem, and though it may not be heralded by the angelic voices which sang "peace on earth, and good-will to men," proclaiming, "Though you may have been constrained and forced to enter that service, yet you shall be punished." That is the enlightenment of the nineteenth century! That is Christian sentiment as expounded by New England!

Mr. President, I am surprised at my friend from West Virginia. No man has a greater respect for him personally, and for his character as a Christian gentleman, than myself. I have heard him upon the platform inculcating the precepts of the Christian religion. I profess, myself, nothing of the kind. I only wish I possessed it. But he advocates, as I understand, not only that a voluntary criminal act shall be punished, but that an act done involuntarily, against the will—that is the meaning of it—by compulsion and per force, shall be visited criminally.

Mr. WILLEY. No, sir; the Senator is mistaken.

Mr. SAULSBURY. Explain the word "voluntarily;" then, which is the word it is proposed to insert.

Mr. WILLEY. Does the Senator ask me to explain it, or will he allow me to explain it?

Mr. SAULSBURY. Certainly.

Mr. WILLEY. I wish to state, Mr. President, most distinctly, that I exclude the idea of punishment utterly from this amendment. It is not the philosophy of the amendment; it is not the principle upon which it is founded. I am not discussing the matter whether it is criminal or not. I only say that this is a precautionary, not a penal measure, looking to the future, not to the past; but that in looking to the future, and in providing for it, it is very right and proper to look to the past, to see whether we may trust men in the future who have been faithless in the past.

Mr. SAULSBURY. Before I proceed to reply to the remarks of the honorable Senator I will state that I was surprised yesterday to hear the honorable chairman of the Judiciary Committee say, in the discussion of this question, that this section was not one which indicted pains and penalties. He said that no case could be found, that no authority could be cited for that position. I did not interrupt him at the time, but I will say now, before I proceed to reply to the honorable Senator from West Virginia, that if the honorable Senator from Illinois, who is chairman of the Judiciary Committee, had looked into the case *ex parte* Dorsey, reported in 7 Peters's Alabama Reports, he would have found the whole doctrine explained. It was a case into which I had occasion to look many years ago. He there would have seen this whole doctrine of what pains and penalties are in a legislative act, or in a constitutional prohibition.

Without arguing that question I come back to my friend from West Virginia. He has not answered what I said. He only says that he means something in the future; he does not mean anything that has transpired. Now, sir, what does this provision mean? Does it not mean, is it not intended to apply, to that which has transpired? Are you going, and is that the object of your legislation, to provide for some contingency in the future? Is it not apparent to everybody, does not everybody know that this is not a measure to have an operation *in futuro*, but it is a measure to have an operation *in presenti*, to apply to existing cases?

Then, sir, I return to my original suggestion, and I call upon my honorable friend from West Virginia, or anybody else, to assign a reason why it is that when a man is compelled to do an act, when he has no freedom of choice, he shall be punished for doing it. The proposed amendment only exempts from the consequences of this section those who have involuntarily done these acts. And yet, sir, we here in the year 1866, which has been illuminated by the fulminations which have come up from New England and the northern pulpits, the enlightenment which has been spread all over this continent, that an involuntary act, an act done against the will, contrary to the choice of the individual, is to be visited with highly penal consequences. That is your Christianity; that is your morality; that is your civilization; and on the floor of the Senate of the United States gentlemen who are known in the Christian world as rostrum monitors in behalf of what are called Christian principles, are found advocating such a doctrine. I say these things in no disrespect to the honorable Senator from West Virginia. He knows that. But, sir, the spirit, the *animus* of the proposition, is only the spirit, the *animus* that characterizes the entire legislation of Congress at the present time.

Six years ago we were a happy, united people. No people on the face of the earth in so short a time had ever so rapidly increased in numbers and grown in power. From thirteen feeble colonies we had grown to be thirty-odd great States. Our flag floated from ocean to ocean and from Lake to Gulf. Upon every mountain-top that flag was planted, and in every valley anthems of praise to this glorious Union were sung. The burdens of Government were unfelt by the humblest and by the highest citizen. We were at peace among ourselves and at peace with all the world. In those days there were some exceptions. In certain quarters of the country the Sabbath was desecrated and the pulpit dishonored by talking of grievances which nobody experienced. A remedy was sought, and the great Republican party was brought into existence to remedy those evils. It came into existence. From 1787 till 1860 we had advanced as no nation, as the history of the world will show, ever did advance. We were happy, prosperous, and free. The party to which my honorable friend from West Virginia now attaches himself, and to which in former years I believe he did not

belong, was to remove some imagined evils. It came forward and triumphed, and what have been the fruits of its triumph? A dissevered Union; a war lasting for four long years; a public debt of \$4,000,000,000; every household draped in mourning; and every eye bathed in tears. That is the consolation that they have brought to us; that is the remedy they have afforded us. And yet, sir, in the pride of power and in the audacity of supposed superiority, they turn upon us, who have faithfully and consistently stood by the Union of these States, and we hear, hissing from their voice, as the words issued from the mouth of the serpent that uncoiled itself among the flowers of Eden, "copperhead," "rebel sympathizer."

Mr. President, I have said more than I intended to say; but before this constitutional amendment is finally disposed of I propose to discuss certain questions here. I know what will be said about it in certain presses of the country. I never read one of them under any circumstances, and do not care what they say; but I know they will apply these epithets to me. But, sir, before this joint resolution is finally disposed of I propose to discuss certain questions. I will state the questions that I propose to discuss, and gentlemen who take exception to them may as well look up their authorities. I say that whenever a government *de facto* is established, although there may be a government *de jure*, every person yielding obedience to the government *de facto* is excused, not to be punished for it; he is no traitor, and he is not liable to be hanged nor quartered. That is one question. I propose to discuss another question, without stating my opinion now with reference to it: whether any man in what was called the confederate States who acted under the authority and by compulsion of that government, can be visited with punishment. My opinion of it may be inferred from the statement of the proposition; and let me say to my friends on the other side that if they propose to combat these principles, they had better be prepared with the authorities. The principle I have just mentioned is not only founded in law, but it is founded in the teachings of the fathers.

Why, sir, you are drawing a great bill of indictment in this proposition against a whole community, indicting them all as criminals, rebels, and traitors. The thing is abhorrent to the instincts of humanity. What, sir, indict a whole community, simply because there is an imaginary line between them, as guilty of treason; that they are all traitors, all criminals. The thing is impossible. How would you feel, sir, how should I feel, if a gentleman south of the Potomac, that we believed to be a gentleman, should come and extend to us his hand? Would we not take it? If we took it would we not take it as a gentleman? If we believed that he was a traitor, that the crime of treason was upon his soul, the greatest crime known to the law, would we take his hand? Would you, sir? No, you would spurn it, and so would every honest man.

I know that the sentiments that I entertain and the opinions I avow are unpopular; but what do I care about that? The office of a man intrusted with public position is as much to make public opinion as to be governed by it. If he discharges his office correctly and honestly, though for the moment the discharge of that duty may be unpopular, it will not be long before the public voice will say that he is right. The great difficulty in this whole case has been that there has been a clamor in one section of the country against a subdued and fallen foe, and it is popular to cry out for blood and vengeance, and legislation is being shaped in conformity to that demand of an excited public opinion. I choose to say, for one, I heed not the clamor. Let it come with the whirlwind's power; let it come in the tornado's blast; let it come in the earthquake's shock; I stand unmoved amid the clamor for blood and vengeance. I heed it not. I will not listen to it. It is the voice of error; and it will not be long before the American people, North and South, will awaken and

listen to the voice of reason. This cry for blood and vengeance cannot last forever. The eternal God, who sits above, whose essence is love, and whose chief attribute is mercy, says to all His creatures, whether in the open daylight or in the silent hours of the night, "Be charitable; be merciful."

But, sir, let me make another remark in reference to this matter. It will be misinterpreted, I know. My motives will be misinterpreted. My position will be misinterpreted. No man will misinterpret it to my face. It is this: recollect that south of the Potomac upon which your amendment is to operate there is a country extensive enough for more even than one empire. It is inhabited by millions of people. They are men who have honestly engaged in resisting your authority, as you have honestly maintained your authority. By the force of arms you have overcome them. They have yielded to that power against which they could not contend. But, sir, there are hundreds and thousands and millions of women and children there who have had nothing to do in what you say was an unlawful resistance to your authority. You tax all those people. You do not allow them a voice upon this floor. They are unheard. They cannot say a word. They have no representation here. If the eternal God was to send an archangel from heaven to plead their cause I do not believe he would be heard in legislative halls. I say that with no disrespect to the Senate. I am only speaking with reference to the spirit of the times. Your legislation affects that great class of people. Taxation without representation is abhorrent to every American mind. The denial of representation caused your fathers in revolutionary times, feeble as they were, to appeal to the God of battles for the arbitrament of the contest. And yet, sir, with all their lessons before us; with the illustrious example of George Washington; with the example of the noble men who signed the Declaration of Independence, pledging their lives, their fortunes, and their sacred honor to maintain their declaration that taxation without representation was a principle to which no freeman could submit, you exclude from your halls of legislation eleven of the States of this Union, twenty-two Senators from this Chamber; and in their absence you propose to pass and to submit to them a constitutional amendment.

Mr. President, if they are not fit to be represented here, are they in any sense fit to have such a proposition submitted to them? They are either in the Union or out of the Union. If they are in the Union, the Constitution says that every State shall be represented by two Senators upon this floor. They have elected their Senators; they have presented themselves here; but you say they shall not be admitted; and yet in the face of your own act, and in violent inconsistency with your own act, you propose to submit to them a proposition to amend the Constitution of the United States. I ask you, sir, if they are not in a condition to be represented upon this floor, are they in a condition to have a proposition of this kind submitted to them?

The only proposition that I have seen in Congress—I will not refer to the proceedings of the other House—which is consistent with congressional action is the proposition of a gentleman from Pennsylvania, from the city of Lancaster, by the name of THADDEUS STREYENS. He treats them as out of the Union, having no part or parcel in it, and he proposes to govern them as districts and sections of country subject to the authority of the United States, but not being part or parcel of it. While I think that proposition is perfectly untenable, yet viewing your legislation in the light in which I conceive it, I say he has interpreted the whole theory of the system. I have no respect for him as a legislator, and do not know him as a man.

Now, sir, is it possible that there are three men on the floor of this Senate who honestly believe that the people down South are all traitors? The law says that treason is the

highest crime that can be committed; but, sir, the instincts of your nature, acting responsively to the teachings of the law, tell you that those who have acted in obedience to a *de facto* government are not guilty of treason, and though it may be improper, though it may be imprudent—and I have been sometimes told by my friends that I do not always weigh my words—I now avow on the floor of the American Senate that you may arraign before a just court and an impartial jury as many of these southern gentlemen as you please who, after their States had seceded, yielded obedience to the government *de facto* over them, and you never can convict them of having committed any crime. For twenty years I have studied the law, and I have studied it that length of time with but little effect if I am not certain in the conclusion to which I have arrived. At the same time I may say, to prevent misrepresentation, and it is well known that while I have been opposed to the acts of the past Administration, and to many of the present, I never sympathized with the movement of these southern gentlemen.

The time has gone by to apply to the Democratic party or myself the epithet of "sympathizer with the rebellion." I state my opinions as I honestly entertain them; and when legal questions are presented, and not only legal questions but questions underlying the very science of government itself, which have been discussed by such great luminaries as Burke in the British Parliament, and by all the able writers upon international and municipal law, I may avow a concurrence in their opinion without subjecting myself to remarks prejudicial, not to my loyalty—a word that I do not know the use of in a republican form of government—but prejudicial to my devotion to the Constitution and the Government of the country under which I was born and hope to die. I seek controversy with no man; I avoid none.

The PRESIDENT *pro tempore*. The Senator from Wisconsin asks that the question, when taken upon the amendment to the amendment, may be taken by yeas and nays.

The yeas and nays were ordered.

Mr. HOWARD. I wish to make a single observation.

Mr. JOHNSON. If the honorable member proposes to debate the question at any length I hope he will give way to a motion to adjourn.

Mr. HOWARD. I do not propose to debate it at any length.

Mr. FESSENDEN. We ought to have a short executive session.

Mr. HOWARD. I shall be through in a moment, and then I shall be entirely willing to take the vote on this amendment. Indeed, I will not say a word if there be a possibility of taking a vote now on the amendments offered by the Senator from Wisconsin.

Mr. FESSENDEN, and others. Let us vote on them now.

Mr. HOWARD. If no other gentleman wishes to address the Senate upon those two amendments, and the Senate is ready to take a vote upon them, I shall not occupy any time of the Senate by remarks.

Several SENATORS. Let us vote.

Mr. HOWARD. Very well.

The PRESIDENT *pro tempore*. Is the Senate ready for the question on the proposed amendment to the amendment?

Mr. HOWARD. Are both the amendments offered by the Senator from Wisconsin included in the motion?

The PRESIDENT *pro tempore*. But one question can be taken at a time.

Mr. JOHNSON. The question now is on the amendment proposing to insert the word "voluntarily," as I understand it.

The PRESIDENT *pro tempore*. That is the question.

The question being taken by yeas and nays, resulted—yeas 10, nays 30; as follows:

YEAS—Messrs. Buckalew, Cowan, Davis, Doolittle, Guthrie, Hendricks, Johnson, Norton, Riddle, and Saulsbury—10.

NAYS—Messrs. Anthony, Chandler, Clark, Conness, Cragin, Creswell, Edmunds, Fessenden, Foster,

Harris, Henderson, Howard, Howe, Kirkwood, Lane of Indiana, Lane of Kansas, Morgan, Morrill, Nye, Poland, Pomeroy, Ramsey, Sprague, Stewart, Sumner, Trumbull, Wade, Willey, Williams, and Wilson—30.

ABSENT—Messrs. Brown, Dixon, Grimes, McDougall, Nesmith, Sherman, Van Winkle, Wright, and Yates—9.

So the amendment to the amendment was rejected.

Mr. DOOLITTLE. I now move the other amendment of which I gave notice, to insert after the word "thereof," in the thirty-ninth line the words "excepting those who have duly received pardon and amnesty under the Constitution and laws, and will take such oath as shall be required by law," and on that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HENDRICKS. I wish to inquire of the Senator from Wisconsin, what is the meaning of the last clause of his amendment? Does it contemplate the enactment of a law in the future prescribing some new oath, or does it refer to the oath which has been already taken in pursuance of the proclamation of the President?

Mr. DOOLITTLE. Perhaps that provision of the amendment is not necessary to the idea, and I will omit that portion of it and let it stand simply as a test of the question whether those who have received pardon and amnesty shall be excepted from the effect of this amendment or not.

Mr. HENDRICKS. I think that is in better shape.

Mr. KIRKWOOD. I should like to hear it read as modified.

The SECRETARY. The words proposed to be inserted are, "excepting those who have duly received pardon and amnesty under the Constitution and laws."

Mr. KIRKWOOD. I understand that will dispense with the taking of the test oath. Is that the Senator's intention?

Mr. DOOLITTLE. No, sir; not at all.

Mr. KIRKWOOD. The words requiring the taking of the test oath are stricken out.

Mr. DOOLITTLE. The test oath is still the law of the land. This has no effect on that law.

Mr. KIRKWOOD. This would override that if we adopt it.

Mr. DOOLITTLE. Not at all. This simply excepts from the provision of the section those who have received pardon and amnesty. I maintain that where we have granted under the Constitution and laws pardon and amnesty we have no right, though we have the power, to put them under the disability again.

Mr. HOWARD. One word. I desire to ask the Senator from Wisconsin whether the pardon and amnesty of which he speaks extend so far as to remove the disability created by the confiscation act of 1862 against the holding of office under the United States.

Mr. FESSENDEN. I desire to ask my friend from Michigan whether that would make any particle of difference. We all know that this proposition has no chance of succeeding in any shape.

Mr. HOWARD. Not the slightest; but the Senator from Wisconsin seems to make a point on that question.

Mr. FESSENDEN and others. Let us vote.

Mr. WILLEY. I wish to ask a question of the Senator from Wisconsin. Suppose there are pardons, as there are likely to be a good many, between the time this amendment shall be propounded by Congress and the time it may be adopted by the Legislatures; what will be its application to pardons granted between this time and that?

Mr. JOHNSON. It would apply.

Mr. KIRKWOOD. I should like to hear the amendment read as it was first offered.

The Secretary read the amendment as originally offered by Mr. DOOLITTLE.

Mr. JOHNSON. Does the honorable member from Wisconsin propose to exclude all those who may after the adoption of the constitutional amendment receive pardon? That

it seems to me would be the effect as it now stands. I move, therefore, to amend it by inserting the words "or shall receive."

The PRESIDENT *pro tempore*. The amendment of the Senator from Wisconsin is not amendable. The question is on the amendment of the Senator from Wisconsin to the amendment of the Senator from Michigan.

The question being taken by yeas and nays, resulted—yeas 10, nays 32; as follows:

YEAS—Messrs. Buckalew, Cowan, Davis, Doolittle, Guthrie, Hendricks, Johnson, Norton, Riddle, and Saulsbury—10.

NAYS—Messrs. Anthony, Chandler, Clark, Conness, Cragin, Creswell, Edmunds, Fessenden, Foster, Grimes, Harris, Henderson, Howard, Howe, Kirkwood, Lane of Indiana, Lane of Kansas, Morgan, Morrill, Nye, Poland, Pomeroy, Ramsey, Sprague, Stewart, Sumner, Trumbull, Van Winkle, Wade, Willey, Williams, and Wilson—32.

ABSENT—Messrs. Brown, Dixon, McDougall, Nesmith, Sherman, Wright, and Yates—7.

So the amendment to the amendment was rejected.

The question recurring upon the amendment of Mr. HOWARD, the yeas and nays were taken, with the following result:

YEAS—Messrs. Anthony, Chandler, Clark, Conness, Cragin, Creswell, Edmunds, Fessenden, Foster, Grimes, Harris, Henderson, Howard, Howe, Kirkwood, Lane of Indiana, Lane of Kansas, Morgan, Morrill, Nye, Poland, Pomeroy, Ramsey, Sprague, Stewart, Sumner, Trumbull, Van Winkle, Wade, Willey, Williams, and Wilson—32.

NAYS—Messrs. Buckalew, Cowan, Davis, Doolittle, Guthrie, Hendricks, Johnson, Norton, Riddle, and Saulsbury—10.

ABSENT—Messrs. Brown, Dixon, McDougall, Nesmith, Sherman, Wright, and Yates—7.

So the amendment was agreed to.

Mr. FESSENDEN. I suppose it is not intended to go further with this subject this evening. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and after some time spent in executive session, the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, May 31, 1866.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. C. B. BORTON.

The Journal of yesterday was read and approved.

INTER-STATE COMMUNICATION.

On motion of Mr. WILSON, of Iowa, by unanimous consent, bill of the House No. 11, to facilitate commercial, postal, and military communication among the several States, with the amendments of the Senate thereto, was taken from the Speaker's table.

Mr. WILSON, of Iowa. I ask that the amendments of the Senate be concurred in.

The amendments of the Senate were read, as follows:

First amendment:

In the fourth line of the first section strike out the word "connections."

Second amendment:

At the end of the second section add as follows: Nor shall it be construed to authorize any railroad company to build any new road or connection with any other road without authority from the State in which said railroad or connection may be proposed.

Third amendment:

SEC. 2. And be it further enacted, That Congress may at any time alter, amend, or repeal this act.

Mr. LE BLOND. Before the vote is taken upon these amendments of the Senate, I would like to inquire how they affect the bill.

Mr. WILSON, of Iowa. The only amendments by the Senate are in the nature of limitations upon the terms of the House bill as it went to the Senate.

The amendments of the Senate were concurred in.

Mr. WILSON, of Iowa, moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. TROWBRIDGE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the

following titles; when the Speaker signed the same:

An act (S. No. 167) to incorporate the Women's Hospital Association of the District of Columbia; and

An act (S. No. 184) to define more clearly the jurisdiction and powers of the supreme court of the District of Columbia, and for other purposes.

CONTESTED ELECTION.

The SPEAKER laid before the House papers in the contested-election case of Koontz vs. Coffroth; which were referred to the Committee of Elections, and ordered to be printed.

LEAVES OF ABSENCE.

Mr. DAWES asked and obtained leave of absence for Mr. RICE, of Massachusetts, for one week.

Mr. HUBBARD, of West Virginia, asked and obtained indefinite leave of absence for Mr. LATHAM.

Mr. JULIAN asked and obtained leave of absence for Mr. STILWELL for two weeks.

Mr. ANCONA asked and obtained leave of absence for Mr. STROUSE for one week from to-morrow.

The SPEAKER asked and obtained leave of absence for Mr. HULBURD for two weeks, and Mr. VAN HORN, of New York, for one week.

CLEVELAND AND MAHONING RAILROAD.

Mr. GARFIELD demanded the regular order of business.

The House accordingly resumed the consideration of House bill No. 537, to authorize the Cleveland and Mahoning Railroad Company, a corporation created and existing under the laws of the States of Ohio and Pennsylvania, to continue and construct the railroad of said company from the village of Youngstown, Mahoning county, in said State of Ohio, to and into the said State of Pennsylvania, and thence by the most advantageous and practicable route to the city of Pittsburgh in said State of Pennsylvania, and to establish said road as a military, postal, and commercial railroad of the United States.

The question was on ordering the bill to be engrossed and read a third time.

Mr. GARFIELD. I move to amend this bill by adding the following:

SEC. 9. *And be it further enacted*, That if any person shall willfully do, or cause to be done, any act or acts whatever whereby any building, structure, or other work, or any engine, car, or machine, or other property appertaining to the railroad so to be constructed shall be injured, impaired, destroyed, or stopped, the person or persons so offending shall be guilty of a misdemeanor, and, on conviction thereof by any court of competent jurisdiction, shall be punished by fine not less than \$1,000 nor more than \$5,000, or by imprisonment not less than one year nor more than five years, or both, at the discretion of the court, and shall also forfeit and pay to the parties aforesaid, their associates, successors, or assigns, double the amount of damages sustained by means of such offenses, to be recovered by the parties aforesaid, with costs of suit, by action of debt or case.

SEC. 10. *And be it further enacted*, That if any suit or proceeding, either in law or equity, or any criminal prosecution, shall be commenced in any State court against the said Cleveland and Mahoning Company, its successors or assigns, or any person authorized or employed by said company, for any act done or omitted to be done in and about the construction and use of the railroad hereby authorized under and by virtue of this act, or to restrain, by injunction or otherwise, the construction, completion, or operation of the said railroad, or for any damages growing out of the use of the same, or construction thereof, and the defendant shall, at the time of entering his appearance, or within thirty days thereafter, in such cases in said action or proceeding, file a petition, stating the facts and verified by affidavits, for the removal of the cause for the trial at the next circuit court of the United States to be holden in the district where such suit or prosecution is pending, and offer good and sufficient security for his filing in such circuit court, on the first day of its next session, copies of the process and other proceedings against him in such State court, and also for his appearing in such circuit court, and entering special bail in the cause of proceeding, (if special bail was originally required therein,) it then shall be the duty of the State court to accept the security, and proceed no further in the cause or prosecution; and the bail that shall have been originally taken in such State court shall be discharged. And upon such copies being filed as aforesaid, in such circuit court of the United States, the cause or prosecution shall proceed therein in the same manner as if it had been brought in such circuit

court, whatever may be the amount in dispute or the damage claimed, or whatever may be the citizenship of the parties, any law to the contrary notwithstanding. And any attachment of the goods or the estate of the defendant by original process from such State court shall hold the goods and estate so attached to answer the final judgment, in the same manner as by the laws of such State they would have been holden to answer final judgment had it been rendered in the court in which the suit or prosecution was commenced; and from any final judgment rendered in any such suit or prosecution by such circuit courts, a writ of error shall lie to the Supreme Court of the United States, whatever may be the amount of such judgment, any law to the contrary notwithstanding.

Mr. LE BLOND. I do not propose to debate the amendments which have been offered by the gentleman from Ohio [Mr. GARFIELD] to this bill in detail. The bill embraces many novel features in congressional legislation. But I wish to make this suggestion to my colleague, [Mr. GARFIELD,] that inasmuch as there are many important features embraced in this bill which in my judgment affect directly the rights of the States, I hope he will allow this bill to go to the Committee of the Whole, in order that it may be fully discussed and argued before final action is taken on it. I hope that the gentleman will do that.

There is another bill of a similar character, embracing the precise features of this bill, and in every essential feature it strikes down the right of domain in every State in this Union. I do not propose to stand here as the advocate of the rights of the State of Pennsylvania, or the right of the State of Maryland, nor do I propose to set myself up as the special advocate of my own State; but, sir, this bill involves principles which must affect every State in this Union. I do not believe that the time has yet arrived when this Congress is willing to declare that it possesses sovereign rights over every State in every particular of which the States have heretofore exercised exclusive control.

Why, sir, my colleague told us yesterday that the bill now under consideration confers no corporate powers upon this corporation.

Mr. GARFIELD. I did not say that. I said it conferred no powers beyond those already embraced in the charter of the company.

Mr. LE BLOND. No corporate powers except in one particular, was his statement. Very well, sir; it being conceded that it does confer corporate rights in one particular, then, I ask, if Congress possesses the right to confer corporate powers in one particular, has it not the right to confer such powers in two particulars? And if it can confer corporate powers in two particulars, has it not the right to grant every essential power necessary to create an immense corporation, extending its vast power throughout the length and breadth of this Government? The bill confers the power to appropriate private property for the use of the company. It also confers power upon the company to compel the claimant of property taken who refuses to accept the amount tendered by the company in full satisfaction for his land taken by said company to seek redress in the Federal courts at a cost that denies justice.

It does confer additional corporate powers beyond what is granted in the charter under which they were organized. In point of fact it creates the corporation. It takes it in its powerless condition, as admitted by my colleague, [Mr. GARFIELD,] and gives it vitality to act, which is, in point of fact, creating it.

This bill strikes down the rights of the States. It is the entering wedge for the establishment of a principle that will enable its advocates to establish a centralized Government. I admonish members that, before giving their support to any of these propositions emanating from this committee which has transcended the powers conferred upon it in its creation, they should ponder well the results or they may assist in establishing a principle that will totally destroy the rights of every State of this Union. This committee was created a select committee on a military and postal railroad from Washington to New York, but are enlarging their powers and are trying to help out every road that has met with difficulty in their enterprise.

If all that is claimed by my colleague [Mr. GARFIELD] relative to the intervention of the State authorities of Pennsylvania be true, still they have their legal rights and can enforce them in the courts. They can carry on their road to completion without coming here for relief.

Mr. GARFIELD. Mr. Speaker—

Mr. LE BLOND. If the gentleman will allow me a few moments longer—

Mr. GARFIELD. I have promised a portion of my time to several other gentlemen; and my colleague will please be as brief as possible.

Mr. LE BLOND. I will.

Now, Mr. Speaker, where does the gentleman find any warrant for the exercise by Congress of the power to legislate in the manner provided for in this bill? He says that this road is to be used by the Government for postal and military purposes. It would seem as if he acknowledged that none of the ordinary powers of Congress are sufficient to warrant the enactment of such a law as this; and hence, availing himself of the extensive use of the military power within the last five years, he throws into each one of these bills a provision reserving to the Government of the United States the power to use these roads for military and postal purposes as a justification for what he proposes to do.

That reservation cannot confer the power. Our postal facilities are ample without it, and the power to establish post roads does not confer power to create railroad corporations with power to appropriate private property for their use and to override the State courts. Neither does the power to establish military roads confer this power. The war being over the necessity of military roads is over.

Why, sir, never in the history of the Government until the present period was it imagined that the Congress of the United States had the power to establish railroads and wagon roads for military purposes, except when, in time of war, necessity requires that such roads should be built. In time of peace this power has never been exercised. It is a power granted simply for the purpose of enabling the Government to build military roads in time of war, when the States decline or neglect to exercise their power in this respect. But now, sir, it is proposed that this power shall be exercised in time of peace, for the purpose of benefiting private corporations.

It is claimed by the advocates of this bill that the construction of this road is necessary to meet the wants of the public. Sir, I would ask the gentleman whether every road that is built throughout the length and breadth of the land is not a public necessity. But because a railroad is a public necessity does that confer upon Congress the constitutional power to establish it as a military road and override the right of the States to determine such matters for themselves?

It is urged, as a further reason why we should exercise this extraordinary power, that the State of Pennsylvania is averse to the establishment of these different roads. Suppose this be true; does the fact that Pennsylvania objects to the establishment of railroads in her State confer upon Congress the power to establish such roads? Sir, such power does not exist in this Congress, and whatever may be the policy of the State of Pennsylvania it cannot confer the power. If it be exercised in this case, we shall establish a principle which will authorize Congress to regulate all the internal concerns of the various States of the Union. This principle, carried to its logical consequences, would authorize Congress to control marriages, to control the appointment of guardians, administrators, &c., to regulate, in a word, all the local affairs of the respective States. For one, I protest against this system of usurping the power of the States, and I ask members to consider well the effect of these two bills before they assist in establishing a principle so broad and dangerous in its character.

My colleague having indulged me in my

remarks thus far, I will not trespass further upon his courtesy.

Mr. GARFIELD. I now yield to the gentleman from Pennsylvania, [Mr. SCOFIELD.]

Mr. SCOFIELD. Mr. Speaker, I do not wish to raise any question as to the constitutional right of Congress to authorize companies to construct railroads. Without having carefully examined the subject, I am inclined to believe that we have this power; but I am opposed to this method of exercising it. The gentleman proposes to exercise that power in the same way that he complains Pennsylvania and other States have exercised it—to authorize particular persons or a particular company by a mere power of vote. I believe that is his word as reported in the Globe; by the mere power of vote to authorize the favorites of Congress to construct a road in particular places. Now, the gentleman complains of Pennsylvania for doing that very thing, and yet he asks us to do it here. If we have the power, if the committee has come to the conclusion that we have the power to control railroad franchises, let us exercise it in a way not inconsistent with the interests of the people. Let us pass a general law on the subject; do not authorize our friends to establish a particular road or a particular track, but authorize the American people to establish roads wherever they may see fit, where ever they think it will pay, or the public interest may require them.

The gentleman says Pennsylvania would not give the privilege. Is not that some evidence it ought not to be granted? The gentleman says his own patriotic State of Ohio would not grant the privilege. Is not that some evidence it ought not to be granted?

Mr. GARFIELD. I said no such thing. I referred to the portion which lies in the State of Pennsylvania. The State of Ohio has granted the right to the portion in that State, and most of it has been built.

Mr. SCOFIELD. The people of my State may have been wrong in refusing this; but the fact they have refused is some evidence to me that they were right. If the gentleman wants to avoid the very difficulty, the very wrong rather, which he charges upon the State of Pennsylvania, let this committee bring in a bill which will authorize anybody to make a road anywhere.

Mr. GARFIELD. I now yield five minutes of time to the gentleman from Pittsburg, [Mr. MOORHEAD.]

Mr. MOORHEAD. Mr. Speaker, I was somewhat astonished at the closing remark of my colleague, that the proper way would be for this committee to bring in a bill to authorize any company to make a road anywhere. Having been a Democrat a great many years, and my friend from Lancaster [Mr. STEVENS] thinking my Democratic principles still stick to me, I have doubts about the authority of Congress. I think we have power to grant a remedy where roads running from one State to another, under charters granted by these respective States, are interfered with by either one of them from interested motives or through influences brought to bear in any particular way, to annul the grant. I think Congress has the right to step in and afford a remedy and confirm the rights to the people. That is the case here. The Pittsburg and Fort Wayne railroad passes through four different States. It has been chartered by the States of Pennsylvania, Indiana, Ohio, and Illinois. If any one of these States should interfere with that road, I think it would be proper for Congress to step in and say "Hands off! This road shall be permitted to go on." That is the case here.

Here was a charter granted by the Legislature of Ohio and a charter granted by the Legislature of Pennsylvania for the construction of these roads or this road. The Pennsylvania charter has been repealed after the Ohio portion of the road had been completed, or nearly so, and now the company very properly come to Congress, not to establish a new corporation, not to authorize a new road, but that

these parties shall go on and build their road as was intended under the original charter. I feel it my duty to say that the constituency I have the honor to represent have never before been wrought up to so high a pitch of excitement as now on the subject of a free railroad law. They want the State of Pennsylvania to pass such a law. I have received the proceedings of meetings in Pittsburg and Beaver, and the people instruct their members in the Legislature to vote for a free railroad law. Why this great excitement about a free railroad law? It is because these companies chartered by different States have been interfered with. I am sorry to say that the State of Pennsylvania has interfered with them, and the people are determined there shall be a free railroad law, so that companies may run in any direction.

I think this bill is eminently proper, and I hope it will pass, as well as the one reported yesterday.

Mr. GARFIELD. I yield to the gentleman from Pennsylvania, [Mr. O'NEILL.]

Mr. O'NEILL. Mr. Speaker, I am surprised at a remark which fell from my colleague from the Pittsburg district, [Mr. MOORHEAD.] I understood him to say that the State of Pennsylvania by her legislation had sought to interfere with the construction of railroads running into or through that State. Does the gentleman forget that Pennsylvania has given time and again the right of way to railroad companies incorporated by States adjoining her? Does he forget that she gave the New York and Erie railroad the right to run through a portion of the State even before her great line of railroad connecting Philadelphia and Pittsburg was finished, and before connecting her eastern and western borders or extending her communications with the West and Northwest?

Mr. MOORHEAD. I do not forget, either, that she has taken back that grant in violation of chartered rights.

Mr. O'NEILL. I only wanted to show the House—

Mr. UPSON. Will the gentleman yield?

Mr. O'NEILL. I decline to yield. I only wanted to show the House that the policy of Pennsylvania has been liberal in the extreme to her sister States. She also permitted the New York and Erie railroad to run through her northeastern corner, in Susquehanna county long before she finished her great line from the Delaware to the Ohio, and granted the right of way to railroads of New York, or in the interests of New York, to run through the county of Erie. She has also dealt generously with the State of Maryland, having given her Northern Central road the right to run into her coal regions unimpeded. And my colleague from the Lancaster district [Mr. STEVENS] complains because the House hesitates to incorporate a charter for the Connellsville railroad, an unfinished part of which is to run from that State into ours. Did not Pennsylvania permit the State of Maryland to build her railroad along the west bank of the Susquehanna in competition and rivalry with our roads? Sir, Pennsylvania has been extremely liberal to her neighboring States, and intends to be so as long as they comply with the provisions of her enactments.

But my friend from Ohio [Mr. GARFIELD] stigmatizes as narrow and contracted this legislation of our State restricting railroads, preventing them from running through her territory. Does he not remember that the States of Ohio and Pennsylvania fought together to prevent the building of the Wheeling bridge? Does Ohio now, only because it suits her present policy, wish to convince the House that she has never endeavored to prohibit the corporations of other States from coming into competition with her own companies? The time is too recent when she wished to cherish her own railroads and to save them from the loss of trade which rivals might have carried off before her numerous lines were fully under way. I repeat it, all these privileges to which I have adverted were given by Pennsylvania to neigh-

boring States long before she had completed her great lines of railroad.

Now, to come to the case before us. The Cleveland and Mahoning Railroad Company was chartered in the State of Ohio in 1848, with a provision that it should be organized within three years and completed within seven years from the date of its charter. The parties interested in the building of that road at that time, as I am led to believe from the provisions of a bill subsequently passed by the Ohio Legislature, did not even organize their company. Hence in three years after the charter was granted, it expired by neglect, and had to be reenacted into existence; afterward these parties came to the Legislature of Pennsylvania, and in the year 1853 obtained an act of incorporation for their company in the precise words of the Ohio charter of 1848, with the privilege of extending the road into her territory. But the Pennsylvania act contained the same provision as was in the Ohio act of incorporation which required that the railroad company should be organized within three years and completed and finished within seven, as appears by the preamble to the Pennsylvania act of 1853. Now, the State of Pennsylvania did not demand that that enactment should be repealed until fourteen years had elapsed since the original charter of the Cleveland and Mahoning road had been granted in Ohio, and not for eleven years after the passage of her own act of 1853.

Sir, there is a misapprehension in regard to this matter. The State of Pennsylvania by her constitution has the power to add to, alter, or amend her laws, provided no rights of individuals are invaded. There is such a provision in almost every charter and almost every act of the Legislature giving privileges or franchises to corporations, and it does not come with a good grace from the Representatives of a State to one of whose railroad companies powers and franchises have been given in perfect faith to proclaim here that the Legislature of Pennsylvania would do a wrong or abridge a right, while that company has never as yet, at least beyond the soil of its own State, complied with any of the terms of its charter.

Mr. Speaker, if I had time to read the act of 1864 repealing the charter of this company, in which the reasons for the repeal are set forth, it would be seen that it never commenced to build its road in the State of Pennsylvania, and I believe did not even commence, much less complete, the survey. My impression is that other projects failing, and other connections being impracticable, the road was deliberately stopped at the eastern line of the State of Ohio, and the legislation of Pennsylvania entirely disregarded and set at defiance. To show the good feeling of her Legislature, during the very same session of 1853 an act was passed to deprive of certain privileges a county which promised a subscription to the Ohio company and had failed to pay it. The noble old Commonwealth deals out even-handed justice to all, and will not let her own citizens, in the violation of law and promises, escape her condemnation.

Now, I say, for good reasons the State of Pennsylvania repealed this charter. She had a right to repeal it. She did it upon sufficient grounds, and those grounds are stated in the repealing act. The charter provided that certain things should be done which had not been done; not a mile of the road had been built and not a mile surveyed, and even now this company does not mean to build the road, as originally intended, through Lawrence county. It asks now to be allowed to get to Pittsburg by any route it chooses to adopt, so as to save sixteen miles. The State of Pennsylvania did right to revoke this charter. No one can complain of it. It was done in open day. There is the law upon her statute-book. There are the reasons for it set forth. I rise here only to defend the course of the Commonwealth in this matter and to assert that she has a right to confer franchises upon such corporations as

she pleases and where she pleases. She has the sole right, and I do not think that it is within the power of Congress, on the pretense of establishing military roads, or on any other pretense, to take that right from her.

Mr. GARFIELD. I yield now for a few moments to my colleague, [Mr. EGGLESTON.]

Mr. EGGLESTON. This is a question of vital importance to the western portion of this Union. Although the claims of the State of Pennsylvania and her State rights have been so ably argued by my distinguished friend from the city of Philadelphia, [Mr. O'NEILL,] yet I have failed to see the reason why we should sit here as the representatives of the people of the entire country and say that the State of Pennsylvania shall set up her puny arm and tell us of the West that our produce cannot pass through that State without paying tribute to her as she has done in former days.

Sir, if State lines are to be recognized in reference to the transit of property and persons and say that when you arrive at particular points where one State connects with another you shall not pass over it without stopping and paying tribute, as was the case a few years ago in Pennsylvania, I say it is time for this Congress to take the matter into their own hands and obliterate State lines entirely, so far as commerce is concerned, and give us free trade.

Why, sir, I remember the action of the State of Pennsylvania some eight or ten years ago, when they erected pea-nut stands at Erie and told us that we must ship our property there to accommodate a few persons. And yet we find advocates here for the State rights of Pennsylvania in thus obstructing the commerce of the West.

I say that to us of the West it is important that we stand firm upon this question. We should stand together and hold that the commerce of the country should go free from one State to another and through all of the States; and I hope we shall get such a vote upon this question that we will settle it now and forever, that the West has an interest in the means of transit as well as the States through which the roads pass.

Mr. GARFIELD. I yield now for five minutes to the gentleman from Pennsylvania, [Mr. COFFROTH.]

Mr. COFFROTH. Mr. Speaker, I would hesitate as long as any other member of the House before I would take away a right guaranteed to any State. The history of the legislation of Pennsylvania on railroads is such that the interests of the people require the passage of this bill. The Pittsburg and Connellsville railroad was chartered some years ago, and a great part of it had been put under contract when the Pennsylvania Legislature repealed the charter of the company and thus prevented the road from a speedy completion. Now, sir, after such conduct, what can we expect from the Pennsylvania Legislature? It appears to me, judging from its legislation, to be held in the socket, or kept under the influence of the eastern portion of the State. We have appealed in vain to the Legislature of Pennsylvania to respect the railroad interest of the southwestern portion of the State, and all our appeals have been spurned and refused.

It is true that our people are in favor of a general railroad bill. But they are especially in favor of the passage of this bill by Congress, and the construction of the Pittsburg and Connellsville railroad, which passes through the richest mineral regions of our State.

My friend from Ohio [Mr. LE BLOD] asks, what is the necessity for this now in a time of peace? Sir, now is the time to secure the construction of this road. If it had been made before the late war began millions and millions of dollars would have been saved to this country. It would have paid itself ten times over in transporting for the Government soldiers, arms, and ammunition from the West to the seat of war. I am therefore in favor of the passage of this bill. It is not destroying the

rights of any parties, but I believe it is only doing justice to the great Northwest and the western and southern parts of Pennsylvania. Their interests demand it, and they appeal to Congress to pass this bill that they may be protected from the monopoly that now rules the Legislature of Pennsylvania.

Mr. WILSON, of Iowa. I noticed, when the amendment was read which the gentleman from Ohio [Mr. GARFIELD] moved to this bill this morning, that there is one section of it which declares that certain acts done toward this company shall be deemed misdemeanors and punished in a certain manner. The lowest punishment when by a fine is \$1,000, and when by imprisonment the shortest term is for one year.

Now, I would suggest to the gentleman from Ohio [Mr. GARFIELD] either to withdraw that section entirely or to modify it. It seems to me that the penalty therein provided is too severe for many acts which may be done toward the property of this railway company. And in addition to that I would suggest that this legislation, even if it shall pass Congress, receive the approval of the Executive, and become a law, will doubtless be brought into the courts for adjudication. Doubtless the State of Pennsylvania will resist, and this matter will go into the courts before anything can be done under this bill.

The decisions of the State courts may yet be such that this company will receive all the protection necessary from State legislation. Now, it seems to me that it would be better, and perhaps strengthen the bill, if that section were omitted altogether.

Mr. GARFIELD. I am willing to adopt the suggestion of the gentleman from Iowa, [Mr. WILSON,] and withdraw the first of the two sections which I offered as an amendment. The other section is one merely authorizing appeals in suits, and is precisely the section adopted in the Connellsville railroad bill.

The first section of the amendment of Mr. GARFIELD was accordingly withdrawn.

Mr. SCOFIELD. I desire to ask the gentleman to allow me a little time to reply to those gentlemen who have spoken particularly of the illiberality of the people of my district.

Mr. GARFIELD. I must decline. I will take it for granted, if the gentleman pleases, that the people of his district are the most liberal people in the whole country.

Mr. SCOFIELD. I do not thank the gentleman for giving the floor to three different persons to assail the people of my district, and then say that he will take it for granted that the assault was uncalled for. I hope, if it is the intention that no one shall speak upon this bill except those who are pledged to these pet corporations, that the previous question will not be sustained.

Mr. GARFIELD. I yielded to the gentleman from Pennsylvania [Mr. SCOFIELD] and to his colleague, [Mr. O'NEILL,] I have yielded no more time to the other side.

Mr. SCOFIELD. The gentleman said that if he had known that I would have spoken against the bill he would not have yielded to me.

Mr. GARFIELD. When did I say that?

Mr. SCOFIELD. I heard the gentleman make the remark to members around him. They asked him why he yielded to me, and he said he thought I was in favor of the bill, or he would not have yielded to me.

Mr. GARFIELD. The gentleman certainly misunderstood me.

Mr. SCOFIELD. No, sir; I think not.

Mr. GARFIELD. There is one point which has been urged by the gentleman from Philadelphia, [Mr. O'NEILL,] which I must notice before I ask action on this bill. He says there was a clause in the charter of this company requiring that the work should be begun on the road within three years and completed within seven years. I wish to inform the gentleman and the House that there was no such provision in the charter.

Mr. O'NEILL. Let me suggest to the gentleman that if he will send to the Library for the Acts of the Ohio Legislature of 1848 he will find that provision. The preamble to the act of the Pennsylvania Legislature of 1864 recites the fact as I have stated it. The limitation may, perhaps, have been in some general railroad law of the State of Ohio, and hence the statement in the preamble.

Mr. GARFIELD. I have the volume in my hand. I have here on my desk every law of Ohio and Pennsylvania on this subject, and I am responsible for the accuracy of every statement that I make. In 1848 a charter was granted by the Legislature of Ohio to the Mahoning Railroad Company. That company did not comply with the terms of their charter within three years, and in 1851 the charter was renewed with no limitation of time in the charter itself. But there was on the statute-book of Ohio a general corporation law, one section of which I will read:

"If any railroad company shall not be organized within three years from the passage of the special act incorporating the same, and not less than ten miles of such road shall be completed sufficiently for use within seven years from the same date, then the act creating the same shall be void."

That is the only limitation of time imposed upon this company by the laws of Ohio.

Now, sir, in 1853, after the road had been commenced, the Legislature of Pennsylvania reenacted, word for word, in express terms, the charter of the State of Ohio of 1851, without adding any limitation of time other than that embraced in the Ohio law. Now, what was that limitation? Why, that the work should be begun on the Cleveland and Mahoning railroad within three years, and that ten miles should be completed within seven years. Before the seven years had elapsed fifty miles of road had been completed, and seventy miles are now completed. The whole road had been surveyed, the construction contracts were being made, and all the money had been raised for completing the road when this act of repeal was passed by the Pennsylvania Legislature. The facts are fully set forth in the preamble of the pending bill.

The gentleman from Pennsylvania has said that the legislation of his State has been liberal. I grant that up to a certain time it was very liberal. But within the last eight or ten years a marked change has come over the spirit of its railroad legislation. The gentleman says that Ohio was in fault in reference to the Wheeling bridge case. I remind the gentleman that Congress rebuked the State of Ohio and the State of Pennsylvania for their narrow and illiberal policy in reference to the Wheeling bridge, and made that bridge, under the authority of an act of Congress, part of a national, military, and postal road. I am very glad that my State received such a merited rebuke when it attempted an illiberal policy that would shut up the great avenues of trade between and among the States; and I am very glad also that Pennsylvania shared in the rebuke, and that a great highway is now open by the authority of Congress. I ask that, in the same spirit, this Congress, now appealed to by this corporation, which is trying to open this great and important highway between the West and the Atlantic coast, shall also throw the aegis of its protection over those men whose money was raised and whose labor has been expended until the work is so nearly completed that eighteen months will see the whole line finished.

I wish to inform the House that an ex-Governor of my State, who was one of the corporators of this company, went to the Legislature of Pennsylvania this last winter and asked that they should reinstate the company in its rights to complete the road. The committee on railroads of the Pennsylvania Legislature referred him to a railroad president, not a member of the Legislature, to ascertain whether that company could have its charter restored. And when he appealed to that railroad president—

Mr. O'NEILL. Mr. Speaker, I want to say

one word. The same ex-Governor of Ohio, not the Governor at that time, I think in 1853, came to the Legislature of the State of Pennsylvania and begged through this act upon the faith that the road should be built into the State of Pennsylvania according to the provision of the Ohio charter.

Mr. GARFIELD. I am informed that the Governor was told by the railroad president that the charter might be restored if he would run the Ohio road so as to connect with the Pennsylvania Central road some fifty or sixty miles east of the city of Pittsburgh, and thus turn the tide of travel into that channel. He could not accept justice on such a condition, and so abandoned any attempt to obtain a restoration of the company's rights from the Pennsylvania Legislature, and now they appeal to this body to take that important work under national protection and allow the road to be completed.

The bill provides that the rights of the company shall be guaranteed to them by the Congress of the United States, and in case litigation shall arise they shall have access to the courts of the United States.

I hope to be able on a future day—when the general national railroad bill, which I had the honor to introduce a few weeks ago, comes up for discussion—to go into the whole question of commerce among the States as I have not the time to do now.

I believe the time has come when the General Government must use the authority clearly vested in it by the Constitution "to regulate commerce among the States," and not allow States and close corporations to block that free commercial intercourse which is the life of industry and vitality necessary to the growth and harmony of the Union. In order that the House may understand the spirit and policy of the Pennsylvania Legislature on this subject I append the opinion of Justice Grier, of the Supreme Court, on the repeal of the Pittsburgh and Connellsville Railroad Company's charter.

His Honor Judge McCandless, in the United States circuit court, read the following opinion of Judge Grier in the case of the Mayor, &c., of Baltimore *vs.* The Connellsville and Southern Pennsylvania railroad. The case was argued at Williamsport on the 20th of June last by B. H. Latrobe, Esq., and Hon. Reverdy Johnson on the part of the city of Baltimore, and Judge Walter H. Lowrie and G. P. Hamilton, Esq., for the Southern Pennsylvania railroad.

Opinion of the Court.

The single question for decision in this case is correctly stated in the argument of the learned counsel for the respondent, as follows:

The charter of the Pittsburgh and Connellsville Railroad Company contains the following provision, namely: "If said company shall at any time misuse or abuse any of the privileges herein granted, the Legislature may resume all and singular the rights and privileges hereby granted to such corporation."

Under this clause the Legislature, by an act passed in 1864, revoked and resumed all and singular the rights and privileges granted to said company, so far as the same authorized it to construct any line or lines of railway southwardly or eastwardly from Connellsville.

Is this repealing act repugnant to the Constitution of the United States on the ground that it impairs the obligation of the contract between the State and the company?

The objections made on the argument to the form of the pleadings and the right of the complainant to have the remedy sought in his bill will be found overruled in a similar case by the Supreme Court. We refer to the case of *Dodge vs. Wolsey*, 18 Howard, 336. In that case the complainant was a stockholder in the corporation, whose interests were likely to be injuriously affected by the State legislation, if it should be carried into effect. In this case the complainant is a creditor, who, on the faith of legislative acts granting certain franchises and privileges to the Pittsburgh and Connellsville Railroad Company, has advanced large sums of money, which have been expended in constructing their road. If that corporation submit to this act of the Legislature, divesting them of the most valuable part of their franchises, the security and rights of the complainant would be materially injured. The bill is in the nature of a bill *quia temet*, and the complainant has a right to the remedy sought, if the court should be of opinion that the act of 1864 impairs the obligation of the original contract or act of incorporation granted to the Connellsville Railroad Company.

The only question, then, is as to the validity of this act. The act repealing the franchises of the corporation, or material part, and transferring its fran-

chises and property to another corporation without its consent, impairs the obligation of the original contract, is not and cannot be denied. Nor is it denied that an act granting corporate privileges to a body of men who have proceeded on the faith of it to subscribe stock and borrow money, and expend it in the construction of a valuable public improvement, is a contract, and that it is not in the power of either party to it to repudiate or annul it without the consent of the other.

The State claims no sovereign power to repudiate its contracts or defraud its citizens, and the Constitution delegates no such power to the Legislature.

If in the act of incorporation the Legislature retains the absolute and unconditional power of revocation for any or no reasons; if it be so written in the bond, the party accepting a franchise on such conditions cannot complain if it be arbitrarily revoked; or if this contract be that this Legislature may repeal the act whenever in its opinion the corporation has misused or abused its privileges, then the contract constitutes the Legislature the arbiter and judge of the existence of that fact.

But the case before us comes within another category. The contract does not give an unconditional right to the Legislature to repudiate its contract. Nor is the Legislature constituted the tribunal to adjudge the question of fact as to the misuse or abuse. Moreover the case before us admits that the condition of facts upon which the Legislature is authorized to repeal the act does not exist. It admits that the corporation has neither "misused or abused its privileges." A charter may be vacated by the decree of a judicial tribunal, in a proper proceeding for that purpose, without any such reservation in the act.

Then both parties are heard and the verdict of a jury on the facts can be obtained, which concludes the question. But the Legislature possesses no judicial authority under the constitution, and has no established course of proceedings in the exercise of such power.

The party who is injured by its action is not heard. The reasons usually alleged in the preamble to such acts are the mere suggestions of some interested party, seeking to speculate at the expense of others. Professional solicitors who infest the lobby are ever ready for a sufficient consideration to impose on the good nature of honest but often careless legislators by the suggestion of any necessary falsehood.

If any one should feel curious as to the method used by agents of corporations to obtain such legislative acts as may be desirable, they will find them fully exposed in the opinion of the Supreme Court, delivered in the case of *Marshall vs. Baltimore and Ohio Railroad Company*, 16 Howard, 333.

We do not intend even to insinuate that any such secret services by "skillful and unscrupulous agents," "stimulated to active partisanship by the strong lure of high profits," to use "most efficient means," to get the vote "of the careless mass of legislators," have been used in this case. But we do say that the recitals in the preamble to this act exhibit a labored attempt to justify a more than doubtful exercise of power by an array of reasons which, even if true in fact, might be demurred in law as insufficient.

The act does not contemplate the exercise of the right of eminent domain by which the property of individuals or corporations may be taken for some public use on making ample compensation. Its object is to transfer the franchises and property of one corporation, anxious by every means in its power to complete a valuable public improvement, to another whose interest it is not to complete the road, and who are not required to do so at any time in this or the next century. Where in a case like the present the Legislature are asked to take the property of one corporation and give it up to another, on the ground that one has misused or abused its privileges, the just and proper mode would be to pass a resolution ordering the Attorney General to institute the proper legal proceedings to ascertain the fact of "misuse or abuse." If such issue be found true, then that the charter be revoked or resumed. We do not say that without such judicial proceeding ascertaining the existence or condition in which the right of repeal is reserved, the act is absolutely void; but we do say that in all such cases the party injured, if he denies the existence of such "misuse or abuse," has a right to be heard, and to have that question tried before he shall surrender his property or his franchise. We do not think it necessary to notice the numerous and conflicting cases which have been brought to our notice by the learned counsel.

In the case of the Erie and Northeast Railroad *vs.* Casey, 26 Pennsylvania and 1 Grant, the court found, after a full hearing of the parties, that the fact of "misuse or abuse" did exist, and therefore the act was not void.

It cannot, therefore, be any precedent for a case which admits that such facts do not exist. The principles of law, so far as they affect this case, are very clearly and tersely stated by Chief Justice Lewis, in his opinion to be found in 1 Grant, 275, with a review of the cases and a proper appreciation of that from Iowa.

The sum of the whole matter is this:

1. The complainant has shown a proper case for the interference of the court in his favor.
2. That the act complained of is unconstitutional and void under the admissions of the case.
3. The complainant is entitled to the decree of the court on the pleadings as they stand.
4. That the defendants have leave to withdraw their demurrer and answer over; and if they shall so request, an issue will be ordered to try whether the Pittsburgh and Connellsville railroad have misused or abused their charter.

I am authorized to say my brother McCandless fully concurs in this opinion.

Bill dismissed to the Governor, as his acts can do neither harm nor good to either party. Respondents

have thirty days to file answer and request issue. If not done in that time final decree according to the prayer of the bill. *Per curiam*:

R. C. GRIER.

I now call for the previous question.

Mr. RANDALL, of Pennsylvania. I ask the gentleman to let me say a few words on this bill.

Mr. GARFIELD. I decline to yield.

The House divided; and there were—ayes 49, noes 32; no quorum voting.

Mr. MOORHEAD demanded tellers.

Tellers were ordered; and Messrs. GARFIELD, and RANDALL of Pennsylvania, were appointed.

The House divided; and the tellers reported—ayes 59, noes 34.

So the previous question was seconded.

Mr. ANCONA demanded the yeas and nays on ordering the main question.

The yeas and nays were not ordered.

The main question was then ordered.

The question recurred on the amendment.

Mr. FINCK demanded the yeas and nays.

The yeas and nays were not ordered.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. GARFIELD demanded the previous question on the passage of the bill.

The previous question was seconded and the main question ordered.

Mr. LE BLOND demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 77, nays 41, not voting, 65; as follows:

YEAS—Messrs. Allison, Ames, Delos R. Ashley, James M. Ashley, Baker, Banks, Baxter, Beaman, Bidwell, Bingham, Bromwell, Buckland, Reader W. Clarke, Sidney Clarke, Cobb, Coffroth, Conkling, Cook, Davis, Delano, Dodge, Driggs, Dumont, Eckley, Eggleston, Eliot, Farnsworth, Farquhar, Ferry, Garfield, Hale, Abner C. Harding, Hart, Henderson, Higby, Demas Hubbard, John H. Hubbard, James R. Hubbell, James Humphrey, Ingersoll, Jonckes, Julian, Kelso, Ketcham, Kaykendall, Laffin, George V. Lawrence, William Lawrence, Loan, Longyear, Lynch, Marston, McClurg, McRuer, Moorhead, Moulton, Paine, Perham, Price, Raymond, Rollins, Sawyer, Schenck, Schellabarger, Sloan, Spalding, Starr, Stevens, Trowbridge, Upson, Van Aernam, Henry D. Washburn, Welker, Wentworth, Whaley, Williams, and James F. Wilson—77.

NAYS—Messrs. Ancona, Baldwin, Blaine, Brandegee, Chandler, Darling, Dawes, Deffrees, Deming, Finck, Glossbrenner, Harris, Chester D. Hubbard, Edwin N. Hubbell, James M. Humphrey, Johnson, Kelley, Kerr, Le Blond, Marvin, McCullough, Mercer, Miller, Morris, Myers, Newell, Niblack, Nicholson, O'Neill, Orth, Samuel J. Randall, Ross, Scofield, Sitgreaves, Strouse, Thayer, Thornton, Trimble, William B. Washburn, Windom, and Wright—41.

NOT VOTING—Messrs. Alley, Anderson, Barker, Benjamin, Bergen, Blow, Boutwell, Boyer, Broomall, Bundy, Cullom, Culver, Dawson, Denison, Dixon, Donnelly, Eldridge, Goodyear, Grider, Grinnell, Griswold, Aaron Harding, Hayes, Hill, Hogan, Holmes, Hooper, Hotchkiss, Asahel W. Hubbard, Hulburd, Jones, Kasson, Latham, Marshall, McIndoe, McKee, Morrill, Nocil, Patterson, Phelps, Pike, Plants, Pomeroy, Radford, William H. Randall, Alexander H. Rice, John H. Rice, Ritter, Rogers, Rousseau, Shanklin, Smith, Stilwell, Taber, Taylor, Francis Thomas, John L. Thomas, Burt Van Horn, Robert T. Van Horn, Ward, Warner, Elihu B. Washburne, Stephen F. Wilson, Winfield, and Woodbridge—65.

So the bill was passed.

During the vote,

Mr. JOHNSON stated that his long absence was occasioned by sickness.

Mr. WRIGHT. I think this bill is an invasion of the rights of the States, and I vote "no." I will state, also, that my colleague, Mr. ROGERS, is absent; if he were present he would vote "no."

The result having been announced as above recorded,

Mr. GARFIELD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The morning hour having expired, the next business in order is the consideration of House bill No. 450, to reduce and establish the pay of the officers and to regulate

the pay of the soldiers of the armies of the United States, upon which the gentleman from Pennsylvania [Mr. THAYER] has the floor.

Mr. SCHENCK. I would suggest whether there is not some business on the Speaker's table that might as well be disposed of.

Mr. THAYER. With the understanding that I shall be entitled to my time I have no objection to proceeding to other business.

Mr. SCHENCK. I move that the House proceed to the consideration of the business on the Speaker's table.

The motion was agreed to.

POSTAL LAWS.

The first business on the Speaker's table was House bill No. 281, to amend the postal laws, returned from the Senate with amendments. The bill, with the amendments, was referred to the Committee on the Post Office and Post Roads.

NITRO-GLYCERINE.

The next bill on the Speaker's table was Senate bill No. 313, to regulate the transportation of nitro-glycerine and glycol oil; which was read a first and second time, and referred to the Committee on Commerce.

COMMODORE THOMAS TURNER.

The next business on the Speaker's table was Senate bill No. 251, in relation to Commodore Turner; which was read a first and second time, and referred to the Committee on Naval Affairs.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. McDONALD, its Chief Clerk, informing the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill of the House (No. 363) supplementary to the several acts in relation to pensions.

The message further announced that the Senate insisted upon its amendment to the bill of the House (No. 459), granting a pension to Anna E. Ward, asked for a committee of conference on the disagreeing votes of the two Houses thereon, and had appointed Messrs. LANE of Indiana, EDMUNDS, and GUTHRIE managers on its part.

Also, that the Senate had passed a joint resolution of the House (No. 142), authorizing the Postmaster General to pay additional salary to letter carriers in San Francisco.

Also, that the Senate had passed a joint resolution manifesting the respect of Congress to the memory of the late Lieutenant General Winfield Scott, in which he was directed to request the concurrence of the House.

FRESH-WATER BASIN FOR IRON-CLADS.

The next business on the Speaker's table was Senate joint resolution No. 92, authorizing the appointment of examiners to examine a site for a fresh-water basin for iron-clad vessels of the United States Navy; which was read a first and second time.

Mr. LYNCH. I ask for the immediate consideration of this joint resolution.

The joint resolution was read in full. It authorizes an examination for a site for a fresh-water basin for iron-clad vessels near Portland, Maine.

Mr. LYNCH. I move the previous question on the joint resolution.

Mr. LEBLOND. I would like to move a reference of this joint resolution to the appropriate committee. It is too limited, I think, in confining the examination to Portland, Maine. It may be thought proper to go further. I hope the resolution will take the usual course and be referred.

Mr. LYNCH. This is a proposition to examine a site. I understand an officer of the Navy near that station will be detailed for that purpose. The object is simply for the Secretary of the Navy to get information and report it back to the House for final action. It is simply a matter of inquiry, and I see no reason why it should go to the Naval Committee.

Mr. LEBLOND. The gentleman's remarks

show the necessity of its reference. If a naval officer at that station is simply to report upon the utility of a basin of that character at that point it can certainly have but little weight in the subsequent action of this House. If such a place is necessary perhaps a committee should be appointed to examine and determine where is the most feasible locality. I hope, therefore, that it will be referred.

Mr. LYNCH. This is simply a matter of examination and inquiry, which will probably take a day. I do not see any necessity of having the resolution referred to the Naval Committee after having passed the Senate.

Mr. WRIGHT. I would ask the gentleman from Maine to allow me a few moments. I wish to offer an amendment. It is of great importance to the country that we have a site for a navy-yard capable of affording the means of taking the best care of our iron-clads. I would like to amend the resolution simply by adding "and also the Hudson river at Tappan bay." There is a splendid site there, and there is a natural flow of fresh water from the Palisades. It is able to accommodate vessels having the greatest draught of water in the United States. The amendment can do no harm if the gentleman is really in earnest.

Mr. LYNCH. I do not propose to go into the merits of this resolution at all, for I know nothing of it, and if the gentleman will bring in a resolution asking for the examination of a site there, I will vote for it cheerfully; but I do not propose to give way for any amendment to this resolution. I demand the previous question.

The question was put upon seconding the demand for the previous question; and there were—ayes 35, noes 19; no quorum voting.

The SPEAKER ordered tellers; and appointed Messrs. LYNCH and LEBLOND.

The House divided; and the tellers reported—ayes fifty-nine, noes not counted.

So the previous question was seconded.

The main question was then ordered to be put.

The joint resolution was ordered to a third reading; and it was accordingly read the third time and passed.

Mr. LYNCH moved to reconsider the vote by which the joint resolution was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

MESSAGE FROM THE PRESIDENT.

A message in writing was received from the President of the United States, by Mr. COOPER, his Private Secretary.

DEATH OF GENERAL SCOTT.

Mr. SCHENCK. I ask the unanimous consent of the House to take up the message of the Senate in regard to the death of General Scott.

No objection was made; and the message from the Senate was taken up and read, as follows:

IN SENATE OF THE UNITED STATES,
May 31, 1866.

Resolved by the Senate, (the House of Representatives concurring.) That the two Houses of Congress have received with profound sensibility intelligence of the death of Brevet Lieutenant General Winfield Scott.

Resolved, That the exalted virtues, both public and private, and the wisdom, patriotism, and valor of this illustrious man in defense of his country and the maintenance of her honor and glory for more than half a century against foreign and domestic enemies in war and in peace, claim the liveliest gratitude and the deepest veneration of the American people.

Resolved, That as a further mark of respect to the memory of the deceased, when the two Houses of Congress adjourn to-day, they shall adjourn to meet on Monday next, and that a joint committee, to consist of seven members of the Senate and nine members of the House of Representatives, be appointed, who, together with the Presiding Officers of both Houses, shall proceed to West Point to represent Congress at the funeral ceremonies which are to take place to-morrow; and that said committee be attended by the Sergeants-at-Arms of both Houses.

Mr. SCHENCK. I am instructed by the members of the joint committee on the part of the House to report that the resolutions as they come to us now from the Senate embody just what was agreed upon by the joint committee.

They were directed to be reported first in the Senate and put upon their passage there. They have come to us now from the Senate, where they have been adopted, and they are therefore before the House as the report of the committee as well as in the form of a message from the Senate. I ask that the resolutions be concurred in.

They were unanimously concurred in.

The SPEAKER subsequently said: The Chair announces the following members on the part of the House of the joint committee of Congress to attend the funeral of the late Lieutenant General Winfield Scott; being the Committee on Military Affairs of the House: Mr. ROBERT C. SCHENCK, of Ohio; Mr. HENRY C. DEMING, of Connecticut; Mr. GILMAN MARSTON, of New Hampshire; Mr. LOVELL H. ROUSSEAU, of Kentucky; Mr. JOHN A. BINGHAM, of Ohio; Mr. SYDENHAM E. ANCONA, of Pennsylvania; Mr. JOHN H. KETCHAM, of New York; Mr. JAMES G. BLAINE, of Maine; Mr. CHARLES SITGREAVES, of New Jersey.

The train will leave at half past six o'clock this evening, and if any gentleman named is unable to go, by notifying the Chair the vacancy will be filled.

Mr. BLAINE. On account of personal engagements I am compelled to decline to serve on the committee appointed to attend the funeral of the late Lieutenant General Scott. I therefore ask to be excused.

The gentleman was accordingly excused.

The SPEAKER. The Chair will appoint, in place of the gentleman from Maine, [Mr. BLAINE,] the gentleman from Massachusetts, [Mr. BANKS.]

SAMUEL STEVENS.

The next business upon the Speaker's table was bill of the Senate No. 309, to authorize Samuel Stevens, a Stockbridge Indian, to enter and purchase a certain tract of land in the Stockbridge reservation, Wisconsin; which was read a first and second time, and referred to the Committee on Indian Affairs.

CHANGE OF NAMES OF VESSELS.

The next business on the Speaker's table was a joint resolution (S. R. No. 52) authorizing the Secretary of the Treasury to change the name of the steamboat City of Richmond to City of Portland and the name of the schooner Lucinda Van Valkenburg to Camden; which was read a first and second time, and referred to the Committee on Commerce.

PUBLIC SCHOOLS IN THE DISTRICT.

The next business on the Speaker's table was an act (S. No. 240) relating to public schools in the District of Columbia; which was read a first and second time, and referred to the Committee for the District of Columbia.

FIRE AND MARINE INSURANCE COMPANY.

The next business on the Speaker's table was an act (S. No. 296) to incorporate the American Fire and Marine Insurance Company of Washington, District of Columbia; which was read a first and second time, and referred to the Committee for the District of Columbia.

CHESAPEAKE AND POTOMAC CANAL COMPANY.

The next business upon the Speaker's table was an act (S. No. 281) to authorize the Chesapeake Bay and Potomac River Tidewater Canal Company to enter the District of Columbia and extend their canal to the Anacostia river at any point above Benning's bridge; which was read a first and second time, and referred to the Committee for the District of Columbia.

COLORED SCHOOLS IN DISTRICT OF COLUMBIA.

The next business upon the Speaker's table was an act (S. No. 247) donating certain lots in the city of Washington for schools for colored children in the District of Columbia; which was read a first and second time, and referred to the Committee for the District of Columbia.

OTWAY H. BERRYMAN, DECEASED.

The next business upon the Speaker's table was an act (S. No. 284) for the relief of the children of Otway H. Berryman, deceased; which was read a first and second time, and referred to the Committee on Naval Affairs.

BOUNTIES TO INDIAN REGIMENTS.

The next business on the Speaker's table was a joint resolution (S. R. No. 87) to provide for the payment of bounties to certain Indian regiments; which was read a first and second time, and referred to the Committee on Indian Affairs.

JOHN GORDON.

The next business upon the Speaker's table was an act (S. No. 294) for the relief of John Gordon; which was read a first and second time, and referred to the Committee on the Post Office and Post Roads.

IRA B. CURTIS.

The next business upon the Speaker's table was an act (S. No. 342) for the benefit of Ira B. Curtis; which was read a first and second time, and referred to the Committee on Invalid Pensions.

LUMBERING ON ST. CROIX RIVER, MAINE.

The next business upon the Speaker's table was an act (S. No. 208) to protect American citizens engaged in lumbering on the St. Croix river, in the State of Maine; which was read a first and second time.

Mr. PIKE. I ask that this bill may be considered at this time.

The bill was read at length. The first section provides that the produce of the forests in the State of Maine, upon the St. Croix river and its tributaries, owned by American citizens, and sawed in the Province of New Brunswick by American citizens, (the same being unmanufactured in whole or in part,) having paid like taxes with other American lumber on that river, shall be admitted into the United States free of duty, under regulations to be prescribed by the Secretary of the Treasury.

The second section provides that this act shall take effect from and after its passage.

The question was upon ordering the bill to be read a third time.

Mr. PIKE obtained the floor.

Mr. ELIOT. I will state that the Committee on Commerce have carefully considered this bill, and I have been instructed to report from that committee in favor of its passage.

Mr. MOORHEAD. We had this same question up here some time ago, and the House decided largely against it. I therefore move to refer this bill to the Committee of Ways and Means.

Mr. PIKE. I cannot yield the floor for any such purpose as that. I want to say in relation to this bill merely that it is precisely similar to one that was passed some time ago in relation to the St. John river. The necessity for it arises from the fact that lumber of American growth coming down the St. Croix river can, a portion of it, be sawed more conveniently on the New Brunswick side of the river. This bill proposes that lumber owned by American citizens and sawed by American citizens and paying the same taxes as other American lumber on that river, shall simply be considered American lumber. That is all there is in the bill.

Mr. MOORHEAD. As I understand it, this lumber is grown in the State of Maine, and brought down the St. Croix river, and sawed in New Brunswick. Now, I would like the gentleman to inform me how we can tell, when this lumber is delivered, whether it was grown in Maine or in New Brunswick. I think the effect of this bill will be to allow all New Brunswick lumber to come in free. We investigated this matter thoroughly in the Committee of Ways and Means when we had the reciprocity treaty before us, and I hope the House will either vote down this bill or refer it to the Committee of Ways and Means, where it can be examined.

Mr. PIKE. The gentleman from Pennsyl-

vania [Mr. MOORHEAD] is altogether mistaken. This is simply a local matter, and has nothing whatever to do with the reciprocity treaty.

Mr. MOORHEAD. The gentleman does not answer my question, which is, how can you tell, when this lumber is brought into market, whether it was grown in Maine or New Brunswick?

Mr. PIKE. On this river the whole of the lumber which can possibly be affected by this bill amounts to about sixty million feet per year. That is the whole manufacture of the river. Of those sixty million feet, more than two thirds of the whole quantity grow upon our side of the river. Consequently there can be no possibility be more than twenty million feet taking advantage of this bill. Now, I tell the gentleman that where the place of growth is but about twenty-five, thirty, or forty miles from the place of manufacture, there is practically no such difficulty as he suggests. The man who manufactures the lumber is known; it is known whether he manufactures American timber or New Brunswick timber; it is known where he manufactures it; and there is no difficulty.

I will say also that I have talked with the Secretary of the Treasury about this matter, and he is in favor of the passage of the bill as conducting to the convenience of the Treasury.

Mr. UPSON. I desire to inquire of the gentleman whether it would not be better to encourage the sawing of lumber on our own side, instead of the New Brunswick side.

Mr. PIKE. That proposition was taken up and carefully considered; and the mill-owners on the American side of the river were opposed to it, because on examination it was found that in consequence of the run of the river there were on the New Brunswick side conveniences which were not to be had on the American side.

Mr. MOORHEAD. I recollect very well that when we had before the Committee of Ways and Means the question of the reciprocity treaty this same question arose with reference to the St. John river, which I believe heads in the State of Maine, and runs down through one of the Provinces, where the timber was manufactured. Lumbermen from the State of Maine appeared before the committee protesting against any such legislation as is proposed in this bill. All the testimony before us was against such a proposition. The effect of this bill will be to allow this lumber, because it is grown in the State of Maine, to go into a foreign province to be manufactured, thus encouraging the labor of a foreign country in preference to our own. In addition to that, the difficulty will be that when the lumber comes into market it will be impossible to tell whether it was grown in Maine or in New Brunswick; and the result will be that all lumber grown upon that river will come in free.

Now, sir, I have no connection with the lumber business, nor have my constituents any connection with it. But if there are any lumbermen in this House, I hope they will give this bill their attention, for it appears to me to be contrary to a principle which should always be regarded in our legislation.

Mr. PIKE. The gentleman has not read the bill, or he would not raise this objection. The bill provides that this lumber shall be manufactured by American citizens, as well as owned by American citizens, and that it shall be of American growth. This measure is a simple matter of convenience to a small portion of the people of my district.

Mr. PAINE. It appears from the statement which has been made that this lumber proposed to be introduced has already paid some tax. I desire to ask the gentleman from Maine what tax it has paid, and how and where.

Mr. PIKE. It must pay all the local tax.

Mr. PAINE. But is any tax paid on the lumber before it is manufactured?

Mr. PIKE. All the local tax on the logs. The lumber on this river floats indiscriminately on both sides. It is provided that the lumber manufactured on the other side shall be taxed

the same as that manufactured on our side—taxed in the logs.

Mr. Speaker, I call for the previous question. The previous question was seconded and the main question ordered; and under the operation thereof the bill was read a third time.

The question then recurred on the passage of the bill.

Mr. MOORHEAD demanded the yeas and nays.

The yeas and nays were not ordered.

The bill was passed.

Mr. PIKE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

PAYMENT OF KENTUCKY MILITARY FORCES.

The next bill upon the Speaker's table was Senate joint resolution No. 94, providing for the payment of certain Kentucky military forces; which was read a first and second time, and referred to the Committee on Appropriations.

ANNA E. WARD.

The next business on the Speaker's table was a message from the Senate asking for a committee of conference on the disagreeing votes between the two Houses on House bill No. 489, granting a pension to Anna E. Ward; which was agreed to; and the Speaker appointed Messrs. TAYLOR, SAWYER, and HARDING of Kentucky as managers of such conference on the part of the House.

CONFERENCE REPORT.

Mr. PERHAM submitted the following report, and demanded the previous question:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 363) supplementary to the several acts relating to pensions, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House of Representatives recede from their disagreement to Senate amendments numbered one, two, three, four, and five.

That the House recede from their disagreement to Senate amendment numbered six, and agree to the same with an amendment, as follows: after the word "to," erase the words "materially interfere with the performance of manual labor without wholly incapacitating them therefor," and insert "render their inability to perform manual labor equivalent to the loss of a hand or a foot."

That the House recede from their disagreement to Senate amendment numbered seven, and agree to the same with an amendment, as follows: strike out all of the new section proposed to the word "effect," and retain the remainder as an addition to section three of the House bill.

That the House recede from their disagreement to Senate amendment numbered eight, and agree to the same with the following amendments: in the third line strike out "fifty" and insert "twenty-five," in line six strike out "twenty-five" and insert "fifteen;" and in line seven, after the word "pensioner," insert "or his attorney in fact."

That the House recede from their disagreement to Senate amendment numbered nine, and agree to the same with the following amendment: after the word "age," in line six, insert "and the father as well as the mother."

That the House recede from their disagreement to Senate amendment numbered ten, and that the following be inserted after the word "time," in line six: "and in every case in which a claim for pension shall not have been filed within three years after the discharge or decease of the party on whose account the claim is made, the pension, if allowed, shall commence from the date of filing the last paper in said case by the party prosecuting the same."

That the House refuse to recede from their disagreement to the Senate amendment numbered eleven, and that the Senate recede from said amendment.

That the House recede from their disagreement to the Senate amendment numbered twelve, and agree to the same with the following amendment: in lines fifteen, sixteen, and seventeen, strike out the words "for a period of two years next preceding the enlistment of the man."

SIDNEY PERHAM,

G. V. LAWRENCE,

NELSON TAYLOR,

Managers on the part of the House.

H. S. LAKE,

P. G. VAN WINKLE,

Managers on the part of the Senate.

The previous question was seconded and the main question ordered; and under the operation thereof the report was adopted.

PENSION BILLS PASSED.

Mr. PERHAM, by unanimous consent, from the Committee on Invalid Pensions, reported

back the Senate amendments to the following bills, with the recommendation that they be concurred in:

An act (H. R. No. 216) for the relief of Cordelia Murray;

An act (H. R. No. 345) for the relief of Christina Elder;

An act (H. R. No. 493) granting a pension to Mrs. Joanna Winans; and

An act (H. R. No. 462) granting a pension to Mrs. Sally Andrews.

The amendments of the Senate were severally concurred in.

RAILROAD LINE TO THE NORTHWEST.

The SPEAKER stated the next business in order to be House bill No. 527, to promote the construction of a line of railroads between the city of Washington and the Northwest, for national purposes.

Mr. GARFIELD demanded the previous question on its passage.

The previous question was seconded and the main question ordered.

Mr. FINCK demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 65, nays 37, not voting 81; as follows:

YEAS—Messrs. Allison, Ames, Delos R. Ashley, James M. Ashley, Baker, Banks, Beaman, Bidwell, Bingham, Reader W. Clarke, Cobb, Coffroth, Conkling, Cook, Culom, Davis, Delano, Driggs, Dumont, Eggleston, Eliot, Farnsworth, Ferry, Garfield, Hale, Abner C. Harding, Henderson, Higby, Hotchkiss, Demas Hubbard, John H. Hubbard, James R. Hubbell, James Humphrey, Ingersoll, Jenckes, Kelso, Kuykendall, George V. Lawrence, William Lawrence, Longyear, Lynch, McClurg, Moorhead, Paine, Perham, Plants, Price, Raymond, Rollins, Rousseau, Sawyer, Schenck, Scofield, Sloan, Spalding, Stevens, Trowbridge, Upson, Van Aernam, Welker, Wentworth, Whaley, Williams, James F. Wilson, and Windom—65.

NAYS—Messrs. Ancona, Baldwin, Blaine, Brundage, Darling, Dawes, Defrees, Deming, Eldridge, Finck, Grider, Aaron Harding, Harris, Hogan, Asahel W. Hubbard, James M. Humphrey, Johnson, Kelley, Ketcham, Le Blond, Marvin, Mercier, Miller, Myers, Newell, Niblack, O'Neill, Samuel J. Randall, Sitgreaves, Strouse, Taylor, Thayer, Thornton, Trimble, Ward, William B. Washburn, and Wright—37.

NOT VOTING—Messrs. Alley, Anderson, Barker, Baxter, Benjamin, Bergen, Blow, Boutwell, Boyer, Bromwell, Broomall, Buckland, Bundy, Chanler, Sidney Clarke, Culver, Dawson, Denison, Dixon, Dodge, Donnelly, Eckley, Farquhar, Glossbrenner, Goodyear, Grinnell, Griswold, Hart, Hayes, Hill, Holmes, Hooper, Chester D. Hubbard, Edwin N. Hubbell, Hulburd, Jones, Julian, Kasson, Kerr, Ladin, Latham, Loan, Marshall, Marston, McCullough, McIndoe, McKee, McKuer, Morrill, Morris, Moulton, Nicholson, Noell, Orth, Patterson, Phelps, Pike, Pomeroy, Radford, William H. Randall, Alexander H. Rice, John H. Rice, Ritter, Rogers, Ross, Shanklin, Shellabarger, Smith, Starr, Stillwell, Taber, Francis Thomas, John L. Thomas, Burt Van Horn, Robert T. Van Horn, Warner, Elibu B. Washburne, Henry D. Washburn, Stephen F. Wilson, Winfield, and Woodbridge—31.

So the bill was passed.

Mr. UPSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. HAMLIN, one of its Clerks, informed the House that the Senate had passed a bill (S. No. 265) to protect the manufacturers of mineral waters in the District of Columbia, and for other purposes.

MINERAL WATERS.

The next business on the Speaker's table was Senate bill No. 265, to protect the manufacturers of mineral waters in the District of Columbia, and for other purposes; which was read a first and second time, and referred to the Committee for the District of Columbia.

ENROLLED BILL SIGNED.

Mr. TROWBRIDGE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled an act (H. R. No. 11) to facilitate commercial, postal, and military communication among the several States; when the Speaker signed the same.

FREEDMEN'S AFFAIRS.

The SPEAKER laid before the House the

following message from the President of the United States:

To the House of Representatives:

I transmit a communication from the Secretary of War covering a supplemental report to that already made to the House of Representatives in answer to its resolution of the 21st instant requesting the reports of General Steedman and others in reference to the operations of the Bureau of Refugees, Freedmen, and Abandoned Lands.

ANDREW JOHNSON.

WASHINGTON, D. C., May 30, 1866.

The SPEAKER. If there is no objection this communication, together with one of the same character received yesterday, will be ordered to be printed and referred to the committee on freedmen.

Mr. LE BLOND. I move that ten thousand extra copies of the report just handed in, together with the former reports of Generals Steedman and Fullerton, be printed.

The SPEAKER. That motion goes to the Committee on Printing, under the law.

PENSIONS.

Mr. PERHAM, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the expediency of increasing the pensions of the widows of deceased soldiers and sailors of the recent war in proportion to the number of minor children under sixteen years of age of such deceased soldiers and sailors dependent on such widows for support, and to report by bill or otherwise.

UNITED STATES COURTS.

Mr. LAWRENCE, of Ohio, by unanimous consent, introduced a bill relative to records in appellate courts; which was read a first and second time, and referred to the Committee on the Judiciary.

Mr. LAWRENCE, of Ohio, by unanimous consent, introduced a bill to enlarge the powers of the national courts as to process; which was read a first and second time, and referred to the Committee on the Judiciary.

BUTLER MORRIS.

Mr. JOHNSON, by unanimous consent, introduced a bill for the relief of Butler Morris; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JACOB A. GOBLE.

Mr. JOHNSON, by unanimous consent, introduced a bill for the relief of Jacob A. Goble, late of company G, one hundred and fifty-third regiment Pennsylvania volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

HEIRS OF SIMEON GOBLE.

Mr. JOHNSON, by unanimous consent, introduced a bill for the relief of the children of Phoebe Wilson, deceased, who was the widow of Simeon Goble, a revolutionary soldier; which was read a first and second time, and referred to the Committee on Revolutionary Pensions.

CHARLES M. STOUT.

Mr. JOHNSON, by unanimous consent, introduced a bill for the relief of Charles M. Stout, late second lieutenant in company E, seventh regiment Pennsylvania Reserve corps; which was read a first and second time, and referred to the Committee on Military Affairs.

PAY OF THE ARMY.

Mr. THAYER. I call for the regular order. The House accordingly resumed the consideration of the special order, being House bill No. 450, to reduce and establish the pay of the officers and to regulate the pay of the soldiers of the armies of the United States, upon which Mr. THAYER was entitled to the floor.

Mr. THAYER. I took occasion yesterday to point out to the House wherein I conceived the attempted analogy which was drawn by the chairman of the Military Committee between the circumstances of the officers of the Navy and the circumstances of the officers of the Army failed. I endeavored to show that there

was such a total want of similarity in those circumstances that no argument could be predicated upon any such analogy.

I desire now, sir, to call the attention of the House to the fact that these very allowances which were prohibited by law to the Navy have been restored by law, the act prohibiting those allowances having been repealed. An order has recently been issued by the Secretary of the Navy upon this subject which I ask the Clerk to read.

The Clerk read as follows:

[General Order, No. 75.]

NAVY DEPARTMENT, May 23, 1866.

Congress having, in view of the call for increased compensation to officers of the Navy, repealed the law which prohibited any allowance to them "for rent of quarters or to pay rent for furniture or for lights or fuel, &c.," the Department, in order to prevent a recurrence of the irregularities, abuses, and arbitrary allowances which occasioned the prohibition, deems it proper to establish a fixed rate of compensation in lieu of the extra allowances which were prohibited by the law now repealed. Accordingly, from and after the 1st day of June proximo, officers who are not provided with quarters on shore stations, will be allowed a sum equal to thirty-three and one third per cent. of their pay in lieu of all allowances, except for mileage or traveling expenses under orders; and those provided with such quarters twenty per cent. of their pay in lieu of said allowances.

The act of March 3, 1865, having increased the pay of midshipmen and mates, the allowance hereby authorized will not be extended to them.

GIDEON WELLES,
Secretary of the Navy.

Mr. THAYER. It thus appears that allowances in the Navy, which were formerly prohibited, have been restored, and of course the argument founded upon the refusal of these allowances to the officers of the Navy falls to the ground. The House, if it listened to the reading of the order of the Secretary of the Navy, will observe the discrimination which is made in it in reference to these allowances. The order allows thirty-three and one third per cent. of the pay of every officer of the Navy in addition to his ordinary pay and in lieu of all allowances where he is upon shore duty and no quarters are provided by the Government; and when he is upon shore duty, and quarters are provided, he is allowed thirteen and a half per cent. upon his pay, to be added to his regular pay.

I suppose, therefore, that so much of the argument of the gentleman from Ohio [Mr. SCHENCK] as was founded on the difference in the system which prevails in the Navy and that which prevails in the Army must, in view of these facts, fall to the ground. I adverted yesterday to the hardships which would be inflicted upon many officers, if this measure should become a law, in consequence of the exceedingly high price of the necessities of life at certain posts to which they must resort in pursuance of their orders and in the discharge of their duties.

I alluded to the cost of living on the western plains, at those forts in the far West which are established for the protection of the overland emigration and of the settlers in that country.

In proof of the correctness of my statements upon that subject I desire now to read a few words from one who can speak with accuracy on the subject because he speaks from actual observation. I refer to the work of Mr. Samuel Bowles, entitled "Across the Continent." Mr. Bowles, as we all know, was the historiographer of that pleasant summer journey in 1865 accomplished by the Speaker of this House and his companions across the continent to the Pacific ocean. In his account of that journey he gives many interesting facts and some which have a strong bearing upon the point which I am considering. Writing from Denver, in Colorado, under date of May 29, 1865, he says:

"Wood costs on the plains \$75 per cord, so distant are the thin forests that furnish it; lumber when it is used at all, which is rarely, for it must be freighted from one end or the other of the route, \$150 to \$200 per thousand feet; a wagon and team of oxen, five pairs, \$20 to \$25 per day; common labor \$2 and \$3 per day and board. And at Denver, the end of the route, here is a specimen of the prices to-day: potatoes, 25 cents per pound or \$15 per bushel; flour, 15 and 20 cents per pound; corn, 18 cents per pound or \$10 per bushel; mechanics and laborers, \$8 and \$10 per day; beef, 40 cents per pound, and hams 45 to 50 cents; girls as house servants, \$10 a week. These

rates are likely to be cut down one third or one half during the present season, however, as General Connor gives security to transportation across the plains, and competition in freighting and merchandising works its legitimate influences.

Now, it will be observed from this how enormous are the expenses of living in that country. For example, this writer says that at the time he wrote wood was seventy-five dollars a cord. Suppose this bill passes, and an officer is stationed out there. You have deprived him of his allowance of fuel, and he must buy wood or freeze. The amount of fuel now allowed by law changes with the location. An officer stationed south of the thirty-ninth parallel of latitude gets three cords of wood per month for the cold months of the year; north of the thirty-ninth parallel he gets four cords per month; and the allowance is still further increased for stations north of the forty-second parallel. Now, at Fort Bridger an officer would be entitled to receive four cords of wood per month for seven months and one cord per month for the balance of the year from the Government according to existing law. Four cords of wood per month for the seven cold months, and one cord per month for the remainder of the year would make a total for the year of thirty-three cords of wood which an officer in that locality would be entitled to draw from the Government; at seventy-five dollars per cord that would amount to \$2,375. The pay of a captain under this bill is \$2,000 a year, or deducting the tax \$1,980 per annum. So that if the Government deprives him of the allowance for fuel he is now entitled to receive by law, he would be obliged to pay for his wood alone \$445 more than all the pay which you propose to give him by this bill. I think that illustration is a tolerably complete answer to this whole bill.

Now, let us look for a moment at the prices at Salt Lake City. I find from the statements of this traveler the following rate of prices there at the time he wrote: hams \$1 per pound; wood \$18 per cord; lumber \$100 per thousand feet; sugar from 75 to 85 cents per pound; coffee from \$1 to \$1 10 per pound; tea from \$3 50 to \$5 per pound; tobacco from \$2 to \$2 50 per pound; heavy brown sheetings, 85 to 90 cents per yard; fine sheetings, 75 to 90 cents per yard; dried apples, 60 cents per pound; molasses, \$3 to \$3 50 per gallon; labor, \$3 per day, &c. Now, any one with very little arithmetic can soon ascertain how far the salary of a captain, as proposed by this bill, would go toward his support in the localities I have mentioned. It would be impossible for an officer to exist in that locality upon the pay you propose to give him by this bill, after you have cut off the allowances which the Government hitherto has made to him.

I now ask the Clerk to read a letter upon this subject written by General Brice, Paymaster General of the Army, to the Adjutant General of the Army, together with the papers therein referred to, and which are attached.

The Clerk read as follows:

WAR DEPARTMENT,
PAYMASTER GENERAL'S OFFICE,
WASHINGTON, March 10, 1866.

SIR: I have the honor to reply to your verbal application for suggestions on the subject of the comparative merits of the present system of compensation to the Army by "pay and allowances," and the other plan now under consideration in Congress of "fixed salaries."

This, you are aware, is no new question; the same subject has been mooted, discussed, and considered heretofore on various occasions in Congress and in the Army. The results have uniformly been the same, namely, a conviction, after a careful investigation of the subject in all its bearings, that the present plan is the most equal, just, and economical that can be devised for officers of the Army whose condition and services are subjects of continual change, modified contingencies of duty, which make corresponding changes of compensation expedient and proper, and which is so easily and justly regulated by the system of "allowances," which, with slight modifications, has obtained in our service from the beginning of its history to the present day.

I send you, herewith, an extract from an official report of that gallant and much distinguished officer of the war of 1812, Brevet Major General Nathan Towson, Paymaster General of the Army for thirty-five years, (from 1819 till his decease in 1854,) made to the Secretary of War, April 3, 1826.

Also a letter on the same subject, addressed to the Secretary of War, dated February 18, 1856, by the excellent successor of General Towson, the late Paymaster General Larned.

These opinions of my intelligent and distinguished predecessors leave nothing for me to add except the expression of my entire concurrence in them. Years of familiarity with the military service, not alone in this department of it, have confirmed in my mind the belief that a change from the present system of compensation to any plan of stated salaries will work injuriously to the officers of the Army and to the Government.

The evils of such plans, as made apparent in the development of its workings, will necessarily lead to frequent future acts of legislation to correct them, till finally, by that process, a system shall be attained having essentially the features of the present one.

It is perhaps worthy of remark: in the long line of eminent men who from the beginning of our history have filled the office of Secretary of War, it is a traditional fact, if not one of recorded history, that only one of them has shown favor to the salary system for the Army, to wit, Jefferson Davis. And the only Army officer of any note who within the last forty years is known to have advocated such a system after a full consideration of the subject is General Braxton Bragg, late of the rebel service. And as a commentary upon the opinions of these two—while the first was at the head of the rebel government and the other a general officer high in his confidence—precisely the same system as ours now prevailing was adopted and continued for the payment of the insurrectionary forces.

Very respectfully, your obedient servant,
B. W. BRICE,
Paymaster General,
THE ADJUTANT GENERAL OF THE ARMY.

PAYMASTER GENERAL TOWSON. 1826.

Extract from a report made by the Paymaster General to the Secretary of War, dated April 3, 1826. (Vide Reports Committee, first session Twenty-Third Congress, vol. 4.)

To judge of the expediency of changing the present mode of compensating officers of the Army, it will be proper to examine the several items of allowance; to inquire the reasons why they were so made, and the probable effect that would be produced by substituting a fixed sum of money in lieu.

I.—PAY AND SUBSISTENCE.

The allowances under this head may be considered similar to the salary of civil officers, and on a slight view it would seem that no inconvenience would result to the Government or officer from substituting a fixed sum of money for the subsistence part which is so definite and unvarying, but a little reflection will show that the reasons for including rations in the allowance are cogent.

It frequently happens that troops serve, both in peace and war, in unsettled or exhausted countries where provisions cannot be procured or where the prices would exceed the officers' means of purchase. It is, therefore, indispensable that the Government provide food for the officer as well as for the private, and it is accordingly stipulated to be done. The price of the ration is fixed in order that the compensation may be equal wherever drawn. The option to draw in kind or to commute is granted to the officer that the compensation for his services may be as entirely within his control as the salaries of civil officers are within theirs. It is evident that it would be embarrassing to the service as well as to officers to deprive them of the privilege of drawing rations in kind, in many situations; they must, therefore, be furnished as at present or sold to the officer by the subsistence department, which amounts to the same thing.

II.—SERVANTS.

This allowance is contingent, and cannot be granted unless the servants are actually employed. If it were intended solely as an emolument, as is frequently supposed, it would be of no importance to the Government, and for the interest of the officer to it should be granted without the condition of service; but this is not the case; the good of the service, as well as the convenience of officers, requiring that the expense of employing servants should be incurred. It would not do for officers on a march, near an enemy, or in many other situations, to neglect their proper and important duties to look after their baggage, take care of their horses, or to cook their provisions.

The compensation for servants is made under the heads of pay, subsistence, and clothing. The two last are included for the same reason that subsistence forms a part of the compensation for services, namely, that they may be obtained in all situations and at a reasonable price. They may, therefore, be drawn in kind or commuted, as officers shall elect. The effect of granting a fixed sum in lieu of this allowance would be to hold out an inducement to dispense with the employment of waiters, which, it has been shown, would be injurious to the service. It is true, servants are frequently a convenience to officers, independent of their public duties, but this is incidental. The true reason for allowing them is that the interest of the Government is promoted by employing waiters, instead of officers, to perform menial duties.

III.—FORAGE.

Forage is only granted to officers whose particular duties require them to be mounted, which involves an expense that it is reasonable should be borne by the Government. The number of horses for which forage can be claimed is determined by the rank of the officer. The allowance is contingent, and can only be charged when the horses are actually kept; consequently there can be no inducement to keep a greater or less number than the duties of officers require.

If not furnished by the Government, it would be

frequently impossible for officers to obtain it. Another reason why it should be is the difference in the price of the article at different places. An officer traveling through the Creek nation was compelled to pay four dollars per bushel for corn at a time when it could have been purchased in Ohio or Kentucky for twenty-five cents. It is therefore evident that the same amount allowed for forage at different places would be unequal in its value.

IV.—ADDITIONAL OR DOUBLE RATIONS.

These are granted to commandants of military departments, posts, and arsenals, engineer officers superintending the construction of fortifications, and to particular heads of the staff at this place, on the ground that the duties and stations of such officers unavoidably subject them to a greater intercourse with military men and persons on public business, and, consequently, to greater expense than officers who are not so situated. The reason for making this allowance under the head of rations is to enable officers to draw a greater quantity of provisions from the subsistence department than they are authorized to do when not subject to the expense of entertaining official visitors. When the difficulty of procuring provisions does not exist, the rations are commuted at twenty cents each, which amounts to the same as allowing a specific sum. The option to commute is with the officer. This allowance is not considered an emolument, but the reimbursement of an expense imposed on the officer by his particular situation and duty. It is contingent, being governed by command and locality.

V.—FUEL.

This article is always furnished in kind, except at this place. It is supplied by the Government because it would frequently be difficult for officers to obtain it in any other way, and because the price varies very materially at different posts, which would produce inequality in the compensation of officers of the same rank. The allowance is not intended to be greater than is necessary for current consumption; therefore, if not drawn monthly, it reverts to the Government. It is unnecessary to add that this object would be defeated by substituting a fixed sum in lieu.

VI.—QUARTERS.

It would often be impossible, and always inconvenient, for officers to procure lodgings when serving either in fortifications, cantonments, or camps, and if they could it would be prejudicial to the service, to separate them from their commands. Quarters and tents are therefore provided by the Government for officers as well as privates. They are always furnished by the quartermaster's department in kind, except at this place, where it is mutually the interest of the Government and officer to commute them. Many restrictions are imposed on this allowance. (See article on the quartermaster's department, No. 69, Army Regulations.)

There is no allowance, perhaps, which would be so unequal in its value to officers differently located, as a fixed sum in lieu of quarters, unless a charge is raised against those who occupy public buildings. For instance, it would make the entire difference of the sum allowed between officers of the same rank stationed at Greenleaf's Point and in this city. A fixed sum in money in lieu of the present allowance would be much more expensive to the Government, unless rent be charged for public quarters.

VII.—STATIONERY.

This is furnished by the Government in kind, because it cannot, at frontier posts, and in time of war, be procured by officers in any other way. The allowance is very limited, and so far from being an emolument, is in most cases not equal to the actual consumption on public business. The allowance of a fixed sum in lieu would, in all cases where a supply of the article was precarious, produce great embarrassment to officers, and to the service generally.

VIII.—TRANSPORTATION.

This is so entirely contingent as to make it impossible to fix a given sum as an equivalent. All that can be done is to regulate the allowance according to the rank of the officer, and to fix the rate per mile, which is now the case. In many instances the means of transportation must be furnished by Government from necessity; in others it is its interest to do so. The option, therefore, of furnishing it in kind is reserved to the Government. The allowance is very strictly guarded. (See article No. 69, Army Regulations.)

The foregoing embrace all regular allowances authorized by law or regulations, and from these it will be seen that pay and subsistence proper include everything given in lieu of salary and in payment for services; all other allowances are contingent and granted to cover expenditures which the duty of officers and the interest of the Government require should be made. Those allowances frequently add to the officers' convenience, but this, as I have before observed, is incidental, and not the object for which they are made. Hence the condition, that officers must keep the servants and horses; command double ration posts; receive fuel as it is used; occupy the quarters; travel the distance stated in their transportation accounts, and draw the stationery in kind, to entitle them to the allowances under these several heads. In many cases they are not even a convenience, and then, if the good of the service does not require it, the expense is not incurred.

The Government has a security in the high sense of honor of military men that those contingent allowances will not be abused, and if this were not so, the fact that an officer places himself at the mercy of his enemies, and that his commission would be the price of an improper certificate, is a sufficient guarantee.

Our laws and regulations which relate to pay and

allowances were formed with a thorough knowledge of the usages in other services, and in whatever particulars they may differ, I am persuaded a sufficient reason will be found, either in local circumstances or in advantage to the service, to justify the change.

There is no service in which the pay proper includes all allowances. In time of war it would be impossible for the operations of an army to be carried on, even in Europe, where all supplies can be more readily provided than in this country, if the Government did not furnish its officers with such as are indispensable. In this country the impossibility of procuring them exists in time of peace as well as war; it follows, therefore, that certain allowances must be made in kind, in numerous cases, at all times. The practice, both in the French and British service, is to grant the allowances as permanent emoluments, and to furnish the article in kind whenever it is necessary for the good of the service. We have preferred to make allowances, not as emoluments, but to cover official expenses, to prevent the service from suffering from the cupidity of some, and to remunerate the faithful and patriotic discharge of duty in others. The option with the officer to receive in kind has the advantage, also, of equalizing the compensation much better in this country, than a difference in a moneyed allowance at different stations would, for the prices of the several articles granted in kind fluctuate as much with time as they do with place, and what might be a fair allowance in one year would be unfair in the next.

It is scarcely thought necessary further to urge the importance of equalizing the compensation at the different posts. One of the privileges of seniority is the choice of command—a necessary privilege. No senior officer would relinquish his claim to an economical command in favor of a junior, however beneficial it might be to the service. It is true this might and would become the duty of superior authority to decide, and to order accordingly; but if the decision was against the senior, it would produce much dissatisfaction. It is therefore better to avoid the cause of contention, unless some positive advantage were to result from the change.

It may be urged that the arguments founded on the necessity of furnishing allowances in kind apply to a state of war, and are not forcible objections to a salary in time of peace. If this were admitted to the fullest extent, it is respectfully conceived that it would not be sufficient to justify the change. All changes must be vicious in a body whose operations are so multifarious and complicated as those of the Army, unless they produce a positive advantage. The alterations in the supplying departments alone, on recurring to the war allowances, would be of the most embarrassing nature, and would take place at the most inconvenient and perplexing crisis. Another, and, I think, an important objection, is that the economy of officers' arrangements would be broken, and must be studied anew on every change; and, in this respect, the officer in peace and the officer in war would be as unlike as the recruit is unlike the soldier.

But if my view of the subject be correct, the necessity, in our service, of supplying the articles in kind, at particular posts, exists as well in time of peace as of war.

The alteration, then, can only be adopted at particular stations. I am therefore of opinion that it would not be expedient to change the present pay and allowances of officers for a fixed compensation, and I most respectfully recommend that if it should at any time be thought advisable to augment or diminish the compensation, it may be done by changing the amount of the allowances, and not by abolishing them, and granting money in lieu.

If Congress should view the subject differently, and decide on a "fixed compensation," justice to the officers requires that, in determining the amount to be allowed, they should consider the great and unavoidable expense to which the erratic life of an officer subjects him, and the extravagant price of living at many stations. It should also be considered that our service holds out none of those pecuniary rewards which are so liberally bestowed by other Governments. Your officer has no life estate in his commission, which he can sell out at great profit; no nominal command for which he receives pay, as well as for the one he exercises; no emolument from the paying, clothing, &c., of his regiment or company; no booty or prize money; no share of the estimated value of all contraband articles seized by his regiment in aid of the revenue laws. Not so the officer in other services; the greater part of the rewards enumerated are granted by all the European Governments, and the whole by that Government whose troops yours have been twice called on to meet in battle. The movable property captured by the Duke of Wellington in the Peninsula, and other campaigns of that war, which was claimed by him as lawful prize of the army, and admitted by the British Government, amounted to £916,450 2s. 6d.

In our service everything captured by the army becomes the property of the Government, while the Navy is entitled to the whole amount captured from an equal or superior force, and half the amount captured from an inferior force.

In all services, except ours, allowance is made for the loss of officers' baggage. The officers' baggage of Sir John Moore's army lost on its retreat to Corunna was estimated at £40,700 3s. 9d. sterling, and paid for by the Government. The same quantity lost by officers of the United States Army would neither have been estimated nor paid for.

If it be true that "officers are the soul of the army," and that victory will accompany the army best paid, fed, clothed, and lodged, everything else being equal, then it is as politic as it is just to make a liberal provision for those on whom you must rely in the hour of danger.

Respectfully submitted

N. TOWSON,
Paymaster General.

PAYMASTER GENERAL LARNED. 1856.

PAYMASTER GENERAL'S OFFICE,
WASHINGTON, D. C., February 18, 1856.

SIR: I have the honor to acknowledge the receipt of a copy of the resolution of the Military Committee, House of Representatives, on the subject of establishing a fixed salary for officers of the Army in lieu of rations, allowances, and emoluments now authorized, on which I am required to report.

The late Paymaster General gave to this subject the most careful consideration, and embodied his views in an elaborate report made to the Secretary of War on the 3d of April, 1826, a copy of which was sent to a select committee of the House, appointed at the first session, Twenty-Third Congress, to inquire into the expediency of equalizing the pay of officers of the Army and Navy, and will be found in Reports of Committees, first session, Twenty-Third Congress, volume four, document four hundred and sixty-seven, to which I respectfully refer the Secretary of War.

I fully concur in the views expressed therein, and am confirmed in the opinion that such is the nature of our service that it would be difficult, if not impossible, to fix a salary for officers of the Army that would not be liable to serious objections.

BENJAMIN F. LARNED,
Paymaster General.

HON. JEFFERSON DAVIS, Secretary of War.

Mr. THAYER. Now, if any gentleman has doubts in relation to the unjust operation of this bill upon officers of the Army, I hope before he casts his vote for it he will consider attentively the facts stated in these letters.

The opinion of General Brice will, I suppose, be objected to by the gentleman from Ohio as perhaps not being entitled to much weight, although he is certainly an officer familiar with this subject. But he is a bureau officer, yea, the head of a bureau; and I suppose that in proportion to the closeness of his connection with that bureau the value of his testimony will depreciate in the estimation of the gentleman from Ohio. However, sir, the reasons which he gives are for the consideration of the House; and I direct attention to what he says, not so much on account of the position which he occupies as on account of the common-sense views which he presents and the cogent reasons by which he supports them.

I desire now to glance, in a very rapid manner, at the arguments by which the gentleman from Ohio undertakes to maintain the proposition which he presents. I throw out of the account, as of no value in the estimation of the calm judgment of this House, what he has said about the bureaus of the War Department. I suppose, sir, that bureaus are necessary, if you have a staff for your Army; and if you have a staff and bureaus, I suppose that you must employ officers for the conduct of the business of the staff and the bureaus. I do not see the justice of the implied imputation which the gentleman has frequently cast in his remarks on this floor upon the officers of these bureaus. I do not feel myself called upon to defend those officers, because I do not understand that even the gentleman, notwithstanding all his insinuations, has ventured to make, in plain language, any charge against the officers of those bureaus.

Mr. SCHENCK. Once for all, let me tell the gentleman that I made no insinuation. What I say in this House I say openly and distinctly.

Mr. THAYER. The gentleman says that he makes no insinuations. Then he makes charges. Now, I would like any gentleman to read his speech as printed in the Globe, to sift it, and then tell me what is the precise charge that the gentleman makes against the officers of the bureaus of the War Department. I will yield to the gentleman if he has any charge to prefer. I do not understand him as making a charge. He now says he did not make an insinuation.

Mr. SCHENCK. Mr. Speaker, all I wanted was to call the gentleman back to the real question in this case. His whole argument is a tissue of sneers and intimations that the Committee on Military Affairs are carrying out their prejudices, are influenced by some sinister motive. And when he used the word "insinuation" I interrupted him—a thing I very seldom do—in order to tell him that I, for one, am not in the habit of making insinuations in this House; that if I have anything to say on any subject I say it openly, plainly, and dis-

tinctly. Now, whether I have made any charges or not—and in the sense in which the gentleman uses that term I know I have not, for I have attacked nobody, nor made this a personal question in any way—the gentleman can find by referring to what I have said, for it is reported in the Globe.

Mr. THAYER. Mr. Speaker, I have endeavored in my remarks on this bill to confine myself to the rules of parliamentary debate. I disclaim what the gentleman imputes to me—sneering at the committee. Nothing that I have said is fairly susceptible of any such interpretation; I have said nothing reflecting upon the committee. I have not alluded in a personal way to the committee, or to any member of it. The House will bear witness that I have confined myself strictly to a discussion of the questions which the committee has brought before the House.

But, sir, in reference to the subject of the bureaus, whether the gentleman means an insinuation or a charge, everybody will bear witness that he has paraded it constantly in the face of the House whenever he has had charge of a military measure here during this session. He talked yesterday about the centripetal force of the bureaus, as if all the officers of the Army were engaged in a scramble to get upon a bureau. If that is not an insinuation of dishonorable purposes and of conduct unbecoming an officer, I do not know what is.

Now, sir, I do not wish to waste my time or the time of the House in dwelling upon this matter. I merely touch upon it in passing. I am not particularly called upon to defend the officers of the bureaus of the War Department. In my judgment they need no defense. They have done their full share of labor in the great struggle through which we have passed. Much of the success which we have achieved is due to the labor and the skill of these officers in the bureaus.

Deeds in the field have more glitter and glory; but when you come to examine into the matter perhaps you will find some credit is due to officers in the bureaus who attended to those details without which you could not have achieved success. But, sir, this has really nothing to do with the question; and I allude to it only in reply to what was said by the gentleman from Ohio, [Mr. SCHENCK.]

In my judgment, the bill will do greater injury to the officers in the field than to those obliged by the Secretary of War to report in Washington for duty. I have endeavored to explain how it will work to the injury of those officers by a statement of the facts to which I have referred this morning.

Well, sir, if these facts cannot be denied it is apparent, from the nature of the case, that you cannot apply a rigid rule of pay which will do justice to all officers in all parts of the country under all circumstances; that principle was virtually admitted, let me say in passing, by the gentleman from Ohio, when he offered his amendment allowing officers forage in kind. He abandoned the very principle of his bill when he offered that amendment, for every argument which can be made in favor of the allowance of forage can be made in favor of the allowance for fuel and every other allowance to which officers of the Army are entitled.

If, sir, it cannot be denied that the only way to promote equality in pay is to continue in force that plan for the payment of officers which has obtained always hitherto, then why should we alter it? What circumstances call upon this House to make the proposed change? What high officer of the service has recommended it? What official of the Government in any Department has called our attention to it? Not one. Why should we make this change and unsettle a long-settled usage of the Army on this subject?

That brings me to the arguments by which the gentleman supports his bill. I listened attentively yesterday to the argument of the gentleman from Ohio, and I have read it attentively in the Globe this morning. I will undertake to give a perfect analysis in a very

few words of the argument he has made in favor of this revolution relating to the pay of officers of the Army.

He says, and that is his first point, the pay of officers of the Army is a mystery to outsiders and the uninitiated. What is the force of an observation like that? It is not a mystery to those who wish to ascertain what it is. That is proved by the fact that the gentleman has given in his speech the exact pay of a major general of the Army, including his pay proper and all his legal allowances. He has given you to a cent the pay of a major general. That shows conclusively that though a mystery to those who will not take the trouble to examine it, it is not a mystery to those who wish to ascertain what the truth is.

The second point which the gentleman makes, is the immoral effect of the present system upon the officers, that is, the temptation which it holds out to fraud. That makes a conspicuous figure in his argument. He puts the case of an officer entitled to forage for a horse. The law is, he is not entitled to draw forage unless he keeps the horse which he is allowed to keep. He says a man in his desire to get forage will be tempted to make this certificate and certify that he keeps a horse when he does not keep a horse. That is his argument of the immoral effect of the existing system! I suppose if any officer were to be found guilty of a practice such as that of certifying that he kept a horse and was entitled to forage, when in point of fact he did not keep a horse and was not entitled to forage, he would be instantly dismissed from the Army. But does it amount to anything? As an argument I submit to the House it does not. If a man is determined to be a rascal, he will be a rascal in defiance of all the laws you may make.

The third point is, that the present system opens the door for legislation by the chief officers of the War Department, and the gentleman gives as an example of the exercise of that power a case in which the Secretary of War—I suppose authorized by law to do it—changed the commutation allowed for quarters in Washington and some other places to rates corresponding with the advance of house rent. Well, sir, I suppose there is nothing in that which will frighten the members of this House out of their propriety or induce them to change the present system.

Fourthly, the gentleman says it tends to take away the independence of officers. Now, sir, is it not really a grim joke to put to this House that a bill which is entitled "An act to reduce the pay of the officers of the Army" is calculated to add to their independence? He says that now they intrigue for places in order that they may get the largest allowances. Sir, will they not intrigue much more if you put them upon the footing which this bill proposes? If the question is, as it will be under this bill, whether they shall remain in the Army by being at a post where by great economy they can live within the salary which you allot them, or whether they shall be driven by their necessity to resign, will they not be induced to intrigue to get into places where they can exist upon the pay you fix? Is not the temptation infinitely stronger in the circumstances which will arise out of the passage of this bill to induce that intrigue of which the gentleman complains than the circumstances which exist under the present system?

Now, Mr. Speaker, I have summed up the arguments which are made in support of this bill by the gentleman from Ohio. The House will decide whether those arguments are sufficient to justify the recommendation which is made to this House to overturn a system which has prevailed from the foundation of the Government; which has worked equitably and fairly and justly; which no officer of the Army or of the Government recommends shall be abolished, but which has in its favor uninterrupted usage for a long series of years and the approval of those who are most capable of judging of its merits. Will the House consider

these suggestions of the gentleman from Ohio—I cannot dignify them by the name of arguments—a sufficient justification for overturning this long-tried, well-established, fair, just, and equitable system, to supplant it by one which will work only mischief, injustice, and oppression?

Mr. PAINE. I rise to reply to some of the arguments presented yesterday and to-day by the gentleman from Maine [Mr. BLAINE] and the gentleman from Pennsylvania, [Mr. THAYER.] I have listened to those arguments closely, because I take great interest in the subject-matter of this bill. But I am not pledged to anything contained in the bill, as I am not a member of the committee that framed and reported it. Those who framed the bill, after having made up their minds that it is right and ought to be adopted, naturally come into this House pledged in advance to its support. It is a duty they owe to themselves, to their committee, and to the country to undertake to carry through this House a bill which they regard as calculated to promote the interest of the country.

But, sir, I address myself to the consideration of this bill, intending to oppose those provisions of it which do not commend themselves to my judgment, and to support those which do. And after listening carefully to the arguments which the gentleman from Pennsylvania [Mr. THAYER] and the gentleman from Maine [Mr. BLAINE] have respectively presented, I must say that unless stronger and more satisfactory reasons to the contrary can be presented I shall be constrained to vote for the leading features of this bill, insisting, as I shall insist, upon certain amendments, necessary, in my view, to render it complete and equal in its operation, for the reasons which they have given are not satisfactory to my mind, and if gentlemen will give me their attention I think I shall be able to show that those reasons are not entitled to great weight with the members of this House in making up their decision upon the question now before them.

I repeat that I am not pledged to anything in this bill. I undertake its consideration with no prejudice in favor of or against any of its provisions. If the gentleman from Pennsylvania, [Mr. THAYER,] or the gentleman from Maine, [Mr. BLAINE,] can charge with truth that any members of this House are disposed here in their places unjustly to reproach officers who have been stationed on duty in Washington in the several bureaus of the War Department, they can bring no such charge as that against me. No word of complaint of that kind has ever escaped from my lips; on the contrary, I have nothing but good to speak of those officers of the Army who have been stationed at Washington, with whom I have happened to have personal communication, whether they have been engaged in the bureaus of the War Department or on other duty. I have never seen among them anything but fair dealing, zealous devotion to the service of the Government, and a determination to do all in their power to discharge the obligations they owe to our common country; and I take pleasure here in declaring my appreciation of their services. If anything has ever occurred in my intercourse with them of which I could possibly complain, it escapes my recollection now.

On the other hand, if the gentleman from Ohio [Mr. SCHENCK] can justly charge any member of this House with a disposition to stand up in his place and defend these bureau officers, right or wrong, in any controversy which may arise between them and officers in the field, he certainly can make no such charge against me; for, sir, among my most intimate and highly valued friends are those who have, as officers of the regular Army, served in the field during the progress of this war, and I am bound to them by those strong ties which bind together men who have shared danger and disease and hardship and victory in common.

Sir, I declare here my belief that I enter upon the consideration of the question before the House without any prejudice either for or

against the officers of the Army on duty in Washington; either for or against those gallant men who have borne our country's flag to victory on the field during the progress of the late war. I declare it to be my purpose to do justice, equal and exact justice, to these patriotic men, no matter where the fortunes of war may have cast their lot. But, sir, I am compelled to say at the outset, that the gentleman from Maine [Mr. BLAINE] and the gentleman from Pennsylvania [Mr. THAYER] seem to me utterly to misunderstand the law now in force on the subject which they have discussed, and I am amazed that they should have crowded into their argument so many mistakes upon points vital to the propositions which they have undertaken to maintain.

Mr. Speaker, they have, both of them, declared and attempted to show that the present system of pay is elastic, expansive in its nature, adaptable to the necessities of officers, in all the different portions of the United States; that the system adapts itself to cities and posts in the far West, as well as to cities and posts in the East, and makes the pay of officers of the Army as nearly as possible equal and just, while the plan before us is uniform, arbitrary, and unyielding, without adaptability to the changing circumstances of the officer, and tends to inequality and injustice. And, sir, they refer mainly in proof of this to that item of an officer's pay which is denominated "rations" or "commutation of rations." They refer, also, to fuel, quarters, forage, and to servants' pay, rations, and clothing; but they mainly base their arguments upon what they conceive to be the existing law relating to that item of an officer's pay which is called "rations," or "commutation of rations," as contrasted with the provisions of the bill before us on the same subject.

Now, sir, I wish to call the attention of these gentlemen, and of the House, to the mistake they have made in their statement of the law now in force. But in order that I may make no misrepresentation of their positions, I send to the Clerk's desk, and ask to have read, their remarks upon this subject made yesterday, as reported in the Globe. I desire them read for the information of those members of the House who were not then present, and also to refresh the recollection of those who were present, and assure them that I do not misunderstand the honorable gentlemen to whom I refer. I ask the Clerk to read first from the remarks of Mr. BLAINE.

The Clerk read as follows:

"Let me state a case. I will suppose there are ten general officers in this city to-day to be ordered by General Grant to as many different points. Let us suppose the system of commutation of forage, rations, fuel, servants' clothing, quarters, &c., entirely abolished. You send one officer to a post in the Northeast, another to San Francisco, another to Fort Bridger, another to New Orleans, another to New Mexico, and so on, and then give them all the same arbitrary amount of pay as proposed in the pending bill, and I submit that you have imposed the grossest inequality of burden and responsibility upon them."

"Mr. GARFIELD. Does not the bill allow mileage?"

"Mr. BLAINE. I am not talking about mileage. I am talking about the expenses of living after the various posts of service shall have been reached. I was talking only yesterday with an officer who had served in the Rocky mountains and at Fort Bridger. The Government has had to contract there for wood at nearly one hundred dollars per cord and corn at twelve dollars a bushel and flour at seventy-five dollars a barrel. I submit that if you send a brigadier general out there under the pay provided in this bill and compel him to forego all the privileges of commutation he cannot feed two horses and keep two servants on his entire pay."

"The gentleman from Ohio says he does not draw his rations in kind but takes commutation. I know that is the case, but he draws it in commutation of value at the point where he is stationed."

Mr. PAINE. The Clerk will now please read from the remarks of Mr. THAYER.

The Clerk read as follows:

"Sir, it must be manifest that in a country including so large a space as that which is covered by the United States, embracing so many degrees of latitude and longitude, the expenses of living must differ vastly in different parts of the country. The price of subsistence is one thing at St. Louis; it is a totally different thing at Eastport. It is one thing at New Orleans; it is a different thing at Philadelphia. It is one thing at Carlisle, an interior town in my own State; it is quite another thing in Washington."

"Sir, an officer who is obliged to pay but a small price for his board in a town where the price of living is cheap, is, as any man must see, on an entirely different footing from an officer who is placed in another position where the expense of living is extremely high. The Government remedies this inequality by purchasing the subsistence and furnishing it in kind to both the officers.

"The Government can go into all the markets of the United States and purchase its provisions for the Army. It can purchase them at rates vastly below the prices which an individual officer would be obliged to pay for his individual subsistence. The Government, therefore, has hitherto thought it wise to purchase by contract the subsistence for the officer, and to deal out to him, whether he be situated in Arizona or in Boston, those provisions which it has purchased for the common benefit of the Army."

Mr. PAINE. Mr. Speaker, the pay and allowances of an officer of the Army who is not a mounted officer will embrace seven items only. There is, first, the pay proper, so called; second, commutation of rations; third, commutation of servants' wages; fourth, commutation of servants' rations; and fifth, commutation of clothing for servants. All of these five items are paid through the pay department of the Army. The sixth item is quarters or commutation of quarters; and the seventh is fuel or commutation of fuel. The mounted officer receives also forage as the eighth item of his pay and allowances, which can be commuted only when it cannot be furnished in kind.

Now, will the gentleman from Pennsylvania [Mr. THAYER] claim that the item of pay proper is different in one portion of the United States from what it is in another? Will he claim that an officer when in Washington receives a different amount of pay proper from what he receives at Fort Bridger, as the law now stands? Certainly it will be sufficient to meet a declaration of that kind with a simple, absolute denial.

Consider next the commutation of rations. This is one of the main items of an officer's pay, and upon this point the gentleman from Maine [Mr. BLAINE] and the gentleman from Pennsylvania [Mr. THAYER] have made a most serious mistake. Both of those gentlemen evidently suppose that there exists legal authority for issuing to an officer rations in kind; that under the law as it now stands rations in kind are or may be issued to officers. They also entertain the opinion, disclosed in the extracts just read at the Clerk's desk, that in case rations are commuted, the rates of commutation are different in different localities of the country.

They manifestly suppose that when an officer chooses to receive commutation of rations and applies to the paymaster for that commutation on his pay account, he receives one rate at Fort Bridger, another at Washington, another in Pennsylvania, another in Maine, and still another in California or Oregon. They also imagine that if the officer does not choose to accept from the paymaster commutation of rations, he can at his pleasure present himself to the commissary of subsistence and demand rations in kind. And here we have the foundation on which rests the superstructure of their argument.

Sir, the gentlemen are utterly mistaken on both of these points. There is not now, there has not been since this war commenced, any provision or authority of law under which a commissary could issue rations in kind to an officer. There has been, there is now, no authority by which a paymaster could allow different rates of commutation of rations to officers at different points. I say again, sir, that upon these points the gentlemen have been most sadly misinformed, and yet upon these errors of fact rests almost the entire superstructure of the arguments which the gentleman from Maine [Mr. BLAINE] and the gentleman from Pennsylvania [Mr. THAYER] have made in opposition to this bill.

The provision of the law is this, and I ask the attention of those gentlemen to it: no officer of the commissary or subsistence department, or of any other department of this Government, can issue rations in kind to commissioned officers either for themselves or for their

servants, not being soldiers. Nor is there any difference in the price of rations as computed by the pay department. The price of the ration is fixed at thirty cents, whether at Fort Bridger, in Washington, in Maine, or Oregon. The commutation price of the ration is thirty cents for officers everywhere, where subsistence is cheap and where it is dear, in all latitudes and longitudes, at all posts, and for every kind of duty. I will read from page 262 of the Army Regulations, reprinted in 1863:

"Subsistence stores will not be issued to officers or to their servants unless they are enlisted men, and are so reported on the officer's pay account or pay-roll."

On page 363 of the same book I also read as follows:

"Officers' subsistence is commuted at thirty cents per ration."

This, sir, is the law; and the practice of the Army has been in strict compliance therewith. If any officer of the subsistence department has issued rations in kind to officers, he has done so in violation of law. If any officer of the pay department has commuted officers' subsistence at any other rate than thirty cents per ration, he has done so in violation of law.

Mr. Speaker, the law does allow commissaries of subsistence to sell to officers of the Army rations at the cost price, exclusive of transportation, for cash on delivery, upon their certificates that these rations are for their own use or the use of their families. And the provision requiring payment in cash on delivery was necessarily modified during this war in certain cases. Only by such purchase can officers obtain subsistence stores from the Government. I will read from page 252 of the Army Regulations:

"An officer may purchase subsistence from the commissariat, paying cash for it on delivery, at cost prices, without including cost of transportation, on his certificate that it is for the use of himself and family."

Now, sir, the gentleman from Maine and the gentleman from Pennsylvania are very wide of the mark if they suppose that an officer stationed at Fort Bridger, where rations are high, could apply to the commissary department and insist upon rations being issued to him in kind. They are equally mistaken if they suppose that he could apply to the pay department and insist that his subsistence should be commuted at a price corresponding with the price of subsistence stores at that post.

Mr. BLAINE. Is the gentleman willing to be interrupted for a moment?

Mr. PAINE. Certainly.

Mr. BLAINE. I do not at all dissent from the gentleman's statement of facts, nor do I understand that his statement differs essentially from that which I have made. I understand that the officer may under the present law buy rations from the Government at cost exclusive of transportation, or if the rations are not there to be bought or furnished, he is entitled to commutation at the price which it would cost to have the rations there. Am I not right in that?

Mr. PAINE. No, sir, I do not understand the gentleman to be right in that. I should be glad if the gentleman would point out to me a provision conferring such authority. There is no such provision in the law or in the Army Regulations.

Mr. BLAINE. How is it with regard to fuel and forage?

Mr. PAINE. I am considering these items *separatim* as they are arranged on the pay-table, and will soon come to fuel and forage.

That there may be no doubt on this subject, I will again read to the gentleman the law as it stands in the Army Regulations of 1861, revised and republished in 1863:

"An officer may purchase subsistence from the commissariat, paying cash for it on delivery, at cost prices, without including cost of transportation, on his certificate that it is for the use of himself and family."

And on page 262 of the Army Regulations it is stated that—

"Subsistence stores will not be issued to officers or to their servants unless they are enlisted men and are so reported on the officers' pay-account or pay-roll. An officer may purchase subsistence from the com-

missariat, paying cash for it on delivery, at cost prices, on his certificate that it is for the use of himself and family."

Now, sir, it appears from the extract which has been read from the speech of the gentleman from Maine made yesterday on this subject, that the Government has been obliged at Fort Bridger to contract for wood at nearly one hundred dollars per cord, corn at twelve dollars per bushel, and flour at seventy-five dollars per barrel. I ask the attention of those gentlemen who are so much in favor of the law as it now stands to the practical operation of that law as applied to the case at Fort Bridger. Suppose that an officer of the Army desires to purchase from the subsistence department a barrel of this flour; suppose that his necessities compel him to make the purchase. He is obliged under the law as it now stands to pay seventy-five dollars for the barrel of flour because it costs the Government seventy-five dollars. If the Government sees fit to purchase the flour elsewhere, in the St. Louis market or in any other market, the cost of transportation is deducted; but if the Government buys the flour there and does not afterward transport it, the officer, unless the law be violated, must pay seventy-five dollars for his barrel of flour.

Sir, I shall propose, before I sit down, an amendment which I think will obviate all such objections to the measure introduced by the committee as pertain to subsistence of officers. It will not permit an issue of rations in kind to officers, nor will it permit them to commute subsistence. It will banish them from their pay-accounts altogether. But it will authorize them to purchase subsistence henceforth as hitherto, at cost prices, if indeed there can be any possible doubt as to their authority to do so under the bill now before the House.

So far as subsistence is concerned, then, there is no more elasticity, no more adaptability to the varied circumstances of officers in the law now in force, than in the plan of the committee modified by the amendments to which I have referred.

The next item on the officers' pay-table is the pay of servants, or the commutation of servants' pay. Of course there is no pretense on the part of the gentleman from Maine or the gentleman from Pennsylvania that the system now in force can vary at different points in the country so far as the pay of servants is concerned. This is fixed at a uniform rate by the law for all parts of the country.

We pass next to the commutation of servants' rations. Precisely the same thing is true there which I have shown to be true of the rations of the officer himself. There is no adaptability to latitude or longitude or to localities more or less expensive so far as commutation of servants' rations is concerned. No man not insane can pretend there is any advantage in this respect in the law which these gentlemen now defend over the measure which they so strenuously oppose.

Next comes the item of commutation of servants' clothing. Is it pretended that this varies at different posts? Gentlemen must be profoundly ignorant of the law and of the Army regulations if they advance any claim like that. No, sir; this commutation is not a variable quantity in the officer's pay. Nor is the law now in force at all superior in this respect to the measure before the House.

We have now passed through the five items of pay received through the pay department, and we find that they are invariably fixed; that they furnish not the slightest foundation for the claim of superiority which gentlemen attempt to set up in favor of the existing law and against the bill under consideration.

Mr. WOODBRIDGE. I ask the gentleman from Wisconsin whether an officer who does not choose to commute his rations is not permitted to draw them in kind.

Mr. PAINE. I will repeat, for the fifth time, that an officer cannot draw his rations in kind, either for himself or even for his servant, unless that servant is an enlisted man of the Army.

Mr. WOODBRIDGE. I understand from this paper, which emanates from some of the military departments in this city, that it is optional, and the officer may commute his rations at thirty cents each or draw them in kind.

Mr. PAINE. I of course do not know what paper the gentleman has in his hand.

Mr. SCHENCK. I ask the gentleman from Vermont to refer to the date of that communication and he will find that it was made forty years ago. The other part is Brice's introduction to it.

Mr. PAINE. I know not what the gentleman has in his hands, but I know what authority I have read to the House. I have read from the Army Regulations issued by authority of the Secretary of War. I have read the provisions standing on pages 252, 262, and 363, and I declare these to be the regulations now in force. I know by experience that they have been rigidly enforced during this war, with the modification as to cash payments to which I have referred. I never heard of the case of an officer drawing rations in kind.

Mr. WILSON, of Iowa. I think this is an important feature of this discussion, and I think it should be understood. I have no information on the subject except what I have received here. I ask whether an officer who purchases a ration from a commissary of subsistence is not entitled to receive it at thirty cents.

Mr. PAINE. I will again read the law on page 252:

"An officer may purchase subsistence of the commissariat, paying cash for it on delivery, at cost prices, without including the cost of transportation, on his certificate that it is for the use of himself and family."

I declare that to be, and to have been, the law, with the sole modification often referred to which gave officers a short credit on these purchases when long delay in the payment of the troops had rendered it impossible for them to pay cash on delivery.

Mr. BLAINE. An officer at Fort Bridger is furnished with provisions at their cost in New York city. It is the cost of transportation which goes to swell up the price at the frontier posts. The gentleman's point, therefore, amounts to nothing.

Mr. PAINE. Now, Mr. Speaker, I have no dispute with the gentleman on that point. I have read the law over and over again. It provides that the officers shall purchase rations at cost, not including transportation. If the Government sees fit to purchase these rations at St. Louis or any other place, they will be sold to the officers without adding the transportation. So far as that is concerned, the gentleman is right at last; but I want to call his attention and the attention of the House to something else which he seems entirely to overlook. Does the gentleman believe that the bill before the House, with the proposed amendments, changes this feature of the law; that in consequence of any provision in this bill officers will not be allowed to purchase rations of the Government on precisely the same terms as heretofore? If he does, he is, I think, as much in error as he has been respecting the existing law on this subject.

The bill before the House provides that "instead of pay, allowances, and emoluments, of every kind except as hereinafter provided, the following shall be the yearly compensation of all officers of the Army," &c. It makes no provision affecting directly or indirectly the right of an officer to purchase from the Government. On the contrary, pass this bill—and on this point let me assure the House that I cannot be mistaken—pass this bill, and the officer has the right, stationed at Fort Bridger, to purchase subsistence of the commissary department at the cost price, not including transportation. I want to have the gentleman indicate, when his time comes to speak again, how the law now in force in this respect has any advantage over the bill which the committee ask us to pass.

Mr. WOODBRIDGE. I have in my hand

a communication from the Paymaster General of the Army, and appended to it is an article which seems to have come from Paymaster General Towson in 1826. I do not know anything against this article except it be its age. I find the following:

"When the difficulty of procuring provisions does not exist the rations are commuted at twenty cents each, [they are now thirty, which amounts to the same as allowing a specific sum. The option to commute is with the officer.]"

That was the law in 1826. What I rose for was to ask the gentleman—for I desire information on this point—when the law was altered so as to take away from the officer the option of drawing rations or commuting them at the sum which the Government established.

Mr. PAINE. I never knew anything about the law regulating the subsistence department of the United States before the commencement of this war. I knew very little about it, of course, in 1826, and cannot therefore answer the gentleman's question. I can give the gentleman, however, a little second-hand information this moment received from the gentleman from Indiana, [Mr. DUMONT,] who tells me that he served as an officer in the Mexican war and knows that the law was then, seventeen years ago, what it now is.

Now, I come to the subject of forage, which I will consider before fuel and quarters. Forage is required for mounted officers only. There is an amendment pending before this House which certainly should be incorporated into this bill giving mounted officers forage for their horses. I would be opposed to the passage of this bill without such an amendment as that. I cannot by any possibility differ with the gentleman from Maine [Mr. BLAINE] or the gentleman from Pennsylvania [Mr. THAYER] on that subject. But when those gentlemen say that in adopting an amendment of that kind as a portion of this bill you yield the whole principle which underlies it, I am compelled to deny the assertion. Why, Mr. Speaker, we could not conveniently embrace this subject of forage in a general provision for the whole Army because it concerns only mounted officers.

But, sir, there is one other item of the officer's pay which should go into the same category with subsistence, and be disposed of by a provision similar to that which now regulates the sale of commissary stores to officers. I now come to that. It is the item of fuel. The gentleman from Maine seems to me to have misunderstood the law now in force relating to this subject of fuel. He seems to me to be of the opinion that an officer stationed at Fort Bridger could, if he saw fit, draw commutation for fuel, at \$100 per cord, and that this is a substantial reason for regarding the law now in force as preferable to the bill before the House.

Why, Mr. Speaker, an officer stationed at Fort Bridger can by no possibility draw commutation of fuel; the law permits no such thing. There is but one case in which an officer can, under these Army regulations, draw commutation of fuel. When an officer is separated from troops, when he is stationed at a post where he does not serve with troops, he can receive commutation for quarters, provided public quarters cannot be furnished him by the Government; but if he serves with troops, or if serving away from troops he can be furnished by the Government with public quarters, then he draws no commutation of quarters, and in precisely the same case he can draw commutation of fuel, and in no other case. If there be any doubt about it I can read the letter of the law. But I trust that my statement in this regard will be taken for true. If, however, any gentleman desires to hear the law read I will read it.

Now, no officers at Fort Bridger could, by any human possibility, draw commutation of fuel or quarters, and for this obvious reason, that no officers could be stationed at Fort Bridger without serving with troops. It is one of those posts where troops are necessarily used, and would be worthless without them.

Mr. Speaker, I think there should be a provision in this bill on the subject of fuel, and I

have prepared an amendment on that subject which I shall submit to the House. I think it will remove every possible objection to the bill now before us growing out of this question of fuel. I ask the Clerk to read it now for the information of the House.

The Clerk read as follows:

Insert after the amendment already adopted by the House in relation to forage, the following: "Officers may purchase from the quartermaster's department the amount of fuel prescribed in section ten hundred and sixty-eight, article forty-seven, of the Army Regulations of 1861, on their certificate that it is for their own use, paying cash therefor on delivery, at cost price, not including the cost of transportation incurred after purchase by the quartermaster's department; and nothing in this act contained shall affect the right of officers to use without charge public barracks, or quarters, or buildings hired for their use in accordance with the laws and regulations now in force."

Mr. PAINE. I will also send to the Clerk's desk to be read for the information of the House an amendment prepared by the gentleman from Indiana [Mr. WASHBURN] who is absent from the House, and has requested me to present it. It relates to the same subject.

The Clerk read as follows:

And be it further enacted, That the officers of the Army may purchase of quartermasters and commissaries of subsistence the same amount of rations and fuel to which they are now entitled by law at a uniform price fixed by the Secretary of War, not to exceed the average actual cost of the same to the Government, exclusive of transportation: *Provided*, That said officers shall at the time of the purchase certify that the same is for their own use.

Mr. PAINE. I have thus shown that so far as all the items of an officer's pay are concerned, under the law now in force, except only the items of fuel, quarters, and forage, that law is no better for the officer than is this bill, as originally introduced by the committee; that it is no more adaptable to the varying circumstances in which the officer may find himself placed than was this bill. On those points amendments are offered which, if adopted, will, I believe, make the proposed bill perfectly just and fair and equal in its operations throughout all the United States.

I now propose to call the attention of the House to the injustice of the measure which the gentleman from Maine [Mr. BLAINE] and the gentleman from Pennsylvania [Mr. THAYER] advocate so earnestly. They complain here to us that we are about to take away from our Army officers some rights which have become vested by long usage, by a long-existing law; they complain that we are about to do injustice to a portion of the Army. Now, it is a matter of amazement to me that those gentlemen have forgotten who it is that this bill aims to benefit. It is amazing to me that they should have forgotten so utterly, should have so utterly ignored those officers serving with troops in the field, who are entitled to the consideration of this House, I will not say more than, but I will say as much as, the officers who are on duty in the bureaus in this city or at posts in other cities.

The law as it now stands gives to a brigadier general serving with troops in the field, enduring all the hardships of a campaign, and braving all the dangers of the service, a compensation of \$3,978 50, including everything, forage and all. But if he should be stationed in the city of Washington he would receive \$5,355 50.

Now, we propose to raise the pay of those officers who are serving their country in the field, and gentlemen oppose it. Why do they oppose it? It is a matter of justice; I know it to be a simple matter of justice. I know that the officer who serves with troops in the field is and has been inadequately paid. I know that during this war, taking into consideration the depreciation in value of our currency, the pay of an officer in the field has been but a beggarly compensation. And yet gentlemen resist, with all their might, the passage of a bill which proposes to raise the pay of these poorly paid officers who serve in the field.

It is with colonels, lieutenant colonels, and majors, and all officers of the line, as with brigadier generals. For example, a colonel of infantry in the field receives for his compensation, including forage, only \$2,520. And yet when on service in Washington a colonel of

infantry receives \$3,897. A lieutenant colonel of infantry in the field receives, including forage, \$2,456; in Washington he receives \$3,565 50. A major of infantry in the field receives \$2,148; in Washington he receives \$3,277 50.

Now, I want to know why it is that gentlemen have so violently opposed this bill which does an act of such manifest justice to these men who are serving their country in that hardest sphere of military duty, in the field itself. The only reason seems to be an apprehension that it will in some way reduce the pay of a certain other class of officers.

Now, I admit that it will have that effect. I admit that it will take off a small amount from the pay, for instance, of a brigadier general stationed in Washington. Instead of receiving \$5,355, as now, he will, if this bill becomes a law, receive, exclusive of forage, \$5,000; including forage, \$5,384. A colonel's pay will be reduced from \$3,897 to \$3,192; a lieutenant colonel's pay from \$3,565 50 to \$2,792, and a major's pay from \$3,277 50 to \$2,692. And while I am sorry to see those officers, many of whom are among the very best in the Army, deprived of any emoluments to which they have been accustomed, I cannot resist the force of that argument by which it is maintained that the officers who serve in the field are entitled to at least equal pay with those who serve in bureaus and in cities. Nor can I for a moment doubt the policy of giving such encouragement to field service. The country and the Army must gain by the change. It is complained that if this bill goes into effect the pay of officers in Washington and at other expensive localities will be so reduced as to become inadequate. Mr. Speaker, the pay of a Senator in Washington is \$3,000. A brigadier general now receives \$5,355 50. A colonel of infantry receives \$3,897; a lieutenant colonel of infantry, \$3,565 50; a major of infantry, \$3,277 50.

Sir, there will be but three grades of officers in the whole service, even after this bill is passed, who will receive compensation materially less than that of the members of this House. The general, the lieutenant general, the major general, the brigadier general, the colonels, the lieutenant colonels, and the majors will all receive either a greater compensation or a compensation in the cases of lieutenant colonel and major only two or three hundred dollars less than that of the members of this House or of the Senate. Sir, I see no good reason for complaining very bitterly of a bill which makes provisions like these.

But, sir, an order from the Secretary of the Navy has been introduced here by the gentleman from Pennsylvania, and is expected to have a bearing upon the question now before the House. It appears from this order that the law which prohibited any allowance to officers in the Navy "for rent of quarters, or for pay rent for furniture, or for lights or fuel," &c., has been repealed. Now, what does the Secretary of the Navy, whose example is commended to us by the gentleman from Pennsylvania, do when this law is repealed? Does he issue an order corresponding substantially to the present regulations of the Army respecting fuel, forage, and quarters? Not at all. He condemns in express language the provisions which are observed in the Army, and refuses to adopt them. He says:

"The Department, in order to prevent a recurrence of the irregularities, abuses, and arbitrary allowances which occasioned the prohibition, deems it proper to establish a fixed rate of compensation in lieu of the extra allowances which were prohibited by the law now repealed."

Why, sir, the first thing that the Secretary of the Navy does, after the repeal of the law gives him power to do anything on the subject, is to sweep away this expanding and contracting system which these gentlemen seem so much to admire, and to fix a uniform rate of compensation in lieu of allowances, to wit, thirty-three and a third per cent. on the pay of the officers, a rate of compensation for all latitudes and all longitudes. I have nothing

to say as to the propriety of this arrangement; I have nothing here to say as to the propriety of the repeal of that law, except that I heartily rejoice that justice has at last been done to these noble sailors; but I do say that the example of the Secretary of the Navy, which the gentleman from Pennsylvania commends to us as worthy of our imitation, condemns, in language which cannot be mistaken, the very provision which he so strenuously advocates. The Secretary in this order adopts the principle of the bill before us. He allows a fixed compensation in lieu of commutation of quarters, fuel, &c. His order is a singular argument to urge against the measure proposed by the committee.

Now, sir, there are reasons very palpable to my mind why this pay system so unequal and so unjust has so long continued the law of the country; and the reason is by no means that which has been suggested by the gentleman from Pennsylvania. Sir, the fact that a system, a law has continued in existence for a long period of time is no proof to me that it is wise or just. Sir, flagrant abuses sometimes exist for long periods of time. In the history of the world it has been no less common for burdensome, unjust, and oppressive laws to exist un repealed through generations and centuries, than for wholesome, righteous, equal laws to continue long in force.

I believe that any fair and candid man will be able to see, in the circumstances of the case, the reason why this law has stood un repealed so long. Those reasons have been indicated by the gentleman from Ohio. The very men who have been interested in the permanence of this system have been the men who have every day had the ear of Senators and Representatives in this Capitol. Whenever the interests of officers stationed at Washington are to be touched by any proposed measure, we see honorable gentlemen prompt to rise to vindicate those officers and defend them from all assaults.

Sir, in former times instead of a half dozen of the members rising as now, a hundred were always ready to spring to their feet in this House when any measure was proposed which might possibly affect the interests of officers stationed in Washington. In saying this I make no complaint against these officers, for as I have already said I entertain for them the highest respect. They have not acted dishonorably in this. They were on the ground. They were connected with the executive government, and much of its patronage was dispensed through their hands. They knew every move in this House and in the Senate. They knew what appliances to bring to bear. They knew what to say and do on this floor and in the lobby.

But, sir, officers in the field and at distant posts have not been heard here. They could not be heard. If they came into our lobbies they would have no dispensing power in the executive government to give weight to their words and wishes. I see very clearly a reason for the long continuance of this system of pay for the Army. If this war had not broken out; if there had not been a large increase of the Army; if after the war gentlemen had not come into this House who by practical experience were cognizant of the inequalities in this system the committee might never have brought forward the measure before us. But for this, there might have been a hundred like the gentleman from Pennsylvania, the gentleman from Maine, and the gentleman from Vermont springing up in every part of this House to protest against the infliction of a wrong upon these worthy officers. Sir, they have no warmer friend than I am. There is no man less disposed to do them harm; but I think it high time that the men who met the bayonets and bullets of the enemy had advocates and defenders on this floor.

I am sorry to hear the gentleman from Pennsylvania and the gentleman from Maine speak in condemnation of this law which proposes to give to them the justice so long withheld. I trust, tardy though it be, it will come

at last. I declare my opinion that the bill now before the House is in its provisions more nearly just than the one it proposes to replace. It proposes to do equal and exact justice to all. It is just to those who serve with troops. It is not unjust to those who serve without them. I hope it may be amended as I have proposed, and become a part of the law of the land.

Mr. WOODBRIDGE obtained the floor.

ENROLLED BILL SIGNED.

Mr. COBB, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill and joint resolution of the following titles; when the Speaker signed the same:

An act (S. No. 208) to protect American citizens engaged in lumbering on the St. Croix river, in the State of Maine; and

A joint resolution (S. R. No. 92) authorizing the appointment of examiners to examine a site for a fresh-water basin for iron-clad vessels of the United States Navy.

Mr. SCHENCK moved that the House adjourn.

The motion was agreed to.

And then (at ten minutes to four o'clock p. m.) the House adjourned until Monday next.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule and referred to the appropriate committees:

By Mr. DAWES: The remonstrance of Samuel Fay, and others, of Massachusetts, against the extension of the burring-machine patent.

By Mr. HALE: The petition of James Smith, and 91 others, citizens of Willsboro, Essex county, New York, for protection to American wool-growers.

By Mr. JULIAN: The petition of Major George H. Bonebrake, praying relief for money stolen from him while in the military service of the United States.

By Mr. MOORHEAD: The petition of citizens of Alleghany county, Pennsylvania, asking for protection to home against foreign labor.

By Mr. MOULTON: The petition of 50 citizens of Pana, Illinois, praying that Congress will enact just and equal laws for the regulation of inter-State insurances of all kinds.

By Mr. MYERS: The petition of Lewis Ladamus and William P. Ellison, of Philadelphia, representing the estate of John Moore, deceased, owners of square No. 760 East Capitol street, between Second and Third streets, Washington, District of Columbia, occupied by the Government since 1831, asking Congress for the passage of an act to pay them rent for the same.

By Mr. UPSON: The petition of Drusilla Churchill, and others, of St. Joseph county, Michigan, praying for an increase of the pensions to the widows, mothers, and orphans of soldiers who have fallen in defense of their country.

IN SENATE.

MONDAY, June 4, 1866.

Prayer by the Chaplain, Rev. E. H. GRAY. The Journal of Thursday last was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication of the Postmaster General, transmitting, in answer to a resolution of the Senate of the 23d of February last, information relative to the establishment of a telegraph in connection with the postal system; which, on motion of Mr. SHERMAN, was referred to the select committee on that subject and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. MORGAN presented a petition of merchants, underwriters, and others, of New York city, praying for the passage of an act making an appropriation to defray the expense of building suitable warehouses in the port of New York for the reception of infected goods and merchandise; which was referred to the Committee on Commerce.

He also presented the petition of Rufus H. King, and others, bankers of the city of Albany, New York, praying for the repeal or extension of the act of Congress, imposing a tax of ten per cent. on State bank circulation; which was referred to the Committee on Finance.

He also presented a memorial of the boot and shoe makers of the city of New York, praying for the abolition of the tax on their trade; which was referred to the Committee on Finance.

He also presented a memorial of the Board of Trade of the city of Charleston, South Carolina, remonstrating against the passage of the bankrupt bill lately passed by the House of Representatives, as such a bill, in the opinion of the petitioners, if passed into a law will be highly detrimental to the interests of the people of the United States; which was referred to the Committee on the Judiciary.

Mr. HOWE. I present a memorial very largely signed by citizens and corporators of Georgetown, in this District, remonstrating against the passage of "A bill in addition to the several acts establishing the temporary and permanent seat of the Government of the United States, and to resume the legislative powers delegated to the cities of Washington and Georgetown, and the levy court of the District of Columbia." I believe that bill has been reported; I move, therefore, that the memorial lie on the table.

The motion was agreed to.

Mr. SHERMAN. I present a memorial of the executive board of the Western Freedmen's Aid Commission, praying for an appropriation to aid in the construction of school-houses, &c., for the education of the freedmen. As this subject is now pending in the Committee on Finance, I move its reference to that committee.

The motion was agreed to.

Mr. WILLEY presented the memorial of William J. Sibley and others, trustees for a certain lot in square seventy, in the city of Washington, conveyed to them by J. H. McBlair, for the purpose of erecting thereon a house of worship, praying for the passage of an act authorizing them to sell the same and invest the proceeds in the improvement of their present place of worship; which was referred to the Committee on the District of Columbia.

Mr. HARRIS. I present the petition of the Commercial Navigation Company of the State of New York, a corporation chartered by special law of that State, praying for the passage of an act to provide for the conveyance of foreign and European mails to the United States of America between New York and Liverpool, touching at Queenstown, by steamships constructed, owned, and officered by American citizens. I move that it be referred to the Committee on Post Offices and Post Roads.

The motion was agreed to.

Mr. COWAN presented the petition of William Varum, R. H. Ray, and others, praying that Congress will promptly pass such a tariff as will protect national industry, replenish the national Treasury, and develop our vast national resources; which was referred to the Committee on Finance.

Mr. SUMNER. I offer a petition numerously signed by citizens of Massachusetts in which they ask Congress to enact the following:

Resolved, That throughout the United States and its Territories the right of suffrage and all other equalities and humanities shall henceforth be extended alike to those of all races and complexions; or denied only to those who would usurp the rights and liberties of others.

As this subject is now under discussion, I move that this petition lie upon the table.

The motion was agreed to.

Mr. CHANDLER presented the petition of Myles Doran, of the fourteenth regiment Michigan volunteers, praying that he may be allowed the pay and allowances of a second lieutenant from the 3d day of February, 1865, to the 18th day of July, 1865; which was referred to the Committee on Military Affairs and the Militia.

REPORTS OF COMMITTEES.

Mr. WILSON. The Committee on Military Affairs and the Militia, to whom was referred a bill (S. No. 273) to authorize the President to convey to William P. Rogers and his associates the island of Yerba Buena, or Goat Island, in the harbor of San Francisco, have directed me to report adversely thereon. I move its indefinite postponement.

The motion was agreed to.

Mr. WILSON, also, from the Committee on Military Affairs and the Militia, to whom was referred a bill (S. No. 287) to provide for the construction of a wagon road from Boise City, in the Territory of Idaho, to Sasanville, in California, reported it without amendment.

PATENT EXAMINERS.

Mr. COWAN. I beg leave to report, from the Committee on Patents and the Patent Office, a bill (S. No. 350) to authorize the Commissioner of Patents to pay those employed as examiners and assistant examiners the salary fixed by law for the duties performed by them; and I ask that it be put on its passage. I do not know that it will lead to any debate or difficulty. It is a matter of some consequence to those concerned.

There being no objection, the bill was read twice and considered as in Committee of the Whole. It proposes to authorize the Commissioner of Patents to pay those employed in the Patent Office from April 1, 1861, until August 1, 1865, as examiners and assistant examiners of patents, at the rates fixed by law for those respective grades. The money is to be paid out of the Patent Office fund, and the compensation thus paid is not to exceed that received by those duly enrolled as examiners and assistant examiners of patents for the same period.

Mr. COWAN. I have simply a word to say by way of explanation of the bill. It appears that in 1861 the Commissioner of Patents found it necessary, as he supposed, to reduce the salary of the examiners and the assistant examiners, owing to the pressure upon the funds of the Department at that time. Those funds, however, have now accumulated, owing to the increased business of the office, and I think he has perhaps \$75,000 of a surplus on hand.

Mr. WILSON. Over \$100,000.

Mr. COWAN. Perhaps it may be. I understood it was \$75,000. It is now proposed to pay the examiners and assistant examiners the salaries which had been before fixed by law to be paid them, and that the amount be paid out of this fund. I think it is eminently just.

Mr. SHERMAN. Does it increase the salaries?

Mr. COWAN. Their salaries were reduced in 1861, and they are now to be paid the sum they would have got if there had been no reduction.

Mr. SHERMAN. Does it go back?

Mr. COWAN. It goes back to 1861. I think it is eminently just and proper, and the committee were of that opinion and reported this bill, and I hope there will be no objection to it.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RAILROADS TO THE WEST.

Mr. CHANDLER. The Committee on Commerce, to whom was referred a memorial of citizens of Pittsburg, Pennsylvania, praying for the enactment of a law authorizing the Cleveland and Mahoning Railroad Company to extend its road from the west line of the State of Pennsylvania to the city of Pittsburg, have directed me to report it back and ask to be discharged from its further consideration, and to move its reference to the Committee on Foreign Relations, who have now the charge of that subject.

Mr. COWAN. I think that is a very singular reference—to refer a railroad matter to the Committee on Foreign Relations! I am afraid my friend from Michigan is jesting.

Mr. CHANDLER. I am merely following the precedent set by the Senate on Thursday last.

Mr. COWAN. If the chairman of the Committee on Foreign Relations desires to take cognizance of such things, though utterly foreign to the institution itself, I have no objection, of course.

Mr. SUMNER. I am not aware of the subject to which the Senator refers. I did not

hear the motion of the Senator from Michigan.

Mr. COWAN. It was to refer a matter relative to the construction of a railroad from the Cleveland and Mahoning railroad to the city of Pittsburg, in Pennsylvania, to the Committee on Foreign Relations.

Mr. SUMNER. I must protest against that being referred to the Committee on Foreign Relations. I think it would be a great enlargement and expansion of the jurisdiction of that committee.

Mr. COWAN. I move that the memorial be laid upon the table.

Mr. SHERMAN. These railroad matters ought to be referred to some committee.

Mr. CHANDLER. A bill from the House of Representatives on this very subject was last week referred to the Committee on Foreign Relations, and I supposed that in making this motion I was simply following that precedent.

The PRESIDENT *pro tempore*. The motion now is that this memorial be laid on the table. That motion is not debatable.

Mr. SHERMAN. I move to reconsider the vote by which the other bills were referred to the Committee on Foreign Relations.

The PRESIDENT *pro tempore*. That motion is not now in order, the pending motion being to lay this memorial on the table, and that motion is not debatable.

The motion was agreed to.

Mr. SHERMAN. I now move to reconsider the reference of these railroad bills to the Committee on Foreign Relations.

Mr. SUMNER. What were the bills?

Mr. SHERMAN. The two bills which passed the House of Representatives providing for the construction of railroads, and which were referred to the Committee on Foreign Relations.

Mr. SUMNER. Railroads between what points?

Mr. SHERMAN. One bill was for a railroad between Pittsburg and Cleveland, and the other to secure railroad communication between here and Pittsburg and the Northwest. They were probably referred to the Committee on Foreign Relations under a misapprehension. I move to reconsider that reference, so that they may go to the Committee on Commerce.

The PRESIDENT *pro tempore*. The motion now is to reconsider the vote of the Senate by which the bill (H. R. No. 527) to promote the construction of a line of railroads between the city of Washington and the Northwest for national purposes, and the bill (H. R. No. 537) to promote the construction of a line of railroad from Pittsburg, in Pennsylvania, to Cleveland, in Ohio, were referred to the Committee on Foreign Relations. The Chair will put the question on both bills together if there be no objection.

The motion to reconsider was agreed to.

Mr. SHERMAN. I now move that those two bills be referred to the Committee on Commerce.

The motion was agreed to.

LIEUTENANT COMMANDER R. L. LAW.

Mr. HENDRICKS. The Committee on Naval Affairs, to whom was referred the petition of Lieutenant Commander Richard L. Law, praying to be restored to the active list of his rank, have directed a resolution to be reported for his relief, and as it is a formal matter, I ask for its consideration now.

The joint resolution (S. R. No. 100) for the restoration of Lieutenant Commander Richard L. Law, United States Navy, to the active list from the reserved list was read twice, and by unanimous consent considered as in Committee of the Whole. It proposes to authorize the President to nominate, and by and with the advice and consent of the Senate to appoint, Lieutenant Commander Richard L. Law to the active list of the Navy.

The joint resolution was reported to the Senate and ordered to be engrossed for a third reading.

Mr. HENDRICKS. The chairman of the

Committee on Naval Affairs suggests to me that I ought to add the words "and to restore him to his original rank." I move this amendment.

The amendment was agreed to.

The joint resolution was ordered to be engrossed for a third reading, and was read the third time and passed.

BILL INTRODUCED.

Mr. MORRILL asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 101) directing the removal of certain obstructions from the public square known as Market square in the city of Washington; which was read twice by its title, and referred to the Committee on the District of Columbia.

APPROVAL OF BILLS.

A message from the President of the United States, by Mr. COOPER, his Secretary, announced that the President had approved and signed, on the 2d instant, the following acts and joint resolutions:

An act (S. No. 167) to incorporate the Women's Hospital Association of the District of Columbia;

An act (S. No. 184) to define more clearly the jurisdiction and powers of the supreme court of the District of Columbia, and for other purposes;

An act (S. No. 208) to protect American citizens engaged in lumbering on the St. Croix river, in the State of Maine; and

A joint resolution (S. R. No. 92) authorizing the appointment of examiners to examine a site for a fresh-water basin for iron-clad vessels of the United States Navy.

CLERKS OF INTERIOR DEPARTMENT.

Mr. DOOLITTLE. In behalf of the special committee, to whom was referred the subject-matter of the reorganization of the clerical force of the Department of the Interior, I am instructed to ask the Senate to take up that bill for consideration at the present time. It is Senate bill No. 282; I move to take it up.

The motion was agreed to; and the bill (S. No. 282) to reorganize the clerical force of the Department of the Interior, and for other purposes, was read the second time and considered as in Committee of the Whole.

It provides that from and after the commencement of the next fiscal year the clerical force in the office of the Secretary of the Interior and in the several bureaus of the Department of the Interior shall be as follows:

In the office of the Secretary: one chief clerk, one disbursing agent, who is to be *ex officio* superintendent of the Patent Office building, at a compensation of \$2,500 per annum; one clerk on public lands, one clerk on Indian affairs, one clerk on pensions, one clerk on the judiciary, at a compensation of \$2,000 each per annum; three clerks, at \$1,800 each per annum; four clerks, at \$1,600 each per annum; and four clerks, at \$1,400 each per annum.

In the General Land Office: one chief clerk, ten clerks in charge of divisions, at \$2,000 each per annum; ten assistants to such clerks, at \$1,800 each per annum; forty clerks, at \$1,600 each per annum; fifty clerks, at \$1,400 each per annum; thirty clerks, at \$1,200 each per annum.

In the Indian Office: one chief clerk, three clerks in charge of divisions, at an annual compensation of \$2,000 each; six clerks, at an annual compensation of \$1,800 each; eleven clerks, at an annual compensation of \$1,600 each; eight clerks, at an annual compensation of \$1,400 each; and five clerks, at an annual compensation of \$1,200 each.

In the Pension Office: one chief clerk, three clerks in charge of divisions, at an annual compensation of \$2,000 each; twenty clerks, at an annual compensation of \$1,800 each; fifty clerks at an annual compensation of \$1,600 each; fifty-two clerks, at an annual compensation of \$1,400 each; and twenty-two clerks, at an annual compensation of \$1,200 each.

In the Patent Office: In addition to the clerks and employes authorized by existing laws, four primary, four first assistant, and four second assistant examiners; and the annual salaries of the first assistant examiners shall, from and after the commencement of the next fiscal year, be \$2,000 each; the salary of the librarian, \$2,500 per annum, which shall be in full for all his services as librarian and translator.

The compensation of the messengers, assistant messengers, laborers, and watchmen in the Department of the Interior and its several bureaus and offices is to be the same as it now is under the operation of the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1865, and for other purposes," approved June 25, 1864.

The Secretary of the Interior is to appoint all the clerks and other employes mentioned in this act, except such as are by law appointed by the President of the United States, by and with the advice and consent of the Senate. In the temporary absence of the head of either of the bureaus, his duties are to devolve upon and be performed by the chief clerk, unless the President shall see proper to appoint another person for that purpose.

From and after the commencement of the next fiscal year, the compensation of the Assistant Secretary of the Interior, and that of the heads of the bureaus of the Department of the Interior is to be the same as that now allowed by law to the Commissioner of Patents; that of the chief clerk of the Department of the Interior \$2,500 per annum, and that of the chief clerks of the bureaus each \$2,250 per annum.

The sums which may be necessary to carry into effect the several provisions of this act during the fiscal year ending June 30, 1867, are to be paid out of any moneys in the Treasury not otherwise appropriated, except so far as they relate to the Patent Office, in which case they are to be paid from the patent fund.

The select committee to whom the bill was referred reported it with several amendments. The first amendment was in section one, lines thirty-three and thirty-four, to strike out the words "three clerks in charge of divisions at an annual compensation of \$2,000 each" and to insert "there shall be appointed by the Secretary of the Interior, for the Pension Office, five heads of divisions, each of whom shall be allowed a salary of \$2,000 per annum; twenty clerks at an annual compensation of \$1,800 each, &c."

In the Pension Office: one chief clerk; there shall be appointed by the Secretary of the Interior for the Pension Office five heads of divisions, each of whom shall be allowed a salary of \$2,000 per annum; twenty clerks at an annual compensation of \$1,800 each, &c.

Mr. DOOLITTLE. By striking out the word "three" in line thirty-three and inserting the word "five" in the bill as it stood originally, the effect would be the same, and it would be more in harmony with the other sections of the bill. It would then read, "one chief clerk and five clerks in charge of divisions, at an annual compensation of \$2,000 each," instead of three, as reported in the original bill. I will state that the special committee appointed on this subject had before them the heads of these several bureaus; and on consultation with them and ascertaining the condition of affairs in the Pension Office we became satisfied that there are five important divisions in the Pension Office, at the head of which there ought to be a man of sufficient capacity to take charge of the division, instead of three. The Commissioner of Pensions was decidedly of that opinion, and certainly we were, after hearing him at length on that subject. We have no doubt that it is one of the most important bureaus in the Government. It has charge of all questions relating to pensions, deciding who shall have them and who are not entitled to them. I will state that on the subject of the salaries mentioned in this bill there is a printed statement accompanying the bill, giving a comparison of the salaries as they now stand, and as

they will be under this bill. Some of the salaries are raised, but the whole amount of expenditure is no greater.

The PRESIDENT *pro tempore*. The question will be on the amendment proposed by the Senator from Wisconsin to the amendment of the committee.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question now is on the amendment reported by the committee as amended.

Mr. DOOLITTLE. The amendment that I proposed was an amendment to the original bill as it stood, waiving the amendment proposed by the committee. The effect is precisely the same by inserting "five" instead of "three" in line thirty-three in the bill as it stood.

The PRESIDENT *pro tempore*. Then the amendment reported by the committee will be considered as disagreed to; and the amendment of the Senator from Wisconsin to the bill, instead of to the amendment, will be considered as adopted.

The next amendment was to strike out after the enacting clause of the second section the following:

That the compensation of the messengers, assistant messengers, laborers and watchmen in the Department of the Interior and the several bureaus and offices thereof shall be the same as it now is under the operation of the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1865, and for other purposes," approved June 25, 1864.

And to insert in lieu thereof—

That there shall be authorized to be employed in the Department of the Interior in the several bureaus thereof the following named employes, namely: In the General Land Office: one messenger at \$1,000 per annum; four messengers at \$840 each per annum; eight watchmen at \$720 each per annum; nine laborers at \$720 each per annum; and two packers at \$720 each per annum. In the Pension Bureau: one chief messenger at \$1,000 per annum; five assistant messengers at \$840 each per annum; six laborers at \$720 each per annum; and one watchman at \$720 per annum. In the Indian Bureau: one messenger-in-chief at \$1,000 per annum; two watchmen at \$720 each per annum; and two laborers at \$720 each per annum.

Mr. DOOLITTLE. This amendment does not change the law as it now stands. The idea of the committee was that as this was a bill to reorganize the Department of the Interior, we should specify in it the number of messengers that are now provided by law and their salaries, so that it should all appear in the same bill, and then there would be no difficulty in turning to the bill to ascertain precisely what they are without looking at other statutes on the subject. This morning the Assistant Secretary of the Interior called on me in relation to this amendment, and stated the fact that in specifying these officers in the amendment the committee had omitted to specify the messengers of the Department proper. The messengers, laborers, &c., here specified are the messengers and laborers of the various bureaus. I therefore move, in order to supply the deficiency, to insert after line twelve in the amendment on the fourth page, the following:

In the Secretary's office: one chief messenger at \$1,000 per annum; two assistant messengers at \$840 per annum; three laborers and thirteen watchmen at \$720 each per annum.

The amendment to the amendment was agreed to.

The amendment, as amended, was adopted.

Mr. DOOLITTLE. There are one or two verbal amendments necessary. In the present stage of the session the bill may not pass the other House before the 30th of June. It is necessary to make it apply to the coming fiscal year. I move in line three of the first section on the first page to strike out "next" before the words "fiscal year" and insert after the word "year" the words "ending June 30, 1867."

The PRESIDENT *pro tempore*. The Chair will suggest that all the amendments reported by the committee are not yet acted upon. Perhaps it would be better to conclude them before offering other amendments.

Mr. DOOLITTLE. Very well. I supposed those amendments were through with.

The next amendment reported by the committee was in section four, lines four, five, and six, to strike out "shall be the same as that now allowed by law to the Commissioner of Patents," and to insert "namely, the Commissioner of Indian Affairs, the Commissioner of Pensions, and the Commissioner of the General Land Office shall be \$4,000 each per annum;" so that the clause will read:

That from and after the commencement of the next fiscal year, the compensation of the Assistant Secretary of the Interior and that of the heads of the bureaus of the Department of the Interior, namely, the Commissioner of Indian Affairs, the Commissioner of Pensions, and the Commissioner of the General Land Office shall be \$4,000 each per annum.

Mr. DOOLITTLE. This is the amendment which raises the salaries of the heads of these bureaus. The committee were unanimously of opinion that it ought to be done. The head of the General Land Office is one of the most important officers in the Government. He is constantly passing upon legal questions, deciding titles to land, and is as important an officer as one of the judges, I may say, of the Supreme Court. Then the Commissioner of Pensions is one of the most important officers also, and very great and grave questions are constantly coming before him; and I think to a man who is capable of properly discharging that duty we ought to give at least \$4,000 a year; and the same may be said also of the Commissioner of Indian Affairs: the amount of business which is thrown upon the head of that bureau is very great, especially in the development of the western Territories which have brought us into contact with all the Indian tribes. The business of the bureau proper has increased at least threefold within the last six years.

Mr. President, I do not desire to take up the time of the Senate in arguing the question, but it was the unanimous judgment of the committee that we ought to put the salaries at this amount.

Mr. FESSENDEN. I do not object to raising these salaries to that amount, if that is the judgment of the Senate, and I do not rise for that purpose; but I want to notify my friend that the inevitable result will be to raise the salaries of all the heads of bureaus and all the Assistant Secretaries.

Mr. WILSON. What are they now?

Mr. FESSENDEN. Three thousand five hundred dollars, I think.

Mr. DOOLITTLE. Three thousand dollars in the Interior Department.

Mr. GRIMES. I should like to inquire of the Senator from Wisconsin, if it is so necessary to raise the salaries of these gentlemen who are now getting \$3,000 to \$4,000, why is it that you propose in this bill for poor men who are provided for salaries of \$720, men who have families to support as well as these high-salaried officers, whose services are important to the Government, I take it, or else we should not employ them? It seems to me there is rather too great a disparity between the lower class of officers and the higher class.

Mr. DOOLITTLE. The truth is that to men who are capable of discharging these high duties, if the Government would retain them in its employ, it must pay them sufficient for them to live respectably with their families. We know that in the case of watchmen and laborers there is a sufficiently large compensation paid to them compared with what is paid to the same class of persons in other employments throughout the country. In answer to my friend from Maine, I say most distinctly that in reference to all the heads of bureaus in all the Departments, I have no objection, indeed I would favor putting their salaries at \$4,000 a year. I think it ought to be done. On the subject of the salaries of the clerks which are provided for in this bill, I will say that the salaries of some of the heads of divisions are raised. The head of the Department told the committee that he supposed that in the Land Office, since the present Commissioner has been there,

there has been an almost entire change of the clerical force three times, because when a man got into the Department and got sufficiently accustomed to its duties in the Land Office, he was a man who could command a much higher salary outside of the Department; he had only to resign in the Department and go into other employment; and the best clerks, the most efficient clerks, were being taken constantly out of the Department, and therefore the necessity of giving some higher compensation to the chiefs of divisions. While the bill does this, the whole compensation paid to the clerical force of the Department of the Interior, as will appear by the printed statement before the Senate, is not increased, but it is lessened by some twelve thousand dollars. In the Department proper, the number actually employed or authorized by law now is seventeen, with an aggregate compensation of \$25,900. The number proposed is sixteen, at an aggregate compensation of \$27,900. There is an increase. In the General Land Office there are one hundred and fifty-five actually employed or authorized by law, at an aggregate compensation of \$208,600. The number proposed to be employed is one hundred and forty, with an aggregate compensation of \$208,000—a decrease of \$600. In the Indian Office the number actually employed or authorized by law is thirty-three, with an aggregate compensation of \$45,500. The number proposed is thirty-three, with an aggregate compensation of \$51,600. There is an increase. In the Pension Office the number actually employed or authorized by law is one hundred and seventy-seven, with an aggregate compensation of \$242,000. The number proposed is one hundred and forty-seven, with an aggregate compensation of \$221,200—a decrease of nearly twenty-one thousand dollars. The number is decreased and the Commissioner of Pensions is enabled to employ men of greater capacity at higher salaries and competent to perform more service.

Mr. GRIMES. Will he not employ the same men he does now?

Mr. DOOLITTLE. He will employ some of the same men undoubtedly; but he employs now one hundred and seventy-seven, and the bill proposes to allow him to employ but one hundred and forty-seven. Some men are capable of performing more services than three other men. There is this difficulty: if a man not accustomed to the business in the Land Office or the Pension Office makes a mistake, a blunder, it costs two or three clerks of capacity a long time before they can correct it; therefore the necessity of keeping experienced clerks in these offices. This was the reason which was urged upon us by the head of the Department, and I have no doubt it is well founded.

Mr. FESSENDEN. I think there is a very considerable degree of correctness in what has been said by the honorable Senator from Wisconsin. My experience and observation have shown me that there are faults in the system which if they could be corrected we should get along very much better and cheaper. I think it is a great mistake that we expect to get valuable services from able men in places where we ought to have able men for a compensation that will not support them comfortably well in this city. I know that in the Treasury Department it has been exceedingly difficult to keep men who were competent to render the services required. In the position of fourth-class clerks services are demanded that require the ability of men who can command out of the Department a salary of \$3,000 readily, and while I was there men of that description were resigning at the rate of six or seven a week. As soon as they got well taught, well understood their duties, and showed their capacity and their integrity, some national bank or some other institution would take them out of our hands by an offer of a much larger salary. That ought to be remedied, in my judgment, in all the Departments. I cannot undertake to say how much ought to be given, but there

is no reason why the Government requiring the services of such men in considerable numbers—for they are absolutely requisite—should not pay what others pay elsewhere for the same kind of services. Otherwise we shall not have the men; they will leave.

There is no sort of difficulty in getting any number of first-class clerks; and, perhaps, of second-class clerks in the Departments at the rates that we pay. There are thousands of young men always standing ready to take positions of that description, and the services that are required of them being mostly copying, being services which require but a small degree of ability, comparatively, are such as almost anybody tolerably well educated can render. But it is not so with the higher classes of clerks, the heads of divisions, the chief clerks, the book-keepers. In the Internal Revenue Bureau, for example, a very high order of ability is required of these officers for many purposes; and so in the office of the Comptroller of the Currency. And in several other offices it is exceedingly difficult to get along for the want of sufficient salaries for that class of men.

Now, sir, I have no doubt that if you would give any Secretary at the head of a Department in this city, who was an honest and capable man, two thirds of the amount that you appropriate annually for the payment of clerks in his Department, and tell him to expend it at his own discretion and carry on the business, he would be able to do the business better for that amount of money than he does it now, because you would then leave the selection of the men to him, and he would pay them according to their merits, what they earned and what the necessities of the case required. But there is one thing that stands directly in the way of all this; and that is that Congress undertakes to regulate this matter. In the first place, we said, and the President said, "You must appoint soldiers." Soldiers are very well if they are capable, and if they have been disabled they are men who ought to have the preference, perhaps, over others, in being appointed clerks; but in the anxiety to get disabled soldiers in the Departments, and in the anxiety of members to have them appointed, following out what seems to be the public sentiment, the result has been that the business of the Departments has been embarrassed by having a good many incompetent clerks; and still it is insisted, and loudly insisted, in the newspapers and elsewhere, that trained clerks, who understand the business of the Departments, should be turned out for the purpose of giving their places to those who have been fighting our battles. The principle is well enough; but the practice, to the extent to which it is claimed that it ought to be carried, would be utterly destructive to the business of the Departments.

Another thing: every member of Congress solicits the Departments for appointments, or pretty much every one; there may be exceptions. I know that I have been obliged to do it, and other members have felt obliged to do it; and having been in a Department, I know that the public interests suffer from it. A clerk is removed for incompetency or some other cause; somebody comes and says, "It will not do to remove that man; he is a very important man in my district; he makes capital speeches; we cannot dispense with him; he has a great many connections, and important connections; and he must be put back again;" and he is put back. When I was in the Department I made it a rule in reference to soldiers, that if a man came in with one leg or one arm, that should be a sufficient recommendation, provided he could get along at all; I appointed him and gave him time to learn; but it created very considerable embarrassment. That, however, is a trifle compared to the solicitations that come from Senators and Representatives and their interference with the business of the Departments. The result is that we get more than are necessary, or more than would be necessary if attention was paid to the ability

and capacity of those employed in the different grades.

If we have these difficulties they are owing to ourselves in a very great degree, more than to the heads of Departments or to anybody connected with the Departments. I do not know of anybody in Congress who is free from the objection I have stated, to a certain extent. I know members are not always willing to do it, but they are compelled to do it, or think they are.

Mr. GRIMES. I have not done it.

Mr. FESSENDEN. There may be gentlemen whose backs are stiff enough to enable them to refuse to interfere in this matter, but the number is not great. Of course I shall not insist against the disclaimer by any gentleman of what may be his own particular practice; but I think the practice is very general, and perhaps it is unavoidable. It has grown up in the course of time, as a matter, perhaps, of necessity, from the disposition of the Departments to divide their appointments among the States so far as they could possibly do so, and to accommodate members by having all the districts represented in the Departments. It seems to be no more than fair and right that it should be so; but the difficulty is that it is carried too far. One day I removed a man in the Treasury Department because he was utterly unfit; he could not write without blotting his paper all over, and he could not make up accounts at all. He was a very clever old gentleman, but utterly useless for any purpose in the Department. In the course of three or four days after his removal I had a petition signed by twenty members of Congress to put him back again.

Mr. SUMNER. What did you do about it?

Mr. FESSENDEN. I refused. I would not put him back again although I could not help feeling for him. He was a clever old gentleman who did not seem to be fit to do anything; he could not get a living anyhow unless he got it there; but I could not see why he should have it out of the Government when he could not render any service. This is but an illustration.

I take as much blame to myself as anybody can for this interference by members of Congress. I do not impute anything to anybody else that I am not willing to take my share of. If we kept our hands off these matters, and paid competent salaries to competent men, leaving the Departments free to act as they thought proper, we should get along much better than we do; I believe we should save money and have the affairs of the Government better conducted. In fact it would not require so many hands as it does now.

We need not talk so much about this high salary business. These salaries are, as the times go, very low. Men are hardly able to scratch along with the salaries they get, under the expenses they are subjected to in this city; and although some of them are paid very low, yet, of course, in all times and in all places and in all business, men are paid according to the nature of the services required of them and what they can earn elsewhere. That must be the rule, and although many of the messengers in the Departments receive but \$720 a year, and it is hard to get along on that, yet you can get plenty of others who will perform the services just as well for that sum, and who would be glad to do it; but with regard to the higher classes of clerks, you cannot get them on the salaries now paid, or if you do, when they stay long enough to show their capacity you will lose them. Something has to be done in reference to this matter or we shall not be able to get along.

Mr. HOWARD. I call for the special order.

The PRESIDENT *pro tempore*. The morning hour having expired, it becomes the duty of the Chair to call up the unfinished business of Thursday, which is House joint resolution No. 127.

Mr. DOOLITTLE. I hope the honorable Senator from Michigan will let us come to a vote on the bill before the Senate.

Mr. HOWARD. I judge from the character of the bill that it will lead to considerable debate, and I therefore must insist upon calling up the unfinished business.

The PRESIDENT *pro tempore*. The unfinished business of Thursday is regularly before the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. LLOYD, its Chief Clerk, announced that the Speaker of the House of Representatives had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore* of the Senate:

A bill (H. R. No. 216) for the relief of Cordelia Murray;

A bill (H. R. No. 345) for the relief of Christina Elder;

A bill (H. R. No. 363) supplementary to the several acts relating to pensions;

A bill (H. R. No. 462) granting a pension to Mrs. Sally Andrews;

A bill (H. R. No. 493) granting a pension to Mrs. Joanna Winans; and

A joint resolution (H. R. No. 142) authorizing the Postmaster General to pay additional salary to letter carriers in San Francisco.

RECONSTRUCTION.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. R. No. 127) proposing an amendment to the Constitution of the United States, the pending question being on the amendment proposed by Mr. HOWARD, to insert the following after section three of the proposed article of constitutional amendment:

SEC. 4. The obligations of the United States, incurred in suppressing insurrection, or in defense of the Union, or for payment of bounties or pensions incident thereto, shall remain inviolate.

Mr. HENDRICKS. Mr. President, nothing but a sense of imperative duty induces me to address the Senate upon this occasion. The Constitution is to be changed; the foundations of the Government are to be disturbed; some of the old oak timbers are to be removed, and timber of recent growth is to be substituted. Upon the foundations fixed by the fathers our institutions have rested firmly and securely for three quarters of a century. They have stood unmoved by the contests of ambitious leaders, the angry strife of parties, and the rolling waves of war. In peace and in war; in the turbulence of times of financial embarrassment, and the corruptions attendant upon the accumulation of great wealth; in every possible state and condition of our society, the Constitution has borne the test; and the fact now stands conceded that it established a system of government entirely adapted to our wants and condition as a people. This is proven beyond cavil and question by the prosperity and individual happiness that attended our growth, and the greatness and power to which we attained. The prosperity of the citizen, his security and happiness, and the might and grandeur of the nation attest the excellence of our form of government. The blessings of the past are our guarantee for the future if we but maintain our institutions as they are.

And now, sir, in this the most unsafe period of our history; when the passions excited by the war are yet fierce; when sectional controversies run high, and party strife is raging; when eleven States are absent from this Chamber, and other sections, seizing the opportunity, seek to aggrandize their power, and to fasten upon the country a partial and unequal policy; when the lust for power and gain carries men beyond the restraints of justice and right; at such a time I cannot remain wholly silent when I see the hand of the partisan and the self-constituted reformer laid upon the sacred work of the fathers. In such a case to speak is a man's duty, though none may heed. But, Mr. President, it is hard work to speak when one knows in advance that no argument, however just and forcible, and no appeal, however patriotic, can influence a single vote; that the authority and

law of a political party is over every Senator of the majority; and that it remains now only to register the decree of the secret caucus.

At the meeting of Congress, but before the President had delivered his message, and before his views had been officially communicated, the Republican members, in caucus, determined to raise a committee of fifteen to "inquire into the condition of the States which formed the so-called confederate States of America, and report whether they or any of them are entitled to be represented in either House of Congress." In most indecent haste the resolution passed both branches, and the committee became fastened upon Congress and the country. Because of its party origin, the work it had to do, and the secret character of its proceedings, that committee came to be known in the country as the "revolutionary tribunal," the "directory," and the "star chamber." Its first report was made some months since, in which it was proposed to reduce the representation of the southern States, but by the aid of the distinguished Senator from Massachusetts, [Mr. SUMNER,] who submits to party restraints upon his judgment with impatience, that measure was defeated. Its second report is now upon our desks. It passed the House, but when it came under discussion in the Senate, and had to bear the test of the independent judgment of Senators, it was found wanting, and its defeat became almost certain. A second defeat of a party programme could not be borne; its effect upon the fall elections would be disastrous. A caucus was called, and we witnessed the astounding spectacle of the withdrawal, for the time, of a great legislative measure, touching the Constitution itself, from the Senate, that it might be decided in the secret councils of a party. For three days the Senate Chamber was silent, but the discussions were transferred to another room of the Capitol, with closed doors and darkened windows, where party leaders might safely contend for a political and party policy.

When Senators returned to their seats I was curious to observe who had won and who lost in the party lottery. The dark brow of the Senator from New Hampshire [Mr. CLARK] was lighted with a gleam of pleasure. His proposed substitute for the third section was the marked feature of the measure. But upon the lofty brow of the Senator from Nevada [Mr. STEWART] there rested a cloud of disappointment and grief. His bantering, which he had named universal amnesty and universal suffrage, which he had so often dressed and undressed in the presence of the Senate, the darling offspring of his brain, was dead; it had died in the caucus; and it was left to the sad Senator only to hope that it might not be his last. Upon the serene countenance of the Senator from Maine, the chairman of the fifteen, there rested the composure of the highest satisfaction; a plausible political platform had been devised, and there was yet hope for his party.

Mr. President, I recognize the propriety and necessity of conventions and caucuses to regulate all questions of organization and political policy; but I have never felt myself authorized to subordinate my judgment as a representative of the people to the decision of any body of men other than those I represent. To me it seems clear that each Senator owes it to the country to vote upon every important measure and every proposed modification thereof according to the dictates of his own judgment and conscience. The Constitution requires that two thirds of the Senators, each answering for himself, shall agree to a proposed amendment before it can be submitted to the States. In this weighty business now before us what are the facts? The House sent us four propositions to change the Constitution in one bill. Upon discussion it was found that probably no one of the propositions, nor any proposed modification thereof, could receive the required vote. Two thirds of the Senators, belonging to one political party, retired from the Senate to consider and agree upon a bill. Each Sen-

ator, by going into the secret caucus, agreed and became bound to vote for whatever the majority of the caucus should adopt. A section of an entire bill may be adopted by a bare majority of the caucus, much less than one half the Senate, but the entire two thirds must vote for it in the Senate, not because it is right, but because the majority of the caucus has said so; and thus an amendment of the Constitution may be adopted by the Senate when a majority of the body would vote against it if no party obligation rested upon them. What Senator would dare propose to shut these doors against the people, that we in secret might take steps to change their great charter of liberty? The people would not endure it, but in congregating thousands would burst them open and demand to know all that was said and done upon a matter of such interest to them. The present proposed amendment has been decided upon in a conclave more secret than has ever been known in this country.

So carefully has the obligation of secrecy been observed that no outside Senators, not even the sharp-eyed men of the press, have been able to learn one word that was spoken, or one vote given. An Egyptian darkness covers the proceeding. The secret could not be more profound had the conclave assembled down in the deep and dark caverns of the earth. If you change the Constitution have the people not the right to know how and why it is done, what was proposed and said, and how each Senator voted? Is it not their business? Or indeed have they masters, party chieftains, who may say to them "We govern, you obey?" Is it not a fact that shall arrest attention that since this measure was reported from the caucus scarce an explanation has been conceded, and not one amendment offered or voted for by a single Senator who was in the caucus, so exacting and imperative is the obligation, and so literally is party authority obeyed. Sir, if the people can only come to know how this thing has been done, I believe they will refuse their indorsement.

I now propose a brief examination of the measure as it came from the caucus. It proposes an additional article of five sections, making that number of amendments or additions to the Constitution.

For the first section the virtue is claimed that it defines citizenship of the United States and of the States. I will read that part of the section:

All persons born in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

What citizenship is, what are its rights and duties, its obligations and liabilities, are not defined or attempted to be defined; but these vexed questions are left as unsettled as during all the course of our history, when they have occupied the attention and taxed the learning of the departments of Government. But this is certain, that the section will add many millions to the class of persons who are citizens. We have been justly proud of the rank and title of our citizenship, for we understood it to belong to the inhabitants of the United States who were descended from the great races of people who inhabit the countries of Europe, and such emigrants from those countries as have been admitted under our laws. The rank and title conferred honor at home and secured kindness, respect, and safety everywhere abroad; but if this amendment be adopted we will then carry the title and enjoy its advantages in common with the negroes, the coolies, and the Indians. When the Senator from Wisconsin proposed an amendment excluding the savage Indians of the forest I believe every Senator who had been in the caucus voted against it. No one was authorized to change a word that the caucus had used, but I am not quite sure that the people of Minnesota will regard the obligation to a caucus as a sufficient reason why the Senator from that State [Mr. Ramsey] should seek to confer the rank, privileges, and immunities of citizenship upon the cruel savages who destroyed their peaceful set-

tlements and massacred the people with circumstances of atrocity too horrible to relate. How our citizenship will be esteemed at home and abroad should this amendment be adopted we may judge by consulting the sentiments with which we regard Mexican citizenship. We feel that it defines a mixed population, made up of races that ought not to mingle—whites, negroes, and Indians—of whom twenty thousand could not cope with four thousand soldiers of the United States of pure white blood on the field of Buena Vista. It was the work of many generations to place the name and fame of our citizenship so high that it ranked with the proudest titles on earth; but the mad fanaticism and partisan fury of a single year may so degrade it as there shall be

"None so poor to do it reverence."

The second section now demands our attention. The intent and effect of that section is to take away representation in Congress in all the States in which the right of voting is not given to the negroes. The purpose is to constrain every State to confer the right of voting upon the negroes; and in case of refusal, the penalty is loss of representation. The section does not rest upon the proposition that those whom the States treat as unfit to vote shall not be represented, for it is so framed as to continue to the northern and eastern States their twenty Representatives that are based upon a non-voting population. It is so framed, also, as to continue to the States of Maryland, Tennessee, West Virginia, and Missouri their full representation, although during the war the military power was so used in those States as to place the political power in the hands of a few, who so exercised it as to exclude the residue of the people from the ballot-box. You say that if the States treat the negroes as unfit to vote, then they shall not be voted for; that no representation shall be allowed for them; then, I ask, if in some of the northern States the foreigner is denied a vote for five years, why shall he be voted for? If in Maryland, West Virginia, Tennessee, and Missouri the majority are treated as unfit to vote, why shall the minority vote for them and be represented for them? Come, now, let candor and truth have full sway, and answer me, is it not because you believe that the few in these States now allowed to vote will send radicals to Congress, and therefore you allow them to send full delegations that it may add to your political party power? And I now submit to your patriotism, to your love of our country, if we have not come upon most dangerous times, when our Constitution is to be torn up and remodeled that a political party may make its power more secure, that it may hold on to the offices, and shape and control sectional policies.

Mr. President, I now venture the prediction that this thing cannot succeed; that in this land of intelligence and love of liberty and right permanent power cannot be built upon inequality, injustice, and wrong. If the principle be right that none but voters ought to be represented, why do you not say so? If you think the negro ought to have the right of voting; if you are in favor of it, and intend it shall be given, why do you not in plain words confer it upon them? It is much fairer than to seek it by indirection, and the people will distinctly understand you when you propose such a change of the Constitution. I am not for it directly, nor will I coerce the States to its allowance. If conferred by the free action of the States, I am content. Within the limits of constitutional right and power I will support all measures necessary and proper for the protection and elevation of the colored race; measures safe and just to both races; but I do not believe that it is for the good of either race that they should be brought into close social and political relations. God has marked the peculiarities of each. He has put them asunder, and it is not the right, much less the duty, of man to join them together. Our institutions rest for their support upon the intelligence and virtue of the people, and who may say that the untaught negroes, so lately manu-

mitted, are qualified to exercise the privileges and discharge the duties of an American citizen? Why then coerce the States to their enfranchisement?

Mr. President, it is my duty to call attention to the peculiar and involved form of expression adopted in this section. Instead of excluding from the enumeration the class to whom the elective franchise is denied, which would be easily understood, it is provided that "the basis of representation in such State shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens not less than twenty-one years of age in such State." Why the abandonment of that which is of plain meaning for that which is involved and difficult? This measure is to go to the people for their judgment, and should have been clothed in plain, honest language. As a party platform, it may serve a purpose that the meaning is covered; but as a part of the people's Constitution its obscurity is a vice. One needs to be a mathematician to be sure that he comprehends the full force of the proposition. But I will again venture the opinion that it means as if it read thus: no State shall be allowed a representation on a colored population unless the right of voting is given to the negroes—presenting to the States the alternative of loss of representation or the enfranchisement of the negroes, and their political equality. In Indiana there are many thousands of the colored race, the number having greatly increased during the past five years because the constitution and laws of the State have not been executed. The policy of the State has been to discourage their immigration, and that policy has been dictated by the desire to protect the white labor. The presence of negroes in large numbers tends to degrade and cheapen labor, and the people have been unwilling that the white laborer shall be compelled to compete for employment with the negro. To confer the right of voting is to encourage their immigration into the State and to defeat what experience has shown to be a wise policy. Now, is that State to be denied a representation upon that population because she will not make the negro a voter, while New York continues to hold the four members in Congress to which she is entitled because of a white population to which she denies the right of voting? We could not with patience agree to that. The colored population of New England is so small that she is not perceptibly affected, whether she allows or disallows to them the elective franchise, but in the agricultural regions of the West and South they are numbered by thousands and millions, and in many localities they are so numerous that to give them the elective franchise is to throw public affairs into their hands. That is impossible, and the adoption of this amendment is to strip agriculture of its proper voice and influence in Congress and in the election of the President and relatively to add to the already swollen power of New England. Were a blow aimed at the representation of Illinois, would I not raise my arm to avert it? And why, sir? Because it is her right under the compact of the fathers, and also because the interests of Indiana and Illinois are identical; they are both agricultural States, and the members of Congress who guard and protect the rights and interests of either State cannot neglect those of the other. The same is true of all the agricultural States of the West and the South. Discussing this question at an earlier day of the session, I had occasion to say:

"The States and country that rest upon the Ohio and Mississippi rivers and their tributaries have a common interest. They cannot cease to be agricultural States. The plow must turn wealth up to the men of the West."

"Shall we so permanently arrange the representation of the country that agriculture cannot hold up its head? Shall we so permanently adjust representation as that the spindle and the loom shall always be more productive and honorable than the plow and the harrow? Sir, I do not consent to it; and without any reference to sectional feelings and sentiments, I ask for the West simply equality in the legislation of Congress."

"Now, Mr. President, if it is right to change the representation in the House of Representatives, that is, to disturb the foundations of the Government so as to readjust representation, and as Senators claim, to make it equal and just, why is it not equally right to disturb the representation in the Senate? I know very well the reply will be that the Constitution itself forbids an amendment of that instrument in respect to representation in the Senate; but, sir, the power that made that provision can unmake it; the power to amend the Constitution can reach that very provision and change the representation in the Senate. I know it is said that representation in the Senate is one of the Federal features of the Government; but that argument has lost its force when we are taught in these latter times that State rights are not to be respected, and that all power is now in the Federal Government. Suppose we undertake to make representation in the Senate equal, how would it stand? The six New England States, with a population of 3,135,253, have twelve Senators in this body, while the six great agricultural States of the West—Indiana, Ohio, Illinois, Iowa, Kentucky, and Missouri—have a population of 8,414,525, with a representation of twelve Senators. With nearly three times the population of New England, we have the same representation. If those States have this advantage in this body, is it fair to try to cut off the representation of agriculture in the other end of this Capitol? While Indiana has a population of 1,350,423, Rhode Island—a glorious, gallant little State—has a population of 174,620. So far as representation in the Senate is concerned, one man in Rhode Island has a voice and power in the legislation of this country equal to eight men in Indiana. Taking the entire New England States, one man in New England has the voice and power in legislation in the Senate of nearly three men in the West. Is that right, is that just, when you are talking about equality of representation? I do not want to change that feature in our Government. I wish to stand by the State representation as our fathers established it. I do not want to take any of the political power from New England that our fathers agreed she might have. I will stand by their representation as firmly as they will, but I do not like that they shall ask to reduce the representation of the West and Southwest."

Mr. President, I am aware of the plausible argument that by the results of the war the slaves have been made free, and as the Constitution now stands will all be counted, and thus by the rebellion the representation of the South, so far as it rests upon the colored population, will be increased two fifths. Perhaps a sufficient answer is found in the fact that the slaves were not made free by the voice of the South, but by the constitutional amendment which was demanded by the North; and that the North cannot well complain of a consequence of her own act. But, sir, in any view, is this a sufficient reason why we should not only deny to the southern States the increased representation caused by the freedom of the slaves, but also take from them the three fifths representation which they have always enjoyed under the Constitution? But, sir, if you will amend the Constitution at this most unfortunate time, and while the States most to be affected are unrepresented, I will meet you upon a ground you cannot question, and will propose that the southern States shall have no increase of representation by reason of the freedom of the slaves; and to that end I offer the following amendment, so that the section shall read:

Representatives shall be apportioned among the several States which may be included within the Union according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed, and excluding, also, two fifths of such persons as have been discharged from involuntary service by any proclamation of the President of the United States or by the amendment of the Constitution of the United States since the year 1861, and to whom the elective franchise may be denied.

If, now, the objection is made in good faith that the evil you would avoid is the increase of southern representation by the freedom of the slaves, then this amendment is agreeable to you and will be accepted. But it will not be accepted if the purpose really is to reduce the representation of the agricultural sections and thus relatively increase the power of the manufacturing interests, and perpetuate a policy that enriches the capital of one section and bears heavily upon the capital and labor of another. For five years no opportunity has been lost to build up the interests of the eastern States. With that end in view tariff and internal tax laws and drafts have been adjusted, and banking capital distributed; so that now almost every investment of capital in that section yields from fifteen to one hundred per cent. profit, while in Indiana and Illinois the bushel of corn that ought to be worth to the farmer fifty cents, being manufactured into whisky is taxed

eight dollars; the bushel yielding four gallons. Mr. President, I rejoice in the prosperity of any section when it is the result of legitimate trade; under equal laws, for then it is the prosperity of the whole country; but I call upon western Senators to hesitate before they surrender a representation that is a reliable support to our great interest, agriculture.

The third section provides that no person shall ever hold any office under the United States, or under any State, who, having at any time taken the oath prescribed by the Constitution as an officer of the United States or of any State, shall engage in rebellion or give aid and comfort to the public enemies. The proposition to exempt from the operations of the section those who against their will were compelled to participate in the rebellion, was voted down; and the section now stands excluding from all offices every person of the described class who either voluntarily or involuntarily became connected with the rebellion; and that, too, notwithstanding the party may be under the shield of the President's pardon. This harsh and sweeping measure will include many excellent men whose services now in the work of reconciliation would be of the greatest value to the country—men who displayed heroic courage in standing out against the secession movement, but who afterward yielded obedience to and served the established government *de facto*. This measure is in the spirit that pursued the supporters of Cromwell and the Parliament after the Restoration. It is in the spirit of vengeance after men are beaten and have surrendered, and cannot bring a blessing to our country. Senators say that the measure is not penal in its character. Why not? When pardoned are not these men eligible to State and Federal offices? And do you not propose to strip them of their eligibility because of their crime? I suppose the Senator from Illinois [Mr. TRUMBULL] by referring to the criminal code of his own State will find it prescribed as a punishment for crime that parties shall be "disfranchised and rendered incapable of holding any office of trust or profit." That is as much a punishment as the fine or the imprisonment, and is found in the criminal codes of many of the States. It is a penalty when the court and jury strip the accused of his right to hold office. What is it, then, when done by Congress?

The Senator from West Virginia [Mr. WILEY] says that it is a measure of safety for the future—a precaution. So the judge tells the convicted criminal the law esteems him unfit to hold office, and as a precaution the right is taken from him. As a penalty for crime this measure is *ex post facto*; and if it were a measure of ordinary legislation would therefore be unconstitutional. Mr. President, do you think there will enough good come of this to justify us in departing from the principle which is found in the Constitution of the United States and of every State in the Union, that a man shall be punished only according to the law in force at the time the act is done?

The fourth section provides that the public debt shall remain inviolate. Who has asked us to change the Constitution for the benefit of the bond-holders? Are they so much more meritorious than all other classes that they must be specially provided for in the Constitution? Or, indeed, do we distrust ourselves, and fear that we will all become repudiators? A provision like this, I should think, would excite distrust, and cast a shade on public credit. But perhaps the real purpose is so to hedge in the bond-holders by constitutional provision as that they never may be taxed; that Congress can never assent to their taxation, and so that three billions of capital may bear no portion of the public burdens. Such would be the effect of this amendment. Who has attacked public credit, or questions the obligation to pay the public debt? Are the bond-holders not receiving their interest, even in advance, and in gold? Why then do they ask this extraordinary guarantee? They trusted the good faith of the people, and there

is no breach of that faith. When things entirely unusual are asked, it is well for the people to inquire, why it is, what is the purpose, and how far will it carry us? The provision about bounties and pensions is but a blind. The man who wrote the section knew that pensions and bounties need no guarantee; that their payment is secured not only by law, but there is also the pledge of the honor and the hearts of the people.

Mr. President, I stand by the public credit, which is public honor and individual safety. But, sir, how shall we uphold our credit and secure our creditors? By just laws, by equal taxation, by distributing equally over the entire nation the burdens of Government, that they may rest upon the shoulders of all sections and interests. Then there will be no discontent, no grumbling, but a satisfied people, in their strength, will carry every obligation of the Government until discharged, and public credit will then be as firm as the solid foundations of this Capitol.

The fifth section declares the debts contracted in aid of the rebellion illegal, and prohibits their payment. Mr. President, who is so stupid as to have supposed these debts legal, or that they had any valid existence for one hour after the *de facto* government of the confederate States ceased to exist? Who is so silly as to fear their payment? It was amusing to observe that the Senator from Michigan, [Mr. HOWARD,] in making an argument for this section, showed that it was wholly unnecessary, for he read one of the confederate notes, and upon its face it appeared that it was not to become due and payable until six months after the independence of the confederate States should be recognized by the United States. Will that note now in the Senator's pocket ever become due? The Senator laughed at the suggestion. The debtor has ceased to exist; the debt, according to its own provisions, can never become due, and each of the southern States has by constitutional provision repudiated it and prohibited the payment of any portion thereof. If there ever was a defunct and buried debt, without legal or moral force, the recognition and payment of which is in every way impossible, it is the debt, the continued existence of which it is now proposed to recognize by a prohibition of payment in the Constitution. The least that may be said of this section is that it would be harmless, but I would regret to see the face of the Constitution marred by a provision so unnecessary and trifling.

The sixth and last section provides that Congress shall have power to enforce, by appropriate legislation, the provisions of the article. When these words were used in the amendment abolishing slavery they were thought to be harmless, but during this session there has been claimed for them such force and scope of meaning as that Congress might invade the jurisdiction of the States, rob them of their reserved rights, and crown the Federal Government with absolute and despotic power. As construed this provision is most dangerous. Without it the Constitution possesses the vitality and vigor for its own enforcement through the appropriate departments.

Mr. President, I have now briefly examined the provisions of this article, and cannot resist the conviction that some of them are useless, while others are vicious and dangerous. Nor can I resist the conviction that this measure is pressed, not because of an exigency in our affairs, but to carry out a party programme. The President has his policy. You oppose him. You charge him with usurpation, while at the same time you are straining every brace and timber in the Constitution to secure to yourselves absolute control; indeed, you reach out beyond the Constitution, and by amendment—a proceeding to be resorted to only upon rare and solemn occasions—you grasp after, and, with the avidity of hunger, clutch power. Why this reaching after power on your part? Is it not enough that for five years you have held all the offices of the country, and through the favoritism of the Departments

your partisans and followers have grown rich and powerful? Or is it so sweet to govern men that the possession of power is indispensable to your happiness? Upon what fact may you charge the President with usurpation? When he came into office he found eleven great States and eight million people under his absolute sway and government. His authority was as absolute and supreme as is that of the Czar of Russia over his extended dominions. The persons and property of the people were under his control. In his hands there seemed to be the issues of life and death. Did he like you clutch this power and seek to extend it? Did he say it is sweet to govern. No, Senators; laying down absolute power, he said to the people, "Place your States again in practical relations with the United States, and govern yourselves; I will be the President, exercising only those powers with which the Constitution has clothed me." I submit to the candid judgment of men if this was not an exhibition of sublime and heroic devotion to principle and renunciation of power? And when you handed him the Freedmen's Bureau bill, and authorized him to appoint an army of officeholders to fill the whole country with his partisans, when you offered to give him a patronage such as no man had ever before held, he refused it all; but in accordance with his convictions of duty vetoed the bill. Twice he refused the crown of power, not, like Cæsar, pushing it gently from him with the back of his hand, but firmly and in the face of most formidable opposition. The position of the President and those who support his Administration upon the great question now agitating the country is so well and accurately expressed by an eloquent friend, that I will borrow his words:

"1. That no State has the legal right to sever its connection with the Federal Government.

"2. Failing in such an attempt they remain in their ancient places, fixed, immovable, and shorn of none of their attributes as States.

"3. The right to immediate representation in Congress as living, lawful, and legitimate members of the Government.

"4. That the American Union is restored, and stands unbroken, without flaw or blemish, and with domestic tranquillity in all her borders in the presence of the nations of the earth."

Mr. President, upon this great question of a restored Union we go to the country. The Army has done all its work, there is nothing more for it to do, and the sons of the Republic have returned to their homes. All opposition to the authority of the Government of the United States has ceased, and peace reigns throughout our borders. Shall the Union in all respects stand restored, and we be again a united and powerful people? Shall trade and commerce return again to their ancient channels, and prosperity attend all the pursuits of the people? You may throw yourselves across the pathway of the people, and by shouting copperhead and sympathizer hope to frighten the timid, but you will not be able to check or turn them in their onward progress, because they now follow a banner upon which is written in letters of light "reconciliation and Union."

The PRESIDING OFFICER, (Mr. CLARK in the chair.) The question is on the amendment of the Senator from Michigan to insert an additional section as section four.

The amendment was agreed to.

The next amendment of Mr. HOWARD was in section [four] five, line forty-six, to strike out the word "already" before the word "incurred;" in line forty-seven to strike out the words "or which may hereafter be incurred;" in line forty-eight to strike out the words "of war" and insert the word "rebellion;" in line forty-nine to strike out the words "loss of involuntary service or labor" and to insert "the loss or emancipation of any slave; but all such debts, obligations, and claims shall be forever held illegal and void;" so that the section will read:

SEC. [4] 5. Neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for compensation for the loss or

emancipation of any slave; but all such debts, obligations, and claims shall be forever held illegal and void.

Mr. FESSENDEN. I did not notice that the fourth section was agreed to. Was it agreed to?

Mr. HOWARD. Yes, sir.

Mr. FESSENDEN. Then I shall move a reconsideration, as I propose to offer an amendment to it.

Mr. HOWARD. I move to amend the amendment to the [fourth] fifth section, in line forty-nine, by striking out the words "for compensation for" and inserting the words "on account of," so as to prevent the repetition of the word "for."

Mr. HARRIS. I do not see that that improves it at all. I think it is quite well enough as it is. I would not change it.

Mr. HOWARD. The object is merely to prevent the repetition of the word "for." It now reads, "any claim for compensation for the loss," &c.

Mr. FESSENDEN. It will make better phraseology.

Mr. HOWARD. I propose simply to make it read, "or any claim on account of the loss or emancipation of any slave." It makes it more harmonious.

The amendment to the amendment was agreed to.

The amendment, as amended, was adopted.

Mr. HOWARD. There is one other amendment that escaped my attention. In line thirty the word "that," at the beginning of section three, should be stricken out. It is entirely superfluous. The section will then read:

No person shall be a Senator or Representative in Congress, or elector, &c.

The PRESIDING OFFICER. The amendment will be made if there be no objection, being a verbal amendment.

Mr. FESSENDEN. There is a little obscurity, or, at any rate, the expression in section four might be construed to go further than was intended, and I have rather come to the conclusion that it was best to put sections four and five in one single section; and I ask the Chair, as section four has been adopted and also the amendments to section five, if it will be at any time in order to strike out both and insert a substitute for the two sections.

The PRESIDING OFFICER, (Mr. CLARK.) It is in order now, in the opinion of the Chair, to strike out those sections and insert a substitute, and it will also be in order when the joint resolution is reported to the Senate.

Mr. FESSENDEN. But section four has been agreed to.

The PRESIDING OFFICER. It has been agreed to, but it will be in order to strike that out with something else, and insert a substitute.

Mr. FESSENDEN. These amendments will come up in the Senate in their regular order, as I understand.

The PRESIDING OFFICER. They will.

Mr. FESSENDEN. I will omit offering my amendment, then, until the resolution is reported to the Senate.

The PRESIDING OFFICER. All the amendments proposed by the Senator from Michigan have now been disposed of.

Mr. VAN WINKLE. I offer the following amendment to come in as a new section:

SEC. — Every person not mentioned or described in section three of this article who shall have engaged in insurrection or rebellion against the United States and against whom no prosecution for treason has been instituted before the expiration of — years from the termination or suppression of such insurrection or rebellion, who shall thereafter before a court of record make oath to support the Constitution of the United States, shall thereupon be forever acquitted and discharged of and from all pains, penalties, liabilities, disabilities, and disqualifications incurred under the Constitution or laws of the United States, or of any State, by participation in such insurrection or rebellion, and if previously a citizen of the United States shall be thereby restored to all rights, privileges, and immunities of citizenship. But nothing in this section contained shall prevent the Congress passing a general or special act of amnesty as to any or all persons included in its provisions before the expiration of the said — years.

I do not propose, Mr. President, to detain

the Senate for a moment, by advocating the provisions of this amendment. If they do not commend themselves to Senators I am sure that nothing I could say would help the case. The object is easily perceived. It is, if we can, to make a finality of this matter; that while we have excluded certain persons from representation and from participation in the Government, the large class of persons who will still remain shall at some time—and I have left the number of years blank—be released from the pains and penalties they have incurred, or are supposed to have incurred, for it is exceedingly doubtful, I presume, what disabilities the mere fact of having engaged in the rebellion imposed upon them without a trial and conviction of treason. I have framed the amendment with a view, of course, as it is proposed to go into the Constitution, of applying to the future as well as to the present case; and I think if our attention could be drawn to this point, and all the amendments that are proposed here were considered in that light, we should be more able to separate ourselves from the feelings and prejudices of the moment and to act understandingly upon the subject.

I propose by this amendment that all those persons who are not embraced in the third section, which section, I take it, will include the most of those who were the instigators and fomenters of the rebellion, and all against whom no prosecution for treason shall be commenced within a certain number of years, shall upon the expiration of that time, by taking an oath thereafter to support the Constitution, in the usual form, be exonerated from all pains and penalties in consequence of their action. I need not say that there is something due to these people, even when their delinquency is fully admitted. They are now in a situation where they know not what will be their future, and I think it is due to the business of the country and to the more early resumption of the former friendly relations that existed between us and the people of those States, that something of this nature should at this time and in this connection be ingrafted upon the Constitution, or should accompany the section which excludes certain descriptions of persons.

I trust, sir, at any rate, that this amendment, or the spirit of it—for I am not anxious about the words—may receive such consideration from the Senators in the majority as will induce them to give it a fair hearing. It is offered in good faith. I have not shown it or named it to a single person. If there is any responsibility attending it, it is wholly my own. I am certain, from my own knowledge and from the interviews I have had with many of the southern people since I have been here, and from my knowledge and interviews with such persons in my own State, that it is more important to them that some time should be fixed when their disabilities shall terminate than that the time should be either early or late. I have left in blank the time to be fixed. If it was an open question, if it related only to the future, I should be inclined to fix the time at not exceeding three years; but taking into consideration the circumstances under which we are placed it may be fixed at a longer period if such be the judgment of the Senate. I do not know, at this moment, at what time this rebellion terminated or was suppressed in a legal point of view. I know that in case of foreign war peace is generally made by treaty, and that treaty is not in force until it is proclaimed to be in force by the President, and by that treaty notice is generally given where and when hostilities shall cease; that is to say, in reference to vessels that are in foreign seas and in different parts of the world. There has been, I believe, a proclamation by the President, in which he stated that the rebellion was at an end, but the State of Texas was omitted from that category. Whether that would be the proper time to fix as the time when the war or rebellion terminated or was suppressed I cannot say, but I think that this is an endeavor,

at least, to afford a means by which the constitutional amendments now pending may be made a finality. You exclude by a section already adopted certain persons from being members of this body and from holding other offices. In the next place it is left open to you by the amendment I have proposed until the expiration of whatever number of years may be fixed, to institute proceedings against any others whom you think ought to be proceeded against. Having made the election, then, to exclude one class entirely and to prosecute another class, the residue are those whom I propose to declare freed from the pains and penalties and disabilities and disqualifications they have incurred. It is to meet that case, to make, if I can, a finality of this matter, that I have proposed the amendment, and my own judgment is that the requisite number of States are more likely to adopt the amendment in gross with some provision of this character, at least, accompanying it; that is to say, that the mass of the people South, including a great many who were misled by those upon whom they usually depended for information as to the proper conduct they should pursue, and who were forced into the service under other circumstances, wherein they cannot be said to have been morally blamable, should be relieved and released at once. At present they do not know what is to be their fate, and that uncertainty is preventing things settling down in quiet in the southern States. I ask Senators again to give this proposition a fair consideration before they reject it.

Mr. HOWARD. I hope the amendment will not be adopted. I do not see any propriety in incorporating into the Constitution any provision relating to amnesty or pardon—a subject which is already provided for by the act of 1862 and by the Constitution itself. There is full power already in the hands of the President of the United States, under that act of Congress, to pardon every rebel who has participated in the civil war, conditionally or unconditionally, as he may see fit. He has, besides that special clause in the act of 1862, the general pardoning power given by the Constitution of the United States, which he can exercise even before conviction if he sees fit to do so. I therefore look upon this amendment as entirely unnecessary and not productive of any beneficial result. Besides, it looks to me like a deformity incorporated in the Constitution of the United States. We are now settling the fundamental principles upon which our Government is to be conducted hereafter, and I think we should omit any reference to that subject.

Mr. DAVIS. I ask for the yeas and nays on this amendment.

The yeas and nays were ordered.

Mr. SHERMAN. In addition to what the Senator from Michigan has said, it seems to me that this is a subject for legislation, not for constitutional amendment. We have already provided that the President of the United States may do precisely what would be done by this proposed amendment; and if more liberal legislation is required hereafter, and the President fails to extend amnesty so broadly as it should be, Congress has always power to relieve, by a general act or special act, from the penalties of crime, and may provide for a general amnesty by law. I therefore submit to the Senator from West Virginia whether, although his proposition seems to be a reasonable and proper one, it is worth while to put it in a constitutional amendment, when it is of so temporary a character, and the matter may be regulated by law.

Mr. VAN WINKLE. The amendment, it will be seen, removes disqualifications and disabilities, and from what I have heard and read, nobody believes that the amnesty granted by the President will have that effect. At any rate, there is a difference of opinion; it is a moot point as to what effect that amnesty will have; and, again, it is a moot point and has been debated here upon the floor of the Senate, I think, within a few weeks, as to the right

of the President to pardon before conviction. These points have both been denied, and denied by those to whose opinions some weight is attached. My reason, therefore, for proposing that this proposition should accompany these amendments to the Constitution is that everybody may know, as it were, in advance, what is likely to be his fate.

The question being taken by yeas and nays, resulted—yeas 8, nays 26; as follows:

YEAS—Messrs. Cowan, Davis, Doolittle, Guthrie, Hendricks, Riddle, Van Winkle, and Willey—8.

NAYS—Messrs. Chandler, Clark, Conness, Cragin, Edmunds, Fessenden, Foster, Grimes, Harris, Henderson, Howard, Howe, Kirkwood, Lane of Indiana, Morgan, Nye, Poland, Pomeroy, Ramsey, Sherman, Stewart, Sumner, Wade, Williams, Wilson, and Yates—26.

ABSENT—Messrs. Anthony, Brown, Buckalew, Creswell, Dixon, Johnson, Lane of Kansas, McDougall, Morrill, Nesmith, Norton, Saulsbury, Sprague, Trumbull, and Wright—15.

So the amendment was rejected.

Mr. HENDRICKS. I now offer the amendment which I before suggested to the second section. It is to strike out all after the word "taxed," in that section, in these words:

"But whenever in any State the elective franchise shall be denied to any portion of its male inhabitants being citizens of the United States not less than twenty-one years of age, or in any way abridged, except for participation in rebellion or other crime, the basis of representation in such State shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens not less than twenty-one years of age in such State."

And in lieu thereof to insert these words:

"And excluding also two fifths of such persons as have been discharged from involuntary servitude by any proclamation of the President of the United States or by the amendment to the Constitution of the United States since the year 1861, and to whom the elective franchise may be denied."

I will make a very brief explanation of this amendment. The effect of it will be to leave the representation of the southern States just where it was before the war. It is objected and urged as a reason for a constitutional amendment that the slaves, having been made free, are now all counted in the basis of representation, and that the effect of that is to increase the southern representation. To avoid this objection this amendment is proposed, so that the representation from the southern States shall be upon precisely the same basis that it was before the war.

I desire to explain one portion of the amendment. It speaks of persons made free by any proclamation of the President or by the amendment of the Constitution. I do not myself believe that the proclamation of the President had the effect in law of emancipating the slaves; I believe that that work was done by the constitutional amendment; but as other Senators hold that the proclamation had the effect to make the slaves free, out of deference to their views I have used that expression.

Mr. DOOLITTLE. If I correctly understand the effect of the amendment of the Senator from Indiana, it is that until the elective franchise is extended to the colored men of the South they are to be counted in the basis of representation just as they have heretofore been counted; that is, three fifths of them are to be counted, and no more. I am inclined to vote for this amendment, because I believe it would be more likely to be adopted both by the States South and by the States North. The effect of it is to count the colored population of the South as they have heretofore been counted until they shall be enfranchised; and of course when enfranchised they will all be counted. The southern States, in my judgment, would vote for that proposition sooner than for the pending proposition as reported by the committee, because it does not decrease their representation. The northern States would vote for it because it secures them in their proportion of political power against any increase on the part of the southern States by virtue of the emancipation of the slaves at the South, while it tends in the same direction with the amendment reported by the committee as it now stands. That amendment as it now stands excludes five fifths until they are enfranchised. This amendment

excludes two fifths until they are enfranchised. For my part, one of the greatest anxieties I have about constitutional amendments, if they are to be submitted, is, that they be submitted in such a shape that the States will ratify them, so as to close up this matter and have an end of it. For this reason I am inclined to vote for the amendment.

The amendment was rejected.

Mr. DOOLITTLE. I desire now to move some amendments to this second section. I propose to offer as a substitute for it the following:

After the census to be taken in the year 1870, and each succeeding census, Representatives shall be apportioned among the several States which may be included within this Union according to the number in each State of male electors over twenty-one years of age qualified by the laws thereof to choose members of the most numerous branch of its Legislature; and direct taxes shall be apportioned among the several States according to the value of the real and personal taxable property situated in each State, not belonging to the State or to the United States.

I shall not go into any lengthy argument on the subject of this amendment, but simply state in the briefest words possible the grounds upon which I offer it. In the first place, I am in favor of it upon the ground of principle. I believe that in the House of Representatives the voting population of the country should be represented; that a voter in Wisconsin should have precisely the same voice in the House of Representatives as a voter in Massachusetts or a voter in Kentucky or a voter in South Carolina; that if twenty thousand voters in Wisconsin are permitted to speak one voice or cast one vote in the House of Representatives, twenty thousand voters in South Carolina should not be permitted to cast any more than one voice or one vote. I believe that a constitutional amendment based upon this principle, the principle of the representation of voters, is more likely to be acceptable to the States than the proposition which is reported by the committee and pending before the Senate. You may say that the effect of it may be very much the same, that if the States at the South do not choose to make voters of their colored population that population will not be represented in the House of Representatives, and you may say that is the effect under the pending amendment; but the principle upon which it is based is very different, and when you are asked to vote for a measure upon one principle it is a very different thing from what it is when you are asked to vote for what may perhaps be the same in effect upon another principle.

I am for this, because it is no new conviction with me. It has been the conviction upon which I have acted during the whole of this struggle. It is the ground upon which my political associates in Wisconsin, and I believe the men of all parties in the State of Wisconsin, stand fully committed, in favor of the proposition to let representation be based upon the voters of the several States. If you say to the States of the South, "You must be deprived of one half of your representation or let your negroes vote," that is one thing; but if you say to the States of the South, "As a principle, it is but just that the men who vote shall be represented in the House of Representatives," they may yield to your principle when they may not be prepared to yield to it in the form in which you present it.

Mr. President, I have looked a little into this subject to see what the effect will be. A friend of mine has prepared a table showing how this proposition will operate in the several States. This table shows the number of Representatives to which the States are now entitled, the number to which each would be entitled on the voting basis, and the number to which they will be entitled by the reconstruction amendment as proposed by the committee. The estimate is made upon the figures of 1860. The State of Maine has five Representatives under the present apportionment. She had 100,718 voters in 1860, and upon the voting basis which requires 20,400 voters to be entitled to one Representative in the other House, she would have five Representatives. A Senator asks me

how the voters can be ascertained. Their number can be ascertained when you take the census, like any other fact.

Mr. GRIMES. The amendment of the Senator from Wisconsin provides for the voting basis, not the basis of citizenship. In Wisconsin a man can vote who has been on this continent only six months. Does the Senator intend to include such persons as those in his basis in the State of Wisconsin?

Mr. DOOLITTLE. According to my amendment they would be embraced.

Mr. GRIMES. They would be embraced in Wisconsin; but would they be embraced in Massachusetts?

Mr. DOOLITTLE. It depends on what Massachusetts decides on that question.

Mr. GRIMES. On the State law.

Mr. DOOLITTLE. Certainly.

Mr. GRIMES. Then the purpose and object, or at any rate the legitimate result of this amendment, would be to degrade the elective franchise so as to allow every man to vote on the same platform, on the same basis.

Mr. DOOLITTLE. Not at all. Your amendment proposes to allow the States to say who shall vote. Upon that subject I propose to take the sense of the Senate in both forms, both on the question of "male electors" and "male citizens of the United States." I wish certainly to accommodate myself to the judgment of the honorable Senator from Iowa, for I desire to secure his support, if it is possible, though I have some doubts about that.

Now, Mr. President, to come back to this table, the State of Maine had 100,718 voters in 1860, and she has five Representatives on the basis of population. On the voting basis she would still be entitled to five Representatives; but upon the reconstruction basis as reported by the committee Maine would gain one Representative and have six. So under this reconstruction amendment Maine gains one. How is it with New Hampshire? She had in 1860 65,028 voters, and she has three Representatives on the present basis. New Hampshire would also have three Representatives upon the basis of the reconstruction amendment as reported by the committee. So New Hampshire is not affected, whichever way the thing stands, if it stands on the Constitution as it is, if it stands on the Constitution as the committee propose to amend it, or if it stands on the Constitution as it is proposed to be amended by the amendment which I have just offered.

We now come to Vermont. Vermont upon the present apportionment has three Representatives. In 1860 she cast 44,644 votes. Vermont would have but two Representatives upon the voting basis, because the fraction would not be large enough to give her three, but under this reconstruction amendment Vermont would still retain three Representatives. Next we come to Massachusetts. Massachusetts upon the present apportionment has ten Representatives. She had in 1860 169,175 voters. Upon the voting basis Massachusetts would have eight Representatives, so that my amendment would reduce her representation by two; but upon the reconstruction amendment as offered by the committee Massachusetts would have eleven, gaining one. Thus we see that Maine would gain one and Massachusetts would gain one, while Vermont and New Hampshire remain the same under the committee's amendment. Connecticut has four Representatives upon the present apportionment. She had 79,246 voters in 1860, so that she would have four Representatives upon the voting basis. Connecticut would also have four Representatives under the proposition of the committee. So Connecticut is not affected; she stands indifferent so far as the number of her representation is concerned. Rhode Island has two Representatives under the present apportionment. In 1860 she had 19,951 voters, so that the voting basis would give her but one Representative, whereas under the reconstruction amendment as reported by the committee she would have two. Thus it appears that upon the voting basis New England would lose four Representatives, whereas under the

reconstruction amendment as proposed by the committee she would gain two Representatives. How does it stand with New York? New York now has thirty-one Representatives. She had in 1860 675,176 voters. Upon the voting basis New York would gain three and her representation would be thirty-four. So upon the reconstruction basis as reported by the committee New York would also gain three. New Jersey has five Representatives under the present apportionment. Upon the voting basis, as New Jersey had 121,125 votes in 1860, she would have six, or a gain of one; and according to the reconstruction amendment as proposed by the committee, New Jersey would gain one.

How is it with Pennsylvania? Pennsylvania has now twenty-four Representatives. The number of her voters in 1860 was 476,442. Upon the voting basis, Pennsylvania would have the same number, twenty-four Representatives, her fraction being very large. Upon the reconstruction amendment as reported by the committee she would gain one.

Mr. COWAN. Oh, no. We have one hundred thousand negroes in Pennsylvania, and under that proposition we should lose one.

Mr. DOOLITTLE. Perhaps that may be so. Ohio has under the present apportionment nineteen Representatives. She had in 1860 442,441 voters. Upon the voting basis Ohio would have twenty-two Representatives, a gain of three, whereas, under the reconstruction amendment, she would have twenty, a gain of only one. Indiana, under the present apportionment, has eleven Representatives. She has 272,143 voters. Upon the voting basis Indiana would have thirteen Representatives, a gain of two, whereas upon the proposed amendment of the committee, Indiana would have twelve Representatives, a gain of one. Illinois has fourteen Representatives under the present apportionment, with 339,698 voters. Illinois would have seventeen Representatives upon the voting basis, a gain of three, whereas, according to the proposition of the committee, Illinois would have but fifteen, a gain of only one. Michigan has under the present apportionment six Representatives, with 153,537 voters. Upon the voting basis Michigan would have eight Representatives, a gain of two, while upon the proposition of the committee she would have seven, a gain of one. Wisconsin has six Representatives, with 152,180 voters. Wisconsin, like Michigan, would have eight Representatives on the voting basis, a gain of two, whereas, upon the proposition of the committee, she would have but seven, a gain of one. Iowa now has six Representatives, but she has one of her Representatives upon a fraction. She had but 128,331 voters, so that according to this table her representation would remain the same on the voting basis.

Mr. KIRKWOOD. How does the Senator arrive at the number of voters in 1860?

Mr. DOOLITTLE. By the number of votes cast in the presidential election of 1860. I am speaking on that basis. Perhaps there are still more voters that did not vote, and you might be entitled to more if you counted them all. It would make it still better for you.

Mr. CRAGIN. With the permission of the Senator from Wisconsin I desire to ask him a question.

Mr. DOOLITTLE. Certainly.

Mr. CRAGIN. Suppose there are more voters, would it not change his whole calculation?

Mr. DOOLITTLE. Undoubtedly.

Mr. CRAGIN. Take, for instance, the State of Vermont, adjoining New Hampshire. The population of the two States is about the same, but in New Hampshire the contests are always close, and we bring out almost the last vote.

Mr. DOOLITTLE. You do not lend them any of your voters. [Laughter.]

Mr. CRAGIN. In Vermont, according to the Senator's table, the number actually voting was 40,000 and over, and the Senator reduces her representation from three to two; but if the actual number of votes were counted Vermont

would have the same as New Hampshire. It spoils his whole calculation.

Mr. DOOLITTLE. That may be so, but my amendment provides for the representation being based on the voters as returned by the census, so that there will be no mistake about that. If Vermont has the voters she will not lose representation. Every voter in Vermont has just as much right to be represented as a voter in Wisconsin. The calculation on which I am relying is based upon the actual vote cast in 1860.

Mr. FESSENDEN. It is based also, I suppose, on the idea that the southern States will not enlarge their voters but that they will remain as they are now.

Mr. DOOLITTLE. I am taking the actual votes cast in 1860, and supposing that the laws remain the same on that subject. The State of Minnesota is now entitled to two Representatives. She cast 34,799 votes in 1860. Upon the voting basis she would be entitled to two Representatives, the same that she has now, for she has one upon a large fraction at present. California has now three Representatives. She cast in 1860 118,840 votes, which would entitle her at the rate of twenty thousand voters to a Representative, to six Representatives, giving her an increase in her representation of three members. Oregon has one Representative and will have but one, because the voters in Oregon in 1860 amounted to 14,410 who cast their votes in the election that year, and the population of Oregon probably is not such as to entitle her to more than one Representative, and may not be for some time to come. So also of Nevada.

Now, Mr. President, if we look to the late slave States, the State of Delaware under the present apportionment has one Representative. She had 16,039 voters in 1860, and upon the voting basis or any other basis the State of Delaware will have but one Representative. Maryland has under the present apportionment five Representatives. Maryland had 92,502 voters in 1860, and if you give to her the benefit of a large fraction, a fraction of twelve thousand out of twenty thousand which entitles to a vote, Maryland would still have, on the voting basis, five Representatives; and under this reconstruction amendment she would have the same.

West Virginia has three Representatives under the present apportionment. Her voters in 1860 are computed to be about 50,000—the accuracy of that calculation I cannot vouch for—which would give her the same number of Representatives which she now has. Virginia, the remaining part of Virginia, is entitled to eight Representatives under the present apportionment. On the voting basis of 117,223, she would be entitled to but six Representatives, which would be a reduction upon the State of Virginia of two, and the same reduction follows under the apportionment which is proposed by the committee.

Kentucky has now nine Representatives under the present apportionment. Kentucky had 145,258 voters in 1860, which would make her entitled to seven Representatives on the voting basis, and a large fraction, almost entitled to eight; but upon the voting basis Kentucky would lose two, and upon the proposition of the committee Kentucky will lose two of her Representatives. The effect upon her, therefore, is the same. Missouri is entitled to nine Representatives under the present apportionment. Missouri had 165,518 voters in 1860, which would entitle her to eight Representatives, which would be a loss of one when she is reduced to the voting basis. North Carolina is entitled to seven Representatives under the present apportionment. Upon the voting basis, as she had 96,230 voters in 1860, she would be entitled to but five, receiving one upon the large fraction of 16,000. South Carolina, under the present apportionment, is entitled to four Representatives. I have here an estimate as to the amount of votes that were cast in the State of South Carolina, as her Legislature elects the presidential electors, and there-

fore no accurate computation could be made as to the voters of South Carolina; but her voters were estimated at about 50,000. It is calculated that upon the voting basis, therefore, South Carolina would have three Representatives, and she will have the same under the proposition of the committee. Georgia is entitled to seven Representatives under the present apportionment. In 1860 Georgia had 106,365 voters, which would entitle her upon the voting basis to six Representatives. Florida had but 14,347 voters in 1860. She is entitled to but one Representative under the present apportionment, and cannot, under any circumstances, at present at least, be entitled to more than one. Alabama has six Representatives under the present apportionment. She had 90,357 voters in 1860, which, upon the fraction of ten thousand and upwards, would entitle her to five Representatives upon the voting basis, and she would be entitled to the same number under the reconstruction amendment proposed by the committee. Mississippi is entitled to five Representatives under the present apportionment. She cast 69,120 votes in 1860, which would entitle her to four Representatives upon the voting basis, which would be a loss of one. Louisiana is entitled to five Representatives under the present apportionment. She had 50,510 votes in 1860, which would entitle her to but three Representatives on the voting basis.

Of course this is based upon the assumption that the colored people of the South are not yet permitted to cast votes. When they become enfranchised these States will be entitled to increased representation. Texas is entitled to four Representatives under the present apportionment. She cast 60,986 votes in 1860, which would entitle her, on the voting basis, to three Representatives, or a loss of one. Arkansas is entitled to three Representatives under the present apportionment. She cast 54,053 votes in 1860, which would entitle her to three Representatives upon the voting basis, which is the same as upon this report of the committee. Tennessee is entitled to eight Representatives under the present apportionment. She had 145,333 votes in 1860, which would entitle her to seven Representatives, and a large fraction, but she would lose one if placed upon the voting basis, and the same upon the report of the committee.

Mr. President, if we recapitulate the whole according to the computation of this table, under the present apportionment the North or the old free States have one hundred and fifty-seven Representatives, the South or the late slave States eighty-five, making a majority in favor of the North or the old free States of seventy-two in the House of Representatives. Upon the voting basis, the North or the old free States will have one hundred and seventy-two Representatives, while the South or the old slave States will have but seventy, and thus give to the old free States a majority in the Electoral College of one hundred and two. Thus it will be seen that this proposition to base representation upon the voting basis is three in favor of the old free States; and while New England, which, with her comparatively small population, has twelve Senators in this body, loses but four, and the great agricultural States of the Northwest, one of which I represent, will gain twelve in the House of Representatives, while such are the results, it seems to me it does not militate at all against the proposition which I have introduced. California, which now has three, would be entitled to six Representatives. I desire not to dwell at any great length on this subject.

Mr. WILLIAMS. Before the Senator leaves that part of his argument, I should like to ask him a question with his permission. Representation is now based upon population, and it is estimated, and I suppose there is not much doubt about the correctness of the estimate, that there are in the State of New York four hundred thousand foreigners not naturalized. Those foreigners give to the State of New York at this time three Representatives in the House

of Representatives. The Senator proposes, by adopting voters as the basis of representation, to strike out those four hundred thousand foreigners, and at the same time he says New York will gain three in her representation. I should like to have an explanation of that difference.

Mr. DOOLITTLE. Mr. President, there were cast in 1860 4,731,193 votes, which, according to that estimate, would give 20,400 voters to each Representative elected. The State of New York cast in 1860, 675,156 votes, which, divided by 24,400, gives New York thirty-four Representatives.

I think these tables will be found, upon calculation, to be sufficiently accurate to illustrate all that is necessary to be shown upon this subject. The principle that voters should have an equal voice in the choice of Representatives in the House of Representatives, the popular branch of the Government, is a principle upon which we can stand and contend. We can ask men, even when it disfranchises the States of the South, to vote for that, when you cannot so well go to them and say, "Gentlemen, you must consent to lose one third, one fourth, or one half of your representation unless you will allow the colored population to vote." That is a different question. You may say the effect produced is the same; but when you are arguing for a principle, that is to say, that the voice of the voter is what is to be heard in the House of Representatives, they will yield to the principle and accept it and vote for it when they would not vote for it presented in its present form. I ask for the yeas and nays upon this amendment.

The yeas and nays were ordered.

Mr. EDMUNDS. I am satisfied that my friend from Wisconsin is entirely in error in respect to the number of voters in the State of Vermont. He bases himself merely upon the election returns of the election of 1860, if I understand him. The population of Vermont is more than 315,000; and if my recollection is not very much out of joint, in times gone by, when contests were approximately close there, we cast more than 60,000 votes; and I have no doubt to-day that the number of male citizens of the State of Vermont, of that population of 315,000 and upward, is more than 60,000; so that in the particular instance that he recites as to that State there is an undoubted error in his figures of more than 16,000 voters; and if, as it often happens in States where the contest is not close, similar differences exist, the value of his tables is of course totally destroyed. Mathematics is one of the sciences where, if you leave out one link or make one error, the result flows through the whole problem, and therefore it will undoubtedly turn out that there is no reliance whatever to be placed upon the figures which my friend from Wisconsin has so ingeniously framed.

But, Mr. President, the question is broader and deeper than the mere selfish one of gain to this State or to that State. It is a question which enters into the profoundest philosophy of government, whether it is a true principle that the mere accident of the right to vote is to determine the representation of a community. The fathers who founded this Government acted upon the idea not only that the representation, as a principle, in general was to be based upon population, independent of the franchise, independent of citizenship, but there was also always to go with it, for the security of every part of the country, that other principle, that direct taxation, the involuntary burdens which the citizen must bear, must stand always guarded by the right of representation; and therefore it was provided that representation and direct taxation should always go hand in hand in the same ratio.

Now, the proposition of my friend from Wisconsin is that we shall discard this time-honored principle, which in my judgment is an impregnable one, that we shall discard the original principle that all society in some form is to be represented in a republican Government, and select a particular few, who are

themselves always to decide how that few shall be made up, who are not only to exercise all the powers and privileges of Government, but to exercise that other power and privilege of imposing the burdens upon some other section or some other class of the community; that is to say, if the East happens to be numerous in men and short of money, the eastern men may vote the taxes upon the western property, or the reverse.

I know how impatient the Senate is, and without entering at large upon this interesting and profound topic, in my judgment, the proposition of the Senator from Wisconsin is one which is full of inherent error, both in principle and practice, and I shall vote against it.

Mr. POLAND. I had prepared some remarks with reference to these amendments generally, and in the course of those remarks I had attempted to discuss the question that is raised upon this particular amendment. Perhaps it may be appropriate that I should deliver them now, although all that I might say is not perfectly germane to this amendment.

Mr. DOOLITTLE. Does the Senator from Vermont desire to go on this afternoon, or would he prefer to go on to-morrow?

Mr. POLAND. I am not particular.

Mr. DOOLITTLE. If the Senator will give way I will move that the Senate proceed to the consideration of executive business.

Mr. POLAND. It is immaterial to me.

Mr. HOWARD. I hope that motion will not be agreed to.

Mr. SHERMAN. There are quite a number of amendments to be offered, and I think we might as well proceed with them now, and the Senator from Vermont, if he desires it, can have the floor to-morrow.

Mr. POLAND. It is quite immaterial to me whether I proceed to-night or to-morrow morning. I give way to the motion for an executive session.

Mr. DOOLITTLE. I understood the Senator from Vermont to say that he rather preferred to submit his general remarks on the subject of reconstruction upon this amendment, and he desired to do it before the amendment was acted on by the Senate. It was with that view that I rose to move that the Senate proceed to the consideration of executive business.

Mr. POLAND. I yield to your motion.

The motion was agreed to; and after some time spent in the consideration of executive business, the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, June 4, 1866.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. C. B. BOXTON.

The Journal of Thursday last was read and approved.

BILLS ON LEAVE.

The SPEAKER stated the first business in order to be the call of States and Territories for bills on leave for reference and not to be brought back by a motion to reconsider; commencing with the State of Maine.

GUARDIANS OF LUNATICS, ETC.

Mr. PATTERSON introduced a bill to amend an act entitled "An act to enable guardians and committees of lunatics appointed in the several States to act within the District of Columbia;" which was read a first and second time, and referred to the Committee for the District of Columbia.

UNITED STATES CIRCUIT COURT.

Mr. JENCKES introduced a bill to alter the places of holding the circuit court for the Rhode Island district; which was read a first and second time, and referred to the Committee on the Judiciary.

UNITED STATES COURTS.

Mr. JENCKES also introduced a bill in addition to an act entitled "An act to establish the judicial courts of the United States and the

acts in addition to and amendatory thereof;" which was read a first and second time, and referred to the Committee on the Judiciary.

FRESH-WATER BASIN FOR IRON-CLADS.

Mr. WRIGHT introduced a joint resolution relative to a fresh-water basin for iron-clads at Tappan bay, on the Hudson river; which was read a first and second time and referred to the Committee on Naval Affairs.

STEAM-TUG T. W. NOTTER.

Mr. SPALDING introduced a bill to change the name of the steam-tug T. W. Notter, of Cleveland, Ohio; which was read a first and second time, and referred to the Committee on Commerce.

FRANK LYNCH.

Mr. SPALDING introduced a bill for the relief of Lieutenant Colonel Frank Lynch, late of the twenty-seventh Ohio volunteers; which was read a first and second time and referred to the Committee on Invalid Pensions.

TERRITORY OF LINCOLN.

Mr. LAWRENCE, of Ohio, introduced a bill to provide a temporary government over the Territory of Lincoln; which was read a first and second time and referred to the Committee on Territories.

UNITED STATES COURTS.

Mr. FARNSWORTH introduced a bill to amend the practice in the United States courts; which was read a first and second time and referred to the Committee on the Judiciary.

TENURE OF OFFICE.

Mr. PRICE introduced a bill regulating the tenure of certain offices; which was read a first and second time and referred to the Committee on the Judiciary.

GEOLOGICAL SURVEY OF NEBRASKA.

Mr. HITCHCOCK introduced a bill to provide for the geological survey of the Territory of Nebraska; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

PUBLIC BUILDING IN NEBRASKA.

Mr. HITCHCOCK introduced a bill to provide for the erection at Nebraska City, in the Territory of Nebraska, of a building for a post office, internal revenue offices, and for the holding of United States courts; which was read a first and second time and referred to the Committee on Appropriations.

The call of the States and Territories for bills and joint resolutions having been completed, the Speaker stated, as the next business in order, the calling of the States and Territories for resolutions, commencing with the State of Nevada, where the call rested on Monday last.

PAYMENT TO INDIAN TRIBES.

Mr. BURLEIGH submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of the Interior be requested to furnish this House with a full statement of all moneys on hand on the 10th day of July, 1865, applicable to the support of the various Indian tribes and for all the purposes connected with the Indian service; also, the entire amount which has been expended since that time and up to the 20th day of April, 1866, and the objects for which such expenditures have been made, together with the amount now on hand applicable to said service under the following heads, also, the amount which has been expended over and above the appropriations already made, namely, pay of superintendents and agents, pay of sub-agents, pay of temporary clerks by superintendents, pay of interpreters, pay for presents to Indians, pay for Indian buildings and repairs, for contingent expenses of Indian department, for making treaties with Indian tribes, for transportation of Indian annuity goods, support of refugee Indians in the southern and middle superintendencies, and amount expended for support of refugee and other Indians over and above the amount heretofore appropriated.

PUBLIC HONORS TO TRAITORS.

The call of the States and Territories for resolutions having been concluded, the Speaker stated, as the next business in order, the consideration of resolutions lying over for one day, the first in order being the preamble and resolution offered last Monday by Mr. WILLIAMS.

The Clerk read the preamble and resolution, as follows:

Whereas it has been publicly declared by the supreme executive authority of this nation, in accordance with the dictates of sound wisdom, the just instincts of humanity, and the undoubted sentiment of the people of the loyal States, that treason should be made odious and traitors not only disgraced but impoverished; and whereas it is represented that while no traitor who has survived the chances of the battle-field and escaped the retribution due to his crimes at the hands of the loyal soldiers of the North has been otherwise punished than by the award of public honors or the remission of disabilities to qualify him for the enjoyment thereof, the memories of the traitor dead have been hallowed and consecrated by local public entertainments and treasonable utterances in honor of their crime, which have not only been tolerated by the national authorities, but in some instances approved by closing the public offices on the occasion of floral processions to their graves, while the privilege of paying like honors to the martyred dead of the armies of the Union who perished in the holy work of punishing the treason of those who are thus honored and restoring the Union of our fathers has been denied to the loyal people of those communities by the local authorities, with the connivance or consent of the military or civil agents of this Government; and whereas the encouragement or toleration of such enormities is of pernicious and dangerous example, insulting to the living soldiers of the Republic as well as to the memories of the dead, and calculated to make loyalty odious and treason honorable, and to obstruct, if not entirely prevent, the growth of such a feeling as is essential to any cordial or permanent reunion of these States: Therefore,

Resolved, That the President be requested to inform this House whether any of the military or civil employes of this Government, within the State of Georgia or any of the other rebel States, have in any way countenanced or assisted in the rendition of public honors to any of the traitors, either living or dead, who have been waging a partricial war against this Government, in commemoration of their great crime, either by closing their offices on such occasions or making other favorable public demonstrations in connection therewith; and further, whether the privilege of doing like honors to loyalty at the graves of the Union soldiers who have perished far from their homes and kindred has been in any instance obstructed or denied by the rebel authorities with the concurrence or acquiescence of the officers of this Government.

Mr. WILLIAMS. On that resolution I demand the previous question.

Mr. ELDRIDGE. Is it in order to call for a division on this preamble and resolution, and have a separate vote on each?

The SPEAKER. It must be taken separately on the preamble by the rule to be found on page 137 of the Digest.

Mr. ELDRIDGE. I wish the gentleman from Pennsylvania [Mr. WILLIAMS] would specify precisely what he would like to have done in order to make treason odious in his estimation.

Mr. WILLIAMS. I would do precisely what the gentleman from Wisconsin would not.

Mr. ELDRIDGE. What is that, pray?

Mr. WILLIAMS. I suggest that the preamble is merely a recital of facts represented to have taken place.

The SPEAKER. The previous question applies first to the resolution, and exhausts itself thereon. It must be separately moved on the preamble.

Mr. RAYMOND. I rise to suggest to the gentleman from Pennsylvania that inasmuch as the preamble and resolution embrace what he has just stated to be the recital of alleged facts, perhaps it will be wise to allow some debate upon them in order to know upon what evidence those facts rest. As far as I am concerned I am entirely ignorant of any facts upon which to base my action upon the resolution.

Mr. WILLIAMS. I will merely say to the gentleman that it is a question of representation and not of proof. The resolution has been spread upon your records, and has been read by the members of the House during the past week. Debate cannot throw any additional light upon it.

Mr. RAYMOND. I should like to know who the persons making these representations are. I have never heard of any warrant for these statements except in newspaper paragraphs.

Mr. WILLIAMS. I will merely answer the suggestion of the gentleman from New York by remarking that the facts stated in the preamble were derived from a newspaper published in the city of Augusta, Georgia.

Mr. RAYMOND. I desire simply to ask,

inasmuch as the gentleman from Pennsylvania has stated on what authority these facts stated are alleged to rest, if it would not be fair to allow some remarks to the credibility of that authority or to cite authorities upon the other side.

Mr. WILLIAMS. The gentleman may state that these facts are represented by myself as the author of the resolution if he chooses.

Mr. ELDRIDGE. I wish to ask the gentleman whether he personally is prepared to represent the facts as stated in the preamble.

Mr. WILLIAMS. I am prepared to say that the facts are so represented upon authority which I believe to be good. In the absence of other evidence, I am prepared to indorse the statements in the way of a recital in this preamble. I renew the demand for the previous question.

The previous question was seconded—ayes 59, noes 29.

The main question was ordered to be put; and under the operation thereof the resolution was agreed to.

Mr. WILLIAMS demanded the previous question on agreeing to the preamble.

The previous question was seconded and the main question ordered.

Mr. ELDRIDGE demanded the yeas and nays on agreeing to the preamble.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 74, nays 30, not voting 79; as follows:

YEAS—Messrs. Baldwin, Banks, Baxter, Beaman, Bidwell, Bingham, Blaine, Brandegee, Brownwell, Reader W. Clarke, Cobb, Conkling, Cullom, Duffess, Dixon, Donnelly, Driggs, Eckley, Eggleston, Eliot, Farnsworth, Ferry, Grinnell, Abner C. Harding, Hayes, Henderson, Higby, Holmes, Hooper, Asahel W. Hubbard, James R. Hubbell, Jencks, Julian, Kelley, Kelso, Ketchum, Ladin, George V. Lawrence, William Lawrence, Loan, Longyear, McClurg, McRuer, Mercer, Miller, Moorhead, Moulton, Myers, O'Neill, Orth, Patterson, Perham, Pike, Price, John H. Rice, Rollins, Sawyer, Schenck, Seefeldt, Shellabarger, Sloan, Spaulding, Stevens, John L. Thomas, Trowbridge, Upson, Van Aernam, Ward, Whaley, Williams, James F. Wilson, Stephen F. Wilson, Windom, and Woodbridge—74.

NAYS—Messrs. Aneona, Baker, Boyer, Coffroth, Dawson, Eldridge, Finck, Grider, Hale, Aaron Harding, Harris, James M. Humphrey, Johnson, Kuykendall, Latham, LeBlond, Marshall, McCullough, Newell, Niblack, Nicholson, Phelps, Samuel J. Randall, Raymond, Ritter, Rogers, Rousseau, Thornton, Trimble, and Wright—30.

NOT VOTING—Messrs. Alley, Allison, Ames, Anderson, Delos R. Ashley, James M. Ashley, Barker, Benjamin, Bergen, Blow, Boutwell, Broomall, Buckland, Bundy, Chandler, Sidney Clarke, Cook, Culver, Darling, Davis, Dawes, Delano, Denning, Denison, Dodge, Dumont, Farguhar, Garfield, Glossbrenner, Goodyear, Griswold, Hart, Hill, Hogan, Hotchkiss, Chester D. Hubbard, Demas Hubbard, John H. Hubbard, Edwin N. Hubbell, Hulburd, James Humphrey, Ingersoll, Jones, Kasson, Kerr, Lynch, Marston, Marvin, McIndoo, McKee, Morrill, Morris, Noel, Paine, Plants, Pomeroy, Radford, William H. Randall, Alexander H. Rice, Ross, Shanklin, Sitgreaves, Smith, Starr, Stillwell, Strouse, Taber, Taylor, Thayer, Francis Thomas, Burt Van Horn, Robert F. Van Horn, Warner, Elihu B. Washburne, Henry D. Washburn, William B. Washburn, Welker, Wentworth, and Winfield—73.

So the preamble was agreed to.

During the roll-call,

Mr. ALLISON said: Upon these questions I am paired with Mr. Strouse. I should vote in the affirmative and he would vote in the negative.

Mr. BAKER said: Not being sufficiently advised of the truth of all the averments in the preamble, I vote "no."

Mr. ANCONA said: My colleague, Mr. Strouse, is absent on leave and is paired with Mr. Allison.

The result of the vote having been announced as above recorded,

Mr. WILLIAMS moved to reconsider the vote by which the preamble and resolution were agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GOVERNMENT RAILROAD PROPERTY.

The next resolution was the following, submitted by Mr. KELLEY on the 28th of May, and laid over one day under the rule:

Resolved, That the Secretary of War be directed to furnish to the House of Representatives a sched-

ule of all railroad property which was in the possession of the Government on May 1, 1865, whether held by right of capture or by purchase, and if by purchase, stating the cost. Also, what disposition has been made of such property; if sold, whether for cash or credit; and if for credit, under what law or authority, and whether the purchase money has been paid, or what steps have been taken to recover it.

Mr. KELLEY called the previous question upon agreeing to the resolution.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was agreed to.

Mr. KELLEY moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PURCHASE AND SALE OF GOLD AND BONDS.

The next resolution lying over under the rule was the following, submitted by Mr. WILSON, of Iowa, on the 28th of May:

Resolved, That the Secretary of the Treasury be directed to report to this House how much gold belonging to the Government of the United States has been sold since the 1st day of January, 1866, the date and amount, by whom sold, the compensation allowed for such sales, and the premium received; also, whether any gold has been bought for the Treasury since that date, and if so, the amounts and dates of such purchases, the amount of premium paid, and who acted as agents in making such purchases; also, whether any bonds of the United States have been bought for the Treasury since that date, the dates and amounts of such purchases, the amounts paid for the same, and the character and denomination of said bonds.

Mr. WILSON, of Iowa. I desire to modify the resolution. I therefore move to amend the resolution by striking out after the word "also" the following:

Whether any bonds of the United States have been bought for the Treasury since that date, the dates and amounts of such purchases, the amounts paid for the same, and the character and denomination of said bonds.

And inserting in lieu thereof the following:

Whether any bonds of the United States have been bought or sold for the Treasury since that date, the dates and amounts of such purchases or sales, the amounts paid or received for the same, and the character and denomination of said bonds.

And upon the resolution and amendment I call the previous question.

The previous question was seconded and the main question ordered.

The amendment was agreed to.

The resolution, as amended, was agreed to.

Mr. WILSON, of Iowa, moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GUARANTYING MEXICAN BONDS.

The next business was the consideration of the following series of resolutions, submitted by Mr. DAWSON on the 19th of March, and lying over under the rule:

Resolved, That the United States cannot guaranty the bonds of the Mexican or any other Government without impairing her own credit and imposing new burdens upon her people.

Resolved, That the sacred faith of the American people is pledged to the payment of our public debt, and that it is unwise to complicate our financial affairs by the assumption of the obligations of other countries.

Resolved, That the true policy of the United States is, in the language of Mr. Jefferson, "peace, commerce, and honest friendship with all nations; entangling alliances with none."

Mr. DAWSON. I call the previous question.

Mr. ORTH. I would suggest to my colleague on the Committee on Foreign Affairs [Mr. Dawson] that these resolutions better be referred to the Committee on Foreign Affairs.

Mr. DAWSON. I think it is a very plain proposition, and therefore must insist upon my call for the previous question.

Mr. STEVENS. I hope my colleague will let those resolutions lie over for one week. There does not seem to be any necessity for their passage at this time.

Mr. DAWSON. I would be very willing to have these resolutions lay over were it not that I am anxious to test the sense of the House upon them. If they go over they will very likely be postponed till the close of the session,

and we would have no vote upon them at all. I must therefore insist upon the previous question.

Mr. STEVENS. Then I hope the previous question will not be seconded.

The question was taken upon seconding the call for the previous question; and upon a division, there were—ayes 30, noes 57; no quorum voting.

Mr. DAWSON. It being manifest that a majority of the House are opposed to voting upon these resolutions without some discussion, I will yield to that feeling, and withdraw the call for the previous question upon the adoption of the resolutions, and move now to refer the resolutions to the Committee on Foreign Affairs; and upon that motion I call the previous question.

The previous question was seconded and the main question ordered, which was on agreeing to the motion to refer.

Mr. RANDALL, of Pennsylvania. Upon that motion I ask for the yeas and nays.

The yeas and nays were not ordered.

The motion to refer the resolutions to the Committee on Foreign Affairs was agreed to.

AGRICULTURAL REPORTS OF 1864.

The next resolution lying over under the rule was the following, submitted by Mr. MILLER on the 19th of March:

Whereas it is alleged that twenty-five thousand less copies of the Agricultural Reports of 1864 have been printed than those of previous years; and whereas the type has not yet been distributed: Therefore,

Resolved, That the Committee on Printing be, and are hereby, authorized and required to inquire into the expediency of ordering twenty-five thousand copies of the Agricultural Reports of 1864, and report accordingly.

Mr. LAFLIN. If I understand this resolution it is simply a resolution of inquiry. I see no objection to its adoption.

The resolution was agreed to.

Mr. MILLER moved to reconsider the vote by which the resolution was adopted; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

TRANSIT FROM THE WEST TO THE ATLANTIC.

The next resolution was the following, submitted on the 2d of April by Mr. RAYMOND, which, debate arising thereon, had been laid over under the rules:

Resolved by the House of Representatives, (the Senate concurring,) That a commission of five persons be appointed by the President of the United States to consider and report to Congress at its next session upon the necessity of some more speedy, cheap, and reliable means of transportation between the western States and the Atlantic seaboard; and to submit some plan, whether by law or treaty, whereby the national Government can aid in providing for said necessity if it shall be found to exist: *Provided*, That said commissioners shall receive no compensation for their services, and no payment of any kind except for such traveling expenses as they may actually incur in discharging the duties imposed upon them by this resolution.

Mr. RAYMOND. I suggest that this resolution be laid over informally under the rules.

The SPEAKER. That will be done if there be no objection. The resolution will again be reached when the call of States and Territories has been concluded.

There being no objection, the resolution was laid over informally.

FRAUDS UPON THE REVENUE.

The next resolution was the following, submitted on the 23d of April by Mr. HIGBY; which, debate arising thereon, had been laid over under the rules:

Resolved, That the Committee on Public Expenditures be instructed to investigate the compromises of frauds upon the revenue which are alleged to have taken place in connection with the custom-house at Boston and to ascertain what disposition has been made of the moneys paid under such compromises; also, to investigate such other alleged frauds upon the customs or internal revenue as they may deem advisable, and whether any vexatious suits have been commenced against importers and others brought or instigated by any person or persons connected with the customs or internal revenue service in the cities of Boston or New York; and that the committee be authorized to send for persons and papers; and if, in their judgment, it shall be necessary and most economical to take testimony in Boston or New York by

such members of the committee as they may designate, not exceeding five in number, such designated members of the committee may have leave to sit during the recess of Congress for the purpose of such investigation, and with the aforesaid powers and authority.

The SPEAKER. Another resolution covering the same object as this was subsequently introduced by the gentleman from California [Mr. HIGBY] under a suspension of the rules, and was adopted. If there is no objection, this resolution will be considered as laid upon the table.

There was no objection.

The SPEAKER announced as the next business in order the call of States and Territories in inverse order for the introduction of resolutions and bills on leave.

NEW EXECUTIVE MANSION.

Mr. NIBLACK submitted the following resolution, on which he demanded the previous question:

Resolved, That the Committee on Appropriations be instructed to inquire into the propriety and expediency of making provision for the erection of a new Executive Mansion for the use of the President of the United States, and in case it shall be so found proper and expedient, then that said committee be further instructed to inquire into the expediency of setting apart the present Executive Mansion for the use of the State Department, and to report by bill or otherwise.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was adopted.

Mr. NIBLACK moved to reconsider the vote by which the resolution was adopted, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM H. RICKHART.

Mr. DEFREES introduced a bill authorizing the payment of bounty due to Sergeant William H. Rickhart, a discharged soldier of the twentieth Indiana Veteran volunteers; which was read a first and second time, and referred to the Committee on Military Affairs.

RECOGNITION OF FENIAN BELLIGERENCY.

Mr. CLARKE, of Ohio, submitted the following resolution, on which he demanded the previous question:

Resolved, That whereas the recent successes which have attended the demonstrations of the Fenian organization, with the avowed purpose of liberating Ireland from the oppressive rule of Great Britain, according to the laws of nations as interpreted by the British authorities, entitle said Fenian organization to be regarded with respect and as entitled to the rights of belligerents, [laughter,] that the Committee on Foreign Affairs be requested to inquire into the propriety of recommending such action as may be proper to secure that object.

Mr. ROGERS. Is this resolution debatable?

The SPEAKER. It is not. The gentleman from Ohio has demanded the previous question.

Mr. ROGERS. Well, I hope the resolution will be adopted.

The previous question was not seconded; there being—ayes fifteen, noes not counted.

Mr. BRANDEGEE. I rise to debate the resolution.

The SPEAKER. Debate arising, the resolution goes over under the rule.

CLERK TO A COMMITTEE.

Mr. PHELPS submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the resolution of this House providing for the employment of a clerk by the Committee on the Militia be, and the same is hereby rescinded.

MEMPHIS RIOT.

Mr. RANDALL, of Pennsylvania, moved that the usual number of copies of the report of Major General Stoneman in reference to the Memphis riot be printed for the use of the House; which, under the law, was referred to the Committee on Printing.

MILEAGE.

Mr. JOHNSON submitted the following preamble and resolutions, on which he demanded the previous question:

Whereas the compensation to members of Congress for mileage was fixed at a time when the dis-

tance of those residing farthest from the capital was not half so great as that of a very large portion of the members at the present day, and when, too, travel was often on horseback, or at least in coaches, thus involving great delays and expense as compared with the present mode of travel by rail and free tickets, and those more remote from the capital are enabled to draw more money in mileage than in their whole salary and daily pay, to the great disparagement of those who reside near the capital, and are alike subjected to the largely increased cost of living as compared with what it was at the time such salary and daily pay were fixed: Therefore,

Resolved, That the Committee on Appropriations be instructed to bring in a bill so regulating and equalizing the mileage and pay of members of Congress as will distribute among all of them the aggregate now paid in just proportion to the expenses necessarily incurred while at the capital and in traveling to and from the same: *Provided*, That the whole amount to be so paid shall not exceed the whole amount now paid for salary and mileage.

Resolved, That the Secretary of the Treasury be directed to report to this House the respective amounts drawn by the several members of both branches of the Thirty-Eighth Congress as salary and as mileage separately, together with the number of miles for which each one was paid.

Mr. FARNSWORTH. I suggest to the gentleman to refer the resolutions to the Committee on Mileage. The law now fixes the pay of members of Congress.

Mr. JOHNSON. I propose to have the law remedied. I insist on the demand for the previous question.

The House divided; and there were—ayes 30, noes 37; no quorum voting.

The SPEAKER, under the rules, ordered tellers; and appointed Messrs. FARNSWORTH and BOYER.

The House again divided; and the tellers reported—ayes 55, noes 44.

So the previous question was seconded.

The main question was then ordered.

The preamble and resolutions were adopted.

Mr. JOHNSON moved to reconsider the vote by which the preamble and resolutions were adopted; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

RECONSTRUCTION.

The morning hour having expired, the House, agreeably to order, resumed the consideration of House bill No. 543, to restore to the States lately in insurrection their full political rights, on which Mr. HART was entitled to the floor.

Mr. HART. I yield to the gentleman from Iowa, [Mr. WILSON.]

Mr. WILSON, of Iowa. Mr. Speaker, it is apparent that this House is not prepared to seize upon the full measure of the opportunity now presented for a full, just, and final settlement of the grave questions involved in the restoration of the insurgent States to their practical relations with the Government of the United States. I fear that that comprehensive statesmanship which cares for posterity as well as for itself will not leave its impress upon the measure we are now considering. My fear does not arise from any apprehension that we are likely to go too far and make our legislation too searching and far-reaching. Such a result is rarely accomplished by men. Radical ideas are always, in a greater or less degree, weighed down and impeded in their onward march by the possessors of that element of timidity which we are accustomed to call conservatism. No great reform is ever accomplished with the aid of those who, for the time being, denominate themselves conservatives. Such persons always insist upon having things as they are, and continuing them in that state forever. There is not enough of this element in this Congress to prevent a change in the existing state of affairs; but there is sufficient to prevent such a change being made as would secure to this Republic a future of rest. We will stop short of the point of absolute safety; but we nevertheless will accomplish a great work, which time will carry on and complete.

This Government needs the active support in the insurgent States of all its true friends. Every man in those States who is a friend to the Government of the United States ought to be intrusted with the ballot in its defense. A majority of the people of those States who engaged in the rebellion are as hostile to the

Government now as they were at any period of the war. The Union men are in a hopeless minority in most of those States, and will so remain for many years unless some means are devised to reënforce them by extending the right of suffrage to the great column of loyal citizens ready at any moment to act with the white Unionists in a common political defense of themselves and of the Government. Many of the loyal whites of the South are anxious to be thus reënforced. Some of them have told me that they hoped Congress would put something into its legislation for the restoration of the insurgent States which would enable them to raise the issue of impartial suffrage in their several States. Upon being so informed I proposed the following amendment to the bill now under consideration:

That whenever the above-recited amendment shall have become part of the Constitution of the United States, and any State lately in insurrection shall have ratified the same, and shall have modified its constitution and laws in conformity therewith, the Senators and Representatives from such State, if found duly elected and qualified, may, after having taken the required oaths of office, be admitted into Congress as such: *Provided*, That if any State, after ratifying said amendment and conforming its constitution and laws therewith, shall establish an equal and just system of suffrage for all male citizens within its jurisdiction who are not less than twenty-one years of age, the Senators and Representatives from such State shall be admitted as aforesaid, without being required to await the action of other States on said amendment: *And provided further*, That nothing in this section contained shall be so construed as to require the disfranchisement of any loyal person who is now entitled to vote.

This amendment has been examined by several of the earnest Union men of the South now in this city, and has received their approval. They assert that it will afford them an opportunity to raise the issue of impartial suffrage, with a fair prospect of success, in several of the insurrectionary States, and avow that a failure to secure such suffrage will seal the doom of the true loyalists of the southern States. Hence I urge that if the pleadings of justice are not sufficient to secure the adoption of this amendment let us at least yield to the promptings of expediency, and give this means of defense to those who desire it.

But, sir, not only do the white loyalists of the South need the aid of the votes of every loyal man in the South, but the Republic also needs them. The destructive doctrine of secession is not dead, nor is it even sleeping. It is as firmly rooted in the minds of those who waged war to enforce it as it was before the first gun was fired in the late great civil war. They have not yielded one iota of the claim they made of the right of a State to secede, and we need votes as well as theories to overcome and crush out the life of this mischievous heresy. The doctrine of the unity of the Republic needs the vote of every friend in the southern States. Why, sir, even the President himself does not regard this question as finally decided by the conflict of arms. In his last annual message the following singular passage occurs:

"It is manifest that treason, most flagrant in its character, has been committed. Persons who are charged with its commission should have fair and impartial trials in the highest civil tribunals of the country, in order that the Constitution and the laws may be fully vindicated: the truth clearly established and affirmed that treason is a crime, that traitors should be punished and the offense made infamous; and, at the same time, that the question may be judicially settled, finally and forever, that no State of its own will has the right to renounce its place in the Union."

This suggestion is enough to cause every secessionist in the country to rejoice, for it merely changes the venue from "sovereign conventions" of the States to the courts. In so far as this passage affirms the existence of the crime of treason and pronounces in favor of its punishment, it is well enough, but when it follows this with the declaration that treason trials are desirable not alone for the punishment of traitors but also "that the question may be judicially settled, finally and forever, that no State of its own will has the right to renounce its place in the Union," it becomes freighted with an amount of mischief which never should have found place in a President's message. The

right of a State to renounce its place in the Union never had any existence, and is, therefore, not a question for judicial determination. The power of a State to renounce its place in the Union was a question for armies to decide. Finally and forever it has been decided by the tribunal to which it was referred unless it be unsettled by casting it into the jurisdiction of the courts, as is suggested in the passage which I have quoted from the message of the President.

If a State has a right to "renounce its place in the Union" the citizens of the State have a right to accept its decision and follow its fortunes. This hypothetical proposition involves the very life of the nation, the unity of the Republic. If it may be determined judicially disaster must result, no matter on which side the decision may stand. If the "right to renounce" be affirmed, then there is no treason and the Union is dissolved. If it be denied, another trial may reverse the judgment, so that certainty of result would have disunion alone for a handmaid, for a decree of dissolution would be the only one not subject to reversal.

The unity of this Republic needs not to be judicially pronounced. It is the Republic. Courts have nothing to do with it. It would be a crime against the people for judges to permit its discussion, and judicial treason for them to assume jurisdiction over it. Armies alone can discuss it. Battles alone can decide it. All other tribunals must accept the unity of the nation as a fact about which hangs no uncertainty, and concerning which there must be no disputation. The people settled this question when they ordained the Government, and left no pretense for President or judge or legislator to meddle with it. From "we, the people of the United States," comes the high command to Executive, court, and Congress to accept without doubting, to defend without flinching, to enforce by all the powers embodied in the Constitution, including the grand and unlimited powers of the right of self-preservation, the sovereign unity which constitutes us a nation.

All true friends of the country must regret that the President permitted this serpent to nestle itself in his message. The certainty of a proper determination of the question by the Supreme Court of the United States as now constituted is no apology for the presence of the mischievous thing. The death of judges and the mutations of parties are unsafe preservers of judicial decrees. The tenure of office of a judge, although it be for life, is too short wherewith to measure the life of a nation. The purity and patriotism of particular judges are no sure guarantees that the same bright qualities will always abide with the court, for judges die but courts do not. Patriots of today may be succeeded by conspirators to-morrow; but the court remains. Treason lurked in this Hall. It may at some time be enrobed on the bench of the Supreme Court. These considerations all show how grave would be the blunder of submitting as a question for the decision of any court the "right of a State to renounce its place in the Union," and that the question cannot be "settled finally and forever" by casting it into the ever-changing stream of judicial opinion.

Perhaps the convention of Georgia believed the "right of a State to renounce its place in the Union" a question for judicial decision, and therefore repealed the ordinance of secession which plunged that State into war instead of declaring it null and void. Doubtless Jeff. Davis, should he ever be brought to trial, would like to have his case crowned with a judicial affirmation of the right of a State to renounce its place in the Union, and thereby win for himself and for the South that which armies and battle and all the woes of war could not secure for them—the disintegration of this Republic.

Courts can be changed, destroyed, and created by Congress and the President. The future may find an outgoing Congress and a retiring President turning in the last few months of their power upon the Supreme Court, and

changing its organization or adding to the number of its members, and in this way securing a majority to pronounce the right of the States to retire from the Union. Under cover of this decision the southern States may again pass their ordinances of secession, organize a provisional government, and elect the retiring President of the United States president of the rebel government. Let the treacherous Congress go one step further, and allow the people of this District to decide with which government they will cast their lot. Let the traitorous court make one more decision in a manufactured case and declare this action of Congress and the people of this District valid. This done, and you find before the arrival of the day for the inauguration of the President-elect of the United States the Republic dissolved by decree of court, a new Government in possession of your capital, and ruin and anarchy apportioned to your people.

This is disunion made easy; and yet it is not more unlikely to happen, if you once acknowledge the right of the courts to pass upon the great question of national unity, than was the recent gigantic rebellion. Once admit that the right of a State to secede from the Union is a debatable question to be determined by the courts, and you will have done more toward the destruction of this Government than was ever done by armed treason on the field of battle. Let this power be conceded to the courts, and to them will traitors hereafter direct their corps of sappers and miners for the destruction of the Government. No need of armies will traitors feel if judges can do this work. In the solemn stillness of the hall of the Supreme Court may that dread work then be done which could not be accomplished amid the most terrific thunders of the recent awful struggle between treason and the Republic. The black gown may be more potent than the gray uniform. The manuscript of a judge may most fearfully demonstrate the saying that the pen is mightier than the sword.

Mr. Speaker, I do not charge the President with a purpose to bring upon the nation the evils which must inevitably follow a practical application of the doctrine of his message to the affairs of the country. He evidently expects but one result, a denial of the right of a State of its own will to renounce its place in the Union. The danger does not lie in the intention of the President but in the doctrine itself. Calhoun did not regard his theory of State rights as one which would end in war whenever a State should attempt to put it in practice. We know how fearfully he was mistaken. Four years of desolating war, three hundred thousand graves of loyal men, hundreds of thousands of widows and orphans, untold numbers of desolate hearth circles, sorrows and heart pangs which can only be made known by the unfoldings of that day which shall number the crimes and woes of the human race, all stand as witnesses now, or will, in the coming times, of the wickedness which lurked in the theory of Calhoun. His theory provided the rallying point for that band of conspirators and array of traitors which covered this land with the woes of war. His criminality is measured by the direful results of his teachings, and not by his intentions. His theory was that a State possessed the right to peacefully retire from the Union. He asserted the right and did not seem to realize that if it should be disputed the issue joined could only be tried by the tribunal of war. His disciples affirmed it. It was disputed. The issue was tried by armies and resolved in favor of the indissoluble unity of the Republic. Shall we now permit an appeal from this decision to the courts of the nation? Is not the question settled? Where is this thing to end? When shall we know that we are a nation?

Sir, in the suggestion of the President, that this question can go to the courts, lurks all of the mischief which resulted from the theory of Calhoun. It will form the central idea around which defeated rebels will rally in the future. However pure the President's intentions may

have been when he penned the passage to which I have referred, he has officially announced an idea which portends a troublous future unless we now erect barriers which it will not be able to surmount.

I have indicated the avenues through which this mischievous idea may wend its way to national disaster. It is not in our power to destroy the idea, but we may strip it of its power to accomplish evil. How shall we do this? Simply by extending the protective rebel power of the ballot to all citizens of the States who sympathized with and fought for the cause of the Republic. Give to all such the throbbing power of the ballot and you blast the hopes of secessionists, whether they rest on the power of arms or the subtle decisions of courts. Reinforce the Republic with the votes of those who wish it well, and it may laugh at the efforts of those who purpose evil. Have we courage to do this? I fear not. But that I am willing to do it and accept the consequences, whatever they may be to myself, I desire to have entered upon the records of this Congress.

Mr. Speaker, I very well know that strong men dwarf in the presence of the proposition which I advocate. I know that many look forward to the fall elections and shiver in the presence of impartial suffrage. That iron-cased prejudice which frowns upon those who stand by the right in political action and even-handed justice in national conduct will, I fear, prove too strong for the plea which I make. But in the face of this fact, I must assert that the political future of any number of members of this House is of small consequence when compared with the triumph of correct principles in the contest in which we are now engaged and the security of the Republic. It is better for us to suffer individual defeat than national disaster.

Sir, I beg the members of this House to remember that we are not acting for ourselves alone, but that on our action rests also the weal or woe of posterity. To us are committed the treasures of those who are to come after us; for what we possess we are indebted to those who have preceded us. We have discovered wherein they were at fault. The experience which we have, had it been possessed by them, would have saved us from the bitter trials through which we have passed. Whatever adjustment we may make of the great questions with which we are now dealing should be weighed in the balance of that impartial justice which preserves a just division between thought for ourselves and of care for those who in future time are to pass judgment on our action in the light of the experience it will provide for them. We will be recreant to our duty if we leave any of the work which we should complete to pass from our hands unfinished to trouble posterity. We now have the power to break the last hope of the enemies of this Republic. Divide the political power of the insurgent States between those who carried them into rebellion and the race which the rebellion emancipated, and we will have broken the last link in that chain of ambition and prejudice which bound the possessors of political power in the South into a common mass of hostility to the Government of the United States. This once accomplished and the people of those States will divide into parties so nearly equally balanced on all issues that there will be no longer danger to be feared from the doctrine of secession in whatsoever form it may be presented, whether by State action or by judicial decree. We will be safe and posterity will be safe; and here, in the language of J. Stuart Mill,

"I beg very strongly indeed to press upon the House the duty of taking these things into serious consideration in the name of that dutiful concern for posterity which has been very strong in every nation that ever did anything great, and which has never left the minds of any such nation until, as in the case of the Romans under the empire, it was already falling into decrepitude and ceasing to be a nation."

"Whatever has been done for mankind by the idea of posterity; whatever has been done for mankind by philanthropic concern for posterity; by

a conscientious sense of duty for posterity—even by the less pure but still noble ambition of being honored by them—all this we owe to posterity, and all this it is our duty, to the best of our limited ability, to repay. All of the great deeds of the founders of nations, and of those second founders of nations, the great reformers; all that has been done for us by the authors of those laws and institutions to which free countries are indebted for their freedom, and well-governed countries for their good governments; all the heroic lives that have been led and the deaths which have been died in defense of liberty and law, against despotism and tyranny, from Marathon and Salamis down to Leipsic and Waterloo; all those traditions of wisdom and of virtue which are enshrined in the history and literature of the past; all the schools and universities by which the culture of a former time has been brought down to us, and all that culture itself—all that we owe to the great masters of human thought, to the great masters of human emotion—all this is ours because those who preceded us have taken thought for posterity."

Sir, these golden sentences are worthy of England's great thinker. They present to us a rule of conduct which, if followed, cannot lead to disaster. They breathe the spirit of the American people of the days when our Constitution was formed, when it was declared:

"We, the people of the United States, in order * * * to secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

Mindful of posterity were they who made our Constitution; mistaken in some things, it is true; but in none which we may not now correct, in none which we do not know needs correction. If we will but do our duty as well as we know it, banishing those things from our deliberations which are but personal to ourselves or our party, we will leave to posterity little ground to complain of us. We know that impartial suffrage in the insurgent States would leave but little for posterity to quarrel over; but the fall elections lie between us and posterity, and some fear the result of the former more than they consider the welfare of the latter. If we were posterity and posterity us, our duty relative to our present action would doubtless be modified, and the result would be greater wisdom than we are likely to manifest. We will stop short of what most of us know we ought to do. I do not expect my amendment to be adopted, and even it stops short of what ought to be done. Loyal men, of whatever color, have more right to the ballot than have disloyal men, however white they may be. The Government needs friends at the polls rather than enemies, but the latter are more likely to get there in the rebel States than the former. If this be wisdom, the most made of it will be but little.

Mr. Speaker, I will vote for the best thing we can get as evidenced by the last thing upon which we may be called to vote; but I hope this may not be the amendment of the gentleman from Ohio, [Mr. BINGHAM.] I look upon that as the embodiment of our greatest danger. The President is opposed to the reconstruction policy of Congress. He is opposed to the execution of any other conditions precedent to the full representation of the rebel States in Congress than those which he has already imposed. Adopt the amendment of the gentleman from Ohio [Mr. BINGHAM] and the door is thrown wide open to the full representation of the rebel States in Congress without the least change having been made in the Constitution of the United States other than that abolishing slavery. Every rebel State may adopt the present proposed amendment of the Constitution, and thus become entitled to representation, and meet us with full delegations at the next session of this Congress, without a single change having in the mean time been made in the Constitution. The power which defeated the election of a Senator in New Jersey may defeat the proposed amendment of the Constitution in enough of the northern States to prevent it becoming a part of the organic law of the Republic. In view of this possible result I beg this House not to adopt the amendment of the gentleman from Ohio. Better keep these grave questions within our own control than to turn them over to the tender mercies of executive

influence and patronage; there may be more shovels in the land.

Mr. Speaker, I have passed beyond the limits of the time contemplated by me when I commenced these remarks. I can but hope that our present action will be as wise as I feel assured the ultimate result will be. We may determine these issues now or leave them to the future. We may be wise or foolish as we will, but the end will be what justice demands. We may advance or obstruct the solution of our national difficulties, but we cannot change the decrees of Him who of one blood made all of the nations of the earth. "Equal and exact justice to all men" is the short road out of all our national troubles. We may take this or some more circuitous route; both will end at the same point. We have our election between a short journey and a long one. We may reach the end by the former fresh and vigorous and strong, or we may arrive at it by the latter wearied and worn and ruined. I prefer the former; let those take the latter who choose; and if such there be, and I must be dragged along with them, I will go, but I shall enter my protest at the starting-point and hurry through as well as I may. And now, Mr. Speaker, that my views are upon the records of this Congress, I leave them to the judgment of the future, content to abide by the decree whatever it may be.

Mr. ROUSSEAU obtained the floor.

Mr. MORRILL. I move, with the permission of the gentleman from Kentucky, that this subject be postponed until Wednesday next.

Mr. LE BLOND. I ask the learned chairman of the Committee on the Judiciary one question in reference to the position he has taken. If I understood him aright, he said that it would be judicial treason for the Supreme Court of the United States to decide whether a State had the right to go out of the Union under the Constitution. I ask the gentleman the question: suppose Mr. Davis was on his trial and his counsel were to contend, under the Constitution, the State had a right to go out of the Union, the counsel for the Government denying it, what becomes of the duty of the Supreme Court under the law?

Mr. WILSON, of Iowa. I will state to the gentleman what I think to be the duty of the Supreme Court. It is simply to say to Mr. Davis's attorney and to the attorneys of the Government if they should join any such issue, "This is an issue which cannot be tried in this court."

Mr. LE BLOND. I ask the gentleman if it is not a judicial question, or a question with reference to the construction of the Constitution itself, and if it does not come within the jurisdiction of the Supreme Court.

Mr. WILSON, of Iowa. My answer to that is, it is not a judicial question in any sense of the term. It is a political question which the people of this country decided when they made the Constitution, and they have never, by constitutional or other means, conferred upon the Supreme Court of the United States any right whatever to entertain an issue of that kind, namely, to determine upon the question as to whether this is a Government or not.

Mr. LE BLOND. I ask the gentleman if it is not a question of construction of the Constitution purely, which the Supreme Court, above all others, is the proper tribunal to determine.

Mr. WILSON, of Iowa. I answer that it is not a question of construction. And I would like to ask the gentleman whether he believes it is a question which should go to the courts for adjudication.

Mr. LE BLOND. Why certainly I do. I believe it is a question that belongs to the Supreme Court as well as to the whole American people. I do not believe, for one, that a State can ever go out of this Union. I have repeatedly put myself on the record on that question; a State once in the Union, always in the Union. But when that question is once presented, as it must be if Jefferson Davis is put upon his trial, it must be decided. Because it is one ground of defense that he would make. If the States have not that constitutional power he is guilty

of treason, but if they have it he is not guilty of it. Hence it is a judicial question, and must be determined by the Supreme Court.

Mr. WILSON, of Iowa. As the gentleman has answered one question, I desire now to ask him another. Does he believe that Jefferson Davis has committed the crime of treason against this Government?

Mr. LE BLOND. Why, sir, I have repeatedly said I believe it. I believe that all those men who have taken up arms against the Federal Government are guilty of treason.

Mr. WILSON, of Iowa. I will state in reply to the gentleman that he has given a direct answer to the question which he first propounded to me. If Jefferson Davis has committed treason then of course the State of Mississippi had no right to go out of this Union. Now, he proposes to have Jefferson Davis indicted for the crime of treason, to have that indictment presented to the courts of the United States, and then to ask the judge to determine first whether there is such a thing as the crime of treason by proceeding to trial.

Mr. LE BLOND. Will the gentleman allow a moment? It is the gentleman's opinion that a State has not the right to go out of the Union. That is my opinion. But Salmon P. Chase, and quite a number of distinguished statesmen both North and South, have in days gone by held differently, namely, that a State had a right to go out of the Union. So that it is a question, and being a question, if presented to the Supreme Court it must be decided by that tribunal, the gentleman's opinion to the contrary notwithstanding.

Mr. WILSON, of Iowa. I do not know whether Chief Justice Chase ever expressed such an opinion or not. I do not believe he did, although, doubtless, the gentleman believes his own assertion, and has a reason for desiring this question to go to the Supreme Court. If Chief Justice Chase has already made up an opinion that a State has a right to secede, and should carry it out in the decision which the gentleman desires he should make on this question, of course Jefferson Davis must be acquitted.

Mr. LE BLOND. I say to the gentleman that I desire no such thing. I do not desire the Supreme Court to make any such decision, nor do I believe they will.

Mr. WILSON, of Iowa. Then the gentleman certainly does not believe that Chief Justice Chase, who will probably preside in the court which will try Jefferson Davis, primarily entertains the opinion which the gentleman attributed to him; because it is presumed if he does honestly hold that this question should be entertained by him in the court, he will decide in accordance with that opinion.

Mr. LE BLOND. I hope that the Chief Justice by this time has changed his opinions and become a much better man than he used to be.

Mr. WILSON, of Iowa. I am glad that the gentleman is increasing in his respect for the Chief Justice. Now, just a word more. I wish it to be distinctly understood that the doctrines which are contained in the remarks which I submitted this morning I believe to be not only good law but absolutely necessary for the safety and perpetuity of this Government. If we, as I then remarked, throw this question into the courts—a question which was decided originally by the people and subsequently by arms—we are unsettling the foundations of the Government, and we may find at some period in the future that courts made up by those who may have possession of the Government, in sympathy with this theory, will dissolve this Government by a decree of the court, or at least cast it into anarchy universal. Now, I do not want any such result, and therefore I did say, and I repeat it, that for any judge of the United States to entertain this question, decided at the commencement of the Government and since affirmed by the armies, would be judicial treason against the Government of the United States.

Mr. MORRILL. I now move to postpone

the special order until Wednesday next after the morning hour.

The motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. TROWBRIDGE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

An act (H. R. No. 493) granting a pension to Mrs. Joanna Winans;

An act (H. R. No. 216) for the relief of Cordelia Murray;

An act (H. R. No. 363) supplementary to the several acts relating to pensions;

An act (H. R. No. 345) for the relief of Christina Elder;

An act (H. R. No. 462) granting a pension to Mrs. Sally Andrews; and

Joint resolution (H. R. No. 142) authorizing the Postmaster General to pay additional salary to letter carriers in San Francisco.

LEAVE OF ABSENCE.

Mr. HOLMES. I ask indefinite leave of absence for my colleague from New York, Mr. HUBBARD.

No objection was made, and the leave of absence was granted.

Mr. BAKER. I ask leave of absence for three days for my colleague, Mr. Cook.

No objection was made, and the leave of absence was granted.

PENNSYLVANIA CONTESTED ELECTION.

Mr. MARSHALL. I rise to a question of privilege. I present additional evidence in the case of Koontz against Coffroth, and move that it be referred to the Committee of Elections and printed.

The motion was agreed to.

REPRESENTATIVES FROM MISSISSIPPI.

Mr. MARSHALL. I wish to present the credentials of Hon. A. M. West, a member-elect from the State of Mississippi.

The credentials were referred, under the rule, to the joint committee on reconstruction.

Mr. MARSHALL. I also present the proclamation of the Governor of Mississippi in regard to the representatives-elect from that State.

The proclamation was referred to the joint committee on reconstruction, and ordered to be printed.

SOLDIERS' AND SAILORS' UNION.

Mr. COBB, under leave heretofore granted to report at any time, reported back from the Committee for the District of Columbia, bill of the House No. 587, to incorporate the Soldiers' and Sailors' Union of Washington, District of Columbia, without amendment, and with the recommendation that it do pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. COBB moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

ANNA E. WARD.

Mr. TAYLOR, from the committee of conference on the disagreeing votes of the two Houses upon House bill No. 459, submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment to the bill (H. R. No. 459) granting a pension to Anna E. Ward, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from their amendment to said bill.

H. S. LANE,
JAMES GUTHRIE,
Managers on the part of the Senate.
NELSON TAYLOR,
P. SAWYER,
A. HARDING,
Managers on the part of the House.

The report of the committee of conference was agreed to.

Mr. TAYLOR moved to reconsider the vote. by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PAY OF THE ARMY.

The House then resumed the consideration of the special order, being House bill No. 450, to reduce and establish the pay of the officers and to regulate the pay of the soldiers of the armies of the United States, upon which Mr. WOODBRIDGE was entitled to the floor.

Mr. WOODBRIDGE. Mr. Speaker, I did not suppose that this bill would come before the House to-day. The reconstruction project was assigned for this time, and I supposed it would occupy at least until Wednesday. But as that has been laid aside I will briefly present the views I entertain respecting the bill which has been reported from the Committee on Military Affairs.

Sir, while I am opposed to the bill both in its principles and details, I do not intend to cast any insinuations against the committee or against any conclusions to which they have arrived, upon the basis that they, or any of them, have been swayed either by passion or prejudice. The bill proposes to equalize the pay of the officers of the Army and to diminish the expense of the Army; or, in other words, to diminish, in the aggregate at least, the pay of the officers.

If it did equalize the pay of the officers of the Army, so far as that goes it would meet with my approval. But I expect to show, in the very brief remarks I shall make, that instead of equalizing the pay of officers it takes away the equalization which now exists. If the bill provides for diminishing the pay of the officers of the Army, as it doubtless does, I oppose it in that regard, because it is wrong.

Any gentleman who will look at the past or consider the present, will, in my judgment, acknowledge at once that the pay of officers of the Army is not greater than it ought to be. The past demonstrates that officers who have died have left nothing except pensions to their widows and the charity of friends for their children. Scarcely an officer in the Army, to my knowledge, has died leaving a competence to his family. They have left to them a good name—a name made sacred by heroic deeds and by adherence to the Constitution and laws of their country, and they have left nothing else. Among the living, what is true in fact? Take them in Washington, where it is claimed that increased and improper pay is allowed. There are no officers here below the grade of a general officer who can meet those amenities of life which are cast upon them by reason of their position in society. There are no officers here who can keep their carriage; there are no officers here who can entertain their friends. And in despite of the pay the chairman of the Committee on Military Affairs complains of so much, they live in fear lest by the utmost economy they shall not be able to make the salaries which Government gives them meet the expenses of their families.

The gentleman from Ohio [Mr. SCHENCK] who has looked into this subject may, as he says, have no prejudice against the regular Army, and I am quite sure that if he had it would not, if he knew it, influence his conscious judgment. If prejudices do exist in his mind against this or that branch of the regular service, I am sure they arise without his knowledge of their existence. But the mechanism of the mind is more complicated than the mechanism of a watch, and unawares to himself, here and there may crowd in a prejudice or a feeling which, in spite of himself, might influence his judgment on this great question.

The first argument which the gentleman [Mr. SCHENCK] advances is that it is desirable to have an equalization of pay, so that the country may know what an officer of the Army receives. Sir, there are but two particulars under the present law where the pay of officers without particular inquiry cannot be known;

those particulars are in commutation for quarters and commutation for fuel. In different parts of the country the price for quarters and fuel varies so greatly that it cannot be known what the commutation is in such cases. It is to be determined by those who know, and who are presumed to be honorable gentlemen, that when commutation for quarters and fuel are allowed, they are to be furnished at the price which the officer is bound to pay in the locality where he is stationed.

Sir, independently of this, any one who takes it upon himself to inquire can know what the pay of an officer of the Army is. He can learn from the reports made yearly by the War Department that an officer of a certain rank is entitled to so many servants, so much allowance for servants and for servants' clothing, so many horses, so much allowance for the forage of those horses. Thus everything that relates to the pay is specified; and any one who takes the pains to inquire can ascertain what that pay is.

I am somewhat astonished that my friend from Ohio should make the complaint that the pay of Army officers cannot be ascertained. Why, sir, how is it with the civil officers of this Government? How many men in this country understand what is the pay of the Governors and secretaries of our Territories? How many men know the gross amount of the fees and emoluments of the collectors of the ports of Boston, New York, Philadelphia, and the other great ports of the United States? Who can tell how much these and hundreds of other officers receive under the civil administration of the Government? Their compensation cannot be ascertained except by the most diligent inquiry, far more diligent than that demanded to ascertain the pay of any officer of the Army? Yet we do not hear any complaint that the people do not know what this or that civil officer is paid. The people have faith in Congress that it will enact proper laws, faith in the Executive that those laws will be properly administered, faith in the heads of the Departments that they will exercise properly and honestly the prerogatives given to them under the law. So far as the argument goes it seems to me that it amounts to nothing.

But, sir, the gentleman from Ohio says that he desires to put the pay of the Army upon a par with the pay of the Navy. In that position I agree with him. Both branches of the service should be equally paid, I admit. If the pay of the officers of the Navy is not enough, I am ready to give my vote to increase it. When the great war broke out each branch of the service proved itself faithful. The country demanded and expected that both the Army and the Navy would do their duty, and neither failed. One produced, as its exponent, the modest and heroic Farragut, and the other the reticent, indomitable, and unconquerable Grant. Sir, they have all done their duty. They all deserve well of Congress and the country; and so far as we can, with due regard to the finances of the nation, we should see that the officers and men, both of the Army and Navy, who have borne our flag through the bloodiest war in the history of the world, shall receive a compensation which will at least enable them to occupy a respectable position in society.

It is impossible to place the pay of the officers of the Army and the Navy upon the same basis. It has never been done in any nation on the face of the earth. England and France pay their naval officers by fixed salaries. Yet in regard to the pay of the Army, both England and France, after the experience of more than a century, have adopted and now pursue the same principle which we have adopted and which is embodied in the existing law of the land. Why, sir, you cannot have commutation for fuel and quarters for a naval officer. His home is on the sea; his ship is his home. His quarters and his fuel are furnished to him there. In view of the necessities incident to his vocation, when he leaves the shore of his country,

he lays in a supply which costs him more than he will be obliged to pay in any foreign port.

And there is a sliding scale in the Navy. An officer in command of a vessel has not the same pay as an officer of the same rank in command of a squadron or a fleet. And officers of the Navy aboard ship have allowances which officers of the Army do not have. They are in mess and, as it were, one family aboard ship. The Government provides a steward for them, paid by the Government, who ministers to their wants and does all which a servant is supposed to do. When the officer goes ashore waiting orders he does not get the same pay. Even when on shore the pay of officers of the Navy varies. The pay of an officer of the same rank in the Navy is not the same at the navy-yards of Brooklyn, Portsmouth, Norfolk, and Charlestown. There is a difference of pay of officers of the same rank. Why? Because the expenses of living are greater at one place than at another.

The officers ashore at different places have different pay. When an officer is on shore duty he gets ordinarily his fuel and has his quarters. An officer waiting orders receives less pay than an officer doing duty, and simply because he is not in active service. He is supposed to hold himself in readiness for orders. The expenses of an officer waiting orders are greater than of an officer who has an indefinite leave of absence, and hence the pay of an officer waiting orders is larger than that of an officer who is on an indefinite leave of absence. The latter may take his family into the interior and live at such expense as he pleases.

But there is no waiting orders in the Army. An officer in the Navy arrives at port in command of a vessel which is laid up for repairs for a year or two has to wait for orders. He has to wait until the ship is put into commission again. During that time he is not actually in service. He is waiting orders. Now the officer of the Army has not that privilege. I think the leave of an officer of the Army is only sixty days, and if he stays beyond that his pay, or a portion of it, is stopped.

Mr. Speaker, the two branches of the service are entirely different. The officers of the Navy have prize money. The recent war is an exemplification of this benefit. More than a hundred thousand dollars—so the papers report, and I presume they never lie—have been given to officers of the Navy. If the Army capture cannon, arms, and material, no matter of what value, nothing is allowed either to the officer or soldier. The contrary is the case in England.

There when an officer of the army even loses his baggage in war he is allowed for it. The Duke of Wellington, in his Peninsular campaign, when he plucked the roses which Sir John Moore had planted, was allowed the sum of \$5,000,000 for property captured. And, sir, I believe that an officer in the Navy will lay up more money at the end of twenty years than an officer of the Army. Hence, I think there is no analogy between a proposition to regulate and equalize the pay of the officers of the Army and the law in regard to the pay of officers of the Navy. In the one case foreign nations, by reason of the character of the naval service, have been doing just what we are doing. In the other, both England and France, by reason of the contingencies and condition of the service of the officers of the army, have imposed just such regulations as are now imposed upon our officers, and allow just such commutations as we allow.

Now, sir, let us examine the present system and see where the necessity is of changing it. It is far easier to tear down a beautiful temple with its tasteful pillars, its graceful architecture, wherein all parts are orderly and harmonious, and its magnificent dome, than to build a better one. It is far easier to destroy social, civil, moral, or political institutions that have had the sanction of centuries than to build out of their ruins a more perfect and more just system. It will be far easier for my friend from Ohio, [Mr. SCHENCK,] with all his mili-

tary experience and knowledge, to destroy the present system, which has been applied to the Army for half a century, than to build up a new one that will either be better for the Government or more just for the Army itself.

Now, sir, what is the present system? Let us see whether it is equal or not. Why, sir, the officers of the English army get so much pay proper and certain allowances. They are sent from one quarter of the world to another; for upon the British domains the sun never sets. When they are not in locations where quarters and fuel are furnished they draw commutation. The French system is the same, only when they send an officer to Paris, instead of confining him to additional allowances, on account of the increased expenses they give him an actual increase of pay.

Where is the want of equalization in the Army? Every man of the same rank and belonging to the same arm of the service receives the same pay. And now the gentleman from Ohio, [Mr. SCHENCK,] denying this, proposes to make the pay certain according to the grade of service. It is indeed a Procrustean bed. It destroys that elasticity of the system which now exists, and which ought to exist in order to work justice.

Take the cavalry service. The pay proper of a cavalry officer is greater than that of the infantry or artillery. Why? Because the necessity of the service demands it, not because the cavalry is the favorite arm, but because the officers must furnish horses and their equipment from their own pocket. In view of this increased expense it has been determined that the pay of those officers should be greater than that of officers of the artillery or infantry.

Sir, at whatever point the officer is stationed the salary is the same. There is no difference between a colonel in Washington, Iowa, or California, except that there have been times when the pay has been increased in California on account of the very greatly increased expense of living. If two officers are similarly situated their compensation is the same. One colonel, for instance, is stationed in Milwaukee and another in Washington, both belonging to the infantry or artillery. Their pay is the same, and if they have been the same length of time in the service their rations are the same, and they are allowed the same number of horses and servants.

Officers must live. They are educated for the Army, they are supposed to maintain the dignity of our flag, and are called to mingle with and do their part in society, and in order to do so, wherever they are they are now obliged to exercise an economy unknown to men in the same social position who are in civil life.

For illustration, as to the present system, the price of quarters may be much higher in California than they are in Washington; fuel may be more or less expensive in the one place than in the other. What is the result? In each place the officer being detached and not allowed in kind, as the law provides, is allowed commutation according to the actual expense.

In California it may be one price and in Washington another, but whatever it is, the officer is allowed. Now, if an officer is ordered to Washington, there can be no favoritism shown him. He is allowed what quarters and fuel cost him in Washington. The officer stationed at San Francisco is allowed what quarters and fuel cost him there, so that an officer of the same rank in San Francisco and in Washington draws precisely the same pay. This is equitable; and I think I will be able to show before I get through that if this bill is passed it will destroy the equality of pay in a way that the gentleman, with his sense of justice, would not be willing to allow.

Now, this is not a new question. It is one that has from time to time been before Congress for the last fifty years. We have had at least three reports upon the subject from Paymasters General of the Army, and I do not suppose that an officer would so far forget his

position, his integrity, and his rank as a gentleman as to make a false report. In 1826 we had the report of Paymaster General Towson, when this question was up, and he by a process of reasoning, which to my mind is unanswerable, proved that the only just, equitable, and equalizing system that could be adopted in the pay of officers was the system then and now in force.

In 1856 the question came up again, and Paymaster General Larned was called upon by the Secretary of War to express his opinion. He adopted the report of General Towson and coincided with it, giving his opinion that the present is the most equal and economical system.

Then we come to 1866, when we have the report of Paymaster General Brice, a gentleman who, I believe, is the personal friend of my distinguished friend from Ohio, [Mr. SCHENCK.] He coincides with the views of Generals Towson and Larned, and adds a few additional arguments in support of the present system, which is sanctioned by experience of our own and other countries as the most just and equitable that has been devised.

Now, sir, I do believe that here and there is an old system which may be good. It is a sensible motto that "the world is governed too much." And in these modern days, if there is anything outside of armed resistance which will weaken the foundations of our Government it is the excessive legislation which modern reform imposes upon the country.

Why, sir, we have had a hundred propositions to amend the Constitution. Should they all be adopted, that sacred instrument, which has come down to us from our fathers, will be covered over with patch-work.

Now, sir, I sometimes like things because they are old. I like those principles of law which have come to us through the centuries and become a part of the common law. I do not much believe that modern civilization can improve, by new enactments, the old law; and yet, sir, at the same time, I have favored amendments to the Constitution, as the votes which I have given in this House will show.

This bill, sir, is an innovation upon this long-settled and well-adjusted policy of the country, and if passed, another Congress will be called upon to legislate for the benefit of this or the other class of officers.

It overthrows a system which has the authority and sanction of time and the intelligent judgment of those who know what the requirements of the country and the Army are.

It is amusing to hear the gentleman say that he wants to equalize the pay of the officers of the Army. Why, sir, is that so? I know it is said that there is a centripetal and not a centrifugal force so far as offices at Washington are concerned; that they are all seeking to come here and perform the duties of officers in the various Departments of the Government. Sir, I do not believe it. They are educated men, educated to arms; and when the first alarm of war was given, many of them, to my knowledge, desired to join the forces in the field. They preferred the paths of glory, though they lead but to the grave. But an officer may be in Oregon or in California; the head at Washington deems him to be possessed of those peculiar and rare qualities which fit him for a position at Washington, and issues his command to him to repair to Washington for that purpose, and he must obey the order or be dismissed the service.

The officers come to Washington because they are ordered, and not because they desire it. Their labors during the war is their highest encomium. Look at your brave chief, the Secretary of War; a man whose head is full of active, thinking, well-balanced brain; and whose heart is as pure and as tender as a woman's. And, sir, when the history of this war is written, as it will not be in your day or mine, Edwin M. Stanton will have a place in the scroll of honor but one step below that of the martyred Lincoln. He and all those under

him, in the Adjutant General's office, in the Quartermaster General's office, and the Commissary General's office, have so managed the affairs of the war that the nations of Europe, remembering how their troops in the Crimea were starved and frozen, have sent officers to our land to examine and ascertain how under the administration of such men in Washington we have been able to feed and clothe and arm a million and a half of men so that not one word of complaint has come from the length and breadth of this land. They gave to the soldier bravery and courage, for he knew that in due time, and when he required it, all that was necessary to his comfort would be at his hands; and that when he gave up his life for his country there would be some one there who would lay him in the pleasant shade and erect a little monument over his grave with his name upon it, so that when his friends should come there they could plant flowers upon and weep over his last resting-place. These are the gentlemen who it is said should no longer be allowed to remain in Washington.

Now, sir, the gentleman from Ohio [Mr. SCHENCK] ought to know that in England an officer cannot be assigned to the staff of the army until he has served in every branch and department of the army; and that in France where an officer is put upon staff duties he is obliged to serve one, two, or three years, or as long as may be necessary, in the different branches of the service in order to enable him to become acquainted with the various conditions and wants of the army.

Much has been said about officers in the field. No one has a higher appreciation than I have of the officer who, leaving behind him father, mother, wife, children, family, friends, and all, has taken his life in his hand and gone forth in defense of the flag of his country, and with a stout and resolute heart has stood up against the enemies of the country. I see one here who now bears upon him the honorable scars of battle; who went into the war from my own State, and came out with a record second to that of no one in the service of the country—suffering from a wound which almost proved fatal, going home to recover, and then returning, he was again wounded, and has lost his arm, but is still ready to do noble and fearless service for his country. He put his heart and his all upon the altar of freedom. And now, when such men have thus rendered faithful service, a bill is introduced to cut down their pay. Sir, I have no patience with such propositions.

But it is said that injustice has been done to officers in the field, and that too much has been done for officers of the staff. Let us see how this is. The officer in the field has had what the Government provides him to shelter his head; either a building or a tent. He has had such food as the Government allowed him. Does he complain? He has had all to which he is entitled. Does an officer stationed at Washington have more? He has enough more only to enable him to keep soul and body together. There has been no injustice to officers in the field.

But we hear much about the duty of officers in the field. Sir, the duty of an officer in the field in time of peace does not compare to the duty of an officer in Washington. The labor is not so great; the responsibility is not so great; the risk of life, taking all things into consideration, is not so great as it is in this pent up and dirty city.

Now, we will see how much the bill of my friend from Ohio equalizes the service. A colonel of infantry or a commander of a regiment gets in Washington or elsewhere \$3,000 a year—nothing more. Does not the gentleman know that when a colonel is in the field he gets in addition to his \$3,000 his quarters and his fuel, while the officer stationed in Washington does not by this bill? Take the case of a colonel in command of Fortress Monroe or Fort McHenry, or any other fort upon the seaboard or upon the lakes in the interior. What

is the difference? Why, sir, he is at a post, and he gets \$3,500. Besides, an officer at a post like Fortress Monroe gets his fuel and quarters from the Government for nothing. What is the cost of an officer's fuel and quarters in Washington?

The gentleman from Ohio, who is keeping house, knows something about what these expenses are, and so do I. He knows, as I do, that by the most rigid economy you cannot obtain quarters and fuel for less than \$1,500 a year. What is the effect, then, of this equalization? The man at Fortress Monroe or Fort McHenry, indulging in all the pleasures of life, having his quarters and fuel furnished him, with his wife and children around him, and with comparatively nothing to do, will receive under the operation of this bill \$2,000 a year more than an officer of the same rank on duty in Washington. The latter receives \$3,000, out of which he is obliged to pay for his quarters and fuel, \$1,500, so that he has \$1,500 left to live upon; while an officer of the same rank at one of these forts receives \$3,500, the whole of which he has for the support of himself and family.

Sir, go still further, and take the case of a second lieutenant of infantry. What is his pay under this bill? Sixteen hundred dollars. Take the case of the colonel. He is ordered to Washington. He is obliged to come. He must obey orders or be dismissed, though he may be about as willing to be dismissed as to obey.

A second lieutenant in the field gets \$1,600. A colonel in Washington gets \$3,000, of which \$1,500 goes for house rent and fuel, leaving him \$1,500 to pay for his living in this dirty and extortionate city. The colonel has only that amount to live on, whereas the second lieutenant of infantry or other branch of the service when in the field has quarters and fuel, and besides all these, which are furnished to him, he receives \$1,600 to live on; in other words, the second lieutenant gets \$100 a year more than the colonel who may have served in the field for twenty or thirty years and may happen to be stationed in Washington.

This is equalization with a vengeance. There is no equalization about it. The gentlemen admit the whole principle involved by the very amendments which they have offered. When they propose the amendments they give away the question, in the advocacy of which they have been so earnest. What do these amendments propose? First it is provided that a mounted officer at his post may draw forage. Instead of the longevity ration it is provided that there shall be a certain increase of pay at the end of every five years. And what does the gentleman from Wisconsin [Mr. PAINE] propose? That food shall be furnished to the officers wherever they may be stationed without adding the cost of transportation. When gentlemen offer these they give up the very proposition for which they have argued with so much zeal, cogency, and ability. They say impliedly that their proposed system will not do; that this Procrustes' bed will not do for our officers to sleep on.

With these amendments the bill is the same as the existing law with one or two exceptions, and those are in reference to servants, and servants' clothing, and commutation of quarters and fuel. And I have shown, I think, that these are eminently just. Now, sir, shall we say to an officer at San Francisco, who must obey you, that he must come to Washington with only \$1,500 to support himself and family? Shall we say, although he has no commutation for fuel or quarters, he must come to a city where his expenses are largely increased and support himself on that sum? Is that the way to support this great and honored branch of the Government? Is it right toward officers who have imperiled their limbs and lives in defense of the country? Is it the way to treat men who have borne our flag through the storms of battle riddled with bullets and now placed in the War Department as the symbols of vic-

tory and the evidences of the safety of the nation and restoration of the Union? Is such the way to treat them? The gentleman has too great a sense of justice, if he agrees with me in my premises, to resist the conclusion to which they force him.

I do beg and implore gentlemen not to vote blindly on this question. Do not take my *ipse dixit*. Do not take as law whatever my friends or the committee may say. The bill itself does not come before the House with the unanimous recommendation of the Committee on Military Affairs. It is a fair question of difference. It is a fair question of dispute. I ask gentlemen to inform themselves whether the bill works equity or not. Let them satisfy themselves whether if this bill be passed great injustice will not be done to valuable and worthy officers of our Army.

The gentleman from Wisconsin [Mr. PAINE] used the following language:

"For example, a colonel of infantry in the field receives for his compensation, including forage, only \$2,520. And yet when on service in Washington a colonel of infantry receives \$3,897. A lieutenant colonel of infantry in the field receives, including forage, \$2,436; in Washington he receives \$3,565 50. A major of infantry in the field receives \$2,148; in Washington he receives \$3,277 50."

It is very evident that a colonel or major stationed in a city is at much more expense than when stationed in the field.

And yet the difference between the compensation of an officer stationed at Washington or in the field does not amount to what the officer has to pay for his quarters and fuel here, so that in point of fact an officer of the same rank comes out better at the end of the year in the field than at Washington.

And yet we are told with an air of triumph by the gentleman from Wisconsin [Mr. PAINE] that officers stationed in Washington get more than in the field, and that there are only three officers who in point of fact receive less compensation than a member of Congress, a lieutenant, captain, and major. Sir, it depends upon where a member of Congress lives, and what mileage he gets. If he lives in Baltimore he is allowed only thirty-two dollars mileage. But mileage is adjusted upon a sliding scale, however erroneous or unjust it may be in the estimate of many. The pay instead of being \$3,000 is by reason of mileage greatly increased, so that the average pay of a member of Congress is better than that of an officer of the Army below the grade of general.

Take the case of a member from the Pacific coast, who receives the highest amount by this sliding scale. He receives for mileage six or seven thousand dollars, while the member from Vermont receives about four hundred dollars. It is a very elastic system, so much so that it was alleged two years ago in this House that of two members residing in the same county one drew \$1,000 more than the other.

The gentleman knows, moreover, that an officer of the Army can engage in no private business; when he does it he is stricken from the roll. But as regards a member of Congress, everybody is aware that he is detained here at most only about eleven months in the two years, so that more than half his time can be devoted to his chosen profession or pursuit. He can return from the session of Congress to his farm, his counting-room, or his office, to those avocations in which he is supposed, at least, to have been successful in life.

Then, the gentleman's illustration is a poor one. Sir, I do not hesitate to say, coming, as I do, from a section that is supposed to understand what economy is, that the pay of a member of Congress is not enough. I come here with my family—for I like family influences, which keep a man pure—but I know that no man can live here on the pay of a member of Congress, except by the greatest economy. I am sure I cannot do it, and my economical friend, the chairman of the Committee on Military Affairs, [Mr. SCHENCK,] tells us that he cannot. And yet, because we get just enough to starve us, must we starve the heroes of our

Army upon a like fixed compensation? Why, sir, the title of this bill ought to be amended so as to read, "A bill to provide for the gradual starvation of the officers of the Army."

But the gentleman from Ohio [Mr. SCHENCK] says that this bill will prevent officers from struggling and engineering for this, that, or the other post. Why, sir, under the existing law that cannot be done. Why? Because the pay of the officer of the same rank is the same, and hence it makes no difference to him in point of pay whether he goes to one quarter or another, whether he is stationed in Washington, New York, Boston, or Denver. His regular pay and allowances are the same wherever he is stationed, and if he is detached so that the Government does not supply quarters and fuel, then he is allowed simply the amount which he is obliged to pay for them.

But pass this bill and you will stir up the spirit of rivalry. The colonel who, when stationed here, has but \$1,500 for the support of himself and family out of his \$3,000, by going to Fortress Monroe or other post, can get \$3,500, with his quarters and fuel found him. Then would come the trouble. Pass the bill and you starve the officers in Washington, New York, Philadelphia, Boston, and other detached stations. They cannot live there upon their pay.

Now, sir, I have gone through the provisions of this bill at much greater length than I intended. What is its necessity? The memory of officers who have been true, faithful, heroic, honorable, and honest, who have served their country and gone to paupers' graves cries against it. No officer has received more than was absolutely necessary for the expenses of his position. The present system of pay comes to us sanctioned by a number of decisions in Congress, and by at least the decisions of three Paymasters General, and by the experience of half a century, during which no evil has been wrought under it. It is drawn from England and France—military nations which for a century have adopted the same principle that we adopt now in the payment of the officers of our Army.

Sir, the pay is not too much. It was not too much when the expenses of living were half what they are now. And now, just after this terrible conflict; just after the dove has come back to the window bearing the olive-branch; just after the dread conflict of arms; just after these officers have clothed themselves with glory, as patriots and brave men; at such a time as this, when expenses are double what they were before the war, gentlemen insist that "as a reward of their heroism, as a reward of their patriotism, as a badge of their glory, we should take away a portion of their pay, and make it less than it was before the war."

Sir, for one I do not believe in such a policy. I believe in letting well enough alone. I believe in adhering to systems sanctioned by time, when I can see no objection and no evil to the Government.

I say, then, "Let well enough alone." Do not trust to tearing down and building upon the ruins of what you have torn down, for nine times out of ten where a system sanctioned by experience and time is ruthlessly destroyed, and a new one built upon its ruins, you will find that you have made a fatal and inevitable mistake.

Mr. DUMONT. Mr. Speaker, it was remarked the other day by the gentleman from Pennsylvania, [Mr. THAYER,] who addressed the House upon the subject of this bill, and who took the same ground as the gentleman who has just taken his seat, [Mr. WOODBRIDGE,]—or rather such was the tone and tenor of his discourse—that this bill emanated from and had its origin in hostility to the regular Army. Sir, if any such motive as that actuated those who have brought forward this bill I do not know it. I am not a member of the Committee on Military Affairs, and know nothing with regard to their feelings upon this subject, but so far as that charge would apply to me I would say that it

has no application and does not fit. I favor the principle of the bill now under consideration, but I favor the principle of this bill out of no hostility to the officers of the Army.

The gentleman who has just taken his seat has been exceedingly eloquent in pronouncing their eulogy. I think he has said nothing in their favor to which many of them are not well entitled, that is to say, the great majority of them, and exceptions do not disprove a rule. The great majority of the officers of the regular Army are entitled to all the commendations bestowed upon them by the gentleman from Vermont, [Mr. WOODBRIDGE.] I would not pluck one single laurel from their brow, for upon the tented field, where the din of battle raged, they have won all the encomiums which the gentleman is so able and willing to bestow. I would feel myself unworthy of the constituency I represent, if, in advocating this bill, I stood up to cast one single word of reproach upon these men, these scarred veterans, these battle-worn heroes, these men with mutilated limbs. In legal parlance, there is such a thing as *suppressio veri* as well as *suggestio falsi*; and when a gentleman makes a speech which leaves a certain impression behind it, although he may not make a single false statement straight out through his whole speech, it may partake a little of the *suppressio veri* style of eloquence. With all due respect to the gentleman from Vermont, let me suggest to him that that is slightly, but unintentionally, of course, the character of the speech just made. Any outsider, not familiar with the law as it now stands upon this subject and with the bill now before the House, would go away with the impression that the object of the bill or amendment was to cut down the salaries of officers to a starvation standard, invite the wolf to their door, make patriotism a crime, and the profession of arms disreputable. I say, God forbid!

Mr. Speaker, I support this bill of the Committee on Military Affairs. I desire to have some amendment made; but the general principles commend themselves to my judgment. And yet if I believed that it was open to the charges made against it by the honorable gentleman from Vermont, [Mr. WOODBRIDGE,] and by the equally able and ingenious gentleman from Pennsylvania, [Mr. THAYER,] I would, in the language of the country, "drop it like a hot potato;" it would receive no support from me. I do not want to pay officers of the Army extravagantly, but I do want them to have a respectable salary; I want them paid in a manner worthy of the country they serve; I would adopt no starvation standard, no penny-wise and pound-foolish policy.

Now, it delights me to listen to the gentleman from Pennsylvania, [Mr. THAYER.] He is clear and forcible and logical in all that he says when not deluded or laboring under error, to which we are all more or less liable, in regard to the facts, and yet under such delusion he floundered terribly in his opposition to this bill. It is true that a stranger occupying a seat in the gallery, and not familiar with the Regulations of the Army, not familiar with the subject under consideration, would have gone away after listening to that speech and said that the gentleman had made a conclusive argument; and yet the gentleman from Wisconsin [Mr. PAINE] knocked his earth-works all to pieces, pulled away the abatis, jumped over the ditch, got into the citadel, and went in generally on his muscle. There was nothing left of his argument, and the gentleman himself, I kind of fancied, felt ashamed of it. Now, I can make a pretty good speech—that is, if I had the talents of my eloquent colleague [Mr. ORTU] who now sits before me, kindly giving me countenance and by a benignant smile yielding assent to my words, feeble and crude as they are—if I could have the privilege of manufacturing and imagining my own facts, or letting somebody else, not as honest as I am, do it for me. [Laughter.] But when the facts are taken away, vanished, gone glimmering, when it is found that the

superstructure has no foundation, what becomes of the argument?

I saw the gentleman from Pennsylvania [Mr. THAYER] go over and have a little private conversation with the gentleman from Wisconsin [Mr. PAINE] after the latter gentleman had concluded his remarks and taken his seat. I did not hear the conversation, nor did I ask anything about it. But I fancied, believing in the gentleman's generous frankness and willingness at all times to make the *amende honorable*, that it was a confession that he was vanquished. Such a confession, I know, would be honorable. I do not testify that he made it; it is all guess-work, and may be wide of the truth.

Now, how do you explain all this? How do you explain that one of the most intelligent members of this House gets up here and talks very sensibly and ably for an hour—that is to say, in view of his flimsy premises—and after he has spoken, another of great ability, it is true, but no abler than he, gets up and answers him, and it turns out that there is nothing in his speech at all? How do you explain it? I fancy I know exactly how it happens, and yet I do not know anything personally about it. Still I think I know how it was done, for I have been victimized in the same way, and sympathize with fellow-sufferers. "A burned child dreads the fire." I do not intend to be again.

I have had the honor, accidentally, on one or two occasions to be a member of the State Legislature; and sometimes I have been met by a friend in the lobby who has propounded to me such a question as this: "Did you notice such a bill introduced by such a member?" To which I would reply, "Oh, no, I did not notice it; it has not been brought to my attention." "Well, it is a great outrage, it is infamous, and you ought to oppose it." "Well, sir, if it is an outrage, if it is iniquitous, as you seem to suppose, I am entirely willing to oppose it. But I want you to post me in regard to it; to tell me in what its iniquity consists." An explanation would ensue, and I, believing him to be an honorable gentleman, who would not deceive or lead me astray, poor confiding man that I was, would give full credence to all he said; and acting on his information, make a speech corresponding therewith, all right on my part, so far as intention goes, but all wrong in point of fact.

But I soon found that I stood on a sandy foundation, that my facts were fallacies, and my argument of no value for want of something to stand on. I found myself riddled with bullets from every quarter, until, as the boys say, my hide would not hold corn-shucks. It taught me a lesson that I will not forget to the day of my death, that it is dangerous to be too confiding.

I fear the gentleman has fallen into just such hands, and that they have treated him no better than they did me, but of the two I must confess I was a little the worse sold. [Laughter.] Although an able lawyer—one of the ablest in the country, as all admit—yet he will pardon me for saying that he seemed to be not well posted on this particular subject. It was too plain he had given too willing an ear to some friend in whom he confided, and who had led him astray. Why, he did not seem to be conscious that an officer does not receive his rations in kind; and his own mistaken view on this point he gave as a reason why this whole system—a relic of barbarism, as I contend—ought not to be broken up. His argument was that officers ought still to be permitted to draw their rations in kind, as heretofore, and as he asserted the law now to be, because if that privilege was withheld, they could not live on the frontier where provisions are dear.

I forbear to dwell on this; it is cruel to criticize such delusions. It is enough to say that what he states as the existing law has not been the law for these many long years, but I am not prepared to say that it ought not to be the

law. Much has been said of the venerable character of the present law, and that we ought to be careful how we innovate upon the wisdom of ages. Now, old things may be very good. I am told that cheese and whisky improve with age; and very likely this is the case with some other things. But when I am convinced that any system of laws is essentially vicious and demoralizing, not such as ought to exist upon the statute-book, I will give my vote to wipe it out, no matter how long it may have continued. Hoary-headed error has no charms for me. I am, perhaps, wanting in veneration. I do not venerate it a bit. The gentleman fancies that he can see hostility to the Army in all this. But it exists, I think, alone in his imagination. We read that

"The lunatic, the lover, and the poet,
Are of imagination all compact.
One sees more devils than vast hell can hold;
That is the madman."

So with the gentleman from Pennsylvania. He could find some evidence of hostility, some ear-marks of it in every one of these sections. Why? Because these were a very meritorious class of men, who had done good service to their country, had taken their lives in their hands and gone upon the tented field where battles are lost and won; therefore he wanted to see no wrong done nor injury inflicted. I cherish the same emotions of gratitude, entertain exactly the same feeling, but I come to a different conclusion in regard to the best interest of these men and as it respects my own duty as a Representative of the people.

Now, Mr. Speaker, if these remarks of mine are not well founded; if they do injustice to the gentleman from Pennsylvania; if it should happen that he is right while I am wrong; if it should prove to be a fact that he has made no mistakes at all, while I say that every criticism he made was a mistake, it will be so understood by the country when his remarks and mine go forth. I may have spoken a little rough with no bad intent, but am consoled by the reflection that no one can be ultimately injured but him who is in the wrong, by letting truth and error grapple.

Why, sir, the gentleman says that this bill deprives officers of quarters; and there has been a terrible surge upon the subject of quarters. We are almost reminded of the old expression about Satan shearing swine—proceeds, more noise than wool. Yet this item of quarters is more restricted now than some suppose; I mean, of course, commutation of quarters. The gentlemen on the other side seem to be unwilling to let up on the subject of quarters. It seems to be a favorite theme, the harp of a thousand strings, the burden of their song. On that particular point they seem to be surcharged.

A case is cited of a colonel who has been on duty on the frontier or in the field, and is ordered to some duty at Washington city. He gets so much as an annual salary under this bill. He keeps his family here, and rents a house, not being permitted to commute quarters, which takes up half of his salary. In the first place, unless he is willing to foot the bill himself, he has no business to have his family tagging on his heels. He has no right to billet them on the Government. [Laughter.] They have no business with him, except as my family has with me at my own expense when away from their fixed home. You might as well say if a man took his family with him in an active campaign in face of the enemy, and bought a farm on which to settle that family where the fight was about to take place, that it would use up all his salary. Of course it would. It is presumed that a man who has been educated by the Government from boyhood to manhood, and who goes into the field, having adopted the profession of arms, has some fixed abode. That is a reasonable presumption. It occurs very much to me in that way. He is liable to be stationed, so to speak, at Washington to-day, at Boston to-morrow, and at San Fran-

cisco the next day. He is liable to be at one place one month on one duty and at another place next month on another duty, and so on; and if he rent a stately mansion at enormous rent at each place where his duty may take him, and bring his family to it, the gentlemen are not mistaken in supposing that it will eat up his salary, no matter what it is. We could hardly fix any salary that would meet such expenses, but it is a burlesque upon the profession of arms to suppose them legitimate.

In the field an officer is not now entitled to commutation of quarters. There is but a single case in which an officer is now entitled to commutation of quarters, and I will show presently that it is only paying his tavern bill. He is entitled to commutation of quarters in one predicament, and there is nothing in that one tried by the touch-stone of truth except paying his tavern bill. Whenever an officer of the Army is on duty with troops, the Government is bound to furnish him with quarters. If he gets the quarters in kind he is not entitled to commutation. It may be a tent. It may be rails sloped up against a fence, with a little straw thrown over them. It may be a thatched roof. It may be a manger. It may be a stable, or it may be a palace. Nothing is charged, one way or the other. The Government furnishes these quarters to the officer, and deducts nothing from his compensation, and will not, under this bill. This bill leaves it unchanged. In the case where an officer is entitled to commutation of quarters, let us investigate that to see whether I am right that it is nothing but paying his tavern bill.

The gentlemen who cling to this remnant of barbarism simply want the people to pay the tavern bill of these officers while they seem a little reluctant to let the people know it. I do not wonder at that; they might grumble. Suppose a colonel of cavalry or infantry or a colonel of the engineer arm of the service should be ordered to go from this city to Philadelphia to make an estimate of the cost of a certain fortification or to build one. He has no troops with him. He has no adjutant with him. He has no men with him. No military family as it is called. He does not even take a clerk with him. Why? He does not need these appendages. He goes to Philadelphia in the discharge of his duties. He goes to the best hotel and of course puts up there and applies himself to the duties for which he was sent. It takes him six months to perform them. At the end of six months he comes back here and enters upon another duty. Now, I ask, if you allow that officer commutation for quarters—not for office rent, for if an office is needed the Government is to furnish it—if you allow him commutation for quarters will you be doing anything more or less than paying his tavern bill? That is all there is in it.

Gentlemen seem to contend that every time an officer of the Government occupies a post, gets a room assigned to him by the Government by hook or crook, that it diminishes his compensation, that there is to be some kind of deduction on account of it. A greater error than that one could scarcely fall into. There is not a word of truth in it. The Government furnishes quarters, and an officer occupies them without charge or deduction one way or the other, under the law as it now stands, and that is just what he will do under this bill. In that regard there is no change where there is an actual occupancy of Government quarters, all we have heard to the contrary notwithstanding. Of an officer we might say, whenever he gets quarters he gets them; and when the Government gets any money of him for it it will do it good. But under certain contingencies that I have just named he gets commutation of quarters. It is very well indeed to make fine-spun theories in regard to this matter, but the better way is to come down to the regulations. What is written in black and white, what the law of the country is on the subject, will be found in sections ten hundred

and eighty and ten hundred and eighty-four, page 161, of the Regulations of the Army:

"1090. When public quarters cannot be furnished to officers at stations without troops, or to enlisted men at general or department headquarters, quarters will be commuted at a rate fixed by the Secretary of War and fuel at the market price delivered. When fuel and quarters are commuted to an officer by reason of his employment on a civil work the commutation shall be charged to the appropriation for the work. No commutation of rooms or fuel is allowed to the officers or messes."

"1084. Officers and troops in the field are not entitled to commutation for quarters or fuel."

Why? Because they get the quarters and the fuel, and it is simply absurd to talk of commutation for a thing furnished in kind.

I desire to say a few words more in regard to fuel. From what gentlemen have been saying one would naturally infer, if we did not know better, that an officer always got commutation of fuel. Now, it is the rarest thing in the world that an officer gets any such thing. I have been near five years in the service of the United States myself as an officer, part of the time during the Mexican war and the rest of the time during the late rebellion. I have been stationed at posts and I have been in the field. I have commanded posts, brigades, and divisions. I have been in West Virginia, in Kentucky, in Tennessee, in Alabama, and in Mexico. I was stationed in command of Puebla, in Mexico, and at Nashville, in Tennessee. And yet I never drew a single dollar at any time, nor did I receive a dollar for commutation of quarters or of fuel, because I was not entitled to it, and because the Government always furnished it. Fuel is public property. If the Government delivers to me ten cords of wood and I use up one half of it and am then ordered to another duty I have no right to appropriate the remainder to my own use, but the Government has a right to come around and take what is left. I cite the following section of the regulations in regard to fuel:

"1073. Fuel issued to officers or troops is public property for their use. What they do not actually consume shall be returned to the quartermaster and taken up on his quarterly return."

We had read to us the other day a passage from a very interesting volume called "Across the Continent." The object of it was, I suppose, if it had any application at all, to show the enormous price of provisions at Denver and at other posts on the Pacific slope. But that fact is of no consequence at all unless the officers there stationed had a right to draw their rations in kind, a right which has not existed for many years. It is forty years since the letter of Paymaster General Towson was written. It seems that at that time rations might be drawn in kind.

To proceed with the argument, take a colonel stationed where the ration is worth two dollars instead of thirty cents. He has no right at all to draw that ration in kind and then deduct the thirty cents. What he had the right to do under the old law—and that this bill does not change at all—was to draw commutation for his rations and then go to the commissary and buy the subsistence necessary for the support of himself and his family, paying the Government the cost price, less the expense of transportation. The regulations declare in so many words that rations must be commuted at the price fixed by the Government. And then section twelve hundred and thirteen provides that an officer may draw subsistence stores, paying cash for them at contract or cost price, without including cost of transportation, on his certificate that they are for his own use and the use of his family.

Suppose his rations or subsistence are hauled from St. Louis to Denver, part of the way in wagons. An officer, as the law now stands and under the present bill, though he cannot draw commutations for his rations, can go to the commissary and buy them at the cost price to the Government, less the cost of transportation. The truth is, as regards nearly every one of the criticisms, the law will be exactly the same after this bill has passed as it was before.

I suppose that every one of the gentlemen

who oppose this bill is willing to arrive at the truth in regard to the matter; and having heard so much about this thing of reducing the pay of the Army I concluded that I would institute a comparison; that I would lay the books down before me and see whether these charges were true, and if they were in any material and ruinous degree the bill should have no support from me. I have accordingly entered on the right-hand margin of this bill the compensation fixed by it and on the left-hand margin the compensation under the present law, and I propose to compare them in order to see how just the criticisms of the gentleman from Vermont [Mr. Woodbridge] and the gentleman from Pennsylvania [Mr. Thayer] are.

The Lieutenant General under this bill gets \$12,000 per annum. Under the law as it now stands he gets \$13,392. The gentleman from Vermont will bear in mind that I start out with what would seem to sustain his charge; and it does so so far as this officer is concerned. I am entirely willing to make the salary of the Lieutenant General \$15,000, for that matter. I should be very reluctant to vote against any sum for his salary, seeing where it would go to.

A major-general, under the law as it now stands, receives, exclusive of fuel, commutation of quarters, and forage, \$5,772, and under the law as provided by this bill he would get \$7,000 in one contingency, \$6,500 in another contingency, and \$6,000 in a still further contingency; graduating the compensation according to the character of the service performed. A discrimination is made in the amount of salary in favor of the hardest kind of work and the most valuable service to the country. Does that bear out the charge of the gentleman from Vermont? Did he not "waste his sweetness on the desert air" when he expended so much eloquence on the reduction of salaries? A reduction from \$5,000 and fuel, quarters, and forage, to \$7,000! It seems to me that it was a waste of eloquence, and that I should be wasting eloquence—were I capable of it—if I were to take up time in replying very much at length to that part of his very able speech. The gentleman is from Vermont and will pardon me for repeating what his fellow-countryman said, that "he hated to kick at nothing, it wrenched him so." [Laughter.]

We come now to brigadier-generals. I have already adverted to lieutenant-generals and to major-generals, and we have seen that neither of them is turned out upon the cold charity of the world without house or home. I come now to the brigadier-general. He receives, under the law as it now stands, \$3,918, with the other items mentioned, and under this bill, in one contingency he would receive \$5,500, and in another contingency he would receive \$5,000. Now, if that is ruining an officer of that grade, I imagine that he would like to be ruined every day of his life. [Laughter.] If that is such an enormous wrong that it cries to Heaven for vengeance, I suppose that he wishes all mankind to stand back and let him become its victim. [Laughter.]

We come down now to the office of colonel. Under the law as it now stands the colonel gets \$3,180 and the other items named. And bear in mind, Mr. Speaker, that in instituting this comparison I have taken the highest grade of compensation; that is to say, I have taken the pay of a colonel in the cavalry arm of the service. There is a very slight difference between the pay of officers in the cavalry arm of the service and those in the infantry arm of the service. In order to make the comparison most favorable to the gentleman from Vermont, I have taken the cavalry arm of the service. A colonel in that service receives now, under the present law, as I have stated, \$3,180 and the items named. Under the bill now pending, this terrible bill, this bill that is going to starve these men, and turn their children out of house and home, subjecting them to the merciless peltings of the pitiless storm, gives a colonel \$3,500, in one contingency, and \$3,000 in

another, according to the service he performs, a sort of *ad valorem* system.

We come now to lieutenant colonels. You will notice that I have mentioned lieutenant general, major generals, brigadier generals, and colonels, and the first officer we find whose pay is reduced, with the exception of the Lieutenant General—and everybody will consent to make that what anybody wants it made—is the lieutenant colonel. The diminution is very small. It is so small that it is hardly worth talking about. I know that the lieutenant colonels of the country would not regard it as a matter of any magnitude.

A lieutenant colonel of cavalry, under the law as it now stands, gets \$2,940. Under this bill he gets \$2,800 in one contingency, and \$2,600 in another. A major, as the law now stands, gets \$2,580; under this bill he gets \$2,500. A captain, under the present law, gets \$2,010; under this bill he gets \$2,000. A first lieutenant gets \$1,809, as the law now stands; and he gets \$1,800 under this bill. A second lieutenant gets \$1,770, as the law now stands; and under this bill he gets \$1,600 the next day after he comes out of the West Point Academy, having been educated by the Government scot free. After having had a free ticket through his education; the first day he enters the service he gets the salary of \$1,600 a year, and we see and hear gentlemen holding up their hands in holy horror and declaring that the poor boy will starve to death. I say that if he does, let him starve. The sooner the breed of such become extinct the better.

Why, sir, many of our circuit and of our supreme judges, who have devoted a life-time to the acquisition of the knowledge necessary to qualify them for those exalted positions, do not get more than is given to these young, beardless boys, who have been educated at the expense of the Government; that is, \$1,600 a year. And yet if one of those second lieuten-

ants should come here to Washington city, rent a palace, and put in it his wife and children, as the gentlemen have talked about—and he is likely to have about nineteen children, I fancy, judging from his tender years—[laughter.] it will take the whole of his \$1,600 to pay for his house rent, and there will be nothing left for the support of himself and his family. Now, as we say out West, that kind of an argument will not bear a bead; it will not bear the touch-stone of truth; it has neither rhyme nor reason nor justice in it. And I trust the members of this House will not be led astray merely by fine talk when figures and facts, which are stubborn things, nail those arguments as spurious coin to the counter and fix upon them their proper weight and value.

I would be in favor of this bill if it did not make a single farthing's variation between the compensation these officers now receive and that which they would receive under this bill. I favor it because it is a fair, open-handed measure. What it does it does above-board. The gentleman from Ohio [Mr. SCHENCK] said that under the law as it now stood it was very difficult for the people, the uninitiated and uninformed in the affairs of the Army, to ascertain what was the compensation of an officer of the Army. The gentleman from Pennsylvania [Mr. THAYER] replies, in substance, as I understood him, "Well, what of that? What if the people do not know? They do not have to pay any more on that account."

Now, this happens to be a Government of the people; the people here are the sovereigns, and if any man who may happen to get a little brief authority should set himself up above the people they will soon let him know who is master. The people of this country have to foot the bills, and any officer, whether he be a constable or President of the United States, is nothing under heaven but a servant whose duty it is to perform the behest of his master, the

people, for which he will receive his compensation at their hands. I hope the gentleman will pardon me when I suggest that it is hardly right for a representative of the people to stand up and say that they have no right to be informed on these subjects. I say, in all sincerity, they have that right; and that he who stands between them and that right will repent before he gets through that kind of business. No man in the country can stand up against the torrent of indignation that would pour down upon him should he dare go before the people and make a declaration that it did not concern them what the compensations of their public servants were.

The force of the argument of the gentleman from Ohio [Mr. SCHENCK] was felt by members here, and that is the reason they have tried to bring it down into ridicule. They knew that it was the truth; they knew it could not be denied that a military officer now receives his compensation, not by any determinate salary, but by such various allowances and commutations and circumlocutions that it would require all the ingenuity of a Philadelphia lawyer to determine what compensation he actually did receive. That is the true secret of all this fight over this bill. The compensation of an officer of the Army consists of various items; it should consist of but one single item, as a general rule, with such exceptions only as the absolute necessities of the case may demand.

Now, I do not want to bring this subject into ridicule. But I am almost tempted to read a pay-roll; the kind of paper a military officer has to make out before the paymaster will pay him the money that is due. I am almost tempted to do it, in order to show the kind of humbug stuff which has come down to us from an age of barbarism, the hoary-headed error that does not belong to this enlightened age. Here is the pay-roll of a colonel made out for a month:

No. 3.

THE UNITED STATES,

To JAMES SMITH, Colonel Third Regiment Cavalry, Missouri Volunteers.

On what account.	Commencement and expiration.		Term of service charged.		Pay per month.		Amount.		Remarks.
	From—	To—	Months.	Days.	Dollars.	Cents.	Dollars.	Cents.	
<i>Pay.</i>									
For myself.....	the 31st of May, 1866,	the 1st of July, 1866,	1	-	119	00	119	00	I hereby certify, on honor, that I am on _____ by authority of Special Order No.—, dated Headquarters _____
For 2 private servants, not soldiers,	the 31st of May, 1866,	the 1st of July, 1866,	1	-	32	00	32	00	
<i>Clothing.</i>									
For 2 private servants, not soldiers,	the 31st of May, 1866,	the 1st of July, 1866,	1	-	13	00	13	00	
			No. of days.	No. of rations per day.	Total No. of rations.	Post or place where due.	Price of rations.	Cts.	
<i>Subsistence.</i>									
For myself for — year service.....	the 31st of May, 1866,	the 1st of July, 1866,	30	6	180	Little Rock, Arkansas.			I hereby certify that I have seen the above-mentioned Order and noted this payment thereon.
For 2 private servants, not soldiers,	the 31st of May, 1866,	the 1st of July, 1866,	30	2	60				
					240		50	120	00
								275	00
									Paymaster.

I HEREBY CERTIFY, That the foregoing account is accurate and just; that I have not been absent, WITH OR WITHOUT LEAVE, during any part of the time charged for beyond the limits prescribed by existing laws; that I have not received pay, nor drawn rations, forage, or clothing, in kind, or received money in lieu of any part thereof, for any part of the time therein charged; that I actually kept in service the horses, and employed the private servants for which I charge, for the whole of the time charged, and that I did not, during the term so charged, or any part thereof, keep or employ a soldier as a waiter or servant; that the annexed is an accurate description of my servants; that for the whole period charged for my staff appointment I actually and legally held the appointment, and did duty in the department; that I was the actual and only commanding officer at the double-ration post charged for; and that no officer, within my knowledge, has a right to claim, or does claim, for said services for any part of the period charged; that for the whole time brevet pay is claimed, I had the command stated; that I was actually in the command of a company for the whole time additional pay is charged; that I have not been in the performance of any staff duty for which I claim or have received extra compensation during the time an additional ration is charged for; that I have been in the United States Army as a commissioned officer for the number of years stated in the charge for extra rations; that I am not in arrears with the United States on any account whatsoever, and that all dues to the United States for hospital indebtedness have been paid by me, and that the last payment I received was from Paymaster Major Jones, and to the 1st day of June, 1866. I at the same time acknowledge that I have received of Major James Smyth, Paymaster United States Army, this 1st day of July, 1866, the sum of two hundred and seventy-five dollars and — cents, being the amount and in full of said account.

(SIGNED IN DUPLICATE.)

Description of servants.						Recapitulation.		
Names.	Complexion.	Height.		Eyes.	Hair.	Pay.....	\$	
		Feet.	Inches.					
Jim Jones.....	Black.	5	8	Dark.	Black.	Subsistence		
John White.....	Black.	5	10	Dark.	Black.	Forage		
						Clothing.....		
						Amount.....		

Now, it may be said that the above is the perfection of all reason not divine, but I confess it does not seem so to me. It will be seen from the above that a colonel gets one hundred and eighty rations per month for himself and sixty for his servants, and yet he is not permitted to draw a single one of them, but is bound to take the commutation or take nothing. Who is wise enough, then, to divine why it is put down as rations at all, instead of being added to his pay proper as so much money? Who can tell, unless it was to throw mystery around the matter and keep somebody in the dark? Then look at the private servants for the clothing of which and monthly wages and subsistence an officer draws pay. Why not add all of these items to the pay proper at once, and let it be an honest gross sum that all may understand? In pronouncing this system the perfection of human reason, I presume that the descriptive list that is given above of the servants is included in the encomium. Oh, how important it is to set forth their complexion, and height in feet and inches, and the color of their eyes and hair! What amazing virtue that kind of stuff imparts to a pay-roll! How insipid it would be without that kind of information! I do not see how it could be improved unless there were a provision in the law requiring the weight to be set forth, such, for instance, as that the aforesaid Jim weighs one hundred pounds and the aforesaid John one hundred and fifty pounds, avoirdupois weight by Fairbanks's cattle-scales. If that provision was added it were as easy to garnish the stars as to add to the perfection of this blessed system, born, as we are told, of the wisdom of ages.

Mr. Speaker, a few years ago when a man wanted to convey a piece of real estate worth \$500 he was obliged to spread it out over four or five sheets of paper. And that kind of hoary-headed error was in vogue for years. And men were not wanting prepared to swear that the country would go to ruin if any change should be made in that regard. Yet I can now convey \$100,000 worth of real estate, the most valuable real estate in the whole country, and not use more than twenty words, and the conveyance is just as valid as this ancient parchment that has been handed down to us from the remotest period of the old English law. It was revered almost as much as the vicious system proposed to be abrogated by this bill.

Thus we have a glimpse, imperfect though it be, of the sublime wisdom handed down to us from a former age! This is the wisdom to trench upon which is sufficient to make the angels weep! This is the sort of hoary-headed error that we ought to continue from age to age and from generation to generation! And when the people, through their representatives, complain about it they are to be told that it is none of their business. This is what we are to say to the people who foot the bill, the hard-handed yeomanry of the country who furnish the money.

Mr. SCHENCK. Will the gentleman from Indiana allow me to correct him? He has stated that a colonel is entitled to draw for three servants twenty-four dollars. I would remind the gentleman of the fact that by an explicit act of legislation the officer is allowed for each servant the same compensation which is paid to a private soldier, making the commutation for three servants forty-eight dollars. And the allowance for clothing is increased to \$19.50.

Mr. DUMONT. That is true. I was aware

of that. My illustration was but supposititious, but the gentleman from Ohio will observe that I have made out the pay account of a colonel with care. My illustration was just like supposing that a man's name was John Brown, whereas John Smith would have answered the purpose of my argument just as well. I was simply trying to show the absurdity of claiming perfection for this vicious system.

I recollect a story that illustrates this whole thing. When I was in the Mexican war, an officer was allowed forage in kind, but was entitled to commutation for forage, according to the number of horses he had. The regulations prescribed, I will suppose, that a colonel was entitled to three horses, a brigadier general to five, a major general to seven, and so on clear through the chapter. A certain brigadier general, somewhat celebrated for his wagery when he was provoked into it, had drawn the pay for his horses, and was required by a superior officer, who suspected that he actually had not the full number of horses, to set forth their cost, so that, if they happened to get killed in service, their value might be known; that there might be documentary evidence in regard to what the Government would have to pay. That was the pretense. The real intention was to mortify the brigadier and compel him to tell a bigger lie than he told when he drew his pay. Still he made the report as ordered, and as supplementary thereto went on and gave the pedigree. He came down at length to mule, "pedigree unknown," [laughter;] value, "not worth a damn." [Renewed laughter.] And that is this beautiful system embalmed in the heart of the nation; a sacred thing not to be touched by sacrilegious hands.

Mr. Speaker, I fear I may be charged with making light of serious things. That is the reason why I want to wipe out this system, as one cannot talk of it without, seemingly at least, making a trifle of himself. He cannot do it and tell the truth without seeming to indulge in unbecoming levity and apparently turning himself into a mountebank.

I think every gentleman will agree with me in one thing. If the salary of every officer in the country was fixed in the same way, it would have a demoralizing influence. The tendency would be to demoralization. I do not say it would demoralize such a man as my colleague. I simply mean that is the tendency of the system. The tendency would be that only those could resist it who were, like him, of Roman firmness and able to stand side by side with Cato himself in the preservation of his integrity.

I said to a gentleman the other day that I had seldom seen a pay-roll which stated the exact truth in every respect, and all its details. He replied to me, "Have you then made out a pay-roll every item of which was not in accordance with the facts?" I told him that my pay-rolls were correct, and if they had not been I did not propose to testify against myself. The pay-roll of any honest man ought to be strictly true.

Take such a case as this. Six officers may mess together. They have three servants to wait upon them. Now, these three servants might go down upon every one of these officers' pay-rolls if they were dishonest, and count eighteen. There are no charges in regard to this practice. Too many in the same position, and he who lives in a glass house takes good care not to throw the first stone.

In regard to that part of the bill to which the

gentleman from Pennsylvania [Mr. THAYER] so well referred, I mean that concerning forage, I understand has been remedied by an amendment. It is true an officer cannot carry forage in his saddle-bags, and that he would find it difficult to get it on the frontier. The interest of the Government is that an officer should be well mounted. I understand that an amendment has been proposed disarming all criticism in this regard.

I simply propose, in concluding these remarks, to say that there are two distinguishing features between the law as it now stands and the bill which proposes to abrogate it, both of which are in favor of the bill. One is to give a fixed salary in lieu of these various items, the tendency of which is as I have already described. The other is to discriminate in favor of field duty. The law as it now stands discriminates in favor of post duty. The law as it now stands discriminates in favor of city duty. The law as it now stands discriminates in favor of staff duty. In my judgment, it is a vicious system, and ought at once to be abrogated.

The distinguishing glory of this bill is that it fixes a just and equitable system and holds out inducement for men to get into the field instead of getting into the city. A man to be a good military officer should be inured to hardship, day toil and night toil, sleeping on the damp ground with nothing but the canopy of heaven above to shelter him. If a man has been effeminated, if the nerve has been taken out of his arm and the strength out of his backbone by living in Washington, Philadelphia, or New York for a series of years, he is not fit to go into the field at all. This bill encourages that kind of service most valuable to the country. It encourages that kind of service which makes our heroes.

Now, having disclaimed all hostility to the Army or the officers of the Army, having disavowed any intention to decrease their pay in a ruinous manner, as charged, I declare it is my intention to give my vote in favor of this bill after the amendments which have been offered shall be adopted. It will be doing them no harm while doing a great deal of good to the service of the country.

Mr. DAVIS obtained the floor.

Mr. SCHENCK. I ask the gentleman to yield to me a moment.

Mr. DAVIS. Certainly.

Mr. SCHENCK. I am exceedingly desirous that this bill should be brought to a conclusion to-morrow morning if possible, and if there are two or three others to speak perhaps it might be well for the gentleman to go on half an hour to-day. I give notice that I wish to dispose of the bill to-morrow if possible.

Mr. DAVIS resumed the floor but gave way to

Mr. WOODBRIDGE, who moved that the House adjourn.

The motion was agreed to; and thereupon (at four o'clock and ten minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule and referred to the appropriate committees:

By Mr. DAVIS: The petition of N. Beardsley, J. W. Sterne, and 8 others, bankers, of Cayuga county, New York, praying for the modification of the act taxing the circulating notes of State banks after July 1, 1866.

Also, like petition of Henry Westfall, Henry Weed, and 89 others, merchants and business men of Onondaga county, New York.

By Mr. ELIOT: The petition of Elihu M. Mosher, and 366 others, citizens of New Bedford, Massachusetts, praying that a law regulating the hours of labor and fixing eight hours as a day's work in the employ of Government should be passed by Congress.

By Mr. HARDING, of Illinois: A remonstrance from citizens of Ruthtsburg, Illinois, against obstructive bridges over Mississippi river.

By Mr. HOLMES: The petition of Delos De Wolf, and others, citizens of Oswego county, New York, for modification or repeal of law imposing tax of ten per cent. upon banks paying out the notes of State banks after July 1, 1866.

Also, the petition of N. Higginbotham, and others, citizens of Madison county, New York, for modification of same law.

By Mr. J. M. HUMPHREY: The petition of John Cooper for American enrollment of the vessels Three Belts and Sweet Home.

By Mr. JULIAN: The memorial of L. H. Whitney, and 250 others, settlers on the Soscol ranch in California, praying for the passage of a joint resolution declaratory of the construction of the act of 3d March, 1863, relating to said lands.

By Mr. KELSO: Petition of citizens of Little Rock, Arkansas, for a law declaring the road from Fayetteville, Arkansas, via Cincinnati, Arkansas, to Fort Gibson, Cherokee nation, a post road.

By Mr. SCOFIELD: A petition from volunteer soldiers praying for a discharge.

IN SENATE.

TUESDAY, June 5, 1866.

Prayer by the Chaplain, Rev. E. H. GRAY.
The Journal of yesterday was read and approved.

REPORTS OF COMMITTEES.

Mr. EDMUNDS, from the Committee on Commerce, to whom was referred the bill (H. R. No. 477) further to provide for the safety of the lives of passengers on board of vessels propelled in whole or in part by steam, to regulate the salaries of steamboat inspectors, and for other purposes, reported it with amendments.

Mr. LANE, of Kansas, from the Committee on Indian Affairs, to whom the subject was referred, reported a bill (S. No. 253) for the relief of the trustees and stewards of the Mission church of the Wyandott Indians; which was read and passed to a second reading.

REFERENCE OF A BILL.

On motion of Mr. CONNESS, it was

Ordered, That the bill (S. No. 343) to quiet land titles in California be referred to the Committee on Public Lands.

BILL RECOMMITTED.

On motion of Mr. STEWART, it was

Ordered, That the bill (S. No. 287) to provide for the construction of a wagon road from Boise City, in the Territory of Idaho, to Susanville, in California, yesterday reported from the Committee on Military Affairs and the Militia, be recommitted to that committee.

BILLS INTRODUCED.

Mr. POMEROY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 351) to authorize the Secretary of the Interior to lease such of the public lands of the United States as are known as saline lands, or lands containing mineral springs, and to provide for the preservation and development of the same; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. NYE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 352) granting to A. Suto the right of way and granting other privileges to aid in the construction of a draining and exploring tunnel to the Comstock lode, in the State of Nevada; which was read twice by its title.

Mr. NYE. I move that the bill be printed and referred to the Committee on Public Lands.

Mr. CONNESS. I think that bill should go to the Committee on Mines and Mining.

Mr. NYE. It is for a grant of lands. It is simply a right of way and other privileges through the public lands. I think the reference I propose is proper.

The motion was agreed to.

Mr. HOWE asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 102) construing and giving effect to the joint resolution entitled "A resolution for the relief of the State of Wisconsin," approved July 1, 1864; which was read twice

by its title, and referred to the Committee on the Judiciary.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. LLOYD, its Chief Clerk, announced that the House had passed a bill (H. R. No. 587) to incorporate the Soldiers' and Sailors' Union of Washington, District of Columbia; in which it requested the concurrence of the Senate.

The message further announced that the House of Representatives had passed, without amendment, the bill (S. No. 203) to enable the New York and Montana Iron Mining and Manufacturing Company to purchase a certain amount of the public lands not now in market.

ANNA E. WARD.

The message also announced that the House of Representatives had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. No. 459) granting a pension to Anna E. Ward.

Mr. LANE, of Indiana. I ask that the Senate concur in that conference committee's report. It is simply to strike out words which were repeated twice in the act, a mere verbal inaccuracy. I have the report here and submit it.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment to the bill (H. R. No. 459) granting a pension to Anna E. Ward, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from their amendment to said bill.

H. S. LANE,

JAMES GUTHRIE,

Managers on the part of the Senate.

NELSON TAYLOR,

P. SAWYER,

A. HARDING,

Managers on the part of the House.

The report was concurred in.

OCCUPATION OF MINERAL LANDS.

Mr. CONNESS. I desire to give notice that at an early period, as soon as I can get the attention of the Senate to it, I shall ask for the consideration of Senate bill No. 257, reported from the Committee on Mines and Mining, to regulate the occupation of mineral lands and to extend the right of preemption thereto. We regard it as an important bill, and as it is getting late in the session, I hope the Senate will be ready to consider it when we call it up, which will be at an early period.

NAVAL PENSION FUND.

Mr. GRIMES. I move to take up Senate joint resolution No. 95.

Mr. DOOLITTLE. I hope my honorable friend will waive that motion so that I can ask the Senate to take up the unfinished business of yesterday's morning hour.

Mr. GRIMES. This resolution will not take more than a minute.

Mr. DOOLITTLE. Then I give notice that after it is disposed of I shall ask the Senate to proceed with the unfinished business of yesterday morning.

The motion was agreed to; and the joint resolution (S. R. No. 95) amendatory of a resolution regulating the investment of the naval pension fund, approved July 1, 1864, was considered as in Committee of the Whole. It proposes to amend the resolution approved July 1, 1864, entitled "A resolution regulating the investment of the naval pension fund" so as to require such portion of the fund as is ordered to be invested in registered securities of the United States to be made a permanent loan to the United States at six per cent. interest per annum in coin, payable on the 1st of January and the 1st of July of each year; but nothing herein contained is to be construed to amend or alter the resolution except so far as relates to the mode of investment.

The joint resolution was reported to the Senate without amendment.

Mr. GRIMES. I will state that the purpose

of this resolution is simply to change the law which now requires that the naval pension fund shall be invested in registered bonds of the United States. It is designed to make this a permanent loan to the United States by an act of Congress, so as to obviate the necessity which is now imposed by law on the Secretary of the Treasury to issue these bonds, and to go through all the forms that ordinary registered bonds are put through, and also to obviate the necessity upon the Secretary of the Navy of keeping these bonds after they are issued to him which are liable to destruction and loss. It invests this naval pension fund in the same way as the Smithsonian fund and several other funds are invested by the United States.

The joint resolution was ordered to be engrossed for a third reading.

Mr. FESSENDEN. I should like to inquire a little more about this subject. What is the amount of this fund?

Mr. GRIMES. About eleven million dollars.

Mr. FESSENDEN. This resolution, I understand, proposes to make it a permanent investment at six per cent., which would preclude us from making any change hereafter and attempting to make it less.

Mr. GRIMES. I will state that the resolution, as it is now before the Senate, is in the precise phraseology drawn at the Treasury Department, and I have a letter from the Assistant Secretary of the Treasury stating that it met the approval of the Secretary, and that the Secretary of the Navy also had been consulted. It dispenses with a great many formulas and a considerable amount of expense, and also obviates the risk which is now incurred by having these bonds issued.

Mr. FESSENDEN. The difficulty that occurred to me is, that this is proposed to be made a permanent investment at six per cent., as I understand.

Mr. GRIMES. It is to be a permanent investment, but the Government is now obliged to pay interest at six per cent.

Mr. FESSENDEN. By what law?

Mr. GRIMES. By all the laws that have been passed on the subject ever since 1803.

Mr. FESSENDEN. That is the case with the Smithsonian fund, but I did not know that it was so with regard to the naval pension fund.

Mr. GRIMES. It is the case also with the naval pension fund.

Mr. FESSENDEN. I think the resolution had better lie on the table until we can look into the subject.

Mr. GRIMES. I want to get through with it now.

Mr. FESSENDEN. I should like to see how it affects the laws on the subject.

Mr. GRIMES. Very well. I move that it be committed to the Committee on Finance.

Mr. FESSENDEN. I object to that. The Committee on Finance have enough to do without attending to this matter. The Senator had better recommit it to his own committee.

Mr. GRIMES. I do not want it. We have already considered it.

Mr. FESSENDEN. Then I ask that it lie on the table for the present.

The PRESIDENT *pro tempore*. It is moved that the joint resolution be laid on the table.

The motion was agreed to.

HOUSE BILL REFERRED.

The bill (H. R. No. 587) to incorporate the Soldiers' and Sailors' Union of Washington, District of Columbia, was read twice by its title, and referred to the Committee on the District of Columbia.

MILITARY ACADEMY BILL.

Mr. FESSENDEN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 37) making appropriations for the support of the Military Academy for the year ending the 30th of June, 1867, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House of Representatives recede from their disagreement to the third, fifth, and sixth amendments and agree to the same.

That the House of Representatives recede from their disagreement to the second amendment of the Senate, and agree to the same with an amendment as follows: in line two of the said amendment strike out the word "ten" and insert in lieu thereof the word "five," and the Senate agree to the same.

WILLIAM P. FESSENDEN,
JOHN CONNESS,
GEORGE READ RIDDLE,
Managers on the part of the Senate.
R. P. SPALDING,
S. M. CULLOM,
Managers on the part of the House.

Mr. FESSENDEN. The result is that the House recede from all their disagreements except one, and in that case they agree to our amendment with an amendment which reduces somewhat the sum that was appropriated by the Senate. If there is no objection to the report on the part of the Senate, I suppose it may be adopted at once.

The report was concurred in.

CLERKS OF INTERIOR DEPARTMENT.

Mr. DOOLITTLE. I now move to resume the consideration of the unfinished business of the morning hour of yesterday, Senate bill No. 282.

Mr. SUMNER. Will that take much time?
Mr. DOOLITTLE. I think not.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 282) to reorganize the clerical force of the Department of the Interior, and for other purposes, the pending question being on the amendment reported by the select committee, in section four, line four, after the word "Interior" to strike out the words "shall be the same as that now allowed by law to the Commissioner of Patents," and to insert, "namely, the Commissioner of Indian Affairs, the Commissioner of Pensions, and the Commissioner of the General Land Office shall be \$4,000 each per annum;" so that the section will read:

SEC. 4. And be it further enacted, That from and after the commencement of the next fiscal year the compensation of the Assistant Secretary of the Interior and that of the heads of the bureaus of the Department of the Interior, namely, the Commissioner of Indian Affairs, the Commissioner of Pensions, and the Commissioner of the General Land Office, shall be \$4,000 each per annum, &c.

The amendment was agreed to.

Mr. DOOLITTLE. In the same section four I move to insert the words "other than the Patent Office" after the word "bureaus" in line eleven, so as to make the clause read, "and that of the chief clerks of the bureaus other than the Patent Office," &c. The salary of the chief clerk of the Patent Office now is \$2,500 per annum. The reason why his salary is \$2,500 and ought to remain at that is that he is not only the chief clerk of the bureau, but he is the disbursing officer of the bureau, and has to give bonds in a large sum for the safety of the funds. The effect of the amendment I propose is to allow the salary of the chief clerk of the Patent Office to remain as it is now fixed by law, while if these words be not inserted the section would reduce his salary to \$2,250, which ought not to be done.

The amendment was agreed to.

Mr. CONNESS. I desire to inquire of the chairman of the committee why the Commissioner of Patents is left out of the officers enumerated in the fourth section whose salaries are raised.

Mr. DOOLITTLE. I will state to the honorable Senator that the Patent Office was created distinct by itself, and is paid, not out of the funds of the Treasury, but out of the fees which are received by the Patent Office. The Commissioner of Patents receives \$4,500 per annum by the existing law, and the committee thought it not wise to reduce that salary, although were they now to fix it they would probably fix it at the same sum as that proposed for the other heads of bureaus.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

Mr. SHERMAN. I have not resisted the progress of this bill because I did not wish to make any amendment to it, but now I desire simply to state the effect of the bill. I was

not a member of the committee organized to consider it and did not wish to interfere with its consideration by the Senate; but before it is finally acted upon the Senate ought to understand that the effect of the bill, although attempted, it seems to me, to be disguised to some extent, is to increase the salaries of all the clerical force of the Interior Department from ten to fifteen per cent. In other words, it pays three hundred and thirty-six employes in the Interior Department very nearly the same compensation that is now paid to three hundred and eighty-two. It is said that the three hundred and thirty-six will be sufficient to perform all the duties required in the Interior Department. I think so, too; but under existing laws the Secretary of the Interior can reduce the number of his clerks. The number decreased is forty-six, and the salary or compensation now paid to forty-six clerks is to be divided among the remaining employes.

My objection to this bill, and the only reason why I shall vote against it is, that in my judgment this is not the time to commence an increase of salaries, for of course the increase provided for in this bill, equal to about twelve or fifteen per cent., must run through all the various Departments of the Government. If this bill passes, as a matter of course the same claim will be made from all the different bureaus and Departments in Washington, extending to some two or three thousand employes, and having passed this bill we cannot resist their claims. Indeed, the business of the Interior Department is probably less onerous than that of the War Department or of the Treasury Department.

I do not wish to discuss the question, because the whole thing is in a nutshell. The increase of salaries amounts to about twelve or fifteen per cent. by the division among the remaining employes of the salaries heretofore paid to forty-six clerks. There is no trouble under existing laws in reducing the number of clerks; but under this bill the same persons will be employed and continued in office. There is scarcely a doubt of that. It is not contemplated to reorganize entirely the whole clerical force, but the same persons will be continued in office.

Mr. GRIMES. And the residue as temporary clerks.

Mr. SHERMAN. Perhaps so. I doubt very much whether there will be an actual decrease in the number of clerks; but if there is a decrease, it will only show that during the war, when we needed all the money we could get, they employed forty-six persons unnecessarily. That is the whole argument on which the bill is founded. I do not wish to argue it; I shall content myself with voting against it.

Mr. LANE, of Indiana. This subject was referred to a special committee on the motion, I believe, of the distinguished Senator from Ohio. That committee was constituted of the chairmen of the different standing committees the business of which was connected with the Interior Department—the chairmen of the Committees on Patents, on Pensions, on Indian Affairs, on Printing, and on Public Lands. We had before that special committee a letter of the Secretary of the Interior and a full exposition of his wishes on the subject. The committee then sent for the head of every bureau represented in the Interior Department. They all came before us in person, and gave us a full exposition of the present amount of clerical force and the amount contemplated by the bill. The bill is perfectly satisfactory, not only to the Secretary of the Interior, but to the Assistant Secretary, and to the head of every bureau in that Department. But the objection meets us here which is raised by the Senator from Ohio, that it is an increase of salaries. That is doubtless true, so far as the clerks retained are concerned; but there is a decrease of \$6,000 in the aggregate expenses of the Interior Department. It is the opinion of the Secretary of the Interior, and of the head of every bureau in that Department, that by reducing the clerical force by the amount of

forty-six clerks, and dividing their compensation among the remaining clerks retained, they will get a higher quality of clerical ability, and that the business of the Department will be administered more promptly and more efficiently. This, then, is no proposition to increase the salaries of clerks in one sense, although it may be in another, for the aggregate expense is decreased, and the efficiency of the service is increased.

The Senator from Iowa asks the question whether the clerks with whom it is proposed to dispense will not be really retained as temporary clerks. Under your present law temporary clerks may be employed; under this bill temporary clerks cannot be employed, for the number is limited and the compensation is limited. I have no doubt, then, that you will secure a greater and more efficient amount of service for \$6,000 per annum less, than you have at present. So far from the argument being good, that by raising the salaries here you are required to raise the salaries in all the other Departments, I hesitate nothing in saying that if the same kind of special committee was to-day raised, to reorganize and fix the compensation of the clerks in every Department of the Government, you might save from fifty to one hundred thousand dollars per annum, and satisfy the wants and requirements of the country much better than you do under the present system. I think there should be such a committee raised in reference to the War Department, the Navy Department, the Treasury Department, and the Post Office Department; and by reducing the number of clerks and paying a greater compensation to those retained, you would have more efficient service, more able clerks, and save from fifty to one hundred thousand dollars per annum. I do not see the argument resulting from the allegation of an increase of expense when we reduce the aggregate expenses of the Department more than six thousand dollars a year, and in the opinion of every man familiar with the subject get able and more competent clerks. That is the whole of it.

Mr. POMEROY. In reply to the remark of the Senator from Ohio, that if we pass this bill we shall also have to relieve the officers of the other Departments of the Government, it may not be improper to say that there is no Department of this Government now in which the heads of bureaus have not a larger salary, with the exception of the Post Office, than is proposed by this bill. If the Senator will refresh his memory, he will remember that the Comptroller of the Currency, to begin with, has \$5,000; he will remember that the Commissioner of Internal Revenue has \$4,000; he will remember that the Superintendent of the Coast Survey has \$6,000; he will remember that the Treasurer of the United States has \$5,000; and the Finance Committee, I believe, have already reported an addition to that which will make his salary, if we concur in their recommendation, \$6,500. When the law was passed reorganizing the supreme court of this District, the salary of the judges was placed at \$3,000, and we have since increased it to \$4,500; and all the heads of bureaus of the Navy Department have a salary at least equal to what is proposed in this bill.

Mr. GRIMES. Oh, no; they have \$3,500. Each one of the heads of bureaus in the Navy Department, except the chief of the Bureau of Yards and Docks, who draws pay as an admiral, has \$3,500.

Mr. POMEROY. I have not been able to learn exactly the sum received by the chiefs of bureaus in the Navy Department, from the fact that the amount that they receive is not precisely put down.

Mr. GRIMES. We have the exact amount in the Navy Register.

Mr. POMEROY. In the War Department we have a brigadier general at the head of each of these bureaus, which gives them a salary of at least \$5,000.

Mr. GRIMES. That may be, but it is not so in the Navy Department.

Mr. POMEROY. The head of the Coast Survey, and, I think, most of the heads of the bureaux of the Navy Department, receive a larger salary than this.

Mr. GRIMES. No, sir; none of the Navy Department except one. The Assistant Secretary of the Navy gets \$3,500 a year; the chiefs of the Bureaus of Navigation, of Ordnance, of Recruiting, and of Construction and Repair get \$3,500 each; and the chief of the Bureau of Yards and Docks, Admiral Smith, gets \$4,000, drawing pay as a naval officer.

Mr. POMEROY. My attention was particularly directed to the remark of the Senator from Ohio, that if we passed this bill the officers in the War Department would be here asking for an increase of salary. I directed my attention particularly in reply to that.

Mr. DOOLITTLE. I desire to remind the Senator from Kansas that during this session the salaries of the officers throughout the Navy Department have been increased, I believe, thirty-three per cent.

Mr. POMEROY. I did not know how much, but I knew their salaries had been increased somewhat. That will bring up the salaries of the heads of bureaux in that Department to at least \$4,000.

Mr. DOOLITTLE. The salaries of all the officers in the naval service have been increased, as I am informed.

Mr. SHERMAN, [to Mr. GRIMES.] Is that so?

Mr. GRIMES. There is no law of Congress about it, but the Secretary of the Navy has made an order on the subject.

Mr. SHERMAN. I should like to know if that is so. That is rather a remarkable statement, that the Secretary of the Navy has increased the salaries of the officers connected with that Department under an order.

Mr. GRIMES. The Secretary of the Navy has issued an order, under the law of Congress, commuting allowances of all kinds and paying to officers an increase upon the amount of their salaries, as fixed by law, in place of drawing it as commutation for rations, forage, and servants.

Mr. SHERMAN. Is that in the power of the Secretary of the Navy?

Mr. GRIMES. Yes, sir; he has the same power on that subject that the Secretary of War has. All the allowances of the Army are based on the Rules and Articles of War. There is no authority of express law authorizing commutation for quarters, fuel, lights, &c., in the Army.

Mr. POMEROY. If the Senator will investigate this subject he will see that we have actually placed the salaries in the Interior Department, if this bill should pass, so far as the heads of bureaux are concerned, lower than in the War Department, and I think lower than in the Navy Department. That was the understanding of the committee, in view of this increase of thirty-three per cent. that has been allowed by the Secretary of the Navy.

I will only add that in trying to report this bill according to the recommendation of the Secretary of the Interior and those who are best informed of what would promote the public service, the committee agreed to report it in the manner in which it has been reported. We do not increase, as has been stated, the aggregate expense, but we do undertake to secure the best class of men that can be employed by giving certain heads of bureaux more compensation than they have heretofore had, and we are informed that it is necessary. It was stated to us over and over again that they could not retain in the service competent men at a salary of \$1,800. By this bill a new grade at \$2,000 is created in each of these bureaux. They can retain men at that price in the service whom they cannot retain at \$1,800. The object of the Government is to get competent men in these places. As was said by the Senator from Maine yesterday, there is no difficulty in getting twelve hundred dollar clerks. There are plenty of those, and there is a great pressure for such places; but when clerks are

advanced to \$1,800 they become so familiar with the duties of the office and understand the laws, and especially in the Land Office the land laws so well, that they resign and go outside and commence practicing, and thus, in that way, the best officers are lost to the Department, because they can make more money outside than in the Department.

This increase was urged upon us strenuously, because these men have to decide most important questions. Every case in every land office in the United States where there has been a dispute and a contest is referred to Washington. Law questions, at least as important as the judges of our courts have to decide, are every day referred to the heads of these branches of the service, and they have to decide them. If a mistake is made, it takes months, to say nothing of the expense, in correcting that mistake. The branch that I particularly investigated requires not only competent but practiced and experienced men. A new man going in there is worth almost nothing in comparison with those who have remained for years. This clamor of turning out experienced and faithful and tried men and putting in new ones, although it is patriotic and commendable, will not promote, as I believe, the public service in that Department.

I was much interested in what the Senator from Maine said yesterday, from his own experience in the Treasury Department, that the service falls to pieces if left in the hands of inexperienced and incompetent persons; and that is the reason why we made this change. I am satisfied, from my own familiarity with the Interior Department, that the service will be greatly promoted if we can secure the services of the men whom we can obtain by giving them the salaries provided for in this bill.

Mr. DOOLITTLE. There are two or three verbal amendments necessary to be made as to the time when the bill shall take effect, as it may not pass until after the 30th of June. In the third line of the first section I move to strike out the word "next," and in the fourth line after the word "year" to insert "ending June 30, 1867;" so that it will read:

That from and after the commencement of the fiscal year ending June 30, 1867, the clerical force in the office of the Secretary of the Interior and in the several bureaux of the Department of the Interior shall be as follows, &c.

Mr. POMEROY. I thought we inserted that yesterday.

Mr. DOOLITTLE. As it did not come from the committee, it was not incorporated in the vote concurring in the amendments of the committee. I move this amendment of my own motion.

The amendment was agreed to.

Mr. DOOLITTLE. In the forty-ninth line of the first section I move to strike out the word "next" and insert the word "said;" so that it will read:

From and after the commencement of the said fiscal year.

And I also move the same amendment in the second line of the fourth section, to strike out the word "next" and insert the word "said."

The PRESIDENT *pro tempore*. Those changes will be made in order to make the bill correspond with itself.

Mr. SHERMAN. I should like to have a little more information as to the manner in which the pay of the Navy has been increased thirty-three per cent. because I must confess, if that has been done in my presence here, without my knowing anything about it, I should like to know when it was done and under what law it was done. If there is to be an increase in one Department of the Government, I would not stand here claiming that it should not be done in other Departments of the Government. I must confess that I am taken very much by surprise when I am informed that the pay of the Navy has been increased thirty-three per cent., and I should like to have some explanation from the Senator from Iowa about it.

Mr. GRIMES. I think I can inform the Senator without much trouble. By a law passed,

I think, in 1792, the Secretary of War was authorized to make rules and regulations for the government of the Army, which should have the same force and effect as laws of the United States, provided those rules and regulations did not contravene the laws of the United States. Such a law as that was not made applicable to the Navy, because the Navy Department was not created until 1798; and no law of that kind was in existence authorizing the Secretary of the Navy to make similar rules and regulations for the Navy until about three or four years ago, during this war. Under that law of 1792 has grown up the whole system of commutations that are allowed to officers of the Army. I think if the Senator from Ohio will examine the statutes of the United States he will find nowhere, except in regard to the longevity rations, any authority for commutation, &c. If he will examine the Army Rules and Regulations he will see that it is by the order of the Secretary of War. It was simply by an order of the Secretary of War that there was a double commutation allowed to officers stationed here in this place.

Mr. SHERMAN. I am familiar with that, and I think all of the Senate are familiar with that.

Mr. GRIMES. I shall be through in a minute. Up to 1835 officers of the Navy were allowed commutations for quarters, for servants, for fuel, for lights, and for transportation of baggage. In the law that passed, fixing the pay of the Navy, in 1835, there was an express prohibition against any such allowances being made in the future to officers of the Navy; but it was not made applicable to officers of the Army. When the naval appropriation bill was under consideration at the present session of Congress I offered an amendment repealing the law of 1835, and allowing the Secretary, therefore, under the authority that was vested in him by the act of Congress, to give commutation in certain instances. That bill was passed by both Houses and approved by the President. It is upon the authority, therefore, of the law as it stands, with that section of the act of 1835 stricken out of the statute-book, that the Secretary of the Navy has made an allowance to the officers of the Navy for the increase of their pay. It met the unanimous approval of the Committee on Naval Affairs of the Senate, and I understand it has met a similar approval of the Committee on Naval Affairs in the House of Representatives.

Mr. SHERMAN. I was once a member of the Committee on Naval Affairs, and I think we passed a pay law, and it was universally agreed that the system of commutation and allowance of the Army was not applicable to the Navy, and at the request of the officers of the Navy they had a fixed pay. That pay was increased, I think, on the motion of the Senator from Iowa; at any rate some changes were made when new grades were added.

Mr. GRIMES. No, sir, the pay was not increased and has not been during the war.

Mr. SHERMAN. Then there were some additional grades made and some changes in the law; but I did not know until this morning that under a provision inserted on an appropriation bill the pay of the Navy was increased thirty-three and one third per cent. I am now informed of the mode and manner of that increase; and I think the first duty of Congress is to fix by law a salary for the officers of the Army and the Navy. An abuse which has been ingrafted in the Army from time to time, and grown up as an admitted abuse, is now extended to the Navy. It seems to me the better way would be to establish the salary of both Army and Navy hereafter by law. If the pay of officers of the Navy has been increased in this way, I certainly do not object to the increase of the pay of such officers as the Commissioner of Pensions and these various officers five or six hundred dollars a year. If by a simple amendment ingrafted on an appropriation bill, when many of us were not present—certainly I was not—the whole pay of the Navy has been increased thirty-three per cent., I certainly will

not stand here resisting, in the interests of economy, the addition of a few hundred dollars to the pay of such officers as the Commissioner of Pensions and the Commissioner of Public Lands.

Mr. NYE obtained the floor.

Mr. GRIMES. Let me say a word to the Senator from Ohio. The average increase of pay that will be allowed to officers of the Navy under the order of the Secretary will not exceed \$200.

Mr. SHERMAN. Thirty-three per cent., some one says.

Mr. GRIMES. I say the average will not exceed \$200. Some of them only get twenty per cent. While in the Army the commutation exceeds the amount of the pay proper, I believe, one or two hundred per cent., the Secretary of the Navy was so anxious that it should not be run to an excess in the Navy that he has limited them to twenty per cent. in some instances, and the highest is but thirty-three per cent.

I will state, further, that that amendment in its present form perhaps might not have been adopted if it had not been that the House of Representatives utterly refused to make any sort of appropriation to supply quarters for the naval officers who were required to do duty at navy-yards. We were required to have from fifteen to twenty-five naval officers at the New York yard, as an example. The shore-duty pay of a lieutenant commander, stationed there, who has been in the service twenty-five years, would be only \$1,875, and he would be obliged to pay at least one third and in some instances one half of that for house rent alone. It was absolutely oppressive. The only way in which the evil could be obviated, as we thought, was to permit the Secretary in certain instances to allow a commutation. Men who are stationed in the yards and furnished quarters are not allowed by the order of the Secretary to have thirty-three per cent., but only twenty per cent. of an increase of pay, which to a lieutenant commander doing duty at a navy-yard would be about \$300.

Mr. DOOLITTLE. I hope we shall now have the vote.

The PRESIDENT *pro tempore*. The Senator from Nevada is entitled to the floor. The Chair will put the question as soon as the debate terminates, but cannot do so before.

Mr. DOOLITTLE. I beg pardon of the Senator from Nevada; I was not aware that he was on the floor.

Mr. NYE. I believe it is the duty of Congress to provide ample pay to the clerks and other officers, and in most cases I believe it is cheaper service when they are paid liberally; but I desire to call the attention of the Senate, before they vote on this question, to an organization that exists in these Departments, as appears in that loyal paper, the National Intelligencer, on the morning of the 30th of last month. I desire simply to read that, and submit it to the Senate, so that they may see whose salaries they are raising:

JOHNSON DEPARTMENTAL CLUB.

In the proceedings of this club last evening, upon motion of Richard H. Jackson, Esq., it was unanimously

Resolved, That the loyal papers of this city be requested to publish the preamble to the constitution of the club, which is as follows:

Whereas the present crisis of this country calls for a full and honest expression of political sentiment, and a firm adhesion to the Constitution of our land, and the cardinal principles of government as enunciated and established by our fathers; whereas the present Congress of the United States, in usurping the judicial and executive functions of the Government, in overriding all State authority and jurisdiction, in defying the manifest sentiments and wishes of a vast majority of the people of the country, is rapidly changing our republican system of government into a despotism as unmitigated as ever was that of Austria; whereas we are uncompromisingly opposed to all such inroads upon the established principles of the Government, and as unwaveringly indorse and support the past and present administrative policy of President Andrew Johnson, particularly that of the readjustment of the late rebellious States; and whereas as honorable men, holding office under his Administration, feel it incumbent upon us either to sustain him in his noble efforts to preserve the Constitution and the liberties of the people against the infractions of Congress, or, if opposing

him, to resign our positions for those who do sustain him; and whereas the political proscription by the several Departments of the Government of the friends of the President is a base imposition, and has become too flagrant and oppressive to be longer borne without remonstrance and resistance: Therefore, for the purpose of strengthening, as far as in our power, the hands of the Chief Magistrate of the Republic against all attempts by a radical Congress to subvert the Constitution and the Government; for the purpose of our mutual protection and support against the present intolerant proscription of the President's friends in the several Departments; and for the purpose of the free and candid expression and interchange of our political opinions and sentiments, we, employes and officers of the Government, do establish this, the constitution of the "Johnson Departmental Club" of Washington city, and cordially invite all employes of the Government in the District of Columbia, who indorse the object and purposes of this association, to join with us in the good work.

Upon motion of the same gentleman it was also unanimously

Resolved, That this club cordially indorse the late speeches of the honorable Secretaries of the Navy, War, State, and Treasury Departments, responsive to the invitation of the National Union Club; that the free, candid, and patriotic sentiments of the Secretary of the Treasury are in perfect keeping with his well-known personal and political integrity, are creditable to him alike as a patriot and statesman, and do honor to the Government he represents; that the able and candid response of the Secretary of War has rendered him still more prominent in the history of the country.

Resolved, That the replies of Secretary Harlan and Attorney General Speed were characteristic, and leave no room to doubt—as long generally believed—but what they are opposed to the President's readjustment policy; that they are but clogs in the machinery of the Government—obstacles in the way of the early restoration of the Union—prejudicing equally the success of the President's administration and the welfare of the country; that, as Cabinet officers hostile to the avowed policy of the President, they manifestly retain their positions in bad faith for sinister and ulterior purposes, and to embarrass, as far as they can, his attempts to heal the wounds of the country. Being, at least, opposed to his policy, they are incapable of rendering him that assistance and earnest cooperation essential to its complete success, and should give place to others more worthy and competent who can. That justice to the people and to the Government, and the necessities and welfare of the country, alike demand their immediate resignation or removal.

ROBERT WRIGHT,
President.

FERDINAND L. SARMIENTO, Secretary.

I should like to inquire of the Senator from Wisconsin if the head of this club is one of the men whose salaries he proposes to raise.

Mr. DOOLITTLE. I do not know the name.

Mr. NYE. His name is Jackson.

Mr. DOOLITTLE. He is not in the Interior Department that I know of.

Mr. NYE. This document is signed by Robert Wright, president; Ferdinand L. Sarmiento, secretary.

Mr. DOOLITTLE. No such names have appeared in the Interior Department, to my knowledge.

Mr. NYE. We have got so accustomed in Congress—

Mr. WILSON. This man Jackson is a clerk in the Second Auditor's office, one of the "chivalry."

Mr. NYE. I have not the honor of knowing the gentlemen who thus undertake to control and abuse Congress. We have got so accustomed to receiving rebuke from certain quarters that it ceases to hurt; but I insist upon it that a class of men who are here asking for favors at the hands of Congress, the clerks of these Departments, should be the last to attempt to control the action of Congress or to abuse its members.

Now, sir, I move that this subject be postponed until we can ascertain whether the officers of this departmental club are to be the recipients of the benefits of this increase of salary, and whether it is the object of this departmental club and of this bill to so cut down the number, and you always find the honestest men having the lowest salary, as to get rid of those men as clogs in this departmental club or not. I hope that this Senate, in view of its own dignity, that this Congress, in view of its own sense of propriety, before voting to increase the salaries of these men, will know whether it is these arraigners of the representatives of the country that are to receive the benefits of this increase of salary.

Mr. President, having stood such attacks

from all other quarters without perceiving any symptoms of being hurt, I insist upon it that when these clerks attempt, with an insolence that has never before been equaled, with an impudence as unparalleled as the assertions from other quarters, imitating others in their expressions, to abuse the representatives of the people they shall not receive increased salary, increased facility for abusing the power from which they draw their nourishment and support. I therefore ask that this subject shall be postponed until we can inquire whether, while the men that in this "loyal" paper, the National Intelligencer, of the 30th of May, arraign Congress as usurpers and as establishing a despotism and tyranny here equal to Austria, are hitting us on one side of the head with a club, we shall open the pockets of the Government to give them increased facilities for hitting us again. I should like to have the Senator from Wisconsin take time; I do not suppose he is prepared now, for he never speaks without due preparation; I want him to investigate this subject and report "in brackets," as he has in this bill what is proposed to be stricken out, whether or not these departmental clubs exist and whether they are for the object set forth in this paper, whether the object is to bring every clerk in the Departments to support the President in his policy or to turn him out, and whether this bill is to aid in it. I insist upon it that this bill should not pass until the Senate has an opportunity to examine that matter.

The PRESIDENT *pro tempore*. It is moved that the further consideration of the bill be indefinitely postponed.

Mr. CONNESS. The motion was not for an indefinite postponement.

Mr. NYE. Temporarily, for a day or two.

The PRESIDENT *pro tempore*. The statement was until certain facts could be found out about a certain paper, which is of course an indefinite postponement.

Mr. DOOLITTLE. The Senator rather appeals to me personally. If I did not really suppose he was jesting this morning I should take it seriously; but it certainly is a supreme jest for him to quote that long article from the Intelligencer and make that have any sort of application to the bill that is now pending before the Senate. The bill before the Senate, it is true, increases the salaries of the Commissioner of Pensions, the Commissioner of Indian Affairs, the Commissioner of the General Land Office, and it increases the salaries of some of the principal clerks and heads of divisions in those bureaus and decreases the aggregate number of clerks in the Interior Department.

Mr. NYE. That is what I complain of. Is it to put out the men who do not maintain "the departmental club" and raise the salaries of those who remain?

Mr. DOOLITTLE. Not at all.

Mr. NYE. That is what I want to see.

Mr. DOOLITTLE. I hope the honorable Senator from Michigan will give way calling up the order of the day that we may dispose of this question.

Mr. HOWARD. I insist on the order of the day.

Mr. DOOLITTLE. This is an important matter.

Mr. CONNESS. Let it go over until tomorrow.

Mr. DOOLITTLE. All the amendments have been passed upon, and it is simply a question on the passage of the bill. I should like to have it disposed of this morning.

The PRESIDENT *pro tempore*. The morning hour having expired, the unfinished business of yesterday is in order, and it can be laid aside, except on motion, only by unanimous consent.

Mr. DOOLITTLE. If the Senator from Michigan insists—

Mr. HOWARD. I must insist on calling up the unfinished business of yesterday.

RECONSTRUCTION.

The Senate, as in Committee of the Whole,

resumed the consideration of the joint resolution (H. R. No. 127) proposing an amendment to the Constitution of the United States, the pending question being on the amendment proposed by Mr. DOOLITTLE, to strike out the second section of the proposed article and insert in lieu of it the following:

After the census to be taken in the year 1870, and each succeeding census, Representatives shall be apportioned among the several States which may be included within this Union according to the number in each State of male electors over twenty-one years of age qualified by the laws thereof to choose members of the most numerous branch of its Legislature; and direct taxes shall be apportioned among the several States according to the value of the real and personal taxable property situated in each State not belonging to the State or to the United States.

Mr. POLAND. Mr. President, the few observations which I propose to make are addressed to the general merits of the proposition which is before the Senate, but some of them are addressed to the very point of this pending amendment. I read in a morning paper that it was expected that I would present some important and new views upon the subject. The views that I shall present, Mr. President, may be important in the sense that almost any view that any man may present who has a vote to give on such a subject is important; but that I shall be able to say, after six months' discussion of this subject, anything new is more than I expect.

Mr. President, all the questions involved in the proposed amendments to the Constitution have been so elaborately and ably discussed on former occasions during the present session that I do not feel at liberty to attempt to argue them at length and in detail. I do not propose to do more than to state, in the shortest and plainest manner I am able, some of the reasons for my action upon the propositions submitted to us by the committee.

The clause of the first proposed amendment, that "no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States," secures nothing beyond what was intended by the original provision in the Constitution, that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States."

But the radical difference in the social systems of the several States, and the great extent to which the doctrine of State rights or State sovereignty was carried, induced mainly, as I believe, by and for the protection of the peculiar system of the South, led to a practical repudiation of the existing provision on this subject, and it was disregarded in many of the States. State legislation was allowed to override it, and as no express power was by the Constitution granted to Congress to enforce it, it became really a dead letter. The great social and political change in the southern States wrought by the amendment of the Constitution abolishing slavery and by the overthrow of the late rebellion render it eminently proper and necessary that Congress should be invested with the power to enforce this provision throughout the country and compel its observance.

Now that slavery is abolished, and the whole people of the nation stand upon the basis of freedom, it seems to me that there can be no valid or reasonable objection to the residue of the first proposed amendment:

Nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the law.

It is the very spirit and inspiration of our system of government, the absolute foundation upon which it was established. It is essentially declared in the Declaration of Independence and in all the provisions of the Constitution. Notwithstanding this we know that State laws exist, and some of them of very recent enactment, in direct violation of these principles. Congress has already shown its desire and intention to uproot and destroy all such partial State legislation in the passage of what is called the civil rights bill. The power of Congress to do this has been doubted and denied by persons entitled to high considera-

tion. It certainly seems desirable that no doubt should be left existing as to the power of Congress to enforce principles lying at the very foundation of all republican government if they be denied or violated by the States, and I cannot doubt but that every Senator will rejoice in aiding to remove all doubt upon this power of Congress.

The second article of the proposed amendments involves many considerations, and opens a much wider field for discussion. I suppose it is the purpose of the Union Republican majority in Congress, when they shall have agreed upon articles of amendment to the Constitution to be proposed for adoption, to say to the southern States which seceded, joined the confederacy, and waged war against the national Government, that as preliminary to their again becoming acting members of the national Union by their Senators and Representatives in Congress they must adopt or ratify such amendments. Indeed, one of the bills reported by the committee, accompanying the proposed amendments, proposes this directly, and is a part of the committee's plan of reconstruction. It is objected in the outset to this that the States and people who have remained loyal to the Government during the war for the suppression of the rebellion have no right to affix such or any condition whatever to their return; that, having laid down their arms and ceased active hostilities against the nation, and acknowledged their allegiance and willingness to obey the national laws, no reason exists why their representatives should not be immediately admitted to their seats in Congress and participate in the legislation for the nation; and that to refuse this is really to deny to those States their proper constitutional rights.

No public or political question has ever arisen in this country that has excited more ingenious and earnest debate than the legal and political condition of the seceded States after the suppression of the rebellion by the military power of the nation. The discussion began long before the war ended, and before there was occasion for any practical application, and it has continued ever since. I do not purpose to go into this question or to attempt to prove by argument that these States did or did not lose or forfeit their corporate existence as States by their acts of secession and rebellion, or that they are now in or out of the Union. I may say, however, that I was never able to see as clearly as others could anything so illogical and absurd in the doctrine that these States actually forfeited their rights as States and lapsed into the condition of Territories belonging to the Government, requiring reorganization and readmission into the Union as much as if they had never been admitted. Their acts of secession were of course entirely void, and of themselves had no effect; but when the great majority of the people of these States abandoned and forswore all allegiance to the Union, formed themselves into a hostile confederacy, filled every official place in the State with enemies of the Union, and then used all the official machinery of the State, in common with the personal efforts of the great majority of the people, in carrying on for years a bloody war against the nation, it seems to me almost absurd to say that the nation might not, if it so elected, treat them as having forfeited all rights to be considered existing States in the Union, and treat them when subdued as so much unorganized territory.

The difficulty now lying in the way of taking this ground and basing the reconstruction or restoration of the seceded States upon it is that the national Government has hitherto, from the beginning of the rebellion down to the present time, proceeded upon the opposite theory; that is, that the States, as such, still existed; that the corporate life of a State was not lost or destroyed by the passage of ordinances of secession or the prosecution of armed hostility by the majority of its citizens. All departments of the national Government having for so long acted upon this ground, it would be exceedingly embarrassing to unsay

and undo so much that has been said and done; indeed, it could hardly be done without greatly aggravating and enhancing the difficulties with which the subject of restoration is now beset. Nothing short of absolute necessity could now justify the Government in ignoring State existence in the members of the late confederacy and reducing them to the condition of unorganized territories.

Is it necessary for the protection and safety of the always loyal part of the nation to do this? May we not without this require such guarantees and conditions from the seceding States, prior to allowing them to participate in the general direction and government of the nation, as in our judgment the national safety requires?

By the most formal and solemn acts of legislation these States withdrew or attempted to withdraw from the national Union; they abjured all allegiance to the national Government; they withdrew their Senators and Representatives from the national Legislature; they formed themselves into a separate and hostile confederacy, of which each of these States was a constituent member; and for four years as a separate nation of States, and by the individual action of the great majority of their people, they made most cruel and unrelenting war against the loyal part of the nation.

Now, conceding that all this did not destroy the corporate existence of each or either of these States as a legal essence, it must be admitted that all actual existence of legal relation or connection between those States and the national Union was severed and destroyed. It cannot be claimed that while these States were acting as States in the confederacy and occupying the position of armed and hostile belligerents toward the United States they were at the same time entitled to claim and exercise the rights of States in the Union; to be represented in its Legislature, and participate in its Government. We succeeded by our superior physical power in overthrowing and crushing this hostile confederacy, and compelled them to lay down their arms. Now, before these States can resume their former places in the Union loyal State governments must be instituted and take the place of the disloyal ones that have existed, and then the legal relation and connection between them and the General Government must be restored by some power or department of the General Government.

Now, in what department of the national Government does this power rest to say when the people of the insurgent States have returned to loyalty, whether the State governments set up anew are really and truly loyal, and then to restore the broken and severed legal relations between them and the Union? Clearly, in my judgment, it must rest in and with the law-making power of the Government, the representatives of the States and the people, the two Houses of Congress. In the progress of reconstructing or restoring these States to loyalty and their former position in the Union, the executive department of the Government has assumed to dictate terms and conditions to those States, which they complied with. The terms and conditions imposed were wise and just in themselves, and I do not take it upon me now to say they were not rightfully exacted by the Executive. But I do say that, in my judgment, there is far more ground of doubt as to the rightful power of the merely executive branch of the Government to do this than there is as to the power of Congress, the substantial law-making power of the nation, to exact the same or other like conditions.

It has been said that unless these States have really forfeited their State existence and are out of the Union, we have no more right to exact or impose conditions to their return than we have to impose similar terms upon New York or Ohio; that a State cannot commit treason or forfeit its existence by the commission of crime. But there cannot well be a State, exercising and performing its functions as such, without people; and the idea of the existence of a State in harmony with and yield-

ing loyalty to the Union, and the people who inhabit it at the same time armed and hostile rebels, is certainly an anomaly.

Now, the people of these States are the same who have been rebels, the same with whom we have been at war for years, and from whom we have just succeeded in wresting their arms. Now, can it be possible that we are at once bound to admit these people to actively participate with us in administering the General Government; that we have no more power or right to test their loyalty or require security for it than we have of the people of a State which has always been loyal and true? It seems to me to be confounding all distinction between right and wrong, between innocence and crime, between loyalty and treason.

It is said there is no warrant in the Constitution for such a course, and therefore we cannot do it. The truth is, the framers of the Constitution never contemplated such a state of things and made no provision for it. The Constitution, to be sure, provides for the suppression of insurrections; but evidently this never contemplated an extensive rebellion so formidable as to produce for years a division of the nation and a separate *de facto* government. The real question is, not whether there is any express warrant in the Constitution for it, but whether there is anything in the letter or spirit of the Constitution that forbids it. In my judgment there is not. It is sanctioned by principles of substantial justice and right, and by the great law of self-protection and defense, which is as applicable to communities and nations as to individuals.

I conclude, then, that there is no objection to the exercise by Congress of the power to impose any condition or limitation to the return of these States to participate in the government of the nation, which shall be just in itself, and necessary for the safety and welfare of the nation.

If, as I insist, we have the right to require of these States suitable and sufficient conditions or guarantees, and that, too, by amendments of the fundamental law, then several questions present themselves upon the amendment proposed. Do we need this amendment for our future protection and the peace and safety of the nation? Does this amendment furnish it sufficiently? Is it doing any wrong or injustice to the white people of the South? Is it just to the negro population of the South? This amendment leaves the general basis of representation, as fixed by the Constitution originally, upon numbers or population. In some of the discussions of this subject in this Chamber it has been strenuously insisted that this is not the true and just basis upon which representation should be based, but that it should rest upon the basis of voters. I entirely disagree with those who have argued for this new doctrine, and in my mind it is clear that the existing basis is the only true one, the only one consistent with the true idea of a representative republican government. The question is not; perhaps, directly involved in this amendment, but still it is not wholly aside from my line of argument. All the people, or all the members of a State or community, are equally entitled to protection; they are all subject to its laws; they must all share its burdens, and they are all interested in its legislation and government.

Notwithstanding this no State or community professing to be republican allows all its people to vote. Every one fixes for itself some rule which, in its judgment, will furnish a body of voters or electors who will most wisely and safely represent the wishes and interests of the whole people. The right or franchise of voting has, probably, been more widely extended in these American States than in any other professed republican Government, but in the most liberal of these it has always been confined to a small minority of the whole people. In none of our States have females, or males under twenty-one years of age, ever been allowed to vote. In many of the States the right of voting has been restrained within much narrower

limits. Persons coming to this country and establishing their permanent residence here are required to remain five years and then to go through an established process of naturalization before they are allowed the privilege of voting. Yet we all know that many females are far better qualified to vote intelligently and wisely than many men who are allowed to vote; and the same is true of many males under twenty-one, and of foreigners who have not resided here for the period of five years. The truth is that the whole system of suffrage of any republican State is wholly artificial, founded upon its own ideas of the number and class of persons who will best represent the wishes and interests of the whole people. The right of suffrage is not given to a particular class because they have any greater interest in the Government, or because they have any more natural right to it than others, nor to exercise it for themselves and in their own behalf, but is given to them as fair and proper exponents of the will and interests of the whole community, and to be exercised for the benefit and in the interest of the whole.

The theory is that the fathers, husbands, brothers, and sons to whom the right of suffrage is given will in its exercise be as watchful of the rights and interests of their wives, sisters, and children who do not vote as of their own. While the rules of suffrage are different in the different States, the plan of basing representation in the national Legislature upon the number of voters in each would be manifestly unjust; it might with the same propriety be based upon the number of members in the Legislature of each State. But if the rules of suffrage were the same in all the States, the adoption of such a rule for national representation would be manifestly unjust. The Union contains many very recently settled States, and by reason of the great extent of unsettled country all still have, such must be the case for many years to come. These new States to a great extent are settled by emigration from the older States, and it has been and will ever continue the case that a much larger proportion of this emigration are males. The consequence is that the newly settled States contain a very much larger proportion of males than the older States, and therefore a much larger ratio of voters.

Can it be justly claimed that five thousand people in Nevada or Colorado should have the same voice in the Government as twenty thousand people in Massachusetts or New York, even though the number of males above twenty-one were the same in each? I have said more than was necessary upon this particular point. By the existing Constitution the States holding slaves, in addition to their other population, were entitled to have three fifths of their slaves counted in ascertaining their share of representation. By the amendment of the Constitution abolishing slavery, which was really one of the results of the war, this entire mass of slave population, counting by millions, were made free, and as the Constitution stands the States where slavery existed would now be entitled to have the remaining two fifths added to their numbers for representation, although no one of them all is allowed to vote.

This very fact, it seems to me, furnishes a very sufficient reason for a readjustment of representation among the States, and an answer to the often-repeated question, why amend the Constitution at all? With no amendment on this subject the late slave States come into the lower House of Congress with a much larger representation than ever before. Is it safe to do this, is it just to the loyal portion of the nation who have borne such immense burdens to maintain its existence? If not, I hold we are not bound to encounter any such peril. For a long period of years sectional hatred toward the North had been cultivated in the South, in consequence of our dislike and condemnation of their wicked and anti-republican system of human slavery. This feeling was excited and fomented by the arts of ambitious and designing men till it broke out in

a gigantic rebellion for the purpose of separating from us and forming a separate government for themselves—the most terrible and bloody civil war the world has ever seen, lasting for four years; characterized by almost innumerable instances of cruel and barbarous hate on the part of the insurgent States. We finally succeeded in putting down the rebellion, overthrowing the government they had set up, and adding the mortification of total defeat of their cause to their other reasons for hating us and disliking our Government. These people have submitted to the national Government because they have been compelled by force to do so.

But have we any evidence that justifies the belief that they are now ready to yield willing allegiance to the Government and obedience to its laws? All the mass of evidence taken by the reconstruction committee, the tone and sentiment of the almost entire southern press, the information derived from private sources, concur in showing that as yet no such thing exists to any considerable extent, and that the feeling of hostility to the national Government and northern people is as great now as it was while the war was raging, and that the submission to the laws and authority of the Government is the enforced submission to superior power. Does any one doubt that if an opportunity was now offered for an effectual separation it would not be embraced by a far larger majority of the southern people than that by which their acts of secession were adopted?

Looking at the circumstances we could hardly expect to find it otherwise now, and I respect those people more for the open and undisguised avowal of their sentiments than I should if they hypocritically pretended to acquiesce cheerfully and rejoicingly in their own defeat. We must rely upon time, emigration, the intercourse of business, interchanges of kindness and good will, and especially the beneficent and protecting care and influence of the Government to foster and build up a feeling of attachment to the Union and to allay the bitterness and asperity now existing. In this view it has seemed to me that it was not so desirable as many others have believed it to be that great haste should be made in their restoration, and that our reunion with them would be much more likely to be harmonious and lasting if done coolly and deliberately than if we rushed to embrace each other.

But the question is, whether in the present state of facts it is safe and just to the nation to admit these States to participate in the government of the nation upon such terms as will incur any hazard of their being able to take the control of it, and if they choose injure or overthrow it? I have heard it asked what harm they could do if admitted to full representation in Congress and were able by political affiliations and alliances to control the legislation of the nation.

I will refer to but one of the many things which might be most disastrous to the people of the loyal States. To carry on the war and suppress the rebellion we have incurred a debt to the enormous amount of \$3,000,000,000. The great bulk of this debt is held by the people of the North. Much of it is held by capitalists, but not all, by any means. It has entered into all the transactions of society and business. All public trusts, whether educational, charitable, or religious, are invested in it, as well as nearly all private trusts for widows, minors, or others. The entire currency of the country is composed of it or based upon it. In addition to this it is most extensively held among the people; in my own State I know that almost every man who had any money to invest, whether the amount was great or small, now holds it in Government bonds. Indeed, I think I may say that except what is invested in business or in business corporations, the great mass of the money capital of the North is now in the national securities. To pay even the interest on this debt and our immense annual pension-list will require taxation for us of unexampled severity for many years to come.

Now, this debt has all been incurred in putting down the southern rebellion; our great pension-list is to reward or reimburse those who have suffered on our side in the same cause. The war to a great extent has devastated the South; very many have been made poor and destitute; they have lost their slaves, whose value they counted by thousands of millions; almost every one suffered loss by the bubble of the rebel debt; they have their thousands of maimed and disabled men and their thousands of widows and orphans dependent upon them for support, and for whom no provision can or will be made by the nation. Under these circumstances will they not be restive under our heavy taxation to pay our national debt and our pensioners? Say what we will, say what they will, the truth is that if they can avoid aiding in its payment they will do so, and pretexts enough will be found in some fancied or pretended injustice to them on our part to justify such action on theirs. In saying this I do not mean to assert that these people are more faithless or less sensible of obligation than we are, for I have very little doubt that under the same circumstances we should do the same thing. It is hardly in human nature to do otherwise.

It is said we ought to be magnanimous and trustful toward these people; put full faith in their promises and oaths; that we have no right to assume they will not keep them. I would certainly extend all magnanimity to them. I would trust all their oaths and promises which I believed they would keep. But I should hardly desire to trust them to fulfill a promise which under the same circumstances I fear I should myself find some excuse for breaking.

But I do not think we are specially called upon to trust or put faith in official and governmental oaths taken by our southern friends. Can they ever be more solemnly bound to the Government and to yield it their allegiance than they were at the very moment they seceded and violated their oaths? Our faith can hardly be strengthened by our experience.

This class of oaths has not in latter years been found very binding on the individual conscience, and of them we may say, with Hudibras—

"Oaths are but words, and words but wind,
Too feeble implements to bind,
And hold with deeds proportion so
As shadows to the substance do."

But what have we to fear from them if admitted into Congress with all the representation they would have without any amendment of the Constitution? The North would still greatly outnumber them, and could always vote them down.

It is sneeringly asked, do you not consider yourselves their equals? Are you such cowards and poltroons as to be afraid of being beaten in debate and overthrown by these southern gentlemen with such odds in your favor? It is not hard to answer these questions in fact, but it is hard and humiliating to be compelled to acknowledge where the real danger lies. For many years prior to the rebellion the North had a large numerical superiority over the South, and a much larger delegation in Congress. She was still more largely her superior in wealth, in business, and in all material and scientific advancement. But notwithstanding all these advantages to the North, the South ruled the nation. Why? The answer is short: by the aid of her northern allies.

To go back no further than the war of the rebellion: did we not have many men in the North who sympathized with the rebels; who counseled resistance to the draft, and threw every obstacle in the way of the successful prosecution of the war; who rejoiced at our defeats and rebel victories? Did not a large party in a national convention resolve that the war for the suppression of the rebellion was a failure and ought to be stopped? Now, if men could be found who would do this when the nation was in the very mortal agony to preserve its existence, is it uncharitable to suppose that to make a successful political alliance

and get into power, men would not be found who would unite on a platform of repudiation of the national debt? Why, in my part of the country the war cry of a certain party has been "Taxation of the national securities!" which was but a partial repudiation of the contract of the Government. I do not desire to dwell upon this point; it is not a pleasant theme either for reflection or discussion.

Considering the immense pecuniary stake the people of the loyal States have in the national securities, and the universal disaster and calamity which would attend their repudiation, or even any great distrust of them, it behoves us to be cautious and sure that we open no possible door for the entrance of such danger. In my judgment, the admission of the southern representatives without such an amendment of the Constitution as the new and changed condition of southern population requires in order to be just, would subject us to that very peril; indeed, that it would be sure to come. I would prevent it.

Will this amendment, if adopted, furnish the needed protection; or in other words, will the South, even with the aid of northern allies, be able to obtain the control of the Government or of Congress?

If these States refuse to extend the right of suffrage to the colored men their representation will be confined to the white population. This number, especially of males above twenty-one years of age, has largely decreased during the war, and this deduction, together with that to be made for the three fifths of the slave population, would so reduce the congressional representation of the seceding States that no reasonable fear need be entertained that even with the aid of northern allies would they be able to obtain control of the Government. If, to enlarge their political power and representation in Congress, they extend suffrage to all the colored men, such an element of loyalty would thereby be infused into the ballot-box that, added to the white loyalty existing there, we might safely count upon a portion of their representation being reliable, true Union men, and thus avoid a solid sectional vote against the interests of that part of the country which has saved it. In my judgment, there is no reasonable ground of fear, whether they do or do not extend suffrage to colored men, that the control of the national Government can be placed in disloyal hands.

Will the adoption of this amendment work any wrong or injustice to the white people of the South?

While slavery existed they were allowed representation upon three fifths of their slaves. It is somewhat difficult to see any principle upon which this basis was adopted. If they stood upon the same footing as the non-voting white population, then they should have had representation for the whole number; while if they were regarded as property merely they should not have been counted at all, as no property qualification was established or allowed in other respects. If any representation at all was allowed, it was proper that its exercise should be given to the masters, as the condition of absolute dependence and submission in which the slaves stood rendered all free and intelligent choice impossible on their part, and if the slaves had any interest to be protected it was the master's and not theirs. The master might possibly be regarded as the head of a family, of which the slaves formed a part, and so their proper representative; but I agree that the analogy is exceedingly faint. But the compromise by which this partial representation was allowed for slaves had probably very little foundation in any just principle of representation, but was one of the arbitrary compromises by which the conflicting interests of the two sections were adjusted. The North consented to so much representation, in consideration that direct taxes should be laid in the same manner. Like all the compromises that have been made, the South had the best of it, as they had a large and constant representation from it, while the direct taxes have

been too small and unfrequent to furnish any corresponding advantage to the North.

But slavery is over and ended. The slaves have been made free. The masters can no longer claim to represent them, either on the ground that they are members or dependents of their families or that they own them as their property. The former ruling class in the South say, "These people, now having become free persons, we are entitled to have our representation raised by the enumeration of the whole for that purpose." "Very well," say we, "let the same rule of suffrage extend to them as is applied to the white people, and be represented for them all." "By no means," it is answered; "they are too ignorant to know how to protect their own interests in voting, and therefore we will vote for them; and still more, we cannot permit them to vote because it would tend to elevate them socially to something like the elevated plane upon which we stand, which we will not submit to."

Is there any just ground upon which the southern whites can claim that they should represent the negro population, especially those lately held in slavery? Do they stand in the same relation to them that the fathers, husbands, and brothers of a northern community do to their non-voting women and children, whose interests are as dear to them as their own? How opposite in theory and in fact is the relation between them. They do not regard them as having a common interest to be supported, but as a hostile element in society to be spurned and crushed.

It seems to me perfectly manifest that upon no just principle should representation be allowed to the whites on account of the negroes. Suppose we test this by the actual choice of the negroes themselves.

If the negroes were allowed to choose representatives themselves, and to choose between their former masters or others like them and men like the senior Senators from Massachusetts and Ohio, which would be elected? I would be willing to wager well on the success of my friends here. I think it perfectly just for us to say, "If you will not let these people vote you shall not alone represent them, but we will do it jointly. We believe we have their true interests at heart quite as much as you; we believe we understand their wants quite as well, and we are satisfied they will be more content under our joint representation than under yours alone."

Does this amendment do justice to the colored people of the South? Mr. President, I am sorry to feel compelled to say that I do not think it does. I cannot feel satisfied with a scheme of reconstruction of these rebel States which gives no direct and immediate benefit to the only class of loyal people living in them. When I remember how loyal and faithful these people ever proved; how they fed, clothed, concealed, and guided our prisoners who had escaped from rebel prisons and starvation; how faithfully and truly they brought us information and guided our troops; and more than all, how gallantly they fought by the side of our men, and how nobly they yielded their lives to save the nation, I feel that something more direct should be granted to and done for them. I should be much better satisfied if the right of suffrage had been given at once to the more intelligent of them and such as had served in our Army. But it is believed by wiser ones than myself that this amendment will very soon produce some grant of suffrage to them, and that the craving for political power will ere long give them universal suffrage. Such I know to be the opinion of many intelligent Union men of the South with whom I have conversed. I trust the result may be as they predict, and that the day may come when in all the nation, as in my own free State, the law shall make and know no difference between men on account of race or color. Believing that this amendment probably goes as far in favor of suffrage to the negro as is practicable to accomplish now, and hoping it may in the end accomplish all I desire in this

respect, I shall vote for its adoption, although I should be glad to go further.

The substitute for the third section, which we have adopted, disables the leaders of the rebellion, both civil and military, from holding office unless restored by act of Congress. Can the South, can the men who are thus disabled, complain of this? Were ever men who had been guilty of armed rebellion against their lawful Government treated with such lenity? The history of the world shows no parallel of mercy like this. Never before was there a rebellion of half the magnitude of this, I might say of a hundredth part the magnitude of this, that the streets did not run with the blood of the offenders. A war without cause, or pretended cause, except that the opposite party had carried the election in a constitutional way, which resulted in killing and disabling probably half a million men on our side, involving us in a debt of \$3,000,000,000 to burden us and our children after us, and we exact as a penalty for it, and as a measure of safety for ourselves, that the leaders, instead of being hung, shall not hold office unless Congress shall for their good behavior or other cause remove the restriction. What if they were the subjects of a political delusion? What if they had been taught that a State had the constitutional power to secede? Have not all rebellions had as good a foundation, and those who were hanged for it been as sincere in their belief in the justice of their cause as any man in this rebellion was? This has never been regarded as any answer to the legal liability. If a man or set of men make war against their Government, they do it at the peril of making the war successful or of taking the legal consequences.

If when the rebellion was over we had said to every man engaged in it, "We will allow you to retain your life and your property, but you shall never participate in the Government of the country you have attempted to destroy, by voting or holding office," it would have been all they could have expected or had any right to expect. This is the basis upon which Maryland, Missouri, and other States have settled it for themselves.

But we leave the great mass utterly untouched, and the leaders with their lives, their property, the full enjoyment of all their civil rights and privileges, with the right of voting for all officers, both State and national, with the single restriction they shall not hold office. The disproportion between the cause and the consequence is so great as to almost make it ridiculous. I know it is said that this is a measure so harsh and severe that it will not be accepted by the South. But I do not believe so; on the contrary, I believe it will be acceptable to the masses, that they will consider it a very easy atonement, and that if there is anything like punishment in it, it falls where it is deserved. If there be any included in this class (as it is agreed there may be) who were really forced into the rebellion against their will, it will be very easy to procure absolution by making the fact appear to Congress.

The remaining propositions of amendment, declaring the sacred and inviolable character of our national obligations, and the illegality and invalidity of the rebel debt, and of any compensation for the slaves who have been freed, admit of no doubt as sound propositions in themselves. The only question that can be made upon them is the propriety or necessity of incorporating them into the fundamental law. For myself, I think that although these may in a certain sense be said to be matters of a temporary character, still they involve interests of such immense magnitude that it is proper they should be settled in the most solemn and enduring mode, and that their incorporation into the Constitution will save disputes and wrangling hereafter.

Mr. President, it has been said that all these proposed amendments, as a whole, as a general plan for the restoration of these States, will not be acceptable to them, and that they will not adopt them, or at least that they will not do it willingly; and if they adopt them at

all it will only be under a kind of coercion and because they cannot otherwise obtain what they seek; and that we have no right to secure even proper amendments in that way.

It seems to me that this plan, as a whole, is characterized by so much moderation and forbearance that it cannot fail to commend itself to the people of these States so that they will readily and freely give it their sanction. But, sir, if it be true that they are not satisfied with it, and will only adopt it to secure their return to share in the national power, I am so well satisfied that this plan contains nothing but what we have the right to insist on, and which justice to the nation requires, that I should feel no hesitation in saying kindly, but firmly, "You must acquiesce in these amendments before we will permit you to take part in the administration of the General Government." There is nothing new in this, either. Did these States accept the amendment abolishing slavery willingly—a much more important matter to them than anything contained in these propositions? Did they declare their ordinances of secession null and void or declare the rebel debt invalid willingly? We know they did not, but only because the President required it of them. Has any one ever blamed the President or thought he was unjust to the South in these requirements? If the people of the nation, through their representatives, believe that something more should justly be required, they have the equal right and should exercise the right to demand it.

We should not exercise our power to make any unjust demand, but what is just and right to exact we should be wanting in our duty if we fail to have done.

Mr. President, it is a matter of great satisfaction to me that at last, after so much and so anxious deliberation, it appears so probable that Congress will be able to present a plan upon which the requisite majorities of both Houses will be able to agree, and especially when as a whole this plan commends itself so well to my own judgment of what is right.

It is known that some differences of opinion have existed between Congress and the Executive on this subject.

Great differences have existed among ourselves; many opinions have had to yield to enable us to agree upon a plan. If we are so fortunate, as I trust we shall be, to pass these propositions by the requisite majorities, although they may not in all respects correspond with the views of the President, I believe he will feel it to be his patriotic duty to acquiesce in the plan proposed, and give his powerful influence and support to procure their adoption. We are all aiming at the same grand result, the difference is rather in the choice of modes and means to attain it. We are all, I trust, actuated by the same high motives of patriotism, and all desire to see all these States again acting harmoniously together. In a matter of such grave importance, with no precedents for our action, with no guide in the Constitution but that furnished by its general spirit and purpose, it is not singular that great diversity of ideas should exist. In such case opinions must yield to some extent, or else nothing could be agreed or settled, and all would be anarchy. I will not allow myself to believe that these measures will not, under the circumstances, receive the sincere support of the President, although he may not believe them perfect.

Mr. President, there are men who believe we are now on the verge of ruin, and that we shall never again become a united and harmonious people. But, sir, I believe they are either cowards or croakers, who always see the dark side of the picture. For myself, I see no such cause of alarm. To me everything looks hopeful for the future. We have just gone through the greatest war the world has ever seen. An unparalleled social revolution has taken place in the South—three or four million people turned from slaves into a free people.

That in so short a time after these great events so much of order and quietness and obedience to law should exist is astonishing. The world never witnessed its parallel. We did not expect it ourselves before the close of the war, but now we are impatient and troubled because it is not better. Time alone will smooth and allay the stormy waves of excitement and passion caused by such momentous events. To me, sir, a great and glorious future is opening for our country. Slavery, the great blight and curse that has hung upon us, is ended forever. The South, so long retarded by it, will be opened and expanded by the influence of free labor and free institutions. A new agriculture will enrich and beautify her fields. Commerce and manufactures will build up busy towns and carry thrift and wealth along her great rivers. All causes of discord between North and South being over, we shall become a homogeneous nation of free men, dwelling together in peace and unity. United and wholly free, our power would awe the world. I hope to live to see the day when all will agree that this great war which has destroyed slavery, severe and burdensome as it was to this generation, was yet one of those "blessings in disguise" sent by the Great Ruler of all which proved the very salvation of the nation.

Mr. STEWART. Mr. President, as I shall vote for the plan agreed upon among my political friends, it is proper that I should make a brief statement of my reasons. While it is not the plan that I would have adopted, as is well known, still it is the best that I can get, and contains many excellent provisions. It repudiates the rebel debt and affirms the sacred obligation of the nation to pay the debt contracted in preservation of the Union. It does not base representation on voters, which I preferred, but it approximates it more nearly than any other plan presented, and recognizes the principle that a white man in the North is entitled to equal representation with a white man in the South. It declares that all men are entitled to life, liberty, and property, and imposes upon the Government the duty of discharging these solemn obligations, but fails to adopt the easy and direct means for the attainment of the results proposed. It refuses the aid of four million people in maintaining the Government of the people. It involves freedmen's bureaus, civil rights bills, test oaths, and exclusion from office, all supported by military power. I would not object to these, for I recognize the obligation of full protection for all men, if there were no cheaper, easier, and better plan for the attainment of this worthy object. But the reasons why I can support this plan are, that it recognizes the obligations, which I hold sacred, and does not preclude Congress from adopting other means by a two-thirds vote, when experience shall have demonstrated, as it certainly will, the necessity for a change of policy. In fact it furnishes a conclusive argument in favor of universal amnesty and impartial suffrage. The longer the North strives to protect the negro and the white loyalists of the South from sure violence at the hands of rebels by military power, supported by grievous taxation, with increasing danger of a consolidated and despotic Government, the more clearly will the necessity appear of returning to first principles, and according the ballot to all men. It is not the first time that the black man's aid has been spurned by this Government, and it will not be the first time that necessity has driven us to avail ourselves of his support. While his labor was added to the power of treason traitors were triumphant; when it was subtracted and added to the material resources of the Government the Union forces were victorious. While his political power is ignored or added to disloyalty free government in the South is impossible. When it is withdrawn from rebels and added to the loyal forces the Union and republican institutions will be safe. The utter impossibility of a final solution of the difficulties by the means proposed will cause the North to clamor for suffrage. Test oaths, exclusion from office, and military rule

will make the South anxious for amnesty, now so lightly considered, and willing to take suffrage to avoid certain and greater evils. While the way is left open, as it is in these resolutions, for both mercy and justice, the logic of events will work out the great problem, and satisfy all who are not now satisfied that the march of this country must either be toward consolidated, arbitrary power, supported by enormous taxation, or toward amnesty and suffrage, union and liberty. If the arguments presented by this plan do not convince at once time will do the work. I will further remark that it is a better plan than I expected could be agreed upon, and I hope much good from it. It may lead to a final settlement, and with that view I shall give it my support.

Mr. HOWE proceeded to address the Senate. Without concluding, he yielded the floor for an executive session. [His speech will be published in full in the Appendix.]

On motion of Mr. HOWARD, the Senate proceeded to the consideration of executive business; and after some time spent in executive session the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, June 5, 1866.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. C. B. BOXTON.

The Journal of yesterday was read and approved.

MINERAL LANDS.

Mr. JULIAN, from the Committee on Public Lands, by unanimous consent, reported back House bill No. 822, to provide for the survey and sale of the lands of the United States containing gold, silver, and other valuable minerals, for the assaying and coining of such minerals, and for other purposes, with amendments and an accompanying report. The bill with the amendments and the accompanying report were ordered to be printed and recommitted to the Committee on Public Lands.

NEW YORK AND MONTANA MINING COMPANY.

Mr. STEVENS. I call up the motion to reconsider the vote by which Senate bill No. 203, to enable the New York and Montana Manufacturing Company to purchase a certain amount of the public lands now in market, was referred to the Committee on Public Lands.

The question was taken on the motion to reconsider, and it was agreed to.

The question recurred on ordering the bill to a third reading.

Mr. STEVENS. This is a bill to enable a company to establish iron works in advance of the building of railroads in Montana Territory. It passed the Senate unanimously without any difficulty. It becomes necessary to cause a survey of the lands, and this bill is the result.

Mr. SPALDING. I would like to hear from the chairman of the Committee on Public Lands something in regard to the merits of this bill.

Mr. JULIAN. The gentleman from New York [Mr. HOLMES] had more particular charge of the bill, and probably can explain it more intelligibly than I can.

Mr. HOLMES. Mr. Speaker, the Committee on Public Lands have had this bill under consideration and have directed me to report it to the House with a recommendation that it pass. The necessity for this bill arises from the fact that the public Lands in Montana have not been surveyed. Preemptors can take up but one hundred and sixty acres of land each. The parties interested in this measure have been associated under the general law of the State of New York providing for the incorporation of manufacturing and mining companies. The object of this company is to carry on the business of mining and manufacturing of iron and steel in the Territory of Montana. I have looked over their articles of association and I find that they have complied in every respect with the law of the State of New York under which they are incorporated. They desire to

establish in the Territory of Montana iron works of sufficient capacity, not only to supply the mining interests with iron and such articles as are manufactured from iron, but also to supply, if possible, the iron necessary in the construction of the Pacific railroad. For this purpose a large supply of wood land is absolutely necessary.

Parties interested in this company applied to the Commissioner of the Land Office to ascertain whether they could go on and preempt the quantity of land required by taking a large number of persons who would be entitled to preemption. They found that that was impossible. Under the preemption law only sufficient timber to construct buildings and for the necessary improvement of the land could be taken. It became necessary, therefore, to apply to Congress, because the public lands had not been surveyed. Parties acquainted with this business estimate the quantity of land necessary to supply the wood for such a work as this would be from twelve to twenty thousand acres. The gentleman from Pennsylvania, [Mr. STEVENS,] who is familiar with this matter, will be able to state precisely what is required. I understand that there is attached to his iron works a lot of sixteen thousand acres, and that he regards that amount as quite small enough for works of the magnitude proposed to be established by this bill.

This bill does not ask for a donation of land. It provides simply that this company may go on, under such directions as the Secretary of the Interior may make, and select twenty sections of land, three of them to be mineral, composed of iron or coal, and the residue, seventeen sections, to be composed of wood or timber land. The lands are to be selected in such manner as the Secretary of the Interior shall direct. They are to be bounded by lines running north and south and east and west, and are to be as nearly in a square form as possible. The company are to be at the expense of surveying the lands and furnishing plats after survey for the approbation of the Secretary of the Interior.

They are to pay to the Government the Government price of \$1 25 per acre for the lands within two years from the passage of this bill, and within the same time they are to erect upon these lands and have in operation iron works capable of producing fifteen hundred tons of iron per annum.

Now, as I said before, there is no gift asked for or desired by this company. If they go there and make this investment, an investment of not less than \$200,000, it is necessary that they should have timber to run the works for a series of years. All they ask is that, as the Government has not surveyed these lands so that they can purchase them, that they be allowed, at their own expense, to survey the lands, pay the Government price for them, take possession of them, and erect their works.

There is attached to a pamphlet, which I have here, a letter from the Commissioner of the General Land Office stating the difficulties that this company would labor under if they undertook to preempt these lands, and also a letter from the Delegate from Montana and the marshal of that Territory, recommending the passage of this bill. I will ask the Clerk to read those letters.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
WASHINGTON, D. C., March 23, 1866.

SIR: In reply to your letter of this date, making inquiries as to the legality of taking timber from preemption claims, I herewith inclose circular of December 24, 1855, in which the construction of the law for the preservation of public timber is clearly set forth.

From this it will be seen that, except for the improvement of the land or the construction of buildings, fences, or other improvements upon the premises, preemptors are not allowed to cut timber. Settlers under the homestead act are brought within the same restrictions.

The enforcement of these regulations is necessary to prevent the spoliation of the public timber and the subsequent abandonment of the preemption or homestead claims without compensation to the General Government.

The principle is, that parties are not allowed unnecessarily to denude the land of its principal value until they have acquired an absolute title; and this is the only safe rule that can be devised, unless authority should be granted to sell the timber alone.

To cut the wood to the extent proposed by you would make you liable to prosecution and penalty, and complaint could be made by the Government agent or by an individual.

Your letter is returned herewith for reference.

Your obedient servant,

J. M. EDMUNDS,
Commissioner.

O. D. BARRETT, Esq., Washington City, D. C.

WASHINGTON, D. C., March 19, 1866.

GENTLEMEN: We, the undersigned, have examined the bill introduced by Senator WACE on the 15th instant, and numbered 203.

We do not see anything in the bill to which any resident of Montana or any one having any interest in that Territory could object; but on the contrary, we know of nothing that would aid the development of the agricultural resources and mineral wealth of that Territory so much as having the iron we need manufactured on the spot.

Timber, grazing, and arable lands are in such profuse abundance there as to preclude the possibility of such a grant being construed into giving a monopoly.

Had the public surveys been commenced with the settlement of the Territory there would have been no necessity for making the grant; but, under the circumstances, the necessity exists, and we earnestly recommend the passage of the bill.

SAMUEL McLEAN,
Delegate from Montana.
GEORGE M. PINNEY,

United States Marshal, Montana Territory.

Mr. HOLMES. The total amount of lands which this bill authorizes them to preempt and purchase is twelve thousand eight hundred acres, of which ten thousand eight hundred and eighty acres are to be wood or timber land. All mineral lands except iron and coal are expressly reserved, and the patents when issued are to convey no title to any lands thus reserved. No one can over estimate the benefits both to the General Government and the people of the Territory of Montana that will accrue from the establishment of works of this character in that Territory. Industry, enterprise, and thrift will follow and surround them. I hope the bill will receive, as I believe it deserves, the support of every member of the House.

Mr. STEVENS. Mr. Speaker, I think these gentlemen are launching upon a rather perilous experiment. They must have great faith in the influx of population into the Territory of Montana. The idea of making iron, the most valuable of all metals, even more valuable than gold and silver, there in advance of much population is one which ought to be encouraged, and can be encouraged only in the way set forth here. As to the number of acres that would be required to produce fifteen hundred tons of pig iron and convert it into bar iron by means of charcoal every one acquainted with the subject knows that it would require at least sixteen thousand acres. I should think twenty thousand acres as little as any man would want to start with. I have but a small establishment myself, and yet I find sixteen thousand acres too little for my purpose. I should not have referred to my own works if the gentleman from New York [Mr. HOLMES] had not referred to them. They are situated in what are called the South mountains, between Adams and Franklin counties. There are four iron works adjoining mine. One of them has more land than mine has, about seventeen thousand acres. Mine has between sixteen and seventeen thousand acres. I doubt if any prudent man would think of putting charcoal iron works on less than from fifteen to twenty thousand acres.

Mr. ASHLEY, of Ohio. I would suggest to the gentleman from Pennsylvania [Mr. STEVENS] that it makes a difference whether the timber is hard wood or soft wood. He has been speaking of hard wood in his calculations. The timber in Montana is composed in great part of soft wood, pine, hemlock, &c.

Mr. STEVENS. The gentleman is correct. If the timber should happen to be pine and hemlock it would require more; twenty thousand acres would be as little as would be necessary to carry on these works. Our chestnut timber will grow in twenty years so as to be fit for cutting for this purpose. But the timber in

Montana, I understand, is mostly pine and hemlock, and of course it would require a longer time for it to be renewed.

Inasmuch as iron enters largely in the pursuits of mining, agriculture, and manufactures, I think we should do all that could be done to foster its manufacture in these new regions. This company asks nothing from the Government except the privilege of now doing what they would have a right to do, had these lands been surveyed by the Government. I think much can be said in favor of the bill, and I can see nothing that can be said against it.

Mr. PRICE. I would like to ask the gentleman from Pennsylvania [Mr. STEVENS] one or two questions in regard to this bill. Is it to grant to this company the privilege of pre-empting these lands or of purchasing them?

Mr. STEVENS. The privilege of purchasing them.

Mr. PRICE. To purchase twenty sections of land in a square form in the Territory of Montana.

Mr. HOLMES. Amounting to twelve thousand eight hundred acres in the aggregate.

Mr. PRICE. Are the mineral lands excepted from the operations of this bill?

Mr. STEVENS. Yes, sir; all mineral lands are excepted except iron and coal lands. This bill is perhaps more carefully guarded in that respect than any other making a land grant that I now recollect, and I have looked into it very particularly.

Mr. PRICE. Then the only effect of this bill is to give this company the privilege of purchasing these lands in advance of the Government surveys?

Mr. STEVENS. Yes, sir, paying the expense of the surveys themselves, and paying for the land in two years, in which time they must have their iron works established.

Mr. PRICE. Then I can see no objection to the bill.

Mr. STEVENS. I now call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was read the third time.

The question was upon the passage of the bill.

Mr. STEVENS. I call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was passed.

Mr. STEVENS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TRACTION ENGINE ROADS IN TERRITORIES.

Mr. ASHLEY, of Ohio, by unanimous consent, introduced a bill to aid in establishing a line of traction engines and wagons from the Missouri river to the Rocky mountains, and to secure to the Government the use of the same for postal, military, and other purposes; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

SOLDIERS' AND SAILORS' ORPHANS' FAIR.

Mr. MOULTON, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of War be respectfully requested to loan to the lady managers of the soldiers' and sailors' orphans' fair, now being held in this city, such American flags in his possession as may be desired to decorate the building in which the said fair is being held.

Mr. MOULTON moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

EXPENSES OF INTERIOR DEPARTMENT.

Mr. WRIGHT. I ask unanimous consent to introduce for present consideration a resolution of inquiry addressed to the Secretary of the Interior, calling for his annual report upon the contingent expenses of his Department.

Mr. SPALDING. Let the resolution be read.

The Clerk read the resolution, as follows:

Whereas by an act of Congress, approved August 26, 1842, it is made the duty of "the head of each Department to report to Congress, at the commencement of every regular session, a detailed statement of the manner in which the contingent fund of their respective Departments, and for the bureaus and offices therein, has been expended, giving the names of every person to whom any portion thereof has been paid; and if anything furnished, the quantity and price; and if for any services rendered, the nature of such service, and the time employed, and the particular occasion or cause, in brief, that rendered such service necessary; and the amount of all former appropriations in each case on hand, either in the Treasury or in the hands of any disbursing officer or agent, and that they shall require of the disbursing officers, acting under their direction or authority, the return of precise and analytical statements and receipts for all the moneys which have been, from time to time during the next preceding year, expended by them, and the results of such returns, and that the sums total shall be communicated annually to Congress by said officers respectively;" and whereas by an act of Congress approved June 25, 1861, also an act approved March 4, 1863, "the Secretary of the Interior was authorized to expend such part of the amount theretofore appropriated to carry into effect any treaty stipulation with any tribe or tribes of Indians, all or any portion of whom shall be in a state of actual hostility to the Government of the United States, including the Creeks, Choctaws, Seminoles, Wichitas, and other affiliated tribes, as well as the Cherokees, as might be found necessary to support such individual members of said tribes as had been driven from their homes or reduced to want on account of their friendship to the United States, and enable them to subsist until they could support themselves in their own country: *Provided*, That an account should be kept of the sums so paid for the benefit of the said members of said tribes, which account shall be rendered to Congress at the commencement of the next session thereof," &c.; and whereas it appears that said reports have not been made to Congress by the Secretary of the Interior during its present session as required by the aforesaid acts, but have been altogether withheld: Therefore,

Resolved, That the Secretary of the Interior be requested to furnish the said reports to Congress at an early day and inform this House why it is that the same has not been made as required by law.

Mr. HUBBARD, of Iowa. I object.

EDUCATION OF COLORED YOUTH.

On motion of Mr. HOLMES, by unanimous consent, the Committee on Public Lands was discharged from the further consideration of the petition of the New York Central College for the education of colored youth; and the same was referred to the Committee on Private Land Claims.

A. L. GOODRICH AND NATHAN CORNISH.

Mr. FARQUHAR. I ask unanimous consent to make a report from the Committee on the Post Office and Post Roads.

There was no objection.

Mr. FARQUHAR. I am directed by the Committee on the Post Office and Post Roads to report back joint resolution (H. R. No. 77) for the relief of Ambrose L. Goodrich and Nathan Cornish for carrying the United States mails from Boise City to Idaho City, in the Territory of Idaho, and to move that the House non-concur in the amendment of the Senate, and ask for the appointment of a committee of conference.

The motion was agreed to.

DAVIS FOSTER.

On motion of Mr. SCHENCK, by unanimous consent, the Committee on Military Affairs was discharged from the further consideration of the petition of Davis Foster, lieutenant of the twenty-fourth Massachusetts volunteers, for reimbursement for clothing, &c., lost by the sinking of the United States transport Fanning; and the same was referred to the Committee of Claims.

AMOS SANFORD.

On motion of Mr. SCHENCK, by unanimous consent, the Committee on Military Affairs was discharged from the further consideration of the petition of Amos Sanford, of Prairie City, Illinois, for an appropriation of \$125; and the same was referred to the Committee of Claims.

CANAL AND SEWERAGE COMPANY.

The SPEAKER. The Chair omitted to state that the bill (S. No. 190) to incorporate the District of Columbia Canal and Sewerage Company would, in regular order, have come up this morning immediately after the reading

of the Journal, but by an arrangement between the chairman of the Committee for the District of Columbia [Mr. INGERSOLL] and the gentleman from Maryland [Mr. F. THOMAS] it was agreed that, with the consent of the House, the bill should not be called up until next Thursday morning. The Chair presumes there is no objection to this arrangement.

NATIONAL DEPARTMENT OF EDUCATION.

Mr. GARFIELD. I am directed by the select committee on education to report back the bill (H. R. No. 276) to establish a national Bureau of Education, with an amendment in the nature of a substitute. I ask that for convenience in considering the bill the substitute may by unanimous consent be regarded as the original bill.

There was no objection.

The substitute, which was read, provides in the first section that there shall be established, at the city of Washington, a Department of Education for the purpose of collecting such statistics and facts as shall show the condition and progress of education in the several States and Territories, and of diffusing such information respecting the organization and management of schools and school systems and methods of teaching as shall aid the people of the United States in the establishment and maintenance of efficient school systems, and otherwise promote the cause of education throughout the country.

The second section proposes to enact that there shall be appointed by the President, by and with the advice and consent of the Senate, a Commissioner of Education, who shall be intrusted with the management of the department herein established, and who shall receive a salary of \$5,000 per annum, and who shall have authority to appoint one chief clerk of his department, who shall receive a salary of \$2,000 per annum; one clerk who shall receive a salary of \$1,800 per annum; one clerk who shall receive a salary of \$1,600 per annum; one clerk who shall receive a salary of \$1,400 per annum; and one clerk who shall receive a salary of \$1,200 per annum; which said clerks shall be subject to the appointing and removing power of the Commissioner of Education.

The third section provides that it shall be the duty of the Commissioner of Education to present annually to Congress a report embodying the results of his investigations and labors, together with a statement of such facts and recommendations as will in his judgment subserve the purpose for which this department is established. In the first report made by the Commissioner of Education under this act, there shall be presented a statement of the several grants of land made by Congress to promote education, and the manner in which these several trusts have been managed, the amount of funds arising therefrom, and the annual proceeds of the same, as far as the same can be determined.

The fourth section proposes to authorize and direct the Commissioner of Public Buildings to furnish proper offices for the use of the department herein established.

Mr. DONNELLY. Mr. Speaker, with the first gun fired upon Fort Sumter the nation was born into a new life. All that has followed, all that will follow, must be regarded as the natural outgrowth of that great event.

With that act we passed forever beyond the middle ages of our history as a nation.

Those States which had so long been sanctuaries to which cruelty and injustice could flee for shelter and protection were by that act thrown open to the civilizing influences of the age. The light burst in upon them, along the track of our advancing armies, never to darken, never to retrocede, so long as the nation itself should endure.

Two great conclusions have been reached. We have found that the hitherto governing populations of those States could not be trusted to uphold the national Government. Nay, more, that they have sought, through unparalleled

sacrifices, to overthrow it. For some reasons, through some causes, operating universally, and through long periods of time, the people have been rendered unfit to wisely govern themselves, much less to participate in the government of others. They strove to drag down the entire temple of our liberties; they have succeeded at least in burying their own prosperity in ruins.

The responsibility for all this has been properly charged to slavery.

Slavery has been swept away, but the ignorance, the degradation, which were its consequences remain, not to die during this generation, not to die during many generations, unless we now do our whole duty as legislators.

Another great fact presents itself: four million human beings have been lifted from a condition as low as that of the brute to manhood. We have declared them entitled to the right to work out every attribute of goodness or grace or greatness which God has given them. We have taken the shackles from off the limbs of nature and bidden her follow out her own instincts to her own perfect destiny, undeterred by any artificial obstructions of ours. Proclaiming nothing, promising nothing, we have thrown open all doors to the black man and cried God speed to him as he moves forward into the future.

What pressing necessity results from these two great facts? Education.

Education for the white man of the South, that he may so wisely and liberally judge as to love the great nation which lifts him up, and the flag which is the symbol of the noblest and broadest liberality in all this world. Education for the black man, that the new powers conferred upon him may not be merely brute forces reacting against himself, but may be wisely directed to his own advantage and the glory of his country. Education for the country itself, that the entire population may rise to the level and above the level of the most favored localities; and that as we are the freest, the bravest, and the most energetic, so also we may become the most enlightened people upon the face of the earth; the foremost instruments in whatever good God may yet design to work out upon the globe.

Is it not a shame, Mr. Speaker, that this nation, which rests solely and alone upon the intelligence of the citizen, and without which it could not exist for an hour, should thus far have done literally nothing either to recognize or enforce education? As John Adams said, "The despots have stolen a march upon this Republic in the liberal patronage of that education upon which a republic is based." France, Prussia, Austria, and Russia have made education an affair of the State and have esteemed it as of the highest consequence. In Prussia the Minister of Public Instruction ranks next to the King. In France the office of Superintendent of Public Instruction has been dignified by such illustrious names as Cousin and Guizot. But the United States, whose theory of government is that if the people are ignorant they are necessarily unwise, if they are unwise they are necessarily misgoverned, and if they are misgoverned every interest dear to the citizen is necessarily put in jeopardy—the United States, I say, whose very corner-stone is the enlightened judgment of each individual citizen, has allowed despots to build up mighty systems in behalf of education, while in this, its capital, not a Department, not a bureau, not even a clerkship is to be found representing that grandest of all interests.

We will be told that we have left all that to the States. Yes; and we have had the rebellion as a consequence. The attempt to invert the pyramid and build a great, wise nation upon an ignorant, bigoted, and brutalized population has cost half a million lives and \$1,000,000,000 of debt. And it will cost us still more. We cannot make bricks without straw. We cannot build a republic without intelligence.

But we are told that the man who cannot read and write is not necessarily lacking in

intelligence. No; not if he is immersed in the midst of an intelligent and educated population. He may grow

"To what he works in, like the dyer's hand."

He may borrow enough of the results of education from those around him to compensate for his own deficiencies. But place him in an equally ignorant population and his superiority will be simply that of the chief among savages.

Civilization is nothing more than education. We excel the past because we have swept a wider field of observation; we possess the accumulations of a greater number of generations of workers; we are ourselves happier, wiser, better because we know more.

When any man rises up and defends ignorance, he does it in a language every word and syllable of which is a testimony to the untiring industry and the constantly increasing cultivation of his predecessors. He cannot utter a word in favor of ignorance and its barbarisms without touching upon words drawn from the cultivated inhabitants of Rome or Athens, or those later races who fought their way up from ignorance and wretchedness to learning and greatness. Out of his own mouth is he condemned. Nay, more, his logic flies back upon him like the weapon of the Australian; for if ignorance is desirable in the constituent, it must be equally so in the representative, and he who has the learning wherewith to defend ignorance should give place to him who hath most of that ignorance which he eulogizes.

Two widely different policies found their fountains two hundred years ago upon the Atlantic coast, and their waters have swept forward across the continent upon parallel lines. The results are before the world.

In 1642, Massachusetts proclaimed the first of these policies in these words:

"It is the duty of the municipal authorities to see that every child within their respective jurisdictions should be educated."

The other policy was proclaimed in Virginia, when in 1671 Sir William Berkeley, Governor, thanked God that—

"There are here no free schools or printing; and I hope we shall not have them these hundred years. God keep us from both."

And so these policies set forth upon their pilgrimages toward the setting sun, carrying with them the destinies of millions of human beings. In the track of the first were found intelligence, enterprise, invention, industry, prosperity, liberty, and justice. In the wake of the other a thousand hideous things lifted up their heads—ignorance, sloth, poverty, oppression, cruelty, slavery, and last of all, anarchy—

"Which from its horrid hair,
Shook pestilence and war."

And all these things were as inevitably contained in those two parent seeds, education and ignorance, as are the branches of the oak contained in the acorn.

Why, sir, so exactly, in the order of God's providence, does like produce like, that the words of Governor Berkeley, in 1671, were repeated almost literally in the words of Governor Wise one hundred and fifty years later, when he "thanked God that there was not a single newspaper published in his district."

Compare these two pictures. They are typical. The first is an extract from a speech of Henry Ward Beecher, made in 1865, descriptive of northern society. He says:

"We find the villages touching each other, and the roads are lined with noble houses and orchards and gardens, and trees and fields innumerable covering the free, broad expanse of this happy Christian land, because they have acknowledged the common man, educated the common man, and sanctified his work."

The second picture is from the pen of Judge Underwood, in his address to the grand jury of Norfolk on the 8th of May, 1866. He says:

"Those at the North who assail us seem to forget our peculiar circumstances. That education, which is almost universal with them, is here confined within very narrow limits, and the masses of the people who cannot read are necessarily dependent on the educated few for their opinions and conduct."

"To convince the most skeptical let us look at the history and condition of the first congressional district in this State. That district contains more than four times the territory of the rich, prosperous, enlightened, happy, liberty-loving State of Rhode Island. It was

once the seat of learning and of boasted Virginia hospitality, the birth-place of four Presidents of the United States, and embracing the site of the first English settlement in America, the city of Jamestown, which, now more fallen than Tyre or Sidon or Sodom and Gomorrah, has not enough of ruins left for even the bats to flit or owls to hoot in. In the nineteen counties of that district there is not now, as its Representative in Congress thirty years ago boasted, a single newspaper published, and so long has the schoolmaster been abroad that probably more than three fourths of its native grown men and women can neither read nor write."

Let us reduce these descriptions to the test of actual figures. In 1850, according to the facts set forth in the United States census of that year, the amounts expended in the support of public schools in the three political divisions of our country were as follows:

In the rebel States.....	\$546,037
In the border slave States.....	283,763
In the free States.....	5,996,837
Total.....	\$6,826,637

Or, to speak of these results in round numbers, the entire slaveholding population expended about *three fourths* of a million of dollars, while the free States expended *nearly six millions*. Eleven States lately in rebellion, containing several million people, expended about half a million dollars, or about fifty thousand dollars each in the education of the population!

In some remarks which I had the honor to make to the House in the early part of the session I showed that according to the census of 1860 the total number of persons in the United States over twenty years of age unable to read and write, and who were born in the country, and excluding the slaves, was 834,106; and of these 545,177 were found in the southern States, containing one third of the population, and but 288,923 in the northern States, containing two thirds of the population.

If the same ratio prevailed that is found in New England there would be less than thirty-four thousand illiterate persons in the southern States; as it is the number is over half a million!

Nothing, it seems to me, would more clearly demonstrate how faithfully the upas tree, which was planted upon the shore of Virginia by Governor Berkeley has extended its blighting and deadly influence, than these figures.

Can we doubt for one instant the great and pressing necessity for the General Government to interest itself in this question of education?

As we have found ignorance and rebellion everywhere associated together as parent and child, must we not destroy ignorance if we would have the nation live?

If so, what less can we do than pass the bill now before the House?

Do we not need such a department?

Mr. Speaker, we mock and jeer at poor Mexico. Our contempt for her anarchical and revolution-scourged people chills even that sympathy to which she is entitled by her misfortunes and her sufferings. To what are we to attribute her condition? The answer is plain.

"It has been liberally estimated," says Brantz Mayer, in his work upon Mexico, "that of the Indians and negroes not more than two per cent. can read and write, and of all others not more than twenty per cent." "If we take this computation to be correct," continues Mr. Mayer, "as I believe it is, we shall have:

Of Indians and negroes who can read and write.....	80,120
Whites and others.....	607,628

Total able to read and write out of a population of seven millions.....687,748

"If we suppose," says Mr. Mayer, "that out of the one million whites five hundred thousand, or one half only, are males, and that of that half million but twenty per cent., or one hundred thousand, can read or write, we will no longer be surprised that a population of more than seven millions have hitherto been controlled by a mere handful of men, or that the selfish natures of the superior classes who wield the physical and intellectual forces of the nation have forced the masses to become but little more than blind instruments of their will."

We pity Mexico. From our higher position of peace and security we can afford to look down

upon and pity her. The clamor of arms yet resounds in her midst; while almost within sight of this Capitol the ruins of the great rebellion are yet smoking; and we are laboring under the dreadful burdens of our debt and counseling together how we can intrust a share of the Government to the tender hands of the men who fought to destroy it; how we can consign the lamb to the wolf under constitutional pledges that the wolf shall forego his nature.

Mr. Speaker, we have little room for self-congratulations over poor Mexico.

As you came here from your home, Mr. Speaker, you passed over the little State of Delaware, represented on this floor by one member and at the other end of the Capitol by two Senators. Let us compare Delaware with Mexico.

In 1860 the total number of free persons in Delaware over twenty years of age unable to read and write was:

Of whites.....	6,661
Of free negroes.....	5,508
Total.....	12,169

We must add to these one half the total number of slaves in that year, namely, 1,798, and we have a total of 14,068. Now, the total population of Delaware in that year was 112,216; which being divided in half would give us about 56,108 as the total of persons over twenty years of age. Of this number 14,068 are unable to read and write, being *one fourth of the population*. Truly, we have cause to set ourselves above Mexico and commiserate her!

If popular ignorance has plunged Mexico into poverty, anarchy, and ruin, what shall it do for the United States? Can the same cause yield one set of results west of the boundary line of Mexico and an entirely different set of results east of that line? Let those who indulge in such delusions turn to the present wretched condition of the rebel States. In what are they better than Mexico? How many degrees are the "corn-crackers," the "sand-hillers," and the "clay-eaters" above the "greasers" and "guerrillas" of Mexico? How far were the dirty, unkempt hordes of ignorant men who flocked under the standards of Lee and Johnston fitted for self-government, fitted to hold up the polished pillars of the great temple of law, order, and civilization? Let those answer who believe they can extract the precious jewels of moderation and wisdom out of the darkened brain of ignorance, wretchedness, and degradation. For my part, it appears to me as plain as the sun at noonday, that if we permit ignorance to spread over the land, doubling, almost trebling its numbers, as in the past in every twenty years, eating away our civilization, degrading our people, impeding commerce, destroying manufactures, making brutes of the masses and demagogues of the leaders, that this great nation of ours cannot by any possibility survive for half a century.

It is no flourish of rhetoric to say that we hold the destiny of mankind in our hands. See with what eagerness we are scanned by the civilized world; mark the efforts now being made by foreign nations to approximate to our institutions; listen to the words of the great leaders of nations in the other hemisphere. While Gladstone praises us, Napoleon soothes his people by telling them that France and the United States rest on the same ideas! Tyrants are stealing our livery to serve the devil in. It is something to feel that upon this globe we are the forefront of civilization and human progress and the undoubted masters of the future.

But with this reflection comes home the overwhelming responsibilities of our position.

We must not fail. We carry the world upon our shoulders. No human prescience can calculate the results of our destruction to the cause of humanity.

Then let us eliminate that which is more dangerous than slavery—ignorance. Let us labor to make every man who votes an intelligent, conscious, reasoning, reflecting being.

Then the true Republic will be realized. Then the struggle of parties will be, not to hold back the world, not to throw blocks before the car of progress, but to strike down every error, every wrong, every injustice.

Pass this bill and you give education a mouth-piece and a rallying-point. While it will have no power to enter into the States and interfere with their systems, it will be able to collect facts and report the same to Congress, to be thence spread over the entire country. It will throw a flood of light upon the dark places of the land. It will form a public sentiment which will arouse to increased activity the friends of education everywhere, and ignorance will fly before it. It will press forward in its work from the bright villages of the North down to the lowly huts of the poor white and the poorer freedman in the South; down to the bayous of Louisiana, down to the everglades of Florida, down to the very shores of the Gulf. And in its track what a glorious assemblage shall pour forward; the newspapers, the public libraries, the multiplying railroads, the improved machinery for agriculture, the increased comforts for the home, with liberality, generosity, mercy, justice, and religion.

Pass this bill and after-generations will bless your work. No man can sum up all its consequences.

Here to this center will be brought all the results of experience and experiment in the pursuits of education. Here they will be analyzed and eliminated, and from this center they will go forth in an unceasing flood to all parts of the land.

This is a foundation upon which time and our enormous national growth will build the noblest of structures. The hope of Agassiz may here be realized; or even that grander dream of Bacon, "that university with unlimited power to do good, and with the whole world paying tribute to it."

Mr. Speaker, the condition of the South is the great argument in favor of the passage of this bill at this time. We must take some measure to provide for or induce the education of its people, black and white. But, sir, I can say with truth that I press this measure with no unkind feeling toward the people of that unfortunate region; that I will do all in my power to alleviate the sufferings they yet endure; that their prosperity is identical with that of the country, and their elevation essential to the permanence of the nation. I press this measure because it is just to all and will be beneficent to all.

As war dies let peace rise from its ashes, white-winged, white-robed, and luminous with the light of a new morning—a morning never to pass away while the world shall stand. Then may be said, in the language of one of our own writers:

"How they pale,
Ancient myth and song and tale,
In this wonder of our days,
When the cruel rod of war
Blossoms white with righteous law,
And the wrath of man is praise."

Mr. Speaker, I now yield the remainder of my time to the gentleman from New Jersey, [Mr. ROGERS.]

Mr. RANDALL, of Pennsylvania. I ask the gentleman from New Jersey to yield to me a moment that I may present some amendments.

Mr. ROGERS. I yield for that purpose.

Mr. RANDALL, of Pennsylvania. I move to amend as follows:

In section one, line three, after the word "established" insert the words "by the Secretary of the Interior;" so that the clause will read:

There shall be established by the Secretary of the Interior, at the city of Washington, a Department of Education, &c.

At the end of the same section add the following:
And for this purpose he is hereby authorized to appoint two clerks, at a salary of \$1,500 each per annum.

Strike out section two.

In section three, line two, strike out the words "Commissioner of Education" and insert, in lieu thereof the words "Secretary of the Interior;" so that the clause will read:

That it shall be the duty of the Secretary of the Interior to present annually, &c.

Mr. ROGERS. Mr. Speaker, I do not intend to occupy the time of the House but a very short time in making a few suggestions. I intend to present against the passage of this bill. In fact, I did not know until the honorable gentleman who preceded me began to speak that a bill of this character was before the House. I had reason to believe that from the experience we had in this House and in this country no more Federal bureaus would be attempted to be established for the purpose of carrying out any particular ideas of philanthropy of any set of men whatever. I think, sir, the finances of the country are now sufficiently burdened and that we should allow the States, as they have been in the habit of doing, the entire control of looking after the education of their children.

To establish here at the head of our Federal affairs in Washington a bureau for the purpose of giving the principles by which the children of the different States shall be educated would be something never before attempted in the history of this nation. It was never thought of before. I say here to-day, without fear of successful contradiction, that at no time in the history of this Government, from the time of its first organization down to the present hour, was there ever before an attempt to establish a bureau or an institution of any kind or character at the head of Federal affairs for the purpose of diffusing intelligence throughout the States of this Federal Union.

I say, sir, in the first place, there is no authority under the Constitution of the United States to authorize Congress to interfere with the education of children of the different States in any manner, directly or indirectly. This bill is one similar in purport and effect, so far as power under the Constitution of the United States is concerned, to the Freedmen's Bureau bill. It proposes to put under the supervision of a bureau established at Washington all the schools and educational institutions of the different States of the Union by collecting such facts and statistics as will warrant them by amendments hereafter to the law now attempted to be passed to control and regulate the educational system of the whole country.

I say that this country will compare favorably in respect to education with any country upon the face of the earth. Go back to the most glorious days of Rome and Greece or of English history, and you will find nowhere a population of the character and magnitude of this where education has been more universally diffused or a people more intelligent.

I am content, sir, to leave this matter of education where our fathers left it, where the history of the country has left it, to the school systems of the different towns, cities, and States. Let them carry out and regulate the system of education without interference, directly or indirectly, on the part of any bureau established as an agent of the Federal Government.

This bill proposes to provide that there shall be established at the city of Washington a Department of Education, for the purpose of collecting such statistics and facts as shall show the condition and progress of education in the several States and Territories, and of diffusing such information respecting the organization and management of schools and school systems and methods of teaching as shall aid the people of the United States in the establishment and maintenance of efficient school systems, and otherwise promote the cause of education throughout the country.

The bill does not seem to be so broad in its terms as the speech of the gentleman from Minnesota [Mr. DONNELLY] would indicate. Although the bill does not propose to go into the States and interfere with the regulation of the school systems there, yet it proposes to collect such statistics which will give controlling power over the school systems of the States. How is it proposed to carry on the object in view? To establish a bureau here which will cost this Government more than \$100,000 a

year to get it in running order. The officers and clerks will cost some fifteen thousand dollars a year. They are to go from one end of the Union to another and to involve this Government in the expense of collecting information.

Now, sir, I say when you refuse to give the soldiers of this country their due, when you are not willing in this House to meet as we ought to have done the bounty bill and pay to our soldiers the bounty without regard to what they may have received from township, county, or State, it is a poor time, in the present deplorable condition of our finances, to inflict upon the country a centralization of power and influence at the capital of this Government, to interfere with the domain of States with regard to education, and at an expense of \$100,000 a year.

Mr. GRINNELL. I desire to ask the gentleman a question. I wish to know whether he has ever opposed an appropriation for the purpose of collecting agricultural statistics, and whether this idea of collecting information in regard to education does not stand somewhat on the same basis.

Mr. ROGERS. No, sir; it has no resemblance whatever. The object for which the Agricultural Bureau was established is one almost coeval with the formation of the Government itself. It is a system established by our fathers, and not a system of modern times at all. It is one which is necessary in order to hold complete and intimate connection with foreign countries and get the necessary information for the Federal Government. It is necessary for the diffusion of knowledge of a national character all over the country, and has no analogy to this interference with the simple rights of the States in regard to the education of their own people.

Mr. GRINNELL. I would ask the gentleman, if we can show that we are able to compete successfully with foreign countries in agriculture, why should we not show them that we have a better system of education.

Mr. ROGERS. This bill does not propose at all to educate, but simply to establish a bureau for the purpose of keeping a set of men at the capital—a Commissioner with a salary of \$5,000, a chief clerk with a salary of \$2,000, another with \$1,800, another with \$1,600, another with \$1,400, and another at \$1,200; and all this expense is to be borne by the Government, which is now weighed down by heavy taxation. Sir, when gentlemen on the other side stand up and talk about the finances of the country being in such a deplorable condition, when they are unwilling to vote to the soldier who has defended the Government the bounty to which he is justly entitled, they have no right at such a time to come and ask us to establish an institution of this character, one never talked, thought, or dreamed of before at any time in the history of the country. When we reach such a state of finances that we can establish such an educational institution then it will be time enough to do it. But let us first pay off the bond-holders who are holding \$3,500,000,000 exempt from taxation, or put the bonds in such a shape that they may be taxed. Let us clear ourselves of debt and establish a financial system on a solid basis before we inflict upon this country another bureau not quite so great in magnitude as the Freedmen's Bureau, but one of the same kind and character, according to the speech made by the gentleman who preceded me, [Mr. DONNELLY.]

The gentleman talks about educating the people of the South, as though they were a set of men who had no education, learning, or intelligence. Sir, when he defames them by saying this he defames his country. I am here to say that they have intelligence in the South, and that the intelligent classes there are those who are responsible for bringing this rebellion upon the country, and not the uneducated classes who were dragged into the movement. It was such men as Yancey, Slidell, and those that were at the head of affairs who drove the

people into rebellion, and not the deluded masses.

Mr. GRINNELL. I wish to ask the gentleman a question.

Mr. ROGERS. I cannot be interrupted now; I have but fifteen minutes.

Mr. GRINNELL. I only wanted to ask the gentleman if he thinks that education promotes disloyalty.

Mr. ROGERS. It does not. I submit to gentlemen upon both sides of the House that there is no reason or necessity for this bill at all, because the education of the people will be attended to, and it always has been attended to. We have enough to do to pay our debts and to keep the affairs of this nation in the proper equilibrium. And when you undertake to establish a bureau here for the purpose of diffusing education you add just so much to the expenses of the nation. The bond-holders, the men who have an interest in the perpetuity of the Union and in the payment of the debt, the men who have large amounts of money invested in Government funds, ought to be paid every dollar. The main argument made against the Pacific railroad bill, the argument which induced the House to vote against the bill, for gentlemen upon both sides agreed that it was a great enterprise, and would add to the greatness and glory and grandeur of the country, was that it added to the expense; that it would lead to a depression of the finances, and that the financial condition of the country would not bear up under such a proposition. That bill would not have cost the Government a cent.

Now, here is a proposition which is a mere scheme of philanthropy, got up for the purpose of educating the children of the whole country, and the result will be that in a short time this bureau will need more clerks and expenses for stationery, &c., and I will guaranty you that in the very first year the expense of the bureau will not fall short of \$100,000; and it will run on until it costs \$500,000 a year. I want you to remember that there are thirty-five million people in this country, located from Maine to Texas, and from the Atlantic to the Pacific, and all of these people are to come under the jurisdiction and control of this Educational Bureau. And where will it end? It will not stop until we run up a bill of expenses that will materially injure the finances of the Government.

Yes, sir; and here we have also the Freedmen's Bureau; and it appears that this is but a twin sister of it, according to the argument made by the learned gentleman who preceded me.

We hear talk here about educating the people of the South. You had better first get the people of the South back into the Union. Let us reunite the bonds which have been broken asunder; let us restore the Union before you undertake to establish an Educational Bureau.

The gentleman from Minnesota seems all at once to be inspired by a very kindly feeling toward the southern people; the ignorant masses down there must be educated. How? This is a proposition to interfere with their internal domestic affairs with regard to the education of their own children. The only effect of this bill will be to create a prejudice in the South by undertaking to regulate their educational systems through the agency of officers in Washington. We are to have a centralized power here to tell the people of the South and the people of all the States of this Union what their system of education shall be. I do not know how the people of New England will like it. The people of New England have given their children a very elegant education. They vote millions and millions of dollars every year for educational purposes in New England and New York and Pennsylvania and New Jersey. But this bill proposes that this bureau shall collect statistics and give directions to the people of New England and New York and Pennsylvania and New Jersey, telling them in what manner they shall educate their children.

Why, sir, there are to be public buildings

put up here in Washington; and new bureaus to be established here, and the head of this bureau must hold a seat in the Cabinet of the President of the United States; for it will not do to have a great educational bureau here; one to diffuse so much knowledge, such a grand scheme for concentrating the intelligence and enlightenment of the whole world in the United States, without making it a part of the executive government of the country.

Now, as was said yesterday most appropriately by the eloquent and learned gentleman from Vermont [Mr. WOODBRIDGE] in his speech against the bill in relation to the pay of the Army, to which I listened with the most intense interest, because it was an able and eloquent speech, we should stand by principles and axioms which have been established for years and years past; that old precepts and principles should not be laid aside for the purpose of establishing new and untried ones.

Now, the educational system of this country will stand the test of comparison with the educational systems of the most favored countries. And an honorable gentleman who stands up before the Speaker of this House and undertakes to make out that this country is groveling in low ignorance does not understand this country; for there are many men who have only been educated in common schools, who have never been in a college, unless they went in at one door and were kicked out at the other, have shown themselves as much fitted for their duties by their intelligence as men who come out of these colleges with their sheep-skin rolls and high-sounding degrees. It is a reflection and a disgrace upon the men in our Army, who were not so well educated as the gentleman would like, but whose brawny arms drove back the hordes of the rebellion. They have shown by their acts that they were men of understanding and judgment and discretion. And why should we now undertake to interfere with the education of their children, and compel them to pay their share of the tax for that purpose? It is a step toward taking away from them rights to which they alone are entitled.

Sir, it is hardly necessary for me to stand here and show what are the constitutional objections to this bill. No man can find anywhere in the letter or spirit of the Constitution one word that will authorize the Congress of the United States to establish an Educational Bureau. If Congress has the right to establish an Educational Bureau here in this city for the purpose of collecting statistics and controlling the schools of the country, then, by the same parity of reason, *a fortiori*, Congress has the right to establish a bureau to supervise the education of all the children that are to be found in the thirty millions of the population of this country. You will not stop at simply establishing a bureau for the purpose of paying officers to collect and diffuse statistics in reference to education. The head of the bureau is to receive \$5,000 a year. What is he to do for that large salary, which is \$2,000 more than a member of Congress receives? He is to sit here at his desk in Washington for the purpose of collecting statistics, and the poor men of this country are to pay him \$5,000 for it. And what is the necessity for such an officer? All the States have a system of statistical accounts of their educational systems. You cannot find a State in the South or in any other part of the country that does not keep a statistical account of the operation of their schools.

And no one ever before thought of attempting to interfere with the action of the States in this respect. And I hope there are enough of good men in this House to prevent the passage of this bill. I think the House will understand that this is not a political question; it is a mere wild scheme of philanthropy, though it may be dictated by an honest conviction. If we are to go for a system of charity, giving away the public moneys of the country, let us take hold of the matter most thoroughly, and educate all the poor children of the country at the expense of the Government.

Are the people of this country prepared for

the passage of an act of Congress which will establish here a bureau that will cost this Government at least \$100,000 a year? Why, sir, it appears as if we took no consideration or account of the expenses to which we are subjecting this Government. Why, sir, the Secretary of the Treasury has stated within a few days that the financial condition of this country is in the most delicate position in which it has been during the war or since. Sir, in view of the numerous failures of large banking houses in England, in view of the general financial depression and panic extending from one end of Europe to the other, I implore this House to exercise a vigilant care with reference to our national finances, so that we may emerge from this conflict with our financial credit untarnished, as well as our national integrity vindicated, so that we may proclaim to the world the ability of the United States of America, not only to put down the armies of treason, but to pay the expenses of the war. And to do this we must not be burdened by such legislation as this, founded perhaps upon charitable views, but calculated to inflict great damage upon the finances of the country.

If this bureau is not to have extensive ramifications throughout the country; if it is not to involve an expenditure of thousands on thousands of dollars for the collection of statistics, then it is simply for the payment of eight or ten clerks to do nothing, fifteen or twenty thousand dollars annually.

I think the honorable gentleman from Ohio [Mr. SCHENCK] who introduced the bill to reduce the pay of the Army will hardly vote for this bill, which will add to the expenses of the Federal Government something like one hundred thousand dollars a year at the lowest estimate. It can hardly be expected that any one who would support a bill to reduce the pay of the officers of the regular Army can subscribe to the principles embodied in this bill.

I hope, sir, that this bill will not be passed, at least until members have given it a full investigation; and I trust that their party feelings and party prejudices will not induce them to pass a bill establishing a bureau such as was never before heard of in the history of the country, and which is but one more step to centralization.

THE SPEAKER. The morning hour has expired.

TREASURY SALES OF GOLD.

THE SPEAKER, by unanimous consent, laid before the House a communication from the Secretary of the Treasury in response to a resolution of the House of the 28th ultimo, in regard to the amount of gold sold by him since May 1, 1866, the rates of sale, &c.; which was laid on the table, and ordered to be printed.

PAY OF THE ARMY.

The House resumed the consideration of the special order, being House bill No. 450, to reduce and establish the pay of the officers and to regulate the pay of the soldiers of the armies of the United States, upon which Mr. DAVIS was entitled to the floor.

MR. DAVIS. Mr. Speaker, I have no intention of trespassing for a long time on the patience of the House in the discussion of the bill before us; but I wish to present a view which I think is pertinent to it, and which is based upon practical business principles.

Before, however, proceeding to the consideration of the bill, I will say that I speak without any degree of prejudice either for or against the bill. I am for doing, so far as I can, exact and equal justice to all parties. I have no imputation to make upon the motives of the committee who have introduced this bill or upon the motives of any of the gentlemen who have advocated or opposed its passage. What we all wish or should wish is to do that which is just as between the Government of the United States and the officers of that Government employed in the protection of its interests. The relations which exist between the officer and the Government are peculiar. They are unlike those which exist between the

Government and members of Congress, whose term is temporary, or those existing between the Government and any other temporary agent.

The officers of the Army are sworn into the service as a profession, and except in the volunteer force this service is intended to be for life. They are educated to this service, and are the appointed defenders of the public interests and the national honor upon the field. The gentleman, therefore, should look kindly upon and deal liberally with those who stand to it in such relation. The entire theory of the system of payment to our military officers is that officers of equal rank shall receive like compensation for the personal service which each one in such rank is supposed capable of rendering. Thus all brigadier generals receive a certain and equal pay proper. And the same with slight modifications may be said of colonels, lieutenant colonels, majors, captains, and lieutenants, whose pay proper depends upon the several rank of those officers.

But while the same pay is awarded to all officers of similar or equal rank for personal service and ability, it is evident that, while the places of employment are widely scattered and varied, from our national capital and our sea-port towns and great cities, to the interior of the country and the frontier settlements, resulting in a vast difference of expenses of living in these locations, the Government owe it to these its agents to compensate them in some mode for the increased expenses of living in localities where they may be stationed. And this precise adjustment is sought to be effected by the existing laws and Army Regulations in respect to allowances and commutations. We cannot ignore the fact that these differences of expense in living depend upon localities; and therefore, if the pay proper for a personal service be assumed, the necessary expense of maintenance should be added, and that varies with the post, city, or town where the offices are located.

I insist, therefore, that this bill, either as it was originally framed or as it has since been amended, makes no just provision in respect to this essential principle of justice. Take any officer of the line, say a major general, whose pay proper is about \$2,640 per annum, and whose allowances for rations, servants' clothing, forage, &c., while he is stationed in quarters furnished by Government make up an aggregate, perhaps, of \$6,500 or \$7,000. If this officer be sent where he can have no Government quarters, and where it may be necessary to furnish quarters for his family at an expense, perhaps, of \$2,000 or more per annum, where every incidental expense is increased, it is clear that he must be the loser unless the Government shall, in some way, allow him commutation for quarters. He is sent by the Government as its agent to attend to its business, and every expense sustained by him not covered strictly by the compensation for personal service should be borne by the Government.

Again, if an officer be sent to some place in the country where living is cheap, where labor is low, and where quarters can be given him by the Government, it is clear that these allowances would be neither necessary nor reasonable. We ought to look upon this question as one simply between principal and agent; and in every civil appointment we know that the compensation of agents is and must be graduated upon the basis of different allowances for different locations. A company in New York employing agents of equal ability to represent its interests in Washington, in San Francisco, in St. Louis, in Chicago, or in Kansas, must assume all the expenses of its various agents, paying equal salaries, or must graduate salaries according to the expense of location. Any other system would work inequality and injustice.

The chairman of the Military Committee presented this bill as one fixing uniform pay for uniform grade, giving absolute pay in all cases instead of rations or commutation, and discriminating only in favor of those doing service in the field. But upon reflection the honor-

able gentleman [Mr. SCHENCK] has conceded the justice of a broader discrimination by providing for forage, and by substituting an increased percentage of pay every five years instead of the longevity rations now allowed for continued service. But he has not gone far enough to effect a perfect remedy. I shall offer no criticism upon the chairman or any member of the Military Committee. I know that the honorable chairman wishes to be just to the officers of the Army, but in his desire for a system of simple and uniform compensation he has inaugurated a system which produces discriminations and inequalities. Indeed, having by his amendments conceded the very principle which I claim to be applicable, I know not why he should not go further and make just provisions for all parties, and for all conditions of the service.

Under the existing law and regulations an officer located at headquarters in Washington is entitled to the same pay proper as an officer of equal rank located at Portland, at Fortress Monroe, St. Louis, Cincinnati, Dayton, or Carlisle, whether in Government quarters or in quarters owned or hired by himself; but if the officer furnish his own quarters, in the absence of any Government accommodations, an allowance is made for the additional expense.

Now, sir, what is the present commutation of officers located at Washington for defraying the expenses attending the location? Under the existing law and regulations of the Army the amount of commutation paid in the city of Washington during the last year for fuel and quarters, items not at all embraced in the amendment of the gentleman from Ohio, is as follows:

Commutation for year 1865—Recapitulation.

Rank.	Total amount.	Tax.	Amount paid.
Major general.....	\$1,874 95	\$93 74	\$1,781 21
Brigadier general.....	1,550 50	77 55	1,472 95
Colonel.....	1,530 93	76 54	1,454 39
Lieutenant colonel and major.....	1,270 43	63 51	1,206 92
Captain.....	976 45	48 84	927 61
Lieutenant.....	657 45	32 89	624 56

These allowances are made to these officers because of the difference of expenses in Washington and other points. It is because the bill does not go far enough in that regard that I am compelled to oppose it.

Again, it will be remembered that every officer who served under this Government and receives compensation is chargeable with the internal revenue tax, so that one twentieth of his pay and commutation is deducted before it comes to his hands. There is another item that has been entirely overlooked by the committee.

Now, sir, the system under which the Army has been organized has been in existence for over seventy years, and so far as I know there has not been a single petition presented to this Congress by any officer of the Army in favor of a change. No such petition has been sent here, no communication has been received, and no officer has been here asking that the basis of pay and commutation should be altered. Why, therefore, let me ask, is the change proposed? The system which we have introduced from other countries where it has worked well, where it has existed without complaint; a system introduced as early as 1794, under which we have gone on prosperously and peacefully; a system under which the operations of the Army which we raised to put down the rebellion were carried on triumphantly; why, sir, is that system to be changed? Because it is said that it is a mysterious system, and that the people of this country desire to know the amount which is paid to officers and agents for service.

Sir, there is no very great mystery about it. Any one of the constituents of the gentleman from Ohio [Mr. SCHENCK] who can read the Army Register can determine precisely the amount of commutation or pay due to an officer of the Army. It is much more certain knowl-

edge, much more easily obtained, than that which might be obtained from some of the Departments of this Government.

Suppose the gentleman should desire to know what becomes of the contingent fund of the House of Representatives, where will he get his information? Suppose he desires to know for what reason the vast appropriations which you make here for the support of the Army and Navy are made, what item goes to this purpose, what amount is actually necessary for that purpose, what information does he get? Why, sir, he appeals to the chairman of the Committee on Appropriations and he hears the response, "The head of the Department told me that the appropriation was necessary, and therefore the committee recommend it." Not a man on the committee can say he has gone to the basis and knows the merits of the appropriation. And so in every Department of the Government. We rely upon the fidelity of those who are in charge of the matters at the headquarters. We take their statements and we believe in their fidelity.

Mr. FARNSWORTH. Will the gentleman yield?

Mr. DAVIS. Yes, sir.

Mr. FARNSWORTH. I understand the gentleman to argue that the pay provided by this bill for officers on duty in the city of Washington is not sufficient.

Mr. DAVIS. I say I do not believe it is.

Mr. FARNSWORTH. I would inquire of the gentleman what relation the pay provided in this bill for officers on duty in this city bears to the pay of persons in the civil service in this city whose duties correspond with those in the military service.

Mr. DAVIS. I will not pretend to say what precise relation does exist between the two. I have not said, and do not say, that the pay of an officer located elsewhere is sufficient to support himself respectably in times when everything is as high as it is at present, or has been for two years past.

Mr. FARNSWORTH. I would ask the gentleman if by the provisions of this bill the officers of the Army are not and will not be the best-paid officers under the Government; better than any officers in any other Department.

Mr. DAVIS. I think not.

Mr. FARNSWORTH. I think they are.

Mr. DAVIS. Under the requirements of the law an officer engaged in the military service of the Government is prevented from engaging in anything else. Now, the gentleman from Illinois [Mr. FARNSWORTH] can use one half of his time as a member of Congress in the pursuit of his profession. He can give counsel here. He can argue a case in the Supreme Court of the United States, and employ his vacations at home in pursuing his profession.

Mr. FARNSWORTH. A clerk in one of the Departments with a salary of only \$1,800 cannot engage in other pursuits half his time. I am not talking about members of Congress but officers in the Departments, in the civil service of the Government, and I do say that under this bill those in the military service are better paid than those in any other Department of the Government.

Mr. DAVIS. Sir, theirs is a very different service. A clerk in any Department may go where he pleases and obtain employment elsewhere. A man who swears fidelity to the Government in a military capacity cannot do it. He takes the peril of the field and looks to the Government for his support for a life-time, while the clerk in a Department, after having acquired in the service of the Government that knowledge and experience which will render his services more profitable elsewhere, goes into a bank in the city of New York, Philadelphia, or elsewhere, and instead of receiving \$1,800 a year receives \$2,500 or \$3,000. And most of these clerks are single men, while an officer of the Army who commenced as a single man is not supposed to be denied the privilege of matrimony.

Mr. FARNSWORTH. Does not my friend think it is better for a man to be provided for

for life than to go into a Department to continue there during good behavior or at the pleasure of his employer?

Mr. DAVIS. Allow me to say that with regard to most of those who distinguished themselves for bravery in the field, who led our gallant men to the breach, stormed the enemy's fortresses, and pulled down the stars and bars of secession, those men might receive elsewhere than in the public service a far greater compensation than they can get under the Government. With many of them it is nothing but the *esprit du corps* that keeps them in the service.

Sir, I believe in this Government doing justice. I ask for nothing in behalf of an officer located in the city of Washington which I would not ask on behalf of one located anywhere else. But I know something about the operation of this bill. Why, sir, in 1846 a friend of mine in the Army being ordered to military duty in California, paid for a single room not ten feet square \$100 a month as rent. His own pay was about \$1,500 per annum. This became so great a grievance on the Pacific coast that Congress passed special acts to relieve the officers. And it is so here. Officers with families pay \$1,200 rent, and for their fuel besides, when their commutation allowance does not amount to more than \$927. Now, when you come to fix an unchanging, unvarying system, and say that the pay of an officer shall be so much under all circumstances, you at once introduce under the name of uniformity that which is nothing but its opposite.

Now, sir, the pay of a captain located in the city of Washington by this bill is \$2,500 a year, and yet the sum which is found necessary for the Government to allow him as commutation for quarters and fuel without anything else is \$927 61. If he be a man of family, how can he live upon \$2,500? He has in the first place to pay out of his \$2,500 five per cent. income tax. Then he has his gas bills to pay, his repairs to his dwelling, his incidental expenses, his wife and children to clothe, his children to educate, and all in a state of society where it costs him vastly more to live than it did five years ago. He receives less than \$1,200 for their entire support.

Mr. HARDING, of Illinois. Will the gentleman state how much the private soldiers get?

Mr. DAVIS. Privates are taken care of by the Government itself. The private soldier takes his pay with the knowledge that he is to have his rations and quarters furnished him by the Government.

Mr. HARDING, of Illinois. How much does he get for himself and his family when he is stationed in the city of Washington?

Mr. DAVIS. He gets what he agrees to receive, and has his rations and quarters besides. Most privates, I believe, have no families. During the late war probably three fourths of all the men who enlisted were single, and I have no doubt that is the case to-day with non-commissioned officers and privates. They are nearly all young men, and the Government furnishes them with everything in the way of food, quarters, and clothing.

We are told, as another reason why this bill is introduced, that it will prevent fraud and the demoralization of officers. I have too much confidence in the integrity and honor of any officer who has fought or who proposes to fight under the flag of the Republic to believe that for a few dollars or more he would make a false return to his Government which would expose him to be cashiered or summarily dismissed.

Sir, the War Department under the law does take the word of an officer instead of his oath. And to what does an officer certify when he presents his account for payment? I will read it:

"I hereby certify that the foregoing account is accurate and just; that I have not been absent without leave during any part of the time charged for; that I have not received pay, nor drawn rations, forage, or clothing, in kind, or received money in lieu of any part thereof, for any part of the time therein charged; that I actually owned and kept in service the horses and employed the private servants for which I charge for the whole of the time charged, and that I did not, during the term so charged, or

any part thereof, keep or employ a soldier as a waiter or servant; that the annexed is an accurate description of my servant; that for the whole period charged for my staff appointment, I actually and legally held the appointment, and did duty in the department; that I was the actual and only commanding officer at the double-ration post charged for; and that no officer, within my knowledge, has a right to claim, or does claim, for said services for any part of the period charged; that for the whole time brevet pay is claimed I had the command stated; that I was actually in the command of a company for the whole time additional pay is charged; that I have not been in the performance of any staff duty for which I claim or have received extra compensation during the time an additional ration is charged for; that I have been in the United States Army as a commissioned officer for the number of years stated in the charge for extra rations; that I am not in arrears with the United States on any account whatsoever."

That is the certificate of honor of an officer of the Army, and during all the time this system has existed, from 1795 to this time, there have been but two or three instances of malfeasance or misrepresentation in the returns of regular officers of the Army. And although but yesterday we heard upon this floor from the honorable gentleman from Indiana, [Mr. DUMONT,] who claimed that he had seen several years of military service, that he had been in the volunteer service of the country, that these returns were made, as he knew, falsely and fraudulently; that he himself had certified to returns that as to the truth of which in all things he was not certain; although we heard that, I will not accept that as an impeachment of the officers of the regular Army.

Mr. DUMONT. Will the gentleman yield to me a moment?

Mr. DAVIS. Certainly.

Mr. DUMONT. I deny utterly that I ever said any such thing.

Mr. DAVIS. I certainly understood the gentleman to say that he had never seen a pay-roll which set forth the truth.

Mr. DUMONT. I said that I had seldom seen a pay-roll that set forth the exact truth.

Mr. DAVIS. If I have misrepresented the gentleman in any regard, I will retract everything which he denies that he said or intended to say. I stated what I understood him to say, and I was about to add that I thought the gentleman himself must have used inaccurate language, for I do not think it possible that an officer who had been in the volunteer service, a man of intelligence and cultivation, would assert anything that he did not believe to be entirely true. Now, what I said was, that the gentleman stated here that the returns which are made out by officers of the Army do not state the truth; that he had never seen a return which did; that he himself had made such returns—

Mr. DUMONT. I did not say anything of the kind.

Mr. DAVIS. Will the gentleman state what he did say, for I do not wish to do him or any other gentleman the slightest injustice?

Mr. DUMONT. I stated that I had had a conversation with an Army officer, and had said to him that I had seldom seen an officer's pay-roll which in every respect stated the exact truth; that he then propounded to me the question whether I had ever made out a false pay-roll; and that I replied to him that present company was always excepted, and that I was not there to testify in regard to either him or myself. And I state again that I have seldom seen an officer's pay-roll that in every respect stated the exact truth. I said not one single word about my own account, nor have I said a single word in regard to any other officer. In regard to saying that I had certified to many such a pay-roll, there was not a word of that kind said; the subject was not adverted to, not a single word was said in regard to the certificate.

Mr. DAVIS. While I disclaim any intention whatever of doing the slightest injustice to the honorable gentleman, I cannot forget the words he uttered upon this floor. He said, and he spoke of it as a matter within his own personal knowledge, that a dozen officers messing together and employing in common two or three servants would include those servants in each of their pay accounts.

Mr. DUMONT. Certainly, and I say so yet. Mr. DAVIS. I understood the gentleman to say that he knew it, and also that he had never seen a pay-roll which told the truth; and I supposed he meant that those pay-rolls had passed his supervision, and had been certified through his instrumentality. If I have done him injustice in that I ask his pardon.

A great deal has been said here upon the subject of commutation of rations, and there appears to be an issue raised on that subject between the Military Committee and the friends of this bill and some who are opposed to it.

It has been asserted here most positively that under the present system and under the present law there is no such thing as drawing rations in kind by an officer. Sir, if that provision exists under the law, then there could be mentioned cases in which to deny it would operate as a gross injustice. Now, I undertake to say that the provision of the law to-day is such that it is within the option of the officer to say whether he will draw his rations, fuel, &c., in kind or will commute. The gentleman from Wisconsin, [Mr. PAINE,] in whose ability, in whose integrity, in whose character in every respect I have the highest degree of confidence, stated that all who had asserted a different principle were utterly mistaken. I know he said it because he believed it. He said he did not know where the legislation was, but that that was the uniform practice of the Army and was the law. Now, sir, if the gentleman will turn to the Statutes of 1795, second session, chapter forty-four, section eleven, he will find this provision:

"That the commissioned officers aforesaid shall be entitled to receive for their daily subsistence the following number of rations of provisions, to wit."

And after specifying the number of rations to which the officer of each grade shall be entitled, the section continues:

"Or money in lieu thereof at the option of said officers, at the contract price at the posts respectively where the rations shall become due."

Now, sir, that law was amended by an act passed in 1796, in which we find a similar provision. I refer gentlemen to the Laws of 1796, first session, chapter thirty-nine, section thirteen, where it is provided—

"That the commissioned officers aforesaid shall be entitled to receive for their daily subsistence the following number of rations of provisions."

After specifying the number of rations to which the officer of each grade shall be entitled, the section continues:

"Or money in lieu thereof at the option of said officers at the posts respectively where the rations shall become due."

Now, I know it will be said, and said with apparent fairness, that the Government furnishes rations at the posts where the officers are located at the price paid by the Government at the point of purchase. That is very true; yet, sir, how often does it happen in the experience of an army that stores are destroyed, vessels bearing them are shipwrecked, warehouses are burned down, so that the officers of subsistence have no recourse but to go to the nearest market and there purchase subsistence at exorbitant prices demanded for provisions upon the frontier and in other localities. Yet, in such a case, under the provisions of this bill, an officer, instead of paying what it would cost him for rations under other circumstances, pays three or four times as much from his fixed and unchanging compensation.

Now, sir, while I think of it, let me state that the reason why the change referred to has been adopted is found in the Articles of War, or in the Regulations of the War Department, in regard to rations. In 1847 or 1848, soon after we took possession of California, officers in the interior, who were entitled to draw rations at their cost to the Government, found that they could not live upon their pay. As I have stated, the rent of a single room, scarcely large enough to furnish space for a wash-stand and a bed, would, in some instances, amount to \$100 per month; board would cost six or seven or ten dollars per day; labor would be worth five dollars per day, and the price of

everything else would be in the same proportion. Officers in California, being entitled under the law to draw their rations in kind at the place where the Government held them, and at the cost to the Government at the point of purchase without transportation, drew their rations in kind and sold them for two and a half or three dollars per ration. In this way one officer drew at one time, as I have been told, \$9,000 in money from the Government; and thus he was enabled to sustain himself. I see nothing unlawful in the act although it was censured. This is the reason why this change was introduced. It is not a matter of law. The law stands to-day as I have read it, unrepealed and in full force; and I do not believe that it is best for us at this time to abolish a system which has worked harmoniously and equitably with respect to all parties, and to substitute for it a system which fixes an arbitrary and unchanging rule of compensation.

Again, sir, on the subject of forage, there have been times when on the plains the horse of an officer could not be supported for six dollars a day. Yet this bill, as first introduced, made no allowance for such a case. The chairman of the committee has, however, very wisely, as I think, proposed, and the House has adopted, an amendment obviating this difficulty; an amendment introducing into this bill the very principle on which he based his objections to the existing law.

Now, sir, if he will go further, if he will do justice in reference to the commutation of quarters, I have no objection to the provisions of the bill. All I ask is justice, and that is all these officers demand.

The gentleman from Ohio [Mr. SCHENCK] in his opening speech assumed what was denied by the gentleman from Indiana, [Mr. DUMONT,] who addressed the House yesterday on this subject. The chairman of the committee then said:

"This bill, it will be observed, is entitled 'A bill to reduce and establish the pay of the officers and to regulate the pay of the soldiers of the armies of the United States.'"

I have no doubt the gentleman was entirely sincere in that declaration; but I want to know where the reduction is. Is it in reference to those who have been long in the service? No, sir. As to them, when you come to the amendment he proposes in reference to the longevity rations, you give an officer who has been long in the service largely increased pay. You do not reduce the pay of such officers, but you do reduce the pay of those who cannot bear the reduction. You take the junior officers, the second lieutenants, and you reduce them. It costs as much to clothe and feed a second lieutenant as a major general. Their quarters and their family relations may be different, but their personal expenses for clothing, &c., are generally not very unequal.

The gentleman from Indiana, [Mr. DUMONT,] after criticising this bill, advocates it because it is a measure for the increase of the pay of the Army. If that be so, I say this is not the time to increase the pay of officers of the Army. And if it is to reduce the pay, I also say that this is not the time to do so. I am not willing in the year 1866, when a year has scarcely elapsed since the gallant Army of the Republic struck down rebellion in the field; I am not willing that those who stood gallantly by the flag, and who carried it on many battle-fields through fire and blood to victory, now wounded, perhaps disabled, broken down in health; I am not willing that they shall be met by the Congress of the United States with a proposition to reduce their pay. I want every officer who served his country well shall be liberally compensated for the service he has rendered. They stand high in the record of this nation, exhibiting a more brilliant array of martial deeds and prowess than was ever before exhibited by any country in the world. I am not willing that those men whose names are graven indelibly on the tablets of time should now, one year after the war has ended, have their pay reduced by the action of this Congress.

Now, sir, whether it be to reduce the pay or to increase the pay of the Army this is not the time, and I wish this whole subject could be deferred until the next session of Congress, when a plan might be adopted embracing many of the ideas of the honorable chairman of the committee which would meet with the cordial concurrence of the country. I am sure I should be glad to sustain it.

I yield the remainder of my time to the gentleman from New Jersey, [Mr. ROGERS.]

Mr. ROGERS. I believe I have only a few minutes. How much time have I?

The SPEAKER. There are only fifteen minutes remaining of the hour of the gentleman from New York.

Mr. ROGERS. Mr. Speaker, of course my experience in military matters is very limited. Much of the information that I have with regard to the status of the Army has been derived from the speeches I have heard delivered on this occasion. But when I look at the act first organizing the Army and fixing its compensation, which it is now proposed to change, I find that it dates back to March 3, 1795. It is enough for me to know that a system of pay which has existed for over seventy years cannot suddenly at this time be changed without doing injustice to officers of the regular Army. There is an impression on my mind—I think I have seen it in this House from the commencement of the session—that several gentlemen who have not been educated at West Point have been continually attacking the regular Army. I believe that had it not been for the discipline which the West Point officers, whose pay is attempted to be cut down by this bill, infused into the gallant volunteers, this rebellion would never have been put down and secession in this country would have succeeded.

Sir, I remember, in looking over the history of this rebellion, that Stonewall Jackson at one time with fifteen thousand men kept three able generals on our side, who had not been educated at West Point, in abeyance for six months with sixty-five thousand men under their command, although if they had been educated cadets it might have been the same.

I am further opposed to this bill because there is no member of the regular Army who is advocating it. This question has been brought before the Congress of the United States at different times. It was talked about in 1820, and a report upon it was made by the then Paymaster General, and his report was against it; and it is a significant fact, which has become a part of the history of the country, that no Secretary of War, from the first Secretary of War down to the present time, with the exception of Jefferson Davis, has ever advocated the system of pay proposed by the bill now under discussion.

A MEMBER. General Bragg.

Mr. ROGERS. General Bragg was never Secretary of War. The only man who ever held the office of Secretary of War, from the commencement of our political existence, who advocated this system of pay, was Jefferson Davis. Braxton Bragg did recommend it, but he was never the Secretary of War of the United States. And, sir, during the late rebellion, in the rebellious States, where nobody will deny that a great army was marshaled, although in a bad cause, Jefferson Davis and Braxton Bragg, who was a general under him, both advocated the same system of pay that we have had in force since the organization of the Army in 1795; and our whole experience through several generations, and even the experience of England for several hundred years before the revolutionary war, demonstrate the fact that no substantial change can be made in the pay system but what would interfere with the morale and efficiency of the American Army.

I am opposed to anything that interferes with the pay of the officers of the regular Army, because I believe the nation owes them a debt of gratitude, equally with the volunteers, that they can never pay. I remember that when despotism reigned in this country, when men were arrested and dragged from their beds at

midnight for their opinions, no general of the regular Army countenanced or sanctioned such proceedings. Sir, the officers of the regular Army have been men who have ever stood by the Constitution and the flag. They were the men who led the Army against the British in 1812; they were the men who fought the Mexicans in the Mexican war, who waged battle against the rebellion from the commencement to the end. Many of them were killed and left orphans behind them. And it is now too late a period in the history of this country, when the day of magnanimity has come, to take one single cent or farthing from the pay and emoluments of the West Point officers who led our regular Army through the conflicts of the last four or five years.

It cannot be denied, and the fact will go down to future generations as a proof of the utility of the regular Army, that during the late war the greatest military talent was shown by those who had been educated at West Point. When the flag of the country was almost trailing in the dust, and the hosts of secession were driving by bayonet charges into the ranks of the brave volunteers and regulars, the brave General McClellan, educated at West Point, led them to victory and turned the tide of battle.

Sir, I believe that the stability, the perpetuity, and the glory of the country depend upon sustaining this class of men, who have given their time and influence and shed their blood in defense of the Union.

The Constitution of the United States makes special provision for Congress to raise a regular army. It makes provision for the Army whose organization is now under consideration. The Army, as thus organized, has been true to the country. When the foreign foe has invaded our soil it has buckled on its armor in defense of the Union. These officers of the regular Army have spent years in lone camps or in fortifications on the frontier, drawn away from the luxuries of life, and cut off from that association with their fellow-citizens which is common to us all. That sacrifice they make. I never knew an officer of the regular Army who left anything but a legacy of love and honor to his children. I speak to-day in behalf of the gallant and brave men who belong to the regular Army, as well as the volunteer soldiers and officers. I say nothing in disparagement of those officers who belong to the volunteer service; but I do say that but for the gallantry, the bravery, the knowledge, the skill, and the military judgment of the hero of Antietam (General McClellan) the Capitol of this country would have been taken possession of by rebels, and the flag of rebeldom would have floated from its dome.

A MEMBER. To whom do you refer?

Mr. ROGERS. I speak of General McClellan in particular, and to the able generals belonging to the regular Army, and to the men whose recorded acts of bravery are unparalleled in the history of any war in the Old World or in this.

Sir, I should be recreant in duty to myself and in duty to the descendants who are to come after me did I not sustain the men who have upheld our flag and followed in the footsteps of Washington, who drove the British from these colonies.

Sir, after a conflict like this, when liberty is once more secure, it is no time to attempt to take away one cent of that which is justly due to these gallant officers of our regular Army.

What is the use of this bill? Who asks for it? Not a single general in the Army. Every single one of them is opposed to it. All the reports made to this House from official sources are against it. And yet gentlemen, because of their admiration of the volunteer corps and prejudice against West Pointers, are trying to take away some part of the glory which belongs to the regular Army. They want to make a dive at them and take away some portion of their pay and compensation. I say, sir, it is dangerous to interfere now with them. What reward is it to be a man belonging to the regular Army, who left a situation yielding him ten

thousand a year and returned to the service, to give him this compensation? Suppose he be located at Washington, or at some other place where his rations cost five hundred per cent. more than at other points. Is not that officer punished by a fine to the extent of five hundred per cent. on account of the location in which he may happen to be if you make no allowance for rations according to location?

I believe that it is dangerous to interfere with the law which has been in existence for so many years. This law, sir, was in existence when our fathers were not ruled by passion, but were animated by a love of perfect liberty and united in principle and purpose from one end of the Union to the other. But now, when the Union is divided, when the stars of eleven States are blotted off that flag, when ten or eleven million people who are equally interested with us in this great Army are not represented here, when passion rules the hour, I am not willing, for one, to interfere with the pay of that Army which was established in 1795.

What army is there that will compare in magnificence, in splendor, and in efficiency with our American Army? Sir, you may go back over the history of the darkest ages; you may turn to the history of modern times, and nowhere will you find an army in which the *morale* is so complete or which has performed its work so faithfully as has this Army of ours. I must say, and take pleasure in doing it, that the volunteer soldiers and officers have been brave, gallant, and efficient. Yet, sir, their efficiency was in a great part derived from the discipline acquired by them through the instrumentality of officers educated at West Point, and I do not hesitate to say that an army without discipline can accomplish no more than a mob, and it was the discipline of our volunteer soldiers and officers that made them an army able to compete with any army in the world.

Why, sir, there is no pay that will compensate a man for periling his life on the battlefield. The poor soldier who leaves his native hills and goes to the field of battle for twelve or fifteen dollars a month and perhaps six hundred or eight hundred dollars bounty is not compensated for the risk of life and limb that he runs.

And with the exception of a few members, there is hardly a member of this House who would have gone into the Army during the late war if he could have hired a substitute to take his place, even though he sold his farm to get the money to pay him. He thought too much of his wife and his family, of his home and of his own life to risk it, if he could, by selling all he had, obtain money enough to buy him a substitute.

Mr. ROUSSEAU. Will the gentleman yield a moment?

Mr. ROGERS. I cannot yield any more, for my time is limited to fifteen minutes from the commencement. There is no compensation sufficient to pay these men or volunteers for their services in the Army. Our officers ought at least to be sufficiently well paid so that when they die they can leave means enough to support their families. I believe in paying our officers and soldiers properly for their services, whether in the Army as volunteers or regulars, because if any men should be well paid it is those who have saved their country. The saviour of his country is to be compared with the Saviour of the world, and should be so remunerated by us that those coming after us will see from our example how brave and heroic men should be rewarded. There are no men more deserving the gratitude and care of their country than these men who by their great and brave deeds have accomplished the salvation of their country; they cannot be compensated in dollars and cents for the services they have rendered.

Much has been said about the Government having been at the expense of educating these officers. How is it? A young man, having perhaps a home of ease and comfort, enters West Point, separating himself from the rest

of the world, and there receives an education, and afterward devotes his whole life and abilities to the service of his country, as General Scott has done. Is there a man who would have wished that General Scott should have died without leaving a sufficient competence for his family? I think not.

Now, I suppose there are some on the other side of the House who will consider my speech a sufficient reason why they should vote for this bill.

Mr. SCHENCK. I think the speech has been an argument in favor of the bill. And as both sides have been heard, I suppose there can be no objection to my now notifying the House that I propose to put an end to this discussion by calling the previous question on the bill.

Mr. ROUSSEAU. I hope the gentleman from Ohio [Mr. SCHENCK] will yield to me for a few moments.

Mr. SCHENCK. I was about to say that I propose to hold the floor before calling the previous question, and yield to two or three members who desire to offer amendments, and also for five or ten minutes each to two or three others, and then I shall call the previous question.

Mr. ROUSSEAU. Mr. Speaker, I hope the gentleman will yield to me a few moments. I asked the gentleman from New Jersey [Mr. ROGERS] to yield to me a moment while he had the floor, but he declined to do so. I suppose he speaks so seldom, and then for such a short time, that he did not feel that he had any time to spare.

Mr. SCHENCK. I will yield to the gentleman from Kentucky [Mr. ROUSSEAU] for a few minutes.

Mr. ROUSSEAU. I expect to vote against this bill. But in doing so I want to say that I do not in the slightest degree indorse the sentiments of the gentleman from New Jersey, [Mr. ROGERS], and do not yield my assent to his misrepresentations and slanders of more than a million brave men who served in the volunteer service of the United States.

Mr. ROGERS. How did I slander them?

Mr. ROUSSEAU. By saying that they would not have fought or made good soldiers without the aid of the officers of the regular Army.

Mr. ROGERS. I did not say that. I said they would not have won so great victories but for the brave officers of the regular Army who commanded and led them.

Mr. ROUSSEAU. The gentleman is like an unbroken colt in a burr patch, you can neither catch him nor hold him. [Laughter.]

Now, the idea of charging that the Army of the United States, composed almost entirely of volunteers, would have been but a mere mob except for the officers of the regular Army, is a slander upon the volunteer soldiers of this country which I will not hear uttered anywhere by any one without repelling it.

Sir, the regular Army has no better friend in this country, in a humble way, than I am. I have been its friend always, and I am its friend now. I am a friend to West Point and those who have been educated there, and I shall vote against this bill and for that reason. But I want it distinctly understood that in doing so I do not indorse the sentiments of the gentleman from New Jersey, [Mr. ROGERS.] Rather than indorse those sentiments I would vote for this bill or almost any other. The gentleman cannot have read the history of his country if he believes what he has stated here. Where are the regular officers who organized, drilled, disciplined, and led the volunteers of the Army? Their numbers are just as a drop in the ocean compared with those of the volunteers.

Mr. ROGERS. I would ask the gentleman if he is a West Pointer. Perhaps that is the reason this matter touches the gentleman so much.

Mr. ROUSSEAU. I am not; I have never seen West Point; and it is not necessary that I should see it in order to know what volunteers can do and have done.

The volunteer army of this nation put down

the late rebellion, and they could have done it as well if there had not been a single West Pointer in the whole Army.

Mr. ROGERS. I don't believe it.

Mr. ROUSSEAU. The gentleman may have stated what he believes, but it is not of the least importance what he believes. I do not think that he has any sufficient knowledge in regard to the matter. I ask him, where are the men of the regular Army who drilled and taught the volunteers to fight? In the whole army of the West—and gallant, brave men they were—there was not a handful of West Pointers. I had the honor of commanding all the regulars in the West, and if they have a friend on earth to-day I claim to be that friend. I feel it an honor to be called their friend. I had hoped, sir, that the gentleman from New Jersey could oppose this bill without assailing the volunteer army of the United States. As one of that army I repel this assault upon them, and if I were a West Pointer or a regular I would repel it all the more strongly.

Mr. ROGERS. Mr. Speaker, the gentleman from Kentucky, [Mr. ROUSSEAU,] in the remarks which he has just made, totally misrepresents me. His object appears to be to place me in a false position before the country.

Mr. SCHENCK. I do not yield the floor to the gentleman from New Jersey, [Mr. ROGERS.]

Mr. ROGERS. I claim the right to be heard in vindication of myself against misrepresentation; and I say that the records of this country will not sustain the gentleman from Kentucky.

Several MEMBERS. Order!

Mr. SCHENCK. I do not yield to the gentleman from New Jersey.

The SPEAKER *pro tempore*, (Mr. ORTH in the chair.) The gentleman from New Jersey will take his seat. The gentleman from Ohio [Mr. SCHENCK] is entitled to the floor.

Mr. SCHENCK. I have promised to yield to my colleague [Mr. GARFIELD] that he may offer an amendment to remove what he considers an ambiguity in the bill.

Mr. ROGERS. I ask the gentleman to grant me three minutes that I may make an explanation.

Mr. SCHENCK. I do not yield to the gentleman from New Jersey, I yield to my colleague.

Mr. ROGERS. Well, all I have to say is that the charge which the gentleman from Kentucky has made against me is utterly false.

The SPEAKER *pro tempore*. The gentleman from New Jersey must take his seat.

Mr. GARFIELD. I move to amend by striking out, in the fourth section, after the words "per month," in the ninth line, the following words:

For each month of faithful service in the second year of his enlistment, and a further like increase of one dollar more per month for faithful service in the third year of his enlistment.

And inserting in lieu thereof the following:

During the second year of his enlistment; a further increase of one dollar per month during the third year of his enlistment; and one additional dollar per month during each additional year of his enlistment.

So that the clause will read:

Hereafter each enlisted man shall, instead of any allowance for bounty, receive an increase on his pay proper of one dollar per month during the second year of his enlistment; a further increase of one dollar per month during the third year of his enlistment; and one additional dollar per month during each additional year of his enlistment.

Mr. Speaker, the amendment which I have offered is designed to render more definite what appears to some of us a little ambiguous in the language of the section as it stands in the bill. The intention of the committee is, I presume, that after a man shall have served one year of his term of enlistment he shall, during the second year, receive one dollar per month more than during the first year; that if he shall serve a third year he shall receive an additional dollar per month, and so on, an additional dollar per month for each additional year of service. In order to obviate what ap-

pears to me an ambiguity in the language of the section, I have recast it, and I think it expresses more clearly the intention of the committee. I believe the chairman of the committee will accept the amendment.

Mr. Speaker, while I am on the floor I will say a word on the bill. I have been very much surprised at the opposition which has been manifested to this measure. In the first place, sir, the bill comes from a committee that has had this subject particularly in its charge and has given it a careful and thorough examination. The very fact that the bill is reported by that committee whose members have always been staunch defenders of the Army should, it seems to me, commend it to favorable consideration. But what is of more consequence, the provisions of the bill are such as commend themselves to my judgment, and I approve it on account of its own palpable merits.

I have heard no adequate reason offered in opposition. The present system of pay and allowances of Army officers is objectionable because of its uncertainty, because of the expanding and contracting mode of compensation. In the second place, the system is objectionable because of the fact, which will not be denied by any one familiar with the administration of the present law, that the easier and more comfortable an officer's duty, and the further removed from danger, the larger is his pay; while in proportion to the exposure and peril of the service in which he is engaged the smaller is his compensation.

Now, what I have just stated is a matter of fact which every gentleman who has drawn his pay as an officer of the Government, first on active duty in the field and then on some post duty, well knows. I believe no gentleman acquainted with the operation of the laws on that subject will deny this statement. It is a remarkable rule of compensation that the more dangerous and arduous the duties of an officer are the less is his pay, and the more comfortably he is situated in quarters in a city where he is in safety in the midst of society the greater is his pay.

The object of this bill, Mr. Speaker, is, in the first place, to make the pay definite in amount, giving the proper range in consequence of the character of service, light service the smaller pay and arduous service the larger pay; and next, instead of the longevity ration, giving a certain per cent. of increased pay for more years of service, both to the officer and the enlisted man. This is a wise provision, and will encourage men to remain in the Army.

The argument relied upon as the Samson of objections by the opponents of this bill is, that in some parts of the country it costs an officer more to live than in others, that his fuel, rations, and quarters cost more, and therefore the old system of pay and allowances should be kept up so that the officer may get what he needs from the Government at cost price. I answer this by the fact that our postmasters, our route agents, our territorial judges and circuit judges of the United States have fixed salaries, without regard to the place where they may serve or the price of board where they may live.

Mr. WOODBRIDGE. I ask the gentleman from Ohio whether it is not true that postmasters and route agents are paid according to the services which they perform and the locality in which they may be stationed.

Mr. GARFIELD. I am aware that on the California coast in almost all salaries we have made a discrimination, but that is an exception to our general practice. I say to the gentleman that the principle of this bill to which he objects is one which runs through all of the official departments of the Government.

I think, Mr. Speaker, that the men who do not engage in active service in the field should not have, in addition to their comfortable positions, more pay than those who bear the burden and heat of the conflict and rough it in the field or on the frontier. I call upon the members of the House who desire to do justice to the men who were the life of the Army

and whose acts illustrate the brightest pages of our history, that those men shall not receive less than those who have been in easy and comfortable positions during the whole struggle. I should like to have it known throughout the country that Congress will stand by these men and say that pay shall depend upon the character of service rendered, and that it shall not be, as now, that the less duty shall earn the greater pay.

Mr. SCHENCK. I will accept the amendment proposed by my colleague. It does not alter the sense at all of that section, and perhaps makes it a little clearer.

I propose to insert after the word "field," in the seventeenth line of the first section, these words: "or on service as chief of bureau," so as to give a brigadier general, the ranking officer of a bureau, the highest compensation of his rank while on duty in that capacity. I offer this after consultation with some gentlemen of the War Department. It is but just it should be included in that class.

The gentleman from Wisconsin, [Mr. PAINE,] who discussed this matter the other day, had an amendment which, in his absence on account of sickness, I will offer to the bill. In the mean time I will hear what the gentleman from Vermont has to offer.

Mr. WOODBRIDGE. It is of course known by those who heard what I said upon this bill yesterday that I am opposed to it both in principle and detail, but at the same time, if the bill shall pass, I desire to have it as perfect as it may be made. As the chairman of the Committee on Military Affairs does not give me time to answer the arguments of my friend from Ohio, [Mr. GARFIELD,] I simply content myself by proposing the following amendment, to come in as an additional section:

And be it further enacted, That officers of the Army, when on detached service, shall be allowed, in addition to their fixed salary, the actual cost of fuel and quarters.

Mr. SCHENCK. I decline to yield to allow that amendment to be offered. I have an amendment to offer on behalf of the gentleman from Wisconsin, [Mr. PAINE,] as a modification of or a substitute for an amendment which that gentleman has already offered. The gentleman from Wisconsin is absent on account of indisposition, and he desires me to withdraw the previous amendment and offer this in lieu of it, to come in as an additional section at the end of section five:

And be it further enacted, That officers may purchase from the proper departments the same amount of subsistence and fuel which they are now permitted by law to draw in kind, or commute at uniform prices, to be fixed from time to time by the Secretary of War, not exceeding the average actual cost of the same, exclusive of transportation, upon their certificates that it is for their own use or the use of their families. But nothing in this act contained shall affect the right of officers to use without charge public barracks or quarters or buildings hired for their use in accordance with the laws and regulations now in force.

I have only to say that this does nothing but declare the law as it now is. We have not proposed by this bill to interfere with the permission to purchase subsistence and fuel; but to remove all doubt this amendment has been prepared by the gentleman from Wisconsin, and I hope it may become a part of the bill.

The question being taken on the amendment, it was agreed to.

Mr. SCHENCK. I am now appealed to by the gentleman from Pennsylvania [Mr. THAYER] to yield to him ten minutes of my time for the purpose of replying to the remarks of the gentleman from Indiana, [Mr. DEMONT.]

Mr. THAYER. I am very much obliged to the gentleman from Ohio, [Mr. SCHENCK,] who I hope will allow me to proceed for fifteen minutes, for I can hardly say what I desire to in ten minutes.

I beg the House to understand that I do not intend to traverse again any portion of the ground I have already gone over in what I had the honor to submit to this House upon this subject. My simple purpose in rising is to reply to some comments which have been made by gentlemen upon the argument which I sub-

mitted to the House on a former day. Some strictures, I understand, were made upon my remarks on yesterday by the gentleman from Indiana, [Mr. DUMONT.] I do not know that I feel called upon to reply to the gentleman from Indiana, for several reasons. First, because I was unavoidably absent from the House when he made my remarks the text for his discussion; secondly, because his remarks are not printed in the Globe to-day, and I have, therefore, no authoritative version of what he did say; and thirdly, if the tenor of his remarks was of the character which has been privately reported to me, I do not think that I am called upon to make any reply to them. I do not think that I owe it either to myself or to this House to make any reply to them. I suppose, indeed I have no doubt, that the gentleman displayed the usual characteristics of his wit and indulged in the usual refined style of rhetoric which I have listened to from him before in this House, and I have no doubt the House enjoyed the performance as much as it usually does upon those occasions.

I have, however, a few remarks to make in reply to the gentleman from Wisconsin, [Mr. PAINE,] who, I very much regret to see, is not in his seat, and who, I much more regret to hear from the chairman of the committee, [Mr. SCHENCK,] is detained from his seat by indisposition. I desired to submit some remarks to him, because I know that he is a gentleman who is careful in what he says, who can appreciate the language of laws, who knows the force and effect of law, and who will not dismiss from the discussion the laws of the United States with the flippancy which substitutes attempted wit for argument.

Now, sir, the gentleman from Wisconsin takes issue with me in regard to the law on the subject of rations. Sir, I do not profess to know much about the practice in reference to this matter in the Army. I have not had the benefit of the experience upon that subject which many gentlemen in this House have had. I cannot speak with any authority with reference to the practice, but I beg the House to believe that I have not spoken upon this subject without having examined the law which is applicable to it. And by the side of that law I do not care what your Army Regulations are, which are a mere abstract made up in the bureaus and bound together, their various parts often conflicting with one another. I care not what those regulations may be. The law permits an officer to draw rations in kind, and there is no authority in this Government to refuse that privilege to him in the face of the law which secures it to him.

Now, the gentleman from Indiana, [Mr. DUMONT,] if I am correctly informed, says that I spoke upon this subject without knowing anything about it. Sir, I do not profess to know so much about military affairs as the gentleman from Indiana, but I do profess to know the meaning of a statute which is written upon the face of the statute-book of the United States, when there is nothing ambiguous in its terms, and I tell the gentleman from Indiana that I can trace upon the statute-book of the United States from the year 1790 down to the year 1863 this provision which he denies to be law.

I have upon my notes reference to no less than twenty-five acts of Congress which either directly or by reference to former statutes place that provision in our laws. The very last one, that of 1861, adopts and incorporates in the provisions of the laws which regulate the Army the very provision of the act of 1802, which act is the foundation of the law now regulating the Army of the United States, although it may be sneered at because it is more than forty years old.

Sir, the act which made the slave trade piracy is more than forty years old, but I suppose that no gentleman upon this floor would have the hardihood to contend that it has been repealed because it was passed in 1820.

I wish now to turn for a moment to the language of these laws; and the first to which I

will refer is the act of 1790, the seventh section of which expressly says that "the commissioned officers aforesaid shall be entitled to receive for their daily subsistence the following ration of provisions, to wit." The law then goes on to give the amount of provisions to which each officer shall be entitled, and then it adds, "or money in lieu thereof, at the option of the said officer." That was the law in 1790, after the adoption of the Constitution, when the first Army of the United States was organized. There are twenty-five subsequent acts of Congress which retain that provision. They are as follows: April 30, 1790; March 8, 1791; March 5, 1792; May 9, 1794; March 8, 1795; May 30, 1796; May 28, 1798; July 16, 1798; March 2, 1799; March 3, 1799; March 16, 1802; April 12, 1808; January 2, 1812; January 11, 1812; January 29, 1813; March 3, 1815; March 2, 1821; June 15, 1832; May 23, 1836; July 5, 1838; May 19, 1846; February 11, 1847; February 21, 1857; July 29, 1861.

In 1802 there was a general reorganization of the Army, and the provisions of the act of 1802 are, by references in all subsequent acts, made the foundation for the present organization of the Army of the United States, and the provisions of that law are, in most respects, the present existing provisions of law in reference to the Army of the United States, made so by express reference and incorporation of those provisions in later laws.

The act of 1802 provides that—

"The commissioned officers aforesaid shall be entitled to receive for their daily subsistence the following number of rations of provisions."

It then goes on to give the number of rations to which each officer shall be entitled; and then it adds:

"Or money in lieu thereof at the option of said officer or cadet."

In the year 1808, when the Army was again reorganized, the same provision was incorporated in the law with this addition:

"That the subsistence of the officers of the Army, when not in kind, shall be estimated at twenty-five cents per ration."

The act of 1857, as we all know, raised the commutation price of rations to thirty cents.

Now, sir, I cannot, in the limited time allotted to me by the courtesy of the chairman of the Committee on Military Affairs, go through all these various acts of Congress, and I should probably weary the patience of the House if I undertook to do so.

Finally, I desire to call the attention of the House to the act of 1861, entitled "An act to increase the present military establishment of the United States." That was an act passed in the beginning of the war to put down the rebellion. That act declares—

"That all officers and enlisted men raised in pursuance of the foregoing sections shall receive the same pay, emoluments, and allowances, and be on the same footing, in every respect, of those of the corresponding grades and corps now in the regular service."

The SPEAKER. The time for which the gentleman from Ohio [Mr. SCHENCK] yielded to the gentleman from Pennsylvania [Mr. THAYER] has expired.

Mr. THAYER. I trust the gentleman from Ohio will yield to me a few minutes more.

Mr. SCHENCK. The gentleman will recollect that the reason he gave me for yielding in the first place to him was that he desired to reply to the gentleman from Indiana, [Mr. DUMONT.] But he appears not to be doing so now.

Mr. THAYER. The gentleman must observe that I am addressing my remarks directly to the bill.

Mr. SCHENCK. Very well; I will yield to the gentleman five minutes more.

Mr. THAYER. Those provisions, which were in the act of 1802, and which I have said now constitute the basis of the organization of the Army, have, so far as the subject I am considering is concerned, been incorporated into every law which has since been passed upon that subject.

In order to refute this position the gentle-

man from Wisconsin [Mr. PAINE] quoted a foot-note from the edition of the revised Army Regulations, published in 1863, which foot-note says:

"Subsistence stores will not be issued to officers, nor to their servants, unless they are enlisted men, and are so reported on the officer's account and payroll."

Now, of how much force is that? Turn to page 368 of the same book and you will see printed the certificate which the officer is bound by the rules of the Department to sign before he can draw his pay. That certificate begins thus:

"I hereby certify that the foregoing account is accurate and just; that I have not been absent without leave during any part of the time charged for; that I have not received pay, nor drawn rations, forage, or clothing in kind," &c.

That is what he is bound to certify before he can get his pay, and that is in the same volume of regulations which contains the foot-note which the gentleman from Wisconsin read to show that he cannot draw his rations in kind.

Now, these discrepancies are very easily accounted for. The portions of the Regulations relating to the different bureaus are made up in those different bureaus. That relating to the commissary department is made up in the commissary bureau; that relating to the quartermaster's department is made up in the quartermaster's bureau; that relating to the pay department, in the paymaster's bureau, and so on in regard to the different bureaus. And these abstracts thus prepared in the different bureaus are bound together and form what are called the "Revised Army Regulations." But they are the mere observations of officers of the various bureaus put in the shape of notes to the text of the Regulations. They are of no consequence so far as changing the law is concerned. Will any man undertake to say that he can abrogate an act of Congress by merely putting a foot-note in the book of Army Regulations?

I declare that that which I say to be the law upon this subject is the existing law, and all the commissaries and quartermasters and paymasters in the world, who, in their compilations of the Army Regulations should put in a thousand foot-notes contradicting the express law upon that subject, are impotent to change the law. I have here another copy of the Revised Army Regulations, and on page 268 I find this note:

"If rations are drawn for a commissioned officer on this return, his name, rank, regiment, and corps must be mentioned in the remarks."

Now, these facts show conclusively to anybody who will examine the law, that what I have stated upon this subject has been correctly stated. That has been the law from the first organization of the Army. I do not say that the practice of the Government has been uniform. The variation from the law may, perhaps, be due to that departmental legislation to which the gentleman from Ohio [Mr. SCHENCK] referred in his remarks the other day. The subsistence department, in order to avoid the trouble of issuing rations in kind to officers, may have put that foot-note into the Army Regulations which has so utterly misled the gentleman from Wisconsin, [Mr. PAINE,] and by which he has been so completely victimized.

It must be clear to anybody who will examine the law that the provision to which I have referred relating to officers' rations still constitutes a part of the law relating to the military service of the United States. I venture to say that no sensible person will undertake to dispute that who has carefully examined the law upon the subject.

Mr. SCHENCK. I will now yield ten or fifteen minutes to the gentleman from Indiana, [Mr. DUMONT.]

Mr. DUMONT. Mr. Speaker, I do not desire to occupy either ten or fifteen minutes in replying to the gentleman from Pennsylvania, [Mr. THAYER.] He seems to be inclined to believe that I have inflicted some

wrong upon him. I am not conscious of having done so. Such a thing never entered into my imagination. Everything I said was in entire kindness toward him. My remarks may not have been in the exact strain which the gentleman himself would have used; but the style of those remarks was my own, and I do not know how to use any other style than that which a kind Providence has given to me.

Now, the Regulations of the Army declare in so many words that commutation of subsistence shall be drawn. Another section of the Regulations declares that officers may purchase subsistence from the commissary department at the contract price therefor, deducting transportation, upon filing a certain certificate. The gentleman says that he does not care anything about the Regulations; that he goes back to the statute. He does not seem to know that the Regulations themselves are by an express statute made the laws of the land. The gentleman also says that the gentleman from Wisconsin [Mr. PAINE] is careful about what he states; that he does not indulge in wagger; that he knows what he talks about. Well, I incline to believe that such is the case, and that the gentleman from Pennsylvania would improve very much by being governed by the same rule. There is a statute passed by Congress declaring, in so many words, the Regulations of the Army to be the law of the land; and I do not care how much the gentleman goes back to the year 1800 or the year 1795 to hunt up old obsolete statutes which have been repealed.

Mr. THAYER. Will the gentleman allow me to ask him a question?

Mr. DUMONT. Yes, sir.

Mr. THAYER. I desire to ask the gentleman whether he can point to any statute which repeals the provision which has been the subject of controversy. The gentleman says it has been repealed; I desire to know by what statute.

Mr. DUMONT. By the Regulations.

Mr. THAYER. Then I will ask the gentleman by what clause of the Regulations; because it will not, I suppose, be pretended that a mere foot-note added by an officer is a regulation.

Mr. DUMONT. There is no foot-note about it. The provision referred to has been repealed by the clause that comes in contact with it. When two laws come in conflict with each other the latter law, according to all the adjudications in the land, repeals the former.

The gentleman may say that these Regulations are made by Army officers. That does not make any kind of difference if Congress afterward adopts them. I do not care who made them—if they were made by an old woman, if they were made by the most humble man in Washington city—if Congress afterward by solemn enactment adopts them as the law of the land they are the law of the land, notwithstanding the gentleman may talk about "foot-notes."

The gentleman from Pennsylvania has been very kind to me. On one occasion he yielded the floor to me, giving me an opportunity to make a speech out of my turn. I felt exceedingly grateful to the gentleman for that; and the last thing which I would have wished to do was to show my ingratitude by inflicting a wrong upon him. I understand this whole thing. The gentleman was led into some errors. I acknowledge him to be a good lawyer, one of the ablest in the land; but he was led into some errors by yielding a too credulous ear to those who misrepresented the facts. And now the gentleman has been led into additional blunders by having what I said reported to him in an offensive sense. You, Mr. Speaker, heard the few crude remarks that I took occasion to make yesterday. I do not pretend that they had much merit; I do not pretend that they were what they ought to have been; I do not pretend that they were what they would have been if they had come from the classic lips of the gentleman who has taken offense at them. But they were just what I believed to be appropriate to the bill.

Sir, a person who could not understand a word of the English language heard two persons engaged in a discussion in that language. He went away and said that a particular one of the parties had proved victorious; he had no kind of doubt about it. "Why," it was asked, "how did you find out which was victorious? You could not understand a word that either of them said." His reply was this: "Why, one of them got mad, and I knew then that he was whipped." [Laughter.]

The gentleman did get mad, and there is no use of disguising it. There is no need of going round the bush. There is no use of being mealy-mouthed about it. He went from one blunder to another on this subject, and it was the bounden duty of any sworn member of the House, in answering him, to refer to the mistakes which he had made. I did it as a man, and I profess to be as much of a man as any on this part of God's footstool. I intend so to act on all occasions.

I did not do it with any view of being offensive to the gentleman from Pennsylvania. I entertain no unkind feelings for him, none whatever. I confined my remarks to those which he had made in regard to the Army. I entertain no unkind feelings for him, because I presume that he has been led astray by those who heard my remarks and were inclined to get him to pitch into me. [Laughter.] I have now said all that I desire.

Mr. SCHENCK. I insist on the demand for the previous question.

The previous question was seconded and the main question ordered.

Mr. SCHENCK. Before proceeding to close the debate I will yield for a moment to the gentleman from Maine.

NEBRASKA WAR DEBT.

Mr. BLAINE, by unanimous consent, from the Committee on Military Affairs, reported back the memorial of the Legislative Assembly of Nebraska, to reimburse that Territory for money expended in raising troops, &c.; and moved that it be referred to the Committee on Appropriations.

The motion was agreed to.

PAY OF THE ARMY—AGAIN.

Mr. SCHENCK. Mr. Speaker, I regret the absence of my friend from Wisconsin, [Mr. PAINE,] as I was desirous he should make some reply to the remarks of the gentleman from Pennsylvania, [Mr. THAYER.] However, I do not know I can better supply what he would have said than by asking the Clerk to read the letter which he has sent notifying me it would be impossible for him to be present to vote, as he wished, for this bill.

The Clerk read as follows:

WASHINGTON, D. C., June 5, 1866.

MY DEAR GENERAL: I very much regret that I cannot be present to vote for your Army bill this afternoon. I would certainly be there if it were possible, but cannot believe that the House will vote down so just a measure, thereby declaring its approval of the policy which has hitherto made fighting and service with troops not the highest, but rather a secondary duty for officers of the Army.

At present it is mortifying to see how they scramble for clerkships.

Very truly yours,

H. E. PAINE.

Mr. SCHENCK. That is just it. We have introduced a bill here to make the compensation to be afforded to the different classes of the Army of the United States, classed, I mean, by their employment, if not more favorable, at least equal, for those who are serving actively in the field with troops to the pay which is given to those who are engaged in bureaus or at headquarters, or in recruiting in cities and towns, where their services are more allied to those of civil life. The resistance made to this bill is a resistance made in behalf of those who are pursuing rather civil avocations and against those who are following the active duties of their profession, serving with troops in the field. That is the broad line of distinction between those who support this bill and those who oppose it. I am not at all unwilling to stand by the bill in the form in which we have now submitted it.

There has been a great deal said in the progress of this discussion—and the House will bear me witness that I have been willing there should be the fullest and fairest discussion allowed—which has little to do with the bill itself or the particular principle involved in its consideration. All that the gentleman has said just now about the ration, with due deference to his opinion, valuable as it usually is, I submit has nothing to do with the real question at issue. The ration, whether it can be drawn in kind or whether it cannot be drawn in kind, as we know is the construction and practice under the law which forbids it, or whether it be paid in the shape of commutation, as it now is, in lieu of the ration in kind, is in fact, in assuming the form of money, nothing more than so much money added to the salary of an officer, and the question is whether we shall continue to pay the salary of an officer in that shape.

Gentlemen have referred to this bill as one that has not come before the House with the unanimous indorsement or assent of the committee who reported it. With that I apprehend the House has little to do. It must have had the assent of a majority of that committee when a quorum was present for the transaction of business, as I know it did. Although, to my surprise, my colleague on the committee, [Mr. BLAINE,] who did not attend during the discussion before the committee, in order to give us the benefit of his valuable suggestions there, opposes the bill now in the House, and although the intimation comes from one other member of the committee that he is opposed to it, yet it is reported with the cordial and hearty assent of at least a very considerable majority of the committee from which it came.

But I do not suppose it is a matter of opinion with gentlemen in this House whether they shall sustain a bill or not according as that opinion is strengthened by the assent or dissent of this, that, or the other person. We do not put the bill on that ground. We present it upon its merits before the House as containing a wholesome reform, as providing for the abandonment of a vicious system which has long prevailed, in order to introduce in its stead a better system for the payment of officers of the Army.

We are met next with the intimation that this bill has its origin in certain prejudices or cunning and sinister purposes or concealed motives on the part of those who introduced and who sustain it here, and that it is in fact but a covert attack upon somebody—West Point, for instance, or the regular Army—and not really a measure in the interest of the Government at all. I have no reply to make to such imputations as those. They are unworthy of those who make them and undeserving of answer. Those who impute low or malicious motives I have always found to be influenced by such motives themselves. They therefore speak from a sort of consciousness of what they themselves might do under like circumstances.

I say again, we put this bill before the House on its merits. We wish to introduce a reform in the manner of payment of the Army, and although the abuse sought to be reformed is one which has not only lasted for many years, but has gone on step by step enlarging and increasing in strength, I find in that fact only a further argument for applying the hand of reform, and I trust it will be successfully applied now.

Sir, it is not opinion that gentlemen who have opposed this bill have found in their way or in the way of their arguments. The difficulty with them is that they have been met at every point by facts in regard to existing abuses, by facts in regard to the present mode of payment, by facts in regard to the opportunity for abusing that mode of payment. Their difficulty is therefore not in our putting authority against authority, but in our interposing facts in proof of the abuse in answer to all their citations of authority.

But let us look at their citations. Gentlemen inquire, who has asked for this bill? And

they reply, not the regular Army. Now let me ask, who constitute the regular Army? The regular Army as it exists to-day, so far as its officers are concerned, is made up, more than four fifths, of officers appointed from civil life, and never educated at West Point. So that disposes, I believe, of the apprehension or fear in regard to this being a blow at West Point.

What next? Who are they who are opposed to the passage of this bill? Officers of the regular Army? Sir, I aver, without the fear of successful contradiction, that a very large majority of the officers, including some of the very best in the Army, are exceedingly solicitous that a bill of this kind should pass. But they are officers who are not here in Washington; they are officers who are away on duty. Some of them have been here, however, and within the last twenty-four hours I have been appealed to by two or three of them who did most gallant service in the field, sweeping the rebels from the Shenandoah valley and performing deeds of valor elsewhere, who desire nothing more than that such a bill as this should pass this House and should pass Congress.

Now, sir, there is a good deal of the regular Army away from Washington, away from Philadelphia, away from New York, away from the various stations about the country, away from the headquarters of the various military departments and divisions. And everybody that is away from those places desires this bill to pass; because it will more or less help them, while everybody who is at this station desire this bill not to pass, because it will cut a little into their pay. And that is the fact in reference to the witnesses who have been arrayed here upon the one side or the other.

But, sir, I will refer to the witnesses produced, and they are not so much witnesses as to facts. Who are they? "Three that bear witness." I hope I shall not be deemed irreverent. And upon this proof, furnished for the occasion by the War Department, gentlemen have spoken pretty much all they have to say upon this subject. They might just as well have had this printed communication from the pay department read at the Clerk's desk, and there rested their case, than to have amplified upon it and made it, perhaps, a little obscure in doing so. [Laughter.] On the 10th of March, after this bill was reported from my committee, it was deemed important to get an opinion in regard to it; and accordingly a copy of the bill was furnished to my very excellent friend, the present Paymaster General. He gave his opinion that the bill was inexpedient and ought not to pass; and he sustained that opinion by reports made heretofore upon that subject. By whom? By Paymaster Towson in 1826, when the subject was before under discussion, and he backed it up by a corroborating opinion of Paymaster General Larned, made in 1856, and he indorses the reports of both Towson and Larned.

Mr. FARNSWORTH. Do I understand the gentleman to say that that report is signed by Paymaster General Brice? I should think not. I know that only two months ago I had a conversation with Paymaster General Brice on this very subject, and he told me then that he thought such a bill as this ought to pass, and that it would certainly save the pay department very much trouble if the pay of officers were fixed at a definite sum, and not left to depend upon various contingencies.

Mr. SCHENCK. Not only that, but it is a simplification of the mode of pay, saving a vast amount of machinery of the paymaster's department—a machinery now occupied in ciphering out these long, inextricable rolls, which my friend from New York [Mr. DAVIS] thinks that "he who runs may read," and understand, too.

Mr. DAVIS. Will the gentleman allow me a word?

Mr. SCHENCK. As I have referred to the gentleman, I suppose I must yield to him.

Mr. DAVIS. I desire to know what effect

this bill would have upon the pay of a major general, a brigadier general, who had been in the service thirty years.

Mr. SCHENCK. I will answer that question presently; I prefer to proceed now.

The Paymaster General says:

"I send you, herewith, an extract from an official report of that gallant and much distinguished officer of the war of 1812, Brevet Major General Nathan Towson, Paymaster General of the Army for thirty-five years, (from 1819 till his decease in 1854,) made to the Secretary of War, April 3, 1826.

"Also a letter on the same subject, addressed to the Secretary of War, dated February 18, 1856, by the excellent successor of General Towson, the late Paymaster General Larned."

We have here got three witnesses on the stand, and it is fair to look at the interest of witnesses; they are Paymaster General Brice, Paymaster Larned, and Paymaster General Towson; all of the three, according to the present policy, being stationed where they get these allowances. Very naturally they do not want the law changed. That is the whole of it. I do not say this for the purpose of impeaching either of these three gentlemen, and I will not be misconstrued by having it said that I impeached them by referring to them in this way. But I do say that Paymaster Generals are akin to us, and to human nature—the human nature that characterizes us—as much so as any others; and it is a most unnatural thing to call upon gentlemen and expect them to decry a system by which they themselves benefit, and ask them to come forward as volunteer witnesses to testify against it.

I wish those gentlemen had written to the officers in the field. I wish they had sent out to those who are serving on the plains, or who are on duty at the various posts throughout the country; who are with their troops doing the hard, active work of their profession, constituting as they do a very large majority of the whole number of the officers of the Army, and obtained their opinions upon this subject. I oppose witness to witness. I have had not merely one but many communications and appeals from officers of that class, who desire that this bill shall pass, because it seeks to do justice to them, and aims to establish some fair and equitable relation between them and others.

Now, I propose to illustrate this, not at any great length, because I suppose the House has had enough not only of the discussion upon the general merits of the bill, but also of the illustrations which have been presented here. I will show how this bill will work, by taking for instance the first officer upon the list, a major general, and I do this at the risk of repeating to some extent what I have already said upon this subject. The pay proper of a major general, under the present system, is \$220 a month, or \$2,640 a year. To that pay is added commutation for four servants, at sixteen dollars each per month, or \$768 a year. The allowance for clothing for those four servants is \$312 a year. He is allowed for subsistence for himself fifteen rations per day for three hundred and sixty-five days, or five thousand four hundred and seventy-five per year; and for his servants four rations per day, or fourteen hundred and sixty per year, making an aggregate of six thousand nine hundred and thirty-five rations, which, at thirty cents per ration, would make \$2,080 50. Then he is allowed to draw forage for five horses, amounting, at the present appraised value of forage here in this city, to \$208 50 for each horse, making an addition of \$1,042 50. He also gets an allowance for fuel, which varies a little in different places. But in making out the allowance for fuel, they generally take the average cost of the best dry hickory wood, and set that down as the price of fuel to be allowed. As estimated here a major general is allowed \$509 62 for fuel. And then he is allowed as commutation for quarters the further sum of \$1,206, making his aggregate pay \$8,648 62; or \$648 62 more than the Secretary of War receives. That is the pay of a major general, when on duty here in Washington, or at headquarters in Baltimore, Philadelphia, or New

York, or out upon the plains at a post, or wherever else he may be, doing the duty of a major general at a station, as is the case with most if not all major generals in time of peace.

Now it is true that of this sum \$1,042 50 is for forage, which is in kind and not in cash. All the rest of it is paid in cash. The gentleman from Vermont [Mr. WOODBRIDGE] says that these poor suffering soldiers cannot afford even to keep a carriage. Sir, the peculiarity of the pay of an officer of the Army is that he can keep his carriage, while but few of the officers of the naval or civil service can do so. The officer of the Army can draw for his horses forage in kind, and therefore he can be sure of having enough to keep his horses. And it is also true that some of them drive around in ambulances which belong to the Government, and which cost the officers no more than their forage does.

Mr. WOODBRIDGE. You were a major general in command at Baltimore, at one time, I believe.

Mr. SCHENCK. Yes, sir, and I speak knowingly upon this subject, because I have been a part of it, though I will not consent to be put into the confessional here. I was enabled to live very well there upon my pay of over \$8,000 a year, a great deal better than I can live here as a member of Congress upon my pay of \$3,000 a year. I did not save much of my pay then; I save still less of it now. Even when I was of that class of officers who are better paid than any other class of officers under the Government of the United States—I mean the officers of the Army—I confess to the extravagance of having spent pretty nearly all of my pay, as I have no doubt my friend from Vermont [Mr. WOODBRIDGE] would have done under the like circumstances.

But that does not touch the merits of this question, to which I will now go back. It was an unlucky illustration which the gentleman made about these officers not being able to keep their carriages, for in fact they are just the class of officers who are able to keep their carriages. The Government feeds their horses, for which the officer is at no expense, and he can purchase a carriage of his own, or drive about in an ambulance belonging to the Government, which also will cost him nothing. Now, I like too see these officers driving about in their carriages; I like to see them well paid.

But, as I said before, the difficulty with the gentlemen who oppose this bill is that they must deal with facts, and not with mere opinions. Now, take from the entire pay of the major general, which is \$8,648 62, the cost of the forage, \$1,042 50, and there is left the sum of \$7,606 12. How does it happen to be so much? Because that aggregate sum includes \$500 62 as commutation for fuel and \$1,296 as commutation for quarters, making an aggregate of \$1,805 62 which these gentlemen get by reason of being stationed at some town or post, or away from the troops, and upon a different sort of duty; while officers who are in the field and with their troops do not get this allowance. Subtract \$1,805 62 from \$7,606 06 and you have remaining \$5,800 44.

Now, this bill does what? It gives to each major general who is serving in his proper capacity as commandant of a military division or of a department \$7,000; and if he be upon a less command it gives him \$6,500. Thus it takes, I admit, \$606 06 away from the major general who is serving in this *quasi* civil capacity, in an administrative capacity or in a clerical capacity, or in a military capacity not in the immediate and direct command of troops; while it adds \$1,200 in one case and \$700 in another to the pay of those major generals who are actually doing the hard active duty of their profession with troops and with their commands. This explains why those officers who are with their troops and with their commands—constituting the large majority—are in favor of some such bill as this; while the present system receives the support of those who fill the easier, the quieter, the less dangerous positions, though my friend from Vermont thinks

that there is greater risk of life here in Washington than in the field of deadly combat.

Mr. WOODBRIDGE. I desire to inquire of the gentleman whether the officers who are serving in the field do not have those very things which are allowed in the way of commutation to officers who are upon detached service.

Mr. SCHENCK. I will tell the gentleman. For fuel we subsisted principally on fence rails; sometimes we had green wood, when the soldiers could get it. For quarters, we had sometimes what the gentleman from Indiana describes—a number of fence rails leaned against a fence, with some straw thrown over; or, if not that, sometimes the canopy of heaven, sometimes a tent. Sometimes in a fort with a garrison, quarters may be supplied by the Government; but these are very different from the quarters which gentlemen get who have the good fortune to be at headquarters, or in the War Department, or on recruiting duty, and, as my friend from Indiana says, living under an arrangement by which their tavern bills are paid; for that is the whole of it.

Here again my friend and colleague on the committee [Mr. BLAINE] is exceedingly distressed on account of certain officers who might be ordered to some remote place in some distant mountainous region where wood might be \$100 a cord. Now, does any man believe that any officer sent to any such place ever paid to warm himself \$100 a cord for wood? The Government may have paid that sum; but the peculiarity of the matter is that this bill does not touch those who are on garrison duty in forts and who have their fuel paid for and their quarters supplied by the Government; and though it might cost the Government a considerable sum to warm the officer sent out to one of those distant posts, the officer, under the present system, saves all his commutation. He probably does not draw it at all, because at one of these outposts there is no occasion for him to buy wood at \$100 a cord. That was a sort of fancy picture.

Besides, sir, we are not legislating here for a condition of things in which wood may be \$100 a cord. We are legislating for the ordinary normal condition of the country in regard to prices. Now, it may be that when gold was first discovered in California the prices of subsistence in that region rose to such an extent that it was a hardship upon an officer, civil or military, to be sent out there at the compensation ordinarily paid to any other civil or military officer. It may be that the Government found it necessary in that extraordinary and exceptional case to interfere. So, I apprehend, the Government might do again. The difficulty is, these gentlemen want us to make them the exceptional case all the time.

How is this commutation for fuel and quarters? Gentlemen have talked something about it, and those who have not informed themselves would be led to suppose when an officer is ordered to headquarters at Washington he has to spend his money in warming the office he occupies, and to pay the rent for that office, and that it is necessary he should have it all back again in the way of commutation. No such thing. If General Augur be put on duty here he has offices provided for him in which all the business of the headquarters of this department is transacted. He has a house here with an office for himself, with all the rooms appurtenant thereto, all of which are paid for by the Government out of the Treasury of the United States. And every pound of coal and every stick of wood which is used by General Augur in warming his headquarters are paid for out of the Treasury.

What, then, is this commutation? It is not what it costs for the rent of offices for General Augur or what is paid for warming them. It is because the quartermaster certifies there are no quarters to be furnished to him, as quartermasters do on the slightest provocation, and he draws in cash as commutation his \$1,800. He has the right under the law to do it. It goes for General Augur or Mrs. Augur, if there

be one, or the little Augurs or gimlets, [great laughter;] in other words, it goes to take care of the family.

Take the case of an officer who is sent on recruiting duty to the village of my friend from Vermont, [Mr. WOODBRIDGE,] if it is possible that the gentleman, with all his polish and refinement, resides in a village.

Mr. WOODBRIDGE. I live in a city.

Mr. SCHENCK. No, he says he lives in a city. Well, I will take my rural friend from Iowa, [Mr. GRINNELL.]

Mr. GRINNELL. I live in the country.

Mr. SCHENCK. I beg pardon again. Perhaps some gentleman here lives in a village where now and then a man may be picked up by a recruiting officer. Now, if a recruiting officer be sent there he draws commutation for forage, commutation for fuel, commutation for quarters as though he were in Washington city, with this difference, that in villages they cut the rent per room down to nine dollars, whereas in this city it is put up to eighteen dollars a month, and in New York to twelve dollars. Nine dollars a month will get a good room in a village. This nine dollars a room is to be multiplied by two, three, or four, according to the number of rooms to which the officer, by reason of his rank, may be entitled.

These gentlemen are trying to raise an issue between this bill and the committee who reported it, and which I trust the House is going to sustain, and the gentlemen stationed here at Washington. It applies no more to gentlemen stationed at Washington than anywhere else. All over the country, wherever a man is stationed away from active duty with troops in the field or elsewhere, in garrison at a fort where fuel and quarters are provided, he gets his commutation for fuel and quarters whether he happens to be in the humblest village or the largest and most expensive city. My friend from New York [Mr. DAVIS] told me of a grievous case. It is the case of a gentleman who served in Missouri. It illustrates how men who sell themselves to be the slaves of the Government as officers in the Army are liable to be ordered around. This gentleman, serving with troops in Missouri, was suddenly, and without application on his own part, ordered to Washington city. It was hard to live here, and he could not sustain his family. Where had he been? In Missouri. Where was his family? Clifton, a village in Iowa.

While serving with troops he was content to let his little responsibilities and their mother stay at home in Clifton, Iowa. It was undoubtedly a hardship to sever those family ties by taking him away from all the endearments of home to the companionship of rude, rough men in the field, no longer to have his prattling children about his knee. But he stood it. When, however, he came to Washington he must needs have Mrs. Officer and the little Officers with him. It was very hard for him to live without them, I dare say. He could not expect to indulge in luxuries without paying for them. If he had left his family at Clifton, Iowa, however, and had come on here, he would have drawn, under the present system, his pay and commutation, with which he could have supported them in luxury, if they were only supported in comfort before in Iowa. And under the provisions of this bill he would get just as much as he got when he was serving in the field, for we make no difference against him, although we are unwilling to make any for him.

Mr. DAVIS. I would ask the gentleman whether it would not make a difference to an officer with a family twelve hundred miles away and with a family two or three hundred miles away, where he can occasionally visit them.

Mr. SCHENCK. I was interrupted while the gentleman was putting his question so that I did not hear it. He will therefore excuse me if I do not reply.

The allowances which I have referred to under the law are those that appear upon the surface. The gentleman from New York, [Mr. DAVIS,] if I am not mistaken, claims that there

is no difficulty in understanding what officers are paid under the present law. I can only say that I do not quite understand it myself, and I have never yet found an officer cute enough to make out his own account. I thought I had shrewdness enough to make out my own, but I found that the paymaster's clerk gave me two or three hundred dollars more than I could calculate. I leaned as far as I could toward my own interest, and made out what I thought ought to satisfy myself, as men generally do in matters of money, but when the paymaster's clerk found I was entitled to more and forced it on me, of course I took it. [Laughter.] It requires all the astuteness of a Philadelphia lawyer—and therefore I wish my friend from Pennsylvania [Mr. THAYER] was on our side, [laughter]—to find out what an officer's pay really is under the present law.

But without going into all these changes in the law, how much is paid by one bill and how much by another—and my friend from Indiana [Mr. DUMONT] says the pay has doubled within his experience—I see there are other little perquisites and advantages of a legitimate and legal character, which, now that these gentlemen put me on the stand, I shall undertake to testify about. As for myself I am compelled to make the best disposition of commutation of fuel and quarters with my family when I come to Washington with my \$3,000 a year. I am compelled to patronize the horse cars that run on the avenue, particularly when they give me a free ticket, instead of keeping my own carriage, because I have no allowance for forage. But when it comes to dealing with the fellows at the market they will not take less than about twenty-four cents a pound for particularly choice cuts of beef. But my neighbor in the Army over the way gets his for about ten or twelve cents. Why? Because under the present law—and we do not change it in this bill—officers are authorized to purchase commissary stores at cost price from the Government without taking into account the cost of transportation any more than the wastage, the cost of killing, or the interest on the money invested, or any of the other contingencies which enter into the actual cost before the retail butcher adds his profit on the top of the whole.

Mr. BLAINE. I want to ask the gentleman whether or not this bill, as it now stands, does not continue this forage just as before.

Mr. SCHENCK. Precisely.

Mr. BLAINE. Then I would ask whether the bill as amended does not give the right to draw commissary stores as before.

Mr. SCHENCK. Precisely.

Mr. BLAINE. I would ask the gentleman whether this bill does not give officers the right at some posts to draw fuel in the same way that the present law does.

Mr. SCHENCK. Yes, sir.

Mr. BLAINE. That is just the way in which I understand it, and the gentleman has modified his bill so as to give the longevity ration. It also continues the abuse of charges on commissary stores, just as now. It provides also for a continuance of the abuse in reference to fuel; so that a man ordered to the base of the Rocky mountains can draw his fuel at the rate of \$100 per cord. The bill also contains the abuse in regard to forage; so that the committee has given way in regard to these four particulars.

Mr. SCHENCK. I congratulate myself, sir, that the gentleman from Maine has come over to my side. This bill is precisely what the law is now; and I expect that he will vote for it. He said that he was going to ask me a pertinent question. Well, sir, I have answered so many impertinent questions that I expected something pertinent to the subject this time; but I can make no answer to such a question. This bill proposes to readjust and modify the whole system and get rid of the greatest abuses. His argument is that we should do nothing at all.

Now, in regard to this matter of the purchase

of commissary stores, I say that the amendment sent to me by the gentleman from Wisconsin, [Mr. PAINE], and which I accepted and offered to the House in his behalf, does not alter the present law at all; nor did the bill as originally introduced alter it.

Mr. BLAINE. Oh, yes.

Mr. SCHENCK. Oh, no, sir. The gentleman would not understand it. An opportunity is still left to officers of purchasing stores for themselves. The original bill did not interfere with that provision; but in order to make it perfectly clear, to "make assurance doubly sure," I have put into the bill the amendment suggested by the gentleman from Wisconsin, [Mr. PAINE].

Mr. BLAINE. What I meant to say was, that the very abuses upon which the gentleman has been commenting in reference to commissary and to forage are continued in his own bill.

Mr. SCHENCK. No, sir; I beg the gentleman's pardon; I was not doing that at all; I was referring to these matters merely as an illustration.

But, sir, in addition to these things which appear upon the face, and which run through all the different grades of the Army, there are other advantages which these officers have, who are so much whined about, and which we, so far from taking from them, as it is said, this bill really gives them.

I say that a major general, in addition to his pay of \$3,000—and it is the same with officers of other grades—gets an advantage in the purchase of his beef and other articles of consumption. For instance, if I want tea or coffee, beef or flour, I must buy it at retail prices at the baker's or the grocer's. But officers of the Army can get these articles at the commissary stores at commissary prices. They do it now, and they can do it under this bill.

Mr. BLAINE. The first section of this bill, as originally introduced, was in these words, "that from and after the 30th September, instead of the pay, allowances, and emoluments of every kind, except as hereinafter provided, the following shall be the yearly compensation." Now, will the gentleman pretend to say that this is not an "emolument" or "allowance," the privilege of buying articles of consumption at a low price? The gentleman from Wisconsin [Mr. PAINE] admitted it, and at his instance the gentleman from Ohio has reinserted that very provision in the bill.

Mr. SCHENCK. If so, then I have this advantage over my friend from Maine, [Mr. BLAINE:] if I am convinced whether by the gentleman from Wisconsin [Mr. PAINE] or any one else, that I have committed an error, I admit it. But has he ever been open to any such conviction? No, sir, never. [Laughter.] These are privileges and advantages which we did not take away from these officers; which we never intended to take away from them. But in order to remove all doubt about the matter, we have consented that an amendment shall be put in declaring that we do not intend to take them away.

Mr. WOODBRIDGE. I wish to ask the gentleman from Ohio [Mr. SCHENCK] this question: whether a colonel at Fortress Monroe, in command of the fortress, would not under this bill receive \$3,500 a year, with his fuel and quarters; and whether a colonel in the same branch of the service on duty here in Washington would not receive but \$3,000 a year, and out of that be obliged to pay for his fuel and forage.

Mr. SCHENCK. The pay of the colonel would depend upon the duty he performs. If he should happen to be performing the duties of a position which gave him \$3,500, he would get it, of course. If he goes, however, where he has less responsibility; if he is assigned to other duty, for instance as a clerk, as many of these colonels, and lieutenant colonels, and majors, and captains, and even generals, too, are serving in Washington, he would then get just what a member of Congress gets, and no more. Now, if my friend from Vermont [Mr. WOODBRIDGE] can persuade himself that he is

not superior to a second-class clerk, then I will give up the point.

But I have been interrupted so often I am afraid my remarks will appear very disjointed when they appear in the Globe to-morrow. I will now try and conclude what I have to say.

Now, we leave to these officers all these advantages and privileges of which I have spoken, because we are willing they shall be paid, and well paid. And they are well paid. I insist upon it that the officers of the Army as a class get higher pay than any other class of officers in the service of the Government. As I have said before, I do not think officers of the Navy, even making all allowances for prize money, have as much pay as they should receive; certainly they are not paid in proportion to the officers of the Army. And what has been the consequence? Despairing of getting an increase of their pay, they have managed by some ingenious device of legislation to get through Congress, some two or three weeks ago, a bill repealing the statute which provided that none of these allowances should be given to officers of the Navy. And the moment they got that through the Secretary of the Navy added thirty-three and one third per cent., in lieu of these commutations, to the salary of every officer of the Navy who might be ordered to perform the services indicated; thus becoming departmental law instead of congressional law. Now, did the gentleman from Vermont [Mr. WOODBRIDGE] know that he was voting for any such measure? Did many others here know anything about it? Did they know they were voting to add thirty-three and one third per cent. to a considerable class of the officers of the Navy through the action of the Secretary of the Navy? I can only say I did not. Something came here from the Committee on Naval Affairs. I was a great deal absorbed, as members know very well, with military matters, and I voted for it, supposing it to be all right. And the first knowledge I had of it was the issuing of this order by the Secretary of the Navy.

Now, the object of this bill is to take the legislation upon this matter in regard to officers of the Army into our own hands, and make the law say just what they shall receive for their compensation when performing this, that, or the other class of duties. The object is to have this matter adjusted by law, to leave no discretion to the heads of bureaus or the Department, or to others; to prevent these officers from becoming dependent upon these heads, and place them in a position where they may be ordered to this duty for one year, to another duty another year, and thus give all a chance, and not have one particular class of officers put in one particular place and kept at one particular class of duties all the time, as they now are, until, like old hulks in port, the barnacles grow all over them. We propose to take these officers out of their snug harbors, out of these little sea-water coves, and run them up into the interior where the fresh water can reach them, and then by every principle of natural philosophy the barnacles will fall off and they will become clearer and lighter for duty. I do not want a system which will encourage men to be kept in places until they are moss-grown, until lichens are formed upon their legs and backs. On the contrary, I would keep them stirring; I would keep them clear and bright, ready for action whenever and wherever the country may need their services, whether in camp, in the field, in garrison, in Washington, on recruiting service, or wherever else their services may be desired. And in this way only will you have the most effective Army.

Now, I am not to be charged with being an enemy of the Army, an enemy of regular officers, an enemy of West Point, or anything else because I am for reforming these abuses and dispensing with a vicious system of this kind. I hold that he is the best friend of the Army and of the country who is in favor of correcting whatever may be wrong, no matter how long the evil has existed, nor how great it has grown; who is in favor of getting rid of it whenever a fitting opportunity arises for doing so.

I hope we shall now have a vote upon this bill.

The previous question having been seconded and the main question ordered, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question being on the passage of the bill, Mr. TAYLOR called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 83, nays 40, not voting 58; as follows:

YEAS—Messrs. Allison, Ancona, Delos R. Ashley, Baker, Baldwin, Banks, Baxter, Beaman, Bergen, Bidwell, Bingham, Brandegee, Bromwell, Buckland, Reader W. Clarke, Sidney Clarke, Cobb, Coffroth, Cullom, Deffrees, Delano, Dodge, Donnelly, Dumont, Eckley, Eggleston, Farnsworth, Farquhar, Ferry, Garfield, Grinnell, Abner C. Harding, Hart, Hayes, Henderson, Higby, Holmes, Asahel W. Hubbard, John H. Hubbard, James R. Hubbell, Julian, Kelley, Kelso, Ketcham, Kuykendall, Laffin, George V. Lawrence, William Lawrence, Loan, Longyear, McClurg, Mercer, Miller, Moorhead, Morrill, Morris, Moulton, Myers, Orth, Patterson, Perham, Phelps, Pike, Price, William H. Randall, Raymond, John H. Rice, Rollins, Sawyer, Schenck, Seafeld, Shellabarger, Sitgreaves, Sloan, Spalding, Taber, Trowbridge, Upson, Van Aernam, Ward, Whaley, Williams, James F. Wilson, Stephen F. Wilson, and Windom—85.

NAYS—Messrs. Blaine, Boutwell, Boyer, Chanler, Conkling, Davis, Dawson, Driggs, Eldridge, Finck, Glossbrenner, Grider, Hale, Aaron Harding, Hogan, Hooper, Hotchkiss, James M. Humphrey, Johnson, Kerr, Latham, LeBlond, Marshall, Marvin, McKuer, Newell, Nicholson, O'Neill, Samuel J. Randall, Ritter, Rogers, Ross, Rousseau, Taylor, Thayer, Francis Thomas, Thornton, Trimble, Woodbridge, and Wright—40.

NOT VOTING—Messrs. Alley, Ames, Anderson, James M. Ashley, Barker, Benjamin, Blow, Broomall, Bundy, Cook, Culver, Darling, Dawes, Deming, Denison, Dixon, Eliot, Goodyear, Griswold, Harris, Hill, Chester D. Hubbard, Demas Hubbard, Edwin N. Hubbell, Hulburd, James Humphrey, Ingersoll, Jenekes, Jones, Kasson, Lynch, Marston, McCullough, McIndoe, McKee, Niblack, Noell, Paine, Plants, Pomeroy, Radford, Alexander H. Rice, Shanklin, Smith, Starr, Stevens, Stillwell, Strouse, John L. Thomas, Bart Van Horn, Robert T. Van Horn, Warner, Elihu B. Washburne, Henry D. Washburn, William B. Washburn, Welker, Wentworth, and Winfield—58.

So the bill was passed.

During the call of the roll,

Mr. NIBLACK said: On this bill I have paired with the gentleman from Pennsylvania, Mr. STEVENS. If he were here he would vote for the bill, while I should vote against it.

Mr. ALLISON said: I desire to state that on this question the gentleman from Illinois, Mr. INGERSOLL, is paired with the gentleman from Maryland, Mr. HARRIS. The gentleman from Illinois, if he were here, would vote in the affirmative, while the gentleman from Maryland would vote in the negative.

The result of the vote was announced as above stated.

Mr. DUMONT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. SPALDING presented the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 37) making appropriations for the support of the Military Academy for the year ending June 30, 1867, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House of Representatives recede from their disagreement to the third, fifth, and sixth amendments, and agree to the same.

That the House of Representatives recede from their disagreement to the second amendment of the Senate and agree to the same with an amendment, as follows: in line two of the said amendment strike out the word "ten" and insert in lieu thereof the word "five," and the Senate agree to the same.

W. P. FESSENDEN,

JOHN CONNEDY,

GEORGE READ RIDDLE,

Managers on the part of the Senate.

R. P. SPALDING,

S. M. CULLOM,

Managers on the part of the House.

The report of the committee of conference was agreed to.

AMENDMENT OF THE CONSTITUTION.

The SPEAKER. The next business in order is a joint resolution (H. R. No. 63) proposing

an amendment to the Constitution of the United States. This resolution was introduced by the gentleman from Ohio, [Mr. BINGHAM.]

Mr. BINGHAM. I move that this joint resolution be indefinitely postponed, for the reason that the constitutional amendment already passed by the House covers the whole subject-matter.

The motion was agreed to.

NAVAL DEPOT AT LEAGUE ISLAND.

The SPEAKER. The next business in order is a bill (H. R. No. 452) to authorize the Secretary of the Navy to accept League Island, in the river Delaware, for naval purposes, on which the gentleman from Pennsylvania [Mr. KELLEY] is entitled to the floor.

WITHDRAWAL OF PAPERS.

Mr. DELANO, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That all claimants whose applications have received an adverse report from the Committee of Claims have leave to withdraw their respective papers, leaving copies thereof.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. FORNEY, its Secretary, informing the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses upon the amendment to House bill No. 459, granting a pension to Anna E. Ward.

ADVERSE REPORTS.

Mr. DELANO, by unanimous consent, from the Committee of Claims, reported adversely on the following cases; which were laid upon the table:

John Van Cott and Samuel Malin, of Utah; resolution relating to claims for horses, &c., impressed into the United States military service in Indiana and Ohio; Ezekiel Sarwin, and others, of Massachusetts; John M. Stanley, of the District of Columbia; Newton Smith, of Kentucky; Lieutenant John E. Abel, first New York artillery, of New York; House resolution No. 173, for the relief of Lewis J. Candiff, of Missouri; Horace E. Dummick, of Missouri; L. O. Mercer, of Maryland; E. Marquis, of Indiana; Harriet E. Davis, of Missouri; citizens of Wrightsville, Pennsylvania; Edmund Briggs, and others, of Massachusetts; House resolution No. 49, to authorize certain credits by Internal Revenue Commissioner to R. A. Smith, of Illinois; Captain A. Kooats, Veteran Reserve corps, of Illinois; A. Alger, of Virginia; B. D. Morton, of Virginia; George W. Alldridge, of Monroe county, New York; Nathan Parkins, of Virginia; House resolution No. 224, for the relief of Catharine Shiras, of Pennsylvania; Jonathan Cooper, and others, of Pennsylvania; James Craig, of Missouri; James Legg, and others, of Maryland; Howland Hemphill, of New York; Henrietta M. Hall, and others, of Maryland; Mrs. Sarah Buchanan, of Kentucky; Rev. P. J. R. Murphy, of Illinois; George Ford, and one hundred citizens, of Lawrence, Kansas; Susquehanna Canal Company, of Pennsylvania; J. S. Lowry and George A. Gray, of Ohio; James W. Boswell, of Maryland; C. W. Bradley True, of Pennsylvania; John Hoffman Smith, of the District of Columbia; William Baker, of Nebraska; George Kaine, of West Virginia; James and Emma Cameron, of Texas; L. B. Norton, captain and acting assistant quartermaster, of Pennsylvania; George M. Moll, of Ohio; Charles Vinson, of the District of Columbia; Lucy B. Sinclair, of Virginia; Anna De Newville Evans, of Mississippi; Alfred Coffin, of Texas; Byron Tyson, of North Carolina; William B. Edwards, of Missouri; Captain J. W. Partridge, of Massachusetts; Lieutenant James Thompson, of Massachusetts; Leonard B. Johnson, of Ohio; James W. Fennell, of North Carolina; Susan G. Ammonett, of Alabama; Isaac Wills, of North Carolina; J. J. McGraw and R. H. Hoffman; Thomas Foster, Treasury Department, of the District of Columbia; James Cathier, of West Virginia; Thomas J. Powell, of Alabama; John R. Temple, of New Jersey; John G. Sankry, late paymaster, of New Jersey; Rev. John C. Jarboe, of the District of Columbia; C. H. Progar, of West Virginia; H. C. McCoy, of Maryland; Charles J. Michaelson, of West Virginia; A. A. Bradley, of Georgia; Sophia Shilenger, of Maryland; Harriet Beard, widow, &c., of New York.

LEAVE OF ABSENCE.

Mr. CULLOM. I move that indefinite leave of absence be granted to my colleague, [Mr. INGERSOLL.] He was in the House previous to the vote on the bill concerning the pay of the Army, when he had to take the train for home.

The motion was agreed to.

J. J. FERRIS.

On motion of the SPEAKER, leave was granted for the withdrawal from the files of the

House of the pension papers in the case of J. J. Ferris, as it was provided for under the general law.

The SPEAKER stated that the unfinished business was the report in reference to League Island; and that if the House should adjourn it would come up after the reading of the Journal to-morrow, and be the order of business before the House until disposed of.

And then, on motion of Mr. KELLEY, (at four o'clock and thirty minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule and referred to the appropriate committees: By Mr. ANCONA: Letter of Thomas M. Dukehart, a first assistant engineer United States Navy, on the subject of rank of assistant engineers in the United States Navy.

Also, letters of Michael Zeltzer, Isaac Eekert, president of Farmers' National Bank; Isaac R. Fisher, William Arnolds, G. A. Nicholls, and others, directors and stockholders of said bank, remonstrating against the passage of an amendment proposed to the forty-first section of the national currency act.

By Mr. DAVIS: The petition of John C. Millen in behalf of the German Evangelical Lutheran congregation of St. John, praying an act to incorporate the same.

By Mr. HOGAN: A petition of 136 citizens and marble workers of Muscatine, Iowa, praying for increased duties on finished marble.

Also, a petition of 235 marble workers and stone masons of St. Louis, Missouri, praying for increase of duty on wrought marble.

By Mr. KELLEY: The memorial of officers of the different historical and literary societies of the United States and the State of Pennsylvania, praying Congress to so modify the existing laws as to permit postage on documents, and books forwarded to the societies above named, to be paid on delivery; and that the present rate of postage charged on certain described papers and documents be reduced fifty per cent. below the present charges to said societies.

Also, a memorial of 373 citizens of Pennsylvania, praying Congress not to restore any State that has rebelled and warred against the United States, to its place and power as a governing partner in the Union till adequate security has been obtained against its renewing the attempt to secede.

By Mr. RAYMOND: The petition of Mrs. Catherine N. Croft, widow of Colonel Marriot N. Croft, asking compensation for the services of her late husband during the war against the rebellion.

Also, a protest of a large number of inhabitants of Salt Lake City, against setting off the west degree of Utah to Nevada.

Also, petition of John B. Ennis and others, for an equalization of bounties.

IN SENATE.

WEDNESDAY, June 6, 1866.

Prayer by the Chaplain, Rev. E. H. GRAY. The Journal of yesterday was read and approved.

SENATOR FROM FLORIDA.

Mr. JOHNSON. I beg leave to present the credentials of Wilkinson Call, elected a Senator to the United States from the State of Florida for the unexpired term ending the 3d of March, 1869. I move that they lie on the table.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. MORRILL, from the Committee on the District of Columbia, to whom was referred a joint resolution (S. R. No. 101) directing the removal of certain obstructions from the public square known as Market square, in the city of Washington, reported it without amendment.

He also, from the same committee, to whom was referred a joint resolution (H. R. No. 143) making an appropriation for the repair of the Potomac bridge, reported it without amendment.

Mr. LANE, of Indiana, from the Committee on Pensions, to whom was referred the petition of William Crosswell, praying that he may be allowed a pension, submitted a report accompanied by a bill (S. No. 354) for the relief of William Crosswell. The bill was read and passed to a second reading, and the report was ordered to be printed.

He also, from the same committee, to whom was referred a bill (H. R. No. 616) for the relief of Lucinda Gates, reported it without amendment.

BILLS INTRODUCED.

Mr. CHANDLER asked, and by unanimous

consent obtained, leave to introduce a joint resolution (S. R. No. 103) in relation to the pay and accounts of collectors of internal revenue who have failed to take the required oath of office; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CONNESS. I should like to hear that resolution read.

The Secretary read the resolution, which proposes to authorize the Secretary of the Treasury to adjust the accounts and pay the salaries of all officers and employés of the Treasury Department who have been heretofore actually engaged in collecting revenue within the States lately in insurrection, such adjustment and payment to be made with and to each officer or employé who has failed to take the oath of office required by law whenever his successor has been duly appointed and lawfully qualified, and not otherwise.

Mr. CONNESS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 355) to establish certain post roads; which was read twice by its title, and referred to the Committee on Post Offices and Post Roads.

VISITORS TO NAVAL SCHOOL.

Mr. GRIMES submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy be directed to communicate to the Senate a copy of the report of the Board of Visitors to the late annual examination of the Naval School.

REFERENCE OF A BILL.

Mr. NYE. Yesterday I introduced a bill (S. No. 352) granting to A. Sutro the right of way and granting other privileges to aid in the construction of a draining and exploring tunnel to the Comstock lode, in the State of Nevada, and had it referred to the Committee on Public Lands. The Senator from California [Mr. CONNESS] suggested at that time that the proper reference would be to the Committee on Mines and Mining; and on reflection I have come to that conclusion. I therefore move that the Committee on Public Lands be discharged from the further consideration of that bill, and that it be referred to the Committee on Mines and Mining.

The motion was agreed to.

ALEXIS GARDAPIER.

Mr. HARRIS. I move take up for consideration Senate bill No. 308, which has been reported from the Committee on Private Land Claims.

The motion was agreed to; and the bill (S. No. 308) confirming the title of Alexis Gardapier to a certain tract of land in the county of Brown, and State of Wisconsin, was considered as in Committee of the Whole. It proposes to confirm the claim of Alexis Gardapier to a certain tract of land situate in the county of Brown, Wisconsin, described in the report of the commissioners to examine titles and claims in the Territory of Michigan as "lying on the west bank of Fox river, and more particularly known as being a vacant strip lying between a tract No. 1, confirmed to Jacques Porlier, on the north, and tract No. 2, confirmed to Louis Grignon, on the south, commencing at low-water mark, and running west eighty arpents, and in width three arpents on the aforesaid river;" and the bill also directs the Commissioner of the General Land Office to issue a patent therefor, which is to be recorded in the office of the register of deeds for Brown county, for the benefit of the heirs or assigns of Alexis Gardapier.

The Committee on Private Land Claims reported the bill with two amendments. The first amendment was in line fourteen, after the word "authorized," to insert "to cause the said tract of land to be surveyed in the same manner as other private claims to lands in Green Bay have been surveyed."

The amendment was agreed to.

The next amendment was in line seventeen, after the words "to issue a patent therefor," to insert "according to the provisions of the

fifth section of the act of Congress approved February 21, 1823, entitled 'An act to revive and continue in force certain acts for the adjustment of certain land claims in the Territory of Michigan.'

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in. The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

SLOOP-OF-WAR IDAHO.

Mr. RAMSEY. I move that the Senate proceed to the consideration of joint resolution No. 99.

The motion was agreed to; and the joint resolution (S. R. No. 99) for the relief of Paul S. Forbes, under his contract from the Navy Department for building and furnishing the steam screw sloop-of-war Idaho, was read the second time and considered as in Committee of the Whole.

It authorizes the Secretary of the Navy, as in his judgment he deems best, either to accept the steam screw sloop-of-war Idaho of the contractor, Paul S. Forbes, at the contract price of \$600,000, or to transfer the vessel to the contractor, on the latter giving bond, with good and sufficient security, to be approved by the Secretary of the Navy, to refund to the Department, within six months from the date of such transfer, all advances of money made by the Government to him on account of the construction and equipment of the vessel.

Mr. RAMSEY. This case was considered by the Committee on Naval Affairs, and they came unanimously to the conclusion embodied in the resolution, and have made a report in the case, which, if read, will give as clear an account of the whole matter as I can possibly give.

The PRESIDENT *pro tempore*. The reading of the report of the Committee on Naval Affairs on this question is asked for, and it will be read if there be no objection.

The Secretary read the following report, submitted by Mr. RAMSEY on the 31st of May:

The Committee of Naval Affairs of the Senate, to whom was referred the petition of Paul S. Forbes, praying for relief under his contract with the Navy Department, to build and furnish the sloop-of-war Idaho, have had the same under consideration, and submit the following report:

The papers in this case show that on the 22d day of May, 1863, Paul S. Forbes entered into contract with the Navy Department to build a steam screw sloop-of-war, and to deliver her to the Government fully completed within a period of nine months from the date of contract, which vessel he also guaranteed should have a capacity of speed equal to fifteen knots an hour. The contract price for the vessel was the sum of \$600,000.

It appears that instead of the vessel being delivered to the Government in nine months from the date of contract, she is not yet completely finished. And it further appears that the vessel fails also in the requisite of speed, and is not capable of making the fifteen knots an hour required by the terms of the contract.

The Navy Department admits, and your committee fully believe, that Mr. Forbes was actuated by patriotic motives in entering into this contract. He is a merchant and ship-owner, and has had a large number of steamers built for the merchant marine, and with marked success. At a time when the exigencies of the country demanded a large increase of the Navy, and when every effort in that direction was an effort for the public good, Mr. Forbes, fully believing that he would thereby do the country a service, came forward with his proposition to build the aforesaid vessel. He did not expect to make any money thereby, but he believed that he could, with his experience and energy, furnish the Navy with a superior vessel in a brief period, and thus assist the country materially in the conflict with her foes. The Secretary of the Navy, in a communication to the committee upon this subject, says upon this point, "That Mr. Forbes did not engage in this work from mercenary or pecuniary motives, I have always believed." "He persuaded himself, or was persuaded by others, that he could, in a brief time, build a vessel possessing superior qualities to any which the Navy Department could build."

Your committee are informed, and believe, that the vessel in question has cost Mr. Forbes some three hundred thousand dollars above the contract price, or some nine hundred thousand dollars in all. They are also informed that, with the exception of the engine, the vessel is well built, and that she is fully worth to the Government, notwithstanding the deficiencies of her engines, the amount of the contract price. Your committee, therefore, in view of this fact, and in consideration of the patriotic motives which prompted Mr. Forbes to enter into the con-

tract, and also in consideration of the fact that the Government is enabled to profit by the knowledge and experience derived from such experiments, feel warranted in recommending, as they do, that Mr. Forbes be released from his contract for the construction and furnishing of the steam screw sloop-of-war Idaho, and that the Navy Department be authorized to purchase the vessel, when completed, at a cost not exceeding the contract price. Or if, in the judgment of the Secretary of the Navy, the interests of the Government may be better subserved, he is empowered to transfer to the said Paul S. Forbes the said vessel, when the said Forbes shall give good and sufficient guarantee that he will refund to the Government, within six months from the date of said transfer, all moneys advanced by the Government to him on his contract for the building and furnishing of the said vessel. Your committee, therefore, report the accompanying joint resolution.

The joint resolution was reported to the Senate without amendment.

Mr. TRUMBULL. I desire to inquire of the Senator who reports this resolution whether there is any objection to striking out the alternative proposition which authorizes the Government to purchase this naval vessel at \$600,000, so as to provide simply that the Government may transfer all its claims to the vessel and release Mr. Forbes from his contract on his giving bond and security to refund the money that has been advanced by the Government. I presume we have no use for this vessel now, and it is just paying out \$600,000 to a patriotic citizen, as it seems, for a vessel that we do not need. If he can make any use of her, and is willing to accept that alternative, and the Government can get back the funds it has advanced after waiting six months for them and allowing him the use of them in the mean time, perhaps that will be satisfactory to him and save the Government \$600,000 for a vessel which of course we do not need now. We have more vessels-of-war now than we have any use for in time of peace, I suppose.

Mr. RAMSEY. If the Senator from Illinois carefully reads the resolution he will find that it is entirely in the option of the Secretary of the Navy whether to take this vessel, the hull being said to be worth the money, or to turn her over to Mr. Forbes on his returning to the Government the money advanced.

Mr. TRUMBULL. Have we any use for the vessel?

Mr. RAMSEY. I do not know. That is left to the discretion of the Secretary of the Navy. It may be possible that for this particular vessel he may have use, but surely he will not take her unless she is required for the public service. There is nothing obligatory on him in this resolution. It is at his discretion. If the Navy Department does not want the hull of this vessel, which is very good and worth the money, of course the Secretary will let Paul Forbes take her on his giving security to return to the Government the money already advanced. I think the resolution, in its present shape, is in no way objectionable.

Mr. CONNESS. I wish to ask the member of the Committee on Naval Affairs in charge of this resolution, the Senator from Minnesota, whether, when this matter was considered by the Naval Committee, they consulted the Navy Department, and if so, what the conclusions of that Department were. This vessel, I think, was built under a special contract, the object of which was to introduce a new system of engineering applicable to the machinery of steam vessels, which is found, I believe, not to be what it was claimed it would be.

Mr. RAMSEY. The Committee on Naval Affairs were informed that Paul Forbes was willing to take the vessel off the hands of the Government and return to the Government all the money that had been advanced, some three hundred thousand dollars. I think that is about all that is substantially provided for in the resolution. There is no necessity on the part of the Secretary of the Navy to accept this vessel unless it is entirely agreeable to do so. If he does not want her, if the vessel is of no use to the Government, of course he will not accept her.

Mr. CONNESS. I asked the honorable Senator for certain information. If he is in possession of it, I should like to have it; if not,

of course we cannot expect it. That was as to the views of the Navy Department upon this transaction.

Mr. GRIMES. I am not aware that the Committee on Naval Affairs have solicited the opinion of the Navy Department as to whether such a resolution as this should pass Congress or not, and I do not know that it is necessary that we should do it. The question before that committee was, what is due to the Government and what is due to Mr. Forbes, standing in the relation that he does to the Government? And we thought that the committee and Congress could decide that as well as the Secretary of the Navy; and I think the Secretary of the Navy would concur with us in that opinion.

The history of this ship is somewhat instructive. It will be remembered that at the commencement of the war we had no fast steamships. All the steam vessels of the Navy had auxiliary steam power, only to be used under emergencies, and the average rate of speed of the fastest of the vessels at that time was about eight knots. A clamor was at once raised (in consequence of the attempts to run the blockade established on our coast) against the Navy Department, assigning as a reason that the Navy Department had been exceedingly derelict in its duty of securing to the Government fast steamships. Among the persons who were most clamorous against the Government was a gentleman in New York by the name of Dickerson who was connected with several patents, among which was Sickles's cut-off, and who, although a lawyer, professed to be, and to some extent is, well acquainted with the theory of steam-engines. He had connected his cut-off with some paddle-wheel steamers belonging to the house of Russell & Co., in China, to run upon the Chinese waters, of which house Paul S. Forbes is one of the members, and is the active agent for them in this country, I believe. Mr. Forbes was induced, upon the representations of Mr. Dickerson, to believe that he could construct a vessel that would exceed in speed any vessel belonging to the Navy or that could be built by the Navy; and at a time when there was a great deal of excitement on the subject he came to the Navy Department and proposed to build a vessel of certain dimensions that should draw a certain amount of water, I do not now remember how much, and carry a certain amount of armament, and should steam at the rate of fifteen knots an hour. He entered into that contract. He was to receive for this \$600,000, which was to be paid in installments. Of that amount \$550,000 has already been paid.

The hull of this vessel is a most excellent one, as I understand, and as the committee are informed. It was planned by Steers, of New York. When this question was before the Senate at the last session upon the point whether or not we would make an advance to Mr. Forbes exceeding the amount that was allowed to be advanced by the Secretary of the Navy according to the stipulations of the contract, we were informed at the Navy Department that the hull of the vessel and the engine if taken out and used as old iron would be equal in value to the amount that we would advance by that bill; that is to say, \$550,000. The vessel has been completed and has had two trial trips, and instead of making the speed that Mr. Forbes contracted for and which he anticipated, as did his engineer, Mr. Dickerson, and instead of beating the Navy Department vessels, it is only claimed by her friends that she makes somewhere in the neighborhood of nine knots an hour. The engineers of the Navy Department proper say that she does not make that much speed, but I believe it is not claimed that she does make more than that. Now, it is proposed that the Government take the vessel at \$600,000, and the committee were unanimously of opinion that that was a fair proposition to Mr. Forbes and to the Government. It is my conviction, and such was the opinion of the committee, and I am satisfied that is the opinion also of the Navy Department, that the

Government would not be injured in any regard by accepting it on those terms; but Mr. Forbes does not want to let the Government have her at \$600,000. He wants the privilege of selling her, and thinks he can sell her to foreign parties or the representatives of foreign Governments for a considerable sum over \$600,000, for she has cost him \$350,000 in excess of the amount that he received under the contract. Hence the alternative in the resolution, authorizing the Secretary of the Navy, if he sees fit—leaving it discretionary with him—to allow Mr. Forbes to take the vessel, he paying back to the Government the amount that has been paid by the Government to him. It has been intimated by the Senator from Illinois, I believe, that we have no necessity for this vessel.

Mr. TRUMBULL. I inquired if we had.

Mr. GRIMES. We have not any immediate necessity for her. We have not any actual, immediate necessity for any vessel-of-war hardly, or but for very few; but the theory upon which we proceed is that we shall have vessels-of-war ready to hand in case of any great national emergency occurring. I am satisfied, from what I know, that the engines can be taken out of the hull of this vessel and new engines substituted in place of them, and she would be a most efficient and valuable vessel-of-war; and the engines that are now in her could be taken out and remodeled, and used for very valuable purposes by the Government.

Mr. TRUMBULL. I should like to inquire of the Senator from Iowa if he, as chairman of the Naval Committee, if this were a new question, would now recommend the construction of such a vessel. I know that the policy of the Government is to have a navy, to some extent, in time of peace, to be ready for war; but would he think it advisable, with the Navy we have on hand, to recommend the construction of a vessel of this class at this time, if she were not already built?

Mr. GRIMES. That is a pretty difficult question to decide, and I do not know that I am called upon to decide it under the present circumstances. We have got to keep up wooden ships; they are much cheaper as cruisers, and they have got to be used for that purpose; and if I was going to build wooden ships, I do not know of any vessel that would be more efficient for the purpose for which we want to use them than this kind of vessels. I do not think, with the lights now before me, that I would put such an engine into her as there is in this vessel. The hull of this vessel is an excellent one. The hull alone has cost, I suppose, two or three hundred thousand dollars. That the engine is defective I have not any doubt; but it is my conviction that if her engine was taken out, and broken up and used, as portions of it might be for other purposes, and a new engine put into her, she would be an excellent, valuable, and efficient vessel, and would not cost the Government more than it would cost to build a vessel similar in design to this for the purposes of the Navy. I do not think that the Government would lose anything, therefore, in taking her off Mr. Forbes's hands; but Mr. Forbes does not want to let the Government have her. She has cost him \$350,000 more than the contract price, and it is to favor Mr. Forbes, if he cannot make a satisfactory arrangement with the Secretary of the Navy, that this alternative is inserted in the resolution.

Mr. TRUMBULL. As Mr. Forbes seems to want this vessel and has lost a good deal of money upon her, and even the chairman of the Naval Committee is not satisfied to advise us that he would undertake the construction of such a vessel at this time, I will move to strike out this alternative proposition so that the joint resolution will read:

That the Secretary of the Navy be, and he is hereby, authorized to transfer the steam screw sloop-of-war Idaho to the contractor, Paul S. Forbes, on his giving bond, with good and sufficient security, to be approved by the Secretary of the Navy, to refund to the Department, within six months from the date of such transfer, all advances of money made by the Government to the said Paul S. Forbes on account of the construction and equipment of said vessel.

He seems to have been a patriotic citizen, and

was engaged in this undertaking from patriotic motives, and now he thinks he can save himself by selling this vessel, and I would not, for one, desire to hold him to the contract, as I think the Government can have no immediate need for the vessel. I therefore propose this amendment so as simply to authorize the Secretary of the Navy to release him from his contract and transfer to him the claim of the Government to the vessel on his refunding the money advanced in six months. I make that motion, to strike out the alternative proposition.

Mr. NYE. I should like to inquire of the Senator from Illinois whether the Secretary of the Navy does not possess the power, aside from this resolution, of accepting the ship if he pleases. The object of this resolution was to give Mr. Forbes this alternative, as he had lost some three hundred and fifty thousand dollars any way in an experiment which has proved in the British navy to be entirely successful. I think the great trouble was that he attempted to make it too economical a ship, and in that way so lessened its power as to make it less efficient; but the principle upon which that power is applied has been recently applied in the British navy with great success. I hope the resolution will not be amended. It can certainly work no hardship, for the Secretary of the Navy would have the right to accept the vessel if he pleased without any law. We desire to give the Secretary the alternative, to allow him to take her if he chooses, or to transfer her to Mr. Forbes, if he has a prospect of selling her so as to save himself from the loss that he has incurred. I hope the Senator from Illinois will not insist on his amendment.

Mr. RAMSEY. There is some little variance in the character of the vessel from the vessel described in the contract. Her execution does not exactly come up to what was stipulated for in the contract. It is possible, for that reason, that the Secretary of the Navy might not be empowered, without some legislation, to accept the vessel. But suppose, for a moment, that Paul S. Forbes, for some reason beyond his control, was unable to accept the last of these propositions, and return to the Government the money advanced to him, and at the same time the Government really desired to take the vessel, why should they be debarred from doing so? I am satisfied that the committee, in the resolution which we have reported here, have presented a method of settlement which the Government ought at once to accept. If they do not, this thing will be presented here from year to year to the Government, and this opportunity will be lost to the Government in all probability.

Mr. TRUMBULL. There seems to be very little basis, then, for the assertion that Mr. Forbes is anxious not to have the Government take this vessel.

Mr. RAMSEY. I have not said so. I said that by possibility such might be the case, and I think the Government ought to protect itself.

Mr. TRUMBULL. That was given as a reason, I supposed, for the passage of the resolution, that this was a very valuable vessel, and the Government was making something by the contract, and Mr. Forbes did not want the Government to take it. Now, when we propose that the Government do not take it, upon whom there would be no obligation whatever to take it, I imagine, at this time, and when it is proposed to let Mr. Forbes take the vessel just as he wants to do, the objection is interposed that that may not satisfy Mr. Forbes, that after all he may not be able to take it. I was a little apprehensive of that, I confess. I have no doubt in the world, from the intimations thrown out by the Senator from Minnesota, that the Government of the United States will get the vessel at \$600,000, if you leave in the first proposition; but if it really be true that Mr. Forbes is to be damaged thereby, let him have the benefit of his vessel. That is the way the statement was made. Certainly we shall not be troubled with this thing year after year, as the Senator from Minnesota supposes,

if Mr. Forbes really does not want us to take the vessel. There is no danger of that.

Mr. RAMSEY. A misfortune might occur to him between this and to-morrow by which he would lose the ability to refund the money already advanced by the Government. That is possible. I have no doubt about his honest desire on the subject, or of his ability at this time.

Mr. TRUMBULL. I think the Government of the United States, from the intimations we have had here, can have no particular use for this vessel at this time, and in my judgment it will be a great saving if Mr. Forbes can dispose of her. I have suggested the amendment to the Senate, and if they choose to do so they can vote it down.

The PRESIDENT *pro tempore*. The amendment will be read at the desk.

The Secretary read the amendment, which was in line four, after the word "authorized," to strike out the words "as in his judgment he deems best, either to accept," and to insert the words "to transfer;" in line five to strike out the word "of" after the word "Idaho" and insert the word "to;" and in line six, after the word "Forbes," to strike out the words "at the contract price of \$600,000, or transfer the said vessel to the said contractor, on the latter" and to insert the words "on his;" so that the resolution will read:

That the Secretary of the Navy be, and he is hereby, authorized to transfer the steam sloop-of-war Idaho to the contractor, Paul S. Forbes, on his giving bond, with good and sufficient security, to be approved by the Secretary of the Navy, to refund to the Department, within six months from the date of such transfer, all advances of money made by the Government to the said Paul S. Forbes, on account of the construction and equipment of said vessel.

Mr. CRAGIN. There is one point in this case to which I desire to call the attention of the Senator from Illinois and others as a reason why his amendment should not prevail. The Government has already paid Mr. Forbes \$550,000, or within \$50,000 of the contract price. Now, suppose Mr. Forbes should conclude not to take this vessel, how is the Government going to get back this \$550,000? Had they not better take the vessel and advance the remaining \$50,000, if necessary, rather than lose all they have paid on the vessel?

Mr. TRUMBULL. They will have the vessel.

Mr. CRAGIN. You propose not to permit them to take it.

Mr. TRUMBULL. There is no obligation on the part of the Government to take it, but this resolution proposes that it may be transferred to him on his giving good and sufficient security to refund the advances made to him, which would hold him. I suppose there can be no trouble about that. The \$50,000, perhaps, would be a sufficient margin to enable Mr. Forbes to dispose of the vessel. I have not looked into the statutes on the subject, but I can have no reason to doubt that the Government would have a lien on the vessel for the amount of these advances; that nothing could be done with it so as to deprive the Government of its claim.

Mr. GRIMES. I do not put this case on any such ground as that. Mr. Forbes is able to refund this money to the United States Government; but here are the facts: as a patriotic citizen, he undertook, without any particular regard to the amount the vessel was going to cost him, to make a ship of certain dimensions and with a certain speed. He made her. She cost him \$350,000 more than he contracted for. We have paid him \$550,000 of the \$600,000 we agreed to pay if she should make the speed he agreed. She is a good vessel; and we propose to take the vessel, not paying him the amount that he expended over and above the contract price, but simply to take the vessel upon the terms we agreed to take her, and to forgive him for not making the speed he undertook to make.

Mr. TRUMBULL. The time within which she was to be completed was not complied with.

Mr. GRIMES. She was not to be completed until about the time the war was ended.

Mr. TRUMBULL. A year ago.

Mr. GRIMES. We simply forgive him, for and in consideration of the \$350,000 that she has cost him in excess of the amount we agreed to pay him, for not having been able to bring her to the speed he contracted for; that is all.

The amendment was rejected.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

PRINTING OF A COMMUNICATION.

Mr. CONNESS submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That five hundred extra copies of the communication of the Postmaster General, transmitting, in answer to a resolution of the Senate of the 23d of February, information relative to the establishment of a telegraph in connection with the postal system, be printed for the use of the Senate.

MESSAGE FROM THE HOUSE.

Mr. DOOLITTLE. I desire to call up the unfinished business of the morning hour of yesterday, being the bill (S. No. 282) to reorganize the clerical force of the Department of the Interior, and for other purposes.

Mr. CONNESS. When this bill was up yesterday morning, the last action had upon it was in the nature of a motion—

The PRESIDENT *pro tempore*. The Senator will give way to allow a message to be received from the House of Representatives.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House of Representatives had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 37) making appropriations for the support of the Military Academy for the year ending the 30th of June, 1867.

The message further announced that the House of Representatives had disagreed to the amendments of the Senate to the joint resolution (H. R. No. 77) for the relief of Ambrose L. Goodrich and Nathan Cornish, for carrying the United States mail from Boise City to Idaho City, in the Territory of Idaho, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHN H. FARQUHAR of Indiana, Mr. DONALD C. McRUE of California, and Mr. WILLIAM E. FINCK of Ohio, managers at the same on its part.

The message also announced that the House of Representatives had passed a bill (H. R. No. 450) to reduce and establish the pay of officers and to regulate the pay of soldiers of the Army of the United States, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House of Representatives had signed an enrolled bill (S. No. 203) to enable the New York and Montana Iron Mining and Manufacturing Company to purchase a certain amount of the public lands not now in market; and it was thereupon signed by the President *pro tempore* of the Senate.

PAY OF THE ARMY AND NAVY.

The PRESIDENT *pro tempore*. The Senator from California is entitled to the floor.

Mr. CONNESS. I give way to the Senator from Iowa.

Mr. GRIMES. I move that the Senate order to be printed the bill (H. R. No. 450) to reduce and establish the pay of officers and to regulate the pay of soldiers of the Army of the United States, and upon that motion I wish to say a single word.

Mr. DOOLITTLE. I hope the honorable Senator will not take up the remaining ten minutes of the morning hour. I want to dispose of this bill. The Senator from California has the floor.

Mr. GRIMES. When some subject was under consideration yesterday some animadversions were made upon the passage of a law here authorizing the Secretary of the Navy to

allow a commutation to officers of the Navy. The Committee on Naval Affairs are as conscious as anybody can be that this system of commutation is a vicious system, and it was assented to by them very much with a view of bringing about a reform in this particular. A bill has now passed the House of Representatives reducing and fixing the pay of officers of the Army, and has just been sent to the Senate. It has been said, and I understand that some Senators entertain the opinion, that the officers of the Navy now receive much higher pay than officers of the Army. I simply desire to say, in behalf of the Naval Committee, for whom I am authorized to speak this morning on this subject, and in behalf of the Navy, that they will most gladly accept as the pay of the Navy this reduced bill fixing the pay of the Army for corresponding grades, and I trust that when the Committee on Military Affairs shall report back this military bill they will attach to it a section which shall give to officers of the Navy of corresponding rank the same fixed, precise pay, without commutations, that is provided for officers of the Army, and they will most gladly accept it.

The PRESIDENT *pro tempore*. The bill will be printed; of course, when it shall have been referred to a committee.

CLERKS IN THE INTERIOR DEPARTMENT.

Mr. DOOLITTLE. Now I must insist on going on with the bill.

The PRESIDENT *pro tempore*. The Senator from California is entitled to the floor.

Mr. CONNESS. I shall occupy but a very short time in what I have to say. I was proceeding to observe that the last action had on this bill yesterday was in the nature of a motion made by the Senator from Nevada [Mr. NYE] to postpone its further consideration that it might be ascertained whether the so-called "departmental club," of which he gave us the history and proceedings, were to be benefited by the passage of this bill. To that view of the case I desire now to address a very few remarks. This is a proposition to reorganize—

The PRESIDENT *pro tempore*. The Chair will suggest that the bill is not yet before the Senate. The question is on the motion that the Senate proceed to its consideration. The Senate has not yet decided to take up the bill.

Mr. CONNESS. I presumed there was no objection to that.

Mr. WILSON, and others. Let the bill be taken up.

The PRESIDENT *pro tempore*. The Senator from California addressed the Chair before the Chair had an opportunity to put the question to the Senate. Of course the Chair supposed that he wished to be heard on the question whether the bill should be taken up or not.

Mr. CONNESS. Not at all.

The PRESIDENT *pro tempore*. The motion before the Senate is to proceed to the consideration of the bill named by the Senator from Wisconsin.

The motion was agreed to; and the Senate resumed the consideration of the bill (S. No. 282) to reorganize the clerical force of the Department of the Interior, and for other purposes.

The PRESIDENT *pro tempore*. The question now is on the motion of the Senator from Nevada that the bill be indefinitely postponed.

Mr. CONNESS. I was proceeding to say that this was a bill for the reorganization of the clerical force of the Interior Department, a Department that it appears comes under the condemnation of this so-called "departmental club" in their proceedings, and therefore if it were proper to take any notice in the Senate of the United States (which I do not admit) of the proceedings of this so-called departmental club, there is no propriety in the position taken by the honorable Senator from Nevada, so far as this bill is concerned, growing out of those proceedings. It is perhaps a matter to be regretted, in behalf of human nature, that any part of so-

ciety, when drained to its dregs, should develop such a quality of dregs as the organization and proceedings of this "departmental club," so called, have given us. It is to be regretted, in behalf of human nature, that our kind should at any time show, and jump so quickly to show, subservency to the source of power, no matter what that source may be. I rise as much to say a word in defense of the President of the United States from any implied aspersion that may grow out of the proceedings, as they have been brought to the notice of the Senate, of this so-called "departmental club," as for any other purpose. I either mistake the character of the President of the United States or such proceedings as those from employes of the Government but excite his contempt. I cannot think otherwise. I do not say so in compliment to the President, but I believe it must be so. The practice of organizing these clubs composed of men in the employ of the Government and subject to be dismissed from day to day, and complimenting their superiors, is one more honored in the breach than in the observance, and I only regret that their proceedings have been brought to the notice of the Senate at all. I would not honor them with notice; they do not deserve it in any sense whatever; and that their proceedings, so discreditable to themselves, whoever they may be, should be made any excuse for any line of action on our part, in our legislation, is not, I hope, to be considered at all.

I believe that this bill should pass; and I accept what was so well said by the honorable chairman of the Finance Committee in regard to the Treasury Department, and he spoke to us from his experience and actual observation in that Department, that a reorganization like this which is now being made for the Interior Department is a public necessity for the Treasury Department particularly. Men of the highest administrative and clerical ability are called upon to perform the most arduous and responsible duties, and are so poorly paid that they cannot live in comfort in the city of Washington, much less in a condition of fair respectability. I think it is discreditable to the Government that it should be so. That the Government should lose from its high places its best and most admirable talent, its trained effectiveness, because we fail to extend a fair compensation to it, is something that we ought to put an end to. I hope, sir, that this bill will pass.

The PRESIDENT *pro tempore*. The question is on the motion to postpone the bill indefinitely.

Mr. DOOLITTLE. I hope the Senator from Nevada will withdraw that motion, and let a vote be taken directly on the bill itself.

Mr. NYE. I did not know yesterday what class of clerks this bill applied to. After the adjournment of the Senate I took a little pains to inquire into the subject, and I find that this "departmental club" has its existence in two of the other Departments, not in this.

Mr. SHERMAN. Which of the Departments?

Mr. NYE. The man who introduced the resolutions which I read yesterday belongs to the Second Auditor's office of the Treasury Department.

Mr. CONNESS, [to Mr. NYE.] Do not honor him with notice.

Mr. NYE. I shall not; but as the resolutions of the club recommend the removal or resignation of Mr. Harlan, of the Interior Department, I am satisfied that it has no connection with this bill. I therefore withdraw my motion and shall consent to let the bill pass.

The PRESIDENT *pro tempore*. The motion to postpone being withdrawn, the question is, Shall the bill be engrossed for a third reading?

Mr. KIRKWOOD. I desire to ask the Senator from Wisconsin a question. Does this bill increase the pay of certain grades of officers in the Interior Department?

Mr. DOOLITTLE. It does increase the salaries of some of the heads of divisions, and

it also increases the salaries of the heads of bureaus.

Mr. KIRKWOOD. Above the pay now given to officers of similar grades in other Departments?

Mr. DOOLITTLE. No, sir; I think not, upon the average. I think the bill is right.

Mr. KIRKWOOD. I find this state of affairs to prevail here: if we increase the pay of a single man of a particular grade, it is made the basis upon which we must increase the pay of every other man of the same grade in every other place. Now, if by passing this bill we are increasing the pay of certain grades of officers in one Department, so as to make it necessary to increase the pay of all other officers of the same grades in all other Departments, I am against it, because I do not think that in the present condition of our finances we should do any such thing. If we commence in this Department and run up the pay of certain grades of officers to a certain sum, we shall be called upon next week to run up the pay of similar grades of officers in all the other Departments to an equal sum.

Mr. COWAN. I understand that this bill does not disturb the pay of the different grades. It requires more clerks of a higher grade.

Mr. TRUMBULL. Pays them more.

Mr. COWAN. No, it does not increase the pay of the grades. Persons in the lower classes are to be paid as before; but it creates some additional chief clerks.

Mr. SHERMAN. Creates a new grade.

Mr. COWAN. It does not affect the pay of the old grades.

Mr. TRUMBULL. It increases the pay of the same officer with the same rank, as I understand it.

Mr. COWAN. I have not so understood it, and I was a member of the committee and heard all the various parties, and it was evident to me from their statements that we should have the same amount of work done and pay less for it.

Mr. SHERMAN. I think I can inform the Senator from Illinois how the matter stands. The bill adds a new grade of clerks, and gives them higher pay. It abolishes, substantially, the lower grade of clerks in certain bureaus. For instance, in the office of the Secretary of the Interior there will be one disbursing clerk, one chief clerk, one clerk of public lands, one clerk of Indian affairs, one clerk of pensions, three clerks at \$1,800, four at \$1,600, four at \$1,400, and none at \$1,200. The real effect is to raise the pay ten or fifteen per cent. In other words, it divides the pay of forty-six clerks, who are dispensed with, among those who are retained. It reduces the number of clerks, and divides the pay of those dispensed with among the others.

Mr. TRUMBULL. I quite agree with much that was said by the Senator from California, that the pay of these officers is too low at the present time—

The PRESIDENT *pro tempore*. The morning hour having expired, it becomes the duty of the Chair to call up the unfinished business of yesterday, which is House joint resolution No. 127.

Mr. DOOLITTLE. By the courtesy of the honorable Senator from Michigan, [Mr. Howland], it is understood that the special order is to lie over informally for a few moments in order that this bill may be disposed of.

The PRESIDENT *pro tempore*. If no objection be made and that be the unanimous consent of the Senate, the order of the day will be laid aside temporarily.

Mr. TRUMBULL. I designed saying but a word or two. I am quite satisfied that the pay of the clerks, not only in the Interior Department, but in the other Departments of the Government, is inadequate at the present time. That is not only true of the clerks, but it is true also of most of the officers of the Government. We have had before the Committee on the Judiciary petitions from all portions of the United States asking us to bring in a bill to raise the salaries of the district judges. I

think they ought to be raised. I thought so two years ago, during the war; but the committee at that time—and I quite agreed with the committee then—thought it not advisable to attempt raising salaries when we were engaged in this great war. But the salaries of the district judges ought certainly to be raised, and a bill is now pending for that purpose. The Senator from Iowa [Mr. KIRKWOOD] is correct in supposing that if this bill passes it will lead to a raising of all the salaries. I have no doubt we shall report a bill from the Committee on the Judiciary at this session to raise the salaries of the judges. I think they are the poorest paid of any officers in the Government, almost. If you are going to have competent men to fill judicial positions of high importance, you must pay them reasonable salaries. I shall not vote against this bill, because I am prepared for one to vote for an increase of salaries; but if this bill be voted down, we shall then understand that salaries are not to be raised. The amount of the precious metals has been so much increased, so much money is afloat, that it is not of the value it was when these salaries were fixed, and it seems to me that there is an absolute necessity upon Congress to increase the salaries of the public officers.

Mr. GUTHRIE. I feel inclined to vote for this bill, because it arranges the Interior Department by a reduction of clerks, and awards compensation to those who do the work and who must do it. I have no doubt a judicious change of the same kind applied to the other Departments would be just and proper. We should then retain the able, efficient, and working men in the offices who now do the business, and they would get an adequate compensation for it. I think we are in no condition to commence a general raising of salaries. I have no question that salaried officers are in general poorly paid; but it is much wiser legislation to give compensation to the men who do the work by dismissing men who do but little and who are of but little account to the Government. I fear, however, that if this bill passes there will be an application for an additional number of clerks. Some people are never satisfied with what they get while there is a chance of getting more, and appealing to Congress or anybody else who has the power to give. If there was any way to increase the capacity of the tax-payers it would be well enough to go into the business of increasing salaries.

This, I think, is a bill properly framed to give compensation to men who do the work and to get clear of those who do not work or do not know how to work. A great many persons in the public offices have got in there by outside influence. I presume such is the present condition of things. I know it was so in the Departments years ago. There were then always in the public offices a large number of individuals who were incumbrances to the public service and really retarded the men who worked and did the public business.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. McDUGALL. Mr. President, without making any argument I desire to say in this connection, for I have been in communication with the Secretary of the Interior and his Assistant, that it is my opinion that we should have a general bill systematizing employment in all the Departments so that efficient service might be properly compensated. All persons conversant with the business of the Departments know that about three out of five employees of the Departments do not labor during the reasonable hours of the day in the transaction of their particular business, and it is equally true that nearly three out of five do not know how to perform the labor which the public service requires. There should be applied to the Government service in the Departments something like the same rule that belongs to our officers both in the Army and Navy. Persons who have been disciplined in a special department and have acquired the knowledge necessary to perform the services

required with skill, should be maintained in employment and should be entitled to promotion. I look upon this measure as an inaugurating measure in the same line; but a complete system of that kind should be devised by some persons who have the authority to devise these things, and made the law of the land. I desire to say this because it is an opinion of mine which I have long entertained, and which is, I think, the opinion of all informed persons who desire to see the public service properly transacted by persons intelligent about their particular business; and therefore I am for the bill.

The bill was passed.

HOUSE BILL REFERRED.

The bill (H. R. No. 450) to reduce and establish the pay of officers and to regulate the pay of soldiers of the Army of the United States was read twice by its title and referred to the Committee on Military Affairs and the Militia.

GOODRICH AND CORNISH.

The Senate proceeded to consider its amendments to the joint resolution (H. R. No. 77) for the relief of Ambrose L. Goodrich and Nathan Cornish, for carrying the United States mail from Boise City to Idaho City, in the Territory of Idaho.

Mr. STEWART. I move that the Senate insist upon its amendments and agree to the conference asked by the House of Representatives, and that the conferees be appointed by the President *pro tempore*.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House of Representatives had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

A bill (H. R. No. 438) in relation to the courts of Washington Territory;

A bill (H. R. No. 621) to regulate and secure the safe-keeping of public money intrusted to disbursing officers of the United States; and

A joint resolution (H. R. No. 148) to authorize the distribution of surplus copies of the American State Papers in the custody of the Secretary of the Interior.

RECONSTRUCTION.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. R. No. 127) proposing an amendment to the Constitution of the United States, the pending question being on the amendment proposed by Mr. DOOLITTLE as a substitute for the second section of the proposed article of constitutional amendment.

Mr. HOWE resumed and concluded the speech commenced yesterday. His entire argument will be published in the Appendix.

Mr. DOOLITTLE. Mr. President, the Senate will bear witness, and I have no doubt my colleague will cheerfully accord the same, that never upon any occasion has a word fallen from me calculated or intended to wound in the slightest degree the good name or good fame of my colleague. I think no such word ever escaped me, and if I know my own heart no such word will ever fall from my lips. But the remark which my colleague made when he concluded his sentence which had reference to me, that in my history I had, politically, been found where office or position brought the highest price is a remark which if not construed with more charitable feelings than most men are capable of exercising, might be supposed to contain some reflection upon the integrity of my purpose in my political action. Sir, I claim no infallibility; I am as liable to mistakes as other men; but what I do claim is that in what I have done in my political life I have intended to do right. I may have erred in not carrying those intentions fully into effect; but, sir, that I ever intended in the slightest degree to swerve in my political action for the sake of offices or the price of offices in the market, is to those who know me a statement wholly without foundation.

Mr. HOWE. My colleague does not mean to say that I have charged him with any such thing.

Mr. DOOLITTLE. My colleague does not assume to charge it, but assumes to say that it looks like it.

Mr. HOWE. No, sir.

Mr. DOOLITTLE. I understood my colleague to say that from my course it would seem that I was the most fortunate of all politicians to be always where the offices could be obtained which commanded the highest price in the market.

Mr. HOWE. No; not even that, though that is very different from what my colleague was replying to. After stating the situation of parties and political affairs at these periods, I did remark, expressly disclaiming any idea of charging him with being untrue to his convictions, that it was a most fortunate coincidence that he had always happened to have the very convictions which at those different periods bore the highest price in the market.

Mr. DOOLITTLE. Mr. President, those words are equivocal. The inference to be drawn is substantially what I said, if not to cast an imputation, to raise a question as to the sincerity of the motives which have controlled me. Now, Mr. President, it is not pleasant for a man to speak of himself; it is not becoming on ordinary occasions that a man should speak of himself or for himself; but, sir, upon a point like this, I may be pardoned if I allude to other crises in my life in which I have been called upon to take important and decisive action in relation to my political course.

And first, sir, I refer to 1847. In the convention of the Democratic party of the State of New York, when we were in possession by force of arms of the territories of Mexico, and the question of their disposition was to be determined, after Mr. Polk, then President, had recommended the disposition of those territories in such a manner as to give to slavery a considerable portion of them—under these circumstances, and when the responsibility was upon the country, I, as a member of the dominant party of the country, (a party which had the Executive, which had both branches of Congress, which was in a large majority in almost all of the States,) had occasion upon my responsibility to take action upon the pending question raised by the situation of affairs; and that question was the same question which for twenty years has been the great issue, shall slavery be extended into the Territories of the United States or not? As a member of the convention of the dominant party in the State of New York I brought forward that resolution denominated the "corner-stone resolution," upon which we separated ourselves from the majority and the dominant party in the State, and organized what was denominated the Free-soil party of the State of New York. That corner-stone resolution stood at the head of the leading newspapers of New York and New England and Ohio, and Wisconsin, too, as the corner-stone upon which the Free-soil organization was laid.

Sir, for no purpose but to carry out what I believed to be the duty resting upon me and carrying forward the true interests of the country, we deliberately went into a great minority, abandoned the majority and office and all chance for office, all place and all thought of place, abandoned all to give ourselves to the principle which was involved in the struggle. What followed? The Democratic party was overthrown; General Cass, its candidate, who was in favor of what was called the diffusion of the institution of slavery by way of absorbing it and blotting it out, was laid aside, and General Taylor was elected. What then intervened? One of those things which seem almost, as we look back upon it now, as the special providence of Almighty God. The discovery of the gold mines of California happening just at this time carried the people of the free States by hundreds and thousands into that new Territory just acquired from Mexico; and

they organized a free State government with a free constitution, came to Congress and demanded admission, and Congress dared not refuse, for California was the golden State, and a rising State on the west side of the Rocky mountains, and she could not be held against her will. She demanded admission; and the Senate of the United States, pro-slavery as it was, was compelled to yield to the demand, and California was admitted as a free State. That was the result of the organization of the Free-soil party of 1847 and 1848. It was a victory for freedom by the admission of that free State which gave in this Senate a majority to the free States of the Union.

What then occurred? There was got up what was called a grand compromise. All the great Whigs and all the great Democrats of the country in this body and in the other House got together and produced what was called the compromise of 1850, and then it was proclaimed by the great men of the country, "The slavery question is now forever ended; it shall never be agitated again; now the country shall be quieted; we shall hear no more upon that subject." The two parties went into the nomination of their candidates in 1852 upon precisely the same platform in that respect. The Whig party nominated General Scott, and they declared there should be no discussion of the slavery question at all countenanced or encouraged. The Democratic party nominated General Pierce, and they declared the same thing, so that upon this question in 1852—the time when my colleague charges upon me that I abandoned the cause which I had espoused in 1848 because he says I gave my support to General Pierce in 1852—both the great parties of the country occupied the same ground. It is a fact to be noticed also that the great majority of the Free-soil party with which I acted in 1848, in the State of New York, as well as in Ohio and Wisconsin, went into the support of General Pierce in 1852. There was only a little, small remnant of that party who voted for Hale, who was in 1852 the candidate of what was called the Liberty party. There were a few who did so. The honorable Senator who now occupies the chair [Mr. POMEROY] was one who adhered to Mr. Hale, and I believe the honorable Senator from Massachusetts [Mr. SUMNER] also adhered to Mr. Hale in 1852; but there were very few of the Free-soil organization either in Ohio or in New York or in Wisconsin who did.

Here was no abandonment of principle on my part. It is true I went upon the bench in 1853, having been elected in 1852, in the State of Wisconsin. From 1853 to 1856 I was constantly engaged in the arduous duties of judge of the first judicial district of Wisconsin, which at that time was the most populous and had the most business of any of the judicial districts of the State; and while I was on the bench I had sufficient regard to what I thought were the proprieties of that position not to engage publicly in political affairs; but from the moment the Democratic party, which had elected General Pierce on the pledge that the slavery question should not be reopened, proposed the repeal of the Missouri compromise, to every person who conversed with me on the subject I freely, openly, frankly declared in opposition to the project, and said that it would be the dissolution and the destruction of the Democratic party.

My colleague refers to the fact that in 1856 I gave my open adhesion and my public support to the election of Mr. Fremont, but says that I did not write a public letter or make a public speech until after the adjournment of Congress. You remember, sir—and I know you do, for you were a resident of Kansas at the time—that for long months here in Congress the very question pending was whether Congress would enforce the border-ruffian slave code of Kansas, or would repeal it. If Congress had repealed it, Kansas would have been a free State. I did not desire to go into political life or to go into a struggle. I was engaged in my profession, a profession that brings more

profit and much more ease than any place like those we occupy here. I had no desire to go into it; but when the Congress of the United States, under the influence of the Senate of that day, determined that they could enforce that bloody code upon the Territory of Kansas, I could not withhold my declaration. Sir, it was like fire in my bones and in my heart. It demanded and would have utterance; and when the utterance came it came red hot in the denunciation of the infernal outrage that was thus practiced upon the people of that Territory; and as my colleague says—it would not be becoming in me to say it—the people of Wisconsin perhaps did feel grateful for what I did in the canvass of 1856 in denouncing the Democratic party and overthrowing it and trampling the organization under our feet which would justify and sustain an outrage like that.

Mr. President, I never sought alliance with the Republican party because it had offices whose price was high in the market—no, sir; never. My colleague refers to my course in Wisconsin. Sir, during the last six months, ay, more than six months past, in the State of Wisconsin no man has struggled harder than I have struggled to save the Union party, to save it to its platform, to save it to its principles, to save it in its supremacy. There is hardly a man in Wisconsin this day who does not know that the success of the Union party there is due to those men who in the convention at Madison united with me and agreed with me in opinion there and in resisting what was there proposed, to wit, to declare by the resolutions of the Union convention that the States of the South should never have representatives in Congress until they extended universal suffrage to negroes. Because we resisted that in the State of Wisconsin we saved the Union party and elected its candidates by nine thousand majority when the very proposition presented to the people based upon negro suffrage was voted down by nine thousand. Had we, consulting the public newspapers, consulting the denunciations and the clamor of the hour, been false to our position and false to the crisis, had we yielded to that clamor, the Union party would have been utterly overwhelmed in the State of Wisconsin at the last election.

Mr. President, it has been charged that it was through my instrumentality that that convention refused to adopt any such new creed or new platform which never had been incorporated as a part of the Union creed or the Union platform. I have been charged with the responsibility of that. If the responsibility of that rests upon me, then it is true that I had the honor of saving the Union party of Wisconsin in its struggle last fall. But has the course pursued by me there saved me from the denunciations of the public press? Not at all. For six months, from one end of Wisconsin to the other, ay, from Boston to St. Paul, by every one of a certain class of newspapers I have been denounced as a traitor to the Union party because I saved it from defeat. Sir, it is not the first time in the history of the world that men have turned in to crucify their saviour. So far as I am concerned, my political life may be ended; but the principles for which I have contended, the principles for which I have made the struggle, will live. Men may suppose that those principles are crucified; they may imagine that the doctrine of the right of the States to control their own institutions, so far, at least, as to be permitted to declare who shall exercise the right of suffrage within their limits, is crucified and buried in the tomb, with a stone rolled at the door; they may imagine that these principles are dead and buried and will never rise again. So far as individuals are concerned, it is of but little consequence. I, as an individual, may have met denunciation; perhaps I may be consigned to defeat; but what of all that? What care I, if the principles live? I tell you, Mr. President, and it is as certain as that the sun will rise to-morrow, that the great principles for which I have contended will live; their resur-

rection is certain; and those who stand in opposition to them will find that they are living, vitalizing principles; that they will have recognition, and you cannot keep them buried out of sight.

Mr. President, I have been betrayed, perhaps, into saying more than I would have said under other circumstances. I have no unkind words to my colleague, no questions upon the sincerity of his course, no imputations upon his motives. I only rose to say, in my own defense, that so far as my intentions are concerned, I intend to pursue the right, if I know where it leads; and, God helping me, I will pursue it to the end, be the consequences what they may.

Mr. DAVIS. Mr. President, the pending question before the Senate is, I believe, the amendment proposed by the Senator from Wisconsin, [Mr. DOOLITTLE.] If it be the pleasure of the Senate, I should like to have the vote taken on that proposition now, so that I may have the opportunity of offering two or three amendments myself.

The PRESIDING OFFICER, (Mr. POMEROY in the chair.) The question before the Senate is on the amendment of the Senator from Wisconsin to the second section, upon which the yeas and nays have been ordered.

Several SENATORS. Let it be read.

The SECRETARY. The amendment is to strike out the second section of the proposed article, and in lieu of it to insert the following:

After the census to be taken in the year 1870, and each succeeding census, Representatives shall be apportioned among the several States which may be included within this Union according to the number in each State of male electors over twenty-one years of age qualified by the laws thereof to choose members of the most numerous branch of its Legislature; and direct taxes shall be apportioned among the several States according to the value of the real and personal taxable property situate in each State not belonging to the State or to the United States.

Mr. TRUMBULL. I would inquire if we did not vote on that direct proposition once before.

Mr. DOOLITTLE. No, sir.

Mr. CLARK. It was submitted, but not voted upon.

The PRESIDING OFFICER. The vote has not been taken. The yeas and nays have been ordered.

Mr. HOWARD. I hope the vote will be taken.

The question being taken by yeas and nays, resulted—yeas 7, nays 31; as follows:

YEAS—Messrs. Cowan, Davis, Doolittle, Guthrie, Hendricks, Johnson, and Riddle—7.

NAYS—Messrs. Anthony, Chandler, Clark, Conness, Cragin, Edmunds, Fessenden, Foster, Grimes, Harris, Howard, Howe, Kirkwood, Lane of Indiana, Morriss, Norton, Nye, Poland, Pomero, Ramsey, Sherman, Sprague, Stewart, Sumner, Trumbull, Van Winkle, Wade, Williams, Wilson, and Yates—31.

ABSENT—Messrs. Brown, Buckalew, Crewell, Dixon, Henderson, Lane of Kansas, McDougall, Nesmith, Saulsbury, Willey, and Wright—11.

So the amendment was rejected.

Mr. DOOLITTLE. By the courtesy of the Senator from Kentucky I desire to offer another amendment. It is not the same as the last; it differs in this respect, that it bases representation upon male citizens who are voters, and not on male electors simply. I do not suppose it will give rise to any discussion. I merely offer the amendment, and ask for the sense of the Senate by yeas and nays.

The yeas and nays were ordered.

The Secretary read the proposed amendment, which was to strike out section two and in lieu thereof insert the following:

Representatives shall be apportioned among the several States which may be included within this Union according to the number in each State of male citizens of the United States over twenty-one years of age qualified by the laws of such State to choose members of the most numerous branch of its Legislature, and including such citizens as are disqualified by participating in rebellion. Direct taxes shall be apportioned among the several States according to the value of the real and personal taxable property situate in each State not belonging to the State or to the United States.

Mr. HENDRICKS. I voted for the amendment proposed by the Senator from Wisconsin,

not that I believe that representation in this country ought to be based upon the voting population, but I voted for it as I thought it better than the proposition that is before the Senate from the committee. I think representation ought to be based upon population, and that taxation ought to rest upon the property of the country *ad valorem*; and now that this question has been raised in this country, I believe it will yet come to that before the question is finally settled.

Mr. SHERMAN. I shall detain the Senate but for a moment to explain the reasons for the vote I shall give in opposition to what is my own deliberate judgment on the question now pending. The more I think of this question the more I am convinced that the true basis of representation in the present condition of affairs is the number of male citizens who under the laws of the States are allowed to vote. This proposition, it seems to me, is a simple one, plain and obvious, which puts a citizen in one State on a footing of precise equality with a citizen in every other State, which equalizes the political power of all citizens, and which will destroy all sectional animosity. If this amendment be adopted, a citizen of the State of Ohio has precisely the same political power with a citizen of the State of Massachusetts or of South Carolina; no more and no less. The same number would be required in each State to elect a member of Congress. The number of citizens could be easily ascertained by the census, and the census rolls could be attested very readily at each annual election. This proposition is simple, plain, and obvious; and yet under the necessity in which we are now placed I shall feel called upon to vote against it. My reason for this I will briefly state. In my judgment some change ought to be made in the basis of representation. The condition of the negro population in the southern States, now deprived of all political power, is such that to give to the white people of those States the right to vote for the negro population and represent them is to give them an undue advantage, one which we could not justify even if they had not been in rebellion.

There is no reason why the white citizens of South Carolina should vote the political power of a class of people whom they say are entirely unfit to vote for themselves. If there is any portion of the people of this country who are unfit to vote for themselves, their neighbors ought not to vote for them. The plain and obvious principle of representation is that every voter should vote for himself, and for no one else; those who have not the right to vote should be represented by the majority of the voting population, and not by their immediate neighbors. There is no reason, for instance, why because the State of Massachusetts has a preponderance of women a voter in Massachusetts should count more than a voter somewhere else. There is no reason why, because in the city of New York there is a very large element of unnaturalized foreigners, a voter in the city of New York should have more political power than a voter anywhere else. There is no reason why, because a white man lives in the South, where they have a large mass of negro population, a white man in the South should have more political power than a white man in Ohio. There is no reason why, because in Ohio we have a greater proportion of voters to our population than they have in other States, we should be deprived of political power. The truth is that every man who has the right to vote should be counted one, and the aggregate of votes should then be divided by the proper number of Representatives in the political body—the House of Representatives—in order to arrive at a true and correct apportionment.

That is a plain and obvious principle, and if that principle was adopted the southern States would feel no local jealousy. They could not feel any. No State and no community would have the right to complain. The laws of the United States would fix the naturalization of the foreigner; birth would fix the citizenship

of the native; there could be no controversy. Then every citizen would stand equal before the law, with precisely the same political power, no more and no less. I say, therefore, that this is the only amendment to the propositions now submitted to us that I desire to make; but I feel bound by the action of my political friends to vote against this amendment. I place my vote distinctly on this ground: here are propositions upon the details of which men would naturally differ, and it was therefore necessary for those who intended to support the mass of the propositions to confer together and agree upon those which they could support. There must be at some point of every controversy of this kind some surrender of individual opinion.

Although my opinion is as clear as it can be upon any subject that this amendment is right in itself, both branches of it, yet as we were compelled to unite on some measure—and we must all yield some of our opinions upon various questions involved—there are five sections in this proposed article—I feel bound to vote against this amendment offered by the Senator from Wisconsin, though in my judgment it would do more than any other to heal the difficulties by which we are surrounded. A majority of those who will support the propositions on which we are to stand believe that the measure in the shape in which it is before us is the wisest, and I am bound on that question to defer my own opinion to that majority who differ from me in order to secure the passage of this resolution. I am the more reconciled to this course because next to the proposition now submitted I think the present is the best that has ever been offered. Next to the simple, plain proposition of basing representation upon voters, the section before us is the best. It does recognize the equity of the rule I have mentioned. It bases representation upon population, and it excludes representation for a class of people that have no political power; but it stops short of the logical sequence of the principle. It endeavors to save representation for certain portions of our country where they have a population whom they deprive of the right to vote; but it deprives the South of representation for a population which has no right to vote. It is therefore to some extent unjust, and yet it is more just than any other proposition which has been submitted to us. For instance, the proposition which I voted for some two or three months ago, reported by the committee on reconstruction, proposed that if the South excluded any portion of the negro population from voting the effect should be to exclude the whole mass of that population from representation. This proposition is better than that. It is indeed better than any other except the simple, logical proposition of basing representation upon voters.

While I do not and cannot surrender my individual opinion on this subject, I shall vote against the amendment of the Senator from Wisconsin simply because it is necessary to have an end to this controversy, and those who are expected to carry these propositions before the people must agree upon some platform, and I choose to stand by that which has been agreed upon by those who are expected to vote for some amendments to the Constitution. All those who believe that amendments ought to be adopted must confer among themselves and get the best proposition upon which they can agree, and then they must abide by it and stand by it. Although my friend from Indiana [Mr. HENDRICKS] may say that that is the result of a caucus, let me tell him that he has submitted to such a result a hundred times, and would do it again. I would always rather submit to the deliberate judgment of a majority of those with whom I act than to seek the aid of my political opponents, uniting with a minority of my friends to make a platform that nobody would be satisfied with.

Mr. WILSON. After the remarks made by the Senator from Ohio I desire to say simply that I regard this amendment as a proposition to strike from the basis of representation two million one hundred thousand unnaturalized

foreigners in the old free States, for whom we are now entitled to seventeen Representatives in the other House, and it weakens that part of the country that much. That is all there is in it. It is simply a blow which strikes the two million one hundred thousand unnaturalized foreigners who are now counted in the basis of representation from that basis, and takes the Representatives for that population from the loyal portion of the country for the benefit of the other end of the country that has been disloyal. That is the proposition, and I shall vote against it.

Mr. SHERMAN. I think that a remark only is necessary in reply to that. The two million of unnaturalized foreign population alluded to by the Senator is somewhat an overestimate. But take it at two millions; how long are they excluded? Only during a short period of probation—five years; and in most of the States the great body of them are promptly admitted to citizenship.

Mr. President, I ask you whether it is not just that those people who are denied political power should be excluded from the basis of representation. If it is right to exclude four million blacks in the southern States who are denied representation, is it not also right to exclude all other classes in every other State who are denied political power? We cannot go before the people of the United States and argue the question as it affects this State or that State, this community or that community. The amendment to the Constitution which we propose we must settle upon some fundamental principle—not judge by the way it will operate upon this community or that community, but as it operates on the whole mass of the community at large.

Now, I say that it is not unjust to exclude the communities in which two million foreigners in the process of naturalization live from exercising political power for them. As soon as our laws allow them to exercise political power for themselves they will become citizens, and they will vote; but the very same reason which excludes the four million colored population in the southern States who are denied by their laws all political power would exclude temporarily, during the short period of probation, the foreign population who are unnaturalized. But it must be remembered by my friend from Massachusetts that the great body of unnaturalized foreigners are women and children. Nearly all the men who come to this country are naturalized in five years. The exceptions are very rare. In an agricultural community like the West all foreigners are naturalized in a short period of time, except in some States where the policy of their laws is to prevent them from being naturalized by allowing them to vote without being naturalized. The most of the unnaturalized people in this country are women and children. Nearly all the men who have lived here five years have votes. The objection the Senator now makes, that two million foreigners would be unrepresented, disappears in 1870, because by that time all who have been in this country during the requisite period would undoubtedly be naturalized, and they would then be counted.

Mr. GRIMES. Others take their places.

Mr. SHERMAN. They are coming in. But ought they to be counted until we intrust them with political power? The Senator from Massachusetts has no more right to vote for a foreigner whom the laws of the United States declare to be unfit to vote for himself than I have, merely because he lives in Massachusetts. It seems to me that is not a fair argument.

Another argument has been often drawn into this discussion. I do not know that it is worth while for me to continue the discussion, because as I feel bound by the action of my friends I shall vote against this amendment. But there is another argument. It is said that the young and active men of all the eastern States, including Ohio, which now sends more abroad than it receives, emigrate westward, leaving their families behind them, and that it

is unjust to deprive those families of political representation. So it would be taking a superficial view, but you must remember that these young men who go West themselves represent their families, and that they bring the principles in which they were taught back into this body and into the other House. They exercise political power for their families when they go to the West. The West gives these emigrants office, honor, position. Should not the West count for that? When a young man goes from Massachusetts to Minnesota, ought not Minnesota to have the benefit of his political power in her count of representation, when she gives him office and honor and power and patronage? Undoubtedly. Wherever the man votes there he ought to be counted; and if he leaves behind those who do not vote they ought not to be counted. He ought to be counted where he exercises his political power, so that a man in one State may be the same in every State, having the same political power. But I will not discuss this matter further.

Mr. COWAN. Mr. President, I have a word to say. I am not exactly in the category of my honorable friend from Ohio. I do not wear the harness of caucus on this occasion, or indeed upon any other. I am opposed to any alteration of the Constitution in this point, because to me that is vital. But I am going to vote for the proposition of the Senator from Wisconsin because I think it better than the original proposition and not worse.

It does seem to me there are most extraordinary notions of political power here, what constitutes it, where it is vested, and how it is wielded. What conceivable difference can it make to a citizen of Pennsylvania as to how Ohio distributes her political power? What conceivable interest has the honorable Senator from Ohio, or a Senator from any other State, to say to us whom we shall allow to vote and whom we shall not allow? They do not pretend that they have a right to say to us whom we shall elect and whom we shall not elect; and is not the elector just as much the choice of the community as an officer is the choice of it, except that the electors are chosen by a class and described by a general designation, whereas the officer is chosen by name to perform certain functions?

Mr. President, to touch, to venture upon that ground is to revolutionize the whole frame and texture of the system of our Government; to turn it over; to violate our own canons. What is the guarantee of the United States to the several States? It is that they shall have a republican form of government. Now we are told that a republican form of government is this, that, and the other. One man says it is "universal suffrage;" another man says it is "universal manhood suffrage," so as to throw out the ladies; another says it is "universal white suffrage," and so on. Who can agree as to what a republican form of government is? If gentlemen had read the original text and the approved commentaries thereon they would have found that the guarantee was such a form of government as the State itself should make. The State is the judge of the republican form of government, and not the citizens of the other States.

Then, if a State has the right to form its own government, and that is the republican form, by what right can one of the other States, or two of them, or ten of them, or three fourths of them, if you please, venture to introduce into the State a power from without in order to control its distribution of political power? If the effect of any such extra action upon a State would be to deprive it of a portion of its weight in the Union, that is a violation of the original compact; it is a violation of the very instrument upon which the Union was formed; it is putting the torch to the very fabric you wish to preserve; it is putting a mine under the very building you wish to secure. Are you to preserve these States if you are to regulate the weight hereafter that they are to have in the Union? Can half a dozen or a dozen or two dozen of these States undertake to shear

of their political power the other States? Can you violate your own guarantee? When you say that nobody else shall deprive these States of the right of making their own government and distributing their own power as they please, can you do it? Can the guarantor himself with impunity violate his own guarantee?

Mr. President, I had intended to make some more extended remarks on this topic; and as I am on the floor now I may just as well say at this time what I have to say on the general subject. It is perfectly clear, I should think, to all wise people that the basis of representation, or the measure of political power and that which adjusts it among the States, should be something fixed, certain, determined. You cannot make a flexible standard. You cannot make a standard that is thirty-three inches to-day and thirty-six to-morrow, and the next day forty. You cannot allow a State to open and shut her valves and admit power or expel it at will. You propose to say that if she does not do certain things she shall not have but a certain amount of power. Suppose she wants power. She is made the arbiter of the power she shall have in the Union. Suppose she chooses to exclude it again, what then? Here we have a constantly shifting panorama upon which I do not see how it is possible that an apportionment bill can be framed. Population, however, is certain, fixed, determinate, a thing to be counted every ten years, and a thing to be encouraged, because if you make population the basis of representation then you encourage population; but if you make voting the basis, or if you make that the measure, then you encourage the degradation of the franchise. I am willing, on the part of my own State, that she shall be the guardian of the franchise within her limits. The people of our State are to be the judges of the persons in our society who are fit and proper to cast our ballots; and we are perfectly willing that all other States shall enjoy that privilege, because we believe that it is an inherent and essential privilege in every State.

But what will be the result upon us of the proposition before the Senate? We have in Pennsylvania about one hundred thousand negroes, and we have a Representative in Congress based upon them. What is to be the operation of this amendment? Just this: your whip is held over Pennsylvania, and you say to her that she must either allow her negroes to vote or have one member of Congress less. That is it; and it comes with very bad grace from a parcel of people who have no negroes among them; and that I think is the worst feature in all this business from one end of it to the other. Here are a parcel of States who have no negro population, and they are exceedingly anxious that the people who have them should let them vote. What is that their business? We have never known that they invited them that they might get votes. The negro is now as free to go to Massachusetts or to any State where he is allowed to vote as he is to stay in Pennsylvania or anywhere else. If he insists upon this privilege, he has the same right to go after it that I have, or any other man has, and he can go and get it. If I do not like the laws of Pennsylvania and they do not suit me, and I have not power and influence enough in the State to mold them to suit my particular desire, I can go to another State and another until I suit myself. But why people who are not interested in this thing, who have everything to gain and nothing to lose by it, can expect to maintain the Union by insisting upon propositions of this kind I confess is more than I can see.

This is not common justice in a common, ordinary transaction; and I do not know whether it would be considered fair even in a horse trade. The advantage is all on one side. It is like the Indian and the white man dividing the possum and the turkey. The white man said to the Indian, "Now you take the possum and I take the turkey, or if you do not like that, I will take the turkey and you take the possum." [Laughter.] "Why," said the Indian,

"you have not said turkey to me once;" and that is the way with this constitutional amendment. The States that have no negroes are to shear the States that have negroes of the political power they have according to the fundamental law, according to the ancient bargain made, and according to which the Union exists, and which is in fact itself the Union; that bargain which is bathed in the blood of two hundred thousand American soldiers, for which we have sacrificed six or eight thousand million dollars; that bargain now is to be amended in its essentials, and to be amended for the benefit of one section of the Union who have everything to gain by it and nothing to lose, and to the prejudice of the residue.

Mr. President, will the man who knows the value of this Union to these States, the man who loves it, who reveres it, and who believes that it will make his country the greatest republic on earth—will he be guilty of unfairness? And, sir, what is worse about it all, those States which are to suffer most, and the States within which it is to operate most hardly, are not heard; they are not allowed to come upon this floor and argue their case although this is a free country with a representative form of government, and, as I supposed, a republican form.

Mr. President, I consider this attempt as dangerous to the peace of the Union as the original doctrine of secession. Do gentlemen suppose that the people of the States affected will submit to this? Let me remind gentlemen of another thing. The Republican party existed over half the Union. It existed as a party north of Mason and Dixon's line. It was a minority party. When Mr. Lincoln was elected in 1860 there was a majority on the popular vote of more than nine hundred and thirty thousand against him. He was elected under the forms of the Constitution, and was really and lawfully the President of the United States; but under the workings of the Constitution it did so happen that there was that majority against him. In the States north of Mason and Dixon's line the majority for Mr. Lincoln, at the last presidential election, was about four hundred thousand, I believe. At any rate, nobody can deny but that very nearly one half of the people of the North belong to the Democratic party. There, too, I suppose, you may consider that the people of the South now belong, because your destinies are in their hands. They will inevitably sit in judgment upon you here in this Chamber. They will mete out to you, if you are not careful, the same measure you try to mete out to them. Now, I warn my fellow-Senators that we cannot afford this with this form of government of ours. Had we not better stand upon the Constitution as it is, where our fathers put it, that Constitution which we enforced at such cost? Think of partners after a difficulty, one partner trying to compel, and to compel under threats, the insertion of a new clause into the original articles of partnership. But can we compel it; and if we cannot compel it, what then? You know what it cost us to compel obedience to the Constitution as it is. You cannot compel obedience to the Constitution as it is not. You could compel obedience to a Constitution that was the law of the land, but you cannot compel obedience to a Constitution that is not the law of the land.

Mr. President, I am for dealing fairly. In the first place, as I have said before on this floor, I trust the American people everywhere. Why? I trust them because they are the foundation upon which this structure is built; and to say that they are to be punished into the proper shape or driven into the proper shape is to say that the whole rests upon a quicksand, rests upon a foundation which is distrusted, which begins to show cracks in the walls already if these things be true. I trust the people. I trust the people North. I trust the people South. I trust the people of all parties. Why not? Why is it that the South will sustain the Union now? Because it is her interest to sustain it. Why is it that we sustain it? Is it

because we arrogate to ourselves superior virtue? Has the grace of God been more liberally bestowed upon us than on our brethren? Is that the pretense? We may be wiser, but surely I think nobody can say of the people or any part of the people that we are more honest.

Trusting the people, then, the people must be trusted everywhere, and what we do especially must be fair. It is a characteristic of our race, and one which has marked it for long ages, that there must be fair play. No man of our race will interfere even in his brother's quarrel in a fair contest. We must play fair. What have we been playing for? We have been playing for the Union and for the Constitution. What is the attempt now after we have won? It is to say that we will have neither except upon terms. Terms with whom? Terms with the very men we have been struggling with for years in order to compel them to assent to our terms—the Constitution and the Union.

I say again that we must be fair; we must allow to the States the rights which they reserved to themselves when they made this compact, and especially must we allow to them the essential rights, the rights that underlie the whole fabric, that are the basis of the whole structure, the first of which is the right to regulate their own domestic concerns. Have we forgotten our own platform? Let gentlemen who talk about party fidelity recur to the platform of Chicago in 1860; recur, if you please, to your Baltimore platform of 1864; and then you will see who are faithful to the original doctrines of the party and who are not. Shall we undertake now to say that we will regulate the ballot all over the United States, remodel the whole affair, redistribute the political power, and we do this right in the face of our own law? Who passed the act of the 4th of March, 1862? Who voted for it in this Chamber and in the other? Nobody gainsaid it; nobody thought of gainsaying it. And yet that law in force to-day is violated, trampled under foot and disregarded. By whom? By us. We who fought for the Constitution and for the law; we who proclaimed ourselves those who would see it enforced at all hazards violate it; we, in the face of our own law, to-day refuse to hear the people we are legislating for upon our floors. That law gives to the southern States, eleven of them, I believe fifty-eight members, and they have not one, and you have not the poor apology that is stuck into this amendment to the Constitution here, that these members engaged in rebellion, because the fact is that a great many of them did not; a great many of them engaged to suppress it; some of them shed their blood in that attempt, and some of them struggled through all manner of difficulties to be true and faithful, and yet they are excluded; they are not allowed to say a word here for their fellow-citizens. And this is fair! This is the way to deal with a partner! This the way to deal with men with whom you expect to live in peace and unity coming centuries! What is it all about? Where is the difficulty about it? Are they stronger than you? Are you afraid in the other House, with one hundred and eighty-three members now, that you cannot manage fifty-eight? Are we afraid here with fifty Senators that we cannot manage twenty-two?

Mr. President, the disguise which covers this proposition is too transparent. As I said before, the Republican party was a minority party. Its policy immediately upon attaining to power was to make itself a national party; was to throw out its lines and set its stakes in every quarter of the Union. Let it penetrate every hamlet from Maine to Georgia, from North Carolina to California. Let a network of both parties ramify everywhere, spread over the country, and then you may have a Union; and I may remark that the binding efficacy, the cement of the two parties interwoven like a network over the whole country, will contribute a hundred times more to keep it together than any other device, or even the Constitution itself. When this was violated, what was the consequence? When there ceased to

be two parties all over the country, all over the length and breadth of it, what had you then? Rebellion; and rebellion will follow it inevitably, not only now, but in all time to come. Strike a line north of Pennsylvania and elect a President against the will of everybody north of the north line of Pennsylvania; or, in other words, go into an election and beat every man north of that line, and a rebellion is inevitable. You have the same difficulty then that we encountered in 1860. The election of Mr. Lincoln beat every man south of Mason and Dixon's line, or very nearly so. All parties and all factions were opposed to him. All had pledged themselves against him, and after the campaign waxed hot and the blood boiled, they had pledged themselves to resist; they were bound before the crisis came, and how could they prevent it? Thousands no doubt regretted it, but their lips were sealed. Thousands were unwilling to act, but still, under the influence of this mortification, they did act. It is a mortification, you observe, that reaches everybody; it reaches men, women, and children; it goes everywhere, and however trifling it may appear to a wise man and a cool man, yet it affects the people, and affects them in a most tender and vital point, and they resent it. They did resent it. I say again, that if under the same circumstances a candidate was to be elected who would beat all New England and New York, they would not submit, in my judgment.

Then I say it was the business of the Republican party to extend itself upon some common platform, not the platform of fairness exactly in the distribution of political power, because the Constitution was not based upon fairness in that respect. There was nothing fair in the provision that Rhode Island and Delaware should each have two Senators, and Pennsylvania and New York each only two. It was not built upon the principle of equality originally. Still we ought to stand upon it and maintain it; and in order to do that there should have been no going away from the original doctrine. We should have stood upon it and strictly and literally enforced it, and we should have had a right to enforce it, and could have enforced it in the face of the civilized world and had the civilized world with us. But that opportunity was neglected; the Republican party did not do that; and then it was driven to the miserable shift of either taking to itself as allies the negroes of the South, or what? Depriving the South of the political power which she enjoyed by virtue of the negroes. Do you think the world does not understand this? Do you think the people do not understand why this is? Do you think you can delude the people with the idea that this is honest on our part; that it is fair on our part, and that that is what we really mean? I tell gentlemen that if they think so they are mistaken. The people understand this exactly. Do you believe the people want, the mass of the Republican party want, such allies as those in the South? Do you believe they want to rely upon the aid they can get from negro suffrage in the South to hold the balance of power in this Republic? Go to Pennsylvania, go to Illinois, and ask them. When Pennsylvania, with her hundred thousand negroes, refuses them suffrage, why is it? And if she refuses to allow you to intermeddle with it, why is it? Do you pretend that you are improving the suffrage, do you pretend that you are making the institutions of the country more secure when you insist upon this? Who does so in the face of the civilized world? Are you bringing into the councils of the country more wisdom, more independence, more virtue? Nobody pretends it. Do you allow negroes to vote yourselves? You allow it partially in New York—a kind of emasculated suffrage there; you allow it partially in Massachusetts; absolutely nowhere; and yet you stand here and crack your whip over the head of the southern States who have millions of negroes in them, and you say they must let theirs vote when you will not let yours.

Mr. WILSON. They have the right of voting, absolutely, in Massachusetts.

Mr. COWAN. "Absolutely" if they can read the Constitution.

Mr. WILSON. The same as white men.

Mr. COWAN. Then it is not absolute even for a white man. That is the liberality of the reformers of the present age. After all this talk of political power and how it ought to be divided among men, how every man great and small, wise and foolish, should have his share of it, a poor devil who cannot write has none at all in Massachusetts. The honorable Senator from Ohio ought to have been reminded of that.

Mr. ANTHONY. Colored men vote in our State on the same terms with white people.

Mr. COWAN. Exactly. You put your restraints not only upon negroes but upon whites; but where is the restraint to be put on the people down South? You do not put any limitation there. You do not say to them, "If you let the literary negroes vote you may have all represented."

Mr. MORRILL. Suffrage is absolute in my State—unlimited I may say.

Mr. COWAN. I congratulate the honorable Senator upon it; and now all I wish is that he would go down to the Freedmen's Bureau—I believe the transportation is free—and ship up a hundred thousand negroes to Maine; take a hundred thousand of them there; I have no doubt they would be well treated. Then these philanthropic people would have an opportunity to exercise their skill. They would have an opportunity there to educate them and develop them, and they would see after awhile exactly what they could get out of them. If that were done, I could understand the philosophy of a movement like this. I believe I should agree to almost any new proposition if sufficient evidence was given to me that the people who urged it were honest in their designs, and had not some covert advantage which they expected lurking behind it. If Massachusetts had as many negroes as South Carolina, I could well understand her advocacy of this as being from the purest motives; but when I find her saying "You take the possum and I will take the turkey, or I will take the turkey and you take the possum," I do not understand that kind of talk to be fair.

And, Mr. President, I am opposed on principle to meddling with this matter. I am opposed to it again on the ground that to me it looks to be unjust, unfair, taking an unfair advantage of people at an improper time. Is this a time to amend the Constitution? I ask honorable Senators if in their opinion this is a time when the Constitution can be amended well and properly, because, as I understand it, if we are to amend the Constitution we must amend it in such a way as to be satisfactory to the people everywhere, not merely the people of Massachusetts or the people of Michigan, but to the people of Georgia and the people of Louisiana, to the people of all the States. Does any man want an amendment to the Constitution forced through here under circumstances of this kind, against people who are unable to resist, against people whom you will not hear, and in the face of a numerical majority in the country against you? Do you suppose that is going to be beneficial? I ask in all sober earnestness, is there anybody who supposes that that will be for the benefit of the country?

Again, suppose you pass this amendment to the Constitution, and suppose the southern States either for the purpose of getting themselves into line with you or for the purpose of increasing their political power under it, should admit the negro to the franchise, will your children and your homes and your governments be the more secure for that? What is the difficulty under which you labor to-day? Is it that you have not voters enough? Is it that the food upon which the demagogue fattens has grown scarce and he has grown thin? Or is it the reverse? Is it not because demagoguism is rife everywhere; and is not dema-

goguism rife just in proportion as you furnish it the material upon which to work? Degrade your franchise, put it down in the hands of men who have no intelligence, no virtue, and, what is worst of all, no independence—put it into the hands of men who have nothing to hope from it except in so far as they can use it for corrupt purposes, and shall we be safer then, I ask? Do you suppose that the people of the States in which there are negroes will send you more intelligent, more learned, more virtuous, and more independent Senators and Representatives here if you make this change than they would without?

Mr. WILSON. They will send more loyal men.

Mr. COWAN. "Loyal." What is "loyal?" I ask Massachusetts what is "loyal?" What is the meaning of the word? A fellow that votes with you! That is like the chap defining "orthodox"—"orthodox is the way I believe; heterodox is the way the other man believes." "Loyal" means an abolitionist, I suppose. At least I find that everybody who does not happen to be an abolitionist or tarred with that stick, is said to be disloyal. Loyalty, Mr. President, is a very simple word. Loyalty means obedience to the laws. It means legality. *Legalis* meant law as well as *lex* meant it. When a man alleges his loyalty to me, let me see his reverence for the Constitution and the laws. Show me a man who disregards either; show me a man who does not believe in the Constitution which brought this country to such a pitch of prosperity for seventy-five years and made us so great and so happy a people; show me a man that lays sacrilegious hands upon that instrument, especially when I know that half the time he does not understand it and that he never read a commentary upon it in his life; show me that man, and I show you one who is not loyal. Show me a man who for a temporary advantage, either for himself or his party, would set a foot upon one of his country's laws, and he is not loyal.

It is time we were beginning to understand the meaning of words in this country. It is time, now that the war is over, when passion has subsided and when reason ought to come back and resume her throne, that we ourselves should be reasonable. Let us look at this in the light of the past; let us look at it calmly and coolly as we survey it in bygone thousands of years, not as it looks to the eye blood-shot with passion, red with a rage that is hardly dying out. Let the lower stock indulge in passion if it is to be indulged in; but here in this the highest forum of the nation; here where, if anywhere, there should be justice and fairness, and that broad view over the whole country which takes it all in and which considers all the people as the people, virtuous, intelligent, independent enough to govern the country; let us here be reasonable, and especially let us know the meaning of our words.

Mr. President, I have another objection to this measure, and that is to that section which imposes a punishment upon people who have not been heard and who have not been tried and who have not been convicted according to law. If there is one thing above every other thing necessary to the maintenance of personal liberty—I mean your liberty, my liberty, and the liberty of every man, great and small, noble and ignoble—it is that no man shall be condemned until he is heard. Who could have dreamed that men educated as we have been, impregnated as we ought to be with the love of English literature, English law, and English history, could stand here for one moment and sanction a proposition of this kind, and particularly when we look back and see the consequences which fell upon them from their bills of attainder; and their bills of attainder were—well, I was going to say they were right compared to this, but that is not the word; they were not the one thousandth part as reprehensible as this, because when they undertook to inflict punishment through the medium of the Legislature, they took the criminal and named him by name; they described him, so that he

could be known; they did not attempt to throw a drag-net over the whole country and to sweep in thousands of people and ostracize them, or punish them, make them eternal enemies.

Mr. President, if I wanted to sow the seeds of another rebellion, if I wanted to plant that fatal upas in this country, I would do it by means of just such a clause as that which deprives all men of the right to hold office who ever took an oath to support the Constitution of the United States, and that without hearing them, without inquiring how they engaged in the rebellion, whether they were commanded in by a superior authority that they could not resist, whether they were forced in by actual physical force, whether they were deluded in, or how they got in. What, sir, punish such people! I have no word that will convey my sense of the impropriety and impolicy, to say no worse, of such a provision as that.

When I reflect upon the conduct of this Government toward those men at the very time when it should have been on the ground to rescue them, I am more and more astonished at our own folly in uttering a word upon such a subject. They owed allegiance to this Government. Did it owe them nothing? It owed them protection. Did it protect them? What did it do? Many of the Senators within the sound of my voice know that on the 4th day of March, 1861, when we came here, the United States, the great protector of the people, the sovereign authority of the land, that to which they all looked, and had a right to look, to preserve them their freedom of opinion at least upon subjects of this kind—that Government was that day ignominiously out of possession of seven States of the Union; had its feet on but two points in those States, I believe, Pickens and Sumter. Those were the only two points in the seven States that were held; and held how? So far from being able to protect the people, those places were scarcely able to protect themselves, and Sumter certainly was not.

Did we go to the rescue? Did the Government go and fulfill its part of the contract? Did it give them protection? History answers. No, sir, they were allowed to be driven into that vortex of rebellion, nobody to stand between them and the current that was sweeping everything with it. They were in, and now, because they were in and because they were in on account of the neglect of this Government to give them the protection they deserved, they are to be punished. It is time we looked at it. Why should we not look at it? Are we afraid to look it in the face? Are we afraid to do right? Can we not now "be just and fear not?"

Mr. President, let me suppose a case. An old man lives in the South, an old Whig if you please, struggling for the last thirty years against secession, fighting it in all its shapes from nullification down, voting for Bell and Everett, if you please, in 1860, or voting for Mr. Douglas, because I suppose that everybody admits that those who then voted for those men were not disunionists, were not secessionists.

That old man sits there surrounded by his family and surrounded by his slaves; slaves that were born beside him, slaves perhaps that his own mother nursed when she nursed him; slaves that he loved; slaves that he was kind to, and slaves that to-day would go to him for a favor perhaps far sooner than to anybody else. There he is, surrounded by his sons and his daughters. In December, 1860, a messenger comes in, a son, if you please, and he says, "Father, the State has seceded." "The State seceded! What! Gone out of the Union! Oh, we'll see about that. Where is the United States? Where are the United States officers? We shall have a halter about these fellows' necks before they know what they are doing. Seceded! Gone out of the Union! We'll see about that." The old fellow bustles about, and while he is bustling about another son comes in and says, "They have taken all the forts except Sumter, and all the United States officers are out of commission, every one; those

that were true were frightened, and those who did not want to give up their offices have been threatened, and they have all resigned; there is no United States officer in South Carolina." What then? Where is your Government there to protect this man? He may have been a member of your Congress. He may have taken an oath to support the Constitution twenty times. He may have been a member of this body. What is he told? Where is he to go? He says, "I will see about this." He is an active, vigorous, energetic man, and he comes up here to Congress, and he finds Congress sitting at this end of the avenue, he finds the President sitting at the other end, and he tells them "South Carolina has seceded; you are out of possession; you cannot protect anybody; the whole people there are at the mercy of these secessionists. What are you going to do?" What did you do at either end of the avenue?

Mr. HOWARD. Ask Mr. Buchanan.

Mr. COWAN. Yes, and ask that Congress that sat here, too; ask that Congress did it pass any bill to authorize him to put down the insurrection; did it make any provision? The history of that Congress is written. "Well," the old man says, "I cannot do any good here; these people seem to be all demented; they have forgotten what the Government was organized for; they have forgotten its mission. They seem to think it has no function, that it is to remain seated here and do nothing, and that the people will still maintain their allegiance to it as against State governments and confederate governments; however, this will be all right yet." He goes down home and tells the boys and everybody that things will be better after a little; that there is a new President coming in; that Congress and the old President are fighting and have got to loggerheads; one will not do this and the other will not do that, and both are waiting for some new advent.

The 4th of March comes round. What is done then? The new President finds himself here without an army, without a navy, without a treasury, everything demoralized, everything at sixes and sevens, and for six weeks neither he nor his Cabinet knew what to do. What is the old man to do in the mean time? The stern old patriot, good Union man, says, "Never mind; things will come right yet; after awhile these people at the North will get started and then we will be set all right; the traitors will be punished and we shall be protected." In the meanwhile one of the boys comes in and says, "Father, I have got tired of being called a traitor; I cannot stand it any longer; my neighbors are joining companies and regiments; and I am sometimes actually in danger of being mobbed when I go out; here are Vigilance Committees and Precipitators and Knights of the Golden Circle, and it is hardly safe for a man to go out; but they have offered to make me colonel if I will take command of a regiment. I do not see that we have any hope at all; Mr. Lincoln is not going to do any better than Mr. Buchanan; here we have waited a whole month and he has not done a thing; there have been no supplies thrown into Sumter, no troops sent there, no strengthening of that post; this is a foregone conclusion; can we look any longer to the Federal Government? Four months have already passed; I guess I'll take the colonelcy." The old man says, "I do not like that, but I do not see very well what else you are to do; if this thing shall succeed and you are not in it, of course you will be damned forever and spotted as a Tory down to the latest generation, perhaps; I guess you had better go in." John goes in and takes a colonelcy; Jim goes in and is made a major, and Ben is made a captain, and so on; and about the time that is done they fire on Sumter and the North is on fire. Armies are in motion to go down and rescue these men after they have been in the toils.

Well, let us follow it a little further. Before our armies get within one hundred miles of this old man to protect him, to stand between him and the secessionists, he finds posted up on the wall a proclamation. What is that

proclamation? Why that he is a sinner, a man who has violated a great moral law of God in the universe in owning slaves, and that his slaves that he owned, that he looked upon as his property, that he believed were his property, that had come to him from his father, if you please, were freed.

"Now," says he, "that may be; but I always thought that when a man committed a sin he ought to know it. I do not understand slavery to be a sin in itself. My father did not teach me so; my mother did not teach me so; the church did not teach me so; our people all around here did not believe so. Our people thought slavery in itself was indifferent; that if a master took a hundred negroes and made them happier than they were before, wiser than before, better than before, it was a virtue, and if he took them and made them worse it was a sin; and who dares tell me that I have been a sinner in this behalf? And what kind of protection is this that a Government is to afford me to allow the country to be covered with war and desolation for months on account of its neglect at the outstart, and then after doing all this I am to be told, true as I have been to the Constitution and the laws and the flag, that I am a sinner and to be bereft of my property? However, perhaps this is after all right; this is a great Union and a great country, and we can afford great sacrifices for it, and I will submit to this and be a Union man still." Then after war is over, after peace has come back, his sons are disfranchised, or rendered ineligible to office; every kind of ignominy is heaped upon him and upon them; they are punished without being tried, they are convicted without being heard; their apologies are not considered; they are not considered in court; they are not considered in the legislative hall; this old man is not allowed the poor privilege of a friend from his district to come here and offer the little apologies he may have for himself and his children.

That is an American citizen, a true man, a Union man; and this is the way we legislate for our fellow-citizens! This is the cement with which we propose to bind this Union again! This is the way we expect to extend the hand of fellowship to the Union men of the South! This is the thing we expect will secure to our children and to our children's children a future for the great Republic. Think of it! I hear gentlemen taking airings in history; we were treated to a dish of it this morning. I would advise gentlemen to read Prendergast's History of the Cromwellian Settlement in Ireland. Read the Partition of Poland. Read the suppression of all rebellions, and read where this operation has been performed successfully of putting down a rebellion and healing the wounds caused by it, and ask whether this is part of the machinery that was resorted to there. Go to Roman history; read it from end to end, and see whether when they conquered a people whom they wished to unite to themselves they imposed conditions, whether they said, "You must do this and you must do that, you must pass under the yoke." Never, never. If the Romans intended that a conquered people should live with them they made them their equals immediately; they gave them all the rights of Roman citizens; and what was their argument? "They will love us the better the better we treat them, and they will hate us the worse the worse we treat them."

Then, Mr. President, there is a fundamental principle, a principle fundamental in the hearts of Englishmen, I hope, and their descendants; fundamental in our history, fundamental in our traditions, fundamental in our beliefs, fundamental as our religion; it is that no man is to be convicted without being heard. How can you tell what a man has to say who was engaged in the rebellion? You refused to put the word "voluntarily" in. Do you propose to punish a man who was compelled to commit a crime involuntarily? And yet you do if he engaged in the rebellion.

Gentlemen tell us it is no punishment to say

that a man shall have no voice and shall not be eligible to office. That might do to tell some of the verdant, virtuous districts out through the country, but it is a very singular speech here in the United States Senate, composed of forty or fifty men who have been all their lives struggling for offices, and have got very high ones at last. No punishment to say that a man shall not be elected to office! What kind of ideas of punishment must some people have? Do they think that punishment consists alone in pulling teeth or smashing thumbs in the thumb-screw, or putting boots on the leg? Is that the only kind of punishment you can inflict on a man? Is there not such a thing as setting a mark upon him, the punishment of the first murderer, sending him out to wander through the world like the man in the novel who had no shadow? Is it no punishment to put a wolf's head of this kind upon a man, to single him out, set him apart in the community, and label him "traitor, ineligible?" Do you know any men of our breed on the earth that ever submitted to that long? I should like some gentleman to consult his history and find when and where men of our race submitted to that long.

Mr. HOWARD. I refer the Senator to the Constitution of the United States, which declares that none but a natural-born citizen of the United States shall be elected President of the United States. That is one instance.

Mr. COWAN. Oh, that is a capital joke, Mr. President. Now, we have been bamboozled and fed on that kind of stuff for the last four years. That is an answer to the argument! I ask the honorable Senator if he believes there is a sane man in the world who thinks that has anything to do with my argument. It has no more resemblance to the case I put than a hawk has to a hand-saw—not a bit. Because all the people who are not born in this country cannot be President they are punished! Is that so?

Mr. HOWARD. I do not think so.

Mr. COWAN. I do not think so either. Nobody believes that that is any punishment or any stigma or anything else upon those people; but if I were to select the honorable Senator from Michigan and say to him, by law or otherwise, "You shall not sit upon a jury; you shall not sit in the Legislature; you shall not wear the ermine of a judge; you shall not be Governor of your State or Senator from that State," I should like to know what he would think of that. What would he say to his wife and children in explanation of that? "How does it come that our father cannot be a judge, so good a lawyer as he is? How does it come that he cannot go to the Senate of the United States, eloquent and learned as he is, and superior to the men whom we are obliged to send?" What would be his answer? "My children, I have committed no crime; my name shall come down to you pure and unspotted as it did from my own father; but I am the victim of a law which condemned me without hearing me, convicted me without a trial, and punished me not even by name, but by class."

I am reminded by my learned friend from Wisconsin [Mr. DOOLITTLE] that we ourselves made that a part of the punishment of treason; and the honorable Senators who think this joke is an answer to a ponderous argument, that this quip and quirk is to stand in the face of a great fact covering eleven States of the Union, voted for it. We ourselves made it a part of the punishment of treason. It is in the book; I need not read it. That is a fact; and yet we are told this is no punishment. I ask again, and I defy gentlemen to put their finger upon a single instance where our race submitted to this, or submitted to it long. Impose that upon the southern States, pass this bill of attainder through the medium of an amendment to the Constitution, and the seeds of rebellion are there, and they will grow, and the feeling of this injustice will grow with it; and if redemption cannot come the children of the men you render ineligible to office in a very short time will themselves make a mighty army, an army not

to be conquered in a cause of that kind. No, Mr. President, let us treat these people fairly, let us give them their rights under the Constitution and the laws; and if they merit punishment, let us mete that punishment out to them by the law, not by bills of attainder or *ex post facto* laws, not by making a law as amendments to the Constitution. If we can maintain the Union at all, we can maintain it in that way. If we cannot maintain it in that way we cannot maintain it at all.

I am aware, Mr. President, that this is a foregone conclusion. I am aware that it was decided that something must be done, and I know how difficult it was to get that something into being, to get that unlicked bantling into shape. I know how long the period of parturition has lasted. And, Mr. President, I am afraid, too, that if it had not been from pride of preconceived opinions it would have been strangled by its own mother at the instant of its birth. I believe she would have been glad to get rid of it if it had not been for that pride. But it is here, it is to go through, it is to be proposed to the people; but relying upon the people, upon the sense of the people, I have no fears for the result.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Wisconsin, [Mr. DOOLITTLE.]

Mr. VAN WINKLE. I desire to say that my colleague [Mr. WILLEY] has been called away for this afternoon.

The question being taken by yeas and nays, resulted—yeas 7, nays 81; as follows:

YEAS—Messrs. Cowan, Davis, Doolittle, Guthrie, Hendricks, Johnson, and Riddle—7.

NAYS—Messrs. Anthony, Chandler, Clark, Conness, Cragin, Edmunds, Fessenden, Foster, Grimes, Harris, Howard, Howe, Kirkwood, Lane of Indiana, Lane of Kansas, Morgan, Morrill, Norton, Nye, Pomeroy, Ramsey, Sherman, Sprague, Stewart, Sumner, Trumbull, Van Winkle, Wade, Williams, Wilson, and Yates—31.

ABSENT—Messrs. Brown, Buckalew, Creswell, Dixon, Henderson, McDougall, Nesmith, Poland, Saulsbury, Willey, and Wright—11.

So the amendment was rejected.

Mr. WILLIAMS. Mr. President—

Mr. DOOLITTLE. Before the Senator from Oregon proceeds to offer any amendment I desire to offer one further amendment.

Mr. WILLIAMS. The Senator will excuse me.

Mr. DOOLITTLE. Does the Senator offer an amendment in behalf of the committee? I supposed the committee's amendments were through with. I had two or three amendments I desired to offer.

Mr. WILLIAMS. I beg to be excused from yielding the floor. I move to strike out the second section and substitute these words for it:

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But whenever the right to vote at any election held under the Constitution and laws of the United States, or of any State, is denied to any of the male inhabitants of such State, being twenty-one years of age and citizens of the United States, or in any way abridged except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Mr. SHERMAN. I should like to have that printed.

Mr. CLARK. It is merely in a better form.

Mr. SHERMAN. I should like to have the opportunity of seeing it in print.

Mr. HOWARD. I can assure the honorable Senator from Ohio that the amendment offered by the Senator from Oregon does not vary in effect the second section. It is a more condensed form in which the ideas contained in that section are expressed, but I am not aware that it changes the meaning and legal effect of the section at all. I hope, therefore, it will be adopted as it has been very carefully and thoroughly considered.

Mr. JOHNSON. So was the clause as it stands carefully considered. I ask for the reading of that amendment again.

The Secretary again read the amendment.

Mr. JOHNSON. I should like my friend

from Oregon to state in what the amendment differs from the section as it stands.

Mr. WILLIAMS. I will state that in substance and effect it is the same as the original section; but the words "the right to vote" are substituted for the words "the elective franchise." It was suggested, with considerable force, that this section related to the apportionment of representation, and that the words "elective franchise" might be construed as exclusively applying to that subject, and that a State might claim that it was entitled to count persons as allowed to vote when it extended the elective franchise to such persons so far as the election of Representatives was concerned; and therefore the words "any election held under the Constitution and laws of the United States or of any State" were substituted so that electors could not be deprived of the right to vote at State elections. The object of the change in the phraseology is to require the State to allow those persons, before they can be counted in the basis of representation, to vote at elections held under the constitution and laws of the State as well as at elections held under the Constitution and laws of the United States; so that there is substantially no difference. There is a change in the phraseology; some of the sentences and words are transposed, the object being to make the section more clear and explicit and satisfactory than it was in the other phraseology.

Mr. JOHNSON. Will the honorable member explain why it is that the words "which may be included within the Union," in the eighteenth line are omitted in the amendment?

Mr. WILLIAMS. They were omitted for the sake of brevity and because they added nothing to the sense of the section.

Mr. JOHNSON. That is the language of the original Constitution.

Mr. WILLIAMS. That is true. At that time, when the Constitution was adopted, there were States that had not been admitted into the Union, States that might not ratify the Constitution, and those words were intended I suppose to apply to those States that might ratify the Constitution afterward. At this time these words are not supposed to be applicable, and certainly the Senator will not contend that the words in the proposed substitute are not as full and as complete as the words in the original section, and they are altogether more brief. That is the only reason why those words were omitted.

Mr. HENDRICKS. I suppose it is desirable that we shall know what is in this amendment, and of course we could not understand its full force by merely hearing it read. I move that the Senate adjourn. It is past the usual hour of adjournment.

Mr. DOOLITTLE. If the honorable Senator will allow me, I should like to submit amendments that I intend to propose, so that they may be printed also.

Mr. HENDRICKS. Very well.

Mr. DOOLITTLE. I desire to submit amendments to be printed.

The PRESIDING OFFICER. The Senator from Wisconsin proposes an amendment which he intends to offer at another time, and asks to have it printed. The order to print will be made.

Mr. DOOLITTLE. The effect of my proposition is that each of these sections shall be submitted as separate articles, to be passed upon severally. That is the effect of the amendment of which I now give notice.

Mr. HENDRICKS. I move that the pending proposition be printed, and that the Senate adjourn.

The PRESIDING OFFICER. The order to print will be made if there be no objection. The Senator from Indiana moves that the Senate do now adjourn.

The motion was not agreed to, there being 10 in favor of the motion and 19 against it.

Mr. HENDRICKS. I do not expect to vote for this proposition nor the one for which it is proposed as a substitute, but still I presume that even the minority have some little say

and do about an amendment of the Constitution. Yesterday afternoon there was no press upon the Senate to stay here and consider this resolution. We adjourned at an early hour, when the Senator from Wisconsin [Mr. HOWE] was making his speech, I believe about four o'clock. I suppose he was a little fatigued in making his speech, and some Senator proposed that we adjourn—I think it was the Senator who has charge of this measure—and there was no Senator who thought of questioning the propriety of the adjournment to accommodate the Senator from Wisconsin.

Mr. HOWE. The adjournment was not at my request at all.

Mr. HENDRICKS. By no means; but the Senator yielded that the motion might be made; no further business was transacted in open Senate; we went into executive session for a little bit. Now, there is a proposition simply that we adjourn that a very important amendment may be printed. I do not suppose it is the purpose to pass this measure to-night. I have not heard that expressed. I do not want to discuss it myself; but I should like to know what is in it before we vote on it. If it is better than the original, I want to vote for it; if it is not better, I do not want to vote for it as an amendment. I have a right to know what is in it because my judgment stands before the country upon the two propositions. This is an amendment to the caucus proposition, and I want to know whether it is better or worse. I have to give an intelligent vote on the subject, and I find it impossible to know just what is in it by merely hearing it read. The language is changed materially.

Mr. JOHNSON. I certainly have no desire to delay the action of the Senate if their minds are made up on the question; but I do not understand this amendment, and I have had it and the original section in my hand now for some three or four minutes; at least I do not understand it as I suppose it is understood by the gentleman who offers it. It appears to me to be obnoxious to this objection, and if it be liable to this objection I imagine that the Senators who are now apparently in favor of it will correct it in that particular. That part of the amendment to which I refer says that whenever the right to vote at any election held under the Constitution and laws of the United States, or of any State, is denied to any of the male inhabitants of such States, being twenty-one years of age, &c., a deduction is to be made. Now, sir, in all the States—certainly in mine, and no doubt in all—there are local as contradistinguished from State elections. There are city elections, county elections, and district or borough elections; and those city and county and district elections are held under some law of the State in which the city or county or district or borough may be; and in those elections, according to the laws of the States, certain qualifications are prescribed, residence within the limits of the locality and a property qualification in some. Now, is it proposed to say that if every man in a State is not at liberty to vote at a city or a county or a borough election that is to affect the basis of representation? I submit to the friends of this measure, and I speak it, as I am sure the Senate will believe me, in all sincerity, when I say as it is all-important that the provision which we are about to adopt, or whatever we may adopt, shall be as certain as we can make it, that we had better print this amendment and bring to the consideration of it in the morning a better judgment than we may be able to form, at least than I am able to form, at this time. I move, therefore, that the amendment lie upon the table and be printed.

Mr. MORRILL. A motion to print it has been agreed to.

Mr. JOHNSON. No; the order to print has not been made.

The PRESIDING OFFICER. It is not in order to move to lay the amendment upon the table.

Mr. ANTHONY. That would carry the bill with it, as I understand.

Mr. JOHNSON. Then I move that the amendment be printed. That answers the same purpose.

The motion was agreed to.

Mr. DOOLITTLE. I ask that the amendment which I proposed to submit be printed also.

The PRESIDING OFFICER. The order to print has already been entered.

Mr. HENDERSON. I am a friend of this measure, and I expect to vote for it and every one of these sections. I think, however, that at this hour of the evening the friends of the proposition ought not to insist upon a vote upon it. I have never seen this amendment before; I have not examined it; it is entirely new; and when the Senator from Oregon offered it I really did not know whether it came from himself or the committee. Certainly we do not desire to take from the opponents of this measure the opportunity of judging it and examining it, and much less can we wish to take from our own friends the opportunity of examining the principles contained in it. It is now five o'clock; it is the usual hour of adjournment.

Mr. CLARK. Will the Senator allow me to offer an amendment before he moves an adjournment?

Mr. HENDERSON. I will give way for a moment until you present it.

Mr. CLARK. With the permission of the Senator from Missouri, if there is a disposition to adjourn, I wish to offer an amendment to strike out the fourth and fifth sections and to substitute what I send to the Chair, and I will state for the information of Senators that it is an amendment from the committee. I move that it be printed.

The PRESIDING OFFICER. The order to print will be entered, if there be no objection.

Mr. HENDERSON. Now I move that the Senate adjourn.

Mr. ANTHONY. I hope that before we adjourn some understanding may be arrived at on both sides of the Chamber as to when we shall have a vote on this question. I think we should take advantage of the good feeling that is exhibited at present to come to some understanding on that point.

Mr. HOWARD. I trust we shall stay here a little longer to-day and make some further progress in the discussion. There are several Senators on the other side of the Chamber who intend to speak to the measure which is now under consideration, and I am anxious to make all the progress that is possible to-day and to-morrow; and I wish it understood that so far as it depends on me I shall expect that the final vote will be taken at least on Friday.

Mr. CLARK. To-morrow.

Mr. HOWARD. I say at least on Friday.

Several SENATORS. To-morrow.

The PRESIDING OFFICER. The Senator from Missouri moves that the Senate do now adjourn.

Mr. HOWARD. I hope we shall not adjourn.

The motion was not agreed to; there being, on a division—ayes 11, noes 17.

Mr. HENDRICKS. Mr. President, I had a sympathy to-day for the Senator from Ohio [Mr. SHERMAN] when he announced to the Senate that his judgment was that the amendment proposed by the Senator from Wisconsin was right; that of the two measures that ought to be a part of the Constitution rather than the proposition of the caucus, but that he could not support it; and he said that I had been placed in like circumstances a hundred times, and my political friends had decided for me how I should vote. I desire to say to that Senator that he is entirely mistaken upon that proposition. I never in my life cast a vote upon an important legislative measure because any body of men said I should; and I do not think I ever will. I am responsible to the people of the State of Indiana; and when it is proposed to change the Constitution of the country, I must be satisfied in my own judgment that the proposition is right, that it is

the best proposition that is before the body, or that my constituents expect me to vote for it, else I cannot give it my vote.

Mr. FESSENDEN. I should like to ask the Senator a question if he will allow me.

Mr. HENDRICKS. Certainly.

Mr. FESSENDEN. Has it ever occurred in the history of that Senator that when he became satisfied that he could not get what he wanted he voted for the next best thing he could get, or did he stick to the first and lose it, and let the other go with it?

Mr. HENDRICKS. I do not recollect ever to have been placed in just that embarrassment. I am practical in my views as a general thing, and do the best I can.

Mr. FESSENDEN. That, I suppose, is the case with the Senator from Ohio.

Mr. HENDRICKS. I do not recollect any particular instance in which I was placed in the embarrassment the Senator suggests.

Mr. FESSENDEN. I can vary the form of my question.

Mr. HENDRICKS. Will the Senator allow me to complete my answer? When a proposition is before a legislative body, and an amendment is proposed to it, and the amendment, in my judgment, is better than the original proposition, I am never so embarrassed as to say that I shall vote for the more objectionable of the two propositions. I do not do it, and my party never ask me to do it.

Mr. FESSENDEN. I suppose, then, if the Senator was satisfied that his vote would be thrown away on the first proposition but would have effect on the second, he would prefer to throw away his vote and thus lose both.

Mr. HENDRICKS. I should vote for the proposition that my judgment approved. But so far as I have been connected with political parties I have never gone into any caucuses to decide upon any legislative measures. I have gone into caucuses to decide who should be the presiding officer of a body, and how the organization should be completed; I have gone into conventions for the purpose of establishing platforms for a political campaign; but to go into a convention of the members of the Senate or of the House of Representatives, in which a majority decides how the vote shall be cast, and that majority fixing it, a measure is brought before this body which two thirds must support before it shall pass, I say is exceedingly objectionable. That is the position that the Senator from Ohio admits himself to occupy to-day. Upon a measure that two thirds of the Senate, under the Constitution, must approve before it can be submitted to the people, he subordinates his judgment to the will of a majority of his party friends in a caucus. He says his judgment approves of a particular proposition. I think that is illustrative of the present condition of the Senate.

How the Senator from Oregon comes to offer an amendment at this time, I do not know. The amendment comes here. Whether he was authorized to make the proposition, whether there was some latitude allowed to him in the decisions, I do not understand. It seems to meet with favor. I do not want to vote upon it to-night; I am not ready to vote upon it; but I am willing to stay here and discuss the question until in the end we get to know something about it. As a part of my remarks, I ask that the proposition of the Senator from Oregon be read.

Mr. SHERMAN. As a matter of course, in making the observations I did, I did not seek the approval of the Senator from Indiana, and do not now; but I have no doubt, and I repeat the assertion, that he has frequently, very many times, in the course of his legislative experience, found himself compelled to vote for a proposition which contained some matter in it that was objectionable. Scarcely a bill passes any legislative body, but what, when a member offers an amendment and fails to carry it, he votes for the measure although he has failed to carry his amendment; and I think that the Senator, who is under pretty good discipline in the Democratic party, has often given way his

opinion on minor matters in order to carry a great proposition. My position is precisely this: I believe that several amendments of the Constitution are imperatively necessary. One of the amendments proposed relates to the basis of representation. Upon that I have a clear conviction that the gentlemen who will vote for these amendments have fallen into an error. Either I am in error or they are. I still think more than ever that the simple true basis is the number of voters, citizens of the United States fixed by the law of the State; but that proposition is voted down by a majority of those with whom I act. I do not expect the opposite side to vote for any of these propositions, and I do not consider their opinion worth much, because they commence by opposing the whole proposition. I do not regard their opinion as entitled to much weight with me in fixing the terms of the amendment. When each proposition has been agreed upon by the majority of those expected to vote for the whole, and I am called upon to vote on the whole proposition and defeat the whole proposition, or vote for it with some clauses that do not exactly suit me, as a matter of course I will vote for them; and I have no doubt the Senator from Indiana would do the same thing if he were in my place.

Now, in regard to another matter, I do think that the attempt to press a vote on an amendment to the Constitution, which, although it is said only differs in form, none of us have had an opportunity to read, is made probably at this period of the day without sufficient reflection. Perhaps all of us will agree that the amendment proposed by the Senator from Oregon—a change of phraseology as he says—is the better proposition; but certainly, having adjourned yesterday at half past three o'clock when one of our own political friends was speaking in order to enable him to take two days to make a speech, we can scarcely refuse an adjournment now to the minority in order that they may be heard.

Mr. CLARK. We adjourned yesterday at a quarter past four o'clock.

Mr. SHERMAN. It is now five o'clock, and two amendments are introduced to the Constitution, it is true, only varying in form; but to attempt to force a vote on them to-night is simply absurd. It cannot be done in a body organized like the Senate. I, however, sympathize with all as to the long time that has been occupied by this debate, and I think a time ought to be fixed for taking the vote. The Senator from Michigan having this matter in charge says that he expects a vote on Friday evening, and if he adheres to that I will support him in it.

Mr. HOWARD. I said "at least on Friday;" and I expect the vote to be taken in the morning.

Mr. SHERMAN. I will support him in that. If some general understanding can be effected by which the vote may be taken on Friday I have no doubt we shall be able to get through without being at all hurried in the mean time.

Mr. CONNESS. I move that the Senate adjourn.

Mr. HENDRICKS. Mr. President—
The PRESIDING OFFICER. The Senator from California has the floor.

Mr. HENDRICKS. The Senator from California has not the floor.

The PRESIDING OFFICER. The Senator from California was recognized by the Chair.

Mr. HENDRICKS. I yielded the floor to the Senator from Ohio.

The PRESIDING OFFICER. The Chair was not aware of that.

Mr. HENDRICKS. I am not anxious about adjourning. I am entirely indifferent on that subject. If it is the pleasure of the Senate to stay here and discuss this measure this evening, I would just as lief go on now as at any other time.

Mr. CLARK. If the Senator will permit me, I wish to make a suggestion to him. I do not suppose anybody on this side of the Chamber, or in the Senate, desires to force a vote

to-night, but we desire to make some progress; for I think all Senators will bear me witness that we have never been so much behind in matters before the Senate at any session as we are now. It is desirable for some of us to have a vote on this question on Friday by three or four o'clock.

Mr. JOHNSON. Say five o'clock.

Mr. CLARK. That would put it out of the power of some of us to go away from the city. It is necessary, I will say, that I should leave in the train on Friday evening, if I can. If we can have a vote by three or four o'clock on Friday—

Mr. JOHNSON. The train does not go until half past six.

Mr. CLARK. But we shall want something to eat after we get out of the Senate. If we can agree to take the vote by three or four o'clock on Friday, I shall be entirely content.

Mr. HENDRICKS. I have a few remarks to make yet. I have repeated the expression so often that I do not care to do it again, that we ought to press the business that is before the Senate. I have expressed my desire that we shall not be kept here in the very hot months; but I have become almost indifferent about that. When I proposed this afternoon to adjourn, I thought it was a very reasonable proposition, especially in view of the fact that we had adjourned yesterday afternoon simply to accommodate a Senator who was addressing the Senate, and to allow him to occupy two days instead of one, and especially in view of the fact that that one Senator has occupied more of the time of the Senate than all the minority put together. I have also desired to agree upon some time when the vote shall be taken. I have always been ready to agree upon an hour for taking the vote on any proposition before the Senate; but I am entirely indifferent now, and would just as lief stay here for the remainder of the evening as not.

I wish to speak of one other proposition of ethics on the part of the Senator from Ohio. In his usual plausible and delightful style he said that he would go with his party friends for a proposition that did not command his judgment rather than go with the Opposition and a portion of his party friends for a proposition that did command his judgment.

Mr. SHERMAN. I do not think the Senator quite states my position.

Mr. HENDRICKS. That is about the idea. I was trying to give the very words the Senator used, and I thought I had them, but not quite. That was about the idea, that rather than be associated with Democrats in the right, he would be associated with Republicans in the wrong. I can only account for that on the part of so elevated a gentleman in morals and intellect by the fact that he has been associated with Republicans in so much that is wrong he has to some extent become satisfied with that condition.

The Senator laid down another proposition which struck me as singular. He said that if the southern States refused the right to vote to the negroes, and thereby said the negroes were not fit to vote, the southern people ought not to have representation for a class of men that they themselves said were unfit to be citizens. I want to know how the Senator is going to vote for this proposition if that doctrine be right; and it is not upon non-essentials, it is upon essentials. It is upon the most essential feature of this resolution—the relative representation of the States in the House of Representatives. It is not a non-essential; it is of the very essence of the resolution. The people of Missouri have by a most unjust, as I think, provision of their constitution said that one half of the people of Missouri are unfit to vote. How is it that the Senator will now, in amending the Constitution, continue to that minority a right to representation for the majority which they have by constitutional amendment declared unfit to vote?

Mr. SHERMAN. Do you want an answer?

Mr. HENDRICKS. Apply the principle. I am just discussing it. The Senator says that

if the southern States elect to hold that the negroes are unfit to vote, they shall not be voted for upon principle; but upon principle if in Missouri a minority, by accidental power, excluding a majority, upon the ground that the majority is unfit to vote, the minority shall have a full representation for the whole. I want to know how that is. It is not upon a non-essential, not upon a matter of organization or political policy with which he agrees with his party, but upon a question of equality and justice in the representation of the States; upon the very merit and heart of this measure, if it has got any merit at all.

Mr. President, if it is the pleasure of the Senate to adjourn I will not occupy the Senate any longer at this time; but whatever is the pleasure of the majority is my pleasure on that question.

Mr. STEWART. I move that the Senate adjourn.

Mr. DAVIS. Mr. President—

Mr. STEWART. I withdraw the motion temporarily if the Senator from Kentucky desires to speak.

Mr. DAVIS. I have two or three amendments that I want to present, and should like to have the amendment offered by the gentleman from Oregon voted on before I move them.

Mr. SHERMAN. You can speak on that just as well.

Mr. DAVIS. I will adopt the course suggested by the honorable Senator from Ohio, and speak to the general proposition of my amendments.

Mr. STEWART. I move that the Senate adjourn.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, June 6, 1866.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. C. B. BOYNTON.

The Journal of yesterday was read and approved.

SAFE-KEEPING OF PUBLIC MONEY.

Mr. HOOPER, of Massachusetts, from the Committee on Banking and Currency, reported back House bill No. 621, to regulate and secure the safe-keeping of public money intrusted to disbursing officers of the United States, with amendments.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act it shall be the duty of every disbursing officer of the United States, other than those connected with the Post Office Department, having any public money intrusted to him for disbursement, to deposit the same with the Treasurer or some one of the Assistant Treasurers of the United States, and to draw for the same only as it may be required for payments to be made by him in pursuance of law: *Provided,* That in places where there is no Treasurer nor Assistant Treasurer of the United States the Secretary of the Treasury may, when he deems it essential to the public interest, specially authorize, in writing, the deposit of such public money in any other public depository, or, in writing, authorize the same to be kept in any other manner, and under such rules and regulations as he may deem most safe and effectual to facilitate the payments to public auditors.

Sec. 2. And be it further enacted, That if any disbursing officer of the United States shall deposit any public money intrusted to him in any place or in any manner except as authorized by law, or shall convert to his own use in any way whatever, or shall loan, with or without interest, or shall for any purpose not prescribed by law withdraw from the Treasurer or any Assistant Treasurer, or any authorized depository, or shall, for any purpose not prescribed by law, transfer or apply any portion of the public money intrusted to him, every such act shall be deemed and adjudged an embezzlement of the money so deposited, converted, used, loaned, withdrawn, transferred, or applied, and every such act is hereby declared a felony.

The amendments proposed by the Committee on Banking and Currency were read, as follows:

First amendment:

Strike out these words in the first section, in lines four and five: "other than those connected with the Post Office Department."

The amendment was concurred in.

Second amendment:

Amend the first section by inserting before the word "provided," in line ten, these words:

And all transfers from the Treasury of the United States to a disbursing officer shall be by a draft or warrant on the Treasurer or Assistant Treasurer of the United States."

The amendment was concurred in.

Third amendment:

Add the following as the third section of the bill: *Sec. 3. And be it further enacted,* That if any banker, broker, or any person not an authorized depository of public money, shall receive from any disbursing officer or collector of internal revenue or other agent of the United States any public money on deposit, or by way of loan or accommodation with or without interest, or otherwise than in payment of a debt against the United States, or shall use, transfer, convert, appropriate, or apply any portion of the public money for any purpose not prescribed by law, or shall counsel, aid, or abet any disbursing officer or collector of internal revenue or other agent of the United States in so doing, every such act shall be deemed and adjudged as an embezzlement of the money so deposited, loaned, transferred, used, converted, appropriated or applied; and any president, cashier, teller, director, or other officer of any bank or banking association who shall violate any of the provisions of this act shall be deemed and adjudged guilty of embezzlement of public money, and punished accordingly.

The amendment was agreed to.

The question recurred on ordering the bill as amended to be engrossed and read a third time.

Mr. WILSON, of Iowa. I wish to call the attention of the chairman of the committee to a provision of this bill. It provides that certain acts shall be deemed felony. I have not examined the statute to know whether there is any general provision of law in regard to a mode of punishment for a felony where the punishment itself is not prescribed in the act. My impression is there is no such general provision. If not, there should be some provision of that kind in this bill, otherwise there will be no punishment provided. I am not prepared at this moment to submit an amendment because I do not know the degree of punishment which the committee desire to attach to the felony. I ask to have the second section read.

The Clerk read section two.

Mr. WILSON, of Iowa. I will prepare an amendment for that purpose.

Mr. BOUTWELL. I ask my colleague [Mr. HOOPER] whether it is the intention of the committee to change the law or the practice in regard to deposits made by collectors. It seems to me that one of the great evils which we ought immediately to guard against is the deposit of public funds in the national banks by collectors. They should be required to deposit their collections in the Treasury at once. We are paying interest on a large sum of money which is deposited in these national banks for no purpose whatever except to stimulate speculation and endanger private and public credit.

Mr. HOOPER, of Massachusetts. In reply to the question by my colleague, I would state that we have agreed in committee to propose an amendment to the section of the banking law which authorizes the national banks to be used as public depositories by requiring at all times an amount of United States securities deposited in the Treasury equal to the amount of moneys deposited in the banks, and it is made the duty of the Treasurer, whenever the public money in any national bank exceeds the amount of securities held by him, to withdraw the excess and place it in the public Treasury.

Mr. BOUTWELL. I am satisfied for the present, if the subject is to come before the House. But I wish to say now that it seems to me entirely unwise to pursue any longer this policy of making national banks depositories of public money when there are designated depositories of the public Treasury where the collectors of the various districts can place their money. In one district, as I know, a collector has deposited money in five national banks. And now the proposition, as I understand, to be presented to the House, is, that these banks are to deposit the security on which they will receive interest from the public Treasury, and then take the deposits which are made by the General Government without interest, and

transfer them into the branches of the public Treasury as a temporary loan and receive interest upon them. I think it is time that this whole business should be ended.

Mr. RANDALL, of Pennsylvania. Mr. Speaker, I quite agree with the substance of the remarks of the gentleman from Massachusetts, [Mr. BOWWELL.] He will observe, however, that the bill under consideration applies only to disbursing officers. As he has been informed, the committee have under consideration the propriety of securing public deposits now in the hands of the public depositaries, and the only safe step at present, it seems to me, is to provide for the deposit of the public securities of the Government to the full extent of the money of the Government deposited in their hands. For myself, I say that within twelve months, or more speedily, if the condition of the country will allow, and the arrangements of business men will permit, I am with the gentleman in favor of depositing the public money in the sub-Treasuries of the United States. Those are the only places in which public moneys should be placed. I agree thoroughly and entirely with the gentleman from Massachusetts that the present system leads to a derangement of trade, and to speculation.

Let me cite an instance. The Government of the United States lends its money to a banking institution, and that bank goes out into the market and with the Government's own money buys up the Government notes and the due bills of the Government, realizing upon them six per cent. Now, what man would so conduct his private business? And yet the public money is absolutely at this day used for the purpose of buying up the public securities and bills due twelve months ahead, and upon those public securities the Government is still to pay six per cent. So nefarious a system cannot last long.

Mr. HOOPER, of Massachusetts, resumed the floor.

Mr. FARNSWORTH. Will the gentleman from Massachusetts allow me to make a statement?

Mr. HOOPER, of Massachusetts. I will yield for that purpose.

Mr. FARNSWORTH. I wish to state a fact that I learned at the pay department not long since. A disbursing officer in the city of New York drew his check on the Treasury for six or seven hundred thousand dollars—I do not remember the precise amount—and deposited it in a bank in the city of New York, which turned right round and loaned the money to the Government at a high rate of interest. The money was never actually taken out of the Treasury, but the check of this officer was deposited in the bank and the money loaned to the Government.

I agree, sir, with the gentleman from Pennsylvania, [Mr. RANDALL.] that it is high time that we put a stop to this depositing of the Government funds in national banks, to be again loaned to the Government, either by disbursing officers or collectors of the revenue.

As has been stated by the gentleman from Massachusetts, [Mr. BOWWELL.] there are plenty of depositories, branches of the Treasury. Let the funds as collected be deposited there, and transferred to the Treasury of the United States where they can be used by the Government as it needs them, instead of being used for speculative purposes by the banks. I hope some amendment will be made to the bill which will put a stop to the entire system.

Mr. HOOPER, of Massachusetts. Mr. Speaker, the object of this bill, as gentlemen will see, is merely to regulate the safe-keeping of the public money intrusted to the disbursing agents of the Government. In the bank bill to which this discussion would properly apply the gentlemen will have an opportunity to carry out the purpose which they propose. When that bill comes up I think it will be seen that there are some purposes for which it is expedient to use the national banks as depositories. I move the previous question on the bill.

Mr. WILSON, of Iowa. Let me offer my amendment; I have now prepared it.

Mr. HOOPER, of Massachusetts. I withdraw the previous question for that purpose.

Mr. WILSON, of Iowa. My amendment is as follows:

Add to section two the following:

"And upon conviction thereof shall be punished by imprisonment for a term not less than one year nor more than ten years, or by a fine not more than the amount embezzled, nor less than \$1,000, or by both, such fine and imprisonment, at the discretion of the court."

Mr. HOOPER, of Massachusetts. I renew the demand for the previous question.

The previous question was seconded and the main question ordered.

The amendment proposed by Mr. WILSON, of Iowa, was agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. HOOPER, of Massachusetts. If it was expedient, as I think it was, to add that amendment to the second section of the bill, I think it should also be added to the third section. I call the attention of the gentleman from Iowa [Mr. WILSON] to the matter, and I ask him whether the third section does not require some amendment.

Mr. WILSON, of Iowa. I do not know about that. My attention was called more particularly to the second section.

Mr. RANDALL, of Pennsylvania. The change suggested by the gentleman from Massachusetts [Mr. Hooper] can be made by unanimous consent.

No objection was made, and the bill was amended accordingly.

Mr. PLANTS. I would suggest to the gentleman from Massachusetts [Mr. Hooper] another amendment which I think should be made. This bill provides for the punishment of any bank officer who shall receive on deposit any public moneys in the charge of any disbursing officer of the Government. I would suggest that the word "knowingly" be inserted before the word "receive."

Mr. HOOPER, of Massachusetts. I have no objection to that amendment.

The amendment was agreed to by unanimous consent.

Mr. HOOPER, of Massachusetts. I now call the previous question on the passage of the bill.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was passed.

Mr. HOOPER, of Massachusetts, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

NAVAL STATIONS ON NORTHWESTERN LAKES.

Mr. BRANDEGEE, by unanimous consent, reported from the Committee on Naval Affairs a bill to provide for one or more naval stations on the northwestern lakes, accompanied by a report in writing.

The bill was read a first and second time, recommitted, and with the report ordered to be printed.

COURTS OF WASHINGTON TERRITORY.

Mr. WILSON, of Iowa, by unanimous consent, reported back from the Committee on the Judiciary House bill No. 438, in relation to the courts of Washington Territory.

The bill was read. The first section authorizes the supreme court of the Territory of Washington to fix the times for holding the supreme and district courts thereof at such places as may be designated by the laws of said Territory.

The second section provides that the judges of the district court shall appoint a clerk for each court in the district, who shall reside and keep his office at the place of holding said court.

Mr. WILSON, of Iowa. I am instructed by the Committee on the Judiciary to offer an

amendment to the second section. I move to amend it by adding the following:

And exercise the powers now provided by law for the clerk of the supreme court of the Territory of Washington, and be subject to all provisions of law not inconsistent with this act, applicable to the clerk of said supreme court.

The amendment was agreed to.

The bill, as amended, was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. WILSON, of Iowa, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

AMERICAN STATE PAPERS.

Mr. HAYES, by unanimous consent, from the Committee on the Library, reported a joint resolution to authorize the distribution of surplus copies of the American State Papers in the custody of the Secretary of the Interior; which was read a first and second time.

The joint resolution directs the Secretary of the Interior to distribute by mail or otherwise four hundred copies of the American State Papers, second series, in seventeen volumes, in the following manner, namely: to each member of the Senate and House of Representatives of the present Congress, one copy of each of said seventeen volumes, and one copy to each public or college library which may be designated by the Joint Committee on the Library.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. HAYES moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

ENROLLED BILL SIGNED.

Mr. TROWBRIDGE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title: "An act (S. No. 203) to enable the New York and Montana Iron Mining and Manufacturing Company to purchase a certain amount of the public lands not now in market;" when the Speaker signed the same.

INTEREST IN NATIONAL BANKS.

Mr. DELANO, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Banking and Currency be instructed to inquire as to the propriety and necessity of amending the law under which national banks are organized so that the rate of interest charged by such banks shall be uniform, so as to inflict upon any association attempting to charge more than the legal rate of interest such penalty as may be deemed proper for the purpose of enforcing a compliance with the legal rate.

Mr. EGGLESTON and Mr. KELLEY demanded the regular order.

NAVAL DEPOT AT LEAGUE ISLAND.

The SPEAKER. The regular order is the unfinished business of yesterday, being the consideration of a bill (H. R. No. 452) to authorize the Secretary of the Navy to accept League Island, in the river Delaware, for naval purposes, on which the gentleman from Pennsylvania [Mr. KELLEY] is entitled to the floor.

Mr. WILSON, of Iowa. I would suggest to the gentleman from Pennsylvania [Mr. KELLEY] to consent that this bill be postponed until after the morning hour, so that the regular reports of committees may be received, and thus the regular business of the morning hour will not be interfered with.

Mr. KELLEY. Does the gentleman mean that the bill shall be considered from day to day until disposed of?

Mr. WILSON, of Iowa. I have no objection to that.

Mr. KELLEY. I had hoped that the consideration of this matter might be closed

to-day, so as not further to interfere with the regular business of the House. This bill has been the general order since the 3d of March last, and I hope the gentleman will not object to our going on with the consideration of this bill at once.

The SPEAKER. Unless by unanimous consent, if this matter is postponed until after the morning hour of to-day, the reconstruction measures, being special orders of an anterior date, will have priority.

Mr. KELLEY. I should hesitate very much about consenting to anything that might put this bill out of its regular position.

Mr. PIKE. I object to any postponement of the regular order.

Mr. KELLEY. Mr. Speaker, the bill now under consideration is one reported by the Committee on Naval Affairs of this House after very mature consideration and elaborate examination for the purpose of giving legislative sanction to a well-considered and often-expressed wish of our late President and of the present Secretary of the Navy. Indeed, I may say the entire Navy as well as the Department deem the acquisition of the magnificent donation offered by the city of Philadelphia a question of almost vital importance to the future Navy of the country.

The attention of Congress was called to this question by the Secretary of the Navy as early as the 25th of March, 1862, by a letter addressed by him to the Naval Committee; and from that time to this he has made no annual communication to Congress in which he has not pressed upon its attention the importance of the subject. In addition to these annual communications he has twice communicated specially with the Naval Committee, and once with the House through the Speaker, to urge the acceptance of League Island for a freshwater naval station.

This is not a local project. It was not suggested by the constituency I have the honor to represent, or the great city of which it is a part. The attention of that community was drawn to it by the Navy Department, which, having sent forth a commission to ascertain the most available site for an establishment for the repair and laying up iron vessels, the one that combined the most advantages with the fewest disadvantages, and having had its attention directed to League Island by that commission, inquired of the mayor of Philadelphia as to how title could be acquired to the island. The response of the mayor, in the name of the city, not only gave the requisite information but was coupled with a tender of the island as a gift to the Government for naval purposes.

The question was then brought to the attention of Congress by the Secretary and President, and was acted upon; but unhappily for the country it was, in view of certain local, and, as was supposed, rival interests, coupled with a provision for a commission of inquiry, such as I am informed will be again suggested to the House to-day as a dilatory measure. The commission resulted in a report made by honorable and intelligent gentlemen, and honestly made by the majority of them, which for ludicrousness of misstatement—if it were not for the gravity of the matter—has never been equaled in a state paper. The report was false in fact, false in inference, and false in conclusion, and was regretted, sir, by several of the distinguished men who signed it as profoundly as it can be by any man.

Do gentlemen ask how such a result could be obtained at such hands? I answer, we know something of the effect of a skillful resort to parliamentary rules; we know something of the results of political jugglery or shrewd political management; and we understand how resolutions adopted by that commission in the outset of its investigations that all questions of engineering and of physical facts should be referred to a corrupt or partisan engineer, led to the unhappy results to which I allude.

I will illustrate, sir, the corruptness, for he

is not ignorant, of the engineer to whom those questions were referred. One of them was the question of the relative population lying within a given area adjacent to two designated points, New London and Philadelphia. That engineer reported (and this error runs through and colors the whole report) that New London had a much larger population within the given area than Philadelphia, because it embraced the immense population of the city of New York as a contiguous city; while there is not a gentleman on this floor who does not know that from Philadelphia to New York the distance is ninety miles, while from New York to New London the distance is one hundred and fifty miles; that the running time between Philadelphia and New York is less than four hours, while the running time between New York and New London is about six hours.

Mr. HALE. Will the gentleman permit me to ask him to name the gentlemen who constituted the commission of which he speaks?

Mr. KELLEY. I will do so; and I will inform my friend that some of the gentlemen who signed the majority report now regret having done so; and it was by one of them that my attention was called to the matter of which I have just spoken, he having seen the absurd consequences of the statements presented by the engineer. The gentlemen constituting the commission were Professor Baché, the chief of the Coast Survey, Commodore Gardner, Commodore Stringham, Commodore Van Brunt, and Captain Marston, and W. P. S. Sanger, civil engineer. Professor Baché, who understood engineering very thoroughly, and Captain Marston, made a report dissenting from that of the majority.

In this connection my attention has been called to a pamphlet, the production of a gentleman the victim of a monomania, who believes it to be his mission to force the United States Government to establish its station for iron vessels in salt water at a beautiful sea-side village which is so exposed to sea airs in peace and foreign assault in war that no enterprising New England manufacturer has ever ventured to start a manufactory there—New London, which may have a village blacksmith shop, but which has not and never has had a manufactory; which by the census of 1860 was found to have a population of 11,100 men, women, and children, being some thousands less than the number of skilled workmen in metals then found in the city of Philadelphia. That enthusiast or monomaniac tells us that that commission reported against League Island and in favor of New London, and he tells us that the report was made by a commission one half of whom were Philadelphians. Sir, it was made by four officers of the United States Navy, one citizen of this District of Columbia, the distinguished chief of the Coast Survey, who had resided here for more than twenty-one years, and one civil engineer, and it is only true that one of those naval officers resided in Philadelphia.

That report, Mr. Speaker, false as it was in fact, theory, and conclusion, and deplored as its effects have been by some of those who signed it, prevented Congress from accepting the proposed gift, and led to a more thorough investigation of the subject.

The commission, misled by the engineer in whom it had confided, reported that League Island was a mass of alluvium deposited by two rivers at their confluence. Careful investigation, illustrated by boring the island, as Mr. Sanger would not do, though frequently solicited thereto, at numerous points over the five hundred acres of its surface, has shown that it has a surface of three feet to three feet and a half of clay, and then a substratum of clay laminated with fine sand, and that at from twenty to twenty-five feet you come upon coarse gravel and boulders. Thus science has verified the assertions at which that commission sneered, that in 1690 the London Land Company acquired title to League Island, known in the language of the day as "cripple land," signifying land which is in part covered by the

tide and in part overgrown with sturdy oaks and other trees of the forest. League Island is part of the main land of Pennsylvania, and not an accumulation of alluvial deposit, as that commission, misled by a corrupt or partisan engineer, reported.

That report, so unfounded in fact, created an impression that the island would require ten feet of filling up, while four and a half feet of filling up will bring its whole surface to the level of the wharves of Philadelphia and the present naval station at that city.

The great want of the Navy before the war was wharfrage. With all our stations we had not wharfrage enough to lay up our small Navy. Since the war that want has been aggravated many hundred fold. But with the war there entered into our service a new element which makes League Island almost the only place in the country at which an economical and adequate station for the wants of the Navy can be established. There alone can be found in fresh water adequate water front for the laying up of our iron-clad ships. Salt water is the deadly enemy of iron. It not only gnaws into its vitals, peels it off, shell by shell, until it crumbles into dust, but it fastens to its surface all sorts of parasites and barnacles, so that an English ship returning from a two years' cruise had no less than ten tons of *crustacea* removed from her surface. These parasites diminish the speed of the vessel and throw the action of the salt water upon the few unexposed parts of the surface, where it bores literally, as if by mechanical power, into the sheathing of the vessel.

The gift which Philadelphia offers the Government is an island with river front on the Delaware to the extent of two miles and three eighths, on the Schuylkill front seven sixteenths of a mile, and on the back channel, delineated on this map, as gentlemen will see, and which is three hundred yards wide, a basin parallel with the island of two miles and five eighths of front. In that back channel or natural wet basin at this time are the river and harbor monitors, larger iron-clads, several double-enders, and other vessels, and they have remained there during one of the severest winters we have had in Philadelphia for many years alike secure from the effects of salt water and ice. The Naval Committee, I beg the House to observe, visited the island and examined those monitors and other vessels on the 17th of February, the coldest day of last winter, and found that they were undisturbed and unaffected by the floating ice of the river or the fixed ice of the back channel. Sir, that channel or basin is, I am assured by naval officers of experience, capable of containing the combined navies of the United States, England, and France. No nation in the world has its equal as a safe harbor for an iron navy laid up in ordinary; for no nation has such a body of fresh water accessible to the largest sea-going vessels.

It is said that it will require expenditure to fit up a station here. It will involve some outlay, but not such as gentlemen apprehend. To dredge the channel will fill the island to an adequate height.

There need be brought to it no cinders, slag, or gravel, even were we to engage in the Quixotic work of converting the whole into a naval station at the outset. To deepen the channel will, I repeat, supply the material with which to fill up the island. But the bill provides a fund with which to defray these expenditures.

We have the Philadelphia navy-yard, containing about twenty acres, which now obstructs the commercial growth and development of that city. The bill proposes to sell that yard, at the earliest day it can be done with convenience to the service, and to apply the proceeds, a million and a half or two million dollars, to the dredging out of the back channel, the filling of the surface of this island, and the construction of workshops.

There is no unusual appropriation asked for this work. On the other hand, it will gradually complete itself. What the Government wants at this time is wharfrage and space in fresh water

in which to lay up its iron-clads in ordinary, and here it can have it without a dollar of outlay, for here they can lie for years as they have lain through the past winter. This want is supplied by nature, and the accommodations can be expanded and perfected from year to year without unusual appropriations.

But, sir, let me invoke the weight of authority. I voted yesterday for a bill against which my private judgment ran. I voted for it because a careful committee recommended it, and because every military man that I knew in the House, save one, and it related to military matters, sustained it. I submitted my individual judgment to that of the committee and those who knew more of the matter in hand than I did. So the Naval Committee, after a personal examination of the premises, after an elaborate examination of Admiral Smith, the chief of the Bureau of Yards and Docks, of Commodore Turner, who is in charge of iron-clad vessels in the back channel of the island, and of Captain Fox, who has given years of consideration to this question and kindred questions, recommend this bill. But I propose to add a little force to the recommendation of the committee, sustained as it is by these weighty authorities.

To this end let me read a brief letter addressed by Admiral Porter to the chairman of the Naval Committee. I invite the attention of gentlemen to the admiral's views, as I apprehend that he is as capable of judging of a question of this kind as I or any other member of this House:

WASHINGTON CITY, May 9, 1866.

DEAR SIR: Mr. Fox informs me that some one is quoting me as being an advocate for placing a navy-yard at New London in preference to League Island. I do not know that my opinion is of any consequence, but if it is, permit me to say that I have been one of the strongest advocates in favor of League Island, and never considered New London or any other place so near the sea fit for a navy-yard. League Island can be made all that the Navy requires, and I fully endorse the pamphlet that was issued by the proprietors, and which I read with much interest.

I remain, respectfully, yours,

DAVID D. PORTER,
Rear Admiral.

Hon. A. H. RICE.

So, too, Commodore Stribling, who has been opposed to the acceptance of League Island, and who has been cited more than once by my adversary as against me in this matter, after he had made a thorough investigation of the facts, and disabused himself of Engineer Sangser's misstatements, says:

"MY DEAR SIR: I have received the pamphlet entitled 'Advantages of League Island,' &c., for which I thank you. It is a full and fair discussion of the advantages of that island for a naval station, dock-yard, and fresh-water basin for iron-clad ships and other vessels-of-war, and I am free to confess that it is now apparent to me that it possesses advantages over any other place named for that purpose, and I hope Congress will pass the necessary laws to enable the Department to commence the work upon the island, to make it such a place as the necessities of the service require."

I go still further in the same direction, and turn to a letter of Commodore Turner, who has been in charge of the island and channel and of the iron-clads and other vessels laid up there, and who has done whatever work has been done at League Island. So early as February 8, 1866, he wrote me as follows:

IRON-CLAD OFFICE, UNITED STATES NAVY-YARD,
PHILADELPHIA, February 8, 1866.

MY DEAR SIR: As it is possible that the "League Island" question will come up before long, and you are a delegate from this city, it is proper that you should be informed that a person calling himself "Bolles," an evident emissary and agent of the "New London" speculators, has been paying a visit to the vessels at League Island, and publishing his observations in a New London paper, giving garbled accounts of his conversations with the officers on duty there, for the purpose of prejudicing that locality and preventing its acceptance by an act of Congress. No doubt this man has been furnishing the enemies of League Island in Congress with damaging information, grounded, as he says in his published letter, upon the opinions of the officers employed there, which they, in essential particulars, deny. He made a second visit there, and was recognized at once, and ordered off, and we shall not be troubled with him again. I tell you these things that you may make use of them in case he should be cited as an authority when the subject comes up. In my charge and experience of that place I am so fully armed with unanswerable arguments in its favor, derived from personal knowledge of everything about it, that I

think if the proposition to take it is to be decided in the Naval Committee before a bill is reported, I ought to be examined before that committee. I think it would be such an egregious and inexcusable blunder to let it get out of the hands of the Government, or to let the chance to get possession of it slip by, that I am very anxious to see it secured; and if it is not taken we shall have a pretty smart annual expense, I imagine, to incur for the accommodation of the vessels there when it is known that it is not the purpose of the Government to receive it. You may have seen extraordinary accounts in the recent French papers of the destruction of their iron-clads by the salt water in which they lie. They state if some protection is not invented to stay the corrosive process of salt water five years will use them up. This is a powerful argument in favor of fresh water, which our vessels lie in.

Very truly, yours,

T. TURNER,
Commodore United States Navy.

In accordance with the suggestion contained in his letter, Commodore Turner, in the presence of, and in conjunction with, Admiral Smith, the chief of the Bureau of Yards and Docks, was examined very fully by the Naval Committee; and influenced by the opinion of these experts, of these scientific men, these men of naval experience, the committee agreed upon this bill and instructed me to report it to the House.

With a single remark or two I shall close. I ask gentlemen to note what this bill is. It does not propose a commission to ascertain the capacity of our country for establishing naval stations. It does not propose a commission to learn whether New England can contain more than three naval stations, for she has now three of the four now in operation. I grant you that the New York yard does not lie within the geographical limits of New England, but it lies east of the Hudson and at one end of the Sound, which is the great inland water of New England, known as the American Mediterranean, Long Island Sound; another of them is at Boston or Charlestown; the third is at Kittery, Maine. The only other available yard on the Atlantic coast is the one at Philadelphia, and in a brief note to me to-day Admiral Porter refers to its diminutive proportions as a reproach to the American people. I met him to-day, and fearing that the chairman of the Naval Committee, the gentleman from Massachusetts, [Mr. RICE,] might still be absent, he placed in my hand this note:

WASHINGTON, D. C., June 6, 1866.

DEAR SIR: Some one, I see, is quoting me as being opposed to the location of a navy-yard at League Island. I take the liberty of stating to you that this is not so. I have always been in favor of League Island. I consider the present navy-yard at Philadelphia a reproach to the country. We have not a single navy-yard that meets the requirements of the Navy. Some persons object to League Island owing to its distance from the sea. That is its chief merit; it is away from the attacks of an enemy. I hope that Congress will give us one decent navy-yard, and it can be done at League Island.

I remain, respectfully, yours,

DAVID D. PORTER,
Rear Admiral.

The navy-yard at Philadelphia, to which he refers, has one tenth the wharfage of the English naval station at the neighboring island of Bermuda. It has one twentieth of the proportions of the private ship-yard of John Laird, the builder of the buccaners of the southern confederacy.

The people of Philadelphia, in view of the new exigencies of the Navy, propose to give you nine hundred acres of land, and the back channel, being land covered with water, which, as I have said, by the construction of marine gates and a dredging-machine employed from month to month as you require it to reclaim the channel, you will have a station such as no other naval Power can have, and one unequalled by any save the growing one—I mean growing in perfection, not in dimensions—at Mare Island, on the Pacific coast, and have it, sir, without making now or hereafter an extraordinary appropriation.

The bill does not propose to establish a new naval station, it only proposes to enlarge, without expense, one that is almost useless from its want of dimensions.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, announced that the Senate had

passed a bill and joint resolution of the following titles, in which the concurrence of the House was requested:

An act (S. No. 308) confirming the title of Alexis Gardapier to a certain tract of land in the county of Brown, and State of Wisconsin; and

A joint resolution (S. R. No. 99) for the relief of Paul S. Forbes, under his contract with the Navy Department for building and furnishing the steam screw sloop-of-war Idaho.

NAVAL DEPOT AT LEAGUE ISLAND—AGAIN.

Mr. BRANDEGEE. I offer the following substitute for the bill reported by the gentleman from Pennsylvania, [Mr. KELLEY:]

Whereas various sites on or near the Atlantic seaboard have been offered to the Government of the United States for naval purposes, with special reference to the repair, construction, and laying up in ordinary of iron vessels; and whereas it is eminently desirable that the best site should be selected by the Government for the purpose named: Therefore,

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized and directed to appoint a commission of not less than seven competent officers and engineers, whose duty it shall be to make careful examination and survey of each of said proposed sites, and to report to Congress the comparative advantages or disadvantages of each, and by the selection of which the public interests will best be promoted.

Mr. HALE. Will the gentleman permit me now to suggest an amendment?

Mr. BRANDEGEE. I will hear the suggestion.

Mr. HALE. I suggest to him that he insert after the words "said proposed sites," the words, "and such other sites as may be brought to their attention, and which they may deem proper for examination."

Mr. BRANDEGEE. I accept that suggestion. I think the amendment a proper one.

Mr. KELLEY. I simply want to throw out this suggestion, that while I am not opposed to the appointment of such a commission, I do not see that the substitute is at all germane to this bill, which relates to a specific object. I regard his proposition as having no reference to the matter now before the House, and I reserve my opinion as to the propriety of it as an independent proposition, should it come up in that form.

Mr. BRANDEGEE. Precisely; I did not ask the gentleman's opinion, nor did I think it especially valuable. I have submitted this substitute, and I believe it is within parliamentary rules of order, and with the permission of the gentleman I will now address myself to it.

Mr. Speaker, this project of taking three hundred and seventy-four acres of the mud bottom of the Delaware river, three feet below the surface of that river at ordinary high tide and one hundred miles from the ocean, and there and in such a locality establishing the great national navy-yard of the United States, is not now for the first time before Congress and the country. For four years, with a pertinacity as inexplicable as it is unwarranted and unexampled, that plan has been pressed upon the attention of Congress and the country by certain disinterested gentlemen in the Navy Department, backed up by certain no less disinterested gentlemen from the city of Philadelphia. That subject has been discussed again and again in both branches of Congress. It has been very carefully examined by a competent board composed of engineers and naval officers, ordered by Congress to be raised and selected, not to say packed, by the Secretary of the Navy. It has been examined very carefully by the Naval Committee of the last Congress. It has been discussed in the public press and by naval officers throughout the United States; and by all of them—Congress, the board of officers, the members of the Naval Committee, the press, and a large majority of the naval officers of the United States outside of the Navy Department—it has been met with but one conclusion up to this hour. I cannot more succinctly state that result than by quoting the conclusion to which that board of competent officers, selected by the Secretary of the

Navy because of their special fitness for this duty, arrived after a very careful examination. It is as follows:

"Resolved, That in the opinion of this board the public interests will not be promoted by acquiring title to League Island for naval purposes."

That was the conclusion to which that board arrived; that was the result to which the Committee on Naval Affairs of the last Congress arrived with great unanimity; the only exceptions to which were, I believe, the two members from Pennsylvania, who, by the courtesy of the Speaker, were placed upon that committee.

And now, sir, here to-day, after this current of authorities all in one direction, the gentleman from Pennsylvania [Mr. KELLEY] has, I will not say the hardihood, but at least the confidence, and confidence in his bosom is not "a plant of slow growth"—he has the confidence to stand up here and ask this Congress to adopt a bill which confines the examination of the site for a navy-yard to the precise locality which was rejected by the previous commission, and excludes from examination the one site that had been reported upon favorably by a commission, and all other sites throughout the country which may be proposed.

And while the gentleman has proposed a bill here for the purpose of limiting the inquiry to the Delaware river, and to one site only on that river, and that a site under water, he has himself abandoned his bill, and the theory upon which it proceeds, in the very argument by which he has sought to sustain it before this House. Because if there be any plan or principle at all to his bill, it goes upon the ground that the merits or demerits of a site for a naval station are not to be decided by arguments upon this floor, but must be decided by the examination of a commission of experts, and by that alone. And in that I agree with the gentleman. I do not think it a proper subject to be decided upon this floor, in this noisy Hall, and I think, Mr. Speaker, with all due deference to the House, never more noisy than to-day.

I do not think that these gentlemen here—some of them lawyers, some farmers, some merchants, and many of them engaged in business not connected with the subject under debate—constitute precisely the forum in which a question which involves considerations of topography, of soil, of currents, of tides, of adaptability for naval purposes, can be either argued or appropriately determined. The gentleman therefore was right. The Committee on Naval Affairs were correct when they authorized him to report a bill providing that such questions should be determined in their appropriate forum, to wit, by a board of experts to be raised by order of Congress. That is the theory of the bill; but the gentleman, instead of advocating the bill upon that principle, has wandered from it in going into an argument here as to the merits of the site which he proposes shall be examined.

Mr. Speaker, I shall not follow the bad example of the gentleman in engaging the time of this House in discussing the merits or demerits of the site in which my constituents are more particularly interested. By the substitute which I have proposed here, that and all cognate questions with reference to the site which I advocate and all other sites are to be determined by a commission, if the House shall consent to order a commission. But, sir, I must so far allow myself to be led astray by the example of the gentleman as to follow him a little in that part of his argument in which he addressed himself to the merits of the precise site which he now wishes the House to adopt.

Mr. Speaker, this question for the first time came before Congress and the country, as the gentleman has correctly stated, just four years ago, in June, 1862. About that day in June which corresponds with the day on which this discussion is going on, a bill was presented in the Senate of the United States authorizing the Secretary of the Navy to accept of the title to

League Island, provided a commission should recommend its acceptance; and four years ago the advocates of other sites in that Congress, the Thirty-Seventh Congress, presented the precise counter-plan which I present here to-day. It was seen that it was an object for the Government of the United States to get the best site then proposed; and against the opposition of the Delaware interest, and the Philadelphia interest, a rider was attached to that bill and passed the Senate, ordering that the commission which raised should examine all the sites then proposed. History is said to repeat itself. Four years from that day we find the gentleman from Pennsylvania rising here and offering a bill to raise a commission to examine his site, and his site alone. To-day I stand here not advocating an examination of merely the site in which my constituency are interested, but offering as a substitute a proposition that the commission shall examine all the sites which have been proposed—a site on the Hudson, a site on the Patuxent, the site at Portland, the site at New London, and the site on the Delaware river, which the gentleman from Pennsylvania recommends, and a much better site in the Delaware river at Marcus Hook, fifteen or twenty miles below League Island, a site which has been recommended as having superior advantages over League Island by the competent head of the department charged with this very question, the Bureau of Yards and Docks.

Now, sir, inasmuch as I suppose this question is to be finally settled here in some shape to-day, and inasmuch as a record is to be made upon this question, and inasmuch as the Navy Department is quoted as being in favor of the plan which the gentleman from Pennsylvania has proposed to the House, I wish to have a final settlement of accounts before the American people, and to leave upon the record here the views of the Navy Department and the acts of the Navy Department with reference to this question, that this House may see how valuable, how disinterested the opinion of the Secretary of the Navy and the Assistant Secretary of the Navy is upon this subject.

Now, sir, when Congress at that time ordered a board of competent officers to make an examination, the question was between three sites then proposed—League Island, New London, and a site in Narraganset bay. By the law of Congress the Secretary of the Navy was directed to appoint a commission to examine all three sites, and report by the selection of which the public interest would be best promoted. The Secretary of the Navy selected, to constitute that board, three gentlemen who were either then residents or originally natives of the city of Philadelphia.

That was a disinterested board. It was an impartial board in its construction. It turned out at least that they were by the result. I speak now of the motives by which the Secretary of the Navy may be presumed to have been actuated. This was a board of six officers, three of whom were from Philadelphia, either by residence or nativity. The fourth man of that board of six was the engineer of the Department, himself supposed to be cognizant of the views of the Secretary. I make no complaint now of the construction of that board, because it turned out to be an honest and competent board. By a majority of four to two, the two being residents and natives of Philadelphia, that board decided it was not for the public interest that League Island should be selected, or even accepted as a gift.

Further, one of the persons put on that board by this disinterested Secretary was Professor Bache, who has been named already, and it is not therefore indelicate for me to refer to it, a man who before his appointment had written a letter, then on file in the Navy Department, in which he favored the selection of League Island to the exclusion of all other places. I go one step further on my responsibility here, and I take the responsibility of saying that while that board was proceeding to make that

examination a letter was sent from the Navy Department to that board, a board of honorable officers of the Navy, a letter from the Navy Department stating that that Department expected the board to find in favor of League Island. Sir, Admiral Stringham, an honorable naval officer who presided over that board, then fresh from his victory at Hatteras, the first naval victory of the war—Admiral Stringham, like an honorable man, took up his hat and left the session of the board, saying that he would no longer sit on a board under duress as that; and it was only after that letter was withdrawn that he finally consented to continue on this board.

That board found that League Island was not a fit place, and they have spread upon this record, to be found in the document room, fifteen solid reasons why it was unfit for a naval station. For the first time the gentleman from Pennsylvania—let him settle with the gentleman whom he has slandered—charges that the engineer of the Department was corrupt enough to be operated on and influenced, and that through his influence the remainder of the board were corrupt enough to find objection against League Island contrary to the facts in the case.

Mr. KELLEY. I will ask the gentleman a single question, and it is whether the city of New York lies nearer to New London than to Philadelphia? I propose to test the integrity or corruption of that engineer by that question.

Mr. BRANDEGEE. I do not conceive that that is pertinent to the charge that an officer of the Government has been corrupt enough to find a report against the facts in the case. I will answer the question, howsoever, although the gentleman will bear me witness I did not interrupt him in the course of his speech; and he will have an hour in which to close this debate after he has locked up debate on the part of all others by the call for the previous question.

Mr. KELLEY. Nor did I denounce the terrors of any man's vengeance on the gentleman. He has not yet answered the question which will settle, in the estimation of every member upon this floor, the honesty of the engineer who made that report.

Mr. BRANDEGEE. If the gentleman had restrained his impetuosity I would have finished my answer. I say that New London, by water, is by many hours nearer to New York than Philadelphia. The question was one of transportation of the supplies and munitions of war for the defense of one or the other place. That commission found that for the defense of New London, for the protection of the site and accumulation of skilled workmen; for military purposes; for the transportation by water of munitions of war, New London is nearer to New York than Philadelphia. If a man does not believe that statement let him go by the Sound from New London to New York, and then from New York down the coast, up the Delaware river to Philadelphia, and if he has a watch or almanac he will know which is nearest.

Mr. KELLEY. One moment, and I will promise not to interrupt the gentleman again even if he denounces the vengeance of hereafter upon me. [Laughter.]

Mr. BRANDEGEE. Thank you. [Laughter.]

Mr. KELLEY. The question submitted to the engineer was not that indicated by the gentleman, but was the available force nearest to each point for defense. I will further ask the gentleman whether in these days during war we transport troops by water and circuitous water routes when there are railroad connections between the points; and if there are not within his knowledge railroad connections between Philadelphia and New York, and New York and New London; and whether Philadelphia is not but two thirds the distance from New York that New London is.

Mr. BRANDEGEE. Mr. Speaker, when I was interrupted by my friend I was upon the question of the construction of this board and

the influence brought to bear by the Secretary of the Navy upon the board when they were in the progress of their examination. The fact was that the board was composed of those who were influenced by local considerations besides the influence brought to bear on them from the Department.

I now state what I think must be a surprise to this House, that after this board had made this report, under the law of Congress by which the Secretary of the Navy was required by the decision of that board to locate this yard at one point or the other, the Secretary of the Navy in his next report ignored the conclusion to which that board had arrived, and expressly said in his annual report, "I propose to accept from the city of Philadelphia the munificent gift of League Island unless Congress shall otherwise direct." And, sir, it will be borne in mind that the Senate immediately, by a very decisive vote, declared that the Secretary of the Navy should not take it without the consent of Congress. And I know it to be the fact that when I came to the Thirty-Eighth Congress efforts were made by the Navy Department to keep me off the Naval Committee—I having had no connection with the subject—an interference with the organization of this House which, if it had occurred in England two hundred years ago, would have sent a Cabinet minister to the Tower as a breach of the privilege of the Commons.

The Navy Department did not, however, succeed. But I found as my associates on the committee two members from Pennsylvania, rather an unusual thing in the construction of committees in this House. The question came before that committee in the last Congress, and for two months we were engaged in examining it both upon personal investigation and in the hearing of witnesses and argument; we heard everything that could be said in argument on the subject; we took testimony, and by a large majority the committee came to a conclusion reaffirming the opinion of the board of officers as contained in the report which I hold in my hand. I quote the language of the Naval Committee of the last Congress:

"LEAGUE ISLAND.—The committee entered upon an examination of this site prepared to find very many advantages in its favor for the proposed establishment. Its geographical position, its situation upon one of our largest rivers, and the advantage claimed for it of fresh water, its vicinity to a large city, and the skilled labor obtainable therefrom, its proximity to the great beds of iron and coal, for which Pennsylvania is justly famous, with other advantages, from the first challenged the attention of the committee, and were strongly pressed upon them during the examination by the friends of this locality. Allowing these their due weight, however, so many and formidable objections were developed upon a thorough investigation that the committee came to the conclusion "that the public interests would not be promoted" by its selection—many of the advantages claimed for it, upon examination, turning out to be quite inapplicable to other localities, and some of the objections seeming to your committee, from their very nature and magnitude, *insuperable*."

But we did not get decisive action in that Congress, although there was a strong pressure from the Navy Department brought to bear upon Congress in favor of League Island. The question then came to this Congress, and now, after four years of war to get League Island into the Union, or rather to get it into daylight, above the level of the water—a war which, in the language of a celebrated platform, has thus far proved to be a failure—it remains for Congress to say upon this day's debate whether it now shall be a success. The gentleman at last, negating all other sites, all the conclusions of the Committee on Naval Affairs, of the experts of the commission ordered by Congress, comes and presents his bill in favor of an examination of this site, and this site alone.

Now, I will ask the attention of the House for one moment to this bill. Let us see what its provisions are. It is a very artful bill. It does quite as much if not more credit to the gentleman's ingenuity than to his fairness and magnanimity. It holds the word of promise to the ear but breaks it to the hope. It assumes to provide that a commission shall first examine the site, (the gentleman not having the confidence to ask the House, upon its

merits, to decide in favor of League Island,) and that the island shall not be accepted unless that commission shall report in favor of it as fitted for a naval station. Now, I say that the bill provides no such thing, but is artfully and designedly contrived, as I believe, to prevent any such thing. I say contrived, because the bill follows, for a certain length, the original bill presented to the Senate in 1862, and then switches off at a convenient point which provided for a thorough examination and survey of League Island.

What does this bill provide? In its substantive enacting clause it provides that the Secretary of the Navy shall be authorized to receive and accept League Island, and then qualifies it by providing that it shall not be accepted unless—what? Unless a commission upon a "thorough examination and survey" shall report it to be a good place for a naval station, as the other bill did? Not at all. It cunningly interpolates other language at that point and provides that it shall not be received and accepted unless "the acceptance shall be recommended" by a board of officers. Does it provide, or was it intended to provide, that that board should make "an examination and survey with reference to its adaptability for a naval station?" No, sir. Why then did the gentleman abandon the language of the first bill? By the first bill the board were required to examine and report as to whether it was a good place for a naval station. This provides that it shall not be accepted unless "its acceptance" shall be recommended by the commission.

What will this commission do? Finding a bill has been passed by Congress accepting the title of League Island, provided they shall recommend its acceptance, and knowing the wish of the Navy Department to be that it shall be accepted, and having the land offered to the Government, of course the commission will recommend its acceptance as a valuable donation to the Government—not specially for naval purpose, not for a basin for iron-clads, not upon "examination and survey," which they are not required to make, but as a "munificent" donation of six hundred acres of land, in the lofty language of the Secretary of the Navy.

Mr. DELANO. Will the gentleman allow me to interrupt him for an inquiry?

Mr. BRANDEGEE. It will be no interruption from that quarter.

Mr. DELANO. I wish to inquire what will be the probable expense of a naval station at League Island.

Mr. BRANDEGEE. It will give me the greatest pleasure to answer that question in that part of my argument in which I shall address myself to that part of the subject. I hope I shall not forget so important a question; if I do I will thank the gentleman to remind me of it before I get through.

Now, if I can get the attention of the House for a very few moments, I will read from the report of Admiral Stringham. I do not pretend to offer myself as a disinterested witness on this question. Everybody knows the interest by which I am biased. I ask this House to believe nothing of my statements except it is corroborated by the testimony of disinterested witnesses or supported by sound argument. Now, if those who feel an interest in the American Navy and in so important a question as this will listen a moment, I will read from this report, signed by Admiral Stringham and three others of the highest naval authorities of this country. On page 16 of that report, I read the following:

"League Island is a reclaimed marsh, surrounded by a dry stone wall and embankment of earth, raised to exclude the river. A portion of the island was reclaimed many years since, and is known as the old meadow. We have no positive information on this point, but we presume that at the time the wall and embankment were built all the land worth reclaiming was embraced within the inclosure. Subsequently, and about eighteen years since, as we are informed, the inclosure was extended so as to embrace an additional area, now known as the new meadow. According to a plan which has been submitted to the board by a committee from the Board of Trade, this

old meadow contains two hundred and nineteen acres and the new meadow one hundred and fifty-five acres."

My friend, who I suppose has studied Daboll's Arithmetic, by putting together these two sums, one hundred and fifty-five and two hundred and nineteen, will find the precise area of this island. If my mathematics are not at fault it amounts to only three hundred and seventy-four acres. Where, then, are the six hundred acres of valuable land for this grand naval station, according to the assertion constantly made by the Department, and which the gentleman has repeated here to-day? Sir, there are but three hundred and seventy-four acres there at best.

"On the north of the island, and between it and the main there is a channel." And here is the point where they propose to make a basin for our iron-clads. "There is a channel which, we are told, was of sufficient depth in former days to float large ships-of-war; now it is a narrow and shallow channel, not sufficient to float vessels of any size used by the Navy."

And Admiral Smith, whom the gentleman quotes, the chief of the Bureau of Yards and Docks, told us in his testimony that the iron-clads which were there to-day were aground three feet in the mud; and I am credibly informed that the bottoms of two of them have been stove through during the past winter.

"Large areas of marshes have formed on the east and west ends and on the north side of the island, and the whole appearance indicates a constant and rapid accumulation from the immense deposits of the Delaware river. To raise the surface of the island"—and I call the attention of the gentleman from Ohio [Mr. DELANO] particularly to this point—"To raise the surface of this island to a height which would render it safe from the encroachment of high tides will require a filling of from nine to ten feet over the whole area; and if, as has been suggested, a line of wharf front be carried out to the twenty-three feet line," which is where the water in the channel is twenty-three feet deep. For bear in mind the face of this island is about three or four hundred yards from this channel, and the water along the front line of the island is not deep enough, and you must go out to the twenty-three foot line of depth before you can get a place for a vessel to lay in. And to do that, "will involve an additional filling of a space one mile long, and averaging four hundred and eighty-one feet wide and nineteen feet deep."

And then the report goes on to say, "To furnish the materials for this immense filling, which will amount in the aggregate to several millions of cubic yards, it is said that an abundant supply can be had from Red Bank, on the opposite side of the river;" that is in the State of New Jersey. They have to go over to New Jersey to get the necessary filling to build up this island. For bear in mind that the whole main land in contiguity to League Island is as low as the island itself, and is diked to prevent the water from overflowing it. There is no place there where materials can be obtained for this filling in, but they must go to New Jersey for it. I do not know whether it is free soil in New Jersey or not. I suppose not, for this report goes on with rather quaint humor to say: "There is probably an abundance of good material on the shores of New Jersey, but it must be purchased from the proprietors and transported across the river; a process which, in the opinion of the board, will involve an expenditure of at least one million dollars."

Now, everybody who came before the Naval Committee of this Congress agreed that there must be this filling to the extent of three, six, or nine feet. Assistant Secretary Fox—a very high authority upon questions of naval engineering, of course, he being a lieutenant in the Navy, and from a lieutenantancy having been translated to the Navy Department, and now, we hope, translated to a more honorable and comfortable position abroad—Assistant Secretary Fox himself agreed that it must be filled

three feet. Admiral Smith, the chief of the bureau who has charge of this matter, testified that it must be filled to the level of the wall, or at least nine feet.

Now, to get rid of this objection of having to go to the New Jersey shore to get dirt for this filling, a most ingenious plan was suggested by Assistant Secretary Fox, whose name, even, is suggestive of ingenuity upon that subject. He suggested to the committee that this back channel, which had been filled up by the accumulation of the immense deposits from the Delaware, should be dredged out and spread upon the island, although the island is now so soft that you cannot put a building upon it with less than fifty or sixty feet piling from the surface. And in a letter volunteered to the committee—and he has written a great many letters to the committee, besides seeing its members, and a great many members of the House—in a letter to the committee he suggested that that plan ought to commend itself to the judgment of the committee on account of its practicability, economy, and healthfulness—an island upon which no man can live without shaking the clothes off his back with fever and ague; an island in reference to the healthfulness of which I wish to submit some evidence from a paper which I hold in my hand—it is a copy of the Real Estate, Railroad, and Business Guide of January 15, 1866, published in the city of Philadelphia, copies of which were sent to members of Congress during this session—a paper which advocates the claims of League Island, and appeals to the Philadelphia delegation to support that project in this language:

"Do not forget the advantages combined by nature to make Red Bank a fort of the first magnitude, and League Island, opposite, a shipping port, not to be surpassed in the world, from its advantageous location for the shipment of western or eastern produce, winter and summer, having always a sufficient depth of water, and the water at that point being brackish or saline, does not freeze."

This is the fresh-water site on the Delaware river, one of the chief advantages of which, according to the recommendation of a Philadelphia journal, is the fact that the water at this point is brackish or saline, and consequently does not freeze.

Then there is a statement in reference to the question of healthfulness. The writer goes on to say:

"This proposition, faithfully carried out, would make Philadelphia a commercial port second to none in the United States, nature having made the junction of the Delaware and Schuylkill, with its flat strip of land about seven miles in length, and an average of three miles in breadth, giving twenty-one square miles below the navy-yard for a shipping port and harbor of great magnitude, such as few other ports ever possessed—which, by the way, is scarcely fit from the surrounding miasma for anything else, not fit for the habitation of human beings—which, if built up for that purpose, malignant atmospheric disease is always first to attack such localities."

The gentleman is welcome to the authority—a paper published in Philadelphia and representing the claims of League Island. This journal says that the land is so unhealthy by reason of the miasma, that it is not fit for human habitation; yet Secretary Fox and the committee following him recommend to the House to dig out the back channel and put millions of cubic yards of mud and ooze and slime and vegetable deposit on that island, and the chief recommendation is on account of its healthfulness and economy. What the healthfulness of such a plan may be when the dog-star blazes in the firmament above us, I leave to conjecture rather than argument.

As to its economy, even according to the testimony of the Assistant Secretary of the Navy, as given before the committee, he estimates the cost of filling up the island to the height of three feet with mud from this channel to be \$900,000, and if it be filled up to the height of nine feet, as Admiral Smith says must be done, and as this commission says must be done, the cost will be \$2,700,000. In addition to that Admiral Smith testified before the committee that if it should be filled with mud it would be necessary to place on top three feet of gravel in order to make a solid surface for

teams and men. Hence, to the expense of \$2,700,000 for placing mud upon this island there must be added a sum of \$1,000,000 for placing gravel to the depth of three feet over that mud, making in the aggregate about four million dollars as the amount necessary to fill up this island; and when this is done you have an island for the first time above the water. There is a League Island then. It is brought into sunlight for the first time. Then you must pile every foot and rod of that ooze before it will be safe to put a permanent structure upon it, as is testified to by every witness, with one exception, Mr. George Davidson, of Philadelphia; all the other witnesses, including Mr. Secretary Fox, Admiral Smith, Commodore Turner, the members of this commission, and in fact everybody who knows anything about the subject or who is any authority upon the subject, acknowledge that you must pile all that part of the island used for heavy structures, and according to the judgment of this commission the piling must be on an average of thirty-two feet in depth, in some cases twenty-five, and in others fifty-six, making an average of thirty-two.

What is this piling? Admiral Smith explained the process to the committee. You must drive the piles within one foot or one foot and a half of each other. Then, where are you going to put the buildings? There must be cross-piling. On top of the timber there must be laid a foundation of cement and stone. When all this is done you have for the first time a foundation for your buildings. When before the committee the inquiry was put to Admiral Smith as to the probable expense of all this, that wise old man shook his head very sagely and said that he for one was not able to form even a conjectural approximation as to the expense, but he would say that it was the most expensive process known to naval or civil engineering. When this is done it will be necessary to build a quay wall of stone nineteen feet high and one mile long, and fill up behind that wall four hundred and eighty-one feet in width in order to get from the face of the island out to the channel of twenty-three feet, where vessels can lie.

These are facts which are supported by the testimony of men in whom we ought to have confidence, men who have been enlightened by long service in the Navy, the most competent minds in the country with reference to naval affairs.

Now, I say that nobody can pretend to conjecture the expense, or even approximate to it, of selecting this site for a naval station. I do not stand here and say that it shall not be the site of the great naval station of the United States. I propose in the bill which I have submitted to the House as a substitute for the report of the gentleman from Pennsylvania, [Mr. KELLEY,] that a commission shall be raised of honest men, of officers and engineers, to be appointed by the President, not by the Secretary of the Navy—and I commend the gentleman for his prudence in taking that authority from this Secretary and giving it to the President of the United States, and he may explain it to the Secretary in any way he pleases—a commission to which this subject shall be intrusted. The gentleman from Pennsylvania has much assurance, but he had not assurance enough to put this matter within the power of the Secretary of the Navy. He asks that the commission shall be appointed by the President, and so do I. The difference between his plan and mine is this: by mine this commission is required to make a thorough examination of the advantages and disadvantages of the several sites; by his it is confined to one, and that one the only one heretofore rejected by a competent board. I ask this House whether that is not a fair proposition. Is not the substitute a fair proposition? There are five places offered for this great naval station—one or two on the Hudson, one on the Patuxent, one at Portland, Maine, one at League Island, and one at New London.

By an amendment of the gentleman from

New York I have included any other site they may choose to examine and report on. Is not that a fair proposition? Has not the Government of the United States the right to have the best place for this purpose in the United States? Shall we be narrowed down by the Navy Department or the Philadelphia delegation to the examination of one site, and one site alone, and that the only site ever rejected by a competent board? Do I ask anything unreasonable? I do not ask you to accept New London. I do not ask you to examine New London alone. I do not, as I might, like the gentleman from Pennsylvania, confine the report of the commission to New London. I say examine all places, and let us have that which is best.

I will say one thing further. I do not think I betray any confidence. I believe I have the right to make the statement. It is this: when I first submitted my proposition to the gentleman from Pennsylvania he accepted it.

Mr. KELLEY. Does the gentleman speak of me?

Mr. BRANDEGEE. I speak of and to you. Mr. KELLEY. Under a grave misrepresentation I was induced to accept it. As soon as I conferred with the gentleman whose opinions were said to have been given to me, and found I had been deceived, I retracted my acceptance.

Mr. BRANDEGEE. I do not know to what misrepresentations the gentleman alludes.

Mr. KELLEY. Those the gentleman made to me.

Mr. BRANDEGEE. This matter is getting a little personal between the gentleman and myself, and is away from the subject under consideration. After he presented his bill, I drew up my substitute and submitted it to him, urging it by the same considerations which I have just presented.

Mr. KELLEY. And by considerations which the gentleman does not present.

Mr. BRANDEGEE. Wait a moment. I told him, as I now tell him, the proposition to establish the naval station at League Island would be voted down if put upon its own merits; that aside from any other consideration this House would not sustain it. I thought I was warranted in saying that my proposition would be acceptable to a majority of the committee as well as to a majority of the House.

Mr. KELLEY. All the gentleman says he represented to me he did, and more, and it was the more which controlled me.

Mr. BRANDEGEE. Will any man name to me an objection to my substitute? Will any man tell the House that it does not allow fair play? Certainly not, for it permits this commission to examine and report on all the sites which have been proposed.

I can see but two objections to it, which I can dispose of in a few minutes. One is that it may involve additional expense. How much? We had a practical application of that question at the last session of Congress. Twelve places were suggested as sites for a western iron-clad navy-yard. This Congress, though it was well known the Navy Department were in favor of Carondelet, did not confine the commission to that place, but directed them to examine all of the places. What is the expense of it? The whole expense of the commission which examined twelve sites at the West amounted to \$2,500, including expressage, a stenographer, and the preparation of this report, and of that \$2,500, \$850 was given to a gentleman not connected with the military or naval service, Mr. G. W. Blunt, of New York, a civilian, and a very competent and able one for that purpose.

Under my proposition, the President is to detail military or naval officers and engineers to examine these sites. It will not cost \$2,000. These men are entitled by law, as the gentleman from Iowa [Mr. WILSON] well knows, to no compensation. There is an express law that officers detailed for such duty are not entitled to compensation. They get merely

their mileage. Now, there are a number of military and naval officers, fresh from war on land and sea, who would enjoy such an expedition this summer. And, sir, they cannot be better employed at an expense of \$2,000. What are they to do? To examine these different sites, and spread upon the records of the country for future use the advantages and disadvantages of all these places. We may need this information some day, and it will be worth all it costs. We may need another yard for this purpose besides the one at League Island or at New London; and we shall have valuable information spread upon the archives of Congress and the Department in reference to the comparative merits of these various sites. Is it not worth while to get that information at so cheap a cost?

The only other objection to my substitute is that it may involve delay. How much? This can all be done in two months. The first commission completed their inquiry in less than two months. And you can get no legislation upon this subject before the next session of Congress, whether you adopt my proposition or that of the gentleman from Pennsylvania. No time will be lost, therefore, and we shall know more about the advantages and disadvantages of these places, and shall be prepared to act more intelligently than now. I cannot, therefore, see any objection to this plan. Maryland has offered a site, New York has offered a site, and Maine has offered a site, besides the two which we have been discussing. I ask the House whether they will adopt this scheme to examine this one site alone, and offer a cold refusal to the examination of other sites. This is a question of comparative advantages and disadvantages. The commission may examine League Island and say that it is a good place for the purpose, whereas if they went to these other points, by a comparison of the advantages and disadvantages they might determine which was the best place, which they cannot determine by an examination of one.

Now, one thing more. This House the other day set a precedent on this subject. My friend from Maine [Mr. LYNN] offered a proposition that a commission should be detailed to examine Portland harbor. It passed this House without opposition, and it has passed the other branch of Congress. It was urged in the other branch by a distinguished Senator from Maine, one to whom the country looks for his ability and patriotism as one of its leading men—it was urged by him and stated openly in the Senate, and is reported in the Globe, that he had asked the Secretary of the Navy to order a single officer to examine Portland harbor, and the Secretary declined to do so on the ground that he would not have any place examined but League Island. That was clearly stated by Mr. FESSENDEN. I presume I have transgressed parliamentary propriety in mentioning his name, but it is out now, and let it go.

Mr. PIKE. Mr. FESSENDEN's inference from the Secretary's remark is not the statement of the Secretary. The idea of the Secretary was that he had no authority to order such an investigation.

Mr. BRANDEGEE. Fortunately I have the record here, and I will read it and leave it without comment. Mr. FESSENDEN said:

"I endeavored to prevail on the Secretary of the Navy to have this site examined and reported upon. I could get no encouragement from him that he would allow anybody to examine it and make a report. He brought up certain objections, all of which, I thought, were entirely untenable. He was urged strongly to just get the facts, by a commission appointed by himself, who could say whether it was fit for this purpose or not, and how much it would cost, &c."

Mr. JOHNSON. He could have done that, if he pleased.

Mr. GRIMES. He had not the authority. Mr. FESSENDEN. He could send down any man to do it, if he had chosen to do so. He did not say he had not the authority; he did not make that a point. He could have sent, not a commission, but an engineer—there are engineers in the employ of the Navy Department—or any one of his officers to look at it, and there would be no difficulty about it. I could not prevail upon him to do it. Finally a letter was handed to him by a gentleman, and he made the reply, substantially, that until the question of League

Island was disposed of he would not have it examined."

He did not say that he had not authority. He did not make the point which the gentleman says he did make. I appeal from the Representative from Maine to the Senator from Maine for the accuracy of my statement. Further on in the debate Mr. FESSENDEN said:

"As I stated before, I have made every effort to get some information on the subject, to let somebody look at it who was capable of judging, and who was an officer of the Government—just to that extent, no more—and make a report. I have utterly failed, because the Secretary of the Navy will not look at any place except League Island. That is the fact about it. He will not even permit the Department or himself or anybody else to have any information on the subject."

If that does not bear out my recollection of the statement of the Senator, the House will see it and make the necessary correction.

Mr. ELDRIDGE. Will the gentleman from Connecticut allow me to ask him a question?

Mr. BRANDEGEE. Yes, sir; certainly.

Mr. ELDRIDGE. This difference between the gentleman from Connecticut and the gentleman from Pennsylvania is a surprise to a portion of the Committee on Naval Affairs. I supposed, and I understand that my colleague on the committee from Ohio [Mr. LE BOND] supposed, that the committee agreed to the proposition which I understand the gentleman now to be urging; that the final conclusion of the committee was to include other places in the investigation as well as League Island. I wish now to know why it is that that proposition was changed, and we find these two gentlemen at loggerheads to-day.

[Here the hammer fell, Mr. BRANDEGEE's hour having expired.]

Mr. BRANDEGEE. Allow me one moment.

Mr. RANDALL, of Pennsylvania. I move that the gentleman's time be extended thirty minutes.

Mr. BRANDEGEE. Oh, no; I do not want more than three minutes.

Mr. ELDRIDGE. I hope the gentleman will be allowed to explain this matter.

No objection was made to the extension of time.

Mr. BRANDEGEE. I am very much obliged to the House for its courtesy.

Mr. Speaker, there is nothing I dislike so much—and my experience, though short, has brought that conviction home to my mind very forcibly; next to a personal explanation, which gentlemen sometimes indulge in with newspapers in their hands, there is nothing I detest so much as to have controversies arise in discussion as to the action of a committee.

In the first place, as everybody knows, it is unparliamentary to allude to anything that has happened in committee; and in the second place, it always arises from a misunderstanding or misrecollection; there is apt to be, at any rate, a hesitancy about stating the private conversation that has occurred, which makes it a very delicate business. However, inasmuch as this matter did not, as I understand, occur in the committee, but in the House among the members of the committee, I think I ought to state what my understanding of it is.

I was absent from the committee at the time the vote was taken. I was present and took part in the discussion and examination of witnesses. But when the day came which had been fixed upon for taking the final vote I was necessarily absent to attend the election in Connecticut, and with the permission of the committee I was to record my vote and to send a proposition from home embodying my views as to the result the committee ought to arrive at. I sent in my proposition. I was not present when the vote was taken, and I am bound to believe that the gentleman from Pennsylvania was authorized to report his bill. I was not authorized to report my substitute as the result at which the committee had arrived. On my return, after seeing the bill and noting the objections to it to which I have alluded, I drew up the substitute I have now offered, believing that the House would not reject so fair a proposition.

There was just this difference between the substitute which I have now offered and the one which I submitted to certain gentlemen of the committee about which we may perhaps hear from the chairman of the committee, [Mr. RICE, of Massachusetts.] In my original substitute I proposed that the report of this commission should be final; that is that it should not be submitted to Congress, but that the Secretary of the Navy should be authorized, indeed that he should be directed, to accept the title to that site in favor of which the commission should report, and I consulted with the members of the committee, and very generally with the members of the House in regard to it. I thought then I was authorized to say, and I now believe I was authorized to say, that a majority of the committee favored my substitute; I do not wish to embarrass the committee at all, but I think they will so show their preference when they come to vote here; and I informed the gentleman from Pennsylvania [Mr. KELLEY] that by accepting my substitute a fight might be prevented here, and I knew what a fight on this subject was, for I had been in one.

Mr. RICE, of Massachusetts. Mr. Speaker, I am—

Mr. ELDRIDGE. I hope the gentleman from Connecticut [Mr. BRANDEGEE] will be allowed to answer the interrogatories I propounded to him; for I desire to know why it is that there is such a controversy about what has been the action of the committee. I thought I knew what that action was, but there seems to be a controversy between the gentleman from Connecticut [Mr. BRANDEGEE] and the gentleman from Pennsylvania [Mr. KELLEY] in relation to it.

Mr. RICE, of Massachusetts. I am very willing the gentleman should finish all he has to say on that subject.

Mr. BRANDEGEE. As I was going on to say, I thought a majority of the committee favored my substitute; that is to say, while they would not withdraw from the gentleman from Pennsylvania [Mr. KELLEY] his right—and I think he had an undoubted right—to offer the bill which he has presented as the report of the committee, yet when the question came before the House they would suggest, or by their votes they would so act as that my substitute should meet the favorable consideration of the House. I thought they would vote for my substitute.

It was at that point I saw the gentleman from Pennsylvania, [Mr. KELLEY], and suggested to him that in order to obviate this most excitable and harassing question, involving as I thought it did, and as I now think it does, the motives and action of the Navy Department to some extent, involving a great deal of feeling, though I hope nothing that will cause a final rupture between the gentleman from Pennsylvania and myself, for we are too old campaigners to allow a little ripple of this sort to disturb our future friendship—I suggested to him that in order to avoid all this he had better accept my substitute, as I thought it would meet the approval of a majority of the committee and of the House.

Now, I do not know that I ought to go further and state that the gentleman busied himself an entire morning hour going around and trying to get his entire delegation to agree to my substitute, and he finally reported to me through the chairman of the Committee on Naval Affairs [Mr. RICE, of Massachusetts] that he accepted my substitute, and that it would be the thing offered to the House upon which we all could agree. That is all, so far as I have had anything to do with it.

Now, in reference to the question of the gentleman from Wisconsin, [Mr. ELDRIDGE], I understood him to ask me how it is that the report of the committee, which he understood to include other sites, is not now the report of the committee, but the gentleman from Philadelphia [Mr. KELLEY] presents as the report of the committee that which does not include but one site.

Mr. ELDRIDGE. And also why it is that neither of the gentlemen are now advocating what the committee finally agreed to report to the House as the result of their action upon this subject.

Mr. BRANDEGEE. That I know nothing about; I have stated all my knowledge upon this subject.

Mr. ELDRIDGE. I would ask the gentleman if the substitute which he now offers is the one to which he and the gentleman from Pennsylvania [Mr. KELLEY] agreed, and to which the committee gave their assent.

Mr. BRANDEGEE. It is precisely the same, with this slight difference: the original substitute allowed the Secretary of the Navy to accept the title to the site in favor of which the commission should report. To that it was objected by many whom I accounted my friends in this matter, that it would be better for the commission to report to Congress; that we should hold in our hands at a subsequent session of this or some future Congress the right to determine which site to select. And in that regard, I have modified my proposition; perhaps I have not acted wisely. And now I state that I understand the gentleman from Massachusetts, [Mr. RICE,] the chairman of the Naval Committee, proposes to modify my substitute by incorporating the original proposition, that the Secretary of the Navy shall at once accept the title to that site in favor of which the commission shall report. To that I shall have no objection whatever, if it shall meet the approval of a majority of this House.

Mr. ELDRIDGE. The gentleman has failed to answer the precise question which I propounded to him, and that is this: why is it that neither the gentleman from Pennsylvania nor the gentleman from Connecticut are to-day presenting the precise proposition to which the committee, as a whole, gave their assent?

Mr. BRANDEGEE. Why, Mr. Speaker, I never thought that I had authority from the Naval Committee to offer this substitute as the bill of the committee. I never so understood the matter. The gentleman from Pennsylvania [Mr. KELLEY] was deputed by the Committee on Naval Affairs to present his bill as the bill approved by the majority of the committee. I do now present my substitute, and I have no right to present it, as the proposition agreed to by the committee. I present it as my own proposition; and I rely upon the support of only those gentlemen of the committee who may agree with me in thinking that this is the best proposition, all things considered.

Mr. ELDRIDGE. Why does not the gentleman present the precise proposition which was agreed to, instead of presenting a new one? It was certainly agreed by the gentleman from Pennsylvania and the gentleman from Connecticut to make the report of the commission final. I know that I argued on the other side, and desired that the commission should report to Congress and that the approval of Congress should be necessary; but under the influence of both those gentlemen, I yielded my own opinion upon that point. Why is not that report advocated to-day by either of those gentlemen?

Mr. BRANDEGEE. Why, Mr. Speaker, what a position we should be in here if the gentleman from Pennsylvania should report one proposition with the authority of the committee, while I should report another proposition with the authority of the committee, both of us being mouth-pieces of the committee, both having the right to the floor to move the previous question—making "confusion worse confounded." I never supposed, nor did any other gentleman of the committee, except, perhaps, my friend from Wisconsin [Mr. ELDRIDGE] that I was the spokesman of the committee upon this measure. All that I did was this: the substitute which I have now offered, varying only in the point to which I have alluded, I carried around to different members of the committee to ascertain whether they would agree to sustain that substitute in the

House. And I must say, if my friend will permit me, that I never understood that he agreed to it.

Mr. ELDRIDGE. Did not the gentleman understand that the members of the committee individually agreed to that proposition, provided that it was satisfactory to the gentleman from Connecticut and the gentleman from Pennsylvania, and that it was to be considered as the action of the committee?

Mr. BRANDEGEE. Most distinctly, sir, I say that I did not so understand. Even if I had so understood, that understanding would have fallen to the ground. I never relied upon it after the gentleman from Pennsylvania notified me, as he will do me the credit to bear witness, that the committee insisted that he should not abandon his bill but should press it, and that therefore he would not accept my substitute.

I ask the gentleman from Pennsylvania [Mr. KELLEY] whether he did not so distinctly inform me.

Mr. KELLEY. With the permission of the gentleman from Ohio, I will make a brief statement of the circumstances in question.

Mr. Speaker, it cannot be more painful to the gentleman from Connecticut or any other gentleman to be involved in a personal controversy or to be under the necessity of making a personal explanation than it is to myself. Such things are always disagreeable. I have my own very distinct recollection of all this matter. I never considered the substitute which has to-day been proposed by the gentleman from Connecticut. I never saw it in its present form. The proposition was at no time submitted to me. I read it for the first time this morning, when I obtained it from the Clerk's desk after the gentleman's personal allusion to me. It does not contain the provisos or lead to the result contemplated by the substitute, to the consideration of which I was invited, and to which, under false information, I was constrained to assent.

On the 3d of March last, as the organ of the Committee on Naval Affairs, I reported a bill which had been maturely considered by the committee. That is the bill now under discussion. That, without any, the slightest modification, is the bill on which I have spoken to-day. It stands precisely as it came from the hands of the committee. After the gentleman had returned from Connecticut (for, as he has stated, he was not present at that time) it was suggested to me that he had a substitute which referred the question to a scientific or naval commission, and made the finding of that commission absolute in so far that it would be the duty of the Secretary of the Navy to accept the site indicated by the commission. I dissented from it. I desired to stand on the action of the committee. I had no doubt that a fair commission examining all the sites would report in favor of League Island, but inasmuch as the committee had reported a specific bill I preferred to stand upon it.

I was then informed, Mr. Speaker, that without consultation with me several members of the Naval Committee had changed their opinion. I ask for the ear of the gentleman from Connecticut. I was then informed that several members of the committee had changed their opinions on the question, and instead of sustaining the bill which I as their organ was to report, or had, I believe, reported to the House, would sustain his substitute. It was suggested by the chairman of the committee that by my accepting it under the circumstances a contest might be avoided. He also suggested other considerations which I will not indicate but will say they did not relate to me, my personal comforts, or my sensibilities. I did not yield, but being assured by the gentleman from Connecticut that gentlemen upon whose support of the bill I relied because they had been earnest for it in committee were against it—thus assured, I yielded; and having done so, I waited on the two members of the Naval Committee on this side of the House, the gentleman from

Wisconsin and the gentleman from Ohio, to know whether, if the bill were abandoned, they would accept and sustain the substitute.

I was surprised, and I am pained to state it, that when, after all this, I waited on the gentlemen of the committee, of whose change of opinion I was thus positively assured, who I had been distinctly told were against the bill and for the substitute, I found them for the bill and against the substitute. I hastened at once to my colleagues of the committee, to whom I had expressed a reluctant assent to accept the substitute, and retracted it. One was the member of the committee from Maine, [Mr. PIKE,] whom I now see in a neighbor's seat, and the other was the member from New York, [Mr. DARLING,] unhappily not now in his seat. When I found the members of the committee were not determined, as I had been informed they were, to abandon the bill and accept the substitute, I hastened, I say, to such members of the committee as I could see, and let them know that I had been deceived; the deception having doubtless been practiced through mistake, of course, which was unintentional. Under these circumstances only did I consent to support the substitute. If the substitute now pending were accepted by any member of the committee, as the gentleman from Wisconsin and the gentleman from Ohio seem to suppose, I beg to assure them that it is not known to me. It is not like the substitute brought to my notice by the chairman of the Committee on Naval Affairs, which provided for a commission to examine certain sites and make a report which should be final, and the Secretary of the Navy should be bound to accept the site so selected.

I resisted it because I was not willing to put the power of Congress in the hands of a commission, and especially after having seen how an able, honorable, and honest commission could, by adopting a false rule of procedure, be practiced upon by a corrupt and designing man as in the case of the first commission by the civil engineer. So there never was an agreement obtained from me to assent to this substitute. There never was an agreement obtained from me to assent to the substitute exhibited by the gentleman from Connecticut to the members of the committee, except that obtained fraudulently. Of course I use the word fraudulently, as we do conspiring, confederating, and agreeing when preparing a bill in equity. I do not charge the gentleman with moral fraud, but I think his enthusiasm for a poor cause so far carried him away that he misapprehended the remarks of the gentleman from New York and the gentleman from Maine, as he may those of other members of the committee.

Mr. LE BLOND. I wish to ask the gentleman from Pennsylvania whether the bill which is now before the House is not the identical bill that the committee agreed to report.

Mr. KELLEY. Yes, sir.

Mr. LE BLOND. Has the committee at any time agreed upon any other proposition than the one now before the House?

Mr. KELLEY. Never.

Mr. LE BLOND. That, Mr. Speaker, is my understanding of the action of that committee, and I say now that I have no recollection of ever being counseled by any member of the committee in reference to the compromise measure now pending.

If I have been spoken to it was outside of the committee-room and it has escaped my recollection. The gentleman from Connecticut [Mr. BRANDEGEE] will remember whether he or any other member of the committee ever spoke to me on the subject. I have been from the beginning after full examination in favor of the proposition that the committee reported and no other, and I am so yet.

Mr. BRANDEGEE. Now, Mr. Speaker, this matter has narrowed down to a result to which I think it had arrived before this personal discussion arose, and proves the truth of what I started out with asserting, that these

questions of the action of the committee, resulting ultimately in personal controversies, have but very little to do with the subject under consideration, and generally, to use a very expressive but common phrase, come out of the same hole at which they went in. It seems to be agreed now, precisely as I have stated over and over again on this floor, and as the House will bear me witness that I have stated, that the Committee on Naval Affairs authorized the gentleman from Pennsylvania [Mr. KELLEY] to report this bill and no other. I have so stated, and so I think the House understood me. I have never been authorized, and have not claimed to have been authorized, to report from the committee any bill whatsoever. The gentleman from Pennsylvania alone was authorized to report a bill, and he has done so. But after that report was made, upon private consultation with members of the committee on this floor, and not as a committee in session, I inferred that a majority of the committee were in favor of my proposition, but not as the action of the committee formally. That I have distinctly asserted before. When the question came up here they thought that my proposition was the best for the country and for this special purpose which we are engaged to-day in debating.

Now, sir, with reference to what the gentleman from Pennsylvania asserted with regard to the action of the gentleman from Wisconsin, [Mr. BRIDGEMAN], and the gentleman from Ohio, [Mr. LE BLOND], I do not recollect having any conversation with the gentleman from Ohio, but I distinctly remember a conversation with the gentleman from Wisconsin, and unless I am greatly in error he did not assent to my proposition. And so I understood the gentleman from Pennsylvania to assert that when he applied to the gentleman from Wisconsin he was in favor of the original bill and against my substitute, and has been so from the beginning.

Mr. ELDRIDGE. I believe I stated that I was in favor of the original proposition limiting it to League Island, and settling the question in committee. Afterward I was applied to by the gentleman from Connecticut, [Mr. BRANDEGEE], and asked if I would consent to his substitute which had been presented by him in committee, and rejected by the committee, if it was agreeable to the gentleman from Pennsylvania. I told him I would. Afterward I saw the gentleman from Pennsylvania, and he told me that he was satisfied with that. I informed him that I had received that information from the gentleman from Connecticut, and if it was agreeable to him I would consent to the substitute. I did speak to my colleague on the committee, [Mr. LE BLOND], and stated to him in substance what had been stated to me, and he said he had no objections to it if it was agreeable to both of the gentlemen. What surprised me was to find neither of the gentlemen advocating that proposition. I did think the gentleman from Connecticut [Mr. BRANDEGEE] was bound in good faith, if he presented any substitute here whatever, to present the precise one to which the committee, not as a committee I grant, but as individual members, could give their assent. For that proposition I felt under obligations to vote in the House, notwithstanding I had voted against it in the committee, because I supposed that it was a harmonious arrangement between those two gentlemen who had been fighting this matter before the committee, and I hoped it would preserve the union that had existed before between those gentlemen. I was desirous of seeing that harmony and friendship continued between them, and hence I am surprised at not seeing it exist to-day.

Mr. BRANDEGEE. This whole matter is running empties. [Laughter.] I do not allude to the gentleman so much as to this interlarding discussion, which has no bearing on the question before the House. The gentleman is surprised that I do not now present the proposition presented by me to the members of the committee as a compromise proposition. Why,

that proposition was predicated on the fact that the committee was to be unanimous in its support. Was I bound to present that precise proposition, which was a compromise, after I was notified by the gentleman from Pennsylvania [Mr. KELLEY] that neither he nor a majority of the committee would sustain it?

But this has nothing to do with the question before the House. No matter what this committee think or say. This committee do not know any more about this question, Mr. Speaker, than you or any other sensible man on this floor knows. We know some of the facts that come before us, but there is not a man on the committee who from experience or investigation is more competent to locate a naval station than any other man on this floor. I profess to have some knowledge of this question myself; I have made it somewhat my study; but I declare to you to-day if it were left to me alone by authority given by the United States to select the site for the great navy-yard of the country I would not know where to locate it. I would hardly dare to locate it at New London, although I believe that is the best place on the continent, and I found that belief upon the authority of nineteen twentieths of the officers of the Navy and the report of this able commission. Even Admiral Smith, chief of the Bureau of Yards and Docks, testified before the committee that with his life-long experience on this subject, having never been consulted by the Department with reference to League Island, he would not know to-day where to locate a navy-yard for these vessels. And I maintain that there is no member of the committee who has examined the subject in this and the last Congress who to-day, upon the testimony in regard to League Island, would be willing to put his ban upon it without a further examination by scientific experts.

Now, is it a matter of importance to get the best place? If it is, let the commission decide where that place is and report upon the relative advantages of the different sites. To see that the Government should have an opportunity of getting the best place is the duty of an American Congressman. If you confine its selection to this mud-hole on the Delaware river, it is quite certain that the commission will report in favor of it. I say, without claiming to be either a prophet or a naval expert, that you will expend millions in the present and untold millions in the future upon that place and finally abandon it as entirely unfit and ill-adapted for the purpose proposed.

Sir, if your iron-clad fleet should be located a hundred miles from the ocean up that tortuous stream, obstructed by ice for three months every winter, in some great day of naval conflict, when the enemy is thundering at the gates of your Atlantic cities, (far distant may that day be,) you will regret too late the folly which has locked up your iron defenses for safety one hundred miles from the ocean. If that is an argument, if they are to be placed a hundred miles from the sea-board for safety, in the name of Heaven what are these iron-clads for? What are these invulnerable vessels built for but to be posted on the sea-coast to meet at the outpost an enemy's fleet and to guard against hostile attack the commerce of the nation? If they are competent to defend themselves, they can defend the station where they are located; and that station, as I maintain, any honest, competent commission will decide is New London, from which they can readily go in the event of a naval attack to the defense of those cities and those coasts which they were expressly designed to defend, for which defense they are alone useful. I leave the question to the House.

Mr. O'NEILL. I am sorry my friend from Connecticut [Mr. BRANDEGEE] confesses that he does not know where to locate a navy-yard. I am sorry to learn that after all his pertinacity and toil and investigation he does not yet understand this subject, and that he is just as ignorant of it to-day as he was three years ago, when he was first appointed on the Committee on

Naval Affairs. Now, sir, notwithstanding all the ingenuity of the gentleman, notwithstanding all his efforts to lead the House to believe that he is governed entirely by patriotic motives, and is acting entirely without prejudice, my word for it, if the location of a navy-yard for iron-clads was left to him, in less than no time he would locate it at New London, in his own congressional district, in the State of Connecticut. He would not look beyond the limits of his small town, but would in his prompt and instant decision proclaim to the world that the most eligible position for a naval station for building iron ships, repairing them, making their armature, and laying them up, was in that rock-bound harbor, with its salt water and its two hours' distance from the open ocean.

Now, he tells you that the question of the safety of a fleet from the attacks of an enemy is not a question to be considered by this House, and talks about the mud-hole at League Island, and all that. But I can say from personal inspection of this great New London harbor, having passed through it a number of times, and having consulted with his near neighbors, that the entrance is through a channel with a rocky bottom; that while you may perhaps get a sailing or other vessel safely up it by means of a steam tug, it is utterly impossible to accomplish such a feat in any other way, especially to the point where it is said this navy-yard should be located. And when you do get one up there by any means, you cannot protect it against the attack of an enemy.

Talk to me about New London harbor! Why the gentleman's substitute for the bill reported from the committee and his whole argument means New London, and nothing else. Sir, in the very entrance of the harbor there is a rock, which one of my fellow-travelers, and I presume from his knowledge of the locality one of my friend's constituents, pointed out to me and told me was so bad that it would take all the powder in the country to blow it to pieces, and that it had always been considered an obstacle to the commerce of the place. This, of course, must be removed, and many others, perhaps, if you would locate a navy-yard there. These projecting rocks and the hidden ones are indeed dangerous to navigation, and I find in a newspaper published only three or four weeks ago an account of an accident which happened to a vessel, either in coming in or going out, by running on to this rock, and a steam vessel at that. It was one of the New London line of Sound steamers, the State of Maine. If one of your large and powerful steamers cannot avoid such an accident in a harbor to which it makes frequent trips, how can you expect naval vessels occasionally coming into New London to escape such dangers?

I have been led aside somewhat from my original plan of speaking upon this subject on account of the remarks of the gentleman from Connecticut, [Mr. BRANDEGEE], growing out of some misunderstanding between him and my colleague, [Mr. KELLEY]; which, however, now seems to be settled entirely by a statement of the fact that this bill, Printer's No. 102, is the one which was authorized to be reported by the committee. And it is upon this bill that I will continue my arguments, hoping to convince the House of the propriety of its passage, and most respectfully asking after its due consideration that it may be passed.

But let me first refer to some things which have been said by my friend from Connecticut, [Mr. BRANDEGEE]. And although I know my colleague [Mr. KELLEY] will very well defend himself against the attacks made upon him, yet the manner of the gentleman appeared to be so vehement and impassioned that I deem it necessary here to ask attention to what has fallen from him.

The members of this House who were members of the Thirty-Eighth Congress will perhaps recollect the discussion that then took place upon this subject. The gentleman from Connecticut now but repeats the same tenor of

argument which he adduced then. He made the same attacks upon the commission which was appointed by the Secretary of the Navy; he made the same attacks even upon some members of the committee of this House, which was appointed with a view to consider this as well as all other matters relating to naval affairs. He attempted to hold up to scorn and suspicion the motives of the commission of naval officers who examined the subject and reported upon it, and questioned as he does now the reliability of their acts because they happened to have been born in certain portions of the country. Now, are these the arguments by which to convince this House?

I will read you the names of this commission, and show you how near to Philadelphia or League Island they were born and how much their local inclinations and feelings could be likely to affect their judgment. I find by the Navy Register that Commodore Stringham, now rear admiral, was born in the State of New York; Commodore Gardner was born in Maryland; I think Commodore Van Brunt was born in the State of New York, but I have not had time to find his name in the Register; my friend from New York [Mr. BERGEN] informs me he was born in New Jersey. I am pleased to be corrected. It is not important to this argument where they were born, but it is one of the petty means used here to create a prejudice against the minority of the commission. These are the gentlemen who signed the majority report, much to the delight of my friend from Connecticut. Not one of them, however, was a Pennsylvanian. Engineer Sanger was also with the majority. Massachusetts claims him as one of her sons. I will not stop to discuss him, my colleague [Mr. KELLEY] having already done that.

And I assert boldly that if I had time to look over that report I could prove from it to the satisfaction of members of the House that in every requisite for a naval station for the building of iron-clad vessels, for their repair, for their armature, and in all other necessary respects the majority of that commission have given a report in favor of League Island. I do not mean to deny that the bottom of the Delaware river is muddy as they have said, but I mean to say that in all the requisites for a naval station, and especially for a navy of iron-clads propelled by steam, League Island on the Delaware river is the best and safest point upon our coast.

Sir, I find appended to the report of the minority of the commission—and I am sorry to go over this ground again because I believe these reports were fully discussed in the last Congress—the name of Commodore John Marston, a most worthy officer of the Navy; an officer to whom the gravest responsibilities have been intrusted at various times; who has commanded ships and commanded fleets; who, it has been charged by the gentleman from Connecticut, is from Philadelphia, but who was born in Massachusetts. Only one of those six gentlemen, members of that commission—Professor Bache—was a native of the city of Philadelphia.

But, sir, suppose that they had all been born in the city of Philadelphia; suppose that they had all been born within two miles of League Island: is it to be imagined that they, sworn officers of the Navy, would not perform their duty aright to the Government? Sir, if there are any men connected with the service to whom I would intrust a question as to what is right or wrong, what is suitable or unsuitable with reference to the general good of the country, I would not hesitate to place confidence in the officers of our Navy and of our Army. It seems to be the study of their lives to be governed by the best and the noblest motives, and prejudice seldom enters into their decision when any matter is officially submitted to them.

The gentleman speaks of this question having been before the House some four years. Why, sir, of course it has been here four years. The natural consequence of the breaking out

of the rebellion was to bring it up as a demonstration of the wants of the Government in reference to a suitable naval station. And he is surprised that the members cannot see that the harbor of New London is the place for erecting a navy-yard in which to build iron-clad vessels. Why, sir, the question of New London has been here as long as League Island. I well recollect reading the discussion in the Thirty-Seventh Congress. If I remember rightly it came before the House toward the close of the session by the report of the Committee on Naval Affairs, and then the relative merits of League Island and New London were considered. The superiority of New London as a location for a naval station was then insisted upon, as it has always been insisted upon, by the gentleman from Connecticut and others representing the interests of that State. During the last Congress he and others, members and citizens, urged its claims in every way.

Sir, I am not surprised at this. I never believed that the citizens of this country had no right to impress their views upon their Representatives, or that those Representatives, if convinced, had no right to urge those views upon Congress. I think the gentleman and his coadjutors performed no more than their duty by presenting the views of their constituents on a question in which they were interested. But, sir, the claims of League Island are not to be prejudiced by any such argument as that they have been heard and presented for years.

Mr. Speaker, there is another attempt in my estimation to make difficulty in this House or to create prejudice. The gentleman speaks of the formation of the Committee on Naval Affairs. He speaks of it in this Congress, and he refers to it in the last Congress. No member from Pennsylvania has complained of the formation of the Committee on Naval Affairs in this Congress, the last Congress, or the Thirty-Seventh Congress. Now, the committee of the last Congress reported against League Island. They considered it and must have acted on their best judgment. They considered it with the light which was then thrown on the question. We have now other information, and I refer to one strong point, the letter of Captain Fox, Assistant Secretary of the Navy, in regard to the back channel. The Naval Committee of this session had this point investigated, and it may have induced the report of this bill and the recommendation of its passage.

My colleagues have never complained of the action of any Committee on Naval Affairs. They never complained of the action of the commission instituted in 1863, a majority of which it has been urged preferred New London. That majority performed its duty according to what then seemed, I presume, to be its honest convictions. Notwithstanding the report, the House would have adopted League Island as the location but for one reason. The cost, sir, prevented its favorable action—and I then most clearly understood the views of members—not at all because of the unfitness of the place. I need scarcely say that it was believed that all the money which the Government could command would be needed to bring the war to a successful conclusion. On the question of locality and its eligibility in every way for a naval station I think the House itself was satisfied that League Island was the best.

I am sorry to prolong the discussion on these points, but it seems to me to be necessary that the gentleman's charges should be refuted, because they are calculated to excite prejudice. I think he referred to the Navy Department molding the Committee on Naval Affairs to suit its own views. He alleges that every effort was made to keep him off the committee. Now, he may be the most able member from his State, but he must not forget that there were other members from Connecticut on that committee before he came here. I know nothing about the wrangle and squabble of members for places on committees.

As I have said before, I have been drawn from the line of remark I intended to follow in discussing this subject. I intended to give a brief sketch of the creation of the Navy. I designed to take the House back to revolutionary times, to the Algerine war, to the war of 1812, and to the Mexican war. I could have shown that for some time after the commencement of the revolutionary war not a vessel belonged to us. I could have shown the struggles in the Continental Congress to create a navy. I could have shown that in the beginning of the war of 1812 we had a navy of but very few effective ships, which had to be repaired at a very great expense. I could have shown that at the commencement of the rebellion we had not enough national vessels to contend against the rebels and their sympathizers.

It brings me to this point: in looking over the history of the Navy I find that it was not an unusual thing for localities to make gifts for the purpose of establishing navy-yards. I think navy-yards were not established until about the commencement of this century. It was provided that certain places should have the building of certain vessels-of-war. Hence we see the presentation of land by States to the Government for the purpose of navy-yards is not by any means a new thing.

The gentleman from New London has certainly urged with great earnestness its claims as the best-place for this naval station. But he has told you nothing in reference to the indefensibility of New London. He endeavors to stigmatize League Island as a mud-hole, but says nothing of its perfect defensibility. He endeavors to show that the distance of League Island from the sea is one hundred miles. For the sake of his argument he makes it twenty miles more than it really is. He perhaps has never traveled along the Delaware river. He knows nothing about its distance from the ocean. I really believe he prefers to remain in ignorance of everything connected with it. I can in no other way account for his well-worded abuse and depreciation of its countless merits and advantages.

But, sir, let all that go. The gentleman does not tell you of the great defect of New London. I speak on this question as if the gentleman's substitute provided only for the establishment of a navy-yard at New London. I look at it in that way and in no other. One great defect of his favorite place is the want of facilities in procuring labor. The site suggested is three or four miles from a city with a population which I will not say is insufficient to fill up a blacksmith shop with skilled workmen, but where you certainly cannot get a supply of the mechanical labor required. It is a city which, from natural causes, cannot hold a population exceeding twelve thousand. You cannot possibly extend its limits so as to provide for an increased population, it being so surrounded by high hills of hard rock that its growth must forever be impeded. It is not, therefore, a fitting place for the great naval station for such a navy as the United States will require.

But, sir, one great advantage of League Island is that an enemy's fleet could not reach it.

Mr. LE BLOND. With the gentleman's permission, I would like to make a single remark.

Mr. O'NEILL. Not just at this time.

Mr. LE BLOND. It would come in appropriately just at this point.

Mr. O'NEILL. I would rather the gentleman would wait; I do not intend to detain the House long.

Now, sir, as I have said before, the proposition of the gentleman from Connecticut is in effect a proposition to establish a navy-yard at New London, and nothing else. The gentleman cares nothing about the proper requisites for such a great yard. He knows that his locality is not the place for a naval station of the character desired. His object is to place it in the harbor of New London, among the rocks. Sir, that is no place to build iron-clads;

you cannot get the material there out of which to build them without going to an enormous expense, and the salt water would corrode them when built.

Now, a word as to the question of filling up League Island so as to secure a proper foundation for the necessary buildings. It will not cost much. The gentleman says you must go to New Jersey for material. Yes, I say you can go to Red Bank, in New Jersey—which is immediately opposite—only a mile or two off, and get as much gravel as you want, and bring it across the Delaware at a trifling cost. There is plenty of material coming from the iron-works of Philadelphia for filling up that part of it which the committee terms, I think, "marsh land." I know something about that island. It happens to be in my district, and I have been upon it many times. There are five or six truck farms upon it; and there are buildings upon it which have stood for years.

The gentleman speaks of it as being an unhealthy location. Talk to me about League Island not being a healthy location! The gentleman might as well tell me that one half of my district is unhealthy. Sir, I am well acquainted with the immediate neighborhood of the island, and I can truly say that I am not mistaken in denying this charge of want of health. It is healthy and inhabited by people who live to good old age, and who will be much surprised to hear of it being sickly.

I want a fair and proper consideration of the bill. I am anxious that a proper naval station should be selected, and desire the House to vote on this bill understandingly. Let us pass it, and start a great yard, one equal to all the requirements of the country. What is the use of having another commission appointed? We have had commissions heretofore, and in spite of their reports Congress has never decided against League Island and never will upon such arguments as have been presented by its enemies.

Why should we distrust the Secretary of the Navy? Has he any interest in League Island? If he felt as the gentleman from Connecticut does, being from Connecticut, he would establish this navy-yard at New London; and it is because he will not do that that my friend does not like the Secretary. Captain Fox, the Assistant Secretary, is, I believe, a citizen of Massachusetts, and I think the heads of nearly all the bureaus in the Department are from New England; yet I am not unwilling to take their views on this subject. I am not even unwilling to take the views of Rear Admiral Smith, to some extent. I know, sir, that those officers of an older generation do not see the fitness of the Delaware river for a naval station; for when they held commands in the Navy sailing ships only were used, and it did take some time to come up to Philadelphia. That is the secret of their opposition. Well, sir, they have done honor to their country in their time; but they are passing away, and it is too late in the day, after this question has been so thoroughly discussed, not only in this House and in its Naval Committee, but in the Navy Department, for us to hesitate to establish a navy-yard for iron vessels in a river of fresh water, with ample depth of channel, near skilled labor, and near the coal and iron necessary to be used in their construction, and where ice, even in the coldest winters known, is no insurmountable obstacle. We have an ice boat which has always kept the channel open.

The gentleman has referred to the relative distances of New London and Philadelphia from New York. I do not know where he gets his geography or his scale of distances. I believe New London is one hundred and fifty miles from New York. I know it takes all night to get there from that city in the steamboat; and by railroad the distance is about the same, for it takes nearly the whole day to reach it. Does the gentleman know how far it is from Philadelphia to New York? To be sure, going by steamboat down the Delaware the distance may be a little greater than from New London to

New York, but by railroad communication we are only ninety miles from the latter city.

Why, sir, the gentleman does not know his map. Let him look at it, let him measure the distances as I have done for the purpose of giving facts to this House so as not to deal in imagination and guessing for the sake of success. I should be ashamed of myself if I thought I was actuated in this matter by mere local interests. I believe that League Island is the place for a navy-yard, because it is in every way accessible to every thing which is needed to be used for building a navy such as we should have. We have a channel in front of League Island of twenty-three feet and more in depth. It is two and a quarter miles in extent upon the Delaware river. There is a channel of some eighteen or twenty feet in depth, and some five eighths of a mile in extent on the Schuylkill, and also the back channel which is also two and a quarter miles long of some fourteen or sixteen feet deep which furnishes a grand national basin. I am speaking of the depth of the channels at high water, of course. I believe that this is a place intended by nature for some such purpose as this.

Now, the gentleman from Connecticut desires that we shall go to New London for this navy-yard, where we would have to blast out thousands and thousands of tons of rock in order to obtain a basin. That, sir, could never be done, and yet the gentleman talks about it as the place most suitable for building ships, but never mentioning its salt water.

Besides, we all know that we want iron and coal for building a navy; those are the great materials to be used in the construction and for the motive power of iron vessels propelled by steam. And would you go to New London to be near supplies of coal and iron? The gentleman cannot show me any line of railroad or canal, or any means of access to it, by which you could reach those articles within one hundred miles as near as they are to League Island. He cannot have the hardihood to attempt seriously to convince any one that the location he would select is in such close proximity to everything which enters into the completion of an iron navy as the point designated in this bill.

League Island lies at the mouth of the Schuylkill, at its confluence with the Delaware, both of which rivers are navigable by nature and by art. There is a canal all the way down the Schuylkill, from the Schuylkill coal regions to within five miles of League Island, and the Reading railroad running along the side of the canal. There is the Lehigh Valley railroad, connecting at Bethlehem with the North Pennsylvania, leading into the Lehigh coal and iron regions. There are also means of access from League Island into the same regions by canal and tidewater navigation along the Delaware and Lehigh rivers.

And is timber any nearer New London than it is to League Island? No, sir; the means of getting timber to the former place are not so great. For the live oak of the State of Delaware and the yellow pine of the Carolinas, what are the means of communication with League Island? Beside the Delaware bay and river, there is the Delaware railroad, which now extends almost the entire length of that State, and before long will be extended into Virginia along its eastern shore. And will it be argued that League Island possesses all these advantages, that New London is still nearer to all these materials than it? Why, sir, anywhere, in any direction, by any means of communication, canal, railroad, river, or bay, for any of the materials which are so necessary in the construction and repair of naval vessels, iron or wood, League Island is many miles nearer than New London.

Sir, I hope, I believe that this House will decide the question upon principles of justice and right. We are acting for the best interests of the whole country. And we are urging the passage of this bill because we believe that League Island is the best place for this naval station.

It seems that a great many naval officers who have looked into the matter within the last two or three years have changed their minds materially. I am under the impression that my constituent, Commodore Turner, was not a warm advocate of League Island two years ago. Yet we have his letter setting forth the reasons why it should be preferred, stating among other things its healthfulness and its easy approach. So, too, with Commodore Stribling, who, although stationed at Philadelphia, was not at one time favorable to League Island, yet he has since written a letter in its favor. That letter has been read by my colleague, [Mr. KELLEY.] This is another illustration of the change which has taken place in the views of prominent naval officers, one great reason being, no doubt, the importance of the basin afforded by the back channel, a basin that can be made three hundred and fifty yards wide, and deep enough to float the navies of the world.

The gentleman from Connecticut refers often to the mud of the river Delaware. Well, sir, we do not pretend to say that the bottom of the river Delaware is of rocks, and we thank Providence that it is not; for if it were so, we could not urge the adoption of League Island as the location for the naval station. Sir, we have the advantage of the mud, if you choose. At high tide we have twenty-three feet or more of water in the channel of the river Delaware; and we have besides that six or eight inches of yielding mud which does not hinder the progress of a vessel. The largest vessels of the Navy and of the merchant service have come not only to League Island, but to the wharves of the city of Philadelphia. I know that in one instance, a few years ago, the ship Cathedral was unable to get into the port of New York because she could not get across the bar; but that ship was brought in safety to our wharves.

And I will state also that at one time a project was on foot to bring the Great Eastern to Philadelphia, a party agreeing to undertake to accomplish it; but the project was abandoned, I believe, in consequence of some hesitation on account of the insurance. There is an ample depth of water for any vessel. The records of the Navy Department show that those drawing the most water and having the largest armaments have not only been at the present Philadelphia navy-yard, but many of them were built there and have with ease gone out to sea through the Delaware river and bay. Vessels propelled by steam are not delayed. Six or seven hours will take them to the capes, and even under the most adverse circumstances of wind and weather a sailing vessel can make the distance in about double that time.

Thirty-five or forty years ago the foreign commerce of this country was done at the wharves of the city of Philadelphia. At that time they were crowded with shipping from all parts of the world. That was the emporium for the China trade and the London trade. It was not until the sagacity of Governor De Witt Clinton suggested the construction of the Erie canal that that trade began to leave that city and go to New York. The Delaware river now, as then, is of sufficient depth of channel for either merchantmen or national vessels. None of either kind are constructed, or are likely to be constructed, whether of iron or wood, which cannot navigate her waters.

But, Mr. Speaker, to return to the question of defensibility, which is, in fact, the important question. You must locate your naval stations in positions where they can be defended at a low cost. Where is the location that can be as easily defended as the city of Philadelphia and League Island adjacent to it? An enemy's ship could not successfully make its way up that river. Its very length is its defense. There are the two defensive works, Fort Delaware and Fort Mifflin. Besides there are numerous places along the shore of the river (not high bluffs or towering mountains) upon which batteries could be placed. It would be impossible for a foreign

enemy to approach Philadelphia by sea. And, sir, you could not blockade the city of Philadelphia or League Island.

It would take the combined navies of the world for such a blockade as would prevent effectual access to or from them. The bottom of Delaware bay is composed of yielding mud so that you cannot anchor a blockading fleet there, and you all know its great width. A blockade of Philadelphia and League Island to be complete renders a blockade not only of the Delaware bay necessary but also a blockade of the Jersey coast and of the Chesapeake bay. You must also blockade New York. I repeat, it would take the combined navies of the world to do this. Suppose it was attempted, you can get from League Island to New York through the Delaware and Raritan canal, which has a width and depth sufficient to enable us to take a monitor of five hundred tons into New York harbor. You can also get them through the Delaware and Chesapeake canal to Baltimore. And I appeal to my friend from New Jersey [Mr. NEWELL] that to make a blockade of that coast effectual you must blockade it entirely. Still we would have access to it by the Camden and Atlantic railroad. Thus we would have means of outlet for our monitors by these canals, and we would have the whole West to furnish us with its products, thus rendering a threatened blockade futile and without result.

League Island can be shown most incontrovertibly not only to be a place of safety for our iron-clad vessels, but also the very best in which to build up a navy. Now, I judge from what I have seen in this House that facts, and facts only, will be listened to, and they seem to me, as far as presented, to be all in favor of that location.

I say that on the question of defensibility, on the question of fresh water, on the question of the depth of water, freedom from ice, and on the question of cheapness of living, and the facility of procuring materials, you can find no place to compare with it. It looks to me as if nature planted it there for some great national use. New London is out of the question on account of salt water.

All who have examined it state this as the great and insurmountable objection as far as iron vessels are concerned. Salt water destroys them.

The gentleman from Connecticut seems to suppose that a rocky point is the best place for a navy-yard. Such is not our experience in the past. Look at the Brooklyn navy-yard, most of which is made ground. We do not want to carry vessels up a steep hill or to cut deep basins through solid rock. It is not necessary when we have other places which do not require this enormous expenditure of money. Go to the Charlestown navy-yard, in the district of the chairman of the Committee on Naval Affairs, and you will find that a great portion of it is made ground. It is necessarily so, for you want a navy for water and not for land.

At the outset of my remarks I alluded to the fact that the gentleman from Connecticut made no argument of the defensibility of New London against a foreign navy. He could not make any such argument. The history of the country points out some facts in reference to the defensibility of that location. It could not resist a foreign navy during the war of 1812 which blockaded it any more than during the revolutionary war, when it was burnt to ashes by the British, whose fleet and transports reached it in one night's sail. It is just as easy of capture now as it was then.

One word about the expense. Why, sir, \$900,000 was expended in repairing and fitting out one ship of our Navy. I refer to the Vanderbilt. Yet you talk about the cost of constructing a navy-yard at League Island such as no other nation in the world will or can have. It is so clear that I do not think it needs argument. I do not think this House would hesitate for one moment in reference to the expense when the city of Philadelphia offers to give to the Government six hundred

acres of land. It certainly would not if the land were adjoining the present navy-yard.

We do not ask for a new navy-yard. We expect the present one to be transferred to League Island when completed. The present yard is now surrounded by the city. It is almost in the center of the city. The Government can sell it for probably \$2,000,000, although it contains but fifteen or sixteen acres, and in its stead you will have a navy-yard of some six hundred acres in a much better location. We are not asking for a new navy-yard, but only desire that you will locate one in fact but as an extension of the old yard. These six hundred acres now offered as a gift will be worth in a few years millions of dollars to the Government. Commerce is pressing down the river toward League Island. Wharves for the accommodation of private business are being built along the banks of the Delaware.

Sir, would you select for a naval station New London harbor which is famous for nothing but its nearness to the ocean? We do not want a new navy-yard, much less do we want one located among rocks and salt marshes. It may have the proximity to the sea to recommend it as regards health, but a consumptive could not live there, and men working hard from morning until night in the shops would suffer from the climate, whereas in the neighborhood of Philadelphia they would be living where health abounds.

One word as to the defensibility of League Island in comparison with New London. I tell you there is but one way of deciding this question, and that is upon the facts. With the natural and artificial defenses in the Delaware river in the revolutionary struggle, it took the British fleet eight long weeks to get up to Philadelphia. And I will appeal to my friend from Delaware if it is not true that in the war of 1812 time and again the British cruisers were driven off the capes by our batteries, and yet Commodore Decatur was shut up by blockade of the enemy in the harbor of New London for weeks upon weeks with his ship after he had captured the Macedonian.

[Here the hammer fell; but by unanimous consent the gentleman's time was extended, and he proceeded, as follows:]

Mr. Speaker, it is hardly possible to do justice to this subject in one hour, especially after injustice has been done to it for an hour and a half by the speech of the gentleman from Connecticut, [Mr. BRADDEGE.]

Sir, we need such a navy as the lesson of the late rebellion has taught us, a navy built of iron, and we need a naval station at a point where we cannot only build, but equip our iron-clad vessels. Does this House know that during the late rebellion not one ship was fully equipped in the navy-yards of the country? Now, sir, let us have a yard where we can have a foundry, where we can make our ordnance and everything great or small which enters into the completion of a man-of-war. Look at the losses we have suffered; millions of dollars claimed by contractors for extra work on vessels and their machinery.

In the midst of the speech of my friend from Connecticut a bill for the relief of a contractor for loss upon the Idaho is messaged from the Senate to the House. We will find claims amounting to twenty or thirty million dollars of this character, all occasioned by want of proper legislation on this subject.

In 1862 the Secretary of the Navy suggested in a report, and has made the same suggestion in every succeeding report, the necessity of locating a navy-yard for iron-clads, and yet here after nearly five years with half a dozen or more navy-yards we have none fitted for this purpose. We ought to have a navy worthy of such heroes as Farragut, Du Pont, Winslow, Cushing, and others, but we can never have it until we select the place at which to build the vessels.

Mr. Speaker, one word and I am done. As I said before, I started out to state facts, and have endeavored to confine myself to such. I wish to say, sir, for my colleagues of the Penn-

sylvania delegation and for my own more immediate colleagues of Philadelphia, that we are not urged to the support of this measure by any local interests or considerations. We endeavor to do our duty without the prejudice of locality. If a better site can be found for this purpose anywhere in the country, select it and establish your naval station there. But let us, for the sake of those who have honored our flag in the naval service, take such measures as will place the Navy upon a proper footing for all time to come. For this we ask you to pass the bill just as it was reported from the Committee on Naval Affairs.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, announced that the Senate had passed a bill (S. No. 282) entitled "An act to reorganize the clerical force of the Department of the Interior, and for other purposes," in which the concurrence of the House was requested.

ENROLLED BILLS SIGNED.

Mr. TROWBRIDGE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; which were thereupon signed by the Speaker:

An act (H. R. No. 37) making appropriations for the support of the Military Academy for the year ending 30th of June, 1867; and

An act (H. R. No. 459) granting a pension to Anna E. Ward.

PRINTING OF TESTIMONY.

Mr. CONKLING, from the joint committee on reconstruction, reported certain testimony relative to Louisiana, Texas, and the Indian Territory, and moved that the same number of copies be printed that was ordered to be printed of the testimony heretofore reported from the same committee.

The motion was referred to the Committee on Printing, under the law.

NAVAL DEPOT AT LEAGUE ISLAND—AGAIN.

Mr. HUBBARD, of Connecticut. I desire, Mr. Speaker, to submit to the judgment of this House, in a word or two, and a word or two only, whether it is not idle for us, in the consideration of this bill, to discuss the comparative merits of League Island and New London or Portland and some localities on the Hudson. It seems to me that the arguments of the learned gentleman from Pennsylvania were entirely irrelevant. If they had been put in the form of a plea, I think I would have demurred to it; and I might have done so with perfect safety.

The bill does not call upon this House to adopt any particular locality; it does not call upon this House to act at all upon its own judgment. It is well known, and has been well said in this debate, that we would not any of us feel competent to select a locality for this purpose. The bill calls for the appointment by the President of a skilled and experienced board to make an examination of League Island and the marsh lands, and make a report to the Secretary of the Navy; and it would require the Secretary of the Navy to act upon the recommendation or report of that board.

Sir, as it seems to me, there is but one single point in this case; and I invite the attention of the House to that point, as I understand it. The simple question is, whether this commission or board shall not have free scope to examine other localities. Now, when in point of fact it is well known, and must be well known to every member of the House, that it is believed by a large portion of the community that there are more eligible sites for a navy-yard than League Island, I ask the House if the substitute of my colleague contains anything more than a fair, reasonable, and just proposition.

I think I know, and it must be well known to the members of this House, that a large proportion of our people believe that there are other localities much more advantageous to the Government as sites for a navy-yard than

League Island. This being the fact, the only point in this case is, whether this board shall not have its hands untied and have an opportunity to examine such other sites as are suggested in the substitute.

This being the only question, it does appear to me that all this discussion with reference to League Island and all this talk about the demerits of New London are entirely foreign to the question before the House. The substitute only asks that this board shall have an opportunity to examine other sites when they go out to examine League Island.

If League Island is the best and fittest place for a navy-yard, Philadelphia has nothing to fear. Why should the members from Pennsylvania tremble so much in the apprehension that this House will do a just thing and give the commission power to examine other sites? They cannot suffer by it. It will give satisfaction to the people, and will give better satisfaction to the members of this House. I repeat, that gentlemen ought not to object to giving the commission power to examine these other sites.

Mr. MYERS obtained the floor.

Mr. LE BLOND. With the permission of the gentleman, I will occupy the attention of the House for a few moments.

Mr. MYERS. I yield to the gentleman.

Mr. LE BLOND. I do not propose to argue this proposition in detail. I think the debate has already taken a much wider range than the bill warrants. I have no doubt that if I felt disposed to argue this proposition in detail, I could throw a great deal of light upon the subject. My peculiar location fits me especially for the duties of the committee I am upon.

I live upon a canal near a large reservoir containing a body of water covering some acres in extent, and which is some seven or eight feet deep, I believe; and I have seen floating on it at one time as many as twenty little fishing smacks or boats. Of course gentlemen will see at once how peculiarly qualified I am to act upon this subject. [Laughter.] And I have no doubt the Speaker of this House knew this fact, or I would not have been put upon this committee.

Mr. ELDRIDGE. And it was fresh water.

Mr. LE BLOND. Yes, sir, it was fresh water; and that gives me a very decided advantage over many gentlemen here. [Renewed laughter.]

Mr. Speaker, the real issue before this House is whether it is to the advantage of the Government to continue at Philadelphia the navy-yard which is now located there, or to remove it to League Island, a distance of about seven miles. Of course, when this subject came before the Committee on Naval Affairs, there were also presented the advantages and disadvantages of League Island as reasons why the committee should report favorably or unfavorably in reference to this change. League Island, some six hundred acres in extent, is tendered to the Government free of charge for the purposes of a naval station. The citizens of Philadelphia are anxious that the navy-yard should be removed from their midst to this place, and many of the Government officials ask that the change may be made, for the reason that no more territory can be acquired where the navy-yard is now located to meet the additional requirements of the service in consequence of the increase of the Navy.

The Committee on Naval Affairs, after having examined this question, both by personal inspection of the site and by the taking of the testimony of many witnesses, have come to the conclusion that it would be to the advantage of the Government to change the location of this navy-yard from Philadelphia to League Island. And hence they have directed the gentleman from Pennsylvania [Mr. KELLEY] to report to the House the bill now under consideration.

Now, I do not see that the proposition reported from the committee and the proposition submitted by the gentleman from Connecticut [Mr. BRANDEGEE] conflict at all with each other. His proposition is that a commission shall be

appointed to examine all these sites for a naval station and report which, in their judgment, is the preferable site. Gentlemen seem to have got the idea that if the proposition reported from the committee be adopted by Congress that will preclude any action in regard to establishing a navy-yard at any other point than League Island. That idea, I think, is entirely erroneous. This Congress may adopt both propositions, for they do not conflict with each other. In the proposition reported from the committee we are simply called upon to determine whether or not it will be to the advantage of the Government to remove the navy-yard from its present location at Philadelphia to League Island, the land at League Island being given to the Government by the citizens of Philadelphia.

The other proposition is simply to appoint commissioners to examine all these sites and report upon their availability for the purposes of a navy-yard. It may be found necessary to have another navy-yard. The proposition of the committee is not to create or establish a new navy-yard, but to change the location of one already established. If the proposition of the gentleman from Connecticut should be adopted as an independent proposition, the commissioners may make their examination and if they find that it will be for the interests of the Navy that another navy-yard should be established at New London, they can report in favor of that, and the Government can go and build one there should it be deemed advisable to do so. That is my understanding of the true position of the question now before the House for their action at this time.

Mr. WRIGHT. I would ask the gentleman from Ohio [Mr. LE BLOND] if the proposition of the committee does not involve the expense of having two navy-yards, the one special object of this bill being, as I understand it, to provide a sanctuary, a place of safety, for our iron-clad Navy.

Mr. LE BLOND. I answer the gentleman that it does not. It is simply proposed that the location of the navy-yard now established shall be changed from Philadelphia to League Island. The property now possessed by the Government in Philadelphia can be sold, and the proceeds of the sale can be applied to the expense of locating the yard at League Island. The proposition is whether the Government will accept as a gratuity six hundred acres of land when it shall suit the convenience of the Government to make the transfer. And the proposition of the gentleman from Connecticut [Mr. BRANDEGEE] does not conflict with this in any way whatever, for the commission he proposes to have appointed may go on and examine other sites, and if they deem it necessary to have another navy-yard, they may report in favor of New London or any other place.

Mr. SPALDING. I desire to ask my colleague [Mr. LE BLOND] if he considers that the condition of this donation to the Government will be answered by simply transferring the navy-yard now located at Philadelphia to League Island.

Mr. LE BLOND. Certainly it will.

Mr. SPALDING. That is not my understanding of it.

Mr. BRANDEGEE. If the gentleman from Pennsylvania will give way to me for one moment I desire to ask a question. I wish to ask the gentleman from Ohio, [Mr. LE BLOND,] my colleague on the committee, whether the Assistant Secretary of the Navy, who appeared before the committee as a witness as well as an advocate in behalf of League Island, did not distinctly state that the one great advantage which League Island offered, by reason of which it had commended itself to the favor of the Department, was its adaptation for the construction, repair, and docking of iron vessels; and, furthermore, whether he did not state, in answer to a question, that it was the intention of the Department, if League Island should be accepted, to make it the iron-clad station for construction and repair?

Mr. LE BLOND. Of course that was one of the reasons assigned why that was a desirable location. It was urged that the back channel rendered it a desirable place above any other that had been presented to the attention of the committee. That is one of the reasons why the committee agreed to the proposition as it now comes before the House, but it was not the sole consideration on which the committee acted.

Mr. MYERS. I hope that all this will not come out of my time.

The SPEAKER. It will come out of the gentleman's time.

Several MEMBERS. Oh, we will extend your time.

Mr. LE BLOND. If the gentleman from Pennsylvania will allow me one moment further, I wish to say that, as a matter of course, after the Government shall have changed the location of the navy-yard from Philadelphia to League Island, the yard at the latter place will, as the necessities of the Government may require, be enlarged. But there is no requirement of that sort in this grant. The Government may, as its judgment may dictate or the exigencies of the times require, make this a naval station for iron-clads, or a simple navy-yard, such as there is at Philadelphia at the present time.

Mr. BRANDEGEE. I desire now to ask my colleague on the committee one other question. Inasmuch as he has argued that these two propositions are not necessarily conflicting—that both may be adopted without interfering with each other—I ask him this question: supposing League Island to be accepted, does he believe that there will be any necessity for a new yard anywhere else, or does he believe that Congress or the Department would be in favor of a new yard anywhere else?

Mr. LE BLOND. I cannot, of course, say what Congress would do or what the Navy Department might do in reference to this matter. I do believe that League Island offers advantages of which it is of vast importance that the Government should avail itself.

I believe that, by the change of location, that navy-yard can be made to answer the purposes of the Government for a long time to come. I state this simply as my own opinion.

Mr. BRANDEGEE. That is what I supposed, and hence the adoption of the bill advocated by the gentleman from Pennsylvania, proposing the acceptance of League Island, necessarily conflicts with a proposition for the examination of any other site, because if League Island be once accepted no other site will be deemed necessary by the Department, either in the immediate present or in the indefinite future.

Mr. ELDRIDGE. Will the gentleman from Pennsylvania [Mr. MYERS] give way for a motion to adjourn?

Mr. MYERS. I will.

Mr. ELDRIDGE. I move, then, that the House adjourn.

Mr. RAYMOND. I ask the gentleman from Wisconsin to withdraw that motion for a moment that I may make a report from the Committee on Appropriations.

Mr. ELDRIDGE. I yield, with the understanding that it will take but little time.

CONTINGENT EXPENSES OF THE HOUSE.

Mr. RAYMOND, from the Committee on Appropriations, reported a bill making appropriations to supply deficiencies in the appropriations for the contingent expenses of the House of Representatives of the United States for the fiscal year ending June 30, 1865; which was read a first and second time.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. RAYMOND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

INDIAN TREATIES.

Mr. RAYMOND, from the same committee, reported back Senate joint resolution No. 69, making an appropriation to negotiate treaties with certain Indian tribes, with the recommendation that it do pass.

Mr. BURLEIGH. I insist that this bill, making an appropriation, must have its first consideration in the Committee of the Whole on the state of the Union.

The SPEAKER. The Chair is of the opinion that a Delegate is not entitled to make such an objection as will prevent the joint resolution from being now considered.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. HALE. I object to the joint resolution at the suggestion of the Delegate from Dakota, who wishes to be heard on it.

Mr. RAYMOND. I have reported this joint resolution under instruction of the Committee on Appropriations. I have no desire to prevent any member or Delegate from discussing it who may desire to do so. It is a subject which ought to be canvassed.

The SPEAKER. The objection comes too late, as the joint resolution has been read a third time.

Mr. BURLEIGH. Let me ask the Chair a question. I would like to know why I am sent here if I am not to be permitted to attend to the interests of my constituents.

The SPEAKER. The Chair will answer the question. The gentleman is sent here as a Delegate to discuss the merits of all questions in regard to the Territory of Dakota or elsewhere, but he is not entitled to a vote.*

Mr. BURLEIGH. This affects the interests of my constituents more than almost any bill during this session. It relates to the naturalization of these Indians.

Mr. ELDRIDGE. I only yielded to the gentleman to bring in one bill, and on condition that it was not to take up much time. He has brought in two and claims the right to the floor. I insist the gentleman has violated his obligation to me.

Mr. RAYMOND. The gentleman may insist on that; but I insist that I am now entitled to the floor upon this bill. I have not the slightest intention to call the previous question, to insist upon the passage of the joint resolution at this time, or to do anything else which can be disagreeable to the gentleman from Wisconsin. I will yield to a motion to adjourn.

Mr. ELDRIDGE. That is all that I wish. I desire simply to move to adjourn. Let the House decide whether it will agree to it. I make that motion.

The motion was agreed to; and thereupon (at twenty minutes after four o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule and referred to the appropriate committees:

By Mr. CULLOM: A petition signed by A. Johnson, and others, citizens of Springfield, Illinois, in favor of an increase of duty on manufactured marble brought into the United States.

By Mr. ELDRIDGE: A memorial of the Chamber of Commerce of the city of Milwaukee for an act authorizing the building of a bridge across the Mississippi river.

By Mr. FARNSWORTH: A petition and remonstrance of certain railroad companies in Illinois, Iowa, and Missouri, relative to bridges over the Mississippi river.

By Mr. GARFIELD: The petition of Hon. G. B. Northrop, of the Massachusetts State Board of Education and the principals of the Massachusetts normal schools, asking for the establishment of a national bureau of education.

By Mr. HOLMES: The petition of A. M. Holmes, and others, citizens of Madison county, New York, for repeal or modification of law imposing tax of ten per cent. upon banks paying out the notes of State banks after July 1, 1865.

Also, the petition of A. M. Holmes, and others, citizens of Morrisville, Madison county, New York, for establishment of bureau of national insurance.

* Objecting to unanimous consent is exercising the highest prerogative and power of a member.

By Mr. J. M. HUMPHREY: The petition of G. W. Elliott, for payment for losses sustained by him at the hands of the Union Army during the late war.

By Mr. RITTER: The petition of heirs of William M. Wooten for pension.

IN SENATE.

THURSDAY, June 7, 1866.

Prayer by the Chaplain, Rev. E. H. GRAY. The Journal of yesterday was read and approved.

PETITIONS AND MEMORIALS.

Mr. RAMSEY presented the petition of Captain Robert Ritchie, of the United States Navy, praying to be relieved from the action of the retiring and advisory boards of the Navy; which was referred to the Committee on Naval Affairs.

Mr. WILSON presented the petition of R. L. McElree, of Mississippi, praying for compensation for the alleged destruction of his property by United States troops; which was referred to the Committee on Claims.

Mr. MORGAN presented the memorial of Hayward A. Harvey, praying for a further extension of the patents granted to the late Thomas W. Harvey for the manufacture of wood screws; which was referred to the Committee on Patents.

Mr. MORGAN. I present the memorial of George W. Colby and others, lately officers of the Union Army, now engaged in planting cotton in Alabama, remonstrating against an increase of the tax on cotton. These petitioners state that prior to embarking in this business they made their estimates of probable success upon the basis of taxation then in force. They saw in those estimates a prospect of gain, perhaps sufficient in itself, certainly so in view of patriotic results, should they succeed. They have had many and peculiar difficulties to encounter in the outset of their experiment, arising from the uncertain growth of seed long laid by, but which had necessarily to be used in planting, from several years' neglect of the lands to be cultivated, &c. To such an extent are their investments depressed by these causes that they look mainly to the result of future years for legitimate gain from their endeavors. They now see, with alarm, this result threatened by an overwhelming increase of taxation, an addition of one hundred and fifty per cent. to the basis on which their labors were begun. They therefore pray that the proposed tax of five cents per pound on cotton may not be levied. I move that this memorial be referred to the Committee on Finance.

The motion was agreed to.

Mr. MORRILL. I present a memorial of the Commissioners of Emigration of the State of New York, remonstrating against the passage of the bill to amend an act entitled "An act to encourage immigration," &c. As that subject has been acted on, I move that the memorial lie on the table.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. MORRILL, from the Committee on Commerce, to whom was referred the petition of H. Trowbridge's Sons, praying that an American register may be granted to the bark Golden Fleecce, and also a petition of Bennert & Brown, praying that an American register may be granted to the Prussian-built bark Marget, reported a joint resolution (S. R. No. 104) authorizing the Secretary of the Treasury to issue American registers to the barks Marget and Golden Fleecce; which was read and passed to a second reading.

He also, from the same committee, to whom was referred a bill (H. R. No. 481) to amend an act entitled "An act to encourage immigration," approved July 4, 1864, and an act entitled "An act to regulate the carriage of passengers in steamships and other vessels," approved March 3, 1855, and for other purposes, reported it with an amendment.

Mr. VAN WINKLE, from the Committee on Pensions, to whom was recommitted a bill

(H. R. No. 464) for the relief of John Gordon, reported it without amendment.

Mr. EDMUNDS, from the Committee on Pensions, to whom was referred a bill (S. No. 171) for the relief of Reuben Clough, reported it without amendment, and submitted a written report; which was ordered to be printed.

Mr. CHANDLER, from the Committee on Commerce, to whom were referred sundry petitions and memorials praying for the enactment of just and equal laws for the regulation of inter-State insurances of all kinds, asked to be discharged from their further consideration; which was agreed to.

Mr. SHERMAN, from the select committee to whom the subject was referred, reported a bill (S. No. 357) to aid in the construction of telegraph lines, and to secure to the Government the use of the same for postal, military, and other purposes; which was read and passed to a second reading.

GOODRICH AND CORNISH.

The PRESIDENT *pro tempore* appointed Mr. CONNESS, Mr. MORRILL, and Mr. BUCKALEW as the committee of conference on the part of the Senate on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. R. No. 77) for the relief of Ambrose L. Goodrich and Nathan Cornish, for carrying the United States mail from Boise City to Idaho City, in the Territory of Idaho.

GREATHOUSE AND KELLY.

Mr. VAN WINKLE. I am instructed by the Committee on Post Offices and Post Roads, to whom was referred the bill (S. No. 338) for the relief of Henry Greathouse and Samuel Kelly, to report it back without amendment; and as it simply authorizes the Postmaster General to settle the account of these persons equitably, I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which proposes to direct the Postmaster General to adjust and settle the claim of Henry Greathouse and Samuel Kelly for carrying the mails of the United States on route No. 16001, from Placerville to Idaho City, and on route No. 16002, from Fayetteville to Placerville, in the Territory of Idaho, from July 1, 1864, to July 1, 1865, and to award and pay to them for that service such sum as may be in accordance with the principles of equity and justice.

Mr. POMEROY. I do not know but that this bill is all right; but it is a kind of legislation I never like, to authorize and require the head of a Department to settle a claim on principles of equity and justice, without specifying the amount, without having any limitation or any restriction whatever upon it. It is a kind of legislation that we have not generally approved, and I never like to vote for it. If the committee have examined this matter, and know what the amount of the claim is exactly, and it can be defined, then I am very willing to vote for the bill; but if it is an undefined, undeterminable thing, I would rather that it should be investigated.

Mr. VAN WINKLE. The case is simply this: these parties carried the mail for a considerable distance in California and Idaho without authority from the Department, but at the request, I believe, of the postmasters along the line. They carried it in four-horse coaches, and carried it at certain times under very great disadvantages. They have come here and asked compensation for this service, and, as I understand, the Postmaster General is perfectly willing to give them compensation, but does not feel authorized to do it without the action of Congress. This bill simply authorizes the Postmaster General to pay them such a sum as he shall deem equitable under the circumstances. I suppose he would pay them what is authorized generally by the Department for similar services in that portion of the country. I think there is no amount fixed.

Mr. HOWE. What is the distance over which this mail has been carried?

Mr. VAN WINKLE. My impression is that it is about two hundred miles on the two routes.

Mr. HOWE. A daily mail?

Mr. VAN WINKLE. No, sir; a weekly mail, I think.

Mr. HOWE. For how long a time?

Mr. CONNESS. One year.

Mr. VAN WINKLE. About a year.

Mr. HOWE. I believe it is contrary to the usage of Congress to allow the heads of Departments to settle such unliquidated claims. It seems to me we ought to have some limit to the amount that shall be paid for this service. It seems to have been a voluntary service. I should like to know what sort of a community was supplied by this mail—something about the value of it to the public. I should judge by the statement of the Senator from West Virginia that it was an object to the proprietors of the line to run a coach for the sake of passengers, and that they were carrying the mail as a matter of accommodation to somebody. Who was to be accommodated by it I do not know, for I do not know anything about the character of the country.

Mr. VAN WINKLE. I do not wish to press the bill upon the Senate at this time if they do not feel prepared to act upon it. I am willing to let it go over in order that Senators may have time to examine it.

The PRESIDENT *pro tempore*. It is moved that the further consideration of the bill be postponed until to-morrow.

The motion was agreed to.

LAND TITLES IN ST. LOUIS.

Mr. HARRIS. The Committee on Private Land Claims, to whom was referred the bill (H. R. No. 15) authorizing documentary evidence of titles to be furnished to the owners of certain lands in the city of St. Louis, have instructed me to report it back with a recommendation that it pass, and if there be no objection on the part of Senators I desire to have the bill put on its passage now.

By unanimous consent, the bill (H. R. No. 15) authorizing documentary evidence of titles to be furnished to the owners of certain lands in the city of St. Louis was considered as in Committee of the Whole.

It is recited that within the city of St. Louis there are many lots, tracts, pieces, and parcels of land which were confirmed by the act of Congress of June 13, 1812, on the ground of inhabitation, possession, or cultivation of the same prior to December 20, 1803; that in some cases there is no adequate documentary evidence of these confirmations; that in consequence of the death of the ancient witnesses, who knew the facts of inhabitation, possession, or cultivation, the owners of these lands, in cases where there is no adequate documentary evidence of confirmations, are without complete evidence of title as against the United States; and that persons holding grants and confirmations of lands in St. Louis, under other acts of Congress heretofore passed, may in some cases be without perfect documentary evidence of those grants or confirmations by the United States, and difficulties may hereafter arise therefrom, to the great injury of such persons; and it is therefore proposed to enact that the district court of the United States for the eastern district of Missouri may, by proper decree, declare released, granted, relinquished, and conveyed by the United States, in fee-simple and in full property, all of the right, title, and interest of the United States in and to any lot, tract, piece, or parcel of land within the city of St. Louis, Missouri, to the person or persons having the best claim or claims to the same; but this is not to authorize the court to declare released, granted, relinquished, and conveyed any land within any wharf, street, lane, avenue, alley, or other public thoroughfare, or within the boundaries of any land which has heretofore been granted or assigned by the United States for the use or

support of schools, or within the boundaries of any land heretofore lawfully confirmed or lawfully granted by the United States, where full, sufficient, and complete documentary evidence of such confirmation or grant now exists of record.

Every person desiring a decree in his or her favor is to file a petition in the district court, asking for such decree and describing the land for which it is desired; and the United States and all persons claiming such land adversely to the petitioner (if there be any such adverse claimants) shall be made defendants in the cause; and if any party shall be a minor under the age of twenty-one years, a guardian *ad litem* shall be appointed by the court. The court is to have full and complete power, jurisdiction, and authority to hear, try, and determine all questions arising in the cause relating to the claim of the petitioner, the extent, locality, and boundaries of the claim, and all other matters connected therewith or concerning it; and also to have power to make, prescribe, and enforce such rules and regulations as may be necessary and proper to carry the act into full and complete execution. A copy of every petition, and a copy of the writ or process thereto attached, shall be delivered to the district attorney of the United States for the eastern district of Missouri by the marshal for that district, which delivery shall make the United States a party to the cause specified in such petition, without any other or further proceedings, notice, service, writ, or process; and the district attorney is to make such defense for the United States as in his opinion the public interest may require; but no answer or other pleadings filed by him in such cause shall be required to be verified by oath or affirmation.

For the purpose of more completely describing, identifying, and defining the boundaries, situation, and locality of any lot, tract, piece, or parcel of land sought to be released, granted, relinquished, and conveyed under the act, the district court may cause an accurate survey, plat, and description thereof to be made at the expense of the petitioner; and all of the expenses and costs of all suits under the act are to be paid by the respective petitioners, and the payment thereof may be enforced by execution or otherwise. Every decree which shall be rendered under the act in favor of any petitioner is to be deemed a full, sufficient, and complete release, grant, relinquishment, and conveyance, in fee-simple and in full property, to such petitioner, and to his or her heirs and assigns, forever, of all of the right, title, and interest of the United States in and to the land described in the decree.

Whenever the district court or the circuit court shall render a final decree concerning any lot, tract, piece, or parcel of land the court shall cause to be transmitted to the Commissioner of the General Land Office a full, true, and complete transcript of the final decree, and of the description or survey of the land. Any party to any final decree rendered by the district court in any suit or cause commenced under the act may appeal to the circuit court of the United States for the district of Missouri, at any time within one year from the time of the rendition of the final decree, and not after that time; and on the granting of the appeal, a full, true, and complete transcript of the final decree, and of the petition, and all other pleadings and proceedings in the cause and of the evidence therein shall be transmitted to the circuit court. When the appeal shall have been completed, the circuit court shall have full and complete jurisdiction over the cause, and may allow the pleadings to be amended if necessary, and may admit new parties if necessary, and shall hear, try, and determine the cause *de novo*, without regarding any error, defect, or other imperfection in the proceedings of the district court, and shall render such final decree therein as the facts and the justice of the cause may require. In case of any difference of opinion between the judges of the circuit court upon any question arising in such cause,

the same may be certified to the Supreme Court of the United States for its decision thereon as in other cases.

All the right, title, and interest of the United States in and to all of the wharves, streets, lanes, avenues, alleys, and other public thoroughfares which are situate, lying, and being within the corporate limits of the city of St. Louis, in the State of Missouri, are granted, relinquished, and conveyed by the United States, in fee-simple and in full property, to the city of St. Louis, and to the successors and assigns forever of that city; but no individual rights or titles acquired previously hereto shall be in any manner impaired or prejudiced hereby.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 654) making appropriations to supply deficiencies in the appropriations for contingent expenses of the House of Representatives of the United States for the fiscal year ending June 30, 1866, in which it requested the concurrence of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House of Representatives had signed the following enrolled bills; which were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 37) making appropriations for the support of the Military Academy for the year ending the 30th of June, 1867; and

A bill (H. R. No. 459) granting a pension to Anna E. Ward.

BILLS INTRODUCED.

Mr. RAMSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 356) for the relief of the United States Express Company; which was read twice by its title and referred to the Committee on Finance.

He also asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 106) authorizing the promotion of Captain Robert Ritchie to the grade of commodore on the retired list; which was read twice by its title and referred to the Committee on Naval Affairs.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles and referred as indicated below:

A bill (H. R. No. 438) in relation to the courts of Washington Territory—to the Committee on the Judiciary.

A bill (H. R. No. 621) to regulate and secure the safe-keeping of public money intrusted to disbursing officers of the United States—to the Committee on Finance.

A bill (H. R. No. 654) making appropriations to supply deficiencies in the appropriations for contingent expenses of the House of Representatives of the United States for the fiscal year ending June 30, 1866—to the Committee on Finance.

A joint resolution (H. R. No. 148) to authorize the distribution of surplus copies of the American State Papers in the custody of the Secretary of the Interior—to the Committee on the Library.

KANSAS AND NEOSHO VALLEY RAILROAD.

Mr. HENDERSON. I move that the Senate proceed to the consideration of Senate bill No. 285.

Mr. SUMNER. How much time will it take?

Mr. HENDERSON. We have had it under consideration here before, and there is but one amendment now to consider.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 285) granting lands to the State of Kansas to aid in the construction of the Kansas and Neosho Valley railroad, and its extension to Red river.

Mr. HENDRICKS. Mr. President, I have some objections to this bill, and if it is the pleasure of the Senate to hear those objections now I will proceed to present them. This bill proposes a grant of land to aid in the construction of a railroad from Kansas City to the southern boundary of the State of Kansas, and contemplates the extension of the road through the Indian Territory down to the northern line of Texas. The question is, under all the circumstances ought Congress to make this grant of lands? I think not; but these bills pass so much as a matter of course in this body that I am reluctant to say anything against it. I do not believe that if Senators understood the exact force and scope of this bill it would pass; but I have not much expectation of eliciting sufficient attention to secure the full understanding of the measure.

To the State of Kansas there have been made the very largest grants of land, I believe, that have been made to any State in the Union; and the Senate will be struck by an examination of the map with the enormous amount of land that has already been granted to the State of Kansas. I have a map of the surveys of that State, upon which are extended the different roads to which grants of land have already been made. Senators have but to examine this map a moment to see how much of the State remains yet to be granted. It is not a question of how much is granted, not a question whether lands ought to be granted, but whether there is any place left to put a road upon, and whether there are any lands remaining to be granted.

Senators will observe that there is already a grant connected with the Pacific road, starting from Kansas City, running westwardly through the extent of the State. That is ten miles on each side of the road, I believe, and perhaps twenty. I am not sure.

Mr. POMEROY. Ten.

Mr. HENDRICKS. Ten miles on each side, and I think then, if for any cause portions of the lands have been sold or otherwise appropriated, the difference may be made up within a distance of perhaps twenty miles. Then, sir, there is a grant from Atchison by the way of Topeka and Council Grove to the southwestern corner of Kansas, being a road extending from the northeast corner of the State or very near that, in a southwesterly direction to the southwestern corner of the State. That is a grant of alternate sections for ten miles on each side of the road, and then the difference to be made up from a larger extent of country.

Then there is a road from Fort Riley, in a southeastern direction, to a point on the southern boundary, or near that, where that road will intersect a road for which another grant has been made. Then there is a grant for a road from Leavenworth by the way of Lawrence, thence in a southerly direction to the southern boundary of the State of Kansas, in the direction of Galveston bay, in Texas. Senators have but to look at this map prepared at the General Land Office to see the extent of the grants already made to the State, until now I presume that one half of the vacant lands in the State of Kansas are at \$2 50 per acre.

The Senator from Missouri takes an interest in this particular road to which it is now proposed to make a grant, and I presume because it is proposed to run near the Missouri line. Now, sir, to understand the claim that Missouri may have upon this particular road I will call the attention of the Senate to the fact that there has already been made to the State of Missouri a grant of lands for a railroad running in a southwestern direction by Springfield. That was a grant of alternate sections, as I recollect, for six miles on each side of the road, with a right to make up any deficiencies within a distance of fifteen miles on each side of the road. That road runs down to the southwestern part of Missouri, takes much of the public lands in that portion of Missouri lying to the east of Kansas and near the State line.

The road for which it is now proposed to make a grant to the State of Kansas is to run

from Kansas City in a southern direction to the southern boundary of the State. That road is to run almost parallel with a road to which there has already been a grant made. We have already made a grant for a road running from Lawrence in a southern direction to the southern boundary of the State. That road is just thirty-six miles west from the eastern boundary of Kansas. A road to which we have already made a grant lies just thirty-six miles west of the boundary line of Kansas; and now it is proposed to grant lands to construct a road between that road and the Kansas boundary line. There is not room between that grant already made and the eastern boundary of Kansas to make a full grant. By reference to the map before me it will be observed that the grant already made extends to within about fifteen miles of the State line, and it is proposed to place another grant upon the map of Kansas, which through its whole extent will lap on the grant already made, and in that part of Kansas not leave a single foot of land, I presume, at \$1 25 an acre. I know the Senator from Kansas the other day said that this grant amounted to but little, perhaps not more than seven or ten thousand acres of land in the State of Kansas.

Mr. POMEROY. Not five thousand.

Mr. HENDRICKS. He says not five thousand. Shall Congress pass a bill making a grant of land where there are not to exceed five thousand acres of land? What is the purpose of such a grant? It is really not to endow the State and the company with lands, because there are none to grant, comparatively; but it goes before the commercial world as a grant of land, and gives a credit to the company to which that company is not entitled; and, while there is nothing to grant, it will enable the company to go into the market and sell its bonds upon the representation that it is a land-grant road. That is all the effect it can have. It will enable the company, as I think, to impose on the moneyed men of the country. The admission made by the Senator that there are not more than five thousand acres of land in that part of the State of Kansas, is an admission that we ought not to pass this bill.

I had a table the other day showing the exact amount of land that has been granted to the State of Kansas, or as nearly as it could be arrived at, but I have mislaid it.

Mr. HENDERSON. It will be found on page 168 of the report.

Mr. HENDRICKS. It is stated there at two and a half million acres. That is not the table that I referred to, which gives the grants in detail. That two and a half million acres, as I understand, is independent of the Pacific railroad grant, as I think another table shows that two and a half million acres have been granted to the roads in Kansas, besides the Pacific railroad grant, which runs the entire extent of the State of Kansas, from the east to the west.

Mr. HENDERSON. That table includes the Pacific railroad grant.

Mr. HENDRICKS. No. The two million and a half of acres do not include the Pacific railroad grant, as I understand. This is two and a half million acres granted to the other roads. Until we know how much is given to the Pacific railroad we cannot say how much has been granted to the State of Kansas. The Senator from Kansas says that the State of Kansas did not receive what was granted to the Pacific road. Was not that a grant of land in the State of Kansas to make a very important railroad through the State; and shall not the amount of land appropriated for the construction of a first-class road through her entire limits be charged to the State of Kansas? That is not to be questioned. Independently of that magnificent grant to the Pacific railroad, there have been two and a half million acres granted to that State. Now it is asked to make an additional grant, commencing at Kansas City and running for a distance in a southwestern direction, and then in a southern

direction, so as to run through the eastern tier of counties in the State of Kansas.

I have another objection to this grant. I think it conflicts with a grant already made. We made a grant on the 3d of March, 1863, to the State of Kansas to aid in the construction of a road "from the city of Leavenworth, by the way of the town of Lawrence, and via the Ohio City crossing of the Osage river, to the southern line of the State, in the direction of Galveston bay, Texas, with a branch from Lawrence, by the valley of the Wakarusa river, to the point on the Atchison, Topeka, and Santa Fé railroad where the said road intersects the Neosho river," of "every alternate section of land designated by odd numbers for ten sections in width on each side of said road and each of its branches." By that act we granted the alternate sections to aid in the construction of a road from Leavenworth to Lawrence, and from Lawrence to the southern boundary of the State of Kansas, in the direction of Galveston bay. I ask Senators, what is the meaning of that language in the act of 1863—"from Lawrence to the southern boundary of the State of Kansas in the direction of Galveston bay?" To understand the force and purpose of that language, it must be considered that at the time Congress used it it was known to Congress that the State of Texas was constructing a road from Galveston bay in a northern direction to the northern boundary line of that State; and this road to which the grant was made in 1863 is intended to be the great connecting road between the Missouri river and the Texas road; so that there shall be an entire line of railroad from Leavenworth, on the Missouri river, to Galveston bay, in southern Texas. When completed it will be one of the greatest lines of railway in the western country. It will pass through the great agricultural region on the Missouri river, and connect with Galveston bay in the south. Everybody, on a moment's inspection of the map, will see the importance of that work; and by the grant of 1863 it was the purpose of Congress to facilitate the construction of that great connecting road. Is it now the purpose of Congress by a competing grant to defeat that great work? It has been commenced, and through the agency, as I understand, of the Pacific road, it has been built from Leavenworth to Lawrence, and surveys have been made south of Lawrence in the direction of Galveston bay. The purpose of the company to which the State has transferred this grant is, as I understand, to prosecute the work. The grant was made three years ago. Very little of the work, if any, has been done south of Lawrence, but the road has been completed from Leavenworth to Lawrence, and surveys have been made at least for a portion of the distance from Lawrence toward the State line.

Mr. HENDERSON. I will inquire of the Senator what company built the road from Leavenworth to Lawrence.

Mr. HENDRICKS. I stated to the Senate a moment since that that portion of the road from Leavenworth to Lawrence had been built through the instrumentality of the Pacific railroad. It is called the Pacific railroad branch, I believe. The land grant is to complete that work from Lawrence to the southern line of Kansas, to make a connection with the Texas road so as to reach Galveston bay. Three years have passed and only the line from Leavenworth to Lawrence has been built. It is not important to inquire whether it has been built by this company or that company. The only important inquiry is, has it been built? So much of the road contemplated by the act of Congress has already been built, a distance, I believe, of about thirty miles, and surveys in a direction from Lawrence south have been already made. The question that I now present to the Senate is, is it the purpose of the Senate to provide for a competing road running not further than thirty miles from the road to which we have already made a grant? The northern terminus of the proposed road is Kansas City, and that is about thirty-six miles

from Lawrence; and that is the greatest distance that these two roads can be apart at any one point; and then at the southern boundary of Kansas this bill provides that there shall be a junction of the two roads. Then we shall have two roads progressing at the same time: the one from Lawrence to the south line of the State of Kansas, and the other from Kansas City, a distance of thirty-six miles, according to the public surveys, coming down until it joins the road to which we have already made a grant, their greatest distance apart being thirty-six miles, and forming a junction at the south line. How far—

Mr. HOWARD. I believe the morning hour has expired, and I must therefore take the liberty of calling up the unfinished business of yesterday.

Mr. POMEROY. I should like to have a vote taken on this bill, if possible. We have had it before us for three days, and I should like to dispose of it.

Mr. HENDRICKS. This bill will have to be discussed to some extent.

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. POMEROY. I should like to have the special order laid aside informally for a few minutes until we pass this bill.

Mr. HOWARD. I have no doubt the honorable Senator would like to have it laid aside, but I am of a different opinion, and therefore I must insist on proceeding with the order of the day.

The PRESIDENT *pro tempore*. House joint resolution No. 127 is now before the Senate, and upon that joint resolution the Senator from Kentucky [Mr. DAVIS] is entitled to the floor.

RECONSTRUCTION.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. R. No. 127) proposing an amendment to the Constitution of the United States, the pending question being on the amendment offered by Mr. WILLIAMS, to strike out the second section and in lieu thereof to insert the following:

Sec. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But whenever the right to vote at any election held under the Constitution and laws of the United States, or of any State, is denied to any of the male inhabitants of such State, being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Mr. DAVIS addressed the Senate for nearly four hours. [His speech will be found in the Appendix.]

Mr. HENDRICKS. If no gentleman desires to speak, I was requested by the Senator from Maryland [Mr. JOHNSON] to take the floor for him, as he wishes to address the Senate on the question; and unless some gentleman proposes to address the Senate now I will move an adjournment.

Mr. CLARK. I will inquire of the Senator from Indiana if he will not withdraw that motion and let us come to a vote on the amendments. We perhaps can take a vote on the amendments without debate, and then go on with the debate on the resolution in the morning, and thus save a little time.

Mr. HENDRICKS. I have no objection to that.

The PRESIDENT *pro tempore*. Does the Senator from Indiana withdraw his motion?

Mr. HENDRICKS. Yes, sir.

The PRESIDENT *pro tempore*. The motion to adjourn is withdrawn, and the question is on the amendment offered by the Senator from Oregon [Mr. WILLIAMS] to strike out the second section of the resolution and insert a substitute.

The question being put, the amendment was declared to be agreed to.

Mr. HENDERSON. I ask for a division. I hope the amendment will not be adopted.

The PRESIDENT *pro tempore*. The Chair declared it carried.

Mr. HENDERSON. I ask for a division.

The PRESIDENT *pro tempore*. Those in favor of the amendment will rise.

Mr. HENDERSON. I desire to say just one word before the division. I will not take up any time. The object of this amendment is to secure nothing more nor less than is secured by the second section of the original proposition, and it is not pretended by any gentleman that it will accomplish anything additional to what is included in the section as it now stands. I will state a fact in reference to my own State, and then the Senate can do with it what it chooses.

This amendment reads:

But whenever the right to vote at any election held under the Constitution and laws of the United States, or of any State, is denied to any of the male inhabitants of such State, &c.

Now, we have in our State an election for school directors, a general election held in every municipal township throughout the State of Missouri, at a certain time. At that election there are qualifications prescribed that we deem absolutely essential to keep up the common-school system in our State. For instance, property holders only vote for school directors, because the tax for building the school-houses is only imposed on property holders. There is an election also for school trustees. The school directors divide the congressional townships into districts for school purposes, and those trustees are elected by the persons who have children to send to school. Now, if it be intended to exclude all persons who cannot vote at those elections from the basis of representation, I apprehend that not only will the negroes of my State be excluded under the proposed amendment, which will lose us a member in Congress, but it will exclude two thirds of the whites of the State of Missouri. I desire to know whether any such construction can be given to this proposition.

It has been said, in reply, that the proposition as it now stands is subject to the same objection. I think not; because no court will construe, and Congress cannot possibly construe, the meaning of "the elective franchise," as generally used, to apply to such elections as that. I, at least, prefer the language of the original section to this amendment. I do not want to put myself in the way of what has been determined by the committee; but I do not desire to vote for a proposition that a sound and reasonable argument can be made against. I see no use of it. We do not accomplish anything whatever by it. Of course it may be left to Congress hereafter to say, under the section as it now stands, whether "the elective franchise" has been refused or not, and of course they will apply it to the general elections for political offices. But the language of this amendment is, "whenever the right to vote at any election." That language is not used in the original section. There is an election in my State where individuals are denied the right to vote unless they have a property qualification. The section which it is now proposed to strike out and to put this in lieu of it does not contain this objectionable language. It does not say "at any election." Therefore the inference will be that it applies only to those general elections at which political officers are elected, members of the Legislature, Governor, judges, &c. I prefer that this amendment should not be adopted. I do not think it ought to be the desire of members of the Senate to put any gentleman in an indefensible position in his own State where the laws of his State are of such a character that he cannot defend himself against a reasonable, rational opposition.

Mr. FESSENDEN. The Senator is in error in one particular, in saying that there was no difference between this amendment and the section as originally reported.

Mr. HENDERSON. In design.

Mr. FESSENDEN. There is no difference in design; but the difficulty is, that as origin-

ally reported the provision was, in my judgment, and in the judgment of others, quite imperfect, for this reason: its language was, "if the elective franchise shall be denied or in any way abridged." The preceding clause was that "Representatives shall be apportioned" in such and such a manner. The subject-matter of the clause is simply the apportionment of Representatives in Congress. Then it goes on to say, "if the elective franchise shall be denied." It is a very common and well-received rule of construction that the words in a sentence must, if they can be naturally, limited to the subject-matter of the provision itself. Therefore it might be held, and in my judgment it might be properly held, as the section stood originally, that if the elective franchise was granted in the election of Representatives to Congress and denied in everything else, that denial in everything else would not have any effect on the basis of representation, and under that construction the provision would not accomplish the purpose which was designed, because it was designed to cover the whole; and therefore it became necessary to change the language. The committee decided that it was advisable to change the language, and we decided on the language that is found in the amendment now before us. If other language can be found that is unobjectionable, and that would cover it, of course we are not particular about that.

I do not think the amendment is open really to the objection that my friend has stated. It is intended to cover the election of officers generally; but if all those arrangements which are made with reference to minor matters are looked to, it would be impossible absolutely to give it any practical effect, because you never could tell what the numbers were that were disfranchised, if you please to call it disfranchisement, by any provision of the kind that he speaks of. If it would be held to apply to the election in school districts of school officers, I do not see why, by the same rule, it would not apply to the election of directors in banks or other corporations in the States, and certainly it never would be carried to that extent. The words must have a reasonable construction always, and a reasonable limitation.

Mr. HENDERSON. Will it apply to the election of city officers under the amendment as it now stands?

Mr. FESSENDEN. I think it would to municipal officers.

Mr. HENDERSON. Then why would it not apply to the election of a township officer, because that is still larger?

Mr. CLARK. Is it a political office? I do not think a school director is.

Mr. HENDERSON. The mayor or recorder of a city is not a political office.

Mr. FESSENDEN. A municipal officer is a term very well understood. I think it would be a matter of difficulty, not to say impossibility, to carry it out with reference to finding out who were disfranchised in such elections as the Senator speaks of, and I do not think this proposition could be held to apply to such elections at all. I do not believe it will be attended with any difficulty. At any rate, to meet the object, we could not devise a better form of words than we have. I know I worked on that second proposition until my head got so thoroughly muddled with it that I would not attempt to make another.

Mr. HENDERSON. I suppose it is in order to amend the proposition before it is acted upon.

Mr. FESSENDEN. I suggest that the Senator had better let it be adopted, and then he can move his amendment when we come into the Senate, and he will have an opportunity to deliberate upon it in the mean time.

Mr. HENDERSON. I do not wish to take any time about it; but my objection is a serious one, and I am in earnest about it. It is a thing that I really think ought to be attended to.

Mr. TRUMBULL. We do not seem to be making any progress, and there is some misunderstanding as to what the precise meaning

of this language is. I suggest, therefore, whether we had not better adjourn and settle it in the morning. We all desire the same thing, I suppose.

Mr. FESSENDEN. We had better get through with these amendments and have the resolution reported to the Senate, and then we can amend this proposition afterward, if necessary.

Mr. TRUMBULL. But we are not likely to get through them, because there is a controversy arising, and if we have got to change them we had better have a little time to consider them.

Mr. CLARK. I suggest that we have the resolution reported to the Senate, and then we shall have time to change it.

Mr. TRUMBULL. Nothing will be gained by that.

Mr. CLARK. We shall get through one stage of it.

Mr. TRUMBULL. I shall not make a motion to adjourn if it is objected to, but I think we might as well adjourn.

Mr. HENDERSON. Before the Senator makes his motion to adjourn, I desire, if this amendment must be adopted, to move an amendment to it. I move to strike out the words—

But whenever the right to vote at any election held under the Constitution and laws of the United States, or of any State, is denied to any of the male inhabitants of such State, being twenty-one years of age—

And to insert:

But whenever the right to vote for Governor, judges, or members of either branch of the Legislature is denied by any State to any of its male inhabitants being twenty-one years of age, &c.

That will certainly include all general officers of a State.

Mr. FESSENDEN. That does not include Representatives to Congress.

Mr. HENDERSON. The Senator from Maine seems to be laboring under the impression that that does not include Representatives to Congress. The Senator is mistaken.

Mr. FESSENDEN. I suggest to the Senator whether he had not better let the amendment of the Senator from Oregon be adopted, and then move his proposed amendment when we get into the Senate, and it can be considered to-morrow morning.

Mr. HENDERSON. I desire to correct the Senator. The Senator labored under an error when he said that that amendment would not apply to the election of members of Congress. The subject-matter that we are talking about now is the qualification of voters. I say that the qualification of voters shall be of a certain character for the election of members of either branch of the State Legislature. The Constitution, as it now stands upon that subject, provides in the second section of the first article that—

"The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature."

Therefore, when you fix the qualification of voters for the most numerous branch or the lower branch of the State Legislature, you fix the qualification of voters for members of Congress. You do not propose to alter the Constitution on that subject. The Senator is mistaken in another proposition—that it will not apply to an election held under the Constitution and laws of the United States. The only election that can be held under the Constitution and laws of the United States is for members of Congress. There is but one other case, and that is the election of Electors who elect the President; but those Electors, as now provided by the Constitution, are to be elected by the State in any manner it chooses. A State may provide that the State Senate may elect the Electors, or it may provide that the two branches of the Legislature may elect them. In South Carolina they are never elected by the people; and unless you alter the Constitution on the subject the State Legislatures will yet have the power to regulate that matter

entirely as they please, and this amendment will not change it at all. There is, therefore, but one election that can be held under the Constitution and the laws of the United States, and that is the election of members of the lower branch of Congress, because Senators are elected by the Legislatures. You cannot conceive of another election held under the Constitution and laws of the United States. Hence I can see no necessity for saying, in this amendment, "whenever the right to vote in any election held under the Constitution and laws of the United States." Those words are superfluous, because you are fixing only the qualifications of electors in one case under the Constitution and laws of the United States; that is, of members to the lower branch of Congress. Under the Constitution as it now stands, those electors must have exactly the same qualifications as electors of the most numerous branch of the State Legislature. Therefore, we may as well say, "whenever the elective franchise shall be denied to the persons who elect the most numerous branch of the State Legislature," and then, of course, you have included those words "elected under the Constitution and laws of the United States."

The Senate will see what I am aiming at. I do not want to get the people of my State involved in any difficulty, nor the people of any other State, and have the probability of excluding from the basis of representation, or even to have the charge made that that is the object or intent of this thing, to exclude from the basis of representation those persons who may fail to be electors at some school election.

Mr. HOWARD. Will the Senator from Missouri allow me to make a single remark here by way of interrogatory?

Mr. HENDERSON. Yes, sir.

Mr. HOWARD. The proposition of the Senator from Missouri is this, if I understand it, that whenever any persons shall be by the legislation of a State excluded from voting for members of either branch of the Legislature, the persons so excluded shall not be embraced in the basis of representation. Now, suppose the State should fix one sort of qualifications for the voters who are to vote for the most numerous branch of the Legislature and a different kind of qualifications for those who are to vote for the less numerous branch of the Legislature, there would be a portion of the citizens excluded in that case, would there not?

Mr. HENDERSON. The larger portion would be excluded, of course, because it applies to either branch of the Legislature. The larger number would be excluded; that is, if one half of the people were excluded from voting for State senators, of course one half would be excluded from the basis of representation; but if one half were excluded in voting for a senator and only a tenth in voting for the other House, one half would be excluded because the State excluded them in the election of senators. The larger number would always be excluded from the basis of representation.

Mr. HOWARD. Allow me to put it in more tangible form. Suppose, for illustration's sake, that the whole number in a State of male citizens over the age of twenty-one is one hundred thousand, and suppose that by the laws of the State every one of those citizens is allowed to vote for members of the most numerous branch of its Legislature, and that only fifty thousand of them are allowed to vote for members of the upper or less numerous House of the Legislature. You will see, then, that there are fifty thousand citizens of the State excluded from the right to vote.

Mr. HENDERSON. That is so.

Mr. HOWARD. Are those fifty thousand to be included or excluded from the basis of representation in Congress?

Mr. HENDERSON. Under my amendment they are excluded, because according to that they must be qualified to vote for Governor, judges, and members of both branches of the Legislature or else they cannot go into the basis of representation. My object was to

carry out the principle of the section proposed by the committee, to make it apply to general, political, and judicial officers, and not to make it apply to all minor officers, because if so applied, technically, in my State it would exclude from the basis of representation two thirds of the white people of the State.

Mr. HOWARD. The Senator will see at once that his scheme does not establish any certain and fixed standard for the basis of representation; the elements entering into that basis of representation are quite uncertain and changeable.

Mr. GRIMES. In order to enable the Senators from Michigan and Missouri to come to a satisfactory understanding on this subject, I move that the Senate adjourn.

The motion was agreed to; there being, on a division—20 ayes and 7 noes; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, June 7, 1866.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. C. B. BOYNTON.

The Journal of yesterday was read and approved.

CANAL AND SEWERAGE COMPANY.

Mr. COBB. Mr. Speaker, owing to the illness of the gentleman from Maryland, [Mr. F. THOMAS,] I have agreed to move that the further consideration of the bill to incorporate the Washington Canal and Sewerage Company, which was to come up this morning, shall be postponed until Tuesday next, after the morning hour, at which time, as I understand, the consideration of the bill will be proceeded with.

The motion was agreed to.

ST. LOUIS AND CEDAR RAPIDS RAILROAD.

Mr. WINDOM, by unanimous consent, introduced a bill granting to the State of Iowa lands in alternate sections to aid in the construction of the St. Louis and Cedar Rapids railroad; which was read a first and second time, ordered to be printed, and referred to the Committee on Public Lands.

INDIAN EXPENSES.

Mr. WINDOM, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of War be directed to inform the House what amount of money has been expended for the suppression of Indian hostilities and for the various military expeditions against the Indian tribes during the years 1864 and 1865, stating particularly the amounts expended in each year, and each expenditure respectively.

ADJOURNMENT OF CONGRESS.

Mr. ANCONA. I ask unanimous consent to introduce the following joint resolution:

Resolved by the Senate and House of Representatives, &c., That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on Thursday, the 28th day of June, at twelve o'clock m.

Mr. KELLEY. I object.

Mr. ANCONA. Is not this a privileged question?

The SPEAKER. It is; but the House is engaged in the consideration of the unfinished business of last evening.

Mr. ANCONA. Can I not call it up at any time?

The SPEAKER. The gentleman can whenever the House is not engaged in the transaction of other business. The gentleman from New York [Mr. RAYMOND] is entitled to the floor on the unfinished business of last evening.

Mr. ANCONA. Then I demand the regular order of business.

Mr. HUBBARD, of Iowa. I ask the gentleman to allow me to introduce a bill for reference.

Mr. ANCONA. I yield for that purpose.

FOREST CULTURE.

Mr. HUBBARD, of Iowa, by unanimous consent, introduced a bill to secure homesteads to actual settlers upon the public domain and

encourage planting forest trees and the growth of timber upon the same; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

Mr. ANCONA. I now renew the demand for the regular order.

INDIAN TREATIES.

The House resumed the consideration of the regular order, being Senate joint resolution No. 69, making an appropriation to negotiate treaties with certain Indian tribes, upon which Mr. RAYMOND was entitled to the floor.

Mr. RAYMOND. Mr. Speaker, do I understand that this joint resolution, reported by me from the committee, is the regular order of business?

The SPEAKER. It is.

Mr. RAYMOND. I wish, then, to inquire, if this is laid aside what then will be the regular order?

The SPEAKER. The bill in regard to League Island.

Mr. RAYMOND. Inasmuch as I had no intention in reporting this joint resolution to interrupt the business before the House, I propose to postpone its consideration until such time as will suit the convenience of the House. Next Monday will answer the purpose of the committee, if that will suit the House. If some time on Monday can be fixed I will make a motion to that effect.

The SPEAKER. The Chair will state that in the pendency of business at this stage of the session it will be impossible to tell when it will be reached unless it is postponed to a time fixed or made a special order.

Mr. HUBBARD, of Iowa. This is rather an important resolution, and it should be passed as soon as it can be conveniently reached.

Mr. RAYMOND. I prefer to postpone it until after the League Island bill is disposed of, and upon the suggestion that the gentleman from Dakota [Mr. BURLEIGH] desires to debate it, I will move that it be postponed until that time.

The SPEAKER. After the morning hour?

Mr. RAYMOND. To be taken up immediately after the morning hour on Monday.

Mr. ANCONA. Unanimous consent cannot be given.

Mr. RAYMOND. I ask unanimous consent, then, to have it taken up immediately after the League Island bill is disposed of.

Mr. DAVIS. I object.

The SPEAKER. The question is, Shall the joint resolution pass?

Mr. DAVIS. I would like to hear the joint resolution reported.

The joint resolution was accordingly read. It appropriates \$121,785 77 to enable the President to negotiate treaties with the Indian tribes of the upper Missouri and the upper Platte rivers.

Mr. RAYMOND. I move the previous question on the passage of the joint resolution.

Mr. DAVIS. If that is not seconded will it give an opportunity for debate?

The SPEAKER. It will.

The question being taken, no quorum voted. Tellers were ordered; and the Speaker appointed Messrs. RAYMOND and DAVIS.

The House divided; and the tellers reported—ayes 38, noes 56.

So the previous question was not seconded.

Mr. BURLEIGH. I move to postpone the further consideration of the joint resolution till Monday next after the morning hour.

Mr. RAYMOND. How will it stand then as regards other business?

The SPEAKER. It will come up unless a previous order crowds it out.

Mr. RAYMOND. It is important that it should have an early consideration. The money which is appropriated has already in large part been expended, and the commission for which it is to provide is in progress now. The House should decide one way or the other upon this appropriation at a very early day. If any arrangement can be made by which the

consideration of this bill will be fixed for Monday, I will gladly consent to it.

The SPEAKER. The bill can be reached on Monday, immediately after the morning hour, by a suspension of the rules by a two-thirds vote.

Mr. RAYMOND. Then I will consent to the postponement until Monday next.

Mr. BURLEIGH. The reason assigned by the gentleman from New York [Mr. RAYMOND] for the consideration and passage of this bill at this time is the very reason why it should be postponed. I want time for the consideration of this measure, so as to show, as I believe I can show, that this money has been and is being expended, not in accordance with law, but in violation of law, for the purpose of making bogus treaties with bogus Indians.

Mr. RAYMOND. I think the Delegate from Dakota [Mr. BURLEIGH] could not have heard what I said. I consented to the postponement of this bill for the very purpose of giving an opportunity for the examination and consideration of this bill.

The question was taken; and the motion to postpone was agreed to.

Mr. RAYMOND. Subsequently entered a motion to reconsider the vote by which the bill was postponed until Monday next after the morning hour.

ORDER OF BUSINESS.

Mr. GARFIELD. I ask unanimous consent that there may be a morning hour to-day and each day hereafter, so that we may be enabled to get on with the regular business of the House and not have it crowded out by these special measures.

The SPEAKER. That can be done only by unanimous consent at this time.

Mr. MYERS. I would ask the gentleman from Ohio [Mr. GARFIELD] if his proposition is that there be a morning hour after to-day.

Mr. GARFIELD. To commence this morning.

Mr. MYERS. I must object to that, as we are in the midst of the discussion of an important measure. I would have no objection to the proposition after to-day, but I must demand the regular order of business at this time.

NAVAL DEPOT AT LEAGUE ISLAND.

The SPEAKER. The regular order is the unfinished business of yesterday, being the consideration of a bill (H. R. No. 452) to authorize the Secretary of the Navy to accept League Island, in the river Delaware, for naval purposes, on which the gentleman from Pennsylvania [Mr. MYERS] is entitled to the floor.

Mr. MYERS. Mr. Speaker, my colleagues [Messrs. KELLEY and O'NEILL] have so ably discussed the subject now under consideration; have so strongly presented the numerous advantages of League Island for the purposes of a national constructive ship-yard and naval depot for wooden and iron vessels; the vast resources of the State of Pennsylvania, emptying as it were into its own lap, at Philadelphia, as rivers run to the sea; that I shall not long occupy the time of the House in adding some of the exhaustless arguments in favor of this proposition. I shall be more than fortunate if after this full discussion I may obtain the attention of the House for a short time; and still more fortunate if I can produce, as I hope to do, some impression by the reasonings which are floating through my mind at present, and which convince me.

I now call the attention of the members of this House to the character of the bill, and what it calls for. It is a bill "to authorize the Secretary of the Navy to accept League Island in the Delaware river for naval purposes."

An attempt is made upon this floor to show that it creates a roving commission, a loop upon which to hang various other propositions, and thus drawing away your attention from the very question at issue to effect by indirection what cannot be done directly. It is true that the acceptance of League Island is not to be

perfected until the board of officers provided for in the bill shall recommend it. That was added by the committee, I suppose, for the purpose of satisfying the delicate and sensitive minds of certain gentlemen who year after year have been throwing out slanders against this place, at one moment alleging there was not sufficient depth of water, at another that there was too much ice there in certain seasons of the year, and who have started objections as to the character of the ground and the healthfulness of the locality.

Now, I ask the attention of any member who is willing to vote directly for the proposition in favor of League Island while I state to him that the proviso says nothing more than that if this commission, on visiting this place, shall find these objections to it well founded, then, and then only, may the Secretary refuse to accept it. I should prefer to have no proviso in the bill, but my faith in the advantages of League Island is so strong I have no fear for the result, and no apprehension, even, that the examination will cause any delay.

I propose to ask how this measure originated, but before doing so will pay my respects to and express my admiration for the ingenious, I had almost said the ingenious, member from New London, who for several years has persistently opposed any additional navy-yard accommodations at Philadelphia, and who, beaten at every point in the endeavor to foist his white elephant, New London, on the Government, now with serious countenance and great apparent earnestness offers an amendment with the sole object of destroying the vitality of the bill. He presents a proposition here to add a number of localities for the commission to examine—a proposition which no doubt may strike the minds of many members, especially those who were not in the last Congress, as being an open, fair, and honorable one.

Does any member from Maryland rise upon this floor and ask us to designate for examination any place in his State with a view to its selection for the proposed navy-yard? No, sir. Does any member from Maine demand that we shall include a site in his State? No, sir. We passed the other day a bill providing for the examination of some place upon the coast of Maine—a place where, I presume, the water is salt, as it is brackish at most of the other sites proposed. And I beg the members to note that the former advocate of New London finding League Island gradually gaining ground with Congress, as he says it does in its accretions of land, as a last resort, as a tub to the whale, in order to obtain the votes of gentlemen from these various States, proposes this amendment. Well, Mr. Speaker, it is not in order in this House to mention members by their names, and I shall not do so; but I will say to those gentlemen who were not in the last Congress that a certain Augustus Branderge—probably a near relative of the member who now has proved derelict to New London, [laughter]—instead of saying as the gentleman from Connecticut now says, "Let us be fair; let us take in all the world; let us bring into this bill State after State that we may get vote after vote against this great national enterprise," this relative in the last Congress stoutly, vehemently, and ably advocated his native New London as the best site for a naval station, fitted by nature and art for the great navy-yard of the world—winning the admiration of his constituents, and doubtless thereby gaining for himself an election for many years to come as a Representative and a fit Representative of that region. There was no commission talked of then; oh, no! No disinterested desire to visit other ports or harbors, no fondness for the Patuxent or the Hudson or Portland then. But of course my friend is not responsible for his namesake.

I had always believed, sir, the saying that "figures never lie," until yesterday when I sat at the feet of this gentleman and learned a new arithmetic. I had supposed, too, that history, at least when recorded with contemporaneous

pen, spoke the truth; but I learned yesterday that history must be written years after the occurrences it pretends to describe, or those who live at the time may detect the falsity of its statements.

I learned yesterday, for the first time, that the water at League Island is brackish. Sir, in my district—a district whose ship-builders planned and placed upon the waters the New Ironsides, a fit type of the workmanship and enterprise and success of Philadelphia mechanics, worthy representatives of those who thirty years ago launched the ship of the line Pennsylvania, with, even then, one hundred thousand citizens of Philadelphia and one hundred thousand from the surrounding country as spectators; I say that in my district we have the Kensington works, whence a large portion of its citizens obtain their daily supply of drinking water; and they never before heard that the waters of this stream shortly above League Island are brackish. In my boyish days, when I used to swim near Red Bank, opposite to League Island, drinking in many a mouthful of water, I never tasted or dreamed that it was brackish.

Still further, fifty thousand ships come to our wharves and go out again every year—wooden ships, too, the most of them. They lie where the ice is more likely to be, where the water freezes and the ice gathers more rapidly than at any place below it; yet they sail up and out yearly; and we never heard before that vessels were locked up three months at League Island, so that in case of a war the vessels of our Navy, if stationed there, would be prevented for that length of time from getting at the enemy that might be ravaging our coast. So much for fact No. 2.

Let me now call the attention of gentlemen to another statement which has been made, and which might, if uncorrected, mislead members who are strangers to this spot and strangers to the facts of the case. They have heard the gentleman's reference to the mud and ooze, as he calls it, at that island. The gentleman from Connecticut knows how much of truth and how much of fancy there is in his statement, for he has visited the locality. In 1690 this island was marked out on the maps, fast land; and for years and years there have been two hundred and thirty-five acres of solid land about which there need be no dispute. Granting to the gentleman that, with reference to the balance of it, or in building the wharves, it might be necessary here and there to drive piles, as it has been necessary to drive piles at every navy-yard in the United States, and on a gravel bed they make a better foundation than rock; granting this, however, beyond all dispute we have two hundred and thirty-five acres of solid ground, which the gentleman pretends to tell this House is all mud and ooze, with all the sarcasm imparted by a pungent wit and a fertile imagination. I have disposed of fact No. 3.

Mr. Speaker, I have often gone by steamer to Cape May in six or seven hours, yet I learned for the first time yesterday that it would take four days to go from League Island to the ocean. I pass from the Connecticut facts. But even these pale their ineffectual fires before the generosity of the gentleman's amendment and his holy horror of the necessity of discussing the merits of any site in connection with the present bill. Neither the report of the committee, who, with others of this House, speak from observation, nor the opinions of the most distinguished officers of our Navy, nor the statement of the Assistant Secretary of the Navy, nor the constant urgency of the Secretary himself that we should adopt League Island as the site for a great national navy-yard, have any weight with him; and the Secretary is roundly rated because he has failed to become sectional or to recommend a station simply because of his nativity near it.

But enough, sir, on this point. How does the question come before Congress? We are called upon to decide whether the large increase of our Navy, its new character, the

change from sails to steam, from wood to iron in war vessels, the great advance in naval science, but more particularly in rifled and long-range guns, and the experience of a four years' war, do not necessitate our possession of a capacious constructive ship-yard. First, do we not need more navy-yard room? And next, shall we not adapt it for the purposes of an iron as well as a wooden navy? Very naturally the officers of the Government first discovered our great want in this particular. Where did they seek to remedy it? At Philadelphia, the second city in the Union; not second in its manufacturing or mechanical or even voting population; not second to any in unswerving loyalty to the Government; not second in its noble charities or good deeds during the war or before it, but second only to the great commercial metropolis of the Union, in which we all take a pride. They went to Philadelphia, and what did they find?

I wish on this point gentlemen would give me their especial attention for a few moments. They found a navy-yard of sixteen acres with no workshops which a Philadelphian is not ashamed to show to strangers; with no more than turning room for a large wagon; with no proper machine-shops or steam machinery for building and repairing iron or iron-clad vessels or rolling iron plates; no capacity for casting ordnance or building powerful engines; and instead of a national foundry and workshop and navy-yard, a place not half the size of the Washington yard, not a fourth of that at Charlestown, not an eighth of the Kittery, or a tenth of the Brooklyn navy-yard; while abroad the private dock-yard of the builder of the pirate Alabama is more than ten times as large, and in England and France the chief Government navy-yards cover, each of them, hundreds of acres of land in extent. They found the second city of our country with not a stone dock and a very limited water front or wharfage room or accommodations for building and repairing wooden vessels, even. The question with them was, and it is the question here, shall this ship-building city have more navy-yard room, and while we are giving it shall we not build a national establishment worthy of the nation; not an additional yard, but by a transfer from one place to another with superior natural advantages and greater area erect one which will aid us to defend ourselves, if necessary, against the navies of the world?

We are at peace and I trust may remain so. Yet on our northern border, even now, a departure from our more than generous neutrality in the Canadian affair might bring on a conflict with England. On the southwest the advocacy of the Monroe doctrine, so dearly cherished by every American, or the carrying out of our hatred of despotism, might involve us in a war with the greatest of despots. If a single shot had been fired from Commodore Rogers's vessel, off Valparaiso, as many wished it had been, we might have been embroiled with Spain. The sale of a single iron-clad to Brazil or Paraguay or Uruguay might lead to entanglements with South America. Meanwhile, in Europe they feel the throes of a coming political earthquake, and the fires of volcanoes which may shortly burst forth may yet bring a spark to the American borders. We are bound in honor to the country, to the soldiers and sailors who fought for its preservation, to the present and posterity, to guard its perpetuity and be prepared at all times against a foreign war. And for that purpose we should have proper navy-yard accommodations for our vessels in time of peace.

Now, Mr. Speaker, suppose this amendment prevails; you do exactly this: you are led away by the idea that we are to have an additional navy-yard by the plausible theory that we had better go about the country and see where we should locate it. Whereas the defeat of this bill—and the success of the amendment really defeats the object of the bill—prevents the present acceptance of any site and deprives the country, perhaps for years, of the very thing the Government asks for.

The introduction of the substitute was only intended as a basis upon which to say to the citizens of New London, "I have fought for your interests. I have got this matter delayed another year, and there is yet hope for you." I do not blame the gentleman or his colleagues for their efforts, and I commend them to the votes of their constituents as fighting manfully for Connecticut and New London.

I again say to the members of this House that this bill comes before them with the sanction of the committee after repeated examinations in Congress session after session, and with the indorsement of eminent naval officers. And now I believe the request for further delay will be voted down and the measure adopted.

If you will turn to Lippincott's Gazetteer you will find the following description of New London:

"It is built on a declivity facing the south and east. The site being considerably incumbered with granite rocks, it was not laid out with any great regularity, though within a few years much has been done in the way of grading and other improvements to overcome the original inequalities of the surface."

"The original inequalities of the surface!" And so New London, with its rocky sides rising from twenty, sometimes as high as one hundred feet, did not impress anybody very favorably after they came to look at it for the purpose of a navy-yard such as we now desire, and the gentleman acted sensibly in abandoning his pet for a time, and endeavoring, amid the many, to let its defects pass out of the view of an apparently unfavorable Congress.

I have stated how it was that the site of Philadelphia came to be sought for this purpose. I have stated our national necessities in this matter, our local wants, which mean our national want; that scarcely an officer of the Navy ever recommended New London, and none that I ever heard of recommended any one of these other places so gratuitously added to the bill. The very commission to which the gentleman referred said unanimously that for the purpose of an iron-clad navy-yard, League Island was preferable to New London, and one of the officers of that commission has since said that he was mistaken even in recommending New London as far as he went. Why was that mistake made? Sir, it was a very natural one. At that time the battle between the Monitor and the Merrimac had scarcely been fought, certainly not finally appreciated. These old officers of the Navy scarcely knew what it was to test iron-clad vessels, nor had they yet fully learned the long reach of our improved cannon. At that time Farragut had not passed the forts near New Orleans and in Mobile bay; Fort Fisher had not been taken by Porter; we had not the light on the subject that we have now. And so each year the advantages of League Island and the disadvantages of the other proposed sites have become more apparent.

What, then, are the characteristics which should determine above all others where this additional navy-yard room shall be obtained by the Government? At the risk of repeating what has been better said by others, I cannot help referring to the two great advantages which League Island possesses, and which none of these other places afford. These are, fresh water and distance from the sea.

There has been a little book sent to each of us, a very modest little pamphlet, advocating New London. I suppose it was written by the member of the last Congress I have alluded to. It says that New London is as well situated as Cherbourg, in France, for a national navy-yard. Well, this is a most unfortunate illustration. Because Cherbourg is by the sea it has taken fifty-six years to build its works and fortifications, at a cost of forty millions for the works and twenty millions for the defenses, even with the aid of convict labor—one basin, the "*arrière de flot*," taking twenty-two years to build. And even now it is admitted that with the modern long-range guns vessels might steam to within three miles, lay outside the breakwater and perhaps ruin it if not reduce it, although

tier on tier of casemates rise from the water bristling with cannon.

Portsmouth is on the Channel almost opposite, and the English have spent \$50,000,000 to extend and fortify it; serious arguments being made in Parliament that it must be abandoned on account of its proximity to the ocean—five or six miles—and not as near then as at New London. When it was found that missiles could be thrown for miles, the British went twelve miles up the Medway to build Chatham at an enormous expense; the three main advantages alleged in its favor being that it was not on the coast, but the defenses of Sheerness had first to be passed, (as it is with us at Forts Delaware and Mifflin,) that the river could be protected from the lands on either side, and chiefly that it was an island (St. Mary's) affording facilities for wharfrage not on the main land.

I need scarcely go further. Brest taken by the British as Nelson took Malta; L'Orient, on the Bay of Biscay, with its five hundred guns trailed ready for an enemy; Toulon, whose approaches are stronger than Cherbourg, yet with twice five hundred guns and immense fortifications to defend it, tell us we must build a navy-yard where it can be defended at little cost or be safe without other defenses than the ships which may run out from its docks. So much for defensibility.

I admit here that whenever it can be shown that we should build a navy-yard, such as is proposed, within a few miles of the open sea and the reach of modern ordnance; whenever it can be shown that salt water is better than fresh water for iron vessels; or that the granite rocks of New London can be cut down with little expense and be fitter for a foundation than hard ground, I will vote for New London. We do not want this site at Philadelphia selected unless it is for the national benefit.

Philadelphia, I believe, has among her population a larger number of returned soldiers who are skilled mechanics than all the inhabitants, male and female, men, women, and children, of New London. We have offered this island, a free gift, costing over \$300,000, to the Government when it required and asked for additional accommodations, and it ought not to be refused.

Mr. MOULTON. I understand League Island to be almost a hundred miles from the mouth of the river.

Mr. MYERS. Eighty miles.

Mr. MOULTON. I would like to ask the gentleman if it would not be a very easy thing to obstruct the river and prevent the egress of these vessels.

Mr. MYERS. I will answer that question. In the first place, in case of a war, the vessels built or refitted at this station will not wait until the enemy shall come, but will steam down the river, which they can do in six hours, and be ready for attack or defense. I really do not know how the river could be obstructed except by ourselves.

I think I have answered the gentleman's question, and I think it was fully answered yesterday by my colleague from the second district, [Mr. O'NEILL.] The canals that come into the Delaware are broad enough and deep enough to take vessels into New York harbor if they could not prevent or break through any obstructions.

But the simple answer to the question is, that neither our vessels nor our land forces would wait till some convenient parties put down obstructions in the river. I am sure the gentleman from Illinois will regard that as a sufficient reply. I will conclude by presenting the distinguishing advantage of the site we propose. Often mentioned, it cannot be touched on too frequently. I have not disguised from the House that we need in Philadelphia more ample room for a Government ship-yard, but while it would be wrong not to accept this gift of the city of Philadelphia, as urged by the President and Navy Department ever since 1862, the reasons are national, not local ones; and what commends League Island above everything, and would

render it of great value to the nation, is that it is always surrounded by fresh water. This is not pretended in favor of any of the places named in the substitute.

Gentlemen who have not looked carefully at the subject may think that this is of small moment. It is of the first importance. At the beginning of the war the South Carolina, an iron blockading vessel, had her speed reduced from twelve to six knots an hour because of the barnacles that fastened upon her. On the other hand, the iron steamer Michigan, the vessel that captured the Fenians the other day, built in 1844, and which has been upon the fresh water of our lakes ever since, has never needed any repairs to her hull. The great defect that has been found in England and France with iron and iron-clad vessels is not only that they corrode in salt water, but that the capacity of the engines, the efficiency of the vessels, and their speed has been very greatly reduced, almost fifty per cent. at times, on account of their fouling in salt water and their lack of fresh-water navy-yards, near which to cleanse them. Admiral Robinson, of England, speaks of "the rapidity with which an iron ship gets foul, and the immense loss of all the ship's qualities that follows from the adhesion of zoophytes. No practical remedy," he adds, "has been found for this serious disadvantage. Repeated docking and cleaning is the only palliative."

Before I forget it, let me say here that the result of the examinations of English parliamentary committees is that an iron vessel loses at least one month in the year, because it has to be docked twice a year and it takes fully two weeks to scrape and paint and clean it.

The acting officer at L'Orient gave as his only objection to iron ships their fouling, adding that docks, or scrapers and rubbers, would cure that. If they had the Delaware river in that locality they would have had a scraper somewhat more to their mind.

The London Times continually contains advertisements, sometimes offering as much as £10,000 for the discovery of some effective means for keeping iron vessels as clean as copper now keeps the bottoms of wooden vessels, upon the condition that no patent shall be granted for the process, but shall be open for the use of the Government and the public.

Mr. James Beazley, the chairman of the Ship-Owners' Association, of Liverpool, writes, "There is only the fouling against the iron ships, which none of the patents yet get over; for when they do claim to have done so, it was the action of the tides in fresh water that had cleaned their bottoms," as at Calcutta. For Calcutta trade iron ships answer best, and for that trade half a dozen iron ships to one wooden one are used.

One more reference. John Grantham, of London, says:

"Fouling is the difficulty with the Warrior: it is the incubus that is on the minds of us all; that ships going to foreign climes, unless they can go straight from one port to another and into fresh water rivers, must become foul."

Fresh water, then, for a station is second only to defensibility, and Philadelphia was sought by the Government because of her fresh-water stream, for in times of peace our iron-clad navy, as well as our wooden navy, can lay there and be cleaned without any additional expense, and without the loss to which these ships would be subject at New London or any eligible place thus far presented. There is an ingenious suggestion in the modest New London pamphlet, namely, by "providing means for taking such vessels out of water when not required for immediate service." Expensive as this would be, the notion is not an original one, as Admiral Spencer, in England, stated it in April, 1864, in his evidence before the select committee on dock-yards. He says that as the bottoms of iron ships not only corrode if not covered with a composition, but get covered with barnacles and weeds even then, it would be a great advantage to place on pontoons all the iron ships not wanted for immediate service; "for," said he, "as long as ships'

bottoms are of iron, and unprotected from fouling as they now are, iron ships can never be said to be ready for service." No wonder the advocates of New London thought of pontoons, or proposed to bring fresh water from a reservoir "at an elevation of about one hundred feet" to fill docks with, for iron-clads when not in service.

One argument more, and then I shall be through. My friend from New London [Mr. BRANDEGEE] speaks of the expense of piling that will be necessary at League Island. Now, let me say to the gentleman that we have before us the testimony of naval officers; we have, and have had for a century at least, two hundred and thirty-five acres of fast land where there need be hardly any piling; an area larger than that of all the navy-yards of the United States that are now in active operation. There is other land there almost as good as that; and therefore the objection made by him is that we offer twice as much as we need to offer. I invite the attention of the House to this matter of the expense of filling up this ground to three feet above high-water mark. There are houses now upon the land, with brick chimneys that have stood the storms of years, and have not settled or sunk any. There are large oaks there which show the character of the soil; tons on tons of hay are cut there yearly, and the people who live there do not find the place at all unhealthy.

But suppose the expense of filling in should be, what the gentleman from New London supposes it will be, about a million dollars. When did we ever before stickle at expense, especially when the gift saves to the Government three times that sum? Sir, we have in this Congress loaned \$6,000,000—I am afraid we shall never get it back, though I hope we shall—to build a ship-canal around Niagara falls from Lake Erie to Lake Ontario. The preamble to the bill sets forth that it is for war purposes, and to provide for that defense which we now ask this House to provide for.

In the appropriations for this year I find that we have purchased Seavoy's Island at Portsmouth for \$110,000, and New York alone has obtained over \$650,000 for her navy-yard at Brooklyn, including dredging, the river wall extension, and other expenses of that kind. There was no objection made to these necessary outlays. And let me say here that the navy-yard in Brooklyn was continued on Wall-about bay, with a surface soil of ten feet of decomposed vegetable matter, with a quicksand below it. It cost \$250,000 for piling, yet I have not heard any objections to this cost, and the improvements have made it an honor, not only to New York, but to the Union.

There is another bill in this House which will come up shortly, and upon which I hope my friend [Mr. BRANDEGEE] will be heard, as he was last year—a bill appropriating \$2,200,000 to the contractors for constructing your iron-clads, who, for lack of facilities, for lack of the means which a great national navy-yard alone would have given, have had to come to Congress and ask that we shall make up to them the losses which they could not avoid.

If the gentleman had not, year after year, persistently opposed the views of the Navy Department, persistently prevented the Government from adopting a location for a naval station, this bill would not now be before us, and we should not be asked to award to these gentlemen a sum which the Secretary of the Navy almost tells us is incurred because year after year his recommendations have been negatived or passed by in silence. Time and again these men, with their insufficient accommodations, and with the Government as their only employer, have been obliged to go behind-hand and fail, or else to come to the Government for relief. This is what we would have saved if my friend (who I hope will be kept here for years by a grateful constituency) had not been in Congress at all.

These expenses that are talked about as necessary to be incurred to put League Island in proper condition are but trifling. The sum

of a million, if so much is necessary, as the gentleman alleges, to make League Island almost a rock like his own place, to put it in complete order, is, comparatively speaking, nothing when we consider the fact, to which I call the attention of gentlemen, that our present navy-yard will probably be sold for one and a half to two million dollars. One million dollars of this sum can be appropriated to do whatever may be necessary in the way of preparation of the surface of League Island, leaving \$1,000,000 more for the erection of the proper work-shops to make it at least almost as respectable as the navy-yard here at this city—a navy-yard not now even a naval station.

Now, Mr. Speaker, I have been somewhat discursive in these remarks. As I stated at the commencement, the ground was well trodden; the arguments were well-nigh exhausted. But before I close I must again impress upon the House what is upon my own mind and heart, that the bill now before the House asks for the acceptance of League Island, not for a roving commission. It simply provides that while the Secretary of the Navy shall accept this location he must first be satisfied that the statements which have been made with reference to the unsuitableness of that location are unfounded in fact. We of Philadelphia know that they are unfounded, and hence we are not afraid of a full and impartial inquiry into the facts. The proposition is not for a roving commission, nor one to which an examination of other sites can be appropriately attached, and thus postpone, perhaps till another Congress, the demands of our Navy. Other places have heretofore been examined and found wanting. I beg gentlemen, then, to recollect that in voting for this bill they vote simply for the selection of this site, provided competent naval officers shall find that the charges against it are unfounded or unimportant.

Gentlemen have had laid upon their desks documents which show that a large number of monitors have lain all winter in the back channel of League Island, and some of the largest in front of League Island, and the ice has not disturbed them. The ice does not gather there as much as at the Philadelphia yard, and the gentleman did not demur to the addition of four acres to that yard.

Mud! Why, sir, we heard of mud along the Delaware front before our city was extended; but when wharves were built it was found that there were no mud accretions. Of course there may be mud in the river sometimes; and it is all the better for the vessels that float there.

Draught of water! Why, sir, vessels like the Cathedral, that could not get into New York in a storm, have come round and crossed the bar at Philadelphia, as the Wabash came in and went out, crossing the bar. It is contended in Europe that heavy draught vessels are almost useless. The Great Eastern has hardly one dock in England to which she can go. The vessels of our own Navy, the monitors of the Passaic class, draw only eleven and a half feet of water; the wooden iron-clad coast steamers and blockading vessels only twelve feet. The New Ironsides, the great success of Philadelphia, draws sixteen feet of water, while the French La Gloire draws twenty-eight, and the British Warrior twenty-seven, and they have fifteen vessels drawing twenty-six, twenty-five, and twenty-four feet, respectively. These could not follow where our vessels can go, up the Delaware. Still another advantage.

Mr. Speaker, as has been well said, Pennsylvania is rich in her mineral resources. I do not care to go into an examination of data or particulars, or to repeat what has been so well illustrated. She manufactures fifty millions' worth of iron a year. She sends to market, principally through Philadelphia, almost untold amounts of coal. Her forests abound. Her fresh water is there.

Philadelphia has shown herself more worthy than to have a just and handsome offer thrust aside without cause. I would not speak of her services during the war, for all bore a noble part equally in it. It is no discredit that the

place from which my friend comes has only twelve thousand population, while we have near seven hundred thousand, and sent one hundred thousand troops to the field. But there were good deeds done in Philadelphia, not yet forgotten by our soldiers who passed through it, which might well make gentlemen pause who contemplate a refusal or postponement of the request made by her for naval and national purposes.

We have the iron, coal, wood, oil, fresh water, defensibility, skilled labor; all the requisites; more, we believe, than can ever be found combined elsewhere. At least let not these be a drawback to our success, nor bring a single regret if by this our act the city where liberty was first proclaimed to the nations shall become one of the chosen spots whence it may be defended in all coming time.

Mr. THAYER obtained the floor.

Mr. KELLEY. I ask my colleague to yield for a moment so that a time may be fixed for taking the vote.

Mr. THAYER. I yield for that purpose.

Mr. RANDALL, of Pennsylvania. I object to anything that will cut off fair and full discussion.

The SPEAKER. The gentleman has the right to give the notice.

Mr. KELLEY. I give notice that I shall call for the previous question at three o'clock to-day.

Mr. SPALDING. I hope I shall not be denied an opportunity to say a few words.

Mr. KELLEY. Certainly.

Mr. THAYER. Mr. Speaker, I have been here long enough to discern and understand with some degree of certainty the signs of the weather in this House. I think I perceive fair indications the House will with great pleasure forego any great addition to the debate on the question before us. I shall therefore, sir, occupy the attention of the House but for a short time.

The delegation from Philadelphia has already occupied a very large, an unusually large, share of the time of the House on this bill; but it should be remembered that this question excites very considerable interest in the city of Philadelphia; an interest which has its foundation not in any sordid or unworthy motive, but simply in a desire to promote the general welfare. The people of Philadelphia believe, as regards the particular enterprise which is now the subject of consideration, the interests of Philadelphia are coincident with those of the nation. Philadelphia does not come here for the purpose of asking a special favor at the hands of the national Government. She is not here, sir, to beg for a measure which will conduce to her own aggrandizement. She has offered this valuable property to the Government under the conviction that its acceptance by the Government would promote the welfare of the General Government. It is true that some incidental benefits would result to the city of Philadelphia from the adoption of this measure. By the removal of the existing navy-yard it would very largely add to the commercial dockage of the city.

It would incidentally conduce to the benefit of the city of Philadelphia by eventually bringing into existence a large amount of property which would contribute to the payment of her local burdens by the taxation of property which is now exempt from it. It would be a benefit to Philadelphia by adding new sources of industry and thrift to those which already engage the labors and attention of the seven hundred thousand souls that dwell within her happy confines.

But those motives are not selfish. No man can characterize those motives as unworthy. They are motives founded in the public welfare and benefit; and if the measure which is the subject of agitation is found to be, as it is alleged by those who are most conversant with the facts, one which will benefit the nation at large, I suppose that no man will deduce any argument against the expediency of the adoption of that measure from the fact that the city

of Philadelphia may derive an incidental benefit from the establishment of this great work within her borders.

Sir, I disclaim on the part of the city of Philadelphia any motives less worthy than those to which I have referred. She has never, either by her Representatives or in any other manner, advocated any national measure upon the footing of her own private special benefit. Her devotion to the national interest is traditional. It commenced with the first inspiration of national life, and it has continued with unabated vigor and with unsullied purity through all the chances and changes which have characterized the period that has intervened between that day and the present. No, sir. I spurn the imputation of any selfish purpose on the part of the city of Philadelphia or her citizens in advocating the passage of this measure.

What originally, I suppose, suggested the feasibility and the desirableness of this measure was the fact of the insufficient capacity of the existing navy-yard at Philadelphia. The present navy-yard occupies an area of some fifteen acres of ground, a space which for many years past has been found to be entirely inadequate for the purposes of the yard. The city has grown compactly down to the navy-yard, whereas when it was originally established the yard was at a considerable distance from the city proper.

The navy-yard now, to a certain extent, obstructs the growth of our city on its southern line, for it cuts off the water front. Upon the southern line of the city of Philadelphia this property upon which the old navy-yard is situated has in process of time, by the approach of the city which now completely envelops it, become of great value, and it was supposed that it could be made of interest to the national Government to remove the existing yard from its present site to League Island.

The obvious advantage of such a removal would be this: in the first place, the Government of the United States could sell the old navy-yard property for a very large sum of money, probably for a sum ranging from a million and a half to two million dollars, of such great value has that property become. It was proposed to apply the proceeds of that sale to the improvement of the new yard at League Island, and the city of Philadelphia, which would of course be proud to have a great first-class navy-yard fixed at that point, and which saw in the natural advantages of League Island those features which were most requisite for such a purpose, purchased League Island at an expense of some three hundred thousand dollars and offered it to the national Government as the site of a new navy-yard.

Now, sir, I do not know whether the fact of the liberality of Philadelphia in this respect may not have lead to some degree of suspicion in regard to the measure which is before us. Perhaps if League Island had been offered to the Government at a price instead of having been purchased by Philadelphia at an expense of \$300,000 and freely and voluntarily offered to the Government, this opposition might not have existed to this bill. Suspicion, perhaps, may have arisen out of the very fact of the liberality of Philadelphia.

But, sir, the city of Philadelphia purchased League Island at a great expense, and they offered it and still offer it to the General Government as the site of the new navy-yard. The proceeds of the old yard, a million and a half or two million dollars, which will be derived from the sale of that property, will be sufficient to commence, at any rate, upon a sufficiently great scale, the improvement of the new site. And when these advantages were combined with the natural advantages presented by the island itself, it was supposed by the city of Philadelphia that the interests of the nation in this respect were identical with those of Philadelphia; it was supposed that the offer would be accepted with alacrity on the part of the General Government; that they would not turn their backs upon a proposition obviously so advantageous to the General Government upon

any suggestion of an incidental benefit to the city of Philadelphia.

Now, sir, the question, as was said yesterday by the gentleman from Ohio, [Mr. LE BLOD,] who is a member of the Committee on Naval Affairs, is principally whether you will transfer the existing navy-yard at Philadelphia from its present site to the site at League Island. If you build a new navy-yard elsewhere you must go on with annual appropriations for the existing yard at Philadelphia. We have this year appropriated \$150,000 to that yard, and we shall have to continue to keep it up. Nobody suggests that we shall abandon Philadelphia as one of the naval stations of the United States.

Well, now, sir, if you establish a navy-yard elsewhere there will be an additional burden upon the country, for you will have to appropriate for two navy-yards instead of one; whereas, if you simply transfer the existing navy-yard at Philadelphia from its present location to League Island, you simply keep up a naval station at Philadelphia; and we, who hold the purse-strings of the nation, may deal out our appropriations for the new station as generously or as stintedly as we please in the future.

Mr. HUBBARD, of Connecticut. I beg leave to ask the gentleman from Philadelphia whether the bill now before the House contemplates the removal of the present navy-yard at Philadelphia.

Mr. THAYER. The bill does contemplate it. I do not know that the bill says anything about the removal, but everybody at all conversant with this question knows that that has been made one of the features of the proposed plan. Nobody proposes that there shall be two navy-yards at Philadelphia; I never heard any one suggest anything of that kind; I never heard any one suggest anything of the sort. Nobody, I believe, entertains such an idea. In fact the idea is strongly set forth by the Secretary of the Navy, as one of the points in favor of this location, that it involves the abandonment of the existing navy-yard at Philadelphia, which can be sold at a great price and the proceeds of the sale appropriated to the improvement of this new site.

Sir, if I had control of this bill I would not object to putting such phraseology as would require the sale of the present site of the navy-yard at Philadelphia, and the adoption of the new site.

Mr. HUBBARD, of Connecticut. I have examined this bill very carefully, and there is not one single word in it with reference to the removal of the present navy-yard at Philadelphia, and I think the result of passing this bill would be that we should have two navy-yards to sustain in that vicinity instead of one.

Mr. KELLEY. Will my colleague [Mr. THAYER] yield to me for a moment?

Mr. THAYER. Oh, certainly.

Mr. KELLEY. I desire to suggest that so far as Philadelphia has any selfish motive in offering this island and the back channel to the Government it is that she may be relieved from the commercial obstructions which are presented by the present navy-yard. The object of Philadelphia is to have the navy-yard transferred from a point where it impedes the growth and commerce of the city; its object is to enable the Government to abandon the present yard.

Mr. THAYER. For the information of the gentleman from Connecticut [Mr. HUBBARD] I will read what the Secretary of the Navy said in his communication in reference to this subject. It is as follows:

"The selection of this site for a navy-yard will save to the Government just the sum at which the present yard in Philadelphia can be sold, the estimated value of which is \$1,800,000. That we must have a yard at which iron vessels can be built is, I think, admitted. Were it established at any other place than Philadelphia, the yard at that place would be continued, with its officers and large annual expense. Established on League Island, the present yard would be vacated and sold, and the cost of keeping up the present establishment saved. The price that could be realized for it would nearly equip and complete the yard on the island."

I do not believe that any gentleman who has advocated this measure has ever entertained any other idea than that. So far as I know, nobody has even suggested that there should be two naval stations at Philadelphia. On the contrary one of the great advantages of the proposed change has always been regarded to be the advantage which the Government derives from obtaining a new site for nothing, and selling the old site for \$1,800,000.

I will not detain the House by a detailed enumeration of all the advantages which may be presented in favor of this measure. But it would perhaps not be amiss for me to sum them up in a short way by a brief allusion to them, in order at any rate that the attention of the House may be called to them, even though it be in a very cursory manner.

In the first place, these advantages have been set forth at great length, and dwelt upon with great emphasis, by the Secretary of the Navy, who, I suppose, should be awarded at least the credit of disinterested patriotism upon this subject. He is not a citizen of Philadelphia or of Pennsylvania; he is not in any way so situated as to be likely to be influenced by Pennsylvania interests. He has acted in this matter not only disinterestedly, but, as we all know, to some extent to his own disadvantage, inasmuch as the course which he has pursued has brought upon him the wrath of some of his own people. But he has had, I have no doubt, a perfectly clear and disinterested judgment throughout this whole inquiry. And the advantages of League Island, which so loudly call upon the Government for the adoption of this measure, are very tersely and satisfactorily summed up by him as follows:

"1. It contains the requisite amount of land. There are on the island four hundred and nine acres of what is called 'fast land,' being high, dry, and tillable, susceptible of use without embankment or other preparation; one hundred and twenty-four acres of marsh land east of Broad street and seventy-seven acres west of Broad street, embracing in the aggregate an area of six hundred acres, or more than five times the area of the largest of our present navy-yards, and twice the size of the largest yard in Europe.

"2. The island possesses the necessary amount of frontage upon the water, which is a most important consideration, and the want of which is one of the great defects of all our present yards. The water front of the island will extend six miles, furnishing room for mooring in safety all the vessels in our present Navy and all we shall be likely to have for many years to come. The sum of money to be saved in warping vessels in and out of slips when a change in their position may be necessary, and in wharfage and rent of docks where private property is used, will be very great in the course of a single year, and, of course, greater in the lapse of time and the necessary addition to our Navy. By possessing an expansive frontage workmen, materials, and stores can be placed on board at the wharf instead of being put on board of tenders and transported into the stream, as is required to be done at all of our yards where there is an insufficiency of frontage, as there is in a peculiar degree at the Philadelphia yard at the present time.

"3. There is an abundant depth of water for all of the purposes of Government. Along the outer shore of the island, near to its edge, and for more than three miles in length, there is a sufficient depth of water to float the largest class of war vessels.

"4. The greatest advantage of this location, and that which, taken in connection with the frontage and depth of water, places it far beyond any rival, is the fact that the yard would be in water wholly fresh. It is a well-known fact that iron corrodes and decomposes in salt much more rapidly than in fresh water, and hence that the endurance of an iron vessel, when either in service or laid up in ordinary, is much greater in fresh than in salt water. Nor is this all. Iron vessels, when exposed to the action of salt water for a considerable period of time, and especially in warm climates, become foul by the accumulation of marine crustacea, thus not only lessening their speed and injuring the vessels, but requiring them to be taken into dry-dock to be scraped. As an illustration of this fact, the iron blockading vessel South Carolina, after a service of nine months in the Gulf of Mexico, had her speed reduced by the accumulation of barnacles, sea-weed, and other marine nuisances, from twelve to six knots an hour, requiring her to be sent North to be cleaned. Had the Philadelphia navy-yard been in a condition to receive her, and complete her other necessary repairs, her passage through the fresh water of the Delaware river from New Castle, which is practically the limit of the salt water, would of itself have cleaned her bottom of those impediments, as perfectly as it could have been done by mechanical means.

"It is hardly doubted by any one that iron vessels are hereafter to constitute our principal reliance for harbor defense. It will unquestionably be the policy of the Government to keep these vessels, when not required for active service, in some secure place, where they will be as little liable to decay as may be,

and where the largest possible number can be put in repair, and dispatched to the threatened points at the shortest notice. Experience may show the necessity or economy of keeping such vessels in dry slips, in which case the capacity of this island will by no means exceed the necessities of the Government. Should it be otherwise, and should it be deemed advisable to dismantle and moor them in wet docks in time of peace, the value of League Island for a naval station may be more correctly estimated, when I say that it is the opinion of naval officers, and of scientific experts, that an iron vessel will last more than ten times longer in fresh than in salt water. The United States iron steamer Michigan was built in 1844, has been in continuous service in the fresh-water lakes of the North eighteen years, and has had no repairs to her hull, which is apparently as perfect as it ever was. In salt water her bottom would probably have been destroyed ten years ago.

"5. (The proximity of the island to a large maritime and manufacturing city is one of its greatest advantages for a naval station.) Whenever an extra force of mechanics or seamen are required, or an extra supply of naval stores needed, they can be procured at short notice and at no extra expense. It is well known that whenever such extra force is required at the southern yards, neither of which was near a large industrial population accustomed to such labor, the cost of procuring the necessary craftsmen was much greater than at Charlestown, Brooklyn, or Philadelphia. The men had to be transported at Government expense, extra wages were demanded, and the laborers in almost every instance were clamorous to be retained permanently, because of alleged loss of situations at home. Nor could sailors be procured at those yards in an emergency, except by sending to the northern cities to recruit, always an expensive process, and generally consuming weeks of time, the value of which could not be computed in money. The great advantages of a Government establishment of this kind in proximity to a large mechanical population, whose leading pursuit is the fabrication of iron in its various forms and for its numerous purposes, cannot be overestimated."

Mr. BRANDEGEE. Will my friend from Pennsylvania [Mr. THAYER] allow me to make an inquiry of him?

Mr. THAYER. Certainly.

Mr. BRANDEGEE. I have never been in the habit of interrupting gentlemen, and I do not now interrupt for any other purpose than to inquire from what paper the gentleman is reading.

Mr. THAYER. I am reading from the remarks of the Secretary of the Navy upon this subject, which were incorporated in a speech made by the chairman of the Naval Committee of the Senate [Mr. GRIMES] when he was advocating this measure.

Mr. BRANDEGEE. I understand the gentleman to affirm—perhaps I was incorrect in that understanding—that he was reading from a report of the Secretary of the Navy. It is from a speech made by Mr. GRIMES in the Senate.

Mr. THAYER. The reasons which I am reading are those given by the Secretary of the Navy, and which were incorporated in the remarks of the chairman of the Naval Committee of the Senate.

Mr. BRANDEGEE. Has the gentleman from Pennsylvania verified those citations and ascertained that they were ever made by the Secretary of the Navy in any authentic form?

Mr. THAYER. I have this authority for their accuracy, that they are contained in a report of a public speech made by the chairman of the Naval Committee of the Senate, who stated in his speech that they were reasons given by the Secretary of the Navy in favor of this site for the location of a naval station.

Mr. BRANDEGEE. Reasons given by the Secretary of the Navy where and when?

Mr. THAYER. I do not know at what o'clock it was nor in what room he was when he gave those reasons. But I do not think that the reasons are to be judged by the source from which they come, but by their inherent weight. If they have anything in them they speak for themselves.

Mr. BRANDEGEE. Precisely.

Mr. THAYER. I do not suppose they will derive any special weight from the consideration whether they come from the Secretary of the Navy, the chairman of the Senate Naval Committee, or some one else.

Mr. BRANDEGEE. Precisely; but I did not suppose—

Mr. THAYER. I decline to yield to any further interruption. I have answered the gen-

tleman's question, and the House are capable of judging whether the reasons assigned are such as entitle them to the indorsement of their judgment. If they are not, then they go for nothing; if they have reason and common sense in them, their validity or strength cannot be impaired by anything that may be said in regard to the source from which they come, or whether they be official or unofficial.

"6. Another consideration of the highest importance is the susceptibility of League Island for perfect defense against foreign invasion or domestic insurrection. The channel of the Delaware, although affording a sufficient depth of water at all times, is so narrow and tortuous for a distance of one hundred miles above its mouth, that a ship in the hands of any other than an experienced pilot, especially with the buoys removed, would have the greatest difficulty in reaching Philadelphia at all. If the present defenses should be considered insufficient, a single martello tower on the edge of the channel, mounted with an iron turret like that of the monitor, would command the approach to the island from the sea more completely than Fortress Mifflin commands Hampton Roads, or Fort Sumter the harbor of Charleston. A succession of such towers would cost less than any one of our large coast fortifications. So far as stationary defenses may be relied on, there can hardly be any system more efficient than this. The island is even more susceptible of defense against a domestic insurrection, being cut off from the Pennsylvania shore by a deep natural moat fifty feet in width. No assault could be made upon it except by vessels, in which, of course, the Government would have such a superiority that no attempt to capture the yard would ever be hazarded, even if we suppose that the materials for an insurrection of that kind would ever be found in the vicinity of Philadelphia.

"7. The accessibility of coal and iron commends League Island very strongly to our favor. Situated at the junction of the Delaware and Schuylkill rivers, it is the natural *entrepôt* of the whole anthracite coal trade of the United States. The steam power necessary to the maintenance of a modern navy is here obtainable at the smallest cost. Pennsylvania, if not possessing the largest iron resources to be found in the country, certainly has those resources in by far the highest state of development, and in close proximity to the sea-board. Philadelphia is the great iron-mongering metropolis of the country. Her furnaces and shops are numbered by hundreds, her artificers by thousands, and her capital invested in the production of iron by millions.

"8. The island is below the bend on the Delaware, and hence mainly out of danger from ice gorges, from which the present yard suffers to a considerable extent; and yet it should be remarked that the river Delaware is seldom closed by ice, the only point on the Atlantic where fresh water can be obtained that is not closed two or three months in the year.

"9. It is to be observed, also, that the insular position of the proposed yard will effectually estop corrupt speculations in real estate, so far as the Government property is concerned. It will be impossible for jobbers to besiege Congress, with any degree of plausibility or hope of success, to buy the adjoining lots at fabulous prices; and I can hardly conceive of any other than an insular position which will debar the tribe of speculators and lobbyists from all chances of successful assault upon the Treasury.

"10. The selection of this site for a navy-yard will save to the Government just the sum at which the present yard in Philadelphia can be sold, the estimated value of which is \$1,800,000."

Now, sir, these are the substantial arguments in favor of the measure. These are the points on which the authorities upon whom this House is accustomed to rely have long since come to a definite and satisfactory conclusion; and hence this measure has been repeatedly recommended to this House by the Secretary of the Navy. It is now recommended by the Naval Committee of this House. Now, sir, allow me to suggest whether it would not be better that those gentlemen who have given no particular examination to the facts upon which this question turns should abide by the deliberate judgment of the official persons upon whose responsibility these recommendations rest than that they should act upon a mere suggestion of objection on the part of gentlemen who have in view the benefit of some other locality. It strikes me, sir, that the House would not act with its usual judgment and discretion if it should adopt the latter course.

But, sir, a substitute is proposed by the gentleman from Connecticut; and here let me say that upon its face this substitute would appear to be a very fair and equitable proposition; and if this were an entirely new question, and a question of an additional navy-yard, instead of the change of the site of an existing yard, there would appear to be a great deal of fairness in that substitute. But if gentlemen will but reflect a moment, they will see that the proposition of the gentleman from Connecticut is delusive in its character. It would result

merely in an indefinite postponement of this question; that is all. It proposes a roving commission to examine all the waters of the United States for an additional navy-yard. That is not what the Secretary of the Navy desired or recommended to this House. That is not what the Naval Committee of this House have recommended. They have recommended the acceptance of League Island, which is offered by the city of Philadelphia as a magnificent gift to the Government, that the present navy-yard at Philadelphia may be removed thither. They do not propose the creation of an additional navy-yard, but the substitution of a new one for an existing one.

Suppose, sir, that you appoint your commission. You do not, by this substitute, give the commissioners any authority or power to act. You leave the matter all at loose ends as it has been heretofore. A year or perhaps two years hence that commission will make a report. More probably they will make two reports or three reports, perhaps as many reports as there are members of the commission. Then how much progress will you have made in reaching a decision upon this question? None whatever.

Besides, sir, as time goes on, new sites not now thought of will be clamorously pressed for consideration. At first, sir, the proposition to select League Island was met by an application on behalf of New London, urged by the gentleman from Connecticut who so well represents the interests of his constituents. How is it now? Why, sir, rival interests have sprung up in all quarters. We have suggestions for new navy-yards all along the coast. Every member thinks that his State must have "a finger in the pie." Our action upon this question is made the occasion for a general scramble for a new navy-yard. Sir, I hope this House will not give its approval to any such measure. Very sure am I that the city of Philadelphia, if it had been supposed that her munificence would be met by such a general scramble, would have been too proud to make this offer to the General Government.

The gentleman's speech has perfectly accomplished, no doubt, the purpose for which it was made.

Mr. Speaker, in walking along D street yesterday, I saw a very singular sign. I was forcibly reminded by that sign of the speech of the gentleman from Connecticut. I ask the Clerk to read it.

The Clerk read as follows:

"NEW ENGLAND STORE: Established primarily for my own advantage and partly to promote the interests of my customers."

[Great laughter.]

Mr. THAYER. Now, Mr. Speaker, if you will strike out "customers" and insert "constituents," I think you will have a pretty good description of the gentleman's speech. [Laughter.] It was made, of course, entirely in the interest of his constituents. I do not know entirely in the interests of his constituents, because it would seem that the gentleman, to some extent, has abandoned the original line of attack.

Mr. BRANDEGEE. Let me ask the gentleman a question at this point, inasmuch as this is the place where the laugh comes in. In whose interest were the five speeches made by Philadelphians yesterday and to-day?

Mr. THAYER. Mainly and chiefly in the interest of the General Government, and it was with that spirit and in that interest chiefly that this proposition was originally suggested.

Mr. BRANDEGEE. The speeches made have been made, it may be, mainly in the interest of the General Government, but primarily, chiefly, and solely, they were made in favor of the interest of Philadelphia.

Mr. THAYER. I do not propose to detain the House on that subject.

*I have expressed the motives and causes which induced the city of Philadelphia to make this offer. If they do not understand it I should despair of making them understand by further comments on the subject. The real issue is, as

has been stated by the gentleman from Ohio, [Mr. LE BLODGE], whether you will remove the existing yard from its present site and get a million and a half or two million dollars for it with which to begin your large naval establishment at League Island, or whether you will continue to expend your money on an old site, inadequate for the purpose for which it is used; whether you will continue your large annual appropriations and forego the gift of the city of Philadelphia.

Now, that is the real issue, notwithstanding the comments of the gentleman from Connecticut, [Mr. HUBBARD], who, I believe, put in a demurrer on that point, which I trust the House will overrule.

Mr. RANDALL, of Pennsylvania, obtained the floor, and yielded for ten minutes to Mr. SPALDING.

Mr. SPALDING. Mr. Speaker, I desire to state to the House that during the last Congress I was a member of the Committee on Naval Affairs, and as a member of that committee had occasion to view this locality now so well known as League Island. I do not say anything in favor of the beautiful city of Philadelphia or its surroundings, which are all pleasant in the highest degree. But, sir, after carefully examining that island, it occurred to me there was such a thing as having a gift, a present of too expensive a character to the donee. I am not now entirely satisfied that the United States would not be largely the loser by accepting the donation of League Island for the purpose contemplated by the donors. It will not now do to cover up the bait on the hook. We all understand it. We know very well that it is contemplated in this plan to make League Island a great national navy-yard for the building and repairing of iron-clad navies, the Navy which the United States now has and the mightier navies we will have by and by as years roll onward. The outlays of public money upon this spot are to be enormous if the project is to be carried into execution; and when we undertake it in its incipient stage we ought to be well satisfied we have the correct ground to build upon. Too much caution cannot be used in this respect.

As at present advised I fear that League Island is rather too secure from the approaches of a foreign foe. I am rather of the belief, the testimony has disclosed the fact, that during two months of every year League Island is inaccessible from the Atlantic. If so, is that a proper place for a naval depot?

Mr. ELDRIDGE. I would inquire what testimony the gentleman refers to.

Mr. SPALDING. Testimony that came before the Naval Committee of the last Congress. I refer to that generally.

Mr. ELDRIDGE. I did not know but he referred to testimony before the present committee. There was no such testimony before it.

Mr. SPALDING. I have not the honor now to be a member of the committee, and I do not pretend to speak of any of the testimony or arguments before the present committee.

Mr. KELLEY. A single moment. I simply desire to say that the records show that in forty years the city of Philadelphia has never been ice-locked; that for forty years there has not been a day when steamers could not make their way to and from the ocean.

Mr. SPALDING. My friend will pardon me. I do not mean to interpose this as argument against the final adoption of League Island. I only say that this thing struck me when I was a member of the Naval Committee, that at a certain season of the year the island was inaccessible. I know the gentleman admitted here in argument that it needed the expenditure of a vast sum of money to prepare that island for the superstructure for an iron-clad navy-yard—more than a million dollars, probably, before the soil will receive the superstructure.

Well, now, are we to adopt this present site contemplated by the bill before us with the notion that we are to simply transfer the old wooden-ship navy-yard—if I may so characterize it—from the city of Philadelphia to

League Island, and there let the matter drop? That is not the question at all. If it was only contemplated that the Government should take League Island and transfer the present navy-yard from Philadelphia, with its present capacity, down to that portion of League Island which will admit of the superstructure, we perhaps would not find it so objectionable. But that is not the end of it. It is only the commencement. Then Congress will be called upon from year to year to appropriate its million dollars for League Island and for the iron-clad vessels to be constructed and repaired there. There is no question about that. It is to be a great navy-yard of the nation.

Now, sir, I ask if it is too much for this House to request of the gentlemen who are interested at one point and the other, that a commission, learned in this matter, made up of scientific men from the Army and Navy, shall go out and explore the different points that may be presented for exploration, and be required to report to this Congress at its next session, for final action, giving to us League Island, if they find that to be the best, or Portland, or Portsmouth, or a point on the Hudson river, or on the Patuxent, or any point that the commission may say to us has the most merit. Then we will fix an iron-clad navy-yard upon it, and vote the necessary appropriation.

I am in favor of the substitute for the bill, expecting that it will be so modified as to require the commissioners to report at the next session of this Congress.

Mr. RANDALL, of Pennsylvania. The House will observe my disposition to yield to my distinguished and able friend from Ohio, [Mr. SPALDING,] who differs from me in regard to the measure before the House. That generosity sprang from entire confidence in the fact that any argument that the gentleman might be able to make adverse to the proposition which I am about to defend could be overturned.

I may as well dispose of his argument as well as I can at once. The gentleman has raised the bugbear of public expense at this time. Now, my distinguished friend well knows that from the beginning of this session, and during a period of the last Congress, I followed him as closely as I knew how in every disposition to save every dollar I could to the Government. But in that disposition there is sometimes exhibited here a plan which is spoken of as "ponny-wise and pound-foolish." Sir, if the gentleman had clearly informed himself upon this subject he would have seen, not only that this transfer of the navy-yard from Philadelphia to League Island would not be an expense to the Government, but that it would in the end absolutely supply money to the Government.

The portion which the city of Philadelphia desires shall be vacated has a wharf front of the most valuable property in the city. It embraces several squares. It gives us two squares of front on Prime, two on Federal, two on Wharton, and two on Reed street. It is estimated that the property will bring from a million to a million and a half dollars. This morning a competent man and a man of means called on me and authorized me to state here that he would, for the land which was vacated, cheerfully make a contract to put League Island in a condition for a navy-yard for iron-clads such as the Navy Department might prescribe in every particular, and he further said he believed he would make money by the operation.

Now, Mr. Speaker, I doubt whether I can add much to what has been so well said by my distinguished friend from Ohio, [Mr. LE BLODGE,] a gentleman who from locality is certainly disinterested, and whose opinion, formed as it is from information obtained by much industry and the devotion of a great length of time to the subject, is worthy of great consideration. That gentleman yesterday in the most clear and masterly manner touched the practical plan and the common-sense points of the argument. He comes before this House not

governed by any motives other than a regard to the public good. I myself do not inquire into other person's motives. That belongs not to me. I confess that I am not free from local pride, neither do I expect to see an absence of local pride on the part of the gentleman from Connecticut. On the contrary, I think it not only not reprehensible but most commendable, and I congratulate, saving his politics, that the citizens of his district are so well represented on this floor.

Mr. BRANDEGEE. The gentleman will allow me to tender him my thanks. [Laughter.]

Mr. RANDALL, of Pennsylvania. But I want this House to consider the points directly at issue. There are three points in this question bearing upon the choice between New London and League Island, for I may say that it is a question between those two places. What are those points of practical difference? Let us examine them.

I will read an extract from the rules laid down by the commission who were sent to examine this site and other sites with a view to selection for an iron-clad navy-yard. They laid down these rules:

"Security from attack by an enemy and facility and economy of defense. To be easily defended from its own topographical advantages. To be easily reinforced by troops from a dense population within easy marching distance. Not easily blockaded. Not too near the mouth of a bay or river."

The majority report upon the question of security make use of the following language:

"The board is of opinion that either of the sites under examination may be promptly and efficiently defended and that upon this question they may be regarded as equal."

Now, there is no man who has listened to this discussion, who has read the opinion and the reports upon the subject, but what will see exactly that the majority of the commission yielded when they put them upon an equality. Now listen to what the minority of the commission say:

"In security from an attack by an enemy and facility and economy of defense League Island, which is seventy miles from the mouth of one of the most defensive rivers of the United States, is greatly superior as a site for a navy-yard to Winthrop's Point, which is three and one eighth miles from the mouth of the Thames river. League Island is secure from a naval attack by rifle batteries. Winthrop's Point is not."

Now, there is an opinion coming from gentlemen who, whether they were distinguished or not, have staked their honor and their character as men of veracity and as officers of the United States Navy upon this report.

The facilities necessary for building iron-clads have been enlarged upon so fully in this House that it is hardly necessary to do more than remind it that this point is a great focus of the communication from the teeming West through one system of railroads from Indiana, Illinois, Ohio, and Pennsylvania. And I would say to the gentlemen in this House from those States that they are doubly interested in securing this site as it will open up an immense market for the commodities of the West.

It is quite natural that New England should be in favor of New London as the point at which this location should be made. But I beg of gentlemen representing New England and of this House that they will not clannishly continue in opposition to this project, but that they will listen to the facts, listen to the reports, and as far as they are able recollect that there are other States and other localities in this country besides their own.

Now, I desire to say a few words to meet some of the objections which the distinguished gentleman from Connecticut [Mr. BRANDEGEE] urged on yesterday. Sir, let me say that the Delaware river at League Island and at Philadelphia is navigable at all times for vessels drawing twenty-six feet of water. I believe that experience has shown that in that respect Philadelphia at all times has the advantage of New York; and at one time a vessel was ordered from New York, on account of the insufficiency of water there, and sent to Philadelphia, where it loaded its cargo and proceeded with it to sea.

The next point the gentleman raised was as to the necessity of piling and the great expense which that necessity involved. Now, I want the gentleman from Connecticut to listen while I state that, according to what information I have upon the subject, so far as League Island is concerned, not one bit of piling is necessary there; and that information I have from those who understand this subject thoroughly. Perhaps the gentleman is aware that this system of piling is now becoming more or less obsolete; that it is only found necessary to lay down hemlock logs and sink them; therefore the old system of piling is done away with.

Now, as to the beautiful figure of speech, for it was fancy and not fact, that the river is ice-bound for three months in the year. Sir, he does not know anything about that river or he would know that the difficulty from ice in that river is at the Horse-Shoe, which is above League Island.

Now I think I have said everything of importance on this point that I have to say, and I will not take up further time of the House.

Mr. RAYMOND. I desire to say a few words upon the bill before the House. We are called upon to vote for one of two propositions: the one authorizing the executive authorities to examine one particular site for a navy-yard and to report whether it be or be not adapted to that purpose; the other, which is embraced in the substitute offered by the gentleman from Connecticut, [Mr. BRANDEGEE,] authorizing a commission to examine the several sites which have been proposed for navy-yards, and to report which of them is best adapted for the purposes of a navy-yard and station.

Now, it seems to me to be perfectly clear that it is for the interest of the Navy and of the country to have the best site for a navy-yard which can be found in the United States. I cannot therefore see any valid objection to the adoption of the substitute. It proposes that all the sites, including League Island, shall be examined by a commission. Now, if the commission be a competent commission, and if League Island be, as is claimed by its advocates here, the best site in the United States, indeed the only site fit for a navy-yard, it is reasonably certain that it will be the site recommended. On the contrary, if it be not the best, I take it that nobody wishes that it should be recommended. Now, sir, I do not care to go beyond that. That single consideration will decide my vote as between these two propositions.

But if we look further, and find that one board of scientific officers has examined the League Island site and distinctly condemned it, that the Naval Committee of this House of the last Congress also reported against it, and that there is no authoritative or scientific decision in favor of League Island except that of the Navy Department, then it seems to me we are to presume that there must be some reason existing against the selection of that site which will render it proper that other sites should also be examined.

I do not intend to enter at all into the examination of the League Island site nor of any other site. But I do feel anxious that the country shall have the benefit of the best site that can be obtained; and I know of no better way of determining what that site is and where it is located than is afforded by the appointment of a commission to examine them all.

I have listened with great interest to the debate on this subject. It has been mainly, and perhaps I might say exclusively, under the conduct of gentlemen directly interested in the one or the other of two sites. Certainly all that has been said thus far in favor of the League Island site has been said by gentlemen who do not for a moment profess that they are disinterested in this matter. The gentlemen from Philadelphia have strong reasons for advocating the League Island site. I do not mean to intimate that they are influenced by improper reasons; I do not mean to say that their interest would necessarily control their judgment; but they certainly have strong reasons for advocating the selection of that site in preference

to any other; stronger reasons for urging the adoption of that site than any other gentlemen on this floor can have.

Mr. LE BLOND. I should like to ask the gentleman from New York a question, with his permission.

Mr. RAYMOND. Certainly.

Mr. LE BLOND. I infer from the gentleman's speech that he is opposing the report as it comes from the committee. I desire to know how he intends to vote when the question shall be taken.

Mr. RAYMOND. Well, sir, I do not know which to admire most, the extraordinary skill and ingenuity with which the gentleman draws an inference, or his coolness in putting such a question as that to me.

Mr. LE BLOND. I am simply governed by a recollection of the past history of the gentleman. That is all.

Mr. RAYMOND. Mr. Speaker, I said that I intended to vote for the substitute. The gentleman infers from this, with a degree of acumen that must be peculiar with him, that I am not going to vote for the proposition reported by the committee.

Mr. LE BLOND. That was the natural conclusion from the past history of the gentleman.

Mr. RAYMOND. The natural conclusion from what past history?

Mr. LE BLOND. Well, I will say for the information of the gentleman, that upon two occasions when the gentleman has spoken in favor of propositions, we have found him voting against them. On the question of striking out the third section of the constitutional amendment reported from the committee on reconstruction, the gentleman made a speech of which he might well be proud if he had only followed the spirit of his speech in his vote. From that speech, we upon this side expected that he was going to vote with us, and that in the end we would defeat the measure. But when the question was taken, we found the gentleman voting with the gentleman from Pennsylvania [Mr. STEVENS] for the proposition, after he had spoken against it. And on one or two other occasions, I believe, the gentleman from New York stands on the record as affirming by his votes precisely the contrary of the positions he had taken in his speeches. This being the case, we upon this side naturally infer that whenever the gentleman makes a speech in favor of a proposition, he of course will vote against the proposition.

Mr. RAYMOND. Well, Mr. Speaker, the inference which the gentleman assures me that side of the House draw in such cases is creditable to their candor as well as their intelligence. Now, sir, he may learn from this instance, as well as some others to which he has alluded, that the inferences which he and his associates on that side of the House have at various times taken the liberty to draw concerning my action, have no foundation whatever except in their imaginations, or perhaps their hopes. It seems to have entered the heads of the gentleman and some of his associates that I was here to follow their lead, to vote as they wished or hoped I would vote. Sir, I trust that by this time they have corrected that impression. I have never said or done anything to give any countenance to it.

The gentleman taunts me with having voted for the third section of the constitutional amendment recently passed by this House, after I had made a speech against it. Sir, permit me to say that I did no such thing. I spoke against that proposition, and I should have voted against it if the gentleman and his associates had not joined those on our side who were in favor of it to prevent me and others from having a chance to vote against it. I do not think the gentleman and his associates are entitled to claim any particular credit for their action on that occasion.

Mr. ANCONA. I wish to correct the gentleman on one point.

Mr. RAYMOND. I do not yield to the gentleman. I wish to conclude my answer to the gentleman from Ohio, [Mr. LE BLOND.]

I wish to say further, that whenever the gentleman and his associates combine with those of my own political friends who do not entirely concur with me to prevent me from voting so as to express my sentiments, I shall vote as I choose, without asking the gentleman's consent or that of his associates. If in the record of his action and that of his associates on that particular occasion the gentleman can find anything of which he thinks he ought to be proud, I commend him to cherish it with the utmost care, for it will be one of the very few things of which he can be proud. [Laughter.]

Now, sir, we will drop the subject of the third section here unless the gentleman from Ohio has some other question he would like to ask me.

Mr. LE BLOND. Oh, no. I hope I will be pardoned for saying that the history of the gentleman's speeches and votes will speak for itself. I trust he will have capacity enough when he gets home to his constituents to harmonize the one with the other. I confess my inability to do so, and hence my inference.

Mr. RAYMOND. I do not know that the gentleman is called upon to reconcile my votes and my speeches. It will be quite enough for him to reconcile his own with sound political principles and common sense. [Laughter.]

Mr. LE BLOND. If the gentleman will permit, I will say that my own votes and the few remarks I have made, I think, will tally and harmonize. I do not think I have ever been in the unfortunate position of my friend from New York. He started out at this session of Congress with one foot on the shoulder of Andrew Johnson, and the other foot on the shoulder of the gentleman from Pennsylvania, [Mr. STEVENS.] These two gentlemen have been diverging, and he is still trying to keep his feet upon them both. God knows what will become of the body if they diverge much further. His legs I do not find elongating much. I hope they possess elastic power which will enable him at least to preserve his life. [Laughter.]

Mr. RAYMOND. Well, sir, I am not half so much concerned with reference to my position as the gentleman from Ohio. I consider that my votes are within my control, and as yet I have found no difficulty in standing upon my own platform. It may not suit the gentleman from Ohio; it may not suit some gentlemen in my own party; but it suits me perfectly. I have found some reason to regret that gentlemen did not agree with me. I am in the condition of the obstinate juror who wondered how it was that those eleven obstinate fellows would hold out against him. [Laughter.] I will not say that my friend from Ohio has always voted against me. He has several times voted with me. I have regarded it as a sign of remaining grace that he and his friends have a few times voted with me on what I regarded as sound political principles. Whenever they depart from them and attempt to compel me to vote as they do I shall take the liberty of voting as I please.

I do not know that I had anything more to say on the pending question except this, that I shall vote for the substitute of the gentleman from Connecticut. I believe what little I have said has been in favor of that substitute, and therefore I hope that the gentleman from Ohio will understand I am going to vote as I have spoken.

Mr. RICE, of Massachusetts. Mr. Speaker, so much has been said and so elaborately said upon this subject, that perhaps little more elucidation is needed; but not being quite satisfied with either of the propositions as they stand before the House, I rise mainly for the purpose of offering an amendment to the substitute of the gentleman from Connecticut, which I will have read before I take my seat.

While I am up I will say a few words on the subject. Those who know something of the history of this question in this House will remark one striking distinction in the debate which has been had yesterday and to-day as compared with the debates heretofore on this

subject. Heretofore no small part of the result of the discussion has turned upon the point of the necessity of establishing an additional navy-yard anywhere. During the progress of the war many gentlemen had doubts so serious and important in relation to the necessity of having another yard that they were disposed to vote against this question altogether, and it allowed to be passed over. It is quite natural that should have been the case, because previous to the breaking out of the rebellion there were no circumstances connected with the history of this country which should suggest to men not particularly conversant with naval affairs that a navy-yard like that contemplated in the proposition before the House was or would be needed.

It has so happened, sir, that owing to the fact that a broad ocean lay between us and the European continent, which has been the seat of almost all the wars of modern times, our position has been isolated from the theater of those wars. We have thus happily been delivered from the complications which have involved the nations upon the other side of the water; and upon this side there have been no nations at all adequate to cope with the Government of the United States. It has, therefore, not only been our privilege in times past, but it has been our boast, on numerous occasions, that we were able to point to the fact that we were a great and strong and growing nation, and the only one of corresponding magnitude in the world which was able to continue year after year without the expense and without the necessity of a great standing army or of a very large navy. But, sir, the occurrence of the rebellion changed this state of things in almost every particular. The occurrence of the rebellion found us without any adequate navy for the exigencies which arose at that time; and, sir, it is perfectly plain on looking at the history of this war that had the United States possessed at the beginning of the rebellion an adequate naval force, or even a naval force one half as large as that which it possesses to-day, the rebellion would never have grown to any considerable importance or magnitude. We should have had possession of the whole coast; we should have recaptured all the forts that were seized by the rebels; we should have been enabled to assert our power on the sea everywhere. Everybody knows the spontaneity with which the loyal millions flew to the ranks of the Army, which made it a sufficient power to take care of the interior portions of our country.

Now, sir, the first lesson that we ought to learn from the recent war is that we ought not to continue in a state of unpreparedness for war. Why, sir, the great national debt which has been entailed upon the country in its thousands of millions of dollars, is a perpetual admonition to us that we should at least be continually prepared for war, and every soldier's grave, of which there are hundreds and thousands in our land, sends up to us an appeal that we shall not in the future disregard a proper provision for the vindication of the honor of that flag which they died to maintain. Ay, sir, more than that, every mourning household throughout our land sends up to us here its pathetic appeal that we shall heed the lessons of war, while they point to the vacant places at their own firesides and weep over those who have laid down their lives for the liberties and for the honor of our common country.

Now, sir, I have said that the rebellion might have been checked if we could have had adequate preparations for war; but we are obliged to-day to look at the facts as they stand out before us. The rebellion was not prevented; it has passed into history; and the events of history are elements that must shape the future policy of this country. We are not now the same nation that we were before the war. The events of the war are a part of the heritage of this and of all future generations of American citizens; and what we do to-day, and what we shall do in all the future, must be done in the light, not only of what existed before the war,

but also in the light of that which the war has added to our experience.

Now, sir, the exigencies of the war were such that they demanded not only the ordinary material and equipment of naval forces, but something more; and that demand was answered by the ingenuity of our artisans and mechanics in the production of iron ships. It is scarcely a stretch of absolute truth to say that the iron ship was the legitimate production of the late American war; and in all future time that iron ship is to be the great instrument in all naval warfare. The building of iron ships to-day is but in its infancy; it has a future before it. This class of vessels is to travel through all the various forms and modifications and experiences that wooden vessels have passed through; and we must, therefore, equip our navy-yards in such manner that they shall have facilities for the production and taking care of iron ships, corresponding to what we have heretofore had in our existing navy-yards for the construction and taking care of wooden ships.

Now, sir, the question before the House has been discussed yesterday and to-day in a most exhaustive manner by the able gentlemen who have spoken on the subject, and especially by those who have informed themselves so elaborately upon the question. But nevertheless I think I speak only the truth when I say that in some sense it has been discussed as if it were a local question—as if it were in some degree a question between League Island and New London; or, to enlarge it a little more, as some of the gentlemen who have preceded me have done, a question between League Island and New England.

Sir, I should deeply regret if this House should entertain a great national question like this upon any basis whatever that was merely local or that was in any manner or degree partisan. There is nothing partisan in it whatever; there is nothing local in it whatever; and there ought not to be. This question should be viewed and discussed as one that interests every American citizen; as a question not to be decided for this State, or that State, or another State, but for the Government and the people of the United States, whose Representatives we are on this floor.

Sir, the objection that I have to the proposition brought in here by the gentleman from Pennsylvania [Mr. KELLEY] is that it limits the selection of a site to one particular spot.

Mr. MOORHEAD. I would ask the gentleman from Massachusetts whether the report of my colleague from Pennsylvania in favor of League Island is not the report of the Committee on Naval Affairs.

Mr. RICE, of Massachusetts. I thank the gentleman from Pennsylvania for asking me that question, because it enables me to state what otherwise might have escaped my memory.

From the beginning of the discussion of this question I have had the honor to be a member of the Committee on Naval Affairs, serving for two years upon that committee with my distinguished and valued friend from Pennsylvania, [Mr. MOORHEAD.] I have carefully studied this question from the time it first came before Congress until now. I did so with a desire to inform myself so that I might be enabled to come to a clear, distinct, and definite conclusion on the subject, and the opinion I originally formed remains unchanged to-day.

To make a more direct reply to the gentleman who has interrogated me, I desire to say, if I may be permitted to say what transpired in the committee-room—and so far as attaches to myself I believe I have that right—that when the proposition now before the House, reported by the gentleman from Philadelphia, was submitted to the committee, I offered a proposition substantially in the form which I shall submit to this House at the close of my remarks; and after the proposition of the gentleman from Philadelphia was accepted by the committee I stated to the committee that I would reserve to myself the right, if I should feel it my duty to do so, to oppose that proposition in the House. Sir, I have a right to

oppose that proposition, and I do it without the slightest hostility to the locality which is before the House upon the recommendation of the majority of the committee, or toward any person connected with or interested in it. I simply feel it to be my plain duty, as a member of this House, and of the committee which has elaborately examined this subject, to state that I prefer, when the Government of the United States is taking a decisive step, not for a day only, but for all future time, upon the greatest question that will arise for a quarter of a century, probably, in relation to our naval affairs—I feel it my duty to declare, as I do here, that I consider this a mere question of engineering and topography, to be determined by professional men whose duties, whose studies, and whose experience have made them better competent to decide such questions than any committee of this House whatsoever.

Let me add, right here, that, impressed as I am with the importance and the necessity of our having some place where we can secure and lay up the iron vessels of our Navy, nevertheless I think that the selection of such a place should be made by a competent commission. Yet, if the House should refuse to authorize such a commission, I shall vote for League Island, because I think the necessities of the case would overbalance the disadvantages of having a decision made in favor of that place.

Now, sir, the chief reason why I advocate the appointment of a commission to make this selection is because I can see no possible harm that can come from it, while there may be vast advantage accruing to the Government from the action of such a commission.

If this proposition shall be adopted, a commission will be appointed composed of seven members, who will be competent to investigate this whole question and give us the result of their decision. And the amendment which I shall offer in a few minutes will be to authorize the Secretary of the Navy to accept that site which shall be designated by the commission as the one best adapted for the purpose.

Sir, I think we ought not to travel around in a circle year after year, and four years after four years, making no adequate preparation for this great work. We ought to make some definite progress every time we take hold of the subject. If League Island is the best possible site for a navy-yard, then, as has been well said by the gentleman from New York, [Mr. RAYMOND,] it is highly likely that an intelligent and competent commission will discover that fact. And the amendment which I propose to offer to the substitute moved by the gentleman from New London [Mr. BRANDREGE] is that the Secretary of the Navy shall be authorized to accept the site recommended and proceed with the necessary work upon it. And if the commission shall recommend League Island he can accept that site, or accept any other site, should they recommend any other.

But I was speaking in reference to the construction of iron-clads in the future. A very large portion of our employment during the war has been in the construction of iron vessels. The war is now over, but the question before us is still imminent, for this reason: it is not a question as to what we shall do ten or twenty years hence at the end of some war then raging. The war is over, and we have the iron-clads on our hands to-day, and the question is, what shall we do with them? They must be put somewhere; it is not a question whether you will or will not put them anywhere; they must be put somewhere.

The Government has been forced to send them up the Delaware river and place them in the channel back of League Island, because Congress heretofore has failed to indicate its purpose to provide a definite and fixed place for the storage of these vessels. Whether League Island and its back channel shall be selected or not is a question that should be settled now. Some gentlemen may say, why not leave them where they are for the present? Sir, whether they continue there in the future

or not, they ought not to continue in the condition in which they are now placed. There is no gentleman upon the Naval Committee or anywhere else, who has any acquaintance with this subject, who does not know that these vessels are in a very improper condition now, whether in the right location or not.

Sir, we must provide a proper place in which to store them. If we select that place, then we should do it now, and make the proper preparations by the clearing out of that channel and by the construction of the proper wharves and docks, and whatever else may be necessary to protect the property of the United States, which has cost us so many millions of dollars. And if we do not select that site but some other, the urgency is still as great that we shall come to a decision upon this point, and indicate to the Secretary of the Navy what is the opinion of Congress upon this subject, and authorize him to accept some place in which to place these vessels, so that they may be in a position which will be a credit and not a disgrace to the Government, as at present.

Now, sir, there are two points to be observed in the selection of a site for a naval station. One of them is that which I have just indicated, to secure a place for the storage of iron-clad vessels. And let me say that among that which has entered into the consideration of this subject has been all the discussion and all the theory and all the testimony from various quarters as to whether fresh water is the best or salt water is the best or brackish water is the best in which to store an iron vessel. And then there are others who say that neither fresh water nor salt water nor brackish water is the proper place for an iron navy to be laid up, but that you should draw them out of the water altogether, and place them upon ways and cover them over so that they shall be protected from the action of the weather as well as from the action of the water.

Well, sir, I do not intend to enter into that discussion; I do not intend to review all those details; I simply call the attention of members of the House to them as having been suggested in the course of this discussion, to show that there is no concentrated opinion upon this subject upon which we can at present securely rely.

Therefore, sir, the public interest demands that this subject shall be given into the hands of a competent commission, who shall take into consideration this whole subject-matter and report to Congress what in their judgment the public interest and the future welfare of the country demands.

The other branch of this particular point is that the place that may be selected for the storage of iron-clad vessels will also as a matter of course, to a greater or less extent, and probably to a great extent, become the headquarters for the fabrication of iron ships and the collateral material of war. Now, Mr. Speaker, it will continue to be necessary for us to build vessels. Notwithstanding the fact that we are no longer in a time of war, we do not propose to close up our navy-yards and cease building ships, neither can we dispense with the building of iron ships because peace has come to us with its blessed auspices. For, sir, among the results of the war, to which I alluded, and which we have inherited, is a greater proximity to the questions that disturb the Powers on the other side of the globe and the intermeddling interests of those Powers with the interests of countries on this side of the Atlantic. We must be able to maintain the position which we have assumed, not only in relation to what we will do within our own borders, but also what we will do as to asserting and carrying out at any and every hazard the declarations that we have made in relation to what shall be done and what shall not be done with regard to the other Powers dwelling on this hemisphere. And, sir, not only must we be engaged in the building of ships in preparation for new complications that may come, but we must have the building of our iron ships go on in the same way that we have con-

tinued to build wooden ships heretofore, so that we may be prepared at any and all times to meet any foe that may appear, whether at home or abroad.

I should have been very much gratified, Mr. Speaker, had the House determined to enlarge the existing navy-yards when that subject was before the House. I am glad, sir, that it did decide to enlarge the navy-yard at Portsmouth and the navy-yard at New York; while I regret very much indeed that it did not decide to enlarge the navy-yard at Boston, contiguous to my own district. But, sir, I have no interest in that yard, nor in any other yard that can influence me one particle in the action which I will take upon this question. I want to see an adequate navy-yard established somewhere. It is a public necessity that we shall establish such a yard somewhere; and the whole point of what I have said, if I have succeeded in making myself understood, is that this House should take definite action upon this subject; that it should take such action as shall secure to the Government an examination of all the sites upon the Atlantic coast that may be supposed to be eligible for such a work as this; that the commission which may make this examination shall present to the officers of the Government the result of its deliberations and investigations; that, furthermore, (and this is the point of my amendment,) the Secretary of the Navy or the President shall have the right to accept as a gift to the United States whatever site shall be selected by that commission. Thus they will be able to go forward with this great work, and the subject will not turn up at every session of Congress to be discussed anew, while the interests of the country are suffering because nothing whatever is done.

Having said this much, Mr. Speaker, and remarking, in conclusion, that I am acting in perfect good faith toward the committee whom I represent, and that I am discharging a public duty to myself and to the House by advocating that which I believe is entirely safe to all, and that which, in the nature of things, cannot be injurious to any, I submit the following amendment to the proposition of the gentleman from Connecticut:

Strike out of the amendment the following:

And to report to Congress the comparative advantages and disadvantages of each, and by the selection of which the public interests will best be promoted.

And insert in lieu thereof the following:

And the Secretary of the Navy is hereby authorized to receive and accept, on behalf of the Government of the United States for naval purposes, the title to the site which shall be recommended by a majority of said board as best adapted for said purposes: *Provided*, That a perfect and indefeasible title shall be guaranteed to the United States of such an amount of land, and the exclusive use and control of such riparian rights and privileges, and such channels and waters adjacent as in the judgment of said board may be necessary and sufficient for the uses of the Government for the purposes contemplated.

Mr. KELLEY. I now call the previous question.

Mr. PIKE. I appeal to the gentleman from Pennsylvania not to call the previous question. I desire to say a few words.

Mr. KELLEY. After the previous question shall have been sustained, I will yield a portion of the hour to which I will be entitled to the gentleman from Maine, [Mr. PIKE.]

The previous question was seconded and the main question ordered.

The SPEAKER. The gentleman from Pennsylvania [Mr. KELLEY] having reported the bill is entitled, under the rule, to one hour in which to close the debate.

Mr. KELLEY. I yield ten minutes to the gentleman from Maine [Mr. PIKE] who is a member of the Committee on Naval Affairs.

Mr. PIKE. Mr. Speaker, I propose to say but a very few words on this subject. It has been perhaps fully enough discussed; but there is one point I wish to make. The gentleman from Connecticut [Mr. BRANDEGEE] wants a commission to examine the different sites for navy-yards. The point I wish to make is this: that we already possess all the knowledge, statistical, geographical, or topographical, which can be obtained by any commission to be sent out, and to-day this House is as well

prepared to act on a proposition for a navy-yard as any House of Representatives will be in the whole tide of coming time.

These sites have all been examined. League Island has been examined by a commission. New London has been examined thoroughly. Full reports setting forth in detail every imaginable advantage and disadvantage are before the House. I have no doubt members have possessed themselves fully of all the knowledge concerning these important points which has been so amply spread before them. Doubtless members know the number of feet and inches of water a vessel can carry into New London or into Philadelphia. They know all about the Delaware river, the ebb and flow of the tide, the shoals, the shifting bars, the kind of river bottom, the number of days it is obstructed by the ice, in fine, all the difficulties and advantages of that important position, and equally well-known is the fine harbor of New London and its accessibility. I have no doubt they know the whole thing. Certainly if they do not it is their own fault. They possess as large means of knowledge as any subsequent Congress will ever have. Why then, I ask, when we possess this various information, will the House send out a new commission over the country to examine all the sea-ports, going around begging people to offer a site for a naval station to this Government, and deluding them, I may add, with the expectation that the best one is to be adopted.

I believe my own State, among others, has been presented in this discussion. It is said that in Maine the Government can find a good site for a navy-yard. Certainly it can. There is no better harbor on this continent than Portland, except, perhaps, some one near it. Along a coast line of over twenty-five hundred miles we have harbors with abundant depth of water, land-locked, secure, and surrounded with land well adapted to a navy-yard. But suppose the commission goes to Portland, suppose these seven gentlemen, part of whom are engineers, come back to Congress and say that Portland is a capital place for a naval station, suppose they pass extravagant encomiums upon it, as they undoubtedly will, are we to be deluded with the idea we are to have another navy-yard in Maine? Sir, I hope we are not so green as that.

Why, Mr. Speaker, in the great bay of Maine, with Cape Cod for its southern headland, we have now two navy-yards, one within my own State. It is perfect nonsense for a man to talk about another navy-yard in Maine, nor do the people of Portland expect it. There is an admirable chance there to lay up iron-clads. For a small sum of money Government can have the rare advantage of a dry-dock larger than the largest of great docks at Cherbourg. Forty acres of dry-dock can be obtained for \$400,000, it is said. Here the iron-clads could be laid up perfectly free of water, and of course could be kept freer of rust than in any other way. And whether League Island be accepted or rejected, this experiment should be tried. It is certainly for the interest of the Government to do so. But that is entirely aside from the matter under discussion.

The truth is, all these navy-yards were located intelligently. Along the shore of New England, north of Cape Cod, we have a district which produces more sailors and shipwrights than any equally large section of this country. We have two navy-yards capable of doing most excellent work. According to the statistics of the Navy Department, work is done cheaper at the Maine navy-yard than at any other in the country.

Now, that was the first great section for the establishment of navy-yards in this country. What was the second? Long Island and the bay of New York. That was the second section of the country which called for such an establishment; and there is the great navy-yard of the country, and there it always will be. The commercial metropolis of the country is there. It is the center of our commerce. It has the immense tonnage which is the proper

foundation for a great navy. It is idle to talk about its having any rival in this country. Some gentlemen talk about a navy-yard on the Hudson; we might as well demand another in Maine. They cannot have it, and we cannot have it.

Where is the next point? Delaware bay and Delaware river. There is a navy-yard there, and there it is demanded by the interests of the Government in that locality.

The next point is Chesapeake bay. The Norfolk yard represents that section, and it is of no use to talk about the Patapsco river or other place.

These four sections of the country need just the supply of navy-yards they now have.

This is not in obedience to the "shrieks of locality" or for the purpose of distributing the patronage of the Government. That has nothing to do with it. The great law of supply and demand settles this question as it does many others.

During the war these yards employed twenty thousand men, gathering them from the shipyards in their respective vicinities. The great yard at Brooklyn had eight thousand. But the necessities of the Government are intermittent. They can give no steady employment. In time of peace they employ but four or five thousand, all told. Of course, then, you must locate these yards where the workmen in the neighborhood can go and come, floating out and in as the Government desires. The New England yards accommodate the mechanics north of Cape Cod. New York takes the stretch to the capes of the Delaware. Philadelphia supplies its own yard, and Norfolk must take the Chesapeake bay, including the large city of Baltimore. I make no account of the Washington yard, because that is devoted to purposes peculiar to it, and has nothing in common with the others. Such being the case, I lay out of view all the intermediate places. New London, the Hudson river, and the Patapsco river must go with the rest. When we have come to have a hundred million people and ten million tons of shipping we may begin to duplicate our navy-yards, and commencing with Portland we will work down along the coast, giving each section the proper supply.

But now the question before us, the only question, is, whether or not this little navy-yard at Philadelphia with only twenty acres of ground shall be transferred from its present locality a distance of three miles down the river to League Island. That, I say, is the only question. Indeed, if the gentlemen from Pennsylvania think that this House in determining this change of location is governed by the idea that by establishing at League Island their Philadelphia yard it pledges itself for years to come to devote a considerable share of the surplus revenues of the Government to build up that as a rival to Portsmouth or Cherbourg and the other European navy-yards, they are greatly mistaken. This Congress has no such idea, and the next Congress will keep control of this matter as we have during this Congress. They see no present need of this great navy-yard for iron-clads. If any man can cast the horoscope of the future, he will see that for the next quarter of a century this Government will keep that yard pretty much as it has done for years past—simply for the purposes of repair and for minor uses. It will be a convenience for the city of Philadelphia to transfer it. But for the next quarter of a century the strong probabilities are that we shall need but little development of our Navy. Our resources for present uses are ample. We have forty or fifty iron vessels capable of protecting us against all foreign assaults; and if anything can be more ludicrous than any other one thing in the future, it is the idea that England or France or Russia, singly or combined, will ever make a naval attack upon us.

Why, sir, we have demonstrated during the late war that we can hold together, and that was the only question of the slightest doubt with regard to our political future. Having demonstrated that, we at the same time

demonstrated that no nation on God's earth would be fool enough to attack us.

And if they do not attack us, shall we go and attack them? And if neither attack the other, how is war coming? They will soon see a specimen of our iron-clads in European waters. No doubt they will examine the *Miantonomoh* with the most intelligent curiosity. It will by no means increase their desire to commence the attack. Her presence in the English Channel will be worth more to us than all Admiral Goldsborough's, and a large number of Mr. Seward's dispatches thrown in. If I am right in these views, what, then, do you want of your great iron-clad navy-yard? What are you to have for it to do?

Mr. WRIGHT. I would like to ask the gentleman a single question: whether this bill says a single word about an iron-clad navy-yard?

Mr. PIKE. Not a single word; if there was I would not vote for it. The bill is simply in its effect a transfer of the navy-yard from Philadelphia three miles down the river to League Island, not costing the Government a copper.

Mr. ELDRIDGE. I ask the gentleman to yield to allow me to offer a proviso which is entirely acceptable to the committee.

Mr. PIKE. That can be done at any time.

Mr. BRANDEGEE. I object.

Mr. ELDRIDGE. Will not the gentleman allow it at least to be read?

Mr. BRANDEGEE. I will not object to its being read for information.

Mr. ELDRIDGE. I desire to offer the following proviso as an amendment to the bill:

Provided, That if League Island be selected the navy-yard at Philadelphia shall be dispensed with and disposed of by the United States as soon as the public convenience will admit.

Mr. BRANDEGEE. I object to its being offered.

The SPEAKER. The previous question having been seconded, it requires unanimous consent to offer the amendment.

Mr. ELDRIDGE. I hope the gentleman will not insist on his objection. This does not interfere with his proposition.

Mr. PIKE. I will say in relation to that amendment that there is no need of it. As a matter of course when we have possession of League Island, and the movable articles of the Navy at Philadelphia are transferred there, as they may be very readily, there being little that is permanent there, no stone dock, nothing but a sectional dock which is very easily moved; as soon as they are transferred there of course the navy-yard at Philadelphia will be disposed of.

It stands then, in brief, in this way: whether or not, without disturbing the general navy-yard arrangements of which I have spoken, we will sell the Philadelphia navy-yard and receive for it, it is said, a million or a million and a half of dollars, and accept in lieu of it from the city of Philadelphia, as a free gift, some six hundred acres of land, which has cost that city \$300,000, and with the money received from the sale of the old yard at Philadelphia build as large or as small a yard on League Island as may be necessary. I have no doubt forty acres of land high above tide, capable of as good use for a navy-yard as any forty acres in this country, can be produced on League Island for a sum not exceeding one hundred and fifty thousand dollars. I have satisfied my mind that a very considerable less sum would do it. We should then have forty acres in place of twenty, and the remainder of the island would be open for improvement. Can there be any doubt of the wisdom of the bargain? There is no one single advantage that the present yard has over one established at League Island; while at League Island, aside from the immense space, great enough for all the possibilities of the future, are the numerous advantages which have already been pointed out. In my judgment the House would be exceedingly unwise to refuse this munificent gift, and I cannot believe they will do it.

Mr. KELLEY resumed the floor.

Mr. RICE, of Massachusetts. I desire to ask the gentleman from Maine [Mr. PIKE] a question.

Mr. KELLEY. I must decline to yield any further.

Mr. Speaker, I congratulate you and the House upon the fact that the discussion draws to a close—a discussion which, fond as I am of the excitement of public debate, has not been a pleasant one to me; and that, sir, because an impression seems to have been created that the question was a purely local one, and that the city of Philadelphia had special interest in its settlement; and again, sir, because the debate, in some part, has taken such a character as could not command my admiration or that of any man who believed that adherence to truth graces discussion.

Sir, as I said when introducing the bill yesterday, the city of Philadelphia did not make the tender of League Island to the Government of its own motion. In offering it that city responded to the call of the Government, which, having sent a commission forth to report the best site for its purposes, had been advised that this was it, and advised by its commission to purchase what is now offered as a gift. The Government asked that its great needs might be supplied, and Philadelphia tendered as a gift that which it sought to purchase. That is the relation of Philadelphia to this question. In no other aspect is it a local question.

I should not have engaged the attention of the House again had the question at issue been the question generally discussed by gentlemen. Were we in quest of sites for new naval stations such a commission as is proposed would be proper. But gentlemen misstate the question. The gentleman from New York, [Mr. RAYMOND,] and the gentleman from Ohio, [Mr. SPALDING,] as well as the gentleman from the Litchfield district of Connecticut, [Mr. HUBBARD,] each in turn, as others had done, have said the question is whether a commission to be appointed shall examine but one site or several. Sir, that is not the question before the House. The question is, will you accept a gift from the city of Philadelphia which will enable you to sell the little yard you have there and with the proceeds prepare equal accommodations on five times the level surface which it embraces, and nearly one hundred times the water facilities? That is the question. Or it may be rendered thus: you have thirty-odd iron or other vessels laid up in a natural wet basin, from which they may be ejected at any day, or you subjected to a heavy rent; will you accept a title to that basin so that they shall be there by virtue of your title to the property? Or thus: you have twenty acres of land with a wharfage insufficient to accommodate two vessels end to end; will you accept a more favorable site, with wharfage to the extent of more than five miles, on land of precisely the same character of the twenty acres you now occupy, underlaid as it is at a depth of from twenty to twenty-five feet by heavy boulders and coarse gravel?

In its simple form, Mr. Speaker, the question is, will you accept as a gift that for the want of which the country is suffering? And before deciding that simple question, before you will permit the Government to accept a favor for which it has been begging for more than four years, before you will permit it to become the owner of the wet basin in which scores of its vessels now lie, it is proposed that you shall send out a roving commission to inquire whether you can now or hereafter advantageously establish naval stations at other points, and if so at what points; and on the receipt of the report of that commission at the next session, or during the next Congress, to go through the same controversy which we are now going through, and which the Thirty-Eighth Congress went through two years ago. Now, I ask the gentlemen when they come to vote, to vote directly upon the question at issue, which is whether the Government, while retaining or selling its present navy-yard at Philadelphia,

may accept nine hundred acres of land, and of land covered with water, known as League Island and the back channel.

Sir, the story of Baron Munchausen is not without value. With proper accompanying suggestions it may safely be put into the hands of children. But I have never been able to regard it as an admirable model for congressional statement and discussion, and I feel that the gentleman from Connecticut [Mr. BRANDEGEE] made no slight mistake when he modeled his address of yesterday upon the exaggerations of that satirical story. He told the House that we offered the Government three hundred acres of mud. Sir, the Coast Survey speaks veraciously; and here [pointing to a survey] is its report from the coast survey of the nature and extent of the gift offered the United States by the city of Philadelphia. There is a body of five hundred acres of solid land, which has been overgrown with huge forest trees, many of which still stand, and a channel three hundred feet wide extending from end to end of that five hundred acre island, and the gift proposed by Philadelphia embraces both the island and channel from low-water mark in front of the island to the west bank of the channel, including a sentry walk on the main land. And he who will can calculate the number of acres, and will find that what the gentleman calls three hundred acres of mud contains more than five hundred acres of natural fast land, and more than three hundred acres of a wet basin, for which any naval nation but our own would give millions, not of dollars, but of pounds sterling. Sir, it cannot but be well to have some regard for truth in setting forth the facts in the discussion of a great national question like this.

It is said that the site proposed is too remote from the ocean. And the gentleman from Connecticut, in the spirit of Munchausen, spoke of it as being more than one hundred miles from the sea. Sir, it is but seventy miles from the sea. He spoke of a steamer requiring four days to reach the sea from Philadelphia. Sir, eight hours is the time of the average passage for naval steamers and for the larger of the ordinary steam craft of the river from Philadelphia to the offing of the capes.

The gentleman also read from what he said was a Philadelphia paper concerning the brackish water about League Island and in front of Philadelphia. It was from a paper which, let its imprint be Philadelphia or where it may, was printed, or at least got up, if not printed, at some point very remote from Philadelphia, and most probably east of Philadelphia. It spoke of twenty-seven miles of miasmatic marsh land south of the navy-yard, and of the brackish water there, and yet the gentleman tells us that the river is closed with ice for three months in every year, notwithstanding the fact, as he asserts it, that the water is so brackish.

Sir, the records kept at the Philadelphia Hospital and at the Merchants' Exchange show that for forty years there has not been one single day when the navigation of the Delaware by steam has been closed or impeded by ice, and it is known to the commercial world that vessels take their supplies of water, with which they sail the world around, from the Delaware at Philadelphia. And, sir, that river supplies a large district of Philadelphia with drinking water through the public works of the city. And yet gentlemen are gravely told that the water there is brackish, and arguments are rested upon an assertion at which even a Philadelphia lunatic would sneer.

But more than this, as if to stamp the insanity that ruled the gentleman's hour, the House was substantially told that the whole United States are in league against Connecticut, and especially against the quiet sea-side village of New London; that when the gentleman arrived here to take his seat in this Congress he found that the State of Pennsylvania and the Navy Department had been organizing a movement to exclude him from the Naval Committee of this House, but that he overcame that State and the Department, and achieved a commanding position on

the Naval Committee; and with a want of generosity and candor for which I hope, Mr. Speaker, he will apologize to you, created the impression, so far as his words could do so, that you had acted the partisan, entered into the conspiracy, and appointed two members from Pennsylvania to the Committee on Naval Affairs. Sir, the gentleman, well informed and studious of such matters as he is, must have known that you did but follow precedent in this particular. When you became Speaker you found that there had been one member of the Naval Committee from Philadelphia and one from the valley of the Ohio, in western Pennsylvania. Hon. John P. Verree had been the member from Philadelphia, and the gentleman from Pittsburg, who now so ably represents that district, [Mr. MOORHEAD,] was the other to whom I refer. There were then from New England two members of the Naval Committee—the gentleman from Maine, [Mr. PIKE,] and the gentleman from Massachusetts, [Mr. BICE,] the accomplished chairman of the committee. There were twenty-seven members of this House from New England and twenty-four from Pennsylvania. The delegation from New England and the delegation from Pennsylvania, so nearly equal numerically, each had two members on that committee. Mr. Speaker, the gentleman who thus reflected upon you, and who would impress the country with the conviction that he is the victim of a conspiracy, was added by you to New England's two members, while you gave Pennsylvania only what your predecessor had done—one member from Philadelphia and one from the valley of the Ohio. The gentleman in the midst of his whining over the wrongs done New England in his person, forgot that of members of the Naval Committee, as constituted by you, New England has one for every nine members, while Pennsylvania has one for but every twelve. But the gentleman seemed to be disposed to run a muck against the world. He seemed to have forgotten that parliamentary proprieties were, or were likely to be, regarded by anybody when he thus assailed you, Mr. Speaker, for not having more promptly seen his distinguished fitness for the Naval Committee, and visited New London to invite him to accept a place upon it.

Sir, I shall not follow the gentleman's rodomontade imaginings and slander. He is not ignorant of the facts of the case; he has examined this chart; he has stood by the well on League Island which gives forth pure spring water filtered through gravel. When, sir, he examined this chart he saw that that whole island, channel and all, was underlaid with gravel, for here is the drawing of a cross section marking the distance at less than twenty-five feet below the surface at which water-bearing gravel and heavy boulders are found. He saw that no foot of it was alluvial foundation, for within three feet of the surface is found black clay laminated with fine sand, which he is too well informed to regard as an alluvial deposit. He knows that League Island is part of the main land, intersected from it by an overflow of one or the other rivers and subsequent washing.

Will it, as he asserts, take sixty or ninety feet of piling to render that island suitable for the erection of buildings? Commodore Turner, who has had charge of the island, and who assisted in building the fortifications at Fort Mifflin, on the south bank of the Schuylkill, half a mile from it, on kindred ground, has assured the committee that piles could not be well driven to the depth of thirty feet; that they would strike heavy boulders at the depth of from twenty-five to thirty feet. The gentleman has also been assured by the officer of the Coast Survey detailed to superintend the boring of the island and report the results, with the scientific detail of fact, and with the results confirmed by the statements of the proprietors of the heaviest works in Philadelphia, that League Island would need no piling for any buildings or machinery except under the trip-hammer; that you could build upon its surface, without driving a pile, work-shops or

machine-shops as extensive or heavy as any known within the limits of Pennsylvania. Yet in view of these facts rung into his ears by honorable gentlemen, he tells this House that League Island is a mass of mud upon which nobody would think of building a barn.

Sir, the gentleman has been entertained in what was the unostentatious summer residence of the former owner of the island; he has seen the cellars of the houses upon it; and he has drank with me of the water from the gravelly springs that furnish water to the healthy people who reside on the island.

Sir, this discussion has not, as I have said, been a pleasant one to me, though I do enjoy a generous public discussion.

Now, sir, let us look at what is proposed by the bill before us. I regret exceedingly that the gentleman from Connecticut would not permit the gentleman from Wisconsin [Mr. ELDRIDGE] to offer his amendment. Sir, there is no thought of maintaining the present petty yard at Philadelphia one day after the material there accumulated can be transferred to League Island. But on this point let the Secretary of the Navy, the author of this project, speak for himself. In his communication of May 9, 1864, addressed to this House through the Speaker, he said:

"Having in view economy, as well as the public necessities, I have at no time recommended that the number of our navy-yards should be increased on the Atlantic coast, but it is my deliberate opinion that no time should be wasted in establishing at a proper place a suitable yard where iron ships can be made and repaired."

Again, in his annual report of December 5, 1864, he said:

"It has never been the purpose of the Department, in any of its suggestions or recommendations, to increase the number of our navy-yards, nor to alter their local distribution. The yard which we now have at Philadelphia is altogether inadequate to our present or future wants. It was proposed, therefore, to substitute a new one on the Delaware, in the vicinity of Philadelphia. League Island, within the limits of that city, if adopted as a site, must gradually absorb the works at the present yard, which would then be discontinued."

Hear his description of what we want, which after all is a description of League Island and all the advantages it embodies:

"A navy-yard, if we have one for naval iron work, should be established on fresh water, for this is essential to the preservation of iron vessels, which cannot be laid up in salt water during peace. Ready access to coal, iron, and timber is also important, for these essential articles should be always available on the inland waters without exposure to an enemy by coastwise transportation. The vicinity of a large city, where skilled artisans can be obtained without difficulty, and the facilities of markets and tenements are abundant, should be considered. A foundation of gravel would, for the purposes of machinery, be preferable to stone. An extensive water frontage must also be secured. For such a depot and establishment, where costly machinery and material would accumulate during years of peace, the advantages of an interior location are most manifest. These favorable conditions are to be obtained nowhere else so completely as on the Delaware river; and the position of League Island, within the limits of the city of Philadelphia, presents probably a stronger combination of the points that are necessary than any other location."

But, sir, gentlemen say that the Secretary of the Navy is not a scientific man. Well, then, let us turn from him to one of the most thoroughly scientific engineers of the country. We sent the chief engineer of the Navy Department, Mr. King, abroad to examine the naval stations of other nations. We also sent him along our whole coast to ascertain the capabilities of our own land. What does he say on the question? I ask gentlemen who insist on scientific information to listen to Mr. King, when, instructed by his extended travel and observation, he says:

"For the location of such a yard we have advantages in our great rivers not possessed by any European nation. In an entirely secure position, far from the sea, in fresh water, and within easy reach of iron and coal, an iron-yard may be erected. These advantages are weighty, and cannot be overestimated. Still we have another advantage; the rise and fall of our tides being comparatively so small, we do not necessarily require basin accommodations—the most expensive of European dock-yard constructions—all we need in this regard being a position affording ample wharfage room."

"Location does not belong properly to the subject-matter of this report, but cannot be considered entirely foreign to it, because it is the first and most important consideration. Government officials in England and France were free in expressing their opinions to me, that since the invention of guns capa-

ble of propelling destructive projectiles several miles, and the construction of armored ships, an inland location for a great dock-yard becomes almost imperative."

The advantages of fresh water for iron vessels to lie in when repairing and fitting out is another point to be considered, for it must be remembered that the adhesion of barnacles, oysters, and mussels to the bottom of iron vessels, while lying still in sea water, is rapid and excessive; in fresh water the iron is entirely free from them.

The navy-yard at Philadelphia does not cover as much ground as the basin water area in any one of the principal European dock-yards; it has only two covered building-slips, with the necessary wood-work shops and store-houses, and is not provided with any stone docks or means of repairing steam machinery."

I will not weary the House by laying before it the volume of such information, but will proceed to show why I think we ought not to adopt the substitute submitted by the gentleman from Connecticut. It is, to borrow a legal phrase, a mere dilatory motion. It is entered for the purpose of delay, for the purpose of keeping the question open, and compelling a compromise between those who do not think we need additional naval stations and those who think we ought to put one where my friend from New York [Mr. DODGE] saw the city bombarded with the short-range guns used during the war of 1812. That gentleman tells me that he was old enough to sit with his father on the family porch and see British vessels bombard New London in 1812. And this motion is entered to force a compromise by which the Government shall not acquire an enlarged station at Philadelphia until Congress consents to build another one at that most exposed point of our coast.

While on that question let me answer a query put to my colleague by the gentleman from Illinois, [Mr. MOUTON,] whether there was not danger that our iron vessels might be closed in at League Island by an enemy's fleet. The very able pamphlet entitled "The Advantages of League Island," by a New England man, which has won the commendation of Admiral Porter, Commodore Stribling, and Commodore Turner, and indeed I may say the approval of the whole Navy, says:

"During the last war with Great Britain, Chesapeake bay was blockaded by a British fleet lying at Lynn Haven bay, and New London was blockaded by a similar fleet lying in Gardner's bay. Both these positions are still available to an enemy for that purpose, but there is no anchorage at the mouth of the Delaware, or nearer than the two places just mentioned, where an enemy's fleet of iron-clads can anchor securely. The draught of water of the foreign iron-clads is too great for them to anchor behind the Delaware breakwater. Consequently this river possesses an economical advantage for a navy-yard from its geographical position, which renders large expenditures for fortifications comparatively unnecessary."

I now yield for a few moments to the gentleman from Wisconsin.

Mr. ELDRIDGE. I move to reconsider the vote by which the previous question was seconded and the main question ordered.

Mr. GARFIELD. I move to lay that motion on the table.

Mr. BRANDEGEE. I hope the question will not be opened to general debate again by reconsidering the vote by which the main question was ordered.

Mr. ELDRIDGE. It is not the intention to open the general debate, but merely to afford an opportunity to move an amendment.

Mr. BRANDEGEE. I object to debate.

Mr. ELDRIDGE. Is it not in order for me to have my amendment reported?

Mr. BRANDEGEE. I object.

Mr. ELDRIDGE. Then I ask the gentleman from Pennsylvania [Mr. KELLEY] to read it as a part of his remarks.

Mr. BRANDEGEE. Is debate in order?

The SPEAKER. The gentleman from Pennsylvania [Mr. KELLEY] is entitled to the floor.

Mr. BRANDEGEE. I rise to a question of order. A motion has been made to reconsider the vote by which the main question was ordered, and I have moved to lay that motion to reconsider upon the table. Now, then, can the Chair recognize any gentleman as entitled to the floor?

The SPEAKER. The Chair sustains the point of order. The gentleman from Pennsylvania [Mr. KELLEY] yielded the floor to the

gentleman from Wisconsin [Mr. ELDRIDGE] to move to reconsider the vote by which the main question was ordered, and a motion was made to lay that motion on the table. No further debate is therefore in order.

Mr. ELDRIDGE. Then I withdraw my motion and resign the floor to the gentleman from Pennsylvania, [Mr. KELLEY.]

Mr. KELLEY. Mr. Speaker, it is known to every member of the House that it is not desired by anybody to maintain the present navy-yard at Philadelphia after League Island shall be accepted.

The original proposition which I submitted to this House contained a clause for the sale of that yard; but the bill reported by the Naval Committee does not appear to have embodied that clause. I regret it exceedingly, and I would gladly have the bill amended by the proposition of the gentleman from Wisconsin so as to add his proviso; which is as follows:

Provided, That if League Island be selected, the navy-yard at Philadelphia shall be dispensed with and disposed of by the United States as soon as the public convenience will admit.

I would be glad if Congress could give such an expression of its opinion, and thus sanction what the Secretary of the Navy has so constantly pressed upon us and upon the people of Philadelphia, and that which they so ardently desire, the removal of the small yard which obstructs several of their main streets and impedes the commercial growth of the city.

Mr. ELDRIDGE. Will the gentleman let me offer that amendment?

Mr. KELLEY. I cannot yield further at this time, as the gentleman's proposition would require unanimous consent, and the gentleman from Connecticut stands there ready to object to it. Let me say a word further. This bill does not ask the Government to accept League Island without a full investigation. But it does ask the appointment of a commission to pass upon it before it accepts the title.

Mr. ELDRIDGE. Will the gentleman from Pennsylvania now yield me the floor to make the motion to reconsider?

Mr. KELLEY. I will yield the residue of my time to the gentleman from Wisconsin for whatever purpose he pleases.

Mr. ELDRIDGE. I move to reconsider the vote by which the main question was ordered.

Mr. BRANDEGEE. I move to lay the motion to reconsider on the table.

The question was put; and there were—ayes 23, noes 71.

So the House refused to lay the motion to reconsider upon the table.

The motion by which the main question was ordered was then reconsidered.

The question recurred upon seconding the demand for the previous question.

Mr. KELLEY. I withdraw the demand for the previous question.

Mr. ELDRIDGE. I move to amend the bill by offering thereto the following proviso:

Provided, That if League Island be selected, the navy-yard at Philadelphia shall be dispensed with and disposed of by the United States as soon as the public convenience will admit.

Upon that amendment and upon the bill I demand the previous question.

The previous question was seconded and the main question ordered.

The question was taken on Mr. ELDRIDGE's amendment, and it was agreed to.

Mr. BRANDEGEE's substitute was then read, as follows:

Whereas various sites on or near the Atlantic seaboard have been offered to the Government of the United States for naval purposes, with special reference to the repair, construction, and laying up in ordinary of iron vessels; and whereas it is eminently desirable that the best site should be selected by the Government for the purpose named: Therefore,

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized and directed to appoint a commission of not less than seven competent officers and engineers, whose duty it shall be to make careful examination and survey of each of said proposed sites, and to report to Congress the comparative advantages or disadvantages of each, and by the selection of which the public interests will best be promoted.

The question recurred on the amendment offered by Mr. RICE, of Massachusetts, to the substitute offered by Mr. BRANDEGEE, to strike out the words—

And to report to Congress the comparative advantages or disadvantages of each, and by the selection of which the public interests will be best promoted—

And to insert in lieu thereof the following:

And the Secretary of the Navy is hereby authorized to receive and accept, in behalf of the Government of the United States for naval purposes, the title to the site which shall be recommended by a majority of said board as best adapted for said purpose: *Provided, That a perfect and indefeasible title shall be guaranteed to the United States, and such an amount of land, without cost to the United States, and including the use and control of such riparian rights and privileges, and of such channels and waters adjacent, as in the judgment of the said board may be necessary and sufficient for the use of the Government for the purposes contemplated.*

The question was taken on the amendment of the substitute; and it was agreed to—ayes eighty-five, noes not counted.

The question recurred on the substitute as amended; and being put, there were—ayes 51, noes 61.

Mr. BRANDEGEE. I think this is a question of sufficient importance for us to have the yeas and nays upon it, and I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 55, nays 64, not voting 64; as follows:

YEAS—Messrs. Alley, Delos R. Ashley, Baker, Baldwin, Banks, Baxter, Beaman, Bergen, Blaine, Boutwell, Brandegee, Brownell, Sidney Clarke, Conkling, Defrees, Eliot, Finck, Garfield, Grider, Griswold, Hale, Aaron Harding, Harris, Henderson, Higby, Hooper, Asahel W. Hubbard, Chester D. Hubbard, John H. Hubbard, James M. Humphrey, Jenckes, Ketcham, Kykendall, Marshall, McCullough, McRuer, Morrill, Morris, Moulton, Phelps, William H. Randall, Alexander H. Rice, Ritter, Rollins, Rousseau, Schenck, Shellabarger, Sloan, Smith, Spaulding, Taylor, John L. Thomas, Thornton, Upson, and Wright—55.

NAYS—Messrs. Allison, Ancona, James M. Ashley, Barker, Bidwell, Bingham, Boyer, Buckland, Chandler, Reader W. Clarke, Cobb, Coffroth, Cullom, Dawson, Dodge, Donnelly, Driggs, Dumont, Eckley, Eggleston, Eldridge, Farquhar, Glossbrenner, Grinnell, Abner C. Harding, Hayes, Hogan, Holmes, James R. Hubbard, Julian, Kelley, Kelo, Latham, George V. Lawrence, LeBlond, Loan, Longyear, Marvin, McClure, McKee, Mercer, Moorhead, Myers, Newell, Niblack, Nicholson, O'Neill, Orth, Pike, Samuel J. Randall, Rogers, Ross, Sawyer, Seofield, Sitgreaves, Taber, Thayer, Trowbridge, Van Aernam, Welker, Whaley, Williams, James F. Wilson, and Stephen F. Wilson—61.

NOT VOTING—Messrs. Ames, Anderson, Benjamin, Blow, Broomall, Bundy, Cook, Culver, Darling, Davis, Dawes, Delano, Deming, Denison, Dixon, Farnsworth, Ferry, Goodyear, Hart, Hill, Hotchkiss, Demas Hubbard, Edwin N. Hubbard, Hubard, James Humphrey, Ingersoll, Johnson, Jones, Kasson, Kerr, Laffin, William Lawrence, Lynch, Marston, McIndoe, Miller, Noel, Paine, Patterson, Perham, Plants, Pomeroy, Price, Radford, Raymond, John H. Rice, Shanklin, Starr, Stevens, Stilwell, Strouse, Francis Thomas, Trimble, Burt Van Horn, Robert T. Van Horn, Ward, Warner, Elihu B. Washburne, Henry D. Washburn, William B. Washburn, Wentworth, Windom, Winfield, and Woodbridge—64.

So the substitute was disagreed to.

During the roll-call,

Mr. BRANDEGEE said: My colleague, Mr. DEMING, is detained at home by sickness in his family.

Mr. LAFLIN said: I desire to state that I am paired on this question with my colleague, Mr. DAVIS.

Mr. PERHAM said: On this question I am paired with Mr. MILLER. Were he present he would vote in the negative and I should vote in the affirmative.

Mr. RAYMOND said: I am paired with Mr. STEVENS, who, if present, would vote in the negative on this question, while I would vote in the affirmative.

Mr. TROWBRIDGE said: My colleague, Mr. FERRY, who has been suffering from indisposition for several days, has been obliged to leave the House to-day on account of sickness.

Mr. WINDOM said: I am paired with Mr. RICE, of Maine.

Mr. ANCONA said: One of my colleagues, Mr. JOHNSON, is paired with Mr. DIXON; and another of my colleagues, Mr. STROUSE, is paired with Mr. WASHBURN, of Massachusetts.

Both my colleagues, if present, would vote against this substitute and for the bill.

Mr. BRANDEGEE said: My colleague, Mr. WARNER, is detained from his seat on account of indisposition. If he were present he would vote in favor of the substitute.

The result of the vote was announced as above recorded.

Mr. KELLEY moved to reconsider the vote by which the substitute was disagreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The bill, as amended, was then ordered to be engrossed and read a third time.

The question was upon reading the bill the third time.

Mr. TAYLOR called for the reading of the engrossed bill.

The SPEAKER. The engrossed bill is not upon the Clerk's desk at present.

Mr. RANDALL, of Pennsylvania. I move that the House adjourn, and upon that question I call the yeas and nays. By the time they are taken the engrossed bill will be here.

Mr. BRANDEGEE. I appeal to my friend from New York [Mr. TAYLOR] to withdraw his call for the reading of the engrossed bill. Let us take the vote upon the passage of the bill by yeas and nays, and if the majority of the House are in favor of passing the bill, then let them pass it.

Mr. TAYLOR. Very well; I will withdraw my call for the reading of the engrossed bill.

Mr. RANDALL, of Pennsylvania. And I will withdraw my motion to adjourn.

The bill, as amended, was then read the third time.

The question was upon the passage of the bill.

Mr. BRANDEGEE. I call for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 71, nays 46, not voting 66; as follows:

YEAS—Messrs. Allison, Ancona, James M. Ashley, Banks, Barker, Bidwell, Bingham, Boyer, Buckland, Reader W. Clarke, Sidney Clarke, Cobb, Coffroth, Cullom, Dodge, Donnelly, Driggs, Dumont, Eckley, Eggleston, Eldridge, Eliot, Farquhar, Glossbrenner, Grinnell, Griswold, Abner C. Harding, Hart, Hayes, Henderson, Hogan, Holmes, Chester D. Hubbard, James R. Hubbard, Julian, Kelley, Kelo, Kerr, George V. Lawrence, William Lawrence, LeBlond, Loan, Longyear, Marvin, McClure, McCullough, McKee, Mercer, Moorhead, Myers, Newell, Niblack, Nicholson, O'Neill, Phelps, Pike, Samuel J. Randall, Alexander H. Rice, Rogers, Sawyer, Seofield, Sitgreaves, Taber, Thayer, Trowbridge, Welker, Whaley, Williams, James F. Wilson, and Stephen F. Wilson—71.

NAYS—Messrs. Alley, Delos R. Ashley, Baker, Baldwin, Baxter, Beaman, Bergen, Blaine, Boutwell, Brandegee, Brownell, Conkling, Defrees, Delano, Finck, Garfield, Grider, Hale, Aaron Harding, Harris, Hooper, Asahel W. Hubbard, John H. Hubbard, James Humphrey, James M. Humphrey, Jenckes, Ketcham, Kykendall, Marshall, McRuer, Morrill, Morris, Moulton, William H. Randall, Ritter, Rollins, Ross, Rousseau, Schenck, Shellabarger, Sloan, Spaulding, Taylor, Thornton, Upson, Van Aernam, and Wright—46.

NOT VOTING—Messrs. Ames, Anderson, Benjamin, Blow, Broomall, Bundy, Chandler, Cook, Culver, Darling, Davis, Dawes, Dawson, Deming, Denison, Dixon, Farnsworth, Ferry, Goodyear, Higby, Hill, Hotchkiss, Demas Hubbard, Edwin N. Hubbard, Hubard, Ingersoll, Johnson, Jones, Kasson, Laffin, Latham, Lynch, Marston, McIndoe, Miller, Noel, Orth, Paine, Patterson, Perham, Plants, Pomeroy, Price, Radford, Raymond, John H. Rice, Shanklin, Sloan, Starr, Stevens, Stilwell, Strouse, Francis Thomas, John L. Thomas, Trimble, Burt Van Horn, Robert T. Van Horn, Ward, Warner, Elihu B. Washburne, Henry D. Washburn, William B. Washburn, Wentworth, Windom, Winfield, and Woodbridge—66.

So the bill was passed.

During the roll-call,

Mr. LATHAM said: On this question I am paired with the gentleman from Maryland, Mr. JOHN L. THOMAS. If he had been present he would have voted against the bill, and I would have voted for it.

Mr. RAYMOND said: I am paired on this question with Mr. STEVENS. He is in favor of the bill, and I am opposed to it.

Mr. LAFLIN said: I am paired with my colleague, Mr. DAVIS; if he had been present he would have voted for the bill, and I would have voted against it.

Mr. ANCONA said: My colleagues, Mr. JOHNSON and Mr. STROUSE, who are both in favor of the bill, are paired with the gentlemen from Rhode Island, Mr. DIXON, and Mr. WASHBURN, of Massachusetts.

Mr. KELLEY. I move to amend the title of the bill just passed by adding to it the words "and to dispense with and dispose of the site of the existing yard at Philadelphia."

The amendment was agreed to.

Mr. RANDALL, of Pennsylvania, moved to reconsider the votes by which the bill was passed and the title of the bill was amended; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, informed the House that the Senate had concurred in the passage of House bill No. 15, authorizing documentary evidence of title to be furnished to owners of lands in the city of St. Louis.

LEAVE OF ABSENCE.

The SPEAKER asked leave of absence for Mr. DIXON for one week from to-morrow.

Leave was granted.

Mr. NICHOLSON asked leave of absence till next Tuesday.

Leave was granted.

Mr. LE BLOND asked leave of absence till next Tuesday.

Leave was granted.

Mr. PERHAM asked leave of absence for Mr. LYNCH for one week.

Leave was granted.

ADJOURNMENT OF CONGRESS—AGAIN.

Mr. ANCONA introduced the following concurrent resolution, upon which he called the previous question:

Resolved by the Senate and House of Representatives, That the President pro tempore of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on Thursday, the 28th of June instant, at twelve o'clock m.

The previous question was seconded and the main question was ordered, which was upon the passage of the resolution.

Mr. MORRILL. Upon that question I call for the yeas and nays. There is most important business still before Congress which must be acted on at this session, and which cannot be disposed of by the time named in this resolution.

Mr. LE BLOND. Work the harder, then, and you will get through the quicker.

The question was taken upon ordering the yeas and nays; and upon a division there were—yeas 21, noes 85.

So (one fifth not voting in the affirmative) the yeas and nays were not ordered.

The question recurred upon the passage of the concurrent resolution, and being taken, there were, upon a division—yeas 69, noes 39. So the concurrent resolution was passed.

Mr. ANCONA moved to reconsider the vote by which the concurrent resolution was passed; and also moved that the motion to reconsider be laid on the table.

Mr. MORRILL. Upon that question I call for the yeas and nays.

Mr. ANCONA. Then I withdraw my motion to reconsider and lay on the table.

NATIONAL BUREAU OF EDUCATION.

Mr. GARFIELD. I call for the regular order of business.

The SPEAKER. The next business in order is the consideration of House bill No. 276, to establish a national Bureau of Education, upon which the gentleman from Illinois [Mr. MOULTON] is entitled to the floor.

Mr. GRINNELL. Will the gentleman from Illinois yield to me that I may make a motion to reconsider the vote by which the joint resolution relative to the final adjournment of Congress was passed?

Mr. MOULTON. I yield for that purpose, with the understanding that I do not lose my right to the floor.

ADJOURNMENT OF CONGRESS—AGAIN.

Mr. GRINNELL. I move to reconsider the vote by which the joint resolution fixing the time for the adjournment of Congress was passed.

Mr. ELDRIDGE. I move that the motion to reconsider be laid on the table.

Mr. CONKLING. On that motion I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 34, nays 61, not voting 88; as follows:

YEAS—Messrs. Ancona, Bergen, Boyer, Sidney Clarke, Coffroth, Dawson, Defrees, Eggleston, Eldridge, Finck, Glossbrenner, Hale, Aaron Harding, Hayes, Henderson, James R. Hubbard, James M. Humphrey, Julian, Kerr, Le Blond, McKee, Moorhead, Niblack, Nicholson, Pike, Samuel J. Randall, Raymond, Ritter, Ross, Rousseau, Sitgreaves, Taber, Taylor, and Wright—34.

NAYS—Messrs. Alley, Allison, Delos R. Ashley, Banks, Baxter, Beaman, Bidwell, Bingham, Blaine, Buckland, Cobb, Conkling, Delano, Dodge, Donnelly, Driggs, Eliot, Farquhar, Garfield, Grinnell, Griswold, Abner C. Harding, Hart, Holmes, Hooper, Hotchkiss, Asahel W. Hubbard, Chester D. Hubbard, John H. Hubbard, Jenckes, Kelley, Kelso, Ketcham, Laffin, Latham, George V. Lawrence, William Lawrence, Loan, Longyear, McClurg, McRuer, Mercur, Morrill, Moulton, Myers, O'Neill, Perham, William H. Randall, Alexander H. Rice, Sawyer, Schenck, Spalding, Thayer, Trowbridge, Upson, Van Aernam, Welker, Whaley, Williams, James F. Wilson, and Windom—61.

NOT VOTING—Messrs. Ames, Anderson, James M. Ashley, Baker, Baldwin, Barker, Benjamin, Blow, Boutwell, Brandegee, Bromwell, Broomall, Bundy, Chandler, Reader W. Clarke, Cook, Cullom, Culver, Darling, Davis, Dawes, Deming, Denison, Dixon, Dumont, Eckley, Farnsworth, Ferry, Goodyear, Gridler, Harris, Higby, Hill, Hogan, Demas Hubbard, Edwin N. Hubbard, Hulburd, James Humphrey, Ingersoll, Johnson, Jones, Kasson, Kuykendall, Lynch, Marshall, Marston, Marvin, McCullough, McIndoe, Miller, Morris, Newell, Neill, Orth, Paine, Patterson, Phelps, Plants, Pomeroy, Price, Radford, John H. Rice, Rogers, Rollins, Scofield, Shanklin, Shellabarger, Sloan, Smith, Starr, Stevens, Stilwell, Strouse, Francis Thomas, John L. Thomas, Thornton, Trimble, Burt Van Horn, Robert T. Van Horn, Ward, Warner, Elihu B. Washburne, Henry D. Washburn, William B. Washburn, Wentworth, Stephen F. Wilson, Winfield, and Woodbridge—88.

So the motion to reconsider was not laid on the table.

The question recurred on the motion to reconsider the vote by which the joint resolution was passed.

On agreeing to the motion there were—yeas 49, noes 39; no quorum voting.

Mr. BANKS. I move that the House adjourn.

The motion was agreed to; and thereupon (at five o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule and referred to the appropriate committees:

By Mr. DAVIS: The petition of W. R. Randall, R. H. Duell, and 500 others bankers, business men, and citizens of Cortland county, New York, praying for an act postponing the imposition of the tax of ten per cent. on State bank circulation to take effect on the 1st day of July next till some period after that time.

By Mr. GARFIELD: The petition of 116 citizens of Thompson, Geauga county, Ohio, asking for increased protection to American wool.

By Mr. LAFOLIN: The memorial of Folger Brothers, of Jefferson county, New York, in favor of the transfer of three Canadian vessels to American bottoms.

Also, the petition of J. L. Leonard, and others, of Lewis county, New York, in favor of a change in the law taxing State bank circulation ten per cent.

By Mr. RAYMOND: The petition of W. W. Richmond, for payment for services as secretary of legation in Brussels and commercial agent in St. Domingo.

IN SENATE.

FRIDAY, June 8, 1866.

Prayer by the Chaplain, Rev. E. H. Gray. The Secretary proceeded to read the Journal of yesterday.

Mr. CLARK. I move that the reading of the Journal be dispensed with unless some Senator desires to have it read.

The PRESIDENT *pro tempore*. It can be dispensed with by unanimous consent only. No objection being made, the reading of the Journal is dispensed with.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate the memorial of the

corporate authorities of the city of Georgetown, District of Columbia, against the repeal of the charter of that city, which will be referred to the Committee on the District of Columbia if there be no objection.

Mr. MORRILL. I suggest that it lie upon the table as that subject has been considered by the committee and is now before the Senate.

The PRESIDENT *pro tempore*. It will be laid upon the table.

Mr. CLARK. I present the memorial of C. I. Field, president, and John A. Strother, delegate, in behalf of the levee board of the Yazoo valley district, of Mississippi, to the Senate and House of Representatives of the United States of America, in which they say that the counties of De Soto, Tunica, Coahoma, and some other counties of the State of Mississippi embrace a large and fertile body of land of alluvial formation, nearly the whole of which, being three million five hundred thousand acres, is subject to overflow by the annual floods of the Mississippi, and by the influx of the waters those lands are rendered unfit for use or habitation, and that by the fact of the war they are utterly prostrate in resources; and the planters appeal to the Government at Washington for assistance. The work, they say, is one of vast national benefit, and it concerns the public revenues and public credit and the general interests of the whole country as well as the immediate district which now appeals for relief.

At the same time I present the memorial of the board of levee commissioners of the State of Louisiana, in which they state in substance the same thing, that the levees of the Mississippi are broken and the country to a very great extent inundated, and that they are so impoverished by the war that they are unable entirely, or to any great extent, to build up those levees, and they ask the aid of the Government. I understand that the War Department have had this subject under consideration and have sent a board of engineers, with General Humphreys at their head, to the river to make some examination, which report may be presented to the Senate in a few days.

Mr. President, I present these memorials to Congress with some satisfaction. While we have been in war in different parts of the country, and while those States have not yet been restored to their relations with the Government so that their Representatives and Senators can be here, I take pleasure in presenting these memorials to the Senate of the United States, to show that I would be willing to do anything to aid the material prosperity of that country that can safely be done, and I shall be glad to lend the assisting aid of the Government.

I move that these memorials be referred to a select committee to consist of five members of the Senate, there not being any committee to which such matters would particularly go.

The motion was agreed to.

Mr. SAULSBURY presented the petition of Samuel Redfield, of Ravenna, Portage county, Ohio, who was a soldier in the war of 1812, representing that the soldiers in that war were very inadequately paid for their services, and praying that they may be included in the provisions of the bill equalizing the bounties of soldiers in the late war; which was referred to the Committee on Pensions.

Mr. RAMSEY presented a petition of citizens of Minnesota, praying for the enactment of just and equal laws for the regulation of inter-State insurances of all kinds; which was ordered to lie on the table.

Mr. MORGAN presented a petition of residents of the county of Cayuga, of the State of New York, praying for the repeal or extension of the act of Congress imposing a tax of ten per cent. on State bank circulation; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. LANE, of Indiana, from the Committee on Pensions, to whom was referred the petition of Mrs. Nancy A. Stocks, widow of Reuben Stocks, praying for a pension, submitted

a report accompanied by a bill (S. No. 358) granting a pension to Mrs. Nancy A. Stocks. The bill was read and passed to a second reading, and the report was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Hopeskill Bigelow, of New Market, New Jersey, praying that he may be granted eleven years' back pay due him as a pensioner of the war of 1812, submitted a report, accompanied by a bill (S. No. 359) for the relief of Hopeskill Bigelow, of New Market, New Jersey. The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. POMEROY, from the Committee on Public Lands, to whom was referred a bill (S. No. 336) granting lands to aid in the construction of a railroad and telegraph line from Salt Lake City to the Columbia river, reported it with amendments.

He also, from the same committee, to whom was referred a bill (S. No. 343) to quiet land titles in California, reported it with amendments.

Mr. WILLEY, from the Committee on the District of Columbia, to whom was referred a bill (H. R. No. 601) to grade East Capitol street and establish Lincoln square, reported it without amendment.

BILLS INTRODUCED.

Mr. ANTHONY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 360) in amendment of an act to provide for the better organization of the pay department of the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. WILLEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 361) to authorize W. J. Sibley and others, trustees, to sell lot No. 9, in square No. 76, in the city of Washington; which was read twice by its title, and referred to the Committee on the District of Columbia.

ORDER OF BUSINESS.

Mr. GRIMES. I move that all prior orders be suspended, and that the Senate proceed to the consideration of the special order.

Mr. POMEROY. I hope the Senator will not press that motion for the present. I should be glad to proceed with the consideration of Senate bill No. 285, which the Senate had under consideration yesterday during the morning hour, and which we can conclude, I suppose, in a very few minutes.

The PRESIDENT *pro tempore*. The Chair will state the motion, and then it will be subject to discussion. It is moved that the Senate postpone all prior orders and proceed to the consideration of the joint resolution (H. R. No. 127) proposing an amendment to the Constitution of the United States.

Mr. POMEROY. I do not like to antagonize the bill which I have mentioned against the special order, but I desire to have some portion of the morning hour devoted to its consideration.

Mr. CONNESS. I hope the Senator will not antagonize anything with the special order to-day, but that we shall take it up so as to be able to get a vote with certainty to-day.

Mr. POMEROY. Is it understood that we are to vote upon it to-day?

Mr. CONNESS. It is so understood.

Mr. POMEROY. We can get that out of the way I will not object.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Iowa. The motion was agreed to.

DEFICIENCIES IN HOUSE CONTINGENT FUND.

Mr. FESSENDEN. I ask that the consideration of the special order may be delayed for a single moment until I can report a bill from the Committee on Finance, which the House of Representatives think is very important to them should be passed immediately. I report back, without amendment, from the Committee on Finance, the bill (H. R. No. 654) making appropriations to supply deficiencies in the

appropriations for contingent expenses of the House of Representatives of the United States for the fiscal year ending June 30, 1866. The House of Representatives are anxious to have this bill passed at once. Their appropriations have been very much reduced by sundry special committees that have been raised there. It will take but a moment to consider the bill, and I ask the Senate to proceed to its consideration.

The PRESIDENT *pro tempore*. The Chair can receive the report only by unanimous consent.

Mr. CLARK. There is unanimous consent. There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It appropriates for miscellaneous items, \$10,000; for folding documents, \$17,500; for furniture and repairs, and packing-boxes for members, \$10,000; and for stationery, \$15,000, for the fiscal year ending June 30, 1866.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. RIDDLE. Some days ago I reported from the Committee on the District of Columbia a bill (S. No. 227) to incorporate the Washington Glass Company. The bill has been shown to the Senator from Maryland, [Mr. JOHNSON,] and he has assented to it. It is merely an act of incorporation; and, with an amendment, the committee unanimously recommended its passage. I ask the Senate to take it up now and pass it.

The PRESIDENT *pro tempore*. The Senator from Delaware moves to postpone the present and all prior orders, and that the Senate proceed to the consideration of the bill he has indicated.

Mr. CLARK. I hope not.

Mr. RIDDLE. This bill will not take a minute.

Mr. CLARK. I hope, as the special order is now before the Senate, that we shall go on with it and consider it without any interruption. The bill reported from the Finance Committee was of great importance, and on that account we gave way to it.

Mr. RIDDLE. I hope the Senator from New Hampshire will waive his objection. This bill will not take a minute.

Mr. CLARK. That minute can be had after we get through with the special order just as well as now.

Mr. POMEROY. I object to the reception of any bill. If the bill which I asked to have considered cannot be considered this morning, I do not want any others considered.

The PRESIDENT *pro tempore*. The Chair understood the Senator from Delaware to make a motion, and not merely to ask the consent of the Senate.

Mr. RIDDLE. I presume there is no necessity for insisting upon it this morning, and I withdraw the motion.

Mr. CLARK. I hope the Senator from Delaware will not press his bill just at this time.

Mr. RIDDLE. I will not. I withdraw the motion.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House of Representatives had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

A bill (H. R. No. 452) to authorize the Secretary of the Navy to accept League Island, in the Delaware river, for naval purposes, and to dispense with and dispose of the site of the existing yard at Philadelphia; and

A joint resolution (H. R. No. 149) declaratory of the law of bounty.

The message also announced that the House of Representatives had passed a concurrent resolution respecting the expediency of purchasing the portrait of the late Brevet Lieutenant General Winfield Scott.

The message further announced that the House of Representatives had agreed to the

amendments of the Senate to the bill (H. R. No. 281) to amend the postal laws.

The message also announced that the House of Representatives had passed without amendment the following bills:

A bill (S. No. 140) to grant the right of way to the Humboldt Canal Company through the public lands of the United States;

A bill (S. No. 261) for the relief of Mrs. Anna G. Gaston;

A bill (S. No. 173) to confirm the title of José Serafin Ramirez to certain lands in New Mexico;

A bill (S. No. 189) to confirm the grant of certain lands to José Dominguez in California; and

A bill (S. No. 321) for the relief of Maria Syphax.

The message further announced that the House of Representatives had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. No. 255) making appropriations for the construction, preservation, and repairs of certain fortifications and other works of defense for the year ending June 30, 1867.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House of Representatives had signed an enrolled bill (H. R. No. 654) making appropriations to supply deficiencies in the appropriations for contingent expenses of the House of Representatives of the United States for the fiscal year ending June 30, 1866; and it was thereupon signed by the President *pro tempore* of the Senate.

HOUSE BILLS REFERRED.

The following bill and joint resolution from the House of Representatives were severally read twice by their titles and referred as indicated below:

A bill (H. R. No. 452) to authorize the Secretary of the Navy to accept League Island, in the Delaware river, for naval purposes, and to dispense with and dispose of the site of the existing yard at Philadelphia—to the Committee on Naval Affairs.

A joint resolution (H. R. No. 149) declaratory of the law of bounty—to the Committee on Military Affairs and the Militia.

RECONSTRUCTION.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. R. No. 127) proposing an amendment to the Constitution of the United States, the pending question being on the amendment of Mr. WILLIAMS to strike out the second section and to insert the following in lieu thereof:

SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But whenever the right to vote at any election held under the Constitution and laws of the United States, or of any State, is denied to any of the male inhabitants of such State, being twenty-one years of age and citizens of the United States, or in any way abridged except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Mr. COWAN. I should like to ask how those persons excluded are to be ascertained; how the number of them is to be ascertained. How is it to be determined how many are excluded because they have not paid a tax within two years in my State, and how many are excluded because they have not resided in a particular district a certain length of time before voting? I suggest that these things seem to be of some difficulty in the proper determination of this question.

Mr. JOHNSON. I believe, Mr. President, that the question immediately before the Senate is the amendment offered by the Senator from Oregon to the joint resolution. Before I proceed to discuss the questions which, as it seems to me, are presented by the proposition as a whole, I beg leave to say a word upon the particular effect of that amendment. The hon-

orable member who offered it, and who I suppose offered it with the concurrence of some of his friends who are in favor of the measure as it originally stood, I think stated to us the other day that it did not substantially change the provisions to be found in the second section of the original proposition. What I suggested to him then I propose very briefly to suggest now, that perhaps in that he is mistaken; and as, in common with every Senator, I am, as I should be, desirous of having these constitutional amendments made as plain as language can make them, so as to avoid the evils sure to result from the existence of any ambiguity, I suggest that I think it will be found that the amendment of the Senator from Oregon is obnoxious to a very serious objection, and goes very much further than the original proposition for which he proposes it as a substitute. The language of the substitute, as far as the exceptions to which the general rule which it states at the same time is to be subject, is, that "whenever the right to vote at any election held under the Constitution and laws of the United States, or of any State, is denied to any of the male inhabitants of such State," &c., they are to be deducted from the number which is to constitute the basis of apportionment. The language of the original proposition was, that "whenever, in any State, the elective franchise shall be denied to any portion of its male inhabitants, being citizens of the United States, not less than twenty-one years of age, or in any way abridged," &c., then the basis is to be reduced in the proportion that the number excluded shall bear to the whole number of that age and of that sex.

Now, I think it will be found (and in that I believe I have the concurrence of several members of the Senate who are in favor of the proposition as it was originally presented) that the effect of the amendment is to change the basis by deducting from the number which is to constitute the basis, any portion of that number, of twenty-one years of age, who are citizens of the United States, who shall be denied the right to vote at any election under the constitution or laws of any State. In all the States there are elections of a municipal character that are regulated by law, and in which the franchise is different from that which prevails in the general elections of the State; and the consequence would be that where any persons who are twenty-one years of age are denied the right to vote the basis of representation is to be lessened in the proportion that the number excluded shall bear to the whole number falling within the class. I do not know what would be the condition of the State of Missouri, for example, if the amendment is to be adopted. I rather think that she would lose very materially by this amendment, in her representation; and I think the same thing would be found true of the State of Ohio, and I suppose of nearly all the States in the Union. What I suggest; therefore, to the honorable member and to the Senate is, that the phraseology of this amendment, if it is to prevail, shall be so changed as to leave it beyond doubt that all that is meant is to except out of the whole number of inhabitants of the age of twenty-one years or upward, who are citizens of the State, those who are denied the right to vote at any State election, as contradistinguished from any municipal or local election. Without such a qualification I am sure it will lead to very serious doubts, and it may lead, as those doubts may be solved, to a very serious diminution of the representation of several of the States.

What I am about to say upon the merits of the rule itself, whether that rule is found in the amendment or found in the original proposition, will be said as briefly as I can say it, and more for the purpose of explaining to my own constituents the ground of the reasons for the vote which I propose to give than with any hope of influencing the opinions of any member of the Senate who is now in favor of the proposition. It comes before us in such a shape and under such circumstances that it is not to be expected, as I think, that those who were

consulted, who deliberated upon, and who advised the measure in the form in which it stands, can be persuaded of the error of that measure in any particular by anything which may fall from a Senator who is opposed to the entire proposition.

The Constitution of the United States, as it now is, in the second section of the first article provides for the manner in which the apportionment is to be made of Representatives in Congress. It is made to depend upon the whole number of the people found in each State; and in relation to the propriety of such an apportionment there did not exist in the Convention by whom the provision as it now stands was adopted, any doubt. In the fifty-fourth number of the *Federalist*, attributed, whether correctly or not, to Mr. Hamilton—there is some doubt whether he or Mr. Madison was its author—in recommending the adoption of the Constitution to the people of the United States, and commenting upon the manner in which the apportionment was to be made, as well as the manner in which taxes were to be levied, it is said:

"It is not contended that the number of people in each State ought not to be the standard for regulating the proportion of those who are to represent the people of each State."

That rule in the same paper was said to be one "referring to the personal rights of the people, with which it has a natural and universal connection;" and the only doubt which existed in the minds of the Convention or any member of the Convention upon the subject was not whether numbers was not the true rule by which the basis was to be ascertained, but whether the slaves of the southern States should be considered as a portion of those numbers; and that doubt arose because the southern States insisted that the slaves were property, and the North, while recognizing the existence of property in slaves, thought it unjust that the slaves should be considered at all in apportioning the number of Representatives to which the States where the slaves might be found should be entitled. The result was, after quite a struggle upon the subject, a compromise, by which taxation was to be regulated and by which the apportionment of Representatives was to be regulated by counting five slaves as only equal to three freemen.

But, I repeat, neither then nor at any time since, until now, did it ever occur to anybody that in a form of government like ours the basis of representation was not to depend upon the entire number of the people to be represented; and in this amendment that is admitted to be the true basis. It provides, both as it was originally proposed by the committee by whom it was reported and as it is proposed to be amended by the honorable member from Oregon, that Representatives shall be apportioned among the several States which may be included within the Union according to their respective numbers, counting the whole number of persons in each State and excluding Indians not taxed. So that the honorable committee and the friends of this particular measure give their sanction to that as the true rule. They stand upon the ground on which our fathers stood when they adopted a rule of the same description in the Constitution, as it now stands, that numbers are to regulate representation. The only question, therefore, which the particular amendment suggests is, whether it is right to qualify the operation of that general rule as is proposed to be done by this provision.

Now, what is the qualification? Only that persons twenty-one years of age inhabiting each State, and being citizens of the United States, whose right to the exercise of the elective franchise is denied or in any way abridged, except in certain exceptions to which I shall refer after awhile, are to be deducted from the whole number, and the basis is to consist of what may remain. But the friends of the measure are not willing—I say not willing because that is not the effect of the amendment—to subject the rule which they themselves admit to be

just to the general qualification which a general provision of that sort would make; and they therefore except from the operation of that qualification certain classes. Who are they? I say they except by not including, for all persons not included within this exception are acknowledged within the scope of the general rule of numbers. Now, who are to be found in the States? First, aliens; second, women, black and white, now all the blacks are free; third, minors, those under twenty-one years of age, white and black; fourth, those who may have participated "in rebellion or other crimes." Then what will be the operation of the section if we adopt it? It will be that all aliens are to be represented, all women are to be represented, all minors are to be represented, and all rebels are to be represented. Why is that? This is to go before the people. How will the objection be answered, as it is certain to be made before the people, when the authors of this measure are asked, why suffer the women and minors to be represented, why suffer aliens to be represented, and, above all, why suffer rebels to be represented, and not suffer loyal men to be represented? How will it be answered, I mean to an unimpassioned judgment; I mean to a people who it is to be hoped will not be influenced by the excitement of party passion or by the prejudices growing out of the sad conflict through which we have triumphantly come? It is to be only answered upon the ground that the provision is necessary to secure to the black man the franchise. Is that any answer? Is it any answer that because you cannot acquire for the black man the right to the franchise he is to be denied the right of being represented? Your own theory is, as it was of your fathers, that all should be represented without reference to color, the black as well as the white. The black is a freeman. That is your theory. But the effect of the exception is to deny to the black man the right of representation unless the State shall secure to him the right to the franchise.

Again, Mr. President, the measure upon the table, like the first proposition submitted to the Senate from the committee of fifteen, concedes to the States—and that was one of the grounds upon which the honorable member from Massachusetts [Mr. SUMNER] voted and spoke against that proposition—not only the right, but the exclusive right, to regulate the franchise. His theory was that under the Constitution as it now stands, Congress has the authority to regulate the franchise in the States; and his objection to the original proposition, to which I have just adverted, was that, if adopted, it would surrender that right which he supposed to exist; and yet I imagine it is barely possible that he may vote for the section as it now stands; and what does it do? It says that each of the southern States, and, of course, each other State in the Union, has a right to regulate for itself the franchise, and that consequently, as far as the Government of the United States is concerned, if the black man is not permitted the right to the franchise, it will be a wrong (if a wrong) which the Government of the United States will be impotent to redress.

I see no difference, not the slightest, between the proposition as it now stands, so far as this section is concerned, and the original proposition which we rejected. I call the attention of my friend from Massachusetts, to whom I referred just now, to the language of the original proposition reported to us by the committee of fifteen on the 31st of January last. It says that Representatives shall be apportioned among the several States, &c.; "provided, that whenever the elective franchise shall be denied or abridged in any State on account of race or color, all persons of such race or color shall be excluded from the basis of representation." What does this do? The words "race or color" are omitted. Why, if I was an eastern man, I might guess; but no matter what may have been the particular motive for the omission of the words, the effect of the proposition is identical with that of the

original proposition. The former was obnoxious to the honorable member from Massachusetts because it surrendered a right which he made a very elaborate speech to prove, in his judgment, existed in the Congress of the United States to regulate the franchise, if not always, certainly in the condition in which the country now is. This accomplishes the same purpose. It says to the States, "If you exclude any class from the right to vote, we, admitting your power to make the exclusion, say it shall have no other effect whatever than to deduct the number excluded from the whole number which is to constitute the basis of representation. If, therefore, you exclude from the benefit of the franchise any who are citizens of the United States, and twenty-one years or more of age, and inhabitants of the State, who belong to any particular race, or who are of any color contradistinguished from the white man, we admit that you have a right to exclude them, and all we propose to do is to say that to the extent of that exclusion your basis of representation shall be diminished."

Now, is it not known to us all that there is not in any one of the southern States, and has not been for years, any exclusion of any white man having the age and having the residence required by the Constitution and laws of the particular State, from the right to the franchise; that the whole exclusion, where there has been any exclusion at all, has been of the free blacks, and will hereafter be of all the blacks, as all are now free? The whole operation, therefore, of the proposition before you, that part of it to which I am now addressing myself, is to say precisely what the original proposition of the 31st of January said—"You who deny to any person belonging to any race or color the right to vote shall have your representation in the Congress of the United States lessened in the proportion that the number excluded shall bear to the entire number." The manner of ascertaining the way in which the representation is diminished is changed in point of form, but the result is the same. By the original proposition of January 31 all of the race or color were to be deducted; by the proposition before us the deduction is to be in the proportion that the number excluded shall bear to the combined number of those included and excluded within the privilege of the franchise.

Let me for a moment call the attention of the body to what will be the operation of that provision. The census of 1860, and I believe that is the case with all previous censuses, does not give us the number of males of twenty-one years of age, but it does give the number of those who are twenty years of age and upward.

Mr. FESSENDEN. Allow me to ask the Senator a question, by way of illustration.

Mr. JOHNSON. Certainly.

Mr. FESSENDEN. Suppose there are two hundred thousand male citizens in a State above twenty-one years of age, and they are all allowed to vote; then the whole two hundred thousand would be included under this proposition as the basis.

Mr. JOHNSON. Certainly.

Mr. FESSENDEN. Now, suppose the State denies the right to vote to twenty or fifty thousand of that number, the basis is reduced precisely in that proportion. The language is explicit that the basis shall be reduced in that proportion.

Mr. JOHNSON. We shall see about that in a moment. It is in the proportion that the number excluded bears to the entire number included and excluded.

Mr. FESSENDEN. No; in the proportion that it bears to the whole number of male citizens twenty-one years of age and upward.

Mr. JOHNSON. Of course that means those included and excluded. I mean the whole number twenty-one years of age and upward. Now, let us see what will be the operation of the amendment on my own State. I will take that first. In 1860, by the census, it appears that Maryland had 128,371 white males twenty

years of age and upward, and that she had of the same age 38,030 black males. The percentage, therefore, that the blacks of that age bore to the whites was twenty-nine and five tenths per cent. Now, in order to make myself understood more clearly, let me turn to the words of the section. If any portion of the male inhabitants of a State twenty-one years of age and upward are denied the privilege of voting, or that privilege is in any way abridged, then "the basis of representation in such State shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens not less than twenty-one years of age." Then, what are we to do? We are to add together the number of whites of that age in Maryland and the number of blacks, and the aggregate is 166,401. Now, what says the section? That the representation of Maryland is to be diminished, if she excludes all the blacks, in the proportion that 38,030 bear to 166,401. What is that proportion? It is nearly one fourth; it is exactly twenty-two and nine tenths per cent. Let me be understood; for if such is not the purpose of the committee, I am sure they will change it. The basis of representation, in the event of an exclusion, is to be reduced "in the proportion which the number of such male citizens" who are excluded "shall bear to the whole number of male citizens" not less than twenty-one. Is it not manifest, then, that we are to ascertain, first, how many white citizens there are who are permitted to vote; second, how many citizens there are who are not permitted to vote? I assume, now, that in Maryland the whole number of black citizens who might vote with the authority of Maryland will be excluded by her authority, that number being 38,030, and the aggregate of both classes being 166,401.

Having got the entire number, what is the next step toward ascertaining the effect of the proposed amendment? To ascertain the proportion that the number denied the franchise bears to the entire number who it is assumed ought to have the right to the franchise. In other words, to apply it to the case of Maryland, the representation of Maryland is to be diminished by diminishing the basis of her representation in the proportion that the number of citizens excluded bears to the whole number, as well those who are included within the benefit of the franchise as those who are excluded. Then it is a simple question of arithmetic, what is the proportion between 38,030 and 166,401? It is nearly one fourth. The basis would be lessened twenty-two and nine tenths per cent., or in other words twenty-two and nine tenths per cent. of 166,401 would be deducted from that aggregate number. What would be the result of that? The result would be the loss of one Representative, Maryland now having five, and possibly, by force of the fraction, the loss of another, but certainly the loss of one.

But it is a great deal worse in other States—a thousand times worse. I refer now to the same table furnished by the census of 1860. I shall not trouble the Senate with it, except to call their attention to two or three of the other southern States, and then to two or three of the northern States by way of comparison. The number of white male citizens twenty years of age and upward in the State of South Carolina when this census was taken was 68,154. The number of black males of the same age at the same time was 92,923, being a percentage of fifty-seven and six tenths of the aggregate. Here, then, the black males were more numerous than the white males above twenty. What is to be done in South Carolina? You add together the number of whites and the number of blacks, and if the blacks are not permitted to vote, as they are not, then you deduct from the basis of representation such an amount as may be ascertained by ascertaining the proportion that the number of blacks bears to the aggregate number of whites and blacks, and what is that? As 92,923 is more than 68,154, South Carolina

loses at least one half of her representation, and in fact she loses more. It is sufficient for my purpose to show that she loses one half.

Go to Mississippi and the result is nearly the same. Her white males above twenty were 84,338, and her black males of the same age 98,510, being a percentage of fifty-three and eight tenths of the whole. So that State would lose half her representation.

Now, Mr. President, how will the rule proposed operate on the northern States? The people of the northern States are, and are correctly assumed to be, just and fair. How does it operate on the State of my friend the chairman of the committee of fifteen, [Mr. FESSENDEN?] Her whites of twenty years of age and upward in 1860 were 167,724 and her blacks of the same age were 362, a percentage of two tenths of one per cent. His State will not suffer by this provision, it is certain. Then go to the State of my friend from New Hampshire, [Mr. CLARK.] They had 91,944 white males above twenty and 149 blacks, a little over one tenth of one per cent. It is obvious that neither of these two States will lose anything by this rule. I need not fatigue the attention of the Senate by calling their attention to the other northern States. Gentlemen diminish our representation unless we consent to surrender our own judgment of what we believe to be true policy, and they leave their own untouched. It is a ruinous result as far as we are concerned; it is a perfectly harmless result as far as they are concerned. How is it in the State of my friend from Michigan, [Mr. HOWARD,] who has had more especially the charge of this measure since it came from the last special committee?

Mr. CLARK. Do you mean the committee of fifteen?

Mr. JOHNSON. There was but one committee of fifteen; but I believe, or at least it is shrewdly suspected, that there has been another committee.

Mr. CONNESS. What does the Senator know about that?

Mr. JOHNSON. I guess again, and I guess that my friend from New Hampshire [Mr. CLARK] has some knowledge of it. The State of Michigan, in 1860, had 290,474 white males of twenty and upward, and only 1,898 blacks of the same age, being a percentage of eight tenths of one per cent. There is no terror in the operation of this clause upon my friend from Michigan, whose State will have at least as many Representatives as she has now, even if she stops growing. Ours is to be diminished; hers, at least, is to remain as it is, to be changed only by an increase of her population. Every man in Michigan, every woman in Michigan, every alien in Michigan, every rebel in Michigan, (if they have rebels there,) is to enter into the calculation of the number which is to constitute the basis of representation of Michigan. One fourth of our aggregate male population is to be deducted, more than one half of that of South Carolina and Mississippi is to be deducted. Now, what is it all for? What is the purpose of the exception? There can be but one.

In Maryland we have a contest now going on, which, as I judge from the newspapers, is supposed by one side to involve the question of negro suffrage, and upon the other side to be wholly irrespective of that question. What is this provision for? Is it not to force negro suffrage upon every State by holding out a punishment, or a provision in the nature of a forfeiture, to any State that denies it? Does it not say to the State of Maryland, "You are now represented in the councils of the nation by five Representatives in the House of Representatives; but you shall in future, when this provision goes into operation, be represented only by four, unless, contrary to your judgment, contrary to your past policy, contrary to what all parties among you allege to be your present conviction, you agree to admit to the right of suffrage your black population who are of the age of twenty-one years and upward?"

The effect, therefore, of the measure which

I am discussing, and of course its purpose—for gentlemen of the intelligence of those who are friends of this measure must be supposed to know what its effect is and to design to bring about in some way or other some change in the politics of the State—the effect is to strip the South of a portion of her representation unless she will agree to change her suffrage laws. I do not know that the South would adopt—I am sure that it ought not to adopt—the course which I am about to suggest; but suppose that the moment this provision is adopted they admit their blacks by law to the right of suffrage; then their representation will not be diminished. Suppose that when the representation has been apportioned on this basis, they repeal those statutes. The right to do either cannot be denied. The right to do the first is conceded by the proposition before us, and the power which includes the right to do the first necessarily includes the right to do the other. Are you going to change the number of Representatives of those States just in proportion from time to time as the suffrage may be extended or diminished? If that is the object, we shall be in a state of constant turmoil. Why should it be so? What can the northern States apprehend from having the States of the South represented as the Constitution now provides? What, gentlemen, are you afraid of looking at your own section?

What now is the whole number of Representatives? The whole number of Representatives in the other House, under the apportionment made after the census of 1860, in virtue of the act of March 4, 1862, and other acts, is two hundred and forty-two. Of that number what were denominated as free States before slavery was abolished are entitled to one hundred and fifty-seven, and what were known as the slave States eighty-five, showing an excess of Representatives on the part of free States over those from the slave States of seventy-two. In other words, if the States were all represented now as they were represented before the rebellion commenced, there would be a clear majority of Representatives upon the part of the northern States of seventy-two. Then it is an insult to those States, it is to impeach the integrity of their Representatives now in Congress or who may come into Congress at any time hereafter, to suppose that with such a majority as that the respective interests of their States, if such interests shall be supposed to conflict at all with the interests of all the States, will not be protected. It is to tell the country that you doubt your own ability: you, with one hundred and fifty-seven Representatives, doubt your power to cope in the councils of the nation with eighty-five Representatives from the southern States; to tell them consequently that although your majority is a majority of seventy-two, you are apprehensive that in some way or other the South may get the control of the Government. What a reflection upon yourselves! I was about to say, how dishonoring to yourselves, if such an apprehension is entertained, is such an apprehension. What an imputation it is upon the wisdom and the firmness and the patriotism of your own people. What a strong and startling fact will it be considered and be used by those who question the ability of the people to govern themselves, that their representatives upon this floor wish to guard by constitutional amendment their being injured by the efforts of eighty-five men coming from the southern States against one hundred and fifty-seven men coming from the free States. I invoke honorable Senators to be as firm, as decided, and as energetic in defending the interests of their respective States in the councils of the nation as they and their people have discovered themselves firm and energetic in defending the interests of the whole upon the battle-fields of the late struggle. Do not show the white feather now. Do not, above all, say to your fellow-countrymen and to the world, "We are not the equals of the men of the South when we are brought together in the councils of the nation." You do not think so,

I am sure; certainly I do not think so, and never have thought so; but I invoke you, as a friend, not to interfere with the rights secured to the southern States now by the Constitution which our fathers gave us, upon the pretense, utterly without foundation, that the rights of your respective States will be subjected to the slightest peril by continuing the representation as it stands.

Mr. President, I have now said all that I propose to say upon the operation of the second section as it was originally presented to the Senate and as it is proposed to be amended by the honorable member from Oregon, and having upon a former occasion submitted all the remarks that I deem it necessary to submit in relation to the third section of the original proposition, which I do not understand it is proposed to alter—

Mr. WILLIAMS. I understood the Senator to say that he had proposed to make some remarks upon the amendment that I offered.

Mr. JOHNSON. So I did.

Mr. WILLIAMS. With the permission of the Senator I will state here that the amendment which I offered I find is subject to some verbal criticism which is plausible, but I do not think well founded. I find it so easy to remove the difficulty that, upon consultation with the committee and the other friends of the measure, I propose to strike out certain words and substitute others which will, perhaps, obviate some of the objections of the Senator.

Mr. JOHNSON. I had said all I propose to say upon it.

Mr. WILLIAMS. I propose to modify it by striking out the words—

But whenever the right to vote at any election held under the Constitution and laws of the United States or of any State—

And to insert the words:

But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or members of the Legislature thereof.

Specifying particularly the officers for which these people must be allowed to vote in order to be counted.

Mr. JOHNSON. That removes some of the objections to which I supposed the original proposition was subject; and that shows how exceedingly cautious we should be in these constitutional amendments; how very difficult it is to change the Constitution of the United States for any good purpose; and I mean by purpose, for the accomplishment of any good end. Now, what is the history of this attempt? At the beginning of the session a joint committee of fifteen was appointed to take into consideration the proper measures to be adopted, and they reported, first, the proposed amendment of the Constitution, of the 31st of January. That was rejected. They reported next, as a second plan, on the 10th of May, 1866, one article consisting of five sections; and here it lay for several days, when it went through an examination elsewhere, and the result was the report made by the honorable member from Michigan on the 29th of May last. Almost the entire thing has been changed since; and here is my friend from Oregon, who, yesterday or the day before, after bringing all the acuteness which belongs to him to the examination of the second section as proposed by the committee, and after calling, no doubt, other friends of the measure to aid him, introduced his substitute for the second section; and only two days have gone by when he has become satisfied that he was wrong.

Mr. WILLIAMS. No, sir.

Mr. JOHNSON. Or, if he has not, he has not been able to satisfy his friends that he is right; which is pretty much the same thing; and he says very frankly that he proposes to amend it. Sir, without meaning to disparage the members of the Senate of the United States, or the men of the present age found in the public councils, either of the States or of the United States, I have a very shrewd suspicion that we are not the superiors of the

men who formed the Convention that adopted the Constitution.

Mr. WILLIAMS. I beg to ask the honorable Senator whether the members of the Convention which originally formed the Constitution of the United States, with all their wisdom, did not have about as much difficulty in making the Constitution as we have in agreeing upon amendments?

Mr. JOHNSON. I know they had; but they accomplished it and it was adopted; and they took a great while to do it, and they did it, not in the midst of a political excitement. No presidential election was looming in the distance or near at hand. No contest for political power, as is about to come off even in the present year. A nation was to be created by means of their wisdom, and a nation they did create, awful in war, happy and conservative in peace. Now we are about to change it in a vital particular, even by the very amendment of the honorable member from Oregon, to change the basis of representation as they established it, although such a man as Hamilton, in the number of the Federalist to which I have adverted, said that not a member of the Convention doubted that that was the proper basis. Upon that they had no difficulty. They said that, according to the republican theory upon which the freedom of the people of the United States was supposed to rest, all ought to be represented. Now it is proposed to deny the right to be represented of a part, simply because they are not permitted to exercise the right of voting. You do not put them upon the footing of aliens, upon the footing of rebels, upon the footing of minors, upon the footing of the females, upon the footing of those who may have committed crimes of the most heinous character. Murderers, robbers, house-burners, counterfeiters of the public securities of the United States, all who may have committed any crime, at any time, against the laws of the United States or the laws of a particular State, are to be included within the basis; but the poor black man, unless he is permitted to vote, is not to be represented, and is to have no interest in the Government. Why, sir, my friend from Massachusetts [Mr. SUMNER] has over and over again said that the State governments, even as they existed before the rebellion, and as they now exist, are not republican governments, and that we should change them by virtue of the obligation imposed upon the Government of the United States to guaranty to the people of each State a republican form of government. What more anti-republican doctrine, looking to the genius of our institutions, can be imagined than that which says that there may be within the limits of any State a people who are not to be represented? The war of the Revolution was not waged because of the miserable tax which England imposed, but because she claimed the right to tax those who were not to be represented; in other words, because the colonies had no representation in the Parliament of England. And yet you tax the freedman; the States tax the freedman; you subject the freedman to the authority of both, while at the same time you say, "You may not be represented, and it is not our purpose to secure a representation to you. Everybody else is to be entitled to the benefit of the doctrine that there shall be no taxation without representation, but you are to be an exception."

Mr. CONNESS. Because you are disfranchised.

Mr. JOHNSON. Because you are disfranchised! So are women disfranchised; so are rebels disfranchised; so are children disfranchised; so are the Chinese in California disfranchised. Why do you want to represent them? You have them all represented under this amendment. I have had occasion before to state what I supposed to be the clear misapprehension of this doctrine. The honorable member seems to suppose that representation and the franchise are identical. They are as different as light from darkness. The Constitution says so; your own amendment proclaims it. You

say that representation is to depend upon numbers. So did your fathers say so. They said it and you have followed their teaching, because they said it was a right to be represented, but not a right to vote. In the language of Hamilton, in the *Federalist* to which I have referred, that was a personal right, which, upon the theory of our institutions, ought to be secured, and just in proportion as it is denied just in that proportion are you trampling upon the theory or violating the theory.

Now you want, I suppose, whatever you do to be adopted. Do you suppose that the States who are to lose representation by this measure, unless they agree to bring about the contingency which it is to avert, will adopt this amendment?

Mr. CONNESS and Mr. WILSON. We do.

Mr. JOHNSON. Then you misapprehend the southern people just as much as you did before the war commenced. I do not mean you gentlemen individually. There was an impression at the North that the South was not in earnest. There was a corresponding impression at the South that the North was not—both fatal errors; the first just as fatal as the last. I say the South will not adopt it, because your people, if you were in a condition in which your rights would be so affected by this amendment as will be its operation upon the rights of the South, would not adopt it. Massachusetts never would agree to an amendment which was to deprive her of a part of her representation unless she would consent to abandon a policy which she had adopted from the beginning of her existence. And yet you ask us to do it. The whole effect and the whole object—I have a right to say that, because that is the whole operation of the amendment—the whole effect of the proposed amendment is to strike a blow at the southern States who are now, according to my theory, in the Union, and who are in the Union upon the theory of this amendment, unless they will agree to a policy at war with the policy illustrated throughout their entire history.

What more do you do? By the third section you exclude from the right of holding any office, State or Federal, a class which will be found to embrace the best men within the limits of these States. Do you suppose that the South will agree to that? There may be a few men imported there from some of the eastern or northern States, who have gone there lately, who will consent to it; but the original southern men will never consent to a constitutional amendment which strikes at a large class, indeed, of the entire class within which is to be found the best men and the wisest men within their limits.

Mr. McDOUGALL. Do I understand the Senator to say that they include all the best men and the wisest men of the South?

Mr. JOHNSON. Some of the best and wisest; I did not mean all.

Mr. McDOUGALL. I understood you to say all.

Mr. JOHNSON. It includes nearly all, because nearly all of them have been in the Legislature or Congress or held some official station; and all who have held any office of any description, civil or military, under the United States, or under any State, who have been members of Congress or officers of the United States or members of any State Legislature or of any executive or judicial office of any State, and have taken the oath to support the Constitution, as they must all have done, are to be excluded from the right to hold office.

Mr. McDOUGALL. I apologize; I did not understand the Senator.

Mr. JOHNSON. It is not necessary to apologize, I will say to the honorable member from California, because he hardly ever says anything that requires an apology, certainly as far as I am concerned.

I have upon more occasions than one, Mr. President—and I now barely allude to it—stated what I thought to be the present condition of the southern States. The rebellion being ended, in my view the Constitution of the United States and its laws are just as oper-

ative upon each of the States where the rebellion existed as they were before it was commenced. All of those States now are organized; all of them, I believe, except perhaps Texas, have their judiciary, their executive, and their Legislature, and they are now in the undisturbed exercise of the functions of each of these departments—and the three embrace everything that a State has a right to do—and they are organized upon republican principles. The Supreme Court of the United States recognizes them as existing States. The Executive of the United States recognizes them as existing States. This very amendment (for there is nothing on the face of it which excludes the necessity of appealing to the States which have been in rebellion to adopt it) recognizes them as existing States.

Now, what are their rights under the Constitution as it stands? The Constitution provides that a census shall be taken at periods of every ten years. You took your census in 1860, and the apportionment was made under the act of 1862. What is there to change that, looking at the Constitution as it is? The very purpose of the provision directing an enumeration of the inhabitants of the States to be taken at each period of ten years was to ascertain the number of the people in each of the States that was to constitute the basis upon which the number of Representatives from each of the States was to be ascertained. That was done by force of the act of 1862, under the census of 1860. Now you propose to change it, and to change it by force of constitutional provision. Why cannot you wait? Why is it not right and just that you should wait until those States are represented in this Chamber and in the other House? Your fathers consulted them, and the weight of their patriotic wisdom in forming the Constitution of the United States was universally admitted, and is known to us historically. Why cannot you wait now? On the contrary, you now deny them the right to appear upon this floor, although they are willing to take the oath of loyalty which you have prescribed; and you undertake to submit a proposition for a change of the Constitution in their absence. How can you know but some man of the South might be found in the councils of the nation who would influence your councils and shape your deliberations as Madison influenced the councils and shaped the deliberations of his associates in the Convention of 1787? Do you not want aid? I should think so. You have not been able yet to agree on any provision for a change which has satisfied you even for a passing day.

Mr. President, I have here—and I have alluded to the condition of these States simply for the purpose of introducing it and bringing it before the Senate—an opinion delivered by one of the judges of the Supreme Court very recently, who is one of the admitted lights of that great tribunal, whose patriotism has never been questioned, and cannot properly be questioned, in a case which involves the question, what is the condition of the States? A man by the name of Egan was confined in the State penitentiary at Albany, he never having been in the military service of the United States or of the confederate States, under a sentence by a military commission held in the State of South Carolina to try him upon the charge of murder, and the sentence of the commission was confinement in that penitentiary for life. He made an application to Mr. Justice Nelson for a *habeas corpus*. The facts were returned, and the judge in the conclusion of his opinion says, what I think bears upon the question I am discussing, what I will read:

"For aught that appears, the civil local courts of the State of South Carolina were in the full exercise of their judicial functions at the time of this trial, as restored by the suppression of the rebellion, some seven months previously, and by the revival of the laws and reorganization of the State government in obedience to and in conformity with its constitutional duties to the Federal Union."

Indeed, long previous to this, a provisional governor had been appointed by the President, who is Commander-in-Chief of the Army and Navy of the United States, (and whose will under martial law con-

stituted the only rule of action,) for the special purpose of changing the existing state of things and restoring civil government over the people. In pursuance of this appointment a new constitution had been formed, a Governor and Legislature elected under it, and the State in the full enjoyment or entitled to the full enjoyment of her constitutional rights and privileges.

The Constitution and laws of the Union were thereby acknowledged and obeyed, and were as authoritative and binding over the people of the State as in any other portion of the country. Indeed, the moment the rebellion was suppressed, and the government growing out of it subverted, the ancient possession, authority, and laws, resumed their accustomed sway, subject only to the new organization or the appointment of proper officers to give to them operation and effect.

This reorganization and appointment of the public functionaries, which was under the superintendence and direction of the President, as Commander-in-Chief of the Army and Navy of the country, who, as such, had previously governed the people of the State from imperative necessity by force of martial law, had already taken place, and the necessity no longer existed."

Let me repeat a sentence of that decision. The judge says that the State of South Carolina, at the time this trial was had, was "in the full enjoyment, or entitled to the full enjoyment, of her constitutional rights and privileges." One of those rights and privileges was that of being represented in this body and represented in the other House. Now, we keep them out, unless they think proper—at least I suppose that is the course the matter is to take—unless they will submit to adopt a measure which is contrary to what we know they would do if they were not by compulsion forced to take it.

Mr. President, I have but a word to say in conclusion. We all have an interest in the peace of the country. We have a deep interest in the peace of the country because it is connected with the prosperity and good name of the country. We have a social interest in being together again as brothers, of presenting to the nations of the world ourselves as one, and exhibiting the characteristics of a great and magnanimous people, who, forgetting recent animosities, discarding the prejudices out of which they grow, and looking to the honor and glory of the nation, come together as brothers, one and all. By the highest of moral considerations, therefore, the termination of the present state of things is demanded. But if we cannot raise ourselves to the elevation of being governed by moral considerations, let mere material considerations animate us; let interest, in its most vulgar sense, control us. Let us, therefore, bring back the South so as to enable her to remove the desolation which has gone throughout her borders; restore her industry; attend to her products—those products which enter so materially into the wealth of the whole, so important to the North, and more important, if possible, to the North than to the South, but all-important to the nation—instead of keeping her in a state of subjection, of dishonoring subjection, and, as I think, without the slightest necessity. Peace once existing throughout the land, the restoration of all rights brought about, the Union will be at once in more prosperous existence than it ever was; and throughout the tide of time, as I believe, nothing in the future will ever cause us to dream of dissolution, or of subjecting any part, through the powerful instrumentality of any other part, to any dishonoring humiliation.

Mr. McDOUGALL. It is a work of labor to speak after the eloquent remarks of the Senator from Maryland, who has better expressed what I think than I can express it in any form of words; and yet I think it is due to myself and the opinion I represent (for I think I represent the opinion of my own country) that I should say a few words. They will not be many.

There is an intense love for the Union throughout all the country; there was an intense love of the Union in my own country, and there is to-day, not governed by any form of words, but governed by principles and a high sense of right and justice. I do not care to reason about this thing. It has been reasoned about by eminent men, men who can discourse better than myself, to whom I submit the authority of the argument; but I wish to say that

throughout all the States that belong to this Union there has been always a preponderating loyal sentiment, in the South as well as in the North. Two thirds of the people of the South loved our flag, and hailed it in Tennessee as well as elsewhere. These things have not been well observed. They should have been well observed. The observation has been neglected because for this, that in some departments of New England they thought they were the loyalest of them all. It has been the pride of my life to have lived among all these peoples, and from the South, East, West, and North all were loyal. The accident of controversy changed the condition of society and changed positions in States. I witnessed it. It was witnessed by all men who were observant men. I regretted it, for I thought the South were in error, and I always have. The majority of the people of the South are loyal to the banner of our country, always were. This was not known or recognized well in the North, because they were ignorant of the fact. I was not ignorant of the fact, for I was conversant with it.

In the tribulation of a war, with the chances of battle and the chances of sudden death, men differed, and some went one way and some went another. Thus does it always happen in all great civil controversies. I believe there is as much regret to-day in the South as there is in the North for the great error in which they indulged. Gentlemen seek now what is called reconstruction. There is no such thing as reconstruction. There may be rehabilitation. We may take them to our own house at home, those who wandered away, and again embrace them as brothers. That is a duty imposed upon us by the highest laws and the highest principles that govern the conduct of persons among the best classes of mankind.

I do not please to discourse, for all that there is in and about the subject-matter of the present controversy has been discussed with carefulness by men whom I will admit to be my masters. I cannot advise the Senate nor can I instruct them in any form of words; yet it is my duty in my place to state my solemn convictions.

This whole measure is supplying the foundations of our institutions. If I have not forgotten myself, wise men built the foundations; wise men built the superstructure, wise men had to do with all that belongs to its edification. If I have not been badly instructed, tinkers have taken the hands and undertaken to do what their fathers would not dare to do, what I with the instructions I have had would not dare to do. It has been said that "fools rush in where angels fear to tread." It has seemed to me that that was the habitude of men who think they are fit to be Senators of a great nation. If I differ with them in opinion I ask their pardon for the difference. We have got a great work to do. The nations are at war. France and Austria and France and Italy are at war. We not a long time hence will be at war with our legions in the field. These things will happen, and they have to be looked at with a bold eye and a firm front. These things are not to be disguised. Why is Maximilian now-to-day maintained as the house of Hapsburg in Mexico? A trick of political strategy, a trick alone, nothing more, nothing less. He has to leave Mexico absolutely; and why has it not been done? Permit me now to say it is the fault of our own Government, for had it been said by the officer who has charge of the foreign relations of this Government, "*Noli me tangere*," there would have been no occupation of Mexico by Maximilian, or the house of Austria, or Louis Napoleon. These things have to be corrected, and they have got to be corrected by the stern will and the determined force of the men of the country wherein I was born, whose interests I intend to maintain.

Again, Mr. President, there are other questions—and as I am speaking I am not making a speech, but I am talking—I may ask, what about the trouble on our northern frontier, and what about that trouble in Ireland?

Mr. CLARK. The Fenians!

Mr. McDUGALL. Yes, the Fenians. I know something about 1745, and I know something of Vinegar Hill. Now, I will say that in my judgment the less we have to do with that the better.

But, Mr. President, we have got to look with great carefulness at the question pending—this matter of reconstruction, so called. I do not say reconstruction; I say rehabilitation. These men of the South are, after all, our own brothers. Why should we call them enemies? Is it because we are afraid of them? Is it from a cowardly spirit? Why should we be afraid of them? Why not invite them into our own house? I say to them, come back to our house and sit down with us and dine with us and enjoy our hospitalities. Those who are not willing to say that are violating a great law of truth and a great law of justice, and those who undertake to maintain such a position must themselves be subjugated. I am opposed to subjugation, have been always, but if subjugation has to come, there have been inquiries, who is to be subjugated? I have lived in pretty near all portions of this Republic, and I will not allow the conquered to be subjugated as long as I can spell my own name and dare to call myself by my own *nomen*. These men were, by the exact contract of the Government, invited to come back and enjoy their rights. They accepted the proposition. When Lee surrendered it was an acceptance of the proposition. By whom is it denied? By brave men? No. Why should they not come back and grasp our hands and say, "We were brothers once; we differed years ago; now we come back to embrace you?" Why should we not accept their embrace? Can any man state why? It is not within the range of thought for expression to state it.

I went down once on the Mississippi, at the opening of this war. I met a general of the confederate army, and I took him by the hand, and took him to my state-room, on board of my gunboat. Said he, "General," throwing his arms around me, "how hard it is that you and I have to fight." That was the generosity of a combatant. I repeated to him, "It is hard," and he and I drank a bottle of wine—or two just as like as not. [Laughter.] This thing of bearing malice is one of the wickedest sins that men can bear under their clothes. I think the general of the confederate army who said that to me—he was an old acquaintance of mine—showed more gallantry in saying it than any person shows who curses them. I took him to my room and treated him kindly. We would have fought at the instant, if it had been a fight, but not being a fight we treated each other generously.

I am for reintegration as soon as possible. No, I do not like that term "reintegration." I prefer the term rehabilitation, which was given to us by the Senator from Pennsylvania, [Mr. COWAN.] I say let us rehabilitate them as soon as possible and make them friends and brothers. Otherwise we make them enemies; and for what cause? There is no cause. We are all capable of faults. Who is there that is not? There is a lesson, I believe, taught by the Master: "Let him that is without sin cast the first stone." Wickedness belongs to all people that have got bone and nerves and will.

I say this measure is wrong radically, and I say further, it is my opinion that white men of the Caucasian race were made for governors, and that negroes are only fit to be a subject race. I do not care for their subjection here. I wish for them all to be free and away. Nevertheless, not with my consent, not by any force which I can employ, shall they be allowed to have to do with governing me or my kindred. That is one reason why I oppose the whole principle of the measure, and if I fall down, I will fall like Caesar.

Mr. HENDERSON. I propose to discuss the first section only so far as citizenship is involved in it. I desire to show that this section will leave citizenship where it now is. It makes plain only what has been rendered doubt-

ful by the past action of the Government. If I be right in that, it will be a loss of time to discuss the remaining provisions of the section, for they merely secure the rights that attach to citizenship in all free Governments.

Justice McLean, in the Dred Scott case, said:

"Being born under our Constitution and laws, no naturalization is required, as one of foreign birth, to make him a citizen. The most general and appropriate definition of the term citizen is a 'freeman'."

So the learned judge held that "Dred Scott," having his domicile in a State different from that of the defendant, and being a freeman, is a citizen within the act of Congress, and the courts of the Union are open to him.

From his argument it follows that any person, black or white, born upon the soil of a State, is a citizen of that State, unless he be born in slavery, and if he be born a slave, he becomes a citizen so soon as by the laws of the State he becomes a free man. His opinion leads to the conclusion that citizens of States are necessarily citizens of the United States. All born on the soil free are citizens of the respective States of their birth, and therefore citizens of the United States. Those born on foreign soil, he holds, cannot be invested with rights of citizenship without naturalization.

He says further:

"While I admit the Government was not made especially for the colored race, yet many of them were citizens of the New England States, and exercised the rights of suffrage when the Constitution was adopted."

Judge McLean might have gone further and enumerated other than New England States that acknowledged the citizenship of African freemen at that date.

All remember the opinion of the supreme court of North Carolina, delivered by Judge Gaston, and reported in the case of State vs. Manuel, 4 Dev. & Bat. 20. He said:

"According to the laws of this State, all human beings within it, who are not slaves, fall within one of two classes. Whatever distinctions may have existed in the Roman laws between citizens and free inhabitants, they are unknown to our institutions. Before our Revolution, all free persons born within the dominions of the King of Great Britain, whatever their color or complexion, were native-born British subjects; those born out of his allegiance were aliens. Slavery did not exist in England, but it did in the British colonies. Slaves were not in legal parlance persons, but property. The moment the incapacity, the disqualification of slavery was removed they became persons, and were then either British subjects or not British subjects, according as they were or were not born within the allegiance of the British King. Upon the Revolution, no other change took place in the laws of North Carolina than was consequent on the transition from a colony dependent on a European king to a free and sovereign State. Slaves remained slaves. British subjects in North Carolina became North Carolina freemen. Foreigners, until made members of the State, remained aliens. Slaves manumitted here became freemen, and therefore, if born within North Carolina, are citizens of North Carolina, and all free persons born within the State, are born citizens of the State. The constitution extended the elective franchise to every freeman who had arrived at the age of twenty-one and paid a public tax; and it is a matter of universal notoriety that under it free persons, without regard to color, claimed and exercised the franchise until it was taken from free men of color a few years since by our amended constitution."

Judge Curtis, in his dissenting opinion in the Dred Scott case, says: "To determine whether any free persons descended from Africans held in slavery were citizens of the United States under the Confederation, and consequently at the time of the adoption of the Constitution of the United States, it is only necessary to know whether any such persons were citizens of either of the States under the Confederation. Of this," he said, "there can be no doubt."

At the time of the ratification of the Articles of Confederation free native-born inhabitants of the States of New Hampshire, Massachusetts, New York, New Jersey, and North Carolina, though descended from African slaves, were not only called citizens of those States, but such of them as had the other necessary qualifications possessed the franchise of electors on equal terms with other citizens.

In conclusive proof of his reasoning on this subject Judge Curtis cites the action of Congress when framing the Articles of Confederation. The fourth article, it will be remembered, provides "that the free inhabitants of

each of these States, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several States." While this provision was under consideration, June 25, 1778, the South Carolina delegates moved to insert the word "white" after "free" and before "inhabitants," thereby securing the privileges only to white persons. The motion was voted down by eight States to two, one State being divided. This proves beyond doubt that the privileges and immunities of citizenship were at that time willingly accorded to all men who were free, who were not slaves, whether white or black.

Judge Curtis, after stating that in five States at least free negroes enjoyed the elective franchise when the Constitution was adopted, concludes very justly that they became "citizens of the new Government," and "so in every sense part of the people of the United States," and "among those for whom and whose posterity the Constitution was ordained and established."

"There can scarcely be a doubt that all persons residing in the several States at the time of the adoption of the Federal Constitution became citizens of the United States, and no State thereafter can deprive them or their posterity of this right. The power to naturalize is exclusive in Congress, and the foreigner naturalized becomes a citizen of the United States, and necessarily is a citizen of the State in which he is domiciled. The posterity of such foreigner so domiciled becomes a citizen of the State and of the United States by virtue of his birth alone."

If the opinion of Judge Curtis be open to criticism at all it consists in the conclusion to which he arrives—

"That it is left to each State to determine what free persons born within its limits shall be citizens of such State, and thereby be citizens of the United States."

He leaves the inference that Federal citizenship may be given or taken away by State action. He admits that being a State citizen confers the Federal right. If once the character of citizen of the United States attaches, no State, I apprehend, can take it away. This error of Judge Curtis is shown in the opinion of the court in the same case where it is said:

"If persons of the African race are citizens of a State and of the United States, they would be entitled to all of these privileges and immunities in every State, and the State could not restrict them; for they would hold these privileges and immunities under the paramount authority of the Federal Government, and its courts would be bound to maintain and enforce them, the constitution and the laws of the State notwithstanding."

Story, in his Commentaries on the Constitution, says:

"A person who is a naturalized citizen of the United States by a like residence (the same required of native-born) in any State in the Union, becomes *ipso facto* a citizen of that State."—2 Story, secs. 1693 and 1694.

In another place he says:

"It has always been well understood among jurists in this country that the citizens of each State constitute the body-politic of each community, called the people of the States, and that the citizens of each State in the Union are *ipso facto* citizens of the United States."

Rawle, in his work on the Constitution, page 86, uses the following language:

"The citizens of each State constituted the citizens of the United States when the Constitution was adopted. The rights which appertain to them as citizens of those respective Commonwealths accompanied them in the formation of the great compound Commonwealth which ensued. They became citizens of the latter, without ceasing to be citizens of the former; and how was subsequently born a citizen of a State became at the moment of his birth a citizen of the United States."

Chancellor Kent says:

"If a slave born in the United States be manumitted, or otherwise lawfully discharged from bondage, or if a black man be born within the United States and born free, he becomes thenceforward a citizen."—2 Kent's Commentaries, fourth edition, p. 257, note.

Chief Justice Taney, delivering the opinion of the court in the Dred Scott case, says:

"It is true every person, and every class and description of persons, who were at the time of the adoption of the Constitution recognized as citizens in the several States, became also citizens of this new political body."

This opinion, then, concedes to all members of the several State communities, and to those who should afterward, by birthright or other-

wise, become members thereof, all the personal rights, privileges, and immunities guaranteed to citizens of this "new Government." In fact, the opinion distinctly asserts that the words "people of the United States" and "citizens" are "synonymous terms." They both describe the political body, who, according to our republican institutions, form the sovereignty, and who hold the power and conduct the Government through their representatives.

The great error into which Chief Justice Taney falls consists in the fact that he arbitrarily excluded all negroes, though free, from this sovereignty. He unfortunately rejected the text of the Constitution itself, and sought judicial light in what he erroneously supposed to be "the legislation and histories of the times." Instead of construing a plain instrument as its language directed, in order to secure freedom and happiness to those who made it and their posterity, he went back seventy years to explore "the State of public opinion" which then existed in "relation to" what he termed "that unfortunate race," (the negroes,) and came to the conclusion that for more than a century before that time they had been regarded by civilized and enlightened nations "as beings of an inferior order and altogether unfit to associate with the white race, either in social or political relations, and so far inferior that they had no rights which the white man was bound to respect." He entirely ignored the fact that in many of the States at that time free negroes enjoyed every privilege and immunity of citizenship. Indeed, the fact is perfectly clear, established beyond all question by "the legislation and histories of the times," that free negroes, in both free and slave States, enjoyed full citizenship, and yet Judge Taney says "it cannot be supposed that they intended to secure to them rights and privileges and rank in the new political body throughout the Union which every one of them denied within the limits of its own dominion." In forming his opinion he abandoned the Constitution and the Declaration of Independence, for he distinctly says "the general words contained in the Declaration would seem to embrace the whole human family, and if they were used in a similar instrument at this day would be so understood." He distinctly admits that he put aside these words, as a part of the history of that period, and based his conclusions upon a certain supposed state of feeling which in reality did not then exist—upon something which he called history, but which was really a perversion of history.

He admits that the Constitution was made for those who framed it and their posterity; in other words, that "every class and description of persons" recognized as citizens in the several States became a part of the political body known as "the people of the United States." This would clearly include the free negroes who enjoyed the full rights of citizenship in nearly half of the States of the Union at that time. Being citizens, then, of their respective States, they necessarily became citizens of the United States, and having become citizens of the United States, no State can divest them of that high privilege. No power inferior to the national sovereignty could deprive them of United States citizenship. They therefore remained citizens of the States in which they might reside, and when they desired to remove from one State to another they had a right to claim in the State of their domicile the privileges and immunities of "citizens in the several States."

Sargent, in his work on Constitutional Law, at page 111, commenting on the clause giving jurisdiction to the Federal courts between citizens of the different States, says:

"This citizenship means a residence or domicile in a particular State by one who is a citizen of the United States."

We have now seen that each judge in the Dred Scott case and all the commentators assert that State citizenship by the adoption of the Constitution became Federal citizenship; and Mr. Sargent says that when one is naturalized he becomes a citizen of the United States, and a

residence or domicile in a State gives him State citizenship.

The Federal Constitution failed to define United States citizenship, and equally failed to declare what classes of persons should be entitled to its privileges. If those persons who enjoyed "all the privileges and immunities" of State citizenship at the adoption of the Constitution were not by the Constitution made citizens of the United States, it would be difficult to ascertain who were to be considered such. To deny it in such cases would lead to a total denial of such a thing as United States citizenship at all. But that cannot be the case, for, in defining the qualifications of a Representative in Congress, the Constitution requires that he shall "have been seven years a citizen of the United States." The same instrument, prescribing the qualifications of a Senator in Congress, declares that he "shall have been nine years a citizen of the United States." It is also fixed in the instrument that no person shall be President except a "natural-born citizen or a citizen of the United States at the time of the adoption of the Constitution." These clauses show that such a thing as United States citizenship existed at and prior to the time when the Constitution was adopted. Another curious fact may be seen in this, that while the Senator and Representative must be a citizen of the United States at the time of their election, it is only necessary that they be "inhabitants" of their respective States. One may be a Senator or Representative in Congress before he has acquired the rights of citizenship in his State. But he must have once been a State citizen. For instance, if an individual, seven years before the adoption of the Constitution, had been recognized a citizen of one of the States, acquiring the right either by birth or by naturalization therein, and had continued to remove from one State to another, failing to remain in any one of them long enough to acquire "all the privileges and immunities" of a citizen therein, he would yet have been a citizen of the United States and eligible to a seat in Congress from the State in which he was domiciled at the time. And so would one have been eligible to the Senate who nine years before had enjoyed State citizenship in one of the States under the Articles of Confederation.

In the clause fixing the qualifications of the President, the language is changed from "citizenship" to "residence." It says no person shall be elected President who shall not have been "fourteen years a resident of the United States." Fourteen years went back to the period of the battle of Lexington. It must be that a higher evidence of attachment to the country was intended to be secured in the President than in a member of Congress, but unless "residence" in the States be regarded as furnishing that evidence equally with citizenship itself, then the qualification of the President is not of so high a character as that of a member of Congress.

It cannot be otherwise than that all free natural-born residents of the States and all who had been naturalized by the States became, at the adoption of the Constitution, citizens of the United States. Their descendants of course followed their condition. All born of such parents became citizens at their birth. The States, after the adoption, could no longer naturalize. This power, by the Constitution, was given to Congress. But now upon the moment of naturalization the foreigner becomes a citizen of the United States, and may become a citizen of any one of the States by the same residence and under the same circumstances as native-born citizens of other States.

Now, if there be any force in the reasoning to which I have referred, or any weight in the authorities cited, United States citizenship is just what it is defined to be in the first section of this amendment. I mean that those persons who are to be made citizens by this amendment are the persons, and none others, who have ever been citizens of the United States

under a fair and rational interpretation of the Constitution since its adoption in 1789.

I now proceed to consider briefly the second section of this amendment. It materially changes the Constitution as respects representation in the lower House of Congress. The same change, of course, will be produced in the Electoral Colleges. The Constitution, as it now stands, apportions Representatives and direct taxes among the States according to the number of their inhabitants; but this number is to be ascertained by taking the whole number of free persons, male and female, including apprentices, and adding thereto three fifths of the slaves and excluding all Indians not taxed. It is upon this enumeration, ascertained by the census every ten years, that Representatives have been apportioned to the States since the formation of the Government. At the time the Constitution was framed the large slaveholding States desired that the whole number of their slaves should enter into the basis of representation. This was resisted by States having few or no slaves. The question was one of great difficulty. It was finally compromised, however, by estimating each slave as three fifths of a person for purposes of representation. But it was insisted that if he were three fifths of a person for representation he should also be three fifths of a person for purposes of taxation. The controversy was therefore settled by imposing direct taxation upon the States in the same proportion in which they might be represented upon their slave population. The clause was so adjusted that whenever a slave became free he necessarily became a full person for purposes of representation and taxation. He then was included in the list of "free persons," and not in that of "other persons." Therefore, whenever a State emancipated its slaves, as many did before the late war, it increased its representative power in Congress and fell subject to increased taxation to the extent of two fifths of all persons so emancipated.

The recent war of rebellion has terminated in the abolition of slavery in all the southern States. This emancipation, of course, was against the will of those States; but it none the less increases their representative power because it was forced on them.

This provision of the Constitution, like many others, looked to the ultimate extinction of slavery in all the States. It was so worded, of course, as to be adapted to either state of affairs. It compromised a present difficulty growing out of a state of slavery, but anticipated a period when it would cease to exist. When the former slave became a free man he was to become one of the people. He ceased to be property, and became a person. I confess I can see no good reason why the negro thus emancipated should be excluded from the basis of representation. I believe that no one in the Federal Convention asked the exclusion of any person, white or black, citizen or alien, provided he were a freeman. Indeed, in the fifty-fourth number of the *Federalist*, Mr. Madison, commending the Constitution to the people, says:

"It is not contended that the number of people in each State ought not to be the standard for regulating the proportion of those who are to represent the people of each State."

And in the same connection he remarks:

"That if the laws were to restore the rights which have been taken away the negroes could no longer be refused an equal share of representation with the other inhabitants."

For myself, I cannot refrain from expressing regret that it becomes necessary for me to give apparent indorsement to a principle contained in this second section. It departs from the views of the framers of the Constitution in several particulars. The first prominent objection is that it separates representation from taxation. If it were proposed to base taxation upon wealth instead of numbers it would be much better. Mr. Madison said that the rule of representation referred to the "personal rights of the people," and therefore should be based upon numbers, irrespective

of their political condition. But he remarked that the rule basing taxation upon numbers is "in no case a precise measure, and in ordinary cases a very unfit one." The amendment, as proposed, does not base taxation upon wealth, but leaves the Constitution in this respect as it now stands. If direct taxation be hereafter levied it will be apportioned among the States, according to their numbers, including free negroes as well as all other persons. If I believed it probable that direct taxation would be resorted to in the future legislation of the country, nothing could induce me to support this proposition. A second objection to it consists in the argument furnished, that we admit the necessity, or at least the propriety, of excluding arbitrarily a freeman from the elective franchise; and it will be contended that we render a present doubtful power of the States to do so certain. A third objection which is urged consists in the fact that while it inflicts punishment for the exclusion of the negro from the ballot, it permits the white citizen and the alien inhabitant to be excluded by the States without loss of representative power. A fourth objection will be urged that it presents too great an incentive to the States to extend suffrage to persons who are ignorant and uneducated for the mere purpose of acquiring power, inasmuch as those who may be excluded under this provision on account of the want of intelligence will be equally excluded from the basis of representation.

The amendment fixes representation upon numbers, precisely as the Constitution now does, but when a State denies or abridges the elective franchise to any of its male inhabitants who are citizens of the United States and not less than twenty-one years of age, except for participation in rebellion or other crime, then such State will lose its representation in Congress in the proportion which the male citizen so excluded bears to the whole number of male citizens not less than twenty-one years of age in the State.

The original amendment reported by the committee of fifteen, which passed the House of Representatives and was defeated in this body, put the basis of representation on numbers also, but it differed from this in some important particulars. It provided that—

"Whenever the elective franchise shall be denied or abridged in any State on account of race or color, all persons therein of such race or color shall be excluded from the basis of representation."

That proposition seemed to admit in express terms the right of the States to exclude from suffrage on account of color. The words "race or color" are left out of this proposition entirely. The States under the former proposition might have excluded the negroes under an educational test and yet retained their power in Congress. Under this they cannot. For all practical purposes, under the former proposition loss of representation followed the disfranchisement of the negro only; under this it follows the disfranchisement of white and black, unless excluded on account of "rebellion or other crime." The former might have had the effect to keep the negro uneducated, in order that he might be permanently excluded under that pretension. There was to be no penalty on such exclusion, and if prejudice against race exists to the extent supposed in the southern States, perpetual ignorance must have been the fate of the negro unless Congress could have interfered to educate him. If equally educated with the white man, no possible pretext remained for the denial of suffrage except the color of his skin; and if he were excluded for race or color, he no longer constituted a part of the representative population. Under the former proposition the exclusion of ten negroes in a State because of race or color excluded from representation all persons of that race or color, though they might number half a million or more. This encourages to give the ballot, because it gives power in the same proportion as the ballot is given. In some respects, therefore, this proposition is far superior to the one defeated. No amendment can be offered on

this subject which would not be liable to objections, but this is not subject to many of the harsh criticisms to which the other was.

I have already said that no one in the Federal Convention asked that a freeman should be excluded from the basis of representation, and that I could see no good reason for excluding the negro now. The same reason, however, which requires that he should be counted in the basis of representation equally demands that he should constitute a part of the political sovereignty in the several States. It is true that no one in the Federal Convention asked that the free negro should be excluded from the representative basis, but is it not equally true that the distinguished statesmen of that day admitted the citizenship of the negro and acknowledged his right to suffrage in the States? I have already shown that in five States of the Union the negro enjoyed the right to vote when the Constitution was adopted. He was therefore a citizen in those States, and the Constitution declared that, being a citizen in one State, he should have the privileges and immunities of citizenship in every other State. Having the right, therefore, to vote in one State, the right would attach to him on equal terms with the white man whenever he removed his domicile to another State.

Mr. Madison expressed confident belief that the people in the several States would not abridge the rights of suffrage, but would rather extend them. Such, no doubt, was the general belief. If these anticipations, in connection with the hope of early emancipation, had been realized, we should long since have had a Government founded upon the consent of the governed. Had such been the case we would have had no war. The war came, however, and brought with it the bitter fruits which we have gathered during the last five years.

The Virginia convention, on the 12th of June, 1776, uttered the sentiment of patriotism, and proclaimed the true theory of republican government, when it declared that "all men having sufficient evidence of permanent common interest with and attachment to the community have the right of suffrage, and cannot be taxed or deprived of their property for public uses without their own consent or that of their representatives so elected; nor bound by any law to which they have not in like manner assented for the public good."

No one pretends now to doubt that slavery and the discussion growing out of it produced the late war. Slavery is the natural result of a certain degree of inferiority. The father is the patriarch and governor of the family, because of this inferiority. Until the child is twenty-one years of age the father has the power of correction and enjoys the fruits of his labor. This rests upon the admitted fact that the minor is incapable of taking proper care of himself. The father is bound only to treat him with humanity, but has the right to control his person and take his earnings. Slavery proceeds from the same argument. "It is assumed that the black man is not only inferior to the white man, but incapable of self-government. Admit the truth of this proposition and slavery becomes justified by the highest attributes of justice and humanity."

Mr. A. H. Stephens, the wisest of the southern statesmen, fully comprehended this theory when commending the confederate constitution to the people of Savannah in 1861. He said "the prevailing ideas entertained by him [Jefferson] and most of the leading statesmen at the time of the formation of the old Constitution were, that the enslavement of the Africans was in violation of the laws of nature; that it was wrong in principle, socially, morally, and politically." He said, further, "the new constitution has put at rest forever all the agitating questions relating to our peculiar institution—African slavery as it exists among us—the proper status of the negro in the form of our civilization. This," he repeats, "was the immediate cause of the late rupture and the present revolution."

Again, he says, the corner-stone of the new

Government "rests upon the great truth, that the negro is not equal to the white man." Speaking of the anti-slavery fanatics of the North, he said, in the same speech, "Their conclusions are right if their premises are; they assume that the negro is equal, and hence conclude that he is entitled to equal privileges and rights with the white man. If their premises were correct their conclusions would be logical and just; but their premises being wrong, their argument fails."

The position taken by Mr. Stephens is certainly correct. If the negro be inferior to the white man, and incapable of self-government, modified slavery results as a matter of course. The southern argument, asserting the divinity of slavery, proceeded from this idea. We have declared that slavery in no form shall exist hereafter. In so declaring, we necessarily deny the negro's incapacity to take care of and govern himself. Now, if the abolition of slavery is not to be followed by such privileges and rights as will maintain and perpetuate the freedom of the emancipated, it amounts to nothing. It is "as sounding brass or a tinkling cymbal." Mr. Stephens said that this idea of inferiority, upon which slavery was founded upon the one side, and the opposite idea of man's equality on the other, carrying with it equal rights and equal privileges, caused the late war. It was first a contest of opinion, then a contest of force. In the overthrow of the rebellion one idea triumphed, and necessarily the other was vanquished. False ideas, then, and false teachings had corrupted our institutions. These teachings interfered with the harmony of the Government. They had produced disease. That disease had developed itself in a destructive war. It was for us, when violence had ceased, when the paroxysms of acute pain had been allayed, to consider whether the cause of disease should be removed entirely or be left in the system to fester again.

I think it somewhat unfortunate that Congress was not in session when armed hostility ceased. It is possible that, had it been in session, it would have done nothing. It had certainly been derelict in failing to provide for a contingency, which for many months before its occurrence it was evident must soon happen. And why did it fail thus to provide? For the same reason that produced the war. Because we could not agree as to the *status* of the negro. We feared to grapple with prejudice and did nothing.

President Johnson, finding the rebellion overthrown and himself just advanced to the executive power of the nation, naturally enough felt a desire to see the Union at once restored. He had borne a prominent part among the friends and supporters of the Government, and it would be by no means strange that he were possessed of an ambition, laudable and honorable within itself, to take a yet more prominent and exalted position in rebuilding the shattered columns of the Union. The war had been waged that the States might be kept in their proper relations to the Government. It was the wish of every earnest patriot in the land to see complete restoration, and to see it as soon as possible. It had been a fearful period, those four years of anxiety and dread. The loyal people never desired the war. They accepted it simply as a necessity. They went to the battle without malice toward their enemies, but simply to save the Union, and in so doing to secure the happiness and even safety of both North and South. Hence when victory came the first shout of exultation was immediately followed by an exhibition of charity and magnanimity toward a fallen foe which brought to the national name more true glory than all the achievements of war, and gave each hero a fame that will live when his most daring deeds of martial prowess shall have been long forgotten. The assassination of Mr. Lincoln checked but did not subdue this feeling of mercy.

The incoming President took counsel of his Cabinet advisers as to the course of policy to be pursued. They were substantially the same

who had devised a plan of restoration with the lamented Lincoln in 1863. At that time not more than three of the seceded States could possibly be drawn into any scheme of restoration. The rebel government held undisputed sway over all the others. The erection of loyal governments in these three States at that time should have been regarded in the light of a military measure, a means rather to crush out organized treason by fostering a counter-power in its midst. Mr. Lincoln's plan was certainly not designed to build up permanent institutions to exist in a time of peace, founded upon the consent of one tenth of the inhabitants. An oath had been prescribed for the voter, good enough for that period and well calculated for the purposes designed, but wholly unfitted to the spring of 1865, when the armies of Lee and Johnston had returned home and the reestablishment of the Union had become a fixed fact. They had been stripped of the musket. They, of course, expected for the time being to be deprived of the ballot. It was the ballot in the seceded States which had made their rebellion so formidable. It had given the rebellion form and consistency. It had clothed treason with legal sanction. It gave the insurgents a government and lent organized purpose to every movement. The ballot had previously aided treason only because the ballot was partial. If even one half of the negroes could have voted in the seceded States in 1861 secession would have been lost in each one of them. Secession was successful at that time, because it was entirely in the hands of those whose fancied interests and whose real prejudices had brought on the war. One would suppose that when armed violence had been suppressed entirely, they who had commenced it should give a full and not a partial acceptance to the situation. I think the South at first was willing in good faith to do so. They expected nothing else. The more intelligent among them admitted that the whole case submitted to the arbitration of the sword had been decided against them. They did not cease to believe in secession, but the point was decided and they yielded to the decision. They did not believe that slavery should be abolished, but slavery was involved in the case as made up, and they yielded, as yields the unsuccessful suitor in the highest court of judicature. They did not believe that equal rights and equal privileges should be accorded to the negro. But this question they knew was involved in the contest also. The premises taken by the supporters of the Union were proved to be correct, and now, in the language of Mr. Stephens, the whole conclusion was "logical and just."

The Cabinet, however, had committed themselves to a policy, and now came that thing so dangerous always in human conduct—pride of opinion, attachment to preconceived notions. It may be possible that the mind, like machinery, runs best in old and worn grooves. It is certainly true that the change of condition in public affairs made no change in policy. What had been an acknowledged temporary arrangement was now to be made a permanent institution. A plan of restoration was adopted which put the political power of the South right where it was at the beginning of the war. Many persons think that this was designed, and the President and his Cabinet wished to build up a new party, having its strength in the old rebellion. I cannot think so. I do not think so. I think they were actuated by the best of motives, but committed a blunder. They were certainly too hasty, but I attribute their haste, first, to that ambition of which I have spoken, and second, to a false pride of opinion, with which man's happiness must ever contend until his whole moral nature has been reconstructed.

So soon as the southern people found political power again in their grasp, the spirit of humility gradually disappeared, and they conceived a hope that the judgment rendered against them in the tribunal of arms might now be arrested. They supposed that something might be saved from the wreck of their political fortunes, which, properly invested, would ulti-

mately restore them to their former place and grandeur in the Government. If slavery could be saved, this were an investment of the most priceless character, but the President said, "Slavery shall not be saved." For this the country owes Andrew Johnson a debt of gratitude. They then thought if the technical right of secession, even, could be admitted in the words of their conventional proceedings, it would be so much laid up for the future. The President said "that no words must be used upon which an inference could hang favoring the right of secession." In this Andrew Johnson was right, and no true man will withhold his praise. They next endeavored to save treason from odium by providing that the debt contracted in its perpetration should be acknowledged and paid. To this the President gave his refusal, and again the country is thankful to Andrew Johnson for this act of true statesmanship.

For these acts the President was denounced as a tyrant. I only regret that his tyranny did not go far enough. He stopped at the precise point where the greatest degree of moral courage was needed. Southern prejudice against race had started the war, northern prejudice had prolonged it. Southern prejudice, if unsustained, would have given us a war of but short duration. Northern sympathy came to its aid, and doubled its miseries. At this period the South was ready to cast off its prejudices if the demand had been made. The President and his Cabinet had boldly conducted us to the overthrow of southern rebellion. But they now cowed before this spirit in the North which had aided and prolonged the strife. The South saw its opportunity and promptly collected together all the elements of prejudice and hatred against the negro for purposes of future party power. They denied him the right to hold real or personal property, excluded him from their courts as a witness, denied him the means of education, and forced upon him unequal burdens. Though nominally free, so far as discriminating legislation could make him so he was yet a slave. It was at this period, as I have said, that the President and his Cabinet faltered. If they had put their veto upon these measures, their voice would have been the law; the South would have been saved from their worst enemies, themselves, and the whole country would have felt secure in the beginning of a better era. But they were encouraged by this indecision and want of moral firmness in the President and his Cabinet, and adopted a system of laws which doomed the negro to hopeless ignorance, degradation, and misery. They not only denied him the ballot, but denied him the commonest rights of human nature. If this thing were to be continued there was no hope left for his future amelioration. He must be a degraded outcast. The only change made was in the name: he was once a slave, and men called him a slave; men now mocked his condition by calling him a freeman.

Thus encouraged the southern States became insolent in the immediate prospect of power, and presumed to insult the loyal sentiment of the country by conferring honors upon the most obnoxious leaders of their rebellion. They even elected and sent to Congress the men who have held the highest places in the rebel government.

In this condition of affairs Congress convened. The first thing, of course, was to close the doors of Congress against this rebel invasion. The next was to do a simple act of justice to the negroes and poorer whites of the South, who had been always loyal to the Government. For that purpose, "the act to establish a Bureau for the Relief of Freedmen and Refugees," called the "Freedmen's Bureau bill," and the "act to protect all persons in the United States in their civil rights," called "the civil rights bill," were presented to Congress and adopted. Whatever may be said against these measures, and much has been said, their sole object was to break down in the seceded States the system of oppression to which I have alluded. Their only effect was, after feeding

the starving white and black, to give the right to hold real and personal estate to the negro, to enable him to sue and be sued in courts, to let him be confronted by his witnesses, to have the process of the courts for his protection, and to enjoy in the respective States those fundamental rights of person and property which cannot be denied to any person without disgracing the Government itself. It was simply to carry out that provision of the Constitution which confers upon the citizens of each State the privileges and immunities of citizens in the several States. These measures did not pretend to confer upon the negro the suffrage. They left each State to determine that question for itself. Their highest aim was to secure what the lawyers call civil rights to every person within the jurisdiction of the Government. The necessity for these or similar measures was imperative. To have failed in this duty would not only have rendered the results of the war perfectly abortive, but would have completely withered the laurels we won in its successful prosecution.

The President saw fit to veto those measures, supposing them to be unconstitutional. I never doubted the power of Congress to pass them. I never doubted that the Government would be disgraced if it failed to establish for the private citizen the muniments of freedom intended to be secured by them. I did have my doubts whether this was the best way to accomplish the end. It would necessarily bring about a conflict between State and Federal jurisdiction. I knew it would meet with resistance in the States. I thought it would be repulsed, as even beneficence itself is always repulsed when forced on an unwilling community. I feared that in the conflict to arise the rights of the weak would be lost sight of, and finally sacrificed. I then believed, and do now believe, that the necessity for these measures is an unfortunate necessity. That necessity cannot exist where the local government is founded upon the consent of the entire people. The people of Georgia know what laws are best for their own happiness and security. But when one half of the people legislate for all this truth ceases in its application. Let all have a voice in making the law and the popular heart will execute it, because the liberty of all consists in its enforcement. It is only where political power is in the hands of a favored few that oppression can be practiced. It is only where oppression exists that the agents of a superior power are needed for protection. Give the negro the ballot and he will take care of himself, because his interest requires it. Give him a bureau agent, and he will sometimes be plundered, because his interest and the interest of the agent may differ.

At an earlier day in the session I offered a proposition which I thought would secure these ends. It was a constitutional amendment in three lines. It prohibited the States, in prescribing the qualifications of voters, from discriminating against the negro on account of his color. Had this been adopted, by its own force it made him a citizen in each State, because it gave him the highest prerogative of a freeman. There would then have been no necessity for declaring who are citizens of the United States, for every freeman would have worn the honored badge of citizenship. It would then have been useless to declare that no State shall abridge the privileges and immunities of citizens of the United States, for those simple words presented an effectual bar against it. It would have been superfluous to interdict the States from taking life, liberty, or property from the citizen without due process of law; for liberty being first given, the citizen can protect his own life and property. The provision securing equal protection of the laws against inimical State legislation might then be dispensed with as wholly unnecessary. The very section we are now considering, with all its difficulties of verbal adjustment, might be abandoned and the Constitution be left in that respect as our fathers made it. The neces-

sity for abridging representation would have ceased, for both representative and elector would have been loyal. These few words would have accomplished directly what this proposes to accomplish indirectly after years of political strife, in which truth and conscience and patriotism are too often sacrificed to the attainment of success. Had that been done it were useless to enact an exclusion from office of the leaders of the rebellion. Where all men are interested in the Government, none but peaceful revolutions are needed. Reforms are worked at the ballot-box. Government then, and only then, becomes a divine institution. Rebellion against it not only injures the public weal, but it shocks the moral sense of a contented and happy people. They who lead such rebellions are at once visited with public odium. In public estimation traitors then stand as the greatest of criminals. They are looked upon as monsters in human shape. Cain bore the mark of one crime—murder; but a people perfectly free will never fail to stamp traitors, as they deserve to be stamped, with the mark of all crimes.

If that proposition had been adopted we need not pledge our faith to the payment of the public debt. That faith would have been best secured in the honest convictions and the moral sense of the people. Had it been adopted, we need not have proclaimed by constitutional enactment the invalidity of the rebel debt, founded as it is upon contracts made in contravention of public policy, against the best interests of the State, in violation of the laws of the land, and for the purpose of enslaving the very men whose substance would be required to pay it.

But, Mr. President, in all this I may have been mistaken. The presumption is, I was mistaken, for a large majority have ruled against me. I yet have faith in its ultimate success. Necessity, if nothing else, will soon bring believers. Believers may be now few, but as through the faith of the Hebrew mother, so again they will soon be "as many as the stars of the sky in multitude, and as the sand which is by the sea-shore innumerable."

The old saying is true, that we must take things as we find them. I am somewhat an optimist, and this at last may be the best. The negroes during the war were our faithful allies. They are now steeped in poverty and must remain so unless Congress does something to help them. The poor whites of the South are not in a much better condition. State governments are already in the hands of those hostile, through prejudice or interest, to their improvement or amelioration. The legislation of these governments even now frets with oppression. Within the scope of State jurisdiction there is no such thing as equality in the law. The State courts are already deciding the "civil rights bill" to be unconstitutional. The validity of all laws must depend at last upon human judgment. Judges, even in the highest courts, are but mortals. Should the Supreme Court of the United States affirm the judgment of these inferior tribunals, the present period would be no better for the rights of the negro than that when the Supreme Court once before supposed he had no rights which the white man was bound to respect. Should such be the action of this tribunal, the problem would at once be presented, whether four million people can be peacefully held nominally free, but actually slave.

If it be true that these negroes are not susceptible of education; if they are more nearly allied to brutes than to men; if as free men they can add nothing to the wealth of the country; if they are unfit to take part or lot in the State governments, it may be asked, why should they be represented in Congress? If they are incapable of choosing a Representative for themselves, why should those who treat them as inferior beings, and almost deny their humanity, claim the right to represent them as citizens? It is said that women and aliens in the North are retained in the basis of representation, why should not the negroes be retained in the South?

It may be answered that these women and aliens are treated as human beings; they are regarded as persons and not dumb brutes; they enjoy the right to acquire property, to enter the courts for its protection, to follow the professions, to accumulate wealth, whereby national resources are increased and national power augmented; they are a part of the people. The road to the ballot is open to the foreigner; it is not permanently barred. It is not given to the woman, because it is not needed for her security. Her interests are best protected by father, husband, and brother. The negro is the object of that unaccountable prejudice against race which has its origin in the greed and selfishness of a fallen world. That prejudice belongs to an age of darkness and violence, and is a poisonous, dangerous exotic when suffered to grow in the midst of republican institutions, where we boast an asylum for the oppressed of every land. Why do we shudder to meet this question? Nearly five million people, strong, vigorous, and inured to labor, are in your midst, partially without civil, wholly without political rights. What will you do with them? You have three alternatives before you, and only three. You must kill them, colonize them, or ultimately give them a part of your political power. For this last alternative the country is not yet prepared. With the two former humanity and common sense will successfully struggle.

But I am told that this proposition will operate as a penalty on the South. Suppose it were a penalty from which she could not escape, would it be an adequate punishment for the crime committed? Might it not, if justice untempered with mercy were consulted, be made a permanent rule until the public debt were paid and the curses of treason were effaced from the land? If it be a penalty, it is one which the offender may escape. It is likened unto the penalties of the divine law. The choice of good and evil is before them. The indulgence of evil is followed by punishment, because it is an inexorable law of man's organization. The choice of good is followed by happiness, contentment, prosperity. It is thus wisely ordained, that interest may constrain to duty, in the exercise of which the world is advanced and man is ennobled. This may be called a penalty, but a simple act of justice will fully discharge it. It is equal, for it applies to all the States.

Another advantage consists in the fact that it compels the moral and intellectual culture of the lower classes. If not properly qualified for the exercise of the ballot, the State governments may fall into the hands of incompetent and dangerous persons. Until all can vote, all cannot be represented. All cannot safely vote until a large majority are educated. This provision, then, may constrain to justice in a double sense. The strong argument in favor of it is, that as the Constitution now stands four white voters in the South, formerly soldiers in Lee's army, will be equal in representative power to six of those who followed Grant from the Rapidan to Richmond or Sherman from Atlanta to the sea. I therefore accept it, in the hope that the South, seeing its true interests, will, even before the next census, learn to seek justice for themselves in the exercise of the golden rule.

The third section of this amendment provides that no person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid and comfort to the enemies thereof. But Congress may by a two-thirds vote of each House remove the disability. The language of this section is so framed as to disfranchise from office the leaders of the past rebellion as well as the leaders of any rebellion hereafter to

come. It strikes at those who have heretofore held high official position, and who therefore may be presumed to have acted intelligently. When the section is closely scrutinized, it will be seen that comparatively few men will fall subject to the exclusion. It does not, as sometimes supposed, reach all who may have taken an oath to support the Constitution of the United States. The civil officers of the Federal Government, previous to the war, were comparatively few. With the exception of postmasters, perhaps not a thousand are yet remaining in the South. The Army and Navy of the United States were very small before the war, and I presume it is doubtful whether three hundred military and naval officers yet survive the rebellion who will be affected, and these will be chiefly officers who were educated in the Military and Naval Schools at the expense of the Government. They not only forfeited their oaths, but committed an act of ingratitude which forever stamps them as unfit for public position. I have but little idea what number of persons will be reached as former members of Congress. The number cannot be very great. Those who were actuated by convictions of duty, and believed themselves right in their rebellion, boldly went to the front and fell victims to their error. Those who sinned against light and knowledge, knowing the iniquity of their conduct, exhibited such want of moral worth as to forbid an honest discharge of public duty hereafter. The executive and judicial officers of the seceding States are supposed to be men, not only of intelligence, but of distinguished abilities. These persons are not numerous, they will not likely exceed two or three hundred. Some of these took so prominent a part, and were so relentless and vindictive in their persecutions of Union men, as to have become especially obnoxious to the loyal sentiment of the country. It will be best for the South itself to discard all such men for the future. Much the largest class of persons to be excluded under this amendment will be found among the former members of the State Legislatures. What may be the probable number I have but little idea. Perhaps fifteen hundred or two thousand will cover all classes debarred under this amendment from the privilege of holding office. If we deduct from this the number who will be able to prove themselves innocent when charged with complicity with the rebellion, we shall have two or three hundred left, consisting chiefly of those who, as officers of the Army, educated at public expense, surrendered their commands into the hands of the enemy, or who as members of Congress met in conclave under the roof of the Capitol to plot treason against a Government which had honored them, and which daily paid them for acts of treachery done under the sacred name of public duty. Those fierce "furies of the guillotine," who came into public life under the reign of terror, inaugurated in 1861, and who sought and obtained the offices of the confederate government because their natures were as wicked and devilish as the treason they supported, will yet be able to hold office, State and national. They are not disqualified by this section. They never took an oath to support the Constitution of the United States, for they were unnoticed until the reign of crime commenced. They were born into public life with the confederate constitution. They were turbulent, dangerous men, who found no favor in times of peace. It required commotion and storm to bring them to the surface. The rebellion was in a large measure their work. It required daring and heartless men to conduct it, and they soon became its leaders. After the adoption of the amendment we shall see these men in public office. The whole country will conclude that those who are disfranchised are no worse than those who yet lead southern sentiment, and Congress, by a vote of two thirds, will remove the disability. I have no doubt that this will be the conclusion of the whole matter.

I would not be understood in what I am now saying as complaining of the provision. I would perhaps be more merciful still, simply

because no adequate punishment can be devised for the wickedness of the offense. We cannot punish all. To discriminate among those who are equally guilty wears the garb of injustice. We cannot even punish those who are guilty of the highest crimes, crimes which give treason its darkest hue. To do so would stamp the nation with cruelty; therefore we cannot begin without injustice. We must be merciful. I am willing to make the highest virtue of that necessity. There is so much guilt as to render the task of punishment hopeless. Hence the provision depriving even the worst rebel leaders of the ballot has been wholly abandoned. Lee, Johnston, Wade Hampton, Moseby, and even Jeff. Davis, are left as qualified electors, competent to vote for State officers and members of Congress. Moseby, after the passage of this amendment, may be legally elected to any office in the gift of the Government.

Distinguished Senators tell us that this deprivation of office is a punishment. If it be a punishment, it is so insignificant when compared with the crime that it is scarcely entitled to the name. They tell us that it is a bill of attainder. Suppose it were; are the people in their sovereign capacity prohibited from passing a bill of attainder? The people, in forming a Constitution, said that Congress should pass no such bill. They surely possessed the power to authorize Congress to do so. But for the similar prohibition on the States each State could pass a bill of attainder. The people reserved the power to themselves. They surely can amend their Constitution. If they had the power originally to declare that a member of the lower House of Congress shall have been seven years a citizen of the United States, a Senator nine years, and the President a native-born citizen, a resident for fourteen years, they certainly had the right to say that no man shall hold office who has committed murder, burglary, or larceny; and if they can so declare, they may certainly disfranchise one who has been guilty of treason. It is said the law is *ex post facto* in its character; what if it is? Have not the people the right, by a constitutional amendment, to enact such a law? It was even feared that Congress would be able to do so, and it was admitted that the States might do so if the people had not inhibited it in the Federal Constitution. I am aware that bills of attainder and *ex post facto* laws are unjust within themselves, and ought not to be passed where the power to do so is clear.

But I deny that this is a bill of attainder or an *ex post facto* law. Such laws are criminal and not civil in their character. In the one case they select a particular delinquent, and punish him by the sole act of the Legislature without the forms of law; in the other, they call that a crime which was innocent at the time of the act, and assume to punish it, or prescribe a greater degree of punishment for that which was already punishable. Before this provision can be called a bill of attainder or *ex post facto* law, it must be amenable to the charge that it proposes in some form to punish. It is sufficient for this argument to say that this is an act fixing the qualifications of officers and not an act for the punishment of crime.

And again, punishment means to take away life, liberty, or property. These are absolute or inalienable rights. To take them away is an injury to the person. It is what we call punishment. They ought never to be taken away without due process of law. Office is the creature of Government. It is true it may be called a right. The right is not absolute but conventional. The Government created it and the Government can take it away. It has never been regarded in the American courts as a punishment when conventions and Legislatures deprived incumbents of their offices. Every State constitution contains provisions inhibiting the passage of bills of attainder, *ex post facto* laws, and laws impairing the obligations of contracts. The Federal Constitution provides the same limitation upon State power, which opens the

Federal courts to any person aggrieved, and yet it is notorious that every State in the Union has turned officials out of office, changed their terms of service, reduced their salaries, and entirely abolished the laws under which they held. Nobody ever supposed that this was punishment, and unless that were punishment this cannot be.

If this provision be all, even if faithfully carried out, it will be an act of the most stupendous mercy that ever mantled the crimes of rebellion. This rebellion was causeless. It was not only causeless but gigantic in its proportions, carrying hundreds of thousands to an untimely grave, and leaving a legacy of debt sufficient to crush the energies of any nation less vigorous and powerful than ours. It was not only a gigantic rebellion, but it was conducted by its leaders in a spirit of fiendish ferocity which renders them wholly unworthy of public confidence hereafter. It is said that these leaders ought not to be condemned unheard, that they should not even be disqualified for official position until their guilt is established in a court of justice. If it were proposed to take from them life, liberty, or property, I would be unwilling to do so except according to the law of the land. But when it is only proposed to fix a qualification for office and deny them future distinctions, which would rather make their treason honorable than odious, I do not hesitate to act.

I know this will do but little good; I doubt whether it will do any. If they shall bring forth fruits meet for repentance, I perhaps will be the first to remove the disability. I never have exercised a malicious spirit toward these people. I have pitied, but never hated. No act of confiscation has ever received my support. No such act ever will. I never but once voted to disfranchise those who participated in the rebellion, and then only because I believed the best interests of my State demanded it. The necessity for such exclusion there has perhaps already passed. They clamor for suffrage, and I for one am willing to grant it to them if they will now be generous enough to extend it to all who carried the musket to defend the Government while they carried the musket to destroy it.

Mr. President, the only remaining section of the proposed amendment pledges the public faith to the honest discharge of those obligations which we have incurred in maintaining the national life. This is but an act of justice to the creditor and a proper precaution against the establishment of parties hereafter appealing to the sordid interests and lowest passions of men. It not only accepts honesty as a principle, but indorses it as the highest and best policy of the State as well as of individuals. It also declares the rebel debt void, and therein it merely adopts an old and familiar principle of the common law. No agreement founded on an immoral consideration, no contract made, the object of which is to resist the law or overthrow Government, can be enforced. It may be asked, then, why adopt this amendment? The answer is, the defendant may not avail himself of his defense. He may be willing to make a new promise, and the debt, though now void, may be sufficient to support this new promise. And again, payment may be made voluntarily, though the debt be void. But the chief argument in its favor is that it forever settles a question, and settles it as it deserves to be settled. It precludes the organization of a political party, which might appeal to the pride of the South and receive material aid from the corruption funds of foreign creditors.

Under all the circumstances I think the country should accept the amendment, for it does much toward settling some of the vexed questions of the past.

Mr. YATES. Mr. President, I had not expected to say anything upon this question. I preferred to proceed to a vote immediately. We have had much debate upon it. I know the anxiety which gentlemen feel to come to a vote on this question, and I shall say but a very few words.

I have thought that in consequence of the position which I assumed in the beginning of

the session, and from the fact that my heart has not been entirely in favor of the measures which have been proposed, and still not opposed to them, I may say, it became me to explain my views. It seems to be fashionable in this day for gentlemen who presume to think their views should be known to avail themselves of the opportunity to explain their position. I propose to do so now; and that I may speak more directly to the purpose, that I may present the views which I wish to present, and which I promise to detain the Senate but a very few minutes in stating, I will send to the desk of the Clerk an amendment which I propose to be added as a last section to the sections already under consideration, not so much that I care whether a vote is taken on it or not, but simply as the basis of the very few remarks which I shall submit on the present occasion.

The Secretary read as follows:

Nothing in the foregoing sections shall abridge or in anywise affect the rights, franchises, or privileges of any inhabitant of the United States, or of any State or Territory of the United States, guaranteed by the constitutional amendment abolishing slavery within the United States, in force on the 18th day of December, 1865.

Mr. YATES. At the beginning of the session I took the ground that already by the Constitution of the United States, as amended, every man in the United States, without regard to color or caste of any kind, was a citizen, and I offered a resolution to that effect, based upon the fact that by the constitutional amendment we had abolished slavery within the United States and in all the Territories subject to the jurisdiction of the United States, and required Congress, by appropriate legislation, to enforce that provision of the amendment. I offered my resolution declaring what seemed to be an admitted fact by Senators of distinguished ability, that all constitutions, laws, and regulations of any State or Territory of the United States which conflicted with this amendment to the Constitution of the United States were null and void. I took the ground that this being the fact, Congress should resort to the mode prescribed and required by the amendment, to "appropriate legislation," to enforce that provision of the Constitution. I assumed the position that that amendment did not confer freedom upon the slave, or upon anybody, without conferring upon him the muniments of freedom, the rights, franchises, privileges that appertain to an American citizen or to freedom, in the proper acceptation of that term. I took the ground laid down in the decision of the Supreme Court of the United States in the Dred Scott case, (which certainly was a hard rule by which I should be governed,) that when this amendment passed the freedman was no longer a member of a subject race. He became by virtue of the amendment one of the people, one of the body-politic, and entitled to be protected in all his rights and privileges as one of the citizens of the United States. The deductions drawn from the decision in the Dred Scott case were irresistible. The great Senator from Massachusetts [Mr. SUMNER] said—the highest compliment ever paid to me in my life—that in view of the principles laid down in that decision I had assumed an unanswerable position.

I took the ground that the former slaves in every State of the United States, being made free by this amendment, occupied precisely the same position with any other part of the body-politic, that a son of a colored man born in the State of Wisconsin under the broad ægis of this amendment to the Constitution, had the same rights that my son had. I maintained that by this amendment to the Constitution, and by the promises of Abraham Lincoln made in his proclamation of emancipation, the former slave should be maintained in his freedom; that being like any other man, and not unlike him in any respect, under this amendment to the Constitution, he had the same right, the same inherent, if you choose, God-given right; and further, if he had not that right naturally or civilly or politically, he, by his heroic valor,

his prowess upon many a glorious battle-field, where he had fought side by side with our own brave sons and brothers, had become entitled to it.

I took the ground which I maintain to-day that suffrage is the only remedy for the evils by which we are surrounded. It is the only thing that can kill secession, the only thing that can divide the South or introduce a loyal element there which will be a counterbalancing force, the only thing which will secure us a loyal representation from the South and a loyal people in the South.

I further held that if we went before the American people without indirection or disguise upon this broad proposition, we should sweep a large majority of the northern States, we should carry some of the southern States, and we should establish this country upon the solid foundations of permanent peace and happiness.

Mr. President, I have therefore sent to the Chair the amendment which, with the consent of the honorable chairman of the committee, I am allowed to propose; an amendment which says that nothing in the sections which we are about to adopt shall be construed to mean that the rights, franchises, and privileges already secured by the Constitution of the United States to any American citizen shall be impaired or in anywise affected. Such an amendment can do no harm. If the power for which I contend does not exist in the Constitution now, these words can at the worst be regarded but as surplusage; while the thousands and the hundreds of thousands of the American people who this day believe that the power does exist there, the hundreds of thousands who believed it to exist there even before this amendment, like my friend from Massachusetts, will the more readily support the amendments which the committee have reported when they see and when they feel assured that there is nothing in the amendments which will deprive the citizen of rights already guaranteed by the Constitution of the United States. Believing as I do a lawyer, believing in my heart that under the constitutional amendment abolishing slavery within the United States every inhabitant of the United States (excepting unnaturalized foreigners whose case is regulated by the Constitution) is as free as I am, and entitled to the same rights and privileges that I am, I have sent to the Chair this amendment which I desire to propose, so that there shall not be even a color for any judicial decision proposing to deprive men of rights which are already guaranteed by the recognized law.

Mr. President, if the Senator from Pennsylvania who sits by my side [Mr. COWAN] were here, I would say to him that it is not radicalism that I fear. My fear is not that this Congress will be too radical; I am not afraid of this Congress being shipwrecked upon any proposition of radicalism; but I fear from timid and cowardly conservatism which will not risk a great people to take their destiny in their own hands and to settle this great question upon the principles of equality, justice, and liberality. That is my fear.

So far as my position is concerned, it is unchanged; my convictions are the rather strengthened, and if I had it in my power to-day, I would write it in plain words upon the face of the Constitution, plain as the stars upon the sky, not in tortuous and hard-to-be-understood propositions, but I would write in the fundamental and unchangeable law of the land, that the Declaration of American Independence was a verity, that all men were created equal; and having the powers which this Congress now has, I would prove my belief by making that Declaration a reality. If this Congress of the United States could adjourn on the 4th day of July, 1866, having accomplished this great result it would be the greatest epoch in the annals of time. At the termination of such a war as this, with its mighty events, signalized by its grand armies and its greater issues, and by the blazonry of the great achievements of our sons upon so many glorious battle-fields, after so much blood and so much treasure had been spent, I could hope that the Congress of

the United States would come up to the grand results that are taught by the events of this war, and by the emergencies by which we are surrounded, and proclaim the true principle and the only principle upon which this Government can live.

I am true to the theory of my Government. I believe, I religiously believe, that the strong common sense of all the people, of the populace, of America is the salvation of the Government of the United States. My distinguished friend from Wisconsin, [Mr. DOOLITTLE], and he is really my friend, claimed that he was the saviour of our party because he had prevented the issue of negro suffrage from being made in the State of Wisconsin last fall. Sir, a man who could claim to be the instrument of conferring these great and inalienable rights upon his fellow-men might with some propriety claim to be the saviour of his party and of his country. Does the Senator remember the gallant regiment from the State of Wisconsin, one thousand strong, who went out and bore up our flag amid the storm and thunder of battle? And he call himself a saviour of the country because he has been the instrument in the hands of Providence of preventing them from exercising the right of suffrage! Sir, his comparison of himself with our blessed Saviour was true in only one respect that I know of, and that is that he will most certainly be crucified. If, on the other hand, he could have come forward and said, "I stood by you; you were true to your country in the hour of its calamity and its affliction; we called you to the help of the Government; you came and stood by us in the hour of our calamity;" if he had made a sacrifice of himself in such a glorious act of humanity and human liberty, (if sacrifice it could be called,) it might not be considered blasphemy to compare himself to Him whose mission upon earth it was to proclaim liberty to the captive, to break every yoke, and let the oppressed go free.

Not so much of a victory was that in Wisconsin. The honorable Senator said with an air of triumph that negro suffrage had been beaten by nine thousand votes. Look at it. After two hundred years of foul oppression, of accumulated prejudice against a race, when politicians dare not assert their opinions, at the very first election in the State of Wisconsin negro suffrage lacked only nine thousand votes, according to his statement, of being carried; and I am prepared to believe that with his powerful influence it would have been carried triumphantly.

Mr. President, we may legislate on this question of suffrage. We may attempt by indirection to find direction. We know what we want and what we have got. Suffrage is upon us. Colored men vote in Wisconsin to-day under the authority of legal decisions. Iowa has boldly proclaimed by a majority of her citizens that she is for suffrage. Connecticut gained upon her last vote. Even in the slave States, Tennessee and Texas are on the verge of suffrage; and before these resolutions shall have passed the Congress of the United States suffrage, in spite of all of our legislation, will be an accomplished fact. Four million people set free in this country will override all political platforms and opposing forces. Seven hundred and fifty thousand voters loyal and true to the Union must and shall be had in favor of the preservation of this Government and the principles of human liberty.

It is to me the strangest thing in the world that while we deny to four million loyal men—men who have been loyal under all circumstances, who have been true to the country everywhere, in war and in peace—while we deny to them the rights of American citizens, we are prepared to extend all privileges to the men who have tried to destroy and to overthrow the Government. There is no propriety, there is no good taste in such yearnings over rebels and traitors, while we deny right and justice to our friends.

We listened to the Senator from Pennsylvania [Mr. COWAN] a day or two ago, and he

seemed to think that to deprive a man of the right to hold an office was the highest punishment that could possibly be inflicted upon him; and he supposed a most affecting case, but a case which is utterly impossible, that my friend from Michigan had been a traitor, and that he wanted to be a candidate for the United States Senate, and his wife and children would gather around him and say, "Why cannot my husband or my father be a Senator? He is as great as any of those men there; why cannot he be a Senator? Simply because he has not the right to hold an office. It is a punishment; it is the mark of Cain upon his brow; it is the wolf-head upon his brow. He has no right to be a Senator; otherwise my husband or my father would be in the Senate as well as other people."

Sir, let us suppose another case. Here is a man, Winder, or Dick Turner, or some other notorious character. He has been the cause of the death of that boy of yours. He has shot at him from behind an ambuscade, or he has starved him to death in the Andersonville prison, or he has made him lie at Belle Isle subject to disease and death from the miasma by which he was surrounded. When he is upon trial and the question is, "Sir, are you guilty, or are you not guilty?" and he raises his blood-stained hands, deep dyed in innocent and patriotic blood, the Senator from Pennsylvania rises and says, "For God's sake do not deprive him of the right to go to the Legislature." The idea is that if a man has forfeited his life, it is too great a punishment to deprive him of the privilege of holding office.

But I stated that I should make but a very few remarks, and I now come to the point which is more interesting to all of us, and that is, strange as it may seem, with these views in my mind, and while I subject myself to the criticism of my distinguished friend from Indiana, [Mr. Hendricks,] I shall support these propositions. They are not such as I approve. They do not come up to the stand-point which I have set for myself. I think that Congress has failed to come up to the stand-point of the people in this regard; but, at the same time, as I cannot get the position for which I have so earnestly contended, I will sit quietly by, as I have sat quietly by, and take the next best proposition that I can get. I believe in the good common sense of my friend from Maine [Mr. Fessenden] who says that if he cannot get the best dinner he will take the next best; if he cannot get the best proposition he will take the next best proposition. I have a good deal of faith like that of my friend from Ohio; and while I would not state the proposition quite so broadly as he does, yet I always feel perfectly safe when I am in the hands of a good Republican Union party; and I would rather trust to the wisdom of the Senator from Maine and the collective wisdom of the Senators by whom I am surrounded than to stand foolishly by myself and assert that I was the only man in the world who understood this question. I only act upon a principle that the Senator from Indiana and myself and all of us act upon here every day. We propose to amend propositions, and if those amendments fail we go for the proposition itself, notwithstanding our amendments are not adopted, notwithstanding the best thing is not in it; and that is my position to-day.

There are other points in these constitutional amendments to which I will not refer, except to say that my judgment approves of them. I am for the exclusion of traitors and rebels from exercising control and power and authority in this Government until they have shown fruits meet for repentance. I am for the repudiation of the rebel debt. I am against compensation for slaves, as I am against compensation for any other rebel property. But above all there is in the first section a clause that I particularly favor. It is this:

All persons born in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the States wherein they reside.

And then it goes on to provide that their

rights shall not be abridged by any State. We have here, in the Constitution of the United States of America, a guarantee which protects us from future judicial tyranny such as we have experienced under the decisions of the Supreme Court. We have a declaration as to who are citizens of the United States. If this amendment of mine could be adopted, that in the constitutional amendments which we submit we do not propose to conflict with any rights which have been heretofore guaranteed by the fundamental law, the Constitution of the United States, I should be still more satisfied.

But, sir, there is another feature in this proposition, and that is that although we do not obtain suffrage now, it is not far off, because the grasping desire of the South for office, that old desire to rule and reign over this Government and control its destinies, will at a very early day hasten the enfranchisement of the loyal blacks.

While gentlemen upon the other side of the Chamber are opposed to these measures as too radical, I am opposed to them, so far as I might present points of opposition, because they are not radical enough. At all events, therefore, we have the medium between extremes; we have moderation. If we do not meet the views of the Radicals on the one hand, nor the views of the pro-slavery Democracy upon the other, we at all events have the medium, the moderation which has been agreed upon by the collective wisdom of the American Senate. I am glad that I can go before my constituents and say that in the whole history of the world there never were such terms of moderation and of magnanimity proposed to a vindictive foe as by these resolutions which have been reported by the committee of fifteen.

Mr. FESSENDEN. I ask leave to make a report. I have here an extended report from the committee of fifteen, so called, the committee on reconstruction, giving their views and reasons with reference to the joint resolution which they submitted to the Senate and the conclusions to which they arrived. It was my hope that some time in the course of this debate, before the vote was taken, I might have the opportunity to lay the whole report before the Senate and have it read, but it is now so late an hour, and as gentlemen are desirous of taking the vote, and it has been agreed to take it to-day, that I do not feel that it would be right to attempt to have it read in detail. I therefore move that it be laid upon the table and printed.

The motion was agreed to.

Mr. JOHNSON. It was understood in committee that if there should be any member who did not agree with the majority of the committee he would be at liberty to make a counter or minority report, and I merely rise for the purpose of saying that as such is the condition in which I stand, and in which two or three other members of the committee stand, I shall avail myself of that privilege at as early a day as possible.

Mr. McDOUGALL. Mr. President, there is no one who more admires the rhetoric or the elocution of the Senator from Illinois than I, for I have known him from ancient days; but the people of Illinois a long time ago said by a formal act of legislative power that no person of African blood should go into the State of Illinois; and that is now, I believe, still on your statute-book.

Mr. YATES. It is in the constitution.

Mr. McDOUGALL. I remember very well, for I inhabited in and about that part of the world a long time ago, then it was thought improvident in the State of Illinois to allow colored people to come within their lines, and it was incorporated into their fundamental law; and that has not been, if I am correct, changed up to this time. I ask the Senator from Illinois if it has been.

Mr. TRUMBULL. The constitution has not been altered; the law has been.

Mr. McDOUGALL. I only mention this as the text for my own opinion, for I was conversant with that State at that time, and the people

then held that a negro or a man of African descent was not a valuable property in the State of Illinois. That is the opinion there now, and when it comes to be questioned by my friends from Illinois, they will find that there is the same opinion in Illinois yet. They think yet that Government belongs to the white race. That is the simple, clear proposition. It is refuted. The converse is affirmed in Massachusetts and some other places, and I saw there was a meeting in Boston a short time since where they said that if the right of suffrage was not granted to the African there would be a bloodier war than the last war through which we have gone. I will give you a response to that, coming from a different part of the country. It is from a secessionist. I will state it exactly. He came back home, and had reintegrated himself. A friend of mine met him at Louisville, Kentucky, and said to him, "How are you, Benham? How about this being down on Beauregard's staff?" He replied, "I was there." "How about it now?" He answered, "I tell you that I am the best Union man in the United States, and if you will give me a chance I will prove it, and I will prove it in this wise: let Massachusetts and company undertake to secede, and then I will prove my Unionism."

Mr. HOWARD. I do not wish to call the Senator from California to order; but he must be aware that his observations are not very pertinent to the question now before the Senate, and I am very anxious to bring this measure to a final vote before we adjourn.

Mr. McDOUGALL. I will not occupy the floor longer. I mean to say this by way of affirmation of my opinions upon one of the gravest questions that has arisen in these times. I believe firmly, and I believe sternly, that this is a Government where there should be no mongrel races. I would not permit it if I had the power to resist it, and I will give my voice against it, and I give it now.

The PRESIDING OFFICER, (Mr. POMEROY in the chair.) The question before the Senate is on the amendment of the Senator from Oregon [Mr. WILLIAMS] as a substitute for the second section of the resolution. The amendment has been modified by the mover, and it will be read as modified.

The Secretary read the amendment as modified, which was to strike out the second section of the resolution and to insert the following in lieu thereof:

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive, and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Mr. HOWARD. I have one word to say upon that amendment. I desire to state, as briefly and clearly as I am able, some of the consequences to which it will lead if adopted. It declares that when the right to vote at any election for those five several classes of public officers shall be denied to any person of twenty-one years of age and a citizen of the United States, that person shall not be included in the count in forming the basis of representation. How is this to be carried out, supposing it to be adopted? What will be its practical workings when made a part of the Constitution by a formal ratification? The census-taker will find it necessary, whenever he makes the count of the inhabitants of the particular State or district where he is acting, to ascertain, as precisely as he is able, and to note down in his tables the various persons within the State who are incapacitated to vote for any one or all of these five classes of public officers. For instance, he will be required to note down in his returns what classes of voters are allowed

to vote for Governor of the State; how many are authorized to vote for Lieutenant Governor; who are authorized to vote for members of the State Legislature; who for electors of President and Vice President of the United States; who for the judicial officers of the State; and so on to the end of the category. Without this exact information to be furnished from the State, it will be readily perceived that it will be impossible to fix and settle the ratio of representation which the State shall be entitled to. No one class of the voters for these several classes of public officers is to be held as the standard and test for the number of persons in that State to be included in the count in the formation of the basis of representation. It appears to me that it introduces a rule which is so uncertain, so difficult of practical application, as not only greatly to increase the expenses of ascertaining the basis of representation by Congress in procuring the necessary information, but in many cases the returns must be so inaccurate and unreliable as to be next to worthless.

As I said before, I do not wish to consume the time of the Senate, but it is at once to be perceived that if this rule shall be adopted, its operations will be felt in every election of a justice of the peace, in every municipal corporation of the United States, where, by the municipal law of the place, a justice of the peace is to be elected; for a justice of the peace is a judicial officer in precisely the same sense that the Chief Justice of the United States is such. We know very well that the States retain the power, which they have always possessed, of regulating the right of suffrage in the States. It is the theory of the Constitution itself. That right has never been taken from them; no endeavor has ever been made to take it from them; and the theory of this whole amendment is, to leave the power of regulating the suffrage with the people or Legislatures of the States, and not to assume to regulate it by any clause of the Constitution of the United States.

One class of qualifications may by a State be made necessary in the election of a Governor; another set in the election of the members of the Senate in that State; another in the election of members of the most numerous branch of the Legislature; another set of qualifications may be required by the State in the election of its several judicial officers; another in the election of electors of President and Vice President of the United States; and so on to the end of the chapter. It is a system which must necessarily vary as the laws and constitutions of the States vary; and a system which, therefore, must necessarily lead to great difficulty in its practical operations and results, and in many cases be almost entirely worthless for want of the necessary exact information which Congress should acquire and use in fixing the basis. A class of voters may be excluded from voting for a justice of the supreme court in their State who may, within their municipal limits, be allowed to vote for justices of the peace. This amendment would exclude from the count all those voters, citizens of the State, who were not permitted to vote for a justice of the supreme court; and there is no telling how far this may extend, or where these disabilities may lead, and what the ultimate results may be. I far prefer some simple standard; and if it be in order I beg to submit to the Senate, as the result of the best consideration I have been able to bestow, a simple amendment to the amendment offered by the Senator from Oregon. My amendment will refer to his printed amendment offered yesterday. If it shall be adopted the whole section will read thus; and I desire the attention of the Senate for a moment to the text of the amendment if it shall be adopted, as I propose to amend it:

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But whenever the right to vote at any election held under the constitution and laws of any State for members of the most

numerous branch of its Legislature is denied to any male inhabitant of such State, being twenty-one years of age and a citizen of the United States, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

This will leave the simple test to be the qualifications of a voter for members of the most numerous branch of the Legislature of the State; and it has no connection with any other State officer.

Now, sir, let me say one word more. By the Constitution of the United States those persons in a State who are privileged to vote for members of the most numerous branch of its Legislature are the persons authorized to elect members of the Congress of the United States. The rule is invariable throughout the States. Why not introduce into this amendment this ancient, simple, invariable, and easily working test, instead of the variable and shifting qualifications embraced in the amendment of the honorable Senator from Oregon?

I propose also to strike out the words "or in any way abridged" in the eighth line of the printed amendment. I do not know, and I have not yet been able to find any gentleman who did know, what an abridgment of the right to vote really is. It strikes me it is a misapplication of terms. The right to vote is a unit. It is indivisible, as indivisible as a mathematical point, and as incapable of abridgment. If a man possesses the right to vote, he possesses it in its entirety. If he does not possess it, he does not possess it either conditionally, qualifiedly, or at all. He must possess it, wholly or not at all. I am not able to see how this right can be abridged. It seems to me this language is introducing confusion and uncertainty into our constitutional amendment. It is an invitation to raise questions of construction, and it will be followed, in my humble judgment, and as I fear, with an unending train of disputations in courts of justice and elsewhere, and there is no possibility of foreseeing what in the end will be the decision of the Supreme Court as to the meaning of the language "or in any way abridged." To me it is incomprehensible. I felt it a duty due to myself thus to express my objections to the amendment of the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Michigan proposes two amendments to the amendment submitted by the Senator from Oregon. The first amendment will be read.

The Secretary read the amendment, which was to strike out in the fourth line of the amendment, after the word "taxed" the words—

But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof—

And to insert in lieu thereof:

But whenever the right to vote at any election held under the constitution and laws of any State for members of the most numerous branch of its Legislature.

So that the amendment, if amended, will read:

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But whenever the right to vote at any election held under the constitution and laws of any State for members of the most numerous branch of its Legislature is denied to any of the male inhabitants of such State, &c.

Mr. HENDRICKS. It is not my purpose to delay the vote but a moment. I have desired to accommodate the Senator who wishes to leave, and shall not be in the way of that result, but it is my duty to call the attention of the Senator from Michigan to the language of the first section. He says that the word "abridged" as found in the second section in its connection with the right of suffrage, is of such uncertain meaning that it ought not to be used in the Constitution; that it would carry cases into the courts; and therefore the word ought not to be used. Now, I find the same word used in the first section of this article, and in a very important connection, if possi-

ble in a more important connection than that in which it is found in the second section:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

If the chairman—I was going to say the chairman of the caucus, but I will not say that—if the distinguished Senator who has this measure now in charge says to the Senate that the word "abridged," in its connection with the right of suffrage, is of such uncertain meaning that it should not be used in the Constitution in that connection, is it proper that that word shall be used in the first section in relation to the rights and privileges and immunities of citizens?

Mr. HOWARD. I think so, undoubtedly; because it is easy to apply the term "abridged" to the privileges and immunities of citizens, which necessarily include within themselves a great number of particulars. They are not a unit, an indivisible unit, like the right to vote.

Mr. COWAN. I should like to make the inquiry again, how the abridgment or the extent of the abridgment is to be determined in the several States where it is abridged for non-payment of taxes, or abridged for non-residence and all that kind of thing.

Mr. HENDRICKS. The language of the first section would be identical with the second if it were "denied or abridged." Now the Senator says he cannot understand what it means when we speak of "abridging" the right of suffrage. Then I ask what it means when we speak of "abridging" the rights and immunities of citizenship. It is a little difficult to say, and I have not heard any Senator accurately define, what are the rights and immunities of citizenship; and I do not know that any statesman has very accurately defined them; but even in reference to that, which of itself is not very certain but to some extent vague, a word is now used, as the Senator says, of uncertain legal meaning. He is willing that we shall say "abridge" the rights and immunities of citizens, but not willing that we shall use the word "abridge" the right of suffrage. Of course, the abridgment of the right of suffrage does not apply to the particular individual when he comes to cast his vote, that he shall cast a part of a vote. It does not mean that. It must relate to the class that shall enjoy it. An abridgment of the right of suffrage must relate to the class to which it applies or extends.

Mr. President, my purpose in calling attention to this is to say that this proceeding by the amendment of the Constitution is not so safe as it ought to be. What have we witnessed within the last two days? The measure first came from the committee of fifteen, where it was considered for long sessions of the committee, and brought before us, as it was claimed, in a very perfect state. A little discussion showed that it would not stand the test. Senators were opposed to this and that of the different propositions. Then it went to a peculiar assembly, and was considered there. It comes back, and even the Senator who brings in the report is now dissatisfied. The Senator from Ohio [Mr. SHERMAN] yesterday admitted that he was dissatisfied; that it was not what he desired. The Senator from Illinois, [Mr. YATES,] so very able and eloquent to-day, says it is not what it ought to be; and I desire to say, in explanation, that the criticism that I made yesterday on the position of the Senator from Ohio does not apply to the Senator from Illinois. The Senator from Illinois did not understand the logical force of the point which I made. I did not say that when a proposition is before a body, if an amendment is offered to that proposition, and you lose your amendment, therefore you must necessarily vote against the original proposition because you cannot get the best that you think might be done. My point upon the Senator from Ohio was this, that the original proposition being here, and an amendment offered by the Senator from Wisconsin, the Senator from

Ohio said in his place that the amendment was the better of the two propositions, but he was going to vote against an amendment which was better than the original proposition. That is the very reverse of the position occupied by the Senator from Illinois. I acknowledge that the position of the Senator from Illinois is a very correct one. I do not choose to vote against a measure simply because an amendment which I think would improve it is defeated, if the original measure commands my judgment.

Now, sir, this measure, which I believe can accomplish no good for the country, is condemned in part by the Senator from Ohio, in part by the Senator from Illinois, in part by the Senator who now proposes an amendment; but all three of these Senators say they will vote for it, not that it is right, but that it is the best they can get under the circumstances. I do not expect the judgment of each man to be perfectly satisfied with every proposition; but, sir, the Constitution ought not to be amended for the purpose of making a platform for a political campaign. The Constitution of the country ought to be amended that it shall be the permanent fundamental law of the country. The embarrassment here is, not that it is difficult to define such general propositions as ought to find their way into the Constitution, but the difficulty in the phraseology here is to include this, and to exclude that, to leave general propositions, to leave a principle, and to fix up a thing for a particular purpose. When the Senator from Michigan says that the southern negroes ought not to be counted if they are regarded as unfit to be voters, I understand that proposition; but when he turns around and says that the people of Missouri, who are decreed by the rest of the people of that State as unfit to be voters, shall be represented, I do not understand such a proposition; and where you undertake to express opposite thoughts in the same sentence you find difficulty of phraseology. If you will say in plain words that nobody shall be represented in Congress who is not recognized by the State as a voter, I understand it; but when you say that a man in the State of Georgia shall not be represented because the people of Georgia count him unfit to be a voter, and in the State of Missouri, a man, who is counted as unfit to be a voter, shall be represented there, I do not understand the principle. When you have to fix up a Constitution to include some things and exclude others, for partisan purposes, you do find difficulties of phraseology. It cannot be made easy. The difficulty is in the thought, not in the use of the English language; and that is the very difficulty that we have in this case. How do you want to "abridge" the right of suffrage? What is meant by it? What is meant by "abridging" the rights and immunities of citizens? We do not know, the Senator from Michigan says. Why shall we allow representation to a non-voter in one State, and disallow it in another, upon principle? You say that the negro in Georgia, because he is not allowed to be a voter by the people of Georgia, shall not be represented, and you say that the criminals, because they are criminals, in Missouri, excluded from the right of voting, shall be represented. Where is the principle and the right of it?

Sir, this thing will be discussed before the people. Although it is clothed in doubtful sentences, it will come to be understood. I believe the people of this country are just; and I do not think the people of this country will say that the voter in Missouri ought to represent two men, when the voter in another State is denied that. But, sir, my purpose was simply to suggest to the distinguished Senator from Michigan that the same doubtful word was used in the first section that he objects to in the second.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Michigan to the amendment of the Senator from Oregon.

Mr. EDMUNDS. I ask that the question may be divided, so that the vote on striking out the words "or in any way abridged" may be taken separately.

The PRESIDING OFFICER. That is a separate amendment. The question now is on the first amendment offered by the Senator from Michigan to the amendment of the Senator from Oregon.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now is on the second amendment offered by the Senator from Michigan to the amendment made by the Senator from Oregon, which is in line eight of the amendment to strike out the words "or in any way abridge."

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now is on the amendment of the Senator from Oregon.

The amendment was agreed to.

Mr. CLARK. I now move the amendment which I have heretofore offered striking out the fourth and fifth sections of the resolution and inserting a substitute; and I desire to modify the substitute by striking out the word "forever," in the last line, which does not add anything to its force.

The Secretary read the proposed substitute for the fourth and fifth sections, as follows:

SEC. — The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

Mr. JOHNSON. I do not understand that this changes at all the effect of the fourth and fifth sections. The result is the same.

Mr. CLARK. The result is the same.

The amendment was agreed to.

Mr. FESSENDEN. I desire to insert in the first section, by general consent, after the word "born," the words "or naturalized;" so that the clause will read:

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

Mr. HOWARD. There is no objection to that.

The amendment was agreed to.

Mr. DOOLITTLE. I now offer the amendment which I gave notice of, the effect of which is to submit these several sections as so many separate articles, any one of which may be adopted or rejected by the States. I move to strike out all after the enacting clause of the resolution and to insert the following:

That the following articles be proposed to the Legislatures of the several States as amendments to the Constitution of the United States, which, or either of which, when ratified by three fourths of said Legislatures, shall be valid as part of the Constitution, namely:

ARTICLE — All persons born in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

ARTICLE — Representatives shall be apportioned among the several States which may be included within the Union according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But whenever, in any State, the elective franchise shall be denied to any portion of its male inhabitants, being citizens of the United States, not less than twenty-one years of age, or in any way abridged, except for participation in rebellion or other crime, the basis of representation in such State shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens not less than twenty-one years of age in such State.

ARTICLE — No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive

or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two thirds of each House, remove such disability.

ARTICLE — The obligations of the United States, incurred in suppressing insurrection, or in defense of the Union, or for payment of bounties or pensions incident thereto, shall remain inviolate.

ARTICLE — Neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim on account of the loss or emancipation of any slave; but all such debts, obligations, and claims, shall be forever held illegal and void.

ARTICLE — The Congress shall have power to enforce, by appropriate legislation, the provisions of these articles.

I shall not make any speech on this subject. I simply state the fact that this is in accordance with the precedents. The first amendments to the Constitution submitted to the States were twelve in number, and they were submitted as separate articles. Ten of them were adopted; two of them were rejected by the States. All the other amendments that have ever been submitted have been submitted as separate articles.

Mr. JOHNSON. And the language was the same, "or either of them."

Mr. DOOLITTLE. I have not the acts before me, but that is so. The reason is obvious. In all legislation a single member has the right to demand a vote on every single proposition; and as these distinct propositions are to be submitted to the Legislatures of the several States, they ought to be submitted in such a way that they may ratify or reject either of the propositions. Now, they are entirely distinct from each other; the first defining citizenship; the second on the subject of representation; the third in relation to disfranchisement; and, as amended, the fourth and fifth sections are combined in one, having reference to the public debt and the rebel debt. They are all distinct, independent propositions. They ought not to be submitted in such a way that they must all be accepted or all rejected by the States, but the States should be permitted to act upon each of them separately. I will not take up the time of the Senate in discussion, because I know the desire is to vote.

Mr. TRUMBULL. The amendment submitted a year ago was in two sections; so that this is not without precedent.

Mr. DOOLITTLE. The last section was simply to enforce the first.

Mr. JOHNSON. They were not disconnected at all.

Mr. TRUMBULL. I merely mention this to correct the statement of the Senator.

Mr. DOOLITTLE. It was substantially the same, and gave no other power but to enforce the first; that is all.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Wisconsin.

Mr. JOHNSON. On that question I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 11, nays 88; as follows:

YEAS—Messrs. Cowan, Davis, Doolittle, Guthrie, Hendricks, Johnson, McDougall, Norton, Riddle, Salisbury, and Van Winkle—11.

NAYS—Messrs. Anthony, Chandler, Clark, Conness, Cragin, Cresswell, Edmunds, Fessenden, Foster, Grimes, Harris, Henderson, Howard, Howe, Kirkwood, Lane of Indiana, Lane of Kansas, Morgan, Morrill, Nye, Poland, Pomeroy, Ramsey, Sherman, Sprague, Stewart, Sumner, Trumbull, Wade, Wiley, Williams, Wilson, and Yates—88.

ABSENT—Messrs. Brown, Buckalew, Dixon, Nesmith, and Wright—5.

So the amendment was rejected.

Mr. DAVIS. I desire to move an amendment to the third section.

The PRESIDING OFFICER. The Chair understands that the third section being an amendment agreed to in committee, it is not in order to amend it now, but it will be in order when the joint resolution shall be reported to the Senate.

The joint resolution was reported to the Senate as amended.

The PRESIDING OFFICER. The resolution is now open to further amendment.

Mr. DAVIS. I now move to amend the third section, in line thirty-three, by striking out the words "or under any State," and in lines thirty-five and thirty-six by striking out the words "or as a member of any State Legislature or as an executive or judicial officer of any State;" so that it will read:

Sec. 3. That no person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, who, having previously taken an oath, as a member of Congress or as an officer of the United States, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two thirds of each House remove such disability.

I have barely a word to say in explanation of this amendment. This section operates upon all officers, both of the United States and of the States, who took an oath to support the Constitution of the United States, and it excludes them from office in the future, as well in the States as in the United States. The object of my amendment is simply to limit the effect of the violation of the Constitution to cases where the officer who took the oath was a United States officer, to exclude the ineligibility from State officers, and to restrict it entirely to Federal officers.

The amendment was rejected.

Mr. DAVIS. I have another amendment to offer. It is to insert at the end of section four:

But the obligation of the United States to pay for private property taken for public use in all cases shall remain inviolate.

I will explain this amendment in a word. Section four reads as follows:

The obligations of the United States incurred in suppressing insurrection, or in defense of the Union, or for payment of bounties or pensions incident thereto, shall remain inviolate.

Mr. HENDERSON. That has been stricken out.

Mr. CLARK. But it has been inserted again in another form.

Mr. DAVIS. The effect of my amendment is simply to insert a provision that the obligation of the United States for the payment of private property taken for public use shall also remain inviolate.

The amendment was rejected.

Mr. DAVIS. I have one more amendment and then I have done. I send it to the desk.

The PRESIDING OFFICER. The Chair understands that the amendment that the Senator proposes is to a part that has been stricken out, and does not apply and cannot be made to apply to the text as it now stands, and therefore is not in order.

Mr. DAVIS. I will inquire if there is not inserted in lieu of that which is stricken out something to the same effect.

The PRESIDING OFFICER. Something to the same effect has been inserted, and the amendment can be made to apply to that.

The Secretary read the amendment, which was in section four, line three, after the word "bounties," to insert the following words:

Including bounties promised to the owners of slaves enlisted into the military service of the United States by the act of Congress of February 20, 1864.

Mr. CLARK. That amendment is in order.

Mr. DAVIS. I have but a word to say on the amendment. The Congress of the United States passed an act which I have before me, but which I will not read, in which they pledged the payment of certain bounties to the loyal owners of slaves that might be enlisted into the armies of the United States either from volunteering or by being drafted. I merely propose a guarantee in this clause for the payment of those bounties.

The amendment was rejected.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole. The question will be taken on all the amendments collectively unless some Senator desires a separate vote. ["Altogether."] Mr. HOWARD. I wish to reserve the amendment to the second section for a separate vote.

The PRESIDING OFFICER. That amendment will be reserved.

Mr. JOHNSON. There are two or three of these sections that I should be willing to vote for, but I cannot vote for the whole. I think, therefore, we had better take the vote separately.

Mr. SHERMAN. I think we had better take the vote on the sections separately.

The PRESIDING OFFICER. Does the Senator ask for a separate vote on all the amendments?

Mr. SHERMAN. I ask that each section be read, and that the vote be taken on them separately.

Mr. GRIMES. That cannot be done, as I understand. They are all embodied in one resolution. The idea suggested by the Senator from Ohio is substantially the proposition of the Senator from Wisconsin, which was voted down. I know that his proposition was to submit these sections as articles to the States separately; but all these propositions are before us in one joint resolution.

Mr. SHERMAN. Each section has been amended, and as a matter of course we can act on them separately.

Mr. GRIMES. You can act on the amendments separately.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole, and the question must be taken on each amendment separately if called for by any Senator. The first amendment will be read.

The Secretary read the first amendment, which was to insert at the beginning of the first section the following words:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

Mr. McDUGALL. I move that the resolution under consideration be postponed until Tuesday next at one o'clock.

Mr. FESSENDEN. It was agreed yesterday that we should take the vote to-day.

Mr. HOWARD. I hope it will not be postponed. It was understood that we should come to a final vote to-day.

Mr. McDUGALL. In making the motion, I wish to give the reason why I make it. This business of amending the Constitution should be carefully done; and about many of these provisions I am myself still in great doubt, though I have looked at them as carefully as I could. I do not think we should hasten constitutional amendments. It takes a great deal of hard work to get out foundation stones, and now we are undertaking to lay foundation stones. I say the measure had better be manipulated a little more than it has been, so that we may know that we do exactly right whether we affirm or disaffirm the proposition.

Several SENATORS. Let us vote.

Mr. McDUGALL. I am not disposed to vote upon it at all. Of course I can be subjected to the power of a majority as organized in caucus; but I must say it is the first time in the history of this Republic that legislative matters and great constitutional questions were settled in party caucus. That has transpired for the first time in our history during the recent war and during the past and present Administrations. It deprives men of the right of counsel. Those who have the violence and strength of the majority can exert it; but I have a right to be heard upon all these questions. There is no party organization that has the right, under our system of government, to so organize themselves that they shall supersede the system under which our Government was established, and when they do it it is an act of tyrannous power. It is glorious to have a giant's power, but tyrannous to use it like a giant.

The motion to postpone was not agreed to.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole to the first section of the proposed article.

The amendments were concurred in.

Mr. JOHNSON. I am decidedly in favor of the first part of the section which defines what citizenship shall be, and in favor of that part of the section which denies to a State the right to deprive any person of life, liberty, or property without due process of law, but I think it is quite objectionable to provide that "no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States," simply because I do not understand what will be the effect of that.

Mr. FESSENDEN. We have agreed to that.

Mr. JOHNSON. I understand not.

Mr. CLARK. We have concurred in the amendments made as in Committee of the Whole to the first section.

Mr. JOHNSON. That is all. You have not agreed to the words to which I now object. I move, therefore, to amend the section as it now stands by striking out the words "make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State;" so as to make it read:

No State shall deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Mr. CONNESS. Have all the amendments made as in Committee of the Whole been voted upon?

The PRESIDING OFFICER. They have not been.

Mr. CONNESS. Are they not first in order?

Mr. CLARK. Oh, we may as well vote on this amendment now as it is moved; it saves time.

The amendment was rejected.

The PRESIDING OFFICER. The next amendment made as in Committee of the Whole was to strike out the second section and insert a substitute for it, which will be read.

Mr. HENDRICKS. The will of the Senate in regard to these amendments has been so emphatically expressed that I think we may as well take the vote on all of them without reading them. We all know what they are.

Mr. FESSENDEN. The Senator from Michigan called for a separate vote.

Mr. HOWARD. Only upon this amendment.

Mr. HENDRICKS. Then upon the others let us have one vote and be done with them.

Mr. TRUMBULL. The question now is on striking out the second section and inserting another. Let us have the yeas and nays on that.

The yeas and nays were ordered.

Mr. GRIMES. Is the question on concurring in the amendment or striking it out?

The PRESIDING OFFICER. On concurring in the amendment.

Mr. TRUMBULL. The question is on striking out the second section and inserting that amendment instead of it.

Mr. FESSENDEN. We made the amendment in committee. Now the question is on concurring in it.

Mr. TRUMBULL. Very well, but concurring in that strikes out the second section and puts in another section in place of it. Those who are in favor of striking out the second section as it was printed and inserting what was offered by the Senator from Oregon [Mr. WILLIAMS] will say "ay," and those who are in favor of adhering to the section as it is printed will say "no."

The question being taken by yeas and nays, resulted—yeas 31, nays 11; as follows:

YEAS—Messrs. Anthony, Clark, Conness, Cowan, Cragin, Creswell, Doolittle, Edmunds, Fessenden, Foster, Grimes, Harris, Henderson, Howe, Johnson, Lane of Kansas, McDougall, Morgan, Morrill, Norton, Nye, Poland, Pomroy, Ramsey, Sherman, Stewart, Sumner, Van Winkle, Wiley, Williams, and Wilson—31.

NAYS—Messrs. Chandler, Guthrie, Hendricks, Howard, Kirkwood, Lane of Indiana, Saulsbury, Sprague, Trumbull, Wade, and Yates—11.

ABSENT—Messrs. Brown, Buckalew, Davis, Dixon, Nesmith, Riddle, and Wright—7.

So the amendment to the second section was concurred in.

Several SENATORS. Now let us vote on all the other amendments together.

The PRESIDING OFFICER. If such be the pleasure of the Senate, the question will be taken collectively on all the other amendments.

Mr. JOHNSON. I hope not. I want a separate vote on the third section.

The PRESIDING OFFICER. That is the next section.

Mr. HENDRICKS. I do not understand this. Can this resolution be adopted by voting on sections separately?

Mr. FESSENDEN. No.

The PRESIDING OFFICER. The Senate is now concurring in amendments made as in Committee of the Whole.

Mr. SHERMAN. No amendment was made to the third section.

Mr. HENDRICKS. That is what I want to understand. I understand that there is no amendment from the Committee of the Whole to the third section.

Mr. FESSENDEN. Yes, we struck out the third section as reported and inserted a substitute for it.

The PRESIDING OFFICER. The question is on the amendment made as in Committee of the Whole to the third section.

Mr. JOHNSON. I ask for the yeas and nays on that.

The yeas and nays were ordered.

Mr. SHERMAN. The third section was the original section that came from the House disfranchising the southern people from voting. That has been stricken out.

Mr. HOWARD. The question is on concurring in the amendment we made to the third section.

Mr. SHERMAN. That was to strike out the third section which came from the House and insert another.

The question was taken by yeas and nays, with the following result:

YEAS—Messrs. Anthony, Chandler, Clark, Conness, Cowan, Cragin, Creswell, Davis, Doolittle, Edmunds, Fessenden, Foster, Grimes, Guthrie, Harris, Henderson, Hendricks, Howard, Howe, Kirkwood, Lane of Indiana, Lane of Kansas, McDougall, Morgan, Morrill, Norton, Nye, Poland, Pomeroy, Ramsey, Saulsbury, Sherman, Sprague, Stewart, Sumner, Trumbull, Van Winkle, Wade, Willey, Williams, Wilson, and Yates—42.

NAY—Mr. Johnson—1.

ABSENT—Messrs. Brown, Buckalew, Dixon, Nesmith, Riddle, and Wright—6.

Mr. HENDRICKS, (before the result was announced.) I think the vote just taken is not correctly understood.

The PRESIDING OFFICER. No discussion is in order; the vote has not been announced.

Mr. HENDRICKS. I am not going into any discussion, but I have a right to ask of the Chair the precise question in time to let any gentleman change his vote if he desires to do so. The motion was not originally to strike out the third section as it came from the House and to insert another. They were separate motions. Then ought there not to be two votes upon this section now?

Mr. SHERMAN. I suppose any Senator can call for a division.

Mr. HENDRICKS. There is no need to call for a division because there were two distinct motions. There was first a motion to strike out and afterward a motion to insert something else. Now, the precise question before the Senate is whether the third section as it came from the House shall be stricken out, and then there will be another question not yet voted upon by the Senate, whether we shall insert the third section which was agreed to as in Committee of the Whole. That is the way it stands.

Several SENATORS. Oh, no.

Mr. JOHNSON. Mr. President—

Mr. CONNESS. I object to discussion at this time.

The PRESIDING OFFICER. The discussion is not in order; the vote has not been announced.

Mr. JOHNSON. I am not about to discuss

the question. The Senator from California need not suppose that I propose to occupy the time of the Senate unnecessarily. I proposed to strike out the original third section as it came from the House.

Mr. CONNESS. I rise to a question of order. It is not in order to discuss a question after the call of the roll has been commenced.

The PRESIDING OFFICER. The result of the vote has not been announced, but the roll has been called.

Mr. JOHNSON. If I am not in order I will take my seat; but it is barely possible that the Senator from California may not be in order.

Mr. CONNESS. I am quite aware of that; but I believe I have a right to raise the question of order.

Mr. JOHNSON. I do not object to that.

Mr. CONNESS. Very well; then let the Chair decide.

The PRESIDING OFFICER. No discussion is in order until after the vote is announced; but, by common consent, Senators may be allowed to explain their own votes, but no extended remarks can be allowed.

Mr. CONNESS. There is no right to explain a vote.

Mr. JOHNSON. I moved to strike out the third section as it came from the other House. That motion was carried, and afterward what now appears upon the face of the resolution as the third section was proposed and adopted as a separate amendment. I voted just this moment to strike out what was adopted. The effect of that would have been to restore the original third section, perhaps, but I meant when that was done to move to strike out the third section so as to leave no such section.

The PRESIDING OFFICER. On this question—

Mr. HENDRICKS. What question?

The PRESIDING OFFICER. The question was on concurring in the amendment made as in Committee of the Whole, which was to strike out the third section and insert other words in lieu of it. The result of that vote is 42 in the affirmative and 1 in the negative. So the amendment is concurred in. The Secretary will read the next amendment.

The Secretary read the next amendment, which was to strike out the fourth and fifth sections, and to insert the following section in lieu of them:

Sec. —. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

The amendment was concurred in.

The amendments were ordered to be engrossed and the joint resolution to be read a third time. The joint resolution was read the third time.

The PRESIDING OFFICER. This joint resolution having been read three times, the question is on its passage.

Mr. JOHNSON. I ask for the yeas and nays.

Several SENATORS. The yeas and nays must be taken, of course.

The yeas and nays were ordered; and being taken, resulted—yeas 33, nays 11; as follows:

YEAS—Messrs. Anthony, Chandler, Clark, Conness, Cragin, Creswell, Edmunds, Fessenden, Foster, Grimes, Harris, Henderson, Howard, Howe, Kirkwood, Lane of Indiana, Lane of Kansas, McDougall, Morgan, Morrill, Nye, Poland, Pomeroy, Ramsey, Sherman, Sprague, Stewart, Sumner, Trumbull, Wade, Willey, Williams, Wilson, and Yates—33.

NAYS—Messrs. Cowan, Davis, Doolittle, Guthrie, Hendricks, Johnson, McDougall, Norton, Riddle, Saulsbury, and Van Winkle—11.

ABSENT—Messrs. Brown, Buckalew, Dixon, Nesmith, and Wright—5.

The PRESIDING OFFICER. The joint resolution is passed, having received the votes of two thirds of the Senate.

ADJOURNMENT TO MONDAY.

Mr. HARRIS. I move that when the Senate adjourn to-day, it be to meet on Monday next. The motion was agreed to.

FORTIFICATION BILL.

Mr. MORGAN. I submit the following report from the committee of conference on the fortification bill, and I move that the Senate concur in the report:

The committee of conference on the disagreeing votes of the two Houses on the amendment to the bill (H. R. No. 255) making appropriations for the construction, preservation, and repairs of certain fortifications and other works of defense for the year ending June 30, 1867, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House of Representatives recede from their disagreement to the amendment of the Senate to said bill and agree to the same.

E. D. MORGAN,

L. M. MORRILL,

W. SAULSBURY,

Managers on the part of the Senate.

H. J. RAYMOND,

W. E. NIBLACK,

S. PERHAM,

Managers on the part of the House.

The report was concurred in.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the Speaker of the House of Representatives had signed the following enrolled bills; which were thereupon signed by the President *pro tempore* of the Senate:

A bill (H. R. No. 15) authorizing documentary evidence of title to be furnished to the owners of certain lands in the city of St. Louis; and

A bill (H. R. No. 281) to amend the postal laws.

REPORT FROM A COMMITTEE.

Mr. HOWE, from the Committee on Claims, to whom was referred the petition of George W. Tarlton, praying for the restoration of his property confiscated under proceedings instituted in the United States district court for the northern district of New York, submitted a written report and asked to be discharged from the further consideration of the subject. The committee was discharged and the report was ordered to be printed.

Mr. HENDERSON. I move that the Senate adjourn.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, June 8, 1866.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. C. B. BOXTON.

The Journal of yesterday was read and approved.

MUTILATED NOTES OF NATIONAL BANKS.

Mr. HUBBARD, of West Virginia, by unanimous consent submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Banking and Currency be instructed to inquire into the expediency of providing by law, either by the establishment of a Bureau of Redemption in connection with the Treasury Department, or such other mode as may be deemed most advisable, for the redemption of the worn-out, mutilated, altered, or disfigured bank notes issued under the national currency act, so as to obviate the necessity of sending such notes to each particular bank of issue for redemption; and that the committee have leave to report by bill or otherwise.

Mr. HUBBARD, of West Virginia, moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MONUMENT TO LIEUTENANT GENERAL SCOTT.

Mr. HALE, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of providing by law for the erection of a monument at West Point to the memory of Lieutenant General Winfield Scott, and to report by bill or otherwise.

RICHARD L. LAW.

On motion of Mr. NIBLACK, Senate joint resolution No. 100, for the restoration of Lieutenant Commander Richard L. Law, of the United States Navy, to the active list from the reserved list, was taken from the Speaker's table, read a first and second time, and referred to the Committee on Naval Affairs.

DIVORCE IN THE DISTRICT OF COLUMBIA.

Mr. WELKER, by unanimous consent, introduced a bill regulating divorce in the District of Columbia; which was read a first and second time, and referred to the Committee for the District of Columbia.

MRS. ANNA G. GASTON.

Mr. TAYLOR, by unanimous consent, from the Committee on Invalid Pensions, reported back Senate bill No. 261, for the relief of Mrs. Anna G. Gaston, with the recommendation that it do pass.

The bill, which was read, directs the Secretary of the Interior to place upon the pension-roll the name of Mrs. Anna G. Gaston, of the city of Washington, widow of Albert G. Gaston, deceased, late a lieutenant in the sixteenth regiment of Virginia volunteers, from the date of the discharge of her said husband from the military service of the United States, on account of disability arising from disease contracted in the said service, until the date of his death, namely, from the 5th day of May, 1863, to the 7th day of February, 1865, and to cause to be paid to the said Mrs. Anna G. Gaston a pension at the rate of seventeen dollars per month for the said term, without prejudice to the pension heretofore allowed her by the Commissioner of Pensions.

The bill was ordered to a third reading; and it was accordingly read the third time and passed.

Mr. TAYLOR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

HUMBOLDT CANAL COMPANY.

Mr. JULIAN, by unanimous consent, from the Committee on Public Lands, reported back Senate bill No. 140, to grant the right of way to the Humboldt Canal Company through the public lands of the United States, with the recommendation that it do pass.

The bill, which was read, provides that the right of way for a canal through the public lands of the United States lying in Humboldt county, State of Nevada, and the use of the land for tow-paths, cuttings, and embankments, to the extent of fifty feet on each side of the center of the canal, shall be, and is hereby, granted to the Humboldt Canal Company; provided that in cases where deep excavation or heavy embankment is required, such greater width, not exceeding two hundred feet, may be taken by said company as may be necessary; that in order to create a reservoir for said company sufficient to feed said canal, in all seasons, said company shall be, and is hereby, authorized, by a dam across the Humboldt river, at such point at or near the gap in the Frémont range of mountains through which said river passes, to flow so much of the public lands above said dam as may be required for the purposes of said reservoir; and that there shall be, and is hereby, granted to said company the necessary sites along said canal for waste gates, mill sites, depots, and other uses of said canal, so far as places convenient for the same fall upon the public lands, and also the privilege of discharging the waste waters of said canal over any public lands, into the said Humboldt river, at such places as may be suitable for that purpose; provided that the proper officers of said company shall transmit to the Commissioner of the General Land Office a correct plot of the survey and location of said canal, and of the sites needed for mills, depots, waste gates, and other uses of said canal, before the appropriation thereof for said uses shall become operative: and provided further, that unless thirty

miles of said canal shall be excavated within one year, the whole within three years, from date hereof, the grants hereby made shall cease and determine; and provided further, that if said canal shall at any time after its completion be discontinued or abandoned by said company, the grants hereby made shall cease and determine, and the lands hereby granted shall revert to the United States; and provided further, that nothing in this act shall be so construed as to interfere with any grant of the right of way and of public lands heretofore made to any railroad company.

Mr. ASHLEY, of Ohio. I want to call the attention of the gentleman from Indiana to the fact that this bill secures exclusive right to this company of fifty feet on either side of this canal, so that parties who may hereafter purchase public lands of the United States will be excluded from this strip on each side of this ditch.

Mr. JULIAN. It was deemed necessary for the right of way. It has been carefully considered by the committees of the Senate and of this House, and they are both satisfied with it.

Mr. ASHLEY, of Ohio. But this concerns the people who may settle there. A man who locates a quarter section through which this canal passes will be excluded from fifty feet on each side of this ditch. I think there should be a provision to correct this.

Mr. BIDWELL. Mr. Speaker, I can obviate the objections raised by the gentleman from Ohio, by stating that the land through which this canal will pass is generally of a very barren and worthless character. I have some knowledge of that region from personal observation, having been there, and I can say that very little of the land will ever be settled upon, and especially if this canal and enterprises of this kind should fail to be carried out, in order to develop the mines and thereby create a market for agricultural products.

The space of one hundred feet in width for a canal is a small consideration in comparison with the enhanced value of the land by reason of the canal; and settlers on the public lands in such a distant and desolate region can well afford to have their quarter sections diminished by the breadth of a canal which will double the value of the remainder.

Mr. JULIAN. This right of way is deemed important, and this grant is necessary to make it enjoyable. I can see no objection to the bill, and demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be read a third time; and it was accordingly read the third time and passed.

Mr. JULIAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

POSTAL LAWS.

Mr. ALLEY, by unanimous consent, from the Committee on the Post Office and Post Roads, reported back the amendments of the Senate, merely verbal, to House bill No. 281, to amend the postal laws, with the recommendation that they be concurred in.

The amendments were concurred in.

Mr. ALLEY moved to reconsider the vote by which the amendments were concurred in; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

ADJOURNMENT OF CONGRESS.

Mr. THAYER. I call for the regular order. The SPEAKER stated as the first business in order the unfinished business of last evening, being the motion to reconsider the concurrent resolution for the final adjournment of Congress, the pending question being the motion to reconsider the vote by which it was adopted.

The resolution was read, as follows:

Resolved by the Senate and House of Representatives, That the President pro tempore of the Senate and the

Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on Thursday, the 28th of June instant, at twelve o'clock m.

The question being taken on the motion to reconsider, there were—ayes 52, noes 42.

Mr. ROGERS and Mr. ELDRIDGE demanded the yeas and nays.

The yeas and nays were not ordered.

Mr. ANCONA demanded tellers on calling the yeas and nays.

Tellers were refused.

So the vote by which the resolution was passed was reconsidered, and the question recurred on agreeing to the resolution.

Mr. ASHLEY, of Ohio. I move to refer the resolution to the Committee of Ways and Means. That committee are better qualified to judge when this House should pass a resolution to adjourn than any single member of this House, much less a member of the Opposition. It will be time enough when this House gets through with its legitimate business to have a resolution of this kind introduced. Therefore I move its reference to that committee, and on that I demand the previous question.

Mr. FARNSWORTH. I move to lay the resolution on the table.

The motion to lay the resolution on the table was not agreed to.

The question recurred on seconding the demand for the previous question on the motion to refer the resolution to the Committee of Ways and Means, and it was seconded.

Mr. ELDRIDGE. Is it in order to move to refer the resolution to the committee on reconstruction?

The SPEAKER. It would be if the previous question were not seconded.

The main question was then ordered; and under the operation thereof the motion to refer was agreed to—ayes sixty-five, noes not counted.

Mr. ASHLEY, of Ohio, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BOUNTY LAW.

Mr. BLAINE, by unanimous consent, reported from the Committee on Military Affairs a joint resolution declaratory of the law of bounty.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, etc., That where any enlisted man has been or may be detailed for duty as a clerk, or for any other duty, in any executive bureau, at headquarters or elsewhere, he shall not by such detail be deprived of any rights to bounty now due or hereafter to become due, but shall be as fully entitled thereto as though no such detail had been made.

Mr. BLAINE. The object of this resolution is to get over a difficulty in the auditing of certain claims for bounty where men have been detailed by superior officers, or by their own volition, as clerks, and are still held as enlisted men liable to court-martial. They have been deprived of bounty, and this resolution is merely declaratory of the law, placing them where they stand according to law. I hope the resolution may be put upon its passage now.

The joint resolution was read a first and second time, and ordered to be engrossed; and being engrossed, it was accordingly read the third time and passed.

Mr. BLAINE moved to reconsider the vote by which the joint resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HEIRS OF WILLIAM CRAWFORD.

On motion of Mr. SCHENCK, by unanimous consent, the Committee on Military Affairs was discharged from the further consideration of the petition of the heirs of William Crawford for a pension; and the same was referred to the Committee on Revolutionary Pensions.

MORGAN RAID.

On motion of Mr. SCHENCK, by unanimous consent, the Committee on Military Af-

fairs was discharged from the further consideration of a resolution relative to the claim of Ohio and Indiana for property seized by the rebel Morgan; and the same was referred to the committee on war debts of loyal States.

EQUESTRIAN PORTRAIT OF GENERAL SCOTT.

Mr. DAVIS, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, (the Senate concurring.) That the Joint Committee on the Library be instructed to inquire into the expediency of purchasing from the owner thereof the equestrian portrait of the late Lieutenant General Winfield Scott, which now adorns the walls of the Capitol, and to take such action as they shall deem proper.

ENROLLED BILL SIGNED.

Mr. TROWBRIDGE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; which was thereupon signed by the Speaker:

An act (H. R. No. 654) making appropriations to supply deficiencies in the appropriations for contingent expenses of the House of Representatives of the United States for the fiscal year ending June 30, 1866.

COURTS OF THE DISTRICT.

Mr. PHELPS, by unanimous consent, introduced a bill to enlarge the appellate jurisdiction of the supreme court of the District of Columbia in chancery; which was read a first and second time and referred to the Committee on the Judiciary.

HORSES AND HORSE EQUIPMENTS.

Mr. GRINNELL, by unanimous consent, introduced a bill amendatory to the law relating to the loss of horses and horse equipments in the service of the United States; which was read a first and second time and referred to the Committee on Military Affairs.

PRINTING OF A REPORT.

Mr. LAFLIN submitted, from the Committee on Printing, the following resolution; which was read, considered, and agreed to:

Resolved, That five thousand extra copies of the last Report of the Smithsonian Institution be printed. Two thousand for the use of the Institution and three thousand for the use of the members of this House.

Mr. LAFLIN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

AMENDMENT OF THE PENSION LAW.

Mr. CULLOM, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Pensions be instructed to inquire into the expediency of so amending section five of the act to grant pensions as to allow the issuance of pensions to date from the discharge of the soldier or sailor when the application is made within two years of the date of such discharge.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. W. J. McDONALD, its Chief Clerk, informed the House that the Senate had passed, without amendment, bill of the House No. 654, making appropriations for the contingent expenses of the House of Representatives for the fiscal year ending June 30, 1866.

ORDER OF BUSINESS.

Mr. MORRILL. I move that the session of to-morrow be devoted exclusively to debate upon the President's annual message as in Committee of the Whole on the state of the Union.

The motion was agreed to.

NATIONAL BUREAU OF EDUCATION.

Mr. BEAMAN. I now demand the regular order of business.

The House resumed the regular order of business, being the bill (H. R. No. 276) reported from the select committee on education, to establish a national Bureau of Education; upon which the gentleman from Illinois [Mr. MOULTON] was entitled to the floor.

Mr. MOULTON. Mr. Speaker, some four weeks or more ago this bill was reported from the select committee on a national Bureau of Education, and printed and laid upon our tables. I regret to say that, so far as I can understand, it has not been examined by the members of the House. It is of great national importance at this time. I am satisfied that if the gentleman from New Jersey, [Mr. ROGERS,] who spoke against this bill, had examined its scope and what it proposes to accomplish, he would not have made the observations that he did; for, so far as I have observed his course here, he has been kindly disposed toward all measures for the general interests of the country.

Now, sir, what is the scope and object of this bill? What does it propose to do? It is simply a measure for the benefit of universal education. It proposes to establish a Bureau of Education here that shall have a general supervisory power for the purpose of collecting statistics, of showing the advantage of each system, of collecting facts, and collating and bringing them together as we find them in the different States and foreign countries. There is no complication about the bill. It is exceedingly simple. It simply provides that there shall be appointed a head of this department, with the necessary number of clerks, and that the Superintendent of Public Buildings shall provide him perhaps two rooms. And here let me answer the question of the distinguished gentleman from New Jersey, [Mr. ROGERS,] that the entire cost of this proposed department will not exceed ten or fifteen thousand dollars per year.

Now, how is this bureau to be established and organized? In the first place, it is to be created by the passage of this bill; in the second place, the appointment of the head of this bureau is to be by the President of the United States, who represents the entire people, by and with the advice and consent of Senators, who represent the respective States. The head of this bureau should be a man of national character; of the most enlarged capacity; a man of culture, science, and experience. And I assume that the President, in the discharge of the delicate duty that will be devolved on him by the passage of this bill, will appoint the man best fitted to carry out the object and purpose of this bill.

Now, let me call your attention to another important fact in this connection. If this bill has been thrust upon this House without anybody asking for its passage, without anybody desiring its passage; if there is no necessity and no want in the country that requires it, of course it should not be passed. Now, how has this subject been brought to the attention of this Congress? By the leading educational men all over the United States, from Maine to Georgia, for the South has been heard in this matter.

In last January or February the leading educational men of this great Republic met here in this city of Washington, and after a long and careful conference, and a full discussion and hearing upon all sides, they came to the conclusion that a department of this kind was absolutely necessary for the benefit of the whole country and the promotion of the educational interests of the country. That convention was composed of such men as Hon. Newton Bateman of Illinois, White of Ohio, and Adams of Vermont, and other representative men, who stand at the head of the educational interests of their own States—men who have devoted more than thirty years of their lives to the discussion and consideration of educational subjects. These men were entirely disinterested, remarkably so, if the gentleman from New Jersey [Mr. ROGERS] is correct in his objection to this measure, that it will do away with the State systems of education. The very men who recommend this measure are the men who inaugurated the existing systems of education in their own States, and are at the head of those systems at the present time. As they readily perceive, one of the great objects of the establishment of this bureau is that whatever advantages there are in a particular system may be

pointed out by it, and the mischievous errors, whatever they may be, may be corrected. This might change particular systems, and improve them, and this is the very object of the bill.

Allow me to make another statement in reference to the character of the men who are demanding the passage of this law at this time. This national convention of educational men appointed three of their most eminent members to memorialize Congress in regard to this matter. And I will say that the men thus selected were eminently qualified for that purpose. One was Hon. Newton Bateman, of the State of Illinois, who has been identified with the system of education there for years, and has given it complexion and consistency, and has by his energy and ability established one of the finest school systems in the world. Another was Professor White, of Ohio, a man of the most enlarged capacity, who is at the head of the common-school system of that great State. Another was Professor Adams, of Vermont, a man who from his eminent ability and services in that direction is entitled to have his opinions upon questions of this kind regarded as of great weight. Now, those are the eminent men who came up here and presented their memorial to Congress with this simple bill for the purpose of inaugurating this machinery for the purpose of supplying a want that has been felt in this country for more than thirty years.

Now, one of the objections which was urged against this bill by the gentleman from New Jersey [Mr. ROGERS] was that it was a new thing; that this is an innovation. Permit me to say to members of this House that this is no new thought. This great question has been discussed by the educational men of this country and its necessity has been felt for many years. Any one who has been familiar with the educational journals and educational conventions of our country knows that this very question has been one of the most prominent topics of discussion—the want of an authoritative head here at the seat of Government. Besides, we have the example of nearly all European Governments in this regard. I will simply allude to France, Prussia, and Great Britain, who have set us an example in this regard. Therefore the charge that this is a new thing, and has its origin in the chimeras of to-day, is in fact not true.

Now, Mr. Speaker, what is the true, genuine spirit of our institutions? Upon what are they founded? The two great pillars of our American Republic, upon which it rests, are universal liberty and universal education. We have established universal liberty through a bloody conflict, through four years of carnage and war, and Congress by the passage of the civil rights bill has provided the machinery by which universal liberty can be enforced and guaranteed, and the citizen everywhere protected. One of these pillars, then, rests upon a solid and firm foundation. The other pillar is universal education. In this republican Government it is admitted upon all hands, even by the gentleman from New Jersey, that the perpetuity of our institutions depends upon the intelligence of the people, and without that intelligence we can have no guarantee of the continuance of our republican form of government.

Now, sir, in order to make education universal, what do we want? What is the crying necessity of this nation to-day? Why, sir, we want a head. We want a pure fountain, from which a pure stream can be poured upon all the States. We want a controlling head by which the various conflicting systems in the different States can be harmonized, by which there can be uniformity, by which all mischievous errors that have crept in may be pointed out and eradicated. We want a head to this great system for the purpose of giving direction and vitalizing the whole educational interest of the country.

Now, sir, let us look at the practical results which we may reasonably expect from the adoption of this measure, for the remarks which I

shall make will be directed entirely to the practical operation of this bill. If the measure is going to do no good, if it is to produce no beneficial results to the country, of course it ought not to pass. But if it will accomplish the objects we expect, then we think there is a necessity for it and that it ought to pass.

I have said that a part of the duties of the head of this bureau will be to compare the different educational systems, to collect the facts and statistics connected with them, and to point out the merits and advantages of each, and in a philosophical and popular way present these to the people generally. Let me illustrate the importance of this national system by a simple reference to the manner in which a similar system on a smaller scale has operated in the different States; and I think this consideration should be conclusive as to the importance of this measure. Take, for instance, my own State, of which I have a right to speak here. Her educational system up to 1853 was substantially, I may say, in chaos. We had really no educational system at all. There was no such thing as a common-school system there. The people had schools when they pleased; and when they did not, there were no schools. Everything was in confusion. Hence the immense amount of land which had been given by this Government to the State of Illinois for educational purposes was substantially dissipated.

That was the condition of the school system, if it may be called a school system, in the State of Illinois up to 1853. This resulted from the fact that there was no head to the system. There was no common center; no one to advise, direct, and suggest. In other words, there was no one to vitalize the system, to bring it directly before the people, and show them the proper path. In 1853, however, a free-school system was inaugurated in the State of Illinois. Under that system a superintendent of public instruction was appointed. Some of the most eminent men in the State of Illinois have filled that position. While I do not desire to disparage others, I may be permitted to mention that the free-school system of the State of Illinois has been for many years under the charge and control of Hon. Newton Bateman, whose name is appended to this memorial; and he has given that system vigor and vitality till to-day we present a free-school system of as high a character as can be found in the world. It has had a good practical effect by having a common head and center to control and direct the system.

Now, by the result of that, in nine or ten years in the State of Illinois, we have twelve thousand school districts established, with magnificent school-houses dotted all over the prairies, and every Monday morning when the clock strikes nine o'clock half a million of bright-eyed girls and boys are within the walls of the common schools of Illinois. That is the result of appointing a competent head to that system.

Now, that is only one State, a State of one hundred counties. What is the reason the result would not be similar if a competent head to discharge the duties be appointed at the seat of Government, one who will take general control in regard to the thirty-six States of this Union. I know of no reason why the results would not be the same. Naturally they would be the same.

Here are thirty-six States, all with different school systems. The people of the western States do not know what you are doing in the middle States. They do not know what is being done in the New England States. They have no means of knowing what are your school systems.

The very object of establishing a Bureau of Education is that these different systems may be brought together. We want all these school systems all over the land brought under one head, so that they may be nationalized, vitalized, and made uniform and harmonious as far as possible. But we are met on the threshold of this argument by the gentleman from New Jersey, [Mr. ROGERS,] who I

am sure has not examined the subject, that we have no constitutional power to do this thing. Let us look at this for a moment. Let us see whether we have constitutional power. The Constitution provides that it shall be the duty of Congress to pass all laws which shall be necessary for the common good and welfare. Let us look at an example in this Government which my friend admits has existed ever since its foundation. Take an analogous instance. Take the Department of Agriculture. He says we cannot put our hands upon the specific provision of the Constitution for this bureau we propose to establish. You cannot put your hand upon the specific constitutional provision which gives you the power to appropriate thousands, at least half a million, of dollars a year for the purpose of keeping up the Department of Agriculture? Where is the power to do it? On what authority is it done? We say that it promotes the general welfare and the common good. It is part of the necessary machinery of this Government; and we say the same thing in reference to this Bureau of National Education. The bureau here proposed is not so limited in its operations as the Department of Agriculture.

I desire now to consider another proposition in this same connection, that it invades the system of the States. The same argument can be made in regard to the Department of Agriculture. No one ever dreamed that the Department of Agriculture was invading the rights of the States. Why? Every State in the Union has its own agricultural societies incorporated by the several Legislatures. Every county has its own agricultural society. The Department of Agriculture at the seat of Government here does not invade any rights of property in the States. What does it do? What we propose in this bill. It gives the result of experiments, it collects facts from California, from Maine, from all of the States, and all parts of the world, prepares those facts in popular form and presents them to the people. Here are two hundred and fifty Representatives of the people. What has been the greatest demand made on you? Has not the greatest demand from your constituents been for the Agricultural Report. The demand has been for agricultural information, seeds and plants, the results of experiments, &c.

The Department of Agriculture applies only to one class of men. The bureau we propose here applies to every man, woman, and child in the country.

Talk about this not having foundation in the Constitution! Upon what constitutional provision have you established the Interior Department? There is no specific power given. But it is a great and necessary part of the machinery of the Government. It promotes the general welfare. Our bureau does the same. If we decide that it is necessary to promote the general welfare, no other department of this Government can question our power.

It is said that this matter should be left to the States, or to individuals. Permit me to say in answer to this that the advantage of this bureau is this: we do not propose to invade State rights, to go into Massachusetts and say, you shall change your system and conform it to our views. We do not propose to go into Ohio or any other State, but we propose to correct whatever is wrong or mischievous in any of these State systems by pointing out and showing to them that their systems are wrong and what the better plan would be; just the same as the Bureau of Agriculture, by disseminating information all over the land, giving the results of experience, corrects errors in the method of the cultivation of lands, and promotes the interests of agriculture in the different States.

But now, Mr. Speaker, I want to call attention to another fact. I want to say to the members of this House that this Government has a direct interest in the establishment of a Bureau of Education. I have already stated that the perpetuity of our institutions rests upon the intelligence of the people. Let me illus-

trate that by an example afforded by the remarks of the gentleman from New Jersey, [Mr. ROGERS.]

In reply to the statement of the gentleman from Minnesota, [Mr. DONNELLY,] that the ignorance of the southern people had been one of the causes that led to the late rebellion, the gentleman from New Jersey [Mr. ROGERS] asserted that the rebellion had been inaugurated, not by the poorer classes, not by the ignorant people, but by the intelligent men, such as Davis, Slidell, and others. Now, that fact is true; but it does not disprove the truth of the statement of the gentleman from Minnesota, [Mr. DONNELLY.]

Let us see how the matter stands. Grant that the rebellion was inaugurated by the intelligent classes of the South. Suppose that the poorer and more ignorant classes, the great mass of the people of the South, had been educated to the extent that the people of Ohio, New England, and the middle States are educated, do you imagine that the scoundrels, traitors, and demagogues of the South could have led such a people into rebellion? Why, sir, the same thing was actually attempted in some of the northern States, but the intelligence of the people repudiated all such appliances made by traitors in the North.

Now, one of the objects of this proposed Bureau of Education is to diffuse information and give vitality to dead systems wherever its operation is made necessary by the condition of things. And I repeat again, if the people in the southern States had been fairly educated, had had the means of obtaining information to the extent that the loyal people of the North had, a thousand Slidells, Davises, and Toombses could never have led them astray into rebellion.

In that view, then, I take the high ground that every child of this land is, by natural right, entitled to an education at the hands of somebody, and that this ought not to be left to the caprice of individuals or of States so far as we have any power to regulate it. At least, every child in the land should receive a sufficient education to qualify him to discharge all the duties that may devolve upon him as an American citizen.

This is as much a natural right as the right to breathe the air and to be provided with food and clothing. The Government, therefore, has an interest in establishing this bureau, because its tendency will be to shed light in the dark places by disseminating facts and statistics, vitalizing and influencing by persuasion rather than by authority.

There is another point of view in which this Government is interested in this measure. By the laws of Congress, as they now stand, statistics in regard to education have been collected from all over the country every ten years. Now there is a great mass of facts of various descriptions, statements of the number of children at school, how many can read and write, number of school-houses, and other important facts collected by the census-takers under the law of Congress. But what good does it do? None whatever; because there is no one here to take charge of those pregnant facts, those figures, when they are brought here by the census-takers. There is no bureau to collate and compare, to make deductions and suggestions, and propagate and disseminate the information in a proper form for the benefit of the people. Therefore it is an expenditure of money for the collection of those facts without any practical benefit, and in amount ten times more than it would take to pay the full expenses of this bureau. Let this bureau be established and take possession of all the facts and figures that come up and send forth the information in some popular form.

There is another fact which gives the Government a direct interest in this bill. Already the Government has given to the different States more than fifty million acres of the public lands for school purposes. All the new States have had their sixteenth section for their school, college, and seminary fund, and who of you here knows how it is disposed of? Where do

you go to get any official information as to how this great and munificent gift to the people has been disposed of? Who can go to any Department here and find out one single fact other than that so much land has been given to Illinois, so much to Ohio, and so much to Indiana, and so on?

Well, now, fifty million acres of public lands have been given to the States for these purposes. It is made a part of the business of this bureau to collect all the facts connected with the subject, so that we may know what every State has done, whether the lands have been squandered and what rules have been adopted for the disposition of the same. If there has been a vicious system in any State in regard to the disposition of those lands, is it not important that that information should be given to the States in order that they may avoid the rocks upon which other States have dissipated and lost their lands? And here let me say that my State had such a donation, every sixteenth section, with which it parted mostly for the pitiful sum of \$1 25 per acre, thus receiving but \$800 per section for that land in each township, which to-day, or even many years ago, would have been sold for \$8,000 per section instead of \$800, thereby affording a perpetual fund to educate the children of the respective townships for all time to come; and upon these considerations I believe the Government has a direct interest in the establishment of a bureau whereby this kind of information may be obtained and disseminated, in order that the whole country, and particularly the State to be admitted, may profit by the good or bad example of the different States in regard to this matter.

Now, Mr. Speaker, I will say but a word or two more. I think I have gone through the various features of this bill. It seems to me that there is nothing objectionable in it.

So far as the question of finance is concerned the bill provides for four clerks. If the number were limited to two, perhaps that number would be sufficient to start the bureau. Now, with a head of the bureau and two clerks, and with two rooms that may be assigned to the bureau in any one of the public buildings, the cost to the Government will not exceed \$16,000; and it seems to me that the advantages to be derived from the establishment of a bureau of this character here at the seat of Government would more than compensate for the appropriation for a purpose of this character. I trust, therefore, Mr. Speaker, that the members of this House will vote for this bill. I believe that it is required by the people. I believe that the necessities of the Government require it. Its passage has been urged by gentlemen who are better able to judge of its necessity than we are here. I am willing to take their judgment. Let this bill pass. Let us have a common center. Let us have a uniform and harmonious system of education if possible, and then let us popularize and vitalize that system, and all these desert places, all these dark places that now exist in the central and southern portion of the country, will have light shed upon them, and a good free-school system of education will shortly be established for the education of every child in this great land.

Mr. BANKS. Mr. Speaker, early in this session, in December or January last, I presented to the House an elaborate memorial from the friends of education in the district I represent, asking for the passage of a bill similar to that which has been reported by the special committee on a national Bureau of Education. And did I not fear that the question might suffer from inadvertence on the part of some members of this House I would not trespass upon its attention for one moment. But I feel a deep interest in the success of this measure, as I think it most essential to the welfare of the country that it should become a law.

I listened with great attention to the remarks of the gentleman from New Jersey [Mr. ROGERS] the other day, who objected to the pas-

sage of this bill on the ground of the centralization of power in this city at the head of the Government. Did I think that objection well founded I would not urge upon members of this House to vote in its favor. I do not desire unnecessarily to concentrate the power of the country here, for I have as little desire for that as any member of this House, I am sure. But I think if the gentleman will look into the machinery of the bill he will see that it is entirely free from any well-grounded objections of that character.

In the first place this bill provides only for the appointment of a Commissioner, and, as the gentleman who has just taken his seat [Mr. MOUTON] said, four clerks, the expenses of which will be only \$13,000 a year. There is no dangerous centralization of power in this. This bureau will have no executive influence; it has no color of executive power either here upon Congress or in the States, and therefore it is not amenable to that objection.

Then what is this bureau to do? Simply to collect information; nothing more than that. It will be but an extension of the census of the people. It will be but a collection of information, not for the benefit of the Executive Departments, not directly for the benefit of the people of the States, but for the benefit of Congress alone; because the information to be collected by this bureau is to be transmitted to Congress, and the only action to which it can lead is the action of Congress. Therefore the bill in that regard is not amenable to the objection of centralization; if it were I would not press it. And I am sure that the gentleman from New Jersey [Mr. ROGERS] will see when he analyzes the measures and features of this bill they are not objectionable in that respect.

This bill is but temporary in its nature; it is not interwoven with the government of the country so far that it cannot be dispensed with at any moment. Every year an appropriation must be made for its continuance; and the failure of the appropriation will lead to the discontinuance of the bureau, without any effect whatever upon the administration of the country. And in that respect it is unobjectionable.

Now, sir, I ask the attention of the House for a moment to the importance of this measure at this time. I am reluctant to refer to my own experience, but I think the importance of the bill justifies it. I have passed the greater part of the time for the past four or five years in the insurgent States. I have seen much of the elements of life that control opinions in that part of this country, and I am sorry to say that I have formed very strong convictions as to what is necessary in the reconstruction of the Government and the restoration of that amity and comity of feeling which must exist between the people of the different States and the General Government in order to promote that Union we all so much desire.

I do not underestimate, I am sure, the importance of legislative measures, or constitutional amendments, or any action of Congress or the executive department of the Government in that respect; yet I think I am justified in saying that any or all of these measures are but initiatory; they do not complete the work of reform; they do not perform the duty of restoration. Those results must depend upon other elements of power, which may flow from but which are not embraced in the statutory or constitutional measures to which we have given so much consideration.

The true source of power to which we must look for the ultimate restoration of perfect peace, the restoration of the Government in a form as perfect as before the war, in a more perfect form, even, than it has before existed, is the education of the people. Of course I do not mean to say that we must wait until the people shall be educated. On the contrary we must begin immediately in this duty. But the completion of the work requires that education shall be considered as among the first and most important elements of this work. And could information be collected and spread before the country of the almost marvelous results of

education in the last three or four years in the insurgent States upon that class of people who most need the attention and protection of the Government, I am sure the House with almost entire unanimity would give its approval to any measure tending to that end.

I believe, sir, and I wish to express my conviction as it really exists, that it is impossible so far to reform opinion, so far to change the basis of political society; as to secure a perfect restoration of the principles of our Government without giving efficiency to this fundamental element of social, of public, and of individual power. I trust, sir, that in this view alone, whether gentlemen of the House have made up their minds to pass this measure or not, they will give it serious consideration, as a measure equally important, if not more important in its final results, than any which may proceed from the committee on reconstruction, honorable and thorough and intelligent as that committee has been in the performance of its duties, and essentially necessary for the Government as are the measures which that committee has reported.

Mr. GARFIELD. Mr. Speaker, I rise to close the debate; but I propose to yield for a short time to the gentleman from Maine, [Mr. PIKE.]

Mr. RANDALL, of Pennsylvania. I rise to ask a question of the gentleman from Ohio [Mr. GARFIELD] who has charge of this bill. I am a member of the committee that reported the bill, although I was not present at the meeting at which it was agreed to. I desire to have an opportunity to discuss the bill and the amendment which I have offered; and I wish to know whether that opportunity will be afforded me.

Mr. GARFIELD. I will give the gentleman a part of my time. I cannot feel it right that much more of the time of the House should be occupied in the discussion of this bill.

Mr. RANDALL, of Pennsylvania. Surely a member of the committee should receive from the chairman of the committee the courtesy of being allowed an opportunity to discuss this measure.

Mr. GARFIELD. The gentleman from Pennsylvania shall have as much time as I have. He will be under no greater restriction than myself. I now yield to the gentleman from Maine [Mr. PIKE] for five minutes.

Mr. PIKE. Am I to be hedged in by the limitation of five minutes? I may possibly wish to occupy six minutes. [Laughter.]

Mr. JOHNSON. I would like to be allowed eight or ten minutes for a few remarks on this bill.

Mr. RANDALL, of Pennsylvania. I will yield to my colleague a part of my time.

The SPEAKER. The gentleman from Maine is entitled to the floor for five minutes.

Mr. PIKE. By what authority am I limited to five minutes?

The SPEAKER. By the authority of the gentleman from Ohio [Mr. GARFIELD] who has charge of the bill, and who is now entitled to the floor.

Mr. PIKE. Three or four speeches of an hour each have been made in favor of this bill; no opposition, I believe, has been made to it. In the consideration of a bill like this, involving the Government in an expense of \$50,000, or \$100,000, or \$200,000, it is strange that a member cannot be allowed more than five minutes to express his views in opposition to the measure.

Mr. GARFIELD. Will the gentleman inform me how much time he will want?

Mr. PIKE. I may not want more than five minutes.

Mr. GARFIELD. Well, then, the gentleman can have five minutes.

Mr. PIKE. If I should want to occupy ten minutes, I should like to have that too.

Mr. Speaker, I wish to call the attention of the House to the provisions of this bill; in the first place to its machinery. The bill provides for a new department of this Government, following the language of the act establishing a Department of Agriculture, and I suppose

following the eminent examples we have had in that department. We are to have a new department of the Government; and I am very sorry to see that the Commissioner of Agriculture is to be so far thrown into the shade as to have but three fifths of the salary that is provided for this new office. The gentleman from New York [Mr. HALE] suggests that this new department should be attached to the Department of Agriculture. He may make that motion; and I will yield to him for that purpose, if I have any time remaining when I conclude.

Mr. Speaker, the proposition is to have a new department; and I am very happy to see that the bill provides very liberally for expenses. Of the several thousand officers at the other end of the avenue, there are, if I recollect aright, but two who now receive a salary of \$5,000. One is the Treasurer of the United States, and the other the head of the banking department. The others mainly receive no more than the modest salary that we get for the performance of our duties here in Congress.

Five thousand dollars is to be the salary of the new officer. Then follow the body and the rest of the department, summing up some thirteen thousand dollars. Quarters are to be provided in a corresponding liberal scale by the Commissioner of Public Buildings and Grounds. Whether a new building is to be erected we do not know. I understand all the present public offices are occupied. I understand that the Government, in addition, are hiring other buildings at great expense. Whether a new structure is to be erected, or a building is to be hired, I know not. But all accommodations are to be provided liberally.

I make no quarrel with this matter in detail; I only speak of the machinery which is provided by this most intelligent committee for the purpose of accomplishing this work.

Now, what is the work to be accomplished? The bill provides, in the first place, that the business of the bureau shall be to collect statistics. Whether it is to have original jurisdiction of these facts like the Census Bureau, and to send out its agents to gather them up and embody them; whether it is to collect new facts in relation to public schools, or whether they are to take the returns of the different States and analyze them, the bill does not indicate. The machinery would indicate that this department is to have original jurisdiction of these facts. They are to collect these facts. That is the first great business of the bureau.

Secondly, it is provided it shall be the duty of the Commissioner of Education to present annually to Congress a report. Of what use is it to present that report and have it filed away here among the archives of Congress? Of course it will be of no use unless ordered to be printed. It will be no use to print it unless it is printed in large numbers and distributed throughout the country. The gentleman from Massachusetts says we will take care of it when it comes here. How will you take care of it? It will be printed in large numbers. We are not going to slight this new department of the Government. We are to have it distributed in like numbers with the agricultural report. Each one of those reports cost the Government \$1 50. The chairman of the Committee on Printing [Mr. LARLIN] just now tells me that the agricultural report costs \$200,000 annually, and that is outside of the monthly reports on cholera, hog disease, and various other items of intelligence. Following that eminent example we are to have unlimited expense in public printing.

The gentleman from New York, chairman of the Committee on Public Printing, told us the other day that the expense of public printing runs up to two millions a year. We have a printing office, the largest in the known world, consuming year by year, at least last year, one thirteenth of the whole value of printing paper of the country according to the census of 1860. I should think, therefore, that office is at present sufficiently engaged.

The SPEAKER. The gentleman's time has expired.

Mr. GARFIELD. I will yield five minutes more to the gentleman from Maine.

Mr. PIKE. It is to gather statistics of the common schools of the country. Of course there is no need to go into the statistics of those who are studying the higher branches of mathematics. We do not want statistics of colleges in this country. I submit whether all this machinery for the collection of facts had not better be left to the States. I ask whether it is not better that the States of the Union should not be left to have something to do. We have bills to reorganize the railroad systems of the United States. We established railroad corporations in the ignorant State of Pennsylvania which did not know its own needs and wants. We have a serious proposition that all the telegraphic wires shall center here and shall be under the control of the Postmaster General. And here we have in addition a scheme of governmental control of all the common schools.

The gentleman from Massachusetts [Mr. BANKS] says it is merely an initiatory measure. He means by that, I suppose, that this measure, which commences in criticism upon the public schools of the country, shall end in making direct appropriations for that purpose. I think he said something about the Government undertaking the education of all the freedmen of the country. If they would confine their efforts to that I should not be so much opposed as I am to this measure. But now we have the initiation of a system. At another time it will be more fully developed. The school-houses of the country will go under the control of the General Government. Churches, I suppose, are to follow next. So, taking the railroads, telegraphs, school-houses, and churches it would seem Congress would leave little to us but our local taxation and our local pauperism. If they would take them too I do not know as I would object.

But I submit in all seriousness that these matters of education had better be left to the States where they are much more economically managed and where they properly belong.

Mr. HUBBARD, of Connecticut. Will the gentleman yield for a question?

Mr. PIKE. Certainly.

Mr. HUBBARD, of Connecticut. I ask the gentleman how many people there are in Maine who can neither read nor write.

Mr. PIKE. About half as many, I believe, as there are in Connecticut. [Laughter.]

Mr. HUBBARD, of Connecticut. There are none in the State of Connecticut who cannot read or write except those who come from Maine and other foreign countries. [Laughter.]

Mr. PIKE. We educate our foreign population. [Laughter.]

Mr. HUBBARD, of Connecticut. I would like to ask one question farther. Congress has been accustomed from time to time to donate large amounts of public land to Maine and other new States for purposes of education, and I would like very well to know what use has been made of those benevolent grants, especially by the State of Maine.

Mr. PIKE. I suppose the gentleman ought to be aware that the State of Maine has got nothing out of the Government for her public schools, either in the way of public lands or otherwise. So that we will not talk about that, but will talk seriously for a few moments about this bill.

College professors in this country do not get on an average more than \$1,500 a year salary. I doubt if they get that. I am told that one of the wealthiest institutions in this country (Harvard) gives its president but \$2,500 a year. These men are diligent. They attend to their business day by day. They are educating the youth of their localities. The State Legislatures are also engaged in this work. They have their common schools everywhere.

[Here the hammer fell.]

Mr. GARFIELD. I will now yield a few

minutes to my colleague on the committee, [Mr. RANDALL, of Pennsylvania.]

Mr. RANDALL, of Pennsylvania. Before commencing my remarks, Mr. Speaker, I desire to have the amendment which I propose to this bill read.

The Clerk read the amendment, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That there shall be established, by the Secretary of the Interior, a Bureau of Education for the purpose of collecting such statistics and facts as shall show the condition and progress of education in the several States and Territories, and of diffusing such information respecting the organization and management of schools and school systems and methods of teaching as shall aid the people of the United States in the establishment and maintenance of efficient school systems, and otherwise promote the cause of education throughout the country; and for this purpose he is hereby authorized to appoint two clerks, at a salary of \$1,800 each per annum.

SEC. 2. And be it further enacted, That it shall be the duty of the Secretary of the Interior to present annually to Congress a report embodying the results of his investigations and labors, together with a statement of such facts and recommendations as will in his judgment subserve the purpose for which this department is established. In the first report made by the Secretary of the Interior under this act, there shall be presented a statement of the several grants of land made by Congress to promote education, and the manner in which these several trusts have been managed, the amount of funds arising therefrom, and the annual proceeds of the same, as far as the same can be determined.

Mr. RANDALL, of Pennsylvania. It is my object, as far as possible, to promote education; and if I thought any necessity whatever existed for the establishment of a new bureau in connection with the education of the youth of the country I should lean to that side more strongly than I do. But I conceive at this time, and under present circumstances, that there is no necessity whatever for the establishment of a Bureau of Education, to be controlled by the central power here. The systems of education throughout the country have been left to State authority. The raising of the revenue for educational purposes, the method of its expenditure, and the system of instruction have all been left entirely with the States.

Now, my amendment proposes to leave this question of statistics in reference to the State educational systems to the Secretary of the Interior, where it properly belongs, if it belongs to any Department of the Government. It is, as has been said by the gentleman from Massachusetts, [Mr. BANKS,] a part of the system, or should be part of the system, of taking the census.

I have not relied solely upon my own judgment in regard to the subject. I have sought information from those who I believe are qualified by experience wisely to advise me how to act in reference to it as a member of the committee from which this bill is reported, and I now wish to read a portion of a letter I have received from a distinguished gentleman connected with education in this country, Mr. Frederick A. Packard, upon this subject. He says:

"It is nearly fifty years since I was actively concerned in the public school system of Massachusetts, and nearly forty since I came to reside in Philadelphia. My connection for several years with the direction of Girard College obliged me to look with some care into the schools and school-books of the country." * * * "You will perceive that I am not for the new scheme referred to your committee."

I have been associated with Mr. Packard and know him well, and I know that he would not pass his judgment except upon well-founded experience. His judgment upon this subject I will read:

"It is very easy to sketch a magnificent scheme of national instruction, beginning with the infant school and terminating in a colossal university, assigning a fixed term of years, &c., corps of teachers and professors to each grade, and drawing on the Treasurer of the United States at the close of the year for twenty or forty millions to cover the expense. And it may be shown, moreover, that such stupendous enterprises have been successful in Holland, in France, and in Prussia. But we must never forget that with them the people depend on the Government, while with us the Government depends on the people. All our ministers of state and of religion combined cannot open a church nor close a grogshop against the will of the people."

Now, there is the judgment of a man who,

I venture to say, is equal to any gentleman here upon this particular subject of education. He has devoted a life-time, or half a century, to it, and I trust the House will give his judgment that weight which I feel it should have.

The gentleman from Massachusetts, [Mr. BANKS,] if he had examined the substance of this bill, would have seen that it does not propose to teach a single child, white, black, or colored, male or female, its a b c's. It simply proposes that a bureau at an extravagant rate of pay, with an undue number of clerks, shall be established for the purpose of collecting statistics in connection with the education of the children of the country. Now, if any bureau, or any Federal authority over this subject should be established at all, it can be as well done by two clerks, as is proposed by my amendment, and it is a thing which appropriately belongs to the Secretary of the Interior, and should there be placed.

Mr. GRINNELL. I would like to ask the gentleman a question.

Mr. RANDALL, of Pennsylvania. Very well.

Mr. GRINNELL. I would inquire if he knows of any country in the world that has a good system of education that is without a system of gathering statistics of a national character.

Mr. RANDALL, of Pennsylvania. Well, sir, they may all have their systems, but they are under a monarchy, and are entirely different from ours. There is no similarity between the school system of Germany and that of this country.

Mr. GRINNELL. I would inquire if the gentleman is perfectly willing to substitute our system for the system of Germany.

Mr. RANDALL, of Pennsylvania. Would I?

Mr. GRINNELL. Yes, sir.

Mr. RANDALL, of Pennsylvania. I would not give the system of Connecticut for all the systems of the rest of the world. I consider that, in that particular, Connecticut has reached the highest point of all, and therefore I do not want to interfere in any manner with her system, nor with that of any State that is approaching to that degree of perfection in education which she has attained, by any act of Federal authority or supervision.

Mr. GRINNELL. I ask the gentleman if it is not the purpose of this bill to give the knowledge of what Connecticut is doing to all the States through this great channel of information.

Mr. RANDALL, of Pennsylvania. Then why not leave it to the States? Why do you want to establish this bureau?

Mr. GRINNELL. For the same reason that we want statistics in reference to agriculture and all other important interests.

Mr. RANDALL, of Pennsylvania. I do not know how it is in all cities, but I know how it is in mine. We have a school superintendent who furnishes every information which is necessary in connection with our Pennsylvania school system, at each session of the Legislature; and all that this bill could possibly do would be just to copy the State superintendent's report and put it on file in the Interior Department.

Mr. THAYER. They do that now.

Mr. RANDALL, of Pennsylvania. My colleague says they do that now. Then they might exchange them all over the country, and scatter the information among the different States through the various State superintendents. But, lest I might be considered as disposed to interfere improperly with the promotion of education, I have offered the substitute which has been read. If a measure of this kind be deemed necessary, why should we not adopt this substitute and try its practical operation for one year? This is not a time, the House will permit me to suggest, for the establishment of any new bureau. Why, sir, we might as well establish a national Bureau of Religion—which God forbid! We might as well establish a Bureau of Temperance, which some gentlemen might advocate as calculated to be of great service. There is just as much necessity for the estab-

lishment of a Bureau of Temperance and a Bureau of Religion as there is need for the creation of a Bureau of Education. It appears to me that the bill before us proposes to involve us in an immense expenditure of money for the purpose of erecting a bureau which, so far as I know, we have not been called upon by any authority whatever to create.

Now, sir, I agree with that ancient philosopher who said that "no man goeth about a more godly purpose than he that is mindful of the good bringing up both of his own and other men's children;" but I cannot see that we shall promote in any degree the education of the children of this country by appointing an officer charged with the duty of overseeing the educational systems of the respective States.

For these reasons, Mr. Speaker, I have been induced to offer my substitute as being at least preferable to the proposition of the committee. It appears to me proper that if there is to be established any system for the supervision of education in the various States, this system should be under the control of the Secretary of the Interior, to whom is assigned the superintendence of the collection of census statistics, and that this officer shall have authority to appoint two additional clerks to have charge of this particular subject.

Sir, a great deal has been said, and very well said, on the subject of the necessity of having an officer who shall be the directing and supervisory head of educational matters throughout the country; and on this subject I was very much pleased with the eloquent remarks of the gentleman from Minnesota, [Mr. DONNELLY.] But, sir, to have a head without any body, as is proposed by this bill, would not, it appears to me, be of much utility. Each of the respective States has its own educational system with its own local head, exercising a supervision over these matters within the jurisdiction of the State. Each State makes its own appropriations for the support of its educational system, and it has suitable officers charged with the duty of controlling the expenditure of money for this purpose and of auditing those expenses. Thus in the various States the education of youth is well attended to by the respective State officers.

As regards the education of children in the South, I have not so much knowledge as the gentleman from Massachusetts, [Mr. BANKS,] who has spoken on this subject. But, sir, Congress has established a Freedmen's Bureau, under which school-houses have been built and a system of instruction organized. It seems to me that this system is a very unconstitutional mode of spending the people's money; but since that system has been adopted, and is being carried out at an immense cost to the Government, there surely can be no necessity for establishing another bureau for the same purpose.

The SPEAKER. The fifteen minutes of the gentleman from Pennsylvania have expired.

Mr. GARFIELD. I now yield the floor to the gentleman from Massachusetts [Mr. BOWWELL] for ten minutes.

Mr. BOUTWELL. Mr. Speaker, the remarks made upon this bill by the gentleman from Maine [Mr. PIKE] induce me to offer a few words in its behalf. As regards the expense of the organization, it is wise or unwise according to the judgment we may form as to the expediency of the proposition itself. If it be at all wise to establish such a branch of administration in the Government, then of course the expense of thirteen thousand or fifteen thousand or twenty thousand dollars a year is a matter of no considerable consequence.

It is to be observed in reference to this measure that it does not contemplate the exercise of any power whatever over the school organization of any State for the education of any child in the country. So far as we in New England are concerned we do not anticipate any considerable advantage from this measure, and I do not advocate it upon the ground of its advantage to us. The object of this bureau or department, or whatever it may be termed,

is not to control by force the school systems of the country. It will exercise no positive power anywhere. But its advantages will be found in the dissemination of information to every part of the country concerning those systems of education which are found to be best in the sections most advanced in the work of popular education. Now, sir, many years ago I happened to find in the city of Chillicothe, Ohio, a high school which was organized and operated advantageously without any teachers whatever—an exceptional case in educational matters, not only with reference to this country but with reference to the whole world. Now, I do not hesitate to say that a knowledge distributed through all this country of the means by which that school was organized, maintained, and made efficient for the purpose of education, would have been worth more than the entire cost of this branch of the public administration.

It is also true that the system of normal school training, without which there can be no efficient system of public instruction, is comparatively unknown to the people of this country. And I think I do not state anything not known when I say that in the city of New York ten years ago, while they had there a normal school, the men who administered that school had failed up to that time to apprehend the principle which lies at the foundation of the system of normal school training.

And in the State of Arkansas—I refer to the matter only in the way of illustration—we enrolled during the late war whole regiments of white soldiers for the Union Army, not one tenth of whom could sign their names to the pay-rolls.

Now, what we desire to do through this branch of the public administration is from this center or this seat of Government to disseminate throughout this whole country, to Massachusetts, Arkansas, Louisiana, South Carolina, and all the States information on the one side in regard to the best means of public instruction, and on the other side the advantages to be derived from a good system of public instruction.

In deciding whether this branch of administration should be established we undoubtedly must first consider whether the subject of education is of such importance that the General Government is justified in gathering and disseminating information concerning it. In that connection I will refer to but a single fact.

More than thirty years ago, in the great contest between Eli Whitney and the State of Georgia, in relation to his right to the invention of the cotton-gin, Chief Justice Marshall said that that invention alone had then saved to the people of this country \$500,000,000, and I have no doubt that up to the present time that invention has been worth to the people of this country an amount equal to two thirds of the aggregate expenses of the war through which we have just passed.

Now, that invention is but one of the ten thousand inventions which have been made in this country, all of them more or less valuable, and all due in a great measure to our systems of public instruction. You may go to-day to the Patent Office and ascertain from the number of patents issued, the condition of public information in each and every State of this Union. The inventive power of a people is developed in exact proportion to the extent of their education and enlightenment.

Now, if these be facts—and I only make the general statement for the purpose of illustrating the great truth that the industrial power and productive force of the people of this country are exactly in proportion to the extent of their education—then assuredly it follows that there is no branch of the public administration more worthy of consideration than that of gathering and disseminating information in regard to the public school systems of the various States of this Union.

For these reasons, and for many others which I might adduce if I had time, I have for myself no doubt of the expediency of this meas-

ure. It is no invasion of State rights; it does not seek to control anybody; it does not interfere with the system of education anywhere; it only proposes to furnish the means by which from a bureau here every citizen of every State of this Republic can be informed as to the means of education existing and applied in the most advanced sections of this country and of the world. And if this information can be disseminated for \$15,000 or \$20,000 or \$50,000 or \$100,000 a year, it is an expenditure which in the course of time will be returned at least one hundred fold in the ability of the people to apply their manual, intellectual, and moral powers to the productive industry and resources of the country.

Mr. GARFIELD. I now yield to the gentleman from Iowa [Mr. GRINNELL] to offer an amendment to this bill.

Mr. GRINNELL. With the consent of the chairman of the select committee, [Mr. GARFIELD,] I rise to offer an amendment to this bill, for I desire that it shall pass. And in connection with my amendment I desire to say that it is to reduce the salary of the Commissioner and the number of clerks. And I would call the attention of the House to the fact that with the amendment I propose this great bugbear of expense will then be about one fiftieth of a cent to each person in the United States; a wonderful proportion of expense for a measure which looks to the diffusion of education throughout the country. I offer the following amendment:

In line five, section two, strike out "five" and insert "four," so it will read: "who shall receive a salary of \$4,000 per annum;" in line eleven strike out after the word "annum" these words: "one clerk who shall receive a salary of \$1,400 per annum; and one clerk who shall receive a salary of \$1,200 per annum;" and in line nine, before the word "the" insert the word "and."

PERSONAL EXPLANATION.

Mr. ROGERS. I ask the gentleman from Ohio to yield to me five minutes, to make a personal explanation.

Mr. GARFIELD. Yes, sir.

Mr. ROGERS. When this subject comes to a final vote, I will now state that I have agreed to pair with the honorable gentleman from Pennsylvania, Mr. STEVENS.

Mr. Speaker, I wish to make a personal explanation in regard to a slight altercation which took place the other day between me and the honorable gentleman from Kentucky, [Mr. ROUSSEAU.] The other day I am reported to have said—and I am not here to say I did not say so—that "all I had to say was, the charge he made was false." I wish to retract that assertion, and to say that I had no intention to make any personal reflection upon the gentleman. I know he is an honorable gentleman, and that he would not do me injustice; and I certainly did not intend to do him injustice, although I believe in the heat and excitement of debate I may have said what I did not intend to say. A man who has been so brave and gallant has no reason to fear that any honorable man will detract anything from him to which he is justly entitled. I know that a brave man, as the gentleman has shown himself to be, is an honorable man, and I hope the explanation I make will be satisfactory to himself and to the House.

I have tried to make it a part of my business during my service in Congress to insult no man. It may be that in the heat and excitement of debate I may use expressions I did not design. I presume I have tried as hard as any one to drown the spirit of jealousy. I know it is a violent passion of the human heart and will sometimes show itself. I hope that in regard to others as well as in regard to the gentleman from Kentucky, if I should make such remarks in the heat of debate, I will be forgiven as I certainly forgive those who have applied such remarks to me.

Mr. ROUSSEAU. I desire to say a word. I did not hear the remark to which the gentleman has referred, or I would most certainly have answered it at the time. I of course accept his explanation; but at the same time I must

insist that what I said on that occasion, although said with reluctance, was perfectly proper. I should not have said it at all but in the discharge of a high duty which I owe to the volunteers of the United States Army.

Mr. ROGERS. I suppose gentlemen of the House knew well enough, when I was talking about officers of the regular Army, I had no insinuations to make against the volunteers. I consider myself, although I did not agree with all the plans of the war, to have been one of the best friends of the volunteers. In fact I expended more money and raised more troops in my county, with one exception, than any other man. My people know it. No one can show where my vote or influence has been given in any way against the volunteers. I give them as much credit as any gentleman upon this floor for having performed noble and gallant service.

BUREAU OF EDUCATION—AGAIN.

Mr. GARFIELD. I demand the previous question, which I trust the House will sustain, and I will say after that what I have to say on this subject. I will detain the House but a short time.

The previous question was seconded and the main question ordered.

Mr. GARFIELD. I did intend to make a somewhat elaborate statement of the reasons why the select committee recommend the passage of this bill; but I know the anxiety that many gentlemen feel to have this debate concluded, and to allow the private bills now on the Calendar to be disposed of, and to complete as soon as possible the work of this session. I will, therefore, abandon my original purpose and restrict myself to a brief statement of a few leading points in the argument, and leave the results with the House. I hope this waiving of a full discussion of the bill will not be construed into a confession that it is inferior in importance to any measure before the House, for I know of none that has a higher or nobler purpose, or one that more nearly affects the future of this nation.

I first ask the House to consider the magnitude of the interests involved in this bill. The very attempt to discover the amount of pecuniary and personal interest we have in our schools shows the necessity of a department such as is proposed in this bill. I have searched in vain for any complete or reliable facts showing the educational condition of the whole country. If we go to the census of 1860 we find that the returns are meager. We really know nothing about the importance and extent of the educational interests of this country. Let me refer to some approximate statistics. By the census of 1860 there appear to have been in the United States 115,224 schools, 150,241 teachers, and 5,500,000 scholars. There were 500,000 school officers, thus making over six millions of the people of the United States directly engaged in the business of education.

Not only has this large proportion of our population been thus engaged, but the Congress of the United States has given fifty-three million acres of public lands to fourteen States and Territories of the Union for the support of schools. In the old Ordinance of 1785 it was provided that one section out of every township of land in the United States should be given for the support of schools. Thus one thirty-sixth of the entire territory of the United States is held forever sacred and set apart for the interests of the schools of the country. In the Ordinance of 1787 it was declared that "religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged."

It is estimated that at least \$50,000,000 have been given in the United States by private individuals for the support of schools. We have thus an interest, even pecuniarily considered, hardly second to any other. We have tolerably complete school statistics from only seventeen States of the Union, for, sir, in this country of schools and of education there are but seventeen States that have sent to the Congress-

sional Library full reports of their schools. In those seventeen States there are 90,835 schools, 129,000 teachers, 5,107,285 pupils, and \$34,000,000 annually appropriated by the Legislatures for the support and maintenance of schools. We find that in those seventeen States during the late war, notwithstanding all the great expenditures entailed upon them, they raised by taxation \$34,000,000 in the aggregate for the support of common schools. There are several States in this Union where more than fifty per cent. of all the tax imposed for State purposes is for the support of schools. And yet, with all these facts before us, gentlemen are impatient because we wish to occupy a short time in discussing a question of this magnitude.

Sir, I will not trouble the House by repeating common-places so familiar to every gentleman here, as that our system of government is based upon the intelligence of the people. But I wish to suggest to the House this thought, that there never has been a time in the history of our country when all the educational forces ought to be in such perfect activity as at the present day.

Sir, it is a mistake to say that we have much ignorance in this country. There is little of what is generally called ignorance in the United States. In the Old World, under the despotism of Europe, the masses of ignorant men, mere inert masses, are moved upon and controlled by the intelligent and cultivated aristocracy. But in this Republic, where the Government rests upon the will of the people, every man has an active power for good or evil, and the great question is, will he think rightly or wrongly; shall the power in him be educated and directed aright toward industry, liberty, and patriotism, or, under the baneful influence of false theories and evil influences, shall it lead him continually downward and work out anarchy and ruin both to him and the Government?

The question is not whether our people shall be educated or not. If they are not educated in the school of virtue and integrity they will be educated in the school of vice and iniquity. We are, therefore, afloat on the sweeping current; if we make no effort we go down with it to the saddest of destinies. It is only by perpetual and persistent effort that we make headway and advancement in civilization.

According to the census of 1860 there were 1,200,000 inhabitants in the United States over twenty-one years of age who could not read nor write, and 800,000 of those were American-born citizens. One third of a million of people are being annually thrown upon our shores from the Old World, and the gloomy total has been swelled by the 4,000,000 slaves admitted to citizenship by the events of the war. Such, sir, is the immense force which we must now confront by the genius of our institutions and the light of our civilization. And how shall it be done? An American citizen can give but one answer. We must pour upon them all the light of our public schools. We must make them intelligent, industrious, patriotic citizens or they will drag us and our children down to their level. Does not this question rise to the full height of national importance and demand the best efforts of statesmanship to adjust it?

Horace Mann has well said:

"That legislators and rulers are responsible.

"In our country and in our times no man is worthy the honored name of a statesman who does not include the highest practicable education of the people in all his plans of administration.

"He may have eloquence, he may have a knowledge of all history, diplomacy, jurisprudence, and by these he may claim, in other countries, the elevated rank of a statesman, but unless he speaks, plans, labors at all times and in all places for the culture and edification of the whole people he is not, he cannot be an American statesman."

Gentlemen who have discussed this question this morning tell us that this measure will by and by result in a great expense to the Government. Whether an enterprise is expensive or not is altogether a relative question, and depends wholly upon the importance of the object upon which the money is expended.

Now, what have we done as a nation in the way of expenses? In 1832 we organized a Coast Survey Bureau, and we have expended millions upon it. Its officers have triangulated thousands of miles of our coasts, have made soundings of all our bays and harbors, and have carefully mapped the shoals, breakers, and coast lines from our northern boundary on the Atlantic to the extreme northern boundary on our Pacific coast. They have established eight hundred tidal stations to observe the fluctuations of the tides. We have expended vast sums in order perfectly to know the topography of our coasts, lakes, and rivers, that we might make navigation more safe. What, is it of no consequence that we explore the boundaries of that wonderful intellectual empire which incloses within its dominion the fate of succeeding generations, and of this Republic? The children of to-day will be the architects of our country's destiny in 1900.

We have established an Astronomical Observatory here where the movements of the stars are watched, latitude and longitude calculated, and where chronometers are regulated for the benefit of navigation. For this Observatory you pay one third of a million per annum. Is it of no consequence that you study those stars which shall, in the time to come, be guiding stars in the political firmament?

You have a Light-House Board established, and they are making experiments, by all the aids of science, in the best modes of regulating the beacons upon our shores; they are placing buoys as way-marks to guide ships into our harbors and make our navigation more safe. Will you not have a light-house board that will set up beacons for the coming generation, not as lights to the eye, but to the mind and heart, that shall lead them safely in the perilous voyage of life, and enable them to transmit the blessings of our liberty to those who shall come after them?

We have set on foot a score of expeditions to explore the mountains and valleys, the lakes and rivers, of this and other countries. We have expended money without stint to explore the Amazon and the Jordan, Chili and Japan, the gold shores of the Colorado and the copper cliffs of Lake Superior, to gather and publish the great facts of science, and to exhibit the material resources of physical nature. Will you refuse the pitiful sum required to collect and record the intellectual resources of this country, the elements that lie behind all material wealth and make it either a curse or a blessing?

We have paid three quarters of a million dollars for the survey of the route for the Pacific railroad, and have published the results in thirteen quarto volumes, with maps and charts accompanying them. The money for these purposes was freely expended, and now, when it is proposed to appropriate \$13,000 to aid in increasing the intelligence of those who will use that great continental highway when it is completed, we are reminded of our debts, and warned against increasing our expenditures. It is difficult to treat such an objection with that respect that always is due in this hall of legislation.

We have established a Patent Office where are annually accumulated thousands of models of new machinery invented by our people. Will you make no expenditure for the benefit of the intelligence that shall stand behind that machinery and be its controller? Will you bestow all your favors upon the engine, and ignore the engineer? I will not insult the intelligence of this House by waiting to prove that money paid for education is the most economical of all expenditure. It is cheaper to reduce crime than to build jails. School-houses are less expensive than rebellions. A tenth of our national debt expended in public education fifty years ago would have saved us the blood and treasure of the late war. A far less sum may save our children from a still greater calamity.

We expend hundreds of thousands to promote the agricultural interests of the country, to introduce the best modes of culture in all that

pertains to husbandry. Is it not of more consequence to do something for the farmer of the future than for the farm of to-day?

As man is greater than soil, as the immortal spirit is nobler than the clod it animates, so is the object of this bill of more importance than any mere pecuniary interest.

The genius of our Government does not allow us to establish a compulsory system of education, as is done in some of the countries of Europe. There are States in this Union, however, which have adopted a compulsory system of education, and perhaps that is well. It is for the State to determine. A distinguished gentleman from Rhode Island told me lately that it was now the law in that State that every child within its borders should be sent to school, and that every vagrant child should be taken in charge by the authorities and sent to school. It may be well for the States to pursue such a course; but the General Government can do nothing of that sort. It has no compulsory control over this matter, and we propose none in this bill.

But we do propose this: that we shall use that power, so effective in this country, the power of letting in light on subjects and holding them up to the verdict of public opinion. If it could be published annually from this Capitol, if it could go out through every district of the United States that there were States in this Union that had no system of common schools, and if their records could be placed beside the records of such States as Massachusetts, New York, Pennsylvania, Ohio, and other States that have a common-school system, the very light shining upon them would rouse up their energies and compel them to educate their children. It would shame out of their delinquency all the delinquent States of this country.

Mr. Speaker, if I were called upon to-day to point to that in my own State of which I am most proud, I would not point to any of the famous lines of our military record, to the heroic men and the brilliant officers we have given to this contest; I would not point to any of our leading men of the past or the present, as the trophies of our State; but I would point to the common schools of Ohio; I would point to the honorable fact that in the great struggle of five years through which we have just passed, the State of Ohio has expended \$12,000,000 for the support of her public schools. I do not include in that the amount expended upon our higher institutions of learning. I would point to the fact that fifty-two per cent. of the taxation of Ohio for the last five years, aside from the war tax and the tax for the payment of the public debt, has been for the support of her schools. I would point to the schools of Cincinnati, of Cleveland, and other cities of the State, if I desired a stranger to see the glory of Ohio. I would point you to the thirteen thousand school-houses and the seven hundred thousand pupils in the schools of Ohio. I would point to the \$3,000,000 she has paid for schools during the last year alone. This is, in my judgment, the proper gauge by which to measure the progress of the States of this Union.

Gentlemen tell us there is no need of this bill—the States are doing well enough now. Do they know through what a struggle every State has come up that has secured a good system of common schools? Let me illustrate this by one example. Notwithstanding the early declaration of William Penn—

“That which makes a good constitution must keep it, namely, men of wisdom and virtue; qualities that because they descend not with worldly inheritance must be carefully propagated by a virtuous education of youth, for which spare no cost, for by such parsimony all that is saved is lost.”

Notwithstanding this wise master builder incorporated this sentiment in his “framework of government” and made it the duty of the Governor and Council “to establish and support public schools;” notwithstanding Benjamin Franklin from the first hour he became a citizen of Pennsylvania inculcated the value of useful knowledge to every human being in

every walk of life, and by his personal and pecuniary effort did establish schools and a college for Philadelphia; notwithstanding the constitution of Pennsylvania made it obligatory upon the Legislature to foster the education of the citizens; notwithstanding all this, it was not till 1833–34 that a system of common schools supported in part by taxation of the property of the State, for the common benefit of all the children of the State, was established by law; and although the law was passed by an almost unanimous vote of both branches of the Legislature, so foreign was the idea of public schools to the habits of the people, so odious was the idea of taxation for this purpose, that even the poor who were to be specially benefited, were so deluded by the political demagogues as to clamor for its repeal.

Many members who voted for the law lost their nominations, and others, although nominated, lost their election. Some were weak enough to pledge themselves to a repeal of the law; and in the session of 1835 there was an almost certain prospect of its repeal and the adoption in its place of an odious and limited provision for educating the children of the poor by themselves. In the darkest hour of the debate, when the hearts of the original friends of the system were failing from fear, there rose on the floor of the House one of its early champions, one who, though not a native of the State, felt the disgrace which the repeal of this law would give, like a knife in his bosom; one who, though no kith or kin of his would be benefited by the operations of the system, and though he should share its burdens, he would only partake with every citizen in its blessings; one who had voted for the original law although introduced by his political opponents, and who had defended and gloried in his vote before an angry and unwilling constituency; this man, then in the beginning of his public career, threw himself into the conflict and by his earnest and brave eloquence saved the law, and gave a noble system of common schools to Pennsylvania.

I doubt if, at this hour, after the thirty years crowded full of successful labors at the bar, before the people, and in halls of legislation, the venerable and distinguished member [Mr. STEVENS] who now represents a portion of the same State in this House, can recall any speech of his life with half the pleasure he does that, for no measure with which his name has been connected is so fraught with blessings to hundreds of thousands of children, and to homes innumerable.

I hold in my hand a copy of his brave speech, and I ask the Clerk to read the passages I have marked.

The Clerk read as follows:

“I am comparatively a stranger among you, born in another, in a distant State; no parent or kindred of mine did, does, or probably ever will dwell within your borders. I have none of those strong cords to bind me to your honor and your interest; yet, if there is any one thing on earth which I ardently desire above all others it is to see Pennsylvania standing up in her intellectual, as she confessedly does in her physical resources, high above all her confederate rivals. How shameful, then, would it be for these her native sons to feel less so, when the dust of their ancestors is mingled with her soil, their friends and relatives enjoy her present prosperities, and their descendants, for long ages to come, will partake of her happiness or misery, her glory or her infamy!”

“In giving this law to posterity you act the part of the philanthropist, by bestowing upon the poor as well as the rich the greatest earthly boon which they are capable of receiving; you act the part of the philosopher by pointing, if you do not lead them, up the hill of science; you act the part of the hero, if it be true, as you say, that popular vengeance follows close upon your footsteps. Here, then, if you wish true popularity, is a theater on which you may acquire it.”

“Let all, therefore, who would sustain the character of the philosopher or philanthropist sustain this law. Those who would add thereto the glory of the hero, can acquire it here; for, in the present state of feeling in Pennsylvania, I am willing to admit that but little less dangerous to the public man is the war-club and battle-axe of savage ignorance than to the lion-hearted Richard was the keen scimeter of the Saracens. He who would oppose it, either through inability to comprehend the advantages of general education, or from unwillingness to bestow them on all his fellow-citizens, even to the lowest and the

poorest, or from dread of popular vengeance, seems to me to want either the head of the philosopher, the heart of the philanthropist, or the nerve of the hero."

Mr. GARFIELD. He has lived long enough to see this law, which he helped to found in 1834 and more than any other man was instrumental in saving from repeal in 1835, expanded and consolidated into a noble system of public instruction. Twelve thousand schools have been built by the voluntary taxation of the people, to the amount for school-houses alone of nearly ten million dollars. Many millions of children have been educated in these schools. More than seven hundred thousand are returned as in the public schools of Pennsylvania in 1864-65, and the annual cost of these schools, provided by voluntary taxation, in the year 1864, was nearly three million dollars, giving employment to sixteen thousand teachers.

It is glory enough for one man to have connected his name so honorably with the original establishment and early and effective support of such a system.

The SPEAKER. The hour of the gentleman from Ohio has expired.

Mr. GARFIELD. Mr. Speaker, I believe I have not spoken an hour. Am I not entitled to an hour after the calling of the previous question?

The SPEAKER. The hour of the gentleman from Ohio began at twenty-seven minutes after one o'clock, one hour ago. At that time the gentleman rose as he stated to close the debate. He then yielded portions of his time to various gentlemen. At five minutes before two o'clock he demanded the previous question. The effect of that, however, is not to give the gentleman an hour after the call of the previous question when he had already obtained the floor and consumed a portion of his hour by yielding to other gentlemen. The Digest, on page 143, states that—

"The right of the member reporting the pending measure to close the debate is never denied him, even after the previous question is ordered."

The gentleman from Ohio, having reported this bill, was entitled to an hour to open the debate and an hour to close it. Having opened the debate, he could not, according to parliamentary usage, be recognized while other gentlemen who had not spoken were claiming the floor, unless he rose to close the debate; and as he stated that such was his purpose, the Chair recognized him as entitled to the floor.

Mr. ALLISON. I move that, by unanimous consent, the time of the gentleman from Ohio be extended.

Mr. PIKE. I object.

Mr. GARFIELD. I am obliged to the gentleman from Maine. I gave him twice as much time as he first asked.

The SPEAKER. The previous question having been seconded and the main question ordered, debate is exhausted upon the proposition. The first question is upon the amendment of the gentleman from Iowa, [Mr. GRINNELL.]

Mr. SCHENCK. I desire to make a single inquiry of the Chair. Did not the time occupied by the gentleman from Maine [Mr. PIKE] come out of the time of my colleague, [Mr. GARFIELD?]

The SPEAKER. The Chair made a statement a moment ago, which perhaps the gentleman did not hear. The Chair will repeat.

The gentleman from Ohio, [Mr. GARFIELD,] who reported this bill, had the right to open and to close the debate. He had a right to make two speeches, while other gentlemen had the right to make but one. The gentleman, the other day, opened the debate. At twenty-seven minutes after one o'clock to-day he rose to close the debate. He then yielded portions of his time to various gentlemen. At five minutes before two o'clock he demanded the previous question, after the seconding of which and the ordering of the main question he proceeded with his remarks, the previous question not interfering with his right to do so, as will be seen by the extract from the Digest which was read a few moments ago.

Mr. SCHENCK. The purpose of my inquiry was simply to call the attention of the gentleman from Maine [Mr. PIKE] to the fact that the time which he occupied came out of my colleague's time.

The SPEAKER. That is true.

Mr. PIKE. Yes, sir; but when I rose to speak no member had been heard in opposition to the bill—

The SPEAKER. No debate is in order without unanimous consent.

Mr. PIKE. I will be more generous than the gentleman from Ohio, and will withdraw my objection.

Mr. HARDING, of Kentucky. I renew the objection.

The question being taken on the amendment of Mr. GRINNELL, it was agreed to.

The question then recurred on the adoption of the substitute proposed by Mr. RANDALL, of Pennsylvania.

Mr. RANDALL, of Pennsylvania, called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 53, nays 67, not voting 63; as follows:

YEAS—Messrs. Barker, Beaman, Bingham, Blaine, Brewster, Buckland, Reader W. Clarke, Davis, De-frees, Delano, Dodge, Driggs, Gossbrenner, Hale, Abner C. Harding, Hart, Henderson, Higby, Holmes, James R. Hubbard, James Humphrey, James M. Humphrey, Julian, Kerr, Ketcham, Lathin, Latham, George V. Lawrence, William Lawrence, Longyear, Marvin, Mercer, Newell, Perham, Phelps, Pike, Plants, Price, Samuel J. Randall, John H. Rice, Rollins, Sawyer, Sitgreaves, Sloan, Taber, Taylor, Thayer, Upson, Whaley, Williams, Stephen F. Wilson, Woodbridge, and Wright—53.

NAYS—Messrs. Alley, Allison, Ancona, James M. Ashley, Baker, Baldwin, Banks, Baxter, Bergen, Boutwell, Chandler, Coffroth, Dawson, Donnelly, Eckley, Eggleston, Eldridge, Eliot, Farnsworth, Farquhar, Ferry, Finck, Garfield, Grider, Grinnell, Griswold, Aaron Harding, Harris, Hayes, Hooper, Asahel W. Hubbard, Chester D. Hubbard, John H. Hubbard, Jenekes, Johnson, Kelley, Kelso, Kuykendall, Le Blond, Loan, Marshall, McClure, McKee, McKuer, Morris, Moulton, Myers, Niblack, O'Neill, Orth, William H. Randall, Raymond, Alexander H. Rice, Ritter, Rogers, Ross, Rousseau, Schenck, Scofield, Spalding, Stevens, John L. Thomas, Thornton, Trimble, Welker, James F. Wilson, and Windom—67.

NOT VOTING—Messrs. Ames, Anderson, Delos R. Ashley, Benjamin, Bidwell, Blow, Boyer, Brandegee, Broomall, Bundy, Sidney Clarke, Cobb, Conkling, Cook, Culver, Culver, Darling, Dawes, Deming, Denton, Dixon, Dumont, Goodyear, Hill, Hogan, Hotchkiss, Denas Hubbard, Edwin N. Hubbard, Hubbell, Ingersoll, Jones, Kasson, Lynch, Marston, McCullough, McIndoe, Miller, Moorhead, Morrill, Nicholson, Noell, Paine, Patterson, Pomeroy, Radford, Shunklin, Shellabarger, Smith, Starr, Stilwell, Strouse, Francis Thomas, Trowbridge, Van Aernam, Burt Van Horn, Robert T. Van Horn, Ward, Warner, Elihu B. Washburne, Henry D. Washburn, William B. Washburn, Wentworth, and Winfield—63.

So the substitute proposed by Mr. RANDALL, of Pennsylvania, was not agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. PIKE and Mr. ELDRIDGE demanded the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 59, nays 61, not voting 63; as follows:

YEAS—Messrs. Alley, Allison, James M. Ashley, Baker, Baldwin, Banks, Baxter, Boutwell, Brewster, Cullom, Davis, De-frees, Dodge, Donnelly, Dumont, Eckley, Eggleston, Eliot, Farnsworth, Farquhar, Ferry, Garfield, Grinnell, Griswold, Hayes, Henderson, Hooper, Asahel W. Hubbard, Chester D. Hubbard, John H. Hubbard, James R. Hubbard, Jenekes, Kelley, Kelso, Ketcham, Kuykendall, McClure, McKee, McKuer, Morrill, Morris, Moulton, Myers, O'Neill, Orth, Phelps, Plants, William H. Randall, Raymond, Alexander H. Rice, Schenck, Scofield, Spalding, Stevens, John L. Thomas, Welker, Whaley, Windom, and Woodbridge—59.

NAYS—Messrs. Ancona, Barker, Beaman, Bergen, Blaine, Boyer, Buckland, Chandler, Reader W. Clarke, Coffroth, Dawson, Delano, Driggs, Eldridge, Finck, Gossbrenner, Grider, Hale, Aaron Harding, Abner C. Harding, Harris, Hart, Higby, Holmes, James Humphrey, James M. Humphrey, Johnson, Kerr, Lathin, Latham, George V. Lawrence, William Lawrence, Le Blond, Loan, Longyear, Marshall, Marvin, Mercer, Newell, Niblack, Perham, Pike, Price, Samuel J. Randall, Ritter, Rogers, Rollins, Ross, Rousseau, Sawyer, Sitgreaves, Sloan, Taber, Thayer, Thornton, Trimble, Upson, Williams, James F. Wilson, Stephen F. Wilson, and Wright—61.

NOT VOTING—Messrs. Ames, Anderson, Delos R. Ashley, Benjamin, Bidwell, Bingham, Blow, Brandegee, Broomall, Bundy, Sidney Clarke, Cobb, Conkling, Cook, Culver, Darling, Dawes, Deming, Denison

Dixon, Goodyear, Hill, Hogan, Hotchkiss, Demas Hubbard, Edwin N. Hubbell, Hulburd, Ingersoll, Jones, Julian, Kasson, Lynch, Marston, McCullough, McIndoe, Miller, Moorhead, Nicholson, Noell, Paine, Patterson, Pomeroy, Radford, John H. Rice, Shanklin, Shellabarger, Smith, Starr, Stilwell, Strouse, Taylor, Francis Thomas, Trowbridge, Van Aernam, Burt Van Horn, Robert T. Van Horn, Ward, Warner, Elihu B. Washburne, Henry D. Washburn, William B. Washburn, Wentworth, and Winfield—63.

So the bill was rejected.

During the vote,

Mr. RICE, of Maine, stated that he was paired with Mr. PATTERSON, who would vote for the bill, while he would vote against it.

The vote was then announced as above recorded.

RECONSTRUCTION.

Mr. STEVENS, from the joint committee on reconstruction, submitted a written report; which was ordered to be printed and laid upon the table.

Mr. STEVENS submitted a motion to print fifty thousand extra copies; which, under the law, was referred to the Committee on Printing.

Mr. ROGERS. I will state that by consent of the committee a minority report will be submitted in a short time.

FORTIFICATION BILL.

Mr. RAYMOND. I rise to make a report from the committee of conference on the disagreeing votes of the two Houses on the fortification bill. The Senate made an amendment to that bill as originally reported, inserting an appropriation of \$50,000 for Fort Popham, on the Kennebec river, in the State of Maine, to which the House disagreed. The committee of conference recommend that the House recede from its disagreement and agree to the amendment.

The report was adopted.

Mr. RAYMOND moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

MARIA SYPHAX.

The SPEAKER stated the business in order was the call of committees for reports of a private nature.

Mr. THAYER, from the Committee on Private Land Claims, reported back Senate bill No. 321, for the relief of Maria Syphax with a recommendation that it do pass.

It proposes to release and confirm to Maria Syphax, her heirs and assigns, the title to a piece of land, being part of the Arlington estate, in the county of Alexandria, in the State of Virginia, upon which she has resided since about the year 1826, bounded and described as follows, to wit: beginning at the intersection of the south line of said Arlington estate with the center line of a small run, said point of intersection being about one fourth of a mile from the southwest corner of said Arlington estate, running thence westerly along said south line seven chains and forty links; thence in a northeasterly direction, on a line making an angle of thirty-five degrees with the said south line, twenty-two chains and twenty-eight links; thence at right angles, in a southeasterly direction fifteen chains and sixty-seven links to the said south line of the Arlington estate; thence westerly along the said south line of the said Arlington estate nineteen chains and ninety-two links, to the place of beginning, containing seventeen acres and fifty-three one hundredths of an acre of land, be the same more or less.

Mr. THAYER. Mr. Speaker, this is a bill for the relief of Maria Syphax. The name of Syphax, although a strange and unusual one, does not now for the first time appear in the history of human affairs. Those of us who recall the long and dreamy hours in which in our school-boy days, with our big Ainsworth by our side, we plodded through the pages of *Livy* and *Sallust*, will remember it as the name of that unfortunate Numidian king who in an ill-starred hour—seduced by his marriage with

the daughter of Asdrubal, the Carthaginian—forgot her alliance with Rome and joined himself with that of Carthage, a step which as we well remember resulted in his defeat and capture by Masinissa, his delivery to Scipio, and his being led in chains through the streets of Rome to grace the magnificent triumph awarded to that successful general.

The modern Syphax, the Syphax of the present bill, although of African descent like the royal Syphax of yore, is a much humbler personage. The points of her career so far as they stand in relation to her ancient and historic namesake are points of contrast and not points of resemblance. The latter was born a king, the former was born a slave. The latter deserted the solemn oaths which bound him to the republic which had afforded him the protection of an ally, the former adhered through all the storms and trials of civil war to the republic which fostered and defended herself and her people. The fortunes of the latter went from good to bad and from bad to worse continually, until they culminated in the ruin of his hopes and his death in a Roman prison in the obscure village of Tibur. The fortunes of the former have improved day by day, until from slavery she has become with her people and her children, free, independent, and happy. Her eyes in her old age look out brightly and happily upon a land from which the last foot-prints of slavery have vanished and where her people enjoy the protection of equal rights and equal laws.

Maria Syphax's parents were the servants of Mrs. Washington. They passed by devise to her grandson, George Washington Parke Custis. In 1826, when Maria Syphax, for whose benefit this bill was introduced, was married, Mr. Custis emancipated her and settled her upon a small tract of land containing about seventeen acres, which lies upon the southern border of the estate of Arlington. By his last will he also emancipated the husband of Maria. Since the year 1826 Maria Syphax and her husband and their children have lived and labored and thrived upon that little spot of land. Their occupancy of it was always acquiesced in by Mrs. Lee, the daughter of Mr. Custis, and by her husband, Robert E. Lee. Their possession was never interfered with by them. They scrupulously respected the provision which had been made for them by Mr. Custis.

In the year 1868 this little plot of land, together with the remainder of the Arlington estate, was sold by the Government of the United States under the act of Congress approved June 7, 1862, entitled "An act for the collection of direct taxes in insurrectionary districts," and was bought by the United States. The object of the present bill is to release to Maria Syphax and her heirs the land which was given to her by Mr. Custis, and which she, her husband, and her children have occupied and tilled for a period of forty years.

I believe now I have said everything which is necessary to a full understanding of this case, and perhaps something that was not. If any gentleman wishes to ask any questions I am ready to respond to them; or if any one wishes to make any remarks upon the bill I will yield for that purpose.

Mr. FINCK. I wish to ask the gentleman whether possession for forty years by this lady and her family was not an adverse possession which would give title to it, and if so, whether there is any necessity for legislation?

Mr. THAYER. Their possession I do not understand to have been adverse in the legal sense of that phrase. On the contrary, it was a possession founded on a parol grant from Mr. Custis—a grant which was always acquiesced in by those who succeeded him in the enjoyment of his estate.

Mr. FINCK. Would not the possession of forty years have rightly entitled the party to the property?

Mr. THAYER. Well, sir, I do not care to split hairs with the gentleman from Ohio, or to try this case in the House of Representa-

tives as if it were an ejectment in a court of law. The case as it stands is simply this: these parties have no written title to their estate. Of course it was not customary for masters to give written titles to those who had been their slaves. But Maria Syphax has a possession extending through a period of forty years, founded upon a parol gift from the master who manumitted her, and all that the Government of the United States is asked to do is to release its title acquired by a tax sale, and to confirm her in her just possession.

Mr. HALE. I did not understand from the gentleman's speech where the legal title is now vested.

Mr. THAYER. In the United States under the tax sale to which I have referred, the Government of the United States having purchased the Arlington estate at that sale.

Mr. JOHNSON. A single question. I ask my colleague whether there is not a day of redemption under the tax law, and whether that day has gone by.

Mr. THAYER. There was a period fixed by the statute during which the parties might redeem, but the day of redemption has passed. The day of redemption for the land has passed, but the day of redemption for the countrymen of Syphax, King of Numidia, has come, never to pass away in the United States. Mr. Speaker, I demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be read a third time; and it was accordingly read the third time and passed.

Mr. THAYER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARY ROBERTSON.

Mr. THAYER, from the Committee on Private Land Claims, reported adversely on the petition of Mary Robertson, and others, asking for indemnity for land taken by the United States at Rouse's Point; which was laid on the table and ordered to be printed.

MOSES SHOUP.

Mr. THAYER, from the same committee, made an adverse report on the petition of Moses Shoup, of Green county, Ohio; which was laid on the table and ordered to be printed.

JOSÉ DOMÍNGUEZ.

Mr. THAYER, from the same committee, reported back Senate bill No. 189, to confirm a grant of certain land to José Dominguez, in California, with a recommendation that it do pass.

The bill was read. It confirms the title of the petitioner to a grant of land in Santa Barbara county, California, made in 1845.

Mr. THAYER. This is one of those claims which the United States, by the terms of the treaty of Guadalupe Hidalgo, are bound to confirm if the evidence of the claim is clear and properly substantiated. The committee have examined it and believe it should be confirmed. I will ask the Clerk to read the following letter, not so much for its bearing upon the case as for its reference to a very singular natural curiosity which exists upon this estate.

The Clerk read as follows:

WASHINGTON, D. C., March 9, 1866.

DEAR SIR: I beg to call your especial attention to Senate bill No. 189, and the accompanying document. I was in the county of Santa Barbara last September, and visited the rancho in question as matter of curiosity to see a large grape vine growing upon it, said to be the second largest in the world; I measured it myself and found it covered a superficial area of over eight thousand feet. This single vine is about the sole product of the entire rancho, the lands being very hilly and semi-mountainous in their character. I found the mother of the petitioner and the entire family of children, grand-children, and great grand-children, most of them living under this celebrated vine; the sale of grapes from it being about their only support; last year the product of this single vine being about six tons of grapes, as they told me. The old lady died last fall upon the property at the age of one hundred and nine years, she and her husband having lived undisturbed upon this prop-

erty for upward of sixty years. The vine was planted by the old lady some fifty years ago. I found the family very poor, and enjoying the respect of all parties in the county. I visited the vine and family in company with Mr. Sparks, an American, who had lived in the county since 1832. He verified the correctness of all the statements of the family, and, from what I saw myself, and from what was told me by very respectable citizens of the county, I have no doubt of the truthfulness of all the statements of José Dominguez in his petition.

In my judgment there cannot be presented a case calling more for the equitable interposition of the Government to protect the grant of the former Government to the family than this; and earnestly ask that you will examine the papers and make an effort in their behalf.

Very respectfully,
LEVI PARSONS.
Hon. IRA HARRIS, United States Senator.

Mr. THAYER. I demand the previous question on the passage of the bill.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be read a third time; and it was accordingly read the third time and passed.

Mr. THAYER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOSÉ SERAFÍN RAMÍREZ.

Mr. THAYER, from the same committee, reported back Senate bill No. 173, to confirm the title of José Serafin Ramirez to certain lands in New Mexico, with a recommendation that it do pass.

The bill was read.

Mr. THAYER. This is a case which resembles the one upon which the House has just passed. The title seems to be perfectly plain from the Mexican Government. The owner of the estate complied with all the requisitions of the Mexican law, and the committee believe it is proper that the title should be confirmed by the United States. I demand the previous question on the passage of the bill.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be read a third time; and it was accordingly read the third time and passed.

Mr. THAYER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

LAND TITLES IN SANTA BARBARA.

Mr. KERR, from the Committee on Private Land Claims, made an adverse report on House bill No. 579, to quiet the title to lands in the town of Santa Barbara; which was laid on the table and ordered to be printed.

JOHN B. CHAPMAN.

Mr. KERR, from the same committee, reported adversely on the petition of John B. Chapman, asking for relief for a section of land he has improved, located on Puget sound, Washington Territory; which was laid on the table and ordered to be printed.

E. WOODWARD AND G. CHORPENNING.

Mr. HUBBARD, of Iowa, from the Committee on Indian Affairs, reported back House joint resolution No. 123, for the relief of Elizabeth Woodward and George Chorpennning, of Pennsylvania.

The joint resolution was read. It appropriates \$32,325 to each of the petitioners in payment for the destruction of property by the Indians.

Mr. HUBBARD, of Iowa. I move the previous question on the passage of the joint resolution.

The previous question was seconded and the main question ordered; and under the operation thereof the joint resolution was ordered to a third reading; and it was accordingly read the third time and passed.

Mr. HUBBARD, of Iowa, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. TROWBRIDGE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 15) authorizing documentary evidence of titles to be furnished to the owners of certain lands in the city of St. Louis; and

An act (H. R. No. 28) to amend the postal laws.

CAPTAIN JAMES STARKEY.

Mr. HUBBARD, of Iowa, from the Committee on Indian Affairs, also reported a bill for the relief of Captain James Starkey; which was read a first and second time.

The bill appropriates the sum of \$100 to reimburse James Starkey, late captain of the St. Paul light infantry, the amount paid by him to Richard Postel for the loss of a horse killed in a fight with the Indians.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. HUBBARD, of Iowa. I demand the previous question on the passage of the bill.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was passed.

Mr. HUBBARD, of Iowa, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SETTLERS ON SIOUX RESERVATION, MINNESOTA.

Mr. WINDOM, from the Committee on Indian Affairs, reported back, with a recommendation that it pass, House joint resolution No. 126, for the relief of certain settlers on the Sioux reservation, in the State of Minnesota.

The joint resolution was read. It provides that persons who settled and made improvements upon lands now included in the Sioux reservation, and filed copies of their claims in the proper local land office before the boundaries of the reservation were definitely surveyed and located, shall be authorized to enter the lands thus settled upon as in other cases of preemption, upon the payment of \$1 25 per acre therefor, under such rules and regulations as may be provided by the Secretary of the Interior.

Mr. WINDOM called the previous question. The previous question was seconded and the main question ordered.

The joint resolution was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. WINDOM moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MICHIGAN INDIANS.

Mr. WINDOM, from the Committee on Indian Affairs, also asked leave to report a joint resolution for the relief of certain Chippewa, Ottawa, and Pottawatomie Indians, in the State of Michigan.

The joint resolution was read. It directs the Secretary of the Interior to pay to the Chippewa, Ottawa, and Pottawatomie Indians of Michigan, in pursuance of an agreement and compromise made with the Pottawatomie nation of Indians, so named and designated in the treaty of 1846, the sum of \$39,000 in full of all claims, past, present, and future, in favor of said Michigan Indians, either against the United States or the said nation of Indians, arising out of any treaty made with them, or any band or confederation thereof; and the annuity now paid to them shall be restored and paid to said Indians for the future; this sum of \$39,000 to be appropriated out of the funds of said Indians held in trust for them by the United States, and to

be paid by the proper agent of the Government direct to heads of families, adults, and guardians of minors as now required by law in reference to annuities.

Mr. SPALDING. I raise the point of order that this is not a private bill.

The SPEAKER. It is a public bill, and therefore not in order on this day, except by unanimous consent.

Mr. SPALDING. I object.

COLONEL H. C. DE AHNA.

Mr. BLAINE, from the Committee on Military Affairs, reported a joint resolution for the payment of the claim of Colonel H. C. De Ahna, for military services; which was read a first and second time.

The joint resolution directs the proper disbursing and accounting officers of the Treasury to pay Henry Charles De Ahna a sum equal to the pay, allowances, and emoluments of a colonel of infantry for one year from March 31, 1862, and that he be considered honorably mustered out of service.

The question was upon ordering the joint resolution to be engrossed and read a third time.

Mr. TAYLOR. Is there any report accompanying this joint resolution? If so I would like to hear it read.

Mr. BLAINE. The matter was favorably reported upon in the last Congress. The committee can submit that same report; but it is a pretty long one. This joint resolution passed the House during the last Congress, but failed in the Senate.

Mr. TAYLOR. I do not care to have the report read if it is a long one; all I desire is to know the facts of the case.

Mr. BLAINE. I will call on the gentleman from Ohio [Mr. GARFIELD] who was a member of the Committee on Military Affairs at the last session, and who drew up the report, and who is entirely familiar with all the facts of the case. He can state the facts of the case in much less time than I can.

Mr. GARFIELD. I have not looked at the report since I made it at the last Congress. But I remember very well the substance of the facts.

This officer was appointed a colonel and entered the service under General Fremont in Missouri. He was transferred from one duty to another, and finally his name was sent on here for promotion to the rank of brigadier general. He was so nominated by the President, and his name was sent into the Senate for confirmation. But about the time the nomination was to be acted on, a telegram from General Halleck was sent on here, intimating that there was something wrong about the man; indeed he said in pretty broad terms that he was unworthy. Hence the Senate refused to confirm his nomination. But for a considerable time after his rejection by the Senate, he continued on duty as a colonel. Subsequently, without any authority of the Secretary of War, but simply by the action of General Halleck, he was mustered out of service. Thus there was a long period during which he was actually in the service doing duty under the orders of the War Department, but for which he was never paid. It was in some way managed that, when the order mustering him out was issued, the paymaster could not, on account of the informality of the paper, give him his pay.

I do not know that in the history of our military affairs I have ever known a case in which a person was so badly treated as the evidence shows this officer was. He was very much persecuted by some of his superiors in command. After very careful examination the Committee on Military Affairs of this House, at the last Congress, agreed that this officer ought to be paid for the time during which he had actually rendered service, with the understanding that on the acceptance of such payment he should be regarded as honorably mustered out, if there was any doubt about the legality of the previous muster-out, and that this payment should be a full and final settlement

of his claim. I think that the passage of this bill is the very smallest measure of justice which this Congress ought to award this officer. The amount proposed to be allowed him is one year's pay as a colonel, thus covering the actual term of service.

I trust that no member of the House will insist that anybody shall go into the details of this case, for the facts reveal a course of oppression and injustice against a man who appears to have been guilty of no other crime than that of being a foreigner. The Committee on Military Affairs in the last Congress were unanimous in favor of this measure, with, perhaps, the exception of one member, and I believe that the bill is now reported with the unanimous approval of the committee.

Mr. BLAINE. The facts in this case were examined by the Military Committee of the House at the last session; and that committee has at this session gone over the facts again; and the committee now recommend the same measure of relief which was recommended by the committee during the last session. I think the bill eminently just. I do not wish to detain the House by any further remarks, and therefore I call the previous question.

Mr. WILSON, of Iowa. The gentleman from Maine will permit me to inquire whether the amount proposed to be paid by the bill now before us is the same as that which the committee during the last Congress reported should be paid.

Mr. BLAINE. The amount is precisely the same as that recommended to be paid by the Committee on Military Affairs in the last Congress; and the bill then reported was passed in this House by a very large majority.

Mr. WILSON, of Iowa. Does this cover the time during which this officer actually performed service?

Mr. BLAINE. It does not cover all the time during which he was actually in commission; but it covers all the time during which he was actually on duty. The bill is a kind of compromise. It does not give the officer the full amount which he claims.

Mr. WILSON, of Iowa. Has he been mustered out?

Mr. BLAINE. There is a question with reference to that; but the bill proposes that he shall now be honorably mustered out, receiving the pay of a colonel for one year. I call the previous question.

Mr. ROSS. Mr. Speaker, as no report has been read in this case, I believe I must raise the point of order that this bill, involving an appropriation of money, must go to the Committee of the Whole on the state of the Union.

Mr. BLAINE. There is no appropriation in the bill.

The SPEAKER. The Chair does not think that this is an appropriation bill; but if it were, it is too late now to raise the point after the bill has been debated.

NATIONAL BUREAU OF EDUCATION—AGAIN.

Mr. UPSON. The gentleman from Maine [Mr. BLAINE] consents to yield me the floor for a moment; and I move to reconsider the vote by which the bill (H. R. No. 276) to establish a national Bureau of Education was negatived.

The SPEAKER. The motion will be entered.

Mr. HARDING, of Illinois. I move that the motion to reconsider be laid on the table.

The SPEAKER. That motion cannot be made now during the pending of another bill on which the previous question has been called.

COLONEL H. C. DE AHNA—AGAIN.

Mr. BLAINE. I insist on my demand for the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. BLAINE moved to reconsider the vote

by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DUGAN'S INFANTRY TACTICS.

Mr. ROUSSEAU, from the Committee on Military Affairs, reported a joint resolution authorizing the purchase of Dugan's work on infantry tactics; which was read a first and second time.

The joint resolution provides that, with the view to a more general dissemination of the knowledge of infantry tactics among the officers and soldiers in the service of the United States, the Secretary of War be authorized and empowered to purchase for the use of the Army ten thousand copies of the work on infantry instruction prepared by Colonel James Dugan, and as many additional copies from time to time as in the opinion of the Secretary of War may be necessary; provided that the price shall not exceed \$1 25 per copy.

Mr. LE BLOND. I make the point of order that this is a public and not a private matter.

The SPEAKER. It is a private matter, it is to publish copies of a work.

Mr. WILSON, of Iowa. I hope the gentleman from Kentucky will let us have some explanation of it.

Mr. ROUSSEAU. The tactics which are proposed to be published are an improvement on Casey's tactics. It makes no change. It is recommended by General Grant, and perhaps half a dozen other officers of the Army. I demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. BLAINE moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

LOUIS V. BAURSCH.

Mr. SCHENCK, from the Committee on Military Affairs, reported back the petition of Louis V. Baurisch, late second lieutenant of company B, nineteenth Pennsylvania cavalry, and moved that it be laid upon the table, as it was provided for in the general law; and he further moved that the petitioner have leave to withdraw his papers from the files of the House.

It was ordered accordingly.

NATIONAL BUREAU OF EDUCATION—AGAIN.

Mr. HALE. I wish to inquire whether it is in order to move to reconsider the vote by which the substitute offered by the gentleman from Pennsylvania [Mr. RANDALL] was rejected.

The SPEAKER. Not until after the House has reconsidered the vote by which the bill was rejected.

Mr. HALE. I give notice that I will make that motion.

CAPTURED REBEL GUNS.

Mr. KETCHAM, from the Committee on Military Affairs, reported a joint resolution relative to certain guns captured in the late war; which was read a first and second time.

The joint resolution provides that the Secretary of War be authorized, when in his judgment he shall deem it expedient, to deposit at Washington's former headquarters near Newburg, New York, three pieces of cannon captured at Dingle's Mills, South Carolina.

Mr. LE BLOND. I cannot see how that can be brought in as a private bill.

The SPEAKER. It is a private matter, and the Chair will have read an extract from the decision which he made at this session in reference to a bill relating to the District of Columbia.

The Clerk read as follows:

"The same volume of May's Parliamentary Practice states that private bills 'are for the interest of an individual, a public company or corporation, a parish, a city, a county or other locality.'"

The SPEAKER. The Chair thinks this would be for the interest of a city.

Mr. KETCHAM. I will state that the three guns to which reference is made were captured by the fifty-sixth regiment of New York volunteers, raised in the district in which Washington's headquarters are located. They are now deposited there by permission of the Secretary of War. As he is required to place all captured guns at arsenals, he cannot permit these to remain except by the action of Congress. These are the only captured guns not returned to the arsenals. These headquarters now belong to the State of New York. There are there many captured guns and other mementoes of the revolutionary war, the war of 1812, and the Mexican war, and it seems to me to be the proper place at which to deposit these trophies.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. KETCHAM moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

H. A. BINGHAM.

Mr. SCHENCK, from the Committee on Military Affairs, reported back the petition of H. A. Bingham, paymaster United States Army, and moved that it be laid upon the table, as the case was provided for by general law.

The motion was agreed to.

PAY OF ARMY OFFICERS.

Mr. SCHENCK. I report back from the Committee on Military Affairs sundry petitions of officers of the United States Army, praying for an increase of pay adequate to meet their personal necessities. As a general law has been reported on the subject, I move that the committee be discharged from the further consideration of these petitions, and that they be laid upon the table.

The motion was agreed to.

EMIL COHEN.

Mr. WILSON, of Iowa, from the Committee on the Judiciary, reported a bill changing the name of Emil Cohen; which was read a first and second time.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

D. BROOKS.

Mr. WILSON, of Iowa, by unanimous consent, from the Committee on the Judiciary, made an adverse report on the memorial of D. Brooks; which was laid on the table.

OFFICERS OF STEAMER SUMTER.

Mr. LE BLOND, by unanimous consent, from the Committee on Naval Affairs, reported a joint resolution in behalf of Peter Hayes, and others; which was read a first and second time.

The joint resolution authorizes and directs the proper accounting officers of the Treasury, in the settlement of the accounts of Peter Hayes, *et al*, officers of the United States steamer Sumter, to ascertain the value of all the clothing and effects by them respectively lost at the time of her destruction, and to allow them for the same, to an amount not exceeding \$5,000 in the aggregate.

Mr. WILSON, of Iowa. I desire to ask the gentleman from Ohio whether this joint resolution changes the rule in relation to payments for clothing lost by seamen. There is a rule, I believe, now established by law in relation to such losses.

Mr. LE BLOND. The general law does not apply to this class of cases.

Mr. WILSON, of Iowa. Then I would like to hear some explanation from the gentleman.

Mr. LE BLOND. The report will disclose all the facts in the case. I demand the previous question on the joint resolution.

The previous question was seconded and the main question ordered.

Mr. LE BLOND. I now ask for the reading of the report.

The report was read. It sets forth that about one o'clock a. m. of June 24, 1863, the United States steamer Sumter while about eight miles off Cape Henry, Virginia, was run into by the propeller General Meigs, and so damaged by the collision that she very soon sank in over eight fathoms of water. It also sets forth that the officers and crew of the Sumter are entirely blameless as to her loss, and were watchful and vigilant both before and subsequent to the collision. The committee report further that shortly after the collision a board of naval officers was instituted to inquire into the circumstances attending the loss of the said steamer, and to report their judgment in the premises.

The committee express their coincidence in the opinion of this board as expressed in the following words, to wit:

"It is the opinion of the court that none of the officers or crew of the Sumter are to blame for the loss of that vessel.

"The officers and crew seem to have been vigilant, orderly, and obedient; the 'look-outs' were properly stationed, and the proper lights were burning."

The committee report further, that in their opinion the officers of the Sumter exercised due care and caution, both before and after the collision; that they lost nearly all their personal effects on board the Sumter, without fault or negligence on their part; that they are required by the Navy Department to provide themselves, at their own expense, with a full-dress uniform, an undress uniform, and a service dress, at an expense of several hundred dollars. The committee say further that officers of the Army are paid for horses lost in battle; that soldiers are paid a clothing allowance, and sailors receive compensation in case of the loss of their clothing, without fault on their part. In view of the analogy between the two branches of the service, the committee report in favor of this allowance to the officers of the Sumter.

Mr. WILSON, of Iowa. I wish to ask the gentleman from Ohio [Mr. LE BLOND] if this is not a departure from the rule which the Government has adopted in similar cases heretofore. I understand that there is a limitation in all the acts which have heretofore been passed providing that not more than a certain sum shall be paid. It seems to me that by the terms of this joint resolution the payment to the officers and seamen on board the Sumter is not limited as such payments have been heretofore.

Mr. LE BLOND. The gentleman will remember that this is a payment for clothing. There is a law upon the subject authorizing such payment to the sailors, but it does not reach the officers of the vessel. This is a peculiar case. There is no law authorizing payment to these officers for the loss of their clothing. This joint resolution simply proposes to pay them for that loss, and they have to make proof to the proper Department before they can get that pay.

Mr. WILSON, of Iowa. It occurs to me that a very different rule has been established in other cases. In regard to the officers of the gunboat Cincinnati, which was sunk at Vicksburg during the siege of that place, my recollection is that the amount allowed to each officer was limited to fifty dollars.

Mr. LE BLOND. Let me say that there have been several bills and resolutions passed making pay for such losses, but none reaching the officers that I know of. Now, officers are required to have, by the regulations of the service, a certain amount of clothing. This joint resolution goes upon the principle of a bill which has already passed the House this afternoon. We have passed a bill, since the morning hour commenced, paying an Army officer for the loss of his horse without any neglect on his part. If that bill is correct, and in my judgment it is, I ask if it is not eminently proper that an officer of the Navy, who

is compelled by the naval regulations to have certain clothing with them, and loses it without any neglect on his part, should be compensated as well as the man in the Army who loses his horse, which the regulations require him to have in the field. The principle in the two cases is precisely the same; and I am in favor of applying the same principle to the officers of both branches of the service.

I now ask for the question.

The question being upon ordering the joint resolution to be engrossed and read a third time, it was put; and there were—ayes 24, noes 44; no quorum voting.

And then, on motion of Mr. THAYER, (at ten minutes after four o'clock p. m.,) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule and referred to the appropriate committees
By Mr. DODGE: The petition of Henry Clews & Co., for the issue of a new bond in place of a registered bond lost.

By Mr. HUBBARD, of West Virginia: The petition of Colonel David T. Howes, of Clarksburg, West Virginia, asking compensation for the use of his property and damages to the same by the United States troops.

By Mr. J. M. HUMPHREY: The petition of the Bank of Attica, New York, for modification of the act taxing the bills of State banks.

By Mr. KELSO: The memorial of citizens of Missouri, in favor of Mrs. Mary Phelps.

By Mr. MOORHEAD: A petition of citizens of Alleghany county, Pennsylvania, praying for an increase of duty upon foreign wools.

By Mr. RICE, of Massachusetts: The petition of O. H. Perry, and others, against extending the patent of S. R. Parkhurst.

Also, the petition of William Amory, and others, in aid of the same.

HOUSE OF REPRESENTATIVES.

SATURDAY, June 9, 1866.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. C. B. BOYNTON.

The Journal of yesterday was read and approved.

LEAVE OF ABSENCE.

Mr. ELIOT. I wish to say that my colleague, Mr. WASHBURN, has been necessarily absent from the House during the past week, and has been paired with Mr. STROUSE, of Pennsylvania, since Tuesday last. I ask leave of absence for him until Tuesday next.

No objection being made, the leave of absence was granted.

Mr. VAN AERNAM. I ask leave of absence for my colleague, Mr. VAN HORN, for one week.

No objection being made, the leave of absence was granted.

The SPEAKER. The Chair asks leave of absence for Mr. ROLLINS, of New Hampshire, for two weeks.

No objection being made, the leave of absence was granted.

Mr. TROWBRIDGE. It happens, and probably will happen during the whole of the residue of the session, that frequently during sessions of the House it is necessary for some member of the Committee on Enrolled Bills to be absent, either in examining and comparing enrolled bills or else in presenting them to the President for his signature. I therefore ask permission to be absent during the sessions of the House.

The SPEAKER. That is prohibited on Saturdays. It is business which would require a vote of the House. The gentleman had better postpone his motion till Monday.

Mr. TROWBRIDGE. Very well, sir; I will do so.

CONGRESSIONAL PAY AND MILEAGE.

The SPEAKER, by unanimous consent, laid before the House a communication from the Secretary of the Treasury, transmitting a statement of the amounts paid for salary and mileage to the members of the Thirty-Eighth Congress; which was referred to the Committee on Appropriations and ordered to be printed.

ARSENAL EXPLOSION.

The SPEAKER also, by unanimous consent, laid before the House a communication from

the commandant of the Washington arsenal, transmitting a statement of the distribution of money to the sufferers by the late explosion in the said arsenal; which was laid upon the table and ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McDONALD, its Chief Clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 255) making appropriations for the construction, preservation, and repairs of certain fortifications and other works of defense for the year ending June 30, 1867.

The message further announced that the Senate had passed, two thirds of the Senate agreeing thereto, a joint resolution (H. R. No. 127) proposing an amendment to the Constitution of the United States, with sundry amendments, in which the concurrence of the House was requested.

RECONSTRUCTION.

Mr. BOUTWELL. I desire to give notice that it is the purpose of the committee on reconstruction to call up on next Wednesday, immediately after the morning hour, the amendments of the Senate to the joint resolution (H. R. No. 127) proposing an amendment to the Constitution of the United States.

RICHARD L. LAW.

Mr. NIBLACK. I desire to enter a motion to reconsider the vote by which Senate joint resolution No. 100, for the restoration of Lieutenant Commander Richard L. Law, of the United States Navy, to the active list from the reserved list, was yesterday referred to the Committee on Naval Affairs.

LEVEES OF THE MISSISSIPPI RIVER.

Mr. GARFIELD, by unanimous consent, presented a memorial of the board of commissioners in Louisiana in reference to the levees of the Mississippi river; which was referred to the Committee of Ways and Means.

PRESIDENT'S ANNUAL MESSAGE.

The House then resumed, as in Committee of the Whole on the state of the Union, the consideration of the President's annual message.

Mr. BURLEIGH. Mr. Speaker, I ask the indulgence of the House for a short time, that I may have an opportunity to express my views upon the present management of our Indian relations, especially in the Northwest, where, in my judgment, large sums of money are being squandered, to meet which extravagant appropriations are called for by the Commissioner of Indian Affairs.

If, in the discussion of this subject, I chance to use plain and unmistakable language, my excuse shall be that the interests of the public service demand a thorough understanding of it. If I should happen to expose a system of official mismanagement and corruption, my apology will be that I stand here as the chosen representative of a people whose happiness, prosperity, and personal safety depend upon the good faith, fair dealing, and honest administration of every department of the Government having control of our Indian affairs.

It is very seldom that I have troubled the House with remarks upon any subject, and I believe never, unless it was when some measure was before it which interested my own constituents. I should not ask its indulgence at this time did I not regard it as a duty which I owe to the country as well as to the people of Dakota. I hardly know how I could justify a silence on my part now, if ever so much disposed to do so, since I have the honor to represent here one of the nine great Territories of the nation, and the one which I am confident contains a greater number of square miles and a larger Indian population than either of the others, and the interest of which I am bound to protect.

Within the boundaries of Dakota there are more than thirty thousand savages, three fourths of whom, during the last four years, have been

waging a murderous war against its unprotected citizens.

Dakota is fast filling up with an industrious and intelligent white population who are flocking within its borders from every loyal State of the Union, and who are vitally interested in bringing about and maintaining the most friendly relations with all of our northwestern Indian tribes. Our people have an incentive which urges an enduring establishment of peaceful relations with the Indians of that country, which towers above and overrides every other consideration—one which neither Congress, the Commissioner, nor the nation can trifle with. It is that of peace and safety to themselves, their wives, and their children; and it would be well for those who thrive from the margin of blanket and grow fat from provision and all other contracts made in connection with the Indian service, whether made in Washington or elsewhere, to remember that they are trifling with the lives of innocent beings whenever they engage in these sharp operations.

I have spent the last five years of my life in the country inhabited by the Sioux Indians of Dakota. During that period I endeavored carefully to study their wants, their habits of life, and the relations which these people actually sustain to the white population, now so rapidly filling up, and improving the rich lands of the extreme Northwest—hoping that information thus acquired might be of some service in solving the difficult problem as to the best method of disposing of this race in a manner that shall confer the greatest good to its people and entail the least evil upon ourselves.

Nothing is surer than that the Indian race is passing away before the onward tread of the white man and the irresistible influence of civilization, which has borne him from the shores of the Atlantic and is still bearing him onward to the remotest recesses of this continent.

Wherever research is made and it is ascertained that labor can be profitably employed; wherever the white man can find a comfortable home for himself and family, and securely lay the foundation of his cot, however humble it may be, there he will go, and the Indian must either willingly or reluctantly surrender his claim to the soil, and abandon his birthright to the hardy pioneers of civilization.

Gentlemen may reason as they will; they may eulogize the Indian character and magnify his wrongs; they may resort to the most plausible and humane theories, shed tears of sympathy over Cooper's finely wrought pictures, and Longfellow's glowing verse; they may try to make the Indian, as we find him, a real perfection, out of their ideal standard of natural nobility; but it all will not avail to change either his nature or his destiny. Less than eight years ago what is now the ceded portion of Dakota was the home and hunting-ground of the Yankton-Sioux and Ponca Indians. As soon as the Indian title to the lands was extinguished, the advance guard of civilization crossed the western boundaries of Iowa and Minnesota in search of homes in Dakota. There they staked off their claims, built their cabins, and commenced improving their farms. Slowly but surely our population has been increasing, notwithstanding the many obstacles which it has had to surmount. From the Big Sioux our frontier settlements have been extended more than two hundred miles westward into the heart of the Territory. Instead of being one vast waste, as then, we now have a rapidly improving country, dotted over with the fruitful fields and happy homes of an enterprising, hardy, self-sustaining, liberty-loving people. The rude wigwam of the savage has given place to comfortable habitations of intelligent industry. The buffalo has been startled from his primitive pastures by the Durham and Ayrshire; the mustang has given place to the Messenger and Morgan; the deer and the antelope to fleecy flocks; while the miserable Indian, with his inferior surroundings, has deserted his former hunting-grounds and is fast passing away before the steady advance of the white

man, for whose inheritance this country seems to have been especially created. The footprints of the Caucasian are everywhere visible in the soil of all our western Territories, as well upon the mountain-tops as in its deepest cañons and broadest plains. The genius of enterprise and industry has already extended his wand over the fertile vastness of the great West, and as if by more than magic power has infused a new life into its productive valleys and gold-bearing mountains. The future of that country is already fixed; the fate of the Indian is sealed as effectually and as materially as was that of the Canaanites before the advancing armies of Israel as they moved forward to possess the promised land of their inheritance. Unwise legislation might perhaps interpose a puny obstacle, but it can no more permanently stop the surging, rolling tide of western emigration in its onward way to the Pacific, than it can prevent the changes of the seasons or stay the flight of time.

The only great question which Congress is now called upon to meet in connection with this subject is, not what is to finally become of the Indian race? This question has been determined by a higher power than you possess, by a more inexorable decree. His ultimate end is already fixed, his doom is sealed by a power which is superior to your laws and above your constitutions. The only question left for you to determine is, how shall this Government now discharge its last duty to the few remaining representatives of the once powerful tribes which formerly possessed the entire extent of all the territory now embraced within our national boundaries? How shall this be done for the Indian, the rights and privileges of our own race be preserved, and the material interests of the country developed.

Without digressing further from the question which I propose to discuss, I will conclude these preliminary remarks and call the attention of Congress to some of the evils attending the administration of our Indian affairs which demand correction. And first I will notice the recent treaties which have been sent to the Senate for confirmation, and give my reasons for urging that the appropriations asked for by the Commissioner for carrying into effect these pretended negotiations ought not to be made.

In the first place, they are not such treaties as should engage the attention of Congress a moment longer than may be necessary to discover that they are a delusion and a fraud which some one is attempting to practice upon the Government, if not upon the Indians. All former treaties made as these were made have accomplished no good, but on the contrary have been fruitful with incalculable mischief. Every adult male Indian claims the right to be present and participate in the council of his tribe. He is a joint owner with every other Indian of his band in the country which they occupy, and especially is the right claimed by him and conceded by all the rest that he is to participate in their councils of war, as well as in the treaties by which peace is secured, or their common hunting-grounds are ceded to other tribes or to the Government of the United States.

Now, let us look for a moment at the manner in which these pretended treaties were made in the fall of 1865 with the Sioux Indians of the upper Missouri. I think it is due to Congress and the country that a little light should be thrown upon these as well as other recent transactions of the Indian department before appropriating large sums of money upon the estimates of the Commissioner to provide for the Indian service for the coming year. Let us look at the management of this department or branch of the Government dispassionately, seeking information rather than favors, and ascertain whether it is a source of aid and protection of civilization and Christianization for those for whose benefit it was created or whether it is not a "whitened sepulcher full of dead men's bones." And here let me call the attention of the House to a statement of

facts pertaining to the assemblage of Indians who were engaged with the officers of the Government in making these important negotiations of which we have heard so much of late, and which facts are fully substantiated by the treaties themselves.

The following is a list of the Indian tribes on the upper Missouri, and principally in Dakota Territory, with which treaties are said to have been made in the fall of 1865 by the commissioners of the United States; also the names, number of lodges, number of persons in each, and the number of Indians present at the making of said treaties:

	Lodges.	Persons.	Present.
Brules.....	150	900	50
Two Kettles.....	150	900	150
Minneconjunes.....	400	2,400	20
Sans Arcs.....	250	1,500	4
Uncapapas.....	450	2,700	14
Blackfeet.....	180	1,080	6
Ogalalas.....	350	2,100	3
Upper Yanktonais.....	450	2,700	15
Lower Yanktonais.....	250	1,500	26
Platte Brules.....	400	2,700	-
	3,030	18,480	297

Now, Mr. Speaker, I have to say, in all candor, and I speak understandingly, that a very great deal of the difficulty which the Government and its citizens have had with the northwestern Indians during the last thirty years has been caused by just such fraudulent treaties as these now under discussion, and for the fulfillment of which you will soon be called upon to appropriate these large sums of money. To think of concluding a valid treaty with a tribe of savages numbering twenty-one hundred with only three of its members present to participate in the negotiation is supremely ridiculous. To attempt to palm off such a transaction upon the Government is a fraud of the grossest character. No body of white men would abide by such a transaction, nor will the Indians of those tribes. Is it reasonable to suppose that the Uncapapas, numbering, as they do, twenty-seven hundred souls, nearly all of whom were at the time of the treaty hostile, and who are still hostile to our Government, and who are now engaged in murdering and robbing our people, will pay the least attention to the pretended stipulations made with fourteen irresponsible members of their tribe, all of whom were either too lazy to hunt or too cowardly to pursue the war path? Why, sir, I am astonished at the whole transaction. The consummate stupidity which planned these negotiations is only surpassed by the reprehensible meanness in which their details have been carried out, and the total lack of practical results which have followed. Such treaties as these never have and never will restore peaceful relations with our Indian tribes, they will only be instrumental in swelling our national debt and lining the pockets of the favored gentlemen who are selected to disburse the munificent appropriations of a too confiding Congress. The whole affair is perfectly absurd, and no man of sense who is at all familiar with the Sioux Indians of the upper Missouri would for a moment entertain the idea that peace could result from such sham negotiations.

"ART. 8. Any amendment or modification of this treaty by the Senate of the United States shall be considered final and binding upon the said band, represented in council, as a part of this treaty, in the same manner as if it had been subsequently presented and agreed to by the chiefs and head-men of said band."

That is to say, that this treaty with the Uncapapas, in the making of which but fourteen persons out of twenty-seven hundred participated, shall undergo "amendments or modifications" at the pleasure of the Senate; thus denying the whole of said tribe any participation whatever in a solemn treaty by the terms of which our Government declares that they shall be irrevocably bound.

These treaties, which have been concluded and ratified by the Senate and proclaimed by the President, are not worth the paper they disgrace. They will neither tranquillize the

Indians nor bring peace and safety to our frontiers.

Indulge me while I read the following extracts from the Sioux City Register of March 10, 1866:

"A private letter from Crow Creek brings intelligence of an important nature. A large party of Brules and Tetons came to the fort from the upper country, and while camped in the vicinity of the agency they formed a plan to capture the fort, kill all the whites and Santees, and steal the stores; but the plot became known to some of the Santees, who immediately made it known to Captain Sewell, the post commander. He immediately took proper measures to guard against a surprise, and then quietly awaited their coming.

"But they did not come, they found their plot had been discovered; so they struck their tepees and started for the upper country, and at last accounts had not been heard from. We understand that the trouble is occasioned by Captain Sewell's refusal to give them an unlimited supply of subsistence stores, and the Indians were indignant at his refusal.

"This is the result of the recent peace commission, and from present indications we may expect similar demonstrations at other points as soon as the weather gets warm enough to enable our 'red brothers' to travel conveniently."

"Recent advices from Fort Sully state that the Indians are becoming quite troublesome, stealing everything they can lay their hands on, besides driving off cattle at every opportunity; and if things continue that way much longer the garrison will be brought down to salt-junk."

In addition to this, these treaties do not claim to have acquired for the Government a single acre of land, not one mountain, not a valley, not a plain. The right of way, ever a matter of the greatest importance to the people of the Northwest, through the country occupied by the Indians with whom these farcical treaties profess to have been made has not been obtained, notwithstanding a section to that effect adorns a page of these rare diplomatic productions. Now, let us take another look at these solemn treaties:

"ART. 4. The said band, represented in council, shall withdraw from the routes overland already established or hereafter to be established through their country; and in consideration thereof, and of their non-interference with the persons and property of citizens of the United States traveling thereon, the Government of the United States agree to pay to the said band the sum of \$10,000 annually for twenty years, in such articles as the Secretary of the Interior may direct: *Provided*, That said band, so represented in council, shall faithfully conform to the requirements of this treaty."

Now, sir, what are the facts in relation to this matter? Simply these: notwithstanding these treaties declare that the Indians "shall withdraw from the routes overland already established or hereafter to be established," this provision was never assented to by the Indians, nor anything of the kind. So far from having granted the right of way through their country to the Government, several, if not all, of the parties present as the pretended representatives of their respective tribes positively refused to grant it, and stated that their tribes would not consent to any such arrangement. I have been told so by parties present at the making of these treaties, and I have heard the same thing from other reliable sources. Why, sir, the Secretary of the Interior has suspended the work on one of the wagon roads, passing through the country occupied by these same Indians, long since these treaties were signed and sealed and received in this city. The work on the Cheyenne road, for the construction of which you made an appropriation at the last Congress, has been suspended by the order of this officer. When asked for the cause of this suspension his reply was that the commissioners must go up and make arrangements with the Indians before the work on the road could go on.

Now, sir, what does this all mean? Why is it, if these are valid treaties, made in good faith, if they are what they profess to be, that one of our wagon roads, the right of way for which these treaties declare has been acquired, has been stopped in the process of its construction? Certainly it is not for want of funds, for it was more than one half completed last year, with an abundance of money on hand to finish the work this year. Do not the same objections apply to the Niobrara road? Does it not pass through the country occupied by Indians who were parties to these same treaties? Certainly it does, and yet the provisions

of every one of these treaties are precisely alike. But your Secretary allows the work on that road to go on. The completion of the Cheyenne road at an early day is of the greatest importance, not only to Dakota Territory, but also to Montana, Idaho, and Minnesota.

There has been something in the course which the Secretary of the Interior has pursued in relation to all of our affairs in Dakota that is beyond my apprehension, and which I cannot account for upon the hypothesis that he is the straightforward, upright, model of Christian civilization which he claims to be. He sends these treaties into the Senate for confirmation, as a fact accomplished, and he sends them in there after having been told by unmistakable authority that they are not a fact accomplished, that the right of way has not been acquired. These treaties, it is true, grant the right of way upon their face. After they are made and submitted to him, he orders a suspension of work on a wagon road which is provided for by law. Had he any information to justify a suspension of work on this road when he issued his order to that effect? If he had, why were the treaties sent in for ratification? For they were not sent in until after the order for the suspension of the work on the road was issued. When asked again why this work is suspended, he replies "that it is only temporary," and until the commissioners can go up and satisfy the Indians. But, sir, if the right of way is really acquired by the Government, where, I ask, is the necessity of doing more?

Again, if the suspension of work on this road is only temporary, why has this public officer, in utter violation of a plain act of Congress, stopped this work and required the superintendent of the Cheyenne road to turn over all the money and effects which Congress appropriated expressly for the construction of this particular road, and no other, into the hands of the superintendent of the Niobrara road?

I hope, sir, that the money asked for by the Indian Commissioner for the making of treaties will not be supplied, and that there will not be another dollar appropriated from the Treasury for any purpose connected with the Indian service except what may be absolutely necessary to fulfill valid treaty obligations now made, until some satisfactory plan is adopted which looks to the settlement of all of our Indian difficulties, and to their removal and permanent location away from the great national lines of travel and the mining district of the country. At the making of these treaties the few irresponsible Indians already mentioned met this mixed commission, made up as it was of *warriors, sages, and saints*, and welcomed them with their usual "How," and after a tedious palavering pow-wow they promised just as much, and only just as much, as was necessary to enable them to get possession of the presents and provisions taken up by the commission, for which you appropriated a large sum of money two years ago. They touched the pen and strutted up and down the banks of the Missouri with a feeling of consciousness that they had been as successful in obtaining an advantage over the Government in a peaceful negotiation with its commissioners as they had been in the three years' war just ended. Certainly no one will be foolish enough to suppose that a treaty made by a few indolent, irresponsible members of these large warlike tribes—and without the participation and consent of the majority—who could know nothing of the character of the stipulations made to bind their whole people, would be likely to result in anything permanent or peaceful. In no case have the thousands of hostile savages who have thus been the subjects of formal bribery, to pacify and conciliate them, maintained friendly relations with the Government for a respectable period of time. The whole affair is preposterously chimerical—a delusion, a cheat, and a fraud—and no disinterested person will have the audacity to advocate its respectability; and the sooner Congress understands it the better it will be for the people of our western Territories and the Treasury of the nation.

gross understands it the better it will be for the people of our western Territories and the Treasury of the nation.

What the Northwest wants, and what it has a right to expect of the Government, is such a treaty with our Indian tribes as will insure a permanent and lasting peace. We want a state of things brought about which will give us security—protection to our property, our firesides, and our lives; so that when we lie down at night, to rest from the labors of the day, there will be no danger to be feared that our stock will be stolen, our buildings fired, and our wives and children outraged and butchered before morning; that when we are traveling across the broad plains or up and down the rivers we need not fear the ambush and all the terrors of the rifle-shot, the tomahawk, and the scalping-knife of the savage. Sir, we have a right not only to expect this protection, but to demand it. The interest of the whole country demands that means be devised for the making and enforcing of such treaties as will effectually give that peace and security to the pioneer citizens of the Territories required for their permanent settlement and civilization. That the right of way through the great West, the working of its rich mines, the cultivation of its fertile acres, and the speedy development of the resources of that chosen region, should be held in check and under the control of its nomadic savages, is a reproach upon the Government for which there is no apology. How long would such a condition of things be tolerated in the most sparsely populated district of any State in the Union?

In my opinion—gentlemen may take it for what it is worth—the most practicable plan for permanent results in settling the Indian question is the collection, removal, and consolidation of the remnants of the Indian tribes, which I am confident do not now number more than two hundred and fifty thousand in the whole country. I would locate those north of the Arkansas river and east of the summit of the Rocky mountains in the Northwest, and those south of the Arkansas and east of the mountains in the extreme Southwest. There is no difficulty in finding a district of country which is peculiarly suited to their wants, and which is remote from the country now demanded by enterprising young men of our northern States.

After a careful survey of this whole matter—having given it much study—I introduced into this House on the 9th of January last a resolution which looks to this end, and which I now desire to read:

Whereas the time has arrived when the interests of the country, and the protection of the lives and property of many of our people, demand the removal of the various Indian tribes from the rich mineral lands of our northwestern Territories, and their permanent location in a section of country where they can remain unmolested, and subsist upon the game of the prairies; and whereas it is of the greatest importance to both our white population and the Indians that such location for their future abode be as remote as possible from the mining districts and great public thoroughfares of the Northwest, and at the same time in a section of country that is adapted to agriculture, and affords the greatest natural resources for the support of an Indian population, and where ample protection to the Indians and white population of our frontiers can be afforded by the Government:

Resolved, That the Committee on Indian Affairs be instructed to inquire into the expediency of providing by treaty for the early removal of all the Sioux tribes (except the Yanktons) together with the Gros Ventres, Mandans, Arikarees, Assiniboines, and Crows from the mineral lands of the northwestern Territories, and for their location upon that part of Dakota and Montana Territories lying within the following described boundaries, namely: beginning on the line which separates the United States from the British possessions on the ninety-eighth degree of west longitude, thence south to the forty-fifth parallel of north latitude, thence east to the Medicine Knob river, thence down said river to the Missouri river, thence up the left bank of the Missouri river to Plum Island, thence west to the western boundary line of Dakota Territory to the point where it is intersected by the south line of Montana Territory, thence west along the south line of Montana Territory to Powder river, thence down Powder river to the Yellowstone river, thence down the Yellowstone river to the Missouri river, thence up the left bank of the Missouri river to the one hundred and sixth degree of west longitude, thence north to the line of the British possessions, thence east to the place of beginning; and for the

purpose of making said treaty the sum of \$150,000 be appropriated; and until such a treaty is made and ratified, and the said Indians shall be removed and located upon the above-described territory, no more moneys shall be paid to them or expended for their benefit by the United States, other than to redeem the pledges (if any were made) by the commissioners sent to treat with said Indians in 1865.

Mr. HUBBARD, of Iowa. I would like to ask the gentleman from Dakota [Mr. BURLEIGH] one question. He has referred to the treaties which he says were made by the commissioners last fall; and he has also adverted to the Government agents who have been sent there for the purpose of disbursing the funds which are to be expended under these treaties. I will now ask the gentleman whether a friend of his, appointed upon his own recommendation, has not been appointed an agent to disburse the funds under these treaties, and is not now there acting as the agent of those Indians with whom these treaties were made?

Mr. BURLEIGH. I will ask the gentleman from Iowa [Mr. HUBBARD] to whom he alludes.

Mr. HUBBARD, of Iowa. I refer to Mr. Hansom.

Mr. BURLEIGH. Mr. Hansom was appointed by President Lincoln to take the place of Major Latta, who was appointed some four years ago, but his commission was withheld for some unaccountable cause, by some influence here which I knew nothing about. I solicited the President to issue that commission and let him go out there, as it had been intended by the President he should go when he appointed him. And he is there, I believe, but not to disburse any funds, there being no money paid to the Indians under his charge.

Mr. HUBBARD, of Iowa. Is he not there as the agent of the Two Kettle band, the Black Feet band, the Yanktonai band, and the Brule band of the Sioux Indians, with whom the commissioners made treaties, and which treaties the gentleman has denounced here on this occasion?

Mr. BURLEIGH. He was not appointed by Mr. Lincoln to go up there on account of these treaties, or anything of the kind. His commission was made out before these treaties were ever made.

Mr. HUBBARD, of Iowa. But he is still there as the agent of these Indians.

Mr. BURLEIGH. He is there.

Mr. HUBBARD, of Iowa. He is a man appointed on the recommendation of the gentleman from Dakota.

Mr. BURLEIGH. The recommendation was made by me and the commission was issued more than a year ago, but it was withheld, as I said before, for some reason that never was made known to me.

Mr. HUBBARD, of Iowa. That makes no difference. The gentleman has referred to the agent of the Government who has been sent there for the purpose of taking care of these Indians, and has indirectly denounced that gentleman. I have shown here, from the gentleman's own admissions, that that agent is a man of his own selection and recommendation.

Mr. BURLEIGH. In reply to that I will say I have made no such allusion at all. I have not alluded to Mr. Hansom, or to the agent who has been sent up there to take charge of these Indians, but to the men who were sent up there to make these bogus treaties.

Mr. HUBBARD, of Iowa. Then I would like to ask the gentleman another question. He says he referred to the commissioners on the part of the Government to make these treaties. I would ask the gentleman who composed that commission. Was not General Sibley, of Minnesota, one of those commissioners?

Mr. BURLEIGH. He was.

Mr. HUBBARD, of Iowa. And Major General Curtis, of Iowa, was another.

Mr. BURLEIGH. Yes, sir.

Mr. HUBBARD, of Iowa. And Governor Edmunds, of his own Territory, was another.

Mr. BURLEIGH. He was another.

Mr. HUBBARD, of Iowa. And Rev. Mr. Reed was another; Mr. Guernsey, of Wisconsin, another, and Mr. Taylor, the Indian agent of Nebraska, was another. I would ask the gentleman if all of these men are not men of the highest respectability, men who have occupied high and prominent positions?

Mr. BURLEIGH. I am not going to raise any question in regard to the respectability of the gentlemen who went there to negotiate those treaties. It is not for me to call their character in question here. But I will say, for the information of the gentleman and the House, that when I came down through that Territory last fall, one of the members of the commission told me that at least seven of those treaties were not sufficiently signed to justify their ratification. I so stated to the Commissioner of Indian Affairs; I so stated to the Secretary of the Interior. I told them precisely the condition of things, as I understood it; but for some reason the treaties were sent to the Senate, and I suppose they are now to be regarded as valid treaties.

Mr. HUBBARD, of Iowa. I will ask the gentleman whether that matter was not fully investigated by the Senate Committee on Indian Affairs; whether that committee did not hear an argument from the gentleman himself—a written argument—upon this subject; and whether the whole case was not canvassed by that committee and by the Senate before those treaties were confirmed.

Mr. BURLEIGH. In reply to the gentleman, I will say that I do not know anything about that. I did send to the Senate committee a written communication setting forth the facts, and showing that the greater portion of those treaties had not been, as I thought, sufficiently signed to justify their ratification. The Senate, I presume, thought otherwise. What information that body had to act upon is more than I know.

But, sir, I resume: this method of providing for our Indian population and relieving the people of our frontiers has been recommended by persons who have had much experience with these people as the surest and most economical method of relieving the country from further difficulty with them. Most certainly some plan should be adopted and carried into effect which looks to the accomplishment of such a result.

Mr. Speaker, I am not ambitious of originating the plan, but I do want these Indian troubles settled. I want this book of wrongs, of outrage and blood, closed, never to be opened again. I know that this plan will be objected to upon the ground that it will cost too much, but that is not a tenable objection, viewed in the glaring light of the millions upon millions squandered in the Indian service, and the sufferings which it will alleviate. If this thing is done at once, so far from being expensive, it will be a bold stroke of economy, that will wipe out the prodigal extravagance of the Indian department. It will not cost as much to treat with the Sioux Indians of Dakota, Montana, and the adjoining Territories, remove them into the above described country, and keep them as long as an Indian exists, embalm and monument them when dead, as it does to support the military establishment in guarding our borders in times of trouble and garrisoning our western posts for twelve months. The bare interest of that amount will treat with them, remove and subside them upon their reservations without using one dollar of the principal. I will take the contract to do all this for what it has cost the Government to support its military operations there during the last year. In addition to this we get possession of all the mineral lands of the Northwest and prevent the hundreds of murders and the wholesale massacres which these Indians commit every year upon our unprotected citizens and settlements. Why is it that more than one third of our national domain is to-day held by less than two hundred and fifty thousand savages?—that por-

tion of our fair land, the latent wealth of which is more important to the great interests of this country and the liberty-loving home-seekers from the monarchical and despotic Old World than perhaps any other. I cannot reiterate this fact too often.

If there is one financial duty which should impress itself upon Congress at this time more forcibly than any other it is to make such a disposition of our Indian population as will promote the rapid settlement of our Territories. In no way can this be done so economically, so effectually, as in removing the Indians and the terrors of Indian wars from that country. Our citizens can then protect themselves as citizens do in the old States, by the civil arm of the Government. Emigrants will then flock to the remotest regions of the West and develop its vast resources, bring to light the hidden treasures of its mountains and valleys, and permanently establish throughout that entire section the free institutions of which we Americans so proudly boast, and to the enjoyment of which we have invited the oppressed of the civilized world.

Will some gentleman tell me what necessity there is for sending abroad for the large quantities of blankets, cloths, &c., for the use of our Indian tribes which are annually imported from England and paid for in gold? Are not American-manufactured blankets and cloths good enough for Indian use? We have to-day, in our own Government storehouses, going to waste, tens of thousands of blankets and hundreds of thousands of yards of cloth, all of which are manufactured in our own country for the use of our soldiers and sailors. Would it not be economy, sir, to use these articles now on hand rather than to import them from abroad and drain the gold out of the country to pay for them? Are not American-made blankets and cloths good enough for American Indians to wear? Is not the clothing manufactured for our own brave soldiers good enough for savages? Where is the wisdom or economy of sending abroad for foreign fabrics to clothe a set of Indian chiefs, while the officers of our Army are supplied from American looms? Is there a broader margin in dealing with wholesale importing merchants than with American manufacturers? If there is not, why have the boasted reformers who now have charge of our Indian affairs allowed this system to continue, a system which is so prejudicial to the interests of the country? Why, sir, the "Bay State" blankets, which are manufactured in Massachusetts, are far superior to any English Mackinack blankets that were ever brought across the ocean, and much cheaper. I have recently seen a sample of blankets manufactured in California which are superior to those imported for Indian use, at a cost of more than thirty per cent. less in paper than the English blankets cost in gold.

The same is true of all the cloths imported for Indian use. One yard of blue cloth, which is manufactured here for the use of our Army and Navy at a cost of less than one half what the English sewed-list cloth costs, is worth for actual use more than two yards of the imported article.

Mr. KELLEY. With the permission of the gentleman, I wish to ask him if he knows whether the department is now purchasing foreign or American blankets for the Indians.

Mr. BURLEIGH. If my information is correct, and I think it is, our Government has never supplied the Indians with any American blankets, unless when there was a short stock of foreign blankets in the market. I believe that it is the invariable custom of the Indian department to import from England the blankets for the use of the Indians.

Mr. KELLEY. Does the gentleman know whether the blankets supplied to the Indians this year are of American or English make?

Mr. BURLEIGH. I was told by a wholesale merchant in New York that he had the contract to furnish these blankets, and that he imported them from Europe. I was also told

by another wholesale merchant that when he was in Europe he saw the manufactory where they were made. I have no other knowledge on the subject.

Mr. KELLEY. Well, I beg leave to say that when proposals for furnishing these blankets were advertised for, Mr. John Dobson, of Philadelphia, whose blankets enjoy a just pre-eminence in our markets, put in a bid or bids; that the contract was given to another; that Mr. Dobson exhibited to me copies of his bids and official statements of the bids on which the awards had been made, and demonstrated to me, as well as I could get at the result of the figures, that his had been the cheaper, and added that, as his object was to secure the Indian market for American manufacturers by producing a better than the foreign article, his blankets would all have been up to the standard. I know, too, the fact that Mr. Dobson makes blankets which were driving the best foreign blankets from our market by their superior excellence when our heavy war taxes gave English manufacturers advantages over him at his very doors.

What I assert is that he, with such motives to furnish standard blankets, did not get the contract, and that the middle-man who did get it applied to him to make the goods. I know further that at the time he made that exhibit to me the party to whom the contract had been awarded was treating with him to make the blankets; and he said to me, "Of course I will have to make them at a little lower rates than I would have done had I got the contract direct, for he must have a profit, and the Indians will get the blankets by so much inferior to those I offered to make for the Government." The blankets being delivered now, if that contract was concluded, and I believe it was, are made in my district by Mr. John Dobson at the falls of Schuylkill, and made inferior to what he would have delivered to the Government, because he is not bound to a Government standard and gets an inferior price from the contractor who got the contract over him. I put in one qualification to these assertions, which is, provided that contract was executed, for I have made no inquiry on the subject since then.

Mr. BURLEIGH. I will say, in reply to the gentleman from Pennsylvania, that some months ago I received a letter from a wholesale merchant in New York, who said he saw the blankets being manufactured in England for our Indians.

Mr. KELLEY. In what part of Europe are the falls of Schuylkill in the twenty-first ward of Philadelphia and fourth district of Pennsylvania? [Laughter.]

Mr. BURLEIGH. I cannot say anything about that; it is not worth while.

I will say further, it was stated in that letter that a sample of those blankets had been sent to this country, and there was complaint that a large proportion of cotton entered into their manufacture. I am under the impression that the contractors have had these Indian blankets manufactured and imported from England. I think if the gentleman from Pennsylvania will introduce a resolution of inquiry into this House he will obtain that information from the Indian Bureau. I do not wish to do injustice to any one, but I still entertain the opinion expressed in the first place.

Mr. KELLEY. I will not say a resolution of inquiry will result in proving that some Indian blankets are made abroad, but I will say that such an inquiry will establish the facts I have asserted, that the contract was given for an inferior article at equal or higher rates to a man who went to a rejected bidder, John Dobson, of Philadelphia, and proposed to contract with him to manufacture the blankets of an inferior character and at an inferior rate so the contractor might make a profit out of his contract with the Government. Mr. Dobson's blanket factories are at the falls of the Schuylkill, twenty-first ward of Philadelphia. I do not think that is in Europe.

Mr. ALLISON. Mr. Speaker, I merely desire to know whether it is a crime in an officer of the Government to purchase foreign manufactured goods?

Mr. KELLEY. I do not say it is a crime to purchase foreign goods. I heard the gentleman from Dakota state that the blankets for the Indians were made in Europe. I thought it a pity that announcement should go to the country without qualification. I will ask my friend whether he does not think it is a crime, though it may not be a statutory one—a crime against morals; a crime against the Indians; a crime against the Government—to give a contract to a political favorite at higher rates than another offered, and then to accept under that contract an inferior article made at an inferior price by one of the rejected bidders?

Mr. ALLISON. I will answer the inquiry of the gentleman when he answers mine. I desire to know whether or not he insists a Government officer shall purchase articles of American manufacture exclusively.

Mr. KELLEY. I have not made such an intimation. That question was not in point. I was only correcting the gentleman's statement in reference to these blankets being made abroad.

Mr. ALLISON. I understand we walked daily upon a carpet purchased abroad by one of our officers.

Mr. KELLEY. That is true, and if we do not soon diminish our internal taxes and revise our tariff bill we will soon be walking in nothing but foreign-made clothes, under foreign umbrellas, and in foreign-made shoes.

Mr. ALLISON. I will say that if a public officer gives a political favorite a contract at a higher rate than that of another bidder he does commit a crime, and ought to be punished. I do not understand the gentleman to say these blankets were taken at a higher rate than was bid by his friend.

Mr. KELLEY. I have not made the positive assertion that the blankets for this year were made by Mr. Dobson. What I say is that Mr. Dobson laid before me his bids and the report of lettings presented to him from the Indian Office, and that his calculations and mine showed that his bid was lower than that upon which the contract had been awarded.

Mr. BURLEIGH. I would ask the gentleman if he knows that these blankets were manufactured in Philadelphia.

Mr. KELLEY. I repeat again, the last time I was in Mr. Dobson's establishment he was about concluding a contract, and he said, "Of course I do not contract with the Government, and cannot make blankets of the quality I was ready to furnish to the Government. I was anxious to prove that I could excel in Mackinaw blankets, as I do in others, and would have done it, but I am about contracting with an individual for blankets of an inferior character at a less price, and the contractor with the Government will pocket the difference. The Government will not know me in the transaction, or even know that I make the blankets."

Mr. BURLEIGH. But still, sir, this system goes on, and will go on until there is a revolution in this whole concern. Untold millions have been expended under our present miserably managed Indian system, and all without any important change in the condition of the Indian or benefit to the Government, but on the contrary, wrong, violence, and bloodshed have been the legitimate fruits of such a policy. Not one new idea has been developed nor a single practical result accomplished. "How to do it, and how not to do it," seems to be the standing order of the Indian institution.

The country which I have described as a suitable and permanent location for the Indians is sufficiently large to support all the tribes north of the Arkansas and east of the Rocky mountains. It is well adapted to the wants of a large Indian population with an abundance of land suited to cultivation, and it is the great game region of the United States.

The removal and final settlement of our northwestern Indians in this proposed reservation would enable us to open the entire body of mineral lands east of the Rocky mountains, relieve our overland emigration from Indian dangers and annoyances, and place the red men where they could live and die unmolested by the enterprise of the white man, and under the protecting arm of the Government. But I am satisfied that no such grand results will be realized so long as Congress contents itself with reading the reports of interested Secretaries and Commissioners—officers who would starve upon their salaries living as they do, but who thrive immeasurably upon the more questionable perquisites of their offices.

Mr. WILSON, of Iowa. I desire to ask the gentleman to explain what he means by speaking of interested Secretaries and other officers.

Mr. BURLEIGH. Well, sir, I do not desire to take the time now to discuss this matter, but I have information in my possession which, if the gentleman desires it, I will lay before Congress, so that he can weigh and examine it himself.

Mr. WILSON, of Iowa. It is simply for the purpose of understanding the matter. I suppose that the gentleman intended to convey the idea that the Secretary and the head of the departments having control of Indian affairs were interested in the contract.

Mr. BURLEIGH. Perhaps not in this contract particularly; but it is generally understood that there are certain perquisites attached to the office of Secretary as well as that of Commissioner.

Mr. WILSON, of Iowa. I do not intend to defend any wrongful act committed by any member of this Government; but what I desire is, when the gentleman is dealing in charges of this kind, that he shall make them plain and specific. That is what I insist upon.

Mr. BURLEIGH. If I can get a resolution adopted by the House I will endeavor to gratify the gentleman's curiosity before the close of the session.

Mr. WILSON, of Iowa. It is not curiosity; I merely ask the gentleman to so deal with this question when he connects these insinuations with public officers, as to allow us to understand just what he means to say.

Mr. BURLEIGH. I mean just what I say.

Mr. WILSON, of Iowa. Well, he has not said very much; it is mere intimation, more by the way of innuendo than anything else, and I would like to have the gentleman make a charge specific.

Mr. BURLEIGH. I would rather not be interrupted.

Mr. KELLEY. I desire to say that in all the intercourse I had with the party to whom I have referred about blankets there was nothing that led me to suppose for one moment that the Secretary of the Interior had any cognizance of the transactions that were going on. The allegations were made against the officer of the Indian Bureau, who had the duty of contracting for Army blankets. And if, from any remarks I have made, the inference is drawn that I know any reason why I should sympathize with the reflections upon the Secretary of the Interior just indulged in by the gentleman from Dakota, I beg leave to dispel it. There was nothing that came to my knowledge that in any way reflected upon him.

[Here the hammer fell.]

Mr. WILSON, of Iowa. I move that the gentleman have additional time enough to finish his speech.

No objection being made, the motion was agreed to.

Mr. BURLEIGH. Why, sir, how can the country expect pure waters to flow from a corrupt fountain? How can you expect an honest administration of your public affairs by an officer of the Government who will come upon the floor of this House and sacrifice every principle of truth and honor for the purpose of carrying a measure which, under other circumstances,

would be considered a fraud and a cheat upon the Government?

Mr. HUBBARD, of Iowa. I want to know distinctly whether the gentleman charges upon the Secretary of the Interior fraud and corruption in this matter.

Mr. BURLEIGH. If the gentleman will make a note of such things as he desires to inquire about, and put his questions after I get through, I will answer them.

Mr. HUBBARD, of Iowa. The gentleman seems to be an adept in dealing in innuendoes that you cannot put your finger upon, that you cannot touch. I want some distinct assertion from him if he has any to make.

Mr. BURLEIGH. Well, I will tell the gentleman, at the commencement of this session there was an appropriation of \$500,000 asked for the support of certain Indian tribes. I had been told by a gentleman here that the moneys had already been expended, and that it was really a deficiency they were asking for, and I so told the honorable chairman of the Committee on Appropriations, [Mr. STEVENS.] In the course of a day or two I was called upon in this very Hall by the Commissioner of Indian Affairs. He came in here and took a seat by me, and spoke of the necessity of having that appropriation to sustain those Indians. I told him what I had been told by parties who claimed to know, that a large amount of the money had already been expended. He told me that not a dollar of it had been expended; that he had no authority to expend any money before it was appropriated. And he asked me to use my influence; of course I had not much influence, but what little I had, I used, to get the appropriation through. I again saw the chairman of the Committee on Appropriations, [Mr. STEVENS,] and told him that I thought there must be some misapprehension in regard to the matter. I went to work and did what I could, and the appropriation was passed. I subsequently learned that this money had been expended before it was appropriated. I stated to the Senate Committee on Indian Affairs what I knew when the nomination of the Commissioner of Indian Affairs was pending before them. And he denied it in a most flat-footed manner, and said that he had never asked me to take any part in the matter, and said that it was simply absurd.

Mr. HUBBARD, of Iowa. One other question. Are these the facts upon which the gentleman bases his charge of fraud and corruption against the Secretary of the Interior?

Mr. BURLEIGH. I am not speaking of the Secretary of the Interior. If the gentleman had paid attention to my remarks for the last few sentences, he would have discovered that.

Mr. HUBBARD, of Iowa. Perhaps he did not refer to the Secretary of the Interior in the last sentences, for he was then replying to my question.

Mr. BURLEIGH. It is high time, sir, if statesmen legislate for this Government, and not for favored individuals, that they look to this matter, and do not allow important measures to pass Congress until satisfied of their necessity and justice.

It will be but a few days before you are called upon to appropriate another large sum, (I learn near one million dollars) for the payment of supplies professed to have been used in support of southwestern Indians, under what are called starvation contracts, although I believe the law strictly forbids expending money in advance of its appropriation. It would be well for the country if Congress would appoint a committee to investigate the transactions of the Indian Office for the last nine months—a committee which is not to be frightened at the cart loads of documents usually arrayed as a bulwark of defense by that office whenever an investigation into its affairs is sought; but who will boldly, honestly, and justly unriddle the sphinx. Such an *Œdipus* is certainly needed, and I hope that such a committee will be appointed, unless the present

investigating committee will take this matter in charge. If my information is correct, and I have no reason to doubt it, the affairs of the concern, notwithstanding the puffing and blowing, (paid for, I presume,) will show a condition of things which can only exist in a close corporation, under a united head, where incompetency and assurance appear to have full sway, and where the Lilliputian scepter of the establishment is wielded by its mandarin with an assumption of authority that would dwarf the pretensions of a Camanche chief or a Patagonian prince.

Another great cause of difficulty which attends the management of our Indian affairs is a want of accurate information by Congress concerning the true condition of the Indians. The men who are sent into the Indian country as agents to take charge of and manage the affairs of our numerous Indian tribes go there trammelled with the arbitrary rules of the office here, by which their usefulness is to a greater or less extent destroyed. The agents who are on the spot, who live with the Indians, are the only persons capable of judging what course of action should be pursued in the management of their respective tribes. But this cannot be; a haughty Commissioner in this city undertakes to direct in the smallest transactions for a tribe of Indians located two thousand miles distant, not a solitary member of which he has ever seen. I will take the case of the Yanktons. They made a treaty by which the United States agreed to pay them the sum of \$65,000 per year for a given number of years. Now, sir, neither these Indians nor their agent who lives with them is allowed to control the expenditure of this money for the use of the tribe. Why is it?

I cannot account for this extraordinary conduct in any other way than that it is a very great pleasure for him to make very large purchases, with a very broad margin, to supply the wants of the Indian service. No man is capable of controlling our Indian relations as they should be unless he thoroughly understands the habits of life, the wants, and the actual necessities of these people.

But we are told that Indian agents are not competent to do these things. How many agents do you suppose there are in the service of the Government to-day, and under the sole control of the Commissioner, who are not his equals in ability to discharge the duties of his office? Again, we are told that Indian agents will steal, that they are not to be trusted. I have no idea that Indian agents are much more honest than Commissioners, Secretaries, or other public officers, but I venture the assertion that they will compare favorably with any other body of public servants in this particular.

But there are other and more reprehensible transactions of this department of the Government to which I desire to call the attention of Congress and the country; transactions which are in violation of every principle of equity, repugnant to the honest impulses of human nature, and which involve the lives and property of our citizens.

In the year 1862 the Sioux Indians in Minnesota, in violation of their treaty obligations with the United States, revolted and treacherously murdered near a thousand unprotected men, women, and children in that State. Who does not remember the thrill of horror which sickened every heart in the land as the intelligence of those acts of brutality and barbarism fell upon the ears of our people? The whole western frontier of Minnesota was depopulated, and as these red murderers were forced westward into Dakota by the brave citizen soldiery of that State, in the defense of their homes and firesides, our people fled for safety and left the Territory almost without inhabitants.

In 1863 the Government decided to remove from Minnesota all the remaining Sioux Indians. Some five hundred of them who had been captured and condemned to death for their participation in the late massacre were imprisoned at Davenport, Iowa, where they were kept under strong military guard, while the rest of

them were removed to Dakota at a point on the Missouri river about one hundred and fifty miles above the capital of that Territory. Neither the personal safety nor the pecuniary interests of our people were consulted in this transaction. If they had been, there would have been but one voice, and that would have been a united exclamation of disapprobation. They would have entered their solemn protest against the location of these Indians, even thus far above the friendly Yanktons, and more than fifty miles above our frontier military posts.

The result of this business has been the expenditure of several hundred thousand dollars of Government funds, and the cold-blooded murder of many of our best citizens who have fallen before the fatal rifle of these same savages. Whole families of our people have been slaughtered. Husbands, wives, fathers, mothers, sons, and daughters, neither age nor helpless infancy have been spared by these bloody Sioux fiends of Minnesota, who were so heartlessly forced upon our people by one foolish and inconsiderate act of Government, the inhuman audacity of which would have disgraced the meanest mandates of the Bey of Tunis or the Dey of Algiers.

I would to God, that this were the last chapter of wrongs which is to be recorded on the fair pages of the unwritten history of our exposed and neglected frontiers, in the blood of our best citizens. But I greatly fear that such is not to be the case.

Mr. HUBBARD, of Iowa. To what does the gentleman now allude; to the removal of the Indians from Minnesota to Dakota?

Mr. BURLEIGH. Yes, sir.

Mr. HUBBARD, of Iowa. When was that done?

Mr. BURLEIGH. I have just stated.

Mr. HUBBARD, of Iowa. Was that done under the administration of James Harlan, as Secretary of the Interior?

Mr. BURLEIGH. I stated distinctly that it was done in 1863.

Mr. HUBBARD, of Iowa. Then, in his present remarks, the gentleman does not refer to the present Secretary of the Interior.

Mr. BURLEIGH. I say that in 1863 the Government made this removal.

But a few weeks since an order was issued, from one of the Departments, for the release from prison of all these savages, whose hands have been dyed in the blood of so many hundreds of innocent and unoffending pioneers—the very bone and sinew of our infant States—and whose flinty, fiery hearts weak for blood and vengeance such only as fiends can feel and savages know.

That was in the reign of James Harlan, Secretary of the Interior.

Mr. HUBBARD, of Iowa. I will ask the gentleman if he has not introduced a resolution in this House calling for information on that subject, and also directed a letter to the President upon the subject; and if his inquiries have not been fully and conclusively answered by the Secretary of the Interior.

Mr. BURLEIGH. I will give all the facts to the House before I get through; so the gentleman need not anticipate me.

Mr. HUBBARD, of Iowa. I will ask the gentleman if he did not himself advocate, in the presence of the Secretary of the Interior, the removal of these identical Indians he now refers to, down to the Missouri river, and their consolidation with the Yanktonai Sioux.

Mr. BURLEIGH. I state most distinctly that I never advocated anything of the kind. I did advocate the removal of the women and children with a view of wiping out the tribe. But I never apprehended for a moment that there was a man on earth who would advocate the turning loose into our community of two, three, or four hundred red-handed murderers and savages.

These are to join the rest of their tribe by the side of our settlements in Dakota. Like the former removal, your Secretary of the Interior and your Commissioner of Indian Affairs have

intentionally concealed their operations from the community into whose very heart these murderers are to be thrust by their act; and it is only found out accidentally by their representatives here.

But this is not all. Officers of the Government have ordered the wholesale removal of all these savages from the place where they were first located on the Missouri to a point below the friendly tribes and more than thirty miles below the military posts established for the protection of our frontiers. The place selected for their new home is in one of the settled counties of northwestern Nebraska, contiguous to the settled portion of Dakota, and but a short distance above my own residence. But, we are asked, what is to become of these people? How are they to be disposed of? We know that they have been driven from their homes in Minnesota, where they were as comfortably situated as Indians could be. Is there no place for them? We are told by your Secretary of the Interior that they are peaceable, harmless, and inoffensive; that there is no danger to be apprehended from them. He says:

DEPARTMENT OF THE INTERIOR,
WASHINGTON, D. C., May 8, 1866.

SIR: In reply to your note of the 7th instant, I have the honor to state that by authority of an act of Congress, a reservation has been selected for the remnants of certain bands of Indians formerly residing in Minnesota, not previously removed, in the Territory of Nebraska; and that some of them have already been removed to it, and it is the intention of the Department, as soon as suitable provision can be made, to forward to them their wives and children.

In this connection it is proper to say that a very large majority of those Indians have been perfectly peaceable in their intercourse with the white inhabitants of Minnesota, and rendered great service to them in repelling attacks from hostile Indians, besides recovering and returning to their friends women and children who had been carried away as prisoners of war; and it is known that for the last four years those who previously had manifested hostility have conducted themselves in the most quiet and peaceable manner.

Under these circumstances I do not, therefore, apprehend danger from any future outbreak more than at any time may be expected from the unjust conduct of white people toward them. The reservation to which a part of them have been removed, and to which it is expected their women and children will be sent, was recommended by two of the most experienced officers of the Army; and civilians perfectly familiar with the character of these Indians personally inspected and reported favorably upon the fitness of the location named.

I am, sir, with great respect, your obedient servant,
JAMES HARLAN,
Secretary.

Hon. W. A. BURLEIGH, House of Representatives.

Mr. ALLISON. I desire to ask the gentleman from Dakota whether or not these Indians have been removed; and if so, whether the order for their removal has not been issued by the President of the United States.

Mr. BURLEIGH. Oh, yes, sir; they have all been turned out, and sent down to my neighborhood.

Mr. ALLISON. I desire to inquire of the gentleman from Dakota whether or not this order has been issued by the President of the United States. I understand that he is the only officer who can issue such an order. Does the gentleman mean to attack the President?

Mr. BURLEIGH. I will answer the gentleman. I called upon the President of the United States in regard to the matter, and he seemed to know very little about it. He said he supposed he had signed an order of that kind; that his Cabinet officers were in the habit of bringing to him orders connected with their respective Departments; and that they told him what was necessary, and he signed the papers. "Well, Mr. President," said I, "I could not believe for one moment that you were aware of the cruelties which have been practiced upon our people; and I therefore rely upon you to correct this evil."

Mr. HUBBARD, of Iowa. I desire to ask the gentleman whether he thinks that the President is in the habit of signing orders which he does not understand, and whether the Secretary of the Interior and the Commissioner of Indian Affairs could move one step, could make any progress whatever, toward the re-

removal of these Indians without an order from the President.

Mr. BURLEIGH. In a matter of this kind, I presume, sir, that the President answers the purpose of one of these metallic franking stamps used by members of Congress, [laughter:] that whenever a document is taken to him by a Cabinet officer, or by the Commissioner, connected with his particular Department, the officer tells him that he has investigated the matter, and the President writes upon it "A. Johnson," taking it for granted that the matter is all honest and right.

Mr. HUBBARD, of Iowa. Does the gentleman mean to insinuate that the President is simply a machine in the hands of the heads of the Departments?

Mr. BURLEIGH. Nothing of the kind, sir; but I suppose that when the President is satisfied, by the representations of his Cabinet officers, that a paper presented to him is right, especially if it is a long and voluminous document, he affixes his name, relying on their good faith and assurances.

Mr. HUBBARD, of Iowa. Why, then, does not the gentleman level the thunderbolts of his wrath against the President, and not against the head of the Interior Department?

Mr. BURLEIGH. For the very reason that the President has a confidential clerk, in the person of the Secretary of the Interior, to whom he has intrusted these matters, and who, he has every reason to believe, from the position he occupies, will discharge the duties of his position faithfully and honestly. But I take it for granted he will not labor under that misapprehension much longer.

But, sir, I go on with the line of remark in which I was interrupted.

Now, sir, if this statement is true, I ask you why it is that these people were driven *en masse* from that State by its indignant and outraged citizens. Why were they forced to abandon their homes, their comfortable dwellings, and rich lands there if this assertion be correct? This statement of the Secretary of the Interior cannot be true, but is intended to deceive and mislead the people into whose midst he has been instrumental in forcing these savages. Here is an extract from his report to the President of December 4, 1865:

"It is difficult to maintain peaceful relations with the Indians in Minnesota. The terrible massacre of the white inhabitants in the year 1862 is fresh in the memory of the country. The intense exasperation which followed led in that State to a policy, which has also prevailed to some extent in several of our organized Territories, inducing a personal predatory warfare between the frontier citizens, emigrants, and miners, and isolated bands of Indians belonging, in many instances, to tribes at peace with the Government. This awakens a spirit of retaliation, inciting atrocious acts of violence, which, oft repeated, result in irreparable disasters to both races."

The Secretary states in his communication to me which I have just read, "and it is known that for the last four years those Indians who had previously manifested hostility have conducted themselves in the most quiet and friendly manner." What does the Secretary mean by this assertion, if it be not to deceive and mislead the public mind? If he knows anything at all of the history of these Indians, he knows that it has not been four years since the massacre in Minnesota occurred. This being the case, what credit can attach to his official statement? He cannot be unmindful of the fact that it was in August, 1862, that these same Indians, whom he has turned over as a Christian legacy to our people, commenced and completed the most gigantic cold-blooded work of death and desolation that ever befell an American State—less than four years ago, during which period he says these savages, "who had previously manifested hostility have conducted themselves in the most friendly manner." Why does not this gentleman, holding the responsible position which he does in the Government, state facts as they are known to exist, and say to the country that these identical savages, "who have been so peaceable for the last four years," have been confined in prison under a strong military guard—the sentence of death having been passed upon them

for their complicity in that terrible work of blood? He knows that during the fall of 1862 and the winter following, as well as in spring, summer, and fall of 1863, scarcely a week passed that the exposed settlers of our frontiers were not murdered and robbed by the members of the bands who were driven from Minnesota. And our citizens are still exposed to and suffering from the depredations of these same Indians.

Why does not the Secretary or the Commissioner state for the information of the country that these are the same Indians who committed the cold-blooded murder of forty-seven innocent, unprotected citizens at Spirit Lake, in northwestern Iowa, in the year 1857; and that in the spring of 1855 these humble, repentant, harmless Sioux murderers, who, in the language of the Commissioner of Indian Affairs, in a late report to the President, "have atoned for their crimes as no people have ever made atonement before," returned to Minnesota, and almost within sight of Mankato, murdered in cold blood a whole family, consisting of seven members?

Instead of concealing the truth in relation to these important matters, why do not these public officers openly declare it, and not try to lull our people into a state of fatal apathy until they are again aroused by the recurrence of those terrible scenes of carnage through which they have been compelled to pass during the last nine years?

If any gentleman thinks that I have overdrawn the horrors of the scenes of suffering which I have described which have befallen the inhabitants of our frontiers, I will call upon the loyal and patriotic Senators and Representatives from Minnesota to correct me. Let them speak; let the people of their State speak also.

Now, sir, I ask what all this means? Will any rational person pretend to say that there is not a direct conflict in the meaning and in the language of these two communications? Had the Secretary forgotten the contents of his report to the President when he addressed me the foregoing communication, or did he suppose that I was ignorant of the former when he sent me the latter? When before in the history of this Government has a Cabinet officer assumed the responsibility of manufacturing and perverting history to suit his own necessities? Is not the fact of the terrible massacre in Minnesota in the summer of 1862 as patent to all as is that of the great rebellion through which the nation has just passed? Can the special pleading of any officer of the Government for special purposes blind the eyes and numb the sensibilities of either Congress or the nation to that terrible reality which watered the soil of half a State with tears and dyed its green fields with the blood of its citizens?

But I assert that there is no authority of law for this last removal and location of these Indians. The act of March 3, 1863, which gives the only authority for their removal, had already been exhausted. If it were still in force, the location of these Indians at the mouth of the Niobrara, would not come within its provisions. The act provides that the selection of a reservation for their abode shall be upon "unoccupied land;" that it shall consist of "good agricultural land." Let me read the language of the act:

"That the President is authorized, and hereby directed, to assign to and set apart for the Sisseton, Wahpaton, Medawakanton, and Wahpakoota bands of Sioux Indians, a tract of unoccupied land outside of the limits of any State, sufficient in extent to enable him to assign to each member of said bands (who are willing to adopt the pursuit of agriculture) eighty acres of good agricultural lands, the same to be well adapted to agricultural purposes."

The tract which has been selected at Niobrara is not of this character. All, or nearly all of the land upon the four townships which have been withdrawn from market for these Indians, that is suited to agriculture, has been sold by the Government, and is now held by private individuals, except the town site of Niobrara, which is owned by a company. All of the desirable bottom lands, those suited

to cultivation, are owned and many of them occupied by the citizens of the country. They can only be possessed by the Government by purchase, and there is no authority given for acquiring a title to them by purchase. I have traveled over these lands and know what I say to be strictly true; and I assert that the Government land upon which these Indians are now being located is not so well adapted to agriculture as the lands at Crow Creek, the place whence they have just been removed.

As the removal and location of these Indians has been accomplished without authority of law, and since their condition will in no way be improved, while their location close by our white settlements will retard the settlement of that country, depreciate the value of both private and public property, and endanger the lives of our citizens, I must appeal to Congress for the removal of these savages to some other district of country, where the citizens of Dakota and northwestern Nebraska will be relieved from the evils of which they now so justly complain.

Again, I ask, if these Indians are peaceable and harmless, as is asserted, why not return them to their native State and locate them nearer their former homes, upon the fertile soil of Minnesota? An act of Congress authorizing the same is all that is required. Why force them so far from the homes of their childhood, from the graves of their fathers, into that inhospitable country where their sufferings cause so many heart-yearnings to this Christian philanthropist? Perhaps a more agreeable residence is desired for those self-sacrificing heralds of the cross who have such a fancy for savage associations.

There is no principle of law, I suppose, more firmly or incontrovertibly settled, than that a power of this sort once exercised under the law conferring it, is exhausted and gone forever—beyond all power of revocation. And this is as well the award of common reason as of the common law. Any other doctrine would involve the absurdity of converting a mere power of selection into a roving commission without limits and without end. If the first act of choice is not conclusive, a second would be no more so, and the title of the beneficiary would be at all times subject to the caprice of the donor, and would be in effect no title at all. Once vested by the selection, if divestible at all, it can be divested only through the power of the legislative act. But no man in his senses could well suppose that it was the intention of that power to lodge with anybody the privilege of shifting its grants *ad libitum*, and that, too, after large expenditures incurred in carrying them into effect.

If these Indians are not guilty of the terrible crimes of which they stand charged; if they are peaceable and friendly, safe members of society, where was the justice and humanity in depriving them of their former homes and property in Minnesota, as was done by a solemn act of Congress? Let me read from the act of February 16, 1863:

"Whereas the United States heretofore became bound by treaty stipulations to the Sisseton, Wahpaton, Medawakanton, and Wahpakoota bands of the Dakota or Sioux Indians to pay large sums of money and annuities, the greater portion of which remains unpaid according to the terms of said treaty stipulations; and whereas during the past year the aforesaid bands of Indians made an unprovoked, aggressive, and most savage war upon the United States, and massacred a large number of men, women, and children within the State of Minnesota, and destroyed and damaged a large amount of property, and thereby have forfeited all just claim to the said moneys and annuities to the United States; and whereas it is just and equitable that the persons whose property has been destroyed or damaged by the said Indians, or destroyed or damaged by the troops of the United States in said war, should be indemnified in whole or in part out of the indebtedness and annuities so forfeited as aforesaid: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all treaties heretofore made and entered into by the Sisseton, Wahpaton, Medawakanton, and Wahpakoota bands of Sioux and Dakota Indians, or any of them, with the United States, are hereby declared to be abrogated and annulled, so far as said treaties or any of them purport to impose any future obligation on the United States, and all lands

and rights of occupancy within the State of Minnesota, and all annuities and claims heretofore accorded to said Indians, or any of them, to be forfeited to the United States."

How shall the Government answer to those of our citizens who mourn the loss of relations, and who have themselves, in many instances, been mangled and maimed by these savages, who have been turned loose upon them by its act? Will you vote for an appropriation to indemnify them for losses thus sustained? Will you see that a law is passed to pay them for their property which has been stolen and destroyed by these Indians? Are not the people of our Territories entitled to protection as citizens of our common country? Have they not the same claim upon you which they had as citizens of their respective States before leaving those States? If they are, why not extend it to them, and not allow an executive officer of the Government to collect from the remote frontiers and from the prisons of the States several thousand heartless, blood-thirsty savages, and precipitate them into the very heart of our settlements, without a word of warning or effort to protect us.

If, then, there is no legal authority for this act of the Secretary, it is due to our citizens that the Government extend to them immediate relief.

Now, sir, with the record of the past before our eyes, embellished with all the horrors of the terrible massacre in Minnesota, unparalleled as it was in savage ferocity, staring us in our faces, with the bleaching bones of our own murdered citizens unburied, scattered broadcast over our "chosen land," and while our friends are yet clothed with the emblems of mourning for their butchered relatives who have fallen before the fatal blow of the relentless savage, making a gory foreground to the appalling picture, can you wonder that I appeal to Congress, in the name of the citizens of Dakota, in the name of humanity, to close this infernal book of crime by some earnest, effective legislation, and save our people from the dangers which now surround them, and avert the storm-cloud of death and devastation which hangs over our defenseless Territory?

I ask you, sir, if we were not invited to Dakota by the Federal Government? Were we not promised the protection of its strong arm? Have we not established our homes, built our dwellings, located our families there, and become law-abiding citizens of that Territory? We have done all these things. Our people have gone there from every free State of this Union from Maine to Oregon; they have selected Dakota as their permanent dwelling place and are there toiling with a will in the soil of its rich prairies to lay the foundations broad and deep of a future State, which they hope will, at no distant day, lend a mighty strength in the perpetuation of the eternal principles of liberty and justice.

Will you give us that protection which the magnitude of our undertaking demands? Then for bread do not give us a stone; for a fish do not give us a serpent. For our security do not send us the savage, whose hands are wreaking with the blood of our citizens, and whose hunting shirt is decorated with the scalp-locks of our murdered wives and daughters.

It is not a pleasure for me to question the motives or censure the conduct of any public officer of this Government, and I assure you that I should not do so on this occasion if there was any other method by which I could possibly procure relief from the personal and political wrongs which are now being inflicted upon the people of Dakota, and the adjoining Territory, by the officers who have control of our Indian affairs. Had the Secretary of the Interior notified the citizens of Dakota and northwestern Nebraska or their representatives in advance of his action, that the Government intended locating these hostile Indians in their very midst, by an act of arbitrary, despotic power, which action, I am sorry to say, was by him veiled in secrecy, they would at least have had an opportunity to remonstrate against this

heartless transaction. As it is, our citizens have but the alternative either to submit to this great wrong, which will endanger life, depreciate property, and rob them of that happiness which security alone affords, abandon the country, or pursue the manly course which the gallant sons of Minnesota adopted, and with the approbation of the Government, too, and drive this band of black-hearted murderers out of the country.

The citizens of Dakota are loyal and love the free institutions of our common country. They have yielded a willing obedience to its laws; they are from every free State of the Union; they are your kinsmen as well as mine. Many of them fought to sustain the flag of their fathers upon the hardest-contested battle-fields of the late war. They recognize the supremacy of the Federal Constitution and laws over all other human laws; but when you say to them that you have a right to make and execute a law or an arbitrary order which deprives them of the fruits of their labor without compensation, and which endangers the safety and happiness of their families, by setting down in their midst several hundred savages who dance and sing around the dangling scalps of their own wives and children, who are as near and dear to them as the ties of nature can bind them, and who exultingly boast of the robbery, rapine, and murder which they have committed upon their kindred, you will be met with that scorn and contempt which such heartless cruelty and neglect so justly merits, by that high-toned spirit of manly resistance which true patriotism has never failed to make in defense of home and kindred, of liberty and justice, and which the Almighty Author of our being has established as the true and unmistakable standard of unadulterated manhood.

Mr. CLARKE, of Ohio, obtained the floor. Mr. HUBBARD, of Iowa. With the consent of the gentleman from Ohio, I desire to say that I may not have fully understood the purport of the various statements which have been made by the gentleman from Dakota [Mr. BURLEIGH] in the speech which he has just concluded. If, on examining that speech, I shall find it to contain anything which in my judgment may call for a reply, I shall on some future occasion reply to it.

Mr. WILSON, of Iowa. I ask the gentleman from Ohio [Mr. CLARKE] to yield to me for a short time.

Mr. CLARKE, of Ohio. I will yield to the gentleman for ten minutes.

Mr. WILSON, of Iowa. Mr. Speaker, I am not very well informed as to the manner in which the Indian affairs of this Government have been conducted, but I have been long of the opinion that the Indians have been quite as much "sinned against as sinning." I am very glad the gentleman from Dakota [Mr. BURLEIGH] has taken this occasion to bring to the attention of the House what he regards as abuses in the management of the Indian affairs of the Government.

I have no disposition to defend any one against any charges which may be well founded. It is not my purpose to-day to enter upon the defense of any person whatever. I desire to give the House a little more information on the subject of our Indian affairs; not, sir, that I am personally cognizant of the facts, but I have a statement of an Indian chief which I desire to have put in the possession of this House. It is not often that the red man has an opportunity to speak for himself. On this occasion he can have that opportunity.

I hold in my hand a speech made by a Yankton chief whose name in English is "the Man that was Struck by the Ree." He describes the conduct of Indian agents toward the Indians:

"Pa-la-ne-ape-po, or the Man that was Struck by the Ree, spoke as follows:

"My friend, you sent a letter to our agency requesting our (chief's) presence here. My friend, I have a good leg; it is sound; there are no sores upon it, and I want to go to Washington to see my Great Father. The reason I want to see my Great Father is, I desire to make my report to him in person, but the agents say if I go he will not pay any attention to me; that he is full of business with the whites. My belly is full

of what I want to say to him. My friend, you are sent by my grandfather. I think you will do just as all the rest—make money. I should think my grandfather would want to see me to make my report in person.

"I cannot say much. The Great Spirit knows that I speak the truth; knows what I say."

That is the way he began; after awhile he spoke as follows:

"I would have to tell my grandfather that I made a treaty with him, and I would have to ask him how many goods he is going to give me; and I would tell him that I want him to give me the invoices of my goods, that I may know what I am entitled to. I do not want corn thrown to me the same as to hogs. If I could get my invoices I should always know what belongs to me. Every time our goods come I have asked the agent for the invoices, but they never show me the invoices; they can write what they please, and they go and show it to my grandfather, and he thinks it all right. I think, my friend, my grandfather tells me lies. My friend, what I give a man I don't try to take back. I think, my friend, there is a great pile of money belonging to us which we never yet have received.

"I think the Great Spirit hears what I say. When they bring the goods to the agency, my goods are all mixed up with the agent's goods; I can't tell my goods from the trader's goods. I think if you go to all the nations, you will not find any who has been used as I have been. My grandfather told me I should have a warehouse separate from the agents; he told me I should take one hundred and sixty acres of land for my own use, and that I should have plenty of land to raise hay for the stock. All the hay on my bottom land is cut by the white man to sell. I asked for hay, but I can get none—white man cut it; I can't tell who gets the money for the hay, but I think Redfield got some money for hay; my ponies can have no hay. I think, my friend, if you go up to my agency you will have a bad feeling; you will feel bad for me to see the situation I am in, and to see my buildings, after what my grandfather told me.

"The first agent was Redfield, and when he came there he borrowed blankets from me to sleep upon, and agreed to return them, but never did, though I asked for them. Goods have been stored up stairs in the warehouse, and have all disappeared; perhaps the rats eat them; I do not know what became of them. If they bring any goods for the Indians to eat and put them in the warehouse the agents live out of them, and the mess-house, where travelers stop, has been supplied from the Indians' goods, and pay has been taken by the agents, and they have put the money in their pockets and taken it away with them. I have seen them take the goods from the storehouse of the Indians and take them to the mess-house, and I have had to pay for a meal for myself at the mess-house, and so have others of our Indians had to pay for meals at the mess-house prepared from their own goods.

"I understand that the agents are allowed \$1,500 per year for salary. I think \$1,500 is not much—not more than enough to last a month, the way they live; they bring all their families there, and friends also. When the agents have been there one, two, and three years, their property increases—the goods in their house and their household furniture increase. When Redfield left the agency, a steamboat came in the night and took away fifteen boxes of goods, so that the Indians would not know it; but the Indians were too sharp for him. When Redfield came up he brought his nephew to be trader for the Indians; and one night he took a load of flour out of the shed where the Indians' flour was, and carried it to his store to sell out to the Indians. My friend, what I say about his taking the flour I did not see with my own eyes, but my young men came and told me so. Because I wanted the blankets that I loaned Redfield, he got mad and never answered me, and never gave me the blankets.

"My friend, a great many things have been going on, but they do them in the night, so as to blind me. What I say I see myself. After Redfield took away the fifteen boxes he sent back and took away more. I think all these young chiefs have eyes, the same as I, and that they have seen these things. I went down to Washington twice to see my grandfather, and the third time I went I came back by the Missouri. When I went down I saw many stores full of goods; the settlers come to our agency and make money and then go off. I think if we had two stores it would be better for us. If I had understood from what my grandfather told me, that I was to be treated as I have been, I would never have done as I have done; I never would have signed the treaty. Mr. Redfield said to me, 'When I am gone you will meet with a great many agents; but you will never meet one like me.' I think I never want to see one like him.

"When I made my treaty these young men (chiefs) were there, and my grandfather told me that the half-breeds should have some portion of the money. When I was making the treaty the half-breeds were all about me, my body was sweet, and my grandfather told me that I could give the money to any I pleased. These white men had Indian women for wives; and they came with their accounts against the Indians and gave them to Redfield. They told me if I would help them get the money I should always have plenty of money myself; they would always assist me. I told them I did not believe what they said; that if I should give them the money and should come into their house they would tell me to go out of their house. After I gave them the money they all scattered, and I cannot see them. After what I have done for them, given them the money, these white men have gone away and left their half-breed children for me to support and take care of. But when the agents come with money the white men come from every direction and get the money, and then go away

and spend the money at groceries. I think after I have paid them so much they ought to treat me better. I do not want any more of the half-breed money paid Joseph Lionais, Eli Bedard, Charles Ruleoux, August Trovercier, John B. La Plant, Bruno Conover, Theophile Brugner, and Joseph Proux. The half-breeds that live with the Indians are poor, and I want the money that has been paid the above-named half-breeds retained hereafter and paid over to the tribe toward supporting the poor orphan children, but I do not know what has become of it. If the white men should get their money again they would spend it for whisky, and I want their shares of the money stopped. The reason I am saying this is, the white men and half-breeds, whom we did not provide for by treaty, are displeased with us because we did not give them a share of the money.

"Among our nations there are a great many tribes come every year. The Tetons and others come down, and sometimes steal horses, and then the white men lay it to the Yanktons, and come to us to get pay for the stolen horses because we have got a treaty. They came last fall with their claim for stolen horses to the agent, and the agent showed it to the interpreter, and he told the agent that the Indians who stole the horses did not belong to the Yanktons; and the whites said if we had another interpreter they could collect their claims. Our grandfather has given this young man, Charles Pecout, a medal and made him a chief."

"I am now done with the management of Agent Redfield and the half-breeds, and now commence upon other matters."

This is a speech delivered before a sub-committee of this House. So he continues in relation to these agents for some time. Next day he takes up the case of Agent Burleigh. I do not know whether it is the Delegate here.

Mr. BURLEIGH. I am the person.

Mr. WILSON, of Iowa. Strike the Ree continues as follows:

"August 26.—My friend, yesterday we had a talk, and to-day we will commence with Mr. Agent Burleigh's agency. My grandfather, Mr. Redfield, the first agent, did not tell me the same things that my grandfather told me, neither did Agent Burleigh, but both of them told me lies; they filled my belly with lies. Everybody has got a copy of the treaty I made with my grandfather, I suppose. I suppose you are sent by my grandfather to represent the great council. I am here to represent my great council. The money my grandfather sent me has been thrown away. You know who threw it away. The guns, ammunition, wagons, horses, and everything have been thrown away. I can tell who threw them away. The reason the whites have trouble with the Indians is on account of the agents. When the goods come they are not according to the treaty. They never fulfill the treaty. When the agent goes away he says he is going to leave these things to be done by his successor. When Agent Burleigh came he made fine promises of what he would do. I asked for my invoice, but he would not let me have it; and I told him what my grandfather told me. I think the agents are all alike. The agent puts his foot on me as though I were a skunk. And the agents are all getting rich and we are getting poor."

"My friend, what I am telling you is the truth, and what I have seen. What the agents have done in the night, I cannot tell. That is the reason I am telling you this: I want you to report it to my grandfather. I want to go to Washington; and I wish you to do all you can with my grandfather to induce him to let me come there next winter. I want to see my grandfather to ascertain how much money and goods have been sent me, and that I may know how much has been stolen, and who stole it. I would like to have the agents there with my grandfather when I talk to him, that they may hear what I have to say. If there was a Bible there for them to swear upon, they could not swear that they had not stolen the goods."

"My friend, I feel glad to see you; and if I could see my grandfather I should feel better."

"When Burleigh brought the goods the first time he put the goods on the bank of the river; and there was one bale of fine goods with them, and Burleigh said the goods belonged to the Indians; and one of my young men came and told me about the fine bale of goods, and I went and examined it, and it was fine goods, and would have made nice breech-clouts; but we received none of it, and don't know what became of it. This was the second year Burleigh was there. The first year Burleigh was there, Redfield brought and distributed the goods. The first goods Burleigh undertook to bring there was the first fall of his agency, but the goods were sunk. For my part, I don't wish to hide anything. My friend, if you had come to see me, I could have gone into a council-house with you, and could have said what I wanted to say to you without any one being round to fill my ears. My friend, I know what matters you want to inquire about. I think you are the man to try and do some good to my nation, and my heart feels good. I do not speak a lie. They have got my head so turned that I cannot say what I want to say now, and I will stop now and come and talk more this afternoon."

"A steamboat arrived with our goods, and the goods were put out; Burleigh said they were our goods, and they were marked for us; there were five boxes. There were some officers and soldiers there. The boxes remained there on the bank until the next day. At night somebody scratched the marks off and put on other marks. (This statement was witnessed by Medicine Cow and Walking Elk.) They saw it done."

The soldiers told the Indians that the goods belonged to the Indians. At another time Dr. Burleigh had some calico for us, and he said he would take it to his house so that the Indian girls could learn to sew. My daughter went and made one dress, which was given her for making it. Five or six Indian girls went and sewed there and all got dresses. They were two days there. After the young girls sewed two days apiece and got a dress apiece, they never saw anything more of the calico, and never got any more. Another time Dr. Burleigh told us he had some plows for us. After that I saw one of them at Booge's store. We never had any of them. I told Charles Lamont's wife to take good care of that plow; that the whites might come round and, seeing it, take it. That is the way our property goes."

Dr. Burleigh one time came to me and asked me to grant him a favor, and wanted me to agree that he should give a plow away, and I told him to do so; I did not want to disagree with him; and then immediately he came and wanted me to give away another, and I told him to do so; I did not want to disagree with him."

The next day Medicine Cow speaks. It is not an euphonious name, but still it is that of an Indian chief. Medicine Cow spoke as follows:

"I shall speak of Agent Burleigh. At one time Dr. Burleigh told me he was going to put some goods away for the poor: some calico, scarlet cloth, &c. In the fall La Frambois, who has an Indian wife and lives with the Two-Kettle band, came down to get some goods; but the trader had none that he wanted, and La Frambois then said he would go below and get some goods to trade with the Indians; but Dr. Burleigh told him not to go, and that he could have the blankets, calico, scarlet cloth, and all kinds of cloth that had been kept for fall and for the old and the poor. I told him if he paid for them I could say nothing, and he took them and carried them away. The next spring he came back and I asked him for the pay for the goods; there were \$1,700 worth; but he said he could not pay for them, as he had paid Dr. Burleigh for them. Then I took the chiefs to Dr. Burleigh and told him to pay us the money he received from La Frambois for our goods; but he said he had got no money. There were plenty of whites and soldiers about at the time."

"I am glad you are here. You know the cause of the murders in Minnesota; if you do not, I do; the agents were the cause. Our agents never give us what our grandfather sends us. I think when the whites make an agreement with each other they do as they agree with each other. If the whites did as they agree with the Indians, there would not be so much difficulty. The agents bring goods, but do not give them to us. When the agent brought us money we asked him to let us see it; but more than half was carried back to the house and we never received it. One time he got and told us that he would keep it until winter, but he never let us have it. The blacksmith won't work for the common Indians, but works for the chiefs and all white men. If the common Indians go to him he will tell them to go away."

"I think all the work Dr. Burleigh has done was done for himself. He purchased lots of cattle and things. When he came there he only had a trunk, but now he is high up—rich. Once in awhile I went and asked Dr. Burleigh about the money, and he saved it for all the Indians, and we did not get it."

"When agent Congor came there he and Dr. Burleigh were together, and we felt bad to see him with the new agent. We went and told Dr. Burleigh that we wanted him to give us the money which he had taken from us; but he would not. I told him if he did not I would tell my grandfather when I went to see him."

"I think a great many of our tribe have frozen to death, and a great many have died of starvation. When I was talking that way to Dr. Burleigh he said he did not care what I said to him; that all up and down the Missouri river all the big men and generals were on his side. The reason I talk this way, the Governor said I must not talk so hard against a young man. The doctor told me I was against him. I answered, 'Yes; you are always against the Indians; you never try to do anything for us.'"

"Another time Dr. Burleigh came and brought us money, and gave us two dollars in paper money and some three and some one dollar, and we don't know what he did with the gold money, but we want to know, and we want to know if that is the way our grandfather does with us. I think if they had asked the young men to learn at school they would have done so; they would willingly attend the school and learn, but they have never had an opportunity. For my part, I think the agents have been an injury to us. When we moved here we had to dig the ground with our fingers. We had done as the whites told us. When Burleigh told us to be soldiers we became soldiers; we burnt the dirt lodges, as he told us; but we were not paid for being soldiers. We tried hard to please the whites. We have often told the same things to the big men before, but it made no difference; but we are glad to see you and hope you will do us some good. One time the doctor (Burleigh) came up and said he had got plenty of goods to keep us all winter; that he had four thousand sacks of flour and plenty of blankets; but we found out that he was not telling the truth; he put it into the store and we had to buy it. One time he told us he was going to keep seven large boxes of goods (one containing traps) for another time, to be distributed to us; but we never received any of these goods, excepting three of our young men got three guns and three suits of clothes as a reward for killing a Santee, and that was all we got. I asked Burleigh to do right; but Burleigh's interpreter would not tell him right. I told him to get another interpreter. Things are no

better now. The new agent has come, but he is like a man in the middle of the prairie. Burleigh cleaned the agency of everything, and the new agent has nothing to go on with; no cattle, no wagons, no plows, in fact nothing; everything has melted away like a snow-bank in the summer's sun. I think our grandfather don't know what is done with the money, from what you say to us to-day. I think everything on the agency is gone, and one saw-mill does us no good; there is no one to attend to it. It is the business of the agent to attend to it. It would take a month to start it. We have no lumber. There is no one to attend to our blacksmith shop, nor the carpenter shop; all the tools are gone. Sometimes the blacksmith does some things for the Indians, but works mostly for whites. Since the new agent came there is a good blacksmith. When Burleigh came to the agency there were two mules there, and they are there now; and there were also two horses, but Burleigh went away and swapped them away for two bob-tailed horses, and the Indians have never since seen their horses or the bob-tails."

I will not read further from the speech of Medicine Cow.

Mr. BURLEIGH. I ask the gentleman to read the testimony of Galpin, Frambois, and others, which ought to be there. I do not propose to get up here and defend myself against these Indians.

Mr. WILSON, of Iowa. The Indian agent Burleigh referred to is, then, the Delegate from Dakota.

The SPEAKER. The gentleman's ten minutes have expired.

Mr. CLARKE, of Ohio. I yield five minutes more to the gentleman.

Mr. WILSON, of Iowa. I wish to say in conclusion I do not propose to take up any testimony in this book from white men. I am letting the Indian make out his own case.

Mr. BURLEIGH. I would ask if these parties were under oath.

Mr. WILSON, of Iowa. No, sir; and the gentleman from Dakota was not under oath in his speech to-day. The case was presented before a sub-committee of this House. Whether the Mr. Burleigh here spoken of was the gentleman from Dakota or some other Burleigh, I was not there to know. My sole purpose in occupying the attention of the House at this time was to give these two Indians an opportunity to present their case to Congress.

Now, they complain of these agents. They say their conduct has been the cause of the Indian difficulty, and I fear there is a great deal of truth in the charges and specifications they present. They do not, like the gentleman from Dakota to-day, deal in mere generalities, but they charge a person, by name, with specific offenses, with the taking of their goods, and with the taking of their food and keeping a mess-house and then making the Indians pay for the food that is intended for them. They charge that \$1,700 worth of their goods were taken and paid for, and that the agent Burleigh received the money and would not pay it to them. These charges were made by the Indians. I do not make them. I have merely, as I have already stated, desired that these two Indians should have an opportunity to speak to this House and make their charge against whoever it may concern.

Mr. ALLISON. I trust that the gentleman from Ohio [Mr. CLARKE] will be kind enough to yield to me for five minutes.

Mr. CLARKE, of Ohio. I will do so.

Mr. ALLISON. Mr. Speaker, I have been listening with regret and astonishment at the charges made by the gentleman from Dakota against the President of the United States, the Secretary of the Interior, and the Commissioner of Indian Affairs. I supposed that there had been under former administrations some inconsistencies in the conduct of the Indian department, but I believe that the distinguished gentleman at the head of the Department of the Interior, a citizen of the State of Iowa, often honored by the people of that State, in calling to his aid another citizen of Iowa and of my own district to act as Commissioner of Indian Affairs intended to choose an officer who would reform the affairs of that bureau, and I have had faith in the integrity and honor of that gentleman. Therefore I was astounded at the gentleman's charging upon the Secretary of the Interior and Commissioner of Indian Affairs

corruption and fraud in the discharge of their several duties, as well as the President of the United States.

Now, sir, I desire that the gentleman shall make these charges specific against these various officers, and if they have been guilty of any act of dereliction in the discharge of their several duties let Congress institute a proper investigation to ascertain where the fault lies in their administration; and I believe I can assure the gentlemen that when the investigation is made these several officers will be able to sustain themselves before Congress so far as the matters alluded to by him are concerned.

I only rose for the purpose of vindicating these gentlemen from the covert attack of the gentleman from Dakota, and to ask him to make his charges specific against these gentlemen, in order that they may know what to defend. But I will say further, that I am informed—whether truthfully or not I cannot say—that the gentleman from Dakota has had personal difficulty with the Secretary of the Interior and Commissioner of Indian Affairs, because his accounts as Indian agent have not been passed upon by that department favorably. I hope this fact has not in any way influenced his action here.

Mr. BURLEIGH. With the consent of the gentleman from Ohio, [Mr. CLARKE,] I desire to say one word in reply to the gentleman from Iowa [Mr. ALLISON.] He says he has understood that I have had personal difficulty with the Commissioner of Indian Affairs and the Secretary of the Interior. I will state that it is not true that I have had any personal difficulty with them in consequence of my accounts not being settled. The charge has been thrown out and heralded all over the country by the Commissioner of Indian Affairs, and I denounce it as a falsehood.

THE REBELLION, ITS CAUSES, ITS CURE.

Mr. CLARKE, of Ohio. Mr. Speaker, all men unite in the opinion that slavery was the prime cause of the rebellion; but that alone, unaided by other great errors that have long had a lodgment in the hearts of the leading men of the South, would not so soon have resulted in a resort to armed force to break up the Government. The Democratic creed of supreme State sovereignty, which comprises all that is claimed in practical nullification and secession, was the great auxiliary that slavery called to its assistance—a sword to strike and a shield to protect—when it resolved to make war upon the Union.

SLAVERY CALLED, THE DEMOCRACY ANSWERED.

When the slaver saw his idol in danger he called for help, and the Democracy of the country, North and South, flew to its relief, and steadily as the needle to the pole so have they stood by it, in evil as well as good report. They gave over to the South their fealty and their votes; they elected none to office except such as were wholly acceptable to the South; they uttered no sentiment, gave no vote, made no resolves that could offend the most delicate sensibilities of the most nervous slaveholder; they were the most submissive, trucking creatures to the South that ever assumed the dignity of a party name. Alas, for the once proud name of Democracy! When it consented to do the bidding of the black man's master it surrendered up its birthright of manhood and became itself a slave.

THE TRUCKLING OF DEMOCRACY.

It broke down the Missouri peace compromise at the bidding of slavery and opened afresh the great wound that threatened the life of the Union in 1819-20. It made war upon freedom, and with fire and sword tried to force slavery into Kansas, and in that guilty struggle it literally murdered its great leader, Douglas, and drove hundreds and thousands of its best and bravest men from its ranks forever. It debauched Buchanan, its favorite President, and made him accept the criminal embraces of the South, filled his Cabinet with a spawn

of mercenary tools, whose highest ambition was to serve slavery even at the expense of their country. And when slavery declared war upon the nation, northern Democracy stood at its back, a little out of danger, and gave it aid and comfort.

ALL THIS FOR POWER.

The South was united and voted solid one way. It was a great temptation to aspiring Democrats, who had long been neglected and left out in the cold, to form an alliance with this formidable power, and thus attain to rank and position in the Government. The plan succeeded well for a season. Many a worthless sycophant crawled up from obscurity, without capacity or merit, to place and power, but it was a short-lived glory. The people, the honest people, soon saw through the veil of deception that hid from their view the true condition to which they were thus humiliated, and they left the old Democratic organization, as prudent men shun an infected place, and sought out the Republican party as a wholesome retreat for healthy constitutions, where wise, patriotic, and liberal principles could be propagated free from the taint of slavery.

REPUBLICAN PARTY GROWS.

Recruits from the old party organizations, men of high-souled principles, bearing evidence of a sound morality, with a Christian reverence for the manhood of man, came from the East and the West, from the North and the South, from the Whigs, from the Democrats, from the Abolitionists, and the Know Nothings, and thus an aggregation of great and good men organized a party whose mission was to seize upon our great national edifice, which slavery had been thirty years undermining, and replace its crumbling columns with the solid granite upon foundations deep as truth and strong and solid as right and justice.

IT DID THE WORK.

The South periled all upon the hazard of a single cast of the die; it did more, it drew the Democracy into the toils with it; the twain had one faith, one hope; the war opened; the Republicans accepted the challenge; they called upon the loyal people to rally to the national standard and drive the vandals from the Capitol; the people came; they made war for four long years; they endured hardships, sufferings, privations, and death, but they conquered; slavery shrunk back vanquished, and its craven ally, the northern Democracy, not quite close enough for wounds, crawled back into hiding-places to nurse the wrath its failure engendered in its heart, to come forth on some future occasion when its chances of success may appear more propitious. So much is history.

THEY RALLY AGAIN.

A little repose has given the rebels opportunity to consider their condition and consult what is best for the future. Copperheads, attracted by natural affinities and affections, have joined them in their conclaves, and are aiding them to heal up their wounds, revive their hopes, and prepare the material for another struggle for empire.

THE OLD PLAN ABANDONED.

On the former occasion the South, feeling itself strong enough to accomplish its high designs of breaking down the Government, ventured the undertaking upon their own hook; they knew they had the sympathy of the Democrats, but they had small faith in their pluck to stand up in a square fight against their country; in themselves they had confidence, not only in the will to dare, but the power to do, and they rushed on in their madness to the execution of their crimes.

But now, improving upon what they have learned in the past, they are laying the warp of a second rebellion with more circumspection; not so self-reliant as formerly; they are more wary and cautious, and for that reason, the more dangerous.

THEIR FIRST BLUNDER.

When these rebel spirits found themselves possessed of every element of success; when they had the President (Buchanan) submissive

as their own slaves to their will; when his Cabinet were most cordially with them, and possessed of capacities mental and moral that most admirably suited the occasion; when both branches of Congress were ready to back them in any measure that might become necessary to the consummation of the overthrow of the Government; when all the offices were occupied by complying creatures of their will; when the Supreme Court, fresh from its labor of love and of glory, the Dred Scott decision, was ready to take any allowable share in the great crime against liberty, as it had just done against justice and humanity; when the great Democratic party, not yet broken up, though giving palpable signs of disintegration, was waiting to be wooed into complicity with treason, then it was that these madcaps of the South instead of working with the machinery of civil government, and by a combination with the Democracy that stood ready to accept the invitation, then and there was the occasion for the triumph of their plans of overturning the Government, and founding in its stead the cherished confederacy; and the stars and stripes would have soon fallen from the Capitol, and the black flag of slavery taken its place. This was all within the grasp of the conspirators against the nation, but they saw it not, or spurned the aid the Democracy tendered them, choosing to rely upon their own strength and valor to achieve the glory that awaited them in the undoubted success of the enterprise. This was their blunder.

THEY LEARNED A LESSON.

In the misfortunes that followed the rebels in their resort to force to overthrow the Union they have learned a lesson, and though terribly punished for their infamous boldness, they have grown wiser; and as the seed of original sin is still remaining in their hearts, they are resolved to preserve it for a more favorable occasion, when it will be germinated, and a new and perhaps more successful growth of treason may be attempted.

WHAT IS THAT SEED?

It is the claim of supreme State sovereignty; the right to secede; the right to disregard the law of Congress; the right to stay in or go out of the Union at pleasure. These are the heresies that led to the late rebellion, and being still retained by the rebels, are now being carefully stowed away for future use. We were congratulating ourselves and the country that in the overthrow of the rebellion we had cleared the land of the accursed cause thereof, and that henceforth, whatever other troubles might arise to disturb the peace of our people, this one would not be of the number. Vain delusion! The grass is scarcely green upon the graves of our noble martyrs, the brave men who died for the Union, when the apostles of secession are boldly preaching treason in our Capitol, and preparing the disaffected for a second crusade against their country.

REBELLION IS NO CRIME.

They unblushingly affirm, those leaders in treason, that it was no crime to rebel! They believed it was the right of States to secede, and therefore they only followed the fortunes of their States rather than adhere to the nation. No crime! Oh, no; innocent as lambs! Take the following question, put by the committee on reconstruction to the oblivious General Robert E. Lee, who remembered so little of the transactions of the past that on his oath he could not say whether he had taken an oath to support the confederate government or not:

"Question by Senator Howard. Suppose a jury was impeached in your own neighborhood, taken by lot, would it be practicable to convict, for instance, Jefferson Davis for having levied war upon the United States, and thus having committed the crime of treason?"

"General Lee's Answer. I think it very probable that they would not consider he had committed treason."

Very cool, General Lee; very innocent of all crime!

"Question by same. They do not generally suppose that it was treason against the United States, do they?"

Answer. I do not think that they so consider it."

To another question General Lee answers: "I think they (the people) would consider the act of the State (in seceding) legitimate; that they were merely using the reserved rights, which they had a right to do—that was my view; that the act of Virginia, in withdrawing herself from the United States, carried me along as a citizen of Virginia, and that her laws and her acts were binding on me."

That is the doctrine; out of that egg came the rebellion; the rebellion is subdued, but the cause still stands out bold and threatening as ever, and here is General Lee, one of the leaders, and a very guilty leader, too, tells you to your teeth, he has done nothing but his duty to his State—nothing of which he should be ashamed of, much less punished for as a crime!

ALEXANDER H. STEPHENS'S TESTIMONY.

Mr. Stephens, the vice president of the confederacy, was also before the committee on reconstruction and testified. He said:

"I believed thoroughly in the reserved sovereignty of the several States of the Union under the compact of Union, or Constitution of 1787. I opposed secession, therefore, as a question of policy, and not one of right, on the part of Georgia." * * * "My convictions on the original abstract question have undergone no change."

That is, being better acquainted with the power and resources of the North, he thought it bad policy to attempt, by force of arms, to break up the Union. But the right to do so he regarded inherent in the States, and is still of that opinion, notwithstanding the failure of the rebellion. His convictions on the abstract right to rebel, whenever a State may choose to do so, "have undergone no change."

So says the Senator-elect from the State of Georgia to the present Congress, and he says this opinion is general with the people of that State; they have barely ceased to be rebels, but hold to the faith of secessionists, which is rebellion in a chrysalis state. A secessionist at heart is a traitor in principle, and give him an opportunity and he will prove himself a rebel in practice.

A TOUCH OF STATE SOVEREIGNTY.

After hearing Mr. Stephens on secession and the right of a State to abandon the Union at pleasure, it will be refreshing to hear him on the right of a State to return to the Union *ad libitum*:

"I think, as the Congress of the United States did not consent to the withdrawal of the seceding States, it was a continuous right under the Constitution of the United States, to be exercised so soon as the seceding States respectively made known their readiness to resume their former practical relations with the Federal Government, under the Constitution of the United States."

He assumes that as our Government refused them permission to secede—they having the right even without such consent—that therefore they acquired the right to return even against the consent of the Government. This is piling it up rather steep, Mr. Stephens. If your privileges as States were as liberal as you claim, and that those States could go out and return at pleasure—go out to do us mischief and return for the same purpose, it may be—are not the privileges of the General Government equally liberal, and may we not at least have a word with you on your going and returning? If Georgia can leave the Union, may not the Union leave Georgia? And if the Union cannot compel Georgia to stay in, can Georgia compel the Union to admit her *volens volens*. Surely in a compact rights are mutual among the parties. If one State can leave thirty-four, may not thirty-four leave one? Mr. Stephens's theory works its own destruction. It is not more respectable than Buchanan's, who thought the States had no right to secede, but the Government had no right to prevent them from so doing. This was the last notable oracle of that celebrated "public functionary," and it is a fitting climax to his remarkable career.

MAY WE PRESCRIBE TERMS?

This is scarcely a debatable question. Ever since the surrender in 1865 reconciliation has been progressing by means of terms and conditions proposed by the Government and accepted by the insurgent States. Did not President Johnson exact specific conditions of each of these States? Did he not suspend Gov-

ernors elected by them from assuming the functions of Governor until laws were enacted and duties performed according to his dictation; and did they not readily comply, thereby recognizing his right to demand the submission and their duty to comply? Has he not suspended sheriffs and judges elected in rebel States until they were purged of their treason by his pardons? Why all this terrible infringement of the rights of those people by the President of the United States, and why are they so submissive and uncomplaining, if they are under no disabilities by reason of their acts of rebellion?

HOW IS IT WITH LOYAL STATES?

Does the President venture so to interpose his authority in Ohio or New York? No, sir; those States have not rebelled against the Government, they have not levied war upon it, they have not induced the slaughter of hundreds of thousands of brave and loyal men in attempts to break up the Government. They have been faithful to their obligations, and have stood up for the maintenance of law and order, and are therefore under no disabilities, threaten no violence, give no occasion for uneasiness on the part of the Government. The guarantees of the Constitution shield them from such unwarrantable interference, because of their continued loyalty to that Constitution and the Government thereof.

THE RIGHT OF SELF-DEFENSE.

All animate nature has the instinct of self-preservation, a right of universal recognition. Governments are always armed with the same inherent power. Why did the President send armies with the instruments of destruction into the South to spread desolation and death in their march through the southern States? The Constitution gives no such command. Self-preservation was the motive; its rights are paramount to constitutions or laws; the life of the nation was in peril, and the only road of safety was by an appeal to arms, meeting force with force. Shall we be told by these rebels after the conflict has closed that they were innocent and the President guilty? That they had a right to destroy the Government, and that the President was a murderer for resisting them with armed force, whereby blood was shed? Let such as have the patience to listen to such treasonable stuff take a surfeit of it; for myself I want none of it.

SHALL WE HAVE ANOTHER REBELLION?

I hope not, and that we may escape such a calamity it is our duty to do all in our power to guard against it. We know by what means the late rebellion was brought about, and we will be fearfully accountable to the country if we restore the Union without removing, as far as practicable, the causes that led to our disruption. The unbridled license of the vicious must be restrained when the public safety demands it; all laws are restraints upon the natural rights of individuals for public good; whatever the public good shall require the individual members must submit to. Governments are all established and sustained upon this principle; without it there can be no such thing as Government, liberty regulated by law.

WE HAVE TAKEN ONE STEP.

The constitutional amendment abolishing slavery everywhere in the United States was a great step in the direction of future safety. Slavery had done much to precipitate the rebellion. That Samson of terror and of crime is shorn of its locks. To tear from the traitor his cherished idol, slavery, was an invasion of his right of property; but the interest of the many is paramount—the few must submit. Does any one doubt the propriety, or even the justice, of this great measure? Surely none; and yet it cost the South hundreds of millions of dollars. This we did, too, without compensation, which is allowable only in special cases, and in times of great emergency. Slavery made war upon the Government; it failed to accomplish its purpose, and forfeited its existence; its extinction became a public necessity. We have destroyed the full-grown lion in our path,

shall the cubs be left to grow up and annoy us? These, too, must be secured; and our work is not done, nor well done, until we have, as far as practicable, provided a defense against all reasonable contingencies of apprehended danger.

BUT IT TAKES TIME.

Nothing is well done that is done in haste. This is a great work; it involves the lives, the quiet, the wealth, and prosperity of many millions of people; not merely those existing in our Government, but the accumulating millions in years to come. We are planting the seed, but the harvest is for our posterity. This is the process of life—we pay to our children the debts we incurred to our parents; we must be patient; this Government of ours is one of gigantic proportions; it cannot be reconstructed in a day. It took the labor and ingenuity of rebels thirty years to bring about the rebellion; and with all this preparation its friends admit now that they commenced at the wrong time and in the wrong way; it may not take as many years to build up what was destroyed, but it must not be unreasonably hurried. He who is impatient at deliberation knows not the importance of the work or cares not for the consequences of a spoiled job.

WHO IS FOR HASTE?

First, the rebels are importunate to get back, and they are very careful to insist upon their rehabilitation under circumstances as nearly like those under which they left as possible. Then the copperheads are pressing for an early restoration of their southern brethren, and they, too, prefer no change in the order of restoration. If they had a right to secede, they insist that right shall still be available to them. If rebelling and waging war on the Union were lawful, as Lee and Stephens and Wise proclaim, then, they say, let us return with that privilege. Stephens says they forfeited no rights by rebelling. He says:

"As the General Government denied the right of secession, I do not think any of the States attempting to exercise it thereby lost any of their rights under the Constitution."

Ah, Mr. Stephens, as you southern gentlemen have claimed the right of secession whenever it may suit you to do so, it is made our greatest duty to put that right, if it exists in any possible form, entirely and forever out of your reach. We should be the laughing-stock of the civilized world if, with these open declarations of rebels, we should invite their return without guarding against a recurrence of the same troubles by the same means. If rebels lost nothing by rebelling, the Union lost many and valuable rights; it lost peace and quiet and money and lives, and cannot forget, it cannot overlook, the high obligation to make sure the guarantees against a repetition of those wrongs; and we cannot consent to hasty and inconsiderate legislation on so vital a matter merely to accommodate impatient rebels, who have not even the grace of penitence to recommend themselves to our favor; nay, demand to be restored at once, and with that demand shake defiance in our very teeth.

A TEST OF LOYALTY.

All admit, even Mr. Stephens admits, that none but loyal men should be admitted to seats in Congress. Hear him:

"I am free to admit that, in my opinion, none should be admitted as a member of either House of Congress who is not really and truly loyal to the Constitution of the United States."

That sounds well, but examine it and you will find it the merest shell, without substance, a deception, a cheat. Loyal to the Constitution? Why Stephens himself claims to be this day a loyal man to the Constitution; yes, he claims that he was loyal even in the very act of rebelling. To do what the Constitution authorizes is to be loyal. Stephens says secession is a constitutional right, therefore it is loyal to secede. Stephens is Senator-elect of Georgia, and expects to claim his seat as such; does he not thereby inform us what constitutes loyalty in his judgment? With a Senate filled with men of such loyalty, how long would the Union stand?

BUT WE HAVE OATHS.

Yes, we have a stringent oath of office for members of Congress, but how long will it remain? Every Democrat in Congress and out of it is for its repeal, and even radical Union men talk gingerly about its modification; others deny its legality, and therefore a nullity, and that if required to take it the veriest traitor could do so and yet escape the pains and penalties of perjury. Rebels all say it is no oath, not being warranted by the Constitution; that is enough for them; besides, they are not very modest in regard to taking or breaking oaths. Put not you trust in rebel oaths; an oath never made an honest man, nor will it bind the conscience of a dishonest one. A member of this House, the reputed leader of the Democracy, said three months ago:

"I am here to-day to say that I would vote now, and it would give me as much pleasure as any vote that I have ever given, to repeal the present test oath."

Another prominent member on the same side of this House devoted an hour to the serious consideration of its immediate repeal, alleging "that its continuance is most unjust and unwise." Indeed, every utterance from that quarter on the subject indicates an ardent desire to dispense with the test oath, which of all things seems to be the most insuperable barrier to the admission of traitors to seats upon this floor.

THE GOVERNMENT THREATENED.

From every quarter where traitors or their sympathizers are found the Government is denounced as a usurpation. Why a usurpation? Because the traitors are not permitted to take charge of the legislation of the nation. If this complaint should assume formidable proportions there is nothing that could be suggested by the brain of wicked and rebellious men more dangerous or destructive, not even outright treason itself. It is claimed by those evil-disposed persons that, inasmuch as eleven States are excluded from a share in legislation in Congress, that therefore the acts of Congress are null and void. Now, those States abandoned the Union in 1861, and their delegations in Congress vacated their seats, and they have remained unoccupied to this hour; and it is gravely assumed that since they left no laws could be constitutionally enacted. If that is so, then we have no Government. It is nonsense to talk of a Government that has no capacity to make or enforce its laws; and yet this is a point now seriously made by our enemies, and they are organizing party foundations upon the impudent and treasonable assumption.

THE OHIO DEMOCRACY.

A few days since, Judge Thurman, as president of the State Democratic convention, in noticing the action of Congress relative to the reconstruction of the rebel States, declared:

"And, in view of these facts, I do not hesitate to say that the doings of the present so-called Congress of the United States are plain usurpations of power."

"To call it a constitutional Congress is a mockery of the Constitution."

Mr. George H. Pendleton, late Democratic candidate for Vice President, on the same occasion said:

"The Union is broken, not by the collision of arms, but by the political action of parties. Its enemies are in high places of power; they sit in the seats of the Capitol; they have their grasp upon its throat; they throttle it to the agonies of dissolution."

Mr. Vallandigham, on the same occasion, said:

"I believe the President will not attempt any violent measures to drive those men from the Capitol, though I think he would be justified in doing so, for they are not a constitutional Congress. They are but usurpers."

Vallandigham has some experience in the matters whereof he speaks, and his opinions are therefore the more noticeable.

WASHINGTON CITY DEMOCRACY.

A paper of this city, of Democratic antecedents, gives its note of warning:

"These men had better beware. They are not a legal Congress, but an unconstitutional body of usurpers. The country feels that the one great error of the President was in his ever recognizing them at all in their self-imposed rump condition. They had

no claim for recognition as an official body from any honest man or any other branch of the Government," * * * "A little Cromwellian pluck is just the thing needed now; and there are twenty-two hundred thousand Democrats in the North who would back that kind of pluck with a good deal of relish just now."

REBEL VIEWS ON THE SAME.

"The so-called Senate of the United States, in the absence of the twenty-two legally elected Senators of the southern States refused admittance to their seats by the contumacy of the radical party, is not, therefore, the Senate recognized and demanded by the express terms of the Federal Constitution, and any acts passed by so unconstitutional a body are null and void, and wholly inoperative."

So says the New Orleans Times, the editor late a soldier in the rebel army, and therefore well qualified to judge of the question discussed. Of course his views accord with his long conceived opinions; he fought for them, and he may well be considered sincere in writing for them. He harmonizes remarkably well with his Ohio friend just quoted—not any less so now than when we were in the midst of the conflict in arms; it is the same heaven of treason; it means destruction to the Government, and nothing less will appease their wrath or glut their vengeance.

A Georgia paper says:

"Cold steel has been invoked before by legislative bodies, and the saints are well enough read to remember how Pride's pikemen purged the Parliament House as they would winnow the Capitol."

A SENATOR'S VIEWS.

A Senator from Kentucky a few weeks since declared that the time had come when the Senators from the southern States should be recognized as the legal Senate, and the Democrats should join them, and the President should hold his official communications with them; he was not rebuked by a man of his party, and he may be understood to have uttered the prevailing sentiments, perhaps the deliberate resolves, of his associates in that body.

THE DRIFT OF THESE SENTIMENTS.

They tend to unsettle public confidence, to render the Government odious in the eyes of the rebels, and Democrats especially, that they may be fired up for future action and co-operation in attempts to subvert the Government by fraud or force. They are not satisfied with the results of the rebellion, and they seem resolved upon another effort to reclaim their lost fortunes; and they are beginning in this way to educate their followers up to the spirit of their purpose. Calhoun and his school of nullifiers did the same; they began the drill in 1830; they were fully educated in the school of secession when they struck the blow. Will the people be overcome with a second delusion, involving the life of the nation, before the wounds inflicted by the first are healed? Are the people so fond of war, so weary of peace, that they will lend a willing ear to those master spirits of mischief who seem to have no mission on earth except for crime, no taste but for treason, no enjoyment except in rebellion?

NO LEGAL CONGRESS.

No legal Congress, because the rebel States are not represented—such is the assertion; then no law has been enacted of binding force since 1861. For if their presence in Congress is necessary now to give effect to the laws, it was equally so during every day and hour since the rebellion was commenced. Is all legislation void and of no binding force since 1861?

WHAT OF YOUR BONDS?

The law authorizing loans of money, and the issuing of Government bonds, that now exceed \$2,000,000,000, received by your creditors, and those having faith in the honesty and integrity of the people, and scattered all over the civilized world; how stand these great interests, if this Democratic-traitor logic is to be received as the gospel of the new party organization, just elevating its odious features to public view, and sounding the note of revolution in our land?

IT IS RANK REPUDIATION.

It is aiming a deadly blow at the credit of the Government; it is a blast of repudiation, made at a time when the public credit stands

most in need of good words; at a time when large sums are pressing new loans upon the market. Who, that has the good of his country at heart, could be engaged in such unworthy work—undermining the nation's good name, when its necessities drive it into the market as a borrower of hundreds of millions of dollars? Will men take loans while the howl of repudiation breaks forth from a whole party that boasts of its twenty-two hundred thousand voters—some of them sounding the scandal from their places in Congress?

PARTY RUN MAD.

A party formed of men of noble and generous natures in all their political conflicts hold the interest of the Government sacred. Parties may flourish or fall, but the nation must not suffer. Not so with this crime-inspiring coalition of rebels and copperheads, that writes treason upon its front, and makes its advent breathing threatenings and vengeance, and lapping out its forked tongue for blood.

THE MOB INVOKED.

Congress, while pursuing the even tenor of its way, and disposing of the nation's business with all the attention, industry, and fidelity possible, and to the entire satisfaction of the people who sent them here, yet this party of violence invokes the mob to drive Congress out of the Capitol by force. This is a short cut to revolution, and its advocates boast of high confidential and official relations with the twenty-two hundred and fifty thousand Democrats of the North. Can it be possible that the Democratic party gives warrant for such proclamations? We are not ready to believe the masses of that party ready to embroil themselves in such a conflict, and bring upon themselves, and perhaps upon their country, unutterable woes. Bad men, adventurers, who have everything to gain and nothing to lose in such commotions, may foment them, but the staid men of the party, however bound in attachment to old political names and associations, will pause and ponder well the issues that such rashness may present before they fall into the toils of treason these guilty leaders are preparing for them.

WHAT HAS CONGRESS DONE THAT OFFENDS?

What is the charge against Congress? Has it not provided all the means proper for carrying on the Government; lessened the taxes, where it was possible; paid the soldier; paid the pensions; fed the starving poor of the South; preserved law and order; administered justice; and given to every branch of the Government all it asked of power or money to carry on the purposes of the Administration? Who complains that Congress withholds its support to any Department, even upon the gentlest hint that anything in its power is needed? And yet Congress is objected to, and must be mobbed, driven out of the Capitol by force, to be called out by unrepented, unpardoned traitors and their confederate Democrats who have assumed the protectorate of the nation.

IT OPPOSES THE PRESIDENT?

Is that a just cause for mobbing Congress? It often happens that differences grow up between the two departments of Government; and have we arrived at that point in moral progress and the science of civil government that when such differences arise they are to be settled by the arbitrament of the mob? If mobbing is the rightful remedy in such cases, who is to decide upon which of the contending departments of the Government the fury of the mob is to be directed? And when the mob shall have demolished the one or the other, as the whim of the instigators may indicate, how is the place to be supplied? If Congress is driven out of the Capitol who are to succeed them? If the President is to be the unfortunate victim of mob violence who is to succeed him? The power that may rightfully depose can rightfully set up authority. The mob, then, becomes the ruling power of the country. This is the logical result of the proposed remedy by mob violence. It must certainly commend

itself to all considerate minds as a most sovereign specific for all the ills of government, and is worthy of the source whence it emanates.

DOES IT OPPOSE THE PRESIDENT?

When has Congress interfered with the rights or privileges of the President? We enact laws, and it is our privilege; he vetoes them, which is his privilege; we pass them over his veto if we can, which is our right; and when we cannot, we submit, which is our duty. Who can find any cause of censure in all this? He is busy settling the disorders of the insurgent States. Whether he is using more or less power than the Constitution confers upon him Congress has not offended him by even suggesting the inquiry. If he can restore peace and submission and order and loyalty in those States Congress will not complain. How, then, is Congress regarded as embarrassing the President inasmuch that he is counseled to send a *posse* of soldiers and disperse Congress for being contumacious? Has the President asked for an appropriation and Congress refused it? Has he asked for power and Congress refused it? Never! Has Congress attempted to interfere with his labors in the rebel States? Not in a single instance. He has been left to the full exercise of his will in this matter, and Congress has made no movement to curb his purposes or question the propriety of his measures.

WHAT CONGRESS HAS DONE.

It has assumed to be the judge of the election and qualification of its own members, and to decide when and upon what terms and guarantees the rebel States shall be restored to their practical relations in the Union. Does any one doubt the right of Congress so to determine? Is it not the bounden duty of Congress to do this? And in so doing, what right, what attribute of power, belonging to the President, is disturbed? Not one! Congress passed the Freedmen's Bureau bill because they deemed it expedient; the President vetoed it for the same reason. Congress performed their duty and were content; the President discharged his, and was likewise content, as we suppose. Is there anything in all this to justify the cry of tyranny against Congress and to invoke the mob? Congress passed the civil rights bill; the President vetoed it; Congress was sufficiently united in the conviction of its propriety, and they passed it over the veto. All this was done in the proper and respectful exercise of unquestioned constitutional right. Can any mortal man discern any wrong in this for which the violence of a mob should be employed to chastise Congress?

BUT THE COMMITTEE OF FIFTEEN!

That is the unpardonable sin. If the constitution of that committee has been the stumbling-block to any, it is because they have not well considered the subject. Both branches of Congress were alike interested in the solution of the difficulties presented, and it was respectful to the two Houses that they proceeded in the matter with a full understanding of each other's views and purposes. They could do this by a joint committee; they could in no other way do it so well or so satisfactorily. It was the pleasure of Congress so to proceed, and that of itself should be an answer to all complainers; it worked no hardship, no oppression; produced no complaint from either branch, and was easily dissolved at any moment when Congress should find it inconvenient or injurious to just and proper legislation.

IT OFFENDED THE PRESIDENT.

If he took offense at the manner in which Congress disposed of its business it was his own misfortune, and not the fault of Congress. It would be a dangerous precedent to set for either department to assume a supervision over the manner of discharging their respective duties. Congress takes its own method in dispatching business; so does the President; each acting in view of their respective convictions of propriety and duty. How can this be the subject-matter of offense? The President may have been desirous for the speedy admis-

sion of southern members, and as far as Congress was concerned it had no personal gratification in disobliging the President, but upon honest conviction of duty took the course indicated. Should that offend the President and justify his eleventh-hour admirers in denouncing Congress and threatening it with violence? Reverse the case, and see how ridiculous the pretense of insult to the President becomes. The President knew how anxious Congress was for the success of the civil rights bill, but from a sense of duty he was compelled to disoblige Congress by vetoing it. Now, suppose Congress had lost sight of its good sense and propriety, and had run into a rage, and vituperated bitterly, in and out of Congress, and had threatened him with a mob to expel him from the White House, who would have dared to stand up and justify such folly on the part of Congress? No sensible man on earth. And yet that is the extent of our offending, simply daring to do our duty in a free, independent, and constitutional manner.

BUT WHY SUCH DELAY?

There is no rule that prescribes the speed with which legislation must progress. The experience of the world is, that wise laws are rarely the product of hasty legislation. Ordinary measures may be passed upon with less deliberation, because if found imperfect they may be improved at any time. Not so with this great work of reconstruction; when it is molded into legal form and sent forth as a law it can never be recalled for amendment, as ordinary laws. The interest of eleven States and the destiny of the Union hang upon its provisions. How could haste be recommended under such circumstances? It would have been criminal in Congress to have jeopardized the peace and future prosperity of the nation by precipitate action, whereby blunders may have intervened to annoy our people for a generation to come, without the means of remedy. If the measures proposed shall secure a happy restoration of the Union upon principles of justice and equity, and confer upon the friends of the Union the power and the duty of controlling its destiny, then I am sure no loyal man will murmur at the time bestowed upon the work. That men of treasonable instincts and proclivities will complain is not unexpected, for against the wiles of such evil-disposed creatures, who have already stained our land with blood, we have taken the utmost care to guard our country, and the more they clamor and denounce the measure the more will we be assured it has accomplished the desired object.

NO CONFLICT WITH THE PRESIDENT.

Although it is not required that Congress should defer to the peculiar notions of the President in its legitimate action upon this or any other subject, it is respectful that no unnecessary demonstrations of fretful antagonism should be made. Congress has not lost sight of its dignity in the progress of this business; and the measures adopted do not militate against those employed by the President. The more successful he may have been in preparing the rebel States for a return, the sooner that return will be accomplished. His work is not destroyed or impaired. Peace and order and loyalty must precede restoration. The Army began that work, and the President took up the work where the Army left off, and Congress follows in the wake of the President; all tending in the same direction, having the same object in view—the restoration of the Union.

NO QUARREL WITH THE PRESIDENT.

Congress has no quarrel with the President; it has sought none. Evil-disposed persons, eager for such mischief that they may fatten upon the calamities that would necessarily fall upon the country from such a rupture, are doing what they can to produce that result. They may have had some success in sowing the seed of discord, but relying upon the good sense of the President and Congress, and upon their patriotism, I have faith in the final success of the great measures of restoration and of the

ultimate harmony and hearty cooperation of all the departments of the Government in the consummation of this great work. And when the Union shall be restored, under the proposed plan, it will be upon a platform of even-handed justice to all men, so far as Congress has the power to prescribe, leaving to the States the exercise of those reserved rights of sovereignty which the Constitution has wisely secured to them, and which they are so justly zealous to maintain.

WHY SHOULD WE SUNDER?

Now that the rebellion has been subdued, peace restored, and the States about to resume their places once more in the Union, free from all causes tending to future irritation, with a glorious future opening for the encouragement of all who love their country, why should the Union men, who have stood side by side and shoulder to shoulder through all the dreary hours of doubt and conflict and blood, lending their energies of body and mind, and enlisting their hearts and souls in the cause of the Union, now that the glorious consummation is at hand, why should they separate? In God's name, let us yet be brothers; if in the hour of our calamities we were united, let us not degrade the dignity of our manhood or impeach the purity of our patriotism by an unwise separation in the hour of our final triumph.

RECONSTRUCTION.

Mr. VAN AERNAM. Mr. Speaker, I need not assure this House that I approach the investigation of the subject under consideration with hesitation and embarrassment. With hesitation, because of the importance and magnitude of the subject. With embarrassment, because little new can be said on this subject, so often discussed here by abler men. But, Mr. Speaker, in a crisis like the present, when the great and peculiar problem of national reconstruction is set before us, and questions entirely new in human history are presented for solution, it behooves us to address ourselves to the most earnest consideration of this problem and its attendant questions. And, sir, without detaining this House by preliminary remarks, I will approach the subject at once, and ask, where has the war left the States lately in rebellion in their governmental relations? President Johnson, in his proclamations issued with the view of giving provisional governments to these States, says that the rebellion "in its revolutionary progress deprived the people of these States of all civil government." And this doctrine, seven times repeated by him, was the basis, solely, upon which those "provisional governments" were founded.

Senator LANE, of Indiana, says:

"It seems to me that counsel has been darkened on this subject in the statement of the question. A portion of the people and of the Senate believe that these States are yet in the Union; another portion believe that these States are yet out of the Union; and the difficulty of dealing with that question is that both of these contradictory answers are right and both are wrong! Territorially, these States are in the Union; the communities in these rebel States are in the Union; their citizens are citizens of these United States. But the practical question is, whether these people are now, at this time, in such relation to the Government of the United States as to be entitled to participate in the legislation of the Republic. I take the ground that although territorially they are in the Union, although the Government, by the rebellion, has lost no single power that it ever had to enforce the laws, to compel obedience, and to carry on all the machinery of the General Government, these rebel States have voluntarily forfeited and abdicated every right. They are no longer to be recognized as a governing power under the Constitution of the United States."

I apprehend, Mr. Speaker, that both these answers are correct, and that this is the precise position they occupy practically. Have they as States any share whatever in the Government of the country? Are they not in fact out of the Union as a governing power or partnership, but in it as a governed community? They are in the Union so far as Territories are in the Union, and no further. From courtesy we may call them States, if we choose, but in their practical relations they are simply Territories, and nothing more. I know, recently, gentlemen have been somewhat averse to proclaim the doctrine thus broadly. But why

should they? This is really the condition in which they have been held by every department of the Government.

Congress has assumed that the rebel States had no rights as States in closing their ports to all commerce. Could Congress provide under the Constitution in a tariff bill that the ports of New York shall be opened and the ports of another State closed?

The Supreme Court of the United States has held in the decisions in the prize cases "that all persons residing within the territory occupied by the hostile (rebel) party in this contest are enemies of the United States."

Can public enemies, Mr. Speaker, have a right to control and govern this Union? Away with such nonsense! Nor is this all; the President has also assumed that the rebel States had no rights as States when he appointed provisional governors; ordered conventions; dictated the terms of the constitutions thus to be formed; directed who should vote, and who should be eligible to sit in the convention and hold office; and what oath they should take; and in annulling laws passed by the Legislatures of these States; and in deposing men elected to office. Is it competent for the President of the United States to order New York or any other State to call a convention and change her constitution at his will and in terms prescribed by him? I trust not.

These late rebellious States withdrew from the Union by their own deliberate, voluntary act as governing members, and contemptuously renounced all their privileges in it.

Is the action of States of so little consequence, such child's play, that they can spurn from them those rights and privileges and yet have the same title to them as before? And for this withdrawal and renunciation they had no reason nor provocation, except that being in a minority they could not always rule in the Union as they had done during a greater part of its existence.

Their motto was the demonic one, "Rule or ruin." Thank God, they have not been able to ruin us in war! Shall we now tamely and ignobly permit them to rule and ruin us in peace?

After these acts of secession, or in many cases in anticipation of them, they seized by force or fraud all the United States property they could lay their hands upon—navy-yards, custom-houses, forts, arms, ammunition, arsenals—and traitors in power, Government officials, had violated their oaths and abused the trust reposed in them by a confiding people, by taking especial care that this property should be as large and exposed as possible, and that the North should be deprived as far as might be of the means of defense.

What reward are we bound to render for these acts of shameless treachery and robbery? They fired upon our flag because we would not yield everything to their proud and arrogant demands and commit national suicide. They plotted, nay attempted, to take our capital by force of arms, and to install treason and rebellion supreme in the highest and most sacred places of the nation.

Confident of the success of the schemes which they had been so long concerting, while we had been unsuspecting and resting in fancied security, boasting that their banner would soon wave in triumph over the Capitol here, and wishing to take the fullest advantage of our unprepared condition, they proceeded without delay to open, direct, unprovoked war. Thus proceeding, they of course subjected themselves to the laws of war. This they well knew and understood, and were willing to abide the consequences; consequences which they in their pride believed would be triumph for themselves and defeat and humiliation for us. At least they were ready, yea, anxious, to take the risk. Nor could they plead ignorance of the laws of war. These laws have written themselves in blood upon so many of the pages of history that they are, alas, too well understood by all. The fires of war always burn up parchments and compacts.

"By a state of war that of society is abolished," is the sententious maxim of law. All friendly relations and partnerships cease when men seize each other by the throat in a death struggle. Knowingly and wickedly and voluntarily they committed to the dread arbitrament of war the whole subject of their relations to their before sister States. If conquerors, they would become sovereign and independent; if conquered, they must submit to the common lot of the vanquished—they must become a subject people and their land conquered territory. Against all our remonstrances, our earnest entreaties, our offers of degrading compromises, and even humiliating concessions, they insisted on staking their all and our all upon this horrid game of bloody war, and they have lost, thank Heaven, they have lost!

Now, do they come and say that all this has meant nothing; that all these long years of mustering hosts, of crimson battle-fields, of sufferers' groans, of widows' tears, of orphans' cries, and of prisoners' torments, have meant nothing; and that now we are bound to throw all up, what we have gained by these four years of bloody war, and play the game over again in the arena of these Halls, and let them return to the Union with plenary powers and without conditions-precedent? Play the game over again! Merciful God!

Yes, that is the meaning; that is what is really contained in every appeal for the indulgent treatment of the erring but chivalrous South; that is the dream of southern ambition. But should we fail to secure what we have won at such terrible cost, we will be false to ourselves, false to humanity, and recreant to the great sacrifices we have made, and will deserve the maledictions of mankind and the vengeance of Heaven.

Why should we not insist on conditions before these States are restored to fellowship and power again? Will any one say that the South has waged this war with such peculiar honor and humanity that the usual laws of war ought not to apply in their case? To what facts will he appeal in vindication and confirmation of this plea? Will he point to the surprises by which the war was sprung upon us, or turn to the persecutions of the loyalists of the South by threats, by confiscation, by exile, by imprisonment, and by hanging? Will he recall our attention to the schemes for desolating the North by pestilence and conflagration and insurrection.

Will he ask us to remember the plot for the murder of the President-elect on his first approach to the scene of his labors, and to his assassination when his labors were nearing the goal of accomplishment? Will he urge upon us the recollection of the refusal of quarter upon the battle-field, and the cold-blooded, heartless massacre of the unresisting? Or will he invoke us to look at the prison pens in which so many thousands of patriot soldiers were shut up like sheep for the slaughter, for cold and heat and hunger and storms and disease, and for the tyranny of brutal keepers to work their will upon until death should come, or such exhaustion that they might be exchanged, as those from whom nothing could be feared in the future?

Let us attempt the folly to proceed to a restoration of the Union without guarantees, and the expectations of permanent harmony between the two great sections of our country will prove an idle dream. It will be the vain cry of "Peace, peace," and there will be, permanently, no "peace" for us.

That profound thinker and practical statesman, Robert Dale Owen, in discussing this subject, says:

"We can never, indeed, forget—God forbid that we should—the terrible consequences of treason; the hardships, the sufferings, the lost lives, the parents and widows bereaved, the countless thousands of homes made desolate among us. But to avert evils in the future better befits a Christian people than to avenge injuries of the past. Let us learn of the despised and the lowly. Is it we only who have injuries to requite? What were our sufferings during the war compared to the thousand wrongs perpetrated throughout generations against the millions of

southern slaves? But though the iron entered into their souls, did they return evil for evil? Did they forget when the day of liberation dawned the words of the text, 'Vengeance is mine, I will repay, saith the Lord'?

If there be among our people a revengeful element let us not pander to it. If we impose conditions before we restore political rights to those who, defying law and Constitution by force of arms, became public enemies, it ought to be in defense, not in requital.

"If we impose conditions." To a dispassionate looker-on it must seem strange that, here in the North, that should be a question at all. At the close of a four years' embittered war—producing a radical change in the legal and social condition of four million people, creating two vast antagonistic public debts, and entailing a thousand diversities of interest between millions on one side and millions on the other—it would be a thing incredible that government could be properly or safely resumed, without stipulation or precaution, as if nothing had happened. At such a juncture in our national affairs wise precautionary measures are as strictly a dictate of duty as they are clearly a matter of right.

"As to the right in this case, the space I prescribe to myself forbids more than a few words, even if I deemed it more necessary than I do formally to argue a question so plain.

"I shall not, therefore, here broach the speculative inquiry, what is the precise legal status of the late insurgent States? A mere technical view of a great subject is always a contracted one. Questions involving the life or death of nations are not decided by fine-drawn theories. Good Abraham Lincoln, with that sagacious common sense which marked the man, when alluding, in the last speech he ever made, to the disputed point whether the seceded States 'are in the Union or out of it,' said 'That question has not been nor yet is a practically material one; and any discussion of it while it thus remains practically immaterial can have no other effect than the mischievous one of dividing our friends.'

"Neither shall I institute any inquiry as to our power at this time to impose conditions-precedent to restoration. If, by the sacrifice of three hundred thousand lives and three thousand millions of treasure, the North has not won the right to decide what guarantees are needed to avert in the future the perils and the sufferings of the past, then the chapters on war and peace in the code of international law are so much waste paper; then no rights can be obtained by conquest; then the sword is a worthless weapon, fitted only to destroy, impotent to save.

"Ere we deny such a right we must blot from the books some of the best known and most universally recognized principles of public law. We must reject the accepted doctrine that civil war is subject to the same general rules as foreign war; or else we must refuse assent to what every publicist of repute has set forth (and what common sense suggests) as among the most important of national rights and duties; the rule, namely, that a nation, especially a victor nation, ought to protect itself not only against immediate but against prospective dangers. Deriving all rights attendant on conquest from 'justifiable self-defense,' Vattel says:

"When the conqueror has subdued a hostile nation he may, if prudence so require, render her incapable of doing mischief with the same ease in future." * * * "If the safety of the State lies at stake, our precaution and foresight cannot be extended too far. Must we delay to avert our ruin until it has become inevitable?" * * * "An injury gives a right to provide for our future safety by depriving the unjust aggressor of the means of injuring us."—Vattel, book 3, sections 201, 44, 45.

"To us, and not to the 'unjust aggressor,' who appealed to the wager of battle and lost, belongs at this time the right to decide what guarantees are needed for the public safety, and how that 'unjust aggressor' shall be rendered 'incapable of doing mischief with the same ease in future.' Dearly we paid for that right! We shall commit a folly unparalleled in the annals of nations if we neglect to use it.

"But if all things are lawful for us, all things are not expedient. Thus, though due time must be taken for the maturing and consummation of precautionary measures, yet, on the other hand, one section of a Republic containing a fourth of its inhabitants cannot, except for a season, safely be shut out from Federal representation. Therefore the political rights of the States lately in insurrection should be restored to them at the earliest day consistently with the peace and safety of the country."

So by their own acts, by the laws of war, by the great axioms of the universal law of right, the rebellious States have forfeited, abdicated, and lost their position, and all the rights and privileges which they held as governing members in the Union, while by their failure in war they are still retained, and most justly so, under the authority of the General Government. The rebel General Thompson, in his farewell address to his troops, very pitifully expressed a clear comprehension of the real state of the case, and of their position:

"You must remember now that you have no rights, and can only claim such as may be given you by the conquerors, and the less you say about politics until you have become naturalized the better for you."

This is the common-sense, practical view of the case by one who had fought bravely to establish the "confederacy" when the humiliation of defeat was upon him, and before the

alluring promises of "My Policy" had given the hope of returning power to the leaders of the rebellion. The eloquent gentleman from Pennsylvania [Mr. WILLIAMS] says:

"Eleven of the columnar supports of our political edifice are now lying around us, like the giant columns of Tadmor and Palmyra, with shaft and capitol and architrave alike shattered by the mighty convulsion that has laid them all in ruins. Where is the hand that is to lift these columns to their place?"

Where, indeed, is the power that shall reunite these dissevered fragments? One, as by authority, says:

JULY 24, 1865.

The government of the State will be provisional only until the civil authorities shall be restored, with the approval of Congress. Meanwhile military authority cannot be withdrawn.

WILLIAM H. SEWARD.

To W. L. SHARKEY.

And again:

OCTOBER, 1865.

It must, however, be distinctly understood that the restoration to which your proclamation refers will be subject to the decision of Congress.

WILLIAM H. SEWARD.

His Excellency WILLIAM MARVIN, *Provisional Governor of the State of Florida, Tallahassee.*

Secretary Seward in these official dispatches answers the query by informing Governors Sharkey and Marvin that the power and the right to restore are with Congress. This is a logical and just answer; for in our Government sovereignty is in the people alone. Its exercise is entrusted to agents. If the functions of these rebel States were "suspended" the sovereign power alone can grant relief. But to which of the agents must they apply? Certainly not to the judicial, for that only interprets; nor to the Executive, for he only executes the law; but to Congress, which has full power to extend the necessary relief. The Supreme Court has settled this point clearly:

"For, as the United States guarantees to each a republican government, Congress must necessarily decide what government is established in a State before it can determine whether it is republican or not."—7 *Howard*, 42.

Having, as I trust, Mr. Speaker, clearly, fully, and comprehensively demonstrated that Congress not only has the right, but that it is its bounden duty, to legislate upon and determine this question, I will proceed briefly to analyze its action.

The joint committee of the two Houses of Congress in the legitimate exercise of their powers, after patient investigation and deliberation, have presented a series of measures, in the form of a constitutional amendment, which I earnestly commend to the acceptance of this House. These measures are the result of the deliberations of the soldiers and statesmen who saved the Republic from the rebellion. They secure the rights of the rescued freedmen and prepare a sure way for their ultimate equality before the law. They annihilate forever the distinctions erected by a corrupt aristocracy; they sanctify the public obligations and repudiate all claims in the name of the rebellion. Divine-like, they hold out to the most offending the prospect of final forgiveness, in return for future fidelity and loyalty. What hero who fought for his country, or what citizen who honors such a hero, or what philanthropist will refuse to take his stand under the flag which floats over a platform so broad, so catholic, and so comprehensive?

Mr. Speaker, shall I point you to a statement of these propositions?

1. Giving constitutional sanction and protection to the substantial guarantees of the civil rights bill, which passed both branches of Congress over the President's veto, and has been assailed because it was supposed to be infringing the provisions of that instrument as it stands.

2. Confining the basis of representation among the several States to the whole number of persons in each State that enjoy the elective franchise, thus cutting up by the roots and forever destroying a system under which the southern aristocracy has represented other human beings, their equals before God and man, who were deprived of civil and political rights.

3. That all classes who have previously, as members of Congress, and other officers of the

United States, or members of any State Legislature, or executive or judicial officers of any State, sworn to support the Constitution of the United States, and shall have engaged in insurrection or rebellion against the same, shall hereafter be deprived of all right to hold the position of Senator or Representative in Congress, elector of President or Vice President, or any office, civil or military, under the Government of the United States, or any of the States. This will reach all the chiefs of the rebellion, civil and military, extending to the officers of the rebel army and navy, members of Congress and State Legislatures, and the State and local judiciary; and is the substitute for the third section opposed by the radicals because it did not go far enough on the one hand, and by the conservatives because it went too far on the other. This provision is to stand until two thirds of the Congress of the United States shall consent to its abrogation.

4. The recognition of the war debt for the suppression of the insurrection and for the payment of bounties or pensions to our soldiers as an inviolate and inviolable obligation upon ourselves and posterity.

5. (which is the original fourth section.) The solemn declaration that neither the United States nor any State shall assume or pay any debt or obligation in aid of insurrection or rebellion, or any claim for compensation or emancipation of slaves.

6. That Congress shall have power to enforce by appropriate legislation the provisions of this article.

Personally, my preference would have been that this Congress had gone a step further and declared for equality of suffrage. I believe if the battle had been fought bravely on that issue it would have won; and once won, all agitation on the subject of races would have ceased forever. Men speedily and always acquiesce in the inevitable. We must come to that in the end, and soon. A nation must act on its declared principles. That all men are created "equal" in rights is no glittering generality. It is God's truth!

A majority of my colleagues think differently on this subject, and I yield my personal preferences. And I deem it no treason to principle to advance toward a great truth and a great reform one step at a time. Time alone effaces deep prejudices, and nature effects all things gradually. I am content, then, under the circumstances, to see "civil rights" asserted here, with the other beneficent measures proposed, and await patiently the action of time and the "sober second thought" of the people on the question of suffrage.

But, sir, let us examine this subject still further and see what light experience and experiment have thrown upon it. As the principles of our Government require that the people at large should be the depositaries of civil power, it is essential, therefore, that the whole people be trained as rapidly as possible to the exercise of this power.

It is hence desirable that the elective franchise should be made as broad as will consist with safety and order. The principle is plain enough; respecting its application there is a great variety of opinion. Some contend that in the reconstruction of these States the ballot and the right of holding office should be confined to whites who have always been loyal. Adopt this rule and how many voters and officeholders could be found in South Carolina? Could a score? Could many more be found in any one of the cotton States? Some would add to these the amnestied rebels. Experience, that teaches the dearest of all schools, has shown us that this places the civil power and governmental machinery in the hands of those

"Who, having sworn against their will,
Are of the same opinion still."

And not only of the same opinion, but of the same traitorous purpose, to be put in execution as fast as prudence and a wise caution will allow. The oaths are taken, to a wide extent, with a mental reservation amounting to perjury. This perjury is even justified and

recommended by many influential papers at the South. "We have a right," say they, "to vote and hold our property. Any obstacle, therefore, thrown in the way by an oppressive Government at Washington, whose rightful authority we do not recognize, is in its own nature null and void."

The determination of the intelligent, influential classes at the South is manifestly to keep just as much as possible of slavery, aristocracy, State sovereignty, and disloyalty; to make our victory as barren of results as they can; and, defeated by arms, still to conquer by political action and party intrigue. Will we allow this wicked triumph by yielding to the clamor against color? "By their fruits shall ye know them," is the teaching of eternal truth. In the light of this divine enunciation, how much longer shall we follow that false philosophy, which leads only to bewilder? What political fruits have we reaped from these southern fields by giving the ballot exclusively to the pardoned and amnestied whites and denying it to the loyal blacks? Let the results of their elections answer.

Beginning with North Carolina, the first State reorganized under the proclamation of the President, and then taking the other States in the order of their reconstruction, we find that she vindicates the sincerity of her loyal professions by electing Jonathan Worth, a rebel, Governor, over Holden, professedly loyal. William A. Graham and John Pool, Senators, neither of whom can take the required oath, and Messrs. Stubbs, Clark, Fuller, Turner, Brown, Walkup, and Jones, an unbroken delegation of disloyal men, to the House of Representatives. (Election held first Thursday in November, 1865; provisional governor appointed May 29, 1865.)

Reorganized Mississippi elects Benjamin G. Humphreys, a general in the rebel army, Governor, and J. L. Alcorn and W. L. Sharkey Senators. Alcorn was also a general in the rebel service, and cannot take the necessary oath. Sharkey might perhaps do so. Electing also Messrs. Reynolds, Pierson, Harrison, West, and Peyton to Congress. Reynolds was a colonel and served faithfully in the field during the war, and Pierson, Harrison, and West are so compromised by the rebellion that they cannot take the oath of office. Mr. Peyton, I understand, has been a consistent Union man throughout. (Provisional governor appointed June 13, 1865; election held second Monday in October, 1865.)

Georgia, reconstructed, but not clothed in her right mind, elects Charles J. Jenkins Governor, and sends the rebel vice president, Alexander H. Stephens, and that unrepentant rebel, Herschel V. Johnson, to the Senate, and Cohen, Cook, Buchanan, Cabaniss, Matthews, Christy, and Wofford, an entire delegation of traitors, to represent the State and its people in the Congress of the United States. (Provisional governor appointed June 17, 1865; election held October 4, 1865.)

Reconstructed Alabama, but unrepentant, elected Robert M. Patton, an active and bitter secessionist, Governor, and made Lewis E. Parsons and George S. Houston Senators, and Langdon, Freeman, Battle, Taylor, Pope, and Foster Representatives in Congress. Not one of these can take the prescribed oath of office. Langdon is a most bitter rebel; Freeman a colonel, and served through the war; Battle was a brigadier general in the rebel army; and Foster was a member of the rebel congress. (Provisional governor appointed June 21, 1865; election held first Monday in November, 1865.)

Rebels unrepentant and unrepenting reorganized Florida by electing a disloyal man for Governor, for one Senator, and for Representative in Congress. And as a matter of prudent policy Governor Marvin, a truly loyal man, was sent to the Senate to fill the term which expires March next. Judge Marvin, I apprehend, does not stand the ghost of a chance for reelection, unless in the mean time the leopard should change his spots, and the Ethiopian his skin. (Provisional governor appointed July 13, 1865; election held October 10, 1865.)

South Carolina, reconstructed and reorganized, washes her political garments from the stain and blood of treason by the election of Mr. Orr, a prominently disloyal civilian, over Wade Hampton, a raiding rebel general, as Governor, and by the election of Perry and Manning as Senators, both of whom are thoroughly identified with the rebellion, and by the election of a delegation, namely, Kennedy, Aiken, McGowan, and Farrow—Kennedy was a general in the rebel army—to the House of Representatives, neither of whom, with the exception, perhaps, of Mr. Aiken, can take the necessary oath. (Provisional governor appointed June 30, 1865; election held October 18, 1865.)

Louisiana responds to the inquiry by electing J. Madison Wells Governor, and by choosing Randall Hunt and Henry Bozer Senators; all active rebels during the war, and unrepentant since; and sends her entire delegation of Representatives in the national Legislature—St. Martin, Barker, Wyckliffe, King, and Ray—not one of whom can take the prescribed oath. St. Martin was a register of voters under the rebel government; Barker editor of the *Advocate*, twice suppressed for disloyalty; Wyckliffe of the rebel army, and captured at Port Hudson; King and Ray both active, energetic, and influential secessionists. I will not pursue this sickening investigation, but will confine myself to the seven States which have been warmed into life, and reorganized and reconstructed under the especial direction and fostering of the Executive of this nation. And what is the grand result? All the State officers elected because of their participation in the rebellion; and of the fourteen Senators chosen from the reconstructed States, two only, Governor Marvin and Judge Sharkey, can take the oath of office. Of the Representatives elected from these seven States but two can take the oath prescribed by the laws of the country.

Mr. Speaker, "we cannot gather figs from thorns, nor grapes from thistles;" and the sooner we abandon a policy that has nearly crushed out the loyal men of the rebel States, and clothed the rebels with power, the better for us and for the nation. "By their fruits shall ye know them." And there they are; the jewels of the "Confederacy," and the advocates of the principles of the "Corner-Stone," presented as a nucleus for the elements of a new and a nobler national life—a life devoted to Freedom, to Justice, to Truth, to Equality, and Humanity, to crystallize upon. In all soberness could we justly anticipate any other result from the "Policy" adopted? If this is but the earnest, the first fruits of the folly of enfranchising only the foes of the Government, what shall we expect from the full harvest? From the utter failure of this effort to build up loyal governments in the rebel States from the disloyal elements, I apprehend we shall ere long accept the true principles of a democratic system of government, and for the purpose of securing a reorganization more favorable to freedom and justice, add to the loyal and amnestied whites the freedmen and free men of color. There are strong reasons in favor of this policy. They are men! And we have made them citizens! The citizen's suffrage is not a privilege or a prerogative, but a right! Every man has a right to have a voice in making the laws by which he is governed and protected! That is an inherent right, not a privilege conferred. It is a part of liberty itself. Every man is entitled to this except he forfeit it by crime or rebellion. On no ground except that of crime can the elective franchise be denied to any class, without admitting the monarchical doctrine that civil rights and authority descend from the rulers, and that they have a right to confer as a privilege that which the principles of our Government teach belongs to the "people"—to all men in common.

Our doctrine is that all rights and all privileges and all prerogatives belong to the whole people, and that through our elective repre-

sentative system these rights and powers are delegated successively to men holding official positions for specific, fixed periods of time, and return regularly to the people again. Our doctrine is that all civil and political rights inhere in the people, and when they rise to the hands of those in official authority they are powers delegated to them, and they evermore come back to the people.

"As the clouds draw their rain from the ocean, and, pouring it down upon the ground, return it to the ocean again, so authority goes from the common people to their rulers, and returns to the common people again."

"In this country a poor man without a vote is like a vagabond king hiding for his life; but a poor man with a vote is honored and courted by all. A hundred voteless black men will be consigned to contempt and outrage and injustice; but a hundred black men with votes will be a school, and every candidate play schoolmaster to them, and expound and argue the annual questions of policy. Comprehensively viewed, voting carries with it political education."

Nothing so much prepares men for intelligent suffrage as the exercise of the right of suffrage. Man cannot be educated to a proper use of liberty in any way so well as by making him use it. In our hour of peril we appealed to these men to assist us by their arms; ought they now in our hour of safety be spurned back to serfdom? Are national gratitude and national honor mere words with us? Is there no gulf of meanness into whose slimy and fetid waters we are not ready to plunge? Shall we sacrifice our friends to our enemies?

In our obsequiousness to rebels shall we bind our allies hand and foot and give them over to infuriate men who would delight in wreaking vengeance on them for our success and for that aid of theirs which secured, or at least hastened, this success? I will not say that we should not have conquered without the friendship of the colored people of the South, but it must have been done at much greater cost of time and treasure and blood and suffering. They were our guides, our spies, our concealers, and our nurses. The fugitive from Libby or Florence or Andersonville found food and shelter in their cabins, and the darling of many a mother, the pride and hope of many a northern home, was affectionately tended by a second mother, who studied every want, tried to soothe every pain, and, when naught availed, wiped off the clammy death-sweat, and closed the glassy eye. As soon as we would permit them to do so, they became our comrades on the battle-field, and with unblenching valor led the forlorn hope.

A popular fallacy was that the negro could not be a true man because he would not fight, a fallacy strange enough in the mouths of those who were so often prating about the dangers of a negro insurrection and the horrors of St. Domingo.

The black man in this war has shown that he has an intelligence not to be deceived, a virtue not to be seduced, and a valor not to be daunted. In what quality of manliness does the negro race fall below the degraded whites of the South? Yet these men are and have been voters always. Is there no danger in intrusting the ballot to so many ignorant blacks? I answer frankly, there is. But the danger is far greater of intrusting it to the ignorant and disloyal whites alone. Loyal ignorance, whether white or black, is beyond comparison less dangerous than disloyal ignorance. I cannot see how the ballot is affected by the complexion of the hand that throws it; but I do see how it is essentially affected by the disposition that moves the hand. There is an instinct in virtue which keeps its possessor from going very far astray. But the instincts of vice are all for wandering.

Worst and most perilous of all is disloyal intelligence. This, in the persons of such men as Calhoun, and Rhet, and Wise, and Yancey, and Breckinridge, and Jeff. Davis, has brought upon us the awful perils through which we have just passed and are now passing.

If the negro is below the whites of the South in mental strength and culture, is he not infinitely above a large majority of them in all the

instincts of loyalty and devotion to liberty? He at least has always been true and faithful to his country, which has repaid him with injustice, oppression, and stripes. He has always obeyed the laws of the land, paid taxes without a murmur, and yielded his body a willing sacrifice whenever perils dawned upon the nation; and by his singularly good conduct in the trying situation of the last five years he has earned this boon of suffrage, if it were not his by right, and has given ample evidence that he will make a proper use of it.

To preserve peace in the States and harmony in our Federal system, I am fully persuaded, Mr. Speaker, that every man should be made equal before the law, as he is equal before the promises of the Gospel. And speaking here to-day between the Old and the New, I should be unfaithful to my own convictions if I refrained from uttering these words before you. Look which way we will, we have no sign in heaven or on earth to guide us except the sign of Liberty and Equality before the law as proclaimed at our national birth in the great Declaration:

"God has devolved on us the experiment of self-government. We are not suffered to make it with the highest types of human form and intellect alone. It is His decree, from which there is no escape, that we shall make it with all the races of the earth commingled and combined. They are here, planted, scattered, rooted among us. To separate them is impossible. To subjugate the inferior to the superior race itself defeats the experiment, and will lead again, as it has already led, to cruel war. In this crisis let us fulfill with fidelity and honor the responsibilities which are devolved upon us."—*General Martindale, February 22, 1865.*

Mr. ECKLEY asked and obtained leave to have a speech printed as part of the debates.

[The speech will be published in the Appendix.]

Mr. JULIAN obtained the floor; but yielded to

Mr. GRINNELL, who moved that the House adjourn.

The motion was agreed to; and thereupon (at three o'clock and forty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule and referred to the appropriate committees: By Mr. CULLOM: A petition of a large number of citizens of De Witt county, Illinois, asking Congress to enact such laws regulating inter-State insurance of all kinds as will establish the greatest security to the interests of the insured.

By Mr. TAYLOR: The petition of Brevet Brigadier General Ward B. Burnett, asking for an adjustment of his pension.

IN SENATE.

MONDAY, June 11, 1866.

Prayer by the Chaplain, Rev. E. H. GRAY. The Secretary proceeded to read the Journal of Friday last; but before concluding it—

Mr. CONNESS. I move to dispense with the further reading of the Journal, that we may proceed in the morning hour with some business of consequence.

By unanimous consent the reading of the Journal was dispensed with.

PETITIONS AND MEMORIALS.

Mr. HARRIS. I present the petition of a large number of persons, residents of the county of Chenango, State of New York, stating that a very large portion of the entire bank-note currency in circulation used by them in their business consists of the State bank notes of the State of New York. They state that there were on the 28th of May over \$19,000,000 of circulation of the New York State banks, and they ask that provision may be made to extend the time within which the tax provided for upon circulation of that character shall be imposed. I move the reference of the petition to the Committee on Finance.

The motion was agreed to.

Mr. HARRIS presented the petition of Henry Tuthill, of Schuylers county, New York, praying for compensation for carrying the United States mail; which was referred to the Committee on Post Offices and Post Roads.

He also presented resolutions of the Chamber of Commerce of the State of New York, in favor of the passage of the bill to establish a uniform system of bankruptcy throughout the United States; which was referred to the Committee on the Judiciary.

Mr. WILLEY presented the petition of Mrs. Drusey A. Layman, widow of the late Eugenius E. Layman, who was a private in company C, seventeenth regiment West Virginia volunteers, praying to be granted a pension; which was referred to the Committee on Pensions.

Mr. SPRAGUE presented a petition of trustees of the Presbyterian church at Lewinsville, Virginia, praying to be reimbursed for damages to their church during the late war; which was referred to the Committee on Military Affairs and the Militia.

Mr. MORGAN presented a memorial of manufacturers of India-rubber springs used on railroad cars, praying that the internal revenue tax of six per cent. upon the manufacture of those articles may be removed; which was referred to the Committee on Finance.

Mr. JOHNSON presented three memorials of citizens of the town and county of Alexandria, Virginia, remonstrating against the repeal of the acts of Congress under which the town and county of Alexandria were by the Government of the United States "ceded and forever relinquished to the State of Virginia, in full and absolute right and jurisdiction, as well of soil as of persons residing or to reside thereon;" which were referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. WILSON, from the Committee on Military Affairs and the Militia, to whom was referred a bill (H. R. No. 613) to continue in force and to amend an act to establish a Bureau for the Relief of Freedmen and Refugees, and for other purposes, reported it with amendments.

He also, from the same committee, to whom was referred a joint resolution (H. R. No. 149) declaratory of the law of bounty, reported it without amendment.

He also, from the same committee, to whom was referred a joint resolution (S. R. No. 86) to provide for the publication of the official history of the rebellion, reported it with an amendment.

Mr. SPRAGUE, from the Committee on Military Affairs and the Militia, to whom was referred a memorial of the Legislature of Massachusetts, praying to be reimbursed for moneys expended for the common defense, submitted a report, accompanied by a joint resolution (S. R. No. 106) to reimburse the State of Massachusetts for money expended in the purchase of guns and ammunition, for procuring plans for coast defense and harbor obstruction, and for the erection of works of coast defense. The joint resolution was read and passed to a second reading, and the report was ordered to be printed.

Mr. HOWARD, from the Committee on the Pacific Railroad, to whom was referred a bill (S. No. 317) to amend an act entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri river to the Pacific ocean, and to secure to the Government the use of the same for postal, military, and other purposes, approved July 1, 1862,' approved July 2, 1864," reported it with amendments.

SAFE-KEEPING OF PUBLIC MONEY.

Mr. FESSENDEN. I am directed by the Committee on Finance, to whom was referred the bill (H. R. No. 621) to regulate and secure the safe-keeping of public money intrusted to disbursing officers of the United States, to report it back and recommend its passage. The bill is very short and plain; the committee have proposed no amendment to it, and I should like to have it taken up and disposed of at once by the consent of the Senate.

By unanimous consent the bill was considered in Committee of the Whole.

It proposes to make it the duty of every dis-

bursing officer of the United States having any public money intrusted to him for disbursement to deposit the same with the Treasurer or some one of the Assistant Treasurers of the United States, and to draw for the same only as it may be required for payments to be made by him in pursuance of law; and to provide that all transfers from the Treasury of the United States to a disbursing officer shall be by draft or warrant on the Treasury or an Assistant Treasurer of the United States; but in places where there is no Treasurer or Assistant Treasurer of the United States the Secretary of the Treasury may, when he deems it essential to the public interest, specially authorize in writing the deposit of such public money in any other public depository, or, in writing, authorize the same to be kept in any other manner, and under such rules and regulations as he may deem most safe and effectual to facilitate the payments to public creditors.

If any disbursing officer of the United States shall deposit any public money intrusted to him in any place or in any manner, except as authorized by law, or shall convert to his own use in any way whatever, or shall loan, with or without interest, or shall for any purpose not prescribed by law withdraw from the Treasurer or any Assistant Treasurer, or any authorized depository, or shall for any purpose not prescribed by law transfer or apply any portion of the public money intrusted to him, every such act shall be deemed and adjudged an embezzlement of the money so deposited, converted, used, loaned, withdrawn, transferred, or applied, and every such act is declared to be a felony, and upon conviction is to be punished by imprisonment for a term not less than one year nor more than ten years, or by fine not more than the amount embezzled nor less than \$1,000, or by both such fine and imprisonment, at the discretion of the court.

If any banker, broker, or any person not an authorized depository of public money, shall knowingly receive from any disbursing officer, or collector of internal revenue, or other agent of the United States, any public money on deposit or by way of loan or accommodation, with or without interest, or otherwise than in payment of a debt against the United States; or shall use, transfer, convert, appropriate, or apply any portion of the public money for any purpose not prescribed by law; or shall counsel, aid, or abet any disbursing officer or collector of internal revenue or other agent of the United States in so doing, every such act shall be deemed and adjudged an embezzlement of the money so deposited, loaned, transferred, used, converted, appropriated, or applied; and any president, cashier, teller, director, or other officer of any bank or banking association who shall violate any of the provisions of this act shall be deemed and adjudged guilty of embezzlement of public money, and punished as before provided.

Mr. TRUMBULL. I should like to call the attention of the Senator who reported the bill to what seems to me to be a very unusual species of crime provided for in it, that is, that if any person counsels, aids, or abets an officer illegally to deposit public money in an unauthorized depository—that is the purport of it—he shall be guilty of an offense. According to my recollection, it is a new thing to provide for an accessory to an offense of this kind. Take the crime of larceny, for instance. Larceny is the felonious stealing, taking, and carrying away of the goods of another; but we have no such thing as advising or counseling a person to feloniously steal, take, and carry away the goods of another. I do not know that any man can be guilty in such a way. If he has anything to do with the crime he is guilty of theft; but here there seems to be a provision for a sort of accessory to a crime, which is a minor offense. It is a very singular provision.

Mr. FESSENDEN. It might be difficult to convict, practically. That is the only trouble. If a person knows that a public officer is about to misappropriate public money, or embezzle it, and counsels and aids him in doing so, the

bill makes it an offense. The difficulty will be, perhaps, to convict him.

Mr. TRUMBULL. It strikes me as rather a novel offense.

Mr. FESSENDEN. The bill is drawn on the state of facts developed in the last striking case here. There were half a dozen concerned in it.

Mr. TRUMBULL. There may be accessories in treason and murder. A person aiding and abetting the enemy is guilty of treason; but we do not speak of persons aiding and abetting other offenses. In robbery all are principals.

Mr. WADE. Charge them as principals.

Mr. TRUMBULL. That is what I think ought to be done. I am not going to object to the bill, but I call the attention of the Senator from Maine to this provision as a singular one.

Mr. FESSENDEN. I saw and the committee saw that it was very stringent, but we came to the conclusion that we could not make it too much so. We did not submit any amendment to the bill; and if Senators wish to look at it further I shall not detain the Senate now with it, but will consent to let it go by for the moment, and I shall call it up again when they have looked further into it.

The PRESIDENT *pro tempore*. Does the Senator make that motion?

Mr. FESSENDEN. Let the bill be laid aside informally.

The PRESIDENT *pro tempore*. No objection being made, that course will be pursued.

Mr. FESSENDEN subsequently asked that the consideration of the bill be resumed; and it was again taken up.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

Mr. HENDRICKS. I shall be obliged to the Senator from Maine if he will just state what the bill amounts to; I have not heard it.

Mr. FESSENDEN. It is a bill which came from the other House, directing public officers to deposit the public money which comes into their possession either in the Treasury or the sub-Treasury, at the place where they may be, and nowhere else, unless in places specially assigned by the Secretary of the Treasury, where there is no Treasury or sub-Treasury, and making it a penal offense to deposit it in other institutions, and also punishing all aiding and abetting in the offense.

Mr. HENDRICKS. Where there are no officers of the Treasury, may the national banks be used?

Mr. FESSENDEN. The Secretary of the Treasury is to have power in such cases to direct where the public money shall be deposited.

The bill was passed.

LEAVES OF ABSENCE.

Mr. LANE, of Indiana. I have a telegraphic dispatch from Senator LANE of Kansas, which shows that it is absolutely necessary for him to leave for Kansas immediately on important, urgent business. I am therefore requested to ask for him leave of absence for ten days.

The PRESIDENT *pro tempore*. It is moved that the Senator from Kansas have leave of absence from the Senate for ten days.

The motion was agreed to.

Mr. WILSON. My colleague [Mr. SUMNER] has been called home by a dispatch on account of the dangerous sickness of his mother. He wishes to obtain leave of absence for two weeks from to-day, and I make the motion that that leave be granted.

The motion was agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. FESSENDEN. I wish to give notice to the Senate that to-morrow at one o'clock I shall ask them to proceed to the consideration of the legislative, executive, and judicial appropriation bill.

REPORT OF RECONSTRUCTION COMMITTEE.

Mr. TRUMBULL. I move that five thousand additional copies of the report of the

committee on reconstruction be printed for the use of the Senate.

The PRESIDENT *pro tempore*. That motion will go to the Committee on Printing under the rules.

BILLS INTRODUCED.

Mr. WADE asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 107) in relation to the purchase of certain lands at Point Lookout, Maryland, for a military and naval hospital; which was referred to the Committee on Military Affairs and the Militia, and ordered to be printed.

He also presented documents in support of the joint resolution; which were referred to the same committee.

Mr. TRUMBULL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 362) to change the times for holding the courts of the United States for the eastern district of Texas; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. CRESWELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 363) declaratory of the act approved March 3, 1863, being an act to amend an act to establish a court for the investigation of claims against the United States, approved February 24, 1865; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. HENDERSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 364) to authorize the establishment of a repertory in Germany, to illustrate the physical, political, and social condition, the natural products, and the resources of the several States of the Union; which was read twice by its title, referred to the Committee on Agriculture, and ordered to be printed.

Mr. HENDRICKS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 365) amendatory of the act of July 4, 1864, entitled "An act to restrict the jurisdiction of the Court of Claims," &c.; which was read twice by its title.

Mr. HENDRICKS. As this subject has been before the Committee on the Judiciary, I move the reference of this bill to that committee.

The motion was agreed to.

HOUSE RESOLUTION REFERRED.

The concurrent resolution from the House of Representatives, in relation to the expediency of purchasing from the owners thereof the equestrian portrait of the late Lieutenant General Winfield Scott, which now adorns the walls of the Capitol, was referred to the Joint Committee on the Library.

STEAMBOAT INSPECTION LAW.

Mr. EDMUNDS. I move to take up for consideration the bill (H. R. No. 477) reported from the Committee on Commerce, further to provide for the safety of the lives of passengers on board of vessels propelled in whole or in part by steam, to regulate the salaries of steamboat inspectors, and for other purposes.

The motion was agreed to; and the bill was considered as in Committee of the Whole.

The Secretary proceeded to read the bill.

Mr. EDMUNDS. I suggest that the Clerk may omit reading until the beginning of the tenth section, as a bill has already passed on this subject, and undoubtedly there will be no objection to the sections he is now reading. I ask that, by unanimous consent, the reading of that part of the bill be dispensed with, and thus save some little time.

The PRESIDENT *pro tempore*. The reading of those sections will be dispensed with unless some Senator desires that all the bill be read.

The Secretary proceeded to read the bill from the tenth section. The tenth section provides that barges carrying passengers while in tow of a steamer shall be subject to the provisions of the acts for the preservation of the lives of

passengers, so far as relates to fire-buckets, axes, and life-preservers. For a violation of this section the penalty is to be \$100.

By the eleventh section steamers used as freight boats are to be subject to the same inspection and requirements as provided for ferry, tug, and canal-boats, by an act relating to steamboats, approved the 8th day of June, 1864, and to the provisions of this act.

The twelfth section provides that if any person connected, as a member or otherwise, with any association of steamboat pilots, engineers, masters, or owners, shall accept or attempt to exercise the functions of the office of steamboat inspector, it shall be a misdemeanor, for which he shall forfeit his office, and shall be further subject to a penalty of \$500.

By the thirteenth section all vessels navigating the bays, inlets, rivers, harbors, and other waters of the United States are made subject to the navigation laws of the United States; and all vessels propelled in whole or in part by steam, and so navigating, are also to be subject to all rules and regulations consistent therewith, established for the government of steam vessels in passing, as provided in the twenty-ninth section of an act relating to steam vessels, approved the 30th August, 1852. And every sea-going steam vessel now subject or hereby made subject to the navigation laws of the United States, and to these rules and regulations, when under way, except upon the high seas, is to be under the control and direction of pilots licensed by the inspectors of steam vessels; vessels of other countries and public vessels of the United States only excepted.

The fourteenth section provides that all sea-going steamers carrying passengers, and those navigating the chain of northwestern lakes, shall have the life-boats required by law, provided with suitable boat-disengaging apparatus, so arranged as to be operative by one person, by which they may be disengaged at pleasure from the tackles by which they are lowered into the water.

By the fifteenth section it is provided that the provision for a foremast-head light for steamships, in an act entitled "An act fixing certain rules and regulations for preventing collisions on the water," approved the 29th day of April, 1864, shall not be construed to apply to other than ocean-going steamers and steamers carrying sail. River steamers navigating waters flowing into the Gulf of Mexico are to carry the following lights, namely, one red light on the outboard side of the port smoke-pipe, and one green light on the outboard side of the starboard smoke-pipe; these lights to show both forward and aft, and also abeam on their respective sides. All coasting steamers and those navigating bays, lakes, or other inland waters, other than ferry-boats, and those above provided for, are to carry the red and green lights, as prescribed for ocean-going steamers; and, in addition thereto, a central range of two white lights; the after light being carried at an elevation of at least fifteen feet above the light at the head of the vessel; the head light to be so constructed as to show a good light through twenty points of the compass, namely, from right ahead to two points abaft the beam on either side of the vessel; and the after light to show all around the horizon.

The sixteenth section provides that the annual compensation paid to steamboat inspectors shall be hereafter as follows: to each local inspector for the districts of New York, New Orleans, and San Francisco, \$2,000; for the districts of Philadelphia, St. Louis, Cincinnati, and Pittsburg, \$1,800; for the districts of Baltimore, Louisville, Buffalo, Detroit, and the assistant inspectors at New York, \$1,500; for the districts of Boston, Chicago, Galena, Mobile, and Portland, in Oregon, \$1,200; for the districts of New London, Memphis, Wheeling, and Cleveland, \$1,000; for the districts of Portland, in Maine, Norfolk, Charleston, Savannah, Galveston, Nashville, Oswego, and Burlington, \$600; to the supervising inspector of the Pacific coast,

\$2,500; to other supervising inspectors, \$2,000 each.

The seventeenth section provides for the appointment, under the direction of the Secretary of the Treasury, of one clerk each in the local offices at New York and New Orleans, and one clerk for the board of supervising inspectors, to be under the direction of the secretary of the board; and the annual compensation allowed to these clerks is to be \$1,000 each. And one additional inspector of boilers is to be appointed for the district of New York, who is to be allowed a compensation of \$1,500 per annum.

The eighteenth section repeals all acts and parts of acts inconsistent with the provisions of this act.

The Committee on Commerce reported the bill with several amendments. The first amendment was in section one, line five, after the word "commerce," to insert the words "wrongfully or unreasonably;" and in line seven after the word "license" to strike out the words "for any reason that shall be deemed insufficient, or found to be untrue in fact, by any supervising inspector or board of local inspectors to whom complaints shall be made;" so that the section will read:

That if any engineer or pilot, licensed in pursuance of law by any inspector or board of inspectors shall, to the hindrance of commerce, wrongfully or unreasonably refuse to serve as such on any steam vessel, as authorized by the terms of his license, or shall fail to deliver to the applicant for such services, at the time of such refusal, if the same shall be demanded, a statement in writing, signed by such engineer or pilot, of the reasons therefor, or if any pilot shall refuse to admit into the pilot-house with him any person or persons whom the captain or owners of any steamboat may desire to place there for the purpose of acquiring the knowledge of piloting, his license shall be immediately revoked.

The amendment was agreed to.

The next amendment was to strike out at the end of the first section the words "his license shall be immediately revoked" and to insert the following words:

He shall forfeit and pay to the party aggrieved thereby the sum of \$300 to be recovered in an action of debt founded on this statute. And thereupon on such recovery, as well as on such refusal to give such statement in writing, or to admit such persons into the pilot-house as aforesaid, his license shall be immediately revoked, upon the same proceedings as are provided by law in other cases of the revocation of such licenses.

The amendment was agreed to.

The next amendment was in section two, line eleven, to strike out the word "fifty" before the word "pounds," and to insert the word "twenty;" and also to strike out at the end of the section the following words, "and the temperature of the water used in applying the hydrostatic test shall in no case exceed one hundred degrees Fahrenheit;" so that the section will read:

SEC. 2. And be it further enacted, That when boilers are so arranged on a steamer that there is employed a water connecting-pipe through which water may pass from one boiler to another, there shall also be provided a similar steam connection, having an area of opening into each boiler of at least one square inch for every two square feet of effective heating surface contained in any one of the boilers so connected, half the flue and all other surfaces being computed as effective. And no boiler shall hereafter be allowed, under the rule now established by law, a greater working pressure than one hundred and twenty pounds to the square inch.

The amendment was agreed to.

The next amendment was in section three, line nine, to strike out the words "instead of;" and in line ten to strike out the words "high-pressure boilers, there shall be employed plugs or rivets of pure tin, inserted in such places and in such manner as shall be prescribed by the board of supervising inspectors," and to insert "boilers shall be fusible, as now required by law, and at a temperature not exceeding four hundred and forty-five degrees of the Fahrenheit thermometer;" so that the section will read:

SEC. 3. And be it further enacted, That one or more additional safety-valves, of such dimensions and arrangement as shall be prescribed by the board of supervising inspectors, shall be placed on the boilers of every steamer, and shall be loaded to a pressure not exceeding five pounds above the working steam pressure allowed, and shall be secured by the inspector against the interference of all persons engaged in the

management of the vessel or her machinery. And the alloyed metals now required by law to be placed in or upon the flues of boilers shall be fusible, as now required by law, and at a temperature not exceeding four hundred and forty-five degrees of the Fahrenheit thermometer; and a good and reliable water-gauge and a full set of gauge-cocks shall be provided for each boiler, whether connected or otherwise.

The amendment was agreed to.

The next amendment was in section four, line five, after the word "and" to insert the words "every steamboat boiler hereafter built;" so that the section will read:

SEC. 4. *And be it further enacted*, That no steamboat boiler hereafter built, to which the heat is applied on the outside of the shell, shall be constructed of plates of more than three tenths of an inch in thickness, the ends or heads of the boiler only excepted. And every steamboat boiler hereafter built, if employed on rivers flowing into the Gulf of Mexico, or their tributaries, shall have not less than three inches of clear space for water between and around its internal flues. And steamers hereafter built, which shall employ four or more boilers set in a battery, shall have the same divided in such a manner that one half, as nearly as may be, of the number of boilers employed will act independently of the other half, so far as relates to the water connection; but the steam from all the boilers may be connected as provided by this act.

The amendment was agreed to.

The next amendment was in section five, line one, after the word "that" to strike out the words "baled hay or straw" and to insert "cotton, hemp, hay, straw, or other easily ignitable commodity;" in line four, after the word "passengers" to insert "except on ferry boats crossing rivers, and then only on the stems of such boats;" and in line seven, after the word "canvass" to insert "or other proper material;" so that the section will read:

SEC. 5. *And be it further enacted*, That cotton, hemp, hay, straw, or other easily ignitable commodity shall not be carried on the decks or guards of any steamer carrying passengers, except on ferry boats crossing rivers, and then only on the stems of such boats, unless the same shall be protected by a complete and suitable covering of canvass or other proper material, to prevent ignition from sparks, under a penalty of \$100 for each offense. Nor shall coal oil or crude petroleum be hereafter carried on such steamers, except on the decks or guards thereof, or in open holds, where a free circulation of air is secured, and at such distance from the furnaces or fires as may be prescribed by any supervisors, inspector, or any local board of inspectors.

The amendment was agreed to.

The next amendment was to strike out sections six, seven, eight, and nine, in the following words:

SEC. 6. *And be it further enacted*, That hereafter it shall not be lawful to transport, carry, or convey the substance or article known or designated as nitro-glycerine or glynn oil upon or in any ship, steamship, steamboat, vessel, car, wagon, or other vehicle used or employed in transporting passengers by land or water between a place or places in any foreign country and a place or places within the limits of any State, Territory, or district of the United States, or between a place in one State, Territory, or district of the United States and a place in any other State, Territory, or district thereof; and any person, company, or corporation who shall knowingly violate the provisions of this section shall be liable to a fine not exceeding \$5,000, at the discretion of the court, to be recovered by an action of debt, one half to the use of the informer.

SEC. 7. *And be it further enacted*, That in case the death of any person shall be caused, directly or indirectly, by an explosion of any quantity of said substance or article, while the same is being placed upon or in any such ship, steamship, steamboat, vessel, car, wagon, or other vehicle, to be transported, carried, or conveyed thereon or therein, in violation of the foregoing section, or while the same is being so transported, carried, or conveyed, or while the same is being removed from such ship, steamship, steamboat, vessel, car, wagon, or other vehicle, every person who knowingly placed or aided or permitted the placing of the said substance upon or in such ship, steamship, steamboat, vessel, car, wagon, or other vehicle, to be so transported, carried, or conveyed, shall be deemed guilty of murder, and on conviction thereof shall be punished accordingly.

SEC. 8. *And be it further enacted*, That it shall not be lawful to ship, send, or forward any quantity of the said substance or article, or to transport, convey, or carry the same by a ship, boat, vessel, vehicle, or conveyance of any description, upon land or water, between a place in a foreign country and a place within the United States, or between a place in one State, Territory, or district of the United States and a place in any other State, Territory, or district thereof, unless the same shall be securely inclosed, deposited, or packed in a metallic vessel, separate from all other substances, and the outside of the package containing the same be marked, painted, or labelled in a conspicuous manner with the words "nitro-glycerine—dangerous." And any person, company, or corporation who shall knowingly violate the provisions of this section shall be liable to a fine not exceeding \$3,000, at the discretion of the court, to be

recovered by an action of debt, one half to the use of the informer.

SEC. 9. *And be it further enacted*, That the district court of the United States within the district in which any offence against this act shall be committed, or if committed in or upon any ship, boat, vessel, or vehicle beyond the territorial limits of any district, then within the district from which the same departed or that in which it shall first arrive, shall have jurisdiction to try and punish the offender in accordance with the provisions of this act.

The amendment was agreed to.

The next amendment was in section thirteen, line three, after the words "United States" to insert the words "except vessels subject to the jurisdiction of a foreign Power and engaged in foreign trade and not owned in whole or in part by a citizen of the United States;" so that the section will read:

That all vessels navigating the bays, inlets, rivers, harbors, and other waters of the United States, except vessels subject to the jurisdiction of a foreign Power and engaged in foreign trade and not owned in whole or in part by a citizen of the United States, shall be subject to the navigation laws of the United States, &c.

The amendment was agreed to.

The next amendment was in section fourteen, line two, to strike out the word "steamers" and insert the word "vessels;" in line three to strike out the words "the chain of" and to insert the words "any of the northern and;" and after the word "to," in line five, to strike out the words "be operative by one person, by which they may be disengaged at pleasure from the tackles by which they are lowered into the water" and to insert the words "allow such boats to be safely launched with their complements of passengers, while such vessels are under speed or otherwise, and so as to allow such disengaging apparatus to be operated by one person disengaging both ends of the boat simultaneously from the tackles by which it may be lowered to the water;" so that the section will read:

SEC. 11. *And be it further enacted*, That all sea-going vessels carrying passengers, and those navigating any of the northern and northwestern lakes, shall have the life-boats required by law, provided with suitable boat-disengaging apparatus, so arranged as to allow such boats to be safely launched with their complements of passengers while such vessels are under speed or otherwise, and so as to allow such disengaging apparatus to be operated by one person disengaging both ends of the boat simultaneously from the tackles by which it may be lowered to the water.

Mr. ANTHONY. Does that require the use of a particular apparatus designated?

Mr. CRESWELL. No, sir.

The amendment was agreed to.

The next amendment was in section fifteen, after the word "sail," in line seven, to strike out the following words:

River steamers navigating waters flowing into the Gulf of Mexico shall carry the following lights, namely: One red light on the outboard side of the port smoke pipe, and one green light on the outboard side of the starboard smoke pipe; these lights to show both forward and aft, and also abeam on their respective sides.

The amendment was agreed to.

The next amendment was in section fifteen, line fourteen, to strike out the words "and those above provided for."

The amendment was agreed to.

The next amendment was to insert as an additional section the following:

SEC. 18. *And be it further enacted*, That supervising, and local, and assistant inspectors of steamboats shall execute proper bonds, in such form and upon such conditions as the Secretary of the Treasury may prescribe, and subject to his approval, conditioned for the faithful performance of the duties of their respective offices, and the payment, in the manner provided by law, of all moneys that may be received by them.

The amendment was agreed to.

The PRESIDENT *pro tempore*. That completes the amendments reported by the committee.

Mr. EDMUNDS. I move to amend the bill in the fifth line of the third section, by striking out the word "five" before the word "pounds," and inserting the word "two;" so that it will read:

And shall be loaded to a pressure not exceeding two pounds above the working steam-pressure allowed.

This amendment was intended to have been reported from the committee, but appears to have been accidentally omitted in the printing of the bill.

The amendment was agreed to.

Mr. EDMUNDS. I further move to amend the bill by striking out sections sixteen and seventeen, and inserting the following in lieu of them:

And be it further enacted, That the annual compensation paid to local inspectors of steamboats shall be hereafter as follows, namely:

For the district of Portland, in Maine, \$300.
For the district of Boston and Charlestown, in Massachusetts, \$1,000.

For the district of New London, in Connecticut, \$500.

For the district of New York, two at \$2,000 each, two at \$1,500 each, and one additional inspector of boilers at \$1,500.

For the district of Philadelphia, in Pennsylvania, \$1,300.

For the district of Baltimore, in Maryland, \$1,200.

For the district of Norfolk, in Virginia, \$300.

For the district of Charleston, in South Carolina, \$500.

For the district of Savannah, in Georgia, \$400.

For the district of Mobile, in Alabama, \$1,000.

For the district of New Orleans, in which New Orleans is the port of entry, Louisiana, \$2,000.

For the district of Galveston, in Texas, \$400.

For the district of St. Louis, in Missouri, \$1,600.

For the district of Nashville, in Tennessee, \$400.

For the district of Louisville, in Kentucky, \$1,200.

For the district of Cincinnati, in Ohio, \$1,000.

For the district of Wheeling, West Virginia, \$500.

For the district of Pittsburgh, Pennsylvania, \$1,600.

For the district of Chicago, Illinois, \$800.

For the district of Cleveland, Ohio, \$800.

For the district of Buffalo, New York, \$1,200.

For the district of Oswego, or of which Oswego is the port of entry, New York, \$300.

For the district of Vermont, of which Burlington is the port of entry, \$300.

For the district of San Francisco, California, \$1,500.

For the district of Memphis, Tennessee, \$900.

For the district of Galena, Illinois, \$1,000.

For the district of Portland, Oregon, \$700.

And be it further enacted, That there shall be appointed, under the direction of the Secretary of the Treasury, one clerk each in the local offices at New York and New Orleans, and the annual compensation allowed to these clerks shall be \$750 each.

And be it further enacted, That the Secretary of the Treasury may procure for the supervising and local inspectors of steamboats such stationery, printing, instruments, and other things necessary for the use of their respective offices as may be required therefor, and shall make such rules and regulations as may be necessary to secure the proper execution of the steamboat acts, and may from time to time cause special examinations to be made into the administration of the inspection laws.

Mr. WILLIAMS. I move to strike out, in that part of the proposed amendment which applies to the district of Portland, in Oregon, "\$700," and to insert the amount provided in the original bill, "\$1,200."

I find that in the proposed amendment salaries of \$1,500 and \$1,600 are paid to local inspectors in the Atlantic States, where, I am satisfied, the business is not as large as it is at Portland, in Oregon. In addition to that the expenses at Portland, in Oregon, are much larger than they are in places on this side of the continent. I have received communications from the local inspectors of that district representing to me that an increase in their salaries is absolutely necessary, and I do not see any reason why inspectors at Portland, Oregon, should be reduced to \$700, and the local inspectors upon the Mississippi river, at some points two or three thousand miles from its mouth, should be paid \$1,000, \$1,200, or \$1,500, when there is no point upon the Mississippi river where the business is half as large as it is at Portland, in Oregon. I therefore move this amendment to the amendment.

Mr. EDMUNDS. The present amendment of the committee is made up upon a careful examination of the amount of inspection and other work done at each of the local offices at the points named, so that as near as mathematics can reach such a question, every inspector, by the amendment reported from the committee, is paid for what he does in the same ratio that every other inspector is paid for what he does. The present law went into operation in the year 1852, and for the respective periods ending in 1855, 1860, and 1865, tables have been constructed at the Treasury Department showing the number of steamboats inspected, the number of boilers inspected,

the number of steamboats licensed, and the number of pilots and engineers licensed, so as to show the respective amounts of business done at each of these points; and the amendment providing for Portland, Oregon, the sum of \$700 is, according to these tables, the fair ratio in proportion to the amount of labor that is done there as compared with all the other places where similar work is done, so that while New York gets a great deal more than Portland, Oregon, does, it is because a much larger proportion of the time of the inspector is required to perform the duties.

It therefore appears to me that the scale which the committee have reported based upon these considerations is as nearly accurate as it possibly can be. The committee were not satisfied with the bill as it came from the House of Representatives, and caused these tables and investigations to be made with a view to reduce the appropriation for this service to the lowest amount possible consistent with the thorough performance of the important work which these officers have to do; and upon these considerations they have directed me to propose the amendment which is now before the Senate. The total increase provided for by this amendment above the present law is only \$2,700 for the whole number of inspectors for the whole United States, making \$5,400 as the total annual increase of expense above the original provision made in 1852; and all that is done is to readjust, based upon the business of the last fifteen years, the scale of fees which is appropriate to each place.

Mr. WILLIAMS. I should like to inquire of the Senator if he knows what the present salary of the local inspectors at Portland, Oregon, is.

Mr. EDMUNDS. The present salary of the local inspector at Portland, Oregon, is \$700, precisely where the committee propose to leave it. Some of the places we have not increased at all; others we have increased somewhat.

Mr. WILLIAMS. I do not know how reliable the data may be to which the Senator refers, but I am confident that if \$700 was a suitable compensation to the local inspectors at Portland before this time, there ought to be an addition to that compensation, for the business has largely increased at that point, and I presume increased with as much rapidity as at any other point in the country. They are extending steamboat navigation from Portland up the Columbia river, up the Snake river, and up the various branches of the Columbia river. They are constructing new steamboats, adding very much to the steamboat navigation of that river and of that district, and the duties imposed upon these local inspectors will be very much increased, and I think there ought to be a corresponding increase of the compensation. A salary of \$700 for a local inspector at that point is just about no salary at all. Possibly competent men can be secured, but I very much doubt whether the best men can be procured at that salary; and if it is desirable at all to have local inspectors of steamboats it is desirable to have the best and most competent men in the country, because the object, I suppose, in providing for those inspectors is to secure life and property on board steamers.

I depend for my information upon representations from persons in that vicinity and upon my personal knowledge of the amount of business transacted at that point and in that district. I am very sure that \$700 is no adequate compensation, and it is not reasonable that it should be, because Portland and the district of which it is the center is a community that is rapidly growing in business. Business is rapidly accumulating there. Two or three years ago, when this salary was fixed, there was one steamboat where there are now half a dozen engaged in business; and either the compensation heretofore has been altogether too high and unreasonable, or this compensation provided by the amendment of the committee is not suitable to the circumstances of the country at this time. I think it is not in proportion to the salaries paid at other points. I do not

know how the officer to which the Senator refers obtains information as to the amount of business in these districts, or when the reports were made upon which he relies; but I am very sure of one thing, that such a salary as it is now proposed to give these men is no salary for any business in that country where the expenses are so high. The expenses of traveling are much greater than they are here; and the expenses of living are much higher; and in every respect the salary is inadequate to the services to be performed; and I insist upon it that the salary ought not to remain at \$700, and that my amendment should be adopted.

Mr. EDMUNDS. My friend from Oregon is undoubtedly right, at least in my opinion, when he says that the salary has been either too high before or is too low now; but it appears to me that it has been too high hitherto. In the very last year—and this will show the Senate how much time is necessary to be employed to earn this \$700—the total number of steamboats inspected and licensed at the port of Portland, in Oregon, was only twenty-five; and a competent man, or two competent men, because there are two in each district, can perform the work in three days, and can make their reports and answer all the questions, and do everything that is necessary, in three days more. Of course \$700 is a very high compensation for a week's work; but it is true that that is not the whole question, because you cannot employ for that time, having a responsibility over the whole year, men who are fit to perform such work without paying them a salary which has some relation in amount to the dignity and responsibility of the office. So far as the absolute labor goes, the time employed to inspect these twenty-five steamers and their boilers, &c., \$700 is an excessive compensation if you look at it merely in that point of view; but, as I said, the salary is made higher on account of the dignity and responsibility of the office. The cost to the Government at the port of Portland for each steamer inspected is fifty-six dollars, while the cost at Galena, where eighty-nine are inspected, is only \$15 62, and so on. The real truth is, and it is impossible to disguise it or misunderstand it, that in places like Portland, and many other places in the country, the Government cannot afford to pay the amount necessary to compensate a man for all his time for a whole year, but it is expected that he will engage in other occupations. He may be a builder of steam vessels; he may be a master mechanic in some other department of industry; he may be one thing or another, whatever he pleases, so that he possesses the requisite knowledge and skill to bring to bear upon the question he has in charge whenever he is called upon. Now, looking at it in this point of view, it appears to me that we are paying for the present a sum large enough. When the business increases, let the salary be increased.

The amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question now is on the amendment proposed by the Senator from Vermont.

Mr. VAN WINKLE. I should like to have an explanation of the reason why the compensation of the inspectors at Wheeling is reduced. While you are imposing additional duties upon these inspectors, you are cutting down their salaries one half. It strikes me that that cannot be reasonable, at all events. The inspectors at Wheeling have charge of some two hundred and fifty or three hundred miles of the Ohio river, along which at very numerous points steamboats are constantly built, and brought to Wheeling to be inspected and licensed. Again, a good deal of the great trade down the Ohio river settles at Wheeling and Parkersburg, which are both railroad termini, and all go to Wheeling for their inspection. I should like the Senator in charge of the bill to explain the reasons why the salary of the inspectors at Wheeling is cut down to \$500.

Mr. EDMUNDS. My only explanation is

that my friend from West Virginia is mistaken in the assumption that it is cut down. The present law gives the inspectors at Wheeling \$500, precisely where we propose to leave it. The number of steamboats inspected at Wheeling in 1855 was thirty-four; in 1860, thirty-nine; and in 1865, forty-seven. That has been the total rate and amount of the increase; and, considering the great number of other inspection districts up and down the river, at Pittsburg, Nashville, Louisville, and all those places, we thought there was no justification for increasing, at this time, the compensation of the inspectors at Wheeling.

Mr. VAN WINKLE. I understand that this bill provides for giving them a compensation of \$1,000, and that the amendment of the Senate committee cuts it down to \$500.

Mr. EDMUNDS. The original bill provided for giving them \$1,000, and we have left it where the present law leaves it.

Mr. VAN WINKLE. I cannot say that I know enough about the subject to make any particular opposition, but I think there is a discrimination made here that is not a just one. I can only judge from my general knowledge of the subject. I know that a good deal of this business is done at Wheeling. What it relates to, whether to hulls, or the whole inspection, or the inspections that must take place from time to time afterward, I do not know.

Mr. EDMUNDS. These tables that I read from contain the statement of every steamboat, large and small, that has been inspected at that place and reported by the inspectors. The Senate are of course aware that by the present law it is the duty of the steamboat inspectors to keep a record of every official act that they do in respect to the inspection of steamboats, hulls, and boilers, and the licensing of pilots and engineers. It is their business to make quarterly returns of them, and certain fees are assessable by law upon each steamboat owner upon inspection, depending generally upon the tonnage of the vessel. Those fees it is the duty of the inspector to account for and pay over into the Treasury. The scale of compensation which the amendment that I have proposed, for the committee, adopts, is, I repeat, adapted precisely and mathematically to the amount of labor done in each district and the amount of fees received and reported to the Treasury; so that for the same amount of time employed in Wheeling, the inspector there is paid the same compensation as is paid for the same amount of time in New York, so as to make it just, as to the time and labor and responsibility, all over the country. There is no law which prohibits a steamboat inspector from engaging in other occupations, and it is of course expected, as the fact is, that everywhere where the salary is not large enough to compensate for all the man's time, he engages in other pursuits; and undoubtedly three fourths of the steamboat inspectors of the country today are engaged in honorable and profitable occupations otherwise. For the labor which they do for the Government they ought to be, and are, liberally paid.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont, striking out the sixteenth and seventeenth sections of the bill, and inserting a substitute.

The amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The question is on concurring in the amendments made as in Committee of the Whole, and the Chair will take the question on the amendments collectively unless a division is asked.

Mr. WILLIAMS. I desire to renew, in a different form, my amendment to the amendment proposed by the Senator from Vermont. I propose to strike out "\$700" and to insert "\$1,000," in relation to Portland, Oregon.

The PRESIDENT *pro tempore*. At the Senator's request that amendment will be accepted, and the Chair will put the question on

concurring in the residue of the amendments made in Committee of the Whole.

The amendments were concurred in.

The *PRESIDENT pro tempore*. The question now is on concurring in the amendment proposed by the Senator from Vermont striking out the sixteenth and seventeenth sections of the bill and inserting a substitute, and as an amendment to that amendment the Senator from Oregon proposes to strike out "\$700" and to insert "\$1,000" as the salary of the local inspector at Portland, Oregon.

Mr. WILLIAMS. I do not wish to appear pertinacious about this matter; but it has occurred to my mind that in preparing his amendments, the Senator did not take into consideration the circumstances under which the local inspectors at Portland, in Oregon, are compelled to act. At points upon the Mississippi and Ohio rivers, at Wheeling, for instance, I suppose the local inspector can perform his duties at that place; but the inspector at Portland, in Oregon, inspects some of the steamboats at that city. Then there are the falls of the Willamette, in the Willamette river, that cannot be passed by steamboats, and steamboats are constructed above those falls, and it is necessary for the local inspector to go there and make his inspection. Then there are steamboats on the Columbia river below the cascades. Those are to be inspected at Portland. Then there is another portion of the river between the cascades and the Dalles where other steamboats for the navigation of the Columbia are constructed, and the inspector must go there to examine those steamboats. Then above the Dalles, there is another part of the Columbia river, where boats are constructed, and the inspector living at Portland is compelled to go above the Dalles for the purpose of inspecting those steamboats; and so upon the Snake river and the other branches of the Columbia river. There are two or three portages upon the Columbia river, and upon the branches of the river there are portages, and materials are taken up from Portland to the portions of the river above these portages, and there the boats are constructed, and it is necessary for the inspectors to go there in order to inspect those boats; so that an inspector at Portland, in Oregon, has very much more labor and must necessarily incur much more expense than an inspector living at the city of Wheeling, on the Ohio river, who, as I understand, is not compelled to travel any great distance for the purpose of discharging his duties. I am not, however, particularly advised on that subject; but I know that in Oregon the local inspectors are compelled to travel two or three hundred miles or more for the purpose of performing their duties. In addition to the other reasons that I assigned before, I think these are sufficient to induce the adoption of the amendment that I have proposed.

Mr. EDMUNDS. There would be some force in what my friend from Oregon says as to the paripatetic duties of the inspector at Portland were it not for the fact that all the official expenses of these inspecting gentlemen are paid by the Government—office rent, printing, stationery—everything of that multitudinous number of matters which always get into not only steamboat inspector's bills, but every other public officer's bills and traveling expenses, whatever they may be. They make up their accounts and take those items out of the fees which are paid to them by the steamboat owners and remit the balance, if fortunately there happens to be a balance, to the Government. Now, it may take two or three days more time, possibly, to make this journey than if they were all to be inspected at one place, but the increase is so small, and the salary at present is so large in proportion to the whole amount of time required, that with all respect to my friend's observations I think we should be doing injustice to the other inspectors and to the Treasury to agree to his amendment.

The amendment to the amendment was rejected.

The *PRESIDENT pro tempore*. The ques-

tion now is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

Mr. HENDERSON. I have been written to from St. Louis by some persons there in regard to this bill. Various objections have been made to it, and I really have not had time to examine the bill as I should wish to do, and I do not desire that it shall pass without presenting, at least, some objections to it that have been urged in several letters that I have received, because they come from men who are perfectly conversant with matters of this character, and understand perfectly what they talk about. I desire a little while to examine the bill. I have permitted it to come to this point, and I now move to take up Senate bill No. 285.

Mr. SHERMAN. I trust the Senator will allow me to call up a bill which I do not think will occupy any time.

Mr. EDMUNDS. It being suggested by my friend the Senator from Missouri that there are points of objections which have been stated to him, I will move that the further consideration of the bill before the Senate be postponed until to-morrow at one o'clock, and be made the special order at that hour. I make this motion because some parts of the bill, respecting the transportation of petroleum, it is extremely important should be passed, inasmuch as by the present law and the regulations under the law lately put in force, the owners of petroleum and the steamers engaged in that trade cannot carry it at all, and therefore it is important that the bill should be acted upon speedily. I move, therefore, that it be made the special order for to-morrow at one o'clock.

The *PRESIDENT pro tempore*. Does the Senator from Missouri withdraw his motion?

Mr. HENDERSON. I have no objection to that course.

The *PRESIDENT pro tempore*. The motion of the Senator from Missouri is withdrawn, and the question is on the motion of the Senator from Vermont.

Mr. WILLIAMS. The chairman of the Committee on Finance gave notice this morning that he intended to call up the legislative appropriation bill to-morrow. However, as he is present, I do not wish to interfere in the matter.

The *PRESIDENT pro tempore*. The question is on the motion of the Senator from Vermont.

The motion was agreed to.

EXECUTIVE COMMUNICATION.

The *PRESIDENT pro tempore* laid before the Senate a communication from the President of the United States, transmitting, in answer to a resolution of the Senate of the 6th instant, a copy of the report of the Board of Visitors of the United States Naval Academy for the year 1866.

Mr. GRIMES. I move that that communication be referred to the Committee on Naval Affairs and be printed, and that five thousand extra copies be printed.

The *PRESIDENT pro tempore*. The communication will be printed, and referred to the Committee on Naval Affairs. The motion to print extra copies will be referred to the Committee on Printing.

MISSISSIPPI RIVER LEVEES.

The *PRESIDENT pro tempore* appointed Mr. CLARK, Mr. CHANDLER, Mr. COWAN, Mr. HENDERSON, and Mr. JOHNSON a select committee on the subject of extending aid for the reconstruction of levees on the Mississippi river, in pursuance of the order of the Senate of Friday last.

Mr. CRESWELL submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of War be, and he is hereby, directed to furnish the Senate a copy of a recent report made to the War Department by General Humphreys, of the Topographical corps, on the levees of the Mississippi river, and all other information, if any, in possession of his Department in relation to said levees.

APPROVAL OF A BILL.

A message from the President of the United States, by Mr. COOPER, his Secretary, announced that the President had approved and signed, on the 8th instant, an act (S. No. 237) granting a pension to Mrs. Martha Stevens.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House of Representatives had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

A bill (H. R. No. 660) for the relief of Captain James Starkey;

A bill (H. R. No. 661) changing the name of Emil Cohen;

A joint resolution (H. R. No. 123) for the relief of Elizabeth Woodward and George Chorpennig, of Pennsylvania;

A joint resolution (H. R. No. 126) for the relief of certain settlers on the Sioux reservation, in the State of Minnesota;

A joint resolution (H. R. No. 150) to provide for payment of the claim of Colonel H. C. De Ahna for military services;

A joint resolution (H. R. No. 151) authorizing the purchase of Dugan's work on Infantry Tactics; and

A joint resolution (H. R. No. 152) relative to certain guns captured in the late war.

The message further announced that the House of Representatives had passed, without amendment, a joint resolution (S. R. No. 69) making an appropriation to enable the President to negotiate treaties with certain Indian tribes.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House of Representatives had signed the following enrolled bills; which were thereupon signed by the *PRESIDENT pro tempore*:

A bill (S. No. 140) to grant the right of way to the Humboldt Canal Company through the public lands of the United States;

A bill (S. No. 172) to confirm the title of José Serafin Ramirez to claims in New Mexico;

A bill (S. No. 189) to confirm the grant of certain lands to José Dominguez, in California;

A bill (S. No. 261) for the relief of Mrs. Anna G. Gaston;

A bill (S. No. 321) for the relief of Maria Syphax; and

A bill (H. R. No. 255) making appropriations for the construction, preservation, and repairs of certain fortifications and other works of defense for the year ending June 30, 1867.

NATIONAL TELEGRAPH COMPANY.

Mr. SHERMAN. I now move to take up and I desire to dispose of Senate bill No. 357.

The motion was agreed to; and the bill (S. No. 357) to aid in the construction of telegraph lines, and secure to the Government the use of the same for postal, military, and other purposes, was read the second time, and considered as in Committee of the Whole. It proposes to grant to the National Telegraph Company, a corporation organized under the laws of the State of New York, April 16, 1866, the right to construct, maintain, and operate lines of telegraph through and over any portion of the public domain of the United States, over and along any of the military or post roads of the United States which have been or may hereafter be declared such by act of Congress, and over, under, or across the navigable streams or waters of the United States; but such lines of telegraph are to be so constructed and maintained as not to obstruct the navigation of such streams and waters, or interfere with the ordinary travel on such military or post roads. The corporation is to have the right to take and use from the public domain the necessary stone, timber, and other materials for its posts, piers, stations, and other needful uses in the construction, maintenance, and operation of these lines of telegraph, and may preëempt and use such portion of the unoccupied public domain through which its lines of telegraph may be located as may be necessary for its stations,

not exceeding one quarter section for each station. The telegraphic communications between the several Departments of the Government of the United States and their officers and agents, in their transmission over the lines of the company, are to have priority over all other business, and to be sent at rates to be annually fixed by the Postmaster General. The rights and privileges hereby granted are not to be transferred by the company to any other corporation, association, or person, without the consent of Congress; but the United States may at any time after the expiration of five years from the passage of the act, for postal, military, or other purposes, purchase all the telegraph lines, property, and effects of the company at an appraised value, to be ascertained by five competent, disinterested persons, two of whom are to be selected by the Postmaster General of the United States, two by the company, and one by the four so previously selected. Nothing contained in the act is to be so construed as to prevent Congress from granting to other telegraph companies such powers and privileges as it confers; and Congress may at any time alter, amend, or repeal the act.

Mr. MORRILL. It seems to me this is a very important bill.

Mr. SHERMAN. I can explain it in a moment. I will state briefly the reasons that led the special committee to report this bill after a very careful and patient examination of this subject. We all desired to expedite or facilitate, if possible, the construction of telegraph lines in the United States. There were three propositions made to the committee. One was that the United States itself, through the Postmaster General, should construct telegraph lines with a view to compete with existing lines; another was that we should organize a company, chartered by an act of Congress, and authorize that company to construct telegraph lines. The objection taken by the Postmaster General to the first proposition, and in which we all concurred, was that the expense would be too great for the United States now, upon present information, to embark in the construction of telegraph lines in the United States; that it would be ingrafting a new feature on the postal service which we were not prepared for. We supposed that a time might arrive, in the not far distant future, when the United States might be disposed to ingraft the telegraph system upon the postal system, but we thought that now was not the time.

The next proposition—and such a bill was introduced and referred to the committee—was that a corporation should be created by Congress invested with powers to construct telegraph lines to compete with existing telegraph companies. After a patient examination, we thought that at present we had better not organize such a company, as it would be a new feature to incorporate a company in the District of Columbia to exercise powers beyond the District, and we supposed it would give rise to some objection from its very novelty.

The bill that we finally agreed upon authorizes an existing company organized in the State of New York, which is now constructing telegraph lines in the United States and which proposes to construct a telegraph line to California over the public domain, to construct their line along the military or post roads of the United States, and over, under, or across the navigable streams or waters of the United States, and authorizes them to take a quarter section of land in certain cases, and to take the materials for building their line on the public domain. This provision is copied from the act incorporating the Pacific Telegraph Company, to which the United States now pays a bounty of \$40,000 a year. This confers simply the right upon this company to cross the public domain; and, wherever stations are necessary, to preempt a quarter section of land, giving them no other privilege. The second section authorizes the Postmaster General—

Mr. POMEROY. I should like to call the Senator's attention to that point in the first

section to which he has just referred. I think it would be better to insert "lands subject to preemption." It would hardly do to let this company preempt land across the continent which is not subject to preemption. "Public domain" does not necessarily mean "public land subject to preemption."

Mr. SHERMAN. I have no objection to an amendment of that kind. The purpose is simply to give them the same privileges which were given to the other companies.

Mr. POMEROY. Let them take the right to preempt land which is subject to preemption, but not military reservations or Indian reservations.

Mr. SHERMAN. This is the language copied from the old law; but the Senator may modify it so as to obviate the difficulty he seems to apprehend. We simply desired to give them the right to go upon public land which is not yet sold and there establish their line.

The second section provides that the Postmaster General shall fix the price for transmitting messages sent by or to any officer of the Government. This we regarded as a very important principle to be adopted. It was proposed, indeed, to extend the principle to all messages sent over the wires; but as the existing companies are not restrained in this way, it was deemed unwise to put this company under such heavy restraints, but simply to place the messages of the United States, sent either to or by an officer of the Government, under the direction of the Postmaster General.

The third section provides for an apprehended difficulty. It was alleged that these rights might be transferred to the existing companies and thus might create even a greater monopoly; but it is to be observed that no right is conferred by this bill that does not already exist in the present companies. But to avoid any difficulty on that point, on the motion of my friend from New Hampshire, [Mr. CLARK,] who is not now present, the third section was inserted providing that this company should not transfer the franchises conferred by the bill without the consent of Congress. It is also provided that at the expiration of five years Congress may, if they choose, purchase upon equitable terms the lines of the company.

Mr. FESSENDEN. What is the exact provision on that point?

Mr. SHERMAN. It is:

Provided, however, That the United States may, at any time after the expiration of five years from the date of the passage of this act, for postal, military, or other purposes, purchase all the telegraph lines, property, and effects of said company at an appraised value.

And the mode of appraisement is pointed out.

Mr. FESSENDEN. I wish to ask the Senator whether the committee considered the question of the right of Congress to grant privileges of this kind. The Constitution gives to Congress power to establish post roads; and they may therefore provide for designating roads for postal purposes; but can they give to a company the right to establish posts, wires, over land which they do not own and over which they simply have the right themselves to establish post roads?

Mr. SHERMAN. We considered that matter. I have no doubt on that point myself, though I do not know that I can say for the committee that they came to a definite conclusion in regard to it. For myself, I have no doubt that the Government of the United States have a right to erect wires, or authorize them to be erected by a company, over and through the post roads in the different States. The mere fact that after transmitting our own dispatches, in which we get priority in all cases, dispatches are also to be transmitted for private individuals, would not affect that right. At any rate it is a right that, if disputed in any State, or by any person, may be made the subject of litigation, and may properly be left with the judicial tribunals.

The fourth section provides that Congress

may grant the same rights to any other company, and may alter, amend, or repeal this act. I would at any time, on the request of any company, be willing to extend the same privileges to them. This will undoubtedly enable this company and all companies that may come in hereafter to compete with existing monopolies to have the advantage, at any rate, of going over the public domain, and of the facilities granted by the first section, and it will give them whatever right Congress can confer to go through the different States, and especially across the navigable streams of the United States. No private company can now cross the Ohio river or other navigable streams without the consent of Congress. That has been settled not only by our own practice, but by the decisions of the courts, particularly if the crossing might possibly obstruct the navigation of the river. It was deemed important, therefore, that this right should be given to the company in all cases to cross navigable streams in such a way as not to injure the navigation.

I have now stated the whole bill. I only regret for myself that it does not contain more which would enable a more complete competition with existing companies. The Postmaster General in a letter which is lying on the table has furnished a vast amount of material, statistics, &c., as to the cost of telegraphs and as to the price at which messages may be conveyed, inclosing communications from all the existing telegraph companies; but as they do not affect the provisions of this bill we have not deemed it necessary to allude to them. I will state further that the Postmaster General, to whom this bill has been submitted, cordially approves it, although he is opposed to the United States now embarking in a general system of building telegraph wires.

Mr. MORRILL. I hope this bill will receive the consideration of the Senate before it is passed. It cannot be doubted that it is a bill very important in its provisions, and that it has a very broad scope and meaning. In the first place, it seems to me, before such powers are granted, we should know something of the corporation to which they are to be granted. It will be seen that this National Telegraph Company is described as "a corporation organized under the laws of the State of New York, April 16, 1866"—only a little over a month ago. By the general laws of that State a certain number of persons may associate themselves together and exercise the general powers of a body politic and corporate. Now, I hardly think that the Government of the United States would like to grant powers so extensive as these without knowing something of the corporation, who the corporators are, what their responsibility is, and what they purpose to do.

Mr. SHERMAN. I have that information here.

Mr. MORRILL. Certainly it ought to be accessible to the Senate. This bill, I see, was reported on the 7th of June. We have had very little opportunity to consider the matter; this is the first time it has come to my attention at all.

Now, let us look at the scope of the bill for a moment. In the first place, this corporation, which is not the creature of this Government, which is the creation of the State of New York, is endowed with certain powers and privileges, first to put up telegraphic wires in any direction, to any extent, "through and over any portion of the public domain." I take it for granted that means outside of the States. That is a pretty extensive sweep when you consider that the Government at this moment is paying a subsidy of about fifty thousand dollars a year, I think, to one line, and this company may build another one right alongside of that.

But that is not the important part of this measure. The important part of it is in these words, "over and along any of the military or post roads of the United States which have been or may hereafter be declared such by act of Congress." What does that mean? Any of the roads over which we carry the mail, over

any of your railroads or any of the ordinary public highways or turnpikes throughout the whole extent of the country. A corporation in the city of New York is invested with the high privilege of setting up telegraphic wires in any direction and in all directions throughout the whole extent of this country, over your railroads, over your turnpikes, over your ordinary highways, anywhere and everywhere where the Government of the United States has declared that it has a post road. I think that is a little broader and a little more comprehensive, perhaps, than any bill in so few words ever before proposed to invest any corporation in this country with.

Whether this Government has the power to carry the mail through the telegraph is a question, perhaps, that we are not to consider here, but it is a grave question and one that requires some little consideration before the Government enters upon it. In the first place, whether it is practicable to carry the mail by telegraphic communication has not been settled by any means. At the present rates, no one would pretend that it could be done. It is a very grave question whether the Government should enter upon the consideration of the project of carrying its mails over and by means of telegraphic lines.

Now, sir, if we were entering upon that question, I think the honorable Senator from Ohio would agree with me that it presented a matter of the gravest consequences, and which should not be passed upon by the Senate in a moment, nor without full and serious consideration. It would involve, of course, the entire revision of the whole subject of postal arrangements. I infer from the remarks of the honorable Senator that this bill is presented in contemplation of some such thing in the future. But that is not the question of authority to which I now call the attention of the Senate. That is not the precise question involved here. The question which is involved here, and which to my mind is very doubtful, is the one hinted at by my colleague: has the Government of the United States the authority to invest a private corporation in the city of New York (for that is what it is) with the power to make lines of telegraphic communication in any direction and in all directions over the whole length and breadth of this country, not for postal, not for military, but for its own purposes? That is exactly what it is. This bill proposes to invest a private corporation of the State of New York with power to set up telegraphic communication all over this country. Have we any authority for that? The honorable Senator says that the corporation exists. True, but it has not this power.

Mr. SHERMAN. Allow me to remind the Senator that the present monopoly that now controls all the telegraph wires of this great country is in the hands of a single corporation chartered by the State of New York, just like this company; and the only question is, whether we shall leave them in the ascendant, sole possessors of the field, or whether we shall, if we can, create competition.

Mr. MORRILL. That company, I suppose, has its rights by virtue of the legislation of the several State Legislatures. There is no objection, of course, to a private corporation of the State of New York undertaking to build telegraphic lines of communication throughout the several States, provided that they do it with the consent of these States; but the question here is, whether the Congress of the United States can authorize a private corporation to construct and maintain telegraph wires independent of the authority which they may receive from the States. That is the question, for it will be seen that the bill proposes to invest this private corporation of New York with the right "to construct, maintain, and operate lines of telegraph through and over any portion of the public domain of the United States, over and along any of the military or post roads of the United States which have been or may hereafter be declared such by act of Congress, and over, under, or across the

navigable streams or waters of the United States."

Mr. CONNESS. I desire to inquire of the Senator from Ohio, with the consent of the Senator from Maine, whether he desires to proceed with the consideration of this bill to-day.

Mr. SHERMAN. If any other Senator desires time to look into it, I am willing that it shall go over; but I should like to hear the conclusion of the remarks of the Senator from Maine.

Mr. MORRILL. I prefer that the bill should go over.

Mr. SHERMAN. Very well. I will agree to postpone the matter.

The motion to postpone the bill was agreed to.

HOUSE BILLS REFERRED.

The following bills and joint resolutions from the House of Representatives were severally read twice by their titles, and referred as indicated below:

A bill (H. R. No. 660) for the relief of Captain James Starkey—to the Committee on Claims.

A bill (H. R. No. 661) changing the name of Emil Cohen—to the Committee on the Judiciary.

A joint resolution (H. R. No. 123) for the relief of Elizabeth Woodward and George Chorpennig, of Pennsylvania—to the Committee on Claims.

A joint resolution (H. R. No. 126) for the relief of certain settlers on the Sioux reservation, in the State of Minnesota—to the Committee on Indian Affairs.

A joint resolution (H. R. No. 150) to provide for payment of the claim of Colonel H. C. De Ahna for military services—to the Committee on Military Affairs and the Militia.

A joint resolution (H. R. No. 151) authorizing the purchase of Dugan's work on Infantry Tactics—to the Committee on Military Affairs and the Militia.

A joint resolution (H. R. No. 152) relative to certain guns captured in the late war—to the Committee on Military Affairs and the Militia.

LAND TITLES IN CALIFORNIA.

Mr. CONNESS. I move to take up the bill (S. No. 343) to quiet land titles in California. It is a bill which has been reported by the Committee on Public Lands.

The motion was agreed to; and the bill was considered as in Committee of the Whole. It was introduced by Mr. CONNESS, and reported by the Committee on Public Lands with amendments.

The first section provides that in all cases where the State of California has heretofore made selections of any portion of the public domain in part satisfaction of any grant made to that State by any act of Congress, and has disposed of the same to purchasers in good faith under her laws, the lands so selected shall be confirmed to the State. It is, however, provided that no selection made by the State contrary to existing laws shall be confirmed by this act for lands to which any adverse preemption, homestead, or other right has, at the date of the passage of the act, been acquired by any settler under the laws of the United States, or to any lands which have been reserved for naval, military, or Indian purposes by the United States, or to any mineral land, or to any land which, at the time of the passage of the act, was included within the limits of any city, town, or village, or within the county of San Francisco.

By the second section, where the selections named in section one have been made upon land which has been surveyed by authority of the United States, it will be the duty of the proper authorities of the State, where the same has not already been done, to notify the register of the United States land office for the district in which the land is located of such selection, which notice shall be regarded as the date of the State selection, and the Commissioner of the General Land Office is to instruct the sev-

eral local registers to forward to the General Land Office, after investigation and decision, all such selections, which, if found to be in accordance with section one, the Commissioner shall certify over to the State in the usual manner.

Under the third section, where the selections named in section one have been made from lands which have not been surveyed by authority of the United States, but which selections have been surveyed by authority of and under the laws of the State, and the land sold to purchasers in good faith under the laws of the State, such selections shall, from the date of the passage of this act, when marked off and designated in the field, have the same force and effect as the preemption rights of a settler upon unsurveyed public land; and if, upon a survey by the United States, the lines of the two surveys shall be found not to agree, the selection shall be so changed as to include those legal subdivisions which nearest conform to the identical land included in the State survey and selection. Upon the filing with the register of the proper United States land office of the township plat in which any such selection of unsurveyed land is located, the holder of the State title shall be allowed the same time to present and prove up his purchase and claim under this act as is allowed preëmptors under existing laws; and if found in accordance with section one of this act, the land embraced therein shall be certified over to the State by the Commissioner of the General Land Office.

The fourth section provides that in all cases where township surveys have been or shall hereafter be made under authority of the United States, and the plats thereof approved, it shall be the duty of the Commissioner of the General Land Office to certify over to the State of California, as swamp and overflowed, all the lands represented as such, upon such approved plats, within one year from the passage of this act, or within one year from the return and approval of such township plats. The Commissioner shall direct the United States surveyor general for the State of California to examine the segregation maps and surveys of the swamp and overflowed lands made by the State; and where he shall find them to conform to the system of surveys adopted by the United States, he shall construct and approve township plats accordingly, and forward to the General Land Office for approval. In segregating large bodies of land, notoriously and obviously swamp and overflowed, it shall not be necessary to subdivide the same, but to run the exterior lines of such body of land. In case the State surveys are found not to be in accordance with the system of United States surveys, and in such other townships as no survey has been made by the United States, the Commissioner shall direct the surveyor general to make segregation surveys, upon application to the surveyor general by the Governor of the State, within one year of such application, of all the swamp and overflowed land in such townships, and to report the same to the General Land Office, representing and describing what land was swamp and overflowed under the grant, according to the best evidence he can obtain. If the authorities of the State shall claim as swamp and overflowed any land not represented as such upon the map or in the returns of the surveyors, the character of such land at the date of the grant, September 28, 1850, and the right to the same, shall be determined by testimony, to be taken before the surveyor general, who shall decide the same, subject to the approval of the Commissioner.

The fifth section makes it the duty of the Commissioner of the General Land Office to instruct the officers of the local land offices and the surveyor general, immediately after the passage of this act, to forward lists of all selections made by the State referred to in section one, and lists and maps of all swamp and overflowed lands claimed by the State, or surveyed as before provided in the act, for final disposition and determination; and if such final dis-

position shall not be made within one year from and after the receipt at the General Land Office of any such list or map, the title of the State of California to the lands embraced in any of such lists or maps shall be complete and final.

The sixth section proposes to construe the act to provide for the survey of the public lands in California, the granting of preemption rights therein, and for other purposes, approved March 3, 1855, so as to give the State of California the right to select for school purposes other lands in lieu of such sixteenth and thirty-sixth sections as were settled upon prior to survey, reserved for public uses, covered by swamp lands or grants made under Spanish or Mexican authority, or by other private claims, or where such sections would be so covered if the lines of the public surveys were extended over such lands, which shall be determined whenever township lines shall have been extended over such land, and in case of Spanish or Mexican grants, when the final survey of such grants shall have been made. The surveyor general of the State of California is to furnish the State authorities with lists of all such sections so covered, as a basis of selection. But the State of California is authorized to provide by law for the investment of all moneys derived from the sale of school lands in a permanent productive fund; the proceeds of which shall be forever applied, under the direction of the Legislature of said State, to the use and support of public schools in the several school districts in that State and to no other use or purpose whatsoever; and the previous application in such manner by the State of California of funds derived from the sale of such lands is ratified and confirmed, so far as the assent of the United States to the same may be necessary to the confirmation thereof.

The seventh section provides that where, in good faith, and for a valuable consideration, persons have purchased lands of Mexican grantees, which grants have subsequently been rejected, and have used, improved, and continued in the actual possession of the same, and where no valid adverse title (except of the United States) exists, such purchasers may purchase the same, after having such lands surveyed under existing laws, at the minimum price established by law, upon first making proof of the facts, under regulations to be provided by the Commissioner of the General Land Office.

Under the eighth section, in all cases where a claim to land by virtue of a right or title derived from the Spanish or Mexican authorities has been finally confirmed, and a survey and plat thereof shall not have been made, as provided by sections six and seven of the act of July 1, 1864, to expedite the settlement of titles to lands in the State of California, and in all cases where a like claim shall hereafter be finally confirmed, and a survey and plat thereof shall not be made as provided by those sections within six months after final confirmation, it shall be the duty of the surveyor general of the United States for California to cause such survey and plat to be made as soon as practicable, and to return the same to the Commissioner of the General Land Office at Washington; and for the expenses of each survey and plat made, and of the publication required by the act of July 1, 1864, the surveyor general is to be paid from the appropriations for the surveys of the public lands in California.

The ninth section provides that from the decrees of the district courts of the United States for the district of California, approving or correcting the surveys of private land claims under Spanish or Mexican grants, rendered after the 1st day of July, 1865, an appeal shall be allowed for the period of one year after the entry of such decrees to the circuit court of the United States for California, as provided by section three of the act of July 1, 1864, to expedite the settlement of titles to land in the State of California, and the decision of the circuit court shall be final.

The tenth section declares that if, upon final investigation and decision, it shall be determined that there has been confirmed to the State of California by this act more land than under the several grants made by Congress it is entitled to, the State shall pay into the sub-Treasury of the United States at San Francisco a sum equal to \$1.25 per acre for each and every acre so confirmed in excess of any such grant or grants, such payments to be made within one year of such final decision.

The first amendment reported by the Committee on Public Lands was in section one, line fourteen, after the word "military" to insert "or."

The PRESIDENT *pro tempore*. This verbal amendment will be made without a vote, there being no objection.

The next amendment was in section five, line eight, after the word "determination" to strike out:

And if such final disposition shall not be made within one year from and after the receipt at the General Land Office of any such list or map, then the title of the State of California to the lands embraced in any of such lists or maps shall be complete and final.

And in lieu thereof to insert:

Which final disposition shall be made by the Commissioner of the General Land Office without delay.

The amendment was agreed to.

The next amendment was in section six, line nine, after the words "covered by" to strike out "swamp lands or."

The amendment was agreed to.

The next amendment was in section seven, line four, after the word "rejected" to insert "or where the lands so purchased have been excluded from the final survey of any California grant."

The amendment was agreed to.

The next amendment was in section eight, line twelve, after the word "California" to strike out the words "to cause such survey and plat to be made as soon as practicable, and to return the same to the Commissioner of the General Land Office at Washington; and for the expenses of each survey and plat made, and of the publication required by said act of July 1, 1864, the said surveyor general shall be paid from the appropriations for the surveys of the public lands in California," and in lieu thereof insert:

As soon as practicable after the passage of this act, or such final confirmation, to cause the lines of the public surveys to be extended over such land, and he shall set off, in full satisfaction of such grant, and according to the lines of the public surveys, the quantity of land confirmed in such final decree, and as nearly as can be done in accordance with such decree; and all the land not included in such grant as so set off shall be subject to the general laws of the United States.

The amendment was agreed to.

Mr. CONNESS. I propose an amendment in the sixth section, to insert after the word "selection," in the eighteenth line, the words "such selections to be made from surveyed lands and within the same land district as the section for which the selection is made."

Mr. HENDRICKS. I do not think it is possible to understand the meaning and force of that amendment unless it is explained.

Mr. CONNESS. It concerns the selections to be made in lieu of the sixteenth and thirty-sixth sections, or "indemnity land," as it is termed technically, and requires that the selection shall be made from surveyed lands within the district in which the section cannot be already taken. It simply confines the selection to the land district in which the particular section cannot be had. I will say that it is an amendment suggested by the surveyor general of the State.

The amendment was agreed to.

Mr. CONNESS. I offer the following amendment to the seventh section, to come in after the word "same" in line seven:

As conterminous proprietors according to the lines of their original purchase.

That is a mere provision regarding the administration or carrying out the act.

Mr. POMEROY. I should like to hear that amendment read. I do not understand it.

The Secretary read the amendment.

Mr. CONNESS. The Senate will see that it is simply to carry out an amendment already made, that conterminous proprietors may be located together, that they may divide subsequently between themselves.

Mr. HENDRICKS. Without a further explanation I am not sure that that amendment is right. I will state to the Senate that the purpose of this section is to provide for this class of cases: many parties supposed that they had good claims under the Mexican grants in California, and that those claims had no particular location; relying upon that, they sold to different parties portions of those grants, and afterward the claims in some instances were rejected by the courts, and in some instances the lands which they had sold fell outside of their particular claims; and it was thought equitable and just that the Government should allow those parties where their titles thus failed to become the purchasers from the Government, without any restriction such as is found in the preemption laws, as to quantity, to allow the parties to purchase from the Government whatever amount they had purchased from the supposed grantees, and thus get a good title. But it was thought proper to limit the right to purchase to the amount actually occupied and improved by the parties. Now, if the amendment of the Senator from California goes to the extent of allowing parties to purchase whatever they have occupied and improved, and also adjoining lands, it was not the purpose of the committee to extend the relief that far.

Mr. CONNESS. I wish to say to the Senator simply that it is not intended and cannot give them the right to purchase any additional land. If the Senator desires to hear it, I will have read a petition which has come to me, which involves just this class of cases, from a number of settlers on one of these grants. I think it is well for the Senate to hear it; and I propose offering a further amendment, as called for by this petition. I send it to the desk, and ask the attention of Senators to its reading. It is signed by a number of settlers on one of these pieces of land.

The Secretary read the following petition:

DEAR SIR: We, the undersigned, citizens of Sutter county, California, have learned with pleasure the news that you have introduced a bill in the United States Senate having for its object the quieting of land titles in California. If that bill becomes a law it will undoubtedly be of great benefit to the people of this State, but before your petitioners can derive a benefit from it—perhaps there are others in our situation—section four [which corresponds with section seven of this bill] would have to be so modified that it reads, after having such lands surveyed under the existing laws, thus: "or in cases where the general system of the United States surveys is not applicable, it shall be the duty of the surveyor general, upon presentation of a petition setting forth sufficient reason for deviating from that system and signed by all parties interested, to have a survey made in accordance with said petition."

As a reason for such modification, permit us to state that we have purchased in good faith lands always considered to be within the New Helvetia grant, but which in the final location of it were not included. We bought at an early day, before any Government lines were established here; we were necessarily compelled to adopt the subdivision lines of the grant, it being rectangular with Feather river; our improvements were made in conformity with those lines, and the changing of them to Government lines would not only cut our farms and orchards into very bad shapes, but would create a cause of contention. We have always been in actual possession of the land, and wish to abide by the lines as held for the last sixteen years.

We therefore ask and pray that you will ingraft such a clause in the law as will meet our case and thereby conferring a great favor on us and all others in like situation.

Your petitioners shall ever pray, &c.

M. SALENTIEN,
DAVID O'MAHONEY,
C. P. O'NEILL,
E. W. LEE,
M. G. LEE,
G. W. LEE,
W. C. LEE,
W. C. HODGE,
CHARLES PETERS,
PETER PETERS.

Hon. JOHN CONNESS, United States Senator.

Mr. CONNESS. I will state that this section is recommended by the committee for the

purpose of meeting just such cases, of which this is one. There are many in the State. The language is inserted, "where the lands so purchased have been excluded from the final survey of any California grant." These are situated exactly in that way; but that would not, unless by the addition of an amendment which I am going to suggest, enable them to buy, as conterminous proprietors, the amount of land already in possession. They want the privilege by law of petitioning the Commissioner of the General Land Office, and that he shall have the power to recognize their existing lines, according to which their houses are erected, their orchards planted, and all their improvements made for sixteen years.

Mr. HENDRICKS. I believe I now understand the amendment proposed by the Senator from California, and I hardly think the Senate will be willing to go so far as he now suggests.

Mr. CONNESS. Well, I do not insist strenuously on the amendment. I am willing to withdraw it, but I will say to Senators that it simply proposes to allow two or three or more persons to buy one piece of ground, so that they may then divide according to their own lines. The Senator from Indiana is entirely in error in regard to his impressions of it.

Mr. HENDRICKS. I ask the Senator if it would not produce irregular surveys and require the surveys of the public lands according to the description in the deed from the original grantee.

Mr. CONNESS. No, sir.

Mr. HENDRICKS. Then I cannot understand the language used.

Mr. CONNESS. I will say to the Senator that by many bills of this kind passed, there have been several, in which the improvements made were of such a character that it was necessary, we have again and again provided that the sale should be made to the parties according to their existing lines, because to divide and subdivide according to new lines would be to destroy their improvements. Those settlers whose petitions have been received desired me to present this class of amendments, and I intend to offer one to come in at the end of the section, namely:

Provided, That whenever it shall be made to appear by petition from the occupants of such lands that injury to permanent improvements would result from running the lines of the public surveys through such permanent improvements, in those particular cases the Commissioner of the General Land Office may recognize existing lines of subdivision.

It is simply an absolutely necessary provision to save them. However, if there is any objection to the amendment, as I have no feeling about the matter except the more fully to carry out the purpose, I shall not insist upon it.

The PRESIDENT *pro tempore*. The question is on the amendment, unless it is withdrawn.

Mr. CONNESS. It is best that the amendment be inserted.

The amendment was agreed to.

Mr. CONNESS. I now offer this amendment in accordance with the prayer of the petition which has been read, to come in at the end of section seven:

Provided, That whenever it shall be made to appear by petition from the occupants of such lands that injury to permanent improvements would result from running the lines of the public surveys through such permanent improvements, the Commissioner of the General Land Office may recognize existing lines of subdivision.

It will be observed that the amendment does not propose an arbitrary rule, but upon petition of all the proprietors to the Commissioner of the General Land Office he may recognize their existing lines.

The amendment was agreed to.

Mr. CONNESS. In the seventh line of the seventh section the word "California" is inserted before "grant" by mistake for "Mexican." There is no such thing as a California grant, but the words should be changed to "Mexican grant."

Mr. POMEROY. That suggestion is a good one. The language came to us from the Com-

missioner of the General Land Office, and that word escaped us.

Mr. CONNESS. It is simply a verbal error. The PRESIDENT *pro tempore*. The correction will be made.

Mr. CONNESS. I move further to amend the seventh section by inserting after the word "grantees" in the third line the words "or assigns," which were left out by an omission. The amendment was agreed to.

Mr. CONNESS. I will say, if I be permitted for an instant, in reference to the eighth section, that an amendment has been adopted in committee striking out all after "California" in the twelfth line to "California" in the nineteenth line, and inserting what is printed in italics. This is an amendment that was prepared by the Commissioner of the General Land Office. My own opinion is that it is not an improvement of the bill. I think it ought not to be there; yet, at the same time, I have no desire to oppose his amendments. This bill has been under consideration, or bills like it, for which this is a general compromise, for four months past, and we are so anxious to get a settlement of these questions that I do not feel disposed to quibble or find unnecessary fault with any of the amendments proposed; but this is an amendment that, in my opinion, is objectionable and injurious and ought not to be made. I call the attention of the Senators who have considered it to it; yet I am not strenuous about it, as I before stated.

Mr. POMEROY. That amendment, as the Senator says, was inserted at the request of the Commissioner of the General Land Office, and prepared by him. The committee considered it at considerable length, and it was thought by a majority of the committee that the Commissioner of the General Land Office was right, that we ought to insert the provision. It is on that account that it was inserted.

Mr. CONNESS. I am satisfied.

Mr. POMEROY. I will say that this subject of quieting land titles in California has been before the committee for years, and this is the first time we have ever been able to agree with the Commissioner of the General Land Office and the friends of this measure and the enemies of the measure. This is a sort of compromise bill. After three or four sessions of the committee this year, and as many every year since I have been in the Senate, and the whole matter being referred twice or three times to the Commissioner of the General Land Office, he finally sent us this bill with the amendments as meeting the approval of that department.

Mr. CONNESS. He has also sent a letter—has he not?—with it.

Mr. POMEROY. Yes, a letter asking for the passage of this bill. It is in that spirit that we have presented it, and it is in that spirit that we hope it will pass.

Mr. KIRKWOOD. When the particular amendment now referred to was before the committee I was not in favor of it. It was understood in committee that the practical effect of it would be this: where a Mexican grant has been confirmed by the courts in a particular shape, an irregular shape, this amendment would require that rectangular lines should be run over it, and the grantee compelled to take, in lieu of the particular piece of land confirmed to him by the court, an equal quantity of land under our rectangular surveys. The understanding I had, I think from the Senator from Indiana, was that these grants were confirmed by metes and bounds in irregular shapes, and that this amendment was an attempt on the part of Congress to change the form and shape and give to a particular grantee other lands in lieu of those confirmed to him by the courts. I did not suppose we had authority to do that. I learn from the Senator from California, however, that the information given on that point was mistaken information, and that the grants confirmed to these men were not of specific lands of a particular shape.

Mr. CONNESS. I will explain as briefly as I can. When the title of a grantee or peti-

tioner is confirmed it is never confirmed to any particular land, but to a given quantity, a given number of leagues, within certain boundaries that are named in the original *expediente* or grant made by the Mexican Government to the party. After that, it becomes another and separate question as to where, within those exterior bounds or limits, the given number of leagues confirmed shall be located; and under a former law of Congress that duty was devolved upon the surveyor general for the Government in California, who would go forward and make a plat, usually starting to make the quantity from whatever residence or location there had been made upon the ground, he being required, under the law, to make the location of land as nearly as possible in a compact body. Then the plat of the surveyor general was sent up to the Land Office, and if approved by the Commissioner, a patent issued to the grantee for that specific descriptive quantity of land. Subsequently the law was changed and it was ordered that these questions of survey should be appealable from the act of the surveyor general to the United States district court for the district, and thence to the Supreme Court of the United States, and subsequently again the law was changed and remanded back to its former position, and that is the law now.

The object of this amendment is simply to compel the grantees who have had their claims confirmed, and then their surveys confirmed in addition, to have the survey made so that the surplus land shall be added to the public domain. Under the laws and the decisions of the courts in the State of California, until the segregation is made, the grantee may commence proceedings in our State courts and dispossess every person who may occupy any portion of the surplus land. A resolution was passed by the last Legislature of California asking that a provision of this kind should be enacted so as to compel the survey of these grants that the public might know what was private and what was public land. As between this amendment and the language for which it is substituted, it is a mere choice of words, and I have no objection to either form of expression.

Mr. HARRIS. I can see no appropriateness or fitness in the proviso at the end of the sixth section; it might be proper enough in a separate bill in relation to that subject. I move, therefore, to strike it out.

The Secretary read the words proposed to be stricken out, as follows:

Provided, That the State of California shall be, and is hereby, authorized to provide by law for the investment of all moneys derived from the sale of school lands in a permanent productive fund; the proceeds of which shall be forever applied, under the direction of the Legislature of said State, to the use and support of public schools in the several school districts in said State and to no other use or purpose whatsoever; and the previous application in such manner by the State of California of funds derived from the sale of such lands is hereby ratified and confirmed, so far as the assent of the United States to the same may be necessary to the confirmation thereof.

Mr. CONNESS. I agree with the honorable Senator from New York that this is a surplus provision, entirely unnecessary and uncalled for. It is not of my production; it did not occur in my bill. It is, however, a provision to which we have no objection, as it is what the State has done and proposes to do, and therefore I was willing to let it pass. I have no care as to whether it be stricken out or retained.

The amendment was agreed to.

Mr. HENDRICKS. I feel it my duty to call the attention of the Senate to the last section, which reads:

SEC. 10. *And be it further enacted*, That if, upon final investigation and decision, it shall be determined that there has been confirmed to said State by this act more land than under the several grants made by Congress it is entitled to the State shall pay into the sub-Treasury of the United States at San Francisco a sum equal to \$1 25 per acre for each and every acre so confirmed, in excess of any such grant or grants, such payments to be made within one year of such final decision, in such manner as the President or Commissioner of the General Land Office may direct.

I believe that section was prepared at the General Land Office; and when the question was considered in committee I was not able to see, nor am I now able to see, how Congress may impose a duty upon the State of California to pay money into the national Treasury; upon what principle Congress may assert as against a State its obligations to pay money into the Treasury, and provide that that money shall be paid in within a limited time. The purpose of this bill is to confirm to certain citizens in the State of California their land titles. If we confirm to the citizens of California a larger amount of land than the State of California under the various grants is entitled to receive, can we make it a condition that the State shall pay a certain sum of money into the national Treasury? This section asserts an obligation against the State. Suppose the State does not pay the money, how are we to enforce it? Shall Congress place upon the statute-book an obligation against a State which it cannot enforce, and which the State in all probability will not regard? Instead of that, I think it is better to provide thus at the close of the first section:

And provided further, That the State of California shall not receive under this act a greater quantity of land for school or improvement purposes than she is entitled to under existing laws.

I understand the purpose of this act to be to relieve titles in California from the irregularity of the proceedings of the authorities of that State. For instance, the General Government gave the State of California, along with other States, five hundred thousand acres for internal improvement purposes. Instead of selecting that land in place by the authorities of the State, the State sold certificates, in what quantity I do not know, but sold certificates to her citizens, and the citizens located the certificates upon lands which had not been surveyed by the General Government, but had been surveyed by the State of California. Of course here was a conflict between the proceedings of the General Government and those of the State. To the extent of that five hundred thousand acres it is proper that we should settle the controversy; but is it the purpose of Congress by this remedial act to give the State more than the five hundred thousand acres? If the State has sold certificates to a greater amount than five hundred thousand acres, is it the purpose here to confirm beyond the five hundred thousand acres?

Mr. CONNESS. Will the Senator permit me?

Mr. HENDRICKS. Certainly.

Mr. CONNESS. I agree entirely with the Senator that his amendment is better than the section. The section finds its way here simply from a desire on the part of California to show that they want no gain that is not theirs. That is all. I think the amendment of the Senator is a very much better provision confining the amount.

Mr. HENDRICKS. If it meets the judgment of the Senator from California, I presume there will be no objection. So I move to strike out the tenth section as being inconsistent in my judgment with the relations that ought to exist between a State and the General Government, and to insert in lieu thereof the following proviso to the first section:

And provided further, That the State of California shall not receive under this act a greater quantity of land for school or other purposes than she is entitled to under existing laws.

Mr. KIRKWOOD. I am not certain that the proviso will answer the purpose; nor do I think there is any practical difficulty in the tenth section. It occurred in the State of Iowa, in making the selections there, that more lands were selected for school purposes by the State and confirmed to the State than the amount to which the State was entitled. I do not know how the fact occurred; but it did occur that more land was selected under the five hundred thousand acre grant than five hundred thousand acres, and there was more confirmed to the State than five hundred thousand acres. After the confirmation to the

State the State went on and sold the land to individuals and received the money, and when, long afterwards, it was ascertained that the State had received more than her due proportion of land, there was no difficulty between the United States and the State of Iowa in having the money refunded by the State of Iowa to the United States. It was done. It was an obligation resting upon the State of Iowa to refund. There being a grant of five hundred thousand acres to her, five hundred and fifty thousand acres say were confirmed to her, and she had sold it; she had in trust in her hands the money for the excess, and that money she of course paid over, as in good faith she was bound to do, to the United States. The tenth section but affirms in this bill that where land is thus by mistake given to the State of California, and used by her, she shall in good faith upon her part repay to the United States the value of it. I do not think there can be any harm in it or any difficulty arise under it.

Mr. CONNESS. I suggest to the Senator from Indiana that he except the word "existing" from his amendment so as to read without the word "existing."

Mr. HENDRICKS. How will it then read? The Secretary read the amendment.

Mr. CONNESS. Say "by law" instead of "under existing laws," because this act itself is a confirmation to the extent of these grants.

Mr. HENDRICKS. I will modify it so as to say "by law."

Mr. CONNESS. I will say in addition that I was quite aware of what the honorable Senator from Iowa has said, that this matter of settlement as to the surplus or excess is a matter of mutuality frequently between the General Government and the States. Some of the western States now are found to be entitled to an additional amount of lands in lieu of swamp lands, lands that are found subsequently to be swamp lands, and thus lands properly belonging to the States under former grants which the General Government has sold and received the money for; and the Land Office now is handing over to those States lands in lieu of them. This system of settlement and mutuality is carried out regularly; but as we are providing here for confirming the titles of the State of California or the locations under State authority, and as it is within my knowledge that the State has not sold to its own citizens in any case under any of the grants up to the amount allowed to them by law, I think the provision as to that State is complete in its character, and I prefer it to the section in the bill, because that section is really unnecessary, and we only suggested it as a provision showing that we wanted no more land than we were entitled to.

Mr. HARRIS. What has been said by the Senator from Iowa has satisfied me of the propriety of retaining the tenth section. I prefer it very much to the amendment suggested by the Senator from Indiana.

Mr. CONNESS. So far as we are concerned, I do not care which is adopted.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Indiana.

The amendment was agreed to.

Mr. HENDRICKS. I feel it my duty to read to the Senate a dispatch from California which has been received by the Presiding Officer of the body, and handed to me for that purpose. It is dated the 29th of May, and addressed to Hon. LA FAYETTE S. FOSTER, President of the Senate:

"The passage of Senate bill two hundred and six"—which was upon this subject—

"will involve preceptors in endless litigation. Do not pass it."

This is signed by Isaac Hobbs, chairman of the Soscol Settlers' Association. I have given, it is proper to say, all the consideration to this dispatch that I thought it was entitled to, and the committee have labored to free the bill from the objections which this party seems to have anticipated. I certainly should not vote to confirm a title irregularly obtained through

the State of California, as against a rightful settler; but I think the proviso to the first section sufficiently protects that class of persons; and that was the opinion of the committee. I do not know of any more important question to the people of California than the settlement of these titles. It was unfortunate that the State of California established a surveying system of her own. It was unfortunate that she did not select her lands in place; very unfortunate that she sold certificates to be located by the purchaser at his election in any portion of the State; but it has become a part of the history of the lands of that State, and we must relieve the embarrassment in regard to their titles. I reported from the committee another bill which was agreed upon by the surveyor general of California and the Commissioner of the General Land Office; but I cannot see that that is a better bill than this; perhaps not, in some of its provisions, so safe a bill. I shall support this measure.

Mr. CONNESS. Mr. President—

Several SENATORS. Let us vote.

Mr. CONNESS. I shall not detain the Senate. I am quite aware that my friend from Missouri desires the attention of the Senate upon another question, and he will excuse me for occupying a single instant upon this subject. The telegram just read is fully answered by the proviso to which the Senator from Indiana has referred; and I simply desire to say, that it may go upon the record, that I would not vote to confirm to the State of California or to any of its people, an acre of land which was settled upon by a man who had undertaken to make his home there. My whole effort has been to give that class of persons, and the object of this bill is to give that class of persons, a title.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

Mr. HENDRICKS. On consultation with the chairman of the committee, I propose in the seventh section, after the word "adverse" and before "title," in the eighth line, the words "right or."

Mr. CONNESS. I have no objection to that. It does not add any force to the present language.

Mr. HENDRICKS. I desire to relieve the matter of all doubt.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, and was read the third time and passed.

KANSAS AND NEOSHIO VALLEY RAILROAD.

Mr. HENDERSON. I move to postpone all prior orders and proceed to the consideration of Senate bill No. 285, granting lands to the State of Kansas to aid in the construction of the Kansas and Neosho Valley railroad, and its extension to Red river.

Mr. HENDRICKS. When this bill was before the Senate the other day I felt it to be my duty to make some remarks with a view to showing that the bill ought not to be adopted by the Senate. I had not completed what I desired to say at the time of the adjournment on that occasion, and I will now ask the attention of the Senate for a few minutes while I add a few remarks to what I said the other day.

The PRESIDENT *pro tempore*. The bill is not yet taken up. The question is on taking it up.

Mr. HENDRICKS. I thought it was taken up.

The motion of Mr. HENDERSON was agreed to; and the Senate resumed, as in Committee of the Whole, the consideration of the bill, the pending question being on the last amendment reported by the Committee on Public Lands, which was to strike out in the eleventh section the words "may connect with the Kansas and Neosho Valley railroad at any point on the line of said road," and insert other words, so as to make the section read:

SEC. 11. *And be it further enacted,* That any railroad company chartered under any law of the United States, or of any State which may have been heretofore or

shall hereafter be recognized and subsidized by any act of the Congress of the United States, may connect, unite, and consolidate with this railroad company, after the same shall be located to the valley of the Neosho river, upon just, fair, and equitable terms, to be agreed upon between the parties, and shall not be against the public interest or the interest of the United States; nor shall any road authorized to connect as aforesaid charge the road so connecting a greater tariff per mile for freight or passengers than is charged for the same per mile by its own road: *And provided further*, That should the Leavenworth, Lawrence, and Fort Gibson Railroad Company, or the Union Pacific Railroad Company, southern branch, construct and complete its road to that point on the southern boundary of the State of Kansas where the line of said Kansas and Neosho Valley railroad shall cross the same, before the said Kansas and Neosho Valley Railroad Company shall have constructed and completed its said road to said point, then and in that event the company so first reaching in completion the said point on the southern boundary of the State of Kansas shall be authorized, upon obtaining the written approval of the President of the United States, to construct and operate its line of railroad from said point to a point at or near Preston, in the State of Texas, with grants of land according to the provisions of this bill, but upon the further special condition, nevertheless, that said railroad company shall have commenced in good faith the construction hereof before the said Kansas and Neosho Valley Railroad Company shall have completed its said railroad to said point: *And provided further*, That said other railroad company, so having commenced said work in good faith, shall continue to prosecute the same with sufficient energy to insure the completion of the same within a reasonable time, subject to the approval of the President of the United States: *And provided further*, That the right of way, when not otherwise granted in this bill, shall be obtained by said Kansas and Neosho Valley Railroad Company or either of the other companies named in this act, in accordance with the provisions of section three of an act to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri river to the Pacific ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862.

Mr. HENDRICKS. Mr. President, I undertook to show the other day that the State of Kansas has no claim upon the Government for any further grants of public lands to aid in the construction of railroads, and I will ask the attention of the Senate now to the last report of the Commissioner of the General Land Office, from which it appears that the two roads to which there was a grant made in 1863, and their branches, would receive, according to his estimate, two million five hundred thousand acres of land; and then in addition to that there has been the grant to the Pacific railroad. The amount of land granted for that road within the State of Kansas I cannot estimate, for the Commissioner does not make a separate estimate of it; but in all to one of the roads it is thirty-five million acres, not all, of course, in the State of Kansas, but a very large amount of land goes in the State of Kansas to that work. Of course, whatever lands are used within the limits of the State of Kansas for the construction of the Pacific railroad is to be charged against that State as a grant to her, because it is a portion of her lands going to construct a very important work within her limits; so that it is impossible to estimate accurately the amount of lands already granted to the State of Kansas for railroad purposes. But, as I said the other day, some notion of it can be gathered by looking at the map of the surveys of that State that accompanies the last report. Here is one road, starting at Atchison, running in a southwesterly direction across the State. Here is another road, here is another, and here is another, [pointing out the various roads,] so that nearly the entire surface of the State is covered by grants already; and the present bill is to put a road between a road to which a grant has been already made and the Missouri boundary line, to put another road in there, in which, I say to the Senate, there is not room to locate a grant. This present proposed grant will lap on the grant made in 1863 for a number of miles. The greatest distance between this proposed road and the road to which a grant has already been made, from Lawrence south to the State line, is thirty-six miles as shown by the surveys; six townships, thirty-six miles. That is a grant of alternate sections for ten miles on each side of the road, and then outside of that ten miles for a distance to make up whatever may have been sold

within that ten miles; so that there will be, but a few miles within which you can locate a road and make a grant of lands; and that entire portion of the State will be without a single acre of land which a settler can occupy at \$1 25 an acre. It will be all carried up either to railroad prices or to \$2 50 fixed by the laws.

I said that it was not right, in view of the fact that we had made such enormous grants to the State of Kansas, to grant the balance of the land lying nearest to the Missouri border lines. I think it is preposterous. Was it the purpose of Congress to aid in the construction of this road from Lawrence, in a southern direction, to Galveston bay? If so, will Congress now grant lands to a road running parallel with it? The greatest distance they are apart is at the starting-points—thirty-six miles—and they must of course approach each other until they meet at the southern boundary line of the State. Senators will have to examine the map to see the exact direction of these two roads. I cannot, in an argument to the Senate, explain it.

I said, in the second place, that it was not right now to make a grant to a competing road the tendency of which will be to defeat the grant made two or three years ago. Here was a grant to construct a road from Leavenworth by Lawrence to the southern line of the State of Kansas, in the direction of Galveston bay. The purpose of Congress was to encourage the construction of a great road from the Missouri river to the Gulf of Mexico. Now it is proposed to make another grant between that and the State line, which will be a competing road, which will at least impair the credit of the road to which we have already made a grant. Is that the policy of Congress? Is Congress disposed to grant lands to a railroad enterprise simply because a road can be located there? Would Senators be willing to put their own money in a road to compete with another one, running, at the greatest distance, but thirty-six miles apart, and coming together at the southern line of the State, and for very much of their length running at the distance of from ten to twelve miles from each other? Senators would not put their own money into an enterprise of that sort. Is it right to put the lands of the Government into such an enterprise?

The Senator from Illinois, [Mr. TRUMBULL,] the other day, when a bill was before this body, asked the question whether that proposed bill interfered with the rights of the Indians. I call the attention of that Senator, as he is on the Committee on Indian Affairs, to the provisions of this bill. This bill contemplates the extension of this road south of the Kansas line and into and through the Indian country, as the Senator will find, commencing at the tenth line of the first section of the bill, "with a view of its extension, so as to effect a junction at Red river with a railroad now being constructed from Galveston to Red river at or near Preston, in Texas," contemplating, and, so far as Congress can, now making the grant through the Indian country.

I also call the attention of the Senator from Illinois to the eleventh section of the bill. That section provides, in great detail, how the land in the Indian country is to be disposed of. I believe we have not at any time undertaken to dispose of the Indian lands where those lands have been secured to the Indians by solemn treaty. The lands lying between the State of Kansas and the State of Texas have been secured to various Indian tribes by treaties securing them, by the most emphatic language possible, from every invasion of the white man. I believe the lands are given to them in fee-simple; and a provision is found in some of the treaties, as I understand, that the white man shall for no purpose come within their country. This bill contemplates the extinguishment of the Indian title and provides in advance for the extension of the railroads and the railroad grants through the Indian country.

I intend, before the bill is disposed of, to

move either that it be laid upon the table or postponed until the next session; but for the present, with a view of testing the question before the Senate whether, in the absence of a treaty authorizing it, we shall contemplate the extension of a railroad through the Indian country and a grant of lands through that country, I will move to strike out, and I close my remarks by making the motion, the following words, commencing in the tenth line of the first section:

With a view of its extension, so as to effect a junction at Red river with a railroad now being constructed from Galveston to Red river at or near Preston.

The PRESIDENT *pro tempore*. The Chair will suggest that the question now before the Senate is on the last amendment reported from the Committee on Public Lands.

Mr. HENDRICKS. Very well; I shall offer my amendment at the proper time.

Mr. POMEROY. I shall occupy the time of the Senate but a moment. I desire to reply to what the Senator from Indiana has said, as briefly as possible. I will commence by saying that, so far as I am concerned, I have not the slightest interest in any of these three roads. There are three of them in my State pointing toward Galveston bay, and when they come together, and it is so in every State of the Union where roads come together, if there are any grants at all they do conflict with each other where they come together; but the company that gets the first grant gets the land, and then if the other companies can build their roads without lands, they are not prohibited from doing so. That is all there is in that. This bill takes away no grant from a previous company. It cannot, and does not propose to do it.

In the next place, I desire to say that the Senator from Indiana is entirely in error in his statement to-day that the State of Kansas has had such a large amount of the public lands. The road he speaks of as having so many million acres commences at Omaha, in Nebraska, and goes up the Platte river to the Pacific road, and not a foot of it is in the State of Kansas. There are two branches of that road in the State of Kansas. Those two branches together may be two hundred and fifty or three hundred miles long. Those two branches do get the land that the Senator from Indiana referred to; but not an acre of the grant to the Pacific road proper comes to the State of Kansas at all. I will read, for the benefit of the Senator from Indiana, and for the sake of correcting him, precisely how the State of Kansas does stand as compared with other States in regard to land grants. The Commissioner of the General Land Office, in his last Annual Report, on page 168, says that he has estimated that "there will be given to the State of Minnesota 2,600,000 acres; to the State of Wisconsin 4,430,000 acres"—twice as much as we have; "to the State of Oregon 4,796,000 acres"—twice what we have got; "and to the State of Iowa 6,751,000 acres." The State of Kansas has got 2,500,000 acres less than any other State that has got any at all in the western country. None are put down to the old States, because they do not get any. I think that is a sufficient answer to the long argument which the Senator has made twice over in the Senate on two successive days, that the State of Kansas has got a large amount of public lands, when, in truth, it has got about half what other western States have got that have got any.

The next argument of the Senator is confined entirely to the Indians. This bill does not propose to give any Indian land to the road. It only proposes to give the right of way through the Indian country; and the Senator from Indiana says that is against treaty stipulations. Now, I wish to read a few words from the treaty with the Seminoles. The twentieth article of that treaty provides:

"The United States, or any incorporated company, shall have the right of way for railroad purposes and for telegraph lines through the said Creek and Seminole country."

That is already provided for by the treaty made on the 7th of August, 1856.

Mr. HENDRICKS. How is it in the Cherokee nation?

Mr. POMEROY. The same is true of all the Indian country through which this road passes, excepting the Cherokee country. I believe a treaty for that purpose is now pending before the President. Such a treaty has been made, at any rate; but it has not been ratified by the Senate. The treaties with all the other Indian tribes on the line of this road contain special reservations of the right of way. It is also contained in the treaty with the Cherokees which has not yet been ratified by the Senate. Now, I ask, where rests the argument of the Senator from Indiana that this bill is a violation of treaty stipulations, when we have carefully inserted in every Indian treaty a provision that the United States, or any incorporated company, should have the right of way? That is all there is about it. There is no grant of the public lands in that country, but simply a right of way for this company, which is already provided for in all the treaties except that with the Cherokees; and that the Committee on Indian Affairs may put in, or strike out, just as they have a mind to do. If it is not put in, the Cherokee Council or Cherokee Legislature will have the right to give the right of way, and if it is put in, it has already been given. That is all the difference. There is no grant of land in the Indian country; nothing but the right of way, which I say is provided for in every Indian treaty but one, and that treaty we shall act upon before the session closes. So far as the grants of land to the State of Kansas are concerned, I have shown that we received less than one half of what other western States have received.

The argument of the Senator from Indiana the other day, at first, was that this bill gave too much land to the State of Kansas, and finally he closed by saying that it did not give any; that it was a sort of imposition; that it gave this company a *status* by pretending to give them a grant which they would not have without the act, when it really did not give them a grant. If it does not give them a grant then it does not add to the land already given. If it does give them a grant, the parties with whom they negotiate will know precisely how much is granted to them.

I will only say in closing, for I desire to obtain a vote on the bill, that there is no objection to this bill that cannot be raised against every other land-grant bill that has ever been presented. There is no objection to its form or phraseology, and the facts relating to it are precisely similar to those in relation to other land-grant bills which have passed this Senate.

Mr. TRUMBULL. I have not looked into the Indian treaties, nor have I examined the line of this road, to see what Indian country it will pass through; but I know, generally, that it must pass through the Indian country, or through country set apart for the Indians which lies west of Arkansas. I should like to inquire of the Committee on Public Lands if it is not true that the Cherokees hold their lands by patent from the United States. If that is so, I should like to inquire by what authority the Congress of the United States proposes to give the right of way through that country, and take the lands belonging to those parties.

Mr. POMEROY. As I understand the question of the Senator, it is whether the Cherokees have got titles to their land.

Mr. TRUMBULL. A patent title from the Government; whether they do not own it in fee.

Mr. POMEROY. They claim to have; I do not know the fact.

Mr. TRUMBULL. Now, I should like to know if it is proposed to pass a bill granting the right of way two hundred feet wide through their country. You might as well grant it through the State of Maine or the State of Illinois over the private farms of individuals.

Mr. POMEROY. The Senator has not noticed that we have said "with the consent of the Indian tribes." Their consent is to be had.

Mr. TRUMBULL. Can the Indian tribes give consent?

Mr. POMEROY. If they have a patent, they can.

Mr. TRUMBULL. They may, if it is not held in severalty, and they may, perhaps, by treaty dispose of their lands.

Again, I notice that in this eleventh section it is provided—

That the right of way, when not otherwise granted in this bill, shall be obtained by said Kansas and Neosho Valley Railroad Company, or either of the companies named in this act, in accordance with the provisions of section three of an act to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri river to the Pacific ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862.

Now, is it proposed to authorize, by an act of the Congress of the United States, a company chartered by Kansas to condemn lands in Kansas, and to condemn lands in Texas, or in any other State? The bill for the construction of the Pacific railroad, a great national work in favor of which an exception was made by the Congress of the United States in order to connect the two oceans, and which runs through the Territories of the United States, contains some provision of this kind. I do not know that the Congress of the United States has ever before undertaken to authorize a chartered company to condemn lands in a State. It seems to me that should be done by State legislation.

Mr. POMEROY. This does not go through any State where there is not already a law—

Mr. TRUMBULL. Certainly it goes through the State of Kansas.

Mr. POMEROY. I say, where there is not already a law providing for condemnation.

Mr. TRUMBULL. Then rely on that law; do not provide that the lands shall be condemned by an act of the Congress of the United States. You need no such provision if you are going to condemn the land under the act of Kansas.

Mr. POMEROY. The Senator will observe that that applies only where the condemnation is not provided for by law.

Mr. TRUMBULL. "That the right of way, when not otherwise granted in this bill, shall be obtained by said Kansas and Neosho Valley Railroad Company, or either of the companies named in this act, in accordance with the provisions of section three of an act," &c.

Mr. POMEROY. To clear it of any doubt, I will insert the words "when not otherwise provided by law."

Mr. TRUMBULL. Then the provision with regard to these connecting roads seems to me to be a very dangerous one. I know we have had in my State a great deal of controversy as to the lines of railroad, and whether companies should be authorized to build the roads just where they pleased and to connect where they pleased. There is a provision in this eleventh section broad enough to authorize the Camden and Amboy Railroad Company to build a road to connect with the Neosho Valley railroad in Kansas. It authorizes any road in the United States, as I understand it, to make a connection with this road. I do not suppose the bill is intended for any such purpose, but it seems to me it is very loosely guarded, to say the least.

I wish to throw no obstacle in the way of the grants of lands for railroad purposes in the new States. I think it has been a wise policy which has led to the granting of every other alternate section of the public lands where by such grant we have secured the construction of a road; but to grant these lands as we are now doing, without very much consideration, and granting them one after another, covering the country all over with grants which are conflicting one with another, and conflicting with the rights of the Indian tribes, to whom we have set apart these districts of country, is calculated to lead

to a conflict of titles hereafter which will be productive of infinite mischief in all this new country.

My attention was called to this subject of the grant of lands through the Indian country in consequence of my being upon the Indian Committee, upon which I was placed for the first time at the present session of Congress; and I felt very much embarrassed in my action upon that committee in consequence of grants of land which have already been made through the Indian country. We find that railroad companies to whom grants of land have been made insist, and they insist with some plausibility, too, that the Congress of the United States, having granted them the right of way through the Indian country, although there is a provision in the treaty that the Indians are to be protected and no white man is to settle within the limits of the district of country set apart to them, has placed itself under obligation to the company to clear up the title and to give them the lands; and when we come to settle the Indian tribes, and make treaties with other Indian tribes, an objection is interposed at once, especially by the Senator from Kansas not now in his seat, [Mr. LANE,] that he will not consent that any more Indians shall be settled in the Indian country in Kansas. Why? Because the faith of the nation is pledged to these railroad companies and to get these Indians out of Kansas; and I might state to the Senate, if any one was paying attention to what I was saying, that the result within the last two years of these claims set up on the part of Kansas has been that fifteen hundred Indians, who were driven out of the Indian country by the war and up into Kansas, have been sent out of Kansas and back to Fort Gibson, and have been there for the last eighteen months, living in tents and fed by our supplies, without doing a thing. They have got no country, and they are just living there, camping out like soldiers around Fort Gibson. We are feeding them, or otherwise they would starve to death.

Mr. POMEROY. What has that got to do with this question?

Mr. TRUMBULL. It has this much to do with it: but for these very grants insisted upon in Kansas those Indians would be making a living in Kansas, but you drove them away and would not allow them to stay there.

Mr. CONNESS. They were taken away from the settlements.

Mr. TRUMBULL. They were taken away from the settlements by stationing them around Fort Gibson under canvas tents, and they have been there for eighteen months.

Mr. CONNESS. I said they were taken away from the settlements.

Mr. TRUMBULL. It is true they were driven away very frequently by the war. That is an exigency that I hope will not arise again. I only mention it as one of the difficulties that are to be met with in making these grants of way through the Indian Territory. The truth is, I do not apprehend this road is going to be speedily built through that country. I think it will be time enough to make the grant at some future time. If this bill is to pass I hope it will be guarded in these respects, and that no grant of lands will be made to take effect, and I want it in the grant itself, in the Indian country until the consent of the Indian tribes shall have been obtained.

Mr. HENDERSON. I regret very much that opposition should be made to this measure. It seems to be very strenuous. I cannot see, after the numberless railroad bills that have been passed, and the companies chartered by the Federal Government, to pass through the Indian lands, and we have sat here silently and permitted them to pass, that an objection should specially be presented in this case. The Senator from Illinois says—and that is really the only objection to the bill—that so far as the Cherokee lands are concerned we cannot grant the right of way without the consent of the Indians. If that is true, this bill does not grant it. If it is necessary to go any further, I am

perfectly willing to protect the rights of the Indians. There is a right given here to condemn lands. Suppose that by the treaty we have no right to pass over those lands, of course no act that we can pass will override that treaty. We cannot take any rights away from the Cherokees. But the Senate will remember that this bill provides for a road that will pass over the lands of several tribes, and as I understand, the treaties with all the tribes guaranty the right to the United States to build a railroad whenever they see fit, with the execution of the treaty with the Cherokees; and I believe it is true, as the Senator says, that the lands have been granted by patent to the Cherokee Indians. I should like to ask the Senator, as a lawyer, whether that will prevent the United States from incorporating a company to build a road over the Cherokee country; and I should like to have an answer now, before I proceed further.

Mr. TRUMBULL. What is the question?

Mr. HENDERSON. The Senator says, in consequence of the fact that the Cherokee lands were granted by patent, that therefore he cannot see the right, if I understand him, of Congress to pass a bill incorporating a company to build a road over their lands. I ask him if it is his opinion, as a lawyer, that we are debarred in consequence merely of a patent having been granted to the lands from the right of building a railroad over their country. The Senator knows perfectly well that upon the line of the Pacific railroad, from the Missouri to the Pacific, there are dozens and dozens of tribes over whose lands the Government will have to construct the road. Now, is it possible that we are debarred the privilege of building the road merely because we have heretofore granted the lands, or even if we have patented the lands to the Indians? I do not see that their title is superior to a title granted by treaty, whether there was a patent or not. The Senator will remember that in my own State, when settling the original Spanish grants at an early day, some of them were patented and some never held any title except the title they got by act of Congress. Our supreme court decided—and it was brought to the Supreme Court of the United States and there affirmed—that the title by act of Congress was just as good and just as valid as a patent, as the act provided that a patent should be issued; that the act itself was sufficient evidence of a title.

If it be true that we are debarred from building a road across the Cherokee lands, even though we grant to the Cherokees damages for the right of way, we are in a very bad fix indeed. That would debar us from building a road to New Mexico, a thing long in contemplation, and in fact a bill for which was passed at this session. My colleague had charge of it in the Senate, and it passed here and went to the other House, and was passed there, and has been signed by the President. It provides for constructing a road from Springfield, in Missouri, the terminus of the southwestern branch in Missouri, to Santa Fé. It passes over the Cherokee country, and the bill provides for the right of way; and if the Senator's position is correct, that their lands were patented and we have no right to grant the right of way without compensation, it only amounts to this: that under the last section of this bill, the one which we are now considering, this railroad company will have to pay damages to the Cherokees, because this bill cannot override the solemn treaty with the Cherokees and does not affect their rights. The Senator may rest assured that this bill will in no particular whatever affect the rights of the Cherokees nor any other tribe of Indians where we have not the absolute right reserved by treaty regulations with them to pass over their lands. I am sure of that. As a proposition of law, it is perfectly clear. If we have patented these lands, and have not reserved the right to build railroads over them without compensation in the way of damages, of course we shall have to pay damages, and no company can go over them

without paying them. The Senator did not exactly say it, but I say it is a fair assumption from his argument, and if his position be true, that because we have patented the lands instead of merely giving evidence of title through the instrumentality of a treaty, therefore we cannot build a railroad across their lands at all, we are in a very sad case. I do not know how many Indian tribes we have patented the lands to; perhaps the Cherokees and others.

Mr. DOOLITTLE. In all the Indian Territory the title granted by the Government was different from the ordinary Indian title in this: to the Choctaws, Chickasaws, Seminoles, Creeks, and Cherokees the Government by treaty bound itself to grant the lands by patent in fee-simple forever. That was the way in which the title was given to the Indians within the Indian Territory. And further, we, by treaty, bound ourselves never to establish either a State or territorial government over them, but they were to be independent communities. It is proper to state, however, that since the war treaties have been negotiated, but not yet completed and confirmed, with the Choctaws, Chickasaws, Seminoles, and Creeks; and a treaty is now pending with the Cherokees which may bear, it is not improper for me to say, on the question of granting the right of way for railroad purposes.

Mr. HENDERSON. Those treaties have all been confirmed, except the one with the Cherokees.

Mr. DOOLITTLE. No.

Mr. HENDERSON. Most of them.

Mr. DOOLITTLE. Not in the Indian Territory. They have not yet been acted upon by the Senate.

Mr. HENDERSON. I do not know what position the Senate will take in reference to this matter. If the Senate say that the Indian country is in the position of a State, that it is an independent sovereign State under the Constitution of the United States, and that it is in the situation of Illinois or Kansas, then, of course, we cannot build a railroad there without an act of incorporation from them, but surely it would not be objectionable to pass this bill, because, if that be true, this bill cannot affect it.

Mr. TRUMBULL. If the Senator from Missouri will allow me, that may be so; it may be that, although Congress granted the right of way across my land in Illinois or his in Missouri, nothing would pass by the grant, Congress having no power to make it; but, surely, he would not advocate the passage of a law of that kind. If we have no right to pass it, I agree that in the courts the grant would amount to nothing; it would never pass title; but when that fact is stated to the law-making power, and it is shown, surely Congress would not knowingly or intentionally pass a law granting that which it had no authority to grant; and I am sure the Senator from Missouri would not advocate it.

Mr. HENDERSON. Certainly not. I think the Senator is correct in that; but if he will examine the bill he will see that it provides for passing over States and Territories and Indian territories. Now, clearly we have the right, and in some of these Indian treaties we have reserved the right, as the Senator from Kansas has shown, to build these railroads by treaty stipulations. There is another portion of it, which is independent of the Indian right, belonging to the United States; and another portion of it is in the State of Kansas. Now, we cannot say, and it is unnecessary, I think, to say, so far as this road passes through the State of Kansas, that the land condemned shall be condemned according to the laws of Kansas. That would be implied in the bill. It is unnecessary to say that, so far as this bill applies to the territory belonging to the United States, and through which we have the right to pass, in all that portion it shall be condemned in some other way, or the right of way shall be granted, and in the Indian country damages paid for the right of way. The Senator will see that the latter clause of the last section of

this bill provides that "the right of way, when not otherwise granted in this bill, shall be obtained by said Kansas and Neosho Valley Railroad Company, or either of the other companies named in this act, in accordance with the provisions of section three of an act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri river.'"

Wherever this bill does not grant the right of way, and cannot grant the right of way, then the right of way is to be condemned, the Senator will see. It cannot grant the right of way in Kansas—that is utterly impossible—except over the public lands. Where it is necessary to condemn the lands, they will have to be condemned according to Kansas laws. Now, when we get into the Indian Territory, whenever we come to the Cherokee lands, if they build the road at all, they must pay the Indians the damages, and the damages must be assessed according to the laws of the Pacific railroad corporation. But if the Senator's intimation be true that we cannot build across the Cherokee country without an act of the Legislature granted by the Cherokees, then of course the company would be debarred entirely; but that does not interfere with this bill, because the bill itself provides for building over all sorts of Territories of the United States. I cannot see that the bill could be changed so as to make it better adapted to the different sorts of country over which the line of road has to pass. It is utterly impossible.

The Senator from Indiana presented several objections to the bill. In the first place, he said that Kansas had had land enough. Well, sir, Kansas, I suppose, has had a good deal of land. If you were to ask my opinion about this thing, I would say that our New England friends have sat by and suffered these lands in the West to be squandered for many years unnecessarily. Since I have been a member of the Senate, I have never asked the Senate to pass one of these railroad bills. I do not ask the Senate to pass this, except at the urgent solicitation of several of my constituents from the western part of my State and the member who represents the Kansas City district. The people there are very anxious to have the privilege of building this road. I never have been in favor of this wholesale granting of the public lands. I believe that in nine cases out of ten, certainly in one half the cases, our eastern friends, in their munificence, giving away the lands to the western people, have merely given them to companies who have used them, perhaps, for their own benefit, instead of building the roads as they ought to have done. That is the experience in my own State.

The other day I spoke of our experience in the southeastern part of the State with the Cairo and Fulton Railroad Company. They not only got all our lands, but they got a large quantity of money from the State, which was not benefited by it. We did not get the railroad built, and have not got anything in return. As the Senator from Iowa [Mr. GRIMES] suggests to me, our eastern friends come out and get the use and benefit of the lands. They agree to build the roads, and get possession of the lands, and then go off and fail to build the roads. I do not know but they get benefited about as much as we do in it; but I always blamed this munificence of the eastern men in making these land grants without knowing exactly how the appropriations are to be made, or whether the roads are to be built or not.

Mr. FESSENDEN. The Senator throws a slight imputation on some of us, and I want to say to him—

Mr. HENDERSON. I am satisfied the Senator has no constituents out there. I believe but few come from Maine.

Mr. FESSENDEN. I want to say to the Senator, with regard to that, that my experience has been that the western gentlemen have claimed the exclusive control of the Committee on Public Lands, and they have had it and managed it in their own way. I did attempt for some years to ask questions about these

things, but I met with the reply that it was mean business for eastern people to undertake to interfere with the development of the West, until at last, finding that it was of no sort of use, and that it only brought imputations and attacks upon us whenever we even ventured to ask a question or suggest that we might possibly have some interest in these lands, I gave it up and concluded that it was not worth while to contend against a current so strong. Therefore I think the western gentlemen should settle this matter among themselves, and not turn around, after they have got all the land, and blame us for not preventing them from doing so.

Mr. HENDERSON. I think the Senator from Maine who sits in front of me [Mr. MORRILL] quarreled very considerably against the railroad grants until we consented to give the fishing bounties; and as a fair offset to the lands, we agreed to give them the fishing bounties; and I believe made a fair exchange. [Laughter.] We have kept up the fishing bounties and they have given us the lands. Whether they have been benefited or not, I am very certain the West has not been greatly benefited by the lands.

Mr. POMEROY. The Senator from Missouri is mistaken in regard to our legislation on this subject. The former legislation of Congress did allow the companies to take one hundred and twenty sections of the land before they built the road, but during the last four years the legislation of Congress has been changed, and not one acre of land has been given until the road has been built continuous with the acres given. We have tied it up during the last four years. While the Senator from Iowa, Mr. Harlan, was chairman of the Committee on Public Lands, he insisted that not an acre of land should be given to any company until the road was built continuous to the acres granted, and we have lived up to it religiously. What the Senator alludes to was old legislation that was had some years ago.

Mr. DOOLITTLE. If the Senator from Missouri will give way, I will ask leave to move an executive session.

Mr. HENDERSON. I desire to leave the city to-morrow, and therefore I should like to have this bill acted upon to-day. If the Senate are going to pass it, let them pass it to-day; if not, let it go.

Mr. DOOLITTLE. Some questions have been raised here in the discussion, in relation to those treaties, and perhaps we had better have an executive session, as the treaties are pending, and there may be in them something bearing upon this question of land grants.

Mr. HENDERSON. I cannot, for the life of me, see how, under this bill, the Indians are to be affected. It is utterly impossible.

Mr. DOOLITTLE. I understand that this is a railroad grant to Kansas, running southward through the eastern part of the Osage country, down to the Cherokee, Choctaw, and Chickasaw country. The Senator from Kansas will inform me whether I am correct or not. I understand it goes down the Neosho valley and runs through the Osage country.

Mr. POMEROY. It is in that neighborhood. The PRESIDING OFFICER. (Mr. ANTHONY in the chair.) The Senator from Missouri is entitled to the floor, and the motion for an executive session cannot be made without his consent.

Mr. DOOLITTLE. If the Senator will allow me, I should like to take up those treaties in executive session.

Mr. POMEROY. As the Senator from Missouri is going to leave the city to-morrow, I hope we shall finish the bill to-day.

Mr. HENDERSON. This bill is in the language of the numerous land-grant bills that have been passed. They have been passed again and again, and no objections have ever been made to them here; and I will simply say that there would be no objection now if there were not another road incorporated through Kansas from Lawrence down to the southern line.

Mr. TRUMBULL. If the Senator will allow me, that was the very road that produced the difficulties in the Indian Committee that led me to speak of this objection in regard to going through the Indian lands. It was in consequence of that very road. That was the first I ever knew of it.

Mr. HENDERSON. I am sorry it enabled the Senator to get light and information which has been used against me simply. All this light and information have certainly never been used until I got hold of this bill, and it is the first one that I have ever urged. I have doubted the whole policy during my experience here. I have urged the Senator from Maine who sits before me [Mr. MORRILL] to bring up his proposed bill, when I thought they were taking the last acre of land; but, positively, this bill does not take over five thousand acres of land, I do not suppose, in the State of Kansas. The Senator from Indiana [Mr. HENDRICKS] made his first objection the other day, that Kansas had land enough and that this was giving her a great quantity more. He had not gone very far before he said the truth of the matter was that it did not grant this company any land, but merely enabled them to go into the New York market, and swindle New York and Boston men—Yankees—pretending to have a railroad grant, when they did not have any.

Mr. HENDRICKS. As the Senator repeats what the Senator from Kansas said on that point, I will correct them both at the same time. I did not say that.

Mr. HENDERSON. I have you so noted.

Mr. HENDRICKS. You have not got me right. I said the Senator from Kansas, in the advocacy of this measure, said that but from five to ten thousand acres would go to the grant, and I said that if that was true the proposed grant by Congress was a simple fraud upon the moneyed men of the country.

Mr. HENDERSON. Your case was hypothetical.

Mr. HENDRICKS. I said he said that.

Mr. HENDERSON. The truth of the matter is, there will be but very few acres of land granted to the State of Kansas. The other company from Lawrence, if they build to the southern line of Kansas first, will be entitled to the railroad grant through the Indian country; if this road gets through first it will be entitled to the grant of lands through the Territories of the United States; that is all. We only desire that the road shall be speedily built, if it can be done; and the road that gets to the southern boundary of Kansas first will be entitled to the land. That is my understanding of the provisions of this bill. It cannot grant any more lands in Kansas, because the road will go through the extreme eastern counties, where all the lands are taken up. There are no lands left in Missouri, and none in Kansas, and therefore there will be but few lands to be taken under the grant. Therefore I hope the bill may be passed.

Mr. HENDRICKS. I wish to say one word in reply to the Senator from Kansas.

Mr. DOOLITTLE. If the honorable Senator from Indiana will give way, I will move an executive session. I really believe that the treaties with the Indians ought to be considered by the Senate before we come to a definite action upon the bill. As it is for a road right through the Indian Territory, I think that the sense of the Senate, at least on some one or more of these treaties, ought to be taken before this legislation is perfected.

Mr. POMEROY. There is nothing in the treaty, as I understand, conflicting with this bill.

Mr. DOOLITTLE. I do not feel at liberty to state what is in the treaty until it has been acted upon by the Senate.

Mr. POMEROY. I understood there was nothing in conflict with the provisions of this bill.

Mr. HENDRICKS. I have no objection to yielding to the motion, but I do not want to delay the consideration of this bill. I feel bound to favor its consideration at as early an

hour as possible; but I am willing that the sense of the Senate may be expressed on the motion.

Mr. POMEROY. I hope the Senate will vote on this bill and dispose of it. We have had it up for three successive days.

The PRESIDING OFFICER. It is moved that the Senate proceed to the consideration of executive business.

The motion was agreed to; and after some time spent in executive session, the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, June 11, 1866.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. C. B. BOYNTON.

The Journal of Saturday last was read and approved.

The SPEAKER stated that the regular order of business was the call of committees for reports to go upon the Calendar, not to be brought back into the House by a motion to reconsider.

The call was completed, but no reports were made.

The SPEAKER proceeded as the next business in order to call the States and Territories for resolutions.

PAY OF READING AND TALLY CLERKS.

Mr. RANDALL, of Pennsylvania, offered the following resolution, on which he demanded the previous question:

Resolved, That until further ordered the pay of the reading clerk, the assistant reader, and the tally clerk be made equal to that of the Journal clerk, to commence with the present fiscal year.

The previous question was seconded.

Mr. NIBLACK. I would ask the gentleman why he cannot fix the amount of salary. I have always objected to this indefinite mode of fixing salaries.

Mr. RANDALL, of Pennsylvania. The resolution only puts these officers on an equality with the Journal clerk. I want the pay made equal. That is all.

The main question was ordered, and under the operation thereof the resolution was unanimously agreed to.

Mr. WRIGHT moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

REBEL INVASION OF PENNSYLVANIA.

Mr. COFFROTH offered the following preamble and resolution, upon which he demanded the previous question:

Whereas during the late civil war the sixteenth congressional district of Pennsylvania was invaded by the entire rebel army under General Lee, and which remained in said district about three weeks, and to repel and drive out the rebel forces the Army of the United States under the victorious General Meade was marched into said district, encamped and remained there during the great battle of Gettysburg, and the pursuit of the rebel army from the State of Pennsylvania; and whereas the said district was once before thus invaded by General Stuart's rebel army, and once afterward by General McCausland's rebel army; that during these invasions the personal property of the citizens of said district was taken and carried away, and their houses burned and other property destroyed: Therefore,

Be it resolved, That the Committee of Claims be, and is hereby, instructed to report a bill to authorize the appointment of commissioners, with such restrictions as the committee deem proper, to ascertain what damages the citizens of said district have suffered, with a view to enforce legislation for the payment of the damages sustained.

Mr. WARD. I ask the gentleman to make that a resolution of inquiry.

Mr. COFFROTH. I meant it as a resolution of reference.

Mr. DELANO. I move to lay the resolution upon the table. This whole subject is before the Committee of Claims, and I think they understand it.

The question was put; and there were—ayes 37, noes 12; no quorum voting.

Mr. DELANO. I call for tellers.

Tellers were ordered; and Messrs. DELANO and COFFROTH were appointed.

Mr. DELANO. I withdraw the motion to lay on the table.

Mr. COFFROTH. I modify the resolution so as to read:

Resolved, That the Committee of Claims be, and is hereby, instructed to inquire into the expediency of appointing commissioners, &c.

I demand the previous question on the resolution as modified.

The House divided; and the tellers reported—ayes 22, noes 70.

So the House refused to second the demand for the previous question.

Mr. GRINNELL. I rise to debate the resolution.

Debate arising, the resolution went over under the rule.

ENROLLED BILLS SIGNED.

Mr. TROWBRIDGE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; which were thereupon signed by the Speaker:

An act (S. No. 140) to grant the right of way to the Humboldt Canal Company through the public lands of the United States;

An act (S. No. 173) to confirm the title of José Serafín Ramirez to certain lands in New Mexico;

An act (S. No. 180) to confirm the grant of certain lands to José Dominguez in California;

An act (S. No. 261) for the relief of Mrs. Anna G. Gaston; and

An act (S. No. 321) for the relief of Maria Syphax.

EXPLOSION AT WASHINGTON ARSENAL.

The SPEAKER laid before the House a communication from the commandant of the Washington arsenal, transmitting, in lieu of the report heretofore made, a detailed report of the distribution of the money appropriated by Congress to the sufferers of the late explosion in the said arsenal, with the vouchers therefor; which was laid upon the table and ordered to be printed.

NEUTRALITY—THE FENIANS.

Mr. ANCONA submitted the following preamble and resolution, upon which he called the previous question:

Whereas the Irish people and their brothers and friends in this country are moved by a patriotic purpose to assert the independence and reestablish the nationality of Ireland; and whereas the active sympathies of the people of the United States are naturally with all men who struggle to achieve such ends, more especially when those engaged therein are the acknowledged friends of our Government, as are the Irish race, they having shed their blood in defense of our flag in every battle of every war in which the Republic has been engaged; and whereas the British Government, against whom they are struggling, is entitled to no other or greater consideration from us as a nation than that demanded by the strict letter of international law, for the reason that during our late civil war she did in effect, by her conduct, repeal her neutrality laws; and whereas when reparation is demanded for damages to our commerce, resulting from her willful neglect to enforce the same, she arrogantly denies all responsibility and claims to be the judge in her own case; and whereas the existence of our neutrality law of 1818 compels the executive department of this Government to discriminate most harshly against those who have ever been and are now our friends, and in favor of those who have been faithless, not only to the general principles of comity which should exist between friendly States, but also to the written law of their own nation upon this subject: Therefore,

Be it resolved, That the Committee on Foreign Affairs be, and they are hereby, instructed to report a bill repealing an act approved April 20, 1818, entitled "An act in addition to an act for the punishment of certain crimes against the United States," and to repeal the act therein mentioned, it being the neutrality law, under the terms of which the President's proclamation against the Fenians was issued.

The question was upon seconding the call for the previous question.

Mr. DAVIS. I move to lay the preamble and resolution on the table.

Mr. HALE. On that motion I call for the yeas and nays.

Mr. BOUTWELL. I hope the gentleman from New York [Mr. Davis] will withdraw his motion to lay on the table.

Mr. DAVIS. I will withdraw the motion for the present.

Mr. HALE. I renew the motion.

Mr. ROGERS. I call for the yeas and nays upon the motion to lay on the table.

Mr. BANKS. Mr. Speaker—

Mr. ANCONA. Is debate on this resolution in order at this time?

The SPEAKER. It is not, except by unanimous consent; for there are two undebatable motions pending, the call for the previous question and the motion to lay on the table.

Mr. ANCONA. Then I object to any debate.

Mr. WILSON, of Iowa. I desire to ask the Chair if it will be in order to move to refer this resolution and preamble to the Committee on Foreign Affairs should the motion to lay on the table be voted down and the call for the previous question be refused.

The SPEAKER. The motion to refer would then be in order.

Mr. BANKS. Mr. Speaker, have I not the floor?

The SPEAKER. No gentleman can obtain the floor now but upon a point of order or to submit a motion in order.

Mr. BANKS. I desire to submit a suggestion to the gentleman from Pennsylvania, [Mr. ANCONA.]

Mr. ANCONA. I cannot receive any suggestion during the pendency of a motion from the other side to lay this motion on the table. After that motion shall have been voted down I will receive any suggestion and be willing to consent to any reasonable modification of the resolution; but for the present I object to any debate.

The question recurred upon the motion to lay the preamble and resolution on the table.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 5, nays 112, not voting 66; as follows:

YEAS—Messrs. Cobb, Davis, Grinnell, Hale, and Trowbridge—5.

NAYS—Messrs. Alley, Allison, Ancona, Delos R. Ashley, James M. Ashley, Baker, Banks, Baxter, Beaman, Bergen, Bidwell, Bingham, Boutwell, Bromwell, Buckland, Bundy, Chandler, Reader W. Clarke, Sidney Clarke, Coffroth, Cook, Cullom, Darling, Dawes, Deftrees, Delano, Dodge, Driggs, Dumont, Eckley, Eldridge, Eliot, Farquhar, Ferry, Finck, Garfield, Glossbrenner, Griswold, Abner C. Harding, Hart, Hayes, Henderson, Higby, Hogan, Hooper, Asahel W. Hubbard, John H. Hubbard, James R. Hubbell, James M. Humphrey, Julian, Kelley, Kelso, Kerr, Ketchum, Kuykendall, Ladin, Latham, George V. Lawrence, William Lawrence, Longyear, Lynch, Marvin, McCullough, McKuer, Meurer, Miller, Moorhead, Morris, Moulton, Myers, Niblack, O'Neill, Orth, Paine, Perham, Phelps, Pike, Plants, Pomeroy, Price, Samuel J. Randall, William H. Randall, Raymond, Alexander H. Rice, John H. Rice, Ritter, Rogers, Ross, Sawyer, Schenck, Seaford, Sitgreaves, Spalding, Stevens, Strouse, Taber, Taylor, Thayer, John L. Thomas, Thornton, Trimble, Upson, Van Aernam, Ward, Henry D. Washburn, Welker, Whaley, Williams, James F. Wilson, Stephen F. Wilson, Winfield, and Wright—112.

NOT VOTING—Messrs. Ames, Anderson, Baldwin, Barker, Benjamin, Blaine, Blow, Boyer, Brandegee, Broomall, Conkling, Culver, Dawson, Deming, Denison, Dixon, Donnelly, Eggleson, Farnsworth, Goodyear, Grider, Aaron Harding, Harris, Hill, Holmes, Hotchkiss, Chester D. Hubbard, Dennis Hubbard, Edwin N. Hubbell, Hulburd, James Humphrey, Ingersoll, Jencks, Johnson, Jones, Kasson, Le Blond, Loan, Marshall, Marston, McClurg, McIndoe, McKee, Morrill, Newell, Nicholson, Noell, Patterson, Radford, Rollins, Rousseau, Shunklin, Shellabarger, Sloan, Smith, Starr, Stilwell, Francis Thomas, Burt Van Horn, Robert T. Van Horn, Warner, Elihu B. Washburne, William B. Washburn, Wentworth, Windom, and Woodbridge—66.

So the motion to lay on the table was not agreed to.

During the call of the roll;

Mr. BROOMALL said: I desire to state that I am paired generally with the gentleman from Kentucky, Mr. SHANKLIN, and therefore I do not vote on this question.

Mr. GRINNELL said: Mr. Speaker, considering this resolution a reproof of the Administration, I vote "ay" on this motion to lay on the table.

The result of the vote was announced as above stated.

Mr. ANCONA. As there appears to be some objection to the form of this resolution, I withdraw the call for the previous question, and modify the resolution by striking out after

the words "instructed to" the word "report," and inserting in lieu thereof the words "inquire into the expediency of reporting;" so that the resolution will read:

That the Committee on Foreign Affairs be, and they are hereby, instructed to inquire into the expediency of reporting a bill repealing, &c.

I renew the demand for the previous question.

Mr. WILSON, of Iowa. Mr. Speaker, will not the House still have to vote upon the preamble of the resolution?

The SPEAKER. The vote on that must be taken separately.

Mr. WILSON, of Iowa. I wish to state, then, that I desire, if the previous question be not seconded, to make a motion to refer the resolution to the Committee on Foreign Affairs.

Mr. COBB. I desire to inquire whether the gentleman from Pennsylvania has the right to modify his resolution at this stage without unanimous consent.

The SPEAKER. He has, having for that purpose withdrawn the call for the previous question.

Mr. COBB. Well, I object, whether the objection amounts to anything or not.

Mr. SCHENCK. I wish to appeal to the gentleman from Pennsylvania to permit me to have read, at least, a substitute which I propose to offer for the resolution. Let it be read for information.

Mr. ANCONA. I prefer not to have an amendment offered at this stage. I insist on the demand for the previous question.

On seconding the demand for the previous question, there were—ayes 27, noes 75.

Mr. ANCONA. I call for tellers.

Tellers were ordered; and Messrs. ANCONA and BANKS were appointed.

The House divided; and the tellers reported—ayes 30, noes 69.

So the previous question was not seconded.

Mr. SCHENCK. I offer the following as a substitute for the resolution of the gentleman from Pennsylvania, and I demand the previous question upon the resolution and the substitute:

Resolved, That the President of the United States, in the opinion of this House, should reconsider the policy which has been adopted by him as between the British Government and that portion of the Irish people who, under the name of Fenians, are struggling for their independent nationality; and that he be requested to adopt as nearly as practicable that exact course of procedure which was pursued by the Government of Great Britain on the occasion of the late civil war in this country between the United States and rebels in revolt, recognizing both parties as lawful belligerents, and observing between them a strict neutrality.

Mr. ANCONA. Mr. Speaker, is it in order to amend the resolution at this stage?

The SPEAKER. It is. The resolution is now before the House for action. The previous question not having been seconded, the floor passes to some gentleman who opposed the seconding of the previous question. The gentleman from Ohio, [Mr. SCHENCK,] having given notice of his intention to move to amend the resolution, has been recognized as entitled to the floor.

Mr. HARDING, of Illinois. I ask the gentleman from Ohio to let a substitute I desire to offer be read for the information of the House.

Mr. SCHENCK. I yield for that purpose. The Clerk read as follows:

Resolved by the House of Representatives, That the Committee on Foreign Affairs, if they deem it expedient, report that this House does heartily sympathize with all true Irishmen in their holy struggles for freedom and to relieve their country from the crushing thralldom of Great Britain. That we remember with gratitude that many brave Irishmen periled their lives and mingled their blood with the patriots of the Union Army on many hard-fought fields against rebels, recognized as belligerents and aided by England with ships and money and materials of war, in the wicked purpose to destroy this Government. That in the light of the late precedent established by Great Britain, this nation may, and should, at the earliest practicable proper moment, recognize as a belligerent the Irish nation, and extend to them all the aid and privileges which the laws of nations (modified by the conduct of Great Britain in our late civil war) will permit. And that while this Government refuses to aid freedom upon this continent, in Chili and Mexico, from foreign intervention,

to which it stands pledged by solemn instructions of our policy and people, it is ignominious and disgraceful to put forth its power with zeal and alacrity to aid an oppressor to an extent not imperatively required by the observed laws of nations. And that said committee, if they deem it expedient, make report at any time to this House by leave.

Mr. SCHENCK. I withdraw the demand for the previous question for the purpose of explaining to the gentleman from Illinois why I cannot yield to allow his amendment to be offered. I am not for expressing an opinion on either side, but for standing off and looking on as at a fair fight. "Hands off," is the motto I would prefer. I therefore adhere to my own resolution.

Mr. BANKS. I ask the gentleman to yield to me.

Mr. RANDALL, of Pennsylvania. I object to debate unless it is accorded to both sides.

Mr. BANKS. I only wish to make a suggestion.

Mr. ANCONA. I object to debate.

Mr. SCHENCK. I yield to the chairman of the Committee on Foreign Affairs.

Mr. ANCONA. Is it in order to debate this resolution?

The SPEAKER. It is not. If the resolution gives rise to debate it must go over.

Mr. BANKS. I do not wish to debate the resolution. I only wish to say if the resolution be referred to the Committee on Foreign Affairs we will report on it. I move that the resolution and amendment be referred to the Committee on Foreign Affairs, and on that motion I demand the previous question.

The House divided; and there were—yeas eighty-six, noes not counted.

So the previous question was seconded.

The main question was then ordered.

Mr. ANCONA. I demand the yeas and nays on the motion to refer to the Committee on Foreign Affairs.

Mr. HALE. I move that the resolution and substitute be laid upon the table.

Mr. ANCONA. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 8, nays 113, not voting 62; as follows:

YEAS—Messrs. Cobb, Davis, Dawes, Dodge, Griswold, Hale, Sloan, and Trowbridge—8.

NAYS—Messrs. Alley, Allison, Ancona, Delos R. Ashley, James M. Ashley, Baker, Baldwin, Banks, Baxter, Beaman, Bergen, Bidwell, Bingham, Boutwell, Boyer, Bromwell, Buckland, Chandler, Reader W. Clarke, Sidney Clarke, Cullom, Callom, Darling, Defrees, Donnelly, Driggs, Dumont, Eckley, Eldridge, Eliot, Farnsworth, Farquhar, Ferry, Finck, Garfield, Glossbrenner, Aaron Harding, Abner C. Harding, Hart, Hayes, Henderson, Hogan, Holmes, Hooper, Asahel W. Hubbard, John H. Hubbard, James R. Hubbard, James M. Humphrey, Julian, Kelley, Kelso, Kerr, Ketcham, Kuykendall, Lathin, Latham, William Lawrence, Longyear, Marvin, McClurg, McCullough, McKuer, Mercer, Miller, Moorhead, Morrill, Morris, Moulton, Myers, Niblack, O'Neill, Orth, Paine, Perham, Phelps, Pike, Plants, Pomeroy, Price, William H. Randall, Raymond, Alexander H. Rice, John H. Rice, Ross, Rousseau, Sawyer, Schenck, Scofield, Shellabarger, Sitgreaves, Smith, Spaulding, Strouse, Taber, Taylor, Thayer, John L. Thomas, Thornton, Trimble, Upson, Ward, Henry D. Washburn, Welker, Whaley, Williams, James F. Wilson, Stephen F. Wilson, Windom, Winfield, Woodbridge, and Wright—113.

NOT VOTING—Messrs. Ames, Anderson, Barker, Benjamin, Blaine, Blow, Brandegee, Broomall, Bundy, Conkling, Cook, Culver, Dawson, Delano, Deming, Denison, Dixon, Eggleston, Goodyear, Grider, Grinnell, Harris, Higby, Hill, Hotchkiss, Chester D. Hubbard, Demas Hubbard, Edwin N. Hubbard, Hulburd, James Humphrey, Ingersoll, Jenckes, Johnson, Jones, Kasson, George V. Lawrence, Le Blond, Loan, Lynch, Marshall, Marston, McIndoe, McKee, Newell, Nicholson, Noell, Patterson, Radford, Samuel J. Randall, Rollins, Shanklin, Starr, Stevens, Stilwell, Francis Thomas, Van Aernan, Burt Van Horn, Robert T. Van Horn, Warner, Elihu B. Washburne, William B. Washburn, and Wentworth—62.

So the House refused to lay the amendment and substitute upon the table.

During the roll-call,

Mr. ANCONA stated that his colleague, Mr. DENISON, was absent, being paired with Mr. WASHBURN, of Massachusetts.

The result having been announced as above recorded, the question recurred on ordering the main question on the motion to refer.

Mr. HALE. Will the gentleman from Penn-

sylvania [Mr. ANCONA] allow me to offer a substitute?

Mr. ELDRIDGE. I object.

The main question was ordered.

Mr. ANCONA. I demand the yeas and nays on the question of reference, and tellers on the yeas and nays.

Tellers were ordered; and the Speaker appointed Messrs. BANKS and ANCONA.

The House divided; and the tellers reported—yeas twenty-eight, noes not counted.

So the yeas and nays were ordered.

The question being taken on referring the resolution and substitute to the Committee on Foreign Affairs, it was decided in the affirmative—yeas 87, nays 35, not voting 61; as follows:

YEAS—Messrs. Alley, Allison, Delos R. Ashley, James M. Ashley, Baker, Baldwin, Banks, Baxter, Beaman, Bidwell, Bingham, Blaine, Boutwell, Bromwell, Buckland, Bundy, Reader W. Clarke, Sidney Clarke, Cobb, Cook, Cullom, Dawes, Defrees, Delano, Dodge, Driggs, Eckley, Farnsworth, Farquhar, Grinnell, Harris, Hart, Hayes, Holmes, Demas Hubbard, Edwin N. Hubbard, Jenckes, Jones, Kasson, Kelley, Kuykendall, Lathin, Latham, George V. Lawrence, William Lawrence, Longyear, Marvin, McClurg, McKee, McKuer, Mercer, Miller, Morrill, Morris, Moulton, Myers, O'Neill, Orth, Paine, Perham, Phelps, Pike, Plants, Price, William H. Randall, Raymond, Alexander H. Rice, John H. Rice, Ross, Rousseau, Sawyer, Schenck, Scofield, Shellabarger, Sloan, Spaulding, Thayer, Trowbridge, Upson, Ward, Welker, Whaley, Williams, James F. Wilson, Stephen F. Wilson, Windom, and Woodbridge—87.

NAYS—Messrs. Ancona, Bergen, Boyer, Chandler, Coffroth, Darling, Davis, Dumont, Eldridge, Finck, Glossbrenner, Grider, Hale, Aaron Harding, Hogan, James M. Humphrey, Johnson, Kerr, Ketcham, McCullough, Niblack, Pomeroy, Samuel J. Randall, Ritter, Rogers, Sitgreaves, Smith, Stilwell, Strouse, Taber, Taylor, Thornton, Trimble, Winfield, and Wright—35.

NOT VOTING—Messrs. Ames, Anderson, Barker, Benjamin, Blow, Brandegee, Broomall, Conkling, Culver, Dawson, Deming, Denison, Dixon, Donnelly, Eggleston, Eliot, Ferry, Garfield, Goodyear, Griswold, Abner C. Harding, Henderson, Higby, Hill, Hooper, Hotchkiss, Asahel W. Hubbard, Chester D. Hubbard, John H. Hubbard, James R. Hubbard, Hulburd, James Humphrey, Ingersoll, Julian, Kelso, Le Blond, Loan, Lynch, Marshall, Marston, McIndoe, Moorhead, Newell, Nicholson, Noell, Patterson, Radford, Rollins, Shanklin, Starr, Stevens, Francis Thomas, John L. Thomas, Van Aernan, Burt Van Horn, Robert T. Van Horn, Warner, Elihu B. Washburne, Henry D. Washburn, William B. Washburn, and Wentworth—61.

So the resolution and substitute were referred to the Committee on Foreign Affairs.

Mr. SCHENCK moved to reconsider the vote by which the resolution and substitute were so referred; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. TROWBRIDGE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled an act (H. R. No. 255) making appropriations for the construction, preservation, and repairs of certain fortifications and other works of defense for the year ending June 30, 1867; when the Speaker signed the same.

AUSTRIAN SOLDIERS IN MEXICO.

Mr. BANKS, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the President of the United States be requested to communicate to this House, if in his opinion this may be done compatibly with the public interest, any information which he may have received with reference to the dispatch of military forces from Austria for service in Mexico.

PERSONAL EXPLANATION.

Mr. HALE. I ask unanimous consent of the House for a moment for a personal explanation. While the resolution was pending this morning in regard to the neutrality laws, I made an effort to offer a substitute which it struck me would be received by the House in the nature of a compromise. I ask leave to have my proposed substitute and compromise read.

Mr. ALLISON. Mr. Speaker, is this a personal explanation?

The SPEAKER. The Chair supposes it is; the gentleman so regards it himself.

The Clerk read the proposed substitute, as follows:

Resolved, That the honor and good faith of the United States imperatively demand a just and rigorous enforcement of the neutrality laws, and that this House will entertain no proposition looking to their repeal, evasion, or violation.

Mr. ANCONA. I move to lay it on the table.

The SPEAKER. It is not before the House. The gentleman is making a personal explanation.

HABEAS CORPUS.

Mr. BROOMALL, by unanimous consent, introduced a bill amendatory of an act to amend an act entitled "An act relating to *habeas corpus* and regulating judicial proceedings in certain cases," approved May 11, 1866; which was read a first and second time, and referred to the Committee on the Judiciary.

HOSPITAL FOR SOLDIERS.

Mr. BINGHAM, by unanimous consent, introduced a joint resolution in relation to the purchase of a plan for a hospital for soldiers, &c.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHANGE OF NAME OF A SCHOONER.

Mr. SCOFIELD, by unanimous consent, introduced a bill to authorize the Secretary of the Treasury to grant an American register to the schooner Marco Paulo; which was read a first and second time, and referred to the Committee on Commerce.

INDIAN TREATIES.

Mr. RAYMOND. I call up the motion to reconsider the vote by which joint resolution of the Senate No. 69, making an appropriation to negotiate treaties with certain Indian tribes was postponed until to-day. I withdraw the motion to reconsider.

The SPEAKER. The joint resolution was read a third time on Wednesday last, and the question now is on its passage.

Mr. RAYMOND. I wish to state as briefly as possible the reasons which render it important to pass this resolution. It is a resolution which comes from the Senate appropriating the sum of \$120,000 for the purpose of enabling the President of the United States to conclude treaties with certain Indian tribes on the northern Missouri and Platte rivers.

The House is aware that growing out of the massacre in Minnesota there ensued a war with some of the Indian tribes. In March, 1865, Congress passed a bill appropriating \$20,000 toward the conclusion of treaties of peace with the Indians engaged in those hostilities.

Soon after the passage of that bill the Governor of Dakota Territory made application to the Department of the Interior for prompt action under that law, asking that a commission might be appointed to proceed as speedily as possible to the region of country concerned and conclude treaties with the Indians there.

Some correspondence, I believe, ensued between the War Department and the Department of the Interior as to which properly had charge of the subject, but it all ended in the appointment by the President of a commission, consisting of Governor Edmunds, Major General Curtis, Superintendent Taylor, General Sibley, and Hon. Orrin Guernsey. They were appointed to treat with the Indians and conclude treaties of peace if they found it practicable.

The Commissioner of Indian Affairs authorized the purchase of certain goods to be distributed to these Indians. A portion of those purchases were made or authorized to be made by Mr. Burleigh, then the Indian agent there, in New York and St. Louis, and a balance of about eight thousand dollars was placed at the disposal of the commission. The commission proceeded to Fort Sully, and remained there for some time, holding conferences with various Indian tribes who were able to get there at that time.

About October they made a report of the

result of their visit which will be found on page 537 of the Report of the Commissioner of Indian Affairs. The general result was that they found a great desire among the Indian tribes for peace. There was only one exception, the Sioux of the Missouri. But they concluded treaties with nine separate tribes, a portion of them being fully represented, and two or three others represented only in part.

They recommended that the commission should be divided and authorized to proceed during this present season to the upper Missouri and the Platte rivers, to complete the work they had commenced and partially completed. They found the Indians with whom they did not make treaties quite willing to remain at peace with the United States; and they were willing to protect the right of way both for the telegraph and the overland mail, but they found them entirely averse to entering into stipulations for their own removal from the territory they occupied. They, therefore, did not press that point.

The commission was accordingly divided and proceeded early in the present season to meet a portion of these Indians on the upper Missouri and the remainder at Fort Laramie, on the Platte river. The commission is now engaged in these negotiations. It is believed by the department that the use of this money by the commission and by the agencies will restore peace to the whole western portion of our country. We all know how expensive Indian wars are, and how unsatisfactory. The object of this appropriation is to enable the commission to go forward to the conclusion of the treaties.

I have before me letters from Governor Edmunds of Dakota Territory strongly recommending the prosecution of these negotiations, together with letters from General Curtis, Superintendent Taylor and others, on the same subject. I have also a detailed statement made out by the Commissioner of Indian Affairs of the particular sums which are wanted, and the particular objects for which those sums are to be expended. This subject has been examined by the Committee on Appropriations, and they recommend to this House a concurrence with the Senate in this joint resolution.

These are the leading facts of the case. I do not suppose there is any desire to have this subject debated any further, and if not I will call the previous question.

Mr. HALE. I desire to ask my colleague [Mr. RAYMOND] if we are to understand that the Committee on Appropriations sanction and desire to see carried into effect the provisions of these treaties with these Indians.

Mr. RAYMOND. I do not suppose the Committee on Appropriations have anything to do with that subject. That is a subject for the consideration of the Senate when the treaties come before that body for ratification. These treaties have now been ratified, and are now binding upon these Indians. The only question now is as to the propriety of making an appropriation for the purpose of carrying forward negotiations to perfect treaties where they need perfecting, and at any rate concluding negotiations at that subject.

Mr. BURLEIGH. Will the gentleman from New York [Mr. RAYMOND] yield to me for a few minutes?

Mr. RAYMOND. Certainly.

Mr. BURLEIGH. I understood the gentleman from New York [Mr. RAYMOND] to say that these bands of Indians were fully represented at the time these treaties were made. Now, I hold in my hand a copy of these treaties, which purport to have been made in the fall of 1865 between the commissioners on the part of the United States and these Indian bands. And I find that the Ogalala band of Indians, numbering some twenty-one hundred souls, were represented only by three irresponsible individuals who were present and claimed to be empowered to conclude negotiations on the part of their tribes. And these commissioners sent down that instrument, made under such circumstances, as a treaty

negotiated in good faith to be ratified by the Senate.

Now, I know, and my constituents know, that these Indians, long after these treaties profess to have been signed, have been engaged in robbery and in murder of the citizens of Dakota. Now, when instruments of this character are sent here and styled treaties, and appropriations are asked to carry their provisions into effect and to make others like them, I ask the House to examine them and see what they are. Now, I ask the gentleman from New York, [Mr. RAYMOND,] who I know is a good lawyer, to tell me what a treaty is.

There are three or four articles in these treaties which I will not enumerate. But this treaty which purports to have been made with the Ogalala band, but which was only made with three irresponsible individuals of the tribe, does not profess to have acquired a single acre of land or a single right of any kind but the simple right of way. In that treaty I find an article which I believe is contained in all these treaties. After going on to bind these Indians in certain respects, it provides as follows:

"ART. 6. Any amendment or modification of this treaty by the Senate of the United States shall be considered final and binding upon the said band represented in council as a part of this treaty, in the same manner as if it had been subsequently presented and agreed to by the chiefs and head-men of said band."

Now, I undertake to say that no such article has ever before been placed in any such treaty and sent here for ratification by the Senate. And while I am as anxious as any man can be to secure peace on our frontiers, I protest most solemnly against any such sham treaties as these, for they will not bring peace to our borders or protection to the lives and property of our people. And if these men have been sent up there for any such purpose, and have already expended any part of this money for this purpose, I think it is high time they should be recalled, and that this money should be withheld until we can negotiate treaties which will accomplish the results we so much desire. I desire to have treaties made; but I do not want sham negotiations of this kind.

Mr. RAYMOND. Mr. Speaker, the Delegate from Dakota has made two points in reference to this matter. One is that the treaties concluded are not good treaties. The other is that a portion of the tribes said to have been represented in the negotiation of these treaties were only partially represented. Now, sir, as to the first point, I submit that we have nothing to do with it. That question was considered by the Senate when these treaties were before that body for ratification. The Senate has ratified those treaties, after a full examination of the case, and after having heard, I believe, from the gentleman from Dakota the objections which he had to make to those treaties. That closes that matter.

It may be, sir, that the character of the treaties concluded with the Indians by our Government is not what it should be. I have myself great doubts as to the whole policy of our dealing with the Indian tribes. I think that it might be very much reformed, that it might be improved in many respects. But this is not the time to consider that question; nor is it worth our while to postpone an appropriation of this sort in the hope that we may at some time or other get a better general system of dealing with the Indians. If these treaties are not concluded now the war must go on, involving an expenditure of five or six million dollars annually.

Now, sir, in regard to the representation of these tribes in the conference held at Fort Sully, I stated in my previous remarks that of these nine tribes a portion were fully represented and a portion partially represented.

Mr. BURLEIGH. How fully?

Mr. RAYMOND. I do not know how fully. I do not know what a full representation of an Indian tribe is. But I will read what the commissioners say upon this very point. They first state the provisions of the treaty:

"A treaty was finally signed on the 10th October, in

which the band recognized the exclusive jurisdiction of the United States; obligated themselves to cease all hostilities, not only against our Government and people, but against other bands or tribes of Indians; to use their influence, and, if requisite, physical force, to prevent other bands from molesting the persons and property of the whites; to withdraw from all overland routes established or to be hereafter established through their country; and not to perpetrate or permit any injuries to travelers thereon."

The commissioners then say:

"Treaties incorporating like provisions, and, when practicable, articles for the aid and encouragement of individuals or portions of the bands, or of the bands themselves, in locating them upon reservations and engaging them in agricultural or other kindred labor, were subsequently concluded with the Lower Brules, Two Kettles, and Blackfeet, all important branches of the Teton Sioux, numbering in the aggregate six hundred lodges, or thirty-six hundred souls, fully represented."

This is the language of the commissioners. They continue:

"With the Lower Yanktonais, who inhabit the great prairies east of the Missouri, and who claim two hundred and seventy lodges, or sixteen hundred souls, (leaving out one hundred lodges not represented in council,) and with portions of the Etah-ye-cho or Sans Arcs, the Unepapas, and the Ogalalas, only partially represented by chiefs and head-men. The great majority of the last-mentioned subdivisions, and many of the warriors of the other bands treated with, have been among those most hostile to the whites."

This is what was done at Fort Sully. Here is what, according to the commission, is needed to be done this summer:

"There still remain to be reached, of the Dakotas or Sioux, one or two entire bands, and such parts of others as did not make their appearance in council by their immediate representatives. The messages sent to them, and also to the Cheyennes and Arapahoes, through various sources, by the commissioners, will prepare them for such future propositions as you may see fit to authorize. The undersigned respectfully recommend a division of the present or the appointment of two new commissions to visit the Fort Laramie region and the upper Missouri simultaneously, as early in the coming spring as practicable. It will be physically impossible for a single commission, in the same season, to visit and treat with the many bands and tribes embraced in your programme of instructions, and to secure the overland route and that by the Missouri river from annoyance by Indians. Negotiations should be commenced with the savages infesting these great highways without unavoidable delay. The commission should be en route to their respective fields of operation not later than the month of May next."

The very object of this new commission, or rather this new mission, is to complete what was left unfinished, to secure a full representation of such tribes as were then partially represented. The object of this commission is to complete the work which the gentleman from Dakota says is now uncompleted, and therefore ought not to be completed, according to his argument. Now, sir, this is the whole object of the commission. I do not see any ground, any substantial reason in anything that the gentleman from Dakota has said, why this appropriation should not now be made.

The gentleman from Iowa desires to make some remarks, and I yield to him for that purpose.

Mr. BURLEIGH. The gentleman says that the Indians were fully represented and the treaties were completed. I ask whether the treaties sent into the Senate, and which have been confirmed, were not those made when the Indians were not fully represented and which of course are not complete.

Mr. RAYMOND. I refer the gentleman to the Senate on that point. They are not before the House in any shape.

Mr. HUBBARD, of Iowa. Mr. Speaker, I was present when most of the treaties referred to were made, and it is therefore, perhaps, proper I should say something in regard to them. I can say from my own personal knowledge that the charges made by the gentleman from Dakota against the commissioners as well as against those treaties are without foundation.

I only qualify my statement, that so far as the treaty with the Ogalalas is concerned, I perhaps was not present when it was signed. With that exception, and one or two others, I was present at the time negotiations were entered upon and at the time they were concluded; and I can say from my own personal knowledge that those Indian bands were fully and properly represented in these negotiations. When I say they were fully and properly represented, I mean to say they were represented

by their chiefs, head men, and head soldiers. They were represented by the representative men of the different bands with whom treaties were made.

In addition, Mr. Speaker, let me make a single remark in reference to those who composed that commission. I will say you may search the country through and you will not find four more honorable men or better qualified to discharge the duties assigned to them than were these commissioners. General Sibley, of Minnesota, once occupied a seat in this House, afterward was Governor of that State, and during the late war held the commission of a brigadier general; a man of large influence with the Indians. Indeed, no man in the northwest country has had more experience with Indians than General Sibley. He thoroughly understands and comprehends their character.

Major General Curtis was one of the commissioners. He was twice elected from my own State as a member of this House, and he took a distinguished and important part in the great struggle through which we have passed. He is a gentleman of large intelligence and capacity.

I may make the same remarks of the other members of the commission. They were all men of intelligence. In the discharge of their duties they acted for the best interests of the Government as well as for the best interests of the Indians themselves. In making those treaties they supposed they were acting for the best interests of the United States as well as of the Indians. The charges of the gentleman from Dakota are, therefore, gratuitous.

Those treaties were submitted to the Secretary of the Interior, the President of the United States, and to the Senate by whom they were confirmed. In the Senate they were met by a written argument against them. The Committee on Indian Affairs of that body fully investigated these charges and declared them to be groundless; that they were without any foundation in truth; and the result has been the confirmation of all those treaties. After all that has occurred in this matter it becomes the Delegate from Dakota to offer further opposition.

So far as the appropriation is concerned that is now asked for by this joint resolution I need make no remarks, as the matter has been fully and satisfactorily explained by the gentleman from New York, [Mr. RAYMOND.] I know the Arapaho and Cheyennes were to be treated with on the upper Platte, the Indians most foremost in committing depredations on the emigrants on the overland route. They are now assembling in large numbers, expecting to meet the commissioners and conclude a treaty of peace and friendship which shall be lasting between them and the Government.

So far as the Indians on the upper Missouri are concerned they were included under the Fort Laramie treaty. I refer to the Crows, the Mandans, Assinibouines, Aricarees, Gros Ventres, and Blackfeet Indians. They have received presents and annuities under that treaty, but it has expired by its own limitations. We have no treaty with them at this time; they are assembled at points on the Missouri for the purpose of meeting your commissioners and concluding treaties with them. Fail to meet them and carry out this arrangement and you have war on the frontier; the settlements that are represented here by the gentleman from Dakota will be overrun by hostile savages, and you will have murders and depredations committed, and perhaps a new military expedition will be required against these hostile bands.

There is but one way, in my judgment, to secure peace on that frontier, and that is by negotiating treaties of peace and friendship. They have been encouraged to assemble at these points, expecting to meet these commissioners. They are there now, and the commissioners, as I understand, are on the way for the purpose of conferring with them generally.

Without continuing these remarks, I think it is of the highest importance that we should

pass this appropriation, and give to the President and the Department the means with which to carry out these negotiations and conclude these treaties.

Mr. RAYMOND resumed the floor.

Mr. BURLEIGH. Will the gentleman yield to me for a moment or two?

Mr. RAYMOND. Yes, sir.

Mr. BURLEIGH. It was with the greatest reluctance that I undertook to question the propriety of this bill, or to raise my voice against it in the presence of so many able men in opposition to a measure which I deem so entirely at war with the best interests of the Territory which I have the honor to represent. I was aware that I was to be brought in contact with able men and statesmen, well versed in legislation and in logic. But I will say that there is one thing that my friend's logic cannot do. It cannot change error to truth any more than it can change truth to error. I hold in my hand these treaties for the completion of which this appropriation is asked. I ask if they were not completed, signed, and witnessed before they were sent to the Senate for ratification. If they were, what necessity is there for a further appropriation to complete them? If they were not completed, perfect, valid treaties in law and in fact, why, I ask, were they ratified.

I am as much in favor of peace with the Indian tribes in Dakota as any man can be; my interests are all there; our people are anxious for peace. But I ask the honorable gentleman from New York [Mr. RAYMOND] to tell me what a treaty is. Will he pretend to state to this House that these nine instruments of writing which I hold in my hand are treaties? If the Senate has a right to modify or amend these treaties without the consent of the Indian tribes, who are parties to these negotiations, which are made for the avowed purpose of securing peace with those tribes, what occasion is there for sending commissioners at all to negotiate them? Why not make them here, and avoid the expense of the negotiation? Why deplete the Treasury for such a needless undertaking?

Mr. Speaker, I feel confident that this House does not fully understand the importance of this question. It is one of vital interest to those of our people who reside upon the frontiers; and I suggest for the consideration of the House whether it would not be better for the Government to adopt a new system of treaty-making with our Indian tribes, and show them and the world that it will act justly with them, regardless of cost or consequences.

The gentleman states that these tribes were fully represented. What does he mean? Does he pretend to say that the Ogalalas, a tribe numbering twenty-one hundred souls, were fully represented, when it appears from the treaties themselves that there were but three members of that band present when they were made and signed? Does he pretend to say the Unepapas, numbering as they do twenty-seven hundred souls, were fully represented, when it appears from the record which I hold in my hand that there were but fourteen members of that tribe present? The truth is, these tribes were not fully represented; and if my information is correct, the great majority of them will not recognize these transactions as binding. They may keep the peace until they receive what goods and presents the Government has sent them this spring; but I greatly fear that all of their provisions will then be disregarded by the Indians.

I have recently seen General Connor, who has been in the country occupied by these tribes, and he assures me that nearly all of the Indians belonging to the Sioux nation are bitterly opposed to any treaty of peace with the Government whatever, and that these negotiations will prove a failure.

Mr. RAYMOND. The gentleman from Dakota has done nothing more than his duty in presenting to the House such considerations why this joint resolution should not pass as he has presented.

I have already answered the objection he has

made, that these tribes were not fully represented. I do not think any tribe is ever present in full when a treaty is made.

As to the character of the treaty, I have no desire to discuss that; but the gentleman is mistaken in saying that the provision to which he refers, by which the Senate can alter the treaty, is put in a treaty for the first time. The same provision was in the treaty of 1861, and this power was exercised by the Senate.

Now, I wish to mention another fact in connection with this resolution, and it is this: last fall, when this commission found itself under the necessity of closing their labors on account of the lateness of the season and the impossibility of getting the other tribes properly represented, it was agreed that there should be another meeting as early as possible during the present season. It was indispensably necessary that provisions should be taken there to supply these Indians whenever they gathered there. Now, gentlemen from that part of the country say that it was absolutely necessary to take advantage of the high waters of the early season to get the provisions there. It was, therefore, absolutely necessary, anticipating that this appropriation would be made, that quite a large amount of money should be spent in advance, taking funds from other branches of the Department of the Interior under the authority of the Secretary.

In view of the emergency which pressed upon them, the question would have been brought before Congress at an earlier day but for the fact that a misunderstanding existed whether the expenses were to be met by the War Department or by the Department of the Interior. General Curtis, who conducted, I believe, the greater part of the negotiations, understood the Secretary of War to say, and, indeed, he received a communication from the War Department which assured him, that provisions would at once be sent forward and be on hand when the commission should assemble; but afterward it was ascertained that the Secretary of War, at a subsequent interview with the Secretary of the Interior, informed him that the War Department could not undertake to supply the provisions. The Secretary of the Interior did not understand this, but afterward he did so; and as soon as he ascertained that fact he appealed to Congress for this appropriation on the 18th of April. The letter was sent to the Senate, and the chairman of its Committee on Finance, who is familiar with all Indian affairs, took it in hand and gave the Secretary to understand that he would be quite safe in going forward furnishing supplies to these Indians, inasmuch as there could be no grounds of opposition to this appropriation.

I mention this fact to explain the circumstance that a portion of this money has already been expended, being drawn from another fund under the control of the Secretary of the Interior, which will not be wanted until about the 1st of July. If this appropriation be made now, that sum will be in his hands on the 1st of July.

I now move the previous question on the passage of the joint resolution.

The previous question was seconded and the main question ordered, and under the operation thereof the joint resolution was passed.

Mr. RAYMOND moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider do lie on the table.

The latter motion was agreed to.

DISCHARGED OFFICERS AND SOLDIERS.

Mr. KERR, by unanimous consent, introduced a joint resolution to prevent the further enforcement of joint resolution No. 77, approved July 4, 1864, against officers and soldiers of the United States who have been honorably discharged; which were read a first and second time, and referred to the Committee on Military Affairs.

INSANE SOLDIERS.

Mr. KERR, by unanimous consent, submitted the following preamble and resolution;

which were read, considered, and agreed to, namely:

Whereas under existing laws, and the official construction of the same, a soldier who has been honorably discharged, and has thereafter become insane, from causes arising out of and produced by his service in the Army, cannot gain admission to any hospital for the insane; and whereas manifest hardship and injustice are thus sometimes inflicted upon such persons: Therefore,

Resolved, That the Committee on Military Affairs be instructed to report a bill or joint resolution so amending the existing law as to remedy the wrong aforesaid.

Mr. KERR moved to reconsider the vote by which the resolution was adopted; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

APPOINTMENT TO AND REMOVAL FROM OFFICE.

Mr. WILLIAMS, by unanimous consent, reported from the Committee on the Judiciary a bill for the regulation of appointments to and removals from office; which was read a first and second time, recommitted, and ordered to be printed.

TRIAL OF JEFFERSON DAVIS.

Mr. BOUTWELL asked unanimous consent to submit the following preamble and resolution:

Whereas it is notorious that Jefferson Davis was the leader of the late rebellion, and is guilty of treason under the laws of the United States; and whereas by the proclamation of the President of May, 1865, the said Davis was charged with complicity in the assassination of President Lincoln, and said proclamation has not been revoked nor annulled: Therefore,

Be it resolved, As the opinion of the House of Representatives, that said Davis should be held in custody as a prisoner, and subjected to a trial according to the laws of the land.

Mr. ROGERS. I object to the introduction of this resolution.

Mr. BOUTWELL. I move to suspend the rules for the purpose of enabling me to submit the preamble and resolution which have just been read.

The question was taken; and upon a division there were—ayes 68, noes 10; no quorum voting.

Mr. SPALDING. I call for the yeas and nays on the motion to suspend the rules.

Mr. ROGERS. I want to ask if there is any pretense that Mr. Davis had any connection with the assassination—

Mr. WILSON, of Iowa. I object to any debate.

Mr. ROGERS. The contrary is the fact. I assert—

The SPEAKER. The gentleman from New Jersey [Mr. ROGERS] is not in order.

Mr. ROGERS. The proof is that he had nothing—

[Cries of "Order!" "Order!"]

The SPEAKER. The gentleman from New Jersey [Mr. ROGERS] must refrain from making remarks out of order.

Mr. O'NEILL. I desire to ask the Chair if remarks made upon this floor which are out of order, and so decided to be, are to be printed in the Globe?

The SPEAKER. They will be, if reported. The last Congress adopted a resolution forbidding the Globe reporters from reporting what was said out of order; but this Congress has adopted no such resolution.

The question recurred upon ordering the yeas and nays upon the motion to suspend the rules.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 97, nays 20, not voting 66; as follows:

YEAS—Messrs. Alley, Allison, James M. Ashley, Baker, Baldwin, Banks, Baxter, Beaman, Bidwell, Bingham, Blaine, Boutwell, Brownell, Buckland, Bundy, Reader W. Clarke, Sidney Clarke, Cobb, Cook, Culom, Darling, Davis, Dawes, DeFries, Delano, Dodge, Donnelly, Dumont, Eckley, Eliot, Farnsworth, Farquhar, Ferry, Garfield, Grinnell, Griswold, Hale, Abner C. Harding, Hayes, Henderson, Higby, Holmes, Hooper, Asahel H. Hubbard, Chester D. Hubbard, John H. Hubbard, James R. Hubbard, Jenckes, Julian, Kelley, Kelso, Ketcham, Kuykendall, Laffin, Latham, George V. Lawrence, William Lawrence, Longyear, Lynch, Marvin, McClurg, McKee, Mercer,

Miller, Moorhead, Morrill, Morris, Moulton, Myers, O'Neill, Orth, Paine, Perham, Plants, Pomeroy, Price, William H. Randall, Raymond, Alexander H. Rice, Sawyer, Seofield, Shellabarger, Sitgreaves, Sloan, Spalding, Thayer, John L. Thomas, Trowbridge, Upson, Van Aernam, Ward, Henry D. Washburn, Welker, Williams, James F. Wilson, Stephen F. Wilson, and Woodbridge—97.

NAYS—Messrs. Ancona, Boyer, Coffroth, Eldridge, Finck, Glossbrenner, Grider, Harris, Hogan, Johnson, Kerr, Niblack, Samuel J. Randall, Ritter, Rogers, Strouse, Tabor, Thornton, Trimble, and Wright—20.

NOT VOTING—Messrs. Ames, Anderson, Delos R. Ashley, Barker, Benjamin, Bergen, Blow, Brandegee, Broomall, Chanler, Conkling, Culver, Dawson, Deming, Denison, Dixon, Driggs, Eggleston, Goodyear, Aaron Harding, Hart, Hill, Hotchkiss, Demas Hubbard, Edwin N. Hubbell, Hulburt, James Humphrey, James M. Humphrey, Ingersoll, Jones, Kasson, Le Blond, Loan, Marshall, Marston, McCullough, McIndoe, McKuer, Newell, Nicholson, Neill, Patterson, Phelps, Pike, Radford, John H. Rice, Rollins, Ross, Rousseau, Schenck, Shanklin, Smith, Starr, Stevens, Stillwell, Taylor, Francis Thomas, Burt Van Horn, Robert T. Van Horn, Warner, Elihu B. Washburne, William B. Washburn, Wentworth, Whaley, Windom, and Winfield—66.

So the rules were suspended, two thirds voting in the affirmative.

The preamble and resolution were received and read.

Mr. BOUTWELL. I call for the previous question on the preamble and resolution.

Mr. HARRIS. Will the gentleman yield to me for a moment?

Mr. BOUTWELL. I cannot yield.

The question was taken; and upon a division there were—ayes 78, noes 20.

So the previous question was seconded and the main question ordered, which was upon agreeing to the preamble and resolution.

Mr. ANCONA. I call for a division, and ask that the vote be taken separately upon the preamble and resolution.

Mr. JOHNSON. Oh, yes; we have plenty of time.

The SPEAKER. The question will be first taken upon the resolution.

Mr. ASHLEY, of Ohio. Upon that question I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 105, nays 19, not voting 59; as follows:

YEAS—Messrs. Alley, Allison, James M. Ashley, Baker, Baldwin, Banks, Baxter, Beaman, Bidwell, Bingham, Blaine, Boutwell, Brownell, Buckland, Bundy, Reader W. Clarke, Sidney Clarke, Cobb, Conkling, Cook, Culom, Darling, Davis, Dawes, DeFries, Donnelly, Eckley, Eliot, Farnsworth, Farquhar, Ferry, Garfield, Grinnell, Griswold, Hale, Abner C. Harding, Hart, Hayes, Henderson, Higby, Holmes, Hooper, Hotchkiss, Chester D. Hubbard, John H. Hubbard, James R. Hubbard, Julian, Kelso, Ketcham, Kuykendall, Laffin, Latham, George V. Lawrence, William Lawrence, Loan, Longyear, Lynch, Marshall, Marvin, McClurg, McKee, McKuer, Mercer, Miller, Moorhead, Morrill, Morris, Moulton, Myers, O'Neill, Orth, Paine, Perham, Phelps, Pike, Plants, Pomeroy, Price, William H. Randall, Raymond, Alexander H. Rice, Sawyer, Schenck, Seofield, Shellabarger, Sloan, Smith, Spalding, Thayer, John L. Thomas, Thornton, Trowbridge, Upson, Van Aernam, Ward, Warner, Henry D. Washburn, Welker, Whaley, Williams, James F. Wilson, Stephen F. Wilson, Windom, Winfield, and Woodbridge—105.

NAYS—Messrs. Ancona, Boyer, Coffroth, Eldridge, Finck, Glossbrenner, Grider, Harris, Hogan, Johnson, McCullough, Niblack, Samuel J. Randall, Ritter, Rogers, Sitgreaves, Tabor, Trimble, and Wright—19.

NOT VOTING—Messrs. Ames, Anderson, Delos R. Ashley, Barker, Benjamin, Bergen, Blow, Brandegee, Broomall, Chanler, Culver, Dawson, Delano, Deming, Denison, Dixon, Dodge, Driggs, Dumont, Eggleston, Goodyear, Aaron Harding, Hill, Asahel H. Hubbard, Demas Hubbard, Edwin N. Hubbell, Hulburt, James Humphrey, James M. Humphrey, Ingersoll, Jenckes, Jones, Kasson, Kelley, Kerr, Le Blond, Marston, McIndoe, Newell, Nicholson, Neill, Patterson, Radford, John H. Rice, Rollins, Ross, Rousseau, Shanklin, Starr, Stevens, Stillwell, Strouse, Taylor, Francis Thomas, Burt Van Horn, Robert T. Van Horn, Elihu B. Washburne, William B. Washburn, and Wentworth—59.

So the resolution was agreed to.

During the call of the roll,

Mr. LAFLIN said: I desire to state that my colleague, Mr. VAN HORN, is paired on all political questions with my colleague, Mr. GOODYEAR.

Mr. ELIOT. My colleague, Mr. WASHBURN, is paired with the gentleman from Pennsylvania, Mr. STROUSE.

The result of the vote was announced as above stated.

Mr. BOUTWELL moved to reconsider the

vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The question then recurring on agreeing to the preamble of the resolution, it was agreed to.

Mr. BOUTWELL moved to reconsider the vote by which the preamble was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE PRESIDENT.

Several messages in writing were received from the President of the United States, by Mr. COOPER, his Secretary, who also announced that the President had approved and signed bills of the following titles:

An act (H. R. No. 37) making appropriations for the support of the Military Academy for the year ending 30th June, 1867;

An act (H. R. No. 459) granting a pension to Anna E. Ward; and

An act (H. R. No. 654) making appropriations to supply deficiencies in the appropriations for the contingent expenses of the House of Representatives of the United States for the fiscal year ending June 30, 1866.

OFFICERS OF STEAMER SUMTER.

Mr. WINDOM. I call for the regular order.

The SPEAKER. The regular order is a joint resolution (H. R. No. 153) providing pay to officers of the United States steamer Sumter for loss of clothing. The resolution was reported from the Committee on Naval Affairs, by the gentleman from Ohio, [Mr. LE BLOND], and was pending at the adjournment on last Friday. It now comes up as the unfinished business.

Mr. WILSON, of Iowa. I ask that the resolution be again read.

The joint resolution was read. It authorizes and directs the proper accounting officers of the Treasury, in the settlement of the accounts of Peter Hayes, and others, officers of the United States steamer Sumter, to ascertain the value of all the clothing and effects by them respectively lost at the time of her destruction, and to allow them for the same, to an amount not exceeding \$5,000 in the aggregate.

Mr. ELDRIDGE obtained the floor.

Mr. WILSON, of Iowa. Mr. Speaker—The SPEAKER. In the absence of the gentleman from Ohio [Mr. LE BLOND] the gentleman from Wisconsin, [Mr. ELDRIDGE], being a member of the committee, is recognized as entitled to the floor. The Chair presumes he has charge of the bill.

Mr. ELDRIDGE. I was not left specially in charge of this bill; but I ask that the report accompanying the bill may be again read.

The report was read.

Mr. ELDRIDGE. I now yield to the gentleman from Iowa, [Mr. WILSON.]

Mr. WILSON, of Iowa. Mr. Speaker, this bill proposes to establish a new precedent in the adjustment of cases of losses by naval officers. I believe that no bill has ever yet been passed which allowed more than \$100 to each officer in such cases. But this bill proposes to allow for all clothing and effects, whatever they may be, an amount which shall not exceed in the aggregate \$5,000, which, if I rightly remember the number of names embraced in the bill, will be nearly a thousand dollars to each of the officers. Now, it seems to me that it is not best for us to establish this precedent.

In cases where a vessel has gone down in action, as was the case with several vessels on the Mississippi and on the coast, the allowance, I believe, has, as I have stated, never exceeded \$100 to each officer. The amount allowed to seamen, if my recollection is correct, is sixty dollars. The general rule observed in relation to officers of the Navy is, I believe, an allowance of one month's extra pay. But this bill proposes to establish a different rule; and it does seem to me that it may lead to a greater expenditure of money than a just regard for the Treasury of the Government will warrant us in making.

The officers of this vessel may have had with them no property but such as it was their duty to have as officers of the Navy. If so, it might be well to pay them for that property, whatever it may have been. But they may have had with them property which it was not necessary for them to have upon that vessel. Gold watches, jewelry, and various articles of that kind may have been in their possession. Yet such things are not excluded by the terms of this bill. The bill proposes to pay for all "clothing and effects" which those officers had and which were lost by the sinking of that vessel. Now, sir, if any such bill has before been passed by Congress, it has escaped my attention, and I have not been able to find it in the statutes.

I hope, therefore, that this bill, instead of being passed, will either be recommitted to the Committee on Naval Affairs, in order that we may know from that committee whether they intend to establish a new precedent, a new line of action on the part of the Government toward these officers, or will be referred to the Committee of Claims, so that, if we are to pay for all the effects of these officers, that committee may determine the amount which ought to be paid to each officer. I shall move that the bill be referred to the Committee of Claims, unless the gentleman from Wisconsin would prefer that it should be recommitted to the Committee on Naval Affairs.

Mr. ELDRIDGE. Although I have not had this matter specially in charge I think the gentleman is mistaken as to the intention of the bill. The committee were unanimously in favor of reporting this bill. The regulations of the Government require these officers to have the amount of clothing mentioned in the report. The intention is to pay for those things they were required to have, and not to pay for gold watches, or money, or anything of that kind.

Mr. BROMWELL. With the gentleman's permission, I ask whether the men on board this ship lost anything, and whether the bill proposes to provide anything for them.

Mr. ELDRIDGE. The men are provided for by general law, while the officers are not provided for at all. If there is any justice in paying the men as we have provided for paying them by general law, certainly there is justice in paying officers for the loss of property they were required by the regulations to have.

Mr. WILSON, of Iowa. The language of the proposition does not confine the payment to those things they were required to have. It provides for the payment of all the clothing and other effects belonging to those persons lost on that occasion.

Mr. ELDRIDGE. If that be in the bill I will agree to add that they shall only be paid for the clothing and other effects they were required under the regulations to have. There is no intention to go beyond that.

Mr. WILSON, of Iowa. I wish to enter a motion to recommit the bill to the Committee on Naval Affairs, so that we may have a uniform rule established in cases of this kind. As I have already said, this goes beyond anything Congress has done heretofore.

Mr. ELDRIDGE. I have no objection to the bill being recommitted to the Committee on Naval Affairs.

Mr. WILSON, of Iowa. I make that motion.

The motion was agreed to.

Mr. WILSON, of Iowa, moved to reconsider the vote by which the bill was recommitted; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

DEPARTMENT OF THE INTERIOR.

On motion of Mr. SPALDING, by unanimous consent, Senate bill No. 282, to reorganize the clerical force of the Department of the Interior, and for other purposes, was taken from the Speaker's table, read a first and second time, and referred to the Committee on Appropriations.

WAR OF 1812.

Mr. COFFROTH, by unanimous consent, from the Committee on Invalid Pensions, reported a bill granting a pension to the soldiers and sailors of the war of 1812 and those engaged in the Indian wars during that period; which was read a first and second time, ordered to be printed, and recommitted.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. McDONALD, its Chief Clerk, notifying the House that that body had passed House bill No. 62, to regulate and secure the safe-keeping of public money intrusted to disbursing officers of the United States.

DRAFT.

Mr. ANCONA, from the Committee on Military Affairs, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of War be directed to inform the House what number of persons, together with their names, were drawn in the draft commenced February, 1865, in the eighth congressional district of Pennsylvania, under call of December 19, 1864, and held to service, who had previously been drafted and paid commutation or furnished substitutes, under section seventeen of act of February 24, 1864, within the year and under prior calls of 1864.

RECONSTRUCTION.

Mr. KELLEY gave notice of his intention to offer the following as a substitute for the bill reported by the committee on reconstruction for restoring the States lately in insurrection to their full political rights; which was ordered to be printed:

Whereas the eleven States which lately formed the so-called confederate States of America are without their practical relations to the Union, and cannot be fully restored or reinstated in the same without action of Congress: Therefore,

Be it enacted, &c., That the eleven States lately in rebellion may form valid State governments in the following manner:

SEC. 2. The State governments now existing, though formed in the midst of martial law, and though, in many instances, their constitutions were adopted under duress, and not submitted to the people for ratification, are hereby acknowledged as valid governments for municipal purposes.

SEC. 3. The President shall direct the Governors of the said eleven States which lately formed the so-called confederate States of America, to call conventions on or before the 1st day of January, 1867, for the formation of State constitutions. And to enable the electoral people of the several States aforesaid to choose delegates to the said conventions, the Governor or chief executive officer of each of said States shall order an election to be held on a day to be fixed by him for members of a convention to frame a constitution for said State, which said constitution shall be submitted to a vote of the people of said States in accordance with the provisions hereinafter contained, and if ratified by a majority of the legal voters as hereinafter described, shall be declared to be the constitution of said State.

SEC. 4. The persons who shall be entitled to vote at said elections shall be all persons irrespective of color who shall have resided in the State six months prior to said election, are twenty-one years of age, and can read the Constitution of the United States.

SEC. 5. No constitution from any of said States shall be presented to or acted on by Congress which shall deny to any person, irrespective of color or previous condition, equal liberty and rights before the law, including the right of suffrage, as hereinbefore limited.

SEC. 6. Whenever the foregoing conditions shall have been complied with, and the amendments to the Constitution adopted by Congress since the rebellion of the people of the States aforesaid, shall have been ratified by any of said States, the representatives of such State may present its constitution to Congress, and if the same shall be approved by Congress, said State shall be declared entitled to the rights, privileges, and immunities and be subject to all the obligations and liabilities of a State within the Union, and thereupon a general amnesty shall be declared by the President to all who have offended against the authority, dignity, and peace of the United States in the recent rebellion.

AMBROSE MORRISON.

Mr. SLOAN. I ask unanimous consent to introduce from the Committee of Claims a bill authorizing the Secretary of War to purchase certain property for military purposes, and to have it considered and acted upon now.

The bill was read. It proposes to pay the sum of \$15,000 as compensation for the destruction of the dwelling-house of Ambrose Morrison, and the use of the lot and part of the materials of the house for a fort by order of General J. D. Morgan, on the 4th day of May, 1863.

Mr. McKEE. I object to the consideration of the bill. I am willing to have it recommitted.

Mr. SLOAN. Then I move to recommit it to the Committee of Claims.

The motion was agreed to.

Mr. WRIGHT moved to reconsider the vote by which the bill was recommitted; and also moved to lay that motion on the table.

The latter motion was agreed to.

LAWS OF INSURGENT STATES.

Mr. RAYMOND, by unanimous consent, introduced the following resolution; which was read, considered, and agreed to:

Resolved, That the President of the United States be requested to communicate to this House a statement of the provisions of the laws and ordinances of the late insurgent States on the subject of the rebel debt, so called.

PAY OF CLERK TO THE SERGEANT-AT-ARMS.

Mr. KERR, by unanimous consent, introduced the following resolution; which was referred to the Committee of Accounts:

Resolved, That the compensation of Moses Dillon, clerk to the Sergeant-at-Arms of the House, be, and the same is hereby, increased and made the same as that of the Journal clerk of this House, beginning with the 1st of June, 1866.

COURT OF CLAIMS.

Mr. COOK, by unanimous consent, introduced a bill to limit the time for bringing suits before the Court of Claims; which was read a first and second time, and referred to the Committee on the Judiciary.

POST OFFICES AND INTERNAL REVENUE OFFICES.

Mr. JOHNSON, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of providing for the erection of a fire-proof building in the principal city or town of each congressional district, to be used for the purpose of a post office and offices for the assessors and collectors of the proper district, where the records which may involve titles to land, &c., may be kept always secure.

PROMOTIONS IN THE NAVY.

Mr. SCHENCK, by unanimous consent, introduced a bill to prevent officers of the Navy from being deprived of their regular promotion on account of wounds received in battle; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

AMENDMENT OF THE RULES.

Mr. BLAINE asked unanimous consent to introduce the following resolution:

Resolved, That the Committee on Rules be directed to inquire into the expediency of providing a rule for speeches of fifteen minutes in addition to the rule for speeches of one hour; and that in all cases a member proposing to speak fifteen minutes shall be entitled to the floor to the exclusion of one proposing to speak an hour; and that hereafter no proposition shall be entertained for extending the time of any member under either rule.

Mr. CHANLER. I object.

LIEUTENANT GENERAL SCOTT.

Mr. SITGREAVES, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That a committee of one member from each State represented in this House be appointed on the part of this House, to join such a committee as may be appointed on the part of the Senate, to consider and report on the propriety of an address before the Congress of the United States commemorative of the life, character, and services of the late Brevet Lieutenant General Winfield Scott.

RECONSTRUCTION.

The House resumed the consideration of the special order, being House bill No. 543, to provide for restoring to the States lately in insurrection their full political rights, upon which Mr. ROUSSEAU was entitled to the floor.

Mr. ROUSSEAU. Mr. Speaker, it matters very little to me what may be the intrinsic merits of these measures proposed for our adoption if they in fact are an impediment to the admission of the States lately in insurrection to representation on this floor. Sir, the majority in this House have held and now hold in the palm of their hands the power to restore the Union and give peace and harmony to the country.

And yet after seven months, though during all that time the majority could in half an hour have given the country this peace and harmony, we find ourselves to-day further off than we were at the beginning.

Before Congress met, Mr. Speaker COLFAX laid down the rule by which this Congress should be governed on that subject. From that day to this the radical wing of the Republican party has been departing from the Lincoln-Johnson policy. He came to Washington before Congress assembled and made a speech in which he declared that the Representatives of the States lately in rebellion were not to be recognized upon this floor until Congress should decide to admit them.

That, sir, was the beginning of our trouble, and it has been augmenting from that day to this, and now we are here with the results of the war frittered away and the Union declared dissolved. At the first caucus on the Saturday night preceding the meeting of Congress, acting on the programme of Speaker COLFAX, the radical wing of the Republican party, was quietly prepared for burial. The resolution adopted by that caucus and passed by this House buried that wing of the party so deep that nobody will ever be able to find it. It was in pursuance of the plan announced by Speaker COLFAX that the Union was dissolved by the majority of this House.

A great deal has been said about the failure of the President to call Congress together, and he has been much denounced for not doing so. Why, sir, if Congress had staid away from these Halls, and the nation had had its appropriations made so as to carry on the Government two years, the Union would have restored itself.

I think Mr. Speaker COLFAX himself was the first to make the complaint against the President for not calling Congress together. I propose now to see how just these gentlemen are in regard to their accusations against the President. I have the letter of Mr. COLFAX, published a few days ago, and I desire to call the attention of the House to this matter. It was charged in the newspapers that he had been off on some pleasure trip to the Pacific when he ought to have been here to urge upon the President the necessity of an extra session of Congress if he really believed such a necessity existed. Speaker COLFAX, in reply to that matter, says among other things:

"1. I was not Speaker at all when I made my 'interesting trans-continental journey,' my term having expired with the termination of the Thirty-Eighth Congress, March 4, 1865.

"2. I had some expectation of a reelection when the Thirty-Ninth Congress should convene, and came to Washington on the 14th of April, the morning of the very day President Lincoln was murdered, to consult with him as to an extra session."

Mark you, Mr. COLFAX does not say he came on here with a view to get the President to call Congress together, but he says, "I had some expectation of a reelection when the Thirty-Ninth Congress should convene, and came to Washington." Now, I wish to ask Mr. COLFAX, if it was of so much importance to have Congress convene, he being a leading member and likely to be reelected Speaker, if it would not have been just as well for him to have suggested, ay, and insisted upon the convening of Congress; and if he could not just as well have done that as to have gone off on that pleasant and delightful trip to visit Brigham Young and his wives. Was it not the duty of Mr. COLFAX to remain here and suggest to the President, if it existed, the necessity of calling Congress together? But he did not do it. He does not say in this letter that he was of opinion Congress ought to have met, but states that having some notion of being Speaker of the House, he came on here to look after that matter. And so, when he had seen about that, finding that Congress would not meet, he then made the delightful trip to visit Brigham Young and his wives, and gather the materials for that splendid lecture by which he interested all the men, women, and children of this country.

Now, sir, I object to this as unjust. I say

that if Mr. Speaker COLFAX wished President Johnson to call Congress together it was his duty as a leading Union man to have called upon him and asked him to do it. I object to the radical wing of the Union party in this House making that complaint against President Johnson. If they desired President Johnson to call Congress together, then, in good faith, they should have come forward and asked him to do it. I ask, where is the man in this House who ever suggested such a thing to President Johnson? Mr. Speaker COLFAX says that he mentioned it to the President. He called upon him a day or two after the murder of Mr. Lincoln, not a very proper time to discuss such a matter.

But he says he alluded to it; that he asked President Johnson if he intended to call Congress together. The President told him that so suddenly had the responsibilities of the presidential office been thrown upon him that he had not thought upon the matter. And Mr. Speaker COLFAX goes on to say that he did not argue the matter then. That is the first and the last that has been heard of a desire on the part of Mr. Speaker COLFAX or anybody else to have Congress assembled, except what Mr. COLFAX said to Mr. Lincoln. "He did not argue it," no, he expressed no wish even to him that Congress should meet. And when President Johnson told Mr. Speaker COLFAX that the responsibilities of his new position had been so suddenly thrown upon him that he had not thought about it, Mr. Speaker COLFAX did not express any desire about it.

So the only purpose of the Speaker in calling upon the President was to find out when Congress would meet, so that he might be the Speaker of this House; not for the purpose at all of having Congress called together, because he did not ask that it should be done. And when he says in this letter, for Buncombe, that he did not argue that matter with the President, I do not think he gave a fair impression of his wishes in the premises. I do not think the public should be misled by that intimation of Mr. Speaker COLFAX that he desired Congress to meet, when he did not say so, when he did not urge it. He had not expressed the mildest and most modest desire to the President for it; but went off for months to the far West.

Yet the first thing when he came back here was to complain that Congress was not called together. Whose duty was it to urge the assembling of Congress? More than of all others the Union men on this floor should have acted together in that matter, if they really felt that the interests of the country required that Congress should meet.

And a few days ago the gentleman from Illinois [Mr. INGERSOLL] made the same complaint. And he also indulged in a great deal of denunciation on that occasion; a denunciation wholly unbecoming a member of this House; a denunciation, I am free to say, that is unworthy to be uttered on this floor. He denounced the President as a demagogue in so many words, and every man who is for his policy as a lick-spittle, a sycophant, a man crouching at the feet of power to obtain office. Now, I say these are unworthy terms to be uttered by one gentleman of another. And so far as I am concerned I hurl them back in the teeth of those who utter them.

Now, I wish to know what the gentleman from Illinois [Mr. INGERSOLL] has done to entitle him to so lecture the friends of Andrew Johnson. What has he done, or what have those done who are the bitterest in their denunciations of the President and of his friends? They have staid at home, filled offices, denounced treason, and aided to crush the rebellion in that way. The gentleman from Illinois, if he is remarkable for anything, is remarkable for his physical strength. He is in the prime of manhood, stouter than one in ten thousand, and yet he expends his wrath against the rebels and rebellion in denunciation of those who fought for the Government and who are in favor of the restoration of peace, of harmony, and good will.

Mr. FARNSWORTH. Will the gentleman from Kentucky yield to me for a moment?

Mr. ROUSSEAU. I wish to say, Mr. Speaker, that I do not desire to have my train of thought interrupted during this discussion, and I hope no gentleman will—

Mr. FARNSWORTH. I merely desired to call the attention of the gentleman from Kentucky to the fact that my colleague [Mr. INGERSOLL] is not now in the House.

Mr. ROUSSEAU. I am perfectly aware of that, Mr. Speaker; and it is not my fault that he is not here. I was not here when he indulged in that denunciation of Andrew Johnson and his friends. I must take this opportunity to reply to those remarks; and I will say to the gentleman's colleague that, if the gentleman is not here now, I suppose he will be back some day; and I will account to him for whatever I may now say in his absence.

I only wish, Mr. Speaker, to allude in all fairness and courtesy to the course of that gentleman. I shall do it in such terms as seem to me appropriate. If the gentleman were here, I should be glad, because I might then use terms different from those which I employ now. Let me read a part of what the gentleman chose to say on the occasion to which I have referred:

"Sir, let Andrew Johnson remember that the very people who are sustaining him to-day, the very men who are calling upon the country to support the President's policy, are the same men who so vehemently denounced him and hounded him a few months ago. They are the men who were against him and all others who were fighting for the Government during the bloody years of war. None of his old friends support him now, except it may be some parasite, some lick-spittle, who, wants some contemptible office within his gift."

Now, sir, that assertion of the gentleman from Illinois is false, to begin with. It is unjust to the President and his friends; and it is more unjust to the gentleman himself than to anybody concerned. I ask him, sir, who are Grant and Sherman and Thomas? Are not they supporters of the President? And will the gentleman tell them that they are lick-spittles? Who are the hundreds of thousands of honest and loyal men who fought in the war for the Union and who agree with the President? Will the gentleman call them "lick-spittles"? Yes, sir; he denounces them all as lick-spittles, and men who are seeking some contemptible office!

The gentleman did not tell the House what caused all that ebullition of passion and rage. It was the removal of one of his friends from a contemptible office in Peoria; an editor of a newspaper, who was only excelled by the gentleman himself in his abuse of the President and his friends; a man who ought not to have the influence of an office to aid him in his purposes of detraction. That man was removed, and hence all this vile abuse of the President and his friends; hence this unworthy deportment of a member of Congress, assailing, in these times of doubt and distrust, the highest official in the nation. Sir, is that the way in which to restore peace to the country? It is at least the only way in which that gentleman, and others like himself, attempt to do it.

But, sir, as I was remarking, this House, from the beginning of the session, has held restoration in the palm of its hand. A half hour's work would have been sufficient to accomplish it at any moment. If the Lincoln-Johnson policy had been adhered to by this House; if legally elected members from the southern States, loyal as any here, had been admitted upon this floor, restoration would have been accomplished.

But, asks the gentleman from Illinois, what has Andrew Johnson done? I ask you, sir, what has been done in reference to this whole matter that Andrew Johnson has not done? And I ask again, what has been done by him that any man on this floor wishes to have undone? What man dare say that he would repudiate the past action of Andrew Johnson, the steps toward restoration which he has taken? Who would shut up the custom-houses in the South and suspend the collection of customs?

Who would recall the assessors and collectors of taxes in the southern States? Who would close the courts there? Who would recall the postmasters, and suspend the operations of the post offices throughout that portion of the Union? Who would repudiate the President's action in all these respects?

And, sir, what have we done here? Sir, it is said that on a certain occasion Queen Elizabeth, as was the custom of the monarchs of that realm, asked the Speaker of the House of Commons, "What have you passed, sir?" He said, "Seven weeks, your Royal Highness." In like manner you could answer, "Seven months." If we have passed anything else, except a Freedmen's Bureau bill, and a few other such measures, I should like to know what it is.

And yet, sir, this day we might have been at our homes, and the country in the process of healing. We might have had loyal members from southern States who were legally elected on this floor. We might have thus completed the work of Andrew Johnson, and rejoiced in a restored and happy country. Instead of that we have spent all our time in the denunciation of rebels and in provoking sectional strife.

I wish to say, Mr. Speaker, that I have no love for rebels, but that, on the contrary, if I hate anybody I hate those who have brought this trouble upon the nation. I have no excuses to offer for those who were the ringleaders in the commission of this great and terrible crime. I am of the opinion that they should be arrested and tried, and if convicted of treason they should hang for it, if the interest of the country should demand it.

Mr. Speaker, as to rendering some of the classes of persons named in this bill ineligible to hold any Federal office, if it were legally proper, I should not say a word. I believe those who committed this great crime and brought this desolation upon the nation, should suffer for it. I have no hesitation in saying that the nation itself should look to them. But let us punish men according to the laws which fixed the punishment at the time the crime was committed. I would not take the vilest miscreant on the face of the earth, even if I had the power, and punish him against the law. We have had enough of that during the troublous times which, thank God, are passed. I objected to very little that was done by those who administered the Government which was necessary for the successful prosecution of the war. The war, however, is now over, and I think we have had unconstitutional action enough. It seems now we will never get back to the old landmarks; that we will never get back to a constitutional basis, and that men have really forgotten what the Constitution provides for and what it demands.

I said awhile ago, Mr. Speaker, that the Lincoln-Johnson policy had been departed from. I wish to call the attention of the House for one moment to a single instance in which that was done. In 1861 Mr. Maynard, from East Tennessee, was elected to Congress, came to this city, took his seat, and filled out his term. He was elected in August, 1861. He was elected after the ordinance of secession was adopted by Tennessee, after the battle of Bull Run was fought, and in the midst of a mighty war, the end of which no man living could foresee. He came here representing a district in Tennessee, while his colleagues were not able to get here being prevented by the rebels. But we were then told that this war was prosecuted for the preservation of the Union, and for that purpose only. Mr. Maynard after the war is over is again elected to Congress from the same district. He comes to this city to take his seat, but strange to relate is refused admission: Why, sir? I wish any gentleman upon this floor would tell me what difference there is between Mr. Maynard of to-day and Mr. Maynard of 1861. I will yield to any gentleman for an answer. He is the same man. He comes here representing the same constituency. The only difference, sir, is that the war is now over, and we were then in the midst of it.

Taylor comes here. His predecessor elected in that year was also admitted. Stokes comes here. His predecessor was also admitted, not in that year but afterward. He could not get here for the rebels.

Gentlemen say, however, they cannot receive Representatives from isolated districts, but must receive the whole State. Put your finger upon a disloyal man claiming a seat here from that State. Put your finger upon an illegally elected man claiming a seat from that State. Do you know, sir, what their constituency was? I wish to call the attention of the House to that fact.

Mr. PRICE. I ask the gentleman to yield to me.

Mr. ROUSSEAU. Not now.

Mr. PRICE. I understood the gentleman to say that he would give time to answer a question.

Mr. ROUSSEAU. Yes, if you will answer the question what is the difference between Mr. Maynard of 1861 and Mr. Maynard of to-day.

Mr. PRICE. I will answer you by reading Mr. Stokes's language on the subject.

Mr. ROUSSEAU. I ask you in reference to Mr. Maynard, and if you have the answer let us have it.

Mr. PRICE. You referred to Colonel Stokes. I have Colonel Stokes's answer now here.

Mr. ROUSSEAU. Yes; but will the gentleman answer me as to Maynard? I will tell you what I know about Colonel Stokes's district. I know that in his district about ten thousand men furnished bayonets to put down the rebellion; as brave men as ever fought a battle or went to heroes' graves. And not only that, but the country was stripped of everything, and the people are now naked and starving. These people send men here to represent them, and yet they cannot be received. Why should you reject Maynard to-day, when you received him as a Representative in 1861? You tell us that we are lickspittles, and that we have deserted the policy of Mr. Lincoln. Have we left the Baltimore platform of 1864? You tell us, who remain true to that platform that you made for us to stand upon, that we are deserters from the Union party. I again ask some gentleman to tell me the difference between the Maynard of 1861 and the Maynard of to-day, and why he is not admitted now. The only answer of your leader is, that a combination might be formed between the copperheads of the North and the rebels of the South, and that the Republican party might lose its power.

Mr. Speaker, I want to say a word about that. If I have had a wish on earth it has been that the Union party of this nation should retain power. I think it has a right to administer the Government that it saved. I deny the right to those who have been trying to break up this Government to come in now and administer it. And let me say that a liberal and generous policy by Congress would have given a supremacy to the Union party North and South which nothing could have broken for thirty years. That party had a prestige that none other ever had; but that prestige is now in danger of being lost. I tell you, sir, that you must come back to the old Union ground, that this war was prosecuted to save the Government, and not to place power in the hands of a few men to destroy it. And you will come back. Even now you dare not adjourn this Congress without admitting the Tennessee members. You radical gentlemen must come back to the old Union doctrine of Lincoln and Johnson. My prediction is, that Speaker COLFAX, who is one of your leaders, will tell you that you must not go back to your constituencies without doing it. You dare not go back and tell your people that you admitted Maynard in 1861 legally, and could not do it now. The record is against you; the facts are against you; and in the admission of these members is involved the whole question between us. It is the Lincoln-Johnson policy to admit them, and the radical policy to reject them.

Mr. FARQUHAR. Will the gentleman from Kentucky allow me to say a word?

Mr. ROUSSEAU. I dislike to be interrupted. Mr. FARQUHAR. I desire simply to correct the gentleman, and to say that my understanding has been that Speaker COLFAX from the commencement of the session has been in favor of the admission of the loyal members from Tennessee.

Mr. ROUSSEAU. So every gentleman on your side says. You all say that you are in favor of the admission of the loyal men from Tennessee, and are anxious for it. And yet, in spite of your anxiety, seven months have gone by, and I do not see that anything has been done in that direction. Every gentleman in the House says that he is anxious to admit these States at the earliest day possible; but where is the work that you have done toward it? It might be done in thirty minutes. I tell you what it is. When, in 1870, another presidential election shall have passed away, and the majority here shall have secured a new lease of power, then you will let in these men. Your object is not restoration; it is obstruction and procrastination.

Your desire, as was said by a gentleman from Pennsylvania the other day, is to secure the right of the negro to vote in the South so as to counterbalance the votes of the copperheads and rebels. Do any gentlemen suppose they could get the negro vote South? Every master would vote his negro. You would not get them. Sir, I ask this House if it is wise and just and proper to attempt to enforce upon these States such a condition before we will admit members who are legitimately entitled to seats here? And what would this negro vote amount to? The gentleman from Pennsylvania, [Mr. STEVENS,] in his first speech of the session on this floor said that by the operation of the infernal laws of slavery the negroes South were kept in such ignorance that they were unable to understand the plainest terms of the simplest contracts. And a little further on in the same speech, that the right of suffrage should be conferred by Congress upon them; thus placing in the hands of people so ignorant the destinies of a country like this. Such is the radical doctrine.

But what was Mr. Lincoln's policy of restoration? Why, sir, he never dreamed of rejecting loyal men legally elected from the insurrectionary States. In the midst of the war he said that he would take the fact that insurrectionary States were represented in Congress as conclusive proof that no rebellion existed in those States. He invited representation. In his emancipation proclamation of September, 1862, he said:

"The Executive will, on the 1st day of January, 1863, designate the States and parts of States, if any, in which the people thereof respectively shall then be in rebellion against the United States; and the fact that any State, or the people thereof, shall on that day be in good faith represented in the Congress of the United States by members chosen thereto at elections wherein the majority of qualified voters of such States shall have participated, shall, in the absence of strong countervailing testimony, be deemed conclusive evidence that such State, and the people thereof, are not in rebellion against the United States."

Thus we see, sir, that in the midst of the war he told these people to send their representatives here, and that he would regard that as conclusive proof that rebellion no longer existed in those States. And yet now, sir, men professing to be his friends, and the friends of his policy, tell these loyal men from the South that it is impossible that even the best and most loyal of them should be admitted into this Hall.

Sir, you have run away from that policy. You tell us that we are untrue to the policy of Abraham Lincoln; you tell us that we have abandoned his position, and are untrue to his policy of restoration. Why, sir, we have been trying every day to carry it out. We, the Andrew Johnson men upon this floor, have been endeavoring during this whole session to have these men admitted upon it. But we are in so small a minority, and such a powerful and willful—I say it in no offensive sense—majority is opposed to us that we are utterly powerless. We have not been able to get a hearing for any-

thing looking to restoration; and not only that, but the citizens of those States which have been in rebellion, whether loyal or disloyal, are deprived of any right they may have to assert their claims upon the Treasury, or to occupy any position under the Government. My friend from Ohio [Mr. SCHENCK] some weeks ago offered a resolution by which they are debarred from admission to the West Point Academy. The children of these Tennessee soldiers, who have laid down their lives that the nation might live, when they come up and ask places at West Point are told that they cannot be allowed admission there. I would like to hear the gentleman's answer to one of these boys, whose father has fallen in the service of the country and whose mother has paid taxes to support the Government and has contributed to this fund for the support of West Point, when he applies for admission to that institution. I should like to know what he could say to such a son of such a father. And yet that resolution would deprive all the people of the insurrectionary States, without regard to whether they are loyal or disloyal, of the right to receive any of the advantages of West Point.

Now, if that is not frittering away all the results of this war, if that is not rendering null and of no effect all that we have striven to gain, I do not know what is. If anything worse than that could be done, I cannot imagine what it would be. It is placing the loyal and disloyal on the same footing, insisting that they shall all be disfranchised alike. I have only to say to the men on this floor who choose to turn their backs on the loyal men of the South, who have been true to them and to the cause of their country through this war, that if I had held out the inducements they did and then turned my back on them when the time for the exercise of power came, I would hang my head in shame; I would not look in the face of any gentleman whom I had so inveighed into riveting the shackles upon the limbs of his own people.

But we will not submit to this. There will be no trouble about it in time. We will have a hearing before the people, and then all this matter will be righted. I do not believe the people of this nation will give up the Government in this way. I do not believe they will allow any man, whether he claims to be loyal or disloyal, to destroy it. I do not believe they will allow the Union for which they fought so bravely to be broken up in this manner.

We have heard a great deal said about secession, and about its being a crime. I hold it to be as much of a crime as other men do, but did the doctrine of secession originate in the South? Not at all; it came from the very men who are now the bitterest and the most proscriptive in this time of the nation's trouble. It comes from the State of Massachusetts, from Josiah Quincy and John Quincy Adams, who taught secession to the men of the South.

Now, as long as John Quincy Adams lived I was one of his warmest admirers. When I was a boy I was an "Adams man," and I admire him to this day, although in his latter days he insisted upon the right of secession, as did Josiah Quincy, and taught it to these people of the South. Yet I denounced secession and do now all the same. Let me read you what John Quincy Adams said in 1843 about secession:

"We hesitate not to say that annexation [of Texas] effected by any act or proceeding of the Federal Government, or any of its Departments, would be identical with dissolution. It would be a violation of our national compact, its objects, designs, and the great elementary principles which entered into its formation, of a character so deep and fundamental, and would be an attempt to eternize an institution and power of a nature so unjust in themselves, so injurious to the interests and abhorrent to the feelings of the people of the free States, as in our opinion not only inevitably to result in a dissolution of the Union, but fully to justify it."

That, sir, is from John Quincy Adams, in a document published by him and signed by him and nine other members of Congress at that time. He insisted upon the right of breaking up the Government if Texas was annexed.

Josiah Quincy started the same theory long before on a question precisely similar. And I

wish to read what he said on that subject. It is as follows:

"If this bill passes [for the admission of Louisiana] it is my deliberate opinion that it is virtually a dissolution of the Union, that it will free the States from their moral obligations, and as it will be the right of all, so it will be the duty of some, definitely to prepare for a separation, amicably if they can, violently if they must."

That is an extract from Gales & Seaton's Annals of Congress of 1810 and 1811, and, strange to say, Mr. Quincy gives the very same reasons that the secessionists gave when they began this effort to break up this Government, that when a contract was broken by one of the parties to it, of course the other party had a right to repudiate. He gave this reason:

"Is there a moral principle of public law better settled or more conformable to the plainest suggestions of reason than that the violation of a contract by one of the parties may be considered as exempting the others from its obligations?"

There, sir, is the beginning of the doctrine of secession. A portion of the southern people attempted to carry out this principle. We put it down; but let those who taught the doctrine not insist upon too much castigation of others for well learning what they so well taught.

Now, sir, I should be ashamed of myself if I should come upon this floor to arraign the people of Massachusetts, to denounce and abuse them for any opinions which may have been held by the leading men of that State; I should be ashamed of myself as a member of Congress, or as a private man, if I should do so unworthily a thing. But, sir, how often have we had these flings at the State of Kentucky.

And where do they come from? I wish, sir, to call the attention of the House to what was said a few days ago by a Senator from the State of Massachusetts; and I wish, once for all, to denounce this self-righteous conceit, let it come whence it may.

Senator WILSON, on the floor of the Senate, used this language:

"I have felt that this struggle, which was a contest of ideas, of thoughts, of acts, and of blood, was a logical and philosophical contest. It was a contest between men trained in the spirit of liberty; that spirit which embraces in its affections all the children of men of every clime and race; that spirit which pulls not the highest down, but lifts the lowest up, on the one hand, and on the other the dark, malignant spirit of slavery, which shrivels the mind and debases the soul. For two hundred years the one side had been trained to the love of freedom, justice, and humanity, and the other had been trained in the spirit of caste. It was a contest of giants; it was the irrepressible conflict; and it came to blows; and when it did come to blows it rocked the continent with its power. We have triumphed."

Now, Mr. Speaker, I protest against any corner of this nation, or any considerable portion of it, assuming to itself the right to give morals and laws to the remainder of the world; and I especially object, sir, when such an attempt is made by a portion of the country whence came not only the doctrine of secession and revolution, and appeals to resist the measures of Congress, but where was originated in this country the system of slavery itself. The first place, sir, upon this continent to which slaves were ever brought was Boston. I wish to detain the House a moment in showing that slavery had its origin on this continent in that portion of the United States, and that it legally continued there, though virtually abolished, but by law remaining until a very late day, a few months ago.

I read from Moore's History of Slavery in Massachusetts:

"Slavery having never been formally prohibited by legislation in Massachusetts, continued to 'subsist in point of law' until the year 1866, when the grand constitutional amendment terminated it forever throughout the limits of the United States. It would be not the least remarkable of the circumstances connected with this strange and eventful history, that although virtually abolished before, the actual prohibition of slavery in Massachusetts as well as Kentucky should be accomplished by the votes of South Carolina and Georgia."—Page 242.

Now, sir, I insist that it is not for the representatives of such a community to come here asserting that we shall learn our notions of morals or law or liberty from them. Sir, there is no doubt, from the evidence of history, that at an early day the leading men of Massa-

chusetts did enslave their own race; enslaved the Indians; enslaved the negroes. They sold into bondage the children of Quakers, because the latter disagreed with them in reference to religious matters. They sold into slavery the Indians who had surrendered to them on a promise to be treated as prisoners of war.

I hold in my hand a book in which these facts are proved by historical and documentary evidence, and I have as yet seen no attempt at a contradiction of these statements in any of the papers of the country, although always alive to matters of this sort.

Now, sir, that Senator tells us that for two hundred years his people have been "trained to the love of freedom, justice, and humanity." Sir, I shall proceed to read some extracts from Moore's History of Slavery in Massachusetts. I find on page 207 advertisements published in that State as late as the year 1780, after the Declaration of Independence, by which all men were asserted to be free and equal.

From the Continental Journal, November 25, 1779:

"To be sold, a likely negro girl, sixteen years of age, for no fault, but want of employ."

From the same, December 16, 1790:

"To be sold, a strong, likely negro girl," &c.

From the Independent Chronicle, March 9, 1780:

"To be sold, for want of employment, an exceeding likely negro girl, aged sixteen."

From the same, March 30 and April 6, 1780:

"To be sold, very cheap, for no other reason than want of employ, an exceeding active negro boy, aged fifteen; also a likely negro girl, aged seventeen."

From the Continental Journal, August 17, 1780:

"To be sold, a likely negro boy."

From the same, August 24 and September 7:

"To be sold, or let for a term of years, a strong, hearty, likely negro girl."

From the same, October 26, 1780:

"To be sold, a likely negro boy, about thirteen years old, well calculated to wait on a gentleman. Inquire of the printer."

What do we have immediately after that?

"To be sold, a likely young cow and calf. Inquire of the printer."

[Laughter.]

From the Independent Chronicle, December 14, 21, and 28, 1780:

"A negro child, soon expected, of a good breed, may be owned by any person inclining to take it, and money with it."

Mr. Speaker, slavery is a crime. I know it, and perhaps as many wrongs have been done in the South as in any country where slavery has been permitted; but never, sir, have I heard that unborn children were sold or promised to be given away—never, sir, have I heard of that in the South. We have had great complaints about slavery in the South; we have heard of things which disgrace the South, the separation of mothers from their children, but southern man as I am, I have never yet heard of a child being sold down there or promised to be given away before it was born in order not to lose a day of the services of its mother.

Shall we, then, be told by gentlemen who live in this land where all these things have been done that they alone have been true in the cause of liberty, and that all the liberty we are to enjoy shall be taught and secured by them? Shall they come to teach us liberty? Are they the men who are fitted to do it? If this be the liberty and if these are the morals which they wish to bring into the South, in God's name, I say, let them keep them at home! We may be bad enough as it is, but we would be infinitely worse if we followed such teachings.

Much has been said about good, brave old Kentucky in this contest. It has been said she was one half on one side and one half on the other. Unjust flings have been made against her upon this floor.

Now, I wish to say that not only secession and slavery were inherited from Massachusetts, but, sir, this doctrine of neutrality also came from there. In 1812 Governor Strong,

of Massachusetts, played exactly the same rôle as did Governor Magoffin in 1861. I want to call the attention of the House to the course Massachusetts then pursued. Holland, in the History of Western Massachusetts, volume one, page 326, uses the following language:

"The authorities of the United States and the government of Massachusetts came early in collision. Governor Strong was disposed to a strict construction of the Constitution; and as he, like the Northampton convention, could not see in the occasion any laws of the Union to be executed, insurrections to be suppressed, or invasions to be repelled, he declined accession to the requisition made for Massachusetts troops, to be placed at the command of the President."

Ah! is that the law? Is that the liberty the Senator from Massachusetts would teach us? Would he teach us to disobey the laws of the land, and skulk when called upon to fight the common enemy?

We have no such record as that in Kentucky. When Governor Magoffin was called upon to supply the quota of Kentucky of the seventy-five thousand men called out by the President, what did he do? He said that he would not give a man to the cause. He could not wait to write it, so he telegraphed it. The people of Massachusetts sustained Governor Strong. It is, therefore, with just pride that I draw a comparison between the people of Massachusetts and the people of Kentucky. Governor Magoffin refused to furnish men and arms, but what did the people of the State do? They furnished ninety thousand men to put down the rebellion. They appointed a military commission over Magoffin's head. They did not refuse to stand by the Government, as in the case of Massachusetts. There were men who, in spite of the Governor's proclamation, in spite of the authorities of the State, raised troops in defense of the Government, and when the time came they were there ready to do their duty, and did it.

Contrast Kentucky with Massachusetts. Contrast her with any State. She was called upon to strike the enemies of the nation in the late rebellion, and she said, "As our brethren, kindred, and friends are in the rebel army, let us wait a little. Let us have a little time. Let us not fight until we can talk the matter over. Do not insist that brothers shall plunge the bayonet into each other's breasts until we can have an opportunity to try other means of settlement." But how was it with Massachusetts in the war of 1812? Not a man raised his arm against a foreign enemy. They were a law-abiding people (?) and obeyed their authorities, and refused to come to the aid of the country.

Kentucky has begged the northern people to stand by the principles upon which we fought. We begged you to recognize the good men of the South so that what was known as the Union party there might exist. But you turned your backs coldly upon us; you would not even hear us. When you had few friends there we stood true to you and to the Government. All the denunciations of our enemies could not drive us from the Government and its friends. We were denounced as Hessians, as Yankees, and Lincoln hirelings. Why cannot you have the independence as your friends had there to overcome party feeling and stand upon the principles of your own platform at the outset of the war?

I ask the professed Union men of this House why they have abandoned us and the cause of the Union. It has been the constant habit here to make flings at my native State. I have told you what Massachusetts has been. I do not abuse the masses of that State. As I said before, I would be ashamed to hold them responsible for the acts of their ancestors. I only ask that they shall not, like Pharisees, insist that they are better than all other men, or that their State is better than all other States of the Union.

But again, Massachusetts was the first State in this Union where treason reared its ugly head. Holland, in his history, already referred to, gives an account of Shays's rebellion in Massachusetts. Of all the traitors in that rebellion but one man was punished, and that by

being forced to sit upon the gallows with the rope about his neck for one hour. Shays himself, being pardoned by the Governor of Massachusetts, afterward drew a pension from the United States Government, for revolutionary services, till the day of his death.

Such is Massachusetts, who thanks God that she is not like other States, and such is Kentucky, who thanks God that she is no worse than she is. It is an easy thing to say hard words, to abuse and denounce men and communities; but, sir, of all the States in the Union—I say it without fear of contradiction—none has done so much, considering her means and resources, as the State of Kentucky to put down the late rebellion. In 1861, divided as she was, she took up arms and kept herself in the Union. Missouri and Maryland remained because Kentucky remained, and in my judgment by that saved the Union.

I know it is said by some northern non-combatants, stay-at-home patriots, that they would have been glad if Kentucky had seceded so that they might have whipped her back. I would like to see these persons try it. Why, sir, if you had changed the two hundred and fifty thousand soldiers from the loyal to the rebel side in the States of Maryland, Missouri, and Kentucky, do you think you would have conquered the rebellion? As it was, the best men often doubted the result; it was doubted what would be the result; and yet gentlemen who never whipped anybody talk about whipping back Kentucky!

I might to-day denounce the leading men who gave us all this trouble, the persistent rebels, such as Wise and Slidell, according to the feeling of resentment which I entertain for them, if it had not already been done on this floor to such an extent that I am ashamed to add anything further.

We talk often about guarantees. Guarantees for what? Are you afraid of the rebels? They are disarmed, helpless, and prostrate, and unable, if they would, to trouble you any more; and yet you demand guarantees. Guarantees such as the lion might ask from his victim crushed and overcome. We are strong; we have all the arms and munitions of war, all the armies and all the resources; we have a starving, humiliated, dying people prostrate before us, and yet we talk of guarantees!

[Here the hammer fell.]

Mr. WINDOM obtained the floor.

Mr. ROGERS. I hope the time of the gentleman from Kentucky will be extended.

Mr. PRICE. I must object to any extension of time.

Mr. BANKS. I trust the gentleman's time will be extended. It is a courtesy which has always been granted to gentlemen heretofore this session.

The SPEAKER. It can only be done by unanimous consent.

Mr. DUMONT. I appeal to the gentleman from Iowa to allow the time of the gentleman from Kentucky to be extended.

Mr. PRICE. I would do so cheerfully, but there are other parties whose rights are involved.

Mr. ELDRIDGE. I trust the gentleman from Iowa will not persist in his objection. There has not been a single occasion when this privilege has been asked by gentlemen upon the other side of the House that it has not been unanimously granted.

Mr. ROGERS. Always.

Mr. ELDRIDGE. There has never been an occasion on which it has not been unanimously accorded by us.

The SPEAKER. Is there objection to an extension of the time of the gentleman from Kentucky?

Mr. PRICE. I was only acting as the agent for other parties. I am perfectly willing that the gentleman should go on.

The SPEAKER. The Chair hears no objection, and the gentleman from Kentucky will proceed.

Mr. ROUSSEAU. I am obliged to the gentleman from Iowa, whether acting as the agent

of others, or acting for himself, and to the House for the courtesy extended to me.

I was saying that we constantly hear talk here about guarantees. I ask, what do we want with guarantees from the insurrectionary States? What right has the nation to ask guarantees from a portion of the people? A guarantee, to be worth anything, and mean anything, ought to be binding on all the people and all the States alike. I deny the right to demand of Massachusetts guarantees which are not demanded of South Carolina, and *vice versa*. I insist that a guarantee, to be binding at all, ought to be binding upon the whole people of the United States. And, sir, it is a paltry excuse to talk about danger from the southern States. We have conquered the people there. They will never be in power again in our time, and perhaps never again as compared with the balance of the nation. Mr. Speaker, the men who have put down this rebellion, the soldiers of the war, have no fear of the rebels either with or without arms, and, sir, strip them as they are now stripped, and who can lay his hand upon his heart and say that he fears them?

I said, sir, awhile ago, that flings had been constantly made at my native State, in my hearing, upon this floor; and last and least of all things and everybody, let us give a moment's attention to the member from Iowa, [Mr. GRINNELL,] who first assailed her here. Shortly after Congress assembled he assailed my State and myself; he charged that I had degraded my native State by saying that I would defend my family against the agents of the Freedmen's Bureau. That member was pleased to say on the floor, in answer to a suggestion of my colleague, [Mr. SMITH,] that he did not know whether I had fought four years on the rebel side or on the Federal side in the late war.

I had under my command and fighting under me from that member's State, some of the bravest troops from any State in the Union. I was in the war from the beginning of it until the end. In the Northwest I was known to have been in the Federal Army; but that member said he did not know whether I was on the rebel or the Federal side. I do not suppose a member in the House believed one word of what he said.

Mr. GRINNELL. Mr. Speaker—

Mr. ROUSSEAU. No, sir; I cannot be interrupted now. I wish to say that when a member can so far depart from what everybody believes he ought to know, and does know is the truth, it is a degradation, not to his State, for he cannot degrade her, but to himself. Iowa is not to be degraded by any one or even by all of her members on this floor. She is a gallant State, and I know what her people are.

Mr. Speaker, this Congress must soon adjourn, and when it does we will submit the question which this Congress has failed to settle to the people of the United States. I have no doubt of the result of that submission. I do not believe that the Union men of this nation will either see this Government go to pieces or see a reunion obstructed or procrastinated. I think they believe that peace means something; that it does not mean war at the ballot-box, war in the churches, war in social life, but that they believe that peace will be promoted by the restoration of the Union.

I believe the soldiers of this nation will take care of the Government they have saved, and, for one, I will join in an appeal to them to come forward and maintain that Government and take care of it now, as they did in the days of the rebellion. The soldiers of this country will not turn a deaf ear to those who desire to save the Government from every enemy. We will appeal to them as we did in time of danger and of death, and they will respond as they did then, when they fought with but one purpose on earth, and that was to save the Government.

And you may husband all your powers of denunciation, all your sources of irritation; you may appeal to all the bad feelings and passions, because they have stood you in good stead heretofore. If ever you yield for one

moment, if you will only allow it, the lately beligerent sections will embrace and be friends. If Congress will but stand aside, the contending factions will come together and restore the Union. All has been done but one thing, namely, the admission of representatives from the States lately in rebellion; and Congress will not do that, but upon a hearing the people will direct this to be done, and then this war will not have been fought in vain.

Mr. WINDOM resumed the floor.

Mr. PRICE. Will the gentleman yield to me for ten or fifteen minutes?

Mr. WINDOM. I do not desire to go on to-day, and if I can yield for fifteen minutes to the gentleman from Iowa [Mr. PRICE] without losing my right to the floor or having it come out of my time I will do so.

The SPEAKER. That arrangement can be made only by unanimous consent.

No objection was made.

Mr. GRINNELL. I desire to give notice that when my colleague [Mr. PRICE] shall have concluded his remarks I shall claim the floor for a personal explanation in reply to some remarks of the gentleman from Kentucky, [Mr. ROUSSEAU,] who, I hope, will remain here and listen to what I may have to say.

Mr. ROUSSEAU. I shall remain, and endeavor to hear patiently what may be said.

CLAIMS AGAINST VENEZUELA.

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 10th ultimo, calling for information relative to the claims of citizens of the United States against the republic of Venezuela, I transmit a report from the Secretary of State.

ANDREW JOHNSON.

WASHINGTON, D. C., June 11, 1866.

On motion of Mr. BANKS, the message, with the accompanying documents, was referred to the Committee on Foreign Affairs, and ordered to be printed.

REMOVAL OF SIOUX INDIANS.

The SPEAKER also laid before the House the following message from the President of the United States:

To the House of Representatives:

I transmit herewith a report from the acting Secretary of the Interior, communicating information requested by the resolution of the House of Representatives of the 21st ultimo in relation to the removal of the Sioux Indians, of Minnesota, and the provision made for their accommodation in the Territory of Nebraska.

ANDREW JOHNSON.

WASHINGTON, D. C., June 9, 1866.

The message, with the accompanying documents, was referred to the Committee on Indian Affairs, and ordered to be printed.

RECONSTRUCTION—AGAIN.

Mr. PRICE. I presume I need not assure the House that I have not risen to make a speech. And if the gentleman from Kentucky [Mr. ROUSSEAU] had allowed me to put in Colonel Stokes's remarks upon the question of restoration, I would not have asked the privilege of detaining the House at this time for even ten minutes.

I do not propose to discuss the question whether Massachusetts or Kentucky are most at fault for keeping alive the institution of slavery. I do not propose to discuss the question whether we are the parties who with the poniard drew the blood of our brothers unprovoked and without cause. I do not propose, at this late hour, to go into any of these questions, whether immediately or remotely connected with the institution of slavery. I am very thankful, however, that I have lived to see the day when slavery with all its incidents and concomitants, I hope, is dead, and nothing remains but to have its dead carcass buried out of sight, never to be resurrected.

But I have risen to say just a few words, within the limit of time which has been allowed to me, in reference to the difference between the President and Congress on the question of reconstruction. I think it of vital importance to the country that that question should not be misunderstood, for in my opinion upon the decision of that question depends the weal or the woe of this country for all time to come; and not only of this country, but of all countries for all the years of the coming future. And the men of this Congress have the privilege, and I thank God for my belief that they have the power, to establish now the institutions of this country upon a basis that shall be so broad and so deep that the revolutions of all the future will not be able to unsettle them in the least degree whatever, and for the proper exercise of this power the country and the world will hold us to a strict account.

I say, that in view of the great questions that now agitate the minds of the American people, I think it of great importance that the people of this nation should not be misled in regard to the difference which now exists between the radical members of this Congress and the President of the United States. I understand that difference to be simply this: the President insists that the States recently in rebellion shall be, and should have been at the commencement of this session, unconditionally admitted to representation upon this floor; at least without any condition-precedent, except the one that their Representatives shall be loyal men.

Mr. ANCONA. And legally elected.

Mr. PRICE. And legally elected; that in reference to the condition of the States, and in reference to the condition of the constituencies by which these men were sent here, no inquiry, no investigation, no judgment should be given by the Congress of the United States; that, indeed, there was to be no power in Congress to direct or even to advise how this should be done so as to secure the safety of the nation in the future. This is purely a difference of opinion which might fairly exist between honest men inside of this Hall and the President. Each, I grant you, has a perfect right to his own opinion on this subject, but neither has the right to proscribe the other because of that opinion. But I am sorry, sir, to be compelled to say in this House, in the hearing of the country, that the President has so far forgotten himself and the position which he occupies as to proscribe men simply for the expression of that opinion. This is a fact so patent that no man in his senses dares to deny it, for official heads are falling almost every hour into the basket prepared for that purpose, and for no other reason but because of a difference of opinion with the President on this question.

But I rose more particularly to reply to a remark of the gentleman from Kentucky [Mr. ROUSSEAU] when speaking of the gentlemen elected from the State of Tennessee. So far as I know them they are loyal men. Some I know are, but I do not know them all. Now, when he referred to those gentlemen as indorsing his statement that they opposed the action of Congress and sustained the action of the President on this great subject, which at this time is agitating this country and the world; I say when he named Colonel Stokes, I thought it was a pretty good opportunity to let Colonel Stokes speak for himself. If I had been allowed to read what Colonel Stokes said on the subject I would not have troubled the House with these few crude remarks.

The gentlemen who come from Tennessee are good men. No man upon this floor will receive them with more open arms or give them a more cordial welcome when the hour arrives that they can be admitted with safety to the Union than I will. I think they are entitled to great credit for the noble stand which they took during the troublous times of the late civil conflict. I say that when the safety of the country will justify the reception of these men upon this floor as members of

Congress no man will go further and no man will be more rejoiced than I will be. I ask it to go upon the record, that when I express these sentiments I only express the opinions of the radical members of the Thirty-Ninth Congress.

Colonel Stokes risked his life on the battlefield in support of the Government, and has been elected by as loyal a constituency as any gentleman from Tennessee; and I think he ought to be presumed to know as much about the matter as the gentleman from Kentucky. He goes before the people and gives his statement of the whole question. I am perfectly willing that the people of the United States shall, on his statement, decide between Congress and the President. We are told by the friends of the President that the battle is to be fought at the ballot-box on the second Tuesday of October next, and later this fall. Yes, sir, the battle is to be fought there, and there it is expected to defeat the radicals and hand the country over to the men who favor the President's policy. Well, sir, we are prepared to meet them. We only want the issue to be fairly understood. We want the people to know before they deposit their ballots who have been to blame, whether Congress or the President. When the question is fairly submitted I have a perfect confidence on which side success will be. I am perfectly willing to let the case go to the jury of the country and abide the judgment. I feel confident it will not be with those who sustain the policy of the President.

Now, what does Colonel Stokes say? He knows what he talks about. Notwithstanding what my friend from Kentucky has said about slavery in Massachusetts and slavery in Kentucky, I am perfectly willing to let the people decide the question at the ballot-box on the testimony of Colonel Stokes. Let me read what he says:

"But it is said a radical Congress will not admit Union men of the South. I am one of those men, and an applicant for a seat in Congress. I believe when the proper time comes Congress will do its duty in regard to Tennessee and any other State that takes the same position. Why is it not done now? We have had a war for four or five years. You cannot expect Congress to heal all these differences in a few days. It was their duty to examine the condition of the government of these States, to examine their constitutions and laws, and when their loyal government is properly established to recognize it, and then one point is settled. After that comes the question as to the qualification of members. Congress had a right to proscribe a test oath, and I say here that I would sit in my seat until I froze to death before I would ever vote to repeal that oath until the southern people and their papers show a different tone toward the Union men of the South."

"Now, the President has said himself that Congress must declare the State government properly established before it can become valid. Why, then, are these States not admitted? Because they have not complied with the President's own requirements? But Tennessee has; why is she not admitted? I will tell you. Congress asked for evidence as to these States. It asked for the proclamations, constitutions, documents, laws. The President never sent them to Congress until March. But meanwhile it had been gathering proof from other quarters, and at length it was just ready to admit Tennessee. Then one branch of the Legislature was disorganized, and the rebel element, not being willing to submit to the rule of the majority, sought to break up and destroy the government. They left the House without a quorum, and it is still without a quorum. And I say that while the government was in that condition, there is not a man of you who would think that State should be recognized. We therefore do not complain of the delay. We know that admission now would destroy the Union element of those States. Congress is doing right in holding them back. When the rebel armies first surrendered, there was everywhere a disposition toward loyalty; but I stand here to-night to say that there is now a feeling as bitter toward the Union men of the South as there ever was in 1860 or 1861. And the facts have proved that Congress, in its cool and deliberate treatment of the matter, deserves the thanks of all Union men in giving opportunity for these rebels to show their hands. Time will show that Congress was right. But all these things will be settled wisely and safely, and when loyal men get control of these governments there will then be no difficulty, and all these questions will be satisfactorily settled. In Tennessee we shall elect new members to make a quorum on Saturday next; then the franchise bill, securing control to loyal men, will pass; and then I have no doubt that Congress will act promptly and rightly."

There, sir, is the opinion of a man who lives in Tennessee, a loyal man, an honest man, a fearless man, in whose face these doors have

been shut for seven long months, and yet he to-day tells us that we are doing right. If we are doing right, as a matter of course the President must be doing wrong in opposing us. He says we are not only doing right, but that the loyal people of the country ought to, and will, give us their applause because we are doing right in this matter. Stronger testimony than that can hardly be adduced upon this question. It bears directly upon the point and comes from a man fresh from the battle-field where he has been contending with red-handed traitors.

And here are a couple of resolutions which I want to have read, adopted a few days since by the Union men of Tennessee—the bone and sinew of that State, who, when she comes in again under the old flag will be the men who will carry it in the forefront of the advancing column of freedom:

Resolved, That we unite with our brother radicals of Tennessee in a feeling of esteem for and confidence in those two unflinching patriots and statesmen, Charles Sumner and Thaddeus Stevens, who have defended them in Congress against the calumnies of their enemies, and that we tender the heartfelt thanks of the Union men of Tennessee for their efforts, in connection with the Union party of Congress, to establish a policy by which, in the language of our late President, *alias* 'my policy,' 'traitors may be punished and treason made odious.'

Resolved, That the ex-rebels of Tennessee, who, by their own acts, voluntarily renounced the principles of the elective franchise, and freely took up arms to destroy a Union to which they only returned when all their efforts had failed, have thereby forfeited all claim to American citizenship and are only in the Union, as reconstructed traitors and paroled prisoners."

There is the indorsement of Mr. Stokes's constituency after having read the speech before referred to and having had time for consideration. Now, Mr. Speaker, this is the testimony of the men who are immediately interested, and are personally cognizant of all the facts and circumstances connected with these matters from the beginning to the end of the war, and they are satisfied, and if they are, should any one else complain?

And now, sir, thanking the House for its indulgence, I only say, that with the help of God and the strong right arms of the loyal men of this country and the clear consciences in the breasts of the radicals in Congress and in the country, we intend to reconstruct this Union and take in the honest men of the rebel States, not only as prodigals, but as brethren. The loyal and true men, both North and South, do not want this done until it can be done with perfect safety to the whole country.

Mr. WINDOM resumed the floor.

Mr. GRINNELL. I ask the gentleman to yield a few moments.

Mr. WINDOM. Certainly.

Mr. GRINNELL. Mr. Speaker, it is with the greatest reluctance that I rise to say anything which might seem personal. I have been a member of this House for three sessions, and in all that time I have had no personal controversy save with the member from Kentucky, and no unkind feeling toward any person in the House. I claim to be a man of peace and to demean myself as becomes a gentleman. But, sir, when any man, I care not whether he stands six feet high, whether he wears buff and assumes the air of a certain bird that has a more than usual extremity of tail, wanting in the other extremity, says that he would not believe what I utter, I will say that I was never called to stand under an imputation of that character in the company of gentlemen.

The member begins courting sympathy by sustaining the President of the United States, preparatory to his assault upon me. Now, sir, if he is a defender of the President of the United States, all I have to say is, Heaven save the President from such an incoherent defender.

But his military record, who has read it? In what volume of history is it found?

Yet some time ago the gentleman asked some of us, "What did you do in the rebellion but make speeches?" And he told us that he was in the field, and made sacrifices with regulars, &c. Since he has alluded to Iowa, I will give the opinion of a leading officer from that State, for not two weeks ago he told me that when there

was a noise in camp, the men said, it is either a rabbit or a general R. He the defender of the soldiers of Iowa! Sir, they want no such defender; they need none of his defense. He has not led our regiments in campaigns, and it is all pretense; it is the merest mockery; it is the merest trickery, the merest blowing of his own horn for him to say that he led our soldiers to victory in the deadly hail under his command. But he comes here to traduce a humble person like myself. In the first place, he charged me with saying what I never did say. When he went down to make a speech to the meeting in New York, he is reported to have said this:

"As I said on the floor of Congress on one occasion, as a fling was made at my native State by a pitiable politician from Iowa. [Hisss.] You will excuse me for giving his name; but I believe it was one Grinnell."

It was "one Grinnell" that he alluded to. But I never made any fling at Kentucky. But that is not all. He was not content with using my name, but he refers to an honorable gentleman of this House in these terms: "I say that man is a miscreant, and I cannot find words to express my disgust and contempt for him." To whom does that relate—to a member of this House?

Mr. HARDING, of Illinois. Is this sort of debate in order?

The SPEAKER. The gentleman from Iowa had permission to make a personal explanation. If the gentleman raises the question as to personalities, the Chair will decide it.

Mr. ROUSSEAU. Shall I be held responsible for newspaper reports?

The SPEAKER. The Chair cannot answer that question.

Mr. BANKS. I do not understand that in giving consent to the gentleman from Iowa the House gave consent to him to make personal allusions which are not justified by the rules of the House.

The SPEAKER. They do not; but it is the rule, as the gentleman well knows, having occupied the chair himself, that when leave is granted to a member to make a personal explanation the Chair does not check personalities, but waits for some member to make the point of order.

Mr. BANKS. I understand the gentleman's privilege to be to state what he regards necessary to explain his own position.

The SPEAKER. If the gentleman from Massachusetts makes the point of order on the gentleman from Iowa the Chair will decide it.

Mr. BANKS. I do make the point of order.

The SPEAKER. The Chair sustains the point of order, and decides that the remarks of the gentleman from Iowa are personal and out of order.

Mr. ROUSSEAU. If the Speaker does not protect me from such remarks I must protect myself.

Mr. GRINNELL. I was alluding to remarks made by the member from Kentucky. If he says he did not make those remarks, of course I have nothing further to say. I refer to this in reply to the premeditated assault that has been made upon me.

Mr. ROUSSEAU. I did not say that THADDEUS STEVENS was a miscreant, and there is no evidence of it.

Mr. GRINNELL. The evidence I find in the reports of three New York newspapers, one of which is before me.

Mr. ROUSSEAU. What I said was that the man who placed himself between the recently contending sections to keep them apart was a miscreant. I did not say that Mr. STEVENS was a miscreant.

The SPEAKER. The Chair sustains the point. The gentleman from Iowa is out of order in this course of remark; and as the gentleman has been twice called to order, the Chair will check him, if he again violate the rules.

Mr. GRINNELL. Mr. Speaker, I resume to say that the charge that I have insulted Kentucky, which is made the ground of a fling at me, is altogether a mistake. I never insulted Kentucky. I did say that when the member from Kentucky said that he would shoot an

officer in the discharge of his duty, he made a remark unworthy, as I thought, of his State and of a United States officer. That I fastened upon the member, and that I regard as the occasion of his assault to-day. I proved, too, what I said on that subject.

Now, sir, I wish to deny any unfriendliness toward the member or toward the State of Kentucky, and that I ever made any remark which could be construed to mean anything unfriendly in that respect. So far from that being the case, I have held Kentucky in high regard, her early history and statesmen.

Now, sir, why should I speak of this matter? Certainly not because I believe that my constituency would doubt my word, but allusion has been made to the soldiers of the different States. I am proud to say that I represent a district that sent thirteen thousand men into the Army. Can the gentleman say so much for his district of which he boasts? I did speak something about the men from Kentucky fighting on both sides; but the record of Iowa soldiers is unquestioned, and it was not made under the leadership of any Kentucky general on this floor. It was made under the leadership of their own colonels and generals, and under General Grant and General Sherman, Sheridan, and others.

Mr. Speaker, this is a painful exposition. But I am not responsible for it. When I make an assault, I expect to receive an assault in return. I have never assaulted my equals and associates, and therefore I am not in the habit of receiving assaults in return. I have never risen here to question the integrity or doubt the veracity of any gentleman on this floor; and but for the fact that my personal integrity was assailed and that my words were misquoted, I would not have risen here to-day. I have alluded to what was said in regard to me. The gentleman remarked that he did not care a fig about what I said; but when he goes and proclaims the matter in a great city in the presence of thousands of people, I conclude that he does not rest altogether well satisfied under the well-proven charge of having declared that he would shoot an officer of the United States on duty under certain circumstances. And then the member whines off with a woman's plea, taking refuge under feminine skirts, as a certain other gentleman in rebellion went off in disguise.

The SPEAKER. The Chair thinks that the remarks of the gentleman are out of order.

Mr. GRINNELL. I have nothing further to say.

Mr. ROUSSEAU. Mr. Speaker, I ask leave to say a word or two.

The SPEAKER. Is there any objection to the gentleman from Kentucky making a personal explanation?

There was no objection.

Mr. ROUSSEAU. I trust, Mr. Speaker, that in what I may say I shall not follow the example of the member from Iowa, but shall deport myself in a manner worthy of my position here.

Sir, when making some remarks in this House on a former occasion, I alluded to the outrages committed by agents of the Freedmen's Bureau in the city of my home. I stated a case in which a man with his wife and daughters were about to be arrested and held over night, and then tried in the morning by an unauthorized person, the agent of the bureau; that they had appealed for protection to General Watkins, the commander of the post at Louisville, and I joined in insisting that they should be protected. In alluding to that, I said that if any man, without lawful authority, acting in defiance of the laws and Constitution, though claiming to act under the authority of Congress—asserting the right to act as judge, sheriff, and jailor; all combined in the same person—should treat my family in that way, I would defend them, and though blood came from it, I would strike for my family. That was what I said.

So far was I from supposing that in those remarks I had offended any one, that observ-

ing the person then occupying the chair [Mr. GRINNELL] to be so exceedingly polite to me during my speech I asked a gentleman the next morning to introduce me to him that I might thank him for his attention to me. Hence I was much surprised to learn from the Globe a day or two afterward that I was charged by him with having uttered sentiments that degraded my State; that I had threatened to shoot an officer in the discharge of his duty. Why, sir, it was not the duty but against the duty of this man to make an arrest of this sort, to invade the privacy of a man's family and to outrage the laws by a violation of personal rights; and it was this I complained of.

Sir, there was no reason for that assault upon me. I replied to it upon that occasion in what seemed to me fitting terms, and the matter passed by. To-day, in alluding to the State of Kentucky, I referred to it again. The member from Iowa had said very cavalierly and with much contempt that he did not know whether I fought on one side or on the other, on the rebel or on the Federal side. I have said to-day, and believe now that members will sustain me in the assertion, that he did know on which side I fought.

Mr. GRINNELL. I never said that.

Mr. ROUSSEAU. Well, if the Globe does not bear me out in my statement of the member's language I will acknowledge that I have been mistaken. What the member said was that he did not know whether I had fought four years on the Federal or four years on the rebel side, but that I had uttered a sentiment which degraded my State. That is my recollection of the matter, and I am sure that I am not mistaken.

Mr. GRINNELL. What I said was that I did not care whether the gentleman had fought on the one side or the other.

Mr. ROUSSEAU. Sir, the member's language, as I have quoted it according to my best recollection, seemed to me at the time to be highly improper and exceedingly unjust. The first declaration was that I degraded my State by having uttered that sentiment. Now, sir, I believe there is not a member in my hearing, unless it be the member from Iowa, who would not utter the same sentiment, and who would not do what I declared I would do—who would not stand by his wife and children in defending their rights when illegally and oppressively invaded. The man who would not do this is unworthy of the name of man, and I believe that even the member from Iowa himself would not prove so recreant to all the principles of manhood.

That member has been pleased to-day to make some personal allusions to me. I will not resent anything he can say, because, as I understand, he declares that he cannot be insulted. With such a man I can have no quarrel, and because I look with utter contempt upon anything he could say.

Mr. GRINNELL. No, sir, I never said that.

Mr. ROUSSEAU. There is one incident which that member has mentioned about which I desire to say a word. He refers to an anecdote which may be found in the Annals of the Army of the Cumberland—a history of the war in the West. This anecdote was told by General Jeff. C. Davis one evening at table with General Rosecrans and some thirty officers, to the great amusement of all. The matter is this: I had been absent from the Army, visiting this city, endeavoring to get leave to raise some troops. On my return, wherever I went, my troops cheered me, as was their custom after an absence. Cheering among the troops at that time was somewhat unusual; for I regret to say that at the beginning of the war there was not so much enthusiasm with regard to general officers as could have been wished. This cheering always created a commotion in the camp. There was also another cause of shouting and cheering.

The soldiers, whole regiments, often got after a rabbit, and surrounding him, would shout and chase him almost scaring him to death till they caught him. Such shouting and cheering occurring one day, General Jeff. C.

Davis, as he stated at General Rosecrans's table, as before mentioned, asked the sentinel before his door what it meant, who replied he did not know, but supposed it was either Rousseau or a rabbit. The whole Army is acquainted with the joke, and the member from Iowa can find it in the book referred to, set down as a compliment to me. It was, in fact, a by-word in the army of the Cumberland. I was proud of it, for it evinced my popularity with the brave men I commanded.

I care very little what such a man as that member may say of my department as a soldier. I tell that member, sir, there are more than fifty regiments from the great Northwest who served under me, and the history of no one of them can be truthfully written in which my name will not be honorably mentioned. Go to the men from Iowa, the member's own State, and I will give my right arm if he can find one of them, from the highest to the lowest, who will not testify to my soldierly bearing in all things. Thank God, my name shall go down to posterity linked in honor with theirs. We endured together the hardships, and faced the dangers of a soldier's life, and we have reason to know and respect each other.

The member is mistaken when he says no Iowa troops were under me. The fifth Iowa cavalry, Lieutenant Colonel Patrick, were with me on various occasions and fought under me. They were among the best of my command in the expedition which destroyed thirty-five miles of the most important railroad one hundred and thirty miles in the rear of Johnston's army while in front of Atlanta. Let that member read the history of troops from his own State, or let him ask any man of the fifth Iowa cavalry who was their commander in crossing the Coosa river and in repelling the various raids of Forrest and Wheeler.

I have a warm place in my heart for the soldiers of the Union, and when I speak of them I must say what I feel.

If I am six feet high, as the member has said, it is no fault of mine—I am as God made me; and if I have had courage to serve my country I am thankful. I thank God I have had the courage and strength to do it. I have never dreamed of making a parade of it, and certainly not when I call upon *par excellence* stay-at-home patriots upon this floor, who denounce the friends of the President as lickspittles, to know in what manner they have served their country except in denouncing rebels, filling offices, and drawing salaries.

I hope now that I have heard the last of the member from Iowa. I hope I shall never have occasion to recur to the subject again. Whatever glory he has gained in this contest I am content he should wear.

Mr. GRINNELL. The occasion is no fault of mine.

And then, on motion of Mr. THAYER, (at four o'clock and fifty-eight minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule and referred to the appropriate committees: By Mr. BANKS: The memorial of Horatio Natur, claiming compensation for services rendered to the Census Office, Department of the Interior.

By Mr. HUBBARD, of West Virginia: The petition of I. H. Atkinson, of Hancock county, West Virginia, asking compensation for property taken and used by the troops of the United States.

By Mr. HALE: The petition of John F. Atcher, of Washington, District of Columbia, praying that a share of the rewards offered for the detection and arrest of the assassins of President Lincoln may be awarded to the petitioner.

By Mr. HOLMES: The petition of D. H. Rasback, and others, citizens of Madison county, New York, for repeal or modification of law imposing tax of ten per cent. upon banks paying out the notes of State banks after July 1, 1866.

By Mr. PERHAM: The memorial of Maria Accardi Jennings, guardian of Edward J. Accardi and Lavinia M. E. Accardi, for pension.

By Mr. TAYLOR: The petition of David Dines, Nancy Dill, and 42 others, pensioners, praying that suitable provisions be made to prevent United States pension agents from deducting fees from payments made to pensioners, and protesting against any bill allowing the United States pension agents fees for preparing papers and administering oaths.

IN SENATE.

TUESDAY, June 12, 1866.

Prayer by the Chaplain, Rev. E. H. GRAY. On motion of Mr. LANE, of Indiana, and by unanimous consent, the reading of the Journal of yesterday was dispensed with.

PETITIONS AND MEMORIALS.

Mr. EDMUNDS presented the petition of Darius Ferris, of Westport, New York, praying for a pension on account of naval services rendered in the war of 1812; which was referred to the Committee on Pensions.

Mr. TRUMBULL presented a petition of citizens of Marengo, a petition of citizens of Galena, a petition of citizens of Geneva, and a petition of citizens of Freeport, all in the State of Illinois, praying for the passage of a bankrupt law; which were referred to the Committee on the Judiciary.

Mr. GRIMES presented a petition of John McNally, and others, employés around the President's House and grounds under the administration of Mr. Lincoln, praying for compensation for extra services rendered by them; which was referred to the Committee on Public Buildings and Grounds.

Mr. JOHNSON presented a petition of merchants of the city of Baltimore, engaged in the importation of coffee, sugar, &c., praying that the benefit of the provision in the bill now pending relating to sales made by or authorized through another wholesale dealer on commission, shall be so extended in the case of commercial brokers as to exempt them from the payment of a tax on sales of any goods, wares, or merchandise in cases where a tax on the sales is paid by wholesale dealers as such; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. LANE, of Indiana, from the Committee on Pensions, to whom was referred the petition of Abraham Lansing, who was in the naval service in the war of 1812, praying for a pension, submitted a report, accompanied by a bill (S. No. 366) granting a pension to Abraham Lansing. The bill was read, and passed to a second reading, and the report was ordered to be printed.

Mr. HOWE, from the Committee on Commerce, to whom was referred a bill (H. R. No. 344) to incorporate the Niagara Ship Canal Company, reported it with amendments.

Mr. CONNESS. The Committee on Commerce, to whom was referred a joint resolution (S. R. No. 98) to amend an act entitled "An act to authorize the establishment of ocean mail steamship service between the United States and China," approved February 17, 1865, have instructed me to make a report in writing. This is a joint resolution concerning the application of the Pacific Mail Steamship Company for a release from that portion of their contract which required them to stop at the Sandwich Islands on their route to Japan and China. The committee recommend the passage of the resolution. I will state that the report embraces some very valuable statistical and other information furnished from many sources; a very valuable report from the Postmaster General upon this subject. I therefore move that, in addition to the usual number of copies of the report, one thousand additional copies be printed; which motion, I suppose, will go to the Committee on Printing. The PRESIDENT *pro tempore*. That motion will go to the Committee on Printing, and the printing of the usual number of the report will be ordered.

Mr. HOWE, from the Committee on Claims, to whom was referred a joint resolution (H. R. No. 123) for the relief of Elizabeth Woodward and George Chorpennig, of Pennsylvania, asked to be discharged from its further consideration, and that it be referred to the Committee on Indian Affairs; which was agreed to.

RECONSTRUCTION REPORT.

Mr. ANTHONY. The Committee on Printing, to whom was referred a resolution for

printing extra copies of the report of the reconstruction committee, have instructed me to report it back without amendment and to recommend its passage. I ask for its present consideration.

There being no objection, the resolution was considered by unanimous consent and agreed to, as follows:

Resolved, That fifty thousand additional copies of the report of the joint committee on reconstruction be printed for the use of the Senate.

LEAVE OF ABSENCE.

Mr. VAN WINKLE. I ask that a week's leave of absence be granted to my colleague, [Mr. WILEY.]

Leave was granted.

Mr. ANTHONY submitted the following resolution, which was referred to the Committee on Printing:

Resolved, That the Report of the Commissioner of Patents for 1893, when prepared, be printed, and that four thousand extra copies be printed for the use of the Senate.

ARMY OFFICERS' ACCOUNTS.

Mr. WILSON. I am directed by the Committee on Military Affairs and the Militia, to whom was referred the bill (H. R. No. 406) to provide for the settlement of accounts of certain public officers, to report it back without amendment and recommend its passage. It will take but a moment, and it is very important that the bill should be passed. I ask, therefore, that it be put upon its passage at once.

By unanimous consent, the bill was considered in Committee of the Whole.

It provides that all moneys raised in the United States for the support of refugees or freedmen, and received by any officer of the United States Army, shall be charged against such officer on the books of the Treasury Department and accounted for by him in like manner as if such moneys had been drawn from the Treasury of the United States, and if any part thereof shall have been expended for the use of refugees or freedmen, the same shall be passed to the credit of the officer, if, upon examination of his accounts, it shall appear to the proper accounting officer of the Treasury that the amount expended was properly disbursed for such refugees or freedmen, and on the adjustment of the accounts of the officer, if any balance shall remain in his hands it shall be paid into the Treasury for a fund for the relief of refugees and freedmen. Any officer having such balance in his hands, who, after being duly required, shall refuse or neglect to pay it over, or who shall, after due notice, fail to settle his account, shall be proceeded against in the same manner as is provided for by existing laws in the case of disbursing officers who neglect or refuse to account for moneys drawn from the Treasury of the United States. Where accounts are rendered for expenditures for refugees or freedmen, under the approval and sanction of the proper officers, and which shall have been proper and necessary, but cannot be settled for want of specific appropriations, the same may be paid out of the fund for the relief of refugees and freedmen, on the approval of the Commissioner of the Bureau of Refugees and Freedmen.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RIVER AND HARBOR BILL.

Mr. CHANDLER. I move to postpone the present and all prior orders for the purpose of taking up House bill No. 492—the river and harbor bill.

The motion was agreed to; and the bill (H. R. No. 492) making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under authority of law, and for other purposes, was considered as in Committee of the Whole.

The Committee on Commerce reported the bill with several amendments. The first amendment was in section one, line one hundred

and fifty, after the word "river" to insert the word "Michigan;" so as to make the clause read:

For improvement at the mouth of Saginaw river, Michigan, \$67,500.

The amendment was agreed to.

The next amendment was in section one, line one hundred and seventy-four, to strike out the word "twenty" before the word "thousand" and to insert "thirty;" and after the word "thousand" to insert "five hundred;" so that the clause will read:

For improvement of the harbor of Green Bay, at the mouth of Fox river, Wisconsin, \$30,500.

The amendment was agreed to.

The next amendment was in section one, line one hundred and eighty-three, after the word "harbor" to insert the words "and the use by such vessels of the erections or works to which this appropriation may be applied;" so that the clause will read:

For constructing works and improving the entrance into the harbor of Michigan City, Indiana, \$75,000: *Provided*, That it shall be first shown to the satisfaction of the Secretary of War that a sum equal to double the amount aforesaid has been expended by the Michigan City Harbor Company in the construction of a safe and convenient harbor at that place: *And provided*, That the passage of vessels to and from said harbor, and the use by such vessels of the erections or works to which this appropriation may be applied, shall be free and not subject to toll or charge.

The amendment was agreed to.

The next amendment was at the end of the first section, to insert the following:

For improvement of the Kennebec river, in the State of Maine, between Shoppard point and the city of Augusta, \$20,000.

The amendment was agreed to.

The next amendment was to insert at the end of the first section the following:

For removal of obstructions to navigation in the Willamette river, between Portland and its mouth, in the State of Oregon, \$15,000.

The amendment was agreed to.

The next amendment was in section four, line thirteen, to strike out the word "at" and insert the word "of;" in line fourteen, to strike out the words "Fort Snelling and;" and in line fifteen, after the words "falls of St. Anthony" to insert the following words:

And the upper or Rock river rapids of the Mississippi river, with a view to ascertain the most feasible means, by economizing the water of the stream, of insuring the passage, at all navigable seasons, of boats drawing four feet of water; of the Minnesota river, from its mouth to the Yellow Medicine river, in order to ascertain the practicability and expense, by slack-water navigation or otherwise, of securing the continued navigability of said stream during the usual season of navigation; and for examining and reporting upon the subject of constructing railroad bridges across the Mississippi river, between St. Paul, in Minnesota, and St. Louis, in the State of Missouri, upon such plans of construction as will offer the least impediment to the navigation of the river.

The amendment was agreed to.

The next amendment was in section four, line twenty-eight, to strike out the words "at Beef Slough bar, on the Mississippi river."

The amendment was agreed to.

The next amendment was to insert at the end of section four the following:

And the Secretary of War shall cause a survey to be made at the harbor of Burlington, Vermont, and the harbor of Dunkirk, New York; at the harbor of Oak Orchard creek, New York, and at Muskegon, White river, Manistee, and New Buffalo, in the State of Michigan; the Fox and Wisconsin rivers, in the State of Wisconsin; and the Rock river, in the States of Illinois and Wisconsin, with its connections with Lake Winnebago; and the upper Columbia river, Oregon.

The amendment was agreed to; and the fourth section, as amended, reads thus:

SEC. 4. *And be it further enacted*, That the Secretary of War is hereby directed to cause examinations or surveys, or both, as aforesaid, to be made at the following points, namely: at Superior City, Eagle Harbor, Marquette, and Lac la Belle, on Lake Superior, and at Ausable river, in the State of Michigan; of the Ohio river between Pittsburg, Pennsylvania, and Bufington Island, West Virginia; of Sandusky river, Ohio; at Chester harbor Pennsylvania; at Bridgeport, Connecticut; at Hell Gate, New York; at the port of Ogdensburg, New York; at San Francisco, California; at the Grand Chain, in the Ohio river; at the harbor of Baltimore, between Fort McHenry and the mouth of the Patapsco river, in the State of Maryland; of the Mississippi river, between the falls of Saint Anthony and the upper or Rock river rapids of

the Mississippi river, with a view to ascertain the most feasible means, by economizing the water of the stream, of insuring the passage, at all navigable seasons, of boats drawing four feet of water; of the Minnesota river, from its mouth to the Yellow Medicine river, in order to ascertain the practicability and expense, by slack-water navigation or otherwise, of securing the continued navigability of said stream during the usual season of navigation; and for examining and reporting upon the subject of constructing railroad bridges across the Mississippi river, between St. Paul, in Minnesota, and St. Louis, in the State of Missouri, upon such plan of construction as will offer the least impediment to the navigation of the river; of Rock river; the Kennebec river above Gardiner, Maine; the Penobscot river above Hampden, Maine; at the Zambro river, Minnesota; at the Cannon river, Minnesota; at the harbor and the mouth of the Eighteen-mile creek, at Alcott, New York; at St. Croix river, above the ledge; from the mouth of Illinois river to La Salle; together with such necessary estimates of cost, as hereinbefore provided, as will enable the Secretary of War to determine what improvements and public works shall be necessary at the respective points aforesaid. And the Secretary of War shall cause a survey to be made at the harbor of Burlington, Vermont, and the harbor of Dunkirk, New York; at the harbor of Oak Orchard creek, New York, and at Muskegon, White river, Manistee, and New Buffalo, in the State of Michigan; the Fox and Wisconsin rivers, in the State of Wisconsin; and the Rock river, in the States of Illinois and Wisconsin, with its connections with Lake Winnebago; and the upper Columbia river, Oregon.

Mr. MORRILL. I am instructed by the Committee on Commerce to offer this amendment, to come in at the close of the first section of the bill:

For continuing the repair of the piers in Saco river, in the State of Maine, \$40,000.

The amendment was agreed to.

The bill was reported to the Senate, as amended, and the amendments made as in Committee of the Whole were concurred in.

Mr. WADE. I move to amend the bill by striking out in the second section the following words:

The Secretary of War, before expending any part of the money herein appropriated, shall, where the public interests require it, cause a reexamination and resurvey of the public works hereby appropriated for; and he is hereby authorized to change or modify the present plan if in his opinion the public interest will be materially benefited thereby.

That provision throws the whole bill into the hands and at the discretion of the engineer in charge of these works, and I know by experience that it is rather uncertain what he will do. It gives him an arbitrary discretion, with a great chance of favoritism, that I do not think he ought to have. These surveys have been made hitherto by competent engineers. All the works provided for in the bill that I know anything about are old works that have got somewhat out of repair, but their usefulness everybody knows; the country has known it for years; there have been appropriations made for them. Now, it is proposed before anything is done, that the engineer may cause, where he pleases, a resurvey to be made, and no money is to be expended until he shall make a resurvey and himself arbitrarily point out where the money shall be expended. It is no more nor less than just referring the whole matter to him. If that provision remains, the bill need contain but a single section providing that the engineer shall make such improvements in rivers and harbors as he thinks will be beneficial to the public interests. I think it is too broad a discretion, especially when the utility of these works is well known, when large sums of money have been expended on them, when they are essential to the safe navigation of our rivers and lakes. I speak more particularly in regard to the lake harbors, which I know more about and in which I take more particular interest. I think no harbor upon the western lakes is provided for in this bill the utility of the improvement of which is not perfectly well known, and it is almost indispensable for navigation that they should be kept in repair.

Now, it is proposed to leave it to the engineer to say whether these works shall be carried on or not, to order a resurvey where he sees fit, and not to expend the money on any of the works unless he shall see fit to do so. I believe that last year we made an appropriation of a sum to be expended under the direction of the engineer where he thought best.

He did expend it where he thought best; there was a universal scramble for his opinion. I do not think it ought to be so. It is a foregone conclusion in regard to most of the places named in this bill where improvements are provided for. There are some of them, to be sure, that are new to me and about which I know nothing and have nothing to say; but the great mass of them are old works which have been prosecuted on according to surveys made in former years. This provision which I have moved to strike out gives the engineer a broad discretion to say that they are not useful, and that no money shall be expended upon them. I think such a provision is unusual in bills of this nature, and I hope it will not be retained here.

Mr. CHANDLER. The Committee on Commerce, in considering this bill, have consulted with the engineers and with the committee of the other House, and after mature consideration have recommended the clause which the Senator from Ohio moves to strike out. It is well known that many of these surveys were made a long time ago, and recommendations were made a long time ago, which now it may be deemed expedient to change. This provision simply leaves with the Secretary of War the discretion of making such changes as he thinks best. I hope the bill will pass as it came from the committee. I trust this provision will not be stricken out. I believe it has been heretofore customary to put in just such a provision.

Mr. GRIMES. I think that the amendment proposed by the Senator from Ohio is eminently proper. If you are going to put such a proposition as this into this bill, you will put it in the bill that will be passed next year, and then—

Mr. CHANDLER. I will state to the Senator that we have already ordered new surveys for the coming year, as the Senator will find if he reads the fourth section, so that in the future it will not be necessary. At this time it is necessary.

Mr. GRIMES. If this second section confined its operation to new works, it would be very well, but it does not apply to new works; it applies to all.

Mr. CHANDLER. We intended that it should.

Mr. GRIMES. In that respect I think it is wrong. General Totten, when at the head of the engineer department, sent out his sub-engineers, and they made surveys at various places. Money has been expended on the strength of the recommendations which General Totten made to Congress, and improvements have been partially completed. Now we have a change in the administration of the engineer department; another gentleman is there, equally competent, I suppose; but he entertains different opinions from those entertained by his predecessor. He will have new surveys, at a considerable expense, and change the method of construction. Next year he dies, or is superseded by an order of the President or Secretary of War, and another gentleman comes in as chief engineer, and then you have another change, and so you go on; instead of following out one particular system you have as many systems as you have chief engineers of the department. If the Senator from Michigan will make his proposition so as to say that no money shall be expended upon any new works until the engineer department shall have decided that they ought to be made, and shall have specific plans—

Mr. CHANDLER. This is no new work. There is not a single new work here.

Mr. GRIMES. I do not know whether there is any new work or not, but I confess that on reading this bill I have discovered that I am exceedingly defective in my knowledge of geography. There are a great many places that I never heard of before. I would inquire where is the place which is named in the third clause, on page 7, in line one hundred and forty of section one; and I should like to know how the Senator pronounces it.

Mr. CHANDLER. Aux Bees Scies, [O-bis-sa.]

Mr. GRIMES. It is said to be in Michigan, but where is it? Is not that a new work?

Mr. CHANDLER. Hardly a new work. It has been surveyed; there is not much of a harbor there now. It is a harbor of refuge. The same amendment was put on the miscellaneous appropriation bill last year, which was allowed to die.

Mr. GRIMES. It is a new work, though, I take it.

Mr. CHANDLER. The provision for it has been two or three times put on the miscellaneous appropriation bill. This is the exact amount that was estimated by the engineer.

Mr. GRIMES. I have not a word to say against it.

Mr. CHANDLER. I have argued the Aux Bees Scies case before the Senate two or three times, and the Senate has every time agreed to the appropriation.

Mr. GRIMES. I do not know anything about it. I only alluded to it to get the Senator's pronouncement of the name, and to get myself posted up in regard to the geography of his State.

Mr. CHANDLER. If you want the exact location, it is near Thunder bay, between that and Grand Traverse. I want the Senator to be posted in the geography of the lakes.

Mr. GRIMES. I think the amendment of the Senator from Ohio is manifestly proper and ought to be adopted. If not, there is going to be no end to the expenditure of money, if you are going to vary these surveys every year as there may happen to be a change in your engineer department.

Mr. CHANDLER. I will give an illustration. On the Thames river a system was adopted of keeping that river clear which was found to be defective. Now, would the Senator go on with a defective system because it had been adopted years ago, or would he adopt the improvements of the age? In my judgment he would adopt the more recent improvement rather than go on with the old plan. I hope the amendment will not be adopted. The bill is as perfect now as the two Committees on Commerce could make it. I am willing that any other committee should take charge of it if they can make a better bill. If they can, all right; but I hope the Senate will stand by this.

Mr. WADE. I do not find fault with the general provisions of the bill; but I believe this provision is an unusual one. I have looked at the bill somewhat, and I believe that all the appropriations which it makes are upon the recommendation of the Department founded upon the estimates and surveys of the engineer. Most of these, I am told, are old works where money has heretofore been expended, and where for many years we endeavored to get improvements made but failed, sometimes from one reason and sometimes from another; but they are all, or nearly all, places where large sums of money have been expended, and without the improvement of which the navigation of our rivers and lakes must almost cease. A great many of those harbors are in a condition of dilapidation and going rapidly to decay. Here is a discretion vested in the engineer to go back, and if he sees fit to say that, in his judgment, a work upon which we have expended so much money heretofore, is not proper for the public interest, then he need not expend the appropriation for it; and I do not know how during this season you will do anything with this provision in the bill that no money shall be expended until the engineer has made an examination there and perhaps caused a resurvey. We want something done this season on the lake harbors at all events; and as I said before, I take more interest in them than in any others, because I know more about them. I do not know that they are any more necessary than the others, but it is of the first importance that the work on those harbors should be done just as soon as it can be done.

As for the propriety of expending money

upon them, every engineer who has ever been sent out for the last forty years has made the same report, that it was absolutely essential that it should be done. Money has been expended there heretofore. The works are now dilapidated. Why, then, vest the engineer with the discretion to say whether the work is useful or not, and that no money shall be expended until he does say that, and that he may cause a resurvey to be made before anything is to be laid out there? I know very well what will be the result of such a provision. There will be a universal scramble for these appropriations, to find out where the engineer will bestow his favors, and where he will not. These works have all passed under the supervision of the Government. Every Congress for years has passed upon the propriety of almost the whole of them; and why now go back and say to the engineer that he shall go there armed with despotic power to declare whether a work is useful or not, and that he may cause a resurvey and dilly-dally with it another season before a cent shall be laid out upon it? I can see no possible benefit to be derived from such a provision. I know that these lake harbors, and it is well known to all navigators, and well known to all engineers, have been estimated for from year to year and their importance determined; and certainly we want no such resurvey there. We want the money expended under an engineer competent for the business; and having passed upon it already I see no reason for going back or delaying the work any longer than is necessary to pass the bill.

Mr. SHERMAN. There is one reason that with me is conclusive why this amendment of my colleague ought to be adopted; and it is this: there are plans for all the existing works, or all the old works of improvement on the lake harbors and on the river harbors with which I am most familiar. Now, if an appropriation is made for an improvement at a particular harbor, and it is left to the engineers—because it is to be decided by the engineers rather than by the Secretary of War—to change the plan, they may fritter away this appropriation in the adoption of some new plan contemplating further expenditures; and as this bill is framed upon the idea that the money expended under it shall complete the improvement of these works, I think it would be very unwise to leave the engineer officers the power to change their plan and to expend this money probably in some new plan which has not yet been submitted to the judgment of Congress. I would much prefer that Congress should take upon itself to determine the amount to be expended at particular places, and adopt the old plans which have been submitted to Congress, rather than authorize the engineers to adopt new plans. We know by experience that the engineer department, under whose supervision this money will be expended, are generally pretty extravagant in their notions. I hope, therefore, that the amendment of my colleague will be adopted.

Mr. CHANDLER. I will ask the Secretary to report the amendment again.

The Secretary read the amendment, which was in section two, line one, after the word "that" to strike out the following words:

The Secretary of War, before expending any part of the money herein appropriated, shall, where the public interests require it, cause a re-examination and resurvey of the public works hereby appropriated for; and he is hereby authorized to change or modify the present plan, in his opinion the public interest will be materially benefited thereby. And.

So that the section will read:

That the money appropriated by this act shall be so applied as to complete, or make the nearest approximation to completing, the work for which each specific appropriation is made, &c.

Mr. CHANDLER. I have no objection to that amendment. It is not material. I did not understand it fully before.

The amendment was agreed to.

Mr. MORRILL. I desire to move a slight amendment in the fifty-fourth line of the first section. The clause now reads: "for improve-

ment of Thames river, Connecticut, \$8,000." I move to increase the appropriation \$2,000, making it \$10,000. That is in harmony with the evidence before the committee.

The amendment was agreed to.

Mr. WADE. I desire to move an amendment in line one hundred and nineteen of the first section, on page 6, in the clause making an appropriation for the improvement of Ashtabula harbor. Since the surveys were made, that harbor has become much more important than it was before. There is a railroad extending from the harbor down into the coal and oil region some forty or forty-five miles, and it is nearly ready now to commence business. That railroad will make this one of the most important harbors on the lakes. Ashtabula harbor is at the mouth of Ashtabula creek; the railroad comes in there; and on account of the immense quantities of coal, oil, and everything else that will be likely to meet there, this harbor is more important than it ever was before. The appropriation here is a very small one considering the importance of the work. I will therefore move that there be \$10,000 added to it, so as to make it \$34,708 82 instead of \$24,708 82.

Mr. CHANDLER. The two committees adopted this rule in joint meeting, that they would include no appropriation in this bill which was not recommended by the Department. If we step outside that rule and increase the appropriation in one case, we shall be compelled to increase it in a hundred others. The bill is as near perfect as we could get it, and I hope no additional appropriation will be placed upon the bill. It will endanger the whole. I hope the Senator will withdraw his amendment.

Mr. WADE. I know it is important that a larger sum should be expended at this point, but it has not the sanction of the engineers; and as it would be an invasion upon the character of the bill, the committee having followed the recommendations of the engineers all around, notwithstanding my wish that this increase should be made, I will withdraw the amendment, as it might embarrass the bill and lead to other amendments.

The PRESIDENT *pro tempore*. The amendment is withdrawn.

The amendments were ordered to be engrossed and the bill to be read a third time. It was read the third time and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House of Representatives had passed a resolution for the appointment of a committee to cooperate with such committee as may be appointed on the part of the Senate, if one should be appointed, to consider and report on the propriety of an address before the Congress of the United States commemorative of the life, character, and services of the late Brevet Lieutenant General Winfield Scott.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House of Representatives had signed the following enrolled bill and joint resolution; which were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 621) to regulate and secure the safe-keeping of public money intrusted to disbursing officers of the United States; and

A joint resolution (S. R. No. 69) making an appropriation to enable the President to negotiate treaties with certain Indian tribes.

ORDER OF BUSINESS.

Mr. FESSENDEN. I move that the Senate proceed to the consideration of the legislative, executive, and judicial appropriation bill.

Mr. POMEROY. I should like to proceed with the unfinished business of yesterday.

Mr. FESSENDEN. I desire to take up the appropriation bill to-day. I gave notice yesterday that I should do so.

The motion of Mr. FESSENDEN was agreed to.

STEAMBOAT INSPECTION LAW.

Mr. EDMUNDS. With the leave of the Senator from Maine, I ask the Senate to take up House bill No. 477. It was the special order for to-day at one o'clock. I believe it will occupy no time whatever, and it ought to be passed.

Mr. FESSENDEN. I yield to that bill with the understanding that it will not occupy time. Mr. EDMUNDS. I move to take it up.

The motion was agreed to; and the Senate resumed the consideration of the bill (H. R. No. 477) further to provide for the safety of the lives of passengers on board of vessels propelled in whole or in part by steam, to regulate the salaries of steamboat inspectors, and for other purposes.

Mr. EDMUNDS. I will only say that the objection made by the Senator from Missouri [Mr. HENDERSON] yesterday, and which has been stated in a pamphlet laid upon Senators' tables, is met by the amendments to the bill, so that the parties who complained are entirely satisfied with it.

The amendments were ordered to be engrossed and the bill to be read a third time. The bill was read the third time and passed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 213) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th of June, 1867.

The PRESIDENT *pro tempore*. The bill will be read, and the amendments reported by the Committee on Finance will be taken up in their order, as the reading of the bill is proceeded with, unless objected to, as that course will save time.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Finance was in line fifty-one, under the head of "contingent expenses of the Senate," to strike out the word "three" and insert "five," so as to make the appropriation for newspapers \$5,000 instead of \$3,000.

The amendment was agreed to.

The Secretary continued the reading of the bill down to the following clause among the "contingent expenses of the Senate" in the seventy-sixth line:

For Capitol police, \$19,170.

Mr. FESSENDEN. I wish to propose an amendment to that clause, and I may as well offer it as we go along. It is rendered necessary by having more Capitol police than we had at the time the bill was drawn. I move to strike out "\$19,170" and to insert "\$21,480," and then to add the following proviso:

Provided, That \$330 of the appropriation for the Capitol police may be used during the present fiscal year.

The amendment was agreed to.

The reading of the bill was continued to line one hundred and nine.

Mr. FESSENDEN. I wish to make an amendment on the fifth page, corresponding to the one made for the Senate. In line one hundred and nine I move to strike out "\$19,170" and insert "\$21,480: provided that \$330 of the appropriation for the Capitol police may be used during the present fiscal year." This comes in under the head of "contingent expenses of the House of Representatives."

The amendment was agreed to.

Mr. FESSENDEN. That makes it necessary to change the amount of the gross appropriation for the House salaries on page 6, line one hundred and twenty-eight, from "\$110,838" to "\$113,140."

The amendment was agreed to.

The Secretary continued the reading of the bill down to the appropriations for compensation of the Superintendent of Public Printing and the clerks and messengers in his office, lines one hundred and sixty-one, one hundred and sixty-two, and one hundred and sixty-three.

Mr. FESSENDEN. I desire to make an

amendment there. By another bill there has been a clerk added to that office, and it is necessary to increase the amount. I move on page 8, line one hundred and sixty-two, after the word "office," to strike out "nine" and insert "eleven," and in line one hundred and sixty-three to strike out "seven" and insert "five," so that the clause will read:

For compensation of the Superintendent of Public Printing, and the clerks and messengers in his office, \$11,514.

The amendment was agreed to.

The Secretary continued the reading of the bill down to the appropriations for the Library of Congress. The Committee on Finance proposed, in line one hundred and eighty-four, to strike out "three" and insert "five;" in line one hundred and eighty-five to strike out "ten" and insert "twelve;" and in line one hundred and eighty-six to strike out "eight" and insert "six;" so as to make the clause read:

For compensation of Librarian, five assistant librarians, messenger, and laborers, \$12,600.

The amendment was agreed to.

The next amendment of the Committee on Finance was in line two hundred and thirteen, after "judgments," to strike out "which may be;" and in line two hundred and sixteen to strike out "three" and insert "five" before "hundred thousand;" so as to make the clause read:

For payment of judgments rendered by the court in favor of claimants, in addition to the unexpended balance of the appropriation for the fiscal year ending June 30, 1865, \$500,000.

The amendment was agreed to.

Mr. FESSENDEN. I desire to offer an amendment to come in by way of proviso at the end of line two hundred and seventeen:

Provided, That judgments already rendered may be paid out of this appropriation at any time after the passage of this act.

The amendment was agreed to.

The Secretary continued the reading of the bill to the items for the Department of State.

Mr. FESSENDEN. I move to strike out the increase of twenty per cent. to laborers, which is provided for by the seventh section of the bill, and it will have to be struck out in different places of the bill. There is a section that covers the whole, reported by the committee as an amendment.

The PRESIDENT *pro tempore*. It is moved in lines two hundred and thirty-five and two hundred and thirty-six to strike out:

For increase of twenty per cent. for seven laborers, \$340.

The amendment was agreed to.

The next amendment reported by the Committee on Finance was to insert after line two hundred and forty-one these words:

For publishing the laws of the Thirty-Seventh and Thirty-Eighth Congresses in two newspapers in each of the lately insurgent States, \$50,000.

The amendment was agreed to.

The Secretary continued the reading down to the appropriations for the Northeast Executive Building.

Mr. FESSENDEN. That should be amended for the same reason as I just now stated. In line two hundred and fifty-eight, "four" should be stricken out and "three" inserted; "three" at the end of the line should be "six," and the words "and twenty," in line two hundred and fifty-nine, should be stricken out; so that the clause will read:

For compensation of four watchmen and two laborers of the Northeast Executive Building, \$3,600.

The PRESIDENT *pro tempore*. Those changes will be made in order to make the bill correspond with previous amendments of the Senate.

The Secretary continued the reading of the bill down to the appropriations for the salaries of the Secretary of the Treasury, assistants, clerks, &c.

Mr. FESSENDEN. An amendment should be made there, in line two hundred and sixty-eight, to strike out "nine" and insert "two," and strike out "and twenty," so as to make the amount \$118,200.

The amendment was agreed to.

The Secretary read the next item, which was the appropriation for the compensation of the First Comptroller, and the clerks, messengers; and laborers in his office.

Mr. FESSENDEN. That should be amended by striking out "eight" and inserting "seven," and striking out "three" and inserting "nine," so as to make the amount appropriated "\$17,940" instead of "\$48,340."

The amendment was agreed to.

The next amendment reported by the committee was in line two hundred and seventy-four, after the word "office" to strike out:

Including three clerks of class four, three clerks of class three, three clerks of class two, three clerks of class one, twelve clerks at an annual salary of \$720 each, and one laborer at an annual salary of \$720, which are hereby authorized to be appointed.

So that the clause will read:

For compensation of the Second Comptroller, chief clerk, and the clerks, messenger, assistant messenger, and laborer in his office, \$134,920.

The amendment was agreed to.

Mr. FESSENDEN. I move to strike out, in line two hundred and eighty, "nine," and insert "three," and to strike out "twenty" and insert "eighty," so as to make the sum "\$184,380" instead of "\$134,920."

The amendment was agreed to.

Mr. FESSENDEN. In the succeeding paragraph, line two hundred and eighty-three, I move to strike out "seven" and insert "two," and to strike out "sixty" and insert "forty," so as to make the amount appropriated for the First Auditor's office "\$59,240" instead of "\$59,760."

The amendment was agreed to.

The next amendment of the committee was in line two hundred and eighty-seven, after the word "office," to strike out:

Including three clerks of class four, twenty clerks of class three, forty clerks of class two, seventy clerks of class one, one assistant messenger at \$840 per annum, and three laborers at \$720 per annum each, which are hereby authorized to be appointed.

So that the clause will read:

For compensation of the Second Auditor, chief clerk, and the clerks, messenger, assistant messengers, and laborers in his office, \$521,840.

The amendment was agreed to.

Mr. FESSENDEN. I move to reduce the sum there from \$521,840 to \$521,160.

The amendment was agreed to.

The next amendment reported by the committee was in line two hundred and ninety-six, after the word "office," to strike out "including five clerks of class four, fifteen clerks of class three, thirty clerks of class two, and fifty clerks of class one;" so that the clause will read:

For compensation of the Third Auditor, chief clerk, and the clerks, messenger, assistant messengers, and laborers in his office, \$384,280.

The amendment was agreed to.

Mr. FESSENDEN. I move to amend by striking out "\$384,280" and inserting instead "\$382,080."

The amendment was agreed to.

Mr. FESSENDEN. In lines three hundred and two and three hundred and three, in the appropriation for the Fourth Auditor's office, I move to strike out "nine" and insert "five," and to strike out "sixty" and insert "forty," so as to make the amount \$110,540.

The amendment was agreed to.

Mr. FESSENDEN. In the appropriation for the Fifth Auditor's office, in lines three hundred and five and three hundred and six, the "eight" should be "seven," so as to make the amount \$47,840.

The amendment was agreed to.

Mr. FESSENDEN. In line three hundred and eight I move to insert "chief clerk" after "Department."

The amendment was agreed to.

The Secretary continued the reading of the bill to line three hundred and twenty.

Mr. FESSENDEN. In line three hundred and nineteen I move to strike out "one" at the end of the line; in line three hundred and twenty to strike out "five" and insert "eight,"

and to strike out "twenty" and insert "forty," so as to make the amount appropriated for the office of the Register of the Treasury \$90,840 instead of \$91,520.

The amendment was agreed to.

Mr. FESSENDEN. In the appropriation for the office of the Solicitor of the Treasury, in line three hundred and twenty-three, I move to strike out "five" and to insert "three," and to insert "forty" after "hundred," so as to make the sum \$18,340 instead of \$18,500.

The amendment was agreed to.

Mr. FESSENDEN. In the appropriation for the office of the Commissioner of Customs I move to strike out, in line three hundred and twenty-six, "nine" and insert "six," and to strike out "twenty" and insert "forty," so as to make the amount \$40,640 instead of \$40,920.

The amendment was agreed to.

Mr. FESSENDEN. In the appropriation for the compensation of the clerks, messengers, &c., of the Light-House Board I move, in line three hundred and twenty-eight, to strike out "five" and insert "two," and to strike out "twenty" and insert "forty," so as to make the amount \$9,240.

The amendment was agreed to.

The Secretary continued the reading of the bill to line three hundred and forty.

Mr. FESSENDEN. I move to insert after the word "expenses," in line three hundred and thirty-nine, page 15, the words "including the cost of subscription to such number of copies of the Internal Revenue Record and Customs Journal as the Secretary of the Treasury may deem necessary to supply the revenue officers."

The amendment was agreed to.

Mr. FESSENDEN. After line three hundred and forty, I move to insert:

For office furniture, maps, labor, miscellaneous items, and other contingent expenses for the office of the Commissioner of Internal Revenue, \$50,000.

The amendment was agreed to.

The reading of the bill was continued to line three hundred and sixty-four.

The Committee on Finance proposed to strike out, from line three hundred and forty-eight to line three hundred and sixty-four, the following words:

For compensation of temporary clerks in the Treasury Department, and for additional compensation to clerks in same Department, \$160,000: *Provided*, That the temporary clerks herein provided for may be classified according to the character of their services: *And provided further*, That so much of the appropriation of \$250,000 granted by the act of March 2, 1865, for compensation to temporary clerks in the Treasury Department, and for additional compensation to clerks in same Department, as remains unexpended shall be divided as follows, to wit: \$100 shall be paid to each of the appointees in said Department whose pay amounts to less than \$1,200 per annum, and the residue thereof shall be divided *per capita* to and among all the clerks in said Department of the first and second classes.

And in lieu thereof to insert the following:

For compensation of temporary clerks in the Treasury Department, and for additional compensation to officers and clerks in the same Department, \$160,000: *Provided*, That the temporary clerks herein provided for may be classified according to the character of their services, and that the Secretary of the Treasury may award such additional compensation as may be in his judgment just, and may be required by the public service. And so much of the act making appropriations for the legislative, executive, and judicial expenses of the Government, approved March 2, 1865, as forbids the Secretary of the Treasury to award any such additional compensation after the 1st day of July, 1866, is hereby repealed: *Provided further*, That out of the appropriation of \$250,000 made by said act for compensation to temporary clerks in the Treasury Department, and for additional compensation to clerks in the same Department, there shall be paid to each person therein, appointed by the Secretary as a clerk or counter, who shall have served in such capacity for one year previous to the passage of this act, and whose pay amounts to less than \$1,000 per annum, the sum of \$100.

Mr. WILSON. I am opposed to this amendment for two reasons. I think it unsound in principle. No Department of the Government ought to be trusted with money in this way. I am opposed to it because I do not choose to trust the present officer at the head of the Treasury with such powers. This is no time, in the

present shifting condition of affairs, to trust any man in any of these Departments with such discretionary powers. If it is necessary to increase the salaries of the officers in the Treasury Department—and it may be—I think we should fix the salaries by law. The Secretary of the Treasury should not have this power, to be exercised according to his discretion. It cannot but tend to favoritism. It cannot operate justly. It tends to make the men employed anything but independent men. It encourages a spirit of flunkeyism on the one hand, and a feeling on the other that there is power to reward men or punish them according to the discretion of the individual. I think the principle unsound, and it ought never to be admitted in the Government at all, and especially not in this Department at this time. I believe that what has already been done in this direction has worked most disastrously, and has created a feeling of dissatisfaction general in the Department.

It may be that we ought to have an increase of the compensation of the higher officers. I am willing to vote for that increase if it be necessary. But I cannot vote for this amendment, and I hope the Senate will not sanction this policy. I hope the Senate will not sanction what I deem to be an unsound principle, and will not at this time, in the present condition of the country, trust the Secretary of the Treasury with this discretionary power, this power to reward at his pleasure; to take \$100,000 and distribute it among his employes according to his will and pleasure.

Mr. FESSENDEN. I can only say with regard to this matter, that if the principle be an unsound one, it may be imputed in the first place to the first Secretary of the Treasury under Mr. Lincoln's Administration and to his successor. Mr. McCulloch, the present Secretary of the Treasury, is not responsible for it in any way whatever except for the continuation of it. I hope that in settling this question the Senate will not be governed by the opinions which the honorable Senator from Massachusetts may happen to entertain of the present Secretary of the Treasury. I know that politically he is not acceptable to the Senator and perhaps to others; but in the administration of the affairs of his Department I have every reason to believe that he has conducted the interior arrangements of the Department and everything connected with it very honorably, properly, and honestly, and very ably. There is no objection on that account. So long as he is Secretary of the Treasury he must be trusted with the powers necessary to carry on the Treasury. There is no question about that.

This is not a new provision. The Senator probably has not looked at these bills. His attention has been called to this matter by some dissatisfied clerk or clerks in the Department who have made some disturbance about it, and, without understanding the case, he makes the remarks that we have just heard.

In the first place, such is the business of the Department that it is absolutely necessary to employ a good many temporary clerks, and a fund has been set aside regularly for several years, first on the recommendation of Mr. Chase, the first Secretary under Mr. Lincoln, of \$200,000 for that purpose; and it has been very well applied.

Mr. TRUMBULL. I should like to ask the Senator a question right there. It is whether, in the present condition of affairs, it is necessary to have this power to employ temporary clerks.

Mr. FESSENDEN. Quite necessary.

Mr. TRUMBULL. I have understood that recently quite a number of clerks have been discharged from the Department.

Mr. FESSENDEN. It is quite as necessary to have this power as it ever was, and, indeed, more so.

Mr. TRUMBULL. Can we not fix the number of clerks by law, so as to avoid the necessity of appointing temporary clerks?

Mr. FESSENDEN. Perhaps we might fix the number by law, but we should have to fix

it at so large a figure that probably it would cost us more than the employment of temporary clerks.

Mr. TRUMBULL. I see it stated in the newspapers that they are discharging clerks constantly, and that they have more force than they need. That has been stated within a few days.

Mr. FESSENDEN. Sometimes when business does not press so much they discharge to save money, and at other times they employ again. If anybody wants the Department to keep a number of men there for months when they are not needed, fix the number by law; but then we should have to pay them all the time. The idea has been to employ temporary clerks as they might be needed. Sometimes business presses more than at others. Again, the principal reason for those discharges is that experience shows some clerks to be useless; they do not answer the purpose; they do not do their duty and then they are discharged, and afterward, when business presses, their places are filled up again. Let me tell the Senator that from my experience in the Department I am prepared to say to him that he need not base any action of his—he cannot with any safety—on what he sees in the newspapers. The newspapers do not know anything about it; they say anything that comes in their heads.

Mr. TRUMBULL. I supposed they might state a fact as to clerks being discharged.

Mr. FESSENDEN. Oh, yes; but they state anything that comes in their heads about the Departments as well as about us. The Senator's experience of newspaper remarks, I think, should satisfy him that it is quite as well to omit paying any attention to them. I came to that conclusion long ago. If they would examine and be sure of their facts, and understand them before they made their statements, it would save a great deal of difficulty and trouble. But they take, as Senators do, floating rumors about what they hear, and they make articles upon them as Senators make speeches upon them, without knowing really what they are talking about in many cases.

The condition of business in the Department, as I have said, requires that there should be power to appoint temporary clerks. When I was in the Department I found another difficulty which required a remedy. The business of the Department became very much dependent upon a certain class of clerks, and those generally the ablest and most important men in the Department. It became dependent upon them, and they could not be dispensed with in point of fact. It became necessary, therefore, to provide some way in which they could be kept, because banks were being instituted and all sorts of business corporations all over the country, and looking out for accomplished men, men who could conduct their affairs. They came here and they took a great many men out of the Treasury Department and would have taken a great many more but for the steps that were taken to retain them. It became necessary, in order to conduct the business of the Department, that there should be power to raise the salaries of a certain class, to increase the pay of a certain class of clerks. Everybody was petitioning for an increase of salary. On examining into the matter I became satisfied that there was no necessity for increasing the salary of the largest number of the clerks; that it would not do; that the first-class clerks and most of the second-class clerks received as much pay as they ought to receive. To be sure, some of them who had families could not live very well upon their salaries; but you cannot make distinctions between clerks and pay those who have families more than those who have not. They are divided into classes, and perform the same duties. You can get any number of them. The applications are innumerable. You can get any number that you please at any time, and for the great mass of them the pay is high enough. Consequently it would not do to increase the pay all round; there is no necessity for it, and it would involve an enormous expense.

Under those circumstances, and to obviate that difficulty, I drew, with my own hand, the amendment that I wanted passed to enable me to get along in the office and keep the services of those men who must be kept in order to do the business. Into the appropriation, which Congress had been in the habit of making for the employment of temporary clerks, I inserted a provision that in cases where the Secretary deemed the public service to require it, he should have the power to increase the pay of clerks. I drew it with that object, to increase the pay of those men who were absolutely essential to transact the business of the office, who were resigning at the rate of six or seven a week, sometimes, because they could get very much larger pay elsewhere. The cases were numerous where a man receiving \$1,800 or \$2,000 was offered \$3,000, and sometimes more, to become cashier of a bank, or something of that description; and there was great danger that we should lose many competent men, especially in the office of the Comptroller of the Currency, and in the office of the Treasurer, where you must have trustworthy and able men. I therefore had that clause inserted, with a view to remedy the difficulty without unnecessarily increasing the expenses of the Department.

The present Secretary of the Treasury was then Comptroller of the Currency. He understood it perfectly; and when, after the appropriation was made according to my recommendation, he went into the office of Secretary of the Treasury, he applied the money precisely as I intended it should be applied and as he understood it ought to be applied, a certain portion of it, just as little as he could possibly get along with, to the men whose services were absolutely necessary. All at once an outcry was raised by the lower classes of clerks, who received all that it was intended they should receive, that this money, instead of being given to those who received the least, was used to swell the salaries of those who received the most. They got up a noise about it; and people did not understand it; it was not understood outside; nobody took pains to inquire of the Secretary of the Treasury what was meant. Articles were written in the newspapers on the subject, and a great noise was made. The House of Representatives, I see, when they passed this bill, in the clause which the Committee on Finance have moved to strike out, went to work, yielding to that outcry, thinking they were doing justice, and appropriated a certain sum out of this money to those who received not over \$1,200 a year and giving the balance to the first-class clerks and to the second-class clerks. The increase has been given in a great many cases to the fourth-class clerks, as it was intended it should be, and to some of the third-class clerks; but as this section came from the House of Representatives it would leave out the third-class clerks and give something additional to the first and second-class, which it was really intended should not be increased at all.

I have drawn this amendment precisely to cover the ideas under which the original provision was drawn. The sum which I have put in here is not so large as the Secretary of the Treasury or those who are more conversant with the business of the Treasury Department than he is—because some of the subordinate officers are necessarily so—think will absolutely be required; but I think they can get along with it. If this amendment is not made, the result will be that there will be no power to retain the services of men who must be retained in order to carry on the business of the Department; and it is too late in the session now to sit down and revise the whole arrangements of the Department and classify the clerks anew. I think it would not be wise, and it would lead to a large increase of expenses, and especially for those very classes which are already sufficiently provided for. I think the storm for getting men in will be over before long; and if we get back to the specie basis, as I think we shall in the process of time, the old sala-

ries will probably be enough for all the classes of clerks. This is a temporary expedient, resorted to only during the existing state of things and to save the necessity of passing a law which shall fix increased rates of salaries, which we shall find it exceedingly difficult to get rid of at a time when we may desire to do so, because it is always hard to strike down; it is much easier to strike up.

I have now given an exposition of the whole matter. I think that the view which has been taken by my honorable friend from Massachusetts is founded in misapprehension and error, and that we should be doing great disservice to the Department in refusing to make this appropriation.

Mr. KIRKWOOD. My attention has been called to this section, not precisely upon the point which the Senator from Massachusetts has raised, but another. It appears that in 1865 there was an appropriation of \$250,000 for the employment of temporary clerks and increasing the pay of the permanent clerks in the Treasury Department, and a portion of that money remains unexpended.

Mr. FESSENDEN. Yes, sir.

Mr. KIRKWOOD. And the Senate committee have changed to some extent the distribution of the unexpended sum.

Mr. FESSENDEN. Yes.

Mr. KIRKWOOD. According to the bill as it came from the House of Representatives, of that unexpended sum \$100 is proposed to be given to each appointee whose salary is less than \$1,200, and the remainder is to be divided *per capita* among the clerks of the first and second classes. As amended by our committee, from that unexpended balance there is a sum of \$100 given to each clerk or counter whose salary is less than \$1,000, which operates in substance the same as the House section thus far, I think; but nothing is done with any remainder that there may be of that unexpended balance. Now, I have been spoken to, as other Senators have been, by disappointed clerks, who insist that it is but reasonable and fair, that after giving the \$100 to those who receive less than \$1,000, or less than \$1,200, it would be but fair to allow whatever balance there may be to be distributed among the clerks of the first and second classes.

Mr. FESSENDEN. The Senator can judge for himself. Because we give \$100 to those who receive only \$720, it is therefore fair to give it to those who receive \$1,200 and \$1,400. That is the argument.

Mr. KIRKWOOD. There are a good many of those receiving \$1,200 and \$1,400 who are heads of families, who have a wife and children dependent upon them. Those who are receiving less than \$1,000, I apprehend, are very few of them in that position.

Mr. FESSENDEN. Many of them are.

Mr. KIRKWOOD. As the bill came from the House of Representatives it gives to those persons receiving less than \$1,000 just what the amendment gives them, but the amendment then cuts off the unexpended balance.

Mr. FESSENDEN. It leaves that in the hands of the Secretary to be appropriated to the general purposes of the provision.

Mr. KIRKWOOD. I think it would be better to adopt the House plan, and let this small sum—it is but a pittance anyhow—go among those who have a hard time to get along.

Mr. FESSENDEN. This "small sum" is about \$60,000. If the Senator thinks it is better to give away \$60,000 to these clerks, when you can get a thousand of them at any moment just as good as these are, be it so.

Mr. KIRKWOOD. I suppose you can; and yet I have heard a great deal said, and there is a great deal of truth in what is said, about giving more compensation to the higher class of clerks; but I know men to-day in these Departments receiving \$1,800 who can do and have the ability to do the work of men who receive \$3,000.

Mr. FESSENDEN. The Senator is mistaken.

Mr. KIRKWOOD. I think not.

Mr. FESSENDEN. I think he is. I think

I know a great deal more about it than he does; I have been in the Departments.

Mr. KIRKWOOD. That is very possible; and yet I may know more about individual clerks upon low salaries than the Senator does. It does not follow that the man who receives the highest compensation is the best officer. I think I know men from my own State receiving a salary of \$1,800 well qualified to discharge the duties of men who receive a salary of \$3,000. I hope this amendment will not be adopted, in so far, at least, as it prevents the distribution of the excess of this appropriated sum of money among these inferior clerks. Congress has already appropriated a sum of money, \$250,000. A portion of it has been spent in paying, properly enough—I have no fault to find with that—additional compensation to the superior clerks; but a portion is unexpended, and it is now proposed to give \$100 each to those who receive the least. Then I hope that whatever unexpended balance there may be will be divided among those who stand next—those receiving \$1,200 and \$1,400.

Mr. FESSENDEN. That is a mere proposition to give away \$60,000 out of the public Treasury to men not in the slightest degree entitled to it, and who do not earn it.

Mr. KIRKWOOD. How does it differ from the proposition to give \$100 apiece to those who do not receive \$1,000? Can you not get enough to fill their places?

Mr. FESSENDEN. It is for the general reason that they do earn more, and ought to have it, and their pay is much less.

Mr. KIRKWOOD. I understood the Senator, however, to say that you can get hundreds of people to take the places of clerks receiving \$1,200, and therefore you ought not to give them more than \$1,200. Is it not true that you can get hundreds to take the places of those who are receiving less than \$1,000 now?

Mr. FESSENDEN. I suppose you might.

Mr. KIRKWOOD. I have been applied to almost every day since I have been here for aid to get people into these positions; and if the argument holds good in the one case, it does in the other. If there is no occasion for giving \$100 more to a man receiving \$1,200 because you can get another person to take his place, there is no use giving \$100 more to a person receiving \$900 because you may get another to take his or her place.

Mr. FESSENDEN. The logic of that is that because you bring one up to \$820 you should bring the other up to \$1,300.

Mr. KIRKWOOD. The reason the Senator will not give \$100 additional to those who receive \$1,200 is that so many more can be got to fill their places. Does not the argument hold good in the other case?

Mr. FESSENDEN. It is a mere waste of money, and the whole thing arises from a misapprehension of the object of the appropriation.

Mr. KIRKWOOD. I hope the amendment will not be adopted, or, if it is, that the provision making additional compensation to these inferior clerks will be stricken out altogether.

Mr. CRESWELL. My objection to this amendment of the committee is different, somewhat, from those already presented. It seems to me that the amendment of the Committee on Finance transcends, in one respect, the entire scope of the original proposition as it came from the House of Representatives. The House provision applied solely to clerks of various grades, but the provision of the Senate amendment not only applies to clerks, but it applies to officers and clerks, in the Treasury Department; so that under this provision we are vesting a discretion in the Secretary of the Treasury to raise the salary of every officer of that Department, no matter what his grade, from Assistant Secretary down. That is a discretion which I am unwilling to vest in him; and I think certainly, as regards the officers of the Treasury Department, there is sufficient knowledge of the services they render and of the capacity and labor required of the various persons who fill those stations to enable the Congress of the United States to

fix their salaries properly. I think it is putting this whole matter at sea, and investing entirely too large a discretion in the Secretary of the Treasury.

Mr. FESSENDEN. We did precisely the same thing last year.

Mr. CRESWELL. The phraseology seems to be different.

Mr. FESSENDEN. It was in another section and another provision in last year's bill.

Mr. CRESWELL. The fact that it was done last year, if it was done, does not get rid of the objection.

Mr. GRIMES. We had not the same Secretary then.

Mr. CRESWELL. That is one point, too.

Mr. HENDRICKS. Mr. President, I regretted to hear the Senator from Massachusetts express a want of confidence, in regard to so small a matter as this, in the Secretary of the Treasury. When this same power was given to the Secretary of the Treasury a year ago, I do not recollect to have heard that Senator express any want of confidence in its exercise by the Secretary. Of course we all know he would not have been authorized or justified in the expression of any want of confidence; and in regard to the present Secretary, I think he is not authorized in it by anything that has occurred in his management of the Treasury Department. He is a citizen of the State from which I come, and I am proud of his reputation and ability as a manager of the finances of the country. He came to that Department with a high reputation, and I think he has added very largely to that reputation. If the Senator is influenced in his judgment by any apparent differences of political opinion between him and the Secretary of the Treasury, then I say, for that reason alone, in these times, when we desire to cultivate the public credit and to establish confidence in all the affairs of the Treasury Department, the Senator is not authorized, in my judgment, merely because of a little difference of political opinion, to express a want of confidence. If he bases his opinion upon the management of that Department by that distinguished citizen, then I think the facts do not justify the expression which he has made to the Senate this morning. Now, sir, if we intrust to the Secretary of the Treasury the management of hundreds of millions of dollars, which we do every year, shall we hesitate to give him the power to distribute among the worthy men of his Department a small sum of money, according to merit, and in such a way as to secure efficient support in his Department? That branch of the subject has been so satisfactorily treated by the chairman of the Committee on Finance that I shall add nothing to what he has said.

Mr. HOWE. I am going to vote against this amendment, and I want to say that that vote does not necessarily imply any want of confidence in the administrative ability or the personal integrity of the present Secretary of the Treasury. I never saw the Secretary of the Treasury and I never saw the head of any other Department that I would agree, or ever did agree, to put this sum of money in the hands of to be distributed arbitrarily. I have always opposed the provisions, and I think I shall always oppose every provision of the kind. If it be so that we have a Secretary of the Treasury who cannot tell us what amount of service he wants and what kind of service he wants, and cannot inform us what such service as that brings in New York or Boston, in banks or custom-houses or in other places where like services are employed, we had better abandon the idea of governing the country at all and having any Treasury Department. I insist upon it that the Secretary of the Treasury does know, or ought to know, just how many employes he wants of these different kinds and grades, and the Legislature ought to know it, and we ought to be willing, and for one I am willing, that the Government should pay just as much for services of this kind when employed by the Government as they can get elsewhere. I do not believe that private par-

ties prosecuting private business ought to outbid the Government of the United States for a given kind of service, and I am not willing that it should be done. When we know what is wanted, I am willing to fix the pay high enough to command the best kind of service where the best kind of service is wanted; but I am not willing, as it seems to me, to undermine the whole theory upon which legislation is based, and to put a gross sum in the hands of any man to be distributed according to his pleasure. I do not know what the Secretary of the Treasury himself says or asks about this thing, but it seems to me that it cannot be a favor to him, but on the contrary, a great disfavor to him. I do not know what sum would induce me to undertake the disbursement of such an amount. If you were to make it three times this amount, I have no doubt it would all be disbursed and would all be demanded of the Secretary. Men would be forced upon him or their claims would be forced upon him for an increase of their salaries that he could not resist, and the whole of it would go.

Mr. FESSENDEN. The Senator from Wisconsin says that he has no doubt all this amount will be disbursed, even if it were three times as great as it is. The answer to that is simply that the appropriation last year was \$250,000, and all that was expended was \$130,000.

Mr. HOWE. That does rather upset my theory, but it is not so flat a contradiction of it as it would be if they were not here asking for an additional appropriation on the same account.

Mr. FESSENDEN. We have got another year to provide for now. One hundred dollars is to go to each of those receiving less than one thousand dollars per annum; and that will take about sixty thousand dollars, leaving about sixty or seventy thousand dollars.

Mr. HOWE. They still retain the unexpended appropriation of last year and ask for an additional appropriation to that. I do not understand why they ought not to be content with that already made.

Mr. FESSENDEN. I will make the Senator understand, if I can, if he will allow me to explain.

Mr. HOWE. Yes, sir.

Mr. FESSENDEN. In the first place, the appropriation made last year was for last year. The appropriation proposed to be made now is for the year to come. We cannot apply the money that was appropriated for the last year in the year to come. We have left about one hundred and twenty thousand dollars. Sixty thousand dollars of that will be taken up by the clause which gives \$100 additional to each employe who receives less than one thousand dollars per annum, leaving about sixty thousand dollars. The result is to make the expenditure a little over two hundred thousand dollars instead of \$250,000, which was the appropriation made last year. I was informed in the Department by the clerk who makes these calculations—because they do not come immediately from the Secretary—that he thought the appropriation ought to be \$200,000 instead of \$160,000. I told him that they must try to get along with \$160,000.

An objection is made to putting into the hands of the Secretary the power of raising the salaries. It is to avoid what will be necessarily an expenditure that it is put precisely in this way. If you raise the salaries, they are fixed, and they will be fixed when we come to have a different kind of currency in a year or two from what we have now. I thought, when I was Secretary, and the present Secretary is of the same opinion, that it is more economical to meet the extra expenses for two or three years by this kind of appropriation than to make a general increase of salaries, on account of the difficulty that would occur if we were to attempt to reduce them afterward. Gentlemen would be applied to by clerks precisely as they applied to my friend from Iowa [Mr. Kirkwood] who argued the question just now. Clerks from a particular State will get their

Senators and Representatives interested in their own particular cases and those cases will affect very nearly the opinion with regard to all, and then we shall have adopted a general principle of a large expenditure, because each of us here has somebody from our State instead of leaving them to their chances of advancement and their ability to render service. That is simply the argument of it.

Mr. HOWARD. It is very possible that there may be a necessity for an appropriation for additional clerks and other officers in the Treasury Department; to what exact extent I do not know. The objection that I have to the amendment now before us is, that it gives the Secretary of the Treasury a very broad discretionary authority to make distinctions and discriminations among the additional clerks who may be by him employed, and who are to be paid out of this appropriation. Does it not open the door to a system of favoritism and electioneering among the clerks which is very obnoxious? That is my idea.

Mr. FESSENDEN. I will answer the Senator.

Mr. HOWARD. I should really like to have a word of explanation upon that subject from the honorable Senator from Maine. It seems to me that this feature is objectionable.

Mr. FESSENDEN. There has heretofore been a proviso inserted that in employing additional clerks they should all be of the first class and receive \$1,200. That has been found to work very badly. It does not make any electioneering in the Department, but outside of the Department, to bring them in. Now, you need different classes of men. Sometimes a man whom you want very much and whose services would be valuable, you cannot get for \$1,200, and the business that you want him to do is such that he ought to receive more than \$1,200 for it. For that reason the limitation that these temporary clerks shall be \$1,200 clerks has been stricken out in this amendment, because it would compel the appointment of men who cannot render the service required. My idea is that it is not worth while, with regard to a public officer, to take it for granted that he will do everything badly. If you have a public officer of high station you may just as well conclude, because I believe that is the most anxious desire of every head of a Department, that he will make his Department as efficient as he can and do the business as well as he can and with as little expense as possible, and that he can be safely trusted. My opinion is that instead of wasting this money and expending it too liberally, he will rather expend it too niggardly under all the circumstances, for fear that he might be blamed with regard to it. That has been the result, and always will be, because the objections that might possibly be made will always make the head of the Department very careful on that point.

Mr. HOWARD. I am far from indulging the presumption that every officer in that or any other Department will abuse the authority that we bestow upon him. I am more charitable than that. But still, with reference to the present Secretary of the Treasury, it cannot be forgotten, and I presume it is not forgotten—certainly it ought not to be forgotten—that he has very recently taken a position in party politics which is very extraordinary, to say the least. In a public speech not long since, speaking in reference to a measure then pending before Congress for the amendment of the Constitution of the United States, he so far forgot the dignity of the position which he holds, and the measure of respect which, if it be not due to Congress, ought always to be observed toward Congress, as to say that most of us were but a set of Constitution tinkers, an expression which was unworthy, not perhaps of him, but of the position which he occupies, indicating that he had placed himself in a state of antagonism with what then appeared to be the prevailing sentiment of Congress upon a most important public measure.

Now, sir, if it is his determination to con-

tinue in this attitude of antagonism and of contempt toward the bodies from which he derives not only his office but his bread, I do not feel disposed to trust him with the exercise of so broad a discretionary power in the selection and payment of his clerks as this amendment confers upon him. I do not think it prudent exactly to say to him, "You have full authority to reward a partisan of your own by a high salary, whatever may be his qualifications as a clerk, and to reject other applicants or to give them however small a pittance they may be contented with." I would far prefer to lay down some rigid rule of law by which the clerk, whoever he may be, shall know for a certainty, by act of Congress, how much he is to receive for his services, and not to make him dependent upon the good will or the whim of the Secretary of the Treasury, or any other public officer. It may not be possible at this moment to secure such a provision; but I throw out these ideas as the ground of my opposition to the amendment in its present form.

Mr. KIRKWOOD. I have no desire to repeat what I have said already on this subject. I only rise for the purpose of replying to one observation made by the Senator from Maine. I have never had any conversation with people whom I represent with reference to this matter. I know some gentlemen who receive but small salaries as clerks, who, in my judgment, are competent to perform the duties of those who receive higher salaries; but I have had no conversation with any one in reference to this matter.

Mr. TRUMBULL. I think this question should be treated upon its merits, without any regard to the imputation of motives to anybody why they approve or disapprove of it. I certainly do not approve of the course which the Secretary of the Treasury has thought proper to adopt in speaking of Congress. I think it is always best to speak respectfully of the coordinate departments of the Government, and that nothing is gained by indulging in abuse of those that we cannot agree with. But the form of this appropriation, it strikes me, is very objectionable. It really puts it in the hands of the head of the Department to fix the salaries of these clerks. I put in his control some two hundred and fifty thousand dollars, I believe, last year, and \$100,000, I think, by this bill, which he is to distribute in the employment of temporary clerks, and in additional compensation to such clerks as he thinks proper. I should not think that the Secretary would want to be invested with such a power. It must be very harassing and embarrassing, I should think, to him, to have to make this distinction.

But the objection which I have to it is that it leaves a discretionary power, which, while it may induce zeal and greater activity on the part of the clerks, it seems to me has a tendency to make them more dependent upon the head of the Department. I dislike above all things to see this dependence of one man upon another any more than it can be possibly helped in the necessary discipline to be observed in the Departments. I would not have the subordinate clerks to depend upon the head of the Department for the amount of their salary; and certainly it is calculated to lead to abuse. I will not undertake to say that the present Secretary of the Treasury, or any Secretary of the Treasury would abuse it; but it is a part of the Lord's Prayer, "lead us not into temptation." If they are not placed in this position, they certainly will make no misapplication of any such fund. It does not seem to me that there is any necessity for it. I have not looked into the statutes, but I rather think it will be found that it has grown up within the last three or four years.

Mr. FESSENDEN. It has grown up from the necessity of the case.

Mr. TRUMBULL. Then I am right. It has grown up within the last three or four years. We are through the war now.

Mr. FESSENDEN. I will tell the Senator,

however, that long before the war took place there was a standing appropriation of \$25,000 for this very purpose of making additional compensation to clerks who rendered additional service.

Mr. TRUMBULL. It does seem to me it involves a very bad principle. I do not propose to take up time further than to state what seems to me to be an objection to this species of legislation, and I hope the Senate will not concur in the proposition.

There is also another objection that may be stated. It leads to a great deal of dissatisfaction among the clerks themselves. They are all claiming it, and one set of clerks think, as I am told, that they have been overlooked, while others, they charge, are favorites of the particular Secretary in case they receive any portion of this money; and they become dissatisfied; though, I will say to the Senator from Maine, that no one in any of the Departments has ever said a word to me on the subject. What I say is irrespective of any complaints from anybody. I have understood, and understood it here to-day, that there are complaints. I think, perhaps, I have heard of them before; but I am not aware that any clerk in any Department every spoke to me in reference to the distribution of this fund.

Mr. FESSENDEN. I mean only to state—the Senate, of course, will do what it pleases about it—that if you strike out this appropriation as the Senator proposes, the Department cannot get along. It will be undoubtedly embarrassed, and they cannot possibly do the work of the Department.

Mr. WILSON. I desire, before this debate closes, to say a word in reply to the remarks made by the Senator from Indiana. Among the objections that I made to this amendment was, that I did not choose, in the present state of affairs, to give this discretionary power to the Secretary of the Treasury. I cast no imputation upon his motives or his conduct; but, sir, I must be permitted to say, as that Senator has thought it to be his duty to call the attention of the Senate to my remarks, that there are a great many things in the avowals and acts of the Secretary of the Treasury that have not met the approval of large masses of men in this country. I think that no discretionary power should be intrusted to him, or to any other of these Secretaries, that can be avoided, now that we have passed through the crisis of the war, and we have time enough to frame the proper laws and to hold all the Departments responsible for their administration.

It is well known that we have a very important law upon the statute-book—the oath of office. It is a well-known fact that the Secretary of the Treasury persistently for months, and in spite of the earnest remonstrances of the leading men of this country, continued to violate the law of the land, and to defend his violation of the law of the land when remonstrated with. He assumed to understand the public judgment of the country better than those who reminded him of his duty to obey the law, and told us that Congress would repeal the law; that there would be a majority in Congress to sustain the views that he entertained. Events have shown that he knew but little of the public sentiment of Congress or of the country. After a struggle, after months of violation of law, he comes here with a bill and asks us to pass an act to pay these persons whom he has unlawfully put into office, because he now intends to put them out and to obey the law.

I think that a public officer acting as he has acted in regard to that matter ought not to have discretionary powers thrust upon him. I have no disposition to criticise any of his public acts. There are those in the country who do. I have here now a letter from one of the most eminent merchants in New York in which he says:

"Since January, 1866, the Secretary of the Treasury has sold in New York some seventy million dollars gold; and the amount of the commissions paid to

P. M. Myers, a broker in Wall street, and a nephew of the Secretary, cannot be less than about one hundred and fifty thousand dollars. This is all wrong; the Government has all the machinery in motion here in its Assistant Treasurer, Mr. Van Dyck, for selling gold without one dollar for commission. The gold has to be counted out over the counter of the Assistant Treasurer and paid for there, and the sales can be made at the counter of the sub-Treasury much better than by the nephew of the Secretary of the Treasury.

"This P. M. Myers is a purchaser for the Secretary of the Treasury of such Government securities as he wishes to purchase, and there must be a commission paid for this."

I believe that the present Secretary of the Treasury, after the position he has taken, should be held, as other public officers should be held, to a strict accountability to the laws; that the law ought to be clear and definite. The effect of it will be to create ill-will and complaint in the Department. I have heard over and over again since this provision was first passed of complaints made in regard to it, and it cannot be otherwise. I think it tends to favoritism on the one hand, and on the other to a subserviency that ought not to exist. I think these clerks ought to have their defined salaries.

There is no disguising another matter, and I think we have a right to meet it, and for one, I choose to do it now, here and everywhere, although I have ceased to have any anxieties about the result, and I do not think anybody now has much doubt about the result in the country. There is no man living in America who began so early, who has been so dogmatic, domineering, and defiant in regard to the best and holiest sentiments of the mass of the men who brought this Administration into power as the Secretary of the Treasury. He has gone beyond any other public man in maintaining a policy that ninety-nine out of every hundred of the men who brought the Administration into power always have opposed, and are opposed to to-day. As was said a moment ago by the Senator from Michigan, when others were retreating, when there were signs from various quarters of coming down, and acknowledging that there was a Congress of the United States, and a people and Congress together, that there was a power in the country, the Secretary of the Treasury rose here in this city, and in a speech which I will not characterize, assailed the Congress of the United States. Under such circumstances, I, for one, do not choose to put uncalled-for discretionary powers in such an officer's hands to use to build up a class of Department clerks who get together and denounce Congress for its acts. I do not want to encourage and reward that set of men. Let the Secretary of the Treasury act under authority of law well defined; and let every man that fills an office under him, whether he be a friend or foe, have his fixed salary.

Mr. FESSENDEN. There are two things that I dislike very much, although perhaps it is very bad taste in me to dislike them. One is to seek the occasion of a mere matter of business to make political speeches, dragging politics into every bill that affords an opportunity to make a political speech upon. It interrupts the ordinary course of business, creates bad feeling, and is, allow me to say, in excessively bad taste. If it leads to any conclusion whatever, it is that politics is the only subject upon which gentlemen feel at home and can make a speech, and not upon matters of business.

Another thing that I dislike, although that is a matter of taste and Senators can do as they please, is assailing absent men who are not here to speak for themselves and defend themselves. The habit in Congress of abusing different individuals, not for particular acts when those acts are under discussion, but upon matters of business, whenever a chance can be got to do it, I think is in bad taste. I think, moreover, that it has another effect, and that is to injure ourselves exceedingly. The people of this country are a very sensible people, taking them as a whole, and I have the impression that they do not look upon that kind of way of doing business as the most beneficial or

the most becoming in men who are presumed to know how to do it; but as I said before, that is a matter of taste and opinion upon which we may well differ.

Now, sir, as the Secretary of the Treasury is not here to speak for himself, and the Senator from Massachusetts has seen fit to comment upon him with some severity, I wish to say a word on the other side. I do not believe that at the present day anybody will suspect me particularly of being in favor of the President's policy, so called. I have defined my position on that subject quite as distinctly as anybody else; but I do not want to talk about it on an appropriation bill. I think we have had quite enough occasions during this session upon which we could discuss all those questions, and that if we are to bring them up on appropriation bills and other business matters during the residue of the session, gentlemen will not be likely to get away by the middle of July, because we shall have it over and over again upon the different subjects that come up. I know that the present Secretary of the Treasury does not at present stand in that relation to Congress which I should like to have him occupy; but I really believe that much of the fault that is found with him as Secretary of the Treasury nothing would have been said about and no complaints made about if it had not been that he did not agree with the majority of Congress upon political subjects. It always happens that when a gentleman who is at the head of a Department or in any other public position antagonizes with any party, majority or minority, they criticize his acts with a feeling and in a manner that they would not do if he was their political friend; and therefore I think such discussions in Congress, if they are not called for, are exceedingly unprofitable.

I think the Secretary of the Treasury endeavors to perform his duty as Secretary of the Treasury honestly and faithfully. I did not agree with him in the speech that he made in response to a set of gentlemen who called upon him the other evening to draw him out. I think that speech was in bad taste, and an unfortunate one, a portion of it. But I think that the nature of the speech was rather due to the fact that he was not accustomed to public speaking, and did not know where he was going when he began exactly, than to any other cause.

Mr. GRIMES. It was written out and committed to memory.

Mr. FESSENDEN. That is the Senator's opinion, not mine.

Mr. GRIMES. It is my opinion founded on the fact that I was present at the time, and heard him recall sentences just as a man always does when he is attempting to recite a speech that he has written out beforehand.

Mr. FESSENDEN. Why, sir, I recall sentences when I am speaking, although I never write speeches; and so does the Senator from Iowa, and every other Senator present.

Mr. GRIMES. That was altogether a different matter.

Mr. FESSENDEN. It is only proving the kind of jaundiced eye through which, or by the help of which, the honorable Senator looks at everything the Secretary of the Treasury does. That is the amount of it. Now, treat every man fairly. I do not agree with the Secretary about that speech; I think it was in very bad taste, but I do not hold him responsible for any design to insult Congress. Why, sir, if he insulted anybody he insulted me. If we were all "tinkers" I have been placed in a position where I was considerable of a tinker.

Several SENATORS. The chief.

Mr. FESSENDEN. The chief tinker, if you please. I did not think of taking any personal offense. I do not believe that the Secretary of the Treasury meant to insult me or offend me, or anybody else, and I am not going to abuse him for that reason, because if I did I should be guilty of very bad taste myself.

Now, sir, with regard to the other charge that the honorable Senator made, that the Secretary appointed men to office who could not take the oath, I know how that was brought

about. He believed, and honestly believed, and others believed with him, and to this day I am very much of the same opinion myself, (although I should not have taken the course he did, because I think that a man is responsible to the law, and he must obey the law,) that in order to collect the revenue, he must take the course he did; and it was not done by himself of his own motion and alone. I do not believe he is any more responsible for it than many others, good and patriotic men, who advised him to that course. It was a state of things that came up owing to the settlement of our controversies. It was necessary to collect the revenue. We must have officers. The Secretary believed that under the circumstances the best thing that he could do was to appoint these men, with the perfect understanding that unless his act in doing so was confirmed, they were not to be paid, according to the law; to let them collect the revenue and let Congress settle the question; and he believed Congress would settle it in a particular way, and that is, authorize, and they will authorize, the payment of these men, although they will not repeal the law. It is not proved which is right on that subject of the revenue, whether Congress is right, or the Secretary. That remains to be proved. But still, that being the law of the land—men act differently—I should have let the revenue go, and say, "There is the law, and I cannot help it."

Mr. JOHNSON. I doubt that.

Mr. FESSENDEN. I think I should; I might, and I might not. But I do not think a man is to be visited with much indignation for an error of judgment of that description. Many others would have acted as he did; and although I might not have done the same thing, I never felt like imputing fault to the Secretary about it. Now that Congress has considered the subject, and settled it, the matter is at an end. How it will eventuate with regard to the collection of the revenue in that country remains to be seen; I do not know.

That the Secretary supports the President in his policy is true. Therein he and I differ; and therein I differ with the President himself; but we cannot remove the Secretary, and why should we be continually bringing up that fact in a matter of business? We are here to provide for the administration of the Department. The question is, how it can be best administered; and gentlemen, in discussing the question how it can be best administered, talk about the Secretary. Why, sir, that has nothing to do with the question, if the Secretary is a man who tries honestly to manage the affairs of his Department successfully and well and fairly; and that I really believe the present Secretary does. That he may make mistakes would be true of any other man. I know I made some when I was there; but nobody found it out and talked about it, except the Democrats, and they said I was mistaken from beginning to end. I did not care a sixpence what they said, and do not to this day; but I knew I made some mistakes, and those they did find out.

Mr. JOHNSON. You never told them.

Mr. FESSENDEN. I did not tell them. I got along with them just as well as I could. Any man would do so necessarily. But with regard to the honest intentions of the present Secretary of the Treasury to administer his Department fairly, faithfully, and for the good of the country, so far as he is able to do so, I have no manner of doubt whatever; and I stand here to say so in spite of the fact that he supports the President's policy and I do not; and I do not mean, having those opinions with regard to him, to have what I consider an injustice done to him in that particular.

Now, sir, leaving that subject, and hoping that politics will not again come into the appropriation bills, (for my personal relations with the Secretary are such as compel me to bear testimony to his worth when I hear him assailed thus publicly,) let us come to the question that is before the Senate. The present Secretary of the Treasury is in no degree responsible for it. If it is a bad principle, I

am, personally, more responsible than any other man; for although my predecessor did ask and receive, without a word of objection from anybody, because it was proper and necessary, a sum of money to employ extra clerks and to increase the compensation of others—I do not know whether that was in it or not; the first was, at any rate—and it was continued from year to year, this precise provision that now exists, not in the same words however, but the substance of the provision I drew with my own hand at the Treasury Department, and sent to the Committee of Ways and Means.

Mr. CONNESS. It was determined, if the Senator will permit me, in the Committee on Finance, before the honorable Senator was Secretary of the Treasury. The committee sustained that course after a full consideration. They knew that the salaries of the clerks in all the Departments could not be raised, and they also knew, upon investigation, that the salaries of some of them must be raised, and they adopted that plan.

Mr. FESSENDEN. That is the whole of the matter from beginning to end.

Mr. HOWE. I wish to remind the Senator that he is not entirely correct in saying that there was no objection to the proposition. There was an objection made in committee.

Mr. FESSENDEN. I never heard it.

Mr. HOWE. The Senator has forgotten it.

Mr. FESSENDEN. I may have forgotten it.

Mr. CONNESS. The objection did not obtain.

Mr. HOWE. I remember that very well, but the objection was made.

Mr. FESSENDEN. If my friend from Wisconsin did not make an objection in that case, I will say it was a wonderful thing, for I never knew a question that he did not object to anyhow. [Laughter.] It would be an exception to his general rule.

Now, the simple fact is, that the Treasury cannot get along without something of this sort being done. With the present force of the Treasury, as organized, the business cannot be done. The reason why no new organization was made and salaries increased was simply because by doing so we should commit ourselves to an increase that would cost us more money than we ought to pay. It would necessarily lead to a large expenditure of money that might be saved, and we were anxious to save it. That was my logic on the subject, and I investigated it as carefully as I ever investigated anything. I see no way, therefore, but for Congress to place some discretion, to a very small extent, (for you must remember there are about two thousand employes in the Treasury Department,) in the Secretary of the Treasury to tide over this difficult time and conduct the business. The principle you may say is a bad one. So it is as a principle. But I will ask my friend from Illinois, if his experience does not afford him proof of many cases where he has been obliged to do a thing that he would gladly have avoided, because he could not do the other thing that he would gladly have done. It is the history of human affairs. We cannot do everything even in Government just as we would like to do it, and in the best way. This was the conclusion that I came to as a Senator before I went into the Department, and I was more confirmed in it after I got into the Department.

Now, with regard to this talk about the Secretary having his favorites, and the Secretary paying this or that man because he supports the President's policy, and all that, it is reducing a man of high character and standing to the level of a blackguard without the slightest foundation or reason for it in the world. I would not impute it to one of my adversaries, unless I saw proof of the actual fact. I have never been known to be particularly enthusiastic in my admiration of the Democratic party; but I never took it for granted that a man who was eminent enough to be placed at the head of a Department would be a mere

thief, guilty of mean and low actions in the management of his Department. Sir, it is the pride of every man who goes to the head of a Department to conduct it well and fairly. He must be impartial; he must be just. His own reputation and his position require it. The idea that because we do not like the present Secretary of the Treasury, therefore we are to presume that he would descend to these little tricks, and spend money that is committed to him for a public purpose in accomplishing his own private purposes, is not only doing him injustice, but doing no credit to the individual, whoever he may be, that entertains an idea of that description with regard to a public officer, without proof of the fact that it is so. Let us do men justice. Let us quarrel, if we will, about politics with those who do not agree with us; but at any rate I think we had better maintain the intercourse which is due from one gentleman to another, even with regard to our political adversaries.

Now, sir, I have only to say with regard to this amendment, it makes not the slightest difference to me, of course, whether the Senate strike it out or keep it in; but I tell them if they do strike it out, as my friend from Illinois suggests, you will throw the Department into a state of embarrassment which will trouble not only them, but will trouble you necessarily, and trouble the public business; and it will lead, from the want of ability to do the work of that Department, to complaints from men whose interests require that the work should be done, which will not be visited upon the Secretary, but upon the Congress that refused to put it in the Secretary's power to accomplish what he is bound to do.

Mr. GRIMES. Mr. President—

Mr. HOWE. Will the Senator permit me to say a word?

Mr. GRIMES. I have only a word to say and shall occupy but a moment. I certainly have been very much instructed, and I have no doubt the Senate have been, by the lessons which the Senator from Maine has given us on the dignity and propriety of public debate. I believe the Senator started out with the proposition that it was exceedingly improper for any member of this body to criticize or say anything against an absent person who was not here to defend himself. Is it possible that the Senator from Maine would deny to us a just criticism of a public officer? Is it possible that it is not fair and legitimate discussion for us to speak of the public acts of the Secretary of the Treasury when it is sought to invest him with a new power, or a power that has never been exercised but once or twice before by an officer under similar circumstances? Does the Senator always confine himself to this rule? It seems to me it is not a very long time ago since I heard some remarks made about the head of another Department who refused, in opposition to the wishes of a distinguished Representative, without any law authorizing him to do it, to send a commission to make a certain investigation. The head of that Department was quite as much absent as the Secretary of the Treasury is to-day. The members of this body were not present upon a celebrated occasion when they were denounced as tinkers of the Constitution, and the most opprobrious language used, in the most offensive and opprobrious manner that it possibly could be used.

Mr. FESSENDEN. The Senator said he was there.

Mr. GRIMES. I was there, but the body was not there. The distinguished tinker at the head of the tinkering committee was not there—the gentleman who of all others was most denounced, I supposed, but who now, forgetting that, defends in the most laudatory manner the gentleman who thus denounced him and his associates. I confess that I have not so much of that spirit of forgiveness which the Senator from Maine is willing to manifest upon this occasion. I have remembered the occurrences of that evening, and the manner of the speaker at the time that he gave his utterances to the mob that was before him.

But then the Senator says that it is very improper for us to speak of political questions upon a matter of business. What political questions have been discussed here by the gentlemen who have opposed this amendment? I understand that this proposition is to invest the Secretary of the Treasury with a discretionary power to dispose of one or two hundred thousand dollars, giving it to such and such clerks as he chooses in his Department. It is a power that has not usually been granted. It is adding to the amount that was appropriated at the last session of Congress and yet unexpended. It is an extraordinary amount. A Senator says that he is unwilling to intrust the Secretary of the Treasury with the disposal of this money, and why? Because he has not got confidence in him. Why has he not got confidence in him? Because he has not obeyed the law of Congress passed two years ago denying him the power to appoint anybody to office unless he should take a certain oath. Is not that a legitimate argument to be urged against the adoption of this amendment? The Secretary appointed persons whom he had no authority to appoint. We required that every appointee, under a certain law, should take a certain oath, and he disregarded that oath. The Senator from Maine says he would have regarded it; he would have obeyed the law of Congress. So would I. I think that any man who had a due regard for his conscience and the laws of Congress, and a proper respect for the authority of the Government, would have done it. I say it is a legitimate reason for expressing a want of confidence in the Secretary of the Treasury, that he refused to obey that law.

Another Senator says that he has lost confidence in the Secretary of the Treasury for the reason that he has not disposed of the gold belonging to the United States in such a manner as he deemed most economical and to the advantage of the Government. Is not that a legitimate criticism? Are we to be denied expressing our opinions on a question of that kind because the Secretary of the Treasury is absent, is not here, and cannot be here, to answer for himself? If it be true that in that instance he has employed a relative; if it be true that that relative made by the sale of the gold \$40,000 during the month of May; if it be true that after the rise in gold he sold several millions of gold at 31½ as the outside and highest price, when it had been going in the market two or three hours before at 34 and 35, is not that a legitimate criticism? And have we not authority to know, and ought we not to know, and is it not, I beg to ask the Senator from Maine, somewhat in the duty of the Committee on Finance to inform the Senate, how it happened that he sold so many millions of gold after the market had risen above 31 to 34 and 35, and who were the purchasers of that gold, making the difference on several million dollars between 31½ and 34 or 35 that it had been sold at during the day?

I submit that because the Secretary of the Treasury is not present to answer these questions himself, these matters that are publicly discussed in the newspapers, that are in the mouths of everybody, and that have, no matter what may be the opinion of the Senator from Maine to the contrary, exceedingly lowered the Secretary of the Treasury in the opinion of the financial men of this country, and in the opinion of some of the best of them destroyed all confidence whatever in him—I say that these matters are fair subjects of investigation, fair subjects of criticism; and I, (or any other Senator,) in my judgment, have a right to urge them when such a question as this is under consideration.

Now, sir, when you take into consideration these facts, and take into consideration the proceedings of a public meeting, which were read by the Senator from Nevada [Mr. NYE] to the Senate the other day, held and presided over by Treasury clerks denouncing me and denouncing the Senator from Maine in most unmeasured terms as usurpers, as men who

were attempting to establish a tyranny in this country, I say that I am not willing to intrust any such extraordinary discretionary power in the hands of the Secretary. I should like to know whether or not the Secretary of the Treasury has taken any notice of the action of those clerks in his Department. Does the Senator from Maine justify that proceeding? If he were still Secretary of the Treasury, and his clerks should denounce Congress in the manner in which we were denounced at that public meeting, would he still retain those clerks in his employment? I am not willing to make any appropriation to enable Mr. McCulloch to pay those clerks or any other clerks who may become associated with them in that departmental club in denouncing Congress. Every gentleman has his own ideas as to what self-respect requires of him; I do not pretend to quarrel with other people as to what may be their ideas of what their own self-respect requires of them; but it seems to me that my self-respect requires that I should not do it.

I have not been disposed any more than the Senator from Maine to impute improper motives to the Secretary of the Treasury. I judge of him by what has gone before; I judge of him by what has already occurred; and I am free to unite in the opinion expressed by the Senator from Massachusetts, that I do not have the confidence in the Secretary of the Treasury that I had and that I would desire to have in a person occupying the prominent position that he does in the councils of the country and before the people.

Mr. HOWE. Mr. President, I rose a short time since because I felt called upon to correct a statement made by the Senator from Maine, but which I attributed entirely to misrecollection on his part. I rise now to correct a mistake which I cannot impute to any failure of memory whatever. The Senator took occasion to say that a similar appropriation to this now pending was made a year ago without any objection; and I simply sought to remind him that he was not entirely correct in that by stating the fact that there was objection made. I did not state that I made the objection, although I thought, by calling his attention to the fact that objection was made, I would remind him that I did object to it in committee. He thought himself warranted in replying that if I did not object to it, it was contrary to my usual habit, and formed the exception to my rule of action. I cannot attribute that statement to any failure of memory, and I certainly do not assent to its accuracy. Whether he meant to speak of my conduct here on the floor of the Senate, and to characterize that as capacious, beyond the conduct of other Senators, I do not know. If so, I appeal against its justice to the records that are kept here, and to the observations of those who surround me. If he meant to tell the Senate that that was my conduct in the committee over which he presides, and on which I had the honor to serve for several years, I shall not contradict him. I shall simply leave that statement to be tried and adjudged by those who were associated with both of us on that committee. If his regard for justice or for his own reputation for veracity does not commend to him the propriety of making some qualification of that statement, certainly I shall not enforce it upon his attention. It is proper for me to say, though, to the Senate, in whose favor I desire to hold some sort of place, that I myself dissent from the justice of that remark utterly and altogether. I want to say one thing more: that nobody knows better than that Senator himself that I have consulted him more, not only upon questions pending before his committee, but upon questions pending here in the Senate, than I have consulted any one else; and I rather think, in proportion to the responsibility I have had for the conduct of business here, oftener than anybody else in the Senate; and if that remark could be made of me with any propriety by anybody, it can be made with less propriety by the Senator from Maine than anybody else.

But, sir, let that pass. This is one of the occasions, whether it be within my rule or otherwise, that I have thought it necessary to object to a pending proposition. I supposed it a constitutional right that I had to object; and I have stated my objection to this amendment. I do not undertake to say that I understood the bearing and the force of it exactly when I was upon the floor before; I am not entirely sure that I understand the bearing of it now; but as I understand, the facts, as explained by the Senator from Maine, which are thought to warrant this appropriation, are something like these: an appropriation of \$250,000 was made for additional compensation to clerks and for compensation to temporary clerks a year ago; of that sum \$130,000 has been expended, leaving \$120,000 of that appropriation unexpended; and of that unexpended appropriation it is proposed by a clause in this amendment to appropriate some sixty thousand dollars for the payment of clerks employed last year but receiving a salary of less than \$1,000 a year, leaving \$60,000 of the last year's appropriation to be applied to the next year's work; and in addition to that a new appropriation of \$160,000. If I am correct, that will be \$220,000 for the next year's work. Last year \$130,000 was thought sufficient and was made to answer the public necessities. Notwithstanding the honorable chairman of the Committee on Finance tells us that the public business cannot be discharged without this appropriation, I cannot, for my life, understand why \$220,000 is necessary this year when \$130,000 only was found necessary last year. My understanding is that these necessities ought to be diminished instead of increased. I understood—I hoped it was the fact—that the number of our disbursing officers, the number of the employees of the Government whose accounts are settled in that Department, was being very materially reduced, and it seems to me there must absolutely be less work at the Treasury Department to do the coming year than there has been the current year or the past year. If \$130,000 would answer last year, I cannot understand why a larger sum should be absolutely demanded this year.

But, sir, I do not propose to take any further time in discussing this amendment. I have not uttered a word upon the political aspect of this debate. The time has not come when I feel authorized to say what my impressions are upon those questions. I do not know that the time ever will come. It is not now.

Mr. FESSENDEN. I suppose I ought to say a word or two in reply, especially to my friend from Iowa, [Mr. GRIMES.] All I have to say to him is, that if he had represented me correctly, or if he had understood what I said, he would not have found it necessary to make the remarks that he did. What I said was, or what I intended to say—and I think I did say, for I generally say what I mean—that I thought it bad taste to be assailing public officers on occasions that did not require it, and when we had business matters under discussion; and I expressly put in, I remember, that when any particular subject was under discussion which called for comment, it was all very well, but I thought it had better be omitted except at such times. When I commented upon his model of all that is admirable and elegant, the Secretary of the Navy, [laughter,] the other day, it was on a very peculiarly appropriate occasion. I took occasion to say that the Secretary of the Navy had refused to do a particular thing as the reason for my action in that case. That was all I said; that he had refused to do it; that I had been unable to persuade him to come to that conclusion. The honorable Senator said the Secretary had no power to do it. That may be; but the Secretary admitted that he had the power, or at least did not deny it, and did not give that as a reason for refusing to comply with my request.

Mr. GRIMES. You attributed it to something altogether different.

Mr. FESSENDEN. I attributed it to the

fact that he did not mean to do it until we had disposed of another question, because he said so; and if he told the truth, I had the right to repeat it, I take it. When the conduct of any particular officer is properly before the Senate in a given case that calls for remark upon it, I think it eminently proper to speak of it just as Senators please; and they will be their own judges as to the style and taste of their oratory, each one for himself. We cannot, of course, have any rule to regulate that matter.

Now, as to my friend from Wisconsin, [Mr. HOWE,] he and I have been friends too long for us to separate upon a careless remark that I made, rather sportive than otherwise, with reference to him. I am sorry that it offended him; and if it did really offend him I will take it back in whole and in part. I did not suppose that he would take it in any other than in a sportive sense; but, unfortunately, I am one of those unhappy individuals that can never even make a joke without its being taken seriously. I do not know what it is owing to; but somehow or other I give offense when I do not mean to do so. But my friend will allow me to say in all sincerity, since he has appealed to me, that he is of a very questioning nature, and is very apt to scrutinize things in a very sharp and careful manner; and I think he does differ with other people, quietly and in a very gentlemanly and proper way, a little oftener than I do; but I may be mistaken about that. We never judge correctly about ourselves in relation to such matters. So far as our relations on the Committee on Finance were concerned, I will say that of all things I would not give the slightest intimation that he was not otherwise than just as he should be there, and I was exceedingly sorry to part with him when he went off. Now, sir, I believe I have made an ample apology, as far as my friend from Wisconsin is concerned.

Mr. HOWE. Certainly if the Senator from Maine was framing a joke when he made the remark he did, I did misunderstand him, and he was misunderstood by others.

Mr. FESSENDEN. That is my misfortune.

Mr. HOWE. But it is enough for me to be told by him that that was what he was up to. If he did not mean to give offense I am the last man to take any offense, and he is the last man that I choose to be offended by.

Mr. FESSENDEN. I thought so.

Mr. HOWE. But as to the other remark he made, that I am after all more inclined to question and object to measures than he is himself, I have only to say that if that is so, I on my part ask pardon of the Senate and of mankind. I did not know it. [Laughter.]

Mr. CONNESS. I rise only to say a few words on this subject. I regret to see the opposition made to this provision in this appropriation bill, because I am convinced from the experience I have had upon the Committee on Finance that it is a necessary appropriation for maintaining the branch of the public service to which it is proposed to be applied. There was great need during the war, and during the enhanced value of commodities and the prices of living in Washington, for an increase in the salaries of men employed in the Departments, particularly an increase in the salaries of the ablest men employed in the Departments. But it could not be done. The necessities of the Government were greater than the necessity of the increase of those salaries, and so the committees of Congress always held. It was found (as was stated here the other day in connection with the bill for the reorganization of the clerical force of the Interior Department) that the best, the most able, the most practiced and experienced men in the Treasury Department were dropping out of their places, going into private business, getting increased salaries, and thus materially affecting, and injuriously affecting, the public service. Therefore, to avoid raising the question of a general increase of the salaries of clerks the mode that is now before us in this appropriation bill was pursued. That was done under former Secre-

taries of the Treasury; nor was it objected to seriously. It would not be fair to say that it was not objected to at all, but it was not seriously objected to, and its indorsement by the Committee on Finance of the Senate caused its adoption here.

The objection to it is of a twofold character: first because of its not being a very good system. I admit that; but I say in answer to that suggestion that it grew out of the necessities of the case, which were peculiar and extraordinary in their character. The next objection grows out of the present political attitude of the Secretary of the Treasury. As was stated by the honorable Senator from Maine of himself, I may say of myself that I shall not be accused of sympathizing with the peculiar position of the honorable Secretary of the Treasury; I shall not be accused of approving the speech which the Senator from Iowa listened to and which fell from his lips recently in the capital. I think the whole project of developing the opinions of Cabinet ministers by such a process as that was, is an ineffable disgrace to those that engaged in it. I think that every member of the Cabinet who was not a willing party to it and who did not invite it as a means of developing his opinion—and I do not say that any did—would have done himself infinite honor by refusing to appear before that band of wandering minstrels, night-hawks, political scrubs, miserable dependents, political fungi that got up that so-called serenade and perpetrated it. I think that these practices have gone just about far enough near this Government. I think that when the heads of Departments cannot hold their opinions, and whatever opinions their judgments and their consciences give them, without being amenable to the dependents in the Departments, and in addition to them the other class that are seeking political places and appointments, and without being subject to their call, to deliver those opinions whenever they shall see fit, it is a pretty hard state of the case. I hope that we have had the end of political serenading, and speeches in response to such serenades, in this country. I wish that the public opinion of the country was of so elevated and stern a character that it would stamp the man, be he the head of a Department or otherwise, who sought to promulgate opinions in response to such miserable plans and proceedings.

So much for my opinion of that whole business. I need say nothing of the character of the speeches. But, sir, as Secretary of the Treasury, as an economical, honest, conscientious officer of a Department, I believe (and I assert only what I believe upon close observation and some little personal experience) that the present Secretary of the Treasury is as good an officer as ever occupied the place he now fills. I believe that, and believing it I say it.

I think that a little duty is incumbent upon him about this time, and that duty consists in dismissing from the public service those creatures who assail another branch of the Government. This business of mutuality of assault has reached very nearly far enough and ought to stop, and the Secretary of the Treasury should not encourage it by keeping in the public employ, under his direction, any man, no matter who he is, who makes himself prominent in it; and it is his duty to dismiss him from the public service forthwith, and I hope he will do it, and see the line of his duty in doing it.

But, sir, I cannot agree with my associates in the Senate that we should at once declare a want of confidence in the head of the Treasury Department by refusing an appropriation in this shape, because the appropriation is committed to his discretion. Like appropriations have been committed to the discretion of his predecessors in view of the extraordinary circumstances that I have named, and the discretion has been fairly and honestly exercised. I believe it will be so by him, and I think that no issue should be made of a political character as against the Secretary of the Treasury upon a proposition of this kind.

Mr. SHERMAN. I feel it but right and just that I should say a few words in regard to this amendment, because I consider myself to some extent responsible for it, and I shall therefore state the circumstances which led the Committee on Finance to adopt it. At the last session of Congress the first appropriation of this kind was made. It was made at the request of the then Secretary of the Treasury, now a member of the body; but it was made under circumstances which compelled us either to adopt the amendment making an appropriation of \$250,000 or to increase the pay of nearly all the officers of the Treasury Department. According to my recollection now, a bill had passed the House of Representatives increasing the pay, perhaps, of all the clerical force in all the Departments twenty per cent. Other propositions of various kinds were pending to increase the pay of officers of the Treasury Department. We had to choose, therefore, between either a general increase of the pay of the clerical force of all the Departments, of the Treasury Department especially, or to appropriate a specific sum to enable the Secretary of the Treasury to retain the most valuable of his employés. At that time I was acting as chairman of the Committee on Finance, and remember very well that the Secretary of the Treasury applied to us for a temporary appropriation to enable him to retain those officers until such time as the pay of the officers might be properly graduated. That was toward the close of the war, when we were in reasonable hopes that the war would end; and there was an indisposition on the part of the Secretary of the Treasury and the Committee on Finance to enter upon the question of the increase of the pay of the different employés of the Government.

Under these circumstances, as a matter of economy, as a matter of prudence, we made an appropriation of \$250,000 to enable the Secretary of the Treasury to distribute this money according to his judgment of the public exigency. This was the first appropriation of that kind that had been made. Up to that time appropriations had been made of a somewhat similar character, but different in amount, for extra clerical force. The first appropriation I find made of that kind was made in 1860, before the war, which authorized the Secretary of the Treasury to "pay for extra clerk hire, preparing and collecting information to be laid before Congress, said clerks to be employed only during the session of Congress, or when indispensably necessary to enable the Department to answer some call made by either House of Congress at one session to be answered at another; and no such extra clerk shall receive more than \$3 33½ per day for the time actually and necessarily employed;" and that was paid out of the miscellaneous fund.

The next appropriation I find for extra services was in the year following, or rather at the special session in July, 1861, after the war had commenced. It was an appropriation "for contingent expenses, including compensation of additional clerks who may be employed by the Secretary according to the exigencies of the public service, and additional compensation for extra labor of clerks in his office, \$25,000." The next appropriation I find was in the year following, when there was an appropriation "for compensation of additional clerks who may be employed by the Secretary according to the exigencies of the public service, \$50,000."

The next appropriation was made the year following, and I will say that every year an appropriation of this kind was made from that time until the appropriation now referred to. The next appropriation was "for compensation of temporary clerks in the Treasury Department; provided that the Secretary of the Treasury be, and he is hereby, authorized in his discretion to classify the clerks according to the grade of their services, or assign to such of them as he shall see fit any compensation

not exceeding that of clerks of the first class, \$200,000."

That was in 1863. In the winter of 1864-65 the appropriation now in controversy was made. It was made under the circumstances which I have mentioned and I have no doubt that it was wisely made. We were compelled by the circumstances by which we were surrounded either to increase the pay of the officers in the Treasury Department or to make this appropriation and place it in the power of the Secretary of the Treasury to give to officers of that Department increased pay. The only question now is in regard to the disposition of it. A portion of this money was assigned by the Secretary of the Treasury to clerks of the higher class, and there was a good deal of complaint made by clerks of the lower grades of this distribution of the money. There was still unexpended when Congress met about one hundred and thirty thousand dollars of this money, and the question is, what shall be done with it? If there was no further disposition made by the Secretary of the Treasury, as a matter of course it would go back into the general fund; but there was a constant pressure by persons who claimed that they were entitled to money for its distribution.

In this amendment, reported from the Committee on Finance, we thought that the first and second class clerks were not entitled to this money, because they were fairly compensated at the rates of \$1,200 and \$1,400 a year. At any rate, they had no peculiar claims to the money. The question was then, what should be done with the money? We concluded that it was right to give to the women employed in the Treasury Department, whose compensation has been \$600 part of the time, part of the time \$720, in the nature of a gratuity, \$100 each. It is true this is no more defensible than the appropriation of the whole of the money to the lower grade of clerks; but partly, perhaps, on account of the gallantry of the committee, a feeling of sympathy for the ladies, and the fact that they only got about one half the pay of first-class clerks who did the same kind of duties, we unanimously, I believe, agreed to give each of them \$100. That reduces the fund very materially, so that the balance on hand would not be, perhaps, more than thirty or forty thousand dollars. I do not know that I can tell; perhaps fifty or sixty thousand dollars. At any rate, \$100 each to the ladies employed in the Treasury reduced the fund very much. Then the question was, what should be done with the balance? If distributed *pro rata* among the clerks of the first and second classes, it would pay them but sixty dollars apiece, according to the estimate, perhaps less than that. This was scarcely sufficient to induce an additional disbursement, and the committee concluded that it was better to let the balance lapse to the general fund as money unexpended. That is the whole history of the disposition of that \$250,000.

In regard to the appropriation made for temporary clerks in the Treasury Department and for additional compensation to clerks in that Department, I feel as strongly as any one the objection made to allowing the Secretary of the Treasury to distribute money among the clerks of his Department; and at the very moment that Congress can wisely approach the question of permanent salaries for all the officers of the Government and settle that question upon a wise and just basis, this appropriation ought to cease. Indeed, before the war the appropriation did not exist. The objection made to it by the honorable Senator from Illinois is potent and is unanswerable. It would not be wise in my judgment to place any sum permanently at the disposal of the head of a Department to distribute among the various classes of clerks. It is very unpleasant to the Secretary. It will make all sorts of demands upon him. The Secretary will be compelled to legislate in the distribution of this money. It is a very unpleasant duty. I do not impute anything wrong in saying that I would myself, if I had any power of this kind, desire to have

it taken away from me, not that I think I would do injustice in the distribution of the money, but because I do not think that the Secretary of the Treasury ought to be compelled to deal out bounties and gratuities to those under his employment. It takes away the sense of manliness and independence. Indeed I think that everybody employed by the Government has a right to a fixed compensation, and a compensation fixed by law; he has a right to receive that for the honest discharge of his services. But the question is whether we are now prepared to enter into a general increase of salaries. If we now legislate upon this subject permanently, we shall have to increase all the salaries in the Treasury Department. Why? Because the expenses of living are so great. That is merely temporary. We know that as we gradually approach specie payments a different state of things will exist, that prices will go down, and then that probably the old salaries will be sufficient.

Under these circumstances the Committee on Finance thought it better, as the House had proposed to continue this appropriation, but to make it \$160,000—less than it was before—to give that amount in the manner and in the same mode provided for by the House, for this year at least. We were not at that time, and we are not now prepared to enter upon the general question of the increase of salaries. I think, with perhaps a better knowledge of this matter than most of the Senators who only hear the discussion to-day, that the adjustment made by the committee is a fair and wise one, and it ought not to be disturbed.

If you should defeat the amendment and allow the House bill to stand as it is, it is much more unjust even from your own point of view, because it appropriates the same amount of money; it disposes of the whole of the balance of the \$250,000: it gives it to none but clerks of the first and second classes, and excludes the ladies entirely; so that it is not as fair and just as the Senate proposition. On the other hand if you strike out both, you may take away from the Secretary of the Treasury the power to retain in his employment officers who are indispensably necessary for the management of the business of the Treasury Department. I think, therefore, that it is better to leave the question this year to the solution made by the Finance Committee, and if at any time the Senate is willing to approach the question of fixing the compensation of employes of the Treasury Department, we can do it. In the tax bill sent us by the House the other day, they have reorganized one bureau of the Treasury Department, giving largely increased salaries. If we are prepared to extend those same salaries to all the other officers of the Treasury Department, it will much more than absorb your \$160,000. It would take twice or three times that sum; and if you propose now to increase the pay and give to the employes that pay which all of us admit they are fairly entitled to, we must be prepared for an expenditure of a much larger sum than \$160,000 placed in the power of the Secretary. I think that in a year or two from this time it will be much wiser and better then to settle on a permanent basis the salaries of the various officers of the Government.

In regard to the political questions drawn into this controversy, I have certainly no desire now to engage in their discussion; indeed I do not think they are pertinent. While the Secretary of the Treasury holds that office we are bound to give him all reasonable powers to execute his duties, and we cannot, because we differ with him in opinion, either withhold from him the ordinary powers of the Treasury Department or deny to him those ordinary discretionary powers which are necessary to enable him to perform his functions.

In regard to one subject which has been thrown into this controversy, the disposition of the gold sold in New York the other day, I think if any candid man will read the letter of Mr. Van Dyck in connection with the letter of the Secretary of the Treasury, he will see that the action of the officer there was had

without consultation with the Secretary of the Treasury, so that the Secretary is not responsible. The action was taken under such a pressure that it was impossible to consult with the Secretary of the Treasury. At most, to say the worst of it, that was a simple error of judgment upon which a good deal may be said on both sides.

Mr. GRIMES. I would inquire of the Senator by whom that pressure was made and upon whom.

Mr. SHERMAN. It was made by the sudden arrival of news from Europe that banks had failed there and that a financial revulsion was likely to occur.

Mr. GRIMES. I will inquire of the Senator whether or not gold was sold after banking hours had ceased, and after the transactions of the open board were over.

Mr. SHERMAN. I know nothing about it except what is stated by Mr. Van Dyck, and he says they received the news at 2:45. That was probably after the ordinary business of banking in New York is disposed of. I have no doubt that if I had been there intrusted with the authority I would not have sold the gold.

Mr. GRIMES. I have the same purpose in view that the Senator from Ohio has. I desire that the public should be able to repose the utmost confidence in the Secretary of the Treasury. It is certainly important to the country that the people should be able to place confidence in him; and as the Senator holds confidential relations with the Secretary of the Treasury—

Mr. SHERMAN. Not at all; I do not see him quite so often as you do.

Mr. GRIMES. I have not seen him for a long time.

Mr. SHERMAN. Nor I.

Mr. GRIMES. At any rate I venture to suggest to the Senator that if the public could be informed of the particular time at which this gold was sold, and to whom it was sold, and when it was paid for, probably the confidence of the public might be measurably restored.

Mr. JOHNSON. The Senator had better propose the raising of a committee to inquire into that.

Mr. SHERMAN. I have not seen the Secretary of the Treasury since the gold was sold. I know nothing about it but what I see in the public prints. I have never conversed with the Secretary about the sale of gold. My own judgment is that the time for the sale of the Government gold has passed, and that if the Secretary has more than he wants for the legitimate purpose of paying the interest on the public debt, it would be much wiser to apply that gold directly to the purchase of bonds of the United States as they mature. That has been my feeling for a year past, since the war has been over. But that is neither here nor there. The agent selected by Mr. McCulloch to sell gold, I understand, is not a relative in any sense, not even in a remote sense. He is a very distant relation of the Secretary's wife, and that so distant that if I could state it to you—and I cannot correctly although it was given to me by a person who knew—it would excite a smile.

This man was an ordinary broker in New York who received one eighth of one per cent., the ordinary commission for selling gold. But if that is an unreasonable commission for the sale of gold and taking so fearful a responsibility as this, what should be said of the commission allowed by the Secretary of the Navy some years ago of five per cent. to buy vessels, which I believe is forty times as much as the commission allowed to this man for selling gold? At the same time the Secretary of the Treasury cannot be seriously blamed for this, because he was ignorant of it. His general authority to the agent was to keep gold at a certain standard, 130, and he did keep it at that standard; it was kept for nearly a year varying between 125 and 135, gradually declining. The policy of the Secretary was to keep it not above 130, looking to a gradual reduction and resumption

of specie payments. That was not only stated by him in his annual report, but it was a fact of public notoriety. Whenever gold went above 130, some was thrown into the market; usually, one hundred thousand dollars or half a million dollars was sufficient to stop any inclination to rise above that; but he was not prepared for this extraordinary state of affairs which came over the wires from Europe. Mr. McCulloch was not there to direct and advise him. Mr. Van Dyck was to give the orders, for Mr. Myers had no authority to sell without the order of Mr. Van Dyck, according to the statement of Mr. Van Dyck himself. Myers was simply the agent to execute orders. He was the simple broker. Van Dyck was the custodian of the gold, an officer under bonds, a man of high character. I believe I never saw him in my life, and would not know him if I met him; but his reputation in the city of New York is certainly of the highest character. He authorized the sale after this news came in. Everybody must have known that the effect of the news would be to put up gold, because under the operation of the news in Europe our bonds had gone down some ten per cent. in gold value in London. Everybody must have known that the effect of that news here would be to advance the price of gold; and the question arose with Van Dyck whether he should sell gold at once or withdraw from the market and let the price of gold suddenly go up, creating alarm and distress, compelling importers of goods to go into the market in order to meet their contracts and pay a largely increased price for gold, crushing perhaps large interests in the city of New York, deranging business, because no one can doubt that if it had not been for the twenty-five millions of gold thrown into the market that night, gold would have gone up probably to 150, and we might have had a panic in this country. These are mitigating circumstances, to say the least, that are mentioned by the officer having charge of this subject, Mr. Van Dyck, and the whole decision was arrived at without the knowledge or consent of the Secretary of the Treasury.

Now, I ask Senators whether when you take that question with the surrounding circumstances and the explanations that have been made by these officers acting under general instructions given without a knowledge of the new facts that had been flashed over the wires, there was, to say the most, anything more than simply an error of judgment. I think, myself, it is yet very problematical whether the United States will not gain more by the loss of what she might have made by holding and hoarding this gold a little while, by the increased confidence it will be found to have given to our securities abroad; because from the very moment of that first panic they have gradually risen, and I have no doubt that under the advices of the shipment of gold from this country to England they will rise more. I ask, then, whether it is right to arraign the Secretary of the Treasury on this error of judgment, and especially for this reason to deny him a power that we freely gave one year ago to another Secretary of the Treasury.

Mr. President, I have said more than I intended to say. I have said this much merely because I was willing, myself, to take my share of the responsibility of the appropriation of \$250,000 made a year ago, which I think was made in the Senate without objection. My friend from Wisconsin objected in committee; I do not know whether he objected in the Senate or not; at any rate it was agreed to with very little discussion here, and only after full consideration and by the general and hearty consent of both Houses. By appropriating \$250,000 in the way I have mentioned, we prevented the Treasury from being saddled with a permanent increase of salaries to the various officers of the Treasury Department which would absorb probably two or three times the amount that we did appropriate.

Mr. GUTHRIE. Mr. President, I was a member of the committee which reported this bill, and we considered it well. I think it is just and proper to intrust this matter to the

Secretary of the Treasury. I believe the discretion was properly confided to him a year ago to do what he was then authorized to do, and I believe it is necessary now. Least of all did I expect that objection would be made to the proposition on political grounds. The politics of the Secretary would not make any difference in the vote which I should give on such a subject, because I think it is necessary that we should intrust the Secretary of the Treasury and all the Secretaries at the head of the various Executive Departments with the power that is necessary to enable them to discharge the duties confided to them by the positions which they hold. A great deal must depend necessarily upon the organization of the Departments, and the proper and appropriate positions which the various clerks hold, and the business to which they devote themselves. I recollect that when I went into the Treasury Department the whole Mexican war debt remained unsettled, and there was an immense amount of unsettled accounts in the Department. The suggestion was made, and in some instances it was allowed by Congress, to have additional clerks employed. I soon found, however, that the business of the Department was delayed by clerks who knew nothing of the proper business, and that experts were needed.

There was a band of clerks consisting of from ten to twelve who were sent from Department to Department to bring up the arrearages, and these were the ablest and best clerks that could be selected in the Departments, and with their aid the arrearages were brought up and soon brought up. When any Department of the Government is in arrear in the settlement of its accounts the head of the Department must see to it that they are brought up, and he must use the means that are within his power. Any man at the head of a Department will soon learn that there are certain men who have become experts, who are industrious, faithful, and diligent in the discharge of their business, while there are others who never can be improved, and never are improved as long as they stay there.

I think this provision is necessary for the Treasury Department; and at no time since the beginning of the Government has that Department had more need of an efficient body of clerks than it has now. The foreign trade of the country is just commencing anew after the war under a system of duties that must necessarily be high. The questions arising under internal duties, which are very extensive and require a great many assessors and collectors and vigilant officers, are thrown upon the Treasury Department. All the accounts for money coming into the Treasury and money paid out are settled at the Treasury Department according to the system established by Alexander Hamilton, and no Secretary since his day has attempted materially to change the system. All moneys coming into the Treasury are paid in the Treasury upon warrant, and all moneys paid out are paid upon warrant; and it is necessary for the Secretary of the Treasury to have an able and efficient and sufficient corps of clerks to discharge the duties. The Government never can understand and know that these officers are faithful unless they have a Secretary over them in whom they can confide and trust with such confidence as is proposed by this amendment. I understand that they have been organizing for years past an Internal Revenue Bureau, extensive in officers, extensive in new legal questions and new regulations. Our condition is such that of course it was impossible to have experts in that business, and the only way was to train them up, and they must obtain knowledge and become experienced in that branch by intercourse with the other branches of the Treasury Department.

I am sorry for the distrust that is manifested and expressed in relation to the Secretary of the Treasury. I knew him in the State of Indiana, where he had the reputation of being an honest man, and I have never heard any-

thing to the contrary. I believe he is discharging his duties to the best of his skill and ability; and I think it is the interest of the nation now that he should have not only the confidence of the President, but the confidence of Congress and the confidence of the country.

I can hardly be said to belong to the Government party, though I have always been a Union man, and raised my voice and made what efforts I could to preserve the unity of the country. But if I were otherwise, and if I came here to fill a place, I would not cripple the Government in any of its Departments by depriving it of the ability and the capacity to make a fair and honest administration of that Department.

I think we can fairly trust this matter to the Secretary of the Treasury. I think the majority should have confidence in him. I wish they had larger confidence and more trust in the South than they seem to have. I have not quarreled with them because they differed with me. I would not cripple the Government in any of its Departments or any of its operations so as thereby to bring it into disgrace. I think it very singular if we should refuse its authority because the Secretary may have made a political speech which is distasteful to us. I think it very likely that I should not have made such a speech, one which, it is said, called Congress in question; but I will not for that reason cripple him in the management of his Department.

I think it is unfortunate for the country that Congress has differed with the President; but still it is the Government of the United States; it is the Administration of the Union party who have suppressed this rebellion, and who look to the conciliation and restoration of these States; and I hope and trust we shall not let a little distrust of the Secretary of the Treasury induce us to cripple a most important Department of Government.

Why, sir, the New York brokers and dealers can furnish arguments pro and con in relation to the sale of this gold that it would take Congress to sit and decide the right and justice of it as long as we have been settling about admitting the southern States, and we should come, I suppose, to about just as satisfactory a conclusion among ourselves that we have now in relation to the Secretary of the Treasury.

I trust that on reflection the Senate will see the necessity of passing this amendment and putting the Secretary of the Treasury in a condition to discharge his duties faithfully, honestly, and successfully.

Mr. TRUMBULL. Is the amendment divisible?

The PRESIDENT *pro tempore*. It is a motion to strike out and insert. In the opinion of the Chair it is not divisible.

Mr. TRUMBULL. Then I hope the Senate will vote against the amendment, and then I shall propose to strike out the House proposition also.

Mr. FESSENDEN. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 18, nays 17; as follows:

YEAS—Messrs. Anthony, Conness, Davis, Doolittle, Fessenden, Foster, Guthrie, Harris, Hendricks, Johnson, Morgan, Norton, Riddle, Saulsbury, Sherman, Van Winkle, Williams, and Yates—18.

NAYS—Messrs. Chandler, Cragin, Creswell, Edmunds, Grimes, Howard, Howe, Kirkwood, Lane of Indiana, Nye, Poland, Ramsey, Sprague, Stewart, Trumbull, Wade, and Wilson—17.

ABSENT—Messrs. Brown, Buckalew, Clark, Cowan, Dixon, Henderson, Lane of Kansas, McDougall, Morrill, Nesmith, Pomeroy, Sumner, Wiley, and Wright—14.

So the amendment was agreed to.

The Secretary continued the reading of the bill.

The next amendment of the Committee on Finance was to strike out from the appropriations for the Treasury Department lines three hundred and eighty-eight, three hundred and eighty-nine, three hundred and ninety, and three hundred and ninety-one, as follows:

For compensation of additional clerks who may be employed by the Secretary according to the exigen-

cies of the public service, and additional compensation for extra labor of clerks in his office, \$5,000.

The amendment was agreed to.

The Secretary continued the reading of the bill to line four hundred and forty-one.

The Committee on Finance proposed, in line four hundred and forty-one, to increase the appropriation "for stationery for the Treasury Department and its several bureaus" from \$100,000 to \$125,000.

The amendment was agreed to.

The Secretary read the next clause of the bill as follows:

For compensation of twelve watchmen and eleven laborers of the Southeast Executive Building, \$16,560.

Mr. FESSENDEN. An amendment is needed there. The amount of the appropriation should be \$18,800.

The amendment was agreed to.

The Secretary continued the reading of the bill to the following clause, lines four hundred and fifty-five to four hundred and fifty-eight, namely:

For compensation of the Secretary of the Interior, Assistant Secretary, chief clerk, and the clerks, messenger, assistant messengers, watchmen, and laborers in his office, \$48,700.

Mr. FESSENDEN. That needs alteration. The amount appropriated should be \$46,380 instead of \$48,700. I move that amendment.

The amendment was agreed to.

The next clause was read as follows:

For compensation of the Commissioner of the General Land Office, chief clerk, recorder, draughtsman, assistant draughtsman, clerks, messengers, assistant messengers, packers, watchmen, and laborers in his office, \$178,200.

Mr. FESSENDEN. That needs amendment also. The appropriation should be \$175,440.

The amendment was agreed to.

The Secretary continued the reading of the bill to line four hundred and seventy-seven.

Mr. FESSENDEN. I move to reduce the appropriation for the compensation of the Commissioner of Indian Affairs, clerks, messenger, &c., in his office, in lines four hundred and seventy-six and four hundred and seventy-seven, from \$32,000 to \$31,940.

The amendment was agreed to.

Mr. FESSENDEN. In the next clause I move to reduce the appropriation, in lines four hundred and eighty and four hundred and eighty-one, for the Commissioner of Pensions and the clerks, &c., in his office, from \$216,920 to \$215,240.

The amendment was agreed to.

The Secretary continued the reading of the bill to line five hundred and eighty-eight.

The committee proposed in line five hundred and eighty-five to strike out "[Laws, page 452.]"

Mr. FESSENDEN. That is merely a verbal amendment; the words are unnecessary. The amendment was agreed to.

Mr. FESSENDEN. I move to insert after the word "concerned," in line five hundred and seventy-seven, these words:

Including legal assistance to the Attorney General and other special and extraordinary expenditures in cases in the Supreme Court of the United States, in which the United States are concerned.

So as to make the clause read:

For defraying the expenses of the Supreme Court and district courts of the United States, including the District of Columbia, and also for jurors and witnesses, in aid of funds arising from fines, penalties, and forfeitures, in the fiscal year ending June 30, 1867, and previous years, and likewise for defraying the expenses of suits in which the United States are concerned, including legal assistance to the Attorney General and other special and extraordinary expenditures in cases in the Supreme Court of the United States in which the United States are concerned, and of prosecutions for offenses committed against the United States, and for the safe-keeping of prisoners, in addition to the unexpended balances of appropriations to the credit of the judiciary fund on June 30, 1866, required to meet the expenses of the courts being reestablished in the southern States, so much of the act of March 2, 1865, carrying said unexpended balances of appropriations into the Treasury being, and the same is hereby, repealed, \$300,000.

The amendment was agreed to.

The next amendment of the Committee on Finance was to strike out of the appropriations for the War Department, lines five hundred and ninety-four, five hundred and ninety-five, and five hundred and ninety-six, as follows:

For additional compensation to subordinate employes, according to act of June 25, 1864, \$680.

The amendment was agreed to.

The next amendment was to strike out of the appropriations for the Adjutant General's office, lines six hundred, six hundred and one, and six hundred and two, as follows:

For additional compensation to subordinate employes, according to act of June 25, 1864, \$180.

The amendment was agreed to.

The next amendment was to strike from the appropriations for the Quartermaster General's office, lines six hundred and seven, six hundred and eight, and six hundred and nine, as follows:

For additional compensation to subordinate employes, according to act of June 25, 1864, \$5,680.

Mr. TRUMBULL. I observe that many provisions of this kind are stricken out throughout the bill. I desire to inquire the meaning of it. I know that some of these subordinate employes are very poorly paid. I wish to inquire of the chairman of the Committee on Finance what persons this affects, who they are, and what additional compensation the act referred to allows them.

Mr. FESSENDEN. The House of Representatives, as they went along, made an appropriation in the first place for the ordinary salaries, and then for the twenty per cent. additional allowed by another law. The Committee on Finance thought it best to leave out all these specific appropriations, and to provide in one section for all these cases.

Mr. TRUMBULL. Is the same thing provided in another section?

Mr. FESSENDEN. That is what we have done. Perhaps it may be as well to retain the specific appropriation in each case.

Mr. TRUMBULL. There is no object in retaining the clause if the matter is elsewhere provided for.

Mr. FESSENDEN. So the committee thought. It is for the Senate to decide.

The amendment was agreed to.

The next amendment was to strike from the appropriations for the Paymaster General's office, lines six hundred and thirteen, six hundred and fourteen, and six hundred and fifteen, as follows:

For additional compensation to subordinate employes, according to act of June 25, 1864, \$1,280.

The amendment was agreed to.

The next amendment was to strike out lines six hundred and nineteen, six hundred and twenty, and six hundred and twenty-one from the appropriations for the Commissary General's office, namely:

For additional compensation to subordinate employes, according to act of June 25, 1864, \$520.

The amendment was agreed to.

The next amendment was to strike from the appropriations for the office of the Surgeon General the following:

For additional compensation to subordinate employes, according to act of June 25, 1864, \$280.

The amendment was agreed to.

The next amendment was to strike out of the appropriations for the office of the chief Engineer, lines six hundred and thirty-one, six hundred and thirty-two, and six hundred and thirty-three, as follows:

For additional compensation to subordinate employes, according to act of June 25, 1864, \$420.

The amendment was agreed to.

The next amendment was to strike out of the appropriations for the office of the Colonel of Ordnance, lines six hundred and thirty-seven, six hundred and thirty-eight, and six hundred and thirty-nine, as follows:

For additional compensation to subordinate employes, according to act of June 25, 1864, \$760.

The amendment was agreed to.

The Secretary continued the reading of the bill to the close of the appropriations "for the general purposes of the Northwest Executive Building," ending on line six hundred and eighty-one.

Mr. FESSENDEN. I move to strike out lines six hundred and seventy-nine, six hundred and eighty, and six hundred and eighty-one, in these words:

For additional compensation to subordinate employes, according to act of June 25, 1864, \$720.

The amendment was agreed to.

The next amendment of the Committee on Finance was to strike from the appropriations "for the general purposes of the building corner of F and Seventeenth streets," lines six hundred and ninety, six hundred and ninety-one, and six hundred and ninety-two, in these words:

For additional compensation to subordinate employes, according to act of June 25, 1864, \$720.

The amendment was agreed to.

The reading of the bill was continued to line seven hundred and two.

Mr. FESSENDEN. I move in lines seven hundred and one and seven hundred and two to reduce the appropriation for compensation of the Secretary of the Navy, his assistant, clerks, &c., from \$58,800 to \$58,140.

The amendment was agreed to.

Mr. FESSENDEN. In the next clause, the appropriation for the Bureau of Yards and Docks should be \$19,240 instead of \$19,640. I move that amendment in lines seven hundred and five and seven hundred and six.

The amendment was agreed to.

Mr. FESSENDEN. In the next item, in lines seven hundred and nine and seven hundred and ten, the appropriation for the Bureau of Equipment and Recruiting should be \$16,140 instead of \$16,420.

The amendment was agreed to.

Mr. FESSENDEN. In the next item, in lines seven hundred and twelve and seven hundred and thirteen, the appropriation for the Bureau of Navigation should be \$9,340 instead of \$9,620.

The amendment was agreed to.

Mr. FESSENDEN. In the next clause, the appropriation in lines seven hundred and sixteen and seven hundred and seventeen for the Bureau of Ordnance should be \$18,820 instead of \$19,196.

The amendment was agreed to.

Mr. FESSENDEN. In the next clause, I move in lines seven hundred and twenty and seven hundred and twenty-one to make the appropriation for the Bureau of Construction and Repair \$16,340 instead of \$16,620.

The amendment was agreed to.

Mr. FESSENDEN. The next appropriation for the Bureau of Steam Engineering, in lines seven hundred and twenty-four and seven hundred and twenty-five, should be \$10,740 instead of \$11,020.

The amendment was agreed to.

Mr. FESSENDEN. In the next item, for the Bureau of Provisions and Clothing, the appropriation in lines seven hundred and twenty-eight and seven hundred and twenty-nine should be \$24,340 instead of \$24,620.

The amendment was agreed to.

Mr. FESSENDEN. In the next clause, the appropriation for the Bureau of Medicine and Surgery, in lines seven hundred and thirty-two and seven hundred and thirty-three, should be \$10,540 instead of \$10,820.

The amendment was agreed to.

The Secretary continued the reading of the bill down to the following item in the appropriations for the Post Office Department, lines seven hundred and seventy-seven to seven hundred and eighty:

For compensation of authorized additional, and for temporary clerks, \$37,000: *Provided*, That the salaries allowed to the female clerks in said Department shall be \$720 per annum.

Mr. FESSENDEN. I move to strike out that proviso.

The amendment was agreed to.

The next amendment of the Committee on Finance was to strike out from the appropriations for the Post Office Department, lines seven hundred and eighty-one, seven hundred and eighty-two, and seven hundred and eighty-three, in the following words:

For additional compensation to subordinate employes, according to the act of June 25, 1864, \$8,000.

The amendment was agreed to.

The Secretary continued the reading of the bill to line eight hundred and thirty-two.

The Committee on Finance proposed in line eight hundred and thirty-one to increase the appropriation for salaries of the Director, treasurer, assayer, melter and refiner, coiner, &c., of the Mint at Philadelphia, from \$32,700 to \$35,500.

The amendment was agreed to.

The next amendment was in lines eight hundred and forty-one and eight hundred and forty-two to increase the appropriation for salaries of the superintendent, treasurer, assayer, melter and refiner, coiner, and six clerks at the branch mint at San Francisco, from \$30,500 to \$32,000.

The amendment was agreed to.

The next amendment was to insert after line eight hundred and forty-two:

For additional compensation to the above six clerks, at \$500 each, \$3,000.

The amendment was agreed to.

The Secretary continued the reading of the bill to line nine hundred and thirty-seven.

Mr. FESSENDEN. I desire to make an amendment to the clause last read. In line nine hundred and thirty-six I move to strike out "by them" and insert "in carrying into effect the steamboat inspection law," so as to make the clause read:

For salaries of ten supervising and fifty-six local inspectors, appointed under act of the 30th of August, 1852, for the better protection of the lives of passengers by steamboats, with traveling and other expenses incurred in carrying into effect the steamboat inspection law, including the expenses of their annual meeting, \$85,000.

The amendment was agreed to.

The Secretary continued the reading of the bill to line nine hundred and seventy-eight.

The Committee on Finance proposed, in line nine hundred and seventy-seven, to strike out "one" and insert "ten" before "thousand;" so as to read:

Territory of Nebraska:

For salaries of Governor, chief justice, and two associate judges, and secretary, \$10,500.

The amendment was agreed to.

The Secretary continued the reading of the bill to the following clause in lines ten hundred and fifty-four, ten hundred and fifty-five, ten hundred and fifty-six, and ten hundred and fifty-seven:

For salaries of the chief justice of the supreme court of the District of Columbia, the associate judges, and judge of the orphans' court, \$14,500.

Mr. FESSENDEN. That clause should be amended on account of the increase of the salaries of the supreme court of this District by a bill recently passed by Congress. I move to make the appropriation \$19,000.

The amendment was agreed to.

The Secretary continued the reading of the bill to line ten hundred and seventy-one.

The Committee on Finance proposed to strike out the proviso in the following clause:

For necessary expenses in carrying into effect the several acts of Congress authorizing loans and the issue of Treasury notes, \$2,000,000: *Provided*, That no further expenditure shall be made for the experimental system of hydrostatic printing by the Treasury Department until such experiments shall have been definitely authorized by law, and a distinct appropriation made therefor.

The amendment was agreed to.

The Secretary continued the reading of the bill to line ten hundred and ninety-eight.

The Committee on Finance proposed to insert the following items after line ten hundred and ninety-eight:

To enable the Commissioner of Public Buildings to pay two policemen at the President's House, \$2,610.
To enable the Commissioner of Public Buildings to

pay two policemen at the President's House, one from August 24, the other from November 25, 1865, to June 30, 1866, \$2,023 34.

The amendment was agreed to.

The next amendment was in line eleven hundred and nine to strike out "six hundred" and insert "one thousand;" so as to make the clause read:

For compensation of the doorkeeper at the President's House, \$1,000.

The amendment was agreed to.

The next amendment was to strike out lines eleven hundred and ten and eleven hundred and eleven, in these words:

For compensation of assistant doorkeeper at the President's House, \$600.

The amendment was agreed to.

The next amendment was in line eleven hundred and fifteen to strike out the word "watchman" and insert "two watchmen," and in line eleven hundred and sixteen to strike out "six" and insert "twelve;" so as to make the clause read:

For compensation of two watchmen in reservation No. 2, \$1,200.

The amendment was agreed to.

The next amendment was in line eleven hundred and seventeen to strike out "eight" and insert "ten;" in line eleven hundred and eighteen to strike out "seven" and insert "nine;" and in line eleven hundred and nineteen to strike out "five" and insert "three," and after the word "and" to strike out "fifty-three" and insert "seventy-eight;" so that the clause will read:

For compensation of ten draw-keepers at the Potomac bridge, and for fuel, oil, and lamps, \$9,378 60.

The amendment was agreed to.

The next amendment was after line eleven hundred and twenty-eight to strike out the following clause:

For additional compensation to five laborers in the Capitol, one foreman and twenty-one laborers in public grounds, one gate-keeper, four day and two night watchmen, one doorkeeper, and one assistant, and two furnace-keepers, \$4,571 60.

The amendment was agreed to.

The Secretary continued the reading of the bill to line eleven hundred and fifty.

Mr. WILSON. I believe the Senator from Maine has proceeded as far as he desires with the bill to-day, and I desire to make a report from a committee of conference.

Mr. FESSENDEN. I shall not ask the Senate to proceed further with this bill to-day.

The PRESIDENT *pro tempore*. The Chair will receive the report if there be no objection.

MILITARY ACADEMY APPOINTMENTS.

Mr. WILSON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the joint resolution (H. R. No. 134) relative to appointments to the Military Academy of the United States, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House agree to the amendment of the Senate with the following amendments thereto:

In line three of the Senate amendment after the word "after," insert the words "those who enter."

In line eleven, after the word "prescribed," strike out all the remainder to the end of the Senate amendment, and insert the following:

And in like manner the President of the United States shall be authorized hereafter to nominate fifty at large each year, instead of ten as now provided by law, who shall be examined under like regulations, and of whom the ten who may be reported as most meritorious and best qualified shall be appointed: *Provided, however,* That not more than two of these shall be appointed in any year from one State.

And that the Senate agree to the same.

HENRY WILSON,
J. B. ANTHONY,
THOMAS A. HENDRICKS,
Managers on the part of the Senate.
ROBERT C. SCHENCK,
H. E. PAINE,
Managers on the part of the House.

The report was concurred in.

MEMORIAL OF GENERAL SCOTT.

The PRESIDENT *pro tempore* laid before the Senate the following resolution from the House of Representatives:

Resolved, That a committee of one from each State represented in this House be appointed on the part

of this House, to join such committee as may be appointed on the part of the Senate, to consider and report on the propriety of an address commemorative of the life, character, and services of the late Brevet Lieutenant General Winfield Scott.

The PRESIDENT *pro tempore*. What order will the Senate take on the resolution?

Mr. FESSENDEN. I move that it be referred to the Committee on Military Affairs.

The motion was agreed to.

AUSTRIAN TROOPS FOR MEXICO.

Mr. DOOLITTLE. I desire to submit the following resolution, and I ask for its consideration now by unanimous consent:

Resolved, That the President of the United States be requested to communicate to the Senate, if not incompatible with the public interest, any information in the possession of the executive government relative to the departure of troops from Austria for Mexico.

Mr. FESSENDEN. I object to it.

The PRESIDENT *pro tempore*. Objection being made, the resolution lies over under the rule.

Mr. ANTHONY. I move that the Senate adjourn.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, June 12, 1866.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. C. B. BOXTON.

The Journal of yesterday was read and approved.

KOONTZ VERSUS COFFROTH.

Mr. DAWES presented some papers in the case of Koontz vs. Coffroth; which were referred to the Committee of Elections.

NITRO-GLYCERINE.

Mr. ELIOT. I ask unanimous consent to report back from the Committee on Commerce Senate bill No. 313, to regulate the transportation of nitro-glycerine or glycin oil.

Mr. JENCKES. I object.

NEHEMIAH OSBORN.

Mr. HART, by unanimous consent, introduced a bill for the relief of Nehemiah Osborn; which was read a first and second time, and referred to the Committee of Claims.

MILITIA OF 1812.

On motion of Mr. RAYMOND, by unanimous consent, the Committee on Appropriations was discharged from the further consideration of the resolution of the Legislature of New York relative to the payment of the militia of 1812.

GEORGE COTTINGHAM.

On motion of Mr. RAYMOND, by unanimous consent, the Committee on Appropriations was discharged from the further consideration of the memorial of George Cottingham, and the same was referred to the Committee of Claims.

SALE OF MINERAL LANDS.

Mr. JULIAN, by unanimous consent, submitted the following resolution; which was referred to the Committee on Printing under the law:

Resolved, That there be printed for the use of the House five thousand copies of the report No. 66 of the House Committee on Public Lands, on the subject of the sale of mineral lands, five hundred of which shall be for the use of said committee.

BOUNTIES TO COLORED SOLDIERS.

Mr. SCHENCK, from the Committee on Military Affairs, by unanimous consent, reported back, with amendments, Senate joint resolution No. 51, respecting bounties to colored soldiers, and the pensions, bounties, and allowances to their heirs.

The first amendment reported by the committee was as follows:

Strike out all of section one after the word "omission" in the eighth line and insert the following:

But where nothing appears on the muster-roll or the record to show that a colored soldier was not a freeman at the date aforesaid, under the provision of the fourth section of the act making appropriations

for the support of the Army for the year ending the 30th of June, 1865, the presumption shall be that the person was free at the time of his enlistment.

The amendment was agreed to.

The second amendment of the committee was as follows:

In section two strike out all after the word "widow" in the fourth line down to and including the word "enlistment" in the tenth line, and insert the following:

Were joined in marriage by some ceremony deemed by them obligatory, followed by their living together as husband and wife up to the time of enlistment.

The amendment was agreed to.

The third amendment of the committee was as follows:

In the same section strike out all after the word "marriage," in the fourteenth line, to the end of the section, and insert the following:

Shall be held and taken to be the lawful children and heirs of such soldier.

The amendment was agreed to.

The joint resolution, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was read the third time and passed.

Mr. SCHENCK moved to reconsider the vote by which the joint resolution was adopted; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

JOHN ROLAND.

Mr. McRUER, by unanimous consent, submitted the following resolution; which was referred to the Committee on Indian Affairs:

Resolved, That the Secretary of the Interior be authorized to pay the amount due on John Roland's claim for flour furnished Indians, \$2,100, out of the appropriation made to settle the account of Oliver M. Wozencraft.

WAGON ROAD IN CALIFORNIA.

Mr. BIDWELL, by unanimous consent, introduced a bill granting lands to the State of California to aid in the construction of a certain wagon road for military and postal purposes; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

MARRIAGES IN THE DISTRICT OF COLUMBIA.

Mr. HART, from the Committee for the District of Columbia, by unanimous consent, reported back House bill No. 615, for legalizing marriages, and for other purposes, in the District of Columbia.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was read the third time and passed.

Mr. HART moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PAY OF THE NAVY.

Mr. DELANO. I ask the unanimous consent of the House to introduce a bill amendatory of the act of April 17, 1866, entitled "An act making appropriations for the naval service for the year ending June 30, 1867."

The bill repeals so much of the act of April 17, 1866, as repeals section two of the act regulating the pay of the Navy.

Mr. LE BLOND. I do not like to have this bill considered at this time. I think it had better be referred. I infer that it relates to the same section that my colleague referred to the other day, that gives to naval officers thirty-three per cent. over what they now receive. It may be worthy of consideration by the House whether naval officers ought not to have increased pay; and for the purpose of having that subject considered I would like to have this bill referred.

Mr. DELANO. I hope the House will indulge me in saying a few words. The act making appropriations for the Navy for this year repeals the second section of the act of 1835, which second section excluded all allowances of commutation for quarters, fuel, &c. I suppose that neither this House nor the Senate, when the naval appropriation bill passed, understood the effect of the amendment. The effect of the measure is disclosed, however, by

the order issued by the Secretary of the Navy, giving thirty-three per cent. under certain circumstances and thirty per cent. under certain other circumstances. I have taken the trouble to go to the Treasury Department to ascertain the probable annual expense under that order. It was reported to me officially at \$1,300,000 per annum.

Now, I know from conversations with Senators, that when this section of the law of 1835 was repealed, the Senate did not understand what it was doing; and I am equally well satisfied that the House did not understand what it was doing.

Now, I do not know but what the pay of the Navy should be increased, but this is an unworthy manner of effecting such increase. I say, therefore, that the House owes it to itself to restore the law of 1835, and that when the pay of the Navy is increased, it should be done in a legitimate way, so that we shall know what we are doing. It is, perhaps, wise that we should fix the pay of the Navy, as we are fixing the pay of the Army, definitely. I hope the House will restore the law of 1835. I shall not be found illiberal or unjust whenever the question of the pay of the Navy comes up.

Mr. LE BLOND. I agree with my colleague in reference to this matter, but I would rather that the bill should be referred.

The bill was read a first and second time, and referred to the Committee on Naval Affairs.

Mr. PIKE. I ask unanimous consent to make an explanation on this question.

No objection was made.

Mr. PIKE. I have just come into the House, and as I understand the Committee on Naval Affairs has been referred to in connection with this bill I would like to make a short statement. The amendment which increases the pay of the Navy was made in the Senate, and when it came here it was referred to the Committee on Appropriations. The Committee on Naval Affairs had nothing to do with it. The Committee on Appropriations, who considered it intelligently and understood perfectly its effect, reported it to the House and the House passed the amendment; whether they understood it or not was their business. I presume that upon this, as upon all other measures, they knew what they were about.

The pay of the Navy ought to be increased, and as to the mode of pay, I agree with the gentleman from Ohio [Mr. DELANO] that a change should be made both in the Army and in the Navy. And I hope some similar bill to that which passed the House will also pass the Senate; and following that that the pay of the Navy will be made to assimilate to the pay of the Army, as the rank assimilates; so that rank for rank the pay of the Navy will be the same as the pay of the Army, and be paid in such a way that everybody can understand just what the pay is, and not have it depend, as the gentleman from Ohio [Mr. DELANO] has said this bill will depend, upon the action of the Secretary of the Navy, in the same way that the pay of the Army now depends upon the action of the Secretary of War.

DIRECT TAXES IN FLORIDA.

Mr. NIBLACK, by unanimous consent, presented joint resolutions of the Legislature of Florida in relation to the collection of direct taxes in that State; which were referred to the Committee of Ways and Means, and ordered to be printed.

JANE E. SHANE.

Mr. ECKLEY, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Pensions be directed to inquire into the expediency of allowing to Jane E. Shane a pension, as the widow of Lieutenant Colonel James M. Shane, late Lieutenant colonel of the ninety-eighth Ohio volunteer infantry, who was killed at Kennesaw Mountain, in the State of Georgia.

MICHIGAN LAND-GRANT RAILROADS.

Mr. DRIGGS, by unanimous consent, reported back from the Committee on Public Lands a bill (S. No. 243) to extend the time for the reversion to the United States of the

lands granted by Congress to aid in the construction of a railroad from Amboy, by Hillsdale and Lansing, to some point on or near Traverse bay, in the State of Michigan, and for the completion of said road, with a substitute for the entire bill.

Mr. DRIGGS. I will explain in a few words the object of the proposed substitute for the Senate bill. It is simply to extend the time of this grant, without any additional appropriation of land, and to provide for the consolidation of one or more companies for the building of a single line of railroad; in which event the particular grants may be applied so far as consolidated, not to exceed ten sections of land to the mile. The bill has been carefully considered by the Committee on Public Lands, and the substitute now proposed I believe is agreed upon by all parties as the very best thing that can be done.

Mr. RANDALL, of Pennsylvania. I ask that the substitute may be read.

The substitute was read at length. The first section provides that the time limited by the fourth section of an act entitled "An act making a grant of alternate sections of the public lands to the State of Michigan to aid in the construction of certain railroads in said State, and for other purposes," approved June 3, 1856, for the completion of the railroad from Amboy, by Hillsdale and Lansing, to some point on or near Traverse bay, shall be, and is hereby, extended for the period of seven years from and after the 3d day of June, 1866; and that said grant shall continue and remain in full force and effect for and during that period as if it had been so provided in said fourth section of said act of June 3, 1856; provided that the Amboy, Lansing, and Traverse Bay Railroad Company, a corporation organized under the laws of the State of Michigan, shall forfeit all right to said grant, or any part thereof, which it may now have, or which may hereafter be conferred upon it by the Legislature of the State of Michigan, if and whenever the said company shall fail, in whole or in part, fully and completely to perform any of the following conditions, that is to say:

1. To clear, grub, and grade twenty consecutive miles of the road-bed of said road between Owosso and Saginaw City, so that the same shall be in readiness for the ties and iron by the 1st day of January, 1867.
2. To fully complete the said road from Owosso to Saginaw City, so that the same shall be in readiness for the running of trains by the 1st day of November, 1867.
3. To fully complete in like manner twenty miles of said road in each and every year after the said 1st day of November, 1867, and to fully complete the entire road by the time limited by this act.

And it is further provided that in case of the failure of the said Amboy, Lansing, and Traverse Bay Railroad Company to perform any of the above conditions by the respective times limited therefor, the Legislature of the State of Michigan may, at its first session after any such failure, confer the said grant upon some other railroad corporation or corporations, upon such terms and conditions as the Legislature may see fit to prescribe, to carry out the purposes of the said act of June 3, 1856; and when so conferred such corporation or corporations shall be entitled to have and enjoy all of the said grant which shall not then have been lawfully disposed of, to the same extent and in the same manner and for the same purposes as if the same had been originally conferred upon such corporation or corporations. Any such authorized corporation or corporations now organized or hereafter to be organized, upon which said grant may be so conferred, in whole or in part, may receive the same without prejudice to any land grant or other rights or franchises previously acquired. But in no case shall such corporation or corporations be entitled to receive more than ten sections of land to the mile for that portion of said road which may be consolidated in accordance with the provisions of this act.

It is further provided, that if the Legislature

shall in any such case of failure so confer said grant as before provided, the said lands, or so much thereof as shall then remain not lawfully disposed of, shall be subject to the disposal and future control of the Legislature, as provided in section three of the act of June 3, 1856, until the expiration of the time limited by this act; but in case the Legislature shall in such case fail to confer the grant, then the land shall revert to the United States.

The second section provides that the Flint and Pere Marquette Railroad Company may change the western terminus of its road to some point on Lake Michigan at or south of Grand Traverse bay, and any railroad corporations having a right to the respective land grants specified in the act of June 3, 1856, located in the lower peninsula of the State of Michigan, may unite and contract with each other or with any other railroad corporation or corporations for the construction and operation of a single line of road for any portion of their routes, without prejudice to any land grants or other rights or franchises previously acquired; and any and all such corporations are authorized to change the location of the lines of their road, so far as may be necessary for the purpose of such consolidation, but not so as to change their respective termini otherwise than is authorized by this act. And whenever any change of terminus or location of line is made, as provided for in this act, the corporation or corporations making such change shall file in the General Land Office new maps definitely showing such change and the new line of road adopted; provided, that the road mentioned in the first section of this act shall run on the west side of Saginaw river, and that the principal depot shall be located in the northern portion of the plat of Saginaw City, so as best to accommodate the cities of Saginaw and East Saginaw.

The third section provides that all lands granted by the act of June 3, 1856, to aid in the construction of the railroad described in the first section of this act shall be disposed of only in the following manner: when the Governor of the State of Michigan shall certify to the Secretary of the Interior that ten or more consecutive miles of said road have been completed in a good and substantial manner, as a first-class road, stating definitely the commencement and termination of each completed portion of said road, and the corporation or corporations so entitled to lands on account thereof, the Secretary of the Interior shall cause patents for lands for such completed portion of said road to be issued to said corporation or corporations, provided that none of said lands shall be acquired or so patented for any portion of said road so completed south of the intersection of said road with the Detroit and Milwaukee railway until the whole of said road north of said intersection shall have been completed, and the lands therefor patented; and provided further, that the road mentioned in the first section of this act shall be and remain a public highway for the use of the Government of the United States, and shall transport free of toll or other charges all property, troops, and munitions of war belonging to the same.

The fourth section provides for the repeal of all acts and parts of acts inconsistent with the provisions of this act.

Mr. DRIGGS. I rise to call the previous question, but yield to the gentleman from Michigan, [Mr. BEAMAN,] who desires to offer an amendment.

Mr. BEAMAN. I move to strike out "January" and insert "February;" so that instead of reading "January 1, 1867," it will read "the 1st of February, 1867."

Mr. DRIGGS. I accept the amendment.

Mr. SLOAN. I ask whether the bill has been printed.

Mr. DRIGGS. It is a Senate bill and has been printed. The substitute, however, has not been printed. If no one desires to ask any further questions I will call for the previous question.

The previous question was seconded and the main question ordered.

The substitute was agreed to.

The bill, as amended, was ordered to a third reading, and it was accordingly read the third time.

Mr. FERRY. Mr. Speaker, detained this morning by my recent indisposition, I was not present when consent was asked to report the pending bill from the Committee on Public Lands. It was out of the usual order and unexpected. My purpose was to speak at length upon the bill and review its provisions. I am cut off from debate and have barely the privilege of explaining my vote. There are two features of the measure to which I cannot lend my assent. For ten years lands have been reserved from market ostensibly to construct the Flint and Pere Marquette road. Now, it is proposed to change the terminus at Pere Marquette to some other undefined point without the consent of the inhabitants in the vicinity who have long suffered from these land reservations. The other and most objectionable feature is an extension of time for the completion of the road and consequent further extension of railroad land reservations. The people of my State have already suffered sufficiently by these ruinous reservations for speculative railroads. Emigration is retarded and business generally impeded. To grant a further extension of time is perilous to the vital interests of the sections immediately concerned, and fraught with mischief to the State. Such an imposition would be intolerable, and I am against the bill in its present form and shall vote "no" on its passage.

The bill was passed.

Mr. DRIGGS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. FOXNEY, its Secretary, notifying the House that that body had passed House bill No. 406, to provide for the settlement of accounts of certain public officers, without amendment; also, that it had passed a bill of the following title, in which he was directed to ask the concurrence of the House: Senate bill No. 343, to quiet land titles in California.

BALTIMORE AND OHIO RAILROAD.

Mr. McCULLOUGH, by unanimous consent, from the Committee for the District of Columbia, reported back House bill No. 559, to authorize the extension, construction, and use by the Baltimore and Ohio Railroad Company of a railroad from between Knoxville and Monocacy Junction into and within the District of Columbia, with an amendment.

The amendment was read, as follows:

SEC. 3. *And be it further enacted*, That the said railroad company shall commence the construction of said extension of said road within one year and complete the same within three years after the passage of this act; and on failure to do so, the privileges granted by this act shall be forfeited by said company.

The amendment was agreed to.

Mr. GARFIELD. I should like to have a word of explanation of this measure.

Mr. McCULLOUGH. The Baltimore and Ohio Railroad Company have permission from the State of Maryland to make a lateral road from Monocacy Junction to the city of Washington, so as to prevent persons coming from the West being compelled to go to Baltimore. All this bill does is to give permission to the road to enter this city.

Mr. SCHENCK. There is a road reaching up the Potomac to the Point of Rocks in which the West feels greatly more interest than in any possible branch this side which may be proposed; and I should like to know something about the points of this lateral road. I will say candidly, I fear it is a scheme by which the road up the Potomac by the way of Point of Rocks is to be defeated, and some other substituted.

Mr. F. THOMAS. Mr. Speaker, being the immediate Representative of the community most interested in this improvement I ask my colleague to yield to me to respond to the inquiries made by the gentleman from Ohio. The road proposed is intended to be a part of a great northwest line from the seat of Government by the way of the town of Cumberland. It is made in accordance with the act of the General Assembly of Maryland clothing the Baltimore and Ohio Railroad Company with the full and ample power to accomplish the undertaking. It will intersect the Baltimore and Ohio railroad at the Point of Rocks, with which gentlemen of the West are familiar. It is a proposition that the travel and transportation from the West shall pass on the Baltimore and Ohio railroad by the town of Cumberland.

A few days since, with a view of completing the connection between Washington and Pittsburgh, Congress passed a bill of somewhat peculiar and novel character, unlike any law I ever remember to have seen on the statute-book. The State of Maryland a very few years ago gave to a company a right to construct a railroad from the town of Cumberland to the Pennsylvania line in the direction of Pittsburgh. The State of Pennsylvania gave the right to make a road from the city of Pittsburgh to the Pennsylvania line in the direction of Cumberland; the two roads making a complete communication between Cumberland and Pittsburgh.

Through influences of which I need not speak, the Pennsylvania Legislature have been induced to repeal that charter. That repealing law was passed after Maryland, as one of the stockholders of the Baltimore and Ohio railroad, a corporation duly authorized by the laws of Maryland, had expended on the construction of a railroad between Pittsburgh and Cumberland \$2,500,000.

At the present session a bill has passed this Congress, introduced by the gentleman from Pennsylvania, [Mr. STEVENS,] intended to revive in effect that charter which the State of Pennsylvania had repealed. The bill proceeds under the theory that that declaration upon the face of the Constitution of the United States, which denies to a State the right to impair the obligation of a contract, is not to be considered by Congress as a dead letter, but whenever a State undertakes to impair the obligation of a contract it is the duty of the Government of the United States to interpose and apply a remedy against the proposed wrong. Hence the law of Congress, while extending no act of incorporation to make a thoroughfare, simply declared the law of Pennsylvania a nullity, leaving the expenditure made on that branch of this road inside of the jurisdiction of Pennsylvania to be availed of by the authority holding that charter. The law of Congress not only declares that the law of Pennsylvania is a nullity, but it affixes penalties to the attempt on the part of any person inside the jurisdiction of Pennsylvania to exercise any authority which the law of Pennsylvania had conferred upon her own population.

The completion of this road from here to the Point of Rocks, if the law to which I have referred is ruled to be constitutional, is an essential work with a view to that line of communication between the seat of Government and the Northwest at Pittsburgh. It is to be made in conformity with the laws of Maryland, and therefore no question arises under this bill as to the constitutional competency of Congress to create a power in a State, independent of and in defiance of a State, to make works of internal improvement.

Representing, as I do, that section of Maryland which is very much interested in this work, I am very anxious to see it completed. It will lessen the distance from the Point of Rocks to the seat of Government by forty-three or forty-four miles, by avoiding the present elbow of the Baltimore and Ohio railroad. And when the junction in Pennsylvania is completed it will lessen the distance between Washington and Pittsburgh to all parties coming from the Northwest on the great line to

which I have referred, by, I think, at least seventy-four miles.

Under these circumstances I do not see that there is any grave objection to be urged against this bill. Certainly I do not think the gentlemen from the Northwest will be desirous of interposing obstacles in the way. This is a mere law authorizing the Baltimore and Ohio Railroad Company to exercise within the jurisdiction of the General Government powers analogous to those which the same corporation are authorized to exercise within the jurisdiction of Maryland.

Mr. SCHENCK. I am fully aware of the character of the general plan for extending a road from Washington westward, so as to accommodate the Northwest generally, which has been so clearly explained to the House by the gentleman from Maryland, [Mr. F. THOMAS.] When the bill was read it was suggested to me, and I thought I heard myself something in reference to extending it to Frederick City. I desire to inquire now whether this line of road, instead of being directed toward Cumberland, striking the Baltimore and Ohio railroad at the Point of Rocks, is to be extended up to Monocacy.

Mr. F. THOMAS. This road is to intersect the Baltimore and Ohio railroad between the Point of Rocks and Monocacy.

Mr. SCHENCK. Where is Knoxville?

Mr. F. THOMAS. It is west of the Point of Rocks, near South mountain, between that point and Harper's Ferry, on the line of the Baltimore and Ohio railroad.

Mr. SCHENCK. With that explanation, it seems to me that the bill would carry out the great object which we of the West have in view.

Mr. McCULLOUGH. The bill merely gives the company the right to enter the District.

Mr. RANDALL, of Pennsylvania. I understand from gentlemen advocating this bill that it simply gives authority for this railroad company to enter the District of Columbia and traverse the domain of the city of Washington.

Mr. LE BLOND. I infer, from the reading of the bill and from a remark made by my colleague, [Mr. SCHENCK,] that it proposes an extension of the road through a portion of the State of Maryland. I shall ask for the reading of the bill again.

Mr. SCHENCK. My colleague is laboring under a misapprehension. I supposed that the object of the bill was to direct the line up the Monocacy in the direction of Frederick City. I find that the word "Frederick" is only used in the bill in reference to crossing Frederick county, which, as my colleague is aware, runs down to the Monocacy.

Mr. LE BLOND. If the bill only gives this company power to come into the District of Columbia I certainly have no objection to it.

Mr. GARFIELD. I think it does nothing more than to authorize the extension of the line into the District of Columbia.

The question was taken; and the bill was passed.

Mr. McCULLOUGH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

JOHN M'GONISH.

Mr. COFFROTH, by unanimous consent, from the Committee on Invalid Pensions, made an adverse report on the petition of John McGonish; which was laid upon the table and ordered to be printed.

WILLIAM JONES.

Mr. COFFROTH also, by unanimous consent, from the same committee, reported back, with a recommendation that it do not pass, the bill of the House (No. 523) granting a pension to William Jones.

The bill was laid upon the table, and the report ordered to be printed.

ABIGAIL RYAN.

Mr. COFFROTH also, from the same committee, reported back, with a recommendation

that it do pass, the bill of the Senate (S. No. 323) for the relief of Mrs. Abigail Ryan.

The bill directs the Secretary of the Interior to place the name of Mrs. Abigail Ryan, widow of Thomas A. Ryan, late a sergeant in company E, seventeenth West Virginia volunteers, upon the pension-roll, at the rate of eight dollars per month.

The bill was ordered to a third reading; and it was accordingly read the third time and passed.

Mr. COFFROTH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

ABSENCE DURING SESSIONS.

Mr. TROWBRIDGE. I desire to ask leave for the members of the Committee on Enrolled Bills to be absent during the sessions of this House. At this period of the session it becomes necessary for some one or more members of the committee to be absent during the sitting of the House for the purpose of comparing bills and presenting them to the President for signature.

No objection was made, and leave was granted accordingly.

ENROLLED BILLS SIGNED.

Mr. TROWBRIDGE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a joint resolution and bill of the following titles; when the Speaker signed the same, namely:

Joint resolution (S. R. No. 69) making an appropriation to enable the President to negotiate treaties with certain Indian tribes; and

An act (H. R. No. 621) to regulate and secure the safe-keeping of public money intrusted to disbursing officers of the United States.

COURT OF CLAIMS.

Mr. COOK. I desire to enter a motion to reconsider the vote by which the House, on yesterday, referred to the Committee on the Judiciary a bill to limit the time for bringing suits before the Court of Claims.

APPOINTMENT TO AND REMOVAL FROM OFFICE.

Mr. WILLIAMS. I desire to enter a motion to reconsider the vote by which the House yesterday recommitted to the Committee on the Judiciary a bill for the regulation of appointments to and removals from office.

MICHIGAN MILITIA.

Mr. TROWBRIDGE, by unanimous consent, introduced a bill for the relief of certain companies of Michigan militia; which was read a first and second time, and referred to the Committee on Military Affairs.

CANAL AND SEWERAGE COMPANY.

The House then resumed the consideration of Senate bill No. 190, to incorporate the District of Columbia Canal and Sewerage Company. The pending question was upon the motion of Mr. STEVENS to reconsider the votes by which the House agreed to sundry amendments to the bill; upon which Mr. F. THOMAS was entitled to the floor.

Mr. F. THOMAS. Mr. Speaker, I am very sensible that my physical condition is hardly such as to justify my taking any extended part in this discussion. But the House has so kindly adjourned this discussion from day to day that I cannot with any propriety ask for any further indulgence in that respect at this time.

I shall content myself at this time with excluding all collateral matters and presenting as brief a statement of the facts of this case as I can possibly make consistent with my desire to be understood, referring to the laws that seem to me to bear materially upon this question. In now taking part in this debate I depart from my almost uniform habit of silence in Congress; and it is right for me to say that this bill is one which, in my judgment, is vitally important to my immediate constituents. And because it is in many respects of a local char-

acter, a duty is devolved upon me which perhaps no other member of this House will undertake to discharge—the duty of endeavoring to place before this House the facts and the law which govern this case.

And after having examined, with a great deal of care, all the laws of Congress and all the laws of the States of Maryland and Virginia that seem to have relation to this subject, I must be permitted to express my surprise that such a proposition as that now under consideration could be reported from the Committee for the District of Columbia. The proposition is equivalent to seizing a very large amount of property invested under a solemn compact entered into between the Government of the United States and the States of Maryland and Virginia. And not only that, but it proposes to leave on the hands of the Chesapeake and Ohio Canal Company another amount of property, costing originally, I suppose, \$500,000; for which the corporators, to whom it is now proposed to make this grant, are to give not one dollar, although they are to be benefited by all that enormous expenditure.

Now, that I may not be suspected of making these very round assertions without just warrant, a little detail at this point is indispensable. The Chesapeake and Ohio Canal Company was organized in 1823, 1824, and 1825, under acts passed by the Legislatures of Virginia and Maryland, and by the Congress of the United States during that interval of time. By this charter they were authorized to begin a canal where it now begins, at the western terminus of the Washington canal, and to extend it across the Alleghany mountains. But that has been abandoned since the introduction of railroads, and it now terminates in the town of Cumberland, in the coal regions.

Every precaution was taken by the States of Maryland and Virginia to prevent any disturbance in the future of the rights they were thus soliciting from Congress. And it is not out of place for me to say here that those precautions were wise and exhibited much foresight. Although Virginia put in a small sum toward the construction of that large work, Maryland has now invested in it nearly seventeen million dollars. Now let me recur, in the presence of lawyers here, to the precautions taken, and then we can judge whether Congress will undertake to disregard every obligation Congress has assumed and trample under foot the rights of a corporation which owes its very existence to the laws to which I refer, and give to non-residents of the District all the advantages that are to be derived in part from the large expenditures others have made.

Mr. HARDING, of Illinois. Will the gentleman from Maryland [Mr. F. THOMAS] give way to allow me to make a motion to postpone this bill until December next?

Mr. F. THOMAS. I will say, diverging at right angles from the line of argument I have been pursuing, that no motion could be more appropriate.

Mr. HARDING, of Illinois. I am willing to submit that motion if the gentleman will yield to me for that purpose.

Mr. F. THOMAS. I will do so with pleasure. But first let me make a remark or two to show the great propriety of such a motion.

Two months ago, or more, the Senate, by a resolution, called upon the Secretary of War to appoint engineers to examine this Washington canal and report a mode of improvement to accomplish two purposes—one in reference to the sanitary condition, and the other in reference to the commercial capabilities of the canal. Those engineers have reported, and I have that report before me. Those engineers have reported to Congress a plan of improvement to relieve us from all apprehension in regard to the health of the city, such as was felt at the beginning of this session from the condition in which the canal was then found. The course so pointed out by the engineers has been pursued by the corporate authorities of Washington until the board of health interposed and forbade any further work upon it at

this season of the year. This was not done, however, until the improvements on the canal removed all apprehension of its evil influence on the health of the city.

Those engineers also reserved to themselves the right to make a more full and comprehensive report as to the mode and manner in which this improvement shall further be conducted by Congress if Congress shall see proper to take it in hand with a view to its commercial capabilities. Those engineers have not yet completed their labors, and the House will therefore see at once that this question is not ripe for action at this time. But they will have time to complete their labors long before the period to which it is now proposed by the gentleman over the way this bill shall be postponed. And then Congress can resume the consideration of the subject with a full knowledge of all the bearings of the question upon the commerce and convenience of the seat of Government, and the commerce and convenience of that glorious section of country that I have the honor to represent upon this floor. I acquiesce cheerfully in the proposition to postpone this subject.

Mr. HARDING, of Illinois, not taking the floor when Mr. F. THOMAS resumed his seat,

Mr. COBB obtained the floor, and was recognized by the Speaker *pro tempore*, [Mr. BEAMAN.]

Mr. DAVIS. In the temporary absence of the gentleman from Illinois, [Mr. HARDING,] I will move to postpone the further consideration of this bill until December next.

Mr. F. THOMAS. I will do what I have never done before in a deliberative assembly, call the previous question upon the motion to postpone.

Mr. COBB. I believe I am entitled to the floor.

Mr. F. THOMAS. I did not yield the floor, except upon the understanding that a motion to postpone should be made.

The SPEAKER *pro tempore*. The Chair understood that the gentleman from Maryland [Mr. F. THOMAS] had taken his seat, and therefore recognized the gentleman from Wisconsin [Mr. COBB] as obtaining the floor.

Mr. F. THOMAS. I only yielded to a motion to postpone, after having made some remarks upon that proposition to show the propriety of it.

The SPEAKER *pro tempore*. The Chair will ask the gentleman from Maryland [Mr. F. THOMAS] if he demanded the previous question before he yielded the floor and took his seat.

Mr. F. THOMAS. I have never yielded the floor at all, but for a motion to postpone to be made.

Mr. DAVIS. I rise to a question of order. The gentleman from Illinois [Mr. HARDING] notified the gentleman from Maryland [Mr. F. THOMAS,] while he was addressing the House upon this bill, that he would move to postpone this bill until December next, if the gentleman from Maryland would yield to him for that purpose. The gentleman from Maryland said he would yield for that purpose, but before doing so he would give some reasons why the motion to postpone should prevail. Having concluded his remarks upon that point, he called upon the gentleman from Illinois [Mr. HARDING] to make that motion, taking his seat for that purpose. The gentleman from Illinois [Mr. HARDING] not responding, the gentleman from Wisconsin [Mr. COBB] then claimed the floor. I then arose and addressed the Chair and submitted the motion which the gentleman from Illinois did not submit, so as to accomplish the purpose for which the gentleman from Maryland resumed his seat.

Mr. F. THOMAS. I do not think there can be any doubt in reference to the matter.

The SPEAKER. The Chair will decide the question of order raised by the gentleman from Maryland. The House was about to vote on the motion to postpone, when the gentleman resumed his seat and the floor was given to the gentleman from Wisconsin.

Mr. F. THOMAS. I yielded the floor only

that the motion to postpone might be submitted.

The SPEAKER. After the motion was entertained the gentleman resumed his seat, which left the motion open to general debate, when the gentleman from Wisconsin rose and was recognized by the Chair.

Mr. F. THOMAS. I may have committed an error. I resumed my seat in order that the gentleman on my right might make a motion to postpone until December next.

The SPEAKER. The gentleman from Maryland did resume his seat, and the gentleman from Wisconsin obtained the floor.

Mr. F. THOMAS. I did not yield the floor but for the purpose of having that motion submitted. I made my comments why the motion to postpone should be agreed to, and then yielded to the gentleman from Illinois to make the motion, as he desired. I did not consider the motion legitimately before the House until I yielded to the gentleman from Illinois for that purpose. He not appearing, the motion was made for him by the gentleman from New York, [Mr. DAVIS.] But, sir, I waive all formality and yield the floor.

Mr. COBB. If the gentleman from Maryland is desirous to go on with his remarks I am willing to yield the floor to him; but I am not disposed to yield to a motion to postpone without discussion. I know very well before a vote can be taken on this bill it is probable that a vote will be taken on the motion to postpone; I know I cannot prevent that; I do not desire to do so; but I do not desire it shall be done before we have had an opportunity to be heard. If I am not mistaken, the gentleman has been heard for an hour on this bill, and perhaps the gentleman would prefer the vote should be taken on the motion to postpone without any discussion on the part of the friends of the bill.

I will yield the floor to the gentleman from Maryland to go on with his remarks with the understanding that the friends of the bill shall have an opportunity to answer him.

The SPEAKER. The gentleman from Wisconsin would have the right to be heard after the previous question was seconded.

Mr. F. THOMAS. Mr. Speaker, it is the height of my ambition on all occasions to allow to a majority of the House an opportunity to dispose of any proposition as they may desire, and hence I was perfectly willing to waive discussion for a motion to postpone this bill to December next. I will not make any remark on that subject, except to say to my friend from Wisconsin that he is mistaken in supposing the discussion has been all on my side. He will remember that the gentleman from Illinois, [Mr. INGERSOLL,] the chairman of the committee, occupied an hour in advocacy of this measure without the slightest opportunity for reply.

Mr. COBB. I will reply when the gentleman has finished.

Mr. F. THOMAS. Mr. Speaker, I will proceed now from the point to which I had progressed when interrupted. I will call the attention of the House to the laws bearing on the question; and I will read from them, that their peculiar character may be fixed in the minds of members; that they may know it is no ordinary question they propose to decide in this bill, because if this principle be sanctioned by the Congress of the United States, capitalists from one end of the country to the other must necessarily be alarmed by such an exposition of political morals. It strikes vitally, in my judgment, at all internal improvements of the country. For if the precautions taken in this case by Maryland and Virginia do not guaranty to this canal corporation a perfect security against such legislation as is here proposed, then there are no precautions that can be taken anywhere, from one end of the country to the other, that can make capital safe.

I hold in my hand the act of the State of Virginia which was the initiatory measure to the creation of this corporation. The act was

passed on the 27th of January, 1824. It is in the ordinary form of an act of incorporation granting the ordinary powers to the company. I will read a single clause in this law:

"Provided, That before this act takes effect the Congress of the United States shall authorize the States of Virginia and Maryland, or either of them, to take and continue a canal from any point of the above-named canal or the termini thereof, through the territory of the District of Columbia or any part thereof to the territory of the said States or either of them in any direction they may deem proper."

Maryland ratified that law of Virginia. But Maryland goes further, and out of abundant caution in a subsequent act, passed in December, 1825, makes still more perfect the compact between Maryland and the Government of the United States which this bill, if passed, would violate. Maryland agreed to appropriate and did appropriate and expend \$200,000 in clearing out and deepening harbors which the Government was bound to improve. In this act of 1825 there is the following provision:

"Provided, That before any part of the aforesaid subscriptions, except so much as is payable in the stock and debt of the Potomac Company, shall be made, or any part of the sum herein appropriated to execute the improvements contemplated by this act to be made on the low lands situated on the margins of the aforesaid rivers and creeks, or to execute the improvements of the Potomac, and North-east rivers be expended, the Congress of the United States shall by law authorize a subscription for not less than ten thousand shares of the capital stock of the eastern section of the Chesapeake and Ohio canal, and shall enact a law expressly securing to the State of Maryland, and to any company incorporated or hereafter to be incorporated by the said State, the right to take and continue a canal from any point of the Chesapeake and Ohio canal, through the territory of Columbia, or any part thereof, to the said State, in any direction it may deem proper."

The law which I have just read points out the mode and manner in which Maryland shall avail of the privileges granted in that law. It provides that the Governor shall call upon the President of the United States to appoint a commissioner with a view to the location of any such canal as Maryland may need or require.

Now, what did Congress do? By an act passed on the 3d of March, 1825, Congress ratifies, affirms, adopts, and makes law in the District of Columbia the charter passed originally by Virginia, and accepted and ratified by Maryland. Congress goes further, and in express terms accepts the proposition submitted by Maryland in the law from which I have just read. In accepting that charter Congress adopted the very phraseology I have read from the law of Virginia, and agreed that the waters of the Potomac should be reserved to the States of Maryland and Virginia for any future improvement that they might think proper to project. Then Congress, after confirming unqualifiedly and unconditionally this charter of the Chesapeake and Ohio Canal Company, in the second section of the law I hold in my hand, declares:

"Should the State of Virginia or Maryland desire at any time to avail itself of the right secured to it by the twenty-first section of the act aforesaid."

That is the very section I have read from, wherein Maryland made a proposition to the Government of the United States to expend \$200,000 in clearing out the harbor on the margin of the north bank of the Potomac and on the Eastern Shore, which the Government of the United States was bound under the Constitution to do for the accommodation of the national ships, the coastwise trade, and the foreign commerce.

"Should the State of Virginia or Maryland desire at any time to avail itself of the right secured to it by the twenty-first section of the act aforesaid to take and continue a canal from any point of the Chesapeake and Ohio canal to any other point within the territory of the District of Columbia, or through the same, on application to the President of the United States, by the Executive of the State, the President is authorized and empowered to depute three skillful commissioners of the United States corps of Engineers to survey and examine so much of the route of such canal as may affect in any manner the navigation of the Chesapeake and Ohio canal."

Under this power a canal to Alexandria has been made. Under this power the property has been created which gentlemen now propose

to touch with unholy hands and to appropriate to a company of speculators. I do not speak this disrespectfully. Speculators are the pioneers in the great improvement of the country; but I want them to keep within legitimate boundaries and not trespass upon interests of Maryland that are of vital importance to my constituency, nor come before the Congress of the United States and ask a surrender of its honor and its pledged faith for their benefit.

I will refer to one other statute, because it may have been whispered in the ear of gentlemen who hear me that the charter of the Chesapeake and Ohio Canal Company is forfeited. Why, sir, I have some knowledge of the history of that canal; I have examined all the laws on this subject. I will not trouble the House by referring to them all; it is not necessary. It is only necessary to refer to a single statute passed by Congress, and in the same words by the Legislatures of Maryland and Virginia, to find that the Chesapeake and Ohio Canal Company were released in 1845 from all forfeitures prior to that date, and were clothed with complete power under this charter, provided they finished their canal for transit to the town of Cumberland in 1855. And I know that the canal was completed within the requirement of that law, by 1850. So that there can be no pretense that their charter has ever been forfeited.

Now, let me ask, what has been done by the Chesapeake and Ohio Canal Company, of which Maryland holds nearly all the stock, the Government of the United States holding but a very small portion? What has been done by the Chesapeake and Ohio Canal Company in pursuance of the authority with which that corporation was clothed? They have not only made a canal from the boundaries of the District of Columbia to the town of Cumberland, but they have extended that canal eastward through Georgetown to the Washington canal just about at the base of the mound upon which the National Observatory stands.

Now, what is proposed in this bill? It proposes to grant to a company of individuals, nine of the number, a majority of them, being non-residents of the District of Columbia, and none of them being residents of Maryland, not only the power to hold, occupy, possess, and enjoy, without paying for it, the Washington canal, but to hold, occupy, and possess all that part of the Chesapeake and Ohio canal that lies east of the western bank of Rock creek. That part of the canal members are not so familiar with. I therefore hope they will excuse me for dwelling upon particularities.

The canal company have built a dike between the river and Rock creek and formed a basin. They have constructed four very expensive canal locks immediately beyond Rock creek within the short distance of a quarter of a mile. They have built outside of the jurisdiction of the United States and inside of the jurisdiction of Maryland a dam across the Potomac river for a feeder for all the canals. The water from the river, after supplying certain factories, furnishes the means of reaching this basin at the mouth of Rock creek and then passes into the Washington canal.

Mr. SHELLABARGER. Will the gentleman yield?

Mr. F. THOMAS. Yes, sir.

Mr. SHELLABARGER. There are one or two provisions in this bill that I desire to call attention to, and then ask a question about it in view of some remarks made by the gentleman from Maryland. I understand the main objection that the gentleman makes to this bill is that it proposes to seize upon the property of another corporation to which the faith of this Government is pledged and from which the Government has received valuable considerations. Now, then, the gravity of such an objection as that must be obvious to everybody; and if the bill is justly liable to that objection it cannot well be passed by this House.

The suggestions which I desire to make, and upon which I wish to hear the gentleman from

Maryland, are these: first, I understand the bill does not propose to seize any property except so far as it proposes that the Government, in its right of eminent domain, shall authorize the seizure of property by the corporation which the bill proposes to create. I suppose that the gentleman from Maryland, who is a distinguished lawyer, does not deny that it is competent for the Government of the United States, whenever it may create a corporation and confer these rights of eminent domain, to authorize the seizure, in virtue of that right, of any property, although it may be the property of a corporation. Now, is there anything else in the provisions of this bill than an authority bestowed by the Government of the United States upon a new corporation to take, in the exercise of the right of eminent domain, the property of another corporation (assuming that this is the property of another corporation) upon paying for it. If this be so, then it seems to me to obviate most of the objections which are urged.

The other suggestion which I desire to make is based upon the seventeenth section of the bill, which provides—

That nothing in this act contained shall be held or deemed, in any manner or way, to injure or impair any public or private rights or interests, or in any manner to affect the same beyond the mere transfer of the rights of the United States to said District of Columbia Canal and Sewerage Company.

In other words, so far as this bill attempts to do anything beyond the authorization of the exercise of the right of eminent domain and of payment for property taken under it, the bill only proposes to quit-claim whatever interests the Government may have.

Mr. F. THOMAS. If the gentleman from Ohio [Mr. SHELLABARGER] had waited five minutes—for I am hurrying on in this discussion, knowing that it is not generally interesting to the House; but I know that my constituents would never forgive me if I were not faithful to their interests on this occasion—if the gentleman had waited a few minutes, I would have anticipated the very suggestion which he makes, and would have convinced even his clear mind that this bill cannot be passed with any propriety, even should I concede, as I do not, all the positions taken by the gentleman from Ohio.

First, let me say the gentleman from Ohio seems to have overlooked the fact that the chairman of the Committee for the District of Columbia nullified, by an amendment of a very few words, the very section which the Senate inserted out of abundant caution. The section sets forth that nothing shall be affected by the act but the rights and interests of the United States. The amendment nullifies all that by inserting the words "except as hereinbefore provided;" and I shall show presently, if I have time, what was "hereinbefore provided."

But, Mr. Speaker, let the gentleman from Ohio bear in mind that that part of the Chesapeake and Ohio canal proposed to be seized, east of the west bank of Rock creek, cost only about one hundred and six or one hundred and eight thousand dollars; and if the parties under this most anomalous bill are called on to pay this amount, what becomes of the investments of the Chesapeake and Ohio canal, amounting to \$500,000 more, expended beyond the west boundary of Rock creek, expended in the construction of canal locks, four in number, and bridges over the canal, four in number; what becomes of that investment? These corporations are not to pay for it. They are to seize as a mere locality that part of the property which they need. They are to appropriate to their purposes that part of the canal which lies east of the western bank of Rock creek. They are to estop the Chesapeake and Ohio Canal Company from the opportunity of getting into the basin at Rock creek, and of passing out into the river Potomac or into the Washington canal. They are not to pay the Chesapeake and Ohio Canal Company for their investment beyond that point. No one will suppose that this company is to be remunerated on an expenditure of nearly half a million dollars

by collecting toll upon the articles transported upon the canal for a quarter of a mile.

Again, this company now proposed are not required, and Congress cannot authorize them, to go inside of the boundaries of the State of Maryland and take possession of and pay for the dam across the river Potomac beyond Georgetown, within the jurisdiction of the State of Maryland, without which the Washington canal will be of no value; without which this grant will not be worth the paper upon which it is written. Congress is to interpose with a high-handed authority and give this new company the right to condemn all that part of the work which the Chesapeake and Ohio Canal Company have made up to a certain point, giving this new company the advantages of all the structures up to that point; while those beyond that point cannot be of any exclusive advantage to the Chesapeake and Ohio Canal Company. And the commerce of the Chesapeake and Ohio Canal Company cannot pass that dam and reach a market without paying toll to this new company.

I think that this ought to be considered an answer to the suggestion of the gentleman from Ohio. My mind had swept round that comparatively small matter in this case; and I had intended to develop it in the course of my remarks. But gentlemen will excuse me for saying that I do not consider this trespass upon the vested rights of the corporation of which I have spoken the only violation in this case of what I call the pledged faith of this Government.

Mr. Speaker, I wish to say that if I could look at this Washington canal through the medium of the functionaries who for the time being are at the head of the local government of Washington, I would not utter one word in their defense; they might find a defender elsewhere. For I disapprove emphatically and decidedly of their whole career, more especially of the recent course of their mayor, this "captain of a pinnacle," who undertook to hector and lecture the representatives of five and twenty million people because they did not happen to coincide with him in political opinion. If I could be governed by such considerations, I would not say one word in defense of the vested rights of this city in the Washington canal.

But I do not look at the question in that light. I do not allow differences of opinion to degenerate with me into personal animosities. I do not permit the false steps of the representative for the time being of a community to prejudice that community in my judgment. I look beyond such considerations. The Chesapeake and Ohio Canal Company may be governed by gentlemen who are by no means in accord with my political views. Washington city is governed for the time being by corporate officers who, I admit, are not exactly in accord with my views. I look beyond that. Why, sir, we might say of the representatives of these corporations as Banquo said of the witches when they disappeared upon the heath without answering Macbeth's interrogatories:

"The earth hath bubbles, as the water has,
And these are of them."

I look at communities, I look at Washington city, the great commercial emporium of the district I represent, nearly as much identified with the interests of a large portion of the district I represent as the boasted, and I am proud to say justly boasted, commercial emporium of Maryland, Baltimore. I look forward to the day when half a million, nay a million, of people may be located upon these wide plains so beautifully prepared by nature for the erection of an immense city. And why not? We see Paris standing upon the banks of the Seine, a river inferior to the Potomac for commercial purposes. We see London on the banks of the Thames, a river inferior to the Potomac for commercial purposes. We have, as all know, access to cheap fuel for this city, one of the most important elements in building up a large city; and our access to this inexhaustible supply of fuel is by means of the Chesapeake and

Ohio canal. When, therefore, I speak of the question which I am about to open up, I speak of it with reference to the future, not with reference to Mayor Wallach, of Washington; not with reference to any of the present functionaries of this city. Certainly I entertain respect for Mayor Wallach personally. He is an accomplished gentleman, courteous in every particular. My conflict is with the opinions, not with the man.

Now, sir, I say I look to the day when this is to be a great city, when this canal is to pour into this great city the agricultural productions of one of the most highly cultivated and fertile regions of country in the whole Union; when this canal is to pour into this city all the productions of that magnificent valley of Virginia, stretching from Harper's Ferry to Staunton; I look to that day and I act on these questions in reference to such a day. The boy is now born who may see one million people settled round this common center of one common Government.

I will pass to some other points, as it is my design to be as brief as possible. I have examined the laws touching this Washington canal, and I find no mention made in Maryland legislation until 1795. It is there spoken of as an existing work. It would be right to infer from that law that it was built by private enterprise and by private capital. I see at the head of the parties to whom the Legislature of Maryland in 1795 gave the right to raise \$50,000 by lottery, Daniel Carroll of Duddington; and I know he was one of the proprietors of the land upon which this city was built. That charter authorizes those who began the canal and nearly built it to raise \$50,000 by a lottery. When this law was passed Congress allowed Maryland to exercise jurisdiction here before the seat of Government had been removed from Philadelphia.

The next law referring to this canal is the act of Congress of 1802, by which Congress gave a charter to the same identical individuals to whom the lottery had been granted, and gave them corporate power; and then, in 1812, Congress gave to the same individuals the right to raise money by lottery for the completion of the canal, as authorized by the act of Maryland of 1795.

I will not trouble the House by reciting the subsequent acts, but it is enough in this narrative to say that subsequent to that date the corporate authorities of Washington bought the original property right of Daniel Carroll, of Duddington, and his coöperators, who had complied with all the requirements of their charter, and had cut and opened the canal. The interest of each individual stockholder was purchased by the corporation of Washington in 1832, with the consent of Congress. Congress then passed all the laws necessary to vest that property in the authorities of Washington. The authorities here obtained it without any aid from the General Government whatever.

At that time the canal terminated at the base of the mound on which this Capitol stands. Much of the stone used in the center building of the old Capitol was transported on that canal for the convenience of the Government. The botanical garden and the propagating garden of the Agricultural Bureau, now lying outside of the inclosure of this Capitol, were then a morass, and the land was valueless. Congress passed a law authorizing the city of Washington to appropriate for its own uses any land it might redeem by changing the location of the canal to its present site.

The city of Washington incurred an expense from the commencement to the conclusion of this work of \$377,000. Washington city incurred the expense with a change of the locality of the canal. Subsequently an arrangement was entered into by which Washington surrendered to Congress all claim and title to the redeemed land I have mentioned on condition that Congress would furnish money to aid in the completion of the canal.

I know much has been said outside of the

House, and it may be said inside of the House, about the aid the Government has furnished to the authorities of Washington. I beg gentlemen to bear in mind this aid was not a donation, a free offering, a gift without consideration by the United States. The original proprietors gave the Government much of the ground upon which Washington now stands.

I remember thirty years ago, when this subject was analyzed and examined, but I do not intend to pause long on this point. A debit and credit account was started charging the Government of the United States for every dollar they had received from public lands, the donation to the Government by the original proprietors, and crediting the Government with every dollar expended by it within the jurisdiction of this corporation, and the balance was largely in favor of the city of Washington.

Suppose this had been a free-will offering; suppose it was a donation made by the Government of the United States to this city to aid in completing this canal, should it be reclaimed by Congress wantonly, without just cause, in mere caprice; and to give it to whom? To the people of the United States? No. But some ten, fifteen, or sixteen speculators here who are pressing upon us and trying to "dragoon" this House of Representatives so as to get possession of this large grant.

There is a section in this bill, Mr. Speaker, which directs, points out, and prescribes the mode and manner in which real estate in this District may be taken by these corporators and appropriated to their corporate purposes, which is in itself very objectionable, but that does not cover the point to which I shall presently refer. It is objectionable because it is in direct conflict with the provision of the Constitution of the United States which guarantees to every citizen the right of trial by jury where an amount equal to twenty dollars is in dispute. It is in conflict with the bill of rights of the State of Maryland, which is in force here, and which grants trial by jury to every citizen.

In reference to the condemning of real estate for corporate uses, the law of Maryland, in accord with this bill of rights, requires that there shall be not only a fair hearing, but hearing by a jury. The judges of the circuit court are authorized by this bill to appoint commissioners, who are authorized to value all property, other than the Washington canal, required for this new canal company; and if the judges do not like the report a new commission is to be appointed, and thus commission after commission is to be appointed until the judges are satisfied. Judges who have no knowledge of the locality are thus to assess the damages. They are to have the whole power under this bill, and the great right of trial by jury secured to us by the Constitution of the United States and the bill of rights of Maryland is ignored. These judges have the sole right to repudiate every valuation submitted for their approval until they meet with one that has their sanction. That is the provision of one section of this bill; and then there is another section very curiously put in another part of the bill which authorizes the taking of this Washington canal, from the mouth of Tiber creek to the Potomac river, without paying one dollar for it. The bill will show that I am right. Is there to be found anywhere such a grant in the laws of any country governed by a written constitution?

Why, sir, if the Washington city corporation have forfeited the grant that Congress gave them in 1832, are they not entitled to a trial before you execute your writ? Are they not entitled to a *quo warranto* from a court of justice? Have they not a right to examine witnesses, to try the issue, whether they have forfeited their grant or not? Is it becoming in a Congress of the United States, without a hearing, to take \$377,000 of property in this canal owned by this city and give it to a few individuals who are non-residents of the city, who will incur none of the responsibility of paying the debts that this corporation has incurred?

Sir, I would dwell much longer on this subject, but I pass it by. I know that there is a prejudice in the minds of members of Congress against the canal company of Washington on account of the manner in which they have exercised the powers and privileges granted to them. I know the city has been reproached about the condition of that canal, inside of its limits, which it is proposed now to give to this new company.

But let me say a word or two in extenuation, which I believe will find a response in the heart of every unprejudiced man who hears me. The Chesapeake and Ohio canal was originally badly constructed inside of the limits of Georgetown. The bridges crossing the canal were built too low. A loaded boat sinking deep in the water would pass under them to the Rock creek basin, but unloaded would float on the surface and could not return. Then it was the capitalists of western Maryland, interested in the coal trade, resorted to another outlet. They built a great aqueduct, aided by Congress, across the Potomac, at Georgetown, and a canal to Alexandria, at a cost of \$1,250,000. They built wharves at Alexandria from which they could ship coal with convenience, but, sir, this aqueduct was found by the chief of the quartermaster's department to be indispensable to his purposes during the war. It was seized by the Government and used as a bridge for transporting supplies, &c., to McClellan's army. That bridge has not been surrendered to this hour. All the means, therefore, for the transportation of coal and produce on the bosom of that canal are still appropriated to the use of the United States.

Seeing this obstruction to the trade of the canal, I turned my eyes in another direction for an outlet, and in the last Congress obtained an appropriation, with the sanction of the Secretary of War, of \$13,000, to be expended in elevating these bridges. These gentlemen now making application for the surrender of this Washington canal to them, appreciate the importance of that improvement as giving an outlet for the trade of the Chesapeake and Ohio canal to pass into the Washington canal. It is now proposed they shall have this part of the Chesapeake and Ohio canal and the Washington canal without paying interest on investments that have been lying unprofitable for twenty years.

These gentlemen of course saw another thing, and I saw it. Why, sir, I would maintain the bold proposition, and expect to have a fair hearing on it, that it is the duty of Congress to give to the Ohio and Chesapeake canal a new outlet, since the Government has appropriated the old outlet to its purposes. Yet we ask nothing of that kind; we only ask to be let alone, "hands off," for there is a value in this property now which will develop itself. But I saw, and saw at once, and these gentlemen saw, the immense change that is to be produced in the country which I represent, and in this city too, by the elevation of these bridges enabling that trade to come here, and the boats to be unloaded on the banks of this Washington canal. I foresee what a relief that will be to this commerce. And if any gentleman wants to understand it, I invite him to go to Georgetown and see the wretched fixtures there for the accommodation of this trade.

The SPEAKER *pro tempore*, (Mr. BEAMAN.) The gentleman's hour has expired.

Mr. COBB resumed the floor.

Mr. RICE, of Maine. If the gentleman from Wisconsin [Mr. COBB] will yield to me, I will move that the time of the gentleman from Maryland [Mr. F. THOMAS] be extended.

Mr. COBB. I have no objection to the House granting as much time as the gentleman may desire. I only desire to bring the matter to a vote this afternoon.

Mr. RICE, of Maine. I move that the gentleman from Maryland have time to conclude his remarks.

No objection was made.

Mr. F. THOMAS. Mr. Speaker, the House

knows enough of my personal practices to be aware that I reluctantly take any part in the discussions of this House unless there is a stern necessity for so doing. They know very well that I leave the general debate to other gentlemen; they know enough of their own inclinations to be aware that no man from choice makes a speech upon such a subject as I am now discussing. They know that upon the immediate Representative of the locality most interested must devolve the whole labor of explaining to members of this House all the bearings of this subject. On that account I accept the offer made by the House, grateful for its kindness in allowing me to make a very few more observations.

I am never personal anywhere. I can differ substantially and fundamentally and radically with any man, even if it shall be upon a question involving the principles which lie at the foundation of a Government that I love with such deep enthusiasm as I do that under which I have grown up to manhood, without permitting those differences of opinion to degenerate into anything like personal animosities and discussions. I know how difficult it is to form a completely impartial judgment upon any subject. I know how difficult it is "where self the wavering balance shakes to have it right adjusted." I believe the gentlemen urging the passage of this bill have honest convictions, and I hope they will tolerate my zeal and earnestness in resisting what I call practically a robbery of my constituents in a matter so vitally important to them in the present, and promising to be of so much value in the future.

Let me here refer to one more point. Persons seem to be amazed that Maryland should have made so enormous an expenditure as \$17,000,000 with a view to open communication with the coal regions of Alleghany. It grows out of the fact that the Legislature assumed that to be done which can be done. They assumed that two million tons of coal would be forthwith floating on the Chesapeake and Ohio canal when it should be opened up to the town of Cumberland. They did not stop to estimate how long it would take to locate a population there, to take them away from other inviting adventures and enterprises to mine so much coal there; they did not see how long it would take to make the necessary railroads, to make the necessary shafts, to put up all the necessary dwellings. In short, they did not foresee what a length of time must elapse before that investment would become valuable. But now the gentlemen seeking this charter know perfectly well that an annual trade which has recovered from the pressure of the war in three years from ninety-four thousand tons to three hundred and forty-six thousand tons, will not be very long in reaching two million tons, and then not reach the full capacity of the Chesapeake and Ohio canal for transportation. They know that this city is growing with great rapidity. I assume that they know, for they are shrewd and intelligent gentlemen, that the coal consumed in the District of Columbia is about one hundred and thirty thousand tons annually. They know that now, by reason of this obstruction in Georgetown to the coal trade of the Chesapeake and Ohio canal, one hundred thousand of those one hundred and thirty thousand tons are brought from the remote mines in the State of Pennsylvania, coming in competition with the Cumberland coal. They know that every ton of coal landed on the banks of the canal in Georgetown costs \$1 50 additional for cartage into this city, whether it be needed at the navy-yard, the arsenal, or other public buildings, or by private individuals. They see that when that policy shall have been accomplished which was inaugurated in the last Congress, of elevating those bridges and allowing the free passage of the loaded boats underneath the bridges into this Washington canal, and allowing them to unload at the navy-yard, near to the arsenal on the banks of the canal, in less than two years thereafter the coal furnished by the miners of the county of Alleghany, instead of furnishing thirty thou-

sand out of the one hundred and thirty thousand tons now consumed in this city, will, perhaps, monopolize the whole business of furnishing fuel for this great city.

For this reason they now step in with this proposition. Do they propose to pay interest on past expenditures? No; not a dollar. Do they propose to remunerate the corporation of Washington for the \$377,000 of dead capital invested in the canal? Not a dollar. They are to obtain their privileges by an absolute grant, which any court in this country ought to rule as a nullity; for in a Government like ours, a Government of written constitutions containing guarantees of vested rights and private rights, no judicial authority, I hope, will ever carry into effect any law that proposes to absorb \$377,000 worth of property without a trial, without a hearing, and to give it to individuals for their own private advantage.

I will not dwell longer on that subject. I will only say that I look forward to the day when Washington shall have a greatly increased population; when the Government of the United States will need, even more than it now needs, fuel from the Alleghany region; when this city will require hundreds of thousands of tons of coal for manufacturing purposes; when our naval vessels will approach the wharves here at the Eastern branch for the purpose of getting their supplies, secure from the interference of any foreign enemy. I see all this in the future. These gentlemen see it, too; and I am now endeavoring to stand between them and the attempt to appropriate all these prospective advantages for their own private purposes, to the very great detriment of the State of Maryland.

That State, permit me to say, has acted with great disinterestedness and great nobility on this subject; for in making this canal without the aid of the local government, which the Government of the United States is for the District of Columbia, they are pouring wealth into a foreign jurisdiction; they are helping to build up here a city as a rival of Baltimore. This city is, of course, beyond the limits of the taxing power of that State, and every dollar of wealth poured from the counties which I represent—the Potomac counties of Maryland—is a subtraction from the amount that would be poured into the commercial emporium of our State, thus helping to fill the coffers of our treasury.

Under these circumstances I will leave the question where it now stands—hoping that the House will excuse the desultory manner in which I have discussed it—until I hear from gentlemen on the other side; and I hope that the House will then afford me an opportunity to correct any errors of fact that may occur in the course of the discussion. I certainly should not have trespassed to such an extent upon the courtesy of the House if any other gentleman on this floor felt the same interest in this question which I feel, and would have performed the duty which I feel conscientiously called upon to perform.

Mr. COBB. I presume that the House is not desirous of hearing a very protracted discussion on this subject, and I shall consume no more time than may seem absolutely necessary. But before going further, I desire to ask the previous question on the motion to reconsider the votes by which the amendments to this bill were heretofore agreed to.

The previous question was seconded and the main question ordered.

Mr. DAVIS. Is it in order at this time to move that the further consideration of this subject be postponed until the first Monday of December next?

The SPEAKER. The motion is not now in order, as the main question has been ordered.

The question recurred on the motion to reconsider the votes by which the various amendments were adopted, and it was agreed to.

The question then recurred on the amendments, and they were rejected.

The SPEAKER then stated that the bill was before the House as in the printed form, and

the question was on ordering it to be engrossed and read a third time.

Mr. COBB. I hope that the House and the Chair will overlook any little irregularities in the manner of presenting the matter, inasmuch as the gentleman from Illinois, [Mr. INGERSOLL,] who has heretofore had the management of this bill, is now absent.

I did not enjoy the privilege of being present at the discussion which took place some two or three weeks ago between the gentleman from Maryland [Mr. F. THOMAS] and the gentleman from Illinois, [Mr. INGERSOLL.] I did come into the Hall just as the gentleman from Maryland was concluding his remarks, just as the morning hour expired, and I naturally supposed that he had been occupying the floor during the whole of that hour. If I have misrepresented him in this respect I cheerfully make the *amende honorable*.

Now, sir, I do not intend to weary the patience of this House by following or attempting to follow the arguments of the gentleman from Maryland in opposition to this bill. I will make but a few remarks, when I will yield the floor to my colleague on the committee, the gentleman from Ohio, [Mr. WELKER,] or any other member of the committee who desires to be heard on this subject. At the expiration of my hour I propose to call the previous question and to let the House take such action on this bill as may be deemed proper.

The gentleman from Maryland opposes this bill in the interest of his constituents. He informed the House that to pass this bill would be, in his opinion, a direct robbery of his constituents. Certainly, sir, if that be the fact I, as well, I believe, as all the other members of the committee, have labored under the grave misrepresentation of the facts by the action we have taken. This matter was pretty thoroughly discussed in the committee by all the parties who desired to be heard in opposition to it. Among others, it was discussed by the gentleman from Maryland. I must confess that the views he expressed in the House to-day are in great part new to me. We also heard the objections urged on the part of the city authorities, as well as on the part of some citizens of Washington. I believe all these objections were fully and fairly considered by that committee. I believe that no member of that committee felt any desire to do injustice to the city authorities or to the gentleman's constituents. Nor, sir, do I believe that committee has been actuated by any feeling of animosity to the city authorities or to the honorable mayor on account of political principles, or by any other consideration than that growing out of the merits of the case. Certainly, so far as I am myself concerned, I can say that no such feeling has actuated me.

As has been already said on this floor, about the first object to which the attention of the Committee for the District of Columbia was called on our appointment at this Congress was the condition of the Washington city canal; that it had become unmanageable to the city authorities; that they did not possess the means of properly keeping it so as to prevent it becoming a cause of sickness and probably contagion in the midst of the city; that the limited means of the city would not enable them to put it in proper condition, and it was therefore desired that the Federal Government should take it out of their hands. That was most industriously pressed upon the committee for a considerable length of time; that it was a great nuisance in the midst of the city; that the city was unable to take care of it, and that the Federal Government must make an appropriation of considerable magnitude in order to prevent its continuing to be a great nuisance.

Among the various propositions on this subject—and there were a good many made or suggested—one was this: to take this off the hands of the Government upon the terms set forth in this charter. Now, sir, I for one am a little cautious about entertaining these propositions to charter companies on the part of Congress.

I do not favor them. I believe it is the duty of Congress to reject nearly all that are presented here. Among them all I believe this is the only one that I have favored in committee or am likely to vote for in Congress. But as a sanitary measure, proposing to remove this great nuisance and to enable this great city to take care of a public work which they have on their hands but which they never ought to have been burdened with, I surrendered what objection I had to voting for a private corporation incorporated by the last Congress, and particularly because from its very nature its operations would be confined in a territorial point of view to the District of Columbia.

Now, Mr. Speaker, the prominent argument embraced in the remarks of the gentleman from Maryland, [Mr. F. THOMAS,] the argument to which all others seemed to tend, and the one which had been made before the Committee for the District of Columbia, not only by that gentleman, but by a great many others, seems to be this: that you propose to grant this franchise to a foreign corporation. The changes have been rung on that word "foreign," not only here, but in the committee, until it has satisfied me at least that it is the chief objection to this bill.

If these corporators were citizens of Maryland, of the gentleman's district; or still better, if they were citizens of the District of Columbia; or still better than all, if they were of a favorite class of citizens—the Carrolls, for instance—some of those old historical people, I do not think you would have heard much objection to the passage of this bill. But they have the misfortune, I believe, to be citizens of New York, Pennsylvania, and some other States; and hence their presumption in coming before Congress and asking for an act of incorporation, particularly if by that act of incorporation they obtain the right to disturb some of the soil of this District, strikes the mind of certain gentlemen on this floor and elsewhere with very great horror.

Now, sir, in regard to the claim of vested rights which this Chesapeake and Ohio Canal Company, or the States of Virginia and Maryland, have in this old canal, I think it either goes too far or falls short of what gentlemen expect of it. We do not propose by this act of incorporation to interfere with any of the rights of corporations. We do not come in and say that they shall not form whatever connections they please with this canal on one hand or the other. There are no exclusive privileges granted in this bill that I am aware of. It only grants to these men the right to dig a canal.

I suppose the gentleman's argument would go to this extent, that the Government of the United States was bound for all time to come to refrain from doing any act or setting up any work or anything anywhere which could by any possibility come in the way of any future extension which this Chesapeake and Ohio Canal Company might choose to make. Most certainly such is not a fair interpretation of the law which the gentleman himself read.

We have no objection, and this bill raises none in any respect, to the Government of the United States keeping faith in this compact, as the gentleman calls it, with Maryland and Virginia. But certainly when the Government established this Capitol or the Treasury building it was not infringing upon vested rights. At the same time, I do not suppose the gentleman would claim that it would be proper for that canal company to run its extension through the grounds set apart for the Capitol of the nation. So I do not think that that argument ought to have any great weight with members of this House in their action in regard to this bill.

There is one thing which I think must strike members of the House as noticeable. This canal running through the city of Washington was first projected about seventy years ago. It has been in some state of operation for nearly that length of time. The Chesapeake and Ohio canal has been built over thirty years. This

opportunity for extending its canal through the city of Washington has existed during all of that time. It is supposed that some years ago there was considerably more business done in this portion of the country than there is now. If I have not been misinformed the business of Washington and of the adjoining country, and particularly of the Chesapeake and Ohio canal, was formerly vastly greater than it is now. I believe the bordering country, with its towns and cities, did a greater business, and had a greater amount of transportation, twenty years ago than it now does or is likely to do for a considerable time to come, judging of coming events by the shadows they cast before. And still this vast opportunity for running coal down to tide-water and for making profitable a desirable investment has lain here entirely neglected and unnoticed, not only by the gentleman's constituents, but by the citizens of this District and city. I am told that for fifteen years this canal has lain entirely neglected, acknowledged on all hands to be a seething pool of corruption in the midst of a considerable city, without any effort being made on the part of capitalists or anybody else to improve it for navigable purposes or take care of it and prevent its remaining dangerous to the public health.

Mr. Speaker, the gentleman from Maryland takes exception to the tenth section of the bill in regard to the form in which this company is authorized to condemn property. I do not pretend to be posted on the peculiar laws of this District. The bill of rights of which the gentleman speaks I suppose is one of the heirlooms left to the people of this District by the government of Maryland. I know that it is one of a class of questions which have caused a considerable amount of dissension. I do not think, however, that the gentleman's conclusion is correct that any portion of the constitution of Maryland can have the effect in the District of Columbia to make so fair and so equitable a provision as this unconstitutional and void. If it would be void as an enactment, I need not say to the gentleman, or to any member of this House, that being void it would be entirely harmless. But if not void it is then a fair and equitable provision. It is exactly such a clause as is usually put in acts of incorporation throughout the northern and western States on the subject of condemning property for the purposes of constructing railroads and canals.

Mr. DAVIS. I desire to ask the gentleman a question. Whether this bill does not give absolute authority to this corporation to take in fee or absolutely all the interest or any portion of the interest of the Chesapeake and Ohio Canal Company, and if that is taken away whether the right of control is not absolutely in the company hereby created. Does it not take away the right of the existing company to that portion of the canal constructed by them which the company may desire to use?

Mr. COBB. I was coming to that. I will read two sections of the bill, one of which was read by the gentleman from Maryland, and which it was claimed had the effect the gentleman speaks of:

Sec. 16. *And be it further enacted*, That in order to aid the said District of Columbia Canal and Sewerage Company in fulfilling the objects and requirements of this act, the use of that part of the Washington canal, and bridges crossing said canal, for the purposes aforesaid, between the junction of Virginia avenue and a point near the foot of Seventeenth street west, at the mouth of Tiber creek, and for the width of seventy feet, to be determined by a line drawn through the center of said canal or channel and extended therefrom on either side thirty-five feet, be, and the same are hereby, vested in the said District of Columbia Canal and Sewerage Company, to have and to hold the same for the use and benefit of the said company.

Sec. 17. *And be it further enacted*, That nothing in this act contained shall be held or deemed, in any manner or way, to injure or impair any public or private rights or interests, or in any manner to affect the same beyond the mere transfer of the rights of the United States to said District of Columbia Canal and Sewerage Company.

The section last read will answer the gentleman's question, I think.

Mr. DAVIS. Will the gentleman allow me to ask whether one of the amendments incor-

porated in this bill, at the end of section seventeen, does not say "except as hereinbefore provided;" and whether that exception does not give the entire right of which I speak? I have the bill here with the amendments passed by the House.

The SPEAKER. The amendments have all been reconsidered.

Mr. COBB. They have all been reconsidered and the bill stands just as it originally was. Therefore, Mr. Speaker, all that this bill proposes to do is to grant the right which this Government has in the property. If the Government does not own it, it does not grant it. If the Government has no right to reclaim and take possession of it, then it grants nothing. If the Government has that right, I respectfully submit to this House that it is the most economical manner of disposing of this matter, as it is the only proposition, of the many which have been made, or which are likely to be made, that will cost the Government no money.

Mr. DAVIS. I wish to ask the gentleman from Wisconsin [Mr. COBB] if he can furnish any precedent, when a corporation created by law has failed to perform all the duties for which it was organized within the time specified, where the Government has proceeded to take away the franchise thus granted when the company was ready to proceed.

Mr. COBB. If the gentleman from New York [Mr. DAVIS] will show me a precedent where a company has so entirely failed to carry out the object for which it was organized, and has allowed the grant to remain unused to an extent detrimental not only to the commercial interests but to the health of the people, and still has been allowed to go on, then I will undertake to show him the precedent to which he alludes.

I now propose to yield a part of my time to the gentleman from Ohio, [Mr. WELKER.]

Mr. F. THOMAS. Before the gentleman from Wisconsin [Mr. COBB] does that, will he yield to me a few moments?

Mr. COBB. For what purpose?

Mr. F. THOMAS. I want to set the gentleman right on one point. I did not interrupt him while speaking.

Mr. COBB. How long a time does the gentleman desire?

Mr. F. THOMAS. Not more than five minutes, I think.

Mr. COBB. I will yield to the gentleman.

Mr. F. THOMAS. I am much indebted to the gentleman for his courtesy. I desire to explain why it happens that I did not appear before the Committee for the District of Columbia and there unfold what I have said here today. In March last I offered a resolution instructing the Committee for the District of Columbia to inquire into the expediency of making an arrangement by which the Washington canal could be made a part of the Chesapeake and Ohio canal. And I asked the chairman of that committee to give me a hearing whenever the matter came up before the committee for consideration. But I never received any intimation that my presence before that committee would be acceptable. Accidentally I learned that commissioners had been appointed to examine into the condition of this Washington canal, with a view to making it a sanitary institution and also with a view to its commercial capabilities. I had an interview with those commissioners, and they told me what their report would be as to the improvement necessary to prevent that canal giving out any noxious malaria. And I knew the city of Washington, through its corporate authorities, was engaged in carrying into effect the recommendation of these engineers. And I have been waiting for the other report of these engineers, setting forth in a scientific manner what should be done to make this Washington canal a continuation of the Chesapeake and Ohio canal. And while thus waiting, to my surprise this bill was thrown before this House for action.

Now, that is the history of the whole affair. But I did go before the Committee for the District of Columbia. Having accidentally learned

that this matter was before them for consideration, I made my appearance there, and made a very few comments; I felt very awkwardly situated there; I had not been invited to appear before them, and I went there very reluctantly, for I did not know but I might be regarded as an intruder there.

Now, one word more. The gentleman does great injustice to Maryland and to one of her humble Representatives here, in supposing that we have any objection to a legitimate and fair application of capital from any quarter of the earth to the development of the valuable but latent resources of any part of our State. The very gentlemen who are seeking this grant from Congress, obtained from the State of Maryland, with my approbation, the right to make a canal from Washington city to the city of Annapolis, if they thought proper to expend their capital for that purpose. Now, with this statement, I think the gentleman must be perfectly satisfied that I am utterly incapable of so narrow an idea as to resist an improvement merely on account of the source from whence the funds for it are to be derived.

Mr. COBB. In reply to the gentleman from Maryland, [Mr. F. THOMAS,] I will say that I derived this idea of a foreign corporation partly from the gentleman's own remarks, and partly from the statements of the representatives of the city. In regard to the gentleman appearing before the Committee for the District of Columbia, I of course knew nothing of any arrangement with the chairman. I knew that the gentleman was before the committee; and I think I am not mistaken when I say that not only the chairman, but every other member of the committee, treated him with respect and listened with attention to his argument, though doubtless some of us felt some astonishment at some of the propositions which the gentleman submitted. As I understood him at that time, his opposition to this bill was based upon a more extended and comprehensive ground than the argument which he now presents.

I now yield the floor to my colleague on the committee, the gentleman from Ohio, [Mr. WELKER.]

Mr. WELKER. Mr. Speaker, this question is not a new one in the Congress of the United States. For a great number of years it has come before Congress in different ways for different purposes. The form in which it presents itself at this time is this: there passes through the city of Washington an old canal, which everybody admits to be a nuisance, and hence the question arises, what are we to do with it? Shall we fill it up or shall we expend the public money in order to abate the nuisance and to improve it for some purpose or other? This bill comes to the House from the Senate, having passed that body, and is designed for the accomplishment of these purposes: first, a sanitary purpose—to get rid of what is admitted to be a nuisance to the city of Washington; second, to furnish a sewerage; and third, a navigable canal for the city. For twenty-five or thirty years this old canal has been a common cess-pool for this city, and for perhaps the last fifteen or twenty years it has been the receptacle of the sewerage of the city of Washington so that it is now found to be, as I have remarked, a great nuisance, pressing earnestly upon us the question, what shall we do with it?

This bill proposes to organize a canal and sewerage company with this threefold object. In the first place, the sanitary purpose should interest us all. It had been decided by the board of health of this city that this canal was a nuisance, and that if it be not abated in some form or other it would invite the cholera during the approaching heated season. The first object, then, of the bill is to get rid of this nuisance for the purpose of bringing about a better sanitary condition.

The next proposition is to make a common sewerage for the city. All admit that it is necessary for a great city like Washington that there should be a common system of sewerage, and this is provided for in the bill. How? This

company is required to dig this canal ten feet deep and to put running water through it within a certain period of time, so as to remove the impurities which now render the canal so detrimental to health. By this means a first-class sewerage will be provided for the city of Washington.

In the next place, the bill has a commercial view, being designed to make a navigable canal through the city for commercial purposes. It is said to be very desirable to the interests of the city of Washington that this improvement should be made and thus afford easy access for coal as well as other trade to the city.

But it is said by the gentleman from Maryland that by incorporating this company we shall deprive the Chesapeake and Ohio Canal Company of rights which they are entitled to enjoy; and he also urges that by the provisions of the bill we undertake to seize a great property or franchise now owned by the city of Washington, the old Washington canal. Now, so far as the canal is concerned, this bill simply proposes to give to this company whatever rights the General Government has in that canal. It undertakes to give no other right. If this Government has no right in this canal, this company will receive no interest under the provisions of this bill. The bill does not undertake to settle the ownership of this old canal. It does not determine whether the city or the Government owns it. If the Government owns it, it gives its use to the company. If the city owns it, then it only confers the right upon this company of ordinary condemnation of private property for this class of improvements.

So far as concerns the Chesapeake and Ohio Canal Company, the bill does provide that this company proposed to be incorporated may construct a canal and sewerage along or near the line of the Chesapeake and Ohio canal for a short distance on the west of Seventeenth street up to the line of the corporate limits of Georgetown.

It is provided in the bill that this company may go through this part of the Chesapeake and Ohio canal, or along the side thereof, or near it, and make a connection with that canal at Georgetown. If, however, they do use it, they are bound to pay for it, just as they are compelled to make compensation under this section for any other property they may see proper to take with a view to the completion of this canal. Now, it is a notorious fact that for nine or ten years that part of the Chesapeake and Ohio canal has not been used. On the contrary, it has been allowed to go to waste and destruction. It has been useless for all purposes of navigation. If it had been so valuable as the gentleman says it was during that period it strikes me they would have improved it, or at least have kept it in repair.

Now, this bill does not undertake to cede or take from any one any rights in any other way than by condemnation in the manner provided in the bill. The gentleman from Maryland says in the Constitution of the United States there is no authority to make an assessment of damages which may result from condemnation of property as provided in this bill. The gentleman will no doubt remember that under the Constitution in many of the States property is condemned under like provisions to those in this bill. Until the new constitution of Ohio was adopted, much of the property condemned for railroads and canals of that State was condemned under commissions similar to the one here provided. There may be objection to the mode of assessment, but there is certainly no constitutional objection to the assessment in this way.

Mr. DAVIS. In the legislation of other States, so far as I know, where any right is given to one corporation to connect with another corporation, provision is made for a joint commission to come to terms of agreement in respect to the use of the property of one corporation by that of another. In this bill I find a provision standing boldly upon its front that this corporation shall have the right to divest the former corporation of its property in this canal.

Mr. WELKER. No further than that part of the Chesapeake and Ohio canal which has been unused for nine or ten years. I admit that by the terms of the bill this company by paying for it may pursue the same line or go outside of it or inside of it as they may judge best and proper when they come to make their canal. If they take the line of the Chesapeake and Ohio canal then they have to pay damages to be assessed by these commissioners. I admit that the legislation of the different States, in respect to railroad and canal companies making connections and joint occupation, usually provides for a joint commission, but that is a subject-matter of contract and arrangement as well as legislation.

Mr. DAVIS. Let me inquire whether there is in this bill a provision for any remaining right of the Chesapeake and Ohio canal.

Mr. WELKER. There is no such provision in the bill. If this company cannot get a line near the Chesapeake and Ohio canal, they are to be allowed to avail themselves of that part of the Chesapeake and Ohio canal between Seventeenth street and Georgetown, so long unused, and for which damages are to be assessed and paid.

So far as the Washington city canal is concerned, it has not been used for twenty-five or thirty years, except a very small part of it. The General Government have already expended upon it at different times \$190,000. On three occasions \$150,000 was appropriated by the Government; at another time, in 1849, \$20,000; and in 1851 \$20,000, making in all \$190,000 that this Government has already spent on this canal; and we find it still a nuisance upon our hands.

When Congress assembled, the Committee for the District of Columbia was called upon to make provision against the cholera, which might be engendered here in consequence of this canal. The corporate authorities of the city of Washington ask you to allow them to expend \$75,000 to make temporary and sanitary improvements of this canal. They have gone on and expended a large sum for mere temporary improvement, and probably Congress at its next session will be called upon to pay the expenses. It really is worth nothing in a pecuniary point of view to the city of Washington, if owned and to be kept up by the city, for it will cost three or four hundred thousand dollars to put it in repair. If it had been a valuable franchise to the city, would this canal have been allowed to go without repair and entirely useless for so long a time? Now, if the city of Washington ever expects to derive any commercial advantage from this canal let them take it from under the control of the corporate authorities. Who ever heard of a municipal corporation running a railroad or canal to any purpose? The business of everybody is said to be the business of nobody; and a city that undertakes to run a canal for commercial purposes will find out that it is an unprofitable investment. Private corporations can always manage this class of improvements to much better advantage to all concerned.

The people of the city ought not to be taxed to keep up this nuisance. What is proposed? It is to authorize and allow this private company to make this a navigable canal, and require it to furnish this sewerage for the city of Washington, and relieve the Government of any more expense in relation to it.

Gentlemen will remember that in all these improvements in Washington the Government pays about one half the expense. The people of Washington expect us to pay half the expense of grading their streets. They expect us also to pay about the same proportion of the expense to provide them with an efficient system of sewerage. We have undertaken to do so by this bill. This is the best system of sewerage that has occurred to the committee, or to anybody else in Washington, during this session of Congress. Here is a bill which will afford to the city complete and adequate sewerage, and without any expense to the Government. Here is an opportunity to get rid of this nuisance,

and also to get a good and practical system of sewerage, with a good navigable connection with the Chesapeake and Ohio canal, by which coal may be brought down and delivered at the wharves in Washington. We now have an opportunity of getting all the advantages without contributing a single dollar of the public money. Shall we not take advantage of the means of accomplishing all these objects, especially when we can do it without injury to the parties interested in opposition to this bill?

Mr. F. THOMAS. The House ought not to fall under a misapprehension upon one point to which the gentleman has referred. I trust they will excuse me for trespassing so often upon their attention, for the reason that there is no member here who has so much interest in this local affair as I have. The gentleman from New York [Mr. DAVIS] has borrowed from me, and now has in his possession, a report from an engineer showing that the canal in the District of Columbia has been finished almost up to the point required by the engineer appointed by the War Department. It has been finished under a contract between the Chesapeake and Ohio Canal Company and the corporation of Washington; and the company have turned the water at Rock creek through this canal.

Further work, with the view to make this canal a commercial highway, has been postponed at the instance of the engineers of the War Department. It is well known that the ground which terminates at the base of the mound where the Capitol stands, and where the Government propagating garden is, was one continuous marsh. By changing the direction of the canal the city of Washington has redeemed certain lands.

Mr. WELKER. We have heard all this before in the Committee for the District of Columbia. I have understood that the Government gave lots to the canal company to help make it, and after awhile took those lots back and gave the canal company \$150,000 to aid them to construct the work. It was a kind of thimble-rigging, not very advantageous to the interests of the Government. The company failed to build the canal, and thereupon the Government took back the lots and gave them \$150,000 to enable the company to build the canal. The capital stock of the company originally was but \$100,000, and the Government made that large contribution to keep it going.

There is no end to the propositions to abate the nuisance which this canal creates. And now one word in regard to what the gentleman has said of the report of the engineers. I know that the mayor of Washington has dug out the canal since this bill has been pending so as to let into it the waters of the river. It may be, and I hope it is, true that the nuisance is abated for this year; but whoever may be here in the next session of Congress will be called upon to make an appropriation for the next year, or, at least, be asked to levy a tax on the property owners of Washington to pay the expense of this year. Remember that the \$75,000 expended this summer was only for "sanitary purposes," and merely temporary. Here is an opportunity to get rid of this evil. I feel as much interested in the city of Washington, and I trust every member of the committee feels the same interest as the gentleman from Maryland [Mr. F. THOMAS] does. I look forward to the time when this will be a great city; and believing that it will be a great city I want to get rid of this great nuisance.

Mr. COBB. I demand the previous question on the bill.

Mr. F. THOMAS. I would ask, for information, whether a motion to recommit the bill is now in order.

The SPEAKER. Such a motion would be in order if the previous question were not demanded.

Mr. F. THOMAS. Well, if the previous question be not sustained I shall submit that motion.

Mr. DAVIS. Before the question is taken on seconding the previous question, is it in order to move to postpone the further consideration of this subject?

The SPEAKER. It is not, pending the demand for the previous question.

The question was put on seconding the demand for the previous question; and there were—ayes 42, noes 41; no quorum voting.

Tellers were ordered; and Messrs. COBB and PHELPS were appointed.

The House divided; and the tellers reported—ayes 45, noes 57.

So the House refused to second the demand for the previous question.

Mr. F. THOMAS. I will preface the motion I am about to make by declaring that the Committee for the District of Columbia have this whole subject before them in another shape, and that it is only necessary for them to wait until a board of scientific officers shall have made a thorough examination of this canal, and shall have reported to Congress the best mode for its improvement, so as to give the Government of the United States no further trouble on the subject. As the subject is therefore now before the committee I see no necessity for recommitting this particular bill to that committee. I therefore move that this bill be indefinitely postponed, and upon that motion I call the previous question.

The previous question was seconded and the main question ordered.

Mr. COBB. I call for the yeas and nays on the motion to indefinitely postpone.

The yeas and nays were ordered.

The question was taken; and there were—yeas 62, nays 62, not voting 59; as follows:

YEAS—Messrs. Alley, Ames, Ancona, Baker, Bergen, Bidwell, Boyer, Bromwell, Colbroth, Cook, Davis, Dawson, DeLoce, Denison, Farquhar, Finck, Glossbrenner, Grider, Griswold, Hale, Aaron Harding, Abner C. Harding, Hogan, Asahel W. Hubbard, Chester D. Hubbard, Edwin N. Hubbard, James M. Humphrey, Jenckes, Johnson, Kerr, Kuykendall, Latham, Le Blond, Marshall, McCullough, McKee, Moulton, Niblack, Orth, Phelps, Price, Samuel J. Randall, William H. Randall, Raymond, Alexander H. Rice, John H. Rice, Ritter, Rogers, Scofield, Sitgreaves, Strouse, Taber, Thayer, Francis Thomas, Thornton, Trimble, Van Aernam, Ward, Henry D. Washburn, Whaley, Winfield, and Wright—62.

NAYS—Messrs. Allison, Delos R. Ashley, Banks, Barker, Baxter, Bennett, Bingham, Boutwell, Buckland, Bundy, Reader W. Clarke, Cobb, Darling, Dawes, Donnelly, Driggs, Eckley, Eggleston, Eliot, Farnsworth, Ferry, Garfield, Grinnell, Hart, Hayes, Henderson, Holmes, John H. Hubbard, James R. Hubbard, Kelley, Kelso, Laffin, William Lawrence, Loan, Longyear, Lynch, Marvin, McClurg, McRuer, Mercer, Miller, Morris, Myers, O'Neill, Paine, Perham, Pike, Pomeroy, Sawyer, Schenck, Shellabarger, Sloan, Spaulding, Trowbridge, Upson, William B. Washburn, Welker, Williams, James F. Wilson, Stephen F. Wilson, Windom, and Woodbridge—62.

NOT VOTING—Messrs. Anderson, James M. Ashley, Baldwin, Benjamin, Blaine, Blow, Brandegee, Broomall, Chanler, Sidney Clarke, Conkling, Cullom, Culver, Delano, Deming, Dixon, Dodge, Dumont, Eldridge, Goodyear, Harris, Higby, Hill, Hooper, Hotchkiss, Demas Hubbard, Hulburd, James Humphrey, Ingersoll, Jones, Julian, Kasson, Ketcham, George V. Lawrence, Marston, Melodee, Moorhead, Morrill, Newell, Nicholson, Noell, Patterson, Plants, Radford, Rollins, Ross, Rousseau, Shanklin, Smith, Starr, Stevens, Stilwell, Taylor, John L. Thomas, Bart Van Horn, Robert T. Van Horn, Warner, Elihu B. Washburne, and Wentworth—39.

The SPEAKER. The vote by yeas and nays being a tie, the Chair votes in the negative.

So the motion to postpone the bill indefinitely was not agreed to.

Mr. HART. I move to recommit the bill to the Committee for the District of Columbia.

The motion was agreed to.

Mr. HALE moved to reconsider the vote by which the bill was recommitted; and also moved that the motion to reconsider be laid on the table.

The question was taken; and upon a division there were—ayes 60, noes 34.

Before the result of the vote was announced,

Mr. COBB called for tellers on the motion to lay the motion to reconsider on the table.

Before the question on ordering tellers was taken,

Mr. COBB said: I would inquire of the Chair, what will be the effect if the motion to lay the motion to reconsider on the table should be agreed to?

The SPEAKER. The effect will be to leave the bill with the committee to which it has been recommitted.

Mr. COBB. Suppose the motion to reconsider is not laid on the table; what will be the effect of that?

The SPEAKER. The question would then recur upon the motion to reconsider the vote by which the bill was recommitted. And if that vote should be reconsidered the bill would then be before the House.

The question was taken upon ordering tellers, and they were not ordered.

The motion to reconsider was accordingly laid on the table.

ORDER OF BUSINESS.

The SPEAKER. The morning hour has now commenced. The first business in order is the call of committees for reports, commencing with the select committee on civil service of the United States.

Mr. JENCKES. As chairman of that committee, I have a matter to bring before the House for its consideration. But I do not wish to do so till to-morrow; and therefore I move that the House do now adjourn.

The SPEAKER. The Chair will state that the call of committees is progressing very slowly; indeed; and if there is no morning hour occupied to-day, there will be one less committee reached before Congress shall adjourn.

Mr. JENCKES. The business I intend to bring before the House upon this call of committees will not take any great length of time, and I prefer to bring it forward to-morrow morning rather than at this late hour of to-day.

The question was taken upon the motion to adjourn, and on a division there were—ayes 48, noes 49.

Before the result of the vote was announced,

Mr. RANDALL, of Pennsylvania, called for tellers on the motion to adjourn.

Tellers were not ordered.

So the motion to adjourn was not agreed to.

Mr. DONNELLY. I ask, Mr. Speaker, whether we cannot, by unanimous consent, proceed with other business, the gentleman from Rhode Island [Mr. JENCKES] retaining his right to the floor.

The SPEAKER. That can be done by unanimous consent.

Mr. RANDALL, of Pennsylvania. I object to any arrangement of that sort.

Mr. SCHENCK. I ask the gentleman from Rhode Island to yield to me for a moment that I may present a report from a committee of conference.

Mr. JENCKES. I yield for that purpose.

APPOINTMENTS TO MILITARY ACADEMY.

Mr. SCHENCK. I present the following report from the committee of conference on the joint resolution (H. R. No. 134) relative to appointments to the Military Academy of the United States:

The committee of conference on the disagreeing votes of the two Houses on the joint resolution (H. R. No. 134) relative to appointments to the Military Academy of the United States, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House agree to the amendment of the Senate with the following amendments thereto:

In line three of the Senate amendment, after the word "after," insert the words "those who enter."

In line eleven, after the word "prescribe," strike out all the remainder to the end of the Senate amendment and insert the following:

And in like manner the President of the United States shall be authorized hereafter to nominate fifty at large each year, instead of ten as now provided by law, who shall be examined under like regulations, and of whom the ten who may be reported as most meritorious and best qualified shall be appointed: *Provided, however,* That not more than two of these shall be appointed in any year from one State.

And that the Senate agree to the same.

HENRY WILSON,

H. B. ANTHONY,

T. A. HENDRICKS,

Managers on the part of the Senate.

ROBERT C. SCHENCK,

H. E. PAINE,

Managers on the part of the House.

The report of the committee of conference was agreed to.

ADJOURNMENT.

Mr. JENCKES. I move that the House adjourn.

On agreeing to the motion there were—ayes 36, noes 51; no quorum voting.

Mr. JENCKES. I withdraw the motion. I desire to say that I do not wish to occupy more than a few minutes with the report of this committee; and I prefer to present it in the morning rather than now. If there is any business which other gentlemen desire now to bring forward, I am willing to yield a great part of the time which the rule concedes to me.

Mr. RANDALL, of Pennsylvania. I object to any arrangement of that sort. I insist on the regular order.

Mr. JENCKES. The gentleman from Pennsylvania does not, perhaps, understand my proposition. The rules of the House allow me, when reporting a bill, a fixed period of time, of which I wish to occupy but a portion. I am willing to yield to any member for other business, reserving simply twenty minutes of the time which the rules allow me.

Mr. BINGHAM. Will the gentleman from Rhode Island yield for a motion to adjourn?

Mr. JENCKES. I will.

Mr. BINGHAM. I move that the House adjourn.

Mr. RANDALL, of Pennsylvania. On that motion I demand tellers. I know that there is not a quorum present, and I think that we ought to adjourn.

Tellers were ordered; and Mr. RANDALL, of Pennsylvania, and Mr. WINDOM, were appointed.

The House divided; and the tellers reported—ayes 65, noes 24.

So the motion was agreed to; and thereupon the House (at four o'clock and ten minutes p. m.) adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule and referred to the appropriate committees: By Mr. DENISON: The petition of C. Sherwood, and 158 others, citizens of Luzerne and Wyoming counties, Pennsylvania, asking for a mail route from Old Forge, in Luzerne county, to Factoryville, in Wyoming county.

By Mr. ELIOT: The petition of Thomas M. James, George Hudland, Jr., and others, citizens of New Bedford, Massachusetts, praying for a law regulating inter-State insurance companies.

By Mr. ROUSSEAU: A communication from T. N. Hornsly on the subject of artillery and projectiles.

Also, a letter from the adjutant general of Kentucky, concerning the remuneration of officers who acted as brigadier generals upon colonels' pay; and the payment of bounties to soldiers who enlisted at the beginning of the war.

IN SENATE.

WEDNESDAY, June 13, 1866.

Prayer by the Chaplain, Rev. E. H. GRAY.

The Journal of yesterday was read and approved.

PETITIONS AND MEMORIALS.

Mr. MORGAN presented a petition of citizens of Chautauqua county and a petition of citizens of Erie county, New York, praying for the repeal or modification of the act imposing a tax of ten per cent. on any bank that shall pay out on or after the 1st of July next the notes of any State bank or banks; which were referred to the Committee on Finance.

Mr. HARRIS presented two petitions of citizens of Chenango county, New York, praying for the repeal or modification of the act imposing a tax of ten per cent. on any bank that shall pay out on or after the 1st of July next the notes of any State bank or banks; which were referred to the Committee on Finance.

He also presented the petition of John J. Bogardus, representing that his two sons, upon whom he relied exclusively for his support, being an old and feeble man, were both killed in the service of the country, and praying for a pension; which was referred to the Committee on Pensions.

Mr. JOHNSON presented a memorial of

the General Assembly of Florida, in reference to the direct tax levied upon the State, and praying that they may be granted the same privileges in relation thereto as have been granted to the States which remained loyal to the Union; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. COWAN, from the Committee on Patents and the Patent Office, to whom was referred the petition of Thaddeus Hyatt, praying for an extension of his patent for improvements in vault covers, reported a bill (S. No. 367) to extend the time of letters-patent issued to Thaddeus Hyatt; which was read and passed to a second reading.

Mr. MORRILL, from the Committee on the District of Columbia, to whom was referred a bill (H. R. No. 587) to incorporate the Soldiers' and Sailors' Union of Washington, District of Columbia, reported it without amendment.

Mr. WADE, from the Committee on the District of Columbia, to whom was recommended a bill (S. No. 289) to provide for the probate of and for the recording of wills of real estate situated in the District of Columbia, and for other purposes, reported it with amendments.

Mr. POLAND. The Committee on the Judiciary, to whom was referred a bill (S. No. 270) securing to non-resident litigants the benefit of the jurisdiction of the United States courts in the States lately in rebellion in certain cases, have directed me to report that in their judgment the bill ought not to pass. I move that it be indefinitely postponed.

The motion was agreed to.

Mr. POLAND also, from the same committee, to whom was referred a bill (S. No. 205) fixing the salaries of the district judges of the United States, reported it with an amendment.

Mr. HOWE, from the Committee on the Library, to whom was referred the memorial of John R. Bartlett, submitting to Congress a work entitled "The Literature of the Rebellion," asked that the committee be discharged from the further consideration of the subject; which was agreed to.

He also, from the same committee, to whom was referred a resolution for the purchase of blank copies of Hickey's edition of the Constitution, asked to be discharged from the further consideration of the subject; which was agreed to.

Mr. LANE of Indiana, from the Committee on Pensions, to whom was referred the memorial of Samuel Redfield, a soldier in the war of 1812, praying that the soldiers of that war may be included in the provisions of the bill for the equalization of bounties, asked to be discharged from its further consideration and that it be referred to the Committee on Military Affairs and the Militia; which was agreed to.

PATENT OFFICE REPORT.

Mr. ANTHONY. The Committee on Printing, to whom was referred a resolution to print the Report of the Commissioner of Patents, for 1866, when presented, have instructed me to report it back without amendment, and recommend its passage, and also to ask for its present consideration.

By unanimous consent, the Senate proceeded to consider the resolution, which is as follows:

Resolved, That the Report of the Commissioner of Patents for 1866, when prepared, be printed, and that four thousand extra copies be printed for the use of the Senate.

Mr. ANTHONY. That is the reduced number that has been printed heretofore. It was formerly ten thousand, but the report of the two preceding years having been reduced to four thousand, a corresponding reduction is made for this year. The report is not yet printed, but the object in passing the resolution is, that as the drawings are made in the Patent Office, they may be put at once into the hands of the engravers, so that when the report is presented the entire engraving may be

done, and the work thus expedited nearly a year. There is no additional cost.

The resolution was adopted.

AUSTRIAN TROOPS FOR MEXICO.

On the motion of Mr. DOOLITTLE, the Senate proceeded to the consideration of the following resolution, submitted by him yesterday:

Resolved, That the President of the United States be requested to communicate to the Senate, if not incompatible with the public interest, any information in the possession of the executive government in regard to the departure of troops from Austria for Mexico.

Mr. DOOLITTLE. This resolution, I believe, at all events I hope, will bring information most satisfactory to the people and Government of the United States. In connection with it I will say that I have received assurances which I cannot doubt of the truth of an anonymous letter which appeared not long since in relation to what is transpiring in the republic of Mexico, very satisfactory in its nature, showing that in reality the French are preparing to leave the republic of Mexico with their troops.

The resolution was agreed to.

KANSAS AND NEOSHO VALLEY RAILROAD.

Mr. POMEROY. I move to postpone all prior orders, and take up for consideration Senate bill No. 285, which was laid aside the other day at the suggestion of the chairman of the Committee on Indian Affairs. He is now satisfied that the bill ought to pass. I think it can be readily disposed of without consuming much time.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 235) granting lands to the State of Kansas to aid in the construction of the Kansas and Neosho valley railroad and its extension to Red river, the pending question being upon the amendment reported by the Committee on Public Lands to the eleventh section of the bill, which was to strike out the words "may connect with the Kansas and Neosho valley railroad at any point on the line of said road," and insert other words; so as to make the section read:

SEC. 11. *And be it further enacted*, That any railroad company chartered under any law of the United States, or of any State which may have been heretofore or shall hereafter be recognized and subsidized by any act of the Congress of the United States, may connect, unite, and consolidate with this railroad company, after the same shall be located to the valley of the Neosho river, upon just, fair, and equitable terms, to be agreed upon between the parties, and shall not be against the public interest or the interest of the United States; nor shall any road authorized to connect as aforesaid charge the road so connecting a greater tariff per mile for freight or passengers than is charged for the same per mile by its own road: *And provided further*, That should the Leavenworth, Lawrence, and Fort Gibson Railroad Company, or the Union Pacific Railroad Company, southern branch, construct and complete its road to that point on the southern boundary of the State of Kansas where the line of said Kansas and Neosho Valley railroad shall cross the same, before the said Kansas and Neosho Valley Railroad Company shall have constructed and completed its said road to said point, then and in that event the company so first reaching in completion the said point on the southern boundary of the State of Kansas shall be authorized, upon obtaining the written approval of the President of the United States, to construct and operate its line of railroad from said point to a point at or near Preston, in the State of Texas, with grants of land according to the provisions of this bill, but upon the further special condition, nevertheless, that said railroad company shall have commenced in good faith the construction thereof before the said Kansas and Neosho Valley Railroad Company shall have completed its said railroad to said point: *And provided further*, That said other railroad company, so having commenced said work in good faith, shall continue to prosecute the same with sufficient energy to insure the completion of the same within a reasonable time, subject to the approval of the President of the United States: *And provided further*, That the right of way, when not otherwise granted in this bill, shall be obtained by said Kansas and Neosho Valley Railroad Company or either of the other companies named in this act, in accordance with the provisions of section three of an act to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri river to the Pacific ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862.

Mr. POMEROY. At the suggestion of the Senator from Illinois, [Mr. TRUMBULL,] I desire to move a slight amendment to the amendment. In the thirty-ninth line after the word "bill"

I move to insert the words "and not provided for by law," and also to strike out that word "bill" and insert the word "act." The amendment that I propose is to the proviso referring to the right of way; and as amended the section will provide that they shall get the right of way under the provisions of the Pacific railroad act, when not otherwise provided for by law.

The amendment to the amendment was agreed to.

Mr. POMEROY. At the suggestion of the same Senator, I desire to strike out in the third line of this eleventh section the words "any State" and to insert the words "State of Kansas," so as to make it definite and distinct. That will confine it simply to roads in our own State. It was thought, as it stood, it would leave it open to allow the roads from other States to run in there.

The amendment to the amendment was agreed to.

Mr. HENDRICKS. I did not expect to occupy the attention of the Senate further upon this bill, and perhaps would not except for the remarks of the Senator from Kansas the other day. He felt himself justified in saying that I had not stated correctly to the Senate the amount of lands that the State of Kansas has already enjoyed, and he read from the Report of the Commissioner of the General Land Office, on page 168, in which there is a statement of the amount of lands that have been granted to the State directly.

Mr. POMEROY. An estimate.

Mr. HENDRICKS. An estimate of the amount of lands granted to the States directly; and this estimate shows that two million five hundred thousand acres have been granted to the State of Kansas. I stated that the other day; but the Senator did not inform the Senate that on page 167 it appears that there was granted to the State of Kansas in 1863 two million five hundred thousand acres, and also to corporations "for the Union Pacific railroad with a branch from Omaha, in Nebraska, from the Missouri river to the Pacific ocean, thirty-five million acres."

Mr. POMEROY. Omaha is in Nebraska, not Kansas.

Mr. HENDRICKS. These are branches; and also "to the Northern Pacific road to the eastern boundary of the State of California, forty-seven million acres." No portion of that, as I understand, is in the State of Kansas; but if the Senator wishes the Senate to understand—

Mr. POMEROY. If the Senator will allow me to correct him, not one foot of the line from Omaha is in Kansas.

Mr. HENDRICKS. Does the Senator state to the Senate that there is no portion of the Pacific railroad in the State of Kansas, and that there is no portion of this grant of thirty-five million acres in Kansas?

Mr. POMEROY. I said distinctly, the other day, that of the road from Omaha, the main line, there was not one foot in Kansas. There are two branches, one called the extension of the Hannibal and St. Jo road, and the other the Pacific railroad, eastern division, which are in Kansas, and, as I estimated the other day, about three hundred miles of those two branches are in Kansas.

Mr. HENDRICKS. The grant to the Pacific railroad is estimated by the Commissioner at thirty-five million acres, as found on page 167. It runs the entire distance of the State almost—about three hundred miles, I think the Senator says.

Mr. POMEROY. Both branches.

Mr. HENDRICKS. Can any Senator say how much land has been granted in the State of Kansas for the construction of the Pacific railroad within that State? The Senator himself cannot state it, because the Commissioner of the General Land Office has not communicated the fact.

Mr. POMEROY. If the Senator will allow me, I will say that the Pacific Railroad Company, eastern division, have built one hundred miles of their road, over and in my State already,

and they have not yet got one foot of land, because there was none for them; it was all taken by settlers.

Mr. HENDRICKS. I ask the Senator how much land there is in the State of Kansas in the other two hundred miles that that railroad company will get.

Mr. POMEROY. It will get just about five sections to the mile, one half of what it would be entitled to if the land were not taken by settlers.

Mr. HENDRICKS. And how much that will be nobody can tell. The Commissioner of the General Land Office estimates the entire amount of lands granted to the Pacific Railroad Company at thirty-five million acres.

Mr. POMEROY. That is through to California.

Mr. HENDRICKS. The State of Kansas, by direct grant to herself has received two million five hundred thousand acres. We cannot estimate what portion of the thirty-five million acres granted to the Pacific railroad will be within the limits of Kansas for the construction of that railroad within that State; but there is a portion of the thirty-five millions; so that the Senator is not justified in saying to the Senate that the State of Kansas has received less lands than the other States.

Mr. POMEROY. I ask the Senator if the State has received one acre of that. Does the Commissioner report that we have actually received one acre? It is only his estimate that we shall do it after the road is built.

Mr. HENDRICKS. It is a grant of land. The grant is complete. If the road be not built of course the lands will not be realized by the company undertaking to build it. The point the Senator made the other day, as I understand it, was that I charged against the State of Kansas what was granted to the Pacific Railroad Company, and that that was granted, not to the State, but to the company. What difference does it make to the land interest of the country? If Congress sees fit to grant land to a corporation in the State of Kansas, that is not to be charged to the State of Kansas as a portion of the public lands going to make important improvements in that State. Why, sir, that principle would exclude us from considering as against the State of Kansas the grant that it is now proposed to make, for that is not a grant to the State of Kansas for her own benefit, but this is a grant to a corporation in the State of Kansas.

The Senator told the Senate the other day that this was like the usual grants to States for railroad purposes. The Senator misunderstood the language which he used himself. This bill is a grant to the State of Kansas for the benefit of a particular company; and in that particular it is altogether different from the other grants that have been made. We make grants to States and give the entire grant to the control of the State, and say that that State may transfer the grant to whatever corporation she pleases. I ask the attention of the Senate to the language used in this bill, "for the purpose of aiding the Kansas and Neosho Valley Railroad Company"—a particular company that Congress knows nothing about. We cannot tell what the company is by even reading the laws of Kansas. It is not a company that is chartered by an act of Kansas. I understand that it is a company organized under some general law of the State of Kansas; and the existence of such a company, its obligations, its responsibilities, its means, can only be ascertained by going to the executive departments of the State.

Now, for the purpose of aiding that company in the construction of this road, the bill provides, "there is hereby granted to the State of Kansas for the use and benefit of said railroad company." Is that like the grants that have been heretofore made? Three years ago we granted land for the construction of a road from Leavenworth by Lawrence to the southern line of Kansas in the direction of Galveston bay. That grant was made direct to the State, and the State had the control of it. If

she saw fit to give it to one company or another, it was at her pleasure. But this bill proposes to give it directly to the State, not for her use, not under her control, but for the use and benefit of a particular railroad company, the character and responsibility of which we know nothing about. It has been the policy of Congress to place the entire responsibility of these grants with the States—a good policy. The State can judge of the responsibility of the corporation that proposes to construct the road, whether it is well to trust that corporation with the control of the land or not; but this bill proposes, in extraordinary language, to make the State but a trustee, and a particular railroad company that Congress knows nothing about the beneficiary. Is Congress prepared to make such a grant as that?

Mr. POMEROY. The Senator must be aware that the State of Kansas has already granted to this very company one hundred and twenty-five thousand acres of land. That fact appeared before the committee.

Mr. HENDRICKS. The Senator is not aware of anything about it. I do not question it, because the Senator from Kansas states the fact that the State of Kansas has divided the five hundred thousand acres granted for internal improvement purposes, under the act of 1841, among four railroad companies. So I understand. We had nothing before the committee on that subject except the statement of the Senator, which is satisfactory to me, that in the Legislature there were four railroad companies represented, and they divided it up, and this particular company that is to be benefited by this bill was one of the companies to whom it was divided, the Legislature giving one hundred and twenty-five thousand acres to one, one hundred and twenty-five thousand to another, and so on until the whole five hundred thousand acres were granted to four different companies.

But, Mr. President, the Legislature of Kansas has not asked Congress to make a grant of land to this company. I believe that in one case a Legislature in advance of a grant of land by Congress conferred the grant upon a particular company, and the General Land Office regarded that as a transfer of the grant by the Legislature; but the policy of Congress is to grant to the State, that the State may say what company shall enjoy the benefits of the grant, and throw the responsibility upon the State, Congress taking no responsibility of saying whether a particular company is solvent and responsible and enterprising or not. But here if we make this grant to the State, can the State control it? You may just as well make it direct to the company, because when you make a grant to A for the benefit of B, A is but a trustee for B; the real interest passes to B. So here the grant is to the State of Kansas, for the use and benefit of a railroad corporation that we know nothing about.

But, sir, with the entire surface of Kansas thus covered by grants of our lands, she now comes and asks us to make a grant to a railroad company where there is scarcely room upon the map of Kansas to locate the grant. For what purpose? The Senator says there will be but five thousand acres of land altogether under this grant. I do not know that. The Senator does not know that. His opinion is entitled to great respect, but we have not the statement of the Commissioner of the General Land Office to that effect; we have no map before us showing that fact. At one time, as a guidance to Congress in its legislation on the public lands, Congress kept a corps of clerks who were to keep up the maps showing the sales of the public lands, and thus Congress, by glancing at the map, could tell in an instant how much land would be granted by any particular proposition; but that system has been abandoned and we have no such map before us, and we have no information from the Commissioner of the General Land Office as to the amount of land that will be granted by this act; but the Senator says but five thousand acres. Is Congress then going to make a grant of

lands in order to give a company five thousand acres of land, seven or ten thousand dollars' worth of land? For what purpose, I ask Senators? Do Senators say that that is a substantial aid to build an important railroad? What purpose can it serve? I said the other day that I knew of but one purpose that it could serve. If this corporation is willing to go into the market and represent itself as being a land-grant corporation, taking this bill into the New York market, it can say, "Here Congress, for a distance from Kansas City to the southern boundary of the State of Kansas has made us a land-grant corporation; the State of Kansas cannot take it away from us, because we are the beneficiaries under the bill; we come before you and seek to sell our bonds." Thus this company may get a credit by the action of Congress which will enable it to impose upon the business community; and for no other purpose can I see a propriety—certainly no propriety in that view—in passing this bill. If the Senator be right that there are but five thousand acres falling within the limits of this grant, why will Senators vote for the bill? Here is a route to extend from Kansas City to the southern boundary of the State, a distance of above one hundred miles, I believe. Are Senators willing to vote for a bill which, upon its face, purports to grant alternate sections for that distance when Senators say in advance that there are but five thousand acres that can pass. Why will you vote for such a bill? Senators know that that will not build a road. Senators know that it will give no substantial support in the building of a road.

Mr. President, if the Senator be correctly informed, I will state to the Senate what is the real purpose of this bill. It is to go down into the Indian country to secure the right of way from the southern border of Kansas to the northern boundary line of Texas and make the connection which Congress three years ago agreed might be made by another road; and upon that subject I will call the attention of the Senate to the act of the 3d of March, 1863. A grant of alternate sections for ten miles on each side of the road was made on the 3d of March, 1863, "to the State of Kansas, for the purpose of aiding in the construction, first, of a railroad and telegraph from the city of Leavenworth, by the way of the town of Lawrence, and via the Ohio City crossing of the Osage river, to the southern line of the State, in the direction of Galveston bay, in Texas." I ask Senators whether there was any commitment by Congress when that grant was made. Certainly Senators did not expect that road to terminate in the wilderness, on the southern boundary of Kansas; certainly it was the understanding of Congress when that bill was passed, that we were to aid in the construction of a road which was to be a through line from the Missouri river to the Gulf of Mexico, because we said "by the way of Lawrence to the southern boundary of Kansas, in the direction of Galveston bay." It was known to Congress that Texas was building a road from Galveston bay in a northern direction, with which this road would connect when finished.

Mr. POMEROY. I will ask the Senator if they cannot build that road under this bill as it is reported, provided they get to the southern line as soon as other roads do.

Mr. HENDRICKS. Yes, sir; that is true; making a partnership of that which Congress said two years ago, or at least gave to be understood, should be the exclusive right of the company that would commence and build a road from Leavenworth by Lawrence to the southern line of the State.

Mr. POMEROY. They have no exclusive right.

Mr. HENDRICKS. They have no exclusive right, the Senator says. Is Congress going to make a grant this year, to encourage men to make investments of their money, to encourage counties to subscribe stock, to encourage men to make surveys, and then next year make a grant to a road lapping upon it, running in the same direction and swallowing it

up? Congress gave that company ten years—and I ask the attention of Senators to this fact—within which to construct its road from Leavenworth, by Lawrence, to the southern boundary line of Kansas. Three years have elapsed. Two of those years were in the midst of the war, substantially, from March, 1863, to March, 1865. Senators did not expect a railroad to be built in the midst of the war. Then there has been but one year during which this company could go on and construct the road to which you made the grant in 1863.

Mr. President, the point that I desire to make is this: that when Congress makes a grant of land to a State to aid in the construction of a railroad, and the State transfers that grant to a particular company, Congress ought not to make a grant to another company which is to destroy the grant first made. Was it the purpose of Congress, when this grant was made, to encourage the construction of an important road from Leavenworth, by Lawrence, to Galveston bay, in Texas, and thus connect the waters of the Missouri with the waters of the Gulf of Mexico? Certainly, that was the purpose, because it is plainly expressed in the act; and what a great road it will be—one of the important roads of this country; an important feeder of the Pacific railroad, in which the Government is investing so much land and so much money. I ask if, for the benefit of a few corporators, we are going to make a grant to another company to come in competition during the time which we, in 1863, allowed for the construction of the main road.

If Senators will give me their attention for a moment, I will show just how these roads are located. Here is Leavenworth upon the Missouri river. The road to which we made a grant in 1863 is completed from that point to Lawrence—a distance of thirty-five miles. It is completed, as I understand, by the intervention of the Pacific Railroad Company. By an arrangement between the two companies, that road is built thus far, and a survey has been commenced from Lawrence in a southern direction upon the route described in the act of 1863. That road, then, is built from Leavenworth to Lawrence, and is to run in a southern direction. That road is just thirty-six miles west of the Missouri State line. Now the proposition is to start another road at Kansas City, on the Missouri river, a distance of thirty-six miles from Lawrence, to run in a southwestern direction until it shall intersect the road to which we made a grant three years ago. The effect of it will be that for a distance of one hundred miles these two roads are to run parallel to each other, and Congress is to help to build both, their greatest distance apart at any point being thirty-six miles, and their average distance apart not to exceed from fifteen to eighteen miles.

Mr. POMEROY. I know the Senator desires to be right about it. When they run a hundred miles, I am informed, they will be forty miles apart, the distance from Fort Scott to Humboldt. If they run one hundred miles, they will be ten miles further apart than when they began.

Mr. HENDRICKS. There is no point at which they can be forty miles apart; for I have here a map prepared by the Commissioner of the General Land Office, and there is no point at which they can be forty miles apart.

Mr. POMEROY. That map does not show the line of this road.

Mr. HENDRICKS. It is furnished by the Commissioner of the General Land Office, and it shows that these two roads cannot be forty miles apart; for the Commissioner of the General Land Office has furnished me a map with the road to which we made the grant three years ago marked down; and here it is from Leavenworth to Lawrence. Lawrence is just six tiers of townships from the Missouri line, and the road is marked upon this map in a southern direction, running upon the township line to the southern boundary of Kansas. The greatest distance between the road to which we made the grant three years ago and the Mis-

souri State line is thirty-six miles, as shown by this map furnished by the Commissioner of the General Land Office. I do not understand what the Senator means when he says there is a distance between the road to which we made the grant three years ago and Fort Scott of forty miles.

Mr. POMEROY. The road the Senator refers to is located at Humboldt, and that is forty miles from Fort Scott, where the other road is located. They run parallel to each other and are forty miles apart at the distance of a hundred miles from where they start.

Mr. HENDRICKS. Humboldt is further south. The road, as located, is east of Humboldt. The grant in 1863 does not describe Humboldt. The Commissioner has furnished me the location of the road. Here is a description of the route as made in the act of Congress of 1863:

"From Leavenworth, by the way of the town of Lawrence and via the Ohio City crossing of the Osage river, to the southern line of the State in the direction of Galveston bay, in Texas."

Humboldt is not a town on that line. Humboldt may be forty miles west of Fort Scott; I do not question that; but the map furnished by the Commissioner of the General Land Office shows that Humboldt is west of the direct line upon which this road must be located.

The construction of these grants by the General Land Office has been that when Congress gives the termini the road must be located upon the most direct line between the termini that is practicable. The Commissioner of the Land Office, taking that rule of construction, has located upon this map which he has furnished us, and which is represented with the surveys of the State, the location of the road to which we made the grant three years ago; and here it is: from Leavenworth in a southern direction to the southern line of the State. That is just thirty-six miles west of the Missouri State line. The proposition is to get in a new grant to a corporation that Congress knows nothing about except as represented by the Senator from Kansas. His representation is entitled to all confidence, I concede; but we have no documentary evidence of the character and responsibility of that company.

Mr. MORRILL. Has it been organized?

Mr. HENDRICKS. I suppose it has been organized, from what the Senator from Kansas says. I know nothing about it except what he has said. I believe we had before the committee no evidences of the organization of the company to which this grant is to be made.

Mr. POMEROY. The statutes of the State were before the committee showing that the State had already given them one hundred and twenty-five thousand acres.

Mr. HENDRICKS. The Senator says that the statutes of the State will show that the State has recognized it as a corporation by granting to it some of her own lands. I have not the statutes here, but of course the Senator is informed on that subject. Now, they propose to start a railroad on the Missouri river at a point opposite to Kansas City, in Missouri, and to run down until it shall intersect the road to which we made a grant three years ago; and whichever road can get to the southern boundary of the State of Kansas first is to have the right to run through the Indian Territory. That is the proposition.

Mr. POMEROY. That is fair.

Mr. HENDRICKS. The Senator says that is fair. I ask Senators if that be fair. You made a substantial grant of lands to the State of Kansas three years ago. The State of Kansas has transferred that grant to a railroad company. That company has commenced its enterprise by securing, through the aid of another company, thirty miles of its road, and by commencing its surveys from Lawrence in a southern direction. That company has secured the subscription of stock by counties along its line, and is going on, as I understand, to complete this great work with a view to the connection of the Missouri river and the Gulf of Mexico; and now we propose to run a com-

peting road between that road and the State line of Missouri. Senators can look at the map and see just how these roads will lie with regard to each other.

We have an illustration of this kind of legislation in the State of Iowa. Any Senator taking up the map of the State of Iowa will see that that State is almost covered with railroad grants. Three roads were contemplated by one act of Congress, and the grants lapped upon one another. If any one or even two of the roads had been supported by substantial grants of lands, they would have been a success; the roads could have been built, and the stock would have been of some value in the market; but as it is, one of these roads—the Mississippi and Missouri road—has her stock in the market scarcely of any value after she had received a grant of land from the General Government. Why? Because at the same time we made a grant to parallel companies and roads so near to each other that the one grant lapped upon the other. Are Senators willing to indorse that policy in the State of Kansas? And after making a grant to a great road, to an important work in 1863, after that work has been commenced, after investments are made, after counties have made subscriptions to large amounts of stock to that company, is Congress willing to make a grant now, between that road and the State line of Missouri, so near to it as that the one grant must lap upon the other?

Have we so little interest in the public lands as that we will make such a grant as this? I think no man, as was said by the Senator from Missouri, [Mr. HENDERSON,] can be more liberal in his views in regard to grants of land to aid in great works of improvement in the western country than I am; but I do not want to see the system broken down and demoralized until the eastern States, as the Senator from Maine [Mr. FESSENDEN] referred to the question the other day, can justly say that we are squandering the public lands. I do not choose to be charged with that. As a friend of the system which calls upon the General Government to aid in the construction of great works, I do not choose to have the system debased and broken down by a legislation such as this would be. I ask western Senators, whose States are interested in works of this sort, to stand by the integrity of the system. That system is based upon the idea that Congress ought to aid the western settlers in the development of the country by the construction of necessary works, national and important in their character, but not, in order to grasp the land, to make one grant lap upon another.

Mr. President, as I understand, there are rights in the Indian country not yet secured. I understand that the Cherokee tribe have made no treaty which authorizes Congress to even contemplate the running of a road through their territory. This bill does contemplate it. When the Senator from Kansas a little while ago said that the Senator from Wisconsin had agreed to the support of this bill I was rather astonished at the statement. I understand that there is one tribe of Indians secured by the most solemn treaty stipulations against any invasion of their territory by the white man for any purpose; and yet this bill proposes to grant the right of way, as soon as we can get the Indian consent to it, and thus committing the Government to an effort to secure the consent of the Indians, as was stated so well by the Senator from Illinois [Mr. TRUMBULL] the other day.

For the purpose of testing the sense of the Senate upon this bill, I will move to postpone its further consideration until the first Monday of December next. If there are any treaties to be made with these Indians in the mean time, we can know what they are; the Senate can consider the treaties, and then we can tell what is the condition of the Indian country. If this is a corporation organized in good faith and with means to construct the railroad let it go on with its work. These five thousand acres that lie within the limits of the State of Kansas, and all that the State of Kansas will get, as the

Senator from Kansas says, will not do much to carry on the work if granted, nor will the refusal to grant it do much to retard the work, unless, indeed, it is to be used as a means of credit in the New York market. We can very well wait. There will be no loss resulting from it. These people could not go into the Indian Territory now. They could not construct their road into the Cherokee country if they were down there to-day, even if Congress said so. As a test, I move to postpone the further consideration of the bill until the first Monday of December next.

Mr. POMEROY. I have no objection to taking the vote on that motion now, because I suppose we are limited in time, as the morning hour has almost expired, and the Senator from Maine desires to go on with the bill that was before the Senate yesterday. I trust, however, that the Senate will not postpone this bill until the next session. It is merely another way of trying to defeat the bill. When a man cannot defeat a measure by argument, when he cannot defeat it by facts, when he cannot defeat it by saying anything against it, the second way is to defeat it by postponing it. I hope this bill will not be postponed. I am willing to let it go over for to-day and be taken up at some time when the Senate have leisure.

Mr. HENDRICKS. I think we may as well have the yeas and nays upon my motion.

The yeas and nays were ordered.

Mr. DOOLITTLE. The Senator from Kansas and the Senator from Indiana alluded to my position upon this bill. I confess that I have not examined the question. The statement made by the Senator from Indiana now that Congress has already made a grant to a parallel road running through the same region of country, as he alleges within a few miles of where this new line goes, is all new information to me. I am not a member of the Committee on Public Lands, and I was not aware that there was any such grant. It raises in my mind a very different question. If this was the only grant running through Kansas in a southern direction to Galveston bay I should favor the grant if the bill was properly drawn, but if there be another parallel road so near as is stated by the Senator from Indiana, it raises a question in my own mind as to the propriety of this grant.

Mr. POMEROY. What I said was that the Senator from Wisconsin did not object to this bill on account of the road going through the Indian country, and that was all I said.

Mr. DOOLITTLE. In relation to that, the treaties pending, it may not be improper for me to say, have reference to the grant of the right of way through their country for railroad purposes.

Mr. HENDRICKS. I will ask the Senator, who is chairman of the Committee on Indian Affairs, if such a treaty be pending, whether this bill had not better be postponed until we see what is to be the fate of the treaty?

Mr. DOOLITTLE. That is a question for the Senate to decide, of course.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Indiana to postpone the further consideration of this bill until the first Monday of December next, and on that question the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 12, nays 16; as follows:

YEAS—Messrs. Cowan, Cragin, Davis, Foster, Grimes, Guthrie, Hendricks, Morrill, Ramsey, Trumbull, Van Winkle, and Wilson—12.

NAYS—Messrs. Chandler, Conness, Doolittle, Edmunds, Harris, Howard, Howe, Kirkwood, Morgan, Norton, Nye, Pomeroy, Sherman, Stewart, Wade, and Williams—16.

ABSENT—Messrs. Anthony, Brown, Buckalew, Clark, Creswell, Dixon, Fessenden, Henderson, Johnson, Lane of Indiana, Lane of Kansas, McDougall, Nesmith, Poland, Riddle, Saulsbury, Sprague, Sumner, Willey, Wright, and Yates—21.

So the motion was not agreed to.

The PRESIDENT *pro tempore*. The morning hour having expired, it becomes the duty of the Chair to call up the unfinished business of yesterday.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House of Representatives had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments to the joint resolution (H. R. No. 134) relative to appointments to the Military Academy of the United States.

The message further announced that the House of Representatives had passed without amendment a bill (S. No. 328) for the relief of Mrs. Abigail Ryan.

The message also announced that the House of Representatives had passed the following bill and joint resolution, with amendments to each, in which it requested the concurrence of the Senate:

A bill (S. No. 243) to extend the time for the reversion to the United States of the lands granted by Congress to aid in the construction of a railroad from Amboy, by Hillsdale and Lansing, to some point on or near Traverse bay, in the State of Michigan, and for the completion of said road; and

A joint resolution (S. R. No. 51) respecting bounties to colored soldiers, and the pensions, bounties, and allowances to their heirs.

The message further announced that the House of Representatives had passed the following bills, in which it requested the concurrence of the Senate:

A bill (H. R. No. 559) to authorize the extension, construction, and use by the Baltimore and Ohio Railroad Company of a railroad from between Knoxville and the Monocacy Junction, into and within the District of Columbia; and

A bill (H. R. No. 615) legalizing marriages, and for other purposes, in the District of Columbia.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House of Representatives had signed an enrolled bill (H. R. No. 406) to provide for the settlement of accounts of certain public officers; and it was thereupon signed by the President *pro tempore*.

BOUNTIES TO COLORED SOLDIERS.

The PRESIDENT *pro tempore*. With the permission of the Senate, before calling up the unfinished business of yesterday, the Chair will lay before the Senate a joint resolution of the Senate returned from the House of Representatives with amendments.

The Senate proceeded to consider the amendments of the House of Representatives to the joint resolution (H. R. No. 51) respecting bounties to colored soldiers, and the pensions, bounties, and allowances to their heirs. The first amendment was to strike out the proviso to the first section, and to insert in lieu thereof the following:

But where nothing appears on the muster-roll or of record to show that a colored soldier was not a free man at the date aforesaid, under the provisions of the fourth section of the act making appropriations for the support of the Army for the year ending the 30th of June, 1865, the presumption shall be that the person was free at the time of his enlistment.

Mr. WILSON. I move that the Senate concur in that amendment.

The motion was agreed to.

The next amendment was in section two, line four, to strike out all after the word "widow" down to and including the word "enlistment," in line ten, and to insert in lieu thereof, "were joined in marriage by some ceremony deemed by them obligatory, followed by their living together as husband and wife up to the time of enlistment."

Mr. WILSON. I move a concurrence in that amendment.

The motion was agreed to.

The next amendment was in section two, line fourteen, to strike out all after the word "marriage" to the end of the section, and to insert, "shall be held and taken to be the lawful children and heirs of such soldier."

Mr. WILSON. I move that the Senate concur in that amendment.

The motion was agreed to.

AMBOY AND TRAVERSE BAY RAILROAD.

The Senate proceeded to consider the amendment of the House of Representatives to the bill (S. No. 243) to extend the time for the reversion to the United States of the lands granted by Congress to aid in the construction of a railroad from Amboy, by Hillsdale and Lansing, to some point on or near Traverse bay, in the State of Michigan, and for the completion of said road.

Mr. FESSENDEN. I should like to proceed with the business regularly before the Senate, the unfinished business of yesterday.

Mr. CHANDLER. I simply ask the Senate to concur in the amendment made by the House of Representatives. It will not take three minutes, I think. There will be no opposition to it.

The Secretary proceeded to read the amendment of the House of Representatives, which was to strike out all of the bill after the enacting clause, and to insert a substitute, but was interrupted by

Mr. TRUMBULL. That is an entire new bill, as a substitute for a bill which passed this body. The House has substituted another bill for the one we sent them. The Senators from Michigan tell us it is all right. I presume it is; certainly they think so; but we pass it, if we concur in that amendment, without its ever going to a committee, and without any of us knowing anything about it. I think such a bill as that ought to go to a committee; it is a new bill entirely; and I suggest to the Senator from Michigan that he allow it to be referred. That course will not delay it. I have no objection to it; but as a proper principle upon which to do business, when a bill of this character passes this body and a new bill as a substitute for it is adopted by the House as an amendment, is it safe for the Senate to concur in it without anybody knowing anything about it or how it is going to act? I think it had better go to a committee.

Mr. FESSENDEN. I move that it be laid aside, to save this discussion, and that we proceed with the regular order.

The PRESIDENT *pro tempore*. The Senator from Maine calls for the regular order of business, and the bill before the Senate must be laid aside, it having been proceeded with only by unanimous consent.

Mr. HOWARD. I hope the Senate will make an order to print the amendment of the House to the bill.

The PRESIDENT *pro tempore*. That order will be entered, no objection being made.

APPROVAL OF BILLS.

A message from the President of the United States, by Mr. COOPER, his Secretary, announced that the President of the United States had approved and signed, on the 12th instant, the following acts:

An act (S. No. 140) to grant the right of way to the Humboldt Canal Company through the public lands of the United States;

An act (S. No. 173) to confirm the title of José Serafin Ramirez to certain lands in New Mexico;

An act (S. No. 189) to confirm the grant of certain lands to José Dominguez, in California;

An act (S. No. 261) for the relief of Mrs. Anna G. Gaston; and

An act (S. No. 321) for the relief of Maria Syphax.

MINERAL LANDS.

Mr. CONNESS. With the consent of the honorable Senator from Maine, before the appropriation bill is proceeded with, I desire to call up, with the view of making it the special order for a future day, Senate bill No. 275, which has been reported from the Committee on Mines and Mining.

The PRESIDENT *pro tempore*. The Chair can entertain the motion by unanimous consent, House bill No. 213 being properly before the Senate.

No objection being made, the motion was agreed to; and the Senate, as in Committee of

the Whole, proceeded to consider the bill (S. No. 257) to regulate the occupation of mineral lands and to extend the right of preemption thereto.

Mr. CONNESS. I now move that the bill be postponed to Friday next, at one o'clock, and made the special order for that hour.

Mr. MORRILL. I have a word to say about that. I hope that will not be done. I have been trying to get a chance to pass some little bills here pertaining to the District of Columbia. We have had but half a day during the entire session, and I find that those having charge of business outside are so much more active than I can possibly be that I have not got a chance to bring up the District business. I had drawn up a resolution which I proposed to offer, asking the Senate to allow Friday next to be devoted to business of the District of Columbia. There are a great number of District bills that have been accumulating during almost the entire session, and they demand attention.

Mr. CONNESS. I made my motion with the understanding with the Senator at the head of the Finance Committee that I should not interfere with the bills which he has in charge, agreeing that this bill should go over in case he should want to occupy the time on the day named. Neither do I desire to antagonize the bill with the necessary legislation that the other honorable Senator from Maine has in charge. It will be conceded, however, that this is a very important subject; the Committee on Mines and Mining have considered it very thoroughly and fully; and my object is to get the consideration of the Senate for it at an early day, in view of the extent to which the session has already been consumed. If it will answer better to make this bill the special order for Monday at one o'clock, I will make that motion.

Mr. MORRILL, and others. There is no objection to that.

Mr. CONNESS. I move that the bill be postponed until Monday at one o'clock, and made the special order for that hour.

The motion was agreed to by a two-thirds vote.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 213) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th of June, 1867, the pending question being on the following amendment, reported by the Committee on Finance, to come in as lines eleven hundred and fifty-two and eleven hundred and fifty-three after the appropriation for the Metropolitan police:

For the construction of a police telegraph, \$15,000.

Mr. FESSENDEN. After "telegraph" the amendment should be amended by inserting "in the city of Washington."

The amendment to the amendment was agreed to, and the amendment, as amended, was adopted.

The next amendment of the Committee on Finance was to insert as a new section:

SEC. 2. *And be it further enacted*, That from and after the 30th day of June, 1866, the annual salary of the Treasurer of the United States shall be \$6,500, the additional salary herein provided for for the year ending June 30, 1867, to be paid out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The next amendment was to insert as a new section:

SEC. 3. *And be it further enacted*, That from and after the 30th day of June, 1866, the salary of the Commissioner of Public Buildings shall be \$2,500 per annum, and the increase of salary herein authorized may be paid out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The next amendment was to insert the following as an additional section:

SEC. 4. *And be it further enacted*, That the President is hereby authorized to appoint a private secretary, at an annual salary of \$3,500; a short-hand writer, at an annual salary of \$2,500; a clerk of pardons at

an annual salary of \$2,000; and one clerk of the fourth class; and the amount necessary to pay the salaries of the officers and clerks herein provided for for the fiscal year ending June 30, 1867, and also such sum as may be necessary to pay the salaries of said officers and clerks from the date of their appointment to the end of the fiscal year 1866, are hereby appropriated, out of any money in the Treasury not otherwise appropriated.

Mr. FESSENDEN. To that section I propose some amendments. First, in line three, after the word "dollars," to insert "an assistant secretary at a salary of \$2,500."

The amendment to the amendment was agreed to.

Mr. FESSENDEN. In line six I move to strike out the words "one clerk" and insert "three clerks;" so as to provide for three clerks of the fourth class.

The amendment to the amendment was agreed to.

Mr. FESSENDEN. The next amendment is in line six, after the word "class" to insert:

A steward of the President's household, who shall receive an annual salary of \$2,000; and said steward shall have the custody of the plate, furniture, and other public property in the President's House, and shall give a bond to the United States in such sum as the Secretary of the Interior shall deem sufficient, and to be approved by him, for the faithful discharge of his trust.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER, (Mr. POMEROY in the chair.) The question now is on the amendment of the committee as amended.

Mr. HENDRICKS. I move, in the third line, to strike out "\$3,500" and insert "\$4,000." I think that is but a reasonable compensation for the gentleman who shall be the private secretary of the President.

Mr. FESSENDEN. The Committee on Finance considered the question of the salary of the secretary of the President, and they saw no reason why the secretary of the President should receive more than the Assistant Secretaries of the several Departments and the heads of bureaus. They thought it would make difficulty to give more, and that \$3,500 was a sufficient sum. Heretofore the President has had only one secretary, and he has received but \$2,000 or \$2,500; and this not only gives him a secretary at \$3,500, but an assistant secretary at \$2,500, and a short hand-writer at the same rate, besides three clerks of the fourth class. The committee were of opinion that it would make a considerable difficulty, and that there was no good reason why the President's secretary should receive more than the Assistant Secretaries of the Departments.

Mr. HENDRICKS. I thought it but reasonable to make the amendment I have proposed. Every Senator knows the importance of relieving the President as much as possible from the burden that is thrown upon him in receiving persons that call, and certainly it is very desirable to have a man of fine qualifications for the place; a good business man; not an ordinary clerk, of course, but a man who can transact the business for the people when they call to see the President. I was induced to make the proposition in part by the fact that the House of Representatives has already fixed this sum of \$4,000 as the proper compensation in House bill No. 211. The House in its bill on this subject, No. 211, fixed the salary of the President's private secretary at \$4,000. I thought that as the House had expressed that desire, and it seemed to me to be right, the Senate had better adopt the same sum.

Mr. FESSENDEN. The duties to be performed by the secretary of the President cannot be any more important certainly than the duties to be performed by the Assistant Secretary of the Treasury, and his salary is \$3,500; and it was on that ground that this sum was fixed. It is true that the salaries of the Assistant Secretary and the heads of bureaus in the Interior Department have since been fixed at \$4,000 by a bill passed by the Senate; but that was our reasoning. The President at present has only an assistant secretary provided by law, but officers of the Departments are detailed there, and in that way he has the use of

clerical force. We became satisfied that it was proper to give the President a corps of clerks, and thought that as it is now arranged we had given what was right. We have given everything, in fact, that he asked for and as he asked for it: a secretary in the first place, an assistant secretary, a short-hand writer, and three clerks of the fourth class.

Now, the simple question is whether the secretary of the President should receive any more than the Assistant Secretaries of the Departments generally. If we agree to this proposition we shall have to raise them all; and we thought it would not be reasonable to do so. Certainly, to perform the duties which the secretary would have to perform about the President, with all this assistance, I should suppose \$3,500, as it procures Assistant Secretaries for the departments, would certainly procure all that was necessary. It is, however, for the Senate to decide. The Committee on Finance came to the conclusion that it would not be proper to go beyond \$3,500.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Indiana to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. HENDRICKS. I wish to ask the Senator from Maine if he thinks the salary fixed for the short-hand reporter, \$2,500, will be sufficient to secure such a reporter as it would be desirable to have. I understand that the short-hand writers in this city get much more than that.

Mr. FESSENDEN. Only when employed for a few days; but this is a salary for the year round. He will get this salary all the year round, whether employed or not. It ought to be enough.

Mr. HENDRICKS. I have understood that the short-hand writers in both branches of Congress get more than that; but I am not very well informed on the subject.

Mr. FESSENDEN. Very excellent short-hand writers are employed in the Treasury Department, with the salary of fourth-class clerks, \$1,800.

The amendment of the committee, as amended, was agreed to.

The next amendment of the Committee on Finance was to insert the following as an additional section:

SEC. 5. *And be it further enacted*, That from and after the 30th day of June, 1866, there shall be an officer in the Treasury Department, to be known as the Assistant Solicitor of the Treasury, who shall be appointed by the Secretary of the Treasury, and who shall receive an annual salary of \$3,000. And the Attorney General of the United States is hereby authorized to employ in his office, in addition to the present force, a clerk to be known as the law clerk, at an annual salary of \$2,500. And the amount required to pay the salaries of the officer and clerk herein provided for, for the fiscal year ending June 30, 1867, is hereby appropriated.

Mr. TRUMBULL. I wish to inform the Senate that here is another Solicitor provided for one of the Departments. I made an effort in the Senate, some days ago, to prevent the multiplication of these attorneys in the various Departments, and we had the sense of the Senate at that time that they ought not to be multiplied. But it seems each of the Departments deem it necessary to have an attorney general attached to that Department. They have one Solicitor of the Treasury Department already. To that I suppose there is really no objection. They need a Solicitor in regard to the collection of claims in that Department; and if this went no further than that I should make no opposition to it. I am not disposed now to have another contest in the Senate about it, but I wish to call attention to it, and I certainly think it would be better for the public interests if the Committee on Finance, which has these bills in charge, would not insist upon multiplying the attorneys in the different Departments. I suppose they think there is a necessity for this assistant in the Treasury Department. I shall not move to strike it out, and I shall not contend about it any further than to say to the Senate that if

any Senator thinks proper to move to strike it out I should certainly vote in favor of striking it out. The Treasury Department has one Solicitor, and here is a proposition for an Assistant Solicitor. I presume if this thing goes on, it will be followed by requests for Assistant Solicitors in the other Departments.

Mr. FESSENDEN. I believe the Senator conceded that so far as the Treasury Department was concerned, it was absolutely necessary to have a Solicitor. If the collection of claims was all the business that was attended to in the Solicitor's office, he would be entirely right in saying that one Solicitor was enough. But the business has increased there enormously, and the committee came to the conclusion—I certainly did—that it was necessary to have an Assistant Solicitor. The Solicitor himself is obliged to be absent a great deal, attending to business out of the office, attending to suit &c., and the constant recurring business of the office is daily and almost hourly such as to require attention of one Solicitor. The committee examined the matter and became perfectly satisfied that at present, at least, and probably for some years to come, it would be necessary to have an Assistant Solicitor there. The business is enormous. If Senators will only reflect that at present there is not a Bureau in the Treasury Department that has not more to do than the whole Department had to do before the war, they will have some idea of the amount of business.

Mr. HOWARD. Has the Solicitor of the Treasury made any complaint that he is overwhelmed with business, so as to make this provision necessary?

Mr. FESSENDEN. Yes, sir; and it was on his application, approved by the Secretary of the Treasury, and on an examination of the matter by the committee that this section was reported. I have here a letter from the Secretary of the Treasury recommending it.

Mr. HOWARD. Upon the request of the present Solicitor?

Mr. FESSENDEN. I know that the present Solicitor requested it, because he applied to me personally.

Mr. HOWARD. I do not know how that may be; I was myself not aware that there was a great pressure of business in the office of the Solicitor of the Treasury. I was under the apprehension that there was no great necessity for the creation of an assistant officer of that description.

Mr. FESSENDEN. Is the Senator familiar with the business of the office?

Mr. HOWARD. Somewhat so.

Mr. FESSENDEN. All that I can say is that from the familiarity I have with it I am of a different opinion.

The amendment was agreed to.

The next amendment was to insert as a new section:

SEC. 6. *And be it further enacted*, That the female clerks and counters employed in the several Departments and bureaus, whose appointments are made by the several heads of Departments under authority conferred by existing laws, and whose legal compensation now amounts to \$720 each per annum shall, from and after the 30th day of June, 1866, receive in lieu of all other compensation an annual salary of \$900 each per annum; and the amount necessary to pay the increased salaries herein provided for for the fiscal year ending June 30, 1867, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. FESSENDEN. I move the following as a substitute for that section:

That the female clerks and counters employed in the several Departments whose legal compensation amounts to \$720 per annum, and whose appointments are made by the several heads of Departments under the provisions of law, and the female clerks employed by the Post Office Department, may, at the discretion and under the direction of said heads of Departments, be divided into three classes, each class to contain not more than one third of the whole number so appointed; and those of the first class shall be paid the annual sum of \$720, those of the second class the annual sum of \$840, and those of the third class the annual sum of \$960 in lieu of all other compensation; the same to commence on the 1st day of July, 1866; and the amount necessary to pay the increase of salaries herein provided for for the fiscal year ending June 30, 1867, is hereby appropriated.

Mr. SHERMAN. I wish to ask the Senator having charge of the bill whether that covers

the ladies employed in the Department of Agriculture.

Mr. FESSENDEN. I think it does. They are employed under provisions of law, and that covers it. He has authority to employ them.

Mr. SHERMAN. Very well.

The amendment to the amendment was adopted, and the amendment, as amended, was agreed to.

The next amendment was to insert as a new section:

SEC. 7. *And be it further enacted*, That the addition of twenty per cent. to the compensation of the females, messengers, watchmen, and laborers employed in the several Departments, and under the Commissioner of Public Buildings and the Commissioner of Agriculture, and at the Capitol, by section three of an act making appropriations for the legislative, executive, and judicial expenses of the Government, for the year ending June 30, 1865, and for other purposes, is hereby continued in force, and the amount necessary to pay the same for the fiscal year ending June 30, 1867, is hereby appropriated.

The amendment was agreed to.

The next amendment was to add the following as an additional section:

SEC. 8. *And be it further enacted*, That the Secretary of the Navy is authorized to appoint in the several bureaus of his Department, in addition to their chief clerks, and in lieu of the clerical force now authorized, clerks as follows, namely: in the Bureau of Yards and Docks, one clerk of class four, two clerks of class three, two clerks of class two, and one clerk of class one; in the Bureau of Navigation, one clerk of class four, and one clerk of class two; in the Bureau of Equipment and Recruiting, one clerk of class four, two clerks of class three, two clerks of class two, and three clerks of class one; in the Bureau of Ordnance, one clerk of class four, two clerks of class three; and two clerks of class two; in the Bureau of Construction and Repair, one clerk of class four, two clerks of class three, two clerks of class two, and one clerk of class one; in the Bureau of Steam Navigation, one clerk of class three; in the Bureau of Provisions and Clothing, one clerk of class four, three clerks of class three, six clerks of class two, and three clerks of class one; in the Bureau of Medicine and Surgery, one clerk of class four and one clerk of class three. And the amount necessary to pay the increase of salaries herein provided for for the fiscal year ending the 30th of June 1867, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The next amendment was to add as a new section:

SEC. 9. *And be it further enacted*, That the provisions of the act approved April 29, 1864, increasing the compensation of inspectors of customs in certain ports, is hereby continued in force.

The amendment was agreed to.

The next amendment was to insert as an additional section:

SEC. 10. *And be it further enacted*, That in adjusting the accounts of Stewart Gwynn, under and by authority of "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending 30th June, 1866," for printing-presses, machinery, material, and labor furnished and supplied to the Treasury Department, and for expenditures under the authority of the Secretary, the proper accounting officers of the Treasury are hereby authorized to allow to said Gwynn such sum as may be equitably due, without deducting for expenditures made by said Department, or under authority thereof, upon said presses and machinery for the purpose of improving and repairing the same.

The amendment was agreed to.

The next amendment was to insert as a new section:

SEC. 11. *And be it further enacted*, That the sum of \$39,276 50 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to purchase Indian annuity goods for the Indians, parties to the treaty of Fort Laramie, and for the Blackfoot nation, to replace those destroyed by fire on the steamer Frank Bates, at St. Louis, April 7, 1866.

Mr. HOWARD. I should like to have some explanation of the necessity of this clause from the honorable chairman of the Committee on Finance.

Mr. FESSENDEN. It is put in on the recommendation of the Secretary of the Interior. We were bound by treaty to furnish certain goods to these Indians; the Government had the goods to send to this nation in pursuance of the treaty; they were put on board the steamer Frank Bates at St. Louis and were burned.

Mr. HOWARD. While they were in our custody and before they were delivered?

Mr. FESSENDEN. Yes, sir.

Mr. GRIMES. Let me inquire if this is

not the same claim that was at a former session presented by the Senator from Wisconsin, and opposed by the Senator from Maine on the ground that it was a private claim and therefore should not be put on an appropriation bill, and overruled on that ground.

Mr. FESSENDEN. I do not understand it to be so. It is something that the Government of the United States is bound to do by treaty.

Mr. DOOLITTLE. This is altogether a different transaction from that alluded to by the Senator from Iowa.

Mr. FESSENDEN. The goods were lost in our hands, we being bound by treaty to deliver them, and the only question is, whether we shall deliver them? The Department says it is very important that it should be done, and done immediately, and we have therefore put the provision in here.

The amendment was agreed to.

The PRESIDING OFFICER. The amendments reported by the Committee on Finance are now disposed of.

Mr. HARRIS. On page 2, I move, in line thirty-two to strike out "two" and insert "three;" and in line thirty-four to strike out "seventeen" and insert "sixteen;" so as to read, "three messengers acting as assistant doorkeepers, at \$1,500 each; sixteen messengers at \$1,200 each." My object in moving this amendment is to increase the salary of Mr. Phipps, who sits at the right hand of the President. He has been in the service of the Senate for the last five years, a faithful, intelligent officer.

Mr. FESSENDEN. What does he receive now?

Mr. HARRIS. Twelve hundred dollars as a mere messenger, while the assistant doorkeepers receive \$1,500. I desire to put him upon the footing of the assistant doorkeepers. The Senate will perceive by the language of the provision that \$1,500 is given to "messengers acting as assistant doorkeepers." Mr. Phipps has been here these five years, "in season and out of season;" a man of all work, the servant of the Senators; and a more faithful and intelligent man we have not about the Senate. Really I have felt guilty for the last year or two that I have not made some effort to give him more adequate compensation. I make this motion on his behalf and for this purpose alone.

Mr. FESSENDEN. I do not know that I feel inclined to object to this amendment; I recognize the merits of the officer; but I hope it will not be construed into a precedent, or that I shall not be held bound to accede to everything else that may be proposed of the same nature. The Senate will do as it pleases.

The amendment was agreed to.

Mr. FESSENDEN. That amendment makes a change necessary in the amount of the gross appropriation for the compensation of officers, &c., in the service of the Senate. I move to raise the amount in lines forty-seven and forty-eight, on page 3, from \$80,654 to \$80,954.

The amendment was agreed to.

Mr. WILLIAMS. I move to amend the bill by striking out the word "ten" and inserting "twenty" in line nine hundred and seventy-four, on page 40. It will be observed that the clause to which I propose this amendment provides an appropriation of \$10,000 for compensation and mileage of the members of the Legislative Assembly, officers, clerk, and contingent expenses of the Legislative Assembly of the Territory of Washington. My amendment raises the amount to \$20,000. It will be observed that in the Territories of Arizona, Idaho, and Montana, the bill provides for the same purposes \$20,000. In some of the other Territories the amount ranges from \$10,000 to \$18,000. I have in my hand a letter from the secretary of the Territory representing that this amount is wholly inadequate to the wants of the Territory. I will read a portion of it for the information of the Senate:

"I have the honor to call your attention to lines nine hundred and twenty-three, nine hundred and

twenty-four, and nine hundred and twenty-five, page 39, of H. R. No. 213—or rather to the sum of \$10,000 named therein."

The difference in the numbering of the lines I suppose is because of the reprint of the bill since it passed the other House with the amendments reported by our committee. He proceeds to say:

"In consequence of the reduction of the appropriation made for fiscal year ending 30th instant, of \$5,000, there will then be due by the office of secretary of the Territory of Washington, for balance on printing laws, journals, &c., the sum of at least \$7,000."

So that it will be seen that there is an indebtedness now on the part of the Territory of \$7,000. There is no surplus fund on hand, which I believe has been suggested as a reason why this appropriation was reduced. Last year the usual appropriation was reduced from \$20,000 to \$15,000, and in consequence of that the Territory has become indebted to this officer in the amount of \$7,000, as he states:

"Until last year the appropriation for a number of years—I think universally since 1854—has been \$20,000. None better than yourself know the high prices on the Pacific side, when paid in Government currency. In fact, my estimates based upon actual expenditures, during the period such currency has been in circulation have been up to \$22,000; and even now I see difficulty in trying to meet the necessary expenses, with most rigid economy, at a less figure. Of course the per diem and mileage fixed by law is not varied by the value of the currency. The other purchases or expenses are of necessity controlled by the value at the time of said purchase or payment by the value of the dollar currency at the point of purchase, if made in San Francisco or in any of the Pacific States or Territories. The following estimate, approximating to the average of accounts filed in the last three years, is really as low as it can justly be made:

Printing.

Incidental printing of the Legislative Assembly, say.....	\$2,500
1,000 copies pamphlet laws, say.....	1,700
250 copies each (500 copies) Journal, say.....	1,700
	5,900
<i>Legislative Assembly.*</i>	
Per diem 9 members of Council, sixty days, at \$3.....	\$1,620
30 members of House of Representatives, sixty days.....	5,400
2 chief clerks, sixty days, at \$5.....	600
2 assistant clerks, sixty days, at \$3.....	360
2 sergeants-at-arms, sixty days, at \$3.....	360
2 doorkeepers, sixty days, at \$3.....	360
1 chaplain and 1 messenger, sixty days.....	280
Mileage 39 members.....	2,600
Extra allowance to presiding officers.....	360
Postage members and distribution of laws, &c.....	120
Librarian, \$300 per annum.....	300
	12,360
Stationery, bills for Assembly and office, say.....	1,000
Candles and lights.....	300
Fuel for legislative halls, library, and office.....	350
Messenger to secretary's office, at \$50 per month.....	600
Clerical work, say three months, at \$100.....	300
Office rent, at \$25 per month.....	300
Incidental expenses, repairing furniture, public buildings, &c.....	300
	3,150
Total.....	\$21,110

He also states that the estimate upon which the Treasury Department based its estimate was made by him while there was a difficulty in the Territory as to the payment of bills for printing, and they were not included in the estimate which he made of expenditures, and it was also an estimate made, not upon a full Legislative Assembly, but upon a Legislative Assembly that was only partly filled, and the whole amount of mileage and per diem was not charged. I am satisfied that this Territory needs this appropriation.

The amendment was agreed to.

Mr. WILLIAMS. I am authorized by the Committee on Finance to move this amend-

ment, to come in on page 39, after line nine hundred and forty-seven:

Provided, That the Secretary of the Treasury be, and he is hereby, authorized at his discretion to remove the whole or any portion of the machinery, apparatus, and fixtures of the branch mints of the United States at New Orleans, Charlotte, and Dahlonega, to such other branch mints as in his opinion may require the same; or, at his discretion, to discontinue the branch mints at New Orleans, Charlotte, Dahlonega, and to dispose of the property belonging thereto, if he shall deem it expedient, at public auction, to the highest bidder.

The amendment was agreed to.

Mr. KIRKWOOD. I desire to call the attention of the chairman of the Committee on Finance for a moment to some items which I find on page 20. I find there an appropriation of \$21,000 for additional clerks in the Pension Office, and another appropriation of \$58,600 for additional clerks in the General Land Office. I understood, a few days since, when we passed a bill reorganizing the Interior Department, that we had so reorganized it, by increasing the pay of some clerks and dispensing with others, as to be able to fix the precise number needed, and dispense with the appropriations for additional clerks.

Mr. FESSENDEN. That bill has not yet passed the House of Representatives; and it would not do to change these items now, because we do not know that that bill will be passed by the other House. The money cannot be twice paid, if appropriated.

Mr. KIRKWOOD. But if this bill passes in its present shape, and that bill should pass the other House, in what condition would the thing be then?

Mr. FESSENDEN. If that bill should be passed by the other House after this goes down there, these items may be struck out by general consent, I suppose.

Mr. KIRKWOOD. I merely wished to call attention to the matter.

Mr. DOOLITTLE. I suppose that if this bill passes the Senate and becomes a law before the bill alluded to by the Senator from Iowa shall pass the other House and become a law, that, so far as it is inconsistent with the provisions of this bill, will repeal or modify the sections of this bill with which it is inconsistent. If the bill reorganizing the Interior Department does not pass the other House, as a matter of course the appropriation bill is right and should stand as it is.

Mr. FESSENDEN. There is no danger arising from it, there is only a little discrepancy. The money cannot be paid twice, and if the parties take it under the new bill, of course they will not under this, and this will be a mere dead letter. There is no difficulty to be apprehended from it.

Mr. CRESWELL. I offer this amendment to come in after the third section on page 48:

And be it further enacted, That from and after the 30th day of June, 1866, the salary of the deputy solicitor of the Court of Claims shall be \$3,500 per annum; and the increase of salary herein authorized may be paid out of any moneys in the Treasury not otherwise appropriated.

Mr. FESSENDEN. I ask if that comes from any committee.

Mr. CRESWELL. I am not aware that there is any rule of the Senate requiring an amendment proposing an increase of salary to be submitted from a committee. I am certain that is not the rule of the House of Representatives.

Mr. FESSENDEN. It is the rule of the Senate as applicable to all appropriation bills.

Mr. CRESWELL. But the House have ruled otherwise in the construction of their rules.

Mr. FESSENDEN. We are to be governed by our own rules.

Mr. CRESWELL. I know; but I am not aware of any rule of the Senate on the subject. If there is, I should like to have it pointed out.

The PRESIDING OFFICER. It is the practice of the Senate, under the thirtieth rule, to receive no amendment to an appropriation bill which increases an appropriation unless it comes from a committee. The rule will be read.

The Secretary read the rule, as follows:

"No amendment proposing additional appropriations shall be received to any general appropriation bill unless it be made to carry out the provisions of some existing law, or some act or resolution previously passed by the Senate during that session, or moved by direction of a standing or select committee of the Senate, or in pursuance of an estimate from the head of some of the Departments; and no amendment shall be received whose object is to provide for a private claim, unless it be to carry out the provisions of an existing law or a treaty stipulation."

Mr. CRESWELL. My interpretation of that rule is, that it would not apply to a proposition, for an increase of salary, and the House of Representatives have deliberately decided so in regard to their rule, which is almost in equivalent terms. The rule of the House is:

"No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress, and for the contingencies for carrying on the several Departments of the Government."

In the interpretation of that rule the House has decided that "the latter branch of the rule, not only permitted amendments increasing salaries, but was framed for that very purpose."

Mr. FESSENDEN. It is very different in language from our rule.

Mr. CRESWELL. I think it is almost in equivalent terms, though somewhat different in phraseology.

Mr. FESSENDEN. I think the rule has been generally construed to exclude such amendments. I feel in duty bound to make the point.

Mr. CRESWELL. This amendment does not change any appropriation in the bill.

Mr. FESSENDEN. It makes an increase of appropriation.

Mr. CRESWELL. That is true; it is an increase of appropriation by increasing the salary of an officer whose office is already established by law.

The PRESIDING OFFICER. The Chair thinks that under the rule the amendment cannot be received; but if the Senator desires, the Chair will take the sense of the Senate on that question.

Mr. CRESWELL. I will take the sense of the Senate, meaning thereby not the slightest discourtesy to the Chair.

Mr. FESSENDEN. I think the matter ought to have been submitted to the Committee on the Judiciary, who know all about the salaries of the different officers connected with the Judiciary. That is the proper committee to decide whether the salary of such an officer should be increased. I do not know but that it ought to be done in this case; but the ruling has always been one way in reference to such questions, to keep them off the appropriation bills. Perhaps the Senator may get the Committee on the Judiciary to report the amendment, on making the proper explanations to them.

Mr. CRESWELL. It is difficult for me to do that.

The PRESIDING OFFICER. The Chair thinks the amendment is not in order.

Mr. CRESWELL. I will take the sense of the Senate, with a view to settle the question, if there is any doubt about it.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate.

The decision of the Chair was sustained.

Mr. TRUMBULL. I am instructed by the Committee on the Judiciary to move an amendment to strike out in lines ten hundred and fifty-nine and ten hundred and sixty "\$1,300" and insert:

Which is hereby fixed at that amount, \$2,500: *Provided*, That said reporter shall within the time now prescribed deliver to the Secretary of the Interior for distribution, according to existing laws, three hundred copies of such of the annual reports of that court as shall be hereafter published.

So as to make the clause read:

For salary of the reporter of the decisions of the Supreme Court of the United States, which is hereby fixed at that amount, \$2,500: *Provided*, That said reporter shall, within the time now prescribed, de-

*This estimate is based upon a full Assembly. But at no session for the past three has there been a full attendance, and as the counties remote fail to attend, my estimate for mileage may be high, and each absentee reduces this \$180.

†For the past three years I have not been able to supply these articles for less than \$1,400.

liver to the Secretary of the Interior for distribution, according to existing laws, three hundred copies of such of the annual reports of that court as shall be hereafter published.

The amendment is in conformity to a recommendation from the Secretary of the Interior, which is accompanied by a letter from the reporter. The number of copies of the reports of the decisions of the Supreme Court now furnished is not sufficient to supply the officers at present entitled to them under the law, and it is necessary to have a larger number.

Mr. FESSENDEN. Do we not pay for those copies?

Mr. TRUMBULL. If the Senator will observe the wording of this amendment, he will see that three hundred copies are to be furnished.

Mr. FESSENDEN. But do we not pay for the copies that are furnished?

Mr. TRUMBULL. Oh, no. The whole matter is explained in the communications which I hold in my hand, and perhaps it will be shorter to have them read than to trouble the Senate with a verbal explanation. I send the letters to the desk to be read.

The Secretary read the following letter from the Secretary of the Interior:

DEPARTMENT OF THE INTERIOR,
WASHINGTON, D. C., April 6, 1866.

SIR: I have the honor to transmit the inclosed copy of a letter to me, from John W. Wallace, Esq., reporter of the Supreme Court of the United States.

I respectfully submit that the facts and considerations stated by Mr. Wallace merit early attention, and that the changes suggested in the existing law should receive the sanction of Congress.

The sixth section of the act of March 2, 1861, (12 Statutes, p. 245,) as well as the act of July 9, 1842, (5 Statutes, p. 545,) cited by Mr. Wallace, provides for the distribution of the Decisions of the Supreme Court, and extends it to public officers not theretofore entitled to them. No increase in the number of copies beyond that named in the act of 1842 has been authorized, while the extension of our territorial and other Federal courts will render the number insufficient for the demand. The first volume of Wallace's Reports is now exhausted, although all persons who are entitled have not received it.

I inclose a draft of an amendment to the pending bill making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th of June, 1867.

I have the honor to be, very respectfully, your obedient servant,

JAMES HARLAN,
Secretary.

Hon. LYMAN TRUMBULL, Chairman Judiciary Committee, Senate of the United States.

Mr. TRUMBULL. The other letter is a letter of the reporter, showing the necessity for this provision. I do not know that it is necessary to read it after the letter of the Secretary of the Interior.

Mr. FESSENDEN. I wish to hear it. I am not yet satisfied.

The Secretary read the following letter:

SUPREME COURT OF THE UNITED STATES,
WASHINGTON, D. C., February 25, 1866.

SIR: By act of Congress passed in 1827 Congress gave to the reporter of the decisions of the Supreme Court of the United States \$1,000 a year, and he was to give the Government eighty copies of his annual volume in return.

Eighty copies not being found enough for the needs of the Government, nor \$1,000 for the reporter, an act was passed in 1842 (5 Statutes, 545) giving him \$1,300, he giving the Government one hundred and fifty copies in return; and it being provided that he would not sell his book to the public at large for a price exceeding five dollars a volume.

By this act of a former day the reporter's obligation to the Government and recompense from it are still governed.

I have the reporter for several years a compensation of something over three thousand dollars a year. But it did so only in consequence of two facts:

1. That the reports were published in the cheapest style every way.

2. That, in the "long term," as it is called, the reporters would issue, when the occasion allowed, two volumes a year, instead of one; and that Congress, on these various occasions, gave them \$2,600 instead of \$1,300.

But with the increased cost of paper, printing, binding, and other items of production, that which was formerly a compensation is now no compensation at all, and may even end in considerable loss.

The cost of publishing one thousand copies of one of Mr. Howard's volumes, say the last one, the twenty-fourth, was thus, as shown by the publisher's books: Composition, stereotyping, and press-work... \$978 07
Paper..... 346 13
Binding..... 400 00

Total cost of 1,000 volumes (Howard).....\$1,724 20

The cost of publishing one thousand copies of 2

Wallace, the paper for which cost \$196 58 less than the paper for volume one, was thus:

Composition, stereotyping, and press-work.....\$2,087 89
Paper..... 769 60
Binding..... 730 00
Models, patented machines, and maps in land cases about Government tax, exact sum not recalled, but on volume one..... 75 77

Total cost 1,000 volumes (Wallace).....\$3,863 06

Supposing the former reporter to have sold one thousand volumes, say at four dollars each, a large price, expenses being deducted, he got:

Gross.....\$4,000 00
Deduct cost of production..... 1,724 20

Net profit (formerly).....\$2,275 80

Supposing me to sell same number at the same full price, I get:

Gross.....\$4,000 00
Deduct cost..... 3,863 06

Net profit (at present).....\$136 94

Difference.....\$2,138 86

I make no remark on the fact that the five months' stay in Washington, which formerly cost the reporters say, eighty dollars per month, \$400, cost now, at \$160 a month, what I pay for board accommodations, \$800.

The sales of the United States Supreme Court Reports are not large, so many of the cases are of local interest only; so many on fact alone; the reports of the State courts have become so numerous and come so immediately home to the daily business of the bar that sales of much more than one thousand copies are not to be counted on. After selling one thousand copies of 1 Wallace, I invited the Johnsons, friends of mine, and large booksellers in Philadelphia, who had paid me liberally for other copyrights, to make me an offer for the copyright of the book just named. Their reply was, "After the first thousand copies sold sales are so small and so slow that the copyright is not worth making you an offer for;" and they would make none. My own volumes have sold, I believe, better than any since Wheaton's; but even the sales of my volume one, published two years ago nearly, scarce return cost. If paper will only go somewhat higher than it is, I need only to sell enough copies to be ruined, and Mr. Black abandoned the office at the end of a second term.

If the Government would only take three hundred copies, giving the reporter \$2,500 for them, provided they are delivered in eight months after the end of the term, matters, I think, would stand on a more just basis; the necessities of the Government for the decisions of the Supreme Court have quite outgrown, I should think, the old act of 1842. Circuit, district, and territorial judges to whom this act gave copies in virtue of their offices have multiplied and are increasing, and the same is true of the Departments generally, I should think.

I submit the whole matter to you, and am, with great respect, sir, your obedient servant.

JOHN WILLIAM WALLACE,
Reporter, &c.

Hon. JAMES HARLAN, Secretary of the Interior.

Mr. TRUMBULL. The whole purport of it is this: the reporter now has a salary of \$1,300 and gives us one hundred and fifty copies; this proposition is that he shall have \$2,500 and furnish us with three hundred copies. The Secretary of the Interior says more copies are necessary to furnish the persons entitled to them. The matter was considered in Committee on the Judiciary and the letter of Mr. Wallace was examined. We all know that the expense of getting up these books is twice what it was. The three hundred volumes which he is to furnish will cost the Government a little over eight dollars a volume. That would be an extravagant price for them, more than the books are worth if we were to purchase them in the market; but we pay that much additional in order to give the reporter a salary. That is what it amounts to.

Mr. FESSENDEN. Do we need three hundred copies?

Mr. TRUMBULL. That is what the Secretary of the Interior says; he has recommended it. I have made no calculation myself.

Mr. FESSENDEN. Very well, I shall not object to it.

The amendment was agreed to.

Mr. TRUMBULL. There is another amendment that I desire to move, and I think the best place to insert it will be on page 25 at the end of line five hundred and eighty-eight:

For replacing to the credit of the judiciary fund the amount withdrawn therefrom and expended upon the custom-house at New Orleans, \$4,000.

Mr. FESSENDEN. I suggest to the Senator whether it would not be better to put it in another place.

Mr. SHERMAN. Why not just increase the judiciary fund \$4,000?

Mr. FESSENDEN. It is better to specify. I suggest that after the word "repealed" in line five hundred and eighty-seven the amendment be inserted in this form: "and to place to the credit of the judiciary fund the amount of \$4,000 withdrawn therefrom and expended upon the custom-house at New Orleans," and then to make the total amount of appropriation for the judiciary fund \$304,000 instead of \$300,000.

Mr. TRUMBULL. I will put the amendment in that form.

The amendment was agreed to.

Mr. TRUMBULL. In connection with the same subject I desire to offer another amendment which will come in independently, I think, at the end of line five hundred and fifty-eight as well as anywhere:

For paying to Messrs. Gallier & Estabrook, of New Orleans, in full the balance due them for work done on and materials furnished for that part of the custom-house building reserved for the use of the Federal courts, \$4,268 65.

Mr. FESSENDEN. Is not that a private claim?

Mr. TRUMBULL. I do not know but that it would come within the category of a private claim; but the fact is that this work was done on the custom-house at New Orleans by an arrangement between the Secretary of the Treasury and the Secretary of the Interior. The term for which the buildings used as court-rooms in the city of New Orleans were leased being about to expire, the proprietors raised the rent—doubled it. It was reported here that there were rooms in the custom-house which could be fitted up that would accommodate the courts, and it would be a saving to the Government to take them for that purpose. A correspondence took place between the Secretary of the Treasury and the Secretary of the Interior. It was proposed to have those rooms fitted up, and it was done under the direction of the Secretary of the Treasury with the understanding that the Secretary of the Interior should advance the sum of \$4,000, which we have just provided for to accomplish the work. It was estimated that the work would cost \$5,000, and the Secretary of the Treasury, I believe, agreed to pay \$1,000, and the Secretary of the Interior \$4,000; but instead of costing \$5,000 it greatly exceeded the estimate, as is often the case, and cost the additional amount named in this amendment. The vouchers and papers are here showing it. The Secretary of the Interior sent us a communication asking to have the \$4,000 refunded to the judiciary fund and this balance paid.

If the Senator from Maine thinks the amendment cannot be received here we shall be involved in the necessity of getting at it in some other shape. It is a claim that will have to be paid. The work has been done, and done in the way I have stated. I do not know whether the case can be distinguished from other private claims so as to let it go on this bill, but if it can be it had better go here, because it belongs properly to this subject.

Mr. FESSENDEN. If there was any law authorizing this work to be done I suppose the provision might properly come in here; and if it was an outside arrangement of the two Secretaries to have it done without authority, it being a matter that they are indebted for, I do not know but that the Senator might get the amendment on this bill if he would put it in a different shape. I believe, however, it does not meet the approbation of my friend from Illinois in ordinary cases for the Secretaries to undertake to do anything without authority of law. I suppose, probably, this was necessary and wise action under the circumstances. I ask for the reading of the amendment.

The Secretary read the amendment.

Mr. FESSENDEN. If the Senator will word it differently, so as to make it a simple provision to enable the Secretary of the Interior to pay for expenses incurred in providing a court-room in New Orleans, there will be

no objection if he justifies the action that was taken.

Mr. TRUMBULL. I suppose, indeed I know, that the law authorized and required the Secretary of the Interior to provide court-rooms for the courts of the United States. That was his duty. It was not his duty to provide them in the custom-house. He had no control over that, I suppose, but the custom-house was there, and he had to get rooms somewhere. The lease of the old court-rooms was about expiring. The papers show that fact. He had authority to procure rooms, and I suppose, perhaps, he might rent rooms from the Secretary of the Treasury if that officer had them to rent. He had authority to fit up the rooms. That is done everywhere. That is part of the expenses in our western States, where we have no Federal court-houses, and in most of the western States we have none. The rooms are rented and fitted up, and paid for through the Interior Department.

Mr. FESSENDEN. If the Senator will modify the amendment as I have suggested, there will be no objection to it.

Mr. TRUMBULL. I will put it in this form:

To enable the Secretary of the Interior to pay the balance due for work done on and materials furnished for that part of the custom-house building reserved for the use of the Federal courts at New Orleans, \$4,268 65.

The amendment was agreed to.

Mr. HARRIS. In behalf of the Committee on Foreign Relations, I offer an amendment, to insert as an additional section the following:

And be it further enacted, That there be paid to the several clerks of the Department of State twenty per cent. on the compensation now allowed to each, to commence on the 30th of June, 1865, and to continue until repealed by Congress; and a sum sufficient for this purpose is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

Mr. FESSENDEN. I must protest against that. In the first place, it places the clerks in the Department of State on an entirely different footing from the clerks in the other Departments. If we raise their salaries twenty per cent. we shall be obliged to raise the salaries of all the other clerks. I have an additional reason, and that is that the Secretary of State declines utterly to recommend any increase of the salaries of his clerks. He will not take any responsibility about it.

Mr. HARRIS. If the Senator will excuse me for a moment, I received a letter from the Secretary of State recommending this proposition yesterday, but unfortunately I left it at my room.

Mr. FESSENDEN. Then my first objection holds good. It will not do unless the Senate propose to raise the salaries of the clerks in all the other Departments twenty per cent., to begin with the State Department in this way. I suggest to the Senator that it should be introduced as a separate bill, or he may put it upon some bill to come in hereafter. If the Secretary of State wants the salaries of his clerks increased, and the Committee on Foreign Relations think they ought to be increased, it should be submitted as a separate bill specifying what number of clerks is needed, and what their salaries should be, and then it could be well understood. But if the Senate adopt this amendment raising the salaries of these clerks twenty per cent. I do not see how we can avoid doing the same thing for all the other Departments precisely in the same way, thus making a large increase of expenditure, which, in a large number of cases, ought not to be made. I hope, therefore, that the amendment will be withdrawn, because its effect would be very injurious. I must protest, at any rate, against its being placed on this bill.

Mr. HARRIS. This proposition, the Senate will recollect, was submitted by the chairman of the Committee on Foreign Relations as an amendment to the consular and diplomatic bill, and was then discussed. It was objected by the chairman of the Committee on Finance that it more properly belonged to this bill; and it was at last withdrawn by our chairman. He is absent now, and I have inherited this

proposition from him. It may be that it would be better to introduce it as a separate and distinct proposition; but I felt bound, under the circumstances, to present it to the Senate, and I do not feel at liberty to withdraw it. The Senate can take its own course about it.

Mr. FESSENDEN. I hope the Senate will not adopt it.

The amendment was rejected.

Mr. HOWE. I am instructed by the Committee on the Library to move an amendment. It is on page 4, lines seventy-eight and seventy-nine, to strike out the word "sixteen" and insert "twenty," and after the word "thousand" to insert "five hundred;" so that the clause will read:

For expenses of heating and ventilating apparatus, \$20,500.

The Library Committee have directed that the additions to the Library as well as the old Library shall be heated by steam taken from the wings of the Capitol, which will put in use all of the boilers in each wing—four boilers where now only two are used; and it will create a necessity for additional fuel and additional labor there. The additional expense is estimated at \$4,500.

The amendment was agreed to.

Mr. HOWE. The same committee agreed to recommend another amendment, but perhaps it is provided for in the amendments on page 8. It was to provide additional compensation to three laborers. I see there are amendments reported by the Finance Committee to the clause, and I do not know whether they would cover them.

Mr. FESSENDEN. They are provided for. It now reads:

For compensation of Librarian, five assistant librarians, messenger, and laborers, \$12,600.

Mr. HOWE. The amendment of the committee was for additional compensation to three laborers from the 1st of January last. That clause would not cover that.

Mr. FESSENDEN. That had better go into the deficiency bill.

Mr. HOWE. The deficiency bill has passed.

Mr. FESSENDEN. That was the old deficiency bill for last year; but there is another one coming.

Mr. GRIMES. I move to amend the bill, on page 32, by inserting after line seven hundred and sixty-two the following:

To defray the expense of introducing water into the Naval Academy grounds and buildings at Annapolis, Maryland, \$9,000.

Mr. FESSENDEN. Does that come from a committee?

Mr. GRIMES. It comes from the Committee on Naval Affairs, and is recommended by the Secretary of the Navy and by the Superintendent of the Naval School. I will state that they are now engaged in introducing water into the city of Annapolis, and this is merely to extend the pipes so as to furnish the proper amount of fresh water for the Academy.

Mr. FESSENDEN. I thought we provided for that in the naval appropriation bill.

Mr. GRIMES. No, sir. I read to the Senator the papers I had on the subject; I received them while the naval bill was under consideration; and he told me to put it on some other appropriation bill; I think on this one.

Mr. FESSENDEN. It might go on here with propriety, I suppose; but I should like to have an explanation of it.

Mr. GRIMES. I do not know that I can further explain it than I have already done. The citizens of Annapolis are engaged in the building of water-works, and have run their pipes down to the street opposite the public property occupied by the Naval Academy. It is simply proposed to extend those pipes into the grounds so as to furnish water for the uses of the Academy—a very essential thing. I have a letter here, dated the 4th of May, from the Secretary of the Navy, addressed to me, saying:

I have the honor to inclose herewith a copy of a communication dated the 28th ultimo, received from Rear Admiral D. D. Porter, the Superintendent of the Naval Academy, in which he recommends the

introduction of water into the Academy from the pipes which are to be laid in Annapolis. He estimates the cost of this improvement at \$7,660, and as it is an important and very desirable one, I have to ask the necessary appropriation for its accomplishment. An appropriation in round numbers of \$8,000 would be advisable.

Very respectfully, your obedient servant,

GIDEON WELLES,

Secretary of the Navy.

The appropriation which I have asked for in this amendment is \$9,000. The reason why it exceeds the sum of \$8,000 is, that the chief of the Bureau of Navigation, Captain Jenkins, to whose bureau is attached the Naval Academy, has had a reëxamination, as he is exceedingly punctilious on the subject of not exceeding an appropriation when it is made—more so than any public officer that I know of—and he furnished me a statement, which I unfortunately left at home, showing that the amount would a little exceed \$8,000. I think that the amount I have specified in the amendment exceeds the appropriation he asks for three or four hundred dollars.

Mr. FESSENDEN. It is a matter for the Senate to settle.

Mr. TRUMBULL. I think it is very necessary that they should have water at the Naval Academy; but I think we are endowing this institution pretty liberally this session. I should like to know how much money has been appropriated for the Naval Academy at this session. Water is one of the things they need, and I am not going to object to this particular appropriation; but I am inclined to think that some appropriations that we have been making for various purposes there have been exceedingly liberal.

Mr. GRIMES. What one?

Mr. TRUMBULL. There were several for statuary and things of that character that I think have been pretty liberal appropriations. In reference to this amendment, I will say that it seems to me we ought not to exceed what is asked for. I believe this is about the only institution in the country where an appropriation is permitted to pass where more than the Secretary recommends is put into it.

Mr. GRIMES. I have the naval appropriation bill here, and I would be indebted to the Senator from Illinois if he would point out to me the appropriation that has been made for statuary. I suppose that the Senator alludes to an appropriation of \$7,000 that was made for enlarging the chapel. A recommendation was made by the Secretary of the Navy, based upon a report of the chaplain at that post and the Superintendent of the Academy, asking for \$25,000 to build a new chapel. Upon my suggestion, that was changed to \$7,500, so as to allow for the enlargement of the present chapel, and for placing in its walls mural tablets to commemorate the memory of persons belonging to the naval service who have fallen in the defense of the country. That is all the statuary that has been provided for. Since that appropriation was made I have been to the Naval School, in company with the Senator from Maine [Mr. MORRILL] who is absent, and who I am sorry is not here, because he desires to enlighten the Senate on this subject; and he was satisfied that I was in error when I refused to concur with the authorities there in asking for an appropriation to build a new chapel, being satisfied that the present one cannot be enlarged.

Mr. TRUMBULL. The Senator will remember that I was unsuccessful in trying to get even \$1,000 appropriated for a bust of the late Chief Justice, and now \$7,000 is appropriated for the Naval Academy without any objection.

Mr. GRIMES. I am not going to take up anybody's quarrel on this subject. I was not present when the Senator made his proposition. I will say to the Senator from Illinois, as what he has said here may go upon the record and create an improper impression elsewhere, that I believe the whole amount that has been appropriated for the use of the Naval Academy during the present session is about one hundred and seventy-five thousand dollars. One hundred

thousand dollars of that was for the erection of a new dormitory, and \$50,000 of it was for an increase of the public grounds. If the Senator wants to reach this evil, if he concedes it to be an evil, of appropriating too much money to the Naval Academy, let him introduce a bill to abolish the Academy or to cut down the number of scholars. So long as we keep up the present establishment we have got to furnish accommodations.

THE PRESIDING OFFICER. The question is on the amendment moved by the Senator from Iowa.

The amendment was agreed to.

The bill was reported to the Senate as amended.

THE PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole. The question will be taken on the amendments collectively, unless some Senator desires a separate vote.

MR. TRUMBULL. I ask for a separate vote on the amendment appropriating \$160,000 to the Treasury Department, to be used in paying extra compensation to the clerks.

THE PRESIDING OFFICER. That amendment will be reserved. The question is on concurring in the amendments made in Committee of the Whole, with the exception of the amendment indicated by the Senator from Illinois.

The remainder of the amendments were concurred in.

THE PRESIDING OFFICER. The question now is on concurring in the amendment excepted by the Senator from Illinois, which will be read.

The Secretary read the amendment, which was after line three hundred and forty-eight to strike out the following clause:

For compensation of temporary clerks in the Treasury Department, and for additional compensation to clerks in same Department, \$160,000: *Provided*, That the temporary clerks herein provided for may be classified according to the character of their services: *And provided further*, That so much of the appropriation of \$250,000 granted by the act of March 2, 1865, for compensation to temporary clerks in the Treasury Department, and for additional compensation to clerks in same Department, as remains unexpended shall be divided as follows, to wit: \$100 shall be paid to the appointees in said Department whose pay amounts to less than \$1,200 per annum, and the residue thereof shall be divided *per capita* to and among all the clerks in said Department of the first and second classes.

And insert in lieu thereof the following:

For compensation of temporary clerks in the Treasury Department, and for additional compensation to officers and clerks in the same Department, \$160,000: *Provided*, That the temporary clerks herein provided for may be classified according to the character of their services, and that the Secretary of the Treasury may award such additional compensation as may be in his judgment just and may be required by the public service. And so much of the act making appropriations for the legislative, executive, and judicial expenses of the Government, approved March 2, 1865, as forbids the Secretary of the Treasury "to award any such additional compensation after the 1st day of July 1866," is hereby repealed: *Provided further*, That out of the appropriation of \$250,000 made by said act for compensation to temporary clerks in the Treasury Department, and for additional compensation to clerks in the same Department, there shall be paid to each person therein, appointed by the Secretary as a clerk or counter, who shall have served in such capacity for one year previous to the passage of this act, and whose pay amounts to less than \$1,000 per annum, the sum of \$100.

MR. TRUMBULL. On that question I desire to have the yeas and nays. The Senate was not full yesterday when the vote was taken upon it. The matter was very thoroughly discussed, and I suppose is understood by the Senate. I do not see the Senator from Massachusetts, [Mr. Wilson,] who moved in this matter, in his seat at present; but I presume he will be here. Whether he designs to discuss it or not I do not know. For my own part I do not, and I am willing that the Senate should vote upon it. I ask for the yeas and nays.

The yeas and nays were ordered.

MR. EDMUNDS. I voted yesterday on the spur of the moment, and as appeared to me correctly, against the proposition of the committee. Inasmuch as, on reflection, I have changed my opinion, and intend to vote in support of the recommendation of the committee

to-day, it is proper that I should state to the Senate, in a word, my reason for the change.

It is admitted that as a permanent principle it is unwise and wrong to confer this discretionary power or power of discretionary appropriation on the Secretary of the Treasury or any other officer of the Government; but it is conferred, substantially, in the case of the Secretary of the Interior in the same bill, and without objection; and it is stated by the committee, and appears to be true, that this is only a temporary expedient to avoid the necessity of raising permanently the salaries of all the clerks in the Treasury Department. As an expedient, it may be justifiable, when, as a principle, it would not be; and therefore as a mere expedient, and not as committing myself to the principle which would be involved in it if it were permanent, I shall vote for it.

On this question of taste, as to the personal reasons which influence Senators to vote for or against this particular appropriation, it has not seemed to me precisely dignified for the Senate to take much cognizance of those outside affairs. When the Secretary of the Treasury or any other officer of the Government locks up his strong box and goes home at night, and in a fit of nightmare happens to go out on his steps and deliver a speech to his neighbors or anybody else, I do not know that it is anything to us. It is a matter of his own. It is a privilege which American citizens, in good taste and in bad taste, depending a good deal upon their education and their instincts, always want to exercise; and if we devote ourselves in this body to taking up the cudgels every time that any portion of our fellow-citizens see fit, in the streets or in caucuses or in houses or in clubs, to assail our conduct, we shall have more business on our hands than we can properly and profitably attend to. I do not personally admire the taste or the propriety of such performances any more than anybody else; but I think the public administration of the duties of the Secretary of the Treasury has been such as to entitle us to believe somewhat in the mere financial rectitude of his conduct, whatever we may think of his taste or his politics.

It is upon these grounds that I shall support the amendment, setting aside the evening affairs entirely as matters that are nothing to us, and that we dignify into an importance that does not belong to them, and make the people of the country suppose that Congress and the Senate are in great danger of being overturned at the polls because some club, or some gentleman at a club or a meeting, makes a speech about us. I think we give it altogether too much importance. Coming back, then, to the simple question as one of business expediency, I shall go for it as an expedient, but not as a precedent.

MR. TRUMBULL. I am a little surprised at the ground upon which the Senator from Vermont proposes to change his vote, as an expedient. When are expedients to end? This proposition was introduced here for the first time, said the Senator from Ohio, during the war. The war is over; at least the conflict of arms is over; and now it is to be continued a year. It is to put into the hands of one of the Secretaries of the Government \$160,000 in money to be expended, how? What for? Can the Senator from Vermont tell what the expedient is? Tell me what the expedient is. For what purpose? Why is \$160,000 to be placed in the hands of the Secretary of the Treasury more than in the hands of the Secretary of the Interior or the Postmaster General? What is the expedient? I should like to know. The Senator from Vermont did not tell us. He votes for it as an expedient. Now, what is the expedient? Expedient for what purpose? Why is it that the Secretary of one of the Departments must have \$160,000 to be disbursed in his discretion, without rule, without guide, to create disaffection among the clerks of his Department, all of them claiming it, and those who do not receive any portion of this gratuity finding fault with the others? Is that the expedient? Is it in order

to make these clerks dependents upon the head of the Department? Why not repeal all your laws, and put in the hands of the head of each of the Departments a million, or five, or ten millions of money to pay the clerks as much as he thinks proper? It amounts to that. You have fixed their salaries, but in addition to their salaries you put \$160,000 in money in the hands of the head of the Department to disburse as gratuities among favorites.

This does not depend upon who is Secretary of the Treasury. I have made no remark in opposition to this measure reflecting at all upon the head of the Department. The Senator from Maine said, I think, that he was as much to blame as any one for introducing this proposition; it was introduced either when he was at the head of the Department or a friend of his, and he had continued it. I have no doubt my friend from Maine has a great partiality for the Treasury Department. He has presided there, and presided there well, and he has a sort of affection for it that leads him, inasmuch as he has disbursed the money, when he had it there, honestly and faithfully, and nobody ever complained of him, to trust anybody else in that place. I think it was a bad precedent when he was there; and if he was at the head of the Treasury now, with all the confidence I have in him, I should object, for his own sake as well as for the sake of these clerks, to his having such a fund put in his hands. It must be exceedingly embarrassing to distribute it. Therefore, irrespective of the speech that has been made by the Secretary of the Treasury, which everybody thinks was in very bad taste—that is a matter that I do not choose to comment upon in this connection one way or the other—indeed of that, the principle is bad. So says the Senator from Vermont. He says it is wrong; it is bad every way; but he votes for it as an expedient. Now, what is the expedient? When is your expedient to stop? Why is it necessary here and not necessary in the other Departments of this Government? Here is the War Department, with its hundred and perhaps thousand clerks, and the quartermaster's department. Why is it not just as necessary in the quartermaster's department, which is settling accounts amounting to hundreds of millions of dollars, as in the Treasury Department? Why is it not just as necessary in the pay department as in the Treasury Department? I should like to be informed by the Senator from Vermont who votes for this as an expedient.

MR. EDMUNDS. I am much obliged to my friend, the Senator from Illinois, for the little lecture he has given me, because it has been a part of my business in life to attend similar performances; but I think it is a little unkind in him, having led me away yesterday by the seductive arts of oratory, now that I have got restored to reason, to blame me for having been seduced only twenty-four hours ago, or rather for having gotten over it.

MR. TRUMBULL. You have been seduced a second time.

MR. EDMUNDS. The seduction did not last, unfortunately for the gentleman, or for myself. My friend from Illinois is very desirous to know what the expedient is that we are resorting to, and appeals to me rather than to the chairman of the Committee on Finance, who stated yesterday what was the expedient, for an answer. I will give it as far as I am able. The expedient to which I refer, as distinguished from a permanent principle, is an immediate necessity for this extra work that this is to pay for, and which it is not expedient (using the term in another sense which my friend will understand) should be made permanent as the salaries of all these clerks for all time to come. It is precisely the same expedient, that temporary method of getting over an emergency, which, I assume, the Senator from Illinois voted for when he clothed Mr. Secretary Chase with the same power exactly.

Now, my friend says the war is over; we have a new Secretary; have done with expedients. The war is over, it is true; but the set-

tlement of the accounts in the Treasury growing out of the war is not over; and if we are to judge from what my friend from Illinois has told us heretofore, in every other sense except the technical one the war is not over. We are plunged in the same confusion in a financial sense and in a business sense that we have been all the time. It requires extra effort on the part of the Treasury Department. The business of the country demands that these accounts shall be settled promptly, and by men whose skill and fidelity is beyond question; does it not? I appeal to the Senator from Illinois if the business of the country does not require that the matters in the Treasury Department should be conducted with promptness, with dispatch, with fidelity, just as much as it did last year; and whether the extra pressure which the war brought upon the Department is yet over? I think my friend from Illinois will be obliged to answer that it is not.

Now, what is it proposed to do? It is proposed to do for this one year more precisely what has been done for the year last past; and that is, to leave in the hands of the financial agent and treasurer of the Government money enough to stimulate merit and to reward extra labor and faithful and skillful and competent men for work which they do beyond what their salaries will reasonably support them in doing, for the time being. That is what I meant when I said it was an expedient; to carry us over for this present time, without a general and permanent increase of pay, the fix (to use a homely phrase) in which we are. The Senator from Illinois asks me why it is not necessary for the Interior Department. I find in this bill substantially the same provision to the amount of over eighty thousand dollars, in a different form of words to be sure, but substantially a grant of precisely the same sort of power to the Interior Department. Why does not the Senator from Illinois attack that? Is it because the Secretary of the Interior did not make a speech the same midnight that the Secretary of the Treasury did? Is that the reason? My friend disclaims it, inferentially at least; so do I.

Whatever may be the faults of the gentleman who occupies the office of Secretary of the Treasury, it has never been charged that any one of his faults was unfaithfulness inside the wall of his Department in the performance of his duty. If his religion does not happen to suit me, if his tastes do not happen to suit me, if his politics do not happen to suit me, I will not cripple his power to perform the duties that the law imposes upon him by refusing either to raise the salaries of his clerks, so that he can do it, or to give him the money to stimulate extra effort in the performance.

Mr. STEWART. I voted against this amendment yesterday for the reason that I was opposed to this mode of paying clerks. I believe that they and all other officers should be paid by a fixed salary. I do not like it still; but after some reflection, and being better informed upon the subject, it appears to me that it is necessary that additional compensation shall be made. Inasmuch as it appears impossible to do it in the regular way, this session at least, it seems almost a necessity, in order that the business of the Department may be well performed, that this amendment shall be carried. Therefore I shall change my vote, and vote for the amendment, not because I like this mode of paying officers, for I do not, but because if we fail to make this appropriation I am informed there is danger of embarrassing the Treasury Department, and that there is no probability of arranging a salary bill at this session. In order to avoid doing what might be a great evil, I shall vote for the amendment reported by the committee. They appear to have investigated the whole subject, and to have come to the conclusion that this is the only way to meet the emergency.

Mr. WILSON. It seems to me that there is much misapprehension in regard to this matter. It has been stated here over and over

again that we have made these appropriations since the war commenced; that Secretary Chase and Secretary Fessenden exercised such powers. I may be mistaken in my recollection; I have not looked into the facts carefully; but if I recollect aright, Secretary Chase was never authorized to do anything that is proposed here, nor Secretary Fessenden either, nor any other Secretary; that this proposition was passed for the first time on the 2d of March, 1865, and was a measure supported by the Senator from Maine.

Mr. FESSENDEN. I was not here then; I was in the Treasury Department.

Mr. WILSON. You advocated it.

Mr. FESSENDEN. I drafted it and sent it in, and recommended its adoption.

Mr. WILSON. Certainly; that is what I mean. It was passed three days before the Senator went out of office, and therefore he did not have time to put it in execution. We have placed money in the hands of the Secretaries to employ additional labor, and allowed them to classify the persons employed. I have no objection to that. I have no objection to voting any sum of money that is required to employ additional clerks in the Treasury Department, and letting the Secretary classify them as first, second, third, or fourth class clerks. I do not believe that any additional labor is necessary in that Department. I think the Department is exceedingly crowded at the present time with clerks; that there is an extra number of them there; and I think that is the opinion of everybody who knows anything about the subject.

But the question here is simply whether we are to continue and put in the hands of the Secretary of the Treasury a sum of money for him to distribute, according to his own pleasure, among clerks whose salaries are now fixed by law. I said yesterday that I did not believe in the thing when it was passed, and I do not believe it now. It was passed at a time and under circumstances when, we all know, but little opposition was made to such measures. I doubted it then. I believe it has created a great deal of discontent in the office. It may be that there are some clerks in that Department who will not remain there; but I have serious doubt whether a single man will resign his place because he cannot get increased compensation. There is a change going on in the country. The fixed salaries are now worth more than they were a year ago. There are thousands and tens of thousands of very able men who have been thrown out of the military service who are now seeking employment. It is not so difficult to get able men as it was two years ago when we employed so many in the Army.

I am opposed upon principle to this system, and intend to vote to-day as I voted yesterday on the subject, and I voted yesterday, although political allusions were made, without any feeling on that subject. That was not the motive that prompted me. I have no disposition to renew that matter to-day. If we did, we should have a lecture upon taste, which has got to be very customary here in the Senate. This thing has sprung up very much lately. Instead of allowing Senators to express themselves as they choose and take the responsibility of their own acts, they are told how things ought to be done. I do not believe in it very much. I never accustom myself to that kind of lecturing. I say my say here in a very plain way, and if Senators choose to reply to it, very well. If they do not like it, very well. If they do not like it, I am sorry for it, because I do not wish to displease anybody. I simply say that this is a continuation of the sole original act of this kind that I think has ever been passed in the history of the Government. It originated on the 2d day of March, 1865, and we propose now to continue it. I doubted its expediency then. I believe it has worked discontent. If it was necessary at that time, I think the necessity has passed away, and I am opposed to renewing it now.

Mr. HOWARD. Mr. President, I feel a

very strong repugnance toward this amendment, and I hope it will be non-concurred in. What is it? It appropriates—

For compensation of temporary clerks in the Treasury Department and for additional compensation to officers and clerks in the same Department, \$160,000: *Provided*, That the temporary clerks herein provided for may be classified according to the character of their services, and that the Secretary of the Treasury may award such additional compensation as may be in his judgment just and may be required by the public service.

It will be seen that there are two classes of clerks to be provided for out of this sum of \$160,000. The first are the temporary clerks, so called; and the other the officers and clerks already properly and formally employed in that Department. There is no limit to the number of temporary clerks who may be thus employed by the Secretary of the Treasury, and there is no rule but the discretion of the Secretary of the Treasury for the distribution of this fund, or any part of it, to those officers and clerks who are permanently such in the employment of the Department. It appears to me that this is a very loose and a very unsafe style of legislation. Is it the purpose of the honorable Senator from Maine to allow the Secretary of the Treasury to appoint and employ in that Department any number of temporary clerks, the number depending only upon his discretion, his "judgment," in the language of the bill, or perhaps upon his caprice or whim, as it may practically turn out? Is that the purpose of the honorable Senator? That is certainly the meaning of the clause, so far as I can comprehend it; and under it the Secretary may at any time employ just as many temporary clerks as he may see fit, and the number may run up from twenty to one hundred, or five hundred, or even a thousand if he sees fit to employ so many. There is no limit fixed by the statute to the number.

A similar objection lies to the distribution of the fund, so far as it respects the permanent clerks in the employment of the Department. There is no rule by which the money is to be distributed among them. All is left to the caprice and the favoritism—if he sees fit to employ favoritism—of the Secretary of the Treasury; and it is beyond all doubt that in the distribution of the fund he will necessarily create great discontent among the clerks, and do injustice, at least to some of them. I prefer that the clause should settle the amount which is to be paid to each clerk with precision and exactness, leaving nothing to the discretion of the Secretary of the Treasury.

But, sir, it is useless to disguise it; this amendment will in its operation place in the hands of the Secretary of the Treasury \$160,000 to be used by him, if he shall see fit so to use it, as an electioneering fund, as a fund to reward that class of clerks connected with his Department who have figured very recently so conspicuously as politicians; that class of clerks who have taken it upon themselves to lecture Congress on the subject of their duties here; who, acting under the impulse, as I must presume, of their chief, have seen fit to pass resolutions in their ward meetings, or in their associations, or clubs, denouncing the majority in the two Houses of Congress in reference to very grave and important measures pending before them. Sir, I will never consent to place the money of the United States in such hands, hands which may use it for such base purposes. I do not care who the chief of the Department is, or what may be his merits; in my judgment, it is an act of childishness and folly, and worse than childishness and folly, to place such a sum of money in the hands of a public functionary, who, according to his own givings out, is as bitterly hostile to the policy of this Congress as any man in the land. I will never consent to feed a foe, even though that foe may be a mere political foe. Let him remain in his place and do his duty, and not ask Congress to become the contributors of money to enable him to carry on electioneering campaigns. For these reasons I shall vote against this amendment.

The question being taken by yeas and nays, resulted—yeas 23, nays 14; as follows:

YEAS—Messrs. Anthony, Buckalew, Conness, Cowan, Davis, Doolittle, Edmunds, Fessenden, Foster, Guthrie, Harris, Hendricks, Johnson, McDougal, Morgan, Morrill, Norton, Riddle, Saulsbury, Sherman, Stewart, Van Winkle, and Williams—23.

NAYS—Messrs. Cragin, Creswell, Grimes, Howard, Howe, Kirkwood, Lane of Indiana, Poland, Pomerooy, Ramsey, Sprague, Trumbull, Wade, and Wilson—14.

ABSENT—Messrs. Brown, Chandler, Clark, Dixon, Henderson, Lane of Kansas, Nesmith, Nye, Sumner, Willey, Wright, and Yates—12.

So the amendment was concurred in.

Mr. GUTHRIE. I offer the following amendment as an additional section:

And be it further enacted, That in cases in which moneys accruing to the United States from fines, penalties, and forfeitures, or other sources, have been erroneously received and covered into the Treasury before the payment of the proper informer's moiety, or other charges legally and justly chargeable against the same, so much money as may be necessary to pay said claims, admitted and certified in due course of settlement, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

This amendment explains itself. In the collection of forfeitures under the internal revenue law there have been a good many sums paid into the Treasury and covered, and there is no law appropriating them. This is intended to appropriate them in order that the informer's moiety and the charges properly payable out of those sums may be settled and adjusted.

The amendment was agreed to.

Mr. DAVIS. I offer the following amendment as an additional section:

And be it further enacted, That there be, and is hereby, appropriated out of any money in the Treasury not otherwise appropriated, \$20,000,000, to be paid by the proper officers of the Treasury to the loyal owners of slaves mustered into the military service of the United States under the act of March 3, 1864.

I will merely read the law on which I base this amendment. The twenty-fourth section of the act of March 3, 1864, is in these words:

"SEC. 24. *And be it further enacted*, That all able-bodied male colored persons, between the ages of twenty and forty-five years, resident in the United States, shall be enrolled according to the provisions of this act, and of the act to which this is an amendment, and form part of the national forces; and when a slave of a loyal master shall be drafted and mustered into the service of the United States, his master shall have a certificate thereof, and thereupon such slave shall be free; and the bounty of \$100, now payable by law for each drafted man, shall be paid to the person to whom such drafted man, shall be paid to the person or labor at the time of his muster into the service of the United States. The Secretary of War shall appoint a commissioner in each of the slave States represented in Congress, charged to award to each loyal person to whom a colored volunteer may owe service, a just compensation, not exceeding \$300 for each such colored volunteer, payable out of the fund derived from commutations, and every such colored volunteer, on being mustered into the service, shall be free."

Now, Mr. President, I am informed that the fund out of which these bounties were to be paid, that accumulated in the Treasury, amounted to from twelve to twenty million dollars. Under this act that fund ought to have been distributed among the owners of the slaves who were thus mustered into the military service. It was not, but has been used by the Government in its general expenditures. Here is a law of Congress, by which the Government of the United States has become indebted to the owners of these slaves, the "persons to whom service was due," in the language of the act. I therefore hope, as a matter of justice, for the payment of this simple and recognized debt by the United States, an appropriation will be made.

Mr. CRESWELL. Will the gentleman allow me to ask him a question?

Mr. DAVIS. Yes, sir.

Mr. CRESWELL. I wish to ask the Senator by what authority he says the commutation fund has been expended? There is a report in the Senate, made in response to a resolution offered by myself, by the Secretary of War, in which he states that the amount of that fund which is on hand is some ten or twelve million dollars.

Mr. DAVIS. I said that it had gone into the Treasury, and had been used, I presumed,

in the ordinary expenditures of the Government like any other fund that went into the Treasury.

Mr. CRESWELL. I think the Secretary of War makes the statement in the communication which he has sent to the Senate in response to the resolution I have spoken of, that that money is now in his hands, ready to be applied for that purpose when an order can be obtained from the President to that effect; and I know that recently applications have been made to the President for that purpose, to direct that that money shall be so applied. I desire to say that I believe this claim to be correct; I believe the faith of the Government is pledged for the payment of this money; and that that fund now in the hands of the War Department should be so appropriated; and if the gentleman will change his amendment so as to direct that the fund now in the hands of the War Department shall be appropriated to that purpose, I will vote with him for the proposition.

Mr. DAVIS. I will make that change.

Mr. FESSENDEN. I think I must raise a question of order on this amendment. I will inquire whether it comes from any committee.

Mr. DAVIS. I understand the rule of the Senate to read thus: that any appropriations may be made in an appropriation bill in execution of a law of Congress.

Mr. FESSENDEN. Let the rule be read. The Secretary read the thirtieth rule, as follows:

"No amendment proposing additional appropriations shall be received to any general appropriation bill, unless it be made to carry out the provisions of some existing law or some act or resolution previously passed by the Senate during that session, or moved by the direction of a standing or select committee of the Senate, or in pursuance of an estimate from the head of some of the Departments; and no amendment shall be received whose object is to provide for a private claim, unless it be to carry out the provisions of an existing law or a treaty stipulation."

Mr. DAVIS. The question of order, I do not think, is correctly made, because this amendment is obviously to carry out the provisions of an existing law.

Mr. FESSENDEN. The provisions of the law are that it shall be paid out of a particular fund.

The PRESIDING OFFICER. The Chair understands that the Senator from Kentucky has so modified his amendment.

Mr. DAVIS. Yes, sir.

The PRESIDING OFFICER. Without expressing any opinion upon the law, the Chair thinks the amendment is in order as modified.

Mr. WILSON. I have no idea that it is proper to put this amendment upon this bill, or that we need to appropriate for this purpose more than one third of the sum named, or, at any rate, the half of it.

Mr. FESSENDEN. There is no proper place for it here. It ought to go on the Army appropriation bill, if on any.

Mr. WILSON. In Kentucky about twenty-four thousand colored men were raised for the Army. Perhaps seventeen or eighteen thousand of them, at a fair estimate—call it twenty thousand—were slaves, and valuing them at \$300 apiece, instead of twenty millions there would not be more than five or six millions required for that State. There will be a claim from Maryland for some; I do not know how many.

Mr. CRESWELL. I think myself that the sum of \$20,000,000 is excessive.

Mr. WILSON. I think that seven or eight millions would cover all the cases everywhere; but I do not think it is proper to put it on this bill.

Mr. FESSENDEN. The Army appropriation bill has not passed yet, and that is the proper place for this amendment. I suggest to the Senator from Kentucky that if he wants to bring this question up, the proper place for it is on the Army appropriation bill.

Mr. DAVIS. I think that the amendment is proper on this bill. That is my impression. If the Senate intend to pay this claim or order it to be paid, it may just as well be done on this bill as on any other. If it is not the purpose of the Senate to pay it, of course they will vote

it down. All I want is that the question shall be decided by a vote of the Senate. I think we may as well decide it now, as it is before the Senate, as on any other bill. I therefore hope that the Senate will adopt the amendment. I ask for the yeas and nays upon it.

The yeas and nays were ordered.

Mr. CRESWELL. I ask for the reading of the amendment as modified.

The Secretary read it, as follows:

That the Secretary of the Treasury be, and he is hereby, directed to pay out of the fund in the Treasury derived from the payment of commutations, under the twenty-fourth section of the act of March 3, 1864, entitled "An act to amend an act entitled 'An act for enrolling and calling out the national forces, and for other purposes, approved March 3, 1863,' to the loyal owners of slaves mustered into the military service under that act, the amount of their claims for such slaves: *Provided*, That the said amount does not exceed the sum of \$20,000,000.

Mr. DAVIS. Upon the suggestion of Senators, with the permission of the Senate, I will withdraw the amendment.

The PRESIDING OFFICER. The Senator can withdraw his amendment, unless there be objection. The Chair hears none. The amendment is withdrawn.

Mr. FESSENDEN. It is suggested to me by the Senator from Vermont [Mr. Edmunds] that perhaps it would be as well to make an amendment in section seven, which has been adopted, to exclude a conclusion; and I therefore move to insert after the word "females" in the second line of that section, the words "not otherwise provided for;" so that it will read:

That the addition of twenty per cent. to the compensation of the females not otherwise provided for, messengers, &c.

It is a mere verbal amendment. There cannot be any objection to it.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time. It was read the third time and passed.

On motion of Mr. FESSENDEN, the title of the bill was amended by adding the words "and for other purposes."

ADDITIONAL PETITIONS.

Mr. HENDRICKS presented the memorial of James C. Pickett, formerly chargé d'affaires to Peru, representing that he sustained a loss by exchange on his salary while acting as chargé d'affaires, and praying that a readjustment of his accounts may be authorized; which was referred to the Committee on Foreign Relations.

Mr. CRAGIN presented a petition of residents of the county of Huerfano, in the Territory of Colorado, representing that the land in that county is claimed by certain parties under a grant from the Mexican Government, embracing upward of five million acres, and that in their opinion the land is the property of the United States, and praying Congress not to confirm any pretended grant and thus dispossess the settlers who have improved the country in good faith, believing they were locating on Government land; which was referred to the Committee on Private Land Claims.

ADDITIONAL REPORTS OF COMMITTEES.

Mr. TRUMBULL, from the Committee on the Judiciary, to whom was referred a bill (H. R. No. 334) to fix the number of judges of the Supreme Court of the United States, and to change certain judicial circuits, reported it with an amendment.

Mr. TRUMBULL. The same committee, to whom was referred a memorial of members of the bar of the circuit court of the United States, for the district of Wisconsin, praying that the district of Wisconsin be reannexed to the eighth circuit, and also a memorial of members of the Legislature of Wisconsin on the same subject, have instructed me to report them back and to ask to be discharged from their further consideration, as the bill I have just reported provides for the subject alluded to in these petitions.

Mr. NORTON, from the Committee on Indian Affairs, to whom was referred a bill (H. R. No. 416) for the benefit of certain half-

breeds and mixed-bloods of the Winnebago tribe of Indians, reported it with amendments.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House of Representatives had agreed to the amendments of the Senate to the joint resolution (H. R. No. 127) proposing an amendment to the Constitution of the United States, two thirds of the House voting therefor.

The message further announced that the House of Representatives had passed a bill (H. R. No. 365) granting the right of way to ditch and canal owners over the public lands in the States of California, Oregon, and Nevada.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House of Representatives had signed the following enrolled bill and joint resolution; which were thereupon signed by the President *pro tempore*:

A bill (S. No. 328) for the relief of Mrs. Abigail Ryan; and

A joint resolution (S. R. No. 51) respecting bounties to colored soldiers, and the pensions, bounties, and allowances to their heirs.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States:

To the Senate and House of Representatives:
I communicate, and invite the attention of Congress to, a copy of joint resolutions of the Senate and House of Representatives of the State of Georgia, requesting a suspension of the collection of the internal revenue tax due from that State pursuant to the act of Congress of the 5th of August, 1861.

ANDREW JOHNSON.

WASHINGTON, June 11, 1866.

The message was referred to the Committee on Finance, and ordered to be printed.

The PRESIDENT *pro tempore* also laid before the Senate the following message from the President of the United States:

To the Senate and House of Representatives:
It is proper that I should inform Congress that a copy of an act of the Legislature of Georgia of the 10th of March last has been officially communicated to me, by which that State accepts the donation of lands for the benefit of colleges for agriculture and mechanic arts, which donation was provided for by the acts of Congress of the 2d of July, 1862, and 14th April, 1864.

ANDREW JOHNSON.

WASHINGTON, June 11, 1866.

The message was ordered to lie on the table, and be printed.

HOUSE BILLS REFERRED.

The bill (H. R. No. 365) granting the right of way to ditch and canal owners over the public lands in the States of California, Oregon, and Nevada, was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. No. 559) to authorize the extension, construction, and use by the Baltimore and Ohio Railroad Company of a railroad from between Knoxville and the Monocacy Junction into and within the District of Columbia, and the bill (H. R. No. 615) legalizing marriages, and for other purposes, in the District of Columbia, were severally read twice by their titles, and referred to the Committee on the District of Columbia.

FUNDING THE NATIONAL DEBT.

Mr. SHERMAN. I move to take up Senate bill No. 300; one of the members of the Committee on Finance desires to make some remarks upon it.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 300) to reduce the rate of interest on the national debt, and for funding the same.

Mr. VAN WINKLE. I propose to say a

few words upon this bill, and particularly upon the third section, to which I have prepared an amendment that I desire to offer.

In order to simplify the remarks I am about to submit, and to make the calculations they must necessarily contain more readily comprehended, I shall assume that the amount of debt to be provided for is \$3,000,000,000, and now bears a uniform rate of interest at six per cent., so that the proposed reduction to five per cent. would effect an annual saving of \$30,000,000, the sum named in the third section of the bill before us.

There cannot, I presume, be any difference of opinion among Senators as to the propriety of making this reduction, if it is in our power to effect it with due regard to other national interests; especially if it is true, as has been stated, that the application of this annual saving to the reduction of the debt, will discharge the whole in about thirty-six years. This proposition, however, is not true, under the provisions of the bill as it now stands, as it is evident that \$30,000,000 paid annually for thirty-six years on the principal of the debt, would effect a reduction of only \$1,080,000,000 at the end of the period.

It is true, nevertheless, that the annual payment of a sum equal to the interest for the first year, together with the proposed annual thirty millions, will extinguish both principal and interest in a little more than the time named. The interest must, in any event, be paid while the debt continues, and it results that if the proposed saving of interest can be effected, the debt will be extinguished by the payment for thirty-seven years of a sum only equal to what I have assumed to be its present annual interest. If this is so—and it can be demonstrated that it is—it becomes a most important and interesting inquiry whether the requisite amount of the proposed five per cent. bonds can be negotiated at par, as required by the bill and the conditions of the problem, as fast as the proceeds will be required to pay off the bonds now outstanding. On this point, although I have given the subject much consideration, my mind is not free from doubt. I propose, therefore, to consider the inducements presented by the bill to those disposed to invest in Government securities, and to inquire whether our ability to fulfill them authorizes us to proffer them.

I do not suppose that the proposed loan can be popularized, as was the case with some of the existing loans. It does not present to those of small means equal advantages in the way of profit. The high character of the security offered will hardly insure it a preference with them over other modes of investment in which they have confidence, in many cases from personal knowledge. It will not draw money from the savings banks conducted under their own eyes, usually allowing an interest of six per cent. The present bonds, with their interest coupons which would be paid on presentation by the nearest bank, and generally by the nearest merchant, had at first the charm of novelty, as well as of great convenience, in sections remote from the commercial centers. But the novelty has worn off, and the knowledge that it is somewhat perilous to hold these billets payable through a long series of years, and which if lost or stolen cannot be recovered if they come into the hands of an innocent holder who has paid value for them, has, in consequence, partly of the recent thefts of such securities, been pretty widely disseminated. And further, the occasion for the exercise of that patriotism which at a gloomy period in our national affairs hastened to place its little all at the disposal of the Government, has happily and I trust forever passed away.

Again, Mr. President, the rate of interest proposed by the bill is lower than that to which the mass of our people are accustomed. In some of the western States as high as ten per cent. per annum may be legally paid and received, if previously agreed upon, and efforts are constantly making in other States to repeal the usury laws, not, of course, in order to re-

duce, but to permit an increase of, the rate of interest. It is true that on Wall street the rate of interest is sometimes regulated by the character of the security; but this has very little effect in the younger States, where the capital afloat is disproportioned to the business enterprise everywhere manifested; where property is always increasing in value, and where, generally, the security is more readily found than the money. In short, Mr. President, it may be confidently asserted that almost everywhere throughout the country the use of money is absolutely worth considerably more than five per cent. per annum. I offer this fact, for such I believe it to be, to the Senator from Ohio as a satisfactory explanation of what he seemed inclined to think a reflection on our country, namely, that our Government cannot negotiate its loans as cheaply as those of Europe. It should rather be considered, in view of the fact that so large a proportion of the profits of every year become fixed instead of active capital in the next, an evidence of the enterprise of our people and the high degree of prosperity they have attained.

But, sir, I presume the friends of this measure hardly expect that any considerable portion of this loan will be taken by the classes to whom I have alluded. It is, therefore, necessary to inquire whether the loan proposed by the bill before us presents such inducements to capitalists and investors as will insure its being taken by them at par, the Secretary being forbidden to negotiate any of the bonds at less than their face.

The first observable feature in which this differs from former loans is, that it is not redeemable at the pleasure of the Government after five or ten years, but is absolutely irredeemable for thirty years, or for whatever period it is originally issued. It may be a new idea to our friends in neighborhoods remote from the stock exchanges that the value of a bond is enhanced by postponing its time of payment, if the security is satisfactory; but there are doubtless among them some holders of five-twenties and seven-thirties who will soon experience the inconvenience of exchanging securities with which they are satisfied and probably more than satisfied for others they may not deem equally advantageous, or at all events of seeking new investments of their funds. They will thus practically learn why those whose object is permanent and safe investment, prefer the longer loans, and will, perhaps, cease to be surprised when they see the sixes of '81 quoted at some seven per cent. above the five-twenties.

I can see no objection to the thirty years proposed as a maximum in the present case. A five per cent. bond is not likely to remain so far above par as to prevent its purchase at suitable opportunities with the funds provided for the redemption of the debt. Such opportunities will frequently be afforded by the inevitable fluctuations of the money market, and it by no means impugns the credit of the Government to say that there will be periods when these five per cent. bonds can be purchased even below par. It is not long since the seven-thirties, with their very high rate of interest, were below par in currency. Previous to the war, when the Government made loans, its ability to redeem them within a very short time appeared so certain that it was only wisdom to reserve the right to pay them off at an early day. But circumstances are now very different. The most sanguine cannot expect that our heavy debt can, in any possible contingency, be wholly extinguished within the time limited for the redemption of these bonds, and I think there will be no difficulty in purchasing in the market on fair terms, probably at par or under, an amount of the bonds equal to the comparatively small sum we can annually appropriate for their redemption. I do not wish the Senator from Ohio anticipate that the "good time coming" which he promises, when we can negotiate a four per cent. loan, will reach us within a generation. On the contrary, I entertain the opinion, although perhaps I

have not sufficiently investigated the subject to warrant me in giving it expression, that the rate of interest or value of money is gradually but steadily rising on the other side of the water, and this notwithstanding the immensely increased production of gold.

Another and a very important inducement to invest in the proposed loan, is the exemption of the bonds, as declared by the bill, from all taxation—national, State, and municipal. I postpone what I have to say on the new feature exempting the income derived from these bonds, until I have considered the general subject. We were correctly told by the Senator in charge of the bill, on the unimpeachable authority of repeated decisions of the Supreme Court, that if the clause exempting from taxation by State authority bonds issued by the United States was omitted from the law, the States could not legally tax them. The most liberal construction that could be given to the national Constitution, with any show of reason, would not give to a State the right, by its legislation or otherwise, to control or impede in any way the legitimate operations of the General Government. The Senator from Ohio sufficiently showed how the constitutional right of that Government "to borrow money" might be rendered nugatory by State taxation of the securities issued for its loans. It does not authorize the complaint of injustice that Congress, in order to give an explicit assurance of an already existing exemption to the national creditors, has declared it in its laws.

But it is said that Congress has the power to give authority to the States to tax the national securities. This was intimated by the Senator from Maine, and assented to by the Senator from Ohio. If it is meant by this that Congress may authorize the States to tax its securities to an unlimited extent, I beg leave to dissent from the opinion; for to do this would be to invest the States with authority to control the exercise by Congress of a power specifically delegated, and I am inclined to think that to concede the authority to an extent, however limited, is open to the same objection. What cannot be done in gross cannot be done in parcels; and if there is impropriety in a large concession, it is only lessened, not avoided, by limiting it.

Leaving these considerations, Mr. President, to those more able to grapple with them, I propose to look at this exemption in a practical point of view. So far as the measure before us is concerned, no exemption from taxation of an additional amount of bonds is proposed. We are simply about to change the form of our debt, not to increase it. The securities we propose to redeem with the proceeds of the new loan are now free from taxation, and this is declared by the laws authorizing their issue. It is now, therefore, a contract with the holders of those securities, which we cannot with honor annul. If the new loan is not authorized, or cannot be effected, the same amount of capital or property remains exempt from taxation as would be if the proposed loan were carried into full effect.

There is, Mr. President, in some quarters a growing discontent, to use no stronger term, with this exemption of the national securities from taxation under State authority, the cause of which I do not fully comprehend. The existing loans were made when the necessities of the Government were great, and, to all appearance, the means of supplying them difficult to be procured. Congress was unquestionably justified in offering almost any inducement to secure these means. This exemption, among others, was offered, and proved very successful, and thus became a contract with the holders of the now outstanding securities. It is, of course, too late to make the objection, and if there are any who are disposed to advise a breach of the national faith they can have no adequate conception of the character or of the amount of evil such a course would inevitably inflict upon the country.

The discontent to which I have alluded is, I am informed, founded on the withdrawal of

the large amount of capital constituting the national debt from State taxation, thus depriving the States while the debt continues of a legitimate and important source of revenue. This complaint, I understand, comes chiefly from the agricultural States. If so, I beg to state that the case is not quite so bad as they would have it appear. Congress has abstained since 1861 from laying any tax upon land. It is true that this is chiefly due to the fact that the constitutional mode of levying a land or direct tax has proved very unequal, and therefore unjust in its operation. It hardly mends the matter that slavery has been abolished, as that only adds two fifths of the late slaves, or some million and a half to the more than thirty millions among whom such a tax would be apportioned. The evil of the rule is, that the tax must be apportioned among the several States in proportion to their respective populations, and not the value of their lands. It will be readily perceived that such a tax must bear heavily upon the agricultural States of the West, where the value of land is much less than in the older States, and where the proportion of unused and therefore unproductive land is so much greater. Now, this best subject of taxation has since 1861 been left entirely to the States, and is certainly equal in tax-producing value to the capital invested in national securities. I venture to say, therefore, that so long as Congress keeps its tax-gatherers off the lands the complaint to which I have alluded is unjust, from whatever quarter it may come, for there is not an interest or class that would not be sensibly affected by such a tax. It may be well for those who are calling for equality of taxation, in view of the exemption of Government securities, to remember that the same cry may be raised by other classes in view of the exemption of lands from national taxation.

As to the proposed exemption of the interest of the new bonds from the income tax, it would certainly hold out an additional inducement to those disposed to invest in these securities; and as this would hardly fall within the reason of the decisions of the Supreme Court I have referred to, it is fair to presume that it is inserted in the bill because it furnishes such an inducement. With the income tax at five per cent. it would be to the holder of the bonds equal to an additional one fourth of one per cent. of interest on his investment. The Senator from Ohio has shown that it would very slightly affect the revenues of the United States, and the bill, if I understand it correctly, does not exempt it from State taxation. While, therefore, it must be admitted that as an inducement to invest in the bonds it is of great importance, it does not appear that other interests would be to any great extent injuriously affected by it. If it induces the purchase of the five per cent. bonds, it is giving, at the most, seven and a half millions in order to effect a saving of thirty millions.

There is another consideration to which investors in public securities attach great importance, and that is, that their punctual payment at maturity should be placed as far as possible beyond contingency. It may be said that the limitless resources and unimpeached credit of the United States furnish a sufficient assurance on this head. But is this true? They do, indeed, give an assurance of ultimate but not of punctual payment; and I apprehend that an overdue bond of even the United States, with no provision made for its redemption, although it would not depreciate in intrinsic value, certainly would in its market price. The bill before us promises—I should rather say pledges the faith of the United States—that the interest on the new issues shall be paid at maturity, and that under any and all circumstances the sum of \$30,000,000 shall be annually applied to the redemption of the principal. But this provides for the extinction of considerably less than one third of the debt by the time it matures, and therefore does not constitute the inducement which investors are apt to require.

If it was the intention of the author of the bill to give assurance that the whole debt should be paid off in thirty-six years, the third section must be amended in an important particular.

I have already intimated that if a sum equal to the annual interest on the original amount of debt, together with the thirty millions pledged by the bill, be appropriated annually for the purpose, the whole debt, principal and interest, will be thereby extinguished in something less than thirty-seven years. In other words, the interest on the original debt, or one hundred and fifty millions, added to the thirty millions mentioned in the bill, gives an aggregate of one hundred and eighty millions, which sum applied annually to the payment of the accrued interest, and the residue, as far as it will go, to the redemption of the principal, will extinguish the whole debt in the time named. It will be observed that by this plan the sum paid year by year in reduction of the principal increases at an accelerating ratio. In about twenty years one third of the debt will have been redeemed, in about thirty years two thirds, and the whole in less than thirty-seven years.

There is no mistake in this. I have made the calculation, and figures cannot lie. It of course supposes that on the day the period of redemption begins the funding has been completed, and that no part of the annual appropriation to be applied to the payment of principal, lies idle for a moment. It must either be drawing interest or stopping its accretion, or the time will be lengthened. On the other hand, as the interest is payable semi-annually, if one half of the one hundred and eighty millions is applied semi-annually in the same way the time will be sensibly shortened. I may add that if the debt is extinguished in thirty-six and a half years by the annual appropriation I propose, the aggregate amount paid will be six thousand five hundred and seventy millions; but if we should continue to pay the interest as it accrues until the end of that period and then pay the principal, the whole amount required will be eight thousand four hundred and seventy-five millions. I mention this to illustrate the importance of providing at once for the gradual and not too protracted redemption of our national debt; the difference of the sums named as the results of the two plans being equal to nearly two thirds of the original debt. The latter plan is substantially that which Great Britain has pursued since she abandoned her sinking fund in 1819, for the sums she has since applied to the reduction of her debt bear so inconsiderable a proportion to its aggregate, as scarcely to constitute a departure from it.

I have gone into more detail, Mr. President, than was otherwise necessary, because the bill proposes to do away with the sinking fund contemplated by the act of 1862, and does not, as it now stands, make an equivalent for the rapid absorption of the debt. By its present provisions, which pledge but thirty millions annually, the whole will not be paid off in less than one hundred years, although the interest to be paid will annually decrease in amount. I however infer from the remarks of the Senator from Ohio that the author of the bill before us contemplated an operation similar to that I have indicated; and that, as I understand it, is precisely the operation of a sinking fund.

When such a fund is created by a municipal or other corporation its management is usually confided to commissioners or trustees, who stand, as it were, between the corporation and the holders of its obligations, with power to enforce by action or other legal means the fulfillment of the pledges constituting the conditions of the loan. The only difference that I can perceive between an ordinary sinking fund and what I infer is intended to be proposed by the bill under consideration is that in the one case it is usually managed by commissioners, and in the other becomes a part of the operations of the Treasury Department. To this I see no objection, even when considered in connection with the inquiries I have been making as

to the inducements that can be offered to capitalists and investors to take the proposed loan.

It may be stated, however, that in the cases of corporations it sometimes becomes necessary to interpose commissioners in order that the fund may be invested in the bonds intended to be secured, as their fiduciary character enables them to enforce, if necessary, the payment of the accruing interest on those they hold. As these are usually secured by mortgage it is important to the creditors generally that those belonging to the fund should be kept alive; and this is effected by their being held by the commissioners, who are trustees for both debtor and creditor. It is evident that if the bonds are purchased by the corporation for its own account it is equivalent to a redemption or payment, and they consequently cease to have value and cannot be reissued. If the national bonds are purchased by the Secretary of the Treasury, acting only in the capacity of an officer or agent of the Government, they become extinct, or mere waste paper; they are in fact paid off, and the obligation they once imposed is discharged. There can, however, be no necessity in the case of the Government for keeping them alive. If the annual appropriation I have suggested is made part of the law authorizing the new loan, it becomes a condition of the contract with those who purchase the bonds, and the faith of the United States is pledged for its observance, and no security or guarantee can be more ample. It will of course be the imperative duty of the Secretary of the Treasury to carry into effect a law which, morally at least, is irrevocable until its purposes are accomplished.

The plan of payment I have endeavored to delineate recommends itself not alone as an inducement to the capitalist to invest in the proposed bonds, but also as a scheme by persistence in which the whole debt may be got rid of in a little more than a generation, if we are spared a foreign war or another domestic insurrection. It therefore becomes of paramount importance to ascertain whether the probable resources of the country, taking one year with another throughout the period named, will justify Congress in now pledging the national faith that \$180,000,000, derived from customs, taxation, and other sources of revenue, and not from loans, shall be annually appropriated to the payment of the principal and interest of the debt, to be suspended only in case of war or insurrection. Are we prepared to give this pledge? We have had the assurance from a high and well-informed quarter, and I think it is nowhere disputed, that we can appropriate thirty millions annually to the reduction of the principal of the debt, paying besides the interest as it accrues. Certainly, then, if we can reduce the rate of interest as proposed in the bill, our ability to make the annual appropriation I have indicated cannot be doubted.

I have insisted on a pledge of the national faith not only as an assurance due to the public creditor, but as an act of justice to ourselves; and in this term I include not only the present and future tax-payers, but every industrial interest of the country. To permit the debt to increase in time of peace would be palpably suicidal. If the truth of this remark was not so obvious, I might cite to prove it the late declarations of the British Chancellor of the Exchequer. Their debt has not permanently increased of late years, but its reduction has been very slight compared with its amount, which is greater than ours, although the annual interest is less than ours would be at five per cent. When they abolished their sinking fund, instead of fixing an amount to be raised by imposts and taxation, and paid annually toward the reduction of their debt, they merely provided that their whole surplus revenue should be applied to that purpose, and the result is that but little has been effected. Mr. Gladstone and Mr. Mill, at least, have at length become alarmed at this state of things, and if they are

able to correct it it will be by making a fixed annual appropriation toward its reduction, and treating this as paramount to all considerations except national defense.

The same remark is true of this country. Our resources are certainly greater than those of Great Britain, and more rapidly increasing, and I think are more at our command. Our annual expenditure for ordinary purposes is much less. We can safely fix a comparatively early period for the extinction of our debt, but I doubt if this can be said of Great Britain. If what I propose should be found burdensome at the beginning, it will doubtless be much less so at the end of the first decade, and may cease to be so to any inconvenient extent long before the thirty-seven years have passed. Until this condition is attained the business of the country will be more or less hampered by the existence of the debt; but I am persuaded that if by our legislation we can give the country and the world a sufficient assurance that the debt will certainly be extinguished at a day not too remote, much of the evil consequent upon its existence will have already ceased.

I have expressed doubts whether the proposed five per cent. loan can be disposed of at par; but as the Secretary of the Treasury, as well as several persons in private stations, more familiar with the stock and money markets than I can pretend to be, whose opinions, for which I have a high respect, have been communicated to me, think that it can be readily sold if it combines the inducements I have endeavored to discuss, I am willing that the experiment shall be made. I am willing, not only because its success is, as I have attempted to show, very desirable, but also because, after giving the subject much and earnest consideration, I am not apprehensive that its failure would be productive of any evil beyond the temporary postponement of a final arrangement of the mode of redeeming the debt. It is not made obligatory on the Secretary to issue these bonds, nor is he restrained from issuing others at six per cent., as authorized by existing laws. When this bill is finally passed, with such amendments as may be suggested and approved, he will have the precise conditions of the loan before him, and they will also be before the capitalists and investors of the country. He will then, better than now, be able to determine what prospect there is of making sale of the bonds; and I am very sure that unless this is entirely satisfactory he will not put them on the market. Besides, a failure to sell them will not indicate any deficiency of credit on the part of the Government, as it will be owing entirely to the character of the bonds. With these views I am still willing that the experiment shall be made.

I have not noticed so far the fourth section of the bill under consideration. It is not necessarily connected with what precedes it. I approve its object, and believe that in the place it now occupies, or by itself, it should speedily be enacted into a law, with, perhaps a slight amendment. I will not detain the Senate by further remarks upon it, but conclude by again urging upon its consideration the propriety of providing at this session for the total redemption of the national debt within a definite and not very protracted period, by a fixed annual appropriation, whether the particular plan I have indicated or some other, equally or more efficient, be adopted.

I now move to amend the third section of the bill by striking out after the word "least," in line seven, and inserting—

Ninety million dollars (including the saving of interest aforesaid) out of any money in the Treasury not otherwise appropriated, shall be applied to the payment of the interest as it accrues and the reduction of the principal of the said debt by the purchase or redemption of the said bonds at not exceeding their par value, unless a greater rate is hereafter authorized by law.

Mr. SHERMAN. I have no objection to the amendment, but as I agreed not to press a vote on the bill to-day I would rather that the amendment should be printed.

The amendment was ordered to be printed; and the further consideration of the bill was postponed until to-morrow.

PARIS UNIVERSAL EXHIBITION.

Mr. HARRIS. I move that the Senate proceed to the consideration of House joint resolution No. 52, relating to the Paris Exhibition.

The motion was agreed to; and the joint resolution (H. R. No. 52) to provide for the expenses attending the exhibition of the products of industry of the United States at the Exposition at Paris in 1867, was considered, as in Committee of the Whole.

The PRESIDING OFFICER, (Mr. POMEROY.) As the Committee on Foreign Relations have reported an amendment which is a substitute for the resolution, the substitute only will be read.

The Secretary read the reported substitute, as follows:

That in order to enable the people of the United States to participate in the advantages of the Universal Exhibition of the productions of agriculture, manufactures, and the fine arts, to be held at Paris in the year 1867, the following sums, or so much thereof as may be necessary for the purposes severally specified, are hereby appropriated out of any money in the Treasury not otherwise appropriated:

1. To provide necessary furniture and fixtures for the proper exhibition of the productions of the United States according to the plan of the imperial commissioners, in that part of the building exclusively assigned to the use of the United States, \$48,000.

2. For the compensation of the principal agent of the Exhibition in the United States, at the rate of \$2,000 a year: *Provided*, That the period of such service shall not extend beyond sixty days after the close of the Exhibition, \$4,000, or so much thereof as may be found necessary.

3. For office rent at New York, for fixtures, stationery and advertising; for rent of storehouse for reception of articles and products; for expenses of shipping, including cartage, &c.; for freights on the articles to be exhibited from New York to France and return, and for compensation of four clerks in conformity with the joint resolution approved on the 15th of January, 1866, and for contingent expenses, the sum of \$33,700, or so much thereof as may be found necessary.

4. For expenses in receiving, boarding, storage, cartage, labor, &c., at Havre; for railway transportation from Havre to Paris, going and returning; for labor in the palace; for sweeping and sprinkling compartments for seven months; for guards and keepers for seven months; for linguists (eight men) for seven months; for storing, packing-boxes, carting, and for material for repacking; for clerk hire, stationery, rent, and contingent expenses, the sum of \$35,703, or so much thereof as may be found necessary.

5. For the traveling expenses of ten professional and scientific commissioners, to be appointed by the President, by and with the advice and consent of the Senate, at the rate of \$1,000 each, \$10,000—it being understood that the President may appoint additional commissioners, not exceeding twenty in number, whose expenses shall not be paid.

SEC. 2. *And be it further resolved*, That the Governors of the several States be, and they are hereby, requested to invite the patriotic people of their respective States to assist in the proper representation of the handiwork of our artisans and the prolific sources of material wealth with which our land is blessed, and to take such further measures as may be necessary to diffuse a knowledge of the proposed Exhibition, and to secure to their respective States the advantages which it promises.

Mr. HARRIS. At the end of the fifteenth line of the amendment, I move to insert the words "in coin;" so as to read, "\$48,000 in coin."

The amendment to the amendment was agreed to.

Mr. HARRIS. In the thirty-second line there is a misprint. The word "boarding" should be "bonding."

The PRESIDING OFFICER. That correction will be made.

Mr. HARRIS. In the forty-first line, after the word "dollars," I move to amend by inserting the words "in coin." These expenses are to be met in Paris.

The amendment to the amendment was agreed to.

Mr. HARRIS. In line forty-eight at the end of section one I move to insert the words "but no person interested directly or indirectly in any article exhibited shall be a commissioner."

Mr. HOWARD. I really do not now see the necessity of such an amendment. Perhaps the Senator from New York can explain it. I do not see why an interest on the part of a commissioner in an article exhibited should

be an objection to his acting as a commissioner.

Mr. HARRIS. It was thought by the committee that these commissioners should be entirely impartial, having no interest at all in the articles exhibited, no interest in any award of premiums that should be made, that they should be entirely disinterested, so that they could act upon juries if necessary.

Mr. HOWARD. The commissioners act in a sort of judicial capacity, then?

Mr. HARRIS. Yes, sir.

Mr. HOWARD. Then it would be very right.

Mr. GRIMES. Is that same principle to extend to the wise men, the learned men, we are to send out?

Mr. HARRIS. These are the men.

The amendment to the amendment was agreed to.

Mr. GRIMES. I offer an amendment to insert at the end of the second section these words:

Provided, however, That no officers shall be appointed and no money paid under the provisions of this resolution, until the Imperial Government of France shall first give ample and reliable assurances to this Government that the French troops and all French military officers shall be immediately withdrawn from the just territorial jurisdiction of the republic of Mexico.

Upon that question I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HOWARD. I confess that I do not see with great clearness the applicability of the amendment of the honorable Senator from Iowa to the joint resolution under consideration. I would like, therefore, very much to hear an explanation of the whole subject from the honorable Senator. I desire to hear his views upon the question of the enforcement of the Monroe doctrine and where it is at present.

Mr. GRIMES. It seems to me that the whole question is in a nutshell. Every gentleman who has visited France since this Exposition has been projected, has returned to this continent entertaining the opinion which he has always expressed, that this whole Exposition was got up more for the purpose of glorifying the present Imperial Government of France than for any other purpose, and that it is for that reason that the younger Napoleon, the infant Napoleon, has been made the president of this Exposition. He is to occupy the prominent position, he is to be in the foreground in everything that is to be done.

Now, Mr. President, for my own part, representing a portion of the valley of the Mississippi river, interested somewhat in the connections that this Government may sustain toward its neighbors, I am not quite disposed to assist or to be in any way instrumental in accomplishing the object of the Imperial Government of France in this particular at any time, and especially not so long as their troops shall remain within the territorial jurisdiction of the republic of Mexico—troops, Mr. President, which would not have been sent there, as everybody knows, but for the difficulties that were occurring in this country at that time. They were sent out to take advantage of the unfortunate posture of public affairs in this country. I hear that the French Government have lately professed to be willing to withdraw their troops; but I have not yet had that assurance that they will withdraw them that I wish to have before I will agree to appropriate or assist in appropriating several hundred thousand dollars for this purpose.

I trust the Senator from Michigan understands fully the purpose that I have in view. I do not want to take part in this Exhibition at all; I do not want to assist in elevating in public estimation in any part of the world the present dynasty in France so long as it shall stand really, morally, and militarily, in an antagonistic position to this Government; and she does stand in that position so long as her troops remain in Mexico.

Mr. HOWARD. Yes, Mr. President. But

has the honorable Senator any doubt as to the earnest and confident expectation of the honorable Secretary of State that the French troops are about to be withdrawn from the territory of Mexico? Is he not entirely willing to rest his case upon the assurances which have been given us by that eminent gentleman that this most desirable result is about to take place? If he entertains these views why does he press this amendment to so simple a bill as this? Why make it a sort of condition precedent to our participating in the Paris Exposition that the French troops shall be withdrawn from Mexico? Is he not perfectly sure that his Majesty, the Emperor of the French, will withdraw the French troops from Mexico immediately?

Mr. GRIMES. In answer to the Senator from Michigan I will say that my faith is not as strong as one might suppose from his language that his was. I have not as much faith in the capacity of the Secretary of State as a prophet as I had some five or six years ago. But if France withdraws her troops there can no injury result to anybody by the adoption of this amendment. It will only prevent us from complicating ourselves in any such Exposition, or any such attempt to sanction the dynasty that now rules France, by sending these learned men, to be selected from the different parts of the country, who are to go there for the purpose of bringing back information, I suppose, and perhaps it may be that they will bring back some of the imperial ideas that are so prevalent in France to be disseminated around in the various localities from which they are to be selected.

Mr. HARRIS. Mr. President, in January last we had a proposition before us to accept the invitation to take part in this Exhibition. A joint resolution came from the House of Representatives providing that the United States would accept the invitation, and take part in the Exhibition. According to my recollection, the Senator from Iowa made very much the same speech then that he has made now, and made very much the same opposition to that resolution that he makes now to this; and he called for the yeas and nays on the question of accepting that invitation, and, according to my recollection, he had five votes with him, perhaps six. And now having accepted it; having appointed our commissioner general in Paris; having appointed an agent in New York; having sent out invitations through all the States for the purpose of preparing for this Exhibition, and the invitations having been accepted, what is proposed? I read, a few days ago, four closely printed columns in the Tribune of the acceptances of invitations and sending articles for exhibition. Under these circumstances this resolution provides simply to pay the expenses. Are we not bound to go on with this thing, having accepted the invitation, having appointed our officers, having sent out invitations to all the States? Every State in the Union except the State of Delaware has now articles being sent forward for exhibition. Probably we shall have ten times as many articles as the space allotted to us in the Exhibition will accommodate, and we are obliged to discriminate. This resolution simply provides for paying the expenses.

Mr. GRIMES. It is true that I opposed the resolution to which the Senator alludes; but I do not know that it is exactly generous for the Senator from New York to taunt me with my want of influence in this body, by which I was only able to get four or five men to vote with me. It is very possible that he is correct as to what the number of votes was; but I will tell you in what I was correct. I told the Senate then that that was the mere entering wedge which would lead to the introduction of this very bill and others that would in the end deplete your Treasury, and I was replied to by the Senator from Massachusetts, the chairman of the Committee on Foreign Relations, [Mr. SUMNER,] who represented the committee at that time, that I was mistaken about that. This

bill came from the House of Representatives nearly three months ago. It has lain in the hands of the Committee on Foreign Relations, the chairman of the committee being unwilling to report it—

Mr. HARRIS. You are mistaken.

Mr. GRIMES. Then all I have to say is that I have been misinformed.

Mr. HARRIS. It was reported on the 5th of April, by the chairman.

Mr. GRIMES. The Senator from Massachusetts has suffered it to remain here for more than two months, unwilling to call it up. When he went away, two days ago, it came into the hands of the Senator from New York, and he uses precisely the argument that I told the Senate would be used when this bill came up, while the other one was under consideration, namely, that we had committed ourselves to it and that now there was no alternative for us but to go on and make appropriation after appropriation, no matter to what extent; and this is not the end of it. Every man knows that each one of these learned commissioners, when he returns, is going to make a voluminous report of what he saw in France, and that will be submitted to the Senate and House of Representatives, and we shall be called upon to print it, with extensive plates, diagrams, plats, maps, and everything of that kind, and we shall have \$2,000,000 saddled upon us for public printing to print the reports of the learned gentlemen who are to go over there to glorify his Imperial Majesty Napoleon III, and the young man, the president of the Paris Exposition, the young Prince Imperial—

Mr. HOWARD. What is the age of the president of the Exhibition?

Mr. GRIMES. The Senator from New York, I suppose, can inform me. I think about five years old.

Mr. COWAN. Thirteen, I believe.

Mr. GRIMES. Time passes so rapidly that I am hardly able to note it. It does not seem possible that he can be thirteen years old. I hardly think he is. He is somewhere, I should think, from five to eight years old, and I have no doubt that the very person of all the world, properly selected, considering the purposes that are to be subserved by this Exhibition, to preside over it.

But, Mr. President, I will make another prediction. I have no doubt this bill is going to pass. There is influence enough to pass it. But I predict that before we get through with this matter it will cost the Government two million dollars. You will have deficiency after deficiency, growing out of the transportation of these articles, the expenses attending these commissioners and the various classes of officers you authorize to be appointed; new officers will be created; new printing bills will be run up, and then finally to wind up the whole, you will be compelled to print the voluminous reports; these men will make just such reports as were made by Delafield and Mordecai and McClellan, when they went to see the Crimean war. They were instructed to go and examine the campaigns of the Russians and French. Major Mordecai's report is devoted almost entirely to the arsenals in Vienna and other places in the interior of Germany. These gentlemen when they cannot make out a sufficiently voluminous report—and a great many people imagine that the value of their report will be judged by its size—will go into other portions of the country and give us a history of their travels. All this will be sent here as part of the report, and the Senator from New York will rise with all the gravity and suavity that are so proverbial of the Senator and ask the Senate to print it, and we shall order it to be printed.

For my own part I am not disposed to embark in this scheme, and I desire to place my name on record in opposition to it.

Mr. CONNESS. My idea of the proper way of fighting French influence is not that suggested by the Senator from Iowa in his speech. This Exposition is of an industrial character;

it is to be a great competition of the nations; and if the Prince Imperial, the heir to the French throne, shall gather laurels from it or strength from it either before the French people or the people of the nations of the earth, it must be only incidentally. I believe the Senator's amendment contemplates that no appropriation shall be expended or appointment made under this resolution until the French soldiers shall leave Mexico. The Emperor of France, who represents that Government, has agreed and stipulated with our Government that his soldiers shall leave there at a given time or times.

Mr. HOWARD. Allow me to ask the Senator from California most respectfully for the source of his knowledge on that subject. I am a stranger to any such stipulation between the two Governments, I must confess; and it is highly important that we should know the facts of the case. I doubt it.

Mr. CONNESS. I gather this information from a source equally open to the honorable Senator from Michigan; I gather it from the diplomatic correspondence that has already taken place between the two Governments. I undertake to say from what I have seen of that correspondence, that the word and the honor of the Emperor of France, and of the French nation through him—

Mr. GRIMES. That is not worth much.

Mr. CONNESS. We shall see what it is worth; but be it worth much or little, it is promised in the agreement that I have referred to that the French troops shall leave Mexico at certain stated times; our agreement on our part being, so far as the executive department of this Government could make one, that we will maintain a neutrality toward Mexico in the mean time. That is as I understand it. I think this is a fair statement of the case.

Mr. HOWARD. That we will maintain neutrality in regard to whom, between what belligerents?

Mr. CONNESS. In regard to the territory of Mexico and the contest that is transpiring there. That is as I understand it.

Mr. HOWARD. I have only to say that if that be the fact, I think it is very deserving of public censure.

Mr. CONNESS. I will not undertake to controvert the statement that the agreement may be deserving of public censure; but if the agreement be made and the faith of our Government is pledged in its behalf and for its execution, I am in favor of maintaining it; but I am also in favor of compelling, when the time shall come, the maintenance of the faith that has been pledged by the Emperor of France to this nation, and to the republic of Mexico through us, that his troops shall leave the territory of that country at the times agreed upon. I would not oppose the French army in Mexico by refusing to make this appropriation; but when the time shall come that the French soldiers shall remain in Mexico against the Emperor's promise to us, I am for driving them from the territory of Mexico by American arms. It is well that the notification should be given, and that it be understood that this is a pledge of the French nation and Government, and that we expect its execution at the proper time and in good faith.

Now, sir, I hope that there will be no opposition made to the opportunity that this great International Exposition will present for the competition of our industries with those of the nations of the earth.

Mr. DOOLITTLE. Mr. President, I look upon this Industrial Exhibition as an exhibition which might take place, perhaps, even if a state of war were in existence between the Government of the United States and some of the nations who are invited to take part in it. But whatever may have been our relations heretofore with France growing out of the interference in Mexico, I think we have reason at the present time, at all events, to be assured that those relations are wearing a better aspect than they have done heretofore. Whether it be simply from policy, whether it be because

Napoleon may have use for all his forces to be ready for the eventualities that may arise on the continent of Europe, or whether it be because Napoleon sees that the Republic of the United States is still undivided, still unbroken; whatever may be the policy, the principle, or the interest that controls him, I believe, from assurances that we receive now, that the French Government do intend to withdraw their expeditionary forces and all their forces from the republic of Mexico.

Not many days ago there was published a letter from the city of Mexico, which I have in my hand and from which I will read. I would not give any particular authority to an anonymous letter, but I have received a communication from a gentleman who is acquainted with the writer in the city of Mexico, and while it is not proper, under existing circumstances, that his name should be mentioned at the present time, still the assurance is given that the writer of this anonymous letter is a man who has the means of information and stands high in that country. I will read it:

CITY OF MEXICO, May 20, 1866.

General Bazaine has received orders from the French Minister of War, Marshal Randon, to immediately concentrate the French forces in Mexico, at the cities of Mexico, Puebla, and Orizaba, forming the principal camp at the latter place; to embark three fourths of the force in November and the remainder in March next; to not meditate any further movements against the Liberals, nor to attempt to reoccupy any place that has once been abandoned, even if the Liberals retake possession in the very act; and to give no more money to Maximilian—in a word, to bring the whole French expedition to an end by March of the coming year.

With reference to money, the situation is very bad indeed, as the following incident will show:

On the application recently of Maximilian to General Bazaine for further pecuniary supplies, the latter excused himself on the ground of orders from home. Maximilian then declared that he should abdicate and leave the country at once if more money was not furnished. Thereupon General Bazaine issued orders to the Paymaster General to deliver to the Imperial Government \$500,000.

The Paymaster General, however, refused to obey, as he had received orders direct from the French Minister of Finance, Mr. Fould, not to give to Maximilian a single dollar more.

General Bazaine then sent an armed force, who broke open the safes and took the money. This scandal has caused a great excitement here, as it is almost a repetition of the act of Miramon and Marquez, in 1860, in breaking into the English legation and taking therefrom the money of the English bond-holders.

Where is all this to end, and where will matters stand when once the French army is withdrawn?

An officer of the French expeditionary corps, on being asked, after the occurrence of the foregoing events, what they came here for, replied, "To spend \$180,000,000; to uselessly sacrifice the lives of our valiant soldiers, and to forfeit our national honor."

Could more truth have been expressed in so few words?

In military affairs the Liberals are doing well, and the situation is every day improving.

Mr. President, I have assurances that the writer of this letter is a man of high standing in Mexico, and that we can rely to a considerable extent upon the statement which is here made. We have seen in the newspapers that Austrian troops were to be sent into Mexico to take the place of the French troops as they should be withdrawn; but we have also seen from newspaper statements coming from over the water, as well as in our own country, that the United States Government has protested against any such proceeding; and a resolution which was passed this morning on my motion calls on the President to furnish, for the information of the Senate, the response of the Austrian Government. While, of course, I will not undertake to anticipate what the response may be, I believe that response will be such as to give us great satisfaction.

Mr. GRIMES. The Senator from Wisconsin is a member of the Committee on Foreign Relations, and is, of course, well informed upon all these questions, better informed than other members of the body.

Mr. DOOLITTLE. I hope the honorable Senator will not presume to catechise me upon that assumption.

Mr. GRIMES. I do not wish to have the Senator make the same statement that I do; it is enough for me that I have made it; I know that the Senator's modesty would restrain him

from expressing any public concurrence, at any rate, in the judgment I have formed of him. But, Mr. President, the Senator has stated that he has assurances that a better condition of things exists on this subject than has existed, and that the French are about to withdraw from Mexico. I wish to know whether or not his opinion is predicated entirely upon the letter which he has read here. I have seen that statement. I want to know if there is anything outside of that, anything of a more official character, that he would be justified in sending before the country in order to quiet the public apprehension; for I am ready to say that there is a great deal more feeling on this subject of the occupation of Mexico by the French than many gentlemen are willing to acknowledge, or willing to recognize, at any rate.

I have seen it stated also, in addition to what the Senator has read, in newspaper paragraphs that while the French are being withdrawn, or are likely to be withdrawn, from Mexico, their military officers are going to be retained there to take the command of mercenaries who are to be raised on the continent of Europe to serve in Mexico to still undertake to uphold the authority of Maximilian. It was with a view to that that the amendment which I have proposed was drafted in the manner in which it is drawn, not only to include French troops proper, but to include any military officers who might belong to the French service, on half pay or otherwise, and who might be retained in Mexico to take command of troops.

Mr. DOOLITTLE. I do not assume on this subject to have any more information than the honorable Senator himself. I simply state that I have assurance from a letter I have received from a gentleman who knows the writer of this letter, who states to me the name of the writer and his position; but for reasons which I think should control me in withholding the name from the public at the present time, I do not feel at liberty to state it. I say, however, that I feel assured that reliance, to some considerable extent at least, can be placed upon the situation as described by this gentleman writing from the city of Mexico; and I repeat what I said, that I believe our relations with France are wearing a better aspect than they did awhile ago.

I agree perfectly with the Senator from Iowa when he says that there is a deep feeling on this subject of the occupation of Mexico by the Emperor of the French with his troops. It is a feeling in which I have sympathized and in which I have felt very deeply myself; but I have waited and hoped, and hoped almost against hope at times, that I should see the French withdrawn from Mexico; when the people of Mexico should take the matter in their own hands, without our being involved in what might come on the Government of the United States, an actual conflict of our own. I desired to avoid that if possible and maintain friendly relations with Mexico and with France. At the same time, what might come from the continued occupation of Mexico by the French, I think almost any American could very well foresee. It was that which I desired to avoid and which I hope from the present aspect of affairs will be avoided, and we shall be saved from that responsibility which the nature of the case and our relations to Mexico might otherwise force upon us.

Mr. President, I hope that this joint resolution will pass without the amendment which the Senator from Iowa has proposed.

EXECUTIVE SESSION.

Mr. POLAND. I move that the Senate proceed to the consideration of executive business. There is a large number of nominations to be referred.

Mr. RAMSEY. Does that involve the closing of the doors?

The PRESIDING OFFICER. Undoubtedly.

Mr. RAMSEY. Then I am opposed to sit in this temperature. The thermometer has been eighty-three degrees here all day.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont.

The motion was agreed to; and after some time spent in executive session, the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, June 13, 1866.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. C. B. BOYNTON.

The Journal of yesterday was read and approved.

RECONSTRUCTION.

Mr. STEVENS. I desire to move that a substitute which I propose to offer for the bill (H. R. No. 543) to restore to the States lately in insurrection their full political rights, be ordered to be printed.

The motion was agreed to.

LEAVE OF ABSENCE.

On motion of Mr. SHELLABARGER indefinite leave of absence was granted to Mr. LAWRENCE, of Ohio, who was called home by the death of his father.

JONATHAN BALL.

Mr. MYERS. I move that, by unanimous consent, the Committee of the Whole on the Private Calendar be discharged from the further consideration of House bill No. 550 for the relief of Jonathan Ball.

There being no objection, the motion was agreed to.

The bill was read. It authorizes and empowers the Commissioner of Patents to proceed upon, determine, and decide the application of Jonathan Ball for the extension of his patent for "an improved mode of coating the interior side of metallic water-pipes with hydraulic cement," the same as though the said patent had not been extended once already; and to examine the said application and decide upon the same on the same evidence and in the same manner as in other cases where extensions of patents are applied for under existing laws, and without regard to the time when said application is made; provided that nothing herein contained shall be so construed as to hold responsible any persons who may have made or used said invention between the expiration of the patent and the approval of this act.

Mr. MYERS. Mr. Speaker, the report in this case is very full, but as it would take some time to read it, and as the committee were unanimous in favor of the report, I will briefly state the points involved. It is no disparagement to any other case to say that this application is more meritorious than any of its class upon which the committee have acted.

The patent is for lining metallic pipes with hydraulic cement so as to prevent the corrosion and incrustation, which take place with the old iron water-pipes. The committee had produced before it some of this patented pipe, which had lain in the ground for thirteen years, in the same condition as when laid down, while we had evidence that the old cast-iron pipe in use until lately was found when taken up after a few years only to be almost destroyed with rust.

It further appeared to the committee that until lately the inventor had little profit from his patent. His pipe had to lie for years before its merit could be tested, and so great was the prejudice in favor of the old iron pipes that bonds were compelled to be given running from five and twenty years against any loss by the use of this patented pipe. The committee think as the inventor has been in reality a great public benefactor, this extension should be granted. It will inure solely to his use. It was agreed to unanimously by the committee, and if there be no opposition, I shall demand the previous question.

Mr. UPSON. How long is the extension to run?

Mr. MYERS. It is for the usual extension. At the last session of Congress the Senate

passed a bill granting this extension. It came here and only failed for want of time at the close of the session. The application was duly made before the patent had expired. The patent has now expired, and there is a proviso in the bill that no parties using it since the expiration are to be held responsible on that account.

Mr. UPSON. Is the only ground for granting a renewal of the patent that the inventor has made no money out of the invention?

Mr. MYERS. That is the chief reason. The public could not be induced at first to use this invention, and the patentee did not get the benefit of it for years. If I may use an expression which may appear contradictory, the advantages of the patent were necessarily "latent," hidden under ground for a long time. It could not be tested without so remaining for years; and we find not only that the inventor was poorly paid, but the invention was really valuable. Many public corporations have so certified, and there seems to be a general desire among them that the extension shall be granted.

Mr. UPSON. Has not one extension been already granted?

Mr. MYERS. By the Patent Office? Yes; and this is a congressional extension.

Mr. UPSON. It has already run for twenty-one years?

Mr. MYERS. Yes, sir.

Mr. DAWES. This bill is an old acquaintance of ours. I understood my friend from Pennsylvania to say that this bill was lost in this House last year for want of time.

Mr. MYERS. I said it passed the Senate at the last session, came to this House and was reported unanimously by the Committee on Patents, and we only failed to take it up at the close of the session for want of time.

Mr. DAWES. My friend must have been absent from the House at the time the gentleman from Rhode Island [Mr. JENCKES] reported the Senate bill and proposed to put it on its passage, for after fair discussion of its merits the only reason it failed was because the majority of the House came to the conclusion, after the patent had been in existence for twenty-one years and after the patentee and those holding under him—as I happen to know those holding under the patentee have, although I do not know about the patentee—have made large fortunes, no further extension should be granted. The company have laid up eighty-five per cent. of their capital. I happen to know that, because I took an interest in it.

I wish the House would settle upon some policy in reference to patents. This patent has run twenty-one years. It has been eminently a profitable one to those who have owned it or controlled it during the life of the patent. It is a patent that has been abundantly profitable, and I state upon information entirely reliable that notwithstanding the large dividends declared every year to the stockholders for many years, at the close of the last session, when the patent expired, and Congress failed to renew it after twenty-one years, they had a surplus of eighty-five per cent. of their entire capital.

Now, the invention has been open to the public for more than a year, and since that time the public has largely entered into the manufacture of this article. Large business interests have sprung up under it, and it is proposed now by action of Congress to give a further extension to this patent, another life to this monopoly. I think if gentlemen will consider the nature of this application, and the policy that they are about to adopt, they will hesitate before they extend this patent.

Parties who have gone on and invested their capital in the manufacture of the kind of article heretofore protected by this patent have had no notice that these parties would apply again to this Congress for an extension, after a hearing in the last Congress, before the expiration of the patent, and after it had been opened to the public by operation of law to every one to

enter fully into the manufacture of the article. So far as I know, and so far as my constituents who are interested or have been for a long time engaged in the manufacture of this article are concerned, this is the first notice they have had of this application; and it is only by accident that I caught the name of the party a few moments ago.

My friend from Pennsylvania [Mr. MYERS] says that the rights of all these parties are secured by a saving clause in this bill. How are they saved? Is it proposed that all who have undertaken this business can go on hereafter freely to manufacture this article without the restraint of this patent; or is it proposed that what they have manufactured up to this time they may sell, but that hereafter they must either close their business and stop their work, or pay a royalty to the owners of the patent? If the former, then there is to be a patent reissued here which will be of no value to anybody. Everybody can freely manufacture without a royalty to anybody, side by side with the owners of the patent and of course it becomes of no value. If the latter, if the saving clause is to extend merely to what has been done in the interim, then it closes up workshops all over the country, or else compels parties to pay such royalty to the owners of the patent as their cupidity may require.

Now, I trust that the House will hesitate before it passes this bill. This Congress, within my experience, is the first Congress that ever extended beyond twenty-one years a patent, or authorized the Commissioner of Patents to extend a patent. And when a few days since I tried to call the attention of the House to a case of this kind, I was surprised to see with what ease and with what apparent indifference the House passed the bill, and established, so far as they could in this manner, the precedent of extending these patents, not only for the term allowed by law of twenty-one years, but beyond that time.

Large interests are being affected, not so much, perhaps, by the extension of such a patent as this, but by the precedents that are put forward here at this time to pave the way for very much larger interests to be trammelled and crippled by the extension of patents in this way, and I trust the House will not pass this bill.

Mr. STEVENS. Mr. Speaker, we are not yet in the morning hour, I believe.

The SPEAKER. The morning hour has not yet commenced.

Mr. STEVENS. A notice has been given that immediately after the morning hour the amendment to the Constitution would be taken up. I am very sorry that my colleague has introduced this bill before the morning hour. If that hour had commenced running I would have no objection. I now move that the further consideration of this bill be postponed until to-morrow in order that the morning hour may commence, so that after its expiration we may take up the constitutional amendment.

Mr. WARD. I would inquire if this bill will be the special order for to-morrow after the morning hour.

The SPEAKER. It cannot be made the special order except by unanimous consent.

Mr. MYERS. Before the vote is taken upon the motion to postpone I would inquire of the Chair in what position this bill will be placed if postponed, and when it will come up.

The SPEAKER. It is impossible for the Chair to state when the bill will come up.

Mr. WARD. I think if this bill be postponed to accommodate other business it should be made the special order for some fixed time.

Mr. MYERS. I would appeal to my distinguished colleague [Mr. STEVENS] to withdraw that motion for a few minutes, as the discussion of this bill will not take ten minutes longer, and we will then have a vote upon it. It comes up properly now, and does not interfere with any other business.

Mr. STEVENS. I must insist upon my motion, upon which I call the previous question.

Mr. MYERS. Well, if it is the desire of the House that this bill should be postponed until to-morrow, I will withdraw my objection, if unanimous consent is given to its being the special order at that time.

Mr. HARDING, of Illinois. I object to this bill being made the special order.

The previous question was then seconded and the main question ordered.

The motion to postpone was then agreed to.

ENROLLED BILLS SIGNED.

Mr. TROWBRIDGE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 406) to provide for the settlement of accounts of certain public officers.

ORDER OF BUSINESS.

Mr. STEVENS and Mr. ELIOT called for the regular order of business.

The SPEAKER. The regular order of business is the consideration of reports from committees during the morning hour. The first committee to be called at this time is the select committee on the civil service of the United States.

CIVIL SERVICE OF THE UNITED STATES.

Mr. JENCKES, from the committee on the civil service of the United States, reported back House bill No. 160, to regulate the civil service of the United States; which was ordered to be printed and recommittees.

Mr. JENCKES also submitted the following resolution, upon which he called the previous question:

Resolved, That the select committee on the civil service of the United States be authorized to procure from the heads of Departments and others in such service, and said officers are hereby required on the request of the committee to furnish such information concerning the mode of making appointments to the inferior grades of office in their respective Departments, and such suggestions of improvement therein as may aid said committee in considering plans for promoting the efficiency of said service.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was agreed to.

ORDER OF BUSINESS.

The select committee on the Provost Marshal's Bureau, and the select committee on the Memphis riots were called for reports, but none were made.

The SPEAKER. By a former order of the House the standing Committee on Mines and Mining is to be called now, the select committees having all been called for reports.

MINING DITCHES, CANALS, ETC.

Mr. HIGBY. I am instructed by the Committee on Mines and Mining to report back House bill No. 365, granting the right of way to ditch and canal owners of the State of California over the public lands, with sundry amendments thereto. And I will ask that there be no interruption upon this subject until the amendments reported from the committee shall have been acted upon. Of course I will be willing to answer any questions relating to those amendments.

The bill was read at length. The first section provides that the owners of ditches, flumes, canals, or aqueducts for mining, mechanical, or agricultural purposes, shall have the right of way over the public lands in the State of California so long as those works shall be used for said purposes.

The second section provides that in order to give free access to such canals, flumes, and ditches, for the purpose of repairs and construction, the owners of the same are granted the use and occupation of a strip of land on each side of their respective works three rods in width.

The third section provides that the owners of the ditches, flumes, and canals mentioned in the preceding sections may have the occupation and use of so much of the public land as may be required for reservoirs to collect and distribute water, not exceeding — acres

of land for any one reservoir; but such parties are to be entitled to such use and occupation only so long as such lands shall be used for such purposes.

The first amendment reported by the committee was to strike out all of the first section after the enacting clause, and insert in lieu thereof the following:

That any company or individual who has heretofore, under and in accordance with the laws of the State, or the laws of the United States, constructed, or who may hereafter so construct, any ditch, flume, canal, or aqueduct for the conveyance of water for mining, mechanical, or agricultural purposes, is hereby granted to himself and his successor or successors in interest the right of way over the public land in the State, so long as such ditch, flume, canal, or aqueduct shall be used for the purposes named.

The amendment was agreed to.

The second amendment reported by the committee was as follows:

Amend the second section by striking out the words "canals, flumes, and ditches," and inserting in lieu thereof the words "ditch, flume, canal, or aqueduct," also, by striking out the words "three rods in width" and inserting "fifty feet in width."

The amendment was agreed to.

The third amendment reported by the committee was to add to section two the following:

Provided, That the possessory rights of others to public lands adjoining such ditch, flume, canal, or aqueduct, previously acquired under the laws of the State or of the United States shall not be disturbed by the passage of this act: *And provided further*, That the use and occupation hereby granted shall be for the purpose named and no other.

The amendment was agreed to.

Mr. HIGBY. There is a blank in the last section in regard to the number of acres to be given for reservoirs. I move to fill the blank with the words "one hundred."

The amendment was agreed to.

Mr. HIGBY. I have another amendment which I desire to propose, not from the committee, however; therefore I call to it the attention of any members of the Committee on Mines and Mining who may be present. I move to add a proviso to the last section in regard to reservoirs, as it is not sufficiently guarded in other sections of the bill. The proviso is as follows:

Provided, That the possessory rights previously acquired under the laws of the State or of the United States for reservoir purposes shall not be disturbed by the passage of this act.

The amendment was agreed to.

Mr. HIGBY. I would like to be allowed a few moments on this question, but I do not desire to occupy a great deal of the time of the House for this purpose. But it is proper that I should go on and explain to this House the object of this bill.

Mr. ASHLEY, of Nevada. Before the gentleman proceeds with his remarks I would ask him if it was not agreed upon in the Committee on Mines and Mining that the States of Nevada and Oregon should be included in this bill.

Mr. HIGBY. Those States are included in the amendment of the title which I propose to submit, which will be after we get through the body of the bill.

Mr. ASHLEY, of Nevada. I think they should be included in the body of the bill as well as in the title.

Mr. HIGBY. The substitute for the first section was intended to include the States of California, Oregon, and Nevada.

The SPEAKER. The substitute for the first section, upon which the House has already acted, reads, "the laws of the State or the laws of the United States."

Mr. HIGBY. That is a clerical omission, then. I move to amend so that it will read "the laws of either of the States of California, Oregon, and Nevada, or the laws of the United States," &c.

The amendment was agreed to.

Mr. HIGBY. The object of this bill is to preserve to those companies and individuals who have constructed ditches and flumes over the mineral lands of the States of California, Oregon, and Nevada to a very large extent the right of way over the public land, and that

they shall be protected in the property which they have created to such a vast amount. It is a fact well known to this House that the mineral lands have not been in market for sale. The right of eminent domain having been held by the Government of the United States, yet for seventeen years the people of the United States have been permitted by the Government to go upon those lands for the purpose of extracting the precious minerals which they contain. In order to work those mines with success it became an absolute necessity that water should be carried at great expense through artificial channels over the public lands.

And up to this time money to the amount of millions of dollars has been invested in the construction of these canals and flumes. I have before me the report of the surveyor general of the State of California, in which, among other things, is given the number of miles of ditches and flumes and canals which have been constructed in the mining districts of that State. And on footing up what has been reported to him, I find that we have more than thirty-five hundred miles of canals and ditches. I know that all are not embraced in that report. I know that in the county of Amador, the county adjoining the one in which I reside, there are over one hundred miles of ditches, of which none is included in that report. And the estimate of the value of these ditches there given is too low, because of the fall of the value of property in the mining districts. I know that millions have been expended in the construction of these ditches and canals, and millions are yet to be extracted from the public lands.

We propose, in the bill as amended, that they shall have the right of way as they now have, respecting at the same time the rights of possession as established by the laws of the State. The customs, rules, and regulations of miners have been recognized as law by the State legislation and by the decisions of the Supreme Court; and we propose that the possession which has been acquired under the rules, regulations, and laws of the State shall remain as at present; that the property shall be undisturbed; and that the right of way shall be guaranteed by the General Government so long as these ditches, &c., shall be used for the purposes named in the bill. In other words, it is provided that the General Government shall extend the same security that has always been extended to this kind of property under the rules and regulations of the miners and the legislation of these several States; so that if this land should come into the market and be sold the buyers shall respect the right of way over the land secured to these parties. I have thus stated the objects of the bill; and unless some gentleman desires to make an inquiry, I see no necessity for saying anything further.

Mr. TAYLOR. I would like to ask the gentleman from California why the privileges secured by this bill should not be extended to the Territories.

Mr. HIGBY. The reason is that the Committee on Territories have this same question under consideration with reference to the Territories, and will report a bill upon that subject. Our committee, embracing some of the members of the Committee on Territories, have thought it best that this bill should be confined to the States, allowing a suitable measure for the Territories to be matured by the appropriate committee.

Mr. TAYLOR. It seems to me that if this measure be right for the States it is equally proper for the Territories, and that the latter should be embraced in the same bill.

Mr. HIGBY. I have stated the reasons on which our committee acted. The committee having specially in charge the interests of the Territories will at a suitable time report a measure of this nature for the Territories.

Mr. Speaker, I call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. HIGBY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HIGBY. I move to amend the title of the bill so that it will read, "An act granting the right of way to ditch and canal owners over the public lands in the States of California, Oregon, and Nevada."

The amendment was agreed to.

Mr. HIGBY moved to reconsider the vote by which the title was amended; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, announced that the Senate had passed House bills of the following titles, with amendments, in which the concurrence of the House was requested:

An act (H. R. No. 492) making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under authority of law, and for other purposes; and

An act (H. R. No. 477) further to provide for the safety of the lives of passengers on board of vessels propelled in whole or in part by steam, to regulate the salaries of steamboat inspectors, and for other purposes.

LABORATORY AND MINING ASSOCIATION.

Mr. STROUSE, from the Committee on Mines and Mining, reported back, with an amendment, a bill (H. R. No. 93) to incorporate the Washington Laboratory and Mining Association.

The amendment reported by the committee was read, as follows:

Add at the end of the bill the following:

And provided further, That the charter of incorporation granted to the said Washington Laboratory and Mining Association shall be limited to twenty years, and may at any time be amended or repealed by Congress.

Mr. WARD. Has the bill been printed?

Mr. STROUSE. It has. We have had the bill under consideration for a long time. It is only to incorporate in the District of Columbia a company for practical purposes. It is for the establishment of a chemical laboratory here in this city.

I will say further, this company is limited in time and in capital, and I do not see how there can be any substantial objection to it. We have incorporated many companies at this session which will be of less benefit to the country.

Mr. WILSON, of Iowa. Will this company be confined in its operations to this District or will it, when incorporated, be enabled to do business generally throughout the country?

Mr. STROUSE. The title of the bill is "The Washington Chemical and Mining Association." There is a section in the bill which permits them to send scientific men for the purpose of examination throughout the States and Territories. It does not form them into a general mining company. Nothing in the bill could be tortured into any such meaning.

Mr. ROSS. I ask the gentleman to allow me to offer the following amendment:

Provided further, That the business of said corporation shall be confined to the District of Columbia, and that the said stockholders shall be individually liable for all debts and liabilities of said company.

Mr. STROUSE. I cannot yield for the introduction of that amendment. I demand the previous question.

The previous question was seconded and the main question ordered.

The amendment of the committee was agreed to.

The question recurred on ordering the bill to be engrossed and read a third time.

The House divided; and there were—ayes 24, noes 35; no quorum voting.

Mr. ASHLEY, of Ohio. I demand tellers. The House does not understand this matter.

It was reported unanimously by the Committee on Mining.

Mr. WARD. I object, unless both sides can be heard.

Tellers were ordered; and Messrs. WARD and STROUSE were appointed.

The House again divided; and there were—ayes 28, noes 70.

So the bill was rejected.

Mr. COBB moved to reconsider the vote by which the bill was rejected; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

ASSAY OFFICES.

Mr. ALLISON, from the Committee on Appropriations, reported back House bill No. 81, to relocate the branch mint in the State of Oregon, and the memorial of the Legislature of Idaho, praying for a branch mint and assay office at Boise City; which were laid upon the table.

Mr. ALLISON, from the same committee, reported the following bill; which was read a first and second time:

A bill to establish additional offices for the assay of gold and silver, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and required to establish assay offices of the United States, for the receipt and for the melting, assaying, and stamping of gold and silver, at Portland, Oregon, and at Boise City, in the Territory of Idaho, and that the sum of \$50,000 be appropriated for carrying the provisions of this section into effect.

Sec. 2. *And be it further enacted,* That for each of said assay offices, as soon as the public interest shall require their service, the President shall appoint, by and with the advice and consent of the Senate, one superintendent, one assayer, and one melter; and the said superintendent may employ as many clerks, subordinate workmen, and laborers, under the direction of the Secretary of the Treasury, as may be required. The salaries of the said officers and clerks shall be fixed by the Secretary of the Treasury, upon the recommendation of the Director of the Mint; and to the subordinate workmen and laborers such wages shall be paid as may be determined by the superintendent of the mint and approved by the Secretary of the Treasury.

Sec. 3. *And be it further enacted,* That the officers and clerks to be appointed under this act, before entering upon the execution of their offices, shall take an oath or affirmation before some judge of the United States, or of the supreme court of a Territory as now provided by law, and faithfully and diligently to perform the duties of their offices, and shall each become bound to the United States of America with one or more sureties to the satisfaction of the Director of the Mint or the Secretary of the Treasury, conditioned for the faithful performance of the duties of their offices.

Sec. 4. *And be it further enacted,* That the business of said offices shall be under the general control and direction of the Director of the Mint at Philadelphia, subject to the approval of the Secretary of the Treasury; and for that purpose it shall be the duty of the said Director to prescribe such regulations, and to require such returns, and to establish such charges for melting, assaying, and stamping as shall appear to him to be necessary for the purpose of carrying into effect the provisions of this act.

Sec. 5. *And be it further enacted,* That said assay offices shall be places of deposit for such public moneys as the Secretary of the Treasury may direct. And the superintendent of an assay office, who shall perform the duties of treasurer thereof, shall have the custody of such moneys, and also perform the duties of Assistant Treasurer; and for that purpose shall be subject to the provisions contained in an act entitled "An act to provide for the better organization of the Treasury, and for the collection, safekeeping, transfer, and disbursement of the public revenue," approved August 6, 1846, which relates to the Treasury and to the branch mint at New Orleans.

Sec. 6. *And be it further enacted,* That the owner or owners of any gold or silver, in bullion, dust, or other form, or of any foreign coin, shall be entitled to deposit the same in any of said offices; and the superintendent thereof shall give a receipt, stating the weight and description of such gold or silver bullion, dust, or coin, as aforesaid, in the manner and under such regulations as are or may be provided in like cases of deposits at the Mint of the United States with the treasurer thereof. And such bullion, dust, or foreign coin shall, without delay, be melted, assayed, and cast into bars or ingots; and a stamp shall be put upon each, of such form and device as shall be prescribed by the Secretary of the Treasury, accurately designating its weight and fineness; and in this form the bullion shall be returned to the depositor, upon payment by him of the proper charges for melting, assaying, and stamping, not exceeding the cost thereof, or in lieu thereof, as he may choose, he shall receive a certificate or certificates for the net value thereof, issued by the superintendent, in such denomination and form as may be prescribed by the Secretary of the Treasury, which shall be payable in coin or like metal as that originally deposited at the Mint in Philadelphia, or at the branch mint of the United

States at San Francisco, and shall be receivable in payment of all debts due to the United States.

Sec. 7. *And be it further enacted,* That all laws and parts of laws now in force for the regulation of the Mint of the United States and its branches, and for the government of officers and persons employed therein, and for the punishment of all offenses connected therewith, shall be in full force in relation to the assay offices by this act established, so far as the same may be applicable thereto.

Sec. 8. *And be it further enacted,* That the act entitled "An act to establish a branch mint of the United States at Dallas City, in the State of Oregon," approved July 4, 1864, be, and the same is hereby, repealed.

Sec. 9. *And be it further enacted,* That the Secretary of the Treasury is hereby authorized to dispose of or remove, wholly or in part, the property, buildings, and machinery belonging to the United States, and erected for the purposes of a branch mint, at the town of Charlotte, in the State of North Carolina, and also the property, buildings, and machinery used for like purposes at Dahlonega, in the State of Georgia, upon such terms and conditions as he may deem advisable. And he may authorize the retention of such portion of said property, buildings, and machinery at either of said places, as may be necessary for the purpose of assaying metals, as provided by this act, if in his judgment such office or offices are necessary.

Mr. ALLISON. I yield to the gentleman from Oregon for twenty minutes.

Mr. HENDERSON. Mr. Speaker, I perceive that the committee has reported in favor of an assay office in the State of Oregon instead of the removal of the branch mint there. I have no doubt that the policy proposed to be pursued by the committee in general is correct; that is, to establish assay offices in the different localities instead of branch mints. But, sir, there are certain localities where this policy should not be carried out. There are certain points that demand from their natural location the establishment of branch mints, while other positions would be well suited for the establishment of assay offices. And I will say to you that Portland, in Oregon, is one of those points that demand the establishment of a branch mint. An assay office will not answer the demands of commerce of that station. Consequently I am under the necessity of objecting to that feature which proposes to substitute an assay office.

Mr. Speaker, we have a large country, extending from ocean to ocean, and from the Lakes in the North to the Gulf in the South; more than three thousand miles from east to west, and more than two thousand miles from north to south, with an extensive variety in climate, soil, and productions; one section adapted to one kind of business, a second to another, and a third to something else. Maine has her fisheries, lumber, &c., Vermont her grazing and wool-growing, Massachusetts her manufactures, Pennsylvania her iron and coal, Louisiana her sugar and cotton, Illinois her agriculture, California her mines, commerce, and vineyards, and Oregon her agriculture, commerce, and mines. Each has its peculiar interests and necessities; and I take it as an admitted fact that the people of each section understands its own local wants best; or shall we take the ground that the people of some particular sections not only understand their own wants best, but those of everybody else? Shall we, the members of this Congress, sanction the doctrine that the people of certain portions of our country are not only to judge of their own local interests, but those of all others?

Now, Mr. Speaker, I most heartily detest and repudiate this whole theory of special rights and special privileges. I most heartily and cheerfully accord to the people of the different States and sections of our common country the right to judge of their own necessities, sufferings, and remedies. I have freely cast my vote here in favor of measures of large expense to the General Government that I did not consider to be of the slightest possible advantage to the State and people that I have the honor to represent on this floor. But, sir, I consider that the wants and wishes of the people of other sections are to be regarded as well as those of my own. I recognize the equality of their rights, the superiority of their advantages for judging in the case, and their equal claims to honesty and credit in the matter. This Government is not intended to foster and protect the interests of one section more than

another, but each and every one alike. The State of Oregon, far off from this capital as she is, has just as many rights in this Government as any State in the Union. I most cheerfully concede to Pennsylvania the right to shape legislation in reference to her iron, coal, and general interests, and to New York her commerce, immigration, &c., and to every other State the same right to promote and protect its own peculiar welfare. This, however, is to be so accomplished as not to damage others more than it benefits itself. Now, Mr. Speaker, I take it for granted also that the correctness of the principles I have here laid down is admitted—that there is no controversy upon them.

More than three years ago the Legislature of the State of Oregon petitioned Congress to establish a branch mint at the city of Portland, in that State. The first session of the Thirty-Eighth Congress passed an act for the location and establishment of a branch mint of the United States at Dalles City, in Oregon, one hundred miles distant from Portland, and on the east side of the Cascade range of mountains, and appropriated \$100,000 for the erection and establishment of the same. Why the prayer of the people of that country was disregarded I have never learned. The result was, as might have been anticipated, the people were disappointed and displeased. From different or several considerations the Secretary of the Treasury has not as yet ordered the execution of the law in its establishment; so the work has not been commenced. The Legislature of Oregon, at its last session, again prayed Congress to relocate the mint, to place it at Portland, the great commercial emporium for the valley of the Columbia, the second largest river in North America. Portland bears precisely the same relation to the valley of the Columbia that New Orleans does to the valley of the Mississippi. A bill was accordingly introduced at the last session of the Thirty-Eighth Congress for its removal to Portland, but it was permitted to sleep itself to death in the committee, and the people were again disappointed and mortified.

At the commencement of the present session of Congress I received a certified copy of a joint memorial of the Legislature of the State of Oregon, once more praying this honorable body to render that important facility to our extensive and growing commerce. I accordingly, at an early day in the present session, introduced a bill for the purpose, which was referred to the Committee of Ways and Means, and this short bill, of one section, has lain in the hands of that committee some four or five months, and now, after all the pleading and urging that a modest man like myself felt justified in employing, the committee comes forth with a bill proposing to give us—what? the mint at Portland, as we have prayed for it for years? No; but an assay office, and repealing the mint bill altogether.

Now, Mr. Speaker, I have no disposition to speak a word in disparagement of the committee that has reported this bill. Individually, I have a high personal regard for them. I appreciate their talents and kindness of heart, and they have my sympathies in the perplexities they have had to endure in performing the Herculean labors of the Committee of Ways and Means; but they have committed an egregious error in proposing to take the mint, that meager bit of tardy justice, from the people of the growing, promising, and important young State of Oregon. Why should their hopes be thus tantalized and trifled with? Are their rights less sacred than those of other portions of the Union? What crime have the people of loyal Oregon committed that they should be thus snubbed by a loyal Congress? But it may be said that an assay office is as good as a mint. I answer, that may be so, but we do not see it in that light; and even if it was far better, that is not what we ask for. We ask for a mint, and we claim to know our own wants infinitely better than those who were never within three thousand miles of the country. I repeat it emphatically, that we, the people of the Colum-

bia valley, know what we want. And when we ask for an assay office, then we will thank Congress to give us one; but when we ask for a mint, we mean a mint. The Great Teacher proposed this question: "If a son ask of his father bread, will he, for bread, give him a stone; or if he ask a fish, will he, for a fish, give him a serpent?" We ask bread, but you offer us a stone. If the people of any portion of the United States ask for an assay office in preference to a mint, I say, by all means give it to them; and no member here will vote more cheerfully to comply with their wishes than I will; but when an organized and self-sustaining State like Oregon asks for a mint, do not attempt to force an assay office upon it.

It has been said by some that we have no need of a mint, that all we want is the \$100,000 appropriated for erecting the necessary buildings to expend at some particular place. I reject the mean insinuation with disdain. What do we care for the pitiful sum of \$100,000, when we are, right from the city of Portland, flooding this whole nation with gold at the rate of a million and a half to two millions per month? As far as the collection and dispensing of gold is concerned, the city of Portland is now fulfilling the same functions for the nation that the heart performs for the body. The blood finds its way through a thousand veins from the surface to the heart, and then is thrown out through the arteries to all the extremities, refreshing and strengthening every part. So the gold is pouring into Portland through ten thousand small streams from the various mining camps, and then is thrown out through the different express lines to the extremities of the nation, replenishing and sustaining all. What do we care for the contemptible sum appropriated for building the mint? Nothing at all. All we want is the authority from the United States to coin our own gold and silver into legal currency of the Government. We claim that it is our moral right and legitimate business to reduce our metals from their crude state to a circulating medium at home. Where is the justice of taking this business of coinage out of our hands and sending it to others, thousands of miles distant, to create business for them at our loss? Congress has just as much moral right to say that the people of Oregon shall not manufacture their wool, but put it up in bales and send it to Lowell to be manufactured, and thereby create business for the people of Massachusetts, as to say that we shall not coin our own gold and silver, but we may run it into bars and send them to Philadelphia to be coined there, to create business for the benefit of a set of officials and laborers at that point.

To show that an assay office will not answer our purpose in that country, let us suppose that a citizen buys up a drove of beef cattle on time, from fifty or a hundred different persons, drives to the mines and sells out to the miners for "dust," (as miners are not expected to have anything else to buy with;) he returns down the Columbia to Portland with his fifty pounds of "dust," calls at the assay office and gets it run into "bars and ingots," "marked and stamped." Now, sir, how is he to pay off his creditors with these slugs? Or suppose a citizen buys up a drove of a hundred pack animals, lades them with the produce of the country, flour, bacon, fruit, lard, butter, eggs, &c., purchased from scores of different persons, drives to the mines, peddles all out to the miners of various camps, returns with his "dust" to the assay office, gets his bars and ingots; now, sir, how is he to pay off his hundred creditors who are anxiously awaiting his return? And I now inform the members of this House that this kind of commerce and traffic is pouring in one continual stream from the agricultural to the mining regions; pack animals, road wagons, and steamboats throng the route for hundreds of miles in this trade.

Now, sir, how will an assay office meet the wants of such commerce? Your had about as well give us Lysurgus's iron money, and then furnish ox carts to transport it. But it may be

said that we may deposit our "dust" at the office and take a certificate; but I ask how much better will that answer as a circulating medium than bars and ingots? Not a whit. The dust, with all its waste and inconvenience, is incomparably better than either of them. It is said we may sell our certificates, bars, or ingots—at a discount and a loss; as a matter of course brokers will not buy except for speculation.

If there is a spot in America that the laws of nature and of commerce point out as the proper place for the location and establishment of a branch mint of the United States, that place is Portland, in the State of Oregon. We want no assay office; we want no stamped and marked ingots; we want no certificates of deposit as a circulating medium; we want our gold and silver coined into lawful money. Give us that or nothing. And I now, as the Representative of the intelligent, industrious, enterprising, and loyal people of the State of Oregon, respectfully reject the offer of an assay office, and in the name of justice and equality demand the establishment of the branch mint at the city of Portland, where the fourfold interests of agriculture, manufactures, commerce, and mining all call for it.

As an evidence of the amount of business done at that place, I will inform the House that there are nine gentlemen in that city who pay over \$18,000 of special income tax annually, and the Oregon Steam Navigation Company, whose headquarters are at Portland, have one warehouse on the river nine hundred feet long by some thirty or forty feet wide.

But it is said the Superintendent of the Mint at Philadelphia and the Secretary of the Treasury recommend the establishment of assay offices for our benefit. Now, sir, I inquire, in the name of common sense and common propriety, whether they are qualified to judge of our wants and necessities. Things are very different upon that coast from this. When you cross the summit of the Rocky mountains gravitation turns; the rivers run the other way, the climate is different, soil and productions different; water, timber, beasts, birds, and fishes, all different; occupations, trade, and commerce, all different. Then how improper the idea of calling upon heads of Departments here to learn whether we, of a country three thousand miles distant, need the establishment of a new land office, the opening of a military road, or the establishment of a branch mint at a given point. If gentlemen desire information in reference to our necessities in that country let them apply to our Senators and Representatives from that coast, who are here for the express purpose of affording such information.

If Congress sees proper to establish assay offices for the Territories under her immediate control, all right; I have nothing to say; but I hope they will not so treat the State of Oregon. We are not minors, but of age, and claim the right to choose for ourselves; when we desire the advice of Government officials we will be thankful to receive it; but in reference to our wants upon the Pacific we feel that we are much better qualified to judge of our wants and that we are equally as honest as they.

Neither do we think that branch mints ought to be established at every town and mining camp in the country, but at great centers, where the laws of nature and commerce unmistakably point them out. And such is the city of Portland, in Oregon, nearly one thousand miles distant from any branch mint of the United States, and it the center of trade for a great and growing commercial country. Portland is situated at the head of ocean navigation, upon the second largest river in North America; enjoying by steam the commerce of the world, an internal or river navigation of thousands of miles, at the junction of the Columbia and Willamette valleys; the one embracing the most extensive and rich mining region on the globe; the other combining more of the real elements of wealth, health, and happiness than any country of which I ever heard or read. It might well be called "Los Angeles," the land of angels. In the amount and quality of its agricultural products

to the acre, I believe it stands unrivaled and alone; in the health and rapid increase of its useful animals I know of no country that equals it. Its manufacturing resources are unbounded; its abundant and immense water power, its extensive and inexhaustible forests of timber, its extensive beds of iron all ready for use.

The city of Portland already contains some ten thousand inhabitants, with a rapid increase; and I repeat the statement that it bears the same relation to the valley of the Columbia that New Orleans does to the valley of the Mississippi. Between this point and San Francisco a tri-monthly line of steamers regularly ply; here, too, ends the great overland daily stage line from Omaha City, by way of Sacramento, to the Columbia river. Here also ends the railroad survey from Lincoln, in California, which is but an extension of the great Union and Central Pacific railroad. Through this city passes the telegraph wire which is to bring this capital within speaking distance of the capital of Russia, over which now flashes the history of our daily labors in this Hall to the reading-room in the Lincoln House in Portland with as much regularity as we meet and adjourn. Here, too, is to end the southern branch of the great Northern Pacific railroad, over which in a few years Europeans will be passing with their valuable merchandise to and from India and China. This city is the natural depot of supplies for all the mines west of the crest of the Rocky mountains. From this point they draw their clothing, provisions, and tools, and here their quartz mills are manufactured; and you might as well undertake to change the channel of the Columbia river as to turn the trade and commerce of its valley from that point. These facts prove that the vast commercial interests of that country will soon compel the establishment of a branch mint at Portland, in Oregon.

The SPEAKER. The morning hour has expired, and the bill goes over till the morning hour of to-morrow.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, informed the House that the Senate had agreed to the report of the committee of conference upon the disagreeing votes of the two Houses in reference to joint resolution of the House No. 134, relative to appointments to the Military Academy of the United States.

Also, that the Senate had concurred in the amendments of the House to Senate joint resolution No. 51, respecting bounties to colored soldiers, and the pensions, bounties, and allowances to their heirs.

RECONSTRUCTION.

Mr. STEVENS. I move now that the House proceed to the business on the Speaker's table.

The motion was agreed to; and the Speaker announced as the first business on the table the consideration of joint resolution of the House No. 127, proposing an amendment to the Constitution of the United States, returned from the Senate with amendments.

Mr. STEVENS. Mr. Speaker, that portion of the joint committee which is composed of the Union members of this House have examined the amendments which have been made by the Senate, and are unanimously of opinion that they ought to be adopted by the House. I do not desire myself to discuss this question, the amendments are so slight, and unless there are gentlemen on the other side of the House who desire to discuss the question, we would be willing to take a vote upon it at once. If, however, there are any gentlemen on that side of the House who wish to be heard, I would suggest that, by unanimous consent, the speeches be limited to fifteen minutes each, and that the time shall not be extended upon any motion which may be made. I am willing to say twenty minutes, if that is preferred.

Several MEMBERS. Oh, no; fifteen minutes.

Mr. SCOTFIELD. How many speeches is it proposed to allow?

Mr. STEVENS. I will say, furthermore, that it is my intention to call the previous ques-

tion at three o'clock, or at furthest at half past three, so as to have the vote taken by four o'clock. I then propose that the speeches shall be fifteen minutes in length.

Mr. HARDING, of Kentucky. Is the gentleman willing to allow to this side of the House an hour, to be divided according as we may agree?

Mr. STEVENS. I think there will be no objection to allowing that side of the House to occupy one hour, and they may distribute it among themselves as they may agree. If not, I propose that fifteen minutes be the length of the speeches, and I hope that will be unanimously agreed to.

Mr. FINCK. I hope it will be the understanding that if we are to have but one hour we may divide it as we see fit, so as not to limit the speeches to fifteen minutes, unless we have more than three speeches.

The SPEAKER. The gentlemen on both sides of the House had better agree upon the division of the time.

Mr. STEVENS. If the gentlemen do not agree upon it then let each one be confined to fifteen minutes.

The SPEAKER. The Chair hears no objection to the proposition.

Mr. ELDRIDGE. I suppose that it is not required of us on this side, inasmuch as we are impotent to object, that we shall consent to the gentlemen on the other side of the House dividing the Union just exactly as they see fit. [Laughter.]

The SPEAKER. Does the gentleman object?

Mr. ELDRIDGE. No, sir. I did not intend to do so.

Mr. BIDWELL. Mr. Speaker, there are some bills on the Speaker's table that ought to be referred so that the committees may be able to act upon them. There is one that I desire to have referred, and I hope there will be no objection.

LAND TITLES IN CALIFORNIA.

On motion of Mr. BIDWELL, by unanimous consent, Senate bill No. 343, to grant land titles in California, was taken from the Speaker's table, read a first and second time, and referred to the Committee on Public Lands.

SMUGGLING.

On motion of Mr. ELIOT, by unanimous consent, Senate bill No. 223, further to prevent smuggling, and for other purposes, was taken from the Speaker's table, read a first and second time, and referred to the Committee on Commerce.

PAUL S. FORBES.

On motion of Mr. RICE, of Massachusetts, by unanimous consent, joint resolution (S. No. 99) for the relief of Paul S. Forbes under his contract with the Navy Department for building and furnishing the steam sloop-of-war Idaho, was taken from the Speaker's table, read a first and second time, and referred to the Committee on Naval Affairs.

CHARLES W. McCORD AND GEORGE W. BESTOR.

Mr. HOGAN, by unanimous consent, introduced a joint resolution for the relief of Charles W. McCord and George W. Bestor; which was read a first and second time and referred to the Committee of Claims.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. COOPER, his Private Secretary, communicated to the House sundry messages in writing.

The message further informed the House that the President had approved and signed bills of the following titles:

An act (H. R. No. 255) making appropriations for the construction, preservation, and repairs of certain fortifications and other works of defense, for the year ending June 30, 1867;

An act (H. R. No. 281) to amend the postal laws; and

An act (H. R. No. 15) authorizing documentary evidence of title to be furnished to the owners of certain lands in the city of St. Louis.

RECONSTRUCTION—AGAIN.

Mr. ROGERS here addressed the House. [His remarks will be found in the Appendix.]

Mr. HENDERSON. Mr. Speaker, as I am the only Representative that the young, growing, and interesting State of Oregon has on this floor, I feel it my duty to ask the indulgence of the House while I submit the views I entertain on the great subject now under consideration. After the most careful investigation I have been able to give the matter, and all I have heard on it, I am constrained to believe that the whole difficulty in the way of disposing of the case grows out of the want of a correct knowledge of the relation the States lately in rebellion now sustain to the General Government. Are they in the Union or out of it? If in, in what sense? When a physician is called to minister to the welfare of a patient, in order that he may act beneficially he must understand the nature of the disease and what has caused it. So Congress can never act wisely and successfully in the work of reconstruction until we understand the exact status of the States lately in rebellion against the General Government and what caused the present condition of things.

In order that we may have a correct idea of the existing condition of those States, let us inquire what constitutes a State; let us analyze the composition of a State. There are four entities that enter into the organism of every State. Take away any one of them, and the State ceases to exist as such. First, there must be territory; second, there must be inhabitants; third, there must be a constitution and laws; fourth, there must be the necessary officers to carry these laws into execution. These are all essential to the existence of a State, and if you remove one the State ceases. Is not this true?

In the next place, let us inquire how a State becomes a member of the Union: first, it must present a constitution and laws in harmony with the Constitution and laws of the United States; second, the inhabitants of such Territory must express their desire for such Union through the proper channel; third, the consent of Congress must be given in a formal act. Is not this also true?

In the next place, let us inquire what are the consequences of such a union. First, the new States assume certain obligations and the General Government is relieved of certain duties and responsibilities; the new State acquires certain rights and privileges, and the General Government yields certain rights and prerogatives—the general result is, that the Federal Government has parted with just as much authority as the new State has gained by the union. The new State now stands upon an "equal footing" with the original States. But let it not be supposed that the General Government surrendered all her rights and prerogatives in such new State; far from it. It still retains the power to lay duties and collect taxes; to regulate commerce among the States; to regulate the currency; to establish post offices and post roads, &c.; Congress still retains these and other enumerated powers in all the States.

Let us next inquire what are the results of a rebellion against the General Government by one or more of the States of the Union: first, the States rebelling and throwing off the Constitution and laws of the United States, and making war against them, forfeit all the rights and privileges they acquired by coming into the Union; second, all these forfeited rights and privileges naturally and necessarily revert back to the source from which they came—the General Government. These conclusions are so natural and philosophical that I think no man will dispute them. Those rebel States staked all the rights that they held by the consent of the General Government at the commencement of the rebellion for the chance of what they could obtain by force; and being conquered, they justly and rightfully lost all.

Now, sir, at the time of the surrender of Lee's army, in what condition do we find them?

As organized States, enjoying all the rights and privileges of States that had never rebelled? Have they constitutions and laws that the General Government is bound to respect? Nothing of the kind, sir. Did these conquered provinces still have the right to hold and treat men and women as slaves? Did Virginians still have the right to make merchandise of their own sons and daughters, as formerly? Did the President of the United States recognize the existence of their corps of State officers? No, sir; President Johnson recognized the existence of neither governor, judge, nor marshal among them, but rightfully and properly ignored and rejected the idea of a State officer in all rebellion, and went to work and appointed temporary officers to act for the time being. The moment these States fired the first gun against the flag of the Union their State governments tumbled into nonentity; and if the rebellion had been squelched in four months instead of four years, the results as to their State governments would have been the same.

Now, sir, can a State government exist four years without an officer to execute its laws? If it can, how many years can it not exist without officers? Then, sir, if the position taken at the outset be correct, that a State cannot exist without officers to execute its laws, I have demonstrated that there was no State government in any of those Territories at the close of the rebellion; and as a matter of course they were not then in the Union as States, nor are they yet in the Union as such. I know that the question arises here, "What became of the rights of those who remained loyal in those Territories if their rights as States were all forfeited?" I answer, their natural rights remain, but their political rights for the time being all went down with their governments. This is their misfortune, and not the fault of the General Government.

Now, Mr. Speaker, it appears to me that the status of these so-called States is perfectly clear. As States they are out of the Union, having lost some of the essential elements of a State, and also having forfeited all their rights as such; but as Territories they are in the Union. Gentlemen on the other side of the House claim that if these Territories are not in the Union as States, then the Union is dissolved. This assertion is ridiculously absurd. Did not the Union once exist with but nine States, and afterwards with thirteen? Now, sir, if it then existed with these numbers can it not now exist with twenty-three States?

The loyal States did not prosecute the war for the purpose of sustaining State governments. Ask the tens of thousands of patriot soldiers who left wives and children that they loved dearer than life and went into the swamps and fens of the southern States, fought upon a hundred battle-fields and languished in prisons and camps, what they made this terrible sacrifice for; would they answer, "to sustain State governments?" No, sir; not a bit of it. What did they care whether the tyrannical government of South Carolina, or the barbarous government of Virginia was sustained or not? They fought for no such paltry purpose; but they did fight, and the heroes who now fill honored graves died, to sustain national authority in all those territories. That is what the war was waged to sustain, not State governments. I ask gentlemen on the other side of the Hall if that was a failure. Is any part of the United States territory now under a foreign government? No, thank God! the stars and stripes, surmounted by the American eagle, now wave triumphantly over every foot of soil the United States ever owned. The General Government holds and exercises all the prerogatives now that it held in those States before the rebellion, and also all forfeited by them. The rebels have all they acquired by the rebellion and all the General Government has conceded to them since its suppression, and no more.

In view of the foregoing facts in reference to those States lately in rebellion, I arrive at the following conclusions: First, that they are not

in the Union as States. Second, that they are in it as Territories. Third, that rebels have no rights except those conceded to them since their subjugation. Fourth, that Congress may rightfully and lawfully dispose of all those Territories as she thinks proper, under two restrictions, namely: first, must secure to all that may be organized into States a "republican form of government;" second, must respect the private rights of the loyal inhabitants. Fifth, rebels have no just grounds for complaints while their lives are spared to them, as they staked rights, property, and life itself upon the chances of war and lost all. Sixth, that Congress has a perfect right to admit them or any of them to the enjoyment of State privileges now, at some future period, or never, as she may judge best calculated to promote the general welfare.

Now, Mr. Speaker, whether these statements and conclusions are all correct or not, they are the honest convictions of my heart, and I believe them true as certainly as I believe that God lives; consequently, I shall vote most heartily and cheerfully for the proposed amendment to the Constitution.

Mr. PINCK. Mr. Speaker, I do not suppose any words I may utter on this occasion will arrest the predetermined action of the large majority of this House, but I propose to call the attention of the House and the country, in a few remarks, to the strange spectacle which is now being exhibited by the Representatives of only a portion of the States of this Union. What do we see? A determined and persistent effort to exclude from the national Legislature the Representatives of eleven States. We see a majority of the Representatives of the twenty-five States here represented saying, in a proposed amendment to the Constitution, to be followed up by legislation, to the eleven States which are unrepresented, that they shall never come within these walls unless they consent to and adopt all the conditions which shall be imposed by this majority of the twenty-five States.

More than this, and I say it here because I have the firm conviction that it is true; the majority on this floor represent to-day a minority of the people of the United States. Take my own State, Ohio, with one hundred and ninety-four thousand Democratic voters at the election last October. She has on this floor but two members representing that immense vote, while the two hundred and twenty-four thousand who voted the Republican ticket for Governor Cox in 1865 have seventeen Representatives on this floor, and in the Senate they have both members. If a fair vote of the people of Ohio were taken to-day as to whether the restoration policy of the President or the obstruction policy of the radicals of this Congress should be sustained, I believe a majority of the people of Ohio would be in favor of sustaining the policy of the President and of the two Democratic Representatives of that State on this floor.

Mr. Speaker, this is not the time to make amendments to the Constitution.

Time will not allow me to examine the whole of this proposition, and I will confine my remarks to the second and third sections. Now, what is proposed by the second section of this amendment? The purpose of the section is to reduce representation in this House in all the States which exclude the negro from voting. To exclude from the count the entire colored population of the States whose constitutions or laws may deprive these people of the right of suffrage. While this section admits the right of the States thus to exclude negroes from voting, it says to them, if you do so exclude them they shall also be excluded from all representation; and you shall suffer the penalty by loss of representation. It seeks to do by indirection that which gentlemen shrink from doing in a direct manner, namely, to compel the States to adopt negro suffrage. Why do you not present this question in an open and square way, and make the issue of negro suffrage direct before the people?

What is to be the effect of this amendment?

In order to avoid the effect of this proposition before the people at the coming October and November elections, you have worded it in the manner in which it is presented to this House so as to enforce, if possible, through motives of interest, negro suffrage in those States where they reside in large numbers. How will this amendment affect such States? Let us take it as applied to a few of the States of this Union.

Take the State of Maine. According to the census of 1860, Maine had 167,724 white males over the age of twenty-one years. How many black males had she over that age? Only 262. So, then, it does not at all affect the power and influence of that State on this floor.

But look at Maryland. By the census of 1860 she had a population of 123,371 white male citizens of the age of twenty-one, and at the same time she had a population of 38,030 black males over that age. This proposition, therefore, strikes from the number of Representatives of the State of Maryland one fourth of her representation on this floor; and takes away at least one of her members.

Take the State of South Carolina. It is well known that her black population are in the majority. By the census of 1860 she had 68,154 white males over the age of twenty-one, and 92,923 blacks over that age. More than one half of the representation of that State will therefore be excluded.

Mississippi is in the same condition. That State by the same census contained 84,338 white males over twenty-one years of age, and 98,510 blacks. So she will lose in the same proportion.

New Hampshire had in 1860 a white male population over the age of twenty-one years of 91,944. How many black males do you suppose she had over that age? Only 149.

The disinterested gentleman from such States are for changing the basis of representation, so that it shall increase relatively their power here. They propose, while they believe they have the power to do so, to make this great change deeply affecting the rights and interests of States which are denied all right to discuss and vote on such a grave proposition in either House of Congress, and thus reduce by at least twenty-five the number of members to which the States to be affected by this amendment are now by the Constitution and laws of the United States entitled.

But I cannot dwell upon this second section. Considering the fact that eleven States are now denied all representation here, it is an effort outside of constitutional power to change this Government. What did the distinguished gentleman from Massachusetts [Mr. BOTTWELL] declare one month ago on this floor in reference to this question. He used this language:

"Well, sir, I am for a Union, and for that Union only in which there is substantial justice among the men and between the States composing it."

Not the Union, not the old Union, of which that old flag [pointing to the flag over the Speaker's chair] is emblematic; no, sir, but for "a Union." He further said:

"I accept one fact, and no gentleman can escape the force of that fact, and that is, that these eleven States are not to-day represented in the Congress of this country, and with my consent they never shall be until this inequality is adjusted or its adjustment provided for."

That is the proposition, that these eleven States are not to be represented until the inequality of representation, of which gentlemen now complain, shall be provided for. Provided for, how and by whom? By the remaining twenty-five States through two thirds of their representatives upon the floor of the Senate and House of Representatives. Sir, there is no warrant for such a thing in the Constitution.

But I cannot dwell upon this proposition in the limited time that is allowed me. There is another section in this amendment to which I will now refer. There was a celebrated third section in the proposition which passed this House a month ago. If I understood the distinguished gentleman from Pennsylvania [Mr. STEVENS] correctly this morning, he said he was going to vote for the amendments made

by the Senate and now pending before this House. I ask the Clerk to read what the gentleman said a month ago on this same question. On the day the final vote was taken in this House on the amendments reported by the joint committee of fifteen the gentleman from Pennsylvania rallied his friends to the support of that celebrated third section. "The third section or nothing," was his cry. I will ask the Clerk to read what the gentleman said on that occasion.

The Clerk read as follows:

"Mr. STEVENS. I should be sorry to find that that provision was stricken out, because before any portion of this can be put into operation there will be, if not a Herod, a worse than Herod elsewhere to obstruct our actions. That side of the House will be filled with yelling secessionists and hissing copperheads. Give us the third section or give us nothing. Do not mock us with the pretense of an amendment which throws the Union into the hands of the enemy before it becomes consolidated."

"Gentlemen say I speak of party. Whenever party is necessary to sustain the Union I say rally to your party and save the Union. I do not hesitate to say at once, that section is there to save or destroy the Union party, is there to save or destroy the Union by the salvation or destruction of the Union party."

Mr. FINCK. Thus, according to the declaration of the distinguished gentleman from Pennsylvania, the party which he represents is already destroyed, because he says "that section is there to save or destroy the Union party." It was there for the safety or destruction of the party he so ably represents. But that third section is there no longer. It has perished in the house of its friends, and according to the logic of the gentleman from Pennsylvania, the party he represents is destroyed. Peace to its ashes!

Mr. ELDRIDGE. Amen to its destruction!

Mr. FINCK. Now, Mr. Speaker, what have we got in the place of the old third section? We have a proposition which no intelligent man in this country believes will ever be ratified by three fourths of the States. I ask the Clerk to read the third section.

The Clerk read as follows:

No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two thirds of each House remove such disability.

Mr. FINCK. Now, the gentleman from Pennsylvania, whose favorite third section has been killed, proposes to accept in its stead the section just read, which does not deprive the people of the States lately in rebellion of the right to vote, but of the right to hold office. Well, it is very sweeping in its operation. What does it propose? Not only that members of Congress, Cabinet ministers, and judges of the Supreme Court of the United States, who voluntarily went into the rebellion, but that every man who has exercised judicial or legislative functions under the Federal Government or under the States themselves, who went into the rebellion giving it aid and comfort, shall forever be excluded from holding office, not only under the Federal Government, but under the State governments.

That, sir, is a sweeping clause. Everybody knows that thousands and hundreds of thousands of the people of these States who went into the rebellion and gave it aid and comfort did so involuntarily. They were compelled to do so. Many of them were drafted. You do not except these men from the operation of this provision, but they are placed side by side with Davis, Breckinridge, Toombs, Slidell, and Mason, and are by this section excluded from holding any office, civil or military, either under the Federal or State governments. I say it is an outrage upon the people of those States who were compelled to give their aid and assistance in the rebellion.

Now, sir, every man knows that from the very moment the jurisdiction of the United States had been successfully resisted and ousted, so that it had no longer power to protect the people within the limits of the so-called confeder-

ate power, these people were allowed by the laws of nations to yield obedience to that power which for the time being controlled them, and gave them protection. That doctrine has been established in Great Britain for many generations, and has been recognized by the Supreme Court of the United States.

You propose to do what you have no right to do by law; you propose to make an *ex post facto* law by an amendment to the Constitution. You propose to inflict upon these people a punishment not known to the law in existence at the time any offense may have been committed, but after the offense has been committed; you propose a punishment which the Constitution and laws of the United States do not now provide. You propose to disfranchise men who have applied for in good faith and received pardons from the President.

Now what is the effect of a pardon? It is to make the man pardoned a new man; not merely as the gentleman from Pennsylvania [Mr. STEVENS] would have it, to remove the punishment prescribed by law, but to remove all forfeitures and penalties. Such is the weight of authority of all the decisions of the courts without any exception.

And on this point, I will refer to some authorities, which I quoted on a former occasion in this House. Chief Justice Marshall, in the case of the United States *vs.* Wilson, 7 Peters, 162, speaking on this subject of pardons in England, said:

"As the power has been exercised from time immemorial by the Executive of that nation whose language is our language, and to whose judicial institutions ours bear a close resemblance, we adopt their principles respecting the operation and effect of a pardon, and look into their books for the rules prescribing the manner in which it is to be used by the person who would avail himself of it."

In 7 Bacon's Abridgment, page 416, it is said:

"It was formerly doubted whether a pardon could do more than take away the punishment, leaving the crime and its disabling consequences unremoved. But it is now settled that a pardon, whether by the king or by act of Parliament, removes not only the punishment but all the legal disabilities consequent on the crime."

The doctrine is thus stated in 1 Bishop on Criminal Law, 713:

"The effect of a full pardon is to absolve the party from all the legal consequences of his crime, and of his conviction direct and collateral, including the punishment whether of imprisonment, pecuniary penalty, or whatever else the law provided."

Also, in 5 Bacon's Abridgment it is laid down:

"It seems agreed that a pardon of treason or felony, even after an attainder, so far clears the party from the infamy, and all other consequences thereof, that he may have an action against any who shall afterward call him a traitor or felon, for the pardon makes him, as it were, a new man."

Blackstone says:

"A pardon may be pleaded in bar as at once destroying the end and purpose of the indictment, by remitting the punishment which the prosecution is calculated to inflict."

Also:

"The effect of such a pardon by the king is to make the offender a new man; to acquit him of all corporeal punishment and forfeitures annexed to that offense, for which he obtains his pardon."

Sir, the time has come for the exercise of the spirit of forgiveness, conciliation, and kindness, in order to restore fraternal relations between the sections. Mr. Speaker, I am not only opposed to this third section, but I am at this time, in the present condition of the country, opposed to all amendments to the Constitution.

But the distinguished gentleman from Pennsylvania is afraid that power may pass from the hands of his party, and that Democrats may again be in the majority on this floor.

Sir, I believe the time will soon come when the power shall have passed from the radicals who have abused it, and this Government be once more administered by that glorious old party which administered it so long and so wisely, and under which this nation advanced in greatness and glory without a parallel in history. Gentlemen are accustomed to speak in terms of derision of the Democratic party. Sir, it will survive their assaults. Yes, sur-

vive to take charge of and administer this Government again. To heal the wounds which have been inflicted upon the country; to bind closer the bonds of the Union; to gather once more around the common altar of the country, in friendship and patriotic devotion, the Representatives of all the States. Gentleman would do well not to forget that the Democrats of these twenty-five States, in 1864, polled eighteen hundred thousand votes. And they should not forget that to-day, perhaps, these eighteen hundred thousand men have, by accessions of conservative men, swelled into an actual majority of the voters of these twenty-five States.

But, Mr. Speaker, whatever their numbers may be, they are men who have as much interest in the honor, the glory, and prosperity of this country as any other equal number of men within the limits of the Republic. They are to-day, as they have always been, devoted to the Union of these States; and, by the blessing of Heaven, they are determined to maintain that Union, and the Constitution which preserves it, against the assaults of all, whether they come from the North or the South.

Mr. SPALDING. Mr. Speaker, I shall ever consider it the crowning honor of my life that I was permitted, as a humble member of the Thirty-Eighth Congress, to record my vote in favor of that amendment to the Constitution of the United States which has made our whole country, the United States of America, emphatically "the land of the free" as it is confessedly "the home of the brave." And I hope that I may be permitted this day to give one other vote which shall be among the richest legacies I can transmit to my children.

Sir, on the 5th day of January last it fell to my lot to address this House in Committee of the Whole. At the close of my remarks on that occasion, I ventured to state a number of propositions which I supposed would satisfy my constituency in this business of reconstruction. Among those propositions was one to "amend the Constitution of the United States in respect to apportionment of Representatives and direct taxes among the several States of the Union, in such manner that 'people of color' shall not be counted with the population making up the ratio, except it be in States where they are permitted to exercise the elective franchise." Among the provisions of the amendment to the Constitution now reported by the committee I find one substantially covering the same ground. I say, as an individual, that I would more cheerfully give my vote if that provision allowed all men of proper age whom we have made free to join in the exercise of the right of suffrage in this country. But if I cannot obtain all that I wish, I will go heartily to secure all we can obtain.

Again, sir, I said, "Insert a provision in the Constitution prohibiting the repudiation of the national debt, and also prohibiting the assumption by Congress of the rebel debt." That is also incorporated among the provisions reported from the committee and acted upon by the Senate.

I also said, "Provide in the Constitution that no person who has at any time taken up arms against the United States shall ever be admitted to a seat in the Senate or House of Representatives of Congress." The joint committee and the Senate have adopted a provision which is better by far than the one I proposed; I shall most cordially vote in favor of it.

I have been told that perhaps the close of the third section might be open to misapprehension and misconstruction. I desire very briefly to give my view of that question, as one given to the construing of laws and constitutions by practice and education. The last clause of that section is as follows:

But Congress may, by a vote of two thirds of each House, remove such disability.

Now, it has been claimed by some that this would put it into the power of two thirds of each branch of Congress to annul this amendment of the Constitution after it shall have been adopted. I say that such never could be the construction put upon this provision by any

court under the light of the sun. The section reads:

SEC. 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid and comfort to the enemies thereof. But Congress may, by a vote of two thirds of each House, remove such disability.

Remove what disability? The personal disability in each individual case, and not to remove the provision of the Constitution itself, which is to stand for all time.

I am satisfied to take this proposed amendment as it is. I take it from the first word of the joint resolution to the last syllable of the proposed amendment; and I give to the whole a hearty "amen," and I trust that the vote this day will show that all the Union members of this House here present are actuated by the same sentiments which now inspire my bosom.

Mr. HARDING, of Kentucky. Mr. Speaker, in the very limited time allowed me on this occasion I propose to call the attention of the House more particularly to the fourth section of the proposed amendment to the Constitution of the United States. That section begins with the enunciation of a very sound and wholesome principle. It declares that "the validity of the public debt, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned."

Possibly it might have been better never to have mentioned this question at all. The sacred character of the public debt ought never to be called in question. It would have been well if no man had anticipated that the time could ever arrive when the United States would repudiate its public debt. While, therefore, I give my hearty sanction to that proposition I desire specially to call the attention of the House to the remaining clause of the same section. The first clause is ample, but the last member of the section operates in the nature of a proviso, limiting and restraining the preceding language, and amounting to direct and open repudiation. The clause upon which I base this assertion is the following:

But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave, but all such debts, obligations, and claims shall be held illegal and void.

Now, sir, this is an open repudiation of a solemn statute of this Congress. I ask the Clerk to read a portion of the twenty-fourth section of an act approved February 24, 1864, entitled "An act to amend an act for enrolling and calling out the national forces."

The Clerk read as follows:

"That all able-bodied male colored persons between the ages of twenty and forty-five years, resident in the United States, shall be enrolled according to the provisions of this act, and of the act to which this is an amendment, and form a part of the national forces; and when a slave of a loyal master shall be drafted and mustered into the service of the United States, his master shall have a certificate thereof, and thereupon such slave shall be free; and the bounty of \$100, now payable by law for each drafted man, shall be paid to the person to whom such drafted person was owing service or labor at the time of his muster into the service of the United States. The Secretary of War shall appoint a commission in each of the slave States represented in Congress, charged to award to each loyal person to whom a colored volunteer may owe service a just compensation, not exceeding \$500 for each such colored volunteer, payable out of the fund derived from commutations; and every such colored volunteer, on being mustered into the service, shall be free. And in all cases where men of color have been heretofore enlisted, or have volunteered in the military service of the United States, all the provisions of this act, so far as the pay of the bounty and compensation are provided, shall be equally applicable as to those who may be hereafter recruited."

Mr. HARDING, of Kentucky. It will be observed that this proposed constitutional amendment provides that "all debts, obligations, and claims" "for the loss or emancipation of any slaves" "shall be held illegal and void." But the provision of the act of 1864,

which has just been read, provides in so many words that a loyal man whose slave may have been drafted shall receive a bounty of \$100; that at the time such slave is drafted the master shall receive a certificate, upon which he shall draw the money. The next clause provides that the owner of a slave volunteering in the military service of the United States—for at that period of the war it was of great importance to encourage volunteering—shall receive compensation not exceeding \$300.

I care but little about this question except for the principle involved. We in Kentucky have suffered losses and are prepared to suffer losses. But I present this question as a question of good faith. The Government has given this pledge to the owners of slaves who volunteered or were drafted into the Army of the United States; and it is now proposed that this pledge shall be disregarded and set at naught.

Gentlemen may say that this principle of making compensation for slaves is all wrong; but, sir, the law itself declares that it is a "just compensation." The language of the act is:

"The Secretary of War shall appoint a commission in each of the slave States represented in Congress, charged to award to each loyal person to whom a colored volunteer may owe service a just compensation, not exceeding \$300 for each such colored volunteer."

And then the act goes on and designates the very fund out of which this compensation shall be paid—the fund derived from commutations.

Here, then, is a vested right acquired under a law passed by this Congress to encourage volunteering and to recruit the national forces. By this act the faith of the nation is pledged that every loyal owner whose slave may have volunteered or been drafted into the military service of the United States shall receive what Congress then termed a "just compensation not exceeding \$300." Yet by the constitutional amendment now before us it is proposed to repudiate this solemn pledge of the nation's faith.

Now, sir, it is well to be a little cautious on this subject of repudiation. We make no threats on our part. We denounced the sentiment and the very idea of repudiation, but here this very article which proposes to declare that the public debt shall be held inviolably sacred contains a clause which in direct and open terms proposes an utter repudiation of that very law which provided for nothing but "just compensation."

Under the section to which I have referred commissioners were appointed in Maryland and Delaware, and progressed to some extent with their work; but in Missouri and Kentucky no commissioners have yet been appointed. It is now proposed that this public debt—a debt of record, acknowledged to be just and valid—shall be repudiated. Do you suppose, sir, that good faith can be thus violated, and those who commit this violation escape in the future all consequences of their act? If you stir up a hornet's nest like this, may you not be stung by and by? The act which this Congress proposes to do is palpably unjust, Congress itself being the judge, and this proposed amendment being the test.

There is no evasion. It is an open and direct attempt at repudiation. I ask, sir, whether there is any man from Missouri, Maryland, Delaware, or Kentucky who will stultify himself by going for this amendment when it repudiates a recognized debt on the part of these States. Dare you set an example of repudiation? If you do can you ever complain, should it become the mad cry throughout the country? If you give the example can you complain when it comes to be followed? The people will say, when repudiation takes place, they are only following your own example. Do you suppose in the West, do you suppose in Missouri, Delaware, Maryland, and Kentucky, with all the burdens they have had to bear during the war, they are going to be tributary to the northern and eastern States? Do you suppose they will continue to pay the heavy share imposed upon them for the public debt when they are denied a small compensation like this?

But as my time is limited, I will not dwell further on that point. I warn gentlemen to pause before they set such an example. You are in power now, triumphantly so, but your actions since you have been here seem to show you are not satisfied that you are going to continue in power. Set an example like this, and can you complain of repudiation afterward?

In regard to this constitutional amendment a great many things might be said. It is provided in the first section that all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

And the last section provides that Congress shall have power to enforce by appropriate legislation the provisions of this article. This at once transfers all powers from the State governments over the citizens of a State to Congress. You will see that it is only a preparation for an interminable conflict between the Federal and State jurisdictions. We know what the result of this will be, for we have already seen it tested. Will not Congress then virtually hold all power of legislation over your own citizens and in defiance of you?

But how does this agree with the memorable language of the Chicago platform, which declares in so many words that "the right of each State to order and control its own domestic affairs according to its own judgment exclusively is essential to that balance of power on which the perfection and endurance of our political fabric depend?" This amendment is in direct contravention of that platform, because it transfers to Congress from the States all power of control over their own citizens. Let me tell you, you are preparing for revolutions after revolutions. They may be peaceful, and I hope they will. I warn you there will be no peace in this country until each State be allowed to control its own citizens. If you take that from them what care I for the splendid machinery of a national Government? My constituents are able to judge of their own wants, but you propose to take this power from them and to transfer it to Congress, and to let Congress judge of their wants and what legislation should be enacted for their government.

I think I should be sustained by high authority if I were to announce that this amendment is a mere political platform, and that it is not approved by many who will vote for it, because they do not believe it ought to pass. It is a mere platform upon which the party is to go before the country to fight the political battles of next fall. I should have high authority if I were to say that those who vote for these constitutional amendments were opposed to them, and that they are about to go before the country with them masked and veiled in hypocrisy and deceit. We have heard from the gentleman just now, in regard to the third section, that the heart and core of the whole matter is gone.

But further than that. The Senator [Mr. SHERMAN] who was referred to by the gentleman who first addressed you to-day, set out in his speech by saying:

"I shall detain the Senate but for a moment to explain the reasons for the vote I shall give in opposition to what is my own deliberate judgment on the question now pending."

"This proposition is simple, plain, and obvious; and yet under the necessity in which we are now placed, I shall feel called upon to vote against it."

And then, after making further comments, he uses this language in regard to the amendment which he is going to vote against:

"That is a plain and obvious principle, and if that principle was adopted, the southern States would feel no local jealousy. They could not feel any."

"Although my opinion is as clear as it can be upon any subject that this amendment is right in itself,

both branches of it, yet as we were compelled to unite on some measure—and we must all yield some of our opinions upon various questions involved—there are five sections in this proposed article—I feel bound to vote against this amendment offered by the Senator from Wisconsin, though in my judgment it would do more than any other to heal the difficulties by which we are surrounded."

There is an open confession that he is about to vote against an amendment which he entertains no doubt would do more to heal our difficulties than anything else!

Now, sir, no man can excuse himself for a thing of that kind; and while I admire the honesty of his confession, that he is doing it for party and political purposes, yet I utterly detest the odious principle that he avows for mere party purposes.

I ask the attention of the House to an extract from another speech, and, mark you, I am not now offering you "copperhead" testimony. The extract is from a speech made by one of your great northern lights, the celebrated Wendell Phillips. I ask the Clerk to read it.

The Clerk read as follows:

"Mr. Phillips hoped the Senate's amendment of the reconstruction plan would meet with an ignominious defeat, and that Massachusetts would reject it. He would welcome every Democrat and copperhead vote to help its defeat. He would go a step further and said, I hope that the Republican party, if it goes to the polls next fall on this basis, will be defeated. If this is the only thing that the party has to offer, it deserves defeat. The Republican party to-day seeks only to save its life. God grant that it may lose it!"

"The Republicans go to the people in deceit and hypocrisy, with their faces masked and their convictions hid; I hope to God they will be defeated! I want another sordid, not only to uncover the hidden sentiments of a Cabinet, but to smoke out the United States Senate, that we may see how many of them range by the side of Sumner, Ben. Wade, Judge Kelley, and Thad. Stevens."

Mr. HARDING, of Kentucky. Ay, sir, some of the men named there have since given way and fallen, and are no longer on Phillips's loyal list. As I said, sir, I am not reading southern testimony, or the testimony of copperheads; but from this great northern light, the man who has done more for the Republican party than any other man in the country. He was raised among them; he has affiliated with them; and he cannot be deceived as to their purposes. He charges that this Republican party is going before the country wearing a mask of hypocrisy, with its visage masked, and that its object is not to amend the Constitution, but, as Senator SUMNER says, to save the life of the Republican party; and he says, "God grant they may lose it!" Now, sir, I cannot call in question such authority as this. He must know what he is talking about, and I have had read to you what he says.

[Here the hammer fell.]

Mr. STEVENS. I now, sir, move the previous question.

The previous question was seconded and the main question ordered.

ENROLLED BILL AND RESOLUTION SIGNED.

Mr. TROWBRIDGE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled an act (S. No. 328) for the relief of Mrs. Abigail Ryan, and joint resolution (S. R. No. 51) respecting bounties to colored soldiers, and the pensions, bounties, and allowances to their heirs; when the Speaker signed the same.

RECONSTRUCTION—AGAIN.

Mr. STEVENS. Mr. Speaker, I do not intend to detain the House long. A few words will suffice.

We may, perhaps, congratulate the House and the country on the near approach to completion of a proposition to be submitted to the people for the admission of an outlawed community into the privileges and advantages of a civilized and free Government.

When I say that we should rejoice at such completion, I do not thereby intend so much to express joy at the superior excellence of the scheme, as that there is to be a scheme—a scheme containing much positive good, as well, I am bound to admit, as the omission of many better things.

In my youth, in my manhood, in my old age, I had fondly dreamed that when any fortunate chance should have broken up for awhile the foundation of our institutions, and released us from obligations the most tyrannical that ever man imposed in the name of freedom, that the intelligent, pure and just men of this Republic, true to their professions and their consciences, would have so remodeled all our institutions as to have freed them from every vestige of human oppression, of inequality of rights, of the recognized degradation of the poor, and the superior caste of the rich. In short, that no distinction would be tolerated in this purified Republic but what arose from merit and conduct. This bright dream has vanished "like the baseless fabric of a vision." I find that we shall be obliged to be content with patching up the worst portions of the ancient edifice, and leaving it, in many of its parts, to be swept through by the tempests, the frosts, and the storms of despotism.

Do you inquire why, holding these views and possessing some will of my own, I accept so imperfect a proposition? I answer, because I live among men and not among angels; among men as intelligent, as determined, and as independent as myself, who, not agreeing with me, do not choose to yield their opinions to mine. Mutual concession, therefore, is our only resort, or mutual hostilities.

We might well have been justified in making renewed and more strenuous efforts for a better plan could we have had the cooperation of the Executive. With his cordial assistance the rebel States might have been made model republics, and this nation an empire of universal freedom. But he preferred "restoration" to "reconstruction." He chooses that the slave States should remain as nearly as possible in their ancient condition, with such small modifications as he and his prime minister should suggest, without any impertinent interference from Congress. He anticipated the legitimate action of the national Legislature, and by rank usurpation erected governments in the conquered provinces; imposed upon them institutions in the most arbitrary and unconstitutional manner; and now maintains them as legitimate governments, and insolently demands that they shall be represented in Congress on equal terms with loyal and regular States.

To repress this tyranny and at the same time to do some justice to conquered rebels requires caution. The great danger is that the seceders may soon overwhelm the loyal men in Congress. The haste urged upon us by some loyal but impetuous men; their anxiety to embrace the representatives of rebels; their ambition to display their dexterity in the use of the broad mantle of charity; and especially the danger arising from the unscrupulous use of patronage and from the oily orations of false prophets, famous for sixty-day obligations and for protested political promises, admonish us to make no further delay.

A few words will suffice to explain the changes made by the Senate in the proposition which we sent them.

The first section is altered by defining who are citizens of the United States and of the States. This is an excellent amendment, long needed to settle conflicting decisions between the several States and the United States. It declares this great privilege to belong to every person born or naturalized in the United States.

The second section has received but slight alteration. I wish it had received more. It contains much less power than I could wish; it has not half the vigor of the amendment which was lost in the Senate. It or the proposition offered by Senator WADE would have worked the enfranchisement of the colored man in half the time.

The third section has been wholly changed by substituting the ineligibility of certain high offenders for the disfranchisement of all rebels until 1870.

This I cannot look upon as an improvement. It opens the elective franchise to such as the States choose to admit. In my judg-

ment it endangers the Government of the country, both State and national; and may give the next Congress and President to the reconstructed rebels. With their enlarged basis of representation, and exclusion of the loyal men of color from the ballot-box, I see no hope of safety unless in the prescription of proper enabling acts, which shall do justice to the freedmen and enjoin enfranchisement as a condition precedent.

The fourth section, which renders inviolable the public debt and repudiates the rebel debt, will secure the approbation of all but traitors.

The fifth section is unaltered.

You perceive that while I see much good in the proposition I do not pretend to be satisfied with it. And yet I am anxious for its speedy adoption, for I dread delay. The danger is that before any constitutional guards shall have been adopted Congress will be flooded by rebels and rebel sympathizers. Whoever has mingled much in deliberative bodies must have observed the mental as well as physical nervousness of many members, impelling them too often to injudicious action. Whoever has watched the feelings of this House during the tedious months of this session, listened to the impatient whispering of some and the open declarations of others; especially when able and sincere men propose to gratify personal predilections by breaking the ranks of the Union forces and presenting to the enemy a ragged front of stragglers, must be anxious to hasten the result and prevent the demoralization of our friends. Hence, I say, let us no longer delay; take what we can get now, and hope for better things in further legislation; in enabling acts or other provisions.

I now, sir, ask for the question.

The SPEAKER. The question before the House is on concurring in the amendments of the Senate; and as it requires by the Constitution a two-thirds vote, the vote will be taken by yeas and nays.

Mr. DEFREES. I ask the consent of the House to print some remarks upon this question, which I have not had an opportunity of delivering.

No objection was made, and leave was granted. [The speech will be found in the Appendix.]

Mr. WRIGHT. I ask the same privilege.

No objection was made, and leave was granted. [The speech will be found in the Appendix.]

The joint resolution as amended by the Senate is as follows:

Joint resolution proposing an amendment to the Constitution of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two thirds of both Houses concurring), That the following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three fourths of said Legislatures, shall be valid as part of the Constitution, namely:

ARTICLE —.

SEC. 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SEC. 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution

of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two thirds of each House, remove such disability.

SEC. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

The question was put on concurring with the amendments of the Senate; and there were—yeas 120, nays 82, not voting 82; as follows:

YEAS—Messrs. Alley, Allison, Ames, Delos R. Ashley, James M. Ashley, Baker, Baldwin, Banks, Barker, Baxter, Beaman, Bidwell, Bingham, Blaine, Boutwell, Bromwell, Buckland, Bundy, Reader W. Clarke, Sidney Clarke, Cobb, Conkling, Cook, Culion, Darling, Davis, Dawes, Defrees, Delano, Dodge, Donnelly, Driggs, Dumont, Eckley, Eggleston, Eliot, Farnsworth, Farquhar, Ferry, Garfield, Grinnell, Griswold, Hale, Abner C. Harding, Hart, Hayes, Henderson, Higby, Holmes, Hooper, Hotchkiss, Asabel W. Hubbard, Chester D. Hubbard, John H. Hubbard, James B. Hubbell, Jenckes, Julian, Kelley, Kelso, Ketcham, Kuykendall, Laffin, Latham, George V. Lawrence, Loan, Longyear, Lynch, Marvin, McCune, McKee, McRuer, Mercer, Miller, Moorhead, Morrill, Morris, Moulton, Myers, Newell, O'Neill, Orth, Paine, Perham, Phelps, Pike, Plants, Pomeroy, Price, William H. Randall, Raymond, Alexander H. Rice, John H. Rice, Sawyer, Schenck, Seofield, Shellenbarger, Sloan, Smith, Spaulding, Stevens, Stilwell, Thayer, Francis Thomas, John L. Thomas, Trowbridge, Upson, Van Aernam, Robert T. Van Horn, Ward, Warner, Henry D. Washburn, William B. Washburn, Welker, Wentworth, Whaley, Williams, James F. Wilson, Stephen F. Wilson, Windom, and the Speaker—120.

NAYS—Messrs. Ancona, Bergen, Boyer, Chanler, Coffroth, Dawson, Denison, Eldridge, Finck, Gloss-bronner, Grider, Aaron Harding, Hogan, Edwin N. Hubbell, James M. Humphrey, Kerr, Le Blond, Marshall, Niblack, Nicholson, Samuel J. Randall, Ritter, Rogers, Ross, Sitgreaves, Strouse, Taber, Taylor, Thornton, Trimble, Winfield, and Wright—82.

NOT VOTING—Messrs. Anderson, Benjamin, Blow, Brandegee, Bromall, Culver, Deming, Dixon, Goodyear, Harris, Hill, Demas Hubbard, Hulburd, James Humphrey, Ingersoll, Johnson, Jones, Kasson, William Lawrence, Marston, McCullough, McIndoe, Noell, Patterson, Radford, Rollins, Rousseau, Shanklin, Starr, Burt Van Horn, Elihu B. Washburne, and Woodbridge—82.

The SPEAKER. Two thirds of both Houses having concurred in the joint resolution (H. R. No. 127) proposing an amendment to the Constitution of the United States, the joint resolution has passed.

During the roll-call on the foregoing vote, Mr. KELLEY said: I desire to announce that Mr. BROOMALL, and Mr. WASHBURN of Illinois, are paired with Mr. SHANKLIN upon this question.

Mr. LAFLIN said: I wish to announce that my colleague, Mr. VAN HORN, is paired upon this question with Mr. GOODYEAR.

Mr. ANCONA said: My colleague, Mr. JOHNSON, is absent on account of sickness, and is paired upon this question with Mr. ROLLINS and Mr. MARSTON, of New Hampshire.

Mr. DARLING said: I desire to state that my colleague, Mr. JAMES HUMPHREY, is detained at home by sickness. If present he would have voted in the affirmative.

Mr. WINFIELD said: My colleague, Mr. RADFORD, is unavoidably detained from his seat. If here he would have voted against the Senate amendment.

Mr. ASHLEY, of Ohio, said: My colleague, Mr. LAWRENCE, has been called home in consequence of the death of his father. If present he would have voted "ay."

Mr. COBB said: Mr. McINDOE is detained from his seat by illness. If here he would vote in the affirmative.

Mr. MOULTON said: My colleague, Mr. INGERSOLL, has gone home under leave of absence from the House.

Mr. HART said: Mr. HUBBARD, of New York, is absent on account of death in his family. If he had been here he would have voted "ay."

Mr. WASHBURN, of Indiana, said: My colleague Mr. HILL, is absent by leave of the House. If here he would have voted in the affirmative.

Mr. ELDRIDGE. I desire to state that if Messrs. Brooks and Voorhees had not been expelled, they would have voted against this proposition. [Great laughter.]

Mr. SCHENCK. And I desire to say that if Jeff. Davis were here, he would probably also have voted the same way. [Renewed laughter.]

Mr. WENTWORTH. And so would Jake Thompson.

The result of the vote having been announced as above recorded,

Mr. STEVENS moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

The SPEAKER. The House is now engaged in executing the order of the House to proceed to business upon the Speaker's table.

RIVER AND HARBOR BILL.

The next business upon the Speaker's table was the amendments of the Senate to House bill No. 492, making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under authority of law, and for other purposes.

Mr. ELIOT. I move that the House non-concur in the amendments of the Senate, and ask for a committee of conference on the disagreeing votes of the two Houses.

The motion was agreed to.

Mr. ELIOT moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

STEAMBOAT INSPECTION LAW.

The next business upon the Speaker's table was the amendments of the Senate to House bill No. 477, further to provide for the safety of the lives of passengers on board of vessels propelled in whole or in part by steam, to regulate the salaries of steamboat inspectors, and for other purposes.

Mr. ELIOT. I move that the bill and amendments be referred to the Committee on Commerce.

The motion was agreed to.

EXAMINERS OF PATENTS.

The next business upon the Speaker's table was Senate bill No. 350, to authorize the Commissioner of Patents to pay those employed as examiners and assistant examiners the salary fixed by law for the duties performed by them; which was read a first and second time.

Mr. JENCKES. I ask that this bill be put upon its passage now.

Mr. RANDALL, of Pennsylvania. Let the bill be read. I want to know what it is.

The bill was read at length. It authorizes the Commissioner of Patents to pay those employed in the Patent Office from April 1, 1861, until August 1, 1865, as examiners and assistant examiners of patents, at the rate fixed by law for those respective grades, provided that the same be paid out of the Patent Office fund, the compensation thus to be paid not to exceed that paid to those duly enrolled as examiners and assistant examiners for the same period.

Mr. JENCKES. This matter has been considered by the House Committee on Patents, who have recommended it once during the last Congress and once during the present Congress. I call the previous question upon the passage of the bill.

Mr. HARDING, of Illinois. I move that the bill be laid upon the table.

Mr. RANDALL, of Pennsylvania. I suggest that this bill better be referred to the Committee on Patents.

Mr. FARNSWORTH. I understand that the Committee on Patents of this House have examined this bill and decided to report unanimously in its favor.

Mr. ROSS. Is a motion to refer the bill now in order?

The SPEAKER. That motion is not now in order, pending the motion to lay upon the

table and the demand for the previous question.

Mr. STEVENS. I move that the House adjourn.

The SPEAKER. Will the gentleman from Pennsylvania [Mr. STEVENS] withdraw the motion to allow the Chair to lay before the House several executive communications?

Mr. STEVENS. I will withdraw the motion for that purpose.

DIRECT TAXES IN GEORGIA.

The SPEAKER laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

I communicate, and invite the attention of Congress to, a copy of joint resolutions of the Senate and House of Representatives of the State of Georgia, requesting the suspension of the collection of the internal revenue tax due from that State pursuant to an act of Congress of 5th of August, 1861.

ANDREW JOHNSON.

WASHINGTON, D. C., June 11, 1866.

The message, with accompanying documents, was referred to the Committee of Ways and Means and ordered to be printed.

AGRICULTURAL COLLEGE—GEORGIA.

The SPEAKER also laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

It is proper that I should inform Congress that a copy of an act of the Legislature of Georgia of the 10th of March last has been officially communicated to me, by which that State accepts the donation of land for the benefit of colleges for agriculture and the mechanic arts, which donation was provided for by the acts of Congress of 2d July and 14th April, 1864.

ANDREW JOHNSON.

WASHINGTON, D. C., June 11, 1866.

The message was laid upon the table and ordered to be printed.

DRAFT IN PENNSYLVANIA.

The SPEAKER also laid before the House a communication from the Secretary of War, in answer to a resolution of the House of Representatives of the 11th instant, in regard to the draft in the eighth congressional district of Pennsylvania.

Mr. ANCONA. I move that this communication be printed and referred to the Committee on Military Affairs.

The motion was agreed to.

BRITISH AMERICAN TRADE.

The SPEAKER also laid before the House a communication from the Secretary of the Treasury in answer to a resolution of the House of Representatives of March 28, 1866, calling for information in regard to commercial relations with British America.

The question was upon ordering the communication to be printed.

Mr. DAVIS. Can an objection be made at this time to the printing of this communication?

The SPEAKER. It is customary to order the printing of all executive communications without putting the question to the House, unless objections be made to the printing.

Mr. DAVIS. I object to the printing of this communication.

The SPEAKER. Objection being made, the question of printing will be submitted to the House.

Mr. DAVIS. Before the question is taken I desire to say a single word upon it. If I understand this communication—

Mr. WENTWORTH. What is the question before the House?

The SPEAKER. It is whether the communication from the Secretary of the Treasury in regard to commercial relations with British America shall be printed.

Mr. WENTWORTH. Before that question is voted upon, or even debated, I insist that the communication shall be read. I object to one

member of the House knowing the contents of a report while the other members know nothing about it. The gentleman from New York says that he rises to debate this report. If he proposes to debate it, he of course knows what is in it; and I think I ought to know as much as he does. [Laughter.]

Mr. ELDRIDGE. For the purpose of giving gentlemen an opportunity to know what is in the report, I move that the House adjourn.

Mr. KELLEY. I ask the gentleman to withdraw that motion for a moment, that I may offer an explanation.

Mr. ELDRIDGE. I want an opportunity to read this report, and I therefore insist on my motion to adjourn.

The motion was agreed to; and thereupon (at three o'clock and forty-five minutes) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule and referred to the appropriate committees: By the SPEAKER: The petition of Mrs. Lavinia Lenfest, and 70 others, of Union, Maine, asking for a pension.

By Mr. ALLEY: The petition of J. B. Alley, and others, for the relief of Lewis A. Horton, an invalid soldier.

By Mr. DARLING: The petition of A. D. Bishop, for relief.

By Mr. MERCUR: The petition of L. D. Page, asking that a pension be granted to Eunice Satterlee, of Bradford county, Pennsylvania, a survivor of the Wyoming massacre.

By Mr. NIBLACK: The memorial of Quincy A. May, of Spencer county, Indiana, late a soldier of company H, eighty-third regiment Illinois volunteers, praying for a pension.

IN SENATE.

THURSDAY, June 14, 1866.

Prayer by the Chaplain, Rev. E. H. GRAY. The Secretary proceeded to read the Journal of yesterday.

Mr. CONNESS. If there be no objection, I move to dispense with the further reading of the Journal this morning.

The PRESIDENT *pro tempore*. It requires unanimous consent to dispense with the reading of the Journal.

No objection being made, the further reading is dispensed with.

PETITIONS AND MEMORIALS.

Mr. MORGAN. I present the memorial of the Chamber of Commerce of the State of New York in favor of a bankrupt law. They say "that in the judgment of the Chamber of Commerce of the State of New York it is very important that the present Congress of the United States should enact a law to establish a uniform system of bankruptcy; and that the act for that purpose recently passed by the House of Representatives meets the cordial approval of this Chamber." The measure to which this memorial refers is the bill introduced into the House of Representatives by Hon. Mr. JENCKES, of Rhode Island. It has passed that body and is now in the hands of the Judiciary Committee of the Senate. While it is not usual to speak of any measure until it is reported, much less to anticipate the action of any committee of this body, I nevertheless hope I shall be excused in at least expressing the hope that the committee will report that bill sufficiently early to receive the consideration of the Senate at the present session.

Mr. President, I am at the present time, and have been for a long time, in favor of a national bankrupt law. I am not only in favor of a national bankrupt law, but I am in favor of the bill which has passed the House of Representatives. I am in favor both of the voluntary and involuntary features of the bill. I believe that if we wait for a better we may, and probably shall, get a worse one. While it has been the high privilege of the people of the United States, acting through their constituted authorities, to unfetter four million human beings held in involuntary servitude or labor on a portion of our soil, I trust it will not be considered any less our duty to relieve from pecuni-

ary bondage a class of men who have committed no crime, against whom there is no charge except the charge of having been unfortunate in business and unable to meet their legal obligations. I move that the memorial be printed, and referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. NORTON presented additional papers in the case of Mrs. A. M. Roblas y Robaldo in support of her claim for quartermaster's stores destroyed during the Mexican war; which were referred to the Committee on Claims.

RAILROADS IN WISCONSIN.

Mr. HOWE. I move to take up for consideration Senate joint resolution No. 85.

The PRESIDENT *pro tempore*. Reports of committees are in order.

Mr. HOWE. I wish for personal reasons that the Senate would allow this resolution to be taken up.

Mr. POMEROY. I do not object, if we can get in our reports.

Mr. HOWE. I desire very much to have this resolution taken up and disposed of. It will lead to no debate. It simply construes a former act of Congress.

The motion was agreed to; and the joint resolution (S. R. No. 85) explanatory of and in addition to the act of May 5, 1864, entitled "An act granting lands to aid in the construction of certain railroads in Wisconsin," was considered as in Committee of the Whole.

It provides that the words "in a northwestern direction," in the third section of the act granting lands to aid in the construction of certain railroads in the State of Wisconsin, approved May 5, 1864, shall, without forfeiture to that State, or its assigns, of any rights or benefits under that act, or exemption from any of the conditions or obligations imposed by it, be construed to authorize the location of the line of road provided for in that section, along and upon the following route: from the city of Portage, by the way of the city of Ripon, in the county of Fond du Lac, and the city of Berlin, in the county of Green Lake, to Stevens's Point, and thence to Bayfield, and thence to Superior, on Lake Superior. The Legislature of Wisconsin having authorized and required the Portage and Superior Railroad Company to construct the line of road in that section provided for, upon and along the route thus set forth and described, the Congress of the United States, by this resolution, gives its assent to that route, and consents to the selection and application of the lands granted to the State of Wisconsin by the third section of the act of Congress of May 5, 1864, for and to the line of railroad thus defined and described, in the same manner and with the same effect as if it was located and constructed in strict conformity with and upon the route prescribed in that section of that act of Congress.

The joint resolution was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET A. FARRAN.

Mr. LANE, of Indiana. I am directed by the Committee on Pensions, to whom was referred the petition of Margaret A. Farran, praying for a pension, to report a bill for her relief, and I ask that the bill be put on its passage this morning. The granting of the pension in this case has been delayed for two years by mere technicalities.

By unanimous consent, the bill (S. No. 368) granting a pension to Mrs. Margaret A. Farran was read three times and passed. It is a direction to the Secretary of the Interior to place the name of Margaret A. Farran, widow of Abraham Farran, late a private in the twenty-fourth battery Indiana light artillery, on the pension-roll, at the rate of eight dollars a month, to commence February 16, 1864, and continue during her widowhood.

REPORTS OF COMMITTEES.

Mr. POMEROY, from the Committee on Public Lands, to whom was referred a bill (H.

R. No. 556) to authorize the issuing of a military land-warrant to Frederick Berlin, assignee of the heirs of Peter Hess, deceased, reported it without amendment.

He also, from the same committee, to whom was referred a bill (S. No. 351) to authorize the Secretary of the Interior to lease such of the public lands of the United States as are known as saline lands, or lands containing mineral springs, and to provide for the preservation and development of the same, reported it with an amendment.

Mr. RAMSEY, from the Committee on Post Offices and Post Roads, to whom the subject was referred, reported a bill (S. No. 369) to establish certain post roads; which was read and passed to a second reading.

Mr. POLAND. The Committee on the Judiciary, to whom were referred the memorial of Philip Fraser, United States district judge for the northern district of Florida, praying for an increase of compensation; a petition of members of the bar of Kansas, praying for an increase of the salary of the United States district judge for that district; a petition of members of the bar of Westmoreland county, Pennsylvania; and a large number of petitions and memorials on the general subject of increasing the salaries of district judges, having reported a bill covering the subject of all these petitions, ask to be discharged from their further consideration.

The report was agreed to.

Mr. NYE, from the Committee on Naval Affairs, to whom was referred the petition of Philip Lansdale, praying to be allowed the difference between the pay of passed assistant surgeon and that of surgeon while acting as surgeon from the 25th of April, 1859, to the 25th of February, 1861, reported a bill (S. No. 370) for the relief of Philip Lansdale, surgeon United States Navy; which was read, and passed to a second reading.

NAVY PAY DEPARTMENT.

Mr. ANTHONY. The Committee on Naval Affairs, to whom was referred the bill (S. No. 360) in amendment of an act to provide for the better organization of the pay department of the Navy, have instructed me to report it back with an amendment and to recommend its passage. This bill is in explanation of an act that passed about a month ago, the construction of which involves some embarrassment to the Department. And as it is unanimously reported by the committee, and can lead to no debate, I ask for its present consideration.

By unanimous consent the bill was considered as in Committee of the Whole.

The amendment of the Committee on Naval Affairs was to strike out all of the bill after the enacting clause and insert the following as a substitute:

That the appointments to be made under the act entitled "An act to provide for the better organization of the pay department of the Navy," approved May 3, 1866, may be made from the number of acting assistant paymasters of the Navy who performed duty as acting assistant paymasters during the war, and who at the time of their appointment under this act shall not be over the age of thirty-two years.

SEC. 2. And be it further enacted, That the President of the United States be, and he is hereby, authorized to waive the examination of such officers in the pay department of the Navy as are on duty abroad and cannot at present be examined as required by law: *Provided*, That such examinations as are required by law shall be made as soon as practicable after the return of said officers to the United States; and no officer found to be disqualified shall receive the promotion contemplated in the act therein referred to.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. The bill was ordered to be engrossed for a third reading, and was read the third time and passed. Its title was amended so as to read, "A bill to regulate the appointment of paymasters in the Navy, and explanatory of an act for the better organization of the pay department of the Navy."

BILLS INTRODUCED.

Mr. RIDDLE asked, and by unanimous con-

sent obtained, leave to introduce a bill (S. No. 371) to incorporate the Metropolitan Hall and Market Company of Washington, District of Columbia; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. MORRILL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 372) supplemental to an act entitled "An act relating to the admission of patients to the Hospital for the Insane in the District of Columbia," approved January 28, 1864; which was read twice by its title, and referred to the Committee on the District of Columbia.

DISTRICT BUSINESS.

Mr. MORRILL submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That Friday, the 15th instant, be assigned for the consideration of the bills on the Calendar relating to the District of Columbia.

NAVAL OFFICERS.

Mr. GRIMES. I move that the Senate proceed to the consideration of the Senate bill No. 269.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 269) to define the number and regulate the appointment of officers in the Navy. It provides that the number allowed in each grade of line officers on the active list of the Navy shall be one vice admiral, eleven rear admirals, twenty-five commodores, fifty captains, ninety commanders, one hundred and eighty lieutenant commanders, one hundred and eighty lieutenants, one hundred and sixty masters, one hundred and sixty ensigns, and in other grades the number now allowed by law; but the increase in the grades below that of rear admiral and above that of lieutenant, authorized by this act, are to be made by selection of officers who have rendered the most efficient and faithful service during the recent war; and vacancies in the grade above commodore on the active and retired lists are to be filled by selection from the grade next below, and the number of rear admirals, including all on the active and retired lists, is not to exceed twenty-one.

*Of the number of line officers of the Navy on the active list, five lieutenant commanders, twenty lieutenants, fifty masters, and seventy-five ensigns may be appointed from those officers who have served in the volunteer naval service for a period of not less than two years, and who are either now in that service or have been honorably discharged therefrom; but if by reason of these appointments the number of officers in any grade shall exceed the number fixed by law, no more promotions or appointments to that grade are to be made until the number is reduced below the number fixed by law for that grade; and the authority given by this section is to be exhausted when the number of volunteer officers named shall have been once appointed.

The Secretary of the Navy is to appoint a board consisting of not less than three naval officers superior in rank to the officers to be thus appointed in the regular Navy from the volunteer service, which board, after examination of the claims of all candidates, is to select and report to the Secretary of the Navy, as the most meritorious in character, ability, and honorable service, twice the number to be transferred to the several grades mentioned in the third section of this act, from whom he is to select the persons to be appointed to each of those grades. Any officer who has served in the volunteer naval service for the term of two years or more is to have the right to appear before the examining board and present his claims and be examined for an appointment in the regular Navy.

The Secretary of the Navy is authorized to retain or to appoint, under existing laws and regulations, such volunteer officers in the Navy as the exigencies of the service may require, until their places can be supplied by graduates from the Naval Academy.

The PRESIDENT *pro tempore*. The Committee on Naval Affairs have reported several amendments to the bill, which will be read and considered in their order.

Mr. GRIMES. Before these amendments are acted upon I desire to explain the provisions of this bill to the Senate; and I trust I shall have the attention of the Senate, because it is a bill of considerable importance, and establishes a new principle that has not heretofore been recognized or acted upon in the Navy of the United States.

It will be observed that this bill proposes to increase the number of line officers of the Navy. The number now authorized by law is one vice admiral, nine rear admirals, eighteen commodores, thirty-six captains, seventy-two commanders, one hundred and forty-four lieutenant commanders, one hundred and forty-four lieutenants, one hundred and forty-four masters, and one hundred and forty-four ensigns. This bill, as amended by the committee, proposes to create one admiral, one vice admiral, ten rear admirals, twenty-five commodores, fifty captains, ninety commanders, one hundred and eighty lieutenant commanders, one hundred and sixty commanders, and one hundred and sixty ensigns. Gentlemen who have the Register before them, by a reference to it will observe that here is an increase of one hundred and forty-five officers. The number now embraced in these various grades is seven hundred and twelve. The number, if this bill should pass and become a law, that would constitute the Navy would be eight hundred and fifty-seven. The committee had their attention called to this subject by the Secretary of the Navy in a letter addressed to the chairman of the Committee on Naval Affairs of the Senate, dated the 16th of April, 1866, inclosing in his letter the bill now under consideration, in which he says:

"The first of these proposed substitutes increases the number of line officers, but not to the extent of the number of volunteers which the bill adds to the regular service by the second section; that section adds one hundred and fifty officers, but the substitute provides that the enumerated grades shall amount to no more than eight hundred and fifty-seven officers, which is an increase of only one hundred and forty-five. The number in those grades allowed by existing laws is seven hundred and twelve. These numbers are hardly sufficient for the exigencies of the public service on a peace establishment, and for this reason provision is made in the fourth section of the bill which passed the House for retaining the volunteers which may be needed until their places can be supplied by graduates from the Academy.

"The next feature of the proposed first section requires that this increase of officers in the grades below rear admiral and above lieutenant shall be made by selection from those officers who have rendered the most efficient and faithful service during the war."

And it is to this new provision that I desire to call the attention of the Senate. Heretofore, since the time of Decatur, who was promoted over the heads of other officers for his distinguished merit, all promotions, with the exception of six, I believe, have been made by regular gradation. It is proposed in this instance that this increase in the grades shall be made from the grade next below of those persons who have most distinguished themselves during the war. Captain Worden, Commodore Rodgers, Lieutenant Cushing, Commodore Rowan, Admiral Porter, perhaps one or two more, I think six was the whole number, were promoted over the heads of persons who stood before them during the war for distinguished merit. This proposes to authorize a few persons—I do not know the exact number—to be promoted over the heads of those who have not thus distinguished themselves; and this is the new principle to which I call the attention of the Senate. The Secretary says further:

"The law authorizing the advancement of officers for conspicuous conduct in battle has been carried into effect by the promotion of such heroes as Farragut, Rodgers, Rowan, Worden, Winslow, and Cushing. The wisdom of the law which has carried forward those officers for distinguished service beyond their original position and rank I have never heard controverted.

"There are, however, many efficient and excellent officers in the Navy that have done good service during the rebellion who cannot be legally reached in

consequence of the stringent terms of that law. It is important, indeed, that the exercise of the power of selection should be carefully guarded, and that selections should be judiciously and carefully made. Under almost any circumstances they will be considered invidious by those who may be superseded, and an extensive list of irregular promotions would not only impair the value of such promotions to the recipients, but tend to demoralization of the service. The war having terminated, it is eminently proper that those most distinguished should receive suitable professional reward. Difficulty will, however, attend any selection that may be made; for where there are discriminations dissatisfaction must follow. The records of the Department, however, and the report of the officers, as well as the investigations made, indicate, in most cases, the few men who should be selected for the moderate increase which is recommended. Although it will not be possible to give promotion to each and all who are deserving, I sincerely hope that Congress will not, on that account, or for any other cause, wholly ignore the claims of those who have acquired acknowledged distinction in hard-fought victories for the country."

The purpose of that suggestion made by the Secretary of the Navy is to recognize the valuable services of officers who during four years have been engaged, some of them, almost in constant battle, and to enable them to be promoted, even if it may be at the expense of others who have not seen any service during that time. Whether this suggestion of the Secretary of the Navy should be acquiesced in is a matter for the Senate to determine.

The Committee on Naval Affairs have added at the end of the first section a clause which will allow an increase in the number of rear admirals on the retired list. The purpose of this is to allow certain men, having reached the age of sixty-two years or having performed forty-five years of service for the country, and performed it well, to the acceptance of the country and with the approbation of the Department, to go upon the retired list with the advanced rank of rear admiral. The amount of extra pay that will be allowed to each of them is \$200, and it is a question for the Senate to determine whether or not a man who has been reared solely to that profession, who has never had any facilities for acquiring a fortune in any other pursuit, who has rendered valuable service, whose record stands fair at the Department, shall be permitted, at the decline of life, to have the little pittance of an additional \$200, with the additional rank of a rear admiral. It also authorizes the Secretary of the Navy to put on this active list some gentlemen who have already been retired under the operation of the law passed in 1862 as commodores, and who now stand on the Register as commodores, but who while they were post captains under the old condition of things were in the command of squadrons.

The second section of the bill, as it came from the Navy Department, the Naval Committee have not seen fit to recommend the Senate to adopt.

The third section the committee have taken substantially, with the exception of the number, from a bill passed through the House of Representatives; and it allows seventy-five persons—the House bill allowed one hundred and fifty—to be selected from the volunteer naval service; that is to say, from the persons who performed service as volunteer officers in the Navy during the rebellion. It allows five lieutenant commanders, ten lieutenants, twenty masters, and forty ensigns to be appointed from that class. The committee thought that it was due to the gentlemen who performed valuable service to the country as volunteer naval officers that there should be this recognition of their services; and if the committee had believed that there would be a larger number who would be able to pass the necessary examination, I think I am justified in saying that the committee would be willing to recommend that a larger number should be provided for. But there is one suggestion to be taken into consideration, and which, I am free to confess, governed my mind in a very great degree on that subject. If there be one thing more than another that is necessary to be done in connection with the Navy it is to nationalize it, to cause every man throughout the length and breadth of the land to feel, as we have not been very much in the habit of feeling, that he

was just as deeply interested in the Navy as a man living along the coast. I am conscious that if we adopt a large number of these volunteer officers into the Navy they will be selected almost entirely from three or four States. A man who is employed on the Mississippi flotilla may know nothing about navigation. He may have done very good service; he may be an excellent and valuable man, but he might be utterly unable to pass the necessary examination to enable him to enter the regular naval service. So it would be with persons who have hitherto been employed upon the lakes, where their navigation is done principally by the compass and running by headlands. That, I am free to confess, although it may not have influenced other members of the committee, had a considerable influence on my mind. Now, if this amendment be adopted there can be no injury done to the regular officers, because they will be promoted one hundred and forty-five numbers under the first section of the bill. We shall at the same time recognize the services of our volunteer officers by accepting, if they can pass the requisite examination, seventy-five of them into the regular service.

The fourth section wholly refers to the question of examination as to the qualifications of volunteer officers.

The fifth section authorizes the Secretary of the Navy to retain such volunteer officers as are now in the service as may be necessary until the lower grades of the service shall be filled up by graduates of the Naval Academy. The law as it now stands upon the statute-book authorized the Secretary of the Navy to appoint certain persons as volunteer officers of the Navy, but it provided that when the rebellion ceased their offices should expire. I suppose that when a proclamation shall be issued by the President to that effect the rebellion will cease. I do not know when that period is going to arrive or what criterion we are going finally to settle down upon as being the proper evidence of when the rebellion ceased; but it must be sometime or other, and it may be any day. This is simply to authorize the Secretary to continue the officers in office who may be upon foreign stations at the time that that proclamation shall be issued or that it shall be understood that the rebellion has ceased.

Section six provides that lieutenant commanders may be assigned to duty as navigation and watch officers on board of vessels of war as well as lieutenants of naval stations and ships of war. There is a provision now in the law that seems to indicate that lieutenant commanders can only be used on shipboard, afloat, as executive officers or in command of vessels. This is simply to authorize the Secretary of the Navy to detail them as watch officers; that is, in a subordinate position from that which they now claim that they are entitled wholly to perform.

Section seven provides that the annual compensation of the Admiral of the Navy shall be \$10,000 a year, and that he shall be entitled to the services of a secretary, who shall receive the annual sea pay of a lieutenant. I need not say that that provision was intended for the benefit of Vice Admiral Farragut.

I believe that these are all the provisions of the bill that it is necessary for me to explain. In fact I have stated what they all are substantially.

Mr. FESSENDEN. I should like to make an inquiry of the Senator from Iowa as to how the bill would operate in the case of a valuable officer who might have been sent abroad and kept abroad during most of the time during the rebellion and had no opportunity to distinguish himself particularly. I suppose there were such cases where the man would gladly have had an opportunity if he could.

Mr. GRIMES. There may be cases where under the operation of this law what is apparent injustice may be done, what may actually be injustice; but at the same time I must be permitted to say that it seems unjust that a

man who has been constantly in service for four years should not be promoted over a man who applied at the beginning of the war to be sent to the Pacific, and who remained there during the whole war and did not see a shot fired in anger.

Mr. FESSENDEN. Suppose he was sent without his application and kept abroad.

Mr. GRIMES. In such a case we must leave it to the discretion of the Secretary or the President, if we pass this bill, and to his sense of justice.

The PRESIDENT *pro tempore*. The first amendment reported by the committee will be read.

The Secretary read the amendment, which was in section one, line four, after the word "one" to insert "admiral, one;" so as to make the section read:

That the number allowed in each grade of line officers on the active list of the Navy shall be one admiral, one vice admiral, &c.

Mr. FESSENDEN. How does it stand now?

Mr. GRIMES. I will state that the bill as reported by the committee proposes to make one admiral, and reduces the number of rear admirals from eleven to ten. The bill as sent to us by the Secretary of the Navy provided for eleven rear admirals. We have reduced that number from eleven to ten and made one full admiral.

Mr. FESSENDEN. What rank does Admiral Farragut hold now?

Mr. GRIMES. He is now vice admiral.

Mr. FESSENDEN. Is he not the only vice admiral?

Mr. GRIMES. Yes, sir. I will state that this amendment was put in to give Admiral Farragut a corresponding rank to that which is contemplated to be bestowed upon General Grant. All these ranks are relative; the Navy rank corresponding with that of the Army. A bill has been passed by the House of Representatives making General Grant a full general; and then it was proposed that Admiral Farragut should be made a full admiral.

Mr. FESSENDEN. What pay does he get?

Mr. GRIMES. The Senator from Maine asks me what pay he has now. He now has, when at sea, \$7,000; when on shore duty \$6,000; and when on leave or waiting orders, \$5,000. I wish to say right here that Admiral Farragut is now on leave and gets \$5,000 a year. The officer in the United States Army of corresponding rank gets between seventeen and eighteen thousand dollars.

Mr. FESSENDEN. Now?

Mr. GRIMES. Yes, sir, now; and the bill creating the grade of general, as I understand, as it is proposed to be passed by the Committee on Military Affairs, will give him about twenty thousand dollars. Now, it is proposed by this bill to make an admiral and give him all the time a salary of \$10,000. I think the Senators from New York will say that that is not a very large sum for a man to live upon in New York; and I think the country will say that if there be any man who is really entitled to \$10,000 a year salary, it is Admiral Farragut.

Mr. FESSENDEN. I do not know that I have any objection to the increase of salary proposed; but, as I understand it, Admiral Farragut, being now vice admiral, is the only vice admiral.

Mr. GRIMES. Yes, sir.

Mr. FESSENDEN. He stands at the head of the whole naval service, just as General Grant does in the Army. The office of vice admiral was created for him on account of his gallant services, and after all those services had been performed. Sir, I think that one great difficulty we shall have to contend with in this country will be this striking propensity to hero worship. We do all that we can think of for a man; we place him at the very head of his profession, giving him the first place in it, and then, after we have put him up so that he can be distinguished no more in our Navy, we propose to create a still additional new rank to confer upon him in order to further testify

our respect for the individual. I suppose, in reality, that this is more designed for somebody who is to succeed Admiral Farragut as vice admiral. At any rate, it leaves that office open, and it must be filled by somebody. I do not think that for the leading officer of our Navy \$10,000 is too high a salary, and especially for a man who has rendered the distinguished services that Admiral Farragut has.

I have considered somewhat the proposition to create the rank of general for General Grant. I have the highest regard and respect and admiration for both these distinguished men. I think they have deserved well of their country, and should be honored by their country, as they are; but, sir, I think in a Republic like ours there must be some limitation to this hero worship, and the disposition to push men forward by continued rewards after the time has gone by, and they have already been rewarded to the utmost extent that the law will allow, and high offices created for them. With my present impressions, much as I admire and respect General Grant, I should not vote to create the office of general for him; and the same objection lies in my mind to the creation of this new office of admiral. I think the present salary is too low, and I would vote with pleasure to raise the salary of Vice Admiral Farragut, if he remains in that position, to \$10,000. I do not think it is too much. But, sir, let us consider one fact; and that is, that after all his distinguished services were rendered, we created for him, in order to put him at the head of the Navy, an office that would elevate him over all his compeers, a new office of vice admiral, and raised his salary somewhat accordingly. He stands at the very head of the Navy of the United States. The same is true of General Grant. We created for him the office of lieutenant general; we placed him at the head of the Army, and gave him a pay which the Senator from Iowa states now amounts to sixteen or seventeen thousand dollars a year; and besides that, the nation, or individuals of the nation, have heaped upon him private benefits and rewards. He has been honored in every way.

I think we have something else to do in this country besides devoting our attention exclusively to these very distinguished men. Due honor should be paid to them; all honor, all respect, should be paid to them; our sense of their services should be testified to every reasonable extent; but it is not worth while, in a republican Government, to run mad after men. When men have been placed, as a reward for their services, and as a testimony of the admiration of the country, so high that they can get no higher in the line of their profession; when they are at the very head and front of all the men in the respective lines which they occupy, for Congress then to turn about to see if it cannot create some new office to push them on a step farther strikes me as setting an example which, if followed out in this Republic, will lead to a great deal of difficulty, and to a forgetfulness of the principles upon which the Republic itself is founded.

I have thought of this subject anxiously and carefully, and with all my regard and respect and admiration for these distinguished men, I cannot bring my mind, after the full and ample rewards that have been given them in the way of honor, to create new offices for the sake of doing something more. I shall therefore vote against creating the rank of admiral, after one rank has been created for and filled by Admiral Farragut; but I will vote to increase his pay to the amount of \$10,000 with pleasure. I think that is not too much to give him.

Mr. GRIMES. I agree in nearly everything the Senator from Maine has said, and I do not know but that I agree in all of it; and I believe that I will compromise this matter by proposing to strike out the word "admiral," so as not to create that grade, and to insert another section raising the salary of Vice Admiral Farragut to the sum proposed in the seventh section. If the Senator from Maine will agree to that, I think I can speak for the Com-

mittee on Naval Affairs that that will be satisfactory.

Mr. DOOLITTLE. If this vote is to be taken as the sense of the Senate, not only on the question of creating the grade of admiral, but also on the question of creating the grade in the Army of general, I desire to say a single word on that subject. On the question of creating the grade of general, with the expectation that Lieutenant General Grant will be appointed to that grade, I confess that my own judgment has been in favor of that proposition. My reason is not that I have any higher regard for his distinguished services than my honorable friend from Maine has; but General Grant was appointed lieutenant general before he took command of the army of the Potomac, and he served in the rank and position of lieutenant general for a year and a half, almost two years. All the other officers of the Army who through the last year and a half of the rebellion distinguished themselves, have, by some act on the part of the Government, received proofs of the approbation of the Government of their conduct during the last year and a half of the prosecution of the war.

Mr. FESSENDEN. They received only barren brevets.

Mr. DOOLITTLE. My friend says they received but barren brevets; but, sir, those brevets were bestowed in consideration of distinguished and gallant and meritorious services. As General Grant held the office of lieutenant general during the last year and a half of the rebellion, and performed such distinguished services as he did, I think it is but a matter of justice on the part of Congress to show its approbation of his conduct, either by the creation of the grade of general, or in some other way.

The PRESIDENT *pro tempore*. The morning hour having expired, it becomes the duty of the Chair to call up the unfinished business of yesterday, which is House joint resolution No. 52.

Mr. GRIMES. I move that all prior orders be suspended, in order that we may proceed with the consideration of this bill.

The PRESIDENT *pro tempore*. The special order can be laid aside by unanimous consent, no objection being made.

Mr. HARRIS. If the debate is not to be continued on this bill I will consent; otherwise I cannot.

Mr. GRIMES. I do not want to debate it.

Mr. HARRIS. I will allow it to go on a little while.

The PRESIDENT *pro tempore*. The special order will be laid aside informally.

Mr. DOOLITTLE. I will conclude all I have to say in a moment. I do not see that it is inconsistent with a republican Government that we should have an admiral at the head of the Navy, or that we should have a general at the head of the Army. I think that the gentlemen to whom reference has been made have, by their services in a war compared with which hardly any war of modern times can be mentioned, so distinguished themselves that they deserve the rank and the position which belong to them as the head of the Army and the head of the Navy.

Mr. HENDRICKS. I would not wish it to be understood that, as a member of the committee, I voted for this bill merely to confer a title. I thought that the bill brought about a proper organization of the Navy Department and of the naval officers; and upon that principle I supported it. I thought that there ought to be at the head of the Navy an admiral. Of course the attention of the country is drawn to one distinguished officer of the Navy to fill that position; but my vote for the bill in committee was not given simply to confer a title; and it would not be given to confer a title upon any man in the world, without reference to what I thought was the interest of the public service. I was a little surprised that the chairman should withdraw that portion of the bill, but if he chooses to do it I shall not object. I thought the bill was well drawn, and preferred it as it stood.

Mr. GRIMES. I have not withdrawn it.
Mr. HENDRICKS. The criticism made by the Senator from Maine on the action of the committee, in that regard, I think, is not sustained by the facts. It is not for the purpose of conferring rank, but for the purpose of bringing about a proper organization of the Navy. Upon that principle I supported it, and upon that principle I shall vote for the bill now.

Mr. FESSENDEN. I wish to ask the Senator how it affects the organization of the Navy except by making new offices? Is not Admiral Farragut now at the head of the Navy as vice admiral, and the only one?

Mr. HENDRICKS. We want a vice admiral under him also.

Mr. FESSENDEN. I have not heard it argued why we want a vice admiral under him.

Mr. HENDRICKS. We want a regular grade of officers from admiral down, and this bill brings that about.

Mr. FESSENDEN. It is a mere matter of form—a mere matter of name.

Mr. HENDRICKS. I think the bill is right. The proposed pay of the admiral certainly is not large, if we take into consideration the amount that is paid to Lieutenant General Grant, whom we propose to make a full general. I believe his pay is sixteen or seventeen thousand dollars a year. This bill proposes for the head of the Navy but \$10,000. That certainly is not very much if the other be at all right.

Mr. FESSENDEN. That I have expressed my willingness to vote for.

Mr. HENDRICKS. Our Navy has very much increased, and I think the rank is not too high for the head of what we think is as great a navy as there is in the world.

The PRESIDENT *pro tempore*. The question is on the amendment of the committee in section one, line four, to insert the words "admiral, one."

The question being put, it was declared that the ayes appeared to have it.

Mr. FESSENDEN. I desire to have the yeas and nays on that amendment. I shall vote against it.

Mr. GRIMES. Take them in the Senate.

Mr. FESSENDEN. Very well, I will call for them in the Senate.

The amendment was agreed to.

The next amendment was in section one, line five, to strike out the word "eleven" and insert "ten," so as to read, "ten rear admirals."

Mr. FESSENDEN. It strikes me that that follows upon the other amendment; and we shall have to take the vote on both together.

Mr. GRIMES. No.

Mr. FESSENDEN. Suppose the Senate should reject the first amendment, would this amendment stand or have to be altered?

Mr. GRIMES. No; it would not have to be altered.

The amendment was agreed to.

The next amendment was in section one, line ten, after the word "grades" to strike out the words "below that of rear admiral and above that of lieutenant," and in line twelve, after the word "selection," to insert "from the grade next below;" so that the clause will read:

Provided, That the increase in the grades authorized by this act shall be made by selection from the grade next below of officers who have rendered the most efficient and faithful service during the recent war.

The amendment was agreed to.

The next amendment was in section one, lines fifteen, sixteen, and seventeen, to strike out "vacancies in the grade above commodore on the active and retired lists shall be filled by selection from the grade next below, and;" so that the clause will read:

And provided further, That the number of rear admirals, including all on the active and retired lists, shall not exceed twenty-one.

The amendment was agreed to.

The next amendment was to insert at the

end of the first section, after "exceed twenty-one," the following words:

Exclusive of rear admirals retired after the passage of this act, and of officers now on the retired list of commodores, who have commanded squadrons by order of the Secretary of the Navy, and who may be promoted to the grade of rear admiral on the retired list.

The amendment was agreed to.

The next amendment was to strike out the second section of the bill, in the following words:

SEC. 2. *And be it further enacted*, That after the increase authorized by this act, vacancies occurring in the grades of commissioned line officers of the Navy below that of rear admiral, and of line officers of the Marine corps below that of the colonel commandant, shall be filled by selection and by promotion according to the rule of seniority, alternately, that is to say, if the vacancy first occurring in any such grade be filled by selection, the next vacancy in the same grade shall be filled by seniority, and so on in alternation: *Provided*, That no such vacancy shall be filled by the selection of any officer having more than one third of the officers of the grade from which the promotion is to be made senior to him in rank or position on the Register: *And provided further*, That such selection shall be made from officers possessing the highest character, professional qualifications and attainments, including a knowledge of steam engineering, of the French and Spanish languages, and international law, and having a clear record at the Department of honorable service; and the Secretary of the Navy, in case of doubt, or if he deem it necessary, shall convene a board of officers to assist him by their advice in making such selections, and no promotions made by authority of this act shall be considered as precluding the advancement in rank now authorized by law for distinguished conduct in battle or extraordinary heroism.

The amendment was agreed to.

The next amendment was in section three, line three, to strike out "twenty" before "lieutenants" and insert "ten;" to strike out "fifty" before "masters" and insert "twenty;" and in line four to strike out "seventy-five" before "ensigns" and insert "forty;" so that the clause will read:

That of the number of line officers of the Navy on the active list, five lieutenant commanders, ten lieutenants, twenty masters, and forty ensigns may be appointed from those officers who have served in the volunteer naval service for a period of not less than two years, and who are either now in that service or have been honorably discharged therefrom.

The amendment was agreed to.

The next amendment was in section four, line six, after the word "navy" to strike out "as;" in line seven, after the word "ability," to insert "professional competency;" in line eight, after "service" to strike out "twice;" after "to be," at the end of the eighth line, to insert "appointed and;" and after the word "act" in line ten, to strike out "from whom he shall select the persons to be appointed to each of those grades;" so that as amended the section will read:

That the Secretary of the Navy shall appoint a board consisting of not less than three naval officers superior in rank to the officers to be thus appointed in the regular Navy from the volunteer service, which board, after examination of the claims of all candidates, shall select and report to the Secretary of the Navy the most meritorious in character, ability, professional competency, and honorable service, the number to be appointed and transferred to the several grades mentioned in the third section of this act.

The amendment was agreed to.

The next amendment was to insert an additional section to come in as section six:

SEC. 6. *And be it further enacted*, That lieutenant commanders may be assigned to duty as navigation and watch officers on board of vessels-of-war as well as first lieutenants of naval stations and of ships-of-war.

The amendment was agreed to.

The next amendment was to insert the following as a new section:

SEC. 7. *And be it further enacted*, That the annual compensation of the Admiral of the Navy shall be \$10,000 a year, and he shall be entitled to the services of a secretary, who shall receive the annual salary of a lieutenant in the Navy.

The amendment was agreed to.

Mr. GRIMES. I move to amend the bill by inserting as a new section at the close the following:

And be it further enacted, That naval constructors and first and second assistant engineers in the Navy shall be appointed by the President and confirmed by the Senate, and shall have naval rank and pay as officers of the Navy.

As the law now stands, first and second as-

sistant engineers are merely appointed officers and hold no commission from the President of the United States. This is to grant commissions to those officers and to give naval rank and position to the naval constructors who are now officers of a sort of amphibious character, partly civil and partly military, land and water.

The amendment was agreed to.

Mr. TRUMBULL. I desire to move an amendment to the first section of the bill. It is to insert after the word "selection" in line twelve the words "of officers;" and after the word "below" in the same line to insert the word "or;" and then after the word "officers" in the thirteenth line to insert "who have acted in the same or a higher grade by order of the Secretary of the Navy and," so as to make the clause read:

Provided, That the increase in the grades authorized by this act shall be made by selection of officers from the grade next below, or of officers who have acted in the same or a higher grade by order of the Secretary of the Navy, and who have rendered the most efficient and faithful service during the recent war.

I hope this amendment will have the assent of the committee, and if I can get their attention for a moment I think I can make it understood. The committee's bill authorizes officers to be promoted by selection from one grade to another on account of meritorious services during the war; they do not go up by regular gradation. For instance, the commodores are eligible to the position of rear admiral; in order to be a rear admiral a person must be a commodore; but the Secretary selects among the commodores. They do not go up according to their seniority. He may take a junior commodore and put him over a senior.

The amendment I propose is that where during the war any officer has been assigned to duty in a particular rank by order of the Secretary of the Navy, and has performed meritorious duty there, signal service, which entitles him to promotion, he shall be eligible to promotion as if he actually filled that grade. That is the whole effect of it. I do not know how many officers it will cover, but it will cover some.

Mr. GRIMES. One.

Mr. TRUMBULL. There are more than that, I presume. When I spoke to the chairman of the committee about this matter the other day, I understood him to say that it would cover a good many.

Mr. GRIMES. I have been examining it, and I find that it will only cover one.

Mr. TRUMBULL. I do not know how many it will cover; but if it covers but one, the principle is important. It should be decided upon principle, and not upon the mere question whether it covers one officer or ten.

The principle of the bill is that officers of high grades are to be selected from the grade next below, who have rendered the most efficient and faithful service during the recent war. Now, if in the grade of captain there was no captain whom the Secretary of the Navy and the President were willing to trust to perform the duties of a captain, and it became necessary to call a lieutenant, Lieutenant Worden, if you please, or anybody else, to discharge the duties of captain, and he discharged those duties during the war, and while he was acting in the position of captain he rendered the most efficient and faithful service to the Government during the war, I ask if he ought not to be eligible to promotion just the same as if he had been a captain regularly. You propose by this bill to make the test of promotion efficient and faithful service during the war in a particular grade. Now, if a man acts in that grade by command of the Secretary of the Navy, and renders the service, ought he not to be eligible to promotion just the same as if he had belonged to that grade? If not, you ought to strike out this provision in the bill which allows selections at all. Either let them go up by regular promotion, or else, where a man has performed service in the grade, make him eligible to promotion. Whether anybody would be promoted

under my amendment, whether a single individual would be promoted under it, is not, in my judgment, the question. I think, as a principle, it ought to be open to promotion of the person who has performed the service in that grade by command of the Secretary of the Navy; not an accidental service that has been thrown upon him, but where he has been selected and detailed for the service in the grade, and has done it faithfully and efficiently during the war. I ask upon what principle you will now promote a captain whom you would not trust during the war, and will not allow a person to be eligible to promotion whom you assigned to perform that very captain's duty. I hope the committee will agree to the proposition; it seems to me eminently a just principle.

Mr. GRIMES. I am not going to argue this question, because I am acting here upon the sufferance of the Senator from New York, I believe, and I do not want to trespass upon his time. I am sorry to say to the Senator from Illinois that, for one, I cannot consent to his amendment. The principle which he advocates may be a very good one, but why does he not extend it to all the grades? Why does he confine it to this particular grade so as to include one man whom he desires to make a rear admiral? If there be value in his principle—and I think that it is substantially right—why not carry it further?

Mr. TRUMBULL. The Senator from Iowa does not understand me. I do not wish to interfere with the general principle of the bill. That would throw it open to promote entirely without regard to grades at all for efficient services. That would be a very vital change in the bill. I restricted the amendment so that it should be confined still to those who acted in the grade. I thought it was less a departure from the principle of the bill. In my judgment, the proper principle would be to promote for merit, if we could have it rightly done; but still I do not wish to make such a radical proposition at present.

Mr. GRIMES. In that opinion of the Senator from Illinois I entirely concur; and if it were possible to do so I would gladly accept of any proposition by which every officer in the public service should be promoted by merit and not by mere seniority; but we have got to take the condition of things as we find it, and such a proposition as that would overturn and destroy the Navy. For one I cannot consent to agree that there shall be an exception made in behalf of one particular person, but I am willing that the vote shall be taken without any further remark.

The question being put on the amendment, there were, on a division—ayes 10, noes 11; no quorum voting.

Mr. DOOLITTLE. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 13, nays 18; as follows:

YEAS—Messrs. Anthony, Chandler, Connors, Cowan, Davis, Doolittle, Howard, Morrill, Riddle, Saulsbury, Trumbull, Wade, and Williams—13.

NAYS—Messrs. Buckalew, Cragin, Fessenden, Foster, Grimes, Guthrie, Harris, Henderson, Howe, Kirkwood, Lane of Indiana, Morgan, Norton, Pomeroy, Ramsey, Sherman, Van Winkle, and Wilson—18.

ABSENT—Messrs. Brown, Clark, Creswell, Dixon, Edmunds, Hendricks, Johnson, Lane of Kansas, McDougall, Nesmith, Nye, Poland, Sprague, Sumner, Willey, Wright, and Yates—18.

So the amendment was rejected.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The question is on concurring in the amendments made as in Committee of the Whole, and unless some Senator desires a separate vote, the question will be taken on all the amendments collectively.

Mr. FESSENDEN. I desire to have a separate vote on the first amendment, and also on the amendment inserting the seventh section which is connected with it.

The PRESIDENT *pro tempore*. The question is on concurring in the amendments not excepted.

The amendments were concurred in.

The Secretary read the first excepted amendment, which was to insert the words "admiral, one," in line four, so as to read, "the number allowed in each grade of line officers on the active list of the Navy shall be one admiral, one vice admiral," &c.

Mr. FESSENDEN. Upon that amendment I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GRIMES. As several Senators have inquired of me the effect of this amendment, I will say that those who desire to make an admiral, a full admiral, who is intended, of course, under the law, if it passes, to be Admiral Farragut, will vote "yea," and those who are opposed to creating any such grade will vote "nay."

Mr. HARRIS. I desire to inquire whether the adoption of this amendment will not make not only an admiral but another vice admiral.

Mr. GRIMES. We have the grade of vice admiral now, and of course it will have to be filled by somebody else. This simply creates the new grade of admiral, and that admiral must be selected from the grade below, which is vice admiral. Therefore those who desire to make Vice Admiral Farragut a full admiral will vote "yea."

Mr. FESSENDEN. And somebody else a vice admiral.

Mr. GRIMES. Of course.

The question being taken by yeas and nays, resulted—yeas 18, nays 11; as follows:

YEAS—Messrs. Anthony, Chandler, Cragin, Doolittle, Foster, Grimes, Guthrie, Howe, Kirkwood, Lane of Indiana, Morgan, Norton, Ramsey, Stewart, Trumbull, Wade, Williams, and Wilson—18.

NAYS—Messrs. Connors, Cowan, Davis, Fessenden, Harris, Henderson, Howard, Morrill, Pomeroy, Riddle, and Saulsbury—11.

ABSENT—Messrs. Brown, Buckalew, Clark, Creswell, Dixon, Edmunds, Hendricks, Johnson, Lane of Kansas, McDougall, Nesmith, Nye, Poland, Sherman, Sprague, Sumner, Van Winkle, Willey, Wright, and Yates—20.

So the amendment was concurred in.

The other excepted amendment was to insert the following as section seven:

SEC. 7. *And be it further enacted*, That the annual compensation of the Admiral of the Navy shall be \$10,000 a year, and he shall be entitled to the services of a secretary, who shall receive the annual sea pay of a lieutenant in the Navy.

The amendment was concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed. On the motion of Mr. GRIMES, its title was amended by the addition of the words "and for other purposes."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House of Representatives had passed, without amendment, the bill (S. No. 350) to authorize the Commissioner of Patents to pay those employed as examiners and assistant examiners the salary fixed by law for the duties performed by them.

The message further announced that the House of Representatives had non-concurred in the amendments of the Senate to the bill (H. R. No. 492) making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under the authority of law, and for other purposes, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. THOMAS D. ELIOT of Massachusetts, Mr. JOHN W. LONGYEAR of Michigan, and Mr. JAMES M. HUMPHREY of New York, managers at the same on its part.

The message also announced that the House of Representatives had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 85) for the disposal of the public lands for homestead actual settlement in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida.

The message further announced that the House of Representatives had passed a joint resolution (H. R. No. 120) to extend to the counties of Berkeley and Jefferson, of West

Virginia, the provisions of the act approved July 4, 1864, entitled "An act to restrict the jurisdiction of the Court of Claims and to provide for the payment of certain demands for quartermaster's stores and subsistence supplies furnished to the Army of the United States," in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House of Representatives had signed an enrolled joint resolution (H. R. No. 134) relative to appointments to the Military Academy of the United States; and it was thereupon signed by the President *pro tempore* of the Senate.

REPAIRS OF THE POTOMAC BRIDGE.

The PRESIDENT *pro tempore*. The unfinished business of yesterday is House joint resolution No. 52.

Mr. MORRILL. I desire, with the indulgence of the Senate, by the permission of the Senator from New York, who has charge of that matter, to be allowed now to take up the House joint resolution appropriating \$10,000 for the repairs of the Potomac bridge. It has been for some time before the Senate, and there is a great and, it is said, an urgent necessity for its passage.

Mr. HARRIS. I hope that will not be done if the unfinished business is to lose its precedence.

Mr. MORRILL. Of course not. I will give way if the joint resolution gives rise to the slightest discussion.

The motion of Mr. MORRILL was agreed to; and the joint resolution (H. R. No. 43) making an appropriation for the repair of the Potomac bridge was considered as in Committee of the Whole.

It proposes to appropriate \$10,000 to enable the Commissioner of Public Buildings to place the Potomac bridge in such repair as to render it permanently passable, the work to be done immediately after the approval of this joint resolution.

The joint resolution was reported to the Senate, ordered to a third reading, read the third time, and passed.

PARIS UNIVERSAL EXHIBITION.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. R. No. 52) to provide for the expenses attending the exhibition of the products of industry of the United States at the Exhibition at Paris in 1867, the pending question being upon the amendment of Mr. GRIMES to the amendment reported by the Committee on Foreign Relations. The amendment of Mr. GRIMES was to add to the second section of the committee's amendment the following proviso:

Provided, That no officer shall be appointed and no money paid under the provisions of this resolution until the Imperial Government of France shall first give ample and reliable assurances to this Government that the French troops and all French military officers shall be immediately withdrawn from the just territorial jurisdiction of the republic of Mexico.

Mr. SAULSBURY. Mr. President, I shall say nothing in reference to the amendment proposed by the honorable Senator from Iowa. I cannot vote for it certainly, because I do not see its relevancy to the resolution under consideration. I should be opposed to saying to the Emperor of France, "Provided you withdraw your troops from Mexico, we will send you friendly messages." I do not propose any such bargain as that to so distinguished a personage. I wish, however, to make one remark upon the resolution. While I am not hostile to the objects and purposes of this joint resolution, I cannot vote for it unless the honorable Senator from New York can inform me where Congress gets the constitutional authority to make this appropriation. It is no answer to say that Congress heretofore has made appropriations of this character. Where, let me ask, is the constitutional authority in Congress to appropriate money for the purpose

of sending articles of manufacture, or any other articles, to Paris to be put upon exhibition? Is the power of Congress over the Treasury omnipotent, so that they can appropriate the public money for any and for every purpose whatever? Is there no limitation upon that power as to the objects and purposes of the appropriation? Can they make an appropriation to have an exhibition of wild or tame animals at any point in the United States or any point beyond the limits of the United States? If you have got the power under the Constitution to appropriate money out of the public Treasury for an object of this kind, you have got the power to appropriate money out of the public Treasury to have annual agricultural fairs, annual exhibitions of stock raised in the United States, and the power to send specimens of those stocks to foreign countries for exhibition.

I will not argue the question. It seems to me the mere presentation of the case is sufficient. Sir, we have gone far enough in this species of legislation, in holding that we have absolute control over the public purse, and that we may empty out its contents into the lap of anybody and of everybody, anywhere and everywhere, for any and for every purpose. It is time such legislation should stop.

Mr. HARRIS. Mr. President, I have this morning been put in possession of some information in relation to the Mexican question, which, while I do not deem it very important in reference to the subject immediately pending before the Senate, may be interesting to the Senate upon the general question of Mexican affairs. I have in my hand extracts from a letter coming from a source which, if I were at liberty to mention it, would be very satisfactory to every Senator. It is a letter from Paris, just received, which states as follows:

"It is the policy of the French Government to avoid any new negotiation with the Cabinet of Washington, but it is its clear determination to recall its troops and even to anticipate the term of eighteen months already appointed as necessary for the French evacuation. This policy is so evident that in looking at the facts you can rely upon a very early execution. The orders are already given from the French War Department to recall in the next October the most important part of the total amount of French troops now in Mexico. When the number of their troops which are to be withdrawn within the next fall shall be known in the United States, it will satisfy the most exacting parties that the remainder of the French army will be recalled in the next spring."

Mr. HOWARD. I sincerely hope, sir, that the information furnished by the honorable Senator from New York may be relied upon, and that we shall soon see the complete evacuation of the Mexican territory by the French troops. Of course I am entirely ignorant of the source of the information; and notwithstanding the confidence with which the honorable Senator seems to regard that information, I must take the liberty to express a doubt as to such a result. Sir, the number of French troops within the Mexican territory at the present time is not less than fifty thousand, and until a very recent period the number has been increasing from time to time by accretions from France and Belgium and other places in Europe where the Emperor has been able to pick up troops and send them to Mexico. Among these troops is a force which is known as the "foreign legion," consisting of eight thousand troops.

Now, sir, as to the probability of the withdrawal of the French troops from Mexico next October or next November, or at any definite time in the future, I beg to call the attention of the honorable Senator from New York to the convention which was entered into between the Emperor of the French and Maximilian under date of the 10th of April, 1864, a solemn treaty between the two sovereigns:

"The Government of his Majesty the Emperor of the French and that of his Majesty the Emperor of Mexico, animated by an equal desire to insure the reestablishment of order in Mexico, and to consolidate the new empire, have resolved to arrange by a convention the conditions of the stay of the French troops in this country."

Now comes the stipulation:

"ARTICLE 1. The French troops which are now in Mexico will be reduced as soon as possible to a corps

of twenty-five thousand men, including the foreign legion.

"This corps, to protect the interests which have caused the intervention"—

That is the corps of eight thousand men, to protect the peculiar interests of the Emperor of the French and of Maximilian, "which have caused the intervention in Mexico" will remain. That interest is nothing more nor less, as we all know, than the downright conquest of Mexico by the French arms and its retention by France under the frivolous and shallow pretext of a protectorate in favor of the scion of the house of Hapsburg known as Maximilian.

"This corps, to protect the interests which have caused the intervention, will remain temporarily in Mexico"—

Temporarily!

"under the conditions arranged by the following articles."

"ARTICLE 2. The French troops will evacuate Mexico according as his Majesty the Emperor of Mexico shall be able to organize the troops necessary to replace them."

"ARTICLE 3. The foreign legion in the service of France, composed of eight thousand men, will nevertheless still remain for six years in Mexico"—

I desire the especial attention of the honorable Senator from New York to this clause. The foreign legion is to remain at least six years in Mexico—

"after all the forces shall have been recalled, conformably to article two. Dating from this moment, the said legion shall pass into the service and pay of the Mexican Government. The Mexican Government reserves to itself the faculty of shortening the duration of the employment of the foreign legion in Mexico."

The French army, by this solemn treaty between the two Emperors, is to remain in Mexico until his Majesty the Emperor of Mexico shall be able to "organize the forces necessary to replace them," that is, to replace the French troops. How long will that be? How long will it require the Emperor Maximilian to muster troops enough, composed of Mexicans and Austrians and all other nationalities, to replace the French army in Mexico and maintain himself on the throne? No, sir; the stipulation of the Emperor of the French thus entered into with Maximilian looks forward to the permanent and perpetual maintenance of the Emperor Maximilian upon the throne of Mexico. So long as he shall find it necessary to maintain himself upon that throne by means of foreign aid, so long the Emperor of the French is bound to aid him and continue his forces in Mexico.

As throwing some further light on the continuance of the French troops in Mexico, I beg to read an extract from an article published in what is called the *Memorial Diplomatique*, in Paris, dated March 12, 1865. It has the air of authority in it; I have no doubt it is entirely official. That journal says, after commenting upon the convention to which I have already made allusion:

"Should, however, the reorganization of the Mexican army progress sufficiently rapid to render the complete evacuation possible at some not distant future, the foreign legion, which realizes an effective of eight thousand men, would still continue to unfurl the French flag in Mexico for six whole years after the departure of all the other troops, unless the Emperor Maximilian should judge it expedient to shorten the duration of its employment. Thus imposing as seems the force of bayonets of which the United States will be able to dispose if they end the fratricidal war which at present divides them, there is very little fear that they will be disposed to make an attack upon Mexico, where, for eight or ten years still, they are sure to meet the French flag; and should they forget that it is to the generous cooperation of France that they owe their own independence, they could not be ignorant that the Government of the Emperor Napoleon III does not compound in a matter of honor and dignity."

I refer to these passages as a reply to the assurance given us by the honorable Senator from New York, based upon the paper which he has read to us, that it is highly probable the French troops are about to be recalled from Mexico. No, sir; I think this talk about the withdrawal of the French troops from Mexico is a mere amusement, and notwithstanding the many assurances that we have had, direct and indirect, that they are about to be withdrawn, I have no idea at all that the Emperor of the French contemplates the with-

drawal of the French army from Mexico. French pride is concerned in that question, French honor, French dignity, French glory. It is to-day a French conquest, so far as the conquest has extended, and France now holds it by the iron grip of war and conquest, and so she intends to hold it for the future, and I regret to say that her progress in Mexico has, in my humble judgment, been in a great degree owing to our own difficulties at home, if you please to call it so, our own weakness, produced by the civil war through which we have just passed, and also to a want of manly firmness and courage on the part of our own Government in its negotiations and its relations with that of France. Until we have some new policy in our foreign affairs, a policy which shall in some form assert the ancient and time-honored Monroe doctrine, you will see no withdrawal of the French troops from Mexico.

Mr. HOWE. I should like to say a word about the amendment and upon the subject of the Exposition itself. I understand that the different nations of the world propose to hold a sort of general Exhibition in Paris, by and by, to show off their industry, the relative industries of the different nationalities. Whether it is wise or unwise for the United States to participate in such an Exhibition was, at one time, an open question; but I understand we have already passed upon it and concluded, resolved to participate in that Exhibition. My own impression is that the decision was a wise one. I do not know of any reason that should prevent the industry of the United States appearing where the industry of other nations is exhibited. The Senator from Iowa says it will cost a good deal. I suppose it will cost all nations a good deal; but I am not sure that we cannot afford the expense. Several of these Exhibitions have been held heretofore, and I believe we have generally approved of them. We made but a very meager and a somewhat beggarly appearance, I think, in the last one that was held. I think we refused to make any appropriation for that purpose. The argument was that we were just embarking in a war; we did not exactly know who owned the United States; and it was thought more prudent for us not to appear in that industrial congress of nations. I thought otherwise then, and said otherwise. I thought that as long as we pretended to be a nation, if we were not so effectually stunned by the war that we could not walk at all, it was our business to walk into whatever congresses other nations did go into, if they were right and proper in themselves.

I do not think the mere consideration of expense should deter us from appearing at this congress. It seems that it is to be held in France; and I judge from the debate that has already taken place that the Emperor of France is not popular here in the Senate and in the United States. That may very well be. His merits have not been canvassed recently. I do not know what the popular verdict would be touching the Emperor Napoleon. But the Exhibition is not to be held in his parlor, or in any of his counting-rooms, or in any of his parks. It is to be held in the city of Paris, I understand. France is an existing nation, and whether we like or dislike the reigning monarch there, I do not think that is a good reason for our refusing to participate in an exhibition which is to take place there.

I have seen Executives in this country who were not very popular with me. I do not think that the want of popularity on the part of any of our Presidents would be a good reason why Great Britain, or France, or Russia, or any other nationality of the world, should refuse to participate in an exhibition of industry to take place in the city of New York, or Boston, or elsewhere. So I do not think we ought to determine this question with reference to our peculiar opinions of the political merits or demerits of the Emperor Napoleon.

But it is said that a youthful son of his is to preside over this Exhibition. I did not know that. If he does I hope he will preside suc-

cessfully and acceptably. I do not think, if he is so very young as he is said to be, that he will be capable of doing much to damage the Exhibition; I do not think he will be able to hurt it much; and therefore I should not refuse to participate in the Exhibition on that account.

But the pending amendment raises a different question: The pending amendment suggests to us the propriety of refusing our participation in the Exhibition unless the French troops shall be removed, not from the United States, but from the republic of Mexico down below us. I would not have any particular objection to that amendment if I were sure the French troops would be removed before this Exhibition came off, because then no attention would be attracted to the fact that we had agreed to such a vote. But if that amendment should be adopted and it turned out that the French troops had not been withdrawn by the time the Exhibition came off, I should be very sorry if any inquiry were ever made "why the United States of America are not represented at Paris," the answer should be, "We were pouting, we were in a sulk because there were some French troops in the republic of Mexico."

Mr. President, I shall not detain the Senate with any discussion of the Monroe doctrine; but I will say just this one thing, that if the existence of these troops or the troops of any other foreign country in the republic of Mexico is an injury to the sovereignty of the United States of America, this is not the way to resent it. If we feel insulted or wronged by the presence of those troops in that republic, let us remove them. There is one way of doing it. This is not the way. France is a sovereign Power; so is Mexico, I take it; and so is the United States at last, I trust; and if we are wronged by this or any other act of national intervention in the affairs of this continent let us proceed to abate that wrong, as sovereign Powers do abate wrongs. We know how that is. But I do not believe it becomes the Republic of the United States to sit here day after day in the Halls of Congress to complain of these acts without taking the proper steps to redress them; and, above all, do I think it unbecoming the dignity of the Republic, if France or Louis Napoleon has ventured upon a step which we feel to be an aggression upon the rights of the United States, to undertake to resent it by simply making faces at his boy.

Mr. WADE. I had not intended to say anything about this subject, because I supposed it was a foregone conclusion that this Exhibition would be attended by the authorities of the United States. I was opposed to it in committee; I am opposed to it now, and for several reasons. One of those reasons is that I am persuaded that the exhibition we shall be able to make there will not be very honorable or very creditable to the United States. We have not had sufficient notice; we have not begun in sufficient time; we are not sufficiently liberal in the appropriations that we have made or propose to make, to make a respectable exhibition there. So well aware of that has the French Emperor been, that by reference to the amount of ground that has been marked off for the United States to occupy among the other nations of the earth that propose to assemble there, it will be seen that there has been less space awarded to us than to any of the little German principalities that propose to go there. They require us, of course, to build our own house, and I believe the appropriation proposed here is not supposed to be more than sufficient to construct the buildings in which the exhibition is to be made. At all events the committee did not find that it could much more than perform that part. We are a great way from the place where this Exhibition is to be held. It is very expensive for us to go there and to take there all those things that we might wish to exhibit. The probability is that we shall make but a very poor show in that distant country compared with those great nations living close at hand, and with materials much easier to be brought and exhibited there than

we could do under any circumstances; for those aristocratical and monarchical Governments, where kings and princes contend with the power of nations in their hands, can make a much greater show than a republic can ever make.

I do not know what advantage it is supposed will be gained by any exhibition that we shall make there. Is there any new thing under the sun that will be brought to light there? Is there to be found any new invention unknown to the people of the United States or to the civilized world that we can lay hold of as an improvement, that we have not now perfect knowledge of? I hardly know what advantage this nation expects to get by any exhibition that it shall make there.

These considerations, seeing that we should make such a sorry exhibition there before the nations of the world, led me to believe that it would be better that we should not go there at all. If we could make an exhibition of republican Government, and the fruits of republicanism as administered in our Government, that we think the best in the world, yea; that we know is the best in the world; if we could compare its principles and its effects upon a people with those monarchies, I should be exceedingly emulous for the exhibition; but this is a contest for splendor, for show; and it is for the purpose of building up the greatness, power, and influence of the Emperor of France that this Exhibition is to be held. These are the considerations which have moved that absolute and subtle monarch to gather all the nations of the earth there right under his surveillance and supervision, to make an exhibition for the glory of France and the stability and honor of his throne. It will hardly have any other effect than that. All that he expects from it is from considerations like these. And just in proportion as a Government robs its poor people, robs labor of its just fruits, and accumulates them in the hands of a few, just in that proportion is it able to make a splendid exhibition on such an occasion.

As I said before, I wish we could compare Governments and the fruits of free Governments with the fruits of despotisms as affecting the honor, the intelligence, and the elevation of a whole people. If that could be done, we should do more for republicanism, more for humanity, more for the elevation of the peoples of the world than could be done in any other way. But by this kind of exhibition you only exhibit to the world what robberies privileged classes can make from industry in order to make a show before the world: and to repeat, just in proportion as they rob labor of its fruits, so they will be enabled to make a grand, splendid appearance at this Exhibition.

These, in short, were some of the reasons that induced me before the committee to believe and to vote against our Government interfering at all in this matter. We are to send philosophers and sages there to view this great spectacle! They will come home, one half of them, with their heads turned clear round with the glory of monarchical Governments and the splendid exhibitions that they have made there. Your shallow scientific men will look no deeper than this, and will become imbued with the spirit of monarchical and aristocratic governments. One half of the men we send abroad desert our principles when they have been hanging on a court for not more than a month. Your minister there now is as complete a snob to the court of France as any one who is hereditarily so. That will be the advantage, and I believe all the advantage, that this Government will gain by sending these sages there to take note of this splendid Exhibition. As the Senator from Iowa has said, when that is done they will come here with their programmes and their drawings and their reports, that will be exceedingly costly for us to print and exhibit here, and they will be of no kind of use when they are printed.

Now, sir, as to our relations with France, for that has been involved in this question, what has been the treatment of France toward this nation and toward Mexico? I take that

into account when we are invited to make a friendly exhibition. It may not, in one sense, have anything to do with this manifestation of art and science that is to be made in Paris. But, sir, something is due to the self-respect of this great nation. Who is the man that has got up this Exhibition? Who is he that invites us to this banquet? Is he a man who has treated us with consideration and respect all along? When we were involved in great difficulties, when he supposed ruin was staring us in the face, was he then friendly to us and to the Government we represent? Sir, he was our mortal enemy. He is the enemy of mankind, the enemy of the rights and liberties of mankind, as he has shown on all occasions. If any private gentleman were guilty of the same acts of criminality that he is justly charged with and guilty of, not a man in this Senate would associate with him for a moment.

How came he in Mexico? Had the poor inoffensive people of Mexico, struggling against ignorance, against superstition, against every obstacle that impedes the progress of a nation to civilization and to welfare, ever done him, the Emperor of France, any wrong? No, sir, never. He crossed the broad Atlantic to invade a people who had never injured him; and with what pretension did he come? He came there pretending to the nations of Europe and to us that he had a little claim due somehow or other from the people of Mexico to the people of France, and he disavowed any intention of coming for any political purpose whatever. That was his solemn declaration, in order to throw us and surrounding nations off their guard. He seduced even England and Spain into the idea that he wanted them to cooperate barely to collect a debt against Mexico, disavowing utterly any political intention whatsoever, saying that he did not intend to acquire any foothold in Mexico. Was that a false pretense or a true pretense? No man ever went to the penitentiary for obtaining property by false pretenses upon a pretense more false, more disgraceful to human nature, than that he avowed.

When he got there what did he do? He at length disgusted his associates. They finally saw through his scheme, and that they were deceived, and they backed out, and then he was compelled to let the truth be known, that he had gone there with no intention to collect a debt, but with the intention to subvert the republic of Mexico, and trample it under foot, and place there a crowned head of his own making under him as a satrap, and subject the great republic of Mexico to be a mere adjunct of the empire of France. That is what he is after; that is what he designs to do; and why? How has he done it? He has taken his army there. He has invaded Mexico by a military force. He has carried on against that inoffensive people the most barbarous war that has been waged in modern times. He has gone abroad to hunt up another scion of nobility for the time being to take his place and reign in his stead over a strange people; a people republican in all their sentiments; a people endeavoring to imitate us in the great republic that we have formed; a nation that we always wish to be friendly with us; a nation that has reached out its arm and implored us, inasmuch as we had set the example that they were endeavoring to follow by forming a just and free republican Government like our own, to step forth and aid and assist them from this robber. When they did it, they did it upon the well-known and established principles of our own Government, by which for the last fifty years we have declared that we would not at any period suffer European nations to intermeddle with the politics of this continent, and to overthrow the republics here, and to set up monarchies or empires in their stead. If there is any settled, cherished policy of this nation approved by our statesmen from Jefferson until now, that is one of them; and if we surrender it, we most weakly and meanly surrender a great principle as necessary to our true republican progress as the breath of our lives. He has put Maximilian

there in his stead; he has maintained him with his troops; he has officered his armies with his own officers; he has even sent men there from his empire to dictate how the war shall be carried on; and what is the effect of it? Why, sir, because these poor Mexicans, struggling to maintain their rights against this foreign robber, whom they had never injured, because they persist in the assertion of their rights, when they are taken as prisoners all the well-known principles of modern warfare are forgotten, and they are ordered to be shot. Why? Because they attempt to defend their liberties and the liberties of their nation against the aggressions of this accursed robber and despot from abroad. That is the reason—a reason that should stir the blood of every republican the world over.

But it is said that we have put up patiently with this for a long time. Sir, I blush; I am ashamed to confess it, that we have. It is the darkest blot upon the escutcheon of the United States that we have suffered it so long. The Emperor of France did not disguise it that his purpose was to put a check, to put a curb in the bit of the Anglo-Saxon race, and to come here for the advancement of the Latin race, and for empire. He told the world that that was his object. It was a declaration of war upon our principles, and he knew it, and it should have been taken in the right spirit; or, if struggling with our gigantic foe, prudence dictated that for the moment we should hold up, the very moment the cloud of war passed away, we should have asserted this great doctrine, and we should have gone forth and put it in practice. Our armies upon the borders of Mexico ought never to have been disbanded until this robber and his cohorts and his creature with the name of Emperor were driven ignominiously from this continent. It could have been as easily done as said. Suppose your triumphant arms had been turned against the creature of this robber, in the assertion of that great principle called the Monroe doctrine, emanating from Thomas Jefferson, and which was thrown into the teeth of the great combination of European despots called the Holy Alliance by Mr. Monroe? At that period, comparatively weak as we were, we had the courage to stare them in the face with all their accumulated power, and say to them, "Take care of your own monarchies and Governments in Europe; but we will not suffer you to come on to this continent to model Governments after your own fashion, and if you do it, you do it at your peril;" and they who had triumphantly driven Bonaparte from his throne, had not the hardihood to encounter the wrath and the enthusiasm of this people stirred up in the defense of this great principle. They left it to us, with our accumulated power and strength, to quail before the mandates of this French Emperor. I say again it is shameful for us, it is a blot upon our character that ought to be wiped out.

But I am told that this very innocent French Emperor has now made up his mind that he will relinquish all his plans; that he will forego all the expense he has incurred; and that he is now ready to back out of the project which he has cherished so long and has maintained thus far with such sacrifices to France, to recall his troops, and to do precisely what we wish him to do. Does anybody believe that he will do it willingly? We were told yesterday of the course he took recently with the French army there. How many times within the last five years has he avowed and asseverated to the people of Europe that it was his purpose to withdraw his army from Italy? Did he ever find the time when he would do it? No, sir; he ever found some pretense to postpone it even until now. He is endeavoring now, with all the power and influence of his empire and of his craft, to postpone the great war that is rising in Europe, for no better purpose undoubtedly than to enable him still to carry out the project he had in view upon this continent. I know that the condition of Europe to-day is perilous. I know that a cloud

of war is hanging over the continent of Europe, threatening to involve it in one of the greatest and most terrible contests that the world ever saw. Statesmen believe it must come. Napoleon thinks it is imminent; and therefore, I say again, he is turning all his power and skill toward averting the storm and quelling it without a resort to arms. I see that the great contending nations have paused in their career, and have deferred so far to him as to go into a congress that they refused four years ago to go into. They have stayed their armies. They have consented to negotiate. There is a great congress of kings and emperors and their ministers at Paris in order to settle this great question without a resort to arms. Will they be able to do it? Speculations of statesmen are rife upon that subject. No man now can tell what will be the result of those negotiations. My own opinion is that the power and influence of France can procure peace, and having it in her power to chastise any nation that will go to war against her will, I believe it will have the effect to stay, for a season at least, this resort to arms. If it does, has Napoleon said a word or done a thing that will bind him to withdraw his troops and give up his project in Mexico? Not a word. You may read your letters till doomsday; you may look to all the subtleties that he has resorted to; and I read them all in this way: Napoleon says, "I see great difficulty arising around me; I may find full employment for all the military power I have; therefore I do not wish to provoke a war with the United States until this question is settled one way or the other." But if he finds that he is to be at peace with Europe, my word for it—and never will I rise in the Senate again to declare my opinion of what will take place if I am incorrect, if that question is settled without war—Napoleon will not choose to give up his grasp upon Mexico; nor will our Administration extort from him a promise that he will absolutely do it. He has said nothing; he has done nothing as yet—you cannot put your finger on it—that binds him to withdraw his troops either in October or any other time. He is waiting to see how European affairs turn out; and just as they do turn out, so will he act. It is the dearest project of his heart to subjugate Mexico to an emperor of his own setting up—a man who will be nothing but a mere plaything in his hands. He will have the great empire of Mexico under Maximilian for a while, and then under his son who is to succeed him.

Now, sir, this is the way that I judge upon that question. I do not believe that our intercourse with France is so peaceable. I wish that our Administration would take a direct step in the right direction, following the just, great, noble, courageous counsel of our forefathers, who were weaker than we are, and hurl the same defiance in the teeth of the Emperor of the French and the Emperor of Austria and all Europe, saying, "We will never submit to allow a neighboring republic that has taken us as their model, on our borders, to be overturned against their will and consent, and an accursed emperor set up to tyrannize forevermore upon that people." It is a bad example for us.

Gentlemen may say it is nothing to us what becomes of Mexico. Sir, it is a narrow, selfish policy that will degenerate in the loss of our own liberties if we become so indifferent to the fate of the people who surround us. I say we ought in good neighborhood to stretch forth a friendly arm to that struggling people who are being slaughtered, tortured, starved, put to every inconvenience on God's earth, that this robber may prosper; but we sit down indifferent to it, and see a great republic overturned under our noses, and, with an impudence unknown, a Government set up upon its ruins that we utterly abhor. Sir, with such an emperor as this, so false to all that is liberal, just, and right, so tainted in his private character as a man, with his double dealing and frauds, with his cruelty and barbarity as a statesman, I do not want the United States to

have anything to do by way of social intercourse.

It is said that he is to put up his son at the head of this Exhibition as a model for American gentlemen and statesmen to doff their hats to. A young monarch nine years old! Gentlemen may say this is a matter of taste. It is a matter of principle with me. An American citizen never shall, with my consent, be compelled to do this mean obeisance to kings or emperors, or their children. It is not the place for proud republicans to go. The relationship in which we stand to that nation is not such as should permit us to interfere nationally, and by our Government to appear at this grand pageant of this Emperor in order to swell the triumphant splendor of his reign. I am opposed to it. But what I say about the Emperor, and about maintaining our policy and lending our arms to assist Mexico in her troubles, I am for carrying out directly. If you vote down this amendment, then tell me that you will take the lion by the beard and say to him, "You shall not make ruling emperors on our borders to be our neighbors; it is against our principle and humiliating to us; it is intended to degrade us." If you want to show an exhibition of a people, the bravest, the best, the most intellectual, the highest advanced in civilization that the world ever saw—I mean the great mass of our people—exhibit nations, but do not go for their bangles. You will be beat there. I hope to God you will ever be beat in such exhibitions as that. Compare institutions with them; show the beneficence of our Government, how it reaches out a helping hand to offer help to every man, places every man upon an equal platform, where every one can be the artificer of his own fortune; compare that with those nations where kings and emperors reign, and where privileged classes trample down and brutalize the great mass of their people. It will make no exhibition that can be honorable to us to go there. I go against your resolution. I go against any association with them until they repent of their crimes and become honorable men.

Mr. DAVIS. Mr. President, I was one of the five that voted in favor of the proposition of the honorable Senator from Iowa [Mr. GRIMES] in opposition to the predecessor of the measure that is now before the Senate. I have not changed in my opposition to the measure. I was opposed to it partly upon the ground suggested by the honorable Senator from Delaware, and also upon the ground suggested by the honorable Senator from Ohio who has just taken his seat. In addition to my distrust of the power of our Government to take part in such an Exhibition, I thought with him that we were too distant from the theater where this Exhibition is to take place, that the ocean rolling between France and us would render it impossible for the United States to make anything like a respectable appearance at the Exhibition, and therefore I was opposed to it.

I am also opposed to the proposition which the honorable Senator from Iowa has made to amend this resolution, not because I am opposed to the proposition itself, (for that I am in favor of decidedly and unhesitatingly,) but I think it is too grave a proposition, one of too much dignity to be made in connection with the resolution now under consideration. I am informed that an understanding has taken place between the French Government and the Secretary of State that the French forces are to be withdrawn in divisions from Mexico by particular days. Being myself a friend of the Monroe doctrine, having read the papers when it was first announced, and given my youthful and enthusiastic support to that doctrine, it has ever since been a cherished sentiment with me. On any and all occasions where that doctrine can be asserted or practically enforced so as to keep the foot of European Powers from this continent, I am always willing to assert it. If the honorable Senator from Ohio or any other gentleman would introduce a resolution to this purport, that an understanding having been

come to by our Government and Louis Napoleon's Government that the French troops shall be withdrawn, according to the terms, not of the stipulation, but according to the mode which he himself decided upon, I believe, under the influence of the protest of our Government against their remaining there, and which was satisfactory to our Government, the Congress of the United States expect him faithfully to execute that purpose as he announced it to our Government, I would vote for such a resolution most cheerfully, and I believe it would receive the unanimous support of Congress, or nearly so. I think that in that form it would be appropriate, and it would have much more moral power, both with the French Government and with the world, than to assert such a principle as that and endeavor to affix it to the present measure as an amendment to it.

Mr. President, I frankly concede that of the ability of the Mexican people for self-government and for the maintenance of free institutions I have very little hope. I believe they are too degenerate, too mongrel, and too inferior in their characteristics to meet the question of the capacity of a people for self-government at all. But however that may be, they have a right to be left alone; they have the right to be uninterrupted by the ambitious projects of Louis Napoleon or Maximilian or any other European potentate or Power; and in the assertion of the Monroe doctrine I would be willing for the Government of the United States to interpose for their protection, and if needs be, to sweep the French forces from Mexico and to leave the people of Mexico to work out their own destinies. I believe, with the honorable Senator from Ohio, that at the close of the late war, and even now, that could be done by the military power of the United States in sixty days. I believe that such an operation would authorize a reëxpression of the famous epistle of Cæsar when he invaded Spain, "*Veni, vidi, vici.*" Whenever Louis Napoleon or the French Government manifests unmistakably a purpose not to evacuate Mexico, but to seek to continue the French power and influence there, through Maximilian or by any other medium, I am then in favor of the United States interfering and bringing all such ambitious purposes to a close. Sir, I am so much a friend to the Monroe doctrine that I believe recently there has been a fit opportunity for a further demonstration of it in relation to other Powers on the continent of America. The invasion by Spain of Chili and Peru, in my humble judgment, was altogether unauthorized, and was a manifestation of the arbitrary power of a nation that was superior in military and naval resources to those republics for the purpose of humiliating them and bringing injury and degradation upon them. It struck me that the attack, bombardment, and destruction in part of Valparaiso by the Spanish forces was an outrage, not only upon the principle of the Monroe doctrine, but also on humanity, and that the naval forces of the United States that were then present in that port ought to have interfered for the purpose of protecting that defenseless city against such a Vandal attack.

With these sentiments, I think the honorable Senator from Ohio and the honorable Senator from Iowa will be satisfied that I am as much in favor of the Monroe doctrine and as much opposed to the occupation of Mexico by the French, or by Maximilian, under the patronage of the French Emperor, as they are; but I do not think that this is the appropriate time or mode in which such a great sentiment of policy upon the part of the Government of the United States in the assertion of the Monroe doctrine, and in its application to the present position of the French empire and power in that country, should be made. I shall therefore vote against the amendment proposed by the Senator from Iowa. I was one of the minority of five to which the honorable Senator from New York alluded, that the Senator from Iowa could command in the first opposition to this measure. I care nothing about

standing with a minority of five. I would care nothing for standing in a minority of one besides myself, or even alone in my opposition to this measure, or to any other to which I felt prepared to manifest my opposition. I care not about minorities or majorities, or even the success of measures, or of my opposition to measures. I vote according to my judgment on their merits; and when I have given a vote upon any measure whatever, notwithstanding it may meet the fate of defeat, and a defeat of but five of a minority of opposition or of but one of an opposition, I would stand no less firm in my opposition in relation to the measure.

Mr. DOOLITTLE. Mr. President, I think that in giving our attention to these industrial Exhibitions, and giving them our encouragement, we are not making obeisance to kings. It is making our obeisance to the freedom of industry the world over, which to-day commands the obeisance of kings themselves. This Exhibition which is now to be seen in Europe—a repetition, perhaps on a grander scale, of an Exhibition which has already appeared in Great Britain—this grand fair of the nations, has been borrowed from America; it is an American institution. We have them in all our counties. We have them in all our States. We have our national fairs, where the industry of all the States is exhibited. This grand fair of the nations, first taking place in England, now being offered to exhibition in France, is but borrowing an institution from the great Republic of the world; and it is making obeisance to that great principle, freedom of industry, freedom of invention, which makes the great Republic what it is this day, standing as it does in the vanguard of the nations, and leading the industries and the freedom of the world. I do not therefore think there is anything anti-republican, anything inconsistent with the American Republic in its being represented at one of these grand fairs of the nations.

It is said that but little space has been allotted to us in the building which is to be erected in Paris for the Exhibition. It is true that in comparison with the space allotted to neighboring nations, ours is small; but it must be remembered that we are on the other side of the Atlantic ocean from France, three thousand miles away, and that the number of articles that we can put on exhibition cannot compare with those that can be sent by rail one, two, or three hundred miles from the neighboring States. But, sir, there is space enough allotted to us in this grand exhibition of the inventions, the improvements, and the industries of the nations, to enable us to demonstrate to the nations of the world that we are not only foremost in free institutions and in the freedom of industry, but that in the freedom of our inventions we have excelled them all. We can set up the telegraph; we can show the steam engine; we can also show there the great discoveries in medicine and anesthetics—one of the greatest of modern discoveries, by which, in surgical operations, all pain is suspended; one of the greatest blessings that science has vouchsafed to suffering humanity, which alone of itself takes from the terrors of the battlefield one half its suffering, to know that limbs may be amputated without a moment's pain, that not a nerve will feel the incision, while under the influence of this agent, which American genius has discovered and brought to light.

But, sir, I cannot dwell upon these things, and do not intend to take up the time of the Senate in dwelling upon them. I cannot, however, close without making some reference to remarks that have been made by gentlemen here in relation to the Emperor of France and his policy toward Mexico and the United States. Far be it from me to undertake to justify or apologize for the policy adopted by France toward Mexico. Far be it from me to look upon the conduct of France toward the Government of the United States in a friendly light.

Mr. President, I have no doubt that the Emperor of France has been most woefully disappointed in one of the dreams of his ambition—

the dream of his wildest ambition of conquest and of empire in this New World—a dream which he inherited from the slaveholding aristocracy of the South, who, in their mad ambition, would have embraced all Mexico and all the countries around the Gulf of Mexico and the Caribbean sea, in the idea that they would thus hold within their embrace all the cotton-growing lands, the sugar-growing lands, the coffee-growing lands, and the rice-growing lands of that great portion of the world. That Napoleon, in the dream of his ambition, expected to advance his interests in that direction I have no doubt; but, sir, that dream has failed. What was that dream based upon? It was based upon the idea that the Republic of the United States was overthrown; that the union of these States was broken; that the States which constituted this great Republic were dissevered, belligerent, and that they were dissevered forever, and could not be united; and because he believed that, he took the occasion as his opportunity to seize upon Mexico to establish his power in the New World, and I doubt not with the dream of extending the empire of the Latin race and resisting the extension of the Anglo-Saxon toward the south. But, sir, that dream has utterly failed. The union of these States is not broken, thanks to the superintending providence of Almighty God, first of all, who inspired the hearts of our people and their patriotism to stand fast by the Government of the United States and its institutions; and next do we owe it to our brave and skillful officers, and the men under their command, that we saved the union of these States. Our Union is unbroken. Our flag waves over every foot of the Republic, not a star obscured nor a stripe erased. Every State is still within this Union, and the great Republic composed of the United States of America stands before the world this day in the full panoply of its power both on the land and on the sea.

Napoleon has been awakened from his dream by another consideration. By the armies which we have raised, by the power which we have exhibited, he has awakened from his dream of ambition and has learned that when the American people will it he cannot hold Mexico if he would.

Having awakened to these two facts, that the Republic still lives, the Union still unbroken, and the military power of the United States such that no Power on the face of the earth can contend with us on this continent, he now avails himself of the eventualities which are arising in Europe, and which he has foreseen, to give those assurances, which are received by this Government, that his troops will certainly be withdrawn from Mexico. I know that, in connection with those assurances, it was given out that the troops of Austria were to be forwarded to Mexico to take the place of the French legions as they should be withdrawn. It has been published in the newspapers in Europe, and republished in this country, that the American Government, by a positive protest to the Austrian Government, has authorized its minister to demand his passports in case a single soldier should be sent from Austria into Mexico; and it is said by the press that the Austrian Government, surrounded as it is by those terrible dangers which threaten the very existence of the Austrian empire, under these circumstances has yielded to our demand, and not a soldier is to be sent to Mexico to take the place of the French; and from all hands, we hear it coming from the city of Mexico, coming from Paris, that the orders are already given for the concentration and the removal of the French troops from Mexico.

Mr. McDUGALL. Allow me to ask the Senator from Wisconsin what is the exact information in that respect. I doubt it.

Mr. DOOLITTLE. I read yesterday—perhaps the Senator was not in his seat—a letter from a gentleman in the city of Mexico, of high standing and position there, on this subject.

Mr. McDUGALL. I was not informed of that.

Mr. DOOLITTLE. A letter from Paris has been read this morning by my honorable friend from New York on the same subject.

Now, Mr. President, I stand as firmly by what is called the Monroe doctrine as the Senator from Ohio or the Senator from Kentucky. I believe in that doctrine as it was laid down by the men of that day, and to the extent to which they laid it down. But, sir, I maintain that it is equally clear that we should endeavor to enforce that doctrine and give it efficacy by our moral power, if we can do it, without a resort to arms. First, we should rely on our moral power. It is the best power to be exercised in the management of affairs among nations. It is by far the most humane exercise of power. The war power is only to be called into exercise in the direst contingencies and only in the last resort. If the moral power of our position, a united Republic, regenerated, reinvigorated by the war itself, shall have the effect to make Napoleon withdraw his troops from Mexico without our resorting to arms, how much better will it be for our Republic. If we can avoid war, it is our first and chief duty to avoid it now. We desire no war with any nation on the face of the earth. Peace is our duty and our policy, and it is only in a case of dire necessity that we should draw the sword. We have just passed through a war which has cost us half a million lives and \$3,000,000,000, and let us rest upon the stern necessities which we have experienced in that, and not madly rush into another war with France or with England or any other nation unless necessity shall drive it upon us.

Had we at once embarked in war with France I doubt whether we should not have been involved at the same moment in a war with England. France being in Mexico with her troops upon the south; England being upon the north, one flanking us upon the right, the other flanking us upon the left, we might have been involved in war under circumstances that would have occasioned us an immense expenditure of blood and treasure before we reached the end; and it might possibly have involved the very existence of the Republic itself. But if now we can see our way through these complications, if we can see that France is withdrawing her troops from Mexico, and that Austria is declining to send any more legions into Mexico; in short, that Mexico is to be left to herself to work out her own destiny, it is far better for us than to be involved in conflict with France, with England, or with Mexico. Certainly we do not desire the acquisition of Mexico at the present time, if ever. We have territory enough for us to exercise all the powers of statesmanship that we possess to develop, to solidify, and to improve our institutions, and to extend the benefits of peace, prosperity, happiness, and union, and the love of the Union among our own people and throughout our own States.

Mr. President, I hope we shall not allow the views which we may have entertained of France and the proceedings of the Government of France in sending their troops into Mexico—a proceeding which the public judgment of the American people has unqualifiedly condemned—to influence our votes in determining the question pending before the Senate. I hope that we shall look upon this as an industrial exhibition, where industry, the arts of peace, are to be exhibited, and where our people may be permitted to show wherein they have excelled all other nations in their inventions and in the arts of peace.

I agree with the Senator from Kentucky, that the influence which we should exert on this continent should not only be in behalf of Mexico, but in behalf of all the republics of South America. For myself, sir, I would have been entirely satisfied had Commodore Rodgers, on board the *Monadnock*, taken the responsibility and said to the Spanish fleet that not a shot should be fired upon Valparaiso until he had further orders and further instructions from the Government at home. I would have justified him in that if he had taken the

responsibility. But, sir, that is past. I know that the time is pressing upon this Republic when perhaps the old doctrine, as applied to us, of absolute non-intervention in the affairs of other nations, will have to be departed from. The time may come when we shall become so much and so intimately allied with the other nations of the world that we may sometimes be called upon to intervene.

When this doctrine of ours of non-intervention was first declared, we were a feeble people, separated by the ocean from the other civilized Powers of the earth; but the great inventions of modern times, steam and the use of it, both upon the sea and the land, have made us the nearest neighbors of some of the civilized Powers. From the responsibilities of the position in which we are now placed from the fact that we possess this power both physical and moral, from the fact of our intimate relations with the nations of the earth, we may, I say, in the providence of God, have that responsibility thrown upon us when we cannot always say that we will not intervene in the affairs of other nations around us. The time may come when if France unjustly persists in holding Mexico, or Spain unjustly attacks the feeble republics of South America, we may be called upon to intervene, not only by our moral power, but even by arms, to prevent the outrage, in the name of humanity and for the benefit of humanity.

Mr. McDUGALL. Mr. President, it is not often that I have so much occasion to differ with my friend from Wisconsin, [Mr. DOOLITTLE,] but on this subject we differ radically. The Holy Alliance was an effort of which the present movement in Europe is the counterpart. The movement of France in Mexico is a counterpart of the movement upon Valparaiso and Callao. With this matter, perhaps, the Senator from Wisconsin may not be conversant. There is a determination on the part of certain forces in Europe to subjugate Spanish America, and, among other possessions, the State wherein I inhabit. I had occasion to say this in the Senate before. Louis Napoleon, in the opening of the war, pretended that he only wanted to demand a small amount of money, and he invited the United States and Spain and England to join him. They all agreed to do so except our own Government. Our Government refused. The fleets of the three other States came into the Gulf of Mexico; but the English and Spanish fleets withdrew and returned to their own countries. Louis Napoleon wrote to General Forey, who was his commander-in-chief at that time: "My policy is to circumscribe the great republic of North America. They are growing too large and too powerful, and I want to throw a force in that will limit their extension." That was the substance. The letter I read on this floor before. The policy of Louis Napoleon has been one of extreme hostility to the Republic of the United States. The republican sentiment of France is with the United States. He has undertaken to establish an aristocratic sentiment, and for that reason he placed Maximilian, who was related to the iron crown of Charlemagne, in Mexico, making a worse mistake than he who is called his uncle did when he disavowed his true wife and married Marie Therese.

Louis Napoleon is the worst enemy that the republican people of the United States and of the world have, seeking to ally himself by strength with aristocracy. He started as a republican first; he became a Carbonari, known as such throughout Italy; then, not being able to maintain himself as a Carbonari, because his wife, a Spanish woman, was an intense devotee of the Roman church, and as the high bishops and high churchmen of France rebelled he had to change his base; he became then, instead of "new Italy," for "old Italy." Once he supported Victor Emmanuel in order to make a young Italy. Now he dare not lay his word in favor of Venetia.

There are great underlying questions in this very proposition, and the American people have no business to recognize him in any form

of power. This amendment is simply declining to recognize him as one of the Powers of Europe with our consent. If we want to compliment our worst enemy, the resolution is well; if we want to ignore our worst enemy, then otherwise. I think, with all the carefulness I can bestow upon the thought, that he is the worst enemy we have and the worst enemy of free institutions. He is a false man. He proved it by turning Carbonari and undertaking to maintain republican institutions when he had no such intention. He went to Paris after he was permitted to return and was elected to a place in the Chambers. He then raised "the Napoleon" cry, which has been a popular cry in France as we all know, and he made a *coup d'état*; he became first President and then Emperor. His intention from the first was to be Emperor. He hunted up the conclusion in the castle at Ham when he lay there in prison. He is probably the worst man in the world, and certainly the worst enemy of true republican institutions.

Now, I am with the Senator from Iowa. I would like to send some gentlemen to this Exhibition at Paris. I would rather pay them out of my private purse, if I had the money, than pay any compliment to this Emperor. I do hold, and I think that our country should hold, that he is the worst enemy of our country that there is now extant. He has said in his public letters that his policy is to circumscribe this Republic.

Mr. MORRILL. Are you for this amendment?

Mr. McDOUGALL. I say that it would be just as well, by way of observation and by way of commentary and by way of remark, to adopt the amendment of the Senator from Iowa, for we have no right to like that man or the Government where he at present obtains authority, but where I say he will not rule two years from now.

Mr. WILSON. Mr. President, I think the Senator from Iowa [Mr. GRIMES] must certainly be amused at the debate that has taken place upon his amendment. That Senator has a great deal of dry humor in him, and he must have enjoyed himself exceedingly during the twenty-four hours of this exhibition.

The industries of the world propose to hold an international Exposition in Paris, the capital of the French nation. Louis Napoleon, of course, is more or less connected with it. The little Prince, we are assured in both Houses, is to preside over it. Now, what is the harm of all that? It is their fashion. What of it? Who in this country cares whether the Emperor's son presides over it, or one of the members of the French Academy?

The skilled men of our country, the inventors, the artisans, the manufacturers, the men at the head of productive industries, desire to be represented, desire to have a part in this Exposition of national industries. They take a deep interest in it; they care something about these material affairs, quite as much as they do about the affairs of our Government. They feel an interest in making an exposition of their skill, their inventions, their industries, as well as in making an exposition to the world of our domestic institutions. I live in a State where we have some inventors, many skilled artisans, and some capital invested in productive industries, and I believe that our people desire to take a part in this Exposition. I do not suppose our countrymen will take the first place in it, although we cannot foresee what will be our position there.

Mr. McDOUGALL. Will the Senator allow me a word by way of explanation?

Mr. WILSON. Certainly.

Mr. McDOUGALL. The remarks I made were not intended to antagonize the proposition that we should be represented at the Exposition at Paris, but were intended for the person who is chief there. As I am up, let me make another remark, and that is in reference to the *protégé* of the French Emperor now residing close by us, conterminous with us. What is the rule which is at the foundation of the Mon-

roe doctrine? I should have stated it before, but that I hate to talk long. The rule is laid down by Montesquieu, and it comes from the old Greek, and was well understood by our fathers, that it is the business of great States to protect weak States on the frontier, and we have no business to allow them to be invaded or conquered, for the reason that they are, like great mountains or like seas, barriers between us and our enemies. Hence the Monroe doctrine, which has been one of our underlying laws, was not a mere fancy speculation; it is as old as the ages; and we should have had no question about it if a word had been spoken by the person who had the right to speak, at the opening of this controversy, saying to France, "Trample not upon this ground."

Mr. WILSON. Mr. President, we cannot now tell what will be our position if we take part in the international Exposition of the industries of the nations. We have made wonderful progress during the last six years in inventive arts, more than during any equal period of our history. We had a mechanical exhibition in Massachusetts last autumn, and many of the articles on exhibition had been invented or greatly improved during the war, and the improvements there exceeded past years.

Now, sir, our people engaged in those vast and varied industries desire to take part in this Exposition, and they ought to be permitted to do it, and I think the nation ought to give them reasonable encouragement. I shall therefore vote for the joint resolution, and vote against this amendment of the Senator from Iowa, which has brought out a debate that I think has very little relation to the subject before us. I trust it will not be pressed to a vote.

Mr. HOWARD. The honorable Senator from Massachusetts is doubtless better informed than I am on this subject. I will therefore ask him this question: whether the Governments of Great Britain, Prussia, Russia, Austria, Italy, Spain, and other Governments are contributing money out of the public treasury to assist private persons to transport their goods to Paris for exhibition, and whether the Governments, as such, are in any way connected with this Exhibition? I really put the question for information. I should like to know what the fact is about it.

Mr. WILSON. I cannot give the Senator a positive, direct answer as to how much those Governments are doing.

Mr. HOWARD. Are they doing anything at all?

Mr. WILSON. I cannot say whether they are doing anything or whether they intend to do anything. The leading nations of Europe are within a stone's throw of the place where this Exhibition is to take place, and the inventors and other persons interested in it in western Europe can get to Paris. Situated as we are in this country, across the Atlantic from them, covering a vast territory, I think it is proper that the Federal Government should do something.

A word to the Senator from California, who interrupted me to state his views. We all know what the views of the Senator from California have been in regard to the intervention of France in Mexico. He took the earliest opportunity to discuss that question in the Senate in a speech of rare ability, a speech that I heard then and read immediately after, and I am sure it would be to the advantage of any Senator to read it again and again. I have no doubt that this intervention in Mexican affairs grew out of our weakness; that it was an unfriendly act to us; but the country was in no condition at that time to meet it as it ought to have been met, and the Senator from California was about the only Senator in the body that proposed to meet it, or even to discuss the question.

It is said that the French forces are to go out of Mexico. I believe it, and I believe they go out because of the same ground on which they went in—the condition of this nation. They went in because they thought this nation was

lost, that it was a lost Power in the world; and they will take their forces out of Mexico and the Emperor they put there will go out of it at no distant day, because the United States of America lives and is a Power, and a leading Power, in the world.

And now, sir, after we have failed during the last four or five years to take perhaps so bold a part as we ought to have taken, and as the French Emperor now proposes to go out, I do not think anything is to be gained by appearing bold and brave and defiant now. It looks to me like vamping and bragging after the event to do it. That France will be out of Mexico before this Exposition takes place in April next, I have not a doubt; their armies will be out; and that this Emperor imposed upon Mexico will follow before many months I have not a doubt.

This country lives. We are again a united nation—a free nation. Our power is as complete to-day in one State of the Union as in another. France sent her forces to Mexico as an unfriendly act, in our hour of darkness and sorrow. We had unfriendly acts from Great Britain; her colonies even mocked at us. She and they are getting the reward of their baseness now. I have very little sympathy for the fears or quakings of the men over the border, and I would not be very sorrowful if there had been more occasion for fears and quakings than there have been during the last few days.

However, I hope that this amendment will not be pressed upon us. At any rate, if it is I hope that it will be voted down, and that, as we have agreed to do, we will take the part we have proposed in this Exposition, and in doing it I do not think we bow to the French Emperor or any other Emperor, but that we take our part and our lot and make our manifestation in this great exhibition of the industries of the nations. We have a vast country to be developed; we intend to be the first Power of the world in the mechanic arts, in manufactures, and industries, and ere many years pass away I believe we shall be.

Mr. SAULSBURY. Mr. President, there can be no question, I presume, that what is called the Monroe doctrine is a cherished doctrine with the whole American people; but, sir, there is a time for all things. We may cherish a doctrine, we may believe in its truth, we may intend never to abandon it; but a practical consideration arises, is this the time to act upon it practically? Sir, I think that by the adoption of this amendment we shall present ourselves in rather a ludicrous light to the nations of the earth. With a portion of our own territory, larger than that of Mexico, inhabited by eight or ten million people denied the enjoyment of a republican government, and that by the action of this Congress, denied a voice in the enactment of those laws which are to govern them and their children after them, taxed by the authority of this Government without their consent and without any participation of theirs in the enactment of those taxing laws, it is now proposed that we, the model Republic of the world, thus treating a portion of our own people, holding them in abject submission contrary to the fundamental law of the land, shall say to the Emperor of France, "Walk out of Mexico, for you are violating a cherished doctrine of the American people; you are subverting republican principles in Mexico; and we who are so fondly attached to them cannot patiently wait a little while that you may get out of Mexico." Why, sir, have we a republican government here? Have you had a republican government even in States which adhered to your fortunes during the late struggle, for the last four or five years? Where is your republican government in the State of Maryland? Where is your republican government in the State of Tennessee? Where is your republican government in the State of Missouri to-day? It is that republican government which Louis Napoleon understands so well how to manage. It is that republican government in which elections are

controlled by the bayonet. It is that republican government which denies to the people of those States and has denied to the people of those States a voice in the enactment of the laws by which they should be governed. And what is your republican government to-day south of the Potomac, when that people have submitted to the Constitution and the laws, when under the Constitution of the United States they have sent their Senators and Representatives here to participate in your deliberations and to counsel with you in reference to the public good? I ask, sir, again where is your republican government there? There is a territory more extensive than the whole of Mexico, and a people numbering millions who are denied a voice in the Government under which they live, you holding them in abject submission to your authority, and yet proclaiming to the Emperor of France and to all the world that you are so fondly attached to the principles of republican government that you cannot bear to see republican institutions not flourish in the misnamed republic of Mexico. Sir, republican institutions have never flourished there, and if Maximilian were to retire from Mexico to-day, there would be no administration of republican principles there then.

I rose, Mr. President, simply to say that while I accord fully with the Monroe doctrine as understood by Mr. Monroe himself, and as understood by the legislators and statesmen of that day I think that this is no time for us to undertake to practically enforce it. Better, sir, restore republican institutions at home; better open your doors to the Senators and Representatives of the South, and let them participate in your legislation and assist in making the laws by which they and you shall be governed. Give them a voice in the enactment of all the laws which shall conduce to their welfare. Restore fully the *statu quo ante bellum*. Give us back the Union which our fathers gave us. Give to us the practical enjoyment of the principles of republican government as guaranteed to us and guaranteed to them by the fundamental law of the land. Then, sir, you can proudly in the face of the world proclaim this not only a great but the model Republic, and you can say, in such a manner as will command the respect of the whole civilized world, that these principles which we ourselves enjoy and the enjoyment of which we have secured to every citizen of our own, we intend to see shall be maintained and preserved in Mexico; but until you have done that, until you have restored the whole body of American citizens to the enjoyment of their ancient republican institutions, talk not even to your own people, much less to foreign nations, about preserving republican institutions.

Mr. CONNESS. I move that the Senate adjourn.

Mr. HARRIS. I hope not. I think there will be no further debate upon this question, and if so we can pass this resolution to-night.

Mr. CONNESS. The Senator must see that we cannot come to a vote to-night upon this question. The disposition is to continue to debate it.

Mr. McDUGALL. It will be debated further.

Mr. CONNESS. I insist upon my motion. The question being put, there were, on a division—ayes 11, noes 12.

Mr. LANE, of Indiana. The vote discloses the want of a quorum and we cannot do any further business.

Mr. CONNESS. Let the vote be taken over again; let us have another division.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) Another division is called for, the last vote showing the want of a quorum. The Chair will put the question again on the motion of the Senator from California that the Senate do now adjourn.

The question being put, the Senate refused to adjourn, there being, on a division—ayes 12, noes 14.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa to the amendment reported from the Committee on Foreign Relations.

Mr. GRIMES. I offered this amendment in all seriousness for the purpose of bringing out an expression of opinion upon the subject of the relations that subsist between this Government and the Government of France as connected with the occupation of Mexico by the French troops; and I am happy to hear the uniform expression of opinion of condemnation on the part of the representatives of the States here assembled of the course that has been pursued by and the spirit that inspired the Emperor of France in sending his troops into Mexico and attempting to establish a monarchical throne on that soil. Under the assurance that has been given by the Senator from New York, who is the representative of the Committee on Foreign Relations, and who, I suppose, speaks from authority—he has certainly left that impression upon the minds of Senators here present—I propose, with the consent of the Senate, to withdraw the amendment which I moved. I wish to say, however, at the same time, that I am utterly and unalterably opposed to the principle of the bill, and shall vote against it. I believe that there is no true principle upon which it can be based. There is no authority in the Constitution by which we are authorized to make any such grant of money from the Treasury; and I believe that the whole scheme is gotten up for the purpose of aggrandizing the Napoleonic dynasty in France, and is antagonistic to the spirit of republican liberty which should be propagated by the Congress of the United States. With these views I ask leave of the Senate to withdraw my amendment.

The PRESIDING OFFICER. The Senator from Iowa asks leave to withdraw his amendment. Is there objection? The Chair hears none. The amendment is withdrawn. The question is now on the amendment of the Committee on Foreign Relations, as amended.

Mr. GRIMES. I move to amend that amendment by inserting at the end of the first section of it these words:

Nor shall any member of Congress or any person holding an appointment or office of honor or trust under the United States be appointed a commissioner, agent, or officer under this resolution.

Mr. HARRIS. I have no objection to that. The amendment to the amendment was agreed to.

Mr. HARRIS. I propose an amendment to come in after line fifteen; it is to add the words "secondly, to provide additional accommodations in the park, \$25,000 in coin."

Mr. GRIMES. I inquire if that is for the purpose of erecting a building in Paris.

Mr. HARRIS. It is.

The question was put, and the amendment to the amendment was declared to be rejected.

Mr. HARRIS. It is absolutely necessary, in order to carry out this Exhibition decently on the part of the United States, that this erection should be made. It will be better, far better, for the Government to make some excuse and get out of the thing altogether, than in a niggardly and cheap and mean way to send our exhibitors there for the purpose of making an exhibition and exposing the meanness of our Government before the other nations of the world. If you include this item, it will only make about one hundred and fifty thousand dollars for the entire expense of it, when other nations, even small nations, have appropriated much more. Belgium, for instance, a country immediately adjoining, has made an appropriation of \$120,000 to carry out the expenses of the Exhibition. Every civilized Government in the world, except Denmark, has made appropriations for this purpose.

Mr. GRIMES. To build houses?

Mr. HARRIS. Yes, to erect their structures. Every civilized nation in the world, except Denmark, has made appropriations for this purpose.

Mr. COWAN. The Chinese?

Mr. HARRIS. Yes, even the Chinese and Japanese. It will be impossible for us to go through with this matter unless we are permitted to build this erection.

Mr. HOWE. Do I understand that each nation builds its own house?

Mr. HARRIS. We have a certain space appropriated in the erection built by the French Government, and then if a nation wants more ground for its exhibition, it is permitted to erect a structure outside, in the park, as it is called. This is for that purpose. I have a letter from our agent on this subject. He says:

"I have received some very pressing dispatches from Commissioner Beckwith, at Paris, urging my second report with catalogue; also stating his surprise and discouragement at the omission of an appropriation for a supplementary building in the park."

Mr. GRIMES. I wish to inquire of the Senator how much space is allotted to us in the building that is erected by the French Government for the Exhibition.

Mr. HARRIS. About thirty thousand square feet, which is, I think, about four acres.

Mr. GRIMES. Four acres allotted to the United States!

Mr. HARRIS. I think so; I may be mistaken. If I compute the acres erroneously others can correct me, but it is thirty thousand square feet.

Mr. COWAN. About three quarters of an acre.

Several SENATORS. Not three quarters of an acre.

Mr. COWAN. My objection to this bill is an exceedingly simple one. At a time when the country is bowed down to the very earth with taxation, when even the poorest laboring man cannot get the necessities of life without paying what formerly would almost have furnished him for a year, I am unwilling to expend money for any such purpose as this, especially when it is not within our province. It is not our duty. We expose our meanness much more by making appropriations for this purpose at all than we should do by making inadequate appropriations. You have no authority to appropriate public money to this purpose, not a particle. You have no more right to give it for this purpose than you have to take it out of the pockets of strangers and appropriate it to me. Nobody pretends to show any authority for it. It is clearly within the province of the States; and if the great State of my honorable friend from New York desires to go to this Exhibition and exhibit her products there, there is nothing in the world to prevent her, and let her make her own appropriation, or let the States combine. But the General Government has no such authority.

Apart from that, even if we had ample authority, who would think of it at this time, burdened as we are, loaded down as we are, and when it requires even a constitutional amendment to satisfy the world in the opinion of some people that we are going to pay the public debt at all?

Mr. WILSON. The men who pay taxes want this done.

Mr. COWAN. The men we are taxing are the men who can pay, and if they desire luxuries of this kind let them pay for them. No one objects to that. I know a gentleman who intends to exhibit at Paris; but he does not ask to do it at the expense of the General Government; he does not ask to do it at the expense of gentlemen who do not intend to exhibit there. He intends to pay his own expenses, and go there with his own commodities and put them up at the World's Fair and let the world see what they are. If New York wants to exhibit there there can be no objection to her doing so; but there is great objection to making California pay for it when she does not want to exhibit there. If Pennsylvania wants to go she is able to go, and she will go, I have no doubt; but why should Florida and why should Alabama, where a hundred thousand people are starving to-day, be taxed for the purpose of send-

ing men from Pennsylvania there to exhibit themselves?

Mr. HENDERSON. We propose to let every exhibitor exhibit his own productions.

Mr. COWAN. Let every exhibitor show his productions; I say so.

Mr. HENDERSON. There is not room enough now.

Mr. COWAN. That is his own lookout. If he cannot get ground on the thirty thousand feet allotted to us, that shows the folly of France in inviting us to such a small space. I do not know that there will be room enough for us all. I do not care about that, however. The progress of the world does not depend on world's fairs and exhibitions of this kind. The progress of the world in arts and sciences and everything else depends upon the wants of the world; and as it discovers its wants its genius will supply them.

I have no objection to the Exhibition, and I have no objection to those who desire to do so engaging in it; but let them pay for it. What I object to is, that the people should be taxed to pay for this, and that the people should be taxed under these circumstances. I beg gentlemen to remember that our finances are not in such a condition that we can afford to run out into expenditures of this kind. If there is any cry that comes up from the country that is more to be heeded than any other, it is the cry for retrenchment and reform and saving in all these things. There was a time when the nation cared but little about such an expenditure as this; but now, when it behooves us to save every dollar, when our credit is at stake, and when the slightest jostle, the slightest panic, the least difficulty may cause us intolerable suffering and wrong—I say that under such circumstances, I look upon this as wholly imprudent, and I protest against it in the name and in behalf of those who pay the taxes wrung out of them under adverse circumstances everywhere all over the country. It is well enough for rich people, well enough for those who have heretofore accumulated their hundreds of thousands and their millions to go to world's fairs and shows of this kind; but if they do, let them pay. There is no reason why the laboring men, the poor and the toiling whom we tax everywhere and tax upon almost everything, even the prime necessities of life, should be made to pay for this.

I have nothing to say about the Monroe doctrine, nothing to say about the conduct of France toward the people of the United States during the late struggle, nothing to say about the Emperor, nothing to say about his son. France is an independent realm of the earth, and if she chooses to be ruled by Napoleon, I have no objection, none in the world; and if she chooses to consecrate the young Comte de Paris as successor to Napoleon III, that is her right and her privilege. If a republican Government is better than the one she has now adopted I have no doubt whenever she is ready for it she will find it out. I have no sympathy, either, for republican Mexico, so called, I must confess. For the last thirty years of my life, I think, I have been a student of the history of Mexico, and I believe that in that time she has had at least forty different Governments.

A SENATOR. Thirty-seven.

Mr. COWAN. It may be only thirty-seven; and if so, I beg the pardon of Mexico for surcharging her with three. To talk about a republican Government in Mexico, I think is only to make republicanism utterly absurd and ridiculous. There never was such a thing there, and it is utterly impossible. If I were to view it as a question of dollars and cents, I think the United States ought to be very much obliged to anybody who would introduce into Mexico law and order and good government, because if it were introduced there for a period of fifteen or twenty years I have no doubt that the United States would reap the largest advantages from it of any people upon the earth. Then, instead of selling to Mexico a mere pittance as at present—I do not know what it amounts to, perhaps half a million annually—

I have no doubt we could sell to that people of our products perhaps two or three hundred millions.

Are we in danger from the establishment of an empire there? Mr. President, I have no doubt that we could settle our difficulties many a time by removing out of the way any such obstacles as that; and I should think that an empire in Mexico, placed there as a foil for the United States, would be one of the most wholesome things in the world. If we ever differed among ourselves, we should heal all our differences by going down and removing the empire and establishing another Government instead. I have no fear of the establishment of an empire in Mexico. Thank God, it never will be in the road of the United States. This Republic will never find it an obstacle to its progress. What the people of Mexico want now is a reign of law, order, peace, where the industrious man can earn something, and, when he earns it, keep it. I believe there is not a very strong desire for effective accumulation among their people, but that might be cultivated and rise to an extent which would make the people prosperous and happy. As she has been for the last twenty-five or thirty years in the hands of desperate politicians, revolutionists, brigands of every kind, her progress has been directly backward, if there be such a thing.

But apart from all the relations that exist between us and France and Mexico, I am opposed to the expenditure of money, now, for this purpose, because I believe that it behooves us everywhere, one and all, to curtail our expenditures and retrench our outlay until we are absolutely certain that with a reasonable pressure upon our people we can extract taxes enough from them to keep the public credit unstained as we have kept the public patriotism and its credit and fidelity free from reproach.

Mr. HARRIS. Mr. President, this Exhibition is in one respect a novelty; it is unlike any Exhibition of the kind that has ever been held before. It is national in its character. The State of New York cannot go there and exhibit its products, nor any other State, nor can individuals do so. The producers, the inventors, the mechanics, the artisans of the country can only make their exhibitions through their Government; and now if the Government is to do anything it will cost some money. We must do one of two things; we must either back out altogether, abandon the thing, pay the expenses that have been incurred, and make some excuse to the French Government and to the world why we refuse to appear at the Exhibition, having in January last accepted the invitation, or else we must do the thing well. We cannot afford to do anything else than either back out altogether or make the necessary expenditure to do the thing well and creditably. To accomplish this will take some money, and this appropriation is undoubtedly necessary, it is indispensable, and if the Senate do not choose to make the appropriation they had better defeat the bill altogether and then make the best excuse we can and back out of the whole thing.

We did resolve in January last that we would accept the invitation. We have gone on and appointed our officers; we have invited the producers, mechanics, artisans, and inventors of the country to make their offerings, and we have now offered for exhibition vastly more than all the room we can provide will accommodate. If the Senate do not choose to make this appropriation for the purpose of providing the necessary room, then let us abandon the thing altogether.

Mr. HENDRICKS. The statement of the Senator from New York has taken me by surprise. He informs us that no citizen, not even one of the—

Mr. GRIMES. I think we had better adjourn. We cannot hear the Senator from Indiana.

[A violent thunder storm was raging, the rain pattered noisily on the roof, and the obscuration of the sky darkened the Chamber.]

Mr. HENDRICKS. I do not want to speak long.

Mr. GRIMES. We are all anxious to hear the Senator, but we cannot hear a word in the storm now going on. I move that the Senate adjourn.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, June 14, 1866.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. C. B. BOYNTON.

The Journal of yesterday was read and approved.

BRITISH AMERICAN TRADE.

The SPEAKER. At the adjournment last evening, Senate bill No. 850, to authorize the Commissioner of Patents to pay those employed as examiners and assistant examiners the salary fixed by law for the duties performed by them, was before the House, on which a motion was pending for the previous question, and also a motion that the bill be laid upon the table; pending which the Chair, by unanimous consent, laid before the House certain executive communications. The last of these was a communication from the Secretary of the Treasury in answer to a resolution of the House calling for information in regard to commercial relations with British America. The gentleman from New York [Mr. DAVIS] objected to the printing of that communication, and the gentleman from Illinois [Mr. WESTWORTH] demanded that the communication should be read. As there has been no vote upon the question, the Chair withdraws the communication, and it will lie upon the table until, by a vote of the House, business on the Speaker's table shall be reached.

Mr. WESTWORTH. With the consent of the House I will state my object in calling for the reading of that document. I was afraid that my friend from New York had been up to the Speaker's table and had seen what was in the communication, while I had not seen its contents. I withdraw my call for the reading of the communication.

Mr. DAVIS. I desire to say that I am very sorry the gentleman from Illinois should suppose that I knew more than he did. [Laughter.] My objection to the printing of the communication was based upon information which I had received that it contained no new intelligence. I have learned, however, that I was misinformed; and I withdraw my objection to the printing of the document.

The SPEAKER. The gentleman from New York withdraws his objection to the printing of the communication; and if there be no further objection it will be referred to the Committee on Foreign Affairs, and ordered to be printed.

There was no objection.

BUREAU OF INSURANCE.

Mr. LAWRENCE, of Pennsylvania, introduced, by unanimous consent, a bill for the creation of a national Bureau of Insurance, and to provide for funding the indebtedness of the United States; which was read a first and second time, and referred to the Committee of Ways and Means.

REORGANIZATION OF THE ARMY.

Mr. SCHENCK. I am instructed by the Committee on Military Affairs to report back House bill No. 361, to reorganize and establish the Army of the United States, with an amendment in the form of a substitute. I move that the substitute be ordered to be printed, and that the bill and substitute be recommended.

The motion was agreed to.

Mr. SCHENCK. I now desire that, by the consent of the House, some time be fixed when the committee may report and the bill be acted upon by the House. I will name tomorrow after the morning hour, if that will suit gentlemen of the House.

The SPEAKER. It will require unanimous consent to fix to-morrow for the consideration of this bill, because the reconstruction bill has precedence.

Mr. DAVIS. I would like to make a suggestion. This substitute which is now ordered to be printed will not be upon our files before to-morrow morning, and if we should at that time proceed to its consideration, we shall have had no time to examine it in advance. It seems to me that it should not be taken up before the early part of next week.

Mr. SCHENCK. There will probably be so many questions raised in reference to the bill itself that I do not wish to raise any question in advance. I therefore move that the bill be made the special order for Tuesday of next week, immediately after the morning hour. The motion was agreed to.

CORPUS CHRISTI COLLECTION DISTRICT.

Mr. PAINE, by unanimous consent, introduced a bill to create the collection district of Corpus Christi, and for other purposes; which was read a first and second time, ordered to be printed, and referred to the Committee on Commerce.

CALIFORNIA LAND TITLES.

Mr. BIDWELL had entered a motion to reconsider the vote by which Senate bill No. 343, to quiet land titles in California, was referred to the Committee on Public Lands.

EXAMINERS OF PATENTS.

The regular order of business was Senate bill No. 330, to authorize the Commissioner of Patents to pay those employed as examiners and assistant examiners the salary fixed by law for the duties performed by them, which Mr. HARDING, of Illinois, had moved to lay upon the table.

Mr. JENCKES. I ask the Clerk to read the papers I send up.

The Clerk read as follows:

WASHINGTON, D. C., January 22, 1866.

SIR: Having been informed of the loss of a letter I had the honor, as Commissioner of Patents, to address to you a year ago, in relation to the compensation of persons employed in the Patent Office as examiners and assistant examiners of patents, and having been requested to again communicate the substance of that letter to you, it gives me pleasure to do so, especially as I regard the measure sought to be accomplished as warranted by the strictest justice and sanctioned by the most approved precedents.

The number of applications for patents in any given period can never be foretold. Were the number of examiners and assistant examiners in commission at any time found to be too great, the occasional reduction of such force, and even apprehensions of such reduction, it has always been believed, would be attended with depressing and injurious influences. The policy pursued has therefore been, for many years, to limit the number in commission to the probable minimum required for the service, and to meet the requirements beyond this standard by detailing examiners of the lower grades for the discharge of duties appropriate to the higher, and members of the clerical force to fill the positions thus made vacant.

This practice received the sanction of Congress in 1856, when, in the law approved August 18, it was enacted that "the Commissioner of Patents is hereby authorized to pay those employed in the United States Patent Office, from April 1, 1854, until April 1, 1855, as examiners and assistant examiners of patents, at the rates fixed by law for these respective grades: *Provided*, That the same be paid out of the Patent Office fund, and that the compensation thus paid shall not exceed that received by those duly enrolled as examiners and assistant examiners of patents for the same period;" and again in 1860, when in the law approved June 25, it was enacted that "the Commissioner of Patents is hereby authorized to pay those employed in the Patent Office from April 1, 1855, until April 1, 1860, as examiners and assistant examiners of patents, at the rates fixed by law for these respective grades: *Provided*, That the same be paid out of the Patent Office fund, and that the compensation thus paid shall not exceed that received by those duly enrolled as examiners and assistant examiners of patents for the same period."

If an argument were needed to enforce the appeal which I understand is now made for authority to compensate these officers for the services they have rendered, it appears to me that it is afforded in the words of the twice-enacted statute I have quoted, namely, "that the same be paid out of the Patent Office fund;" that is to say, the officers are to receive compensation out of the revenue derived by means of the services they have rendered in positions above their respective commissions. I may add, however, and with great propriety, that a large portion of these claims arose in the manner recited, and from the necessity of the case, during my official term as Commissioner, and that it was always my purpose to ask

Congress for authority to discharge them in the manner herein recommended.

I have the honor to be yours very respectfully,
D. P. HOLLOWAY.

Hon. THOMAS A. JENCKES,
Chairman Committee on Patents.

SIR: At the last session of Congress my predecessor, Hon. D. P. Holloway, addressed to your committee a letter requesting that he might be authorized to pay to those employed as examiners and assistant examiners the rates fixed by law for the duties performed by them. I am informed that he has recently renewed that request.

Agreeing with him that the parties referred to are justly entitled to the pay, they having performed the duties faithfully and fully, with the promise and expectation that they would be thus paid, I hereby respectfully request that the desired authority be given to the Commissioner to pay them the amounts due, to the funds of the Patent Office now being in such a condition as, in my opinion, to justify such action. In this connection I desire to say to the committee that I do not wish this request to be construed as a precedent to bind me to a similar recommendation in any future case of the kind, as, in making appointments in my bureau, I have taken pains to have all understand that they are not hereafter to expect any increase of pay over that belonging to the position to which they are appointed.

I have the honor to be, very respectfully, your obedient servant,
T. C. THEAKER,
Commissioner.

Hon. THOMAS A. JENCKES,
Chairman Committee on Patents.

SIR: The undersigned, a committee acting on behalf of the examiners and assistant examiners employed in the Patent Office during the past four years, beg leave most respectfully to call the attention of your committee to the following facts in support of the request made by Hon. D. P. Holloway, Commissioner of Patents, at the last session of Congress, and now renewed by Hon. T. C. Theaker, the present Commissioner.

Soon after the breaking out of the rebellion, the funds of the Patent Office became so reduced by the derangement of business all over the country that the then Commissioner, in order to comply with the requirements of the law making the Patent Office a self-sustaining bureau, felt himself obliged to reduce the salaries of the examiners and assistant examiners below the amounts fixed by law. In doing this, he assured us that it was but a temporary expedient, forced upon him by the unusual circumstances of the case; and that, if we would remain and continue to perform our respective duties as before, the amount of our salaries, as fixed by law, should be made up to us so soon as the funds of the bureau would justify or permit its being done.

With this assurance of the head of the bureau, and with the precedent of similar action on the part of Congress on two former occasions, we did remain and perform our duties faithfully and fully; working more hours and performing much more labor than was ever before performed in the bureau.

In order that you may see and understand exactly what we did, and how valuable were the services we rendered, we beg to call your attention to the following comparison of the labor performed by us during those four years with that of the preceding eight years as shown by the office records.

During the prior eight years from 1853 to 1860, both inclusive, there were employed as examiners and assistants thirty-four men; from 1860 to 1865, there were twenty-two men, being less than two thirds of the force. Number of cases examined from 1852 to 1860, the annual average per man, one hundred and forty-two; from 1860 to 1865, the annual average per man, two hundred and forty; showing an increase in the number of cases examined of eighty-two per cent. But in order to appreciate fully the actual increase of labor performed, your committee should bear in mind the fact that the labor of examining a case is constantly increasing with every case filed, as every case filed makes one more to be looked over in the examination of future cases; and thus, in reality, the increase of labor performed by us was fully one hundred per cent.

Taking the amount of fees received for patents issued as the basis of the calculation, and the difference is still greater. The average amount per man, of fees received on patents issued during the preceding eight years, was \$2,282. Ditto, during the past four years, \$5,236, showing an increase of one hundred and twenty-nine per cent.

Not only was this greatly increased amount of labor performed and money earned by us, but it was done on reduced salaries, and at a time when the cost of living was double what it was during the previous period referred to. Nor is this all; in common with other employees, our salaries were still further reduced by the Government tax, which we were not, like citizens not in the employ of the Government, permitted to deduct our house rents from the amount subject to taxation. Not only were we, like others, subject to military service and to draft, but some of our number furnished voluntary substitutes, when not actually liable to draft, while others gave of their households to the service of the country, no less than two out of one family sacrificing their lives in the service, one in the Army, and the other in the Navy.

In view of these facts, your petitioners respectfully ask your committee to present for the action of Congress the necessary resolution or bill authorizing the Commissioner of Patents to pay us, out of the surplus funds of the bureau, the amounts respectively due us for the services rendered.

On two former occasions, to wit, by the act approved May 14, 1856, and the act approved June 25, 1860,

Congress did this same thing. It was done for men whose salaries had not been reduced as ours have; who performed not one half as much service as we have; who received their salary in gold and paid no Government tax on it; who were not called upon to furnish substitutes, either voluntary or otherwise, for the military service; and at a time when the cost of living here was not more than half its present rates. If such action was just and right then, in their case, how much more so is it now, in our case!

In conclusion, we beg to remind your committee that we are not asking for any appropriation of money from the Treasury, but simply that you authorize the Commissioner to pay us the amount fixed by law as our salary out of the surplus Patent Office fund, which surplus has been created by the extraordinary amount of service performed by us. We have honestly and faithfully earned it; it is our just due, and we and our families need it. There is now a large surplus fund on hand, and there is no reason why we should not be paid.

In a matter so plain further argument seems unnecessary, and we submit the subject for your consideration, hopefully trusting that you will afford us speedy relief in the manner asked.

We present herewith copies of the acts referred to:

"SEC. 10. And be it further enacted, That the Commissioner of Patents is hereby authorized to pay those employed in the United States Patent Office from April 1, 1854, until April 1, 1855, as examiners and assistant examiners of patents, at the rates fixed by law for these respective grades: *Provided*, That the same be paid out of the Patent Office fund, and that the compensation thus paid shall not exceed that received by those duly enrolled as examiners and assistant examiners of patents for the same period."

—May 14, 1856.

"SEC. 5. And be it further enacted, That the Commissioner of Patents is hereby authorized to pay those employed in the Patent Office from April 1, 1855, until April 1, 1860, as examiners and assistant examiners of patents, at the rates fixed by law for these respective grades: *Provided*, That the same be paid out of the Patent Office fund, and that the compensation thus paid shall not exceed that received by those duly enrolled as examiners and assistant examiners of patents for the same period."

—June 25, 1860.
J. M. BLANCHARD,
L. J. FARWELL,
W. C. DODGE.

To Hon. T. A. JENCKES, Chairman of Committee on Patents, House of Representatives.

Mr. HARDING, of Illinois. I withdraw the motion to lay upon the table; and while I am up I will say a few words.

Mr. Speaker, when this bill was before the House a few days since for consideration, I thought then, and I think so still, that it involved a new principle. I understand it to be relatively like a proposition to pay an officer of a lower grade in the Army the compensation belonging to an officer of a higher grade when an officer of a lower grade performed the duties of the higher position. It is like an orderly sergeant, on the ground of having performed the duties of captain on many battle-fields, asking for compensation as captain. The principle is precisely the same.

In this case we have an application from the officers of the Interior Department to give them, in addition to their salary since 1861, which has been regularly paid to them, the further sum of \$700 per year, if I calculate correctly, because there were times when they were compelled to perform duties which devolved upon officers of a higher grade. I object, because I believe it is a departure from former practice. These men were employed by the Government, and say that they have received their pay regularly. In 1863 the patent fund was found to be insufficient. Congress passed a law that when the patent fund was realized the Commissioner should pay them. They all say they have received their salary from 1861, according to their commissions, but inasmuch as heretofore some other officers have received something additional we are asked to grant these parties additional compensation.

Mr. JENCKES. Mr. Speaker, an answer to the objection of the gentleman from Illinois may be made briefly and conclusively. Laws passed previously to 1861 authorized the Commissioner of Patents to pay assistant examiners for doing the duty of chief examiners. These assistant examiners were requested to perform the duties of a higher grade on expectation they would be paid additional for the performance of these duties.

This is not an appropriation from the Treasury. These men have earned every dollar they ask for. They earned it at the request of the chief of the bureau, and the chief of the

bureau asks Congress to enable him to give satisfaction to these men. It is only a measure of public justice, and the bill should pass.

Mr. THAYER. I would ask the gentleman from Rhode Island what amount of money will be expended in this way.

Mr. JENCKES. This comes from the Patent Office fund and not from the Treasury; it comes from the fees that are paid to the Patent Office.

Mr. THAYER. How much will probably be expended?

Mr. JENCKES. I am not able to state the precise amount; it will be no great sum. I demand the previous question.

The previous question was seconded and the main question ordered.

Mr. WENTWORTH. I understand this pay goes back to 1861.

Mr. JENCKES. Yes, sir; but a previous law covered the period up to 1861, and this is for the period since.

Mr. WENTWORTH. I object to the gentleman getting a bankrupt law through this House, and then introducing bills which will bankrupt the Government. [Laughter.]

Mr. JENCKES. This proposes only to pay wages for fair days' work. These gentlemen have earned their pay and ought to have it.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. WENTWORTH. I ask for the reading of the bill. It goes back to 1861.

The bill was read.

Mr. JENCKES. In answer to the gentleman from Illinois [Mr. WENTWORTH] I will state that application was made for this pay at the earliest time it could be done, and during the last Congress a bill passed the Senate and was lost in the House.

I demand the previous question on the passage of the bill.

Mr. WENTWORTH. I do not think the House understand it; the bill proposes to pay back salaries.

The previous question was seconded.

Mr. DAVIS. I desire to ask whether these parties whom it is now proposed to pay under this bill have not been employed before 1861, and have not since that time received compensation.

Mr. JENCKES. They have received compensation only for the subordinate grades since 1861. Down to 1861 they were paid for all the extra duty they performed. This bill proposes to pay them for that extra service since 1861.

Mr. HARDING, of Illinois. Does the gentleman say that these gentlemen did not get the pay to which they were entitled by law?

Mr. JENCKES. No, sir; I mean to say just the opposite.

Mr. HARDING, of Illinois. That is, they have received their full pay for the office to which they have been appointed.

Mr. JENCKES. Yes, sir; but they have been required to perform duties of another grade, for which they have not been paid.

Mr. WENTWORTH. The question is, whether these men who have been receiving fixed salaries shall be paid for what they have done out of office.

Mr. JENCKES. It makes no difference whether they were in or out of office.

The main question was ordered.

Mr. WENTWORTH. I demand the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question being taken on the passage of the bill, it was decided in the affirmative—yeas 67, nays 41, not voting 75; as follows:

YEAS.—Messrs. Allison, Ancona, Barker, Baxter, Beaman, Bidwell, Bingham, Boutwell, Boyer, Cofroth, Cullem, Darling, Demison, Dodge, Donnelly, Eggleston, Eliot, Finck, Garfield, Glossbrenner, Grider, Grinnell, Hale, Harris, Hart, Hayes, Higby, Holmes, Asahel W. Hubbard, Chester D. Hubbard, John H. Hubbard, Edwin N. Hubbard, Jenckes, Julian, Kelley, Kelso, Kerr, Laffin, Latham, Lynch, McKuer, Moreau, Miller, Moorhead, Myers, Newell, Nicholson, O'Neill, Plants, Pomeroy, Price, William H. Randall, Raymond, John H. Rice, Sawyer, Sitgreaves, Sloan, Spalding, Thayer, Francis Thomas,

John L. Thomas, Van Aernam, Ward, Welker, Whaley, Windom, and Winfield—67.

NAYS.—Messrs. Alley, Ames, Delos R. Ashley, Baker, Baldwin, Benjamin, Bergen, Cobb, Cook, Davis, Dawes, DeForest, Ferry, Aaron Harding, Abner C. Harding, James M. Humphrey, Ketchum, Kaykendall, Loan, Longyear, McClure, McKee, Morrill, Morris, Moulton, Orth, Paine, Perham, Pike, Ritter, Ross, Sehenck, Stevens, Taber, Thornton, Triamble, Trowbridge, Unson, Henry D. Washburn, William B. Washburn, and Wentworth—41.

NOT VOTING.—Messrs. Anderson, James M. Ashley, Banks, Blaine, Blow, Brandegee, Bromwell, Brosmall, Buckland, Bundy, Chanler, Rander W. Clarke, Sidney Clarke, Conkling, Culver, Dawson, Delano, Deming, Dixon, Driggs, Dumont, Eekley, Eldridge, Farnsworth, Farquhar, Goodyear, Griswold, Henderson, Hill, Hogan, Hooper, Hotchkiss, Demas Hubbard, James R. Hubbard, Hulburd, James Humphrey, Ingersoll, Johnson, Jones, Kasson, George V. Lawrence, William Lawrence, Le Blond, Marshall, Marston, Marvin, McCullough, McIntoe, Niblack, Noel, Patterson, Phelps, Radford, Samuel J. Randall, Alexander H. Rice, Rogers, Rollins, Rousseau, Seefeld, Shanklin, Shellabarger, Smith, Starr, Stillwell, Strouse, Taylor, Burt Van Horn, Robert T. Van Horn, Warner, Elihu B. Washburn, Williams, James F. Wilson, Stephen F. Wilson, Woodbridge, and Wright—75.

So the bill was passed.

Mr. JENCKES moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. TROWBRIDGE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution (H. R. No. 134) relative to appointments to the Military Academy of the United States; when the Speaker signed the same.

CREDENTIALS—NORTH CAROLINA.

Mr. WHALEY, by unanimous consent, presented the credentials of Lewis Hanes, claiming to be a Representative from the fifth congressional district of North Carolina.

The SPEAKER. The credentials will be referred, under the concurrent resolution, to the joint committee on reconstruction.

Mr. ELDRIDGE. I make the point of order that the committee has made its final report, and that no business can be referred to it now.

The SPEAKER. A variety of credentials have been referred to the committee on which they have not yet reported.

Mr. GARFIELD. I demand the regular order of business.

ASSAY OFFICES.

The House resumed, as the regular order of business, the consideration of bill of the House No. 674, to establish additional offices for the assay of gold and silver, and for other purposes, reported yesterday from the Committee on Appropriations, on which the gentleman from Iowa [Mr. ALLISON] was entitled to the floor.

Mr. HENDERSON. I ask the gentleman to yield to me to allow me to offer an amendment.

Mr. ALLISON. I yield for that purpose.

Mr. HENDERSON. I offer the following amendment:

Strike out all in the body of the bill relating to the State of Oregon, and add the following as an additional section to the bill:

And be it further enacted, That section one of an act entitled "An act to establish a branch mint of the United States at Dallas City, in the State of Oregon," approved July 4, 1864, be, and the same is hereby, so amended as to locate and establish said branch mint at the city of Portland, in the State of Oregon, instead of at Dallas City, and that the appropriation for the erection of the necessary buildings, fixtures, &c., for said branch mint be, and the same is hereby, continued, and shall be applicable to the purposes and provisions of this act.

Mr. ALLISON. I will now yield for five minutes to the gentlemen from Vermont, [Mr. MORRILL.]

Mr. MORRILL. Mr. Speaker, I should not have desired, perhaps, to speak on this question at all but for the allusion of the gentleman from Oregon [Mr. HENDERSON] to the Committee of Ways and Means, and I beg to assure the gentleman that his presence before the Committee of Ways and Means produced far more effect than his argument, for the committee I know feel very kindly disposed toward the gentleman from Oregon.

Mr. Speaker, the object of the Committee of Ways and Means is to establish a policy in relation to these mints, and the policy believed by them to be most proper is to have one mint on the Pacific coast and one upon the Atlantic coast. More than these we do not believe to be wise or sound economy to establish. If the State of Oregon can claim a mint so may every other Territory and every other State where they produce gold or silver. My own State would be exceedingly gratified to have a mint, for we produce some gold, even in Vermont, not in as large quantities as they do in Oregon, but still the further fact exists in relation to Vermont that our produce of gold is increasing while that of Oregon, I believe, is decreasing. The amount produced in Oregon is certainly less than that produced in other States or Territories which are yet without mints. Other nations, I believe, usually have but one mint. Instead of increasing the number we now have, I think it might be better to change some we have into assay offices, which, except for the purposes of annual local expenditure, answer all the practical wants of the people actually engaged in mining.

If we are to establish a mint wherever the people want one, and because they know they want one, we shall have to revise the internal revenue bill for the purpose of providing a more ample amount of revenue to cover the expense.

Mr. Speaker, the difficulty of having half a dozen different mints that will present a coinage of identically the same value is obviously very great. The risk in relation to obtaining competent officers, and skilled workmen and of guarding against fraud is also very great. Coin is now like bullion, merely an article of merchandise. It is not used even by the miners as money, but it is sold for the most it will bring. It is immediately shipped away, and it may as well be shipped away in bullion as in coin. It is a waste of labor, time, and expense to coin it. The miners cannot hold it, and do not want to hold it. Neither can our country hold it. When it reaches New York it will at once start on its journey to Europe. It is one of our largest articles among exports.

I trust the House will come to the conclusion that it is just and right not to involve the country in a policy that shall demand the establishment of a mint in every State or Territory where gold or silver may be produced; and if we are to have a national policy for the accommodation of the whole country, and not one merely for the dispensation of local patronage wherever it may be zealously sought after, we shall reject the amendment of the gentleman from Oregon, (and on his account I regret to urge this,) and then accept the bill as reported by the gentleman from Iowa from the Committee of Ways and Means.

Mr. ALLISON. I do not suppose that it is necessary for me to add anything to the remarks made by the chairman of the committee on this question of establishing an assay office, as provided in this bill.

I fully appreciate the anxiety of the gentleman from Oregon [Mr. HENDERSON] to preserve the appropriation made by Congress two years ago for the establishment of a mint in that State. But upon examination of this subject by the Committee of Ways and Means, and a reference to the petitions that have been presented to us during the present session, we have become satisfied that if we once establish the principle of locating branch mints in every Territory or State where gold is found we will have branch mints all over the country. The experience of the country in this regard shows that it is only necessary to have one mint in the Atlantic States and one mint upon the Pacific coast.

The first mint established by this Government was in the year 1800, at the then capital of the nation, the city of Philadelphia. The act authorizing the Mint at that city was renewed from year to year, until in 1831, I believe, the Mint was finally established in that city.

Some years afterward, gold having been discovered in Georgia and North Carolina, there was a pressure from those States upon Congress in those years to establish branch mints in those two States. Congress yielded to that pressure and established one mint in Georgia and another in North Carolina during the session of 1836-37, and those mints were in operation from the time of their establishment down to the outbreak of the rebellion. Yet the mint in Georgia, during that entire period of time, some twenty-three years, coined only about six million dollars; and the mint in North Carolina during the same time coined a less sum. The committee believe that those mints are now no longer necessary, and they propose to authorize the Secretary of the Treasury to dispose of them, and establish assay offices in their stead, if he deems it expedient to do so.

A pressure was made upon Congress at that time to establish also a branch mint in the city of New Orleans, upon commercial grounds, because it took so much time to transfer gold and silver from that city to the great centers of commerce, New York and Philadelphia. A branch mint was established there also by the same act authorizing mints in Georgia and North Carolina, but of the whole amount of gold coined at New Orleans, about twenty-two million dollars came from California after the discovery of gold in that region.

By reference to the report of the Superintendent of the Mint in Philadelphia, it will be seen that notwithstanding we have a branch mint to-day at the city of Denver, in the Territory of Colorado, during the year 1865, of the amount of bullion transferred to the various mints and assay offices, but \$380,000 went to the Mint in Philadelphia, but \$375,000 went to the mint in Denver, and \$938,000, or nearly a million dollars, went to the assay office in the city of New York for the purpose of being melted and assayed. It is a fact that gold dust has passed by the mints of Denver and San Francisco to New York. In confirmation of what I say, I call attention to the following extract from Mr. Bowles's interesting book, *Across the Continent*, in which, among other things, he treats of this subject of the Mint and its branches, and says, speaking of the branch mint at San Francisco:

"Of all the Government institutions in San Francisco, the mint is the most interesting and important. Already it is the great manufactory of coin in the nation, and its comparative importance in that respect is destined to increase. It coins now about twenty millions of gold and silver a year, against five millions coined at all the other Government mints in the country, including the parent Mint at Philadelphia. The coinage here for June and July was nearly three millions a month, and the aggregate for this year is likely to go up to twenty-four millions. Mints elsewhere on the Pacific coast, and in the mining regions, are utterly unnecessary. There is one at Denver, in Colorado, but it has nothing to do—the gold of the Colorado and Montana mines goes right by it, in dust and bars, to New York and Philadelphia. Efforts are making to get mints in Nevada and in Oregon, but they would only prove a waste of money. No local clamor of politicians, seeking home popularity or contractors' jobs for friends, should induce Congress to yield to such demands. Two mints are only needed for the whole country, at New York or Philadelphia, and at San Francisco. The metals, as soon as mined, drift at once to the commercial and financial centers; there only can their true value be known; there only the use to which commerce may choose to put them."

Mr. Speaker, the statement of the writer of that book is confirmed by the report of the Superintendent of the Mint at Philadelphia. This officer, in his annual report of 1864, deprecates the establishment of any more branch mints in this country, and he says, as the Committee of Ways and Means believe truthfully, that assay offices will accomplish all that is required in these new regions for the purpose of developing their mineral interests. He says:

"Neither public nor private interests, national or local considerations, require the multiplication of branch mints for coinage. When located far from our great commercial centers, the difficulties and expense necessarily attending their operations greatly outweigh every advantage that can be derived from their establishment. The mints now in operation are sufficient for the coinage of all the gold and silver that can be produced in the United States. San Francisco is the commercial and economical point for the coin-

age of the precious metals produced from the mines of the States and Territories west of the Rocky mountains. The parent Mint in Philadelphia occupies the same position in reference to the Atlantic States. These two great central institutions, in their capacity for coinage, can abundantly meet any governmental or commercial demand. These for coinage, and the establishment of assay offices by the Government in our mining regions for melting, refining, assaying, and stamping bullion, will secure to the mining interests of the country every facility that can be desired and every encouragement that can with propriety be expected."

I sympathize fully with the gentleman from Oregon in his desire to secure the development of his section of country. The Committee of Ways and Means would gladly have consented to the establishment of this mint at Portland, Oregon, if by that means the object which he seeks could be accomplished. We desire as much as he can desire the development of that region. But in this bill we have provided virtually for all that could be accomplished by the establishment of a branch mint. We have provided that the superintendents of the assay offices at Portland, and at Boise City, shall have authority to issue certificates for the net value of the bullion deposited in those offices; and those certificates are to be payable either at the branch mint at San Francisco or at the principal Mint in the city of Philadelphia. This, I submit, will accomplish all that the gentleman from Oregon desires. The gentleman informs us that there is a line of steamers running three times every month between Portland, Oregon, and San Francisco. Hence this bullion can be transported to San Francisco at very little expense. Thus by a system of purchases and exchanges as provided for in this bill, under regulations to be prescribed by the Secretary of the Treasury, the Government will assume the risk of transporting bullion from the assay offices to the mints for coinage, or to the commercial centers for sale. This system will not only benefit the hardy miner in the gold regions, but also the general commercial interests of the country, and will save to the Government a large annual expenditure which would necessarily be incurred if branch mints are to be established in all the gold-bearing States and Territories of the Union.

Sir, these mints are very expensive affairs. The parent Mint, at Philadelphia, costs from \$75,000 to \$150,000 annually to the Government; and the annual expense of maintaining the mint at San Francisco is about one hundred and forty thousand dollars. The cost of building a suitable mint at Portland, Oregon, would be from \$150,000 to \$200,000, and a large annual expenditure must be incurred to sustain it when established. Besides, sir, it is important that in our mints we should have the most experienced and best mechanical skill and labor and the best machinery that can be procured for the purpose of coining the money of the country. And it cannot be expected that in every gold-bearing region this expensive machinery and this skilled and experienced mechanical labor can be procured.

The Secretary of the Treasury has recommended the Committee of Ways and Means to go beyond what they have proposed to the House by this bill. It will be remembered that there is a branch mint now authorized at Carson City, in the State of Nevada, as well as a branch mint at Denver, in the Territory of Colorado. The Secretary of the Treasury, concurring with the superintendent of the assay office at New York, recommends that he be authorized to convert these branch mints into assay offices, believing that in this way will be accomplished all that is necessary for the coining of money in those distant regions. The Secretary of the Treasury says, in a recent letter to the Senate Finance Committee:

"I concur in the opinion of the superintendent of the assay office, expressed in his report, that no more branch mints should be established; and I should be glad to have a section incorporated in this bill converting all existing branch mints, with the exception of the branches at San Francisco and New Orleans, into assay offices."

Now, the truth is that money will seek the business centers, and those centers are to-day

New York and Philadelphia. When we have the Pacific railroad to San Francisco; that city will be the great exchanging commercial center for all the trade between Europe and America and Asia, and will be the center of business for the Pacific coast and all the regions west of the Rocky mountains.

Now, Mr. Speaker, I think it perfectly apparent that, as has been urged by the chairman of the Committee of Ways and Means, we should have a fixed policy on this subject. If we establish a mint at Portland, Oregon, we must establish one at Boise City, in the Territory of Idaho, because Idaho to-day produces twice or thrice the amount of gold that is produced in the State of Oregon. The Territory of Montana is a rich gold-bearing region, and will demand that she also shall have a mint for the purpose of coining the gold produced in her mines. The policy of the Government, as recommended by the Secretary of the Treasury, and by the chief officer of the Mint at Philadelphia, is that we shall have two great mints in this country, one on the Pacific coast and one upon the Atlantic coast; and that, where ever convenience requires, there shall be assay offices, from which the bullion may be transferred to the mints for coinage. And in this policy I hope the House will concur.

I demand the previous question.

Mr. HENDERSON. Mr. Speaker, I am sorry my arguments did not have a favorable influence upon the mind of the chairman of the committee; and I alluded to the fact that I was only allowed one half minute before the committee in which to explain this whole question, not because I wished to find fault with the committee, but to induce them to extend my time here.

I must say the chairman of the committee is much mistaken when he says that the production of gold is decreasing in Oregon; new mines are being discovered and developed almost every day.

The gentleman from Iowa has read the opinion of the Superintendent of the Mint at Philadelphia to show that we do not need a branch mint in Oregon. Now, sir, I doubt seriously whether he could tell, without looking upon a map, whether Oregon lies north or south of the Columbia river. He has not taken the pains to inform himself. Again, it is very natural that he should oppose the establishment of branch mints in other sections of the country.

Mr. THAYER. Will the gentleman from Oregon allow me a question?

Mr. HENDERSON. I will, sir.

Mr. THAYER. Does the gentleman suppose that the Superintendent of the Mint at Philadelphia would derive any advantage from the non-establishment of mints in other parts of the country, or that his opinions are influenced by such considerations?

Mr. HENDERSON. I understand that if branch mints should be established in other sections they will reduce the business of his, and the necessity for it may ultimately cease. And as to whether he can be affected by corrupt motives, I suppose he is no better than other people—inclined to look out for his own interest. I now ask the gentleman from Pennsylvania whether he wishes to get clear of the Mint at Philadelphia.

Mr. THAYER. By no means. The necessity for it is too apparent, and will not be likely to cease. Philadelphia is a great commercial center.

Mr. HENDERSON. So is Portland, in Oregon; it sustains the same relation to the valley of the Columbia that New Orleans does to the valley of the Mississippi; it is the commercial center for the whole valley of that magnificent river.

Mr. ALLISON. Mr. Speaker, I will add but one word to what I have already said.

The policy of establishing branch mints all over the country cannot safely longer be pursued. The British empire, with all its possessions and the amount of gold it coins annually, has but one mint for that purpose. I believe it would be better for us if we had but one;

and if it were an original question, I would not go for more than one to coin all the money for the country.

I do not believe, sir, the Mint will ever be removed from Philadelphia. It is a great commercial center, and the machinery and material we have there could not elsewhere be procured at a like cost.

I move to add the following to the second section:

Provided, That such salaries and compensation shall not exceed that allowed for corresponding service under existing laws relating to the Mint of the United States and its branches.

I demand the previous question.

Mr. McRUER. I would like to amend on page 4, line twenty, by inserting the words "by the Treasurer or Assistant Treasurer of the United States;" so that these certificates may be paid at the Treasury or by Assistant Treasurers.

Mr. ALLISON. I cannot yield for that purpose. We provide they shall be paid at the Mint at Philadelphia and at the branch mint at San Francisco, and I think that is ample.

The previous question was seconded and the main question ordered.

Mr. ALLISON's amendment was agreed to.

The question recurred on Mr. HENDERSON's amendment.

Mr. HENDERSON demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 41, nays 73, not voting 67; as follows:

YEAS—Messrs. Baker, Banks, Barker, Bidwell, Blaine, Cobb, Cullom, Darling, DeFrance, Dodge, Briggs, Dumont, Farquhar, Harris, Henderson, Higby, Asahel W. Hubbard, John H. Hubbard, James M. Humphrey, Kelso, Ketchum, Kuykendall, Latham, Loan, Lynch, McClure, McKee, Moulton, Nowell, Orth, Paine, Price, William H. Randall, Alexander H. Rice, John H. Rice, Sloan, Francis Thomas, Robert T. Van Horn, Henry D. Washburn, Windom, and Woodbridge—41.

NAYS—Messrs. Allison, Ames, Aneona, Baldwin, Beaman, Bergen, Bingham, Boutwell, Boyer, Brown, Buckland, Bundy, Coffroth, Cook, Davis, Dawson, Delano, Denison, Eldridge, Eliot, Farnsworth, Finck, Garfield, Glossbrenner, Grider, Grinnell, Griswold, Hale, Aaron Harding, Abner C. Harding, Holmes, Edwin N. Hubbard, James R. Hubbard, Jenckes, Kelley, Laffin, Le Blond, Longyear, Marshall, Marvin, McCullough, McKuer, Mercur, Miller, Moorhead, Morrill, Morris, Myers, Niblack, Nicholson, O'Neill, Perham, Plants, Samuel J. Randall, Raymond, Ritter, Ross, Sawyer, Schenck, Sitgreaves, Spaulding, Stevens, Strouse, Taylor, Thayer, John L. Thomas, Thornton, Trimble, Trowbridge, Upson, William D. Washburn, Whaley, and Winfield—73.

NOT VOTING—Messrs. Alley, Anderson, Delos R. Ashley, James M. Ashley, Baxter, Benjamin, Blow, Brandegee, Broomall, Chanler, Reader W. Clarke, Sidney Clarke, Conkling, Culver, Dawes, Dunning, Dixon, Donnelly, Eckley, Eggleston, Ferry, Goodyear, Hart, Hayes, Hill, Hogan, Hooper, Hotchkiss, Chester D. Hubbard, Dennis Hubbard, Hulburd, James Humphrey, Ingersoll, Johnson, Jones, Julian, Kussow, Kerr, George V. Lawrence, William Lawrence, Marston, McIndoo, Noell, Patterson, Phelps, Pike, Pomeroy, Radford, Rogers, Rollins, Rousseau, Scofield, Shanklin, Shellabarger, Smith, Starr, Stillwell, Taber, Van Aernum, Burt Van Horn, Ward, Warner, Elihu B. Washburne, Welker, Wentworth, Williams, James F. Wilson, Stephen F. Wilson, and Wright—67.

So the amendment was rejected.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. O'NEILL. I desire to correct an error made by the gentleman from Iowa, [Mr. Allison.] He said that the expenditure for the United States Mint at Philadelphia was \$75,000 per annum. I do not wish to hear the extent of the business of that Mint depreciated. It is a very extensive institution, and is well conducted, and the appropriation for the Mint during the coming year is over \$160,000.

Mr. ALLISON. I demand the previous question on the passage of the bill.

Mr. TAYLOR. I ask the gentleman if there is not a mint already established in San Francisco.

Mr. ALLISON. There is; but this is for an assay office only.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was passed.

Mr. ALLISON moved to reconsider the vote

by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NATIONAL BANKS.

Mr. HOOPER, of Massachusetts, from the Committee on Banking and Currency, reported a bill to amend an act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof, and for other purposes;" which was read a first and second time, ordered to be printed, and recommitted, with leave to report at any time after the morning hour.

PERSONAL EXPLANATION.

Mr. WOODBRIDGE. I rise to a personal explanation. I was not well enough to be in my seat yesterday when the joint resolution proposing an amendment to the Constitution was acted upon. Had I been able to be here I would have voted in favor of the resolution.

HOMESTEAD BILL.

Mr. JULIAN, from the committee of conference on the disagreeing votes of the two Houses on House bill No. 85, for the disposal of the public lands for homestead actual settlement in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida, submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 85) for the disposal of the public lands for homestead actual settlement in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida, having met, have, after full and free conference, agreed to recommend, and do recommend, to the respective Houses as follows:

1. That the Senate recede from the first amendment of the Senate, striking out on page 1 all after the words "sixty-four" in line eight to the word "and" in line twelve, and that the words thus restored be amended by inserting on page 1, line eight, after the word "that" the words "until the expiration of two years from and after the passage of this act."

2. That the Senate recede from the second amendment of the Senate.

3. That the House agree to the third amendment of the Senate with an amendment, as follows: that at the end of the second section of the bill, as the same passed the Senate, shall be added the following proviso: "Provided, That until the 1st day of January, 1867, any person applying for the benefit of this act, shall in addition to the oath hereinbefore required, also make oath that he has not borne arms against the United States or given aid and comfort to its enemies."

S. J. KIRK WOOD,

HENRY WILSON,

GARRETT DAVIS,

Managers on the part of the Senate.

GEORGE W. JULIAN,

JOHN H. RICE,

S. E. ANCONA,

Managers on the part of the House.

The report of the committee of conference was agreed to.

Mr. JULIAN moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

BERKELEY AND JEFFERSON COUNTIES.

Mr. F. THOMAS. I ask unanimous consent to report back, from the Committee on the Judiciary, House joint resolution No. 120, to extend to the counties of Berkeley and Jefferson, of West Virginia, the provisions of the act approved July 4, 1864, entitled "An act to restrict the jurisdiction of the Court of Claims, and to provide for the payment of certain demands for quartermaster's stores and subsistence supplies furnished to the Army of the United States." This joint resolution becomes necessary, because there is some difference of opinion as to the time when the counties named became part of the State of West Virginia. The object is to settle that date.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. LATHAM moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

WINONA AND ST. PETER'S RAILROAD.

Mr. WINDOM, by unanimous consent, introduced a bill to authorize the Winona and St. Peter's Railroad Company to construct a bridge across the Mississippi river, and to establish a post route; which was read a first and second time, and referred to the Committee on the Post Office and Post Roads.

CHANGE OF REFERENCE.

On motion of Mr. WINDOM, by unanimous consent, the Committee on Indian Affairs was discharged from the further consideration of joint resolution of the Senate No. 87, to provide for the payment of bounties to certain Indian regiments; and the same was referred to the Committee on Military Affairs.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, their Secretary, informed the House that the Senate had passed a joint resolution and bill of the House of the following titles, the former without amendment and the latter with amendments, in which he was directed to ask the concurrence of the House:

Joint resolution (H. R. No. 143) making an appropriation for the repair of the Potomac bridge; and

An act (H. R. No. 213) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th of June, 1867.

The message further informed the House that the Senate had passed bills and a joint resolution of the following titles, in which he was directed to ask the concurrence of the House:

An act (S. No. 360) to regulate the appointment of paymasters in the Navy and explanatory of an act for the better organization of the pay department of the Navy;

An act (S. No. 368) granting a pension to Mrs. Margaret A. Farran; and

Joint resolution (S. R. No. 65) explanatory of and in addition to the act of May 5, 1864, entitled "An act granting lands to aid in the construction of certain railroads in Wisconsin."

LEGISLATIVE, ETC., APPROPRIATION BILL.

On motion of Mr. SPALDING, by unanimous consent, bill of the House No. 213, making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th of June, 1867, with the amendments of the Senate thereto, was taken from the Speaker's table and referred to the Committee on Appropriations.

COMMUTATION OF RATIONS.

Mr. COOK, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of War be instructed to inform this House whether commutation of rations has been allowed soldiers while prisoners of war, and if allowed, whether such allowance has at any time been suspended, and if suspended, for what reasons.

RECONSTRUCTION.

The House then resumed, as the special order, the consideration of bill of the House No. 543, to restore to the States lately in rebellion their full political rights, upon which Mr. WINDOM was entitled to the floor.

Mr. WINDOM. Mr. Speaker, after the thorough discussion this question has received I can hardly expect to add anything new. But at a time like this silence is akin to cowardice; indifference is treason. The great struggle through which we are passing is of a two-fold character—it is a war of principles as well as of material forces. The latter is ended and our triumph is complete; but the conflict of principles still rages with increased vigor. Rebels vanquished in the field are encouraged from unexpected quarters to renew the contest in other and more dangerous forms. Foiled in their mad attempt to overthrow the Republic by force, they now hope to accomplish it by political strategy. In 1860 two modes of destroying the Government were considered by them. One was to rebel and by force of arms disrupt it; the other was to remain in

their places of power, and, as they said, "fight it from the inside." Their councils were for a time divided as to which of these modes would be the more efficient and practicable. The "inside" policy would doubtless have prevailed had not a few hot-heads precipitated the decision by inaugurating open rebellion, thus compelling the more discreet to follow. The promise of Democratic leaders at the North to aid and assist them in maintaining the right of secession did much to induce the attempt; and the last Democratic President (James Buchanan) did what he could to make good that promise. But the people arose in the sublime majesty of their power and demanded the preservation of their Government. A storm of patriotic indignation swept over the country. These same Democratic leaders quailed before it, and instead of armed support, gave only the aid and comfort of their sympathy and secret conspiracies. Rebellion having failed through the inability of those allies to keep their pledges, the rebels now propose to try the other mode, namely, to take their seats in Congress and carry on the contest "from the inside." In this they have renewed assurances of aid from the North. Once more the people are called upon to preserve the Republic against the treachery of pretended friends and the machinations of avowed enemies. Their response is by no means uncertain. Already it has been heard in tones which those in high places would do well to heed. What we have heard is only the muttering of the distant storm which will soon break with fury upon the heads of those who are false to their trust. The loyal people have suffered too much and understand too well the issues of the hour to be deceived by demagogues or traitors. They will demand nothing for vengeance, but everything for security. Their generosity is unbounded, but it will not yield an iota of principle.

The issues which now distract the country could have been easily avoided. The conflict of principles might have ceased with the conflict of arms. When Lee surrendered the rebels understood it to be an entire surrender of the "cause" and of the principles upon which it was based. They did not doubt the right or the determination of the Government to insist upon this, and knowing that by treason and rebellion they had justly forfeited life and property, both of which were at the mercy of the victors, they were quite willing to purchase these by yielding to any just demands. They felt that, having staked everything upon the wager of battle and having lost, it was the right of the conqueror to impose terms and the duty of the conquered to submit. They understood well the principles of liberty and equal rights, for which the nation had contended, and they anticipated such terms and conditions as would forever guaranty them. Had the President then called an extra session of Congress, and upon consultation with the people, through their Representatives, agreed upon and demanded such terms, they would have been gladly accepted, and the whole country would have long ago rejoiced in peace. Just here was committed the fatal blunder which has led to all our present troubles, and which bids fair to disturb and agitate the political elements for years to come. Reconstruction and reconciliation were then plain and easy. Now they are complicated and difficult. The President's intentions, as disclosed by his speeches, at that time were right. He hated treason, and declared it should be made "odious." He despised traitors, and said they should be "punished." Those were brave and patriotic words, and they found a hearty response in every loyal breast. But during all the last summer and autumn he suffered himself to be surrounded by pardon-seeking rebels, who filled his audience room, crowded the ante-chambers, halls, and lobbies of the White House, and knelt before him, with well-dissembled loyalty on their lips, while treason rankled in their breasts. He believed their assurances, and was flattered and deceived.

His hatred was turned to compassion, his distrust to confidence.

"Vice is a monster of such hideous mien,
As, to be hated, needs but to be seen;
Yet seen too oft, familiar with her face,
We first endure, then pity, then embrace."

Having persuaded the Executive and a portion of his Cabinet that their policy of reconstruction is the only proper and constitutional one, the rebels now seek, through the aid of their old party associates at the North, to impose it upon the country. Against this policy the majority in Congress protests, and demands one which is approved by the loyal people. Briefly stated, the real issue between the rebels and Congress is, shall the principles for which we sacrificed a quarter of a million precious lives and untold millions of public treasure be abandoned at the dictation of traitors? The rebels say "yes;" Congress answers "no." Shall vanquished traitors be permitted through their representatives in Congress to seize upon the Government they have tried to destroy, and thereby accomplish by political strategy what they have failed to do by courage in the field? The rebels insist upon it; Congress protests. Has the Government a right to demand of traitors, as a condition precedent to their full restoration to political power, such guarantees as will insure its own safety, guard its honor, and protect its humblest defender in all the rights of citizenship? Congress asserts that right. The rebels deny it, and insolently demand immediate and unconditional restoration as one of their constitutional rights. Shall the rebellious States come back with largely increased political powers, as the result and reward of treason, or shall the Constitution be so amended as to make the basis of representation just and equitable, and thereby place the North and South on an exact equality in this respect? Congress says it shall be so amended. The rebels say it shall not, and that they are entitled to come back at once without terms or conditions of any kind.

How far the rebel policy has been impressed upon the Administration may be seen by reference to the President's last annual message, his veto of the Freedmen's Bureau bill, his 22d of February speech, and his veto of the civil rights bill, all of which he has declared to be the authoritative enunciations of his policy. Interpreted by these utterances, that policy declares: first, that inasmuch as the acts of secession are void and the withdrawal of a State from the Union is legally impossible, the rebellious States have never lost their places as States in the Union, and that they therefore are, and constantly have been, entitled to all the rights, privileges, and immunities appertaining to any State, among which is the right of the people to immediate representation in Congress without the exaction of any condition whatever; second, that as representation and taxation are inseparable, Congress has no right to impose the one until it grants the other; third, that it is a grave question whether any laws affecting the interests of the people of those States can be constitutionally enacted so long as they are denied representation in Congress; fourth, that the Executive alone is authorized to investigate and decide all questions appertaining to the internal condition and Federal relations of those States; that the people, through their representatives in Congress, are entitled to no voice on the subject of reconstruction, except that "each House may judge of the election, returns, and qualifications of its own members;" but that this right is no broader when applied to an applicant for a seat from a disloyal than to one from a loyal State; that, therefore, in appointing a joint committee "to inquire into the condition of those States," and into the loyalty or disloyalty of their people, and their consequent fitness or unfitness to participate in the administration of the Government, Congress has flagrantly transcended its powers, usurped executive prerogatives, and contumaciously hindered and obstructed the reunion of the States; fifth, that the freedmen of the South, whom we called upon to defend us in the day of our great

peril, to whom we gave the solemn assurance of national protection as well as freedom, and who, trusting our plighted honor, fought with us for the nation's life, shall have no protection for their persons or their property, and no civil or political rights except such as the authorities of their respective States may choose to extend to them, and that they shall have no voice in the selection of those authorities; that loyal white men, who have suffered and fought for the Union, shall have no political advantages over rebels who have wickedly attempted its overthrow.

The central, governing principle of this policy, from which its other elements spring as branches from the parent trunk, is found in the declaration that the rebellious States are, and constantly have been, entitled to all the rights, privileges, and immunities of any State, and that, consequently, the people thereof are entitled to demand immediate representation in Congress, without any conditions whatever.

The President is good enough to inform us that he as Commander-in-Chief of the Army and Navy has required of them certain terms with which they have complied, namely, the adoption of the anti-slavery amendment, the repudiation of the confederate debt, and the abrogation of their secession ordinances; that no other terms are necessary or proper, and therefore he and the rebels have fully performed the work of reconstruction; that he has guarantied to those States a republican form of government, as required by the Constitution of the United States. He further declares, through his Secretary of State, that reconciliation and not reconstruction is now the obligation resting upon us. That Congress has no duty to perform in the premises but to admit at once the Senators and Representatives from the South, and thereby complete the work of reconciliation.

It is true that to Congress is generally conceded the right to examine and judge of the credentials of an applicant for a seat, in order to ascertain whether they are in proper form, and also to inquire if he has a majority of the votes cast in his district, and if he is of proper age. But we are by no means to ask anything about the kind of government established in the State from which he comes, or the character of the people who send him to represent them. Having ascertained that his credentials are formal, that he is twenty-five years of age, and has a majority of all the votes cast in his district, we are to be permitted to administer to him an oath to support the Constitution of the United States. When we shall have done this much, and brought back all the southern Representatives, it is supposed we will be once more in the full enjoyment of the blessings of complete restoration, peace, and union.

This grand panacea for all our political ills is based upon the theory that the people who attempted by violence and perjury to destroy the Government, who waged a most wicked and diabolical four years' war for the establishment of a slaveholding empire upon the ruins of the Republic, who murdered our soldiers in cold blood, who fired our hotels filled with women and children, who starved our soldiers to death in loathsome prison-pens, within sight of storehouses groaning with confederate supplies, who polluted the fountains of life by knowingly inoculating prisoners with the virus of a nameless disease which will scourge them to their graves and entail untold sufferings upon their innocent offspring, who laid down their arms only when our victorious bayonets were at their throats, and who, when professing to accept the issues of war, assassinated the nation's honored chief—that this people, without any evidences of repentance, but with every indication of sorrow for the "lost cause," and of bitter hatred toward the Government and its defenders, have suddenly become sufficiently loyal to be trusted with all the rights and franchises they have renounced and forfeited; that in "accepting the situation" they have entitled themselves to step at once, unquestioned, from the rebel congress

and the rebel camps into the halls of legislation to make laws for the Republic which they have so recently tried in vain to destroy; to become the guardians of our widows, orphans, and disabled soldiers, and custodians of all the civil and political rights of the humble-colored patriots whom they held in slavery as long as they could.

But it is claimed by some of its supporters that this policy demands the admission of loyal Representatives only, without regard to the character of their constituencies. Unfortunately the term "loyalty" seems to have acquired an exceedingly doubtful meaning. The South use it to define a faithful adherence to rebellion and treason. A certain class of northern Democrats mean by it all manner of opposition to the war for the Union, an unwavering sympathy with its enemies so long as they had any hope of success in the field, and since their failure there a determination to restore them to power in the Government. The President in his 22d of February speech defines a loyal man to be one who acknowledges his allegiance to the Government and swears to support the Constitution of the United States, and adds by way of further explanation, "He (the rebel) cannot do this in good faith unless he is loyal. No amplification of the oath can make any difference; it is mere detail, which I care nothing about." By this definition, then, an acknowledgment of allegiance and an oath to support the Constitution purge the vilest traitor of all his treason, and convert him at once into a first-class patriot. And this for the extraordinary reason that one who has been a rebel cannot take the oath in "good faith unless he is loyal." The test oath which requires a man to swear that he has not borne arms against the Government, or voluntarily given aid and comfort to its enemies, is a mere "amplification" and cannot "make any difference; it is mere detail, which I (the President) care nothing about." Loyalty, as expounded by this very high authority, consists simply in swearing to support the Constitution in the future, which, of course, any rebel, from Jeff. Davis down, can readily do, for they have done that many times already, and as was said by another, have sworn to support the constitution of the southern confederacy in addition.

Sir, I have no confidence in the "good faith" of these constitutional oath-breakers. Treason has debauched their entire moral nature. Their oaths will be broken in the future with the same facility they have been in the past. I want some better guarantee for future loyalty than is to be found in the oath of a thrice-perjured traitor. Nor is this the kind of loyalty which the patriotic people whom I represent desire should govern this country. They do not believe the test oath to be a mere "amplification." If it be mere "detail" to require a man to purge himself of treason before he assumes to govern them, it is that sort of detail which in their opinion does make a material "difference," and about which they do "care." They were taught only a twelve month since that "treason is a crime and ought to be punished;" that "loyal men" whether white or black, should govern this country; that "the traitor who has raised a parricidal hand against the Government which protected him should be subjected to a severe ordeal before he is restored to citizenship" even. They believe what they were then taught, and in the honest simplicity of their hearts cannot discover the severity of that "ordeal" which merely requires a traitor to make a trip to the White House, ask a pardon, and then swear to support the Constitution, in order to entitle himself to make laws to govern them. They believe, with the Andrew Johnson of 1864, that "before these repenting rebels can be trusted they must bring forth the fruits of repentance."

But it is also insisted by a very few of its supporters that this policy does not demand a repeal of the test oath. It is certainly not so understood by the rebels themselves, or by the masses of the Democracy at the North. I

think it is hardly fair to say that the President himself or his Secretary of State so understands it; for they both complain that these insurgent States are not now admitted to representation. Mr. Seward said in New York, on the 22d of February, when expounding by authority the views of the Administration:

"Admit the southern Representatives at once. I thought it ought to have been done on the first day of the session."

The gentleman from Kentucky, [Mr. ROUSSEAU,] who last addressed the House on this subject, assuming the championship of the President, declared that it had been in our power at any time during this session to have completed the work of reconstruction in fifteen minutes by admitting the southern members, and complains that this was not done.

Now, it is an indisputable fact, known to almost every intelligent man in the country, and clearly proved by officers of the Army and others who testified before the committee on reconstruction, and so reported by that committee—

"That in the face of the law requiring the test oath, the Senators and Representatives elected to Congress from those States are, with very few exceptions, men who had actively participated in the rebellion, and who insultingly denounce the law as unconstitutional."

Among them is the vice president of the so-called southern confederacy himself. And yet, with those facts before them, the originators and supporters of this policy complain that these Senators and Representatives were not "admitted at once, on the first day of this session." They could not be admitted except by committing perjury, or the repeal of the test oath. It will hardly be contended that they were expected to signalize the first act of their return, as they did the last of their withdrawal, by perjury. Am I not, therefore, justified in assuming the position that this policy does demand the repeal of the test oath?

But admit, if you please, that in this position I am mistaken, and that the President and those who sustain him mean that none but those who can take the test oath shall be admitted, it would still, in my opinion, be a most dangerous policy, and would defer the admission of traitors but a very short time; and for this reason: it will be an easy matter for the South to select men for the present Congress who have not borne arms against the Government or voluntarily given aid and comfort to the rebellion, and yet who are at heart no more loyal than many who were in the rebel army. These men, thus selected, will take their seats, and together with northern Democrats will repeal that oath. Their admission will establish the right of their districts to representation, however disloyal the people may be. This right once established, and the test oath repealed, what will follow? At the next election every disloyal district will send men who thoroughly represent the feelings and sentiments of the people, those who have been most obnoxious for their treason having the preference. What shall be done then? "Keep them out if disloyal," you say; but how can you keep them out? The right of the district to representation having been established by the admission of men who could take the oath at this Congress, those who are elected to the next will demand that the Clerk of the House place their names on the roll to be called to vote upon the organization. This the Clerk will be compelled to do, and the vilest rebels and guerrillas of the South will have an unquestionable right to participate in the most important act of the Congress, namely, its organization. They will then step up to the desk and take the oath to support the Constitution without any of those troublesome "amplifications" and "details" concerning their past conduct, and will, to all intents and purposes, be members of Congress. What then do you propose to do?

"Expel them if disloyal," says another. But it requires a two-thirds vote to expel a member. They will all be upon the floor to vote in their own cases, and aided by their

northern Democratic allies everybody knows that it would be an utter impossibility to expel Jeff. Davis himself should he be elected. No, sir; adopt this policy and in less than two years every disloyal district will be represented by a traitor, and traitors will control the legislation of the country. Instead of being able to expel them for their treason you will have to apologize for having whipped them. The brave men who fought our battles and saved the Republic will have to conceal their honorable scars lest they may give offense to the "reconstructed South;" just as now the military authorities at West Point order the erasure of inscriptions from captured rebel cannon in order that when the young "gentlemen" from the South return their pride may not be touched by witnessing the evidences of their defeat. Oh, magnanimous policy! Magnanimous to enemies, cruel to friends!

Another inevitable consequence of this policy will be that no changes of the Constitution, whereby guarantees will be furnished which are necessary for the safety of the Government, can ever be secured. It is an explicit declaration that we have no right to demand such guarantees as conditions precedent to representation. It is so understood everywhere, and especially at the South. A. H. Stephens, vice president of the southern confederacy, and Senator-elect to Congress from Georgia, so understands it when he declares that it meets his hearty approval, and coolly informs us that the South would rather remain unrepresented than to accept any terms as conditions precedent. If such amendments of the Constitution are not secured before the full restoration of those States, we all know that they never will be, until they are obtained by another war, for it requires a two-thirds vote in Congress to propose, and a three-fourths vote of all the States to adopt them. This every sane man knows would be impossible. I am therefore justified in asserting that those who support this plan of reconstruction intend that no constitutional amendments, affecting the interest of the South, and guarantying the honor and safety of the nation, shall ever be made. What will be the consequence? By the Constitution (unamended) two fifths of all negroes who were slaves, but who have been liberated by the war, will be added to the basis of representation, thereby giving the South thirteen additional Representatives on this floor; thirteen additional Representatives taken from the loyal and transferred to the disloyal States; a number equal to the representation of more than six such States as Minnesota; a gain in this House to the South as against the North greater than the political power exercised by the States of Minnesota, Wisconsin, Iowa, Kansas, Nevada, Oregon, and California, or equal to all the New England States combined. For it must be borne in mind that these thirteen Representatives are not merely to be added to the South, but they are to be deducted from the North, making a relative difference of twenty-six in favor of the disloyal section of the country. Nor is this vast political power to be taken from the loyal people of the North and given to the loyal people at the South, upon whose numbers it is based, but it is to be handed over to the traitors to be wielded for the oppression of our defenders who live among them, and against the welfare of the country. The vote of a South Carolina rebel is to be made equal to the votes of three soldiers of my own State, thus reaffirming by law the old insulting boast that "one of the chivalry is equal to three northern mudsills."

Is this the way "treason is to be put down and traitors punished?" Is this the way by which "loyal men, whether white or black, shall rule this country?" Is this the way "treason is to be made odious?" Is this what Andrew Johnson meant when he said "the traitor ceased to be a citizen and forfeited his right to vote with loyal men when he renounced his citizenship and sought to destroy our Government?" Should he not rather have said that loyal men by fighting for their country forfeited their right

to vote with traitors? Ah, sir, is not that a novel mode of punishing traitors which reinvests them at once with all their former powers, and as a premium for treason gives them an additional political power equal to that exercised by six loyal States? If the eleven rebel States were admitted now they would have twenty-two Senators. The other five States which belonged to the slaveholding class, namely, Kentucky, Delaware, Maryland, Missouri, and West Virginia, would doubtless add five more, giving them twenty-seven Senators.

It will be seen by reference to the census of 1860 and the apportionment of 1861 that the eleven confederate States have fifty-eight Representatives. Giving them one half the representation from the five States just named, (they are reasonably certain of a much greater proportion,) and they will have seventy-one. Add the thirteen Representatives which they will receive, as just shown, by reason of the abolition of slavery, and they will have eighty-four members and twenty-seven Senators, making at least one hundred and eleven votes in the Electoral College. They will thus have more than one third of both the Senate and House, and more than one third of the votes for President and Vice President of the United States. This power will be in the control of a white population embracing less than one sixth of the whole population of the country. So that the effect of this policy will be to give to less than one sixth of the people (a large majority of whom are disloyal,) more than one third of the political power of the whole. If by any means they can secure one sixth more of the representation they will have a majority in Congress and in the Electoral College, and will of course elect their own President and make laws to suit themselves.

Does any one who has given the least attention to the working of political parties in this country believe for a moment that a compact, well-drilled organization at the South, which needs only one sixth of the representation from the North to give it control of the Government, will have any difficulty in obtaining that sixth? I think not? That party at the North which is now willing, for the sake of political alliance with rebels, to thus disfranchise its own section and inflict so wicked an injustice upon the loyal people, may well be trusted to go far enough to reap the fruits of such an unholy alliance. If by such combination a majority could be secured in Congress, the southern wing of the party would have so large a proportion of that majority that they would of course insist, as they always have done, upon controlling the organization of the House and dictating the formation of its committees. This being done, what may we reasonably expect? First, either the assumption of the rebel debt or the repudiation of our own. No man not totally blinded by partisan zeal can for a moment believe that the representatives from the South, with the control of Congress in their hands, will meekly, year after year, vote appropriations and tax their constituents to pay interest on a debt contracted, as they affirm, in waging an unjust war upon them, unless the people of the North reciprocate by taxing themselves to pay the debt of the South, incurred, as they contend, in self-defense.

The next thing we may certainly anticipate will be a demand for compensation for the loss of slaves, amounting to a sum far greater than the entire cost of the war. This demand we will have no more power to resist than the former, and it will be either paid or compromised by a consent to reenslave by some other name their negroes.

Then will be presented the question of bounties to our soldiers and pensions to the disabled and the widows and orphans of the dead. With such a majority controlling the Government, how will this question be met? Precisely as we have seen in the case of the national and rebel debts. They will refuse to appropriate money to pay pensions and bounties to our soldiers and to their widows and orphans unless similar provisions are made for theirs. They

will demand, and the demand will be conceded, that those who fought in the ranks of treason shall be placed upon an equality with the patriot heroes who bore the flag of the Republic through so many bloody battles. And why not? If the "lost cause" was so commendable that we are willing to confer upon the South thirteen additional Representatives as the reward of her efforts, will it be very difficult to show that the men who were disabled in defending that cause should be provided for as well, at least, as those who endeavored to overthrow it? But I am told that the South would be in a minority, and that none of these things could be done without the aid of the North, and that such aid could not be given. Away with this delusion, sir! I repeat that the party which to-day, for the sake of power to be gained from rebel alliances, is clamoring for a basis of representation so flagrantly unjust and so obviously exposed to the dangers suggested, may for the same reason be implicitly relied upon to give all the aid that will be required. The same men who sympathized with rebellion throughout the war, whose indignation was never stirred by any of the atrocities committed by the rebels, whose patriotism could rejoice at Union defeats and mourn over Union victories, who conspired with foreign Governments against their own country, and who denounced the noble Lincoln as a tyrant and our soldiers as his hirelings, will not be slow to obey the behests of their southern masters when they are once more installed in their places of power.

But I must not dwell longer upon this much talked of "policy." I have endeavored only to suggest some of its more prominent features, and to point out some of its inevitable results. If anything more than its mere statement be needed to secure for it the reprobation of all loyal men, it will be found in the character of its supporters. I do not deny that some good men, who have not taken the trouble to thoroughly investigate it, approve it. But I cannot doubt that such men will soon awake, in utter astonishment at the company in which they find themselves; and that when the President looks about him and finds that in this House not a single man among all those who supported him for the Vice Presidency indorses it, and that the House truly reflects the loyal sentiment of the country, he will be induced to reconsider and reject it. While it is true that some good men approve it, it is equally true that there is not an enemy of republican institutions, at home or abroad, who does not eulogize it and glorify its author. Every prominent rebel whose hands are yet red with the blood of our murdered defenders extols it. Every keeper of southern prison-pens, whose ears were deaf to the supplications of starving prisoners, commends it. The happy possessors of drinking-cups made of the skulls of our fallen heroes drink to its success. Lee, Beauregard, Mosely, Forrest, Semmes, A. H. Stephens, and a host of other like worthies, pronounce it the only proper theory of restoration. Every aristocrat in Europe, who during the war conspired with our enemies and poured contempt upon our cause and our efforts, praises it. Northern sympathizers, who traduced and maligned Mr. Lincoln and his Administration, are in ecstasies over it.

Why such commendations from such men? Is there nothing in their unanimous and enthusiastic indorsement to arouse the suspicion of the thinking and patriotic that some great mischief, some imminent danger, may lurk beneath it? When traitors praise, let patriots beware. It promises peace, immediate restoration, universal harmony, but beneath are concealed injustice, cowardice, treachery, and ruin.

Antagonized to this is the policy of the Union party, sometimes called the "congressional policy." As enunciated by the measures already passed and those now pending, it declares:

1. That the secession of a State and the rebellion of its people "deprives it of all civil government" and abrogates all its rights and privileges in the Union, but does not in any way affect its obligations to the Union.

2. That such State can be restored only by the act of the loyal people, expressed through their representatives in Congress, and until such restoration takes place its people have no right to demand representation.

3. That it is the duty of Congress to first ascertain whether or not the people of the South are in a condition to participate, safely, in administering the Government. If they are, to restore them at once. If they are not, to provide, as conditions precedent to their admission, such irreversible guarantees as will insure the safety of the Republic and prevent future rebellions.

After a full and careful investigation, believing that the people of the South are, not in a condition to safely participate in the Government without additional guarantees, and that amendments to the Constitution have become imperatively necessary by reason of the changed condition of affairs, Congress proposes to submit to the people of all the States, for their ratification or rejection, the following amendment to the Constitution of the United States:

ARTICLE —.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two thirds of both Houses concurring.) That the following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which when ratified by three fourths of said Legislatures shall be valid as part of the Constitution, namely:

ARTICLE —.

SEC. 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SEC. 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two thirds of each House, remove such disability.

SEC. 4. The validity of the public debt of the United States authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave, but all such debts, obligations, and claims shall be held illegal and void.

SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

These are the only changes proposed to the Constitution. Are they not all generous and just? The injustice, if any, of the first section consists in not including political as well as civil equality among its guarantees. The freedman who saved the life of the Czar of Russia was at once raised to the dignity of a nobleman. The freedman who helped us to save the life of the great Republic is still to remain a political pariah, without even the power to defend himself at the ballot-box. And yet when it is proposed to say to the baffled paricide, who has forfeited life, liberty, property, and citizenship, "Your life shall be spared, your liberty shall be unabridged, your property shall be protected, you may again enjoy the rights you have renounced and forfeited," he complains of severity and want of magnanimity, because he is required to respect the life, liberty, and property of the freedman.

Is it not the negro rather than the rebel who has reason to complain of this section?

Is there anything unjust or ungenerous in the second section, which provides a basis of representation equitable to all sections, and corrects the glaring inequalities which we have seen will otherwise exist? The propriety and necessity of this section are so apparent that its mere statement is the strongest possible argument in favor of its adoption. It does not propose to humiliate the South or deny her a single right. It demands only that she shall stand on an exact equality with ourselves. Nothing more and nothing less. I would like to see the man who can stand before a loyal constituency and contend that a southern rebel shall be clothed with twice as much political power as a northern loyalist.

Let our Democratic friends who voted against this section go home and tell their constituents the plain truth, that under the Constitution, and by reason of changes effected by the war, each and every rebel vote counts as much in the election of President and members of Congress as the votes of two northern soldiers, and that they refused to let the people have an opportunity to amend the Constitution in this respect. Tell the working men of the North that they are to be robbed of thirteen Representatives in Congress in order that the "chivalry" may have that much additional power as a reward for their treason, and that you would not consent to a remedy for this injustice. Tell them these simple, obvious facts, and that you desired to confer as much power as possible upon the South, to the end that, by combining with traitors, you may attain political power, and I apprehend the next Congress will not see you here to combine with any party. The people are desperately in earnest on this question. They see the existing injustice and the impending danger, and are determined to remedy the one and avert the other. Woe to him who attempts to hinder them in the execution of their righteous will!

The third section, providing for the exclusion from office, State and Federal, of certain classes of prominent, perjured, and dangerous traitors, meets my unqualified approval. The test it applies seems to me to be an eminently proper one. The assertion that he who has once taken an oath to support the Constitution and voluntarily violated that oath is not to be trusted, challenges the assent of every right-minded man. Its propriety is seen also in the class of persons whom it disfranchises. It strikes at those members of Congress who plotted and instigated the rebellion; those officers of the Army and Navy who were educated by the Government for its defense, but who in the hour of danger basely betrayed their flag and country; those members of State Legislatures and other officers who led the misguided masses into treason. It is just what the true men North and South demand, and yet I doubt not it will be assailed by the Opposition with the most intense malignity. It touches a tender point. For if leading rebels are to be excluded from office, State as well as Federal, there is a reasonable probability that the loyal men of the South will control it, and in that event the long-anticipated political millennium, in which the secession lion and the Democratic lamb shall lie down together on downy beds of power, will be as far removed as ever. But notwithstanding this opposition it will prove the most popular amendment proposed. Its justice, its safety, its propriety, as well as its generosity toward the misguided masses of the South, will commend it to all who have the interest of the country more at heart than the interests of a political party.

These men who are to be thus disfranchised, have justly forfeited every right they once possessed. In any other Government on earth they would be hung or banished, and their property would be confiscated. We only propose that, having attempted to ruin, they shall not now rule. They may remain in the country, retain their property, and enjoy with us

the equal protection of the laws, but they shall not govern loyal men. Here, as in every other proposition contained in this amendment, nothing is demanded for vengeance, but everything for security. Public safety and national honor require their disfranchisement. Conscience and the common sense of mankind approve it. But observe with what care this section is guarded to avoid unnecessary severity. If at any time their good conduct shall prove that they have repented of their treason, and can safely be trusted with the exercise of power, it is provided that this disfranchisement may be removed by a two-thirds vote of Congress. At present they are to be required, in the language of Andrew Johnson, "to take a back seat in the work of reconstruction;" but if hereafter they bring forth the fruits of repentance, they may be permitted to "come up higher."

The fourth section is designed to prevent a repudiation of the Federal debt, and to insure the payment of pensions and bounties to our soldiers and sailors. It also prohibits the assumption or payment of the confederate debt, or of any claim for compensation for the loss or emancipation of any slave, thereby guarding the loyal people against taxation to pay the expenses of an effort to destroy them. I will not insult the intelligence of this House or of my constituents who may be good enough to read my remarks, by discussing the propriety and justice of this section. Its necessity I have already shown. The finances of the country demand not only that the payment of these debts and claims shall be made impossible, but that the question of possibility shall be put beyond the reach of discussion. The mere agitation of such a proposition will prove ruinous to our credit. A very large portion of the rebel indebtedness is held by our enemies in Europe, who will take especial pleasure in using it to cripple and embarrass our credit abroad, and who will also coöperate powerfully with our enemies at home in the effort to compel its assumption by the Government. Hence, I desire to place the prohibition where it will be forever beyond the reach of agitation.

In addition to these proposed constitutional amendments, the bill reported by the reconstruction committee and now pending declares that whenever the constitutional amendments, before referred to, shall have become a part of the Constitution of the United States, and any State lately in insurrection shall have ratified the same and shall have modified its constitution and laws in conformity therewith, the Senators and Representatives from such State, if found duly elected and qualified, may, after taking the required oath of office, be admitted into Congress as such, and that such State may assume its proportion of the direct tax under the act of 1861, and the payment thereof may be postponed for a period not exceeding ten years.

This is simply an enabling act expressing the terms and conditions upon which Senators and Representatives may be admitted, and is designed to hasten as much as is possible and consistent with public safety, the return of those States to their places in the Union. I regret to learn that there is a disposition anywhere to postpone action on this bill. Having agreed upon the constitutional guarantees which we deem essential, let us now give to the country a completed plan of reconstruction. Let us declare boldly and unequivocally upon what terms the insurgent States may return. Believing, as I do, that the amendments we have proposed are eminently proper and indispensably necessary, it seems to me that this bill, which makes their ratification a condition precedent to full restoration, is equally proper and necessary. In this measure, as in the others to which I have alluded, the generous spirit of the Government is manifested toward the people of the insurgent States. The loyal people of the North, carrying all the heavy burdens of the war, have paid their share of the direct tax under the act of 1861. But the South is poor. She has made herself so by trying to destroy the Government, and yet the North

says to her, "Come back and enjoy the protection of the same laws which protect us, and your burdens shall be made as light as possible; your share of taxes, long since due, shall be postponed for ten years. Not only shall there be no confiscation of your property, but fearing your just debts may be too burdensome we will postpone their payment to suit your convenience." Again, I ask, under what other Government on earth was generosity like this ever exhibited to traitors?

Radical as is the difference between these respective policies of the Union party and that of the Executive, it is, after all, not so much a disagreement in regard to the powers of the Government as in regard to the extent to which those powers shall be exercised. At the close of the war the President held that the relations existing between the insurgent States and the Union had been disturbed and that those States had been "deprived of all civil government" by secession and rebellion. Acting upon this opinion he required, as a condition precedent to their restoration, the ratification of the great anti-slavery amendment, and the repudiation by State action of the rebel indebtedness. He still holds, I believe, that the Government had the constitutional power to exact those terms. But having done this much, and thereby conceded to the fullest extent the power of the Government over the subject, he now contends we shall go no further. I approve of what he has done in this respect, but claim that it falls far short of what is necessary, and insist that the safety of the Republic demands other conditions and guarantees.

The last six months have furnished indubitable evidence that a majority of the southern people are quite as disloyal at heart to-day as they were at any time during the war. Witness their lamentations for the "lost cause;" their insults to the national flag; their toasts and public demonstrations in honor of the most obnoxious leaders of the rebellion; their ostentatious honors to the rebel dead, exhibited by processions bearing flowers and strewing them upon their graves; their mobbings of black loyalists who attempted to bestow similar tokens of respect to the memory of our fallen heroes who sleep in southern graves; their violent efforts to drive out the few Union people who remain among them; their murders of Unionists, and destruction of their dwellings, school-houses, and churches, and their almost universal expressions of hatred, made in every form and in every place, of the men who have been most active and prominent in crushing the rebellion. They have demonstrated to us, also, by the reenactment of vagrant laws and slave codes for freedmen, with how much sincerity they agreed to the abolition of slavery, and how readily that institution, abolished in name, may be reestablished in fact and with increased cruelty. They have by State laws repudiated the rebel indebtedness; but we all know that the same Legislatures, or State conventions, which repudiated them, may to-morrow wipe out that act of repudiation and tax the loyal people to pay them. In fact they have given us timely notice of their intentions on this subject as well as on many others. Mr. Simons, a prominent member of the Georgia convention, which the President convened for the purpose, among other things, of repudiating this debt, said:

"Let us repudiate only under the lash and the application of military power, and then, as soon as we are an independent sovereignty, restored to our equal rights and privileges in the Union, let us immediately call another convention and assume the rebel debts."

In nearly all of the conventions held in those States the same feeling prevailed. They said, "Let us under the lash" abolish slavery and repudiate the confederate debt, and then, as soon as we "get our rights in the Union," we will, by legislative enactments, restore substantial slavery and assume those debts. Under this inspiration the President's propositions just mentioned were accepted by them. All these things, and a thousand others with which we are sadly familiar, attest the present spirit

and temper of the South, and admonish us that "the time to fasten the bolts of a ship is when she is on the stocks," and warn us to look well to her condition before we take on board a mutinous crew, whose declared intention has been to scuttle and sink her. We therefore insist that proper and necessary guarantees of justice, liberty, and safety shall not be left in the keeping of those who may at any moment repeal them, but that they shall be imbedded in the firm foundations of the Republic, where they will be forever irrevocable, to wit, in the Constitution of the United States; and that this shall be done as a condition-precedent to the admission of the southern Senators and Representatives.

A gentleman from my own State, who holds a seat in the other end of this Capitol, and supports the policy of the Administration, said recently in a speech at Philadelphia:

"The majority in Congress intend to keep these States out. The President wants to get them in. Congress is laboring to devise some plan by which the States may be kept out, while the President and his friends have labored faithfully, honestly, and patriotically to devise some way by which they may get in."

That Senator, if he has taken the trouble to observe the issue between Congress and the President, knows that he has not truly or fairly stated it, and he knows, also, that it is precisely the statement that Jeff. Davis or C. L. Vallandigham would have made had they stood where he did. The true issue is, not whether those States shall come in or be kept out, for all agree that they shall come in, but shall they come in now, at once, without conditions or guarantees of any kind, without any evidence of loyalty, and with a twofold representation? Shall they come clothed with twice the power possessed by the same number of loyalists, or shall they wait a little, until these matters can be examined and adjusted? The supporters of the Administration say they shall come in now, and at once, in order that they may be consulted about this question of adjustment, and may have a voice in determining what it shall be. We say, "Let us have a little time to consider and investigate this matter; you have been fighting four years to keep out of the Union; pray do not become nervous, gentlemen, if it takes us a few months to put the old homestead in proper order for your reception. There are certain repairs to be made which we think are indispensable to your comfort and happiness as well as to our own. The disease, too, from which you have suffered must be taken into account. It is secession—a desire to get out of the Union. We want a thorough cure, so that you will never have a symptom of the ugly malady again. May it not be that a brief homeopathic treatment on the principle '*similia similibus*' will meet your case? Be assured that we have no desire to keep you out for the purpose of punishment, and that just so soon as the repairs upon the old family mansion, made necessary by your own misconduct, are completed, and you are in a condition to come back without infecting the rest of the family with your hateful malady, we will joyfully hail your return. But as to inviting you back now, and at once, unhealed and unwashed, for the purpose of consulting you about the nature and manner of those proposed repairs, we think there would be about as much reason in opening our doors to the midnight assassin who recently murdered a part of our children, in order that he may be consulted as to the best way to guard the rest from danger."

The same gentleman to whom I have just referred calls upon his Philadelphia Democratic admirers to aid him and the President in rebuilding the temple of liberty, and says:

"Let us replace its broken arches. Let us restore its crumbled columns and rebuild its wasted walls, that the tribes of the North and of the South may again, as in the olden time, meet there and worship together at liberty's shrine in peace and harmony."

Sir, who is responsible for those "broken arches," those "crumbled columns," and those "wasted walls?" The very men whom

he is so anxious to invite back. If the temple is to be rebuilt, does not common prudence require that it be done by its friends and not its enemies? I confess it is somewhat out of repair, but I prefer that the Vandals who tried to destroy it should not take the contract to rebuild. Do not their past conduct and present temper furnish some reason to apprehend that they would omit from those "arches" and "columns" the cement of justice and civil equality, without which the edifice would tumble down upon our heads. I have some recollection also of the "peace and harmony" with which "in the olden time" the aforesaid "tribe of the South" worshiped in that temple. It was my good, or ill fortune, to be present at some of their devotions, and to witness the religious zeal with which—pistol and bow-knife in hand—they strove to drive out liberty's true worshippers in order that they might debauch her at her very shrine. I have seen this same devout "tribe of the South" raise their hands toward Heaven and swear to defend that "temple of liberty," and before the ink was dry that had recorded their oaths I have seen them go out to plot and conspire together for its destruction.

I have seen them seize upon the revenues of liberty and appropriate them for the support of their unclean goddess, slavery. I have seen them steal from the "temple of liberty" the arms and munitions of war which were stored there for her defense, and then turn them against the "temple" itself. Having witnessed these devotional exercises of the "tribe of the South," I may be excused for insisting that before they return to renew their "worship" we shall have time to rebuild those "broken arches," "crumbled columns," and "wasted walls" in our own way. When every part has been thoroughly reconstructed and all the weak points encased with impenetrable iron walls, which neither treachery nor rebellion can ever mar or shake, I desire their return, but not before.

Sir, it seems to me that this demand for the immediate restoration to power of those men without repentance and without conditions or guarantees for the future presents a spectacle which has no parallel in history. Without just cause, without, in fact, any cause, and for purposes the most wicked and infamous, they renounced their allegiance to the Government which had always protected, pampered, and petted them, and waged, for four long and bloody years, a most atrocious war against it. Disregarding the ordinary rules of warfare recognized among civilized nations, they committed atrocities at which the whole world stood aghast. Pestilence, starvation, and cold-blooded murder were resorted to without scruple. Even the graves of the dead were invaded, and fiendish malignity found gratification in mutilating their sacred treasures. Against such an enemy the nation contended for its very existence. More than two million freemen left their homes and endured the trials and dangers of the field in its defense. A quarter of a million of precious lives and \$3,000,000,000 of public treasure paid the price of victory. To save the Republic it has been draped with mourning and drenched with blood. During all these dark and gloomy years of carnage and desolation, those who forced all this sorrow and suffering upon the country have had their sympathizers and aiders and abettors at the North—men who, lost to every instinct of patriotism, if not of common humanity, resisted drafts, obstructed volunteering, opposed taxation, denounced our soldiers, declared the "war a failure," and did everything they dare to make it so, and in the midst of the struggle, when victory was just within our grasp, demanded an "immediate cessation of hostilities."

Now, what do we see? These same rebels and rebel sympathizers, before the smoke of battle has cleared away; before the bleeding wounds of our brave soldiers have been healed; before the blood of our murdered defenders has dried upon their garments; while the bones of

our yet unburied martyrs still bleach beneath a southern sun; while loyal men are still denied the poor privilege of strewing flowers upon the graves of fallen heroes; while the South yet reeks with disloyalty and burns with ill-suppressed vengeance, these same men join hands and with all their old insolence demand not only the immediate and unconditional restoration to traitors of all their former political rights and privileges, but also the bestowal upon them of largely increased powers. Surely human history exhibits no such example of shameless audacity. To yield would be to present on our part an example of unsurpassed wickedness and folly. And yet for resisting this most extraordinary demand we are denounced as disunionists. What is our offense? We insist upon nothing for revenge; no blood, no executions, no banishments, no confiscations. We ask no indemnity for the past, for that is impossible. The dead cannot be revived; broken hearts cannot be healed. The horrors of Andersonville and Belle Isle can have no atonement in this world. But we do demand security for the future. In this, and this alone, consists our offense.

I have endeavored to point out the difference between the policy of the President and the policy of the Union party. Read side by side, in the light of their respective tendencies and inevitable results, they stand as follows:

The President's Policy.

It is the duty of Congress to admit the southern Senators and Representatives at once without regard to the loyalty or disloyalty of their constituents.

The Government has no right, at this time, to impose any terms whatever as conditions precedent to the full restoration of the insurgent States.

The Constitution shall not be amended in any way affecting the interests of the South until she is represented.

The freedmen of the South, who, at our request, fought with us for the Union, shall have no civil or political rights except such as the rebels may choose to give them.

As a result of the war, the North shall lose and the South shall gain thirteen additional Representatives and thirteen additional votes in the Electoral College, and the political power of one rebel shall be equal to the political power of two loyalists.

Traitors may not only vote twice, once for themselves and once for the negro, but they may also hold the highest official positions in the Government they have tried to destroy.

Our debts incurred in crushing rebellion, and our obligations to pay bounties and pensions to our soldiers and sailors, and to their widows and orphans, may all be repudiated at the will of traitors, with the aid of one sixth of the northern Representatives.

It shall not be made unconstitutional for the Government to assume and pay rebel debts and claims for loss of slaves, or to tax loyal men for this purpose.

The Union Policy.

Congress should take time to inquire carefully into the condition of the rebel States, and admit them just so soon as it can be done with perfect safety. Not one moment before.

The loyal people, by whose sacrifices the nation's life has been saved, have the right, and it is the duty of their Representatives to demand any and every guarantee necessary to insure its safety and guard its honor.

The Constitution must be amended before the full restoration of the South, or it never can be, except through another war.

No State shall deny to any person within its jurisdiction the equal protection of the laws, nor make or enforce any law which shall abridge the privileges or immunities of a citizen of the United States.

The Constitution shall be so amended as to place representation on an equitable basis, and thus prevent the flagrant injustice which will otherwise exist. Not to do so is to pay a premium to treason.

Leading traitors who have once violated their oaths to support the Constitution, shall not make or execute laws for loyal men. They may vote for themselves, but not for the negro.

The organic law shall declare that the validity of the public debt of the United States, including obligations for the payment of bounties and pensions, shall never be questioned.

Loyal men shall never be taxed to pay debts incurred for the destruction of their Government nor claims for loss of slaves; and the Constitution shall be amended so as to declare such debts and claims illegal and void, and so as to render their assumption and payment impossible.

It shall hereafter be the established theory of this Government that States may secede; their people may rebel and levy war against it, but as secession, rebellion, and war cannot change the status of a State in the Union, it is the right of rebels and traitors, as soon as they are whipped and disarmed, to return at once and make laws for their conquerors.

It shall hereafter be the established theory of this Government that the secession of a State and the rebellion of its people "deprives it of all civil government," and abrogates all its rights and privileges in the Union, but does not, in any way, affect its obligations; and that it can only be restored to its former relations by the law-making power, upon such terms and conditions as it may impose. If this be not so, the Government is powerless for its own protection. For "if rebellion succeeds, it accomplishes its purpose and destroys the Government. If it fails, the war has been barren of results, and the battle may be fought out in the legislative halls of the country."

I am free to say that the plan of reconstruction proposed falls short of what I desire, but I accept it because of the great good it contains, and because it is the best that can now be obtained. My own opinion is that if traitors are to vote at all, their votes should be neutralized by the ballots of loyalists, whether white or black. I believe that it is shameful ingratitude and gross injustice for this Government after calling upon any class of its citizens to defend it against its enemies, and after accepting their services, to turn upon them and say, "We will confer upon our enemies the right of suffrage, but you cannot exercise it for the reason that your complexion is not of the approved hue." Loyalty and not color should be the test. I believe, further, that if treason be a crime, enough has been committed within the last five years to entitle somebody to be hung.

In conclusion, let me say to gentlemen who think the loyal people of this country can be so far deceived as to adopt this policy of unconditional restoration with all its inevitable consequences, you sadly undervalue their intelligence and patriotism. They were in earnest in crushing the rebellion. They are no less in earnest in demanding a safe and just policy of reconstruction. They were not moved from their purpose during the war by losses in the field, by burdensome taxation, by threats of foreign intervention, nor by conspiracies and dissensions at home. They will not be moved from their present purpose by the blandishments of office, nor by the defection of pretended friends. No more sublime spectacle was ever witnessed than that which the courage, constancy, and patriotism of the loyal American people have exhibited during this struggle. They have demonstrated to the world that war with all its accumulated horrors cannot intimidate them, and that the allurements of official patronage cannot seduce or corrupt them. Such a people may be safely trusted to finish the great work they have begun. The nation's power is in their hands. They have purchased it at a fearful cost. They will keep it until equal and exact justice shall have been secured to every citizen, and until the great Republic, free, united, and prosperous, shall have achieved its glorious mission among the nations of the earth.

Mr. HARRIS. Mr. Speaker, having been up to this period of the session a silent member from choice, I deem it my duty now to declare my views upon some of the political questions which are presented for the consideration of this House and this country. Although my sentiments were well understood by my fellow-citizens who cast their votes for me at the last election, there has been since such a whirl in the political maelstrom that they might either fear that my own position had been changed or possibly they themselves might have been unable to withstand the mighty efforts made to draw them into the whirlpool.

In either event, it is proper and honorable that I, as their Representative, should make open and frank avowals in view of the polit-

ical movements which must soon take place in my State and district. I should consider it a most ignoble act to win the support or indorsement of any man by the least concealment or deception. I would as lief cheat a man of his money as by hypocrisy and fraud to cheat him of his sentiments.

From this I hope, Mr. Speaker, you and this House will infer that I am but a poor politician, according to the meaning of that word in common parlance—a word but the synonym for fraud, violence, and such ignoble conduct as should deprive an honest man of his own self-respect, and would certainly bring about such a condition but that these traits of character are too common.

I then, sir, declare that in principle I now stand as I stood before the war; as I stood after war was declared; as I stood in the last Congress, when I received its crown of censure; as I stood in prison and before that infernal instrument of tyranny, a court-martial. And as I stand in principle so will I stand in practice whenever occasion may require.

When I indicate that there has been no change in my principles, this House, and this country possibly—for the avowal of them has been attended by an unexpected notoriety—may infer what my position now is. I am an old-line Democrat, and believe in the doctrine of secession. I believe that the several States of this Union have the right to separate from it, each acting for itself. I believe that abuses and usurpations had been practiced and threatened to so great an extent by their associates and partners in this governmental compact, that the southern States were justified in going out; and, sir, I further believe by their ordinances of secession, that they did go out, and thereby became to this Union foreign States. These convictions I cannot change, and I do not expect will ever be removed; I will most assuredly proclaim them and stand by them as long as a single citizen of the confederate States is in chains or subject to penalty for asserting them. There is no political or personal consideration which would prompt me to such a desertion. As the right of secession is the only thing that rescues them from the charge of treason, my voice shall ever accord with my convictions and never join in that verdict against them. I should consider myself as assuming a most infamous position if it did. What, sir, I that believe them right, I that would have joined them if the sovereign State of Maryland had said so, to desert them now in their utmost need, when I can legitimately give them such protection as is in my power honestly to give—never!

From what I have said, Mr. Speaker, this House will readily infer that I am adverse to the reconstruction policy of the President. I confess that Andrew Johnson has been, in adopting his mode of reconstruction, consistent with the views of the late President, with those of the Republican party that elected him, and with his own declaration from the time he abandoned the Democratic party and joined the Republicans. These facts do not commend him to me; but surely it is not his fault that he is now at issue with many of the people who raised him to his present station. Among acts of his Administration which receive my sternest denunciation, he has done and said some things which meet with my hearty concurrence. The vetoes he has during this session sent to Congress I need not mention, but there is one declaration of his which, if enforced by him, will cause his name to ring throughout the civilized world, and rank him high in the list of patriots. There was much in his speech on the 22d of February which I disapproved of, but there was one paragraph which sounded on my ear like "the voice of one crying in the wilderness, make the paths straight." I will read it, sir:

"The principle that carried us through the Revolution was, that there should be no taxation without representation. I hold to that principle, which was laid down as fundamental by our fathers. If it was good then, it is good now. If it was worth standing

by then, it is worth standing by now. It is fundamental, and should be observed as long as free government endures."

This is the great blood-baptized principle of this American republican Government, consecrated to the noble blood of our heroic revolutionary fathers. For one, sir, I believe the President has the power to sustain this principle, as it is his most sacred duty to do so if he has. If it is "fundamental and should be observed as long as free government endures," then wherever his power reaches it has he recorded in heaven a sacred oath that he will preserve, protect, and defend it. Let taxation be suspended where representation is denied. Let him thus act and appeal to the American Anglo-Saxon race for the support and defense of time-honored Anglo-Saxon principles. This will bring the almighty dollar in its proper position, which opens the eyes of some who shut them to everything else. With them it is potent whether to be received by them or withheld from them. The necessity of an early reconstruction of some sort would then probably soon become apparent.

But to return; I stated that I was adverse to the President's specific policy of reconstructing this Union. In my view the southern seceded States have no right to Representatives on this floor or in the Senate, and by my vote I have heretofore invariably rejected every application which has been made by any person claiming such a right; and, sir, not only do I believe that they have no right in their present position to send Senators and Representatives here, but I do not think they have the right to furnish us with a President or Vice President, although there are many here and elsewhere, who, while agreeing with me that these States are out of the Union and not entitled to representation anywhere, have been so fraternal in their feelings and so magnanimous in their conduct as to go beyond the line in order to obtain the services of the gentleman who at present fills the executive chair of the United States. Being a citizen of seceded and unreconstructed Tennessee, he is, in my opinion, as also upon their theory, only President *de facto*, forced upon the country by their votes, attended by that very effective implement, their bayonets. When I cannot avoid it, I, like every one else, acquiesce in *de facto* Governments and *de facto* Presidents; but if it could be expected by any one that I can cast my vote at the next presidential election for Andrew Johnson, of Tennessee, for that high office, then, at least, the status of Tennessee herself must be completely changed; she must be admitted into this Union by act of Congress upon her application to become a member of it. "New States may be admitted by Congress into this Union," says the Constitution, and this, according to my theory, applies to Tennessee, as also every other State that seceded. Why should I or any Democrat, at least southern Democrat, sacrifice our principles by casting a vote for a Lincoln Republican? Shall we indorse the acts of that party, or any man who belonged to it, by whom many of us, our wives, and children, have been reduced to poverty and want? Shall we kiss the hand that has thus scourged us or aided in giving the infliction? Who are his confidential advisers and counselors? Is there any one there who avows that his political action is controlled by a law higher than the Constitution of his country, any savage tyrant whose chief pleasure seemed to be derived from oppressing our citizens in direct violation of the Constitution? We will take time to inquire into and to reflect upon these matters.

I have said how I think these States can be admitted into this Union. It should be by act of Congress and with the assent of their people. But, sir, no congressional bill for that purpose can ever receive my vote as long as that test oath disgraces your statute-book. That test discriminates most effectually between citizens of these States, depriving all but a chosen few of the dearest political rights, and necessarily

superinducing what seems to be so odious when only negroes are involved, a despicable oligarchy. It is an insidious and fatal blow at the political equality of white men and at our American republican form of government. I will do all I can to remove it, and if it cannot be removed I will do all I can to rescue the noble citizens of the South from the slavery and degradation it imposes even though it lead to a continuance of the dissolution of the Union. Anxious as I am to restore the States to their former status in the Union, I will not by my voice weaken those guarantees of liberty which our fathers established for themselves and for us their posterity, even to continue or preserve the Union itself. Liberty is worth more than Union. The Congress, sir, that will keep that test in force will only admit those southern men who will misrepresent their constituents. Better wait for better times and better men.

"When vice prevails, and impious men hear sway,
The post of honor is a private station."

There is another objection of a kindred character, and producing similar results to the one I have just referred to, which bears strongly upon my mind, and which, as the facts arise, would cause me to cast my vote against practically bringing about either mode of reconstruction. The exclusion from the ballot-box of the white men of the South in the choice of their Representatives, whether brought about under the President's plan or the congressional plan, shall never receive my sanction. No matter what pretense for excluding them from the polls, whether for too little loyalty or too much disloyalty, so called, by my vote such a corruption, leading ultimately to the overthrow of my country's liberty, shall never take place in this body-politic. That one tenth of the citizens of a State, with the aid of foreign force, should be allowed to alter its constitution and laws so as to disfranchise nine tenths, and call themselves the rightful government, in view of the fundamental principle upon which all our governments are based, is too absurd to enter the mind of any but a tricky tyrant. The State that adopts such a principle and the man who comes here in consequence of its adoption, shall never enter, the one into this Union, or the other into this House, if my voice can prevent it. They shall not extend here the infernal trail of the tyrant. They must come dressed in the pure American republican garb which our noble forefathers recognized and expected to be guaranteed, and not like a Juggernaut in its passage to the temple, crushing under its ponderous wheels the very vitals of true American republicanism.

But, Mr. Speaker, both sides, the southern and northern States, pretend to be anxious. I feel confident, under the circumstances in which they are placed, the southern States are willing to enter again into the compact, and be subject to the old Constitution of the United States. It was not the Constitution they fell out with, but the perversion of it by their northern associates, and their persistent designs to violate and destroy important rights which were secured by that instrument. Those rights have been destroyed, and can never again be a source of discord between the North and the South. Slavery has been abolished, and the seceded States have acquiesced in it; and the negro is placed in the position which you desired him to have when you provoked this war. It agonized you to think that he should be subjected to compulsory and uncompensated labor, and your agony has been removed. The idea of the free white northerners working by the side of or in view of a negro slave in the Territories of the Union, which seemed to horrify you, can now have no place in your minds, and your people and the free negro can mingle together, both socially and politically, in a manner to suit your tastes. This is the full extent of your expressed desire; and why, when you have all you desired when the war broke out, do you now throw obstacles in the way of reunion? You even professed to go to war for the Union, and now, when free negroism is obtained and union is offered, you

refuse it, and decide it to be highly important to use the negro in various other phases for the purpose of enabling you still further and still longer to oppress your brethren of the South. You wish to use him as a lever in order to increase and preserve your own overgrown political power and diminish that of the South without in the least effecting any improvement in the condition of your pretended pet. You know your proposed amendment of the Constitution cannot be adopted if the southern States shall vote against it, and I think you must believe that it will never receive their assent. You can never hope for such a result, and they would deserve to be slaves should they aid in bringing it about. They will reject with scorn the terms of your proposed amnesty, and will await awhile the calm and considerate action of the people of this country to aid them in again honorably becoming members of this Union. You must answer to your people why it is. What is to be gained, under the circumstances, by keeping those out whom you are unwilling shall stay out, and who are willing to come in? You will certainly not try to humbug your constituents by pretending to any fear of the physical strength of the South. The confederacy has not under its control a single cannon, a single musket, or a single round of ammunition.

You will still further strive to allay the desire of the people for an early reunion by urging what I suppose weighs most heavily upon your minds. If we let in the South, you urge, they, together with our political opponents, the Democrats, with whom we fear they will unite, may be in a majority in Congress, and may be able to prevent we Republicans from passing such laws as may suit our purposes, and worst of all, may defeat our candidate for the Presidency. If your constituents to whom you urge these considerations are as shrewd as they have the character of being they will soon penetrate the thin mask thrown over your selfishness, and infer that the man who could urge such a reason either expected to be President himself or to hold some good fat office within his appointment. And if, too, your constituents are as intelligent and patriotic as you claim them to be, they would tell you that if the people of the southern States, when admitted, shall, with the northern Democrats, be able to thwart your selfish and ambitious views in this respect, it will be in perfect accord with the provisions of our Constitution and form of Government; and they will further say that the motives that operate upon you, if carried into practice, are a complete overthrow of the fundamental principle of our Government, that a majority of the people should have something to say in making or preventing the making of laws, or in electing a President.

But you will further urge that in such a condition of things they may repudiate the public debt. This your intelligent constituents will say is not a sufficient reason if true, because if the people of this country, in a proper constitutional mode, shall declare that this debt shall not be paid, they have the power to say so; and it is not because the bonds are all held North that they should not have and exercise this right if they choose. It is not the only debt by several that the people have repudiated, and are likely to repudiate. Besides, these bonds cost many who hold them a comparatively trifling sum. Cannot the northern and southern people, he will say, with the view of living in peace and good fellowship, put their heads together and devise some plan by which this evil shall be obviated? The resources of this country are enormous. Probably an increase of the debt, with a diminution of the interest, might have a tendency to strengthen the security and improve the value of the stock, and might, too, if judiciously distributed, be one of the strongest links to bind this Union together for ages. It is probable you are a holder of some of these bonds, and the view of your constituent does not excite agreeable ideas in your mind, and you drop the subject.

But you at him again, and urge the immense debt of gratitude this country is under to the negro as an excuse for making him, as it were, a condition precedent to reunion. Without their highly important aid we should never have overcome the South; indeed, they might have whipped us. Your constituent, if he is a man of spirit, will frown at this as being rather too degrading a position to be placed in, even to secure party ascendancy. The idea that five million white southerners could successfully contend against twenty-five million of his northern people does not strike him as being flattering to any but the southerners; and unless he is a man of very good temper, it is likely he will break off from you, exclaiming, in a very decided manner, that the negroes have all the rights we engaged for. They are free negroes, so called, and with a full understanding beforehand what free negroism meant. They have ample security for that position, and let them now take care of themselves. This country has been very happy and prosperous notwithstanding the former status of the free negro, and I am not willing to sow the seeds of future discord, and may be future wars, between the whites of this country in order to place him in a position which increases the happiness of neither white nor black, and probably diminish that of both. Theoretical perfection may be preached by your Beechers, Cheevers, and Phillips, but it will never be practically attained in this world. Thus would end the colloquy between you and your constituent. He has evidently the better of the argument, and appears to be a man not easily gulled.

Not heeding this counsel, you are bent on schemes which seem to contain nothing but the elements of mischief and revenge, leading to a continued and indefinite separation of the Union and aiming at the degradation of the white people of the South. This last you will not, and I say it in the name of the American people, you shall not, accomplish.

But there is something in the spirit of the southern people which will thwart your designs. If they have lowered the standard of their confederacy, they have not lowered the standard of their pride—a becoming pride in the estimation of an honorable enemy. The southerner has all around him, without speaking of the merits of the late contest, tokens of the endurance, courage, and prowess of his people. Sad spectacle though it be, it will not diminish his tone that he can on his own soil walk over the graves of nearly three hundred thousand of his courageous enemies, and—

"Standing on the Yankee's grave,
He will not deem himself a slave."

The schemes by which you will bring about some of the results I have alluded to are now before Congress and the country. You twist and turn and go through all the contortions of a serpent in order to make the negroes the fellow-citizens and equals of the white man, and yet you are not satisfied that you can do it. In the civil rights bill you boldly declared them to be citizens of the United States. I admired the boldness of the declaration, because it was known to come in direct conflict with the highest judicial authority in this country, and which rendered such a congressional declaration perfectly null and void.

The decision of the court in the Dred Scott case, attended with the lucid and powerful argument of that great judge and upright man, Chief Justice Taney, sustained by the opinion of Abraham Lincoln and Judge McLean, two fathers of your party, in the declaration that negroes are not citizens of the United States, the uniform practice of the States for years in rejecting the free negroes from their borders, would justify any judge in any State in repudiating the authority of that law.

The amendment of the Constitution now submitted to the country, and doubtfully reiterating the fact of negro citizenship, and otherwise in an equivocal manner struggling to bring about an equality of the races, will be spurned from their presence by the southern States, and, thank Heaven, there are southern

States enough to make southern contempt for it effectual! It will hardly prove an annoyance. The States will still retain control and govern in their own way that portion of their population without leave asked of the United States.

Mr. Speaker, all the efforts made here or elsewhere to elevate the negro to an equality with the white man in the southern States, either civilly, socially, or politically, are perfectly idle. The negro must be kept in subordination to the white man, no matter how eloquently you may deck off the theory of equality. In my opinion there is, as it were, a declaration of war between these races. Its true active hostilities are suspended and the negro is under parole to keep the peace, but when and where they approximate to anything like equality in numbers the sword of power must be held over them. There are too many dear and cherished feelings and interests of the white race involved to relax that power for a single day. The negro must know it exists, and, if necessary, he must feel it. I say this with the kindest feelings and sympathy for the negro race. Full equality of rights will never exist between races so dissimilar that they cannot socially amalgamate, especially when they live together in large numbers. When amalgamation takes place, when marriage can be consummated between them, when the white woman shall bring forth negro offspring without a blush, and the white grandsire shall affectionately pat his nappy-headed grandson, then equality may be said to exist between the races. You may then with safety grant equal rights of all kinds, and possibly prepare for the millennium. Why, then, interpose such obstacles to a reunion?

But these are not all the difficulties interposed; some favor an almost indefinite postponement, urging with zeal that the South is too ignorant, too uncivilized, to be trusted with any share in this republican Government. Northern education and civilization must and should be more extensively spread among them before their admission to representation will cease to be dangerous. The honorable member from Minnesota [Mr. DONNELLY] takes the lead in that position. In a speech delivered some time since, he declares—

"The great bulk of the people of the South are rude, illiterate, semi-civilized. Their condition in this respect would be shameful to any semi-civilized people, and is such as to render a republican Government, resting on the intelligent judgment of the people, an impossibility."

And again he says, in the same speech:

"As victors in the mighty struggle which has but lately terminated, and as the superiors of the South in enlightenment and Christianity, we can afford to be magnanimous to the highest degree compatible with public safety."

Mr. Speaker, in a little book which we slaveholders often read, it is written, "and he spake this parable unto certain which trusted in themselves that they were righteous, and despised others." We all know what that parable was, except, possibly, the gentleman from Minnesota. Sometimes it has been complained that the ignorant South has had the control for over sixty years, during which period, however, the country has vastly increased in those things which bring prosperity to a country. The chief drawback upon its happiness has sprung from that section in which learning is said to be so generally diffused. These are singular facts, and yet they do not convince me that the general diffusion of learning is an evil. It depends very much upon the soil upon which the seed is sown whether it will bring forth good or bad fruit; it is certain to bring forth some fruit. The noble barons of Runnymede could neither read nor write, but they ordered Magna Charta to be written for them, and it stamped their mark, and, like the so-called ignorant southerners, were willing to make a deeper mark in support of its principles. Our forefathers of the Revolution, who receive and are worthy of our admiration and gratitude, as a mass were vastly less learned than their present descendants. Education was attainable by compara-

tively few. It is a wonder their ignorance did not make a republican Government, to use the words of the honorable member, "an impossibility." They scented English tyranny quickly and afar off. It did not take much learning to teach them that taxation without representation made them slaves. They quickly saw that if England could tax grandmamma's tea, she might afterward tax granddaddy's land, and so they thought it was advisable to begin their resistance on the tea question. "Instinct is a great matter." The great principles of liberty can be understood by the most illiterate as well as by the most learned. They may not be able to write them out or make eloquent addresses about them, but they can readily understand them when read, and feel eloquence when it flashes for them. It takes wonderful power and ingenuity to mislead an independent though unlearned people in this respect. Sir, it is notorious that nearly all the uprisings for liberty in the Caucasian race have sprung from the illiterate and unlearned, headed by a few noble spirits who were more fortunate in that respect than themselves. They have been always ready when the proper leader appeared, whereas on the other side the general rule is that learning has sided with despotism.

The gentleman, to carry his specialty, for to give the South a northern education seems to be a specialty with him, in a speech delivered a few days back on this subject, speaks thus:

"Is it not a shame that this nation, which rests solely and alone upon the intelligence of the citizen, and without which it could not exist for an hour, should thus far have done literally nothing either to recognize or enforce education? France, Prussia, Austria, and Russia have made education an affair of state, and have esteemed it of the highest consequence. In Prussia the Minister of Public Instruction ranks next to the King."

And yet, Mr. Speaker, the Governments the gentleman has enumerated, and over which he says education is so widely diffused, are the most despotic in Europe. I expect the Ministers of Public Instruction have them educated in the principles of despotism, as the North no doubt, among other things, would specially instruct the southern people in the profound mysteries of her numerous isms. But let us criticise somewhat further this Phariseism, this claimed and boasted superiority of the North over the South in "enlightenment and Christianity." Education is certainly widely diffused over the North. Her people are greatly enlightened, but they set a great many false lights. Whence sprung all the isms, even in this nineteenth century, and within the age of this great reformer from Minnesota? I think the enlightened and Christian North is entitled to credit for them all. Mormonism, Millerism, spiritualism, free-loveism, and worst of all (if it should spread beyond Massachusetts) strong-minded-womanism, have sprung and spread over that highly civilized and Christian region. The poor, ignorant, uneducated South was incapable of producing such evidences of advancement and progress. But let us continue the contrast a little further.

Booth the assassin was not caught but bravely shot by a company of soldiers. He was brought to this city dead, in order that the reward for his arrest might be secured by proving his identity. After that, his entrails were torn out and thrown to the hogs, his head adorns some phrenological museum, his heart is preserved in spirits, his spinal column can be seen, which will display to the learned how much he must have suffered by the near approach of the bullet to the spinal marrow; the balance of his remains were deposited, God and our northern Secretary of War only know where. We know they were not handed over to his poor heart-broken mother so that she might exclaim over his grave in a burst of agony, "Would to God I had died for thee, O Absalom, my son, my son!"

Mary Surratt was convicted, of course. She was tried by a court-martial. Her immediate execution was ordered. She entreated for four days to enable her to overcome the shock and the better to prepare her soul to meet her God. "Not an hour," thundered forth the voice from

the War Department; "on with the gallows, the coffin, and the grave; the angels of heaven shall not rejoice over this repentant sinner." Agents of mercy sought the ear of higher authority, and probably a more merciful heart, but Preston King was janitor that day and they were excluded. Where is Preston King? Echo answers—where? She was thus executed speedily and notwithstanding application had been made in behalf of her heart-broken daughter for her remains, so that she might pour forth her sorrows, mingled with the gratitude and love which a daughter feels for a beloved mother, over her grave, those remains are still in the keeping of the War Department. Pontius Pilate delivered the body of Jesus to Joseph of Arimathea, but a worse than Pontius Pilate is here.

Is this a specimen of northern civilization and Christianity? These things were done by northern men without any denunciation by the great northern, enlightened, civilized, and Christian Republican party. Not one word have I read or heard from your Phillipses, your Beechers, your Cheevers, your Greeleys, or your strong-minded Massachusetts women, in rebuke of these most demoralizing acts, and as they touch upon everything which they think vicious, they probably do not disapprove of these transactions as coming in the way of Christian advancement and progress.

Let us look now at a southern picture. John Brown was arrested for a crime kindred to that of Booth. He was in the most formal manner tried, being allowed every facility for defense, no special test oath being urged to prevent the services of any advocate. He was legally and justly convicted to be hung. Between his conviction and execution ample time was given him for the settlement of his worldly affairs and for the preparation of his soul for eternity. After execution his remains were placed in a decent coffin and then handed over to his friends that they might observe such obsequies as they might think becoming. This took place among that "rude, illiterate, semi-civilized" people called Virginians, who had for their Governor at the time even Henry A. Wise. Look upon this picture and then on that. The North is very learned, but I do not think she has any Christianity or civilization to spare. What she has she had better retain for home consumption, and, as I hope, for improvement. She is more learned than the South, but which is the best educated?

I have thrown out these observations in the hope that I may induce the gentleman from Minnesota, and others who think like him, to withdraw his objection to a reunion based upon the uneducated condition of the southern people. But, sir, denunciation and revenge must, as was expected, have their fling against an honorable reunion. The resentment of the civilized and Christian North it is attempted to rouse against the unfortunate men of the South by epithets unbecoming the learned man or the patriot. They are denominated "murderers," "red-handed rebels," "conscious traitors." Those who use these epithets must see, if they will reflect, that they are not true. They must know that Jefferson Davis, Robert E. Lee, Stonewall Jackson, and the thousand others who engaged in the late contest, never could be answerable for the charge of murder and conscious treason. Stonewall Jackson rests in his grave, and your own eloquent Beecher has illustrated his character and rescued it from such an imputation. Time will defend the character of Davis and Lee. That their acts imposed upon them no consciousness of crime I have no doubt. The parting words of Jefferson Davis, in the presence of the Senate, breathe the strongest conviction of rectitude and a desire for peace, and to avoid bloodshed. I will read a short portion of them:

"I find in myself, perhaps, a type of the general feeling of my constituents toward yours. I am sure I feel no hostility to you, Senators from the North. I am sure there is not one of you, whatever sharp discussion there may have been between us, to whom I cannot now say, in the presence of my God, I wish you

well; and such, I am sure, is the feeling of the people whom I represent toward those whom you represent. I therefore feel that I but express their desire when I say I hope, and they hope, for peaceful relations with you, though we must part. They may be mutually beneficial to us in future, as they have been in the past, if you so will it."

"In the course of my service here, associated at different times with a great variety of Senators, I see now around me some with whom I have served long; there have been points of collision; but whatever of offense there has been to me, I leave here; I carry with me no hostile remembrance. Whatever offense I have given which has not been redressed, or for which satisfaction has not been demanded, I have, Senators, in this hour of our parting, to offer you my apology for any pain which, in heat of discussion, I inflicted. I go hence unencumbered of the remembrance of any injury received, and having discharged the duty of making the only reparation in my power for any injury offered."

"Mr. President, and Senators, having made the announcement which the occasion seemed to me to require, it only remains for me to bid you a final adieu."

These thoughts and words are characteristic of the man, and stamp the charge of murderer and conscious treason with falsehood. How is it pretended that he is guilty of treason? His sovereign State seceded; he went with her and joined in defending her independence. There was a time when but few denied the right of secession. From the earliest period of our Government it has been asserted and claimed. Great and ruling parties have proclaimed it; States have sanctioned it; statesmen of the highest character all over the land have avowed it; commentators on your form of government have expounded it; and can any one in such a state of facts dare to denounce the act of secession as treason in a Government of free opinion? The doctrine of secession was born with the Constitution. It became a ruling principle of the ruling Democratic party, inserted in their platform from 1798 to the late war. New England formally determined to practice it on an occasion which she thought demanded it. Ohio, through her high officials and ablest statesmen, declared her determination to adopt it. Josiah Quincy sanctioned it. John Quincy Adams, in a most formal address before the Historical Society of New York, in 1839, most emphatically announced it as the true doctrine.

But, sir, I have alluded to this doctrine of secession, not with the view of defending it at this time, but a wish to introduce an authority connected with a fact which is known or recollected, I expect, to but few. William Rawle, formerly of Pennsylvania, was one of the ablest lawyers in this country. In 1824 he published a Commentary on the Constitution, a work frequently referred to as authority on the exposition of that instrument, not only at the bar, but by subsequent commentators. His first edition was soon exhausted, and in 1829 he published a new edition of his work, in the preface to which he states:

"In this edition the principles laid down in the first remain unaltered. The author has seen no reason for any change."

Thus, after having in the edition of 1824 laid down most clearly and emphatically the doctrine of the right of a State to secede from the Union, he restates the doctrine, after mature reflection and study in his second edition, declaring that "he had seen no reason for any change."

I would now, sir, merely refer you and this House to his able exposition on the subject as contained in the thirty-second chapter of his work. Now, this work of William Rawle was approved of and strongly indorsed by the ablest and profoundest lawyers. It was introduced as the text-book on constitutional law in the schools and colleges throughout the land, and during the Presidency of John Quincy Adams was adopted as the text-book on the Constitution in the Military Academy at West Point. It was the text-book when Jefferson Davis was there, and was placed in his hand as a cadet and student in that institution. He learned his first lessons of secession through the agency and teaching of this Government itself, and it may be his misfortune, but surely not his fault, that the lessons thus drilled into

him have made a lasting impression on his mind. What possible justification can any man have, under such circumstances, in making the charge against him of being a "conscious traitor?" Would a common pedagogue chastise a pupil for having learned and understood his lesson too well? I can hardly believe that the devil himself, were he to place the Book of God into the hand of a fallen angel in order to subject it to perverted criticism, would punish him if he were to be convinced and turn Christian: What should be the conduct of this Government under such circumstances toward Jefferson Davis and those who from strong conviction of the correctness of their course acted with him? Justice and public honor demand their immediate release and restoration to their rights, the more especially as such a course cannot in the least conflict with public safety.

Away, then, with these charges that these people are murderers, red-handed rebels, and conscious traitors! They spring only from unreflecting excitement or from a depraved spirit of revenge, and with wise and considerate statesmen and patriots should never be allowed to interpose obstacles to the reunion which all such must now desire. Away, too, with the expectation that the southern people will ever degrade themselves by freely accepting conditions from the benefit of which you exclude their own chosen leaders! This should and will never be. Let the people sweep these obstacles aside, and as we were enemies in war, in peace let us be friends.

Mr. LE BLOND. If my friend from Maryland will permit me, I would like to ask him a single question. I understand from the argument of the gentleman from Maryland that he takes the position that the southern States lately in rebellion are out of the Union, and had a constitutional right to go out of the Union. Did I understand him correctly?

Mr. HARRIS. They had a right to go out of the Union.

Mr. LE BLOND. A constitutional right?

Mr. HARRIS. They had the right in spite of the Constitution. It was a right that grew out of the sovereignty of the States.

Mr. LE BLOND. Then my distinguished friend from Maryland [Mr. HARRIS] occupies the same position on this question that the distinguished gentleman from Pennsylvania [Mr. STEVENS] and those who follow him occupy, that these States are out of the Union and had a right to go out.

I simply wish to say this, that the Democratic party differ with him in that respect. We do not believe that those States are out of the Union, or that they ever had the right to go out. We believe that nothing but successful revolution could ever carry them out of the Union. We disagree with the gentleman from Maryland [Mr. HARRIS] and the gentleman from Pennsylvania [Mr. STEVENS] and his coadjutors on the other side of the House.

Mr. MOULTON. I desire here to deny the proposition of the gentleman from Ohio, [Mr. LE BLOND], that the gentleman from Pennsylvania [Mr. STEVENS] ever claimed or attempted to argue or admitted that the southern States had the right to go out of the Union.

Mr. LE BLOND. I assert that the gentleman from Pennsylvania [Mr. STEVENS] and the other side of the House have on every occasion virtually sustained the doctrine that those States are out of the Union.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, informed the House that the Senate had passed an act (S. No. 269) to define the number and regulate the appointment of officers in the Navy, and for other purposes, in which he was directed to ask the concurrence of the House.

RECONSTRUCTION—AGAIN.

Mr. RAYMOND. I do not desire to proceed with the discussion of this subject this

evening; the hour is too late. But I would be glad, if it shall suit the convenience of the House, to submit some remarks to-morrow on the general question before the House.

Mr. BINGHAM. If the gentleman will yield to me, I will submit a motion to adjourn.

Mr. RAYMOND. I prefer to submit a motion to postpone this special order until to-morrow after the morning hour.

Mr. DAWES. Before the gentleman from New York [Mr. RAYMOND] submits that motion, will he yield to me for a few minutes?

Mr. RAYMOND. Certainly.

Mr. DAWES. I think the remarks of the gentleman from Ohio [Mr. LE BLOND] ought not to go unnoticed, for I think he has no authority for the statement he has made concerning the gentleman from Pennsylvania, [Mr. STEVENS], the distinguished chairman of the Committee on Appropriations, not now in his seat. I have never heard fall from the gentleman from Pennsylvania anything to warrant the statement that he now holds to the doctrine that the southern States had the right to go out of the Union. I differ quite widely with the gentleman from Pennsylvania [Mr. STEVENS] as to the condition in which those States are at this time. But it is due to him in his absence that no member upon this floor should be permitted to so grossly misrepresent his opinions in that regard.

Now, I do not believe, with the gentleman from Pennsylvania [Mr. STEVENS] and the gentleman from Maryland, [Mr. HARRIS], who has just taken his seat, that these southern States are out of the Union. But I do believe with the gentleman from Pennsylvania that they had no right to go out of the Union. If I understand the gentleman from Pennsylvania aright—although I have no authority to speak for him and no ability to expound his views here—his opinion is that these States fought themselves as it were out of the Union; that as the result of the war between them and the Union, in which they were recognized as belligerents, they became, and are now, conquered territory; and that the United States being the conquerors have the authority to treat them as conquered territory. I believe that to be the position of the gentleman from Pennsylvania. I differ in that opinion very widely from the gentleman. But I feel that I would be doing him great injustice if I were to sit here and permit the gentleman from Ohio [Mr. LE BLOND] to go uncontradicted when he declares that the gentleman from Pennsylvania [Mr. STEVENS] ever held anywhere that under the Constitution the southern States had a right to go out of the Union.

The grand difference between the gentleman from Pennsylvania and the gentleman from Maryland is this: the gentleman from Maryland holds that under the Constitution and by virtue of the Constitution itself any State had the right to secede from the Union, being itself the judge of the sufficiency of the cause for seceding.

Mr. RANDALL, of Pennsylvania. I desire to say just here that the theory of the gentleman from Massachusetts [Mr. DAWES] and the theory of the gentleman from Pennsylvania [Mr. STEVENS] may vary, but the result in each case is the same. Both of those gentlemen vote to keep the southern States unrepresented by loyal men in this Congress and in the Union.

Mr. DAWES. Does the gentleman refer to me?

Mr. RANDALL, of Pennsylvania. I do. Mr. DAWES. Then the gentleman is quite as much in error in reference to my opinions as is the gentleman from Ohio [Mr. LE BLOND] in regard to the opinions of the gentleman from Pennsylvania, [Mr. STEVENS]. I am not one of those who are disposed by legislation or otherwise to keep any loyal man, representing a loyal constituency, out of a seat in this House to which he has been legally elected; and no vote of mine has ever contributed to that result.

Mr. ELDRIDGE. I know very well that

the gentleman from Massachusetts differs in theory with the gentleman from Pennsylvania; and therefore I wish to know how it is that they happen to vote together on all these questions; that they act in concert in preventing the representation in Congress of a portion of the States of this Union. Although the gentlemen differ in theory, they agree practically in declaring that those States shall not be represented upon this floor.

Mr. DAWES. Mr. Speaker, the gentleman from Wisconsin, in his interrogatory to me, assumes what he has no right to assume—that the gentleman from Pennsylvania and myself, although, as he says, differing very widely in theory, are found together in practice. Whatever votes I have given here—I am not speaking, of course, for the gentleman from Pennsylvania—whatever votes I have given here, I fancy I am able, both to myself and my constituents as well as to the country, to reconcile them with the theory which I have advanced here on more than one occasion touching the right of representation on the part of the States lately in rebellion. I stand upon the record as long ago as the Thirty-Seventh Congress; and from that time to this I have put myself on the record more than once. In no particular do I desire at this moment and in this place to depart one iota from the principles laid down by me in the Louisiana election cases, and in the Virginia election cases. In my opinion, sir, we are fast coming to the very position assumed by me on those occasions, and adopted by the House of Representatives by large and controlling majorities.

I will add further, in this connection, that it seems to me it would be better for the gentleman from Wisconsin, before catechising me upon this point, to consider the harmony of his own action with that of the gentleman from Maryland [Mr. HARRIS] who has just taken his seat. During the long service which I have had here with the gentleman from Wisconsin, I recollect no occasion on which he has differed in his votes (whatever may have been his position in debate) with the gentleman from Maryland. Now, for the gentleman from Wisconsin, occupying the position he does in relation to the gentleman from Maryland, always voting with him, to stand up here and catechise me upon this point, seems to savor of coolness, even on this hot day. [Laughter.]

I yield to the gentleman from Wisconsin.

Mr. ELDRIDGE. Mr. Speaker, I will say to the gentleman from Massachusetts that I have conversed with him repeatedly upon these questions, and I have found him expressing opinions in entire accordance with the views which I entertain.

Mr. DAWES. Oh, no.

Mr. ELDRIDGE. I have asked him, and endeavored to persuade him, to present to this House a proposition to admit the southern States, not as States, but to allow their Representatives to come in as Representatives of their particular districts—to consider each candidate for admission simply with reference to himself and the constituency which he claims to represent and the loyalty of each. But the gentleman has never offered such a proposition to this House.

I wonder, and I have often wondered, why the gentleman, with the opinions which I know him to entertain, and which I have heard from his own mouth, has not, in his zeal for the restoration of the olden time, offered a proposition to admit members as they come here from the districts which they seek to represent, considering only the loyalty of the districts and the loyalty of the applicants themselves. When gentlemen come here as Representatives from the State of Tennessee—men admitted to be as loyal as any upon this floor—I wonder why the gentleman from Massachusetts, during seven long months, has never once voted for their admission or moved that they might be admitted as Representatives upon this floor.

I do not seek to catechise the gentleman; and the zeal which I have manifested and to

which he has alluded has no reference to him. I do from the bottom of my heart desire that the peace which we have conquered by arms may be consummated by a full representation of all the States in the Halls of Congress. I am anxious for the result. I and other members on this side of the House have shown by the best evidence that we could give our readiness to vote for admitting these Representatives by districts without regard to anything else, whenever the proposition should be presented.

I will say to the gentleman from Massachusetts we believe to-day upon this side that the Union has not been destroyed. We believe to-day that we have saved the Union and only need to have statesmen act in conjunction with the Army when the Union would be entirely restored.

If the gentleman from Massachusetts, with his distinguished ability and his great influence in the House, had moved in the early part of the session that those loyal Representatives should be admitted by districts, we might have had them here now from loyal districts in many of the southern States, which, according to the doctrine of the gentleman from Maryland, [Mr. HARRIS], as well as the gentleman from Pennsylvania, [Mr. STEVENS], are excluded at this hour from seats upon this floor.

Mr. DAWES. The gentleman from Wisconsin has failed to answer my interrogatory why he has been found so entirely in harmony with the action of the gentleman from Maryland.

Mr. ELDRIDGE. I do not agree either with the gentleman from Maryland or the gentleman from Pennsylvania.

Mr. BLAINE. On what?

Mr. ELDRIDGE. I differ with him on this question. I hold that these States are not out of the Union, and that they cannot get out.

Mr. DAWES. The gentleman from Wisconsin knows very well that there is no disposition on my part to reflect on his past services in attempting to save the Union, to preserve it in all its integrity from the attempts of rebels to destroy it. I have no reason at all to attack him on his course. He sought to bring me upon the floor to reconcile my action with that of the gentleman from Pennsylvania. Now, I have to say, although the gentleman has failed to answer my question, there never has been a time in this House during this session when evidence was presented to me that any man came here a loyal and true Representative from a loyal and true district, I would not only have voted to admit him to a seat upon this floor, but, sir, would have welcomed him with open arms. There has never been a time when I have not been anxious for an opportunity to make the selection and the distinction between a loyal Representative of a loyal district in these southern States and those who come up here with blood-red hands as the Representatives of traitors.

Mr. Speaker, it has been my desire that the credentials of every man claiming to be a Representative should be presented to a proper committee, I cared not what committee it was, but a committee charged with the duty of making up the opinion of this House, on investigation, whether he came from a loyal constituency, represented in a State government republican in form and able to be supported and maintained by the loyal people thereof. And whenever it can be made to appear to me, on examination of the evidence—I do not care whether it be from the committee of fifteen, whether it be from a select committee, or from a standing committee of this House—that any man comes here from a State which has come out of this rebellion clothed in its right mind with such a republican form of government, in which domestic tranquillity has been restored and the loyal people, whether they be many or few, have been able to exercise the right of choosing a loyal man; I say whenever I am found under those circumstances creating any obstacle by vote or otherwise to his admission to a

seat upon this floor, then the gentleman from Wisconsin or the gentleman from Pennsylvania [Mr. RANDALL] now standing up may hold me responsible for it.

Mr. RANDALL, of Pennsylvania. I ask the gentleman to yield to me.

Mr. DAWES. Certainly, sir.

Mr. RANDALL, of Pennsylvania. I have only to say this, that I have no wish to do the gentleman from Massachusetts injustice, and I am gratified, and I feel the country will be gratified, at the position which he states here to-day he now occupies. I hope he will keep on until the majority on his side shall be induced to act as he speaks.

What is the position of claimants for seats from the lately rebellious States? In what position, sir, do they find themselves when they come here? They are met with the resolution that the credentials of every one of them shall be referred without debate to the committee on reconstruction. I do not remember how that gentleman voted in reference to that question, whether he voted to commit every one of those credentials to that burial place or not, but it is enough for me to know that a majority have done it, and that the Committee of Elections, of which he is the able chairman, is stripped of its legitimate duty, and that good and bad men from the lately rebellious States are treated alike here. Men who have gone through the war in the Union Army are kept out of this House by the action of the majority of this House notwithstanding the gentleman's protest.

I ask the gentleman whether he voted to bury all those credentials or not. If he did not, then I say he is clearly exonerated from any complicity in preventing the representation of loyal men from the southern States.

Mr. DAWES. Mr. Speaker, I was about to state when I was interrupted by the gentleman from Pennsylvania that—

Mr. RANDALL, of Pennsylvania. I thought the gentleman was through or I should not have interrupted him.

Mr. BOUTWELL. Will my colleague yield for a question?

Mr. DAWES. Certainly.

Mr. BOUTWELL. I wish to know whether my colleague means to say that he is in favor of the admission of a loyal Representative from any district of the eleven States recently in rebellion when he is satisfied that a majority of the people of that district are loyal to the Government, without regarding the institutions of the State from which the individual claiming to be a Representative comes, regardless of the fact whether they have established laws and framed institutions which secure the rights of all men without regard to race or color. Because if that be the position of my colleague, I, as one member of this House, as one citizen of Massachusetts, and as the Representative of a portion of her people, beg to dissent from that position.

• Mr. DAWES. If my colleague had not been quite so anxious to find a point of difference with his colleague, as I am afraid he was, he would have been entirely satisfied, I think, with the position I was about to state. I was upon the point of telling the gentleman from Pennsylvania, [Mr. RANDALL], when he interrupted me, just what, when Congress assembled in December last, I desired it to do, and just what I think it ought to have done. It does not differ much from what was done, but so far as it did differ I regret it, because I believe it led to mischief, and was the beginning of dissensions that are fraught with evil.

Sir, the Constitution of the United States imposes this obligation upon the United States, not upon this House, not upon the Senate, not upon the Executive, but upon all three—"the United States" is the term used—namely, to guaranty a republican form of government to each and every one of the States of this Union; and when the eleven States, after having, in the terrible commotions and civil war which has been upon them, upheaved and overturned

all the civil institutions within their borders, and blotted out all the civil governments there; after having been at war with this Government for four long years, came to lay down their arms and surrender to this Government, and then went to work to erect upon the ruins new forms of government and to adopt new constitutions, it was the duty of every one of those States, in my opinion, to present its new form of constitution to the President of the United States, and it was his duty to have laid that form of constitution before the Congress of the United States, to the end that the three branches representing the Government of the United States—the two Houses and the President—might have those constitutions officially before them and pass judgment upon them whether they were republican or not.

I regretted exceedingly that in his first communication to Congress the President had not laid each and all of those forms of government, whatever they were, and all the papers and evidences accompanying them, before Congress. The gravity and importance of the subject would, in my opinion, have required the reference of those constitutions, with all the papers and all the evidence accompanying them, thus laid before the two Houses, to a joint committee, and it would have been the duty of that committee to have inquired, first, whether those constitutions were republican in form; secondly, whether they were the free act of the loyal people of the States from which they emanated; and thirdly, whether domestic tranquillity was so far restored among that loyal people that this republican form of government, its own free act, could be maintained by that people against domestic violence. As to what constitutes a republican form of government my colleague will not find me differing essentially with him. We do not materially differ upon that point. But, sir, whenever a joint committee of these two bodies should have pronounced, upon a faithful, deliberate, and careful examination of all the facts and circumstances, that the State of Tennessee, North Carolina, or Arkansas, or any other State, had set up such a form of government, that it was the free act of the loyal people of that State, and that domestic tranquillity had been so far restored that such government could be maintained, and such report, in fulfillment of the constitutional obligation of guarantying republican forms of government to the States, should become the judgment of the two Houses and the President, that is, of the United States, then any loyal man elected as a Representative under such a State government, from a loyal constituency, would be entitled to admission, and I would like to ask my colleague or any other member of the House upon what ground of constitutional right he or I could object to that man taking his seat here.

Meantime, it would have better comported with what I thought ought to have been done if, while the constitutions of these States and the papers accompanying them had gone, as I have indicated, to a joint committee, the credentials of those claiming to be Representatives had been referred to the appropriate committee under the rules of this House. Because, sir, the Constitution is just as explicit upon that point as it is in imposing upon us to guaranty a republican form of government to each State. It declares just as explicitly that this House and the other branch of Congress shall keep within itself, and under its own exclusive control, the credentials of those claiming to be members thereof. But, had I been a member of the committee to which such credentials were referred, I would not have taken action upon them until I was satisfied upon evidence that all the conditions I have indicated had been fulfilled in the States from which the Representatives claimed to come.

Mr. BOUTWELL. I wish to ask my colleague how it can be possible that a community can be authorized, through any organization, to issue credentials to a man which can be regarded by this House or by a committee

of this House as "credentials" until the right of that community to be considered as a State within the Union has been recognized by the constituted authorities of the Government? How, therefore, could it have been consistent or proper for one committee of Congress in one room to have been considering the right of South Carolina to be represented at all, and another committee considering in another room credentials issued by the so-called authorities of South Carolina, which had never been recognized by the Government?

Mr. DAWES. In the first part of my colleague's proposition I agree entirely, to wit, that it is impossible for any one to come here and be entitled to admission as a Representative from any community until that community has become a State of this Union. But, sir, he and I differ entirely upon the question of the right of any of these States to representation. I believe in their right from the beginning. I also believe in their incapacity, growing out of the rebellion. They have always been States, but States disorganized, and therefore unable to elect Representatives; and the question with me is one of fact, not of legal right; whether they are capable of being represented, not whether they are entitled to representation. By their own folly and rebellion they have placed themselves in a position where they have an incapacity of representation, that is, an inability to elect, and it is perfectly consistent that the credentials of a man claiming to be elected should be referred to the appropriate committee, while another committee should pass upon the grave question of the condition of the State and the character of its organic law. When they shall stand up, erect, and clothed in their right mind, then they will be capable of electing Representatives.

But, sir, it is idle for my colleague and myself to enter into any discussion upon this question. The practical result would be the same under his theory and under mine. He says that when they are capable of electing Representatives they are entitled to do so. I say their title has always been good, but they cannot exercise it because they are in rebellion, or not yet sufficiently out of it, and that until they have so far restored domestic tranquillity as to obey the law, conform themselves to it, and erect and maintain a State government republican in form, they are not capable of electing Representatives.

Sir, is it necessary for every State in this Union that changes its form of government to be readmitted or re-recognized as a State before it can send Representatives here? The State of Rhode Island changed its form of government in the most radical particular. The constituted authorities of the United States did not insist upon it that the Representatives chosen under the new State government of Rhode Island should stand at the door knocking until that new State government was recognized. They assumed that the State of Rhode Island was capable of electing Representatives. There had been no state of things calling for an investigation. Not so with these States.

But, sir, I am occupying much more time than I intended. Let me only add that this question is entirely independent of what constitutional amendments the exigencies of the times may demand.

Mr. LE BLOND. Allow me a word.

Mr. DAWES. Certainly.

Mr. LE BLOND. The gentleman has set himself up here to some extent as the defender of the position of the gentleman from Pennsylvania, [Mr. STEVENS.]

Mr. DAWES. Not in the least. I have only sought to defend him from misrepresentation.

Mr. LE BLOND. Very good; then the gentleman does seek to defend him. Now, I wish to know this: if, as is claimed by the gentleman from Massachusetts, [Mr. DAWES,] the gentleman from Pennsylvania [Mr. STEVENS] does not assert that these States have the right to go out of the Union, and we know

that they have been unsuccessful in their attempt at revolution, how under heaven are they now out of the Union? If they are not out of the Union, then why treat them as States out of the Union and deny them representation here, although they are out of the Union neither by virtue of the Constitution nor by successful revolution?

Mr. DAWES. I have only to say to the gentleman from Ohio [Mr. LE BLOND] that I never assumed to defend the position of the gentleman from Pennsylvania, [Mr. STEVENS,] that these States were even conquered Territories. All I assumed to do was to state his position correctly, as I understood it, and not as the gentleman from Ohio misstated it. It is not for me to defend that position, for I told him in all frankness that I did not believe with him.

I now move that the House adjourn.

Mr. DELANO. Will the gentleman withdraw that motion to allow me to submit a resolution of inquiry?

Mr. DAWES. Certainly, I will withdraw it.

DUTY ON FOREIGN WOOL.

Mr. DELANO, by unanimous consent, submitted the following preamble and resolution; which were read, considered, and agreed to:

Whereas the present duty on imported wools affords no protection to the American wool-grower and yields very little revenue to the Government; and whereas an expectation prevails that the present duty is to be increased during the present session of Congress; and whereas this expectation is causing large importations for future consumption, whereby the revenue of the Government from this source is being materially affected, and the present clip of wool is being purchased by speculators at prices which do not remunerate the wool-grower, in consequence of the delay in reforming the present duty:

Resolved, That the Committee of Ways and Means be requested to give the subject immediate attention, and report by bill at the earliest possible day.

ENROLLED BILLS SIGNED:

Mr. TROWBRIDGE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill and joint resolution of the following titles; when the Speaker signed the same:

An act (S. No. 350) to authorize the Commissioner of Patents to pay those employed as examiners and assistant examiners the salary fixed by law for the duties performed by them; and

A joint resolution (H. R. No. 127) proposing an amendment to the Constitution of the United States.

MRS. R. A. BURSLEY.

On motion of Mr. VAN AERNAM, the Committee on Invalid Pensions were discharged from the further consideration of the petition of Mrs. R. A. Bursley, and the same was referred to the Committee on Military Affairs.

And then, on motion of Mr. STROUSE, (at four o'clock and twenty-five minutes, p. m.,) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule and referred to the appropriate committees:

By Mr. DARLING: The petition of manufacturers of cork, for reduction of duty on cork wood.

By Mr. HAYES: The memorial of Miss M. Victor, asking relief for damage to her property, and for use of same, in Baton Rouge, Louisiana.

By Mr. MARVIN: The petition of E. S. Gillett, R. H. Cashney, and 81 others, citizens of Montgomery county, New York, praying that the time for the withdrawal of State bank circulation may be extended.

By Mr. PIKE: The petition of L. L. Lowell, and 24 others, for law regulating inter-State insurances.

By Mr. SCHENCK: The memorial of Eliphabet Brown, jr., late an artist in the Japan expedition, for relief.

By Mr. TAYLOR: The petition of C. M. Butt, James Lowrie, and 25 others, citizens and pensioners, asking that suitable provisions be made to prevent United States pension agents from deducting any fee from payments made to pensioners, and protesting against any act allowing a fee to pension agents for preparing papers and administering oaths.

By Mr. RICE, of Massachusetts: The petition of first and second assistant engineers in the Navy, to be commissioned and restored to their original rank.

IN SENATE.

FRIDAY, June 15, 1866.

Prayer by Rev. WILLIAM T. JOHNSON, of Washington.

On motion of Mr. TRUMBULL, and by unanimous consent, the reading of the Journal of yesterday was dispensed with.

PETITIONS AND MEMORIALS.

Mr. COWAN. I present the memorial of George A. Bohrer, Columbus White, R. M. Combs, Donald McCathran, and six hundred and fifty-six others, citizens of the sixth ward, Washington, remonstrating against the passage of the bill depriving the city of Washington of its charter. I move that it be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. COWAN. I also present the remonstrance of Thomas Thompson, John D. Bloor, Frederick L. Harvey, and one hundred and sixty others, citizens of the fourth ward of the city of Washington, of the same import. I ask that it be referred also to the Committee on the District of Columbia.

It was so referred.

Mr. RAMSEY. I present the remonstrance of William Bennett, John W. Usher, John Simonds, John W. Tucker, and one hundred and thirty-four others, citizens of the second ward of Washington city, against depriving the city of Washington of its charter. I move its reference to the Committee on the District of Columbia.

The motion was agreed to.

Mr. HOWARD. I offer a remonstrance from J. W. Simms, D. F. Cissell, C. E. Greer, and one hundred and four others, citizens of the third ward of the city of Washington, against depriving the city of Washington of its charter. I ask to have it referred to the Committee on the District of Columbia.

It was so referred.

Mr. CONNESS. I have a remonstrance of the same kind, and it appears as though they have been very equitably distributed this morning by the citizens of Washington, [laughter,] against depriving that city of its charter, which I present as requested; and I move that it lie on the table.

The motion was agreed to.

Mr. POMEROY. I have a memorial similar to the one described by the Senator from California, signed by Mr. Samuel Herman, and a large number of other citizens, which I move to lay on the table, as this subject is to be considered to-day, I suppose.

The motion was agreed to.

Mr. SPRAGUE. I have a remonstrance of E. V. B. Boswell, H. K. Gray, J. F. Havenner, and two hundred and ninety-seven others, citizens of the seventh ward of the city of Washington, against depriving the city of Washington of its charter. I move that it lie on the table.

The motion was agreed to.

Mr. SPRAGUE. I also present a remonstrance of Thomas Hatchingson, Martin King, W. G. Wheatley, and eighty-four others, citizens of the fifth ward, against depriving the city of Washington of its charter. I move that it lie on the table.

The motion was agreed to.

Mr. HARRIS. I present the remonstrance of the mayor, the board of aldermen, and the board of common council of the city of Washington, remonstrating against the same thing. I move that it lie on the table.

The motion was agreed to.

Mr. YATES. I present the remonstrance of John Chapman, Thomas A. Richards, and one hundred and eighty other citizens of the fifth ward, against depriving the city of Washington of its charter. I move that it lie on the table.

The motion was agreed to.

Mr. WADE. I present a petition numer-

ously signed by the people of Alexandria, Virginia, praying that the act of retrocession of that part of the old District of Columbia may be repealed. I move that it be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. TRUMBULL. I present a remonstrance against depriving the city of Washington of its charter, which I move to lay on the table.

The motion was agreed to.

Mr. HENDRICKS. I present a remonstrance from citizens of the fourth ward of this city of like import. I move that it lie on the table.

The motion was agreed to.

Mr. JOHNSON. I present the remonstrance of Joseph H. Bradley, T. J. D. Fuller, Edward C. Carrington, Walter S. Cox, Nathaniel Wilson, William H. Philip, W. Y. Fendall, J. C. Kennedy, J. Carter Marbury, Walter D. Davidge, William B. Webb, and the other members of the bar of the city of Washington, against depriving the city of its charter. I move that it lie on the table.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. WILLIAMS, from the Committee on Claims, to whom was referred a joint resolution (S. No. 89) to refer the claim of the administrator of Richard W. Meade, deceased, to the Court of Claims, reported it without amendment.

Mr. POLAND, from the Committee on Patents and the Patent Office, to whom was referred a joint resolution (S. R. No. 66) for the relief of Joseph R. Morris, reported it with an amendment.

He also, from the same committee, to whom was referred the petition of Joseph R. Morris, praying that the Commissioner of Patents may be authorized to issue to him a patent for a new and useful improvement in furnaces, asked to be discharged from its further consideration; which was agreed to.

Mr. HOWE, from the Committee on Claims, to whom was referred a bill (S. No. 802) for the relief of the Mercantile Mutual Insurance Company of New York, reported it without amendment.

Mr. ANTHONY, from the Committee on Claims, to whom was referred the memorial of Henry Eagle, a commodore in the naval service of the United States, praying to be reimbursed for moneys alleged to have been stolen from him on the 2d of June, 1848, while acting purser of the United States bomb-vessel *Etna*, at Frontera, in Texas, reported adversely thereon.

He also, from the same committee, to whom was referred the memorial of Edmund F. Brown, a notary public and United States commissioner of Washington city, praying for the payment of a balance alleged to be due him for services rendered in taking depositions of witnesses in the case of the Great Falls Manufacturing Company against the United States, reported adversely thereon.

NAVAL ACADEMY.

Mr. ANTHONY, from the Committee on Printing, to whom was referred a motion to print five thousand additional copies of the message of the President of the United States communicating the report of the Board of Visitors to the United States Naval Academy, reported it with an amendment to strike out "five thousand" and insert "one thousand."

The amendment was agreed to; and the resolution, as amended, was adopted, as follows:

Resolved, That there be printed for the use of the Senate, in addition to the usual number of copies, one thousand copies of the message of the President of the United States communicating the report of the Board of Visitors of the Naval Academy for the year 1866.

BILL INTRODUCED.

Mr. TRUMBULL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 273) releasing to Francis S. Lyon the

interest of the United States in certain lands; which was read twice by its title.

Mr. TRUMBULL. This matter has been considered in committee already, and I move that the bill go on the Calendar and be printed.

The motion was agreed to.

COAST DEFENSES.

Mr. GRIMES submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be directed to transmit to the Senate copies of the preliminary reports submitted to him by the mixed board of Army and Navy officers on the subject of coast defenses.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House of Representatives had passed, without amendment, a joint resolution (S. R. No. 87) to provide for the payment of bounty to certain Indian regiments.

The message further announced that the House of Representatives had passed a bill (H. R. No. 674) to establish additional offices for the assay of gold and silver, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House of Representatives had signed the following enrolled bill and joint resolutions; which were thereupon signed by the President *pro tempore* of the Senate:

A bill (S. No. 350) to authorize the Commissioner of Patents to pay those employed as examiners and assistant examiners the salary fixed by law for the duties performed by them;

A joint resolution (H. R. No. 127) proposing an amendment to the Constitution of the United States; and

A joint resolution (H. R. No. 148) making an appropriation for the repair of the Potomac bridge.

HOMESTEADS IN SOUTHERN LAND STATES.

Mr. KIRKWOOD submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 85) for the disposal of the public lands for homestead actual settlement in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida, having met, have, after full and free conference, agreed to recommend, and do recommend, to the respective Houses as follows:

1. That the Senate recede from the first amendment of the Senate, striking out on page 1 all after the words "sixty-four" in line eight to the word "and" in line twelve, and that the words thus restored be amended by inserting on page 1, line eight, after the word "that" the words "until the expiration of two years from and after the passage of this act."

2. That the Senate recede from the second amendment of the Senate.

3. That the House agree to the third amendment of the Senate with an amendment, as follows: that at the end of the second section of the bill, as the same passed the Senate, shall be added the following proviso: "Provided, That until the 1st day of January, 1867, any person applying for the benefit of this act, shall, in addition to the oath hereinbefore required, also make oath that he has not borne arms against the United States or given aid and comfort to its enemies."

S. J. KIRKWOOD,
HENRY WILSON,
GARRETT DAVIS,

Managers on the part of the Senate.
GEORGE W. JULIAN,
JOHN H. RICE,
S. E. ANCONA,

Managers on the part of the House.

Mr. STEWART. I should like to have the bill read, in order to understand the report.

Mr. KIRKWOOD. I can explain, in a very few minutes, what the report of the committee of conference is. It will be remembered by the Senator from Nevada that the bill, as it was passed by the House of Representatives, limited the homestead in the States named to eighty acres. When the bill was under consideration in the Senate that provision was changed so as to extend the homestead to one hundred and sixty acres. That was one of the points of disagreement between the two Houses. The committee of conference have agreed to permit the restriction of eighty acres to remain

for a period of two years from the passage of the act, and then we go back to the one hundred and sixty acre system. The Senator will remember that the Senate also made a small amendment in regard to timber lands, from which we now agree to recede.

The Senate added another section, the effect of which was to repeal the requirements of the act of 1862, which required persons applying for the benefit of the homestead law to make oath that they had not borne arms against the United States. To that, also, the House disagreed. The committee of conference have adjusted that disagreement by providing that until the 1st of January next the oath shall be taken, but that after the 1st of January next that requirement shall cease. The reason that controlled the committee in doing this, I will briefly state. It is intended by some who supported this bill to allow the freedmen in those States to have the benefit of the homestead law. It is known that much the larger portion of them now have contracted for their labor during the current year, and those contracts will expire on the 1st day of January next; and then, and not till then, will they be prepared to avail themselves of the benefits of the law. It was intended, therefore, to continue the requirement that persons should make oath that they had not borne arms against the Government of the United States until the time when the freedmen will be in a position to avail themselves of the benefit of this law. On that basis the committee of conference agreed.

Mr. STEWART. Then I understand the Senator to say that the section reported by the Committee on Public Lands and adopted by the Senate, repealing the requirement requiring the taking of that oath in making entries of public lands generally, stands after the 1st of January next.

Mr. KIRKWOOD. Yes, sir; until the 1st of January the oath remains as it has been; that is, the person availing himself of the law must swear that he has not borne arms against the Government of the United States; but on the 1st of January that requirement ceases and any man can then enter the public lands.

Mr. STEWART. I will state that my principal reason for making the inquiry was that the effect of this bill, as originally passed by the House of Representatives, was to withdraw from public sale and from preëemption the lands in several southern States, and to permit them to be entered only under the homestead law, which law prevented any one who had borne arms against the Government of the United States from entering the public lands. In this shape it prevented such persons from either buying public lands or entering them. Consequently we regarded it as a matter of considerable importance that the bill should be so modified that the rebels might go upon the public lands and get to work. I regret that the repeal of that clause does not take effect immediately, so that they may enter the public lands in the West at once. A great many have removed into the western country, and I am anxious that they shall raise their own potatoes and corn, and feed themselves, because I believe that any person who is worthy to live should be permitted to support himself, and not be a pauper; but as by this report the existing restriction upon raising their own provisions is not to be continued, and they are not to remain a charge upon the country as paupers after the 1st of January next, I have no objection to the adoption of the report. As I understood it at first, I thought the committee of conference had stricken out our provision, so as to prevent them from going on the public lands altogether.

The report was concurred in.

HOUSE BILL REFERRED.

The bill (H. R. No. 674) to establish additional offices for the assay of gold and silver, and for other purposes, was read twice by its title and referred to the Committee on Finance.

PERSONAL EXPLANATION.

Mr. SHERMAN. I will ask a moment's

time of the Senate to make—what I think I have never made before—a personal explanation; and that not on my own account, but to relieve a high officer of the Government who seems to be held responsible for my sins of commission and omission. In the New York Tribune, the other day, there was an article, in which the Secretary of the Treasury was accused of being insincere in his efforts to bring about specie payments; and a part of the evidence produced by the editor was that I was the organ of the Treasury Department, and that I was in favor of limiting the power of the Secretary to reduce the currency. I paid no attention to it, although it is unjust to the Secretary; but I see in this morning's National Intelligencer the article of the Tribune republished with comments. I will read a short extract from the article in the Tribune:

"Now, Mr. SHERMAN is the well-known author of the proposition forbidding any redemption of our greenbacks at a rate exceeding ten millions per month, that is, forbidding the Secretary to redeem at his convenience the Government's explicit promises to pay. And we are by no means alone in our understanding that Mr. SHERMAN is the organ of the Treasury Department. If this be a mistake, let us know it explicitly."

I have the satisfaction to inform the editor of the Tribune, and everybody else, that I am not the organ of the Treasury Department, directly or indirectly; and I state it "explicitly." The only points that have ever been brought up in the Senate during this session in regard to the policy of the Secretary was on the two loan bills, one of which I opposed and am still opposed to. I think it was an unwise measure, because it gives to the Secretary of the Treasury too much control over the finances of the country. It is true I proposed in the Senate the limitation of his power over the currency, and I still oppose this, but to this the Secretary agreed. The other is the measure referred to, the funding bill, which the Tribune seems to be in favor of. I can state that Mr. McCulloch desired the passage of the funding bill very much, and he is still in favor of it; but he is not willing to undertake the serious task of reducing the rate of interest in this country without the support of Congress.

The article of the Intelligencer to which I wish to call the attention of the Senate accuses Congress, substantially, with thwarting the Secretary of the Treasury and defeating his measures to bring about the resumption of specie payments. I feel bound to say that Congress has never thwarted the Secretary of the Treasury in anything of the kind. On the contrary, it passed a bill two months ago which gave him more power than was ever conferred on any Secretary of the Treasury. The delay in acting upon the funding bill arises out of a difference of opinion as to the provisions contained in that bill. I hope at an early day to get a vote of the Senate upon it. I feel bound to say that Congress has always given to the Secretary every power he has asked, except those in the pending bill, and this I hope will yet receive the sanction of the Senate. I think it is not necessary for me to say anything further, except that I hope the Secretary of the Treasury will not be held responsible for my sins of commission or omission, and I do not propose to be held responsible for his.

COUNTIES OF BERKELEY AND JEFFERSON.

The joint resolution (H. R. No. 120) to extend to the counties of Berkeley and Jefferson, of West Virginia, the provisions of the act approved July 4, 1864, entitled "An act to restrict the jurisdiction of the Court of Claims and to provide for the payment of certain demands for quartermaster's stores and subsistence supplies furnished to the Army of the United States," was read twice by its title.

Mr. VAN WINKLE. I respectfully ask that that resolution may have present consideration. It was reported in the House of Representatives yesterday morning and passed there unanimously, and I have brought it to the notice of the Finance Committee, who are willing that I shall take this course. It proposes simply to enable the Quartermaster General and the

Commissary General of Subsistence to come to the conclusion that these counties are part of the State of West Virginia. The law that it is intended to correct, so far as these counties are concerned, now reads, "that all claims of loyal citizens in the States not in rebellion for quartermaster's stores," &c., and because these two counties were formerly a part of the State of Virginia they insist upon treating them as parts of a State in rebellion. The law which it is intended to give these counties the benefit of only proposes to allow these officers to pay for official receipts given for property taken or purchased for the use of the Government." I would be very much pleased if the resolution could have present consideration.

I am aware that there is a bill pending in the Senate which proposes to extend the same favor to all the States, the States that have been in rebellion as well as those that have not; but whether these counties would specifically come in under that or not I cannot say. At any rate, at this stage of the session I am not sure that that bill will pass. I am not sure that it would pass even if it were to come up to-day. This resolution is simply to relieve these two counties so as to enable these officers to give what the Senate will certainly agree is a fair construction to the law of 1864, that they are counties in a loyal State. I would be pleased if the Senate would permit the consideration of the resolution at this time.

The PRESIDENT *pro tempore*. It requires unanimous consent to consider the resolution to-day.

Mr. DAVIS. If that subject is likely to occupy any time I shall be compelled to object.

Mr. VAN WINKLE. It will take but a moment. If it should occupy any time I will let it go over.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which proposes to extend the provisions of the act of Congress of July 4, 1864, to "restrict the jurisdiction of the Court of Claims," &c., to the counties of Berkeley and Jefferson, in the State of West Virginia.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RIVER AND HARBOR BILL.

The Senate proceeded to consider its amendments to the bill (H. R. No. 492) making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under the authority of law, and for other purposes, disagreed to by the House of Representatives.

Mr. CHANDLER. I move that the Senate insist upon its amendments disagreed to by the House, agree to the conference asked for on the disagreeing votes of the two Houses, and that the committee of conference on the part of the Senate be appointed by the President *pro tempore*.

The motion was agreed to; and Messrs. CHANDLER, MORRILL, and RIDDLE were appointed the conferees on the part of the Senate.

AMBOY AND TRAVERSE BAY RAILROAD.

On motion of Mr. CHANDLER, the Senate proceeded to consider the amendment of the House of Representatives to the bill (S. No. 243) to extend the time for the reversion to the United States of the lands granted by Congress to aid in the construction of a railroad from Amboy, by Hillsdale and Lansing, to some point on or near Traverse Bay, in the State of Michigan, and for the completion of said road. The amendment of the House was to strike out all of the bill after the enacting clause and to insert the following as a substitute:

That the time limited by the fourth section of an act entitled "An act making a grant of alternate sections of the public lands to the State of Michigan to aid in the construction of certain railroads in said State, and for other purposes," approved June 3, 1856, for the completion of the railroad from Amboy, by Hillsdale and Lansing, to some point on or near Traverse Bay, shall be, and hereby is, revived and

extended for the period of seven years from and after the 3d day of June, 1866; and that said grant shall continue and remain in full force and effect for and during that period as if it had been so provided in said fourth section of said act of June 3, 1856: *Provided*, That the Amboy, Lansing, and Traverse Bay Railroad Company, a corporation organized under the laws of the State of Michigan, shall forfeit all right to said grant, or any part thereof, which it may now have, or which may hereafter be conferred upon it by the Legislature of the State of Michigan, if, and whenever, the said company shall fail, in whole or in part, fully and completely to perform any of the following conditions, that is to say: 1st. To clear, grub, and grade twenty consecutive miles of the road-bed of said road between Owosso and Saginaw City, so that the same shall be in readiness for the ties and iron by the 1st day of February, 1867. 2d. To fully complete said road from Owosso to Saginaw City, so that the same shall be in readiness for the running of trains by the 1st day of November, 1867. 3d. To fully complete in like manner twenty miles of said road in each and every year after the said 1st day of November, 1867, and to fully complete the entire road by the time limited by this act: *And provided further*, That in case of failure of said Amboy, Lansing, and Traverse Bay Railroad Company to perform any of the above conditions by the respective times limited therefor, the Legislature of the State of Michigan may, at its first session after any such failure, confer the said grant upon some other railroad corporation or corporations, upon such terms and conditions as the Legislature may see fit to carry out the purposes of the said act of June 3, 1856; and when so conferred such corporation or corporations shall be entitled to have and enjoy all of the said grant which shall not then have been lawfully disposed of, to the same extent and in the same manner and for the same purposes as if the same had been originally conferred upon such corporation or corporations. And any such railroad corporation or corporations, whether now organized or hereafter to be organized, upon which said grant may be so conferred, in whole or in part, may receive the same without prejudice to any land grant or other rights or franchises previously required. But in no case shall such corporation or corporations be entitled to receive more than ten sections of land to the mile for that portion of said road which may be consolidated in accordance with the provisions of this act: *And provided further*, That if the Legislature shall in any such case of failure so confer said grant as above provided, the said lands, or so much thereof as shall then remain not lawfully disposed of, shall be subject to the disposal and future control of said Legislature, as provided in section three of said act of June 3, 1856, until the expiration of the time limited by this act; but in case the said Legislature shall in such case fail to confer the grant, then the said lands shall revert to the United States.

Sec. 2. And be it further enacted, That the Flint and Pere Marquette Railroad Company may change the western terminus of its road to some point on Lake Michigan at or south of Grand Traverse Bay, and any railroad corporations having a right to the respective land grants specified in the said act of June 3, 1856, located in the lower peninsula of the State of Michigan, may unite and contract with each other or with any other railroad corporation or corporations for the construction and operation of a single line of road for any portion of their routes, without prejudice to any land grants or other rights or franchises previously required. And any and all such corporations are hereby authorized to change the location of their lines of road so far as may be necessary for the purpose of such consolidation, but not so as to change their respective termini otherwise than is authorized by this act. And whenever any change of terminus or location of line is made as provided for in this act, the corporation or corporations making such change, shall file in the General Land Office new maps definitely showing such change and the new line of road adopted: *Provided*, That the road mentioned in the first section of this act shall run on the east side of Saginaw river, and that the principal depot shall be located in the northern portion of the plat of Saginaw City, so as best to accommodate the cities of Saginaw and East Saginaw.

Sec. 3. And be it further enacted, That the lands granted by the said act of June 3, 1856, to aid in the construction of the railroad described in the first section of this act shall be disposed of only in the following manner, that is to say, when the Governor of the State of Michigan shall certify to the Secretary of the Interior that ten or more consecutive miles of said road have been completed in a good and substantial manner, as a first-class railroad, stating definitely the commencement and termination of each completed portion of said road, and the corporation or corporations so entitled to lands on account thereof, the Secretary of the Interior shall cause patents for lands for such completed portion of said road to be issued to said corporation or corporations: *Provided*, That none of said lands shall be acquired or so patented for any portion of said road so completed south of the intersection of said road with the Detroit and Milwaukee railway until the whole of said road north of said intersection shall have been completed, and the land therefor patented as aforesaid: *And provided further*, That the road mentioned in the first section of this act shall be and remain a public highway for the use of the Government of the United States, and shall transport free from toll or other charges all property, troops, and munitions of war belonging to the same.

Sec. 4. And be it further enacted, That all laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

Mr. CHANDLER. I move that the Senate concur in the amendment.

Mr. HOWARD. I move an amendment to

the amendment of the House, in the second proviso to the first section, after the words "of the State of Michigan may" to insert "if in session, and if not then." The object of the amendment is to give the Legislature of Michigan, in case this company fails to comply with the condition stated in the amendment, the right to transfer the lands granted to some other company in order to insure the early construction of the road. It is very clearly for the public benefit. Our Legislature does not meet except once in two years, and if the amendment should pass in its present form our Legislature cannot act on the question until two years after next January.

Mr. TRUMBULL. This is another case precisely like the one which came the other day from the House of Representatives.

Mr. HOWARD. It is the same.

Mr. TRUMBULL. Is that bill printed yet?

Mr. HOWARD. It was ordered to be printed.

Mr. TRUMBULL. I understand this bill comes from the House now. Is it from the committee? I want to understand, if it is the same bill, how we get it twice over.

Mr. POMEROY. A bill passed the Senate and was sent to the House of Representatives. This is a substitute for the bill that we passed. As an amendment to our bill, the House passed this substitute and sent it back. Now the Senator from Michigan proposes to amend the substitute, as I understand, and send it back again to the House.

Mr. TRUMBULL. I should like to know what the bill was we had the other day.

Mr. CHANDLER. This is the identical one.

Mr. TRUMBULL. I do not see how it gets here a second time.

Mr. CHANDLER. It has laid on the table since.

Mr. POMEROY. I understand this to be a substitute.

Mr. TRUMBULL. It is manifest that we do not know what we are legislating about, and I object to this mode of doing business. I do not know but that this may be all perfectly correct; but here comes from the House of Representatives an entire substitute for a bill which the Senate has passed without anybody in the Senate knowing what the substitute is, and without its having gone to any committee whatever; and the Senator from Michigan proposes to amend that substitute, and asks us to pass it. I object to that mode of doing business, and I move that this bill be referred to the proper committee, the Committee on Public Lands, that they may examine it and report upon it, so that we shall have something upon which to base our action.

Mr. HOWARD. I hope the reference will not be made. This bill has undergone a very thorough examination in the House of Representatives, and the entire Michigan delegation is united upon the amendment.

The PRESIDENT *pro tempore*. The Chair will suggest to the Senator that it is not in order to refer to the proceedings of the other House.

Mr. HENDRICKS. Before voting on the proposition to refer this bill with the amendment, I should like the Senator from Michigan to explain in what respect the House of Representatives has modified the bill as it was passed by the Senate. I will state to the Senate that this was the subject of a good deal of controversy before the Committee on Public Lands. There are rival or disagreeing interests in the State of Michigan in regard to this road; and I should like to know what the amendment is. Perhaps it is not necessary to refer it to the committee if there is no material change.

Mr. TRUMBULL. It is an entire substitute.

Mr. HOWARD. This amendment was ordered to be printed the day before yesterday, but it has not yet been printed, or at least not distributed among the members of the Senate. I suggest that it be laid aside for the present until it is printed and distributed among us, so that we know more accurately what it is.

The PRESIDENT *pro tempore*. The pending motion is to refer the bill and amendment to the Committee on Public Lands; and the motion to lay the bill aside will not take precedence of that motion.

Mr. TRUMBULL. I do not desire to press the motion to refer if it can be understood that we are to have an opportunity to know what the measure is. I think it had better be referred; but if the Senator from Michigan objects to that, I have no objection to his motion to lay it aside and have it printed. I withdraw my motion.

Mr. HENDRICKS. I will state to the Senator from Illinois that this is a bill extending the time within which to complete this road. There is no objection to the general purpose of the bill. It is a proposition that all Senators will vote for. The only question is one of detail to adjust some conflicting interests in the districts in Michigan.

Mr. HOWARD. That is all there is about it.

Mr. HENDRICKS. There is no grant of lands.

Mr. HOWARD. No.

Mr. HENDRICKS. But because of the difficulties in constructing railroads for a few years past this bill extends the time for some years. It is very important that this bill should not be defeated. It ought to pass in some form, because the companies are now ready as I understand to go on and build the road. It is a very important road, connecting Saginaw with the capital of the State, and thence extending up in a northern direction. If the bill made a grant of land it would be a different question; but it is really a question of local interest to the people in that portion of the country.

Mr. COWAN. I have certainly no objection to the bill; my objection to this course of proceeding is that I know nothing of the bill. It is utterly impossible to keep up with the business by a personal examination of everything. I follow the committees, as a general rule, on trust. When they examine and report a bill the presumption is that it is free from defect. If this bill is simply to be printed and distributed around among us, containing new matter which has not been heretofore submitted to any committee, I think that course is improper, and I think the Senator from Illinois should have insisted upon his motion to refer it, and let the committee report.

Mr. HOWARD. Under the circumstances I will withdraw the amendment which I proposed, by the consent of the Senate, and suffer the bill to pass.

Mr. TRUMBULL. I shall not consent to pass it for one, certainly, if that is the object.

The PRESIDENT *pro tempore*. The motion to amend the amendment being withdrawn, the question recurs on concurring in the amendment of the House of Representatives.

Mr. TRUMBULL. I renew my motion to refer it to the Committee on Public Lands. Now, I desire to say a word in reply to the Senator from Indiana. The Senator from Indiana tells us that the bill ought to pass, and that it is a matter about which there should be no controversy.

Mr. HENDRICKS. I do not say that this substitute from the House ought to pass, for I have not read it.

Mr. TRUMBULL. The Senator has not read the substitute, and the House of Representatives thought it so important that they would not agree to our bill, but they sent us a new bill, an entire substitute for it; and now we are asked to pass it without anybody here having seen it or having read it. I protest against this mode of doing business, and I move that the bill and amendment be referred to the Committee on Public Lands, and I hope the Senate will take that course.

The motion to refer was agreed to.

FREEDMEN'S BUREAU.

Mr. WILSON. I move to take up, for the purpose of fixing a day for its consideration, the bill (H. R. No. 613) to continue in force and amend an act to establish a bureau for

the relief of Freedmen and Refugees, and for other purposes. It is important to act upon this measure, and I hope the Senate will indulge me in this request.

The motion to take up the bill was agreed to.

Mr. WILSON. I now move that the consideration of this bill be postponed until Tuesday next, and be made the special order for that day, at one o'clock.

Mr. SHERMAN. I have no objection to that motion if it is understood that I shall be at liberty on that day to call up the Army appropriation bill. It has been understood that that day would be devoted to finishing the Army appropriation bill and getting it out of the way.

Mr. WILSON. I think we can arrange that matter.

Mr. SHERMAN. Very well; then I have no objection to the motion.

The motion was agreed to by a two-thirds vote.

UNION PACIFIC RAILROAD.

Mr. HOWARD. I move to take up Senate bill No. 317, to amend the Pacific railroad act.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 317) to amend an act entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri river to the Pacific ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," approved July 2, 1864.

It proposes to authorize the Union Pacific Railway Company, eastern division, (now constructing a road from the Missouri river so as to unite with the Union Pacific railroad at the one hundredth meridian of west longitude, or at such point westwardly as may be deemed best upon actual survey,) to designate the general route of their road, and to file a map thereof, as now required by law, at any time before the 1st day of October, 1866; and upon the filing of the map, showing the general route of the road, the lands along the entire line thereof, so far as the same may be designated, are to be reserved from sale by order of the Secretary of the Interior.

The Committee on the Pacific Railroad had reported the bill with several amendments, the first of which was to strike out the following words, after the word "division" in line three:

Now constructing a road from the Missouri river so as to unite with the Union Pacific railroad at the one hundredth meridian of west longitude, or at such point westwardly as may be deemed best upon actual survey by the said company.

The amendment was agreed to.

The next amendment was in line ten to strike out "October" and insert "December."

The amendment was agreed to.

The next amendment was to insert the following proviso, after the word "Interior," in line fifteen:

Provided, That said company shall be entitled to only the same amount of the bonds of the United States to aid in the construction of their line of railroad and telegraph as they would have been entitled to if they had connected their said line with the Union Pacific railroad on the one hundredth degree of longitude, as now required by law: *And provided further*, That said company shall connect their line of railroad and telegraph with the Union Pacific railroad, but not at a point more than fifty miles westwardly from the meridian of Denver, in Colorado.

The amendment was agreed to.

The next amendment was to insert the following as additional section:

SEC. 2. *And be it further enacted*, That the Union Pacific Railroad Company, with the consent and approval of the Secretary of the Interior, without reference to the one hundredth meridian of longitude, are hereby authorized to continue their road westward, according to the best and most practicable route, in a continuous and unbroken line until they shall meet and connect with the Central Pacific railroad; and the Central Pacific Railroad Company are hereby authorized to continue their road eastward, according to the best and most practicable route, in a continuous and unbroken line until they shall meet and connect with the Union Pacific railroad: *Provided*, That the words "continuous and unbroken line" shall not be held to include necessary bridges and tunnels on the routes of said roads.

Mr. KIRKWOOD. I do not know that I

understand this precisely. There is a confusion of terms, to my mind, in the names of these roads. It looks to me as if this section would have the effect of legalizing the building of two railroads entirely across the country. The section first speaks of "the Union Pacific Railroad Company." What company is that?

Mr. HOWARD. The route of the Union Pacific Railroad Company commences on the one hundredth meridian of longitude and goes westwardly until it shall unite with the California Central Pacific Railroad Company on the eastern boundary of California, or at some point east of that boundary. That is what we call the main stem.

Mr. KIRKWOOD. Then I see a provision in regard to "the Union Pacific Railroad Company, eastern division." What is that?

Mr. HOWARD. That is known as the Kansas branch. It is operating under a charter granted by the State of Kansas, and to that company the Government has granted land and subsidy to enable them to construct the road.

Mr. KIRKWOOD. I should be glad to have this section explained: "that the Union Pacific Railroad Company, with the consent and approval of the Secretary of the Interior, without reference to the one hundredth meridian of longitude, are hereby authorized to continue their road westward according to the best and most practicable route" "until they shall meet and connect with the Central Pacific railroad." And the Central Pacific Railroad Company are authorized to come eastward to connect with the Union Pacific Railroad Company. Are they not already authorized to do that?

Mr. HOWARD. I will state to the Senator from Iowa what the law is on that subject. By the act of 1864, amending the Pacific railroad charter of 1862, it was provided: "that should the Central Pacific Railroad Company of California"—that is, the company chartered by California with rights and privileges to enable it to construct a railroad in that State to the eastern boundary of California—"complete their line to the eastern line of the State of California before the line of the Union Pacific Railroad Company shall have been extended westward so as to meet the line of said first-named company, said first-named company may extend their line of road eastward one hundred and fifty miles on the established route, so as to meet and connect with the line of the Union Pacific road."

The Senator will perceive that by this clause of the amendatory act of 1864 the right is given to the California Central Pacific Railroad Company to extend its line into the Territories of the United States to a distance of one hundred and fifty miles east of the eastern line of the State of California, but not beyond one hundred and fifty miles; there they will have to stop their road. The object of this provision is to enable the California company to proceed eastwardly with that line of railroad until it shall meet the main stem in its progress westward, although it may be necessary, perhaps, for the California company to build their road for a distance of more than one hundred and fifty miles east of the eastern line of the State of California. In short, it is to open a competition between these two companies, the Union Pacific Railroad Company and the California Central Pacific Railroad Company.

Mr. GRIMES. A connection, you mean.

Mr. HOWARD. A competition to see which shall build the road the fastest; but they are required to meet and form one continuous line.

Mr. KIRKWOOD. But the first clause of the section says that the Union Pacific Railroad Company, with the consent and approval of the Secretary of the Interior, without reference to the one hundredth meridian of longitude, may continue their road westward according to the best and most practicable route. What does that language mean?

Mr. RAMSEY. They are now required to meet the main line at the one hundredth meridian. This is to allow them to go to Denver.

Mr. KIRKWOOD. I understand that the one hundredth meridian line is the initial point. That is the eastern terminus.

Mr. HOWARD. If the Senator wishes to strike out that language I have no particular objection. I see, however, that the Senator from California is now in his seat, and perhaps he had better give this matter his attention.

Mr. KIRKWOOD. In the latter part of the section, the Central Pacific Railroad Company are authorized to continue their road eastwardly according to the best and most practicable route. That, I suppose, is without reference to the route selected by the Union Pacific Railroad Company, or approved by the Secretary of the Interior. They may go where they please without asking the authority of Congress or the Secretary of the Interior or anybody.

Mr. HOWARD. They are bound by the provisions of the law, of course, and they are required to meet and connect with the Union line and form a continuous line. There is no uncertainty about it.

Mr. KIRKWOOD. It looks to me very much as if the effect of all this would be to leave the location of this line wholly outside of the control of Congress, the Secretary of the Interior, or anybody else except the companies who may be engaged in building it.

Mr. CONNESS. Mr. President—

The PRESIDENT *pro tempore*. The morning hour having expired, it becomes the duty of the Chair to call up the unfinished business of yesterday, which is the House joint resolution (No. 52) to provide for the expenses attending the exhibition of the products of the industry of the United States at the Exposition at Paris in 1867.

Mr. MORRILL. Is not the District of Columbia business the regular order?

Mr. HOWARD. I suggest to my friend from Maine that we shall probably get through with this railroad bill in a few minutes, if he will allow us to proceed. I leave it to him entirely.

Mr. MORRILL. That does not seem to be the difficulty.

Mr. POMEROY. I think we might take the vote in a very few minutes.

Mr. MORRILL. I understand the order called up to be the resolution that the Senator from New York has charge of. I dislike extremely to make a motion to lay that resolution aside, but I feel compelled to do so. It will be remembered that yesterday the Senate passed a resolution assigning to-day for the consideration of the business of the District of Columbia. I know the business of this District has been, I hardly ought to say neglected, but has been accumulating on our hands here for a long time, and I have been seeking an opportunity most vigilantly for its disposition. It was the sense of the Senate yesterday that we should occupy to-day in that business, and although I am reluctant to antagonize with the unfinished business, I think it my duty on the whole to submit the question to the judgment of the Senate whether I shall go on or the Senator from New York, and for that purpose I submit a motion that the pending question and all prior orders be postponed, and that the Senate proceed to the consideration of the business indicated in the resolution of yesterday.

Mr. HARRIS. I hope the Senator from Maine will not press that motion. I am persuaded, from what I know from the correspondence that has taken place in reference to this Paris Exhibition, that there is no one measure pending before Congress which is suffering so much from delay as this and upon which it is so important to have speedy action as on this measure. I will say to the Senator from Maine that if this joint resolution in relation to the Paris Exhibition should take more than an hour, I will not struggle against his bringing up his special order; but I hope he will allow action to be taken now upon this unfinished business.

The PRESIDENT *pro tempore*. The ques-

tion is on the motion of the Senator from Maine to postpone the present and all prior orders and proceed with the consideration of business reported from the Committee on the District of Columbia.

The question being put, there were, on a division—ayes 8, noes 11; no quorum voting.

Mr. HARRIS, [to Mr. MORRILL.] You had better withdraw your motion.

Mr. MORRILL. My object was to get the sense of the Senate, which we do not seem to obtain; and with the understanding that the honorable Senator will yield to the District business if his joint resolution gives rise to discussion, I will withdraw my motion.

The PRESIDENT *pro tempore*. The Senate cannot proceed at present. There is no quorum voting; and no business can be done until a quorum appears.

Mr. TRUMBULL. To get out of the difficulty, I suggest a recount. There is a quorum in the Senate. I ask for a second division.

The question being again put, the motion of Mr. MORRILL was not agreed to; there being, on a division—ayes 12, noes 13.

Mr. CONNESS subsequently submitted an amendment intended to be proposed by him to Senate bill No. 317; which was received informally and ordered to be printed.

PARIS UNIVERSAL EXHIBITION.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. R. No. 52) to provide for the expenses attending the exhibition of the products of industry of the United States at the Exhibition at Paris in 1867, the pending question being upon the amendment of Mr. HARRIS, to insert after line fifteen of the amendment reported by the Committee on Foreign Relations the following words:

Secondly, to provide additional accommodations in the park, \$25,000 in coin.

Mr. GRIMES. We were informed yesterday by the Senator from New York that this appropriation was asked to erect a building in Paris. The question is fairly and squarely presented to us, and I want to have the sense of the Senate as to whether we have the power, and if we have the power, whether it is proper, to make such an investment as that in real estate in the French empire. I therefore ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. HENDRICKS. Just before the adjournment of the Senate yesterday evening, I rose to make an inquiry or two of the Senator from New York [Mr. HARRIS] who has this resolution in charge. I understood from him, and was surprised to understand, that the rules which will govern this Exhibition are such as to exclude all the States acting as States of this Union, and also citizens, from presenting any articles for exhibition as citizens, and that no authority or person of the United States can be received except the Government of the United States. I want to inquire of the Senator who established this regulation; whether it was upon any consultation with the Government of the United States; whether in any way we acquiesced in such an arrangement and understanding as that; whether it is an arrangement made by the Government of France, or whether it is an understanding agreed upon among all the European authorities? If we have not been consulted at all, it is rather a singular proceeding; and if we have been consulted and agreed to an arrangement which excludes the States and citizens, and only allows the country to be represented through the action of Congress, I am surprised that we should have come to any such understanding, in view of the fact that the authority of the General Government to appropriate its money for such a purpose is, to say the least of it, very questionable. I should like to know from the Senator, by what authority these regulations which exclude the States of this Union, which are very much more important than many of the States of the German confederacy, which

I understand are provided for in the Fair, have been established.

Mr. HARRIS. The way I understand this matter is, that in the spring of 1865 the Emperor of France issued a sort of decree or proclamation inviting the different Governments of the world to unite in this great Exhibition. This communication was made to the different Governments, and among others to the Government of the United States, and it is only that Government that can be represented in this Exhibition. Congress in January last accepted that invitation according to the terms of the proposition made by the Emperor of France. We agreed that we would go into this Exhibition. No individual can be represented there as an individual, and no State; but the Government represents its citizens, and the Government of the United States must represent the States. In conformity with the resolution passed in January last a commissioner general was appointed residing in France. Fortunately, we have been able to secure the services of a very valuable, intelligent, and wealthy gentleman residing there, who is admirably adapted for this duty, and that, too, without compensation, who is taking care of the interests of all the States, but in the name of the General Government. So, too, the General Government has appointed an agent residing in the city of New York, who is engaged in receiving applications of producers, inventors, and those who desire to take part in this Exhibition, and who has received, to use his own expression, an immense number of applications to be represented there; but all this is to be done through the Government, as it is in all the countries in the world. The German States themselves are to be represented through their General Government, their Zollverein, or whatever it is; and so of all the States. This is to be an Exhibition of Governments, each presenting for itself the products of the industry and invention of its citizens. That is the character of it. No individual can go there. It is not like former Exhibitions where everybody could go and throw together as in a great warehouse their inventions and productions, but each Government for itself and by itself presents the productions and the inventions of its own people. That is the character of this Exhibition. In that respect it is novel, unlike anything else that has ever occurred in the world.

Mr. NYE. If this question were presented to-day for the first time, I think I should be opposed to the appropriation now asked for; but it seems to me we have gone so far, this body itself has gone so far, that now it would be impolitic and unwise to take any backward steps. I think this Exhibition is more important to this country than some of the Senators who have spoken in opposition to the appropriation conceive it to be. Vast amounts of money are expended in printing and publishing through newspapers and pamphlets information as to the products of one half of this continent. One half of this continent is a mineral-producing country. We are striving by all means laudable to bring that fact prominently to the knowledge of the world. We are anxious to show, especially to the Governments of the earth that will be convened at this Exhibition, that we have as a whole the richest mineral-producing country in the world. It is important to the nation to establish that fact for reasons which are so perfectly evident that it is hardly necessary to recount them. It is a truth that we look to some of the nations that will be there convened for money upon loan, &c., to sustain our credit. Establish the fact; show them the minerals; show them the rock from which this gold and silver is extracted; let them see it with their own eyes, and it will do more to establish the credit of this Government than twenty agents sent out for the purpose to talk, write, or print.

It is important to this country in another aspect. I believe that we have the highest order of mechanical genius that the world produces. I am not at all afraid of the competi-

tions that will be instituted between the handiwork of our mechanical skill and that of any or all the nations there represented. I think it is due to us in that aspect that this Exhibition should be attended by us as a nation; and if we are to be there represented as a nation, we should be represented with a becoming munificence that pertains to the dignity and character of this nation. If it is necessary to construct a building for that purpose, I think the nation ought to do it, and have as good a one as there is there, and let the world see that, notwithstanding our internal dissensions, we have yet the vigor, the elasticity, the power, the strength, to cope in any branch of industry that will be there represented with any country in the world. I think we have gone so far that we are committed on this subject; and if we are to send our manufactures and our various articles there for exhibition, let them be so exhibited as at least to do justice to the articles that are there exhibited. Let it be done in that spirit of enterprise which characterizes us. Let us not cripple our manufactures or anything that may be there represented for want of ample space commensurate with the power and dignity of this people. I hope, sir, that these appropriations will be made.

The Senator from Iowa says that he doubts the propriety of taxing our people for such a purpose as this. The propriety of many of our acts may be doubted; but in my candid judgment that class of people that bear the most of the burdens of taxation will receive the greatest benefit from this Exhibition. I want to see the fact established there that we have the best farming and agricultural implements in the world. I want the fact established that my friend from Rhode Island [Mr. SPRAGUE] can manufacture better cotton cloth than they can in Europe; and I want to give him the chance to exhibit it. I want the mechanics of the world to take notice that the machinery made here, the skill of American industry, is better than any other in the world; and in order to do it I want to give the means of exhibiting it on a fair, liberal, ample scale. Sir, we have invited the individual enterprise of the nation to go there by accepting the invitation to attend this Exhibition, and the effect upon that individual enterprise will be disastrous if we stop where we are, and do not go forward and furnish the means for them to exhibit the handiwork of their skill.

I hope my friend from Iowa will not conceive the idea that under the pending amendment we are going to purchase real estate at Paris. It is simply proposed to rear a little structure, temporary in its character, in which to exhibit the handiwork of his countrymen and mine; and when the Exhibition is over the necessity for the structure thus to be reared will cease. Our agents there will see that the lumber is well sold, and that we shall be none the poorer on account of it; but I do think as a nation we shall be infinitely richer when this Exhibition is held.

Mr. STEWART. I understand that the French Government propose to lay a tax on any of our articles exhibited there which may happen to be sold in France after the Exhibition. I think that is rather a mean proceeding.

Mr. NYE. I am not going to discuss with my colleague the follies or the wickedness of the French Government. The time to discuss that question was when we accepted this invitation. My colleague voted for it. Having accepted the invitation to the feast, I trust we shall not refuse to put on the garments appropriate to it. It seems to me that my friend from Iowa is growing more and more economical every day. After accepting an invitation to this world's dinner, he now undertakes to prescribe the bill of fare. I insist upon it that that is not right. If we are to go there, as we have agreed to do, let us go there as becomes us. I do not care what mean things the French Government have done or may do. Probably on comparing notes we should not be far apart on that subject; but we have agreed to go there. Now, the question is whether we shall go as

becomes our nation to go, or whether we shall go there having but a simple shanty erected upon the narrow basis on which my friend from Iowa seems anxious to have it done. I think that upon a review of his position he will grow more liberal. I hope, sir, that these appropriations will be passed, and passed in a spirit of earnestness. Let it be known that this nation, having accepted the invitation, robes itself for the feast.

Mr. GRIMES. In reply to the Senator from Nevada, I will state that when we accepted the invitation to this feast we did not expect that we should be compelled to furnish the roof that was to cover us, or the viands that were to garnish the table.

Mr. NYE. If my friend will allow me, it is a sort of national picnic, where each one has to carry his own provisions. [Laughter.]

Mr. GRIMES. It seems so. That was not the understanding at the time we accepted this invitation, if we did accept it. But, sir, the Senator from Nevada and the Senator from New York are altogether mistaken as to the terms of our acceptance. Let me send to the Secretary to be read the act of Congress passed two or three months ago, stating in express terms how far we did go. This idea of our furnishing the roof to cover us at this Exposition is an after-thought. We were not told that it would be necessary to do any such thing as that. We were not told that we should have to incur an additional expense of half a million dollars in order to carry out our part of this entertainment. I ask that the joint resolution which I send to the desk be read.

The Secretary read it, as follows:

A joint resolution in relation to the Industrial Exposition at Paris, France.

Whereas the United States have been invited by the Government of France to take part in a universal exposition of the productions of agriculture, manufactures, and the fine arts, to be held in Paris, in the year 1867:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That said invitation is accepted.

SEC. 2. *And be it further resolved, That the proceedings heretofore adopted by the Secretary of State in relation to the said Exposition, as set forth in his report and accompanying documents concerning that subject, transmitted to both Houses of Congress with the President's message of the 11th instant, are approved.*

SEC. 3. *And be it further resolved, That the general agent for the said Exposition at New York be authorized to employ such clerks as may be necessary to enable him to fulfill the requirements of the regulations of the imperial commission, not to exceed four in number, one of whom shall receive compensation at the rate of \$1,800 per annum, one at \$1,600, and two at \$1,400.*

SEC. 4. *And be it further resolved, That the Secretary of State be, and is hereby, authorized and requested to prescribe such general regulations concerning the conduct of the business relating to the part to be taken by the United States in the Exposition as may be proper.*

Mr. GRIMES. Now, Mr. President, it will be observed that by the passage of that law Congress did not contemplate the expenditure of any more money; and I would call the attention of the Senate to the suggestion made by the Senator from Nevada [Mr. STEWART] as to the meanness (for that is the proper term) which seems to characterize everything of the action of the French Government, or the controlling powers representing the French Government, in connection with this Exhibition. If one of our artisans carries an article there for exhibition, and he does not desire to bring it back, but chooses to sell it that it may be used, and thus furnish, by the example that it presents to the people around where it is used, an encouragement and an inducement for its more extended use, that American is obliged to pay a heavy duty upon the article. He or the Government of the United States must be at the expense of bringing it back or else he must pay a heavy duty to the French Government in case he sells it there.

Mr. ANTHONY. The ordinary import duty.

Mr. GRIMES. Yes, the ordinary import duty. I suppose it is not an extra duty over that which would be levied upon it if he took it there for sale; but that is not any very great inducement to a man to go there, and it does

not show that the French Government are inspired by any very high and lofty motives, certainly not by such motives as the Senator from Nevada [Mr. NYE] attributes to the French Government, I think.

Mr. NYE. Will the Senator allow me to ask him a question?

Mr. GRIMES. Yes, sir.

Mr. NYE. How was it with our Government when the World's Fair was held here?

Mr. GRIMES. I did not know that we had any World's Fair.

Mr. NYE. Oh, yes, we had.

Mr. GRIMES. I know they had a Fair in New York, but I think the American Government took no part in it. I do not know that it was called a World's Fair. The national Government had nothing to do with it. Citizens of New York got up a large exhibition, built a magnificent crystal palace, and had a very fine show of various articles of production, agricultural and mechanical; but it was not such an exhibition as this is to be. It was not got up by the authorities of the nation, nor was it gotten up by any such motive as has inspired this one.

Mr. STEWART. Mr. President, the more I think about this resolution, the more I feel inclined to oppose it. The original resolution accepting the invitation to attend this Exhibition was passed through the Senate as rather a formal matter. It was not anticipated, and if I recollect aright, it was stated that by accepting the invitation there would be no additional expense to the Government depending upon it; but now we find that the Government of the United States must not only pay for the transportation of our articles to that country, which we expected individuals to do, but the Government must build up additions to Paris, or must build a house to be entertained in after we are invited to the entertainment; and then if any of these articles that are taken over to Paris are disposed of there, as they must be, France proposes to get a revenue out of them. It is a money-making job for France; a matter of paying tribute to France on our part.

My colleague spoke of the wonderful advantages that we would derive from exhibiting our gold and silver in Paris. Sir, it seems to me that we might derive more advantage by an exhibition of them here. They know more about our gold and silver in France to-day than we do ourselves. They have sent commissioners and have made examinations and official reports with regard to Nevada, where we live. We have no such reports in America. It seems to me that an attempt to instruct our own people as to the resources of their own country would be quite as advantageous as this. I do not think any special advantage will be derived in that point of view; for all those countries have had official reports of the mines of the West, while we have had none, and know nothing about them.

But what makes it peculiarly galling to my mind is, that while we are invited to this entertainment, at which we are to pay our own expenses to enrich France, France is insulting us by her puppet monarch on our southern borders. She is defying the Monroe doctrine. I do not believe there is any good faith in all this talk about the withdrawal of the French troops from Mexico. That will depend simply upon the question whether Napoleon will continue to have power to keep them there. If European affairs shall engage him so that it will be impossible for him to continue his troops there he may withdraw them. He will only withdraw them from necessity. He has been very successful for a term of years in blinding, evading, hoodwinking, so to speak, our Government. Although we have a great man at the head of our foreign affairs, I do not think he is a match for Napoleon. He may be a match for anybody else, as my friend from Indiana [Mr. LANE] suggests, but I do not think he is a match for Napoleon. I think Napoleon can very easily negotiate with him so as to keep him quiet and at the same time

retain his despotism on our southern borders through all time. Whether he will remove his troops from Mexico or not depends entirely upon his European situation. He may promise to remove them now, on the eve of war in Europe, and if a war should occur requiring all his forces there he may remove them, otherwise he is not bound by this compact. I do not see that there is any binding force compelling him to do it.

Sir, Napoleon, who is threatening and menacing our free institutions, he who took part with the rebellion and mocked us in our adversity, now invites us—a people who stand insulted before the world by him—to come and do homage to him and pay our own expenses. I say the invitation amounts to nothing. Suppose you were invited to a gentleman's house, and you supposed you were going to be treated as guests are usually treated, but you were subsequently advised that you must bring your own dinner, your own wine, and your own cigars, could you not with propriety decline the invitation, particularly if you had to pay a tax on the whisky, cigars, and other viands that you might bring? Suppose you were invited to a dinner, and were then told to bring your own supplies, and that you would have to pay a tax upon them, could you not with propriety decline the invitation? When we accepted the invitation to attend this Exhibition, did we expect to have all these exactions? Did we not suppose that if our artisans took their manufactured articles to be viewed at the French Exhibition they might sell them, after being introduced into the country by invitation, without having an additional duty imposed upon them? Did we anticipate that we would have to erect a building at Paris? I thought that was a great city, with a great many houses in it; but it seems the United States are to build an addition to Paris in order to make an exhibition of our commodities in Europe.

Sir, if we could go there on fair and equal terms, and under equal circumstances, and not have to pocket more insults than any other people ever did, I should be glad to have our country represented there. But in the first place, we are compelled to pocket a whole catalogue of insults, to have our national honor insulted by Maximilian on our southern borders, and to have our Government deceived from time to time by the veriest hypocrite that ever lived and the most bitter foe of republican institutions that has ever disgraced the earth. The man who, when he thought republican institutions were about to be destroyed, had the heart to lend the entire power of the French empire to destroy it; a man who gave this unholy rebellion aid and comfort from the beginning; the man who had the audacity to do that; the man who has strategy enough to deceive our Secretary of State and continue this thing; this man has the impudence to invite us to a feast at which we are to pay our own expenses when we get there; and we are told that it will be impolite to decline the invitation.

Sir, I propose to decline the invitation and take all the chances of being impolite. I do not think it right; I do not think it compatible with our national honor to accept such an invitation. I think that when we visit we should visit upon equal terms. I think we should respect the Monroe doctrine. I think that our national honor and our national standing should be respected and our national theories and our republican institutions acknowledged. We should go to France on equal terms when we meet, and not meet Napoleon as his vassals or inferiors. That is the way I feel on this subject. I do not see that we are under any obligation to build houses in France. I cannot find the warrant in the Constitution that authorizes us to build edifices in France. I am opposed to the resolution.

Mr. EDMUNDS. The French Emperor undoubtedly is a very extraordinary man; and if we take the opinion of the American people,

he is undoubtedly a very bad man, in a political sense. It may be said of him, however, as a Latin poet once said of Nero:

"Quis Nerone pius?
Quid thermis melius Neroanis?"

"Who is so bad as Nero, but who has so fine baths as he?" I take it, Mr. President, that we are not invited to a family entertainment of Louis Napoleon's; we have not been called upon to pay homage to him in any sense whatever; but as one of the equals in the family of nations, we have been invited to a comparison of the products of the arts of peace with other civilized nations. We are called upon to meet upon common ground in a congress, so to speak, an industrial congress of civilized nations, for this comparison of the developments of the industrial arts of our people with those of other nations.

Now, what have we to do with the hostility of the Emperor of France to this nation under such considerations? Suppose that he is just as hostile to us as he can be imagined to be; that he is desirous, as he has been undoubtedly, to see the Government of this country overturned, as our British cousins or uncles or grandfathers, whatever they may be, have been; what of it? I am in favor of meeting these enemies of ours upon this common ground and of showing them that, notwithstanding the efforts they have made for the last half a dozen years to overthrow us, notwithstanding they have aided to plunge us in distress of the most excessive description, notwithstanding they have deluged us with blood and covered us with death, we have emerged from the conflict stronger, more progressive, more powerful than we entered into it, and that we can compare with them favorably in every arena of peace and industry and progress, while we have demonstrated already that we are ready to meet them in arms on any field where our honor and our duty require. While, therefore, when the proper time comes I would tumble the French into the Gulf of Mexico at the point of the bayonet, I would at the same moment show to every nation in Europe that in all the solid and material prosperity which is the life of a nation we are still steadily advancing, so that with the products of peace in one hand and with the insignia of war in the other I would stand foremost in the world.

Where is the humiliation, I beg to know, in entering into such a contest upon such grounds? We have accepted the invitation. If there be humiliation in it, we have drunk of the cup of humiliation. If there be pride in it, it calls upon us to go forward manfully and boldly, at whatever expense, and meet the consequences.

But it is said that it is not fair for the French to tax our products after sale. Does not that become a matter of trade? It is said it is not fair for the French to ask us to pay the expenses of our own part to the Exhibition. Does not every other nation do the same? Is there any unjust discrimination against us? Not at all. We all meet on equal grounds, every one of us. Then where is the harm?

It is said that the Constitution does not allow the purchase of real estate and the construction of edifices in France. I do not think it does. I do not think there is any warrant in the Constitution for the construction of an edifice by us in France. I do not think there is any warrant in the Constitution for accepting this invitation at all. If it is trespassing on the reserved rights of the States and the people, we ought to have thought of it before. But, seriously speaking, this notion that every time any question relating to our foreign relations arises, if we are to have a commissioner to China, if we are to gather seeds on the other side of the Pacific, if we are to exhibit the fruits of our industry among other nations, we are to take up that time-honored instrument and look into it to see if we can do anything about such a matter, we very much mistake the purport and the scope of that document. The Constitution has nothing to do with the subject. If we are a nation, if we have a national

life and a national vitality, we are not to be told that we cannot, among the family of nations and as one of that family, do whatever our external relations of amity, of pride, of industry, of interest require. We have put our hands to the plow; honor and good faith and the pride of our nation require us not to turn back.

Mr. GUTHRIE. I suppose every member of Congress knew when we accepted this invitation that it would necessarily be followed by an appropriation. We had somewhat of the same difficulties which are now presented about foreign parties exhibiting at the Fair which was held in this country some years ago. I think we allowed foreigners to bring in their articles free of duty; but if we ever chance to hold another fair I think we shall not do so. If we did we should bring down our revenue for a year or two, and I am not at all surprised that the Emperor of the French takes care of his revenue, and he has a pretty large one, and has necessity for a large one. I make no objection on that score, because we should do ourselves if it were our case just what it is said he is doing.

After accepting the invitation, is there any sufficient cause why we should refuse to make this provision? The same character of expenditures was incurred by this Government when we accepted the invitation of Great Britain to the Fair at London. I have no doubt that the opportunity given to manufacturers of different nations to exhibit their products and machinery and improvements is calculated to advance the manufacturing interests of the world; and I think there has been no time in our history that we needed such advantages more than we need them now. I feel myself under no embarrassment at all in the acceptance of this invitation; but in my judgment the propriety of this Exhibition, and of giving our citizens the benefit and advantage of it, is so clear that I am in favor of the appropriation.

Mr. RAMSEY. I should like to inquire of the Senator from New York, who has this matter in charge, whether the French Government has not already made ample provision for our exhibitors, whether there is any occasion for us to make this additional appropriation. I think I understood him to say that we had thirty thousand square feet assigned to American exhibitors at the Fair. That gives us a space five hundred feet long and sixty feet in width. What information have the committee that more than that is required? If there is no probability of more than that being wanted, there is no occasion to vote this additional appropriation.

Mr. HARRIS. The French Government have appropriated twenty million francs for the expenses of this Exhibition, over four million dollars. They have erected a structure in the center of the Champ de Mars, covering thirty-three acres of ground, a very extensive building, the largest building, perhaps, that was ever erected. They assigned to the United States, after our acceptance of the invitation to partake of this Exhibition, a portion of these thirty-three acres, containing thirty thousand square feet—the eighth in point of size among the various nations that are to partake in the Exhibition. They have offered to us, as they have to other nations, that if we desire more ground than the ground allotted to us in this building, we may erect a structure opposite in the park. That is the offer made to us by the French Government. The exhibitors are so numerous, the number of inventors and producers and manufacturers applying for space in this Exhibition is so great, that our commissioner in Paris suggests that it is absolutely necessary that more ground should be provided. Let me read a clause from his letter:

"The immense number of valuable offerings from applicants for space in groups six, articles of great merit as a rule, renders it absolutely necessary to supplement that group in the park. We shall need more room also for groups one, two, and seven. It seems, therefore, indispensable that the appropriation of \$25,000 be made."

That is what our commissioner says. It has been argued here as though the French Government had proposed to us to provide this ground. Not at all. We are under no obligation, in consequence of having accepted the invitation, to erect this structure in the park. We occupy the ground allotted to us; but our exhibitors, our citizens, our inventors, our producers, will not be satisfied with that. They want more ground, and it is for their accommodation that this appropriation is to be made—not because it will please the French Government, but because it will enable us to exhibit the productions and inventions of our citizens to greater advantage. It is for the honor of our country that we appropriate this \$25,000, and not because we are under obligations to do it. Perhaps France, perhaps the nations of Europe, would prefer that we should not do it because we shall not exhibit ourselves to so great advantage if we do not do it. At best we shall not be able, probably, to accommodate one half of the productions that are offered, but shall be compelled to select the best and reject the rest. With all the space that we can provide, including this structure, we shall not be able probably to accommodate one half of the productions and inventions that are offered for exhibition.

Mr. ANTHONY. Does this amendment come from the committee?

Mr. HARRIS. Yes, sir.

The question being taken by yeas and nays, resulted—yeas 18, nays 17; as follows:

YEAS—Messrs. Anthony, Cragin, Creswell, Doolittle, Edmunds, Guthrie, Harris, Henderson, Johnson, Morgan, Morrill, Norton, Nye, Ramsey, Sprague, Van Winkle, Williams, and Wilson—18.

NAYS—Messrs. Bucknow, Chandler, Cowan, Davis, Foster, Grimes, Hendricks, Howard, Howe, Kirkwood, Lane of Indiana, Pomeroy, Saulsbury, Stewart, Trumbull, Wade, and Yates—17.

ABSENT—Messrs. Brown, Clark, Conness, Dixon, Fessenden, Lane of Kansas, McDougall, Nesmith, Poland, Riddle, Sherman, Sumner, Willey, and Wright—14.

So the amendment to the amendment was agreed to.

The amendment of the Committee on Foreign Relations, as amended, was agreed to, as follows:

Strike out all of the resolution after the resolving clause and insert these words in lieu of the words stricken out:

That in order to enable the people of the United States to participate in the advantages of the universal exhibition of the productions of agriculture, manufactures, and the fine arts, to be held at Paris, in the year 1887, the following sums, or so much thereof as may be necessary for the purposes severally specified, are hereby appropriated, out of any money in the Treasury not otherwise appropriated:

First. To provide necessary furniture and fixtures for the proper exhibition of the productions of the United States, according to the plan of the imperial commissioners, in that part of the building exclusively assigned to the use of the United States, \$48,000 in coin.

*Secondly. To provide additional accommodations in the park, \$25,000 in coin.

Thirdly. For the compensation of the principal agent of the Exhibition in the United States, at the rate of \$2,000 a year: *Provided*, That the period of such service shall not extend beyond sixty days after the close of the Exhibition, \$4,000, or so much thereof as may be found necessary.

Fourthly. For office rent at New York, for fixtures, stationery, and advertising; for rent of storehouse for reception of articles and products; for expenses of shipping, including cartages, &c.; for freights on the articles to be exhibited from New York to France and return, and for compensation of four clerks, in conformity with the joint resolution approved on the 15th of January, 1886, and for contingent expenses, the sum of \$33,700, or so much thereof as may be found necessary.

Fifthly. For expenses in receiving, bonding, storage, cartage, labor, &c., at Havre; for railway transportation from Havre to Paris, going and returning; for labor in the palace; for sweeping and sprinkling compartments for seven months; for guards and keepers for seven months; for linguists (eight men) for seven months; for storing, packing-boxes, carting, and for material for repacking; for clerk hire, stationery, rent, and contingent expenses, the sum of \$35,703, or so much thereof as may be found necessary, in coin.

Sixthly. For the traveling expenses of ten professional and scientific commissioners, to be appointed by the President, by and with the advice and consent of the Senate, at the rate of \$1,000 each, \$10,000; it being understood that the President may appoint additional commissioners, not exceeding twenty in number, whose expenses shall not be paid. But no person interested directly or indirectly in any article exhibited shall be a commissioner; nor shall any

member of Congress or any person holding an appointment or office of honor or trust under the United States be appointed a commissioner, agent, or officer under this resolution.

SEC. 2. *And be it further resolved*, That the Governors of the several States be, and they are hereby, requested to invite the patriotic people of their respective States to assist in the proper representation of the handiwork of our artisans and the prolific sources of material wealth with which our land is blessed, and to take such further measures as may be necessary to diffuse a knowledge of the proposed Exhibition and to secure to their respective States the advantages which it promises.

Mr. HARRIS. I offer this further amendment, to come in as an additional section:

And be it further resolved, That it shall be the duty of the said general agent at New York and the said commissioner general at Paris to transmit to Congress, through the Department of State, a detailed statement of the manner in which such expenditures as are hereinbefore provided for are made by them respectively.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment made as in Committee of the Whole was concurred in. The amendment was ordered to be engrossed, and the joint resolution to be read a third time. The resolution was read the third time.

Mr. STEWART. I call for the yeas and nays on the passage of the resolution.

The yeas and nays were ordered; and being taken, resulted—yeas 21, nays 13; as follows:

YEAS—Messrs. Anthony, Crugin, Creswell, Doolittle, Edmunds, Foster, Guthrie, Harris, Henderson, Howe, Johnson, Morgan, Morrill, Norton, Nye, Pomeroy, Ramsey, Sprague, Van Winkle, Williams, and Wilson—21.

NAYS—Messrs. Buckalew, Chandler, Cowan, Davis, Grimes, Hendricks, Howard, Kirkwood, Lane of Indiana, Saulsbury, Stewart, Trumbull, and Wade—13.

ABSENT—Messrs. Brown, Clark, Conness, Dixon, Fessenden, Lane of Kansas, McDougall, Nesmith, Poland, Riddle, Sherman, Sumner, Willey, Wright, and Yates—15.

So the joint resolution was passed. On the motion of Mr. HARRIS its title was amended so as to read, "A joint resolution to enable the people of the United States to participate in the advantages of the Universal Exhibition at Paris in 1867."

ADJOURNMENT TO MONDAY.

Mr. DOOLITTLE. I move that when the Senate adjourn to-day it be to meet on Monday next.

Mr. TRUMBULL. I think we are getting to a stage of the session when we ought to work on Saturdays.

Several SENATORS. There is no business.

Mr. TRUMBULL. There is so much to do that it is difficult now to get the floor to call up any measure, there is such a struggle here. I have had bills in my possession to report for three or four days, but I could not get the floor to report them. It seems to me we had better meet on Saturdays, and shorten the session. I submit to the Senate whether we are to adjourn over at this season of the year and this stage of the session.

Mr. POMEROY. The bill reported by the Senator from Michigan [Mr. HOWARD] is a very important measure. It was considered in the morning hour to-day, and he hopes to be able to pass it to-morrow. I trust, therefore, we shall not adjourn over.

Several SENATORS. Pass it to-day.

Mr. GRIMES. That Pacific railroad bill is a very important bill, and there are gentlemen who feel an interest in it that have not yet seen it and who did not know that there was any such bill here until this morning. For myself, I should like an opportunity to examine it and see what its bearing is.

Mr. HENDERSON. It was reported last week.

Mr. GRIMES. It may have been reported, but the attention of the Senate was not called to it by any written or printed report, and I never heard of it until to-day. I should like to have it go over until next week.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Wisconsin, that when the Senate adjourn to-day it be to meet on Monday next.

The motion was agreed to.

REIMBURSEMENT OF MASSACHUSETTS.

Mr. SPRAGUE. I desire to give notice of my intention to ask the Senate's consideration to a joint resolution to reimburse Massachusetts for expenditures for the common defense on Monday next.

LEVY COURT OF WASHINGTON.

Mr. MORRILL. I move now that the Senate proceed to the consideration of Senate bill No. 325.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 325) to give certain powers to the levy court of the county of Washington, in the District of Columbia.

In addition to the existing remedy by distress for the recovery of taxes due to the levy court in the county of Washington, real property in the county, outside the corporate limits of Georgetown and Washington, on which one year's taxes shall be due and unpaid, or so much thereof, not less than one acre, (where the property on which the tax has accrued is not less than that quantity,) as may be necessary to pay such taxes, with all legal costs and charges arising thereon, may be sold at public sale, to satisfy the taxes and expenses, by the collector appointed by the levy court. Public notice is to be given of the time and place of sale by advertising once a week for eight successive weeks in some newspaper published in the city of Washington, in which advertisement shall be given a sufficient and definite description of the property selected for sale, the name of the person to whom it is assessed, and the aggregate amount of taxes due thereon. The purchaser is to pay, at the time of sale, the amount of taxes due on the property so purchased, with the amount of expenses of sale, and to pay the residue of the purchase money within ten days after the expiration of two years from the day of sale, to the collector or other officer of the levy court authorized to receive the same, and the amount of the residue is to be placed in the treasury of the levy court, subject to the order of the original proprietor or proprietors of the property sold, his, her, or their legal representatives, and the purchaser is to receive a title thereto in fee-simple, by deed, under the hand of the president of the levy court and its seal, which shall be deemed good and valid in law and equity; but if within two years from the day of sale, or before the purchaser or purchasers shall have paid the residue, if any, of the purchase money, the proprietor or proprietors of any property thus sold, his, her, or their agents or legal representatives shall repay to the purchaser the money paid for taxes and expenses, together with ten per cent. per annum as interest thereon, or make a tender thereof, or deposit the same with the treasurer of the levy court or other officer authorized to receive it for the use of the purchaser and subject to his order, he, she, or they shall be reinstated in his, her, or their original right and title, as if no such sale had been made. If any purchaser shall fail to pay the residue of the purchase money within the time required for any property so purchased by him, he shall pay ten per cent. per annum, as interest thereon, in addition to the residue, from the expiration of the two years until the actual payment of the residue and the receiving of a conveyance, and this interest shall alike be subject to the order of the original proprietor or proprietors as the residue of the purchase money; but no sale is to be made of any improved property whereon there is personal property of sufficient value to pay the taxes, nor of such improved property whereon there is not such personal property until the collector shall first file a sworn return with the clerk of the levy court that there is no such personal property, which return shall be *prima facie* proof of that fact. Minors, mortgagees, and others having equitable liens or other interests, as creditors, in real property sold for taxes shall be allowed one year after such minors' coming to full age, or after such mortgagees, or others having equitable interests,

obtaining possession of, or a decree for the sale of, such property, to redeem the same from the purchaser, his heirs, or assigns, on paying the amount of the purchase money, with ten per cent. interest thereon per annum, and the value of any improvements erected on the property by the purchaser or his assigns while in his possession.

The collector may postpone, after advertisement, the sale of the property advertised to any future day, for want of bidders, or other reasonable cause, giving public notice of the postponement; and the sale made at such postponed time shall be equally valid as if made on the day stated in the advertisement. The collector of the levy court is to have authority to collect any tax lawfully imposed by the court, by distress and sale of the goods and chattels of the person chargeable therewith, wherever the same may be found in the county of Washington, out of the corporate limits of the cities of Washington and Georgetown; but no such sale shall be made unless ten days' previous notice thereof be given in some newspaper printed in the city of Washington.

The Committee on the District of Columbia proposed to amend the bill by adding the following additional section:

SEC. 4. *And be it further enacted*, That it shall not be necessary that the said levy court shall have actually paid the portion of the general expenses of the county of Washington, or any other expenses, a portion of which either of the cities of Washington or Georgetown is liable for, to enable the said court to demand of either of said cities payment of its proportion of said expenses already incurred, or for the supreme court of the District of Columbia to act summarily in the matter and give judgment according to the provisions of the act of July 1, 1812, entitled "An act conferring certain powers on the levy court for the county of Washington, in the District of Columbia."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

METROPOLITAN POLICE.

Mr. MORRILL. I move to take up for consideration Senate bill No. 137.

The motion was agreed to; and the bill (S. No. 137) to amend the acts approved August 6, 1861, and July 16, 1862, establishing a Metropolitan police in the District of Columbia, to increase the efficiency thereof, and for other purposes, was considered as in Committee of the Whole.

The bill was read.

Mr. MORRILL. Perhaps I had better call the attention of the Senate to the bill and state what it is in a few words before the amendments are read. It is a bill, as it purports to be, to amend the acts creating the Metropolitan police of the District of Columbia. The first section simply changes the title of the officers, and I suppose is unimportant except that it further authorizes the board of commissioners of police to appoint an additional officer whose rank is that of captain, and also authorizes them to appoint a clerk, twenty sergeants, and fifty patrolmen or privates. The second section of the bill is stricken out. The third section of the bill, which the committee recommend, provides for the accumulation of a small fund by the board of police as a contingent fund out of the forfeitures and penalties which are provided by a general law. The fourth section of the bill provides that hereafter no licenses for the sale of intoxicating liquors shall be granted except upon the approval of the board. The other sections are simply provisions for the enforcement of the act to which this is supplemental. I believe I have stated the particulars in which this bill is a change of the metropolitan system as it now exists.

The PRESIDING OFFICER, (Mr. POMEROY in the chair.) The amendments of the committee will be reported in their order.

The first amendment was read. It was to strike out the second section of the bill in the following words:

SEC. 2. *And be it further enacted*, That on and after

the passage of this act the annual compensation of the major commanding the force shall be \$1,600; the captain and inspector, the secretary, and the property clerk, be \$1,200; the clerks, \$1,000; the commissioners and the surgeons, \$400; the lieutenants, \$700; the sergeants, \$650; the patrolmen or privates, \$600; and the treasurer and detectives \$800 each, respectively. The lieutenants, sergeants, patrolmen, and detectives, authorized to be employed by this act, and by the acts of August 6, 1861, and July 16, 1862, as hereby amended, shall be paid through the treasurer of the board of police, the additional compensation which the corporate authorities of the cities of Washington and Georgetown and the county of Washington are authorized and required by the act approved March 2, 1865, to pay in the proportion to the number of lieutenants, sergeants, privates, and detectives allotted by the board of police to actual duty within the respective municipal jurisdictions of the District, and all the other officers and employees of the Metropolitan police establishment authorized by this and the aforesaid acts shall be paid an additional compensation of fifty per cent., twelve fifteenths by the authorities of Washington, two fifteenths by the authorities of Georgetown, and one fifteenth by the authorities of the county of Washington; and the said authorities shall have power, and they are hereby required, in addition to other taxes authorized to be levied, to annually levy and collect a special tax sufficient to pay the additional compensation, said tax not to exceed one fourth of one per cent. on all property within each of the said corporate jurisdictions of the District; and upon the monthly requisition of the treasurer, countersigned by the secretary of the board of police for their respective proportionate shares of the gross sum payable each month as herein prescribed, it shall be the duty of the proper officers of said cities and county to pay to the same to, and take of duplicate receipts from, said treasurer therefor, the original of which shall be filed in the office of the Third Auditor of the Treasury of the United States within ten days thereafter by the officer receiving the same. And if the said corporate authorities of said cities or county, or either of them, fail or refuse to meet the requirements of this act, it shall be the duty of the Secretary of the Interior to cause to be levied and collected the tax hereinbefore provided, and the expense of collection thereof shall be borne in just proportions by the respective jurisdictions in which such collection may be made.

The amendment was agreed to.

The next amendment was in the third section to strike out all after the word "seal" in the eleventh line, as follows:

And it shall be unlawful to so give, sell, or otherwise dispose of any intoxicating liquor on Sunday or on any election or holiday, or other special occasion whenever the board of police shall deem the public peace requires such suspension of sale, and shall so direct by general rule or other proper notice; and such sale or disposition is hereby prohibited on every other day after twelve o'clock p. m. until five o'clock a. m. the following day; and for the first violation of any provision of this section the person or persons offending shall forfeit and pay the sum of twenty dollars, for the second offense forty dollars, and for the third offense the license of such party shall be forfeited.

The amendment was agreed to.

The next amendment was to strike out the fifth section, as follows:

Sec. 5. And be it further enacted, That until otherwise directed by Congress, all fines collected for keeping open restaurants, or other places where intoxicating liquors may be sold on the Sabbath, election or holiday, or other day prohibited by the board of police, or for other violations of the Sabbath day, as also all fines collected for keeping open bars and selling intoxicating liquors after twelve o'clock at night and before five o'clock in the morning, may be reserved by the treasurer of the police board until said fines amount to the sum of \$2,000 in one year, to be appropriated by the board to meet necessary contingent expenses; and the excess of such fines over \$2,000 that may be collected in any one fiscal year of the Government shall be paid by the treasurer of the police board to the treasurer of the jurisdiction in which the offense was committed; and except those awarded by special act to the use of the authorities of Washington and Georgetown and the levy court for school purposes, all other fines so collected shall be held by said treasurer to be expended under the direction of the board of police, to build and provide station-houses in those precincts in which station-houses have not already been provided, until a sum has accumulated sufficient to so provide them, after which, except an amount equal to the expense of necessary fuel, light, furniture, cleanliness, and repairs, (which may hereafter be deducted in each and all of the precincts of the District,) the same shall be paid over to the proper officers of said cities and county without further abatement; and until enough has accumulated to build said station-houses and furnish, warm, light, and cleanse them, it shall be the duty of the authorities of the several jurisdictions, and they are required, to keep the station-houses clean and in all respects in a comfortable sanitary condition, each municipal authority in its respective jurisdiction.

The amendment was agreed to.

The next amendment was to strike out the seventh section of the bill in the following words:

SEC. 7. And be it further enacted, That after the passage of this act, if any person shall be charged on oath or affirmation, before the magistrate officiating at the

central executive office of the Metropolitan police for the District of Columbia, with being a professional thief, burglar, or pickpocket, and shall have been arrested by the police authorities at any place within said District, and if it shall be proven to the satisfaction of the said magistrate, by sufficient testimony, that such thief, burglar, or pickpocket had an unlawful purpose in view at the time of such arrest, he or she shall be committed by said magistrate to the county jail for a term not exceeding ninety days; or, in the discretion of the magistrate, he or she shall be required to enter security not to violate any civil or criminal law of the District for a period not exceeding one year. And if any person arrested as a professional thief, pickpocket, or burglar shall feel himself or herself aggrieved by any such act, judgment, or determination of the said magistrate officiating at the central office of the Metropolitan police, in and concerning the execution of this act, he or she may apply to either judge of the supreme court of the District of Columbia for a writ of *habeas corpus*, and upon return thereof there shall be a rehearing of the evidence before such judge, and he may either discharge, modify, or confirm the commitment or the amount and duration of the security.

The amendment was agreed to.

Mr. MORRILL. I move to amend by striking out in section eight, line four, the words "and justices of the peace;" so that the clause will read:

That from and after the passage of this act the property clerk of the Metropolitan police district shall be vested with all the powers now conferred by law upon notaries public in the District of Columbia.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. TRUMBULL. I do not know that I fully understand the tenth section of this bill. It provides—

That hereafter no person shall assume or practice the occupation of detective within the limits of the District of Columbia who shall not first receive a specific appointment for that purpose.

That prohibits anybody from acting as a detective here unless he has been specifically appointed for that purpose; but it goes on:

Or if pursuing the detection of criminals as a private business outside of such authority, and not otherwise specifically authorized by law, any person so practicing shall enter into bonds.

It seems to me these two provisions are inconsistent with each other. That word "or" should be "unless." The first four lines positively prohibit anybody else from pursuing the business, and the latter part of the section would seem to tolerate a private detective on his giving bonds.

Mr. MORRILL. The idea was that nobody here should pursue this business unless he was authorized by the authorities here; but suppose a detective was sent here from abroad, they would not refuse him the right to act, he being properly accredited; but as his functions were to be performed here, they would require him to give bonds that he would faithfully perform them so far as their jurisdiction is concerned. That was the idea.

Mr. TRUMBULL. It is the mere phraseology to which I am calling the Senator's attention. First, there is a positive prohibition against any one acting. Then what? After making that positive prohibition the section goes on at considerable length in its subsequent language to authorize other persons to act. It seems to me this should be put in by way of exception. The Senator from Maine sees that my objection is merely to phraseology; the word "or" it seems to me is an improper word there.

Mr. MORRILL. I think the Senator is right in that, and I am willing to accept that amendment.

Mr. TRUMBULL. Further, I suggest to the Senator from Maine whether it is best to throw that obstacle around a detective who comes here from abroad. Professional criminals, pickpockets, and thieves go from city to city and are on the cars. They are frequently followed by detectives who enter the cars with them, follow them all the way, perhaps from Boston or Chicago, to Baltimore or Washington. By the provisions of this bill a detective who perhaps had come on the cars a thousand miles watching suspected persons could not act as a detective in the city of Washington when he got here without entering into this bond. I question very much whether that obstacle should

be thrown in the way of his acting. I do not know what the mischief is; I do not know the necessity for requiring this bond. If there is any abuse by detectives coming here there may be a necessity for it.

I suggest to the Senator from Maine whether he is not placing too much of an obstacle in the way of detectives from abroad, or private detectives here. They have in some of the cities, I know, private detectives who are very efficient. I suppose by the prohibition of them here it is supposed that they interfere in some way with the regular detectives, or are objectionable. I was not aware that they were found so. I think in some of the cities there has been organized a private detective force that has been much more efficient than the public force in ferreting out crime.

Mr. MORRILL. I will state the origin of this section. It is copied from the Metropolitan police system of New York. I am not sure that the criticisms of the Senator are not entirely just. In fact I have no particular opinions upon the subject. I know that the police board of this city are anxious to have this provision made, and our ground is this: this is a Metropolitan police under the direction of Congress entirely; it is intended to be complete in itself and to operate efficiently in the District of Columbia. This provision goes upon the assumption that through the efficiency of this board of police commissioners the whole system can be rendered more efficient operating through it than independent of it. It is said that is the experience in the large cities, particularly in the city of New York, where the system has been brought perhaps to its highest state of perfection; and the design is that detectives outside coming here should be required to cooperate with the Metropolitan police of this District. That I understand to be the purpose and object of this section of the bill; and it is in conformity to a provision ingrafted upon the Metropolitan police system of the city of New York. I have no great desire about it. If the Senator moves that the section be stricken out, and is very decided in his convictions that it ought not to be in, I have no objection, although for myself I do not see that any practical difficulty will arise from it.

Mr. TRUMBULL. I do not propose to move to strike it out; but it struck me that the section might create embarrassment. I presume, however, it has received the careful consideration of the committee; and if they think it is best to retain it, I shall not object. I think there ought to be a verbal amendment to carry out what the Senator intends. I suggest that the words "or if" in the fourth line had better be stricken out and the word "unless" be substituted.

Mr. MORRILL. I have no objection to that. The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

HOWARD INSTITUTE AND HOME.

Mr. WADE. I move to take up House bill No. 482, to incorporate the Howard Institute, &c.

The motion was agreed to; and the bill (H. R. No. 482) to incorporate the Howard Institute and Home of the District of Columbia was considered as in Committee of the Whole.

James M. Edmunds, Sayles J. Bowen, Cordial Storrs, Augustin Chester, John R. Elvans, J. Sayles Brown, and Linus D. Bishop, and their associates and successors, are by this bill declared to be a body politic and corporate, under the name and style of "The Howard Institute and Home" of the District of Columbia.

The object for which this corporation is created is the establishment of a charitable institution for the instruction of freedmen in the industrial pursuits of life, and to fit them for independent self-support, and to afford a temporary home for such freedmen as may, from sickness, misfortune, age, or infirmity require fostering care until otherwise relieved. The persons specifically named are appointed a

board of managers of the Howard Institute and Home for one year from and after the passage of the act; and thereafter a board of managers, consisting of seven persons, is to be elected from and by the contributors to the means to establish the institution, for such time and according to such rules as the corporation may establish.

The corporation is to be maintained by voluntary contributions, gifts, donations, or bequests of money and other property. The board of managers are to cause a record to be kept of all such contributions, gifts, donations, and bequests, with the name and residence of each person making the same, and of all expenditures made by the board for the establishment and conduct of the institute and home, and to make an annual report exhibiting the several items of expenditures and objects thereof, and generally the work accomplished by the corporation, to the Secretary of the Interior, a copy of which report shall be sent to each individual who shall have contributed not less than five dollars to the corporation during the year previous to the issuing of the report.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIFE AND ACCIDENT INSURANCE COMPANY.

Mr. YATES. I move to take up Senate bill No. 290. The bill has already been read, and there was some objection, I believe, of a technical character, which has been withdrawn.

The motion was agreed to; and the bill (S. No. 290) to incorporate the National Life and Accident Insurance Company of the District of Columbia, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

METROPOLITAN MINING COMPANY.

Mr. CRESWELL. I move to take up for consideration Senate bill No. 178, to incorporate the Metropolitan Mining and Manufacturing Company.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. CRESWELL. I desire to propose some verbal amendments. In the eighth line of the first section I move to strike out the word "company" and insert "corporation."

The amendment was agreed to.

Mr. CRESWELL. In the seventeenth line of the first section I move to fill the blank with the word "five;" so that the clause will read:

And any person of lawful age, and a citizen of the United States, shall be permitted to subscribe upon paying five dollars on each share at the time of subscribing.

The amendment was agreed to.

Mr. CRESWELL. I move to insert after the word "election" in the sixteenth line of section two the words "and until their successors shall be duly elected and qualified;" so that the clause will read:

The stockholders shall then and there elect nine directors to serve until the next ensuing election and until their successors shall be duly elected and qualified as provided for in this act.

The amendment was agreed to.

Mr. CRESWELL. I now move to strike out from the nineteenth and twentieth lines of section two the following words, "next ensuing election, as herein provided for," and to insert "election and qualification of his successor;" so that the clause will read:

And at the first ensuing meeting of the directors after every election they shall appoint one of their number as president, who, together with themselves, shall hold office until the election and qualification of his successor.

The amendment was agreed to.

Mr. CRESWELL. I also move to strike out the words "together with themselves" after the word "who" in line eighteen.

The amendment was agreed to.

Mr. CRESWELL. I next move to strike

out the word "place" in the third line of the fourth section and insert "places;" so as to make it plural instead of singular.

The PRESIDING OFFICER. That correction will be made.

Mr. CRESWELL. From line twelve of section four I move to strike out the word "same" and insert "said shares."

The PRESIDING OFFICER. That verbal correction will also be made.

Mr. CRESWELL. From the fourteenth line of that section I move to strike out the words "the same" and to insert "any installment that may be due and unpaid."

The amendment was agreed to.

Mr. CRESWELL. From the fifteenth and sixteenth lines of that section I move to strike out the words "the installment or proportion so unpaid" and to insert in lieu thereof "the same."

The amendment was agreed to.

Mr. CRESWELL. After the words "United States" in the sixth line of the fifth section I move to insert the words "or of any State."

The amendment was agreed to.

Mr. CRESWELL. From the fourth line of section six I move to strike out the word "certain."

The amendment was agreed to.

Mr. TRUMBULL. If it were possible to get the attention of Senators for a few moments—the Senate is very thin—I should really like to call their earnest attention to the character of these bills. We are inaugurating a new system, and we are doing it, I think, without sufficient consideration. If the Congress of the United States has made up its mind—and I think we ought to have a full vote upon that question—to charter companies to operate all over the United States, in mining and for other purposes, our statutes will be swelled into volumes at every session. Here it is proposed to incorporate the Metropolitan Mining and Manufacturing Company, not in the District of Columbia, but to operate in my State, if you please, as a coal company. What are they authorized to do? The president and directors "are authorized and empowered, in behalf of said company, to purchase and hold by deed, for a term certain, or in fee-simple, lands and other real estate, to carry on the business of mining for iron ore and other native materials, and manufacturing and preparing the same for market, and to issue bonds," &c. This company that is chartered here may go into the State of Maine or into the State of Illinois and buy as much land as they please and carry on the business of mining and manufacturing there. They may go into Wisconsin.

This is a new system. Whenever a company has been authorized to operate in the State of Illinois, and I presume in Wisconsin or Ohio, they have got their charters from those States. The Legislatures of the different States understand the necessity for granting these charters; and I know it has been the case in the State of Illinois, and I presume it has been in other States—probably in Kentucky and in Delaware and in Virginia and elsewhere—whenever a company has been chartered certain restrictions have been put upon them as to the amount of real estate they shall hold. It has been considered to be contrary to the public policy of our institutions to allow corporations to acquire large tracts of real estate and hold them in perpetuity. We, in chartering banks in the State of Illinois—I speak of that State because I am more familiar with its legislation; but I presume it is not unlike the legislation of Kentucky, Missouri, and other States around us—do not authorize them to purchase and hold real estate except such as may be necessary for their convenience in transacting their business; and whenever they acquire the title to real estate on judgments, being compelled to bid it in for the collection of debts, we require them to dispose of it within a certain time.

Now, I wish to ask Senators if they are prepared to charter companies to operate in Ne-

vada, if you please, or in California, with no personal responsibility in the stockholders. That is the case with most of these corporations. In the bill which we passed a few moments ago, incorporating an insurance company, it is expressly provided that the stockholders shall not be liable personally in any form for any of the debts. If this system of legislation is pursued it will draw to the Federal Government the chartering of all the companies that are operating all over the United States; and we are passing these bills here without any very practical examination. I am quite sure they would receive a more thorough examination in the Illinois Legislature before that body would consent to pass them.

Is there any necessity for this in the District of Columbia? If there is, I have no sort of objection to the bill. If it is a company created for the purpose of mining for iron ore and other materials within the District, and there is a necessity for it, I have no objection to it; but does not anybody suppose that is the design of this? Then we are legislating for whom? For a private company outside of this District. Is that legitimate?

I suggest these things by way of inquiry and to call attention to this matter. It is a new species of legislation upon which we are embarking, and the chairman of the Committee on the District of Columbia, I think, should inform the Senate and we should know whether he proposes to grant charters to carry on mining and manufacturing business all over the United States in any of the States anywhere, here by the Congress of the United States.

Mr. MORRILL. With the permission of the Senator from Illinois, I will state to the Senate the position of this question before the committee. I agree with the Senator from Illinois that the question is novel, that this particular legislation is new to the Senate; and the committee had some doubts about it. But the Senate will remember that on a former occasion, when a bill of a similar type, entitled "A bill to incorporate the National Mutual Protection Homestead Company," was before the Senate, I took occasion to state distinctly what the views of the committee were upon the subject. I then stated fully, as the Senator from Illinois will remember, that I felt bound to say that the committee was in some doubt about the propriety of the measure which was presented; but that as a great many bills had been referred by the Senate to the committee for its consideration, we concluded to report the measures back to the Senate for the action of the body; and on that occasion, as the organ of the committee, I stated particularly the new feature of that bill, that it was a bill to charter a company here, some of the parties living here and some in the States, when the theater of action was to be in the States. It was creating an artificial person, so to speak, within the District of Columbia, with the right to exercise certain powers with the permission of the States where they contemplated to set up operations. That was a bill not unlike this in some of its features. It was a bill where the parties proposed to go into the southern States, and purchase and occupy and sell and lease and improve large quantities of the unoccupied lands. We had also before us a bill of a similar type, which proposed to associate wealth in this way to engage in the raising of cotton and the other products of the southern States. So far as we invest them with any authority here, it is simply the authority with which they would be invested by any State Legislature.

There is no authority in any of these bills to do any act in these States not in harmony with the policy of the States. But that, I know, does not reach the objection which the Senator from Illinois raises, that it is not desirable that we should enter upon this class of legislation; that it does not legitimately and properly belong to the Government; that we shall be burdened with it if we inaugurate it. I desire as much as he does, and I know the committee concur with me in desiring an expression of the Senate, whether they propose

to give countenance to this class of bills. If they do, we are in the way of our duty in reporting them. We did report them, and we did say when they were reported that it was entering upon a new species of legislation; but the committee are of opinion, so far as authority is concerned, that there does not seem to be any authority against it, because we do not invest these parties with any power to act outside of the District of Columbia, except in submission to the authority, State or Federal, wherever they go.

Mr. WADE. I agree with what the Senator from Maine has said on this subject. The Committee on the District of Columbia have had a great many applications to establish this kind of incorporations. I really do not know anything new in principle that arises here. We have power, I suppose, to legislate in this District to the same extent that a State Legislature has in a State. We can do anything not contrary to the Constitution of the United States or repugnant to the principles of our Government, in this District, to exactly the extent that a State may do. The mere location of a corporation is not of very much consequence. I suppose it makes very little difference where an incorporation is established. They can, in the absence of all authority of the State to the contrary, operate in any State to the same extent that an individual can, but always subject to the authority, limitation, and control of the State in which they set up their business. Indeed, it is common for our great corporations that have an extended business, which requires a great deal of capital and a great many persons to associate together properly to carry it on, to operate in many of the States. That principle is familiar to everybody. There is the celebrated life insurance company at Hartford, Connecticut, perhaps one of the largest and wealthiest corporations in the United States, and I suppose it is in the full tide of operation in every State of the Union, from the Atlantic to the Pacific. It is so with your banking corporations, your express companies, and a great many others. They can do business anywhere. Whenever there is a legislative body that has power to incorporate a company, to give it perpetual succession, so that it can go on and do its business, when it gets its charter, it is perfectly immaterial where it may be located. It must conform, of course, to the legislation of the States where it goes to do its business. Take a life insurance company: if it undertakes to set up business in the State of New York it must have at least \$200,000 of capital paid in, and that State imposes some other limitations; but these being complied with, the State permits them to go on and establish their branches there without any regard to where the main corporation is located. So with other incorporations.

I cannot see, therefore, that there is anything new in the principle of incorporating these institutions in the District of Columbia. We have as much power and authority to do it as a State Legislature has to do it in a State. Whether it shall be in the District of Columbia or in a State of this Union seems to me to be very unimportant. Whatever the terms and the restrictions are is always of importance.

If, as the Senator from Illinois says, we incorporated a company without any personal liability, we did wrong, and we should have done equally wrong in that if we had been legislating for a State. We should not give such a latitude as that; but we should place them under wholesome and wise restrictions, and then they are as safe in this District as anywhere else; and it brings us back barely to this question: shall we allow ourselves to give these acts of incorporation, or shall we turn the parties off to the States? I admit that the business may be a little troublesome to us, but it is frequently a great convenience to do it here. Our whole legislation should be for the benefit of the people of the United States, and we can do this as amply, as justly, and

with as little objection as any State can. When the people apply to me as a legislator, and I can find no reason why I may not do what they want as well as any other authority, I do not feel like turning them off somewhere else.

This is all I have to say on the question. If there is any objection to the bill it must be to the incorporation itself. That is simply associating wealth in a few hands in enabling them to do business, and it is just as objectionable in a State as it is in this District. A great commercial people, full of enterprise and of all kinds of business, like the people of the United States, have found that it is necessary to form corporations, and they will continue to do it, either in this District or in the States, and I have no objection to their doing it here. Therefore it is that we have passed a great many of these acts of incorporation, and I see no reason why we should cease to do it. If there are objections to the sweeping allowance given to this company I am for restricting it.

Mr. CONNESS. I will not undertake to discuss the question of power involved in this case, but leave that to gentlemen learned in the law who are here; but the tendency of this legislation seems to me to be as bad as anything can be. What is it? A number of gentlemen, citizens of different States, want to engage in business in a corporate capacity; and in place of making an application to one of the States in which they belong, they come here to Congress to make their application where they are comparatively unknown. If they made their application at home where they were known, the local Legislature would be a judge of their fitness and capacity to receive the great grant of powers that are always given to a corporate body.

It is said that it enables an association, an aggregation of wealth. The local Legislature would be competent to determine whether it was to be an aggregation of wealth or an aggregation of persons representing no wealth at all, who in a careless manner, to be provided in a congressional act, might go forward and go forth as being capitalists when they really had no capital, but the appearance of it merely that was given by a congressional act of incorporation. Because Congress has the right and power to legislate exclusively for the District of Columbia, many persons come here to call upon us to exercise that power by extending to them, not citizens of the District of Columbia, not residents of it at all, corporate powers. That seems to me to be a very dangerous practice to encourage.

In every aspect of the case that I can view it, it is a class of legislation that I think should not be done. Inaugurate it once, and your tables will groan under bills induced by applications from all portions of the Union. To organize this company and allow them to carry on a corporate business in the State of California, for instance mining, under restrictions not such as that State imposes upon those who transact such business within its limits, seems to me to be very wrong indeed. We are very careful in that State what class of acts we pass. Indeed no special act of incorporation is allowed to be passed under the constitution of that State; but there is a general incorporation law under which a given number of the citizens of the State may organize for the purposes allowed by that law, and they are held and required to pay in a given amount of capital before they begin. They are required by the constitution of that State to have a certain degree of responsibility for their transactions as corporators and as individuals; and the law passed in obedience to the State constitution, the general act, requires conformance to its provisions. We do not want, certainly in that State, that Congress shall organize companies that shall be empowered to operate within our State and who are not subject to our control.

Mr. MORRILL. The Senator will allow me to suggest that on that point this bill is subjected to the local authorities wherever it goes.

They can do nothing against your authority and without your consent.

Mr. CONNESS. We do not know anything about them. They are strangers to us. We are to institute a system, in the first place, of investigation; we are to command them to appear before us, and to ask them who they are, what they are, what capital they have, and what they are going to do. I submit that we had better not do it at all, and that really our proper sphere and bound in the premises is to legislate for this District, and not for outside of this District, in these matters. I cannot conceive of legislation more, not simply unhealthy, but calculated to result in effects so vicious as this.

Mr. HENDRICKS. I am very glad the Senator from California has felt it to be his duty to resist the passage of this bill. I was appealed to by an esteemed friend to support the bill, and should be very glad to do so if I could; but it seems to me that it is a species of legislation that we ought to defeat at once; and I had not expected the very able chairman of the District Committee to advocate the passage of this bill. He had contributed by his able argument to some extent to the formation of my judgment upon measures of this sort. His argument against the power of Congress to authorize the construction of railroad and telegraph lines through the States seemed to me to be entirely conclusive. The only difference between the measure which he then opposed and the one which he now advocates is, that this is within the letter but outside of the spirit and purpose of the Constitution. The Constitution authorizes us to legislate for this District, for the business and people of the District. Now, I do not question that Congress may establish a corporation, may pass a law creating a corporation for business purposes within this District; but when we know that the corporation is not to exercise its powers within the District, and that it is intended to exercise those powers somewhere else, we are legislating for a purpose not within the District, and keeping ourselves within the letter of the Constitution, we go outside of the purpose and spirit of that document.

Can we establish a corporation in the State of California? Unquestionably not. But it is proposed here that we shall incorporate a gold mining company, when we know there is no gold in the District of Columbia. By the way, I did hear that there was gold discovered recently in the District. How that may turn out I do not know; but we know pretty well that there is no gold in the District.

Mr. SPRAGUE. There is some in the Treasury.

Mr. HENDRICKS. That is mined for pretty successfully. It does not need any incorporated company to mine for the gold in the Treasury. When we know that there are no gold mines in the District of Columbia, shall we incorporate a mining company not to operate in the District? But that company we anticipate is to secure the consent of California and exercise its powers in the State of California. I think this is entirely outside of the spirit of the Constitution. If any gentlemen of the District of Columbia want to carry on important business in any of the States of this Union, why do they not go to the States and get the authority? If Senators desire that some very important pursuit shall be carried on in the State of Indiana, is that a sufficient reason for the incorporation of a company by Congress to go into the State of Indiana and exercise its powers? Let the gentlemen who wish to establish such an institution go to the State, and if it is the pleasure of the Legislature to grant them the power, all right.

We all know that this company is not for this District. That is known in advance. It is not required for any purpose in the District of Columbia, but for operations outside of the District. Now, I ask the Senator from Maine who advocates this bill, what is the difference if we intend, and that is the only purpose of the bill, this company to go into the State of Maryland or Virginia and mine for coal—what

is the difference between our action in spirit and in fact and our establishing a railroad corporation to run a railroad from Pittsburgh to Cleveland? I think no Senator will say that we have the power to authorize the construction of a railroad in the State of Ohio to go over the people's lands, to condemn their lands, and all that; but what is the difference in spirit? Suppose we organize a railroad company in the District of Columbia, and we know the railroad is not to be built in the District, but is to be built somewhere else, in the State of Maryland, for instance, are we justified simply because we say that the company must secure the consent of Maryland before it shall exercise its power in the State of Maryland?

Mr. WADE. Whether it is a mining company or a railroad company, if it wished to operate in Maryland or Ohio, it must, of course, get the consent of Maryland or Ohio in the one case as much as the other.

Mr. HENDRICKS. I know that is the apology for this bill. You do not want to build a railroad in the District, but you want to build one in the State of Maryland. If that is the purpose, why not go to the State of Maryland and get a charter?

Mr. MORRILL. As the Senator from Indiana has alluded to me, he will permit me to suggest the obvious distinction between this bill and the case he puts of the legislation to which he refers. This bill provides an act of incorporation in the District of Columbia. It does not give the corporation the right to exercise any authority outside of this District; it does not invest them with one particle of power outside; but they are authorized here to create a manufacturing establishment of iron. Then they would have a right to send their agent into Pennsylvania and purchase lands for mining both coal and iron; but of course they would have to do it in submission to the laws of Pennsylvania, both State and municipal; because the Senator will see that there is not a particle of power conferred on them to go to Pennsylvania clothed with any authority whatever; and therefore I suggest to him most respectfully that there is no question of power involved. As to the constitutionality of the measure, we are clearly within the scope, because we only invest them with power in this District. Being an artificial person, they may go abroad just as a natural person would; but they must trust their luck. If they find the local authority against them they must retire.

I submit to the honorable Senator that that is the distinction between this case and the one to which I spoke the other day. The real question in my mind, and on that I hesitate—and I beg the Senate to observe that I am not committed to the advocacy of this bill—is the question raised by the Senator from Illinois. That is the true question, whether we ought not, in granting corporations, to limit and restrain them to the District of Columbia; or if we do not do that, whether we should not decline to associate gentlemen and give them corporate powers if we know their purpose is to operate outside of the District, and not in it. On that question, as a matter of policy, I think there is very great doubt.

Mr. HENDRICKS. I do not think it is a question of policy; nor do I think it is a question whether this bill is within the letter of the Constitution; but I think it is a question whether this bill is within the spirit of the Constitution. The Constitution simply authorizes Congress to legislate for the District of Columbia. We know that this legislation is not for the District of Columbia. We know that it is to create an artificial body to travel outside of the District of Columbia, and obtain the assent of the State to exercise the powers that we confer somewhere else than in the District of Columbia.

But, sir, just what this corporation can do it is a little difficult to say, from the reading of the bill. I do not know where all the corporations live. It proposes that John Ford, George D. Williams, and others—perhaps they are citizens of the District; I do not know—

be "authorized and empowered to receive subscriptions to the capital stock of a company to be denominated the Metropolitan Mining and Manufacturing Company," and then the bill directs how they shall be organized, and how the affairs of the company shall be conducted. Then the bill provides, in the sixth section—

That the president and directors are hereby empowered and fully authorized, on behalf of said company, to purchase and hold by deed for a term certain or in fee-simple lands and other real estate, and to carry on the business of mining for iron ore and other native minerals, and manufacturing and preparing the same for market; and to issue bonds not exceeding one half of the capital stock, upon such terms as may be deemed for the best interests of the company.

The seventh section provides—

That the president and directors are hereby empowered and fully authorized, on behalf of said company, to lease, demise, bargain, sell, and convey any lands and real estate which may be owned or held by said company, and to execute and deliver to purchasers good and sufficient deeds therefor.

The sixth section undertakes to describe the scope and power of this corporation to purchase and hold land, without limit and without location except at the pleasure of the company. It is not to acquire and hold land in the District of Columbia, but wherever they desire to purchase land; and then the next section authorizes them to sell any of these lands. Thus, under this charter, this company propose to accomplish what that magnificent scheme which was before Congress two or three months ago was proposed to accomplish—the National Land Association scheme; a grand combination of wealth to speculate in lands. Now, is it the purpose of Congress to authorize any company to become, without restraint, the owners of the real estate of the country? I do not know of a single State in the Union in which such a policy is tolerated. In the States incorporated companies are restricted in the acquisition of real estate to the purposes of the company. They are not allowed to buy and sell land for the purpose of speculation.

But where are these parties to mine and to manufacture their minerals? Not in the District, I take it; but they are to secure the consent of some State to do it in that State. Then we come back to the question, whether it is our right, under the spirit of the Constitution, to organize an artificial body, not with the purpose of doing anything in the District of Columbia, but for the purpose of doing something somewhere else; to create an artificial body, that that artificial body, in the name of Congress, may emigrate, leave the District of Columbia, and live and exercise its powers in one of the States of this Union, with the consent, I admit, of the State. I am not right sure that the assent of the State is necessary to enable an incorporated company to hold real estate. Is that entirely clear? I do not know; I would not say, without an examination of the question. Are Senators entirely satisfied that an incorporated company of the District of Columbia cannot become the owners of land in Illinois and in Indiana in the absence of an express prohibition of the State of Illinois or of the State of Indiana? Their ordinary powers cannot be exercised outside of the State or district where they are created. My objection to this bill is, that it proposes to make an incorporated company, not for the purposes or immediate necessities or wants of the District of Columbia; in other words, it is not legislation for the District of Columbia.

Mr. CRESWELL. I think this bill is not obnoxious to the objection which has been urged with so much force by the gentleman from California and just now by the gentleman from Indiana. They seem to mistake entirely the whole scope and object of the bill. It is simply an effort by certain gentlemen of the District of Columbia to induce capitalists from other sections of the country to unite with them in establishing a manufacturing establishment in the District of Columbia. They contemplate having their principal office of business in the District of Columbia. They propose to have a part at least of their manufacturing establishments in the District of Columbia; and all that they ask with regard to lands lying outside of

the District is, that they shall be invested with the authority to hold such lands as may be necessary for them in carrying on the business established within the District.

The Senator from Indiana has asserted that the very object of this bill is to establish and carry on a business outside of the District, and not inside the District. In that he is altogether mistaken. The object of the bill is merely to vest this corporation with the power necessary to hold such lands as they may find to be essential to the proper carrying on of their business in the District of Columbia. They may desire to hold lands for the purpose of mining ore in the State of Virginia. They may desire to hold lands for the purpose of cutting wood and manufacturing it into coal in the State of Maryland. Without this express authority a doubt might be raised as to their capacity to hold land in the adjoining States, outside of the District. With regard to that, I hold that the Congress of the United States, being competent to establish a corporation, the corporation, when established, is vested with the rights of all other corporations established by competent authority, and that they have precisely the same legal powers as any corporation established by a State; and I think it is well settled that a corporation established by a State may hold lands outside of the State granting the act of incorporation, provided it be not inconsistent with the law of the State wherein the lands lie. Now, these gentlemen propose to invest in this manufacturing business one or two million dollars. They desire to have a charter that will enable them to raise this money. Their effort is, to be sure, to make money, as is common to all men.

Mr. HENDRICKS. As the Senator is probably familiar with the purposes of the corporations, I wish to ask whether it is the intention of these parties to carry on the mining business with the capital of a million or more in the District of Columbia or in one of the States.

Mr. CRESWELL. I will say to the gentleman that they propose to establish a part of their manufacturing system here.

Mr. HENDRICKS. Are they to manufacture anything and everything, and mine too?

Mr. CRESWELL. No, sir. They propose to manufacture, and to mine for iron ore and the minerals necessary to the proper carrying on of that business; for instance, limestone.

Now, sir, these gentlemen have in view—and I state it frankly—a very valuable tract of land in the State of Virginia, which is very rich in deposits of iron ore; and they desire, in connection with their establishment for manufacturing iron ore in this District, to be enabled to go into Virginia to buy that land, dig out that ore, bring it into the District, and have it manufactured here.

Mr. HENDRICKS. I will ask the Senator one further question: if there be no law of Virginia or West Virginia prohibiting this corporation acquiring and holding land in the absence of a prohibition; in other words, will this company be authorized by the charter to acquire and hold lands in one of the States?

Mr. CRESWELL. I admit to the gentleman that they will not be authorized to hold lands against the policy and the laws of the State; but a doubt might arise as to whether they would be entitled to hold lands for the purpose of their business in the several States unless that right were given by the terms of their charter; and that is precisely the doubt we want to get rid of. What might be the policy of the State of Virginia or the State of Maryland I am not prepared to say; it might be liberal or it might not; but one thing is certain, it would be impossible for these gentlemen in the present state of the country, and especially in the present state of the State of Virginia, to derive from that State a charter that would enable them to go into the market and raise the money, because they would not have the means to afford proper security to carry on this business.

Now, with regard to the fears of my friend from California, that they propose to go there and engage extensively in the mining of gold,

and all that, I do not suppose these gentlemen ever entertained such an idea. If people go to California and carry on the mining business in California they at once subject themselves to the laws of California; and if those laws are so prohibitory and illiberal as the gentleman seems to think, so that nobody outside of the State of California has a right to go there and dig from the lands of the General Government one solitary dollar, then these people will be at once excluded if the laws of the State be operative. I do think, sir, that the objections that gentlemen raise against this bill are not properly founded. Whatever might be the propriety of their objections as to the Congress of the United States entering upon a line of policy that would enable persons to come from all sections of the Union and to derive from a corporation granted by Congress powers which they intended to exercise exclusively in other States, I do not think this bill presents such a case as that those arguments are at all applicable to it.

Mr. WILLIAMS. Mr. President, my attention was not called particularly to this bill until it was brought up for consideration today. I have heard the objections made to its passage, and I must confess that they have no considerable weight with me. I do not participate in the fears that have been expressed by Senators who oppose the passage of this bill. It has been emphatically pronounced vicious legislation; but I submit that no good reasons have been given to the Senate for the expression of that opinion. Suppose Congress, having exclusive jurisdiction to legislate for the District of Columbia, should pass a general act of incorporation providing that certain persons might incorporate themselves under that act to do any legitimate business. Many of the States have passed acts of that description. I think that system of legislation is preferable to special corporations. If there was such a law as that in this District then these persons could incorporate themselves to do the business which they propose to do by the terms of this bill. A, B, and C might file articles of incorporation declaring that their capital stock should be a certain amount, and that each share should be a certain amount, declaring where the principal office should be, and the business which they proposed to pursue, all of which is declared in this bill; and those persons so incorporated could then proceed and transact the business described in this bill, and they could own property elsewhere than in the District of Columbia.

Now, I suppose it will not be pretended that a corporation organized under the laws of a State is confined in the transaction of its business or in the possession of property to the limits of the State in which it is organized. Many corporations organized by the laws of the New England States do business on the Pacific coast; and I do not see why a corporation organized under the laws of Congress in the District of Columbia, an artificial person, may not own property outside of the District of Columbia as well as a natural person living in the District of Columbia. Suppose a man here living in the District of Columbia is worth \$1,000,000, and he sees proper to engage in the business described in this bill, and he invests his money in mines in Virginia or Ohio or California or Oregon. Certainly he has a perfect right to do that, and nobody can complain. So if half a dozen individuals unite together, and their capital consists of \$1,000,000, is there any reason why those half a dozen persons should not be allowed to engage in the same business that an individual residing within this District might engage in who happened to be worth \$1,000,000?

It is said, why do not those persons living in the District of Columbia, who are organized into a company in this bill, go into the States where they want to do business and obtain the privilege from the State governments to transact their business? Many of the States, and I do not know but all of the States, require that where a company is organized by the laws of the State, that company shall have its principal place of

business within the State, and that a certain portion of the stockholders or officers of the company shall reside within the State; and the laws of the State generally provide that citizens of the United States living in the District of Columbia cannot organize under the laws of the State unless they transfer all their business to those remote places and to States where they do not live.

Now, it is to be remembered that there are Territories of the United States where there are extensive mines, and those persons organized by this act into a company may go into the Territory of Montana and mine; they may go into the Territory of Washington or the Territory of Idaho and have and own mines. Is there any reason why Congress should not provide by an act of incorporation that citizens living in the District of Columbia may not go into the Territories of the United States, over which Congress has the power to legislate, and engage in mining business there? It seems to be assumed that this company is to be engaged in mining in a State. That may be true, and probably it is true. That would not be any objection to the bill, even if it was true, in my opinion; but if this company, organized for the purpose of transacting this business, should find that it cannot engage in this business within any particular State, then it might engage in the business of mining in some of the Territories of the United States where the business of mining is extensively prosecuted.

Now, sir, Congress is constantly engaged in organizing companies, granting charters of incorporation to individuals living elsewhere than in the District of Columbia, living in the different States and Territories. Railroad companies are organized. Several have been organized at this session of Congress. Persons have been incorporated for the purpose of constructing railroads in the different Territories of the United States. I believe a company has been organized to build a telegraph from the United States to the West India islands. The power which is to be exercised in this case is a power that is constantly exercised by Congress; and a bill is now pending here to organize a company to build a ship-canal around the falls of Niagara. Therefore the objection which is made to this particular bill, it strikes me, is one that cannot prevail at this time, unless Congress proposes to reverse all that has been done for a long time in reference to matters of this description. I think that it is the duty of Congress to promote as far as practicable the interests of the citizens of the District of Columbia, and that persons residing in this District should have the same opportunities to transact business as citizens residing within a State. Congress stands in the same relation to the people of this District that a State government does to the people of a State; and I undertake to say there is no State in this Union where these individuals, if they resided within that State, could not be organized, either by a special act of incorporation or under a general law of incorporation; there is no State in this Union where this bill might not become a law, either by a special act of legislation or under a general act of incorporation. It seems to me that the citizens of this District ought to have the same rights and privileges, and Congress ought to be as liberal as a State government would be to them if they resided in any State.

Mr. MORRILL. I hope the Senator from Maryland who called this bill up will allow it to be laid aside for the present. I have several small matters in charge that I desire to take up and dispose of this afternoon, and I trust that he will allow me to move the postponement of this bill until to-morrow, so that I may call up some other bills.

Mr. CRESWELL. Does the gentleman desire to move any amendments to the bill?

Mr. MORRILL. Yes, sir; I desire to move an amendment to the bill. I do not wish to consume the whole day upon this one bill, and I hope, as this day was assigned particularly to the consideration of matters belonging to

the District of Columbia, that I may be allowed to dispose of some other bills.

Mr. CRESWELL. If the chairman of the Committee on the District of Columbia desires to propose an amendment to the bill, I will consent to this postponement.

Mr. MORRILL. I will see if I cannot propose some amendment which will obviate the objections that have been brought against it.

Mr. CRESWELL. Very good, sir; with that understanding, I consent to the postponement.

The PRESIDING OFFICER, (Mr. POMEROY in the chair.) The Senator from Maine moves that the further consideration of the bill be postponed until to-morrow.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House of Representatives had passed the following bills without amendment:

A bill (S. No. 360) to regulate the appointment of paymasters in the Navy, and explanatory of the act for the better organization of the pay department of the Navy;

A bill (S. No. 57) for the relief of the heirs of Lieutenant Joshua D. Todd, late of the United States Navy, deceased; and

A bill (S. No. 202) for the relief of Elisha W. Dunn, a paymaster in the United States Navy.

The message further announced that the House of Representatives had passed a bill (S. No. 307) authorizing the restoration of Commander Charles Hunter to the Navy, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House of Representatives had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

A bill (H. R. No. 447) to authorize the Secretary of War to sell a portion of the Fort Leavenworth military reservation to the city of Leavenworth, in the State of Kansas, for a public park;

A bill (H. R. No. 448) to authorize the construction of a railroad through certain land of the United States in Kansas;

A bill (H. R. No. 486) for the relief of Catherine Welch;

A joint resolution (H. R. No. 158) providing for the settlement of accounts of W. H. Hamrick;

A bill (H. R. No. 683) for the relief of J. Judson Barclay;

A joint resolution (H. R. No. 159) authorizing the Commissioner of Public Buildings to employ three additional watchmen in the Smithsonian grounds; and

A joint resolution (H. R. No. 160) for the relief of William D. Nelson.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House of Representatives had signed the following enrolled joint resolutions; and they were thereupon signed by the President *pro tempore* of the Senate:

A joint resolution (S. R. No. 87) to provide for the payment of bounty to certain Indian regiments; and

A joint resolution (H. R. No. 120) to extend to the counties of Berkeley and Jefferson, of West Virginia, the provisions of the act approved July 4, 1864, entitled "An act to restrict the jurisdiction of the Court of Claims and to provide for the payment of certain demands for quartermaster's stores and subsistence supplies furnished to the Army of the United States."

NEW YORK AND MONTANA COMPANY—VETO.

Mr. COOPER, the President's Private Secretary, appeared below the bar, and said:

I am directed by the President of the United States to return to the Senate, the House in which it originated, the bill (S. No. 203) to enable the New York and Montana Iron Mining and Manufacturing Company to purchase

a certain amount of the public lands not now in market, with his objections thereto in writing.

Mr. WADE. I move that the veto message of the President be printed.

The PRESIDING OFFICER, (Mr. POMEROY in the chair.) The Chair will take this opportunity to lay before the Senate the veto message from the President of the United States.

The Secretary proceeded to read the message.

Mr. WADE. I move that the reading of the message be dispensed with, and that it be printed for the use of the Senate. It seems to me there is no occasion for reading it through.

Several SENATORS. Let it be read.

Mr. WADE. Nobody will attend to it if it is read, and it will take some time to read it. I think it had better be printed.

Mr. HENDRICKS. I presume the Senator will not insist upon that. I hope we shall hear the message read.

Mr. SAULSBURY. I should like to inquire of those who know, whether such a thing has ever been done in any former instance as not to read a veto message from the President of the United States.

Mr. MORRILL. The last one we had was not read.

Mr. HENDRICKS. Yes, sir, it was.

Mr. MORRILL. It was not read the day it was sent here; but it was ordered to be printed, and it was read the next day.

Mr. SAULSBURY. I should really like to know whether such a thing was ever before known under any former Administration as refusing to read a message from the President of the United States.

Mr. WADE. The only reason why I moved to dispense with the reading of the message was that there are a good many other District bills to be acted upon, some of them very important, and time is very precious. It is hardly probable that we shall get another day on which to act upon them at this session. One or two of them it is almost indispensable should be passed, and if we have this message read it will take up a good deal of time. That is all I have to say about it.

The PRESIDING OFFICER. The Senator from Ohio moves that the further reading of the message of the President of the United States be dispensed with, and that the message be printed and laid upon the table.

Mr. HENDRICKS. I think if the Senator from Ohio will reflect upon it he will hardly insist upon that motion. It will take but a few minutes to read the message.

Mr. TRUMBULL. I apprehend it will be quicker to read it than to have a discussion as to whether it shall be read or not.

Mr. WADE. I believe it is consented now on all hands that the reading shall be dispensed with.

Mr. TRUMBULL. The Senator from Indiana insists on having it read. I presume no one wants to be considered as acting discourteously in any way to the President. I think sometimes messages from the President of the United States have not been read, but have been ordered to be printed. That is my recollection since I have been here. But if anybody supposes that it will be a reflection on the President not to read it, I hope it will be read. I am sure nobody wants to treat the message disrespectfully.

Mr. SPRAGUE. It will not take more than ten minutes to read it.

The PRESIDING OFFICER. Does the Senator from Ohio withdraw his motion?

Mr. WADE. Yes, sir; I withdraw it. I suppose we are at the mercy of the President. The Secretary concluded the reading of the message.

Mr. MORRILL. I move that the message be laid upon the table and printed.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills and joint resolutions from the House of Representatives were sev-

erally read twice by their titles, and referred as indicated below:

A bill (H. R. No. 447) to authorize the Secretary of War to sell a portion of the Fort Leavenworth military reservation to the city of Leavenworth, in the State of Kansas, for a public park—to the Committee on Military Affairs and the Militia.

A bill (H. R. No. 448) to authorize the construction of a railroad through certain land of the United States in Kansas—to the Committee on Military Affairs and the Militia.

A bill (H. R. No. 486) for the relief of Catherine Welch—to the Committee on Military Affairs and the Militia.

A joint resolution (H. R. No. 150) providing for the settlement of the accounts of W. H. Hamrick—to the Committee on Military Affairs and the Militia.

A bill (H. R. No. 683) for the relief of J. Judson Barclay—to the Committee on Foreign Relations.

A joint resolution (H. R. No. 159) authorizing the Commissioner of Public Buildings to employ three additional watchmen in the Smithsonian grounds—to the Committee on Public Buildings and Grounds.

A joint resolution (H. R. No. 160) for the relief of William D. Nelson—to the Committee on Military Affairs and the Militia.

COMMANDER CHARLES HUNTER.

The Senate proceeded to consider the amendment of the House of Representatives to the bill (S. No. 307) authorizing the restoration of Commander Charles Hunter to the Navy; which was in the first line of the bill to insert the word "States" after the word "United."

Mr. ANTHONY. I move that the Senate concur in the amendment of the House of Representatives.

The amendment was agreed to.

GOVERNMENT OF THE DISTRICT.

Mr. MORRILL. I ask the Senate to proceed to the consideration of Senate bill No. 97.

Mr. GRIMES. What is the title of it?

Mr. MORRILL. "A bill in addition to the several acts for establishing the temporary and permanent seat of the Government of the United States, and to resume the legislative powers delegated to the cities of Washington and Georgetown and the levy court in the District of Columbia."

Mr. GRIMES. I should like to inquire of the Senator from Maine if he has the conscience to call up such a bill as that at this period of the day?

Mr. MORRILL. I do not want to make it a matter of conscience if I can help it. [Laughter.] I do not propose to ask the Senate to consider the bill to-day, but I want to have the bill read, and at an early day I shall ask for the consideration of the bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from Maine.

Mr. HENDRICKS. On that question I wish to say just one word. I am one of the Senators who are anxious for an early adjournment, and I had intended, if the chairman of the Finance Committee had been here, to call up to-day the resolution of the House of Representatives for an adjournment, with a view to fixing some day. Now, the Senator from Maine may disclaim all obligations to conscience in regard to this bill; but I think it is a question of conscience to call up a bill of one hundred and two pages in respect to the District of Columbia, not having anything to do with the general interests of the country, at this period of the session, when we all want to get home, especially when we have to live in this hot-house.

Mr. MORRILL. I only want to have the bill read.

Mr. HENDRICKS. Mr. President, I think we had better meet this question at this time. We cannot go into the question, at this session, of the entire reorganization of the government of the District of Columbia. I understand that

this is an abandonment of the system which has governed this city for so many years. In considering this bill we have got to consider all the questions of government suitable to a city. We ought not to pass a bill of this kind with less than five or six days' consideration. It is a bill of one hundred and two pages, and is to be followed, I presume, by a bill of one or two or three hundred pages, remodeling the tax laws of the District. We shall not get away from here this summer if we undertake such jobs as this; and I appeal to the Senator to consider the question of conscience.

Mr. MORRILL. The Senator did not understand me. I did not make this bill a matter of conscience. I said I did not want to make the question of taking it up a matter of conscience. I do not want the Senate to be frightened out of its sense of propriety by any suggestion of the honorable Senator from Indiana that there is no time to consider this bill. The bill is a little voluminous, I know; but it is a matter of detail simply. The principle of it is very simple. It is merely to confer on another set of functionaries the functions which are exercised by the municipal officers of three corporations in this District. The necessity for it is imminent. If there is anything like bad government, shameless government anywhere, it is in this District, and I am prepared to show it; and I shall show a case, too, and shall not require a great deal of time to do it, that will make the Senator from Indiana blush to undertake to oppose the measure. I know that decency is outraged in this District by these corporations; some of them particularly. I do not like to be told, when a bill has been five months on the tables of Senators, that there is no time to consider it, not even to read it.

Now, Mr. President, no more important measure scarcely is likely to be brought before this Congress in many a day than the one I now desire to call up. My honorable friend says that it is to overthrow the system which has obtained here since the organization of the Government. That is not so at all.

Mr. HENDRICKS. It is to remodel it.

Mr. MORRILL. It is simply to resume the functions with which we began. It never was designed that the jurisdiction over this District, which was exclusive in Congress, should be conferred on three small corporations. Congress never will respect its dignity and its character, nor begin to perform its duty until it exercises the jurisdiction which was exclusively conferred upon it over this District. I should like to know of the honorable Senator from Indiana, if he has looked at this subject at all, how he undertakes to account to the American people for the outrageous abuses which have characterized the government of this District in the last fifteen or twenty years, patent to everybody; and by what authority the trust which the American people conferred upon Congress has been delegated in this way, or abused in this way, or neglected, if you please.

Sir, these are some of the topics to which I propose to address myself as a matter of conscience when the bill comes up. The question of conscience of which I spoke was simply the question of taking it up. The question involved in the bill is a matter of most serious consideration and of very great importance. There is nothing so frightful in its volume as that it ought to intimidate anybody. It is simply a proposition to divest these functionaries of their functions, and confer them upon men of our own appointment. There is not a single section or line of legislation in it beyond that. I do not propose to alter the law in any respect whatever except simply to take these functions out of the hands of the men who are now exercising them, and to confer them upon persons of our own selection.

Now, sir, the request that I make I do not think is an unreasonable one. The business of the District of Columbia has not occupied much time here. But a single half day before this, and not half of this day, have I had the good fortune to occupy, have we had during

the six months that we have been in session. I want the bill now to be taken up and read, and then I hope at no distant day to get an opportunity to address myself to the Senate upon the subject of the bill. Having had that hearing, if the Senate conclude that it is too late, or they cannot act upon the bill, very well; but I insist upon it that the Senate ought to allow the bill to come up and be read. We have time enough to do that. I shall not require more than two thirds of the Senate to remain unless they choose to do so.

Mr. HENDRICKS. I did not suppose that the Senator from Maine would feel authorized to discuss the merits of the bill upon the motion to take it up, and I do not now intend to follow him into that line of debate. For one, sir, I am not willing to sit here during the hot months of summer for the high purpose, which he says is the only object of this bill, to put out of office one set of officers and to put another set of men in. That is not a high purpose of Government.

Mr. MORRILL. I will ask the honorable Senator whether he thinks that is a fair representation of my argument. Have I said anything to authorize the assumption that the high purpose of this bill was simply to put out one set of officers and to put another in? I expressly said that no higher duty would rest on this Congress than to correct the abuses of administration that exist here, and that the way to do it was to remove the officers. That is what I said.

Mr. HENDRICKS. Certainly, it is to put one set of men out of office that another set of men may come in. The Senator says that is the main purpose of this bill, to correct the misgovernment of this city and the other cities by a change of the functionaries. That is his statement. In other words, as he expresses it, Congress shall resume its power over the city of Washington and the other cities of this District; but how? Is it proposed that we shall be executive officers for this city? Is it proposed that Senators shall in their own proper persons give attention to the affairs of the government of this city? No, sir; but that Congress shall appoint a set of men to govern the people of the District, instead of the men whom the people of the District have elected; in other words, to abandon the popular government of the District, and to assume the government on the part of Congress. Instead of allowing the people to elect their own officers, to govern themselves according to laws which we prescribe, we propose in this bill, as I understand, to select the officers for this District. Is that a sufficient reason to take up a bill of one hundred and two pages at this period of the session? Who is to blame if this bill has lain for five months on the tables of Senators? Not myself. I am not aware of any blame anywhere; but if any blame attaches anywhere, I presume it attaches to the honorable Senator who has the measure in charge. He will hardly attribute any fault to me or to other Senators if he has not called his bill up.

There was another measure before this body proposing good government for the District. It came, as I understand, some months since from the House of Representatives, proposing still further to popularize the government of the District by throwing into the popular features of the government the negro vote. What has become of that? Now we have got to have one extreme or the other. The extreme that comes from the other branch of Congress is that everybody shall vote in the District, white and black. The proposition of the Senate committee is that nobody shall vote; that Congress shall resume its power of government over the District, and govern the District directly by the appointment of the officers. Is that desirable? Is it desirable that the legislative body shall become an administrative or executive body?

Mr. MORRILL. The bill does not propose that.

Mr. HENDRICKS. I thought it did from what the Senator said.

Mr. JOHNSON. The President is to appoint the commissioners.

Mr. HENDRICKS. Does the bill so provide?

Mr. JOHNSON. Yes, sir.

Mr. HENDRICKS. Then it is not quite so objectionable as it would be if the legislative department undertook to make the appointment of officers. I understood the appointments were to be made by the Senate.

Mr. WADE. Mr. President, is it in order to debate the merits of a bill on a motion to take it up?

Mr. HENDRICKS. I acknowledge the point of order made by the Senator from Ohio, and shall not pursue the subject further. My simple purpose was, in appealing to the conscience of the Senator from Maine, if possible to prevail on him not to press on the Senate at this period of the session, when we want to get home, the consideration of a measure which I cannot conceive it is very important that we should consider at this session. This District certainly can get along for another session of Congress without such legislation. I hope the bill will not be taken up. One hundred and two pages of legislation, a book to be legislated upon, is not to be disposed of in a day or so.

Mr. WADE. Let us have the question.

The PRESIDING OFFICER. The question is, Will the Senate proceed to the consideration of the bill indicated by the Senator from Maine?

Mr. GUTHRIE. Mr. President—

The PRESIDING OFFICER. The Chair feels it his duty to state that on a motion to take up a bill, extended discussion is not in order, but any reasons for or against taking it up are in order.

Mr. GUTHRIE. Mr. President, I hope the Senate will deliberate long before they reverse the first principles of free government—elections by the people and the right to govern themselves in States, in Territories, in cities, and in towns. I understand this to be the first attempt made anywhere in the United States to reverse that system. In this bill it is proposed to govern this District by three commissioners. Do you expect that under them you will have any better government, or any more satisfactory government than you now have? Sir, it is taking the first step for the introduction of tyranny into the United States by disregarding the will and the suffrages of the people. I hope we shall never consider this bill.

Mr. WILSON. I move that the further consideration of this bill be postponed until the first Monday of December next.

The PRESIDING OFFICER. The bill is not yet under consideration. The question before the Senate is on taking it up for consideration.

Mr. WILSON. I thought it was before us. I will simply say, then, that I hope it will be postponed. It is too important a measure to be taken up at this session. Besides all that, I agree very much with the Senator from Kentucky, and am in favor of taking up and passing the other bill that shall put the government of the District into the hands of the whole people.

The PRESIDING OFFICER. The question is on the motion to take up this bill for consideration.

The motion was agreed to.

Mr. WILSON. Now I make the motion that the bill be postponed until the first Monday of December next. I do not believe that a bill of this size can properly be considered at this session; but besides that I am very anxious to take up the other measure that shall invite all the people here to participate in the government of the District.

Mr. MORRILL. I do not propose to have this bill disposed of in that way exactly. If the Senator has had the bill under consideration and is opposed to it, very well. If he knows what is in this bill—

Mr. WILSON. I do not.

Mr. MORRILL. Then I think it is a very poor compliment to the judgment of the committee who reported it for the Senator to rise here and dispatch the bill in that summary way. If the Senator desires it to go to the Committee on Military Affairs, I have no objection. [Laughter.]

Mr. WILSON. Oh, no; not at all.

Mr. MORRILL. I do not propose, after having given five or six months to the consideration of the bill, to have it disposed of so summarily, if I can help it. If the Senator wants to assign another day for its consideration during this session, very well. I said when I moved to take the bill up that I only wanted to have it read to-day. I am afraid there is not a Senator here who has read it. The honorable Senator from Kentucky says that this bill ought not to be considered because it subverts a fundamental principle of this Government. If the honorable Senator had read the bill probably he would not have made that remark.

Mr. GUTHRIE. Names do not change things.

Mr. MORRILL. The bill is to resume the functions which the Government began with. That honorable Senator ought to know that this District was put under the government of three commissioners when it was created. That was the bill with which it began, and it continued so substantially down to 1812. I propose to resume those functions. That is exactly what this bill does.

Now, about this principle of government, as applicable to the District of Columbia, the District of Columbia never was designed to be a government. It is a seat for the Government of the United States; and that is all it ever was designed to be. It never was intended to establish either a territorial or a State government in the District of Columbia. It was designed as a seat for the Government of the United States, and by the Constitution it was placed expressly and exclusively under the legislative jurisdiction of Congress. This bill proposes that Congress shall legislate directly for this District. That is all there is of it. As it is to-day, you have this District governed by four jurisdictions: first, Congress; second, the levy court, whose jurisdictions or limits nobody can define; third, the corporation of Georgetown; and fourth, the corporation of Washington. This District Committee is expected to reconcile the difficulties between these three corporations, and legislate to the end that this shall become the great capital, which it ought to be, of a great people. The experience of the committee is, that the thing cannot be done. The idea of leaving it to three corporations whose interests and pursuits are all aside from the interests of the Government is, in the nature of the thing, not to say absurd, but is inconsistent and incompatible with the very interests and duties which the Constitution devolves on Congress.

If I did not believe that the reasons of the committee would commend themselves to the consideration of the Senate, of course I would not ask the Senate to consider this bill; but I object to my honorable friend from Massachusetts dispatching so summarily a bill that has received the consideration that this bill has, unless he has formed some judgment upon it. If he has, very well. I am not aware of anything before the Senate why this bill should not be read now. If the honorable Senator desires to get his dinner at this hour, I will stay here and hear it read if nobody else does.

Mr. WILSON. The Senator from Maine has devoted several months to the consideration of this subject with all that industry that he bestows on matters of legislation here, which we all acknowledge. He knows all about the bill. He made it. It is his. It is a pretty large affair, however; and I must confess, through indolence or a multiplicity of engagements, I have not read it. I must confess further than that, that I dread to enter upon it. I want to take it home and study it through the dog days and take it up next December, in the cool weather, and act upon it then. I certainly mean no sort

of disrespect to the Senator in the matter; and I confess that, not having read the bill, I, like many others, I take it, around me, am subject to criticism. But I propose that not only this but some other bills shall go over. I think one or two bills before my committee, if I have my way about it, will be postponed until the next session, for I think we shall have to put aside some of the least pressing matters. We cannot stay here all summer. I am, however, willing to gratify the Senator, if he desires to have this bill read and to address the Senate upon the subject, so that we shall have the advantage of his speech to study with his bill during the summer, and then put the matter over, for, I take it, that Senator does not expect that we are to stay here during these hot days and act upon this bill of over one hundred pages. I agree with him that this is not the best governed city in the world; but, somehow or other, it continues to get along. As to anything that is said or done by any of its officials, I take it it does not affect that Senator nor myself, nor any of us here. At any rate, I think we shall get through the next few months.

Then I am very anxious for the passage of another measure which I think ought to have been passed long ago—I mean no reflection on the Committee on the District of Columbia—and that is, the bill the House passed so promptly, extending the suffrage in the District. I think if we could bring the kindly, humane, patient, enduring, and charitable qualities of the negroes of Washington into the city government, to mingle with the people of this city and in the government of the city, we should elevate the government of this city very much. I believe that; and I am very anxious to pass that measure; but I am afraid if we enter upon this bill of one hundred and two pages, we shall not reach that little measure that does not make one page. However, I will withdraw my motion, and let the Senator dispose of the matter as he wishes; but certainly I think if he inflicts the reading of this bill upon us he ought not to compel us to sit here and act upon the bill now.

Mr. CONNESS. I hope we shall come to a vote, and I will not prevent it long. I utterly object to the postponement of this bill until December next, or involving it with the question of negro suffrage in this District. I want the question of suffrage when it shall come up to stand on its own merits. I am not so sure as some other Senators may be, that if suffrage were extended in the District, the city of Washington would therefore get a better government. I am not so certain on that point. But enough of that when the question shall come up. I hope this bill will have consideration, notwithstanding its length; and therefore I move, as an amendment to the motion of the Senator from Massachusetts, if it be in order, that the bill be fixed as the special order for Wednesday next, so that we may then get a vote upon it.

Mr. WILSON. I withdraw my motion.

Mr. CONNESS. Then, if it will suit the Senator from Maine, I move that this bill be made the special order for Wednesday next at one o'clock.

Mr. ANTHONY. You had better say Monday next.

Mr. CONNESS. No; we have got a special order for Monday.

Mr. WILLIAMS. I hope that this bill will not be made the special order for Wednesday, because I presume the chairman of the Committee on Finance will be ready by that time to proceed with the tax bill.

Mr. MORRILL. If he is, I will withdraw this bill.

Mr. WILLIAMS. If it is understood that this bill shall not interfere with the tax bill, I shall not object to the motion.

Mr. MORRILL. I should not expect it to interfere with that measure.

The motion was agreed to.

OBSTRUCTIONS ON MARKET SQUARE.

Mr. WADE. I now move to take up Senate resolution No. 101.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. No. 101) directing the removal of certain obstructions from the public square known as Market square, in the city of Washington. It directs the Commissioner of Public Buildings and Grounds to notify the party by whose direction obstructions, to wit, foundation and walls, were placed upon the public square near Pennsylvania avenue, known as Market square, to remove the same, and on refusal or neglect to remove them to cause them to be removed without unnecessary delay.

The joint resolution was reported to the Senate without amendment.

Mr. KIRKWOOD. What committee does this resolution come from?

Mr. WADE. The Committee on the District of Columbia.

Mr. KIRKWOOD. Does it require the removal of the market house?

Mr. WADE. No; only the incumbrances there. The market is to be removed to another place. Another site has been found where it is to be established.

Mr. KIRKWOOD. That is what is called Center market?

Mr. WADE. Yes, sir; I believe they call it Center market; but this resolution has nothing to do with the market. It merely directs the removal of the foundations that they have got there, which were unauthorized by Congress.

Mr. KIRKWOOD. I am not certain that I understand the object of this resolution. My attention was called this morning by some citizens of the District with whom I am acquainted to the matter, which I understand to be this: there has been for a good many years in this city a market house—

Mr. MORRILL. If the Senator will allow me, this resolution has no relation to the market. It relates simply to the foundations and partial walls which were attempted to be constructed on that square some two or three years ago, and which Congress at that time prohibited. This resolution simply directs the removal of those obstructions.

Mr. KIRKWOOD. I must say what I have to say about it. I understand, indeed I know, that for a great many years there has been at the corner of Seventh street and Pennsylvania avenue a market. I understand that an effort has been made to have the market removed from that site and placed upon some other site.

Mr. WADE. This has nothing to do with that question.

Mr. KIRKWOOD. What foundations are these?

Mr. WADE. They are the foundations commenced there, I believe, for a market some time ago without any authority of Congress whatever. They have no right to be there, and they are a nuisance on the square.

Mr. KIRKWOOD. Then I suppose the question is this, and it seems to me there must be something in it: I understand the people of the city attempted at one time to put up a new, good, suitable building there for a market house, and that by some act of Congress they were restrained from doing it; that the foundation that is now spoken of is the foundation commenced for that purpose; and that the object now is to remove that foundation and prevent the building of any market house upon the present site. In the mean time an effort is being made to procure the location of a market house upon another site; and this resolution must look in that direction. This is determining that the site now occupied shall not continue to be occupied for that purpose. If it is to have that effect, it seems to me we ought to consider the matter carefully. I have information that I think is correct, that in the laying out of the plat of this city originally, the ground now occupied for a market house was indicated for that purpose specially. In the original laying out of the city this ground was to be laid out for that purpose, and it is so marked upon the original plat. It has been established for

that purpose over forty years to my personal knowledge, and perhaps longer than that. Property has been purchased all round it with reference to this condition of affairs. Property constructed upon it and high to it was made more valuable because it was supposed to be the permanent location of the city market. Men invested large amounts of money for that reason. Unless this resolution be intended to affect that question, I cannot see what it can be intended for at all. I hope the matter will not be acted on hastily, but that we may be able to examine it and know what we are doing. I should be glad to have the resolution laid over until I can have time to examine it.

The PRESIDING OFFICER. Does the Senator make a motion to that effect?

Mr. KIRKWOOD. I do.

Mr. WADE. I hope no such motion will be made, or if made that it will not prevail. This whole question that the Senator makes, was foreclosed two years ago by Congress ordering this work to be stopped with a view to removing this market to a more convenient site. There is no open question on that subject, because Congress itself has already foreclosed it. This is what I suppose is really the substance of it: workmen were engaged there on this unauthorized work, and a large debt has accrued. Those workmen ought to be paid; their contracts require that they should be paid; but they are told they cannot get their pay until Congress come to the conclusion to remove it and until they should remove it; and under pretense of its not being removed after Congress has condemned it, after they have said it shall be removed, they are quibbling with their workmen and preventing their payment, because the foundation is yet suffered to remain there. Their workmen, poor men who have laid out their labor, have been praying us all the winter to do something to conclude this matter so that they can have their pay. Those who employed them are quibbling upon the idea that the foundation is there yet, and although it has been resolved that it shall be removed, it is not removed; Congress have not done the last act, and therefore they will not pay these workmen until it is done. Now, sir, we want an order by Congress that these obstructions shall be immediately removed. When that is done these poor men can get their pay; but until it is done they cannot. That is all there is of it.

Mr. KIRKWOOD. The Senator from Ohio may be perfectly familiar with this matter, and may be prepared to vote upon it, but I, unfortunately, am not. The Senator from Ohio may know perfectly well all the matter about which he speaks, but I do not, and before I am called upon to vote directly upon this resolution I think I have a right to be informed fully in regard to it. Now, the Senator says that Congress two years ago pronounced upon this matter. They did so very indirectly, if at all. I have their action here before me, and possibly if the effect of what was then done had been fully understood it would not have been done as it was done. I do not think that a measure of this kind, affecting the material interests of individuals, I do not think that a question affecting the property of men who have, by our action for forty or fifty years, been led to invest their money, and who, in consequence of our action, have invested their money, should be shuffled off in this hasty and inconsiderate way.

Some two years ago, as I understand, the city, as I before said, undertook to build upon the site of the old market house here a good building and commenced the work for that purpose. Shortly after they had commenced the work, a resolution, which I have before me, was passed by Congress. This resolution, indirectly, was held by the then Secretary of the Interior to stop that work. It does not allude to that work directly at all; but it was passed, perhaps, as this resolution would have passed here had I not called attention to it, without inquiry, without question; and it was

held by the then Secretary to be broad enough to cover the stoppage of that work. Since that time, as I am informed—I do not know that my information is correct—certain other parties have been making arrangements by which they seek to locate the market at some other place, thus increasing the value of the property adjoining that place largely, and thus decreasing the value of the property located around the existing market largely. Now, I wish to inquire and ascertain before I vote upon this resolution, whether this thing be so or not; and whether there is danger that the Senate shall be used, in its public action, to advance the private interests of one set of men and injure the private interests of another set of men without knowing what they are doing. I hope, therefore, that the Senator will allow me time to look into this matter and examine it. I will consent to have any day fixed for its consideration that the Senator may desire.

Mr. WADE. I am only anxious to dispose of this question because I think that I know that the wages of the workmen are hanging upon it, and it ought to be settled that they may get their pay; but if the Senator is not well informed on the subject, and takes a deep interest in it, of course I can do no less, so far as I am concerned, than permit him to take time to look into it, and I hope he will do it at a very early period, so as to enable us to settle the question definitely as soon as it can be done.

Mr. KIRKWOOD. If the Senator will name a day for its consideration, I will agree to it.

Mr. WADE. It is not necessary to fix a day for its consideration. As soon as you are better informed on the subject I will call it up.

Mr. TRUMBULL. I move that the Senate adjourn.

Mr. ANTHONY. I hope we shall have a short executive session, and I move that the Senate proceed to the consideration of executive business.

Mr. MORRILL. I hope the Senator will withdraw that motion. I want to call up a small bill that will take no time.

Mr. TRUMBULL. I trust the Senator will call up no more bills to-day. There is no quorum here.

Mr. ANTHONY. I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. Does the Senator from Illinois withdraw his motion?

Mr. TRUMBULL. For that purpose I do.

The PRESIDING OFFICER. Then the question is on the motion of the Senator from Rhode Island.

The motion was agreed to; and the Senate proceeded to the consideration of executive business; and after some time spent therein, the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, June 15, 1866.

The House met at twelve o'clock m. Prayer by Rev. GEORGE C. BALDWIN.

The Journal of yesterday was read and approved.

ASSAULT UPON A MEMBER.

Mr. SPALDING. I rise to a question of privilege. I submit the following preamble and resolution, upon which I demand the previous question:

Whereas it is alleged in the public press that Hon. LOVELL H. ROUSSEAU, a member of this House from the State of Kentucky, did, on the evening of Thursday, the 14th instant, commit an assault upon the person of Hon. JOSIAH B. GRINNELL, a member of this House from the State of Iowa, because of words spoken in debate in this House by the latter; and whereas said assault, if committed, was a breach of the privileges of this House and of the member assaulted: Therefore,

Resolved, That a select committee of five be appointed by the Speaker to investigate the subject, and to report the facts, with such resolution thereto as in their judgment may be proper and necessary for the vindication of the privileges of the House and

the protection of its members; and that said committee have power to send for persons and papers and to examine witnesses on oath.

Mr. JENCKES. Will the gentleman from Ohio [Mr. SPALDING] yield for a question?

Mr. SPALDING. I will hear the question, but I think the less said the better.

Mr. JENCKES. The preamble of this resolution says, "whereas it is alleged in the public press," &c. Will the gentleman from Ohio say from what newspaper he has derived his account of this transaction? I would like to know whether the resolution that he has offered was prepared upon the report of the transaction which I find in the National Intelligencer of this morning.

Mr. SPALDING. I will say to the gentleman that it was in part from the Intelligencer. I insist upon my demand for the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the preamble and resolution were agreed to.

BOUNTY TO INDIAN REGIMENTS.

Mr. BLAINE, from the Committee on Military Affairs, reported back Senate joint resolution No. 87, to provide for the payment of bounty to certain Indian regiments, with a recommendation that it pass.

The joint resolution, which was read, provides that the Secretary of War be authorized and required to cause to be paid to the enlisted men of the first, second, and third Indian regiments a bounty of \$100, under the same regulations and restrictions as now determine the payment of bounty to other volunteers in the service of the United States.

The joint resolution was ordered to a third reading, was read the third time, and passed.

Mr. BLAINE moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

WYATT H. HAMRICK.

Mr. BLAINE, by unanimous consent, reported from the Committee on Military Affairs a joint resolution providing for the settlement of the accounts of Wyatt H. Hamrick, deceased, late lieutenant and quartermaster of the thirty-ninth Ohio volunteers, which was read a first and second time.

The joint resolution provides that the proper accounting officers of the Treasury Department be directed to settle the accounts of Hamrick upon equitable terms, and upon the best evidence available.

Mr. BLAINE. Lieutenant Hamrick was killed at the assault on Fort McAllister, after having received for large amounts of property, before Sherman made his great march across the State of Georgia; and the Quartermaster General recommends that this resolution be passed in order to facilitate the settlement of his accounts.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. BLAINE moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

RAILROAD TO SALT LAKE CITY.

Mr. HENDERSON, by unanimous consent, introduced a bill granting lands to aid in the construction of a railroad and telegraph line from the Columbia river to Salt Lake City; which was read a first and second time, and referred to the Committee on the Pacific Railroad.

TIBER CREEK, WASHINGTON CITY.

Mr. LATHAM. I am instructed by the Committee on Public Buildings and Grounds to move that that committee be discharged from the further consideration of a joint resolution (H. R. No. 145) appropriating \$15,000 to aid

in completing the arch of Tiber creek through the Botanical Garden, and that the same be referred to the Committee on Appropriations.

The latter motion was agreed to.

PAYMASTERS IN THE NAVY.

Mr. DARLING. I move that, by unanimous consent, Senate bill No. 360, entitled "An act to regulate the appointment of paymasters in the Navy, and explanatory of an act for the better organization of the pay department of the Navy," be taken from the Speaker's table for consideration at the present time.

There was no objection, and the bill was read a first and second time.

It provides that the appointments to be made under the act entitled "An act to provide for the better organization of the pay department of the Navy," approved May 8, 1866, may be made from the number of acting assistant paymasters of the Navy who performed duty as acting assistant paymasters during the war, and who at the time of their appointment under this act shall not be over the age of thirty-two years.

The second section proposes to authorize the President of the United States to waive the examination of such officers in the pay department of the Navy as are on duty abroad and cannot at present be examined as required by law; provided that such examinations shall be made as soon as practicable after the return of said officers to the United States; and no officer found to be disqualified shall receive the promotion contemplated in the act referred to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. DARLING moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

PUBLIC BUILDINGS.

Mr. ALLEY, from the Committee on the Post Office and Post Roads, reported back a communication from the Postmaster General in reference to public buildings; and the same was referred to the Committee on Appropriations.

ABELARD GUTHRIE.

Mr. SCHENCK, by unanimous consent, moved that the Committee on Appropriations be discharged from the further consideration of the memorial and claim of Abelard Guthrie, and that the same be referred to the Committee of Claims.

The motion was agreed to.

SMITHSONIAN GROUNDS.

Mr. LATHAM, by unanimous consent, from the Committee on Public Buildings and Grounds, reported a joint resolution that the Commissioner of Public Buildings and Grounds be authorized to employ three additional watchmen for the Smithsonian grounds; which was read a first and second time.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. LATHAM moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

Mr. LATHAM moved that a communication on the same subject be referred to the Committee on Appropriations.

The motion was agreed to.

NEW YORK HARBOR.

Mr. RAYMOND, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of providing for the removal or destruction of the sunken wreck obstructing navigation at the entrance of New York harbor east of Sandy Hook.

The SPEAKER stated the regular order of

business to be the calling of committees for reports of a private nature.

LEAVENWORTH PUBLIC PARK.

Mr. SCHENCK, from the Committee on Military Affairs, reported back House bill No. 447, to authorize the Secretary of War to sell a portion of the Fort Leavenworth military reservation to the city of Leavenworth, in the State of Kansas, for a public park, with amendments.

The bill authorizes the Secretary of War to sell one hundred acres of the Fort Leavenworth military reservation, in the State of Kansas, to the city of Leavenworth, in said State, for the perpetual use and benefit of said city for a public park at a price at which the land adjoining thereto was appraised and sold under treaty with Delaware Indians of May 6, 1854.

First amendment:

In line four strike out the words "hundred acres" and insert "not exceeding one hundred and sixty acres in the southeastern part."

The amendment was agreed to.

Second amendment:

In line six after the word "perpetual" insert "and exclusive."

The amendment was agreed to.

Third amendment:

Strike out all after the word "park" at the end of the sixth line down to and including the word "for" in the tenth line and insert "at a price not less than \$200 per acre."

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. SCHENCK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

LEAVENWORTH HORSE RAILROAD.

Mr. SCHENCK, from the same committee, reported back House bill No. 448, to authorize the construction of a railroad through certain lands of the United States in Kansas, with amendments.

Mr. SPALDING. Is this a private bill?

Mr. SCHENCK. It is entirely private and local. It is a bill to construct a horse railroad through the military reservation at Fort Leavenworth.

The SPEAKER. It is a private bill.

The amendments reported by the committee, being verbal in their character, were agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. SCHENCK moved to reconsider the vote by which the bill was passed; and also moved to lay that motion on the table.

The latter motion was agreed to.

CATHERINE WELCH.

Mr. SCHENCK, from the Committee on Military Affairs, reported back House bill No. 486, for the relief of Catherine Welch, with a substitute and a written report.

The substitute provides that Catherine Welch, widow of the late John Welch, of company E, twenty-sixth regiment Illinois volunteers, be authorized to receive the bounty, back pay, and allowances due to said John Welch, without being required to make other or further proof of his death than that already furnished.

Mr. COOK. I call for the reading of the report.

The Clerk read the report, as follows:

The Committee on Military Affairs, to whom was referred a bill for the relief of Catherine Welch, respectfully report:

That it has been proven to their satisfaction that said Catherine Welch was the wife of John Welch, late a private in company E, twenty-sixth Illinois volunteers; that he enlisted August 2, 1861, served three years faithfully, reenlisted as a veteran, served until October 10, 1864, when he was sent to a hospital at Ronce, Georgia, suffering from a disease of the eyes, which rendered him nearly blind. In the same month he was transferred to a hospital at Nashville, Tennessee. On the way the train was attacked by guerrillas and thrown from the track; said Welch was bruised in the wreck of the cars, and in which the fight

took place between the guerrillas and the soldiers on the train he was shot through the left thigh; his comrades conveyed him to Nashville and left him in hospital November 3, 1864, since which time there is no record of any kind concerning him, either in hospital or elsewhere, nor has he been heard from by his family or friends. That a diligent search by the captain under whom he served was wholly ineffectual, no trace of him could be found after his entrance into the hospital; his back pay and bounty have never been applied for. It was also proven that said Welch was a respectable man, of good habits, and attached to his family, and that his wife and family are now in great destitution. The committee are satisfied that said John Welch is dead, and report a bill authorizing the bounty, back pay, and allowances due to him to be paid to his widow.

The substitute was agreed to; and the bill, as amended, was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. SCHENCK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

FOURTH UNITED STATES ARTILLERY.

Mr. SCHENCK, from the same committee, reported adversely on the petition of soldiers of the fourth United States artillery praying to be discharged from the service, having enlisted to serve during the war, and the same was laid on the table.

COLORADO SOLDIERS OF TENNESSEE.

Mr. SCHENCK. The Committee on Military Affairs have instructed me to report adversely on the petition of certain colored soldiers of a Tennessee regiment, asking the same bounty that is now paid to white troops, their case having been already provided for by law.

The petition was ordered to lie on the table.

JOHN B. INNES.

Mr. SCHENCK. The same committee have instructed me to report adversely on the petition of John B. Innes, and others, of New York city, praying for an equalization of bounties.

The petition was ordered to lie on the table.

JOSEPH BLICK.

Mr. SCHENCK, from the same committee, reported adversely on the petition of Joseph Blick, father of Henry Blick, of the Iowa volunteers, the case having been already provided for.

The petition was ordered to lie on the table.

CALLING OUT THE NATIONAL FORCES.

Mr. SCHENCK, from the same committee, reported adversely on the joint resolution to amend the act of March 3, 1865, in relation to calling out the national forces, so as to make it apply to a particular officer; and the same was ordered to lie on the table.

WILLIAM G. NELSON.

Mr. BLAINE, from the Committee on Military Affairs, reported a joint resolution for the relief of William G. Nelson.

The joint resolution provides that there be paid to the claimant \$1,000 for services in recruiting for the Union Army in East Tennessee during 1861 and 1862.

Mr. BLAINE. There is an accompanying report, which I ask to be read.

The report was accordingly read. It shows that Mr. Nelson made sixteen trips from East Tennessee to the rendezvous of the Union troops in Kentucky, a distance of one hundred and seventy-five miles, over rugged mountains, and piloted at each trip from one hundred to one hundred and thirty troops, and in the undertaking was subjected to great personal danger.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. BLAINE moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, informed the House that the Senate had concurred with the House in the passage of House joint resolution No. 120, to extend to the counties of Berkeley and Jefferson, of West Virginia, the provisions of the act approved July 4, 1864, entitled "An act to restrict the jurisdiction of the Court of Claims, and to provide for the payment of certain demands for quartermaster's stores and subsistence supplies furnished to the Army of the United States."

CAPTAIN A. B. DYER.

Mr. BLAINE also, from the Committee on Military Affairs, reported back, with the recommendation that it do pass, a joint resolution for the relief of Captain A. B. Dyer, upon which he demanded the previous question.

The previous question was seconded and the main question ordered.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. BLAINE moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

CHARLES M. BLAKE.

Mr. BLAINE also, from the Committee on Military Affairs, reported back, with the recommendation that it do pass, a joint resolution for the relief of Charles M. Blake, upon which he demanded the previous question.

The previous question was seconded and the main question ordered.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. BLAINE moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

ACTING ASSISTANT SURGEONS IN THE ARMY.

Mr. BLAINE also, from the Committee on Military Affairs, reported back, with the recommendation that it do not pass, bill of the House No. 608, relating to acting assistant surgeons in the United States Army.

The bill was laid on the table, and, with the report, ordered to be printed.

EDWIN CROUSE, ET AL.

On motion of Mr. KETCHAM, the Committee on Military Affairs was discharged from the further consideration of joint resolution H. R. No. 100, ordering the names of First Lieutenants Edwin Crouse, Jesse W. Dungan, and Joseph Parker, to be placed and borne upon the muster-roll of the United States; and the same was laid on the table.

JOSEPH PARKING.

Mr. KETCHAM also, from the Committee on Military Affairs, reported back, with the recommendation that it do pass, a joint resolution for the relief of Joseph Parking.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. KETCHAM moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

THIRTY-SEVENTH IOWA VOLUNTEERS.

Mr. KETCHAM also, from the Committee on Military Affairs, reported back, with the recommendation that it do not pass, bill of the House No. 18, for the relief of the members of the thirty-seventh regiment of Iowa volunteer infantry; and the same was laid upon the table.

Mr. ALLISON subsequently entered a motion to reconsider the vote by which the bill was laid upon the table.

SIGNAL CORPS OFFICERS—MOBILE BAY.

Mr. BINGHAM, from the Committee on Military Affairs, made an adverse report upon the memorial of the officers of the signal corps engaged at Mobile bay in 1864 for an amendment of the prize laws of the United States, so that they may receive a just share of the prize money awarded by the Government to officers of the Navy for the capture of the rebel war steamers Tennessee, Selma, Gaines, &c.; which was laid upon the table and ordered to be printed.

RELIEF OF VOLUNTEER OFFICERS.

Mr. SITGREAVES, from the Committee on Military Affairs, reported a bill for the relief of certain officers in the volunteer service who failed to make proper returns of stores and other public property; which was read a first and second time.

The bill provides that any company or regimental officer of volunteers in the late war who has failed to make returns of ordnance, ordnance stores, camp or garrison equipage, or other public property in his charge or possession prior to the first quarter of the year 1863, shall be exonerated from making such returns upon filing his affidavit, or making satisfactory proof, under such regulations as the Secretary of War may establish, that his failure to do so was occasioned by reason of his not receiving specific instructions, or being furnished with proper blanks, or because of the capture of the property by the enemy, its loss in transportation, or by some other unavoidable accident or circumstances, or that such property was turned over to others for use in the military service, and disposed of for the best interests of the Government, and that no part thereof was in any case applied to his private use or gain, directly or indirectly.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

PAY FOR HORSES LOST IN THE SERVICE.

Mr. SITGREAVES, from the Committee on Military Affairs, made an adverse report upon the bill (H. R. No. 74) to amend an act to pay officers and soldiers for horses lost in the service; which was laid upon the table and ordered to be printed.

PAY FOR PROPERTY DESTROYED.

Mr. SITGREAVES, from the Committee on Military Affairs, made an adverse report upon the bill (H. R. No. 190) to amend an act to provide for the payment for horses and other property destroyed in the military service of the United States, approved March 3, 1849; which was laid upon the table and ordered to be printed.

MOUNTED TROOPS OF DAKOTA.

Mr. SITGREAVES, from the Committee on Military Affairs, also made an adverse report upon a resolution referred to that committee relating to certain mounted troops of Dakota who furnished horses to the Government without compensation; which was laid upon the table and ordered to be printed.

PAY FOR USE OF HORSES, ETC.

Mr. SITGREAVES, from the Committee on Military Affairs, reported back House bill No. 156, to amend the ninth section of the act entitled "An act to increase the pay of soldiers of the United States, and for other purposes," approved June 20, 1864.

The bill was read at length. It provides for reviving, in an amended form, so much of the act approved July 2, 1861, which was repealed by the ninth section of the act of June 20, 1864, as allowed forty cents per day for the use and risk of horses and horse equipments belonging to soldiers under certain circumstances.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

EZEKIEL P. MULFORD.

Mr. SITGREAVES, from the Committee on Military Affairs, also made an adverse report upon House bill No. 254, for the benefit of Ezekiel P. Mulford; which was laid upon the table and ordered to be printed.

FONTAINE T. FOX, JR.

Mr. SITGREAVES, from the Committee on Military Affairs, reported a joint resolution for the relief of Fontaine T. Fox, jr.; which was read a first and second time.

The joint resolution was read at length. It directs the proper accounting officers of the Treasury to pay to Fontaine T. Fox, jr., late aide-de-camp to Brigadier General W. T. Ward, a sum equal to the pay and allowance of a first lieutenant and aide-de-camp, from October 18, 1861, to April 3, 1862.

The joint resolution was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

HORSES TURNED OVER TO THE GOVERNMENT.

Mr. SITGREAVES, from the Committee on Military Affairs, reported back House bill No. 540, in relation to claims for horses turned over to the Government, with an amendment.

The bill provides that the Quartermaster General shall cause the claims of officers and enlisted men for horses turned over to the Government to be speedily examined, and if satisfied that the horse or horses for which claim is made were private property actually owned and kept in the service by an officer or enlisted man of the United States Army during the late war, and were turned over to the Government in obedience to the order of a commanding officer, or were left in the service at the time of the discharge, decease, or authorized absence of the owner, and appropriated to the use of the Government, whether the horses for which payment is claimed were mustered on the company rolls or not, then to report each case to the Third Auditor of the Treasury for payment.

The amendment reported from the committee was to add the following section:

And be it further enacted, That the valuation of such horses shall be estimated according to their respective value when turned over to or appropriated by the Government, which shall in no case exceed the sum of \$200 per head.

The amendment was agreed to.

The bill, as amended, was then ordered to be engrossed and read a third time.

Mr. UPSON. I would like to understand to whom payment is to be made under this bill; and I ask that it may be again read.

The bill was again read.

The bill was passed.

Mr. SITGREAVES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LOSS OF HORSES AND EQUIPMENTS.

Mr. SITGREAVES, from the Committee on Military Affairs, submitted an adverse report upon House bill No. 659, entitled "An act amendatory of an act relating to the loss of horses and equipments in the military service of the United States;" which was laid on the table and ordered to be printed.

JOHN C. McFERRAN.

Mr. ANCONA, from the Committee on Military Affairs, reported back House bill No. 474, entitled "An act for the relief of John C. McFerran, of the United States Army," with a recommendation that it pass.

The bill, which was read, provides that the proper accounting officers of the Treasury be directed to credit John C. McFerran, of the United States Army, with the sum of \$1,265, being the amount for which as assistant commissary of subsistence he erroneously receipted to Francis F. Thomas, an assistant commissary, in excess of the amount actually paid over to him by Thomas at Santa Fé, in the Territory of New Mexico, in November, 1850.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. ANCONA moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHARLES M. STOUT.

Mr. ANCONA, from the Committee on Military Affairs, reported back House bill No. 641, entitled "An act for the relief of Charles M. Stout, late a second lieutenant in company E, seventh regiment, Pennsylvania Reserve corps."

The bill, which was read, provides that the proper accounting officers of the War Department be authorized and directed to cause to be stated the account of Charles M. Stout, late a second lieutenant of company E, seventh regiment, Pennsylvania Reserve corps, and allow him pay and allowances as such officer from the date of his appointment by general orders of General McClellan, at Harrison's Landing, Virginia, during the time he served as such, from August 1, 1862, to January 30, 1863, the time he returned again to the ranks as a private soldier; and that the amount be paid to said Stout or his legal representatives.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. ANCONA moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PILOTS IN THE NAVY.

Mr. RICE, of Massachusetts. I am directed by the Committee on Naval Affairs to move that the committee be discharged from the further consideration of a resolution of the House directing the committee to consider the expediency of counting pilots as officers in the Navy and allowing them extra pay and allowances, and to move that the same be laid on the table.

The motion was agreed to.

CAPTAIN JOHN FAUNCE.

Mr. RICE, of Massachusetts, from the Committee on Naval Affairs, made an adverse report upon joint resolution H. R. No. 42, for the relief of Captain John Faunce; which was laid on the table.

HYDROGRAPHIC OFFICE.

Mr. RICE, of Massachusetts. I am instructed by the Committee on Naval Affairs, to report back, with an amendment, Senate bill No. 74, to establish a hydrographic office in the Navy Department.

The bill, which was read, provides that there shall be a hydrographic office attached to the Bureau of Navigation, in the Navy Department, for the improvement of the means for navigating safely the vessels of the Navy and of the mercantile marine, by providing, under the authority of the Secretary of the Navy, accurate and cheap nautical charts, sailing directions, navigators, and manuals of instructions, for the use of all vessels of the United States, and for the benefit and use of navigators generally; that the Secretary of the Navy be authorized to cause to be prepared at the hydrographic office attached to the Bureau of Navigation, in the Navy Department, maps, charts, and nautical books relating to and required in navigation, and to publish and furnish them to navigators at the cost of printing and paper, and to purchase the plates and copyrights of such existing maps, charts, navigators, sailing directions, and instructions as he may consider necessary, and when he may deem it expedient to do so, and under such rules, regulations, and instructions as he may prescribe; and that the moneys which may be received from the sale of all such maps, charts, and nautical books shall be returned by the Secretary of the Navy into the Treasury of the United States, to be used in the further preparation and pub-

lication of maps, charts, navigators, and sailing directions and instructions for the use of seamen, and to be sold at the rates before set forth, and that the sum of \$15,000 be appropriated out of any moneys in the Treasury not otherwise appropriated for these objects.

Mr. SPALDING. I raise the point of order that this is not a private bill.

The SPEAKER. The Chair sustains the point of order. It is a public bill, and cannot be considered at this time.

—COMMANDER CHARLES HUNTER.

Mr. GRISWOLD, from the Committee on Naval Affairs, reported back Senate bill No. 307, authorizing the restoration of Commander Charles Hunter.

The bill authorizes the President of the United States to restore Charles Hunter, late a commander in the Navy, to the position which he held on the retired list of the Navy when dismissed therefrom.

Mr. GARFIELD. I notice, from the reading of the Clerk, that the word "States" has been omitted.

Mr. GRISWOLD. I move to insert the word "States" after the word "United."

The amendment was agreed to.

Mr. UPSON. Let the report be read.

Mr. GRISWOLD. There is no report.

Mr. UPSON. For what was Commander Hunter dismissed?

Mr. GRISWOLD. He was dismissed on the complaint of the Spanish Government for violating its territorial jurisdiction by chasing ashore on the island of Cuba the insurgent steamer General Rusk *alias* Blanche.

The bill was ordered to a third reading; and it was accordingly read the third time and passed.

ELISHA W. DUNN.

Mr. GRISWOLD, from the same committee, reported back Senate bill No. 202, for the relief of Elisha W. Dunn, a paymaster in the United States Navy.

The bill directs the proper accounting officers of the United States Treasury, in the settlement of the accounts of Elisha W. Dunn, a paymaster in the United States Navy, to receive and allow, where the proper vouchers cannot be obtained, statements verified by his oath, or such other satisfactory evidence as he may present, of all the expenditures made by him for the Government, or losses sustained by him in consequence of the destruction by fire of the money, papers, and property of the United States in charge of the said Elisha W. Dunn on board of the United States naval wharf-boat at Mound City, Illinois, at the burning of that vessel on the 1st of June, 1864.

The bill was ordered to be read a third time; and it was accordingly read the third time and passed.

Mr. GRISWOLD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

CELESTIA P. HART.

Mr. GRISWOLD, from the same committee, reported a bill for the relief of Celestia P. Hart; which was read a first and second time.

The bill provides that the Secretary of the Treasury be directed to pay to Celestia P. Hart, widow of the late Naval Constructor Samuel T. Hart, the sum of \$3,000 out of any money in the Treasury not otherwise appropriated, the same to be in full and complete compensation and satisfaction for the use of a gun-elevating screw invented by the said Samuel T. Hart and used in gun-carriages of the United States Navy.

The bill was ordered to be engrossed and read a third time, and being engrossed, it was accordingly read the third time and passed.

Mr. GRISWOLD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

CAPTAIN JOHN J. YOUNG.

Mr. ELDRIDGE, from the Committee on Naval Affairs, reported a bill for the relief of Captain John J. Young, United States Navy; which was read a first and second time.

The bill directs the Secretary of the Treasury to pay to Captain John J. Young the pay of captain on the retired list of the Navy from August 12, 1864, to 10th March, 1865, deducting therefrom all moneys which have been already paid him between the above dates.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

LIEUTENANT JOSHUA D. TODD, DECEASED.

Mr. ELDRIDGE, from the same committee, reported back Senate bill No. 57, for the relief of the heirs of Lieutenant Joshua D. Todd, late of the United States Navy, deceased, with the recommendation that it do pass.

The bill provides that the proper accounting officers of the Treasury be, and they are hereby, directed to pay to James Todd, administrator of Joshua D. Todd, late of the United States Navy, deceased, the pay of a master in the Navy of the United States, from the 17th of June, 1844, to the 10th of August, 1846, after deducting therefrom the amount already received by said Joshua D. Todd, deceased, as passed midshipman during said period, and the said sum shall be paid out of any money in the Treasury not otherwise appropriated.

The bill was ordered to be read a third time; and it was accordingly read the third time and passed.

JOHN K. HICKEY.

Mr. DARLING, from the Committee on Naval Affairs, reported adversely upon House bill No. 507, for the relief of John K. Hickey, acting assistant engineer United States Navy; and the same was laid upon the table.

J. JUDSON BARCLAY.

Mr. BANKS, from the Committee on Foreign Affairs, reported a bill for the relief of J. Judson Barclay; which was read a first and second time.

The bill was read. It authorizes the payment to J. Judson Barclay, consul at Cyprus, of the sum of \$3,000, the amount paid by him for expenses of his consulate.

Mr. BANKS. I call for the reading of the report.

The report was read. It states that Mr. Barclay paid out of his own funds \$500 a year for six years past for guard hire and other services indispensable to his office, which expenses, in other consulates in the East, are borne by the Government.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. BANKS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

WILLIAM A. WEST.

Mr. BEAMAN, from the Committee on Territories, reported back House joint resolution authorizing the Secretary of the Interior to settle the accounts of William A. West as marshal of the Territory of Nebraska, with a substitute.

The substitute was read. It authorizes the proper accounting officers of the Treasury to reexamine and adjust the accounts of William A. West as marshal of the United States for the Territory of Nebraska, and allow him such sum as he may adjudge justly due for necessary expenditures made by him for rent of court-room, furniture, stationery, and fuel, at a fair and reasonable value, heretofore properly rejected by the accounting officer under existing laws because not sanctioned by said Secretary before the expenditure was made; provided that nothing in this joint resolution shall be construed as repealing or modifying the provisions of existing laws touching the duty and

liability of marshals, and that the accounting officers shall adjust the accounts in all other respects by the same rules as like accounts of other marshals are adjusted.

The substitute was agreed to; and the joint resolution, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. BEAMAN moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UNITED STATES COURTS IN MONTANA.

Mr. STROUSE, from the Committee on Territories, reported back House bill No. 203, to regulate the fees of officers of the United States courts in the Territory of Montana, with a recommendation that it do pass.

The bill was read. It provides that the fees and emoluments of United States district courts in the Territory of Montana shall hereafter be the same as are now allowed to such officers in the States of Oregon and Nevada.

Mr. SPALDING. I raise the point of order that this is not a private bill.

The SPEAKER. The Chair sustains the point of order. It is a public bill, covering the whole Territory of Montana.

ORDER OF BUSINESS.

The SPEAKER called the Committee on Invalid Pensions for reports.

Mr. PERHAM. How much is there left of the morning hour?

The SPEAKER. Three minutes.

Mr. PERHAM. I ask unanimous consent that the Committee on Invalid Pensions be entitled to the next two morning hours.

The SPEAKER. Is there objection? The Chair hears none; and the committee will be entitled to the next two morning hours.

MARY A. M'MANUS.

Mr. BENJAMIN, from the Committee on Invalid Pensions, reported a bill granting a pension to Mrs. Mary A. McManus, widow of Captain Andrew McManus, late captain of the sixty-ninth Pennsylvania volunteer infantry.

The bill was read. It allows a pension at the rate of twenty dollars a month.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. BENJAMIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider do lie on the table.

The latter motion was agreed to.

SAMUEL DOMINICA.

Mr. BENJAMIN, from the same committee, reported adversely on House bill No. 534, for the relief of Samuel Dominica; which was laid on the table.

CONSTITUTIONAL AMENDMENT.

The morning hour having expired,

Mr. BINGHAM. I ask unanimous consent to introduce the following concurrent resolution relative to the constitutional amendment:

Resolved by the House of Representatives, (the Senate concurring), That the President of the United States be requested to transmit forthwith to the Executives of these several States of the United States copies of the article of amendment proposed by Congress to the State Legislatures to amend the Constitution of the United States, passed June 13, 1866, respecting citizenship, the basis of representation, disqualification for office, the validity of the public debt of the United States, &c., to the end that the said States may proceed to act upon the said article of amendment, and that he request the Executives of the States that may receive the said amendment to transmit to the Secretary of State certified copies of such ratification.

Mr. LE BLOND. Does that resolution come in by unanimous consent?

The SPEAKER. The gentleman from Ohio asked unanimous consent to introduce it.

Mr. LE BLOND. And unanimous consent has not been given. I will state to the gentleman that the resolution is wrong on its face. It requires the Executive to immediately send

copies of the proposed constitutional amendment to the different States, before the time allowed for the Executive to approve or reject this amendment has elapsed.

I am told by gentlemen here that the Executive is not required to sign this constitutional amendment.

Mr. RANDALL, of Pennsylvania. I rise to a point of order. I desire to know whether there is anything properly before the House.

The SPEAKER. If the gentleman from Ohio [Mr. BINGHAM] states that he reports this from the committee on reconstruction, of which he is a member, then it is before the House.

Mr. LE BLOND. I understand that the Constitution provides that all bills and joint resolutions shall be sent to the Executive for his approval or rejection, and that no exception is made in regard to a constitutional amendment; and the practice has been to submit constitutional amendments to the Executive.

Mr. BINGHAM. Will the gentleman say when?

Mr. LE BLOND. Under the administration of Mr. Buchanan there was a constitutional amendment submitted to the Executive and was approved by him. And during the administration of Mr. Lincoln there was also a constitutional amendment passed and submitted to the Executive for approval.

Mr. BINGHAM. I would ask the gentleman whether he is aware of the fact that the twelve constitutional amendments reported by the First Congress of the United States were never submitted to or approved by the President.

Mr. LE BLOND. I am aware that in the early history of this country the record shows nothing upon the subject. That is the truth about it; it does not show that they were approved or rejected, or that they went to the Executive or did not go. But it is a fact, and the gentleman cannot escape it, that the Constitution makes no exception in the matter whatever.

Now, what objection is there to changing this resolution so that it shall require, in the event that the Executive shall approve the constitutional amendment, that he shall send copies of the same to the Governors of the States? I hold that the Constitution is explicit upon the subject, and that while it requires a two-thirds vote upon a proposed constitutional amendment, it does not become effective until it has the approval of the President.

As the object of this resolution is to avoid another veto from the Executive, I shall object to its introduction at this time, and when it comes in—

Mr. BINGHAM. If the gentleman objects why does he argue it?

The SPEAKER. If the gentleman from Ohio [Mr. LE BLOND] makes the point of order, as the Chair understands he does, that the amendment must be submitted to the President—

Mr. LE BLOND. I do not raise that point.

Mr. BINGHAM. What point, then, does the gentleman raise?

Mr. LE BLOND. I intend to raise the point when it does come before the House.

The SPEAKER. The Chair understands the gentleman from Ohio [Mr. LE BLOND] as having raised the point of order on the specific grounds stated by him. The argument that he has made is based upon the objection, and the Chair holds that the objection, if based on those grounds, is not good. The Chair has the authority of the Supreme Court of the United States for his decision, and supposing that the question would come up he has procured the authority, and now has it before him.

Mr. JOHNSON. The Supreme Court never decided a question of order in this House.

The SPEAKER. The gentleman from Pennsylvania certainly does not understand the decision of the Chair or he would not have made the remark.

The question was raised distinctly in 1803, in the Senate of the United States, on a motion

that the then proposed amendment should be submitted to the President:

"On motion that the Committee on Enrolled Bills be directed to present to the President of the United States for his approbation the resolution which has been passed by both Houses of Congress proposing to the consideration of the State Legislatures an amendment to the Constitution of the United States respecting the mode of electing President and Vice President thereof, it was passed in the negative—yeas 7, nays 23."

On a distinct vote of 23 to 7, the Senate voted that the Committee on Enrolled Bills should not present the proposed amendment to the President of the United States for his approval, and it was not presented to or approved by him.

In 1798 a case arose in the Supreme Court of the United States, depending upon the amendment to the Constitution proposed in 1794, and the counsel in argument before the court insisted that the amendment was not valid, not having been approved by the President of the United States. The Attorney General, Mr. Lee, in reply to this argument said:

"Has not the same course been pursued relative to all other amendments that have been adopted? And the case of amendments is evidently a substantive act, unconnected with the ordinary business of legislation, and not within the policy or terms of investing the President with a qualified negative on the acts and resolutions of Congress."

The court, speaking through Chase, Justice, observes:

"There can surely be no necessity to answer that argument. The negative of the President applies only to the ordinary cases of legislation. He has nothing to do with the proposition or adoption of amendments to the Constitution."

And the court would not hear an argument from the Attorney General on the point, it was so clear.

The Chair has still another authority. During the last Congress a proposition of amendment to the Constitution was submitted to the President of the United States, Mr. Lincoln. It was sent back by him with the remark that he thought he had no right to sign it officially, but inasmuch as it was presented to him he would sign it.

Thereupon the following resolution was submitted to the Senate by the chairman of the Judiciary Committee of that body, [Mr. TRUMBULL:]

"Resolved, That the article of amendment proposed by Congress to be added to the Constitution of the United States, respecting the extinction of slavery therein, having been inadvertently presented to the President for his approval, it is hereby declared that such approval was unnecessary to give effect to the action of Congress in proposing said amendment, inconsistent with the former practice in reference to all amendments to the Constitution heretofore adopted, and being inadvertently done, should not constitute a precedent for the future; and the Secretary is hereby instructed not to communicate the notice of the approval of said proposed amendment by the President to the House of Representatives."

Upon that resolution Senator REVERDY JOHNSON said:

"Now, the proposition is that no proposal by Congress of an amendment to the Constitution, although receiving the support of two thirds of both Houses of Congress, is to be submitted to the States unless the President shall approve it. That is not the case in relation to the other mode of proposing amendments. There being two modes, and stated in the alternative, the other mode is:

"Or on the application of the Legislatures of two thirds of the several States."

What are Congress to do then? Suppose two thirds of the States propose amendments, has the President anything to do with that? All will admit that he has not. Has Congress anything to do with that? All will admit that their single duty then is an imperative duty to call a convention. So that the whole object of the clause, as it seems to me, is merely to begin a mode by which the people shall have an opportunity of deciding whether the Constitution shall be amended or not. But when, as is stated by the honorable chairman of the Judiciary Committee, every amendment which has been adopted has been submitted to the States without having been approved by the President, and when the Supreme Court, at a time when it stood as high as it has ever stood at any time since its organization, refused even to hear an argument on the subject, supposing it to be too clear for discussion, it would seem to me that we ought to consider the question as settled."

And such was the decision of the Senate, which adopted the resolution of Mr. TRUMBULL, without a division or even a call of the yeas and nays.

The Chair will state in response to the remark of the gentleman from Pennsylvania, [Mr. JOHNSON,] that this is a parliamentary

point. It is a question as to whether the Committee on Enrolled Bills of this House, where the joint resolution proposing the amendment in question originated, should present the same to the President for his signature. And the Chair has decided that such a course of proceeding is not in accordance with the Constitution and the uniform usage heretofore, except in the single case of the last Congress, when the proposed amendment abolishing slavery was submitted by inadvertence to President Lincoln for his signature. Therefore an objection based specifically on that ground could not be tacitly allowed by the Chair as correct, and is not a valid objection to the consideration of this concurrent resolution at this time.

Mr. LE BLOND. With all deference to the opinion of the Chair, and the authorities he has cited, I desire to say that the question the Chair has presented is entirely a new one, but not the one I made. The objection I make is to the reception of the resolution at this time.

Mr. BINGHAM. Then I object to the gentleman's discussing the resolution. And I give notice that I will introduce it on Monday next under a suspension of the rules.

Mr. JOHNSON. I desire to be heard a moment in reply to the speech of the Speaker.

Mr. ALLISON. I object.

JONATHAN BALL.

Mr. WENTWORTH. I call for the regular order.

The House, agreeably to order, resumed the consideration of House bill No. 550, for the relief of Jonathan Ball.

Mr. MYERS. When this bill was under consideration on last Wednesday, I withdrew my demand for the previous question in order that several gentlemen might be heard. I propose now to renew the demand for the previous question. If it shall be seconded, I will yield for any interrogatory which any gentleman may desire to propound.

Mr. DAWES. I do not desire, Mr. Speaker, to enter anew into the discussion of this bill at this time; but I wish to ascertain whether the gentleman from Pennsylvania [Mr. MYERS] will not consent to a postponement of the bill for a few days. The gentleman seems to think that I was mistaken in certain statements which I made to the House the other day; and what I desire is an opportunity either to convince him that I was right or to say to the House that I was wrong. I am quite confident that I was correct in those statements; but if the gentleman will consent to the postponement of the bill for a few days, I shall be in possession of evidence which will show that either he is mistaken or I am in reference to the facts of this case.

Mr. MYERS. I must decline to yield—

Mr. DAWES. I submit to the gentleman that there is nothing so pressing in the character of the case as to render it absolutely necessary to urge the House to vote upon it at this time—

Mr. MYERS. I must interrupt the gentleman. I have already said that if the previous question be seconded I will yield for any interrogatory. I now insist upon the demand for the previous question.

Mr. DAWES. The gentleman will allow me to make a single remark. He does not appear to appreciate the suggestion which I make. I suggest to him that there does not appear to be any necessity for insisting upon the previous question at this time; that there is in the nature of the bill nothing requiring that we should vote upon it to-day. I simply ask the gentleman to consent to the postponement of the consideration of the bill till next week, when I flatter myself I shall be able to convince the House, beyond the peradventure of a doubt, that the statements which I have made with reference to the character of this patent, and its fruits during the twenty-one years of its continuance, are entirely correct.

Mr. WRIGHT. I desire to make an inquiry of the gentleman from Massachusetts.

The SPEAKER. Does the gentleman from Pennsylvania [Mr. MYERS] yield the floor? If so, to whom?

Mr. MYERS. I have demanded the previous question, and I decline to yield at present to any one.

On seconding the demand for the previous question there were—ayes 21, noes 55; no quorum voting.

Mr. MYERS. I withdraw for the present the demand for the previous question, and will make a brief statement, which I think will be satisfactory to the House.

Mr. Speaker, when this question was before the House the other day, my friend from Massachusetts [Mr. DAWES] occupied a considerable portion of time, yielded to him by me, in a statement that I was mistaken in saying that this bill had passed the Senate in the last Congress, had come to this House, had been unanimously reported upon favorably by the Committee on Patents of this House, and only failed here for lack of time. That gentleman then took it upon himself to say that the bill had been considered in the House, and after a full and fair discussion had been voted down. That is a mistake; and the gentleman does not need any time to send to private parties in Massachusetts to learn whether that was a mistake, because the Globe shows that just what I stated is true; that the bill was reported in this House on the last night of the session by the chairman of the Committee on Patents, and the gentleman from Massachusetts objected to its consideration.

Yet the gentleman endeavors here to-day, as he endeavored the other day, to create a prejudice against the bill by asking time, when he has had plenty of time, and stating that he can obtain evidence perhaps in a week that I was mistaken. The Globe will show what I state to be true, that on the last night of the session the bill was reported; that consent was asked for its consideration; that because of the gentleman's objection it went over; and Congress adjourned without reaching the bill.

Now, Mr. Speaker, I will occupy but a few moments more in the discussion of the merits of this bill; and I call the attention of every member to the statement which I am about to make.

Sir, during three sessions of Congress the Committee on Patents have reported favorably on only three bills. It is usual to attach some importance to the report of a committee, even if it be only the report of a majority of the committee; but here you have a unanimous report in favor of this bill; a committee, as I have said, and I take credit to the committee for it, that during three sessions of Congress has in similar cases only reported favorably on three of them. I conceive this to be a fact which ought to commend the bill at once to the attention of the House.

The ordinary life of a patent, until a late act, was fourteen years. When, however, it was found that a patent was new and useful, and the inventor had not, in the opinion of the Commissioner of Patents, received sufficient compensation, it has been customary, and such, indeed, is the law, for the Commissioner to grant an extension for seven years. It is in rare cases Congress is called upon to act, or rather that the Commissioner of Patents is called upon to act favorably in reference to a further extension. And it should be of rare occurrence.

Now, it is proved that this patent has not had its full life before the public, and, although it was highly beneficial, still it was eleven years before it came fairly before the public, so great was the prejudice against it. At first, so great was the prejudice against it, parties had to give bonds, running from five to twenty years, against loss in its use. The prejudice was strong in favor of the old iron water-pipes and against this patented article. I understand the constituents of the gentleman from New York on my left had to give a bond running for twenty-five years before he could lay it down.

The House will readily perceive that these

water-pipes had to lie in the ground for years before the public could be entirely satisfied in reference to their merits. The committee had before it pipes which had lain in the ground for thirteen years, and which when taken up were found to be in as perfect condition as when put down. It has also had before it cast-iron pipes which had been ten years in the ground at the Boston water-works, and the evidence was incontrovertible that these old iron pipes were not fit for public use, if not injurious to the public health. It was found that by means of the cement in these patented pipes corrosion, incrustation, and diminution of the capacity of water-pipes were prevented. It is an invention of great public benefit, but it was a long time before its merits were made known so that the patentee could take advantage of his patent.

That, sir, is the whole case. The Senate committee reported favorably on it, and it passed the Senate. It came to this House, and has met the unanimous approval of the Committee on Patents. There is no objection to it except from one man, perhaps the one referred to by the gentleman from Massachusetts, who came before us and endeavored to show that this was not an original invention, but that some other was. The question of originality was not one for Congress, and we said he could go before the courts to test the question which was original and which was not. We had nothing to do with that, our business being with this application.

Why, sir, it has been shown that this inventor has not made any more out of this patent during its whole life than might be made out of one contract. It was our duty, therefore, to see that this man was properly recompensed. The public generally desire that he should have this measure of justice. Although public notice has been given, no objection has been made to this extension except the one to which I have referred.

This pipe has only been laid in thirty-three towns. It will be of immense service if this inventor be allowed to put it down in other places.

I think the reasons I have given are sufficient. I will yield now to the chairman of the committee.

Mr. JENCKES. The gentleman from Pennsylvania has remarked the Committee on Patents have made but few reports in favor of the extension of expired patents. The cases brought to their attention are necessarily exceptional, and this, as the committee has determined, is one of the most remarkable exceptions. This man invented a mode of manufacturing pipes for the introduction of water into towns and cities. He came into competition with the article already in the market and the public were unwilling to take hold of it unless it was guaranteed to do good service for twenty years. The ordinary life of a patent is fourteen years, and, with an extension, twenty-one years, as in this case. The parties who manufactured this pipe were required to give the purchasers bonds that it would exist in good condition for twenty years.

It seemed to us very much like a case where a man invents something by which human life could be prolonged for a hundred years. His patent for fourteen years was of very little service, because no one would purchase an article which required so many years to test it.

We have reported in favor of this, that this inventor may go to the Commissioner of Patents, and if he can make out the case that he made out at the termination of his original term of fourteen years, that he had not received the compensation to which he was entitled, the Commissioner shall grant him a further extension of his time.

One word now to the gentleman from Massachusetts, [Mr. DAWES.] The committee gave notice last Congress to all who wished to come in and contest the question, and show why this bill should not be favorably reported. But one person came. I presume the person that the gentleman represents, and upon inter-

rogation he admitted that he was an infringer on this man's invention and that he knew he was an infringer, and that if the patent was extended he would have to pay license or royalty. That was the only ground on which he wished the committee to report against the extension. He said that he could contest the validity of the invention, but the references he gave us were so ridiculous that when reviewed in his presence he withdrew it as too frivolous a plea to stand.

Mr. MYERS. I yield now to the gentleman from New York, [Mr. TAYLOR.]

Mr. TAYLOR. I desire to ask the gentleman if he claims that the inventor of this patent has been a loser by it.

Mr. MYERS. The report in the case is very full, but I will now state that we found that he has not been sufficiently compensated, but on the contrary very poorly compensated.

Mr. TAYLOR. The report seems to be very frank. It says that he has received \$20,481.

Mr. MYERS. Read the balance of the paragraph.

Mr. TAYLOR. I will do so. It is as follows: "And allowing \$1,000 the year for the last seven years for his expenses in traveling, and services in and about his interest," &c., "he has only about thirteen thousand dollars left for all he has realized from his patent."

Mr. MYERS. Only \$13,000.

Mr. TAYLOR. I should think he had been very fairly compensated, and that is a very frank acknowledgment on his part.

LEAVE OF ABSENCE.

Mr. WARD. I desire to ask leave of absence for Mr. ROUSSEAU for one week.

No objection was made, and the leave of absence was granted.

SELECT COMMITTEE APPOINTED.

The SPEAKER announced that he had appointed as the select committee on the assault on Hon. JOSIAH B. GRINNELL the following gentlemen: Messrs. REFUS P. SPALDING of Ohio, NATHANIEL P. BANKS of Massachusetts, JOHN HOGAN of Missouri, HENRY J. RAYMOND of New York, and JAMES K. MOORHEAD of Pennsylvania.

JONATHAN BALL—AGAIN.

Mr. JOHNSON. This case was before the Committee on Patents during the Thirty-Seventh Congress, when I was upon the Committee on Patents. I had great doubts whether there was any merit in the claim, and it struck me then that it ought not to be reported favorably upon, for this reason: that this improvement in the material of these water-pipes of twenty years' standing was not one that appealed favorably to Congress to give the control of it to one party.

The great argument in favor of the bill is that the patentee was unable to satisfy the public of the usefulness of his invention, and therefore could not make as much money as he expected. Why, sir, he had as much trouble in satisfying the committee as he had the public at large, and therefore the claim went overboard.

Mr. RANDALL, of Pennsylvania. I think this claimant is at least entitled to a vote. He is of age, for he has been here twenty-one years. [Laughter.]

Mr. DAWES. I again appeal to the gentleman from Pennsylvania [Mr. MYERS] to allow me to make a motion to postpone the further consideration of this bill for one week.

Mr. MYERS. The gentleman appeals to me to permit a postponement of the bill for one week. Let me say that this bill has been upon the Calendar for two months. The gentleman only asks its postponement in order that he may verify some of the statements which he made the other day. I have taken upon myself to contradict those statements, in so far as they refer to the fact of this question being acted upon in the House before. Sir, the Globe will show that this House never did act

on this question, either in the last Congress or in any other Congress. They never voted on the merits. They never voted, either for this bill or against it. This is the first time it has been before the House for action. I prefer, therefore, that it should not be postponed. I think that these parties are entitled to action, without being required to wait to see if, peradventure, the gentleman from Massachusetts can bring up anything against this just claim.

Mr. DAWES. The gentleman from Pennsylvania seems to think that I want time to show what was done in the last House upon this question. Sir, that is a matter of the smallest possible consequence. I stated to the House the other day that this bill was voted down in the last House. The gentleman says that it was not brought up. That is the only difference between him and myself. The fact is that the bill was brought up by the gentleman from Rhode Island [Mr. JENCKES] on the last night but one of the session. He asked unanimous consent to report it, and I objected. He then asked a vote of the House on a motion to suspend the rules to enable him to report it, and the House refused to suspend the rules.

Mr. JENCKES. The House refused to suspend the rules, and came to no vote upon the bill.

Mr. DAWES. I will not enter further into that question. If my friend from Pennsylvania [Mr. MYERS] refuses to postpone the bill, he will drive me into a discussion of its merits very much against my will; for the reason that if it be postponed I think I can show the House that the owner of this patent has been remunerated, and very largely remunerated, by the use of it for twenty-one years.

The gentleman from Rhode Island [Mr. JENCKES] has referred to the party whom I represent here. Now, I wish to be entirely frank about this matter. There is a large interest growing up in my district that has been paying a "royalty" to this patentee during the whole existence of the patent. There is a similar interest growing up in the district of one of my colleagues and there is a similar interest springing up in the western country. I represent my constituents, and them solely. They have never been here nor have they said one word upon this subject. No constituent of mine has ever been within the District of Columbia to lobby in relation to this matter. The gentleman has had somebody from New York before his committee in relation to it. What I know upon this point I know from my constituents at home.

I have stated to the gentleman that if he will give me a week, I will bring evidence to show that this bill ought not to pass; no evil can arise out of that delay. But the gentleman declines to submit to a postponement, and I am therefore compelled to go into the merits of the case. I ask the House to look at the report. The report shows, and I ask the House to notice it, that the only reason for giving an extension of this patent is, that the owner of the patent has not received a fair remuneration. The committee state that this Mr. Jonathan Ball has received for his patent, in all, only \$20,431.

Well, Mr. Speaker, I have no doubt that is a correct statement; and that is all that he has received; but he leaves out two very important items, and I wish to call the attention of the House to them. He says that he formed a combination with certain individuals, and held stock in corporations thus formed; and he says that he sold out all his stock in the company thus formed but ten and a half shares; and that all he has realized, both from the sale of the said stock and his own operations with his patent, is \$20,431.

Let me read his statement:

"That Mr. Ball has sold all of his stock in the company except ten and a half shares, worth eighty per cent., \$810, which, with all he has realized, both from the sale of his said stock and his own operations under his patent, amounts to only \$20,431."

That leaves unaccounted for two very important items, namely, all the dividends he

ever received from his stock, and also all that the owners of the other three fourths of the patent have received from the patent. This Jonathan Ball divides his patent into four parts, and for the one quarter of the patent which he reserved for himself he has received, aside from dividends, over \$20,000. The other three fourths of the patent are not accounted for. Now, if one quarter of the patent has realized \$20,000, I do not think it will require much argument or calculation to show that four fourths must have realized \$80,000.

Mr. MYERS. I would inquire how much of my hour there is left.

The SPEAKER. Twenty-four minutes.

Mr. DAWES. I think I ought to be allowed time to thoroughly discuss this matter. I begged the gentleman to allow this subject to be postponed; but he will neither consent to the postponement nor permit me time to explain the bill.

Mr. WRIGHT. I would ask the gentleman from Massachusetts [Mr. DAWES] why he desires to have this bill postponed?

Mr. DAWES. I have already stated to the House that if I had time I would bring forward ample proof that the patent in question had realized a fortune.

Mr. MYERS. I will allow the gentleman twenty minutes more of my time.

Mr. DAWES. I prefer to take my seat and appeal to the House to allow me the floor in my own right.

Mr. MYERS. In order that this matter may be disposed of at this time by the House, and not be postponed and take up another hour or two, as we know all the facts now, I will yield to the gentleman. I am perfectly prepared to meet the case now on its merits.

The SPEAKER. If the gentleman from Pennsylvania [Mr. MYERS] surrenders the remainder of his time—as he has had two hours upon this bill—as soon as his hour expires the Chair will recognize some member opposed to the bill as entitled to the floor in his own right.

Mr. MYERS. I will yield to the gentleman all the remainder of my time but five minutes.

Mr. DAWES. How much time will that be?

The SPEAKER. The gentleman from Pennsylvania [Mr. MYERS] has twenty-four minutes of his hour still remaining.

Mr. DAWES. I am obliged to the gentleman from Pennsylvania for yielding to me. I have explained that this paper shows that one fourth of this patent has yielded over \$20,000. I understand the answer to that is, that the sum mentioned was all that Jonathan Ball has received. But the patent has yielded so much, of which three fourths have gone to the corporation.

But there is something further. We have this very Congress exempted this pipe from the internal revenue tax. And why? Because it had become free to the public by reason of the expiration of the patent, and men have engaged in the manufacture of it all over the country. And now what does this corporation ask? That the whole monopoly of the manufacture of this pipe shall be put into their hands for seven years longer; for this bill, if passed, would be equivalent to an enactment to that effect.

It is said that this is solely for the benefit of Jonathan Ball, without reference to his assignees. Well, sir, if it is to be for the benefit of Jonathan Ball, it is either with or without the consent of the corporation to whom he conveyed three fourths of his patent. Now, I am prepared to show that he transferred this patent with all renewals to this corporation; and, therefore, the moment you grant this extension to Jonathan Ball, it inures to the benefit of this corporation. But I do not care for that.

If this extension is to be given to Jonathan Ball alone, with the consent of the corporation, it is because Jonathan Ball and the corporation understand each other, and the moment the patent is granted all the rest of the world will understand it; too, when they are

compelled to pay royalty to this corporation through the name of Jonathan Ball. If it is done without the consent of this corporation, then it comes to this, that after Jonathan Ball has sold three fourths of his patent, of his right to this manufacture under the law, which the world knew would expire in twenty-one years, when they would have the use of it as freely as they have the right to breathe, it is proposed to cut off their right to it and give the monopoly for seven years longer to Jonathan Ball.

Now, as I have said in reference to my constituents, and as I happen to know in reference to the constituents of one of my colleagues, and also two or three other establishments in the western country, they have gone into the manufacture of this pipe. But it is said that it is proposed here to save their rights. What sort of rights? Simply to protect them in what they have done between the expiration of the patent and the date of its renewal. That means that when this patent comes to be renewed every establishment in the land engaged in this manufacture, which was lawful when they put their capital into it, must close their doors until they can make terms with this corporation in New Jersey, in the name of Jonathan Ball. Every manufacturing establishment in the country which has invested capital in this work, knowing that the law of the land made it free to them from last December, at the date of the renewal of this patent must close its doors and make such terms as it can with this corporation or with Jonathan Ball. Now, as I have said, we at this very session took the internal revenue tax from this pipe for the benefit of the consumer, and not for the benefit of this corporation.

Now, if time be allowed, it will be easy to show the correctness of all I have stated here. I only asked time of this House that I might assure myself that I had made no misstatement to the House. It was not that I had any doubt myself, because the letters which I have received from my constituents, and which others here have received from theirs, leave me no room to doubt.

Now, I submit that there is a principle involved in this question which should arrest the attention of this House: that is, after we have given a monopoly of this patent to Jonathan Ball and his assignees for twenty-one years, and compelled the public to pay royalty to them, and the wise and sound policy of the Government is to stimulate and encourage enterprise and the investment of capital in all undertakings that will contribute to the advancement of the interests of the country, whether we will spring a trap like this upon all such enterprise, and confer a monopoly like this for seven years longer. I trust the House will not consent to it.

Mr. MYERS. If the gentleman from Massachusetts [Mr. DAWES] had added to his remarks that he trusted that hereafter there would be no Committee on Patents in either House of Congress, perhaps the members of that committee, if not the public, would have been obliged to him.

I have listened to the gentleman attentively; I have given him all the time he desired, and what he said at the end of that time is just what he said at the beginning, and amounts to nothing as an argument against this patent. The statements reported by the committee have not been controverted, that this patent has not had a full existence before the public; that this is an exceptional case; that no matter what may have been the case before, if this extension is given it will be for the sole benefit of Jonathan Ball; that this inventor is a public benefactor and has not been rewarded properly.

Now, if this House could see the samples presented to the Committee on Patents, the one a specimen of the old iron pipe, taken up after a few years all incrustated with rust and dangerous to health, the other a sample of the patented pipe taken up after thirteen years in good condition; if they could hear the affidavits

before us that this article did not get into public use generally during the existence of the patent; that up to this time but thirty-three towns and villages in the United States have been induced to use it and the public now desire to use it—if they had all that before them, I think they would vote to sustain the committee, as I hope they will now.

The objection amounts to this: a gentleman appeared before the committee who claimed that he had a better right to the patent. We thought he ought to try that fact, and we referred him to the courts. It is no argument against this bill to say that this or that company has entered into this business. But if there be such we guard their rights, while we say to this public benefactor that as the public did not appreciate his invention at first, that years had to expire before its merits could be tested, he shall have the benefit of his great invention for seven years longer, and so far as our votes go he shall have the chance for compensation the law originally intended he should have.

I now yield to the gentleman from New York, [Mr. DAVIS,] with the understanding that when he shall have concluded his remarks he will renew the call for the previous question.

Mr. DAVIS. I will do so.

Mr. Speaker, it appears to me that the report of the Committee on Patents is liable to one prominent objection. I am willing to do whatever is just and necessary for the protection and encouragement of inventive genius; but where the inventor, from the nature of his invention or from carelessness, suffers his patent to expire so that the right to use it becomes public property, I think we should never grant to any such inventor any extension whatever without fully and completely guarding all the rights of those who may have engaged in the manufacture of the article after the patent had expired.

By reference to the bill I find the following proviso:

Provided, That nothing herein contained shall be so construed as to hold responsible any persons who may have made or used said invention between the expiration of the patent and the approval of this act.

Now, when did this patent expire?

Mr. DAVES. It expired in December last.

Mr. DAVIS. Persons have engaged in the manufacture of this article; as soon as the patent expired men embarked their capital in the manufacture of these water-pipes, and there is in this bill no greater protection afforded to their interests than that which I have just read. The moment the patent expired it became public property. Capital was invited under the law to invest in the manufacture. This Congress, therefore, has no right to say to those who embarked their capital in it that they shall be subject hereafter to this proposed heavy tax. Congress has no right to say to those who have engaged in this manufacture that they shall immediately stop operations or agree to the terms dictated by the parties for whose benefit this bill is passed. I believe in no such legislation as that.

I do not know that I have anything further to say, except to refer to the fact that we are all aware inventors as a general thing secure the full benefit of their inventions, as they generally sell out to others. Such is the history of inventive genius. In this case, the party having secured his patent under the laws of the United States, parted with three fourths of his interest in it, and therefore this legislation is mainly for the benefit of his associates. I now, as I promised to do, call for the previous question.

Mr. DAVES moved that the whole subject be laid upon the table.

The House divided; and there were—ayes 73, noes 28.

Mr. MYERS demanded the yeas and nays. The yeas and nays were not ordered.

So the motion was agreed to.

Mr. DAVES moved to reconsider the vote by which the whole subject was laid upon the table; and also moved that the motion to reconsider be laid upon the table.

Mr. MYERS demanded the yeas and nays. The yeas and nays were not ordered. The latter motion was agreed to.

ENROLLED JOINT RESOLUTION.

Mr. TROWBRIDGE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution H. R. No. 143, making an appropriation for the repair of the Potomac bridge; when the Speaker signed the same.

RECONSTRUCTION.

The House then resumed, as the special order, the consideration of bill of the House No. 543, to restore to the States lately in rebellion their full political rights, upon which Mr. RAYMOND was entitled to the floor.

Mr. RAYMOND. Mr. Speaker, I understand there are one or two other gentlemen who desire to be heard on this subject at this time, and as it will suit my convenience better, and I presume that of the House as well, to say what I have to say on Monday next. I yield the floor for the present; and I hope it will be the understanding the subject shall go over until Monday next, when I shall have the floor. I suppose to-morrow will be devoted to general debate on the President's message. I make that motion now.

Mr. BINGHAM. Let the discussion of this bill go on to-morrow.

Mr. RAYMOND. I prefer myself to speak on Monday instead of to-morrow.

The SPEAKER. Several gentlemen desire to be heard as in Committee of the Whole on the President's message. The gentleman from Indiana [Mr. JULIAN] is entitled to the floor if to-morrow be set apart for general debate.

Mr. RAYMOND. I understand that according to the usage, members who speak to-morrow can address themselves to any subject they choose. I move that to-morrow be set apart for that purpose.

Mr. ORTH obtained the floor.

The SPEAKER. The Chair will state that if the consideration of this bill is not finished on Monday after the morning hour, it will then come in behind the Army bill, which, by unanimous consent, is made the special order for Tuesday, and every day thereafter until disposed of.

Mr. RAYMOND. If it is necessary I will move that this bill be considered on Monday, and that it retain its place as the special order.

The SPEAKER. It will remain the special order, only if the debate is not concluded upon it it will then come in behind the Army bill, as that will come up on Tuesday to the exclusion of all other business.

Mr. ORTH. I yield to the gentleman from New York, [Mr. HALE,] who desires to offer an amendment.

Mr. HALE. I move to amend the bill by inserting at the end of line ten, on page 3, the following proviso:

Provided, however, That this act shall not be construed to deny the right of each House of Congress to be the judge of the elections, returns, and qualifications of its own members, or to prohibit the admission by either House of any member duly elected and qualified, upon taking the required oath of office at any time.

Mr. ORTH. Mr. Speaker, we are approaching the solution of the important and difficult problems consequent upon the suppression of armed hostilities. Such approach has not been rapid because rapidity was not desirable, but with that deliberation which the gravity of the questions demanded.

Upon new and untried issues differences of opinion even among friends having the same ultimate object in view were to be expected, and these differences it was the part of wisdom, if not of charity, to tolerate. It is only by a free and fearless discussion, by patient research and examination, by full interchange of sentiment, that truth can be separated from error, and fallacies be detected and exposed.

The war was commenced by the traitors for the purpose of destroying the Union. Patriots resisted the attack for the purpose of saving the Union. Here was a broad line of distinction

which none could misconstrue or fail to comprehend. The American people divided upon this issue, and were found upon the one side or the other, as they were moved by their sympathies or influenced by the dictates of their judgment. The contest was a long one and terribly severe and desperate.

The patriots triumphed, and that triumph indubitably established the fact that this Union shall not be destroyed. Hence it follows that we are destined to live together as one people, under the same Government, with an identity of institutions, and subject to the same laws.

The war wrought radical changes in our social and political systems; and the machinery of the Government must now be thoroughly adapted to these changes before we can expect that harmony and unity so essential to our future peace and safety. This work must be performed by some one, and who shall do it, the patriots or the traitors? Who best prepared to do the work well, the men who tried to destroy the Union, or the men who succeeded in saving the Union? These questions admit of but one reply, and modesty at least would say that "traitors should take a back seat in the work of restoration."

This, then, is the work of the patriot; and in its performance he should be governed by two cardinal principles: first, that sooner or later we must live together as one people; second, that we have a right to demand and must demand irreversible guarantees for the future peace and safety of the country before we consent to restore the late rebel States to their proper practical relations in the Union.

No person may feel any special interest in what I may heretofore have said in this House, yet nearly eighteen months ago, in speaking upon these questions, I used the following language:

"I do not for a moment believe in either of the positions assumed by the respective friends of each, that secession can take any State out of the Union or that any State by such act has destroyed itself, committed suicide, as it is said, or that the rebellious district is to be considered and treated as foreign territory."

I entertain the same opinion to-day.

The local governments in the several rebel States were undoubtedly destroyed by the act of rebellion, and Congress to-day can either provide for the organization of the new local State governments or may accept those already organized under the auspices of the executive department, by virtue of its military authority. We have determined to adopt the latter course, whether wisely or not is no longer debatable. What remains to be done is for the people of the several States to ratify the constitutional amendment which was agreed to by us on yesterday, an amendment demanded by the exigency of the times as a condition precedent to the full restoration of the late rebel States. This we have the undoubted authority to do, and we shall be utterly false to all our great interests if we fail or refuse to enforce these precedent guarantees.

This amendment contains five sections, as follows, namely:

1. Secures to all persons born or naturalized in the United States the rights of American citizenship.

2. Bases representation in Congress upon the voting population of each State, thus depriving each State of political power in the same proportion as such State denies the right of suffrage to its male inhabitants.

3. Provides that a certain class, being the most intelligent and influential of the rebels, shall be deprived of the right to hold any office, State or national, on account of their participation in rebellion.

4. Declares the validity of the public debt and repudiates the debt of the so-called confederacy.

5. Empowers Congress to enforce these several provisions by appropriate legislation.

The adoption of this article shall be a condition precedent to the admission of any of the late rebel States to representation in Congress, and the future historian of our country, when

reviewing the scenes through which we are passing, cannot fail to remark the extreme of mercy and leniency which characterizes the course which the victor has seen fit to adopt toward those who have been guilty of such great and aggravated crimes.

A different policy from this is urged upon our people, one which contends for the immediate and unconditional admission to seats in Congress of the so-called loyal Representatives upon their simply taking the official oaths, insisting that the suppression of the rebellion restores the rebel States to the same rights they possessed before the rebellion. This to my mind is most mischievous and suicidal, and would be a premium for treason instead of a punishment of traitors. It would increase the political power of the South to the extent of thirteen members of Congress and presidential electors, thus endangering the freedom of the former slave, the payment of our national debt, and the pensions we pay to our disabled soldiers and to the widows and orphans of the war.

A policy so detrimental to the best interests of the nation should find no supporters among those who have been struggling against treason and traitors for the last five years. The fact that it counts among its supporters the whole tribe of reconstructed as well as unpardoned rebels, together with those who sympathized with them in their hellish attempt to destroy the Government, is of itself (were there no other reason) sufficient to deter all patriots from giving it the least countenance and support. Should the Thirty-Ninth Congress have sanctioned this policy, instead of receiving the hearty support of the country, its members would in all coming time be regarded as the betrayers of public liberty.

The issue is, then, fairly and squarely presented to the American people by these respective policies for their adjudication, and resolves itself into this single question: shall those who saved the Republic or those who tried to destroy it be permitted hereafter to shape its policy and control its destiny?

With these guarantees, obtained from each of the late rebel States prior to granting them the right to assist in legislating for the country, we shall have such guards and checks as will effectually prevent the accomplishment of wrong, were it ever meditated. The best preventive of evil in every position of life is to remove the power to do evil. Having thus agreed upon the proper guarantees, our next duty is to provide such legislation as will carry them into effect.

On this subject there ought to be but little, if any, diversity of opinion. There may be some difference among us as to the amendment proposed by the gentleman from Ohio [Mr. BINGHAM] to the joint resolutions of the select committee. I shall favor the adoption of this amendment.

It provides substantially that when any one of the States recently in rebellion shall have adopted the constitutional amendment which we have submitted to the several States for ratification, the Senators and Representatives from such State, if found duly elected and qualified, after having taken the oaths of office required by law (including, of course, the test oath) may be admitted into Congress as such. This proposition, to my mind, is fair and reasonable, and not justly obnoxious to any serious objection.

It is feared by many that a State recently in rebellion may, after ratifying such amendment and thus obtaining representation in Congress, rescind, repeal, or annul such action before it shall have become a part of the Constitution. According to my interpretation of the Constitution, whenever the Legislature of a State has once ratified a constitutional amendment which has been submitted by Congress to the States, such action is absolute and irrevocable. The language of the Constitution on this subject is direct and explicit. A constitutional amendment, whatever it may be, is submitted for "ratification," and for ratification alone. The

language is not in the alternative, "for ratification or rejection." Should the Legislature of any State reject such amendment, the legal effect of its action would be the same as if no action whatever had been taken in the premises, and the same or any subsequent Legislature of the State can proceed again to the consideration of the subject, and this the Legislature can do *ad infinitum* until such action results in a ratification. When once ratified, then the power of the Legislature over the subject is spent, exhausted, terminated, and cannot be reversed or recalled. The act is accomplished, and in the nature of things becomes irrevocable, because the subject has then passed beyond the further control or jurisdiction of the Legislature.

Why is this so, and whence the difference between this and an ordinary legislative act which is subject to modification, change, or repeal? For the simple reason that it is not a legislative act in any true sense of the term. In acting upon proposed constitutional amendments the Legislatures of the several States derive all their authority from the national Constitution and the action of Congress under the Constitution, and for the time being they are invested with the sovereign power of the people of their respective States. Sovereign power only can alter or amend the fundamental law of the land; that is, the people alone, acting through conventions, can under our political system change their constitutions, State or national, except where a different mode of amendment is prescribed by the instrument itself. Where a different mode is prescribed, then the body thus authorized to act assumes a sovereign capacity, but is limited in its action by the express terms of the Constitution conferring such authority; and herein it differs from a convention emanating from and representing the people for the purposes of general amendment and change of the Constitution, such convention being unlimited in its authority over the subject. In all other respects the Legislature of a State is acting under and by virtue of the powers conferred by their local constitution; but here is an exceptional case, not arising under nor conferred by a State constitution, but by virtue of a power created and conferred upon them by the national Constitution. This power is simple and direct, and must be exercised within the express terms of the grant, which is not to reject, but to ratify an amendment. A rejection *eo nomine* is simply a refusal to ratify, and has the same import and none other than a neglect to act at all. It will not be contended that a neglect to act at any time deprives the Legislature or its successors, however remote such secession may be, from affirmative action thereafter, and the same result follows a negative action or refusal to ratify or a so-called rejection of any proposed amendment.

Thus an amendment may be proposed to the several States in 1860, and the State of Indiana, for instance, may refuse any action until the year 1870, at which time she may refuse to ratify, and may designate such refusal by the name of rejection, still no one will contend that the Legislature for the year 1880 is at all precluded from any action in the premises. There is no action in contemplation of the national Constitution by any Legislature in this respect until such action is affirmative in its character, and results in the ratification of the amendment submitted.

Again, I have already stated that a ratification by any Legislature is in its nature irrevocable. This results from the peculiarity of our institutions in this respect. When the Constitution was formed and adopted by the Convention it was submitted to the several States then forming the Confederation, and it was provided that "the ratification of the conventions" (instead of the Legislatures) "of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same." This, then, was of the nature of a compact or agreement, and so with all amendments to the original Constitution, and binding upon

each individual State when ratified by it. Let me not be misunderstood at this point. I do not contend that the ratification of a constitutional amendment by a single State makes such amendment binding upon that particular State before it shall have been ratified by the requisite number of States. Not at all. My position is, that such ratification is binding upon that State only so far as to prevent it from receding from such ratification, and not so as to compel such State to conform its legislation to such amendment until assented to by a sufficient number of States to make it obligatory as a part of the Constitution. In this respect it may be likened unto an inchoate contract between two or more individuals. A makes a proposition for the sale of property to B, giving to B a certain length of time within which he is to accept or reject the proposition. In this case A is bound by his proposition until the expiration of the time limited, and cannot withdraw the same so as to defeat his liability until B has signified his intention in reference thereto; and when B gives his assent to the proposition it becomes a perfect contract between the parties and equally obligatory upon both.

So with amendments to the Constitution, except that here there is no limitation of time within which the several States shall act affirmatively on such amendments, but this fact does not impair the validity of the compact, or lessen its binding obligation upon any State which may have ratified, for there being no limitation of time, of course time does not enter into or become of the essence of the contract. Were it otherwise no amendment could ever be adopted, or rather would be subject to the changing sentiment, the whims and caprices of the several States to an extent that would destroy all hope of any amendments ever being adopted.

The several States in the very nature of things cannot act simultaneously upon any proposed amendment; one State must almost of necessity take action before another, and thence await the action of other States. Will it be said that while thus awaiting the action of others it can reverse its own action? Suppose it be true as contended, that it requires the assent of twenty-seven of our States to give vitality to any amendment. If it be said that when twenty-six have ratified, and the twenty-seventh State is in the act of ratifying, any one or more of those twenty-six States may reverse their action, when or how can you ever hope for the adoption of any amendment? A different position from that for which I am contending is so near akin to the doctrine of the right of secession that I could not, for this reason alone, give it my assent, without the most cogent and convincing reasons, which much reflection on the subject has failed to bring to my mind.

In the examination of legal questions we always gladly avail ourselves of precedents whenever we can summon them to our aid, and although we have in this case no direct precedent on the question of the right of a State to withdraw its assent when once given, yet our constitutional history furnishes at least a strong negative pregnant against the maintenance of such right in the fact that the Constitution was not adopted simultaneously by the States, but at different periods, ranging from the 7th of December, 1787, to the 29th of May, 1790, and that during this period of nearly three years no single State attempted to withdraw the assent which it had given. The Constitution was adopted in the following order of time, namely:

Delaware.....	December 7, 1787
Pennsylvania.....	December 12, 1787
New Jersey.....	December 18, 1787
Georgia.....	January 2, 1788
Connecticut.....	January 9, 1788
Massachusetts.....	February 6, 1788
Maryland.....	April 28, 1788
South Carolina.....	May 23, 1788
New Hampshire.....	June 21, 1788
Virginia.....	June 26, 1788
New York.....	July 26, 1788
North Carolina.....	November 21, 1789
Rhode Island.....	May 29, 1790

The first ten amendments to the Constitu-

tions were adopted by the several States in the following order of time:

New Jersey.....	November 20, 1789
Maryland.....	December 19, 1789
North Carolina.....	December 22, 1789
South Carolina.....	January 19, 1790
New Hampshire.....	January 25, 1790
Delaware.....	January 28, 1790
Pennsylvania.....	March 10, 1790
New York.....	March 27, 1790
Rhode Island.....	June 15, 1790
Vermont.....	November 3, 1791
Virginia.....	December 15, 1791

being only eleven out of the fourteen States then composing the Union.

As I have already stated, there is not a single instance on record where any State ever attempted to withdraw its assent, given to the original Constitution or to any of its amendments, and this of itself furnishes strong proof of the correctness of the position for which I am contending.

I would be one of the last members on this floor, Mr. Speaker, who would in the least jeopard the future peace and safety of this great Republic by permitting a single one of the States recently in rebellion to resume its position in the Union without first obtaining the guarantees we propose to secure and which we have a right to demand; and hence if there were any doubt upon my mind in reference to this question I should not hesitate to say that none of the late rebel States should be thus recognized until such guarantees shall have first become a part of the Constitution. We believe that these guarantees are demanded by the States who remained loyal to the Union in our recent struggle. If this be so, of which I entertain no doubt, where is the cause for apprehended danger to result from the adoption of this amendment to the pending bill? Suppose, however, that the loyal States refuse to adopt these guarantees, thus deciding in favor of a different policy of restoration, shall such refusal operate to the disadvantage of any of the late rebel States? This would be so evidently unjust that I, at least, am unwilling to advocate such a course. Shall Tennessee or Arkansas, for instance, be punished for the recusancy of Indiana or Pennsylvania? Suppose that within the next two or the next five years all of the eleven late rebel States shall see fit, in order to resume their practical relations in the Union, to adopt these constitutional amendments, it will then require only the assent of sixteen of the loyal States to make these guarantees a part of the Constitution. Are members of this House afraid to intrust this question to sixteen out of the twenty-five loyal States? For myself, I entertain no such fears; to do so would be to doubt the patriotism of the people who have made so many noble and heroic sacrifices to save the Government from destruction, and who are equally prepared to demand and enforce proper guarantees for our future peace and safety.

Mr. Speaker, I do not conceal the fact that, personally, I desired the adoption of more stringent terms and the assumption of a more elevated position than this Congress has assumed. I preferred a position more in consonance with the liberal spirit of the age in which we live, and with those true principles of freedom and humanity now rapidly spreading over the civilized globe, and which are destined to encircle it as the earth is encircled by its atmosphere. These guarantees are the result of a concession among friends having the same general object in view, and in that spirit they receive my assent. We have sent them to our people for their adoption; let us recollect that in doing so we have but taken one step, a great step, I grant you, in the right direction, and trust that the work thus auspiciously carried forward is not to stop, but to continue its onward march until wrong, injustice, and oppression shall everywhere disappear. The years numbering from 1861 to 1866 are momentous years, and will form one of the brightest epochs in the annals of our race. Those years have witnessed a struggle of unexampled proportions, and a victory without a parallel. They have witnessed the salvation of a republic whose

principles and whose power will be felt in every land. They have witnessed the enfranchisement of a race who had been in bondage over two hundred years; restored not only to liberty but by our recent action placed in the possession of their civil rights, and who are daily giving evidence of their appreciation of the boon thus conferred. Our forefathers secured liberty to themselves and their posterity; we have done more—more than they, more than Grecian or Roman ever accomplished; we have given liberty to others.

Let the American people see to it that in this noble work no backward steps are taken.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. GLOSSBRENNER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

A joint resolution (S. R. No. 87) to provide for the payment of bounty to certain Indian regiments.

RAILROAD IN WISCONSIN.

Mr. DONNELLY. I ask unanimous consent to take up Senate joint resolution No. 85, explanatory of and in addition to the act of May 5, 1864, entitled "An act granting lands to aid in the construction of certain railroads in Wisconsin." I will state that a similar bill has been before the Committee on Public Lands and has been unanimously agreed upon. The matter is a purely local one, and the delegation from Wisconsin are agreed upon it.

The joint resolution was accordingly taken up, read the third time, and passed.

Mr. DONNELLY moved to reconsider the vote by which the bill was passed; and also moved to lay that motion on the table.

The latter motion was agreed to.

Mr. DONNELLY. I now move to proceed to business on the Speaker's table.

The motion was agreed to.

ALEXIS GARDAPIER.

The first business on the Speaker's table was Senate bill No. 308, confirming the title of Alexis Gardapier to a certain tract of land in the county of Brown, in the State of Wisconsin; which was read a first and second time, and referred to the Committee on Private Land Claims.

MARGARET A. FARRAN.

The next business on the Speaker's table was Senate bill No. 368, granting a pension to Mrs. Margaret A. Farran; which was read a first and second time, and referred to the Committee on Invalid Pensions.

OFFICERS IN THE NAVY.

The next business on the Speaker's table was Senate bill No. 269, to define the number and regulate the appointment of officers in the Navy, and for other purposes; which was read a first and second time, and referred to the Committee on Naval Affairs.

SOLDIERS' CONVENTION IN PENNSYLVANIA.

THE SPEAKER laid before the House the proceedings of a soldiers' State convention in Pennsylvania; which were referred to the Committee on Military Affairs and ordered to be printed.

VIRGINIA S. WILSON.

Mr. FARQUHAR, by unanimous consent, introduced a joint resolution for the relief of Virginia S. Wilson, widow of the late Captain George W. Wilson; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOHN GORDON.

Mr. FARQUHAR, from the Committee on the Post Office and Post Roads, by unanimous consent, reported back Senate bill No. 294, for the relief of John Gordon, with a recommendation that it do pass.

The bill was read. It authorizes the Postmaster General to pay to John Gordon, messenger in the Post Office Department, for extra services performed out of office hours

during the administration of Postmaster General Campbell, any sum that he may believe him entitled to, at the rate of \$250 per annum.

Mr. BOUTWELL. I would like some explanation of this.

Mr. FARQUHAR. It is a bill from the Senate authorizing the Postmaster General to make such increase to the pay of this messenger as in his judgment he is entitled to, not exceeding \$250 per annum. The facts are that he received \$750 per annum as messenger, and that he did extra service, while other parties doing the same service received \$250 additional pay.

Mr. PRICE. How far back does it extend?

Mr. FARQUHAR. During the administration of Mr. Polk—four years.

Mr. PRICE. At \$250 a year that will make \$1,000.

Mr. FARQUHAR. Other messengers doing the same service received that pay.

Mr. PRICE. It is all wrong, going back so far.

Mr. WASHBURN, of Massachusetts. I ask the gentleman if messengers receive any higher pay than \$750?

Mr. FARQUHAR. My information is that messengers performing at the same time this same extra service received additional pay.

Mr. WASHBURN, of Massachusetts. Several cases have been before the Committee of Claims of messengers asking for increase of pay on the ground of having performed other service than messengers. Their pay, I understand, is \$750, but in many cases they have performed the duties of clerks instead of messengers, and accordingly they have come in after having performed those duties and asked for increase of pay. Now, I wish the House to understand this fact: that there are many claims of this sort presented, going back three or four years and in some cases six or eight, and that invariably the Committee of Claims have reported adversely upon them, and for this reason, that the individual performing the duty of messenger understood that he was to receive pay as such, and was regularly paid the compensation allowed by law. Now, if we are to adopt the principle that the increase of pay is to be given four or five years after the duty has been performed, then we ought to do it in all cases, and where the Committee of Claims have reported adversely we ought to report favorably.

I know nothing about this particular case. I do not believe in singling out these particular cases. This individual, I understand, was receiving a salary as messenger, and now you propose to go back and pay him for four years' extra service at \$250 a year. You make a precedent. There are fifty cases of this kind in the Post Office, Treasury, and Pension Departments.

Mr. HARDING, of Illinois. We established the same precedent yesterday in the case of the examiners in the Patent Office.

Mr. ALLEY. I hope this bill will be passed. I think this is a very just claim. The circumstances, I understand, are these: this man is a very worthy person. He has been the first messenger in the Post Office Department for many years, and he is an exceedingly faithful and competent man. He has performed extra services, which we consider should entitle him to an increase of pay to the amount of \$250 per annum. He has done it out of office hours, at the express desire of the Postmaster General, with the understanding that he was to have extra pay. He has performed other extra service in distributing stationery for several years for which he has never charged a cent, while others, who performed the same service, have received extra pay.

This is a case of so much merit, and all the persons connected with the Department regarded it as so just, that they told him he ought to demand this extra pay, and to see to it that it was deferred no longer. He accordingly appeared before our committee, and after a hearing they were unanimously of opinion that the increased pay ought to be granted. I believe every person connected with the Department considers that he ought to receive a great deal

more than he now asks, because he has not only performed the extra services for which this pay is asked, but has performed other services independent of his duties as messenger. I assure the House that according to all the testimony given this is a case of very great merit, and one that ought to receive the sanction of this House.

Mr. BINGHAM. I would inquire of the gentleman from Massachusetts when this service was rendered, and when the demand for payment was made.

Mr. ALLEY. I will state for the information of the gentleman that it was performed for several years.

Mr. BINGHAM. When was the demand for payment first made?

Mr. ALLEY. About four or five years ago, I think.

Mr. BINGHAM. When was the service rendered?

Mr. ALLEY. Some six or seven, or perhaps eight years ago, I believe. This service was rendered, and the Postmaster General was asked to allow compensation for it. He declared his willingness to do so, but he had some doubt as to his authority in the matter, and referred this claimant to Congress. Mr. Gordon went to Judge Collamer, who was at that time chairman of the Post Office Committee in the Senate, and told him all the circumstances of the case. Judge Collamer said to him, "Gordon, this is a very clear case and you ought to receive your pay—all that you demand and a great deal more. When I was Postmaster General," he said, "I paid for such extra services; and if I were now Postmaster General I should pay you for this extra service. Go to the Postmaster General and tell him that I say he ought to pay you for this extra service." Gordon said that he did not like to do that, for he is an exceedingly modest man. He never said anything to Postmaster General Blair in reference to the matter. When Judge Blair had retired from the Post Office Department, the present Postmaster General said that in view of the action of the previous Postmaster General he desired that Gordon should make his application to Congress, expressing his willingness to recommend the payment of the claim. Hence this man came before our committee and asked us to report this bill, giving as a reason why he had not insisted upon payment before that he thought the expenditures of the Government were very heavy during war times, and that as long as he could manage to live without it he would not press the demand, though he had a very large family and needed the money very much.

Mr. TROWBRIDGE. I desire to make an inquiry of the chairman of the committee, [Mr. ALLEY.] The bill, as I understand it from the reading at the desk, goes back as far as the Postmaster Generalship of Mr. Campbell, some sixteen years ago. Does the bill provide that this man shall receive extra pay for all the time since? The gentleman speaks as if this service had been rendered continually from that time to the present.

Mr. ALLEY. This service has been rendered for several years. I do not know exactly when it commenced; but as I understand the bill, and if I am wrong my colleague upon the committee will correct me, it leaves it to the Postmaster General to pay such sum as in his judgment shall be deemed equitable and right.

Mr. BINGHAM. For what length of time?

Mr. ALLEY. For the length of time during which the service has been performed.

Mr. BINGHAM. Does anybody know how long?

Mr. ALLEY. So long as the service was performed, whether for a longer or for a shorter time. The claim is of a character which ought to be paid, and I say that the length of time is no reason why compensation should be cut off.

Mr. WASHBURN, of Massachusetts. Will the gentleman from Indiana [Mr. FARQUHAR] yield to me a moment?

Mr. FARQUHAR. Yes, sir.

Mr. WASHBURN, of Massachusetts. I do not wish to say anything in reference to this particular case; but I do say that because extra services have been performed by clerks or other individuals it does not necessarily follow that Congress should provide payment by special legislation. It will be recollected that formerly it was left optional with the heads of Departments to settle all claims of this kind; but at a later date Congress, by a general law, provided that no extra pay should be allowed for extra services of this kind. Why was this general law passed? Simply because it was deemed proper that each individual employed in the different Departments of the Government should be held responsible for the discharge of the duties specially devolved upon him, and that he should not be called away from his regular duties to perform service for which extra pay would afterward be demanded. This was the reason which influenced Congress in passing the general law providing that it should not be legal for the heads of Departments in any case to allow pay for these extra services. Hence arises the necessity for parties making claims of this kind to come in here and ask special legislation. There are, I doubt not, a hundred cases of this nature before different committees of Congress, cases in which it is claimed that extra compensation should be granted on account of extra services performed. It is provided by a general law that pay shall not be granted for these extra services, yet it is now proposed that by special legislation we shall annul the provisions of that general law.

Mr. ALLEY. I think my colleague is mistaken in that particular. That law does not apply to such cases as this.

Mr. WASHBURN, of Massachusetts. This very same question has been before our committee in some half dozen cases; and the reason given for presenting such claims to Congress was that the general law did not permit the heads of the Departments to make allowance for such extra services. The law is specific.

Mr. ALLEY. The general law provides, as I understand—and this was the opinion of Judge Collamer and the reason why he told this man to apply to the Postmaster General—that these employes in the Departments cannot be required, during their regular hours of duty, to perform other service than that pertaining to their position, and that when they perform duty outside of office hours they shall not receive extra compensation where their salary is \$2,500 per annum, or more. This case does not come under that law, because the salary received by this man does not amount to \$2,500 per annum. In addition to that these services were performed outside of office hours. This man has been kept on duty till a late hour, night after night, week after week, month after month—I might say year after year. He has been engaged sometimes till nine or ten o'clock in the evening; and sometimes he has been obliged to be on duty upon the Sabbath.

Mr. WILSON, of Iowa. With the consent of the gentleman from Indiana, [Mr. FARQUHAR,] I desire to ask him a question.

Mr. FARQUHAR. Before yielding to the gentleman I ask that the bill be again read.

The Clerk again read the bill.

Mr. WILSON, of Iowa. I desire to inquire of the gentleman from Indiana, who has reported this bill, how much money it will authorize the Postmaster General to pay to this messenger.

Mr. BINGHAM. And for what number of years?

Mr. FARQUHAR. I will answer with pleasure. It will allow the Postmaster General to pay this man for the term of office of Mr. Campbell, and no longer, not exceeding the sum of \$250 per year.

Mr. BINGHAM. Does the bill say that?

Mr. FARQUHAR. Yes, sir; the gentleman will see that it does if he will read it carefully.

Mr. WILSON, of Iowa. Then I was led

into a mistake in reference to the bill by the remarks of the gentleman from Massachusetts, [Mr. ALLEY,] the chairman of the committee; for he bases this claim upon the amount of labor this messenger has had to perform out of office hours during the administrations succeeding that of Postmaster General Campbell. But it now appears that what is proposed is that we shall compensate this man for extra services rendered as a messenger during the administration of Mr. Campbell. We are asked to go back, I do not know how many years—some sixteen, I am told—and pay to this messenger some \$250 a year extra for labor stated to have been done out of office hours. Now, we must remember that at that time living in this city was very much cheaper than it is now; and yet many messengers are now living on the same amount of salary that was paid to this man at that time. This man could then save money out of his salary; but no man could do that now on a salary of \$750 a year.

It is proposed to go back and pay him for that time this extra compensation, leaving him to receive only this regular salary during the administrations which have succeeded. I think we should not establish a precedent of this character. I venture to say the estimate of the gentleman from Massachusetts, [Mr. WASHBURN,] that if this be passed it will be followed by one hundred like it, is not within one twentieth of the number that will be presented. Should this case pass we will have these claims swarming here as the war claims did from all the southern States until the resolution was adopted reported by the gentleman from Ohio, [Mr. DELANO,] chairman of the Committee of Claims. I think we should refuse to pass this in order that the employes of the Government having these old claims may understand they will not receive favor at the hands of Congress.

Mr. DELANO. Mr. Speaker, I have no objection to this claim in consequence of its merits or demerits; I do not propose to say anything about its individuality, but I do object to it on the ground of the principle which will be established if this bill be passed.

I understand this is a proposition to remunerate a party who was in office some sixteen years ago on the assumption that the services he rendered were worth more than the law provided for his salary. That is the claim. Here was a distinct contract to do work for a specified price. The work has been done and the sum has been paid, but the party claims more. Now, how many of the judges of your highest courts can come here and ask with a better grace and a stronger claim an additional sum to their salary. So when you establish this principle you open a field for pouring out the treasure of the nation to an extent the magnitude of which you do not conceive. You will not find applications limited to persons in the Post Office. They will come from the Treasury Department, from the War Department, from the Army, from the Navy, from every Department of the Government. They will show you clearly they ought to have had more than they received. Unless, therefore, you have a Treasury that has no bottom, unless you have a capacity for taxation which has no end to it, you must not establish this principle, and especially at this time, when we all know the nation is groaning under a debt of necessity, a debt that must be met, a debt that must be provided for. I am astonished there is not a more general anxiety to see that this debt is not enlarged. What has been said by a colleague of mine on the committee is true in all its length and breadth. We, of the Committee of Claims, have been certainly repudiating all claims resting on a basis like this. It is time for the House to pause—

"We must not rend our subjects from our laws,
And stick them in our will. Sixth part of each?
A trembling contribution! Why, we take,
From every tree, lop, bark, and part of the timber;
And, though we leave it with a root, thus hacked,
The air will drink the sap."

We ought to look to it that we do not enlarge our already heavy taxation. I do not speak

of this claim on its individual merits, but in reference to the principle involved. It will establish a precedent which will pile up burdens upon the people needlessly. It will establish a precedent such as we ought not to establish at this time of all others.

Mr. HARDING, of Illinois. I thought this principle should not be established yesterday. I thought so before the precedent was then established in reference to the assistant examiners in the Patent Office. I held then to the doctrine which has been so ably presented for our guidance by the gentleman from Ohio. He has uttered maxims of wisdom and justice. These assistant examiners in the Patent Office, at a salary of \$1,800 for the last six years, had received every dollar of their pay, and yet they came here yesterday with a bill saying, because they had done the duty of chief examiners, they should receive additional pay, and this House indorsed their application. The very men who voted in the affirmative then are now the loudest against the establishment of any such principle in this case.

Mr. DELANO. I did not hear the remark of the gentleman, but I desire to say that I was not present when the bill to which he refers was passed yesterday.

Mr. HARDING, of Illinois. Then I beg the gentleman's pardon; I thought he was. I presume he will vote for this increase of pay. That is all the speech I wish to make.

Mr. DELANO. I am *rectus in curia*.
Mr. HARDING, of Illinois. I beg pardon of the gentleman; it was the gentleman from Iowa [Mr. ALLISON] to whom I intended to refer.

Mr. FARQUHAR. I beg leave to correct a statement, made inadvertently on his part, by the chairman of the committee [Mr. ALLEY] to the effect that this bill would extend further than the administration of Postmaster General Campbell. It is confined exclusively to the term of office held by him, which I understand was for four years from the 4th of March, 1853. The bill leaves it to the sound discretion of the Postmaster General whether this party during those four years was or was not entitled to pay for extra services. If the Postmaster General decides that he was entitled to pay for extra services, this bill limits the amount of such pay to \$250 per annum, making at the utmost \$1,000.

Now, sir, I am surprised at the course of gentlemen here. When a proposition comes before the House to award extra compensation to a day laborer, they spring to the floor as though it were a question involving the very safety of the nation. And yet, yesterday, when a bill was before the House involving, not the sum of \$1,000, but giving \$2,800 to each examiner of the Patent Office, these men who have served there for years, who are pensioned here in the Patent Office, and are found around these Halls exercising that influence which has not yet quite departed, these gentlemen sit silent in their seats, and I think that most of those who object to this proposition voted for that increase of pay.

Mr. WILSON, of Iowa. I would like to know to whom the gentleman refers in these remarks.

Mr. FARQUHAR. I refer to gentlemen who voted yesterday to increase the pay of examiners in the Patent Office.

Mr. WILSON, of Iowa. I supposed the gentleman was referring to some member who had made remarks here to-day. If he refers to the vote yesterday, he does not refer to me.

Mr. FARQUHAR. I do not refer to the gentleman from Iowa if he did not vote for that proposition yesterday. If he did vote for that measure, my remarks apply to him.

Mr. WASHBURN, of Massachusetts. Will the gentleman put his finger upon one member who has spoken against this bill who did not vote against the measure to which he refers?

Mr. FARQUHAR. I am happy to hear the suggestion of the gentleman; and in reference to those members to whom he alludes I with-

draw my remarks as being inapplicable to them.

I now address my remarks to the good sense of the House; and I ask this House, which passed yesterday a bill for the benefit of these pensioned, broken-down politicians, if to-day, when a proposition comes in here for the benefit of an honest, hard-working man with ten or twelve children, who has served the Government for from twelve to fifteen years, and who has not only performed his own duties constantly and thoroughly, but has rendered also extra services, they will reject his claim? He showed the committee that he had performed his duties fully and completely for \$750 a year; and he then satisfied the committee that he had performed extra services after hours and even upon the Sabbath day.

A friend near me tells me that he has fourteen children. That is a still stronger reason to induce my friend from Ohio [Mr. DELANO] to give his support to the bill.

Mr. FINCK. I have here the record of the yeas and nays upon the passage of the bill yesterday, to which the gentleman from Indiana has referred, and I find both the gentleman from Iowa [Mr. WILSON] and my colleague, who is chairman of the Committee of Claims, [Mr. DELANO,] recorded as "not voting" on that proposition.

Mr. WILSON, of Iowa. I wish to state to the gentleman that yesterday I was detained from the House by business at one of the Departments until after the passage of the bill referred to.

I will only say, in addition to that, that if I had been here I should have opposed that bill, and I oppose this bill because it proposes to follow up the principle established yesterday.

Mr. FINCK. I trust the gentleman from Iowa will give me credit for having afforded him an opportunity of explaining why his vote was not recorded yesterday.

Mr. WILSON, of Iowa. Certainly; I am obliged to the gentleman.

Mr. FARQUHAR. It is within my personal knowledge that the gentleman from Iowa was kept away from the House for the reason that he has stated.

But, sir, the argument which the gentleman has made against this bill falls to the ground, in view of the facts of the case.

He has argued upon the supposition that this bill provides for paying this man \$250 a year for the last twenty years. He was misled by the statement of the chairman of the Committee on the Post Office and Post Roads, [Mr. ALLEY.]

Mr. WILSON, of Iowa. I do not expect to look over the notes of my remarks, but the gentleman will find, when he looks at the report of what I said in the Globe, that before I made objection at any length to this bill he called for the reading of the bill and stated that the gentleman from Massachusetts had misled me; and I then directed my remarks to the bill as it existed.

Mr. FARQUHAR. Several gentlemen were conversing with me at the time, but I understood the gentleman to be objecting to the bill under a misapprehension of its features.

Mr. ALLEY. Allow me a word of explanation. I have not charge of this bill, and was not aware that it was worded as it stands. I was informed by the party interested that the amount claimed would be about fifteen hundred dollars, extending over a sufficient period of time to amount to that sum.

If the bill is drawn as the gentleman suggests, I think there must be some mistake. He has charge of the bill, however, and is better informed on the subject than I am. But that was my impression.

Mr. FARQUHAR. I refer to the resolution itself, in order that there shall be no misunderstanding in regard to its construction. It provides that the Postmaster General be authorized to pay, out of any money not otherwise appropriated, to John Gordon, a messenger in the Post Office Department, for extra services

performed during the administration of Postmaster General Campbell, any sum he may believe him to be entitled to at the rate of \$250 per annum.

It will be observed that this is for extra services performed out of office hours, during the administration of Postmaster General Campbell, which, as I understand it, ceased on the 4th of March, 1857. Mr. Campbell was Postmaster General under the Administration of President Pierce.

Now, sir, I desire to state, in addition, that not only did this man perform extra services out of office hours, but I have assurances from reliable sources that he acted as the officer whose duty it was to disburse the stationery during the whole of this time, for which service he has never received one dollar, while other gentlemen, occupying similar positions in other bureaus, have received \$150 per annum for the disbursing of stationery.

Sir, I have said much more than I intended in regard to this question. I now submit it to the House, and demand the previous question on the joint resolution.

The previous question was seconded and the main question ordered.

The joint resolution was ordered to a third reading, and it was accordingly read the third time.

Mr. FARQUHAR. I demand the previous question on the passage of the joint resolution.

The previous question was seconded and the main question ordered.

Mr. FARQUHAR. I ask for the yeas and nays on the passage.

The yeas and nays were not ordered.

The question was put, and there were—ayes 30, noes 63.

So the joint resolution was rejected.

Mr. SPALDING moved to reconsider the vote by which the joint resolution was rejected; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

PERSONAL EXPLANATION.

Mr. DELANO. I was absent in my committee-room when my colleague [Mr. FINCK] called the attention of the House to the fact I did not vote yesterday on the bill in reference to the assistant examiners of the Patent Office. If I had been present I should have voted against granting them additional compensation for services rendered in years that are passed. I will only add that my record is fully made up on the principle involved, and it is not in favor of extravagance of expenditure of the public money.

HYDROGRAPHIC OFFICE—AGAIN.

Mr. RICE, of Massachusetts, by unanimous consent, reported back, with an amendment, from the Committee on Naval Affairs, Senate bill No. 147, to establish a hydrographic office in the Navy Department.

The amendment was to strike out at the end of section three, the following:

And that the sum of \$15,000 be, and is hereby, appropriated out of any moneys in the Treasury not otherwise appropriated for the objects hereinbefore recited in this and the preceding sections.

The amendment was agreed to.

The bill, as amended, was then read the third time and passed.

Mr. RICE, of Massachusetts, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PERSONAL EXPLANATION.

Mr. BENJAMIN. I desire to state that I was unavoidably absent day before yesterday, when the vote was taken upon the passage of the joint resolution proposing an amendment to the Constitution of the United States. If I had been present I would cheerfully have voted in the affirmative.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. TROWBRIDGE, from the Committee

on Enrolled Bills, reported that they had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

A joint resolution (H. R. No. 180) to extend to the counties of Berkeley and Jefferson, of West Virginia, the provisions of the act approved July 4, 1864, entitled "An act to restrict the jurisdiction of the Court of Claims and to provide for the payment of certain demands for quartermaster's stores and subsistence supplies furnished to the Army of the United States."

WEST VIRGINIA WAR CLAIM.

Mr. McKEE, by unanimous consent, from the Committee of Claims, reported back, with an amendment, Senate bill No. 230, to reimburse the State of West Virginia for moneys expended for the United States in enrolling, equipping, and paying military forces to aid in suppressing the rebellion.

The amendment was to provide for three commissioners to examine the claim of West Virginia instead of one, as provided in the original bill.

The amendment was agreed to.

The bill, as amended, was then read the third time and passed.

Mr. HUBBARD, of West Virginia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EXCUSED FROM COMMITTEE SERVICE.

Mr. MOORHEAD. I ask to be excused from serving on the select committee appointed this day to investigate and report in regard to an alleged assault upon a member of this House, as I am very much engaged in service upon other committees.

No objection was made.

The SPEAKER subsequently appointed Mr. THAYER to fill the vacancy.

NORTHERN KANSAS RAILROAD.

Mr. LOAN. I ask unanimous consent to report back from the Committee on the Pacific Railroad Senate bill No. 145 for a grant of lands to the State of Kansas to aid in the construction of the Northern Kansas railroad and telegraph.

Mr. SPALDING. I object.

JOSEPH NOCK.

Mr. McRUER, by unanimous consent, from the Committee on the Post Office and Post Roads, reported back Senate joint resolution No. 71, referring the petition and papers in the case of Joseph Nock to the Court of Claims; with a recommendation that the House pass the same.

The question was upon ordering the joint resolution to be read a third time.

The joint resolution provides that the claim of Joseph Nock for damages arising from and occasioned by the annulment of his contract to furnish locks and keys for the use of the United States mail, and also for the use of said Nock's patents in the manufacture of mail locks subsequent to such annulment, be referred to the Court of Claims for its decision in accordance with the principles of equity and justice; provided, that said court do not render judgment for a greater sum than is named in the report of Solicitor Comstock to the United States Senate, under date of December 2, 1852.

Mr. BOUTWELL. Can the gentleman from California [Mr. McRUER] state to the House the amount named in the report of Solicitor Comstock?

Mr. McRUER. I do not recollect the precise sum, but I think it was something like twenty-five hundred dollars. This is a claim which has been before Congress since 1839. There have been various reports made upon it; some for it and some against it. The Committees of Claims of this Congress did not feel willing to decide the question, and the

Senate have passed a resolution referring the case to the Court of Claims.

The joint resolution was then read the third time.

The question was taken upon the passage of the joint resolution; and upon a division there were—ayes 26, noes 23; no quorum voting.

Tellers were ordered; and Messrs. McRUER and BOUTWELL were appointed.

The House again divided; and the tellers reported—ayes 54, noes 40.

So the joint resolution was passed.

Mr. McRUER moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HENRIETTA O. GARDINER.

Mr. COFFROTH. I am instructed by the Committee on Invalid Pensions to report adversely upon the petition of Henrietta O. Gardiner for a pension.

Mr. BLAINE. I move that this petition be recommitted, with instructions to the committee to report a bill for the relief of Mrs. Gardiner.

Mr. Speaker, this case is peculiar. It is an application for a pension made by the widow of an officer named Farragut Gardiner, killed in the discharge of his duty in the revenue service. This application was presented at the last Congress, was favorably reported upon by the Committee on Pensions; and a bill granting a pension to this lady was passed by this House almost unanimously. I hold in my hand letters from Admiral Farragut and Commodore Stringham, both urging the justice of the claim, and citing a precedent for the allowance of a pension in such a case. As I understand—and I would inquire of the gentleman from Pennsylvania [Mr. Coffroth] whether such is not the fact—the committee have in this case reported adversely upon the ground that there is no precedent for granting a pension to an officer in the revenue service.

Mr. COFFROTH. This application was by the committee referred to me as a sub-committee for examination, and I reported to them in favor of granting the pension; but I was overruled by my colleagues on the committee, who, as I understood, based their action on the ground that this officer was an officer in the revenue service.

Mr. BLAINE. I ask that a short letter from Admiral Farragut, which was sent to me last year and was filed among the papers in the case, may be read at the Clerk's desk.

The Clerk read as follows:

WASHINGTON, January 20, 1865.

MY DEAR SIR: I have the honor to inclose herewith a note received from the widow of the late Lieutenant Farragut Gardiner, of the United States revenue service, who lost his life in the line of his duty while boarding a vessel off Charleston several years ago, leaving a wife and child in Portland, Maine, in most needy circumstances. As you will perceive, she has mentioned your name as one who has kindly undertaken to present her claims before Congress for relief in the shape of a pension, and calls upon me to aid her in the good work as the friend of her husband, who procured his appointment in the service.

If it is in my power to afford you any assistance in this benevolent work nothing would give me more pleasure. I understand Congress has been pleased to grant a pension under similar circumstances to the widow of an officer lost in Humboldt bay. I feel satisfied your good act in this matter will bring its own reward, as well as the thanks of your obedient servant,

D. G. FARRAGUT,

Vice Admiral United States Navy.

Hon. Mr. BLAINE.

Mr. BLAINE. This lady is in very destitute circumstances, and the pension recommended by the committee last year was a small one—seventeen dollars per month. The granting of the pension in this case cannot involve a very dangerous precedent, because cases of a similar kind must, in the very nature of things, be exceedingly rare.

Mr. THAYER. The gentleman says that seventeen dollars a month is a very small pension. I will ask him what pension a wounded soldier receives.

Mr. BLAINE. When I say that this is a small pension, I mean that it is not as much as the widow of an officer of similar rank in the Army would receive.

Mr. THAYER. It is nine dollars per month more than a wounded soldier receives.

Mr. BLAINE. Does the gentleman consider this a very large pension?

Mr. THAYER. I consider it a very large pension if the case is to be made a precedent. The proposition is now made for the first time to grant pensions to a class of persons who have never been pensioned before. The letter from Admiral Farragut, which has been read, is a very kind-hearted letter, but it does not give a single reason why we should inaugurate such a precedent.

Mr. BLAINE. It mentions a case precisely in point, where an officer in the revenue service was lost in Humboldt bay, and where a pension was granted to his widow.

Mr. SPALDING. Does the gentleman expect that a pension shall be granted in the case of every officer dying in the civil service?

Mr. BLAINE. In this case the officer was killed in the line of his duty while boarding a vessel off Charleston—a very different thing from merely dying in the service.

Mr. THAYER. Can the gentleman inform me when the other case which he has cited occurred?

Mr. BLAINE. I cannot. I refer the gentleman to the letter of Admiral Farragut which has been read. I now demand the previous question.

Mr. PERHAM. I ask the gentleman to withdraw the previous question for a moment.

Mr. BLAINE. Certainly.

Mr. PERHAM. Perhaps I ought to state, in behalf of the committee, the grounds upon which it acted in this matter. Many cases have been presented to the Committee on Invalid Pensions asking for pensions in consequence of wounds received in the civil service of the Government. We have not acted favorably on any of them. It was not thought proper that we should extend the provisions of the pension laws to those in the civil service; and the committee regard the revenue service as belonging to the civil service.

No doubt this lady is worthy, and although Admiral Farragut may have sympathy for her, as we might all have, we did not think it wise and proper to open the door for such a number of pensions as we would be likely to give to those who may have been injured or to the families of those who may have been killed in the revenue or other civil service of the Government.

Mr. BLAINE. I renew the demand for the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the motion was rejected.

JOHN N. HOCKADAY.

Mr. WASHBURN, of Massachusetts, from the Committee of Claims, reported adversely on the petition of John N. Hockaday, praying for relief; and the same was laid upon the table.

JONATHAN W. GORDON.

Mr. WASHBURN, of Massachusetts, from the same committee, reported back Senate bill No. 127, for the relief of Jonathan W. Gordon, late major in the eleventh regiment of infantry, with the recommendation that it do pass.

The bill provides that the Secretary of the Treasury be, and he is hereby, authorized and directed, in settling the accounts of Jonathan W. Gordon, late major in the eleventh regiment of infantry, to allow him a credit of \$600 on account of bounties paid enlisted men in accordance with the provisions of the act of July, 1862, but before that act went into effect.

The bill was ordered to be read a third time; and it was accordingly read the third time and passed.

Mr. WASHBURN, of Massachusetts, moved to reconsider the vote by which the bill was

passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

CAPTAIN JOHN H. CROWELL.

Mr. WASHBURN, of Massachusetts, from the same committee, reported back Senate bill No. 278, for the relief of Captain John H. Crowell, assistant quartermaster in the United States Army, with the recommendation that it do pass.

The bill provides that the proper accounting officers of the Treasury Department be, and they are hereby, authorized to allow Captain John H. Crowell, on a settlement of his accounts, a credit of \$225 for so much money disbursed by him to persons in the service of the United States, in payment for such services, the vouchers for which payment were captured by the rebels and destroyed in an attack upon the camp at Baton Rouge, Louisiana, where said John H. Crowell was stationed, on the 5th day of August, 1862, if, on examining the accounts of said Crowell, the Quartermaster General shall deem said Crowell justly entitled to said credit, and shall certify his approval thereof to said accounting officers.

The bill was ordered to be read a third time; and it was accordingly read the third time and passed.

Mr. WASHBURN, of Massachusetts, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. FORNEY, its Secretary, notifying the House that that body insisted on its amendments to House bill No. 492, making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under authority of law, and for other purposes, disagreed to by the House, and asked for a committee of conference.

EQUALIZATION OF BOUNTIES.

On motion of Mr. PERHAM, the Committee on Invalid Pensions was discharged from the further consideration of a resolution adopted by the Soldiers' and Sailors' National Union League, of Wisconsin, in favor of equalization of bounties; and the same was referred to the Committee on Military Affairs.

EVIDENCE OF THE DEATH OF SOLDIERS.

Mr. PERHAM, from the Committee on Invalid Pensions, reported back papers in relation to the evidence of the death of officers and soldiers missing in battle; and the same, as provision was already made on the subject, were laid on the table.

EDWIN CROUSE ET AL.—AGAIN.

Mr. SHELLABARGER moved to reconsider the vote by which House joint resolution No. 100, ordering the names of First Lieutenants Edwin Crouse, Jesse W. Dungan, and Joseph Parker to be placed and borne on the muster-rolls of the Army of the United States was laid on the table.

The motion was agreed to.

Mr. BINGHAM. I desire to say to my colleague that owing to an amendment in the bill in the Senate it will not cover this case. The case is the same in principle precisely as that already passed upon in the House without a division.

I desire to say one word further. Owing to the limitation of thirty days which, for politic purposes, it was thought fit to put into the original bill, these soldiers will be really excluded from its operation.

Mr. WILSON, of Iowa. There are many other cases which will not be covered by that bill, and it seems to me the committee had better report a bill which will cover all these cases. If this goes through, I am afraid the zeal of our friends will not be as great as if this were dependent upon a general bill.

Mr. ROSS. This had better go to the committee. I object.

The SPEAKER. The time for objection has passed.

Mr. HALE. Has this bill been before any committee?

The SPEAKER. It has been before the Committee on Military Affairs. It was reported back by them, and laid on the table, and then reconsidered.

Mr. HALE. I move to refer it to the Committee on Invalid Pensions.

Mr. WILSON, of Iowa. I move to recommit it to the Committee on Military Affairs, with instruction to report a general bill covering all cases of this kind.

Mr. ROSS. I ask for a division of the question. I do not want to vote for the instructions.

The SPEAKER. A motion to recommit with instructions is not divisible.

Mr. WILSON, of Iowa. I demand the previous question on the motion.

Mr. ROSS. I move to recommit without instructions.

Mr. BINGHAM. I hope it will not be recommitted at all.

Mr. SHELLABARGER. I appeal to the gentleman from Iowa to allow me to make a statement about this case.

Mr. WILSON, of Iowa. I would rather take the vote.

Mr. SHELLABARGER. It has been before the Committee on Military Affairs and they have reported adversely upon it.

On seconding the demand for the previous question, no quorum voted.

Mr. WILSON, of Iowa. I desire to make a suggestion, that the bill go to the committee with instructions, and with leave to report at any time.

Mr. ROSS. I object to that.

Mr. WILSON, of Iowa. I will say, then, without instructions and with leave to report at any time.

Mr. ROSS. I do not object to that.

The bill was accordingly recommitted without instructions, and with leave to report at any time.

JOSEPH B. ROPER.

On motion of Mr. DELANO, the Committee of Claims was discharged from the further consideration of the petition and papers of Joseph B. Roper, for indemnity for loss of property by Indians, and the same were referred to the Committee on Indian Affairs.

LEAVE OF ABSENCE.

Mr. WARD asked and obtained leave of absence for two weeks for his colleague, Mr. HART, and also for Mr. CLARKE, of Kansas.

The SPEAKER asked and obtained leave of absence for Mr. WRIGHT for one week.

ADVERSE REPORTS.

Mr. DELANO, by unanimous consent, from the Committee of Claims, reported adversely upon the following cases, and they were laid upon the table:

George C. Johnson, Ohio.

Eliza T. Morehead, District of Columbia.

James Preston Beck, administrator, &c., New Mexico.

James L. Johnson, survivor, &c., New Mexico.

William Townsend, Ohio.

The City of Omaha, Nebraska.

F. M. and B. H. Bixby, New York.

Eliza Jane Chaney, Maryland.

Amzi L. Burns, Pennsylvania.
Baptist and United Brethren Churches, Tyrore, Pennsylvania.

Rufus P. Hawks, Georgia.

And then, on motion of Mr. WILSON, of Iowa, (at four o'clock and fifteen minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule and referred to the appropriate committees:
By Mr. AMES: The petition of John Tilden, and others, citizens of Marshfield, Massachusetts, praying for an amendment to the Constitution of the United States, and the passage of such laws as shall secure

equal civil and religious rights to all loyal inhabitants, without regard to race or descent.

By Mr. BEAMAN: The petition of Betsy P. Parker, and 112 others, women of the United States, praying for an amendment of the Constitution of the United States that shall prohibit the several States from disfranchising any of their citizens on the ground of sex.

By Mr. BANKS: The memorial of Rev. Charles Brooks, B. Pitman, John Kneeland, and George B. Emerson, citizens of Massachusetts, in favor of the passage of the bill establishing a Bureau of National Education.

By Mr. DAVIS: The petition of L. L. Cole, E. B. Hitchcock, and 216 others, citizens of Cortland county, New York, praying for the act postponing the date for the imposition of the tax of ten per cent. upon the circulation of State banks now fixed for July 1, 1866.

By Mr. DENISON: The petition of A. Clark, asking the renewal of a patent in fastening of forks upon the handles.

By Mr. JOHNSON: The petition of assistant assessors of the eleventh district of Pennsylvania, for increased compensation.

Also, the petition of citizens of Carbon county, Pennsylvania, in favor of State insurances.

By Mr. MORRIS: The petition of Oliver Slack, a banker of Penn Yan, New York, and 120 others, asking for an extension of the time of withdrawing the circulation of the State banks of the State of New York.

Also, the petition of Charles Shepard, and 100 others, of Danville, New York; and also a petition of citizens of Jefferson county, upon the same subject.

By Mr. MYERS: The petition of J. B. Allen, late Lieutenant and quartermaster, seventy-second Pennsylvania volunteers, for relief from responsibility for certain money accounts lost during the Antietam campaign.

Also, the memorial of Henry K. Kalusowski, asking an appropriation of \$2,500 to purchase and pay for a bust of General Kazimierz Pulaski, killed at Savannah during the revolutionary war, which bust was executed by the late Henry D. Saunders, of Philadelphia, at the request of the Joint Library Committee of the Thirty-Fourth Congress, as a companion to that of Kosciuszko, purchased from him by Congress.

By Mr. RAYMOND: A memorial of merchants, and others, of the city of New York, praying Congress to take steps to remove a sunken wreck which obstructs navigation at the entrance of New York harbor.

By Mr. WENTWORTH: A petition from citizens of Illinois, for a survey of the route of a canal connecting the Mississippi and Illinois rivers at La Salle.

Also, the petition of Colonel H. N. Frisbie, of New Orleans, for the improvement of levees at that city.

HOUSE OF REPRESENTATIVES.

SATURDAY, June 16, 1866.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. C. B. BOXTON.

The Journal of yesterday was read and approved.

The SPEAKER. By order of the House, no business is in order to-day except debate as in Committee of the Whole on the President's annual message, upon which the gentleman from Indiana [Mr. JULIAN] is entitled to the floor.

Mr. MORRILL. I desire to give notice to the House that to-day, I think, is the last Saturday of this session which the House will be able to devote to general discussion. Therefore I trust that members will make the most of it, and be prepared to work every other day while the session lasts, which I hope will be but a short time longer.

MILEAGE OF MEMBERS.

Mr. GARFIELD. I desire to call the attention of the House to a matter which I presume may be of interest to every member here, and to give notice of a resolution which I design to offer on Monday next. I will ask the Clerk to read the resolution at this time for the information of the House.

The Clerk read as follows:

Resolved, That the Committee on Mileage be directed to examine and report what discrepancy, if any, there was between the amount of mileage claimed by members and the amount allowed by the Mileage Committee of the Thirty-Eighth Congress, and that the Mileage Committee of this House be directed in no case to allow more mileage to any member than is claimed by him.

Mr. GRIDER. I desire to say that in my opinion this resolution would do no good, but rather embarrass the committee.

The SPEAKER. The gentleman from Ohio [Mr. GARFIELD] merely gives notice that he proposes to offer the resolution just read on Monday next.

Mr. GARFIELD. A few days ago there

came from the Public Printer Executive Document No. 125, being a communication from the Secretary of the Treasury, transmitting, in answer to a House resolution, "a statement of the amounts paid for salary and mileage to the members of the Thirty-Eighth Congress." Without troubling the House with a full examination of that document, I call attention to this fact: I find my own pay set down for the term of two years, at \$3,750. That is correct, as there were nine months for which I did not receive pay as member of Congress, being an officer of the Army during that time.

I am also set down as having received mileage for two thousand seven hundred and forty miles of travel, that is allowing a trip each way for each session of Congress, or four trips in all, making the estimated distance between my place of residence and this city six hundred and eighty-five miles. The amount was so much larger than my own recollection of it that I went to the office of the Sergeant-at-Arms of the House and procured the original letter which I sent to the Mileage Committee upon the subject last year.

The letter is as follows:

HOUSE OF REPRESENTATIVES.
February, 16, 1865.

DEAR SIR: In answer to your circular of yesterday, I have the honor to say:

1. The route by which I reach this city is via Cleveland, Ohio, Pittsburgh, Pennsylvania, Harrisburg, Pennsylvania, and Baltimore, Maryland.
2. The distance, as given in Appleton's Railway Guide, is, from—

	Miles.
Hiram (my residence) to Cleveland.....	41
Cleveland to Pittsburgh.....	150
Pittsburgh to Harrisburg.....	249
Harrisburg to Baltimore.....	85
Baltimore to Washington.....	40
Total.....	565

3. Distance from Hiram (my place of residence) to Cleveland, Ohio, forty-one miles.

Very respectfully, your obedient servant,

J. A. GARFIELD.

Hon. AUGUSTUS FRANK, Chairman Committee on Mileage.

Multiplying the amount I gave in that letter by four would make my total amount of miles for which I should have received mileage twenty-two hundred and sixty miles, or four hundred and eighty miles less than I am set down in this report as receiving mileage for. On the back of this letter I find this indorsement: "five hundred and sixty-five miles claimed; six hundred and eighty-five miles allowed; approved: J. W. W.," which, I believe, are the initials of the chairman of the Committee on Mileage of the Thirty-Eighth Congress. It appears, then, that I was credited with one hundred and twenty miles more of travel on each trip than I ever claimed to be entitled to receive mileage for. Members were usually paid, as every gentleman here knows, in installments of small amounts from time to time, scattered over the two years, the members keeping no account in most cases of the amounts they receive, but leaving that with the Sergeant-at-Arms and Committee on Mileage. At least such were the facts in my own case.

Several members from the West, and perhaps from other parts of the country, have been credited with more miles of travel than they claimed to have been justly entitled to receive pay for. I find that to be the case with several of my colleagues from Ohio. My colleague from the Cleveland district [Mr. SPALDING] was allowed on the books of the Sergeant-at-Arms six hundred and thirty-four miles of travel on each trip, while he claimed but five hundred and ten. And in the case of my colleague from the Dayton district, [Mr. SCHENCK,] I find six hundred and eighty-nine miles claimed by him and eight hundred and twelve miles allowed by the committee. Fortunately, in the latter case, on the last day of the session, when he [Mr. SCHENCK] went to obtain his final balance of pay, he appears to have discovered this improper allowance and required a statement of the items. He found that they had allowed him mileage for one hundred and thirteen miles per trip more than

he had claimed; and indorsed on the account his refusal to receive the additional amount.

I see that these facts are as new to the members around me as they were to me when I first saw the official report from the Secretary of the Treasury. It appears that the Committee on Mileage settled upon a scale of distances without the knowledge or consent of the House or of the members whose accounts they thus changed, and in the report of the Secretary, now published to Congress and the country, many are set down as having received amounts of mileage considerably larger than they actually claimed. I have therefore given notice that on next Monday I shall ask unanimous consent to introduce the resolution which has been read at the Clerk's desk, that the Committee on Mileage may inquire how this discrepancy arises, take measures to correct it, and may in the future guard against any such injustice both to the Treasury and to members.

Mr. DAVIS. I simply desire to suggest that the difficulty may have arisen from the Committee on Mileage adding to the distance traveled by members in coming from and returning to their homes the distance traveled by them in passing between the tellers on votes in this House by a division. [Laughter.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, announced that the Senate had passed, without amendment, the bill (H. R. No. 482) entitled "An act to incorporate the Howard Institute and Home of the District of Columbia."

The message further announced that the Senate had passed the joint resolution (H. R. No. 52) to provide for the expenses attending the exhibition of the products of the industry of the United States at the Exposition at Paris in 1867, with an amendment, in which the concurrence of the House was requested.

The message further announced that the Senate had agreed to the amendment of the House to the bill (S. No. 307) entitled "An act authorizing the restoration of Commander Charles Hunter to the Navy."

The message further announced that the Senate had passed bills of the following titles, in which the concurrence of the House was requested:

An act (S. No. 325) to give certain powers to the levy court of the county of Washington, in the District of Columbia;

An act (S. No. 290) to incorporate the National Life and Accident Insurance Company of the District of Columbia; and

An act (S. No. 137) to amend the acts approved August 6, 1861, and July 6, 1862, establishing a Metropolitan police in the District of Columbia, to increase the efficiency thereof, and for other purposes.

PRESIDENT'S ANNUAL MESSAGE.

The House resumed, as in Committee of the Whole on the state of the Union, the consideration of the President's annual message; on which Mr. JULIAN was entitled to the floor.

RECONSTRUCTION.

Mr. JULIAN. Mr. Speaker, the conflict going on to-day between Conservatism and Radicalism is not a new one. It only presents new phases, and more decided characteristics in its progress toward a final settlement. These elements in our political life were at war long years prior to the late rebellion. After the old questions concerning trade, currency, and the public lands had ceased to be the pivots on which our national policy turned, and were only nominally in dispute, Conservatism put them on its banner, and shouted for them as the living issues of the times, while intelligent men everywhere saw that the real and sole controversy was that very question of slavery which the leaders of parties were striving so anxiously to keep out of sight. Conservatism stubbornly closed its eyes to this truth. If it ever took the form of Radicalism it was in denouncing the agitation of the subject. It believed in conciliation, and concession. It

preached the gospel of compromise. Professing hostility to slavery, it paraded its readiness to yield up its convictions as a virtue. Resistance to aggression and wrong, it branded as fanaticism or wickedness, while it was ever ready to purchase peace at the cost of principle. This policy of studiously deferring to the demands of arrogance and insolence, this dominating love of peace and cowardly dread of conflict, this yielding, and yielding, and yielding to the exactions of the slave interest, naturally enough fed and pampered its spirit of rapacity, and at last armed it with the weapons of civil war. Such will be the unquestioned and unquestionable record of history; and no record could be more blasting, as it will be read in the clear light of the future. To us belongs the privilege of taking counsel from the lesson in dealing with the yet unsettled problems of the crisis.

But Radicalism assumed a directly antagonistic position. It did not believe in conciliation and compromise. It did not believe that a powerful and steadily advancing evil was to be mastered by submission to its behests, but by timely and resolute resistance. The Radicals, under whatever peculiar banner they rallied, thought it was their duty to take time by the forelock; and with prophetic ears they heard the footfalls of civil war in the distance, forewarned the country of its danger, and pointed out the way of deliverance. In the ages to come Freedom will remember and cherish them as her most precious jewels; for had they been seconded in their earnest efforts to rouse the people and to lay hold of the aggressions of slavery in their incipient stages, the black tide of southern domination which has since inundated the land might have been rolled back, and the Republic saved without the frightful surgery of war. This exalted tribute to their sagacity and their fidelity to their country will be the sure award of history; and its lesson, like that of Conservatism, commends itself to our study.

But the war at length came, and with it came the same conflict between Conservatism on the one hand and Radicalism on the other. Their antagonisms put on new shapes, but were as perfectly defined as before. The proof of this is supplied by facts so well known, and so painfully remembered by all loyal men, that I need scarcely refer to them. Conservatism, in its unexampled stupidity, denied that rebels in arms against the Government were its enemies, and declared them to be only misguided friends. The counsel it perpetually volunteered was that of great moderation and forbearance on our part in the conduct of the war. It denied that slavery caused the war, or should in any way be affected by it. It insisted that slavery and freedom were "twin sisters of the Constitution," equally sacred in its sight, and equally to be guarded and defended at all hazards. Its owlish vision failed to see that two civilizations had met in the shock of deadly conflict, and that slavery at last must perish. Even down to the very close of the contest, when the dullest minds could see the new heavens and the new earth which the rebellion had ushered in. Conservatism madly insisted on "the Constitution as it is and the Union as it was." Its idolized party leaders and its great military heroes were all men who believed in the divinity of slavery, whose hearts were therefore on the side of the rebellion, and whose management of the war gave proof of it. And every man of ordinary sense and intelligence knows that just so long and so far as Conservative counsels prevailed, defeat and disaster followed in our steps, and that if these counsels had not been abjured the black flag of treason would have been unfurled over the broken columns and shattered fragments of our republican edifice. Let this also be remembered in digesting a policy for the future.

But here, again, Radicalism squarely met the issue tendered by the Conservatives. That slavery caused the war and was necessarily involved in its fortunes it accepted as a simple truism. Its theory was that the rebellion was slavery, in arms against the nation. And

that to strike it was to strike treason, and to spare it was to espouse the cause of the rebels. In the very beginning of the conflict Radicalism comprehended the situation and the duty. It understood the foe, utterly scouted the idea of a "war on peace principles," and demanded the employment of all the powers of war in the accomplishment of its purpose. It understood the conflict as not simply a struggle to save the Union, but a grand and final battle for the rights of man, now and hereafter; and it believed that God would never smile upon our endeavors till we accepted it as such. Radicalism therefore demanded the repeal of all laws which had been enacted to uphold and fortify slavery. It demanded the arming of the slaves against their old tyrants. It demanded emancipation as a moral and a military necessity, and a policy of the war so broadly and systematically anti-slavery as to meet the rebel power in the full sweep of its remorseless crusade against us. Its trust was in the justice of our cause and the favor of the Almighty; and just so soon as the Government turned away from its Conservative friends and joined hands with Radicalism, our arms were crowned with victories, which followed each other till the rebel power lay prostrate at our feet.

But, Mr. Speaker, the war is over. So at least we are informed by the President; and with the glad return of peace comes once more the same issue between Conservatism and Radicalism, and more clearly marked than ever before. Conservatism, true to the logic which made it the ally and handmaid of treason all through the war, now demands the indiscriminate pardon of all the rebel leaders. It recognizes the revolted States as still in the Union, in precisely the same sense as are the loyal States, and restored to all their rights as completely as if no rebellion had happened. It opposes any constitutional amendment which shall deprive the rebels of the representation of the freedmen in Congress, who have no voice as citizens, and thus sanctions this most flagrant outrage upon justice and democratic equality, in the interest of unrepentant traitors. It opposes the protection of the millions of loyal colored people of the South through the agency of a Freedmen's Bureau, and thus hands them over to starvation, and scourgings, and torture, by their former masters. It opposes, likewise, the civil rights bill, which seeks to protect these people in their right to sue, to testify in the courts, to make contracts, and to own property. It opposes, of course, with all bitterness, the policy of giving the freedmen the ballot, which "is as just a demand as governed men ever made of governing," and should be accorded at once, both on the score of policy and justice. In short, it seeks to make void and of non-effect, for any good purpose, the sacrifice of more than three hundred thousand lives and three thousand millions of money, by its eager service of the heaven-defying villains who causelessly brought this sacrifice upon the nation.

But on all these points Radicalism takes issue. It holds that treason is a crime, and that it ought to be punished. While it does not ask for vengeance, it demands public justice against some at least of the rebel leaders. It deals with the revolted States as outside of their constitutional relations to the Union, and as incapable of restoring themselves to it except on conditions to be prescribed by Congress. It demands the immediate reduction of representation in the States of the South to the basis of actual voters, and the amendment of the Constitution for that purpose. It favors the protection of the colored people of the South, through the Freedmen's Bureau and civil rights bills, as necessary to make effective the constitutional amendment abolishing slavery. And for the same reason, Radicalism, when not smitten by unnatural fear or afflicted by policy, demands the ballot as the right of every colored citizen of the rebellious States. Such have been the issues between Conservatism and Radicalism, some of which are disposed of by time; and they are all in fact side

issues, save the grand and all-comprehending one of suffrage. Let this be settled in harmony with our democratic institutions and all else will be added.

And in dealing with this problem, Mr. Speaker, whose counsel shall we follow? Shall we be guided by Conservatism, which paved the way for the rebellion by its policy of concession and compromise, which would have handed the country over to the rebels when the war was upon us if its policy had been adhered to, and to-day would give to the winds the fruits of our victory? Or shall our guide be that some Radicalism which would have averted the rebellion if its counsel had been heeded, which alone saved us when war came, and now asks us to accept its inevitable logic in seeking a true basis of peace? Can a loyal man hesitate in his answer? Sir, we can neither stand still nor take any backward step. For myself, at least, I shall press right on; and my strong faith is that the loyal people of the country will not madly attempt a halt in that grand march of events through which the hand of Providence is so visibly guiding the nation to liberty and lasting peace.

Mr. Speaker, of all the questions pertaining to the late rebellion which have been so much debated, it seems to me none could be more perfectly simple and unembarrassed than that of giving the ballot to the freedmen of the South. This would be conceded at once, if it were possible to forget the institution of slavery, and the foul legacy of prejudice and hate which it has bequeathed to us all. I believe the present discussions of the subject and our gingerly reluctance to face the issue squarely, will hereafter be set down among the curiosities of American politics. Sir, what is the proposition? It is simply to extend our democratic institutions over the States recently in revolt, which have been overpowered by our arms, and are now subject to the national jurisdiction. The mass of the white people of the South, including those who have been in arms against the Government, have the ballot; and there is no pending proposition to deprive them of it. But we imagine insuperable difficulties in the way of giving it to the colored people, who constitute the majority in several States, who have been universally loyal, and have furnished a strong body of soldiery in the war for the Union. Can this, indeed, be true?

Alexander Hamilton, in the fifty-fourth number of the *Federalist*, speaking of the slaves, says, "It is admitted that if the laws were to restore the rights which have been taken away, the negroes could no longer be refused an equal share of representation with the other inhabitants." Most certainly he was right. Why then shirk the question? Would we do so if these colored men were white? No man will pretend it. Why not secure the ballot to the men who have been restored to their rights through the treason of their masters? "Liberty, or freedom," says Dr. Franklin, "consists in having an *actual share* in the appointment of those who frame the laws and who are to be the guardians of every man's life, property, and peace; for the *all* of one man is as dear to him as the *all* of another; and the poor man has an *equal* right, but *more* need, to have representatives in the Legislature than the rich one." And he goes on to say: "That they who have no voice nor vote in the electing of representatives *do not enjoy* liberty, but are absolutely *enslaved* to those who *have* votes, and to their representatives; for to be enslaved is to have governors whom *other men have set over us*, and be subject to laws *made by the representatives of others*, without having had representatives of our own to give consent in our behalf." This, in different words, is the doctrine of James Otis, that "taxation without representation is tyranny," and was the principle on which our revolutionary fathers planted themselves in resisting British despotism. Shall we shrink from it to-day, when just emerging from a frightful civil war, caused by our infidelity to the rights of man? Are we still to love the rebels so tenderly that we must not offend

them by a policy of equal and exact justice between them and the loyal men who resisted their devilish crusade against the national life? "We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain inalienable rights, among which are life, liberty, and the pursuit of happiness; and that to secure these rights governments are instituted among men, deriving their *just* powers from the *consent* of the governed." Do we still doubt these truths, thus named self-evident, after having seen them written down in fire and blood during the past four years? Men talk eloquently of the natural equality of all men and the sovereignty of the popular will. Sir, if we are not hypocrites, why not accept these principles by reducing them to practice everywhere throughout the Republic? If all men are equal in their inborn rights, every man has the right to a voice in the governing power; and that right is as natural as the right to the breath of his nostrils. It is not a privilege, but a *right*, and you insult republicanism and brand the great Declaration as a lie, when you dispute it. You espouse the cause of absolutism at once; for if one portion of the people, black or white, can deprive another of their rights, the whole theory of American democracy is overturned. That wise men, in Congress and out of Congress, should deal with this question as a difficult and complicated one seems incredibly strange. The very horn-book of republicanism settles it; and if the teachings of our fathers are in fact to be accepted, and the poisonous exhalations of slavery shall ever be dispelled from the minds of men, a disfranchised citizen, white or colored, innocent of crime, will become an unknown anomaly. This much I say on general principles, and wholly aside from those considerations which plead imperatively for impartial suffrage in the South, on the score of justice and gratitude to the negro, the peace and well-being of society, and the stability of the Union itself.

But our power over the subject of suffrage in the States lately in revolt is disputed; and doubts respecting it are expressed even by the joint committee of fifteen, in their elaborate and very able report just given to the public. Sir, I never hear these opinions and doubts uttered without unmingled astonishment. In the whole domain of politics and jurisprudence a proposition cannot be found more perfectly beyond dispute than that Congress can prescribe the qualifications of voters in the States that rebelled against the national authority, and have been subdued by our arms. I do not now speak of the power conferred in the clause of the Constitution making it the right and duty of Congress to guaranty a republican form of government to every State; though I believe it clearly confers upon us the authority to deal with the question of suffrage in all the States. Nor do I here refer to the constitutional amendment abolishing slavery, and giving Congress the power, by appropriate legislation, to enforce such abolition; though I hold it to be perfectly clear that under this clause the power over the ballot is given, since a man without it, according to the principles of radical democracy and the revolutionary authorities already referred to, is a slave—the slave of society, if not the chattel of an individual master. I waive these points, and rest the case solely on the ground of the authority of the nation to do what it pleases with rebels whose revolt became a stupendous civil war, and was crushed by the power of war. That, sir, is the impregnable ground on which I stand, and I challenge all assailants. The revolt grew in its proportions till it became a civil, territorial war. We blockaded the rebel coast; we exchanged prisoners; we conducted the conflict according to the laws of war and the law of nations. The rebels became public enemies, and by the power of our resistless hosts we conquered them. As conquered public enemies their rights were all swept away, all melted in the fervent heat of their devilish treason and war. Not a respectable jurist in the Union will dispute this prop-

osition, for the principles of the law of nations which govern the conduct of a civil war, and define the rights of the parties to it, are precisely those which pertain to the conduct of a foreign war. If this is not the settled law of nations, settled also emphatically by the Supreme Court of the United States, then nothing is settled, and nothing is capable of settlement. The report of the reconstruction committee, already referred to, which expresses doubt as to the power in question, asserts that "within the limits prescribed by humanity the conquered rebels were at the mercy of the conquerors. That a Government thus outraged had a most perfect right to exact indemnity for the injuries done and security against the recurrence of such outrages in the future would seem too clear for dispute. What the nature of that security should be; what proof should be required of a return to allegiance; what time should elapse before a people thus demoralized should be restored in full to the enjoyment of political rights and privileges, are questions for the law-making power to decide, and that decision must depend on grave considerations of public safety and the general welfare." This language covers the whole ground contended for. The power exists, and Congress alone must determine what is demanded by "considerations of the public safety and the general welfare." The question before us to-day is one of necessity and expediency, and not of power; a question of fact, rather than a question of law.

On this question, Mr. Speaker, I think there is very little ground for disagreement among loyal men. If the colored millions of the South need any earthly good supremely, and need it soon, it is a share in the governing power. Let us not mock them by the hope of it at some time in the distant future, conditioned upon alternatives which we tender to their enemies, but grant it now, as their imperative and instant necessity. They are at this moment prostrate and helpless under the heel of their old tyrants. But for the partial succor afforded by the Freedmen's Bureau their condition would be far more deplorable than that of slavery itself. Although the civil rights bill is now the law, none of the insurgent States allow colored men to testify when white men are parties. The bill, as I learn from General Howard, is pronounced void by the jurists and courts of the South. Florida makes it a misdemeanor for colored men to carry weapons without a license to do so from a probate judge, and the punishment of the offense is whipping and the pillory. South Carolina has the same enactments; and a black man convicted of an offense who fails immediately to pay his fine is whipped. A magistrate may take colored children and apprentice them for alleged misbehavior without consulting their parents. Mississippi allows no negro living in any corporate town to lease or rent lands. Cunning legislative devices are being invented in most of the States to restore slavery in fact. Without the ballot in the hands of the freedmen, local law, reinforced by a public opinion more rampant against them than ever before, will render the civil rights bill a dead letter, and in the future, as it has been in the past, the national authority will be set at defiance. Even should the civil rights bill be enforced, it would be a palliative and not a cure, since the right to sue, to testify, to make contracts, and to own property may be lawfully enjoyed without commanding a tithe of the respect with which the ballot arms every man who wields it. This is the sure refuge and help of the freedmen, and Congress has the same power to secure it that it has to withhold it from the rebels; the same power to make suffrage impartial that it has to prescribe any other condition whatever in the reconstruction of these States.

If, as is alleged, no such power exists over the loyal States, that certainly is no reason why we should not exercise it where we have the power. With the authority unquestionably in our hands to disfranchise all the rebels, the plan reported by the joint committee leaves the ballot in their hands. With strange and

lavish liberality even the leaders of the rebellion are to be clothed with this sovereign attribute. They may not hold office, but they may confer it. The pirate Semmes shall not be probate judge, but his ballot shall be counted in determining who shall fill the office, and so shall the ballots of the traitors who recently tried to make piracy honorable in Alabama. General Lee cannot be President of the United States, nor Governor of Virginia, but he can march to the polls with his unhung confederates as the equal before the law, and under the old flag, of the loyalists whose valor saved the Republic. The legions of armed traitors who fought against the nation four years, and deluged it in sorrow and blood, are all to be crowned with the honor and dignity of the ballot; and, as if to make treason respectable and loyalty odious, the colored people of the country, whose enslavement caused the war, and who furnished two hundred thousand soldiers in crushing the rebellion, are to be handed over to the unbridled hate and fury of their old masters.

One would naturally have supposed that vanquished rebels would be glad enough to escape with their lives, and that Congress, in conferring upon them the franchise, would at least atone for this unlooked-for and undeserved liberality by a policy of justice, if not of gratitude, toward the negroes, whose loyalty was never questioned, and whose strong arms helped strike down the enemies of the nation. One would have supposed that if any party must be disfranchised it would be the rebels, and that loyal men would govern the country they had saved by their valor. I am quite sure that neither the copperheads nor the rebels themselves, till they were caressed by the Executive, ever dreamed of this congressional discrimination in favor of treason. Sir, it will gladden the heart of every traitor in the Union. No loyal man can defend it with a good conscience. Its recreancy is aggravated by every fact which comes to us respecting the situation in the South. The general feeling there against the freedmen is that of intense hostility and venomous hate. The institution of slavery, through the instinct of a common interest, accorded to the negro some privileges; but now he has literally "no rights which white men are bound to respect." Sharing no longer the measure of consideration which pertained to his condition as a slave, he is regarded as a despised outcast, and treated like a dog. A feeling scarcely less intolerant is evinced toward the few loyal white men in these States, who in many localities are living in constant dread of violence and murder, and are frequently waylaid and shot. Quite recently I have received a letter from a gentleman of intelligence and worth in one of the southern States, in which he says that he and his friends and neighbors, who have been hunted in the mountains like deer all through the war because they refused to take up arms against their country, having had their houses plundered or burned, their property destroyed, and themselves reduced to beggary, are still living in constant dread of assassination; and he begs me, if possible, to procure for them from the Secretary of War transportation to the North. This is a single instance among many of the actual condition and treatment of the loyalists of the South, under the fiendish domination of the men who have been ironically styled "conquered." Sir, in heart and purpose they are less conquered than before the war. If possible they hate the Yankees, with their free schools and free institutions, more than ever. I believe their wrath is more and more a consuming fire. Down in the very depths of their souls they despise the Union, its generals, its soldiers, its statesmen, its prosperity, its peace. Upon the Freedmen's Bureau and the civil rights bill they pour out the sincerest and most heartfelt curses. Not a man has been found among them who does not defend the right of secession, and vindicate the rebel cause. They choose as their Senators and Representatives in Congress and for the highest offices in the

States the most conspicuous and guilty of their unrepentant traitor chiefs. They insult the old flag and scoff at our national songs. They commemorate the deeds and honor the tombs of their grandest villains, and refuse to the loyal colored people of the South the coveted privilege of strewing flowers over the graves of our heroes who died that the Republic might live. They crown treason as the highest virtue, and elevate murder to the rank of a fine art. Their newspapers are reeking with the foulest and most atrocious sentiments, and their manifest purpose is to scatter the baleful fires of discord and hate throughout the South. Under this new "reign of terror" emigration to the South, which we hoped would regenerate it, is interdicted, while the loyal men already there are looking about them for the means of speedy escape. Such is the Eden of blessedness and beauty which has been chiefly evoked by "my policy," and such are the people in whose hands Congress proposes to leave the powers of government, while it withholds the ballot from the only people whose redeeming agency and coöperating grace can restore order, liberty, and peace.

And these people, Mr. Speaker, who have "refined upon villainy till it wants a name," whose hearts are thus impregnated with the most rancorous hate toward the freedmen, and whose ascendancy over the South is hourly extending in all directions, are expected to give the ballot to the negro, if only we provide that otherwise he shall not be counted in the basis of representation. Sir, they will do no such thing. They would see the negro in Paradise, sooner than see him with the ballot in his hands. The madness which rushed into the rebellion in the interest of negro slavery, and which to-day, instead of being tamed by suffering and trial, is fiercer than ever, will never extend justice to these people. The much-talked-of "war of races," ending in negro extermination, would be far more probable. I am certainly ready to vote, as I have done, for reducing representation in the revolted States to the basis of actual voters. No man could defend his refusal to do so; but I believe the rebels, with the President at their back, will never agree to any such amendment of the Constitution, and that with their allies in the North they will be able to defeat it. Neither with nor without such an amendment, therefore, in my judgment, is there any well-grounded hope for justice from the rebel class. The decision of the case would require years of time, since it would involve the question whether nineteen or twenty-seven States are required to amend the Constitution; and the Supreme Court could not pass upon the point till nineteen States had ratified the amendment. During all this time the freedmen would be committed to the tender mercies of their enemies instead of sharing with them at once the powers of government.

Sir, why should we decline a present duty which is as clear and as palpable as the sunlight? Why impiously propose to red-handed traitors and assassins that they may trample down the precious rights of four million helpless but loyal people, if only it shall be agreed that these downtrodden millions shall not be represented in Congress? Why offer them a proposition which, if accepted, might be as fatal to the interests of the colored race as would have been the acceptance of the offer of President Lincoln to leave that race in bondage if the rebels would lay down their arms within a stipulated time? As I have already shown, the power to do what we wish is in our hands. Congress can enact a statute securing impartial suffrage in all the insurgent States, in which civil government is totally overthrown, and over which our power is supreme. Congress can pass enabling acts, as opportunely proposed by my distinguished friend from Pennsylvania, [Mr. STEVENS,] providing for the calling of State conventions in those States to form constitutions, and fixing the qualifications of voters. Congress, if it deems it expedient, can disfranchise the rebels, or any portion of them, and re-

fuse admission to the rebellious States till they have secured impartial suffrage to their people. And finally, Congress, if constitutional amendments are necessary, can propose such as will accord with justice and the rights of man, and will therefore have the strongest pledge of their ultimate success; while, in the mean time, whatever obstacles may be thrown in our way by the accidental occupant of the White House, the great cause of loyalty and freedom will be strengthened and fortified by every honest and manly endeavor to serve it.

But it is said, Mr. Speaker, that the people are not ready for so radical a policy, and that while the reconstruction of the rebel States on a solid and enduring basis is very desirable, we must accept the necessity which compels us to regard the temper of the public feeling and the practical effects upon the harmony of the Union party which advance measures would be likely to produce.

Sir, I defend the people against this accusation against their intelligence and loyalty. My own experience is that politicians are generally, if not invariably, behind the people, and rather inclined to block up the path of popular progress than to clear the way. This was undoubtedly true during the war, and every intelligent man can recall proofs of it in abundance. The people were ready for a radical policy in the first year of the conflict, as was shown by the proclamation of General Frémont of September 2, 1861. It was hailed with nearly universal joy by the Republican masses, while every leading Democratic paper in the country warmly approved it. So intense and widespread was the feeling of enthusiastic loyalty among the people from the firing upon Fort Sumter down to the revocation of this anti-slavery order, that party lines seemed utterly forgotten, and the Democratic organization in fact ceased to exist. Copperhead Democracy was a sprout from the Executive edict which Kentucky procured in the interest of slavery; but the people, at every stage of the conflict, received with open arms and grateful hearts every earnest man who came forward, and every vigorous war measure which was proposed.

Sir, why were the Union men defeated in the fall of 1862? It was because the people feared that General McClellan carried the Government in his pocket, and had no faith in his conservative policy, which bore no good fruits. The men who failed to get back to the succeeding Congress were generally the timid men who counseled policy; while the Radicals who denounced McClellan, and preached the anti-slavery gospel boldly were successful. Why did the Unionists sweep the country in the next congressional elections? It was because of their bolder and more pronounced Radicalism. Why have our public men failed before the people in the political conflicts of the past twenty years? Not, certainly, because they outran the people in radical progress, but because the people loved courage, and felt that bolder leadership was demanded. For the truth of this I appeal to gentlemen on this floor who have made political life a profession, and who are most familiar with the history of American politics.

A servant of the people needs to have faith in the people. In dealing with a great question involving the reconstruction of Government and regeneration of society in nearly half the territory of the Republic he has no right to be "a negative expression, or an unknown quantity, in the algebra which is to work out the problem." He has no right to say that the people are not ready for a given policy, if he himself understands it, and is convinced that it is just and necessary. On the contrary, he will find it most safe to accept our democratic theory that the people are capable of understanding their affairs, and of managing them through honest and fearless representatives. What our politicians most need to-day is faith, faith in the people, faith in justice, and then to add to their faith *courage*. If the policy you propose is right, nothing is so safe as to trust the people; if it is crooked, a weak and

shallow expedient, a truce with justice, and not a real peace, then nothing could be more unsafe than an appeal to the voice of the people, which finally will be the voice of truth.

The people, you say, are not ready for negro ballots in the insurgent States. Sir, I would be glad to have the proof of that. Since the outbreak in 1861 they seem to have been ready for whatever has come in the rapid and stirring march of events. They were ready for the war, appalling as it was, and utterly foreign to their habits and tastes. When it came, as I have shown, they were ready for radical measures in its prosecution. They were ready, or soon became ready, to arm the negroes against their masters, and to demand the complete emancipation of the millions in chains. They were ready to sacrifice the lives of more than three hundred thousand brave men to save the Republic from dismemberment and ruin. They were ready to send sorrow into millions of households, and to entail upon their children a weary burden of debt in order that freedom should bear rule in these States. They were ready, when the war was ended, to demand the just chastisement of the great national criminals who were the instigators of the desolating conflict. They were ready to sanction the policy of a Freedmen's Bureau to guard and care for the men and women made nominally free by the power of war. They were ready to pass a constitutional amendment abolishing slavery forever, and arming Congress with the power, by appropriate legislation, to make such abolition effective. They were ready to crown the negro with the honors of a soldier of the Republic, and ask him to help defend it against its assassins, and thereby to pledge themselves before God and man that he should thenceforward share all the rights enjoyed by white citizens. They were ready to say, in January last, through their Representatives in this Hall, by a vote of 116 to 54, that no man under the exclusive jurisdiction of the national Government should be deprived of the ballot on account of race or color; and they have been disappointed, I am very sure, in the long delay of like action in the Senate. And they were ready, speaking through overwhelming majorities in both Houses of Congress, and in defiance of the Executive, to indorse the civil rights bill, which lacks only one short step of reaching the ballot, and the principles of which can only be defended by a logic which necessitates the grant of it as the grandest of all civil rights, and the pledge and shield of them all.

Mr. Speaker, a people who have proved themselves ready for all this will be found ready to move steadily forward toward the complete accomplishment of their grand purpose. Most assuredly they will not turn back, nor pause in their course. Their schooling during the past five years has armed them against fear, and the man who says they are not ready for all measures required to make good to the nation the righteous ends of the war impeaches both their intelligence and their patriotism. The people are not ready! This is the cry which is daily rung out here from a chorus of voices. We ourselves are all ready, individually, for the most radical policy, if the country would sustain us. Impartial suffrage is openly indorsed as the true doctrine, which, in due season, the people will be prepared to accept. They may be ready, we are told, after the fall elections, and the hope is frequently expressed that then we shall meet the issue squarely. Almost everybody, save the most unblushing copperheads, says that negro voting in the South is the true reconstruction, and is absolutely necessary if the rebels are to vote; but the country is not ripe for it. "Personally," as Henry Clay said of the annexation of Texas, all of us "would be glad to see it," but the issue is premature.

Sir, gentlemen are themselves premature, in all such statements. The people *are* ready, in this battle of politics, and would gladly go to the front if they could, leaving the politicians

to straggle in the rear. And if the voice of the loyal millions could be faithfully executed to-day, treason would be made infamous, traitors would be disfranchised, and the loyal men of the South, irrespective of color, would take the front seats in the work of reconstruction and government. Do you doubt this? If there is real union among Union men everywhere, upon any single point, it is in their absolute determination to make sure the fruits of their victory, through whatever measures may be found needful. Sir, remembering the past, can any man really believe the loyal masses will take fright at the spectacle of negro ballots in the regions blasted by treason? All civil government there is overthrown. The President himself has so officially declared. The governments extemporized there by himself are purely military, and so far as they have assumed to be more than that they are simply usurpations. This is also perfectly understood by the country. The work of organizing civil governments in these regions belongs to their people, subject entirely to the control and direction of Congress. This, too, has been officially admitted by the President. And now, if Congress, at this session, should pass the enabling act referred to, reported by the venerable gentleman from Pennsylvania, authorizing the holding of conventions to form new State governments, and prescribing the same rule of impartial suffrage as was done by this House for the District of Columbia, would the people revolt against it? Would they even be offended? Does any intelligent, fair-minded man really believe it? The restoration of civil government in the South is undeniably necessary. That Congress alone, in cooperation with the people, can do this, is equally certain. The mode of organizing civil government in regions under the national jurisdiction is perfectly familiar to the people, and well settled by long and uniform practice. Who, then, shall be alarmed, if Congress, in rightfully initiating new governments, shall secure a voice to the colored millions who constitute more than two fifths of the people, and an overwhelming majority of those who are loyal? What Union man will recoil from a policy of impartial justice? Do we still so love our "southern brethren" that we must necessarily give *them* the ballot, and so sympathize with their tastes and dread their ill-will that we must deny it to the freedmen? Are the people to be dealt with as idiots or madmen on this subject, and counted rational on every other? Sir, let us put away timid counsels, and face the truth like men. Let us be wise to-day. Let us have faith in the sturdy common sense and unquenchable loyalty and patriotism of the people, as becomes those who have seen them confront the greatest of trials, and never yet found them wanting. Let us not doubt, for a moment, that they will sustain us, if we ourselves have the courage which "mounteth with occasion," and will only "dare do all that may become a man." Above all, let us remember that Providential guidance which in our trials hitherto has favored us exactly in the degree we have allied our cause to justice, and withheld from us the coveted prize of success as often as we have sought it at the expense of the rights of man. That same Providential discipline will most assuredly go with us to the end, whether we bravely meet the great duties of the crisis or prove ourselves unequal to our day and our work. Nothing, therefore, is so safe, and so sure to win, as the policy which shall make this truth our guide. God give us faith in His counsels, and courage to follow them! And let us not forget that—

"The wise and active conquer difficulties,
By daring to attempt them; sloth and folly
Shiver and shrink at sight of trial and hazard,
And make the impossibility their fear."

INDIANA POLICY.

Mr. NIBLACK. Mr. Speaker, the Constitution and laws of Indiana relating to negroes and mulattoes have been so often referred to in the debates during the present session of Congress, and are so different from those of

most, if not all, of the other northern States, that I, as one of the Representatives from that State, feel called upon to define more accurately than has yet been done the action of our State in regard to this race of people, and to vindicate, so far as I am able, the policy which our people have seen proper to pursue in that respect. I feel it the more incumbent on me to attempt this vindication because I favored the adoption of our constitution containing the peculiar provisions of which I propose to speak, and because of my personal participation in the legislation necessary to give full effect to these provisions.

This subject has a renewed interest to the people of our State on account of the action of the present Congress, which in many respects changes, or at least attempts to change very materially the *status* of the negro race everywhere in the United States, and which, if sustained by the courts and people of the country, will override all State laws and State regulations in regard to that class of persons, and practically annul all that the people of Indiana or any other State may have done to separate the white and black races within its territorial limits.

This question does not affect the State of Indiana alone, however, but involves principles important, if not vital, to the good order and well-being of all the States, and hence has become a question of national importance. It is really for this reason that I ask the indulgence of the House to-day, and enter upon the discussion of a subject to which I had hoped I never would feel called upon to recur again in public debate. In thus discussing the local affairs of my State, I shall doubtless find it necessary as incidental thereto to refer to some other matters of public interest at this time.

The present constitution of Indiana which was ratified by the people of the State at a general election in August, A. D. 1851, and which went into effect on the 1st day of the succeeding November, contains, among others, the following separate article:

"ARTICLE XIII.—*Negroes and Mulattoes.*

"Sec. 1. No negro or mulatto shall come into or settle in the State after the adoption of this constitution.

"Sec. 2. All contracts made with any negro or mulatto coming into the State contrary to the provisions of the foregoing section shall be void; and every person who shall employ such negro or mulatto, or otherwise encourage him to remain in the State, shall be fined in any sum not less than ten dollars nor more than \$500.

"Sec. 3. All fines which may be collected for a violation of the provisions of this article, or of any law which may hereafter be passed for the purpose of carrying the same into execution, shall be set apart and appropriated for the colonization of such negroes and mulattoes and their descendants as may be in the State at the adoption of this constitution, and may be willing to emigrate.

"Sec. 4. The General Assembly shall pass laws to carry out the provisions of this article."

This article was, by order of the convention which adopted the constitution containing it, submitted to a separate vote, so that the sense of the people could be taken on it alone, and so that it might or might not become a part of that constitution, according as the people of the State might desire. On this separate vote 131,040 votes were cast. Of that number 109,976 votes were in favor of the adoption of this article and 21,064 against it, making a majority in favor of its adoption of 88,912 votes. To those who are disposed to criticize the action of our State in regard to the policy it thus inaugurated, or to regard the provision a hard and unjustifiable one, I respond that no political party, as such, was responsible for it, but that the people of the State sanctioned and ratified it by an unprecedented majority, a majority approaching very nearly unanimity.

The first Legislature of the State which assembled after this new constitution went into force enacted laws to carry this article into full effect, prescribing penalties against those who might violate its provisions, and making ample arrangements for the colonization of such negroes and mulattoes of the State as might be willing to emigrate.

As might very naturally be expected, sir, a

policy so important as this was not entered upon by our State without the most thorough discussion and the maturest deliberation. The debates of the convention which adopted it fully sustain this assertion.

The first question which is presented in reviewing the action of the convention on this subject is, did it possess the power, representing the sovereign power of the State as it did, to adopt and render effective this policy of repression and exclusion as to the negro race? I insist, sir, that it did possess this power, and that the position I thus assume can be sustained both on principle and by well-established authorities. I go further, sir, and insist that this convention possessed the power, if sanctioned and sustained by the people of the State, to have adopted a similar policy of repression and exclusion as to any other class of people who might have been regarded by it as an undesirable population, or if the best interests of the State had, in the opinion of the convention, demanded such a course.

The authority of any State, acting through its organic law, to do anything it may choose to do which falls within the range of powers possessed by any sovereignty or political community, and about which it is not restrained by the Constitution of the United States, is, in my judgment, undeniable. The tenth article in the amendments to the Constitution of the United States is as follows:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Now, sir, the States have delegated to Congress the power "to establish a uniform rule of naturalization." The Constitution of the United States also provides that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States." The power of a State to adopt "a uniform rule of naturalization" is therefore impliedly denied to it. As I interpret the provision lastly above quoted there are certain "privileges and immunities" pertaining to "citizens in the several States" which each State is bound to respect, "but so far as mere rights of persons are concerned, the provision in question is confined to citizens of a State who are temporarily in another State without taking up their residence there. It gives them no political rights in the State, as to voting, holding office, or in any other respect." (See Howard's U. S. Reports, vol. 19, page 422.) Beyond these provisions in relation to "a uniform rule of naturalization," and the "privileges and immunities of citizens in the several States" to which the citizens of each State are entitled, I find nothing in the Constitution of the United States, either as a delegated power or as a restriction, bearing on the question of citizenship. Section ten of that instrument, in enumerating the powers denied to the several States, does not allude to the subject of citizenship at all, and denies nothing to the State in relation to it. Hence I affirm that all questions relating to State citizenship, to domicile, or residence, whether temporary or otherwise, within the States, rest with the States alone, and are among the powers reserved to the "States respectively, or to the people." If I am right in this conclusion, sir, then the power of Indiana is as ample and unrestricted over these matters as if she were an independent State, and not a member of the Federal Union.

What, therefore, may an independent State do in excluding persons from its territorial limits or in repelling persons desirous of migrating into it? In determining this question we have to look to the law of nations, to the decisions of the courts, and to those principles which underlie all legitimate Governments. Vattel, in his Treatise on the Law of Nations, (see book two, chapter seven, section ninety-four,) says:

"The sovereign [which in our form of government means the people] may forbid the entrance of his territory, either to foreigners in general, or in par-

ticular cases, or to certain persons, or for certain particular purposes, according as he may think it advantageous to the State."

Quotations of similar import might be drawn from other writers on international law, but I regard it as unnecessary to multiply them here. There is no conflict of authorities on this point that I am aware of. In the case of the City of New York *vs.* Miln, found in volume eleven of Peters's United States Reports, commencing on page 102, the powers of the several States of the United States over the question under discussion is very ably and very fully treated. It is a leading and well-known case of its class, and arose on the power of the State of New York to exclude or impose conditions on emigrants from foreign countries or the ports of other States arriving in vessels under certain circumstances. The court in its opinion first argued to show that there is no conflict between the law of New York and the law of Congress governing the transportation of passengers and the navigation of vessels, and intimates that on that ground, perhaps, the law of New York might be sustained. After disposing of that point, however, the court say:

"But we do not place our opinion on this ground. We choose rather to plant ourselves on what we consider impregnable positions. They are these: that a State has the undeniable and unlimited jurisdiction over all persons and things within its territorial limits as any foreign nation; where that jurisdiction is not surrendered or restrained by the Constitution of the United States. That by virtue of this it is not only the right, but the bounden and solemn duty of a State to advance the safety, happiness, and prosperity of its people, and to provide for its general welfare by any and every act of legislation which it may deem to be conducive to those ends, where the power over the particular subject or the manner of its exercise is not surrendered or restrained in the manner just stated. That all those powers which relate merely to municipal legislation, or what may, perhaps, more properly be called internal police, are not thus surrendered or restrained; and that, consequently, in relation to these the authority of a State is complete, unqualified, and exclusive."

Further on in the same case the court say:

"We suppose it to be equally clear that a State has as much right to guard, by anticipation, against the commission of an offense against its laws as to inflict punishment upon the offender after it shall have been committed."

In a more recent case this question as to the power of a State to exclude persons from its territorial limits was again considered by the Supreme Court of the United States. It arose upon a law of the State of Massachusetts imposing certain restrictions or conditions upon the admission of emigrants arriving in vessels from other countries. The case I refer to is that of *Norris vs. The City of Boston*, found in Curtis's United States Reports, volume seventeen, and commencing on page 122. In this case the question as to the power of a State over the subject under discussion was not only considered, but the power of the Federal Government to control the action of the several States in the premises was also discussed. I read from the opinion of Chief Justice Taney, delivered in this cause. After reciting the history of the case, he says:

"The writ of error, however, brings up nothing for revision here but the constitutionality of the law under which this money was demanded and paid, and that question I proceed to examine."

"And the first inquiry is whether, under the Constitution of the United States, the Federal Government has the power to compel the several States to receive, and suffer to remain in association with its citizens, every person or class of persons whom it may be the policy or pleasure of the United States to admit. In my judgment this question lies at the foundation of the controversy in this case. I do not mean to say that the General Government have, by treaty or act of Congress, required the State of Massachusetts to permit the aliens in question to land. I think there is no treaty or act of Congress which can be so construed. But it is not necessary to examine that question until we have first inquired whether Congress can lawfully exercise such a power, and whether the States are bound to submit to it. For if the people of the several States of this Union reserved to themselves the power of expelling from their borders any person, or class of persons, whom it might deem dangerous to its peace or likely to produce a physical or moral evil among its citizens, then any treaty or law of Congress invading this right, and authorizing the introduction of any person or description of persons against the consent of the State, would be a usurpation of power which this court could neither recognize nor enforce. I had supposed this question not now open to dispute. It was dis-

timely decided in *Holmes vs. Jennison*, 14 Pet., 540; in *Groves vs. Slaughter*, 15 Pet., 449; and in *Prigg vs. The Commonwealth of Pennsylvania*, 15 Pet., 539.

"If these cases are to stand, the right of the State is undoubted. And it is equally clear that if it may remove from among its citizens any person or description of persons whom it regards as injurious to its welfare, it follows that it may meet them at the threshold and prevent them from entering. For it will hardly be said that the United States may permit them to enter and compel the State to receive them, and that the State may immediately afterward expel them. There could be no reason of policy or humanity for compelling the States, by the power of Congress, to imbibe the poison, and then leaving them to find a remedy for it by their own exertions and at their own expense."

"If the State has the power to determine whether the persons objected to shall remain in the State in association with its citizens, it must, as an incident inseparably connected with it, have the right to determine who shall enter. Indeed, in the case of *Groves vs. Slaughter*, the Mississippi constitution prohibited the entry of the objectionable persons, and the opinions of the court throughout treat the exercise of this power as being the same with that of expelling them after they have entered."

"I think it to be very clear, both on principle and the authority of adjudged cases, that the several States have a right to remove from among their people, and to prevent from entering the State, any person or class or description of persons whom it may deem dangerous or injurious to the interests and welfare of its citizens, and that the State has the exclusive right to determine, in its sound discretion, whether the danger does or does not exist, free from the control of the General Government."

These latter extracts, I concede, are taken from a dissenting opinion delivered in the cause, and as to how far they are pertinent to the points that were involved in it is a question about which there was a difference of opinion among the judges of the court in which the case was considered. I submit, however, that the views of the learned judge who delivered this dissenting opinion are amply sustained by the authorities already cited, and whether strictly pertinent to the case then under discussion or not, are undeniably correct as abstract propositions of law, and fully meet the approbation of my judgment. I could cite other authorities of like import and still further corroborating the positions I have assumed, but my time will not permit me. The authorities I have referred to I maintain fully sustain me as to the power of a State to determine who shall enter its territorial limits, and to exclude all persons whom it may regard as dangerous or injurious to its interests, for whatever cause, whether real or imaginary.

In the opinion, however, of the convention to which I have referred, and of an overwhelming majority of the people of our State at the time of the adoption of our present constitution, the power to exclude negroes and mulattoes rested on much stronger grounds than the power to exclude people of all classes of other countries and other States, which I have shown exists in all the States choosing to exercise it. The convention acted upon the theory that negroes and mulattoes were not citizens of the United States, were not parties to the political compact which formed the Constitution and Government of the United States, and were not entitled to become citizens of the United States under the then existing laws of Congress and without a radical change of policy on the part of the General Government. In this assertion I am also sustained by the debates of the convention to which I have referred. In this theory our people were then supported by the long continued and almost uniform usages and practices of the United States Government, by the opinions of many of the most eminent men in the country, and by the solemn adjudications of the courts of several of the States of the Union. I am aware that the impression prevails to a very considerable extent that no respectable court had ever recognized this theory until the opinion in the celebrated *Dred Scott* case was pronounced by the Supreme Court of the United States. This impression is erroneous, however, as I shall attempt to show.

In Kentucky, it had been decided in the case of *Kly vs. Thompson*, 3 Mar., 71, that—

"Although free persons of color are not parties to the social compact, yet they are entitled to repose under its shadow."

Again, in *Aury vs. Smith*, 1 Litt. Rep., 327, the court said that—

"Prior to the adoption of the Federal Constitution States had a right to make citizens of any person they pleased; but as the Constitution does not authorize any but white persons to become citizens of the United States, it furnishes a presumption that none others were citizens at the time of its adoption."

In Arkansas, on the 20th of January, 1843, an act was approved entitled—

"An act to prohibit emigration, &c., of free negroes, or free persons of color, into this State."

Soon afterward a man of color was indicted, tried, and convicted for coming into that State contrary to the provisions of that act. In reviewing this case the supreme court of that State say:

"The Legislature, no doubt, intended not only this section but the entire act as a measure of police necessary to the security and well-being of the people of the State. In this view we are unable to perceive any clause or provision of either the Federal or State constitution with which it conflicts. If any, it is that clause of the former which declares that 'the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.' Are free negroes, or free colored persons, citizens within the meaning of this clause? We think not. In recurring to the past history of the Constitution, and prior to its foundation, to that of the Confederation, it will be found that nothing beyond a kind of *quasi* citizenship has ever been recognized in the case of colored persons."

In Connecticut, in 1833, a law was passed, which made it penal to set up or establish any school in that State for the instruction of the African race not inhabitants of the State, or to instruct or teach in any such school or institution, or board or harbor for that purpose any such person, without the previous consent in writing of the civil authorities of the town in which such school or institution might be situated.

Prudence Crandall was prosecuted for boarding and harboring a person of color, not an inhabitant of the State, contrary to the provisions of this law. One of the points raised in the defense was, that the law was a violation of the Constitution of the United States, and that the person instructed, although of the African race, was a citizen of another State, and therefore entitled to the rights and privileges of citizens in the State of Connecticut. But Chief Justice Dagget, who presided at the trial of the cause, held that persons of that description were not citizens of a State, within the meaning of the word "citizen" in the Constitution of the United States, and were not, therefore, entitled to the privileges and immunities of citizens in other States.

The case was carried to the supreme court of errors of that State. But it went off there on another point, and no opinion was expressed in that court on the question of negro citizenship. The rulings of Chief Justice Dagget in the case have long been quoted with approbation, however, by many of the courts of the country, and the case itself, in Indiana at least, has long been regarded as a leading one of its class. (See *Crandall vs. The State*, 10 Conn. Rep., 340.)

Before the assembling of our convention, similar decisions on the question of negro citizenship had been made, I believe, in Georgia and Mississippi, and perhaps other States, but I cannot now give a reference to the cases from those States.

In 1821 the late William Wirt, then Attorney General of the United States, in a case referred to him, decided that "citizens of the United States" were used in the acts of Congress in the same sense as in the Constitution; and that free persons of color were not citizens within the meaning of the Constitution and laws of the United States. The conduct of the executive department of the Government, so far as I am advised on the question, has, with some trivial exceptions, and until a recent period, been in strict conformity with this opinion of Mr. Wirt.

Again, sir, the act of Congress passed in 1790, during the second session of the first Congress which assembled after the adoption of the Constitution of the United States, pro-

viding "a uniform rule of naturalization," confines the right to become citizens "to aliens, being free white persons." A large number of those who, as members of Congress, enacted this law were members of the Convention which adopted the Constitution, and thus gave what we must in fairness concede their interpretation to that instrument as to what classes of persons were citizens, and as to who were entitled to become such under it.

In 1813 another act of Congress was passed, providing—

"That from and after the termination of the war, in which the United States are now engaged with Great Britain, it shall not be lawful to employ on board of any public or private vessels of the United States, any person or persons except citizens of the United States or persons of color, natives of the United States."

This act clearly makes a distinction between citizens of the United States and persons of color, although natives of the United States, and is certainly a very plain legislative interpretation of the Constitution, that persons of color, though born in the country, are not citizens of the United States within the legal meaning of that phrase.

These authorities, with many others of similar import which I have not the space to refer to, all preceded by many years the *Dred Scott* decision, and were to a greater or less extent referred to and discussed by the Indiana convention during its deliberations. Since then these authorities have been reviewed and affirmed in this *Dred Scott* case, and upon the question of non-citizenship of the African race announce no new doctrine. I know that that case has been and still is bitterly denounced, and that terrible words have been pronounced against the learned judge who delivered the opinion of the court in that cause. These have been and still are but the ebullitions of frenzied partisanship, and will perish with the passions which evoked them. Judge Taney will be revered as one of the most learned, distinguished, and incorruptible judges that has yet ever adorned the American judiciary long after most of his assailants have been forgotten. Whatever objection has been made to the opinion of the court in that case, in other respects, but few eminent lawyers have ever within my knowledge denied its correctness in so far as it decides that persons of African descent were not citizens of the United States within the meaning of the Constitution. The action of the present Congress in endeavoring to confer citizenship upon that class of people I regard as a concession of its correctness on that point.

The negro, then, not being a citizen of the United States, and hence not shielded as such by the Federal Constitution, but constituting an anomalous and *quasi* foreign element, domiciled in the States respectively, and whether as a slave or freeman peculiarly within the jurisdiction and under the control of the States, it irresistibly follows that each State may for itself determine whether or not such negro shall enter its territory, and if he shall be so permitted to enter, then to determine the conditions upon which he shall be allowed to remain, and to fix and define his *status* while he does so remain within it.

I have so far, Mr. Speaker, discussed the mere question of the power of a State in certain matters within its own territorial limits. I concede, however, that because a State or a Government may possess the power to do a particular thing, it does not at all follow that it is always either wise or just to exercise that power. How far a conceded power ought to be exercised, or whether exercised at all, is a question of policy to be determined by each State for itself from time to time as emergencies may arise. Was it good policy, therefore, for the people of Indiana to exercise the power the State possessed in regard to the negro race in the manner they did? To this I might reply that it is a domestic question alone about which no other State has any well-grounded reason to complain, and hence not a proper subject of discussion outside of the

territorial limits of the State, but Congress having, as I have already stated, given a national importance to every branch of this subject, I hope I will be pardoned for attempting here a brief response to that inquiry.

The people of Indiana were from the beginning, and still are, as I have no doubt, opposed to the introduction of negroes into the State in any great number, in any capacity, and for any purpose. They resolved at the start that slavery should not exist within the State. They also early enacted laws tending to discourage the immigration of free persons of color into it. In these early times the public mind was impressed with the idea that slavery would not, probably, be a perpetual institution in the country, and that some provision would ultimately have to be made by many of the States, if not by the United States Government itself, for the free people of color, and our State being a border free State, and liable always to an influx by that class of people, the future status of the free people of color within her borders was from the first a matter in which our people felt a most lively interest. They early imbibed the idea which seemed to so generally prevail during the last generation, that a separation of the races was best for both whites and blacks, and that both humanity and good policy demanded that such a separation ought to be in every suitable way encouraged. They always protested against having our State made an asylum for the free blacks of other States, where they had from any cause become an undesirable population.

Any policy we might adopt, therefore, which prevented the people of the slave States south of us from throwing this class of people upon us we concluded would tend to induce the people of these slave States to make provision for the colonization of their colored people when any of them might be emancipated from whatever cause or whatever motives. We felt, too, that as we had not enjoyed any of the direct benefits of the institution of slavery we ought not to be subjected to the burden of providing for a defenseless population thrown upon us by the institution. Only the year before the convention assembled which adopted our present constitution, an earnest canvass had been made in our sister and adjoining State of Kentucky as to the expediency and propriety of abolishing slavery in that State. The discussions in that canvass at once brought up the question as to what should be done with the slaves thus proposed to be emancipated, and engrossed the closest attention of the people of Indiana. While the mass of our people were entirely willing to see Kentucky inaugurate a system of emancipation, and very many of them were anxious for it, we felt that she ought not to colonize any of her free blacks upon us, as had in many individual instances already been done. To put the matter at rest so far as we could, and to give notice to all concerned as to our wishes in regard to these people of color, we made the provision which I have read in regard to negroes and mulattoes a part of our constitution. Our policy as to these people therefore became a part of the organic law of our State, and as such still remains in force. Whatever other motives which may have had an influence in inducing our people to enter on this policy of repression and exclusion as to the negro race, one motive unquestionably was to endeavor by this means to strengthen the cause of colonization and that system which looked to an ultimate separation of the races in this country. Whether this scheme of separation and colonization was ever a practicable one I shall not now stop to inquire. Suffice it to say that it was one which received encouragement from some of the greatest minds which the country has produced, and which only a few years since was looked upon with more or less favor in almost every portion of the United States. It was to this end that colonization societies were formed and that so much time and means have been devoted to the cause of colonization throughout the country.

But it may be said, Mr. Speaker, that however desirable it may be in some respects to separate the races, and however practicable it may have seemed at one time, recent events have destroyed all the hopes of success which may have ever clustered around that idea. I regret to have to concede that such may be the case. In the present condition of the public mind and the present exhausted financial and physical condition of the country, I grant that separation and colonization are now practically out of the question. Some portions of the country need the labor of the freedmen. Other portions want their votes and desire them to remain as a political power. All of our surplus means are absorbed by our public debt. The negro is therefore now, to all appearances, as permanently domiciled within the United States as any of us. If he must remain among us, the great practical question in regard to him is, what shall be his position in the future, and as incidental to that, who must determine and define that position? As I have been endeavoring to show, it is contended on the one side that the General Government possesses this power and ought to exercise it. On the other side, it is insisted that this power rests with the States respectively, and ought to remain with them.

Because, however, sir, the condition and future prospects of the colored race have been greatly changed as one of the results of the civil war from which we are just emerging, it does not follow that the colonization scheme was not a humane and beneficent one. It is sufficient to say that in times now passed it was regarded by the people of Indiana as affording the best solution that could be then devised as to the future disposition of the negro race on this continent. The earnest and honest desire which was then entertained by the people of Indiana to assist in carrying it out and to make it a practical success, constitutes a sufficient defense of their policy in regard to that race of people. It is not their fault, certainly, that colonization has failed to accomplish what they so much desired of it.

The action of our State in regard to the unfortunate colored race, Mr. Speaker, can be defended, and successfully, too, as I hope to show, on other grounds than as a colonization measure merely. I refer now to the inequality and physical difference between the white and black races. I have always maintained, and certainly a very large majority of the people of Indiana have, heretofore at least, also maintained, that in the grand scale of humanity the negro race is inferior to the white race, and that anything like social or political equality between the two races is neither practicable nor desirable. Our whole system of laws in relation to the negro, from the first organization of the State to the present time, has been based on that theory. I am aware that in assuming this position now I am entering the regions of controversy, and that a different theory seems now to prevail in many sections of the country. I have not time now to go into this question in all its details, nor to answer many of the arguments urged with so much earnestness of late in favor of the equality of all men without reference to race or color. That all human beings, however low in the scale of humanity, have certain rights which ought not to be, and cannot be with impunity, disregarded, I frankly concede. That the strong ought not out of mere wantonness to tyrannize over the weak is equally evident. That the negro, in his present condition in this country, is entitled to certain civil rights wherever he may be lawfully domiciled, is as fully and freely admitted.

In Indiana all the civil rights of negroes and mulattoes, lawfully within the State, including the right to testify as witnesses, are by law fully recognized. But there is a very broad distinction between the protection of a person in his civil rights, his personal and property rights, and the conferring of political power upon him. This distinction the laws of In-

diana have always carefully observed, and it is a distinction which I maintain ought to be kept steadily in view while legislating in regard to the negro race on this continent.

This distinction between civil rights and political rights, this inequality between the races, was fully considered and discussed in the Indiana convention which formed our constitution. One of the leading members of that convention, (Mr. Lockhart,) afterward a member of this House, in discussing the relations between the two races, and in referring to the negro race, said:

"If citizens in a full and constitutional sense, why were they not permitted to participate in its formation? They certainly were not. The Constitution was the work of the white race; the Government for which it provides, and of which it is the fundamental law, is in their hands and under their control; and it could not have been intended to place a different race of people in all things upon terms of equality with themselves. Indeed, if such had been the desire, its utter impracticability is too evident to admit of doubt. The two races, differing as they do in complexion, habits, conformation, and intellectual endowments, could not, nor ever will, live together upon terms of social or political equality. A higher than human power has so ordered it. A greater than human agency must change the decree."—*Debates Indiana Convention*, page 627.

I might give other extracts of like import showing that this alleged inequality between the races was a well-recognized fact by leading members of the convention, of all parties, and by an overwhelming majority of that body. But that I regard as an unnecessary labor here. Indeed, sir, until a very recent period, this inequality between the races was regarded as a recognized and conceded fact by nearly all the representative men of all parties and of all sections of the country. Those who insisted otherwise were but rare exceptions to the general rule. It is only a brief period since none denied more indignantly the charge of favoring the equality of the races than did most of the leaders of the party now in the majority in this House. It was treated by many of them as an insult to be resented by opprobrious words and burning epithets. In illustration of the truth of these remarks, I will quote from a speech made by Mr. Lincoln, late President of the United States, at Columbus, Ohio, in September, 1859. On the morning of the day on which he spoke, on that occasion, one of the papers of that city charged that, "in debating with Senator Douglas, during the memorable contest of last fall, Mr. Lincoln declared in favor of negro suffrage, and attempted to defend that vile conception against the Little Giant." In the commencement of his speech, Mr. Lincoln noticed this charge and complained of it. He said it was a mistake and a misrepresentation, and, to vindicate himself, proceeded to read from his previous speeches. He first read from his celebrated Ottawa speech of the preceding year, as follows:

"Now, gentlemen, I don't want to read at any greater length, but this is the true complexion of all I have ever said in regard to the institution of slavery and the black race. This is the whole of it, and anything that argues me into this idea of perfect social and political equality with the negro is but a specious and fantastic arrangement of words, by which a man can prove a horse chestnut to be a chestnut horse."

"I have no purpose to introduce political and social equality between the white and black races. There is a physical difference between the two which, in my judgment, will probably forbid their ever living together upon the footing of perfect equality, and inasmuch as it becomes a necessity that there must be a difference, I, as well as Judge Douglas, am in favor of the race to which I belong having the superior position."

After insisting that notwithstanding this inequality the negro has certain natural rights of which he ought not to be deprived—a fact which I have already fully conceded in my remarks to-day—Mr. Lincoln continues:

"I agree with Judge Douglas, he [the negro] is not my equal in many respects. Certainly, not in color; perhaps not in moral or intellectual endowments."

Mr. Lincoln also then quoted from another speech he had previously made, as follows:

"While I was at the hotel to-day an elderly gentleman called upon me to know whether I was really in favor of producing perfect equality between the negroes and white people. While I had not proposed to myself on this occasion to say much on that subject, yet as the question was asked me, I thought I

would occupy, perhaps, five minutes in saying something in regard to it. I will say, then, that I am not nor ever have been in favor of bringing about in any way the social and political equality of the white and black races; that I am not or ever have been in favor of making voters or jurors of negroes, nor of qualifying them to hold office or intermarry with the white people; and I will say in addition to this, that there is a physical difference between the white and black races, which I believe will forever forbid the two races living together on terms of social and political equality. And inasmuch as they cannot so live while they do remain together, there must be the position of superior and inferior, and I, as much as any other man, am in favor of having the superior position assigned to the white race."

After reasserting his belief that there were certain rights, however, that ought not to be denied to the colored man, and after indulging in some pleasantries at the expense of Judge Douglas, Mr. Lincoln, on that occasion, further proceeded to say:

"There, my friends, you have briefly what I have, on former occasions, said upon the subject to which this newspaper, to the extent of its ability, has drawn the public attention. In it you not only perceive, as a probability, that in that contest I did not at any time say I was in favor of negro suffrage, but the absolute proof that twice—once substantially and once expressly—I declared against it. Having shown you this, there remains but a word of comment upon that newspaper article. It is this: that I presume the editor of that paper is an honest and truth-loving man, and that he will be greatly obliged to me for furnishing him thus early an opportunity to correct the misrepresentation he has made, before it has run so long that malicious people can call him a liar."

Mr. Lincoln's name will go down to posterity as the great emancipator and friend of the African race, and I quote him therefore as a representative man of his class and of his times. And while I was, during his eventful life, especially the last years of it, unable to agree with him in many things, I am gratified with the opportunity of saying that in his views thus expressed, as to the differences between the races, and as to the impracticability of their living together or terms of equality, I fully and heartily concur with him.

Mexico, sir, is a living example of the folly of trying to commingle essentially different races of people together upon terms of equality. I do not claim that all the troubles of that unfortunate country result from that cause alone, but I am quite sure it is one of the great disturbing causes, which will not, and I fear cannot, be easily removed.

Many colored men, it is true, have given evidence of superior talents, and some of them have risen to a comparative degree of eminence. But they are the exceptions, not the rule. An admixture of white blood is discernible in most of those who have in any laudable way distinguished themselves. As a class I have failed to see in them any of those high traits of character which indicate them as fit to become a governing race anywhere. So far as we know, the African race had as fair a chance in the earlier ages of the world for improvement in the arts and sciences and for advancement in civilization as did the white race. If we are all the children of Adam, they certainly had; and yet what have they of themselves accomplished? What progress they have made has resulted from their having been, against their will, brought into contact with white people. It is true that they have recently obtained their freedom, and are now in a condition to demonstrate better than ever before to what extent they are capable of accomplishing great results.

But, sir, they did not win their freedom, and had but little agency in shaping the events which conferred it upon them. It came to them as one of the results of and as incident to a great civil war in which white men contended for power, and in which colored men played but a subordinate part. It came to them on the demand of white men who wielded the power of the Government, first as a measure of war, and afterward as a condition of peace. As the war progressed, many of them under the great inducements held out for their encouragement, did from time to time enter the ranks of the Union Army and rendered such assistance as they were capable of affording.

Others of them, however, adhered to the cause of their late masters to the last, and I think I am justified in saying that, whatever their sympathies as a class may have been, a majority of them either adhered from first to last to the rebellion or aided and assisted by their labor or otherwise those who did so adhere. One of the most remarkable developments of the late war in connection with this race of people was the fidelity and personal devotion to their late masters, exhibited by a great proportion of them in the seceding States when the strongest inducements to freedom were held out to them by the Federal Government. The teachings of history, sir, are in vain if white men would have so acted under similar circumstances. I think, therefore, Mr. Lincoln has been amply sustained by this circumstance alone in saying that there is a physical difference between the two races; that there is a difference in their moral and intellectual endowments. And, when I hear it asserted with so much confidence by gentlemen on the other side, that the colored people of the South constitute a unitedly loyal element, I confess I am unable to understand upon what authority the assertion is made. I am inclined to think, sir, it is one of those poetic licenses that visionary men are too apt to indulge in when treating of solid realities.

Now, sir, I have attempted to show, and I shall assume for the purposes of my argument that I have shown it, that there is an inequality between the two races, physical and intellectual; the white man occupying the superior and the colored man the inferior position. I have also shown, and before I conclude will attempt further to show, that this difference was recognized and acted upon when our matchless Government was instituted, and that it has been observed and perpetuated, in a greater or less degree, by every department of the Government to the present time. In view, then, of these facts, in view of this anomalous and inferior condition of the colored race in this country, it is no matter of surprise that negroes in any considerable numbers, especially in States where their labor is not needed, should be regarded as an undesirable population. In Indiana the kind of labor to which these people are peculiarly adapted was nowhere needed when her policy in regard to them was adopted. Even yet there is no special demand for that kind of labor. Our climate is unsuited to them as a race. There was room, and to spare, for them elsewhere under a more genial sun, and where their labor was, and perhaps always may be, needed.

Was it strange, then, that our people should desire to provide against an increase of this population, and should be anxious, even, at the same time to devise some humane plan to induce those already among us to emigrate? It was to accomplish these results that the provision in our constitution in relation to negroes and mulattoes was inserted. To refuse a negro the right of immigration into the State can at best, under the circumstances of his position, be no more than an inconvenience to him. To receive him into the State might be much more than an inconvenience to its people. Neither was there then, nor is there now, any inhumanity in holding out pecuniary inducements to those already in the State to emigrate, and this is all that the provision in relation to colonization amounts to. On the score of policy, therefore, I announce it as my deliberate conviction that the people of Indiana were justified in the course they saw fit to pursue in regard to the colored race.

I now proceed, Mr. Speaker, to discuss another question which at once presents itself in connection with what I have already said, and one of more practical and general importance to all the States than anything I have yet offered, and that is as to the effect of the recent action of Congress in passing the so-called civil rights bill on State laws and State regulations imposing disabilities on its negro population.

The first and second sections of the act of Congress to which I refer read as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all persons born in the United States and not subject to any foreign Power, excluding Indians not taxed, are hereby declared to be citizens of the United States; and such citizens, of every race and color, without regard to any previous condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall have the same right, in every State and Territory in the United States, to make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold, and convey real and personal property, and to full and equal benefit of laws and proceedings for the security of person and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, and penalties, and to none other, any law, statute, ordinance, regulation, or custom, to the contrary notwithstanding."

"Sec. 2. And be it further enacted, That any person who, under color of any law, statute, ordinance, regulation, or custom, shall subject, or cause to be subjected, any inhabitant of any State or Territory to the deprivation of any right secured or protected by this act, or to different punishment, pains, or penalties on account of such person having at any time been held in a condition of slavery or involuntary servitude except as a punishment for crime whereof the party shall have been duly convicted, or by reason of his color or race, than is prescribed for the punishment of white persons, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding \$1,000, or imprisonment not exceeding one year, or both, in the discretion of the court."

The language employed leaves no doubt, sir, as to the intention of Congress in enacting this law. If Congress possesses the constitutional power to enact such a law, then all persons born in the United States, and not subject to any foreign Power, except Indians not taxed, of whatever race or color, are citizens of the United States, and entitled to full protection as such. And all State constitutions and State laws making any discrimination against negroes, mulattoes, Indians who pay taxes, Chinamen, or Gypsies, on account of their color or race, are null and void; and any State judge or other State officer who shall attempt to enforce the law of any State making such discrimination is liable to "be punished by fine not exceeding \$1,000 or imprisonment not exceeding one year, or both, in the discretion of the court." Take the case of the State of Indiana as an instance. As I have shown, any negro or mulatto who may come into the State since the 1st day of November, A. D. 1851, is liable to a fine; and all contracts made within the State with such negro or mulatto are void under the constitution and laws of that State. Such negro or mulatto thus coming into the State in violation of its laws is not a competent witness to testify against white persons under the State law. Yet if this law of Congress shall be held valid, then if any judge of any of the State courts in that State shall assess a fine against any negro or mulatto for coming into the State in violation of its laws, or shall refuse to permit any such negro or mulatto to testify against a white person in any case, then such judge is liable to be indicted for thus acting in one of the Federal courts at Indianapolis, to be taken to that city for trial, and to be punished under this law of Congress. Every other officer of the court who may assist the judge in thus enforcing the State law is liable to be punished in the same way, astounding as it may seem.

Has Congress, then, the constitutional power to enact such a law? The people of every State in this Union are interested, either directly or indirectly, in the answer to this question. The people of those States in which there is any discrimination against negroes or mulattoes are especially interested in it. To every judge and officer of any court in Indiana it is a most important question, because until it is judicially settled either the one way or the other such judge or other officer of his court cannot know what his duty is in such a dilemma.

I have no hesitation in announcing it as my opinion, Mr. Speaker, that Congress does not possess the power it has attempted to exercise

in the passage of this civil rights bill. I shall endeavor very briefly to give some of the reasons for the opinion I thus entertain.

I have already attempted to show that at the time of the adoption of the Federal Constitution none but persons of the white race were recognized by that instrument as citizens of the United States. As this construction of the Constitution is an important question in connection with the subject I am now discussing, I hope I will be pardoned for again alluding to it. It is objected that this construction is in opposition to the plain words of the Declaration of Independence, and hence inadmissible. If this were true the Constitution, being later in date, and the real bond of union between the States, would have to prevail. That there is, however, no such conflict between the Declaration and the Constitution I shall attempt to show. It is true the Declaration of Independence contains these memorable words:

"We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among them are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted, deriving their just powers from the consent of the governed."

In commenting on these words the Supreme Court of the United States says:

"The general words above quoted would seem to embrace the whole human family, and if they were used in a similar instrument at this day would be so understood. But it is too clear for dispute that the enslaved African race were not intended to be included, and formed no part of the people who framed and adopted this Declaration; for if the language as understood in that day would embrace them the conduct of the distinguished men who framed the Declaration of Independence would have been utterly and flagrantly inconsistent with the principles they asserted; and instead of the sympathy of mankind, to which they so confidently appealed, they would have deserved and received universal rebuke and reprobation."

Yet the men who framed this Declaration were great men—high in literary acquirements—high in the sense of honor, and incapable of asserting principles inconsistent with those on which they were acting. They perfectly understood the meaning of the language they used, and how it would be understood by others; and they knew that it would not in any part of the civilized world be supposed to embrace the negro race, which by common consent, had been excluded from civilized Governments, and the family of nations, and doomed to slavery. They spoke and acted according to the then established doctrine and principles, and in the ordinary language of the day, and no one misunderstood them. The unhappy black race were separated from the white by indelible marks and laws long before established, and were never thought of or spoken of except as property, and when the claims of the owner or the profit of the trader were supposed to need protection."

"This state of public opinion had undergone no change when the Constitution was adopted, as is equally evident from its provisions and language."—*Dred Scott case*, 19 *Howard's United States Reports*, page 410.

The court, in the same case, in considering whether the African race were recognized by the Constitution as citizens of the United States, says:

"The words 'people of the United States' and 'citizens' are synonymous terms and mean the same thing. They both describe the political body who, according to our republican institutions, form the sovereignty, and who hold the power and conduct the Government through their Representatives. They are what we familiarly call the 'sovereign people,' and every citizen is one of this people and a constituent member of this sovereignty. The question before us is, whether the class of persons described in the plea in abatement (that is, persons of African descent) compose a portion of this people and are constituent members of this sovereignty? We think they are not, and that they are not included, and were not intended to be included, under the word 'citizens' in the Constitution, and can therefore claim none of the rights and privileges which that instrument provides for and secures to citizens of the United States. On the contrary, they were at the time considered as a subordinate and inferior class of beings, who had been subjugated by the dominant race, and whether emancipated or not yet remained subject to their authority, and had no rights and privileges but such as those who held the power and the Government might choose to grant them."

It is not the province of the court to decide upon the justice or injustice, the policy or impolicy, of these laws. The decision of that question belonged to the political or law-making power; to those who formed the sovereignty and framed the Constitution. The duty of the court is to interpret the instrument they have framed, with the best lights we can obtain on the subject, and to administer it as we find it, according to its true intent and meaning when it was adopted."—19 *Howard*, 405.

It may be also added, Mr. Speaker, that when our national Government was instituted, degrading laws as to the African race existed in nearly all the States which were then in existence. Even up to and as late as 1848, in no State except Maine did the African race, in point of fact, participate equally with the whites in the exercise of civil and political rights. (See Kent's Commentaries, sixth edition, vol. 2, p. 258, note b.)

The Constitution itself allowed the continuation of the African slave trade until 1808. In view of these historical facts, and in the light of the authorities I have cited, it could not have been that the great men who formed our Government should have intended that the African race should participate in it as the equals of the whites and have full protection as citizens of it. They could not have intended so great an inconsistency.

I do not refer, sir, to this treatment of the African race with any pleasure. I do so only because my line of argument seems to require it. If it shall be said that our fathers sinned in their treatment of this unfortunate race, then I answer that they sinned not alone, but that the whole civilized world, to a greater or less extent, participated in the sin, and that all sections and portions of our country were alike involved in it.

Now, therefore, sir, as persons of African descent, though born in the country, are not by virtue of the provisions of the Federal Constitution citizens of the United States, by what power and in what way, if at all, can this class of persons be such citizens?

The States cannot by any separate or State action make them citizens of the United States. While, as I have shown, a State may impose disabilities on this class of persons within its jurisdiction, it may at the same time confer any privileges and immunities on them or any portion of them as it may seem proper within its own territorial limits. A State may make them jurors, witnesses, voters, or office-holders if it choose, but such disabilities on the one hand, and such privileges and immunities on the other, do not extend beyond the boundaries of the State imposing or conferring them. The Supreme Court of the United States, in commenting on the power of the States in this respect, say:

"The Constitution upon its adoption obviously took from the States all power by any subsequent legislation to introduce as a citizen into the political family of the United States any one, no matter where he was born, or what might be his character or condition."—*And no law of a State, therefore, passed since the Constitution was adopted can give any right of citizenship outside of its own territory.*

On the same subject that court also say:

"No State was willing to permit another State to determine who should or should not be admitted as one of its citizens, and entitled to demand equal rights and privileges with their own people, within their own territories. The right of naturalization was, therefore, with one accord, surrendered by the States and confided to the Federal Government."—19 *Howard*, pages 417 and 418.

All the power, therefore, that exists anywhere to introduce any person as a citizen into the political family of the United States rests with the Federal Government. This power is embraced in the grant of authority to Congress, to which I have before alluded, "to establish a uniform rule of naturalization." What, then, is the extent of this authority thus conferred on Congress? Under this power may Congress make everybody it chooses citizens of the United States, or can it under it only make certain classes or descriptions of persons such citizens?

The American definition of the word "naturalization" is found in Bouvier's Law Dictionary, and is as follows: "Naturalization—The act by which an alien is made a citizen of the United States of America."

Bouvier also defines a "naturalized citizen" to be "one who, being born an alien, has lawfully become a citizen of the United States under the Constitution and laws."

The same author defines an "alien" to be

"one born out of the jurisdiction of the United States, who has not since been naturalized under their Constitution and laws."

Chancellor Kent, in his Commentaries, (see volume two, page 12,) says:

"An alien is a person born out of the jurisdiction and allegiance of the United States."

The Supreme Court of the United States, in considering the power of Congress on the subject of naturalization, also say:

"And this power granted to Congress to establish a uniform rule of naturalization is, by the well-understood meaning of the word, confined to persons born in a foreign country, under a foreign Government. It is not a power to raise to the rank of a citizen any one born in the United States, who, from birth or parentage, by the laws of the country, belongs to an inferior and subordinate class."

Chancellor Kent, in treating of this subject of naturalization, also says:

"The act of Congress confines the description of aliens capable of naturalization to free white persons. I presume this excludes the inhabitants of Africa and their descendants; and it may become a question to what extent persons of mixed blood are excluded, and what shades and degrees of mixture of color disqualify an alien from application for the benefits of the act of naturalization. Perhaps there might be difficulties also as to the copper-colored native of America, or the yellow or tawny races of the Asiatics, and it may well be doubted whether any of them are 'white persons' within the purview of the law."—*Kent's Commentaries*, vol. 2, page 88.

Under the construction of this act of Congress thus foreshadowed by Mr. Kent, Chinamen have been denied naturalization in California, and nowhere, within my knowledge, have the courts of the country extended its benefits to any but persons of the white race.

To the inquiry propounded as to the power of Congress over this subject of naturalization I respond, that this grant of authority "to establish a uniform rule of naturalization" only confers on the Federal Government the power to admit "aliens," that is, persons born out of the jurisdiction and allegiance of the United States, to citizenship, and does not confer on it the power to elevate to the rank of citizens persons of an inferior race born within its jurisdiction and allegiance.

If I am right in these conclusions, then it follows, irresistibly follows, I submit, that so much of the civil rights bill as attempts to confer citizenship on the class of colored people which is intended to be embraced within its provisions is wholly inoperative and void within the territorial limits, at least, of the several States of this Union, and only efficient, if anywhere, in those places to which the exclusive jurisdiction of Congress extends.

Now, it has been shown, Mr. Speaker, and I hope satisfactorily shown, that persons of the African race never have been and still are not citizens of the United States by virtue of the provisions of the Federal Constitution. I have shown, or at least attempted to show, that the States cannot by any separate action on their part confer national citizenship on that race of people. I have also endeavored to show that Congress cannot make citizens of the United States of negroes who were born within the jurisdiction and allegiance of the Federal Government. My position in relation to that portion of the African race who were born in this country, then, is, that they were left by the Constitution of the United States, and as one of the results of our peculiar institutions, in an anomalous and subordinate condition, from which Congress by an ordinary act of legislation cannot relieve them. I do not say that Congress might not by an amendment of the naturalization laws provide for the naturalization of persons of color born outside of the jurisdiction and allegiance of the United States, who might arrive here as emigrants in the ordinary way. My argument is not now addressed to that question, and I affirm nothing in regard to it, either the one way or the other. What I insist on is, that Congress under the pretense of naturalization cannot confer citizenship on native-born persons of an inferior race of people not recognized as citizens by the Constitution.

It may be asked how these persons of Afri-

can descent, born in the country, can be made citizens of the United States if the people shall really desire to make them such. I answer that this can only be done by an amendment of the Federal Constitution. In this declaration I feel that I am sustained by the recent action of the committee on reconstruction in the proposed amendments to the Constitution which that committee have reported, and which have recently passed Congress in a modified form. The first of the series of the proposed amendments is intended to confer citizenship on that very class of persons. Why, then, is such an amendment to the Constitution necessary if the civil rights bill already confers citizenship upon them? I have heard no satisfactory response to that inquiry yet, and I know of none that can begiven. Hence I infer that the majority here in Congress doubt the constitutionality of the civil rights bill, at least in so far as it attempts to confer citizenship on the native colored race.

But it is insisted that these disabilities imposed by many of the States upon their colored population are in opposition to the prevailing sentiment of the times in which we now live, and ought to be at once removed. This I maintain is a question for the States themselves to discuss and to determine. What is best for the colored people in some States may not be best for them in others, and hence the States can best respectively determine the necessities of these people within their own limits. If let alone by the General Government, these matters will soon adjust themselves. In the present altered and defenseless condition of the negro race the highest impulses of humanity will impel the white people everywhere, I firmly believe, to provide what is necessary to their prosperity and comfort. To doubt this is to cast suspicion on the fitness and capacity of the white people as a governing race. To allege the unfitness and incapacity of the white race to govern this country in any of its parts is to assert that republican institutions are a failure. For under Providence, this country is indebted for all its grandeur and glory to the genius and energy of the white man. To him the jewels of liberty, progress, and civilization were confided on this continent, and upon him devolve their preservation and transmission to posterity. He cannot, if he would, evade his responsibility. Despite the discouragements of the past few years, I yet have faith that he will not fail in the high destiny that has been assigned to him.

Let, therefore, the people of the States upon whom this duty peculiarly devolves, as I have attempted to show, legislate with care, with humanity, and with justice for those of the inferior races within their midst. Let them see to it that these people, not so gifted and not so endowed in all things as they, have all the protection which their condition demands. Let the white people, however, retain the power of the Government in their own hands, and wield it for the good of all. Let there be no visionary attempts to equalize fundamentally different races. Let there be no surrender of political power to weaker and untrained hands. When the colored people shall have developed in the sunlight of freedom, if they ever shall, their capacity for self-government, it will then be time enough to talk about dividing political power with them.

As for the State of Indiana, on whose behalf I have attempted to speak, I can very safely predict that she will do with the colored race within her borders whatever humanity requires that she shall do, and that she will in her own good time relax her laws in relation to those who may desire to migrate into the State if her people shall ever be convinced that justice or sound policy requires her to do this. As to whether she shall do so, and if so, when, are questions for her people to determine, however, and not for Congress. For my own part, until some stronger reason than has yet been urged shall present itself to my mind, I

will stand opposed to any policy which tends to increase the negro population of the State.

There are some other provisions of this civil rights bill, Mr. Speaker, which I would like to discuss, but my time will not permit me. I can only refer to them in general terms. This bill in substance also says that people of color of all shades and races except Indians not taxed—

"Shall have the same right in every State and Territory in the United States to make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold, and convey real and personal property, and to full and equal benefit of all laws and proceedings for the security of person and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, and penalties, and to none other, any law, statute, ordinance, regulation, or custom to the contrary notwithstanding."

This provision, I insist, is utterly null and void so far as it conflicts with State laws, State ordinances, and State constitutions. In the District of Columbia, and wherever else Congress is supreme, it is doubtless an effective and valid provision, but in matters of local and domestic concern within the States it can have no force and validity whatever, as I believe. This power of a State over its domestic affairs was never in any manner surrendered to the General Government, and hence was reserved to the "States respectively or to the people." This a cardinal principle in our form of government, and until recently was never denied, that I am aware of, by any respectable statesman in this country.

The convention which assembled at Chicago in 1860, and which first nominated Mr. Lincoln for the Presidency, adopted the following as a part of one of its resolutions:

"That the maintenance inviolate of the rights of the States, and especially the right of each State to order and control its own domestic institutions according to its own judgment exclusively, is essential to that balance of power on which the perfection and endurance of our political fabric depends."

The party, therefore, constituting the majority of this House, as it is thus shown, came into power in 1861 fully pledged to this cardinal principle of allowing the States exclusive control of their own local affairs. That principle is as much the doctrine of the Constitution to-day as it was in 1861. Then why attempt to overthrow it? To attempt to do to-day what the Constitution forbids is as much a crime against liberty as if attempted in the earlier and better days of the Republic.

These extraordinary provisions of this civil rights bill are to me another illustration of the tendencies of late to centralize all power in the General Government. This tendency to consolidation of power in the Federal Government is the counterpart of secession, and is another of the political heresies which all true friends of constitutional liberty ought equally to resist. We must see to it that the reserved powers of the States are respected on the one hand, and on the other that the authority of the Federal Government, in all matters confided to it, must be sustained at every hazard and at every sacrifice. Those who most strive to preserve the proper equilibrium between the States and the General Government are the truest friends of the Union everywhere. It is sometimes suggested that the Federal Government does not possess the constitutional power to do many things which the emergencies of the country require, and hence the necessity of some amendments to the Constitution.

Until we learn, Mr. Speaker, to regard more sacredly than we have of late done the inviolability of the obligations which the Constitution already imposes, I fear that amendments will be of little avail. Besides, sir, when the Government is disorganized and nearly one third of the States unrepresented in the national councils, it occurs to me as being an inopportune time to consider amendments to the fundamental law affecting every portion of the country. If the people of the lately insurgent States are too disloyal to be allowed to reorganize their State governments in their own way, and too disloyal to elect Representatives to Congress, it does occur to me as being a strange inconsistency to say that they are nev-

ertheless loyal enough to vote upon amendments to the Constitution. These suggestions are digressive, however, from my line of argument, and I cannot pursue them further.

In conclusion, Mr. Speaker, the States are the pillars which support the grand national edifice, and are component parts of the Federal Government. To sustain them, then, in what pertains to their jurisdiction is to sustain the Government itself. To restore those States which are now out of their practical relations with the General Government is a task imposed by the highest impulses of patriotism. Give us, therefore, restoration! Give us Union! After these are secured to us we will then be in a condition to consider what else our situation requires.

Mr. DAVIS obtained the floor.

Mr. STEVENS. If the gentleman from New York does not particularly desire to go on now, I ask him to yield to me for a few moments.

Mr. DAVIS. I will do so with pleasure.

LOAN TO REPUBLIC OF MEXICO.

Mr. STEVENS. I wish, Mr. Speaker, to say a few words, not upon the question of reconstruction so much as upon other national matters. As introductory to the remarks which I propose to make, I ask the Clerk to read a resolution which I propose to offer (not for action at the present time) and move that the Committee of the Whole on the state of the Union report it to the House with a recommendation that it pass.

The Clerk read as follows:

Resolved, That the Committee on Foreign Affairs be instructed to inquire into the propriety of loaning to the republic of Mexico, on proper security, \$20,000,000 to enable said republic to prevent the overthrow of its Government and the establishment of a monarchical Government on the continent of North America.

The SPEAKER *pro tempore*, (Mr. CULLOM.) This resolution is read at the present time only for information, as a part of the gentleman's speech.

Mr. STEVENS. Mr. Speaker, it seems to me that the time has arrived when the United States can calmly inquire whether that declaration of American policy called the "Monroe doctrine," which was once deemed so important and manly, shall be a practical idea or a mere bravado. While we were engaged in civil war it was certainly prudent not to provoke a war with any powerful nation, though I do not forget the bold policy of Rome, which made her declare war against a powerful nation, and march a legion against her to avenge an insult, while Hannibal was at her gates.

Three years ago the measure now proposed might have given to France just cause of war. On the invasion of Mexico by that Power, under a pretense very different from the ultimate one, she and Mexico were the contending belligerents. To have aided either of them with loans would have been a breach of neutrality. So now a loan to the republic might be justly considered by Maximilian as just cause of war, for which we would be responsible to him. For though he be a usurper he is an acknowledged belligerent.

But now France could have no cause of complaint according to the strictest rules of national law. By the treaty of April, 1864, between Napoleon and Maximilian, an empire was sought to be established independent of all other nations. France ceased to be a principal in the contest, and entered into arrangements with the so-called empire for the payment of her expenses and for the use of her troops as a future portion of the army of Maximilian. France occupies the same relation to the empire of Mexico that the Hessian States did to England while they sold their citizens to fight against America in the time of our Revolution. Their troops are mere Swiss fighting for pay in a foreign army. The prime minister of France lately disclaimed any interest in the Government of Mexico, and said to our minister, "You do us too much honor in supposing that we have any part in the Mexican empire." What might be just cause of war to Maximilian would

concern no other nation. Other Powers might aid Maximilian without being responsible to any but the republic of Mexico. We or others might aid the republic, being responsible only to the usurping empire.

Without being aggressive, it is the duty of this nation to make its moral power felt among nations. Diplomatic essays, however smoothly written, which yield everything and command nothing, add little to the force of a nation, but rather invite insult and scorn. Why do we allow our avowed principles to be disregarded by any Power? It needs only the fiat of this great Republic to decide the fate of the intrusive empire of Maximilian. What a blunder, what a crime, to be content with a promise to withdraw the invading forces in eighteen months! Before that time unaided Mexico will be ground to atoms, and republicanism in that beautiful portion of our continent will be among the things that were.

If it is not intended to maintain the Monroe doctrine with the full energy of the nation, it ought to be abandoned with dignity as an inconsiderate error. If it be deemed important to the safety and honor of the country, then there should be no yielding, no time-serving, no timid policy. In my judgment, it is a principle vital to the safety of this Republic, and that our honor is concerned to see that it be not violated. Principles of government, like diseases, are contagious. The monarchs of Europe combine to suppress democratic revolutions at any point lest they should spread and work the final overthrow of absolute government. So ought we to take care that no despotic Government should touch our borders lest the leprosy might spread and pollute the continent. Hence there was wisdom in the declaration that no foreign nation should establish a throne on this continent against the consent of the people. The so-called empire of Maximilian was a fraud so far as the consent of the people was concerned. The republic has been oppressed by foreign bayonets. The Mexicans who form any portion of the imperial Government are traitors who might well rank with southern secessionists.

Beside being a monarchy, the empire is a barbarian Government. The decree by which all true men found fighting for their country are to be instantly executed—and which is fully carried into effect—stamps the Government as savage, barbarian, and outside the pale of civilization. It is worse than the ancient Governments of Tripoli and Tunis and Algiers, which the civilized world held to be nests of pirates and enemies to the human race.

As, then, such loan could not be just cause of war with any foreign nation, is it expedient to grant it? It is very clear that without such foreign aid republicanism in Mexico must be crushed out and a monarchy established. Juarez has persevered with a courage and fortitude unparalleled in modern history. I know nothing to compare with it but the unyielding endurance and faith of William of Orange. But in the midst of a horde of traitors, sustained by one of the most powerful nations of Europe, the resources of that distracted country must become exhausted. I believe now, while the President could command men enough, his materials of war are well-nigh expended. Unless a foreign loan can be procured, I do not see how any respectable army can be kept on foot. Twenty million dollars could easily be advanced by us on the mortgage of Lower California, Sonora, Sinaloa, or Chihuahua, which would make it perfectly safe.

If it should provoke a war with Maximilian I suppose no one would be much alarmed; it would give the great Republic an opportunity to vindicate her honor, which has become dim under the Micawber policy of our Foreign Secretary. By vindicating that honor we should increase and consolidate the strength of the nation.

I trust our able Committee on Foreign Affairs will soon take some decisive step in this matter.

Mr. DAVIS resumed the floor, and made some remarks upon the protection of American industry; which will be found in the Appendix.

POWERS OF CONGRESS.

Mr. KERR. Mr. Speaker, under the parliamentary discipline which prevails in this House, it is impossible very often for members to get permission to discuss measures of the gravest importance, upon which, nevertheless, without discussion they are compelled to vote. This fact, however, does not relieve us from the solemn duty of giving full and careful consideration to all such measures. We may then simply announce our conclusions by our votes, or we may present our reasons therefor on some occasion like that accorded to me this day. On most matters of current business my judgment would be satisfied by the former course, but on subjects of such extraordinary importance as those to which I shall invite attention to-day, I prefer the latter.

There have already passed this House, by the votes of the dominant party here, three bills which are wholly without precedent, either in form or object, in the entire history of congressional legislation. There are ten or more bills of like character still upon our files which may at any time be presented for our consideration. These several bills, viewed together, rest upon the novel and alarming assumption that Congress possesses the constitutional power to create corporations generally, the theater of whose operations and business shall be some State or States of the Union, and to confer upon corporations created by State authority such additional privileges and franchises as Congress pleases, inconsistent with those conferred by the State, or to take from such corporations any privileges and franchises granted to them by the States; and, in short, carrying the theory of these bills to its logical results, to take under Federal control our vast and unparalleled system and network of telegraphs, railroads, canals, and other chartered highways which have sprung into such rapid existence under the fostering care and energies of State authority, as to constitute the greatest achievement of this age.

I am sadly conscious that it is not fashionable nowadays to question the omnipotence of Congress. But as a humble guardian of the liberties of the people, I gather ample motive from this fact alone to scrutinize with jealous care every attempt to overleap the just and prescribed limits upon power. The very apathy of the people should arouse the greater watchfulness in their representatives.

I shall now proceed to discuss in their order, briefly, the grave propositions involved in these bills. If Congress possesses these great powers, is it unreasonable to suppose that they should be found in the Constitution, in plain and unambiguous language?

First, then, I will inquire concerning the power of Congress to create corporations. No such power is expressly granted. It is not claimed by any intelligent public man to have been so granted. The history of the Constitution shows that a proposition to confer upon Congress, by appropriate words, such power, was rejected by a very large majority in the Constitutional Convention. (*See Elliot's Debates*, vol. 5, page 543.)

Alexander Hamilton in his great argument, in 1791, on the right of Congress to charter the United States Bank, conceded the entire absence of any express or substantive grant of such power in the Constitution, but he claimed that the right existed as an incident to other powers which were expressly granted, and that it could only be rightfully exercised in those cases in which such a corporation was a necessary and proper means or instrument for the execution of such expressly granted power. As Congress was expressly empowered to levy and collect large revenues and borrow money for the uses of the Government, he insisted that it might create a great financial corpora-

tion as a necessary and proper instrument to aid in the administration of its finances.

In the great case of *McCulloch vs. The State of Maryland*, (4 Wheaton, p. 411,) which involved the question of the validity of the charter of that bank, Chief Justice Marshall, in 1819, speaking of the alleged power of Congress to create corporations, said:

"The power of creating a corporation is never used for its own sake, but for the purpose of effecting something else. No sufficient reason is therefore perceived why it may not pass as incidental to those powers which are expressly given if it be a direct mode of executing them."

In 1824 the same great jurist in the case of *Osborn vs. United States Bank*, (9 Wheaton, p. 860,) speaking of the alleged power of Congress to create corporations generally, said:

"It has never been supposed that Congress could create such corporations. The whole opinion of the court in the case of *McCulloch vs. The State of Maryland* is founded on and sustained by the idea that the bank is an instrument which is necessary and proper for carrying into effect the powers vested in the Government of the United States."

In perfect harmony with these judicial decisions are the opinions of every other enlightened jurist or statesman in our country's history, except many of the early fathers, who earnestly insisted that these interpretations gave too much power to the Federal Government and exceeded the limits of safety and of sound construction. In my judgment, they go to the verge of reasonable and just construction, and ought never to be extended further. I affirm, therefore, that Congress has no power to create any corporations, except such only as are necessary and proper, or constitute a direct mode for the execution of some expressly granted power. Such cases are fortunately very few. The domain of congressional power does not extend to or require the creation of private corporations or monopolies to be controlled by the Federal Government and destroy the vitality of the States.

Then, Mr. Speaker, where does Congress get the right to enter a State, and tamper with her corporations, and entice them by the promise of privileges and franchises denied them by the State, or drive them by the threat of a diminution of those privileges and franchises, to desert their allegiance and obligations to the State, and seek protection under the ampler wing of the Federal Government? They get it nowhere. It is a myth. It is an assumption, a usurpation. It has no foundation in the Constitution, in authority, or reason. If Congress can empower a railroad company chartered by Indiana to extend its road beyond its lawful terminus to the boundary of the State of Ohio, and thence across that State to the boundary of Pennsylvania, and thence to the city of Philadelphia, or the city of Washington, or elsewhere, contrary to the provisions of its State charter, and without the consent or authority of the States whose territory is to be invaded by it, then it would be hard indeed to imagine what Congress cannot do. Yet the party that dictates the policy of this House, by two or three bills which they have already passed, and several others still pending, assert the right to exercise these extraordinary powers. I will cite enough of these bills to indicate their general character. The first section of House bill 537, which passed this House on the 31st of May last, reads as follows:

"That the Cleveland and Mahoning Railroad Company, a corporation created by the State of Ohio and existing as aforesaid, be, and the same is hereby, authorized and empowered to continue the line of its railroad, and the location and construction thereof, from the village of Youngstown in the county of Mahoning and State of Ohio, (to which point its railroad has been constructed from the city of Cleveland,) to the west line of the State of Pennsylvania, at the county of Lawrence, in said State, and thence to cross said line into said State, and thence to the city of Pittsburgh, or near thereof, by the most advantageous, economical, and practicable route, and at or near said city to connect with any other railroads extending therefrom; and to have and continue the same corporate power and authority, rights, and privileges granted to said company by said State."

The second section provides—

"That said company shall have power and authority to enter upon any lands, roads, or places, for the pur-

pose of locating its said road to said city of Pittsburg, and to cross any road, street, alley, canal, stream, river, or water in the construction and maintenance of said road, switches, turn-outs, and other proper appendages; and shall have power and authority to acquire by purchase, grant, deed, or gift, any lands, roads, streams, or places necessary for the right of way upon which to construct said road for single or double track, with all necessary, suitable, and proper turn-outs, switches, side tracks, and branches; and also, all necessary grounds for station-houses, depots, water-tanks, engine-houses, machine and repair shops, and other necessary structures and appendages for the economical working and use of said road; and shall also have authority to receive gifts and conveyances of land to aid in the construction of said road and all its appendages."

It is further provided that if the railroad company cannot negotiate satisfactory terms with the private citizens whose land or property it wants, then it may institute proceedings to appropriate their property, not in the courts of their own State, where their rights may be determined by their neighbors, but in some remote Federal court, where their vindication may cost them more than they will gain.

It is further provided that said railroad company may exempt itself from all liability to answer in the tribunals of the State for wrongs done to its citizens by at once removing from the State court to the Federal court any action instituted against it in the former, and compelling the citizens of the State to abandon their just demands, or follow it into the latter court, which in many cases is equivalent in its results to a denial of justice.

These facts sufficiently indicate the novel and most alarming nature of the propositions contained in this series of bills, and I shall quote no more from their particular provisions, but only consider the principles involved in them. They claim for the Federal Government the right to go into the States and against their laws and constitutions to authorize the construction of railroads, canals, and telegraphs, to run wherever Congress may direct, to acquire rights of way in and title to the soil of the State, and to carry on their business within the State without regard to and in defiance of the laws thereof. They claim for the Federal Government, also, the right to confer upon such corporations, created by the State, new and extraordinary powers, in direct violation of State authority. Such legislation, if sustained by the Federal courts, (which I do not believe to be possible,) would lead inevitably to the complete subversion of the rightful control of the States over their greatest material interests, their internal policy and commerce and their citizens and property. The General Government could thus wrest from the States and assert for itself the absolute and sovereign control over the vast accumulations of capital and influence and power embraced in the great systems of internal improvements which have been hitherto established and managed by the States, for the advancement and development of their own interests, and which have become, under their generous care, without Federal aid or interference, after long years of struggling, most fruitful sources of prosperity to their people and of needful revenue to themselves.

I now proceed to consider some of the results of such measures, which will be found to be more intolerable than the assumption of the power itself. The laws of Congress, constitutionally enacted, become the supreme law of the land. When Congress rightfully creates a corporation, or what is the same thing in principle, confers new privileges and franchises on State corporations to be exercised under Federal authority and protection, such laws necessarily override all State legislation, and such corporations become *means* or *instruments* of the Federal Government in the execution of some of its expressly granted powers. Such corporations, with all their property, are thus, by the greedy hand of Federal power, snatched from the rightful control of the States and subjected to the exclusive management of the former. If the States are thereafter allowed to exercise any control whatever over them for taxation of their property or otherwise, it can only be done by gracious *permission* of the central Government. The

corporation called the United States Bank was such an *instrument*, and the Supreme Court have repeatedly announced these principles in connection with it, and have expressly held it beyond the power of the States to tax it or its property. The language of that tribunal, from the pen of Chief Justice Marshall, presents these propositions in a most forcible and unmistakable manner. I will quote a few paragraphs:

"It is of the very essence of supremacy to remove all obstacles to its action within its own sphere, and so to modify every power vested in subordinate governments, as to exempt its own operations from their own influence. This effect need not be stated in terms. It is involved in the declaration of supremacy, so necessarily implied in it that the expression of it could not make it more certain."

"All subjects over which the sovereign power of a State extends are objects of taxation; but those over which it does not extend are upon the soundest principles exempt from taxation. This proposition may almost be pronounced self-evident."

"The sovereignty of a State extends to everything which exists by its own authority or is introduced by its permission; but does it extend to those means which are employed by Congress to carry into execution powers conferred on that body by the people of the United States? We think it demonstrable that it does not." "We find, then, on just theory, a total failure of this original right to tax the means employed by the Government of the Union for the execution of its powers. The right never existed, and the question whether it has been surrendered cannot arise."—*McCulloch vs. The State of Maryland*, 4 Wheaton, 427.

The same doctrines are reaffirmed by the same court in the subsequent case of *Osborn vs. United States Bank*, (9 Wheaton, 233,) and in many other cases. They all rest upon the theory that these corporations, thus created or endowed by the Federal Government, become instruments, as it were, in the hands of that Government, and that to suffer them to be taxed at all by the States would be equivalent to allowing them to tax the machinery of the Government itself, and that if the States had the power of such taxation they might abuse it, might tax such instruments out of existence. Hence the denial of the power.

In other words, Congress having no power to create such corporations except in cases where they are a proper and necessary instrumentality for the execution of some granted power, when they are created they at once become totally exempt from all control save that of the creating power, and to admit that they were subject to any other control in the important matter of taxation would be to endanger their very existence. Because, if the States could tax them at all without the consent of the General Government, they could tax them as much or as little as they please, and they might please to impose such burdens upon them as would wholly defeat their objects. The States might then discriminate against them and in favor of their own corporations, and thus drive them out of existence. It was upon such reasoning and arguments the Supreme Court held thirty years ago, and has ever since held, that such corporations and the bonds of the Federal Government are entirely exempt from State and municipal taxation.

Now, apply these principles to Federal railroad, canal, telegraph, and other corporations. If the power to create them exists, the power to control them follows. Then what becomes of the sacred and boasted rights of the States to control their internal affairs and commerce? To raise revenue to pay the expenses of their government by taxation of all the property of their citizens, whether individual or corporate? They have wasted away under the absorbing power of the central Government. Their judicial tribunals are stripped of half their jurisdiction. The great aggregations of wealth in the States, brought into existence by their efforts, and often in part by their means, are added to the great central power to augment its patronage and all-pervading influence and endanger the liberties of the people and destroy our glorious system of government. If Congress can enact such laws as the one to which I have particularly referred, it can by parity of reason and under the same authority enact laws and charters which will give it absolute and sovereign control over all our great works

of internal improvement. It can thus acquire, in like manner, the like control over a large portion of the territory of the States without their consent.

Does the Constitution afford a shadow of authority for such enactments? I answer "No; nowhere, by no legitimate construction of any of its provisions." It says, in section eight of article one, that Congress shall have power—

"To exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may by cession of particular States and the acceptance of Congress, become the seat of the Government of the United States; and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings."

It appears, therefore, that it is the intention of the Constitution that the United States shall acquire no title to or jurisdiction over any portion of the soil of a State without the consent of the Legislature thereof. And this has been the practice of the Government ever since its organization. It has never attempted in a single instance to do otherwise, except during the late war, when its acts in this particular were dictated by an overruling necessity which can supply no precedent for times of peace. Whenever the United States has desired to occupy any part of the soil of a State for court-houses, navy-yards, or other national purposes, it has first procured the consent of the State by a solemn act of State legislation, expressly ceding jurisdiction to the United States over the desired territory. When it was thought desirable to construct a highway to connect the waters of the Chesapeake and the Ohio, Congress would not permit the Cumberland road to be constructed until the consent thereto of the States of Maryland, Virginia, and Ohio, was expressly granted. James Monroe, in his great constitutional argument which accompanied his veto of the Cumberland road bill in 1822, held that Congress has exclusive control over the revenues of the Government, and may appropriate them to aid in the construction of internal improvements, but has no power itself to construct any such improvements, because to do that involved the exercise of territorial jurisdiction, which belongs to the State alone. There is nothing better settled in American law than that the right of eminent domain is in the States. The right to control the territory within the several States belongs to the States alone.

But in these days of radical and reckless statesmanship we are told that Congress can create corporations to build great highways wherever it pleases, and can take charge of those already created by the States, and under one pretext or another divest the States of their original and unquestionable control over the same, and of their right to tax them, or to regulate the manner in which they shall enjoy their franchises, or carry on their business, or answer for their wrongful acts toward their citizens. This kind of legislation will inevitably rob the States and the people of their most precious and invaluable inheritance—the right of local self-government. No evil ruler on earth could devise a more appropriate or wickedly cunning plan for the attainment of such a result.

It is claimed by the friends of these measures that Congress obtains the requisite power to enact them as an incident to the express power "to establish post offices and post roads," and to regulate commerce "among the several States."

If it can ever be said in this country that the interpretation of a constitutional provision is settled, then it may now be said of the power to establish post roads. It has been the uniform practice of the Government to carry its mails over the highways of the States—to make them "post roads" to the extent of their common use by its mail carriers—but never to open up and construct great highways for the purpose of facilitating the transmission of the mails. Mails never precede but always follow the opening up of a country and of its highways, and if they are rude and imperfect at

first, the demands of the people are relatively few and simple. As society advances, and population and intercourse increase, improvements in the facilities and manner of transportation keep pace with them. Hence, the General Government has hitherto come after and not gone before these improvements in the extension of its mails. Shall it change this policy now, when the country is everywhere covered with a network of highways and railroads, and the people and States are everywhere inviting it to make them "post roads?" Shall it now enter into the business of constructing railroads and canals in order to provide ways over which to carry its mails? Is it necessary for it to usurp the control of the railroads and highways, established and constructed under the auspices of the States, in order to protect its postal service? These railroads and many other highways are *private* property.

It was thought necessary by the framers of our Constitution to insert an express provision to enable the United States to exercise absolute jurisdiction over ten miles square for a seat of Government, and over such places as should be ceded by the States for forts, arsenals, and other purposes. It would seem incredible that such solicitude should have existed about such inconsiderable spots, and yet that those great men should have been willing to confer the power to construct all kinds of highways throughout the country, with the consequent right to take great portions of the soil of the States and exercise exclusive jurisdiction over the same. There does not now and never did, and never can, exist a shadow of necessity or rational pretext for the inauguration of such a system. If inaugurated it could not fail, sooner or later, to prove fatal to the well-being of both Governments. But if I concede the power to build a highway for a "post road" it does not follow that Congress may create great corporations, with millions of capital, to erect all kinds of highways in the States for private gain, to be subject to the exclusive control and jurisdiction of the United States. It requires a most liberal charity not to believe that private gain, and not the interests of the postal service, is the inspiring motive in these measures. The power asserted in this series of bills to do these things is wholly unparalleled in the history of our Government. Why are they attempted now? Is it not done to subordinate the States more completely to the powers in this Capitol?

Does the power to regulate commerce "among the several States" authorize this kind of legislation? It is claimed that it does. This power has been the subject of frequent and elaborate discussion in the courts of the country, and it has received judicial interpretation in many cases. If the word *commerce* in this provision is to receive its largest and most comprehensive signification, then, indeed, the argument is with the friends of these measures, because thus defined it embraces nearly all the transactions and intercourse of human beings in society. But this definition has never been claimed or approved by any court or intelligent citizen. It has always been held to refer only to those public and business transactions and relations which affect the citizens of different States in their intercourse with each other. Many of the laws of a State may affect commerce in a greater or less degree and yet not be in conflict with the power of Congress.

This provision was designed to secure to the States a complete equality in commercial rights. No State has the power by her laws regulating her internal commerce, or the transaction of commercial business over her great public or corporate highways, to impose restrictions or burdens upon the citizens of one State which she does not alike impose upon those of all the States. She cannot discriminate against any State or section, but her laws and regulations must effect all alike who come within their operation.

In the case of *Gibbons vs. Ogden*, (9 Wheaton, 18,) Chief Justice Marshall, in speaking of the

right of a State to enforce its inspection laws, says:

"They form a portion of that immense mass of legislation which embraces everything within the territory of a State not surrendered to the General Government; all which can be most advantageously exercised by the States themselves. Inspection laws, quarantine laws, health laws of every description, as well as laws for regulating the internal commerce of a State, and those which respect turnpike roads, ferries, &c., are component parts of this mass."

In many other decisions by the same court, substantially the same language is employed, and the same doctrine held. There is believed to be no opinion in the entire range of State and Federal decisions which is inconsistent with the one expressed by Judge Marshall. And not one of the great statesmen of our country has every put on record a contrary opinion, excepting always the bolder, but not wiser leaders of the dominant party of this day. In that great argument submitted by Mr. Hamilton to President Washington, already referred to, he, the great leader of the latitudinarian school of statesmen, denied to the General Government all authority to make any work of internal improvement requiring the appropriation by it of any part of the soil or territory of the States without their consent. Thomas Jefferson, another of the great sages of the Republic, seems to have been sadly behind the learning of this age. He, too, always denied the existence of any such power, and, in a message to Congress, recommended the proposal of a constitutional amendment for the adoption of the States, expressly granting it. Mr. Madison, too, unsurpassed in wisdom and practical statesmanship, and the zealous friend of railroads, canals, and other improvements, was equally confident that this power did not exist, and could not be exercised without the aid of an amendment. Albert Gallatin, scarcely inferior to any in the great qualities of the early fathers, in his masterly report to Congress, in 1808, reviewing this whole subject, used the following language:

"The manner in which the public moneys may be applied to such objects, remains to be considered."

It is evident that the United States cannot under the Constitution open any road or canal without the consent of the State through which such road or canal must pass. In order, therefore, to remove every impediment to a national plan of internal improvements, an amendment to the Constitution was suggested by the Executive [referring to Mr. Jefferson] when the subject was recommended to the consideration of Congress. Until this be obtained, the assent of the State being necessary for each improvement, the modifications under which that assent may be given will necessarily control the manner of applying the money."

Justice McLean, of whom it is not unjust to say that he was the foremost of our Federal judges of his time in the liberal construction of the powers of Congress, in his opinion in the Rock Island bridge case, 6 McLean, 524, referring to the powers in question, said:

"Under the commercial power Congress may declare what shall constitute an obstruction or nuisance by a general regulation, and provide for its abatement by indictment or information through the Attorney General; but neither under this power, nor under the power to establish post roads, can Congress construct a bridge over navigable water. This belongs to the local or State authority within which the work is to be done. But this authority must be so exercised as not materially to conflict with the paramount power to regulate commerce."

If Congress can construct a bridge over a navigable water under the power to regulate commerce or to establish post roads, on the same principle it may make turnpikes or railroads throughout the country. The latter power has generally been considered as exhausted in the designation of roads on which the mails are to be transported; and the former by the regulation of commerce upon the high seas, and upon our rivers and lakes. If these limitations are to be departed from there can be no others except the discretion of Congress."

I might multiply such great authorities as these, but it cannot be necessary. These great men were at the birth of our Republic, and, guided and protected by their wisdom and patriotism, it grew great and powerful, and inspired mankind everywhere with new hope, and furnished them a great example. If it is competent for the human mind to comprehend the just meaning of language or the true intent of law, it must be that that capacity was possessed by these men. Their interpretations are almost equal as authority to the

highest judicial decisions. The Representative who, having sworn to support the Constitution, should make them his guides as to its true meaning could not go far astray, and would certainly shun the wild chimeras and crotchets and mere partisan dogmas of this day.

I will yield to the temptation to refer to one other decision of our Supreme Court, (*Veazie vs. Moor*, 14 Howard's Reports, 573,) because it is the latest, having been made in 1852, and is the *unanimous* judgment of the judges then on the bench of that court, who were Chief Justice Taney and Justices McLean, Wayne, Catron, Daniel, Nelson, Grier, and Curtis. In discussing the power of Congress to regulate commerce with foreign nations and among the several States, the court says:

"The phrase can never be applied to transactions wholly internal, between citizens of the same community, or to a polity and laws whose ends and purposes and operations are restricted to the territory and soil and jurisdiction of such community. Nor can it be properly concluded that because the products of domestic enterprise in agriculture or manufactures, or in the arts, may ultimately become the subjects of foreign commerce, the control of the means or the encouragements by which enterprise is fostered and protected, is legitimately within the import of the phrase *foreign commerce*, or fairly implied in any investiture of the power to regulate such commerce. A pretension as far reaching as this would extend to contracts between citizen and citizen of the same State, would control the pursuits of the planter, the grazier, the manufacturer, the mechanic, the immense operations of the collieries and mines and furnaces of the country; for there is not one of these avocations the results of which may not become the subjects of foreign commerce, and be borne either by turnpikes, canals, or railroads from point to point within the several States, toward an ultimate destination, like the one above mentioned. Such a pretension would effectually prevent or paralyze every effort at internal improvement by the several States; for it cannot be supposed that the States would exhaust their capital and their credit in the construction of turnpikes, canals, and railroads, the remuneration derivable from which, and all control over which, might be immediately wrested from them, because such public works would be facilities for a commerce, which, while availing itself of those facilities, was unquestionably internal, although intermediately or ultimately it might become foreign."

"The rule here given with respect to the regulation of foreign commerce equally excludes from the regulation of commerce between the States and the Indian tribes, the control over turnpikes, canals, railroads, or the clearing and deepening of water-courses exclusively within the States, or the management of the transportation upon and by means of such improvements. The design and object of that power, as evinced in the history of the Constitution, was to establish a perfect equality among the several States as to commercial rights, and to prevent unjust and invidious distinctions which local jealousies or local and partial interests might be disposed to introduce and maintain. These were the views pressed upon the public attention by the advocates for the adoption of the Constitution, and in accordance therewith have been the expositions of this instrument propounded by this court."

These views constitute a triumphant and authoritative refutation of the whole system of legislation to which I refer. Their statements are so clear and reasonable as to elicit approval from every unprejudiced mind. Their correctness becomes painfully apparent when we follow the opposite doctrines to their results. Admit these extraordinary powers to exist in Congress, and then let any intelligent man ask his own judgment what Congress may not do under their cover. It can go into the States and take from their hitherto undisputed control and regulate by its own laws and agents the chief highways of the States, and such others as it may see fit to authorize; it may assume absolute control in that way of a great part of the corporate and other property of the citizens of the State; and thus, without reducing the burdens, immensely diminish the revenues of the State, and thereby greatly increase the burdens of the people. No sane man needs, in these days of reckless extravagance and official infidelity, to be told that the vast interests and property to be affected by the legislation in question can be infinitely better managed under the auspices of the States and of individuals than under any possible system of Federal management. It is equally apparent that this incessant absorption of State power and jurisdiction by the General Government cannot fail to weaken the former and instruct their citizens to look *here* for that care and protection which until now they have obtained at home, and rapidly to loosen the bonds of their

attachment to their States and to diminish their pride and interest in them. Then the blighting work of centralization will have been accomplished and local self-government destroyed, and the small rivulets and original sources of political power in this country will have become corrupted and the central government a despotism. The patriotic alarm, sounded none too soon by President Johnson on the 22d of February last, will then have become verified prophecy.

It is not possible, if the history of our country has any value or contains any truth, that it was ever intended by the framers of our Federal Constitution, who were at the same time pioneers and equally interested in the organization of our State governments, that the former should ever attempt to take the management of or legislate for the private and local affairs and interests of the people in the States. Such policy is everywhere deprecated and denounced by them as most dangerous to the best interests of both Governments. They have always, and with singular unanimity and tenacity, insisted that the chief element in our system of governments, which at once combines safety to liberty and great strength, is that of a well-defined and faithfully observed division of powers between the general and the local governments. It was their most cherished aim to establish firmly and observe faithfully this division. Let us not tolerate any other purpose. We cannot cultivate a sounder or more beneficent policy. Let us devote the energies of this General Government to its appropriate duties; to the wise superintendence of those general interests which pertain to and can be best administered by it; to its vast external affairs. Let us look more to the economical management of its finances and the reduction of the burdens of the people. Let us do justice promptly and with a liberal hand to the gallant and self-sacrificing defenders of the Government and country, and hasten to resume our career of union, peace, and prosperity. Let us discountenance all attempts at legislation calculated to produce discontent or sectional agitation. Let us give rest, not new commotion, to our country after its fearful struggles during the last five years, and we shall thus do the most exalted service to it and to mankind.*

The SPEAKER stated there were several gentlemen who wished to speak, but were not now prepared, and if there were no objection they could hand their speeches to the reporters to be printed in the Globe.

There was no objection, and it was ordered accordingly.

DEATH OF HON. JAMES HUMPHREY.

Mr. DAVIS. Mr. Speaker, when I came to the House a telegram was handed to me announcing the death of my colleague, Hon. JAMES HUMPHREY, of the third congressional district of New York. He died this morning at his residence. The delegation from New York will hereafter decide what is proper to be done on the occasion. Now, as a mark of respect to his memory, I move the House adjourn.

The motion was agreed to; and thereupon (at four o'clock and five minutes p. m.) the House adjourned.

IN SENATE.

MONDAY, June 18, 1866.

Prayer by Rev. G. C. BALDWIN, D.D., of Troy, New York.

On motion of Mr. WILSON, and by unanimous consent, the reading of the Journal of Friday last was dispensed with.

PETITIONS AND MEMORIALS.

Mr. HARRIS presented six petitions of citizens of New York, praying for the repeal or modification of the law imposing a tax of ten

per cent. on the circulation of State banks after the 1st of July next; which were referred to the Committee on Finance.

Mr. WILSON presented the petition of Mrs. Annie E. Dixon, widow of Major Henry T. Dixon, late a paymaster in the United States Army, praying for a pension; which was referred to the Committee on Pensions.

He also presented the memorial of John C. Simpson, and others, of Salem, Massachusetts, praying for an amendment of the tax bill so as to exempt all sums under \$1,000 deposited in savings banks from taxation; which was referred to the Committee on Finance.

Mr. CHANDLER presented a petition of citizens of Jersey City, New Jersey, praying for the passage of a general bankrupt law; which was referred to the Committee on the Judiciary.

Mr. LANE, of Indiana, presented a petition of citizens of Union county, Indiana, praying that a pension may be granted to John Pyle; which was referred to the Committee on Pensions.

Mr. STEWART. I present the memorial of James McDaniel, S. H. Binge, White Catcher, D. H. Ross, J. B. Jones, and Smith Christie, delegates of the Cherokee nation now in Washington city, setting forth the evils of the present system of the Indian department and praying that the Bureau of Indian Affairs may be transferred to the War Department from the Department of the Interior. They go on to give reasons in favor of the change. I move that it be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. MORGAN. I present the remonstrance of George F. Kidwell, J. H. Caldwell, Edward Edwards, and one hundred and sixty-four other citizens of the first ward of Washington, against the proposed repeal of the charter of Washington city. As the bill is before the Senate, I ask that the remonstrance lie on the table.

The motion was agreed to.

The PRESIDENT *pro tempore* presented the memorial of Joseph Opocenzky, and divers others, Moravians, of Williams's Prairie, Austin county, in the State of Texas, praying for aid to erect a new Evangelical Moravian church and parsonage in that locality; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. FESSENDEN, from the Committee on Finance, to whom was referred a bill (H. R. No. 513) to reduce internal taxation and to amend an act entitled "An act to provide internal revenue to support the Government, pay the interest on the public debt, and for other purposes," approved June 30, 1864, and acts amendatory thereof, reported it with amendments.

Mr. HOWARD, from the Committee on Military Affairs and the Militia, to whom was referred a joint resolution (S. R. No. 107) in relation to the purchase of certain lands at Point Lookout, Maryland, for a military and naval hospital, &c., asked to be discharged from its further consideration; which was agreed to.

Mr. WILSON. The Committee on Military Affairs and the Militia, to whom was referred a joint resolution (H. R. No. 152) relative to certain guns captured in the late war, have instructed me to report it adversely. I move that it be indefinitely postponed.

The motion was agreed to.

Mr. WILSON, from the same committee, to whom was referred a joint resolution (S. R. No. 93) for the appointment of a commission to examine and report upon certain claims of the State of Iowa, reported it with an amendment.

He also, from the same committee, to whom was referred a bill (H. R. No. 448) to authorize the construction of a railroad through certain land of the United States in Kansas, reported it with an amendment.

Mr. LANE, of Indiana, from the Committee

on Military Affairs and the Militia, to whom was referred a joint resolution (H. R. No. 160) for the relief of William D. Nelson, reported it without amendment.

Mr. POLAND, from the Committee on Patents and the Patent Office, to whom was referred a bill (H. R. No. 590) for the relief of William Mann and Jacob Sennett, reported it without amendment.

Mr. NESMITH, from the Committee on Military Affairs and the Militia, to whom was referred a bill (S. No. 332) to provide for the construction of a wagon road from White Bluffs, in Washington Territory, to Helena, in Montana Territory, reported it with an amendment.

Mr. ANTHONY, from the Committee on Claims, to whom was referred the petition of James P. Johnson, praying for compensation for services rendered as a veterinary surgeon in the Army, submitted a report, accompanied by a bill (S. No. 374) for the relief of James P. Johnson. The bill was read and passed to a second reading.

Mr. DAVIS, from the Committee on Claims, to whom was referred the petition of Joshua Jones, praying for compensation for incidental losses to himself by the occupation of his property by the United States Army, reported adversely thereon.

He also, from the same committee, to whom was referred a bill (H. R. No. 521) for the benefit of Henry Horne, reported it without amendment.

BILLS INTRODUCED.

Mr. MORRILL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 375) to amend an act granting a pension to the widow of the late Major General Hiram G. Berry; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WILSON asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 109) for the relief of Joseph Segar, of Virginia; which was read twice by its title.

Mr. WILSON. I have several papers accompanying this joint resolution from Mr. Segar; and I move the reference of the resolution, with the accompanying papers, to the Committee on Claims, and submit the matter to their consideration.

The motion was agreed to.

OPERATIONS OF THE WESTERN ARMY.

Mr. WADE. I offer the following concurrent resolution, and ask for its present consideration:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the members of the Thirty-Ninth Congress the reports of Major Generals William T. Sherman, George H. Thomas, John Pope, J. G. Foster, A. Pleasonton, and E. A. Hitchcock, made to the joint committee on the conduct of the war, together with such other reports as may be received by the commencement of the next session of Congress, the same number and in the same style as were printed of the reports heretofore made by said committee.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WADE. While the committee on the conduct of the war was in being, we had not much time to investigate the western campaigns, and long before the committee expired we wrote to the generals in the West stating to them that we would like each of them to give us a narrative of what he thought was important. There was some complaint that our investigations had been made principally in regard to the eastern armies, and thereupon the committee requested the leading generals of the western armies to give us a narrative of the operations of the armies under their particular observation, and send it to us as soon as they could. At that time they were very much occupied. Some of them sent in their reports earlier than others, but none of them in time to be bound with the report made by the committee. Their reports, which I now have before me, contain a good deal of information that I think is of the greatest interest to the public. It will furnish most authentic

*NOTE.—The bills embraced in the scope of the foregoing remarks are those of the House numbered respectively 11, 91, 96, 424, 455, 527, 537, 575.

material for history hereafter, because it is the statement of each of those leading generals of the events of the war coming immediately under his particular observation. The report of the committee will be very incomplete unless these reports be printed and bound in the same way that the others were.

The resolution that I have offered is a concurrent resolution, because while we were a committee everything done by us was done by the concurrence of the two branches. I believe this report ought to be printed, and I hope that it will be. I trust that the resolution will pass. It will tend to complete the work that we were engaged in, and it will to some extent do justice to those who led our armies principally in the West, who were very much overlooked during that period by the committee.

Mr. FESSENDEN. I ask the Senator whether that will not come properly within the purview of a resolution that was offered the other day for the printing of all the documents in relation to the war. If so, it is hardly worth while to print it separately. I do not make any opposition to the resolution. I merely inquire for information.

Mr. WADE. I am not able to say about that; I do not know.

Mr. FESSENDEN. The resolution that we had up the other day provided for the printing of everything relating to the war, and would include all the reports of the various generals; and I think that resolution would cover the printing of these reports.

Mr. ANTHONY. That resolution has been suspended I understand.

Mr. WADE. I understand that the resolution providing for the printing of all matters connected with the war has been suspended for the present. I do not know what will come of that, nor am I aware that these reports would come within the purview of that resolution. These reports were made to the committee on the conduct of the war, and would have been embraced in their report and submitted with it if they had come in earlier during the period that the committee was in existence. I know that some of these generals exerted themselves very much in order to furnish these statements in season, but their multifarious cares and engagements while in active service prevented them from doing so. I presume that they will be exceedingly interesting matter to the public. They are not quite as technical as the reports made to superior officers or to the Government, but enter into all matters of interest in which the public feel so much concern, and furnish matter for history. If these statements had come in time they would have been made a part of the report of the committee, and would have given to the doings of the western generals that same notoriety among the people which other officers obtained who were engaged in the report of the committee.

Mr. FESSENDEN. Did the other generals make reports to the committee?

Mr. WADE. The other generals were examined mostly. I believe there were exceptions to that, where we wrote to generals to make reports of what they were doing and what had been done; but generally the previous reports contained examinations under oath. These are not of that nature; they are narratives of the generals themselves, containing statements just as authentic, I suppose, as though they had been under oath, for they are all honorable men, and men of distinction. I leave the matter with the Senate.

Mr. FESSENDEN. I think the resolution had better lie over. It strikes me that this is rather an unusual proceeding. When the committee on the conduct of the war was organized it was with a view to examine into matters of question and report on things that seemed to require elucidation. But this seems to be a history of the western campaigns, about which there was no question at all, and into which there was no specific order to inquire. I do not think it was the object of that committee to present a history of the war. It was only

to inquire into matters which seemed to demand inquiry on account of some supposition that things had not been rightly conducted. This, however, is a very different thing; it is a mere statement by generals of their own personal experience. With regard to the previous statements reported by the committee, they were mostly depositions—testimony taken under oath. There were very few of those generals whose testimony was given in the previous reports that wrote any history of their own transactions. I do not know that any question has been raised in regard to the propriety of conduct of any of the gentlemen who have made these reports. The proposition requires consideration because it would seem to involve a considerable expense for printing. It strikes me that it requires a little more consideration than we can give it this morning.

Mr. WADE. What the Senator has stated is mainly true, but not to the extent he has stated. Many of these generals were written to about matters interesting at the time and tending to the same result that the inquiries of the committee did upon matters which they were investigating; but they had not time, really, while they were acting in the field, to write out their answers to the committee's inquiries in time to publish them to the world with the rest. They are of the same character, except that they are not under oath, with the testimony of other generals, and are intended to elucidate points that were in controversy to some extent at the time. We did not ask them to write history, but we asked an answer to certain suggestions, long before the committee ended its work; but these generals being in the field, engaged in active operations, had not time to answer them; and now, when their answers do come, I think they are interesting, and I think it is due to them that they should be published.

Mr. FESSENDEN. Did they not make their report to the Department?

Mr. WADE. I suppose they did make the usual kind of reports to the Department, but they were not, probably, of the character of these. They may have made dry and technical statements such as are generally made to the Department. I think, in justice to the generals who have taken the pains to write us these statements, the public will be willing to defray the expenses of their publication, and do not wish to be debarred of the accounts which they give of the transactions in which they bore so prominent a part. I think the publication ought to be made, but if the Senate judge otherwise, so be it.

Mr. GUTHRIE. I believe that these reports ought to be published. That is my first impression, and I do not put very much distrust in the fact that they are not sworn to, as the others were. I think, however, the resolution had better go over, so that we may have a chance to think about it. I might come to a different conclusion in twenty-four hours; but I believe in having the whole matter of the operations of the Army published, including the account which those having charge of the operations in the West give of themselves.

Mr. POMEROY. I did not understand from the Senator from Ohio whether any estimate has been made in regard to the amount of this work, how many volumes it will be, how expensive it will be, what amount of cost it involves.

Mr. WADE. I am told by those who know better than I do that these reports and some that are expected to come in—for instance, General Burnside has not quite finished his report, but expects soon to send it in, and two or three more of the leading generals expect to do so—will probably make two volumes of about the same size as those that were printed by the committee on the conduct of the war, or perhaps not quite as large.

Mr. POMEROY. If it is only to be two volumes, perhaps we can stand it; but I did not know, from the size of the documents on the Senator's desk, that it would not make half a dozen volumes.

Mr. WADE. Not more than two, and rather less in size than those we printed before. So I am told.

The resolution was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House of Representatives had passed the following bills with amendments to each, in which it requested the concurrence of the Senate:

A bill (S. No. 174) to establish a hydrographic office in the Navy Department; and

A bill (S. No. 230) to reimburse the State of West Virginia for moneys expended for the United States in enrolling, equipping, and paying military forces to aid in suppressing the rebellion.

The message further announced that the House of Representatives had passed the following bills and joint resolutions without amendment:

A bill (S. No. 127) for the relief of Jonathan Gordon, late major in the eleventh regiment of infantry;

A bill (S. No. 278) for the relief of Captain John H. Crowell, assistant quartermaster in the United States Army;

A joint resolution (S. R. No. 71) referring the petition and papers in the case of Joseph Nock to the Court of Claims; and

A joint resolution (S. R. No. 85) explanatory of and in addition to the act of May 5, 1864, entitled "An act granting lands to aid in the construction of certain railroads in Wisconsin."

The message also announced that the House of Representatives had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

A bill (H. R. No. 156) to amend the ninth section of the act entitled "An act to increase the pay of soldiers in the United States Army, and for other purposes;"

A bill (H. R. No. 474) for the relief of John C. McFerran, of the United States Army;

A bill (H. R. No. 540) in relation to claims for horses turned over to the Government;

A bill (H. R. No. 641) for the relief of Charles M. Stout, late a second lieutenant in company E, seventh regiment Pennsylvania Reserve corps;

A bill (H. R. No. 680) for the relief of certain officers in the volunteer service who failed to make proper returns of stores and other public property;

A bill (H. R. No. 681) for the relief of Celestia P. Hart;

A bill (H. R. No. 682) for the relief of Captain John J. Young, of the United States Navy;

A bill (H. R. No. 684) granting a pension to Mrs. Mary A. McManus, widow of Captain Andrew McManus, late of the sixty-ninth Pennsylvania volunteer infantry;

A joint resolution (H. R. No. 79) authorizing the Secretary of the Interior to settle the accounts of William A. West, as marshal of the Territory of Nebraska;

A joint resolution (H. R. No. 161) for the relief of Captain A. B. Dyer;

A joint resolution (H. R. No. 162) for the relief of Charles M. Blake;

A joint resolution (H. R. No. 163) for the relief of Joseph Parkins; and

A joint resolution (H. R. No. 164) for the relief of Fontaine T. Fox, jr.

SAMUEL NORRIS.

Mr. BUCKALEW, from the Committee on Indian Affairs, to whom was referred the memorial of Samuel Norris, submitted a report accompanied by a joint resolution for his relief. The resolution was read and passed to a second reading.

Mr. HENDRICKS. That resolution is merely to refer the claim to the Court of Claims, and I believe the committee were unanimous about it. I presented the petition of this party early in the session, on behalf of a friend who was

interested in the matter. The resolution is very short, and I presume there will be no objection to it. I ask for its present consideration.

By unanimous consent, the joint resolution (S. R. No. 108) for the relief of Samuel Norris was read the second time and considered as in Committee of the Whole. It proposes to refer back to the Court of Claims, for examination and allowance, the claim of Samuel Norris, of California, for supplies furnished the Indians in that State under contracts made with certain commissioners, or either of them, to negotiate treaties with those Indians, and all papers relating thereto, with instructions to the court that in fixing the amount to be paid to the claimant the rule shall be the actual value of the supplies furnished at the times and places of delivery, of which due proof shall be made by the claimant.

Mr. MORRILL. I should like to ask the Senator from Indiana, what is the significance of the phrase "for examination and allowance?"

Mr. BUCKALEW. The object of this resolution is to authorize the court to allow the claim. They were satisfied of its justice, but they reported against the legal obligation of the Government. This is simply to permit the court to pass upon the merits of the case and pay the party the actual value of the supplies furnished.

Mr. MORRILL. Is it thought that the phrase "allowance" is necessary to confer jurisdiction?

Mr. BUCKALEW. Certainly.

Mr. MORRILL. I have no objection to it.

Mr. BUCKALEW. The object is to remove the legal bar which the court reported in the former case; and the allowance of this claim is in accordance with two or three allowances by act of Congress.

Mr. MORRILL. I do not object to it.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BUCKALEW. I move that the report of the Committee on Indian Affairs in this case be printed in order that it may be accessible to the members of the House.

The motion was agreed to.

AMERICAN REGISTERS TO VESSELS.

Mr. CHANDLER. I now move to postpone all prior orders for the purpose of taking up Senate joint resolution No. 104.

The motion was agreed to; and the joint resolution (S. R. No. 104) authorizing the Secretary of the Treasury to issue American registers to the barks Marget and Golden Fleece, was read a second time and considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to issue an American register to the bark Marget, of the collection district of the port of New York, it being a Prussian-built vessel, but now owned by an American citizen; and also to issue an American register to the bark Golden Fleece, formerly of New Haven, Connecticut.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HOUSE BILLS REFERRED.

The following bills and joint resolutions from the House of Representatives were severally read twice by their titles and referred as indicated below:

A bill (H. R. No. 156) to amend the ninth section of the act entitled "An act to increase the pay of soldiers in the United States Army, and for other purposes"—to the Committee on Military Affairs and the Militia.

A bill (H. R. No. 474) for the relief of John C. McFerran of the United States Army—to the Committee on Military Affairs and the Militia.

A bill (H. R. No. 540) in relation to claims for horses turned over to the Government—to

the Committee on Military Affairs and the Militia.

A bill (H. R. No. 641) for the relief of Charles M. Stout, late a second lieutenant in company E, seventh regiment Pennsylvania Reserve corps—to the Committee on Military Affairs and the Militia.

A bill (H. R. No. 680) for the relief of certain officers in the volunteer service who failed to make proper returns of stores and other public property—to the Committee on Military Affairs and the Militia.

A bill (H. R. No. 681) for the relief of Celestia P. Hart—to the Committee on Naval Affairs.

A bill (H. R. No. 682) for the relief of Captain John J. Young, of the United States Navy—to the Committee on Naval Affairs.

A bill (H. R. No. 684) granting a pension to Mrs. Mary A. McManus, widow of Captain Andrew McManus, late of the sixty-ninth Pennsylvania volunteer infantry—to the Committee on Pensions.

A joint resolution (H. R. No. 79) authorizing the Secretary of the Interior to settle the accounts of William A. West, as marshal of the Territory of Nebraska—to the Committee on Territories.

A joint resolution (H. R. No. 161) for the relief of Captain A. B. Dyer—to the Committee on Military Affairs and the Militia.

A joint resolution (H. R. No. 162) for the relief of Charles M. Blake—to the Committee on Military Affairs and the Militia.

A joint resolution (H. R. No. 163) for the relief of Joseph Parkins—to the Committee on Military Affairs and the Militia.

A joint resolution (H. R. No. 164) for the relief of Fontaine T. Fox, jr.—to the Committee on Military Affairs and the Militia.

HYDROGRAPHIC OFFICE.

The Senate proceeded to consider the amendment of the House of Representatives to the bill (S. No. 174) to establish a hydrographic office in the Navy Department, which was in section three, line two, after the word "section" to strike out the following words:

And that the sum of \$15,000 be, and is hereby, appropriated out of any moneys in the Treasury not otherwise appropriated for the objects hereinbefore recited in this and the preceding sections.

Mr. GRIMES. I move that the Senate concur in that amendment.

The motion was agreed to.

WEST VIRGINIA MILITARY CLAIMS.

The Senate proceeded to consider the amendments of the House of Representatives to the bill (S. No. 230) to reimburse the State of West Virginia for moneys expended for the United States in enrolling, equipping, and paying military forces to aid in suppressing the rebellion. The first amendment was on page 1, section one, line five, to strike out the words "a commissioner" and insert the words "three commissioners."

Mr. VAN WINKLE. I move that the Senate concur in that amendment.

The motion was agreed to.

Mr. VAN WINKLE. All the other amendments are consequential on the first amendment, and I move that the Senate concur in them as they are read.

The next amendment was on the same page, line one, to strike out the word "commissioner" and to insert "commissioners."

The amendment was concurred in.

The next amendment was on the same page, in section three, line three, to strike out "commissioner" and insert "commissioners."

The amendment was concurred in.

The next amendment was on the same page, in section four, line two, to strike out "commissioner" and insert "commissioners."

The amendment was concurred in.

The next amendment was on the same page, in section five, line two, to strike out "commissioner" and insert "commissioners."

The amendment was concurred in.

The next amendment was on the same page,

in the same section, line four, to strike out "he" and insert "they."

The amendment was concurred in.

Mr. TRUMBULL. These amendments are all of the same character, and I see no necessity for reading them.

The PRESIDENT *pro tempore*. It is proper that they should be read, in the opinion of the Chair. It would not be proper to call on the Senate to act on the amendments without having them read, unless a motion be made to that effect.

The next amendment was on page 3, section six, line one, to strike out "commissioner" and to insert "commissioners."

The amendment was concurred in.

The next amendment was in the same section, line three, to strike out "his" and insert "their;" and in line four to strike out "he" and insert "they."

The amendment was concurred in.

The next amendment was on page 3, in section six, line six, to strike out the words "he" and "his" and insert in lieu thereof the words "they" and "their."

The amendment was concurred in.

The next amendment was on the same page, section six, line eight, to strike out "he" and insert "they."

The amendment was concurred in.

The next amendment was on the same page, in line nine of section six, to strike out the word "his" and insert the word "their."

The amendment was concurred in.

APPROVAL OF BILLS.

A message from the President of the United States, by Mr. COOPER, his Secretary, announced that the President had approved and signed, on the 15th instant, the following act and joint resolutions:

An act (S. No. 328) for the relief of Mrs. Abigail Ryan;

A joint resolution (S. R. No. 51) respecting bounties to colored soldiers, and the pensions, bounties, and allowances to their heirs; and

A joint resolution (S. R. No. 69) making an appropriation to enable the President to negotiate treaties with certain Indian tribes.

EDWARD ST. CLAIR CLARKE.

Mr. ANTHONY. I move that the Senate proceed to the consideration of Senate bill No. 283.

The motion was agreed to; and the bill (S. No. 283) for the relief of Edward St. Clair Clarke was read a second time and considered as in Committee of the Whole. It directs that in the settlement of the accounts of Edward St. Clair Clarke, as assistant paymaster United States Navy, there shall be allowed him the sum of \$4,022 on account of the loss of that amount of public funds in his hands, by theft, on the night of the 9th of May, 1863, the loss being without neglect or fault on his part.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRANCIS S. LYON.

On motion of Mr. TRUMBULL the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 373) releasing to Francis S. Lyon the interest of the United States in certain lands. It proposes to release and confirm any interest which the United States have in the lands described in a deed executed by Wager Swayne, assistant commissioner of the Bureau of Freedmen and Abandoned Lands, in the State of Alabama, to Francis S. Lyon, bearing date February 3, 1866.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

PACIFIC RAILROAD.

Mr. HOWARD. I move to take up Senate bill No. 317, relating to the Pacific railroad.

Mr. HENDRICKS. I ask the Senator from Michigan if he would not be willing to yield to another motion. The bill which he now calls

up cannot be disposed of during the morning hour, and I desire to move to take up the resolution of the House of Representatives fixing the time for the adjournment, in order to settle that question.

Mr. HOWARD. It will be time enough for that in the course of to-day or to-morrow. I think we shall get through with this bill in a few minutes.

Mr. HENDRICKS. Of course, if the Senator thinks we can soon get through with this bill, I shall not insist.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 317) to amend an act entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri river to the Pacific ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," approved July 2, 1864, the pending question being on the amendment reported by the Committee on the Pacific Railroad, to insert as a new section:

SEC. 2. And be it further enacted, That the Union Pacific Railroad Company, with the consent and approval of the Secretary of the Interior, without reference to the one hundredth meridian of longitude, are hereby authorized to continue their road westward, according to the best and most practicable route, in a continuous and unbroken line until they shall meet and connect with the Central Pacific Railroad; and the Central Pacific Railroad Company are hereby authorized to continue their road eastward, according to the best and most practicable route, in a continuous and unbroken line until they shall meet and connect with the Union Pacific railroad: *Provided*, That the words "continuous and unbroken line" shall not be held to include necessary bridges and tunnels on the routes of said roads.

Mr. CONNESS. I prepared a substitute for that section, which I submitted on Friday last, when it was ordered to be printed. I have now modified it slightly, and offer it as an amendment to the amendment. It is prepared in accordance with the views of several gentlemen. I move to strike out all after the enacting clause of the committee's amendment and insert this:

That the Union Pacific Railroad Company, with the consent and approval of the Secretary of the Interior, are hereby authorized to locate, construct, and continue their road from Omaha, in Nebraska Territory, westward, according to the best and most practicable route, and without reference to the initial point on the one hundredth meridian of west longitude, as now provided by law, in a continuous completed line, until they shall meet and connect with the Central Pacific Railroad Company of California; and the Central Pacific Railroad Company of California, with the consent and approval of the Secretary of the Interior, are hereby authorized to locate, construct, and continue their road eastward, in a continuous completed line, until they shall meet and connect with the Union Pacific railroad: *Provided*, That each of the above-named companies shall have the right, when the nature of the work to be done, by reason of deep cuts and tunnels, shall for the expeditious construction of the Pacific railroad require it, to work for an extent of not to exceed three hundred miles in advance of their continuous completed lines.

The amendment to the amendment was agreed to.

Mr. WILLIAMS. I should like to know how that changes the present law; exactly what effect it has upon the present law in reference to that railroad.

Mr. CONNESS. It simply restores the provision contained in the law of 1862, which left the whole route open between the two companies that are to construct the main line in this language: "that in case" the Union Pacific Railroad Company "shall complete their line to the eastern boundary of California before it is completed across said State by the Central Pacific Railroad Company of California, said first-named company," the Union Pacific Railroad Company, "is hereby authorized to continue in constructing the same through California, with the consent of said State, upon the terms mentioned in this act, until said roads shall meet and connect and the whole line of said railroad and telegraph is completed; and the Central Pacific Railroad Company of California, after completing its road across said State, is authorized to continue the construction of said railroad and telegraph through the

Territories of the United States to the Missouri river, including the branch roads specified in this act upon the routes hereinbefore and hereinafter indicated, on the terms and conditions provided in this act in relation to the said Union Pacific Railroad Company, until said roads shall meet and connect, and the whole line of said railroad and branches and telegraph is completed."

The whole purpose was to get the main trunk constructed in the shortest possible time. In 1864, through the conference that was held between the two Houses, there was a provision introduced which now is a part of the law of 1864, limiting the Central Pacific Railroad Company to an arbitrary line one hundred and fifty miles from the eastern boundary of California. This simply opens it to what it was before, so that the road shall be constructed by each company each way, and they shall travel until they meet, giving neither company any preference but securing the early completion of the work.

The amendment, as amended, was agreed to.

Mr. POMEROY. I desire to submit an amendment to come in at the end of the first section. I have shown it to the Secretary of the Interior and to the chairman of the committee, and I suppose there will be no objection to it. Those gentlemen are for it, and I do not know of anybody who is opposed to it. My amendment is to insert at the close of the first section these words:

And provided further, That should the Union Pacific Railway Company, eastern division, under the provisions of this act, file their map locating their road upon a different route from that indicated in their map heretofore filed in the Department of the Interior, then and in that event the Hannibal and St. Joseph Railroad Company, or their assigns, being authorized to connect with the said railroad under the several acts to which this is an amendment, may be, and are hereby, authorized to continue their road westward from the point provided for in the aforesaid acts to a connection with the Union Pacific railroad at some point east of the one hundredth meridian of longitude, and for that purpose may have the same provisions and be subject to all the restrictions and limitations of the said Pacific railroad acts.

Mr. GRIMES. That would give them, as I understand, \$16,000 a mile for the length of road which the Hannibal and St. Joseph Company may construct.

Mr. POMEROY. Yes, sir, for that little distance from the point where they are limited now to Fort Kearney.

Mr. GRIMES. I think the chairman of the Committee on the Pacific Railroad stated to the Senate some time ago that it was the conviction of that committee that no grants of money should be made to any railroad in addition to those made at the last Congress. That enunciation having been made here in the Senate, it has prevented applications from other quarters being made that would otherwise have been made. Now, if we are going to reverse that decision of the committee to whom questions of this kind have been committed by the Senate, I think we should have a complete understanding upon the subject, and then the policy of the body should be changed with full knowledge.

Mr. SHERMAN. This amendment, I presume, increases the amount to be granted to the Atchison branch.

Mr. POMEROY. Slightly, in case they move the line of their road.

Mr. SHERMAN. If this amendment should be attached in the Senate, I have no doubt it will defeat the bill, because I think it is certain that if the House of Representatives are determined on anything it is that they will not grant any additional money aid to railroads. I assented to the amendment proposed in behalf of the Pacific railroad, eastern division, because it gave them a route which I thought, from the information we had before us, would be better, and it would involve no expense to the Government, while it would probably create a rival competition between two lines as to which would reach the neighborhood of Denver first. It was manifestly for the interest of the Government to allow them to take the best route, one which would enable them to make

the most progress westward. Since that time an amendment has been added to the bill in behalf of the California or Pacific division of the road, to which I have no objection; but if this is now added, it will undoubtedly defeat the bill. It seems to me that if the Senator from Kansas desires to see this bill pass, he ought not to add this provision. This is the third prong of the Pacific railroad. I think a large majority of the Senate is now convinced that we ought never to have agreed to make more than one line of Pacific railroad; but on account of the conflicting interests when the law passed, we authorized four lines, one to start from Sioux City, one from Omaha, one from St. Joseph, and another from Leavenworth with a short branch, making a many-pronged railroad, and we have given grants of money to all these lines. I doubt very much whether the Sioux City branch will ever be built. If it is built at all, it will probably be built to Omaha.

Another thing to be considered is, that Kansas is a State, and will receive more money from the United States than has ever been given by the United States Government to all the States together. Kansas is the only State in which the Government of the United States has ever undertaken to build railroads. All the other States have built their own systems of railroads without any other aid from the national Government except land grants and ordinary facilities, and the Government has been compensated for its land grants by the increased value given to the remaining lands.

Mr. POMEROY. The Senator may not be aware that this Republican valley is mostly in Nebraska.

Mr. SHERMAN. I know that; but this bill authorizes the road to be extended westward from Fort Riley, in the State of Kansas. If they should follow the existing law they would soon pass out of the State of Kansas and finish their road in the Territory of Nebraska; but the first section of this bill authorizes the road to be extended westwardly to a point west of the one hundredth meridian, and every mile of that road is in the State of Kansas.

Under these circumstances, the United States having already granted large money grants to the State of Kansas, it seems to me that it is not very modest, to say the least, to ask more of us at this time for that State. An attempt to build two branches of the Pacific railroad within one State is rather too much, in my judgment. I am willing to extend all facilities to the Pacific railroad or any of its branches that will not involve a larger appropriation of money, but I am not willing to grant any additional sums of money. As this amendment does that, I shall certainly vote against it, and it will undoubtedly defeat the bill, in my opinion.

Mr. CONNESS. The bill before the Senate does not propose to increase the grants to any of the Pacific railroad companies—

The PRESIDENT *pro tempore*. The morning hour having expired, it becomes the duty of the Chair to call up the special order.

Several SENATORS. Let us finish this bill.

Mr. HOWARD. I hope the order of the day will be postponed temporarily until we get through with this bill. It will not occupy long, I am satisfied.

The PRESIDENT *pro tempore*. The special order is the bill (S. No. 257) to regulate the occupation of mineral lands and to extend the right of preemption thereto.

Mr. HOWARD. I suggest that that bill be laid aside temporarily.

The PRESIDENT *pro tempore*. That can be done by common consent.

Mr. WILSON. I hope it will not be done.

Mr. CONNESS. This bill will only occupy a few minutes.

Mr. HOWARD. And it is a very important bill.

Mr. WILSON. I think it will take some time.

Mr. CONNESS. Do I understand the Senator from Massachusetts to object to our continuing the consideration of this bill?

Mr. WILSON. I desire to go on with the regular order of business.

Mr. HENDERSON. Let this bill be disposed of.

Mr. WILSON. I want time to look into this bill and time to discuss it fully. I expect to do so, and I desire it to go over for that purpose. I regard it as a bill that works a great wrong to those engaged in constructing this road. I desire time to look into it.

The PRESIDENT *pro tempore*. Objection being made to laying aside the special order, it is before the Senate.

Mr. CONNESS. Before we proceed with the special order, I beg leave to suggest to the Senator from Massachusetts, since he has given notice that he will discuss the Pacific railroad bill, from the consideration of which we are now passing, that those of us who are much interested in the passage of that bill would like that he should prepare himself and be ready to discuss it to-morrow morning in the morning hour. We intend to call it up, because it is a bill requiring immediate consideration.

Mr. POMEROY. I believe the Senator from Massachusetts does not ask that it be put over on account of the amendment which I have offered, but on account of the bill itself.

Mr. GRIMES. I should ask it on that account. I move that the amendment proposed by the Senator from Kansas be printed.

The motion was agreed to.

PERSONAL EXPLANATION.

Mr. SAULSBURY. I desire the indulgence of the Senate for a moment. I rise, Mr. President, to a privileged question. My engagements were such this morning that I could not be in the Senate during the morning hour. A friend has called my attention to the New York Tribune, of Friday last, in which, giving an account of the personal difficulty between General ROUSSEAU, of the House of Representatives, and Mr. GRINNELL, I find this remark, speaking of General ROUSSEAU:

"Among his backers who were present was Senator SAULSBURY, who had been awaiting for some time the anticipated assault."

Mr. President, I never assaulted any man. I never advised any man to assault another. It is true that I was present at the time the difficulty occurred; but I was at the other end of the porch and I did not see the commencement of it. Governor Saulsbury, who had been sitting by my side during the day, upon the invitation of our Representative in the other House left the Senate Chamber with the understanding that if the House adjourned before the Senate he would come back here, and if the Senate adjourned before the House I should go over there. The Senate did adjourn before the House, and I went over to the House. In a few moments after I got over there a motion was made to adjourn. To avoid the crowd, we started out and got into the Rotunda. It was raining very hard and we went on the east front to see if we could procure a carriage. While waiting for a carriage, with our backs turned toward General ROUSSEAU and Mr. GRINNELL, I heard the application of a cane to some person, and turned round and saw that General ROUSSEAU was caning Mr. GRINNELL.

That is my connection and all the connection I had with it. It was accidentally that I was there. I never heard of any assault being contemplated, had no knowledge of it in the world, was simply there accidentally; and yet these reporters, who love to tell the truth so well, must drag me into the public papers as an accomplice to an assault! I wish to pronounce the whole thing a falsehood from beginning to end, and the author a willful liar.

MINERAL LANDS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 257) to regulate the occupation of mineral lands and to extend the right of preemption thereto, the question being on the amendment reported by the Committee on Mines and Mining to strike

out all of the original bill after the enacting clause and in lieu thereof to insert the following:

That the mineral lands of the public domain, both surveyed and unsurveyed, are hereby declared to be free and open to exploration and occupation by all citizens of the United States, and those who have declared their intention to become citizens, subject to such regulations as may be prescribed by law, and subject also to the local custom or rules of miners in the several mining districts, so far as the same may not be in conflict with the laws of the United States.

Sec. 2. *And be it further enacted*, That whenever any person or association of persons claim a vein or lode of quartz or other rock in place, bearing gold, silver, cinnabar, or copper, having previously occupied and improved the same according to the local custom or rules of miners in the district where the same is situated, and in regard to whose possession there is no controversy or opposing claim, it shall and may be lawful for said claimant or association of claimants to file in the local land office a plat of the same so extended laterally or otherwise as to conform to the local laws, customs, and rules of miners, and to enter such tract and receive a patent therefor, granting such mine, together with the right to follow said vein or lode, with its dips, angles, and variations, to any depth, although it may enter the land adjoining, which land adjoining shall be sold subject to this condition, and upon the further indefeasible condition, both to be fully expressed in the patent, that the owners and occupants of the mine so appropriated and held shall pay into the Treasury of the United States, in each and every year until the national debt shall have been paid, three per cent. of the net product of said mine, vein, or lode, which shall be in lieu of the stamp tax now levied upon bullion extracted from the public domain.

Sec. 3. *And be it further enacted*, That upon the filing of the plat and survey as provided in the second section of this act, the register of the land office shall publish a notice of the same in a newspaper published nearest to the location of said claim, and shall also post such notice in his office for the period of ninety days; and after the expiration of said period, if no adverse claim shall have been filed, it shall be the duty of the surveyor general, upon application of the party, to survey the premises and make a plat thereof, indorsed with his approval, designating the number and description of the location; and upon the payment to the proper officer of five dollars per acre the register of the land office shall transmit to the General Land Office said plat, survey, and description, and a patent shall issue for the same thereupon; and the surveyor general shall receive for such service such compensation as is allowed by law, with mileage not to exceed at legal rates the amount chargeable from the county seat of the county in which the claim may be situated to the said claim.

Sec. 4. *And be it further enacted*, That when such location and entry of a mine shall be upon unsurveyed lands, it shall and may be lawful, after the extension thereto of the public surveys, to adjust the surveys to the limits of the premises according to the location and possession and plat aforesaid, and the surveyor general may, in extending the surveys, vary the same from a rectangular form to suit the circumstances of the country and the local rules, laws, and customs of miners; *Provided*, That no location hereafter made shall exceed three hundred feet in length along the vein for each locator, with an additional claim for discovery to the discoverer with the right to follow such vein to any depth, with all its dips, variations, and angles, together with a reasonable quantity of surface for the convenient working of the same as fixed by local rules.

Sec. 5. *And be it further enacted*, That the President of the United States be, and is hereby, authorized to establish additional land districts and to appoint the necessary officers under existing laws, wherever he may deem the same necessary for the public convenience in executing the provisions of this act.

Sec. 6. *And be it further enacted*, That whenever adverse claimants to any mine located, and claimed as aforesaid, shall appear, before the approval of the survey as provided in the third section of this act, all proceedings shall be stayed until a final settlement and adjudication in the courts of competent jurisdiction of the rights of possession to such claim, when a patent may issue as in other cases.

Sec. 7. *And be it further enacted*, That wherever, prior to the passage of this act, upon the lands heretofore designated as mineral lands which have been excluded from survey and sale, there have been homesteads made by citizens of the United States, or persons who have declared their intention to become citizens, which homesteads have been made, improved, and used for agricultural purposes, and upon which there have been no valuable mines of gold, silver, cinnabar, or platinum discovered, or which are properly agricultural lands, the said settlers or owners of such homesteads shall have a right of preemption thereto, and shall be entitled to purchase the same at the price of \$1 25 per acre, and in quantity not to exceed one hundred and sixty acres, or said parties may avail themselves of the provisions of the act of Congress approved May 20, 1862, entitled "An act to secure homesteads to actual settlers on the public domain," and acts amendatory thereof.

Sec. 8. *And be it further enacted*, That upon the survey of the lands aforesaid, the Secretary of the Interior may designate and set apart such portions of the said lands as are clearly agricultural lands, which lands shall thereafter be subject to preemption and sale as other public lands of the United States, and subject to all the laws and regulations applicable to the same.

Sec. 9. *And be it further enacted*, That whenever,

by priority of possession, rights to the use of water for mining, agricultural, manufacturing, or other purposes, have vested and accrued, and the same are recognized and acknowledged by the local customs, laws, and the decisions of courts, the possessors and owners of such vested rights shall be maintained and protected in the same; and the right of way for the construction of ditches and canals for the purposes aforesaid is hereby acknowledged and confirmed: *Provided, however*, That whenever, after the passage of this act, any person or persons shall, in the construction of any ditch or canal, injure or damage the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage.

Sec. 10. *And be it further enacted*, That the right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted.

Mr. STEWART. I have three or four slight amendments to offer to the committee's amendment. After the word "situated," in line six of section two, I move to insert the words "and having expended in actual labor and improvements thereon an amount of not less than \$1,000;" so that the clause will read:

That whenever any person or association of persons claim a vein or lode of quartz or other rock in place, bearing gold, silver, cinnabar, or copper, having previously occupied and improved the same according to the local custom or rules of miners in the district where the same is situated, and having expended in actual labor and improvements thereon an amount of not less than \$1,000, &c.

The amendment to the amendment was agreed to.

Mr. STEWART. In lines sixteen and seventeen of the second section I move to strike out the words "both to be fully expressed in the patent."

Mr. McDougall. I should like the Senator from Nevada to explain that amendment.

Mr. STEWART. Those words are embodied in another portion of the amendment, and I propose to strike them out here.

The amendment to the amendment was agreed to.

Mr. STEWART. In section three of the amendment, line eleven, after the word "location," I move to insert the words "the value of the labor and improvements, and the character of the vein exposed;" so that the clause will read:

It shall be the duty of the surveyor general, upon application of the party, to survey the premises and make a plat thereof, indorsed with his approval, designating the number and description of the location and value of the labor and improvements, and the character of the vein exposed.

The amendment to the amendment was agreed to.

Mr. STEWART. In section seven of the amendment, line eight, I move to strike out the word "platinum" and to insert the word "copper," and in line nine, after the word "discovered," to strike out the word "or" and insert the word "and."

The amendment to the amendment was agreed to.

Mr. STEWART. I move further to amend the amendment by adding the following as an additional section:

And be it further enacted, That as a further condition of sale, in the absence of necessary legislation by Congress, the local Legislature of any State or Territory may provide rules for working mines, involving easements, drainage, and other necessary means for their complete development; and these conditions shall be fully expressed in the patent.

The amendment to the amendment was agreed to.

Mr. STEWART. Mr. President, the magnitude of the interests involved in this bill, and my long residence in the mining regions of the Pacific, make it proper for me to submit an explanation of the laws and customs of miners, the importance of mining, and the objects sought to be attained by the proposed legislation.

Upon the discovery of gold in California in 1848, a large emigration of young men immediately rushed to that modern Ophir. These people, numbering in a few months hundreds of thousands, on arriving at their future home found no laws governing the possession and occupation of mines but the common law of

right, which Americans alone are educated to administer. They were forced by the very necessity of the case to make laws for themselves. The reason and justice of the laws they formed challenge the admiration of all who investigate them. Each mining district, in an area extending over not less than fifty thousand square miles, formed its own rules and adopted its own customs. The similarity of these rules and customs throughout the entire mining region was so great as to attain all the beneficial results of well-digested, general laws. These regulations were thoroughly democratic in their character, guarding against every form of monopoly, and requiring continued work and occupation in good faith to constitute a valid possession.

After the admission of California as a State in September, 1850, Mr. Fremont, then Senator from that State, introduced a bill, the purpose of which was to establish police regulations in the mines. It imposed a small tax upon the miners to defray the expenses of the system. Many Senators, when the bill came up for discussion, expressed the opinion that the mines ought to be sold or some means devised by which a direct revenue might be obtained from that source. Various amendments were offered to effect these purposes. But Mr. Benton took a leading part in the discussion, and contended throughout that good policy required that the mines should remain free and open for exploration and development. Mr. Seward sustained Mr. Benton. I will read a few extracts from the remarks of each, as reported in the Globe, to show the sentiment that prevailed in the Senate at that time. Mr. Ewing, of Ohio, offered an amendment to the proposed scheme which introduced a system of seigniorage, the money going directly to the Government and the Government paying back a certain portion of it to the miner. Upon that amendment Mr. Benton made the following remarks, among others:

"The motion which has been made by the Senator from Ohio, and the very objection made to it by the Senator from California, brings up the question which I have no doubt has occupied the public mind and the minds of the members of Congress, and which everybody could foresee would come up in the course of this debate. It is the question whether the United States will undertake to make a revenue out of the mines. This question is now brought up by the motion on the one side and the objection on the other; a question which all must have seen would arise, and to the consideration of which the attention of the whole Senate ought to be directed. I am decidedly of the opinion that the United States ought not to undertake to make a revenue out of the mines, that the United States ought to content herself with getting the wealth out of the bowels of the earth itself, which is now lying so useless, that she ought to content herself with receiving what will pay the expenses of the administration of such a system, and that system should be just as simple as it can be made, and at the same time preserve order among the miners."

He goes on at length discussing the disadvantages of encumbering the enterprise of that country with regulations further than simply to preserve order. He says:

"I therefore wholly object to the whole idea of deriving revenue from these mines. I am in favor of the simplest possible mode which will cover the expenses."

Mr. Seward, in the course of the debate, said:

"I will add now only this: that the objects of the United States in regard to the gold mines in California should be, in the first place, to bring to the general public use of the people of the United States the largest possible acquisition of national wealth from their newly-discovered fountains; and secondly, to render the mining operations conducive to the best and speediest possible settlement of our vast countries on the Pacific coast which are so soon to exercise boundless commercial, social, and political influences over the eastern world. The pecuniary wealth and the political power thus to be obtained will be obtained just in proportion to the number and assiduity of the persons who shall be engaged in working the mines of California. That number and that assiduity will be in exact proportion to the liberality of the terms upon which the mines shall be opened. It was on this ground that I voted against the proposition of my honorable friend from Ohio, [Mr. Ewing,] which contemplated seigniorage and revenue to the Government from these mines, and in favor of the provision contained in the bill, which stipulates for nothing in the way of revenue, but enough to pay the expenses of regulating the operations in the mines."

The arguments of Senators in favor of free mining finally prevailed, and all amendments looking to sale or direct revenue were voted down, and the bill finally passed the Senate, without material amendment, in its original form, but failed in the House from want of time to consider it. This solemn declaration on the part of the Senate in favor of a just and liberal policy to the miners was hailed by them as a practical recognition of their possessory rights, and greatly encouraged and stimulated mining enterprise and laid the foundation for a system of local government now in full force over a vast region of country inhabited by near a million men.

The Legislature of California, at their following session, in 1851, had under consideration the subject of legislating for the mines; and after full and careful investigation wisely concluded to declare that the rules and regulations of the miners themselves might be offered in evidence in all controversies respecting mining claims, and when not in conflict with the constitution or laws of the State or of the United States should govern the decision of the action. A series of wise judicial decisions molded these regulations and customs into a comprehensive system of common law, embracing not only mining law, (properly speaking,) but also regulating the use of water for mining purposes. The same system has spread over all the interior States and Territories where mines have been found as far east as the Missouri river. The miner's law is a part of the miner's nature. He made it. It is his own bantling, and he loves it, trusts it, and obeys it. He has given the honest toil of his life to discover wealth which when found is protected by no higher law than that enacted by himself under the implied sanction of a just and generous Government. Miners as a community devote three fourths of their aggregate labor to exploration, and consequently are, and ever will remain, poor, while individuals amass large fortune, and the treasury of the world is augmented and replenished.

Senators who have not given this subject special attention can hardly realize the wonderful results of this system of free mining. The incentive to the pioneer held out by the reward of a gold or silver mine, if he can find one, is magical upon the sanguine temperament of the prospector. For near a quarter of a century a race of men, constituting a majority by far of all the miners of the West, patient of toil, hopeful of success, deprived of the associations of home and family, have devoted themselves, with untiring energy, to sinking deep shafts, running tunnels thousands of feet in solid granite, traversing deserts, climbing mountains, and enduring every conceivable hardship and privation, exploring for mines, all predicated upon the idea that no change would be made in this system that would deprive them of their hard-earned treasure. Some of these have found valuable mines and a sure prospect of wealth and comfort when the appliances of capital and machinery shall be brought to their aid. Others have received no compensation but anticipation, no reward but hope.

While these people have done little for themselves they have done valuable service for this Government. They have enhanced the value of the property of the nation near one hundred per cent., as I shall hereafter show, and they have converted that vast unknown region, extending from British Columbia on the north to Mexico on the south, and from the eastern slope of the Rocky mountains to the western decline of the Sierra Nevada, into the great gold and silver fields of the United States, surpassing in richness and extent the mines of any other nation on the globe. I assert, and no one familiar with the subject will question the fact, that the sand plains, alkaline deserts, and dreary mountains of rocks and sage brush of the great interior would have been as worthless to-day as when they were marked by geographers as the great American desert but for this system of

free mining fostered by our neglect and matured and perfected by our generous inaction. No miner has ever doubted the continued good faith of the Government, but has put his trust in its justice and liberality, traversing mountain and desert as incessantly and as hopefully as the farmer of the West has plowed his field. What he now occupies he has discovered and added to the wealth of the nation.

This good faith of the Government (promised, as it were, by the action of this Senate sixteen years ago) not only inspired enterprise and led to discoveries the magnitude and importance of which cannot be overestimated, but in the time of the severest trials of the Union, no people were more loyal than the miners. They lost no opportunity to enlist in your armies or contribute to the support of the Government. Their liberal donation to the sanitary fund was but a slight manifestation of their deep love of the Union and sympathy for its suffering heroes. The little town in which I reside contributed in gold coin over \$112,000, being at the time about thirty dollars to each voting inhabitant, and a like liberality was displayed by the whole coast. The people are truly grateful to a generous Government, and time seems to have strengthened the tender regard they feel for their native land and their early homes. But they look with jealous eyes upon every proposition for the sale of the mines which they have discovered and made valuable. Any public man who advocates it, with whatever motive, is liable to be condemned and discarded as an unfaithful servant. The reason for this is obvious. It is their all, secured through long years of incessant toil and privation, and they associate any sale with a sale at auction where capital is to compete with poverty, fraud and intrigue with truth and honesty. It is not because they do not desire a fee-simple title, for this they would prize above all else; but most of them are poor and unable to purchase in competition with capitalists and speculators, which the adoption of any plan heretofore proposed would compel them to do; and for these reasons the opposition to the sale of the mineral lands has been unanimous in the mining States and Territories.

To extend the preemption system, applicable to agricultural lands, to mines is absolutely absurd and impossible. Nature does not deposit the precious metals in rectangular forms descending between perpendicular lines into the earth, but in veins or lodes varying from one foot to three hundred feet in width, dipping from a perpendicular from one to eighty degrees, and coursing through mountains and ravines at nearly every point of the compass. In exploring for vein mines it is a vein or lode that is discovered, not a quarter section of land marked by surveyed boundaries. In working a vein more or less land is required, depending upon its size, course, dip, and a great variety of other circumstances not possible to provide for in passing general laws. Sometimes these veins are found in groups, within a few feet of each other, and dipping into the earth at an angle of from thirty to fifty degrees, as at Freiberg, in Saxony, or Austin, in Nevada. In such case a person buying a single acre in a rectangular form would have several mines at the surface and none at five hundred or a thousand feet in depth. With such a division of a mine, one owning it at the surface, another at a greater depth, neither would be justified in expending money in costly machinery, deep shafts, and long tunnels for the working of the same. Nor will it do to sell the land in advance of discovery, for this would stop explorations and practically limit our mining wealth to the mines already found, for no one would prospect with much energy upon the land of another, and land speculators never find mines. The mineral lands must remain open and free to exploration and development, and while this policy is pursued our mineral resources are inexhaustible. There is room enough for every prospector who wishes to try his luck in hunting for new mines for a thousand years of ex-

ploration, and yet there will be plenty of mines undiscovered. It would be a national calamity to adopt any system that would close that region to the prospector.

The question then presents itself, how shall the Government give title, so important for permanent prosperity, and avoid these intolerable evils? I answer, there is but one mode, and that is to assure the title to those who now or hereafter may occupy according to local rules suited to the character of the mines and the circumstances of each mining district. The importance of legislation of this kind is daily increasing by the agitation of the subject, by the introduction of bills looking to what the miners regard as a general system of confiscation, destroying all confidence in mining titles, and by the absolute necessity of some system guarantying to capitalists security for their investment.

Your committee, feeling that the time has arrived when the prosperity of the country requires a settlement of this question, have carefully prepared a substitute for the bill introduced by the Senator from Ohio, which they believe is free from most of the objections hitherto urged to a sale of the mines. The system proposed by this report may be improved by experience, but your committee would apprehend evil consequences from any material change of the plan at this time. It continues the system of free mining, holding the mineral lands open to exploration and occupation subject to legislation by Congress and local rules. It recognizes the obligation of the Government to respect private rights which have grown up under its tacit consent and approval. It is in harmony with the legislation of 1865, which provided that—

"No possessory action between individuals in any of the courts of the United States for the recovery of any mining title, or for damages to such title, shall be affected by the fact that the paramount title to the land on which said mines are is in the United States, but each case shall be adjudged by the law of possession."

It is also in harmony with the rules of property, as understood by a million men, with the legislation of nine States and Territories, with a course of judicial decisions extending over near a quarter of a century and finally ratified and confirmed by the Supreme Court of the United States. In short, it is in harmony with justice and good policy.

The plan further proposes to allow the miners who have and who may hereafter occupy and improve mines in good faith, and according to the local rules, to purchase at the rate of five dollars per acre and receive a patent therefor in such a form as shall grant the mine with its dips, spurs, and angles to any depth, with such reasonable amount of surface as the miners shall determine by local rules to be necessary for the working of the same.

It also provides, in case of dispute as to the right of possession, for the determination of that question in the local courts where the miners' laws are understood and fairly administered. It makes the public surveys conform to nature, not nature to the surveys. It requires the payment of three per cent. of the net proceeds into the Treasury until the national debt shall have been paid, which is to be in lieu of the stamp tax now levied. It furnishes the means to actual settlers of acquiring title to their homesteads by segregating the agricultural from the mineral lands, and confirms the rights to the use of water and the right of way for ditches as established by local law and the decisions of the courts. In short, it proposes no new system, but sanctions, regulates, and confirms a system to which the people are devotedly attached, and removes a cloud of doubt and uncertainty which recently has depressed and retarded the growth and prosperity of our mining communities.

In my opinion this bill will furnish homes to thousands of families, give stability to mining titles, invite capital, and greatly increase the production of the precious metals. The proposed tax is not large and will not be oppress-

ive, but it is all the subject will bear, and is just three per cent. more than the farmer pays on the net product of his farm, but those who have net product have money with which to pay, and the miners never refuse to pay as long as they have money. Any tax upon the gross proceeds, however light, is oppressive and unjust. In the forcible language of the Senator from California, "it is a tax upon effort." Nearly all the mines through the various stages of their development produce more or less gold and silver, but until they commence making dividends the assessments usually exceed the product, and sometimes a hundred to one. Any further burden under these circumstances tends to break down the effort before the mine is proved. It is like the tax on crude petroleum imposed last year and removed this by a special act. It would be much better policy for the Government to offer a reward for the discovery and development of a mine than to embarrass the prospector who has realized nothing but loss and privation. The fact that the explorers and pioneers of a mining region are usually poor is no reason why the Government should not encourage mining, for we owe a large debt, and while it exists a dollar's worth of gold or silver dug from the earth is much more serviceable to the Government than a dollar's worth of cotton or any other product.

The increase of the precious metals serves a double purpose. A dollar in gold or silver adds as much to the wealth of the nation, is just as good an export, and will stimulate commerce and enterprise as much, as the choicest products of any country. If used as an export it costs less in transportation than any other product, and the article which it buys pays the same duty (which is not less than fifty cents on the dollar) as an article purchased with cotton or wheat. But after we have compared it and find it performing all the functions of any other commodity, and with more ease and facility, we have not yet taken into the account its most beneficial agency in relieving a nation burdened with debt. Its great office is to enhance values by cheapening metallic currency, the measure of values. Previous to the war we had no national debt. Our financiers were not interested to inquire how the burdens of the nation could be lightened by large and increasing yields from the mines, but war has changed our situation and incumbered us with three thousand millions of debt, with accumulating interest, which, before it can be paid, will reach the enormous sum of not less than six thousand millions, principal and interest, all to be paid in gold or its equivalent. Our financial circumstances are now entirely similar to those of the nations of Europe, encumbered with vast pecuniary obligations. Their experience and investigations have become subjects of living interest. While labor is the real standard of value and the ultimate source of wealth, gold and silver are the universal measures of value, not only of the value of every other commodity, but they are the test by which every other circulating medium is estimated, thus educating the popular mind in the erroneous belief that a piece of gold of a given degree of fineness retains a fixed and permanent value.

The fallacy of this is exposed by the fact that in every country a certain amount of labor, the true standard of value, commands different prices at different times. And this result does not follow so much from the varied productiveness of the labor as from the changeable supply of the current coin, thus clearly establishing that the cheapness of gold depends upon its abundance. And this theory is strongly fortified by historical facts. At the commencement of the sixteenth century, and anterior to the discovery of the gold and silver mines of Mexico and South America, the commercial world was limited to about one hundred and sixty-five millions of metallic currency. As an evidence of the high price of gold and the comparative low estimate of labor, there was no silver coin even sufficiently small to offer in

recompense for a day's toil. At the termination of the sixteenth century the increased supply from Mexico and South America raised the metallic currency to near seven hundred millions, proportionately enhancing the value of labor fourfold and quadrupling the price of land and every article of produce and commerce. The gradual advance of the metallic currency during the seventeenth and eighteenth centuries, keeping pace to much extent with the increasing supply of other commodities, failed to reveal the wide disproportion so marked and characteristic of the first hundred years that followed the opening of the gold and silver fields upon the western continent. The current metal of Europe and America of the year 1809 is estimated at \$1,800,000,000. Then began those revolutionary throes in the Spanish American provinces which almost paralyzed, for near half a century, the production of the precious metals. The meager supply of that revolutionary period scarcely transcended the consumption for manufacturing purposes and the deficit occasioned by wear and loss and exportation to Asia.

The failure of the metal crop taxed every energy and resource of the financier and provoked inordinate issue of bills of exchange and paper money. The time was prolific in financial crashes, and still the price of labor and the value of property remained comparatively stationary, with a disposition to decline. The nations of Europe, heavily encumbered with debt, were exhausting their ingenuity to relieve the people from oppressive and ruinous taxation. Their debt was gold, and the material requisite to defray it was daily becoming scarcer and dearer. English financiers have candidly conceded that but for the discovery of gold in California, the struggle would have terminated in general ruin and convulsion—a discovery that suddenly revolutionized the commercial world and removed a burden from labor which was fast becoming too grievous to bear. It is a pregnant fact, and completely illustrative of this position, that in 1850 the amount of metallic currency had not advanced beyond the eighteen hundred millions of the year 1809. It was reserved for California to awaken the latent energies of the entire mining world. This youthful and proud and vigorous State is already enrolled in the history of the monetary world as the valorous leader that headed the forlornest of hopes and rescued the drooping nations of Europe from pecuniary ruin and national dissolution; for I need not assure the Senate that money is the sinew and safety of modern government. It was California that aroused the spirit of discovery in Australia and New South Wales and breathed a revival in mining enterprise in Mexico and South America and awoke the slumbering mining energies of Europe and Asia. This astonishing vigor and impulse, originating upon the placers that border upon the American river, have resulted in doubling the metallic currency of the commercial world, and increasing in equal proportion the prices of labor and property in the brief space of fifteen short years. It has enabled England, our emulous rival in commerce and the arts and amenities of civilization, that was shuddering upon the brink of a pecuniary abyss, to extricate herself from a moiety of her enormous debt; because the property of that country at this moment commands double the amount of gold it could realize fifteen years ago. The same beneficial result is developed upon the soil of the United States.

In every section of our land labor secures twice the quantity of gold that could be obtained previous to the settlement of our people upon the Pacific coast. The farms of the Atlantic States unenhanced by additional improvements, have duplicated their gold value. The assessed estimate of the property of the United States in 1850 exceeded but little the sum of seven thousand millions, while in 1860 it exhibited an advance of over nine thousand millions. Is it wisdom to contemplate this in-

crease as sincere and actual? That in the short period of ten years the labor of our country produced more value by nine thousand millions than the accumulated labor of the long period that has elapsed since the first emigration to the wilds of this continent? The explanation is found in the increased supply of the current coin—the measure of value. The same property previous to 1850 was represented by less gold. And this computation will satisfactorily account for at least seven thousand millions of the estimated increase, leaving the remaining two thousand to be absorbed by additional products of labor. Upon these premises, as a basis for calculation, I will suppose the United States, in 1850, involved in a debt of one thousand millions. Such indebtedness would have amounted to one seventh of the assessed value of the entire property of the country; whereas in 1860 it would have diminished to one sixteenth; and, relying upon a proportionate increase of our national wealth, the same debt in 1870 would descend to one thirty-fifth part, and in 1880 to one ninety-eighth—thus becoming the very trifling and inconsiderable burden upon the national property of about one per cent. By applying the same numerical principle to the actual debt of the land, which varies but little from three thousand millions, and the present large and appalling incubus of twenty per cent. upon the pride and prosperity of the country will sink to the small figure of three per cent. in twenty-five years, and at the commencement of a new century to less than one and one half of one per cent. And this pleasant consummation may be attained without any diminution of the principal debt.

Alison, the historian, records in glowing language the effect of the new discoveries upon the civilization and material prosperity of the nations of Europe, and I will avail myself of his forcible language. He says, in his *History of Europe*:

"It will belong to a succeeding historian to narrate the wonderful spring which the country made during the five years which followed 1852 under the influence of the gold discoveries in America and Australia; but a brief notice of them is here indispensable in order to explain the main causes which were in full operation in that year when the general election took place, and free trade was finally adopted as the system of the nation. It is well known that in consequence of the extension of the American dominion over Texas in 1848, and the war with Mexico which ensued, California was ceded to the United States, and became a part of the Union. The Spaniards, thirsting for gold, had been there for three hundred years, and the gold was mixed with the alluvial sand under their feet, but they never found it out. Before the Americans had been there six months it was discovered, and the face of the world was changed, miners speedily flocked to this El Dorado from all parts of America and many of Europe, and the progress which ensued was so rapid that it would be deemed fabulous if not ascertained by authentic evidence. In February, 1849, the population of Europeans in the State was two thousand; in June, 1852, it was already one hundred and eighty-two thousand; and in 1856 it had risen to five hundred and sixty thousand. Soon after this great discovery had been made a similar vein of prosperity was opened in Australia. Gold was there discovered in 1849, in the alluvial plains near Ballarat, and this led to a general search in the vicinity, and the precious article was soon found in great quantities. The effects were immediately the same as they had been in California. Population and wealth enormously increased, and the emigration to it in 1854 rose to eighty-seven thousand persons; the exports turned £14,000,000, being about twenty-eight pounds a head; and the gold obtained amounted to the enormous value of £15,000,000.

"The annual supply of gold and silver for the use of the globe was, by these discoveries, suddenly increased from an average of £10,000,000 to one of £35,000,000. The words of poetic genius were more than realized. Methinks, as I gaze around, I see the scheme of the all-beneficent Father disentangling itself clear through the troubled history of mankind. How mysteriously, while Europe rears its population and fulfills its civilizing mission, these realms, which have been concealed from its eyes, divulged to us just as civilization needs the solution to its problem: a vent for feverish energies, baffled in the crowd, offering bread to the famished, hope to the desperate, in very truth enabling the New World to redress the balance of the Old. Here the actual *Æneid* passes before our eyes. From the hearts of the exiles scattered over this harder Italy, who cannot see in the future—

"A race from whence New Albion's sons shall come,
And the long glories of a future Rome."

"Most of all did Great Britain and Ireland experi-

ence the wonderful effects of this great addition to the circulating medium of our globe. That which for five-and-twenty years had been wanting—a currency commensurate to the increased numbers and transactions of the civilized world—was now supplied by the beneficent hand of nature. The era of a contracted currency and consequent low prices and general misery, interrupted by passing gleams of prosperity, was at an end. Prices rapidly rose; wages advanced in a similar proportion; exports and imports enormously increased, while crime and misery as rapidly diminished. Emigration itself, which had reached three hundred and sixty-eight thousand persons a year, sank to little more than half the amount. Wheat rose from forty shillings to sixty-five shillings; but the wages of labor of every kind advanced in nearly as great a proportion; they were found to be about thirty per cent. higher on an average than they had been five years before. In Ireland the change was still greater, and probably unequaled in so short a time in the annals of history. Wages of country labor rose from fourpence a day to one shilling sixpence or two shillings; convicted crime sank nearly a half; and the increased growth of cereal crops, under the genial influences of these advanced prices, was as rapid as its previous decline since 1846 had been. At the same time decisive evidence was afforded that all this sudden burst of prosperity was the result of the expanded currency, and by no means of free trade, in the fact that it did not appear till the gold discoveries came into operation, and then it was fully as great in the protected as in the free-trade States."

Ten years have elapsed since this record was made, and the yields of gold and silver are still increasing. What historian shall record the marvelous progress of the civilized world during that period? The United States has just emerged from the most tremendous civil war recorded in history, and the world still marvels at the enormous resources disclosed in that struggle for national existence; but the stimulating influence of this abundant yield of the precious metals upon the vast products of our extended domain, when properly appreciated and understood, will explain much of this astonishing exhibition of wealth and reveal something of the importance of a full and complete development of our mines. Gold must be cheapened by abundance; industry must be excited by the expansion of metallic currency. And here arises the vital inquiry, whether our country embraces the mineral fields from which to drain the requisite supply to double once more within the coming fifteen years, or perhaps a shorter period of time, the metallic currency of the world, whereby to virtually extinguish the one half of our national debt. From the plains of the Missouri to the Pacific ocean stretches an area exceeding a thousand miles square upon American soil of mineral region unparalleled in richness. It would almost seem that the knowledge of this vast and exhaustless wealth had been especially withheld through the long ages of the past as a fitting boon and priceless legacy for the present exigencies of the great American Republic. The wild space formerly designated upon our maps as the "unexplored region" or the "Great American desert" has been revealed to the startled world, laden with purer and more abundant ores than were attributed to the ancient Ophir. But whatever exaggerated ideas may exist elsewhere, I need scarcely inform the Senate that the mere knowledge of its locality accomplishes but little toward its attainment; for it would appear as if nature, peculiarly jealous of her treasure, has encircled it with most formidable barriers. It has imbedded it in deep vaults, walled in by rocks of primitive formation; it has cut off the access of navigable rivers by lofty and snow-capped mountains, and refused, to much extent, the appliances of water and timber and productive soil.

The primary conditions upon which the development of our mineral wealth depend are, first, transportation; second, a scientific knowledge of mining; third, security of titles; and fourth, abundance of capital.

The first question of transportation is involved in the speedy completion of the Pacific railroad. The importance of this enterprise, in view of the political, commercial, and financial condition of the country, cannot be overestimated. Politically it will be a new bond, uniting the interests and destinies of the Pacific and Atlantic and consolidating the power of the nation

against foreign enemies and domestic foes. Commercially, it is the agent whereby the advantage of occupying a central position between Europe and Asia can be fully realized, and is the only means of combining the innumerable benefits of a free interchange of the products of our interior domain with our commercial cities on both sides of the continent, and with foreign lands across both oceans. Financially, it is the key with which we will unlock the rock-bound vaults of nature, and seize the untold millions of gold and silver hoarded by Providence from the creation of the world, for the purpose of furnishing the means of accomplishing the great destiny he has ordained for us. The liberal donations of the Government to this grand enterprise will mark the progress of the present age, add new glory to the American name, increase the wealth, and lighten the burdens of the people.

Much has been done by the inventive genius of the American people to acquire a practical knowledge of mining and the complicated machinery necessary thereto. Millions have been expended by the miners themselves in experiments and inventions, and a laboratory of art may be found in the mining region of the West where the students of the Old World may learn new lessons, but Americans are not yet educated in the science of mining. All the nations of Europe of any importance have well-endowed mining colleges, supported to a great extent at public expense, where thousands of young men are educated in this important branch. The few Americans who pretend to scientific knowledge of this subject have been educated in Europe. Every year young men go from the Pacific States to Freiberg, Paris, or other European cities to learn how to mine in their own country. Hundreds of thousands of dollars are paid annually to foreigners for that scientific knowledge of mining which Americans do not possess. But our eastern schools are beginning to realize the importance of this subject. Columbia, Yale, Harvard, and other colleges are making laudable efforts to supply the defects; but we need mining colleges in the mining districts where the youth of America may study the science of mining with the laboratory of nature before them as a guide, and where theory and practice may be combined. We want some means of disseminating useful information on this subject among the people at large. To this end Congress may do much.

We want a law of the character of the bill under consideration to establish and secure mining titles. While these are in doubt a feeling of insecurity will paralyze all our efforts:

"Known mischiefs have their cure, but doubts have none;

And better is despair than fruitless hope
Mixed with a killing fear."

Let a just, liberal, and definite policy be adopted toward the miners. Add to their possession the absolute right of property, and you will have laid a solid foundation for large and increasing yields. In the language of Blackstone, "There is nothing which so generally strikes the imagination and engages the affections of mankind as the right of property; or that sole and despotic dominion which one man claims and exercises over the external things of the world in the total exclusion of the right of any other individual in the universe." The feeling of security and independence produced by the right of property in the soil is the real foundation of our stability and prosperity as a people. A nation of freeholders is a nation of sovereigns, but a nation of tenants is a nation of slaves. Let not our free system of mining be degraded into miserable monopolies or disastrous confusion, but let it be confirmed, enlarged, and perfected, and the great national bank of redemption in the West will never refuse specie payment.

In conclusion, I maintain that the facts of history furnish abundant proof that large yields of the precious metals are the best and strong-

est incentives to industry, the accumulation of wealth, and the advancement of society. Rich mines, good titles, free labor, railroad transportation, modern improvements, and the light of science will dispel at once the hideous phantoms of gloom and despair that have floated before the public vision, and affix the indelible stamp of infamy upon that timorous or wicked class who would raise the dishonest cry of repudiation. Our national debt is the legitimate price entailed upon us by the protracted and fearful and final struggle for the integrity of our glorious Union and vindication and permanent establishment of the republican principle upon the globe. And the argument I have endeavored to pursue, while elevating the precious metals—the essential product of the western half of our extended confines—into the true and controlling kings of trade and finance, the indispensable element of our future national wealth and greatness, equally enforces the necessity on the part of the Government as well as the individual to stimulate our mineral resources to their full and complete development.

Mr. SHERMAN. I move to amend the amendment of the committee by striking out in the nineteenth and twentieth lines of the second section the words "until the national debt shall have been paid;" so as to read, "the owners and occupants of the mine so appropriated and held shall pay into the Treasury of the United States, in each and every year, three per cent. of the net product," &c.

The amendment to the amendment was agreed to.

Mr. SHERMAN. In the twentieth line of that section I move to strike out "three" and insert "five;" so as to leave the rate of percentage to be paid by the miner the same as in the original bill, five per cent.

Mr. STEWART. I hope that amendment will not be adopted.

Mr. SHERMAN. That was the rate fixed in the original bill, which was carefully prepared, and I believe was satisfactory to the mining interest. Five per cent. is a very liberal rate indeed. Five per cent. is about the same tax now placed on all kinds of manufactures. Surely when we give the land at a very low rate and only reserve this royalty, it is not a very high one, and that not on gross income but on net income. It is a very small tax, and it is important to retain it, I think.

Mr. STEWART. I hope the rate will not be increased. The amount here fixed is just three per cent. more than is imposed on any other product of the country except cotton. It is just three per cent. more than farmers pay on their farms. We pay all the other taxes, and where there is net product our income taxes are exceedingly large. We are a consuming people; we pay taxes on everything we consume.

Mr. GRIMES. On whisky?

Mr. STEWART. We pay a great deal of the whisky tax, perhaps not greater in proportion to our numbers than others, but more in amount, because we drink a better quality, probably. [Laughter.] Three per cent. is a heavy tax upon the net product of the mines. The man who has found a mine has paid for it four times as well, before he pays a dollar into the national Treasury, as the man who goes and improves a farm. You allow the man who goes upon land and improves it to have a homestead, and require him to pay nothing. It takes him five years, under your law, to acquire the title. It takes on the average fifteen years of labor and even more to find a mine. Taking the aggregate labor engaged in finding mines, it costs at least fifteen years of actual labor to find a mine, and I believe I should not exaggerate if I said twenty-five years of actual labor for every mine found. You say to a farmer that if he will go and live upon a tract of land for five years he shall have a farm. You say to the miner after he has spent most of his life hunting for a mine and he has found one, that you will encumber him beyond a reason-

able amount. The farmer after he has lived five years upon his land and got it free, is not taxed on the net product. He pays simply an income tax. This adds to the income tax paid by the miner a tax upon net products. It is an additional tax clearly beyond that paid by other producers, and an additional tax on a class of men whose property costs them more than any other class of men who hunt for property; an additional tax on that product which you need more than you do any other; an additional tax on property, one dollar of which is worth at least two dollars, and I think three or four dollars of a perishable commodity; an additional tax upon that which will relieve your national burdens by increasing the amount of metallic currency. There ought to be no tax even upon the net product, and it is very much for us to consent to be discriminated against to the extent of three per cent., when our property has cost us ten times as much as the property of any other class of the community has cost them. If you would tell the miner before he prospects the history of what he has got to encounter, if you would lay it all plainly before him, nobody would think of prospecting; but because there are occasional gains, because there is occasional success, a large number of enterprising people have traversed this desert and found these mines, at the cost of almost everything, so that there is no reason why you should discriminate against them.

Mr. POMEROY. The amendment of the Senator from Ohio may be an economical one looking at it from the point of view entertained by the Committee on Finance; but looking at the subject from the point at which I have looked at it, I do not believe there is any public policy in taxing the production of gold. The gold deposits on the eastern slope of the Rocky mountains I know have not been productive enough, so that in not one case in a hundred, perhaps not one in a thousand, is there any net profit. Possibly in California and the older mining States, where they have mined longer, there may be net profits; but when you take into consideration what it costs to get \$100 in gold, I think it is fair to say that every \$100 obtained has cost \$300. That I think is the experience on the eastern slope, if you take into account what is spent in getting to the mines, in developing and exploring, in labor and anxiety. Then to tax the production, small as it is, five per cent. seems to me to be unreasonable. I believe it would be more according to public policy to offer a premium upon the production of gold. I would rather give a premium upon gold than upon fish. There certainly ought to be a higher bounty paid to those who produce gold than to those who catch fish; I am sure of that. If we enter upon the taxing of gold that is brought out by the sweat, blood, and sinews of our people who go out there, one half of whom die in getting it, I believe it is an act to discourage the production of gold rather than otherwise. I feel no personal interest in the matter, but I am certainly opposed to increasing the taxation from three to five per cent. Three per cent. is surely high enough.

Mr. GRIMES. I do not know anything about this bill, but I desire to be informed by the Senator from Kansas and the Senator from Nevada on what principle of financial statesmanship it is that we are to stimulate the production of gold, if it really, as they say, costs us three dollars for every one that is produced. If that is the general result—and they both tell us that it is—I do not see that the country is going to be advantaged much.

Mr. STEWART. I do not think I made that estimate.

Mr. GRIMES. The Senator from Kansas did.

Mr. STEWART. But I will state that I think that every dollar of gold that is taken out costs on the average about one dollar, and perhaps a little more. Now, I will answer the question of the Senator from Iowa. I thought I made that point clear before. A dollar's

worth of gold will buy just as much of any article as a dollar's worth of wheat; it is just as good to send to Europe as an export as a dollar's worth of wheat. Its immediate effect is just the same as a dollar's worth of anything else. But it has another office which is much more important to this country in view of its national debt. If we could just double the amount of metallic currency we should double the estimated value of all property. Then, instead of our property being estimated at \$16,000,000,000, it would be estimated at \$32,000,000,000 at once, because then there would be just twice as much gold in the country to buy with, and things would be twice as cheap; property would represent twice as much. This would be the effect of doubling the metallic currency. Then, instead of your public debt being twenty per cent. of the whole property of the country, it would be only ten per cent.

English financiers understand this. They admit that they could not have carried their debt but for the increase of the metallic currency. Almost all of them who have written on the subject have admitted that they would have been bankrupt but for our discovery of gold. By the expansion of the metallic currency Europe was relieved from the pressure under which she was laboring in 1850, and that saved her from general bankruptcy. That is the conclusion to which the writers on the subject have come. We did not feel its importance at that time, but now we see it very plainly. We have a public debt of \$3,000,000,000, which is twenty per cent. of the estimated value of our property. If we can double the estimated value of that property in a few years by fostering this production we shall relieve the whole country and stimulate enterprise everywhere. Our enormous advance during the last fifteen years is owing to that cause more than any other, because in these particular localities poor men were willing to go into the mines and take their luck. They do not all succeed. Why should we not foster mining? Why should we tax them heavily and cut off those resources which would make us rich and soon make us free from burdens? Because they are benefitting us it is a reason why we should pile additional taxes on them? It seems to me the whole of this tax is wrong, but we have to submit to something, I suppose, and I trust at any rate it will not be put higher than three per cent.

Mr. CONNESS. This is a bill in which I take a great deal of interest, necessarily. We considered the question involved in it with some considerable care in the Committee on Mines and Mining, having there some of the best minds of the Senate; among them my honorable friend from Kentucky, [Mr. GERRARD.]

Upon the question of taxation, it was with a good deal of difficulty that I was brought to the consideration of favoring any amount of tax to be imposed upon the mining industry. Senators will remember that two years since it was proposed by the House of Representatives to impose a gross tax of five per cent. upon mining, which alarmed the entire mining industry of the nation. That tax would have destroyed it; but it was during the war, at a period when our friends, such as the honorable Senator from Ohio, than whom there is none who so seriously considered the question of providing funds for carrying on the war, were looking to every possible source from which revenue might be derived. At that time we finally arrived at a compromise on the subject, agreeing to a tax of one half of one per cent., to be collected by stamping bullion at the United States mints and at the assay offices in the country. That tax was increased last year by the Finance Committee, without my knowledge, to five eighths of one per cent. They added an eighth of one per cent. without my knowing anything of it. I think that additional tax should not have been put on without calling the attention of the Senate to it. I must have been in my place, but it was done

in such a manner as not to challenge my attention.

Now, sir, for the representative of a mining constituency to agree to any tax upon the product of the mines is a pretty serious proposition. I will not undertake to extend this debate or the consideration of this question by entering into an estimate of what the production of gold costs. It would be mere guessing at best, and consequently time not wisely spent; but I undertake to say that there is no commodity which the enterprise and commerce of our own country and of the world requires so much as the addition to our circulation of the precious metals. I need not waste a word in stating how it incites the trade and commerce of the country and of the whole world; and therefore any tax imposed upon its production is necessarily a drawback upon that production, and particularly when it is borne in mind, if it can be, by Senators that all effort at mining is not profitable, that only a small proportion of the effort directed at mining is profitable, and that notwithstanding but a small proportion of that effort is profitable, yet the sum total of the product of the precious metals tells largely in favor of inciting every other industry belonging to and growing out of civil society. To have agreed to any tax then was to me at least a disagreeable proposition; and I should far sooner vote to strike out the three per cent., leaving out at the same time the five eighths of one per cent. charged upon the production of gold and silver, than agree to substitute five for three, as now moved by the Senator from Ohio.

Mr. President, we recently repealed the tax imposed upon crude petroleum. Why did we do it? We did not do it carelessly. We did it after an experience which convinced the entire country and ourselves that its production was a business so problematical, requiring so much of effort, attended with so much want of success, that a tax upon the product, crude petroleum, was a tax upon the effort engaged in producing it and a restriction consequently upon its production; and the Senate by unanimous consent agreed to repeal that part of the internal revenue law. Certainly, crude petroleum is not more needed to this country and its industries than gold and silver. If my friend from Ohio lived where I do and had the practical acquaintance that I have with the production of gold and silver, no inducements to put money in the Treasury from taxation would get him to agree to tax the production of gold and silver. I am quite satisfied of that. I hope that this amendment will not be made and that my friend from Ohio will not persist in it.

Mr. McDOUGALL. There is a special reason, which I have not yet heard assigned, why there should be no tax on this production. A tax upon the production of gold would be a tax upon labor and enterprise, not upon capital or wealth. It is now some sixteen or seventeen years since mines of great wealth were first discovered in this country. Mining even in California to-day is still in its infancy, requiring the present expenditure of large capital with reference to prospective results. Mining there, being better organized, is at present more successful than elsewhere; but it is the result of a series of experiments which have been going on from the first discovery of the mines, and those experiments have demanded the expenditure of a vast amount of capital. I am confident that more capital and labor at the common price have been employed there than has resulted from the productions of the mines; and yet every year places the mining interest upon more stable foundations. In Colorado the amount expended is triple what has resulted by way of production; and it is only within the last year or two, when experienced California miners came in there, that they have been to a considerable degree successful—those who understood the science of procuring the metal from the mine.

This production is not in a politico-economical

sense a legitimate subject of taxation. It is a production to be promoted. There is no country possessed of large mining interests in Europe that has not its colleges where young men are educated to the science and art of mining. It has been everywhere promoted for the advantage and profit of the Government. The wealth that results, the moment it does result in the form of wealth to the individual, becomes the subject of taxation, like every other form of wealth; but as a rule those who first embark in these enterprises are the victims of enterprise. Hundreds and perhaps thousands of handsome fortunes have been lost in trying to develop the wealth of the sierras. We need their development and we need to promote them. They are yet in their infancy. Nations are not made in a day, nor great systems or policies. In Sweden you find mining understood as a science, studied as a science, by the most cultivated men. So it is in Russia and in Austria and in nearly all the States of Europe. It is promoted at the expense of the Government. Why? Because if made successful wealth is produced which when achieved is the legitimate subject of taxation, and it gives strength and power to the Government.

The wealth our mines have achieved has not gone to the miner and adventurer in California or in Colorado or in Idaho or in Montana. I remember very well when I first returned to this side from my coast in 1853, having been absent three or four years, I found the city of New York a different city. The productions of California had stimulated her commerce and enterprise so that palaces had sprung up. There were no palaces, though, in San Francisco or on the Pacific coast. In the city of Chicago it was the same, as I had occasion to observe, and so throughout the country. The wealth went to those who supplied the mines and mining enterprises, those who built the machinery, those who furnished the instruments, those who manufactured the powder for blasting, those who furnished the provisions that supported the miners. So it is at this day; and to-day the Atlantic States derive much the greater part of what is the true wealth derived from the mines of the West.

The policy of the Government should be to promote and not to oppress the mining interests. I am against the three per cent. or the five per cent. I do not mean that I am going to oppose the bill merely because it may contain a provision for a three per cent. tax; but the policy is wrong. At this early period of that enterprise, in its infant condition, it is not policy to tax it; and then in its most prosperous condition it is not the legitimate subject of taxation. What results and becomes wealth is taxable, like the wealth that is won by the merchant by his enterprises; and that is the wealth upon which the nation must depend. As for expecting to derive revenue of importance to the Government by such legislation, I can assure you, Mr. President, and the Senate, that it will cripple enterprise and instead of being to the advantage of the country at large, which is always an advantage to the Government, it will be to the disadvantage of both. Therefore I object to the amendment offered by the Senator from Ohio. I trust it will not be adopted. It will be looked upon as a very oppressive act on the part of the Government by the people upon the western coast engaged in this enterprise, as also in all the mining districts of the country. I should think it an unjust act myself, and I am sure an impolitic one.

Mr. NYE. I desire to present two or three considerations to the Senate with regard to this amendment of the Senator from Ohio. I was in hopes that some person having this bill in charge would have moved to strike out the three per cent. I have had almost five years' observation—

Mr. CONNESS. Will the Senator permit me to explain?

Mr. NYE. Certainly.

Mr. CONNESS. I call the Senator's attention to the fact that there is at present levied

by the internal revenue law a tax of five eighths of one per cent., which is collected by stamping all the bullion that is produced at the mints and assay offices, and that the committee have agreed to this tax of three per cent. on the net product to be paid hereafter in lieu of that tax, and for that reason alone.

Mr. NYE. Perhaps that is wise on the whole; but I think that persons who produce gold and silver should not be taxed for that production. The reason, I suppose, why this tax is sought to be secured is that they take the metal from the land of the Government, and this is supposed to be a remuneration for that privilege. Now, a gold or silver mine is worth no more to this Government than a granite mine, unless it is improved, worked, and reduced in the expensive way the miners of the West have to do. A reason why this product should not be taxed and this burden laid on the labor that produces it is this: the Government never would have known that within the bowels of half this continent are treasured up these rich minerals, this rich material, if the enterprise of the individual, the daring and suffering of the individual had not developed it. An additional dollar when put into the circulation of the country is so much additional wealth to the country. Unlike almost all other kinds of manufacture, in mining there can be no such thing as cheating about it. Most of the producing mines are owned by large companies where monthly returns have to be made of the exact product and the cost of producing the gold and silver. Therefore each stockholder is taxed for the additional dollar that he acquires in that way as an income tax, and upon the substantial wealth of the country he is taxed upon this additional dollar that the miner produces.

A year ago, or a little more, I had the honor of submitting a few remarks in opposition to the imposition of a tax of this kind, wherein I tried to show that it was a direct tax upon labor itself. I look upon it in the same way now. I know that the imposition of that tax, small as it was, had an injurious effect upon the development of the great mineral region of the western coast. I have seen it with my own eyes. Towns that were flourishing are drooping. Miners who were vigilant, active, and vigorous in the prosecution of this work ceased their labors to some extent in view of this tax which they regarded as a tax upon their labor. If gold is to be taxed at the mine, it is taxed three or four times more by the several acts now in existence before it gets through being taxed. The stocks of each company engaged in mining are taxed. Persons who own them individually are taxed in regard to their wealth. This tax, then, upon the production, in my judgment, is an additional tax to that imposed upon any other product of the country or any other product of manufacture.

I beg the Senate to bear in mind the fact that every additional dollar of gold and silver that we produce lays the foundation of our financial structure on a more stable foundation. Let it be known that we can produce gold and silver to make our credit always secure and sure, that the interest will be paid in the precious metals, and our credit will stand as high, if not higher, than that of any other nation of the earth. If I only knew as much of finance as my friend from Ohio does, I could be eloquent on this subject, but understanding only one branch of it, and that is disburbing, [laughter,] I cannot talk as eloquently as he does; but I have got a sort of crude idea that if I wanted to establish firmly the credit of our country I would encourage by every possible means the production of that upon which the credit of the nation rests. I would to-day, as a financial measure, rather pay a bounty upon the production of gold and silver than tax it in any of its incipient stages. My judgment is that time will demonstrate that I am correct in this principle when I say that the true policy of this Government would be, instead of trammeling in any way the produc-

tion of the precious metals, to pay a bounty to increase their production.

Sir, what has given England her credit above other nations? What has made this nation and its merchants go and buy bills of exchange upon London to trade with the Indies or with China? It is the fact that there in that kingdom concentrates the great mass of the precious metals of the world; that she by a wise course of finance has made herself the great lap of the wealth of nations into which all the precious metals have been so amply poured. If this nation at this moment will take a wide and comprehensive view of the policy and conduct of these minerals and these mineral lands, that great law of trade that has so long made us pay tribute to England will make New York the London of the world. Let us take such a course as will increase the production of the precious metals; instead of letting it be numbered by fifty, sixty, or seventy millions, as it is now, let our annual production be five hundred millions, as it will be when that great railroad binds our eastern and western shores together, and London will be London no more. Therefore I call upon those Senators who have this peculiar branch of our country's interests now in hand to see to it that they impose no taxation that will limit or cripple the production of the precious metals.

As I remarked, Mr. President, there is no opportunity for any deception here as there is in most manufacturing business. Every dollar that is produced is known and every dollar is felt. With this daily drain now for the precious metals upon New York—for not a ship leaves that port that does not count her treasure by millions, being taken to the great reservoir of the precious metals, London—I ask the Senator from Ohio, and all other Senators who desire to see our credit established upon as substantial a basis as credit can be, to consider well before they attempt to impose a tax upon the production of gold and silver, which is the life-giving power of this nation at this moment.

The Senator from Iowa, [Mr. GRIMES,] always careful and vigilant, wants to know how it is, if each dollar costs so much, that the business is pursued. I can answer him very well, I think, and my friend, the Senator from Rhode Island, [Mr. SPRAGUE,] who is *au fait* upon all manufacturing interests, will bear me witness that I answer truly. Everything in its infancy costs all that it is worth to produce. This mining interest broke upon the United States as a great wonder; and as a parallel, for long years, (and I am prepared to vote for it now, reversing the whole teachings of my political life,) the manufacturing interests have been in their infancy ever since they were born, and God knows how long they will remain so, and every year we help them. While we tax them on the one hand we give them advantages of market and trade by a tariff on the other. The production of gold and silver is nothing but a large scale of manufacturing. It penetrates the mountain; it assorts the ore; it brings it out; and the clatter of the stamps is heard from morning until morning again; and when what they technically call in mining the clean-up comes, very often the clean-up exhibits the lofty sum of nothing, while thousands have been expended in the effort. Would you stop there? Would the Senator from Ohio have it stop there? Not at all. Try again. The next clean-up gives something, and so on until it begins to be remunerative. They ask nothing in this great scale of manufacturing that other manufacturers have not possessed and always enjoyed in this country.

But, sir, this is gold and silver, and the fee to the land belongs to the United States, I am told. I glory in that; and I might as well say here as anywhere that I would rather it would stay there. I think they are the best owners, but I am not going to quarrel about that. But, sir, these precious metals would have slumbered there till the resurrection horn was heard if it had not been for individual enterprise and daring skill; and more hardships have been

endured in it than in the establishment of all the manufactories whose million spindles are twirled with a velocity that makes you giddy to watch them. It has not been in your maris or towns, but it has been upon the mountain-side and mountain-top. They have had to take their machinery there, and by the greatest possible exertion the means of reducing ore obtained.

I hope, sir, that the amendment of the Senator from Ohio will not prevail. I received from warm supporters of this Government, a few days ago, a telegraphic dispatch signed by a number of miners of the State of Nevada, men whose integrity, energy, and skill are not to be questioned, and whose fidelity to their country and its best interests is not to be questioned by any one, in which they say that the present tax is onerous, and any higher or further tax will greatly retard the development of the mines of that region of our country. Sir, in behalf of those toiling miners, in behalf of that class of men who are doing to-day as much as any class of men in this country to uphold its credit, to lay a golden basis upon which it can stand, I appeal to the justice of this Senate whether they will tax them further or higher upon that laudable and just effort.

Mr. HENDRICKS. Mr. President, a year ago I felt it to be my duty to oppose any tax whatever upon the production of gold, and I am not able to see that the considerations that governed me at that have passed away. I think, instead of taxing the production of gold, we ought rather to encourage its production, especially while we have a public debt upon our shoulders. The increase of the circulating medium of the country, especially of that which is the standard of value the world over, makes the payment of our debt and the annually accruing interest easier as we continue to increase. Upon this view of the subject, I shall move to strike out all that portion of this section which relates to a proposed tax from and including the sixteenth line to the close of the section. If I had a view to revenue I should not advocate this particular measure. I think that very little revenue will be realized from this mode of taxation. It proposes a tax upon the net production. I presume that means the profit which the miner makes. How is that to be ascertained? I submit to the authors of this bill whether it can be satisfactorily and certainly ascertained what is the net production of a mine. As is stated by the Senator from Nevada, some of the mines are managed by large companies who keep an account of their expenditures as well as their incomes, with the view of ascertaining the dividend of each stockholder. If we had entire confidence in the books of all these companies, perhaps we could ascertain the net production of a particular mine; but certainly there are very large productions of gold by persons acting in their individual enterprises and not in the form of companies. Who is to ascertain, then, what is the net production of the mines of the country, and what machinery are we to adopt by which this shall be ascertained?

The present tax, as I understand, is five eighths of one per cent. upon the gross productions. I should like to see that repealed. I think it is very undesirable to tax the mines at all, but if we are to tax them we had better have it upon something certain. I submit to the Senate whether a tax on the gross receipts, in regard to which there can be no evasion or fraud, is not much more desirable to the Government than a tax upon the net production of the mines? The one is ascertained at the assay office, the other on information to be communicated by the miner. One miner is an honest man, he gives an account of all the expenses which he has incurred in the production of a certain amount of gold; another miner, not so scrupulously honest, will give a very different account of his operations during the year. And when is this tax to be collected, and how collected? I think it proper to strike out all of this bill that relates to a tax upon the net production, and I offer that amendment.

Mr. CONNESS. I desire to inquire whether a motion to amend that portion of the section will not be first in order?

The PRESIDING OFFICER. (Mr. ANTHONY.) The motion of the Senator from Ohio is first in order, as it is in the nature of perfecting the clause which the Senator from Indiana proposes to strike out.

Mr. SHERMAN. In order to obviate delay in the matter, I would much prefer the proposition of the Senator from Indiana than to have the bill stand as it is.

Mr. CONNESS. I will agree to that.

Mr. SHERMAN. And for this reason: the last clause of the section as it stands repeals the stamp duty, which I have no doubt will yield more than five per cent. on the net income. It would be impossible, at any rate, to enforce the section as it is, because it would be impossible in the assay office to distinguish between the bullion taken from the public domain and the bullion taken from the mines, the title to which was in private individuals, and I am therefore willing that the tax should be as at present.

Mr. CONNESS. You withdraw your amendment, then?

Mr. SHERMAN. Yes, sir.

Mr. WILLIAMS. I shall move to amend this bill at the proper time, and as the amendment of the Senator from Ohio is withdrawn, I suppose it will be in order for me to make a motion now to amend the bill.

Mr. SHERMAN. I should like to have one or two other amendments inserted, to which I think there will be no objection, and then the Senator will have an opportunity to offer his.

Mr. WILLIAMS. I will state my amendment. I shall move to amend the bill by striking out sections two, three, four, five, six, seven, and eight—all of the bill that relates to the sale of the mineral lands. I am very sorry that I cannot agree with my friends from California and Nevada as to the necessity and expediency of this part of the bill providing for the sale of the mineral lands, or any part of the mineral lands upon the Pacific coast. I am opposed to this part of the bill upon several grounds. I have some personal knowledge of the mining business, living in a country where it is to some extent prosecuted, and that, with what I have derived from my association with those engaged in that business, satisfies me that it is unwise for the Government to enter upon any system of selling the mineral lands upon the Pacific coast. I am also instructed by the Legislative Assembly of the State which I have the honor to represent in part upon this floor to oppose any proposition to sell the lands; and although perhaps I should not implicitly follow those instructions upon a subject of this kind if they did not accord with my own judgment, still as they do agree with the opinions which I entertain I propose to follow and obey them. Other gentlemen may possess different information on the subject; but so far as I am advised, the men who are engaged in mining, the practical miners of the country, are almost, if not quite, unanimously opposed to any proposition of this kind. I think they not only understand their own interests, but they understand the interests of the country; and I would rather take the opinion of a practical miner upon this subject than any opinion of any man, I do not care how profound he may be in wisdom or philosophy, where that opinion is formed upon speculation or theory.

Mr. STEWART. You have in this bill the opinion of two or three practical miners. I think we can claim to be such.

Mr. WILLIAMS. Sir, it is possible that if these gentlemen were at work at this time in the mines they might not have the same opinion which they now have upon that subject. I may be misadvised, and there may be those in the mines who are in favor of this proposition. I do not profess to know the opinions of all the individual miners; but I do profess to know that those engaged in mining in that part of

the country in which I reside are opposed to any scheme for selling the mineral lands.

I suppose, sir, that this part of the bill has in view two objects: one is to promote the interests of the Government by increasing its revenue; and the other is to protect the interests and rights of the miners. I find that this bill, like all others that I have seen on the subject, contemplates the extension of the surveys of the United States to all that portion of the country where minerals are found, including the barren, extensive plains, and the rugged and precipitous mountains upon the Pacific coast. I find a provision in the fourth section of the bill to the effect that certain things may take place or be lawful "after the extension thereto," that is to the mining districts, "of the public surveys;" and in other parts of the bill there is an assumption that the public surveys are to be extended to all parts of this mining country. Who can estimate the expense to the United States of undertaking to survey this vast region of country? I will not undertake it; and I suppose nobody will venture to estimate the amount of that expense. If anybody could approximate to the sum it would be found to be enormous, and frightful in the burdens it would impose upon the Treasury of the United States.

Moreover, this bill provides that persons taking claims such as are described in the bill may enter those claims in the land office; and of course it will be necessary to create land districts in all parts of the country where this business is prosecuted. Land offices must be established; and those land offices must be established where they will be convenient and accessible to the miners; otherwise the system cannot be operative; it will be a perfect failure. There is the vast Territory of Washington, in which at this time there are two land offices; there are two in the State of Oregon; there are none in Idaho; none in Montana; none in Utah; one, I believe, in Colorado; and one in New Mexico. This vast region of country, thousands of miles in extent, in every part of which the business of mining is now, or probably will be, prosecuted, must be divided into land districts, and those land offices ought to be located where they can be reached by the miners without any great trouble or expense. The consequence, of course, will be that a very large number of land offices must be established; numerous officers must be appointed; and there will be in such a country very many outlays of money in the undertaking, besides the ordinary expenses which attend the creation and management of such offices.

Moreover, there must be a surveyor general. This bill contemplates that each one of these claims is to be surveyed by the surveyor general appointed by the Government, and paid either by the claimant or by the Government; and I am not able to wholly determine from the terms of this bill upon whom such expenses are to devolve; for in addition to the ordinary surveys it is provided that "the surveyor general shall receive for such service"—that is, for surveying each one of these claims—"such compensation as is allowed by law, with mileage not to exceed at legal rates the amount chargeable from the county seat of the county in which the claim may be situated to the said claim." Is it wise for the Government to engage in a scheme that will be attended with such enormous expenses? When you take into consideration the amounts that must be expended in the establishment of these numerous land districts, in the surveys of this vast and broken country, and in the other expenses that are incidental to the issuing of patents, I think it is worse than folly for the Government to undertake any system of this kind with a view of increasing its income, for instead of adding anything to the revenues of the Government, it will only impose new and grievous burdens upon it.

Mr. STEWART. I will inquire of the Senator whether it is not necessary in that country to survey the land in order to bring that which is agricultural into the market. Is he

not in favor of segregating the agricultural from the mineral land, so as to give homes to those who have settled in the interior? There are at least three hundred thousand living in that country settled upon lands where they would like to make their homes. They are to be found in the upper portion of California, in portions of Oregon, and in Idaho, Montana, Utah, Arizona, Colorado, and Nevada. We cannot extend the surveys unless we have a system of segregation. We have not yet extended the surveys. There are thousands of people in all the States and Territories on that coast who are now without any title to their homes. You cannot well have a stable community there until we have this segregation of the agricultural from the mineral lands. That involves about all the surveying that the Senator complains of.

Mr. WILLIAMS. Mr. President, I believe there has been no departure as yet from the rectangular system of surveys established by the Government, and so far as these agricultural lands are concerned they generally lie in bodies where they can be surveyed without much difficulty. It is not generally necessary to survey the whole country in order to survey bodies of agricultural lands. Public surveys for agricultural purposes are generally made by running straight lines at right angles; but this bill contemplates, if I understand it, that each claim taken by a miner is to be separately surveyed by the surveyor general, no matter how inconvenient its location or irregular its shape, and the public surveys are to be made to conform to the size and shape of the claims taken by the miners, so that whatever may be the expense growing out of such surveys of the country as are necessary for agricultural purposes, certainly the extension of the surveys to all the mineral lands will add very much to the expenses of the Government. Such lands as are described in this bill are generally found in mountainous districts, where it is exceedingly difficult to make surveys, or in portions of the country worthless for all purposes except for the purposes of mining. I am simply seeking to show that the sale of the mineral lands will be an immense expense to Government, I care not what system may be devised for their sale. It will be enormously expensive to establish the necessary offices, to pay the necessary officers, and to defray all the other expenses which must attend the system. I am answering the argument that is used in favor of selling the land by those who say it will add to the revenues of the Government. I say it is demonstrably certain that it will add immensely to the expenses of the Government, and that no income tax that is not burdensome and crushing to those engaged in mining will equal the amount of the expenditures of the Government in undertaking to sell these lands after they have been surveyed at the Government expense.

This bill provides that these lands shall be sold at the rate of five dollars per acre, and it did provide that "three per cent. of the net product of a mine, vein, or lode" should be levied "in lieu of the stamp tax;" but I believe it is generally agreed that this clause, which was particularly objectionable in my opinion, shall be stricken out; so that this bill will only provide, to meet these numerous expenses to the Government, for the sale of mineral lands at five dollars per acre. Anybody can readily see what the amount of revenue derived from the sale of these lands at five dollars per acre will be, compared with the cost of their survey and sale according to the provisions of this bill.

If it will do the Government no good to sell these lands, what advantage will it be to the miners? I shall speak particularly of the features of this bill. I do not intend to discuss the subject in a general way, but only to call attention to the provisions of this bill. If the suggestions which I make can be satisfactorily answered, then of course I shall be content with what may be said in favor of this measure. I will remark, in the first place, that this bill

differs from all other laws relating to the pre-emption of the public lands. I should like to know whether the intent is to make it permissive or imperative on the miner. It provides—

Mr. CONNESS. I should like to know what feature of the bill that inquiry is directed at.

Mr. WILLIAMS. I will point out the particular feature. The second section of the bill provides—

That whenever any person or association of persons claim a vein or lode of quartz or other rock in place, bearing gold, silver, cinnabar, or copper, having previously occupied and improved the same according to the local custom or rules of miners in the district where the same is situated, and in regard to whose possession there is controversy or opposing claim, it shall and may be lawful for said claimant or association of claimants to file in the local land office a plat of the same so extended laterally or otherwise as to conform to the local laws, customs, and rules of miners, and enter such tract and receive a patent therefor, &c.

Now, when a man takes a mining claim according to the customs and law of the mining district in which it is located, he is allowed by this bill to file a plat and enter that claim in the land office. Suppose, however, he does not choose to do it; what then? The pre-emption laws at this time require a man when he pre-empted an agricultural claim to give notice within a certain time that he claims it as the pre-emptor, and within another given time he is to pay for the claim to the Government; but if he omits to give the notice or make the payment as required by law, then his right to the land ceases, and it is subject to sale by the Government.

Mr. STEWART. I will tell you exactly why that was done in this bill. We required, in the first place, that he should file his plat, giving notice for ninety days, so as to allow no advantage to be taken; and we thought we would leave it to another session before forcing him to enter his claim. Whatever legislation may be necessary to limit the time within which, after they locate, they must enter their claims, is a subsequent consideration. It would not be well to fix any time now. But this bill is so guarded that the party must file his plat, give notice, that notice must be published for ninety days, and then there must be a survey by the surveyor general; and if, after that, there is no opposing claim, he is to receive the patent. If there is an opposing claim, the question goes back into the courts. The reason for not going any further than that was that we did not propose to force these people to lose their mines or come in before they could get to understand the operation of this law. It simply allows them to purchase; and next year, if the system works well, we can fix a time within which they must file their claims; but there is nothing compulsory about it now.

Mr. WILLIAMS. The statement of the Senator satisfies me that I am right in my opposition to the bill, for he acknowledges that the bill is imperfect and contemplates future legislation. I say to the Senator now, that if this bill should pass, it simply opens the door to all sorts of legislation injurious to the miner. If this legislation would stop with the enactment of this law, then, perhaps, my objections would not be so well founded as I think they are; but this is simply a stepping-stone, or an initiatory step, as I understand it. I do not suppose that is the intention of those who bring forward the bill, but it is necessarily a stepping-stone to other and further legislation. My judgment is, that when Congress undertakes to legislate generally for the mines of this country it will do to those mines an irreparable injury. Congress, when it once commences, will be compelled to tinker with its legislation from time to time until the whole system of mining regulations which has grown up from time and experience, and which is now well adapted to the wants and interests of the miners, will be thrown into inextricable confusion and made the means of endless controversy and litigation.

Now, sir, I suggest that this bill provides that a man who takes a mining claim may enter it, or he may not. Suppose A takes a min-

ing claim, and files a plat and enters it according to the provisions of this bill; and B, who has an adjoining claim, prefers not to enter. A holds his claim by one title; B holds his by another. What is the relative condition of the parties? Is B's right as good as the right of A; or is he to be dispossessed if he does not proceed and obtain title as required by law? Will not such a conflicting system of titles introduce discord and confusion into the rights and interests of the mining people of this country, some holding under the provisions of this bill, and some holding under the laws, customs, and usages of the mining community in which they live? This provision, no doubt the best that can be devised, only illustrates that it is impossible for Congress to undertake to legislate for these mines in any way without producing trouble and confusion. It is manifest that no system can be adopted that will be complete and perfect in itself, that will embrace all the interests and rights and claims of all mining communities. So long as a system cannot be devised that is perfect in itself, like the preemption law of the country, which will apply to the case of every miner alike, and put them all upon an equal footing, and operate equally everywhere in the mining country, it will be unwise, in my judgment, for Congress to enter upon this sort of legislation.

I have examined this bill, and I wish to direct the attention of the Senate to the defectiveness of its several provisions; and I do so because I do not wish to have Congress act inconsiderately or hastily upon a subject of this kind, in which a very large proportion of my constituents are deeply interested, and in which I believe the whole country is interested. The bill provides that when any person has occupied and improved a claim according to local custom or rules of miners, in regard to whose possession there is no controversy or opposing claim, that person may file a plat and enter under the provisions of this law; but no provision is made in this bill for claims about which there is a controversy or to which there is an opposing claim.

Mr. STEWART. Read on.

Mr. WILLIAMS. I have read the bill, and I undertake to say there is no provision in this bill as to claims about which there is a controversy pending at this time. It is known, I presume, to many Senators that some of the most productive and valuable mining claims upon the Pacific coast are in litigation or controversy at this time; and yet this bill omits to make any provision whatever for such claims.

Mr. STEWART. Let me call the Senator's attention to the sixth section, which is in these words:

And be it further enacted, That whenever adverse claims to any mine located and claimed as aforesaid, shall appear before the approval of the survey, as provided in the third section of this act, all proceedings shall be stayed until a final settlement and adjudication in the courts of competent jurisdiction of the rights of possession to such claim, when a patent may issue as in other cases.

Mr. WILLIAMS. That shows that the honorable Senator has not read his own bill as carefully as I have read it, for that applies not to controversies existing when the plat is filed, but to controversies that arise before the approval of the survey, as provided in the third section of the bill, and the third section provides that upon the filing of the plat and survey, as provided in the second section, notice shall be given in a newspaper, and notice shall be posted up in the land office, and then if after the expiration of ninety days no opposing claimant appears, the party shall be entitled to a patent; but if after the plat is filed—and the second section, it will be noticed, does not allow a plat to be filed where there is any controversy about the claim—and this notice is given, and during the pendency of that notice any party appears to contest the right of the claimant, then the proceedings are to be suspended until this controversy can be determined in some court in the country. I object also to the section referred

to by the Senator, because, instead of allowing the land department to adjust controversies between conflicting claims growing out of land titles, this adjustment is transferred altogether to the judiciary of the country; and that, as every man I think will readily see, will introduce great confusion into the land system of the United States.

Mr. CONNESS. Will the Senator allow me to ask him where those questions are settled now at this time?

Mr. WILLIAMS. They are settled in the land offices of the United States.

Mr. CONNESS. I beg the Senator's pardon; that is not correct. Those questions in regard to mining claims are settled in the local courts of the State or Territory. I thought the Senator was in favor, and had asserted that he was in favor, of the present system.

Mr. WILLIAMS. I am well aware of that; but I was not speaking about the adjustment of claims to mineral lands. At this time Government has nothing to do with those questions; they are private matters. But now the Government proposes to put these mines upon the same footing with the other public lands of the United States; and I say that so far as the settlement of questions growing out of controversy between different claimants as to such lands is concerned, it is adjusted in the land offices of the country.

Mr. STEWART. Let me ask the Senator a question. Would you, if you were going to invent any system of sale, require the miners to come to Washington to settle disputes in regard to titles under the mining rules? Would you, if you were going to adopt any system, devise any other plan for having these local difficulties settled except the courts in those places, as provided in this bill? Is not that the only way in which the sale can ever take place, to allow them to be settled where they are now settled by law?

Mr. WILLIAMS. I am not advising any system of sale; I am opposing every system of selling the mineral lands. I say that no system can be devised, and I defy any man to devise any system of selling the mineral lands of the United States at this time that will be found to be wise and just in its practical operation. I say, however, if the land system of the United States is to be extended to the mineral lands of the country, then these preliminary questions as to a conflict of claims should be settled in the local land offices in the first place, and then in the land department at Washington if the decision there is not satisfactory; otherwise there can be no perfection or harmony in the system. Now, two conflicting claims are filed before the land office of a certain district. That land office cannot proceed and examine and adjust those conflicting claims according to the provisions of this bill, but the litigation goes on in some local court, before some justice of the peace, or before some district or circuit court, or other courts of the State or Territory, and there the question is settled; so that the muniments of title partly remain with the courts and partly in the Executive Departments of the Government when it is necessary, as it seems to me, that all evidences of title should remain of record in one Department, as they do at this time.

Mr. CONNESS. I do not like to interrupt the Senator.

Mr. WILLIAMS. I have no objection, and am willing to be interrupted.

Mr. CONNESS. The Senator is making a very serious error in forgetting that the class of disputation proposed to be settled in the local courts and judiciary, as it is now settled by the local courts and judiciary in the mining States and Territories, relates to possession, and to possession alone. This bill does not propose to transfer the disposition of the title to the property of the United States to the local authority, but proposes simply to confirm the title that the people themselves have established everywhere. I thought the Senator was in favor of that.

Mr. WILLIAMS. Section six of this bill provides—

That whenever adverse claimants to any mine located and claimed as aforesaid shall appear, before the approval of the survey as provided in the third section of this act, all proceedings shall be stayed until a final settlement and adjudication in the courts of competent jurisdiction of the rights of possession to such claim, when a patent may issue as in other cases.

If I understand that language, it provides that all controversies between conflicting claimants shall be conducted in the courts of the country, and when the court decides, upon that decision the patent is to issue, and not to issue upon any decision by the land department of the Government.

Mr. CONNESS. Will the Senator permit me to say a word right there for the purpose of a clear understanding?

Mr. WILLIAMS. Certainly; I have no objection to any interruption.

Mr. CONNESS. This, as I said before, contemplates the determination of the question of possession, the question of who has the right to enter. Two parties make their appearance at the local land office of the United States, and profess each to have the possessory title, that is, the right of possession to the land under the local mining law. We do not propose to occupy the register of the land office by determining that question. Why? Simply because it would be changing the entire system that the people themselves have established. They are to be remanded back to settle that question of possession according to the system established by the people themselves; and when that is settled, then the party in whose favor it is settled makes his reappearance in the land office and proceeds to deal with the United States in every step necessary to obtaining title.

Mr. WILLIAMS. I understand that the register can as well decide according to the local customs and usages of the mining community as a court. He would be bound so to decide according to the provisions of this bill. I do not undertake to say that a register is more competent than the courts of the country to decide such questions; but I apprehend that if this system is introduced of adjusting these controversies, procuring titles partly through the land department and partly before the courts of the country, confusion will be carried into the system of giving titles by the Government to persons upon the public lands; and I think that is a serious objection to this or any such plan of selling the public lands of the United States, whether they be agricultural or mineral lands.

Now, Mr. President, whenever a person has previously occupied and improved a mining claim, according to the local customs or rules of miners in the district where the same is situated, he is to be allowed to file a plat and survey. I ask if that does not devolve upon the register and receiver necessarily the power and duty of deciding as to whether that person has or has not occupied that claim according to the rules and customs of the miners.

Mr. STEWART. That section has been amended so as to require the improvements on the land to amount to not less than a thousand dollars. After the ninety days of publication, then the surveyor general goes upon the land, makes a survey, and certifies as to the amount of the improvements.

Mr. WILLIAMS. I understand that. After the plat is filed and the notice is given, then the surveyor general makes the survey; but before a person is entitled to file his plat he must make his claim in conformity with the usages and customs of the mining district where he resides. Now, I desire to know what security this bill provides for claimants. Suppose A takes his plat and goes one hundred miles to a land office and says, "I have taken this claim; here is the plat; I desire to file it." Does this bill provide that he shall make an affidavit that he has taken and occupied that claim? Does this bill provide that he shall

furnish the register with any evidence on that subject? Can any man, anywhere, simply by making a plat upon a piece of paper and going to a land office enter any claim he sees proper? I say he can, according to the terms of this bill; and there is no security for men who have honestly located mining claims, but every man who is unscrupulous enough can, in this way, involve in controversy the claims of those who honestly occupy and improve the land. There ought to be some provision here requiring this man when he files his plat, to show to the register that he has settled and occupied and improved the claim according to the rules and usages of the mining community in which it is located.

Mr. STEWART. What good would that do? What hurt does it do to permit a party to file a plat? He gets no title with the plat. After the notice has been given, the surveyor is to go there to survey the land, and if it turns out that the party has no mine, he gets no certificate. There is no danger of one person intruding on anybody else, because he has to file a plat and give ninety days' notice, and then the surveyor is to go there to survey it. Filing a plat gives no title; and what would be the use of inserting a provision here requiring him to swear to it? The filing of the plat does no living person any hurt.

Mr. WILLIAMS. I differ with the honorable Senator on that subject. I think a plat will do harm, for it is provided that when this plat is filed, the party filing it shall give notice, it does not say of what, but he is to give some notice in the nearest newspaper, and he is to post up a notice in the land office that he has taken a certain claim. Every man knows that upon the head waters of the Columbia and along the northern boundary of the United States, and in Idaho, in Montana, in Colorado and New Mexico, there are many mining localities where newspapers do not circulate, where men could know nothing about such notices. I wish to call the attention of the Senator particularly to that point, because he has affirmed that the filing of the plat does no one any harm. I say that the filing of the plat gives the person who files it a title to the claim described in that plat, provided no one appears to controvert his right within ninety days. But no one can know that the plat is filed unless he happens to go into the register's office, which may be located one hundred or two hundred miles from the claim, and sees there the notice posted up, or unless he sees a notice of it in some newspaper which may be published at the distance of three hundred miles; for it is true that there are mining localities upon the Pacific coast which newspapers rarely reach, and from which the nearest newspaper is hundreds of miles away.

Mr. STEWART. Suppose he does not; suppose he is one hundred miles off, and does not know anything about it. After the plat is filed, the surveyor has got to go there, and if he finds another man in possession, he will not certify to the land. The bill provides that there shall be \$1,000 worth of improvements, and it contains every precaution that is necessary. These miners are very vigilant, and the ninety days' notice I think is ample. The miners are not caught in that way very often. I do not think there will be any swindling in that way. No danger need be apprehended from that source.

Mr. WILLIAMS. I think there is danger in allowing a man by filing a plat, without any evidence that he is entitled to file it, to take the initiatory step for the attainment of title, because the plat itself becomes a cloud upon the title of the miner who may rightfully occupy the claim. The Senator says there is no danger. I am sure he is acquainted with the fact that in these mining localities men are constantly jumping each other's claims and devising every scheme and expedient to obtain the rights of each other; and here it seems to me is a chance for such a man, even if he does not succeed in obtaining the title, to involve the owner of a

claim in a controversy and litigation which may redound to the advantage of the wrong-doer.

I do not undertake to say that this is not the best scheme that can be devised. I am, perhaps, willing to admit that no better plan can be projected; but I am simply undertaking to show that no scheme for obtaining titles in the mining country, situated as the people of that country are, can be devised that will not work injustice and hardship to the miner and be a disadvantage to the Government.

I wish to invite the attention of honorable Senators to another provision of the bill. I desire to understand the bill, at any rate. I find here that a person is allowed to enter a tract "and receive a patent therefor, granting such mine, together with the right to follow said vein or lode with its dips, angles, and variations to any depth, although it may enter land adjoining, which land adjoining shall be subject to this condition." Now, I desire to know if it is intended to allow the claimant to follow this vein with its dips, angles, and variations longitudinally as well as laterally?

Mr. CONNESS. I should like to inquire of the honorable Senator if he ever resided in a mining community or has had experience in connection with mines. I beg him to believe that my inquiry is simply to get to a clear understanding of the point he raises.

Mr. WILLIAMS. I presume the honorable Senator knows where I reside.

Mr. CONNESS. I believe the Senator resides at Portland, and I do not think there are any veins there. I did not know, however, whether or not the honorable Senator had ever resided in the interior and become practically acquainted with the mining country. I desire to say to him, in this connection, that vein mines do not enter the earth by perpendicular lines; but, on the contrary, have what are called dips or slants running by oblique lines into the earth; that they follow each other regularly in that respect; and that the custom now and the habit everywhere and the law, first determined by necessity, by the fact, next by the population obeying that necessity, next by the local courts affirming that necessity by their decisions, is that the miner is authorized to follow every vein according to its dips and angles and variations. This whole bill is based upon the principle of confirming what has grown out of necessity, the wisest system, perhaps, that could possibly be devised, which is the work of those people themselves. Would the Senator want to enter the earth by perpendicular lines so that a man who owned a claim to-day, after he had descended fifty feet after it, should leave it to the ownership of another man to-morrow?

Mr. WILLIAMS. I do not understand that the Senator has answered the question which I propounded upon the terms of this bill. I did not inquire as to the law of the mining country at this time, but what does this bill provide upon that subject. Does it provide that these dips and angles and variations may be followed longitudinally, as well as laterally, or only laterally?

Mr. STEWART. No man living can make it clearer than the language of the bill.

Mr. CONNESS. I was aware, and have been for the last three quarters of an hour, that the Senator from Oregon did not understand this bill, and I am rather impressed with the belief that he cannot be made to understand it. I see that this remark excites merriment; but I assure the honorable Senator that I say it with all respect. It is not because of the want of understanding of my honorable friend, who has so high a standing in my own estimation, certainly as high as he could possibly wish to have, but the want of an acquaintance, in all probability, with a mining country. It is clear that the Senator does not comprehend the exigencies that belong to a mining country.

Mr. WILLIAMS. The honorable Senator has not answered my question.

Mr. CONNESS. No; I do not intend to answer it just as you put it.

Mr. WILLIAMS. I know—

Mr. STEWART. Allow me to answer. The fourth section contains this provision:

Provided, That no location hereafter made shall exceed three hundred feet in length along the vein for each locator, with an additional claim for discovery to the discoverer, with the right to follow such vein to any depth—

Not to any length—

with all its dips, variations, and angles, together with a reasonable quantity of surface for the convenient working of the same as fixed by local rules.

Dips and angles and variations do not go longitudinally.

Mr. CONNESS. That simply is no change; it is the law of the mines now.

Mr. STEWART. Just the same. While I am on my feet, I must say that I am really astonished that any man from the Pacific coast should object to a confirmation of our mining titles when the bills that are daily introduced into these Halls are destroying the people of that country. Day after day I receive telegraphic dispatches announcing that this man has broken and that man has broken; "the introduction of JULIAN'S bill has knocked stocks, and your friend A B is broken; he is destroyed." I want to get a permanent peace, so that our people shall be let alone; and if we can reach that consummation, I shall never disturb it. The utter impossibility of having any stability to our titles while this agitation lasts, and the ruin that it is bringing on my State, make it necessary that the agitation should be stopped. I am astonished at opposition to this measure by a man from the Pacific coast who ought to have some knowledge of the ruin that is being wrought by the bills which are being introduced into Congress, which in their practical operation would amount to a general system of confiscation. They are not so designed, I know, but they are so understood there. During the last year there have been more failures in mining enterprises, in consequence of the fluctuations caused by agitation here, than during the whole period since the first discovery of the precious metals in that country. We must stop the agitation of this question, if it be possible; but neither the gentleman nor myself have the power to do it; we cannot stop thirty million people from agitating the question. That being the case, let us have fixed rights, so that A, B, and C cannot come into Congress, and for the mere purpose of getting a little temporary popularity, propose to pay the national debt out of our mines, and have that fact telegraphed over the continent, causing fluctuations which involve the ruin of forty or fifty companies of enterprising men. We cannot and must not hold our titles upon such uncertainty. If this can be stopped, let it be stopped; but the gentleman has no power to stop it.

All there is in this bill is a simple confirmation of the existing condition of things in the mining regions, leaving everything where it was, indorsing the mining rules. It simply adopts and perfects the existing system, allowing these people to enjoy their property without being subject to the fluctuations created now by the agitations in Congress. It has been a matter of serious consideration for years before I brought myself to believe that there was an absolute necessity for action by Congress. Since this agitation has come up it is now a necessity. While it lasts there is no title, no security, no prosperity in your mines. The gentleman would do well to investigate this bill carefully. The objections to the bill, it seems to me, are as frivolous as could possibly be made. The objections that have been urged to the bill, one after another, would be answered by reading the bill through. I do hope that this question may be put at rest that our miners may have their titles confirmed, and that is all there is in the bill.

Mr. WILLIAMS. Mr. President, I am very much obliged to the honorable Senator from Nevada for his admonition to me as to the manner in which I shall perform my duty here,

and for the very polite intimation, not only from that Senator but from the Senator from California, that I know nothing about this bill or about the subject that I am discussing. Now, I will simply say that about the last thing I did in the State of Oregon before I left there to come to this body, was to try a mining suit involving many hundred thousand dollars, in which there was a great number of witnesses, and in which all the questions, geological and otherwise, growing out of veins and dips and angles and variations were elaborately discussed, so that I am not so entirely ignorant upon this subject as the honorable Senators assume.

The Senator from Nevada professes to be astonished because I am opposed to this bill. I venture to say that nine tenths of the men who are to-day engaged in mining are opposed to this bill or any other bill of a like nature contemplating a sale of these mines. The gentleman says that it is not in my power to prevent agitation upon this subject; but his own admission here to-day is that this bill in itself is imperfect and additional legislation will be required to make it perfect in its working.

Mr. STEWART. I beg your pardon. I stated that the bill did not compel a man to lose his property or buy; it left it optional with him. I guaranty that there is no miner who will not avail himself of it. It is not imperfect in that. I said that if legislation should become necessary to require them to buy—which I was opposed to now—that would come hereafter. The bill is perfect in that particular, and any man who is honest and will comply with the conditions can get his title. It holds out easy conditions so that this apparently interminable strife may be ended. The bill leaves it optional with the miners to buy. It is such a bill as they want; I have talked with hundreds of them and know it.

Mr. WILLIAMS. I submit that the mere passage of this bill, which is as imperfect as it is represented to be and must to a great extent be inoperative, is not going to satisfy the people upon this subject, and it will commit those who represent the mining interests of the country in Congress to the sale of the mineral lands. When Senators and Representatives are once committed to the doctrine of selling these lands, then I insist there is no place where they can stop; but those persons who expect that the Government will derive an immense revenue from the sale of these lands will continue the agitation, will enter the door which this bill proposes to open, and will produce or cause legislation that will be destructive to the mining interests of the country. I say, sir, upon this subject it will not do to despise the day of small things; and I regret—I will not say that I am astonished, but I regret—that Senators and Representatives who are here to represent the mining interests of the country should open this door and should invite those who are in favor of taxing these miners and loading them down with every sort of legislation to enter in for that purpose.

Mr. President, I made an inquiry as to the effect of this bill. Senators have made answers to that inquiry as they saw proper. I think I understand the law as it now stands, and I desire to have the law remain unchanged, because I am satisfied that it operates to the advantage of the miners. They are content with its operations, and I do not wish that any bill should be brought forward here and passed that will interfere with the operation of that law. I shall not undertake upon that point to explain this bill; but I will let the bill stand with the explanations given by the Senators who advocate its passage.

It may be, sir, that my objections to this bill are "frivolous;" but that is a matter of opinion. I have stated my objections to the Senate, and I have submitted the reasons upon which those objections are founded, and if they are frivolous, as the Senator asserts, then of course they will be decided to be frivolous

by the Senate and by those who examine them; but I am satisfied that I represent my constituents upon this question in opposing the passage of this bill or any other of a similar nature, and I know I act in accordance with the dictates of my own judgment, and I must beg pardon if I follow my own judgment and not the suggestions of the honorable Senator from Nevada.

It is said here that the object of this bill is to give the miners a title, a permanent, absolute title to their property. I ask Senators to look at the terms of this bill and see what sort of title the miners obtain under its provisions. It provides that the miner "may enter the land adjoining, which land adjoining shall be sold subject to this condition, and upon the further infeasible condition, both to be fully expressed in the patent, that the owners and occupants of the mine so appropriated and held shall pay into the Treasury of the United States, in each and every year, &c., three per cent." I believe that objection is obviated by the consent of the honorable Senators. Notwithstanding this bill, as they say, has been so carefully considered, it appears that upon the suggestion of the honorable Senator from Ohio this important feature has been stricken out of the bill. This was one ground upon which I objected to this portion of the bill, that it did not give the miner a title, but simply gave him a conditional right to the land. If he performed certain conditions then he was to have the land; if he did not perform those conditions then his right to the land was to cease; and if Senators consent to have that stricken out, of course, so far as my objection goes to that portion of the bill, it is entirely obviated.

Under the terms and provisions of this bill, as it seems to me, a person may take a claim according to the local usages and customs of a mining district, and he may file his plat and obtain a patent; the title becomes perfect in him, and then he may cease operations upon the claim and he may hold it for an indefinite length of time. He may proceed in the same manner on another claim, and so in this way claims may be acquired by individuals, not for the purpose of mining, but for the purpose of holding until they shall be increased in value by the operations of miners in the immediate neighborhood and vicinity; and in this way this property may accumulate in the hands of individuals or in the hands of companies, the business may come to be a monopoly in the hands of corporations or of capitalists, while under the present system, as a general rule, a man must remain in possession of his mine, he must work it, he must hold it, he must make it productive; otherwise he forfeits his right to the claim.

I have not made this motion, and sustained it by these remarks, with any view of opposing this bill upon any grounds not substantial in themselves, but because I think that this part of the bill which provides for the sale of the mineral lands is exceedingly defective. While I admit that it is the most unobjectionable bill of the kind that I have seen, and perhaps is as perfect as any such bill can be made, yet it is in the nature of things imperfect, and it is not because the honorable Senators who have framed it are not wise, but it is because in the nature of things you cannot pass a general act of Congress that will be adapted to the varied circumstances and conditions and interests of the different mining localities upon the Pacific coast; but if you have a rule that applies to one it may operate with injury and injustice in another. I came here instructed, I took pains to ascertain from men who were engaged in the business of mining as to what they wished on this subject and as to what was best for the country, and I satisfied myself that it would be unwise for the Government to undertake any system of sales of the mineral lands of the United States. I have read this bill carefully; I have read the report that has been made accompanying the bill; I have heard the speeches made in its favor, and I am satisfied to-day that

whenever this Government enters upon a general system of selling the mineral lands, that day those who see its operations will regret the legislation. If you begin now, next year there will be applications for amendments, alterations, and changes, and so from year to year the legislation of Congress will be modified and changed, confusion introduced, and things that are now settled in these mining countries, and are understood by miners who are practical men, will be unsettled and disturbed, and the whole interests of the mining region and the country will be embarrassed and injured.

Mr. CONNESS. The question immediately before the body, I believe, is the motion of the honorable Senator from Indiana, [Mr. HENDRICKS.] I hope that we shall proceed with the amendments and act upon them, and I regret that the honorable Senator from Oregon [Mr. WILLIAMS] did not allow us to do that before he made his speech on the general merits of the measure. I wish to say to the honorable Senator that in this measure I aim but at the best results, and nothing would have given me more satisfaction than to have the benefit of his wisdom in connection with it, and notwithstanding all the care and attention with which he appears to have read it, it does not seem to have been with a disposition to amend it, for he has presented no amendment and no proposition to perfect it, but has rather evinced a disposition to find fault with it. Now, I submit that we cannot build up anything by simply finding fault. I submit also in this connection that the bill in no respect whatever attempts to change anything that now exists in any section of the mining country. It simply adds the fee-simple to the title according to the present system established by the people themselves.

I will not extend remarks on the subject. Before a final vote is taken perhaps I shall have something to say in answer to some of the statements of the honorable Senator. I am perfectly willing that this amendment shall be made; I think it is an improvement to the bill. The Senator from Oregon has given as an evidence that it is not a perfect bill the fact that we express a willingness to accept an amendment. Why should we not? We do not mean to say that we know all about this subject. We have tried to come to the wisest conclusion with the knowledge that we have; I wish we could have had what the Senator from Oregon knows also, which I am not at all willing to restrict or say anything about. It will be seen by the honorable Senator from Oregon that the tax we agreed to was to be in lieu of the present tax, and, as was very correctly stated by the honorable Senator from Indiana, the existing tax is greater than the one we proposed. He understands it to a dot. Nevertheless, as the present tax is borne, and it may be corrected hereafter, we agree to the amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Indiana to strike out in the second section of the amendment of the committee the following words:

And upon the further infeasible condition that the owners and occupants of the mine so appropriated and held shall pay into the Treasury of the United States in each and every year three per cent. of the net product of said mine, vein, or lode, which shall be in lieu of the stamp tax now levied upon bullion extracted from the public domain.

The amendment was agreed to.

Mr. HENDRICKS. I wish to make an inquiry of the Chair. The Senator from Oregon proposes to strike out several of the sections of this bill. Suppose the proposition of the Senator does not prevail, will it then be in order to move to strike out one of the sections which he proposes to strike out?

The PRESIDING OFFICER. It will be. The question is on the motion of the Senator from Oregon.

Mr. CONNESS. I do not understand that the Senator from Oregon has made any motion.

Mr. WILLIAMS. Certainly. I made a

motion to strike out from the second to the end of the eighth section, including all relating to sales.

Mr. SHERMAN. I do not wish to debate this question, but as I introduced the original bill, and my attention was called to the subject somewhat at the last session of Congress, I will state generally the impression the bill makes upon my mind. I think it is the interest of the United States to get rid of the mineral lands of the United States, to get them into the hands of private individuals; to give them the title by patents in the ordinary way, so that the United States will be divested of all proprietary right over the mines. It is not necessary for me to discuss that question, because the Senator from Nevada [Mr. STEWART] has to some extent done so; but I might produce the opinions of Mr. Benton, Mr. Clay, and many of the most eminent statesmen of America to show that the title to the mineral lands is of no benefit to the United States. From time to time the principle of disposing of mineral lands, salt lands, iron lands, &c., has been adopted, so that now I believe we have no proprietary title in the United States to any but the gold and silver mines.

Mr. GRIMES. We have some saline lands.

Mr. SHERMAN. I thought we had sold all the saline lands; but whether so or not, I think it is the policy of the United States to get rid of them. This bill gives the mineral lands to the people where they are in Nevada and in the other mineral States, for five dollars an acre, nothing more and nothing less. It gives them the lands for probably less than it will cost to lay them out, survey them, locate them, plat them, and sell them, so that it is substantially a grant of the mineral lands to the settlers in the mineral regions, and that policy I am in favor of adopting; while on the other hand, if you should adopt the proposition now made by the Senator from Oregon the United States would retain possession and control of these lands, would be subject to expenses, and there would be no legal right, no legal title to the improvements made on these lands. A settler going upon a claim and building his improvements upon the land there has no title whatever; the title to the improvements is in the United States; he has nothing but a possessory title, a customary right which the United States at any time may destroy; and it seems to me that nothing could be more injurious to the people who go to our mineral lands than this system of affairs—no title, no right, a man's improvements at any time subject to the legislation of Congress, no inducement to make improvements, no fixed and permanent settlement. One objection, and the strongest objection made to the admission of Colorado was that her population was so changeable that four or five years ago it was more than it was the last two or three years. The reason of that is that no man can get a title to land; their title to their lands is simply possessory, it may be destroyed at any time by the United States or even by their local laws.

It seems to me that under the circumstances all the gentlemen from that region of country should be in favor of divesting the United States of its title and reposing it in some way in the people who may live there. I am therefore in favor of the general principle of the bill. The bill introduced by me, upon which the debate is pending, was framed carefully at the Treasury Department, having also before them a bill framed at the Land Office, and all the various bills were combined together, to carry out the general idea of divesting the United States of its interest in these lands upon such terms as would substantially pay the expense of laying out and surveying them. The great body of the lands, even in the mineral districts, are agricultural lands. They are subject to entry and sale precisely like any other agricultural lands, while the mineral lands may be divided into small tracts and the title may be conveyed by patent. The conveyance of the surface conveys the lode or

lead, whichever way it may lead. This is reversing the ordinary effect of a patent to land, the title of which descends to the center of the earth, and does not follow the lead or lode.

The original bill framed in the Treasury Department carried out the general idea of disposing and getting rid of the title to mineral land and vesting it in the occupier of the soil at just about the rate that would pay for surveying and laying down and patenting, no more and no less. The amendment reported by the Committee on Mines and Mining does not vary the essential features of the bill. It makes them still more liberal to the miner by reducing the rate of taxation, and containing some other provisions in regard to the manner in which occupying claimants of mines may get a patent and title. That is the principal material difference. Under the circumstances, it seems to me, with very limited knowledge of the profession of mining, and with no knowledge of the subject-matter except that derived from knowledge of our land laws, it would be better for Congress to adopt either the original bill or the substitute, and thus dispose and get rid of the mineral lands of the United States. I believe it would do more to encourage the settlement of the mining regions, to induce people to go there to make permanent improvements if they can get a good title, than any other measure that can be proposed. It seems to me that no man with our ideas of prudence and care would be willing to build expensive improvements upon lands the title of which he does not possess, and that that general idea is sufficient to induce all of us to vote for this disposition of the mineral lands.

I shall therefore vote against the amendment of the Senator from Oregon, and vote either for the original bill or for the substitute. I do not see any objection to the substitute, and shall vote for it, and hope the subject may thus be got rid of. I do not suppose that any scheme can be devised that will make this system for the sale of the mineral lands very much like our other system for the sale of the public lands, which was changed very much from time to time, until finally the present land system was adopted. I may say that the whole history of our public lands was a system of change. It is only within the last four or five years that the homestead principle has been adopted, which has disposed of the great body of the public land. Formerly it was sold at two dollars an acre, and legislation varied from year to year, until finally it became the settled policy of the United States to encourage the occupation of land by the actual occupier, and to give him a title, for nothing, to a limited quantity of the public land. This bill applies to the mineral lands the same system that has been applied to the other lands of the United States.

Mr. KIRKWOOD. Before the question is put I should like a little information in regard to the third section. It provides that the lands sought to be located shall be paid for at the rate of five dollars per acre, and that the surveyor general shall receive for his services the compensation allowed by law, with mileage. Is that compensation to be paid by the United States?

Mr. CONNESS. No, sir; by the party. There is a law now in existence, passed in 1862, which provides that surveys of the public lands in certain cases shall be made upon the deposit of the cost by the party requiring the survey to be made. That is the "law" referred to.

Mr. KIRKWOOD. If the section is not stricken out, it can be looked into afterward. I was going to remark that these claims were generally very small, perhaps not more than an acre or two.

Mr. SHERMAN. I will state to my friend from Iowa that I had already prepared an amendment to offer to the third section, covering the very point, to insert after the word "acre," in the twelfth line, the words, "to-

gether with the cost of such survey, plat, and notice." I suppose in some cases where a valuable mining claim covered but an acre, the sum of five dollars would not really pay the cost of surveying. I wish to make it clear that the person receiving the title is to pay actual cost of the survey, though that, perhaps, will be the legal effect of the section as it stands.

Mr. CONNESS. That is the legal effect of the section as it is. The terms used here, "such compensation as is allowed by law," refer to the law of 1862, under which parties wanting surveys made deposit the money in advance before the work is performed.

Mr. SHERMAN. I move to amend the section as I have stated. Before the question is taken on striking out it is in order, of course, to move to amend the section; and I move to insert after the word "acre," in line twelve of section three, the words "together with the cost of such survey, plat, and notice."

The amendment to the amendment was agreed to.

Mr. HENDRICKS. I move further to amend the amendment of the committee by striking out all of section three after the word "thereupon," in line fourteen. The words which I propose to strike out are:

And the surveyor general shall receive for such service such compensation as is allowed by law, with mileage, not to exceed at legal rates the amount chargeable from the county seat of the county in which the claim may be situated to the said claim.

The compensation of the surveyor general is fixed by law, and he is not presumed to receive any fees for particular surveys that he may superintend.

Mr. STEWART. There is only one idea in this provision which is at all important. It was that there should be a deputy surveyor in every mining county, and the only object of the clause is to limit the mileage which may be charged.

Mr. HENDRICKS. The surveyor general does not execute the work himself.

The amendment to the amendment was agreed to.

Mr. McDOUGALL. I do not rise for the purpose of moving any amendment, but only to make a remark as to the amendment offered by the Senator from Oregon. I think I was one of the first that advocated the policy of giving titles to the mineral lands, and to the mountains of our country, for the reason that it was important that miners should have established, permanent homes for the health of the community. The idea that is sought to be accomplished by this bill I think would meet my full approval if it were placed in a shape in which it was at all practicable. Notwithstanding the eminent skill and the great learning in the mining interests of my friend from Nevada [Mr. STEWART]—and I know him to be one of the most skillful in all those departments—this might be called "a bill to promote litigation, create controversy, and occasion difficulties." No system yet has been matured for disposing of the mineral lands in fee, except as they are occupied in present possession under the customs of the country. Here is a bill providing a policy full of machinery very ingenious, but which, like some of those machines that are intended to secure perpetual motion, will run but a short time. I think, without entering into this debate, having given for years my attention to this very subject and considered it when a member of the other House, as well as ever since I have been in the Senate, that we are not prepared here at the present time to provide a plan for the disposition of the mineral lands of the country. Those portions of the bill that would remain were the amendment of the Senator from Oregon adopted would be making as great an advanced step as I think sound wisdom now justifies. I agree with the Senator from Oregon. I make no argument; I merely desire to express an opinion.

Mr. NYE. In the third section, line fourteen, after the word "thereupon" I move to insert:

But said plat, survey, or description shall in no

case cover more than one vein or lode, and no patent shall issue for more than one vein or lode, which shall be expressed in the patent issued.

Mr. CHANDLER. I desire to make a report from a committee of conference.

The PRESIDING OFFICER. The Chair will receive it by unanimous consent.

Mr. STEWART. Let the pending bill be laid aside informally.

RIVER AND HARBOR BILL.

Mr. CHANDLER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 492) making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under the authority of law, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House agree to the first, second, third, fifth, seventh, eighth, and ninth amendments as made by the Senate.

That the House agree to the sixth amendment, with the following amendment, that is to say, by inserting in section one, page 1, line twenty-one, after the word "aforesaid," the words, "and all other works provided for by this act."

That the House agree to the tenth amendment with the following amendment, that is to say, by inserting after the word "Manistee" in said amendment, the words "South Haven."

That the Senate recede from the fourth amendment.

Z. CHANDLER,

L. M. MORRILL,

Managers on the part of the Senate.

THOMAS D. PLIOT,

J. M. HUMPHREY,

JOHN W. LONGYEAR,

Managers on the part of the House.

Mr. WADE. I should desire to have a little information from the Senator from Michigan in regard to these amendments.

Mr. CHANDLER. The amendment striking out the prohibition against spending money except upon the new plans and surveys is agreed to. The provision as to Michigan City is stricken out. These are about the only material amendments.

Mr. WADE. The provision first referred to by the Senator is left as the Senate left it.

Mr. CHANDLER. Yes.

Mr. GRIMES. Stricken out?

Mr. CHANDLER. Yes; stricken out.

Mr. WILLIAMS. I desire to inquire whether the amendment providing for the improvement of the Willamette river has been stricken out.

Mr. CHANDLER. Not at all; no change has been made except what I have stated. The first section is changed so as to include all the works provided for in the bill in that section, and the other clause which was stricken out by the Senate is left stricken out.

The report was concurred in.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the Speaker of the House of Representatives had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore* of the Senate:

A bill (H. R. No. 85) for the disposal of the public lands for homestead actual settlement in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida;

A bill (H. R. No. 492) to incorporate the Howard Institute and Home of the District of Columbia;

A bill (S. No. 57) for the relief of the heirs of Lieutenant Joshua D. Todd, late of the United States Navy, deceased;

A bill (S. No. 202) for the relief of Elisha W. Dunn, a paymaster in the United States Navy;

A bill (S. No. 307) authorizing the restoration of Commander Charles Hunter to the Navy; and

A bill (S. No. 360) to regulate the appointment of paymasters in the Navy, and explanatory of an act for the better organization of the pay department of the Navy.

CONSTITUTIONAL AMENDMENT.

The message also announced that the House of Representatives had passed the following resolution:

Resolved by the House of Representatives, (the Senate concurring,) That the President of the United States

be requested to transmit forthwith to the Executives of the several States copies of the article of amendment proposed by Congress to the State Legislatures to amend the Constitution of the United States, passed June 13, 1866, respecting citizenship, the basis of representation, disqualification for office, and validity of the public debt of the United States, &c., to the end that the said States may proceed to act upon the said article of amendment; and that he request the Executive of each State that may ratify said amendment to transmit to the Secretary of State a certified copy of such ratification.

Mr. NYE, from the Committee on Enrolled Bills, reported that that committee, on the 16th instant, presented to the Secretary of State, to be deposited in the archives of the State Department, the joint resolution (H. R. No. 127) proposing an amendment to the Constitution of the United States.

Mr. HOWARD. I ask the Senate to take up the resolution which has just been received from the House of Representatives for the transmission of the constitutional amendment to the Executives of the States.

The PRESIDING OFFICER. It requires unanimous consent to take it up at this time. The Chair hears no objection.

Mr. VAN WINKLE. I desire to ask the Senator from Michigan to waive his motion for a moment in order to enable me to correct a gross error that appears in a public document printed and laid on our tables this morning in connection with my name.

Mr. HOWARD. Let this resolution be passed first. It will take but a single minute.

The Secretary read the resolution of the House of Representatives.

The resolution was concurred in.

PERSONAL EXPLANATION.

Mr. VAN WINKLE. I find on my table this morning a House document which purports to be, and is no doubt, a printed copy of a letter from the Secretary of the Treasury in response to a resolution of the House of Representatives, calling upon him to report "the respective amounts drawn by the several members of both branches of the Thirty-Eighth Congress as salary and as mileage, separately, together with the number of miles for which each one was paid." Opposite my name I find it stated that during the last Congress I was paid for mileage \$651 20, that I received as compensation \$8,983 56, and the total is given as \$6,634 76. There is an error in the amount of compensation received of \$3,000. It is evidently a printer's error, as the additions show it to be; but as I do not know for what purpose this information has been called for, or what use is likely to be made of it, I have thought it due to myself to state that it is an error.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a message from the President of the United States, transmitting, in answer to a resolution of the Senate of the 25th ultimo, a report from the Acting Secretary of the Interior, furnishing information touching the transactions of the executive branch of the Government respecting the transportation, settlement, and colonization of persons of the African race; which, on motion of Mr. WILSON, was ordered to lie on the table and be printed.

The PRESIDENT *pro tempore* also laid before the Senate a message from the President of the United States, transmitting, in compliance with a resolution of the Senate of the 13th instant, a communication from the Secretary of State, with accompanying documents, furnishing information in relation to the departure of troops from Austria for Mexico; which, on motion of Mr. TRUMBULL, was referred to the Committee on Foreign Relations, and ordered to be printed.

EXECUTIVE SESSION.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and after some time spent in executive session the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, June 18, 1866.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. C. B. BOYNTON.

The Journal of Saturday was read and approved.

BILLS ON LEAVE.

The SPEAKER stated the first business in order to be the call of States for bills on leave to be referred to the appropriate committees, and not to be brought back by a motion to reconsider.

Mr. DAVIS introduced a bill to establish in Germany a repertory for furnishing information in regard to the resources of the United States; which was read a first and second time and referred to the Committee on Agriculture.

CLAIMS OF LOYAL CITIZENS.

Mr. TROWBRIDGE introduced a bill to establish a commission for the settlement of claims against the Government of the United States held by loyal citizens of East Tennessee; which was read a first and second time, ordered to be printed, and referred to the Committee on Military Affairs.

A. SUTRO.

Mr. ASHLEY, of Nevada, introduced a bill granting to A. Sutro the right of way, and granting other privileges to aid in the construction of a draining and exploring tunnel to the Comstock lode, in the State of Nevada; which was read a first and second time, ordered to be printed, and referred to the Committee on Mines and Mining.

RESOLUTIONS.

The SPEAKER stated the next business in order to be the call of States for resolutions in an inverse order, commencing with the State of Pennsylvania, where it rested last Monday at the expiration of the morning hour.

LEAVE OF ABSENCE.

On motion of Mr. STEVENS, leave of absence was granted to his colleague, Mr. WILLIAMS.

On motion of Mr. BUCKLAND, leave of absence was granted to his colleagues, Mr. DELANO and Mr. HUBBELL.

On motion of Mr. TAYLOR, leave of absence was granted to his colleague, Mr. HUBBELL.

EDWARD SPICER AND JOHN BAILEY.

Mr. MORRIS submitted the following resolution; on which he demanded the previous question:

Resolved, That the compensation of Edward Spicer, superintendent of the folding-room, be made equal to that now paid to the first assistant doorkeeper.

Mr. JOHNSON. I ask the gentleman to withdraw his demand for the previous question, so that I may add an amendment in reference to Clinton Lloyd, Chief Clerk of the House, to make his pay equal to that of the chief clerk of the Sergeant-at-Arms. These are permanent officers, who are required to stay here all the year round to do the business of members.

The SPEAKER. The Chair is of the opinion that the Committee of Accounts has not yet reported in respect to increasing the pay of the chief clerk of the Sergeant-at-Arms.

Mr. WINFIELD. I hope the gentleman will withdraw the demand for the previous question to allow me to offer an amendment making the salary of the superintendent of the speech-folding department and book-keeper of the folding-room equal to that of the enrolling clerk of the House.

Mr. MORRIS. I will state that while I would be willing to accommodate the gentleman, I prefer that each case should stand on its own merits.

Mr. WINFIELD. I desire to state that these gentlemen remain here during the whole year at a salary, I believe, of \$1,200 a year, and there are no employés of the House by whom members are more faithfully served than by them. Their salaries are really inadequate

to the service they render. I hope while others are provided for these will not be overlooked.

Mr. JOHNSON. It is necessary that these persons should be here at their post always. We have to write for documents, books, and special laws, and they get them and send them to us.

Mr. ROLLINS. I desire to move to amend the resolution.

Mr. MORRIS. I see that each gentleman wishes to amend. As I stated before, I prefer to let each case stand on its own merits.

Mr. ROLLINS. If the previous question is voted down, I wish to refer the resolution to the Committee of Accounts.

Mr. MORRIS. I insist on the demand for the previous question.

Mr. ROLLINS. I hope it will not be sustained.

On seconding the demand for the previous question, no quorum voted.

Tellers were ordered; and the Speaker appointed Messrs. MORRIS and ROLLINS.

The House divided; and the tellers reported—ayes 45, noes 48.

So the previous question was not seconded.

Mr. ROLLINS. I now move to amend by adding the following resolution, which has been agreed upon by the Committee of Accounts, and on this I demand the previous question:

Resolved, That the compensation of John Bailey, assistant disbursing clerk, be, and the same is hereby, increased and made the same as that of the Journal clerk, beginning with the present Congress.

Mr. WINFIELD. I desire to make an inquiry. What has become of the resolution of my colleague?

The SPEAKER. It is pending with this as an amendment.

The previous question was seconded and the main question ordered; and under the operation thereof the amendment offered by Mr. ROLLINS was agreed to.

The question recurred on agreeing to the resolution as amended.

Mr. TAYLOR. On that I demand the yeas and nays.

The yeas and nays were not ordered.

The resolution, as amended, was agreed to.

Mr. ROLLINS moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EMPLOYÉS IN FOLDING DEPARTMENT.

Mr. WINFIELD. I offer the following resolution, and demand the previous question upon it:

Resolved, That until further order the salary of the superintendent of the speech-folding department and the book-keeper of the folding-room of the House of Representatives shall be equal to that of the enrolling clerk of the House, to commence at the beginning of the present fiscal year.

If the House will allow me I will make a brief statement in reference to this resolution.

Mr. ROLLINS. I have no objection if I can be allowed a word when the gentleman is through.

Mr. BALDWIN. I hope we will have no debate.

The SPEAKER. The gentleman from Massachusetts [Mr. BALDWIN] objects.

Mr. BOUTWELL. I would like to ask what the pay which these officers receive is now, and what it will be if this proposition prevails.

Mr. WINFIELD. Their pay at present is, I understand, \$1,200 for a full year's service. This proposition is to increase their pay to \$1,800.

On seconding the demand for the previous question, no quorum voted.

Tellers were ordered; and the Speaker appointed Messrs. WINFIELD and PRICE.

The House divided; and the tellers reported—ayes 55, noes 40.

So the previous question was seconded and the main question ordered; and under the operation thereof the resolution was agreed to.

Mr. WINFIELD moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

Mr. COBB. On the motion to lay on the table I demand the yeas and nays.

The yeas and nays were not ordered.

The motion to reconsider was then laid on the table.

ENROLLED BILLS SIGNED.

Mr. COBB, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 57) for the relief of the heirs of Lieutenant Joshua D. Todd, late of the United States Navy, deceased;

An act (S. No. 307) authorizing the restoration of Commander Charles Hunter to the Navy;

An act (S. No. 202) for the relief of Elisha W. Dunn, a paymaster in the United States Navy; and

An act (S. No. 360) to regulate the appointment of paymasters in the Navy, and explanatory of an act for the better organization of the pay department of the Navy.

DISCONTINUANCE OF A POST ROUTE.

Mr. HALE introduced a bill to repeal an act entitled "An act to establish a post route from West Alburg, Vermont, to Champlain, in the State of New York, and for other purposes," approved May 21, 1865; which was read a first and second time and referred to the Committee on the Post Office and Post Roads.

VENTILATION OF THE HOUSE HALL.

Mr. DAVIS submitted the following resolution, upon which he demanded the previous question:

Resolved, That the Committee on Public Buildings and Grounds be requested to inquire into the expediency and practicability of improving the ventilation of the Hall of Representatives.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was agreed to.

PAY OF A MESSENGER.

Mr. DAVIS submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee of Accounts be instructed to inquire into and report upon the expediency of increasing the pay of the assistant messenger connected with the House post office, so as to make it equal to the pay of the Capitol police, after January 1, 1866.

PAY OF CHIEF CLERK OF THE HOUSE.

Mr. HOLMES offered the following resolution, upon which he demanded the previous question:

Resolved, That until further order the salary of the Chief Clerk of the House be fixed at \$3,000 per annum, beginning with the present fiscal year.

Mr. STEVENS. To whom does that refer?

Mr. HOLMES. To the Chief Clerk, Mr. Lloyd.

The previous question was seconded and the main question ordered.

Mr. ROSS. I move to lay the motion on the table.

Mr. HALE. I wish to ask what is the effect of the resolution; when the increased salary will commence.

The SPEAKER. According to the terms of the resolution it will commence with the present fiscal year.

Mr. HALE. At what date will the increased salary commence?

The SPEAKER. The gentleman knows when the fiscal year will commence as well as the Chair does.

Mr. FINCK. I wish to inquire what the present salary is.

The SPEAKER. The Chair cannot answer the question.

Mr. HOLMES. The salary is \$2,150, a salary less than the other clerks receive.

The question was taken on Mr. Ross's motion, and there were—ayes 30, noes 32; no quorum voting.

Mr. PIKE demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided

in the negative—yeas 33, nays 73, not voting 76; as follows:

YEAS—Messrs. Allison, Ames, Baker, Baldwin, Boutwell, Brownell, Cobb, Cook, Cullom, Defrees, Glossbrenner, Grider, Hale, Aaron Harding, Asahel W. Hubbard, Demas Hubbard, Edwin N. Hubbell, Ladin, Niblack, Orth, Paine, Perham, Pike, Ritter, Ross, Sawyer, Spalding, Taber, Taylor, Thornton, Trimble, Trowbridge, and James F. Wilson—33.

NAYS—Messrs. Alley, Ancona, Delos R. Ashley, Baxter, Beaman, Benjamin, Bidwell, Bingham, Blaine, Boyer, Broomall, Buckland, Davis, Dawes, Dawson, Denison, Donnelly, Driggs, Eldridge, Farquhar, Finck, Garfield, Abner C. Harding, Hayes, Henderson, Higby, Holmes, Hooper, Chester D. Hubbard, John H. Hubbard, Hulburd, Humphrey, Johnson, Julian, Kasson, Kelley, Kelso, Latham, George V. Lawrence, Le Blond, Loan, Longyear, McClure, McKee, McRuer, Miller, Moorhead, Morrill, Morris, Moulton, Myers, Newell, Nicholson, Plants, Price, William H. Randall, Alexander H. Rice, John H. Rice, Rogers, Rollins, Sitzgreaves, Stevens, Stillwell, Francis Thomas, John L. Thomas, Upson, William B. Washburn, Welker, Wentworth, Whaley, Stephen F. Wilson, Winfield, and Woodbridge—73.

NOT VOTING—Messrs. Anderson, James M. Ashley, Banks, Barker, Bergen, Blow, Brandegee, Bundy, Chanler, Reader W. Clarke, Sidney Clarke, Coffroth, Conkling, Culver, Darling, Delano, Deming, Dixon, Dodge, Dumont, Eckley, Eggleston, Eliot, Farnsworth, Ferry, Goodyear, Grinnell, Griswold, Harris, Hart, Hall, Hogan, Hotchkiss, James R. Hubbell, Ingersoll, Jenckes, Jones, Kerr, Ketcham, Kuykendall, William Lawrence, Lynch, Marshall, Marston, Marvin, McCullough, McIndoe, Mercier, Neill, O'Neill, Patterson, Phelps, Pomeroy, Radford, Samuel J. Randall, Raymond, Rousseau, Schenck, Seagriff, Shanklin, Shellabarger, Sloan, Smith, Starr, Strouse, Thayer, Van Aernam, Burt Van Horn, Robert T. Van Horn, Ward, Warner, Elihu B. Washburne, Henry D. Washburn, Williams, Windom, and Wright—76.

So the House refused to lay the resolution upon the table.

The question recurred upon agreeing to the resolution.

Mr. ROSS. I call for the yeas and nays.

The yeas and nays were not ordered.

The resolution was then agreed to.

Mr. BLAINE moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ABOLISHING THE MARINE CORPS.

Mr. BALDWIN submitted the following resolution, upon which he demanded the previous question:

Resolved, That the Committee on Naval Affairs be directed to consider the expediency of abolishing the Marine corps, or transferring it to the Army, and of making provision for supplying such military force as may at any time be needed in the Navy by details from the Army.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was agreed to.

INVASION OF VERMONT.

Mr. MORRILL introduced a joint resolution to pay the State of Vermont the sum expended for the protection of the frontier against the invasion from Canada in 1864; which was read a first and second time.

The question was upon ordering the joint resolution to be engrossed and read a third time.

Mr. MORRILL called the previous question.

The previous question was seconded and the main question ordered.

The joint resolution authorizes the Secretary of the Treasury to pay the State of Vermont the sum that may be found due, after the same may have been audited by the proper officers of the Treasury Department, expended by the State of Vermont for the defense and protection of the frontier from invasion from Canada in 1864; provided that the amount to be so audited and paid shall not exceed the sum of \$16,463 81.

Mr. LE BLOND. We are unable on this side to know any good reason for the passage of this joint resolution.

Mr. BINGHAM. Is debate in order?

The SPEAKER. It is not, the previous question having been seconded.

The question was upon ordering the joint resolution to be engrossed and read a third time.

The question was taken; and there were

upon a division—yeas 40, noes 21; no quorum voting.

Tellers were ordered; and Messrs. MORRILL and LE BOND were appointed.

The House again divided; and the tellers reported—yeas fifty-five, noes not counted.

So the joint resolution was ordered to be engrossed and read a third time.

The joint resolution was then read the third time.

The question was upon the passage of the joint resolution.

Mr. MORRILL. I call the previous question.

Mr. ANCONA. This joint resolution authorizes the payment of money, and therefore makes an appropriation, and should go to the Committee of the Whole.

The SPEAKER. The Chair thinks it is an appropriation bill, and had the question of order been raised in time the Chair would have ruled that it should go to the Committee of the Whole. But the point cannot be made upon the passage of the joint resolution.

The previous question was seconded and the main question ordered, which was upon the passage of the joint resolution.

Mr. ANCONA called for the yeas and nays. The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 83, nays 21, not voting 78; as follows:

YEAS—Messrs. Alley, Allison, Ames, Baker, Banks, Baxter, Beaman, Benjamin, Bidwell, Bingham, Blaine, Boutwell, Bromwell, Broomall, Cook, Culham, Davis, Dawes, Dawson, DeForest, Donnelly, Driggs, Dumont, Eliot, Ferry, Garfield, Hale, Abner C. Harding, Hayes, Henderson, Higby, Holmes, Hooper, Asahel W. Hubbard, Chester D. Hubbard, John H. Hubbard, Hulburd, Julian, Kasson, Kelley, Kelso, Kerr, Ketchum, Ladd, Latham, George V. Lawrence, Loan, Longyear, Marston, Marvin, McClurg, McKee, McKuer, Miller, Morrill, Moulton, Myers, Newell, Orth, Paine, Perham, Pike, Plants, Pomeroy, Price, William H. Randall, Alexander H. Rice, John H. Rice, Rollins, Sawyer, Schenck, Spalding, Stevens, Upson, Van Aernam, Robert T. Van Horn, Henry D. Washburn, William B. Washburn, Welker, Wentworth, Whaley, Stephen B. Wilson, and Woodbridge—83.

NAYS—Messrs. Ancona, Boyer, Denison, Eldridge, Finck, Glossbrenner, Grider, Aaron Harding, Humphrey, Le Blond, Niblack, Nicholson, Ritter, Rogers, Ross, Sitgreaves, Taber, Francis Thomas, Thornton, Trimble, and Trowbridge—21.

NOT VOTING—Messrs. Anderson, Delos R. Ashley, James M. Ashley, Baldwin, Barker, Bergen, Blow, Brandegee, Buckland, Bundy, Chanler, Reader W. Clarke, Sidney Clarke, Cobb, Coffroth, Conkling, Culver, Darling, Delano, Deming, Dixon, Dodge, Eckley, Eggleston, Farnsworth, Farquhar, Goodyear, Grinnell, Griswold, Harris, Hart, Hill, Hogan, Hotchkiss, Demas Hubbard, Edwin N. Hubbell, James R. Hubbell, Ingersoll, Jencks, Johnson, Jones, Kuykendall, William Lawrence, Lynch, Marshall, McCullough, McIndoe, Mereur, Moorhead, Morris, Neill, O'Neill, Patterson, Phelps, Radford, Samuel J. Randall, Raymond, Rousseau, Scofield, Shanklin, Shellabarger, Sloan, Smith, Starr, Stilwell, Strouse, Taylor, Thayer, John L. Thomas, Burt Van Horn, Ward, Warner, Elihu B. Washburne, Williams, James F. Wilson, Windom, Winfield, and Wright—78.

So the joint resolution was passed.

Mr. MORRILL moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ST. ALBAN'S BANK.

Mr. MORRILL. It is not often that Vermont asks any special legislation from Congress. But I have one more favor to ask of the House in relation to a bank that was robbed at the time of the raid from Canada. The bank has not paid any tax since that time, and the Government of the United States is making an effort to recover the amount stolen from the British Government. In the mean time I ask the passage of a joint resolution to suspend the collection of taxes from that bank until further orders.

Mr. STEVENS. I wish to ask my friend from Vermont whether there has not been before his committee for two years a resolution proposing the non-collection of tax upon property in Chambersburg which was burned down, and the refunding of tax which had been paid after the property was burned, and whether the committee has acted on that resolution.

Mr. MORRILL. That subject is in the hands

of a sub-committee, of which the gentleman from New York [Mr. CONKLING] is chairman. That sub-committee has as yet made no report.

Mr. STEVENS. I am afraid it is a sub-soil committee. [Laughter.]

Mr. DAVIS. If I am correctly informed, a part of the money of which this bank was robbed was recovered.

Mr. MORRILL. Some of the robbers were captured and a portion of the money was restored by the Canadian authorities. The bank lost \$73,525. The Canadian authorities restored \$30,955 80, leaving a loss to the bank of \$42,560 20.

Mr. DAVIS. Was there only one bank robbed?

Mr. MORRILL. Yes, sir.

Mr. HALE. I wish to ask the gentleman from Vermont whether this is the bank that was released by the Vermont Legislature from the payment of its debts.

Mr. MORRILL. This bank has not refused to meet a single dollar of its obligations. Its bills are as good as those of any other bank in the United States.

Mr. HALE. I desire to know whether this is the bank, which, by an act of the Vermont Legislature, was permitted to wind up its affairs and escape the redemption of all bills which were not presented within six months after the publication of notice in some country newspaper.

Mr. MORRILL. I am not aware of any such legislation, so far as it relates to this bank.

Mr. HALE. There was such an act; and I desire to know whether this is the bank to which it applied.

Mr. MORRILL. It was not this bank. This is the St. Alban's Bank.

Mr. WILSON, of Iowa. I desire to ask the gentleman from Vermont why this bank should be relieved from the payment of taxes any more than banks that have been robbed by others than those engaged in the service of the rebels. Quite a number of banks in different parts of the country have had their vaults entered and bonds and notes carried off, amounting in some instances to quite as much as the sum lost by this bank. Shall we not, by the passage of this resolution, establish a precedent for extending similar relief to all other banks that may have met with losses of this kind? Will not the same principle require us to go still further and relieve from taxation every man in the country who may have been robbed of his money or had his property destroyed? If we establish this principle, it occurs to me we shall have about as much as we can do to sit here as a board for the relief of persons who may meet with these losses from day to day and from year to year. It may be that there are some features in this case which make it an exception to the general rule; but unless that be so, I certainly think the resolution should not pass.

Mr. ROSS. I would suggest to the gentleman from Iowa that as this bill is for the benefit of a corporation it stands on a higher ground than if it were for the advantage of an individual. [Laughter.]

Mr. WILSON, of Iowa. I know that is the idea of the gentleman from Illinois, [Mr. Ross;] but I differ with him.

Mr. MORRILL. I think this stands on a different ground from the cases mentioned by the gentleman from Iowa. This money was lost by an unlawful invasion from Canada; and I believe that our Government insists upon its right to claim from the British Government entire indemnity for the loss.

Mr. WILSON, of Iowa. I wish to suggest to the gentleman from Vermont, if this bank is to receive indemnity at the hands of the British Government such as he has indicated, then, of course, there is no reason why it should be exempted.

Mr. MORRILL. If the bank receives any indemnity from the British Government, it must be through the hands of the United States Government.

Mr. WILSON, of Iowa. It will make no

difference from what source the indemnity is received, whether from the British Government through the hands of the United States Government, or directly from the British Government; if the bank be made whole, of course it ought not to be relieved from taxation.

Mr. ELDRIDGE. I wish to inquire of the gentleman from Vermont whether the object is to relieve this bank from taxation altogether, or only on the portion they have lost.

Mr. MORRILL. It only asks a suspension for the time being.

Mr. ELDRIDGE. Does it cover the entire bank and its capital, or only that portion which the bank has lost?

Mr. MORRILL. It suspends the entire amount from October 18, 1864, to July 1, 1866.

Mr. ELDRIDGE. I see no reason why that bank should not pay on the real capital it has. It seems to me the remark of the gentleman from Iowa is applicable, and if this be adopted any man who has lost anything in any way should be relieved from taxation.

Mr. HALE. I hope the gentleman from Vermont will answer the question I have put to him. I wish to call his attention, of which he seems to be ignorant, to an extraordinary piece of legislation on the part of Vermont in regard to one of the St. Alban's banks, allowing it to wind up in six months, and absolving it from the payment of any bill not presented within that time. Is that the bank sought to be relieved from taxation? If it is it strikes me it has no claim to congressional favor.

Mr. MORRILL. I am not aware of any such law in reference to this bank. I know it continues in existence. I think the gentleman refers to another bank in the same town and county.

Mr. WENTWORTH. Is debate in order? The SPEAKER. It is. The gentleman from Vermont has the floor for an hour.

Mr. HALE. I wish to say such legislation has been had in reference to one bank in St. Alban's. I wish to ask whether this is that bank. I understand the gentleman from Vermont is ignorant that any such legislation has taken place. I know that such legislation has taken place, and I wish to know whether this is the bank.

Mr. WOODBRIDGE. I will state for the information of the gentleman from New York that no legislation in Vermont has been had in reference to the loss of this bank; but that the legislation he refers to was in favor of another bank, a State institution, entirely disconnected and separate from this. Whether that law was wise or unwise it is not for me to say. A law was passed giving time to a certain bank in Franklin county to close up its matters, imposing certain conditions on the bank, on the performance of which, unless its bills were presented within a certain period for redemption, it was under no obligation to redeem them; but that legislation has nothing to do with this bank.

This bank comes here asking for relief, a bank situated upon a frontier, undefended in time of war by troops of our Government against men decided to be connected with the confederacy by the Canadian government, and who have been relieved by the Canadian government on that and other grounds—men, I say, who robbed the bank. The Government admitting, as I believe, it may eventually succeed in getting this money back by demand on the English Government, and not yet obtaining it the bank asks this tax may be suspended until further orders. It means undoubtedly until the time when the question shall be decided whether the English or the Canadian Government shall return to the United States the property seized by these raiders who ran over our northern frontier. It does seem to me to be an eminently just proposition. If, having lost this money, they go on in spite of the loss and make their bill-holders secure, redeem their money, and continue their business, it seems to me the Government at least ought to suspend the tax until such time as a

different state of circumstances may arise, inasmuch as the money was taken through the remissness or fault of the Government.

Mr. MORRILL. As there seems to be some opposition I will withdraw it for the present for the purpose of modifying it.

TELEGRAPH FROM CALIFORNIA TO IDAHO.

Mr. ROLLINS, by unanimous consent, introduced a bill to encourage the construction of a telegraph line between the State of California and the Territory of Idaho; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

EXPORT TAX ON COTTON.

Mr. STEVENS. In pursuance of unanimous consent previously granted, I introduce the following concurrent resolution:

Be it resolved by the House of Representatives, (the Senate concurring,) That the following article be proposed to the several States as an amendment to the Constitution of the United States, which, when ratified by three-fourths of the States, shall be valid:

ARTICLE.—Congress shall have power to lay an export duty or tax on cotton exported from the United States.

The joint resolution was read a first and second time, and the question was on ordering it to be engrossed and read a third time.

Mr. STEVENS. I demand the previous question.

Mr. LE BLOND. How does this come in?

The SPEAKER. By unanimous consent granted during the morning hour. The gentleman from Pennsylvania [Mr. STEVENS] and his colleagues [Mr. ANCONA and Mr. MILLER] asked unanimous consent to offer resolutions. The Chair stated that it was unusual; but unanimous consent being given the gentlemen reserved the right to offer their resolutions at any time during the day.

Mr. ROGERS. I think the same resolution has already been referred to the Committee on the Judiciary.

Mr. STEVENS. This has never been referred before.

The previous question was seconded and the main question ordered.

Mr. LE BLOND. I hope the gentleman will not press this to a vote at this time. It embraces a very important feature in the exports of the country.

Mr. STEVENS. In answer to the gentleman I will state that five months ago I offered such a resolution, and it has gone to the tomb of the Capulets; and now I want to take the sense of the House on this question.

Mr. WILSON, of Iowa. I desire to state, in answer to what the gentleman from Pennsylvania says, that he did some five months ago introduce a resolution similar in its terms to this, but not confined to an export duty on cotton. It was referred to the Committee on the Judiciary, and the committee were not able to agree on reporting it. But some time since the gentleman from Pennsylvania [Mr. STEVENS] introduced a resolution in terms, I believe, the same as the one now pending before the House, and that was referred to the same committee. Since that time the committee have had no opportunity whatever to report. It has not been called for some three or four months, and therefore we have not been able to report anything to the House on that subject or any other.

Mr. STEVENS. I am finding no fault with the action of the committee. I know the first resolution which I offered was not confined to cotton. I therefore desire to confine it now to that single article and see whether the House will concur in it.

Mr. LE BLOND. I would like to make a suggestion to the gentleman from Pennsylvania. This proposition, as I understand, affects the export duty on cotton alone. Now, sir, it is a question worthy of consideration whether we are prepared at this time to tax an article of this kind.

Mr. STEVENS. This is an argument, and I do not propose to debate it.

Mr. LE BLOND. I wish to make a suggestion in regard to an amendment. In every constitutional amendment that we have yet

passed or introduced there has been a provision for referring it for ratification to the Legislatures of the several States. Now, I suggest that this be amended by providing for a convention of the States for the express purpose of ratifying or rejecting the amendment. The reason is obvious why this should be done. This Congress was elected at a time when our country was in a state of war.

Mr. STEVENS. I understand the gentleman—

Mr. LE BLOND. Will the gentleman allow me one moment?

Mr. STEVENS. I will insert the words "when ratified by the Legislatures of three-fourths of the States."

Mr. LE BLOND. That is not the point. That is just what I do not want.

The SPEAKER. The gentleman from Pennsylvania has a right to modify his resolution before the vote is taken.

Mr. LE BLOND. Of course; very good.

Mr. STEVENS. As the gentleman and myself cannot agree, which is very strange, there is no necessity for further delay.

Mr. LE BLOND. It is not at all strange.

The SPEAKER. The gentleman from Pennsylvania declines to yield further.

Mr. LE BLOND. Well, Mr. Speaker, the previous question having been seconded, I shall object to any modification being made.

The SPEAKER. The previous question has not yet been seconded, and the gentleman has a right to modify it previous to action.

Mr. ELDRIDGE. I want to ask the gentleman from Pennsylvania whether he intends to allow any debate on this resolution after the previous question shall have been seconded, or whether he intends to bring the House to a vote without any debate whatever.

Mr. STEVENS. If the House agrees with me, I shall ask a vote upon the resolution. I do not believe anybody wants to debate it except for purposes of delay. I shall, therefore, ask a vote.

The question was put on seconding the demand for the previous question; and there were—ayes 43; noes 39; no quorum voting.

Tellers were ordered; and Messrs. STEVENS and LE BLOND were appointed.

The House divided; and the tellers reported—ayes 50, noes 43.

So the previous question was seconded.

The main question was then ordered to be put, being upon agreeing to the concurrent resolution.

Mr. ELDRIDGE. Are not the yeas and nays required on that vote?

The SPEAKER. The yeas and nays must be taken. It requires a two-thirds vote to amend the Constitution.

The concurrent resolution was again read.

ENROLLED BILLS SIGNED.

Mr. TROWBRIDGE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled the following bills; when the Speaker signed the same:

An act (H. R. No. 85) for the disposal of the public lands for homestead actual settlement in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida; and

An act (H. R. No. 482) to incorporate the Howard Institute and Home of the District of Columbia.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. COOPER, his Secretary, communicated to the House sundry messages in writing.

The message further informed the House that the President had approved and signed bills and a joint resolution of the following titles:

An act (H. R. No. 11) to facilitate commercial, postal, and military communication among the several States;

An act (H. R. No. 106) to provide for the settlement of accounts of certain public officers;

An act (H. R. No. 621) to regulate and secure the safe-keeping of public money intrusted to disbursing officers of the United States; and

Joint resolution (H. R. No. 134) relative to appointments to the Military Academy of the United States.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, their Secretary, informed the House that the Senate had agreed to the amendments of the House to the bill of the Senate (S. No. 230) to reimburse the State of West Virginia for moneys expended for the United States in enrolling, equipping, and paying military forces to aid in suppressing the rebellion.

The message further informed the House that the Senate had adopted a resolution providing "that there be printed for the use of the members of the Thirty-Ninth Congress the reports of Major Generals William T. Sherman, George H. Thomas, John Pope, J. G. Foster, A. Pleasanton, and E. A. Hitchcock, made to the joint committee on the conduct of the war, together with such other reports as may be received by the commencement of the next session of Congress, the same number and in the same style as were printed of the reports heretofore made by said committee;" in which he was directed to ask the concurrence of the House.

The message further informed the House that the Senate had passed a joint resolution and bills of the following titles, in which he was directed to ask the concurrence of the House:

A joint resolution (S. R. No. 104) authorizing the Secretary of the Treasury to issue American registers to the barks Marget and Golden Fleece;

An act (S. No. 283) for the relief of Edward St. Clair Clarke; and

An act (S. No. 873) releasing to Francis S. Lyons the interest of the United States in certain lands.

EXPORT DUTY ON COTTON—AGAIN.

Mr. GARFIELD. Will the gentleman from Pennsylvania allow me to offer an amendment to strike out a few words from his resolution?

The SPEAKER. The previous question having been seconded, and the main question ordered, the resolution can only be amended by unanimous consent.

Mr. GARFIELD. I ask unanimous consent, then, to strike out the words "on cotton." I think we ought not to single out one article, but either add others or leave it open entirely for the action of Congress.

Mr. LE BLOND. I object.

Mr. BINGHAM. I move to reconsider the vote by which the previous question was seconded.

The question was put; and there were—ayes 27, noes 40; no quorum voting.

Tellers were ordered; and Messrs. SCHENCK and ELDRIDGE were appointed.

The House divided; and the tellers reported—ayes 40, noes 55.

So the motion to reconsider was lost.

The SPEAKER. The question recurs upon agreeing to the concurrent resolution. A two-thirds vote being required by the Constitution, the question will be taken by yeas and nays.

The question was taken; and it was decided in the negative—yeas 59, nays 61, not voting 62; as follows:

YEAS—Messrs. Alley, Allison, Ames, Banks, Baxter, Beaman, Benjamin, Bidwell, Blaine, Bromwell, Broomall, Bundy, Cobb, Cook, Cullom, Donnelly, Driggs, Dumont, Eliot, Ferry, Henderson, Higby, Holmes, Asahel W. Hubbard, Demas Hubbard, John H. Hubbard, Julian, Kelley, Kelso, Larkin, George V. Lawrence, Loan, Longyear, McClurg, McKee, Miller, Morrill, Moulton, Myers, Orth, Perham, Plants, Price, John H. Rice, Rollins, Sawyer, Spaulding, Stevens, Trowbridge, Upson, Van Arnam, Ward, Warner, William B. Washburn, Welker, Wentworth, James F. Wilson, Stephen F. Wilson, and Windom—59.

NAYS—Messrs. Ancona, Delos R. Ashley, Baker, Bingham, Boutwell, Boyer, Buckland, Coffroth, Davis, Dawes, Dawson, Defrees, Denison, Eldridge, Farquhar, Finck, Garfield, Glossbrenner, Hale, Aaron Harding, Abner C. Harding, Hayes, Hogan, Hooper, Hulburd, Humphrey, Kasson, Kerr, Ketcham, Kuykendall, Latham, Le Blond, Marshall, Marston, Marvin, McRuer, Morris, Newell, Niblack, Nicholson, Paine, Pike, Pomeroy, William H. Randall, Raymond, Alexander H. Rice, Ritter, Rogers, Schenck, Shellabarger, Sitgreaves, Stilwell, Taber, Taylor, Francis Thomas, John L. Thomas, Thornton, Trim-

ble, Robert T. Van Horn, Henry D. Washburn, and Winfield—61.

NOT VOTING—Messrs. Anderson, James M. Ashley, Baldwin, Barker, Bergen, Blow, Brandegee, Chanler, Reader W. Clarke, Sidney Clarke, Conkling, Culver, Darling, Delano, Deming, Dixon, Dodge, Eckley, Eggleston, Farnsworth, Goodyear, Grider, Grinnell, Griswold, Harris, Hart, Hill, Hotchkiss, Chester D. Hubbard, Edwin N. Hubbard, James R. Hubbard, Ingersoll, Jenckes, Johnson, Jones, William Lawrence, Lynch, McCullough, McIndoe, Mercer, Moorhead, Neill, O'Neill, Patterson, Phelps, Radford, Samuel J. Randall, Ross, Rousseau, Scofield, Shanklin, Sloan, Smith, Starr, Strouse, Thayer, Burt Van Horn, Elihu B. Washburne, Whaley, Williams, Woodbridge, and Wright—62.

So (two thirds not voting in the affirmative) the concurrent resolution was not agreed to.

RECONSTRUCTION.

Mr. STEVENS. After consultation with the friends of the measure, I desire to give notice that the question will be called on Friday next upon the bill to restore to the States lately in insurrection their full political rights, unless the House shall see proper to extend the time for debate upon that bill.

The SPEAKER. The Chair will state that when the House last week granted unanimous consent for the Army bill to be taken up tomorrow after the morning hour the Chair then stated that if the debate upon the reconstruction bill should not be closed by that time the Army bill would take the preference, as it was made the special order by unanimous consent, while the reconstruction bill was made the special order by a suspension of the rules.

Mr. STEVENS. Very well; then I will give no notice at this time of closing debate.

CONSTITUTIONAL AMENDMENT.

Mr. ROLLINS. I move that the rules be suspended to allow any member who was absent last week when the vote was taken upon the proposed amendment to the Constitution to record his vote to-day upon that question.

No objection was made, and the rules were suspended.

Mr. COBB. I rise to a privileged question. I submit, from the Committee on Enrolled Bills, the following report:

To the House of Representatives:

The Committee on Enrolled Bills respectfully report that on the 16th day of June, 1866, they presented to and filed with the Secretary of State of the United States a joint resolution of the following title, namely: "House Resolution No. 127," a joint resolution proposing an amendment to the Constitution of the United States. **AMASA COBB, Chairman.**

The SPEAKER. The Chair would add that the constitutional amendment is published officially by the Secretary of State in the Washington Republican of this morning.

Mr. BINGHAM. I ask unanimous consent to introduce the following concurrent resolution, for action at this time:

Resolved by the House of Representatives, (the Senate concurring.) That the President of the United States be requested to transmit forthwith to the Executives of the several States of the United States copies of the article of amendment proposed by Congress to the State Legislatures to amend the Constitution of the United States, passed June 13, 1866, respecting citizenship, the basis of representation, disqualification for office, the validity of the public debt of the United States, &c., to the end that the said States may proceed to act upon the said article of amendment, and that he request the Executives of the States that may ratify the said amendment to transmit to the Secretary of State certified copies of such ratification.

Mr. ELDRIDGE. I object.

Mr. BINGHAM. I move to suspend the rules to enable me to introduce the resolution.

Mr. ELDRIDGE. I ask for the yeas and nays on that question.

The question was taken upon ordering the yeas and nays, and there were twenty in the affirmative.

Before the result of the vote was announced, **Mr. ELDRIDGE** called for tellers.

Tellers were ordered; and Messrs. **ELDRIDGE** and **BINGHAM** were appointed.

The House divided; and the tellers reported—yeas twenty-three, nocs not counted.

So (one fifth voting in the affirmative) the yeas and nays were ordered.

The question was taken; and there were—yeas 92, nays 25, not voting 65; as follows:

YEAS—Messrs. Alley, Allison, Ames, Delos R. Ash-

ley, Baker, Baldwin, Baxter, Beaman, Benjamin, Bidwell, Bingham, Blaine, Boutwell, Bromwell, Broome, Buckland, Bundy, Cobb, Conkling, Cook, Cullom, Davis, Dawes, Defrees, Donnelly, Driggs, Eliot, Farquhar, Ferry, Garfield, Hale, Abner C. Harding, Henderson, Higby, Holmes, Hooper, Hotchkiss, Asahel W. Hubbard, Chester D. Hubbard, John H. Hubbard, Hulburd, Julian, Kasson, Kelley, Ketcham, Lallin, Latham, George V. Lawrence, Loan, Longyear, Marston, Marvin, McClurg, McKee, McKuer, Miller, Morrill, Moulton, Myers, Newell, Orth, Paine, Perham, Pike, Plants, Pomeroy, Price, William H. Randall, Raymond, Alexander H. Rice, Rollins, Sawyer, Schenck, Shellabarger, Spalding, Stilwell, Francis Thomas, John L. Thomas, Trowbridge, Upson, Van Aernam, Robert T. Van Horn, Ward, Warner, Henry D. Washburn, William B. Washburn, Welker, Wentworth, James F. Wilson, Stephen F. Wilson, Windom, and Woodbridge—92.

NAYS—Messrs. Ancona, Boyer, Coffroth, Dawson, Denison, Eldridge, Finck, Glossbrenner, Aaron Harding, Hogan, Humphrey, Kerr, Le Blond, Marshall, Niblack, Nicholson, Ritter, Rogers, Ross, Sitgreaves, Taber, Taylor, Thornton, Trimble, and Winfield—25.

NOT VOTING—Messrs. Anderson, James M. Ashley, Banks, Barker, Bergen, Blow, Brandegee, Chanler, Reader W. Clarke, Sidney Clarke, Culver, Darling, Delano, Deming, Dixon, Dodge, Dumont, Eckley, Eggleston, Farnsworth, Goodyear, Grider, Grinnell, Griswold, Harris, Hart, Hayes, Hill, Demas Hubbard, Edwin N. Hubbard, James R. Hubbard, Ingersoll, Jenckes, Johnson, Jones, Kelso, Kuykendall, William Lawrence, Lynch, McCullough, McIndoe, Mercer, Moorhead, Morris, Neill, O'Neill, Patterson, Phelps, Radford, Samuel J. Randall, John H. Rice, Rousseau, Scofield, Shanklin, Sloan, Smith, Starr, Stevens, Strouse, Thayer, Burt Van Horn, Elihu B. Washburne, Whaley, Williams, and Wright—65.

So (two thirds voting in favor thereof) the rules were suspended to allow the introduction of the resolution.

During the roll-call,

Mr. MYERS said: I have been requested to announce that my colleague, **Mr. O'NEILL**, detained from the House by indisposition, is paired with my colleague, **Mr. RANDALL**.

The result of the vote was announced as above stated.

Mr. BINGHAM. I call for the previous question on the adoption of the resolution.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was agreed to, there being—yeas 87, nocs 20.

Mr. BINGHAM moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PENSIONS TO SOLDIERS OF 1812.

Mr. MILLER, by unanimous consent, submitted the following resolution, on which he demanded the previous question:

"Whereas on the 22d of January last a bill entitled 'A bill to grant pensions to soldiers of the war of 1812 with Great Britain,' was referred to the Committee on Invalid Pensions, on which no report has yet been made; and whereas the bill provides for giving pensions only to those who are in indigent circumstances; and as many of these old soldiers are now in abject poverty; and inasmuch as it is due to them as well as the credit of the country that speedy action should be taken thereon: Therefore,

Resolved, That the Committee on Invalid Pensions be, and are hereby, requested to report said bill with an affirmative recommendation with as little delay as possible.

Mr. PERHAM. I hope the previous question will not be seconded. That committee have a report ready on this subject, and have been waiting for some time an opportunity to present it. I have no doubt that the report will be presented next Friday, when the committee will be called.

Mr. MILLER. Very well; I am willing that the resolution shall lie over till next Friday.

The SPEAKER. If there be no objection, the resolution will lie over informally.

There was no objection.

AMERICAN CITIZENS IMPRISONED IN IRELAND.

Mr. ANCONA, by unanimous consent, submitted the following resolution:

Whereas it is alleged that peaceable citizens of the United States, engaged in no unlawful act, have been arrested and are held as prisoners by the British Government in Ireland: Therefore,

Be it resolved, That the President of the United States be requested to inform this House, if not incompatible with the public interest, what information he may have as to such arrests, and what steps, if any, have been taken to protect such persons in their rights as citizens of the United States.

The SPEAKER. This being a call for

executive information, unanimous consent is necessary for its consideration on this day.

There being no objection, the resolution was considered and agreed to.

MILEAGE OF MEMBERS.

Mr. GARFIELD. I ask unanimous consent to submit the following resolution, of which I gave notice on last Saturday:

Resolved, That the Committee on Mileage be directed to examine and report what discrepancy, if any, there was between the amount of mileage claimed by members and the amount allowed by the Mileage Committee of the Thirty-Eighth Congress, and that the Mileage Committee of this House be directed in no case to allow more mileage to any member than is claimed by him.

Mr. SPALDING. I object.

Mr. GARFIELD. I move that the rules be suspended.

The House divided; and there were—yeas 58, nocs 26; no quorum voting.

The SPEAKER ordered tellers under the rule; and appointed **Mr. GARFIELD** and **Mr. HUMPHREY**.

The House was again divided; and the tellers reported—yeas 58, nocs 26; no quorum voting.

Mr. GARFIELD. If the House takes no interest in the matter I withdraw my resolution.

MORNING HOUR OF SATURDAY.

Mr. MORRILL, by unanimous consent, moved that the morning hour of Saturday be set apart for the consideration of bills of a public nature.

The motion was agreed to.

RECONSTRUCTION.

The House then resumed, as the special order, the consideration of bill of the House No. 543, to restore to the States lately in rebellion their full political rights, upon which **Mr. RAYMOND** was entitled to the floor.

Mr. RAYMOND. Mr. Speaker, I regard the action which this House may take upon the bill now before it as of very great importance. The bill embodies principles which touch very nearly the fundamental principles of our Government; and it proposes measures which must affect in a very serious manner the peace and welfare of the country. I venture to hope, sir, that every member of this House will bring to its consideration a mind unbiased by prejudice and uninfluenced by passion, and that he will act upon it with sole and exclusive reference to its probable effect upon the prosperity and welfare of our common country. I know how difficult it is to withstand the influence of habit and association, personal and political, upon our action here; but if there ever was an occasion when it was incumbent upon each one of us to do all in our power thus to emancipate ourselves from undue and improper influences, I think, sir, that occasion is offered by the bill which now awaits our action.

When this Congress met, sir, now seven months ago, the war against the rebellion had been closed for half a year. The President of the United States, exercising what he believed to be his rightful authority as the chief Executive of the nation and Commander-in-Chief of its armies, had set in motion the machinery of government in the States where it had been suspended by rebellion, had appointed provisional governors, by whom, under his authority, conventions and Legislatures were summoned, elections were held, and those governors, Legislatures, and conventions took steps to bring the States back to their normal condition, so far as exercising the power of self-government was concerned. When we met in December last but little remained to be done to complete the work of restoration. The temper of the people in the southern States was that of submission and loyal acquiescence in the results of the war. All that remained was to heal the wounds the war had made and embody in proper form the principles it had established. At an early day of the session, as early as was proper and convenient, I stated, in the course

of some remarks on the general subject, what I thought Congress ought to do, the specific action it ought to take, to complete the work of restoration; and with the leave of the House, as it is very brief, I will read the paragraph in which that statement was embodied:

"In the first place, I think we ought to accept the present status of the southern States, and regard them as having resumed, under the President's guidance and action, their functions of self-government in the Union.

"In the second place, I think this House should decide on the admission of Representatives by districts, admitting none but loyal men who can take the oath we may prescribe, and holding all others as disqualified; the Senate acting, at its discretion, in the same way in regard to representatives of States.

"I think, in the third place, we should provide by law for giving to the freedmen of the South all the rights of citizens in courts of law and elsewhere.

"In the fourth place, I would exclude from Federal office the leading actors in the conspiracy which led to the rebellion in every State.

"In the fifth place, I would make such amendments to the Constitution as may seem wise to Congress and the States, acting freely and without coercion.

"And sixth, I would take such measures and precautions by the disposition of military forces as will preserve order and prevent the overthrow, by usurpation or otherwise, in any State, of its republican form of government."

Nearly all of these points have been covered by the action which Congress has already taken. The status of the southern States has been substantially recognized by both Houses in their action and their recommendations. No one in either House proposes to change or disturb it. We have provided, not only by law, but by an amendment of the Constitution, for giving to the freedman of the South all the rights of citizens in the courts of law and elsewhere and for protecting him in their enjoyment. We have also provided by an amendment of the Constitution for excluding from office the leading actors in the rebellion. We have adopted such other amendments to the Constitution as seemed to us wise and essential, and we have now just passed a resolution directing them to be submitted to the several States for their ratification.

Congress adopted those amendments because it believed they ought to form a part of the Constitution, and I voted for them for that reason, and for that reason alone. I discussed them on their merits. I declined to discuss them otherwise. I voted for them on their merits, and not as part and parcel of any scheme of reconstruction or restoration, except to this extent: that I believed their adoption here would promote the tranquillity of the country, and that their embodiment in the Constitution would restore harmony to the Union and secure the future safety of the Republic. Those amendments have now gone to the several States, and if adopted by three fourths of all the States—by three fourths of the thirty-six States that compose this Union—they will become valid to all intents and purposes as a part of the Constitution of the United States. I deem it highly important that these amendments should be acted upon in all the States, by Legislatures chosen by the people with reference to this very subject. I do not hold that this is necessary to their validity; but I do think that justice to the people, justice to the country, and a true and wise regard for the requirements and spirit of the Constitution demand that it should be submitted to Legislatures not elected without reference to it, but to Legislatures chosen by the people for the express purpose of acting upon it. We must remember that we who have voted upon these amendments were elected to Congress without the slightest reference to the important question upon which we were thus called to act. The question of amending the Constitution was not then before the public. The people have had no opportunity to act upon it, either directly or indirectly. It does not seem just that important amendments to the Constitution should be proposed by a Congress and ratified by Legislatures while not a member of either was elected with any reference whatever to that subject. Certainly, great moral force would be given to the amendment if it were adopted by members chosen by the people with special reference to this point.

But, sir, in my previous remarks, from which I have already quoted, I insisted that the States, in voting upon these amendments, should "act freely and without coercion." I regard that, sir, as of vital importance. Amendments to the Constitution forced upon an unwilling people will never command the respect essential to their full validity. They will always be regarded as badges of injustice, as permanent and indelible marks of inferiority, and whatever acquiescence they may command will be reluctant and constrained, not the cheerful obedience which a free people will always yield to constitutions and laws they have freely made. This bill, sir, violates that fundamental condition. It seeks to coerce the States lately in rebellion into the ratification of these amendments. It denies them representation unless they do ratify them. The first section of the bill, after reciting the amendments adopted by Congress, enacts—

"That whenever the above-recited amendment shall have become part of the Constitution of the United States, and any State lately in insurrection shall have ratified the same, and shall have modified its constitution and laws in conformity therewith, the Senators and Representatives from such States, if found duly elected and qualified, may, after having taken the required oaths of office, be admitted into Congress as such."

Here are three things required as conditions without which no southern State shall be admitted to representation in Congress: first, the above-recited amendment must first "have become part of the Constitution of the United States"—that is to say, it must first have been ratified by three fourths of all the States; second, it must be ratified by each of the States lately in rebellion seeking representation; and third, that State must have "modified its constitution and laws in conformity therewith." Now, sir, the first of these conditions is not within control of the States upon which they are imposed. Suppose every southern State should ratify these amendments and enough northern States should refuse to defeat them; must southern States be denied representation for the default of others? This provision, sir, puts it in the power of the New England States with three others to exclude the southern States from representation forever. I am sure Congress can never sanction so gross a wrong.

But my objection to this bill goes further than this. I hold that we have no right, no power, under the Constitution of the United States to impose such conditions of representation at all. We sit here as a Congress to exercise, not unlimited powers, but only such powers as are delegated to us by the Constitution of the United States. We have none of the sovereignty, the omnipotence, that is claimed for the Parliament of England. It is one of the distinctive features of our Government that we live under a written Constitution, by which the powers conferred upon the Government and upon each of its departments are expressly defined. All the power we have comes by express grant; it is conferred upon us by the Constitution. The Constitution says Congress shall have power to do certain things, which are enumerated and distinctly set forth, and then it is expressly declared that the powers not delegated are "reserved to the States or to the people thereof." We can, therefore, do nothing which the Constitution does not empower us to do, either in express terms or by necessary implication from the terms employed.

Now, if I am right in this, I ask any one here to point me to the clause of the Constitution which confers upon Congress a right to say that Representatives from any State shall not be received into Congress until that State shall perform certain acts, make certain laws, or do certain things which we may dictate. Where is it in the Constitution? Is it embodied in any article? Is it implied in any clause, either directly or indirectly? I cannot find it. On the contrary, I find an express declaration in the article which empowers Congress to propose amendments to the Constitution, an explicit provision, that "no State shall be deprived of its equal suffrage in the Senate without its

own consent," even by an amendment of the Constitution. This bill proposes to deprive States of such equal suffrage by a law. It proposes to do by enacting a law what Congress and the States together cannot do by amending the Constitution. I must maintain, until I am shown to the contrary, that we have no power under the Constitution of the United States to pass such a bill as this, or to enforce its provisions if it should become a law.

I am told, however, that the law of conquest is higher than the Constitution, and that we may, under that law, exercise over these States the rights of conquerors and dictate to them such terms as we please. I have at previous stages of this discussion, or of the discussion of this general subject, so fully expressed my opinion upon this point, and my reasons for it, that I will not enter into that argument again. In my judgment the war just closed was a war against rebellion. I hold that while it crushed the rebellion it did not impair, to any degree or extent, the validity, force, or binding authority of the Constitution of the United States, or the rights, duties, or obligations of the States under that Constitution. On the contrary, it reaffirmed and reestablished the authority of the Constitution in all its fullness over all the States and over every department of the Government of the United States. That Constitution is to-day for us, for Congress, for the President, for every State, and for every Legislature and for every court in every State, the "supreme law of the land." We have crushed the rebellion which disputed its sovereign authority, but we thereby only confirmed and reestablished its supremacy. We have achieved no conquest over that, and no law of conquest touches that in any particular. We are bound by its provisions, we are restricted by its prohibitions, now precisely as we were before the war.

I am told, furthermore, that the law of necessity requires us to impose these conditions upon the admission of representatives from the States lately in insurrection, and that the law of necessity supersedes all other laws. Certainly not the law of military necessity. No one pretends that any military necessity now exists. I am not prepared to concede that we have ever set aside the Constitution of the United States, even under the military necessity which the war was supposed to create. In my judgment the Constitution furnished us with power to carry the country through the war; and we have not violated its provisions; we have exercised no power not included within its permissions, even in the contest from which we have just emerged. But the war is over. Military necessity no longer exists. Is it, then, a matter of political necessity that we should exercise the power asserted in this bill? I am told that unless we do the South will gain by votes what it lost by arms. The joint committee of fifteen, in their report, assert that if members from the southern States be admitted into Congress the rebels will gain by votes on its floor, by legislative action, by taking part in the Government, what they lost on the field of battle.

Now, sir, I will not stop to remind Congress of what Congress seems much disposed to forget, that this is a Government of the people; that the people of the whole country and all the States of the Union are not only entitled but are bound by solemn obligations to take part in that Government; and that whatever the people gain by votes they gain legitimately and in accordance both with the Constitution and the principles that lie at the foundation of our Government. But, not dwelling upon this point, I deny the existence of any such danger. The apprehension is plausible perhaps. Judging from the past we may naturally fear that the political action of the South may again be hostile to the Government, but a very little reflection will show how small is the peril which is thus involved.

There was a time when there was reason to fear the ascendancy of the South in the government of the nation. There was a time when the South, as a separate section with in-

stitutions hostile to the general good, seemed likely to grasp the sovereignty of the nation and wield it with exclusive regard to its own ambition and its own interest. That time of real danger was when the Missouri compromise was repealed, and Kansas was likely to come into the Union as a slave State. If she had thus come in the number of free and slave States would have been equal. But then the South had elements of political power which made her formidable. She had wealth. She monopolized the best cotton of the world. Her cotton, sugar, rice, and tobacco swelled the vast volume of our commerce and regulated our exchanges with Europe. She had for political leaders men of great intellects, of iron will, of towering ambition, men fit to struggle for empire, and able to infuse their own bold and audacious tempers into the great mass of the southern people over whom their influence was absolute and unbounded. She had a numerous population, active, aspiring, and bold—a generation of young men trained in the school of Calhoun and McDuffie, nursed in the doctrine of State rights and State sovereignty, taught to believe in the right of secession, and educated in the faith that the South was the victim of northern tyranny.

The South had the institution of slavery, an institution powerful beyond conception, as a bond of union to the southern States. Menaced and assailed by the North, threatened with destruction from every quarter, obnoxious to the moral sentiment of the civilized world, slavery gave the South, as a political power, unity of action, compactness, force, energy, and influence in the national councils such as no other single instrumentality ever gave to any section of this country from the beginning of its history. It gave her, too, an alliance with the Democratic party of the northern States, a party powerful always by its traditions and its popular sympathies; powerful by the great men who had distinguished and controlled it; by what it had done and by what it had attempted. Slavery enabled the South to make an alliance offensive and defensive with this Democratic party of the northern States, and the two together wielded the power of the nation for a long series of years, and but for the overweening ambition of slavery would have continued to wield it for many years to come. Then, indeed, the southern States were formidable; then we had reason to fear their permanent ascendancy; the country felt the danger, and the people came up to the rescue. It was then, when that danger became imminent, when it pressed itself upon the feelings, attention, and fears of the whole nation; it was then the Republican party was formed and checked this aggression upon the freedom and liberties of the Republic. That party was formed in 1856, and it fulfilled its mission; it triumphed and checked the aggression of slavery. It turned back in its career of triumph, not only the institution of slavery, but the Democratic party, which had become its ally. It relieved the nation from the exacting sway which had been fastened upon it, and restored our country to the position where it could again exercise the rights of a free and independent people.

How is it at the present time? Has the South this power now? Suppose we assume that the old division still exists, that there are still two political sections in our country, one slave, the other free, still struggling for ascendancy; what are their relative numbers and strength? The South has been diminishing, while the North has been increasing. New States have been added to the North year by year, until now, while the southern States—while the slave States, if you choose so to designate them still—the former slave States, even counting among them Maryland, Kentucky, and Delaware, number but fourteen, the free States number twenty-two. In 1850, after California had been admitted, the free States were sixteen and the slave States fifteen in number. If this old division still existed, the slave States would have twenty-eight members of the United States Sen-

ate, while we of the North would have forty-four. In this House they would have seventy-three, while we should have one hundred and sixty-nine. Thus we should have more than two to one in this branch of the national Legislature. But I am told the South is to have an augmented strength here in consequence of an increased representation growing out of the emancipation of the slaves in the southern States. Well, sir, this is worth consideration. I am very glad that we have adopted a constitutional amendment which will remedy that inequality; for it is unquestionably an inequality, though it is one that has existed from the very foundation of our Government. But, sir, the southern States previous to the war had four million slaves, three fifths of whom were represented on this floor; that is to say, they were entitled to the full representation of their white population and of two million four hundred thousand more. The slaves of the South thus gave the South twenty additional members, taking one hundred and twenty thousand as the ratio of representation. How is it now? I take it to be universally admitted that the war has proved far more fatal to the colored population of the southern States than to the whites. The testimony of all who are familiar with the statistics of mortality during the war is to the effect that at least one fifth of the negroes of the southern States have perished during the rebellion. Many of those most familiar with the subject estimate the ratio at a still higher figure. General Grant, I believe, thinks that one fourth of all the negroes who were in the South at the opening of the war have perished. Governor Aiken, of South Carolina, testifies, from his personal knowledge, that of his own slaves, who were probably as well treated and as much protected as any portion of the southern people, more than one fourth have perished during the struggle from which the nation has just emerged; and Jefferson Davis, I see from the public prints, concedes that one million of the slaves, one fourth of the whole, have probably disappeared. I think it, therefore, a reasonable estimate to assume that one fifth of the four million slaves who were in the South when the war broke out are there no longer. This would leave three million two hundred thousand as the present aggregate of the freed slaves of the southern States, and they are to be represented man for man if this amendment to the Constitution be not adopted. That will give them, at the same ratio of representation, as any gentleman will ascertain by making the calculation, twenty-six members, where they before had twenty. The number of their Representatives, therefore, from this single source of power, is to be increased by the addition of precisely six. They will have six more members on this floor than they would have had if all their slaves had lived, and the three fifths ratio of representation had been preserved.

I do not think, sir, that this is very formidable. I do not think we need apprehend that, by the addition of those six members, the southern States will gain by votes what they have lost by arms. We must consider, too, that they have lost, by deaths among their white population, almost as largely—far more largely in proportion than the North. Their wealth has disappeared. They are utterly without resources. There is not a dollar in their treasuries. They have not a gun nor a bayonet nor a round of ammunition from one extremity of their land to the other. They have none of the elements of aggression. They have no power to make themselves formidable. They have lost all political influence and standing. Their leaders, who gave direction and power to their political councils, have disappeared before the breath of the terrible whirlwind which they themselves evoked. Their young men, who, trained in the school of secession, were ready and ripe for the contest, lie beneath the soil which they deluged with blood. Slavery, the great bond which kept them together, has disappeared before the same dreadful tempest. They have no longer that great bond and

pledge of united action. Their industry is utterly disorganized; their lands lie waste and untilled; their railroads are torn up; the waters of their rivers overflow their lands and destroy the crops which alone can give them even the means of living. There is no longer reason or justice in speaking of the South as a section; as having separate interests or separate aspirations or the power to act as a unit for any special end. That which gave it power to act compactly has disappeared. It has lost, too, the power of allying itself with any party in the northern States, for in losing its unity it has lost everything that made such an alliance desirable or possible. And even if it should attempt such a union for purposes hostile to the general good, no party in the North would dare for a moment to give it countenance or support; for the moment that any party of the North should unite with those of the South who should aim at such a thing, that party would go down before the wrath of the northern people, as every party has done hitherto that lent its aid to designs hostile to the liberties of the Republic.

Now, sir, while they in that section are thus losing power constantly, having no resources from which to supply it, we of the North, on the contrary, are constantly augmenting our power by the growth of population; by immigration from the countries of the Old World; by augmenting wealth; by increasing activity and enterprise; by advancing culture; by everything that gives dignity and force and power to great communities of men. State after State comes into this Union, every one free and associated in sentiment, sympathy, and interest with the northern section of this great nation. Shall we, then, to-day fear the South? We have never feared it before. We did not fear it in the days of its power. We met it when the danger was imminent and apparent. We beat it here on this floor when it was ten times as powerful as it can be again within the next fifty years. And when, full of rage and unholy ambition, it fled discomfited from this Hall and rushed to the field of battle, we beat it there. Yet gentlemen stand here to-day saying that unless we have "guarantees" the existence of the nation will again be imperiled and the traitors and rebels of the South will "gain by votes what they failed to secure by arms!"

Sir, I cannot help feeling that this appeal to the fears of the nation savors somewhat of pusillanimity. I would far rather, sir, look in other quarters for the motives that are to guide my action. I sympathize rather with John Quincy Adams when years ago he replied to appeals of a kindred nature, "The Government of the United States never takes counsel of its fears; it consults only its courage and its hopes." Why may we not to-day take the same high ground, do what we deem to be wise and just and for the good of the nation, without being deterred by the paltry appeals—I will not call them paltry, for their motive may be good—by the unjust, the unfounded appeals which are made to our apprehensions lest we should lose that authority and control which we have never failed to hold when it was a question of votes, and which we have gathered again to ourselves and fastened here forever by the final appeal of differing nations, the field of battle?

The South gain what it has lost by arms! What did it seek by its appeal to arms? Its independence. It sought to overthrow the supremacy of the Government. Is it seeking that now? Is there any reason to suppose that the southern people dream of seeking it again? And is there the faintest shadow of discernible danger that, if they should seek it, they could ever under any circumstances accomplish it? Does any man here or elsewhere believe they can ever again make an appeal to arms, that they can ever again attempt to overthrow this Government under circumstances one half as favorable as those which surrounded the trial which has just been closed? They grow in strength, you say; they increase in wealth and population. Ay, sir, and for every step they

take in that direction we stride leagues ahead of them. Moreover, sir, this fear, this appeal to apprehension, rests wholly on the assumption that if their Representatives do come again into these Halls they will come as rebels. We are constantly told that "the rebels" are seeking admission to Congress, and there is very great danger of their getting admission here, and then by alliance with other parties, seizing the power and wielding it against the public good; and the only way to prevent this catastrophe is to pass this bill for their exclusion. But, sir, the remedy is as futile as the apprehension is unfounded.

Every one knows that Congress can exclude them without this bill just as well as with it. This bill, if it becomes a law, can have no validity, no binding force. The Constitution gives to this House the right—absolute, unqualified—to admit all members whom it may judge to be duly elected, returned, and qualified. Pass this bill to-day, you may to-morrow, in spite of it, admit Representatives from every southern State if you see fit. The next Congress may repeal it as soon as it gets here. It is *brutum fulmen*. No man on this floor will contend that it will interfere with or obstruct the action of Congress one hour beyond the wish and will of Congress upon this subject of admitting members to seats upon this floor. Then what good can it possibly accomplish?

Another thing, sir. I know of none, except possibly the gentlemen who sit on the other political side of this House, who desire or would be willing to admit to seats here men who have been engaged in the rebellion. I do not know that our political opponents would desire this, though there is perhaps some reason for supposing that they hold the opinion that men should not be questioned as to their past conduct, but that they should be admitted to seats if they are loyal now. But whether this be so or not, I know no one else; I know no one who professes to belong to the Union party; I know no member of the political majority upon this floor who is in favor of admitting to a share of legislation here any man from any State who cannot take the test oath we have prescribed. That certainly is our position. And just as certainly is it the position of the President of the United States. It is common to attribute to him opinions on this point which seem to me wholly unwarranted. Both on this floor and through the public press it is asserted that his policy is to admit members from the southern States whether they can take the test oath we have prescribed or not. The President has neither said nor done anything to give a shadow or warrant for such assumptions. In all the language he has used he has always held that it was the absolute right of each House of Congress to judge of the qualifications of its members, to adopt such tests of loyalty as it chooses, and to exclude from its deliberations every man who cannot stand that test as disqualified.

Mr. WINFIELD. My colleague will allow me to ask him a question.

Mr. RAYMOND. Certainly.

Mr. WINFIELD. I ask my colleague whether he says there is any desire on this side of the House to introduce rebels upon this floor.

Mr. RAYMOND. I made no such assertion.

Mr. WINFIELD. I understood the gentleman to say that there are some reasons why he suspected a design of that kind. I had hoped that my colleague would go off the floor without a fling at this side.

Mr. RAYMOND. I did not intend to make any "fling," nor to attribute any improper designs to the opposite side of the House. I inferred that they might be less rigid than this side in judging of qualifications as based on past acts, because I was under the impression that they were not in favor of the test oath. Unless I am very much mistaken, gentlemen on the other side voted against it, and some of them, I am sure, favor its abolition. Does not that warrant me in saying or suspecting

that they hold to the right of those States to be represented by any men they may send here? I am sure I did not travel beyond the record in what I said, nor did I mean to indulge in any sneer or fling. I trust I can discuss questions of this sort without descending to appeals of that kind; but if gentlemen on the other side, who are authorized to speak for the Democratic party, whether it be the gentleman from Maryland [Mr. HARRIS] or the gentleman from Ohio [Mr. LE BLOND] or the gentleman from Wisconsin [Mr. ELDRIDGE] or any other, will say that they are in favor of maintaining the principle of that test oath and of excluding from this House every one who took any part voluntarily in the rebellion, I shall listen to them with very great pleasure.

Mr. ELDRIDGE. Mr. Speaker, does the gentleman from New York hold that because—

Mr. RAYMOND. I yield only for an answer; not for the purpose of being catechised.

Mr. ELDRIDGE. I did not intend to catechise.

Mr. RAYMOND. If the gentleman has anything to say pertinent to the question I have put, I will yield.

Mr. ELDRIDGE. I desire simply to say this: that because a person may be opposed to the test oath is not a reason in itself that he desires to have rebels on this floor. Supposing the Supreme Court, as it is intimated they have, should have come to the conclusion that the test oath, as it is called, is unconstitutional and void; is that evidence to this House or to the country or to the gentleman from New York that they desire to admit rebels on the floor of Congress? If that oath is in violation of the Constitution, and gentlemen on this side or that side see fit to oppose it on that ground, is that of itself any evidence that they desire to have rebels admitted to the floor of Congress? It seems to me not, and I therefore think the gentleman's argument is not sound or just, that even if individuals here are opposed to the test oath upon constitutional or other grounds, it is any evidence that they are in alliance with rebels or desire to ally themselves with them upon this floor or anywhere else.

Mr. RAYMOND. I have listened with attention to the argument of the gentleman. I shall allow it to pass without any attempt at reply, because I am not engaged in that particular discussion now. But I wish to ask him a question pertinent to the issue he has made, and shall be obliged if he will answer it. Is he personally, and so far as he knows are the members of the party with which he acts, in favor of admitting members who may come here from the States lately in insurrection, who voluntarily took part in the rebellion; or would he or they consider that fact as a disqualification for holding seats here?

Mr. ELDRIDGE. I am not authorized to speak for those around me on this side of the House, but I have been willing to act with that gentleman, and I believe a majority of the Democrats here have been willing to act with him, in admitting the Representatives from the States by districts, considering their character as they present themselves and the character of their constituency. I believe that to be the feeling and opinion on this side of the House, so far as I have heard it expressed. In regard to the test oath, I frankly admit that I am as an individual in favor of its repeal, believing it to be unconstitutional and void.

Mr. RAYMOND. The gentleman has given quite as an explicit an answer as I expected from him.

Mr. MARSHALL. If the gentleman will yield—

Mr. RAYMOND. I do not yield at present. Mr. MARSHALL. I appeal to him to yield.

Mr. RAYMOND. Not yet. The gentleman from Wisconsin says that he is willing to act with me; but the question is, how far? I know that up to a certain point he is. For example, he is willing to act with me in favor of admitting Representatives by districts. Now, I want to

know this: suppose a man presents himself here from a district in Tennessee, Georgia, Mississippi, or South Carolina, and is tested by this House as to his qualifications, and he is asked the question, under oath, "Did you take part in the rebellion; did you extend aid and comfort to it; did you make yourself by your voluntary action a responsible party to the rebellion?" and he says, "Yes, I did;" now, I would like to know if, assuming that in all other respects he is qualified to be a member here, the gentleman would vote for his admission or for his exclusion?

Mr. ELDRIDGE. I will say for myself—and I hold no other man responsible for what I do say—that if any gentleman comes here elected by the people of any district of any southern State and has the requisite personal constitutional qualifications, I shall vote for his admission if I have the opportunity.

Mr. RAYMOND. Well, sir, the gentleman will excuse me for saying that that is an entire evasion of my question.

Mr. ELDRIDGE. Will the gentleman allow me to ask him if he would vote for the admission of any one coming from the southern States who has not the constitutional qualification as a member of Congress?

Mr. RAYMOND. I would not.

Mr. ELDRIDGE. Then I would say to the gentleman more explicitly, that I would not either; but should any one come here having the qualifications which are required by the Constitution of the United States, (and I know no other test and would apply none other,) I would vote for his admission.

Mr. RAYMOND. The gentleman has not at all answered my question, and he is aware, I think, of that fact. Perhaps he did not intend or wish to answer it. If so I will not press it. But assuming that he has been trying to answer it, and has been unfortunate in his attempts, I again request him to say whether he would vote for the admission or exclusion of a member who had taken part in the rebellion, but who was in all other respects qualified.

Mr. ELDRIDGE. I think I have answered the gentleman in the only manner it is possible. I can go on and state what qualifications a member should have. They are those prescribed in the Constitution and laws of the country. That test I would apply, and none other.

Mr. RAYMOND. The question is not what qualifications a man must have, but what, in the judgment of the gentleman, would disqualify a man from admission; whether the fact of having voluntarily participated in the rebellion would or would not, in his judgment, disqualify such a man from becoming a member of this Congress.

Mr. ELDRIDGE. If there is any constitutional authority to exclude him, then I would vote against his admission. If he has violated the laws of the country or the Constitution of the United States so far as to unfit him to be a Representative according to the Constitution and laws of the United States, then I would vote against him.

Mr. RAYMOND. Will the gentleman allow me to proceed a little further? Does the gentleman, or does he not, hold that voluntary participation in the rebellion is such a violation of the Constitution of the United States as would disqualify a man from membership?

Mr. ELDRIDGE. I believe when a man has become infamous by the conviction of crime, that that does disqualify him unless he should have been fully and unconditionally pardoned.

Mr. RAYMOND. Then unless a man has been convicted by a court and jury of participation in the rebellion, the gentleman would not hold him disqualified. Is that his position?

Mr. ELDRIDGE. I do not answer in that way. I answer that would be good evidence that he was unfit.

Mr. RAYMOND. His conviction?

Mr. ELDRIDGE. Yes, sir.

Mr. RAYMOND. Suppose he was not convicted, but was known to the gentleman to have been a rebel.

Mr. ELDRIDGE. If it was testified to by some of the men on this floor, with the malignant spirit they have manifested here, I would not believe it. I think it should be properly proved to the House.

Mr. RAYMOND. Well, sir, as the gentleman evidently evades the question, I waive it. It is perhaps of little consequence. My own position upon that point—I will not say it is the opinion of the majority of this House, because I believe there is a difference of opinion among them upon that subject—but my own position and the position of the President, as I know from his public declaration, is this: that each House of Congress has the right to judge of the qualifications of the men who present themselves for seats as members. I do not mean that it has the right to dictate what those qualifications shall be; but it has the right to judge whether those men have the qualifications which are required by the Constitution of the United States. That right is absolute and exclusive, and is expressly conferred upon this House by the Constitution of the United States.

Now, sir, one of the qualifications absolutely requisite is loyalty; loyalty is an indispensable qualification to membership in this House. It is competent, nay it is necessary, for this House, therefore, to inquire whether a man is loyal or not before it admits him to membership. And it may inquire in any way that it sees fit, by prescribing a test oath or by taking testimony as to the fact. Now, sir, I hold that when a man presents himself here, submitting to that test, and is found qualified by that investigation, if he can take the oath we have prescribed, if he can abide any test of loyalty we may impose, then it is our duty to admit him if duly elected and returned to his seat in Congress. We have no right to say that his State, assuming that State to be in a loyal attitude, shall not have representation, and therefore to exclude him. We have no right to say that his State, though in a loyal attitude, though sustaining relations of true allegiance to the General Government, shall not be represented in the General Government except upon certain conditions, unless and until she passes certain laws and performs certain acts which we prescribe, and on that account to exclude him. We must exclude him, if we exclude him at all, because we deem him "disqualified." And while this is our duty, I hold it also to be for our interest, the interest of Congress and of the country. I believe it to be the true way to deal with this whole question, for by so doing we shall draw a line of clear and marked distinction between the loyal and disloyal men of the southern States; and we shall give an example, moreover, to those who remain disloyal as to what they must do to obtain admission here.

Mr. MARSHALL. Mr. Speaker, the gentleman—

Mr. RAYMOND. I decline to yield at present. I hold that it is not only our duty but our interest to admit loyal members from the southern States.

Mr. MARSHALL. Mr. Speaker—

Mr. RAYMOND. I decline to yield.

Mr. MARSHALL. I wish to say that the course of the gentleman is unfair to this side of the House.

Mr. RAYMOND. I submit to the gentleman from Illinois [Mr. MARSHALL] that it is a matter of personal discourtesy to persist in breaking in upon the argument of a member upon the floor when he has distinctly declared that he does not desire to be interrupted.

Mr. MARSHALL. Well, I repeat that the course of the gentleman—

[Cries of "Order!" "Order!"]

Mr. RAYMOND. I hold that it is our duty to set an example in this respect; to admit those who are qualified, if any, and to refuse to admit those who are disqualified, if any such present themselves. Suppose, for example, that two men present themselves here for admission, the one from Tennessee the other from Georgia. I name those States merely for illustration. One can take the oath we prescribe,

the other cannot; the one presents himself from a State which stands in a loyal attitude and holds loyal relations to the Government, the other does not. Now, if we admit the one and exclude the other, we thereby declare what our purpose is and the principle upon which we act much more loudly and emphatically than we can possibly do in any other way.

Now that, I think, is what we should do. I have held from the beginning of the session that we should admit the members from Tennessee, because they are entirely loyal and can abide our test. They have had nothing to do with the rebellion, but have been thoroughly and actively loyal from the beginning of the war. And the testimony submitted to this House by the committee on reconstruction on the subject of Tennessee sustains the position I have taken as to the effect of such action. I will not detain the House by reading it, but I will state as the fact, which I can verify if desired by reference to the testimony, that every single witness who was examined by that committee, on being asked what in his opinion would be the effect of admitting members who were qualified and could take the oath, answered without hesitation that it would have a good effect, that it would encourage loyalty and discourage disloyalty, not only in Tennessee, but throughout the southern States. I think we ought to do that now; I think we ought to have done it at the beginning of the session, and the sooner we can repair our fault the better.

Now that I have finished what I had to say upon that particular point, I will with great pleasure listen to the gentleman from Illinois, [Mr. MARSHALL.]

Mr. MARSHALL. I certainly intended no discourtesy to the gentleman from New York [Mr. RAYMOND] when I interrupted him a few moments since. A short time before that he had intimated that he had reason to believe that members on this side of the House were in favor of admitting rebels to seats on this floor as members of the House; and he said that he would permit any gentleman on this side to make his own statement upon that point. It was only in reply to that that I wished to call his attention, and that of the House, to the fact that some time ago, in a colloquy between one of my colleagues [Mr. KUYKENDALL] and myself, I said that I would not under any circumstances vote to admit any man to a seat on this floor whom I knew to be disloyal to the Government and to the Constitution; that I would not, for instance, vote to admit such men as Jefferson Davis, John C. Breckinridge, or any man who had deliberately aided in precipitating our country into all the horrors of civil war. I do not think that such men have rightfully any place here. I do not think that there is any gentleman on this side of the House who thinks or has been disposed to urge that any one should be admitted here at this time except those who can come here and conscientiously take the oath prescribed by the law as it now stands. We expect, of course, all to be governed by that as long as it remains on the statute-book as part of the law of the land.

We have held it to be an outrage to exclude men who were loyal to the Government, have risked their lives and all that is dear to them in the cause of the Union, and can take the oath prescribed by law, from seats upon this floor when they come here with evidence that they are elected as full and complete as that of any gentleman who has a seat here.

Now, in regard to the other point presented by the gentleman, I wish to say this: I do think, whether this test oath is held to be unconstitutional or not, that at some future time, and I hope at an early day, it will be proper, if not entirely to repeal, at least to modify that oath in such manner that if men who have been drawn into the rebellion, as thousands have been, but are now clearly shown to be true and honest men, faithful to the Union, loyal to the Constitution, and desiring and working for its preservation and perpetuity, when such men

come here representing constituencies which are loyal, whatever may have been their errors in the past, if they come now with clean hands and loyal hearts, that they may be admitted to seats upon this floor. And I do not think that we should commit ourselves to the eternal disfranchisement of such men. It would be violative of every principle of sound statesmanship to do so. That, sir, is my position. I give it for no one else. I do not insist, nor do I think any member on this side of the House insists at this time, that any one has the right to come here and demand admission as a member of this House who does not come according to the law as it stands upon the statute-book. When they do so come, with all the qualifications prescribed by law, I say that it is an outrage upon their rights and a violation of every principle of justice and of the Constitution we have sworn to support to exclude them from seats upon this floor, to which, as I believe, they are as much entitled as the gentleman from New York or myself.

Mr. RAYMOND. I have nothing to say against that position. I share the gentleman's hopes and to a considerable extent the opinions he has just expressed. I have at all times been ready and willing to admit the fact, and I have considered it a matter upon which we may congratulate the country, that a considerable portion, at all events, of those who act with the Democratic party, have shown a disposition to be just and fair in their action upon this question. I will not enter upon any consideration of exceptions to this if any could be found. I am glad to see members of the Democratic party upon this floor and elsewhere giving the Administration their support in what I believe to be a just and proper way of healing the wounds of war and adjusting the difficulties which still divide one section in sentiment and in political action from the other.

I desire now to resume the line of my argument; and I advertise gentlemen in season, so that they may reflect upon the propriety of granting or refusing my request, that I shall be under the necessity of asking for an extension of my time. My opposition to this bill rests mainly upon this fact, that it prescribes conditions precedent to the admission of Representatives here which we have no right to prescribe under the Constitution of the United States. The bill asserts, as the principle on which it rests—it establishes as a principle and precedent this position—that Congress may, in its discretion, exclude any State from being represented, for a longer or shorter time, until that State shall comply with such conditions as Congress itself may dictate. That, sir, perhaps, may be deemed a broad statement of the general principle involved in this bill, but I see not how it can be narrowed in justice to the bill itself. We say to these States lately in insurrection, not, you must resume your attitude of loyalty; not, you must obey the laws and support the Constitution of the United States; not, you must send men here who have not been traitors; no, sir, we say to those States, recognizing them all the time as States, you shall not have Representatives upon this floor until you pass certain acts, until you do certain things, until you ratify certain amendments to the Constitution and embody the principles of those amendments in your own constitutions and laws. Now, sir, we are not acting in this matter for ourselves alone; we are not acting with especial reference to this particular year of our history; we are acting for posterity; we are laying down principles of which our successors may hereafter avail themselves. We prescribe certain conditions, dictate certain acts as the conditions precedent of representation. If we may prescribe these, we may prescribe others. We assert our own discretion as the only rule of our action in this respect.

Now, assume for a moment that your fears prove just, and that rebels and rebel sympathizers take possession of Congress within one, three, or five years from the present time. I say the very principle you establish by the enactment of this bill may be cited by them as a precedent,

if they wish to take such action, for declaring to Massachusetts, Vermont, and New York that their Representatives shall not be admitted until those States shall pass acts which that Congress may prescribe.

Mr. BOUTWELL. Does the gentleman from New York mean to say that South Carolina and New York stand on the same footing in this respect?

Mr. RAYMOND. I see no difference in principle, none at all. You deny to South Carolina to-day the right to representation upon this floor because she has been in rebellion. What is to hinder the next Congress, if it should be of a different complexion, from denying the right to Massachusetts because she has not been in rebellion?

Mr. BOUTWELL. Allow me a word.

Mr. RAYMOND. Excuse me a moment. If the House is willing to extend my time I will yield cheerfully; otherwise I must proceed.

Several MEMBERS. Oh, we will extend your time.

Mr. RAYMOND. Then I yield to the gentleman.

Mr. BOUTWELL. I merely want to say that there are some things so apparent that they do not need argument, and one of them is the difference between a State that has been in rebellion and a State that has not been in rebellion. No argument is required to show that the judgment of the country may wisely take precautions against people who have been in rebellion. It would be a monstrous usurpation, which nobody could support, for those who have been in rebellion to undertake to exercise the same rights as those who had not been in rebellion.

[Here the hammer fell.]

Mr. BINGHAM obtained the floor and said: I have no desire to cut off the gentleman from New York from an opportunity of concluding his speech. I hope it will be the pleasure of the House to extend his time, and I ask that it be extended.

Mr. WENTWORTH. If he will only let the gentlemen on the opposite side of the House speak out, he shall have the whole afternoon.

There being no objection made, Mr. RAYMOND's time was extended.

Mr. RAYMOND. I have no objection to a colloquy of that kind. I think it perhaps the best way to get at the truth. I am indebted to the House for its courtesy, though I am very much afraid I shall abuse it.

The gentleman from Massachusetts endeavors to escape from the specific point I made by taking refuge in general sentiments and declarations. He says there is such a difference between a State that has been and one that has not been in rebellion as to preclude all argument on the subject. He would draw the inference that we have a right to do with the one what we please, while with the other we can do only what the Constitution prescribes. I say that, while wide differences do unquestionably exist between them in very many most important respects, in their relations to the Constitution and in our relations to them under the Constitution they stand on exactly the same footing. I say that the powers conferred upon us under the Constitution with reference to one State must be exercised with regard to any other State, and that no other powers can be exercised rightfully, justly, and in accordance with the Constitution of the United States. I take issue, though I do not care to argue the question, with those who take refuge in the fact that a State has done wrong, has been in rebellion, has waged war upon the Government, as an excuse or as a reason for violating the Constitution themselves in dealing with that State. We are acting under an oath to obey, defend, and protect the Constitution of the United States. I will not judge the consciences of other men; but I do not feel at liberty to do anything toward South Carolina and Georgia which the Constitution does not authorize me to do toward other States in the Union—I mean by denying them rights in the Government which the Constitution in express terms confers upon them.

I admit that we have a right to take precautions and to secure ourselves against future rebellion; but we must do it in accordance with the Constitution. We cannot claim unlimited discretion. And my great objection to this bill is, that it establishes a principle, so far as our action can establish a principle, of which those holding secession principles, or principles opposite to us, may avail themselves to deal with us as we now propose to deal with them. There have been times in the history of the country when, if such a principle as this had been established by the previous action of Congress, the men in power would have applied it to Massachusetts, and you would have found men here, with all the power of the Government at their command, ready to deprive Massachusetts of representation upon this floor because that State did not and would not enforce the fugitive slave law.

Mr. BOUTWELL. The difference between the gentleman from New York and myself, undoubtedly, is that I do not admit that these eleven once States are for the present purposes of government to be recognized as States. The gentleman from New York in all his argument proceeds upon the idea that they are States clothed with full powers. Now, then, I ask him how he is to reconcile to himself, to his country, and to posterity the policy which he has supported, and which the President has inaugurated and maintained for the last twelve months, of dictating to South Carolina and other States terms and conditions precedent to their admission or to his recognition of their right to take part in the government of the country. I say that it would be the duty of the gentleman from New York—a duty from which I, myself, would not shrink, if I believed that South Carolina and Florida were States of this Union with all the same powers as Massachusetts and New York—to arraign the President of the United States for sending to those States such letters and telegrams as he has dispatched from time to time. I can excuse him only on the ground that they were not States of the Union with full powers, and that he dealt with them, outside of the Constitution to be sure, but in the extraordinary circumstances the country was placed, according to his own judgment, and that so far as he went in dictating to them terms and conditions, he did it; and that is all that Congress proposes to do. The power to be exercised is to be exercised not by the executive and judicial departments of the Government, but by the political department of the Government, Congress and the Executive combined.

Now, if it was right for the President twelve months ago to say that South Carolina and Florida would not be recognized by him unless they subjected themselves to certain rules and conditions prescribed by him, it is now right and proper for Congress and the President to prescribe other conditions.

Mr. RAYMOND. The gentleman from Massachusetts is a skillful strategist; he attempted to escape the point of my remarks first by taking refuge in generalities. Failing in that, he now seeks to divert my attention and that of the House from the point in issue by an attack upon the President.

Mr. BOUTWELL. I made no attack upon the President.

Mr. RAYMOND. Well, by raising an issue as to the policy of the President. I do not propose to follow him in that line of remark. It is not at all germane to this point. I should not hesitate, at the proper time, however, to assert that, in my opinion, the action of the President has been just and within the exercise of his constitutional authority from the beginning to the end, and to maintain that opinion by such arguments as I might. But at present I waive that. I think the gentleman states correctly the difference between himself and me. He says that I consider these States as States of the Union—as under the Constitution, entitled to the protection which it secures, and bound by all the obligations and duties which are imposed and guaranteed

by its provisions. In that he is quite correct. I do so hold. He says he does not. Well, sir, I do not propose, at present, to argue the issue thus raised. I have argued it heretofore at greater length, I am afraid, than the patience of the House warranted me in doing. But I will merely say that the gentleman by this position comes in direct collision with the bill before the House.

Mr. BOUTWELL. I do not support the bill.

Mr. RAYMOND. Then, sir, I cannot press him upon that point. The gentleman is consistent. The bill recognizes these as States; it speaks of them in the title and in every section as "the States lately in insurrection." However, as the gentleman says he is not going to support the bill, I cannot hold him to that, and we must be content to differ. I believe these to be States in the Union. I believe that we have no right to treat them otherwise than as the Constitution warrants and authorizes us to treat them. In my judgment it does not warrant us in saying to them, "You must do certain things which we prescribe; you must ratify certain amendments to the Constitution and pass certain laws which we desire you to pass, or your Representatives shall not be admitted to this floor." I believe that principle strikes at the very foundation of our Government. For if there is anything fundamental in our Government it is the right, the absolute right of representation. Directly or indirectly it belongs to every State, and to all the people of every State. I cannot find any shadow of right for denying it, or for making it conditional, dependent upon their compliance with terms which we prescribe. Why, sir, it was out of the denial of that right that our independence grew. The great men who in the English Parliament vindicated the position of this country, and claimed in Parliament that we were right in our rebellion, based that opinion expressly upon the ground that the right of representation was denied to us, while we were subject to laws in the making of which we had no share. But I will not pursue that further. Mr. Burke declared this right to be the characteristic mark and badge of British freedom, and on the night when Parliament recognized our independence the Earl of Shelburne proclaimed that it had been won in vindication of a right which no free nation ever denied—the right of representation in the making of laws we are required to obey.

Mr. KELLEY. Will the gentleman from New York [Mr. RAYMOND] allow me for a moment?

Mr. RAYMOND. I prefer not to yield now. I think these general principles will be admitted by nearly every one. I know that men are apt to think these principles may be waived or relaxed a little to suit particular emergencies. Surely, they are apt to say, no harm will come from a slight irregularity of action. True, the Constitution does not warrant this. But this is a peculiar state of things. The people are expecting something, and we must give them something of this kind. Now, I have never yet seen the time when I believed the people expected anything that was not just and right, or that they were ever inclined to exact any action not in consonance with the Constitution of the United States. But so many men have favorite theories of their own; every man has some peculiar ideas of what a Government should be, and he thinks that the political chaos which succeeds the war affords an opportunity for getting his ideas embodied in the Constitution, and thus make this the model Government he would have it.

I have never heard this general aspiration expressed more tersely or more frankly than it was by the gentleman from Pennsylvania, [Mr. STEVENS,] not now in his seat, in the remarks he made the other day in concluding the debate upon the proposed amendment to the Constitution. He then used the following language:

"In my youth, in my manhood, in my old age, I had fondly dreamed that when any fortunate chance

should have broken up for awhile the foundation of our institutions, and released us from obligations the most tyrannical that ever man imposed in the name of freedom, that the intelligent, pure, and just men of this Republic, true to their professions and their consciences, would have so remodeled all our institutions as to have freed them from every vestige of human oppression, of inequality of rights, of the recognized degradation of the poor, and the superior caste of the rich. In short, that no distinction would be tolerated in this purified Republic but what arose from merit and conduct. This bright dream has vanished "like the baseless fabric of a vision." I find that we shall be obliged to be content with patching up the worst portions of the ancient edifice, and leaving it, in many of its parts, to be swept through by the tempests, the frosts, and the storms of despotism."

Now, sir, I take it there is scarcely a member on this floor who has not at some time or other indulged in dreams as high and hopeful as those thus expressed by the gentleman from Pennsylvania, [Mr. STEVENS.] But I do not think that many of us, or that many of the people of this country, would concur with him in recognizing in the war through which we have just passed that "fortunate chance" which he seems to consider it, fortunate because it "broke up the foundations of our Government" and gave theorists an opportunity to try their experiments upon it. No, sir, the people of this country look upon this war as a calamity, one of the direst and most dreadful that God in His providence could send upon any nation; not unattended with compensations, it is true, for that same Providence that presides over the destinies of the human race, "out of evil still educing good," has given us many compensations for the terrible evils with which this war has been accompanied. It has given us, above all things, the opportunity which perhaps nothing else could ever have given us, of purifying this Republic from what was always the chief blot upon its escutcheon, and always poisoned its sources of liberty and power—the system of human slavery. But still the war itself was a calamity, a dire disaster, and if it had really broken up the foundations of our Government, if it had shaken in the least that grand temple of liberty which our fathers reared, it would have been tenfold the disaster that it really was.

But, sir, it did not. That temple still stands in all its grand and splendid beauty. We have not to "patch up the worst portions of the ancient edifice;" it was only those parts of the structure, its original defects, that were shaken and shattered by the storm. Not one of its corner-stones has been displaced. Not a single one of the grand arches has been in the least disturbed. Its towers still stand firm as the foundations of human freedom on which they rest. Nor, sir, will the people of this land agree with the gentleman in denouncing the Constitution of the United States for imposing "obligations the most tyrannical that ever man imposed in the name of freedom." That Constitution was the work of the noblest, purest patriots that ever adorned the annals of any age. It has done more to establish free government, to preserve and perpetuate the principles of human freedom, than any instrument ever framed, or any form of government ever established by the hand of man. Those who framed it did not attempt impossibilities. They did not sacrifice real good within their reach to dreams of distant perfection that was beyond their reach. Doubtless they, like other men of lofty spirit and noble aspiration, had their visions, their high ideals of a pure and perfect commonwealth, but they were too wise and too practical in their wisdom to yield themselves to such false though fair illusions. Alas! sir, how often have such dreams as have beguiled the gentleman from Pennsylvania filled the hearts and disappointed the hopes of noble spirits in all ages of the world! Every nation has had experience of their futility. Cromwell, in England, aimed to establish a model republic, and under his mighty sway the grand soul of the sightless Milton beheld, in lofty vision, a commonwealth arise which should more than realize the hopes and aspirations of the noblest spirits of the ancient and the modern world. With unrestricted power he

forced reforms beyond the line where they could command the sympathy of the nation, and a reaction followed which, when Cromwell's head was beneath the sod, swept away the model republic which he had founded, and gave place to corruption such as England, in all her history, had never seen before.

The leaders of the French Revolution aspired to establish a model republic. They, too, had their visions and their dreams, brighter, brighter far, than the New Atlantis of Bacon or the Utopia of Sir Thomas More. Nowhere, sir, on the page of history or of literature will you find nobler sentiments, higher aspirations, grander reaches after political perfection than you will find in the writings of Robespierre, of St. Just, of Camille Desmoulins, and others among the great leading spirits of the French Revolution. They, too, aimed at the loftiest ideas of political perfection. Perfect justice, perfect truth, nothing short of absolute and entire perfection, was to bear unrestricted sway in the realm of their creation. Inequality of rights and of condition, all distinctions of rich and poor, were to disappear forever, and nothing was to have toleration for an hour but what arose from merit and conduct. But alas! sir, that bright dream, too, vanished "like the baseless fabric of a vision." That republic sank in a sea of blood, and out of that sea rose the red right hand of remorseless power which clutched all the rights of the people in its grasp and plunged France into a tyranny tenfold worse than she had ever felt before.

This, sir, is too often the sad consummation of attempts to enforce reforms upon an age and a people that are not ready for them. Model republics, noble and perfect commonwealths, where no wrong shall find toleration and no man lack justice, are the object of all good men's desires. But they are not let down by miracle from the vault of heaven. They spring not up like the prophet's gourd, in a single night, or if they do, like that prophet's gourd they wither and die with the first touch of the morning light. They come not on the heels of war. They can never be the birth of passion, they can only be the steady growth of time and the patient efforts of the good and wise. War may sweep away obstacles that obstruct their growth, as war with us has swept away human slavery, which is always and everywhere the foe of everything in character and society that is noble, just, and wise. And war may warm the soil swept by its bloody breath, so that seeds of reform shall the sooner spring up and ripen to maturity. We hear much said in glorification of men who are, in ideas and aspirations, in advance of their age. They are considered the prophets and the leaders of humanity; and so they are. But they are not the statesmen, the workmen, the leaders of their immediate time. They are not the practical men who bring to pass the glories they predict. I have found, sir, in my experience and observation, that, so far as practical results are concerned, it is just about as unwise for a man to be ahead of the age in which he lives as to be behind it. It is like a general marching a mile ahead of the brigade or the corps that he commands. He might just as well be a mile in its rear.

No, sir; to be useful to our age we must live with it, walk by its sides, sympathize with its wants, feel its necessities, bear its burdens, share its prejudices, or at least tolerate them, use the elements of power that belong to it, and not live in bright ideals of the future or dwell solely on the glories of the far advance. Work with the men of your day, and you will work to their best advantage, and will do all that man can do to secure and hasten the advent of that brighter time which is the goal and the guerdon of all our hopes. These reforms are growths, not mechanical creations. You cannot make a perfect Government as you would make a machine. Political institutions obey the laws of growth, and cannot be forced to follow any other laws. You must plant the seed and await its gradual ripening to maturity—"first the blade, then the

ear; after that the full corn in the ear." Let not the gentleman from Pennsylvania then despair of the advancement, the purification, and perfection of our Republic. He has borne his part in the grand strife by which its advent is made possible. His eyes, now dimmed with honorable age and with long watching for the day which he so longs to see, may not witness its full meridian; but they have seen its dawning; and he may rest assured that the work he has so well commenced will not be left undone.

But let him not be too impatient to force it on, or he may turn the dial backward and ruin all. As to the specific reforms of which we are speaking, I believe the day will soon come when there will be no distinction of rights, civil or political, on the ground of color. That distinction grew out of slavery. In the early days of the Republic, before slavery had become the gigantic power it afterward grew to be, there was no such distinction of color so far as suffrage was concerned. It was the fruit of slavery, and it received its death-blow when slavery perished. The abolition of slavery swept away the very foundation of that cruel prejudice, and just as soon as the public mind, the mind and thought of those most directly concerned in the solution of this question, comes to realize this fact and is left free to weigh its meaning, just so soon will the great reform begin. I have no doubt that the people of the southern States will find it to be greatly to their interest in due time, in a very short time unless diverted from its consideration by hostile pressure from without, to establish political suffrage and civil rights on other foundations than those of color, and to do all we think necessary to perfect our republican institutions.

But by pressing such reforms before the summer has prepared the soil, we simply insure their being nipped by untimely frosts. By forcing them upon the people of other States, in advance of that public sentiment by which they can be sustained, we provoke hostilities which will outlive their cause and postpone for years, perhaps for generations, the very reforms we seek to promote. They must spring from another soil and be cherished by other culture. They must come from culture of the public conscience, from education, from experience of life, and that wise regard for the rights of others which the full and free enjoyment of our own never fails to teach. It is, and always must be, for the interest, the peace, the comfort, the prosperity, the safety, even, of the people in the southern States to give to all who live in the midst of their society all the rights and privileges to which, by virtue of their common humanity, they are entitled. We may safely trust to the influence of this all-pervading, ever-waking principle for the reforms which the South may need. The less we meddle with the operation of this law of social and political growth the more rapidly will it work out its own results. We may aid its development and stimulate its growth by promoting harmony of interest and of feeling between the two races thus brought face to face. But if we take such steps as shall tend to plant distrust between them and array them in hostility to each other, we shall only postpone, and perhaps defeat altogether, the consummation we so much desire.

But, sir, I will not follow this train of thought any further. I deem it unwise in policy, as well as unjustified by any just theories of the status of the southern States or of the effect of the rebellion, to attempt the "reconstruction" of our Government from its foundations. I believe the President takes a far wiser view of our interests and necessities when he seeks the "restoration" of our Union to its old integrity, and of our Government to its ancient normal operation under the Constitution of the United States. Our fathers laid the corner-stone of our institutions on the great principle of self-government. They held that all who are subjects of law should have a voice directly or indirectly in making the law. They held that the consent of the governed was the

only just source of the power of rulers—not under some circumstances but under all. They did not believe Great Britain had a right to impose taxes upon two million subjects who were not represented in her Parliament, and they rebelled because they were thus ruled. They held that rebellion to be just. They earned praise and eternal fame, and won their independence and a national existence by that rebellion. Do you believe, sir, they would have deemed it right for the Government of the United States to make laws for eight millions of their people who were to obey those laws and have no voice in making them? Is that in harmony with our system? Is it not an open, flagrant repudiation of the only principle on which our Government rests? You tell me it is temporary, conditional. I care not. It asserts a right which cannot exist an hour without violating the fundamental principle of our institutions. You tell me these eight millions have forfeited their rights; that they have ceased to be States; that they are conquered provinces, subject only to the laws of war. I do not believe a word of it. The theory has no warrant in our Constitution or in the theory of our Government.

But I waive all that. If I were to grant it all it would make no difference in my action on this question. If we had the power asserted in all its plenitude I would not use it, because I do not believe it would be for the interest of the country that it should be used. I say with Edmund Burke, in his great speech in the English Parliament in 1775, on "conciliation with America"—which, by the way, I think is better adapted to the state of our public affairs at the present moment than nine tenths of those made on this floor, my own included—"It is not what a lawyer tells me I may do; it is what humanity, justice, and reason tell me I ought to do. The question is not with me whether we have the right to make our people miserable, but whether it is not our interest to make them happy." We are not seeking the settlement of a case in a county court; we are seeking the tranquillity of an imperial republic. We are aiming at the loftiest and highest results which it is permitted to man to aspire to anywhere or at any time—the peace, order, strength, prosperity, and power of America and the welfare of the human race. So that be wisely and conscientiously sought, I care not for technicalities.

I say that, in my judgment, the interest of this nation, the interest of every State in this Union, the interest of every man in every State of this Union demands that we shall consider this question upon a different basis, a different footing altogether. That interest demands we shall treat this question as we have treated all others hitherto, on the basis of the principles which lie at the foundation of our Government, with a wise regard to the impulses and weaknesses of human nature and a steady reference to the circumstances and general character and condition of those with whom we have to deal. You tell me these men are not fit to share in the Government; that they are sullen, resentful, defiant; that they still cling to the right of secession. Grant it. How are we to make them better fitted? Will coercion, will exclusion do it? Will they change their opinions because we refuse them representation? Will they love us with all their hearts because we deny them all participation in our and their affairs? Will they become converts to our principles because we deny their right to hold any others? Will they deem us models of courage because we brand their dead sons who perished in their cause as cowards, and denounce as felony the courage and devotion which led them to death? We can know little of human nature if we dream of such results.

You admit that during the first six months after their surrender their demeanor was unimpeachable. You say they have changed and become defiant, and you attribute this change to the leniency they received at the hands of the President. Are you quite sure you have hit the right reason? Is it not barely possible

that your own action may have had something to do with this alleged change of the public mind in the southern States? I think I shall not be contradicted in point of fact when I say that during the summer of last year, from the time the rebels laid down their arms until the meeting of Congress, the feeling of the southern States toward the national Government was one of submission, of acquiescence, and of readiness to renew, in sincerity and in truth, their allegiance to the Constitution and Government of the United States. Now, what, sir, has changed that temper, so far as it has been changed at all?

I think there is fair reason for believing that, when Congress assumed a hostile attitude, when it began to declare that the people of the South were not fit to take part in the Government, that they had forfeited all their rights and could not be admitted to representation, that they were conquered subjects, and fellow-citizens no longer; when we began to give currency to hostile and mischievous reports from the South, magnifying every instance of violence and of crime, charging them wholly to political causes, and on the strength of those allegations entering upon hostile legislation; I think it not at all impossible that the effect of this action upon the southern mind was first to arrest its loyal tendencies and then to make it sullen, defiant, and hostile. I think I have some warrant for this opinion in a knowledge of what would take place in my own or in the mind of every one of us under similar circumstances. Is there a man here, I care not what may be his opinion on this general subject, who does not feel in his heart that hostility and distrust toward him from others would engender hostility in his own mind toward them? Is there anything in human nature to controvert this general statement? Can any man point me to an instance in history in which any society or any nation, great or small, was ever coerced into sympathy of sentiment with the dominant power by measures of force? I have hitherto so often referred to historical precedents on this subject that I am unwilling to refer to them again; and yet they cannot be cited too often. Did coercion bring Hungary to sympathize with Austria, to acknowledge Austrian rule or yield prompt and cheerful obedience to Austrian decrees? For fifteen years, under this discipline, Hungary was defiant and maintained a haughty and sullen independence; and Austria, feeling more and more the need of her sympathy and aid, was finally forced to concede everything that Hungary had claimed, an independent parliament and the right to crown her own kings.

Has the hostile feeling of Ireland been assuaged by the treatment she has experienced at the hands of England? Has Poland become less hostile by reason of her treatment by Russia? The greatest example ever afforded in the history of the world of the attempt on the part of a ruling power to coerce opinion and make men think like their oppressors is furnished by the Inquisition. Force was never applied so directly and so sharply upon the object sought to be accomplished, and what was the result? We are not using the machinery of the Inquisition, it is true; we are not employing "Luke's iron boot or Damien's bed of steel;" but we are acting upon the identical principles which were then avowed. Now, sir, nations are like men. Communities are but aggregations of individuals. If you treat them kindly you make them friends. If you treat them with hostility inevitably and by a natural law they become enemies.

In my judgment, sir, if there is anything established by the law of human nature, by what we know of the elements of influence on societies and States and by the experience of nations in all ages, it is that the people of these States can never be made more loyal, more heartily attached to our Government and better fitted to share its councils by excluding them all, loyal and disloyal alike, from all participation in them. Every year of such exclusion will only make them worse. I do not say

we have not the physical power to enforce obedience upon them, to govern them by force and not by consent, but I do say that if we continue that system three, five, or seven years longer, we must quadruple our armies and double the taxes we impose upon the people to-day.

And now, sir, before I close my remarks, already much too long, I desire to say a few words upon the relation of the action we may take here to the Union party—that party which is to-day in possession of all departments of the Government and which is responsible for the conduct of public affairs. I speak not of party in any narrow sense, nor as an agency for procuring patronage, place, and power for selfish reasons or for selfish ends, but as an agent of political reform, as a means of promoting the public good. The Union party has carried this country through the war.

The gentleman from Wisconsin [Mr. ELDRIDGE] made the remark the other day that "we have saved the Union," and, as at that moment the discussion was of a somewhat partisan character, I, perhaps rather hastily, drew the inference that he intended to say that the Democratic party had saved the Union. A little reflection, however, satisfied me that this was a misapprehension of his meaning; because neither he nor anybody else will deny, I think, that what is known as the Union party has carried the country through the war by which the rebellion has been quelled. That party grew out of the necessities which the rebellion created. The party in opposition to the Democratic party at the commencement of the war was the Republican party. That was formed for the purpose of checking the aggressions of slavery. It had done that effectually. But, its success furnished the occasion and the pretext for the rebellion, and out of the necessity of crushing the rebellion grew up the Union party, composed of the bulk of the Republican party, and of accessions—large accessions, I am proud to say—from what had been known as the Democratic party of the northern and western States. There were to be found in the Union party thousands of men who, the moment the country was in danger, abandoned party organizations and joined those who sustained the Administration upon which devolved the duty of suppressing the rebellion. The Democratic party, as an organization, did not assume that position. Its attitude was one of continued opposition. The Union party was then left to carry the country through the war, and its labors were crowned with success, and it gained what any party which renders great services will always gain, a strong, powerful hold upon the sympathy, the attachment, the confidence, and the gratitude of the people of the United States.

Mr. NIBLACK. I desire to inquire if the gentleman from New York intends to create the impression that the Union party has done all the work as a party, and to exclude the idea that men of all parties have contributed to the work in their humble way.

Mr. RAYMOND. By no means. I know and have already said that men of all parties contributed their aid, but I repeat that as an organization the Democratic party did not sustain or aid the Government in prosecuting the war by which the rebellion was quelled.

Mr. NIBLACK. I concede that the Union party appointed the generals, held the offices, and controlled the political power of the country, but I insist that, in proportion to numbers, the Democratic party did quite as much in furnishing men and means to carry on the war. It is untrue—I say it in no offensive sense—that the Union party is entitled to all the credit. It was the work of the people, although they had to do the work under men of the Union party, under the Administration that happened to be in power as their representative for the time being. We had no representatives in power, and we had, therefore, to work under the banner of that party. But I repudiate the idea that the great portion of the people engaged in the work had any connection whatever with the Union party. The appeal made

to the country was that in this matter there was no party; that we must come forward as a people and sustain the Government, and sustain the Administration as a matter of course; and that when the war was over we could again resolve ourselves into our original elements, and go back to our party. I say, therefore, that all this talk about the Union party being entitled to all the credit is unfair and illiberal, and in violation of the published speeches and pledges made to the country during the war by men of the Union or Republican party. It is calculated to make an unfair impression on the country, and if it goes into history, it will be unfair and untrue in history. I regret that the gentleman, in arguing this question, should indulge in these partisan and illiberal remarks, which, with all respect to him, I say are unworthy of his position.

Mr. RAYMOND. The gentleman seems to be under the impression, or seeks to convey the idea, that the suppression of the rebellion was a voluntary work on the part of the people, acting as individuals, and in that sense he claims, and perhaps justly, that members of the Democratic party did quite as much as members of the Union party.

Mr. NIBLACK. I say that in proportion to our numbers we did quite as much as the Union party.

Mr. RAYMOND. I wish to state one respect in which they did not do as much. I acknowledge that the voluntary efforts of individuals entered largely into the suppression of the rebellion.

Mr. NIBLACK. I claim that in the section of country from whence I come the Democratic party did more than any other party in that respect. And that is the case with many others on this side of the House. It was held that it was the work of the people, and neither the Democratic party nor any other party should claim the entire credit for it now.

Mr. RAYMOND. If the gentleman is done, I hope he will not again interrupt me when I begin to reply to his remarks.

Mr. NIBLACK. I beg the gentleman's pardon; I did not intend to interrupt him in an improper manner.

Mr. RAYMOND. I say again that I wish to point out one respect in which the Democratic party, as an organization, did not do as much as the Union party did toward suppressing the rebellion. I concede that to a great extent the efforts of individuals, in contributions of money, in volunteering for the Army, and other things of that sort, contributed very largely indeed to the suppression of the rebellion. I am not prepared and I am certainly not disposed to deny that members of the Democratic party in that way did their full share. But this was a public war; it was a war waged by the Government against a rebellion seeking its overthrow. Of course the war was carried on by the Government, and it could have been carried on in no other way. That Government organized war upon the rebellion, raised the money by which that war was carried on, and thus incurred a debt of three or four thousand million dollars. It passed such laws as the necessities of the case required. Without those laws, without those measures, which gave vigor, force, and effect to the operations of the Government, the rebellion would have been a success; and if the Government had not been supported by votes, by public confidence, and by acts of Congress in carrying on that war, the rebellion would have triumphed, and the Government would have been overthrown.

Now, I say that instead of supporting the Government in carrying on that war the Democratic party, as an organization, opposed and resisted it from first to last. That statement I believe to be literally correct. Its votes in this House were hostile to the Government. It did not vote for men; it did not vote for money; it did not sustain the Administration by its confidence or its aid; it opposed its measures, and sought to vindicate its action by denouncing the war as unjust, or by claiming that if just it could not succeed in what it had undertaken to

do, namely, to restore the Union; and the last act of the Democratic party, as it was dragging itself slowly and painfully to its grave, was to declare in a national convention that so far as restoring the Union was concerned the war was a failure.

Mr. JOHNSON. Will the gentleman from New York [Mr. RAYMOND] allow me to say a few words in response to the sentiment he has just uttered?

Mr. RAYMOND. Certainly.

Mr. JOHNSON. I have not troubled the House much during this session on account of sickness, which has confined me to my room. But when the gentleman who comes here this session, and after the war is over, while I have served here from the time of the commencement of the war to this hour, when he undertakes to assert here that there was a Democratic party on the floor of this House which steadily opposed the war during that time, I tell him to examine the record and he will find his statement to be false. When Congress met here on the 4th day of July, 1861, under the call of Mr. Lincoln, that gentleman ought to know that his own party cry was, "A truce to all parties." He ought to know that the Democrats met here and made no nomination for any office of this House whatever. Not till last December did they attempt to indicate a party nomination. He ought to know, further, that while the Government, or the Administration if he will, was carrying on the war in the field, it also carried on a war against the people. It knew no man for any office within its gift unless he voted for Mr. Lincoln and Mr. Hamlin in 1860. Go through your whole list of offices. Look at your foreign ministers; look at the men in the offices around here; look at the offices created by the very necessities of the war; look at the postoffices; look at the positions in the field. Where is the Democrat who was appointed to a single office, even a cross-roads post office? Yet the gentleman from New York admits that, in furnishing material for the field, in furnishing money and men, the Democrats did their duty and their whole duty. I ask him, in God's name, what was it that crushed the rebellion, if it was not men and money? We are talking now about crushing the rebellion.

Yet the gentleman says now that the Democratic party, in its dying agonies, declared that the war had failed to restore the Union. I ask him whether he says that the war has restored the Union to-day. Where is your restored Union? It is in the hands of your committee of reconstruction. Does the gentleman accept the word "reconstruction" for his platform? Does he not understand the difference between "reconstruction" and "restoration"? Had the war restored the Union on the 29th day of August, 1864, when the Chicago convention sat? Has it restored it now? It has crushed the rebellion. The Army in the field has done its duty. The Commander-in-Chief of the Army and every subordinate under him have done their duty. They crushed the rebellion a year ago. But is there not a political party here in Congress to-day that refuses to restore the Union, a party that seeks not its restoration? The gentleman from New York plays between the two. He is opposed to reconstruction and does not stand by restoration.

Now, sir, I say that it comes with an ill grace from the gentleman, who knows so well what the history of this country has been during the war, to make this general and sweeping charge. I know it has been repeated from time to time. I will tell the gentleman where the line was drawn. As to all the party measures brought up in this House, the Democrats voted against them as they had a right to vote, even if they were not particularly conscientious about the matter, if they were party measures and nothing more. Upon those we divided. But look at your appropriation bills? Who were the men that voted against them? Who were the men that called the yeas and nays? Even Mr. Vallandigham never voted against the appropriation of a single man or a single dollar.

[Cries of "Oh!" "Oh!"] Gentlemen may say "Oh!" "Oh!" but Mr. Vallandigham and I sat near to each other, and I know that he did not vote either way. [Laughter.] I challenge gentlemen to the record. They are able to read; let them read it for themselves. What I say is that there was no Democratic organization here in this House. Gentlemen ought to know that.

Mr. RAYMOND. I am a little surprised to hear the gentleman say that there was no Democratic organization through the war. Did I understand him to say that there was no Democratic organization, no attempts of the Democratic party to maintain an organization during the war?

Mr. JOHNSON. There was no Democratic organization in this House. I was speaking of this House.

Mr. RAYMOND. I was not in this House at that time; and as the gentleman was he ought to know its history better than myself. But if the votes of members as they stand on the record, with which record I was at the time somewhat familiar, indicated anything they indicated a purpose to maintain that organization, and to vote against the Government at every point where they could do so without being held to a rigid and troublesome responsibility by the country. I certainly did not know that that party disbanded as a party.

I was under the impression that, in the different congressional districts, it ran candidates against the Administration party; that in the different States it ran candidates for Governor against the Administration party. I know that this was so in my own State; and I know the grounds which that party took in that State. It took ground against the Administration, against the conduct of the war, and against the principles of the war, on which the war was waged. I know that the Democratic Governor in our State proclaimed that the real enemy of the liberties of the country was the Administration which was carrying on the war; that its overthrow was even more important than the defeat of the rebels in the field; that certainly led me to believe then, as I believe now, that the Democratic party maintained its organization throughout the country all through the war, and that, as a party, while many individual members of it acted otherwise, it resisted the Administration, opposed its measures, denounced its policy, and threw the whole weight of its action and influence against the efforts it was making to quell the rebellion.

I think the country regards this as having been the attitude of that party through the war, though I am glad to know the gentleman from Pennsylvania is not now by any means the only member of that party who would disavow and escape the responsibility of its action. The gentleman asks me if the Union was restored when the Chicago convention met. Certainly not; but that convention pronounced against the only means by which its restoration was possible—the quelling of the rebellion by force. It demanded a cessation of hostilities and the abandonment of the war. Suppose the Democratic party had succeeded in that demand, would the restoration of the Union have been as near as it is now? The gentleman asks me if the Union is restored to-day. I am sorry to say it is not; but it is certainly nearer a just and safe restoration than it would have been if the Democratic party had succeeded in the last election. It is in the hands of those who will restore it, as I trust and believe, on just principles and on the basis of the Constitution. I beg gentlemen not to misunderstand me. I do not denounce the mass, the individual members of the Democratic party as disloyal or as having opposed the war. While I render full tribute to the mass of that party and acknowledge the aid they gave the war, I must still insist that the action of the party as an organization was not in support of the Government or in aiding the prosecution of the war. It complained then, as the gentleman complains now, that it did not get its share of patronage and of office. Yet it had two members of the Cabinet; it

had, I believe, a majority of the officers of highest grades in the field, and a far greater share of other official places than under ordinary circumstances is ever given by any Administration to its opponents.

Mr. JOHNSON. I ask the gentleman to yield to me for a moment.

Mr. RAYMOND. Yes, sir.

Mr. JOHNSON. The gentleman understands very well the position which I occupy and which I maintain.

Mr. RAYMOND. I beg the gentleman to understand I do not speak of him individually. I do not speak personally of any one. I speak of the organization.

Mr. JOHNSON. From the position which the gentleman has assumed, from the fact that the Democratic party existed in the country, does he tell me and this House that the organization of the Democratic party in a time of war is deleterious to the purpose of carrying on that war?

Mr. RAYMOND. That depends on its action. [Laughter.]

Mr. JOHNSON. The gentleman assumed that the Democratic party existed here as an organization. I say, speaking of the Representatives on this floor, that they were not here, as the gentleman alleges, opposing the Administration in "crushing out" the rebellion. I say, so far as "crushing out" the rebellion is concerned, the members of the Democratic party did not stand together as a party. There was no Democratic party on that point. The Democracy of the country in the organization took the position of "crushing out" the rebellion.

But there is one thing which the gentleman himself is now voting for which places obstacles, now that the war is over, in the way of restoring the Union until the great abolition maw of the country may be filled and satiated; and that one thing is the proposition to postpone the restoration of the Union until 1870. The gentleman will recollect the Crittenden resolution of July 22, 1861, declaring that when the rebellion was crushed the war should end.

Mr. RAYMOND. The gentleman must excuse me.

Mr. JOHNSON. My distinguished colleague from Lancaster [Mr. STREVE] voted "no" on that proposition.

Mr. RAYMOND. I desire to finish what I have to say some time to-day, and I shall not be able to do it if I yield the floor for a general discussion of past party relations to gentlemen on the other side of the House.

Mr. JOHNSON. I want the gentleman to answer me whether the Union is restored to-day, and whether it can ever be restored until all the people are represented in the law-making power of the Government?

Mr. RAYMOND. Mr. Speaker, I do not know whether—

Mr. NIBLACK. Will the gentleman yield one moment?

Mr. RAYMOND. Just for a question.

Mr. NIBLACK. I desire to inquire whether or not the great majority of the party to which the gentleman belongs does not oppose the present Administration, and whether in doing so they are disloyal to the Government or not.

Mr. RAYMOND. Mr. Speaker, I do not propose to enter into a discussion of all the new issues which the gentlemen on the other side seek to spring upon me just now. The present Administration, so far as I am aware, is not conducting a war, nor is it seeking to quell a rebellion; therefore opposition to that Administration, however unwise and injurious it may be, cannot be confounded with disloyalty to the Government.

I repeat what I said before, in spite of all that has been urged against it, that the Democratic organization as such did not aid the Administration in carrying the country through the war. The Administration, I repeat, had the conduct of the war. It did not exclude members of the Democratic party from participation in its councils, but admitted them and invited their cooperation. It strove in every

possible way to get them to act with it, or in any way so as to give vigor to the war. It took its members into its Cabinet and placed eminent Democrats in the field. And yet I believe that wherever a prominent Democrat anywhere undertook to sustain the Administration in the prosecution of the war that man was read out of its organization just as soon as they could reach him. I might cite individual instances to prove this, but it is not worth while to prolong this discussion.

Now, sir, as to restoring the Union, we are on the way to it. We ought to have done it sooner, I admit. The gentlemen on the opposite side will admit, as gentlemen on my own side will allege against me, that I have done all in my power to complete that work. It is not my fault that loyal men who have been sent from the southern States lately in rebellion are not in their seats here to-day. I have been ready at any time to act upon the question of their admission, from the day I entered Congress till the present time. I deny the assertion of the gentleman from Pennsylvania that I have thrown obstacles in the way of their admission or of the complete restoration of the Union. I have striven for both—steadily, consistently, and upon principles which I avowed at the outset, and to which I have sought in every possible way to give effect. And I intend to do so still.

The gentleman asks me when the Union will be restored. If it depended upon me, sir, it would be restored this day, so far as the admission of loyal members from loyal States to Congress could restore it. I hope it will be restored soon—the sooner the better—by the action of the Union party which holds all the departments of the Government, and is especially responsible for the action of Congress. As I said, when this interruption occurred, that party has established a strong hold on the confidence of the country by carrying the country through the war and quelling the rebellion which threatened its existence. It owes it to the nation to complete the work so well begun; to build on the foundation so nobly and so successfully laid; and not to forfeit by unwise political action the confidence it has earned by its conduct of the war. It is just as much the duty of the Union party to-day to complete the restoration of the Union, to restore every State to its just rights and relations under the Constitution, as it was five years ago, and every day thereafter, to wage vigorous and successful war upon the rebellion which threatened the nation's life. And the first great duty it has to perform in the accomplishment of this end is so to extend its organization and so liberalize its spirit as to become a national instead of a sectional party, as events have compelled it to be hitherto.

In 1852 the last national convention of the party opposed to the aggressions of slavery was held. From that time to this we have been compelled to wage a sectional warfare. But now that necessity no longer exists. There is no further need, no longer an excuse for a sectional organization, and the duty of the Union party to-day is to extend itself into every southern State, and become a national party in organization as it is in interest and as it should be in its principles, its purpose, and its sympathies. The great obstacle to national political action, slavery, has disappeared. We encounter no longer in the southern States that great power which bound them to each other and divided them from all the world beside. Their interests are no longer hostile to ours. They are no longer closed against friendly counsels, friendly sympathies, and friendly efforts on the part of the North. They have the same interest in the Constitution that we have, and there is nothing that can make the South again a compact unit in its political action hereafter but hostility on our part toward it.

Sir, I long to see the day when the Union party shall take ground that will command the sympathies of the Union-loving men all over this broad Republic, and give it that basis of liberality, generosity, and constitutional free-

dom to which by its organization, by its principles, and by its history, it is entitled. When it shall have done that, it will hold a position from which nothing can drive it. I repeat, sir, that the great political necessity of the day is to nationalize the party that has saved the nation. And all that is needed to accomplish this result is for the Union party to stand upon its own ground, to avoid all needless issues, to await the developments of time and public discussion before rushing into contests upon new questions, and to resist resolutely every endeavor to force upon it principles and measures which it has never espoused. Let it plant itself upon national ground, discard all sectional feeling, extend its organization into every State, make the interests, rights, honor, welfare of all sections its own, and it will stand forever! In such a position and with such principles it has every department of the Government at its command. All the patronage and power of the Executive would give weight and effect to its policy. Thousands of patriotic and disinterested Democrats will swell its ranks and give weight to its councils, and we shall see an end of the long weary strife of sections, which once had a reason, a necessity, and an object, but which, now that slavery is dead, has them no longer. It is the hope of such a result that has prompted my action on this floor during the present session. It is that which has led me to seek so strongly and so steadily to maintain harmony of action between the President and the majority of Congress, for I knew then, as I know now, that in all the essential principles of their political action both were united upon new points, points never hitherto discussed or decided in the councils of the Union party. They may differ, as members differ among themselves on this floor, and as men must always differ elsewhere. I believe the nation demands the speedy restoration of peace and harmony to the Union. It demands that the political relations of the States to each other and to the General Government shall be promptly restored upon the principles of the Constitution. In some way, by some means, through one agency or another, the people will require all this to be accomplished. We shall have a national party, and that party will have control of the Government. Why should we, the Union men of the land, those who saved the nation, from any mere resentments or mistakes, allow that great work to fall into other hands? It requires no sacrifice which wise and prudent men may not easily make. We need relinquish no principle. We need only to forbear, to be patient, to court the aid and agency of time, to be tolerant of differences and tenacious of principles and objects in which we all agree. I rejoice to see in the action of Congress evidence that time and reflection are giving weight to these considerations; and I indulge the hope that when we adjourn, standing upon ground which we hold in common and referring to the judgment of the people the decision of questions on which we differ, we shall go to the country united in purpose, and having the cooperation of the President whom we placed in power.

[Here the hammer fell.]

Mr. BINGHAM obtained the floor.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, informed the House that the Senate had indefinitely postponed joint resolution of the House No. 152, relative to certain guns captured in the late war.

Also, that the Senate had passed a joint resolution (S. R. No. 108) for the relief of Samuel Norris, in which the concurrence of the House was requested.

MEXICAN AFFAIRS.

The SPEAKER, by unanimous consent, laid before the House the following message from the President of the United States:

To the House of Representatives:

In reply to the resolution of the House of Representatives of the 11th instant, requesting

information in regard to the dispatch of military forces from Austria for service in Mexico, I transmit a report from the Secretary of State on that subject.

ANDREW JOHNSON.

WASHINGTON, June 18, 1866.

The message, with the accompanying documents, was referred to the Committee on Foreign Affairs and ordered to be printed.

REBEL DEBT.

The SPEAKER also, by unanimous consent, laid before the House the following message from the President of the United States:

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 11th instant, requesting information concerning the provisions of the laws and ordinances of the late insurgent States on the subject of the rebel debt, so called, I transmit a report from the Secretary of State, and the documents by which it was accompanied.

ANDREW JOHNSON.

WASHINGTON, June 18, 1866.

The message, with the accompanying documents, was referred to the committee on reconstruction, and ordered to be printed.

THE BORDER SURVEY.

The SPEAKER also, by unanimous consent, presented the following message from the President of the United States:

To the House of Representatives:

In answer to a resolution of the House of Representatives of the 28th of May, requesting information as to what progress has been made in completing the maps connected with the boundary survey under the treaty of Washington, with copies of any correspondence on this subject not heretofore printed, I transmit a report from the Secretary of State, and the documents which accompanied it.

ANDREW JOHNSON.

WASHINGTON, June 14, 1866.

The message, with the accompanying documents, was referred to the Committee on Foreign Affairs, and ordered to be printed.

Mr. RICE, of Maine, by unanimous consent, introduced a joint resolution respecting the maps, charts, and surveys of the boundary line under the treaty of Washington, and the charts and maps under the reciprocity treaty; which was read a first and second time, and referred to the Committee on Foreign Affairs.

PARIS EXPOSITION.

Mr. BANKS. I ask leave to have printed the amendments of the Senate to the resolution of the House relative to the Paris Exposition.

No objection was made, and the amendments were ordered to be printed.

MEXICAN LOAN.

Mr. KELLEY, by unanimous consent, introduced a joint resolution for the protection of citizens of the United States in the matter of public loans of the republic of Mexico; which was read a first and second time, and referred to the Committee on the Judiciary.

The following is the joint resolution:

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (in view of the present pecuniary condition of Mexico, and to the end that citizens of the United States who may see fit to advance money to a friendly republic may be protected from loss,) That the Government of the United States hereby guaranties to all citizens of the United States whom it may concern the payment, according to the terms thereof, of any public loan or loans of the republic of Mexico now offered or that may hereafter be offered in the United States by the Government of the said republic, having not less than ten nor more than twenty years to run, and bearing an interest of not more than seven per cent, per annum, duly authorized by the said Government of the republic of Mexico as certified by the recognized minister plenipotentiary from that republic accredited to the United States: *Provided*, That the total amount of such loan or loans shall not exceed the sum of \$50,000,000: *And provided further*, That the said bonds shall be sold at the highest market rate, and that said market rate shall not be

less than eighty-five cents for each bond of the par value of one dollar. And each of the bonds constituting the loan or loans thus guarantied shall, by or under the direction of the Secretary of the Treasury of the United States, be certified as such, and shall be specifically and exactly registered, and the record of the authentication of such loan or loans and the full return of said registry shall be deposited in the Department of State of the United States.

MILEAGE ACCOUNT.

Mr. BOUTWELL. I desire to make a personal statement. I find, by reference to Executive Document No. 125, that it is stated I received mileage for five hundred and thirteen miles travel. As a matter of fact, it is shown by the books in the office of the Sergeant-at-Arms of this House, and the books in the Treasury Department, that I received mileage for only four hundred and fifty-four miles travel.

DEATH OF HON. JAMES HUMPHREY.

Mr. TAYLOR, by unanimous consent, submitted the following resolution; which was read, considered, and unanimously agreed to:

Resolved, That seven members of the New York delegation be appointed by the Speaker of this House for the purpose of attending the funeral of their late colleague, Hon. JAMES HUMPHREY; and that Ira Goodnow, the Doorkeeper of the House, be permitted to accompany the delegates appointed by the Speaker.

The SPEAKER announced the following members as those appointed by him under the foregoing resolution:

Mr. NELSON TAYLOR of the fifth district, Mr. DANIEL MORRIS of the twenty-fifth district, Mr. CHARLES H. WINFIELD of the eleventh district, Mr. WILLIAM A. DARLING of the ninth district, Mr. WILLIAM E. DODGE of the eighth district, Mr. THOMAS T. DAVIS of the twenty-third district, and Mr. STEPHEN TABER of the first district of New York.

SAMUEL NORRIS.

On motion of Mr. BIDWELL, Senate joint resolution No. 108, for the relief of Samuel Norris, was taken from the Speaker's table and read a first and second time.

Mr. BIDWELL. I desire to have this joint resolution acted on at this time. I think there can be no objection to its passage.

The joint resolution was read at length. It provides that the claim of Samuel Norris, of California, for supplies furnished the Indians of that State under contracts made with certain commissioners, or either of them, authorized to negotiate treaties with said Indians, and all the papers relating thereto, be referred back to the Court of Claims for examination and allowance, and that in fixing the amount to be paid the claimant the rule shall be the actual value of the supplies furnished at the time and places of delivery, of which due proof shall be made by the claimant.

The joint resolution was then read the third time and passed.

Mr. SCHENCK. I ask leave to offer a resolution.

Mr. SPALDING. I object.

Mr. SCHENCK. Very well; then it only remains for me to return my acknowledgments to my colleague for his remarkable courtesy.

And then, on motion of Mr. SPALDING, (at four o'clock and thirty-five minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule and referred to the appropriate committees: By Mr. HALE: The petitions of Peter S. Palmer, and others, and of Smith M. Weed, and others, citizens of Clinton county, New York, praying the repeal of an act establishing a post route from West Alburg, Vermont, to Champlain, New York.

By Mr. HULBURD: The petition of sundry citizens of Rensselaer county, New York, asking increase of duty on imported flax.

Also, the petition of sundry citizens of St. Lawrence county, New York, asking a repeal of so much of any act as imposes a ten per cent. tax on State bank currency paid out after July next.

By Mr. TROWBRIDGE: The petition of G. W. Gaines, S. R. Rogers, and 36 others, citizens of East Tennessee, asking for the remission of a portion of the taxes to citizens of that State until their just claims against the United States are adjusted and paid.

IN SENATE.

TUESDAY, June 19, 1866.

Prayer by the Chaplain, Rev. E. H. GRAY. The Secretary commenced to read the Journal of yesterday.

Mr. CONNESS. If no Senator desires to hear the Journal read, I hope it will be dispensed with, and I make that motion, as time is now an object.

The PRESIDENT *pro tempore*. It requires unanimous consent to dispense with the reading of the Journal. No objection being made, its further reading is dispensed with.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in answer to a resolution of the Senate of the 15th instant, copies of the preliminary reports made by the mixed board of Army and Navy officers on the subject of coast defenses; which, on motion of Mr. WILSON, was referred to the Committee on Military Affairs and the Militia.

REPORTS OF COMMITTEES.

Mr. SHERMAN. I am directed by the Committee on Finance, to whom was referred a bill (S. No. 356) for the relief of the United States Express Company, to ask to be discharged from its further consideration, and that it be referred to the Committee on Claims, which is the proper committee for it.

The report was agreed to.

Mr. SPRAGUE, from the Committee on Military Affairs and the Militia, to whom was referred a joint resolution (H. R. No. 150) to provide for payment of the claim of Colonel H. C. De Alava for military services, reported it without amendment.

Mr. HENDERSON, from the Committee on Claims, to whom was referred a bill (S. No. 164) for the relief of Alois Klaus, reported it without amendment, and submitted a report in writing, which was ordered to be printed.

INTERNAL TAXATION.

Mr. MORGAN. I move that five hundred extra copies of the bill (H. R. No. 513) to reduce internal taxation, and to amend an act entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," approved June 30, 1864, and acts amendatory thereof, be printed with the amendments reported by the Committee on Finance.

The PRESIDENT *pro tempore*. That motion will go to the Committee on Printing under the rules.

Mr. MORGAN. I should like to have it considered at the present time. It is important to act on the motion at once, so that it may be settled before the type is distributed. I therefore ask the unanimous consent of the Senate to have my motion acted upon at the present time.

The PRESIDENT *pro tempore*. The Senator from New York asks the unanimous consent of the Senate to consider his motion to print an extra number of the bill named by him without referring it, according to the rules of the Senate, to the Committee on Printing. The Chair can only entertain the motion by unanimous consent. No objection being made, the motion is before the Senate.

The motion was agreed to.

Mr. FESSENDEN. As that subject is under consideration, and I observe that the bill as amended is printed and laid on our tables, and as gentlemen are anxious that the business of the session should be disposed of as fast as possible, I give notice that I shall ask the Senate to-morrow at one o'clock to proceed with the consideration of House bill No. 513, being the tax bill.

SALT LAKE AND COLUMBIA RIVER RAILROAD.

Mr. WILLIAMS. I move that the Senate proceed to the consideration of Senate bill No.

336, granting lands to aid in the construction of a railroad and telegraph line from Salt Lake City to the Columbia river.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The Secretary read the bill.

Mr. HOWARD. This appears to be a bill of a great deal of importance. I understand it is for the construction of a railroad from Utah to some place in Oregon, a distance of some hundreds of miles; I do not know how many, perhaps a thousand. I submit that it will require considerable consideration, and I suggest to the honorable Senator from Oregon that it ought to be laid aside for the present. Perhaps it should go to the Committee on the Pacific Railroad, but at all events I move to lay it aside for the present and to take up Senate bill No. 317, making an amendment to the Pacific railroad act. That is the same bill which was before the Senate yesterday morning and with which we made considerable progress, and I think we can dispose of it in a comparatively short time. I do not wish to embarrass the bill of the honorable Senator from Oregon, but I should prefer to have it lie over until it can be more carefully examined.

Mr. WILLIAMS. I hope the Senator from Michigan will not persist in his motion. This is a bill copied from other railroad bills that have been passed by Congress at this session without any question. It simply provides for the construction of a railroad from the Columbia river to Salt Lake City to connect with the Union Pacific railroad, and it makes the same grants precisely that are made in all the other bills. There is not a new feature of any kind or description in this bill, and I supposed that it would pass without any question. I hope that the Senator will allow it to pass at this time. It will only take a few minutes. There is nothing in it that can possibly excite discussion. It is a very important bill. Men of capital are standing ready now to take hold of the enterprise as soon as the bill can be passed through at the present session of Congress. I have brought it forward now, and desire to pass it, if possible, so that during the present summer a corps of engineers may go forward and make the necessary surveys. I am sure the Senator will not oppose the passage of the bill or anything in it, for he has indorsed everything in the bill heretofore on several occasions. It will take but a very little time to dispose of this bill.

Mr. HOWARD. There is no doubt of its great importance; and for that very reason I should like to look into it more carefully. I think it had better lie over for a short time at least. I have not had time to read it. It is part and parcel of the Pacific railroad system. If I understand it properly and regularly the bill should have been referred to the Pacific Railroad Committee; but I will not insist upon that. I simply ask the Senator to allow it to pass over until to-morrow or some future day. I am very anxious to get up the bill to which I have referred and have it disposed of.

Mr. WILLIAMS. I am very confident, from what was said yesterday by the Senator from Massachusetts and other Senators, that the bill the Senator from Michigan proposes to take up will create considerable discussion and will take more than the morning hour. I would prefer to have that bill put among the regular orders of the Senate rather than to be brought forward in the morning hour when bills that will excite no discussion may be brought up and disposed of. There is nothing in this bill, I am sure, which the Senator needs to examine in order to indorse it. I have waited a long time to bring this bill up. I have not had an opportunity heretofore to get it before the Senate. If I put it aside now, I am sure I shall have great difficulty in bringing it up at any subsequent time. I hope the Senator will allow me to have a vote on this bill at the present time.

Mr. HOWARD. I must insist on my motion. I shall assent to whatever disposition the Sen-

ate may see fit to make of it. I think the bill ought to go over.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Michigan to postpone the present and all prior orders and proceed to the consideration of Senate bill No. 317.

The motion was not agreed to.

The PRESIDENT *pro tempore*. The amendments reported to the bill (S. No. 336) before the Senate by the Committee on Public Lands will be proceeded with in their order.

The first amendment was in section one, line five, in the list of corporators to strike out the word "Sems" and insert "Lewis," so that the name will read "C. H. Lewis."

The amendment was agreed to.

Mr. WILLIAMS. I suggest that the amendments to the first section are merely verbal, changing the mistakes made in the printing of the bill, and they may be acted upon together.

The PRESIDENT *pro tempore*. The proposed amendments to the first section will be read together.

The Secretary read the amendments, which were in line seven to insert the name of "John R. McBride;" in line eleven to insert the name of "Clark Bell;" and in line fourteen to insert the name of "Edward Lander."

Mr. CONNESS. I hope the vote will be taken separately on the insertion of those names.

The PRESIDENT *pro tempore*. The vote will be taken separately at the request of any Senator. The first question will be on inserting in line seven the name of "John R. McBride."

The amendment was agreed to.

Mr. WILLIAMS. I will withdraw the amendment in the eleventh line.

The PRESIDENT *pro tempore*. The amendment is reported by a committee, and the Chair doubts whether an individual member of the Senate is authorized to withdraw an amendment reported by a committee.

Mr. WILLIAMS. I suppose it can be done by unanimous consent.

Mr. POMEROY. It is only the insertion of a single name, and there seems to be some reason why the name should be withdrawn.

The PRESIDENT *pro tempore*. It is in the power of the Senate to dispose of the matter as they think proper.

Mr. POMEROY. I know of no objections to the name myself. I know nothing about it.

The PRESIDENT *pro tempore*. The question is on inserting the name of "Clark Bell" in the eleventh line of the first section.

Mr. CONNESS. I hope that will not be done. I have reasons that I think substantial ones why it should not be done. I do not wish to take up the time of the Senate this morning in stating them, but I shall be compelled to state them rather than allow it to be done now.

The amendment was rejected.

The next amendment was in section one, line fourteen, to insert among the corporators the name of "Edward Lander."

The amendment was agreed to.

The next amendment was in section one, line thirty, after the word "namely" to strike out:

Beginning at Salt Lake City in the Territory of Utah; thence westerly, by the most eligible and direct railroad route, as shall be determined by said company, within the territory of the United States, to the Columbia river, in the State of Oregon or Washington Territory.

And in lieu thereof to insert:

Beginning at a point on the Columbia river, in Washington Territory or Oregon, at or near Umatilla or Wallula; thence easterly, by the most eligible and direct railroad route, as shall be determined by said company, to Salt Lake City, in the Territory of Utah, or to some point on the line of the Union Pacific railroad, so as to connect therewith west of the one hundred and ninth meridian of longitude,

The amendment was agreed to.

The next amendment was in section one, line forty-five, to strike out "thirty" and insert "three hundred;" and in line forty-six

to strike out "thousand" and insert "hundred;" so as to read:

The capital stock of said company shall consist of three hundred thousand shares of \$100 each, and shall be transferable in such manner as the by-laws of said corporation shall provide.

The amendment was agreed to.

The next amendment was in section one, line fifty-one, after the word "railroad" to insert "company."

The amendment was agreed to.

The next amendment was in section one, line seventy-six, to strike out "one" and insert "ten;" and in line seventy-seven to strike out "fifty" and insert "five;" so as to read:

So soon as ten thousand shares shall in good faith be subscribed for, and five dollars per share actually paid into the treasury of the company, the said president and secretary of said board of commissioners shall appoint a time and place for the first meeting of the subscribers to the stock.

The amendment was agreed to.

The next amendment was in section three, line twelve, after the word "company" to insert "confirming to said company;" so that the clause will read:

The commissioners shall so report to the President of the United States, and patents of land, as aforesaid, shall be issued to said company, confirming to said company the right and title to said lands situated opposite to and continuous with said completed section of said road.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The amendments reported from the committee have been completed.

Mr. POMEROY. I wish to call the attention of the Senator from California, or some of the Senators who are familiar with these questions, to this provision in the bill on the top of the seventh page, "that where the gold or silver lands contain timber" the timber only shall be given. I suggest whether it ought not to read "timber thereon so much as may be necessary for building the road shall be given;" not the whole timber, but only so much as is necessary for the construction of the road. If that meets with their approval, I will move an amendment to insert in line fourteen of section two, after "timber thereon," the words "so much as may be necessary for the building of said road." I think the miners would complain if the railroad company got all the timber; but if they have what is necessary for building the road on the even sections, I think it is a fairer adjustment than it is to give them the whole.

Mr. CONNESS. I am in favor of the object of this bill, and was anxious to have an opportunity to read it before it was taken up. Hence I voted this morning to postpone it for that reason alone. The proposition now made by the Senator from Kansas interferes with what was the intention unquestionably of those who prepared the bill. The grant made in the Pacific railroad bill originally conveys the whole timber upon the odd sections which may be found to contain minerals, and the fee-simple title to which could not consequently pass to the company. All the timber on those sections is granted to the company, and I presume that the gentlemen who prepared this bill intended a like grant to this company; but in amending the Pacific railroad grant subsequently, I had an amendment inserted which reserved to the agriculturist and to the miner who might be located upon those sections the timber upon their locations and the timber necessary to the miner for operating his mine. This amendment of the Senator from Kansas will meet the purpose in another way, and some such amendment should be made. The reason I desired a little delay was to enable me to look into this point and some others like it.

Mr. WILLIAMS. At the bottom of page 14, in section ten, line two, I move to strike out the word "company" after "railroad."

The amendment was agreed to.

Mr. HOWARD. I have not had time to read the bill now under consideration. I desire to be informed by the honorable Senator from Oregon whether it makes any appropri-

tion of money to aid the company in the construction of their road, whether it furnishes any subsidy in the form of security or guarantees on the part of the Government of the United States, or whether it provides merely an appropriation of lands to aid the company in the prosecution of their work.

Mr. WILLIAMS. In answer to the Senator's question I will say that the bill does not make any appropriation of money or contemplate any such thing, but simply appropriates land to aid the company in the construction of this road. It is no more extensive in the terms of its grant than any railroad bill that has passed this body appropriating lands for railroad purposes.

Mr. HOWARD. How much does it appropriate per mile?

Mr. WILLIAMS. Each odd section for ten miles on each side of the road.

Mr. POMEROY. I will say to the Senator from Michigan that it does give more land than has been granted to States; it gives precisely what the Pacific railroad grant of land was. When we have given to States we have never given more than five sections on each side; that is, ten sections per mile in the whole. This gives ten on each side, which makes twenty in the whole, just what the Pacific railroad got.

Mr. HOWARD. Twenty sections per mile?

Mr. POMEROY. Odd sections, alternate sections. It is precisely what the Pacific railroad has through the same section of country.

Mr. HOWARD. Does the title pass to the company before the completion of the road from section to section?

Mr. POMEROY. Only as every twenty miles are completed and certified to.

The bill was reported to the Senate as amended; the amendments were concurred in. The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

On motion of Mr. WILLIAMS, the title of the bill was amended so as to read, "A bill granting lands to aid in the construction of a railroad from the Columbia river to Salt Lake City."

PACIFIC RAILROAD.

Mr. HOWARD. I now move to take up Senate bill No. 317.

The motion was agreed to; and the consideration of the bill (S. No. 317) to amend an act entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri river to the Pacific ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," approved July 2, 1864, was resumed as in Committee of the Whole, the pending question being on the amendment proposed by Mr. POMEROY to add to the first section the following proviso:

And provided further, That should the Union Pacific Railway Company, eastern division, under the provisions of this act, file their map locating their road upon a different route from that indicated in their map heretofore filed in the Department of the Interior, then and in that event the Hannibal and St. Joseph Railroad Company, or their assigns, being authorized to connect with the said railroad under the several acts to which this is an amendment, may be, and are hereby, authorized to continue their road westwardly from the point provided for in the aforesaid acts to a connection with the Union Pacific railroad at some point east of the one hundredth meridian of longitude, and for that purpose may have the same provisions and be subject to all the restrictions and limitations of the said Pacific railroad acts.

Mr. HOWARD. It was intimated yesterday that the amendment offered by the honorable Senator from Kansas required a further appropriation of money or of subsidies in order to carry it out. The amendment itself was never before the Committee on the Pacific Railroad; and that committee is in no sense responsible for the measure. If that be its effect, I most respectfully and earnestly suggest to the honorable Senator to withdraw the amendment, so far as this bill is concerned, because it must surely give rise to considerable discussion and loss of time, and present his amendment in the form of a separate measure, and let it be passed upon on its merits, if it has merits. It

is quite sure that in the present state of things in this body there is danger of losing the whole bill if the Senator insists upon that amendment.

Mr. POMEROY. I did not suppose that this amendment would endanger the bill. My point was this: the road having been located in one valley in my State, and the land withdrawn from market, and parties having acquired interests there, great injustice would be done them unless some company were authorized to build a road there. I thought I would submit the matter fairly to the Senate. If the Senate conclude that no injustice will be done anybody, then, of course, they will vote the amendment down; but I wish it distinctly understood that parties have acquired rights under that location that they cannot be divested of, either by Congress or any other body, without repairing the damage. I thought that was so, and I believe it is so. If the Senator has read the opinion of the Secretary of the Interior, which was submitted to the Attorney General and approved by him, he will see precisely the point I am aiming at.

Mr. HOWARD. I think I apprehend the point. The Senator cannot doubt that Congress will be entirely willing to do complete justice to all those individuals who may suffer pecuniarily in consequence of the passage of the bill now under consideration. I should be quite willing at all times to grant any relief which justice requires to those persons who have thus located in that region.

Mr. POMEROY. If Congress is ready to make up for all those losses, there will be no difficulty.

Mr. HOWARD. But I do not see the propriety, exactly, of incorporating such a provision as that in the bill now under consideration. It is in itself a separate and distinct proposition, and it ought to be so treated, as it strikes me.

Mr. POMEROY. The Senator may not understand that this amendment is germane to the bill; but I do not agree with him on that point. This bill now proposes to change the location of the road—nothing else; but that is not the point I am objecting to. The point I am objecting to is, that when that is done, justice ought to be done to the parties who have taken it for granted, under the previous bill, that this road was to be located in the valley of the Republican.

Mr. CONNESS. The provision of law now is that the Pacific railroad, eastern division, shall be located through the valley of the Republican river, and the Senator from Kansas says that because of that provision many persons have bought the even sections of land of the Government, and paid the enhanced price of \$2 50 an acre for them, and that if this bill shall pass authorizing the company to vary the route, to change the location to the valley of the Smoky Hill river, those settlers ought to be compensated by the Government, and not required to pay \$2 50 an acre for their land.

As suggested by the honorable chairman of the Pacific Railroad Committee, of course the Government will make such a provision if we pass this bill.

But the best part of the proposition of the Senator from Kansas now comes in. He says that in lieu of the benefit that would thus be conferred upon the settlers, it is but fair to allow a company that the honorable Senator or his people have up there to extend their line so as to authorize them to join the Union Pacific railroad, and also to have bonds of the United States, at the rate of \$16,000 per mile, in addition to lands. If there is any proposition settled, at least for this session, so far as the Pacific Railroad Committee of this body can settle it, it is that they will authorize no addition of bonds to be paid to any company building or engaged in building a branch of the Pacific railroad. That question has been deliberately examined upon a bill presented by the honorable Senator and urged by him, and the committee have reported upon it. Now I submit to him that the Senate cannot—of course he has a right to get a vote, and I hope he will

get a vote upon it—the Senate cannot, at this session at least, authorize an addition of bonds to branches of the Pacific railroad such as is contemplated by his proposition.

Mr. POMEROY. The Senator from California—

The PRESIDENT *pro tempore*. The morning hour having expired, it becomes the duty of the Chair to call up the unfinished business of yesterday.

Mr. POMEROY. I do not wish to discuss this matter at any length.

Mr. CONNESS. I move that the unfinished business lie over informally.

Mr. GRIMES. Let us know what it is.

The PRESIDENT *pro tempore*. The unfinished business is the bill (S. No. 257) to regulate the occupation of mineral lands and to extend the right of preemption thereto.

Mr. WILSON. A few days ago I had a special assignment made for to-day of the bill (H. R. No. 613) to continue in force and to amend an act to establish a Bureau for the Relief of Freedmen and Refugees, and for other purposes.

The PRESIDENT *pro tempore*. That was made the special order for to-day at one o'clock, but under the rule and practice of the Senate the unfinished business of the preceding day takes precedence of the special order.

Mr. POMEROY. I hope we shall be allowed to dispose of this railroad bill. We can do it in ten minutes, I presume.

Mr. SHERMAN. There are two special orders for to-day at one o'clock. I had an understanding with the Senator from Massachusetts that I should to-day desire to pass the Army appropriation bill in order to have it out of the way. There is but one amendment pending to it, and I will move to postpone all prior orders with a view to take up the Army appropriation bill.

Mr. POMEROY. I hope this railroad bill will not go over on account of any opposition of mine.

Mr. SHERMAN, [to Mr. POMEROY.] Your amendment will kill the bill if you put it on.

The PRESIDENT *pro tempore*. Will the Senator from Ohio repeat his motion?

Mr. SHERMAN. I move to postpone all prior orders and take up the bill (H. R. No. 127) making appropriations for the support of the Army for the year ending June 30, 1867.

Mr. HENDERSON. I suppose it will take but a few moments to dispose of the Army appropriation bill when it comes up; but I will state to the Senator from Ohio that I desire to offer an amendment to that bill when it is before the Senate. I have not the amendment with me this morning. I offered a resolution on the subject and had it referred to the Committee on Military Affairs. The Army bill is the appropriate place for my amendment to come, and I desire the Senate to pass upon it. I do not know whether the Military Committee has yet acted upon it. There was a resolution of inquiry passed at the early part of the session directed to the Secretary of War, and that resolution has been answered by the Secretary. My colleague, who is upon the Military Committee, has been absent until yesterday, and I am not prepared to say what has been the action of the Military Committee since Mr. Stanton's report has come in. I desire to offer the joint resolution that I introduced with regard to the bounty to the ten regiments of my State that served through the war, as an amendment to the Army bill when it comes up. I suppose there will be no resistance whatever to that bill. I believe it is about perfect now. I hope the Senator from Ohio will let this railroad bill, which I regard as important, be acted upon; and then, if he insists upon taking up the Army bill this afternoon, after we get through with the railroad bill, I will send over and get the amendment that I propose.

Mr. SHERMAN. I certainly do not wish to place any obstacle in the way of the railroad bill, to which I assent and shall vote for, but this was the day set for the Army appropriation bill. I gave notice on Friday to the chair-

man of the Committee on Military Affairs that I should call it up to-day and he assented to it. It will not do to wait until every member is ready to act upon it. We have been notified that the tax bill will be taken up to-morrow, and these appropriation bills ought to be got out of the way. I therefore insist upon my motion. I think it will not take long to dispose of the Army appropriation bill.

Mr. CONNESS. I wish to state to the honorable Senator from Ohio that I also have an amendment to offer to that bill, which I laid in my drawer, but since he has mentioned the bill I have been looking for it, but cannot find it. It seems to have been mislaid.

Mr. SHERMAN. You can easily find it or write another.

Mr. CONNESS. I doubt very much whether I can prepare it in a moment while it is being suggested. I agree with the Senator that it is important to pass the Army appropriation bill; but I think we can take it up in the morning hour, and give it precedence over other bills and pass it. I hope the Senator will not urge it at this moment, for these special reasons, and for the reason that we ought to go forward with this railroad bill and finish it. I desire to say, while I am up, to the honorable Senator from Massachusetts, that I join with him in any anxiety he may have for the bill that he proposes to take up; but the shorter way, it appears to me, to come to it is, to remove the bills that are now pending and that are nearly considered and get a vote upon them; let the Senate vote them up or vote them down, and then we shall get to his bill. I am very anxious to get to it.

Mr. WILSON. I will simply say that the Committee on Military Affairs have seven or eight bills awaiting action, and we have been waiting day after day for Senators to get their bills out of the way. Last week I moved to assign this Freedmen's Bureau bill specially for to-day at one o'clock. The Senator from Ohio thought he ought to take up the Army appropriation bill to-day. I regard, as we all regard, the appropriation bills as of importance. Yesterday was given to mining matters, and the morning hour for two or three mornings has been given to this railroad bill. I want to get the Freedman's Bureau bill through to-day, if possible; and as it has been suggested by Senators that they have some amendments to offer to the Army appropriation bill, I think the Senator from Ohio had better let it lie over and let us take up the Freedmen's Bureau bill, which I think we can perhaps finish in an hour. I should like to get through with that bill to-day.

Mr. CONNESS. I wish to state that I have found my amendment to the Army appropriation bill of which I spoke.

Mr. SHERMAN. I think we had better get rid of the Army appropriation bill and have it out of the way. It is one of those things that obstruct other business. I therefore insist on my motion.

The motion was agreed to.

ARMY APPROPRIATION BILL.

The Senate resumed the consideration of the bill (H. R. No. 107) making appropriations for the support of the Army for the year ending the 30th of June, 1867.

Mr. SHERMAN. I am directed by the Committee on Finance to propose an amendment as an additional section:

And be it further enacted, That the following sums be, and the same are hereby, appropriated out of any money in the Treasury not otherwise appropriated, for the support of the Bureau of Refugees, Freedmen, and Abandoned Lands, for the fiscal year commencing January 1, 1866, namely:

For salaries of assistant and sub-assistant commissioners, \$147,500.
For salaries of clerks, \$82,000.
For stationery and printing, \$63,000.
For quarters and fuel, \$69,000.
For clothing for distribution, \$1,170,000.
For commissary stores, \$3,106,250.
For medical department, \$500,000.
For transportation, \$1,320,000.
For school superintendents, \$21,000.
For repairs and rent of school-houses and asylums, \$500,000.

The amendment was agreed to.

Mr. CONNESS. I offer the following amendment as an additional section:

And be it further enacted, That the quartermaster's department shall in all cases, in obtaining supplies for the military service, state in advertisements for bids for contracts that a preference shall be given to articles of domestic production and manufacture, conditions of price and quality being equal; and that such preferences shall be given to articles of American production and manufacture produced on the Pacific coast to the extent of the production required by the public service there; and to that end the Quartermaster General shall cause advertisements to be published in the cities of San Francisco, in California, and Portland, in the State of Oregon, and he shall accept the lowest responsible bids under such advertisements if the quality be equal each in its kind or superior to that which shall be offered by bidders on the Atlantic side and if the price or cost to the Government be no greater than articles of like kind offered by bidders on the Atlantic side with the cost of transportation added thereto.

Mr. SHERMAN. The only objection I see to the amendment, as I gather from the reading, is that it would compel the Quartermaster General to advertise for all supplies on the Pacific that are needed there.

Mr. CONNESS. No, sir. He is simply required to advertise for such supplies as are wanted for service there and produced there specifically.

Mr. SHERMAN. I know there are certain kinds not to be found there. So far as blankets and food are concerned, I have no objection.

Mr. CONNESS. It is so stated; such articles as are produced there that are used there. That is stated.

Mr. SHERMAN. Then it is all right. The amendment was agreed to.

Mr. WILSON. I propose the following amendment as an additional section:

And be it further enacted, That a sum not exceeding \$45,000 is hereby appropriated from any moneys in the Treasury not otherwise appropriated, for the purchase of fifty-eight acres, ninety-four and one quarter poles of land near Nashville, Tennessee, being the site of Fort Morton, as recommended by the chief engineer.

This is to purchase the site on which Fort Morton stands, near Nashville, Tennessee, fifty-eight acres of land, recommended by the chief of Engineers and by the Secretary of War. The Government seized this property and is using it, and the damages will be nearly or quite as much as will be the cost of the purchase. The proposition is recommended by the chief of engineers and by General Thomas.

Mr. GRIMES. What for?

Mr. WILSON. For the purposes for which it is now used.

Mr. GRIMES. What are they?

Mr. WILSON. It is used for a fort and some other purposes.

Mr. GRIMES. Do I understand that it is recommended that we should buy this land for fortification purposes.

Mr. WILSON. For a fort and other Government purposes. General Thomas and the chief of Engineers and the Secretary of War all recommend the purchase, and the Secretary says the damages which the parties demand for the use of the property are nearly or quite as large as will be the cost of purchasing the property.

Mr. GRIMES. What is the appropriation?

Mr. WILSON. Forty-five thousand dollars. The amendment was agreed to.

Mr. WILSON. I propose another amendment:

And be it further enacted, That the sum of \$7,000 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, for the purchase and use during the rebellion of fifty-three and one quarter acres of land at Gloucester, Massachusetts, and of the right of way thereto, said land being the property of Thomas Niles and now occupied by the United States as a fortification for the defense of Gloucester harbor; and the said land shall not be paid for until the Attorney General shall have decided that the title thereto is legally vested in said Thomas Niles.

Mr. GRIMES. I wish to inquire who seized this property.

Mr. WILSON. It was seized by the authority of the Government of the United States. I have a letter from the Secretary of War in regard to the matter and a report on the subject from the chief Engineer. The land was taken and used by the Government, and they

have now a fortification upon it. The parties demand several thousand dollars by way of damages, and we propose to pay them \$7,000 for the property instead of what they ask. That is the estimate of the Secretary of War, as he states in his communication to Congress.

Mr. SHERMAN. I ask the Senator from Massachusetts why he did not offer this amendment to the fortification bill when it was pending. That was the proper place for it.

Mr. WILSON. I think the estimate has come in since we had that bill under consideration. It was sent here on the 21st of May, by the Secretary of War, with a large quantity of papers giving a very full statement of the whole case, showing what land was used, what we want, what we have in possession, and the value of what we propose to occupy. The papers are now on my desk. The owner asked \$15,000, and the Government agreed to pay \$7,000 for the land taken, together with the damages for using this amount of land.

Mr. GRIMES. I should really like to know why we are fortifying Gloucester harbor, when it was, by whose order it was, and who did it.

The amendment was agreed to.

Mr. NESMITH. I offer this amendment, to come in as a separate section:

And be it further enacted, That hereafter the Superintendent of the Military Academy may be selected from any corps of the Army.

Mr. GRIMES. Do I understand that the amendment in regard to Gloucester has been adopted?

The PRESIDENT *pro tempore*. It has been.

Mr. GRIMES. I move to reconsider the vote by which the Senate agreed to that amendment. Since the amendment was proposed my memory has been slightly refreshed in regard to it. If I have not misapprehended the facts, this seizure of property at Gloucester was more at the instance of the Gloucester people, who became alarmed at the anticipated depredations of some of the rebel pirates, than at the instance of the Government. I remember meeting some of the Gloucester people in one of the Departments of this Government when they were on here asking to have cannon sent up there in order to defend themselves. I think that the facts will turn out to be as I state; and I am confirmed in that opinion from the first sentence in the letter of Major Blunt, of the engineer service, who was sent to investigate the subject, in which he speaks of its having been "alleged" by the Gloucester people that this property was seized by the Government of the United States. At any rate, I am satisfied that it is a subject which ought to be more thoroughly investigated than it has been here to-day, for the Senator from Massachusetts himself is not able to explain the facts. He only says that there is a report from the Secretary of War on the subject. I desire to have that report and the accompanying letter printed before we are called upon to act on this question.

Mr. CRAGIN. I happen to have a little personal knowledge on that subject, although probably it does not go to the whole extent of knowing all about it. I happened to be in Gloucester on some business at the time this movement originated. The people there, fearing that rebel piratical ships might attack them, organized a company and got up a committee and sent them on here for the purpose of getting arms from the Government. It was understood and talked of there at that time that the movement was to involve no expense to the Government except that the Government should loan them arms. What was the success of that enterprise I do not know, but I presume this is the result of that movement.

The motion to reconsider was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Senator from Massachusetts, which has just been reconsidered.

The amendment was rejected.

Mr. WILSON. I offer this amendment:

And be it further enacted, That section seventeen of an act entitled "An act to define the pay and emol-

uments of certain officers of the Army," approved July 17, 1862, and a resolution entitled "A resolution to authorize the President to assign the command of troops in the same field or department to officers of the same grade without regard to seniority," approved April 4, 1862, be, and the same are hereby repealed; and no officer in the military or naval service shall be dismissed from service except upon and in pursuance of the sentence of a court-martial to that effect or in commutation thereof.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The Senator from Oregon [Mr. NESMITH] offered an amendment which has not been acted upon. It will now be read.

The Secretary read the amendment of Mr. NESMITH, as follows:

And be it further enacted, That hereafter the Superintendent of the Military Academy may be selected from any corps of the Army.

Mr. WADE called for the yeas and nays, and they were ordered.

Mr. FESSENDEN. I believe the Senate voted down this proposition twice or three times—I do not remember exactly how many times. I do not remember what bill the Senator from Oregon moved it to before.

Mr. SHERMAN. It was offered as an amendment to the West Point bill.

Mr. FESSENDEN. I hope it will not be put on this Army appropriation bill, at any rate. I do not know whether the new Board of Visitors has recommended it, but I suppose it is very likely it has done so. The matter was very fully discussed before, and the Senate by a decided vote rejected the proposition.

Mr. NESMITH. There was but one vote on the question, I think, and that was when I offered this proposition as an amendment to a joint resolution passed by the Senate sometime since in regard to appointments to the West Point Academy. It was then voted down by a majority of one, the vote standing eighteen to nineteen. It was objected to then by some that that was not the proper place for such an amendment, and for that reason, no doubt, some Senators voted against it. This bill making appropriations for the support of the Army seems to be an appropriate place for it, and I have offered it again. I hope it will be adopted.

Mr. SPRAGUE. It seems to me that this is a very wise provision, and I should be very glad to see it placed on this bill or any other bill to which it may be appropriate. It seems to me very unwise to confine the selection of the officer who shall have the superintendency of the Military Academy to any particular branch of the Army, either the engineers, the artillery, the infantry, the cavalry, or any other special department of the service. It seems to me the field of selection should be as wide as the whole service.

The question being taken by yeas and nays, resulted—yeas 17, nays 12; as follows:

YEAS—Messrs. Brown, Conness, Henderson, Howard, Kirkwood, Lane of Indiana, Nesmith, Nye, Pomeroy, Ramsey, Sherman, Sprague, Stewart, Trumbull, Wade, Williams, and Yates—17.

NAYS—Messrs. Anthony, Cragin, Edmunds, Fessenden, Foster, Guthrie, Harris, Morgan, Morrill, Poland, Van Winkle, and Wilson—12.

ABSENT—Messrs. Backalew, Chandler, Clark, Cowan, Creswell, Davis, Dixon, Doolittle, Grimes, Hendricks, Howe, Johnson, Lane of Kansas, McDougall, Norton, Riddle, Saulsbury, Sumner, Willey, and Wright—20.

So the amendment was agreed to.

Mr. WILSON. I offer this amendment as a new section:

And be it further enacted, That section thirty-five of an act entitled "An act for enrolling and calling out the national forces, and for other purposes," approved March 3, 1863, prohibiting the payment of extra-duty pay to enlisted men of the Army, be, and the same is hereby repealed; and the provisions of the original act and the authority to grant extra-pay are hereby extended to the enlisted men of the Navy and Marine corps of the United States.

Mr. SHERMAN. I should like to have some explanation of that. I do not understand it.

Mr. WILSON. This matter has been discussed during the present session, and I supposed it was well understood. The provision is recommended very strongly by the Departments. Formerly soldiers were allowed a certain amount, I think twenty-five cents per day,

when they were detailed to do work not properly connected with their duties as soldiers, on account of its wearing out their clothes and other reasons of that character. During the war, being engaged in war and having vast masses of men in the service, we repealed the act granting this allowance, and it is now proposed to restore it. In many cases soldiers are employed for many days where otherwise we should have to hire men. We employ some of them as mechanics, in continuous labor for days and weeks, very important to the Government, and it is believed that to allow this extra pay will save money to the Government and is a mere matter of justice to the soldiers. We inserted this provision under the Army organization bill when it was before the Senate, and the Senator from Iowa then moved to include the men of the Navy and Marine corps in the provision, and I have offered this amendment in the shape in which the proposition received the sanction of the Senate before without any opposition.

Mr. GRIMES. I can best illustrate this matter by an example falling within my own knowledge in the State where I live. Many years ago, when Iowa was a Territory, I remember that the Government on several occasions had to build forts away out on the frontier, beyond the white settlements. In those cases the forts were built by the soldiers, and they received twenty or twenty-five cents a day additional pay as compensation for the labor they performed outside of their duties as soldiers, whereas, if the same work had been performed by mechanics it would have cost the Government probably very much more. The application of the same principle to sailors and marines is simply for the benefit of a few who are stationed at the Naval Academy, some of whom are painters and carpenters, and who are employed in that way, and it will not involve any considerable expense.

The amendment was agreed to.

Mr. WILSON. I offer another amendment to come in as an additional section:

And be it further enacted, That the allowance now made by law to officers traveling under orders, where transportation is not furnished in kind, shall be increased to ten cents per mile.

We agreed to this provision during the session on the Army organization bill by the general consent of the Senate.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time. The bill was read the third time and passed.

On motion of Mr. SHERMAN, its title was amended by the addition of the words "and for other purposes."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House of Representatives had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 492) making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under the authority of law, and for other purposes.

The message also announced that the House of Representatives had passed, without amendment, the joint resolution (S. R. No. 108) for the relief of Samuel Norris.

The message further announced that the House of Representatives had passed a joint resolution (H. R. No. 166) to pay to the State of Vermont the sum expended for the protection of the frontier against the invasion from Canada in 1864; and a bill (H. R. No. 276) to establish a Department of Education; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House of Representatives had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore* of the Senate:

A bill (S. No. 127) for the relief of Jonathan

W. Gordon, late major in the eleventh regiment of infantry;

A bill (S. No. 230) to reimburse the State of West Virginia for moneys expended for the United States in enrolling, equipping, and paying military forces to aid in suppressing the rebellion;

A bill (S. No. 278) for the relief of Captain John H. Crowell, assistant quartermaster in the United States Army;

A bill (S. No. 174) to establish a hydrographic office in the Navy Department;

A joint resolution (S. R. No. 85) explanatory of and in addition to the act of May 5, 1864, entitled "An act granting lands to aid in the construction of certain railroads in Wisconsin;" and

A joint resolution (S. R. No. 71) referring the petition and papers in the case of Joseph Nock to the Court of Claims.

ORDER OF BUSINESS.

Mr. WILSON. I now move to take up the bill which was specially assigned for one o'clock to-day—House bill No. 613, to continue in force and to amend an act to establish a Bureau for the Relief of Freedmen and Refugees, and for other purposes.

Mr. HOWARD. I hope that will not be taken up, but that the Senate will continue the consideration of bill No. 317—the Pacific railroad bill—and let us get through with it. That is the unfinished business now properly before the Senate, and I think we can dispatch it in the course of half an hour, or an hour at the most.

Mr. WILSON. I will say to the Senator from Michigan that his bill was up in the morning hour yesterday and to-day, and as I secured a special assignment of this bill I think it ought not to be laid aside for the purpose of taking up any other bill. I am very anxious to have it passed, and I hope the Senate will proceed with it.

Mr. HOWARD. I believe it is the rule of the Senate that the unfinished business of yesterday takes precedence of the special order.

The PRESIDENT *pro tempore*. That is the rule of the Senate, but that question is not now before the Senate.

Mr. HOWARD. I hope the Pacific railroad bill will be continued.

Mr. WILSON. I insist on my motion.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Massachusetts, to postpone the present and all prior orders and proceed to the consideration of House bill No. 613.

The question being put, there were, on a division—yeas 13, nays 16.

Mr. HOWARD. Now I move to take up Senate bill No. 317.

Mr. WILSON. I should like to have the yeas and nays on my motion.

Mr. SHERMAN. We can get rid of the railroad bill in a short time.

Mr. WILSON. I gave way to-day to the Senator from Ohio after I had got a special assignment, and now he asks me to give way further. I think it is a strange request. I ask for the yeas and nays on the motion.

The PRESIDENT *pro tempore*. The Chair will entertain the call for the yeas and nays.

The yeas and nays were ordered.

Mr. SHERMAN. I wish to see the passage of both these bills, and I dislike to see them antagonized. This railroad bill I know is a matter of great importance to the railroad. If the Kansas branch is to be allowed to go up the Smoky Hill route the bill ought to be passed at this session, and at this period; if it is not passed here soon, it will not probably be considered by the other House. I think it ought to be disposed of. It has been before the Senate now three days. The Freedmen's Bureau bill, I think, should be passed to-day also. The railroad bill has been discussed, I suppose, nearly as much as it will be, and I hope, therefore, it will be taken up now. The Pacific Railroad Committee very fully considered it.

I desire to take up that bill, and hope both may be passed to-day.

Mr. TRUMBULL. I desire to inquire what the special order now is. What is before the Senate? My impression is, that the bureau bill is the bill in order. It being set as a special order for to-day, and the Army appropriation bill having superseded it, it would come up in its order at any rate on the Army bill being disposed of. I suppose the unfinished business of yesterday has been displaced. This was the special order for to-day, and where there are several special orders, the oldest one, I believe, has precedence. I make the inquiry to know if this bill is not before the Senate.

The PRESIDENT *pro tempore*. The Chair thinks it would be before the Senate in the absence of a motion.

Mr. TRUMBULL. Then it is properly before the Senate, and we may as well go on with it.

Mr. BROWN. The motion is to lay it aside and take up the other bill.

Mr. TRUMBULL. No; there is no other motion. I call for the order of the day.

Mr. BROWN. That is the motion of the Senator behind you.

Mr. TRUMBULL. That motion has not been made. The Senator from Massachusetts made a motion to take this bill up, and on that question there was a vote, and it is now being ascertained how the vote was. Before we do that, it is competent to ascertain whether this bill is not before the Senate. If it is, we had better go on with it.

Mr. CONNESS. The unfinished business to-day was the mining bill. We were very anxious to finish that, but we gave way for the more pressing necessity of the appropriation bill at the solicitations of the Senator who had it in charge. Certainly the special order having lost its time has no privilege now, and therefore the question is, by a vote of the Senate, shall we proceed to the consideration of the Freedmen's Bureau bill?

The Secretary proceeded to call the roll.

Mr. HENDRICKS. There are Senators on this side, and I am among them, who do not understand what the question is. Is it to take up the Freedmen's Bureau bill or to take up the railroad bill?

The PRESIDENT *pro tempore*. The Freedmen's Bureau bill. The motion was to postpone the present and all prior orders and proceed to the consideration of that bill, and the question is on that motion.

The question being taken by yeas and nays, resulted—yeas 14, nays 17; as follows:

YEAS—Messrs. Anthony, Fessenden, Foster, Grimes, Harris, Howe, Kirkwood, Morgan, Morrill, Sprague, Trumbull, Wade, Wilson, and Yates—14.

NAYS—Messrs. Brown, Conness, Cragin, Edmunds, Guthrie, Henderson, Hendricks, Howard, Nesmith, Nye, Poland, Kansas, Sherman, Stewart, Van Winkle, Wiley, and Williams—17.

ABSENT—Messrs. Buckalew, Chandler, Clark, Cowan, Crosswell, Davis, Dixon, Doolittle, Johnson, Lane of Indiana, Lane of Kansas, McDougall, Norton, Pomeroy, Riddle, Saulsbury, Sumner, and Wright—18.

So the motion was not agreed to.

PACIFIC RAILROAD.

Mr. HOWARD. I now move to take up Senate bill No. 317.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 317) to amend an act entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri river to the Pacific ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," approved July 2, 1864.

Mr. POMEROY. I believe the pending question is on the amendment that I submitted. I have conversed with very many of the members of the Pacific Railroad Committee, and as they desire to report upon this proposition separately, not connected with this bill, I do not desire to press it against the wishes of the friends of this measure and of our railroads. I will therefore withdraw the amend-

ment. The Senator from California, in his remarks just now, did not precisely state the case. What he said in reference to the settlers on the line of the Republican is entirely true; but he failed to say that the company that I have named in the amendment having the right to connect on the Republican it was the vested rights of that company that I had reference to as well as of the settlers, which were argued at considerable length in the report of the Secretary of the Interior and approved by the Attorney General, so that no act of Congress can divest them of them; but if Congress desires by subsequent legislation to amend the law, I have no objection to considering it in a subsequent measure.

Mr. CONNESS. I think that would be the best way.

Mr. POMEROY. For that reason, if that meets the concurrence and views of the friends of this measure and of the Pacific Railroad Committee, as I understand it does, I withdraw the amendment.

The PRESIDENT *pro tempore*. The amendment before the Senate is withdrawn.

Mr. GRIMES. Am I correct in understanding the Senator from Kansas to say that the members of the Pacific Railroad Committee have informed him they will report back his proposition in an independent bill?

Mr. POMEROY. No, sir. I said they preferred to consider it as an independent measure. I did not say what they would report, for I do not know; they have not made their report yet. They may make it, and when they make it we shall be able to tell what it is.

Mr. KIRKWOOD. I move to strike out the first section of the bill. I wish to correct the remarks of the Senator from Kansas. Do I understand him to say that if the bill as reported shall pass his understanding is that the road of which he spoke, running west from Hannibal, will have the right, under the existing law, to connect with the main trunk at the one hundredth meridian?

Mr. POMEROY. No, sir; not under the existing law. They have the right to connect on the Republican where this company filed their map, not at the one hundredth meridian.

Mr. KIRKWOOD. Do I understand the Senator to say that they will have the right to connect at some place with the main stem of the road?

Mr. POMEROY. Yes, sir.

Mr. KIRKWOOD. Where?

Mr. POMEROY. At a point on the Republican river about one hundred miles west from the Missouri river. They have located their line to that point and filed their map and issued their bonds.

Mr. HENDERSON. Who has done that?

Mr. POMEROY. The assignees of the Hannibal and St. Jo. road.

Mr. KIRKWOOD. It seems to me we are acting somewhat blindly in this matter and undoing what has been very carefully done heretofore. The idea of the Pacific railroad, as I understand it, was to make one trunk line from the one hundredth meridian west, and three branches uniting at or about that point with the main trunk. Each of these three branches was to have a subsidy of money and a land grant. Of course each was to get as rapidly as possible to the point of junction, and then the combined interests of all were to push the main road westward as rapidly as possible. The effort seems now to be to divide these interests, and instead of uniting them at the one hundredth meridian and having them, with their united strength, push the main trunk westward from that point, it seems to be to divide them up and weaken their united strength and that their interests shall separate until we get two or three hundred miles further west. This does not appear to me to be a policy that will result in the speedy completion of the road, which the whole country desires. Unless there should be some very good reason given for it, I think we had better strike out the first section of the bill, letting the second section stand as it is; letting the people on the Pacific side come to us east-

wardly as rapidly as they can, and keeping us united and pushing westwardly as rapidly as we can. I think that in that way we shall get the road built more speedily than we possibly can in any other way, and get the desire of the whole country accomplished. I am decidedly in favor of the second section of the bill, which will authorize the Pacific Railroad Company to approach us from the West as rapidly as they can, to remove all obstructions from them; and then, I think, if we keep all the strength of these three branches in the eastern portion of the country united, we shall push from the East to the West more rapidly than if they are dis-united.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Iowa to strike out the first section of the bill.

Mr. HENDRICKS. I wish to inquire of the Senator from Michigan who has this measure in charge whether this is a proposition to run two Pacific railroads as far as Denver City, and then what information the committee has that a suitable connection can be made after you pass that point; or whether it is the intention to continue this road in a southwestern direction, and thus have two roads to the Pacific coast. What is the purpose and the information before the committee on the subject of a connection of the roads after you have passed Denver City?

Mr. HOWARD. If the Senator will have the goodness to repeat his inquiry, and to raise his voice, I shall apprehend it more distinctly.

Mr. HENDRICKS. I will do so. I desire to vote for any proposition that will secure a more favorable route for this great work; but the committee, I believe, has not accompanied this bill with a report of the facts. A measure of such grave importance, it seems to me, should have been accompanied by a report of the facts calling for this important change. I understand the law as it now stands to establish the road, making Fort Riley a point, and then the intersection of the one hundredth meridian with the northern line as another point. It is proposed to abandon that point on the one hundredth meridian, and to extend the southern branch in a western direction from Fort Riley to Denver. Now, I want to know of the Senator whether the Kansas branch or road is to connect with the Omaha road at any point west of Denver City, and what information the committee has on the practicability of such a junction; or whether it is the purpose to extend this Kansas branch westward, and to make it an independent Pacific railroad.

Mr. HOWARD. In answer to the Senator's inquiry, I beg to say that so far as I am informed by the company known as the eastern division, which is the Kansas branch, properly speaking, it is their intention to form a junction with the main stem. It is their purpose to do so. I am not aware that they ever contemplated any departure from that principle, and do not think they ever have entertained such an intention. By the act of 1862 all these eastern branches of the main stem were required to unite with the main stem on the one hundredth degree of longitude. Such was the effect of the act of 1862 incorporating the Union Pacific Railroad Company. But by the act of 1864, amending the original charter of the company, it is provided that any of these branches may unite with the main stem at a point west of the one hundredth meridian, if they shall see fit to do so. In this connection I will call the Senator's attention to the ninth section of the act of 1864. He will find it in the second proviso contained in that section:

"And provided further, That any company authorized by this act to construct its road and telegraph line from the Missouri river to the initial point aforesaid—"

That is the one hundredth degree of longitude—

"may construct its road and telegraph line so as to connect with the Union Pacific railroad—"

That is the main stem—

"at any point westwardly of such initial point, in

case such company shall deem such westward connection more practicable or desirable; and in aid of the construction of so much of its road and telegraph line as shall be a departure from the route hereinbefore provided for its road, such company shall be entitled to all the benefits and be subject to all the conditions and restrictions of this act: *Provided further, however*, That the bonds of the United States shall not be issued to such a company for a greater amount than is hereinbefore provided, if the same had united with the Union Pacific railroad on the one hundredth degree of longitude; nor shall such company be entitled to receive any greater amount of alternate sections of public lands than are also herein provided."

It will be seen from that that the privilege of making the junction at a point west of the one hundredth degree of longitude has been secured to all these companies for some two years past. Now, in regard to the Pacific railway, eastern division, it was required by the statute that that branch, known as the Kansas branch, should locate its route within a given period of time, which period has elapsed, and the object of the first section of this bill is simply to extend to that branch the right of locating its route until the 1st of December next; but the first section requires positively, in express terms, that the eastern division shall form a junction with the main stem of the Union Pacific Railroad Company at some point not more than fifty miles west of the meridian of Denver. They are not, therefore, at liberty to extend their route to a point further west than fifty miles west of Denver without forming a junction with the main stem. Whether they will form a junction at that point, or east of that point, is not perfectly certain. It depends upon their interests, of course, at what point they will form the junction; but they are required positively, by law, to form the junction, so that the eastern division may operate at all times as a feeder to the main trunk, the Union Pacific railroad proper. The first section, as amended, contains further language guarding against any misconstruction of existing statutes upon the subject. It declares—

That said company shall be entitled to only the same amount of the bonds of the United States to aid in the construction of their line of railroad and telegraph as they would have been entitled to if they had connected their said line with the Union Pacific railroad on the one hundredth degree of longitude, as now required by law.

So it gives to the eastern division, in reference to subsidies, precisely the same right that it always has possessed, and no further right—nothing more. They will not be entitled to a dollar by way of subsidy for any part of their route west of the one hundredth degree of longitude. The committee have been extremely careful so to word the bill as to save to the Government and the public that right.

This explanation, I trust, will be satisfactory to my friend from Iowa, and ought, I respectfully submit, be satisfactory to the Senator from Indiana.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The question is on the amendment proposed by the Senator from Iowa, to strike out the first section of the bill.

Mr. HOWARD. I hope it will not be stricken out.

The PRESIDING OFFICER put the question, and declared that the yeas appeared to have it.

Mr. KIRKWOOD. I call for a division.

Mr. HOWARD. I beg to say one word on this subject that we may be informed about it. If the first section of the bill is stricken out, then there no longer remains to the eastern division any right to locate its road in any direction further than it has located it already. It is withholding from that company the privilege of making any further advance in the construction of their road. It puts an end to the whole enterprise.

Mr. HENDERSON. As is stated by the Senator from Michigan who has charge of this bill, if the first section is stricken out there is nothing remaining in the bill. I presume the Senator from Iowa has made this motion in order to test the strength of the bill before the

Senate. If it is stricken out there is nothing remaining.

It seems that Senators are not acquainted with the object of this bill. I originally introduced it; I presented the proposition to the Senate. It is true the committee have made, in my judgment, some material changes, and with all due deference to the committee, I do not think they have carried out all that I designed by the original bill. But it has been reported back here as the voice of the committee on the subject, and therefore I shall support it as the best I can get; I cannot do anything more. But, sir, let me say, before the Senate comes to any vote upon the proposition, that if this bill is to be voted down in its present shape, I shall appeal to the Senate to repeal all laws providing for any branch of the Pacific railroad from the State of Missouri. I do not intend to present any complaints upon my part against the action of this body or of the other House in reference to the condition of legislation for the building of the Pacific railroad. This is not the proper time to do it. If I were disposed to do it, I could present, I think to the satisfaction of every Senator, very serious grounds of complaint so far as my State is concerned; but this is not the proper time to do it. The Senate has not time to hear it, and perhaps they would not take the time to go back and examine the law of 1862 and the law of 1864 on the subject. It is a long story, and would require a great deal to be said.

I stood on this side of the Chamber in 1862 and appealed to the Senate not to do a great many things that they did do by the bill of the 1st of July, 1862, a few days before the adjournment of the session. They passed the Pacific railroad bill, and they said, we will start the road at the one hundredth meridian, that is, we will start a main trunk there, and build it out to the California line, leaving other companies in Missouri and in Iowa to construct their roads up to that point, and there unite with the main road. I have the map before me, and I hope that any Senator who desires to do so will take it up and examine it. The one hundredth meridian is marked upon it. I appealed to the Senate then to leave the question of the point at which the main Pacific stem should commence an open question. The Senate ruled me down; and in fixing it, you will find by one of the first sections of the act of 1862 that the initial point of the main Pacific road was to begin on the one hundredth meridian between the southern valley of the Republican fork of the Kansas river and the northern part of the valley of the Platte river, and all the other branch railroads that were to be constructed from the States were to unite at about that point. I said, "Let us submit this question of the beginning point to a survey." I think the Senator from Kansas will bear me witness to that, for he now finds that if he had taken my views then he would have been out of the trouble he wanted to avoid this morning by his amendment; but I could not get gentlemen to listen to me. Those chickens have now come home to roost. I said, "Let us fix this thing by absolute survey; let us find where is the best route; let us find where is the best initial point, and let us leave it to be selected between the Smoky Hill valley on the south, and the Platte river on the north." The Senator from Kansas voted with me on that subject. I wish he had stood with me in all my propositions; but we parted company on this St. Jo. branch, and now he wants to get back where I wanted him to be originally.

But, sir, I was voted down, and they said, as the bill was originally reported, that the Iowa roads might build two branches from Iowa, one from Sioux City and one from Omaha; the Omaha route to be fixed by the President. The President did afterward fix it at Omaha. It was to be in that vicinity, and the President fixed it at Omaha. There were two branches to be built from Iowa, and two from my State; but Senators will recollect that when they came to give bonds to the branches from

my State, they would not give bonds to but one of the branches. They said the other branch might have bonds for one hundred miles, but there it should stop; and they gave the Kansas branches bonds all the way out just as far as they might want to go. But just before the bill passed, a distinguished Senator from Iowa, who is now Secretary of the Interior, offered a proposition which destroyed the whole original intent of the bill and said that the Pacific Railroad Company proper, the one that was to start at the hundredth meridian and build west to the California line, leaving the Central Pacific Company of California to build up to it, should build the branch to Omaha. That was not the intention originally. The intention was to let the Pacific railroad commence at the hundredth meridian, and other companies from Iowa and Missouri build their roads out to that point; but this amendment was put on requiring the great Union Pacific to build that branch to Omaha; and afterward the legislation of 1864 required that they should forfeit all their privileges as the Pacific railroad if they did not build the Omaha branch, thus making, as far as legislation could go, that Omaha branch the main Pacific road, encouraging that road, when it was constructed, to bring passengers, freight, and everything across that line to the neglect of all other lines.

Now, Mr. President, one of the most energetic men of the West undertook the construction of the line from Kansas City out to the one hundredth meridian. In the mean time, before 1864, a survey was had along up the Smoky Hill fork; and it turned out just as I had predicted in 1862, that on the Smoky Hill there is the greatest abundance of timber, the finest farming lands in the world, just as rich as they can be. The Senator from Kansas, who was interested at that time, will remember what I said to the Senate; and actual survey has demonstrated that it is the easiest route to build. You have fine agricultural lands, the best that can be found anywhere; you build over a country that is full of coal. If you build over the other route, the Republican fork, it is a desert; it is a Sahara, without coal, without timber; a mere sandy plain without vegetation.

Mr. Perry, who is the president of this road, finding that he could reach Denver City one hundred and thirty-four miles nearer, over an easier route, with easier grades, less curves, and could make infinitely a better road, came here in 1864 and proposed to the Senate that they should permit him to build up the Smoky Hill fork instead of the Republican; and what did the Senate do? Senators seem to understand that this is changing the route of the road. It is not so by any means. This is no proposition to change the route of the road. As the distinguished Senator from Michigan, who has charge of the bill, will bear me witness, and as he has already stated, the only effect in the world of this bill is to permit Mr. Perry now to file his plat instead of filing it by the first day of July next. The original act gave him two years within which to file his plat. That act was passed on the 1st of July, 1862. The two years expired on the 1st of July, 1864. In 1864 the Senate will remember we extended the time two years; and now the time will expire July 1, 1866. Mr. Perry has not quite completed his surveys, and wants now until the 1st day of October next. That was the way I introduced the bill. Senators will see by examining the bill that I proposed to give him until the 1st of October to file his plat; but the committee have extended the time to the 1st of December, which is much better than my proposition; but I did not know whether the Senate would grant Mr. Perry that privilege. He is an energetic gentleman, one of the most honest, high-minded, and energetic men of the West, and he is building a road in all sincerity, and is building it rapidly to connect us with the Pacific coast.

The legislation of this body in 1864, as read by the Senator from Michigan, gave Mr. Perry

the right to go up the Smoky Hill fork because it had been demonstrated even then to be the better route. Senators will find it in the ninth section of the act of that year, on page 371 of the Laws of 1863-64:

"And provided further, That any company authorized by this act to construct its road and telegraph line from the Missouri river to the initial point aforesaid—

That was between the Platte and the Republican fork—

"may construct its road and telegraph line so as to connect with the Union Pacific railroad at any point westwardly of such initial point, in case such company shall deem such westward connection more practicable or desirable; and in aid of the construction of so much of its road and telegraph line as shall be a departure from the route herebefore provided for its road, such company shall be entitled to all the benefits and be subject to all the conditions and restrictions of this act."

But in 1864 the Railroad Committee did what I thought was very unjust, but yet our company from Missouri had to submit to it. What was it?

"Provided further, however, That the bonds of the United States shall not be issued to such company for a greater amount than is hereinbefore provided, if the same had united with the Union Pacific railroad on the one hundredth degree of longitude; nor shall such company be entitled to receive any greater amount of alternate sections of public lands than are also herein provided."

Now, Mr. President, does this bill injure anybody at all? What injury will anybody sustain in consequence of it? We find that by the Smoky Hill fork we can build a road on a line one hundred and thirty-four miles shorter; and yet gentlemen insist that we must build over the route. Why? It does not cost the Government anything to allow the Smoky Hill route. Here are gentlemen building a road from the State of Missouri west, and they say they can build it by an expenditure of money from their own pockets over a particular route and make it better than to receive \$16,000 a mile more and build it over the other line; and yet this Senate deliberately fixed that line.

Mr. President, there are a great many things about railroad building out West. I know that we squander the public lands here. The Senator from Indiana, [Mr. HENDRICKS,] who has given much attention to these subjects, very properly said the other day that it is very hard to have a couple of roads built almost parallel to each other. Here is a company now to which, by the legislation of this body, you are offering \$16,000 a mile to build a road over a certain route, but they say they would rather build it over another route, if you will let them do it, without one cent of your money; and yet the Senate is hesitating about it. That is the sort of legislation here. We are now absolutely trying to say that a company shall not build a railroad from the borders of my State to California without receiving a dollar of Government aid. They ask to build the road over a route on which they will make more money, which will pay better, a shorter line, and over a good and fertile country; and gentlemen are saying they prefer not letting them build at all. You required by your legislation here that the main Pacific railroad should build both the Iowa branches, the Sioux City branch, and the Omaha branch. In 1864 the Iowa branch had become strong enough, and they came here and begged of the Senate to let them off from building one of these roads. The Senate let them off; the House of Representatives let them off; and they now require that the Sioux City branch shall be built by an independent company, going across Missouri, provided it is ever built; but they make it even more obligatory than ever in 1864 over this main Pacific railroad to build the branch from Omaha out. I know it is a very wealthy company now; but I dare say that Mr. Perry will build a road that will accommodate this Government, and he will build it sooner than this wealthy company will build it. He only asks you to give him liberty to build it; and yet some Senators are hesitating, absolutely, to give him the permission out of his own pocket to build a road for the accommodation of the public.

Mr. FESSENDEN. Will the Senator explain what the dispute is about?

Mr. HENDERSON. If the Senator from Maine will look for a moment at the map which I have here he will see what the dispute is about. The proposition of Mr. Perry is to build a road from Kansas City to Denver.

Mr. FESSENDEN. That is one of the branches of the Pacific railroad.

Mr. HENDERSON. Yes, sir. The Senator will see marked on this map the one hundredth meridian and the Republican fork. The legislation of 1862 required that the initial point should be fixed between the south valley of the Republican fork and the north valley of the Platte. That was to be the main line. The Omaha branch is marked; the Sioux City branch still further up; the Kansas branch, and also the St. Jo. branch, which my friend from Kansas has charge of. But the St. Jo. branch is to unite within one hundred miles. Mr. Perry is building his road up by the way of Fort Riley, and he is now near Fort Riley. If you do not pass this bill he will be compelled to turn off in a northwestern direction and come up to meet the initial point. If you let him build the road direct, it is one hundred and thirty-four miles nearer, in a direct line, through a fertile country filled with coal and timber; whereas the other is a perfectly barren plain.

But Senators are mistaken when they say that he is required now still to build upon that route, because the legislation of 1864 permitted him to build by this route; but it gave him no more money than if he built on the other route. He failed to file his plat within the time fixed, in order to get good surveys of this route since 1864. We have lost the right simply to file the plat. We might file it now between this time and the 1st of July; we have got time enough to do it; but we want to make further explorations and surveys.

Mr. POMEROY. If the Senator will allow me, I should like to ask if no plats have been filed upon that route.

Mr. HOWARD. So far as this company is concerned, it is merely a question of further time to locate their road. That is all there is about it.

Mr. POMEROY. Two plats have been already filed.

Mr. HENDERSON. The Senator from Maine asks me what is the main question, and he asks me further whether Mr. Perry now has the right to go to Denver instead of going to the one hundredth meridian by the Republican valley. I will read the proviso to the ninth section of the act of 1864. He was formerly required to go up the Republican, but the law was amended in 1864; and the proviso to the ninth section is in these words:

"And provided further, That any company authorized by this act to construct its road and telegraph line from the Missouri river to the initial point aforesaid—

That is on the one hundredth meridian—

"it may construct its road and telegraph line so as to connect with the Union Pacific railroad at any point westwardly of such initial point, in case such company shall deem such westward connection more practicable or desirable."

Instead of forcing us up the Republican, Congress gave us permission to go by the Smoky Hill route in 1864. What I objected to in the legislation of 1864 was this other proviso that was put on:

"Provided further, however, That the bonds of the United States shall not be issued to such company for a greater amount than is hereinbefore provided, if the same had united with the Union Pacific railroad on the one hundredth degree of longitude; nor shall such company be entitled to receive any greater amount of alternate sections of public lands than are also herein provided."

They permitted Mr. Perry to build by this route, but gave him no more money than he would have received provided he had united with the Union Pacific road on the one hundredth degree of longitude.

Mr. BROWN. And no more land.

Mr. HENDERSON. That is a question of

construction. I do not know about that. I suppose the Senate would not wish to deny him lands over this route. We have considered and passed this morning a bill to build a road from Oregon to Salt Lake to unite with the Union Pacific road. Why not grant lands to this road? It is in the direction of New Mexico, and we are now paying millions of money to carry the mails from the Missouri river to New Mexico and all that section of country.

Mr. CONNESS. And military supplies.

Mr. HENDERSON. Military supplies and everything of that character. If Mr. Perry continues this road out to a point near Denver, he is within four hundred miles of the city of Santa Fé; and on that route there may be a road constructed in the course of a few years, because Mr. Perry is going to put this road through, whether you give him a dollar or not. But I am complaining of the injustice that will be perpetrated in this railroad legislation against my State. We only ask now that the Senate shall give us land; we do not ask for a dollar of money. We ask to be permitted to build this road out to Denver, on a direct line, and then to unite with the Pacific road, because the Pacific road must follow the Platte and then come nearly together. Why compel him to go up the Republican fork and then south again in order to come to this point?

I do not know what the construction of the act of 1864 is as to the grant of lands. It will certainly give him land just as many miles up the Smoky Hill as it would if he had come to the point provided for in the act of 1862. It is fifty or sixty miles further. I do not know whether it gives him land all the way out; but it would be only just to give him the land, for he is building on a route that will soon enable the Government to transport its mails and munitions of war to a most important part of its territory, New Mexico.

But, sir, this bill is only intended to give him a little further time within which to file his plat. There is nothing else effected.

Mr. FESSENDEN. I will state to the Senator one idea I have about it. Perhaps it may seem to him to be very incorrect. Lands are taken for all these routes. The idea of the original bill was to unite on the one hundredth meridian, and then there was to be a single road from that point. Then, so far as the lands of the Government are concerned, all they take is up to that point, and from that point onward. But now, if you start at another point, it will require still more lands. My idea is that, however interesting it may be to individuals, it does not follow that it is the same thing to the Government to give lands to three or four or half a dozen roads, when the object was to have one main line to California. But individuals still say "We can do better," and the consequence is more land is taken. Gentlemen from the West say it is no sort of consequence how much land is taken.

Mr. HENDERSON. We charge the settlers \$2 50 instead of \$1 25 for all the remaining sections.

Mr. KIRKWOOD. I do not know whether the Senator from Missouri is right or not. I confess I was not aware of the legislation of 1864 in this respect. I supposed, when I made the motion which I did make, that the law still required the junction of these branches, as they are called, at the one hundredth meridian, but I find the act of 1864 provides that this branch shall be allowed to come into the main road wherever it pleases west of the one hundredth meridian.

Mr. HENDRICKS. If the Senator from Iowa will allow me, I wish to ask the Senator from Missouri one question in regard to the junction of the road. I understand that the original law required the junction to be at the one hundredth meridian, but between the Republican fork and the Platte river.

Mr. HENDERSON. That was the act of 1862.

Mr. HENDRICKS. Yes, sir. Now, the act of 1864 allows the junction at a point west

of the one hundredth meridian, but it does not repeal that portion of the law of 1862, as I understand, which requires the junction to be between those two rivers. So I am not sure that the Senator is exactly correct in his construction of the legislation up to this time.

Mr. HOWARD. That is necessarily repealed.

Mr. HENDERSON. It must be so, because this whole legislation is in perfect conflict with that act. It permits them to unite with the Pacific road at any point west.

Mr. HENDRICKS. That is so; but the legislation of 1862 required a junction at the one hundredth meridian between these two rivers. The legislation of 1864 simply allowed the junction west of the one hundredth meridian, but does not cease to require the junction between the two rivers.

Mr. STEWART. Suppose the rivers do not extend so far?

Mr. HENDRICKS. Suppose they do not extend to the one hundredth meridian? I do not know whether they do or not.

Mr. HENDERSON. The Republican river extends to the frontier, west of the one hundredth meridian. The head of it is a little west of the one hundredth degree of longitude. I will state that there can be no question about the justice of this bill, that is, so far as the Government is concerned. It is very unjust to my State, very unjust to the parties who are building the road, in my judgment, to say that they shall be entitled to no subsidy from the Government, while there are two roads above that you subsidize with land and money. I can see no reason for it. This is just as important, and much more important than any other road. It is one hundred and thirty-four miles nearer, by actual survey, and through a better country. I apprehend there can be no objection to it. It is asking nothing beyond what was given by the act of 1864, except to give these parties a little more time to designate the route; because the lands are reserved, and you must recollect it is not built to within one hundred miles of the mouth of the Republican river yet; and this applies to the country east of the river as well as west. Therefore I hope you will give them the privilege to file their map by the 1st of December. The Omaha branch has not yet filed its map, and the main Pacific road has not filed its map.

Let me state one thing further to the Senate. This initial point was to be fixed by the President of the United States, and he has never yet fixed it. Then how is it possible that we can make out a map with anything like a perfect and correct idea of where we are going to? Mr. Lincoln never fixed the initial point, and Mr. Johnson has never fixed it. It is within the discretion of the President to fix it where he chooses; and until it is fixed, why require Mr. Perry to file his map? Let him assuredly have until the 1st of December to file it. There can be no objection to this legislation.

Mr. GUTHRIE. Mr. President, this road is the road the stock of which General Fremont at one time became possessed of in some way; but it is now in the hands of a company of practical railroad builders who have contributed their own money and undertaken to build the road, with the aid and assistance, of course, of the Government grant. The president of this company brought a letter to me from St. Louis—out West they sometimes mistake me for a railroad man. He explained the whole subject and their organization. I find that I have a friend in the organization, a Mr. Shoemaker, who is the engineer of the road, and is engaged as one of the contributors to it, and is a very excellent engineer and practical railroad builder. He explained to me the route up the Smoky Hill fork and the advantages of it to them as a company. I came to the conclusion that that was the only route the Government of the United States ought to let them build a road upon. The other route is a line where there is no timber or material to oper-

ate a road; it is through a desolate country. Up the Smoky Hill fork they get through a fine wooded country; they reach through fine coal-beds where they will be able to get the material to operate the road in all time to come, and operate it cheaply.

Then Mr. Shoemaker represented to me that it is shorter to Denver City by more than one hundred miles. Of course the Government would save the lands donated for that additional hundred miles, and the bonds it contributes to it to that extent; and then the road would be worth something and it could be operated after it was built; whereas if it was built upon the other route there would be no materials to operate it; and no through business that will ever come from California will pay for operating these roads unless they can get aid and assistance from the country through which they run. I thought it was very desirable, too, in this connection, that they should get to Denver City one hundred miles nearer than by the other route, because when they reach Denver City they reach the mining region, and we should begin at once to draw advantages from the expenditure that the Government is making in relation to these roads.

I came, then, to the conclusion, and I firmly believe it now, that the Government ought not to let this road be built on any other route than up the Smoky Hill fork; and I am, therefore, against striking out the first section of the bill, which gives them further time to file their plat; it is only a continuation of the privilege Congress have given them to make the junction west of the one hundredth meridian. I am not as familiar as some other gentlemen here with the legislation of Congress upon the subject. I cannot tell what the local interests may be, but the great public interest is that this road should be built where it can be operated and made of some use to the country; and if it is not made at that point, it is useless to make it at all. I do not wish to detain the Senate.

Mr. HENDRICKS. The object of my inquiry of the chairman of the committee was to ascertain the facts about this matter. It is a very important measure, which, I think, should have been accompanied by a report, giving us all the facts; but upon the confident statements which gentlemen make I do not feel free to vote against it, although I do not feel entirely satisfied that the information we have is such as we ought to have upon a question of this magnitude. It will eventually involve the expenditure by the Government of the ordinary amount for the construction of this road out to the junction beyond Denver; but as it is stated here that the road on the route now required will pass through a barren country, which would furnish no business for it, and that the proposed route will pass through a well-watered, rich, fertile country, supplied with coal and timber, I cannot vote against the measure on such confident statements of the facts by Senators. I wish, however, to suggest that there will arise the question of the rights of the Hannibal and St. Jo. railroad extension. That road is now provided for with a connection at some point out in the wilderness. What connection can it make if we make these two roads parallel instead of giving this road a northwestern direction, so as to form a junction?

There is that difficulty which we shall have to meet. The Senator from California has said we shall meet it in a liberal spirit toward that company. What that will eventually require I do not know. In my judgment, it will require something. We shall have to give that road a junction. Men have put their money into it; they have built a portion of it, as I understand. They certainly have some claims on the Government now to see to it that they shall have a junction that is valuable to them; and if at the end of the hundred miles that we have now provided for, because of the present legislation, they find no possible junction, but have to turn in a northwestern or southwestern direction to form such, I apprehend the Government will have to enable them by material

aid to make such a junction. I give my vote understanding the full responsibilities of the questions, as I believe.

Mr. HOWARD. Mr. President, in regard to the forming of a junction with the main stem, I beg to say to the Senator from Indiana that there is an express provision contained in this bill requiring such a junction. In the first section in the last proviso you will find these words:

That said company shall connect their line of railroad and telegraph with the Union Pacific railroad, but not at a point more than fifty miles westwardly from the meridian of Denver, in Colorado.

Mr. HENDRICKS. I observed that this provides for the main trunk from some point west of Denver to the California State line, with double branches from Omaha to that point and from the Missouri river on the south also to that point; but how is the Hannibal and St. Jo. extension to form a junction, and where?

Mr. HENDERSON. The Senator from Michigan will permit me to answer the Senator from Indiana. The Senator from Indiana will see by section thirteen of the original act of 1862 that he is mistaken. It provides—

"That the Hannibal and St. Joseph Railroad Company of Missouri may extend its roads from St. Joseph, via Atchison, to connect and unite with the road through Kansas, upon filing assent to the provisions of this act, upon the same terms and conditions, in all respects, for one hundred miles in length next to the Missouri river, as are provided in this act for the construction of the railroad and telegraph line first mentioned, and may for this purpose use any railroad charter which has been or may be granted by the Legislature of Kansas."

Therein I said in 1862 that I complained. It only permitted the Hannibal and St. Jo. Railroad Company one hundred miles to get to the Kansas City branch, the one we are now talking of. It was to reach it within one hundred miles of the Missouri river. The Hannibal and St. Jo. branch will be left out in the wilderness, for it cannot unite with this branch except within one hundred miles of the Missouri river, and it is four hundred miles to the initial point, or three hundred and eighty miles anyhow. But they have the very same advantage as to a connection that they always had; they can go down one hundred miles. But in 1862 I got a proviso put on that, because I thought that was very unjust to that road, and the proviso is to permit them to unite with any of the other roads coming from Iowa or elsewhere. I struggled with the Senate to let it go directly west, but I was overpowered, and I finally got this proviso put on:

"Provided, That if actual survey shall render it desirable, the said company may construct their road, with the consent of the Kansas Legislature, on the most direct and practicable route west from St. Joseph, Missouri, so as to connect and unite with the road leading from the western boundary of Iowa, at any point east of the one hundredth meridian of west longitude, or with the main trunk road at said point; but in no event shall land or bonds be given to said company, as herein directed, to aid in the construction of their said road for a greater distance than one hundred miles."

That, instead of leaving them in the wilderness, permits them to unite with the Omaha branch at any point they choose, or with the main Pacific road on the one hundredth degree of longitude, or they may unite with the Kansas branch as originally contemplated within one hundred miles. Therefore they have the same privilege they always had.

Mr. POMEROY. I think I can explain this matter in a moment. I do not want to occupy the time of the Senate. Though the Hannibal and St. Joseph Railroad Company had the right to build a branch under the provisions of the act, they had to use a charter to be obtained from the Legislature of Kansas, from the fact that a company in one State could not be authorized, even by act of Congress, to build in another State except with the consent of the State and by using a charter of that State. The law says that they shall have land and bonds for only one hundred miles. It does not say that they shall not build any further, as the Senator seems to claim. This company located its road and filed its plat on the Republican.

The Hannibal and St. Jo. road had notice then, and all the world had, that this company was going up the Republican. They then filed their plat out to the Republican to meet this company and went on building their branch road. They are grading the sixty-fifth section to-day on that line to the Republican. They had the right to connect with them anywhere, but were not to have bonds or land for over one hundred miles. They chose to connect on the Republican; they are building in that direction, claiming that they have the right to connect there, and there is no doubt about it; and a change from that route to the other involves further legislation for that company to enable them to connect somewhere else. That is why that company have been opposed to any change, because they were satisfied with the legislation as it was; and if the other route is taken, the Smoky Hill route, it requires further legislation to enable them to connect somewhere else.

Mr. WILSON. If I understand this matter correctly, in 1862 it was agreed that these several routes, two or three of them, should unite east of the one hundredth meridian. This, of course, would require the branch road named in the first section of this bill to go up the Republican fork. In 1864 an act was passed by which provision was made that they might take another route.

Mr. POMEROY. The Senator is mistaken in that. The legislation of 1864 allowed them to continue beyond the point of the one hundredth meridian by running on the valley of the Platte or the valley of the Republican, but did not allow them to change outside of the Republican valley or Platte valley. It did not change the route, but only allowed the point of junction to be beyond the one hundredth meridian, still confining this branch to the valley of the Platte or the Republican.

Mr. WILSON. It did not allow them to take the route they now propose to take, did it?

Mr. POMEROY. No, sir.

Mr. WILSON. If the Senator is right in his construction, it shows that the act brought in here by the Senator from Missouri to justify this bill does not permit this company to go up the Smoky Hill fork.

Mr. POMEROY. I ought to say that they applied to the Secretary of the Interior for leave to change their route and withdraw their plat on the Republican, but the Secretary of the Interior decided that they could not do it. The matter was referred to the Attorney General and he confirmed the opinion of the Secretary of the Interior, holding that they could not change their filing from the Republican without an act of Congress, having once filed a plat and other parties having obtained vested rights consequent upon it. That is why this bill is brought in, to enable them to do what they cannot do without an act of Congress.

Mr. WILSON. We shall understand now why this bill is brought in here. In my opinion this legislation is entirely wrong, and we should have no legislation whatever in regard to this road. I think it is time the matter was settled. This is a disturbing bill, a bill calculated to disturb the construction of the Pacific railroad. If I understand the state of things correctly, the Union Pacific Railroad Company have already expended \$16,000,000 in building their road; they have completed one hundred miles of their road; they have graded another one hundred miles; they have bought iron for three hundred miles of road.

Mr. HENDERSON. You mean the branch road from Omaha.

Mr. WILSON. I mean the road from Omaha. They have mortgaged their road over the whole line. They are now engaged in trying to borrow \$20,000,000 in Europe on a first mortgage, and they have assured the capitalists of our country and of other countries that no legislation would be had in this matter. They claim that they have vested rights over this road; that they have put their money in it; that they have borrowed money on it; that they have received

from the Federal Government only \$1,040,000, and have raised and expended and agreed to pay into this road \$16,000,000; that they are ahead of their time now, and are the only company that are ahead in that particular. These are the statements they make.

I believe these statements to be true. I believe these people have entered upon the construction of this road in good faith, and that it is a violation of their rights to pass the first or the second section of this bill. It was agreed here that the California Pacific Railroad Company should come one hundred and fifty miles east of the line of California. Now it is proposed that they may come just as far east as they please. They cannot get one hundred and fifty miles under four or five years.

Mr. CONNESS. How does the Senator know that?

Mr. WILSON. I am informed that that is the fact.

Mr. CONNESS. You are informed wrongly, sir.

Mr. WILSON. That may be true; but the information comes from gentlemen who understand this whole matter quite as well as the Senator from California.

Mr. CONNESS. We will see about that.

Mr. WILSON. How much of their road have they built? How near the California line are they?

Mr. CONNESS. I will not disturb the Senator further, but he will be replied to. I wish the Senator to get through and we shall see how much he knows about the subject.

Mr. WILSON. Well, Mr. President, I asked the Senator a question, and I have not received an answer. My statement is that the Central Pacific Railroad Company of California were required to build twenty-five miles a year; that they were allowed to come one hundred and fifty miles this side of the line of California; that they have not reached the line of California; that they will not reach it under two or three years; that it will take two or three years to complete the one hundred and fifty miles now allowed. I may be mistaken in this matter, but I have the information on very good authority.

It is not for us to legislate here for any particular localities nor to take care of anybody's special interests. Here is a road commenced at Omaha, approved the 1st day of last October by the President—

Mr. STEWART. Whose fault is it that it was not approved three years before?

Mr. WILSON. It was approved last October. Since that time they have built one hundred miles of that road, and have that many miles now completed. They have graded another hundred miles; they have purchased the iron and the ties for three hundred miles of the road and are proceeding with their business. They are endeavoring now to borrow \$20,000,000 to put in and to complete it. And now, sir, you propose to take this Kansas branch road and make it for two hundred miles or more (instead of a part of that road as now required) a competing line, to run it away to the south to connect beyond Denver. That is the proposition, to make it a competing line, instead of uniting east of the one hundredth meridian of longitude and being part of the same road. There is not a man in America who believes that investments in the main trunk, it being assumed that the line from Omaha is to be the main trunk, are as safe as they would be without this legislation, or who believes that this legislation can contribute to the rapid completion of the Pacific railroad which we all desire. For that reason I am in favor of striking out the first section of this bill.

Mr. HENDERSON. I should like to ask the Senator from Massachusetts a question. I say that the company of which he speaks, the main Pacific Railroad Company, has subsidy enough to build the road without taking one dollar from its pocket. It is all moonshine to talk about their borrowing money. The Government gives money enough to build that road.

But I ask the Senator, if that company cannot build their road with the Government subsidy, how is Mr. Perry to build this branch out to Denver without any Government subsidy at all, out of his own pocket?

Mr. WILSON. I cannot tell how Mr. Perry is to do it, and I do not suppose anybody knows whether he can do it. The Senator says he will do it. They have not yet done any of these things.

Mr. HENDERSON. He has built more road than the Omaha branch has built. He is further west now than the Omaha branch, and the Senator says that company has expended \$16,000,000.

Mr. WILSON. The Senator is here now asking for this legislation because they have not yet filed their plat.

Mr. HENDERSON. Neither have you. If any plats were filed, we were just as prompt as the other road. The other road had the very same legislation in 1864 that we had, giving them further time.

Mr. WILSON. I think they had better rest on the legislation they have already got. If the parties have complied with it, very well; if they have not, let them go. I thought it was very unwise legislation which in 1864 gave them the privilege to go south.

Mr. HENDERSON. What damage does this proposed legislation do to the main Pacific road? I know that there is a great deal of capital invested in that road in the Senator's town; but there is some capital in the Senator's town invested in this other road; but those so investing have not been so noisy, perhaps, and have not attempted to deceive his mind on the subject as the capitalists interested in the Omaha branch; perhaps not so many banking institutions have been established upon it; perhaps no *credits mobiliers* or *credits fonciers* have been established on that line; but I can state to him that we have built just as much road as the other company; we have gone further west, and it is a more important road than the other. If this bill is to affect the credit of that company in Europe, it will be simply because for two hundred miles the travel from Denver will be over a separate road instead of being thrown upon the Union Pacific railroad. That is to say, the transportation of passengers and freight between St. Louis and the Pacific will, by this bill, be saved two hundred miles of transit upon the main stem, but after the junction is made it goes over the main stem. That is the only effect it can have. The main road is left with all the money to which it is entitled, with all the means which it has, with all the capital it ever had, and this bill cannot effect its interests except in the way I have just stated.

Mr. HOWARD. Mr. President, the Senator from Massachusetts has remarked that the Union Pacific Railroad Company have executed a mortgage upon their entire line of road, and that their agents are now in Europe for the purpose of negotiating for a loan of money based upon that mortgage. I should be very sorry indeed to see any act passed or any attempt to pass an act which should affect seriously the credit of the Union Pacific Railroad Company in Europe or in this country; I should shrink before such an attempt and be extremely unwilling to be a party to it; but I wish the Senate and the country to be clearly informed upon this very delicate point in their case.

Now, Mr. President, what are the rights of the Union Pacific Railroad Company in reference to mortgaging their line of road? Let us understand it clearly, and let the world understand it clearly, and let us endeavor to prevent any mistake or misapprehension upon a point of so much importance. By the act of 1862 that company was not allowed to mortgage its road at all. The following was the language of the statute:

"That for the purposes herein mentioned, the Secretary of the Treasury shall, upon the certificate in writing of said commissioners of the completion and equipment of forty consecutive miles of said railroad

and telegraph, in accordance with the provisions of this act, issue to said company bonds of the United States of \$1,000 each, payable in thirty years after date, bearing six per cent. interest per annum—said interest payable semi-annually—which interest may be paid in United States Treasury notes or any other money or currency which the United States have or shall declare lawful money and a legal tender, to the amount of sixteen of said bonds for each section of forty miles."

They were required by that act to complete a section of forty miles before they were to receive any subsidy from the United States, and on the completion of each section of forty miles they were to receive \$16,000 per mile in Government bonds as a subsidy. By the act of 1864, section ten, the law upon the subject has been modified, and reads in this way:

"That section five of said act be so modified and amended that the Union Pacific Railroad Company, the Central Pacific Railroad Company, and any other company authorized to participate in the construction of said roads may"—

Here is the language to which I desire to call the particular attention of the honorable Senator from Massachusetts—

"may, on the completion of each section of said road as provided in this act and the act to which this act is an amendment, issue their first mortgage bonds on their respective railroad and telegraph lines to an amount not exceeding the amount of the bonds of the United States and of even tenor and date, time of maturity, rate and character of interest with the bonds authorized to be issued to said railroad companies respectively."

It will be seen by this that in the act of 1864 the right to mortgage their railroad was granted to the company; but they are actually restrained by the very terms of that act from executing any mortgage upon their road except by sections as they shall be fully completed. By this act the company are bound before they can execute any mortgage upon their road to complete the sections which are covered by the mortgage. How much of the main stem have they completed? Not a rod; not an inch. They have, as I have been credibly informed, completed the most of the Omaha branch, which is a mere branch road but subject to the same provisions. They have, beyond all doubt, a right to mortgage that branch; but they have not a right according to my humble judgment to mortgage a single foot of any other line of road which belongs to them; and if they have made a mortgage covering, as the Senator from Massachusetts tells us, the whole of their line of road and taken it to Europe and endeavored to borrow money upon it, they have, according to my judgment, acted by no means in accordance with the plain provisions of their charter.

Mr. CONNESS. It would be a fraud if they had done it, but they have not done it.

Mr. HOWARD. I say nothing about fraud; I am simply talking about their power under their charter, and I say that under the charter of 1864 they have no right to mortgage a single foot of their line upon which the road has not been completed and put in running order. It would, however, to be unfair for me to stop at that point; and I beg leave to refer the Senate to a subsequent act passed March 3, 1865, which provides that "the said companies are hereby authorized to issue respectively their bonds to the extent of one hundred miles in advance of a continuous completed line of construction," so that under the law as it exists at present they have a right undoubtedly to mortgage their road to the extent of one hundred miles in advance of their continuous completed section and no further.

How, then, I ask the honorable Senator from Massachusetts, is it that that company has executed a mortgage upon its whole line, and taken it to Europe and offered it as a security for a loan of money? I have heard of this before; it may be so possibly; I will not deny the existence of the fact; but I call the serious attention of the Senate to that fact, if it shall turn out to be such, as one which, according to my idea, is in violation of the charter of the company. I should dislike exceedingly to see it turn out to be true that they had placed such a security in any of the markets of Europe as a basis for a loan of money.

Another word, sir. By the terms of the charter of the Union Pacific Company they

should by this time have raised by regular assessments upon their stockholders a sum of not less than \$20,000,000 for the purpose of carrying on their work. We have a right, therefore, to presume that the stockholders have already contributed out of their private pockets at least the sum of \$20,000,000 for the purpose of carrying on this work. I am not able, therefore, to see, I confess, the necessity of their going into the markets of Europe or of this country with such a mortgage, especially as has been described to us, for the purpose of borrowing money. It is said that they have paid out some sixteen million dollars in the prosecution of their work. If that be so they ought to have \$4,000,000 on hand, honestly paid in by the stockholders, now.

Mr. CONNESS. I was a little astonished to hear the honorable Senator from Massachusetts make the statements that he did. I am well persuaded that if the Senator understood the case closely by his own investigations, he would not have made those statements. I know whence the statements come, because they have come before us in the same words but in another form. It is enough for me to say that while I believe the Senator was, of course, under the impression that they were correct, they are entirely incorrect.

First, as to the execution of mortgages as alleged by the Union Pacific Railroad Company over its entire line. I cannot say, of course, that they have not executed such mortgages, but it has been shown by the chairman of the Pacific Railroad Committee that if they have, they have simply violated the law, and the securities they have given to any such creditor or creditors, or securities obtained by that means, are very bad securities indeed.

Mr. President, I only rose to correct one or two of the errors that the Senator has fallen into or been led into by others. He alluded to the Central Pacific Railroad Company. I think the Senator might have consulted some of us who, perhaps, know all about what that company have done and are doing before he undertook to state what they had or had not done. That company, let me say to the Senator and the Senate, have been engaged, as gentlemen can ascertain from the Interior Department, to which now all the information connected with the carrying on of the Pacific railroad and all its branches comes, with the most remarkable energy, with an energy and means superior to any other company engaged in constructing any part of the Pacific railroad since they began, and the results that they have produced have won not only the admiration of the people of the State in which they are constructing their work, but the admiration of the Interior Department, who superintend that work.

The Sierra Nevada mountains, than which there is no impediment like them on the whole route of the Pacific railroad and all its branches, and which were regarded as an insuperable objection for a long time to the construction of the Pacific railroad, have been not only successfully overcome, but, as I said before, the manner in which that obstacle has been overcome has secured the admiration of all who have been witnesses of the great feat that has been accomplished. I hold in my hand now a letter received this morning dated Sacramento, California, May 23, written by the secretary of state of that State, containing a paragraph relating to what that company are doing. It is a very short one, and I shall be excused for reading it: "The railroad," meaning the Central Pacific railroad, "is being pushed ahead with great vigor. They have now over nine thousand men employed. The cars will be running to Dutch Flat, seventy-five miles from Sacramento, in twenty days," which is before this time. Besides that, the work is being done upon their line over and across the summit of the Sierra Nevada mountains. Enough for that.

Now, I ask the Senator from Massachusetts, and I know he is a candid man, whether, if the second section of this bill shall pass, in case

the Central Pacific Railroad Company should not be able to build as fast as I say they will, it will hinder the Union Pacific Railroad Company, in any respect whatever, from going with their road to the State line of California? I am sure I know the answer of the Senator, because it must be that it will not. The section provides that the Union Pacific Railroad Company shall build until they meet a completed continuous line of the Central Pacific Railroad Company, and then it provides that the Central Pacific Railroad Company of California shall build until they shall meet a continuous completed line of the Union Pacific Railroad Company. Does the Senator not want that? Does the Senate not want that? Does the country not want that? Have we passed a Pacific railroad bill and made these mighty appropriations of the public treasure that a line across the continent shall be secured to a company, none other being allowed to build the road over it? Certainly not. And in the act that gave these great bonuses to the Pacific railroad companies for constructing that great work, it was provided that the Union Pacific Railroad Company should not only construct to the eastern State line of California provided the Central Pacific Railroad Company of California had not reached that point, but that they should construct through the State of California until they should meet the Central Pacific Railroad Company; and that was the law until in 1864 a change was produced in the law of this kind, namely, that the Union Pacific Railroad Company should build continuously westward, but the Central Pacific Railroad Company should build no further eastward than one hundred and fifty miles east of the east line of the State of California.

Mr. President, I ask the attention of every Senator in the Senate to the statement I am now about to make, and I challenge contradiction of it. How did that provision of law obtain? How did it come to be the law? I will tell you, Senators. In 1864 the Senate passed a Pacific railroad bill; I had a copy of it before me this morning. The House of Representatives passed another. The Senate refused to pass the House bill, and the House refused to pass the Senate bill; and the matter was referred to a committee of conference upon the questions of disagreement. In neither of those bills did this arbitrary condition that I have named, confining one of these great companies to one hundred and fifty miles east of the California line, occur. It was not in either bill; there was not a word or a tittle of it in either. I was a member of the conference committee. We met in the room of the Committee on Public Lands of the Senate. The honorable Senator who is now Secretary of the Interior was chairman of that conference. I sat there pending that entire conference. Point by point the differences between the two Houses were arranged and agreed upon, and I undertake to say here that that arbitrary condition now in the law, and in the law when it was printed, never was considered in that conference. It was stolen in through the corruption of some parties and the clerk who eventually made up the report. The report of that conference committee was presented here on the last day of the session and compelled to be adopted without examination. What I state cannot be contradicted, and the Senate and Congress ought to justify itself by a close inquiry as to who dared to make laws for the Congress of the United States.

Now, we propose to correct that, and how? By any inflection or denial of any right to the great Union Pacific Railroad Company? No, sir. There is not a man, woman, or child in the State of California to-day that would not be glad that the Union Pacific Railroad Company should construct the line into the State of California, because their great want, need, and desideratum is the construction of the road; we want the road, and we want to confer as much of the line on either side to each of these companies as they can possibly construct a road over. This is the purpose of the second sec-

tion. Now, I submit in all candor to my friend from Massachusetts, is there anything wrong in it? Is it not to right a great wrong? Is it not to give the country a Pacific railroad? Who will refuse to do that? I apprehend no Senator will.

Mr. MORRILL. Mr. President, when the Pacific Railroad Company was chartered originally I took some general interest, nothing but a general interest, in the matter, and I have none but a general interest now. I am not certain that I understand the bearings of this bill so well as ought to excite any interest in my own mind. Still I have an apprehension that if this bill passes it cannot fail to be fraught with difficulties, and I therefore propose to submit to the Senate the difficulties laboring in my own mind.

I know that we started in 1862, when this great Pacific railway was chartered, to build a continuous line of railway to the Pacific, the grandest enterprise probably that any nation ever engaged in under the circumstances in which this nation was then involved. I know there was infinite difficulty in fixing the point of departure in the East, and that it grew out of local interests almost entirely, in deciding at what parallel of latitude we should take the departure for the Pacific coast; and in settling that question there was a variety of local interests. There were the Omaha and the Sioux City and the Leavenworth and some other roads, I believe four or five in all, all striving to be the point of departure.

How was it settled? We who took only a general interest of course were not disposed to be influenced by these local considerations. The great object which the bulk of the Senate had was the extension of the road to the Pacific coast and to fix upon a point of departure which should best subserve that general interest, and we tried to overlook the interests and feelings which were peculiar and natural to those who represented, and very properly, those local interests. What did we agree upon? We agreed that there should be a fixed point somewhere from which this road should depart on its way to the Pacific coast, and from which there should be no divergence, and there should be no two interests. We agreed that however these conflicting interests were on this side of the one hundredth meridian of longitude, there should be no conflict of interests beyond. That was the great point in the case. I remember the discussion; I remember the difficulties in agreeing upon it; but it was the solemn judgment of the Senate that the Government ought not to grant its aid to a multiplicity of roads beyond the meridian of one hundred degrees of longitude, but that all these conflicting interests should be made to harmonize and unite on that point to the end that when we reached that point there should be strength enough in what there was behind to put that one main road through to the Pacific. That was the general idea; that was the general interest.

Now, how is it to-day? Is this bill in harmony with that plan? If it is, I am for it. I have some little doubt on that point. If this bill is in harmony with the general plan, if it strengthens this enterprise by dividing at the one hundredth degree, then I am in favor of it, because I am for pushing the road to the Pacific coast as fast as possible and in the best possible manner. I have no doubt I agree in the general purpose of the committee, and it may be that I am entirely wrong in my apprehensions; but let us look a little at the effect of this bill. It certainly contemplates a departure from the general plan, because it is agreed on all hands that instead of one road after you reach the parallel of one hundred degrees you absolutely license two; you authorize two to a certain extent, and we shall see whether or not to the whole extent. Do the committee contemplate two roads instead of one?

Mr. CONNESS. No.

Mr. HOWARD. One road.

Mr. MORRILL. Then let us see whether we shall not be involved in the difficulty, if

you pass this bill, in the end of having two roads. Certainly you contemplate two roads to Denver City. That is clear; I hear no dissent from that. It is obvious enough that instead of a departure on the meridian of one hundred degrees, you contemplate now a departure from some point at or beyond Denver City.

Mr. CONNESS. Will the Senator permit me to say a word right there, as I think it is a point which he will like to hear?

Mr. MORRILL. Certainly.

Mr. CONNESS. I do not think it has ever been contemplated that the surveys of the Union Pacific Railroad Company should reach Denver or pass near to Denver at all. Denver is too far to the south to invite them to touch there.

Mr. MORRILL. The Senator means the northern branch.

Mr. CONNESS. No, sir; I am speaking of the main trunk. They would probably leave Denver a little to the south and not touch there at all. It will be remembered that Denver has developed since the law was originally passed. A double purpose is now presented, a double purpose is to be served of taking a better route, (as is shown by the investigations the committee have made, and as was stated very clearly by the honorable Senator from Kentucky,) and of giving Denver, that new and thriving place, a connection with the Pacific railroad. It is simply changing the place of junction, pushing it a little further westward, and the committee think, and I believe the Senator himself would say upon a close examination of the whole case, that it would be a change for the better.

Mr. MORRILL. I do not intend to pass any judgment upon that, nor do I intend to argue it, for I have not the facts which would authorize me in doing so, but my inquiry was, whether the legislation contemplated did not necessarily involve, or whether it would not probably lead to the result of two roads instead of one.

Mr. CONNESS. We do not intend to permit two.

Mr. MORRILL. Certainly as far as Denver City it does contemplate two roads. Now, I desire to ask the chairman, for information, what is understood by the Union Pacific Railroad Company in the first section of the bill? What company does that refer to?

Mr. HOWARD. The Union Pacific Railroad Company is the company building the main trunk.

Mr. MORRILL. Then the company named in the first section is the one building the main trunk. That is the company you are conferring this extension upon.

Mr. HOWARD. No, sir.

Mr. CONNESS. That is not the main trunk.

Mr. HOWARD. "The Union Pacific Railway Company, eastern division," is the one mentioned in the first section, and that is the name of a corporation created by the Legislature of Kansas, known as the Kansas branch or southern branch. The ancient name of it was the Leavenworth and Pawnee railroad.

Mr. MORRILL. I desire to ask the honorable Senator whether the grant originally made was not to the Leavenworth and Pawnee Railroad Company, and not to the Union Pacific railway?

Mr. HOWARD. Yes, that was the name of the corporation to which the grant was originally made. That name, however, was afterward changed by the Legislature of Kansas to "the Union Pacific Railway Company, eastern division," by a formal act of legislation.

Mr. MORRILL. I now desire to ask the Senator whether that name is not identical with the name by which the Union Pacific Railway Company was chartered by Congress in 1862.

Mr. HOWARD. No, sir; it was not exactly the name.

Mr. MORRILL. What was it?

Mr. HOWARD. The original name was the Union Pacific Railroad Company.

Mr. MORRILL. That is the only difference.

Mr. HOWARD. Yes, sir.

Mr. MORRILL. Now, if the honorable Senator will pardon me I desire to ask him whether the company mentioned in the second section is the same company.

Mr. HOWARD. No, sir; it is not the eastern division, it is the main trunk.

Mr. MORRILL. Is that the only distinction?

Mr. HOWARD. Yes, sir.

Mr. MORRILL. Will the honorable Senator allow me to ask him what company that is?

Mr. HOWARD. The one mentioned in the second section?

Mr. MORRILL. Yes, sir.

Mr. HOWARD. That is known commonly as the main stem or the Omaha branch. This main stem commences on the one hundredth degree of longitude and goes west. It exists by a charter granted by Congress. By that charter the company is authorized to construct what is known as the Omaha branch, running eastward, or rather commencing on the Missouri river and running to the one hundredth degree of longitude and uniting with the main stem on that degree. Does the Senator understand me?

Mr. MORRILL. I understand it now; and it is as I supposed it was. If I am right about it I desire to call the attention of the committee to this point: I submit whether the result of this bill would not be this: the original act contemplated a union of all the branches on the one hundredth meridian—

Mr. HOWARD. Yes, sir.

Mr. MORRILL. You have by subsequent legislation authorized what was formerly the Leavenworth and Pawnee branch to diverge from the original point, and now without reference to it to continue its line to Denver, and so on. You now recognize it as the Union Pacific Railway Company.

Mr. CONNESS. No.

Mr. HOWARD. "Eastern division."

Mr. MORRILL. "Eastern division" is simply descriptive, and I suppose the honorable Senator would hardly contend that it had much legal force or effect.

Mr. HOWARD. It is part of the corporate name. That is the only effect.

Mr. MORRILL. Not a part of the corporate name I think the honorable Senator will say if he looks at it.

Mr. HOWARD. The honorable Senator will find it so.

Mr. MORRILL. The query then is, whether, if this bill passes, the provision of the second section does not apply precisely to the provision of the first section.

Mr. CONNESS and Mr. HOWARD. Not at all.

Mr. MORRILL. For aught that I can see it would. It may not be intended to be so, but it looks to me as though if this bill passes, what was originally the Leavenworth and Pawnee branch to run into the general road on the one hundredth meridian will become the trunk, with all the rights, powers, and privileges which were designed originally for the trunk road.

Mr. HOWARD. The Senator's perplexity arises undoubtedly from what in his mind appears to be a confusion of names simply, nothing else. The old Leavenworth and Pawnee Railroad Company was chartered by the Legislature of Kansas. The name of it was afterward altered by the same Legislature to "the Union Pacific Railway Company, eastern division," but it is still the same corporation. The Union Pacific Railroad Company was chartered, as I before remarked, by Congress. Its franchises are to this extent: that it may make a railroad from the one hundredth degree of longitude west to the eastern boundary of California. That is known as the main stem. It was also required to construct a branch, known as the Omaha branch, between the Missouri river and the one hundredth degree of west longitude. The Omaha branch was a mere branch of the main stem, lying north of the "eastern division," but they were all required, as the Senator has very properly observed, by

the act of 1862, to unite themselves with the main stem on the one hundredth degree of west longitude. By the legislation of 1864 these branches are authorized to make their junction with the main stem at any point they may see fit west of the one hundredth degree of longitude, suiting their convenience and their interests.

Mr. MORRILL. Does the honorable Senator doubt that under the provisions of the second section the Central Pacific Railroad Company of California would have a right to extend its road or connect with the road to which these privileges are extended?

Mr. HOWARD. Undoubtedly the effect of the bill, if it shall pass, will be to enable the California company to proceed with the construction of its road eastward from the eastern boundary of California until it shall meet the main trunk, that is, the Union Pacific railroad proper, on its progress to the west from the one hundredth degree of longitude.

Mr. MORRILL. That may be the construction of it. That is what they intend, I have no doubt.

Mr. HOWARD. That is what is expressed.

Mr. MORRILL. But it looks to me as if you had substituted the Leavenworth and Pawnee road for the original Pacific Railway Company, and that it will become, under the operation of this act, allowable for the Central Pacific Railroad Company, if that is the title of the California road, to connect with what you now describe as the eastern division, and then become the main trunk.

Mr. HOWARD. The Senator is under an entire misapprehension as to the effect of it.

Mr. MORRILL. But, Mr. President, that was not the principal difficulty in my mind. It was the departure which, it is apparent on the face of this bill, is to be made by this branch. Something has been said about the Omaha branch. I am not particularly informed as to the condition of that road, but I understand that one hundred or two hundred miles of that road have already been made.

Mr. HOWARD. Completed by the Union Pacific Railroad Company according to the requirement of its charter, one hundred miles, and perhaps more. They have made very creditable progress indeed.

Mr. MORRILL. But that is all east of the one hundredth meridian; they have not reached that point yet. Now, sir, the argument that I have heard addressed by those who are interested in that road is that this is a departure from the original plan, so far a departure from it that it is in absolute bad faith on the part of the Government. I believe the honorable Senator from Missouri this morning—

Mr. HOWARD. The Senator will allow me one word as to the "bad faith" of the proposed legislation. If any bad faith has been committed by Congress toward the Union Pacific Railroad Company, it was committed in 1864 when the amendment of its original charter was passed, for that amendment granted to all these branches, the eastern division among them, the right to form their connection with the main trunk at any point they might see fit west of the one hundredth degree of longitude. I do not know how the fact is; perhaps some other Senator may know better than I do; but I have the impression that the Union Pacific Railroad Company consented to that legislation, or expressed no very earnest dissent from it. Certainly it will be new to me to hear now any complaint of bad faith on the part of Congress as connected with the amendment of 1864. The whole policy was then settled. The act of 1864 enabled these branches to diverge from the point at which they were required by the act of 1862 to make their junction with the main trunk. That was, as the Senator has remarked, the original policy of Congress on this subject, but we departed from it, so far as I know, without complaint on the part of the gentlemen connected with the Union Pacific Railroad Company.

Mr. MORRILL. I do not allege it and I do not assert it; and if I did I should not be in a condition to prove it. But the argument

is that the main stem of this road originally chartered and contemplated was expected to begin at the one hundredth meridian and near the point designated, which is a point many miles north of the present road; that is the road to which the Government has very largely given its endowment. That is to be the main stem, as I understand the chairman of the committee to concede; that is the road to which the Government has pledged its credit and its faith; that is the road in which the Government is most interested; that is the great trunk which reflects the general interest; it is the trunk line to which the Government has pledged not only its credit but its faith, and which it is bound to protect. This other road is but a branch. It would have had the same privileges as the other provided it had built its road in harmony with the original plan. This road which is to commence at the one hundredth meridian, as I understand, has a board of directors with Government officers; in other words, the Government appoints a portion of its directors. Anybody can see that building a separate line beyond the one hundredth meridian is certainly injurious to the general plan, is certainly injurious to the credit of the main road, and will certainly lessen the probabilities of its speedy advance toward the Pacific coast, which we all so much desire.

I hope it may turn out that the Committee on the Pacific Railroad, that has had this subject under its particular care, has given it all that consideration and solicitude which I think its very great importance requires. I have very serious apprehensions that great difficulties will come from this bill.

Mr. STEWART. I did not intend to make any remarks upon this subject; but inasmuch as there is evidently a false impression upon the minds of a great many Senators as to the real situation, it may not be improper for me to say something.

The Union Pacific Railroad Company and its managers have been eulogized. I regret to detract from any part of that eulogy, and I should not attempt to do so if I did not believe that it was the duty of the Senate to watch the managers of that company. If I am not misinformed, the leading man, Mr. Durant, who has charge and is the moving man of that company, was formerly in the Union Pacific Railway Company, eastern division, and the Union Pacific Railway Company, eastern division were compelled to buy him out. He delayed them a long while, and for very little road a very large amount of money was obtained by Mr. Durant. Under some kind of contract, Mr. Perry and others loaned money to carry it on and they had to take charge of the road. Something of that kind occurred. At all events Mr. Durant was the manipulating man of the Union Pacific railway, eastern division, until the time nearly expired; and now when those that have been drawn into that enterprise and have invested their money get ready to go on with the work they find that the road which was to be their security is unbuilt, they find the time for filing the map expired, and they come here and ask you to give them time to let them file the map. You have already agreed that they may go beyond the hundredth meridian, and the first section of this bill simply allows them time to file their map. They put their money in the work on the faith that they could accomplish it; but it turned out not to be in their hands but in the hands of some of the managers of the Union Pacific railroad, and there is where the delay comes from. Now, the men who have put their money in this enterprise fairly must be robbed unless they can have additional time to file their map.

A word further as to Mr. Durant, the leader and manager of the Union Pacific Railroad Company. He presents to the committee maps of the road and lands in the State of Nevada. They are willing to change the route after the road crosses the one hundredth meridian. They say they do not know where they will cross the one hundredth meridian, and

they are willing to a change there. Of course they do not want any other road built, and they are unable to state where they will cross the mountains; but yet they go within less than two hundred miles of the end of the Central Pacific railroad, nearly fifteen hundred miles from their own work and commence surveying, for what purpose? For the purpose, as they allege, of mortgaging the road in Nevada and Utah to foreign capitalists.

They have no right to mortgage it beyond one hundred miles in advance of construction, and they are not able to locate the first one hundred miles, not having got the initial point for starting the Union Pacific railroad proper, the main stem, and yet they go over into Nevada and survey there to enable them to make a mortgage to English capitalists, as they allege. Are they to be allowed to do this? It is claimed that we shall embarrass them if we prevent them from encumbering, in Europe, this road that they never will build. If they are allowed to do it it will be many long years before we shall have the road built.

Let me tell the honorable Senator from Massachusetts that there has been a good deal of delay in starting the Omaha branch of the Union Pacific railroad. The bill authorizing it was passed in 1862. They have had the ear of legislators and they have manipulated things so that they were not required to commence until last year. They never commenced even on their branch until last fall, and they have built very well since they began. They telegraph constantly that they are building a mile a day, and they say now that they have one hundred and twenty miles built. That is not a mile a day since they commenced last October, but that is doing very well. You will get these telegraphic dispatches as long as Congress remains in session; but let me tell you that that is very smooth, level ground. The ten miles between Colfax and Dutch Flat, any ten miles in that region, is more work than one hundred and twenty miles on the Omaha branch; and let me tell you that the Central Pacific Railroad Company will go over the Sierra Nevada mountains, and that speedily, and they will be desiring to come east, and the people of the Pacific coast are desirous that they shall come east with their road. The people of the nation are desirous that this road shall be built from both ends; and when there is a necessity that the road shall be built from both ends, we find Mr. Durant & Co. unable to locate their initial point, starting on the east and going to the western end, and yet attempting to encumber the western division of the road because the Central Pacific Railroad Company want to come east.

Does a company that will do this and manage and manipulate as this company has been doing, come here with a good grace and ask that they may monopolize this road, and that we shall be prevented from building it? Seventy miles over the mountains have been built on the western end, which is far more work than it would be to build from the Missouri river to the Rocky mountains on the east. I have been over both lines and know it. The Central Pacific Railroad Company had fifty miles built last year when the Union Pacific road had not struck a spade in the Omaha branch. Now, you say that the second section, allowing the Central Pacific Railroad Company to come east, is going to impede your progress. How so? Across the plains the Government builds your road. Sixteen thousand dollars a mile, with the land grant, is more than enough to build it across the plains. There is no harm done in allowing this road to be built from both ends, for that was the original agreement, and the country demands it. If it is not built from both ends it never will be built in our day. There is harm done to the project when a man steps in and attempts by his maps and by coming before Pacific Railroad Committees and claiming vested rights, to prevent another company from building a part of the road, and it is proper that such schemes should be denounced. It is equally important

that both ends should have credit; it is equally important that both ends should be encouraged, and I would not make these remarks if I had not seen that there was a want of fair play. If Mr. Durant can go on and carry out his scheme and mortgage the Union Pacific road for its entire length to European capitalists, when he does not need the money, where is the security that he will not spend the money and leave the road unbuilt? I believe he did not succeed in building the road in Iowa; he had something to do with that, and was not very successful. The eastern division was not very successful under him. Now, why encourage him to mortgage fifteen hundred miles of road that he does not intend to build, when he does not need the money, when you give him \$16,000 a mile for every mile he builds, and allow him to mortgage the road for \$16,000 a mile more for one hundred miles in advance of construction, and give him land enough in addition so that he can build across the plains without any aid from Europe or elsewhere? And after all that you say it is important that this bill should not be passed, so that Mr. Durant can negotiate his mortgages in Europe for the purpose of encumbering roads which other people desire to build and the nation demands shall be built.

This bill is not for the purpose of granting any new right, but for the purpose of carrying out the original design: first, that the main road shall be built from both ends; secondly, that the Union Pacific railway, eastern division, shall have an extension of time within which to file its map, so that those men who have invested their money in good faith shall not be robbed. That is all there is in the bill.

Mr. KIRKWOOD. The people of Iowa are very much interested in the completion of the Pacific railroad. When this bill was presented I did not myself have so much information in regard to the road's prospects as perhaps I should have had; and one object I had in view in making the motion I did was to get the information I have received. At one time during the discussion I was prepared to withdraw my motion, and would be so now were there not a difference of opinion as to a matter of fact.

Mr. CONNESS. What is that?

Mr. KIRKWOOD. It is claimed by certain gentlemen that the legislation of 1864 gave to the eastern division of the Pacific railroad, as it is called, substantially what this bill gives to it as to its right to change its route. The Senator from Missouri, the Senator from Nevada, the Senator from Michigan, and the Senator from California, I believe, have all claimed that under the legislation of 1864 the eastern division of the Pacific railroad have the right to diverge from the route laid down by the act of 1862 and go over the precise route indicated by the present bill; and they claim also that the only use of the first section of this bill is to enable them now to file a plat of the new route which they have not done within the time limited by law. Understanding that to be the fact, I was prepared to withdraw my motion. Of course, if the original policy has been substantially departed from in this particular; if the idea of combining all the three branches at a particular point, at or near the one hundredth meridian, has been abandoned; if the idea of keeping united all the interest that built these branches so as to urge the building of the road from the point of union westward, has been abandoned, substantially, and this company has accorded to it already by the legislation of 1864 what this bill would give to it, I would not stand here to delay or deny to it the right to file its plat when it was convenient for it to do so.

But the Senator from Kansas differs from these gentlemen in the matter of fact. He says that under the legislation of 1834, if I understand him, the company is still compelled to follow the route up the Republican river, and that the only effect of the legislation of 1864 is to relieve them from joining the main stem at the precise point of the one hundredth meridian,

and allow them to join that main stem as near to that as may be convenient.

Mr. POMEROY. I said precisely what the Secretary of the Interior said in regard to the matter in his report before the committee, that under the legislation of 1864 it was agreed that the law provided that the gateway, as it were, to the mountains should be between the valley of the Platte on the north and of the Republican on the south; but if they desired to extend the initial point beyond the one hundredth meridian, keeping them between these rivers all the time, they might go, and should not have any more land or bonds than if they had connected at that point. That is the way that the Secretary of the Interior, sustained by the decision of the Attorney General, claims that the law now is.

Mr. HENDERSON. The Attorney General gave no opinion on that subject—only about filing the map.

Mr. POMEROY. The Attorney General sustained Mr. Harlan.

Mr. HENDERSON. In regard to filing the plat.

Mr. POMEROY. And in regard to the fact that the plat, in the first place, had been filed, and secondly, that it could not be removed except by an act of Congress.

Mr. BROWN. That is another question.

Mr. POMEROY. The Senator from Missouri [Mr. HENDERSON] has undertaken to show that they had never filed a plat, and that this legislation is to enable them to do so. I did not intend to make any opposition to that, but only to state the fact that they have filed a plat, and that this legislation is designed to enable them to file one on another route. The Attorney General, in his opinion, did not say distinctly whether the law changed the initial point or not. The Secretary of the Interior did decide it, referred it to the Attorney General, and he, in terms, did not in his decision say one way or the other on that subject. The Department of the Interior holds to-day that the legislation of 1864 confines these routes between the valley of the Republican and the valley of the Platte.

Mr. KIRKWOOD. So I understand. There is a very material difference in point of fact.

Mr. POMEROY. I hope the Senator will indulge me for a moment. In saying that I do not mean that I am not or that the people of my State are not glad to have the route changed. I am not talking about that; I do not propose to argue that point; we know very well it is of great local importance to us to have one road or two roads. I am for all the roads I can get through the State. I am not making opposition; I am only stating the fact that it is so held in the Department, and I believe that to be the law; but if we can change it, that is another thing.

Mr. KIRKWOOD. It appears, then, that there is really a difference. The Senator from Missouri claims that under the legislation of 1864 the eastern division of the road has the right to go up the Smoky Hill route now.

Mr. HENDERSON. I do.

Mr. KIRKWOOD. The Senator from Kansas tells us that the Interior Department and the Attorney General hold otherwise.

Mr. HENDERSON. The Attorney General holds no such thing. The Attorney General never held any such thing.

Mr. POMEROY. The Attorney General did not decide that precise point. Mr. Harlan made it. He did not reverse it, nor decide that precise point in his report.

Mr. HENDERSON. That was not the question before the Attorney General nor before the Secretary of the Interior; and even if it were, I suppose we here are as competent to decide what a law means that we ourselves pass as the Secretary of the Interior.

Mr. POMEROY. I will ask the Senator, does not the Secretary of the Interior hold that to be true?

Mr. HENDERSON. I do not know. I have never seen the opinion of the Secretary of the Interior. The opinion of the Attorney General

was put into my hands in regard to the time of filing the plat. That is all I know about it. The Senator is correct that the Attorney General said that although we had, up to the 1st of July of this year, to file a plat, having filed one plat we could not withdraw that and file another; we were concluded by having filed one, and could not change the route as indicated by that plat.

Mr. KIRKWOOD. Was that decision of the Attorney General since 1864?

Mr. HENDERSON. Of course; it was this year. I differ with the Attorney General on that point. Having up to the 1st of July to file a plat, I think we could have filed it at any time up to the 1st of July, and file an additional plat up to that period.

Mr. KIRKWOOD. It seems then to stand something in this way: if the construction given by the Senator from Missouri were correct, and this eastern division now had the right accorded to it by act of Congress to take the Smoky Hill route, as it is called, this would be merely a question of whether or not the time for filing the plat should be extended. Then I should have nothing to say.

Mr. HENDERSON. That is all there is in it.

Mr. KIRKWOOD. But that does not appear to be all. It seems that the Secretary of the Interior holds that under the law of 1864 the right of going up the Smoky Hill route is not accorded to them, and they yet must go up the Republican river route; that the only benefit derived by them from the legislation of 1864 is that they are not compelled to unite with the main stem precisely at the one hundredth meridian, but near to it, and still between the valley of the Platte and the valley of the Republican. If that be correct, the question before us under the present bill is whether we shall really change the whole plan laid down when the Pacific railroad was first established. If it be now so that under the law the eastern division cannot go up the Smoky Hill route but is compelled to follow up the valley of the Republican and must meet the main stem near the one hundredth meridian, then this bill asks us to abandon all that and establish a new policy. If that be the condition of affairs, I cannot vote for the first section of the bill.

Mr. HENDERSON. I suppose that the Senator from Iowa is just as competent to give construction to this language as the Secretary of the Interior; I will read him the language of the act of 1864—

Mr. KIRKWOOD. I have read that. Looking at that alone I should be of the opinion of the Senator from Missouri; and yet what the companies may have done by way of indicating an established route, what facts may have occurred that would have a bearing on that, I do not know.

Mr. HENDERSON. If the Senator agrees with me, and the Secretary of the Interior refuses to let the company have the money because he takes a wrong construction of the law, there is very great necessity for Congress giving a construction to it. The Senator says he agrees exactly with my construction. The Secretary of the Interior, who has charge of this thing, it is said, disagrees with us. Now, why shall we not make that plain which has misled the Secretary of the Interior?

Mr. KIRKWOOD. I think it is a rule of construction always that we look not only to the language of the law itself but to all the surroundings. What those may be I do not know. I should like to read the opinion of the Secretary of the Interior; I should like to know upon what he bases the opinion given by him, as I understand that this company is still confined to the valley of the Republican. If that be the case, if the company is still confined to the valley of the Republican, we are asked to change the whole idea upon which the Union Pacific railroad bill was based. If that idea has been already changed, as the Senator from Missouri claims it has been, then we have nothing to do but merely to give this company

time to file their plat. But there is so wide a difference between these two opinions that it seems to me we ought to examine the matter very carefully before we act upon it.

I am decidedly in favor myself of the second section of this bill. If the Central Pacific Railroad Company is able to build more rapidly from the west to the east, or so rapidly that they will be able to get more than one hundred and fifty miles by the time we reach them, I do not see why they should not be allowed to do it. My object is to get the road built as soon as it can be built.

Mr. WILSON. The Senator from Nevada has deemed it his duty on this occasion to criticize the acts of the directors of the Union Pacific Railroad Company. It is not my purpose to defend them here. I know but few of them. The gentlemen that I do know are men of individual honor and personal character. General Dix is president of the road, and I take it that no man in the Senate or in the country questions either his capacity or his character. We have five Government directors in the road appointed by the President of the United States. I understand that these are gentlemen of character, gentlemen who may be relied upon. If it would be for the interests of the country to have this legislation, I take it these directors would in some way have indicated to the proper authorities their views on the subject. What have we put these five directors in this company for but to watch over the interests of the whole country in the road? Not a word is quoted here from the directors of the Government in favor of this legislation.

Now, sir, I choose to pay some deference to the opinions of a gentleman like General Dix, the president of this road, and to the five directors appointed by the President of the United States to take care of the interests of the country. If I understand this matter, we incorporated in 1862 the Union Pacific Railroad Company. They were to build from the one hundredth meridian to the State of California.

Mr. CONNESS. Into the State.

Mr. WILSON. We did not intend they should go over the line.

Mr. CONNESS. Yes; it was provided that they might go over the line.

Mr. WILSON. In 1864 we allowed the Central Pacific Railroad Company of California to come one hundred and fifty miles east of the line of California.

Mr. STEWART. There is just where the Senator is mistaken. In 1864 you attempted to prevent us from coming in. The companies, previous to that time, had the right to build as far as they could. The Union Pacific railroad was organized to run to the California State line, and, provided it did not get there at the time the Central Pacific road was built, the Central Pacific road was to come right on to the East, or if the Central Pacific railroad was not built when the Union Pacific road reached the California line, the latter could go clear on to the bay of San Francisco. Neither was limited in the extent to which it might go. Inasmuch as the Sierra Nevada mountains were supposed to be a serious obstacle, it was presumed that the Central Pacific road would not get more than over the mountains by the time the Union Pacific road reached California, or if otherwise, it should have the right to go clear on. In 1864 somebody manipulated, after the manner that has been stated, to cut off the right of the Central Pacific road to come east. We do not object to the right of the Union Pacific road to go west. We want the competition.

While I am on the floor I may be allowed to say further that General Dix's character and no man's character is above the law; and when the law says he may mortgage only one hundred miles in advance of construction, and when the Government gives him money enough to build the road, if he goes fifteen hundred miles beyond the point he has completed and attempts to get a lien upon the line that distance off, under the pretext of borrowing cap-

ital in foreign lands, with the view of preventing the road being built from the western end, whether it be General Dix or General anybody else, he is violating the law, and the Senate ought to watch him. I condemn the spirit manifested by this company, when they had not located the initial point on the eastern end, to obstruct the building of the road from the western end and thus delay this great national work for years, under the pretext of encumbering it in foreign lands, when they did not need it to be encumbered at all, when the Government builds it for them almost entirely, when the company are going to have it built by the generosity of the Government and then own it themselves, and tax the people for its use, they being the special favorites of the Government. When under such circumstances they attempt to impede the great highway of nations, I do not care whether it be General Dix or General anybody else, my voice is against anybody who lays an obstruction in the way; and I say the maps that came into the Pacific Railroad Committee were intended as an obstruction, and their letters claiming that the Central Pacific Railroad Company from the west should not be allowed to come east further than one hundred and fifty miles from the Sierra Nevada mountains are an obstruction. It is not true that the Central Pacific Railroad Company cannot come from the western end. The worst part of it is nearly constructed. They can pass Salt Lake and they can meet the Union Pacific railroad very near the Rocky mountains, because they build more railroad on the ground and not so much on paper.

Mr. POMEROY. I am sorry to hear what the Senator from Nevada says in regard to the Union Pacific Railroad Company. I do not believe there is a better company in the United States. I know the men very well. They are men not only of means but of integrity and character, and they are building in good faith. I should like to know the fact about their having mortgaged the road to the Rocky mountains. I do not believe a word of it.

Mr. STEWART. I call for the letter; they say so in that.

Mr. POMEROY. They may have mortgaged, and they had a right to mortgage, their lands; but they can mortgage their road only for one hundred miles in advance of any constructed line. That they may have done, for they have a right to do it; but any insinuation that that company is not honorable and high-minded, and building the road in good faith, and having large means and large capacity, is unworthy of being uttered here or anywhere. They are doing their work in good faith under the law; doing the best they can, and in such a way that they commend themselves to everybody who is aware of what they are doing.

Mr. STEWART. I have the authority of the Senator from Massachusetts for the statement that they have mortgaged the whole line of their road, and they have written to that effect. I have seen several letters saying so.

Mr. POMEROY. I should like to see them.

Mr. STEWART. They are here in the possession of Senators.

Mr. POMEROY. They have a right to mortgage their lands.

Mr. STEWART. Does the Senator pretend to say that they have a right to mortgage lands in Nevada?

Mr. POMEROY. No, sir; but such lands as are contained in the grant to them they have a right to mortgage. I have seen no mortgage, and I do not know anything about it; I have not a cent's interest in it; but then I do not like to hear it said that men of the character and standing and capacity of the men who are conducting the enterprise and building the Pacific road, men that I know well, have violated the law, that they have done what they had not a right to do, for the sake of injuring them abroad or at home.

Mr. STEWART. I was not the one that said it in the first instance. I had heard this about a long time. It was stated by the Sen-

ator from Massachusetts that such was the fact, and it was claimed as a virtue on their part that they were encumbering in Europe the road fifteen hundred miles in advance of their construction, for the purpose of raising money to build it. It was claimed that they had a right to do it, and it was claimed that it was one of their virtues and that this bill was interfering with their vested rights. When such a violation of the law as that is claimed as a virtue on this Senate floor, is it possible that any company, however powerful, is so influential and so great that a Senator has not the right to get up and protest against the violation of the law which they confess they have committed? Their letters, their maps, confess that they have gone and mortgaged the line to the full extent of within one hundred and fifty miles of the eastern boundary of California, and if they have done so, we had better have a committee of investigation and see if they are going to lie eternally on the path of this road. It cannot be built from one end alone in fifteen years or in twenty years. It is much more convenient to build a portion of it from the western end. There you are nearer the base of supplies, nearer water communication, and the line is already being constructed with great power and rapidity from that end. If it is claimed as a virtue that this company is attempting to monopolize this whole route, the high character of the gentlemen engaged in it is not to prevent a Senator from exposing it when it is blazoned forth in open day here.

Mr. POMEROY. All I say is, that I dispute the fact that they have mortgaged the road any further than they had a right to do under the law.

Mr. STEWART. The Senator does not dispute that they have written letters saying that they have mortgaged it.

Mr. POMEROY. I do not know anything about their letters; but I have such confidence in the men that until evidence to the contrary is produced I shall not believe that they ever mortgaged a rod of the road beyond what they had a right to do, and that was one hundred miles in advance of any continuous completed line. They had the right to mortgage their lands under certain restrictions if anybody would take them. That is all there is in the suggestion of mortgage; and when the Senator asserts that they have mortgaged all the line of the road out to California I do not believe a word of it.

Mr. STEWART. You mean to say that you do not believe they have done it.

Mr. POMEROY. I mean to say that I think you are mistaken about it. I do not think they have done it.

Mr. WILSON. As this company has been brought in question, I send to the desk, and desire to have it read, a statement made by General Dix, the president of the company, which covers several of these points, and I think the Senate ought to hear the views of General Dix on this measure.

The Secretary read as follows:

"I put my opposition to the proposed action of Congress on higher ground—on the ground of vested rights, which Congress cannot impair without a violation of good faith.

"The act of July 1, 1862, to aid in the construction of a railroad from the Missouri river to the Pacific ocean, was intended to induce the capitalists of the country to embark in the work with their money and their credit. They have done so most liberally, relying on the good faith of Congress not to impair in any degree the inducements thus held out to them. In what manner the company has responded to these inducements will be seen by the following statement:

"1. The amount of money expended and the liabilities already contracted in carrying out the requirements of the act of Congress do not at this moment fall short of \$10,000,000, of which the Government has only contributed, by a loan of its bonds, \$1,010,000. The company has completed and equipped over one hundred miles of road west from Omaha, on the Missouri river; it has graded one hundred miles more; it has purchased and paid for the rails, ties, spikes, chairs, and equipment for the second one hundred miles; it has purchased iron for the third one hundred miles, and a part of it is now in the course of delivery; it is laying track at the rate of a mile a day, and it has repeatedly laid seven thousand, eight thousand, and nine thousand feet in twenty-four hours. It intends to reach Fort Kearney by the 1st of October and the one hundredth meridian of longitude by the 1st of January next. It has confidence

in its ability to do so if Congress will abstain from enactments injurious to its credit and to its securities on which its extensive financial engagements are made.

"2. It is the only company which has not asked an extension of time. It has expended several hundred thousand dollars in surveying and mapping different lines, from the Missouri river to the eastern boundary of California, for the purpose of ascertaining 'the most direct, central, and practicable route.'

"Its first one hundred miles were finished on the 4th instant, and the time prescribed by the act of Congress for completing them is not yet ended. If the existing laws are not interfered with, it will, at the end of another year, be two hundred miles in advance of the point which it is required by that act to reach. Its progress thus far has no parallel in the history of railroads, and the company is prepared to exceed in the future what it has done in the past.

"3. The company is now engaged in negotiations here and abroad for the sale of \$20,000,000 of its first mortgage bonds for the purpose of still further accelerating the work and responding to the impatience of the country to see it completed. Some of its bonds have been used in raising money. These bonds are protected by a mortgage on the whole line of the company's road in compliance with the authority given by the act of Congress.

"The opinion of eminent counsel in regard to their validity has been given and sent to France, England and Germany in furtherance of the negotiations referred to. The acts of Congress relating to the road have also been sent abroad, and one of the principal objections the company has had to combat is that Congress might modify these acts and diminish the value of the company's securities; the objection has been treated as chimerical, and the eminent counsel referred to says in his opinion concerning the validity of the company's bonds, and with regard to such a modification of those acts, that 'it is not admissible to reason on the possibility of this being done. It would be of the character of a simple violation of the most clear and express public obligation.'

"The very proposition to make the amendments reported by the committee is most unfortunate. It imperils the success of the company's negotiations. If adopted it would probably defeat them. It would compel the company to begin them anew and on a new basis, and it would be most prejudicial to the interests of the whole community by delaying the completion of the great enterprise in successful progress. Its adoption would work a still greater injury by destroying confidence in the stability of public laws under which pecuniary obligations have been contracted. The credit the company has gained can only be preserved and the speedy execution of the work it is engaged in can only be insured by leaving existing laws unaltered.

"Having stated my objections to any alteration in the act of Congress concerning this company, I proceed to consider the proposed amendments in some of their details.

"The first section would not be regarded in its practical results of material importance as proposed to be amended, if it were certain that its provisions would be carried out in good faith by the Union Pacific railway, eastern division, and that this company would not be delayed in its progress. It is open to the objections I have stated to any alterations of existing laws; and it is feared that if the point in view is conceded, application may be made to Congress at a future session to release that company from the obligation to unite with the main trunk of the Union Pacific railroad near Denver, and for authority to go to the Pacific ocean on an independent line, thus constructing a competing road. All that part of the second section which by implication confines the Union Pacific railroad in its work to 'a continuous and unbroken line,' and authorizes the Central Pacific Railroad Company to continue its road eastward till it meets the former, is in the highest degree prejudicial to this company and dangerous to the great enterprise it is engaged in. It has been for some months in contemplation to establish a rolling-mill on the eastern slope of the Rocky mountains in Colorado, where coal and iron ore have been found in close proximity, for the purpose of making rails and laying track in both directions. The same purpose has been entertained in regard to a rolling-mill in Utah, and examinations have been made with a view to that object. By this means the company would be able to work on three different sections of its road at the same moment and greatly curtail the time required for its completion. The proposed amendment, by compelling the company to confine itself to 'a continuous and unbroken line,' would deprive it of the power of thus accelerating the work by preventing it from dividing its working force, except when temporarily delayed by the construction of a bridge or tunnel.

"It is earnestly hoped that a proposition so much at variance with the interest of the company and the country, and so calculated to counteract and disappoint the public expectation, will not receive the sanction of Congress.

"But the authority given to the Central Pacific Railroad Company to 'continue their road eastward' until they shall meet and connect, &c., is open to still graver objections. It is a legislative interpretation by Congress of a preëxisting act, or it is intended to confer a new authority; in either point of view it can be regarded in no other light than as an invasion of vested rights which this company has acquired under the acts of July 1, 1862, and July 2, 1864. All the arrangements of this company have been made on the basis of those acts. To change it would not only impair the value of the very large investments, amounting to \$16,000,000, which this company has made, but it would endanger the negotiations referred to, and any other which might be undertaken hereafter, by destroying all confidence in the

stability of public legislation. This company raises no question as to the interpretation of existing laws with the Central Pacific Railroad, and will scrupulously respect any rights which the latter may have acquired under them. It only asks that all such questions may be left to be settled when there shall be a practical necessity for considering them.

"The interposition of Congress in the manner proposed by the amendments is unnecessary and uncalled for. The Central Pacific Railroad Company is only required to construct twenty-five miles of road per annum, while this company is required to construct one hundred miles per annum. It must be several years before the former company can complete its road to a point one hundred and fifty miles eastward of the eastern boundary of California; and if there were no legal objections to this branch of the amendment, it would be most unwise on the part of Congress to interpose in any manner between the two companies until it shall have seen which of them is most likely by its diligence and its pecuniary ability to carry out the objects of the grant and to respond most effectually to the desire of the country to see the work completed.

"In conclusion, I desire to suggest that the Union Pacific Railroad Company is the only one in which the Government is represented by five directors appointed by the President of the United States, and that these gentlemen, who are of high standing, who have the public interest alone in view, and who are thoroughly conversant with the condition of the great work confided to the company, would not fail to advise Congress, through the proper department, if there were any necessity for its interposition."

Mr. STEWART. This very worthy individual, General Dix, whom I do not wish to question particularly, pleads for vested rights. He admits that he has got his mortgage. His company forgot vested rights in 1864. The Central Pacific Railroad Company had spent more money on the western end than all that has been spent yet upon the eastern end; they had in the mountains fifty miles of road already completed; and yet his agents, or whoever they were, interpolated into the law of 1864 a restriction on that company that had spent its money under the faith that it might go as far east as its enterprise could lead, he not having stuck a spade in the Omaha branch or the main stem either, not having done a thing toward building the road. Through the means of that conference committee, as detailed by the Senator from California, he or his agents attempted to put a barrier on the western end. He forgot vested rights at that time; and now when we want to get rid of that iniquitous legislation we get a long lecture from that very honorable and that very high-toned gentleman. When he talks about mortgaging the whole line to foreign capitalists, he forgets that the country has a vested right to have this road built from both ends. When he praises himself about his constructing one hundred and twenty miles in four years, he forgets that he did not commence when the law allowed him to commence; he forgets that after he had Omaha selected, after he had quarreled over that a long time and finally got it designated, he wanted to make an ox-bow and spent a year in getting an ox-bow down the river to accommodate some other point, making nine miles in twenty-three additional; waiting nearly a year for its completion. He forgets that it was through his instrumentality or that of his company that they did not commence earlier. He forgets, when he talks about the length of the road he is building, that he is on the plains and this other company is in the mountains.

All we ask is simple justice, and we ask it at the hands of the Senate; we ask it at the hands of General Dix if he has control of this matter. We ask that we shall have a chance. We do not ask it for any particular company, but we ask it in the name of the nation, that each end shall be built as fast as possible, that no man shall put an obstruction in it, and that no man shall claim to own the road or the right to mortgage it.

That is the way the road will be built speedily. All I have stated is proved in that letter and more, and it is the pretenses in that letter, it is the maps they present, it is the claim that they are going on the western end to prevent its being built, that we protest against.

Mr. POMEROY. The letter, I believe, does not say that the road is mortgaged further than they have the right to mortgage it under the law.

Mr. STEWART. The whole length.

Mr. POMEROY. The letter does not say they have mortgaged it the whole length.

Mr. STEWART. It does.

Mr. POMEROY. It only says they have mortgaged it under the law, under the advice of counsel, as they believed they had the right to mortgage it. I will say that they have already completed over one hundred miles. They have the right to mortgage one hundred miles in advance of any completed section. That is two hundred miles. They are already entitled to two million one hundred and eighty thousand acres of land. They have the right to mortgage that. Beyond that I do not think the company have gone; I do not think they have a right to go.

Mr. CONNESS. Mr. President, I said when I was up before that I did not think the company had mortgaged their whole line. The statement that the company had mortgaged their whole line came from only two sources. It is not contained in General Dix's letter. He is more careful of what he writes. It was contained in a letter received from a gentleman known as Clark Bell, who is some kind of an attorney for the company, which letter was received by some member of the Committee on the Pacific Railroad. He told it, and then the Senator from Massachusetts when he rose first to-day on the subject restated it. I do not think, and so said, that it was a correct statement.

I wish to say, now, and call attention to the fact, though I do not give particular weight to what General Dix says, that his objections to the second section which he discusses do not apply to the second section as now before the Senate. The Union Pacific Railroad Company have representatives here. There are many gentlemen here who have greater investments in the Union Pacific Railroad Company than General Dix has or than Mr. Durant has, and they have been consulted with, and the first draft of the second section that we prepared has been set aside at their instance. We have prepared a section acceptable to them, which they stated that they accepted. It is very different from the section as proposed originally. It contains this proviso: they claimed that they wanted the privilege of working ahead of a continuous completed line; they might want to do that; and so we have made this provision:

Provided, That each of the above-named companies shall have the right when the nature of the work to be done by reason of deep cuts and tunnels—

And there is a trifling verbal amendment there adopted—

to work for an extent of not to exceed three hundred miles in advance of their continuous completed lines.

Under this section as it now stands they may engage in doing difficult work for a distance of three hundred miles in advance of a continuous completed line. There can be no reasonable objection to the section at all. I hope we shall come to a vote.

Mr. STEWART. I just wish to read again this clause from the letter:

"The bonds are protected by a mortgage on the whole line of the company's road in compliance with the authority given by the act of Congress."

The whole line of the company's road.

Mr. POMEROY. That is only the completed line.

Mr. STEWART. Then he states that interfering with the other end is interfering with the line he has mortgaged. That is the very thing he complains of—interfering with their mortgage because it is on the whole line of the road. He says interfering with that end interferes with the mortgage, and he says here they have mortgaged the whole line of the road; and that is the statement of a good many.

Mr. POMEROY. It is impossible to mortgage the line of a road that is not located, that is not fixed. They have not even located their line of road. The mortgage has to be recorded in every county through which the road passes, and the definite location must be fixed before they can sell any bonds.

Mr. CONNESS. I have no doubt the Sen-

ator from Kansas is entirely right on that subject.

Mr. POMEROY. I do not want it to be understood here that this company have mortgaged all their road before they have even located it.

Mr. CONNESS. I have no doubt the Senator is entirely right on that subject.

Mr. POMEROY. Then I will not say anything more about it.

Mr. GUTHRIE. I have listened to this discussion of interference with the charter of the Union Pacific railroad, and the effect this bill will have on them. I believe there is really no interference, and there is nothing in this legislation that Congress may not fairly and justly allow. It is simply to permit this railroad to be carried up the Smoky Hill fork and to join the Pacific railroad beyond Denver City or in that neighborhood. As I said before, I think it is the interest of the country that it should go up the Smoky Hill fork, and that Congress should not expend money in building it in the other place, because if it was built in the other place it could not be operated and would be useless after it was built, while if built up the Smoky Hill fork it will be a useful and beneficial road, and the line could be extended to Denver City and the country enjoy the benefit of it. Therefore I shall vote to keep in the first section, which is the main part of the bill.

Mr. HENDERSON. I think we have had this subject sufficiently discussed, and I hope we shall take a vote upon it. When I was up before I stated that both these companies asked for an extension of time. General Dix says his company did not. By reference to the fifth section of the act of 1864 General Dix will find that he was mistaken, that there was an extension of time granted to the Omaha branch just as there was to the other branch. He says, furthermore, there are vested rights. I will state now that in 1864 there was not a dollar invested in his road. It was unorganized in 1864 when this legislation was passed. Therefore, if there is any investment made it has been since the legislation of 1864, and the first section of the bill cannot interfere with any such investment. I have the greatest confidence in what General Dix would say, but he is mistaken in these particulars.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa, [Mr. KIRKWOOD,] to strike out the first section of the bill.

The question being put, there were, on a division—ayes 2, noes 12; no quorum voting.

Mr. CONNESS. I ask for another count. Senators did not understand the question.

The PRESIDING OFFICER. The Chair will put the question again. The question is on the motion of the Senator from Iowa to strike out the first section of the bill.

The question being again put, there were, on a division—ayes 2, noes 18; no quorum voting.

Mr. CONNESS. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. KIRKWOOD. As there do not seem to be any Senators voting with me on this question, if it is not too late I withdraw the motion. I do not want to delay the action of the Senate upon the bill.

The PRESIDING OFFICER. The amendment can only be withdrawn by unanimous consent, the yeas and nays having been ordered upon it. The Chair hears no objection. The amendment is withdrawn.

The bill was reported to the Senate as amended and the amendments were concurred in. The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. GRIMES. I call for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

Mr. GRIMES. I desire to say that I shall vote against this bill principally because I am satisfied that all legislation, after the passage of the original proposition in regard to the Pacific railroad, has had a deleterious effect,

and all that we shall pass will have that effect, destroying the confidence of the country and of capitalists in this system of internal improvements. Not recognizing the propriety of this legislation, I vote against it on general principles.

The question being taken by yeas and nays, resulted—yeas 20, nays 12; as follows:

YEAS—Messrs. Anthony, Brown, Buckalew, Conness, Cowan, Cragin, Davis, Guthrie, Henderson, Hendricks, Howard, Howe, Nye, Sherman, Sprague, Stewart, Van Winkle, Wade, Willey, and Williams—20.

NAYS—Messrs. Fessenden, Foster, Grimes, Harris, Kirkwood, Morgan, Morrill, Norton, Poland, Trumbull, Wilson, and Yates—12.

ABSENT—Messrs. Chandler, Clark, Creswell, Dixon, Doolittle, Edmunds, Johnson, Lane of Indiana, Lane of Kansas, McDougall, Nesmith, Pomerooy, Ramsey, Riddle, Saulsbury, Sumner, and Wright—17.

So the bill was passed.

LEAVE OF ABSENCE.

Mr. MORRILL. I desire to state to the Senate that the Senator from Maryland [Mr. JOHNSON] has been necessarily called away from the city and will be absent for some days. He desired me to request for him a leave of absence, which I now do, for ten days.

Leave was granted.

HOUSE BILL REFERRED.

The bill (H. R. No. 276) to establish a Department of Education was read twice by its title, and referred to the Committee on the Judiciary.

VERMONT MILITARY CLAIMS.

The joint resolution (H. R. No. 166) to pay to the State of Vermont the sum expended for the protection of the frontier against the invasion from Canada in 1864, was read twice by its title.

Mr. POLAND. That is a very small matter, and one that I apprehend there is no need of referring to a committee. The authorities of the State of Vermont undertook to protect the line at the time of the invasion at St. Albans, and it is merely a question of amount. The whole amount claimed by the State is only \$16,000 or \$17,000. This resolution provides that such sum shall be paid as shall be found to be right on a proper adjustment. I hope the Senate will act upon the resolution at once.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It authorizes the Secretary of the Treasury to pay the State of Vermont any sum that may be found due, after the same shall have been audited by the proper officers of the Treasury Department, expended by the State for the defense and protection of the frontier from invasion from Canada in 1864; but the amount to be audited and paid is not to exceed the sum of \$16,463 81.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. CONNESS. I move that the Senate do now adjourn.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, June 19, 1866.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. C. B. BORTON.

The Journal of yesterday was read and approved.

TELEGRAPHIC INDICATOR.

Mr. BIDWELL, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Public Buildings inquire into the expediency of having the telegraphic indicator introduced into the committee-rooms of the House of Representatives, so as to enable the Sergeant-at-Arms to communicate instantly with any one or all of those rooms.

PORTAGE LAKE HARBOR, MICHIGAN.

Mr. STEVENS. I omitted yesterday to do what I had promised the gentleman from Michigan [Mr. DRIGGS] I would do. I now ask

unanimous consent of the House for the Committee on Public Lands to report back Senate bill No. 193, an act granting lands to the State of Michigan to aid in the construction of a harbor and ship-canal at Portage Lake, Keweenaw Point, Lake Superior, in said State.

Mr. SPALDING. I object, and call for the regular order of business.

ORDER OF BUSINESS.

The SPEAKER. The morning hour has now commenced. The first business in order is the call of committees for reports, beginning with the Committee on Banking and Currency.

NATIONAL BANKS IN THE SOUTH.

Mr. BUCKLAND, from the Committee on Banking and Currency, in compliance with the resolution of the House directing the Committee on Banking and Currency to inquire and report to the House whether any order has been issued or arrangement made whereby national banks in the southern States should have preference in the preparation and delivery of their circulation over national banks in other States, made a report; which was laid on the table and ordered to be printed.

RAILROAD TO SALT LAKE CITY.

Mr. PRICE. I am instructed by the Committee on the Pacific Railroad to report back House bill No. 679, granting lands to aid in the construction of a railroad and telegraph lines from the Columbia river to Salt Lake City, and to move that it be printed and recommitted. The motion was agreed to.

LAND-GRANT RAILROAD IN CALIFORNIA.

Mr. PRICE, from the Committee on the Pacific Railroad, reported back with amendments Senate bill No. 125, entitled "An act granting aid in the construction of a railroad and telegraph line from the town of Folsom to the town of Placerville, in the State of California."

The bill was read.

Mr. SPALDING. I desire the chairman of the Committee on the Pacific Railroad to explain the nature and object of this bill. I would like to know whether this is an original act of incorporation.

Mr. PRICE. When the amendments reported by the committee have been reported and acted on I will make an explanation which I think will be satisfactory to the gentleman and the House.

The amendments reported by the committee were read, as follows:

In section four, line three, strike out "ten" and insert "twenty;" so that the clause will read:

That whenever said Placerville and Sacramento Valley Railroad Company shall have twenty consecutive miles of any portion of said railroad and telegraph line ready for the service contemplated, the President of the United States shall appoint three commissioners, &c.

In section five, line three, strike out the word "draws," and insert in lieu thereof the word "drains."

In section two, line eight, strike out "two" and insert in lieu thereof the word "one;" so that the clause will read:

Said way is granted to said railroad to the extent of one hundred feet in width on each side of said road where it may pass through the public domain.

In section three strike out in lines twenty-three and twenty-four the words "not more than twenty miles beyond the limits of said alternate sections."

In section four strike out in lines fifteen, sixteen, and seventeen the following words:

Then said company shall have a right to select such lands on the line of said road so constructed nearest to the section of said road so completed.

At the end of section four add the following:

Provided, That said commissioners named in this section shall be paid by the company ten dollars per day for the time actually employed and ten cents per mile for the distance actually and necessarily traveled each way.

In section eight, line seven, strike out the word "hereafter" and insert in lieu thereof the word "thereafter."

Add at the end of the bill the following additional section:

SEC. —. *And be it further enacted*, That before any land granted by this act shall be conveyed to any company or party entitled thereto under this act, there shall first be paid into the Treasury of the United States the cost of surveying, selecting, and conveying the same by the said company or party in interest, as the titles shall be required by said company, which amount shall, without any further appropriations, stand to the credit of the proper account, to be used by the Commissioner of the General Land Office for the prosecution of the survey of the public lands

along the line of said road, and so from year to year, until the whole be completed as provided under the provisions of this act.

Mr. RANDALL, of Pennsylvania. I desire to inquire of the gentleman who has charge of this bill what number of acres of land it is proposed to give to this company under this bill. What is the maximum quantity of land to which the company can lay claim?

Mr. PRICE. It is proposed to give the company ten alternate sections of land per mile on each side of the road, provided they can find that much. It is a short road running from the village of Folsom to the town of Placerville, a road that has been constructed principally by individual contributions and by the aid of the county and city. Two hundred thousand dollars have been subscribed and paid by the county, and \$100,000 by the city of Placerville. The road is nearly completed; but the company have found themselves unable to go on without additional assistance, and hence they apply to Congress for this grant of land.

Mr. RANDALL, of Pennsylvania. Is this road exclusively in the State of California?

Mr. PRICE. It is exclusively in the State of California. It is only a short road.

Mr. RANDALL, of Pennsylvania. The gentleman intimates that it is doubtful whether the company can secure all the land granted to them. On the contrary, this seems to me a bill designed to enable this company to grab all the land they can obtain. The bill now comes freshly into the House. I have never seen or heard of the bill before.

Mr. PRICE. I will say to the gentleman from Pennsylvania that it is a Senate bill—a bill which passed the Senate without opposition. Indeed, it interests nobody particularly but that particular neighborhood. The Committee on the Pacific Railroad of this House have seen proper to make certain restrictions to confine the parties within limits. It extends the line no further than the distance the road runs through that section of the country.

Mr. HIGBY. Mr. Speaker, this road commences at the town of Folsom and is intended to go to the town of Placerville, a distance of forty miles. I am acquainted with the country through which it is to run. There is a road from Sacramento to Folsom, a distance of twenty-two miles, which has been in use for some years. The foot hills commence at the town of Folsom, and this road will run all the way through a hilly country. It will of course be a very expensive road. It is the commencement of the slope of the Sierra Nevada. The company has been organized. As has been already stated, the county of El Dorado has raised \$200,000 and Placerville \$100,000 toward the construction of the road. It will cost a great deal on account of the country through which it is to run. The land is in the mineral district, and much has already been taken up by individuals whose rights are fully protected.

Mr. SPALDING. How much does the bill grant?

Mr. HIGBY. Twenty sections, provided the company can get it. It is a hilly country, which has never been surveyed by the Government.

Mr. KASSON. I ask the gentleman to give me information in reference to one part of the bill. It provides that the Placerville and Sacramento Valley Railroad Company, a corporation existing under the laws of the State of California, is hereby authorized and empowered to lay out, locate, construct, furnish, equip, maintain, and enjoy a continuous railroad and telegraph line, with the appurtenances, from the town of Folsom to the town of Placerville, in the State of California.

The point on which I desire information is, does the Congress of the United States propose to confer powers of this sort entirely within a State authorizing a company to take public or private lands for the construction of a railroad, to do everything pertinent to the construction of a railroad precisely as if in the District of Columbia? I ask whether this is an inadver-

ence or whether it is maintained we have the right to authorize the construction of railroads entirely within a State.

Mr. HIGBY. I presume the gentleman from Iowa understands that most of the mineral lands of that State are not open to location and sale. I will say for the information of the gentleman that this will grant lands to this company organized under the laws of California to run a road from Folsom to Placerville. It only grants to that company public lands of the United States. And furthermore, I will say that this road runs through a hilly country, commencing at Folsom.

Mr. KASSON. I hardly think my friend understands the point of my question. There are two points raised by this bill. One is the propriety of giving the right of way across public lands as well as aid in public lands. To that I entertain no objection in point of right.

The next point is, that the bill provides that this company shall for the purpose of constructing the road take lands, whether public or private. To that I have a constitutional as well as a practical objection. The point to which I call his attention is, that this bill, although it may be an inadvertence, nevertheless does in the first section confer specific and general corporate powers. That I think we have no right to do. And as to the other question, of course I have great respect for the opinion of the gentleman from California as to whether we ought to aid a local road by a grant of public lands there. I am always disposed to be liberal in that respect, but not to make a United States corporation within the jurisdiction of a State, nor to give any powers to it whatever, except so far as the right of way across the lands of the United States is concerned.

Mr. HIGBY. Mr. Speaker, if I understand this bill rightly, its provisions are precisely the same as are now contained in the Pacific railroad bill. Now, I will state for the information of the gentleman that this is intended ultimately to be a branch of the Pacific railroad. It lies, as far as it can, parallel to it, running from the west to the east to somewhere in the State of Nevada, ultimately to unite with the main trunk of the Pacific railroad, and become a part of that system just as much as one of the branches of the Union Pacific railroad is a part of the Pacific railroad.

Mr. KASSON. I desire to say—

Mr. PRICE. Mr. Speaker, there is not enough in this bill to consume the time of the House. It is merely a matter that interests a few men in California. I therefore call the previous question.

Mr. RANDALL, of Pennsylvania. I hope the gentleman will allow me to say a word.

Mr. PRICE. I will yield for a question.

Mr. RANDALL, of Pennsylvania. I want to state a proposition. There is a judicial question involved in this bill—whether we have a right to enlarge the powers of a corporation organized under State law.

Mr. PRICE. I do not agree with the gentleman at all. This has been considered in the committee, and there are good lawyers there, and there is no such question involved in the bill. I therefore insist on calling the previous question on the bill and amendments.

Mr. ROGERS. I wish to ask the gentleman a question, whether he intends to bring—

Mr. PRICE. I decline to yield.

Mr. HALE. Is it in order now to move to recommit the bill?

The SPEAKER. It is not, pending the previous question.

Mr. HALE. I trust the gentleman will allow an opportunity for a suggestion in regard to an amendment to this bill that I think ought to be made.

Mr. PRICE. How many minutes does the gentleman want?

Mr. HALE. Not more than three minutes.

Mr. PRICE. I will yield.

Mr. HALE. I call attention of the chairman of the Committee on the Pacific Railroad, my friends from California, and the House generally to the very remarkable language of the

thirteenth section, which I think ought to be modified. It contains what purports to be the usual provision, "that Congress shall have power to alter, amend, or repeal this act," but it contains a preamble, a proviso, a stump speech, and some excellent moral reflections, all of which I think ought to be stricken out. I ask the Clerk to read that section.

The Clerk read as follows:

SEC. 13. *And be it further enacted*, That the better to accomplish the object of this act, namely, to promote the public interest and welfare by the construction of said railroad and telegraph line, and keeping the same in working order, and to secure to the Government at all times (but particularly in time of war or rebellion) the use and benefit of the same for postal, military, and other purposes, Congress may at any time, having due regard for the rights of said Placerville and Sacramento Valley Railroad Company, add to, alter, amend, or repeal this act.

Mr. HALE. Will the chairman of the committee allow me to move to amend by striking out all except these words?

Congress may at any time add to, alter, amend, or repeal this act.

Mr. PRICE. Individually, I have not the least objection to such an amendment.

Mr. HALE. Then I will make that motion.

Mr. PIKE. Will the gentleman yield for a question?

Mr. ROGERS. I rise to a question of order. I protest against running this bill through under the gag of the previous question.

The SPEAKER. That is not a question of order. The chairman of the committee is entitled to one hour and can use it or not, as he pleases.

Mr. LE BLOND. I would like to suggest one thing.

Mr. PIKE. I would like to make an inquiry of the chairman of the committee. Section three provides that the grant shall be in alternate sections along the line of the road, and in case the United States has no lands along the line of the road, any lands within ten miles of the line of the road. I want to inquire if that is the usual provision in relation to these railroad grants. I supposed that the United States gave the lands to the Pacific railroad companies in alternate sections, for the purpose of enhancing the value of the remaining lands. I do not know whether this is the ordinary provision in these railroad grants or not. It strikes me that if it is, we might have grants of land to the State of Maine.

Mr. PRICE. I will say that this section provides expressly that the company shall take alternate sections by odd numbers and no other sections. The lands to be taken must be taken within a certain distance of the road. I now call the previous question.

Mr. LE BLOND. I wish to make a single suggestion.

Mr. PRICE. I cannot yield.

Mr. JULIAN. I hope the previous question will be voted down. This bill is an outrage.

Mr. LE BLOND. If the gentleman will yield to me for a moment, I think I can make a suggestion which will obviate the difficulty.

Mr. PRICE. I cannot yield.

The question was put upon seconding the demand for the previous question, and there were sixteen in the affirmative.

Mr. STEVENS. I call for tellers. This is an ordinary grant, such as has been made before to roads in the western country.

Tellers were ordered; and Messrs. PRICE and ROGERS were appointed.

The House divided; and the tellers reported—ayes 36, noes 57.

So the House refused to second the demand for the previous question.

Mr. JULIAN. I move that the bill and pending amendments be referred to the Committee on Public Lands.

Mr. LE BLOND. I suggest that the committee have leave to report at any time.

Mr. RANDALL, of Pennsylvania. I object to that.

The question was taken on Mr. JULIAN'S motion, and there were—ayes 63, noes 33.

So the bill and pending amendments were referred to the Committee on Public Lands.

Mr. ELDRIDGE moved to reconsider the vote by which the bill was referred; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

CALIFORNIA AND OREGON RAILROAD.

Mr. BIDWELL, from the Committee on the Pacific Railroad, reported back without amendment, and with the recommendation that it do pass, bill of the Senate No. 123, granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon.

The bill was read.

Mr. BIDWELL. Mr. Speaker, this bill is one of great importance to the State of California and to the State of Oregon. It has been so carefully drawn, so well considered, and is so eminently just in all its provisions that I hope this House will be disposed to pass it wholly upon its merits. I shall have no extended remarks to make upon this bill unless some members shall desire information upon particular points.

Mr. JULIAN. I desire to ask the gentleman from California whether, in the second section of the bill, there is any limit within which the lands provided for shall be taken. I understand that this company may go ten, twenty, or fifty miles to get the lands provided for.

Mr. BIDWELL. The gentleman from Indiana desires to know whether the limits within which the lands are to be taken are fixed. I will state, from the reading of the section to which he alludes, that the limits are fixed at twenty miles, and, as I think, unjustly fixed at twenty miles, taking into consideration that the country along the entire length of the road has been settled for sixteen years, and taking into consideration also that it is a mountainous region, and that therefore the amount of land to be obtained is very small indeed, unless it be rugged, mountainous land.

Mr. JULIAN. I do not think the gentleman from California understood my question. The point I make is, that the second section of the bill does not make the limitation that he states. It says, "to be designated by odd numbers to the amount of ten sections per mile on each side of said road." It does not say that it shall be within ten miles of the line of the road, according to the usual language of bills of this sort. It is, therefore, unguarded in that respect.

Mr. BIDWELL. It says "contiguous thereto," and a little further on it says "within twenty miles of the line of this railroad."

Mr. HALE. I wish to know wherein this bill differs from the Senate bill.

Mr. BIDWELL. This is Senate bill No. 123.

Mr. HALE. Then I ask how it comes before the House now, and whether it has been reported by the Committee on Public Lands, to which it was referred.

Mr. BIDWELL. This bill was never referred to the Committee on Public Lands. It was referred to the Committee on the Pacific Railroad.

Mr. HALE. I find this indorsement on the bill: "Senate bill No. 123, read twice, referred to the Committee on Public Lands, and ordered to be printed."

Mr. BIDWELL. That is in the Senate, of course. The Committee on Public Lands there reported in favor of the bill, it passed the Senate, came to this House, was referred to the Committee on the Pacific Railroad, and has been reported back to the House by the unanimous consent of the committee.

Mr. HALE. I would ask the gentleman from California [Mr. BIDWELL] if Senate bill No. 153 is identical with House bill No. 339.

Mr. BIDWELL. No, sir, not exactly; because the Senate amended it in some particulars.

Mr. HALE. Which is the bill now under consideration?

Mr. BIDWELL. Senate bill No. 123.

Mr. HALE. This bill, so far as I can dis-

cover, does not contain the usual provision, giving power to Congress to amend, alter, or repeal at any time. I think that provision should be inserted in the bill.

Mr. BIDWELL. I think that every safeguard has been included in this bill. If there is any other provision, however, by which the bill can be improved, I have no objection to it. But inasmuch as this bill has already passed the Senate, and has been long before the House, if there is no material objection to it, I should certainly be glad to have it passed without amendment. But if it be improper in any particular, of course I do not wish to urge anything that is improper.

Mr. HALE. Will the gentleman allow me to move as an amendment an additional section, that Congress shall have power to amend, alter, or repeal the provisions of this act at any time?

Mr. BIDWELL. I should not object to that if such a provision is in the railroad bills generally passed by Congress.

Mr. HALE. I suppose it is; at least it should be.

Mr. BIDWELL. I have never seen any such provision in those bills. I am informed that no such provision is contained in any of the railroad bills.

Mr. PRICE. None of them contain any such provision.

Mr. BIDWELL. And I do not think it necessary to attach any such extraordinary provision to this bill.

Mr. HENDERSON. Will the gentleman from California yield to me for a moment?

Mr. BIDWELL. Certainly.

OREGON AND SALT LAKE RAILROAD—AGAIN.

Mr. HENDERSON. I desire to enter a motion to reconsider the vote by which House bill No. 679, granting lands to aid in the construction of a railroad and telegraph line from the Columbia river to Salt Lake City, was re-committed to the Committee on the Pacific Railroad.

The SPEAKER. The motion to reconsider will be entered upon the Journal.

Mr. HALE. I move to lay the motion to reconsider on the table.

The SPEAKER. That motion cannot now be entertained, the House being engaged in the consideration of other business.

Mr. RANDALL, of Pennsylvania. Have that committee the right to report that bill at any time.

The SPEAKER. They have not.

CALIFORNIA AND OREGON RAILROAD—AGAIN.

Mr. JULIAN. I desire to move to amend the second section of this bill by inserting after the words "to the amount of ten sections per mile on each side of said railroad" the words "within ten miles of the line of the railroad."

Mr. PRICE. I would suggest to the gentleman from Indiana [Mr. JULIAN] that the land cannot be obtained within that limit.

Mr. JULIAN. I want some limit fixed.

Mr. PRICE. You cannot get the land within that limit.

Mr. JULIAN. The gentleman from California says that it is limited to ten miles; I propose only to make it so expressly.

Mr. BIDWELL. Within twenty miles.

Mr. JULIAN. I move the amendment I have indicated.

Mr. BIDWELL. I would have no objection to the amendment of the gentleman from Indiana [Mr. JULIAN] if he will make it thirty miles. The bill as it is drawn calls for twenty sections per mile, or ten sections per mile on each side of the road. That will take the alternate sections for the space of twenty miles on each side of the road. Now, if the limit is fixed at ten miles of the line of the railroad that will not harmonize with the other provisions of the bill. It will take away one half of the grant, when it is already too small, taking into consideration the character of the country through which the road is to pass. I

hope the gentleman will not press his amendment.

Mr. JULIAN. I am not anxious for any particular limit, but I want some limit fixed in the bill. I am willing to modify my amendment so as to make it read "within twenty miles of the line of the railroad."

Mr. BIDWELL. I move to amend the amendment so as to make it thirty miles instead of twenty miles; and I wish to explain the reason why I make that motion. This bill now calls for twenty sections of land per mile, ten sections on each side of the road, to be designated by odd numbers. Therefore the odd sections take all the land granted by this bill within twenty miles of the road. Now, if you limit the selection to twenty miles, there is no chance to take lands in lieu of those preempted, taken by homestead claimants, or otherwise disposed of by the Government. Therefore, if any amendment is made, it should be to extend it thirty miles, not twenty.

The SPEAKER. The morning hour has expired, and the bill goes over till the next morning hour.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. ELIOT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 492) making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under the authority of law, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House agree to the first, second, third, fifth, seventh, eighth, and ninth amendments as made by the Senate.

That the House agree to the sixth amendment, with the following amendment, that is to say, by inserting in section one, page 1, line twenty-one, after the word "aforesaid," the words "and all other works provided for in this act."

That the House agree to the tenth amendment with the following amendment, that is to say, by inserting after the word "Manistee" in said amendment, the words "South Haven."

That the Senate recede from the fourth amendment.

Z. CHANDLER.

L. M. MORRILL.

Managers on the part of the Senate.

THOMAS D. ELIOT.

J. M. HUMPHREY.

JOHN W. LONGYEAR.

Managers on the part of the House.

The report of the committee of conference was agreed to.

Mr. ELIOT moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BUREAU OF EDUCATION.

Mr. GARFIELD. I rise to a privileged question, and call up the motion made by the gentleman from Michigan [Mr. Urson] to reconsider the vote by which House bill No. 276, entitled "An act to establish a national Bureau of Education," was rejected upon the question of its passage.

Mr. Speaker, as the House is aware, this bill, when under consideration here, was amended so as to provide for a department instead of a bureau. I am willing, if unanimous consent be given, that the name be changed, and that this shall be called a "bureau" instead of a "department."

Mr. RANDALL, of Pennsylvania. I object.

Mr. GARFIELD. Very well; that change can be made in the Senate. I demand the previous question on the motion to reconsider.

Mr. RANDALL, of Pennsylvania. I move that the bill be recommitted.

The SPEAKER. That motion is not in order pending the demand for the previous question.

Mr. ANCONA. I move that the motion to reconsider be laid on the table; and on that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 37, nays 76, not voting 69; as follows:

YEAS—Messrs. Ancona, Bromwell, Dawson, De-frees, Denison, Eldridge, Finck, Glossbrenner, Gri-

der, Hale, Aaron Harding, Holmes, Demas Hubbard, Humphrey, Johnson, Kerr, Le Blond, Marshall, Marston, Mercer, Moorhead, Niblack, Nicholson, Perham, Pike, Samuel J. Randall, Ritter, Rogers, Rollins, Ross, Sitgreaves, Strouse, Taber, Thornton, Trimble, Trowbridge, and Winfield—37.

YEAS—Messrs. Alley, Allison, Ames, Delos R. Ashley, Baker, Baldwin, Banks, Barker, Baxter, Beaman, Benjamin, Bingham, Boutwell, Broomall, Cobb, Cook, Cullom, Davis, Dawes, Dixon, Dodge, Donnelly, Driggs, Dumont, Eliot, Farquhar, Garfield, Hayes, Henderson, Hooper, Asahel W. Hubbard, John H. Hubbard, Hulburd, Ingersoll, Jenckes, Julian, Kasson, Kelley, Ketcham, Kuykendall, Ladin, Latham, George V. Lawrence, Loan, Longyear, McClurg, McKee, McKuer, Morris, Moulton, Myers, O'Neill, Orth, Paine, Pomeroy, Price, Raymond, John H. Rice, Sawyer, Schenck, Shellabarger, Spalding, Stilwell, Francis Thomas, John L. Thomas, Upson, Robert T. Van Horn, Ward, Henry D. Washburn, William B. Washburn, Welker, Wentworth, Whaley, Stephen F. Wilson, Windom, and Woodbridge—76.

NOT VOTING—Messrs. Anderson, James M. Ashley, Bergen, Bidwell, Blaine, Blow, Boyer, Brandegee, Buckland, Bundy, Chanler, Reader W. Clarke, Sidney Clarke, Coffroth, Conkling, Culver, Darling, Delano, Deming, Eckley, Eggleston, Farnsworth, Ferry, Goodyear, Grinnell, Griswold, Abner C. Harding, Harris, Hart, Higby, Hill, Hogan, Hotchkiss, Chester D. Hubbard, Edwin N. Hubbell, James R. Hubbell, Jones, Kelso, William Lawrence, Lynch, Marvin, McCullough, McIndoe, Miller, Morrill, Newell, Noell, Patterson, Phelps, Plants, Radford, William H. Randall, Alexander H. Rice, Rousseau, Scofield, Shaukin, Sloan, Smith, Starr, Stevens, Thayer, Thayer, Van Aernam, Burt Van Horn, Warner, Elihu B. Washburne, Williams, James F. Wilson, and Wright—69.

So the motion to reconsider was not laid on the table.

During the call of the roll,

Mr. WILSON, of Iowa, said: On all votes upon this bill I am paired with the gentleman from Pennsylvania, Mr. SCOFIELD. If he were here he would vote against laying the bill on the table, and I should vote in favor of that motion.

The result was announced as above stated.

Mr. RANDALL, of Pennsylvania. I desire that this bill may be recommitted, so that it may be amended in the manner proposed by me when it was heretofore under consideration; that is, so as to provide that the educational matters shall be under the control of the Secretary of the Interior, with two or three additional clerks, sufficient to perform the duties contemplated. That seems to me preferable to the bill as it stands.

Mr. GARFIELD. I offered to consent to an amendment of the bill, so as to provide for a bureau instead of a department; but the gentleman from Pennsylvania objected. I trust the bill will not be recommitted; for if that be done, it cannot be reached again this session. If the House should pass the bill in its present form, the committee will endeavor, and will no doubt be able, to secure in the Senate an amendment providing for a bureau to be under the control of the Secretary of the Interior. I hope the previous question will be seconded.

Mr. DAWES. I ask the gentleman from Ohio whether he thinks it will add to the efficiency of the bill to change its name from a department to a bureau. That is not the objection to the bill.

Mr. RANDALL, of Pennsylvania. It is a distinction without a difference.

Mr. DAWES. That is not the objection to the bill. It is objected to on broader ground.

Mr. GARFIELD. I have promised to call the previous question.

Mr. DAWES. I desire to vote for this measure; but I must say, in looking at the bill it seems to me it should be recommitted with authority to report at any time, to the end that the gentleman may enlarge the basis upon which the bill stands, to make the idea upon which it is based more efficient and valuable. I voted for the motion to reconsider, and I shall vote for any measure of this kind that is efficient. I hope the gentleman will consent to have the bill recommitted.

Mr. GARFIELD. Mr. Speaker, I know the object the gentleman seeks to accomplish, and I would cheerfully unite with him in accomplishing it if it were now practicable. I should be glad to see the Bureau of Agriculture consolidated with this and a general bureau of statistics added, but I do not believe the House

would consent to it at this time. If gentlemen are unwilling to pass the pending proposition they would be still more unwilling to enact a more comprehensive measure.

We ask the passage of this bill, which provides for a commissioner and three clerks for the purposes mentioned in the first section, at the earnest request of the school commissioners of several of the States. It is an interest that has no lobby to press its claims. It is the voice of the children of the land, asking us to give them all the blessings of our civilization. I hope that the instinct which has moved the other side of the House to vote solidly against this liberal and progressive measure will at least induce this side to save it from defeat. I will not take the time of the House to discuss it, but will trust to the sense of duty among the liberal men of the House and to the manifest justice of the bill itself.

Mr. RANDALL, of Pennsylvania. I ask the gentleman to yield to me.

Mr. GARFIELD. I must call for the previous question. I promised a gentleman who has a bill pending that I would not yield.

Mr. RANDALL, of Pennsylvania. I rise to a question of order. As a member of the committee, I have certainly the right to be heard.

THE SPEAKER. Not if a majority of the House seconds the demand for the previous question.

Mr. RANDALL, of Pennsylvania. I hope the previous question will not be seconded.

The House divided; and there were—ayes 48, noes 44.

Mr. ANCONA demanded tellers.

Tellers were ordered; and Messrs. ANCONA and GARFIELD were appointed.

The House again divided; and the tellers reported—ayes 52, noes 44.

So the previous question was seconded.

The main question was ordered.

Mr. ANCONA demanded the yeas and nays on the motion to reconsider.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 76, nays 48, not voting 58; as follows:

YEAS—Messrs. Alley, Allison, Ames, Delos R. Ashley, James M. Ashley, Baker, Baldwin, Banks, Bidwell, Bingham, Boutwell, Broomall, Bundy, Cobb, Cook, Cullom, Dawes, Dixon, Dodge, Donnelly, Dumont, Eggleston, Eliot, Farquhar, Garfield, Hayes, Henderson, Hooper, Asahel W. Hubbard, Demas Hubbard, John H. Hubbard, Hulburd, Ingersoll, Jenckes, Julian, Kelley, Kelso, Ketcham, Kuykendall, Longyear, Lynch, McClurg, McKuer, Moorhead, Morrill, Morris, Moulton, Myers, O'Neill, Orth, Paine, Price, William H. Randall, Raymond, Alexander H. Rice, John H. Rice, Sawyer, Schenck, Shellabarger, Spalding, Stevens, Stilwell, Francis Thomas, John L. Thomas, Trowbridge, Upson, Van Aernam, Robert T. Van Horn, Henry D. Washburn, William B. Washburn, Welker, Wentworth, Whaley, Stephen F. Wilson, Windom, and Woodbridge—76.

YEAS—Messrs. Ancona, Barker, Beaman, Boyer, Broomall, Buckland, Dawson, Defrees, Denison, Eldridge, Finck, Glossbrenner, Grider, Hale, Aaron Harding, Abner C. Harding, Hogan, Holmes, Humphrey, Johnson, Kasson, Kerr, Ladin, Latham, George V. Lawrence, Le Blond, Loan, Marshall, Marston, McCullough, Mercer, Niblack, Nicholson, Perham, Pike, Pomeroy, Samuel J. Randall, Ritter, Rogers, Rollins, Ross, Sitgreaves, Strouse, Taber, Taylor, Thornton, Trimble, and Winfield—48.

NOT VOTING—Messrs. Anderson, Baxter, Benjamin, Bergen, Blaine, Blow, Brandegee, Chanler, Reader W. Clarke, Sidney Clarke, Coffroth, Conkling, Culver, Darling, Davis, Delano, Deming, Driggs, Eckley, Farnsworth, Ferry, Goodyear, Grinnell, Griswold, Harris, Hart, Higby, Hill, Hotchkiss, Chester D. Hubbard, Edwin N. Hubbell, James R. Hubbell, Jones, William Lawrence, Marvin, McIndoe, McKee, Miller, Newell, Noell, Patterson, Phelps, Plants, Radford, Rousseau, Scofield, Shaukin, Sloan, Smith, Starr, Stevens, Thayer, Burt Van Horn, Ward, Warner, Elihu B. Washburne, Williams, James F. Wilson, and Wright—58.

So the motion to reconsider was agreed to.

The question recurred on the passage of the bill.

Mr. GARFIELD. On that I demand the previous question.

The previous question was seconded and the main question ordered.

Mr. PIKE and Mr. ELDRIDGE demanded the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question being taken, it was decided in

the affirmative—yeas 80, nays 44, not voting 58; as follows:

YEAS—Messrs. Allison, Ames, Delos R. Ashley, James M. Ashley, Baker, Baldwin, Banks, Baxter, Benjamin, Bidwell, Bingham, Boutwell, Broomall, Broomall, Cobb, Cook, Cullom, Davis, Dawes, Dixon, Dodge, Donnelly, Driggs, Dumont, Eggleston, Eliot, Farquhar, Garfield, Hayes, Henderson, Hooper, Asahel W. Hubbard, Chester D. Hubbard, John H. Hubbard, Hulburd, Ingersoll, Jenckes, Julian, Kelley, Kelso, Ketcham, Kuykendall, Latham, Longyear, Lynch, McClurg, McKee, McKuer, Moorhead, Morrill, Morris, Moulton, Myers, O'Neill, Orth, Paine, Price, William H. Randall, Raymond, Alexander H. Rice, John H. Rice, Sawyer, Schenck, Shellabarger, Spalding, Stevens, Francis Thomas, John L. Thomas, Trowbridge, Upson, Van Aernam, Robert T. Van Horn, Henry D. Washburn, William B. Washburn, Welker, Wentworth, Whaley, Stephen F. Wilson, Windom, and Woodbridge—80.

YEAS—Messrs. Ancona, Barker, Beaman, Boyer, Buckland, Dawson, Defrees, Denison, Eldridge, Finck, Glossbrenner, Grider, Hale, Aaron Harding, Abner C. Harding, Holmes, Demas Hubbard, Humphrey, Johnson, Kerr, George V. Lawrence, Le Blond, Loan, Marshall, Marston, McCullough, Mercer, Niblack, Nicholson, Perham, McKee, Pomeroy, Samuel J. Randall, Ritter, Rogers, Rollins, Ross, Sitgreaves, Strouse, Taber, Taylor, Thornton, Trimble, and Winfield—44.

NOT VOTING—Messrs. Alley, Anderson, Bergen, Blaine, Blow, Brandegee, Bundy, Chanler, Reader W. Clarke, Sidney Clarke, Coffroth, Conkling, Culver, Darling, Delano, Deming, Eckley, Farnsworth, Ferry, Goodyear, Grinnell, Griswold, Harris, Hart, Higby, Hill, Hogan, Hotchkiss, Edwin N. Hubbell, James R. Hubbell, Jones, Kasson, Ladin, William Lawrence, Marvin, McIndoe, Miller, Newell, Noell, Patterson, Phelps, Plants, Radford, Rousseau, Scofield, Shaukin, Sloan, Smith, Starr, Stilwell, Thayer, Burt Van Horn, Ward, Warner, Elihu B. Washburne, Williams, James F. Wilson, and Wright—58.

So the bill was passed.

LEAVE OF ABSENCE.

The SPEAKER asked and obtained indefinite leave of absence for Mr. FERRY.

Mr. McKEE asked and obtained leave of absence for himself for the remainder of the week.

HUMBOLDT CANAL COMPANY.

Mr. ASHLEY, of Nevada, by unanimous consent, introduced a bill to explain and limit the act granting the right of way to the Humboldt Canal Company through the public lands of the United States; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

ARMY BILL.

The morning hour having expired, the House proceeded to the consideration of the special order, being House bill No. 361, to reorganize and establish the Army of the United States, reported by Mr. SCHENCK from the Committee on Military Affairs.

The SPEAKER. If there is no objection, this will be considered as an original bill, though it is reported in the nature of a substitute.

No objection being made, it was so ordered.

Mr. SCHENCK. The House has now under consideration a bill reported from the Committee on Military Affairs, the former bill having been rejected and afterwards reconsidered and recommitted. I propose to have this bill considered section by section, as was done with the former bill.

It will be discovered that the committee has endeavored to conform this bill to the views, so far as they could be gathered, expressed by the House in relation to this matter, by their votes as they were given when the former bill was under discussion. I do not propose to make any opening remarks explanatory of the general character of the bill in the form it is now brought before the House, but to endeavor to expedite the consideration of it by another and a different proposition. I propose that the bill which is before the House as an original bill, though it is reported in the nature of a substitute, shall be held subject to amendment and to discussion within reasonable limits, and hoping that I shall not be driven to demand the previous question even upon any of the sections, I ask that the discussion may be limited to five-minute speeches. The House, I trust, will agree to this proposition.

Mr. DAVIS. I must object to that at the present stage.

Mr. SCHENCK. Then I shall have to call the previous question on the whole bill.

Mr. DAVIS. I desire to make an explanation.

Mr. SCHENCK. I have not yielded the floor. I have proposed a fair mode of considering this matter, section by section, which I think is as much as should be expected at this late period of the session, and that we limit ourselves to a short business debate. Now, if members of the committee can forego the privilege of protracted debate and long speeches, it seems to me others might do so. If this proposition cannot be consented to by the House, gentlemen all around me ask me to call the previous question on the whole bill and bring the House to a vote upon it at once, which I should regret very much to be compelled to do.

Mr. DAVIS. I appeal to the gentleman simply to allow me to make a statement.

Mr. SCHENCK. I yield for that purpose.

Mr. DAVIS. After the former bill, which was rejected by the House, had been considered a long time, I hoped that if another bill should be introduced it should conform somewhat to the principles of the bill which the Senate had passed, and which I now understand has received the approbation of military gentlemen who are supposed to know a great deal more on the subject than I pretend to know. I therefore state, for the purpose of apprising the gentlemen of my intention, that unless somebody else does it I will at the proper time move the Senate bill No. 138, with some slight modification, as a substitute for the bill now presented.

The SPEAKER. The gentleman from New York can at any time after the gentleman from Ohio has surrendered the floor make that motion, and it will be reserved until the bill is perfected.

Mr. SCHENCK. The gentleman must do me the justice to observe that I have never objected to any opportunity for offering any amendment in the shape of a substitute or anything else. My proposition is to confine the House to five minutes' debate. To that the gentleman from New York objects. I suppose, however, that he now means to be understood as withdrawing his objection.

Mr. DAVIS. Certainly. I did not wish to interpose any objection which would operate to the embarrassment of the chairman of the committee. I did not know but it might be necessary to explain to the House in a few words the distinctive provisions of these two bills—the Senate bill and this one—and I did not believe that any one would be able to do that in five minutes. I have no objection, however, to trying the rule proposed, and if it becomes necessary, provision may be made for additional time.

The SPEAKER. The gentleman withdraws the objection. Is there objection to the debate being limited as proposed?

No objection being made, it was accordingly ordered that the debate be limited to five-minute speeches, and that the bill be considered section by section.

The Clerk read the first section, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the military peace establishment of the United States shall hereafter consist of five regiments of artillery, six regiments of cavalry, fifty regiments of infantry, the professors and corps of cadets of the United States Military Academy, and such other forces as shall be provided for by this act, to be known as the Army of the United States.

Mr. SPALDING. I move to amend by striking out "six" and inserting "twelve," so that it will read "twelve regiments of cavalry."

The amendment was not agreed to.

The SPEAKER. In the debate on the previous bill the first section was reserved with the privilege of amending it so that if any alteration should be made in the subsequent portion of the bill in regard to the number of regiments this could be made to correspond with the subsequent sections.

No objection being made, the first section was accordingly reserved.

Mr. LE BLOND. I wish to inquire of the chairman of the committee what number of regiments in the aggregate there will be by this section.

Mr. SCHENCK. This bill does not add six new regiments of cavalry as the former bill did, and it makes the number of infantry regiments less by five, so that the aggregate maximum will be twelve thousand two hundred less rank and file than was proposed by the previous bill. Instead of an army of fifty thousand, capable of extension to eighty-two thousand six hundred, we now propose an army of forty-three thousand, capable of extension to seventy thousand.

Mr. LE BLOND. I will move to amend by striking out the word "fifty" and inserting "forty," so that it will read "forty regiments of infantry."

Mr. SCHENCK. I will give my reason for opposing this amendment. The House will find that these fifty regiments are made up of the present ten infantry regiments in the old regular Army, of twenty-two regiments to be composed of nine new regiments of three battalions each, and then of ten regiments to be called the Veteran Reserve corps, and eight regiments of colored men. Now, if you reduce the number of regiments to forty, you must dispose in some way of ten of these regiments, either by giving up the provision for wounded officers and soldiers of the Army, which, after full consideration when the former bill was before the House, it refused to do, or by giving up the eight regiments of colored troops, or else by taking the number of regiments from some portion of the regular Army and disbanding them. The committee have reduced the number of regiments to be composed of the nine new large regiments which were added to the regular Army to last during the war to as low an extent as possible, so as to preserve them at all, when we make them into twenty-two regiments. They do this by taking the whole two hundred and sixteen companies of the nine large regiments and adding only four companies to round out the number of ten companies to each regiment, and thus compose the twenty-two new regiments. The former bill provided for twenty-seven regiments from the old nine large regiments, instead of twenty-two, by taking the three battalions of which each of the nine regiments was composed, and adding to each battalion two companies, thus making the aggregate addition twice twenty-seven companies.

I make this explanation, because if the motion of my colleague [Mr. LE BLOND] should prevail, it must alter necessarily what follows in the bill; and the House must dispense either with the provision for wounded officers and wounded soldiers, or with the provision made for colored troops, or else you must turn out, dismiss, disband some portion of the regular Army to accomplish the object.

Mr. LE BLOND. I confess that I know but little about military matters. In the motion I have made I am simply looking to a principle; it is for the purpose of reducing the standing Army in time of peace. It is with that view only that I have made the motion to amend.

The argument of the chairman of the Committee on Military Affairs [Mr. SCHENCK] certainly amounts to nothing, so far as the action of Congress hitherto upon this subject is concerned. If this House shall determine to reduce the minimum, they can do so, and the other provisions can be made to conform to that action. It amounts to no argument to say that we have added certain regiments, either colored regiments or white regiments, and provided for their distribution in a certain way. That can be arranged and conformed to the judgment of Congress, if we should take a less number of regiments than the committee has reported here.

I do think that our expenses are already large enough. And the past history of this country shows that we can get along in time

of peace with a much less number than here provided for; and as we have got along with a less number in the past, I think we can get on with less in the future. And the financial condition of the country requires that we shall economize in every conceivable way. I do not know that my amendment distributes the regiments as they should be. I am not military man enough to do it. I simply wish an expression of the House upon the question in order to ascertain whether they favor a reduction of the number of regiments proposed by the committee. It is with this view that I have offered the amendment.

Mr. DAVIS. I move to amend the amendment so as to make the number of infantry regiments forty-five. I am opposed to the principle of reducing our Army to any considerable extent. I think we should have it increased so that it shall be an efficient power for the protection of the country; but I desire the increase to come in a mode and in the arm of the service which is not yet provided for in this bill. I think we should have an increase of the cavalry force.

Now, if gentlemen will reflect for one moment upon the present condition of the country, its exposed frontier at the West, and the state of the country at the South, it will not take long, I think, for any gentleman to make up his mind that the cavalry branch of the service is more important than any other, and yet by the provisions of this bill we are to have but five cavalry regiments, or five thousand cavalry. Officers who are experienced in that branch of the service, some of quite as much experience as any in the country, one of them, General A. J. Smith, who has served for a long time as chief of artillery in the valley of the Mississippi, who has been upon the frontier, who has been beyond the mountains upon the Pacific slope—and other officers have informed me that the force of five thousand cavalry is entirely inadequate to the present wants of the country. And therefore, although I am opposed to the reduction of the number of infantry regiments in the manner indicated by the gentleman from Ohio, [Mr. LE BLOND], still I am in favor of an increase of the cavalry force. And as it is understood that this first section is to be passed over for the present, I will give notice that at the proper time I propose to move to increase the number of regiments to that provided for by the Senate bill, to twelve regiments, or even to increase them to fifteen regiments. I withdraw my amendment to the amendment.

Mr. SCHENCK. For the purpose of making some further explanations, I will move to amend the amendment so as to make the number of infantry regiments fifty-five. The Committee on Military Affairs have endeavored to accommodate this bill to the most manifest wish of the House in the present form in which this bill is reported. The House, after full discussion, passed upon the question whether they would or would not make provision in the Army bill for the wounded officers and wounded men of the service by preserving the Veteran Reserve corps. Taking that as instructions, the committee, without restoring the old Veteran Reserve corps at all, which consists of twenty-four regiments, have provided that there shall be a Veteran Reserve corps made up of wounded officers and wounded men, taken indiscriminately from all arms of the service, to the extent of ten regiments.

The House just as unmistakably expressed itself upon the question of retaining a portion of the colored troops, eight regiments, as proposed in the former bill; and the committee has therefore permitted that provision to stand. There was no disposition manifested by the House to disband or dismiss any portion of the regular Army as it now exists. The infantry of the regular Army, as everybody knows, consists of ten old regiments, of one thousand men each, and nine new regiments which were added early in the war and which are required by law to be disbanded within one year after the termination of hostilities. The committee has

preserved those nine regiments now of the regular Army; but in order to provide for as small a number as possible of new regiments we have added to the two hundred and sixteen companies four new companies, making twenty-two new regiments instead of twenty-seven as provided for in the former bill.

If the amendment of my colleague [Mr. LE BLOND] should prevail it will follow of necessity that the House must get rid of all provision for wounded officers and men, or must dispense with the colored troops or some portion of the existing regular Army. The committee felt themselves instructed by the action of the House to endeavor to diminish, as far as they could, the force proposed in the former bill. In doing this they have provided, as I have just remarked, for twenty-two new regiments in the regular Army, instead of twenty-seven. They have also dropped the six new regiments of cavalry, as formerly proposed, and in lieu of the provision for new cavalry regiments they have provided in this bill that the President may at any time, at his discretion, mount a portion of the infantry to serve as cavalry, not exceeding in number six regiments.

Sir, I do not know that I differ at all with the gentleman from New York [Mr. DAVIS] in my general view upon the question of the extent of our Army. I am bold to say that I do not think our Army ought now to be reduced. I do not think that the first bill or this bill or any bill which has yet been presented proposed too large a force. I think we shall find need for all the army we may have. We shall require a large military force for frontier duty, for duty at forts throughout the interior, and for service in the South, too, if we expect the peace to be kept against all the prevailing influences tending to break the peace. But the House has certainly most manifestly expressed a desire to limit within as narrow a compass as possible the number of the force to be provided for in this bill; and we have endeavored to accommodate ourselves to this view, without disregarding these other manifestations of opinion on the part of the House, indicating an unwillingness to turn adrift any of these proposed portions of the Army, as provided for in the former bill.

Mr. LE BLOND. Mr. Speaker, I rise to oppose the amendment to the amendment. I do not propose, sir, to discuss at this time the condition of the South. I think that enough has already been said on that subject. I think the country fully understands the crippled condition of the South. It is well understood that the people of the South are entirely disarmed and utterly incapable of insurrection or of giving us trouble if they desired to do so. But the remarks of my colleague, it seems to me, suggest a reason why my amendment should be adopted. As he has remarked, it was determined by the House on a former occasion that eight regiments of colored troops should be retained. It was also decided that ten regiments of the Veteran Reserve corps should be retained. We did not provide for the retention of a sufficient number of this corps to include all of this class of soldiers throughout the country. The effect of the present bill is to exclude these from the standing Army in order to give place to colored regiments. I for one am opposed to giving place to the colored troops to the exclusion of the men of my own race who have fought in defense of their country.

If, sir, we are to provide for any in this bill let us provide for men of our own race instead of the colored race. Do away with your colored regiments and you merely fill the number I desire. Then you will leave the Army to be made up of men of our own race and our own color. I hope the amendment I have offered will prevail, and there will be a reduction in this particular, and as we proceed the committee can divide them up into the different departments of the Army.

Mr. SCHENCK, by unanimous consent, withdrew his amendment.

Mr. LE BLOND's amendment was then rejected, only nineteen voting in the affirmative.

Mr. WOODBRIDGE. I move to amend in line four by striking out "six" and inserting "ten," and in line five by striking out "fifty" and inserting "forty-six;" so it will read:

That the military peace establishment of the United States shall hereafter consist of five regiments of artillery, ten regiments of cavalry, forty-six regiments of infantry, the professors and corps of cadets of the United States Military Academy, and such other forces as shall be provided for by this act, to be known as the Army of the United States.

Mr. Speaker, while I am quite as anxious as anybody else to reduce the expenditures of the Government, while I should agree with many of my friends probably upon both sides of the House, that a large standing army is inconsistent with republican institutions, yet, sir, if I had my own way under the present condition of things, I would provide for a much larger army than is provided for in this bill. Sir, the testimony which has been taken before a certain committee of this House within the last four or five months clearly indicates to me at least, although the former rebellious States are, in my judgment, as in the judgment of the gentleman from New York, [Mr. RAYMOND,] who spoke yesterday, not in a condition to offer violence, still the military arm of the Government may be required there to a certain extent at least to enforce the law and protect the people.

Again, sir, within the last few days we have heard of complications in Europe which may lead to war of a magnitude unparalleled heretofore in the history of the world; and in these complications it may be well for us, although we are at peace with all the world, to be prepared for any contingency which may arise.

I fear this House is opposed to increasing the Army to an amount larger than that provided in the bill. Hence I move to strike out "fifty" and insert "forty-six;" and strike out "six" and insert "ten;" because I believe the cavalry arm of the service is eminently needed. If my amendment succeeds we will have ten instead of six regiments of cavalry, and forty-six regiments of infantry instead of fifty. We know very well at the commencement of the recent war the cavalry arm of the service was not thought to be of account at all, and when applications were made the then Lieutenant General of the Army refused them, declaring he did not approve of the cavalry arm. For a long time we met with nothing but disaster and defeat, when the most eminent military men of the country found out that under the present system of warfare the most efficient branch of the service was the cavalry.

Look at our domain. Look at the vast emigration which is filling up the great Northwest from the Mississippi to the Pacific coast. How are they to be protected on their way to the mining districts? Infantry cannot do it. Artillery cannot do it. It is only cavalry can protect the emigrants who are making their way westward. Why, sir, the cavalry is the only arm of the service in the extreme West which can be efficient.

I know this bill provides in a subsequent portion that the President may at his option change a certain number of infantry to cavalry regiments. We all know that will not answer the purpose. We all know when infantry is mounted as cavalry it takes months and months to perfect them in the duties they are called upon to perform.

[Here the hammer fell.]

Mr. ROSS. I ask if the question is divisible.

The SPEAKER. It is, and the question is first on striking out "six regiments of cavalry" and inserting, in lieu thereof "ten regiments of cavalry."

The question was put, and the amendment was disagreed to.

Mr. WOODBRIDGE. I withdraw the remainder of my amendment.

The Clerk read as follows:

SEC. 2. And be it further enacted, That the five regiments of artillery provided for by this act shall consist of the five regiments now organized; and the first, second, third, and fourth regiments of artillery shall have the same organization as is now prescribed by law for the fifth regiment of artillery: Provided, That

the regimental adjutants, quartermasters, and commissaries shall hereafter be extra first lieutenants.

Mr. SCHENCK. I move to add at the end of that section the following:

Who shall be appointed from among those who have served as officers or soldiers of volunteers in the late war for the suppression of the rebellion, who have been distinguished for capacity, good conduct, and efficient service, and who shall be subject to such examination as is hereinafter provided.

I will explain that amendment. By the present organization of regiments, the adjutants, quartermasters, and commissaries are detailed for their several duties. By this bill it is proposed that they shall be extra first lieutenants, not officers taken away from their proper duties, but shall serve specially in these different positions. This, then, will open the way to some new appointments even in the old regiments, and I propose that these new appointments be secured to the volunteers. That is the object of this amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 3. And be it further enacted, That the six regiments of cavalry provided for by this act shall consist of the six regiments now in service. Each of said regiments shall hereafter have but one hospital steward, and the regimental adjutants, quartermasters, and commissaries shall hereafter be extra first lieutenants; and each regiment shall have one veterinary surgeon, whose compensation shall be \$100 per month. But at any time hereafter, when the exigencies of the public service may require, the President of the United States shall have the power and authority to mount any of the infantry regiments of the Army, not exceeding six regiments in number at any one time, to serve as cavalry, and while so serving they shall be allowed all the pay, allowances, and emoluments of cavalry troops.

Mr. PAINE. I would suggest to the chairman of the Committee on Military Affairs one amendment in that section, which I am sure will commend itself to his judgment. It is to insert in line thirteen, after the word "cavalry" the words "or mounted infantry." It has been found, I believe, in the field to be true that mounted infantry serving as cavalry have done as much service and perhaps more than they could have done if equipped and serving as cavalry proper.

Mr. SCHENCK. I have no objection to that.

The amendment was agreed to.

Mr. SCHENCK. I move to amend this section by inserting after the word "lieutenants" in the sixth line the words "to be appointed as provided for in the foregoing section in the case of similar officers of the artillery."

The amendment was agreed to.

Mr. DAVIS. I move to amend that section by striking out all after the word "month" in the eighth line, as follows:

But at any time hereafter, when the exigencies of the public service may require, the President of the United States shall have the power and authority to mount any of the infantry regiments of the Army, not exceeding six regiments in number at any one time, to serve as cavalry, and while so serving they shall be allowed all the pay, allowances, and emoluments of cavalry troops.

I make this motion for the purpose of saying a word in regard to the policy of mounting infantry for cavalry service. The information I have received from officers in the cavalry service convinces me that a good cavalry man cannot be made in less than three years. Now, the term of enlistment under this bill is only three years, and a man taken from other branches of the service and put into the cavalry cannot become qualified for his duties in less than two or three years. If I may be permitted, in corroboration of this statement, to refer to the history of our late war, it was more than two years after that war commenced before the cavalry was successful. It was only by the experience of two or three years of service that the cavalry did anything that redounded to the honor of our arms. That branch of the service subsequently was very useful in the taking of prisoners and in regard to the movements of the enemy.

I believe, sir, that we should have a permanent increase of at least double the extent provided for by this bill. If it were in my power

I would have at least twenty regiments of cavalry. They are extended all along our frontier, and have to keep peace with the Indians. The Indians are all good horsemen. They make descents upon our settlements for purposes of pillage, and after accomplishing their purpose they flee away, and you cannot pursue them with infantry. You cannot cross the plains with infantry; you must have cavalry; and in the existing state of things we need a large cavalry force. As I do not believe that we shall accomplish any good by allowing the President to mount infantry, I have moved to strike out this provision. I will not, however, insist upon it; I withdraw my amendment.

The Clerk read as follows:

SEC. 4. *And be it further enacted*, That the infantry regiments herein provided for shall consist of the first ten regiments of infantry of ten companies each now in service; of twenty-two regiments to be formed by adding four new companies to the two hundred and sixteen companies constituting the nine regiments organized under the act to increase the present military establishment of the United States, approved July 29, 1861, and organizing the whole two hundred and twenty companies into twenty-two new regiments, which shall be numbered from the eleventh to the thirty-second inclusive, of ten regiments to be raised and officered as hereinafter provided for, to be called the Veteran Reserve corps; and of eight regiments of colored men, to be raised and officered as hereinafter provided, to be known as United States colored troops.

Mr. NIBLACK. I move to strike out on line fourteen of that section, after the word "corps," the following:

And of eight regiments of colored men, to be raised and officered as hereinafter provided, to be known as United States colored troops.

Mr. Speaker, when we were obliged, during the war, to introduce colored troops into the service it was not understood that they should continue in the service after the termination of the war. It was regarded merely as a temporary measure to meet the emergency which seemed to be upon the country. I have never yet, myself, believed that colored troops were as valuable as white troops, and I presume that hereafter we shall have no difficulty in obtaining a sufficient number of white troops. Hence I think we ought to strike out this provision. I make the motion in good faith and hope it will be adopted.

The amendment was disagreed to.

The Clerk read as follows:

SEC. 5. *And be it further enacted*, That the officers of the ten regiments of infantry, first provided for in the foregoing section, shall consist of those now commissioned and serving therewith, subject to such examination as the condition of their being retained in the service as is hereinafter provided for. And the officers of the twenty-two new regiments next provided for in said section, shall consist of those company officers heretofore commissioned and serving with the companies composing the said nine regiments which were organized under the provisions of the aforesaid act to increase the present military establishment of the United States, approved July 29, 1861, subject also to like examination, and of such field and other officers as it may be necessary to appoint or reappoint to complete the organization of such regiments. And in making appointments to fill the original vacancies in the thirty-two regiments thus provided for, and for a period of three years after the passage of this act, all the first and second lieutenants, two thirds of the captains, and one half of the officers in each of the grades above that of first lieutenant shall be selected from among the officers and soldiers of volunteers who have served in the Army of the United States in the late war for the suppression of the rebellion, and who have been distinguished for capacity, good conduct, and efficient service; but graduates of the United States Military Academy shall immediately upon graduation be eligible to appointment as second lieutenants; and after the original vacancies are filled, enlisted men of the regular Army, who shall have served not less than one year, shall also be eligible to appointment as second lieutenants. The Veteran Reserve corps shall be officered by appointment from any officers and soldiers of volunteers of the regular Army who have been wounded in the line of their duty while serving in the Army of the United States in the late war, or have been disabled by disease contracted in such service, and who may yet be competent for garrison or other duty, to which that corps has heretofore been assigned. The officers selected to fill original vacancies in the regiments of colored troops shall be taken from among those who have served as officers of colored troops in the Army of the United States in the late war. And all appointments of officers in the Veteran Reserve corps and in regiments of colored troops shall be made on examination, as hereinafter provided, having reference to capacity, good conduct, and efficient service in every case: *Provided*, That all officers of the existing Veteran Reserve corps, except those now actually detailed for duty in the Freedmen's Bureau, or otherwise actually and neces-

sarily employed, shall upon the passage of this act be mustered out of service and put upon the same footing as other disabled officers not now in service.

No amendment being offered,

The Clerk read as follows:

SEC. 6. *And be it further enacted*, That the appointments to be made from among volunteer officers, under the provisions of this act, shall be distributed, as far as may be practicable, among the States, Territories, and District of Columbia, in proportion to the number of troops furnished by them respectively to the service of the United States during the late war.

No amendment being offered,

The Clerk read as follows:

SEC. 7. *And be it further enacted*, That each regiment of infantry provided for by this act shall have one colonel, one lieutenant colonel, one major, one adjutant, one regimental quartermaster, one sergeant major, one quartermaster sergeant, one commissary sergeant, one hospital steward, two principal musicians, and ten companies, and each company shall have one captain, one first lieutenant, and one second lieutenant, one first sergeant, four sergeants, eight corporals, two artificers, two musicians, one wagoner, and fifty privates, and the number of privates may be increased to one hundred, at the discretion of the President, whenever the exigencies of the service require such increase. The adjutant and quartermaster of a regiment shall each be an extra first lieutenant, appointed for their respective duties.

No amendment being offered,

The Clerk read as follows:

SEC. 8. *And be it further enacted*, That the adjutants and quartermasters of infantry regiments shall be mounted officers; and that all regimental adjutants and quartermasters shall be paid, in addition to their other proper allowances as first lieutenants and mounted officers, ten dollars per month as compensation for their greater care and responsibility; and officers of the line detailed to act as regimental quartermasters or as quartermasters or commissaries of permanent posts, or of commands of not less than two companies, shall, when the assignment is duly reported to and approved by the War Department, receive as extra compensation while responsible for Government property, ten dollars per month.

No amendment being offered,

The Clerk read as follows:

SEC. 9. *And be it further enacted*, That fifteen bands, including the band at the Military Academy, may be retained or enlisted in the Army with such organization as is now provided by law, to be assigned to brigades in time of war, and in time of peace to assembled brigades, or to forts or posts at which the largest number of troops shall be stationed; and the band at the Military Academy shall be placed on the same footing as other bands; and there shall be one ordnance sergeant and one hospital steward for each military post, and the same number of post chaplains as now provided by law; and a commissioned or non-commissioned officer of the Veteran Reserve corps shall be assigned to duty as superintendent and guard at each national cemetery now established or that may hereafter be established.

Mr. DAVIS. I move to amend that section by inserting in line six after the word "stationed" the words "if deemed expedient by the Secretary of War." As the section now stands, it is made the duty of the Secretary to assign bands to those posts having the largest number of troops. Now, sir, the number of troops varies; sometimes temporarily at different points; and yet, under this bill, the moment the largest number of troops is assembled at any one post, although it may be temporarily, a band must be sent to that post. This may work inconveniently. I think my amendment will meet with no objection.

Mr. SCHENCK. The Committee on Military Affairs preserved the precise language upon this point which was put in the bill when it was last under consideration. I do not see any objection to the amendment, but I think the gentleman will accomplish his object if he will move to strike out from the commencement of the sixth line down to and including the word "stationed."

Mr. DAVIS. I do not know but that that will accomplish his object.

Mr. SCHENCK. This section contains the amendment which was made upon the motion of the gentleman from Wisconsin, [Mr. PAINE,] when this bill was before the House on a former occasion, with this difference: we have reduced the number of bands from seventeen to fifteen, including the band at West Point, regarding that as about the proper proportion for the reduced number of regiments.

Mr. PAINE. I will explain in a few words the reasons which prompted me to offer the amendment when this bill was before the House on a former occasion. It never occurred to me, and I suppose it has occurred to but few

members of this House, that the President in carrying out the provisions of the amendment I offered, whenever it should happen that there was the largest number of troops temporarily stationed at a particular post, would send a band there on that account. I supposed as a matter of course that he would exercise a reasonable amount of discretion in carrying out the provisions of this bill, and would not, because the largest number of troops happened to be stationed at any post for a few days, or even for a few weeks, feel himself called upon to transfer a band to that post. And I have no idea that the President of the United States, or any officer acting under him, would ever do anything so unreasonable as that.

My idea in offering the amendment was this: that the posts at which the largest number of troops were stationed are justly entitled to these bands, if they are retained in the service, and not those posts where there may happen to be a small number of troops stationed, and where the officers who happen to be in command may be so influential with the authorities as to obtain these bands to the deprivation of other posts more entitled to them. I still think that the bands should go to the posts where the largest number of troops are stationed for any period of time, whether it be on the frontiers where men see hard service, where officers do not like to be stationed, and where bands do not like to go, or whether it be on the sea-board, near some city or watering-place, where officers desire to do fancy duty, and where bands like to go.

Therefore I am opposed to the change proposed by the gentleman from New York, [Mr. DAVIS,] and which I am sorry to see that the chairman of the Committee on Military Affairs [Mr. SCHENCK] seems to be willing to accept. If that change be adopted the very object I had in view originally in offering the amendment will be defeated; it will enable the posts where small numbers of troops are congregated, where it would be convenient and agreeable to have bands for the amusement and enjoyment of the officers stationed there and their lady friends, to rob the frontier posts where the largest number of troops are stationed, and where bands really should be employed.

Mr. DAVIS. Will the gentlemen from Wisconsin [Mr. PAINE] allow me to make a suggestion which I think will meet his views and mine?

Mr. SCHENCK. I will make a suggestion which I think will harmonize both sides. I appreciate the reasons as urged upon either side. On the one hand the gentleman from New York [Mr. DAVIS] is afraid that if this provision in the bill stands a band will have to be moved whenever the number of troops at a station where a band may be located happens to be diminished below the number of troops at some other station. On the other hand the gentleman from Wisconsin [Mr. PAINE] does not wish a band kept up when there is only a nominal force stationed, as at Newport, for instance, for the benefit of the officers there. Now, I propose to amend this provision by inserting the word "ordinarily" between the words "be stationed," so that the temporary change from any cause will not affect the location of the bands. That portion of the section will then read:

That fifteen bands, including the band at the Military Academy, may be retained or enlisted in the Army with such organization as is now provided by law, to be assigned to brigades in time of war, and in times of peace to assembled brigades, or to forts or posts at which the largest number of troops shall be ordinarily stationed.

Mr. PAINE. I am willing to compromise with the gentleman from New York [Mr. DAVIS] on that.

Mr. DAVIS. I will accept that in lieu of my amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 10. *And be it further enacted*, That all enlistments into the Army shall hereafter be for the term of three years, and but two field officers shall be appointed to any regiment until six companies of the

regiment shall have been organized, and but two officers for each company shall be appointed until the minimum number of men has been enlisted and the regiment duly organized; but recruits may at all times be collected at the general rendezvous in addition to the number required to fill to their minimum all the regiments and companies of the Army, provided that such recruits shall not exceed in the aggregate three thousand men. It shall be competent to enlist men for the service who have been wounded in the line of their duty while serving in the Army of the United States, or who have been disabled by disease contracted in such service, provided it shall be found, on medical inspection, that by such wounds or disability they are not unfitted for efficiency in garrison or other light duty; and such men when enlisted shall be assigned to service exclusively in the regiments of the Veteran Reserve corps.

Mr. DAVIS. I move to amend this section by inserting after the words "that all enlistments into the Army shall hereafter be for the term of three years;" the words "except for the cavalry service, which shall be for the term of five years." I move that amendment for the reason that I have already suggested; that is that from information communicated to me I am satisfied that the time required to make good cavalymen of the men ordinarily enlisting in the Army is more than two years. Therefore, if the term of enlistment be for only three years, two of those years are spent in the tuition of the men, and they do duty as efficient cavalymen during only one year of their term of service. Hence, although I yield to the suggestion of the chairman of the committee, made during the previous discussion of the bill, in regard to other arms of the service, it seems to me that, in respect to cavalry, the term of enlistment should be for a longer period than three years. The experience of the recent war has shown that cavalymen are of comparatively little utility until they have been trained a long time in the cavalry service. I hope, therefore, that the amendment will prevail.

Mr. SCHENCK. Mr. Speaker, I do not desire to go at any length into a discussion of this subject, even if the limitation of five minutes would allow it. This question of the term of enlistments in the Army of the United States was fully considered when the bill was before under discussion. The House then sustained the idea that in this country enlistments for three years are long enough. To the argument then advanced in favor of that term of enlistment, there may, however, be added a consideration founded on what the House has done since that time. The House has recently passed a bill providing for the pay of the Army; and among its provisions for the payment of the privates is a stipulation that every private shall receive for each successive year of service an addition of one dollar per month to his regular monthly pay; so that he will receive seventeen dollars per month for the second year, eighteen dollars the third year; and if he reenlists, nineteen dollars the fourth year, twenty dollars the fifth, &c. I hold that this provision will do more to induce men when once enlisted to remain in the service, will have a greater effect in preventing desertion, and making good and experienced soldiers of the men, than any regulation of the term of enlistment, whether it be fixed at one, five, or ten years.

I will not repeat the argument with reference to the rapidity with which Americans learn the art of war and all that relates to military life. That has already been fully discussed. Americans, as a general rule, live faster and learn faster than the people of other countries; and when they serve three years in the Army they give more out of their lives than most Europeans do if they serve ten years; because the Europeans are a slower people.

So far as regards experience in horsemanship, the whole difficulty may be obviated by having the recruiting stations for cavalry in those parts of the country where men are accustomed to ride in their civil occupations. Let the recruiting agents for cavalry be stationed by the War Department in the western States or in mountainous regions or down in the South; in a word, in those sections of the country where nearly every man is, if not born, at least brought up to be, almost a centaur, half man

and half horse. I think that by the exercise of discretion in this respect on the part of the War Department, the difficulty suggested by the gentleman from New York may be altogether obviated.

The amendment of Mr. DAVIS was not agreed to.

The Clerk read as follows:

SEC. 11. *And be it further enacted*, That the President of the United States is hereby authorized to employ in the Territories and Indian country a force of Indians, not to exceed one thousand, to act as scouts, who shall receive the pay and allowances of cavalry soldiers, and be discharged whenever the necessity for their further employment is abated, or at the discretion of the department commander.

No amendment being offered,

The Clerk read as follows:

SEC. 12. *And be it further enacted*, That there shall be one general, one lieutenant general, five major generals, and ten brigadier generals, who shall have the same pay and emoluments, and be entitled to the same staff officers in number and grade as now provided by law.

No amendment being offered,

The Clerk read as follows:

SEC. 13. *And be it further enacted*, That the adjutant general's department of the Army shall hereafter consist of the officers now authorized by law, and their rank shall be as follows, namely: one adjutant general, with the rank, pay, and emoluments of a brigadier general; four assistant adjutant generals, with the rank, pay, and emoluments of colonels; five assistant adjutant generals, with the rank, pay, and emoluments of lieutenant colonels; and ten assistant adjutant generals, with the rank, pay, and emoluments of majors.

No amendment being offered,

The Clerk read as follows:

SEC. 14. *And be it further enacted*, That there shall be four inspector generals of the Army, with the rank, pay, and emoluments of colonels; and four assistant inspector generals, with the rank, pay, and emoluments of lieutenant colonels, one of whom shall be specially assigned to duty as inspector of cavalry; and two assistant inspector generals, with the rank, pay, and emoluments of majors.

No amendment being offered,

The Clerk read as follows:

SEC. 15. *And be it further enacted*, That the Bureau of Military Justice shall hereafter consist of one judge advocate general, with the rank, pay, and emoluments of a brigadier general; and one assistant judge advocate general, with the rank, pay, and emoluments of a colonel; and the said judge advocate general shall receive, revise, and have recorded the proceedings of all courts-martial, courts of inquiry, and military commissions, and shall perform such other duties as have heretofore been performed by the judge advocate general of the Army. And of the judge advocates now in office there may be retained a number, not exceeding ten, to be selected by the Secretary of War, who shall perform their duties under the direction of the judge advocate general until otherwise provided by law, or until the Secretary of War shall decide that their services may be dispensed with.

No amendment being offered,

The Clerk read as follows:

SEC. 16. *And be it further enacted*, That the quartermaster's department of the Army shall hereafter consist of one quartermaster general, with the rank, pay, and emoluments of a brigadier general; six quartermasters, with the rank, pay, and emoluments of colonel; ten quartermasters, with the rank, pay, and emoluments of lieutenant colonels; fifteen quartermasters, with the rank, pay, and emoluments of majors; forty-four quartermasters, with the rank, pay, and emoluments of captains; and at least two thirds of all original vacancies in each of the grades of lieutenant colonel and major, and all original vacancies in the grade of captain shall be filled by selection from among those persons who have rendered meritorious service as assistant quartermasters of volunteers in the Army of the United States in the late war. But after the first appointments made under the provisions of this section, as vacancies may occur in the grades of major and captain in this department, no appointments to fill the same shall be made until the number of majors shall be reduced to twelve and the number of captains to thirty, and thereafter the number of officers in each of said grades shall continue to conform to said reduced numbers. But nothing in this section shall be construed so as to vacate the commission of any officer now commissioned, either as assistant quartermaster general or as deputy quartermaster general, or as assistant quartermaster, but only to change the title to quartermaster in the case of those who rank as colonels, lieutenant colonels, majors, and captains, without affecting in any way their relative position or the time from which they take such rank.

Mr. SCHENCK. I move to amend by adding at the end of the word "colonel," in the fifth line, the letter "s;" so that the clause will read, "six quartermasters, with the rank, pay, and emoluments of colonels."

The amendment was agreed to.

The Clerk read as follows:

SEC. 17. *And be it further enacted*, That the number of military store-keepers shall hereafter be as many as shall be required, not exceeding sixteen, who shall have the rank, pay, and emoluments of captains.

The Clerk read the next section, as follows:

SEC. 18. *And be it further enacted*, That the provisions of the act for the better organization of the quartermaster's department, approved July 4, 1864, shall continue in force so far as they do not become obsolete or unnecessary upon the disbandment of the volunteer forces.

No amendment being offered,

The Clerk read as follows:

SEC. 19. *And be it further enacted*, That the subsistence department shall hereafter consist of the number of officers now authorized by law, namely: one commissary general, with the rank, pay, and emoluments of a brigadier general; two assistant commissary generals, with the rank, pay, and emoluments of colonels; two commissaries, with the rank, pay, and emoluments of lieutenant colonels; eight commissaries, with the rank, pay, and emoluments of majors; and sixteen commissaries, with the rank, pay, and emoluments of captains. But after the first appointments made under the provisions of this section, as vacancies may occur, reducing the number of officers in the several grades below that of brigadier general of this department, no appointments to fill the same shall be made until the number of colonels shall be reduced to one, the number of majors to eight, and the number of captains to eight. And thereafter the number of officers in each of said several grades shall continue to conform to such reduced numbers. And hereafter no graduate of the United States Military Academy, being at the time in the Army of the United States, or having been therein at any time for three years next preceding, shall be eligible to appointment as an officer in the subsistence department. But this provision shall not extend to graduates of West Point now in the subsistence department. But nothing in this section shall be construed so as to vacate the commission of the commissary general of subsistence, but only to change the title of that officer to commissary general; nor to vacate the commission of any officer now commissioned as assistant commissary general of subsistence or commissary of subsistence, but only to change the title to commissary in the cases of those who rank as lieutenant colonels, captains, and majors, without affecting in any way their relative position or the time from which they take rank.

No amendment being offered,

The Clerk read as follows:

SEC. 20. *And be it further enacted*, That the Provost General's Bureau shall be continued only so long as, in the judgment of the Secretary of War, may be necessary to close up the business thereof, not exceeding, however, six months from the passage of this act.

Mr. SCHENCK. The word "marshal" has been left out after the word "provost," and I move it be inserted.

The motion was agreed to.

Mr. SCHENCK. To remove all doubts on the subject, I move to add the words "office and" after the words "provost marshal general's."

The amendment was agreed to.

The Clerk read as follows:

SEC. 21. *And be it further enacted*, That the medical department of the Army shall hereafter consist of one surgeon general, with the rank, pay, and emoluments of a brigadier general; one assistant surgeon general, with the rank, pay, and emoluments of a colonel; one chief medical purveyor and four assistant medical purveyors, with the rank, pay, and emoluments of lieutenant colonels, who shall give the same bonds which are or may be required of assistant paymaster generals of like grade, and shall, when not acting as purveyors, be assignable to duty as surgeons by the President; seventy surgeons, with the rank, pay, and emoluments of majors; one hundred and forty assistant surgeons, with the rank, pay, and emoluments of first lieutenants for the first three years' service, and with the rank, pay, and emoluments of captains after three years' service; and five medical store-keepers, with the same compensation as is now provided by law; and at least two thirds of the original vacancies in the grades of surgeon and assistant surgeon shall be filled by selection by competitive examination from among the persons who have served as staff or regimental surgeons or assistant surgeons of volunteers in the Army of the United States two years during the late war, and one third from similar officers of the regular Army; and persons who have served as assistant surgeons three years in the volunteer service shall be eligible for promotion to the grade of captain.

Mr. DONNELLY. I move, in the twenty-third line, after "one third" to insert the words "in the same manner." It is a verbal amendment, and meets with the approval of the chairman of the committee. It provides that they shall be selected by competitive examination.

Mr. SCHENCK. I will suggest a difficulty which may arise under the gentleman's amendment in reference to these officers of the reg-

ular Army. Assistant surgeons come up in turn by seniority for examination and promotion, and there being but one vacancy to be filled, the examination can scarcely be called competitive. In respect to volunteers, when you have ten or fifteen candidates presenting themselves you examine them all and admit on competitive examination; but when a vacancy occurs liable to be filled from the regular Army officers you do not examine all who are assistant surgeons.

Mr. DONNELLY. It seems to me any examination is a competitive examination. If the first one who presents himself be found not competent, then you take the next one, and so on.

Mr. SCHENCK. I do not object to it; I only suggest that there may be that difficulty in the practical application. The gentleman has considered the subject, however, and I do not raise any objection.

The SPEAKER. It is already in the bill.

Mr. GARFIELD. I move to amend the section by adding at the end as follows:

And the Secretary of War is hereby authorized to appoint from the enlisted men of the Army, or cause to be enlisted, as many hospital stewards as the service may require, to be permanently attached to the medical department under such regulations as the Secretary of War may prescribe.

I will say, in regard to the amendment, that this act repeals the law of 1862, a little clause of which I want saved. That clause I have taken out, and propose to add it at the end of this section. It may prove a valuable provision.

The amendment was agreed to.

The Clerk read as follows:

SEC. 22. *And be it further enacted*, That the pay department of the Army shall hereafter consist of one paymaster general, with the rank, pay, and emoluments of a brigadier general; two assistant paymaster generals, with the rank, pay, and emoluments of colonels; two assistant paymaster generals, with the rank, pay, and emoluments of lieutenant colonels; and forty paymasters, with the rank, pay, and emoluments of majors; and the original vacancies in the grade of major shall be filled by selection from those persons who have served faithfully as paymasters or additional paymasters in the Army of the United States in the late war. And hereafter no graduate of the United States Military Academy, being at the time in the Army of the United States, or having been at any time for three years next preceding, shall be eligible to appointment as an officer in the pay department. But this provision shall not extend to graduates of West Point now in the pay department.

Mr. SPALDING. I move to amend in line four by striking out the words "assistant" and "generals" and adding to the word "paymaster" the letter "s," so that it will read, "two paymasters, with the rank, pay, and emoluments of colonel." It will then correspond with the section organizing the quartermaster's department. It is for the sake of the symmetry of the bill.

Mr. SCHENCK. The gentleman will observe that there are also "two assistant paymaster generals, with the rank, pay, and emoluments of lieutenant colonels;" and I suggest that he make his amendment apply to those, so that the second set of assistant paymasters shall be called paymasters only, instead of paymaster generals.

Mr. SPALDING. I accept the modification.

Mr. SCHENCK. I will suggest that if the amendment of my colleague is adopted it will involve the necessity of a similar clause to come in at the end of the section, as is found in section nineteen in regard to vacating commissions.

The amendment was agreed to.

Mr. SCHENCK. I move to add at the end of the section a clause similar to that contained in section nineteen in regard to vacating commissions.

The amendment was agreed to.

The Clerk read as follows:

SEC. 23. *And be it further enacted*, That the corps of Engineers shall consist of one chief engineer, with the rank, pay, and emoluments of a brigadier general, six colonels, sixteen lieutenant colonels, twenty-two majors, thirty captains, and twenty first and ten second lieutenants, who shall have the pay and emoluments now provided by law for officers of the Engi-

neer corps of these several grades respectively. But after the first appointments made under the provisions of this section as vacancies may occur in the several grades of lieutenant colonel, major, and captain, no appointments to fill the same shall be made until the number of lieutenant colonels shall be reduced to fifteen, the number of majors to twenty, and the number of captains to fifteen, and the number of second lieutenants to fifteen, and thereafter the number of officers in each of said several grades shall continue to conform to such reduced number.

Mr. SCHENCK. There is an error in line ten; the word "and" should be stricken out, and after the word "captain" the words "and second lieutenants" should be inserted.

The amendment was agreed to.

RECONSTRUCTION.

Mr. ROGERS. I rise to a privileged question. I submit a minority report from the joint committee on reconstruction, and move that the same number of copies be printed as of the majority report.

The report was laid on the table, and the question of printing was referred to the Committee on Printing under the law.

ENROLLED BILLS AND JOINT RESOLUTIONS.

Mr. TROWBRIDGE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and joint resolutions of the following titles:

An act (S. No. 127) for the relief of Jonathan W. Gordon, late major in the eleventh regiment of infantry;

An act (S. No. 230) to reimburse the State of West Virginia for moneys expended for the United States in enrolling, equipping, and paying military forces to aid in suppressing the rebellion;

An act (S. No. 278) for the relief of Captain John H. Crowell, assistant quartermaster in the United States Army;

A joint resolution (S. R. No. 71) referring the petition and papers in the case of Joseph Nock to the Court of Claims;

A resolution (S. R. No. 85) explanatory of and in addition to the act of May 5, 1864, entitled "An act granting lands to aid in the construction of certain railroads in Wisconsin;" and

An act (S. No. 174) to establish a hydrographic office in the Navy Department.

CONTESTED ELECTION.

Mr. DAWES, from the Committee of Elections, submitted additional testimony in the contested-election case of Koontz vs. Coffroth; which was laid on the table and ordered to be printed.

ARMY BILL—AGAIN.

The Clerk read as follows:

SEC. 24. *And be it further enacted*, That the five companies of engineer soldiers, and the sergeant major and quartermaster sergeant heretofore prescribed by law, shall constitute a battalion of engineers, to be officered by officers of suitable rank detailed from the corps of Engineers; and the officers of engineers acting respectively as adjutant and quartermaster of this battalion shall be entitled to the pay and emoluments of adjutants and quartermasters.

No amendment being offered,

The Clerk read as follows:

SEC. 25. *And be it further enacted*, That the ordnance department of the Army shall consist of the same number of officers and enlisted men as is now authorized by law, and the officers shall be of the following grades, namely: one brigadier general, three colonels, six lieutenant colonels, twelve majors, twenty captains, twelve first lieutenants, ten second lieutenants, all of whom shall have the same pay and emoluments as now provided by law; and thirteen ordnance store-keepers, of whom a number not exceeding six may also be appointed and authorized to act as paymasters at armories and arsenals. The ordnance store-keeper and paymaster at the national armory at Springfield, Massachusetts, shall have the rank, pay, and emoluments of other paymasters of the Army, and all other ordnance store-keepers shall have the rank, pay, and emoluments of captains. But after the first appointments made under the provisions of this section, as vacancies may occur, reducing the number of officers in the several grades of this department below the rank of brigadier general, no appointments to fill the same shall be made until the number of colonels shall be reduced to one, the number of lieutenant colonels to three, the number of majors to five, the number of captains to ten, and the number of first lieutenants to ten; and thereafter the number of officers in each of said several grades shall continue to conform to such reduced numbers.

Mr. PAINE. I move to amend by adding at the end of the section the following:

Two thirds of all the military store-keepers and ordnance store-keepers shall be persons who have performed meritorious service as officers or soldiers in the Army of the United States during the late rebellion.

Mr. SCHENCK. I wish to call the attention of the House to the fact that there are thirteen ordnance store-keepers provided for in this bill, which is precisely the number now in office and employed at the different points where ordnance stores are necessarily kept. Six of these thirteen store-keepers serve also as paymasters, and they too are provided for in the section; so that there is no increase of the number. And the same is true in regard to military store-keepers in the quartermaster's department. The amendment proposes that two thirds of all these officers shall be appointed from among those who served as volunteers. Now, I think every gentleman will acquit me of any desire to take away or abridge the claims of volunteers in these appointments; but I wish to apprise the House of the fact that this proposition is virtually voting out of office two thirds of all the military and ordnance store-keepers who are now holding these places in order to make room for volunteers to be appointed in their places; and it might so happen that it would dispense with some that the gentlemen themselves would prefer to retain.

I am willing that the sense of the House should be taken upon this, but I desire the House to understand the question. I would suggest, however, to the gentleman from Wisconsin [Mr. PAINE] that his amendment does not perhaps clearly express what he intends. It should read "the military store-keepers provided for in the seventeenth section of this act," &c. There is much more reason why volunteers should be made military store-keepers in the quartermaster's department than that they should be made ordnance store-keepers.

Mr. DUMONT. I think this should apply to ordnance keepers also.

Mr. PAINE. I will modify my amendment so that it will read as follows:

Two thirds of all the military store-keepers and ordnance keepers provided for by the seventeenth section of this act and by this section shall be persons who have performed meritorious services as officers or soldiers in the armies of the United States during the late rebellion.

Mr. DAVIS. I move to amend the amendment by striking out the last word. I trust the amendment of the gentleman from Wisconsin [Mr. PAINE] will not prevail. We have now serving in these departments men who have served there for years, who are acquainted with the details and the requirements of the service. This amendment proposes to substitute in place of two thirds of those officers men who have had no connection with that kind of service, even during the late war. By this amendment, if adopted, any person who has been an officer or soldier in any branch of the service during the late war will be entitled to promotion now. I think such a provision would operate unfairly and unjustly both upon the officers now in service and upon the service. I do not know upon what principles such an amendment can be sustained. I believe those who have become acquainted with the necessities of the service by an experience of three or five or ten years are better fitted for the discharge of those duties than those who have not been in the service so long. I think a general who has been in service for five or ten years is a great deal better general, if he has any material at all in him, than though he had been in service but one or two years. And I would apply that principle to all branches of the service, for experience is of the greatest value in business of every character.

Mr. FARQUHAR. Mr. Speaker, I move to amend the amendment of the gentleman from Wisconsin by inserting the word "volunteer" before the words "officers or soldiers." Sir, I do not see the force of the argument of the gentleman from New York, [Mr. DAVIS.] for it is based upon the supposition that among

those who have served in the volunteer army of the United States there cannot be found meritorious or well-qualified men to fill these positions.

Mr. DAVIS. The gentleman from Indiana [Mr. FARQUHAR] misunderstands my position. I oppose this proposition on the ground of its injustice toward those who are now holding these offices, and who will be removed under the operation of this amendment.

Mr. FARQUHAR. I stand corrected. The gentleman objects to the adoption of this amendment because it will remove from position meritorious officers, but officers who have not served in the Army during the war for the suppression of the rebellion. I favor the proposition because it proposes to ask these gentlemen holding these places to step aside and give place to men who have given their time and their services in the suppression of the rebellion. I hold that of all these positions there is not one now held by a gentleman in civil life that cannot be as well filled by a man who has lost an arm or a leg in defense of the country.

Now, sir, this amendment proposes only to displace two thirds of the men now holding these positions. It proposes to leave in office one third of the present appointees, because it is presumed that some of these arsenals, such as that at Springfield and others that might be named, require the services of experienced officers who have been in the employ of the Government in this capacity for years. Such positions do not number more than one third of the whole. The remaining two thirds are to be filled, according to the amendment, by the gallant soldiers who have fought for the Republic. I am in favor of filling all these important places with meritorious and qualified soldiers. I have had the pleasure myself, within the last few days, of declining a re-nomination as a candidate for Congress. I have stepped aside to give place to a gallant and worthy officer who has served his country with honor.

Mr. Speaker, I trust that the House will adopt this proposition.

Mr. DAVIS. I rise, sir, to oppose the amendment to the amendment. Mr. Speaker, I believe that the pending proposition is characterized by great injustice. Who are these men who have served in these departments? When did they go there? Sir, they have held these positions for years. They have made the duties of those positions the business of their lives; and considering the age at which many of them have now arrived, I submit that a generous or a just Government will not turn them adrift upon the world without employment, and in some cases probably without means of support. I hope that no proposition involving such injustice will receive the approval of this House.

Mr. FARQUHAR's amendment to the amendment was agreed to.

The question recurring on the amendment of Mr. PAINE, as amended,

Mr. DAVIS called for a vote by division, and there were—ayes twenty-six.

Mr. DAVIS. The gentleman from Ohio [Mr. SCHENCK] consents that this amendment shall be reserved to be voted on to-morrow; and with that understanding I withdraw the call for a division.

The SPEAKER. If there be no objection, this amendment will be reserved to be voted on hereafter.

There was no objection.

The Clerk read as follows:

Sec. 26. *And be it further enacted*, That there shall be one chief signal officer of the Army, who shall have the rank, pay, and emoluments of a colonel. And the Secretary of War shall have power to detail from the Army six officers, and not to exceed one hundred non-commissioned officers and privates to be taken from the battalion of engineers for the performance of signal duty: *Provided*, That no officer or enlisted man shall be detailed to serve in the Signal corps until he shall have been examined and approved by a military board to be convened by the Secretary of War for that purpose; and enlisted men, while so detailed, shall, when deemed necessary, be mounted upon horses provided by the Government.

No amendment being offered,

The Clerk read as follows:

Sec. 27. *And be it further enacted*, That in all the staff corps promotions may hereafter be made without regard to seniority in the date of appointments or commissions, and the same rule of promotion by merit alone shall apply to all officers of the line above the grade of captain.

Mr. WILSON, of Iowa. I move to amend by adding at the end of the section just read the following:

Provided, That in applying the rule of promotion, no distinction shall be made between officers of regiments composed of colored men and those composed of white men, but the promotions shall be by interchange equally open to all said officers.

Mr. LE BLOND. I should be glad to have the House adjourn now as this will give rise to debate and we shall not be able to dispose of it this afternoon.

Mr. WILSON, of Iowa. I will detain the House but a moment. My object in offering the amendment is to make the Army a unit by providing for an interchange of promotion of officers from colored regiments to white regiments and from white regiments to colored regiments. It is to prevent the growing up of different castes in the Army of the United States, so that all officers may have an opportunity in this interchange of promotion of belonging to white regiments or to colored regiments. I think it would be unfortunate if we should have an army composed in part of white troops and in part of colored troops, with a prohibition of all interchange of promotion on the part of the officers from one to the other.

I have no doubt it was the intention of the committee that such interchange should take place, and I presume such is the fair construction, but I am not willing to leave the subject to the construction of those who shall have the control of the execution of this bill when it becomes a law. I desire to provide distinctly that the Army shall be a unit, and that officers may be promoted from colored troops to white troops and from white troops to colored troops. I wish to break down all feeling of caste and class which will continue in the Army and grow stronger day by day and year by year unless this be done. It seems to me officers, whether they command white troops or black troops, being white officers, should be upon an equal footing.

Mr. LE BLOND moved that the House do now adjourn.

CONSTITUTIONAL AMENDMENT.

The SPEAKER, by unanimous consent, laid before the House a letter from the Clerk of the House in reference to the constitutional amendment; which was laid upon the table and ordered to be printed.

SALE OF GOLD.

The SPEAKER, by unanimous consent, also laid before the House a communication from the Secretary of the Treasury in reply to a resolution of the House in regard to gold sold since February 1, 1866, by whom sold, &c.

Mr. WILSON, of Iowa. I offer the following resolution:

Resolved, That the communication of the Secretary of the Treasury, just announced to the House, be referred to the Committee on Banking and Currency, with instructions to inquire fully into all the facts and statements therein contained; and that the committee also inquire whether any gold has been purchased for the Treasury since the 1st day of January, 1865, the amount of such purchase, by whom and of whom made, the amount of premium paid, the compensation allowed the person acting for the Government; also that the committee report the dates and amounts of the several sales of gold made since the 1st day of January, 1866, the names of the purchasers, the amounts purchased by each, the time of purchase, and all the circumstances attending such purchases and amount paid the agent of the Treasury; that the committee have power to send for persons and papers, and shall report the results of the inquiry hereby directed to the House with such recommendations as may be deemed proper for the interests of the Government.

The SPEAKER stated, as the communication promised to give rise to debate, he would withdraw it for the present.

The motion of Mr. LE BLOND was then agreed to; and thereupon (at four o'clock and five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule and referred to the appropriate committees: By Mr. CONKLING: The petition of William Baker, of Utica, New York, asking the extension of a patent.

By Mr. HULBURD: The petition of sundry citizens of Pennsylvania, asking an increase of duty on flax, &c.

By Mr. SMITH: The petition of Hale & Rust, of Covington, Kentucky, asking suspension of time in which to pay tax on manufactured tobacco.

By Mr. TRIMBLE: The petitions of R. W. Thornbrough, H. E. Bailey, William Burgess, H. F. Riley, Jabez Gifford, S. S. Brown, and Josiah Graves, praying to be paid their bounty and wages as soldiers of the United States.

IN SENATE.

WEDNESDAY, June 20, 1866.

Prayer by the Chaplain, Rev. E. H. GRAY.

On motion of Mr. TRUMBULL, and by unanimous consent, the reading of the Journal of yesterday was dispensed with.

PETITIONS AND MEMORIALS.

Mr. HARRIS presented four petitions of citizens of New York, praying for the repeal or modification of the law imposing a tax of ten per cent. on the circulation of State banks after the 1st of July next; which were ordered to lie on the table.

He also presented a memorial of C. P. Williams, of Albany, New York, remonstrating against the repeal or modification of the law imposing a tax of ten per cent. on the circulation of State banks after the 1st of July next; which was ordered to lie on the table.

Mr. KIRKWOOD presented the petition of J. W. Turner, a captain in the Veteran Reserve corps, praying for remuneration for expenses incurred by him for traveling and subsistence from Young's Point, Louisiana, to his home in Iowa; which was referred to the Committee on Military Affairs and the Militia.

Mr. MORRILL. I present five petitions from many persons resident in the District of Columbia setting forth that they believe it is prejudicial to the interests of the United States as well as to the people of the District of Columbia, to continue longer the municipalities of Washington and Georgetown, and have distinct and often conflicting laws to govern them, and that taxes are far greater, with less improvements, than would be the case if the charters were abolished, and therefore they, tax-payers of said cities, who pay the amounts set opposite their respective names, do ask that both the charters of Washington and Georgetown be abolished and that the Congress of the United States become the only law-making power within this District, and that a law be at once passed placing them in that position. That subject has been acted upon by the committee, and I move that these petitions lie on the table.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. TRUMBULL. The Committee on the Judiciary, to whom were referred sundry petitions and memorials praying for various amendments to the Constitution of the United States, have instructed me to report them back and ask to be discharged from their further consideration, as they relate to amendments which have already been acted on by the two Houses. The report was agreed to.

Mr. TRUMBULL. I am instructed by the Committee on the Judiciary to report back to the Senate a joint resolution (S. R. No. 1) proposing an amendment to the Constitution of the United States; a joint resolution (S. R. No. 5) submitting to the Legislatures of the several States a proposition to amend the Constitution of the United States; a joint resolution (S. R. No. 8) proposing an amendment to the Constitution of the United States; a joint resolution (S. R. No. 9) proposing an amendment to the Constitution of the United States, for the protection of the national debt, and the rejection of any rebel debt; a joint resolution (S. R. No. 10) proposing an amendment to the Constitution of the United States;

and also House joint resolution No. 9 to amend the Constitution of the United States, with a recommendation that these several joint resolutions be indefinitely postponed; and for the purpose of removing them from the Calendar, I ask that they be acted upon at the present time, stating that all of these joint resolutions to amend the Constitution relate to amendments which have already been adopted by the two Houses. There is, therefore, no occasion for their appearing on the Calendar, and I ask that the report be considered at this time with the view of indefinitely postponing them.

The joint resolutions were indefinitely postponed.

Mr. TRUMBULL. The same committee, to whom was referred the joint resolution (S. R. No. 78) for the relief of loyal citizens of the counties of Berkeley and Jefferson, in the State of West Virginia, have instructed me to report it back with a recommendation that it be indefinitely postponed. A bill which came from the House of Representatives has already passed both Houses upon this subject, rendering this resolution unnecessary. I ask that the report be acted upon at once.

Mr. VAN WINKLE. I did not understand what the subject was.

Mr. TRUMBULL. It is a joint resolution introduced by the Senator's colleague in reference to claims arising in the counties of Berkeley and Jefferson. A bill covering the same provision came from the House of Representatives the other day and was concurred in by the Senate, so that the subject is already disposed of, and it is unnecessary to consider this resolution.

Mr. VAN WINKLE. I understand it now. I did not catch what the Senator said in the first place.

The joint resolution was postponed indefinitely.

Mr. TRUMBULL. I am also instructed by the same committee to report back the bill (S. No. 232) to provide appropriate legislation to enforce article thirteen of the amendments to the Constitution abolishing slavery in the United States, with a recommendation that it be indefinitely postponed, the subject having already been acted upon by the Senate.

The bill was postponed indefinitely.

Mr. TRUMBULL, from the Committee on Public Buildings and Grounds, to whom was referred a concurrent resolution of the two Houses directing the standing Committees of both Houses on Public Buildings and Grounds to inquire and report what further provisions, if any, should be made for the accommodation of the State Department, reported a joint resolution (S. R. No. 110) to authorize the hiring of a building or buildings for the temporary accommodation of the Department of State; which was read and passed to a second reading.

Mr. POLAND, from the Committee on Patents and the Patent Office, to whom was referred a petition of citizens of Albemarle county, Virginia, praying for the passage of an act exempting Dr. Charles Brown from the limitation of the patent laws, and that he may receive a patent for his invention, submitted an adverse report thereon; which was ordered to be printed.

Mr. LANE, of Indiana, from the Committee on Pensions, to whom was referred a bill (H. R. No. 495) for the relief of Mary A. Patrick, reported it without amendment.

He also, from the same committee, to whom was referred the petition of Mrs. Annie E. Dixon, widow of Major Henry T. Dixon, late a paymaster in the United States Army, praying for a pension, asked to be discharged from its further consideration and that it be referred to the Committee on Military Affairs and the Militia; which was agreed to.

He also, from the same committee, to whom was referred a bill (H. R. No. 684) granting a pension to Mrs. Mary A. McManus, widow of Captain Andrew McManus, late of the sixty-ninth Pennsylvania volunteer infantry, reported it without amendment.

Mr. GRIMES, from the Committee on Na-

val Affairs, to whom was referred a bill (H. R. No. 452) to authorize the Secretary of the Navy to accept League Island, in the Delaware river, for naval purposes, and to dispense with and dispose of the site of the existing yard at Philadelphia, reported it without amendment.

Mr. VAN WINKLE, from the Committee on Pensions, to whom was referred the petition of Drusey A. Layman, praying for a pension, submitted a report accompanied by a bill (S. No. 376) granting a pension to Drusey A. Layman. The bill was read and passed to a second reading, and the report was ordered to be printed.

EMIL COHEN.

Mr. TRUMBULL. The Committee on the Judiciary, to whom was referred the bill (H. R. No. 661) changing the name of Emil Cohen, have instructed me to report it back with a recommendation that it pass. I suppose there will be no objection to acting upon it at this time and disposing of it. It is merely changing a person's name to correspond with the family name.

By unanimous consent the bill was considered as in Committee of the Whole. It authorizes Emil Cohen, of the city of Washington, in the District of Columbia, to take and use the surname of Cornely, and that his name hereafter be Cornely; and all acts done and entered into by that name are to have the same effect and operation in law as if his name had originally been Emil Cornely, of Washington, in the District of Columbia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WIDOW OF GENERAL BERRY.

Mr. LANE, of Indiana. I am instructed by the Committee on Pensions, to whom was referred the bill (S. No. 375) to amend an act granting a pension to the widow of the late Major General Hiram G. Berry, to report it back without amendment, and with a recommendation that it pass. A pension bill was passed for her benefit some two years ago by a wrong name, a wrong name having been given in the petition. This is simply to amend the given name. She has lain out of the pension now for more than a year, and the committee ask me to request the Senate to consider the bill now.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. In the act granting a pension to the widow of the late Major General Hiram G. Berry, approved March 3, 1865, she was erroneously called "Eliza Berry," and the bill therefore directs the Secretary of the Interior to place the name of Elmira M. Berry, widow of Major General Hiram G. Berry, on the pension-rolls, instead of Eliza Berry, as provided for in that act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMERICAN STATE PAPERS.

Mr. HOWE. The Joint Committee on the Library having had under consideration the joint resolution (H. R. No. 148) to authorize the distribution of surplus copies of the American State Papers in the custody of the Secretary of the Interior, have directed me to report it back with a recommendation that it pass. I suppose there will be no objection to its consideration at this time.

By unanimous consent, the joint resolution was considered as in Committee of the Whole. It is a direction to the Secretary of the Interior to distribute by mail or otherwise four hundred copies of the American State Papers, second series, in seventeen volumes, in the following manner: to each member of the Senate and House of Representatives of the present Congress, one copy of each volume; and to such public and college libraries as may be designated by the Joint Committee on the Library, one copy each.

The joint resolution was reported to the Senate, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. CRAGIN asked, and by unanimous consent obtained, leave to introduce the following bills; which were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (S. No. 377) to amend an act entitled "An act to enable guardians and committees of lunatics, appointed in the several States, to act within the District of Columbia," approved March 8, 1864; and

A bill (S. No. 378) to provide for the adoption of children and change of names in the District of Columbia.

Mr. HOWE asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 111) for the relief of Sergeant Milton McKinnon; which was read twice by its title and referred to the Committee on Claims.

Mr. MORGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 379) to amend the several acts to indemnify the States for expenses incurred by them in defense of the United States; which was read twice by its title and referred to the Committee on Finance.

Mr. MORRILL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 380) to incorporate the Washington County Horse Railroad Company in the District of Columbia; which was read twice by its title and referred to the Committee on the District of Columbia.

EXPENDITURES FOR PUBLIC WORKS.

Mr. MORRILL submitted the following resolution; which was considered by unanimous consent and agreed to:

Whereas a statement of the expenditures of the United States for the various public works of the Government, in each State and Territory of the Union from 1789 to 1860, was made in reply to a resolution of the House of Representatives by the Secretary of the Treasury under date of July 12, 1861, (Executive Document No. 9, Thirty-Seventh Congress, first session;) Therefore,

Resolved, That the President be requested to further inform the Senate of the amount expended for the same purposes in each State and Territory of the Union and in the District of Columbia to the close of the year 1865.

RAILROADS IN KANSAS.

Mr. HARRIS. I move to take up Senate bill No. 320.

The motion was agreed to; and the bill (S. No. 320) to amend an act entitled "An act for a grant of lands to the State of Kansas, in alternate sections, to aid in the construction of certain railroads and telegraphs in said State," approved March 3, 1863, was considered as in Committee of the Whole.

Whenever it shall be deemed impracticable or inexpedient to construct any portion of the Atchison, Topeka, and Santa Fé railroad in the manner required by the act of March 3, 1863, and whenever the Governor of Kansas shall certify to the Secretary of the Interior that upon such portion, in lieu thereof, the railroad company have constructed a road suitable for the running of a steam traction engine with its train of cars over the same, the grant of lands in that act made shall be confirmed to the State for the purpose of aiding in the construction of the road, and in all other respects as in that act provided; but the amount of lands granted in that act, when applied to the construction of a steam traction road, shall be three alternate sections of land per mile, designated by odd numbers, on each side of the road; and patents are to issue upon the completion of every twelve miles of road upon the certificate of the Governor.

By the second section the company is to construct the roadway from the boundary line of the State of Kansas, through the Territories of the United States, on the most eligible route to Santa Fé, in the Territory of New Mexico, and to such Government forts in that Territory as the President of the United States may ap-

prove; and the company is to have the right of way through the public domain to the extent of two hundred feet on each side of the road. And for the purpose of aiding in the construction of the roadway and its equipment and to secure the safe and speedy transmission of the mails, troops, munitions of war, and supplies over the road, the same amount of land not mineral, (but not excluding iron or coal,) is granted to the company, as in the first section of this act is provided, and upon the same terms and conditions, but upon the certificate of a commissioner appointed by the Secretary of the Interior that the conditions have been complied with.

These grants are made only upon condition that the road shall be constructed in a substantial and workmanlike manner, with all necessary culverts, bridges, viaducts, crossings, stations, and watering places, and other appurtenances, including engines and cars sufficient to move not less than fifty tons, or two hundred passengers, in one train, at a rate of six miles an hour.

Mr. HARRIS. I wish to change the phraseology in order to improve the language of the first section. In line four I move to strike out the word "said" and insert the word "the," and in line six to strike out the word "said" and insert the word "the."

The PRESIDENT *pro tempore*. That correction being a verbal correction will be made if there be no objection.

Mr. HARRIS. In line six, after the word "State" I wish to insert the words "of Kansas."

The PRESIDENT *pro tempore*. That alteration will also be made in order to make the bill more explicit.

Mr. HARRIS. In line eight I desire to strike out the words "said railroad company have constructed."

The PRESIDENT *pro tempore*. That alteration will also be made.

Mr. HARRIS. In line ten, after the word "same" I desire to insert the words "has been constructed."

The PRESIDENT *pro tempore*. Those words will be inserted if there be no objection.

Mr. GRIMES. Does that enlarge the grant?

Mr. HARRIS. No; it diminishes it. It gives these three sections of land, instead of ten, that they had under the old grant.

Mr. MORRILL. I should like to hear the Senator from New York state what the bill is. What sort of a railway is this to be?

Mr. HARRIS. A bill was passed in 1863 authorizing the construction of two or three roads, and among others one from Topeka to Santa Fé, and granting ten sections of land—the usual grant of lands. This company now desires to construct a part of the road for the purpose of operating a traction engine.

Mr. GRIMES. What is that?

Mr. HARRIS. An engine to run without rails; and this bill provides that if they do that they may have three sections of land instead of ten. They make the roadway, and do everything but lay the rails, and then run the engine. It is over a level country, I understand, and they are desirous to try this experiment. If they can succeed in it it will be a very great thing.

Mr. MORRILL. I should like to ask the Senator whether that is not an experiment entirely.

Mr. HARRIS. They cannot get the land unless they succeed. The bill provides that they are obliged to make the roadway and to put upon it this engine that will carry fifty tons, and if they succeed in that they get three sections of land, three of the ten sections that they are now already allowed if they lay down rails.

Mr. MORRILL. The grant depends upon the success of the experiment?

Mr. HARRIS. Certainly.

Mr. POMEROY. This is only what we have given to other places for wagon roads. I have my doubts about the experiment, but I want to try it. If they succeed, it will be a great

thing; if they do not, there will not be anything lost.

Mr. WADE. I desire to inquire whether this road runs through the Indian Territory.

Mr. HARRIS. I believe not, though the chairman of the Committee on Public Lands can tell that better than I.

Mr. WADE. I can hardly see how it can run anywhere else.

Mr. POMEROY. It runs through country not settled by anybody.

Mr. WADE. But on an Indian reservation.

Mr. POMEROY. No, sir; I do not know that there is any reservation there. It runs on the regular Santa Fé road, which has been in operation for fifty years.

Mr. HARRIS. Whether it does or not, a grant is already made of the ten sections to the road, and now we desire to reduce that from ten to three. We do not grant anything additional; on the contrary, we reduce it.

Mr. WADE. We cannot grant that Indian land, I suppose.

Mr. POMEROY. The Senator from New York is mistaken in one thing. The bill grants three sections on each side of the road, making six sections instead of ten, as under the old grant.

The bill was reported to the Senate, as amended, and the amendments were concurred in. The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

FINAL ADJOURNMENT.

Mr. HENDRICKS. I move to take up the resolution of the House of Representatives fixing a time for the adjournment of the present session of Congress. In presenting the motion I desire to say that I understand that the chairman of the Committee on Finance is prepared to take up the tax bill to-day, or within a very short time. That bill has been reported to the Senate and printed. That was the important measure which it was generally understood ought to be before the Senate for consideration before we should fix a time for adjournment. Of course we know about the number of days that the consideration of that bill will require.

Mr. FESSENDEN. I shall be very much obliged to the Senator if he can fix the exact number of days.

Mr. HENDRICKS. I saw in a leading paper this morning or yesterday that it would probably require about four days. I have the judgment of an important paper of the country to that effect. I presume that bill would require a week. It is a good deal of a book. Does the Senator think it will require more time than a week? He does not think it will require more time than a week.

Mr. FESSENDEN. I do not know.

Mr. HENDRICKS. It is very certain, I think, that the Senate cannot consider all the measures that are before it prior to an adjournment. We shall have to elect in regard to the bills that we shall finally consider and pass. If we now fix the time of the adjournment, the Senate will then give its attention to those measures of greater importance, passing by, for this session, those which do not specially require the consideration of the body. I think all Senators desire that we shall adjourn now as soon as possible. It is the interest of the country, I think, that we shall adjourn; it is certainly to our comfort that we shall not stay here much longer. I think that an early day in July can be fixed for the adjournment. I move, therefore, that the resolution be taken up.

Mr. FESSENDEN. I hope it will not be taken up and considered this morning. In the first place, there is not time to consider it now between this period and the hour at which I desire to take up the tax bill—

The PRESIDENT *pro tempore*. The Chair will state that the resolution named by the Senator from Indiana has been referred, by order of the Senate, to the Committee on

Finance, and has not yet been reported. The resolution not being before the Senate, the Chair is of opinion that the motion of the Senator from Indiana cannot be entertained.

Mr. HENDRICKS. Then I modify my motion so that it shall be a motion to discharge the Committee on Finance from the further consideration of the resolution, with a view to its present consideration by the Senate.

The PRESIDENT *pro tempore*. It is moved that the Committee on Finance be discharged from the further consideration of the resolution named by the Senator from Indiana. The question is on that motion.

Mr. HENDRICKS. On that I desire to say just one word. It is not a complicated measure or question which requires the judgment of a committee before the Senate can be able to act upon it. It is a single proposition, which we can all comprehend without any elaboration from a committee.

Mr. FESSENDEN. The Senator from Indiana is a very much more fortunate man than I am if at the present time he can fix a day which will be reliable on which we can adjourn. I am, of course, quite anxious to adjourn, as much so as any man. I think I ought certainly to be anxious to adjourn at as early a day as possible; but in the present state of the business we cannot tell anything about it. In the first place, the Senate will observe that the Army bill is not finished; the legislative, executive, and judicial appropriation bill is not finished; the Indian appropriation bill has not been reported; the miscellaneous or sundry civil expenses appropriation bill has not yet been reported to the House of Representatives, and the tariff bill has not yet been reported to the House, all of which will take considerable time—I do not know how much—in that body certainly, and in this. Then there is the tax bill, which has not yet been acted upon by the Senate. It is impossible to say how long it will take. I hope we shall be able to get through with it in three days, and I think we ought to do so; but my experience satisfies me that there is no possibility of determining beforehand how long a bill of this kind will take. A debate springs up upon some little matter that is of interest locally and not generally, and hours of the Senate are spent in discussing that; and when it gets to five o'clock Senators are always very anxious to adjourn, and I am one of them in the present state of things; and they are averse to meeting in the evening, and to do so would be really more than we could do consistently with our health. I know it is more than I can do. I should be very glad to be relieved from the whole matter if I could.

Then, after this bill passes the Senate it will go to the House of Representatives, and when it gets there there will be, probably, according to the usual course, a general refusal to concur in our amendments and the appointment of a committee of conference, and that committee always sits several days upon bills of this description.

At present, then, although I am exceedingly anxious to get through, and believe that if we content ourselves with talking very little and working a good deal we may get through by the middle of July, we cannot tell on what precise day in July we shall be able to adjourn. It is now impossible to tell, and I am unwilling at this early day to fix the time, because then gentlemen will be apt to forget that the day is fixed and spend so much time in debate that a vast deal of business will be crowded into the last few days of the session, and we shall be obliged to sit late at night in order to get through, and then there will be danger of bad legislation.

The Committee on Finance, therefore, have come to the conclusion, so far as I understand their opinions on the subject, that until we dispose of two or three more measures, or get further along so as to see when they will be finally through, it is impossible to fix a day of adjournment with any certainty or safety. I hope, then, that the Senate will not agree to the motion made by the Senator from Indiana.

Mr. HENDERSON. I move that the Senate postpone the present motion now pending and all other orders of business, with the view of taking up Senate bill No. 285. We have had that bill up repeatedly, and I think we can dispose of it in a few moments.

Mr. HENDRICKS. I submit that it is not in order to postpone one motion to take up another motion. I submitted a motion to take up a particular proposition. That measure is not yet before the Senate. Now the Senator from Missouri moves to postpone my motion. It is not like postponing a measure that is before the body.

The PRESIDENT *pro tempore*. The Chair thinks the motion of the Senator from Indiana must be disposed of before a motion to take up any other measure can be entertained.

Mr. HENDRICKS. I desire to say but a word or two in reply to the Senator from Maine. I have not desired to call up this proposition until I thought the business of the Senate was in such a condition that we could safely fix a time for the adjournment. It is known to that Senator and all other Senators that the business never does come to a shape for an adjournment until we fix a day. The Army bill of which he speaks has already received the consideration of the Senate. It was passed by the Senate, sent to the House of Representatives, and I believe was lost in that body. I do not know whether it is the purpose of the chairman of the Military Committee to present any other measure for the consideration of the Senate with a view to the reorganization of the Army. I do not know what his purpose on that subject is; but I would not be willing, after we have passed one bill and the House has defeated it, to postpone an adjournment with a view to the consideration of another Army bill. Nor, sir, would I be willing to postpone an adjournment to get another tariff bill before us. I think within the last few years we have had quite enough legislation on that subject. This constant legislation upon the tariff is not fortunate for the general interests of the country or for the interests of business men. I do not think myself that there is any occasion to protract the session with a view to a modification of the tariff; but of course if such a bill comes here before an adjournment we shall give it attention. There are a good many reasons why I think Congress ought to adjourn, and I ask the yeas and nays upon the motion to discharge the committee from the consideration of the resolution.

The yeas and nays were ordered; and being taken, resulted—yeas 6, nays 23; as follows:

YEAS—Messrs. Davis, Guthrie, Hendricks, Lane of Indiana, Nesmith, and Saulsbury—6.

NAYS—Messrs. Anthony, Clark, Conness, Cragin, Edmunds, Fessenden, Foster, Grimes, Harris, Henderson, Howard, Kirkwood, Morgan, Morrill, Nye, Poland, Pomeroy, Sherman, Stewart, Trumbull, Van Winkle, Wade, Willey, Williams, and Yates—23.

ABSENT—Messrs. Brown, Buckalew, Chandler, Cowan, Creswell, Dixon, Doolittle, Howe, Johnson, Lane of Kansas, McDougall, Norton, Ramsey, Riddle, Sprague, Sumner, Wilson, and Wright—18.

So the motion was not agreed to.

APPROVAL OF BILLS.

A message from the President of the United States, by Mr. W. G. Moore, his Secretary, announced that the President had approved and signed, on the 18th instant, the following act and joint resolution:

An act (S. No. 350) to authorize the Commissioner of Patents to pay those employed as examiners and assistant examiners the salary fixed by law for the duties performed by them; and

A joint resolution (S. R. No. 87) to provide for the payment of bounty to certain Indian regiments.

KANSAS AND NEOSHO VALLEY RAILROAD.

Mr. HENDERSON. I move that the Senate proceed to the consideration of Senate bill No. 285.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 285) granting lands to the State of Kansas to aid in the construction of the Kansas and Neosho Valley

railroad and its extension to Red river, the pending question being on the amendment reported from the Committee on Public Lands as amended, in section eleven, after the word "State," in line three to strike out the words "may connect with the Kansas and Neosho Valley railroad at any point on the line of said road" and to insert other words; so as to make the section read:

Sec. 11. *And be it further enacted*, That any railroad company chartered under any law of the United States, or of the State of Kansas, which may have been heretofore or shall hereafter be recognized and subsidized by any act of the Congress of the United States, may connect, unite, and consolidate with this railroad company, after the same shall be located to the valley of the Neosho river, upon just, fair, and equitable terms, to be agreed upon between the parties, and shall not be against the public interest or the interest of the United States; nor shall any road authorized to connect as aforesaid charge the road so connecting a greater tariff per mile for freight or passengers than is charged for the same per mile by its own road: *And provided further*, That should the Leavenworth, Lawrence, and Fort Gibson Railroad Company, or the Union Pacific Railroad Company, southern branch, construct and complete its road to that point on the southern boundary of the State of Kansas, where the line of said Kansas and Neosho Valley railroad shall cross the same, before the said Kansas and Neosho Valley Railroad Company shall have constructed and completed its said road to said point, then and in that event the company so first reaching in completion the said point on the southern boundary of the State of Kansas shall be authorized, upon obtaining the written approval of the President of the United States, to construct and operate its line of railroad from said point to a point at or near Preston, in the State of Texas, with grants of land according to the provisions of this act, but upon the further special condition, nevertheless, that said railroad company shall have commenced in good faith the construction thereof before the said Kansas and Neosho Valley Railroad Company shall have completed its said railroad to said point: *And provided further*, That said other railroad company, so having commenced said work in good faith, shall continue to prosecute the same with sufficient energy to insure the completion of the same within a reasonable time, subject to the approval of the President of the United States: *And provided further*, That the right of way, when not otherwise granted in this act, and not provided for by law, shall be obtained by said Kansas and Neosho Valley Railroad Company, or either of the other companies named in this act, in accordance with the provisions of section three of an act to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri river to the Pacific ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862.

Mr. HENDERSON. I desire to offer an amendment to the amendment of the committee. There are some objections to it as it stands; and to avoid those objections I offer an amendment, which I send to the desk.

The Secretary read the amendment to the amendment, which was in line thirty-nine of the committee's amendment, after the word "way" to insert "through private property;" so as to make the clause read:

That the right of way through private property, when not otherwise granted in this act, &c.

Mr. HENDRICKS. I cannot understand the amendment to the amendment by that reading of it.

Mr. HENDERSON. I suggest that the Clerk read the several amendments in that connection, and the Senator will see what is aimed at.

The SECRETARY. It is moved after the word "way" in the thirty-ninth line to insert the words "through private property;" in the same line to strike out the word "granted" and insert the words "provided for;" and in the same line to strike out the word "bill" and insert the words "act, or by the laws of any State through which the road may pass;" so that the proviso will read:

And provided further, That the right of way through private property, when not otherwise provided for in this act, or by the laws of any State through which the road may pass, and not provided for by law, shall be obtained by said Kansas and Neosho Valley Railroad Company, or either of the other companies named in this act, &c.

Mr. HENDRICKS. I do not very well understand the force of this proposed amendment.

Mr. POMEROY. If the Senator will allow me, the Senator from Missouri is not aware of the amendment to that clause which has been made heretofore on my motion. The word "bill," in the thirty-ninth line, has already been stricken out and the words "act and not

provided for by law" inserted. He has merely repeated the amendment which I offered some time ago to the bill, and which was adopted.

Mr. HENDRICKS. I think instead of amending this eleventh section, which provides for running this road or some other road down to the Indian country, that the Senate had better disagree to the eleventh section entirely, and not undertake to run a road through the Indian country at all. Then it will stand as a naked bill proposing to run a road from Kansas City, on the Missouri river, to the southern boundary of the State of Kansas; and then when the Indian country is opened from that point to the Texas line, at some future time, Congress can legislate fully on the subject. It is known to the Senate that there is a portion of this country through which Congress has no power now to authorize the running of a railroad; and certainly it will be better not to undertake to legislate now, but to provide for a road, if it is the pleasure of Congress to run a road within a distance of a few miles from a road already provided for in Kansas, to the southern boundary of the State. I was going to move to strike out the entire amended section.

Mr. HENDERSON. Let us amend it first.

Mr. HENDRICKS. I shall make the motion at the proper time.

Mr. HENDERSON. Lest the Senator may labor under any misapprehension of what my design is in reference to this thing, I will ask him to turn to section eight. I propose, if this amendment shall be adopted, to strike out all after the word "State," in the eighth line of the eighth section, in the following words:

And the right of way through said Indian Territory is hereby granted to said Kansas and Neosho Valley Railroad Company, its successors and assigns, to the extent of one hundred feet on each side of said road or roads, and all necessary grounds for stations, buildings, workshops, machine-shops, switches, side-tracks, turn-tables, and water stations.

It was objected the other day by the Senator from Illinois [Mr. TRUMBULL] that this would interfere with the Indian reservations. I therefore propose to strike out that clause and to insert:

The right of way through the Indian Territory, wherever such right is now reserved, or may hereafter be reserved, to the United States, by treaty with the Indian tribes, is hereby granted to said company to the same extent as granted by the sixth section of this act through the public lands.

By turning to the sixth section the Senator will see what that is:

And in all cases where the right of way, as aforesaid, through the Indian lands shall be reserved to the Government, the said company shall, before constructing its road, procure the consent of the tribe or tribes interested, which consent, with all its terms and conditions, shall be previously approved and indorsed by the President, and filed with the Secretary of the Interior.

That will obviate every objection made against building this road through the Indian country. I believe that the consent is now obtained, by pending treaties, from all the tribes except one, and that is the Cherokee tribe; and they have passed a resolution through their legislature inviting the construction of this road. I provide that the road shall not be built until treaty obligations have been secured reserving to the United States the right to build the road through there, or until the legislatures of these territorial organizations shall give their consent, and that consent shall have been indorsed by the President and filed with the Secretary of the Interior.

Mr. HENDRICKS. What is the amendment you propose to the eleventh section?

Mr. HENDERSON. It is to obviate the objection made by the Senator from Maine [Mr. MORRILL] the other day, which was a very sound objection, that we provided in this bill to obtain the right of way, not according to the laws of the United States, but according to the laws of Congress. I propose to make it read, "that the right of way through private property, when not otherwise provided for in this act, or by the laws of any State through which the road may pass, shall be obtained," &c. That will obviate the objection which was very properly urged by the Senator from Maine.

Mr. HENDRICKS. The amendment which the Senator proposes to the eighth section will not be in accordance with the spirit of the eleventh section, because it will be giving the right of way to one particular company, when the eleventh section proposes to make a contest between three companies for the right of way through the Indian country and the right to build a railroad through the Indian country. This bill proposes that these three roads shall meet at the southern boundary of Kansas, and then it shall be a race of speed for the right to construct the trunk road from that point through the Indian country to the northern boundary of Texas. The amendment which the Senator proposes would give the right to one of these companies to the exclusion of the others, and to the exclusion of the right already given to another company.

Mr. POMEROY. All the rights in that country under the bill are to inure to the company that builds the road; so that the Senator from Missouri is entirely right.

Mr. HENDRICKS. The whole bill will have to be construed together. I have no objection to the amendment now pending. If that amendment be made, I shall then move to strike out the whole of the eleventh section.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Missouri to the amendment of the committee.

Mr. HENDERSON. The section was amended in one respect when last under consideration, and I will ask the Secretary to change my amendment, so that so far as the proviso has been amended in accordance with my view it be not touched.

The PRESIDENT *pro tempore*. Does the Senator withdraw his amendment?

Mr. HENDERSON. One portion of it.

The PRESIDENT *pro tempore*. Will the Senator state what portion?

Mr. HENDERSON. I was not aware that the section had been amended. To get rid of the difficulty, I will move to strike out the words already inserted and insert the words that I have proposed.

The PRESIDENT *pro tempore*. The amendment to the amendment will be read as it now stands.

The Secretary read the amendment to the amendment, which was in line thirty-nine after the word "way" to insert "through private property;" in the same line after the word "otherwise" to strike out the words "granted in this act and not provided for by law" and insert "provided for in this act or by the laws of any State through which the road may pass;" so that the proviso will read:

And provided further, That the right of way through private property, when not otherwise provided for in this act or by the laws of any State through which the road may pass, shall be obtained by said Kansas and Neosho Valley Railroad Company, or either of the other companies named in this act, in accordance with the provisions, &c.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question now is on the amendment as amended.

Mr. HENDRICKS. I move to strike out the entire eleventh section, which includes the amendment. The eleventh section is a very short one, but the amendment to it is a very lengthy amendment, covering nearly two pages of the bill. It is this eleventh section that provides for carrying this railway down through the Indian country. My amendment brings the Senate just to this question: whether before the right is secured from the Indians we will provide for the running of a railroad through the Indian country—that is the exact question, that is now presented—or whether you will leave it, just as it was left in the bill three years ago, to a competing road to run to the State line; the right to go through the Indian country in the future to depend upon the action of the Government. The proposition of the Senator from Missouri, I think, is a departure from the policy of the Government. The policy of the Government has been not to allow any parties to treat with the Indians for rights in their

land except the Government itself. Individuals cannot treat with the Indians; they cannot acquire rights from the Indians; but the proposition of the Senator is that a railroad company in the State of Kansas shall be authorized to negotiate or to treat with an Indian tribe, provided the assent of the President be secured thereto. Is it the pleasure of Congress, then, when it is not necessary, to depart from the policy of the Government in its intercourse with the Indians? I think this whole objection is obviated by striking out all that relates to the Indian country and leaving that to the future control of the Government. I think it would not be the pleasure of the Senate to agree to this change in the policy toward the Indians that is proposed by the Senator if the attention of the Senate could be secured to the subject. My motion is to strike out the entire eleventh section.

The PRESIDENT *pro tempore*. The Chair is of opinion that the question must first be taken on amending the eleventh section, in order that the Senate may pass its judgment upon perfecting the eleventh section, before the motion to strike out will be in order. The motion to strike out will be in order after the question on the amendment has been acted upon.

Mr. HENDRICKS. After the Senate has inserted those words, can I then move to strike out the whole section?

The PRESIDENT *pro tempore*. Certainly.

Mr. FESSENDEN. I move that this bill and all prior orders be postponed, with a view to proceed to the consideration of the tax bill.

Mr. POMEROY. I hope the Senator will allow us to take a vote on this bill.

Mr. FESSENDEN. I must refuse to give way to anything while the tax bill is pending.

Mr. POMEROY. I hope we shall be allowed to take the vote on this bill. I am afraid we shall never be able to call it up again if we are not permitted to take a vote and dispose of these amendments now.

Mr. FESSENDEN. I cannot yield. The Senator can call it up to-morrow in the morning hour. I have made up my mind to object to everything until the tax bill is disposed of, and my friend is an excellent one to practice it upon, as I know he is very good-natured.

Mr. POMEROY. I am sorry the Senator will not allow us a few minutes more to dispose of this bill. We only wish to take the vote.

Mr. FESSENDEN. I asked the Senator from Missouri, when he moved to take it up, if he could get through with the bill in ten minutes, and he said he thought he could. I insist on my motion.

Mr. HENDERSON. I hope this railroad bill will be passed over. My friend from Indiana has already consumed four or five morning hours upon it. I shall call it up to-morrow morning again.

Mr. HENDRICKS. In reply to the Senator from Missouri, I feel it my duty to say that I have spoken upon this bill and expressed just such views as I thought it was my duty to express.

Mr. HENDERSON. I am not complaining of that.

Mr. HENDRICKS. The Senator has been in the habit of calling it up a little while before the expiration of the morning hour, when there was no very good opportunity to discuss it, when it was very difficult to secure the attention of the Senate; and now I give notice that upon this bill I expect to ask the attention of the Senate upon just such questions as I think it my duty to present.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Maine to postpone the present and all prior orders, and that the Senate proceed to the consideration of House bill No. 513.

The motion was agreed to.

INTERNAL TAXATION.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 513) to reduce internal taxation and to amend an

act entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," approved June 30, 1864, and acts amendatory thereof.

Mr. FESSENDEN. To save time, I move that the usual course be taken; that the bill be read but once, and the amendments proposed by the Committee on Finance be acted upon as they are reached in the reading.

The PRESIDENT *pro tempore*. The course suggested will be taken if there be no objection, and the sense of the Senate will be taken on the amendments proposed by the committee as they are reached in the course of reading the bill.

The Secretary read the first section of the bill, as follows:

Be it enacted, &c., That on and after the 1st day of July, 1865, in lieu of the duties on manufactured cotton, as provided in an act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes, approved June 30, 1864, as amended by the act of March 3, 1865, there shall be paid by the producer, owner, or holder, upon all cotton produced within the United States, and upon which no tax has been levied, paid or collected, a tax of five cents per pound, as hereinafter provided; and the weight of such cotton shall be ascertained by deducting four per cent. for tare from the gross weight of each bale or package; and such tax shall be and remain a lien thereon, in the possession of any person whomsoever, from the time when such cotton is produced as aforesaid until the same shall have been paid; and no drawback shall, in any case, be allowed on raw or unmanufactured cotton of any tax paid thereon when exported in the raw or unmanufactured condition. But no tax shall be imposed upon any cotton imported from other countries, and on which an import duty shall have been paid.

Mr. FESSENDEN. An amendment not proposed by the committee as the bill is printed, but which they think it advisable to make, is to amend that section in the third line by changing the word "July" to "August." I move that amendment.

The amendment was agreed to.

The Committee on Finance reported several amendments to the first section. The first amendment was in line four, to strike out the word "duties" and to insert "taxes."

The PRESIDENT *pro tempore*. That alteration will be made, if there be no objection.

The next amendment was in line twelve, to strike out the word "five" and insert "two," so as to make the tax on cotton two cents per pound.

The amendment was agreed to.

The next amendment was in line seventeen, to insert after the word "when" the words "this law takes effect, or;" so that the clause will read:

From the time when this law takes effect, or such cotton is produced as aforesaid until the same shall have been paid.

The PRESIDENT *pro tempore*. This amendment will be made, if there be no objection.

The Secretary read the second section, as follows:

SEC. 2. *And be it further enacted*, That the aforesaid tax upon cotton shall be levied by the assessor on the producer, owner, or holder thereof. And said tax shall be paid to the collector of internal revenue within and for the collection district in which said cotton shall have been produced, and before the same shall have been removed therefrom, except where otherwise provided in this act; and every collector to whom any tax upon cotton shall be paid shall mark the bales or other packages upon which the tax shall have been paid, in such manner as may clearly indicate the payment thereof, and shall give to the owner or other person having charge of such cotton a permit for the removal of the same, stating therein the amount and payment of the tax, the time and place of payment, and the weight and marks upon the bales and packages, so that the same may be fully identified; and it shall be the duty of every such collector to keep clear and sufficient records of all such cotton inspected or marked, and of all marks and identifications thereof, and of all permits for the removal of the same, and of all his transactions relating thereto, and he shall make full returns thereof, monthly, to the Commissioner of Internal Revenue.

The Committee on Finance proposed no amendment to this section.

The Secretary read the next section of the bill, as follows:

SEC. 3. *And be it further enacted*, That the Commissioner of Internal Revenue is hereby authorized to designate one or more places in each collection district where an assessor or an assistant assessor and a

collector or deputy collector shall be located, and where cotton may be brought for the purpose of being weighed and appropriately marked: *Provided*, That it shall be the duty of the assessor or assistant assessor and the collector or deputy collector to assess and cause to be properly marked the cotton wherever it may be in said district, provided their necessary traveling expenses to and from said designated place, for that purpose, be paid by the owners thereof.

The Committee on Finance proposed no amendment to this section.

The Secretary read the fourth section of the bill, as follows:

SEC. 4. *And be it further enacted*, That all cotton having been weighed and marked as herein provided, and for which permits shall have been duly obtained of the assessor, may be removed from the district in which it has been produced to any one other district, without prepayment of the tax due thereon, upon the execution of such transportation bonds or other security and in accordance with such regulations as shall be prescribed by the Commissioner of Internal Revenue, subject to the approval of the Secretary of the Treasury. The said cotton so removed shall be delivered to the collector of internal revenue or his deputy forthwith upon its arrival at its point of destination, and shall remain subject to his control until the taxes thereon, and any necessary charges of custody thereof, shall have been paid, but nothing herein contained shall authorize any delay of the payment of said taxes for more than ninety days from the date of the permits: and when cotton shall have been weighed and marked for which a permit shall have been granted without prepayment of the tax, it shall be the duty of the assessor granting such permit to give immediate notice of such permit to the collector of internal revenue for the district to which said cotton is to be transported, and he shall also transmit therewith a statement of the taxes due thereon, and of the bonds or other securities for the payment thereof, and he shall make full returns and statements of the same to the Commissioner of Internal Revenue.

The Committee on Finance proposed no amendment to this section.

The Secretary read the fifth section of the bill, as follows:

SEC. 5. *And be it further enacted*, That it shall be unlawful from and after the 1st day of September, 1866, for the owner, master, supercargo, agent, or other person having charge of any vessel, or for any railroad company, or other transportation company, or for any common carrier, or other person, to convey, or attempt to convey, or transport any cotton—the growth or produce of the United States—from any point in the district in which it shall have been produced, unless each bale or package thereof shall have attached to or accompanying it the proper marks or evidence of the payment of the revenue tax and a permit of the collector for such removal, or the permit of the assessor, as hereinbefore provided, under regulations of the Commissioner of Internal Revenue, subject to the approval of the Secretary of the Treasury, nor to convey or transport any cotton from any State in which cotton is produced to any port or place in the United States, without a certificate from the collector of internal revenue of the district from which it was brought, and such other evidence as the Secretary of the Treasury may prescribe, that the tax has been paid thereon, and such certificate and evidence as aforesaid shall be furnished to the collector of the district to which it is transported, and his permit obtained before landing, discharging, or delivering such cotton at the place to which it is transported as aforesaid. And any person or persons who shall violate the provisions of this act in this respect shall be liable to a penalty of \$100 for each bale of cotton so conveyed or transported, or attempted to be conveyed or transported, or to imprisonment for not more than one year, or both; and all vessels and vehicles employed in such conveyance or transportation shall be liable to seizure and forfeiture by proceedings in any court of the United States having competent jurisdiction. And all cotton so shipped or attempted to be shipped or transported beyond the limits of the collection district in which it was produced, without payment of the tax or the execution of such transportation bonds or other security as provided in this act, shall be forfeited to the United States, and the proceeds thereof distributed according to the statute in like cases provided.

The Committee on Finance proposed to strike out in the fifteenth line, after the word "Treasury," the word "nor" and to insert "or," so as to read "or to convey," &c.

The PRESIDENT *pro tempore*. That alteration will be made.

The committee further proposed to amend the section in line nineteen, after the word "as," by inserting "the Commissioner of Internal Revenue, subject to the approval of."

The amendment was agreed to.

The committee also proposed to amend the section in line twenty-two, after the word "thereon," by inserting "or the permit of the assessor as hereinbefore provided."

Mr. FESSENDEN. There is a verbal error there. After the word "or" in the amendment, I move to insert "without."

The PRESIDENT *pro tempore*. That correction will be made.

The amendment, as modified, was adopted.

Mr. FESSENDEN. In line twenty-nine of that section, after the word "respect," I move to insert the words "or who shall convey or attempt to convey from any State in which cotton is produced to any port or place without the United States, any cotton upon which the tax has not been paid."

The amendment was agreed to.

Mr. FESSENDEN. In lines thirty-six and thirty-seven the words "beyond the limits of the collection district in which it was produced" should be struck out in order to correspond with the amendment which was made above.

The amendment was agreed to.

The Secretary read the next section of the bill, as follows:

SEC. 6. *And be it further enacted*, That upon articles manufactured exclusively from cotton, when exported, there shall be allowed, as a drawback, an amount equal to the internal tax which shall have been assessed and paid upon such articles in their finished condition, and in addition thereto a drawback or allowance of as many cents per pound upon the pound of cotton cloth, yarn, or other articles manufactured exclusively from cotton and exported, as shall have been assessed and paid in the form of an internal tax upon the raw cotton entering into the manufacture of said cloth or other article, the amount of such allowance or drawback to be ascertained in such manner as may be prescribed by the Commissioner of Internal Revenue, under the direction of the Secretary of the Treasury; and so much of section one hundred and twenty-one of the act of June 30, 1861, to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes, as now provides for a drawback on manufactured cotton, is hereby repealed.

The committee proposed to amend this section in line seven, after the word "yarn," by striking out "or other articles" and inserting "thread, or knit fabrics."

The amendment was agreed to.

The Secretary read the seventh section of the bill, as follows:

SEC. 7. *And be it further enacted*, That it shall be the duty of every person, firm, or corporation, manufacturing cotton for any purpose whatever, in any district where cotton is produced, to return to the assessor or assistant assessor of the district in which such manufacture is carried on, a true statement in writing, signed by him, and verified by his oath or affirmation, and a duplicate thereof to the collector of said district on or before the 10th day of each month; and the first statement so rendered shall be on or before the 10th day of July, 1866, and shall state the quantity of cotton which such manufacturer had on hand and unmanufactured, or in process of manufacture, on the 1st day of said month; and each subsequent statement shall show the whole quantity in pounds, gross weight, of cotton purchased or obtained, and the whole quantity consumed by him in any business or process of manufacture during the last preceding calendar month, and the quantity and character of the goods manufactured therefrom; and every such manufacturer or consumer shall keep a book, in which he shall enter the quantity, in pounds, of cotton which he has on hand on the 1st day of July, 1866, and each quantity or lot purchased or obtained by him thereafter; the time when and the party or parties from whom the same was obtained; the quantity of said cotton, if any, which is the growth of the collection district where the same is manufactured; the quantity, if any, which has not been weighed and marked by any officer herein authorized to weigh and mark the same; the quantity, if any, upon which the tax had not been paid, so far as can be ascertained, before the manufacture thereof; and also the quantities used or disposed of by him from time to time in any process of manufacture or otherwise, and the quantity and character of the product thereof, which book shall, at all times during business hours, be open to the inspection of the assessor, assistant assessors, collector or deputy collectors of the district, inspectors, or of revenue agents; and such manufacturer shall pay monthly to the collector, within the time prescribed by law, the tax herein specified, subject to no deductions, on all cotton so consumed by him in any manufacture, and on which no excise tax has previously been paid; and every such manufacturer or person whose duty it is so to do, who shall neglect or refuse to make such returns to the assessor, or to keep such book, or who shall make false or fraudulent returns, or make false entries in such book, or procure the same to be so done, in addition to the payment of the tax to be assessed thereon, shall forfeit to the United States all cotton and all products of cotton in his possession, and shall be liable to a penalty of not less than one thousand nor more than five thousand dollars, to be recovered with costs of suit, or to imprisonment not exceeding two years, in the discretion of the court; and any person or persons who shall make any false oath or affidavit in relation to any matter or thing herein required shall be guilty of perjury, and shall be subject to the punishment prescribed by existing statutes for that offense: *Provided*, That nothing

herein contained shall be construed in any manner to affect the liability of any person for any tax imposed by law on the goods manufactured from such cotton.

The committee proposed to amend this section in line seven, after the word "affirmation," by striking out "and a duplicate thereof to the collector of said district."

The amendment was agreed to.

Mr. FESSENDEN. In line ten, the word "July" should be "August," so as to conform to the other amendment. It will then read, "and the first statement so rendered shall be on or before the 10th day of August, 1866."

The amendment was agreed to.

Mr. FESSENDEN. In line twenty-one, "July" should be "August," so as to read, "and every such manufacturer or consumer shall keep a book, in which he shall enter the quantity, in pounds, of cotton which he has on hand on the 1st day of August, 1866."

The PRESIDENT *pro tempore*. That amendment will be made.

Mr. FESSENDEN. The word "affidavit," in line fifty-one, should be "affirmation."

The PRESIDENT *pro tempore*. That correction will be made.

The Secretary read the eighth section of the bill, as follows:

SEC. 8. *And be it further enacted*, That the provisions of the act of June 30, 1864, as amended by the act of March 3, 1865, relating to the assessment of taxes and enforcing the collection of the same, and all proceedings and remedies relating thereto, shall apply to the assessment and collection of the tax, fines, and penalties imposed by, and not inconsistent with, the provisions of the preceding sections of this act; and that the Commissioner of Internal Revenue, subject to the approval of the Secretary of the Treasury, shall make all necessary rules and regulations for ascertaining the weight of all cotton to be assessed, and for appropriately marking the same, and generally for carrying into effect the foregoing provisions. And the Secretary of the Treasury is authorized to appoint all necessary inspectors, weighers, and markers of cotton, whose compensation shall be determined by the Commissioner of Internal Revenue, and paid in the same manner as inspectors of distilled spirits are paid.

The committee proposed to amend this section in line eight, after the word "and," by striking out "that."

The PRESIDENT *pro tempore*. That correction will be made.

The committee further proposed to amend the section by striking out the words "distilled spirits" in line eighteen, and inserting "tobacco," so as to make the clause read:

And the Secretary of the Treasury is authorized to appoint all necessary inspectors, weighers, and markers of cotton, whose compensation shall be determined by the Commissioner of Internal Revenue, and paid in the same manner as inspectors of tobacco are paid.

The amendment was agreed to.

The ninth section was read by clauses, the first clause being as follows:

SEC. 9. *And be it further enacted*, That the act entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," approved June 30, 1864, as amended by the act of March 3, 1865, be, and the same is hereby, amended as follows, namely:

That section five be amended by adding thereto the following: and any inspector, or revenue agent, or any special agent appointed by the Secretary of the Treasury, who shall demand or receive any compensation, fee, or reward, other than such as are provided by law for, or in regard to, the performance of his official duties, or shall be guilty of any extortion or willful oppression in the discharge of such duties, shall, upon conviction thereof in any circuit or district court of the United States having jurisdiction thereof, be subject to a fine of not exceeding \$1,000, or to imprisonment for not exceeding one year, or both, at the discretion of the court, and shall be dismissed from office, and shall be forever disqualified from holding any office under the Government of the United States. And one half of the United States, and the other half for the use of the person, to be ascertained by the judgment of the court, who shall first give the information whereby any such fine may be imposed.

The Committee on Finance reported no amendment to this clause.

The Secretary read the next clause, as follows:

That section fourteen be amended by striking out all after the enacting clause and inserting in lieu thereof the following: that in case any person shall be absent from his or her residence or place of business at the time an assistant assessor shall call for the annual list or return, and no annual list or return has been rendered by such person to the assistant assessor as required by law, it shall be the duty of such assist-

ant assessor to leave at such place of residence or business, with some one of suitable age and discretion, if such be present, otherwise to deposit in the nearest post office, a note or memorandum, addressed to such person, requiring him or her to render to such assistant assessor the list or return required by law within ten days from the date of such note or memorandum, verified by oath or affirmation. And if any person, on being notified or required as aforesaid, shall refuse or neglect to render such list or return within the time required as aforesaid, or if any person without notice, as aforesaid, shall not deliver a monthly or other list or return at the time required by law, or if any person shall deliver or disclose to any assessor or assistant assessor any list, statement, or return which, in the opinion of the assessor, is false or fraudulent, or contains any understatement or undervaluation, it shall be lawful for the assessor to summon such person, his agent, or other person having possession, custody, or care of books of account containing entries relating to the trade or business of such person, or any other persons he may deem proper, to appear before such assessor and produce such book, at a time and place therein named, and to give testimony or answer interrogatories under oath or affirmation respecting any objects liable to duty or tax as aforesaid, or the lists, statements, or returns thereof, or any trade, business, or profession liable to any tax as aforesaid. And the assessor may summon, as aforesaid, any person residing or found within the State in which his district is situated. And when the person intended to be summoned does not reside and cannot be found within such State, the assessor may enter any collection district where such person may be found, and there make the examination hereinbefore authorized. And to this end he shall there have and may exercise all the power and authority he has or may lawfully exercise in the district for which he is commissioned. The summons authorized by this section shall in all cases be served by an assistant assessor of the district where the person to whom it is directed may be found, by an attested copy delivered to such person in hand or left at his last and usual place of abode, allowing such person at the rate of one day for each twenty-five miles he may be required to travel, computing from the place of service to the place of examination.

The committee proposed to amend the clause by striking out the words "duty or" before "tax," in line fifty-five.

The amendment was agreed to.

The committee further proposed to strike out "assistant assessor," in line seventy, after "such," and to insert "person."

The amendment was agreed to.

The committee proposed to strike out, in line seventy-two, the words "his place of residence to," and after "service," in the same line, to insert "to the place of examination;" so that the clause will read:

The summons authorized by this section shall in all cases be served by an assistant assessor of the district where the person to whom it is directed may be found, by an attested copy delivered to such person in hand or left at his last and usual place of abode, allowing such person at the rate of one day for each twenty-five miles he may be required to travel, computing from his place of residence to the place of service; and the certificate of service signed by such assistant assessor shall be evidence of the fact it states on the hearing of an application for an attachment, and when the summons requires the production of books, it shall be sufficient if such books are described with reasonable certainty. In case any person so summoned shall neglect or refuse to obey such summons, or to give testimony, or to answer interrogatories as required, it shall be lawful for the assessor, upon affidavit proving the facts, to apply to the judge of the district court or to a commissioner of the circuit court of the United States for the district within which the person so summoned resides, and such judge or commissioner is hereby authorized and empowered to perform the duties herein required, for an attachment against such person as for a contempt. It shall be the duty of such judge or commissioner to hear such application, and, if satisfactory proof be made, to issue an attachment, directed to some proper officer, for the arrest of such person, and upon his being brought before him to proceed to a hearing of the case; and upon such hearing the judge or commissioner shall have power to make such order as he shall deem proper, not inconsistent with the provisions of existing laws for the punishment of contempts, to enforce obedience to the requirements of the summons and punish such person for his default or disobedience. It shall be the duty of the assessor or assistant assessor of the district within which such person shall have taxable property to enter into and upon the premises, if it be necessary, of such person so refusing or neglecting, or rendering a false or fraudulent list or return, and to make, according to the best information which he can obtain, including that derived from the evidence elicited by the examination of the assessor, and on his own view and information, such list or return, according to the form prescribed, of the property, goods, wares, and merchandise, and all articles or objects liable to duty or tax, owned or possessed or under the care or management of such person, and assess the duty or tax thereon, including the amount, if any, due for special tax or income; and in case of the return of a false or fraudulent list or valuation, he shall add one hundred per cent. to such duty or tax; and in case of a refusal or neglect, except in cases of sickness or absence, to make a list or return, or to verify the same as aforesaid, he shall add fifty per cent. to such duty or tax; and in case of neglect occasioned by sickness or absence as aforesaid, the assessor may allow such further time for making and delivering such list or return as he may judge necessary, not exceeding thirty days; and the amount so added to the duty or tax shall, in all cases, be collected by the collector at the same time and in the same manner as the duty or tax; and the list or return so made and subscribed by such assessor or assistant assessor shall be taken and reputed as good and sufficient for all legal purposes. And in addition to other provisions of law, whenever fraud has been or shall be alleged as to any list or return, and the party charged with fraud shall make denial of the same in writing and shall demand a hearing thereon, and shall tender to the assessor of the proper district a bond with two or more sureties payable to the United States in a sum not less than double the amount of the tax assessed because of such alleged fraud, and conditioned that such person will abide by the orders and judgments of the court before whom such case shall be heard, and will pay whatever sum may be adjudged against him for tax, and also all costs that may be adjudged against him, and upon the approval of such bond by such assessor, it shall be the duty of such assessor to transmit to the district attorney of the United States for the district within which such collection district is

situate all the papers in the case, and it shall also be the duty of said district attorney to immediately institute in the proper circuit or district court of the United States a suit for the recovery of the tax assessed because of such alleged fraud, and the same shall be prosecuted to judgment as in other cases; and such cases shall have precedence over other civil cases on the calendar of such court. And until final judgment all proceedings by the assessor and collector shall be suspended; and in case of seizure of property, the property seized shall be released upon the approval of the bond herein provided for; but nothing herein contained shall be construed to affect in any manner proceedings by indictment as provided by law.

The committee proposed to amend the clause by striking out the words "duty or" before "tax," in line fifty-five.

The amendment was agreed to.

The committee further proposed to strike out "assistant assessor," in line seventy, after "such," and to insert "person."

The amendment was agreed to.

The committee proposed to strike out, in line seventy-two, the words "his place of residence to," and after "service," in the same line, to insert "to the place of examination;" so that the clause will read:

The summons authorized by this section shall in all cases be served by an assistant assessor of the district where the person to whom it is directed may be found, by an attested copy delivered to such person in hand or left at his last and usual place of abode, allowing such person at the rate of one day for each twenty-five miles he may be required to travel, computing from the place of service to the place of examination.

The amendment was agreed to.

Mr. FESSENDEN. The word "fact," in line seventy-four, should be in the plural, "facts."

The PRESIDING OFFICER, (Mr. POMEROY in the chair.) That correction will be made.

The committee proposed further to amend the clause, in line eighty, after the word "assessor," to strike out "upon affidavit proving the facts," and in line eighty-three, after the word "resides," to strike out "and such judge or commissioner is hereby authorized and empowered to perform the duties herein required;" so that the clause would then read:

In case any person so summoned shall neglect or refuse to obey such summons, or to give testimony, or to answer interrogatories as required, it shall be lawful for the assessor to apply to the judge of the district court or to a commissioner of the circuit court of the United States for the district within which the person so summoned resides, for an attachment against such person as for a contempt.

The amendment was agreed to.

The committee proposed to strike out the words "duty or" before "tax," in line one hundred and six.

The PRESIDING OFFICER. That amendment will be considered as agreed to.

The committee proposed to strike out the words "duty or" before "tax," in lines one hundred and ten and one hundred and eleven. The amendment was agreed to.

Mr. FESSENDEN. The same words, "duty or," should be struck out in line one hundred and seven, before "tax."

The PRESIDING OFFICER. That amendment will be made.

The committee proposed to strike out "duty or" before "tax," in line one hundred and thirteen, and also in line one hundred and eighteen.

The PRESIDING OFFICER. That amendment will be considered as agreed to.

Mr. FESSENDEN. The same words should be stricken out in line one hundred and nineteen.

The PRESIDING OFFICER. That will be done.

The next amendment proposed by the committee was after the word "purposes," in line one hundred and twenty-two, to strike out to the end of the clause, the words stricken out being:

And in addition to other provisions of law, whenever fraud has been or shall be alleged as to any list or return, and the party charged with fraud shall make denial of the same in writing, and shall demand a hearing thereon, and shall tender to the assessor of the proper district a bond with two or more sureties payable to the United States in a sum not less than double the amount of the tax assessed because of such alleged fraud, and conditioned that such

person will abide by the orders and judgments of the court before whom such case shall be heard, and will pay whatever sum may be adjudged against him for tax, and also all costs that may be adjudged against him, and upon the approval of such bond by such assessor, it shall be the duty of such assessor to transmit to the district attorney of the United States for the district within which such collection district is situate all the papers in the case, and it shall also be the duty of said district attorney to immediately institute in the proper circuit or district court of the United States a suit for the recovery of the tax assessed because of such alleged fraud, and the same shall be prosecuted to judgment as in other cases, and such cases shall have precedence over other civil cases on the calendar of such court. And until final judgment all proceedings by the assessor and collector shall be suspended; and in case of seizure of property the property seized shall be released upon the approval of the bond herein provided for; but nothing herein contained shall be construed to affect in any manner proceedings by indictment as provided by law.

Mr. GRIMES. I would inquire why that clause is stricken out.

Mr. FESSENDEN. The reason is that it is an entire change of the law, and in the opinion of the committee would send everything for trial into the courts and cause continual litigation.

Mr. GRIMES. If a man has got a good defense and wants to go into court why not allow him to do so?

Mr. FESSENDEN. It is not a matter of defense. This clause changes the whole system, and would make it entirely different from any other system anywhere in regard to the collection of taxes.

The amendment was agreed to.

The Secretary read the next clause of the ninth section, as follows:

That section nineteen be amended by striking out all after the enacting clause and inserting in lieu thereof the following: that the assessor for each collection district shall, by advertisement in the newspaper of largest circulation in each county within said district, and if there be none published in any county of the district, then in the newspaper of largest circulation in the collection district adjoining thereto, and by notifications to be posted up in at least four public places, and shall mail a copy of such notice to each postmaster in his district, to be posted up in his office, within each assessment district, advertise, by not less than ten days' notice, all persons concerned of the time and place within said collection district when and where appeals will be received and determined relative to any erroneous or excessive valuations, assessments, or enumerations by the assessor or assistant assessor returned in the annual list. And it shall be the duty of the assessor for each collection district, at the time fixed for hearing such appeal, as aforesaid, to submit the proceedings of the assessor and assistant assessor, and the annual lists taken and returned as aforesaid, to the inspection of any and all persons who may apply for that purpose. And such assessor is hereby authorized at any time to hear and determine in a summary way, according to law and right, upon any and all appeals which may be exhibited against the proceedings of the said assessor or assistant assessors, and the office or principal place of business of the said assessor shall be open during the business hours of each day, for the hearing of appeals by parties who shall appear voluntarily before him: *Provided*, That no appeal shall be allowed to any party after he shall have been duly assessed, and the annual list containing the assessment has been transmitted to the collector of the district. And all appeals to the assessor, as aforesaid, shall be made in writing, and shall specify the particular cause, matter, or thing respecting which a decision is requested, and shall, moreover, state the ground or principle of error complained of. And the assessor shall have power to reexamine and determine upon the assessments and valuations and rectify the same as shall appear just and equitable; but such valuation, assessment, or enumeration shall not be increased without a previous notice of at least five days to the party interested to appear and object to the same if he judge proper, which notice shall be in writing and left at the dwelling-house, office, or place of business of the party by such assessor, assistant assessor, or other person, or sent by mail to the nearest or usual post office address of said party: *Provided further*, That on the hearing of appeals it shall be lawful for the assessor to require by summons the attendance of witnesses and the production of books of account in the same manner and under the same penalties as are provided in cases of refusal or neglect to furnish lists or returns. The costs for the attendance and mileage of said witnesses shall be taxed by the assessor and paid by the delinquent parties, or by the disbursing agent for the district, on certificate of the assessor, at the rates allowed to witnesses in the district courts of the United States.

The Committee on Finance proposed to amend this clause by inserting after the word "shall," in line one hundred and fifty-two, the words "give notice," so that it will read, "that the assessor for each collection district shall give notice by advertisement."

The amendment was agreed to.

The next amendment was in line one hundred and fifty-three to strike out the word "the" before "newspaper" and insert in lieu of it the word "one;" and after "newspaper" to strike out the words "of largest circulation" and insert the word "published;" so as to make it read:

That the assessor for each collection district shall give notice by advertisement in one newspaper published in each county within said district, &c.

Mr. HENDRICKS. I should think the notice ought to be published in the newspaper of largest circulation.

Mr. FESSENDEN. It is sometimes very difficult to tell what the newspaper of largest circulation is, and we thought it best to leave it to the assessor to have the notice published in one newspaper published in the county, if there was one, and let him make the selection. Sometimes newspapers may be published in different languages, and one published in a foreign language might possibly have the largest circulation, or there might be a religious newspaper having the largest circulation. We thought it best not to apply the Post Office laws to this provision.

Mr. CONNESS. Unless you provide in the act the means of ascertaining which paper has the largest circulation, you cannot determine the point.

Mr. TRUMBULL. It seems to me that the assessor or collector can easily ascertain which paper in the county has the largest circulation as well as he can ascertain how much property a man has. He will adopt some means to ascertain it. He can call upon the newspapers to furnish a statement of their circulation under oath. He will adopt the necessary means.

Mr. FESSENDEN. The provision amounts to very little, and the Commissioner was of opinion that it would be very embarrassing in practice to require the advertisement to be in the newspaper of the largest circulation. We took his advice about it.

Mr. TRUMBULL. The officers are the last persons to whom I would go for advice in relation to matters of this kind.

Mr. FESSENDEN. We applied to the Commissioner.

Mr. TRUMBULL. He is one of the officers. It seems to me that it should not be left to these officers to select the newspaper as a matter of favoritism, and allow them to select a paper that does not give notice to the taxpayers. The object of publishing this notice is to have the world see it. That being the object, let it be published where most of the world will see it. I hope the provision as adopted by the House will not be changed.

Mr. FESSENDEN. The whole clause required revision. It was somewhat bunglingly framed, and we were obliged to change it all through. A change here would necessarily lead to a great many other changes. The Senator is aware that if a mistake was made in that particular in regard to the selection of the newspaper, it might vitiate the whole proceeding. We must always trust something to the discretion and honesty of the officer. We came to the conclusion that the Commissioner was right about it, and on consideration the committee adopted his suggestion.

Mr. HENDRICKS. I think the words "within the county," ought to be inserted after the words "largest circulation."

Mr. FESSENDEN. Then the question would arise, what was the largest local circulation?

Mr. HENDRICKS. I move to insert the words "within the county," after "circulation."

The PRESIDING OFFICER. That amendment is not in order. The question is on the amendment of the Committee on Finance.

Mr. FESSENDEN. This provision covers a collection district, and a collection district is a whole congressional district.

Mr. GRIMES. It speaks of an assessment district here.

Mr. FESSENDEN. The language is, "the assessor for each collection district shall give

notice by advertisement in one newspaper published in each county within said district, and if there be none published in any county of the district, then in a newspaper published in the collection district adjoining thereto." You see that the provision as it stands in the House bill would send the assessor around inquiring as to the circulation of the different newspapers. He would have to examine with great accuracy. We have already seen the disputes that arise where that rule does exist. Some say that one thing should be taken into consideration, and some say another. It makes confusion and difficulty in doing business.

Mr. GRIMES. I understand that a collection district is a congressional district, but an assessment district is a subdivision of a congressional district.

Mr. FESSENDEN. No; you see it reads, "the assessor for each collection district shall give notice," &c.

Mr. CONNESS. There is another difficulty that would arise. In some counties there are daily newspapers published and weekly newspapers besides. While the daily would have the largest local circulation in a part of the district, the weekly would have the largest in the entire district. We shall get into exceeding difficulty if we undertake to change what the committee have agreed upon.

Mr. FESSENDEN. I hope the Senate will leave it as the committee fixed the matter; we became entirely convinced that it was better to fix it as we have proposed.

The amendment was agreed to.

The next amendment was in line one hundred and fifty-six to strike out the word "the" before "newspaper" and insert the word "a;" and in the same line, after the word "newspaper," to strike out the words "of largest circulation" and insert "published;" so as to read:

And if there be none published in any county of the district, then in a newspaper published in the collection district adjoining thereto.

Mr. TRUMBULL. I should like to inquire of the chairman why they go out of the district. A collection district, as I understand, in practice embraces a congressional district. If in any county of a congressional district no paper is published, then this act, if I understand it, requires that the publication shall be made in a newspaper published in the collection district adjoining thereto. Why not in the same collection district? Why do you necessarily compel the assessor when a particular county has no paper published in it, to publish the notice in a collection district to which that county does not belong?

Mr. FESSENDEN. The language should be "a collection district adjoining" instead of "the collection district adjoining."

Mr. TRUMBULL. Why not strike out the words "adjoining thereto?"

Mr. FESSENDEN. For the simple reason that it was supposed a man would be more likely to get notice from a newspaper near him.

Mr. TRUMBULL. The Senator from Maine certainly does not understand me, or I do not understand the bill. The bill as it is necessarily compels the assessor to publish in some other district than the one in which the county is.

Mr. FESSENDEN. No, sir.

Mr. TRUMBULL. Then I do not understand it; the language is, "in a newspaper published in the collection district adjoining thereto."

Mr. FESSENDEN. It reads:

That the assessor for each collection district shall give notice by advertisement in one newspaper published in each county within said district, and if there be none published in any county of the district, then in a newspaper published in the collection district adjoining.

I propose to make that last "the" "a." If there is a newspaper published in the whole district, the notice must be published there, and if not, in the next district.

Mr. ANTHONY. I suggest that the words "any county of" be left out, so as to read "if there be none published in the district." The

language is somewhat equivocal now. If there is any county in the district which has no newspaper, it is liable to the construction that the publication must be in the adjoining district.

Mr. TRUMBULL. If the words "any county of" be left out it will be clear.

Mr. FESSENDEN. Very well; that is only changing the phraseology.

Mr. ANTHONY. But it would make it unequivocal.

The amendment of the committee was agreed to.

Mr. FESSENDEN. Now I move to amend the clause further by striking out the words "any county of," so that it will read, "and if there be none published in the district, then in a newspaper," &c.

The amendment was agreed to.

Mr. FESSENDEN. In line one hundred and fifty-seven I move to strike out "the" and insert "a," so as to read, "in a collection district adjoining thereto."

The amendment was agreed to.

The next amendment of the Committee on Finance was to strike out in lines one hundred and fifty-seven and one hundred and fifty-eight the words "by notifications to be posted up" and to insert "shall post notices;" in line one hundred and fifty-nine after "places" to insert "within each assessment district;" and in line one hundred and sixty-one after "office" to strike out "within each assessment district advertise by not less than ten days' notice, all persons concerned of;" and to insert "stating;" so as to read:

That the assessor for each collection district shall give notice by advertisement in one newspaper published in each county within said district, and if there be none published in the district, then in a newspaper published in a collection district adjoining thereto, and shall post notices in at least four public places within each assessment district, and shall mail a copy of such notice to each postmaster in his district to be posted up in his office, stating the time and place within said collection district when and where appeals will be received and determined relative to any erroneous or excessive valuations, assessments, or enumerations by the assessor or assistant assessor returned in the annual list.

The amendment was agreed to.

Mr. VAN WINKLE. I move to strike out the word "up" after "posted" in line one hundred and sixty-one.

The amendment was agreed to.

The committee further proposed to amend the clause in line one hundred and sixty-seven, after the word "list," by inserting:

And such notice shall be advertised and posted by the assessor and mailed as aforesaid at least ten days before the time appointed for hearing said appeals.

The amendment was agreed to.

The committee proposed to add "s" to "appeal" in line one hundred and seventy-two, so as to make the word "appeals."

The PRESIDING OFFICER. That will be regarded as agreed to.

The Secretary read the next clause of the ninth section, as follows:

That section twenty be amended by striking out all after the enacting clause and inserting in lieu thereof the following: that the said assessor of each collection district, respectively, shall, immediately after the expiration of the time for hearing appeals concerning taxes returned in the annual list, and from time to time as duties or taxes become liable to be assessed, make out lists containing the sums payable according to law upon every subject of taxation for each collection district; which list shall contain the name of each person residing within the said district, or owning or having the care or superintendence of property lying within the said district, or engaged in any business or pursuit which is liable to any tax or duty, when such person or persons are known, together with the sums payable by each; and where there is any property within any collection district liable to tax, not owned or occupied by or under the superintendence of any person resident therein, there shall be a separate list of such property, specifying the sum payable and the names of the respective proprietors when known. And the assessor making out any such separate list shall transmit to the assessor of the district where the persons liable to pay such tax reside, or shall have their principal place of business, copies of the list of property held by persons so liable to pay such tax, to the end that the taxes assessed under the provisions of this act may be paid within the collection district where the persons liable to pay the same reside or may have their principal place of business. And in all other cases the said assessor shall furnish to the collectors of the several

collection districts, respectively, within ten days after the time of hearing appeals concerning taxes returned in the annual list, and from time to time thereafter as required, a certified copy of such list or lists for their proper collection districts. And in case it shall be ascertained that the annual list or any other list, which may have been, or which shall hereafter be, delivered to any collector, is imperfect or incomplete in consequence of the omission of the names of any persons or parties liable to tax or duty, or in consequence of any omission, or understatement, or undervaluation, or false or fraudulent statement contained in any return or returns made by any persons or parties liable to tax or duty, the said assessor may, from time to time, or at any time within one year from the time of the passage of this act or from the time of the delivery of the list to the collector as aforesaid, enter on any monthly or special list the names of such persons or parties so omitted, together with the amount of tax for which they may have been or shall become liable, and also the names of the persons or parties in respect to whose returns, as aforesaid, there has been or shall be any omission, undervaluation, understatement, or false or fraudulent statement, together with the amounts for which such persons or parties may be liable over and above the amount for which they may have been, or shall be, assessed upon any return or returns made as aforesaid, and shall certify or return said list to the collector as required by law. And all or any proceedings authorized by law for the ascertainment of liability to any tax or duty, or the assessment or collection thereof, shall be held to apply, as far as may be necessary, to the proceeding herein authorized and directed.

The Committee on Finance proposed to amend in line two hundred and thirteen by striking out "said" before "assessor," and in line two hundred and fourteen by striking out "respectively."

The amendment was agreed to.

The committee also proposed to strike out, in line two hundred and sixteen, the words "duties or" before "taxes;" and in line two hundred and twenty-three, line two hundred and forty-eight, and line two hundred and fifty-two, to strike out the words "or duty" after "tax."

The amendment was agreed to.

The committee proposed to strike out in line two hundred and fifty-three, after the word "within," the words "one year" and to insert "two years."

The amendment was agreed to.

The committee proposed to strike out after the word "all," in line two hundred and sixty-six, the words "or any proceedings authorized by," and to insert "provisions of;" and in line two hundred and sixty-eight to strike out after "tax" the words "or duty;" so as to read:

And all provisions of law for the ascertainment of liability to any tax, or the assessment or collection thereof, shall be held to apply, as far as may be necessary, to the proceedings herein authorized and directed.

Mr. FESSENDEN. I have an amendment to propose to a part of the bill which has been passed over on page 11. It is to insert between lines twenty-five and twenty-six of the ninth section this clause:

That section eight be amended by striking out of said section all after the words "until an appointment filling the vacancy shall be made."

The words that I propose to strike out of the law are the form of the oath to be taken by assessors and assistant assessors. The general act of July 2, 1862, provides for the same oath substantially and more too. The result is that the Commissioner is obliged to send to each officer two oaths, and he must take two, one under the act which we propose to amend, and one under the general act of July 2, 1862, which covers the same ground precisely and is even more stringent. I propose to amend by striking out the oath required by the internal revenue act, leaving all these officers to stand under the general law.

The amendment was agreed to.

Mr. FESSENDEN. I desire now to propose another amendment to carry out that idea, to come in where the reading last stopped, on page 21, after line two hundred and seventy of section nine of this bill:

That section twenty-one be amended by striking out the words "without having taken the oath or affirmation required by this act" and inserting in lieu thereof "without having taken the oath or affirmation required by law."

The amendment was agreed to.

The Secretary read the next clause, as follows:

That section twenty-two be amended by striking out all after the enacting clause and inserting in lieu thereof the following: that there shall be allowed and paid to the several assessors a salary of \$1,500 per annum, payable quarterly; and, in addition thereto, where the receipts of the collection district shall exceed the sum of \$100,000, and shall not exceed the sum of \$400,000 annually, one half of one per cent. upon the excess of receipts over \$100,000. Where the receipts of a collection district shall exceed \$400,000, and shall not exceed \$600,000, one fifth of one per cent. upon the excess of receipts over \$400,000. Where the receipts shall exceed \$600,000, one tenth of one per cent. upon such excess; but the salary of no assessor shall in any case exceed the sum of \$4,000. And the several assessors shall be allowed and paid the sums actually and necessarily expended, with the approval of the Commissioner of Internal Revenue, for office rent; but no account for such rent shall be allowed or paid until it shall have been verified in such manner as the Commissioner shall require, and shall have been audited and approved by the proper officer of the Treasury Department. And the several assessors shall be paid, after the account thereof shall have been rendered to and approved by the proper officers of the Treasury, their necessary and reasonable charges for clerk hire; but no such account shall be approved unless it shall state the name or names of the clerk or clerks employed and the precise periods of time for which they were respectively employed, and the rate of compensation agreed upon, and shall be accompanied by an affidavit of the assessor stating that such service was actually rendered, and the necessities of his office, and was actually rendered, and also by the affidavit of each clerk, stating that he has rendered the service charged in such account on his behalf, the compensation agreed upon, and that he has not paid, deposited, or assigned, or contracted to pay, deposit, or assign, any part of such compensation to the use of any other person, or in any way, directly or indirectly, paid or given, or contracted to pay or give, any reward or compensation for his office or employment, or the emoluments thereof; and the chief clerk of any such assessor is hereby authorized to administer, in the absence of the assessor, such oaths or affirmations as are required by this act. And there shall be allowed and paid to each assistant assessor four dollars for every day actually employed in collecting lists and making valuations, the number of days necessary for that purpose to be certified by the assessor, and three dollars for every hundred persons assessed contained in the tax list, as completed and delivered by him to the assessor, and twenty-five cents for each permit granted to any tobacco, snuff, or cigar manufacturer; and the several assistant assessors shall be allowed, in the settlement of their accounts, such sum as the Commissioner of Internal Revenue shall approve, not exceeding \$300 per annum, for office rent; but no account for such rent shall be allowed or paid until it shall have been verified in such manner as the Commissioner of Internal Revenue shall require, and shall have been audited and approved by the proper officer of the Treasury Department; and other assistant assessors, when employed outside of the town in which they reside, in addition to the compensation now allowed by law, shall, during such time so employed, receive one dollar per day; and the said assessors and assistant assessors, respectively, shall be paid, after the account thereof shall have been rendered to and approved by the proper officers of the Treasury, their necessary and reasonable charges for stationery and blank books used in the discharge of the duties, and for postage actually paid on letters and documents received and sent, and relating exclusively to official business, and for money actually paid for publishing notices required by this act: *Provided*, That no such account shall be approved unless it shall state the date and the particular item of every such expenditure, and shall be verified by the oath or affirmation of such assessor or assistant assessor; and the compensation herein specified shall be in full for all expenses not otherwise particularly authorized: *Provided further*, That the Commissioner of Internal Revenue may, under such regulations as may be established by the Secretary of the Treasury, after due public notice, receive bids and contracts for supplying stationery, blank books, and blanks to the assessors, assistant assessors, and collectors in the several collection districts: *Provided further*, That the Secretary of the Treasury shall be, and he is hereby, authorized to fix such additional rates of compensation to be made to assessors and assistant assessors in cases where a collection district embraces more than a single congressional district, and to assessors and assistant assessors, revenue agents, and inspectors in Louisiana, Georgia, South Carolina, Alabama, Florida, Texas, Arkansas, North Carolina, Mississippi, Tennessee, California, Nevada, and Oregon, and the Territories, as may appear to him to be just and equitable in consequence of the greater cost of living and traveling in those States and Territories, and as may, in his judgment, be necessary to secure the services of competent officers; but the rates of compensation thus allowed shall not exceed the sum of \$5,000 per annum. Collectors of internal revenue acting as disbursing officers shall be allowed all bills of assistant assessors heretofore paid by them in pursuance of the directions of the Commissioner of Internal Revenue, notwithstanding the assistant assessor did not certify to hours therein, or that two dollars per diem was deducted from his salary or compensation before computation of the tax thereon.

The Committee on Finance proposed to amend this clause by striking out in lines three hundred and twenty-one and three hundred and twenty-two the words "and twenty-five

cents for each permit granted to any tobacco, snuff, or cigar manufacturer."

Mr. HOWE. Before the amendment is acted on, I wish to ask the chairman of the committee whether these words, in the two hundred and eighty-ninth line, "with the approval of the Commissioner of Internal Revenue," are thought to be necessary. Are they not a little inconsistent with other provisions?

Mr. FESSENDEN. No, sir. That is the law as it stands, I think. Those allowances must be approved by the Commissioner, and they must go through the auditing officers as now provided.

Mr. HOWE. I thought similar words were left out of the last act.

Mr. FESSENDEN. You refer to matters of clerk hire, I think, not office rent.

Mr. HOWE. My recollection was that we did leave those words out to prevent the officers from making allowances either for clerk hire or for office rent.

Mr. FESSENDEN. It did not apply to office rent. I think we ought to make further provision for office rent, and the committee are now considering that point. Some of the officers have to keep their offices in their houses.

Mr. HOWE. The Senator does not understand my objection. It is not an objection to allowing office rent, but I wish to leave the officer to secure the rent of his office as he does his clerk hire, employing only so much office room as is necessary, just as he is allowed to employ so much clerical labor as is necessary.

Mr. FESSENDEN. The matter of office rent did not come into the amendment of the previous law to which the Senator refers.

Mr. HOWE. This is not the time for me to offer an amendment on the subject.

The amendment of the committee was agreed to.

Mr. FESSENDEN. In the two hundred and ninety-third line the word "officer" should be "officers," so as to read, "audited and approved by the proper officers of the Treasury Department."

The PRESIDING OFFICER. That correction will be made.

Mr. CONNESS. It seems to me that this is continuing one of the greatest difficulties that our revenue officers labor under on the Pacific coast. They have to secure the approval of their vouchers first by the Commissioner and then by the proper officers of the Department, which consumes many months of time, and they are not allowed, in the mean time, to make payment, so that they have got to make the payment out of their own pockets before they can obtain the vouchers and send them here for approval. Then many months transpire before they can get this approval. It has been one of the practical difficulties that these officers have been subjected to, which have impoverished them very much and hindered the operation of the law. We have presented many complaints at different times about it, and I do not see but that this continues the difficulty in place of making some provision to relieve it.

Mr. FESSENDEN. I do not know of any way to remedy it. There are complaints on both sides. My friend from Wisconsin thinks the law is not stringent enough in regard to it.

Mr. CONNESS. The complaint that I make, if it can be called a complaint at all, comes from the inevitable distance, which we cannot shorten, and the length of time consumed in correspondence. From Wisconsin to Washington, as distant as Wisconsin is from Washington, vouchers may be sent in two or three days. From California to here they consume a month, and then it takes a month for an answer, and if there is a misunderstanding another month is consumed.

Mr. FESSENDEN. The Senator misunderstands it. These vouchers are only required with the statement of accounts. They get leave from the Commissioner, I suppose, to pay a certain amount of rent in advance; that is the way they should do, certifying to him what they need; and then when they come to settle their accounts they must have the proper

vouchers. It is the same difficulty that exists in regard to the settlement of all accounts at the Treasury Department. It takes a good while to send them here, and then they must go through the regular form. It is an inconvenience that cannot be remedied.

Mr. CONNESS. I am aware that this has been a very special inconvenience, and I think the Commissioner of Internal Revenue is quite aware of it. Whether this continues it or cures it I do not know and cannot say.

The Secretary read the next amendment of the Committee on Finance, which was in line three hundred and twenty-eight to strike out "shall" and insert "may."

The amendment was agreed to.

Mr. FESSENDEN. I move, in line three hundred and twenty-three, before "assistant," to strike out "the several," so as to let the provision read:

And assistant assessors shall be allowed, in the settlement of their accounts, such sum as the Commissioner of Internal Revenue shall approve, not exceeding \$300 per annum, for office rent, &c.

The amendment was agreed to.

Mr. GRIMES. I desire to inquire whether that is not a new provision. Have we been in the habit of allowing assistant assessors \$300 for office rent?

Mr. FESSENDEN. It is "not exceeding \$300."

Mr. HENDRICKS. Is not this for the district assessor?

Mr. GRIMES. No; for the assistant assessor, the county assessor. We have heretofore allowed the assessor for the congressional district office rent, but it is now proposed to allow office rent to each one of the assistant assessors.

Mr. CONNESS. Must they not have an office?

Mr. GRIMES. They may in California, where they collect so much money, as I understand they do.

Mr. CONNESS. More than in Iowa.

Mr. GRIMES. But there is no necessity for any such office in the State which I have the honor to represent.

Mr. FESSENDEN. There is a necessity for it in large cities, and that is the reason the provision is put in.

Mr. GRIMES. Then why is it inserted in the way it is if it is to apply simply to those cases? I have no motion to make. If the Committee on Finance proposed to permit the Commissioner of Internal Revenue to allow office rent in certain places where there is a large population it might be very well; but as it stands here, every deputy assessor will claim this allowance of \$300.

Mr. FESSENDEN. It is absolutely necessary that such an allowance should be made in many cases. You cannot make distinctions in the law and say where it shall be allowed and where not. That must be left to the discretion of the Commissioner. There is no other way to settle it. There are cases where the allowance ought to be made. I have one in my mind where the assistant assessor came before the committee and represented his case. He keeps his office in his house, and it occupies a large portion of his house. He is a man of intelligence and a very excellent officer, and he told the committee—and I have no doubt he told the truth—that the result was what I shall state. He told us how much rent he gave for his house.

Mr. GRIMES. Where is his office?

Mr. FESSENDEN. In Baltimore. He cannot afford to keep a servant, and his wife has to do the whole work of the house. He was allowed nothing for the part of the house which he used as an office, and for the whole of which he paid rent, and at the end of the year, living very economically, his wife doing the entire work of the family, he brought himself about one hundred or two hundred dollars in debt. Certainly, if a man hires a house and lives in it, and gives up part of it to the use of the Government as an office day and evening—for the assistant assessor is at work day and evening—he ought

to be allowed something by way of office rent. He is obliged to keep an office. I do not know how we can provide a system by which we can tell exactly where such an allowance will be necessary. Each case must be left to the discretion of the officer at the head of the bureau, or somebody else. There must be discretion left somewhere.

Mr. HENDRICKS. I ask the chairman if he cannot limit it to cities. This provision would impose a very disagreeable duty on the Commissioner, and unless he is a very firm man he would fall before it. Applications will come up from every county asking this allowance. Why not limit it to cities of a certain population?

Mr. WILLIAMS. According to the information which I have, these assistant assessors are very poorly compensated for their services, even if this \$300 should be allowed. I have in my hand two letters that I received this morning from assistant assessors, complaining that their salaries are wholly inadequate. I know that assistant assessors generally throughout the country consider that their compensation is not so much as it ought to be, and there is a general complaint from these officers on that subject, and if the Commissioner should happen to allow \$300 to every assistant assessor, I am satisfied that they would not receive more than they ought to have for their services.

Mr. KIRKWOOD. I am very strongly impressed with the idea that we ought to pay the assistant assessors more liberally than we do. Really the working of our whole revenue system depends on them, and I think we should do better to pay them more liberally. I was in hopes that the committee would have reported a regular salary instead of a per diem for them; and when the proper time comes I may move to amend the bill in that particular. The business of an assistant assessor, if properly performed, prevents the performance of any other business. A man cannot carry on any other business at the same time that he is doing the business of an assistant assessor, if he attends to his public duties properly. Even in the State that I represent it breaks up any other business. We must, either by indirection in this way, or directly by giving a salary, I think, secure them some reasonable compensation, if we want our work well done.

Mr. CONNESS. A suggestion which I made a short time since was replied to by the Senator from Iowa, [Mr. GRIMES,] who said that perhaps office rent for deputy assessors was necessary in California where they collect so much money. The peculiar kind of logic that radiates from that Senator at times is hardly intended to meet the case, but intended to silence whoever makes suggestions. I doubt very much whether it either meets the case or has the other effect in this instance. I know of a great many instances where deputy assessors may not require office rent, and I am entirely willing to trust the Department to make the application of the law in those cases; but I also know a great many cases where an office, and rent to pay for it, must be given and used by them. You must either give them a sufficient per diem to enable them to pay the rent themselves, or else pay the rent for them under the present per diem that is allowed. I am very glad to say that there is a very large internal revenue collected in the State that I in part represent here, and I am very glad of it. I think the law is being pretty well administered there, and I am exceedingly anxious to do anything that will secure its being administered still better there and increase the public revenue. I cannot conceive any better way to increase the public revenue than to satisfy, properly of course, the deputy assessors. The whole revenue depends on the faithfulness with which they do their work. It is by their effort that we get money.

The next amendment of the committee was to strike out "other" before "assistant assessors," in line three hundred and thirty.

The amendment was agreed to.

Mr. FESSENDEN. I move, on consultation, in line three hundred and twenty-three, to strike out the word "shall" and to insert "may," so as to read:

Assistant assessors may be allowed, in the settlement of their accounts, such sum as the Commissioner of Internal Revenue shall approve, not exceeding \$300 per annum, for office rent.

The amendment was agreed to.

The Committee on Finance proposed to insert the word "make" before the words "contracts for supplying stationery," in line three hundred and fifty.

The amendment was agreed to.

The committee proposed, in line three hundred and sixty-six, to strike out "rates of" before "compensation," and in line three hundred and sixty-seven to strike out "sum" and insert "rate," so as to read, "but the compensation thus allowed shall not exceed the rate of \$5,000 per annum."

The amendment was agreed to.

The Secretary read the next clause of the ninth section, as follows:

That section twenty-four be amended by striking out the proviso thereto: *Provided further*, That in calculating the commissions of assessors and collectors of internal revenue in districts whence cotton or distilled spirits are shipped in bond to be sold in another district, one half the amount of tax received on the quantity of cotton or spirits so shipped, shall be added to the amount on which the commissions of such assessors and collectors are calculated; and a corresponding amount shall be deducted from the amount on which the commissions of the assessors and collectors of the districts to which such cotton or spirits are shipped are calculated.

The committee proposed to amend this clause, in line three hundred and seventy-six, after "thereto," by inserting the words "and inserting in lieu thereof the following," and in line three hundred and seventy-seven, after the word "provided," by striking out "further;" so as to read:

That section twenty-four be amended by striking out the proviso thereto, and inserting in lieu thereof the following: *Provided*, That, &c.

The amendment was agreed to.

The Secretary read the next clause of the bill, as follows:

That section twenty-six be amended by striking out all after the enacting clause and inserting in lieu thereof the following: that in the adjustment of the accounts of the assessors and collectors of internal revenue which shall accrue after the 30th of June, 1864, and in the payment of their compensation for services after that date, the fiscal year of the Treasury shall be observed; and where such compensation, or any part of it, shall be by commissions upon assessments or collections, and shall during any year, in consequence of a new appointment, be due to more than one assessor or collector in the same district, such commissions shall be apportioned between such assessors or collectors; but in no case shall a greater amount of the commissions be allowed to two or more assessors or collectors in the same district than is or may be authorized by law to be allowed to one assessor or collector. And the salary and commissions of assessors and collectors heretofore earned and accrued shall be adjusted, allowed, and paid in conformity to the provisions of this section, and not otherwise; but no payment shall be made to assessors or collectors on account of salaries or commissions without the certificate of the Commissioner of Internal Revenue, that all reports required by law or regulation have been received, or that a satisfactory explanation has been rendered to him of the cause of the delay.

No amendment was reported to this clause by the Committee on Finance.

The Secretary read the next clause, as follows:

That section twenty-eight be amended by striking out all after the enacting clause and inserting in lieu thereof the following: that each of said collectors shall, within twenty days after receiving his annual collection list from the assessors, give notice, by advertisement published in each county in his collection district, in the newspaper of largest circulation printed in such county, if there be any, and if not, then in the newspaper of largest circulation in the nearest adjoining county, and by notifications to be posted up in at least four public places in each county in his collection district, that the said duties have become due and payable, and state the time and place within said county at which he or his deputy will attend to receive the same, which time shall not be less than ten days after the date of such notification, and shall send a copy of such notice by mail to each postmaster in the county, to be posted up in his office. And if any person shall neglect to pay, as aforesaid, for more than ten days, it shall be the duty of the collector or his deputy to issue to such person a notice, to be left at his dwelling or usual place of business, or be sent by mail, demanding the payment of said duties or taxes, stating the amount thereof, with a fee of twenty cents for the issuing and service of such notice, and with four cents for each mile actually and necessarily traveled in serving the same. And if such per-

sons shall not pay the duties or taxes, and the fee of twenty cents and mileage as aforesaid, within ten days after the service or the sending by mail of such notice, it shall be the duty of the collector or his deputy to collect the said duties or taxes, and fee of twenty cents and mileage, with a penalty of ten per cent. additional upon the amount of duties or taxes. And with respect to all such duties or taxes as are not included in the annual lists aforesaid, and all taxes and duties the collection of which is not otherwise provided for in this act, it shall be the duty of each collector, in person or by deputy, to give notice and demand payment thereof, in the manner last mentioned, within ten days from and after receiving the list thereof from the assessor, or within twenty days from and after the expiration of the time within which such duty or tax should have been paid; and if the annual or other duties shall not be paid within ten days from and after such notice and demand, it shall be lawful for such collector, or his deputies, to proceed to collect the said duties or taxes, with ten per cent. additional thereto, as aforesaid, by distraint and sale of the goods, chattels, or effects, including stocks, securities, and evidences of debt, of the persons delinquent as aforesaid. And in case of distraint, it shall be the duty of the officer charged with the collection to make, or cause to be made, an account of the goods or effects distrained, a copy of which, signed by the officer making such distraint, shall be left with the owner or possessor of such goods or effects, or at his or her dwelling or usual place of business, with some person of suitable age and discretion, if any such can be found, with a note of the sum demanded, and the time and place of sale; and the said officer shall forthwith cause a notification to be published in some newspaper within the county wherein said distraint is made, if there is a newspaper published in said county, or to be publicly posted up at the post office, if there be one within five miles, nearest to the residence of the person whose property shall be distrained, and in not less than two other public places, which notice shall specify the articles distrained, and the time and place for the sale thereof, which time shall not be less than ten nor more than twenty days from the date of such notification to the owner or possessor of the property and the publication or posting of such notice as herein provided, and the place proposed for sale not more than five miles distant from the place of making such distraint. And said sale may be adjourned from time to time by said officer, if he shall think it advisable to do so, but not for a time to exceed in all thirty days. And in any case in which any person, bank, association, company, or corporation, required by law to make return to the Commissioner of Internal Revenue, shall refuse or neglect to make such return within the time specified, the amount of tax or duty shall be estimated by the proper assessor or assistant assessor, and shall be certified by him to the Commissioner. And in all cases in which the person, bank, association, company, or corporation, required by law to make payment of taxes to the Commissioner, shall neglect or refuse to make such payment within the time required, the Commissioner shall certify the amount of tax due by such person, bank, association, or corporation, with all the penalties, additions, and expenses accruing to the collector of the proper district, who shall collect the same by distraint and sale, as in other cases. And the same proceedings may be had to enforce the collection of taxes which have already accrued and which still remain unpaid. And if any person, bank, association, company, or corporation, liable to pay any tax or duty, shall neglect or refuse to pay the same after demand, the amount shall be a lien in favor of the United States from the time it was due until paid, with the interest, penalties, and costs that may accrue in addition thereto, upon all property and rights to property belonging to such person, bank, association, company, or corporation; and the collector, after demand, may levy, or by warrant may authorize a deputy collector to levy, upon all property and rights to property belonging to such person, bank, association, company, or corporation, or on which the said lien exists, for the payment of the sum due as aforesaid, with interest and penalty for non-payment, and also of such further sum as shall be sufficient for the fees, costs, and expenses of such levy. And in all cases of sale, as aforesaid, the certificate of such sale shall transfer to the purchaser all right, title, and interest of such delinquent in and to the property sold; and where such property shall consist of stocks, said certificate shall be notice, when received, to any corporation, company, or association of said transfer, and shall be authority to such corporation, company, or association to record the same on their books and records, in the same manner as if transferred or assigned by the person or party holding the same, in lieu of any original or prior certificates, which shall be void, whether canceled or not. And said certificates, where the subject of sale shall be securities or other evidences of debt, shall be good and valid receipts to the person holding the same, as against any person holding, or claiming to hold, possession of such securities or other evidences of debt. And all persons, and officers of companies or corporations, are required, on demand of a collector or deputy collector about to distraint, or having distrained on any property and rights of property, to exhibit all books containing evidence or statements relating to the subject or subjects of distraint, or the property or rights of property liable to distraint for the tax so due as aforesaid: *Provided*, That in any case of distraint for the payment of the duties or taxes aforesaid, the goods, chattels, or effects so distrained shall and may be restored to the owner or possessor, if prior to the sale payment of the amount due shall be made to the proper officer charged with the collection, together with the fees and other charges; but in case of non-payment as aforesaid, the said officers shall proceed to sell the said goods,

chattels, or effects at public auction, and shall retain from the proceeds of such sale the amount demandable for the use of the United States, with the fees and charges for distraint and sale, and a commission of five per cent. thereon for his own use, rendering the overplus, if any there be, to the person who may be entitled to receive the same: *Provided further*, That there shall be exempt from distraint and sale, if belonging to the head of a family, the school-books and wearing apparel necessary for such family; also arms for personal use, one cow, two hogs, five sheep and the wool thereof, provided the aggregate market value of said sheep shall not exceed fifty dollars; the necessary food for such cow, hogs, and sheep for a period not exceeding thirty days; fuel to an amount not greater in value than twenty-five dollars; provisions to an amount not greater than fifty dollars; household furniture kept for use, to an amount not greater than \$300; and books, tools, or implements of a trade or profession to an amount not greater than \$100; and the officer making the distraint shall call upon the assessor of the district to summon three disinterested householders of the vicinity, who shall appraise and set apart to the owner the amount of property herein declared to be exempt.

The committee proposed to amend this clause by inserting after "advertisement," in line four hundred and seventeen, the words "in one newspaper," and in line four hundred and eighteen after "district," by striking out "in the newspaper of largest circulation printed in such county," so as to read:

That each of said collectors shall, within twenty days after receiving his annual collection list from the assessors, give notice, by advertisement in one newspaper published in each county in his collection district, if there be any, and if not then in the newspaper, &c.

The amendment was agreed to.

The next amendment was in line four hundred and twenty to strike out "the" and insert "a" before "newspaper," and after "newspaper" to strike out "of largest circulation" and insert "published," in line four hundred and twenty-one after "in" to strike out "the nearest" and insert "an," in line four hundred and twenty-two to strike out "up" after "posted," and in line four hundred and twenty-three after "said" to strike out "duties" and insert "taxes," so that, as amended, the clause will read:

That each of said collectors shall, within twenty days after receiving his annual collection list from the assessors, give notice, by advertisement in one newspaper published in each county in his collection district, if there be any, and if not then in a newspaper published in an adjoining county, and by notifications to be posted in at least four public places in each county in his collection district, that the said taxes have become due and payable, and state the time and place within said county at which he or his deputy will attend to receive the same, which time shall not be less than ten days after the date of such notification, and shall send a copy of such notice by mail to each postmaster in the county, to be posted up in his office.

The amendment was agreed to.

The next amendment was in line four hundred and twenty-two, after the word "posted," to strike out the word "up."

The amendment was agreed to.

The next amendment was in line four hundred and twenty-three to strike out the word "duties" and to insert "taxes."

The amendment was agreed to.

The next amendment was in line four hundred and thirty-three to strike out the words "duties or" before the word "taxes."

The amendment was agreed to.

The next amendment was in line four hundred and thirty-seven to strike out the words "duties or" before "taxes."

The amendment was agreed to.

The next amendment was in line four hundred and forty-one to strike out the words "duties or" before the word "taxes."

The amendment was agreed to.

The next amendment was in line four hundred and forty-three to strike out the words "duties or" before the word "taxes."

The amendment was agreed to.

The next amendment was in line four hundred and forty-four to strike out the words "duties or" before the word "taxes."

The amendment was agreed to.

The next amendment was in line four hundred and forty-five, after the word "taxes," to strike out the words "and duties."

The amendment was agreed to.

The next amendment was in line four hundred and fifty-one to strike out the words "duty or" before the word "tax."

The amendment was agreed to.

The next amendment was in line four hundred and fifty-two to strike out the words "duties" and to insert "taxes."

The amendment was agreed to.

The next amendment was in line four hundred and fifty-five to strike out the words "duties or" before the word "taxes."

The amendment was agreed to.

The next amendment was in line four hundred and seventy, after the word "posted," to strike out the word "up."

The amendment was agreed to.

The next amendment was in line four hundred and seventy-nine to insert the word "shall" before the word "not," and after it to insert the word "be," so that the clause will read:

And the place proposed for sale shall not be more than five miles distant from the place of making such distraint.

The amendment was agreed to.

The next amendment was after the word "days," in line four hundred and eighty-three, to strike out the following clause:

And in any case in which any person, bank, association, company, or corporation, required by law to make return to the Commissioner of Internal Revenue, shall refuse or neglect to make such return within the time specified, the amount of tax or duty shall be estimated by the proper assessor or assistant assessor, and shall be certified by him to the Commissioner. And in all cases in which the person, bank, association, company, or corporation, required by law to make payment of taxes to the Commissioner, shall neglect or refuse to make such payment within the time required, the Commissioner shall certify the amount of tax due by such person, bank, association, or corporation, with all the penalties, additions, and expenses accruing to the collector of the proper district, who shall collect the same by distraint and sale, as in other cases. And the same proceedings may be had to enforce the collection of taxes which have already accrued and which still remain unpaid.

The amendment was agreed to.

The next amendment was in line five hundred and one, after the word "tax," to strike out the words "or duty."

The amendment was agreed to.

The next amendment was in line five hundred and thirty-two to strike out the word "and" and to insert "or."

The amendment was agreed to.

The next amendment was in line five hundred and thirty-seven to strike out the words "duties or" before the word "taxes."

The amendment was agreed to.

Mr. FESSENDEN. On page 32, line five hundred and forty-seven of section nine, the words "with the fees and charges for distraint and sale" should be transposed to come in after the word "use" in line five hundred and forty-nine; so that the clause will read:

The amount demandable for the use of the United States, and a commission of five per cent. thereon for his own use, with the fees and charges for distraint and sale, rendering the overplus, &c.

The amendment was agreed to.

The next amendment of the committee was in line five hundred and sixty-one to insert the word "the" before "books;" and in line five hundred and sixty-three, after the word "dollars," to insert "shall also be exempt;" so that the clause will read:

And the books, tools, or implements of a trade or profession to an amount not greater than \$100 shall also be exempt.

The amendment was agreed to.

The Secretary read the next clause of section nine, as follows:

That section twenty-nine be amended by striking out all after the enacting clause and inserting in lieu thereof the following: that in all cases where the property liable to distraint for duties or taxes under this act may not be divisible, so as to enable the collector by a sale of part thereof to raise the whole amount of the tax, with all costs, charges, and commissions, the whole of such property shall be sold, and the surplus of the proceeds of the sale, after satisfying the duty of tax, costs, and charges, shall be paid to the owner of the property, or his legal representatives; or if he cannot be found, or refuse to receive the same, then such surplus shall be deposited in the Treasury of the United States, to be

there held for the use of the owner, or his legal representatives, until he shall make application therefor to the Secretary of the Treasury, who, upon such application, and satisfactory proofs in support thereof, shall, by warrant on the Treasury, cause the same to be paid to the applicant. And if any of the property advertised for sale as aforesaid is of a kind subject to tax or duty under the provisions of this act, and such tax or duty has not been paid, and the amount bid for such property is not equal to the amount of such tax or duty, the collector may purchase the same in behalf of the United States for an amount not exceeding the said tax or duty. And in all cases arising under this act where property subject to tax, but upon which the tax has not been paid, shall be seized upon distraint, or otherwise, and sold, the amount of such tax shall, after deducting the expenses of such sale, be first appropriated, out of the proceeds thereof, to the payment of said tax. And if no assessment of tax or duty has been made upon such property, the same shall be made in like manner as elsewhere provided for the assessment of taxes upon property of like nature. And all property so purchased may be sold by said collector, under such regulations as may be prescribed by the Commissioner of Internal Revenue. And the collector shall render a distinct account of all charges incurred in the sale of such property to the Commissioner of Internal Revenue, who shall, by regulation, determine the fees and charges to be allowed in all cases of distraint and other seizures; or where necessary expenses for making such distraint or seizure have been incurred, and in case of sale, the said collector shall pay into the Treasury the surplus, if any there be, after defraying such fees and charges.

The Committee on Finance proposed several amendments to the clause. The first was in line five hundred and seventy to strike out the word "the" before "property."

The amendment was agreed to.

The next amendment was in line five hundred and seventy-one to strike out the words "duties or" before the word "taxes."

The amendment was agreed to.

The next amendment was in line five hundred and seventy-six to strike out the words "duty or" before the word "tax."

The amendment was agreed to.

The next amendment was in line five hundred and seventy-seven to strike out the words "owner of the property, or his legal representatives," and to insert "persons legally entitled to receive the same."

The amendment was agreed to.

The next amendment was in lines five hundred and eighty-one and five hundred and eighty-two to strike out the words "owner, or his legal representatives," and to insert "persons legally entitled to receive the same."

The amendment was agreed to.

The next amendment was in line five hundred and eighty-eight, after the word "tax," to strike out the words "or duty."

The amendment was agreed to.

The next amendment was in line five hundred and eighty-nine, after the word "tax," to strike out the words "or duty."

The amendment was agreed to.

The next amendment was in line five hundred and ninety-one, after the word "tax," to strike out the words "or duty."

The amendment was agreed to.

The next amendment was in line five hundred and ninety-three, after the word "tax," to strike out the words "or duty."

The amendment was agreed to.

The next amendment was in line five hundred and ninety-nine, after the word "tax," to strike out the words "or duty."

The amendment was agreed to.

The next amendment was in line six hundred, after the word "property," to strike out the words—

The same shall be made in like manner as elsewhere provided for the assessment of taxes upon property of like nature—

And to insert:

The collector shall make a return thereof in the form required by law, and the assessor shall assess the tax thereon.

The amendment was agreed to.

The Secretary read the next clause of section nine, as follows:

That section thirty be amended by striking out all after the enacting clause and inserting in lieu thereof the following: that in any case where sufficient goods or effects belonging to the party owing the tax and duties imposed by this act cannot be found by the said

collector or deputy collector to satisfy the same, such collector or deputy collector is hereby authorized and required to collect the amount thereof from the real estate belonging to the party delinquent, by seizure and sale thereof as hereinafter provided, and for that purpose the said collector or deputy collector shall summon the party whose real estate is proposed to be sold, that on the first day of the next ensuing term of the United States district or circuit court, held in and for the district in which the real estate proposed to be sold or the greater part thereof is situated, that he be and appear before said court, and show cause, if any he have, why judgment for the amount of said tax and duties should not be rendered against him, and the real estate therein named sold to pay the same, together with the fees and costs growing out of the said proceedings. The said summons shall recite the amount of the tax and duties, at what time the same became due and payable, together with a description of the real estate seized and proposed to be sold, and where situated, and shall be served by leaving a copy thereof with the delinquent, or at his usual place of abode with some member of his or her family over the age of fifteen years. If the said delinquent cannot be found nor have any place of abode within the proper collection district, then the said collector or deputy collector shall cause publication thereof to be made by at least four insertions in a newspaper published nearest the said real estate. The said collector or deputy collector shall, within five days after the service of the summons, or the completion of the publication thereof as aforesaid, transmit the same, with the time and manner of the service thereof properly certified thereon, to the clerk of the said district or circuit court, and upon the receipt thereof the said court shall be possessed of the case, and, unless cause to the contrary be shown by said delinquent, shall render judgment against the said delinquent for the amount of the tax and duties found due by him and unpaid, and decree the sale of said real estate for the payment thereof at the first term of said court, provided the same shall commence not less than twenty days from the service of the summons or the completion of the publication thereof; otherwise, at the second term, unless longer continued for good cause shown. Upon the rendition of a judgment as aforesaid, the clerk of the said court shall issue execution thereon, which shall be a special *fiery facias* against the real estate therein mentioned in all cases when the delinquent shall have been summoned by publication as aforesaid, and has not appeared in person or by attorney; in all other cases, if the real estate mentioned therein be not sufficient to satisfy the judgment and expense thereon, the same may be levied on other property, real and personal, of said delinquent. The execution so issued the clerk shall transmit to the said collector or deputy collector, who shall thereupon proceed to sell the said real estate, or so much thereof as may be necessary to pay the said judgment, fees, and costs, to the highest bidder, for cash, at the court-house of the county in which the said real estate is situated, unless another and different place shall be specially designated by the Commissioner of Internal Revenue, first giving twenty days' public notice of the time and place of sale and the property to be sold, and where situated, by advertisement in a newspaper, if there be one, published in said county, and if not, by at least six handbills put up in public places in said county; and upon such sale and the payment of the purchase money shall give to the purchaser a certificate of purchase, in which shall set forth the real estate purchased, the taxes and duties the same was sold, the name of the purchaser, and the price paid therefor; and if the said real estate be not redeemed in the manner and within the time hereinafter provided, then the said collector or deputy collector shall execute to the said purchaser, upon his surrender of said certificate, a deed to the real estate purchased by him as aforesaid, and in accordance with the laws of the State in which such real estate is situated upon the subject of sales of real estate under execution, which said deed shall be *prima facie* evidence of the facts therein stated, and shall be considered and operate as a conveyance of all the right, title, and interest the delinquent had in and to the real estate thus sold at the time the lien of the United States attached thereto. Any delinquent, whose estate may be proceeded against as aforesaid, shall have the right to pay the amount due, together with the costs and charges thereon, to the collector or deputy collector at any time prior to the sale thereof, and all further proceedings shall cease from the time of such payment. The owners of any real estate sold as aforesaid, their heirs, executors, or administrators, or any person having any interest therein, or a lien thereon, or any person in their behalf, shall be permitted to redeem the land sold as aforesaid, or any particular tract thereof, at any time within one year after the sale thereof, upon payment to the purchaser, or, in case he cannot be found in the county in which the land sought to be redeemed is situated, then to the collector for the use of the purchaser, his heirs or assigns, the amount paid by the said purchaser and interest thereon at the rate of twenty per cent. per annum. It shall be the duty of every collector to keep a record of all proceedings and sales of land made by virtue of this act, whether by himself or his deputies, in which he shall enter the tax for which any such sale was made, the date of the service of the summons, the name of the party assessed, and the date thereof, the date and amount of the judgment, and all costs and fees attending the same, the advertisement and sale, the name of the purchaser, the amount paid, and for what real estate, and all material facts connected therewith, which record shall be certified to by the officer making the sale. It shall be the duty of every deputy making sale as aforesaid to return a true statement thereof to the collector within ten days from the day of sale and to certify the record thereof, and the record required

herein to be kept shall be received in any court as *prima facie* evidence of the facts therein stated, and shall be by the said collector handed over to his successor in office. When any lands thus sold shall be redeemed as hereinbefore provided, if the redemption money be paid to the purchaser thereof, the said purchaser shall deliver to the person redeeming the same the certificate of purchase aforesaid, upon which he shall acknowledge the receipt of the redemption money, from whom received, and the date thereof. Upon the return of the said certificate received as aforesaid to the collector, or upon the receipt of the redemption money by the collector as aforesaid, the said collector shall enter upon said record the facts attending the redemption thereof, and shall within ten days thereafter make out and certify a full copy of the record of such case, and transmit the same, together with the execution aforesaid, to the clerk of the court from which such execution issued, to be there preserved with the papers of the case. Any collector or deputy collector is hereby authorized to proceed as herein specified against the real estate of any delinquent in his district, situate in any other collection district within the State of which his district forms a part, and his proceedings in relation thereto shall be conducted in like manner and with like effect as if the same were had in his proper collection district. Whenever at any sale as aforesaid no sum is bid for the real estate so offered for sale, or an amount insufficient to satisfy the judgment, costs, and fees, the collector or deputy collector is authorized to purchase the same for the United States, subject to redemption as herein provided; and if not redeemed, shall execute a deed as aforesaid, and deposit the same with the district attorney of the United States for the district in which the proceedings in the case were had. The sale herein authorized may be adjourned by the officer making the same for a period not exceeding five days, if he shall think it advisable to do so. The officer making the sale as aforesaid shall be allowed a fee of ten dollars, which, together with the costs of court and all other costs and charges attending the sale, shall be paid from the proceeds of such sale; and the surplus, if any, after satisfying the judgment, shall be disposed of as is provided in this act for like cases arising from the sale of personal property. In case the real estate authorized to be sold as aforesaid shall consist of several distinct tracts or parcels, the officer making sale thereof shall offer each tract or parcel for sale separately, and shall give to the purchaser a certificate of purchase for each of such tracts or parcels bought by him as aforesaid. If the amount bid for any tract authorized to be sold shall not then and there be paid by the person to whom the same is sold, the officer shall forthwith sell the same again, in the same manner, and until the amount for which the same may be sold is paid. And the claim of the United States to lands sold under and by virtue of this section shall be held to have accrued at the time of the seizure thereof.

Mr. FESSENDEN. The committee propose to strike out all that is proposed to be inserted in lieu of section thirty of the act of 1864, by that paragraph, and to insert a substitute which I will send to the Chair. It was omitted, by mistake, in the printed copy of the bill.

The Secretary read the matter proposed to be inserted, as follows:

That in any case where goods, chattels, or effects sufficient to satisfy the taxes imposed by this act upon any person liable to pay the same, shall not be found by the collector or deputy collector whose duty it may be to collect the same, he is hereby authorized to collect the same by seizure and sale of real estate; and the officer making such seizure and sale shall give notice to the person whose estate is proposed to be sold, by giving him in hand, or leaving at his last or usual place of abode, if he has any such within the collection district where said estate is situated, a notice, in writing, stating what particular estate is proposed to be sold, describing the same with reasonable certainty, and the time when and place where said officer proposes to sell the same; which time shall not be less than twenty nor more than forty days from the time of giving said notice. And the said officer shall also cause a notification to the same effect to be published in some newspaper within the county where such seizure is made, if any such there be, and shall also cause a like notice to be posted at the post office nearest to the estate to be seized, and in two other public places within the county; and the place of said sale shall not be more than five miles distant from the estate seized, except by special order of the Commissioner of Internal Revenue. At the time and place appointed, the officer making such seizure shall proceed to sell the said estate at public auction, offering the same at a minimum price, including the expense of making such levy, and all charges for advertising and an officer's fee of ten dollars. And in case the real estate so seized, as aforesaid, shall consist of several distinct tracts or parcels, the officer making sale thereof shall offer each tract or parcel for sale separately, and shall, if he deem it advisable, apportion the expenses, charges, and fees, aforesaid, to such several tracts or parcels, or to any of them, in estimating the minimum price aforesaid. And if no person offers for said estate the amount of said minimum price, the officer shall declare the same to be purchased by him for the United States, and shall deposit with the district attorney of the United States a deed thereof, as hereinafter specified and provided; otherwise, the same shall be declared to be sold to the highest bidder. And said sale may be adjourned from time to time by said officer for not exceeding thirty days in all, if he shall think it ad-

visible so to do. If the amount bid shall not be then and there paid, the officer shall forthwith proceed to again sell said estate in the same manner; and upon such sale and the payment of the purchase money shall give to the purchaser a certificate of purchase, which shall set forth the real estate purchased, for whose taxes the same was sold, the name of the purchaser, and the price paid therefor; and if the said real estate be not redeemed in the manner and within the time hereinafter provided, then the said collector or deputy collector shall execute to the said purchaser, upon his surrender of said certificate, a deed of the real estate purchased by him as aforesaid, and in accordance with the laws of the State in which such real estate is situated upon the subject of sales of real estate under execution, which said deed shall be *prima facie* evidence of the facts therein stated; and if the proceedings of the officer as set forth have been substantially in accordance with the provisions of this act, shall be considered and operate as a conveyance of all the right, title, and interest of the party delinquent had in and to the real estate thus sold at the time the lien of the United States attached thereto. Any person whose estate may be proceeded against as aforesaid shall have the right to pay the amount due, together with the costs and charges thereon, to the collector or deputy collector, at any time prior to the sale thereof, and all further proceedings shall cease from the time of such payment. The owners of any real estate sold as aforesaid, their heirs, executors, or administrators, or any person having any interest therein, or a lien thereon, or any person in their behalf, shall be permitted to redeem the land sold as aforesaid, or any particular tract thereof, at any time within one year after the sale thereof, upon payment to the purchaser, or in case he cannot be found in the county in which the land sought to be redeemed is situated, then to the collector of the district in which the land is situated, for the use of the purchaser, his heirs or assigns, the amount paid by the purchaser and interest thereon at the rate of twenty per cent. per annum. And any collector or deputy collector may, for the collection of taxes or duties imposed upon any person or for which any person may be liable by this act, and committed to him for collection, seize and sell the lands of such person situated in any other collection district within the State in which such officer resides; and his proceedings in relation thereto shall have the same effect as if the same were had in his proper collection district. And it shall be the duty of every collector to keep a record of all sales of land made in his collection district, whether by himself or his deputies or by another collector, in which shall be set forth the tax for which any sale was made, the dates of seizure and sale, the name of the party assessed, and all proceedings in making said sale, the amount of fees and expenses, the name of the purchaser, and the date of the deed, which record shall be certified by the officer making the sale. And it shall be the duty of any deputy making sale as aforesaid to return a statement of all his proceedings to the collector, and to certify the record thereof. And in case of the death or removal of the collector or the expiration of his term of office from any other cause said record shall be delivered to his successor in office; and a copy of every such record, certified by the collector, shall be evidence in any court of the truth of the facts therein stated. And when any lands sold as aforesaid shall be redeemed as hereinbefore provided, the collector shall make an entry of the fact upon the record aforesaid, and the said entry shall be evidence of such redemption. And when any property, personal or real, seized and sold by virtue of the foregoing provisions, shall not be sufficient to satisfy the claim of the United States for which distraint or seizure may be made against any person whose property may be so seized and sold, the collector may thereafter, and as often as the same may be necessary, proceed to seize and sell, in like manner, any other property liable to seizure of such person until the amount due from him, together with all expenses, shall be fully paid.

The amendment was agreed to.

Mr. SPRAGUE. I wish to ask the chairman of the Committee on Finance a question in regard to this twenty per cent. that is required to redeem the property within the year. If in two months the owner proposes to redeem, or does redeem it, is he to pay one sixth of the amount of twenty per cent. to redeem the property?

Mr. FESSENDEN. Yes, sir.

Mr. SPRAGUE. That is the understanding, then.

The PRESIDING OFFICER. The reading of the bill will be proceeded with.

The Committee on Finance proposed to insert after the amendment just adopted the following clause:

That section thirty-four be amended by striking out all after the enacting clause and inserting the following: that each collector shall be charged with the whole amount of taxes, whether contained in lists delivered to him by the assessors, respectively, or delivered or transmitted to him by any assistant assessors from time to time, or by other collectors, stamps with the additions thereto, with the par value of all deposited with him, and with all moneys collected for passports, penalties, forfeitures, fees, or costs, and he shall be credited with all payments made as provided by law, with all stamps returned by him uncanceled to the Treasury, with the salary, fees, commissions, and charges allowed by law, and with the amount of duties or taxes contained in the lists transmitted in

the manner above provided to other collectors, or by his predecessor in office, and by them receipted as aforesaid; and also with the amount of the duties or taxes of such persons as may have absconded or become insolvent prior to the day when the duty or tax ought, according to the provisions of this act, to have been collected, and with all uncollected taxes transferred by him or by his deputy acting as collector to his successor in office: *Provided*, That it shall be proved to the satisfaction of the Commissioner of Internal Revenue that due diligence was used by the collector, who shall certify the facts to the First Comptroller of the Treasury. And each collector shall also be credited with the amount of all property purchased by him for the use of the United States, provided he shall faithfully account for and pay over the proceeds thereof upon a resale of the same as required by this act. In case of the death, resignation, or removal of the collector, all lists and accounts of taxes uncollected shall be transferred to his successor in office as soon as such successor shall be appointed and qualified, and it shall be the duty of such successor to collect the same.

Mr. FESSENDEN. The word "and" at the beginning of line seven hundred and eighty-seven before "assistant assessors" should be stricken out.

The amendment to the amendment was agreed to.

Mr. FESSENDEN. After the word "collectors," at the end of line seven hundred and eighty-seven, the words "or by his predecessor in office" should be inserted.

The amendment to the amendment was agreed to.

Mr. FESSENDEN. The word "and" should be inserted instead of the word "stamps" at the beginning of line seven hundred and eighty-eight, so that it will read, "and with the additions thereto." The printer has misplaced a word there. Then the word "stamps" should be inserted before the word "deposited" at the beginning of line seven hundred and eighty-nine.

The amendment to the amendment was agreed to.

Mr. FESSENDEN. In line seven hundred and ninety-one, after the word "payments," I move to insert the words "into the Treasury."

The amendment to the amendment was agreed to.

Mr. FESSENDEN. In line seven hundred and ninety-four I move to strike out the words "duties or" before "taxes."

The amendment to the amendment was agreed to.

Mr. FESSENDEN. In line seven hundred and ninety-five, after the word "collectors," I move to strike out the words "or by his predecessor in office."

The amendment to the amendment was agreed to.

Mr. FESSENDEN. I move to strike out the words "duties or" in line seven hundred and ninety-seven, and also the words "duty or" in line seven hundred and ninety-nine.

The amendment to the amendment was agreed to.

The amendment, as amended, was adopted.

The Secretary read the next clause of section nine, as follows:

That section forty-one be amended by striking out all after the enacting clause and inserting in lieu thereof the following: that it shall be the duty of the collectors aforesaid, or their deputies, in their respective districts, and they are hereby authorized, to collect all the duties and taxes imposed by this act, however the same may be designated, and to prosecute for the recovery of any sum or sums which may be forfeited by virtue of this act; and all fines, penalties, and forfeitures which may be incurred or imposed by virtue of this act, shall be sued for and recovered, in the name of the United States, in any proper form of action, or by any appropriate form of proceeding, *qui tam*, or otherwise, before any circuit or district court of the United States for the district within which said fine, penalty, or forfeiture may have been incurred, or before any other court of competent jurisdiction. And taxes or duties may be sued for and recovered in any proper form of action before any circuit or district court of the United States for the district within which the liability to such tax may have been or shall be incurred, or where the party from whom such tax is due may reside at the time of the commencement of said action. But no such suit shall be commenced unless the Commissioner of Internal Revenue shall authorize or sanction the proceedings: *Provided*, That in case of any suit for penalties or forfeitures brought upon information received from any person, other than a collector, deputy collector, assessor, assistant assessor, or inspector of internal revenue, the United States shall

not be subject to any costs of suit, nor shall the fees of any attorney or counsel employed by any such officer be allowed in the settlement of his account, unless the employment of such attorney or counsel shall be authorized by the Commissioner of Internal Revenue, either expressly or by general regulations.

The committee proposed to amend this clause by striking out, in line eight hundred and nineteen, the words "duties and" before "taxes."

The amendment was agreed to.

The next amendment was in line eight hundred and thirty, after the word "taxes," to strike out "or duties."

The amendment was agreed to.

The next amendment was in line eight hundred and thirty-one, after the word "recovered," to insert "in the name of the United States."

The amendment was agreed to.

The next amendment was in line eight hundred and forty-one, after the words "assistant assessor," to insert "revenue agent."

The amendment was agreed to.

Mr. HOWE. I wish to ask the chairman of the committee if it is intended to give this right to sue in either of those two districts, either in the district where the liability to the tax is incurred, or in the district to which the party taxed may have removed.

Mr. FESSENDEN. It provides that he may be sued "before any district or circuit court of the United States for the district within which the liability to such tax may have been or shall be incurred;" but if the party goes to another district, they may go where he lives and sue him at that place.

Mr. HOWE. Suppose the liability is incurred in one State and he removes to another, if you commence a suit in the State from which he has removed, how would you effect service on him?

Mr. FESSENDEN. If we cannot get service in one district, we would probably go to the other one; and that is the reason we provide that we may go to the other one.

The PRESIDING OFFICER. Does the Senator from Wisconsin propose an amendment?

Mr. HOWE. No, sir.

The Secretary read the next clause of section nine, as follows:

That section forty-four be amended by striking out all after the enacting clause and inserting in lieu thereof the following: that the Commissioner of Internal Revenue, subject to regulations prescribed by the Secretary of the Treasury, shall be, and is hereby, authorized, on appeal to him made, to remit, refund, and pay back all duties erroneously or illegally assessed or collected, and all duties that shall appear to be unjustly assessed or excessive in amount, or in any manner wrongfully collected, and also repay to collectors or deputy collectors the full amount of such sums of money as shall or may be recovered against them, or any of them, in any court, for any internal duties or licenses collected by them, with the costs and expenses of suit, and all damages and costs recovered against assessors, assistant assessors, collectors, deputy collectors, and inspectors, in any suit which shall be brought against them, or any of them, by reason of anything that shall or may be done in the due performance of their official duties; and all judgments and moneys recovered or received for taxes, costs, forfeitures, and penalties, shall be paid to the collector as internal duties are required to be paid: *Provided*, That where a second assessment may have been made in case of a list, statement, or return which in the opinion of the assessor or assistant assessor was false or fraudulent, or contained any understatement or undervaluation, such assessment shall not be remitted, nor shall taxes or duties collected under such assessment be recovered, refunded, or paid back, unless said list, statement, or return was not false or fraudulent, and did not contain any understatement or undervaluation.

The first amendment of the Committee on Finance to this clause was to strike out the word "duties" wherever it occurs and to insert "taxes."

The amendment was agreed to.

The next amendment was in line eight hundred and seventy-five, after the word "unless," to insert "it is proved to the satisfaction of the Commissioner that."

Mr. FESSENDEN. The words "to the Commissioner" in that amendment should be stricken out, so that it will read, "it is proved that said list," &c.

The amendment to the amendment was agreed to.

The amendment, as amended, was adopted.

Mr. FESSENDEN. In line eight hundred and fifty-four, after the word "collected," I move to insert "all penalties collected without authority;" so as to read:

To remit, refund, and pay back all taxes erroneously or illegally assessed or collected, all penalties collected without authority, and all taxes, &c.

The amendment was agreed to.

The Secretary read the next clause of section nine, as follows:

That section forty-eight be amended by striking out all after the enacting clause and inserting the following: that all goods, wares, merchandise, articles, or objects on which taxes are imposed by the provisions of law, which shall be found in the possession or custody or within the control of any person or persons, for the purpose of being sold or removed by such person or persons in fraud of the internal revenue laws, or with design to avoid payment of said taxes, may be seized by any collector or deputy collector, and the same shall be forfeited to the United States; and also all raw materials found in the possession of any person or persons intending to manufacture the same into articles of a kind subject to tax or duty under this act, for the purpose of selling such manufactured articles in fraud of said laws, or with design to evade the payment of said tax or duty; and also all tools, implements, instruments, and personal property whatsoever, in the place or building or within any yard or inclosure where such articles or such raw materials shall be found, may also be seized by any collector or deputy collector, as aforesaid, and the same shall be forfeited as aforesaid; and the proceedings to enforce said forfeiture shall be in the nature of a proceeding *in rem* in the circuit or district court of the United States for the district where such seizure is made, or in any other court of competent jurisdiction. And any person who shall have in his custody or possession any such goods, wares, merchandise, articles, or objects subject to tax as aforesaid, for the purpose of selling the same with the design of avoiding payment of the taxes imposed thereon, shall be liable to a penalty of \$500, or not less than double the amount of taxes fraudulently attempted to be evaded, to be recovered in any court of competent jurisdiction; and the goods, wares, merchandise, articles, or objects which shall be so seized by any collector or deputy collector may, at the option of the collector, be delivered to the marshal of said district, and remain in the care and custody of said marshal, and under his control until he shall obtain possession by process of law, and the cost of seizure made before process issues shall be taxable by the court; *Provided*, That when the property so seized may be liable to perish or become greatly reduced in price or value by keeping, or when it cannot be kept without great expense, the owner thereof, the collector, or the marshal of the district, may apply to the assessor of the district to examine said property; and if, in the opinion of said assessor, it shall be necessary that the said property should be sold to prevent such waste or expense, he shall appraise the same; and the owner thereupon shall have said property returned to him upon giving bond in such form as may be prescribed by the Commissioner of Internal Revenue, and in an amount equal to the appraised value, with such securities as the said assessor shall deem good and sufficient, to abide the final order, decree, or judgment of the court having cognizance of the case, and to pay the amount of said appraised value to the collector, marshal, or otherwise, as he may be ordered and directed by the court, which bond shall be filed by said assessor with the United States district attorney for the district in which said proceedings *in rem* may be commenced: *Provided further*, That in case said bond shall have been executed and the property returned before seizure thereof, by virtue of the process aforesaid, the marshal shall give notice of the pendency of proceedings in court to the parties executing said bond, by personal service or publication, and in manner and form as the court may direct, and the court shall thereupon have jurisdiction of said matter and parties in the same manner as if such property had been seized by virtue of the process aforesaid. But if said owners neglect or refuse to give said bond, the assessor shall issue to the collector or marshal aforesaid an order to sell the same; and the said collector or marshal shall thereupon advertise and sell the said property at public auction in the same manner as goods may be sold on final execution in said district; and the proceeds of the sale, after deducting the reasonable costs of the seizure and sale, shall be paid to the court aforesaid, to abide its final order, decree, or judgment.

The first amendment of the Committee on Finance to this clause was in line eight hundred and eighty-seven to strike out the word "any" and insert the word "the" before "collector."

The amendment was agreed to.

The next amendment was after the words "deputy collector," in line eight hundred and eighty-eight, to insert "of the proper district or by such other collector or deputy collector as may be specially authorized by the Commissioner of Internal Revenue for that purpose."

The amendment was agreed to.

The next amendment was in line eight hun-

dred and ninety-four, and also in line eight hundred and ninety-six, to strike out the words "or duty" after the word "tax."

The amendment was agreed to.

Mr. FESSENDEN. In line nine hundred and nineteen the word "cost" should be "costs."

The amendment was agreed to.

The Secretary read the next clause of section nine, as follows:

That sections fifty-three, fifty-four, fifty-five, fifty-six, fifty-seven, fifty-nine, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six, sixty-seven, sixty-eight, sixty-nine, and seventy, be, and the same are hereby, repealed, to take effect on the 1st day of September, 1866.

The Committee on Finance reported no amendments to this clause.

The Secretary read the next clause of section nine, as follows:

That section seventy-one be amended by striking out all after the enacting clause and inserting in lieu thereof the following: that no person, firm, company, or corporation shall be engaged in, prosecute, or carry on any trade, business, or profession, hereinafter mentioned and described, until he or they shall have paid a special tax therefor in the manner hereinafter provided.

The Committee on Finance reported no amendment to this clause.

The Secretary read the next clause of section nine, as follows:

That section seventy-two be amended by striking out all after the enacting clause and inserting in lieu thereof the following: that every person, firm, company, or corporation engaged in any trade, business, or profession, on which a special tax is imposed by law, shall register with the assistant assessor of the assessment district, first, his or their name or style, and in case of a firm or company, the names of the several persons constituting such firm or company, and their places of residence; second, the trade, business, or profession, and the place where such trade, business, or profession is to be carried on; third, if a rectifier, the number of barrels he designs to rectify; if a peddler, whether he designs to travel on foot or with one, two, or more horses or mules; if an inn-keeper, the yearly rental value of the house and property to be kept for said purpose. All of which facts shall be returned duly certified by such assistant assessor, both to the assessor and collector of the district; and the special tax shall be paid to the collector or deputy collector of the district as hereinafter provided for such trade, business, or profession.

The Committee on Finance reported an amendment to add to the end of the clause the words, "who shall give a receipt therefor."

The amendment was agreed to.

Mr. FESSENDEN. In line nine hundred and eighty-four the words "both to" should be transposed. It should read, "to both the assessor and collector of the district."

The amendment was agreed to.

The Secretary read the next clause of section nine, as follows:

That section twenty-three be amended by striking out all after the enacting clause and inserting in lieu thereof the following: that any one who shall exercise or carry on any trade, business, or profession, or do any act hereinafter mentioned, for the exercising, carrying on, or doing of which a special tax is imposed by this act, without payment thereof as in that behalf required, shall, for every such offense, besides being liable to the payment of the tax, be subject to imprisonment for a term not exceeding two years, or a fine not exceeding \$500, or both, and such fine shall be distributed between the United States and the informer, if there be any, as provided by law.

The Committee on Finance reported no amendment to this clause.

The Secretary read the next clause of section nine, as follows:

That section seventy-four be amended by striking out all after the enacting clause and inserting in lieu thereof the following: that the receipt for the payment of any special tax shall contain and set forth the purpose, trade, business, or profession for which such tax is paid, and the name and place of abode of the person or persons paying the same; if by a rectifier, the quantity of spirits intended to be rectified; if by a peddler, whether he is traveling on foot, or with one, two, or more horses or mules, the time for which payment is made, the date or time of payment, and (except in the case of auctioneers, produce brokers, commercial brokers, patent-right dealers, photographers, builders, insurance agents, insurance brokers, and peddlers,) the place at which the trade, business, or profession for which the tax is paid shall be carried on; *Provided*, That the payment of the special tax herein imposed shall not exempt from an additional special tax the person or persons, (except lawyers, physicians, surgeons, dentists, cattle brokers, horse dealers, peddlers, produce brokers, commercial brokers, patent-right dealers, photographers, builders, insurance agents, insurance brokers, and auctioneers,) or firm, company, or corporation doing business in any other place than that

stated; but nothing herein contained shall require a special tax for the storage of goods, wares, or merchandise in other places than the place of business, nor for the sale by manufacturers or producers of their own goods, wares, and merchandise at the place of production or manufacture, and at their principal office or place of business, provided no goods, wares, or merchandise shall be kept for sale at said office. And every person exercising or carrying on any trade, business, or profession, or doing any act for which a special tax is imposed, shall, on demand of any officer of internal revenue, produce and exhibit the receipt for payment of the tax, and unless he shall do so may be taken and deemed not to have paid such tax. And in case any peddler shall refuse to exhibit his or her receipt, as aforesaid, when demanded by any officer of internal revenue, said officer may seize the horse or mule, wagon and contents, or pack, bundle, or basket of any person so refusing, and the assessor of the district in which the seizure has occurred may, on ten days' notice, published in any newspaper in the district, or served personally on the peddler, or at his dwelling-house, require such peddler to show cause, if any he has, why the horse or mules, wagon and contents, pack, bundle, or basket so seized shall not be forfeited; and in case no sufficient cause is shown, the assessor may direct a forfeiture, and issue an order to the collector or to any deputy collector of the district for the sale of the property so forfeited; and the same, after payment of the expenses of the proceedings, shall be paid to the collector for the use of the United States. And all such special taxes shall become due on the 1st day of May in each year, or on commencing any trade, business, or profession upon which such tax is by law imposed. In the former case the tax shall be reckoned for one year, and in the latter case proportionably for that part of the year from the 1st day of the month in which the liability to a special tax commenced, to the 1st day of May following.

The committee proposed to amend this clause in line ten hundred and thirty, by striking out after the word "kept" the words "for sale," and in the same line, after the word "office," inserting "or place of business."

The amendment was agreed to.

The Secretary read the next clause of section nine, as follows:

That section seventy-five be amended by striking out all after the enacting clause and inserting in lieu thereof the following: that upon the death of any person having paid the special tax for any trade, business, or profession, it may and shall be lawful for the executors or administrators, or the wife or child, or the legal representatives of such deceased person, to occupy the house or premises, and in like manner to exercise or carry on, for the residue of the term for which the tax shall have been paid, the same trade, business, or profession, in or upon the same house or premises as the deceased before exercised or carried on, without payment of any additional tax. And in case of the removal of any person or persons from the house or premises for which any trade, business, or profession was taxed, it shall be lawful for the person or persons so removing to any other place, to carry on the trade, business, or profession specified in the tax receipt at the place to which such person or persons may remove without payment of any additional tax: *Provided*, That all cases of death, change, or removal, as aforesaid, shall be registered with the assistant assessor, together with the name or names of the person or persons making such change or removal, or successor to any person deceased, under regulations to be prescribed by the Commissioner of Internal Revenue.

The first amendment of the Committee on Finance to this clause was in line ten hundred and sixty-eight, after the word "profession," to strike out the words "in or upon the same house or premises," and in line ten hundred and sixty-nine, after the words "carried on," to insert the words "in or upon the same houses or premises."

The amendment was agreed to.

The next amendment was in line ten hundred and seventy-nine, after the words "assistant assessor," to insert "and with the collector."

The amendment was agreed to.

The Secretary read the next clause of section nine, as follows:

That section seventy-six be amended by striking out all after the enacting clause and inserting in lieu thereof the following: that in every case where more than one of the pursuits, employments, or occupations, hereinafter described, shall be pursued or carried on in the same place by the same person at the same time, except as hereinafter provided, the tax must be paid for each according to the rates severally prescribed: *Provided*, That in cities and towns having a less population than six thousand persons according to the last preceding census, one special tax shall be held to embrace the business of land-warrant brokers, claim agents, and real estate agents, upon payment of the highest rate of tax applicable to either one of said pursuits.

The Committee on Finance reported an amendment to this clause, in line ten hundred and ninety to strike out the word "must" and insert "shall."

The amendment was agreed to.

The next clause was read, as follows:

That section seventy-seven be amended by striking out all after the enacting clause and inserting in lieu thereof the following: that no auctioneer shall, by virtue of having paid the special tax as an auctioneer, sell any goods or other property at private sale, nor shall he employ any other person to act as auctioneer in his behalf, except in his own store or warehouse or in his presence; and any auctioneer who shall sell goods or commodities otherwise than by auction, without having paid the special tax imposed upon such business, shall be subject and liable to the penalty imposed upon persons dealing in or retailing, trading, or selling goods or commodities without payment of the special tax for exercising or carrying on such trade or business; and where goods or commodities are the property of any person or persons taxed to deal in or retail, or trade in or sell the same, it shall and may be lawful for any person exercising or carrying on the trade or business of an auctioneer to sell such goods or commodities for and on behalf of such person or persons in said house or premises.

The Committee on Finance reported no amendment to this clause.

The Secretary read the next clause of section nine, as follows:

That section seventy-eight be amended by striking out all after the enacting clause and inserting in lieu thereof the following: that any number of persons, except lawyers, conveyancers, claim agents, patent agents, physicians, surgeons, dentists, cattle brokers, horse dealers, and peddlers, doing business in copartnership at any one place, shall be required to pay but one special tax for such copartnership.

The Committee on Finance reported no amendment to this clause.

The Secretary read the first item of the next clause of section nine, as follows:

That section seventy-nine be amended by striking out all after the enacting clause and inserting in lieu thereof the following: that a special tax shall be, and hereby is, imposed as follows, that is to say:

1. Banks chartered or organized under a general law with a capital not exceeding \$50,000, and bankers using or employing a capital not exceeding the sum of \$50,000, shall pay \$100; when exceeding \$50,000, for every additional \$1,000 in excess of \$50,000, two dollars. Every incorporated or other bank, and every person, firm, or company having a place of business where credits are opened by the deposit or collection of money or currency, subject to be paid or remitted upon draft, check, or order, or where money is advanced or loaned on stocks, bonds, bullion, bills of exchange, or promissory notes, or where stocks, bonds, bullion, bills of exchange, or promissory notes are received for discount or for sale, shall be regarded as a bank or as a banker under this act. *Provided*, That any savings bank having no capital stock, and whose business is confined to receiving deposits and loaning or investing the same for the benefit of its depositors, and which does no other business of banking, shall not be subject to this tax.

The Committee on Finance reported no amendment to this item.

The next item was read, as follows:

2. Wholesale dealers, whose annual sales do not exceed \$50,000, shall pay fifty dollars; and if their annual sales exceed \$50,000, for every additional \$1,000 in excess of \$50,000, they shall pay one dollar; and the amount of all sales within the year beyond \$50,000 shall be returned monthly to the assistant assessor, and the tax on sales in excess of \$50,000 shall be assessed by the assessors and paid monthly as other monthly taxes are assessed and paid. Every person shall be regarded as a wholesale dealer under this act whose business it is, for himself or on commission, to sell or offer to sell any goods, wares, or merchandise of foreign or domestic production, not including wines, spirits, or malt liquors, whose annual sales exceed \$25,000. And the payment of the special tax as a wholesale dealer shall not exempt any such person acting as a commercial broker from the payment of the special tax imposed upon commercial brokers: *Provided*, That no person paying the special tax as a wholesale dealer in liquors shall be required to pay an additional special tax on account of the sale of other goods, wares, or merchandise on the same premises: *And provided further*, That, in estimating the amount of sales for the purposes of this section, any sales made by or through another wholesale dealer on commission shall not be again estimated and included as sold by the party for whom the sale was made.

The Committee on Finance reported no amendment to this item.

The next item was as follows:

3. Retail dealers shall pay ten dollars. Every person whose business or occupation it is to sell or offer for sale any goods, wares, or merchandise of foreign or domestic production, not including spirits, wines, ale, beer, or other malt liquors, and whose annual sales exceed \$1,000 and do not exceed \$25,000, shall be regarded as a retail dealer under this act.

The Committee on Finance reported no amendment to this item.

The next item was as follows:

4. Wholesale dealers in liquors whose annual sales do not exceed \$50,000 shall pay \$100, and if exceeding \$50,000, for every additional \$1,000 in excess of \$50,000, they shall pay one dollar, and such excess shall be assessed and paid in the same manner as required of

wholesale dealers. Every person who shall sell or offer for sale any distilled spirits, fermented liquors, or wines of any kind in quantities of more than three gallons at one time to the same purchaser, or whose annual sales, including sales of other merchandise, shall exceed \$25,000, shall be regarded as a wholesale dealer in liquors.

The Committee on Finance reported no amendment to this item.

The next item was:

5. Retail dealers in liquors shall pay twenty-five dollars. Every person who shall sell or offer for sale foreign or domestic spirits, wines, ale, beer, or other malt liquors in quantities of three gallons or less, and whose annual sales, including all sales of other merchandise, do not exceed \$25,000, shall be regarded as a retail dealer in liquors under this act.

The Committee on Finance reported no amendment to this item.

The next item was as follows:

6. Lottery ticket dealers shall pay \$100. Every person, association, firm, or corporation who shall make, sell, or offer to sell lottery tickets or fractional parts thereof, or any token, certificate, or device representing or intending to represent a lottery ticket or any fractional part thereof, or any policy of numbers in any lottery, or shall manage any lottery, or prepare schemes of lotteries, or superintend the drawing of any lottery, shall be deemed a lottery ticket dealer under this act: *Provided*, That every person doing the business of lottery ticket dealers shall give bond, in the sum of \$1,000, with sureties, to be approved by the collector of the district, conditioned that he will not sell any ticket or policy of numbers or supplementary ticket of such lottery which has not been duly stamped according to law.

The Committee on Finance proposed to amend this item by striking out after the word "provided," in line twelve hundred and seven, the following words—

That every person doing the business of lottery ticket dealers shall give bond, in the sum of \$1,000, with sureties, to be approved by the collector of the district, conditioned that he will not sell any ticket or policy of numbers or supplementary ticket of such lottery which has not been duly stamped according to law—

And inserting in lieu thereof:

That the managers of any lottery shall give bond in the sum of \$1,000 that the person paying such tax shall not sell any tickets or supplementary ticket of such lottery which has not been duly stamped according to law, and that he will pay the tax imposed by law upon the gross receipts of his sales.

The amendment was agreed to.

The Secretary read the next item, as follows:

7. Horse dealers shall pay ten dollars. Any person whose business it is to buy and sell horses or mules shall be regarded a horse dealer under this act: *Provided*, That one special tax having been paid, no additional tax shall be imposed upon any horse dealer for keeping a livery stable, nor upon any livery stable keeper for dealing in horses.

The Committee on Finance reported no amendment to this item.

The Secretary read the next item, as follows:

8. Livery stable keepers shall pay ten dollars. Any person whose business it is to keep horses for hire, or to let, or to keep, feed, or board horses for others, shall be regarded as a livery stable keeper under this act.

The Committee on Finance reported no amendment to this section.

The Secretary read the next item, as follows:

9. Brokers shall pay fifty dollars. Every person, firm, or company whose business it is to negotiate purchases or sales of stocks, bonds, exchange, bullion, coined money, bank notes, promissory notes, or other securities, for themselves or others, shall be regarded as a broker under this act: *Provided*, That any person having paid the special tax as a banker shall not be required to pay the special tax as a broker.

The Committee on Finance reported no amendment to this item.

The Secretary read the next item, as follows:

10. Pawnbrokers using or employing a capital of not exceeding \$50,000 shall pay fifty dollars; and when using or employing a capital exceeding \$50,000, for every additional \$1,000 in excess of \$50,000, shall pay two dollars; and such excess shall be assessed and paid in the same manner as required of wholesale dealers. Every person whose business or occupation it is to take or receive, by way of pledge, pawn, or exchange, any goods, wares, or merchandise, or any kind of personal property whatever, as security for the repayment of any money lent thereon, shall be deemed a pawnbroker under this act.

The Committee on Finance proposed to amend this item by striking out in lines twelve hundred and forty-three and twelve hundred and forty-four the following words:

And such excess shall be assessed and paid in the same manner as required of wholesale dealers.

The amendment was agreed to.

The Secretary read the next item, as follows:

11. Land-warrant brokers shall pay twenty-five

dollars. Any person shall be regarded as a land-warrant broker within the meaning of this act who makes a business of buying and selling land-warrants, or of furnishing them to settlers or other persons.

The Committee on Finance reported no amendment to this item.

The Secretary read the next item, as follows:

12. Cattle brokers, whose annual sales do not exceed \$10,000, shall pay ten dollars; and if exceeding the sum of \$10,000 one dollar for each additional thousand dollars. Any person whose business it is to buy or sell or deal in cattle, hogs, or sheep, shall be considered as a cattle broker.

The Committee on Finance proposed to amend this item in line twelve hundred and one by inserting after the word "annual" the words "purchases or," so as to read "cattle brokers whose annual purchases or sales," &c.

The amendment was agreed to.

The next amendment was in line twelve hundred and fifty-eight, after the words "each additional thousand dollars," to insert "and such excess shall be assessed and paid in the same manner as required of wholesale dealers."

The amendment was agreed to.

The Secretary read the next item, as follows:

13. Produce brokers, whose annual sales do not exceed the sum of \$10,000, shall pay ten dollars. Every person other than one having paid the special tax as a commercial broker or cattle broker, or wholesale or retail dealer or peddler, whose occupation it is to buy or sell agricultural or farm products, and whose annual sales do not exceed \$10,000, shall be regarded as a produce broker under this act.

The Committee on Finance proposed to amend this item in lines twelve hundred and sixty-four and twelve hundred and sixty-nine by inserting the words "purchases or" before the word "sales."

The amendment was agreed to.

The Secretary read the next item, as follows:

14. Commercial brokers shall pay twenty dollars. Any person or firm whose business it is, as a broker, to negotiate sales or purchases of goods, wares, or merchandise, or to negotiate freights and other business for the owners of vessels, or for the shippers, or consignors, or consignees of freight carried by vessels, shall be regarded a commercial broker under this act.

The Committee on Finance reported no amendment to this item.

The Secretary read the next item, as follows:

15. Custom-house brokers shall pay ten dollars. Every person whose occupation it is, as the agent of others, to arrange entries and other custom-house papers, or transact business at any port of entry relating to the importation or exportation of goods, wares, or merchandise, shall be regarded a custom-house broker under this act.

The Committee on Finance reported no amendment to this item.

The Secretary read the next item, as follows:

16. Distillers shall pay \$100. Every person, firm, or corporation, who distills or manufactures spirits, shall be deemed a distiller under this act: *Provided*, That distillers of apples, grapes, or peaches, distilling or manufacturing fifty and less than one hundred and fifty barrels per year from the same, shall pay fifty dollars; and those distilling less than fifty barrels per year from the same shall pay twenty dollars: *And provided further*, That no tax shall be imposed for any still, stills, or other apparatus used by druggists and chemists for the recovery of alcohol for pharmaceutical and chemical or scientific purposes which has been used in those processes.

The Committee on Finance proposed three amendments to this item. The first amendment was in line twelve hundred and eighty-eight, after the words "manufactures spirits," to insert "or who brews or makes mash, wort, or wash for distillation or the production of spirits."

The amendment was agreed to.

The next amendment was in line twelve hundred and ninety-one, after the word "peaches," to strike out the words "distilling or manufacturing fifty and less than one hundred and fifty barrels per year from the same."

The amendment was agreed to.

The next amendment was in line twelve hundred and ninety-three, after the words "fifty dollars," to strike out the words "and those distilling or manufacturing less than fifty barrels per year from the same, shall pay twenty dollars."

The amendment was agreed to.

The Secretary read the next item, as follows:

17. Brewers shall pay \$100. Every person, firm, or corporation who manufactures fermented liquors of

any name or description, for sale, from malt, wholly or in part, or from any substitute therefor, shall be deemed a brewer under this act: *Provided*, That any person, firm, or corporation, who manufactures less than five hundred barrels per year, shall pay the sum of fifty dollars.

The Committee on Finance reported no amendment to this item.

The Secretary read the next item, as follows:

18. Rectifiers who shall rectify any quantity of spirituous liquors, not exceeding five hundred barrels, packages, or casks, containing not more than forty gallons to each barrel, package, or cask, shall pay twenty-five dollars; and twenty-five dollars additional for each additional five hundred such barrels, packages, or casks, or any fractional part thereof. Every person, firm, or corporation, who rectifies, purifies, or refines spirituous liquors or wines by any process, or mixes distilled spirits, whisky, brandy, gin, or wine, with any materials for sale under the name of whisky, rum, brandy, gin, wine, or any other name, shall be regarded as a rectifier under this act.

The Committee on Finance reported an amendment to this item, in line thirteen hundred and fifteen, after the word "refines" to strike out the following words—

Spirituous liquors or wines by any process, or mixes distilled spirits, whisky, brandy, gin, or wine, with any materials for sale under the name of whisky, rum, brandy, gin, wine—

And to insert in lieu thereof:

Distilled spirits, or wines, by any process, or who, by mixing distilled spirits or wine with any materials, manufactures any spurious, imitation, or compound liquors for sale, under the name of whisky, brandy, gin, rum, wine, spirits, or wine bitters.

The amendment was agreed to.

The Secretary read the next item, as follows:

19. Coal-oil distillers shall pay fifty dollars. Any person, firm, or corporation who shall refine, produce, or distill crude or refined petroleum or rock oil, or crude coal oil, or crude or refined oil made of asphaltum, shale, peat, or other bituminous substances, or shall manufacture illuminating oil, shall be regarded as a coal-oil distiller under this act.

The Committee on Finance proposed to amend this item in line thirteen hundred and twenty-four by inserting, after the words "coal-oil distillers," the words "and distillers of burning fluid and camphene."

The amendment was agreed to.

The next amendment was in line thirteen hundred and twenty-seven to strike out the words "crude or refined" before "petroleum," and after the words "rock oil or" to strike out the words "crude coal-oil, or crude or refined;" and in line thirteen hundred and twenty-eight to insert the word "coal" before "asphaltum."

The amendment was agreed to.

The Secretary read the next item, as follows:

20. Keepers of hotels, inns, or taverns shall be classified and rated according to the yearly rental, or if not rented, according to the estimated yearly rental of the house and property intended to be so occupied as follows, to wit: when the rent or valuation of the yearly rental of said house and property shall be \$200 or less shall pay ten dollars; and if exceeding \$200, for any additional \$100 or fractional part thereof in excess of \$200, five dollars: *Provided*, That a payment of such special tax shall be construed to authorize the person so keeping a hotel, inn, or tavern to furnish the necessary food for the animals of such travelers or sojourners without the payment of an additional special tax as a livery stable keeper. Every place where food and lodging are provided for and furnished to travelers and sojourners, in view of payment therefor, shall be regarded as a hotel, inn, or tavern under this act: *Provided*, That keepers of hotels, taverns, and eating-houses, in which liquors are sold by retail, to be drunk upon the premises, shall pay an additional tax of twenty-five dollars. The yearly rental shall be fixed and established by the assistant assessor of the proper assessment district at its proper value; but if rented, at not less than the actual rent agreed on by the parties. All steamers and vessels, upon waters of the United States, on board of which passengers or travelers are provided with food or lodgings, shall be subject to and required to pay twenty-five dollars: *Provided*, That any person who shall make a false or fraudulent return of the actual rent mentioned in this paragraph shall be subject to a penalty therefor of double the amount of the tax.

The Committee on Finance reported several amendments to this item. The first was in line thirteen hundred and thirty-eight to insert the word "they" before "shall," so as to read, "they shall pay ten dollars."

The amendment was agreed to.

The next amendment was in line thirteen hundred and forty-two to strike out the word "authorize" and to insert "permit."

The amendment was agreed to.

The next amendment was in line thirteen hundred and forty-seven, after the word "sojourners," to strike out the words "in view of payment therefor" and to insert "for pay."

The amendment was agreed to.

The next amendment was after the word "parties," in line thirteen hundred and fifty-six, to strike out the following words:

All steamers and vessels, upon the waters of the United States, on board of which passengers or travelers are provided with food or lodgings, shall be subject to and required to pay twenty-five dollars.

And to insert in lieu thereof:

All steamers and other vessels engaged in the business of carrying passengers, and providing them with food or lodging, and the gross receipts of which are taxable under section one hundred and three of this act, shall pay twenty-five dollars.

The amendment was agreed to.

The next amendment was in line twelve hundred and sixty-five to strike out the word "of" and to insert "concerning."

The amendment was agreed to.

The Secretary read the next item, as follows:

21. Keepers of eating-houses shall pay ten dollars. Every place where food or refreshments of any kind, not including spirits, wines, ale, beer, or other malt liquors, are provided for casual visitors and sold for consumption therein, shall be regarded as an eating-house under this act. But the keeper of an eating-house having paid the tax therefor, shall not be required to pay a special tax as a confectioner, anything in this act to the contrary notwithstanding.

The Committee on Finance reported an amendment to add at the end of this clause the following:

And keepers of hotels, inns, taverns, and eating-houses having paid the special tax therefor, shall not be required to pay additional tax for selling tobacco, snuff, or cigars on the same premises, anything in this act to the contrary notwithstanding.

The amendment was agreed to.

The Secretary read the next item, as follows:

22. Confectioners shall pay ten dollars. Every person who sells at retail confectionery, sweetmeats, confits, or other confections, in any building, shall be regarded as a confectioner under this act. But wholesale and retail dealers, having paid the special tax therefor, shall not be required to pay the special tax as a confectioner, anything in this act to the contrary notwithstanding.

The Committee on Finance proposed no amendment to this item.

The Secretary read the next item, as follows:

23. Claim agents and agents for procuring patents shall pay ten dollars. Every person whose business it is to prosecute claims in any of the Executive Departments of the Federal Government, or procure patents, shall be deemed a claim or patent agent, as the case may be, under this act.

The Committee on Finance reported no amendment to this item.

The Secretary read the next item, as follows:

24. Patent-right dealers shall pay ten dollars. Every person whose business it is to sell, or offer for sale, patent rights, shall be regarded as a patent-right dealer under this act.

The Committee on Finance reported no amendment to this item.

The Secretary read the next item, as follows:

25. Real estate agents shall pay ten dollars. Every person whose business it is to sell or offer for sale real estate for others, or to rent houses, stores, or other buildings or real estate, or to collect rent for others, except lawyers paying a special tax as such, shall be regarded as a real estate agent under this act.

The Committee on Finance reported no amendment to this item.

The Secretary read the next item, as follows:

26. Conveyancers shall pay ten dollars. Every person other than one having paid the special tax as a lawyer or claim agent, whose business it is to draw deeds, bonds, mortgages, wills, writs, or other legal papers, or to examine titles to real estate, shall be regarded as a conveyancer under this act.

The Committee on Finance reported no amendment to this item.

Mr. HOWE. I wish to ask the committee if they have any objection to an amendment there so as to exempt justices of the peace from taking out this license as conveyancers.

Mr. FESSENDEN. I think that if they act as conveyancers, drawing papers, they ought to have licenses. I think the Government ought to be very careful in licensing them. In ninety-nine cases out of a hundred, when they draw such papers, they make some mistake or other that involves title.

Mr. HOWE. If it is objected to, I will not move an amendment. I cannot move an amendment now, anyhow.

The Secretary read the next item, as follows:

27. Intelligence office keepers shall pay ten dollars. Every person whose business it is to find or furnish places of employment for others, or to find or furnish servants upon application in writing or otherwise, receiving compensation therefor, shall be regarded as an intelligence office keeper under this act.

The Committee on Finance reported no amendment to this item.

The next item was read by the Secretary, as follows:

28. Insurance agents shall pay ten dollars. Any person who shall act as agent of any fire, marine, life, mutual, or other insurance company or companies, or any person who shall negotiate or procure insurance for which he receives any commission or other compensation, shall be regarded as an insurance agent under this act: *Provided*, That if the annual receipts of any person as such agent shall not exceed \$100, he shall pay five dollars only: *And provided further*, That no special tax shall be imposed upon any person for selling tickets or contracts of insurance against injury to persons while traveling by land or water.

The Committee on Finance reported no amendment to this item.

The next item was read by the Secretary, as follows:

29. Foreign insurance agents shall pay fifty dollars. Every person who shall act as agent of any foreign fire, marine, life, mutual, or other insurance company or companies, shall be regarded as a foreign insurance agent under this act.

The Committee on Finance reported no amendment to this item.

The Secretary read the next item, as follows:

30. Auctioneers whose annual sales do not exceed \$10,000 shall pay ten dollars, and if exceeding \$10,000 shall pay twenty dollars. Every person shall be deemed an auctioneer within the meaning of this act whose business it is to offer property at public sale to the highest or best bidder: *Provided*, That the provisions of this paragraph shall not apply to judicial or executive officers making auction sales by virtue of any judgment or decree of any court, nor public sales made by or for executors, administrators, or guardians of any estate held by them as such, nor to attorneys in the ordinary prosecution of their business.

The Committee on Finance proposed to amend this item by striking out the following words at the close: "nor to attorneys in the ordinary prosecution of their business."

The amendment was agreed to.

The Secretary read the next item, as follows:

31. Manufacturers shall pay ten dollars. Any person, firm, or corporation who shall manufacture by hand or machinery any goods, wares, or merchandise, not otherwise provided for, exceeding annually the sum of \$1,000, or shall be engaged in the manufacture or preparation for sale of any articles or compounds, or shall put up for sale in packages with his own name or trademark thereon any articles or compound, shall be regarded as a manufacturer under this act.

The Committee on Finance reported no amendment to this item.

The Secretary read the next item, as follows:

32. Peddlers shall be classified and rated as follows, to wit: when traveling with more than two horses, or mules, the first class, and shall pay fifty dollars; when traveling with two horses, or mules, the second class, and shall pay twenty-five dollars; when traveling with one horse, or mule, the third class, and shall pay fifteen dollars; when traveling on foot, or by public conveyance, the fourth class, and shall pay ten dollars. Any person, except persons peddling only charcoal, newspapers, magazines, Bibles, religious tracts, or the products of his farm or garden, who sells or offers to sell, at retail, goods, wares, or other commodities, traveling from place to place, in the street, or through different parts of the country, shall be regarded a peddler under this act: *Provided*, That any peddler who sells, or offers to sell, distilled spirits, fermented liquors or wines, dry goods, foreign or domestic, by one or more original packages or pieces, at one time, to the same person or persons, or who peddles jewelry, shall pay fifty dollars: *Provided further*, That manufacturers and producers of agricultural tools and implements, garden seeds, fruit and ornamental trees, stoves and hollow ware, brooms, wooden ware, charcoal, and gunpowder, delivering and selling at wholesale any of said articles, by themselves or their authorized agents, at places other than the place of manufacture, shall not therefor be required to pay any special tax.

The Committee on Finance reported two amendments to this item. The first was in line four hundred and sixty-seven to strike out the word "streets" and to insert "town," and after the word "through" to strike out the words "different parts of."

The amendment was agreed to.

The next amendment was to insert at the end of the clause the following proviso:

Provided further, That persons who sell shell or other fish, or both, trundling from place to place, and not from any shop or stand, shall be required to pay five dollars only; and no special tax shall be imposed for selling shell or other fish from hand-carts or wheelbarrows.

Mr. FESSENDEN. The word "trundling" in that proviso should be "traveling," and I move that amendment.

The amendment to the amendment was agreed to.

The amendment, as amended, was adopted.

The Secretary read the next item, as follows:

33. Apothecaries shall pay ten dollars. Every person who keeps a shop or building where medicines are compounded or prepared according to prescriptions of physicians, or where medicines are sold, shall be regarded as an apothecary under this act. But wholesale and retail dealers, who have paid the special tax therefor, shall not be required to pay a tax as an apothecary; nor shall apothecaries who have paid the special tax be required to pay the tax as retail dealers in liquor in consequence of selling alcohol, or of selling or of dispensing, upon physician's prescriptions, the wines and spirits official in the United States and other national pharmacopoeias, in quantities not exceeding half a pint of either at any one time, not exceeding in aggregate cost value the sum of \$300 per annum.

The Committee on Finance reported no amendment to this item.

The Secretary read the next item, as follows:

34. Photographers shall pay ten dollars. Any person or persons who make for sale photographs, ambrotypes, daguerreotypes, or pictures, by the action of light, shall be regarded as a photographer under this act.

The Committee on Finance reported no amendment to this item.

The Secretary read the next item, as follows:

35. Tobaccoists shall pay ten dollars. Any person, firm, or corporation whose business is to sell, at retail, cigars, snuff, or tobacco in any form, shall be regarded as a tobaccoist under this act. But wholesale and retail dealers, and keepers of hotels, inns, taverns, and eating-houses, having paid the special tax therefor, shall not be required to pay the tax as tobaccoists, anything in this act to the contrary notwithstanding.

The Committee on Finance proposed an amendment, in line fifteen hundred and seven to strike out the words "sell at retail" and to insert "manufacture."

The amendment was agreed to.

Mr. FESSENDEN. The latter part of the paragraph should come out, as it is provided for in another place; and I therefore move to strike out the words:

But wholesale and retail dealers, and keepers of hotels, inns, taverns, and eating-houses, having paid the special tax therefor, shall not be required to pay the tax as tobaccoists, anything in this act to the contrary notwithstanding.

The amendment was agreed to.

The Secretary read the next item, as follows:

36. Butchers shall pay ten dollars. Every person whose business it is to sell butchers' meat at retail shall be regarded as a butcher under this act: *Provided*, That no butcher having paid the special tax therefor shall be required to pay the special tax as a retail dealer on account of selling other articles at the same store, stall, or premises: *Provided further*, That butchers who sell butchers' meat exclusively by themselves or agents, and persons who sell shell-fish or other fish, or both, traveling from place to place, and not from any shop or stand, shall be required to pay five dollars only, any existing law to the contrary notwithstanding. And no special tax shall be imposed for selling shell-fish or other fish from hand-carts or wheelbarrows.

The Committee on Finance reported two amendments to this item. The first was in line fifteen hundred and twenty-one, after the word "agents," to strike out the words "and persons who sell shell-fish or other fish, or both."

The amendment was agreed to.

The next amendment was in line fifteen hundred and twenty-five, after the word "notwithstanding," to strike out the following words:

And no special tax shall be imposed for selling shell-fish or other fish from hand-carts or wheelbarrows.

The amendment was agreed to.

The Secretary read the next item, as follows:

37. Proprietors of theaters, museums, and concert halls, receiving pay as entrance money, shall pay \$100. Every edifice used for the purpose of dramatic or operatic or other representations, plays or performances, not including halls rented or used occasionally for concerts or theatrical representations,

shall be regarded as a theater under this act: *Provided*, That when any such edifice is under lease at the passage of this act, the tax shall be paid by the lessee, unless otherwise stipulated between the parties to said lease.

The Committee on Finance reported two amendments to this item. The first was in line fifteen hundred and twenty-nine to strike out the words "receiving pay as entrance money."

The amendment was agreed to.

The next amendment was in line fifteen hundred and thirty-two, after the word "performances," to insert "for admission to which entrance money is received."

The amendment was agreed to.

The Secretary read the next item, as follows:

38. The proprietor or proprietors of circuses shall pay \$100. Every building, tent, space, or area where feats of horsemanship or acrobatic sports or theatrical performances are exhibited, shall be regarded as a circus under this act: *Provided*, That no special tax paid in one State shall exempt exhibitions from the tax in another State. And but one special tax shall be imposed under this act for exhibitions within any one State.

The Committee on Finance reported no amendment to this item.

Mr. GRIMES. I desire to call attention to the language of this clause. It reads as follows:

The proprietor or proprietors of circuses shall pay \$100. Every building, tent, space, or area where feats of horsemanship or acrobatic sports or theatrical performances are exhibited, shall be regarded as a circus under this act.

Now, I unfortunately own a piece of ground, and when a circus comes along it generally takes possession of it and performs there. If they go upon a piece of ground belonging to any gentleman, and set up their tent, and perform on an afternoon or evening, he owning the area or space on which these feats of horsemanship are performed becomes, in the eyes of the law, a proprietor of a circus.

Mr. FESSENDEN. It says that "the proprietor or proprietors of circuses shall pay \$100."

Mr. GRIMES. Yes, sir; but then it goes on to say "every building, tent, space, or area where feats of horsemanship or acrobatic sports or theatrical performances are exhibited, shall be regarded as a circus under this act."

The PRESIDING OFFICER. Does the Senator from Iowa propose an amendment?

Mr. GRIMES. No, sir; I do not. I simply desire to call the attention of the committee to it.

The PRESIDING OFFICER. The reading of the bill will be proceeded with.

The Secretary read the following items, to which no amendments were proposed by the Committee on Finance:

39. Jugglers shall pay twenty dollars. Every person who performs by sleight of hand shall be regarded as a juggler under this act. The proprietors or agents of all other public exhibitions or shows for money, not enumerated in this section, shall pay ten dollars: *Provided*, That a special tax paid in one State shall not exempt exhibitions from tax in another State. And but one special tax shall be required under this act for exhibitions within any one State.

40. Proprietors of bowling-alleys and billiard rooms shall pay ten dollars for each alley or table. Every place or building where bowls are thrown or billiards played, and open to the public, with or without price, shall be regarded as a bowling-alley or billiard room, respectively, under this act.

41. Proprietors of gift enterprises shall pay \$150. Every person, firm, or corporation who shall sell or offer for sale any real estate or article of merchandise of any description whatsoever, or any ticket of admission to any exhibition or performance, with a promise, express or implied, to give or bestow, or in any manner hold out the promise of gift or bestowal of any article or thing for and in consideration of the purchase by any person of any other article or thing, shall be regarded as a proprietor of a gift enterprise under this act: *Provided*, That no such proprietor, in consequence of being thus taxed, shall be exempt from paying any other tax imposed by law, and the special tax herein required shall be in addition thereto.

The next item was read, as follows:

42. Owners of stallions and jacks shall pay ten dollars. Every person who keeps a male horse or a jack for the use of mares, requiring or receiving pay therefor, shall be regarded as the owner thereof, and shall furnish a statement to the assessor or assistant assessor, which shall contain a brief description of the animal, its age, and place or places where used or to be used: *Provided*, That all accounts, notes, or demands for the use of any such horse or jack, the owner or keeper thereof not having paid the tax as aforesaid, shall be void.

The Committee on Finance proposed to amend this item by striking out the word "male," before "horse."

The amendment was agreed to.

The Secretary read the following items, to which the committee proposed no amendment:

43. Lawyers shall pay ten dollars. Every person who for fee or reward shall prosecute or defend causes in any court of record or other judicial tribunal of the United States or of any of the States, or whose business it is to give legal advice in relation to any cause or matter whatever, shall be deemed to be a lawyer within the meaning of this act.

44. Physicians, surgeons, and dentists shall pay ten dollars. Every person (except apothecaries) whose business it is, for fee and reward, to prescribe remedies or perform surgical operations for the cure of any bodily disease or ailment, shall be deemed a physician, surgeon, or dentist, within the meaning of this act.

The Committee on Finance proposed to insert after the items last read the following:

45. Architects and civil engineers shall pay ten dollars for each license. Every person whose business it is to plan, design, or superintend the construction of buildings or ships, or of roads or bridges or canals or railroads, shall be regarded as an architect and civil engineer under this act: *Provided*, That this shall not include a practical carpenter who labors on a building.

The Secretary read the next item, as follows:

46. Builders and contractors shall pay ten dollars. Every person whose business it is to construct buildings, or ships or bridges or canals or railroads, by contract, whose receipts from building contracts exceed \$2,500 in any one year, shall be regarded as a builder and contractor under this act.

The PRESIDING OFFICER. The Committee on Finance propose to change "forty-five" to "forty-six," as the number of the clause. This change will be made without a vote.

Mr. FESSENDEN. I move to change the word "ships" to "vessels," the latter being a more comprehensive term.

The amendment was agreed to.

The Committee on Finance proposed to insert after the item last read the following:

47. Plumbers and gas-fitters shall pay ten dollars for each license. Every person, firm, or corporation, whose business it is to fit, furnish, or sell plumbing materials, gas-pipes, gas-burners, or other gas-fittings, shall be regarded as a plumber and gas-fitter within the meaning of this act.

The amendment was agreed to.

The Committee on Finance proposed to change from "forty-six" the number of the next item, namely:

48. Assayers, assaying gold and silver, or either, of a value not exceeding in one year \$250,000, shall pay \$100, and \$200 when the value exceeds \$250,000 and does not exceed \$500,000, and \$500 when the value exceeds \$500,000. Any person or persons or corporation whose business or occupation it is to separate gold and silver from other metals or mineral substances with which such gold or silver, or both, are alloyed, combined, or united, or to ascertain or determine the quantity of gold or silver in any alloy or combination with other metals, shall be deemed an assayer for the purpose of this act.

The PRESIDING OFFICER. The numbering will be changed without a vote.

The next item was read, as follows:

47. Miners shall pay ten dollars. Every person, firm, or company, who shall employ others in the business of mining for coal, or for gold, silver, copper, lead, iron, zinc, spelter, or other minerals, not having paid the tax therefor, as a manufacturer, and no other, shall be regarded as a miner under this act: *Provided*, That this shall not apply to any miner whose receipts as such shall not exceed, annually, \$1,000.

The Committee on Finance proposed to change the number of the item from "forty-seven" to "forty-nine."

The PRESIDING OFFICER. The change will be made without a vote.

The next item was read, as follows:

48. Express carriers and agents shall pay ten dollars. Every person, firm, or company engaged in the carrying or delivery of money, valuable papers, or any articles for pay, or doing an express business, whose gross receipts therefrom exceed the sum of \$1,000 per annum, shall be regarded as an express carrier: *Provided*, That but one special tax of ten dollars shall be imposed upon any one person, firm, or company, in respect to all the business to be done by such person, firm, or company, on a continuous route, and the payment of such tax shall cover all business done upon such route by such person, firm, or company anywhere in the United States; and such tax shall be required only from the principal in such business, and not from any subordinate: *Provided further*, That draymen or teamsters owning one dray or team shall not be required to pay such tax.

The Committee on Finance proposed to amend this item by striking out "forty-eight" and inserting "fifty."

The PRESIDING OFFICER. That requires no vote.

The next amendment was to insert the word "only" before "one;" so as to make the last proviso read:

Provided further, That draymen and teamsters owning only one dray or team shall not be required to pay such tax.

The amendment was agreed to.

The next item was read, as follows:

39. Grinders of coffee or spices shall pay \$100. Any person who manufactures or prepares for use and sale, by grinding or other process, coffee, spices, or mustard, or adulterated coffee, spices, or mustard, or any article or compound intended for use in the adulteration of or as substitutes for coffee, spices, or mustard, shall be regarded as a grinder of coffee or spices under this act: *Provided*, That any person who shall roast coffee for use or sale shall be required to pay the special tax herein imposed upon grinders of coffee or spices.

The PRESIDING OFFICER. The number of this item will be changed from "forty-nine" to "fifty-one."

The Secretary read the next clause of the ninth section of the bill, as follows:

That section eighty be amended by striking out all after the enacting clause and inserting in lieu thereof the following: that the special tax shall not be imposed upon apothecaries, confectioners, butchers, keepers of eating-houses, hotels, inns, or taverns, tobacconists, or retail dealers, except retail dealers in spirituous and malt liquors, when their annual gross receipts shall not exceed the sum of \$1,000, anything in this act to the contrary notwithstanding; the amount of such annual receipts to be ascertained or estimated in such manner as the Commissioner of Internal Revenue shall prescribe, and so of all other annual sales or receipts where the tax is graduated by the amount of sales or receipts; and where the amount of the tax has been increased by law above the amount paid by any person, firm, or company, or has been understated or underestimated, such person, firm, or company shall be again assessed, and pay the amount of such increase: *Provided*, That when any person, before the passage of this act, has been assessed for a license, the amount thus assessed being equal to the tax herein imposed for the business covered by such license, no special tax shall be assessed until the expiration of the period for which such license was assessed.

The committee proposed to amend this clause by striking out the words "and so," in line sixteen hundred and seventy-nine, and inserting "as well as the amount of" before "all other annual sales or receipts."

The amendment was agreed to.

The Secretary read the next clause of section nine, as follows:

That section eighty-one be amended by striking out all after the enacting clause and inserting in lieu thereof the following: that nothing contained in the preceding sections of this act shall be construed to impose an additional tax upon any person as a dealer for the sale of goods, wares, and merchandise, made or produced and sold by the manufacturer or producer at the manufactory or place where the same is made or produced, and at the principal office or place of business: *Provided*, That no goods, wares, or merchandise shall be kept for sale at such office; nor upon vintners who sell wine of their own growth at the place where the same is made; nor upon apothecaries as to wines or spirituous liquors which they use exclusively in the preparation or making up of medicines; nor shall physicians be taxed for keeping on hand medicines solely for the purpose of making up their own prescriptions for their own patients; nor shall farmers be taxed as manufacturers or producers for making butter or cheese, with milk from their own cows, or for any other farm products: *Provided*, That the payment of any tax in this act levied or provided shall not be held or construed to exempt any person carrying on any trade, business, or profession, herein specified, from any penalty or punishment provided by the laws of any State for carrying on such trade, business, or profession within such State, or in any manner to authorize the commencement or continuance of such trade, business, or profession contrary to the laws of such State, or in places prohibited by municipal law; nor shall the payment of any tax herein provided be held or construed to prohibit or prevent any State from placing a duty or tax for State or other purposes on any trade, business, or profession taxed by this act.

The Committee on Finance proposed to amend this clause by striking out after the word "impose," in line sixteen hundred and ninety-four, these words:

An additional tax upon any person as a dealer for the sale of goods, wares, and merchandise, made or produced and sold by the manufacturer or producer at the manufactory or place where the same is made or produced, and at the principal office or place of business: *Provided*, That no goods, wares, or merchandise shall be kept for sale at such office; nor.

And in lieu thereof to insert the words "a special tax;" so as to make the clause read:

That nothing contained in the preceding sections of this act shall be construed to impose a special tax upon vintners, &c.

Mr. SPRAGUE. I should like to inquire of the committee whether it is their intention, in addition to the tax assessed upon manufacturers of five or six per cent., as the case may be, to oblige them to pay taxes on the sales of their products, as the striking out of this clause would seem to imply.

Mr. FESSENDEN. This is provided for on page 51, and that is the reason it is struck out here. We do not want to provide twice for the same thing.

Mr. SPRAGUE. I should like to understand from the chairman of the committee if it is the intention of the committee, in addition to the percentage of five per cent. that the manufacturer pays on his products, he shall also pay a tax upon his sales.

Mr. FESSENDEN. There is no change made in the act of last year on that subject.

Mr. SPRAGUE. Then it is not intended to tax sales; there is no intention of that kind?

Mr. FESSENDEN. There is nothing of that kind in the act.

Mr. SPRAGUE. There was by some members of the House of Representatives a fear that the provisions of the bill were not clear enough to settle that point.

Mr. FESSENDEN. It is precisely as it was last year; no change.

The amendment was agreed to.

The Secretary read the next clause of the ninth section of the bill, as follows:

That section eighty-six be amended by striking out all after the enacting clause and inserting in lieu thereof the following: that any person, firm, company, or corporation manufacturing or producing goods, wares, and merchandise, sold or removed for consumption or use, upon which duties or taxes are imposed by law, shall, in their return of the value and quantity, render an account of the full amount of actual sales made by the manufacturer, producer, or agent thereof, and shall state whether any part, and if so, what part, of said goods, wares, and merchandise has been consumed or used by the owner, owners, or agent, or used for the production of another manufacture or product, together with the market value of the same at the time of such use or consumption; whether such goods, wares, and merchandise were shipped for a foreign port or consigned to auction or commission merchants, other than agents, for sale; and shall make a return according to the value at the place of shipment, when shipped for a foreign port, or according to the value at the place of manufacture or production, when removed for use or consumption, or consigned to others than agents of the manufacturer or producer. The value and quantity of the goods, wares, and merchandise required to be stated as aforesaid shall be estimated by the actual sales made by the manufacturer or by his agent. And where such goods, wares, and merchandise have been removed for consumption or for delivery to others, or placed on shipboard, or are no longer within the custody or control of the manufacturer or his agent, not being in his factory, store, or warehouse, the value shall be estimated at the average of the market value of the like goods, wares, and merchandise at the time when the same became liable to tax.

The Committee on Finance proposed to amend this clause by striking out "duties or" before "taxes," in line seventeen hundred and twenty-seven.

The amendment was agreed to.

The Secretary read the next clause of the ninth section of the bill, as follows:

That section eighty-seven be amended by striking out all after the enacting clause and inserting in lieu thereof the following: that any person, firm, company, or corporation who shall now be engaged in the manufacture of tobacco, snuff, or cigars, or who shall hereafter commence or engage in such manufacture before commencing, or if already commenced, before continuing such manufacture for which they may be liable to be assessed under the provisions of law, shall, in addition to a compliance with all other provisions of law, furnish to the assessor or assistant assessor a statement, subscribed under oath or affirmation, accurately setting forth the place, and if in a city, the street and number of the street where the manufacturing is, or is to be, carried on, the name and description of the manufactured article, and if the same shall be manufactured for or to be sold and delivered to any other person or party, the name and residence and business or occupation of the person or party for whom the said article is to be manufactured or to whom it is to be delivered, and generally the kind and quality manufactured, or proposed to be manufactured; and shall give a bond to the United States, with one or more sureties to be approved by the collector of the district, in the sum of \$3,000 for each cutting-machine kept for use, in the sum of \$1,000 for

each screw-press kept for use in making plug or pressed tobacco, in the sum of \$5,000 for each hydraulic press kept for use, in the sum of \$1,000 for each snuff-mull kept for use, and in the sum of \$100 for each person employed by said person, firm, company, or corporation in making cigars, conditioned that he will comply with all the requirements of law in regard to the manufacture of tobacco, snuff, or cigars; that he will not employ others to manufacture cigars who have not obtained the requisite permit for making cigars; that he will not engage in any attempt, by himself or by collusion with others, to defraud the Government of any duty or tax on any manufacture of tobacco, snuff, or cigars; that he will render truly and correctly all the returns, statements, and inventories prescribed for manufacturers of tobacco, snuff, and cigars; that whenever he shall add to the number of cutting-machines, presses, snuff-mulls, or cigar-makers, used or employed by him, he will immediately give notice thereof to the collector who holds the bond that he will pay to the collector of the district all the duty or taxes which may or should be assessed and due on any tobacco, snuff, or cigars so manufactured, and that he will not knowingly sell, purchase, or receive for sale any such tobacco, snuff, or cigars which have not been inspected, branded, or stamped as required by law, or upon which the tax has not been paid if it has accrued or become payable. And the said bond may be renewed or changed from time to time, in regard to the sureties thereof, according to the discretion of the collector, under the instructions of the Commissioner of Internal Revenue. And every person, firm, company, or corporation aforesaid shall exhibit, whenever demanded by any officer of internal revenue, a certificate from the collector, who is hereby authorized and directed to issue the same, setting forth the kind and number of machines, presses, snuff-mulls, and number of cigar-makers for which the bond has been given. And any person, firm, or corporation manufacturing tobacco, snuff, or cigars of any description without first furnishing the bond in the cases herein required, shall be subject to a fine of \$300, and in addition thereto, upon conviction thereof, shall be liable to imprisonment for a term not exceeding one year, at the discretion of the court.

The committee proposed to amend this clause by striking out, in line seventeen hundred and fifty-seven, the word "shall" and inserting "may."

The amendment was agreed to.

The next amendment was to strike out the words "duty or" before "tax," in lines seventeen hundred and eighty-nine and seventeen hundred and ninety-seven.

The amendment was agreed to.

The Secretary read the next clause, as follows:

That section eighty-eight be amended by striking out all after the enacting clause and inserting in lieu thereof the following: that it shall be the duty of the assistant assessor of each district to keep a record, in a book or books to be provided for the purpose, to be open to the inspection of any person upon reasonable request, of the name of any and every person, firm, company, or corporation who may be engaged in the manufacture of tobacco, snuff, or cigars in his district, together with the place where such manufacture is carried on and place of residence of the person or persons engaged therein; and the assistant assessor shall enter in said record, under the name of each manufacturer, an abstract of his monthly returns; and each assessor shall keep a similar record for the entire district.

The Committee on Finance proposed no amendment to this clause.

The Secretary read the next clause, as follows:

That section eighty-nine be amended by striking out all after the enacting clause and inserting in lieu thereof the following: that in all cases where tobacco, snuff, or cigars, of any description, are manufactured, in whole or in part, upon commission or shares, or where the material from which any such articles are made, or are to be made, is furnished by one party and manufactured by another, or where the material is furnished or sold by one party with an understanding or contract with another that the manufactured article is to be received in payment therefor or any part thereof, the duty or tax imposed by law thereon, when paid by the manufacturer, may be collected at the time, or at any time subsequently, of the party for whom the same was made or to whom the same was delivered, as aforesaid, or of the person or party who made the same as the assessor shall deem best for the collection of the revenue. And in case of fraud on the part of either of said parties in respect to said manufacture, or of any collusion on their part with intent to defraud the revenue, such material and manufactured articles shall be liable to forfeiture; and such articles shall be liable to be assessed the highest rates of tax or duty imposed by law upon any article belonging to its grade or class.

The Committee on Finance proposed to amend this clause by striking out "duty or" before "tax," in line eighteen hundred and forty-five, and by striking out "or duty" after "tax," in line eighteen hundred and fifty-six, and by striking out "of," in line eighteen hundred and forty-nine and inserting "upon."

The PRESIDING OFFICER. These verbal amendments will be regarded as agreed to without a formal vote.

The committee also proposed to amend the clause by striking out, in lines eighteen hundred and forty-six and eighteen hundred and forty-seven, the words "when paid by the manufacturers may be collected at the time, or at any time subsequently, of" and inserting "may be assessed upon."

The amendment was agreed to.

The next amendment was at the close of the clause to strike out the words "belonging to its grade or class" and insert "of like kind."

The amendment was agreed to.

The next clause was read, as follows:

That section ninety be amended by striking out all after the enacting clause and inserting in lieu thereof the following: that any person, firm, company, or corporation, now or hereafter engaged in the manufacture of tobacco, snuff, or cigars of any description whatsoever, shall be, and hereby is, required to make out and deliver to the assistant assessor of the assessment district a true statement or inventory of the quantity of each of the different kinds of tobacco, snuff, flour, snuff, cigars, tinfoil, licorice, and stems held or owned by him or them on the 1st day of January of each year, or at the time of commencing business under this act, setting forth what portion of said goods was manufactured or produced by him or them, and what was purchased from others, whether chewing, smoking, fine-cut, short, pressed, plug, snuff-flour or prepared snuff, or cigars, which statement or inventory shall be verified by the oath or affirmation of such person or persons, and be in manner and form as prescribed by the Commissioner of Internal Revenue; and every such person, company, or corporation shall keep in books an accurate account of all the articles aforesaid thereafter purchased by him or them, the quantity of tobacco, snuff, flour, or cigars, of whatever description, sold, consumed, or removed for consumption or sale, or removed from the place of manufacture; and he or they shall, on or before the 10th day of each month, furnish to the assistant assessor of the district a true and accurate abstract of all such purchases, and sales or removals, which abstract shall be verified by oath or affirmation; and in case of refusal or neglect to deliver the inventory, or keep the account, or furnish the abstract aforesaid, he or they shall forfeit the sum of \$500, to be recovered with costs of suit. And it shall be the duty of any manufacturer or vendor of tinfoil or other material used in manufacturing tobacco, snuff, or cigars, on demand of any officer of internal revenue, to render to such officer a correct statement, verified by oath or affirmation, of the quantity and amount of tinfoil or other materials sold or delivered to any person or persons named in such demand; and in case of refusal or neglect to render such statement, or of cause to believe such statement to be incorrect or fraudulent, the assessor of the district may cause an examination of persons, books, and papers to be made in the same manner as provided in the fourteenth section of this act. And all the provisions of law relating to manufacturers generally, so far as applicable and not inconsistent herewith, shall be held to apply to the manufacture of tobacco, snuff, and cigars: *Provided*, That the tax imposed upon the manufacturer of tobacco, snuff, and cigars, shall be assessed on or before the time of removal from the place of manufacture, and shall be payable at the time of such removal, unless removed to a bonded warehouse; but nothing shall exonerate the manufacturer of tobacco, snuff, and cigars from liability to tax in case of sale before such removal: *Provided further*, That manufactured tobacco, snuff, or cigars, whether of domestic manufacture or imported, may be transferred without payment of the tax, to a bonded warehouse established in conformity with law and Treasury regulations, under such rules and regulations and upon the execution of such transportation bonds or other security as the Secretary of the Treasury may prescribe, said bonds or other security to be taken by the collector of the district from which such removal is made; and may be transported from such a warehouse to any other bonded warehouse established as aforesaid, and may be withdrawn from bonded warehouse for consumption on payment of the tax, or removed for export to a foreign country without payment of tax, in conformity with the provisions of law relating to the removal of distilled spirits, all the rules, regulations, and conditions of which, so far as applicable, shall apply to tobacco, snuff, or cigars, in bonded warehouse. And no drawback shall in any case be allowed upon any manufactured tobacco, snuff, or cigars upon which any tax has been paid either before or after it has been placed in bonded warehouse.

The first amendment of the Committee on Finance to this clause was in line eighteen hundred and seventy-seven to strike out "books" and insert "book-form;" so as to read, "shall keep in book-form an accurate account," &c.

The amendment was agreed to.

The next amendment was after "description" and before "sold," in line eighteen hundred and eighty, to insert the word "manufactured."

The amendment was agreed to.

The next amendment was in line nineteen hundred and seven to strike out "assessed on or before the time of," and insert "held to accrue upon the sale or;" after "manufacture," in line nineteen hundred and nine, to strike

out "and shall be payable at the time of such removal;" and after "warehouse," in line nineteen hundred and ten, to strike out "but nothing shall exonerate the manufacturer of tobacco, snuff, and cigars from liability to tax in case of sale before such removal;" so as to make the first proviso read:

Provided, That the tax imposed upon the manufacturer of tobacco, snuff, and cigars shall be held to accrue upon the sale or removal from the place of manufacture, unless removed to a bonded warehouse.

The amendment was agreed to.

The next amendment was after "as," in line nineteen hundred and nineteen, to insert "may be prescribed by the Commissioner of Internal Revenue subject to the approval of;" and after "Treasury," in line nineteen hundred and twenty-one, to strike out "may prescribe."

The amendment was agreed to.

The next amendment was after "cigars," in line nineteen hundred and thirty-three, to strike out "upon which any tax has been paid, either before or after it has been placed in bonded warehouse;" so as to make the clause read:

And no drawback shall in any case be allowed upon manufactured tobacco, snuff, or cigars.

The amendment was agreed to.

The Secretary read the next clause, as follows:

That section ninety-one be amended by striking out all after the enacting clause and inserting in lieu thereof the following: that all manufactured tobacco, snuff, or cigars, whether of domestic manufacture or imported, shall, before the same is used or removed for consumption, be inspected by an inspector appointed under the fifty-eighth section of the act to which this is an amendment, who shall mark or affix a stamp upon the box or other package containing such tobacco, snuff, or cigars, in a manner to be prescribed by the Commissioner of Internal Revenue, denoting the kind, quantity, or number contained in each package, with the date of inspection and the name of the inspector, and the collection district. The fees of such inspector shall in all cases be paid by the owner of the manufactured tobacco, snuff, or cigars, so inspected. And the penalties for the fraudulent marking of any box or other package of tobacco, snuff, or cigars, and for any fraudulent attempt to evade the taxes on tobacco, snuff, or cigars, so inspected, by changing in any manner the package or the marks thereon, shall be the same as are provided in relation to distilled spirits by existing laws. And all cigars manufactured after the passage of this act shall be packed in boxes or paper packages. And any manufactured tobacco, snuff, and cigars, whether of domestic manufacture or imported, which shall be sold or pass out of the hands of the manufacturer or importer, except into a bonded warehouse, without the inspection marks or stamps affixed by the inspector, unless otherwise provided, shall be forfeited, and may be seized where ever found, and shall be sold, and the proceeds of such sale shall be distributed between the United States and the informer, if there be any, as provided by law. The Commissioner of Internal Revenue shall keep an account of all stamps delivered to the several inspectors; and said inspectors shall also keep an account of all stamps by them used or placed upon boxes containing cigars, and of all tobacco, snuff, and cigars inspected, and the name of the person, firm, or company for whom the same were so inspected, and shall return to the assessor of the district a separate and distinct account of the same, and also return to the said Commissioner, on demand, all stamps not otherwise accounted for, and shall give a bond for a faithful performance of all the duties to which he may be assigned, and to return or account for all stamps which may be placed in his hands.

The first amendment reported by the Committee on Finance to this clause was in lines nineteen hundred and forty-one and nineteen hundred and forty-two to strike out the words "the fifty-eighth section of the act to which this is an amendment," and insert "this act."

The amendment was agreed to.

The next amendment was to strike out the following words from line nineteen hundred and fifty to line nineteen hundred and fifty-six:

And the penalties for the fraudulent marking of any box or other package of tobacco, snuff, or cigars, and for any fraudulent attempt to evade the taxes on tobacco, snuff, or cigars, so inspected, by changing in any manner the package or the marks thereon, shall be the same as are provided in relation to distilled spirits by existing laws.

And in lieu thereof to insert:

And any person who shall affix upon any box or other package containing such tobacco, snuff, or cigars, any mark or stamp which shall be false or fraudulent in any of the particulars before recited in this section, or shall, with intent to defraud the United States, or to cause the same to be defrauded, change in any manner such stamp or mark, or such box or package so marked or stamped, shall be liable to a fine of not less than fifty dollars, or to imprisonment not exceeding two years, for every such offense.

The amendment was agreed to.

The Secretary read the next clause, as follows:

That section ninety-two be amended by striking out all after the enacting clause and inserting in lieu thereof the following: that if any person other than the manufacturer shall sell or consign or remove for sale, or part with the possession of any manufactured tobacco, snuff, or cigars upon which the taxes imposed by law have not been paid, with the knowledge thereof, such person shall be liable to a penalty of \$100 for each offense. And any person who shall purchase or receive for sale any such tobacco, snuff, or cigars, which has not been inspected, branded, or stamped as required by law, or upon which the tax has not been paid, if it has accrued or become payable, with knowledge thereof, shall be liable to a penalty of fifty dollars for each and every offense. And any person who shall purchase or receive for sale any such tobacco, snuff, or cigars from any manufacturer who has not paid the special tax shall be liable for each and every offense to a penalty of \$100, and, in addition thereto, a forfeiture of all the articles, as aforesaid, so purchased or received, or the full value thereof. And every person, before making any cigars after the passage of this act, shall apply for and procure from the assistant assessor of the district in which he resides a permit authorizing such persons to carry on the trade of cigar-making, for which permit he shall pay said assistant assessor the sum of twenty-five cents. And every person employed or working at the business of cigar-making in any other district than that in which he or she is a resident shall, before making any cigars in such other district, present said permit to the assistant assessor of the district where so employed or working, and procure the indorsement of said assistant assessor thereon, authorizing said business in said district, for which indorsement the assistant assessor shall be entitled to receive from the applicant the sum of ten cents. And it shall be the duty of every assistant assessor, upon application of any person residing in his district, to furnish a permit, or to indorse upon the permit of the applicant, if resident in another district, authority to pursue the trade of cigar-making within the proper district of such assistant assessor; and said assistant assessor shall keep a record of all permits granted or indorsed by him, showing the date of each permit, the name, residence, and place of employment of the party named therein, the name and district of the officer who originally granted the same, or who may have made any subsequent indorsements thereon, and the name or names of the party or parties by whom the person named in such permit is employed, or, if working for himself, stating such fact; and every person making cigars shall keep an accurate account in a book of all the cigars made by him, for whom, and their kind and quality; and, if made for any other person, shall state in said account the name of the person for whom the same were made, and his place of business, and shall, on the first Monday of every month, deliver to the assistant assessor of the district a copy of such account, verified by oath or affirmation that the same is true and correct: *Provided*, That journeymen cigar-makers and apprentices who work for others shall not be included in this provision. And if any person shall make any cigars without procuring such permit, or the proper indorsements thereon, or neglect to keep such account in a book, he shall be punished by a fine of five dollars for each day he shall so offend, or by imprisonment for such time as the court may order for each day's offense, not exceeding thirty days in the whole, upon any one conviction. And if any person making cigars shall fail to make the return herein required, or shall make a false return, he shall be punished by a fine not exceeding \$100, or by imprisonment not exceeding thirty days. And any person furnished with such permit may apply to the assistant assessor or inspector of the district to have any cigars of their own manufacture counted; and on receiving a certificate of the number, for which such fee as may be prescribed by the Commissioner of Internal Revenue shall be paid by the owner thereof, may sell and deliver such cigars to any purchaser, in bulk or unpacked, without payment of the duty. A copy of the certificate shall be retained by the assistant assessor, or by the inspector, who shall return the same to the assessor of the district. The purchaser shall pack such cigars in boxes or paper packages, and have the same inspected and marked, or stamped according to the provisions of this act, and shall make a return of the same, as inspected, to the assistant assessor of the district, and, wherein the same were manufactured, and, unless removed to a bonded warehouse, shall pay the duties on such cigars within fifteen days after purchasing them to the collector of the district wherein they were manufactured, and before the same have been removed from the store or building of such purchaser, or from his possession; and any such purchaser who shall neglect for more than fifteen days to pack and have such cigars duly inspected, and pay the duties thereon according to this act, or who shall purchase any cigars from any person not holding such permit, the duties thereon not having been paid, shall be deemed guilty of a misdemeanor, and be fined not exceeding \$500, and be imprisoned not exceeding six months, at the discretion of the court, and the cigars shall be forfeited and sold, one fourth for the benefit of the informer, one fourth for the officer who seized or had them condemned, and one half shall be paid to the Government. And if any person, firm, company, or corporation shall employ or procure any person to make any cigars who has not the permit or the indorsement thereon required by this act, he shall be punished by a fine of ten dollars for each day he shall so employ such person, or by imprisonment not exceeding ten days. And if any person shall be found making cigars without such permit, or the indorsement thereon, the collector of the district may seize

any cigars, or tobacco for making cigars, which may be found in possession of such person, and the same shall be forfeited to the United States and sold; and the proceeds of such sale shall be distributed between the United States and the informer, if there be any, as provided by law.

The Committee on Finance proposed to amend this clause by striking out the following proviso in lines two thousand and forty-five, two thousand and forty-six, and two thousand and forty-seven:

Provided, That journeymen cigar-makers and apprentices, who work for others, shall not be included in this provision.

The amendment was agreed to.

The next amendment was in line two thousand and forty-nine to strike out "a book" and insert "book-form."

The amendment was agreed to.

The next amendment was in line two thousand and fifty-eight after "person" to strike out the words "furnished with such permit," and in line two thousand and sixty to strike out "their" and insert "his."

The amendment was agreed to.

The next amendment was in line two thousand and sixty-six to strike out "duty" and insert "tax;" in line two thousand and seventy-three to strike out "and;" and in line two thousand and seventy-five to strike out "duties" and insert "taxes."

The amendment was agreed to.

The next amendment was in line two thousand and seventy-nine to strike out "any" and insert "if;" in line two thousand and eighty to strike out "who;" in line two thousand and eighty-one to insert "to" before "pay;" in line two thousand and eighty-one to strike out "duties" and insert "taxes;" after "act," in line two thousand and eighty-two, to strike out "or who shall purchase any cigars from any person not holding such permit, the duties thereon not having been paid, shall be deemed guilty of a misdemeanor, and," and to insert "he shall;" after "cigars," in line two thousand and eighty-seven, to insert "may be seized by the collector and;" after "forfeited," in line two thousand and eighty-eight, to strike out "and sold, one fourth for the benefit of the informer, one fourth for the officer who seized or had them condemned, and one half to the Government," and insert "to the United States;" so as to read:

And if such purchaser shall neglect for more than fifteen days to pack and have such cigars duly inspected, and to pay the taxes thereon according to this act, he shall be fined not exceeding \$500 and be imprisoned not exceeding six months, at the discretion of the court, and the cigars may be seized by the collector, and shall be forfeited to the United States.

The amendment was agreed to.

Mr. FESSENDEN. We have now arrived at what seems to be a good place to stop, and I think it would be very hard on the Clerk to go any further to-day. I propose, therefore, to stop here with this bill to-day if the Senate is willing.

Mr. CONNESS. I move that the Senate proceed to the consideration of executive business.

Mr. HENDRICKS. I think we might as well adjourn. It is pretty hard work to attend to this bill for so many hours, and I move an adjournment.

Mr. CONNESS. I desire a short executive session for a particular purpose which will only occupy a few moments.

Mr. HENDRICKS. Very well, I withdraw my motion.

The motion of Mr. CONNESS was agreed to; and after some time spent in executive session the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, June 20, 1866.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. C. B. BOYNTON.

The Journal of yesterday was read and approved.

LEAVE OF ABSENCE.

On motion of Mr. CULLOM, leave of ab-

sence was granted to Mr. FARNSWORTH for two weeks from Monday last.

IOWA LAND GRANT.

Mr. DONNELLY. I ask unanimous consent to report back from the Committee on Public Lands House bill No. 413, granting to the State of Iowa land in alternate sections to aid in the construction of the Iowa Central railroad.

Mr. RANDALL, of Pennsylvania. I object.

SAFETY OF PASSENGERS.

Mr. EGGLESTON, by unanimous consent, from the Committee on Commerce, reported back Senate amendments to House bill No. 477, further to provide for the safety of the lives of passengers on board of vessels propelled in whole or in part by steam, to regulate the salaries of steamboat inspectors, and for other purposes, with the recommendation that they be non-concurred in.

The amendments were non-concurred in.

Mr. EGGLESTON then moved that a committee of conference be requested on the disagreeing votes between the two Houses.

The motion was agreed to.

C. T. FAY.

Mr. McRUER, by unanimous consent, introduced a joint resolution authorizing the Secretary of the Treasury to settle the account of C. T. Fay; which was read a first and second time, and referred to the Committee of Claims.

PUNISHMENT OF CRIMES.

Mr. BOUTWELL, by unanimous consent, introduced a bill to amend an act in addition to the act for the punishment of certain crimes against the United States, and to repeal the acts therein mentioned, passed April 18, 1818; which was read a first and second time, and referred to the Committee on Foreign Affairs.

NEW MEXICO AND ARIZONA.

Mr. GLOSSBRENNER, by unanimous consent, reported, from the Committee on Public Lands, House bill No. 316, for the relief of the inhabitants of towns and villages in the Territories of New Mexico and Arizona; which was ordered to be printed and recommitted to the Committee on Public Lands.

CONSUL AT QUEBEC.

Mr. SCHIENCK, by unanimous consent, offered the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Foreign Affairs be instructed to inquire into the expediency of making the United States consulate at Quebec a salaried officer, and report by bill or otherwise.

RECONSTRUCTION.

Mr. WASHBURN, of Illinois. I ask leave of the House to sign my name to the report of the joint committee on reconstruction. I was absent when it was made.

No objection was made.

RICHMOND EXAMINER.

Mr. INGERSOLL asked unanimous consent to offer the following resolution:

Resolved, That the Secretary of State and the Postmaster General are hereby directed to inform this House why it is that public printing for their respective Departments is given to the Richmond Examiner, a newspaper published at Richmond, Virginia.

Mr. ELDRIDGE. I object.

PENSIONS.

Mr. PERHAM, from the Committee on Invalid Pensions, to which was referred a resolution of the House in regard to an increase of pensions, with leave to report at any time, reported back the same with an accompanying bill increasing the pensions of widows and orphans, and for other purposes; which was read a first and second time.

The bill was read in full. It extends the provisions of the pension laws to provost marshals, deputy provost marshals, and enrolling officers who have been killed or wounded in the discharge of their duty; and for the purpose of determining the amount of pensions to

which such persons and their dependents shall be entitled, provost marshals shall be ranked as captains, deputy provost marshals as first lieutenants, and enrolling officers as second lieutenants. The bill also provides for an increase of two dollars per month for each child of deceased soldiers or sailors under sixteen years of age, and where there is more than one child and no widow, the pension to such children shall be increased to the same amount that would be allowed under the foregoing provisions to the widow if living and entitled to a pension; provided that in no case shall more than one pension be allowed to the same person.

Mr. PERHAM. In presenting this report I am directed by the Committee on Invalid Pensions to make a brief statement to the House of our legislation in reference to the subject of granting pensions.

Early in the last Congress and repeatedly during the whole Congress propositions were presented to the committee for an increase of pensions, and the committee became satisfied that the tax-payers of this country generally desired that the pensions of the wounded soldiers and of the dependents of such as have been killed in the service should be increased. The committee fully recognized the propriety of that, believing that the increase in the cost of living would warrant to the fullest extent an increase of pension. The question arose in the committee, how shall that increase be made?

The committee found that there was a large class of persons who, in their opinion, were entitled to pensions, but who were excluded by the provisions of the law and the rules for the administration of the law in that regard. They therefore thought it proper to extend the provisions of the law to that class of people. They also found that a large number of persons who were receiving eight dollars per month were suffering under comparatively slight disability, to whom eight dollars a month is a very fair compensation for their disability. They found, also, that a great many other persons entitled to pensions were entirely disabled, who had lost both hands or both eyes or had been shot almost to pieces, who were in such a condition that absolutely required the constant attention of others to help them along through life. We came to the conclusion that the best way to increase pensions was to increase them to these disabled pensioners in proportion to their disabilities.

Previous to the act of July 14, 1862, privates in the Marine corps were entitled to \$3 50 and sailors five dollars per month. Widows of the Florida and Indian and Mexican wars, \$3 50, and of the war of 1812 four dollars per month. By this act the pensions to these classes of persons engaged in the war then in progress, as well as all the widows, were increased to eight dollars; and extended to minor children and dependent mothers, and sisters of deceased officers, soldiers, and sailors. By the act of July 4, 1864, the provisions of the pension laws were extended to persons, not enlisted, who volunteered to fight in any organized military force.

It was found that in some instances persons who had been enlisted but not mustered into the service were forced into battle at once and were either killed or disabled before they were mustered in. This act allows pensions to such soldiers the same as if they had been mustered in. It also proposes to increase the pensions of those who had lost two eyes or two hands to twenty-five dollars a month, and those who have lost two feet to twenty dollars per month.

Mr. TROWBRIDGE. I would like to ask the gentleman a question which was put to me last night by a soldier who has been wounded and who would be entitled to a pension. I am glad of this opportunity of asking the gentleman if there is any law which denies to an invalid pensioner his pension when he goes into the civil service of the Government.

Mr. PERHAM. The law which excluded him has been repealed.

Mr. TROWBRIDGE. I am very glad to

hear that announcement, because there is a great deal of anxiety about this matter.

Mr. PERHAM. That provision of the old law was repealed by the act of June 6, 1866.

Mr. FARQUHAR. I desire to ask the gentleman whether the provisions of the bill which was recommended by the committee of which he is chairman, and which has been passed by the House and is now a law, do not extend a pension of equal amount to all those that he has named, those who have lost two eyes, two feet, two hands, &c.

Mr. PERHAM. I was just about to state what would be an answer to that question, and would have stated it in a few moments longer. During the present Congress, upon an investigation of the subject, the Committee on Invalid Pensions ascertained that there are a very large number of persons who are equally disabled with those who have lost both hands, or both feet, or both eyes; for instance, persons who had lost the use of both feet or both legs, were excluded under the ruling of the Department, and perhaps very properly under the law. It was also found that there were a great many persons who had lost neither their eyes nor feet, who were still suffering under as severe disabilities as any who had suffered that loss. Therefore the committee agreed to extend the provisions of the law in this manner. And the bill recently passed repeals the provisions of the old law, which provided that those who have actually lost their feet or eyes, &c., shall have an increase of pension, and provides in lieu of that that those who have lost their eyes or their feet, or the use of the same, &c., should have an increase of pension. And it also extends the same pension to those whose disability may be equivalent to such loss, leaving it to the Commissioner of Pensions to determine what shall be regarded as the relative disability.

The same act also provides that those who are under such a disability as by the old law would entitle them to receive a pension of twenty dollars per month, shall still receive that pension, notwithstanding they may not have actually lost their feet, or hands, or eyes, provided they have lost the use of their feet or their hands. The act also provides that in all cases where the disability may be equivalent to those named in this class, the same pension shall follow.

The act also provides that in all cases where an individual has lost one hand or one foot, or where the disability, in the judgment of the Commissioner, may be equivalent to that loss, the pension shall be increased to fifteen dollars per month. That increases the pension to fifteen dollars per month of a large portion of the cases of persons who are entitled under the old law to eight dollars per month.

This act also extends the provisions of the pension law to officers who were killed in service after they were commissioned, but who were in such kind of service, so far away from the proper mustering officer, that it was impossible for them to be properly mustered in; giving them a pension according to the rank for which they were actually commissioned. It also extends the provisions of the pension law to soldiers who were absent on sick furlough; placing them on the same footing as those who were in camp or in the field. It also extends the provisions of the pension law to teamsters, wagoners, artificers, hospital stewards, and all other enlisted men, however employed. It also repeals that provision of the law—and now I answer the question of the gentleman from Michigan [Mr. TROWBRIDGE]—which excludes pensioners who are in the civil service from the right to draw their pensions. It also provides that claims for pensions and pension money shall be exempt in all cases from attachment or seizure. And now the committee are of opinion that in this direction, so far as this particular class of persons are concerned, the pension law has been extended about as far as it is well to extend it at the present Congress.

But there seems to be another class of persons who demand our attention, another call

for the discharge of this debt of gratitude to those heroes of the Republic, which, in the opinion of the committee, the people, the taxpayers of the country, will be glad to meet. I allude to that class of widows who have large families of children dependent upon them for support. A young widow, in good health, with no children dependent upon her for support, may be able to get along very well with a pension of eight dollars per month. But for a widow with four or five, or six or eight or more small children dependent upon her for support, a pension of but eight dollars per month seems to be but a very small pension, indeed; a pension which in the opinion of the committee ought to be increased, and therefore the committee have reported this section of the bill, which provides an increase of pension of two dollars per month in addition to the pension already granted to the widow, for each child dependent upon such widow for support. It also provides the same increase of pension to orphan children.

And we have also reported a section, in accordance with the instructions of the House, extending the provisions of the pension law to those who have been in the provost marshal's department the same as though they were in the military service of the Government.

And now I wish to say, in regard to this subject, that, under the present law, before the passage of the last law, our pensions amounted to about sixteen million dollars per annum. We are now paying, I believe, at the rate of about eighteen million dollars per annum, a portion of it being for back pensions; but the legitimate expenses of the Government for pensions is about sixteen million dollars per annum. It is estimated that the bill already passed, and the bill now pending, if it should pass, will increase the amount of pensions about six million dollars per annum, making the total amount about twenty-two million dollars per annum.

There is also a bill pending to pension all the soldiers and widows of the soldiers of the war of 1812. I am not disposed to discuss the merits of that bill at this time. I will only say that if it shall pass it would increase our pensions about thirteen million dollars per annum, according to the best estimate the committee can make. This would increase our pensions to about thirty-five million dollars per annum.

Now, if no other member desires to say anything upon this bill, I will call the previous question.

Mr. HARDING, of Kentucky. Will the gentleman from Maine yield to me for a few moments?

Mr. PERHAM. I will.

Mr. HARDING, of Kentucky. It will be observed that this bill embraces two sections. The second section provides for increasing under certain circumstances the pensions of widows and orphans; and that is, I think, a very just and proper provision. The first section, however, is of a different character, and embraces cases such as have never before been embraced in any pension law. I ask the Clerk to read the first section.

The Clerk read as follows:

Be it enacted, &c., That the provisions of the pension laws are hereby extended to and made to include provost marshals, deputy provost marshals, and enrolling officers who have been killed or wounded in the discharge of their duties; and for the purpose of determining the amount of pension to which such persons and their dependents shall be entitled, provost marshals shall be ranked as captains, deputy provost marshals as first lieutenants, and enrolling officers as second lieutenants.

Mr. HARDING, of Kentucky. It will be observed, Mr. Speaker, that this section proposes to give pensions to provost marshals, deputy provost marshals, and enrolling officers, and ranks all of them as officers of the Army, the provost marshals as captains and the deputies as first lieutenants and the enrolling officers as second lieutenants, thus securing to them a pension much larger than that to which any private soldier would be entitled.

Now, sir, the truth in regard to this matter is that there is no reason in the world why

provost marshals and deputy provost marshals and enrolling officers should be pensioned in preference to the home guards and thousands of others who rendered important service. Why, sir, there is not a locality on all the border where the home guards and private citizens have not shouldered arms at the risk of their lives. But this class of officers embraced in this section were anxious, so far as my knowledge extends, to secure these positions. They received a much larger compensation than private soldiers—a compensation large enough to make the securing of these offices a matter of great competition. These men were in a very different position from the soldiers who volunteered or were drafted into the service. These provost marshals, deputies, and enrolling officers were not willing to go into the field as volunteers; they staid at home and dodged the danger. And they were, in many cases, of most doubtful loyalty. As a general rule—I admit that there were exceptions—I know of no set of men who have less claim to be made pensioners on the bounty of the Government.

There may be—there doubtless are—peculiar cases in which a provost marshal or deputy provost marshal has been wounded or killed under circumstances entitling him or his widow to be pensioned. But let all such peculiar cases come up on their merits; let private bills be introduced to meet any meritorious cases of this description. A sweeping provision like this should not, it appears to me, receive the approval of the House.

In many parts of the country men of this class were engaged in combinations to speculate on the wants of the people. In some sections on the border people could not carry their produce to market without obtaining the consent of a provost marshal or deputy provost marshal. These men formed combinations in many cases to obstruct the free transportation of produce to market. Having through their agents blocked up the channels of commerce, they would speculate on the misfortunes of the farmers. This was done in Kentucky in various instances. Farmers could not carry their produce to Louisville without a permit from the provost marshal or his deputy. With the channels of trade thus blockaded, combinations were formed by these men and their agents for the purpose of speculating on the wants of the community. At one time a man could not go to Louisville to buy ten pounds of coffee for his family without obtaining the consent of the provost marshal of the district. This was the case all over the State of Kentucky. It seems manifest to me that this class of men are entitled to no favor such as is proposed in this bill.

Now, sir, let every case stand upon its own merits. Where there is an honest, faithful officer who has been wounded and is still living he should be pensioned. If such an officer has been killed in the service his widow and children should receive a pension. I know, sir, that this bill as it now stands will include most infamous and disloyal men, who were engaged in speculations and were guilty of spoliation of private property.

Mr. PERHAM. I hope the gentleman will not take up all of my time.

Mr. HARDING, of Kentucky. I know this matter has never been fully considered by the House. I want to test the sense of the House in regard to it. I feel it to be my duty to do so. I know that members desire to do justice to officers who are deserving, but not to pension those who are not deserving. To test the question, I move to strike out the first section of the bill.

Mr. PERHAM. I have the floor, and do not yield to the gentleman to make that motion.

Mr. HARDING, of Kentucky. Has the gentleman any objection to my moving an amendment? My amendment is to strike out the first section of the bill, leaving the second section to stand as it is.

Mr. PERHAM. I cannot yield for that purpose. In answer to what the gentleman from Kentucky has said on this subject, I wish

to say that the bill does not pension all provost marshals and their deputies indiscriminately. There is no such provision as that in this bill. Many had difficult, delicate, and important duties to perform in arresting deserters and in making enrollment in places where it was exceedingly dangerous to do so, in the border States especially. Some have been wounded and some have been killed; and the bill only applies to that class of cases. So far as that was concerned the committee were not agreed, and one of the members was directed to offer a resolution to test the sense of the House, and a resolution was passed by a large majority instructing the committee to report the bill which I have just presented. I hope it will pass.

Mr. STEVENS. As I sent a resolution to this committee some time ago to double these pensions, I desire to say a single word. No doubt the committee did what they thought for the best, but I am not satisfied with one part of it. I think the pension for the lowest grade of total disability, eight dollars, is too low. I do not think in these times any man who comes in under the total disability provision can live with a family at eight dollars per month. Eight dollars was fixed when the pay was eight dollars, and now, when the pay is sixteen dollars, I think the pension should be increased. While I should dislike to embarrass the committee, still I should like to have the sense of the House on a proviso that the lowest pension granted for total disability shall be twelve dollars per month. Let me have a vote of the House on it.

Mr. PERHAM. I cannot yield for that purpose. I yield to the gentleman from Missouri.

Mr. BENJAMIN. In reference to the second section of the bill I have nothing to say. The first section, as I understand, proposes to grant pensions to these provost marshals. To that I am opposed. I think, from the manner in which it has been discussed, gentlemen do not understand fully the proposition of the first section. The gentleman from Kentucky has talked about a class of provost marshals not affected by this bill. There was a large number of provost marshals who were detailed from the Army. They are not affected by this bill. If they were wounded or killed they come under the provisions of the general pension law. The other class did not belong to the Army.

Gentlemen know, under the conscription law, as it was termed, a board of enrollment, to consist of a provost marshal, an enrolling officer, and a surgeon, was provided in each congressional district. The duties were defined by the law. By an order of the War Department or the Provost Marshal General's department, the provost marshal of each district was required to appoint a deputy provost marshal for each county of which his district was composed. They were appointed from among the civilians of the county. They were employees of the Government, and were generally paid \$100 a month, but in only a few cases did they have anything to do. I had the honor to discharge the duty of provost marshal in the district in which I lived, and was under the necessity of appointing twelve of these deputies. The office was a perfect sinecure. They were paid \$100 a month for a year or two, and I venture to say they were not employed more than five days in the month. All the duty they had to discharge was merely to lie around and see that things were going right. Now, there are instances in which some of these officers were killed or wounded in the discharge of their duties, and this bill proposes to pension them. I see no difference between that class of employees and other employees of the Government. Almost everybody employed by the Government in connection with the war ran some risk of his life. There were a great many bridge-builders employed and sent South to repair bridges. Many of them lost their lives; some were killed and others were wounded by the enemy. A great many persons were employed in various capacities, in connection with railroads and steamboats, and in a thousand other ways, at a salary

or a per diem. They sought the employment. None of these have been pensioned. Now, sir, these officers that are proposed to be pensioned by this bill are on the same footing as those I have mentioned, and I see not why we should take these out from among the various civil employees of the Government and place them on the pension-roll. If we are going to pension civilians at all, let us include them all. I am satisfied that this class of employees are no more deserving than the various other civilians employed by the Government. I hope, therefore, that the chairman of the committee will permit the sense of the House to be taken on this distinct proposition in reference to provost marshals, and let us know whether they are to be specially favored.

Mr. PERHAM. I think there is a desire to take the sense of the House on the first section. I will therefore yield to the gentleman from Kentucky [Mr. HARDING] to make that motion.

Mr. HARDING, of Kentucky. In connection with this matter it might be very well to inquire to what extent this granting of pensions should go. There must be some limit to it. Our present pension law goes beyond anything in the history of the world. It seems to have become very popular in this House to extend the provisions of the pension laws further and further. A few days ago this same committee were directed to bring in a general bill to pension all the soldiers of the war of 1812 without regard to the wealth or poverty of those soldiers, or anything else. And now, here is a proposition to pension all the deputy provost marshals and enrolling officers, giving them the grades of lieutenant and second lieutenant; a set of men who were not, as a general rule, governed by patriotic impulses, who staid at home and were tempted to seek those places by the inducement of \$100 a month and very little duty to be performed. Apart from some individual cases of peculiar hardship, there is no sort of justice in extending the pension laws to them.

Now, sir, I had a great mind to offer an amendment in another form, to refer this case back to the Committee on Invalid Pensions, with instructions to inquire into the propriety of providing pensions for all the tax-payers in the United States who are worth only a certain amount.

Mr. PERHAM. Mr. Speaker, I do not yield for any such proposition.

Mr. HARDING, of Kentucky. I do not move that as an amendment.

Mr. PERHAM. I decline to yield further.

Mr. HARDING, of Kentucky. I move to strike out the first section of the bill.

Mr. PERHAM. I yield for that motion, and I now demand the previous question upon striking out the section.

The previous question was seconded and the main question ordered, being upon striking out the first section of the bill.

Mr. LE BLOND demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 34, nays 73, not voting 75; as follows:

YEAS—Messrs. Ancona, Delos R. Ashley, Benjamin, Boyer, Davis, Dawson, Denning, Denison, Eldridge, Finck, Glossbrenner, Goodyear, Grider, Aaron Harding, Hogan, Holmes, John H. Hubbard, Humphrey, Le Blond, Loan, McCullough, Nicholson, Samuel J. Randall, Ritter, Ross, Schenck, Sitgreaves, Spalding, Strouse, Taber, Thorntom, Trimble, Warner, and Winfield—34.

NAYS—Messrs. Allison, James M. Ashley, Baker, Baldwin, Banks, Baxter, Beaman, Bidwell, Bingham, Boutwell, Bromwell, Broomall, Conkling, Cook, Cullom, Defrees, Dixon, Dodge, Donnelly, Dumont, Eggleston, Eliot, Farquhar, Garfield, Abner C. Harding, Hart, Hayes, Henderson, Higby, Hooper, Hotchkiss, Chester D. Hubbard, Demas Hubbard, Julian, Kasson, Kelley, Ketchum, Kuykendall, Latham, George V. Lawrence, Longyear, Lynch, McClurg, Meltzer, Mercer, Moorhead, Morrill, Moulton, Myers, Newell, O'Neill, Orth, Paine, Perham, Pomeroy, Price, William H. Randall, John H. Rice, Rollins, Sawyer, Shellabarger, Stevens, Stilwell, Trowbridge, Van Aernam, Elihu B. Washburne, Henry D. Washburn, William B. Washburn, Welker, Wentworth, James F. Wilson, Stephen F. Wilson, and Windom—73.

NOT VOTING—Messrs. Alley, Ames, Anderson, Barker, Bergen, Blaine, Blow, Brandegee, Buckland, Bundy, Chanler, Reader W. Clarke, Sidney Clarke, Cobb, Coffroth, Culver, Darling, Dawes, Delano, Driggs, Eckley, Farnsworth, Ferry, Grinnell, Griswold, Hale, Harris, Hill, Asabel W. Hubbard, Edwin N. Hubbell, James R. Hubbell, Hubburd, Ingersoll, Jencks, Johnson, Jones, Kelso, Kerr, Laffin, William Lawrence, Marshall, Marston, Marvin, McDermott, McKee, Miller, Morris, Niblack, Neell, Patterson, Phelps, Pike, Plants, Radford, Raymond, Alexander H. Rice, Rogers, Rousseau, Seefeldt, Shanklin, Sloan, Smith, Starr, Taylor, Thayer, Francis Thomas, John L. Thomas, Upson, Burt Van Horn, Robert T. Van Horn, Ward, Whaley, Williams, Woodbridge, and Wright—75.

So the motion was disagreed to.

During the roll-call,

Mr. BEAMAN said: My colleague, Mr. Urson, is detained from the House by sickness.

The result of the vote was announced as above recorded.

Mr. MYERS. I desire to ask a question of the gentleman from Maine, and, if possible, to offer an amendment. In the early part of the session I introduced a bill and had it referred to the Committee on Pensions, and I hoped to see favorable action taken upon it. One section of that bill provides that death in the service shall be considered death by the service unless the cause of death is brought about by the party himself; and as it has not been reported by the committee, I ask to offer it now as a section to the bill under consideration. There are in the country thousands of widows and orphans of men who died of fever and lung disease in hospitals and elsewhere who are deprived of pensions because the Pension Office virtually requires proof to be made by the applicant that the person dying was a healthy and sound man when he entered the service, instead of placing the burden of proof to the contrary on the Government. In all cases of enlistment a careful examination by a United States surgeon is required before the man is mustered in, and if, for example, a man dies of lung disease or typhoid or other fever while in the service, certainly such death should be considered as brought about by the service, whether occurring in camp or hospital or even on furlough. The proviso to my bill protected the Government against paying any pension where death was brought about by the act of the party; and certainly in all other cases the heirs of a soldier, sailor, or marine serving his country and dying in such service should be entitled to a pension.

Mr. PERHAM. This whole subject has been fully considered by the committee, and I must object to any amendment. I demand the previous question.

Mr. STEVENS. I have modified my amendment so as to read:

Provided, That the lowest pension for total disability, where eight dollars are now allowed, shall be twelve dollars.

If the gentleman does not choose to yield, then I hope the previous question will not be seconded.

Mr. PERHAM. I cannot yield for that amendment. I do not think that, under the instructions of the committee, I should be entitled to do so.

Mr. STEVENS. Then I hope the previous question will not be seconded.

The question was put upon seconding the demand for the previous question; and there were—yeas 32, nays 29; no quorum voting.

Mr. PERHAM demanded tellers.

Tellers were ordered; and Messrs. STEVENS and PERHAM were appointed.

The House divided; and the tellers reported—yeas 55, nays 45.

So the previous question was seconded.

The main question was then ordered to be put.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. PERHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

DOUBLING PENSIONS.

The following resolution had also been reported back by the Committee on Invalid Pensions:

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the expediency of reporting a bill to double the pensions caused by the casualties of the war with the so-called confederate States.

Mr. PERHAM. I move that the committee be discharged from the further consideration of this resolution, and that the same be laid upon the table.

The motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, informed the House that the Senate had passed a joint resolution and bill of the House of the following titles:

Joint resolution (H. R. No. 166) to pay the State of Vermont the sum expended for the protection of the frontier against the invasion of Canada in 1864, without amendment; and

An act (H. R. No. 127) making appropriations for the support of the Army for the year ending 30th of June, 1867, with amendments, in which he was directed to ask the concurrence of the House.

The message further informed the House that the Senate had passed bills of the following titles, in which he was directed to ask the concurrence of the House:

An act (S. No. 317) to amend an act entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri river to the Pacific ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862;" and

An act (S. No. 336) granting lands to aid in the construction of a railroad and telegraph line from the Columbia river to Salt Lake City.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President, by Mr. W. G. MOORE, his Secretary, was received by the House; and the House was further informed that the President had approved and signed joint resolutions of the following titles:

Joint resolution (H. R. No. 120) to extend to the counties of Berkeley and Jefferson, of West Virginia, the provisions of the act approved July 4, 1864, entitled "An act to restrict the jurisdiction of the Court of Claims, and to provide for the payment of certain demands for quartermaster's and subsistence supplies furnished to the Army of the United States;" and

Joint resolution (H. R. No. 143) making an appropriation for the repair of Potomac bridge.

CALIFORNIA AND OREGON RAILROAD.

Mr. SCHENCK. I demand the regular order of business.

The SPEAKER. The morning hour has now commenced. The first business in order is the consideration of the bill of the Senate No. 123, granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific railroad, in California, to Portland, in Oregon.

An amendment was moved on yesterday by Mr. JULIAN, to strike out of the second section the words "and contiguous thereto" and to insert in lieu thereof the words "and within twenty miles of the line of said railroad."

The pending question was upon an amendment to the amendment, moved by Mr. BIDWELL, to strike out the word "twenty" and insert the word "thirty."

Mr. BIDWELL. I hope the gentleman from Indiana [Mr. JULIAN] will withdraw the amendment which he proposed on yesterday, and I will offer one which I think will meet with his views.

Mr. JULIAN. I decline to withdraw my amendment, at least for the present.

Mr. BIDWELL. I wish to state to the gentleman that if he will withdraw his amendment I will move to insert what he proposes after the

word "railroad" in the second section of the bill, so that it will read, "to the amount of ten sections on either side of said railroad, and within twenty miles from the line thereof."

Mr. JULIAN. Will the gentleman from California [Mr. BIDWELL] yield me a few minutes' time, so that I may make a statement to the House?

Mr. BIDWELL. Certainly.

Mr. JULIAN. I find that this bill does not consult the States as to the rights given to the companies, nor individuals as to the right of way granted. For the distance of two hundred miles it grants a margin of eighty miles within which to select forty sections per mile, an unprecedented provision in any land-grant bill that Congress has ever passed.

It further provides that coal and iron lands shall be granted, and that all the timber on the gold and silver lands shall also be granted to these companies. It provides no guarantees for the Government as to any right of transportation of troops or munitions of war, according to the invariable practice in like cases. Nor does it require any amount of work to be done in a given time, on failure of which the land shall be forfeited.

Now, if the gentleman from California will allow this bill to go to the Committee on Public Lands we shall be called in two or three days probably, and I say to him that we have no unfriendly disposition toward this bill if we can make it conform to the ordinary legislation on this subject. I hope the gentleman will allow the bill to go to the Committee on Public Lands, and be considered as other land-grant bills. They will give the gentleman a fair hearing, and report soon after having inserted such provisions as are required.

Mr. BIDWELL. A bill of a precisely similar character was acted upon more than three months ago and ordered to be reported favorably from the Committee on the Pacific Railroad. Now the only thing I fear, if this bill is referred to the Committee on Public Lands, is that the delay in this House, and then the delay it will be sure to meet in the Senate, will defeat the bill.

Now, in reference to the Pacific Railroad Committee, I beg leave to say that on page 131 of the Rules I find the following:

"There shall be appointed at the commencement of each Congress a Committee on the Pacific Railroad, to consist of nine members; and it shall be the duty of the said committee to take into consideration all such petitions and matters and things relative to railroads and telegraph lines between the Mississippi valley and the Pacific coast as shall be presented, or shall come in question and be referred to them by the House, and to report their opinion, together with such propositions relative thereto, as to them shall seem expedient."

This bill therefore clearly comes within the provision of that rule, and belongs to the jurisdiction of the Pacific Railroad Committee. Now, if I believed there had been any want of earnest consideration on the part of that committee, I certainly would be willing to have it go to the Committee on Public Lands. If the Pacific Railroad Committee have not fairly considered this bill, have not fairly weighed the provisions which are to guard the rights both of the Government and of individuals, then I am wholly at a loss to know what can be done in order to throw still greater safeguards around a measure of this kind. Besides, sir, this is a Senate bill. It was most thoroughly considered by the Committee on Public Lands of the Senate. All its provisions were thoroughly weighed, some of the members of the committee being, I believe, adverse to making the grant. The bill now comes here, not only with the sanction of the Senate, but with the unanimous approval of the Committee on the Pacific Railroad of this House.

Now, Mr. Speaker, without consuming further time upon this point, I will move the amendment which I first proposed, with the understanding that the gentleman from Indiana will accept it. The amendment is to insert after the word "railroad" at the end of the eighth line of the second section the words "within twenty miles from the line thereof."

Mr. KASSON. I wish to call the gentleman's attention to the fact that that amendment will not effect the purpose which I think he intends.

Mr. BIDWELL. I think there can be no objection to the amendment.

Mr. KASSON. I will state to the gentleman the objection which I think does exist, as the gentleman will find by examination. The bill in its present form provides for granting "every alternate section of public land designated by odd numbers, to the amount of ten sections per mile on each side of said railroad, and contiguous thereto." The limit is that these lands shall be contiguous to the railroad. Then follows a provision that "when any of said sections or parts of sections shall be found to have been granted, sold, reserved, occupied by homestead settlers, preëempted, or otherwise disposed of, other lands, designated as aforesaid, shall be selected by said companies in lieu thereof, within twenty miles of said road."

It seems to me, therefore, that the amendment proposed enlarges, rather than limits, the present provisions of the bill, for by its present terms it requires the land to be contiguous to the road, while the amendment would appear to allow the company twenty miles' distance in which to select the lands.

Mr. BIDWELL. I can entirely obviate that difficulty, and will do so by moving to strike out the words "and contiguous thereto," and inserting in lieu thereof the words "within twenty miles from the line thereof." I am sure there can be no objection to that. Will the gentleman from Indiana accept this?

Mr. JULIAN. I accept it as a modification of my amendment.

The amendment was agreed to.

Mr. BIDWELL. I move to amend by striking out in the thirteenth and fourteenth lines of the second section the words "within twenty miles of said road." Those words are now surplusage.

Mr. KASSON. The gentleman will permit me to say that they are not surplusage, because the bill provides for other lands to be selected in lieu of the ten sections within twenty miles.

Mr. BIDWELL. There are no other lands within that limit. That is the reason why this language is now surplusage, and why I desire it stricken out. I hope the amendment will be adopted.

Mr. JULIAN. This House does not know whether there are any other lands or not. If the language is surplusage it can do no harm. I certainly object to striking out those words.

Mr. BIDWELL. I beg to say to the gentleman from Indiana, with all due respect, that this language will do harm to the bill if it be allowed to remain, and I will state the reason. If any of these lands are settled upon by homestead or preëmption settlers, or have been granted or reserved by the Government, or if they are mineral lands, we ask, in all good faith, that the company may take other lands in lieu of them. As there are no other lands within that limit, we desire to have that language stricken out.

Mr. KASSON. I suppose the gentleman is aware that if that language prescribing a limit be stricken out this company will be left at liberty, in the selection of their lands, to go over the entire States of California and Oregon.

Mr. BIDWELL. By no means. I am willing that a limit shall be fixed. In the grant to the Northern Pacific railroad made in 1864, it is provided that—

"Whenever prior to said time any of said sections or parts of sections shall have been granted, sold, reserved, occupied by homestead settlers, or preëempted or otherwise disposed of, other lands shall be selected by said company in lieu thereof, under the direction of the Secretary of the Interior, in alternate sections and designated by odd numbers, not more than ten miles beyond the limits of said alternate sections."

Now we ask for that and nothing more. We want the amendment to cover that precise amount and nothing more. I appeal to this House, is it any more than just to ask for a provision in this law such as was in the law

granting lands to the Northern Pacific railroad, which has not enabled them to begin, much less complete, the construction of that road? I insist on the amendment to strike out "within twenty miles of said road." To let the words remain would be unjust to the company, and would defeat the object of this bill.

Mr. KASSON. I shall speak on this amendment as it is.

Mr. BIDWELL. This is our last morning hour, and I hope the gentleman will not take up all of the time.

Mr. KASSON. The second section is the one which makes the grant to this railroad company of every alternate section of public land designated by odd numbers, to the amount of ten sections per mile on each side of said railroad, and contiguous thereto; and when any of said sections or parts of sections shall be found to have been granted, sold, reserved, occupied by homestead settlers, preempted, or otherwise disposed of, other lands, designated as aforesaid, shall be selected by said companies in lieu thereof, within twenty miles of said road, under the direction of the Secretary of the Interior. It grants ten square miles of land for each mile of railroad. They are limited to twenty miles on each side of the road, which makes forty miles as the range within which they may go. They have this range all over the public lands. If this clause be struck out, I repeat, then there will be no limit in that entire section to prevent them from going all over the State.

Subsequently the bill provides that for two hundred miles of said road, most mountainous and difficult of construction, the lands to be granted shall be double the amount per mile hereinbefore provided, designated as hereinbefore provided, to be selected as the Secretary of the Interior may direct. Thus there is no limit at all for those two hundred miles as to where those lands shall be selected. It is an entire float.

As the gentleman limits me, I merely mention this point to show what precedent it establishes. It should be referred to a committee to inquire into it.

Mr. BIDWELL. We have inquired into it, we have inquired around it, up and down, crosswise, and in every other direction. If you do not strike out these words the road cannot be built. It is provided where the road is rugged, rough, mountainous, for two hundred miles, the lands granted shall be doubled. I only want them selected as they were authorized in the bill for the Northern Pacific railroad. I do not desire to have any more included in this bill. When you give us every alternate section of land within certain limits designated by odd numbers, if they are all taken up by homestead claims, or are otherwise disposed of, we desire leave to select other sections designated by odd numbers. If we are to be told we may go to places where there are no public lands, it amounts to saying that we will pay a man from the money in our hands when there is no money in our hands. Why, sir, the line of this road has been settled for sixteen years, and every available acre of good land has been occupied. You wish to restrict us within limits where there are no public lands.

Mr. WASHBURN, of Illinois. Mr. Speaker, I came into the House just as the bill was received yesterday in the morning hour, and I have had time only to look over one or two sections. I should like to have some explanation in regard to the first section. It is a departure from the principle heretofore observed in granting these lands to a company directly. Is there anything to qualify that?

Mr. PRICE. This House two years ago granted lands to a company directly.

Mr. WASHBURN, of Illinois. I know at the last Congress we voted away every acre of the public land we could get at, and I hope we will not indorse any departure then made from the previously established principle in reference to these railroad grants. If we make any grant of land it should be to the States and not to the companies, and my friend will not

insist on passing a grant of one hundred thousand acres to this company without full consideration.

Mr. BIDWELL. I wish to say to the gentleman from Illinois that this is the last day the committee have.

Mr. WASHBURN, of Illinois. I do not know that that makes any difference. I think the House ought to have sufficient time to consider all of these matters. The bill can go over and be upon the Calendar. I do not see the necessity of pressing the measure. It is a mere donation. We are the parties who are to make the gift, and let us take time to consider whether it is proper or not.

Mr. BIDWELL. I am one of the parties to this gift. I was in that country before it belonged to the United States and helped to acquire it. It is a barren and rugged country. The State of California asks for this. I ask the Clerk to read the resolution of the State Legislature of California of 1863, and I think I could present resolutions from every Legislature for the last six, eight, or ten years, if I had the Statutes of the State here.

The Clerk read as follows:

"Whereas there having been a company organized in this State and another in Oregon, both having for their object the construction of a railroad from Marysville, California, to Portland, Oregon, and said companies having jointly completed a survey which demonstrated the practicability of such a line of railroad, and believing that such a road, linking itself with the great Pacific railway, is necessary for the more rapid development of the resources of this coast, and as a means for the prompt defense of our interior by the rapid concentration of troops and military supplies in case of foreign war or domestic insurrection: Therefore,

"Be it resolved by the Senate of California, (the Assembly concurring,) That our Senators in Congress be instructed, and our Representatives requested, to use their influence to procure the early passage of a law granting national assistance, in right of way, grant of land, and bonds to the companies about to undertake the construction of said California and Oregon railroad, in the same manner as aid has heretofore been extended to the Central Pacific Railroad Company."

Mr. BIDWELL. I ask the Clerk to read also the resolution of the Legislature of Oregon.

The Clerk read as follows:

"Resolved by the House, (the Senate concurring,) That our Senators and Representatives in Congress be requested to use their influence to obtain from the United States grants of land, floating land-warrants, or direct pecuniary aid equal to such grants made to any other State, to aid in the construction of a railroad from the north line of the State of California, through the Willamette valley, to some point on the Columbia river; and also to obtain the same aid, in proportion to distance, as is granted to the overland railroad, for the purpose of constructing a branch of said road from a point at or near Salt Lake City, through Idaho, to and down the Columbia river."

Mr. STEVENS. If I understand aright the motion of the gentleman from California, it is to strike out the restraining clause which was inserted by the committee, to confine the company to lands within twenty miles on each side of the road. Now, sir, that is the principle which we have adopted, and which the committee have laid down.

Mr. BIDWELL. Let the gentleman, then, move an amendment. He is mistaken as to the provisions of the bill.

Mr. STEVENS. No, sir; the bill allows them to go beyond the twenty miles.

Mr. BIDWELL. I am willing that the bill shall be modified so as to limit it just as the Northern Pacific Railroad Company was limited.

Mr. STEVENS. I understand this grant to be unlimited. It is not proposed that they shall be restricted to twenty miles. That is the usual provision. Does the gentleman propose to enlarge it?

Mr. BIDWELL. No, sir. I will state to the gentleman from Pennsylvania that these sections are to be selected within twenty miles of the road. Now, sir, the line of this road has been settled for sixteen years. Every valuable section has been taken up. We only ask to be permitted to take up the other lands within twenty miles of the road.

Mr. STEVENS. The gentleman, then, proposes to get these lands beyond the usual limits.

Mr. BIDWELL. Ten miles beyond; they can only go that distance.

Mr. STEVENS. Then the limit is fixed beyond twenty miles. The motion is to strike that out. I cannot vote for that motion, for this reason: there may be other railroads desiring lands in that portion of the country, and if you allow one road to absorb all the land, you will cut off all others. Now, sir, I do not object, as some of my friends do, to giving land to railroad companies. We have heretofore given it to companies instead of States. We gave it to Illinois and to other States, and I cannot see why Congress cannot give it directly to the company as well as to the State. We can judge of the matter as well as the State Legislatures can. They have Representatives here. But, sir, the public lands are given now to whoever chooses to take them; we do not propose to sell a dollar's worth of public land; if the people choose to settle on the public lands we do not charge them a cent. I object decidedly to the taking off of this restriction upon the railroad company so as to enable them to go, in the selection of their lands, beyond the usual limit.

Mr. BIDWELL. I will modify my amendment so as to make it conform to the provision made in the North Pacific railroad, which I read a few moments ago. I move to strike out the word "twenty," in line thirteen, and insert "thirty," so as to give the company ten miles more.

The question was put; and there were—ayes 27, noes 85; no quorum voting.

Mr. BIDWELL demanded tellers.

Tellers were ordered; and Messrs. BIDWELL and MARSHALL were appointed.

The House divided; and the tellers reported—ayes nineteen, noes not counted.

So the amendment was rejected.

Mr. RANDALL, of Pennsylvania. I rise to a question of order. I desire to know if I can make a motion similar to the motion made yesterday, in reference to two bills of a similar character, namely, to refer the bill to the Committee on Public Lands. It seems to me that there should not be two policies in reference to this question. This bill does not differ in any respect—except that it is a larger bill and more sweeping in its character—from those which were referred yesterday to the Committee on Public Lands. It seems to me about time that Congress should cease this indiscriminate distribution of the public lands; and if it be not inappropriate, I would also add that it is about time that Congress ceased this reckless expenditure of the public money.

Mr. BIDWELL. I must make a point of order on the gentleman.

Mr. RANDALL, of Pennsylvania. Well, then, I submit my motion to recommit.

The SPEAKER. If the gentleman from California yields for that purpose the motion can be entertained.

Mr. BIDWELL. I do not yield for that purpose.

I desire to make one further remark in reference to this measure. If it be the determination of Congress to refuse to encourage the building of railroads upon the Pacific coast, after it has encouraged the building of them in all the western States, and to make an unjust discrimination against us, then I desire to know it. I believe that if the members of the House understood the merits of this bill there would be no trouble; but for some strange reason it is impossible to have them understand it. The bill has been pending for more than four months, and if there is anything wrong in it I do not wish them to vote for it.

The land which it grants is of no earthly value to the United States without such a road as this; and if it should ever have any value, it will be because of the building of this road. If gentlemen wish to stop the development of the resources of that country, I wish to know it. There never has been a railroad bill introduced into this or any other Congress with greater safeguards than are thrown around this bill. There never has been a grant of lands

made so small in proportion to the magnitude of the work to be accomplished. It is not simply to build a railroad over this wild, rugged country, where mountains more than six thousand feet high are to be scaled—

Mr. WASHBURN, of Illinois. Will the gentleman allow me a moment?

Mr. BIDWELL. To ask a question, but not to make a speech.

Mr. WASHBURN, of Illinois. I would ask the gentleman what is the number of acres of land granted by this bill.

Mr. BIDWELL. About ten or eleven million acres of lands.

Mr. WASHBURN, of Illinois. Is that all?

Mr. JULIAN. I would ask the gentleman from California if this bill does not grant forty sections per mile for two hundred miles of the route, with liberty to find them in a margin of eighty miles wide, and with the privilege of taking all the coal, iron, and timber?

Mr. BIDWELL. There is no coal, or timber of any consequence on a great part of these lands. The gentleman must be opposed to this measure or he would not attack that portion of the road which has to go over the Trinity mountains, the Scott mountains, and the Siskiyou mountains, the first range being four thousand feet, the second range being four thousand feet, and the third range being over six thousand feet high.

Mr. HENDERSON. Will the gentleman from California [Mr. BIDWELL] yield to me for a few moments?

Mr. BIDWELL. I will yield for two minutes.

Mr. HENDERSON. I merely want to say that this road is of great interest to the people of California and Oregon, the inhabitants of the Pacific coast especially. We have not asked Congress to grant large sums of money to build this road. Not long since we voted five or six million dollars to make a canal around Niagara falls, and we have voted other sums to make improvements on this side of the continent. We ask for no money, only for a little of the public lands. The public lands on this side of the continent are all exhausted; and members do not ask for land, but they ask for the cash of the Government, and we vote to give it to them. Now, we ask for a small amount of public land, which is all important to us, and members here appear to be perfectly horrified at the mere idea of granting land, not an amount sufficient to build the road, but merely to give it a start. I will not occupy the time further, as the gentleman from California desires action.

Mr. BIDWELL. I now call the previous question.

Mr. WASHBURN, of Illinois. I hope the previous question will not be seconded. I would like to say one word in reply to the gentleman from California.

Mr. RANDALL, of Pennsylvania. I desire to offer an amendment to this bill.

Mr. JULIAN. I move to refer this bill to the Committee on Public Lands.

The SPEAKER. The motion to refer is not now in order, pending the call for the previous question.

Mr. WASHBURN, of Illinois. Will the gentleman from California withdraw that call for a few moments if I will renew it?

Mr. BIDWELL. I must insist upon my call for the previous question.

The question was taken upon seconding the demand for the previous question; and upon a division there were—ayes thirty, noes sixty-two.

So the previous question was not seconded.

Mr. RANDALL, of Pennsylvania. I now move to refer this bill to the Committee on Public Lands; and upon that motion I call for the previous question.

Mr. BIDWELL. If that motion is carried I shall move to abolish the Committee on the Pacific Railroad, for I do not see that there will be any use for it.

Mr. RANDALL, of Pennsylvania. I will yield to the gentleman from California the same

amount of time he allowed me yesterday—three minutes.

Mr. BINGHAM. Let him have five minutes. Mr. RANDALL, of Pennsylvania. Well, I will yield to him for five minutes.

Mr. BIDWELL. I will read the rule I read a short time since in relation to the Committee on the Pacific Railroad; and I do hope gentlemen will listen to it. If this bill has not yet been fairly considered in that committee, why not move to recommit it to that committee?

Mr. RANDALL, of Pennsylvania. If the gentleman from California desires an answer to that question I will give it. It is proper that this House should have some fixed policy in reference to the public lands and the manner of donating them. All the other of these land-grant bills have been referred to the Committee on Public Lands, and there is no propriety in making a distinction between this bill and those which have preceded it. That is the reason why I make the motion to refer this bill to the Committee on Public Lands, so that the committee may examine all these bills at once. But the gentleman says this reference will kill the bill. On the contrary, I understand from the chairman of the Committee on Public Lands [Mr. JULIAN] that he will probably have an opportunity of reporting all these bills within a few days; and therefore there is additional propriety in making this reference.

Mr. BIDWELL. I ask the Clerk to read the rule in regard to the appointment and the duties of the Committee on the Pacific Railroad.

The Clerk read as follows:

"There shall be appointed at the commencement of each Congress a Committee on the Pacific Railroad, to consist of nine members. It shall be the duty of the said committee to take into consideration all such petitions and matters and things relative to railroad or telegraph lines between the Mississippi valley and the Pacific coast as shall be presented or shall come in question, and be referred to them by the House, and to report their opinion thereon, together with such propositions relative thereto as to them shall seem expedient."

Mr. JULIAN. I now ask the Clerk to read the rule relative to the jurisdiction and duties of the Committee on Public Lands.

The Clerk read as follows:

"There shall be appointed at the commencement of each Congress a Committee on the Public Lands, to consist of nine members. It shall be the duty of the Committee on the Public Lands to take into consideration all such petitions and matters or things respecting the lands of the United States as shall be presented, or shall or may come in question, and be referred to them by the House; and to report their opinion thereon, together with such propositions for relief therein as to them shall seem expedient."

Mr. BIDWELL. That rule does not say anything about railroads between the Mississippi valley and the Pacific coast, while the other rule does. And this bill relates to a railroad between the Mississippi valley and the Pacific coast.

Mr. RANDALL, of Pennsylvania. I yield to the gentleman from Illinois, [Mr. WASHBURN.]

Mr. WASHBURN, of Illinois. I only desire to say that it is evident that both these committees have jurisdiction of this subject. The Committee on Public Lands has just as much jurisdiction of the subject as the Committee on the Pacific Railroad. For the reasons stated by the gentleman from Pennsylvania [Mr. RANDALL] I am in favor of referring the bill to the Committee on Public Lands, because it is desirable that we should have some uniform policy on this subject, and a similar bill has already been referred to that committee.

Mr. RANDALL, of Pennsylvania. I now demand the previous question.

Mr. BANKS. Mr. Speaker, is it in order to move to recommit the bill to the Committee on the Pacific Railroad?

The SPEAKER. It is not at the present time.

Mr. BANKS. Is it not in order to move to amend the motion of the gentleman from Pennsylvania?

The SPEAKER. It is not, while the call for the previous question is pending.

Mr. BANKS. I ask the gentleman from Pennsylvania to withdraw that call.

Mr. RANDALL, of Pennsylvania. I cannot consent to do that.

Mr. BANKS. Will the gentleman yield to me that I may say a word on this subject?

Mr. RANDALL, of Pennsylvania. I will yield to the gentleman for a moment.

Mr. BANKS. Undoubtedly both committees, under the rules, have jurisdiction of this question. But the bill has already been referred to one committee, altogether appropriate—the Committee on the Pacific Railroad. The railroad is the general subject; the grant of lands is an incident. That committee may have misunderstood heretofore the temper of the House on this question and the general course of legislation upon this subject; but from the discussion which has taken place the committee has had full opportunity to ascertain what the House desires. Hence, if the bill is to be again referred, it ought in justice to the committee, and in accordance with the rules of the House, to be recommitted to the Committee on the Pacific Railroad.

Mr. RANDALL, of Pennsylvania. In reply to the gentleman from Massachusetts, [Mr. BANKS,] I would say that I do not know whether the Committee on the Pacific Railroad will have an opportunity to report again this session. I think that the best course for the friends of the bill is to allow it to go to the Committee on Public Lands.

Mr. BANKS. The friends of the bill desire that it shall not be referred to the Committee on Public Lands, while the opponents of the bill wish it to have that reference.

Mr. PRICE. I ask the gentleman from Pennsylvania to yield to me.

Mr. RANDALL, of Pennsylvania. I believe I must insist on the demand for the previous question.

Mr. BIDWELL. I trust the gentleman will yield to me.

Mr. RANDALL, of Pennsylvania. I will yield to the gentleman from California, because he has charge of the bill.

Mr. BIDWELL. Mr. Speaker, my reason for objecting to a reference of this bill to the Committee on Public Lands is because it appears to me that the Committee on the Pacific Railroad is the appropriate committee. Being a member of the latter committee, I feel that to take the subject out of our hands now and refer it to another committee would be a reflection upon myself and all the other members of that committee. It is a pleasure to a man to give of his own free choice that which he can afford to give, but no man likes to have taken from him by force that which rightfully belongs to him.

If it be in order, Mr. Speaker, I would move to refer this bill to a joint committee consisting of the Committee on the Pacific Railroad and the Committee on Public Lands. I am willing that the two committees shall consider the subject jointly. I am ready to compromise in this way.

The SPEAKER. That would be an unusual motion.

Mr. RANDALL, of Pennsylvania. I desire to say to the gentleman from California that his supposition as to an intended reflection upon the Committee on the Pacific Railroad is entirely gratuitous. In submitting my motion, I desired to make no reflection upon the committee. I made the motion in strict accordance with what I deem to be the settled judgment and policy of the House. I renew the demand for the previous question.

Mr. BIDWELL. Why not recommit the bill to the Committee on the Pacific Railroad, with instructions?

Mr. SPALDING. I object to debate, pending the demand for the previous question.

The previous question was not seconded, there being—ayes 24, noes 59.

Mr. STEVENS. I move to amend the motion of my colleague [Mr. RANDALL] so as to provide that the bill be recommitted to the Committee on the Pacific Railroad; and on that motion I demand the previous question.

The previous question was seconded and the

main question ordered; and under the operation thereof the amendment of Mr. STEVENS was agreed to.

The motion of Mr. RANDALL, of Pennsylvania, as amended by the adoption of the motion of Mr. STEVENS, was agreed to.

So the bill was recommitted to the Committee on the Pacific Railroad.

Mr. WASHBURN, of Illinois, moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NORTHERN KANSAS RAILROAD.

Mr. LOAN, from the Committee on the Pacific Railroad, reported back Senate bill No. 145, for a grant of lands to the State of Kansas to aid in the construction of the Northern Kansas railroad and telegraph, with the following substitute:

Strike out all after the enacting clause and substitute the following:

That for the purpose of aiding the Saint Joseph and Denver City Railroad Company, the same being a corporation organized under the laws of the State of Kansas, to construct and operate a railroad from Elwood, in Kansas, westwardly, via Maryville, in the same State, so as to effect a junction with the Union Pacific railroad, or any branch thereof not further west than the one hundredth meridian of west longitude, there is hereby granted to the State of Kansas for the use and benefit of said railroad company every alternate section of land, designated by odd numbers, to the extent of ten sections per mile on each side of said road; but in case it shall appear that the United States have, when the line of said road is definitely located, sold any section, or any part thereof, granted as aforesaid, or that the right of preemption or homestead settlement has attached to the same, or that the same has been reserved by the United States for any purpose whatever, then it shall be the duty of the Secretary of the Interior to cause to be selected for the purposes aforesaid, from the public lands of the United States nearest to the sections above specified, so much land as shall be equal to the amount of such lands as the United States have sold, reserved, or otherwise appropriated, or to which the right of homestead settlement or preemption has attached as aforesaid, which lands, thus indicated by direction of the Secretary of the Interior, shall be reserved and held for the State of Kansas for the use of said company by the said Secretary for the purpose of the construction and operation of said railroad, as provided by this act: *Provided*, That any and all lands heretofore reserved to the United States by any act of Congress, or in any other manner by competent authority, for the purpose of aiding in any object of internal improvement or other purpose whatever, be, and the same are hereby, reserved and excepted from the operation of this act, except so far as it may be found necessary to locate the route of said road through such reserved lands, in which case the right of way two hundred feet in width is hereby granted, subject to the approval of the President of the United States: *And provided further*, That said lands hereby granted shall not be selected beyond twenty miles from the line of said road, nor from the even-numbered sections reserved to the United States.

SEC. 2. *And be it further enacted*, That the sections and parts of sections of land which by the aforesaid grant shall remain in the United States within ten miles on each side of said road, shall not be sold for less than double the minimum price of public lands when sold, nor shall any of said lands become subject to sale at private entry until the same shall have been first offered at public sale to the highest bidder at or above the minimum price aforesaid: *Provided*, That actual, bona fide settlers under the preemption laws of the United States may, after due proof of settlement, improvement, and occupation, as now provided by law, purchase the same at the price fixed for said lands at the date of such settlement, improvement, and occupation: *And provided also*, That settlers under the provisions of the homestead act, shall be entitled within the said limits of ten miles to patents for an amount not exceeding eighty acres each, anything in this act to the contrary notwithstanding.

SEC. 3. *And be it further enacted*, That the grant of lands hereby made is upon condition that said company after the construction of its road shall keep it in repair and use, and shall at all times be in readiness to transport troops, munitions of war, supplies, and public stores upon its road for the Government when required to do so by any Department thereof, the Government at all times having the preference in the use of the road for all the purposes aforesaid at fair and reasonable rates of compensation, not exceeding that paid by private individuals or the average paid for like services on other roads. And the lands hereby granted, held, and reserved as aforesaid, shall inure to the benefit of said company, as follows: when the Governor of the State of Kansas shall certify that any section of ten consecutive miles of said road is completed in a good, substantial, and workmanlike manner as a first-class railroad, then the said Secretary of the Interior shall issue to the said company patents for one hundred sections of the land hereinbefore granted; and when certificates of the Governor, aforesaid, shall be presented to said Secretary, of the completion, as aforesaid, of each successive section of ten consecutive miles of said road, the said Secretary shall in like manner issue to said company patents for one hundred sections of said land for each of said sections of

road until said road shall be completed: *Provided*, That if said railroad company or its assigns shall fail to complete at least one section of said road each year from the date of its acceptance of the grant provided for in this act, then its right to the lands for said section so failing of completion shall revert to the Government of the United States: *Provided further*, That if said road is not completed within ten years from the date of the acceptance of the grant hereinbefore made, the lands remaining unpatented shall revert to the United States: *And provided further*, That the said lands shall not in any manner be disposed of or encumbered by said company or its assigns, except as the same are patented under the provisions of this act.

SEC. 4. *And be it further enacted*, That for the purpose of enabling said Saint Joseph and Denver City Railroad Company to effect a connection with the Union Pacific railroad or any branch thereof, at a point not further west than the one hundredth meridian of west longitude, the said company is hereby authorized to extend its line from Elwood, in Kansas, to some point to be selected by it within the limitation above prescribed, upon the same terms and conditions, and with the like aid and privileges, that are granted to the Burlington and Missouri River Railroad Company, by sections eighteen, nineteen, and twenty of an act in relation to the construction of a railroad and telegraph line to the Pacific ocean, approved July 2, 1864: *Provided*, That no lands in this section granted shall be taken from any grants or reservations heretofore made by the United States.

SEC. 5. *And be it further enacted*, That as soon as the said company shall file with the Secretary of the Interior maps of its line, designating the route thereof, it shall be the duty of the said Secretary to withdraw from the market the lands granted by this act, in such manner as may be best calculated to effect the purposes of this act and subserve the public interest.

SEC. 6. *And be it further enacted*, That the United States mail shall be transported on said road and its extension, under the direction of the Post Office Department, at such price as Congress may by law provide: *Provided*, That until such price is fixed by law the Postmaster General shall have power to fix the compensation.

SEC. 7. *And be it further enacted*, That the right of way through the public lands be, and the same is hereby, granted to said Saint Joseph and Denver City Railroad Company, its successors and assigns, for the construction of a railroad as proposed; and the right is hereby given to said corporation to take from the public lands adjacent to the line of said road material for the construction thereof. Said way is granted to said railroad to the extent of one hundred feet in width on each side of said road where it may pass through the public domain; also all necessary ground for station buildings, workshops, depots, machine-shops, switches, side-tracks, turn-tables, and water stations.

SEC. 8. *And be it further enacted*, That the acceptance of the terms, conditions, and impositions of this act by the said Saint Joseph and Denver City Railroad Company shall be signified in writing, under the corporate seal of the said company, duly executed pursuant to the direction of its board of directors first had and obtained, which acceptance shall be made within one year after the passage of this act and not afterward, and shall be deposited with the Secretary of the Interior.

Mr. LOAN stated that he was directed by the committee to move the following amendments to the substitute:

Page 10, strike out section four.
Page 11, section six, line two, strike out the words "and its extension."
Page 12, section eight, line seven, strike out the words "one year," and insert in lieu thereof "six months."

The amendments were agreed to.

Mr. LOAN. Mr. Speaker, this bill can easily be understood. It will require but a few moments to explain it so the House will be able to comprehend the object intended. It is proposed by this bill to effect a junction with the Union Pacific railroad by a road commencing at Elwood, in Kansas, running westwardly via Maryville, in the same State.

Mr. SPALDING. Has the morning hour expired?

The SPEAKER. It has.

Mr. WILSON, of Iowa, moved that the House proceed to business upon the Speaker's table.

The motion was agreed to.

DIRECT TAXES.

The SPEAKER laid before the House a message from the President of the United States transmitting, in compliance with a resolution of the House, information as to the collecting of direct taxes in the States whose inhabitants participated in the rebellion; which was referred to the Committee of Ways and Means, and ordered to be printed.

SALE OF GOLD.

The SPEAKER also laid before the House

a communication from the Secretary of the Treasury in reply to a resolution of the House in regard to gold sold since February 1, 1866, by whom sold, &c.

Mr. WILSON, of Iowa. I offer the following resolution, and demand the previous question:

Resolved, That the communication of the Secretary of the Treasury, just announced to the House, be referred to the Committee on Banking and Currency, with instructions to inquire fully into all the facts and statements therein contained; and that the committee also inquire whether any gold has been purchased for the Treasury since the 1st day of January, 1865, the amount of such purchase, by whom and of whom made, the amount of premium paid, the compensation allowed the person acting for the Government; also that the committee report the dates and amounts of the several sales of gold made since the 1st day of January, 1866, the names of the purchasers, the amounts purchased by each, the time of purchase, and all the circumstances attending such purchases and amount paid the agent of the Treasury; that the committee have power to send for persons and papers, and shall report the results of the inquiry hereby directed to the House with such recommendations as may be deemed proper for the interests of the Government.

Mr. LE BLOND. I do not know what there is in this resolution. It implies certain things have taken place of which the House is not advised. I do not see why we should be called on to give power to this committee to act in this manner unless there be good reason for it. If the gentleman can give us any reason for pursuing the course the resolution indicates I shall vote for it; but blindly in this House reflecting on certain officials I shall not vote.

Mr. WILSON, of Iowa. I do not think there is any reflection in it. For some time past there have been statements made in the newspapers in relation to transactions in gold and bonds by the Treasury Department or its agents. If what has been alleged in relation to these transactions is true the country ought to know it. If the allegations are not true, as I understand the Secretary of the Treasury to insist, it is due to him that we should know it, and for that purpose we should have a report of a committee of this House charged specially with this subject, so that we may understand whether the charges have any foundation or not.

Mr. ELDRIDGE. What charges does the gentleman refer to?

Mr. WILSON, of Iowa. If I should undertake to specify them I would have to state the contents of many articles in the New York papers, and I could not do it perhaps in an hour.

Mr. LE BLOND. Does the report of the Secretary of the Treasury furnish any light on the subject?

Mr. WILSON, of Iowa. I have not read the report.

Mr. LE BLOND. I ask to have the report read.

The Clerk read the report, as follows:

TREASURY DEPARTMENT, June 19, 1866.

DEAR SIR: In answer to the following resolution of the House of Representatives, adopted on the 4th of June, instant, namely:

"On motion of Mr. JAMES F. WILSON,

Resolved, That the Secretary of the Treasury be directed to report to this House how much gold belonging to the Government of the United States has been sold since the 1st day of January, 1866, the date and amount, by whom sold, the compensation allowed for such sale, and the premium received; also, whether any gold has been bought for the Treasury since that date, and if so, the amounts and dates of such purchases; amount of premium paid, and who acted as agent in making such purchases; also, whether any bonds of the United States have been bought or sold for the Treasury since that date, the dates and amounts of such purchase, or sales, the amounts paid or received for the same, and the character and denomination of said bonds."

I herewith submit a statement of gold sold by the Treasury Department since the 1st day of January last, the date and amount of such sales, the compensation or commission allowed the agent for selling, and the premium received.

These sales, with the exception of \$145,000 sold by the Treasurer at New Orleans, were made through Mr. Van Dyck, the Assistant Treasurer in New York.

It is understood that since the 1st of January Mr. P. M. Myer has been the sole agent for selling gold in that city.

No purchase of coin has been made since the 1st of January last.

I also submit a schedule of bonds purchased since the 1st of January last, the dates and amounts of such purchases, the prices paid for them, and the character and denomination thereof.

These bonds were purchased because this class of

bonds were being sold in the market at prices much below their value, and because their depreciation was affecting injuriously the bonds which it was desirable for the Government to negotiate, as well as the national credit.

These bonds, which have been canceled, may be regarded as a purchase on account of the sinking fund or as a redemption of so much of the public debt.

I also submit a schedule of the bonds sold since the 1st of January last to the 4th instant, the date and amount of such sales, the sums received for the same, and the character and denomination of the bonds.

A part of these bonds were sold for cash and a part for compound and seven and three tenths notes. The sales and exchanges were made through Messrs. Jay Cooke & Co., the Treasurer of the United States, and the Assistant Treasurer in New York on the most favorable terms to the Government.

It may be proper also to state that in addition to the bonds named in the schedule, \$7,947,700 were exchanged through Messrs. Jay Cooke & Co. for seven and three tenths notes and a small amount of certificates of indebtedness, previous to the 1st of January; the notes and certificates being received by the Department at the time the bonds were delivered; but for lack of time to make the necessary calculation of the interest and the proper entries upon the books, the account of the agents was not settled and the amount of bonds delivered and notes received in exchange was not entered upon the public debt statement until February, and did not appear upon the published statement until the first of March.

It is also proper to remark that \$3,747,000 in fifty-two bonds—\$3,717,000 of which were issued under the act of March 3, 1864—and which by the schedule appear to have been sold in January and February, were not entered as a part of the public debt until March, and did not appear upon the public statement until April 1. The explanation of which is, that the sales of the bonds were included by the agents in a continuous account, which was not settled and closed until March; the last sale having been made on the 20th of that month; the agents in all instances giving proper certificates of deposit to the credit of the Treasurer of the United States, as the bonds were from time to time delivered to them.

I am, sir, very respectfully, yours,

H. McCULLOCH,

Secretary of the Treasury.

HON. SCHUYLER COLFAX,

Speaker of the House of Representatives.

Mr. RANDALL, of Pennsylvania. I ask the gentleman from Iowa to yield.

Mr. WILSON, of Iowa. Certainly.

Mr. RANDALL, of Pennsylvania. I cannot myself object to any investigation whatever which proposes to hold to a strict accountability public officers. If they have done wrong they must be condemned; if they have done right they will be commended. I believe from what information I have that the Secretary of the Treasury will not suffer from this investigation; but whether he will suffer or not is not material. All such investigations should be made if there be a doubt in regard to the propriety of the conduct of the public officers, and I hope the gentleman from Iowa will extend this investigation, not only to the Treasury Department, but to other Departments of the Government, so that the parties who have been foraging through the South, having permits to take and to sell cotton, may also be brought to public gaze and their conduct also exposed.

I would also like the gentleman's resolution to reach so that we may know every one of the public defaulters during the last four years. I think it is just that the people should know who these people are who have robbed the public Treasury from time to time.

I am glad to see a disposition in this House to ferret out that which is wrong and expose it. I hope, therefore, there will be no objection to the investigation proposed by the gentleman from Iowa, [Mr. WILSON.]

Mr. WILSON, of Iowa. I certainly am prepared at any time to join the gentleman from Pennsylvania in instituting investigations into the conduct of any officer, no matter who he may be, against whom anything is alleged. I am not, in this resolution, alleging anything against the Secretary of the Treasury; and the reference of this subject to the Committee on Banking and Currency is a proper one. The subject to which the gentleman from Pennsylvania refers would require a special committee, because the field is too wide for a regular or standing committee of this House to attend to.

Mr. LE BLOND. I simply wish to add one word. I do not desire to screen any public officer. I believe in a full and complete examination of everything that belongs to the public Departments. But the resolution that

has been offered is based upon newspaper accounts. If this House is going to raise a committee upon every charge that is made against public officers where there is some plausible reason for the truth of the statement the time of every member of the House will be taken up in investigating committees.

These charges are numerous enough. The public press of my State has made a charge even against me that on last Monday week when the vote was taken on the question in regard to the confinement of Jefferson Davis I dodged it. The truth was, I was detained in New York on account of the sickness of my wife. If I had been here I should have voted with my Democratic friends.

Now, I suppose it would be proper to raise an investigating committee in many cases, but I do not believe in raising such committees in all cases where newspaper editors see fit to make these charges. That is the only ground upon which I raise an objection.

Mr. WILSON, of Iowa. This resolution does not provide for a select committee. It refers this subject to an appropriate standing committee of this House. I think the gentleman from Ohio [Mr. LE BLOND] is under some obligation to me for affording him an opportunity to explain his absence on the occasion to which he refers. Probably his speech was intended more for the purpose of making that explanation than anything else. I now hope the resolution will be adopted.

The question being taken on the resolution, it was agreed to.

Mr. WILSON, of Iowa, moved to reconsider the vote by which the resolution was agreed to; and also moved to lay that motion on the table.

The latter motion was agreed to.

Mr. WILSON, of Iowa. I move that the communication be printed.

The motion was agreed to.

CONDUCT OF THE WAR.

The next business on the Speaker's table was the following concurrent resolution of the Senate:

Resolved by the Senate of the United States, (the House of Representatives concurring,) That there be printed for the use of the members of the Thirty-Ninth Congress of the reports of Major Generals W. T. Sherman, George H. Thomas, John Pope, J. G. Foster, A. Pleasonton, and E. A. Hitchcock, made to the joint committee on the conduct of the war, together with such reports as may be received, by the commencement of the next session of Congress, the same number and in the same style as were printed of the reports heretofore made by the said committee.

Mr. JULIAN. I move that the House concur in the resolution.

The motion was agreed to.

Mr. JULIAN moved to reconsider the vote just taken; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

PARIS EXPOSITION.

The next business on the Speaker's table was House joint resolution No 52, to provide for the expenses attending the exhibition of the products of industry of the United States at the Exposition at Paris in 1867, returned from the Senate with an amendment thereto in the nature of a substitute.

Mr. BANKS. I move that the House non-concur in the amendment of the Senate and ask for a committee of conference.

Mr. WASHBURN, of Illinois. I would ask if the amendment of the Senate makes an appropriation. If so, the bill must be considered in the Committee of the Whole on the state of the Union.

Mr. BANKS. I understand the difference between the two bills to be that the appropriation of the House was in currency and that of the Senate in coin.

Mr. WASHBURN, of Illinois. That is a very substantial difference with gold at 150.

The SPEAKER. The Chair is of opinion that the Senate's amendment does contain an appropriation.

Mr. BANKS. The question of appropriation

does not arise at this stage. I move a non-concurrence.

The SPEAKER. The Chair thinks it contains an appropriation, and must therefore be first considered in Committee of the Whole.

Mr. WASHBURN, of Illinois. Otherwise such a bill would never go to the Committee of the Whole, and the rule would be evaded.

Mr. BANKS. I move that the House resolve itself into Committee of the Whole on the state of the Union, and that it consider the Senate amendment and non-concur therein.

Mr. WASHBURN, of Illinois. I object to that.

Mr. BANKS. I only wish that the House non-concur, believing that an arrangement can be made between the two Houses which will be satisfactory.

The SPEAKER. The Chair sustains the point of order that this must go to the Committee of the Whole.

Mr. BANKS. I move that the rules be suspended for that purpose.

The question being taken on the motion to suspend the rules for the purpose of going into Committee of the Whole on the state of the Union, there were—ayes 53, noes 40.

Mr. WASHBURN, of Illinois. I demand tellers.

Tellers were ordered; and the Speaker appointed Messrs. BANKS, and WASHBURN of Illinois.

The House divided; and the tellers reported—ayes 61, noes 35.

Mr. WASHBURN, of Illinois. I demand the yeas and nays.

The yeas and nays were ordered.

The question being taken, it was decided in the affirmative—yeas 75, nays 39, not voting 68; as follows:

YEAS—Messrs. Ames, Baldwin, Banks, Barker, Baxter, Beaman, Bidwell, Boutwell, Bromwell, Buckland, Cullom, Davis, Dawes, Dawson, Dixon, Dodge, Donnelly, Dumont, Eggleston, Eliot, Farquhar, Garfield, Hayes, Henderson, Higby, Hogan, Holmes, Hooper, Asahel W. Hubbard, Chester D. Hubbard, D. mas Hubbard, John H. Hubbard, Ingersoll, Jenckes, Julian, Kasson, Ketcham, Kuykendall, Latham, George V. Lawrence, Le Blond, Longyear, Lynch, Marshall, Marston, McClurg, McRuer, Mercer, Moorhead, Morrill, Moulton, Myers, Newell, O'Neill, Orth, Pomeroy, Price, William H. Randall, Alexander H. Rice, John H. Rice, Shellabarger, Taber, Francis Thomas, Trowbridge, Van Aernam, Robert T. Van Horn, Warner, Henry D. Washburn, William B. Washburn, Welker, Whaley, Stephen F. Wilson, Windom, Winfield, and Woodbridge—75.

NAYS—Messrs. Allison, Ancona, Baker, Benjamin, Bingham, Blaine, Broomall, Cook, Denning, Denison, Eldridge, Finck, Glossbrenner, Goddard, Grider, Aaron Harding, Abner C. Harding, Humphrey, Kerr, Loan, Niblack, Paine, Pike, Samuel J. Randall, Ritter, Rogers, Rollins, Ross, Sawyer, Schenck, Sitgreaves, Spalding, Stevens, Strouse, Thornton, Trimble, Elihu B. Washburne, Wentworth, and James F. Wilson—39.

NOT VOTING—Messrs. Alley, Anderson, Delos R. Ashley, James M. Ashley, Bergen, Blow, Boyer, Brandegee, Bundy, Chanler, Rendar W. Clarke, Sidney Clarke, Cobb, Coffroth, Conkling, Culver, Darling, DeForest, Delano, Driggs, Eckley, Farnsworth, Ferry, Grinnell, Griswold, Hale, Harris, Hart, Hill, Hotchkiss, Edwin N. Hubbell, James R. Hubbell, Hubbard, Johnson, Jones, Kelley, Kelso, Laffin, William Lawrence, Marvin, McCullough, McIndoe, McKee, Miller, Morris, Nicholson, Noell, Patterson, Perham, Phelps, Plants, Radford, Raymond, Rousseau, Scofield, Shanklin, Sloan, Smith, Starr, Stillwell, Taylor, Thayer, John L. Thomas, Upson, Burt Van Horn, Ward, Williams, and Wright—68.

So the rules were suspended, and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. POMEROY in the chair.)

WINNEBAGO RESERVATION—NEBRASKA.

The first business on the Calendar was Senate bill No. 121, to provide for the enlargement of the Winnebago reservation, in the Territory of Nebraska, and for other purposes.

Mr. WASHBURN, of Illinois. I ask that the bill may be read.

Mr. BANKS. I move that this bill be laid aside, so as to take up the joint resolution in regard to the Paris Exposition.

Mr. WASHBURN, of Illinois. I think I have a right to call for the reading of the bill.

The CHAIRMAN. The Chair is of opinion that the question must be taken at once upon the motion that this bill be laid aside.

Mr. BANKS. I do not desire to consume

any time upon this subject, and therefore I shall move that the House non-concur in the amendment of the Senate to the joint resolution relative to the Paris Exposition. It need not take much time to get through with it, unless the gentleman from Illinois [Mr. WASHBURN] insists upon having all these bills read.

Mr. WASHBURN, of Illinois. I am opposed to this resolution *ab initio*, and I desire to have it defeated by every honorable means. It has come back from the Senate with an appropriation of \$25,000 in gold added to the enormous appropriation which was made by the House. And now the gentleman from Massachusetts [Mr. BANKS] wants to subordinate all other legislation to this Johnny Crapaud expedition.

Mr. BANKS. I beg permission to say simply that I am opposed to the amendment of the Senate, and shall move that the House non-concur in it. Although the gentleman from Illinois [Mr. WASHBURN] has a right to oppose the joint resolution, it is questionable whether he has a right to consume so much of the time of the House in doing so.

Mr. WASHBURN, of Illinois. This is not a consumption of time of my seeking. But the gentleman from Massachusetts [Mr. BANKS] seeks to get an advantage over every other bill upon the Calendar in order that he may force through his Paris Exposition resolution. Now, as we are in Committee of the Whole, I desire that other bills on the Calendar shall have an equal chance with that joint resolution. In my judgment there are other bills of far more importance than that.

Mr. BANKS. Is my motion in order to lay this Winnebago reservation bill aside for the present?

The CHAIRMAN. That motion is in order. Mr. BANKS. Then I hope the question will be taken.

Mr. WASHBURN, of Illinois. Have I not the right to have the bill read?

The CHAIRMAN. The Chair will read the rule on that subject:

"In Committee of the Whole on the state of the Union, the bills shall be taken up and disposed of in their order on the Calendar; but when objection is made to the consideration of a bill a majority of the committee shall decide, without debate, whether it shall be taken up and disposed of or laid aside."

The Chair holds that the question must be taken at once upon the motion to lay this bill aside.

Mr. BANKS. I hope the committee will lay it aside.

Mr. WASHBURN, of Illinois. How can the committee determine whether to lay it aside or not unless they know what is in the bill?

The CHAIRMAN. The title of the bill discloses the subject to which it relates.

Mr. HARDING, of Illinois. What is the question before the committee?

The CHAIRMAN. The question is upon the motion of the gentleman from Massachusetts [Mr. BANKS] to lay aside Senate bill No. 121.

Mr. HARDING, of Illinois. I ask that that bill be read.

The CHAIRMAN. The Chair has just decided that the vote must be taken at once upon the motion to lay the bill aside.

Mr. HARDING, of Illinois. Then I appeal from the decision of the Chair. I hold that I have a right to have the bill read, in order to know what it is I am called upon to lay aside.

Mr. SPALDING. What is the title of the bill that it is moved to lay aside?

The CHAIRMAN. An act to provide for the enlargement of the Winnebago reservation in the Territory of Nebraska, and for other purposes.

Mr. STEVENS. It is very important that that bill should be passed at once, [laughter,] and I hope the committee will consider it now, and not lay it aside.

The CHAIRMAN. An appeal having been taken from the decision of the Chair by the gentleman from Illinois, [Mr. HARDING,] the

first question is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. STEVENS. Let me understand the question. Does the Chair decide that it is not necessary to read the bill before the vote is taken upon the motion to lay it aside?

The CHAIRMAN. The Chair rules that the vote must be taken at once upon the motion to lay the bill aside, without debate and without reading the bill. And the question now is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken; and there were, upon a division—ayes 66, noes 16; no quorum voting.

Tellers were ordered; and Mr. BANKS, and Mr. WASHBURN of Illinois, were appointed.

The committee again divided; and the tellers reported—ayes 75, noes 11; no quorum voting, and the tellers resumed their seats.

The CHAIRMAN announced the vote as—ayes 85, noes 11.

Mr. WASHBURN, of Illinois. The Chair is in error; the vote was—ayes 75, noes 11; and the rule requires that when the committee finds itself without a quorum the roll of members' names shall be called.

Mr. BANKS. There is a quorum present.

Mr. ANCONA. I call for a new count, as there seems to be some error.

The CHAIRMAN. There is some misunderstanding as to the count by the tellers. If there is no objection, the Chair will direct the tellers to resume their stations, and the question will be again put to the committee.

Mr. WASHBURN, of Illinois. I object.

The CHAIRMAN. Then the Clerk will call the roll.

The roll was accordingly called; and the following members failed to answer to their names:

Messrs. Alley, Anderson, James M. Ashley, Bergen, Bidwell, Blow, Brandegee, Chanler, Reader W. Clarke, Sidney Clarke, Cobb, Coffroth, Conkling, Cutver, Darling, Defrees, Delano, Eckloy, Farnsworth, Ferry, Grinnell, Griswold, Hale, Harris, Hart, Hill, Hotchkiss, Edwin N. Hubbard, Hulburd, Johnson, Jones, Kerr, Laffin, William Lawrence, McIndoe, McKee, Miller, Morris, Moulton, Nicholson, Noell, Patterson, Phelps, Pike, Plants, Radford, Raymond, Rogers, Ross, Rousseau, Seefeld, Shanklin, Sloan, Smith, Starr, Taylor, Thayer, John L. Thomas, Upson, Burt Van Horn, Ward, Whaley, Williams, Woodbridge, and Wright.

The committee then rose; and the Speaker having resumed the chair, Mr. POMEROY reported that the Committee of the Whole on the state of the Union, having had under consideration Senate bill No. 121, to provide for the enlargement of the Winnebago reservation in the Territory of Nebraska, and for other purposes, and finding itself without a quorum, had directed the roll to be called and the names of the absentees to be reported to the House.

The SPEAKER stated that a quorum having answered to their names, the committee would resume its session.

The committee resumed its session, (Mr. POMEROY in the chair.)

The question recurring, Shall the decision of the Chair stand as the judgment of the committee?

Mr. BANKS. I call for tellers. Tellers were ordered; and Mr. BANKS, and Mr. WASHBURN of Illinois, were appointed.

The committee divided; and the tellers reported—ayes 85, noes 15.

So the decision of the Chair was sustained.

The question recurring on the motion of Mr. BANKS that the bill (S. No. 121) be laid aside, the motion was agreed to—ayes 68, noes 37.

WYANDOTTE TRIBE OF INDIANS.

The next business on the Calendar was House bill No. 432, for the relief of the Wyandotte tribe of Indians.

Mr. BANKS. I move that this bill be laid aside.

Mr. ROSS. I trust that this bill will be taken up and passed. It is a bill of some importance.

The CHAIRMAN. Debate is not in order.

The motion of Mr. BANKS was agreed to—ayes 71, noes 34.

INDIAN DEPREDACTIONS IN IOWA.

The next business on the Calendar was House bill No. 805, for the relief of the citizens of Iowa, for damages sustained by reason of depredations and injuries by certain bands of Sioux Indians.

Mr. BANKS. I move that this bill be laid aside.

The motion was agreed to—ayes 69, noes 25.

BOUNDARY SURVEY—OREGON AND IDAHO.

The next business on the Calendar was House bill No. 251, entitled "An act providing for the survey of the boundary between the Territory of Idaho and the State of Oregon."

Mr. BANKS. I move that this bill be laid aside.

The motion was agreed to—ayes 68, noes 26.

APPROPRIATION FOR SANITARY PURPOSES.

The next business on the Calendar was joint resolution (H. R. No. 121) to place funds in the hands of the Commissioner of Public Buildings for sanitary purposes.

Mr. BANKS. I move that this bill be laid aside.

On the motion, there were—ayes 72, noes 5; no quorum voting.

The CHAIRMAN, under the rule, ordered tellers, and appointed Mr. BANKS, and Mr. WASHBURN of Illinois.

The committee divided; and the tellers reported—ayes 72, noes 23.

So the motion was agreed to.

RESTORATION OF INSURRECTIONARY STATES.

The next business on the Calendar was House bill No. 623, to enable the States lately in rebellion to regain their privileges in the Union.

Mr. STEVENS. Mr. Chairman—
Mr. BANKS. I move that this bill be laid aside.

Mr. STEVENS. Mr. Chairman, on this bill, which I reported, I claim the right to the floor.

The CHAIRMAN. The Chair decides that an objection to a bill takes precedence of any motion in relation to the bill, and that a member rising to object to a bill has the right to the floor. Does the gentleman from Pennsylvania rise to object to the consideration of the bill?

Mr. STEVENS. This is a bill which I reported, and I desire that it shall be considered.

The CHAIRMAN. The ruling of the Chair is that the gentleman from Massachusetts, [Mr. BANKS,] rising to object, has the right to the floor.

Mr. STEVENS. From that ruling I appeal.

Mr. BANKS. The gentleman from Pennsylvania will allow me to suggest that I have the precedence under the practice and rules of the House, first, because I moved to go into the Committee of the Whole; secondly, because I rise to object to the consideration of the bill; and thirdly, because I first addressed the Chair.

Mr. STEVENS. I first rose to address the Chair.

The CHAIRMAN. The Clerk will read the rule.

The Clerk read as follows:

"In Committee of the Whole on the state of the Union the bills shall be taken up and disposed of in their order on the Calendar; but when objection is made to the consideration of a bill a majority of the committee shall decide, without debate, whether it shall be taken up and disposed of or laid aside."

The CHAIRMAN. The gentleman from Pennsylvania appeals from the decision of the Chair.

Mr. STEVENS. I will state why I appeal. I had the floor.

Mr. BANKS. The question is not debatable.

Mr. STEVENS. I addressed the Chair first; I never surrendered the floor, and nobody can take it from me.

Mr. BANKS. I rise to a question of order.

The CHAIRMAN. The Chair decides that all debate is out of order.

Mr. STEVENS. I am stating my point of order.

Mr. BANKS. It is not a point of order.
Mr. STEVENS. The gentleman had not the right to make his objection till I had surrendered the floor.

The CHAIRMAN. The committee has heard the ruling of the Chair. Shall the decision of the Chair stand as the judgment of the committee?

The committee sustained the decision of the Chair.

The question then recurred on Mr. BANKS's motion that the bill be laid aside.

The committee divided; and there were—ayes 75, noes 20.

So the motion was agreed to.

EXPOSITION AT PARIS.

The next business on the Calendar was the amendment of the Senate to House joint resolution No. 52, to provide for the expenses attending the exhibition of the products of industry of the United States at the Exposition at Paris in 1867.

Mr. STEVENS. I move that it be laid aside. [Great laughter.]

The committee divided; and there were—ayes 42, noes 75.

So the motion was disagreed to.

The amendment of the Senate was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That, in order to enable the people of the United States to participate in the advantages of the universal exhibition of the productions of agriculture, manufactures, and the fine arts, to be held at Paris in the year 1867, the following sums, or so much of them as may be necessary for the purposes severally specified, are hereby appropriated out of any money in the Treasury not otherwise appropriated:

First. To provide necessary furniture and fixtures for the proper exhibition of the productions of the United States, according to the plan of the imperial commissioners, in that part of the building exclusively assigned to the use of the United States, \$48,000 in coin.

Secondly. To provide additional accommodations in the park, \$25,000 in coin.

Thirdly. For the compensation of the principal agent of the Exhibition in the United States at the rate of \$2,000 a year: *Provided*, That the period of such service shall not extend beyond sixty days after the close of the Exhibition, \$4,000, or so much thereof as may be found necessary.

Fourthly. For office rent at New York, for fixtures, stationery, and advertising; for rent of store-house for reception of articles and products; for expenses of shipping, including cartages, &c.; for freights on the articles to be exhibited from New York to France and return, and for compensation of four clerks, in conformity with the joint resolution approved on the 15th of January, 1866, and for contingent expenses, the sum of \$33,700, or so much thereof as may be found necessary.

Fifthly. For expenses in receiving, bonding, storage, cartage, labor, and so forth, at Havre; for railway transportation from Havre to Paris, going and returning; for labor in the palace; for sweeping and sprinkling compartments for seven months; for guards and keepers for seven months; for linguists (eight men) for seven months; for storing, packing-boxes, carting, and for material for repacking; for clerk hire, stationery, rent, and contingent expenses, the sum of \$35,703 in coin, or so much thereof as may be found necessary.

Sixthly. For the traveling expenses of ten professional and scientific commissioners, to be appointed by the President, by and with the advice and consent of the Senate, at the rate of \$1,000 each, \$10,000, it being understood that the President may appoint additional commissioners, not exceeding twenty in number, whose expenses shall not be paid; but no person interested, directly or indirectly, in any article exhibited shall be a commissioner; nor shall any member of Congress, or any person holding an appointment or office of honor or trust under the United States be appointed a commissioner, agent, or officer under this resolution.

SEC. 2. *And be it further resolved*, That the Governors of the several States be, and they are hereby, requested to invite the patriotic people of their respective States to assist in the proper representation of the handiwork of our artisans, and the prolific sources of material wealth with which our land is blessed, and to take such further measures as may be necessary to diffuse a knowledge of the proposed Exhibition, and to secure to their respective States the advantages which it promises.

SEC. 3. *And be it further resolved*, That it shall be the duty of the said general agent at New York, and the said commissioner general at Paris, to transmit to Congress, through the Department of State, a detailed statement of the manner in which such expenditures are hereinbefore provided for are made by them respectively.

Amend the title to read as follows: Joint resolution to enable the people of the United States to participate in the advantages of the Universal Exhibition at Paris in 1867.

Mr. BANKS. I move that the committee rise.

Mr. SPALDING. How much does this appropriate?

Mr. BANKS. I will give the gentleman the information as near as I can when the committee rises.

Mr. SPALDING. The committee ought to know at once how much money is proposed to be appropriated.

Mr. WASHBURN, of Illinois. It is not in order to move that the committee rise and report the bill so long as any amendment is pending.

Mr. BANKS. I move to rise in order to close debate.

The committee divided; and there were—ayes 66, noes 48.

So the committee agreed to rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. POMEROY reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly the amendment of the Senate to House joint resolution No. 52, to provide for the expenses attending the exhibition of the products of industry of the United States at the Exposition at Paris, in 1867, and had come to no resolution thereon.

Mr. BANKS. As I have already stated, I shall move to non-concur in the amendment of the Senate, and extended debate is not, therefore, necessary. I move that general debate be closed in one minute.

Mr. WASHBURN, of Illinois. I hope the gentleman will not gag this through in that way.

The SPEAKER. It will leave the five-minute debate.

The motion was agreed to.

Mr. BANKS. I move that the rules be suspended, and that the House resolve itself into Committee of the Whole on the state of the Union.

The motion was agreed to.

The rules were accordingly suspended, and the House resolved itself into Committee of the Whole on the state of the Union, (Mr. POMEROY in the chair,) and resumed the consideration of the amendment of the Senate to joint resolution of the House No. 52, to provide for the expenses attending the exhibition of the products of industry of the United States at the Exposition at Paris in 1867.

Mr. BANKS. I will reply to the question of the gentleman from Ohio, if he desires a reply to his question, that it is impossible to state the difference between the appropriation of the House and that of the Senate, inasmuch as the one is in currency, and the other, partly, in coin. The difference will depend on the price of gold at the time the appropriation is used.

The CHAIRMAN. All debate is now closed by order of the House.

Mr. WASHBURN, of Illinois. I presume the bill will now be read by sections for amendment.

Mr. SPALDING. I am obliged to the gentleman from Massachusetts for his information.

The CHAIRMAN. There is but one amendment. The Senate proposes to strike out the whole bill and to insert.

Mr. WASHBURN, of Illinois. I move to amend the amendment by striking out lines sixteen and seventeen, which provide for the appropriation of \$25,000 in coin. The gentleman from Massachusetts says, that he proposes to move to non-concur in the amendment of the Senate. I wish the House to understand how the matter will then stand. The bill will be referred to a committee of conference, and the House then will have to pass upon the question whether it will adopt the report of that committee or not. I desire to have a vote of the committee upon this proposition to take \$25,000 in American gold out of the Treasury in order to pay the expenses attending this Paris Exposition. I desire to know whether we will go back to our constituents and tell them that we have made an appropriation in gold—that we have reached

a time when there is "gold for office-holders and rags for the people." It is not enough that we shall make an ordinary appropriation for our people to go over to Paris and make a "show," there; but we must go further, and vote coin out of the Treasury of the United States for that purpose. Sir, I am opposed to it, and hence I have made the motion to strike out.

Mr. BANKS. I rise, sir, to oppose the amendment of the gentleman from Illinois. Inasmuch as I proposed to non-concur in the amendment of the Senate, it is not necessary that I should debate it. It is doubtless refreshing to the members of the House that the gentleman from Illinois should instruct us as to the natural course of events in a committee of conference. I do not think, however, that the House is in danger of encountering a surprise from any course such a committee may take. We have plenty of time to consider the report of any committee; and I think we may trust any committee that the Speaker will appoint. I hope the amendment will not be adopted.

The question was put on Mr. WASHBURN's amendment, and there were—ayes 39, noes 56.

Mr. WASHBURN, of Illinois, demanded tellers.

Tellers were ordered; and Messrs. BANKS, and WASHBURN of Illinois, were appointed.

The committee divided; and the tellers reported—ayes 45, noes 55.

So the amendment was disagreed to.

Mr. WASHBURN, of Illinois. I move to insert after the word "rate," in the forty-sixth line, "per annum," so that it will read, "at the rate per annum of \$1,000 each," &c.

Mr. BANKS. I have no objection to that amendment.

The amendment was agreed to.

Mr. WASHBURN, of Illinois. I propose to add, also, after the word "each," in the forty-seventh line, the words "for the time actually employed." I do not propose to leave these men drawing salaries of \$1,000 for one month's service.

Mr. BANKS. I have no objection to that amendment.

The amendment was agreed to.

Mr. WASHBURN, of Illinois. I offer the following amendment, to come in at the end of the sixth line of the third section:

Provided, That this act shall not take effect until the French troops shall have been withdrawn from Mexico.

Mr. BANKS. I rise to object to that amendment. It is not germane to the subject. If this country objects to the presence of French troops in Mexico, Americans ought to have the good sense to order them to leave this continent, and not to attack the industry of the country in this backhanded, underhanded, and unjust effort to carry out a policy. If the member from Illinois will, in the name of the people he represents, introduce a bill for the ejection of the French troops from Mexico, I will give him my support. But I demand, in the name of the mechanics of the country, that a matter vital to their interests and honor shall not be embarrassed by a proposition of this kind.

Mr. STEVENS. I move to strike out the last word of the amendment.

The CHAIRMAN. No further amendment is now in order. There is an amendment to the amendment pending.

Mr. STEVENS. No, sir; the amendment of the Senate is the text upon which we are acting.

Mr. BANKS. Let us have the question.

Mr. STEVENS. I hope the gentleman will not be quite so impetuous. The chairman of the Committee on Foreign Affairs says that he is ready to do justice to this country in regard to Mexican affairs. I would suggest whether it is not nearly time that the distinguished committee of which he is chairman should take some action in this direction. As the committee have not done it, I shall vote for the proposition of the gentleman from Illinois.

Mr. BANKS. I rise to oppose the amend-

ment of the gentleman from Pennsylvania. I have no doubt, sir, that the Committee on Foreign Affairs will discharge its duty faithfully upon all the subjects referred to it; and I promise the gentleman from Pennsylvania that if he will leave this question to stand upon its own merits, and will refrain from drawing into this discussion topics which have no relation to it and no connection with it, he will have an opportunity hereafter to express his opinion and to give his vote as he may think proper on the subject of the occupation of Mexico by the French.

Mr. STEVENS. I withdraw my amendment.

Mr. WASHBURN, of Illinois. I renew the amendment for the purpose of saying one word in reply to the distinguished gentleman from Massachusetts. He suggests that I am giving a backhanded blow at the mechanics of the country. I do not understand what the gentleman means by that assertion, when all I propose is that before this country is represented in the French Exposition they shall put aside this little tin crown in Mexico. I do not propose, so far as I am concerned, in the present state of things, looking to the conduct of the French nation in regard to us, to send representatives to the Paris Exposition; and I want to know of my distinguished friend, the chairman of the Committee on Foreign Affairs, who talks here so boldly and so bravely in regard to this Mexican question, why he has not taken some initiative step to vindicate the honor and glory of this country. I wish, sir, he would travel on the same path that I am traveling, having no connection, having nothing whatever to do with the French nation so long as she keeps up this perpetual threat upon our borders. Sir, this is no new proposition. This very proposition was introduced when this question was before the House. It was introduced also into the Senate; and I regret that the Senate did not pass it, so that we might stand fairly and justly before the country when dealing with this question.

Sir, this is no matter affecting the mechanics of the country, about whom the gentleman talks. It is a question which concerns not only them, but every American, every man who has a drop of pure American blood in his veins; and when you tell the mechanics of the country that this stigma must be put upon the national honor for their benefit and in their name, they will repudiate it. They desire nothing of the kind. They feel, as we all feel, the deep humiliation to which we are subjected by the existing state of things. I trust the committee will adopt the amendment.

Mr. BANKS. I rise to oppose the amendment of the gentleman from Illinois. The reason why I said that his proposition was a "backhanded" blow at this measure was this: that it is indirect; that it is evasive of the merits of the question before the House, and one which, strictly considered, is not before the House either for debate or vote.

I make no question upon the presentation or consideration of this question. But I repeat to the gentleman from Illinois [Mr. WASHBURN] that it is evasive of the merits of the question before the committee. I do not wish to consume the time of the House by any discussion of this measure. I will say in a word that this is a measure deeply interesting to all the friends of American industry. There is scarcely a State in the Union which holds relations with the General Government which has not applied to be represented at this Exposition. And if they are to be represented at all, it is necessary that the decision should be made early. It is for that reason I ask an early decision of this question by the House.

Now, in regard to the Mexican question I have this to say: whether I may or may not travel with the gentleman from Illinois [Mr. WASHBURN] upon all questions, upon that which pertains to the maintenance of the republic of Mexico I travel with him or with any man who goes for the support of that republic. But I prefer to fight the battle of Mexico against

Maximilian, if the gentleman pleases, or against the Emperor of France, if he pleases, or against any other Power that shall occupy the territory of Mexico and not under cover of a measure that is designed to extend and benefit the industrial interests of this country, and which concerns alone the honor and dignity of our Government and the welfare and prosperity of the mechanics and working men of this country, who have preserved it to this hour against its enemies.

Mr. WASHBURN, of Illinois. I withdraw my amendment to the amendment.

Mr. HARDING, of Illinois. I renew the amendment to the amendment. I feel inexpressible repugnance to giving my vote in favor of a measure appropriating coin for the purpose proposed.

Mr. BANKS. I am reluctant to have the time of the committee consumed unnecessarily; and therefore I must raise the point of order that the remarks of the gentleman from Illinois [Mr. HARDING] are not pertinent to the amendment now pending.

Mr. HARDING, of Illinois. Perhaps my remarks were not precisely appropriate to the specific proposed amendment of my colleague, [Mr. WASHBURN.] The gentleman from Massachusetts [Mr. BANKS] seems to be sensitive upon this question, and any widening of the debate so as to touch the merits of this joint resolution appears to be objectionable to him. And if I travel beyond the strict limits of the proposed amendment to the amendment, I suppose I shall be liable to be called to order by him.

I will, however, venture to say in reference to the amendment, that it has been maintained by the gentleman from Massachusetts, [Mr. BANKS,] the chairman of the Committee on Foreign Affairs, that the proposed amendment is not germane to this joint resolution; that it is a measure of war, while in fact, this is a measure of peace. Now, I think the amendment is perfectly proper and highly appropriate and important, in view of the pregnant and potent announcement of the chairman of the Committee on Foreign Affairs, that he is ready to sustain war measures against France—at least I so understood the gentleman—to sustain a bill which should propose the expulsion of the French troops from Mexico, or something to that effect.

Mr. BANKS. I said I was willing to sustain the republic of Mexico against anybody.

Mr. HARDING, of Illinois. Very well; then he proposes to sustain it, of course, in a mode by which it can be sustained, by the only efficient mode, which is by arms and loans. Now, I submit to this committee whether, in view of the prospect of an immediate outbreak of hostilities upon this question, we should send these delectable young gentlemen across the ocean with our coin in their pockets. They might all be captured before they reached that country or could return to this, and what a loss that would be to us.

A MEMBER. And lose the money, too.

Mr. HARDING, of Illinois. Yes, and lose the money, too. [Laughter.] I am not in jest, and if what I say excites mirth, such is not the feeling of my heart. I feel a deep regret that this nation is asked to humiliate itself, while holding the relations it does toward France and toward Mexico, by sending a representation to the court of Napoleon, for that will take away from the moral effect of our protest against his action in regard to our sister republic. I would not withdraw one particle of the moral power by which the gentleman chooses to fight the battle of Mexico. I would not withdraw one particle of the moral influence which our protest is supposed to exert upon that question in Europe. But I do insist upon it that by sending this representation there, by accepting this invitation of Napoleon, we do in effect give the go-by to our protest. It will be so understood in Mexico, and it will be so understood by the world.

Now, sir, our protest in reference to the occupation of Mexico is answered by the dec-

laration from the throne of France, that France will consult her honor; that she knows how to preserve it; that she will remove her troops when the purposes for which they were sent to Mexico shall have been accomplished. If that declaration is not in direct antagonism to the principles announced by the Baltimore convention, to the solemn pledges involved in our national policy, and the repeated protests of our Administration, then I am very greatly mistaken.

[Here the hammer fell.]

Mr. HARDING, of Illinois. I withdraw the amendment to the amendment.

Mr. DAVIS. I renew the amendment to the amendment. I think that under existing circumstances we should be unwise to indicate to the French Emperor or to the world that this nation has not dignity and common sense enough to legislate on a question of this kind without passion. What is the purpose of this Exhibition? Simply to invite the attention of France and the world to the productions of our domestic industry. We are solicited to make this exhibition of our products. This Exposition is no warlike measure on the part of France. It has nothing to do with French interests in Mexico. It has nothing to do with the Monroe doctrine. It is simply a question of international comity in reference to an enterprise looking to the advancement of the interest of industry and art. I regret to observe the spirit which is manifested in this House at the present time. I trust, sir, that we shall regard this question upon its own merits, as one affecting the character and dignity of the nation, and that when the proper time comes for the American people to express their sentiments in respect to the occupation of Mexico, we here shall be found ready to meet that question and to vindicate the honor of the country. I withdraw the amendment to the amendment.

The question recurring on the amendment of Mr. WASHBURN, of Illinois, it was not agreed to; there being—ayes 33, noes 63.

Mr. BANKS. I move that the committee rise and report the bill, with a recommendation that the House non-concur in the amendment of the Senate.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. POMEROY reported that the Committee of the Whole on the state of the Union, having had under consideration joint resolution (H. R. No. 52) to provide for the expenses attending the exhibition of the products of the industry of the United States at the Exposition at Paris in 1867, had directed him to report the resolution to the House, with a recommendation that the House non-concur in the amendment of the Senate.

Mr. BANKS. I move the previous question.

Mr. WASHBURN, of Illinois. I move that the Senate amendment be laid on the table so that members of the House may have an opportunity to vote directly upon the question of paying these men in gold. Upon that motion I demand the yeas and nays.

The yeas and nays were ordered.

Mr. BANKS. What will be the effect of that motion?

The SPEAKER. It will carry the bill with it.

The question was taken; and it was decided in the negative—yeas 40, nays 74, not voting 68; as follows:

YEAS—Messrs. Baker, Beaman, Benjamin, Blaine, Bromwell, Cook, Defrees, Deming, Eldridge, Finch, Glossbrenner, Goodyear, Grider, Aaron Harding, Abner C. Harding, Hayes, Kerr, George V. Lawrence, Le Blond, Loan, McCullough, Niblack, Paine, Pike, Samuel J. Randall, Ritter, Rogers, Rollins, Sawyer, Shellabarger, Sitgreaves, Spalding, Stevens, Thornton, Trimble, Elihu B. Washburne, Henry D. Washburne, Wentworth, Whaley, and James F. Wilson—40.

NAYS—Messrs. Allison, Ames, Ancona, Baldwin, Banks, Barker, Baxter, Bidwell, Bingham, Boutwell, Boyer, Buckland, Cullom, Davis, Dawes, Dawson, Dixon, Donnelly, Driggs, Dumont, Eliot, Farquhar, Garfield, Henderson, Hogan, Holmes, Hooper, Asahel W. Hubbard, Chester D. Hubbard, Demas Hubbard, John H. Hubbard, Ingersoll, Jenekes, Julian, Kasson, Kelley, Kelso, Ketchum, Kuykendall, Latham, Longyear, Marshall, Marston, Marvin, McClurg, McKuer, Mercur, Moorhead, Morrill, Moulton,

Myers, Newell, O'Neill, Orth, Perham, Pomeroy, William H. Randall, Alexander H. Rice, John H. Rice, Schenck, Smith, Stillwell, Strouse, Taber, Francis Thomas, Trowbridge, Van Aernam, Robert T. Van Horn, Warner, William B. Washburn, Welker, Windom, Winfield, and Woodbridge—74.

NOT VOTING—Messrs. Alley, Anderson, Delos R. Ashley, James M. Ashley, Bergen, Blow, Brandegee, Broomall, Bundy, Chanler, Reader W. Clarke, Sidney Clarke, Cobb, Coffroth, Conkling, Culver, Darling, Delano, Denison, Dodge, Eckley, Eggleston, Farnsworth, Ferry, Grinnell, Griswold, Hale, Harris, Hart, Higby, Hill, Hotchkiss, Edwin N. Hubbell, James R. Hubbell, Hulburd, Humphrey, Johnson, Jones, Laffin, William Lawrence, Lynch, McIndoe, McKee, Miller, Morris, Nicholson, Noell, Patterson, Phelps, Plants, Price, Radford, Raymond, Ross, Rousseau, Scofield, Shanklin, Sloan, Starr, Taylor, Thayer, John L. Thomas, Upson, Burt Van Horn, Ward, Williams, Stephen F. Wilson, and Wright—68.

So the amendment of the Senate was not laid upon the table.

The question then recurred on seconding the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the amendment was non-concurred in.

Mr. BANKS moved to reconsider the vote by which the amendment was non-concurred in; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

Mr. BANKS moved that the House insist on its disagreement and ask for a committee of conference.

The motion was agreed to.

ARMY APPROPRIATION BILL.

The next business on the Speaker's table was Senate amendments to the bill (H. R. No. 127) entitled "An act making appropriations for the support of the Army for the year ending 30th June, 1867."

Mr. STEVENS. I move that the amendments of the Senate be referred to the Committee on Appropriations.

Mr. WASHBURN, of Illinois. I wish to call the attention of the House to an error in the engrossment of this bill. I offered an amendment in regard to the Illinois Central railroad, referring the question for adjudication to the United States court of the seventh judicial district. By an error of the engrossing clerk it has been made "the eleventh judicial district." I ask to have the bill corrected in accordance with the original proposition.

The SPEAKER. The Chair thinks it is beyond the power of the House now to do that. The Senate has stricken out the provision in which that clause occurred. The matter might be arranged in a committee of conference.

Mr. WASHBURN, of Illinois. I supposed that, being a mistake in copying the bill, it could certainly be corrected.

The SPEAKER. The Senate has acted upon the bill as engrossed here and sent to that body.

The motion of Mr. STEVENS was agreed to; and the amendments of the Senate were referred to the Committee on Appropriations.

BARKS MARGET AND GOLDEN FLEECE.

The next business on the Speaker's table was joint resolution (S. R. No. 104) authorizing the Secretary of the Treasury to issue American registers to the barks Marget and Golden Fleece; which was read a first and second time, and, on motion of Mr. ELIOT, referred to the Committee on Commerce.

METROPOLITAN POLICE.

The next business on the Speaker's table was Senate bill No. 137, to amend the acts approved August 6, 1861, and July 16, 1862, establishing a Metropolitan police force in the District of Columbia, to increase the efficiency thereof, and for other purposes; which was read a first and second time and referred to the Committee for the District of Columbia.

NATIONAL INSURANCE COMPANY.

The next business on the Speaker's table was Senate bill No. 290, to incorporate the National Life and Accident Insurance Company of the District of Columbia; which was

read a first and second time and referred to the Committee for the District of Columbia.

LEVY COURT OF WASHINGTON.

The next business on the Speaker's table was Senate bill No. 325, to give certain powers to the levy court of the county of Washington, in the District of Columbia; which was read a first and second time and referred to the Committee for the District of Columbia.

EDWARD ST. CLAIR CLARKE.

The next business on the Speaker's table was Senate bill No. 283, for the relief of Edward St. Clair Clarke; which was read a first and second time and referred to the Committee on Naval Affairs.

FRANCIS S. LYON.

The next business on the Speaker's table was Senate bill No. 373, releasing to Francis S. Lyon the interest of the United States in certain lands; which was read a first and second time and referred to the Committee on Public Lands.

COLUMBIA RIVER AND SALT LAKE RAILROAD.

The next business on the Speaker's table was Senate bill No. 336, to aid in the construction of a railroad and telegraph line from the Columbia river to Salt Lake City; which was read a first and second time and referred to the Committee on the Pacific Railroad.

MAJOR GENERAL HIRAM G. BERRY.

The next business on the Speaker's table was Senate bill No. 375, to amend an act entitled "An act granting a pension to the widow of the late Major General Hiram G. Berry;" which was read a first and second time and referred to the Committee on Invalid Pensions.

LAND GRANT TO KANSAS.

The next business on the Speaker's table was Senate bill No. 320, to amend an act entitled "An act to grant lands to the State of Kansas in alternate sections to aid in the construction of certain railroads and telegraph lines in said State."

Mr. STEVENS. Let the bill lie on the table for the present.

There was no objection, and it was so ordered.

PACIFIC RAILROAD.

The next business on the Speaker's table was Senate bill No. 317, to amend an act entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri river to the Pacific ocean, and to secure to the Government the use of the same for postal, military, and other purposes, approved July 1, 1862,' approved July 2, 1864;" which was read a first and second time and referred to the Committee on the Pacific Railroad.

Mr. WASHBURN, of Illinois, moved to reconsider all the votes by which the bills were severally referred; and also moved to lay that motion on the table.

The latter motion was agreed to.

ARMY BILL.

Mr. SCHENCK. I demand that the House now proceed to the consideration of the regular order.

The House accordingly resumed the consideration of the special order, being House bill No. 361, to reorganize and establish the Army of the United States, the pending question being on the amendment to section twenty-seven, offered by Mr. WILSON, of Iowa, as follows:

Provided, That in applying the rule of promotion no distinction shall be made between officers of regiments composed of colored men and those composed of white men, but the promotion shall be by interchange equally open to all said officers.

Mr. SCHENCK. I now move that the House adjourn.

The SPEAKER. This bill being a special order after the morning hour would not come under the category of unfinished business tomorrow, but would come up after the morning hour.

Mr. SCHENCK. I withdraw the motion to adjourn, and yield to the gentleman from Missouri, [Mr. BENJAMIN.]

ROBERT BALDWIN.

Mr. BENJAMIN, by unanimous consent, introduced a bill for the relief of Robert Baldwin; which was read a first and second time and referred to the Committee on Public Lands.

DEATH OF HON. JAMES HUMPHREY.

Mr. DAVIS. I desire to state that two members of the committee, my colleague [Mr. WINFIELD] and myself, appointed by the Chair to attend the funeral of the late Hon. JAMES HUMPHREY were obliged to decline, and that two other members from New York [Messrs. HALE and HULBURD] took their places by arrangement. I desire that their appointment be formally made, and that my colleague [Mr. WINFIELD] and myself be excused.

The gentlemen were accordingly excused; and the Chair appointed in their stead Messrs. HALE and HULBURD.

Mr. SCHENCK. I now move that the House adjourn.

The motion was agreed to; and accordingly (at four o'clock and twenty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule and referred to the appropriate committees: By Mr. HOLMES: The petition of Elizabeth S. Miller, and 120 others, women of Madison county, New York, for universal suffrage.

By Mr. HUBBARD, of New York: The petition of C. Button, and 54 others, citizens of Chenango county, for a mail route from Plymouth, via the southwest part of Otsego, called Brown Meadow, to South Otsego, in said county.

By Mr. McCLURG: The claim of Mr. Eunice A. Porch, of Missouri, for \$500.

IN SENATE.

THURSDAY, June 21, 1866.

On motion of Mr. CONNESS, and by unanimous consent, the reading of the Journal of yesterday was dispensed with.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore*. The Chair has received and been requested to present to the Senate the memorial of the Mechanics' Bank, of New Haven, Connecticut, praying that that bank may be exempt from the tax of ten per cent. upon its circulation until the 1st of July, 1867, for reasons stated in the memorial. As this subject has been reported upon by the Committee on Finance, this petition, if there be no objection, will be received and laid on the table.

Mr. MORGAN. I present the petition of Sturges, Arnold & Co., and other merchants of New York, dealers in coffees, teas, sugars, and other foreign merchandise, in which they represent that nearly all their goods, or a large proportion of them, are sold by and through licensed commercial brokers, for the account of wholesale dealers, as the mere agents of the same; that it has been the custom of most of the assessors to assess and collect from such commercial brokers an additional tax of one eighth of one per cent. on sales made by them for wholesale dealers, thereby collecting a double tax on sales of this nature; that this tax is too onerous for the commercial brokers to pay from their brokerage without recourse to their principals, the importers and wholesale dealers. As it is practically a double tax, and contrary to the spirit and intent of the acts of Congress, they pray that the law may be changed in this respect. I ask that this petition be referred to the Committee on Finance.

It was so referred.

REPORTS OF COMMITTEES.

Mr. SHERMAN, from the Committee on Agriculture, to whom was referred a bill (S. No. 364) to authorize the establishment of a repertory in Germany, to illustrate the physical, political, and social condition, the natural

products, and the resources of the several States of the Union, reported adversely thereon.

He also, from the same committee, to whom was referred a memorial of the board of trustees of the Indiana Agricultural College, praying for a modification or change of the act of July 2, 1862, granting to the several States a quantity of land for the building of agricultural colleges, asked to be discharged from its further consideration, and that it be referred to the Committee on Public Lands; which was agreed to.

He also, from the same committee, to whom was referred the memorial of Dr. Henry Clok, late a veterinary surgeon in the United States Army, in relation to his experience in the treatment of the rinderpest, and tendering his services, whenever they may be required, in arresting its progress, asked to be discharged from its further consideration; which was agreed to.

Mr. WILLEY, from the Committee on the District of Columbia, to whom was referred a bill (S. No. 361) to authorize W. J. Sibley and others, trustees, to sell and convey lot No. 9, in square No. 76, in the city of Washington, reported it with an amendment.

Mr. ANTHONY, from the Committee on Claims, to whom was referred the petition of Lewis Dyer, late surgeon in the eighty-first regiment Illinois volunteers, praying for compensation for services rendered the Government in that capacity, submitted a report, accompanied by a bill (S. No. 383) for the relief of Lewis Dyer, M. D., late surgeon of the eighty-first regiment Illinois volunteers. The bill was read and passed to a second reading, and the report was ordered to be printed.

He also, from the same committee to whom was referred the petition of Sarah A. Monroe, widow of the late Rev. T. H. W. Monroe, praying that she may be allowed compensation for services alleged to have been rendered by her husband as chaplain in East Washington Methodist Episcopal Church Hospital while it was in possession of the Government, submitted an adverse report thereon; which was ordered to be printed.

MRS. ABBY GREEN.

Mr. ANTHONY. The Committee on Claims, to whom was referred the petition of Mrs. Abby Green, praying for relief, have instructed me to report a joint resolution (S. R. No. 112) for the relief of Mrs. Abby Green. This is a case which appeals in the strongest degree to the justice and to the generosity of Congress. It is a joint resolution for the relief of a woman in Richmond through whose agency one hundred and nine of our men escaped from the Libby prison. The services which she rendered to them were at the risk of her life, and at the sacrifice of her property. The committee having had the amplest testimony to the fact, from Colonel Streight, and the other officers who escaped through her exertions, have instructed me to report a joint resolution granting her \$1,500, which is the same amount that was paid to another woman who well deserved it, but who did not render so much service as this lady. I ask for its present consideration.

By unanimous consent, the joint resolution was read twice by its title and considered as in Committee of the Whole. As it appears from the evidence of General H. C. Hobart, Colonel A. D. Streight, and Captain John F. Porter, jr., late of the United States Army, that Mrs. Abby Green, then of Richmond, Virginia, by her courage, patriotic devotion, and assistance, from May, 1863, to February, 1864, in enabling one hundred and nine officers and soldiers of the United States to make their escape from the Libby prison in Richmond, Virginia, and from the hands of our enemies, has deserved well of the country, the joint resolution proposes that the sum of \$1,500 be paid to her, her heirs, or administrator in compensation for her services.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. CHANDLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 381) to amend an act entitled "An act to authorize the sale of marine hospitals and revenue-cutters," approved April 20, 1866; which was read twice by its title, and referred to the Committee on Commerce.

Mr. TRUMBULL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 382) to change the place of holding court in the northern district of Georgia; which was read twice by its title.

Mr. TRUMBULL. I ask that that bill be printed and go upon the Calendar, as it has already been considered in committee.

It was so ordered.

NATIONAL PARK—PRESIDENTIAL MANSION.

Mr. WADE. I offer the following resolution of inquiry, and ask for its present consideration:

Resolved, That the Committee on the District of Columbia be instructed to inquire into the expediency of the United States acquiring the title to the land between Maryland avenue and Pennsylvania avenue, east of the Capitol to Nineteenth street, for the purposes of a national park in which to erect a new presidential mansion, and to report by bill or otherwise.

There being no objection, the Senate proceeded to consider the resolution.

Mr. GRIMES. Just such a resolution as that is already before the Committee on Public Buildings and Grounds.

Mr. FESSENDEN. And they now have the subject under consideration.

Mr. WADE. I am told that the Committee on Public Buildings and Grounds have this subject under consideration, and I will change the reference of the inquiry to that committee.

The PRESIDENT *pro tempore*. It will require an alteration of the phraseology of the resolution inasmuch as the resolution directs the inquiry to the Committee on the District of Columbia.

Mr. WADE. I move to amend it, then, by striking out "Committee on the District of Columbia" and inserting "Committee on Public Buildings and Grounds."

The PRESIDENT *pro tempore*. The resolution will be so amended at the instance of the mover.

The resolution, as modified, was adopted.

PRINTING OF BILLS.

Mr. RAMSEY. I move to take up the post route bill.

Mr. CRAGIN. Before that is done I desire to have an order to print two bills which I introduced yesterday and which were then referred to the Committee on the District of Columbia, Senate bills Nos. 377 and 378. I move that they be printed.

The motion was agreed to.

POST ROUTE BILL.

Mr. WILLIAMS. If there is no further morning business, I desire to move to take up for consideration—

Mr. CONNESS. I wish to say to the Senator that the Committee on Post Offices and Post Roads are very anxious to pass the annual post route bill this morning; it will excite no discussion. The committee desire to have it sent to the other House as soon as possible.

Mr. WILLIAMS. I wish to take up a private claim, but I give way to that.

Mr. CONNESS. I move, then, to take up Senate bill No. 369.

The PRESIDENT *pro tempore*. The Senator from Minnesota has already made that motion.

The motion was agreed to; and the bill (S. No. 369) to establish certain post roads, was read the second time and considered as in Committee of the Whole.

The bill was read at length.

Mr. HENDRICKS. I desire to offer an amendment.

Mr. RAMSEY. The committee have several amendments, and I believe it is first in order for them to submit their amendments.

Mr. HENDRICKS. I have no objection to that course.

The PRESIDENT *pro tempore*. There are no amendments reported with the bill.

Mr. RAMSEY. But the committee instruct me to move certain amendments. I move to insert, after the forty-seventh line, on page 3, under the head of "Minnesota:—"

From Monticello via Buffalo to Watertown.
From Buffalo via Maple Lake to Fremont.

The amendment was agreed to.

Mr. RAMSEY. The committee further instruct me to move this amendment to come in at the close of the bill as now printed.

Illinois:—

From Winchester to Manchester.
From Elkhart, in Logan county, to Sweetwater, in Minard county.

The amendment was agreed to.

Mr. HENDRICKS. I now offer my amendment, to come in at the close of the bill:

Indiana:—

From Nashville, in the county of Brown, to Morgantown, in the county of Morgan.

The amendment was agreed to.

Mr. WILLEY. I offer the following amendment to come in after line one hundred and two, under the head of "West Virginia:—"

From Sago, in Upshur county, to Huttonsville, in Randolph county.

The amendment was agreed to.

Mr. WILLIAMS. I propose the following amendment at the end of line eighty-nine, under the head of "Oregon:—"

From Cañon City, via Susanville, Elk district, True's Station, Olin Creek, Independence, and Obern to Baker City.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. RAMSEY. I understand from the Senator from Michigan [Mr. HOWARD] that he desires to make certain amendments to this bill, but has not the memoranda with him to enable him to do so; he desires, therefore, to have the bill laid over for to-day. It is quite agreeable to the committee to let it pass over informally.

The PRESIDENT *pro tempore*. The bill will be postponed until to-morrow if there be no objection. The bill is so postponed.

PAYMENT OF ARMY SUPPLIES.

Mr. POLAND. I move that Senate bill No. 217 be taken up for consideration.

The motion was agreed to; and the Senate resumed the consideration of the bill (S. No. 217) to provide for the payment for quartermaster's stores and subsistence supplies furnished to the Army of the United States.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. SHERMAN. I believe this bill was up before. It is a very important bill certainly.

Mr. POLAND. Yes, sir; it is a bill of some importance.

Mr. SHERMAN. Is there any written report accompanying the bill?

Mr. POLAND. There is not.

Mr. SHERMAN. I hope the Senator will allow it to lay over until to-morrow. It is a very important matter.

Mr. POLAND. I can hardly allow that. I have been at work for about three months trying to get it before the Senate.

Mr. GRIMES. Let us have it read, then.

Mr. SHERMAN. I should like to have the bill read, at any rate, before the vote is taken on its passage. I hope it will either be read at the desk or that I shall be allowed time to read it.

The PRESIDENT *pro tempore*. The bill will be read.

The Secretary read it, as follows:

Be it enacted, &c., That all claims of loyal persons, not exceeding \$500, for quartermaster's stores actually furnished to the Army of the United States and receipted for by the proper officer receiving the same, or which may have been taken by such officer without giving such receipt, may be submitted to the Quartermaster General of the United States, accom-

panied with such proofs as such claimant can present of the facts in his case; and it shall be the duty of the Quartermaster General to cause such claim to be examined, and if convinced that such claim is just, and that such claimant, at the time such claim accrued, was loyal to the Government of the United States and has ever since so remained, and has never in any way voluntarily aided the rebellion, and that such stores were actually received or taken for the use of and used by said Army, then to report each case to the Third Auditor of the Treasury, with a recommendation for settlement.

Sec. 2. *And be it further enacted*, That all claims of loyal persons not exceeding \$500, for subsistence actually furnished to said Army, and receipted for by the proper officer receiving the same, or which may have been taken by such officers without giving such receipt, may be submitted to the Commissary General of Subsistence, accompanied with such proof as each claimant may have to offer; and it shall be the duty of the Commissary General of Subsistence to cause each claim to be examined, and if convinced that it is just, and that the claimant at the time such claim accrued was loyal to the Government of the United States, and has ever since so remained, and has never in any way voluntarily aided the rebellion, and that the stores were received or taken actually for the use of and used by said Army, then to report each case to the Third Auditor of the Treasury, with a recommendation for settlement.

Sec. 3. *And be it further enacted*, That all loyal persons having claims exceeding \$500 for quartermaster's stores or for subsistence actually furnished to the Army of the United States, and receipted for by the proper officers receiving the same, or which may have been taken by such officers without giving such receipt, for the use of and actually used by said Army, may prosecute such claims against the United States in the Court of Claims, in the manner and to the extent now provided by law for the prosecution of claims against the United States in such court. And if such claimant shall establish by evidence that at the time his claim accrued he was loyal to the United States and has ever since so remained, and that he has never in any way voluntarily aided the rebellion, such court shall render judgment in favor of such claimant for so much of his claim as is found to be justly due; and such judgments shall be paid out of any money in the Treasury appropriated for the payment for quartermaster's stores and subsistence respectively.

Mr. HENDRICKS. I have an amendment that I desire to offer to the bill. I was called out of the Chamber at the time the bill was taken up. With a view to offer my amendment, I move to reconsider the vote ordering the bill to be engrossed and read a third time. The motion was agreed to.

The PRESIDENT *pro tempore*. The bill is now before the Senate, and open to amendment.

Mr. HENDRICKS. I offer the following amendment as an additional section:

And be it further enacted, That the second and third sections of the act of Congress approved July 4, 1864, entitled "An act to restrict the jurisdiction of the Court of Claims, and to provide for the payment of certain demands for quartermaster's stores and subsistence supplies furnished to the Army of the United States," be so amended that all claims of loyal citizens in States not in rebellion at the date of the passage of the act aforesaid, for quartermaster's and commissary's stores furnished to, or taken by the Army of the United States, under and by direction of any officer acting at the time under competent authority, may be submitted to the Quartermaster General and Commissary General, with such proofs as each claimant can present of the facts in his case; and it shall be the duty of those officers to cause such claims to be examined, and after an investigation thereof, to report each case, with their action thereon, to the Third Auditor of the Treasury for final adjudication and settlement. That the provisions of this act shall extend to such persons only as were loyal at the inception of their claims, and have so continued to the present time.

I will state that the object of this amendment is to allow cases to go from the Quartermaster General to the accounting officers in case he rejects the claim; that notwithstanding that rejection it shall go, with his rejection and his report, to the accounting officers. The amendment also provides for cases where the property is taken, not by the commissary or quartermaster's department, but under the order of the officer commanding. I understand that this class of cases are not provided for. The act of 1864 only allows payment where the property has been taken by the proper officer, either of the commissary or quartermaster's department; but there are many cases in which the property has been taken by the order of the commanding general, or person commanding at the place, where it was necessary and proper, and the law does not provide for the payment of those claims. This amendment contemplates payment for that class of claims; and I cannot see why they should not be paid. I cannot see why the decision of the

Quartermaster General should be final in regard to a claim, providing the Third Auditor and the Comptroller think the claim is right. The amendment proposes that, with the opinion of the Quartermaster General, the claim shall go to the accounting officer to be considered.

Mr. TRUMBULL. I was not in when the amendment was offered, but I believe I know what it is. It is to extend this law so as to pay for property which has been taken without the order of the proper officer. I think it would be very unsafe to make that amendment. There was great hesitation, a year or two ago, in passing the law which was then enacted. It is a very difficult subject to touch, because we do not know the extent to which these claims are to be brought in against the Government.

The law that was passed provided for paying for quartermaster's and commissary stores which were taken by our Army, by the proper officer, from loyal men in loyal States, when the property was receipted for or was actually used by the Army. That is as far as I am willing to go. This amendment would throw it open still further. The only difference between the amendment and the law as it stands is in this clause: the amendment provides to pay for property furnished under the circumstances I have mentioned, "when taken by the Army of the United States, under and by direction of any officer acting at the time under competent authority." I do not know what that would mean, exactly. I suppose an officer is always acting under competent authority. There has been a great deal of property destroyed and a great deal of property taken during the rebellion that I think the Government ought not to pay for, under circumstances which imposed no obligation on the Government to pay for it. I think if we now undertake to pay, as is provided by the bill under consideration, of which the Senator from Vermont has charge, for property in all these disloyal States—for it is proposed now to extend the provisions of the law of 1864 over all the States in the Union—to pay every loyal man who was loyal when the property was taken and who continues loyal when he files his claim for any property which has been taken by a proper officer and used by our armies; that is going far enough.

Mr. FESSENDEN. A great deal too far, I think.

Mr. TRUMBULL. This amendment would extend it to property that was taken under the direction of anybody who was acting as an officer. The law as it stands extends it to the "proper officer." It must have been a proper person. I think this amendment goes entirely too far.

Mr. FESSENDEN. The objection that occurs to me with regard to the bill is the danger, unless it is guarded very carefully—I have not read it—of not making any distinctions, not laying down any rules for the examination of this property. The language is very general, and the whole matter is left to the Quartermaster General and the Commissary General. We do not know what rules may be established by them. I think the rules ought to be established by Congress, or else a report on all these claims should be made to Congress. I think it but proper that we should make some provision instead of referring all these claims to any individual with a view to payment, because they may cover immense amounts, and we do not know what effect they may have on the Treasury. I do not know but that the bill is properly guarded; I have not read it; but it strikes me that it would be the safer mode to have the report of these officers submitted to Congress before the claims are paid, as they must necessarily involve very large amounts of money.

Mr. TRUMBULL. We have been furnished with a copy of the rules and regulations which were adopted by the Quartermaster General's and Commissary General's departments. They were very carefully framed. This law has been in operation one year or more.

Mr. FESSENDEN. Was it not confined to the loyal States?

Mr. TRUMBULL. Yes, it was confined to the loyal States. That was the original law; and they adopted rules by which they required the necessary evidence to establish all the facts provided for in the law. If the Senator will read this bill he will see that it is carefully guarded.

All claims of loyal persons for quartermaster's stores actually furnished to the Army of the United States and receipted for by the proper officer receiving the same—

That is, the first class—
or which may have been taken by such officer without giving such receipt.

Now, what is it necessary to establish? The rules of the departments, in the first place, require evidence of the loyalty of the party. I have the rules here and will read from them:

Proofs required in support of the above classes of claims.

I. That the claimant is a loyal citizen of a State not in rebellion.

Then they go on to enumerate those States.

II. Citizenship. The claimant will be required to show by his own affidavit, supported by the certificate of the clerk or recorder of the town or county of which he claims to be a citizen, that said claimant is a citizen of said town or county.

III. Loyalty. The claimant will be required to file with his claim the oath of allegiance to the Government of the United States, as prescribed by the President's proclamation of the 8th of December, 1863, supported by the certificate of a United States officer, civil or military, that the said claimant was at the date his claim originated, and has been ever since, loyal to the United States, or the sworn statement of the same facts of at least two witnesses, whose loyalty and credibility shall be vouched for by the certificate of the officers before mentioned.

IV. Claims arising under this act must be presented by the claimant, or his authorized attorney, and in the latter case it must be shown by the certificate of the assessor or collector of his district, that he has been duly licensed and authorized to act as a claim agent.

V. Validity of Claims. 1. When quartermaster's stores or subsistence supplies have been taken by officers and receipted for, such receipts or vouchers must be filed.

2. When such stores or supplies have been taken by officers without giving such receipts, the claim must set forth the kinds and quantity of stores or supplies, when, where, and by what officer taken, the price or value thereof, and must be supported by the affidavit of the claimant as to the correctness of the claim; that the articles named in the claim were actually delivered to, or taken by, said officer for the use of the Army; that no receipt or voucher has been received therefor; that no payment has been made or compensation received in any way, or from any source whatever, for the whole or any part of said claim; that it has not been transferred to any person or persons whomsoever, and that the rates or prices charged are reasonable and just, and do not exceed the market rate or price of the article at the time and place stated.

3. In all cases, whether or not receipts have been given for the stores or supplies, the affidavit required by the next preceding paragraph must be supported by such additional affidavits, or other proof, in relation to the facts stated as may be attainable. The credibility of the claimant and of the witnesses must be vouched for by the certificate of an officer of the United States, civil or military.

4. Proof must be furnished, as far as attainable, that the quartermaster's stores or subsistence supplies mentioned have been actually used by the Army of the United States.

VI. Under the internal revenue law each affidavit and certificate must have affixed to it a five cent internal revenue stamp, which must be canceled by the party affixing it by writing across thereof his initials and the date.

VII. Claims for damages, or for losses sustained by thefts, or depredations committed by troops, will not be considered under the act above referred to.

These rules were signed by M. C. Meigs, Quartermaster General, and A. E. Shiras, Acting Commissary General of Subsistence. The bill under consideration extends these claims over the whole United States. I think it is as well guarded as it could be, unless we were to define what is meant by "loyalty." That ought to be done if there is any way of doing it.

Mr. FESSENDEN. Those rules are binding at present while they exist; but it is in the power of the Quartermaster General and Commissary General to change them at any time. The rules made in these bureaus, although signed by the officer at the head, are generally made by those who have charge of the examination of the particular case, and who they may be and what their character may be, and what may be their views of loyalty, &c., from time to time, it is impossible to anticipate. The idea which I wished to suggest was that

it is very dangerous for Congress to part with the ultimate control of cases of this description. So far as they may go into court, let them go.

Mr. TRUMBULL. This provides for going into court.

Mr. POLAND. All claims above \$500 are required to go to the Court of Claims.

Mr. FESSENDEN. My impression is that the safer way always would be to have a commission to examine these claims under certain rules.

Mr. TRUMBULL. That is not half as safe.

Mr. FESSENDEN. I have not examined the subject sufficiently to undertake to say that the committee are not right; and where a committee have thoroughly examined a subject and have made up their minds about it, I always feel a delicacy in obtruding any opinion of mine. But because of, possibly, the very great extent of these claims, and because, perhaps, of my former connection with the Treasury, I think it better that we should define specifically the rules which shall be followed, and make them a part of the law, and then put the matter under the final control of the accounting officers of the Treasury for them to examine and see whether all the requirements of the law are fully made out. If you leave it to the bureaus to settle these claims, they will contend that their decision is final. I do not know whether this bill provides that it shall be final, or whether it sends them to the accounting officers of the Treasury for examination; but if the intention is to send them to the accounting officers of the Treasury, it should specifically provide that their decision should not be founded simply upon the examination of the vouchers, but extend to the entire claims in all respects.

Mr. POLAND. But a very small proportion of these claims will go to the Departments at all. We procured from the Quartermaster General and the subsistence department schedules of the claims that had been presented under the present law, and the amount of the claims under \$500 is not one per cent. of the gross amount.

Mr. FESSENDEN. But when you come to let in claims from all the States where our armies actually operated, it strikes me there may be a multitude of small claims; but at any rate, if the clause is left in the bill which provides not only for cases where supplies were actually receipted for, but those where no receipts were given, it opens a very wide door.

Mr. TRUMBULL. The limitation is that the supplies must have been taken by the proper officer, and actually used by the Army. Surely the amount cannot be very large.

Mr. FESSENDEN. Perhaps not; but the Senator knows how easy it is to make proof. We have had great experience in regard to the proof made of all these facts, and how easily a claim may be trumped up, especially at a distance of time. If this is to be allowed at all, I think it is important that there should be a limitation of time. In the law providing for the settlement of these claims there should be something in the nature of a limitation that claims not presented before a particular time shall not be considered.

Mr. POLAND. There is a general limitation in relation to the presentation of claims to the Court of Claims that we thought would apply to this. I drew a section with a view to that, but it was the opinion of the committee, upon examination, that the general provision of law in relation to the prosecution of suits against the Government in the Court of Claims would apply to it.

Mr. FESSENDEN. But if you take them out of the jurisdiction of the Court of Claims that may well admit of question. I suggest the point. It seems to me it is a matter that ought to receive very careful consideration.

Mr. POLAND. We have given it a good deal.

Mr. HENDERSON. While this subject is before the Senate, I desire to state that there are a good many claims arising in my State

under this act of July 4, 1864, referred to by the Senator from Illinois, and that in my opinion the construction which has been given to the act by the quartermaster's department prevents the benefits intended by this act. I do not complain that every act should be construed in favor of the Government in reference to claims as much as it possibly can be. I make no complaint on that subject, because, as a member of the Committee on Claims, I think I have been as particular and as careful about the allowance of claims as perhaps any other member of this body. The Senate will see, however, that from the construction given to the law already passed very few claims can be allowed. For instance, they say that before any claims can be allowed they must be shown to have arisen under circumstances that would have laid the ground for an action of assumpsit, not of trespass, as between individuals. Where supplies have been taken by force or violence, they seem to think that act does not cover it; that there must be an implied assumpsit, as it were, between the individual whose property was taken and the officer of the Government. There must have been a promise; that is, the property must have been taken under circumstances that would create a promise. In other words, there is no relief if a quartermaster took a man's property *vi et armis*, as was frequently done in my State, and had to be done, the armies marching across the State, and marching so very rapidly that they scarcely had time to stop and execute receipts. They did not know exactly what they had taken. The quartermaster's department, under some opinion, given by Judge Holt, I believe, has come to the conclusion that those claims cannot be allowed. Then, on another point which I now propose to mention, they have rejected a great many claims. The law is that claims of loyal citizens in States not in rebellion for quartermaster's stores and subsistence supplies shall be allowed. A question arises, where must the claim have arisen? A claim arising in Arkansas, it being a seceded State, the quartermaster says we cannot recover for, although the owner of the claim is an inhabitant of my State.

Mr. TRUMBULL. This bill is intended to remedy that.

Mr. HENDERSON. I understand that. Now, my understanding of the original law was that it did not matter where the property was taken, provided the claim itself was made by a loyal man; that if the quartermaster's stores and commissary stores were taken from a loyal man, it did not matter whether they were taken in Arkansas or not. For instance, a man living in my State had a farm over in Arkansas; the quartermaster's department says he can be allowed for the quartermaster's stores and commissary stores taken from his farm in Missouri; but he cannot be allowed for those taken over in Arkansas, because the point at which they were taken was in a disloyal State. That was not my understanding of the law.

Mr. TRUMBULL. I submit to the Senator from Missouri whether it is material to discuss that question now. The bill under consideration provides for it.

Mr. HENDERSON. I am speaking rather of the necessity of passing some such act as the Senator from Vermont now proposes. I do not know, for I have not examined his bill, that he does not go too far; I do not know but that much that has been said against this bill may be correct. We have had the subject up frequently before the Committee on Claims, and I am satisfied that some legislation ought to be had to remedy these difficulties.

I will state further, that my understanding is that the quartermaster's and commissary departments together have not allowed over one hundred and fifty or two hundred thousand dollars under this law. Indeed, I do not know that the amount allowed exceeds \$50,000; it is, at any rate, a comparatively small sum.

Mr. TRUMBULL. It is several hundred thousand.

Mr. HENDERSON. In the two departments?

Mr. TRUMBULL. Yes, sir.

Mr. HENDERSON. I do not think it can be over \$200,000 altogether; and I know it was very small indeed, or I was so informed a short time ago by the quartermaster's department, because of the fact that most of the claims presented had been set aside under the construction given to the law by these two departments under an opinion given, as I understand, by Judge Holt or some of the law officers of the Government.

Mr. HENDRICKS. I do not want to spend one moment of the time of the Senate, because it is very desirable that the bill should pass, but I wish to say, in reply to the Senator from Illinois, that the amendment which I offer is, I think, a safe one, and upon principle is right. I have modified it by inserting the words "and used," so that it shall read, "for quartermaster's and commissary stores furnished to, or taken and used by, the Army of the United States, under and by direction of any officer acting at the time under competent authority."

Is it right to say that they shall not be paid for, simply because the agent of the quartermaster's department or commissary department has not taken them, but a major general has directed them to be taken? The fact that the property is taken from a man true to the Union, and used by the Government, is the reason we pay for it. If the evidences were sufficient now, if the vouchers were sufficient, it would not be necessary to have any law on the subject. I do not think the decision of the Quartermaster General ought to be conclusive; but if the accounting officers find a claim to be right under the law it should be allowed.

Mr. WILLIAMS. I am not satisfied that this bill ought to pass. No doubt the passage of it will involve the expenditure of millions of dollars, and I very much doubt the expediency of putting this vast expenditure of money entirely beyond the control or the reach of Congress. Certain claims under \$500 are to be presented to the proper Departments of the Government, and claims exceeding \$500 are to be submitted to the Court of Claims, and so the entire matter is put under the control of the Departments and of the Court of Claims.

The PRESIDENT *pro tempore*. The morning hour having expired, it becomes the duty of the Chair to call up the unfinished business of yesterday, which is House bill No. 513.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House of Representatives had agreed to the concurrent resolution of the Senate providing for printing the reports of Major Generals William T. Sherman, George H. Thomas, John Pope, J. G. Foster, A. Pleasonton, and E. A. Hitchcock, made to the joint committee on the conduct of the war, together with such other reports as may be received by the commencement of the next session of Congress.

The message also announced that the House of Representatives had non-concurred in the amendments of the Senate to the bill (H. R. No. 477) further to provide for the safety of the lives of passengers on board of vessels propelled in whole or in part by steam, to regulate the salaries of steamboat inspectors, and for other purposes, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. E. B. WASHBURN of Illinois, Mr. CHARLES O'NEILL of Pennsylvania, and Mr. DONALD C. McRUER of California, managers at the same on its part.

The message further announced that the House of Representatives had passed the following bills, in which it requested the concurrence of the Senate:

A bill (H. R. No. 526) for the relief of the heirs of Horace I. Hodges;

A bill (H. R. No. 531) for the relief of the legal representatives of Major John A. Whitall, late paymaster in the United States Army,

deceased; on account of lost or stolen vouchers; and

A bill (H. R. No. 692) increasing the pensions of widows and orphans, and for other purposes.

The message also announced that the House of Representatives had passed the following Senate bill and joint resolution without amendment:

A bill (S. No. 225) for the relief of the Amoskeag Manufacturing Company; and

A joint resolution (S. R. No. 100) for the restoration of Lieutenant Commander Richard L. Law, United States Navy, to the active list from the reserved list.

The message further announced that the House of Representatives had non-concurred in the amendments of the Senate to the joint resolution (H. R. No. 52) to provide for the expenses attending the exhibition of the products of industry of the United States at the Exposition at Paris in 1867, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. N. P. BANKS of Massachusetts, Mr. SAMUEL S. MARSHALL of Illinois, and Mr. R. P. SPALDING of Ohio, managers at the same on its part.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House of Representatives had signed the following enrolled bills and joint resolutions; which thereupon received the signature of the President *pro tempore*:

A bill (H. R. No. 492) making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under the authority of law, and for other purposes;

A bill (H. R. No. 661) changing the name of Emil Cohen;

A joint resolution (H. R. No. 148) to authorize the distribution of surplus copies of the American State Papers in the custody of the Secretary of the Interior;

A joint resolution (H. R. No. 166) to pay the State of Vermont the sum expended for the protection of the frontier against the invasion from Canada in 1864; and

A joint resolution (S. R. No. 108) for the relief of Samuel Norris.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate the report of the Commissioner of Agriculture for the year 1865; which, with the accompanying documents, on motion of Mr. TRUMBULL, was referred to the Committee on Agriculture.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles and referred as indicated below:

A bill (H. R. No. 692) increasing the pensions of widows and orphans, and for other purposes—to the Committee on Pensions.

A bill (H. R. No. 526) for the relief of the heirs of Horace I. Hodges—to the Committee on Claims.

A bill (H. R. No. 531) for the relief of the legal representatives of Major John A. Whitall, late paymaster in the United States Army, deceased, on account of lost or stolen vouchers—to the Committee on Claims.

STEAMBOAT INSPECTION LAW.

The Senate proceeded to consider its amendments to the bill (H. R. No. 477) further to provide for the safety of the lives of passengers on board of vessels propelled in whole or in part by steam, to regulate the salaries of steamboat inspectors, and for other purposes, disagreed to by the House of Representatives.

Mr. EDMUNDS. I move that the Senate insist upon its amendments disagreed to by the House, agree to the conference asked for by the House, and that the conferees on the part of the Senate be appointed by the President *pro tempore*.

The motion was agreed to.

PARIS UNIVERSAL EXHIBITION.

The Senate proceeded to consider its amend-

ments to the joint resolution (H. R. No. 52) to provide for the expenses attending the exhibition of the products of industry of the United States at the Exposition at Paris in 1867, disagreed to by the House of Representatives.

Mr. HARRIS. I move that the Senate insist upon its amendments disagreed to by the House of Representatives, agree to the conference asked by the House, and that the conferees on the part of the Senate be appointed by the President *pro tempore*.

The motion was agreed to.

INTERNAL TAXATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 513) to reduce internal taxation and to amend an act entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," approved June 30, 1864, and acts amendatory thereof.

The Secretary resumed the reading of the bill, beginning with the following clause of the ninth section:

That section ninety-three [of the act of June 30, 1864] be amended by striking out all after the enacting clause and inserting in lieu thereof the following: that all goods, wares, and merchandise, or articles manufactured or made (except refined petroleum, refined coal oil, gold and silver, spirituous and malt liquors, manufactured tobacco, snuff, and cigars) by any person or firm, where the product shall not exceed the rate of \$1,000 per annum, and shall be made or produced by the labor of such person or firm, or by his or their family, shall be, and are hereby, exempt from tax; where the product shall exceed such rate and not exceed the rate of \$3,000, the tax shall be levied, assessed, and collected only upon the excess above the rate of \$1,000 per annum; and in all other cases the whole annual product, including any business or transaction where one party has been furnished with materials or any part thereof, and employed by another party to manufacture, make, or finish the goods, wares, and merchandise, or articles, paying or promising to pay therefor, and to whom the same are returned when so made and finished, shall be assessed and the tax paid thereon by the producer or manufacturer: *Provided*, That whenever a producer or manufacturer shall use or consume, or shall remove for consumption or use, any articles, goods, wares, or merchandise, which, if removed for sale, would be liable to taxation, he shall be assessed upon the salable value of the articles, goods, wares, or merchandise so used, or so removed for consumption or use.

The Committee on Finance proposed to amend this clause by striking out "or" before "made," in line twenty-one hundred and eight, and inserting "or produced" after "made;" so as to read, "all goods, wares, and merchandise, or articles manufactured, made, or produced," &c.

The PRESIDENT *pro tempore*. That correction will be made.

Mr. FESSENDEN. I move, after the word "oil," in line twenty-one hundred and nine, to insert "cotton;" so as to read, "except refined petroleum, refined coal oil, cotton, gold, and silver," &c.

The amendment was agreed to.

The Committee on Finance also proposed, in line twenty-one hundred and thirty, to strike out "upon the salable value of," and insert "for the tax upon."

The PRESIDENT *pro tempore*. That correction will be made.

Mr. SHERMAN. At the close of line twenty-one hundred and thirty-two I move to insert "but naphtha, the product of the distillation of petroleum, and other similar bituminous substances, when used or consumed on the premises for fuel or cleaning."

Mr. FESSENDEN. I presume that is all right; but would it not be better to put it in the free list?

Mr. SHERMAN. This proviso provides that where the producer consumes a portion of his own manufacture he shall still pay the tax. I propose to except naphtha consumed in the process of distillation. I think this is probably the best place for it, because it is an exception to this proviso.

Mr. FESSENDEN. Very well.

The amendment was agreed to.

The Secretary read the next clause of the ninth section of the bill, as follows:

That section ninety-four be amended by striking

out all after the enacting clause and inserting in lieu thereof the following: that upon the articles, goods, wares, and merchandise hereinafter mentioned, except where otherwise provided, which shall be produced and sold, or be manufactured or made and sold, or be consumed or used by the manufacturer or producer thereof, or removed for consumption, or for delivery to others than agents of the manufacturer or producer within the United States or Territories thereof, there shall be assessed, collected, and paid the following taxes, to be paid by the producer or manufacturer thereof, that is to say:

The Committee on Finance proposed to insert the words "or use" after "consumption" in line twenty-one hundred and forty.

The PRESIDENT *pro tempore*. That modification will be made.

The next item was read, as follows:

On candles, of whatever material made, a tax of five per cent. *ad valorem*.

The Committee on Finance reported no amendment to this item.

The next item was read, as follows:

On gas, illuminating, made of coal wholly or in part, or any other material, when the product shall not be above two hundred thousand cubic feet per month, a tax of ten cents per one thousand cubic feet; when the product shall be above two and not exceeding five hundred thousand cubic feet per month, a tax of fifteen cents per one thousand cubic feet; when the product shall be above five hundred thousand and not exceeding five million cubic feet per month, a tax of twenty cents per one thousand cubic feet; when the product shall be above five millions, a tax of twenty-five cents per one thousand cubic feet. And the general average of the monthly product for the year preceding the return required by this act shall regulate the rate of tax herein imposed. And where any gas-works have not been in operation for the next year preceding the return as aforesaid, then the rate shall be regulated upon the estimated average of the monthly product: *Provided*, That the product required to be returned by law by any gas company shall be understood to be, in addition to the gas consumed by said company or other party, the product charged in the bills actually rendered by the gas company during the month preceding the return: *Provided further*, That all gas furnished for lighting street lamps or for other purposes, and not measured, and all gas made for and used by any hotel, inn, tavern, and private dwelling-house, shall be subject to tax whatever the amount of product, and may be estimated; and if the returns in any case shall be understated or underestimated, it shall be the duty of the assistant assessor of the district to increase the same as he shall deem just and proper: *And provided further*, That gas companies located within the corporate limits of any city or town, whether in the district or otherwise, or so located as to compete with each other, shall pay the rate of tax imposed by law upon the company having the largest production.

Mr. FESSENDEN. In line twenty-one hundred and fifty-nine the word "regulate" should be "determine;" and in line twenty-one hundred and sixty-two the words "regulated upon" should be "determined by."

The PRESIDENT *pro tempore*. Those corrections will be made.

The Committee on Finance proposed to amend this item by inserting after "return," in line twenty-one hundred and sixty-eight, at the end of the first proviso, these words:

And all gas companies whose price is fixed by law are authorized to add the tax herein imposed to the price per thousand feet on gas sold.

Mr. FESSENDEN. I move to amend the amendment by adding, "and all such companies which have heretofore contracted to furnish gas to municipal corporations are in like manner authorized to add such tax to such contract price."

The amendment to the amendment was agreed to.

Mr. SHERMAN. I approve the principle of the amendment, but I suggest to the Senator from Maine whether contracts made since the passage of the first law ought not to be excepted. There may have been contracts made within the last year.

Mr. FESSENDEN. I suspect there are none. They have been very careful about that.

Mr. SHERMAN. I submit whether it ought not to read in this wise: "all gas companies whose price is fixed by law or by contract made prior to July, 1864," the date of the passage of the previous act.

Mr. FESSENDEN. I do not think there is any danger about that.

Mr. SHERMAN. Very well.

The amendment, as amended, was agreed to.

The next amendment was in line twenty-one hundred and eighty-one to insert the word "same" before "district."

The PRESIDENT *pro tempore*. That correction will be made.

The next amendment reported by the committee was in line twenty-one hundred and eighty-three, after the word "production" at the end of the clause, to insert:

And provided further, That coal tar and ammoniacal liquor produced in the manufacture of illuminating gas, and the products of the redistillation of coal tar, and the products of the manufacture of ammoniacal liquor thus produced shall be exempt from duty.

Mr. FESSENDEN. I move to amend that by striking out "duty" and inserting "tax" at the end of line twenty-one hundred and eighty-eight.

The PRESIDENT *pro tempore*. That correction will be made.

The amendment, as amended, was agreed to.

The next item was read, as follows:

On illuminating, lubricating, or other mineral oils, marking not less than thirty-six nor more than fifty-nine degrees Baume's hydrometer, the product of the distillation, redistillation, or refining of crude petroleum, twenty cents per gallon; and all such oils between the specific gravity, by Baume's test, of thirty-six and fifty-nine degrees, inclusive, shall be deemed refined illuminating oil, and any person or persons who, for purposes of sale or consumption, shall mix any of the heavier paraffine oils with illuminating oils, or with naphtha, or either one with the other, shall be deemed manufacturers of illuminating oil, and taxed as such, and said oil thus mixed, either with or without further distillation, shall be subject to a tax of twenty cents per gallon, if, after said mixing or distillation, the product marks, by Baume's hydrometer, between said points of thirty-six and fifty-nine degrees, inclusive.

The Committee on Finance proposed to strike out "purposes," in line twenty-one hundred and ninety-six, and to insert "the purpose."

The PRESIDENT *pro tempore*. That correction will be made, no objection being interposed.

The committee further proposed to amend in line twenty-one hundred and ninety-eight, after the word "with" to insert "such."

The PRESIDENT *pro tempore*. That amendment will be made, there being no objection.

The Secretary read the next item, as follows:

On illuminating, lubricating, or other mineral oils, marking not less than thirty-six nor more than fifty-nine degrees Baume's hydrometer, the exclusive product of the refining of crude oil produced by a single distillation of coal, shale, asphaltum, peat, or other bituminous substances, not otherwise provided for, ten cents per gallon.

The Committee on Finance reported no amendment to this item.

The Secretary read the next item, as follows:

On oil, naphtha, benzine, benzole, or gasoline, marking more than fifty-nine degrees Baume's hydrometer, the product of the distillation, redistillation, or refining of crude petroleum, or of crude oil produced by a single distillation of coal, shale, peat, asphaltum, or other bituminous substances, a tax of ten cents per gallon: *Provided*, That distillers and refiners of illuminating, lubricating, or other mineral oil, naphtha, benzine, benzole, or gasoline, shall be subject to all the provisions of law applicable to distillers of spirits, with regard to special taxes, bonds, returns, assessments, removing to and withdrawing from warehouses, liens, penalties, drawbacks, and all other provisions designed for the purpose of ascertaining the quantity distilled and securing the payment of duties, so far as the same may, in the judgment of the Commissioner of Internal Revenue, and under regulations prescribed by him, be deemed necessary for that purpose: *And provided further*, That distillers and refiners of coal or mineral oil, whose product shall not exceed twenty-five barrels per day, on a monthly average, shall not be required to make returns oftener than once in thirty days.

The Committee on Finance proposed an amendment to this clause, in line twenty-two hundred and twenty-two to insert the word "forfeitures" before "drawbacks," and in line twenty-two hundred and twenty-four to strike out "duties" and insert "taxes."

The amendment was agreed to.

The next item, to which no amendment was proposed, was read, namely:

On spirits of turpentine, ten cents per gallon.

The Secretary read the next item, as follows:

On coffee, roasted or ground, on all ground spices and dry mustard, and upon all articles intended for use as substitutes for or as adulterations of coffee, spices, or mustard, and upon all compounds and mixtures prepared for sale, or intended for use and sale as coffee, spices, or mustard, or as substitutes therefor, one cent per pound: *Provided*, That the exemption of \$1,000 in annual value of product man-

ufactured shall not apply to any of the above-specified articles.

The Committee on Finance reported on amendment to this item.

The Secretary read the following items:

On molasses produced from the sugar-cane, and not from sorghum or imphee, a tax of three cents per gallon.

On sirup of molasses or sugar-cane juice, when removed from the plantation, concentrated molasses or melado, and cistern bottoms, of sugar produced from the sugar-cane and not made from sorghum or imphee, a tax of three fourths of one cent per pound.

On sugar not above number twelve Dutch standard in color, produced from the sugar-cane and not from sorghum or imphee, other than those produced by the refiner, a tax of one cent per pound.

On sugars above number twelve and not above number eighteen Dutch standard in color, produced directly from the sugar-cane and not from sorghum or imphee, a tax of one and one half cent per pound.

On sugar above number eighteen Dutch standard in color, produced directly from the sugar-cane and not from sorghum or imphee, a tax of two cents per pound.

The Committee on Finance proposed an amendment to these items, to strike out the words "and not from sorghum or imphee" wherever they occur.

The amendment was agreed to.

The Secretary read the next item, as follows:

On the gross amount of the sales of sugar refiners, including all the products of their manufactories or refineries, a tax of two and one half of one per cent. *ad valorem*: *Provided*, That every person shall be regarded as a sugar refiner, and pay the taxes required by law, whose business it is to advance the quality and value of sugar upon which a tax or duty has been paid, by melting and recrystallization, or by liquoring, claying, or other washing process, or by any other chemical or mechanical means, or who shall by boiling or other process advance the quality or value of molasses, concentrated molasses or melado, upon which a tax has been paid.

The Committee on Finance reported an amendment to this clause, in line twenty-two hundred and sixty-six, after the word "tax," to strike out the words "or duty."

Mr. FESSENDEN. That amendment should be disagreed to. In that particular connection, the words "or duty" should remain in the bill.

The amendment was rejected.

Mr. FESSENDEN. The words "or duty" should be inserted after the word "tax" in line twenty-two hundred and seventy-one.

The amendment was agreed to.

The Secretary read the next item, as follows:

On sugar candy and all confectionery made wholly or in part of sugar, valued at not exceeding twenty cents per pound, a tax of two cents per pound including the tax; exceeding twenty and not exceeding forty cents per pound including the tax, a tax of four cents per pound; when exceeding forty cents per pound, including the tax, or sold by the box, package, or otherwise than by the pound, a tax of ten per cent. *ad valorem*.

The Committee on Finance proposed an amendment to this clause, in line twenty-two hundred and seventy-four, after the word "pound" to insert the words "including the tax," and after the word "pound," at the end of the same line, to strike out the words "including the tax."

The amendment was agreed to.

The Secretary read the following items, to which the Committee on Finance proposed no amendment, namely:

On chocolate and cocoa prepared, a tax of one and a half cent per pound.

On gun-cotton, a tax of five per cent. *ad valorem*.

On gunpowder, and all explosive substances used for mining, blasting, artillery, or sporting purposes, not otherwise provided for, when valued at thirty-eight cents per pound or less, including the tax, a tax of five per cent. *ad valorem*; and when valued at above thirty-eight cents per pound including the tax, a tax of ten cents per pound.

On varnish or Japan, made wholly or in part of gum copal, or other gums or substances, a tax of five per cent. *ad valorem*.

The Committee on Finance proposed to insert after the above clauses the following:

On sulphate of barytes, a tax of twelve cents per one hundred pounds.

The amendment was agreed to.

The Secretary read the following items, to which no amendment was proposed, namely:

On glue and gelatine of all descriptions, in the solid state, a tax of one cent per pound.

On glue and cement, made wholly or in part of glue, sold in the liquid state, a tax of forty cents per gallon.

On pins, solid head or other, a tax of five per cent. *ad valorem*.

On photographs, ambrotypes, daguerreotypes, or other pictures taken by the action of light, and not hereinafter exempted from tax, a tax of five per cent. *ad valorem*.

On screws, commonly called wood screws, a tax of ten per cent. *ad valorem*.

On clocks and time-pieces, and on clock movements, when sold without being cased, a tax of five per cent. *ad valorem*.

On all soaps valued at above three cents per pound, not perfumed, and on salt-water soap made of coconut oil, a tax of five mills per pound.

The Secretary read the next item, as follows:

On all other perfumed soaps, a tax of three cents per pound.

The Committee on Finance proposed to strike out "other" before "perfumed."

The amendment was agreed to.

The following items, to which the Committee on Finance reported no amendment, were read, namely:

On all uncompound chemical productions not otherwise provided for, a tax of five per cent. *ad valorem*.

On essential oils of all descriptions, a tax of five per cent. *ad valorem*.

On all furniture, or other articles made of wood, sold in the rough or unfinished, not otherwise provided for, a tax of five per cent. *ad valorem*: *Provided*, That all furniture, or other articles made of wood, previously assessed, and a tax paid thereon, shall be assessed a tax of five per cent. *ad valorem* upon the increased value only thereof when sold in a finished condition.

On salt, a tax of three cents per one hundred pounds.

The Committee on Finance reported an amendment, to insert after the above items the following:

On reapers, mowers, threshing machines, and separators, corn-shellers, wooden-ware, mills, and the machinery for the manufacture of sugar, sirup, and molasses from sorghum, imphee, beet, and corn, and machinery driven by horse power, three per cent. *ad valorem*.

Mr. FESSENDEN. I wish to amend that amendment. The word "separators" should be "separators," and after the word "machinery" the words "exclusively adapted to be" should be inserted; so as to read, "and machinery exclusively adapted to be driven by horse power."

The PRESIDING OFFICER, (Mr. CLARK in the chair.) That amendment will be made if there be no objection; and the question is on the amendment of the committee, as amended.

Mr. GRIMES. Upon that question I shall be constrained to ask a separate vote of the Senate. I should like to have the yeas and nays upon it.

The yeas and nays were ordered.

Mr. KIRKWOOD. In looking at the bill as it came from the House of Representatives I notice on page 166 that "reapers, mowers, threshing-machines, and separators, corn-shellers, and wooden-ware" were placed in the free list; but this amendment proposes to subject them to a tax of three per cent. I hope the amendment will not be agreed to. It is striking directly at the people among whom I live in a very severe way, and I hope the Senate will not agree to it. I notice upon page 166 that the committee have amended the bill as it came from the House by inserting "saws, looms, spinning-machines, pumps, steam-engines, hot-air and hot-water furnaces, and sewing-machines" in the free list, while they have amended the same page by striking from the free list "reapers, mowers, threshing-machines, and separators, corn-shellers, and wooden-ware," and now they propose to put them in the tax list. I hope the Senate will not consent to it. These "reapers, mowers, threshing-machines, and separators, corn-shellers, wooden-ware, mills, and the machinery for the manufacture of sugar, sirup, and molasses from sorghum, imphee," &c., are absolutely indispensable in the northwestern States. We cannot do anything without them. You might just as well tax our plows and harrows. The scarcity of labor in that country is such that we cannot do our work otherwise than by this machinery.

Mr. FESSENDEN. Has the Senator suffered very much within the last two or three years as the tax stood?

Mr. KIRKWOOD. Our people have been compelled to pay enormously high prices for

these articles during the last two or three years, and the sellers of them allege, as one reason for it, the amount of tax imposed upon their production and upon the articles used in the production. They have doubled in price, I think I am justified in saying, within the last two or three years. I think my colleague will bear me out in that assertion.

Mr. GRIMES. While agricultural products have been diminished in price.

Mr. KIRKWOOD. Yes, sir.

Mr. FESSENDEN. Mr. President, the tax last year from this kind of machinery, I am told, amounted to six or seven hundred thousand dollars. It is a pretty important item. The answer to the objection made is simply this: the amendment striking out this tax was not reported by the Committee of Ways and Means in the House of Representatives, but was made in the House, where everything that had the most remote connection with a farm, especially with a western farm, went with a rush throughout. The Committee of Ways and Means struck down the duty from six per cent. to three per cent., took off one half of it. When that was done there was not a remonstrance against the tax, or a petition or a request from anybody to take it off; they were perfectly satisfied with it as it stood; but the motion was made in the House in the interest of the farmers in the West, and it went upon that principle and for that reason. That was all that was said about it. Why should we not take the tax off shovels, and a great many other agricultural implements which, being manufactures, pay taxes, as well as these machines? On some of them the tax is taken off, and they are put upon the free list; but a great many continue to pay the tax from day to day. A shovel is just as much an agricultural implement as one of these articles.

The manufacture of every one of these articles is a monopoly. They are in the hands of patentees who make enormous profits, who have the exclusive control of them, and manage them to satisfy themselves, and can fix their own prices; and the taking off of this tax will not be for the benefit of the farmers, but will be for the benefit of those who sell the machines. They may make the tax a pretense for high prices now; but they will make some other pretense, such as the high wages for workmen and matters of that kind, if the tax is taken off, as an excuse for not lowering the price. If we take off the tax the money which we now get from it will be simply presented to them. That is the amount of it. No petition or remonstrance has been received from anybody against this tax.

Sir, there is no class of men—and they are very large and very numerous—that are so much favored throughout this bill, in every particular, as the agricultural interest. Everything is in their favor. I can understand very well why a noise is made about it. The agricultural interest has so many more votes than any other, that it is always very important to make a stir in favor of the agricultural interest. It is so in my section of the country—not so much so, perhaps, as in others. Perhaps we have not so large a portion of the population engaged in farming. That is all the difference.

Mr. TRUMBULL. More engaged in ship-building, I presume.

Mr. FESSENDEN. More engaged in ship-building than in agriculture, I take it. But there is not an interest anywhere that is so looked after and so guarded, so sought to be protected in everything, and so well protected as the farming interest, not only in the West, but in the North, or wherever they are. It is like the question of the soldiers' bounties, everybody is afraid to vote against it, because the soldiers have so many votes, and they may be thrown against a man.

Mr. HOWE. What is the special protection to farmers by this system of taxes?

Mr. FESSENDEN. I cannot stop to enumerate; I state the fact. The Senator will find it out if he examines the bill. At the present

time I cannot make a long speech enumerating them. The fact is so, and it always has been so, from the beginning. It is so in this bill. The tax is taken off very many agricultural implements, and they are put on the free list. Farmers do not pay, as a matter of fact, anything like, under the income tax, what every other class of the community does, and cannot be made to pay, because the law cannot be manipulated so as to make them pay, whatever may be the provision. The bill that was last passed, I believe, allowed them to support their families out of their farms, and they pay upon the surplus, while everybody else had to pay upon what he receives, without reference to the fact that he supports his family out of it.

Mr. GRIMES. In this bill?

Mr. FESSENDEN. The last bill. With regard to this bill, we have left it just as it was before; we have struck out the alterations made in the House. That is the fact with regard to it. The Senate will of course do what it likes in relation to the matter, but that is the simple truth with reference to it. Nobody complained; nobody asked any alteration when this tax was fixed at three per cent. It is an important item of revenue; and if you strike off this tax, it will be merely for the benefit of monopolists who hold patents and manufacture these machines, although it is put on the ground of aiding the farmers. If you take the tax off these machines, why not take it off shovels and everything of that sort? You cannot make the distinction.

With reference to the alteration that the Senator from Iowa [Mr. KIRKWOOD] says was made on page 166, it was no alteration except by specification, and the specification there made is the castings for machinery, not the machinery itself. Castings for all kinds of machinery, as specified there, are placed on the free list.

Mr. GRIMES. I do not wish it to be understood that the farmers are seeking any exemption from the payment of their proper share of the public burdens; and as one of the representatives from a purely agricultural State I must repel that idea.

Mr. FESSENDEN. The Senator misapprehends me. I do not suppose that the farmers are seeking any such thing. It is the representatives of the farmers, not the farmers themselves. The farmers do not ask for it. They are willing to pay the tax.

Mr. GRIMES. I am unwilling to have anybody infer that I, as one of the representatives of the farmers, seek or desire any such thing. If it be necessary that everything shall be taxed in the hands of the farmer that is necessary for him to use in order to produce his crops, I am content that that tax shall be levied, provided it be levied upon everything else that is necessary, both in commerce and in manufactures as well as in agriculture. My whole objection to this proposition is, that it seems to look, from the general scope and tenor of the bill, that there are exceptions in favor of manufactures and commerce to a very considerable extent in the free list, while there are not corresponding exemptions to the agriculturists and the manufacture of the implements used in agriculture.

Mr. FESSENDEN. Will the Senator point them out?

Mr. GRIMES. Yes, sir, I think I can. On page 163, in the free list, I find "masts, spars, ship and vessel blocks, and treenail wedges, and deck-plugs, cordage, ropes, and cables made of vegetable fiber." That includes almost all of the rigging of a ship. In addition to those the "hulls of ships and other vessels" are exempt. All I have to say in regard to that is, that if it be necessary to the protection of commerce, to encourage the production of ships in the commercial sections of the country, I am content to exempt them; but I want a corresponding relief afforded to the other important interests of the country.

Mr. FESSENDEN. I turn the Senator's attention to page 165, line one hundred and seven. He will find there, "plows, cultivators, harrows, straw and hay cutters, planters,

seed-drills, horse-rakes, hand-rakes, cotton-gins, grain-cradles, and winnowing-mills." They are exempt.

Mr. GRIMES. Yes, sir; a plow that costs eight dollars and a shovel that costs one dollar are exempt.

Mr. FESSENDEN. No; shovels are taxed.

Mr. GRIMES. The rake that costs fifty cents is exempt. I suppose the secret of its exemption really is, if we could only get at the motives that prompt the Committee of Ways and Means to recommend it, that it costs more to collect the tax than the tax is worth.

Mr. FESSENDEN. No, sir, by no manner of means. They could be taxed as manufactures at the factories. Take plows. What is there a larger manufacture of in this country than of plows? What would pay a larger amount, comparatively? Everybody must have a plow.

Mr. GRIMES. Everybody must have a plow; but then there is not one tenth of the capital locked up in plows in our section of the country that there is in reapers and mowers.

Mr. FESSENDEN. They must buy the plows.

Mr. GRIMES. They buy the plows; but I say there is ten times as much capital invested in this other machinery necessarily, and we are compelled to do it in order to save our crops. The same rule does not apply to a reaper and mower that does apply to a plow or a harrow or any of these small agricultural implements.

The Senator says that these reapers and mowers and various other agricultural implements are in the hands of monopolists; that they have patents for them. It is true some of them are. Some of them are not, however. But there are different kinds of patents for each one of these particular implements, and those patentees are in rivalry, the one with the other; so that they have not really an opportunity to oppress the agricultural community, as they would have if there was only one variety of each one of those patents. The effect of the imposition of this tax has been to increase, as my colleague has told you, nearly double, the value of each one of these particular implements.

Mr. FESSENDEN. How could it be?

Mr. GRIMES. I cannot say by what process it is done. I am only stating the fact.

Mr. FESSENDEN. I deny the fact. The fact cannot be so. I have no question the price has doubled; that may be; but there are a great many other matters that have gone into the increase of price—the increase of the rate of wages, and of all sorts of materials, and everything of that sort.

Mr. GRIMES. I believe the tax itself amounted to about twenty-five dollars on a reaper or mower. If we omit the tax it certainly would reduce the price that much.

Mr. FESSENDEN. No; they would find some excuse to charge just as much.

Mr. GRIMES. We are willing to run that risk. As this is the only proposition there is in the whole bill, it seems to me, in which the section of country that I have the honor to live in is peculiarly interested, I trust we shall not have this burden thrown upon us, if the free list, at any rate, is to remain as it now is.

Mr. KIRKWOOD. The Senator from Maine, I am satisfied, cannot understand the condition of our people with regard to these matters. It is substantially the same as taxing men in our State. There is not one acre out of a hundred of our wheat that is cut in any other way than with a reaper. There is not one acre out of a hundred that is cut in any other way than with a mower. We have not the men in our State to collect our crops without these machines. If you would give us your superabundant population to do the work, we should be content; but these machines are used by us instead of men. Without them we could not gather our crops at all. We could not begin to save the crops we put in the ground unless we had this machinery. It is just like taxing men in a State where men are abundant for you, in a

State like ours where they are scarce, to tax these machines.

Mr. BROWN. It is taxing labor.

Mr. KIRKWOOD. Yes, sir, it is substantially the same thing.

Let me call the attention of the Senator from Maine again to this change on page 166, lines one hundred and forty, one hundred and forty-one, and one hundred and forty-two. He says it is merely a specification instead of generalization. The purpose is to exempt spindles and castings; but if he will look at the list closely he will see that as the clause stood originally it exempted spindles and castings for machinery; but now it is made to specify "saws, looms, spinning-machines, hot-air and hot-water furnaces, pumps, steam-engines, and sewing-machines." Spindles and castings enter into mowers and reapers, but in this specification they are left out, while these articles, used East, I apprehend, are inserted. If the word "machinery" had been left in the clause perhaps the spindles and castings in mowers and reapers would have been exempted.

Mr. FESSENDEN. I can state to the Senator that the clause as it stood was thought to cover too much. The amendment came from the Committee of Ways and Means of the House, putting in what they intended to cover on that subject, and what they had taken testimony upon. We have just put in what they intended it should be originally, and what they understood to be necessary.

Mr. KIRKWOOD. The effect of it, however, would be that while the spindles and castings for a mower and reaper would be taxed, the spindles and castings for a spinning-machine would not be taxed. I must say that it would be hard for us on the west side of the Mississippi river to render a reason for that, why the spindles and castings in a spinning-machine should be exempt from taxation and the spindles and castings in a reaping-machine or a mowing-machine should be taxed.

Mr. ANTHONY. Spinning-machines are not exempt.

Mr. KIRKWOOD. Spindles and castings for spinning-machines are exempt by this bill.

Mr. FESSENDEN. The reason is that one pays five per cent. and the other only three.

Mr. KIRKWOOD. They are put in the free list here.

Mr. FESSENDEN. But they are to pay five per cent. tax when made up. It is to avoid a double tax. The clause goes on to provide, "and not sold or used for any other purposes, and upon which a tax is assessed and paid on the article of which the casting is a part." It is to avoid paying two taxes.

Mr. KIRKWOOD. Let me call the attention of the Senator to another item or two on page 163. "Machines driven by horse power and used exclusively for cutting fire-wood, staves, and shingle-bolts, and hand-saws" are exempt from taxation; while in the matter we are considering machinery driven by horse power is not exempt.

Mr. FESSENDEN. "And used exclusively" for what follows.

Mr. KIRKWOOD. The clause reads, "machines driven by horse power and used exclusively for cutting fire-wood, staves, and shingle-bolts, and hand-saws."

Mr. FESSENDEN. "And used exclusively for cutting fire-wood, staves," &c.

Mr. KIRKWOOD. We do not make staves and shingle-bolts out in our country; but our machinery driven by horse power is to be taxed.

Mr. FESSENDEN. You buy them and use them; do you not?

Mr. KIRKWOOD. Yes; but we may use machinery driven by horse power for other purposes, and that machinery is taxed with us when it is not taxed elsewhere.

Mr. FESSENDEN. The design is to exempt some small articles that everybody uses, instead of large corporations which make large amounts of money. That is the difference exactly.

Mr. HENDRICKS. Before the vote is 39TH CONG. 1ST SESS.—No. 208.

taken on the amendment of the committee I desire to amend it by striking out the word "sorghum;" and I will state the reason why I do so. The production of sugar and molasses from this growth is rather an experiment as yet, and the machinery necessary for the production is being changed from time to time as experiments show the necessity of change. Every year there is some improvement made in this machinery. It is not like that class of machinery which is supposed to have approached perfection. The success in the growth of sorghum and the production of molasses and sugar from it has been very great. It has now become a production of much importance in the West; but nobody supposes that the machinery is yet perfected. A great deal of expense is to be incurred in experiments upon it. I shall vote against the entire amendment of the committee; but as the attempt to defeat it may not succeed, I desire to strike out this word "sorghum." I think there are peculiar reasons for it.

Mr. HOWARD. I suggest to the Senator from Indiana that he may as well include the word "imphee" in his motion, and strike them both out. I believe imphee is but a species of sorghum.

Mr. HENDRICKS. I do not know anything about that.

Mr. HOWARD. It belongs to the same family of plants and produces sirup, which is supposed to be a little richer, as I understand.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Indiana to the amendment of the committee.

Mr. HOWARD. I move to amend that by including the word "imphee."

Mr. HENDRICKS. I will accept that amendment if the same reasons apply. I do not know much about it.

The PRESIDING OFFICER. The amendment of the Senator from Michigan is not in order at the present time, the amendment of the Senator from Indiana being an amendment to an amendment.

Mr. TRUMBULL. I understood the Senator from Indiana to say he would accept it.

The PRESIDING OFFICER. The Senator from Indiana may modify his own amendment as may be agreeable to him.

Mr. HENDRICKS. I accept the modification of the Senator from Michigan.

The PRESIDING OFFICER. The amendment to the amendment will be so modified.

Mr. TRUMBULL. Mr. President, I presume more of these reapers and mowers are used in the State which I in part represent than in any other State in the Union. We could not carry on the agriculture of Illinois to the extent that we now do without this machinery. Farming, to a very great extent, is carried on upon our prairies through the instrumentality of machinery. We could not gather our crops at all if we had to rely upon manual labor, as in former years, to gather them; and hence we are very much interested in the manufacture of this machinery. These machines are manufactured extensively in my State. The productions of that State, as we all know, go to support the people of the whole country. They are not peculiar to Illinois. The beef and pork that are fattened there and the wheat that is gathered there go to the sustenance of the people of the whole Union, in the State of Maine as well as elsewhere. The ship-builders of Maine, who are entirely free from taxes upon all the articles which they use—

Mr. FESSENDEN. They are taxed more than any other set of men in the country.

Mr. TRUMBULL. They are on the free list in this bill. "Masts, spars, ship and vessel blocks, and trenail wedges, and deck-plugs, cordage, ropes, and cables made of vegetable fiber," and also "sails" and "chains" are all upon the free list in this bill. The Senator from Maine very candidly told us that not so many of the people in his State were engaged in agriculture as in some other States of the Union, and therefore he did not feel this pressure so strongly as some others did in favor of

the agricultural interest of the country, which he rather seemed to intimate was a pressure that operated upon Senators to a greater extent than it ought to do; but he seems to have felt the pressure of that class of people who are largely engaged in ship-building in his own State. At any rate, we find that persons engaged in that branch of industry, which occupies very much of the labor of Maine, are not taxed on the articles I have mentioned and many others.

I do not wish to go over this free list. The House of Representatives placed reapers and mowers in the free list. The Committee on Finance has thought proper to change it. I trust the Senate will not agree to that change. I understand that in the House of Representatives this was done deliberately. The Senator from Maine is entirely mistaken in supposing that no complaints have come from the manufacturers. I have had quite a number of letters from different parts of my State from persons engaged in the manufacture of these implements. I did not send them to the Committee on Finance, because I had not the least apprehension, after seeing that the bill upon due consideration had passed the House of Representatives with a provision placing these articles upon the free list, that there was any probability that the Senate was going to change it.

Mr. FESSENDEN. I did not say that there was no effort made to change it. The tax heretofore was six per cent. There was an effort made to reduce it. The committee of the House reduced it to three per cent. After the modification was made reducing it one half I say they were perfectly satisfied; there was no complaint whatever.

Mr. TRUMBULL. Perhaps the best answer I can give to that would be to read a letter which I have in my hand from Rockford, in Illinois, from a manufacturer of reapers and mowers, in which he makes a statement why reapers and mowers should be placed on the free list. The writer says:

"I write to ask your attention to the tax on agricultural implements, more particularly reapers and mowers."

"The House have placed them on the free list, where I think they belong, and I hope to see the Senate continue them there, and believe it but just to us that they do so."

"I have been in the business since 1854; paid into the revenue office last year over \$28,000, my losses exceeding that sum."

He paid a revenue of \$23,000 last year, and lost more than that sum last year in the manufacture of these articles.

Mr. FESSENDEN. By bad debts?

Mr. TRUMBULL. No, sir:

"Because of excessive taxes and an unfortunate year."

"From all that I learn, my competitors have met about the same success, in proportion to their business."

"Our business is, at best, particularly hazardous for the following reasons:

"1. We must buy the stock at the close of harvest to manufacture for sale during the next harvest."

"2. Our sales are crowded in less than sixty days, three fourths of them taking place between June 10 and July 10."

"3. If our product is not done in time to be shipped to points of sale when the season commences, it must be held a year, for the next season's sale."

"4. We cannot know what the demand will be, but must be prepared to meet it when sales commence."

"5. Sales are governed by the crops, and if crops are discouraging the farmers do not buy."

"6. The farmer is seldom prepared to pay down, but requires from six to eighteen months' credit upon the sale of a reaper to him."

"7. Interest, insurances, storage, commissions, and losses are a heavy expense, for the above reasons, in the reaper and agricultural business than in any business the capital of which may be turned every sixty or ninety days."

We cannot add the tax to the price of our product. Reaper men tried to do it last year, and utterly failed."

Mr. FESSENDEN. That does not agree very well with what the Senator from Iowa [Mr. Kirkwood] said; and I leave the Senator from Illinois to settle that question with him. The Senator from Iowa said that the price was increased one half in consequence of the tax.

Mr. TRUMBULL. This letter goes on:

"While our business is large, the per cent. of profit is small, and the charge of a small per cent. either

way makes a large sum difference in the year's result.

"Thus, on three thousand reapers, netting, in sale, \$160 each, the tax at six per cent. amounts to \$28,800, and is of itself a handsome profit.

"We are doing in our business, according to the best of our judgment, with good facilities and rigid economy, but unless the tax on sales be rebated in our business we can have little hope for a profit this year.

"As a class, the reaper men are enterprising and liberal men; were so especially during the war, giving freely of time and money for the raising of men and forwarding the interests of the Government. Do not want to shrink from taxes, but like to, and will, stand up to the rack as far as it is in their power to do so, but if they cannot do business and pay their taxes at a profit they must stop paying taxes sooner or later."

I will not read further from this letter; I have read it in answer to the Senator from Maine, who said that there was no complaint from these manufacturers. I have another letter from another portion of the State, three hundred miles distant, also from manufacturers, upon this same subject.

Mr. FESSENDEN. That is complaining of the six per cent. tax; is it not?

Mr. TRUMBULL. It was written after the bill had passed the House, and it is in favor of having them upon the free list. It contradicts specifically the statement of the Senator from Maine. The writer says that they ought not to be taxed. I think the whole country is interested in having these articles on the free list. These are the particular articles in which my State, perhaps, is more interested than any other State in the Union, though I think the whole Union is interested.

Now, in regard to the manufacture of sugar, we are endeavoring to introduce into the West, into Illinois, Iowa, Michigan, and these other States, the culture of sorghum. We are raising a good deal of molasses in those States, and making some sugar. It is with difficulty that you can get a sorghum mill put up. The production is in its infancy; and there is not business enough to keep a mill employed all the time. It wants to be encouraged. It is very desirable to have these mills erected wherever we can; and it is the last article that should be taken out of the free list and upon which a tax should be imposed at the present time. I trust that the Senate will not agree to this amendment of the committee, but that we shall suffer the bill, in this respect, to remain as it came to us from the House of Representatives.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Indiana to the amendment of the committee.

Mr. HOWE. I shall vote for the amendment of the Senator from Indiana, and yet that amendment of itself will not help the interest that he and I both desire to aid. It will require another amendment, I suppose. I believe by the bill as it stands the effect of striking out the word "sorghum" here would be to subject this kind of machinery to the tax imposed on other manufactures. I shall vote for the amendment, however, with the expectation that those articles will be transferred to the free list. I think it very essential that if any kind of manufacture should be protected that of these machines should. It is true, as the Senator from Indiana has remarked, that this product is in its infancy, is now on the footing of an experiment. It is very desirable to everybody in the United States that it should be made a success, if possible, and I believe it is the invariable policy of the United States to protect these enterprises which promise success, but which need aid in their infancy to insure that success. I see here that wine made from grapes is placed upon the free list. I suppose it is upon the idea that it is of general and national interest to protect that product for the present while we are experimenting with it.

Mr. CONNESS. It is an agricultural crop, and all agricultural crops are exempt.

Mr. HOWE. Wine is not exactly an agricultural crop; I suppose grapes are, however. I think molasses is quite as essential as wine, though I do not object to either; they are both

good in their place. But if we can raise our own molasses, I think we shall do quite as much for the public good as by raising our own wine; and if wine should be protected, I think the manufacture of molasses or sugar from sorghum should also be protected.

But I shall also vote against this whole amendment as reported by the committee. I dissent from the correctness of the statement made by the Senator from Maine, that the agricultural communities are especially protected by this or by any former tax bill. If they have received any such protection, I never have been able to discover it, and I do not think they have ever felt it. I do not know of anything that you put a tax upon, that they do not buy; and it is the almost inflexible rule, I believe it is the principle which guides all this taxation, that you will not put a tax on anything that cannot be charged over to the consumer and the purchaser. The very argument which is used here for putting a tax on this kind of machinery is that the manufacturers are protected by patents, so that they can inevitably charge over whatever you assess on it to the consumer. That is the rule, as I understand, which governs all this taxation. You tax nothing that the farmer does not buy. True, the manufacturer advances the tax to the Government, but he gets, in consideration of that advance, a sort of roving commission by which he is authorized to levy it back again on the community, with just such commissions as the market will enable him to charge for making the advance, and he does it. This manufacturing, I know, is generally in the eastern sections of the Union; but the West does its own share of the wearing out, the purchasing, the consuming. I have heard it said before that all these tax bills were peculiarly lenient upon the farmers. I have had occasion to deny it before, and I feel bound to deny it as often as I hear the statement. You tax their incomes, if they have any, just as you tax other incomes, and to precisely the same amount, and you exempt, I believe, precisely the same amount. You have done so heretofore. I have not looked at this bill; but I suppose it is done here. Wherever they buy an article that is taxed, they pay the tax just as others do.

Mr. HENDRICKS. I understand that if the amendment of the committee should be adopted, it will still be amendable; and as it involves two votes, I will withdraw my amendment, with the consent of the Senator from Michigan who modified it, until we see what shape the result of the vote on the committee's amendment will leave this matter.

The PRESIDING OFFICER. The Senator from Indiana withdraws his amendment. The question is on the amendment of the committee.

Mr. HENDRICKS. I desire to say just this: the class of machinery that is included within this amendment can be used but a very short time in the year, say for one month, and for the rest of the year it lies idle. It is entirely unlike machinery that is used in almost any other pursuit in that regard. The machinery that is found in manufacturing establishments is used constantly; the investment is not dead upon the hands of the purchaser for the greater portion of the year, as it is upon this class of machinery.

Mr. CHANDLER. I notice on the freelist a very large number of articles, and among others, these identical reapers and mowers. I find also "anvils," "barrels and casks other than those used for the reception of fluids; packing-boxes made of wood;" and also "plows, cultivators, harrows, straw and hay cutters, planters, seed-drills, horse-rakes, hand-rakes, cotton-gins, grain-cradles, and winnowing-mills." Then I find "reapers, mowers, threshing-machines, and separators, corn-shellers, and wooden-ware," and also "spokes, hubs, bows and felloes; poles, shafts, and arms for carriages or wagons;" "wooden tanks," "ships' masts," and so on through the list, including the very items that are here taxed. I should like to ask the Senator from Maine why these

other articles will not as well bear a tax as mowers and reapers.

Mr. FESSENDEN. I suppose the Senator can inform himself on that subject. The Senator is mistaken in regard to the whole of those matters. He does not notice the brackets around the words that strike them out.

Mr. CHANDLER. I know they are stricken out here. They were introduced into the free list in the House, but it is proposed to strike them out in the Senate. I notice that "fertilizers of all kinds" are placed in the free list, as the bill now stands. Why were not fertilizers stricken out? It is true that we do not use them in the Northwest, but in New England they do use them.

Mr. FESSENDEN. That exception was made expressly for the agricultural interests of the country.

Mr. CHANDLER. I notice a long free list here. I was looking over the list carefully the other day. I believe sewing-machines are placed on the free list. If reapers, mowers, threshing-machines, separators, and corn-shellers can pay a tax, I am very certain sewing-machines and ships' masts can.

Mr. SHERMAN. Sewing-machines are not on the free list.

Mr. CHANDLER. I may be mistaken about them; but I have read sufficient to show that there is here made a distinction without a difference, and a distinction made against the Northwest. I do not suppose there is a threshing-machine in all New England.

Mr. FESSENDEN. That is about as correct as most of what the Senator has said.

Mr. CHANDLER. I go there every year, and I never saw a threshing-machine in New England in my life. I will guaranty that there are not twenty in the whole of the New England States. I never saw one. They thresh with the flail, as they did forty years ago, and it does not take long to thresh out what they raise, with that. [Laughter.] But with us there is not a town without a goodly number of threshing-machines, and they are kept in constant use. I hope that these articles will be put back on the free list where the House placed them, and where they belong.

Mr. FESSENDEN. The Senator seems to think that what he has seen he knows all about, and what he has not seen does not exist in the world. There are some things that he has seen.

Mr. CHANDLER. I never saw a threshing-machine in New England.

Mr. FESSENDEN. There are a few things he has not seen in the country, I presume. This, I believe, was about the only thing that we changed here. I stated the reason for it. I believe, if I am not mistaken, that it was done by the unanimous consent of the committee.

Mr. SHERMAN. There was one exception. I did not support it.

Mr. FESSENDEN. I thought the Senator voted for it.

Mr. SHERMAN. No, sir; I did not.

Mr. FESSENDEN. Perhaps it would have been surprising if the Senator had done so under the circumstances, he being a western man.

Now, with reference to the motion made by the Senator from Indiana, as I presume it will come up again, I propose simply to say a word. We really had some doubt whether the cultivation of sorghum and imphee had not reached such a point that there ought to be a tax levied upon the machinery used in that production as well as upon other things. The article itself is protected from the fact that all other sugars pay a heavy import duty; and whether this machinery could not pay a slight duty was a question. We could see no reason, the manufacture having advanced so far as it has, having been so much enlarged as it has, why the machinery for the manufacture should not be taxed just like the machinery for the manufacture of anything else. They put up their mills and they have machinery. Where the thing itself is protected by a heavy discriminating duty in

its favor, and has increased and enlarged itself so much through all the section of the country where it is raised, it seemed to us to be enough protection without making any exception in favor of the machinery of the mills that were used to manufacture it. That was the simple reason upon which we acted with reference to that matter, and the reason holds good in my mind now.

I stated before the argument, as I understood it, in favor of taxing reapers and mowers. If the Senate is of a different opinion, I shall be entirely content with that opinion when expressed; but I really cannot see why articles of this description, manufactures so very large and so very extensive used for the production, to be sure, of the necessities of life in one particular, and perhaps those things that are most necessary to the support of life, should not be taxed moderately compared with other articles of the same description, especially when, as a general rule, they are in the hands of large establishments. I believe it is a very notorious fact that proprietors of the patents for these machines all get very rich.

Mr. GRIMES. Oh, no; nothing of the sort.

Mr. FESSENDEN. With those I have known it has been so; and I have known several. Some of them do at any rate.

One word more, sir. I should really like to understand which is the right side of the argument against this amendment. One Senator from the West—the Senator from Iowa [Mr. Kirkwood]—rises here and deliberately informs us that this tax has added one half to the price of this machinery, and that these men in selling the machinery make the tax an excuse for raising the price. The Senator from Illinois rises and reads a letter from a manufacturer in which he says that they cannot and do not add the tax to the price, and gives that as a reason why we should exempt the manufacturer.

Mr. TRUMBULL. He says some tried it.

Mr. FESSENDEN. He says they do not do it.

Mr. TRUMBULL. He says he does not do it, but some tried it and failed.

Mr. FESSENDEN. Some tried it and failed, and therefore he could not, and he lays it down that it cannot be done; it is not added. Now, where does the rule apply in this matter? The argument seems to be double, but directly running one point against the other. The only trouble that I have about the matter is, that it is an important item with reference to the revenue. It raises some six or seven hundred thousand dollars; I do not know exactly the amount; but I was so informed. That being the case, and the tax being reduced one half, from six per cent. to three per cent., was satisfactory, I repeat, to those who represented this interest; and the movement to place these articles on the free list was made in the House, and not by the committee who made the examination, but contrary to the protest of the committee as to the necessity of the case. The Senate understand it perfectly, I suppose; the whole argument is before them; and they will undoubtedly do as they please.

Mr. WILLIAMS. I wish to say one word in explanation of my vote. I shall vote for this amendment as it was reported by the committee, notwithstanding I recognize the force of some of the arguments that have been offered against the amendment—arguments derived from other portions of the free list. I am not certain but that an argument could be made upon this free list to prove that everything that is used or consumed in the country should be exempted from taxation. I am opposed to the extension of the free list, and I am ready to vote to reduce it. I believe it is bad policy to make this large free list, because it is impossible to do it without more or less discrimination for or against some particular class of persons, or some particular kind of business; and so long as it is necessary to maintain this system of taxation, it seems to me it ought to be made as equal in its operations as possible on all classes of the community and all kinds of business. I suppose that

the object of this free list is chiefly to exempt those kinds of business that are in their infancy, that are experiments at this time, the success of which is somewhat doubtful. To that extent I would be willing to go with a free list; but I do not concur in the idea that ships and all sorts of things that are included in the free list ought to be exempted. I am in favor of reducing, rather than extending, the free list, and therefore I vote for this amendment, and will vote for other amendments of a similar nature if I have an opportunity to do so.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Finance, on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 10, nays 17; as follows:

YEAS—Messrs. Clark, Conness, Cowan, Davis, Fessenden, Guthrie, Henderson, Morgan, Van Winkle, and Williams—10.

NAYS—Messrs. Brown, Chandler, Grimes, Harris, Hendricks, Howard, Howe, Kirkwood, Lane of Indiana, Poland, Pomeroy, Sherman, Sprague, Stewart, Trumbull, Wade, and Yates—17.

ABSENT—Messrs. Anthony, Bucknow, Cragin, Creswell, Dixon, Doolittle, Edmunds, Foster, Johnson, Lane of Kansas, McDougall, Morrill, Nesmith, Norton, Nye, Ransley, Riddle, Salisbury, Sumner, Wiley, Wilson, and Wright—22.

So the amendment was rejected.

The Secretary read the next item, as follows:

On senos, pumps, garden engines, hydraulic rams, a tax of three per cent. *ad valorem*.

The Committee on Finance proposed to amend this clause by inserting the word "and" after "engines."

The PRESIDING OFFICER. The alteration will be made.

The Secretary read the following items, to which no amendment was proposed, namely:

On tin-ware of all descriptions, not otherwise provided for, a tax of five per cent. *ad valorem*: *Provided*, That in all cases in which such ware shall be delivered to agents or peddlers employed by the manufacturer for the disposal of the same, such ware so delivered shall be deemed to have been sold at the time of delivery, and the tax to be paid thereon shall be computed upon the value known to the trade as the five-pound rate or price for tin-ware.

On all iron, not otherwise provided for, advanced beyond muck-bar, blooms, slabs, or loops, and not advanced beyond bars, and band, hoop, and sheet iron, not thinner than number eighteen wire-gauge, and plate iron not less than one eighth of an inch in thickness, a tax of three dollars per ton: *Provided*, That a ton shall, for all the purposes of this act, be deemed and taken to be two thousand pounds.

On band, hoop, and sheet iron, thinner than number eighteen wire-gauge, plate iron less than one eighth of an inch in thickness, and cut nails and spikes, not including nails, tacks, brads, or finishing nails, usually put up and sold in papers, whether in papers or otherwise, a tax of five dollars per ton: *Provided*, That rods, bands, hoops, sheets, plates, spikes, and nails, not including such as are usually put up in papers as before mentioned, manufactured from iron upon which the tax of three dollars has been levied and paid, shall be subject only to a tax of two dollars per ton in addition thereto, anything in this act to the contrary notwithstanding.

On stoves and hollow ware, in all conditions, whether rough, tinned, or enameled, and castings of iron, not otherwise provided for, a tax of three dollars per ton.

On tubes made of wrought iron, a tax of five dollars per ton.

On steam, locomotive, and marine engines, including the boilers, and on railroad cars, a tax of five per cent. *ad valorem*: *Provided*, That when the boilers, tubes, wheels, tire, axles, bells, shafts, cranks, wrists, or head-lights of such engines, or cars, shall have been once assessed, and a tax previously paid thereon, the amount so paid shall be deducted from the taxes on the finished engine or cars.

On boilers of all kinds, water tanks, sugar tanks, oil stills, sewing-machines, lathes, tools, planes, planing-machines, shafting and gearing, a tax of five per cent. *ad valorem*.

On railings, gates, fences, furniture, and statuary made of iron, a tax of five per cent. *ad valorem*.

On copper and brass tubes, nails, or rivets, sheet lead, and lead pipes and shot, a tax of five per cent. *ad valorem*.

On goat, calf, kid, sheep, horse, hog, and dog skins, tanned or dressed in the rough, a tax of five per cent. *ad valorem*.

On goat, calf, kid, sheep, horse, hog, and dog skins, curried or finished, a tax of five per cent. *ad valorem*: *Provided*, That all goat, calf, kid, sheep, horse, hog, and dog skins upon which duties or taxes have been actually paid, shall be assessed on the increased value only when curried or finished.

The next item was read, as follows:

On patent, enameled, and japanned leather and skins of every description, a tax of five per cent. *ad valorem*: *Provided*, That when a tax has been paid on the leather in the rough the duty or tax shall be assessed and paid only on the increased value.

The Committee on Finance proposed to strike out the words "duty or" before "tax," in line twenty-three hundred and ninety-three. The amendment was agreed to.

The following items were read:

On oil-dressed leather a tax of five per cent. *ad valorem*.

On leather of all descriptions, tanned or partially tanned in the rough, a tax of five per cent. *ad valorem*.

On leather of all descriptions, curried or finished, a tax of five per cent. *ad valorem*: *Provided*, That all leather in the rough upon which duties or taxes have been actually paid shall be assessed on the increased value only when curried or finished.

No amendment was proposed to these items.

The next item was read, as follows:

On wine made of grapes, further advanced than juice or must, a tax of five cents per gallon: *Provided*, That grapejuice or must, when sold to vintners immediately from the vineyard, shall not be taxed.

The Committee on Finance reported an amendment to strike out this item.

The amendment was agreed to.

The next item was read, as follows:

On all liquors known or denominated as wine, not made from grapes, currants, rhubarb, or berries, produced by being rectified or mixed with other spirits, or into which any matter whatever may be infused to be sold as wine, or by any other name, and not otherwise provided for in this act, a tax of fifty cents per gallon: *Provided*, That the return, assessment, collection, and the time of collection of the duties on such wines, and wine made of grapes, shall be subject to the regulations of the Commissioner of Internal Revenue. And any person who shall willingly and knowingly sell or offer for sale any such wine made after the passage of this act, upon which the tax herein imposed has not been paid, or which has been fraudulently evaded, shall, upon conviction thereof, be subject to a fine of \$500 or to imprisonment not exceeding two years, at the discretion of the court.

The Committee on Finance proposed to amend this item by striking out, in line twenty-four hundred and sixteen, the word "duties" and inserting "taxes;" and in the same line, after "such wines," to strike out "and wine made of grapes;" so as to read:

That the return, assessment, collection, and the time of collection of the taxes on such wines, shall be subject to the regulations of the Commissioner of Internal Revenue.

The amendment was agreed to.

Mr. GRIMES. As we are in that clause, I desire to move an amendment to it now, if the chairman of the Committee on Finance has no objection.

Mr. FESSENDEN. Very well.

Mr. GRIMES. I move to amend by striking out the word "rhubarb," in line twenty-four hundred and ten, so as to read, "wine, not made from grapes, currants, or berries," &c.

Mr. SHERMAN. I hope that will not be done. There is a very harmless liquid made from rhubarb in the State of Ohio to a trifling extent, and I do not see why the distinction should be made against rhubarb wine. This provision is to exempt domestic liquors and wines made in the households of farmers and people for their own use, from grapes, currants, rhubarb, or berries. I do not know why the exemption should be made in favor of wine or liquor made from grapes, currants, or berries, and not in favor of that made from rhubarb. In the country where I live this domestic rhubarb wine has to some extent superseded the currant wine, but it is not made an article of commerce to any considerable extent.

Mr. GRIMES. The Senator misapprehends the condition of things. No man is compelled to pay anything for the manufacture of wine unless he makes \$600 worth in a year. I ask him if there is any farmer in Ohio who makes \$600 worth of rhubarb wine or currant wine for his own use. I know, however, what does exist, and what will continue under such a provision as this. Men have set out large gardens and are making rhubarb wine, which they pass off on the world, after having doctored it, as they term it, as grape wine, as Catawba wine, and it is deleterious to the health. It interferes with the legitimate cultivation of the grape, and has a bad effect in every way. Hence, I propose to strike out the word "rhubarb" in this clause.

Mr. SHERMAN. You might as well for

the same reason tax cider, which is the basis of nearly all the champagne wine drunk in this country; but that is not done. This is a harmless commodity. If a liquor is made from it, and it assumes some other form, it is then covered by the law; but mere rhubarb wine, which I have drank often, and which, as I said before, is made by farmers in Ohio and used as a substitute for currant wine, I do not think should be taxed unless you tax all other of these domestic wines.

Mr. GRIMES. The Senator, I should think, knows very well that farmers do not make \$600 worth of domestic wine, and hence the striking out of this word will not affect the farmer or the man who manufactures it for the use of his family.

Mr. SHERMAN. The \$600 clause does not apply.

Mr. GRIMES. I have asked the Commissioner, who is sitting near me, and he says it does; and hence there is no protection to the farmer by allowing this word to remain.

Mr. SHERMAN. The \$600 exemption applies to the whole of a man's products. Suppose a farmer's products are \$1,000, and a small portion consists of a little rhubarb wine made for his family—a barrel is the most I have ever known made—he should not be taxed on that. It is but a small matter.

Mr. GRIMES. My purpose is to reach the men who are deceiving the public by making rhubarb wine at home, paying no tax upon it to the assessor when he comes along, and then sending it to Cincinnati and Chicago and Philadelphia and New York, and passing it off as Catawba wine. I know of my own knowledge that that is done to a very great extent. I know that in the town in which I live, where the tuns or vessels are manufactured in which the wine is put after it is run from the press, there have been purchased by one man in one year, vats or tuns or whatever they are called, to the extent of twenty-five hundred gallons capacity.

The amendment was rejected.

The next item was read, as follows:

On cloth and all textile or knitted or felted articles, or fabrics of cotton, wool, or other materials, before the same has been dyed, printed, or bleached, and on all cloth painted, enameled, shirred, tarred, varnished, or oiled, a tax of five per cent. *ad valorem*.

The Committee on Finance proposed to amend this item by striking out in line twenty-four hundred and twenty-eight, after "painted," the word "enameled."

The PRESIDING OFFICER. That amendment will be made, no objection being interposed.

The next item was read, as follows:

On thread and twine, a tax of five per cent. *ad valorem*.

The Committee on Finance proposed no amendment to this item.

The next item was read, as follows:

On articles of clothing manufactured or produced for sale by weaving, knitting, or felting; on hats, bonnets, and hoop-skirts; on articles manufactured or produced for sale as constituent parts of clothing, or for trimming or ornamenting the same, and on articles of wearing apparel manufactured or produced for sale from India-rubber, gutta-percha, or from fur, or fur skins dressed with the fur on, a tax of five per cent. *ad valorem*.

The Committee on Finance proposed to amend by inserting "silk" before "hats."

The amendment was agreed to.

The next item was read, as follows:

On boots and shoes, a tax of two per cent. *ad valorem*; to be paid by every person making, manufacturing, or producing for sale boots and shoes, or furnishing the materials or any part thereof, and employing others to make, manufacture, or produce them: *Provided*, That any boot or shoe maker making boots or shoes to order as custom work only, and not for general sale, and whose work, exclusive of the materials, does not exceed annually in value \$1,000, shall be exempt from this tax.

The Committee on Finance proposed to amend in line twenty-four hundred and forty, after "boots," by striking out "and," and after "shoes" inserting "and shoe-strings," so as to read, "on boots, shoes, and shoe-strings, a tax of two per cent. *ad valorem*."

Mr. SPRAGUE. I hope that amendment will not prevail. Shoe-strings, I understand,

are made from hemp, a new manufacture just about being created in this country by the introduction of linen machinery. It has been brought before the attention of Congress.

Mr. SHERMAN. This was put in at the request of the shoe-string makers. Under the present law they are taxed six per cent., and they came to us with specimens of shoe-strings and we put them on the same footing with other manufacturers of the same character, "boots, shoes, and shoe-strings." This reduces the tax from six to two per cent.

Mr. SPRAGUE. I propose, if this is not agreed to, to put them on the free list.

The amendment was agreed to.

Mr. WILLIAMS. I move to amend that item by inserting the word "leather" before "shoe-strings" in line twenty-four hundred and forty; and after the word "sale" in line twenty-four hundred and forty-two by striking out "boots and shoes" and inserting "boots, shoes, or leather shoe-strings."

The amendment was agreed to.

Mr. SPRAGUE. I desire to call the attention of the committee to the amendment offered by the Senator from Oregon. The Senate committee have amended the bill in line twenty-four hundred and forty by inserting "and shoe-strings," at a tax of two per cent. Now, the amendment suggested by the Senator from Oregon to insert "leather" before "shoe-strings" carries back shoe-strings made from linen to five per cent. I should like to have that reduced, in addition to the amendment suggested by the Senator from Oregon.

Mr. FESSENDEN. The Senator will get it by striking out "leather," and letting all shoe-strings stand at two per cent.

Mr. SHERMAN, [to Mr. SPRAGUE.] Move a reconsideration of the vote on the amendment of the Senator from Oregon.

Mr. SPRAGUE. I move that reconsideration.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The question now recurs upon the amendment offered by the Senator from Oregon, [Mr. WILLIAMS.]

Mr. SHERMAN. I think the committee have it about right. There is no use in making a distinction between leather shoe-strings and any other kind.

The amendment was rejected.

Mr. FESSENDEN. In line twenty-four hundred and forty-two the word "and" between "boots" and "shoes" should be stricken out and the words "or shoe-strings" added after "shoes."

The PRESIDING OFFICER. That amendment will be made.

The Committee on Finance further proposed to amend the item in line twenty-four hundred and forty-six, after the word "whose," by striking out the "work, exclusive of materials, does not exceed annually in value \$1,000," and in lieu thereof inserting "annual product does not exceed \$2,000;" so as to make the proviso read:

Provided, That any boot or shoe maker making boots or shoes to order as custom work only, and not for general sale, and whose annual product does not exceed \$2,000, shall be exempt from this tax.

The amendment was agreed to.

The next item was read, as follows:

On ready-made clothing, gloves, mittens, moccasins, caps, and other articles of dress for the wear of men, women, and children, not otherwise assessed and taxed, a tax of one per cent. *ad valorem*, to be paid by every person making, manufacturing, or producing for sale clothing, gloves, mittens, moccasins, caps, and other articles of dress, or furnishing the materials or any part thereof, and employing others to make, manufacture, or produce them: *Provided*, That any tailor, or any maker of gloves, mittens, moccasins, caps, or other articles of dress to order as custom work only, and not for general sale, and whose work, exclusive of the materials, does not exceed annually in value \$1,000, shall be exempt from this tax; and articles of dress made or trimmed by milliners or dressmakers for the wear of women and children shall also be exempt from this tax.

The Committee on Finance proposed to amend this item by inserting after the word "caps," wherever it occurred, the words "felt hats."

The amendment was agreed to.

The next amendment was in line twenty-four hundred and fifty-three to strike out "one" before "per cent." and insert "two;" so as to read:

On ready-made clothing, gloves, mittens, moccasins, caps, felt hats, and other articles of dress for the wear of men, women, and children, not otherwise assessed and taxed, a tax of two per cent. *ad valorem*.

The amendment was agreed to.

The next amendment was in line twenty-four hundred and sixty-one, after "whose," to strike out "work, exclusive of the materials, does not exceed annually in value \$1,000," and in lieu thereof to insert "annual products do not exceed \$2,000."

The amendment was agreed to.

The committee further proposed to amend by inserting the following proviso, after line twenty-four hundred and sixty-six, at the end of the item:

Provided, That the branching into sprays, branches, or wreaths of artificial flowers, on which an impost or internal tax has already been paid, shall not be considered a manufacture within the meaning of this act.

The amendment was agreed to.

The next item was read, as follows:

On cotton upon which no tax has been levied, collected, or paid, and which is not exempted by law, a tax of two cents per pound, which shall be and remain a lien thereon until said tax shall have been paid, in the possession of any person or persons whomsoever: *Provided*, That this paragraph shall be and remain in force until July 1, 1886, and no longer.

The Committee on Finance proposed to strike this item from the bill.

The amendment was agreed to.

Mr. SHERMAN. I am directed by the Committee on Finance, at this point, to move an amendment to be inserted after line twenty-four hundred and seventy-seven:

On paper not otherwise provided for, a tax of three per cent. *ad valorem*.

The amendment was agreed to.

The Secretary read the next item, as follows:

On all manufactures, not otherwise provided for, of cotton, wool, silk, worsted, flax, hemp, jute, India-rubber, gutta-percha, wood, glass, pottery-ware, leather, paper, iron, steel, lead, tin, copper, zinc, brass, gold, silver, horn, ivory, bone, bristles, wholly or in part, or of other materials, a tax of five per cent. *ad valorem*: *Provided*, That on all cloths or articles dyed, printed, or bleached, on which a tax shall have been paid before the same were so dyed, printed, or bleached, the said tax of five per cent. shall be assessed only upon the increased value thereof: *And provided further*, That any cloth or fabrics or articles, as aforesaid, when made of thread, yarn, or warps, imported, or upon which a duty shall have been assessed and paid, shall be assessed and pay a tax on the increased value only thereof; and when made wholly by the same manufacturer shall be subject to a tax only of five per cent. *ad valorem*: *And provided further*, That brown earthen and common or gray stoneware shall be subject to a tax of two and one half per cent. *ad valorem*, and no more.

The Committee on Finance proposed to amend by inserting "enameled" after "printed," in lines twenty-four hundred and eighty-four and twenty-four hundred and eighty-six.

The amendment was agreed to.

The committee proposed to strike out after the word "warps," in line twenty-four hundred and ninety, the words "imported or;" and in line twenty-four hundred and ninety-one to strike out "a duty," and insert "an internal tax."

The amendment was agreed to.

The Secretary read the following items, to which no amendment was proposed, namely:

On all diamonds, emeralds, precious stones, and imitations thereof, and all other jewelry, a tax of five per cent. *ad valorem*: *Provided*, That when diamonds, emeralds, precious stones, or imitations thereof, imported from foreign countries, and upon which import duties have been paid, shall be set or reset in gold or any other material, the tax shall be assessed and paid only upon the value of the settings.

On bullion in lump, ingot, bar, or otherwise, a tax of one half of one per cent. *ad valorem*, to be paid by the assayer of the same, who shall stamp the product of the assay as the Commissioner of Internal Revenue, under the direction of the Secretary of the Treasury, may prescribe by general regulations. And all sales, transfers, exchanges, transportation, and exportation of gold or silver assayed at any mint of the United States, or by any private assayer, unless stamped as prescribed by general regulations, as aforesaid, are hereby declared unlawful; and every person or corporation who shall sell, transfer, transport, exchange, export, or deal in the same, shall be subject to a penalty of \$1,000 for each offense, and to

a fine not exceeding that sum, and to imprisonment for a term not exceeding two years nor less than six months. No jeweler, worker or artificer in gold or silver shall use either of those metals except it shall have first been stamped as aforesaid as required by this act. No person or corporation shall export, or cause to be exported, from the United States any gold or silver in its natural state, not coined, assayed, or stamped as aforesaid; and for every violation of this paragraph every offender shall be subject to the penalties herein provided: *Provided*, That nothing herein contained shall apply to the reworking of old gold or silver in lump, ingot, or bar, as aforesaid.

The next item was read, as follows:

On snuff, manufactured of tobacco, or any substitute for tobacco, ground, dry, or damp, pickled, scented, or otherwise, of all descriptions, when prepared for use, a tax of forty cents per pound.

Mr. FESSENDEN. The words "or sale," after "use," in line twenty-five hundred and thirty-four, should be stricken out.

The PRESIDING OFFICER. That correction will be made.

The amendment, as amended, was agreed to.

The Secretary read the next item, as follows:

On cavendish, plug, twist, and all other kinds of manufactured tobacco, not herein otherwise provided for, a tax of forty cents per pound.

The amendment was agreed to.

The next item was read, as follows:

On tobacco twisted by hand, or reduced from leaf into a condition to be consumed without the use of any machine or instrument, and without being pressed, sweetened, or otherwise prepared, a tax of thirty cents per pound.

The committee proposed to amend this item after the word "prepared," in line twenty-five hundred and forty-two, by inserting "and on fine-cut shorts."

The amendment was agreed to.

The next item was read, as follows:

On fine-cut chewing tobacco, whether manufactured with the stems in or not, or however sold, whether loose, in bulk, or in rolls, packages, papers, wrappers, or boxes, a tax of forty cents per pound.

No amendment was reported to this item.

The next item was read, as follows:

On smoking-tobacco, sweetened, stemmed, or butted, a tax of forty cents per pound.

The Committee on Finance reported no amendment to this item.

The next item was read, as follows:

On smoking-tobacco of all kinds, not sweetened, nor stemmed, nor butted, including that made of stems, or in part of stems, and imitations thereof, a tax of twenty cents per pound.

The Committee on Finance proposed in line twenty-five hundred and fifty-two, after "tax of," to strike out "twenty" and insert "fifteen;" so as to read, "fifteen cents per pound."

The amendment was agreed to.

The next item was read, as follows:

On cigarettes, or small cigars, made of tobacco inclosed in a wrapper, or binder, and not over three and a half inches in length, and on cigars made with twisted heads, and on cheroots, and on cigars known as short-sixes, the market value of which is not over eight dollars per thousand, a tax of two dollars per thousand.

No amendment to this item was reported.

The next item was read, as follows:

On all other cigarette and cigars, the market value of which is over eight dollars and not over twelve dollars per thousand, a tax of four dollars per thousand.

The committee proposed to amend by striking out "other" before "cigarettes" and inserting "cheroots;" so as to read, "cheroots, cigarettes, and cigars."

The amendment was agreed to.

The next item was read, as follows:

On all other cigarettes and cigars, a tax of four dollars per thousand, and, in addition, forty per cent. *ad valorem* on the value beyond twelve dollars per thousand, to be assessed on the excess beyond twelve dollars per thousand: *Provided*, That any person who shall offer or expose for sale any cigars, cheroots, or cigarettes, whether the articles so offered or exposed are imported or are of foreign or domestic manufacture, shall be deemed the manufacturer thereof, and shall be subject to all the duties, liabilities, and penalties imposed by law in regard to the sale of domestic articles without the use of the proper stamp or stamps denoting the duty or tax paid thereon. And the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe such regulations for the inspection and valuation of cigars, cheroots, and cigarettes, and the collection of the tax thereon, as shall, in his judgment, be most effective for the prevention of inequalities and frauds in the payment of such tax. And, in addition to other regulations, it shall be the duty of the

inspector or assessor who appraises any cigars, cigarettes, or cheroots to examine the manufacturer thereof or his agent under oath, which oath shall be administered by the inspecting and appraising officer, and reduced to writing, and signed by such manufacturer or his agent, with a view to ascertaining whether such manufacturer has any interest, direct or indirect, in any sale that has been made, or any resale to be made of said cigars, cigarettes, or cheroots, by the concealment of which he seeks to obtain a false, fraudulent, or deceptive appraisal.

The Committee on Finance proposed to amend this item by inserting "cheroots," in line twenty-five hundred and sixty-four, after "cigarettes;" and after the words "tax of," in line twenty-five hundred and sixty-five, to strike out "four" and insert "ten," so as to read, "on all other cigarettes, cheroots, and cigars, a tax of ten dollars per thousand."

The amendment was agreed to.

The committee also proposed to strike out after "thousand," in line twenty-five hundred and sixty-five, the following words:

And, in addition, forty per cent. *ad valorem* on the value beyond twelve dollars per thousand, to be assessed on the excess beyond twelve dollars per thousand: *Provided*, That any person who shall offer or expose for sale any cigars, cheroots, or cigarettes, whether the articles so offered or exposed are imported or are of foreign or domestic manufacture, shall be deemed the manufacturer thereof, and shall be subject to all the duties, liabilities, and penalties imposed by law in regard to the sale of domestic articles without the use of the proper stamp or stamps denoting the duty or tax paid thereon.

The amendment was agreed to.

The committee proposed to insert in lieu of the words thus stricken out the following:

Provided, That upon all imported cigars and cheroots, but not including cigarettes, an internal revenue tax shall be levied and collected, in addition to the duties paid upon importation thereof, of ten dollars per thousand, and stamps denoting the payment of such tax shall, under such regulations as the Commissioner of Internal Revenue may prescribe, be affixed to every box or package of imported cigars or cheroots before the same are sold or offered for sale; and any cigars or cheroots so imported, which shall be sold or offered or exposed for sale without having stamps affixed, shall be forfeited to the United States, and the importer of such cigars or cheroots shall be deemed the manufacturer thereof, and shall be subject to all the duties, liabilities, and penalties imposed by law upon the manufacturer of domestic cigars or cheroots.

Mr. FESSENDEN. The committee do not now recommend the adoption of that amendment. It is probable it will not work well, and it can be better provided for at the customhouse by a provision in the tariff bill. I hope, therefore, this amendment will be rejected.

The amendment was rejected.

Mr. FESSENDEN. I wish now to go back to page 88, to make an amendment to conform to the action we have just taken. In line nineteen hundred and thirty-nine, on page 88, I move to strike out "whether of domestic manufacture or imported."

The amendment was agreed to.

Mr. FESSENDEN. In the same connection, I move, on page 89, to strike out "by the inspector" after "affixed," in line nine hundred and seventy-one.

The amendment was agreed to.

The Committee on Finance proposed to insert, after line twenty-six hundred and eight, the following clause:

That section ninety-eight be amended by striking out all after the enacting clause and inserting in lieu thereof the following: That there shall be levied and collected and paid on all sales of real estate, goods, wares, merchandise, articles, or things at auction, including all sales of stocks, bonds, and other securities, a duty of one tenth of one per cent. on the gross amount of such sales; and every auctioneer or other person making such sales, as aforesaid, shall, at the end of each and every month, or within ten days thereafter, make a list or return to the assistant assessor of the district of the gross amount of such sales, made as aforesaid, with the amount of duty which has accrued or should accrue thereon, which list shall have annexed thereto a declaration, under oath or affirmation, in form and manner as may be prescribed by the Commissioner of Internal Revenue, that the same is true and correct, and shall, at the same time, as aforesaid, pay to the collector or deputy collector the amount of duty or tax thereupon, as aforesaid, and in default thereof shall be subject to and pay a penalty of \$500. In all cases of delinquency in making said list or payment the manner prescribed in making shall be made in the manner prescribed in the general provisions of this act: *Provided*, That no duty shall be levied under the provisions of this section upon any sales by or for judicial or executive officers making auction sales by virtue of a judgment or decree of any court, nor to public sales made by guardians, executors, or administrators.

Mr. FESSENDEN. I move to amend the amendment by inserting the word "monthly" after "paid" in line twenty-six hundred and twelve.

The amendment to the amendment was agreed to.

Mr. FESSENDEN. I move to strike out all after the word "sales," in line twenty-six hundred and fifteen, to "provided" in line twenty-six hundred and thirty-one. The same provision is in the bill before.

The amendment to the amendment was agreed to.

Mr. FESSENDEN. The word "duty," in line twenty-six hundred and thirty-two, should be "tax."

The PRESIDING OFFICER. That correction will be made.

The amendment, as amended, was agreed to, as follows:

That section ninety-eight be amended by striking out all after the enacting clause and inserting in lieu thereof the following: That there shall be levied and collected and paid monthly on all sales of real estate, goods, wares, merchandise, articles, or things at auction, including all sales of stocks, bonds, and other securities, a duty of one tenth of one per cent. on the gross amount of such sales: *Provided*, That no tax shall be levied under the provisions of this section upon any sales by or for judicial or executive officers making auction sales by virtue of a judgment or decree of any court, nor to public sales made by guardians, executors, or administrators.

The next clause was read, as follows:

That section ninety-nine be amended by striking out all after the enacting clause and inserting in lieu thereof the following: That there shall be paid, on all sales made by brokers, banks, or bankers, whether made for the benefit of others or on their own account, the following taxes, that is to say: upon all sales and contracts for the sale of stocks, bonds, foreign exchange, gold and silver bullion and coin, promissory notes, or other securities, a tax at the rate of one cent for every hundred dollars of the amount of such sales or contracts; and on all sales and contracts for sale negotiated and made by any person, firm, or company not paying a special tax as a broker, bank, or banker, of any gold or silver bullion, foreign exchange, coin, noncurrent money, promissory notes, stocks, bonds, or other securities, not his or their own property, there shall be paid a tax at the rate of five cents for every hundred dollars of the amount of such sales or contracts; and on every sale and contract for sale, as aforesaid, there shall be made and delivered by the seller to the buyer a bill or memorandum of such sale or contract, on which there shall be affixed a lawful stamp or stamps in value equal to the amount of tax on such sale, to be determined by the rates of tax before mentioned; and in computing the amount of the stamp duty or tax in any case herein provided for, any fractional part of \$100 of value or amount on which tax is computed shall be accounted as \$100. And every bill or memorandum of sale or contract of sale, before mentioned, shall show the date thereof, the name of the seller, the amount of the sale or contract, and the matter or thing to which it refers. And any person or persons liable to pay the tax as herein provided, or any one who acts in the matter as agent or broker for such person or persons, who shall make any such sale or contract, or who shall, in pursuance of any sale or contract, deliver or receive any stocks, bonds, bullion, coin, noncurrent money, foreign exchange, promissory notes, or other securities, without a bill or memorandum thereof, as herein required, or who shall deliver or receive such bill or memorandum without having the proper stamps affixed thereto, shall forfeit and pay to the United States a penalty of \$500 for each and every offense where the tax so evaded, or attempted to be evaded, does not exceed \$100, and a penalty of \$1,000 when such tax shall exceed \$100, which may be recovered with costs of suit in any court of the United States of competent jurisdiction, at any time within one year after the liability to such penalty shall have been incurred; and the penalty recovered shall be awarded and distributed by the court between the United States and the informer, if there be any, as provided by law, who, in the judgment of the court, shall have first given the information of the violation of the law for which the recovery is had: *Provided*, That where it shall appear that the omission to affix the proper stamp was not with intent to evade the provisions of this section, said penalty shall not be incurred. And the provisions of law in relation to stamp duties in schedule B of the act to which this is an amendment, shall apply to the stamp taxes herein imposed upon sales and contracts of sales made by brokers, banks, or bankers, and others as aforesaid. And there shall be paid on all sales by commercial brokers of any goods, wares, or merchandise, a tax of one twentieth of one per cent. upon the amount of such sales; and on or before the 10th day of each month every commercial broker shall make a list or return to the assistant assessor of the district of the gross amount of such sales, as aforesaid, for the preceding month, with the amount of tax which has accrued or shall accrue thereon, in form and manner as may be prescribed by the Commissioner of Internal Revenue, and pay to the collector the amount of tax thereon before the end of the month: *Provided*, That no stamping shall be required on sales of stocks, bonds, and merchandise for the purpose of this sec-

tion, any sales made by or through another broker, upon which a tax has been paid, shall not be estimated and included as sold by the broker for whom the sale was made.

The Committee on Finance proposed to amend this clause after the word "bonds" by striking out, in line twenty-six hundred and forty-three, "foreign exchange."

The amendment was agreed to.

The committee also proposed to strike out, in line twenty-six hundred and fifty, before the word "coin," the words "foreign exchange."

Mr. SPRAGUE. I would ask the chairman of the committee, why strike out "foreign exchange" from taxation.

Mr. FESSENDEN. Because there is a large stamp duty on it.

Mr. SPRAGUE. More than the amount of this tax would be?

Mr. FESSENDEN. There is quite a heavy stamp tax on foreign exchange, and it was thought to be too burdensome to put this on besides.

The amendment was agreed to.

The committee also proposed, in line twenty-six hundred and fifty, to strike out "uncurrent money" after "coin."

The amendment was agreed to.

Mr. SHERMAN. I rise more for the purpose of inquiry. The preceding section in regard to the tax on sales did not attract my attention before. I ask the chairman if it is the purpose to tax ordinary sales of stocks at the "public exchange one tenth of one per cent."

Mr. FESSENDEN. Yes, that is the tax in the previous clause.

Mr. SHERMAN. It seems a very heavy tax, higher than the usual commissions charged by those engaged in that business.

Mr. FESSENDEN. The tax is one cent on \$100 on sales of stocks.

Mr. SHERMAN. That is in the clause now before us, but I am referring to the provision on page 115. Sales at auction at the exchange, New York, are taxed one tenth of one per cent. for ordinary securities, railroad stocks, &c., which are sold daily. One tenth of one per cent. is a very heavy charge; it is much larger than the next section, which provides only one hundredth of one per cent. I wish simply to call attention to it.

Mr. FESSENDEN. It is reduced from one fourth to one tenth.

Mr. SHERMAN. Is the present tax one fourth of one per cent.?

Mr. FESSENDEN. It is on auction sales.

Mr. SHERMAN. But does not apply to the ordinary exchange sales, brokers' sales.

Mr. VAN WINKLE. I move to strike out "duty or" before "tax" in line twenty-six hundred and sixty-one.

The amendment was agreed to.

The Committee on Finance proposed, in line twenty-six hundred and eighty-three, to strike out after "costs" the words "of suit."

The amendment was agreed to.

Mr. FESSENDEN. In line twenty-six hundred and seventy-three, after "coin," I move to strike out "uncurrent money, foreign exchange."

The amendment was agreed to.

Mr. SPRAGUE. That matter of foreign exchange I desire to call attention to. There is also a stamp tax on promissory notes, perhaps as much as on foreign exchange. There is a very large tax on promissory notes.

Mr. VAN WINKLE and Mr. FESSENDEN. Very small.

The PRESIDING OFFICER. The reading will proceed.

The Secretary read the next amendment to this clause proposed by the Committee on Finance, which was in line twenty-six hundred and ninety-five, after the word "of," to strike out "the act to which this is an amendment" and insert "this act."

Mr. FESSENDEN. I hope that amendment will not be made. We have made sev-

eral amendments of that kind which have been passed over, but on looking at it I am satisfied it is wrong. This is a separate and distinct act of itself, and there are no stamp duties imposed by this act that I know of. It refers to the stamp duties in schedule B of another act, and I am apprehensive, indeed I am very certain, the amendment is wrong. I hope, therefore, it will not be made.

The amendment was rejected.

The committee proposed to insert the word "monthly" after "paid," in line twenty-six hundred and ninety-eight.

The amendment was agreed to.

The committee proposed, after the word "month," at the end of line twenty-six hundred and four, to strike out "with the amount of tax which has accrued or shall accrue thereon."

The PRESIDING OFFICER. That amendment will be made, unless there be objection. The Chair hears none.

The committee also proposed in line twenty-seven hundred and seven, after "Internal Revenue," to strike out "and pay to the collector the amount of tax thereon before the end of the month."

The amendment was agreed to.

The Secretary read the next clause, as follows:

That section one hundred be amended by striking out all after the enacting clause, including schedule A, and inserting in lieu thereof the following:

That there shall be levied, annually, on every carriage, gold watch, and billiard table, and on all gold or silver plate, the tax or sums of money set down in figures against the same, respectively, or otherwise specified and set forth in schedule A, hereto annexed, to be paid by the person or persons owning, possessing, or keeping the same on the 1st day in May, in each year, and the same shall be and remain a lien thereon until paid.

SCHEDULE A.

Carriage, phaeton, carrivall, rockaway, or other like carriage, and any coach, hackney coach, omnibus, or four-wheeled carriage, the body of which rests upon springs of any description, which may be kept for use, for hire, or for passengers, and which shall not be used exclusively in husbandry or for the transportation of merchandise, valued at exceeding \$300 and not above \$500 each, including harness used therewith, six dollars.

Carrriages of like description, valued above \$500, each ten dollars.

On gold watches, composed wholly or in part of gold or gilt, kept for use, valued at \$100 or less, each one dollar.

On gold watches composed wholly or in part of gold or gilt, kept for use, valued at above \$100, each two dollars.

Billiard tables, kept for use, each ten dollars: *Provided*, That billiard tables kept for hire, and upon which a special tax has been imposed, shall not be required to pay the tax on billiard tables kept for use, as aforesaid, anything herein contained to the contrary notwithstanding.

On plate, of gold, kept for use, per ounce troy, fifty cents.

On plate, of silver, kept for use, per ounce troy, five cents: *Provided*, That silver spoons or plate of silver used by one family to an amount not exceeding forty ounces as aforesaid, belonging to any one person, plate belonging to religious societies, and souvenirs and keepsakes actually given and received as such and not kept for use; also, all premiums awarded as a token of merit by any agricultural society, corporation, or association of persons, for any purpose whatever, shall be exempt from tax.

The Committee on Finance proposed to amend this clause by striking out in the last proviso, after the word "ounces," in line twenty-seven hundred and fifty-four, the words "as aforesaid" and inserting "troy."

The amendment was agreed to.

The Secretary read the next clause of section nine of the bill, as follows:

That sections one hundred and one and one hundred and two be, and the same are hereby, repealed.

No amendment was reported to this clause.

The next clause was read, as follows:

That section one hundred and three be amended by striking out all after the enacting clause and inserting in lieu thereof the following: that every person, firm, company, or corporation owning or possessing or having the care or management of any railroad, canal, steamboat, ship, barge, canal-boat, or other vessel, or any stage-coach or other vehicle, except hacks or carriages not running on continuous routes, engaged or employed in the business of transporting passengers for hire, or in transporting the mails of the United States upon contracts made prior to the passage of this act, shall be subject to and pay a tax of two and one half per cent. of the gross receipts from passengers and mails of such railroad, canal, steamboat, ship, barge, canal-boat, or other vessel, or such stage-coach or other vehicle: *Provided*,

That the tax hereby imposed shall not be assessed upon receipts for the transportation of persons or mails between the United States and any foreign port; but such tax shall be assessed upon the transportation of persons from a port within the United States through a foreign territory to a port within the United States, and shall be assessed upon and collected from persons, firms, companies, or corporations within the United States, receiving hire or pay for such transportation of persons or mails; and so much of section one hundred and nine as requires returns to be made of receipts hereby exempted from tax when derived from transporting property for hire is hereby repealed: *Provided also*, That any person or persons, firms, companies, or corporations owning, possessing, or having the care or management of any toll-road, ferry, or bridge, authorized by law to receive toll for the transit of passengers, beasts, carriages, teams, and freight of any description, over such toll-road, ferry, or bridge, shall be subject to and pay a tax of three per cent. of the gross amount of all their receipts of every description; but when the gross receipts of any such bridge or toll-road, for and during any term of twelve consecutive calendar months, shall not exceed the amount necessarily expended to keep such bridge or road in repair, no tax shall be assessed upon such receipts during any month next following any such term: *And provided further*, That no tax under this section shall be assessed upon any person, firm, company, or corporation whose gross receipts do not exceed \$1,000 per annum: *And provided further*, That all boats, barges, and flats not used for carrying passengers, nor propelled by steam or sails, which are floated or towed by tug-boats or horses, and used exclusively for carrying coal, oil, minerals, or agricultural products to market, shall be required hereafter, in lieu of enrollment fees or tonnage tax, to pay an annual special tax, for each and every such boat of a capacity exceeding twenty-five tons, and not exceeding one hundred tons, five dollars; and when exceeding one hundred tons, as aforesaid, shall be required to pay ten dollars; and said tax shall be assessed and collected as other special taxes provided for in this act.

The Committee on Finance proposed, after the words "prior to," in line twenty-seven hundred and seventy-two, of this clause, to strike out "the passage of this act," and to insert in lieu thereof "July 1, 1866."

Mr. VAN WINKLE. I move to amend the amendment by striking out "July" and inserting "August."

The amendment to the amendment was agreed to, and the amendment, as amended, was adopted.

The committee also proposed to insert the words "during said term" after "expended," in line twenty-eight hundred and two to strike out "any" before "month" and insert "the."

The PRESIDING OFFICER. That amendment will be made, if there be no objection.

The committee further proposed to insert after the word "term" the following proviso:

Provided further, That all such persons, companies, and corporations shall have the right to add the tax imposed hereby to their rates of fare whenever their liability thereto may commence, any limitations which may exist by law or by agreement with any person or company which may have paid or be liable to pay such fare to the contrary notwithstanding.

The amendment was agreed to.

Mr. FESSENDEN. I move in line twenty-eight hundred and eleven, after the word "under," to insert "the foregoing provisions of," so as to read, "that no tax under the foregoing provisions of this section," &c.

The amendment was agreed to.

The Secretary read the next clause, as follows:

That section one hundred and seven be amended by striking out all after the enacting clause and inserting in lieu thereof the following: that any person, firm, company, or corporation owning or possessing or having the care or management of any telegraphic line by which telegraphic dispatches or messages are received or transmitted, shall be subject to and pay a tax of three per cent. on the gross amount of all receipts of such person, firm, company, or corporation.

No amendment was reported to this clause.

The next clause was read, as follows:

That section one hundred and nine be amended by adding thereto the following: *Provided*, That no return shall be required of receipts not subject to tax.

The committee proposed to strike out this clause.

The amendment was agreed to.

The next clause was read, as follows:

That section one hundred and ten be amended by striking out all after the enacting clause and inserting in lieu thereof the following: that there shall be levied, collected, and paid a tax of one twenty-fourth of one per cent. each month upon the average amount of the deposits of money, subject to payment by check

or draft, or represented by certificates of deposit or otherwise, whether payable on demand or at some future day, with any person, bank, association, company, or corporation engaged in the business of banking; and a tax of one twenty-fourth of one per cent. each month, as aforesaid, upon the capital of any bank, association, company, or corporation, and on the capital employed by any person in the business of banking beyond the average amount invested in United States bonds; and a tax of one twelfth of one per cent. each month upon the average amount of circulation issued by any bank, association, corporation, company, or person, including as circulation all certified checks and all notes and other obligations calculated or intended to circulate or to be used as money, but not including that in the vault of the bank, or redeemed and on deposit for said bank; and an additional tax of one sixth of one per cent. each month, upon the average amount of such circulation, issued as aforesaid, beyond the amount of ninety per cent. of the capital of any such bank, association, corporation, company, or person. And on the first Monday of each month a true and accurate return of the amount of circulation, of deposit, and of capital, as aforesaid, and of the amount of notes of State banks or State banking associations paid out by them for the previous month, shall be made and rendered in duplicate by each of such banks, associations, corporations, companies, or persons to the assessor of the district in which any such bank, association, corporation, or company may be located, or in which such person may reside, with a declaration annexed thereto, and the oath or affirmation of such person, or of the president or cashier of such bank, association, corporation, or company, in such form and manner as may be prescribed by the Commissioner of Internal Revenue, that the same contains a true and faithful statement of the amounts subject to tax as aforesaid, and shall transmit the duplicate of said return to the Commissioner of Internal Revenue, and within twenty days thereafter shall pay to the said Commissioner of Internal Revenue the taxes by law prescribed upon the said amounts of circulation, of deposits, of capital, and of notes of State banks and banking associations paid out as aforesaid; and for any refusal or neglect to make or to render such return and payment as aforesaid, any such bank, association, corporation, company, or person so in default, shall be subject to and pay a penalty of \$200, besides the additional penalty and forfeitures in other cases provided by law; and the amount of circulation, deposit, capital, and notes of State banks and banking associations paid out, as aforesaid, in default of the proper return, shall be estimated by the assessor or assistant assessor of the district as aforesaid, upon the best information he can obtain; and every such penalty may be recovered for the use of the United States in any court of competent jurisdiction. And in the case of banks with branches, the tax herein provided for shall be imposed upon the circulation of each branch, severally, and the amount of capital of each branch shall be considered to be the amount allotted to such branch; and so much of an act entitled "An act to provide ways and means for the support of the Government," approved March 3, 1863, as imposes any tax on banks, their circulation, capital, or deposits, other than is herein provided, is hereby repealed: *Provided*, That this section shall not apply to associations which are taxed under and by virtue of the act "to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof." And the deposits in associations or companies known as provident institutions, savings banks, savings funds, or savings institutions, having no capital stock and doing no other business than receiving deposits to be loaned or invested for the sole benefit of the parties making such deposits, without profit or compensation to the association or company, shall be exempt from tax or duty on so much of their deposits as they have invested in securities of the United States, and on all deposits less than \$500 made in the name of any one person; and the returns required to be made by such provident institutions and savings banks after July, 1865, shall be made on the first Monday of January and July of each year, in such form and manner as may be prescribed by the Commissioner of Internal Revenue: *And provided further*, That any bank ceasing to issue notes for circulation, and which shall deposit in the Treasury of the United States, in lawful money, the amount of its outstanding circulation, to be redeemed at par, under such regulations as the Secretary of the Treasury may prescribe, shall be exempt from any tax upon such circulation.

The Committee on Finance proposed to amend this clause by striking out the words "on the first Monday of each month," after the word "and" in line twenty-eight hundred and sixty-two.

The PRESIDING OFFICER. That amendment will be agreed to unless there be objection. The Chair hears none.

The next amendment proposed by the committee was in line twenty-eight hundred and sixty-five, after the word "aforesaid," to strike out:

And of the amount of notes of State banks or State banking associations paid out by them for the previous month.

And in line twenty-eight hundred and sixty-seven, after "rendered," to strike out "in duplicate" and to insert "monthly," so as to read:

And a true and accurate return of the amount of

circulation, of deposit, and of capital, as aforesaid, shall be made and rendered monthly by each of such banks, &c.

The amendment was agreed to.

The next amendment of the committee was in line twenty-eight hundred and seventy-one, after "person," to strike out "may reside" and insert "has his place of business."

The amendment was agreed to.

The committee next proposed after the word "aforesaid," in line twenty-eight hundred and seventy-seven, to strike out these words:

And shall transmit the duplicate of said return to the Commissioner of Internal Revenue, and within twenty days thereafter shall pay to the said Commissioner of Internal Revenue the taxes by law prescribed upon the said amounts of circulation, of deposits, of capital, and of notes of State banks and banking associations paid out as aforesaid.

The amendment was agreed to.

The committee next proposed, in line twenty-eight hundred and ninety, to insert between the words "deposit" and "capital" the word "and;" and after "capital" to strike out "and notes of State banks and banking associations paid out."

The PRESIDING OFFICER. That amendment will be made.

The committee next proposed to strike out, in line twenty-eight hundred and ninety-seven, after the words "shall be" the word "imposed" and to insert "assessed" in lieu of it.

The PRESIDING OFFICER. That amendment will be made unless there be objection. The Chair hears none.

Mr. VAN WINKLE. I move to strike out the words "or duty" after "tax," in line twenty-nine hundred and sixteen.

The amendment was agreed to.

The Committee on Finance further proposed to strike out after the words "Internal Revenue," in line twenty-nine hundred and twenty-four, the following proviso:

And provided further, That any bank ceasing to issue notes for circulation, and which shall deposit in the Treasury of the United States in lawful money the amount of its outstanding circulation, to be redeemed at par under such regulations as the Secretary of the Treasury may prescribe, shall be exempt from any tax upon such circulation.

And in lieu thereof to insert:

Provided further, That whenever any State bank or banking association has been or shall be converted into a national banking association, or has ceased to do its usual banking business, including the making of loans and the receiving of deposits, there shall be assessed and collected in addition to the taxes already imposed a tax of one fourth of one per cent. each month upon the average amount of the circulation outstanding of any such State bank or State banking association.

Mr. EDMUNDS. I move to amend the amendment of the committee by inserting at the end of it these words:

Issued or by any act of such bank kept in circulation after July 1, 1865.

The object of this amendment, I am sure, will commend itself to the good sense of the committee; and that is, not to impose this additional tax, which is really in the nature of a penalty, to compel these banks to get in their old circulation where, without any fault of theirs, it is impossible for them to do it, and while your law allows the State banks to go on another year. To illustrate: there were two ways in which the national banking system was put in operation; one was by independent organizations, and the other was by a vote of the stockholders of some old bank agreeing to turn over that corporation into the national system. It has been pursued in both of these ways in the State of Vermont. Some banks would, among themselves, get up an independent national organization, while at the same time they kept their old State bank running. Under their independent organization they got circulation to the amount of ninety per cent. of their new capital, and under their old organization they continued to issue double the amount of their State capital as circulation. Other banks, like many of those in the State of Vermont, and with the business of some of which I am acquainted, voted under the act of Congress to turn their banks into national banks. Under the regulations, and the proper regulations, of

the Treasury, such banks as those which turned over their corporations are only allowed to have ninety per cent. of their capital in circulation, old and new, all together. A bank at Burlington, Vermont, for instance, about whose affairs I have some knowledge, with a capital of \$300,000, has now outstanding more than \$40,000 of its old circulation, although it has not issued a dollar for nearly a year, and it only gets the balance of the \$270,000 or its ninety per cent. in national currency. The Comptroller will not give it to them, and rightfully. The consequence is that they only have ninety per cent. in the whole. They cannot get in the old circulation. If, when it does come in, they were to issue it again, then they ought to pay the ten per cent. tax; but inasmuch as it continues to be outstanding, without being issued by them, I think it just that this additional penalty should not be imposed while they still keep within the limit of ninety per cent. That is the object of my amendment.

Mr. FESSENDEN. I am afraid the proposition would open the door to prevent the accomplishment of the purpose we have in view. Some State banks instead of being converted into national banks formed a new national bank as apparently a separate organization, and kept up their old organization, doing business at the same place and in the same banking-house; and having got the full amount of their national circulation they continued to issue their old State circulation. There seemed to be no way of preventing it. Thus they have got both the old and the new circulation. The object of this clause, as reported by the committee, is to check that. I am afraid that if we adopt the amendment which the Senator from Vermont proposes there will be a constant effort to keep the old circulation out, and that they will never get it in. Our object was to compel them to get in their old circulation, and certainly to prevent them from reissuing it.

Mr. EDMUNDS. I entirely agree with the object the committee had in view. It is right; but in their desire to guard against the undue action of the old State banks where they have taken advantage of the opportunity to keep out a double circulation, they ought not to do injustice to those banks which have conformed to the very spirit of the law by turning themselves bodily over.

I think my amendment is not open to the objection of my learned friend, for the reason that it is specifically confined and compels the keeping in of any currency which is got in up to and after the 1st of July, and it applies the amendment which the committee have recommended to issues after the 1st of July and not to the old issues. The consequence is, that if any of these State banks reissue their bills, or, as my amendment proposes, by any act of theirs of any description are instrumental in keeping their old circulation out, then this penalty is imposed. It is certainly unjust to impose it upon a bank which in good faith has conformed to the law and whose circulation, old and new, is within the ninety per cent. limit, and who are unable to get all of their ninety per cent. in new circulation for the reason that their old does not come back to them, they being banks of good credit and their currency being wanted in that community.

I think the proposition which I make will entirely guard against the wrongful practice of the old banks which is charged against them, because it does not allow them to issue any currency after the 1st of July; it does not allow them to do any act for the purpose of keeping it in circulation after the 1st of July; and that is the very form of the amendment: "issued or by any act of such bank kept in circulation after the 1st of July." It is so just to the great majority of those banks who have fairly and honestly conformed to the spirit of the national currency law, that I think that on account of the fear of fraud and evasion we ought not to fail to do them justice.

Mr. SHERMAN. I hope the amendment of the Senator from Vermont will not be inserted because it will surely defeat the purpose

of this provision. This is intended to make it the interest of old banks to get in their notes. If the provision is not put in, if they are only taxed upon their old circulation what they would be upon their new, they will naturally keep out the old circulation on which there is a greater proportion of profit, and it is very easily done through the agency of a broker. We have gone through the process in the State of Ohio. When the national banking system was started we had some six or eight millions of banking capital in the State Bank and branches. They protested loudly that they could not get in their circulation, that the tax was unjust upon them; but the result of the gentle pressure which we put upon them in the form of taxation has been to compel them substantially to retire their whole circulation. The bank presidents said it would take ten years to retire their circulation, but they have found means to get it in within two or three years. If now you relieve them from the effect of this tax they will by some indirect means manage to keep out their circulation and inflate the currency.

One of our objects is to compel a uniform national standard of currency, to retire all the State currency, and to make it the interest of the old banks to retire their currency. For that reason we put a very heavy penal tax upon them, a tax of ten per cent. on the amount of their circulation, and the result of that tax has been very useful throughout the United States, so that the State bank circulation has now fallen from one hundred and seventy or one hundred and eighty million dollars, which was its amount at the beginning of this system, to a very low sum, and probably by the 1st of July, or within a month or two afterward, it will all be retired.

This amendment of the committee modifies the tax by reducing it from ten to three per cent., which is not a very severe burden upon them. Besides, upon all this circulation now outstanding they are getting an interest of not less than six per cent., and we simply propose that the Government shall share with them the profit thus derived from their circulation, we taking three per cent. and leaving them three per cent. As the Government has now stepped in and assumed the business of furnishing a currency to the people, I think it is but reasonable that the Government should share the profit derived by the old banks from their currency not yet retired. I see the difficulty suggested by the Senator from Vermont; but I think, if you still leave it the interest of these banks to get their old currency in, in order to get their new currency out, they will find some means of getting the old in.

Mr. FESSENDEN. I would like the opinion of my friend from Ohio as to whether the words "or shall be" ought not to be stricken out of the amendment of the committee in line twenty-nine hundred and thirty-two. If a new national bank should be formed from a State bank, it should be allowed some time to get in its old circulation. Those that have converted already have had plenty of time; but suppose a new bank is formed which has circulation out as a State bank.

Mr. SHERMAN. I want that old circulation to be subject to a severe tax because I think the old State banks ought to be subject to the severe tax of three per cent. I do not think we ought to legislate in favor of those who have refused to come into the national bank system.

Mr. FESSENDEN. It has not been a refusal. It has been owing to the fact that there was not enough national banking capital authorized to enable them to come in.

Mr. SHERMAN. But those who have kept out are generally men who held back so long that they are not entitled to any favors.

Mr. EDMUNDS. The question suggested by the Senator from Maine is not exactly germane to my amendment, and I shall confine myself to that. This is a matter of sufficient importance to justify a little time devoted to it, and therefore I shall be excused for trespassing

on the Senate. I do not think it is a true principle in legislation that we are to impose unjust burdens and taxes upon those who manifest a sincere desire to obey the law for the sake of catching a few rogues who in the State of Ohio or elsewhere may be disposed to defraud. It is perfectly true, as the Senator from Maine said, that it is the policy of the Government, and it is a correct policy in my judgment, to get rid of this old circulation, and that where State banks have taken advantage of the double mode which is authorized by the statute of the United States to become national banks, and have therefore got two banks running in the same place over the same counter, it is perfectly right to tax them, and they ought to be taxed for that species of performance. But where, as in the great majority of instances in New England, and elsewhere I have no doubt, these banks have turned over under the statute the very same bank and have been met by the Comptroller of the Currency with the statement, "You cannot have any addition to your State circulation in national currency at all until you come down to the ninety per cent.," and when they stop issuing altogether (as all the banks in the State of Vermont that turned over did, more than two dozen of them,) in order to obey the law and get new circulation and have not for a year past issued a dollar, and yet still on account of the high credit of those banks \$20,000 or \$30,000 or \$40,000 of their currency is still circulating as a part of and not in excess of their ninety per cent.—I say it is unjust to impose any penalty upon banks of this description for this still outstanding circulation. When I therefore propose to relieve them from that penalty, which ought to be imposed upon the wrong-doer, to still guard the Treasury and guard the policy of the Government by having it operate yet upon all new issues, and upon all acts of the banks intended to keep it out—for the amendment is not merely to "issue" but to "keep out"—I do not think it is a fair argument to be met with the observation that this will be disobeyed, that somebody will expose himself to the penalties of the statute by evading it. Undoubtedly some will; but we ought not to leave the innocent entirely defenseless and burdened because some persons may wrongfully, in fraud of the law and subjecting themselves to the penalties of it by so doing, evade it. It appears to me that it is right and wise to adopt this amendment.

Mr. GUTHRIE. It seems to me that the circulation of the old banks that is out did not pass from the banks without a consideration from the holders, and if the banks have not paid back the notes they have yet got that consideration in their vaults, and they are profiting just as much by their old issues as they would by the new, or probably more; and if we are going to get this circulation in, it is just and proper that we should hasten the process of getting it in.

Mr. FESSENDEN. I wish to ask the Senator from Vermont how he proposes to distinguish between what circulation is kept out and what was actually out on the 1st of July.

Mr. EDMUNDS. I will answer. The laws of all the States and the laws of the United States require that these banks shall keep accounts that their officers shall swear to, and make monthly returns. Any bank that would not blow up in sixty days knows and is obliged to communicate to the public in some way just how its circulation is, how it stands every day; and all banks that ought not to blow up do know every night just how much new circulation has gone out and how much old has come in.

Now, as to keeping out the circulation, according to the intervention suggested by my friend from Ohio, through the medium of a broker, that, like any other criminal and wrongful act in violation of the statute, is to be met by proof, of course. If the Comptroller of the Currency finds that from the sworn monthly returns of any bank it appears that the old circulation has not diminished, or if he has the least suspicion that a bank is using indirect

means to keep its circulation out, the means are in his hands to meet the case.

Indulge me, sir, a moment further in order to reply to the Senator from Kentucky, for whose judgment I have great respect. It is true that the banks got a consideration, but the consideration is only like the consideration for its circulation under the national currency act of ninety per cent. This old State circulation is a part of the ninety per cent. when it is below ninety, and they cannot get any more until they get that in. I am entirely satisfied with taxing just as you do tax the ninety per cent.; but in order to meet the banks that have doubled upon the community and are reissuing their circulation, as the Senator from Maine has said, I think it is wrong in order to punish them—and they ought to be punished—to also punish those banks who in good faith and in truth and justice are endeavoring to get in their circulation all the time, and who cannot get the new national circulation for it. If they violate the law punish them, and it is easy enough to find out whether they do it or not, because they are obliged to make returns every month.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont to the amendment of the committee.

The question being put, there were, on a division—ayes 7, noes 17; no quorum voting.

Mr. EDMUNDS. I call for the yeas and nays. The yeas and nays were ordered.

Mr. FESSENDEN. I am satisfied, on reflection, that there is some difficulty about this matter which ought to be provided for. I do not agree exactly with the Senator from Ohio. I know the fact which has been stated by the Senator from Vermont that many of the State banks which have been converted into national banks cannot get their new circulation for the reason that the old circulation is out, and they cannot get it in. That is a matter which has come within my personal observation.

Mr. EDMUNDS. I do not mean where they have an excess over the ninety per cent. out. You take a bank with \$300,000 capital now which is converted into a national bank. They have but \$100,000 in circulation, when they are entitled to \$270,000 under the law. They cannot get \$50,000 more, although they have the bonds up for it, and have had them up for a year, for the reason that their old circulation of \$50,000 is still outstanding, and does not come back to them.

Mr. FESSENDEN. There is no provision of law about that, but it is a matter of regulation.

Mr. EDMUNDS. I know it.

Mr. FESSENDEN. The Comptroller undertakes to make a regulation that he will not issue the new circulation to a bank except in proportion as they draw in their old.

Mr. EDMUNDS. That is right, I think.

Mr. FESSENDEN. For instance, suppose a bank to have a capital of \$100,000; it is entitled to \$90,000 of circulation. If \$50,000 of this old circulation is out, the Comptroller will allow but \$40,000 of new circulation, and according as the old comes in he issues the new. It is not the object to tax them, and I agree that it is not fair to tax them, on that which is out and which they cannot get in. I think this provision may need amendment if it will cover those cases, though I am not satisfied that the Senator from Vermont has got his amendment in such language as will sufficiently provide for the difficulty and be safe to the country. The amendment, as reported by the committee, was not designed to touch a case of that kind.

Mr. EDMUNDS. It has that effect.

Mr. FESSENDEN. It was designed to touch cases where a bank having received its circulation before the rule was made, for instance, not having been converted exactly, but having made itself into a national bank and kept up its old organization at the same time, and having received its new circulation, the whole amount, still kept out its old circulation, paying it out from its old banking-house, thus having a double circulation. There are

cases of that description, and this amendment of the committee was intended to reach them.

Mr. CONNESS. How can you distinguish between the two?

Mr. FESSENDEN. By the returns that are made, very easily; there is no trouble about that; it is pretty well understood at the Comptroller's office. I really do not think it would be fair to make banks like those described by the Senator from Vermont pay this heavy tax upon the circulation that they cannot get in unless they receive the new circulation to replace it, which they are not permitted to do. That I understand now to be the Senator's idea.

Mr. EDMUNDS. That is the point.

Mr. FESSENDEN. But I am not quite satisfied that the language of the Senator's amendment is correct. I suggest whether it is not better to pass it by for the present, and let us look at it afterward.

Mr. EDMUNDS. I have no objection to that course.

Mr. FESSENDEN. I think the words "or shall be" ought to be struck out of the amendment of the committee, because if State banks are hereafter converted into national banks, they should have some time allowed to get their new circulation and to draw in their old. I suggest that we strike out those words, and then correct the provision further, if it shall be found to need correction, when we get the bill into the Senate.

Mr. EDMUNDS. I had a little rather not do that. I am willing to let the whole amendment be laid aside for consideration.

Mr. FESSENDEN. The particular amendment may be passed over.

Mr. EDMUNDS. I suggest that by unanimous consent the amendment of the committee and my amendment to that amendment be passed over informally to be taken up again for consideration.

The PRESIDING OFFICER. That can be done if there be no objection.

Mr. FESSENDEN. I dislike to pass over an amendment for fear that it may be forgotten. I hope the Senator will let the amendment of the committee be agreed to now, and he can make his motion afterward.

Mr. EDMUNDS. I thought it was the suggestion of the Senator from Maine that I was acceding to when I proposed to lay the amendment aside; but I do not think that I ought to be asked to waive my amendment for the time being, because if we agree to the amendment of the committee as it stands without my amendment—

Mr. FESSENDEN. If the Senator desires to take a vote on his proposition now, I shall have to vote against it.

Mr. EDMUNDS. I cannot help that; the Senator from Maine votes on his own responsibility and I vote on mine. I cannot consent to see an act of injustice of this kind done without endeavoring to prevent it. Having made the effort I shall have done my duty.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont to the amendment of the committee.

The question being taken by yeas and nays, resulted—yeas 11, nays 20; as follows:

YEAS—Messrs. Anthony, Buckalew, Clark, Davis, Edmunds, Foster, Harris, Henderson, Morrill, Poland, and Sprague—11.

NAYS—Messrs. Brown, Chandler, Conness, Cragin, Fessenden, Grimes, Guthrie, Howard, Howe, Kirkwood, Morgan, Ramsey, Sherman, Stewart, Trumbull, Van Winkle, Wade, Willey, Williams, and Yates—20.

ABSENT—Messrs. Cowan, Creswell, Dixon, Doolittle, Hendricks, Johnson, Lane of Indiana, Lane of Kansas, McDougall, Nesmith, Norton, Nye, Pomerooy, Riddle, Saulsbury, Sumner, Wilson, and Wright—18.

So the amendment to the amendment was rejected.

Mr. FESSENDEN. I now move to amend the amendment of the committee by striking out the words "or shall be" before "converted."

Mr. EDMUNDS. I ask the Senator from Maine the reason for that.

Mr. FESSENDEN. The reason is, that if a bank should be converted hereafter, it ought to have some time allowed before the three per cent. tax is imposed on its circulation.

Mr. EDMUNDS. Very well.

The amendment to the amendment was adopted.

The amendment of the committee as amended was agreed to.

The Secretary read the following clauses, to which no amendment was reported:

That section one hundred and eleven be amended by inserting after the words "proprietors, managers, or agents of lotteries" the words "and all lottery ticket dealers."

That section one hundred and fourteen be amended by inserting after the word "periodically," in the first sentence of said section, the words "or otherwise, or publishing any guide, almanac, catalogue, directory, or any other paper or book."

Mr. FESSENDEN. Before the Clerk reads the next clause which begins that portion of the bill relative to income, perhaps it will save some time if I make a statement for the action of the Senate. The income tax has been assessed for the present year on last year's income, and the changes proposed by the House of Representatives cannot go into operation until next year, after we shall have had another session of Congress, when this matter can be more carefully revised; and as it is late in the session, and the House of Representatives propose many changes, the committee came to the conclusion that it would be better for this session to let the income tax stand as it is, as the provisions proposed by the House would not affect anything in relation to the collection this year. There is, however, one provision which the committee thought ought to be made, and that will be found on pages 134 and 135, covering one case which we think ought to be provided for. Although I do not know that that can be operative this year, it can do no harm to make the provision.

Mr. SHERMAN. It may be enforced this year.

Mr. FESSENDEN. It may possibly be, and therefore that amendment is reported. If the Senate agree to let the income tax stand as it is for this year, as it has been assessed, and the time has gone by when anything could be done in regard to it, making the single exception which I have stated, the reading of all those pages which the committee propose to strike out may be dispensed with.

The PRESIDING OFFICER. If no Senator calls for the reading of the clauses proposed to be stricken out, the question will be put on striking out all from line twenty-nine hundred and forty-eight to line thirty-one hundred and seven, without reading them, and to insert in lieu of those clauses what will now be read.

The Secretary read the words proposed to be inserted, as follows:

That section one hundred and sixteen be amended by inserting after the words "on the excess over \$5,000" the following: and a like tax shall be levied, collected, and paid annually upon the gains, profits, and income of every business, trade, or profession carried on in the United States by persons residing without the United States not citizens thereof.

The amendment was agreed to.

The Secretary read the next clause of section nine of the bill, as follows:

That section one hundred and nineteen be amended by striking out all after the enacting clause and inserting in lieu thereof the following: that the duties on incomes herein imposed shall be levied on the 1st day of May, and be due and payable on or before the 30th day of June, in each year, until and including the year 1870, and no longer; and to any sum or sums annually due and unpaid after the 30th of June, as aforesaid, and for ten days after notice and demand thereof by the collector, there shall be levied in addition thereto the sum of ten per cent. on the amount of duties unpaid, as a penalty, except from the estates of deceased or insolvent persons.

The Committee on Finance proposed to amend this clause, in line thirty-one hundred and sixteen, by striking out the word "duties" and inserting "taxes."

The amendment was agreed to.

The Secretary read the next clause, as follows:

That section one hundred and twenty be amended by striking out the proviso to said section and in-

serting in lieu thereof the following: *Provided*, That the tax or duty upon the dividends of life insurance companies shall not be deemed due until such dividends are payable; nor shall the portion of premiums returned by mutual life insurance companies to their policy holders, nor the annual or semi-annual interest allowed or paid to the depositors in savings banks, or savings institutions, be considered as dividends.

The Committee on Finance proposed to amend this clause, in line thirty-one hundred and twenty-nine, by striking out after the word "tax" the words "or duty."

The amendment was agreed to.

The Secretary read the next clause, as follows:

That section one hundred and twenty-three be amended by striking out all after the enacting clause and inserting in lieu thereof the following: that there shall be levied, collected, and paid on all salaries of officers, or payments for services to persons in the civil, military, naval, or other employment or service of the United States, including Senators and Representatives and Delegates in Congress, when exceeding the rate of \$1,000 per annum, a tax of five per cent. on the excess above the said \$1,000, and a tax of ten per cent. on the excess over \$5,000; and it shall be the duty of all paymasters and all disbursing officers, under the Government of the United States, or persons in the employ thereof, when making any payment to any officers or persons as aforesaid, or upon settling and adjusting the accounts of such officers or persons, to deduct and withhold the aforesaid duty of five per cent., and they shall, at the same time, make a certificate stating the name of the officer or person from whom such deduction was made, and the amount thereof, which shall be transmitted to the office of the Commissioner of Internal Revenue, and entered as part of the internal duties; and the pay-roll, receipts, or account of officers or persons paying such duty, as aforesaid, shall be made to exhibit the fact of such payment. And it shall be the duty of the several Auditors of the Treasury Department, when auditing the accounts of any paymaster or disbursing officer, or any officer withholding his salary from monies received by him, or when settling or adjusting the accounts of any such officer, to require evidence that the duties or taxes mentioned in this section have been deducted and paid over to the Commissioner of Internal Revenue or other officer authorized to receive the same: *Provided*, That payments of prize money shall be regarded as income from salaries, and the duty thereon shall be adjusted and collected in like manner: *Provided further*, That this section shall not apply to payments made to mechanics or laborers employed upon public works.

The Committee on Finance reported several amendments to this clause. The first was in line thirty-one hundred and forty-three to strike out the words "one thousand" and to insert "six hundred."

Mr. FESSENDEN. That is to leave the law as it is now.

The amendment was agreed to.

The next amendment was in line thirty-one hundred and forty-five to strike out "one thousand" and insert "six hundred."

The amendment was agreed to.

The next amendment was in line thirty-one hundred and fifty-two to strike out the words "duty of five per cent." and to insert the word "tax."

The amendment was agreed to.

Mr. VAN WINKLE. In line thirty-one hundred and fifty-seven the word "duties" should be stricken out and "taxes" inserted, and in line thirty-one hundred and fifty-nine the word "duty" should be changed to "tax."

The PRESIDING OFFICER. These corrections will be made unless there be objection.

The next amendment was in line thirty-one hundred and sixty-five to strike out "duties or" before "taxes," and in line thirty-one hundred and seventy to strike out the word "duty" and insert "tax."

The amendment was agreed to.

The next amendment was to strike out the proviso at the end of the clause, in these words:

Provided further, That this section shall not apply to payments made to mechanics or laborers employed upon public works.

The amendment was agreed to.

The Secretary read the next clause, as follows:

That section one hundred and twenty-four be amended by adding thereto the following additional proviso: *Provided further*, That any legacy or share of personal property passing as aforesaid to a minor child of person who died possessed as aforesaid shall be exempt from taxation or duty under this section, unless such legacy or share shall exceed the sum of \$1,000, in which case the excess only above that sum shall be liable to such taxation or duty.

The Committee on Finance proposed to amend this clause, in line thirty-one hundred

and seventy-nine, by striking out after the word "taxation" the words "or duty;" and also in line thirty-one hundred and eighty by striking out the words "one thousand" and inserting "six hundred."

The amendment was agreed to.

Mr. VAN WINKLE. The words "or duty" at the end of the clause should also be stricken out.

The amendment was agreed to.

The Secretary read the next two clauses, to which the Committee on Finance proposed no amendment, as follows:

That section one hundred and twenty-five be amended by inserting after the words "that the tax or duty aforesaid," the following: "shall be due and payable whenever the party interested in such legacy or distributive share or property or interest aforesaid shall become entitled to the possession or enjoyment thereof, or to the beneficial interests in the profits accruing therefrom, and the same;" and by inserting after the words "United States," in the first sentence of said section, the words "and every administrator, executor, or trustee, having in charge or trust any legacy or distributive share, as aforesaid, shall give notice thereof in writing to the assessor or assistant assessor of the district where the deceased, grantor, or bargainor last resided, within thirty days after he shall have taken charge of such trust;" and by inserting after the words "shall make out such lists and valuation as in other cases of neglect or refusal, and shall assess the duty thereon," the words "and in case of willful neglect, refusal, or false statement by such executor, administrator, or trustee, as aforesaid, he shall be liable to a penalty of not exceeding \$1,000, to be recovered with costs of suit."

That section one hundred and thirty-seven be amended by inserting after the words "imposed by this act" the words "shall be assessed in the collection district where the estate is situate, and."

The Secretary read the next clause, as follows:

That section one hundred and thirty-eight be amended by adding thereto the words: "and every such person having in charge or trust any disposition of real estate or interest therein, subject to tax or duty under this act, shall give notice thereof in writing to the assessor or assistant assessor of the district where the estate is situate, within thirty days from the time when he shall have taken charge of such trust, and prior to any distribution of said real estate, together with a description and value thereof, and the persons interested therein; and for willful neglect or refusal so to do, shall be liable to a penalty of not exceeding \$500, to be recovered with costs of suit."

The Committee on Finance proposed to amend this clause in line thirty-two hundred and eleven by striking out after the word "tax" the words "or duty;" and in line thirty-two hundred and seventeen by inserting the words "the names of" before the words "the persons."

The amendment was agreed to.

The Secretary read the next clause, as follows:

That section one hundred and forty-five be amended by inserting after the word "years" the words "from the time when such tax or duty shall have become due and payable."

The Committee on Finance proposed to amend this clause in line thirty-two hundred and twenty-three by striking out after the word "tax" the words "or duty."

The amendment was agreed to.

The Secretary read the next clause, as follows:

That section one hundred and forty-seven be amended by striking out all after the enacting clause and inserting in lieu thereof the following: "that any person liable to pay duty in respect to any succession shall give notice to the assessor or assistant assessor of his liability to such duty, within thirty days from the time when he shall become entitled in possession to such succession or to the receipt of the income and profits thereof, and shall at the same time deliver to the assessor or assistant assessor a full and true account of said succession, for the duty whereon he shall be accountable, and of the value of the real estate involved, and of the deductions claimed by him, together with the names of the successor and predecessor and their relation to each other, and all such other particulars as shall be necessary or proper for enabling the assessor or assistant assessor fully and correctly to ascertain the duties due; and the assessor or assistant assessor, if satisfied with such account and estimate as originally delivered, or with any amendment that may be made therein upon his requisition, may assess the succession duty on the footing of such account and estimate; but it shall be lawful for the assessor or assistant assessor, if dissatisfied with such account, or if no account and estimate shall be delivered to him, to assess the duty on the best information he can obtain, subject to appeal as hereinafter provided; and if the duty so assessed shall exceed the duty assessable according to the return made to the assessor or assistant assessor, and with which he shall have been dissatisfied, or if no account and estimate has been delivered, and if no appeal shall be taken against such assessment, then it shall be in the discretion of the assessor, having

regard to the merits of each case, to assess the whole or any part of the expenses incident to the taking of such assessment, in addition to such duty; and if there shall be an appeal against such last-mentioned assessment, then the payment of such expenses shall be in the discretion of the Commissioner of Internal Revenue.

The Committee on Finance proposed to amend this clause by striking out the word "duty" wherever it occurs and inserting the word "tax," and also in line thirty-two hundred and forty to strike out the word "duties" and to insert "taxes."

The amendment was agreed to.

Mr. VAN WINKLE. In line thirty-two hundred and twenty-eight the article "a" should be inserted before the word "tax."

The amendment was agreed to.

The Secretary read the next clause, as follows:

That section one hundred and forty-eight be amended by striking out all after the enacting clause and inserting in lieu thereof the following: "that if any person required to give any such notice or deliver such account, as aforesaid, shall willfully neglect to do so within the time required by law, he shall be liable to pay the United States a sum equal to ten per cent. upon the amount of duty payable by him; and if any person liable under this act to pay any duty in respect of his succession shall, after such duty shall have been finally ascertained, willfully neglect to do so within ten days after being notified, he shall also be liable to pay to the United States a sum equal to ten per cent. upon the amount of duty so unpaid, at the same time and in the same manner as the duty to be collected."

The Committee on Finance reported an amendment to this clause, to strike out the word "duty" wherever it occurs and to insert the word "tax."

The amendment was agreed to.

The Secretary read the following clauses of section nine, to which the Committee on Finance reported no amendment:

That section one hundred and fifty be, and the same is hereby, repealed.

That section one hundred and fifty-two be amended by striking out all after the enacting clause and inserting in lieu thereof the following: "that it shall not be lawful to record any instrument, document, or paper required by law to be stamped, unless a stamp or stamps of the proper amount shall have been affixed and canceled in the manner required by law; and the record of any such instrument, upon which the proper stamp or stamps aforesaid shall not have been affixed and canceled as aforesaid shall be utterly void, and shall not be used in evidence."

The Secretary read the next clause, as follows:

That section one hundred and fifty-four be amended by striking out all after the enacting clause and inserting in lieu thereof the following: "that all official instruments, documents, and papers issued by officers of the United States Government, or by the officers of any State, county, town, or other municipal corporation, shall be, and hereby are, exempt from tax or duty: *Provided*, That it is the intent hereby to exempt from liability to taxation in the exercise of functions strictly belonging to them in their ordinary governmental and municipal capacity."

The committee proposed to amend this clause by striking out in line thirty-two hundred and ninety-six the words "tax or duty" and inserting "taxation."

The amendment was agreed to.

The committee also proposed to amend this clause by inserting after the word "taxation," in line thirty-two hundred and ninety-eight, the words "such State, county, town, or other municipal corporation," and after "exercise," in line thirty-two hundred and ninety-nine, by inserting "only;" so as to make the proviso read:

Provided, That it is the intent hereby to exempt from liability to taxation such State, county, town, or other municipal corporation in the exercise only of functions strictly belonging to them in their ordinary governmental and municipal capacity.

The amendment was agreed to.

The Secretary read the next clause, as follows:

That section one hundred and fifty-five be amended by striking out all after the enacting clause and inserting in lieu thereof the following: "that if any person shall forge or counterfeit, or cause or procure to be forged or counterfeited, any stamp, die, plate, or other instrument, or any part of any stamp, die, plate, or other instrument, which shall have been provided, or may hereafter be provided, made, or used in pursuance of this act, or shall forge, counterfeit, or resemble, or cause or procure to be forged, counterfeited, or resembled, the impression, or any part of the impression, of any such stamp, die, plate, or other instrument, as aforesaid, upon any vellum, parchment, or paper, or shall stamp or mark, or cause or procure to be stamped or marked, any vellum, parchment, or paper, with any such forged or counterfeited stamp, die, plate, or other instrument, or part of any stamp, die, plate, or other instrument, as aforesaid,

with intent to defraud the United States of any of the taxes hereby imposed, or any part thereof; or if any person shall utter, or sell, or expose to sale, any vellum, parchment, paper, article, or thing, having thereupon the impression of any such counterfeited stamp, die, plate, or other instrument, or any part of any stamp, die, plate, or other instrument, or any such forged, counterfeited, or resembled impression, or part of impression, as aforesaid, knowing the same to be forged, counterfeited, or resembled; or if any person shall knowingly use or permit the use of any stamp, die, plate, or other instrument, which shall have been so provided, made, or used, as aforesaid, with intent to defraud the United States; or if any person shall fraudulently cut, tear, or remove, or cause or procure to be cut, torn, or removed, the impression of any stamp, die, plate, or other instrument, which shall have been provided, made, or used, in pursuance of this act, from any vellum, parchment, or paper, or any instrument or writing charged or chargeable with any of the taxes hereby imposed; or if any person shall fraudulently use, join, fix, or place, or cause to be used, joined, fixed, or placed, to, with, or upon any vellum, parchment, paper, or any instrument or writing charged or chargeable with any of the taxes hereby imposed, any adhesive stamp, or the impression of any stamp, die, plate, or other instrument, which shall have been provided, made, or used in pursuance of this act, and which shall have been cut, torn, or removed from any other vellum, parchment, or paper, or any instrument or writing charged or chargeable with any of the taxes hereby imposed; or if any person shall willfully remove or cause to be removed, alter or cause to be altered, the canceling or defacing marks on any adhesive stamp, with intent to use the same or to cause the use of the same after it shall have been once used, or shall knowingly or willfully sell or buy such washed or restored stamps, or offer the same for sale, or give or expose the same to any person for use, or knowingly use the same, or prepare the same with intent for the further use thereof, or if any person shall knowingly and without lawful excuse (the proof whereof shall lie on the person accused) have in his possession any washed, restored, or altered stamps, which have been removed from any vellum, parchment, paper, instrument, or writing, then, and in every such case, every person so offending, and every person knowingly and willfully aiding, abetting, or assisting in committing any such offense as aforesaid, shall be deemed guilty of felony, and shall, on conviction thereof, forfeit the said counterfeit stamps and the articles upon which they are placed, and be punished by fine not exceeding \$1,000, or by imprisonment and confinement to hard labor not exceeding five years, or both, at the discretion of the court."

Mr. VAN WINKLE. I move to amend this clause by striking out after the word "aforesaid," in line thirty-three hundred and sixty-three, the words "shall be deemed guilty of felony, and."

The amendment was agreed to.

The Secretary read the next clause, as follows:

That section one hundred and fifty-eight be amended by striking out all after the enacting clause and inserting in lieu thereof the following: "that any person or persons who shall make, sign, or issue, or who shall cause to be made, signed, or issued, any instrument, document, or paper of any kind or description whatsoever, or shall accept, negotiate, or pay, or cause to be accepted, negotiated, or paid, any bill of exchange, draft, or order, or promissory note for the payment of money, without the same being duly stamped, or having thereupon an adhesive stamp denoting the tax chargeable thereon, and canceled in the manner required by law, with intent to evade the provisions of this act, shall, for every such offense, forfeit the sum of fifty dollars, and such instrument, document, or paper, bill, draft, order, or note, not being stamped according to law shall be deemed invalid and of no effect: *Provided*, That the title of a purchaser of land by deed duly stamped shall not be defeated or affected by the want of a proper stamp on any deed conveying said land by a person from, through, or under whom his grantor claims or holds title: *And provided further*, That hereafter, in all cases where the party has not affixed to any instrument the stamp required by law thereon, at the time of making or issuing the said instrument, and he or they, or any party having an interest therein, shall be subsequently desirous of affixing such stamp to said instrument, he or they shall appear before the collector of the revenue of the proper district, who shall, upon the payment of the price of the proper stamp required by law, and of a penalty of fifty dollars, and where the whole amount of the tax denoted by the stamp required shall exceed the sum of fifty dollars, on payment also of interest, at the rate of six per cent. on said tax from the day on which such stamp ought to have been affixed, affix the proper stamp to such instrument, and note upon the margin of said instrument the date of his so doing, and the fact that such penalty has been paid; and such instrument shall thereupon be deemed and held to be valid, to all intents and purposes, as if stamped when made or issued: *And provided further*, That where it shall appear to said collector, upon oath or otherwise, to his satisfaction that any such instrument has not been duly stamped at the time of making or issuing the same, by reason of accident, mistake, inadvertence, or urgent necessity, and without any willful design to defraud the United States of the stamp, or to evade or delay the payment thereof, then and in such case, if such instrument, or if the original be lost, a copy thereof duly certified by the officer having charge of real estate records in the proper town or county, or otherwise duly proven to the satisfaction of the collector, shall, within twelve calendar months after the pas-

sage of this act, or within twelve calendar months after the making or issuing thereof, be brought to the said collector of revenue to be stamped, and the stamp tax chargeable thereon shall be paid, it shall be lawful for the said collector to remit the penalty aforesaid, and to cause such instrument to be duly stamped. And when the original instrument, or a certified or duly proved copy thereof, as aforesaid, shall have been duly stamped so as to entitle the same to be recorded, shall be presented to the clerk, register, recorder, or other officer having charge of the original record, it shall be the duty of such officer, upon the payment of the fee legally chargeable for the recording thereof, to make a new record thereof, or to note upon the original record the fact that the error or omission in the stamping of said original instrument has been corrected pursuant to law; and after such record or entry, the original instrument on such certified copy or the record thereof may be used in all courts and places in the same manner and with like effect as if the instrument had been originally stamped: *Provided*, That no right acquired in good faith before the stamping of such instrument or copy thereof, and the recording thereof as herein provided, shall in any manner be affected by such stamping as aforesaid.

The Committee on Finance proposed to amend this clause by inserting in line thirty-three hundred and ninety-four, after the word "instrument," the words "or if said instrument be lost, to a copy thereof."

The amendment was agreed to.

The committee next proposed, in line thirty-four hundred and four, to insert the words "or copy" after "instrument," and after "margin" to strike out "of said instrument" and to insert "thereof."

The PRESIDING OFFICER. That amendment will be made.

The next amendment proposed by the committee was in line thirty-four hundred and six, after the word "and," to strike out "such instrument" and insert in lieu thereof the words "the same."

The PRESIDING OFFICER. That amendment will be made.

The committee next proposed, in line thirty-four hundred and twenty-one, to strike out "passage of this act" and to insert "1st day of July, 1866."

Mr. FESSENDEN. That should be "August."

The PRESIDING OFFICER. It will be so modified.

The amendment, as modified, was agreed to.

The next amendment proposed by the committee was in line thirty-four hundred and twenty-nine, after the word "aforesaid," to strike out "shall have been."

The PRESIDING OFFICER. That amendment will be made.

The next amendment proposed by the committee was in line thirty-four hundred and thirty-two, after the words "shall be," to strike out "the duty of" and to insert "lawful for."

The PRESIDING OFFICER. That amendment will be made.

The next amendment was in line thirty-four hundred and thirty-seven, after the word "and," to strike out "after such record or entry;" and after "instrument," in line thirty-four hundred and thirty-eight, to strike out "on" and insert "or."

The PRESIDING OFFICER. That amendment will be made.

The next amendment was in line thirty-four hundred and forty-one to strike out "provided, that" and to insert "but."

The PRESIDING OFFICER. That amendment will be made.

The committee also proposed to amend in line thirty-four hundred and forty-four, after the word "provided," by inserting "if such record be required by law."

The amendment was agreed to.

The Secretary read the next clause of section nine, as follows:

That section one hundred and sixty-three be amended by striking out all after the enacting clause and inserting in lieu thereof the following: that hereafter no deed, instrument, document, writing, or paper required by law to be stamped, which has been signed or issued without being duly stamped, or with a deficient stamp, nor any copy thereof, shall be recorded, or admitted, or used as evidence in any

court until a legal stamp or stamps, denoting the amount of duty, shall have been affixed thereto by the collector, as prescribed by law: *Provided*, That any power of attorney, conveyance, or document of any kind, made or purporting to be made in any foreign country to be used in the United States, shall pay the same duty as is required by law on similar instruments or documents when made or issued in the United States; and the party to whom the same is issued, or by whom it is to be used, shall, before using the same, affix thereto the stamp or stamps indicating the duty required.

The Committee on Finance reported no amendment to this clause.

Mr. VAN WINKLE. I move to amend that clause by striking out the word "duty" and inserting "tax" in lines thirty-four hundred and fifty-five, thirty-four hundred and fifty-nine, and thirty-four hundred and sixty-four.

The amendment was agreed to.

The Secretary read the next two clauses, to which the Committee on Finance reported no amendment, as follows:

That section one hundred and sixty-five be amended by striking out all after the enacting clause and inserting in lieu thereof the following: that if any person, firm, company, or corporation shall make, prepare, and sell, or remove for consumption or sale, drugs, medicines, preparations, compositions, articles, or things, including perfumery, cosmetics, lucifer or friction matches, cigar-lights, or wax tapers, and playing cards, and also including prepared mustards, preserved caviars, fish, shell-fish, fruits, vegetables, sauces, sirups, jams, and jellies, when packed or sealed in cans, bottles, or other single packages, whether of domestic manufacture or imported, upon which a duty or tax is imposed by law, as enumerated and mentioned in schedule C, without affixing thereto an adhesive stamp or label denoting the tax before mentioned, he or they shall incur a penalty of fifty dollars for every omission to affix such stamp.

That section one hundred and sixty-nine be amended by striking out all after the enacting clause and inserting in lieu thereof the following: that any person who shall offer or expose for sale any of the articles named in schedule C, or in any amendments thereto, whether the articles so offered or exposed are imported or are of foreign or domestic manufacture, shall be deemed the manufacturer thereof, and subject to all the duties, liabilities, and penalties imposed by law in regard to the sale of domestic articles without the use of the proper stamp or stamps denoting the tax paid thereon, and all such articles imported or of foreign manufacture shall, in addition to the import duties imposed on the same, be subject to the stamp tax, respectively, prescribed in schedule C, as aforesaid.

The Secretary read the next clause, as follows:

That schedule B, preceding section one hundred and seventy-one, be amended by striking out all of the paragraphs relating to "gauger's returns" and "measurer's returns;" and by striking out all from "receipts for the payment of any sum of money" down to "weigher's returns, if of a weight not exceeding five thousand pounds, ten cents;" exceeding five thousand pounds, twenty-five cents," inclusive, and inserting in lieu thereof the following: receipts for any sum of money, or for the payment of any debt exceeding twenty dollars in amount, not being for the satisfaction of any mortgage or judgment or decree of any court, or by indorsement on any stamped obligation in acknowledgment of its fulfillment, for each receipt, two cents: *Provided*, That when more than one signature is affixed to the same paper, one or more stamps may be affixed thereto, representing the whole amount of the stamp required for such signatures.

The Committee on Finance proposed to amend this clause by adding at the end of it the following:

And that the term "money," as herein used, shall be held to include drafts and other instruments given for the payment of money.

The amendment was agreed to.

The Secretary read the next clause, as follows:

That schedule B, preceding section one hundred and seventy-one, be amended by inserting immediately preceding the proviso relating to stamps on mortgages the following: upon every assignment or transfer of a mortgage the same stamp duty upon the amount remaining unpaid thereon as is herein imposed upon a mortgage for the same amount. Also strike out the words "mortgage or" in said proviso.

The Committee on Finance reported several amendments to this clause. The first was in line thirty-five hundred and sixteen, to insert the word "further" before the word "amended."

The amendment was agreed to.

The next amendment was in line thirty-five hundred and nineteen, to strike out the word "duty" and to insert "tax."

The amendment was agreed to.

The next amendment was in line thirty-five hundred and twenty-one, after the word "also"

to strike out the word "strike" and to insert "by striking."

The amendment was agreed to.

The next amendment was to insert at the end of the clause the following words:

Also, by inserting the words "domestic and inland bills of lading and" after "the" and before "than" in the first line of said schedule.

Mr. FESSENDEN. The word "the" that is quoted in line thirty-five hundred and twenty-three should be "than," and the word "than" in the next line should be "those."

The amendment to the amendment was agreed to.

The amendment, as amended, was adopted.

The next amendment was after line thirty-five hundred and twenty-four to insert the following clause:

That schedule B be amended, under the head of contract, by striking out the words following: "stocks, bonds, and notes of hand," and by inserting before the word "exchange" the word "inland." Also, by inserting under the head of contract, after the words "for such note or memorandum of sale ten cents," the words following: "bill or memorandum of the sale or contract for the sale of gold or silver bullion, foreign exchange, coin, uncurrent money, promissory notes, or other securities, shall pay a stamp duty at the rate provided in section ninety-nine."

Mr. FESSENDEN. I move to amend the amendment by striking out the words "and by inserting before the word 'exchange' the word 'inland.'"

The amendment to the amendment was agreed to.

Mr. FESSENDEN. In line thirty-five hundred and thirty-one, after the word "of," I move to insert "stocks, bonds," so as to read, "the sale of stocks, bonds, gold or silver bullion," &c.

The amendment to the amendment was agreed to.

Mr. FESSENDEN. In line thirty-five hundred and thirty-two I move to strike out the words "foreign exchange," and also "uncurrent money."

The amendment to the amendment was agreed to.

Mr. VAN WINKLE. In line thirty-five hundred and thirty-four I move to strike out the word "duty" and to insert "tax."

The amendment to the amendment was agreed to.

Mr. SPRAGUE. I should like to ask the Senator from Maine why he leaves out "foreign exchange."

Mr. FESSENDEN. For the same reason that it was left out before.

Mr. SPRAGUE. I should like to mention that there is also another class of securities, "letters of credit," which go along-side of foreign exchange.

Mr. FESSENDEN. They are not in the original tax bill, I suppose.

Mr. SPRAGUE. I should like to call the attention of the committee to the subject, that they may think of it. Letters of credit are subject to taxation as much as bills of exchange.

The amendment, as amended, was adopted.

The Secretary read the next clause, as follows:

That schedule C be amended by striking out the paragraph in relation to photographs.

That schedule C be amended by striking out the paragraph relating to cigar-lights and wax tapers and inserting in lieu thereof the following: for wax tapers, double the rates herein imposed upon friction and lucifer matches; on cigar-lights, whether made in whole or in part of wood, wax, glass, paper, or other materials, in parcels or packages containing twenty-five lights or less in each parcel or package, one cent; when in parcels or packages containing more than twenty-five and not more than fifty lights, two cents; for every additional twenty-five lights or fractional part of that number, one cent additional; and by striking out all after the words "playing cards" and inserting in lieu thereof the following:

For and upon every pack, not exceeding fifty-two cards in number, irrespective of price or value, five cents; for and upon every can, bottle, or other single package containing meats, fish, shell-fish, fruits, vegetables, sauces, sirups, prepared mustard, jams, or jellies contained therein and packed or sealed, made, prepared, and sold, or offered for sale, or removed for consumption in the United States, on and after the 1st day of October, 1865, when such can, bottle, or other single package with its contents shall not exceed two pounds in weight the sum of one cent.

When such can, bottle, or other single package,

with its contents, shall exceed two pounds in weight, for every additional pound or fractional part thereof, one cent.

The Committee on Finance proposed to amend this clause, in line thirty-five hundred and thirty-seven, by inserting the word "further" before "amended."

The amendment was agreed to.

Mr. FESSENDEN. In line thirty-five hundred and forty-one I move to strike out the word "whether" before the word "made," and after the word "made" to strike out the words "in whole or," so that it will read, "on cigars lights made in part of wood," &c.

The amendment was agreed to.

The Committee on Finance proposed to insert after line thirty-five hundred and sixty-six the following:

That section one hundred and seventy-one be amended by adding thereto the following proviso: *Provided also*, That no claim for drawback on any articles of merchandise exported prior to June 30, 1864, shall be allowed unless presented to the Commissioner of Internal Revenue within three months after this amendment takes effect.

The amendment was agreed to.

The Secretary read the next clause, as follows:

That section one hundred and seventy-nine be amended by striking out all after the enacting clause and inserting in lieu thereof the following: that, where it is not otherwise provided for in this act, it shall be the duty of the collectors, in their respective districts, and they are hereby authorized, to prosecute for the recovery of any sum or sums that may be forfeited by virtue of this act; and all fines, penalties, and forfeitures which may be imposed or incurred by virtue of this act shall and may be sued for and recovered, where not otherwise herein provided, in the name of the United States, in any proper form of action, or by any appropriate form of proceeding, before any circuit or district court of the United States for the district within which said fine, penalty, or forfeiture may have been incurred, or before any court of competent jurisdiction; and where not otherwise herein provided for, such share as the Secretary of the Treasury shall by general regulations provide, not exceeding one moiety, nor more than \$5,000 in any one case, shall be to the use of the person, to be ascertained by the court, who shall first inform of the cause, matter, or thing, whereby any such fine, penalty or forfeiture shall have been incurred, and the remainder shall be to the use of the United States; and when any sum is paid without suit, or before judgment, in lieu of fine, penalty, or forfeiture, and a share of the same is claimed by any person as informer, the Commissioner of Internal Revenue, subject to the approval of the Secretary of the Treasury and under such general regulations as the said Secretary shall prescribe upon application, shall determine whether any claimant is entitled to such share, and to whom the same shall be paid. And the several circuit and district courts of the United States shall have jurisdiction of all offenses against any of the provisions of this act committed within their several districts: *Provided*, That no revenue officer or other person connected with or in the employ of the Treasury Department, or any branch thereof, shall be entitled to receive, or shall be interested in any share allowed to an informer under the internal revenue laws, in any case with which such revenue officer or other person, as aforesaid, shall be hereafter in any manner officially connected, unless such share shall be recovered by the judgment of a court of competent jurisdiction; and if any such officer or person as aforesaid shall receive from any informer, or from any applicant for an informer's share, either directly or indirectly, any sum of money or other valuable consideration for or in consequence of his services in obtaining such informer's share, or in consideration of his interest in such informer's share, except as hereinbefore provided, such person shall, on conviction thereof, be punished by fine not exceeding \$10,000, or by imprisonment not exceeding one year, or both, at the discretion of the court, with costs of prosecution. It is hereby declared to be the true intent and meaning of the present and of all previous provisions of internal revenue acts granting shares to informers, that no right accrues to or is vested in an informer in any case until the fine, penalty, or forfeiture in such case is fixed by judgment or compromise, and when paid or collected the informer shall become entitled to his legal share of the amount so adjudged or agreed upon. *And provided further*, That the Commissioner of Internal Revenue, subject to the approval of the Secretary of the Treasury, and under such regulations as the said Secretary shall prescribe, shall be, and is hereby, authorized and empowered to compromise any case not pending in court, or if pending, with the approval of the court having jurisdiction of the case: *Provided*, That whenever in any civil action for a penalty the informer may be a witness for the prosecution, the party against whom such penalty is claimed may be and shall be admitted as a witness on his own behalf. Every person who shall receive any money or other valuable thing under a threat of informing or as a consideration for not informing against any violator of this act, shall, on conviction thereof, be punished by a fine not exceeding \$2,000, or by imprisonment not exceeding one year, or both, at the discretion of the court, with costs of prosecution.

The Committee on Finance reported an

amendment to this clause, after the word "jurisdiction," in line thirty-five hundred and eighty-nine, to strike out the following words:

And where not otherwise herein provided for, such share as the Secretary of the Treasury shall by general regulations provide, not exceeding one moiety, nor more than \$5,000 in any one case, shall be to the use of the person, to be ascertained by the court, who shall first inform of the cause, matter, or thing, whereby any such fine, penalty or forfeiture shall have been incurred, and the remainder shall be to the use of the United States; and when any sum is paid without suit, or before judgment, in lieu of fine, penalty, or forfeiture, and a share of the same is claimed by any person as informer, the Commissioner of Internal Revenue, subject to the approval of the Secretary of the Treasury, and under such general regulations as the said Secretary shall prescribe upon application, shall determine whether any claimant is entitled to such share, and to whom the same shall be paid. And the several circuit and district courts of the United States shall have jurisdiction of all offenses against any of the provisions of this act committed within their several districts: *Provided*, That no revenue officer or other person connected with or in the employ of the Treasury Department, or any branch thereof, shall be entitled to receive, or shall be interested in any share allowed to an informer under the internal revenue laws, in any case with which such revenue officer or other person, as aforesaid, shall be hereafter in any manner officially connected, unless such share shall be recovered by the judgment of a court of competent jurisdiction; and if any such officer or person as aforesaid shall receive from any informer, or from any applicant for an informer's share, either directly or indirectly, any sum of money or other valuable consideration for or in consequence of his services in obtaining such informer's share, or in consideration of his interest in such informer's share, except as hereinbefore provided, such person shall, on conviction thereof, be punished by fine not exceeding \$10,000, or by imprisonment not exceeding one year, or both, at the discretion of the court, with costs of prosecution. It is hereby declared to be the true intent and meaning of the present and of all previous provisions of internal revenue acts granting shares to informers, that no right accrues to or is vested in an informer in any case until the fine, penalty, or forfeiture in such case is fixed by judgment or compromise, and when paid or collected the informer shall become entitled to his legal share of the amount so adjudged or agreed upon. *And provided further*, That the Commissioner of Internal Revenue, subject to the approval of the Secretary of the Treasury, and under such regulations as the said Secretary shall prescribe, shall be, and is hereby, authorized and empowered to compromise any case not pending in court, or if pending, with the approval of the court having jurisdiction of the case.

And to insert in lieu thereof the following:

And where not otherwise provided for herein, such share as the Secretary of the Treasury shall by general regulations provide, not exceeding one moiety, nor more than \$5,000 in any one case, shall be to the use of the person, to be ascertained by the court, which shall have imposed or decreed any such fine, penalty, or forfeiture, who shall first inform of the cause, matter, or thing whereby such fine, penalty, or forfeiture shall have been incurred; and when any sum is paid without suit, or before judgment, in lieu of fine, penalty, or forfeiture, and a share of the same is claimed by any person as informer, the Secretary of the Treasury, under general directions to be by him prescribed, shall determine whether any claimant is entitled to such share as above limited, and to whom the same shall be paid, and shall make payment accordingly. It is hereby declared to be the true intent and meaning of the present and all previous provisions of internal revenue acts granting shares to informers that no right accrues to or is vested in an informer in any case until the fine, penalty, or forfeiture in such case is fixed by judgment or compromise, and the amount or proceeds shall have been paid, when the informer shall become entitled to his legal share of the sum adjudged or agreed upon and received: *Provided*, That nothing herein contained shall be construed to limit or affect the power of remitting the whole or any portion of a fine, penalty, or forfeiture conferred on the Secretary of the Treasury by existing laws. The Commissioner of Internal Revenue shall be, and is hereby, authorized and empowered to compromise, under such regulations as the Secretary of the Treasury shall prescribe, any case arising under the internal revenue laws, whether pending in court or otherwise. The several circuit and district courts of the United States shall have jurisdiction of all offenses against any of the provisions of this act committed within their several districts.

The amendment was agreed to.

Mr. FESSENDEN. I move that the further reading of the bill be dispensed with for to-day, and that the bill be postponed until to-morrow. It will then come up as the unfinished business, I suppose.

The PRESIDENT *pro tempore*. Not if it is postponed by a vote.

Mr. FESSENDEN. Then I will withdraw that motion, and move that the Senate adjourn, as I do not desire to go further to-day.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, June 21, 1866.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. C. B. BOYNTON.

The Journal of yesterday was read and approved.

PACIFIC RAILROAD.

Mr. STEVENS. I rise to a correction of the Journal. I find that Senate bill No. 317, in relation to the Pacific railroad, is recorded as having been taken from the Speaker's table and referred to the Committee on the Pacific Railroad. Being unwell yesterday I went out, and came in just as I supposed the Clerk was reading it, and I made a motion to lay the bill on the Speaker's table. A bill was laid on the table but it proves not to be No. 317. I hope there will be no objection to letting it lie on the table.

Mr. WENTWORTH. I rise to state that I was watching the same bill as well as the gentleman from Pennsylvania, and it is no mistake of the Journal though it may be a mistake of the gentleman. On behalf of my constituents, who are deeply interested in that bill, I wish it to go to the committee of which my friend from Pennsylvania is a member. I want him to examine it in the committee, and therefore I must object to the proposition.

Mr. STEVENS. I do not ask to make any disposition of it now except to lay it on the Speaker's table.

Mr. WENTWORTH. I cannot consent to that.

Mr. STEVENS. If I had been well I should have asked no such favor.

Mr. WENTWORTH. It is a matter of great interest to my constituents.

Mr. STEVENS. I will reciprocate the courtesy at the proper time.

RICHARD A. LAW.

Mr. RICE, of Massachusetts. I desire to call up the motion to reconsider the vote by which Senate joint resolution No. 100, for the restoration of Commander Richard L. Law to the active list from the reserved list, was referred to the Committee on Naval Affairs.

The motion to reconsider was agreed to.

Mr. WASHBURNE, of Illinois. How does this come in?

The SPEAKER. By a motion to reconsider. It was referred to the Committee on Naval Affairs, and a motion was entered to reconsider the vote by which it was referred. The gentleman from Massachusetts now calls it up as a privileged motion.

Mr. WASHBURNE, of Illinois. I do not wish to embarrass this joint resolution, but I do desire to have an amendment made to it, and I ask the gentleman to withdraw his proposition now and make it at some other time. I desire to add the name of S. Livingston Breese, a most meritorious young officer.

Mr. RICE, of Massachusetts. This bill has passed the Senate and has been considered by the Committee on Naval Affairs in its present form and unanimously approved.

Mr. WASHBURNE, of Illinois. I do not think that my proposition is out of place. It will not delay the passage of the bill more than a day, and I think I can explain that it is very proper that the amendment should come in. I have just returned to the House after a long absence, and the amendment I offer is one in which I am very much interested.

Mr. RICE, of Massachusetts. I must insist on the passage of this bill as it now stands.

Mr. WASHBURNE, of Illinois. I ask that the bill be read, and then I will submit my amendment.

The bill was again read.

Mr. WASHBURNE, of Illinois. I now move to amend the bill so as to include S. Livingston Breese. I hope the gentleman from Massachusetts will not object to that.

Mr. RICE, of Massachusetts. The case to which the gentleman refers has never been examined by the Committee on Naval Affairs.

I must insist on the passage of the bill as it is. I shall be entirely willing to consider the case in committee.

Mr. WASHBURN, of Illinois. I do not wish to embarrass the gentleman's bill.

The SPEAKER. The gentleman is aware of the fact that it is very doubtful whether his amendment is in order, as this is a private bill.

Mr. WASHBURN, of Illinois. Very well; then I will not press my amendment.

The joint resolution was ordered to a third reading; and it was accordingly read the third time and passed.

Mr. RICE, of Massachusetts, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

PENNSYLVANIA CONTESTED ELECTION.

Mr. DAWES presented additional papers in the case of Koontz vs. Coffroth; which were referred to the Committee of Elections, and ordered to be printed.

REORGANIZATION OF TREASURY DEPARTMENT.

Mr. MORRILL, from the Committee of Ways and Means, reported a bill to reorganize the Treasury Department and fix the pay of its officers; which was read a first and second time.

Mr. MORRILL. I move that the bill be recommitted to the Committee of Ways and Means, and ordered to be printed.

I will say that last year the sum of \$250,000 was appropriated to be distributed by the Secretary of the Treasury at his discretion among the employés of his Department. That gave rise to great dissatisfaction. A bill has recently passed the Senate of a similar kind, but upon conversation with members of the House I was quite satisfied that a bill of that character could not pass the House. It is apparent that many of the employés of the Treasury must have their pay increased or their services cannot be retained. The Treasury Department has been informed that in order to give any of these parties increased pay a bill must be passed fixing it definitely. In pursuance of that suggestion this bill has been prepared, and while it will reorganize the Treasury Department it will retain about the same number of employés, and instead of increasing the expenses of the Department \$200,000 it will only increase the expenses \$35,000. I ask for the reading of a letter from the Secretary of the Treasury on the subject.

The Clerk read as follows:

TREASURY DEPARTMENT, June 18, 1866.

SIR: I transmit herewith a bill reorganizing the Treasury Department, and earnestly urge the favorable action of Congress thereto.

It has been prepared and recommended to me in the strongest manner by the heads of bureaus as highly essential to the discipline and efficiency of their respective offices; and in their views of this subject I entirely and fully concur.

I have to refer you to my report on the finances for 1865, which contains the reasons for the increase of salaries of the valuable employés of this Department, and respectfully state that the necessity for such increase still exists to the serious detriment of public business.

It is proposed in the present bill to create an additional class of clerks, who will be considered in all the offices, save the Secretary's and Treasurer's, as chiefs of divisions; at present the only distinction there is between persons at the head of each division and subdivision and the fourth class clerks under them is the additional compensation given without an appointment.

The present organization was made in 1853, and the Department has increased to four times the number of clerks then authorized.

In 1853 there were four hundred and eleven clerks in all the bureaus; there are now two thousand and five.

The present organization is estimated to cost for the fiscal year ending June 30, 1866, \$2,897,333; this with the \$250,000 appropriated March 2, 1865, for temporary clerks and additional compensation to clerks (the balance of which now remaining unexpended, is proposed by Congress to distribute among the grades of employés whose salaries are under \$1,200) will make the total expense of the Department \$3,057,333. The proposed organization will cost \$3,092,820 per annum making the additional expense under the new organization but \$35,487 per annum. The percentage upon all salaries under \$1,000 per annum, terminates by limitation with the end of this fiscal year. This allowance has afforded material aid to many worthy

and useful subordinates of the Department who would otherwise have been unable to support themselves and families. The majority of those benefited have either served personally in the Army and Navy or rendered other honorable and valuable assistance to the Government. The cessation of the percentage at this time would be a serious cause of embarrassment, unless some mode of relief is furnished such as is provided in this reorganization.

I am, very respectfully,
H. McCULLOCH,
Secretary of the Treasury.

Hon. JUSTIN S. MORRILL, Chairman Committee of Ways and Means, House of Representatives.

Mr. STEVENS. I desire to ask a question or two, as this is rather an extraordinary bill. This whole matter has been before the Committee on Appropriations. The Secretary of the Treasury reported to us that of the \$250,000 appropriated for contingent expenses, he had used \$25,000, giving it to the higher-class clerks, and asked Congress to dispose of the residue, \$225,000, so as to take it out of his hands. Our committee, five months ago, went on and made that distribution as they thought right. The bill we proposed was passed and went to the Senate, and I learn now that since all that was done, the Secretary of the Treasury has undertaken to distribute this very fund, and has given it to the heads of bureaus and the higher-class clerks again in defiance of the action of the House which he had himself invoked. I understand this movement now to be—if I understand the movement at all—to take this matter away from the committee who have it in charge, to whom this very matter was referred upon its return from the Senate. Now, I do not know what motion the gentleman from Vermont [Mr. MORRILL] has made; but when he comes to make any motion I shall move that this whole subject be referred to the Committee on Appropriations. And if the subject is now before the House I will move that it be referred to the Committee on Appropriations.

The SPEAKER. The gentleman from Vermont, [Mr. MORRILL], as chairman of the Committee of Ways and Means, has the right to report a bill at any time for recommitment. The gentleman from Pennsylvania [Mr. STEVENS] moves to amend by referring the bill to the Committee on Appropriations.

Mr. MORRILL. The subject was referred to the Committee of Ways and Means. I believe so far as that committee is concerned we are not disposed to magnify our office at all, or to grasp any business that does not properly belong to us. This subject was properly referred to the Committee of Ways and Means as a report from the Treasury Department. Under the rules it is a proper subject to be referred to the Committee of Ways and Means. The bill contains no appropriation, and does not take from the Committee on Appropriations any subject which they have now before them. It only proposes to legislate for the future, to reorganize the Treasury Department, so that hereafter there will not be that complaint which the gentleman from Pennsylvania [Mr. STEVENS] now makes, and no doubt justly. I trust, therefore, that the motion made by me to have the bill printed and recommitted to the Committee of Ways and Means will be received. I have nothing further to add, and therefore call the previous question.

Mr. SCHENCK. I hope the gentleman will give way to have the proceedings of the last meeting of the Johnson departmental club read before calling the previous question.

Mr. MORRILL. I must decline at present. When the matter is again reported the gentleman will have an opportunity to have the proceedings of the Johnson club or any other club read.

The previous question was seconded and the main question ordered; which was upon the motion of Mr. STEVENS to amend the motion of Mr. MORRILL by striking out "Ways and Means" and inserting "Appropriations."

The question was taken; and upon a division there were—ayes 44, noes 49.

Before the result of the vote was announced. Mr. STEVENS called for tellers.

Tellers were ordered; and Messrs. STEVENS and MORRILL were appointed.

The House again divided; and the tellers reported—ayes 45, noes 50.

Before the result of the vote was announced, Mr. SCHENCK said: I call for the yeas and nays. I am sorry I had not the opportunity to show what kind of speeches are made and resolutions adopted in the Johnson departmental club by men whom the Secretary of the Treasury should have dismissed long ago, out of regard to decency and propriety, but whom he still retains in office.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 41, nays 76, not voting 65; as follows:

YEAS—Messrs. Ames, Delos R. Ashley, Beaman, Benjamin, Bidwell, Blaine, Bromwell, Broomall, Cook, DeForest, Abner C. Harding, Higby, Holmes, Hotchkiss, Deans Hubbard, John H. Hubbard, Ingersoll, Julian, Kasson, Kelley, William Lawrence, Loan, Longyear, Lynch, McClurg, Mercer, Miller, Moulton, O'Neill, Orth, Paine, Price, Sawyer, Schenck, Seaford, Stevens, John L. Thomas, Trowbridge, Upson, Van Aernam, and Stephen F. Wilson—41.

NAYS—Messrs. Alley, Allison, Ancona, Baker, Baldwin, Banks, Barker, Bergen, Boutwell, Boyer, Buckland, Coffroth, Conkling, Cullom, Davis, Dawes, Dawson, Denning, Denison, Donnelly, Dunont, Eldridge, Eliot, Farquhar, Finck, Garfield, Grossbrenner, Goodyear, Grider, Griswold, Aaron Harding, Hayes, Henderson, Hooper, Asahel W. Hubbard, Chester D. Hubbard, Humphrey, Kerr, Ketchum, Kuykendall, Latham, George V. Lawrence, Le Blond, Maugston, Marvin, Melcher, Moorhead, Morrill, Newell, Niblack, Nicholson, Perham, Pike, Pomeroy, Samuel J. Randall, William H. Randall, Alexander H. Rice, John H. Rice, Ritter, Rollins, Shellabarger, Sitgreaves, Spalding, Stillwell, Strouse, Taber, Thornton, Trimble, Ward, Elihu B. Washburne, Henry D. Washburn, William B. Washburn, Welker, Wentworth, James F. Wilson, and Windfield—76.

NOT VOTING—Messrs. Anderson, James M. Ashley, Baxter, Bingham, Blow, Brandegee, Bundy, Chanler, Rander W. Clarke, Sidney Clarke, Cobb, Culver, Darling, Delano, Dixon, Dodge, Driggs, Eckley, Eggleston, Farnsworth, Ferry, Grinnell, Hale, Harris, Hart, Hitt, Hogan, Edwin N. Hubbell, James R. Hubbard, Hubbard, Jencks, Johnson, Jones, Kelso, Ladin, Marshall, McCulloch, McIntee, McKee, Morris, Myers, Neill, Patterson, Phelps, Plants, Radford, Raymond, Rogers, Ross, Rousseau, Shunklin, Sloan, Smith, Starr, Taylor, Thayer, Francis Thomas, Bart Van Horn, Robert T. Van Horn, Warner, Whaley, Williams, Windom, Woodbridge, and Wright—65.

So the amendment was not agreed to.

The question recurring on the motion of Mr. MORRILL, that the bill be printed and recommitted to the Committee of Ways and Means, the motion was agreed to.

LEAVE OF ABSENCE.

Mr. HOLMES asked and obtained indefinite leave of absence for his colleague, Mr. VAN AERNAM.

Mr. DAVIS asked and obtained leave of absence for Mr. RAYMOND until Monday next.

ENROLLED BILLS SIGNED.

Mr. TROWBRIDGE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

An act (H. R. No. 492) making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under the authority of law, and for other purposes;

An act (H. R. No. 661) changing the name of Emil Cohen;

Joint resolution (H. R. No. 148) to authorize the distribution of surplus copies of the American State Papers in the custody of the Secretary of the Interior; and

Joint resolution (H. R. No. 166) to pay the State of Vermont the sum expended for the protection of the frontier against the invasion from Canada in 1864.

PRINTING RECONSTRUCTION REPORTS.

Mr. LATHAM. I report from the Committee on Printing the following resolution:

Resolved, That there be fifty thousand extra copies of each of the reports from the committee on reconstruction printed for the use of the members of this House.

Mr. Speaker, I desire to make a short explanation. Of the three members of this com-

mittee on the part of the House, I am the only one now present—

Mr. BOUTWELL. I desire to ask the gentleman whether he intends by this resolution that these reports are to be printed separately or in one pamphlet.

Mr. LATHAM. My intention, in framing the resolution, was that they should be printed separately.

Mr. BOUTWELL. I for one object to any such arrangement. The two reports should be printed together. They are from the same committee and relate to the same subject.

Mr. LATHAM. I have no objection to that, and if it be desired, I will give that direction to the Printer.

Mr. BOUTWELL. I move to amend the resolution by adding "said reports to be printed together."

Mr. LATHAM. I have no objection to that amendment. I was remarking, Mr. Speaker, that I am the only member of the Committee on Printing now present. The gentleman from Ohio [Mr. CLARKE] has been absent for some time. I do not know how long he may remain away. Another of my colleagues, the chairman of the committee, [Mr. LAFLIN,] left the city on the day when the minority report was handed in. We were prepared to report in favor of fifty thousand copies of the majority report, and had been waiting for several days for the minority report. Since the presentation of the latter report I have had no opportunity to consult with the chairman. I have no information as to the length of time he may be absent. As members of the House appear desirous that the reports shall be printed as soon as possible, I have concluded to submit the resolution in this form, so that the House may act upon the subject.

Mr. LE BLOND. I wish to inquire whether this resolution embraces the minority report.

Mr. LATHAM. It does.

Mr. LE BLOND. I do not so understand. It simply provides for printing "each of the reports."

The SPEAKER. The Chair understands it as embracing the majority and minority reports. They are the only two argumentative reports that have been made by the committee.

Mr. LE BLOND. It would not necessarily embrace the minority report if there were two majority reports.

Mr. MORRILL. The phraseology can be changed so as to specify the majority and minority reports.

The SPEAKER. The resolution will be modified in that respect if there be no objection. There was no objection.

Mr. CONKLING. I ask that the resolution be read as modified.

The Clerk read as follows:

Resolved, That there be fifty thousand extra copies of each of the reports of the majority and minority from the committee on reconstruction printed for the use of the members of this House.

Mr. STEVENS. I move to amend by striking out "fifty thousand" and inserting "one hundred thousand."

Mr. WASHBURN, of Illinois. That is all right. Let one hundred thousand copies of the majority and minority reports be printed together.

The SPEAKER. The pending question is on the amendment of the gentleman from Massachusetts [Mr. BOUTWELL] to add to the resolution the words, "said reports to be printed together."

Mr. LATHAM. I am willing to accept that amendment.

The SPEAKER. The gentleman cannot accept it without unanimous consent. Is there objection?

Mr. NICHOLSON. I object.

Mr. BANKS. I call the previous question. The previous question was seconded and the main question ordered; and under the operation thereof the amendment of Mr. BOUTWELL was agreed to.

The SPEAKER. The question recurs on the amendment of the gentleman from Penn-

sylvania [Mr. STEVENS] to strike out "fifty thousand" and insert "one hundred thousand."

On the question there were—ayes seventy-six, noes not counted.

Mr. FINCK. I call for the yeas and nays. The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 91, nays 23, not voting 68; as follows:

YEAS—Messrs. Alley, Allison, Ames, Delos R. Ashley, Baker, Baldwin, Banks, Barker, Beaman, Benjamin, Blaine, Boutwell, Bromwell, Broomall, Buckland, Conkling, Cook, Culom, Davis, Deffrees, Deming, Dixon, Donnelly, Driggs, Dumont, Eggleston, Eliot, Farquhar, Garfield, Grider, Griswold, Abner C. Harding, Hayes, Henderson, Holmes, Hooper, Hotchkiss, Asahel W. Hubbard, Chester D. Hubbard, John H. Hubbard, Ingersoll, Julian, Kasson, Kelley, Ketcham, Kuykendall, Latham, George V. Lawrence, William Lawrence, Loan, Longyear, Lynch, Marston, Marvin, McClurg, Mercer, Miller, Moorhead, Moulton, Myers, Newell, O'Neill, Orth, Paine, Perham, Pike, Price, William H. Randall, Alexander H. Rice, John H. Rice, Rollins, Sawyer, Schenck, Scofield, Shellabarger, Spalding, Stevens, John L. Thomas, Trowbridge, Upson, Van Aernam, Robert T. Van Horn, Ward, Warner, Elihu B. Washburne, Henry D. Washburn, William B. Washburn, Welker, James F. Wilson, Stephen F. Wilson, and Windom—91.

NAYS—Messrs. Ancona, Bergen, Coffroth, Dawson, Denison, Eldridge, Finck, Glossbrenner, Goodyear, Aaron Harding, Humphrey, Kerr, Le Blond, McCullough, Niblack, Nicholson, Ritter, Sitgreaves, Strouse, Taber, Thornton, Trimble, and Winfield—23.

NOT VOTING—Messrs. Anderson, James M. Ashley, Baxter, Bidwell, Bingham, Blow, Boyer, Brundage, Bundy, Chanler, Reader W. Clarke, Sidney Clarke, Cobb, Culver, Darling, Dawes, Delano, Dodge, Eckley, Farnsworth, Ferry, Grinnell, Hale, Harris, Hart, Higby, Hill, Hogan, Demas Hubbard, Edwin N. Hubbard, James R. Hubbard, Hulbard, Jenckes, Johnson, Jones, Kelso, Laffin, Marshall, McIndoe, McKee, McKuer, Morrill, Morris, Neill, Patterson, Phelps, Plants, Pomeroy, Radford, Samuel J. Randall, Raymond, Rogers, Ross, Rousseau, Shanklin, Sloan, Smith, Starr, Stilwell, Taylor, Thayer, Francis Thomas, Burt Van Horn, Wentworth, Whaley, Williams, Woodbridge, and Wright—68.

So Mr. STEVENS's amendment was agreed to.

Mr. GARFIELD. I move to strike out the words "each of," a mere verbal amendment. The amendment was agreed to.

The resolution, as amended, was read.

The resolution was then adopted.

BENJAMIN BLAKENEY, ET AL.

Mr. JULIAN, by unanimous consent, from the Committee on Public Lands, reported adversely on the memorial of Benjamin Blakeney and Samuel N. Jackson, and others, praying for a grant of lands lying within fifteen miles on either side of the Des Arc, Dardanelle, and Fort Smith railroad, in the State of Kansas; and the same was laid upon the table.

PERSONAL EXPLANATION.

Mr. BALDWIN. Mr. Speaker, I desire to make a personal explanation. On examining the statement of the amounts of salary and mileage paid to members of the Thirty-Eighth Congress, sent to the House from the Treasury Department, I find it stated that I was paid \$790 40 mileage and \$5,920 salary for the two years. The actual amount of mileage paid me for the two years was \$710 40, of which about thirty-five dollars was returned to the Treasury in compliance with the internal revenue laws. The books are in agreement with my statement, and they are balanced by reducing the amount paid as salary. The statement from the Treasury gives the amount of travel allowed me for the two years as nineteen hundred and seventy-six miles; according to the books it was seventeen hundred and seventy-six, or four times four hundred and forty-four. I notice similar errors in other cases. There is a similar overstatement of the amount of mileage in the case of four of my colleagues. In the case of the gentleman from Oregon, the overstatement of the amount of mileage appears to be \$1,000. This was needless, as the amount actually paid, \$11,531, was already sufficiently extravagant.

Mr. Speaker, having made this statement, I ask permission to introduce the following resolution:

Resolved, That the Committee on Appropriations be directed to investigate and report in regard to the errors in Executive Document No. 123, and also to consider the expediency of a revision of the existing law in regard to mileage, so as to make the payment of mileage more equal and more accordant with the actual cost of travel to and from the national capital at the present time.

There being no objection, the resolution was considered and agreed to.

FULLER VERSUS DAWSON.

Mr. PAINE. I rise to a question of privilege. I am directed by the Committee of Elections to submit a report on the contested-election case of Fuller against Dawson. I shall not call it up for action until the latter part of next week. I move that the report be printed and laid upon the table.

The report concludes with the following resolution:

Resolved, That Hon. JOHN L. DAWSON is entitled to retain his seat as a Representative in Congress from the twenty-third district of the State of Pennsylvania.

The report was laid upon the table and ordered to be printed.

GRANTING OF THE FRANKING PRIVILEGE.

The SPEAKER laid before the House a letter from the Secretary of the Treasury recommending that the franking privilege be granted to the chairman and the two secretaries of the Light-House Board, as requested in the communication inclosed from the chairman of the board; which was referred to the Committee on the Post Office and Post Roads and ordered to be printed.

AGRICULTURAL REPORT.

The SPEAKER also laid before the House reports and essays from the volume of the Annual Report for 1865 of the Department of Agriculture.

Mr. WILSON, of Iowa. I move that the same number of copies be printed as were ordered last year. I will say one hundred thousand copies.

The SPEAKER. That motion will be referred to the Committee on Printing, under the law.

DEPUTY SOLICITOR OF COURT OF CLAIMS.

Mr. PHELPS. I ask unanimous consent to offer the following resolution:

Resolved, That the Committee on Appropriations be instructed to inquire into the expediency of increasing the salary of the deputy solicitor of the Court of Claims, and to report by bill or otherwise.

Mr. HARDING, of Illinois. I object, and demand the regular order.

NORTHERN KANSAS RAILROAD.

The House accordingly resumed, as the first business of the morning hour, the consideration of the unfinished business of yesterday at the expiration of the morning hour, being Senate bill No. 145, for a grant of lands to the State of Kansas to aid in the construction of the Northern Kansas railroad and telegraph, on which Mr. LOAN was entitled to the floor.

Mr. BIDWELL. I ask the gentleman from Missouri [Mr. LOAN] to allow me to make a statement in reference to what I wish to transpire after this bill is completed.

Mr. LOAN. How long will it require?

Mr. BIDWELL. Only a moment. The next committee to be called is the Committee of Claims. Yesterday the bill in relation to the railroad connecting California with Oregon was recommitted to the Committee on the Pacific Railroad. I have modified the bill so as to do away, I think, with all the objections made to it. I feel so anxious about it that I desire to have it come in this morning, with the consent of the Committee of Claims, after this bill is acted upon, provided the House will agree to it.

The SPEAKER. That will require unanimous consent.

Mr. WASHBURN, of Illinois. I cannot consent to that.

The SPEAKER. The gentleman from Missouri [Mr. LOAN] will proceed.

Mr. LOAN. It will require but a very few words to explain to the House the merits of this bill.

Shortly after the completion of the Hannibal and St. Joseph railroad it became apparent that railroad facilities would be required westwardly. Accordingly the St. Joseph and Denver City Railroad Company was organized

under the laws of Kansas, and they at once proceeded to lay out and construct a road from the town of Elwood, in Kansas, westwardly in the direction of Denver City. They proceeded so far as to grade ten or twelve miles of the road-bed and prepare it for the reception of the iron, which was on the ground. They laid down the iron on some five miles of the road and completed it for that distance, when the further prosecution of the work was prevented by the outbreak of the rebellion.

Since the conclusion of the war this company has been reorganized and has again commenced work on the road, and it is now engaged in prosecuting the work. I hold in my hand the statement of the secretary of the company, made recently, showing the assets of the company to be more than \$1,300,000, on which at least \$1,000,000 in money can be realized.

But in the mean time, and during the war, Congress provided for the construction of the Union Pacific Railroad Company, and authorized the construction of two branches of that road from the Missouri river through the State of Kansas. These branches ran to the south of this road, and failed to supply that public want which was meant to be supplied by the construction of this road. If these roads were thought to be works of such national importance as to require that Congress should make them munificent grants of land, give them subsidies in money and other facilities sufficient to pay for their construction, it is not unreasonable to ask Congress to aid, by a small land grant, a competing road that was being constructed by private enterprise to supply the public demand for railroad facilities to the West, which could not be met by the subsidized roads.

This is the first road west of the Missouri river on which any work was done. It was undertaken in good faith. The company have expended a considerable sum of money on it, and they now have more than a million dollars of available means to expend upon it. As a private enterprise, I think the company have such claims as would warrant the House in aiding them by making to them the ordinary grant of lands usually made to other roads in the West. As to the bill itself, I can only say that it contains only the ordinary provisions of land-grant bills, such as have been passed heretofore. There can be no objection to it, and I hope the House will pass it at once, without further consumption of time.

Mr. JULIAN. I move to strike out, in line nine, the word "ten" and insert "five" in lieu thereof.

Mr. LOAN. I have no objection to that.

The amendment was agreed to.

Mr. LOAN. I now demand the previous question on the bill.

The previous question was seconded and the main question ordered.

The substitute was agreed to.

The bill was then ordered to a third reading; and it was accordingly read the third time.

Mr. LOAN. I demand the previous question on the passage of the bill.

The previous question was seconded and the main question ordered.

Mr. WASHBURN, of Illinois, demanded the yeas and nays on the passage of the bill.

The yeas and nays were ordered. The question was taken; and it was decided in the affirmative—yeas 61, nays 48, not voting 73; as follows:

YEAS—Messrs. Alley, Allison, Ames, Delos R. Ashley, Baker, Baldwin, Banks, Beaman, Benjamin, Bidwell, Blaine, Boutwell, Bromwell, Conkling, Cook, Culham, Davis, Dixon, Donnelly, Driggs, Dumont, Eliot, Farquhar, Abner C. Harding, Hayes, Henderson, Higby, Hogan, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, Ingersoll, Julian, Kasson, Kelley, Kelso, Kuykendall, Loan, Longyear, Lynch, Marvin, McClure, McRuer, Miller, Moulton, Newell, O'Neill, Paine, Perkins, Pomeroy, Price, John H. Rice, Seafeld, Shellabarger, Thornton, Trowbridge, Robert T. Van Horn, Warner, Welker, James F. Wilson, and Windom—61.

NAYS—Messrs. Ancona, Bergen, Boyer, Broomall, Dawes, Dawson, Denison, Eggleston, Eldridge, Finck, Glossbrenner, Goodyear, Gridler, Aaron Harding, Chester D. Hubbard, Deinas Hubbard, Humphrey,

Kerr, Ketcham, Latham, George V. Lawrence, William Lawrence, Le Blond, Marshall, Marston, McCullough, Niblack, Nicholson, Orth, Radford, Samuel J. Randall, Ritter, Rogers, Rollins, Ross, Schenck, Sitgreaves, Spalding, Stillwell, Strouse, Taber, John L. Thomas, Trimble, Upson, Ward, Elihu B. Washburne, William B. Washburn, and Wentworth—48.

NOT VOTING—Messrs. Anderson, James M. Ashley, Barker, Baxter, Bingham, Blow, Brandegee, Buckland, Bundy, Chanler, Reader W. Clarke, Sidney Clarke, Cobb, Coffroth, Culver, Darling, Defrees, Delano, Deming, Dodge, Eckley, Farnsworth, Ferry, Garfield, Grinnell, Griswold, Hale, Harris, Hart, Hill, Holmes, Hooper, Edwin N. Hubbard, James R. Hubbell, Hulburd, Jenckes, Johnson, Jones, Laffin, McIndoe, McKee, Mercer, Moorhead, Morrill, Morris, Myers, Noell, Patterson, Phelps, Pike, Plants, William H. Randall, Raymond, Alexander H. Rice, Rousseau, Sawyer, Shanklin, Sloan, Smith, Starr, Stevens, Taylor, Thayer, Francis Thomas, Van Aernam, Burt Van Horn, Henry D. Washburn, Whaley, Williams, Stephen F. Wilson, Winfield, Woodbridge, and Wright—73.

So the bill was passed.

Mr. JULIAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SMITH, one of its Clerks, informed the House that the Senate had indefinitely postponed the joint resolution of the House (No. 9,) to amend the Constitution of the United States.

The message further informed the House that the Senate had passed a joint resolution (S. R. No. 112) for the relief of Mrs. Abby Green; in which the concurrence of the House was requested.

ORDER OF BUSINESS.

The SPEAKER. The next business in order is reports from the Committee of Claims.

Mr. WASHBURN, of Massachusetts. How much of the morning hour is left?

The SPEAKER. The morning hour will expire in thirty-five minutes.

HORACE I. HODGES.

Mr. WASHBURN, of Massachusetts, from the Committee of Claims, reported back, with a recommendation that the same do pass, House bill No. 526, for the relief of the heirs of Horace I. Hodges.

The question was upon ordering the bill to be engrossed and read a third time.

The bill was read at length. It provides that in the settlement of the accounts with the Treasury of Horace I. Hodges, deceased, late captain and assistant quartermaster of United States volunteers, there shall be allowed in his favor the sum of \$1,256 40 on account of the loss of that amount of public funds in his hands by the capture of Plymouth, North Carolina, by the rebels on the 20th of April, 1864, the loss being without neglect or fault on the part of said Hodges, and he having lost his life at that time in attempting to carry orders from the commanding officer at Plymouth to the United States gunboat.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WASHBURN, of Massachusetts, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

CAROLINE A. RANDALL.

Mr. WASHBURN, of Massachusetts, from the Committee of Claims, reported a joint resolution for the relief of Caroline A. Randall, administratrix and widow of Charles B. Randall, deceased; which was read a first and second time.

The question was upon ordering the joint resolution to be engrossed and read a third time.

The joint resolution was read at length. It directs the proper accounting officers of the Treasury Department to pay to the legal representatives of Charles B. Randall, deceased, late lieutenant colonel of the one hundred and forty-ninth regiment of New York volunteer infantry, who was killed in action the 20th of July, 1864, at the battle of Peach Tree Creek,

Georgia, the sum of \$175 out of any money in the Treasury not otherwise appropriated, as payment for one private horse used by said Randall in the military service, which horse was lost by starvation five days after the death of said Randall.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. WASHBURN, of Massachusetts, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

WILLIAM PIERCE.

Mr. WASHBURN, of Massachusetts, from the Committee of Claims, reported back, with a recommendation that it do not pass, Senate bill No. 231, for the relief of William Pierce.

The question was upon laying the bill upon the table.

Mr. WASHBURN, of Massachusetts. I wish to say a few words in regard to this bill in order that the House can act understandingly upon it. The applicant in this case alleges that certain Oregon war bonds were placed in the post office and directed to a place in the State of Maine, and were sent on board a steamer which was burned and lost. It is also claimed that a portion of the mail on board that steamer was recovered; and this bill is to provide for the reissuing of certain Oregon war bonds. But the difficulty with the committee is this: there is no evidence that the bonds were ever mailed except the testimony of the individual himself. A part of the mail was recovered when the boat was lost, but there is no evidence in whose hands this mail was from the time it was recovered until it reached the post office. The only evidence is that upon the examination of that portion of the mail which was recovered and delivered at the post office, there was found no communication containing these bonds. The committee were therefore of the opinion that under the circumstances, the only evidence being the testimony of the individual who mailed the bonds that he mailed them, and there being no evidence that they were not stolen from the portion of the mail that was recovered, it was not best to establish a precedent by reporting favorably upon the bill; and therefore they make an adverse report.

Mr. WASHBURN, of Illinois. I desire to say one word in regard to the report of the committee in this case, which shows the excellence and correctness of the committee's action. I think our present Committee of Claims is by far the best Committee of Claims I have known since I have been in Congress, for I believe they do not report in favor of anything that is not strictly correct. But I desire to call the attention of the gentleman from Massachusetts [Mr. WASHBURN] and of the House to a case of a similar character which was before us at the last Congress, and which differed from this case in this respect: in that case it was completely proved, as it was stated in this case, that the bonds were lost on this very vessel. They obtained the testimony of various witnesses; they got proof up to the handle that the bonds were lost; and although there was some considerable opposition to the bill in the House as establishing a wrong principle, the bill was finally passed. In a few weeks after the bill had become a law, the chairman of the Committee of Ways and Means received a communication from the Secretary of the Treasury that those very bonds which it had been sworn up to the handle had been lost, were then in the Treasury Department for redemption.

The bill was then laid upon the table.

AMOSKEAG MANUFACTURING COMPANY.

Mr. WASHBURN, of Massachusetts, from the Committee of Claims, reported back Senate bill No. 225, entitled "An act for the relief of the Amoskeag Manufacturing Company," with a recommendation that it pass.

The bill, which was read, proposes to author-

ize and require the Secretary of the Treasury to pay to the Amoskeag Manufacturing Company the sum of \$1,650 in full for three regimental cook wagons furnished to the Government in 1861.

The bill was ordered to be read a third time; and it was accordingly read the third time and passed.

Mr. WASHBURN, of Massachusetts, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

PITCHER AND HAYFORD, AND OTHERS.

Mr. WASHBURN, of Massachusetts, from the Committee of Claims, reported back bill H. R. No. 20, for the relief of Pitcher & Hayford, and Otis & Ferguson, of Belfast, Maine.

The bill, which was read, provides that the Secretary of the Treasury be authorized and directed to pay to William Pitcher and Axel Hayford, of Belfast, Maine, the sum of \$4,661, and to Samuel Otis and George B. Ferguson, of Belfast, Maine, the sum of \$3,228 75, in full for all losses of these parties in the purchase and storing of hay for the Government.

Mr. WASHBURN, of Massachusetts. To avoid the consumption of time in the reading of the report, I will make a brief explanation of the bill and the reason of the committee for reporting it.

These parties were employed as agents to purchase hay for the Government during the years 1864 and 1865. Being employed to purchase what hay they could, they purchased large quantities in the year 1864; and the hay was shipped and settled for. They also purchased large quantities—some two thousand tons—in 1865. About one half of this hay was shipped; and they were delivering it at the time when Lee surrendered. At that time they had on hand some eight hundred tons, which they had purchased for the Government. The Government then gave orders to ship no more hay. This hay which was left on their hands they sold to the best advantage possible, hay immediately falling in price. This bill is to pay these parties the difference between what they paid for the hay and what they sold it for. They were to receive a commission of \$1 80 per ton for purchasing, storing, and delivering the hay and advancing the money to pay for it. The committee thought it just to report this bill to pay these parties the money which they actually lost in the transaction. Nothing is allowed for interest. They are simply to be paid the difference between what they actually paid for the hay and the amount for which they were able to sell it.

Mr. FARQUHAR. I desire to ask the gentleman from Massachusetts [Mr. WASHBURN] what disposition has been made of a claim in favor of J. & O. P. Cobb & Co., for compensation for hay destroyed by order of a United States commanding officer on the Ohio river during the raid of Morgan in the States of Indiana and Ohio. I wish to know whether the action of that committee upon that case has been favorable or unfavorable. Upon his answer may depend to some extent my vote upon this question.

Mr. WASHBURN, of Massachusetts. The case to which the gentleman refers is, I think, in the hands of the gentleman from Wisconsin, [Mr. SLOAN,] though it may be in charge of some other member. Let me say, however, that I wish the House to understand at this point the difference between the case to which the gentleman refers and this case. Up to this time we have allowed no claims for damages to property in the States lately in rebellion. Under the resolution of this House we could not do so. Then the question came in regard to the damages to property in the States not regarded to be in rebellion. On all the other cases we have not reported any bill at all. They have been all treated alike. But this is a different case. It is merely for money lost while these parties were acting as agents for the Government in purchasing this hay.

Mr. FARQUHAR. With the permission

of the gentleman from Massachusetts, I will say that I do not in the least doubt the sincerity of purpose of the Committee of Claims; but I wish to call his attention and the attention of the House to the rule they seem to have adopted in regard to these claims. I cannot see any practical difference in fact in allowing the claim I have referred to and the one now presented to the consideration of the House. I understand the Committee of Claims, after first deciding they would not take into consideration during this session of Congress any claim for damages arising in the disloyal States, and presented the question to the House and the House approved of their action, have since established a rule for their own action, which they have not thought proper thus far to present for the consideration of the House to determine whether that rule is right or wrong. The difference is this: here was a contract between the United States Government and these contractors; the latter to deliver a certain amount of hay, which the Government after a certain period annulled.

Mr. WASHBURN, of Massachusetts. The gentleman is mistaken. We never voted on any bill where a contract was made with the Government, as in the case he refers to. This is no such case. No contract was made with the Government. There is no claim that a contract was made with the Government. These were merely agents sent out to purchase hay the same as if the gentleman had been sent out to purchase hay for the Government and received a commission for doing the business when it was transacted and the hay was delivered. After Lee's surrender, and they had purchased a certain amount of hay, the Government did not need it. Having purchased it, they disposed of it to the best advantage.

There is no claim of any contract for the purchase of hay. They went and purchased the hay, and the bill is merely to allow these individuals the actual loss they have suffered in buying the hay at the price established by the Government. The Government established the price they should pay, and the commission they should receive. They sold the hay to the best advantage, and we report this bill for their relief, to pay them for the loss they suffered in purchasing this hay.

The gentleman charges that members are not able to act on these different bills. Now, when any bill is reported from the committee the gentleman, or any other member of the House, has the privilege of acting on it. The committee reports a bill and the gentleman can oppose it, and if he can get a majority of the House to agree with him, he can reverse the action of the committee. When the committee shall report adversely on grounds they deem just he can move an amendment to reverse the decision of the committee and pass a favorable proposition.

Now, in reference to the committee's action. If the committee undertook to settle all the claims for damages, even in the loyal States, arising during the last four years, we could not pass on one tenth of those now before us. The committee adopted the rule referred to so that, when the storm had passed over and all was clear, we might agree upon some general law for the settlement of all these claims for damages. I repeat, if we undertook to pass on these individual cases and report separate bills, we could not get through with one tenth, perhaps not one hundredth of them. Hence the committee deemed it best to let all these cases rest for the present and undertake to pass upon the other cases. When they can come to the conclusion what is the best course to be taken by the Government, some general bill may be introduced covering this class of cases. But the committee wished to avoid the difficulty of examining all those individual cases, which the House can readily see it would be impossible for us to do.

Mr. FARQUHAR. I hope the gentleman will allow me to conclude my interrogatory.

Mr. WASHBURN, of Massachusetts. I have promised to yield to my colleague on the com-

mittee, [Mr. HOTCHKISS,] but I will yield a moment to the gentleman from Indiana.

Mr. FARQUHAR. Thanking the gentleman for his courtesy, I desire to know what class of agents the Government has been employing in the purchase of hay referred to in this bill. An agent that goes out to purchase for a commission uses his own money. I understand that an agent of the Government or of an individual is one who goes out and acts for the Government or for that individual, and uses the money of the Government or of that individual. It is a most singular way for parties who have been indirectly contracting with the Government here under the name of agents to be using their own money and speculating upon the Government by means of the profits which are derived from their commissions on these sales. These *quasi* contractors come here and the rule is to be set aside for them, while honest men are held by it.

I sent a case to the committee nearly five months ago, and it has been lying there, instead of being acted upon affirmatively or negatively, as it should be. It has never been reported to the House. It was a contract entered into between loyal citizens of the Government and the United States to deliver hay at Memphis, and while in the act of delivering it a United States officer destroyed the hay. That act on the part of the General Government by its officer was, I maintain, an acceptance of the contract and a delivery of the hay. The Government is bound by the contract, and if the Committee of Claims will do justice as between these parties and the Government they will report in favor of their claim.

Mr. WASHBURN, of Massachusetts. I was going to say to the gentleman that when the committee report on that bill, then he will have an opportunity to be heard.

Mr. FARQUHAR. Will the gentleman tell me if the committee has acted upon it?

Mr. WASHBURN, of Massachusetts. I cannot tell the gentleman in regard to that particular bill. My impression is that it has been before the committee. I now yield to the gentleman from New York, [Mr. HOTCHKISS.]

Mr. HOTCHKISS. I would like to inquire if the general conduct of the Committee of Claims is to be urged as an argument against the particular bill that is presented here. I would like further to inquire if any Representative here is to urge his personal grievances in another matter as an argument against a particular bill which is reported to the committee. Is the Committee of Claims to be put on trial here whenever they report for or against a bill? Perhaps a special committee had better be ordered by the House, and the gentleman from Indiana [Mr. FARQUHAR] placed at the head of it, to investigate the general conduct of the Committee of Claims, so that we may have a report on it and not have this subject brought up whenever a bill is reported from the committee.

Mr. FARQUHAR. I simply desire to say, in reply to the remarks of the gentleman from New York, that I want to ascertain what the general principle is as adopted by the committee and to be adopted by the House. If the general principle is that all these bills are to be cut off, I shall vote against this bill. But if the general principle is that these bills are to come in upon the principle of equity and justice, I will vote for this bill. I would like to have the gentleman from New York with me on this subject.

Mr. HOTCHKISS. I do not think that any member of the Committee of Claims will make any bargain whatever with the gentleman.

Mr. WASHBURN, of Massachusetts. I demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. WASHBURN, of Massachusetts. I now demand the previous question on the passage of the bill.

The previous question was seconded and the main question ordered.

Mr. RANDALL, of Pennsylvania. I demand the yeas and nays.

The yeas and nays were not ordered.

The bill was then passed.

Mr. WASHBURN, of Massachusetts, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

ISAAC RAMSEY.

Mr. WASHBURN, of Massachusetts, from the same committee, reported back House joint resolution No. 119, for the relief of Isaac Ramsey, internal revenue collector of the eighth district of Ohio, with a recommendation that it do pass.

The joint resolution was read. It provides for the repayment of \$632 23 of revenue stamps stolen from the safe in the office of the internal revenue collector, at Mansfield, Ohio, by burglars, on the night of the 25th of June, 1865.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. WASHBURN, of Massachusetts, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

JOHN A. WHITALL.

Mr. WASHBURN, of Massachusetts, from the same committee, reported back a bill for the relief of the legal representatives of John A. Whittall, late paymaster in the United States Army, with a recommendation that it do pass.

The bill was read. It authorizes the payment of \$1,034 50 to the claimants, or whatever amount may be shown satisfactorily to have been paid by him, the vouchers for which payment were stolen.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. WASHBURN, of Massachusetts, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

WILLIAM H. WHEELER.

Mr. WASHBURN, of Massachusetts, from the same committee, reported back a bill for the relief of William H. Wheeler, of Bangor, Maine, with a recommendation that it do pass.

The bill was read. It authorizes the reissue of a \$500 United States bond to the claimant in exchange for one that was lost by him in 1865, and afterwards recovered in a mutilated condition and partially destroyed, except the thirteen coupons which have been reclaimed in such a condition as to be paid at maturity.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. WASHBURN, of Massachusetts, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

The SPEAKER. The morning hour has now expired.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. GLOSSBRENNER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution (S. R. No. 108) for the relief of Samuel Norris; when the Speaker signed the same.

HON. D. W. GOOCH.

Mr. DAWES. I ask unanimous consent to submit the following resolution. It has been considered by the Committee on the Judiciary, and they are in favor of its passage:

Resolved, That the Sergeant-at-Arms be, and he is hereby, directed to pay to Hon. D. W. Gooch, who was elected a member of the House of Representa-

tives for the Thirty-Ninth Congress from the sixth district of Massachusetts, the amount of his salary from the 4th of March, 1865, to the day of the date of his resignation as a member of this House.

The resolution was agreed to.

Mr. DAWES moved to reconsider the vote by which the resolution was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

ARMY BILL.

Mr. SCHENCK. I demand that the House now proceed to the consideration of the regular order.

The House accordingly resumed the consideration of the special order, being House bill No. 361, to reorganize and establish the Army of the United States.

The pending question was on the amendment to section twenty-seven, offered by Mr. WILSON, of Iowa, as follows:

Provided, That in applying the rule of promotion no distinction shall be made between officers of regiments composed of colored men and those composed of white men, but the promotion shall be by interchange equally open to all said officers.

Mr. SCHENCK. When the House adjourned on the day this bill was last under consideration, there was pending an amendment to section twenty-seven, offered by the gentleman from Iowa, [Mr. WILSON.] Before the question is taken on that amendment, I desire to offer a substitute for the entire section. I have had no opportunity of consulting with the members of the Committee on Military Affairs with the exception of two or three of them. But I think they will be satisfied with the modification of the section which I propose, and which is the result of a conference with one of the prominent and most distinguished staff officers of the Army, connected with the Adjutant General's Department, who thinks that with this change in the twenty-seventh section, and another to be proposed to the twenty-eighth section, the bill will be about perfect.

The SPEAKER. The amendment of the gentleman from Iowa [Mr. WILSON] is first in order, and will be first voted upon.

Mr. SCHENCK. I regret that the gentleman from Iowa is not himself here to sustain his amendment. In his absence, however, I will state that in the opinion of the Committee on Military Affairs there is no necessity whatever for any amendment of the description he has proposed. The bill now makes no distinction, but leaves promotions to be made under the rule of seniority, or any other rule of promotion, without reference to the fact whether the officers to be promoted belong to either one or the other of these arms. There was originally in the Senate bill a provision confining promotion to the particular corps, to the colored troops and to the white troops. That, however, was stricken out of the Senate bill, and no such provision was in the House bill. By general consent every Army bill before the House has left out the provision in regard to this matter. I oppose the amendment, therefore, upon the sole ground that it is not necessary.

Mr. PRICE. I understand the gentleman from Ohio [Mr. SCHENCK] to say that the bill as it now stands will have the same effect as if this amendment were agreed to. Is that correct?

Mr. SCHENCK. Yes, sir.

Mr. PRICE. Then if that is correct, this amendment will only be surplusage or explanatory or reaffirming. As the amendment is clearly a just and proper one, I think it would be well for the House to incorporate it into this bill. It will do no harm, and it may do some good in the minds of some.

The question was taken, and the amendment was not agreed to.

Mr. SCHENCK. I now move to amend this section by striking out all after the enacting clause and inserting in lieu thereof the following:

That in all the staff corps and among the officers of the line above the grade of captain, one third of

the promotions may be made on the ground of merit alone, and without regard to seniority in the date of appointment or commission.

Mr. DAVIS. I think there is merit in a portion of the proposed amendment of the gentleman from Ohio, [Mr. SCHENCK,] and I have but one objection to the whole of it. That objection is, that if you change the rule which has prevailed from the organization of the Army to the present day, you introduce an element of discord and dissatisfaction which will be injurious to the service. From the time our Army was first organized to the present day promotions have been made, I believe, by priority of appointment or commission. Now, if promotions be placed upon any other ground than that, there will be, I submit, a constant strife, a constant desire by some officers to secure promotions at the expense of others; there will be a rivalry for promotion which will injure the *esprit du corps* of the Army. Certainly officers who have long held commissions in the service will not continue in the service very contentedly, if after years of service those officers junior in service by several years may be promoted over them by favor or otherwise. On no other ground have I any objection to this amendment.

Mr. BLAINE. I move *pro forma* to strike out the last word of the proposed amendment. I do this in order to say that I think the gentleman from New York [Mr. DAVIS] will observe that this is a very fair compromise of the question. Instead of leaving promotions entirely open, as the original text proposed, this amendment confines promotions without regard to seniority of appointment or commission to but one third of the whole number of promotions. This will enable the Department to do what it never before has had the power to do, to promote some very meritorious officers.

The rule which the gentleman from New York favors, and which has heretofore been the rule of the Army, is a rule favoring, I will not say absolute demerit, but favoring mediocrity at the expense of genius in the line and in the staff. The substitute which has been offered by the chairman of the Committee on Military Affairs provides that one third of the promotions may be made on the ground of merit alone, without regard to seniority or date of commission. The remaining two thirds of the promotions are to be made on the ground of seniority as heretofore. I think it is a very small tribute to the talent and genius of the Army to say that one third of the promotions may be made expressly on the ground of merit.

I will say further, that so far as I am aware, the United States is the only country in the world in which promotions in the military establishment have been made solely on the ground of seniority. Heretofore we have steadily adhered to that system; and it has operated, in the belief of many of the very best officers, both of the staff and the line, to the detriment of the *esprit du corps* and the merit of the Army. The plan proposed in this amendment is, I believe, though I do not propose to be very much versed in such matters, the very plan which has resulted in making the French army one of the most perfect in the world. In that army, as I understand, one third of all the promotions are made on the basis of merit alone.

Mr. DAVIS. I would suggest to the gentleman that there is, under existing law, power to retire officers who are incompetent.

Mr. BLAINE. The question here is one of relative merit, not of incapacity. I withdraw the amendment to the amendment.

The amendment of Mr. SCHENCK was then agreed to.

The Clerk read as follows:

Sec. 28. *And be it further enacted*, That the President is authorized to transfer officers of the Army of the United States from the line to the general staff, and from the general staff to the line, or from one staff corps of the general staff to another and different staff corps, or from one arm of the service to another; but an officer on being so transferred shall only take such rank in the staff or corps in which he is placed as he held by commission in the staff or line before his transfer.

Mr. SCHENCK. I have already remarked

that my modification of the twenty-seventh section was proposed after consultation with a distinguished officer of the Adjutant General's department. The twenty-eighth section was also the subject of consideration in my consultation with him, that being the only other section to which he desired to call my attention. I have assented to the propriety of some modification in this section; and I therefore move to amend by striking out all after the enacting clause of the section and inserting the following:

That whenever an officer of the staff or of the line shall be deemed unfitted for or inefficient in the performance of his duties in the particular corps or arm of the service in which he may be, the President is authorized to transfer him to some other staff corps or arm of the line; but an officer on being so transferred shall only take such rank in the staff or corps in which he is placed as he held by commission in the staff or line before his transfer.

It will be observed, Mr. Speaker, that excepting the transposition of the clauses of the sentence, this is the same as the section of the bill, with this difference: it assigns an explanation of the occasion upon which the President may make this transfer. In thus assigning the reason for making the transfer, it carries out more clearly the object of the committee. Very often there may be found in the quartermaster's department an officer who would make a good officer of the line, having perhaps more capacity and propensity for fighting than for keeping accounts. Sometimes, on the other hand, an officer of the line would render more efficient service in one of the staff departments. In some cases, a quartermaster would make a better adjutant, or an adjutant a better commissary. This substitute, therefore, provides that when an officer is deemed in any respect unfitted for the peculiar duties of the particular arm of the service to which he belongs, this transfer shall be made, not implying any imputation upon the character of the officer, but being based on the fact of his greater fitness for the branch of the service to which he is transferred.

Mr. PAINE. Mr. Speaker, if the gentleman from Ohio were correct in his interpretation of the substitute which he has offered for this section, I would certainly agree with him as to the propriety of adopting it. But it seems to me that he has entirely misapprehended the purport and scope of his own amendment.

If it should be found in any case that an officer in one corps or staff department of the Army would excel in another corps or staff department, and ought therefore to be transferred, that transfer cannot, under this substitute, be made, unless the officer is disqualified for the duties of the particular corps or staff department to which he belongs. Now, Mr. Speaker, this is all wrong. There may be in one arm of the service an officer eminently fitted to discharge the duties devolved upon him in that arm, and yet by his talents or accomplishments may be better fitted for some other arm of the service in which he may distinguish himself, and more ably and profitably serve the country. Still, sir, under this substitute the President would not have the power to transfer him. Take this case, for example: an officer is in the infantry; he is a good captain or lieutenant colonel of infantry. Because he discharges his duty well as an officer of infantry the President cannot transfer him to any other arm of the service. If it be discovered that he would be an admirable engineer officer, or might distinguish himself and better serve the country in the artillery or cavalry, the President cannot transfer him, because he is fitted for the duties he is actually performing. It is on that account I am opposed to this substitute.

I am opposed to shutting the door to the transfer of those officers, who, although qualified for the duties they are discharging are still better qualified for the discharge of other duties. If a man is competent to the discharge of higher duties in another branch of the service, let it be no reason to refuse him a transfer that he is also competent to his present duties.

Mr. SCHENCK. I propose a modification.

We are aiming at the same thing, I am perfectly satisfied, and the amendment I have offered, by making it positive in one direction rather than negative in another, will accomplish the object. I propose to modify the amendment so it will provide, whenever an officer of the staff or of the line shall be deemed better fitted for or likely to be more efficient in the performance of his duty in another corps or arm of the service, &c.

Mr. PAINE. I suggest it should provide, whenever it is for the interest of the country or the service this transfer shall be made.

Mr. SCHENCK. That is falling back upon what we had before. I suggest for the present action on this section be reserved.

There was no objection, and it was ordered accordingly.

The Clerk read the next section, as follows:

Sec. 29. *And be it further enacted*, That the Superintendent of the United States Military Academy may hereafter be selected, and the officers on duty at that institution detailed, from any arm of the service; and the supervision and charge of the Academy shall be in the War Department, under such officer or officers as the Secretary of War may assign to that duty. The chaplain at the United States Military Academy shall no longer be required to act also as professor, but a professor of English literature, geography, history, and ethics shall be appointed for that institution, to be on the same footing and to be paid the same compensation as other professors of the Academy.

Mr. DAVIS. I move to amend by inserting "shall" instead of "may," and after the word "selected" the words "from the corps of Engineers." In the history of West Point so far we have had no officer at the head of the institution except one who has been educated for the engineer service, which service requires a wider range of knowledge than any other in the Army. It involves a study of chemistry, mathematics, and almost every other department of service. By the change now proposed in this bill a Superintendent of West Point may be appointed from any other branch of the service. I believe we have never had but two applications for the Superintendency of West Point from any other than the Engineer corps, and in both cases they were made by officers who have been in the rebel army.

Mr. SCHENCK. There is the plainest reason why officers have not applied from other arms of the service for appointment as Superintendent of West Point, because the law has confined it to the Engineer corps, and their applications were utterly absurd if they made them. Now, sir, almost every Board of Visitors of West Point for years past, including the last, of which I had the honor to be one, has concurred on examination of that institution in the recommendation that this change of the law should be made throwing open the Superintendency to the entire Army. The reason, summed up in three words by the last Board of Visitors, seems to me to cover the whole ground. They say to confine the Superintendency to the corps of Engineers in the early stages of that institution, when it was a school of engineers, might be well enough, but when it came to be the one great national military and polytechnic institution of the United States that reason ceased. And as that institution is used for the purpose of making officers in all the arms of the service and in every staff corps, it is right and proper that every arm of the service and every staff corps should have an opportunity of furnishing its best material. Why, sir, General Grant told me in conversation—and I do not hesitate to repeat what he said, as there was nothing of a confidential character in it—he remarked that without disparagement of the present Superintendent at West Point if the appointment should be confined to the Engineer corps he knew that there was one man whom he had in his mind who would make a perfect and model Superintendent who never could be appointed under the present law.

Let me say here that if General Grant himself desired to be the head of that institution, as Admiral Porter is at the head of the Naval Academy, he is not competent by law to fill that position. General Sherman could not do it. General Sheridan could not do it. The

officer must be selected from the Engineer corps, now numbering one hundred and five, but to be reduced by this bill to eighty. The purpose of this amendment is to throw the position open to the whole Army, and to let the best men in every branch of the service be eligible for selection to this position. The Senate, after voting down by a majority of one, the proposition of the House, has by a majority of two thirds adopted this very amendment as an amendment to an appropriation bill. It belongs more properly to an Army bill. I am glad to see the Senate thus selecting provisions of our Army bill, and giving us in advance their judgment upon some of the reforms which we propose.

The question was taken upon the amendment, and it was disagreed to.

Mr. WILSON, of Iowa. I move to reconsider the vote by which the substitute for section twenty-seven was agreed to.

The motion to reconsider was agreed to.

The question recurred on agreeing to the substitute for the section.

Mr. WILSON, of Iowa. I was called out of the Hall at the time the morning hour expired, and lost the opportunity of pressing a vote upon my amendment. I offer it now as an amendment to the substitute. It is as follows:

Provided, That in applying the rule of promotion no distinction shall be made between officers of regiments composed of colored men and those composed of white men, but promotions shall be by interchange equally open to all said officers.

The amendment was agreed to.

The question recurred upon agreeing to the substitute as amended; and being put, the said substitute was agreed to.

The Clerk read as follows:

Sec. 30. *And be it further enacted*, That no officer of the Army in time of peace shall be dismissed the service unless in accordance with the provisions of this act, or by sentence of a court-martial duly approved.

No amendment being offered,

The Clerk read as follows:

Sec. 31. *And be it further enacted*, That immediately after the passage of this act the President of the United States shall convene a council of officers to assemble at Washington city, which council shall be composed of three general officers of the Army, three officers of infantry, two officers of artillery, two officers of cavalry, two officers of the medical department, one officer of the Adjutant General's department, one officer of engineers, one officer of ordnance, one officer of the quartermaster's department, one officer of the subsistence department, one officer of the Inspector General's department, and one officer of the pay department; all to be selected for their high character for intelligence, discretion, justice, patriotism, and professional ability, and who, being thus selected, shall be retained on the Army list. It shall be the duty of this council to inquire into and consider the capacity, character, record of services, and fitness to be continued in the military service of every officer below the grade of brigadier general, who may be in the Army at the time of the passage of this bill, and with a view to this they shall be furnished with all information, papers, records, and other documentary evidence they may require from the War Department. As they proceed with this investigation, they shall, from time to time, make written report of their conclusions in each case to the Secretary of War. When the report of a majority of the council is not adverse in the case of any officer, he shall thereupon be immediately marked on the Army list to be retained in the service in the position or rank which he is then holding, of which due notice shall be given in general orders; but if the majority of the council report that in their opinion, and for reasons which they shall assign, the case of any officer ought to be further inquired into, he shall thereupon be summoned, by order, to appear before a board, to consist of three general officers or officers of his corps or arm of the service senior to him in rank, to undergo further examination. On such examination, besides other inquiry as to his capacity and qualifications, mental, moral, and physical, the officer shall be allowed, if the case requires it, full and reasonable opportunity for explanation and defense, and may produce witnesses and other testimony to meet any objections or charges made against him. If the board thereupon report that he is not qualified to remain in the Army, for reasons other than any which involve bad moral character, he shall be placed on the retired list, as is provided in other cases for the retirement of Army officers, and on the same conditions; but if he be found unfit for the service on account of moral disqualifications, he shall at once be dropped from the rolls of the Army. And in making such investigations into the fitness of officers to be retained in the service, the said military council, and such boards as may at any time be appointed and organized under the provisions of this section, shall take into account the cases of any who may have been employed in no active duty in the field during any part of the late war, and shall inquire specially into the reasons for

their not being so employed; and any officer whose absence from active field service during the war shall be decided by a board of examiners, after full hearing, to have been on account of his sympathy with the rebellion or his unwillingness to serve actively against the so-called confederate States, or any particular State, or the people of any State engaged in rebellion, shall be reported the same as if found morally disqualified for the service.

No amendment being offered,

The Clerk read as follows:

SEC. 32. *And be it further enacted*, That no officer of the Army below the rank of colonel shall hereafter be promoted to a higher grade before having passed a satisfactory examination as to his fitness for promotion and record of past services before a board of three general officers, or officers of his corps or arm of service who served in grades at least equal to his own during the late war for the suppression of rebellion; and should the officer fail at said examination, he shall be suspended from promotion for one year, when, if he still desires promotion, he shall, upon application, be reexamined, and upon a second failure shall be dropped from the rolls of the Army: *Provided*, That if any officer be found unfit for promotion on account of moral disqualifications he shall not be entitled to a reexamination.

No amendment being offered,

The Clerk read as follows:

SEC. 33. *And be it further enacted*, That no person shall be appointed an officer in the line or in any staff corps of the Army until he shall have passed a satisfactory examination before a board, to be convened under direction of the Secretary of War, which shall inquire into and take account of the services rendered during the late war, as well as the capacity and qualifications otherwise of the applicant; and such appointment when made shall be without regard to previous rank, but with sole regard to qualifications and meritorious services.

No amendment being offered,

The Clerk read as follows:

SEC. 34. *And be it further enacted*, That for the purpose of promoting knowledge of military science among the young men of the United States, the President may, upon the application of an established college or university within the United States, with sufficient capacity to educate at one time not less than one hundred and fifty male students, detail an officer of the Army to act as president, superintendent, or professor of such college or university; that the number of officers so detailed shall not exceed twenty at any time, and shall be appointed through the United States as nearly as practicable, according to population, and shall be governed by general rules, to be prescribed from time to time by the President.

No amendment being offered,

The Clerk read as follows:

SEC. 35. *And be it further enacted*, That whenever troops are serving at any post, garrison, or permanent camp, there shall be established a school where all enlisted men may be provided with instruction in the common English branches of education, and especially in the history of the United States; and the Secretary of War is authorized and directed to detail such commissioned and noncommissioned officers as may be necessary to carry out the provisions of this section.

No amendment being offered,

The Clerk read as follows:

SEC. 36. *And be it further enacted*, That any person applying for a commission under the authority of this act, and having permission to appear before a board of examiners, shall be entitled, in case of passing the examination, and being appointed or commissioned, to receive mileage from the place of his residence to the place of examination, or such portion of that distance as he may actually travel, the same as is paid to officers traveling under orders; but shall be paid no other compensation.

No amendment being offered,

The Clerk read as follows:

SEC. 37. *And be it further enacted*, That in construing this bill officers who have heretofore been appointed or commissioned to serve with United States colored troops shall be deemed and held to be officers of volunteers.

No amendment being offered,

The Clerk read as follows:

SEC. 38. *And be it further enacted*, That officers of the regular Army, who have also held commissions as officers of volunteers shall not on that account be held to be volunteers under the provisions of this act.

No amendment being offered,

The Clerk read as follows:

SEC. 39. *And be it further enacted*, That nothing in this act shall be construed to authorize or permit the appointment to any position or office in the Army of the United States of any person who has served in any capacity in the military or naval service of the so-called confederate States during the late rebellion; but any such appointment shall be held illegal and void.

Mr. FARQUHAR. I move to amend that section by inserting before the word "military," in the fifth line, the word "civil," so that it shall read, "civil, military, or naval service." I move, also, to strike out the words "so-called

confederate States," and to insert in lieu thereof the word "rebels."

Mr. SCHENCK. I have no objection to the introduction of the word "civil;" but I do object to the latter part of the gentleman's amendment. The words "so-called confederate States" define the service in which these men were. They certainly professed to be in somebody's service, and they were in the service of a government *de facto*, however unlawfully or wrongly, which was known all over the world as "the confederate States." I will agree to the gentleman's suggestion to insert the word "civil," and then if he chooses to ask a vote upon his other amendment he can do so.

Mr. FARQUHAR. I will move, then, first to insert the word "civil" before the word "military."

The amendment was agreed to.

WILLIAM PIERCE.

Mr. LYNCH. I desire to enter a motion to reconsider the vote by which the bill of the Senate (No. 231) for the relief of William Pierce, was laid upon the table.

The motion was entered.

ARMY BILL—AGAIN.

Mr. FARQUHAR. I move now to strike out the words "so-called confederate States" and to insert in lieu thereof the word "rebels." I wish to get the word "rebels" into the bill. I desire to call things by their right names. I recollect no order emanating from our distinguished Secretary of War, either during the rebellion or since the rebellion, in which he has designated the men who took up arms to destroy this Government by any other name than that of rebels. I think that is right. I desire to call things by their right names, and therefore I offer this amendment.

Mr. BLAINE. The gentleman will observe that the words "during the late rebellion" follow immediately after the words which he proposes to strike out. His amendment, if adopted, would therefore be tautology.

Mr. SCHENCK. I will move to insert after the words "the so-called confederate States" the words "or of either of the States in insurrection."

Mr. DAWES. I would suggest a phrase which I think covers the whole ground. It is this: "or otherwise in aid of the rebellion." Nothing can be broader than that. It embraces all kinds of people.

Mr. SCHENCK. I have no objection to that, and I hope the gentleman from Indiana [Mr. FARQUHAR] will accept it as a modification of his amendment.

Mr. FARQUHAR. I will accept it as an amendment to my amendment.

The question was taken; and Mr. FARQUHAR's amendment, as modified, was agreed to.

Mr. BLAINE. I move the following as an additional section, to come in after section thirty-nine:

And be it further enacted, That in all cases where a volunteer officer has been appointed in the regular Army to the same rank or grade which he may have held in the volunteer service, or to any lower rank or grade, his name shall be borne on the Army Register with the date of his volunteer appointment, and he shall take rank as with continuous service from that date.

The section was agreed to.

The Clerk read as follows:

SEC. 40. *And be it further enacted*, That all leaders of bands of music in the United States Army who now have the pay of second lieutenants shall be styled "band-masters," with the privilege of wearing the shoulder straps of a second lieutenant, with a lyre thereon to indicate their position: *Provided*, That nothing herein contained shall add to the rank, pay, or emoluments of such band-masters.

No amendment being offered,

The Clerk read as follows:

SEC. 41. *And be it further enacted*, That nothing herein contained shall be construed as affecting existing laws respecting the rank, pay, and allowances of chaplains of the Army, but the same shall remain as now established by the act entitled "An act to amend section nine of the act approved July 17, 1862, entitled 'An act to define the pay and emoluments of certain officers of the Army, and for other purposes,'" approved April 9, 1864.

Mr. PAINE. I move to amend this section by striking out the following:

But the same shall remain as now established by the act entitled "An act to amend section nine of the act approved July 7, 1862, entitled 'An act to define the pay and emoluments of certain officers of the Army, and for other purposes,'" approved April 9, 1864.

I call the attention of the chairman of the Committee on Military Affairs [Mr. SCHENCK] to the amendment I have offered, and will say that I offer it for the reason that these cases have been provided for in the recent bill to regulate the pay of the Army.

Mr. SCHENCK. The gentleman from Wisconsin [Mr. PAINE] is correct. I was about to move a similar amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 42. *And be it further enacted*, That nothing in this act shall be construed to affect in any way the Bureau of Refugees, Freedmen, and Abandoned Lands as now established by law.

No amendment being offered,

The Clerk read as follows:

SEC. 43. *And be it further enacted*, That the Secretary of War be, and he is hereby, directed to have prepared, and to report to Congress at its next session, a code of regulations for the government of the Army and of the militia in actual service, which shall embrace all necessary orders and forms of a general character for the performance of all duties incumbent on officers and men in the military service, including rules for the government of courts-martial. The existing regulations to remain in force until Congress shall have acted on said report.

Mr. DAVIS. In the sentence of this section which now reads, "the existing regulations to remain in force until Congress shall have acted on said report," I move to insert after the word "regulations" the words "subject to the power of amendment as authorized by existing law." As the section now stands the existing regulations would be made fixed and unchangeable until Congress shall take action. The existing law authorizes the President and the Secretary of War to modify the Army Regulations. If we pass the section in its present form it will take away from those officers the power to alter any of the existing regulations.

Mr. SCHENCK. This provision of the bill did not originate with the Committee on Military Affairs, but with a gentleman who has been connected with both the War Department and the Navy Department as a law officer and adviser in relation to just such matters. It is a singular fact that by the Constitution Congress alone has authority to make rules and regulations for the Army, and have never empowered the making of any regulations except perhaps in regard to the staff. It has been assumed that the regulations as they now exist are all legal: they have been acted upon as such; the question has never been distinctly made in any court martial. There would be some very curious developments if the history of military law in this country should be followed back. And until something is actually done by Congress it is thought advisable to legalize the existing regulations.

The provision reported by the committee is precisely the one which was agreed upon, after a full consideration of this whole matter, with the law adviser of one of the military departments of the Government. And to give the force of law in advance to anything and everything in the shape of general orders and regulations—they are usually made now in the form of general orders—I think would be carrying the matter to a very dangerous extreme indeed. I propose to stop, therefore, with the legalization of what now exists until Congress can act under the Constitution upon the subject.

Mr. DAVIS. If that be the existing law I have nothing to say; but if I am able to read that is not the existing law. The statute which I had before me yesterday recognized the code of regulations which was prepared in 1821, or at some subsequent period, and then gave the power of amendment to the President and the Secretary of War.

Mr. PAINE. I move, *pro formâ*, to amend the amendment by striking out the last word.

The Constitution of the United States provides that "Congress shall have power to make rules for the government and regulation of the land and naval forces." Now, I do not see how under that provision of the Constitution the Secretary of War or the President can have any power to make any rules for the regulation of the land or naval forces, unless it be said that a power conferred by the Constitution upon Congress can be delegated by Congress to some other coördinate branch of the Government. It seems to me to be clear that, whatever our wishes may be on this subject, we cannot fulfill the spirit of the Constitution, if we delegate the power conferred upon us by the Constitution, to make rules for the government and regulation of the Army to the President or Secretary of War, for the simple reason that the Constitution has lodged it here. I withdraw the amendment to the amendment.

The amendment of Mr. DAVIS was not agreed to.

Mr. PAINE. I move to amend by inserting the following as a new section, to come in after section forty-three:

SEC. —. *And be it further enacted*, That one chaplain may be appointed for each regiment of colored troops, at the discretion of the President, whose duties shall include the instruction of the enlisted men in the common English branches of education.

My reason for offering this amendment will, I suppose, be obvious to every member of the House. The regiments of colored troops have necessities which do not exist in the case of regiments composed of white troops. Hence this section provides that the duties of these chaplains, when chaplains shall be appointed for the colored regiments, shall embrace the instruction of the enlisted men in the common branches of an English education. But it is not made compulsory upon the President or on the War Department to appoint chaplains for any regiments of colored troops, if it should be found that, for any reason, the public interest would not be subserved by such appointments. If it should be found that, in any particular case, the appointment of a chaplain would not be desirable, would not promote the public interest, this amendment allows the President to make no appointment in such case. It allows the President in every case the discretion of making an appointment or not, as he may deem best. It seems to me that if we are to have any colored troops, it is not improper, in view of the necessities of these colored troops, to authorize the President, in his discretion, to appoint chaplains for those troops.

The amendment was agreed to.

The Clerk read as follows:

SEC. 44. *And be it further enacted*, That all laws and parts of laws inconsistent with the provisions of this act be, and the same are hereby, repealed.

Mr. SCHENCK. As this is the last section of the bill, I desire now to go back to the twenty-eighth section, which was reserved. I move to amend by striking out all after the enacting clause of that section and inserting the following:

That whenever an officer of the staff or of the line shall be deemed better fitted for or likely to be more efficient in the performance of his duties in some other corps or arm of the line than the particular corps or arm in which he may be, the President is authorized to transfer him to some other staff corps or arm of the line; but an officer on being so transferred shall only take such rank in the staff or corps in which he is placed as he held by commission in the staff or line before his transfer.

Mr. PAINE. I make no objection to this substitute; but I will suggest to the gentleman from Ohio that it perhaps embraces some slight verbal inaccuracies. I observe in one case the phrase "arm of the line" is used. That is not, perhaps, an objectionable phrase; but it seems to me that the phrase "arm of the service" is preferable.

Mr. SCHENCK. I have adopted the phraseology "arm of the line" in deference to the criticism of a gentleman in the Adjutant General's office, who maintains that the "arms of the service" are, properly speaking, the Army and the Navy; while the phrase "arm of the line" appropriately designates one of the three clas-

sifications of the Army—cavalry, artillery, or infantry.

The amendment of Mr. SCHENCK was adopted. Subsequently, on motion of Mr. BANKS, and by unanimous consent, the amendment was modified by substituting for the word "line" where it first occurs the words "military service;" and by substituting for the same word where it occurs the second time the word "service."

Mr. BLAINE. I move to amend by adding the following at the end of the bill as a new section:

SEC. —. *And be it further enacted*, That chaplains, when ordered from one field of duty to another, shall be entitled to transportation at the same rate as other officers.

The amendment was agreed to.

The SPEAKER. There was offered, on last Tuesday, by the gentleman from Wisconsin, [Mr. PAINE,] an amendment, on which, at the request of the gentleman from New York, [Mr. DAVIS,] the vote was reserved. The amendment will now be read.

The Clerk read as follows:

Amend the twenty-fifth section by adding at the end thereof the following:

Two thirds of all the military store-keepers and ordnance keepers provided for by the seventeenth section of this act and by this section shall be persons who have performed meritorious services as officers or soldiers in the armies of the United States during the late rebellion.

The amendment was agreed to.

Mr. PRICE moved to amend, on page 5, line fifty, after the word "service," by inserting the words "and all of said officers shall be." The amendment was agreed to.

Mr. SCHENCK demanded the previous question on the bill.

The previous question was seconded and the main question ordered.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. SCHENCK demanded the previous question on the passage of the bill.

The previous question was seconded and the main question ordered.

Mr. ELDRIDGE demanded the yeas and nays.

The House divided; and only thirteen voted in the affirmative.

Mr. ELDRIDGE demanded tellers on the yeas and nays.

Tellers were not ordered.

The yeas and nays were not ordered.

Mr. ELDRIDGE demanded tellers on the passage of the bill.

Tellers were ordered; and Messrs. ELDRIDGE and SCHENCK were appointed.

The House divided; and the tellers reported—yeas forty-five, noes not counted.

Mr. RANDALL, of Pennsylvania. I hope, by unanimous consent, the yeas and nays will be ordered on the passage of the bill. It will save a great deal of time and much confusion. This is too important a measure to pass on a vote by tellers. If gentleman are not afraid to go upon the record there will be no objection to the yeas and nays.

The SPEAKER. If there be no objection, the vote by which the yeas and nays were refused will be reconsidered, and the question will again recur on ordering the yeas and nays.

There was no objection, and it was ordered accordingly.

The yeas and nays were then ordered.

The question was taken; and it was decided in the affirmative—yeas 72, nays 41, not voting 69; as follows:

YEAS—Messrs. Alley, Allison, Ames, Delos R. Ashley, Baldwin, Banks, Barker, Beaman, Bidwell, Bingham, Blaine, Brownell, Cook, Dawes, Deffrees, Deming, Dixon, Dumont, Eggleston, Eliot, Farquhar, Garfield, Abner C. Harding, Higby, Holmes, Hooper, Asahel W. Hubbard, Chester D. Hubbard, Demas Hubbard, John H. Hubbard, Julian, Kelley, Ketcham, Kuykendall, George V. Lawrence, William Lawrence, Longyear, Lynch, Marston, Marvin, McKuer, Mercier, Miller, Moorhead, Morrill, Moulton, O'Neill, Orth, Paine, Perkins, Pike, Pomeroy, Price, William H. Randall, Alexander H. Rice, Rollins, Sawyer, Schenck, Scofield, Shellabarger, Stilwell, Trowbridge, Van Aernam, Robert F. Van Horn, Ward,

Elihu B. Washburne, Henry D. Washburn, William B. Washburn, Welker, Wentworth, Stephen F. Wilson, and Windom—72.

NAYS—Messrs. Ancona, Benjamin, Boutwell, Boyer, Broomall, Coffroth, Conkling, Denison, Driggs, Eldridge, Finck, Glossbrenner, Goodyear, Grider, Aaron Harding, Harris, Hayes, Hogan, Kasson, Kerr, Latham, Le Blond, Loan, Marshall, McClurg, McCullough, Niblack, Nicholson, Radford, Samuel J. Randall, Bitter, Ross, Sitgreaves, Spalding, Strouse, Taber, Thornton, Trimble, Warner, James F. Wilson, and Winfield—41.

NOT VOTING—Messrs. Anderson, James M. Ashley, Baker, Baxter, Bergen, Blow, Brandegee, Buckland, Bundy, Chandler, Reader W. Clarke, Sidney Clarke, Cobb, Cullom, Culver, Darling, Davis, Dawson, Delano, Dodge, Donnelly, Eckley, Farnsworth, Ferry, Grinnell, Griswold, Hale, Hart, Henderson, Hill, Hotchkiss, Edwin N. Hubbell, James R. Hubbell, Hulburd, Humphrey, Ingersoll, Jenckes, Johnson, Jones, Kelso, Laffin, McIndoe, McKee, Morris, Myers, Newell, Noell, Patterson, Phelps, Plants, Raymond, John H. Rice, Rogers, Rousseau, Shanklin, Sloan, Smith, Starr, Stevens, Taylor, Thayer, Francis Thomas, John L. Thomas, Upson, Burt Van Horn, Whaley, Williams, Woodbridge, and Wright—69.

So the bill was passed.

During the vote,

Mr. MORRILL stated that his colleagues, Mr. BAXTER and Mr. WOODBRIDGE, were absent on account of sickness.

The vote was then announced as above recorded.

Mr. SCHENCK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

REFUNDING COMMUTATION MONEY.

Mr. LAWRENCE, of Pennsylvania, introduced, by unanimous consent, a bill authorizing the Secretary of War to refund money received as commutation from citizens of the twenty-first congressional district of Pennsylvania; which was read a first and second time and referred to the Committee on Military Affairs.

EDWARD BLANCHARD.

Mr. WASHBURN, of Indiana. I ask unanimous consent to report from the Committee of Claims a joint resolution for the adjustment of the claim of Edward Blanchard, executor of Evan M. Buchanan.

Mr. ALLISON. I object.

NATIONAL CURRENCY.

Mr. LE BLOND. I ask unanimous consent to submit the following preamble and resolution:

Whereas it is the true interest of this Government as speedily as possible, looking alone to the public interest, to return to the constitutional currency of gold and silver; and whereas in the mean time, while the country is to suffer from the inflation of a paper currency, the interest of the people will best be promoted, while such paper currency shall be continued, to have it in the form of Treasury notes issued by the United States, and at once, by appropriate legislation, to provide for retiring the national bank currency: Therefore,

Resolved, That the Committee on Banking and Currency be directed to inquire into the propriety of repealing the law establishing the national banks and retiring the bonds of the United States as speedily as the public exigency may require, and the issuing of Treasury notes to be used as a circulating medium, thereby saving to the people the payment of over eighteen millions of interest annually upon our public debt, which incurs solely to the benefit of bankers and bond-holders and to the detriment of the tax-payers of the United States.

Mr. BEAMAN. I object.

INTEREST-PAYING TREASURY DEPOSITS.

Mr. RANDALL, of Pennsylvania, by unanimous consent, offered the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Banking and Currency be requested to inquire into the expediency of repealing such laws as authorize the depositing of money with the Treasurer and Assistant Treasurers of the United States and the payment of interest thereon by the Government.

And then, on motion of Mr. WASHBURN, of Illinois, (at three o'clock and forty-five minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule and referred to the appropriate committees:

By Mr. CONKLING: The petition of William Wilkeson, and a large number of citizens of Buffalo, representing that by the action of officers of the United

States, and without legal authority, the port of Buffalo has been virtually closed, and communication by public conveyance and telegraph has been interfered with. The petition prays that a committee may be sent to Buffalo to investigate the matter and recommend action to Congress.

Also, the petition of Jesse Willard, and others, citizens of Clinton, New York, praying a postponement of the tax on State bank circulation.

By Mr. HUBBARD, of New York: The petition of B. F. Reelford, and 90 others, citizens of the county of Chenango, praying Congress to repeal or modify the recent act by which a tax is to be imposed upon any bank that shall pay out the notes of any State bank or banks, on all they shall pay out, on and after the 1st day of July next; setting forth also that such tax will have the effect to retire from circulation immediately about nineteen million dollars of currency in the State of New York alone, thereby tending to produce great pecuniary embarrassment and distress among all the industrial classes of people.

By Mr. KELSO: The memorial of Brevet Major General John B. Sanborn, in favor of those soldiers of southwest Missouri who furnished their private horses in the campaign of 1864.

By Mr. MERCUR: The petition of 54 citizens of Espy, Columbia county, Pennsylvania, asking that the tariff laws may be so amended as to protect the labor of American citizens.

By Mr. RICE, of Maine: The petition of J. E. Hildgard, and 31 others, for a public park for the cities of Washington and Georgetown.

By Mr. TROWBRIDGE: The petition of Thomas F. Smith, of Knoxville, Tennessee, asking for the allowance of a pension in consideration of the loss of his sight in the military service of the United States as a wagoner in the quartermaster's department.

IN SENATE.

FRIDAY, June 22, 1866.

Prayer by the Chaplain, Rev. E. H. GRAY.
On motion of Mr. POMEROY, and by unanimous consent, the reading of the Journal of yesterday was dispensed with.

PETITIONS AND MEMORIALS.

Mr. CLARK presented the petition and other papers of E. J. Curley, praying for the allowance of payment for forty thousand bushels of corn alleged to have been furnished by him for the use of the Army; which was referred to the Committee on Claims.

Mr. SHERMAN presented a memorial of the Cleveland and Toledo Railroad Company, praying that they may be allowed to construct a bridge over and upon the Government piers for the passage of cars across the Cuyahoga river at the city of Cleveland, Ohio; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. SHERMAN. The Committee on Agriculture, to whom was referred the annual report of the Commissioner of Agriculture for 1865, have directed me to report in favor of printing the usual number of copies, and also the usual resolution providing for printing ten thousand extra copies. I move that the usual number of copies be printed and that the resolution to print extra copies be referred to the Committee on Printing.

The motion was agreed to.

Mr. CLARK. The Committee on Claims, to whom was referred the petition of Joseph Opocenzky, and thirteen others, Moravians, of Williams's Prairie, Austin county, in the State of Texas, praying for aid to erect a new Evangelical Moravian church and parsonage in that locality, have directed me to report that the prayer of the petition should not be granted. There is no authority for making an allowance of that kind.

The same committee, to whom was referred the petition of John C. Jacobi, chaplain at Kalorama Hospital, praying for compensation for the destruction of his library and other personal property by fire at that hospital on the 24th of December, 1865, have instructed me to report adversely thereon. The Government cannot be considered the insurers of the property of persons in their employ.

Mr. ANTHONY, from the Committee on Claims, to whom was referred the petition of R. L. McElree, praying for compensation for the alleged destruction of his property by fire, by order of the military authorities at Paducah, Kentucky, in March, 1864, reported adversely thereon.

Mr. HOWE, from the Committee on Claims,

to whom was referred a petition of citizens of the county of Somerset, Maryland, praying for an examination into the order of General Lockwood, who, while in command of the Eastern Shore of that State, caused to be levied certain sums of money for the building of a meeting-house accidentally or designedly destroyed by fire, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs and the Militia; which was agreed to.

He also, from the same committee, to whom was referred a bill (H. R. No. 421) for the relief of James G. Holland, late acting assistant paymaster United States Navy, reported it without amendment.

Mr. EDMUNDS. I am instructed by a majority of the Committee on Commerce, to whom was referred the bill (H. R. No. 527) to promote the construction of a line of railroads between the city of Washington and the Northwest for national purposes, to report the same back to the Senate with the expression of the opinion of that majority that the bill ought not to pass.

I feel it to be my duty to say in this connection that the action of the majority of the committee in this recommendation proceeds upon the idea that Congress has not the constitutional power to enact the law which the bill proposes; that is to say, that Congress has not the constitutional power in any case to authorize the construction of a road or railroad within any State, although for the purposes of commerce or war or the Post Office, without the consent of such State.

As I am one of the minority of the committee, and as my views are exactly opposed to those of the majority, I think it my duty to say that I entirely non-concur in the principle upon which the majority of the committee proceed. I think the constitutional law is clear, that we have authority to pass bills of this description in cases in which the public good absolutely requires it. Of course, it is the exercise of a high power, one which ought not to be exercised except in cases where some national emergency clearly requires it, for the sake of cultivating local harmony and good will; but when such an event does occur, then I think the welfare and the prosperity and the harmony of the States requires that Congress should exercise such a power. I think that the power to "regulate commerce," which is given by the Constitution to Congress, and the power "to establish post offices and post roads," as well as the power "to raise and support armies," clearly cover the exercise of such a function as this; and I think the history of the Confederation and of the reformation of the present Constitution, and the proceedings which took place in respect to these clauses of the Constitution, most clearly demonstrate that it was for such purposes and with a view to the exercise of such powers that these clauses in the present Constitution that I have named were inserted; and that the great and wise men who made these changes, on account of the difficulties and disputes into which the States were getting by their local regulations at that time, foresaw that in the great expansion of trade and of the territory of this country, such a general power, for the general harmony, for free intercourse and intercommunication among the States, it was essential should be exercised by the national authority for the national peace and for the national prosperity.

I do not now, of course, desire to go into a discussion on this subject; but I have thought it to be fit in behalf of the minority of the committee and myself to express these opinions.

I am also instructed to report back from the same committee the bill (H. R. No. 537) to promote the construction of a line of railroad from Pittsburg, Pennsylvania, to Cleveland, Ohio, with the expression of opinion that it ought not to pass, but in this case it is the opinion of the committee that it would be inexpedient to pass the bill even if we had the power.

AMBOY AND TRAVERSE BAY RAILROAD.

Mr. POMEROY. The Committee on Public Lands, to whom was referred the amendment of the House of Representatives to the bill (S. No. 243) to extend the time for the reversion to the United States of the lands granted by Congress to aid in the construction of a railroad from Amboy, by Hillsdale and Lansing, to some point on or near Traverse bay, in the State of Michigan, and for the completion of said road, have had the same under consideration, and directed me to report it back with a recommendation that the Senate concur in the amendment of the House of Representatives.

Mr. HOWARD. I hope the bill may be put on its passage at once.

Mr. GRIMES. What is it?

Mr. POMEROY. It is the bill in relation to the Lansing and Traverse Bay Railroad Company, in the State of Michigan. It is to revive a grant that expired two years ago.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment of the House of Representatives.

The amendment was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPherson, its Clerk, announced that the House of Representatives had passed the bill (S. No. 145) for a grant of lands to the State of Kansas to aid in the construction of the Northern Kansas railroad and telegraph, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House of Representatives had passed the following bills and joint resolutions, in which the concurrence of the Senate was requested:

A bill (H. R. No. 694) for the relief of Pitcher & Hayford, and Otis & Ferguson, of Belfast, Maine;

A bill (H. R. No. 695) for the relief of William H. Wheeler, of Bangor, Maine;

A joint resolution (H. R. No. 119) for the relief of Isaac Ramsey, internal revenue collector for the eighth district of Ohio; and

A joint resolution (H. R. No. 170) for the relief of Caroline A. Randall, administratrix and widow of Charles B. Randall, deceased.

MARINE HOSPITALS.

Mr. CHANDLER. I am instructed by the Committee on Commerce, to whom was referred the bill (S. No. 381) to amend an act entitled "An act to authorize the sale of marine hospitals and revenue-cutters," approved April 20, 1866, to report it back without amendment and recommend its passage. I ask for immediate action upon it.

Mr. POMEROY. Will it lead to any considerable discussion?

Mr. CHANDLER. Not at all.

By unanimous consent, the bill was considered in Committee of the Whole. It provides that the act of April 20, 1866, shall not be construed to authorize the Secretary of the Treasury to lease or sell any marine hospital where the relief furnished to sick marines shall show an extent of relief equal to twenty cases per diem, on an average, for the last preceding four years, or where no other suitable and sufficient hospital accommodations can be procured upon reasonable terms for the comfort and convenience of the patients.

Mr. GRIMES. The operation of this bill is merely to restore a proviso which was in the act of April 20 as it passed the Senate and passed the House of Representatives, but was struck out by a clerical error. This will make the law precisely word for word as it passed both Houses.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. WADE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 384) to incorporate the Washington Land and Build-

ing Company of the District of Columbia; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. HARRIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 385) for the relief of Thomas W. Stevens; which was read twice by its title, and referred to the Committee on Claims.

Mr. TRUMBULL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 386) to enlarge the public grounds surrounding the Capitol; which was read twice by its title.

Mr. TRUMBULL. As this bill has already been considered by the Committee on Public Buildings and Grounds, I move that it be printed and placed on the Calendar.

The motion was agreed to.

POST ROUTE BILL.

Mr. HENDERSON. I move to take up Senate bill No. 285, granting lands to the State of Kansas to aid in the construction of the Kansas and Neosho Valley railroad and its extension to the Red river.

The motion was agreed to.

Mr. RAMSEY. I hope the Senator from Missouri will allow me to call up the post route bill. It can be disposed of in three minutes. It was interrupted on its passage yesterday by the Senator from Michigan, but he finds on examination that it accomplishes what he desired. I suggest, therefore, that the Senator from Missouri allow this bill to lie over informally for two or three minutes until we pass the post route bill. It is important that it be passed early and sent to the House of Representatives.

Mr. HENDERSON. I have no objection if it will take only three minutes.

The PRESIDENT *pro tempore*. No objection being made, the bill before the Senate is laid aside, and the Senator from Minnesota moves to take up Senate bill No. 369.

The motion was agreed to; and the Senate resumed the consideration of the bill (S. No. 369) to establish certain post roads.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

KANSAS AND NEOSHO VALLEY RAILROAD.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 285) granting lands to the State of Kansas to aid in the construction of the Kansas and Neosho Valley railroad, and its extension to Red river, the pending question being on the amendment reported by the Committee on Public Lands to the eleventh section of the bill, as amended.

Mr. HENDRICKS. I do not wish to discuss it, but simply to call the attention of the Senate to the question. The eleventh section of the bill is the one that proposes to extend this and other roads down through the Indian country south of the southern boundary of Kansas. My proposition was to strike out the entire eleventh section.

The PRESIDENT *pro tempore*. That motion will be in order after the section shall have been perfected.

Mr. HENDRICKS. Very well. Perhaps the amendment may just as well be adopted now, and then I shall move to strike out the whole section, which will reach the question.

The PRESIDENT *pro tempore*. The question now is on the amendment of the Committee on Public Lands to the eleventh section.

The amendment was agreed to.

Mr. HENDRICKS. I now move that the eleventh section, as amended, be stricken out. If this motion prevails it will leave this as a road from Kansas City to the southern boundary of Kansas. Whether the Senate will be willing to pass a bill running a parallel road within a few miles of a road already provided for by a grant of lands is for further consideration. The present question is to prevent the

running of any of these roads through the Indian country before the absolute right has been secured from the Indian tribes, and to leave this road upon that question just as the other roads now stand. I move to strike out all of the bill which relates to the running of the road through the Indian country.

Mr. HENDERSON. In order that the Senate may understand what the proposition is, I will state that this section provides, inasmuch as there are several roads running down to the southern borders of Kansas, that whichever road gets to the southern limits of Kansas first shall take the grant and go on to the Gulf of Mexico. That is all that this section does. Instead of leaving it open for various competing lines hereafter to ask for several roads through the Indian country, it provides that whatever company builds its road down to the southern borders of Kansas first shall take the grant and go on to build the road to the Gulf, and that there shall be but one road built in that direction. Therefore I think it is nothing but proper that the section should stand as it is. All that we want is a road, and I do not care which of these roads builds down to the southern borders of Kansas first. I am not asking any grant of lands as a matter of favoritism to a particular road, but simply that whichever road gets to the southern boundary of Kansas first shall take the grant and go on with the road; and it will be equally beneficial to any company that gets there first.

Mr. POMEROY. In addition to what the Senator from Missouri has said I desire to say this: the grant beyond the southern line of Kansas is simply a grant of the right of way, with the consent of the Indians. It is not a grant of land, but of the right of way with the consent of the Indian tribes, and all the tribes have made treaties consenting to it except one. The chairman of the Committee on Indian Affairs the other day said he had examined it in its relation to the Indian tribes, and that he had no objections to the bill. It simply gives the right of way through that country to any road that will build to the southern line of the State first. We have tried to harmonize all the conflicting interests, and we believe we have done so. There cannot be any objection to this bill unless it is an objection to the running of a road in that direction. It is simply the right of way that is granted.

Mr. HENDRICKS. Before the Senate passes from this question I wish to say a word. In order that Senators may understand fully the proposition, it will be necessary to read the eleventh section. It is a very elaborate section. There is already a road provided for, as I said some days since, from Leavenworth by Lawrence to the southern line of Kansas. This bill proposes to run a road almost parallel, within a verge of from thirty-six miles to one mile from that road, and then to extend the right south of Kansas through the Indian country to a corporation of the State of Kansas. I propose to strike that out in relation to the Indian country.

Mr. POMEROY. It is true that they do start within thirty-six miles of each other, but when they run one hundred miles they are forty miles apart, as I showed the Senator the other day. From Humboldt to Fort Scott, which is one hundred or ninety-seven miles from the starting point, they are forty miles apart; and within that distance land grants are given everywhere in all the States.

Mr. HENDRICKS. Senators can settle that question by turning to the map of the surveys of the public lands of Kansas furnished by the Commissioner of the General Land Office. If the Senator can make six townships forty miles, he has got it; but the Commissioner of the General Land Office locates the road that is already provided for upon the map of the surveys of the State, and the greatest distance from the Missouri line to the road already provided for is six townships on this map.

Mr. POMEROY. That map was made before the road was located at all, on the prob-

able location; but when it came to be actually located, they located it at Humboldt on one road and Fort Scott on the other, and they are forty miles apart.

Mr. HENDRICKS. Senators can examine this map for themselves. It is furnished by the Commissioner of the General Land Office.

Mr. CRAGIN. If I understand this amendment I am in favor of it. As I understand, it denies the right to any grant through the Indian Territory. I have had occasion during this session to examine this subject quite fully, and I am entirely opposed to any grant through the Indian Territory until the consent of the Indians is fully obtained, and then I would grant simply the right of way. In the Committee on Territories I have had occasion to consult with the various representatives of the Indian tribes or nations residing in this country, and to my great surprise I have found them very intelligent, and many of them cultivated men. They are universally opposed to any railroad through this Territory unless they shall first give their consent. They are willing to grant the right of way, but nothing more.

Mr. POMEROY. That is precisely this bill. No grant is given until they consent.

Mr. CRAGIN. I apprehend that there is something more contemplated by this bill than simply that. I am not willing that this Territory shall lie in the way of public improvements; I am willing that there shall be a right of way granted; but if there is a purpose to obtain from these Indian tribes a grant, which I believe this bill contemplates in the ninth, tenth, and eleventh sections, I am opposed to the passage of the bill.

Mr. HENDERSON. The Senator surely was not in the Chamber on Wednesday morning when I read the contemplated amendment that I intended to offer to the eighth section; but if the Senator has any fears upon that subject I will pass over the eleventh section now, and take up the eighth section. I propose this amendment to that section:

That the right of way through the Indian Territory, wherever such right is now reserved or may be reserved to the United States by treaty with the Indian tribes, is hereby granted to said company to the same extent as granted by the sixth section of this act through the public lands. And in all cases where the right of way as aforesaid through the Indian lands shall not be reserved to the Government, the said company shall, before constructing its road, procure the consent of the tribe or tribes interested, which consent with all its terms and conditions shall be previously approved and indorsed by the President and filed with the Secretary of the Interior.

No damage can be done to any Indian tribe if this is adopted. Let us pass over the eleventh section and adopt this amendment.

Mr. CRAGIN. That probably will relieve much of my objection, although I should prefer that this consent should be given by treaty with the United States, rather than to allow companies to manage to get the consent of the Indians.

Mr. HENDERSON. But then the road cannot be built until the consent is obtained by treaty, and I will state to the Senator that treaties are now pending before this body made with every Indian tribe except one, the Cherokees, and that the Cherokees have passed a resolution through their Legislature, not only consenting to, but requesting, the building of this road.

Mr. CRAGIN. Perhaps my remarks will not be so appropriate to this amendment. I have objections to the ninth and tenth sections of this bill. The ninth section gives a grant of land through the Indian Territory whenever the Government shall obtain the title to the land there and it shall become public land. I am opposed entirely to the Government ever acquiring this land for any such purpose, because the tendency of it will be to introduce white settlers into that Territory and drive the Indians from it. There are now some eighty thousand Indians in that Territory, and more are to be sent there. If this is designed as an entering wedge to remove those Indians from that Territory then they are to perish in

this land, for that is the last resting-place for them.

Then, by the tenth section of this bill, this company is authorized, with the consent of the President, to purchase lands of the Indians, another provision looking in the same direction. I believe this is an entering wedge to a scheme for getting the Indian land for the purposes of this corporation, and ultimately to drive the Indians from this Territory.

As I understand it, Mr. President, the Indians occupying this Territory have a different title to the land from any other Indians. The Cherokees, especially, when they were removed from Georgia to this Territory, were given the most solemn guarantees by the Government of the United States that they should forever remain there and be protected in their rights. They have an absolute fee-simple to the land, with the exception that they cannot dispose of it to any parties except to the Government of the United States. I hope, sir, that this bill will not pass unless these sections are stricken out, and unless it is so guarded that even the right of way shall not be granted until the full consent of each of these Indian nations has been given to the Government of the United States, and not to the railroad corporation.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Indiana to strike out the eleventh section of the bill.

Mr. HENDRICKS called for the yeas and nays, and they were ordered.

Mr. POMEROY. I desire to assure the Senate that every precaution is contained in this bill that can be thrown around a bill, that no right of way shall be granted until the Indians assent to it. It cannot be better guarded. If it is the pleasure of Congress to grant any right of way through this country the bill cannot be better guarded in that respect than it is.

Mr. HENDRICKS. It is a proposition in round terms to allow corporations of the State of Kansas, not created by any act of Congress, to extend their roads outside, beyond the limits of the State and through the Indian country. My impression is, that these corporations, so far as they shall realize lands from the General Government, ought to be confined to the State, being corporations of the State, and that they shall not extend into the Indian country. Upon that proposition I have moved to strike out the eleventh section.

Mr. HENDERSON. In reply to what was said by the Senator from New Hampshire, [Mr. CRAGIN,] I will state to the Senate that it is the wish, as I understand, of all these Indian tribes to have railroad facilities. If it is the desire of the Senate of the United States never to build a railroad across an Indian reservation, even with the consent of the Indians, they will vote "yea" on this amendment. If it be the belief of the Senate that under certain circumstances a railroad ought to be built across a reservation, by the consent of the Indians, they will vote against the amendment. There is not a dollar's worth of land proposed to be given except when the Indian title shall have been entirely obtained by the United States. But if the United States are going to stand back and say that because there are a few Indian tribes on the plains we shall not be permitted, even with the consent of the Indians, to build a railroad across their lands, or even when the Government has retained the right by treaty with them to do so, then of course they will vote "yea" on this amendment. Otherwise, of course, we ought to have the privilege in this case, because, as the Senator from Kansas says, I have guarded this bill in every way that I know how. As to throwing discredit on this thing because the company is a Kansas company, that, I suppose, will have but little weight with the Senate.

Mr. GRIMES. I have heard it asserted here—and I desire to know whether the Senator concurs in that opinion—that these Indians hold their lands under a different title from the Indians on the plains.

Mr. HENDERSON. The Cherokees do,

and therefore I provide, by an amendment which I propose, that under no circumstances shall the road go through the Cherokee lands without the consent of the Cherokees, given by an act passed by their Legislature and approved by the President of the United States and filed with the Secretary of the Interior.

Mr. GRIMES. Has that been adopted?

Mr. HENDERSON. It will be adopted. I suppose there will be no objection to it. I just now proposed to offer that amendment to the eighth section, and I shall do so as soon as the present amendment is disposed of. I assure Senators that if they adopt this section, and if they should not afterward adopt the amendment which I propose, to protect the right of the Indians, I will vote against the bill myself. I do not ask the Senate to do anything that is wrong.

Mr. CLARK. This argument of obtaining the consent of the Indians first is a little delusive. The consent may be obtained to a railroad; but how? By treaty? In whatever mode it is obtained, I have no doubt the Government will have to pay for it, for whenever we make a treaty with an Indian to move off or do anything to land we always pay him a subsidy or a round sum of money for it; and now, when a railroad company wants a route through the Indian Territory, there will have to be a treaty made or consent obtained in some way, which the Government will pay for.

Mr. POMEROY. Does not the Senator know that it is provided for in every one of these treaties but one, which is not yet ratified?

Mr. CLARK. I know that it is provided for in some of the treaties, and I know very well, too, that railroad companies or men who act for railroad companies object to the setting aside of lands for the Indians, on the pretense that a railroad goes through that country, and thus the public good of the Indian is made to give way to the private interests of a railroad company.

Mr. POMEROY. I am not one of those men.

Mr. CLARK. The Senator says he is not one of those men. I charge no such thing upon the Senator; I charge it upon no Senator; but I know such is the fact, and I know such has been the fact this very session. I know such has been the fact in regard to his own State, if he will permit me to say it. When it is proposed to locate an Indian tribe in his own State, on the southern border, by treaty, it is objected that a railroad grant is to be interfered with.

Mr. POMEROY. I made no such objection.

Mr. CLARK. Certainly the Senator made no such objection, but that does not alter the fact which I am stating. Now, I would very much rather that we should have the consent of the Indians in the first instance, that no authority should be given until that assent is obtained and we see the conditions on which it is obtained before we undertake to do a thing of this kind.

Mr. President, I think the Indian Territory should be reserved against not only the settlement of the white man, but should be reserved against the encroachments of a corporation that wants to take their land. These men are fast disappearing. They are driven from one plain to another and from one river to another. There is a Territory down there which we have denominated the Indian Territory, where we have been gathering them together; and now you propose to open it, and let railroads run through and run over and destroy this home for the Indian. I am in favor of railroads through the country; they are the great networks of communication which bind the different parts of the country together; but I would not allow, by a bill of this kind, railroads to run into this Territory, which, for thirty, forty, or fifty years we have been holding sacred, and ought now to hold sacred, as the home of the Indian. If the Indian wants the railroad, let him ask for the railroad there, and give his assent in the first instance.

Mr. HENDERSON. They have done it.

Mr. CLARK. He may have done it in some instances, but I fear very much the influence which is brought to bear upon him in advance to crush him out of his home.

Mr. HENDRICKS. The suggestion of the Senator from New Hampshire makes it proper for me to say that this bill provides a new mode of treating with the Indians altogether new in our policy. It provides for a negotiation by a railroad company of a treaty with the Indians, with the assent of the President. The tenth section provides "that said Kansas and Neosho Valley Railroad Company, its successors and assigns, shall have the right to negotiate with and acquire from any Indian nation or tribe authorized by the United States to dispose of lands for railroad purposes, and from any other nation or tribe of Indians through whose lands said railroad may pass, subject to the approval of the President of the United States."

That is a new policy altogether. It has been heretofore held that nobody could treat or trade with the Indians in regard to their lands except the Government, and I do not think it is well to depart from that policy. My proposition is simply to let this railroad company, a corporation of the State of Kansas, run its road within the limits of the State to the extent authorized by its Legislature.

Mr. HENDERSON. This is the most remarkable of all the opposition I think I have ever witnessed. The Senator now leaves the eleventh section, which we have under consideration, and goes back and attacks the tenth. Now, what is the tenth section?

That said Kansas and Neosho Valley Railroad Company, its successors and assigns, shall have the right to negotiate with, and acquire from, any Indian nation or tribe, authorized by the United States to dispose of lands for railroad purposes.

Is it possible for the United States to make a treaty with the Cherokee nation permitting them to grant alternate sections of these lands to a railroad company, and is it possible that we will say beforehand that they shall not do it? First, there must be a treaty made with the tribe to authorize the tribe to do this thing before this section of the bill will attach at all.

The remarks of the Senator would leave the impression that we are attempting to originate a new mode of treating with the Indians. It is not so. A treaty must first be made authorizing the Indians to permit it to be done or else it cannot be done; and even after the treaty has been made it cannot be done until the action is submitted to the President and approved by the President. That is another guardianship over their rights.

Mr. President, the Indian tribes are not at all damaged by this bill and cannot be. The Cherokee nation has already passed a resolution through its representative body allowing either of these roads, whichever shall build first, the right of way, and appointing commissioners to induce them to build. It is a notorious fact that such is the case; and this is the only tribe we have not already negotiated with and secured the right of way to build railroads from. They are all anxious to have railroads. Is it possible that this rich country, the Cherokee nation, is to be kept closed up forever without railroad facilities? As the Senator from New Hampshire [Mr. CRAGIN] says, there are intelligent men there, very able men representing them in their Legislature. They are entirely excluded from the outside world; they have no communication at all with it; and they are begging for a railroad company to build a road there. They passed resolutions to that effect by their Legislature. We have cramped and bound up these companies in every way possible in this bill, and yet I hear objections made. First a treaty must be made allowing them to give their lands; secondly, even after they give their lands, their action must be approved by the President—an additional guard and protection—and yet we are told we are trying to rob the Indians! I am sure I would not rob them out of a cent; I do not desire to do it, and I would give no company the power to do

it. If this bill is not protected against any wrong, if it is not so guarded that no wrong can be inflicted on the Indian, I myself will not vote for it.

Mr. POMEROY. The Senator from New Hampshire [Mr. CLARK] intends to be right, I know, but if he will read a clause in the treaty with the Creeks and Seminoles, made on the 7th of August, 1856, he will find these words in the twentieth article:

"The United States or any incorporated company shall have the right of way for railroads or telegraph lines through the Creek and Seminole country."

Then, if he will turn to the treaty made with the Choctaws and Chickasaws, on the 22d of June, 1855, he will find these words in the eighteenth article:

"The United States or any incorporated company shall have the right of way for railroads and lines of telegraph through the Choctaw and Chickasaw country."

The provision has already been made in all the treaties with one exception, and that is under consideration.

Mr. CLARK. I understand that that provision is in some of the treaties.

The question being taken by yeas and nays, resulted—yeas 8, nays 21; as follows:

YEAS—Messrs. Clark, Cragin, Davis, Foster, Guthrie, Hendricks, Van Winkle, and Willey—8.

NAYS—Messrs. Anthony, Brown, Buckalew, Chandler, Conness, Cowan, Fessenden, Harris, Henderson, Howard, Howe, Kirkwood, Morgan, Poland, Pomerooy, Sherman, Sprague, Stewart, Wade, Williams, and Yates—21.

ABSENT—Messrs. Creswell, Dixon, Doolittle, Edmunds, Grimes, Johnson, Lane of Indiana, Lane of Kansas, McDougall, Morrill, Nesmith, Norton, Nye, Ramsey, Riddle, Sautsbury, Sumner, Trumbull, Wilson, and Wright—20.

So the motion to strike out the eleventh section did not prevail.

Mr. HENDERSON. I now move to amend the eighth section by striking out all after the word "State," in line eight, being that portion of the section granting the right of way through the Indian country, and in lieu of the words stricken out to insert the following:

The right of way through the Indian Territory wherever such right is now reserved or may hereafter be reserved to the United States by treaty with the Indian tribes, is hereby granted to said company to the same extent as granted by the sixth section of the act through the public lands, and in all cases where the right of way as aforesaid through the Indian lands shall not be reserved to the Government, the said company shall, before constructing its road, procure the consent of the tribe or tribes interested, which consent, with all its terms and conditions, shall be previously approved and indorsed by the President and filed with the Secretary of the Interior.

The amendment was agreed to.

Mr. HENDRICKS. I will offer one amendment which I do not propose to discuss. The language of the first section in the thirteenth and fourteenth lines is, "there is hereby granted to the State of Kansas for the use and benefit of said railroad company." As this is a new style of granting lands, making the grant to the company in substance, I move to strike out the words "for the use and benefit of said railroad company," so that the grant may be to the State.

Mr. POMEROY. I should have no objection to the amendment were it not for the fact that the State of Kansas at the last session of its Legislature gave one hundred and twenty-five thousand acres of land, out of the five hundred thousand acres given to the State in the act of admission, to this company, and there is no other company authorized to build this line of road. If the Senator would change the phraseology so as to make this bill read as other bills do, making a grant for a line of railroad between certain specified points, it would be sufficient. This grant, of course, would then go to this company, there being no other company authorized to build this line of road.

Mr. HENDRICKS. That provision is already in the bill. The bill describes the railroad route "from the eastern terminus of the Union Pacific railroad, eastern division, at the line between Kansas and Missouri, at or near the mouth of the Kansas river on the south side thereof, southwardly through the eastern tier of counties in Kansas," &c., "so

as to effect a junction at the Red river with a railroad now being constructed from Galveston to Red river."

Mr. HENDERSON. I hope the amendment will not be made. There is no use of it at all. This company has been incorporated to build a road in Kansas, through the eastern part of Kansas down to a certain line. This bill proposes to give the alternate sections of land to that company. There are but few lands in the State, to be sure, which will go under this grant, perhaps not five thousand acres; but the bill proposes to grant lands on the line of this road; and if these words be stricken out the bill will be very awkward indeed. It will provide that the land on each side of this road shall be given to Kansas, and perhaps Kansas can take it and build a road somewhere else, in another direction, away from this route, but they get the lands in consequence of this road being built, and that will leave it in the hands of the Legislature to turn the lands over to some other company. That is all the effect it can have.

Mr. POMEROY. The morning hour is about expiring. Let us vote.

The PRESIDENT *pro tempore*. The Chair will put the question as soon as the debate terminates.

The amendment was rejected.

Mr. CRAGIN. I move to strike out the ninth section of the bill. It will be seen by this section that here it is in contemplation that these Indian lands shall become public lands, and this section makes a grant to this railroad corporation in such case. Let this bill become a law, and this corporation will go to work at once to procure a treaty from these Indians to obtain this land, and then it will go to the company. If there is no such purpose, there can be no objection to striking out the ninth section. It will remove much of my objection to the bill.

Mr. HENDERSON. I hope it will not be done. The Indian right is sufficiently secured. You will protect the Indian by building the railroad. You cannot build the railroad until the Indian gives his consent by treaty anyhow; it is utterly impossible; and after we have the lands, it only proposes then that the right to alternate sections shall attach after treaty stipulations are obtained. The Indians want these railroads just as much as we want them. It is just as much to the advantage of the Indian as of the white man to have these railroads, and I hope the section will not be stricken out.

Mr. CRAGIN. It has come to my knowledge during the session that there have been parties about Washington here anxious for some way to get hold of these Indian lands. In the first place there has been a very strong effort to organize a territorial government in the Territory, a sort of Indian territorial government, with a Governor and other officers appointed by the President, and men have been laboring here to secure that object; and the whole purpose has been, in my judgment, in order that they may get a foothold in the Territory to obtain the lands there. There is such a purpose.

The PRESIDENT *pro tempore*. The morning hour having expired, it becomes the duty of the Chair to call up the unfinished business of yesterday, which is House bill No. 513.

Mr. HENDERSON. I hope the Senator from Maine will give me two minutes to close this bill. This is the sixth morning we have had it up. I will not ask over two minutes.

Mr. FESSENDEN. If I yield it will be breaking in upon the rule I have laid down.

Mr. HENDERSON. I only ask about two minutes. We are now about to vote.

Mr. HENDRICKS. I presume there is to be no further debate to any considerable extent on this bill. I want to dispose of it in some way or other. If it is the pleasure of the Senate to give this kind of a grant, very well; but I should like to have it disposed of. I hope the Senator from Maine will let it be disposed of. I suggest that the other business be laid aside informally.

The PRESIDENT *pro tempore*. The order

of the day can be laid aside by common consent only, without a vote. No objection being interposed, the order of the day is laid aside.

Mr. FESSENDEN. No, sir; I cannot agree to have it laid aside except informally for a few moments.

Mr. HENDERSON and Mr. POMEROY. That is all we ask.

Mr. FESSENDEN. If it is to go over informally for a few moments, I shall not object.

Mr. HENDERSON. That is all I ask.

Mr. FESSENDEN. If the other bill takes over five minutes, I must insist on going on with the tax bill.

Mr. HENDERSON. Very well.

The PRESIDENT *pro tempore*. No objection being made, the order of the day will be laid aside temporarily.

Mr. CRAGIN. I have no special purpose to defeat this bill. As I was saying, there were parties here very anxious to get a foothold in this Territory in order to obtain these lands. I do not charge that that is the purpose of this bill for this company; but it must be perfectly clear to every one that if this bill becomes a law it then at once becomes the interest of the company to obtain these lands under this ninth section. I am opposed to their obtaining the lands under any circumstances whatever. The Indians, as I believe, are willing to grant the right of way to these railroads. I am, for one, willing that they should grant thus much; but the moment they begin to give lands, or the Government buys these lands of them by treaty in order to give them to these railroad corporations, that moment seals the doom of the Indian tribes and nations in that Territory, and they will be driven from there ultimately and become extinguished upon this continent. I am utterly opposed to doing anything here that shall give anything more than the simple right of way through this country, and that only with the consent of the Indian tribes.

The PRESIDENT *pro tempore*. The question is on the motion to strike out the ninth section of the bill.

The motion was not agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in. The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

STEAMBOAT INSPECTION LAW.

The PRESIDENT *pro tempore* appointed Mr. CHANDLER, Mr. EDMUNDS, and Mr. NESMITH as the committee of conference on the part of the Senate on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 477) further to provide for the safety of the lives of passengers on board of vessels propelled in whole or in part by steam, to regulate the salaries of steamboat inspectors, and for other purposes.

PARIS UNIVERSAL EXHIBITION.

The PRESIDENT *pro tempore* appointed Mr. HARRIS, Mr. CRAGIN, and Mr. GUTHRIE as the committee of conference on the part of the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H. R. No. 52) to provide for the expenses attending the exhibition of the products of industry of the United States at the Exposition at Paris in 1867.

HOUSE BILLS REFERRED.

The following bills and joint resolutions from the House of Representatives were severally read twice by their titles and referred to the Committee on Claims:

A bill (H. R. No. 694) for the relief of Pitcher & Hayford, and Otis Ferguson, of Belfast, Maine;

A bill (H. R. No. 695) for the relief of William H. Wheeler, of Bangor, Maine;

A joint resolution (H. R. No. 119) for the relief of Isaac Ramsey, internal revenue collector for the eighth district of Ohio; and

A joint resolution (H. R. No. 170) for the

relief of Caroline A. Randall, administratrix and widow of Charles B. Randall, deceased.

NORTHERN KANSAS RAILROAD.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. No. 145) for a grant of lands to the State of Kansas to aid in the construction of the Northern Kansas railroad and telegraph.

Mr. POMEROY. I should like to have that lie upon the table for a few moments until it can be examined. I move that it lie on the table.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House of Representatives had passed the following bills, in which it requested the concurrence of the Senate:

A bill (H. R. No. 361) to reorganize and establish the Army of the United States;

A bill (H. R. No. 698) granting an increase of pension to Mrs. Mercie E. Scattergood;

A bill (H. R. No. 699) for the relief of James L. Perham;

A bill (H. R. No. 700) for the benefit of John W. Jones;

A bill (H. R. No. 701) granting a pension to Mrs. Imogene Buckingham, of Edgar county, Illinois;

A bill (H. R. No. 702) granting pension to Mrs. Charlotte E. Reed;

A bill (H. R. No. 703) for the relief of Lieutenant Colonel Frank Lynch;

A bill (H. R. No. 704) for the relief of Joel Farley; and

A bill (H. R. No. 705) for the relief of George W. Bush.

The message further announced that the House of Representatives had passed the following Senate bills without amendment:

A bill (S. No. 200) for the relief of Jane Harris;

A bill (S. No. 276) for the relief of Mrs. Jerusha Witter;

A bill (S. No. 298) granting a pension to Jane D. Brent;

A bill (S. No. 326) granting a pension to Mrs. Harriet B. Crocker;

A bill (S. No. 339) granting a pension to Benjamin Franklin;

A bill (S. No. 342) for the benefit of Ira B. Curtis;

A bill (S. No. 375) to amend an act granting a pension to the widow of the late Major General Hiram G. Berry; and

A bill (S. No. 381) to amend an act entitled "An act to authorize the sale of marine hospitals and revenue-cutters," approved April 20, 1866.

The message further announced that the House of Representatives had passed the following bills with amendments to each, in which it requested the concurrence of the Senate:

A bill (S. No. 180) for the relief of A. J. Gray;

A bill (S. No. 238) granting a pension to Mrs. Amarilla Cook;

A bill (S. No. 275) for the relief Cornelius Crowley; and

A bill (S. No. 330) making further provision for the establishment of an armory and arsenal of construction, deposit, and repair at Rock Island, in the State of Illinois.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House of Representatives had signed the following enrolled bill and joint resolution; and they were thereupon signed by the President *pro tempore* of the Senate:

A bill (S. No. 225) for the relief of the Amoskeag Manufacturing Company; and

A joint resolution (S. R. No. 100) for the restoration of Lieutenant Commander Richard L. Law, United States Navy, to the active list from the reserved list.

INTERNAL TAXATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 513) to reduce internal taxation and to amend an act entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," approved June 30, 1864, and acts amendatory thereof.

The Secretary resumed the reading of the bill, beginning with the tenth section, as follows:

SEC. 10. *And be it further enacted*, That sections two, five, eight, nine, ten, and twelve of the act entitled "An act to amend an act entitled 'An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes,' approved June 30, 1864," approved March 3, 1865, be, and the same are hereby, repealed.

The Committee on Finance proposed to amend this section in line two by striking out the word "ten."

The amendment was agreed to.

The Committee on Finance proposed to insert at the end of section ten the following:

That section six of the act of March 3, 1865, entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," approved June 30, 1864, be amended by striking out all after the enacting clause and inserting in lieu thereof the following: that every national bank association, State bank, or State banking association shall pay a tax of ten per cent. on the amount of notes of any person, State bank, or State banking association used for circulation and paid out by them after the 1st day of July, 1867, and such tax shall be assessed and paid in such manner as shall be prescribed by the Commissioner of Internal Revenue.

That section fourteen of the same act shall be amended by striking out all after the enacting clause and inserting in lieu thereof the following: that the capital of any State bank or banking association which has ceased or shall cease to exist, or which has been or shall be converted into a national bank, for all the purposes of the act to which this is an amendment, shall be assumed to be the capital as it existed immediately before such bank ceased to exist or was converted as aforesaid; and whenever the outstanding circulation of any bank, association, corporation, company, or person shall be reduced to an amount not exceeding five cent. of the chartered or declared capital existing at the time the same was issued, said circulation shall be free from taxation; and whenever any bank which has ceased to issue notes for circulation shall deposit in the Treasury of the United States, in lawful money, the amount of its outstanding circulation, to be redeemed at par under such regulations as the Secretary of the Treasury shall prescribe, it shall be exempt from any tax upon such circulation; and whenever any State bank or banking association has been converted into a national banking association, and such national banking association has assumed the liabilities of such State bank or banking association, including the redemption of its bills, or by any agreement or understanding whatever with the representatives of such State bank or banking association, shall use the bills of such State bank or banking association, such national banking association shall be held to make the required return and payment on the circulation outstanding, so long as such circulation shall exceed five per cent. of the capital before such conversion of such State bank or banking association.

That an act entitled "An act to declare the meaning of certain parts of the internal revenue act, approved June 30, 1864, and for other purposes," approved March 10, 1866, be amended by striking out sections three, four, and five of said act and inserting in lieu thereof the following: that it shall be the duty of all persons required to make returns or lists of income and articles or objects charged with an internal tax, to declare in such returns or lists whether the several rates and amounts therein contained are stated according to their values in legal-tender currency, or according to their values in coined money; and in case of neglect or refusal so to declare to the satisfaction of the assistant assessor receiving such returns or lists, such assistant assessor is hereby required to make returns or lists for such persons so neglecting or refusing, as in cases of persons neglecting or refusing to make the returns or lists required by the acts aforesaid, and to assess the duty thereon, and to add thereto the amount of penalties imposed by law in cases of such neglect or refusal. And whenever the rates and amounts contained in the returns or lists as aforesaid shall be stated in coined money, it shall be the duty of each assessor receiving the same to reduce such rates and amounts to their equivalent in legal-tender currency, according to the value of such coined money in said currency for the time covered by said returns. And the lists required by law to be furnished to collectors by assessors shall in all cases contain the several amounts of taxes or duties assessed, estimated, or valued in legal-tender currency only.

Mr. FESSENDEN. There are some slight amendments that should be made to that amendment. In line ten after the words "an act to" the words "amend an act entitled 'An act to'" should be inserted; in line thirty-three the

word "per" should be inserted before "cent;" in line seventy-one the word "duty" should be stricken out and "tax" inserted; and in line eighty-one the words "or duties" should be stricken out.

The PRESIDENT *pro tempore*. Those corrections will be made. The question is on the amendment of the committee as thus amended.

The amendment, as amended, was agreed to.

The Secretary read the next section, as follows:

SEC. 11. *And be it further enacted*, That from and after the passage of this act the articles and products hereinafter enumerated shall be exempt from internal tax or duty: alum; aluminum; aluminous cake, patent alum, sulphate of alumina, and cobalt; aniline and aniline colors; animal charcoal, or carbon; anvils; articles manufactured in institutions for the blind, and in institutions for the deaf and dumb, which are sold to aid in their support, or the support of the pupils; barrels and casks other than those used for the reception of fluids; packing boxes made of wood; and boxes of wood or paper for friction matches, cigar-lights, and wax tapers; beeswax, crude or refined; bichromate of potash; bleaching powders; blue vitriol; borax, and boric acid; brass not more advanced than rods or sheets; brick, fire-brick, draining-tiles, cement, drain and sewer pipes, and earthen and stone water-pipes; bristles; brooms made from corn, brush, or palm-leaf; building stone of all kinds, including slate, marble, freestone, and soapstone, and rock, ground and calcined gypsum; hunting and flags of the United States, and banners made of hunting of domestic manufacture; burr-stones, millstones, and grindstones, rough or wrought; candle wicking; collins and burial cases; copperas; copper, lead, and tin, in ingots, pigs, or bars; copper and yellow sheathing metal, not more advanced than rods or sheets; crates, and grain or farm baskets made of splints; crucibles of all kinds; crutches and artificial limbs, eyes, and teeth; deer skins, dressed or smoked; feather beds, mattresses, palliases, bolsters, and pillows; fertilizers of all kinds; flasks and patterns used by foundries; flavoring extracts solely for cooking purposes; german silver in bars or sheets; gold leaf and gold foil; hemp and jute prepared for textile or felting purposes; hulls of ships and other vessels; illuminating gas manufactured by educational institutions for their own use exclusively; iron bridges, and castings for iron bridges; keys, actions, and strings for musical instruments; litharge and orange mineral; machines driven by horse power and used exclusively for cutting fire-wood, staves, and shingle bolts, and hand saws; magnesia, calcined magnesia, and carbonate of magnesia; malleable iron castings, unfinished; manganese; masts, spars, ship and vessel blocks, and treenail wedges, and deck plugs; medicinal and mineral waters, of all kinds, sold in bottles or from fountains; mills and machinery for the manufacture of sugar, sirup, and molasses from sorghum, imphee, beets, and corn; mineral coal of all kinds; monuments of stone of all kinds, not exceeding in value the sum of \$100; *Provided*, That monuments exceeding the value aforesaid, erected by public or private contributions to commemorate the service of Union soldiers who have fallen in battle, shall be exempt from taxation; mouldings for looking-glasses and picture frames; muriatic, nitric, and acetic acids; nickel, quicksilver, and sodium; nitrate of lead; oakum; original paintings, statues, and groups of statuary and casts made thereof by the artist from the original designs; oxide of zinc; paints, painter's and paper stainer's colors; paper of all descriptions, except such as is manufactured and used exclusively for wearing apparel; books, maps, charts, and all printed matter, and book-binding; paraffine; paraffine oil, not exceeding in specific gravity thirty-six degrees Baume's hydrometer, the product of a residuum of distillation; lubricating oil made from crude petroleum, coal, or shale not exceeding in specific gravity thirty-six degrees Baume's hydrometer; crude petroleum, and crude oil the product of the first and single distillation of coal, shale, asphaltum, peat, or other bituminous substances; photographs or any other sun picture, being copies of engravings or works of art, when the same are sold by the producer at wholesale at a price not exceeding fifteen cents each, or are used for the illustration of books; pickles when sold by the gallon and not contained in glass packages; pig-iron; muck bar; blooms, slabs, and loops; plows, cultivators, harrows, straw and hay cutters, planters, seed-drills, horse-rakes, hand-rakes, cotton-gins, grain-crudles, and winnowing-mills; pot and pearl ashes; productions of stereotypers, lithographers, engravers, and electrotypers; putty; quinine, morphine, and other vegetable alkaloids, and phosphorus; railroad iron, and railroad iron rerolled; railroad chairs; railroad, boat, and ship spikes; ax polls; iron axles; shoes for horses, mules, and oxen; rivets, horse-shoe nails, nuts, washers, and bolts; vises, iron chains, and anchors, when such articles are made of wrought iron which has previously paid the tax or duty assessed thereon; reapers, mowers, threshing-machines, and separators; corn-shellers and wooden-ware; repairs of articles of all kinds; Roman and water cements, and lime; roofing slate, slabs, and tiles; saleratus, sal soda, caustic soda, crude soda, alumino-silicate of soda; aluminate of soda; bicarbonate of soda; and silicate of soda; sails, tents, awnings, and bags made by sewing from fabrics or other articles upon which a duty or tax has been paid; and bags made of paper; salts of tin; silex used in the manufacture of glass; soap, valued at not above three cents per pound; spelter; spindles and castings of all descriptions made specially for locks or for machinery, and not sold or used for any

other purposes, and upon which a tax is assessed and paid on the article of which the casting is a part: spokes, hubs, and felloes; poles, shafts, and arms for carriages or wagons; wooden handles for plows, and for other agricultural, household, and mechanical tools and implements; and pail and tub ears and handles; starch; steel, in ingots, bars, sheet, plate, coil, or wire, hoop-skirt wire covered or uncovered, car wheels, thimbleskins and pipe boxes, and springs, tire and axles made of steel used exclusively for vehicles, cars, or locomotives; and clock springs, faces, and hands; stoves, composed in part of cast iron and in part of sheet iron, or of soapstone or freestone, with or without cast iron or sheet iron: *Provided*, That the cast and sheet iron shall have paid the tax or duty previously assessed thereon; sugar, molasses, or sirup made from beets, sugar maple, or from sorghum, or imphee; sulphate of barytes; sulphur; tar and crude turpentine; tin cans used for preserved meats, fish, shell-fish, fruits, vegetables, jams, and jellies; umbrellas and parasols, and sticks and frames for the same; value of bullion used in the manufacture of wares, watches, and watch-cases, and bullion prepared for the use of platers and watchmakers; vegetable, animal, and fish oils of all descriptions, not otherwise provided for, including red oil, oleic acid; and admixtures of the same with paraffine oil, not exceeding in specific gravity thirty-six degrees Baumé's hydrometer; verdigris; vinegar; white and red lead; whitening; Paris white; window glass of all kinds; wire made from wire less than number twenty wire gauge, upon which a tax has been assessed and paid as wire; yarn and warp for weaving, braiding, or manufacturing purposes exclusively; yeast powders; zinc in ingots or sheets; *Provided further*, That the exemptions aforesaid shall, in all cases, be confined exclusively to said articles in the state and condition specified in the foregoing enumeration, and shall not extend to articles in any other form, nor to manufactures from said articles.

The Committee on Finance reported several amendments to this section. The first was in line four to strike out the words "or duty."

The amendment was agreed to.

The next amendment was in line eighteen to insert the words "and prussiate," so that the clause will read, "bichromate and prussiate of potash."

The amendment was agreed to.

The next amendment was in line twenty-four, to strike out the word "and" before "earthen;" and after the words "water pipes" to insert "retorts and tiles made of clay;" so that the clause will read:

Brick, fire-brick, draining-tiles, cement, drain and sewer pipes, earthen and stone water pipes, retorts, and tiles made of clay.

The amendment was agreed to.

Mr. FESSENDEN. In line twenty-nine, the words "and calcined" before "gypsum" should be stricken out; so that the clause will read, "building stone of all kinds, including slate, marble, freestone, and soapstone, and rock, ground gypsum."

The amendment was agreed to.

Mr. FESSENDEN. As the words "and calcined" are stricken out, the word "and" should be inserted between the words "rock" and "ground" in the same line.

The amendment was agreed to.

Mr. FESSENDEN. After the words "candle-wicking," in the thirty-third line, the word "chronometers" should be inserted.

The amendment was agreed to.

The next amendment of the committee was in line thirty-eight, after the word "sheets," to insert "and stamped copper bottoms;" so that the clause will read, "copper and yellow sheathing metal not more advanced than rods or sheets, and stamped copper bottoms."

Mr. FESSENDEN. That is a mistake. Those words should not be inserted.

The amendment was rejected.

The next amendment was in line forty-two to strike out the words "dressed or" before the word "smoked;" and after the word "smoked" to insert "or not oil-dressed;" so that it will read, "deer-skins smoked, or not oil-dressed."

The amendment was agreed to.

The next amendment was to insert, after line fifty-two, the following: "India-rubber springs used exclusively for railroad cars."

The amendment was agreed to.

The next amendment was to strike out line fifty-four, in these words: "iron bridges, and castings for iron bridges."

Mr. HOWARD. I hope the Senate will

not concur in the amendment striking out the words "iron bridges, and castings for iron bridges."

Mr. FESSENDEN. I hope the Senate will concur in the amendment.

Mr. HOWARD. This is a species of manufacture now comparatively in its infancy. It is becoming, however, an interest of considerable magnitude, and is attracting the attention especially of railroad companies throughout the United States. There are several establishments in the United States at the present time, and one especially of considerable magnitude at the city where I reside, who have been engaged for some years past in prosecuting the enterprise of making iron bridges. They say that it is impossible for them to prosecute the business if the tax which is contemplated by this bill, in case this clause is struck out, is continued to be imposed upon them. Such is the high price of iron at the present time that they will find it impossible to proceed with the enterprise; while the fact is that many railroad companies, especially in the West, are very anxious to provide more solid and durable structures in the shape of bridges for crossing streams on their various routes. When Senators look at it for a moment, they will see the importance of it. An iron bridge, well made, well constructed, must necessarily be a very costly fabric; and its durability, as a means of passing streams, gives it a very great superiority to wooden bridges. I could refer to some instances of disasters that have occurred in crossing railroads upon wooden bridges if I had time, which certainly would attract the attention of Senators to this very important branch of manufacture. I hope that this amendment will not be concurred in.

I think we ought to make iron bridges free of all internal tax for the purpose of encouraging their manufacture and use. It is not so much for the interest of the various companies that may employ them as for the public itself that they ought to be placed upon the free list. Iron at the present time is very costly; and if the iron bridge is to be taxed as a structure, after it has been finished and erected, in proportion to its value, there would be an absolute end of this enterprise; there would be no such thing as an iron bridge. In the West especially, upon our broad streams, this manufacture is attracting attention perpetually, and companies are very anxious to lay down substantial and durable bridges across the streams. It is not exactly so in the eastern States where the streams are far narrower and where a structure of this kind is less necessary than in the West where the streams are so much broader and deeper. By placing them upon the free list we shall greatly encourage the manufacture and use of iron bridges; and in this way we shall save in the end a vast amount of property as well as life to the public. I trust that the Senate will not concur in this amendment.

Mr. GRIMES. I concur with the Senator from Michigan in what he has said on this subject. I believe that this tax, if levied, would be virtually a tax upon the safety of the traveling community. Our purpose should be to encourage the railroad companies to construct such roads and such bridges as will best subserve the interests of the traveling public, and protect them from harm as they do travel. I suppose that gentlemen who have traveled over the country are aware that in some sections of the country we are obliged to resort, in a great degree—and railroads ought to be compelled to resort, and should be, if I had the power to control it—to iron bridges, more than it is necessary that they should resort to them in other sections of the country. In some sections they have stone abutments and stone piers. You can go into some other sections of the country, and there is not enough stone within five hundred miles to make a single pier or abutment. What is the best substitute for it? Iron—iron piles to rest upon; and they ought to be encouraged in using that kind of material in place of putting down cotton-wood

that decays in the course of a few months, and thereby jeopardizes the limbs and the lives of those who travel on the roads.

I concur fully with the Committee on Finance in the amendment that they have made following this amendment, and that is, inserting upon the free list "iron drain and sewer pipes." I would do what I could to encourage the corporate authorities of the various cities to protect the lives and health of their citizens by furnishing proper sanitary regulations; and the same principles that would control me in the one case would control me in the other.

Mr. FESSENDEN. All I have to say about it is this: the committee thought that a very large manufacture like this should contribute its share of the public burdens as well as anything else. It is a very large manufacture; it requires a great deal of money, and a considerable profit is obtained from it, and there should be a tax derived from it. Railroads are very much of a favored institution under the tax bill in almost all things; and therefore we thought it would be no more than right that this manufacture should pay its share of the taxes. It is, however, for the Senate to decide. It is a matter about which the committee have no feeling. I am of opinion that the tax had better be retained.

Mr. POLAND. It seems to me quite clear that these iron railroad bridges should be free from taxation. By looking along a little further in this list it will be seen that "railroad iron and railroad iron rerolled," and "railroad chairs and fish-plates," which are the apparatus for fastening the rails upon the ties, are all in the free list—iron in the shape of its simplest form of manufacture. Now, these iron railroad bridges, as has been said by the honorable Senator from Michigan, are most important to the safety of the traveling public. Very many of the most severe, disastrous, and fatal railroad accidents that have happened in the country have been in consequence of the insufficiency of the bridges, the falling of the bridges; so that for the safety and welfare of the traveling community it is important that they should be encouraged to make these permanent and safe bridges. Undoubtedly it would be for the interest of the railroad companies, as a matter of economy, in the long run, that they should make their bridges of iron instead of making them of timber. But every Senator knows that very many of these railroad companies are not very flush of means; they have not a great deal of money; they resort to temporary expedients, and where they can build wooden bridges, and cheap ones at that, they build them; and the result is this lack of safety to the community. Upon principle, in analogy to what is contained in this bill aside from this, it seems to me to be very clear that these iron railroad bridges ought to be exempt.

Mr. HOWARD. I hold in my hand a brief memorandum furnished to me by a very intelligent gentleman who has had this matter under consideration and investigated it very fully, and by the permission of the Senate I will read a few paragraphs from it. He says:

"1. Iron bridges, especially upon railroads, are a great public necessity as safeguards against both fire and decay, and so they are a great public necessity as a means of safety to life, person, and property, against the worst class of accidents and losses occurring upon railroads.

"The correctness of this statement is illustrated in case of the bridge at Troy, over the Hudson, on the Troy and Schenectady railroad, which was burned two or three years ago, and also a considerable portion of that city as a consequence of it. It is also illustrated by the giving way and falling of the bridge on the Great Western railroad, Canada, over the Des Jardine canal, near Hamilton, owing to internal decay, on account of which a large number of passengers lost their lives. Similar cases are continually occurring, here and there, throughout the country. Iron bridges would be effectual preventives against such calamities.

"2. Railroad bridges are at present very generally made of wood; whereas they would as generally be made of iron were it not for the very great cost of that material—a cost so great as to be prohibitory in most cases. It makes this class of work come so high as to prevent it from being adopted and ordered, and consequently almost wholly cuts off this branch of business.

"There is an immense iron-bridge-making establishment in Detroit. The railroads want their work, extremely. They have made estimates for and corresponded in reference to enough to keep them vigorously employed for four or five years with as many as six hundred hands, yet they have little or nothing to do in this description of work. The roads either resort to wood or anxiously wait for a decline in the cost of iron to a point within their control. The result is, that the investment in this establishment for this line of business is, substantially, dead capital; the owners lose the use of their property; hundreds of mechanics are cut off from employment; neither the roads nor the public get the benefit of these bridges, and the Government gets no revenue. And so it goes. Other like establishments undergo a like oppressive experience; for example, the one in Baltimore, belonging to Mr. Wendell Bollman, the inventor of an iron bridge known as Bollman's Iron Suspension Truss Bridge, to which a distinguished commission, consisting of Generals Sherman and Pope and Governor Fletcher, awarded a first premium of \$1,000 in a comparison of merit and skill as large and severe as the eastern, middle, southwestern, and western States could make.

"3. By exempting iron bridges and their several parts from excise, Congress would do much toward removing the difficulty in the way of their adoption and manufacture.

In ordinary cases iron suspension truss bridges, such as Bollman's or Fink's—the cheapest as well as the best styles yet invented—are composed of wrought and cast iron of nearly equal quantities by weight; but when erected over a navigable river, where they might possibly be liable to be struck, laterally by a steamboat or other vessel, they have to be made almost wholly of wrought iron. By the excise laws now in force, the cast iron in those bridges is taxed, by duplication, six dollars per ton; the wrought iron eight dollars and forty cents per ton. These excise duties on the parts, of course, increase the cost of these structures very materially; in case of the bridge contemplated at Dubuque as much as \$16,000; in that at Quincy not less than \$20,000. This is the effect of the old law now in force on the parts of those bridges, saying nothing of them as finished manufactures.

"In view of the considerations now stated, the principal railroads of the West, including several in Ohio, with the bridge-making establishments spoken of, have petitioned the present Congress to exempt iron bridges and their several parts from excise, so as to encourage their adoption and manufacture and render the same more practicable. Several of these petitions are now in the hands of the Finance Committee of the Senate. I submit that what these petitioners seek, in the matter of excise, should be granted on the ground that the public good and just relief to the railroad companies, and especially to a very important branch of industry, imperiously demand it.

"But suppose iron bridges should be struck from the free list, and this act in other respects become a law, how would iron bridges be affected by it? Take the bridge, for example, contemplated at Dubuque. It will require not far from two thousand tons of wrought iron being over a navigable stream; and the iron superstructure will cost about \$600,000. The excise tax on the separate parts of the bridge would be, by duplication, \$10,000; on the bridge as a completed manufacture, \$30,000; total \$40,000. In the same way the excise on the contemplated iron bridge at Quincy would be \$50,000."

I will read no more from this memorandum. I trust that the Senate will see fit to non-concur in the amendment suggested by the Committee on Finance, and place iron bridges on the free list. I think the public good requires it as well as the interests of the railroad companies and of the traveling public.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Finance.

The amendment was rejected.

Mr. HOWARD. I now wish to amend that clause so as to make it more exact in its signification. I move to insert after the words "iron bridges" the words "and the parts thereof," and to strike out the words "castings for iron bridges," so that it will read, "iron bridges and the parts thereof."

Mr. FESSENDEN. I do not know what that would cover. I do not know what the effect of it would be. Why not let it stand as it is?

Mr. HOWARD. The reason of it is—

Mr. FESSENDEN. I do not think it is fair to strike out everything connected with iron bridges, because we do not know how it may affect the residue of the bill.

Mr. HOWARD. The reason of it is this: the parts of an iron bridge must necessarily be manufactured as such before the fabric is completed, and the object of my amendment is simply to exempt those parts that have been manufactured in anticipation of being put in the structure from taxation.

Mr. FESSENDEN. I do not know how far that would go; whether they ought to be ex-

empt; or how it would affect other things in the bill. The Senator has had the clause retained as it is: "iron bridges and castings for iron bridges."

Mr. HOWARD. There is about half the structure that consists of wrought iron.

Mr. FESSENDEN. Wrought iron is not exempted anywhere, and it ought not to be exempted anywhere.

Mr. HOWARD. I think the parts of iron bridges made of wrought iron ought to be exempt; but I will allow my amendment to lie over for a moment.

The PRESIDENT *pro tempore*. The amendment is withdrawn.

Mr. HOWARD. I will offer another amendment to come in after line fifty-four.

Mr. FESSENDEN. I suggest that the Senator had better retain his amendment for the present until the committee's amendments are disposed of.

Mr. SPRAGUE. If the committee have no objection, I should like to insert the word "flax" after the word "hemp," in the forty-ninth line, so that the clause will read, "hemp, flax, and jute, prepared for textile or felting purposes." It was probably omitted by mistake.

Mr. FESSENDEN. I think the Senator had better withhold that for the present. That is made into very much finer manufactures, and it is doubtful whether it is expedient to exempt flax. It would cover very large linen factories which are doing exceedingly well now.

The PRESIDENT *pro tempore*. Does the Senator from Rhode Island persist in his motion to amend the bill?

Mr. SPRAGUE. I think it was intended to be there, and I can see no possible objection to it.

Mr. FESSENDEN. It has no connection with this clause at all.

Mr. SPRAGUE. I withdraw my amendment.

The next amendment of the committee was to insert after line fifty-four the following: "iron drain and sewer pipes."

The amendment was agreed to.

The next amendment was in line sixty-four, after the word "plugs," to insert "cordage, ropes, and cables made of vegetable fiber;" so that the clause will read:

Masts, spars, ship and vessel blocks, and treenail wedges, and deck-plugs, cordage, ropes, and cables made of vegetable fiber.

The amendment was agreed to.

The next amendment was in line sixty-seven, after "fountains," to insert "and mead;" so as to read "medicinal and mineral waters of all kinds, sold in bottles or from fountains, and mead."

The amendment was agreed to.

The next amendment was to strike out lines sixty-eight and sixty-nine, as follows:

Mills and machinery for the manufacture of sugar, sirup, and molasses from sorghum, imphee, beets, and corn.

Mr. FESSENDEN. I suppose that question was settled by the vote of the Senate yesterday. This being included in the three per cent. provision, it should follow the same fate and be left in.

The amendment was rejected.

The next amendment was in line seventy, after the word "kinds," to insert "and peat," so as to read, "mineral coal of all kinds, and peat."

The amendment was agreed to.

The next amendment was in line eighty-six to insert the word "printing" before "paper," and after the word "descriptions" to strike out the words "except such as is manufactured and used exclusively for wearing apparel," and to insert "and tarred paper for roofing and other purposes;" so that the clause will read:

Printing paper of all descriptions and tarred paper for roofing and other purposes; books, maps, charts, and all printed matter, and book-binding.

Mr. EDMUNDS. I should like to inquire

of the chairman of the committee why it is that other paper beside printing paper is still subject to taxation?

Mr. FESSENDEN. It should probably bear a slight duty, and we put it on the three per cent. list.

The amendment was agreed to.

The next amendment was in line ninety-one, after the word "hydrometer," to strike out the words "the product of;" in line ninety-two, after the word "distillation," to insert "or the products thereof;" and line ninety-five, after the word "hydrometer," to insert "provided, that such oil shall be subject to the same inspection as illuminating oil;" so that the clause will read:

Paraffine; paraffine oil, not exceeding in specific gravity thirty-six degrees Baume's hydrometer, a residuum of distillation, or the products thereof; lubricating oil made from crude petroleum, coal, or shale not exceeding in specific gravity thirty-six degrees Baume's hydrometer: *Provided*, That such oil shall be subject to the same inspection as illuminating oil: crude petroleum, and crude oil the product of the first and single distillation of coal, shale, asphaltum, peat, or other bituminous substances.

The amendment was agreed to.

The next amendment was in line one hundred and seventeen, after the words "railroad iron," to insert "and fish-plates."

The amendment was agreed to.

Mr. POMEROY. I am very glad to see that railroad iron is placed on the free list. It will be recollected that we had a debate on the subject last year. The tariff bill of last year raised the tariff on imported railroad iron ten cents on the hundred pounds because a tax was put upon its manufacture in this country. We all acquiesced in that; but now the question occurs, if we take off the tax from the manufacture in this country, whether we ought not also, when the tariff bill comes in, to reduce the duty thereon.

Mr. FESSENDEN. We cannot act on the tariff bill now, because it is not before us.

Mr. POMEROY. I understand that. I only make this remark because I shall call attention to it when the tariff bill comes in.

Mr. FESSENDEN. I presume that matter will be arranged in the tariff bill.

Mr. POMEROY. I am very glad this provision is incorporated here, but it will not make railroad iron one cent cheaper unless the tariff is amended. The manufacturers will have the benefit of no taxation, but it will not make a difference of a cent a pound in the price in the market.

Mr. FESSENDEN. The Senator's argument will come in better on the tariff bill.

Mr. POMEROY. I intend to make it there, and here, too.

The next amendment was to strike out lines one hundred and twenty-three and one hundred and twenty-four, as follows:

Reapers, mowers, threshing-machines, and separators: corn-shellers, and wooden-ware.

The amendment was rejected.

Mr. FESSENDEN. As that clause is retained, I move to add at the end of it "cotton and hay presses."

The amendment was agreed to.

Mr. FESSENDEN. After line one hundred and twenty-five I move to insert:

Residuaums, the product of mineral, vegetable, or animal substances drawn from stills after distillation.

The amendment was agreed to.

The next amendment of the committee was to insert after line one hundred and thirty-three "salt-peter."

The amendment was agreed to.

The next amendment was in line one hundred and forty, after the word "locks," to strike out the words "or for machinery" and to insert "safes, looms, spinning-machines, pumps, hot-air and hot-water furnaces, and sewing-machines;" so that the clause will read:

Spindles and castings of all descriptions made specially for locks, safes, looms, spinning-machines, pumps, steam-engines, hot-air and hot-water furnaces, and sewing-machines, and not sold or used for any other purposes, and upon which a tax is assessed and paid on the article of which the casting is a part.

Mr. POLAND. I move to amend the amendment of the committee by inserting after the word "safes" the word "scales."

Mr. FESSENDEN. I should like to hear some reason for that.

Mr. POLAND. The evident object of the bill is to avoid double taxation; and so this very amendment that the committee propose provides that "spindles and castings of all descriptions made especially for locks, safes, looms, spinning-machines, pumps, steam-engines, hot-air and hot-water furnaces, and sewing-machines," shall be exempt.

Mr. FESSENDEN. These are articles which otherwise pay five per cent. Scales are in the three per cent. list, so that they do not come under this. They are not doubly taxed.

Mr. POLAND. The tax on scales is not as large as upon these articles, but—

Mr. FESSENDEN. If the Senator will look at the last part of the paragraph he will see that it reads, "and upon which a tax is assessed and paid on the article of which the casting is a part." It is intended to prevent a double tax. They pay five per cent. on these particular articles; but on scales the tax is but three per cent.; and if scales are put in here they would have an advantage over all other articles that are in the three per cent. list.

Mr. POLAND. It is true the double taxation is not as severe on scales as on articles that pay a tax of more than three per cent. The double taxation is not as harsh upon scales as it would be where the tax is higher; but really there is about the same reason why scales should be put upon the freelist as many of these articles that we have voted in, such as reapers and mowing-machines. They are articles of very general and extensive use among the agriculturists of the country. They may be regarded as a general implement in use among farmers throughout the country, so that there is a reason why the tax upon scales has been made less than upon some of these other articles. Unless there was some difference between them the tax should have been the same upon scales as upon sewing-machines and those other articles which it is said stand in the list at five per cent.; so that furnishes no reason whatever.

Mr. FESSENDEN. If the Senator will have scales changed from the three per cent. to the five per cent. list, he may put "scales" in here and put them all on an equality. I do not see why he should want an advantage of three per cent. in favor of castings for scales. Let them all stand on an equal footing.

Mr. POLAND. I am not skilled enough in the manufacture of scales to know whether that would be a good trade or not. [Laughter.]

Mr. FESSENDEN. It would then put them on an equality with the other things. That is all.

Mr. POLAND. If the chairman of the committee will allow this to pass over for a time until I can consider—

Mr. FESSENDEN. The Senator can move any amendment after the committee get through.

Mr. POLAND. Well, I withdraw my amendment for the present.

The amendment of the committee was agreed to.

The Committee on Finance proposed to insert the word "bows" after "hubs," in line one hundred and forty-five, and after the word "handles," in line one hundred and forty-nine, to add "and wooden tanks, and cisterns for crude mineral oil;" so as to make the item read:

Spokes, hubs, bows, and felloes; poles, shafts, and arms for carriages or wagons; wooden handles for plows, and for other agricultural, household, and mechanical tools and implements; and pail and tub ears and handles; and wooden tanks and cisterns for crude mineral oil.

The amendment was agreed to.

Mr. FESSENDEN. In line one hundred and forty-five I move to strike out "and" before "arms," and after the word "arms" to insert "and wheels not ironed or finished."

Mr. HENDRICKS. I suggest to the Senator that a practical workman suggested to

me that the word "unfinished" ought to be inserted after "wagons." That qualification ought to apply to the wagon.

Mr. BROWN. That is another matter. Let us pass on this.

Mr. FESSENDEN. These are the parts in the rough which go to the composition of carriages and wagons: "spokes, hubs, bows, and felloes; poles, shafts, arms, and wheels not ironed or finished for carriages or wagons."

Mr. HENDRICKS. That would be near enough right, I suppose.

Mr. SHERMAN. I think "spokes, hubs, and felloes" include all the parts except the iron.

Mr. BROWN. All the parts are enumerated there, but they are sometimes put together and furnished in that shape to avoid difficulty of construction where they are received.

The amendment was agreed to.

The Committee on Finance proposed to amend the section in line one hundred and fifty-two by inserting after "bars" the words "rails made and fitted for railroads."

The amendment was agreed to.

Mr. FESSENDEN. I wish to make an amendment to insert after "steel," in line one hundred and fifty-two, the words "made from iron advanced beyond muck, bar, blooms, slabs, or loops;" so as to make the clause read:

Steel made from iron advanced beyond muck, bar, blooms, slabs, or loops, in ingots, bars, rails made and fitted for railroads, sheet, plate, coil, or wire, hoop-skirt wire, covered or uncovered, car wheels, thimble skains and pipe boxes, and springs, tire and axles made of steel, used exclusively for vehicles, cars, or locomotives; and clock springs, faces, and hands.

The amendment was agreed to.

Mr. KIRKWOOD. I wish to ask a question of the chairman of the committee in regard to the items enumerated in the clause from line one hundred and fifty-two to line one hundred and fifty-seven of this section. All these articles enumerated here are made of steel?

Mr. FESSENDEN. Yes.

Mr. KIRKWOOD. Is a tax put upon tires and axles made of iron?

Mr. FESSENDEN. It is taken off.

Mr. KIRKWOOD. I do not find it. It struck me this covered only steel tires and axles.

Mr. FESSENDEN. I do not know that the iron wheels are exempt.

Mr. KIRKWOOD. That is what I want to come at.

Mr. FESSENDEN. There is a peculiar reason in regard to steel.

Mr. KIRKWOOD. I merely wish to understand the section.

Mr. FESSENDEN. This item is in regard to articles made of steel.

Mr. VAN WINKLE. I move to insert "fire-brick" after "soapstone" in line one hundred and fifty-nine; so that the item will read:

Stoves, composed in part of cast iron and in part of sheet iron, or of soapstone, fire-brick, or freestone, with or without cast iron or sheet iron: *Provided*, That the cast and sheet iron shall have paid the tax or duty previously assessed thereon.

The amendment was agreed to.

The Committee on Finance proposed to amend the section in line one hundred and sixty-three by inserting "corn" after "beets," so as to read, "sugar, molasses, or sirup made from beets, corn, sugar maple, or from sorghum, or imphee."

The amendment was agreed to.

The committee proposed to amend by striking out the item "sulphate of barytes" in line one hundred and sixty-five.

Mr. SPRAGUE. Why strike that out?

Mr. FESSENDEN. We thought it could pay a tax.

Mr. SPRAGUE. It ought not to do so.

The amendment was agreed to.

The committee proposed in line one hundred and sixty-six, after "sulphur," to insert "flowers of sulphur and sulphur flour."

The PRESIDENT *pro tempore*. These words will be added, no objection being interposed.

The committee proposed in line one hundred and sixty-nine, after "jams," to strike out "and;" and after "jellies" to insert "paints, oils, and spices;" so that if amended the item would read:

Tin cans used for preserved meats, fish, shell-fish, fruits, vegetables, jams, jellies, paints, oils, and spices.

The amendment was agreed to.

The committee proposed to amend by inserting after line one hundred and eighty-three the following item:

Wine made of grapes, currants, or other fruits, and rhubarb.

The amendment was agreed to.

Mr. FESSENDEN. I wish to amend by inserting at the end of the paragraph, after line one hundred and eighty-six, these words:

And no manufactured wire shall pay a greater tax than that imposed on number twenty wire gauge.

The clause will then read:

Wire made from wire less than number twenty wire gauge, upon which a tax has been assessed, and paid as wire; and no manufactured wire shall pay a greater tax than that imposed on number twenty wire gauge.

The amendment was agreed to.

The Secretary read the next section, as follows:

SEC. 12. *And be it further enacted*, That all lists or returns required to be made monthly by any person, firm, company, corporation, or party whatsoever, liable to duty or tax shall be made on or before the 10th day of each and every month, and the duty or tax assessed or due thereon shall be certified or returned by the assessor to the collector on or before the last day of each and every month. And all lists or returns required to be made quarterly, and all other lists or returns, for which no provision is otherwise made, shall be made on or before the 10th day of each and every month in which said list or return is required to be made, or succeeding the time when the tax or duty may be due and liable to be assessed, and the tax or duty thereon shall be certified or returned as herein provided for monthly lists or returns. And the duty or tax shall be due and payable on or before the last day of each and every month. And in case said tax or duty is not paid on or before the last day of each and every month, the collector shall proceed to collect the same in the manner provided by law; and so much of the eighty-third section of the act to which this is an amendment is hereby repealed; and in all cases of neglect to make such lists or returns, or in case of false and fraudulent returns, the provisions of existing law as amended by this act shall be applicable thereto.

Mr. FESSENDEN. I move to strike out the words "duty or" before "tax," in line three and line five and wherever else they occur in that section.

The PRESIDING OFFICER, (Mr. ANTHONY.) That correction will be made.

The Committee on Finance proposed to amend the section by striking out the following words:

And in case said tax or duty is not paid on or before the last day of each and every month, the collector shall proceed to collect the same in the manner provided by law; and so much of the eighty-third section of the act to which this is an amendment is hereby repealed.

And in lieu thereof inserting:

And in case said tax is not paid on or before the last day of each and every month the collector shall add ten per cent. thereto: *Provided*, That notice of the time when such tax shall become due and payable shall be given in such manner as shall be prescribed by the Commissioner of Internal Revenue; and if said tax shall not be paid on or before the last day of the month as aforesaid, it shall be the duty of said collector to demand payment thereof, with ten per cent. additional thereto in the manner prescribed by law, and if said tax and ten per cent. additional are not paid within ten days from and after such demand thereof, it shall be lawful for the collector or his deputy to make distraint therefor as provided by law, and so much of section eighty-three of the act of June 30, 1864, as amended by the act of March 3, 1865, as relates to the time of payment and collection of tax is hereby repealed.

The amendment was agreed to.

The Secretary next read the thirteenth section of the bill, as follows:

SEC. 13. *And be it further enacted*, That apothecaries who manufacture, for their own dispensation and sales to consumers and to physicians, the medicines compounded according to the United States or other national pharmacopoeias, or of which the full and proper formula is published in any of the dispensatories now or hitherto in common use among physicians or apothecaries, or in any pharmacopoeial journal now issued by any incorporated college

of pharmacy, shall not be regarded as manufacturers under this act. But apothecaries and all other persons who manufacture for the dispensing and sales of others, or who make and advertise any article, medicinal or otherwise, simple or compound, with any special proprietary claim to merit, or to special advantage in use or effect, whether such claim be based on the properties, qualities, price, or any other distinctive or distinguishing characteristic, whether real or pretended, of the articles so made and advertised, whether such article be or be not made according to the authorities above cited in this section, shall be regarded as manufacturers under this act. And apothecaries shall not be regarded as retail dealers in liquors in consequence of selling or of dispensing, upon physicians' prescriptions, the wines and spirits official in the United States and other national pharmacopœias, either simple or compounded, in quantities not exceeding half a pint of either at any one time, nor exceeding in aggregate cost value the sum of \$300 per annum.

The committee proposed to strike out after the word "act," in line nineteen, the following words:

And apothecaries shall not be regarded as retail dealers in liquors in consequence of selling or of dispensing, upon physicians' prescriptions, the wines and spirits official in the United States and other national pharmacopœias, either simple or compounded, in quantities not exceeding half a pint of either at any one time, nor exceeding in aggregate cost value the sum of \$300 per annum.

The amendment was agreed to.

The Secretary read section fourteen, as follows:

SEC. 14. *And be it further enacted*, That no duty or stamp shall be required for any uncompound medicinal drug or chemical, nor any medicine compounded according to the United States or other national pharmacopœia, or of which the full and proper formula is published in any of the dispensatories now or hitherto in common use among physicians or apothecaries, or in any pharmaceutical journal now issued by any incorporated college of pharmacy, when not sold or offered for sale, or advertised under any other name, form, or guise than that under which they may be severally denominated and laid down in said pharmacopœias, dispensatories, or journals as aforesaid; nor medicines sold to or for the use of any person, which may be mixed and compounded for said person according to the written receipt or prescription of any physician or surgeon. But nothing in this section shall be construed to exempt from stamp duty any medicinal articles, whether simple or compounded by any rule, authority, or formula published or unpublished, which are put up in a style or manner similar to that of patent or proprietary medicines in general, and advertised in newspapers or by public handbills for popular sale and use, as having any special proprietary claim to merit, or to any peculiar advantage in mode of preparation, quality, use, or effect, whether such claim be real or pretended.

Mr. FESSENDEN. In the first line of section fourteen I move to strike out "duty or" before "stamp," and after "stamp" to insert "tax," and to strike out "required for" and insert "imposed upon;" so that it will read, "that no stamp tax shall be imposed upon any uncompound medicinal drug," &c.

The amendment was agreed to.

Mr. FESSENDEN. In line three, after the word "nor," I move to insert "upon."

The amendment was agreed to.

The Committee on Finance proposed to insert "for" after "nor" in line twelve.

Mr. FESSENDEN. It should be "upon" instead of "for" to correspond with the previous amendment.

The PRESIDING OFFICER. That correction will be made.

Mr. FESSENDEN. The word "duty" in line sixteen should be "tax."

The PRESIDING OFFICER. That change will be made.

Mr. FESSENDEN. The word "and" before "advertised," in line twenty, should be "or."

The PRESIDING OFFICER. That correction will be made.

The Secretary read the next section, as follows:

SEC. 15. *And be it further enacted*, That in case any goods or commodities for or in respect whereof any tax or duty is or shall be imposed, or any materials, utensils, or vessels proper or intended to be made use of for or in the making of such goods or commodities shall be removed, or shall be deposited or concealed in any place, with intent to defraud the United States of such duty or tax, or any part thereof, all such goods and commodities, and all such materials, utensils, and vessels respectively, shall be forfeited; and in every such case, and in every case where any goods or commodities shall be forfeited under this act, or any other act of Congress relating to the internal revenue, all and singular the casks, vessels, cases, or other packages whatsoever, containing, or which shall have contained, such goods or commodities,

respectively, and every vessel, boat, cart, carriage, or other conveyance whatsoever, and all horses or other animals, and all things used in the removal or for the deposit or concealment thereof, respectively, shall be forfeited; and every person who shall remove, deposit, or conceal, or be concerned in removing, depositing, or concealing any goods or commodities for or in respect whereof any duty or tax is or shall be imposed, with intent to defraud the United States of such duty or tax or any part thereof, shall be liable to a fine or penalty of not exceeding \$500.

Mr. FESSENDEN. I move to strike out "or duty" after "tax" in line three.

The PRESIDING OFFICER. That alteration will be made.

Mr. VAN WINKLE. I move to strike out "duty or" before "tax" in line seven.

The PRESIDING OFFICER. That change will be made.

Mr. FESSENDEN. In line twenty-one and in line twenty-three I move to strike out "duty or" before "tax."

The PRESIDING OFFICER. That change will be made.

The Secretary read the next section, as follows:

SEC. 16. *And be it further enacted*, That the judge of any circuit or district court of the United States or any commissioner thereof, may issue a search warrant, authorizing any internal revenue officer to search any premises, if such officer shall make oath in writing that he has reason to believe, and does believe, that a fraud upon the revenue has been or is being committed upon or by the use of said premises.

The Committee on Finance reported no amendment to this section.

The Secretary read section seventeen of the bill, as follows:

SEC. 17. *And be it further enacted*, That in case any person shall sell, give, or purchase or receive any box, barrel, bag, or any vessel, package, wrapper, cover, or envelope of any kind, stamped, branded, or marked in any way, so as to show that the contents or intended contents thereof have been duly inspected, or that the tax or duty thereon has been paid, or that any provision of the internal revenue laws has been complied with, whether such stamping, branding, or marking may have been a duly authorized act or may be false and counterfeit, or otherwise without authority of law, said box, barrel, bag, vessel, package, wrapper, cover, or envelope being empty, or containing anything else than contents which were therein when said articles had been so lawfully stamped, branded, or marked by an officer of the revenue, or falsely or fraudulently stamped, branded, or marked, shall be liable to a penalty of not less than fifty nor more than five hundred dollars; and all such boxes, barrels, bags, vessels, packages, wrappers, covers, and envelopes, with their contents, shall be forfeited to the United States. And any person who shall make, manufacture, or produce any box, barrel, bag, vessel, package, wrapper, cover, or envelope, stamped, branded, or marked as above described, or shall stamp, brand, or mark the same, as hereinbefore recited, shall, upon conviction thereof, be liable to penalty as before provided in this section. And any person who shall violate the foregoing provisions of this section, with intent to defraud the revenue, or to defraud any person, shall, upon conviction thereof, be liable to a fine of not less than \$1,000, or imprisonment for not less than six months, or both such fine and imprisonment, at the discretion of the court; and all such articles, with their contents, shall be forfeited to the United States.

Mr. VAN WINKLE. I move to amend the section by striking out "or duty" after "tax" in line six.

The amendment was agreed to.

Mr. FESSENDEN. Before the word "contents," in line twelve, the word "the" should be inserted.

The PRESIDING OFFICER. That correction will be made.

The Committee on Finance proposed to amend the section by striking out after "revenue," in line fourteen, the words "or falsely or fraudulently stamped, branded, or marked," and inserting "such person."

The amendment was agreed to.

The next amendment was after "dollars," in line seventeen, to strike out the words "and all such boxes, barrels, bags, vessels, packages, wrappers, covers, and envelopes, with their contents, shall be forfeited to the United States."

The amendment was agreed to.

The next amendment was to strike out the following clause at the end of the section:

And all such articles, with their contents, shall be forfeited to the United States.

And in lieu thereof to insert:

And all articles sold, given, purchased, received,

made, manufactured, produced, branded, stamped, or marked in violation of the provisions of this section, and all their contents, shall be forfeited to the United States.

The amendment was agreed to.

The Secretary read the eighteenth section of the bill, as follows:

SEC. 18. *And be it further enacted*, That where any whisky, oil, tobacco, or other articles of manufacture or produce, requiring brands, stamps, or marks of whatever kind to be placed thereon, shall be sold upon distraint, forfeiture, or other process provided by law, the same not having been branded, stamped, or marked as required by law, the officer selling the same shall, upon sale thereof, fix or cause to be affixed the brands, stamps, or marks so required, and deduct the expense thereof from the proceeds of such sale.

The Committee on Finance reported no amendment to this section.

Sections nineteen and twenty, to which no amendment was reported, were read as follows:

SEC. 19. *And be it further enacted*, That manual-labor schools and colleges shall not be required to pay a manufacturer's or special tax while the proceeds of the labor of such institutions are applied exclusively to the support and maintenance of such institutions.

SEC. 20. *And be it further enacted*, That no suit shall be brought against any collector of customs or of internal revenue for any duty, license, special tax, or tax paid, unless such suit is brought within six months from the passage of this act, or within six months after the payment of such duty or tax.

The Secretary read the twenty-first section of the bill, as follows:

SEC. 21. *And be it further enacted*, That section fifteen of the act of March 3, 1865, entitled "An act to amend an act entitled 'An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes,' approved June 30, 1864," be amended by striking out all after the enacting clause, and inserting in lieu thereof the following: that in any port of the United States in which there is more than one collector of internal revenue, the Secretary of the Treasury may designate one of said collectors to have charge of all matters relating to the exportation of articles subject to tax under the laws to provide internal revenue; and at such ports as the Secretary of the Treasury may deem it necessary, there shall be an officer appointed by him to superintend all matters of exportation and drawback, under the direction of the collector, whose compensation therefor shall be prescribed by the Secretary of the Treasury, but shall not exceed, in any case, an annual rate of \$2,000, excepting at New York, where the compensation shall be an annual rate of \$3,000. And all the books, papers, and documents in the bureau of drawback in the respective ports, relating to the drawback of duties paid under the internal revenue laws, shall be delivered to said collector of internal revenue; and any collector of internal revenue, or superintendent of exports and drawbacks, shall have authority to administer such oaths and certify to such papers as may be necessary under any rules and regulations that may be prescribed under the authority herein conferred.

Mr. FESSENDEN. In line twenty-two of that section the word "duties" should be "taxes."

The PRESIDING OFFICER. That correction will be made.

The Secretary read sections twenty-two and twenty-three, to which no amendment was reported, as follows:

SEC. 22. *And be it further enacted*, That every person, firm, or corporation, who distills or manufactures spirits or alcohol by continuous distillation from grain, who brews or makes mash, wort, or wash, for distillation or the production of spirits, shall be deemed a distiller under this act. And the making or keeping by any person of grain, mash, wash, or beer, prepared or fit for distillation, together with the possession by such person of a still or other apparatus capable of use for distilling, upon the same premises, shall be deemed and taken as presumptive evidence that such person is a distiller within the meaning of this act.

SEC. 23. *And be it further enacted*, That every person, firm, or corporation, who rectifies, purifies, or refines distilled spirits or wines by any process, or who, by mixing distilled spirits or wine with any materials, manufactures any spurious, imitation, or compound liquors for sale, under the name of whisky, brandy, gin, rum, wine, "spirits" or "wine bitters," or any other name, shall be regarded as a rectifier under this act.

The twenty-fourth section was next read, as follows:

SEC. 24. *And be it further enacted*, That if any person or persons shall carry on any business of distilling or rectifying without having paid the special tax as required by law, he or they shall, for every such offense, besides being liable to the payment of the tax upon the spirits distilled, also be liable to a penalty of one hundred per cent. in addition thereto, to be assessed by the assessor, and shall each be subject, upon conviction, to imprisonment for a term not exceeding two years; and upon sufficient information of such offense, the collector, deputy collector, or other authorized officer of the district in which the same shall be alleged to have been committed, may

enter upon the premises of the person or persons by whom such offense is alleged to have been committed, using such force as may be necessary for that purpose, and may seize all spirits or spirituous liquors, and all materials for making or preparing the same respectively, and all vessels and utensils containing the same, and all stills or other apparatus capable of being used for distilling, and may hold the same. And the said collector, upon the assessment aforesaid having been made, and upon the conviction of the said person or persons, shall sell such stills, apparatus, and other materials, vessels, utensils, and liquors so seized, and shall apply the proceeds in satisfaction of such assessment, and of the fine, if imposed; and the said assessment and fine, or such part thereof as shall not have been so satisfied, shall, until paid, be a lien in favor of the United States, from and after the time when such assessment is made, or such fine laid, upon all property and rights to property of the person by whom such offense shall have been committed, and upon his interest in the lands and premises in which it shall have been committed, and upon all his property therein, and such lien may be enforced by levy and distraint by said collector, or by suit *in rem*; and when the personal property found shall not be sufficient to satisfy the same, such lands and premises may be seized, and upon the decree of the court the interest aforesaid sold, and proceeds applied in payment thereof; and such assessed penalties and fines, when recovered, shall be distributed according to law.

The Committee on Finance proposed to strike out all of this section after the enacting clause, and in lieu of the words stricken out to insert the following:

That if any person shall carry on the business of a distiller or rectifier without having paid the special tax, as required by law, he shall for every such offense be liable to a fine of not less than double the tax imposed upon the spirits distilled, or double the special tax due for the spirits rectified by such person or found upon the premises hereinafter mentioned, and to imprisonment for a term not exceeding two years; and all the spirituous liquors so distilled or rectified, or owned by such person, or found as hereinafter mentioned, and all materials for making or preparing the same, and all vessels containing the same, and all stills or other apparatus capable of being used for distilling, owned by such person or found upon any premises where such business shall be carried on in violation of this section, shall be forfeited to the United States, and may be seized by the collector or deputy collector of the district within which such offense is committed.

The amendment was agreed to.

Mr. FESSENDEN. The Committee on Finance propose to strike out sections twenty-five, twenty-six, and twenty-seven, and to put them in a new draft which will be found on pages 183, 184, and 185. Unless some Senator insists on the reading of the sections stricken out, their reading may be dispensed with.

Mr. TRUMBULL. Is there no change but in phraseology?

Mr. FESSENDEN. The substance of the three sections is put into one section, in a new draft. That is all. The sections can be read if their reading is desired.

Mr. TRUMBULL. I do not wish to have them read if the committee only propose a mere change of phraseology.

The PRESIDING OFFICER. The reading of the sections proposed to be stricken out will be dispensed with.

The Secretary read the words proposed to be inserted as section twenty-five, in lieu of sections twenty-five, twenty-six, and twenty-seven of the House bill, as follows:

And be it further enacted, That every person engaged in or intending to be engaged in the business of a distiller or rectifier, shall give notice in writing, subscribed by him, to the assessor of the district within which such business is to be carried on, stating the name or style under which, the name or names, and the place or places of residence of the person or persons by whom and the place where said business is to be carried on, and whether of distilling or rectifying. In case of a distiller, the notice shall also state the kind of stills, boilers, and other implements to be used, the capacity of each, the name or names of the owner or owners of the premises on which the distillery is or is to be situated, and if such premises are leased, the terms of the lease. In case of any change in the location, form, capacity, ownership, agency, or superintendence of such distillery, still, boilers, or other implements, like notice shall be given, as aforesaid, within twenty-four hours of such change. Such person shall also give bond, in form to be prescribed by the Commissioner of Internal Revenue, with sureties approved by the collector aforesaid, who may approve the same if he shall be satisfied, by affidavits made on said bond, of the sufficiency of said sureties, conditioned that he will comply with all the requirements of the law in relation to distilled spirits. The penal sum of such bond shall be equal to double the amount of the tax on the spirits that can be distilled by such still or stills or other implements during a period of fifteen days; said collector may refuse to approve said bond when, in his judg-

ment, the location of the distillery is such as would enable the distiller to defraud the revenue, and in case of such refusal, the distiller may appeal to the Commissioner of Internal Revenue, whose decision in the matter shall be final. A new bond may be required in case of the death, insolvency, or removal of either of the sureties, or in any other contingency, at the discretion of the collector.

The amendment was agreed to.

Mr. FESSENDEN. I move to add to the section just adopted these words:

Any person failing to give the notice or bond hereinbefore required, or giving a false or fraudulent notice, shall be liable to the fine and forfeiture provided in the last preceding section.

The amendment was agreed to.

The Secretary read section twenty-eight, which by virtue of the amendments already made becomes section twenty-six:

Sec. [28] 26. And be it further enacted, That no person, firm, or corporation shall use any still, boiler, or other vessel, for the purpose of distilling in any building or on any premises where beer, lager beer, ale, porter, or other fermented liquors are manufactured; and no still, boiler, or other vessel, shall be used as aforesaid in any building or on any premises where beer, lager beer, ale, porter, or other fermented liquors, vinegar, or other, are manufactured or produced, or where sugars or sirups are refined, or where liquors of any description are retailed, or any other business is carried on, or in any dwelling-house; and every person who shall use such still, boiler, or other vessel, for the purpose of distilling, as aforesaid, in any building or other premises where the above specified articles are manufactured, produced, or other business is carried on, or in any dwelling-house, or who shall procure the same to be done, shall forfeit such stills, boilers, or other vessels so used, and all the spirits distilled, and pay a fine of \$1,000, and be imprisoned for not less than six months nor more than one year, in the discretion of the court; and any person, firm, or corporation, who shall manufacture any still, boiler, or other vessel, to be used for the purpose of distilling, shall, before the same is removed from the place of manufacture, notify the collector where such still, boiler, or other vessel is to be used or sent, of the intention to send or set up the same, and of its capacity, and the time when the same is to be sent or set up; and no such still, boiler, or other vessel, shall be set up without the permit in writing of the collector for that purpose; and any person, firm, or corporation, who shall set up such still, boiler, or other vessel, without first obtaining a permit from the collector of the district in which such still, boiler, or other vessel is intended to be used, or who shall fail to give such notice, shall pay in either case the sum of \$500, and shall forfeit the distilling apparatus thus manufactured or set up in violation of law: *Provided,* That saleratus may be made or manufactured in any building or on any premises where spirits are distilled: *Provided further,* That any boiler used in generating steam or heating water to be used in such distillery may be located in any other building or on any other premises to be connected with such still or boiling tubs, by suitable pipes or other apparatus, or the steam from such boiler in the distillery may be conveyed to other premises to be used for manufacturing or other purposes.

The Committee on Finance proposed to amend the section by striking out after "person," in line one, the words "firm or corporation."

Mr. SPRAGUE. Why strike out those words?

Mr. FESSENDEN. Because there is a general provision in another place making "person," wherever that word occurs, apply to firms and corporations.

The amendment was agreed to.

The next amendment of the committee to this section was to strike out, in lines five, six, and seven, these words:

Are manufactured; and no still, boiler or other vessel shall be used as aforesaid in any building or on any premises where beer, lager beer, ale, porter, or other fermented liquors.

The amendment was agreed to.

The next amendment was in line eighteen, after "dollars," to strike out "and" and insert "or;" and after "not," in line nineteen, to strike out "less than six months nor;" so as to read, "pay a fine of \$1,000 or be imprisoned for not more than one year."

The amendment was agreed to.

The next amendment was after "person," in line twenty, to strike out the words "firm or corporation."

The PRESIDING OFFICER. That amendment is agreed to, no objection being made.

The next amendment was after the word "sent," in line twenty-five, to strike out the words "of the intention to send or set up the same" and insert "and by whom it is to be used."

The amendment was agreed to.

The next amendment was after "person," in line twenty-nine, to strike out "firm or corporation."

The PRESIDING OFFICER. That correction will be made.

The next amendment was in line thirty-five to strike out "manufactured" and insert "removed."

The amendment was agreed to.

The Secretary read section [twenty-nine] twenty-seven of the bill, as follows:

Sec. [29] 27. And be it further enacted, That every rectifier or wholesale dealer in distilled spirits shall enter, daily, in a book or books kept for the purpose, under such rules and regulations as the Commissioner of Internal Revenue may prescribe, the number of proof gallons of spirits purchased or received, of whom purchased and received, and the number of proof gallons sold or delivered; and every rectifier or wholesale dealer who shall neglect or refuse to keep such record shall forfeit all spirits in his possession, together with the apparatus, tools, and implements used, and be subject to a fine of \$500, or imprisonment for not less than six months nor more than one year, in the discretion of the court. And every rectifier shall mark with a stencil-plate, on each package of five gallons or more of distilled or rectified spirits sold by him, his name and place of business.

Mr. FESSENDEN. After the word "mark," in line thirteen, I move to strike out the words "with a stencil-plate."

The amendment was agreed to.

The Secretary read section [thirty] twenty-eight, as follows:

Sec. [30] 28. And be it further enacted, That the owner or owners of any distillery shall provide, at his or their own expense, a warehouse suitable for the storage of bonded spirits, of their own manufacture only; or he or they may provide a secure room, in a suitable building, to be used as such warehouse, but no dwelling-house shall be used for such purpose, and no door, window, or other opening shall be made or permitted in the walls thereof, leading to any other room or building used for any other purpose, or into the distillery; and after a bond has been given, as hereinafter provided, such warehouse or room, when approved by the Commissioner of Internal Revenue, on report of the district collector, is hereby declared to be a bonded warehouse of the United States, and shall be used only for the storing of spirits manufactured by the owner, agent, or superintendent of such distillery, and shall be under the custody of the inspector as hereinafter provided; and shall be kept locked up by the proper officer in charge at all times except when he shall be present; and the tax on the spirits stored in such warehouse shall be paid before removal from such warehouse unless removed in pursuance of law. And the owner or owners of such warehouse shall execute a general bond to the United States with two or more sureties, to be approved by the collector; and such bond shall be for not less than the amount of duties on the spirits to be covered thereby, and in such form, and containing such conditions, as shall be approved by the Commissioner of Internal Revenue, and may be changed from time to time by the collector in regard to the amount and sureties thereof.

The Committee on Finance proposed to amend the section by striking out the word "may," in line twenty-seven, and inserting "shall;" after "changed," in line twenty-eight, inserting "or renewed;" after "time," in line twenty-eight, striking out "by the collector;" and after "thereof," in line twenty-nine, inserting "as the collector may require;" so as to make the clause read:

Shall be changed or renewed from time to time in regard to the amount and sureties thereof as the collector may require.

The amendment was agreed to.

Mr. FESSENDEN. In line twelve of that section I move to strike out "Commissioner of Internal Revenue" and insert "Secretary of the Treasury."

The amendment was agreed to.

Mr. VAN WINKLE. In line twenty-five the word "duties" should be "taxes."

The PRESIDING OFFICER. That correction will be made.

The Secretary read section [thirty-one] twenty-nine, as follows:

Sec. 31. And be it further enacted, That general bonded warehouses, for the storage of spirits or other merchandise allowed by law to be placed in bond to secure the payment of the internal revenue tax thereon, or the exportation thereof, may be established under such rules and regulations and upon the execution of such bonds as the Commissioner of Internal Revenue may prescribe, and shall be in the immediate custody of store-keepers who shall be appointed for that purpose, whose compensation shall be paid monthly to the collector of the district by the owners or proprietors of such warehouse, and shall not exceed the rates which may be allowed to store-

keepers of bonded warehouses established under the laws and regulations relating to customs.

Mr. FESSENDEN. In lines six and seven the words "Commissioner of Internal Revenue" should be "Secretary of the Treasury."

The PRESIDING OFFICER. That change will be made, no objection being interposed.

The Committee on Finance proposed to amend the section by adding to it the following proviso:

Provided, That any article manufactured in a bonded warehouse established under the one hundred and sixty-eighth section of the internal revenue act of June 30, 1864, and located in any of the Atlantic States, may be removed therefrom for transportation to a customs bonded warehouse at any port on the Pacific coast of the United States, for the purpose only of being exported therefrom, under such rules and regulations, and upon the execution of such bonds or other security, as the Secretary of the Treasury may prescribe.

The amendment was agreed to.

The Secretary read section [thirty-two] thirty, as follows:

SEC. [32] 30. *And be it further enacted*, That there shall be appointed by the Secretary of the Treasury an inspector for every distillery established according to law, who shall take an oath faithfully to perform his duties; and who shall take an account of all the meal and vegetable productions or other substances to be used for the purpose of producing spirits, when put into the mash tub or otherwise used; and shall inspect, gauge, and prove all the spirits distilled, under such rules and regulations as may be prescribed by the Commissioner of Internal Revenue; and shall take charge of the bonded warehouse established for the distillery in conformity to law; and such warehouse shall be in the joint custody of such inspector and the owner thereof, his agent or superintendent; and when any spirits shall be placed in such warehouse an entry therefor, in such form as shall be prescribed by regulations, shall immediately be made and signed by the owner of said spirits, and shall have indorsed thereon a certificate of the inspector that the spirits mentioned have been duly inspected and received in said warehouse, and such entry and certificate shall be filed with the collector of the district; and whenever such warehouse is within the limits of any port of entry where there shall be a superintendent of exports, a duplicate of such entry and certificate shall forthwith be filed in the office of such superintendent; and said inspector shall also certify to the returns to be made by the distiller to the assessor; and shall not engage in any other business while employed as an inspector; and shall be paid five dollars per day for the time during which he is engaged; and the amount of compensation thus paid for inspection shall be assessed by the assessor upon the distiller, and returned to the collector monthly; and in addition to the above compensation, such inspector shall receive one eighth of one cent for each and every proof gallon of distilled spirits inspected by him and removed to the bonded warehouse, which shall be paid by the distiller or owner of the spirits; but no compensation shall be allowed to such inspector for more than one inspection of such spirits. And in case the duties of such inspector shall be greater at any time than he can perform, upon the joint application of the inspector and owner of such distillery, the collector may appoint an assistant inspector; and upon the refusal of the distiller to join in such application, the collector shall decide as to such necessity; and such assistant inspector shall qualify in the same manner and be subject to the same penalties as the inspector, and he shall be paid in the same manner as the inspector, at a rate not exceeding the sum of three dollars per day while so employed; and in case of disagreement as to the necessity of retaining the services of such assistant, between the owner of the distillery and the inspector, the collector shall decide as to such necessity, and his decision in the matter shall be final. And in case of absence by sickness, or from any other cause, of such inspector or assistant, the collector may appoint an officer to take temporary charge of such distillery and warehouse, who shall receive the same rate of pay as said inspector or assistant for the time he may be so employed, such amount to be deducted from the pay of the absent officer: *Provided*, That the owner, agent, or superintendent of any distillery who shall use, cause, or permit to be used, any materials for the purpose of producing spirits, or shall distill and remove any spirits in the absence of the acting inspector or assistant, without permission granted by the collector of the district, shall forfeit and pay double the amount of taxes on the spirits so produced, distilled, or removed, and in addition thereto a fine of \$1,000, to be recovered in the manner provided for other penalties imposed by this act: *Provided further*, That any person who shall ship, transport, or remove any spirituous or fermented liquors or wines, under any other than the proper name or brand known to the trade as designating the kind and quality of the contents of the casks or packages containing the same, or who shall cause the same to be done, shall forfeit the same, and shall, on conviction thereof, be subject to and pay a fine of \$500.

The Committee on Finance proposed to strike out the following clause after the word "district" in line twenty-one:

And whenever such warehouse is within the limits of any port of entry where there shall be a superintendent of exports, a duplicate of such entry and certificate shall forthwith be filed in the office of

such superintendent; and said inspector shall also certify to the returns to be made by the distiller to the assessor.

The amendment was agreed to.

The next amendment was after the word "and," in line twenty-six, to insert "said inspector."

The amendment was agreed to.

The next amendment was after the word "monthly," in line thirty-one, to insert "for collection."

The amendment was agreed to.

The next amendment was in line forty-one to strike out "collector" and insert "Secretary," so as to read, "the Secretary of the Treasury may appoint an assistant inspector."

The amendment was agreed to.

The next amendment was in line fifty-four to strike out "appoint an officer" and insert "designate a person."

The amendment was agreed to.

The next amendment was after "shall," in line fifty-six, to insert "during such absence perform the duties;" and after "pay," in line fifty-seven, to insert "and be paid in the same manner."

The amendment was agreed to.

The next amendment was to strike out in lines fifty-nine and sixty the words "such amount to be deducted from the pay of the absent officer."

The amendment was agreed to.

The next amendment was in line sixty-three, before "remove," to strike out "and" and insert "or."

The PRESIDING OFFICER. That correction will be made.

The next amendment was to insert after "thereto," in line sixty-seven, the words "be liable to."

The amendment was agreed to.

The next amendment was after "penalties," in line sixty-nine, to strike out "imposed by this act."

The amendment was agreed to.

The Secretary read the next section of the bill, as follows:

SEC. [33] 31. *And be it further enacted*, That there shall be appointed by the Secretary of the Treasury, in every collection district where the same may be necessary, one or more general inspectors of spirits, who shall take an oath faithfully to perform his duties, in such form as the Commissioner of Internal Revenue may prescribe, and who shall be entitled to receive one quarter of one cent for each and every wine-gallon gauged and proved by him; and any owner, agent, or superintendent of any distillery or bonded warehouse who shall refuse to admit an inspector upon such premises, so far as it may be necessary for the performance of his duties, or who shall obstruct an inspector in the performance of his duties, shall forfeit and pay the sum of \$500, to be recovered in the manner provided for recovery of other penalties imposed by this act.

The Committee on Finance proposed to strike out after the word "spirits," in line four, these words: "who shall each take an oath faithfully to perform his duties, in such form as the Commissioner of Internal Revenue may prescribe, and."

The amendment was agreed to.

Mr. FESSENDEN. Before the word "gallon," in line eight, I move to strike out "wine" and to insert "proof;" and after "him" in the same line to insert, "to be paid by the owner of the spirits;" so that it will read:

Who shall be entitled to receive one quarter of one cent for each and every proof gallon gauged and proved by him, to be paid by the owner of the spirits, &c.

The PRESIDING OFFICER. Those changes will be made unless there be objection.

Mr. FESSENDEN. The next section, the thirty-fourth of the House bill, or thirty-second, according to our numbering, is reported to be stricken out and a new draft inserted. I think the reading of the original may be omitted. The new draft begins on page 195.

The PRESIDING OFFICER. The reading of the section proposed to be stricken out will be omitted. The words proposed to be inserted only will be read.

The Secretary read the words proposed to be inserted, as follows:

That every person making or distilling spirits, or owning any still, boiler, or other vessel used for the purpose of distilling spirits, or having such still, boiler, or other vessel so used under his superintendence, either as agent or owner, or using any such still, boiler or other vessel, shall from day to day make, or cause to be made, true and exact entry in a book, to be kept in such form as the Commissioner of Internal Revenue may prescribe, of the number of pounds or gallons of materials used for the purpose of producing spirits, the number of gallons of spirits distilled, the number of gallons placed in warehouse, and the proof thereof, and the number of gallons sold, with the proof thereof, and the name and place of business or residence of the person to whom sold; and shall also on the 1st, 11th, and 21st days of each month, or within five days thereafter, render to the assessor or assistant assessor an account in duplicate taken from his books in the particulars, hereinbefore recited, verified by oath, of all the facts occurring after the last day of account preceding. The entries to be made in the books of the distiller, as aforesaid, shall, upon the several days when the returns are made, be provided, be verified by oath or affirmation of the person or persons by whom such entries shall have been made, in the presence of the assessor or assistant assessor, or other proper officer, who shall append thereto his certificate of the execution of the same. The owner, agent, or superintendent of any distillery shall in case the original entries required to be made in his books by this act shall not have been made by himself, subjoin to the certificate of the person by whom they were made the following oath or affirmation: "I do certify that to the best of my knowledge and belief the foregoing entries are just and true, and that I have taken all the means in my power to make them so." Said book shall always be open for the inspection of any assessor, assistant assessor, collector, deputy collector, revenue agent, or inspector, and any promises where distilling shall be carried on shall be open to said officers, or either of them, at all times in day or night while such distillery is in operation. Any person who shall violate the provisions of this section shall for every such offense be liable to a fine of \$500. Any person who shall render an account under the provisions of this section which shall be false or fraudulent, shall be liable to a fine of not less than \$500, or to imprisonment not less than six months.

The amendment was agreed to.

The Secretary read the next section, as follows:

SEC. [35] 33. *And be it further enacted*, That, in addition to the special tax provided, there shall be levied, collected, and paid on all spirits that may be distilled and removed from the bonded warehouse for consumption or sale, of first proof, on and after the passage of this act, a tax of two dollars on each and every proof gallon; and the said tax shall be a lien on the spirits distilled, on the distillery used for distilling the same, with the stills, vessels, fixtures, and tools therein, and on the interest of said distiller in the lot or tract of land whereon the said distillery is situated, until the said tax shall be paid: *Provided*, That brandy distilled from grapes, apples, or peaches, shall pay \$1 50 per gallon: *And provided further*, That the tax on all spirits shall be collected at no lower rate than the basis of first proof, and shall be increased in proportion for any greater strength than the strength of first proof.

The Committee on Finance proposed to strike out after the word "that" in line one the words "in addition to the special tax provided;" after the word "all" in line three to insert "distilled;" after "spirits" in line three to strike out "that may be distilled and removed from the bonded warehouse for consumption or sale, of first proof, on and after the passage of this act," and in lieu thereof to insert "upon which no tax has been paid according to law;" after "gallon" in line seven to insert "to be paid by the distiller, owner, or any person having possession thereof;" to strike out "said" before "tax" in line eight; after "situated" in line twelve to insert "from the time said spirits are distilled;" and in lines fourteen, fifteen, and sixteen to strike out "that brandy distilled from grapes, apples, or peaches, shall pay \$1 50 per gallon; and provided further;" so as to make the section read:

That there shall be levied, collected, and paid on all distilled spirits upon which no tax has been paid according to law, a tax of two dollars on each and every proof gallon, to be paid by the distiller, owner, or any person having possession thereof; and the tax shall be a lien on the spirits distilled, on the distillery used for distilling the same, with the stills, vessels, fixtures, and tools therein, and on the interest of said distiller in the lot or tract of land whereon the said distillery is situated, from the time said spirits are distilled until the said tax shall be paid: *Provided*, That the tax on all spirits shall be collected at no lower rate than the basis of first proof, and shall be increased in proportion for any greater strength than the strength of first proof.

The amendments were agreed to.

The Secretary read section [thirty-six] thirty-four, as follows:

Sec. [36] 34. *And be it further enacted*, That proof spirit shall be held and taken to be that alcoholic liquor which contains one half its volume of alcohol of a specific gravity of seven thousand nine hundred and thirty-nine, (7939) at sixty degrees Fahrenheit, and the tax on all spirits shall be levied according to their equivalent in proof spirits; and the Secretary of the Treasury is hereby authorized to adopt, procure, and prescribe for use, such hydrometers, weighing and gauging instruments, meters or other means for ascertaining the strength and quantity of spirits subject to tax, and to prescribe such rules and regulations as he may deem necessary to insure a uniform and correct system of inspection, weighing and gauging of spirits subject to tax throughout the United States. And in all sales of spirits hereafter made, where not otherwise specially agreed, a gallon shall be taken to be a gallon of first proof, according to the foregoing standard set forth and declared for the inspection and gauging of spirits throughout the United States.

The Committee on Finance proposed to amend in line four, after "(7939)," by inserting "ten thousandths," and after "Fahrenheit," in line five, by striking out "and the tax on all spirits shall be levied according to their equivalent in proof spirits."

The amendment was agreed to.

The committee further propose to amend the section in line fourteen after "all" by striking out "sales of spirits hereafter made," and inserting "cases."

Mr. FESSENDEN. That should be non-concurred in; it is a mistake.

The amendment was rejected.

The Secretary read the next section, as follows:

Sec. [37] 35. *And be it further enacted*, That the owner, agent, or superintendent of any distillery established as hereinbefore provided, shall erect, in a room or building to be provided and used for that purpose, and for no other, two or more receiving cisterns, each to be at least of sufficient capacity to hold all the spirits distilled during the day of twenty-four hours, into one of which shall be conveyed each day all the spirits manufactured in said distillery during that day; and such cisterns shall be so constructed as to leave an open space of at least three feet between the tops thereof and the floor or roof above, and of not less than eighteen inches between the bottoms thereof and the floor below, and shall be separated in such a manner as will enable the inspector to pass around the same, and shall be connected with the outlet of the stills, boilers, or other vessels used for distilling, by suitable pipes or other apparatus so constructed as always to be exposed to the view of the inspector; such cisterns and the room in which they are contained shall be in charge of and under the look and seal of the inspector; and on the third day after the spirits are conveyed into such cisterns the same shall be drawn off into casks or other packages, under the supervision of the inspector, and shall be immediately inspected, gauged, proved, and the casks or packages marked, as herein provided, and be removed directly to the bonded warehouse before mentioned: *Provided*, That the spirits may be drawn off from said cisterns at any time previous to the third day, if so desired by the owner, agent, or superintendent of such distillery; and all locks and seals required under this act shall be provided by the Secretary of the Treasury, at the expense of the owner of the distillery, and shall be combination locks and susceptible of at least ninety-six changes, and the bits of the keys thereof shall be changed at least once a week, and shall always be in the custody of the inspector or assistant inspector, or the officer having charge of the distillery and warehouse.

The Committee on Finance proposed to amend this section by striking out after "distillery," in line thirty, the words "and shall be combination locks and susceptible of at least ninety-six changes, and the bits of the keys thereof shall be changed at least once a week," and inserting "or warehouse."

The amendment was agreed to.

The committee also proposed to insert the words "the keys" before "shall" in line thirty-three.

The amendment was agreed to.

Mr. FESSENDEN. In line twenty-eight of that section I move to strike out "under this act" and insert "by law."

The amendment was agreed to.

The Secretary read section [thirty-eight] thirty-six, as follows:

Sec. 38. *And be it further enacted*, That any person who shall knowingly and fraudulently use any false weights and measures in ascertaining, weighing, or measuring the quantities of grain, meal, or vegetable materials, molasses, or beer, or other substances to be used for distillation, or who shall fraudulently make false record of the same, or who shall destroy or tamper with any locks or seal which may be placed on any cistern, rooms, or buildings by the duly au-

thorized officers of the revenue, shall be guilty of a felony, and on conviction thereof shall be imprisoned for the term of two years, and pay a fine not exceeding \$1,000, in the discretion of the court; and any person who shall use any molasses, beer, or other substances, whether fermented on the premises or elsewhere, for the purpose of producing spirits, before an account of the same shall have been registered in the proper record book provided for this purpose, shall forfeit and pay the sum of \$1,000 for each and every offense so committed.

The Committee on Finance proposed before "measures," in line three, to strike out "and" and insert "or."

The PRESIDING OFFICER. The correction will be made.

The next amendment of the committee was in lines nine and ten to strike out the words "be guilty of felony and," and to strike out "shall" before "be," in line ten.

The amendment was agreed to.

Mr. VAN WINKLE. I move to strike out "or," at the end of the fourth line of that section.

The amendment was agreed to.

The Secretary read section [thirty-nine] thirty-seven, as follows:

Sec. [39] 37. *And be it further enacted*, That on all wines, liquors, or compounds known or denominated as wine, made in imitation of sparkling wine or champagne and put up in bottles in imitation of any imported wine, or with the pretense of being imported wine, or wine of foreign growth or manufacture, there shall be levied and paid a tax of six dollars per dozen bottles, each bottle containing more than one pint and not more than one quart, or three dollars per dozen bottles, each bottle containing not more than one pint; and the returns, assessment, collection, and time of collection of the tax on such imitation wines shall be subject to the regulations of the Commissioner of Internal Revenue. And any person who shall willfully and knowingly sell, or offer for sale, any such wine made after the passage of this act, upon which the tax herein imposed has not been paid, or which has been fraudulently evaded, shall, upon conviction thereof, be subject to a penalty of \$1,000, or to imprisonment not exceeding one year, at the discretion of the court.

The Committee on Finance proposed to amend the section by inserting after "pint," in line ten, the words "said tax to be paid by the manufacturer, owner, or person having possession thereof."

The amendment was agreed to.

Mr. FESSENDEN. I move to strike out in line sixteen the words "passage of this act" and insert "this act takes effect."

The amendment was agreed to.

The Secretary read the next section, as follows:

Sec. [40] 38. *And be it further enacted*, That every owner, agent, or superintendent of any distillery shall, at all times when required, supply all assistance, lights, ladders, tools, staging, or other things necessary for inspecting the premises, stock, tools, and apparatus belonging to such person or persons having paid the special tax aforesaid, and shall open all doors, and open for examination all boxes, packages, and all casks, barrels, and other vessels not under the control of the inspector, when required so to do by any duly authorized officer, under a penalty of \$200 for any refusal or neglect so to do.

The Committee on Finance proposed to strike out after "person," in line five, the words "or persons having paid the special tax aforesaid."

The amendment was agreed to.

The next section was read, as follows:

Sec. [41] 39. *And be it further enacted*, That all spirits distilled shall, before the same are removed to the bonded warehouse, be inspected, gauged, and proved by the inspector appointed for that purpose, after the same has been drawn into casks or packages, each of not less capacity than twenty gallons, wine measure, and said inspector shall mark, by cutting or branding, upon the cask or package containing such spirits, in a manner to be prescribed by the Commissioner of Internal Revenue, the quantity and proof of the contents of such cask or package, with the date of inspection, the collection district, the name of the inspector, and the name of the distiller, and also the number of each cask in progressive order, such progressive number, for every distiller, to begin with number one with the first cask or package inspected after this act, and subsequently with number one with the first cask inspected on or after the 1st day of January in each year, and no two or more casks warehoused in the same year by the same distiller shall be marked with the same number, and the officer in charge of the warehouse shall refuse to allow any cask of spirits to be taken out therefrom which has not cut or branded thereon all the several particulars aforesaid, and in the manner required by this act. And the inspector or other revenue officer in charge of any distillery shall make a prompt return of all spirits inspected by him in accordance with the provisions of this act, and the name of the distiller, to the collector, and a duplicate thereof to

the assessor of the district; and any person who shall fraudulently evade or attempt fraudulently to evade the payment of the tax upon any spirits distilled as aforesaid, by changing any marks upon any such cask or package, or in any other manner whatever, or who shall fraudulently put into such cask or package spirits of greater strength than that inspected and certified to by the inspector, shall pay double the amount of tax on each proof gallon of the quantity of such spirits, and forfeit and pay as a penalty the additional sum of \$500 for each cask or package so altered or changed, to be recovered as herein provided; and any inspector, assistant inspector, or officer temporarily in charge of any distillery under this act who shall conspire with the proprietor of any distillery or with any other person or persons to defraud the United States of the revenue or tax arising from distilled spirits or any part thereof, or who shall, with intent to defraud the United States of such revenue or tax, make any false or fraudulent entry, certificate, or return, shall be guilty of a misdemeanor; and any person who shall fraudulently use any cask or package bearing inspection marks, for the purpose of selling any other spirits than that so inspected, or for selling spirits of a quantity or quality different from that so inspected, shall be imprisoned for a term of six months, or shall pay a fine of \$100 for each cask or package so used, in the discretion of the court; and any person who shall knowingly purchase or sell, with inspection marks thereon, any cask or package, after the same has been used for distilled spirits, or who shall fraudulently omit to erase or obliterate the inspection marks upon any such package or cask at the time of emptying the same, shall forfeit and pay the sum of fifty dollars for every cask so purchased or used, or on which the marks are not so obliterated. And any person who shall, with fraudulent intent, use any inspector's brands or plates upon any cask or package containing or purporting to contain distilled spirits, except in the employ of the inspector, or who shall knowingly make or use any counterfeit or spurious brand or plate upon any cask or package of distilled spirits, as aforesaid, shall be deemed guilty of a felony, and, on conviction thereof, shall forfeit the same, and shall pay a fine of \$1,000, and be imprisoned for not less than two nor more than five years. And any inspector who shall permit any person not employed by him to use any of his brands or plates, or who shall negligently or willfully leave such brands or plates where they can be used by any other person than those who may be in his employ, shall pay a fine not exceeding \$1,000, in the discretion of the court. And any inspector who shall employ any owner, agent, or superintendent of any distillery or warehouse under his supervision, or who shall employ any person in the service of such owner, agent, or superintendent, to use his plates or brands, or to discharge any of the duties imposed by this act upon such inspector, shall, for each offense so committed, be subject to the same fine last mentioned.

The committee proposed to strike out "or" after "cutting," in line six, and to insert after "branding" the words "or otherwise."

The PRESIDING OFFICER. That correction will be made.

The committee also proposed to insert after "act," in line fourteen, the words "takes effect."

The amendment was agreed to.

Mr. FESSENDEN. At the end of line twenty I move to strike out the words "cut or branded" and to insert "marked," and in line twenty-two to strike out "this act" and insert "law."

The PRESIDING OFFICER. Those amendments will be made.

Mr. FESSENDEN. In line twenty-five I move to strike out "this act" and to insert "law."

The PRESIDING OFFICER. That amendment will be made.

The Committee on Finance proposed to insert after "spirits," in line thirty-four, the words "to be assessed and collected as in case of other taxes."

The amendment was agreed to.

In line thirty-seven the committee proposed to strike out "herein" before "provided," and after "provided" to insert "by law."

The amendment was agreed to.

Mr. FESSENDEN. In line thirty-nine I move to strike out the words "under this act."

The PRESIDING OFFICER. That change will be made.

Mr. FESSENDEN. I move to strike out in line forty-five the words "shall be guilty of a misdemeanor," and to insert in lieu of them the following:

Or place any false or fraudulent mark upon any cask or package shall, on conviction thereof, pay a fine of not less than \$1,000, and be imprisoned for not less than two nor more than five years.

Mr. TRUMBULL. Why not limit these penalties up as well as down?

Mr. FESSENDEN. Perhaps it would be dangerous.

Mr. TRUMBULL. There is another clause like the one just read. I presume the chairman of the Committee on Finance hardly means it. The provision is that a party shall be fined not less than \$500 and imprisoned not less than six months, leaving it at the discretion of the court to fine him \$500,000, and imprison him ninety-nine years if he chooses. I notice in the amendment just offered there is a limitation both ways upon the imprisonment, but the provision as to fine is that the fine shall not be less than \$1,000. Ought it not to be limited the other way? It is usual in laws of this kind to impose a limitation both ways.

In the seventeenth section the same thing occurs; I had intended to call attention to it, but it escaped me when the section was read. It is provided in that section "and any person who shall violate the foregoing provisions of this section with intent to defraud the revenue or to defraud any person, shall, upon conviction thereof, be liable to a fine of not less than \$1,000, or imprisonment for not less than six months, or both such fine and imprisonment, at the discretion of the court."

It should not be in the discretion of the court to impose fine and imprisonment *ad libitum*. Of course the committee can hardly mean to leave it in that way. The amendment just offered says a fine of not less than \$1,000. Why not say "and not more than \$5,000?"

Mr. FESSENDEN. These are serious offenses, and I should not like to have the punishment made very light.

Mr. TRUMBULL. It can hardly be meant to imprison a man for life.

Mr. FESSENDEN. I do not think the judges in our section of country would do that. Perhaps they might be more severe in the Senator's section. If the Senator will look at the offenses and make suggestions as to what the limit ought to be, I shall not object to any reasonable amendment.

Mr. TRUMBULL. I do not care what the limit is, but I think there should be some limit, not exceeding a certain amount. I would not leave a discretion to impose any amount of fine or any term of imprisonment.

Mr. FESSENDEN. I will modify the amendment by saying "a fine of not less than \$1,000 nor more than \$5,000, and be imprisoned for not less than two nor more than five years."

The amendment was agreed to.

Mr. FESSENDEN. Now I propose to go back to the seventeenth section, on page 175 and there make an amendment to suit the Senator's views.

Mr. TRUMBULL. I suppose the Senator from Maine will look this bill over again. He will find that an amendment of the same kind is wanted in several places where there is no limitation on the amount to which the fine or the duration to which the imprisonment may extend. I think it would be well to put such a limitation in all cases. I suggest it to him for his consideration.

Mr. FESSENDEN. I move to amend section seventeen so as to make it read, in lines twenty-eight, twenty-nine, and thirty:

A fine of not less than \$1,000 nor more than \$5,000, or imprisonment for not less than six months nor more than five years, or both such fine and imprisonment, at the discretion of the court.

The amendment was agreed to.

Mr. FESSENDEN. In line fifty-seven, of section [forty-one] thirty-nine, I move to strike out "fifty" and insert "two hundred," so as to make the penalty there \$200 instead of \$50.

The amendment was agreed to.

Mr. FESSENDEN. In line sixty-two I move to strike out the words "except in the employ of the inspector."

The amendment was agreed to.

The committee proposed, in line sixty-six, to strike out "the same" after "forfeit;" and to insert "such cask or package, with its contents."

Mr. FESSENDEN. Instead of adopting that amendment I move to strike out all after "thereof" in line sixty-six to "shall" in line sixty-seven. The words to be stricken out are "shall forfeit the same and;" so that it will then read:

Who shall knowingly make or use any counterfeit or spurious brand or plate upon any cask or package of distilled spirits, as aforesaid, shall be deemed guilty of a felony, and, on conviction thereof, shall pay a fine of \$1,000, and be imprisoned for not less than two nor more than five years.

The amendment was agreed to.

Mr. FESSENDEN. After "years," in line sixty-nine, I move to insert "and such cask or package, with its contents, shall be forfeited to the United States."

The amendment was agreed to.

The committee also proposed to strike out "same," in line eighty-one, before "fine."

The amendment was agreed to.

Mr. FESSENDEN. I move to strike out the words "by this act," in line seventy-nine, and to insert "by law."

The PRESIDING OFFICER. That change will be made.

The Secretary read the next section, as follows:

SEC. [42] 40. And be it further enacted, That any person or persons who shall add, or cause to be added, any ingredients to any spirits before the tax imposed by law shall have been paid thereon, for the purpose of creating a fictitious proof, shall, upon conviction, be subject to a fine of \$1,000 for each cask or package so adulterated, and be imprisoned for not more than two nor less than one year, in the discretion of the court.

Mr. FESSENDEN. I move to amend this section in line seven by striking out "more than two nor," and after "one" inserting "nor more than two," and by adding an "s" to "year," so as to read, "and be imprisoned for not less than one nor more than two years, in the discretion of the court."

The amendment was agreed to.

Mr. FESSENDEN. At the end of the section I move to add the following words: "and such cask or package, with its contents, shall be forfeited to the United States."

The amendment was agreed to.

The Secretary read section [forty-three] forty-one, as follows:

SEC. [43] 41. And be it further enacted, That any distilled spirits, upon which a tax is imposed by law, which has been inspected, gauged, proved, and marked by the inspector, according to the provisions of this act, may be removed without the payment of tax from the bonded warehouse owned by the distiller, under such rules and regulations, and upon the execution of such transportation bonds or other security, as the Secretary of the Treasury may prescribe, and may be transported to any general bonded warehouse used for the storage of distilled spirits, established under the internal revenue laws and regulations, after having been branded as follows: "U. S. bonded warehouse, — district, —; for transportation to — district, —." (Inserting in each case the number of the district and name of the State;) and immediately after the arrival of such distilled spirits at the bonded warehouse within the district of the collector to which it has been transferred, it shall again be inspected and placed in bond; and the tax shall be assessed and paid on any deficiency or reduction of the number of proof gallons (except the actual loss, not exceeding five per cent. for leakage) received at the warehouse, from the number of proof gallons as stated in the bond given at the place of shipment; and no allowance shall be made, except for the actual loss as aforesaid, or for destruction by unavoidable accident, or by the elements; and any distilled spirits entered in a general bonded warehouse shall be subject to such rules and regulations as the Commissioner of Internal Revenue may prescribe, and be chargeable with the same costs and expenses, in all respects, to which imported goods deposited in public store or bonded warehouse may be subject, and shall be in charge of a store-keeper, to be appointed by the Secretary of the Treasury, who, with the owner and proprietor of the warehouse, shall have the joint custody of all the distilled spirits so stored in said warehouse, which shall be at the risk of the owner of the said spirits; and all labor on the same shall be performed by the owner or proprietor of the warehouse, under the supervision of the officer in charge of the same, and at the expense of said owner or proprietor. And the same fees shall be paid for execution of all papers, instruments, and documents relating to the exportation of any spirits or other merchandise, as are charged to exporters for like services in the custom-house; and all expense and services required in the removal, transfer, and shipment of the same for export shall be paid by the owner thereof: *Provided*, That any distilled spirits may be withdrawn from a bonded warehouse, after having been inspected and gauged by the proper officer, and after the payment to the collector of internal

revenue for the district in which the warehouse is situated of the tax imposed by law; and when so delivered, shall be branded "U. S. bonded warehouse, tax paid;" or may be removed from said warehouse without the payment of the tax for the purpose of being exported; or for the purpose of being rectified, or redistilled, canned, or put into other packages under such rules and regulations and the execution of such bonds or other security as the Secretary of the Treasury may prescribe; but such removal of bonded spirits for the purpose of being rectified, redistilled, or put into other packages, shall be allowed but once on the same spirits; and any spirits so removed for redistillation, rectification, or change of package, shall be returned to the same warehouse, and shall again be inspected; and the tax shall be paid to the said collector on any deficiency or reduction beyond three per cent. And such spirits may be afterward withdrawn from the warehouse for consumption after the payment to the collector of internal revenue of the tax imposed by law, or may be withdrawn for exportation without the payment of tax as provided by law. And no drawback shall be allowed on any distilled spirits on which the tax has been paid; but nothing in this section shall be so construed as to prevent the manufacture in bond for exportation, without the payment of duties, of medicines, preparations, compositions, perfumery, cosmetics, cordials, and other liquors manufactured wholly or in part of domestic spirits, as provided by law.

The Committee on Finance proposed to amend this section by striking out in line two, after "spirits," the words "upon which a tax is imposed by law."

The amendment was agreed to.

The next amendment was in line two to strike out "has" and insert "have."

The PRESIDING OFFICER. The correction will be made.

Mr. FESSENDEN. In line four the words "this act" should be changed to "law."

The PRESIDING OFFICER. That alteration will be made.

The next amendment of the committee was before "Secretary," in line nine, to insert "Commissioner of Internal Revenue, subject to the approval of the."

The amendment was agreed to.

The next amendment was in line nineteen to strike out "bond" and insert "bonded warehouse."

The amendment was agreed to.

The next amendment was to strike out the words "assessed and" before "paid" in line twenty.

The amendment was agreed to.

Mr. FESSENDEN. I move to strike out, in lines sixteen and seventeen, the words "the bonded warehouse within."

The amendment was agreed to.

Mr. FESSENDEN. I move to strike out the following words from line nineteen to line twenty-seven:

And the tax shall be paid on any deficiency or reduction of the number of proof gallons (except the actual loss, not exceeding five per cent. for leakage) received at the warehouse, from the number of proof gallons as stated in the bond given at the place of shipment; and no allowance shall be made, except for the actual loss as aforesaid, or for destruction by unavoidable accident, or by the elements.

And in lieu of them to insert:

And the tax shall be paid on the difference between the number of proof gallons as stated in the bond given at the place of shipment and the number received at the warehouse, less the allowance for leakage as established by the regulations of the Commissioner of Internal Revenue; and except for actual destruction by unavoidable accident, by the elements, or by the public enemy no other allowance for loss shall be made.

The amendment was agreed to.

The Committee on Finance proposed further to amend the section by inserting after "packages," in line fifty-seven, the following words:

After the quantity and proof of the spirits to be removed have been ascertained and inspected as required by law.

The amendment was agreed to.

The committee also proposed to insert after "as," in line sixty, the words "the Commissioner of Internal Revenue, subject to the approval of."

The amendment was agreed to.

The committee proposed to strike out "any," in line sixty-five, before "spirits," and insert "all."

The amendment was agreed to.

The committee proposed to strike out "three" and insert "five" before "per cent." in line sixty-nine.

Mr. FESSENDEN. That may be non-concurred in.

The amendment was rejected.

The committee proposed to strike out after the words "per cent.," in line sixty-nine, the following:

And such spirits may be afterward withdrawn from the warehouse for consumption after the payment to the collector of internal revenue of the tax imposed by law, or may be withdrawn for exportation without the payment of tax as provided by law.

And to insert in lieu thereof the following:

And upon spirits removed under bond for the purpose of being redistilled or rectified, or change of package as aforesaid, and upon which an allowance shall have been made, as herein provided, the duty upon such allowance shall be paid, together with the duties imposed by law upon such spirits, in case such spirits shall be withdrawn for consumption or sale, or for transportation without being exported.

Mr. VAN WINKLE. I move to amend the committee's amendment by striking out "duty" at the end of line seventy-six and inserting "tax," and in line seventy-seven by striking out "duties" and inserting "taxes."

The PRESIDING OFFICER. The amendment will be so modified.

The amendment, as modified, was agreed to.

Mr. VAN WINKLE. In line eighty-four of the section the word "duties" should be "taxes."

The PRESIDING OFFICER. That correction will be made.

The Secretary read section [forty-four] forty-two, as follows:

SEC. [44] 42. *And be it further enacted*, That any spirits or other merchandise may be removed from bonded warehouse, for the purpose of being exported, upon the order of the superintendent of exports for the port whence the spirits are to be exported; and such order shall state the port to which such spirits are to be shipped, and the name of the vessel, and also the number of proof gallons, and the marks of the packages or casks, which shall be taken from and shall agree with the return of said spirits made by the inspector of the warehouse; and such spirits or other merchandise shall be branded "U. S. bonded warehouse, for export," and shall be put on board of the vessel in or by which they are to be exported, by an officer under the direction of the superintendent of exports, and placed under the supervision of an officer of the customs, after a bond shall have been given in such form and containing such conditions as the Commissioner of Internal Revenue may prescribe, with one or more sureties, to be approved, as to the sufficiency of the sureties, as the Commissioner of Internal Revenue may direct. And such bond shall be canceled upon the presentation of the proper certificate that said spirits have been landed at the port named in said bond, or at any other port without the jurisdiction of the United States, or upon satisfactory proof that after shipment the spirits have been lost. And at any port where there shall be no superintendent of exports, all the duties and services required of superintendents of exports and drawback shall devolve upon and be performed by the collector of internal revenue designated to have charge of exportations.

The Committee on Finance proposed to amend the section by striking out after the word "casks," in line eight, the words "which shall be taken from and shall agree with the return of said spirits made by the inspector of the warehouse."

The amendment was agreed to.

The next amendment of the committee was after "bond," in line fifteen, to insert "with good and sufficient sureties."

The amendment was agreed to.

The next amendment was after "revenue," in line seventeen, to insert "subject to the approval of the Secretary of the Treasury."

The amendment was agreed to.

The next amendment was after "prescribe," in line nineteen, to strike out "with one or more sureties, to be approved, as to the sufficiency of the sureties, as the Commissioner of Internal Revenue may direct."

The amendment was agreed to.

The Secretary read the next section, as follows:

SEC. [45] 43. *And be it further enacted*, That any person or persons who shall execute or sign any false or fraudulent bond, permit, entry, or other document, required by law or regulations, or who shall fraudulently procure the same to be executed, or who shall connive at the execution thereof, by which the payment of any internal revenue tax or duty

shall be evaded, or attempted to be evaded, or which shall be executed, or purport to be executed, for the purpose of placing in or withdrawing from any bonded warehouse, any spirits or other merchandise for any purpose whatever, or which shall in any way be used or attempted to be used in fraud of the internal revenue laws and regulations, shall be deemed guilty of a felony, and on conviction thereof shall forfeit all right, title, and interest in and to such spirits or other merchandise to which such instrument relates, or purports to relate, and shall be imprisoned for a term not less than one nor more than five years, at the discretion of the court. And any inspector, assistant inspector, or officer temporarily in charge of any distillery under this act, who shall conspire with the proprietor of any distillery, or with any other person or persons to defraud the United States of the revenue or tax arising from distilled spirits or any part thereof, or who shall, with intent to defraud the United States of such revenue or tax, place any false or fraudulent mark upon any cask or package, or make any false or fraudulent entry, certificate, or return, shall be deemed guilty of a felony, and on conviction thereof shall be imprisoned not less than two nor more than five years, at the discretion of the court.

The Committee on Finance proposed to amend this section by striking out after "regulations," in line twelve, the words "shall be deemed guilty of a felony and."

The amendment was agreed to.

Mr. VAN WINKLE. In line six I move to strike out "or duty" after "tax."

The PRESIDING OFFICER. That change will be made.

Mr. FESSENDEN. I move to strike out all after the word "court" in the seventeenth line to the end of the section.

The amendment was agreed to.

The Secretary read the next section, as follows:

SEC. [46] 44. *And be it further enacted*, That any person owning any distilled spirits intended for sale, manufactured prior to the time when this act takes effect, exceeding fifty gallons altogether, shall notify in writing the collector of the district wherein such spirits may be stored, held, or owned, within sixty days thereafter, to gauge and prove the same; and upon the receipt of said notice the collector shall cause said spirits to be gauged and proved, and the casks or packages containing the same to be marked by the inspector in the following manner:—*Manufactured prior to 186—*—Inspector—*district.* Inspected—*186—*—And no spirits so manufactured, held, or owned shall be gauged, proved, or marked in any cistern or other stationary vessel, but shall be gauged, proved, and marked only in barrels, casks, or packages in which the same shall have been placed; and the quantity held in each tub shall be estimated by the inspector, and, when drawn off into packages, shall be gauged and marked as herein provided. Upon the receipt of the return the collector shall immediately forward to the Commissioner of Internal Revenue a copy thereof; and any person holding or owning such spirits, and refusing or neglecting to notify the collector, as in this section provided, shall forfeit the same and pay the sum of \$500, to be collected in the manner provided by law for the collection of other penalties. No distilled spirits on which the tax has been paid shall be stored or allowed to remain on any distillery premises, under the penalty of a forfeiture of all spirits so found. And all spirits, after being removed from the original package in which it was inspected and gauged into other packages for purposes of rectification, redistillation, or change of proof, shall again be inspected and gauged and properly branded; and the absence of an inspector's brand shall be taken and held as sufficient cause or evidence upon which any spirits so found may be forfeited.

The Committee on Finance proposed to strike out in line thirty-five, after "which," the words "it was" and to insert "they were."

The PRESIDING OFFICER. That correction will be made.

The committee also proposed to add to the section the following words:

And any person who shall change the character of any spirits, either by rectification, mixing, or otherwise, after they have been duly inspected and marked, as hereinbefore provided, and place the same in other packages for consumption or sale without first stamping or branding upon such package, in such manner as the Commissioner of Internal Revenue may prescribe, the word "rectified," shall forfeit such spirits, and the same may be seized by the collector or deputy collector of the district where such spirits may be found, or by such other collector or deputy collector as may be specially authorized by the Commissioner of Internal Revenue for that purpose. And any person who shall so brand any package containing spirits knowing the taxes thereon have not been paid, shall forfeit such spirits, and be deemed guilty of a misdemeanor, and upon conviction shall be imprisoned for not more than two years, at the discretion of the court.

The amendment was agreed to.

The Secretary read the next section, as follows:

SEC. [47] 45. *And be it further enacted*, That all boil-

ers, stills, and other vessels, tools, and implements, used in distilling or rectifying, and forfeited under any of the provisions of this act, and all condemned material, together with any engine, or other machinery connected therewith, and all empty barrels, and all grain or other material suitable for distillation, shall, under the direction of the court in which the forfeiture is recovered, be sold at public auction, and the proceeds thereof, after deducting the expenses of sale, shall be disposed of according to law; and all fines and forfeitures incurred or imposed by virtue of this act shall be sued for and recovered as by law provided, with costs of suit. And all spirits or spirituous liquors which may be forfeited under the provisions of this act, unless herein otherwise provided, shall be disposed of by the Commissioner of Internal Revenue as the Secretary of the Treasury may direct. The term "person," as used in this act, shall be held to include persons, firm, body-corporate, company, or association.

The committee proposed to amend this section by striking out after "law," in line ten, the words, "and all fines and forfeitures incurred or imposed by virtue of this act shall be sued for and recovered as by law provided, with costs of suit."

The amendment was agreed to.

After "direct," in line sixteen, the committee proposed to strike out, "the term 'person,' as used in this act, shall be held to include persons, firm, body-corporate, company, or association;" and in lieu of these words insert the following:

And the Commissioner of Internal Revenue is hereby authorized, with the approval of the Secretary of the Treasury, to exempt distillers of brandy from apples, peaches, or grapes, exclusively, from such of the provisions of this act, relating to the manufacture of spirits, as in his judgment may seem expedient. And any word or words in any and all parts of this act, and of all acts to which this act is additional, indicating or referring to person or persons, shall be taken to include partnerships, firms, associations, bodies corporate or politic, or any other party whatsoever, when not otherwise designated, or manifestly incompatible with the intent thereof.

The amendment was agreed to.

The committee proposed to insert as a new section at this point the following:

SEC. 46. *And be it further enacted*, That any person who shall remove any distilled spirits from the place where the same are distilled, otherwise than into a bonded warehouse as provided by law, shall be liable to a fine of double the amount of the tax imposed thereon, or to imprisonment for not less than three months. All distilled spirits so removed, and all distilled spirits found elsewhere than in a bonded warehouse, not having been removed from such warehouse according to law, and the tax imposed by law on the same not having been paid, shall be forfeited to the United States; or may, immediately upon discovery, be seized, and after assessment of the tax thereon, may be sold by the collector for the tax and expenses of seizure and sale. And proceedings upon such seizure shall be according to existing provisions of law in relation to distraint, and in conformity with any regulations which shall be made by the Commissioner of Internal Revenue. And the burden of proof shall be upon the claimant of said spirits to show that the requirements of law in regard to the same have been complied with. And any person who shall aid or abet in the removal of distilled spirits from any distillery otherwise than to a bonded warehouse, as provided by law, or shall aid in the concealment of such spirits so removed, shall be liable, on conviction thereof, to a fine of not less than \$200, or to imprisonment for not less than three months; or any other person who shall remove, or shall aid or abet in the removal of any distilled spirits from any bonded warehouse other than is allowed by law, shall be liable to a fine of \$1,000, or to imprisonment for not less than six months.

Mr. FESSENDEN. I move to amend the amendment in line twenty-four by inserting after the word "hundred" the words "nor more than one thousand;" in line twenty-five, by inserting after the word "three" the words "nor more than twelve;" in line twenty-eight, by inserting after the words "fine of" the words "not more than;" and in line twenty-nine, by inserting the words "nor more than twelve" before the word "months;" so that the clause will read:

And any person who shall aid or abet in the removal of distilled spirits from any distillery otherwise than to a bonded warehouse, as provided by law, or shall aid in the concealment of such spirits so removed, shall be liable, on conviction thereof, to a fine of not less than two hundred nor more than one thousand dollars, or to imprisonment for not less than three nor more than twelve months; or any other person who shall remove, or shall aid or abet in the removal of any distilled spirits from any bonded warehouse other than is allowed by law, shall be liable to a fine of not more than \$1,000, or to imprisonment for not less than six nor more than twelve months.

The amendment to the amendment was agreed to.

The amendment, as amended, was adopted.

The Secretary read the next section of the bill, as follows:

SEC. [48] 47. *And be it further enacted*, That every brewer shall file with the assistant assessor of the assessment district in which he shall design to carry on his business a notice, in writing, stating therein the name of the person, company, corporation, or firm, and the names of the members of any such company or firm, together with the place or places of residence of such person or persons, and a description of the premises on which the brewery is situated, and of his or their title thereto, and the name or names of the owner or owners thereof; and also the whole quantity of malt liquors annually made and sold at the brewery for two years last preceding the date of filing such notice.

The Committee on Finance proposed to amend this section in line two by inserting after the word "shall" the words "before commencing or continuing business after this act takes effect."

The amendment was agreed to.

Mr. VAN WINKLE. I move to strike out the word "last" in line twelve, before the word "preceding," and to insert "next," so as to read, "next preceding the date of filing such notice."

The amendment was agreed to.

The Secretary read the next section, as follows:

SEC. [49] 48. *And be it further enacted*, That every brewer shall execute a bond to the United States, to be approved by the collector of the district, in a sum equal to twice the amount of tax which, in the opinion of the assessor, said brewer will be liable to pay during any one month, which bond shall be renewed on the 1st day of May in each year, and shall be conditioned that he will pay or cause to be paid, as herein provided, the tax required by law on all beer, lager beer, ale, porter, and other fermented liquors aforesaid made by him, or for him, before the same is sold or removed for consumption or sale, except as hereinafter provided; and that he will keep, or cause to be kept, a book in the manner and for the purposes hereinafter specified, and which shall be open to inspection by the proper officers as by law required, and that he will in all respects faithfully comply, without fraud or evasion, with all requirements of law relating to the manufacture of any malt liquors before mentioned: *Provided*, That no brewer shall be required to pay a special tax as a wholesale dealer by reason of selling at wholesale, at a place other than his brewery, malt liquors manufactured by him.

The Committee on Finance proposed to amend this section in line thirteen by striking out, after the word "specified," the word "and."

The amendment was agreed to.

The Secretary read the next three sections, to which the Committee on Finance reported no amendment, as follows:

SEC. [50] 49. *And be it further enacted*, That there shall be paid on all beer, lager beer, ale, porter, and other similar fermented liquors, by whatever name such liquors may be called, a tax of one dollar for every barrel containing not more than thirty-one gallons; and at a like rate for any other quantity or for any fractional part of a barrel which shall be brewed or manufactured and sold, or removed for consumption or sale within the United States; which tax shall be paid by the owner, agent, or superintendent of the brewery or premises in which such fermented liquors shall be made, in the manner and at the time hereinafter specified: *Provided*, That fractional parts of a barrel shall be halves, quarters, sixths, and eighths; and any fractional part of a barrel containing less than one eighth shall be accounted one eighth; more than one eighth and not more than one sixth shall be accounted one sixth; more than one sixth and not more than one quarter shall be accounted one quarter; more than one quarter and not more than one half shall be accounted one half; more than one half and not more than one barrel shall be accounted one barrel; and more than one barrel and not more than sixty-three gallons shall be accounted two barrels or a hoghead.

SEC. [51] 50. *And be it further enacted*, That every person owning or occupying any brewery or premises used or intended to be used for the purpose of brewing or making such fermented liquors, or who shall have such premises under his control or superintendence as agent for the owner or occupant, or shall have in his possession or custody any brewing materials, utensils, or apparatus, used or intended to be used on said premises in the manufacture of beer, lager beer, ale, porter, or other similar fermented liquors, either as owner, agent, or superintendent, shall from day to day enter or cause to be entered, in a book to be kept by him for that purpose, the kind of such fermented liquors, the description of packages, and number of barrels and fractional parts of barrels of fermented liquors made, and also the quantity sold or removed for consumption or sale, and shall also from day to day enter or cause to be entered, in a separate book to be kept by him for that purpose, an account of all material by him purchased for the purpose of producing such fermented liquors, including grain and malt, and shall render to said assessor or assistant assessor, on or before the 10th day of each month, a true statement in writing, taken from his books, of the whole quantity or number of barrels and fractional

parts of barrels of fermented liquors brewed and sold or removed for consumption or sale during the preceding month; and shall verify or cause to be verified the said statement and the facts therein set forth by oath or affirmation, to be taken before the assessor or assistant assessor of the district, according to the form required by law; and shall immediately forward to the collector of the district a duplicate of said statement, duly certified by the assessor or assistant assessor. And said books shall be open at all times for the inspection of any assessor or assistant assessor, collector, deputy collector, inspector, or revenue agent, who may take memorandums and transcripts therefrom.

SEC. [52] 51. *And be it further enacted*, That the entries made in such books shall, on or before the 10th day of each month, be verified by the oath or affirmation of the person or persons by whom such entries shall have been made, which oath or affirmation shall be written in the book at the end of such entries, and be certified by the officer administering the same, and shall be in form as follows: "I do swear (or affirm) that the foregoing entries were made by me, and that they state truly, according to the best of my knowledge and belief, the whole quantity of fermented liquors brewed, the quantity sold, and the quantity removed from the brewery owned by —, in the county of —. And further, that I have no knowledge of any matter or thing, required by law to be stated in said entries, which has been omitted therefrom." And the owner, agent, or superintendent aforesaid, shall also, in case the original entries made in his books shall not have been made by himself, subjoin thereto the following oath or affirmation, to be taken in manner as aforesaid: "I do swear (or affirm) that, to the best of my knowledge and belief, the foregoing entries fully set forth all the matters therein required by law, and that the same are just and true, and that I have taken all the means in my power to make them so."

The Secretary read the next section, as follows:

SEC. [53] 52. *And be it further enacted*, That the owner, agent, or superintendent of any brewery, vessels, or utensils used in making fermented liquors, who shall evade or attempt to evade the payment of the tax thereon, or fraudulently neglect or refuse to make true and exact entry and report of the same in the manner herein required, or to do or cause to be done any of the things by law required to be done by him as aforesaid, or who shall intentionally make false entry in said book or in said statement, or knowingly allow or procure the same to be done, shall forfeit, for every such offense, all the liquors made by him or for him, and all the vessels, utensils, and apparatus used in making the same, and be liable to a penalty of not less than five hundred nor more than one thousand dollars, to be recovered with costs of suit, and shall be deemed guilty of a misdemeanor, and shall be imprisoned for a term not exceeding one year; and said liquors, utensils, and apparatus may be seized and held by any collector or deputy collector until a decision shall be had thereon according to law: *Provided*, That proceedings to enforce said forfeiture shall be commenced by such collector within twenty days after the seizure thereof. And such proceedings shall be in the nature of a proceeding *in rem*, or in any proper form of action, in the circuit or district court of the United States for the district where such seizure is made, or in any other court of competent jurisdiction. And any brewer who shall neglect to keep the books, or refuse to furnish the account and duplicate thereof, as hereinbefore provided, or who shall refuse to permit the proper officer to examine the books in the manner provided, shall, for every such refusal or neglect, forfeit and pay the sum of \$300.

The Committee on Finance proposed to amend this section by inserting after the word "seized," in line seventeen, the words, "by the collector or deputy collector of the proper district, or by such other collector or deputy collector as may be specially authorized by the Commissioner of Internal Revenue for that purpose."

The amendment was agreed to.

Mr. VAN WINKLE. In line six I move to strike out the word "herein" before "required," and after "required" to insert "by law;" and in line thirty, I move to strike out "hereinbefore" before "provided," and after "provided" to insert "by law."

The amendment was agreed to.

The Secretary read the next section, as follows:

SEC. [54] 53. *And be it further enacted*, That the Commissioner of Internal Revenue shall cause to be prepared, for the payment of tax aforesaid, suitable stamps denoting the amount of tax herein required to be paid on the hoghead, barrels, and halves, quarters, sixths, and eighths of a barrel of such fermented liquors, and shall furnish the same to the collectors of internal revenue, who shall each be required to keep on hand, at all times, a supply equal in amount to two months' sales thereof, if there shall be any brewery or brewery warehouse in his district, and the same shall be sold by such collectors only to the brewers of their districts, respectively; and such collectors shall keep an account of the number and values of the stamps sold by them to each of such brewers, respectively; and the Commissioner of Internal Revenue shall allow upon all sales of such stamps in sums

of \$200 or more at one time, to any brewer, and by him used in his business, a deduction of seven and one half per cent.

The Committee on Finance proposed to amend this section by striking out, after the word "respectively," in line fourteen, the following words:

And the Commissioner of Internal Revenue shall allow upon all sales of such stamps in sums of \$200 or more at one time, to any brewer, and by him used in his business, a deduction of seven and one half per cent.

And inserting in lieu thereof:

And the amount paid into the Treasury by any collector on account of the sale of such stamps to brewers shall be included in estimating the commissions of such collector and of the assessor of the same district.

The amendment was agreed to.

Mr. VAN WINKLE. I move to amend the section, in line three, by inserting the word "the" before "tax;" and in line four by striking out the word "herein" before "required."

The amendment was agreed to.

The Secretary read the next section, to which the Committee on Finance proposed no amendment, as follows:

SEC. [55] 54. *And be it further enacted*, That every brewer shall obtain from the collector of the district in which his brewery or brewery warehouse may be situated, and not otherwise, unless said collector shall fail to furnish the same upon application to him, the proper stamp or stamps; and shall affix upon the spigot-hole or tap (of which there shall be but one) of each and every hoghead, barrel, keg, or other receptacle, in which any fermented liquor shall be contained, when sold or removed from such brewery or warehouse, a stamp denoting the amount of the tax herein required upon such fermented liquor, in such a way that the said stamp or stamps will be destroyed upon the withdrawal of the liquor from such hoghead, barrel, keg, or other vessel, or upon the introduction of a faucet or other instrument for that purpose; and shall also, at the time of affixing such stamp or stamps, as aforesaid, cancel the same by writing or imprinting thereon the name of the person, firm, or corporation by whom such liquor may have been made, or the initial letters thereof, and the date when canceled. Every brewer who shall refuse or neglect to affix and cancel the stamp or stamps herein required in the manner aforesaid, or who shall affix a false or fraudulent stamp thereto, or knowingly permit the same to be done, shall be liable to pay a penalty of \$100 for each barrel or package on which such omission or fraud occurs, and shall be liable to imprisonment for not more than one year.

Mr. VAN WINKLE. I move to amend this section, in line ten, by striking out the word "herein" before "required;" and in line twenty by striking out "herein" before "required," and after "required" inserting "by law."

The amendment was agreed to.

The Secretary read the next section, as follows:

SEC. [56] 55. *And be it further enacted*, That any brewer, earman, agent for transportation, or other person, who shall sell, remove, receive, or purchase, or in any way aid in the sale, removal, receipt, or purchase of any fermented liquor contained in any hoghead, barrel, keg, or other vessel from any brewery, or brewery warehouse, upon which the stamp herein required shall not have been affixed, or on which a false or fraudulent stamp is affixed, with knowledge that it is such, or on which a stamp once canceled is used a second time; and any retail dealer or other person, who shall withdraw or aid in the withdrawal of any fermented liquor from any hoghead, barrel, keg, or other vessel containing the same, without destroying or defacing the stamp affixed upon the same, or shall withdraw or aid in the withdrawal of any fermented liquor from any hoghead, barrel, keg, or other vessel, upon which the proper stamp shall not have been affixed, or on which a false or fraudulent stamp is affixed, as hereinbefore required, shall be liable to a fine of \$100, and to imprisonment not more than one year. Every person who shall make, sell, or use any false or counterfeit stamp or die for printing or making stamps which shall be in imitation of, or purport to be a lawful stamp or die of, the kind before mentioned, or who shall procure the same to be done, shall be guilty of a felony, and be imprisoned for the term of five years: *Provided*, That every brewer, who sells fermented liquor at retail at the brewery or other place where the same is made, shall affix and cancel the proper stamp or stamps upon the hogheads, barrels, kegs, or other vessels in which the same is contained, and shall keep an account of the quantity so sold by him, and of the number and size of the hogheads, barrels, kegs, or other vessels in which the same may have been contained, and shall make a report thereof, verified by oath, monthly, to the assessor, and forward a duplicate of the same to the collector of the district: *And provided further*, That brewers may remove malt liquors of their own manufacture from their breweries or other places of manufacture to a warehouse or other place of storage occupied by them within the same district, in quantities of not less than six barrels in one vessel with-

out affixing the stamp or stamps herein required, but shall affix the proper stamp or stamps, as aforesaid, upon such liquor when sold or removed from such warehouse or other place of storage: And provided further, That where fermented liquor has become sour or damaged, so as to be incapable of use as such, brewers may sell the same for manufacturing purposes, and may remove the same to places where it may be used for such purposes, in casks or other vessels, unlike those ordinarily used for fermented liquors, containing respectively not less than one barrel each, and having the nature of their contents branded upon them, without affixing thereon the stamp or stamps herein required.

The Committee on Finance proposed to amend this section by inserting after the word "storage," in line forty-two, the following:

But when the manufacturer of any ale or porter manufactures the same in one collection district, and owns, occupies, or hires a depot or warehouse for the storage and sale of such ale or porter in another collection district, he may, without affixing the stamps on the casks at the brewery, as herein provided for, remove or transport, or cause to be removed or transported, said ale and porter, in quantities not less than one hundred barrels at a time, under a permit from the collector of the district wherein said ale or porter is manufactured, to said depot or warehouse, but to no other place, under such rules and regulations as the Commissioner of Internal Revenue may prescribe or deem necessary; and thereafter the manufacturer of the ale and porter so removed shall stamp the same when it leaves such depot or warehouse, in the same manner and under the same penalties and liabilities as when stamped at the brewery, as herein provided; and the collector of the district in which such depot or warehouse is situated shall furnish the manufacturer with the stamps for stamping the same, as if the said ale and porter had been manufactured in his district.

Mr. VAN WINKLE. I move to amend the amendment, in lines forty-nine, fifty-five, and sixty-one, by striking out the word "and" before "porter," and inserting "or," so that it will read, "ale or porter."

The amendment to the amendment was agreed to.

Mr. VAN WINKLE. I move further to amend the amendment in line fifty-four, by striking out the words "or deem necessary."

The amendment to the amendment was agreed to.

The amendment, as amended, was adopted.

Mr. VAN WINKLE. I move further to amend this section in line seven by striking out the word "herein" before "required," and after "required" inserting "by law."

The amendment was agreed to.

Mr. VAN WINKLE. After the word "affixed," in line seventeen, I move to strike out the words "as hereinbefore required."

The amendment was agreed to.

Mr. VAN WINKLE. I move to strike out, in line twenty-four, the words "be guilty of felony and."

The amendment was agreed to.

Mr. VAN WINKLE. In line thirty-nine I move to insert the word "proper" before "stamp;" in line forty to strike out the words "herein required;" and in lines forty and forty-one to strike out the words "proper stamp or stamps, as aforesaid," and to insert the word "same;" so that it will read:

Without affixing the proper stamp or stamps, but shall affix the same upon such liquor when sold or removed from such warehouse or other place of storage.

The amendment was agreed to.

Mr. VAN WINKLE. In line sixty-nine I move to strike out the word "branded" and to insert "marked;" and in line seventy to strike out the word "herein" before "required;" so as to read, "and having the nature of their contents marked upon them, without affixing thereon the stamp or stamps required."

The amendment was agreed to.

The Secretary read the next section, to which the Committee on Finance proposed no amendment, as follows:

SEC. [57] 53. *And be it further enacted*, That every brewer shall brand, or cause to be branded, upon every hoghead, barrel, keg, or other vessel, containing the fermented liquor made by him, before it is sold or removed from the brewery or brewery warehouse, or other place of manufacture, the name of the person, firm, or corporation by whom such liquor was manufactured, and the place where the same shall have been made; and any person, other than the owner thereof, or his agent, who shall intention-

ally remove or deface such brand therefrom, shall be liable to a penalty of fifty dollars for each cask from which the brand is so removed or defaced.

Mr. VAN WINKLE. I move to amend this section, in line two, by striking out the word "brand" and inserting "mark;" and in the same line by striking out the word "branded" and inserting "marked in such manner as shall be prescribed by the Commissioner of Internal Revenue;" and also by striking out, in lines ten and eleven, the word "brand" and inserting "mark."

The amendment was agreed to.

The Secretary read the next section, to which the Committee on Finance reported no amendment, as follows:

SEC. [58] 57. *And be it further enacted*, That every person, other than the purchaser or owner of any fermented liquor, or person acting on his behalf, or as his agent, who shall intentionally remove or deface the stamp affixed, as herein required, upon the hoghead, barrel, keg, or other vessel, in which the same may be contained, shall be liable to a fine of fifty dollars for each such vessel from which the stamp is so removed or defaced, and to render compensation to such purchaser or owner for all damages sustained by him therefrom.

Mr. VAN WINKLE. After the word "affixed," in line four, I move to strike out the words "as herein required."

The amendment was agreed to.

The Secretary read the next section, to which the Committee on Finance reported no amendment, as follows:

SEC. [59] 58. *And be it further enacted*, That the ownership or possession by any person of any fermented liquor after its sale or removal from brewery or warehouse, or other place where it was made, upon which the tax required shall not have been paid, shall render the same liable to seizure where ever found, and to forfeiture; and that the want of the proper stamp or stamps upon any hoghead, barrel, keg, or other vessel in which fermented liquor may be contained after its sale or removal from the brewery where the same was made, or warehouse, as aforesaid, shall be notice to all persons that the tax has not been paid thereon, and shall be *prima facie* evidence of the non-payment thereof.

The Secretary read the next section, to which the Committee on Finance reported no amendment, as follows:

SEC. [60] 59. *And be it further enacted*, That every person who shall withdraw any fermented liquor from any hoghead, barrel, keg, or other vessel upon which the proper stamp or stamps shall not have been affixed as herein required, for the purpose of bottling the same, or who shall carry on, or attempt to carry on, the business of bottling fermented liquor in any brewery or other place in which fermented liquor is made, or upon any premises having communication with such brewery or any warehouse, shall be liable to a fine of \$500, and the property used in such bottling or business shall be liable to forfeiture.

Mr. VAN WINKLE. In line four, after the word "affixed," I move to strike out the words "as herein required."

The amendment was agreed to.

The Secretary read the next section, as follows:

SEC. [61] 60. *And be it further enacted*, That any assessor, collector, inspector, or revenue agent, who shall be interested, directly or indirectly, in the manufacture of tobacco, snuff, or cigars, or in the production by distillation, or by other process, of spirits, ale, or beer, or other fermented liquors, shall, on conviction before any court of the United States of competent jurisdiction, pay a penalty not less than \$500 nor more than \$5,000, in the discretion of the court.

The Committee on Finance reported two amendments to this section. The first was in line three to strike out the word "be" and to insert "hereafter become" before the word "interested."

The amendment was agreed to.

The next amendment was to insert at the end of the section the following:

And any such officer interested as aforesaid in any such manufacture at the time of the passage of this act, who shall fail to divest himself of such interest within sixty days thereafter, shall be held and declared to have become so interested after the passage of this act.

Mr. VAN WINKLE. I move to amend the amendment in lines ten and eleven by striking out the words "at the time of the passage of this act" and inserting "after this act takes effect."

The amendment to the amendment was agreed to.

Mr. VAN WINKLE. The same alteration should be made at the end of the amendment,

striking out the words "the passage of this act" and inserting "this act takes effect."

The amendment to the amendment was agreed to.

The amendment, as amended, was adopted.

The Secretary read the next section, as follows:

SEC. [62] 61. *And be it further enacted*, That every officer or employé appointed or holding office in the Bureau of Internal Revenue under authority of law, whose payment, charges, salary, or compensation shall be composed, either wholly or in part, of fees, commissions, allowances, or rewards, from whatever source derived, shall be required to render to the Commissioner of Internal Revenue, under regulations to be approved by the Secretary of the Treasury, a statement under oath, setting forth the entire amount of such fees, commissions, emoluments, or rewards, of whatever nature or from whatever source received, during the time for which said statement is rendered; and any false statement knowingly and willfully rendered under the requirements of this section, or regulations established in accordance therewith, shall be deemed wilful perjury, and punished, on conviction thereof, as provided in section forty-two of the act of June 30, 1864, to which this act is an amendment; and any neglect or omission to render such statement when required shall be punished, on conviction therefor, by a fine of not less than \$200 nor than \$500, in the discretion of the court.

The Committee on Finance proposed to amend this section in line two, by inserting the words "internal revenue" before the word "officer," and by striking out, after the word "officer," the words "or employé appointed or holding office in the Bureau of Internal Revenue under authority of law."

The amendment was agreed to.

The Secretary read the next section, to which the Committee on Finance reported no amendment, as follows:

SEC. [63] 62. *And be it further enacted*, That so much of this act as changes the existing law relating to distilled spirits and fermented liquors shall take effect from and after the 1st day of September, 1866.

The Committee on Finance proposed to insert after the above section the following as a new section:

SEC. 63. *And be it further enacted*, That if any person or persons shall, directly or indirectly, promise, offer, or give, or cause or procure to be promised, offered, or given, any money, goods, right in action, bribe, present or reward, or any promise, contract, undertaking, obligation, or security for the payment or delivery of any money, goods, right in action, bribe, present, or reward, or any other valuable thing whatever to any officer of the United States, or person holding any place of trust or profit, or discharging any official function under, or in connection with, any Department of the Government of the United States, after the passage of this act, with intent to influence his decision or action on any question, matter, cause, or thing which may then be pending, or may by law be brought before him in his official capacity, or in his place of trust or profit, or with intent to influence any such officer or person to commit, or aid or abet in committing, any fraud on the revenue of the United States, or to connive at or collude in, or to allow or permit, or make opportunity for, the commission of any such fraud, and shall be thereof convicted, such person or persons so offering, promising, or giving, or causing or procuring to be promised, offered, or given any such money, goods, right in action, bribe, present, or reward, or any promise, contract, undertaking, obligation, or security for the payment or delivery of any money, goods, right in action, bribe, present, or reward, or other valuable thing whatever; and the officer or person who shall in anywise accept or receive the same, or any part thereof, shall be liable to indictment in any court of the United States having jurisdiction, and shall, upon conviction thereof, be fined not exceeding three times the amount so offered, promised, or given, and imprisoned not exceeding three years; and the person convicted of so accepting or receiving the same, or any part thereof, if an officer or person holding any such place of trust or profit, shall forfeit his office or place; and any person so convicted under this section shall forever be disqualified to hold any office of honor, trust, or profit under the United States.

The amendment was agreed to.

The Committee on Finance proposed to insert as section sixty-four the following:

SEC. 64. *And be it further enacted*, That hereafter in all cases of seizure of any goods, wares, or merchandise which shall, in the opinion of the collector or deputy collector making such seizure, be of the appraised value of \$300 or less, and which shall have been so seized as being subject to forfeiture under any of the provisions of this act, or of any act to which this is an amendment, excepting in cases otherwise provided, the said collector or deputy collector shall proceed as follows, that is to say, he shall cause a list containing a particular description of the goods, wares, or merchandise so seized to be prepared in duplicate, and an appraisal of the same to be made by three sworn appraisers, to be selected by him for said purpose, who shall be respectable and disinterested citizens of the United States, residing within the collection district wherein the seizure was made. The

aforsaid list and appraisement shall be properly attested by such collector or deputy collector and the persons making the appraisement, for which service said appraisers shall be allowed the sum of \$1.50 per day each, to be paid as other necessary charges of collectors according to law. If the said goods shall be found by such appraisers to be of the value of \$300 or less, the said collector or deputy collector shall publish a notice, for the space of three weeks, in some newspaper of the district where the seizure was made, describing the articles, and stating the time, place, and cause of their seizure, and requiring any person or persons claiming them to appear and make such claim within thirty days from the date of the first publication of such notice: *Provided*, That any person or persons claiming the goods, wares, or merchandise, so seized, within the time specified in the notice, may file with such collector or deputy collector a claim, stating his or their interest in the articles seized, and may execute a bond to the United States in the penal sum of \$250, with sureties, to be approved by said collector or deputy collector, conditioned that, in case of condemnation of the articles so seized, the obligors will pay all the costs and expenses of the proceedings to obtain such condemnation; and upon the delivery of such bond to the collector or deputy collector, he shall transmit the same, with the duplicate list and description of the goods seized, to the United States district attorney for the district, who shall proceed thereon in the ordinary manner prescribed by law: *And provided, also*, That if there shall be no claim interposed and no bond given within the time above specified, the collector or deputy collector, as the case may be, shall give ten days' notice of the sale of the goods, wares, or merchandise by publication; and at the time and place specified in said notice, shall sell the article so seized at public auction, and, after deducting the expense of appraisement and sale, he shall deposit the proceeds to the credit of the Secretary of the Treasury. And within one year after the sale of any goods, wares, or merchandise, as aforsaid, any person or persons claiming to be interested in the goods, wares, or merchandise so sold may apply to the Secretary of the Treasury for a remission of the forfeiture thereof, or any of them, and a restoration of the proceeds of the said sale, which may be granted by the said Secretary upon satisfactory proof, to be furnished in such manner as he shall prescribe: *Provided*, That it shall be satisfactorily shown that the applicant, at the time of the seizure and sale of the goods in question, and during the intervening time, was absent out of the United States, or in such circumstances as prevented him from knowing of such seizure, and that he did not know of the same; and also that the said forfeiture was incurred without willful negligence or any intention of fraud on the part of the owner or owners of such goods. If no application for such restoration be made within one year, as hereinbefore prescribed, then, at the expiration of the said time, the Secretary of the Treasury shall cause the proceeds of the sale of the said goods, wares, or merchandise to be distributed according to law, as in the case of goods, wares, or merchandise condemned and sold pursuant to the decree of a competent court.

The amendment was agreed to.

Mr. FESSENDEN. I now move that the Senate adjourn.

The PRESIDENT *pro tempore*. Prior to putting that motion, the Chair, with the permission of the Senate, will lay before the Senate several bills from the House of Representatives, for reference.

Mr. FESSENDEN. I withdraw the motion for that purpose.

HOUSE BILLS REFERRED.

The following bills, from the House of Representatives, were severally read twice by their titles, and referred as indicated below:

A bill (H. R. No. 361) to reorganize and establish the Army of the United States—to the Committee on Military Affairs and the Militia.

A bill (H. R. No. 698) granting an increase of pension to Mrs. Mercie E. Scattergood—to the Committee on Pensions.

A bill (H. R. No. 699) for the relief of James L. Perham—to the Committee on Pensions.

A bill (H. R. No. 700) for the benefit of John W. Jones—to the Committee on Pensions.

A bill (H. R. No. 701) granting a pension to Mrs. Imogene Buckingham, of Edgar county, Illinois—to the Committee on Pensions.

A bill (H. R. No. 702) granting a pension to Mrs. Charlotte E. Reed—to the Committee on Pensions.

A bill (H. R. No. 703) for the relief of Lieutenant Colonel Frank Lynch—to the Committee on Pensions.

A bill (H. R. No. 704) for the relief of Joel Farley—to the Committee on Pensions.

A bill (H. R. No. 705) for the relief of George W. Bush—to the Committee on Pensions.

EUROPEAN TROOPS IN MEXICO.

The PRESIDENT *pro tempore* laid before

the Senate a message from the President of the United States, communicating, in answer to a resolution of the Senate of the 13th instant, a copy of a dispatch of the 4th instant, addressed to the Secretary of State by the United States minister at Paris, containing further information in regard to the employment of European troops in Mexico; which was referred to the Committee on Foreign Relations, and ordered to be printed.

CONSTITUTIONAL AMENDMENT.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States:

To the Senate and House of Representatives:

I submit to Congress a report of the Secretary of State, to whom was referred the concurrent resolution of the 18th instant, respecting a submission to the Legislatures of the States of an additional article to the Constitution of the United States. It will be seen from this report that the Secretary of State had, on the 16th instant, transmitted to the Governors of the several States certified copies of the joint resolution passed on the 13th instant proposing an amendment to the Constitution.

Even in ordinary times, any question of amending the Constitution must be justly regarded as of paramount importance. This importance is at the present time enhanced by the fact that the joint resolution was not submitted by the two Houses for the approval of the President, and that of the thirty-six States which constitute the Union, eleven are excluded from representation in either House of Congress, although, with the single exception of Texas, they have been entirely restored to all their functions as States, in conformity with the organic law of the land, and have appeared at the national capital by Senators and Representatives who have applied for and have been refused admission to the vacant seats. Nor have the sovereign people of the nation been afforded an opportunity of expressing their views upon the important questions which the amendment involves. Grave doubts, therefore, may naturally and justly arise as to whether the action of Congress is in harmony with the sentiments of the people, and whether State Legislatures, elected without reference to such an issue, should be called upon by Congress to decide respecting the ratification of the proposed amendment.

Waiving the question as to the constitutional validity of the proceedings of Congress upon the joint resolution proposing the amendment, or as to the merits of the article which it submits, through the executive department, to the Legislatures of the States, I deem it proper to observe that the steps taken by the Secretary of State, as detailed in the accompanying report, are to be considered as purely ministerial, and in no sense whatever committing the Executive to an approval or a recommendation of the amendment to the State Legislatures or to the people. On the contrary, a proper appreciation of the letter and spirit of the Constitution, as well as of the interests of national order, harmony, and union, and a due deference for an enlightened public judgment, may at this time well suggest a doubt whether any amendment to the Constitution ought to be proposed by Congress and pressed upon the Legislatures of the several States for final decision until after the admission of such loyal Senators and Representatives of the now unrepresented States as have been or as may hereafter be chosen in conformity with the Constitution and laws of the United States.

ANDREW JOHNSON.

WASHINGTON, D. C., June 22, 1866.

Mr. WILSON. I move that the message be laid upon the table and printed.

The motion was agreed to.

The report of the Secretary of State communicated by the President is as follows:

To the President:

The Secretary of State, to whom was referred the concurrent resolution of the two Houses of Congress of the 18th instant, in the following words—"that the

President of the United States be requested to transmit forthwith to the Executives of the several States of the United States copies of the article of amendment proposed by Congress to the State Legislatures to amend the Constitution of the United States, passed June 13, 1866, respecting citizenship, the basis of representation, disqualification for office, and validity of the public debt of the United States, &c., to the end that the said States may proceed to act upon the said article of amendment, and that he request the Executive of each State that may ratify said amendment to transmit to the Secretary of State a certified copy of such ratification"—has the honor to submit the following report, namely, that on the 16th instant Hon. AMASA COBB, of the Committee of the House of Representatives on Enrolled Bills, brought to this Department and deposited therein an enrolled resolution of the two Houses of Congress, which was thereupon received by the Secretary of State and deposited among the rolls of the Department, a copy of which is herewith annexed.

Thereupon the Secretary of State, upon the 16th instant, in conformity with the proceeding which was adopted by him in 1865 in regard to the then proposed and afterward adopted congressional amendment of the Constitution of the United States concerning the prohibition of slavery, transmitted certified copies of the annexed resolution to the Governors of the several States, together with a certificate and circular letter. A copy of both of these communications is herewith annexed.

Respectfully submitted,
WILLIAM H. SEWARD.

DEPARTMENT OF STATE,
WASHINGTON, June 20, 1866.

[Circular.]

DEPARTMENT OF STATE, June 16, 1866.

To his Excellency, Governor of the State of —

SIR: I have the honor to transmit an attested copy of a resolution of Congress, proposing to the Legislatures of the several States a fourteenth article to the Constitution of the United States. The decisions of the several Legislatures upon the subject are required by law to be communicated to this Department. An acknowledgment of the receipt of this communication is requested by your Excellency's most obedient servant,
WILLIAM H. SEWARD.

The accompanying paper is the certificate of a true copy of the concurrent resolution proposing an amendment to the Constitution.

A. J. GRAY.

The Senate proceeded to consider the amendment of the House of Representatives to the bill (S. No. 180) for the relief of A. J. Gray; which was to add, at the end of the bill, the words "to be paid out of the naval pension fund."

Mr. VAN WINKLE. In the absence of the chairman of the Committee on Pensions, I move that that amendment be concurred in.

The motion was agreed to.

MRS. AMARILLA COOK.

The Senate proceeded to consider the amendment of the House of Representatives to the bill (S. No. 238) granting a pension to Mrs. Amarilla Cook; which was to reduce the pension from twenty dollars to seventeen dollars per month.

Mr. VAN WINKLE. I move that the Senate concur in the amendment of the House. I have examined it.

The motion was agreed to.

CORNELIUS CROWLEY.

The Senate proceeded to consider the amendment of the House of Representatives to the bill (S. No. 275) for the relief of Cornelius Crowley; which was to strike out the last line of the bill, and to insert in lieu thereof, "and pay him at that rate in lieu of any other pension to which he may have been entitled."

Mr. VAN WINKLE. I move that the Senate concur in that amendment.

The motion was agreed to.

ROCK ISLAND ARSENAL.

The Senate proceeded to consider the amendment of the House of Representatives to the bill (S. No. 330) making further provision for the establishment of an armory and arsenal of construction, deposit, and repair on Rock Island, in the State of Illinois.

Mr. WILSON. The amendment of the House is a substitute for the whole bill. I have read it carefully, and I think it is right, and I move that the Senate concur in the amendment.

The motion was agreed to.

MINORITY REPORT ON RECONSTRUCTION.

Mr. HENDRICKS. When the Senator from Maryland [Mr. JOHNSON] was leaving the city a few days ago, to be absent for some days, he

informed me that he and some other gentlemen of the committee of fifteen had prepared a minority report, but that it was not in a condition to be presented to the Senate at the time he left, and he requested me, as soon as its preparation was completed, to present it to the Senate for him; and for him I present to the Senate the minority report, and ask that it be printed, and ask for the printing of extra copies to correspond with the number of extra copies that were ordered of the majority report.

The PRESIDENT *pro tempore*. The Senator from Indiana offers as the views of the minority the following paper, and asks that it be printed, and that an extra number of the report may also be printed. The question of printing the ordinary number is properly a matter for motion.

Mr. TRUMBULL. I suppose it is a question whether a minority report can be made. It never has been made in this body. We have had several discussions in regard to that subject. This is an unusual proceeding in two respects: one is, its being a minority report; and the other, being presented in behalf of a committee of which the Senator who presents it is not a member. There have been one or two occasions on which the subject was discussed. I recollect that when the Kansas troubles were up, and a voluminous report was made by my colleague now deceased (Mr. Douglas) in reference to the matter, the Senator from Vermont, (Mr. Collamer,) who was also a member of the committee, desired to present his views in reference to it. The matter was discussed. The right to present a minority report was denied by Senators; and it was presented in the shape of the "views of the minority of the committee"—not called a "minority report." By looking into the proceedings, I think it will be found that he asked leave to present the views of the members of the committee agreeing with him—not calling it a minority report—and it was received in that shape. This would adopt a practice, as it is presented here, of minority reports presented in this body some two or three days, and I do not know but a week or two weeks after the majority have made their report—a practice which I, for one, would not be willing to sanction.

I think if the minority of a committee desire to present their views they should be required to present them when the majority present theirs. It was never intended that a minority of a committee should, after the majority report is submitted, write out a report to review that. I do not know what is in this minority report; I have never read it; I believe it has been presented in the House; but I have not read it and do not know what is in it; but certainly to allow a minority of a committee, at a distance of time, days and weeks after the majority have submitted their report, to come in then with a minority report, is a proceeding, I am sure, that is without precedent in the Senate. I shall object, myself, to the reception of a minority report from that committee at this day.

Mr. HENDRICKS. On the question first suggested by the Senator from Illinois, of course I have no argument to present. I have handed this to the Chair at the request of the distinguished Senator from Maryland, who is necessarily absent, and I have communicated to the Senate about what he communicated to me. If it is not proper for one Senator to present a document for another, of course I shall not undertake to do it. I presume the Senator from Maryland did not think of that point, but I cannot see any objection to that. If I were necessarily absent and should ask another Senator to present a report, I should not expect that it would be objected to on that account.

Mr. TRUMBULL. In regard to the suggestion as to objecting to the Senator's presenting it for an absent Senator, I stated that I had never known such a proceeding. I do not object to the reception of the report upon that point; I stated it to be unusual so far as I knew; but I object to a minority report from any one, from the Senator from Maryland if he

were here, and particularly after this lapse of time.

Mr. HENDRICKS. I was going on to say that I had not read this report and of course do not present it as my own. I stated that it was the report of the gentlemen connected with that committee who dissented from the views of the majority. I have no doubt that the argument presented in that document will meet the approval of my judgment, because it is written by a very able Senator, with whose views on this subject I generally concur.

Now, upon the other question, if it be a rule of this body that a minority cannot present a report, I presume the Senator will not object to its being presented, as he says has been the practice heretofore, as "the views" of the minority of the committee who do not agree with the majority. I presume in that form he will not object, and if it has been the custom of the Senate to present it in that form I will so modify it. I do not want to depart from any usage of the Senate on a question of that kind. The Senator from Maryland stated to me that he did not know the majority were going to report at the time they did, and that he had not been able to complete his at that time. I think he wrote at least a portion of this report; how much of it he did not inform me, but he said he had not been able to complete it then. I presume his engagements were such that he could not do it. I should think it very singular because a member of the committee was unable, by reason of his engagements, to complete a report, that he should be denied a hearing before the body and the country of his views.

This is an important question, Mr. President. It is no ordinary question going to the country at this time. The majority of the committee have regarded it as an important question. They have thought it proper to present their views elaborately, not with the view of impressing the Senate with regard to the action it was about taking at the time, because that report was made to this body about the same hour at which we were called upon to vote on the proposed amendment to the Constitution; but I understand from the time it was presented, and the elaborate character of the report, that it was intended as a document to impress the judgment of the country quite as much as of the Senate.

Now, sir, if it be intended that the country shall have the whole views of the committee upon the subject, and that there shall be a full discussion of the questions by the gentlemen of the Senate who have been connected with the investigation, there can be no objection to allowing this document to go upon the files of the Senate and to the country as the views of the minority. But if it be intended that there shall be the views of but one side of this question, and that the minority shall not be heard, then it is proper to object. Why object? A Senator of this body is a member of that committee, for whom all of us and the country have a great respect—calm in his presentation of any views, courteous to the body, always dignified and logical, never introducing into his discussion of matters a partisan style, but always dignified and statesmanlike in the presentation of his views. Why then shall it be denied? If it is to be denied by the Senate upon the present occasion, I shall desire to withdraw the document rather than have it denied, and let him present it himself when he comes back.

But I think the Senator from Illinois, upon reflection, will not persist in his refusal to allow this to be presented as the views of the gentlemen who have signed it. It will then go to the country with the report already made. If it be not equal in the statement of facts and the force of its logic with the report of the majority, no hurt is done; but if it be a calm, fair, and able answer to the report of the majority, it ought not to be objected to. When the fact is communicated to the Senate that it was not presented at the time that the other report was presented, because the Senator

could not prepare it then, I think that the question of time ought not to be presented.

Mr. TRUMBULL. I cannot say how fair nor how able this report is. I have not read it, and of course I cannot reply to any suggestion of that kind; nor do I desire to do so; nor does the ability of the report enter at all into the objection which I have made; nor have I any desire to keep from the country the views of the distinguished Senator who has prepared it; nothing of the sort. But, sir, we do business here according to established rules and according to usages and parliamentary law. I have never known a report of a minority brought in after this lapse of time, which might be a review of the majority report. I do not know what is in it; and therefore, for the purpose of the objection I have made, I am glad that I do not know, as I cannot be accused of objecting to it because of its intrinsic merits or demerits. But the Senator from Indiana will see that there must be some time when the views of a minority are to be received. I recollect very well what occurred when the Kansas report was brought in. I recollect with what haste the distinguished Senator from Vermont (Mr. Collamer) prepared his views upon that occasion, how he labored through the night to have them ready to present when the majority report was brought in. When the chairman of the Committee on Territories went to your desk and read himself his lengthy report, it was immediately followed by the Senator from Vermont, who read his views on the same day, at the same time.

Now, sir, I object to the reception of this for the reason which I have stated. In the first place, minority reports at that time were considered in this body as not according to the rules of the body. I do not know that a discussion has arisen since that time. I should like to look into that discussion. I do not know that any vote was taken on the occasion. At any rate, I do not think that such reports have ever been received after this length of time.

I will make my objection to the reception of this minority report that is now offered. I do not care to have any vote upon it, but I would desire that it should lie over, and we will look at the practice of the Senate to-morrow, or some other day, and see what may be the practice. I certainly do not wish to introduce any new practice, and I have no desire to keep from the country any views that the distinguished Senator wishes to present. It is not with that view that I make the objection.

Mr. HENDRICKS. It is quite as satisfactory to me to let the question pass over for the present. I do not want to introduce any new practice into the Senate, and I do not want anything that is unreasonable to be adopted in regard to an absent Senator; therefore I accept the proposition.

Mr. STEWART. I move that the Senate adjourn.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, June 22, 1866.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. C. B. BOXTON.

The Journal of yesterday was read and approved.

CALIFORNIA AND OREGON RAILROAD.

Mr. McRUER. I ask unanimous consent to introduce a bill granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific railroad, in California, to Portland, in Oregon.

Mr. WASHBURN, of Illinois. Is this the same bill which was before the House the other day and was referred back to the Committee on the Pacific Railroad? If so, I object to its introduction. The House refused to have it referred to the Committee on Public Lands the other day.

Mr. KASSON. I hope my friend will withdraw the objection. I was one that opposed the bill; but the parties interested propose important changes, making the bill less objectionable. I hope, therefore, it will be allowed to go to the Committee on Public Lands.

Mr. WASHBURN, of Illinois. I cannot withdraw the objection.

JAMES M. CASSETY.

On motion of Mr. WARD, the papers in the case of James M. Cassety were taken from the files and referred to the Committee of Claims.

WAGON ROAD.

Mr. DEFREES, by unanimous consent, from the Committee on Roads and Canals, reported adversely on House bill No. 107, to provide for the improvement of the wagon road from Niobrara to Virginia City; which was laid on the table.

ROCK ISLAND BRIDGE AND RAILROAD.

Mr. SCHENCK. I ask unanimous consent to report back from the Committee on Military Affairs Senate bill No. 330, making further provision for the establishment of an armory and arsenal of construction, deposit, and repair on Rock Island, in the State of Illinois, with a substitute.

The SPEAKER. Is there objection to the introduction of this bill? The Chair hears none.

Mr. SCHENCK. The original bill authorizes the Secretary of War to negotiate with the Rock Island Railroad Company, but there are other companies who have the right of transit across the bridge, and the only change made is to modify the bill so that the power to negotiate on the part of the Secretary of War shall extend to and include all these companies, and to settle all claims of every kind.

The substitute was read. It authorizes the Secretary of War to change and fix the position of the railroad across Rock Island and the bridge across the Mississippi river at and on the island so as best to accord with the purposes of the Government in its occupancy of said island for military purposes; and in order to effect this he is authorized to grant to the railroad company a permanent location and right of way on and across Rock Island, to be fixed and designated by him, with such quantity of land to be occupied and held for railroad purposes as may be necessary. It further provides for a grant to the parties in interest such aid, pecuniary and otherwise, toward effecting the change in their road and bridge, and establishing thereon a wagon road for the use of the Government of the United States, as may be adjudged to be fair and equitable by the board of commissioners authorized under the act of April 19, 1864, and entitled "An act in addition to an act for the establishment of certain arsenals." It extends the act of 1864 so as to include the small islands contiguous to Rock Island, and known as Benham's, Wilson's, and Winnebago Islands; and makes the following appropriations:

To liquidate claims for property in Benham's, Wilson's, and Winnebago Islands, and for property in Rock Island which has been taken in pursuance of law for military purposes, \$293,600, or so much thereof, and no more, as may be necessary to pay the respective claimants such amounts as may be reported by the board of commissioners authorized by the act of April 19, 1864, and ordered by the United States circuit court to be paid to each.

To secure water-power at the head of Rock Island, \$100,000.

To erect store-houses for the preservation of arms and other munitions of war, and to establish communication between Rock Island arsenal and the cities of Davenport, Iowa, and Rock Island, Illinois, \$100,000.

Mr. STEVENS. I do not know whether I perfectly understand this bill. It looks to me like an appropriation bill. I do not know whether there is an appropriation or not.

The SPEAKER. There is an appropriation in the bill, but the House has granted permission to the gentleman to report the bill.

Mr. STEVENS. I had not heard the bill read.

The SPEAKER. Consent was granted for the reporting of the bill.

Mr. STEVENS. I move that the bill be referred to the Committee of the Whole on the state of the Union. There are two or three hundred thousand dollars in this bill.

Mr. DAWES. I desire to know whether the granting of unanimous consent waives the point as to the bill containing an appropriation. How can anybody know what is in a bill before it is read?

The SPEAKER. When the House grants unanimous consent for the reporting of a bill, that suspends all rules.

Mr. DAWES. Without the House knowing what the bill is?

The SPEAKER. The gentleman had a right to object to the reception of the bill.

Mr. SCHENCK. There is not the slightest intention to entrap the House. If, after hearing an explanation of this bill, the gentleman insists on referring the bill, it may virtually be the killing of the bill. Sir, it is a matter of great public concern that this bill should pass, in the opinion of the committee that reported it. It involves the carrying out of the intention of the Government in relation to the establishment of an arsenal at Rock Island. Gentlemen are aware that an arsenal of very great present and prospective importance has been established at Rock Island, and that for the purpose of better conducting the business of the Government at that arsenal, and sustaining it as an institution of the national Government, measures have been taken for securing a title to the adjoining small islands.

This bill passed the Senate without any objection, after a full and thorough examination there. It did not pass the Senate in the shape in which we report it, but the committee of the Senate have agreed to the modification made in this substitute, and it satisfies all parties in interest. The House committee had before them the chief of Ordnance to make a full explanation, with maps, of this whole matter, and, in fact, all the parties in interest have come unanimously to the conclusion that the bill ought to pass the House in the form in which it was intended to be modified by the Senate. With this explanation I submit if it is not right to pass the bill at once without referring it to the Committee of the Whole.

Mr. STEVENS. I think the principle of taking up in the House a bill containing an appropriation of two or three hundred thousand dollars is one that never ought to be allowed. The object of committing bills is to have them printed so that members may examine them. I hope the bill will take the ordinary course. If the gentleman wishes to make it a special order I have no objection, but I move now that the bill be referred to the Committee of the Whole on the state of the Union, and be printed.

Mr. WASHBURN, of Illinois. I desire to propose an amendment to this bill, to which I presume the gentleman from Ohio [Mr. SCHENCK] will not object; and if the gentleman from Pennsylvania [Mr. STEVENS] will yield to me for one moment, I will state the amendment I propose.

Mr. STEVENS. I will hear the amendment of the gentleman, but I shall insist upon my motion to refer this bill to the Committee of the Whole.

Mr. WASHBURN, of Illinois. Among other things this bill provides for changing the location of the Rock Island bridge; and to that extent it will certainly meet with the favor of every person in the West who knows what has been the obstruction which that bridge has caused to the navigation of the Mississippi river. I presume millions of dollars would not cover the damage. I propose, and I presume the gentleman from Ohio will have no objection to it—if he has I shall oppose the bill totally—to move the following amendment to come in at the proper place, "and the said bridge shall be so constructed as in nowise to interfere with the navigation of the Mississippi river."

Mr. MOULTON. Make it read, "not reasonably interfere."

Mr. COOK. I would suggest that it read, "not materially interfere."

Mr. WASHBURN, of Illinois. It will have to be a material obstruction to the navigation to come within the scope of the amendment. Certainly the friends of this bill should not object to this amendment. The present bridge at Rock Island, as my colleague from the Ottawa district [Mr. Cook] knows very well, is a great obstruction of the navigation of the river.

Mr. STEVENS. I think this bill should be referred to the Committee of the Whole.

Mr. WASHBURN, of Illinois. The House can just as well consider it here as in Committee of the Whole. We have it before us now, and may as well act upon it at this time as at any other time.

Mr. STEVENS. If I had known what the bill contained, I should have raised the point of order. But I did not know that, and therefore did not raise the point in time.

Mr. SCHENCK. If I am not mistaken, and I think I am not, the gentleman from Pennsylvania [Mr. STEVENS] has himself had many a bill passed without its being referred to the Committee of the Whole.

Mr. STEVENS. Not when any gentleman made the point of order that it should go to the Committee of the Whole.

Mr. SCHENCK. Of course, if any member made the point of order in time, the gentleman from Pennsylvania could not help himself. As I said before there is no disposition on the part of the Committee on Military Affairs to entrap this House in regard to this matter, none whatever. And it is only because, as the gentleman from Illinois [Mr. WASHBURN] has well said, the bill, simple as it is, can be considered here and now, that I oppose its reference to the Committee of the Whole. It is a bill which upon grounds of public utility and advantage alone the Committee on Military Affairs have unanimously agreed to recommend to the House and ask that the House pass it at once, as the Senate have promptly passed it.

In regard to the amendment suggested by the gentleman from Illinois, [Mr. WASHBURN] it seems to me that there is a reasonable proposition contained in that amendment. Perhaps it ought to read, "not interfere with the ordinary navigation of the river," or something of that kind; for as the gentleman proposed his amendment it would cover extraordinary and unusual contingencies.

Mr. STEVENS. I think we should now take a vote upon my motion to refer this bill to the Committee of the Whole.

Mr. COOK. Will the gentleman from Pennsylvania [Mr. STEVENS] yield to me for a moment?

Mr. STEVENS. Certainly.

Mr. COOK. I want to make a suggestion to my colleague [Mr. WASHBURN] and to the gentleman from Ohio, the chairman of the Committee on Military Affairs, [Mr. SCHENCK.] The bill as at present framed provides that this bridge shall be erected under the direction of the Secretary of War. It is not likely that a bridge erected under his direction will prove an obstruction to the navigation.

Mr. STEVENS. Will the gentleman tell the House how much this will cost the Government?

Mr. COOK. I do not know.

Mr. STEVENS. Some half a million dollars, I have no doubt.

Mr. SCHENCK. I will state to the gentleman from Pennsylvania [Mr. STEVENS] that the amount here appropriated is to carry out a law already enacted. Measures have been taken to obtain the title to the Davenport property on Rock Island, and this appropriation is to carry out what has been recommended by a commission appointed under a former law.

Mr. STEVENS. I want to see all this. I want to see the bill. I call the previous question on the motion to refer this bill to the Committee of the Whole.

Mr. WASHBURN, of Illinois. Will the

gentleman yield to me for a moment? I want to have some understanding in regard to the amendment I have suggested.

Mr. STEVENS. I cannot yield.

Mr. WASHBURN, of Illinois. I hope, then, the previous question will be seconded, and that then the motion to refer to the Committee of the Whole will be voted down.

The question was taken upon seconding the previous question; and there were, upon a division—ayes 22, noes 21; no quorum voting.

Mr. WASHBURN, of Illinois. Before tellers are appointed, I ask the gentleman from Pennsylvania to yield to me for a moment, in order that we may have some fair understanding in regard to this amendment.

Mr. STEVENS. I will hear what the gentleman has to say.

Mr. WASHBURN, of Illinois. The amendment which I proposed provided that this bridge, which is to be built, not by the Government, but by the railroad company, should be so constructed as in nowise to interfere with the navigation of the Mississippi river. The gentleman from Ohio [Mr. SCHENCK] proposes to change the language of my amendment so as to provide that the construction of the bridge shall not interfere with the ordinary navigation of the river.

Mr. ALLEY. If the gentleman will allow me, I would suggest that the amendment be put in this form: that there shall be no material obstruction of the navigation of the river.

Mr. WASHBURN, of Illinois. That would leave it an open question, what would be a material obstruction and what would not. I am not inclined, on the whole, to object to the modification proposed by the gentleman from Ohio, that the construction of the bridge shall not interfere with the ordinary navigation of the river. I am content to modify my amendment as suggested by the gentleman from Ohio.

Mr. ALLEY. I think that is not the suggestion as now made by the gentleman from Ohio. The suggestion which I make meets, I believe, the approbation of the gentleman from Ohio, as I know it does of the gentlemen who are acting in accord with him in this matter. The usual and the legal form of language is that there shall be no material obstruction to the navigation of the river.

Mr. SCHENCK. I am not tenacious in regard to the particular form of the amendment which may be adopted to meet the difficulty which has been raised. The report of the committee does not embrace this point. The gentleman from Illinois proposed, in the first place, to amend by providing that the construction of the bridge should in nowise interfere with the navigation of the river. A strict compliance with that requirement would be impossible. The bridge must necessarily interfere, to some extent, with the navigation. I have therefore suggested—and the gentleman has accepted the suggestion—that the amendment be modified so as to provide that the bridge shall not interfere with "the ordinary navigation" of the river. It appears, however, that this is not quite satisfactory to a number of gentlemen well acquainted with the facts of the case. I am willing, if the gentleman from Illinois will consent, that the amendment shall be modified so as to provide that the bridge shall not materially or unnecessarily interfere with navigation. The bridge must, in the very nature of things, cause an interference, to some extent, with the navigation; but that interference may be very slight, and the inconvenience from this source may be completely overbalanced by the additional facility which the bridge will afford for railroad communication.

I desire it to be understood that this matter is no part of the report of the committee; but the limitation suggested should, I think, in some shape be added to the bill.

Mr. WASHBURN, of Illinois. As to the general objects of this bill, I desire to say a word; and I will repeat that I do not see why the bill should not be considered in the House at the present time, while there is no

other business pressing. There are some considerations in favor of the passage of this bill, although it contains a large appropriation, and I would therefore be inclined on general principles to oppose it. It is well known that the Government has made Rock Island a depository for war materials for the whole western country. One of the purposes of this appropriation is to erect buildings to protect all this vast amount of property, now exposed to damage by the weather.

Mr. GRINNELL. Will the gentleman yield to me?

Mr. WASHBURN, of Illinois. I yield to the gentleman.

Mr. GRINNELL. Mr. Speaker, this is a matter in which I have a direct interest, as I live upon the line of this road; and I desire to say that the people I represent have no objection whatever to this bill, if it be so amended as to provide that the bridge shall not interfere materially or unnecessarily with the navigation of the river. It must be understood that a bridge cannot be built across the Mississippi river without obstructing the navigation to some extent. If we should provide, as first proposed by the gentleman from Illinois, that this bridge shall "in nowise" interfere with the navigation of the river, it would interpose an insuperable barrier to the construction of the bridge. I hope that my friend from Illinois will accept the suggestion of the gentleman from Massachusetts, [Mr. ALLEY,] the chairman of the Committee on the Post Office and Post Roads. For one, I will be unwilling to vote for less than that, as unjust to this company as well as unjust to all companies anticipating the building of bridges. It is unjust to the railroad interest.

Mr. WASHBURN, of Illinois. But not unjust to the millions of agriculturists whose products have been destroyed by these bridges.

Mr. ALLEY. I will now propose my amendment.

Mr. STEVENS. I will withdraw the motion to refer, so as to allow the amendment to come in, after which I will renew it.

Mr. ALLEY. I will remark that the amendment meets with the approbation of all parties in interest. I presume it will meet with the objection of the gentleman from Illinois. I can see no objection to it. It has the approval of the chairman of the committee.

The Clerk read as follows:

To be so constructed as not materially to interfere with or obstruct the navigation of the Mississippi river.

Mr. STEVENS. I renew the motion to refer the bill and amendment to the Committee of the Whole on the state of the Union.

Mr. BANKS. I suggest to my colleague to insert the word "impair."

Mr. ALLEY. I agree to that modification.

Mr. WASHBURN, of Illinois. I accept the amendment, and hope the motion to refer will be voted down.

Mr. STEVENS. I am willing this shall be made a special order in the Committee of the Whole on the state of the Union.

The SPEAKER. A general appropriation bill can be made a special order by a majority vote, but this will require unanimous consent.

Mr. FINCK. I object.

Mr. STEVENS. I demand the previous question.

The SPEAKER. The previous question, if seconded, will not exhaust itself until the third reading of the bill.

Mr. STEVENS. I withdraw it. I presume there will be no further discussion.

The House divided; and there were—ayes 32, noes 63.

So the House refused to refer the bill and amendment to the Committee of the Whole on the state of the Union.

Mr. ALLEY demanded the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the amendment was adopted.

The bill was ordered to be engrossed and

read a third time; and being engrossed, it was accordingly read the third time.

Mr. MCULTON demanded the previous question on the passage of the bill.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was passed.

Mr. WASHBURN, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

On motion of Mr. NICHOLSON he was granted leave of absence till Tuesday next.

BUSINESS TO-MORROW.

Mr. DARLING gave notice that to-morrow after the morning hour he would announce the death of his late colleague, JAMES HUMPHREY.

The SPEAKER stated by previous order of the House the morning hour to-morrow would be devoted to public business.

PRIVATE BILLS.

Mr. KASSON demanded the regular order of business.

The SPEAKER stated that the regular order of business was the call of the committees for reports of a private nature, commencing with the Committee on Invalid Pensions.

HARRIET W. POND.

On motion of Mr. BENJAMIN, the Committee on Invalid Pensions was discharged from the further consideration of the petition of Mrs. Harriet W. Pond; and the same was referred to the Committee of Claims.

LEONARD CASEY.

On motion of Mr. BENJAMIN, the Committee on Invalid Pensions was discharged from the further consideration of the petition of Leonard Casey, the case being provided for under the general law; and the same was laid upon the table.

LAVINIA LENFEST AND ANDREW C. SINGER.

On motion of Mr. BENJAMIN, the Committee on Invalid Pensions was discharged from the further consideration of the petitions of Mrs. Lavinia Lenfest and Andrew C. Singer; and the same were laid upon the table.

MRS. MERCIE C. SCATTERGOOD.

Mr. BENJAMIN, from the Committee on Invalid Pensions, reported a bill granting increase of pension to Mrs. Mercie C. Scattergood; which was read a first and second time. It increases the pension to fifteen dollars per month.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. BENJAMIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

HARRIET B. CROCKER.

Mr. BENJAMIN, from the Committee on Invalid Pensions, reported back Senate bill No. 326, granting a pension to Mrs. Harriet B. Crocker, with a recommendation that it do pass.

The bill was read. It grants a pension to Mrs. Crocker, mother of Henry B. Crocker, of the fifteenth regiment Ohio volunteer infantry, of eight dollars per month, commencing on the 4th of October, 1862.

The bill was ordered to be read a third time; and it was accordingly read the third time and passed.

Mr. BENJAMIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

JAMES L. PERHAM.

Mr. BENJAMIN, from the same committee, reported a bill for the relief of James L. Perham; which was read a first and second time

The bill was read in full. It grants a pension to James L. Perham, of the tenth regiment Maine volunteers, of eight dollars per month, from February 4, 1863, to November 17, 1864, amounting to \$171 36.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. BENJAMIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN W. JONES.

Mr. HARDING, of Kentucky, from the Committee on Invalid Pensions, reported a bill for the benefit of John W. Jones; which was read a first and second time.

The bill was read in full. It places the name of Mr. Jones, late private of the seventeenth regiment Ohio volunteer infantry, on the pension-roll, on the passage of this act, at the rate now allowed to those who have lost the right arm.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. HARDING, of Kentucky, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADVERSE REPORTS.

Mr. HARDING, of Kentucky, from the same committee, reported adversely on House bill No. 385, for the benefit of Terence Kirby; also on the petition of Major W. W. Post; also the petition of Rev. E. D. Simmons and others for relief; also on the petition of Elizabeth Winter; and the same were laid on the table.

ALMIRA BERRY.

Mr. STILWELL, from the Committee on Invalid Pensions, reported back Senate bill No. 375, to amend an act entitled "An act granting a pension to the widow of Major General Hiram G. Berry," with a recommendation that it do pass.

The bill was read. By the act approved March 3, 1865, the name of the widow was erroneously called Eliza Berry, and this bill changes the name as above.

The bill was ordered to be read a third time; and it was accordingly read the third time and passed.

Mr. STILWELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADVERSE REPORTS.

Mr. SAWYER, from the Committee on Invalid Pensions, reported adversely on the following cases, the same having been provided for by a general law, and they were laid on the table:

G. C. Sholes, and seventy-five others, of Wisconsin, praying for an increase of pension to Samuel E. Stone.

Elizabeth Butler, widow of Cyrus Butler.

Alexander Rider.

David Howe.

N. R. Sheetz, widow of John B. Sheetz.

CATHARINE F. WINSLOW.

Mr. SAWYER, from the same committee, reported back Senate bill No. 327, granting a pension to Mrs. Catharine F. Winslow.

The bill was read. It directs the Secretary of the Interior to place the name of Catharine F. Winslow, widow of Lieutenant Colonel Winslow, on the pension-roll at the rate of thirty dollars per month, to commence from the 7th of July, 1864.

The bill was ordered to a third reading; and it was accordingly read the third time and passed.

Mr. SAWYER moved to reconsider the vote by which the bill was passed; and also moved

that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SMITH, one of their Clerks, informed the House that the Senate had agreed to the amendment of House to the bill of the Senate (No. 243) to extend the time for the reversion to the United States of the lands granted by Congress to aid in the construction of a railroad from Amboy, by Hillsdale and Lansing, to some point on or near Traverse bay, in the State of Michigan, and for the completion of said road.

The message further informed the House that the Senate had passed an act (S. No. 381) to amend an act entitled "An act to authorize the sale of marine hospitals and revenue-cutters," approved April 20, 1866, in which he was directed to ask the concurrence of the House.

MRS. IMOGENE BUCKINGHAM.

Mr. COFFROTH, from the Committee on Invalid Pensions, reported a bill granting a pension to Mrs. Imogene Buckingham; which was read a first and second time.

The bill directs the Secretary of the Interior to give a pension certificate to and to place the name of Mrs. Imogene Buckingham upon the roll of pensioners, with the pay and under the conditions and limitations of the widow of a private of infantry.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. COFFROTH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

MRS. CHARLOTTE E. REED.

Mr. COFFROTH also, from the same committee, reported a bill granting a pension to Mrs. Charlotte E. Reed; which was read a first and second time.

The bill was read.

Mr. WASHBURNE, of Illinois. I call for the reading of the report.

The report was read.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. COFFROTH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

FRANK LYNCH.

Mr. PERHAM, from the Committee on Invalid Pensions, reported a bill for the relief of Lieutenant Colonel Frank Lynch; which was read a first and second time. The bill directs the Secretary of the Interior to place the name of Frank Lynch, late of the twenty-seventh regiment Ohio volunteer infantry, on the pension-roll at the rate of pension allowed to lieutenant colonels.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. PERHAM moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

JERUSHA WITTER.

Mr. PERHAM also, from the same committee, reported back, with the recommendation that it do pass, bill of the Senate No. 276, for the relief of Mrs. Jerusha Witter.

The bill directs the Secretary of the Interior to place the name of Mrs. Jerusha Witter, widow of Dr. Amos Witter, late surgeon of the seventh regiment Iowa volunteers, on the pension-roll, at the rate of twenty-five dollars per month, to continue during her widowhood.

The bill was ordered to a third reading; and it was accordingly read the third time and passed.

Mr. PERHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

PENSIONS TO ARTIFICERS.

Mr. PERHAM. As the purpose of the bill has been provided for by a general law, I move that the Committee on Invalid Pensions be discharged from the further consideration of bill of the Senate No. 116, to extend the benefits of the pension laws to artificers, and I move that it be laid upon the table.

The motion was agreed to.

MRS. AMARILLA COOK.

Mr. PERHAM also, from the same committee, reported back, with an amendment, and with the recommendation that it do pass, bill of the Senate No. 288, granting a pension to Mrs. Amarilla Cook.

The bill was read at length. It directs the Secretary of the Interior to place the name of Mrs. Amarilla Cook, widow of John B. Cook, late deputy provost marshal of the sixteenth congressional district of the State of Ohio, on the pension-roll, at the rate of twenty dollars per month, to commence from the 5th day of March, 1865, and to continue during her widowhood.

The amendment of the Committee on Invalid Pensions was to strike out "twenty" and insert "seventeen."

The amendment was agreed to.

The bill, as amended, was then read the third time and passed.

Mr. PERHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JANE HARRIS.

Mr. PERHAM, from the Committee on Invalid Pensions, also reported back, with a recommendation that it do pass, Senate bill No. 200, for the relief of Jane Harris.

The bill was read at length. It directs the Secretary of the Interior to place the name of Jane Harris, widow of George H. Harris, late a private in company I, sixth Iowa cavalry, now deceased, on the pension-rolls as entitled to a pension at the rate of eight dollars per month during her widowhood, payment to commence from October 23, 1863, the date of the death of said George H. Harris.

The bill was read the third time and passed.

Mr. PERHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BENJAMIN FRANKLIN.

Mr. PERHAM, from the Committee on Invalid Pensions, also reported back, with a recommendation that it do pass, Senate bill No. 339, granting a pension to Benjamin Franklin.

The bill was read at length. It directs the Secretary of the Interior to place the name of Benjamin Franklin, a private in company H, second regiment Minnesota cavalry volunteers, on the pension-roll, at the rate of twenty-five dollars per month, to commence from the 15th day of January, 1866, and to continue during his natural life.

The bill was read the third time and passed.

Mr. PERHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JANE D. BRENT.

Mr. PERHAM, from the Committee on Invalid Pensions, also reported back, with a recommendation that it do pass, Senate bill No. 298, granting a pension to Jane D. Brent.

The bill was read at length. It directs the Secretary of the Interior to place the name of Jane D. Brent, of Detroit, Michigan, widow of Thomas Lee Brent, late a captain in the

Army of the United States, on the pension-roll, and to allow and pay to her a pension at the rate of twenty dollars per month, from and after the passage of this act, until her marriage or death, and after either event to continue the said pension to Mary Brent, daughter of the said Thomas Lee Brent, if then under the age of sixteen years, until she attains that age.

The bill was read the third time and passed.

Mr. PERHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARGARET KAETZEL.

Mr. PERHAM, from the Committee on Invalid Pensions, also reported back, with a recommendation that it do not pass, Senate bill No. 329, for the relief of Mrs. Margaret Kaetzel.

The bill directs the Secretary of the Interior to place upon the pension-roll the name of Mrs. Margaret Kaetzel, widow of Nicholas Kaetzel, who was a civilian employed in the service of the United States at the arsenal at Columbus, Ohio; and that she be paid a pension at the rate of eight dollars per month, to commence from the 5th day of April, 1865, and to continue during her widowhood.

Mr. PERHAM. I move that the committee be discharged from the further consideration of this bill, and that the same be laid on the table.

The motion was agreed to.

CORNELIUS CROWLEY.

Mr. PERHAM, from the Committee on Invalid Pensions, also reported back, with an amendment, Senate bill No. 275, for the relief Cornelius Crowley.

The bill was read at length. It directs the Secretary of the Interior to place the name of Cornelius Crowley, late a private of company F, third regiment United States infantry, on the pension-roll at the rate of eight dollars per month, to commence from and after the passage of this act, and to continue during his natural life.

The amendment of the committee was to strike out the words "to continue during his natural life," and insert in lieu thereof the words "pay him at that rate in lieu of any other pension to which he may be entitled."

The amendment was agreed to.

The bill, as amended, was then read the third time and passed.

Mr. PERHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

A. J. GRAY.

Mr. PERHAM, from the Committee on Invalid Pensions, reported back, with a recommendation that it do pass, Senate bill No. 180, for the relief of A. J. Gray.

The bill was read. It requires the Commissioner of Pensions to place the name of Andrew J. Gray, late a pilot on board the United States gunboat Judge Torrence, upon the list of invalid pensioners, at the rate prescribed for officers of his rank by act of Congress approved July 14, 1862.

The amendment reported by the committee was read, which was to add at the end of the bill the words, "to be paid out of the naval fund."

The amendment was agreed to.

The bill was ordered to be read a third time; and it was accordingly read the third time and passed.

Mr. PERHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

MRS. REBECCA IRWIN.

Mr. PERHAM. I am instructed by the Committee on Invalid Pensions to move that that committee be discharged from the further

consideration of Senate bill No. 291, entitled "An act granting a pension to Mrs. Rebecca Irwin," on the ground that, in the administration of the Pension Bureau, such cases are already provided for.

The motion was agreed to; and the bill was laid on the table.

IRA B. CURTIS.

Mr. PERHAM, from the Committee on Invalid Pensions, reported a bill for the benefit of Ira B. Curtis; which was read a first and second time.

The bill was read. It directs the Secretary of the Interior to place the name of Ira B. Curtis on the pension-roll as an assistant surgeon, wholly disabled in the service, at the rate of seventeen dollars per month, commencing February 28, 1866.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. PERHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOEL FARLEY.

Mr. PERHAM, from the Committee on Invalid Pensions, reported a bill for the relief of Joel Farley; which was read a first and second time.

The bill, which was read, directs the Secretary of the Interior to place the name of Joel Farley, late a private of company F, eleventh Iowa volunteer infantry, on the pension-rolls at the rate of fifteen dollars per month.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. PERHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GEORGE W. BUSH.

Mr. PERHAM, from the Committee on Invalid Pensions, reported a bill for the relief of George W. Bush; which was read a first and second time.

The bill, which was read at length, directs the Secretary of the Interior to pay to George W. Bush, of the city of New York, late a sergeant in company G, ninetyeth regiment New York volunteers, a pension of eight dollars per month from August 29, 1863, to March 8, 1865.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. PERHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

PENSIONS TO SOLDIERS OF 1812.

Mr. PERHAM. I am directed by the Committee on Invalid Pensions to report adversely upon House bill No. 168, granting pensions to soldiers of the war of 1812 with Great Britain.

The SPEAKER. The question is, Shall the bill be laid on the table?

Mr. MILLER. I move that the bill be recommitted, with instructions to the committee to report it with a recommendation that it pass.

Mr. SPALDING. I hope this motion will be adopted.

Mr. MILLER. Mr. Speaker, on the 22d of January last I presented to this House the bill now under consideration, entitled "A bill granting pensions to soldiers of the war of 1812 with Great Britain," and asked that it be referred to a select committee, in order that speedy action might be had thereon; but the honorable gentleman from Illinois [Mr. WASHBURN] interposed an objection and had it referred to the Committee on Invalid Pensions; and the result is, at this late day, a verbal report with a negative recommendation. This extraordinary report, it seems to me, can only be accounted for on the ground that the ardu-

ous duties of that honorable committee prevented them from giving the subject-matter due consideration, for no written report has been presented, and I cannot well see how one could be, resting upon a sound basis, embracing such a recommendation. The bill, Mr. Speaker, provides that the surviving commissioned and non-commissioned officers, musicians, and privates of the Army and Navy of the war of 1812 with Great Britain, who have received an honorable discharge and are now in necessitous circumstances, and the widows of such as are deceased who are in like circumstances, shall have their names placed on the pension-list of the United States, and be paid, out of any money in the Treasury not otherwise appropriated, the sum of eight dollars per month, to be computed from the 1st day of April, 1865. The sum proposed to be paid by this bill is very small, and confined exclusively to those in indigent circumstances.

A bill passed this House during the first session of the Thirty-Fifth Congress by a majority of fifty-five, giving pensions to the soldiers of the war of 1812 without confining it to those in "necessitous circumstances," and among the honorable gentlemen that are members of the present Congress who voted for that bill, I find the names of Messrs. THAYER, BINGHAM, and our distinguished Speaker, [Mr. COLFAX.] That bill seems, for some cause, perhaps for want of time, not to have been taken up in the Senate. Trouble was then about coming upon the country, and our old heroes were willing to let their claim rest for a time; but as the dark cloud that was hovering over our country is now dispelled they renew their request, and call upon this Congress to give a pittance to enable them to procure a little food and raiment in their old age and declining years.

After the space of thirty-five years from the treaty of peace by which our independence was recognized the soldiers of that war were placed on the pension-roll, only two of whom survive, to wit, Samuel Dowling, of New Hampshire, and James Barnham, of Missouri. A few years more and these two veterans will also be taken from us, and none will be left to relate the doings of those dark days; but their works will live. And now that more than fifty years have passed since the war of 1812, sometimes denominated the second war for independence, was ended, justice requires that the names of the surviving veterans of that war should be placed on the roll of pensions, so that speedy relief may be had to alleviate those that are in indigent circumstances.

These old veterans have passed their three-score years and ten, and yet they are brave. I remember, Mr. Speaker, of being at Harrisburg at the time General Lee invaded Pennsylvania with a large rebel army, and seeing some of these old soldiers crossing the bridge over the Susquehanna at double-quick, with their rifles on their shoulders, ready and willing to face the enemy. They will not honor the nation with their presence much longer. They are rapidly passing away, many having left us since I had the honor of presenting this bill, and if Congress intends to do anything for these old heroes, action ought to be taken immediately. I will read, Mr. Speaker, a circular addressed to the members of Congress by a committee appointed on the 18th of February, 1858, at a meeting of the Veteran corps of the city of New York, which is as follows:

At a meeting of the Veteran corps of the city of New York, held on the 18th day of February, 1858, it was
Resolved, That a committee be appointed to address a letter to each member of Congress, asking their support of a bill to provide for the militia who were enrolled in actual service during the last war with Great Britain, and to forward the same without delay; and that Henry Raymond, James B. Murray, William Buttree, J. M. Phyle, Thomas D. Howe, John C. Howard, Daniel Whitney, Henry Baker, Harlow Porter, Charles K. Crowley, and William G. Monell compose said committee.

NEW YORK, February 22, 1858.

SIR: The undersigned, appointed under the above resolution, beg leave to submit the same to you and to solicit your advocacy of a bill, already reported by the Committee on Invalid Pensions of the House of Representatives, "granting pensions to the officers

and soldiers of the war with Great Britain of 1812, 1813, and 1814, and their widows, and those engaged in Indian wars during that period."

The claims of those soldiers are so eloquently set forth in the report accompanying the bill, that the undersigned would not venture to add a word, but that, having participated in that struggle, and having, from natural sympathy, watched the subsequent fate of their brethren in arms, they deem it proper to state facts in relation to them which should impart additional force to these claims upon a grateful and prosperous country, and to which prosperity, they may be allowed to add, the services here alluded to have, in their opinion, greatly contributed. It must be remembered that the largest proportion of these men were, at the time of their being called upon to defend their country and to sustain the honor of her flag, in comfortable circumstances, pursuing the various arts of agriculture, manufactures, mechanics, and commerce, and were transferred to all the exposures and dangers of the camp and the garrison under mere nominal pay, and without a provision either of arms or clothing. How well their duties were performed let the battles of Queenston, of Bridgewater, of the Thames, of New Orleans, and other fields respond. At least three fourths of those who did not fall in battle have been summoned to another world in the regular course of nature, many from the operation of wounds and diseases entailed upon them by their patriotic services, leaving to their widows and children no other legacy than that of poverty and suffering.

Many of our surviving brethren are now experiencing the same miseries. These are the facts which our own eyes have witnessed, and are daily witnessing.

Our association has been organized, not merely to perpetuate the memory of those days, but to afford relief to the living, and decently to inter the dead.

This can only be partially accomplished where so few have the means; and although benevolent individuals have aided, still the cases of distress are numerous.

It must be kept in mind that no man now living who shared in these events can be short of three-score years, while many greatly exceed that age, and of course, if now in dependent circumstances, can hope for no beneficial change except through this act of national faith and public justice.

The undersigned cannot conceive it to be necessary to enlarge upon this subject. Several members of your honorable body can bear personal testimony, having participated in the services of those days, while others have learned them from their patriotic sires.

We most earnestly invoke your support of the bill, not merely as an act of charity to the necessitous, but as a reward to the faithful servants of the Republic, and as an incentive to future sacrifices for the public good.

We are, with great respect, sir, your obedient servants,

HENRY RAYMOND,
JAMES MURRAY,*
WILLIAM BUTTREE,*
ISAAC M. PHYFE,
THOMAS D. HOWE,*
JOHN C. HOWARD,*
DANIEL WHITNEY,*
HENRY BAKER,
HARLOW PORTER,*
CHARLES K. CROWLEY,*
WILLIAM G. MONELL.*

Committee of the Soldiers of 1812.

*Deceased.

This paper, it will be seen, was signed by a committee of eleven of the soldiers of the war of 1812, only three of whom now survive, to wit, Henry Raymond, Isaac Phye, and Henry Baker.

I will also read the following extract of a letter to me, written by an officer of the war of 1812, from the same city:

NEW YORK, March 14, 1866.

DEAR SIR: In the proceedings of Congress I perceive that you have introduced a bill granting pensions to soldiers of the war of 1812, which was referred to the Committee on Invalid Pensions. Your honor has the heartfelt thanks of all the veterans I have conversed with, and I trust you will not let the matter rest without some definite action taken thereon. Could a law of that kind be passed it would relieve the pressing wants of many an old soldier who at this present time hardly knows where a meal of victuals is to come from, such is their abject poverty. There are some that necessity has compelled to become inmates of an almshouse, eating a pauper's food. Such is the sad condition of many of those old men who in their youthful days sacrificed everything for the benefit of their country in the hour of her peril. I would gladly confer with you at any time and in any manner to consummate this laudable object, and would beg most respectfully to suggest the propriety of forwarding a petition of the veterans of 1812 in this section of country.

I will also read the following small extract from the proceedings of a meeting of the old soldiers of that war held at Philadelphia, in my own State, in February last:

"We are grateful to learn from the public prints that a disposition is manifested at this late day by some of the Representatives in Congress to recognize in a substantial manner the services of the poor old soldiers of the second war of independence. We invite the attention of the association to this matter."

I will not trouble the House further, Mr. Speaker, by reading extracts from the numerous letters and proceedings received in relation to this matter. This seems to me to be sufficient to satisfy every member of this House of the stern necessity of immediate action in aid of the old veterans. It may be said, and has already been intimated, that the country is not in a condition to grant the relief asked for. This, I think, is a mistaken idea; we have lately passed through a terrible war, and the people bore the heavy drain of men and means with such alacrity as to astonish the world, and now, as peace and prosperity are restored, and the Government about being placed upon a firm and substantial basis, we are surely in a condition to do adequate justice to those old heroes.

It will not do to say the nation is too poor, when we have passed a law giving \$25,000 to feed the poor of Washington city, many of whom were never in the Union Army, and some seven hundred thousand dollars to keep certain tribes of Indians from starvation, some of whom have even been in the rebel service; and beside, after the eloquent speech of the honorable gentleman from Massachusetts, [Mr. BANKS,] passed a bill appropriating \$100,000 to enable this nation to be represented in the grand Exposition to take place in France in 1867. Of these appropriations I have nothing to say more than that, in my opinion, the claim of the soldiers and sailors of the war of 1812 is more meritorious. It will not do, Mr. Speaker, for the Representatives of this great nation of over thirty million people, with such vast resources, to withhold the relief provided by this bill on the ground of want of means. The bill that passed this House by an almost unanimous vote for equalizing bounties, which will require some hundreds of millions, was just, and in the early part of the session I offered a resolution and also presented a bill looking to that end; and as to the ultimate payment of such bounties, it is a mere question of time, the recipients being comparatively young men, while those of the war of 1812 are far advanced in life, and according to the course of nature can be here but a short time, and if any provision is to be made for them it must be done quickly. It will not do to allow them to become altogether objects of public charity. The sum provided for in the bill is very small, scarcely enough to clothe and feed them in the most humble manner.

In the early part of this session a recess for a short time was frequently taken in order that our worthy Speaker might introduce to the members various generals who in the late rebellion had done good service for the preservation of the Union, which he did in his usual affable manner; and now, I beg leave as their Representative to introduce to this House the old veterans of the war of 1812, hungry, and with garments all tattered and torn, asking for the service they rendered their country a small sum in way of pension to enable them to procure food and raiment. Shall it be granted? They, like Lazarus of old, are willing to be fed on crumbs, and is this Congress not willing to grant it? Sir, while I have a voice on this floor I will stand up for the defenders of my country. No individual or nation ever lost anything by being charitable. Our officers of the Army and Navy deserve great praise, and many encomiums are cast upon them, but the privates who have to obey the command and face death are equally deserving of the gratitude of their country. Russia, England, and France, yea, all civilized nations of the world, have made provision for their old veterans, and no people are more able and willing than those of the United States to have these defenders cared for, and I am satisfied that the passage of this bill will meet the entire approbation of our constituents, (unless it is that the pension is too low.)

And now, Mr. Speaker, I move that this bill be recommitted to the committee with instructions to report the same with an affirmative recommendation, and will call for the yeas

and nays. I can hardly think that any member will record his vote against allowing this pitance to an old indigent soldier; if there is he will have an opportunity of so recording his vote. I will add that this is no party measure; it is a platform on which all can safely stand.

Mr. HALE. I wish to inquire, either from the gentleman from Pennsylvania, [Mr. MILLER,] who has so eloquently addressed the House upon this subject, or from any member of the Committee on Invalid Pensions, what is the probable amount of annual expenditure involved in this bill. And before yielding the floor I take the opportunity to suggest to the gentleman from Pennsylvania whether he ought in substance to defy the members of this House to give any vote they may see fit to give on this or any other subject. I submit to him whether it is quite fair for him to say to the House, "We will let the country know who is for the old soldiers and who is against them; and I shall call for the yeas and nays." I suggest to him that if members entertain opinions which may clash with his it is very possible the yeas and nays may have no particular terror for them; and I trust he did not mean to be understood as intimating anything to that effect.

Mr. PERHAM. Mr. Speaker, I congratulate the old soldiers of the war of 1812 that they have found in the gentleman from Pennsylvania [Mr. MILLER] so earnest a supporter and advocate on this floor. It cannot be expected in opposing a measure of this kind I shall be able to manifest that sort of enthusiasm as the gentleman has done.

Now, I would be glad could I bring myself to the belief that the country is in a condition for such an expenditure of the public money as this proposes. But, sir, the Committee on Invalid Pensions, after the examination they gave to the subject, came to the unanimous conclusion that we cannot do this thing now. I have nothing to say derogatory to the merits of the old soldiers of that war. They performed their duties faithfully and well, and a grateful people have done them honor from that time to the present. For fifty-two years this country with liberal hand, the Treasury of the country all the time being in easy circumstances, has been legislating for their benefit. We have granted pensions to every man who has in the least been injured in that service. We have granted pensions to the widows of all who have died of disease contracted, or wounds received, in the service. We have also given bounty land to every man who could prove he was in the service fourteen days. In this Congress, and in previous Congresses, we have been liberal in special legislation for these men.

Now, sir, the Committee on Invalid Pensions have been disposed to afford relief whenever they could find any good reason for so doing, and the votes of the House show they have always been ready to second them in this regard. It is true we pensioned the surviving soldiers of the revolutionary war about fifty-two years after the close of that war, and that now about the same time has elapsed since the close of the war of 1812. But fifty-two years after the close of the revolutionary war we were under very different circumstances from those which now surround us. We have now dependent upon us a vast number of wounded soldiers, and the widows and children of soldiers who have been killed during the rebellion, creating a heavy expense which we must meet.

In answer to the inquiry of the gentleman from New York [Mr. HALE] as to the amount of expenditure under this bill, I will say it is impossible to ascertain the number of men now living who were in the war of 1812. From the information of the Pension Bureau, and from the investigation the committee has given the subject, we have arrived at the conclusion that there are not less than one hundred and eleven thousand.

Mr. FINCK. I ask whether this bill proposes to give pensions to all of this number,

or only to those who are necessitous. I would also inquire whether he has any data of the latter number.

Mr. PERHAM. I say from the best data we can procure there are living not less than one hundred and eleven thousand of these old soldiers. Calculating by the rule of three, taking the actual number of men in the revolutionary war, and the number living and pensioned fifty-two years after the close of the war, and applying it to the number in the war of 1812, now just fifty-two years after its close, there cannot be less than one hundred and eleven thousand two hundred and ninety-five men; and by the same calculation the number of widows would be forty-two thousand and eighty-one, making in all, widows and soldiers, about one hundred and fifty-three thousand.

Mr. MILLER. How many are in needy circumstances?

Mr. PERHAM. I am coming to that. It is of course impossible to ascertain how many would come under the provisions of this bill. Many of them are very aged. It is the practice of men when they get to that age to let the property they have pass into the hands of their children. Members can look around where they are acquainted and judge for themselves. We conclude after investigation the number would be about two thirds.

Mr. HALE. I ask the gentleman whether, from his observation of the effect of such a bill giving pensions to those in indigent circumstances, the proportionate number of those in indigent circumstances would not be rapidly increased.

Mr. PERHAM. I understand that an estimate was made at the Pension Bureau as to the probable number who would receive pensions under the act providing for pensions for revolutionary soldiers, and though I am not able to give the exact figures, I think it was more than two to one. Now, it is true that in this estimate we have not included sailors nor their widows. If we are going to pension soldiers and their widows we ought in justice also to pension sailors and their widows. If we do that we shall make out one hundred and fifty-three thousand entitled to pensions. If you place it at as low a figure as two thirds you have one hundred thousand in round numbers for pensions provided by this bill. A pension of eight dollars per month is ninety-six dollars a year, and with the incidental expenses it will amount to at least \$100 a year. Multiply that by the whole number and you have \$10,000,000 annually. I am positive that you cannot get along with less than \$10,000,000 as long as the present number are living. And I will say that we go back fifteen months, so that we will have \$15,000,000 of back pensions to pay. Hereafter you will have to pay annually \$10,000,000. Now, it is very difficult to say how much this would amount to in the aggregate. We are paying the last of the revolutionary soldiers now, eighty-three years after the close of the war.

The SPEAKER. The morning hour has expired.

SALE OF MARINE HOSPITALS, ETC.

Mr. WASHBURN, of Illinois. I move to take up from the Speaker's table a Senate bill in relation to the sale of marine hospitals and revenue-cutters.

The motion was agreed to; and the House accordingly proceeded to the consideration of Senate bill No. 381, to amend an act entitled "An act to authorize the sale of marine hospitals and revenue-cutters," approved April 20, 1866.

The bill was read a first and second time.

Mr. WASHBURN, of Illinois. This bill is for the purpose of correcting an error in a former bill. A provision in that bill was stricken out by the committee of conference by mistake.

The bill was ordered to be read a third time; and it was accordingly read the third time and passed.

Mr. WASHBURN, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LAND GRANTS IN MINNESOTA.

Mr. DONNELLY. I ask unanimous consent to report from the Committee on Public Lands Senate bill No. 221, relating to lands granted to the State of Minnesota to aid in the construction of railroads.

The bill was read. It provides that whenever it shall appear that the United States have sold or disposed of any lands granted to the Territory or State of Minnesota for the purpose of aiding in the construction of railroads, after the passage of the act granting the same, and after the definite location of the line of road, and before the withdrawal of said lands from sale at the proper local land office, said State may by its agent select, in lieu of the lands so sold or disposed of, from any of the lands of the United States subject to sale, within twenty miles of the line of the proper road, a quantity of land equal to that so sold or disposed of; and the lands so selected shall be substituted for those so sold or disposed of by the United States, and may be disposed of by said State in all respects as if said substituted lands had been parcel of the original grant to the State.

It further provides that the time named in the act granting lands to the Territory of Minnesota to aid in the construction of a certain railroad "from Saint Paul and from Saint Anthony, by the way of Minneapolis, to a convenient point of junction west of the Mississippi river, to the southern boundary of the Territory," approved March 3, 1857, for the construction and completion of said road, is hereby extended for seven years from the passage of this act.

It further provides that all the lands heretofore granted to the Territory and State of Minnesota to aid in the construction of railroads, shall be certified to said State by the Secretary of the Interior, from time to time, whenever any of said roads shall be definitely located, and shall be disposed of by said State in the manner and upon the conditions provided in the particular act granting the same; provided that when the original quantity granted to aid in the construction of any road has been increased, the quantity authorized to be sold from time to time shall be increased correspondingly; and provided further, that on the completion of any ten miles of road the State may sell one half the quantity of lands which said State is authorized to dispose of on the completion of twenty miles.

It further provides that the lands granted specifically, lying in place, on any division of ten miles of road shall not be disposed of until the road shall be completed through and continuous with the same.

Mr. WASHBURN, of Illinois. I shall object to that bill. It changes everything in regard to the granting of public lands for such purposes.

Mr. DONNELLY. The amendments reported by the Committee on Public Lands will, I have no doubt, cover the objections of the gentleman from Illinois.

Mr. WASHBURN, of Illinois. The bill ought to be printed. It makes an entire change in the system.

Mr. DONNELLY. The bill is already printed. It makes no material change in the law; it is simply a matter of detail.

Mr. WASHBURN, of Illinois. I object to it at any rate.

REORGANIZATION OF THE JUDICIARY.

Mr. LAWRENCE, of Ohio, by unanimous consent, reported from the Committee on the Judiciary, Senate bill No. 103, to reorganize the judiciary of the United States, with sundry amendments, and moved that the bill and pending amendments be printed and referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. KASSON moved to reconsider the vote by which the bill was recommitted; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

VIOLATIONS OF THE TEST OATH.

Mr. DRIGGS, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of, and if they deem proper to report a bill, directing the judges and attorneys of the district courts of the United States in the States lately in rebellion to specially charge grand juries to inquire into the fact whether there have been any violations of the "test oath" by parties appointed to and entering upon the duties of office who have been disqualified from holding office on account of participation in the late rebellion, contrary to the true intent and meaning of the act of Congress prescribing said oath.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

Mr. TROWBRIDGE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill and joint resolution of the following titles; when the Speaker signed the same:

An act (S. No. 225) for the relief of the Amoskeag Manufacturing Company; and

Joint resolution (S. R. No. 100) for the restoration of Lieutenant Commander Richard L. Law, United States Navy, to the active list from the reserved list.

MESSAGE FROM THE PRESIDENT.

A message in writing was received from the President of the United States, by Mr. COOPER, his Private Secretary.

EUROPEAN TROOPS IN MEXICO.

The SPEAKER laid before the House the following message from the President of the United States; which was ordered to be printed, and referred to the Committee on Foreign Affairs:

To the Senate and House of Representatives:

In further answer to recent resolutions of the Senate and House of Representatives, requesting information in regard to the employment of European troops in Mexico, I transmit to Congress a copy of a dispatch of the 4th of this month, addressed to the Secretary of State by the minister of the United States at Paris.

ANDREW JOHNSON.

WASHINGTON, June 22, 1866.

CONSTITUTIONAL AMENDMENT.

The SPEAKER also laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

I submit to Congress a report of the Secretary of State, to whom was referred the concurrent resolution of the 18th instant respecting a submission to the Legislatures of the States of an additional article to the Constitution of the United States. It will be seen from this report that the Secretary of State had, on the 16th instant, transmitted to the Governors of the several States certified copies of the joint resolution passed on the 13th instant proposing an amendment to the Constitution.

Even in ordinary times any question of amending the Constitution must be justly regarded as of paramount importance. This importance is at the present time enhanced by the fact that the joint resolution was not submitted by the two Houses for the approval of the President, and that of the thirty-six States which constitute the Union eleven are excluded from representation in either House of Congress, although, with the single exception of Texas, they have been entirely restored to all their functions as States in conformity with the organic law of the land, and have appeared at the national capital by Senators and Representatives, who have applied for and have been refused admission to the vacant seats. Nor have the sovereign people of the nation been afforded an opportunity of expressing their views upon the important questions which the

amendment involves. Grave doubts, therefore, may naturally and justly arise as to whether the action of Congress is in harmony with the sentiments of the people, and whether State Legislatures, elected without reference to such an issue, should be called upon by Congress to decide respecting the ratification of the proposed amendment.

Waiving the question as to the constitutional validity of the proceedings of Congress upon the joint resolution proposing the amendment, or as to the merits of the article which it submits through the executive department to the Legislatures of the States, I deem it proper to observe that the steps taken by the Secretary of State, as detailed in the accompanying report, are to be considered as purely ministerial, and in no sense whatever committing the Executive to an approval or a recommendation of the amendment to the State Legislatures or to the people. On the contrary, a proper appreciation of the letter and spirit of the Constitution, as well as of the interests of national order, harmony, and union, and a due deference for an enlightened public judgment, may at this time well suggest a doubt whether any amendment to the Constitution ought to be proposed by Congress and pressed upon the Legislatures of the several States for final decision until after the admission of such loyal Senators and Representatives of the now unrepresented States as have been, or as may hereafter be, chosen in conformity with the Constitution and laws of the United States.

ANDREW JOHNSON.

WASHINGTON, D. C., June 22, 1866.

To the President:

The Secretary of State, to whom was referred the concurrent resolution of the two Houses of Congress of the 18th instant, in the following words—"that the President of the United States be requested to transmit forthwith to the Executives of the several States of the United States, copies of the article of amendment proposed by Congress to the State Legislatures, to amend the Constitution of the United States, passed June 13, 1865, respecting citizenship, the basis of representation, disqualification for office, and validity of the public debt of the United States, &c., to the end that the said States may proceed to act upon the said article of amendment, and that he request the Executive of each State that may ratify said amendment to transmit to the Secretary of State a certified copy of such ratification"—has the honor to submit the following report, namely, that on the 16th instant, Hon. AMASA COBB, of the Committee of the House of Representatives on Enrolled Bills, brought to this Department and deposited therein, an enrolled resolution of the two Houses of Congress, which was thereupon received by the Secretary of State and deposited among the rolls of the Department, a copy of which is herewith annexed.

Thereupon the Secretary of State, on the 16th instant, in conformity with the proceeding which was adopted by him in 1865, in regard to the then proposed and afterward adopted congressional amendment of the Constitution of the United States, concerning the prohibition of slavery, transmitted certified copies of the annexed resolution to the Governors of the several States together with a certificate and circular letter. A copy of both of these communications is herewith annexed.

Respectfully submitted,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE,

WASHINGTON, June 20, 1866.

Mr. WILSON, of Iowa. I move that the message be printed and referred to the Committee on the Judiciary, and on that I demand the previous question.

Mr. FINCK. I desire to move to print fifty thousand extra copies.

The SPEAKER. That motion will be in order after the question is taken on the motion to simply print and refer.

The previous question was seconded and the main question ordered.

Mr. ELDRIDGE. I rise to a question of order, whether that paper should not go to the joint committee on reconstruction. It has reference to the representation from the southern States, and if the purpose is to bury it that is the best place to bury it.

The SPEAKER. The point of order is made too late.

Mr. BANKS. It strikes me that this is in the nature of a reply to the work of the committee on reconstruction, and therefore—

Mr. WILSON, of Iowa. Debate is not in order.

The question being put on the motion to print and refer, there were—ayes fifty.

Before the result was announced, Mr. HARDING, of Kentucky, inquired if it was in order to have a division of the question.

The SPEAKER. It is too late now. If the gentleman rose before a division had commenced the Chair would entertain the motion.

Mr. HARDING, of Kentucky. I did not.

Mr. ELDRIDGE. If the motion does not prevail, will the motion to print fifty thousand be in order?

The SPEAKER. A motion to print an extra number of copies would go to the Committee on Printing under the law.

Mr. WILSON, of Iowa. I desire to make a suggestion.

Mr. ELDRIDGE. I hope the motion to print will be separated from the motion to refer to the Committee on the Judiciary.

Mr. WILSON, of Iowa. I submitted the motion to refer to the Committee on the Judiciary because I thought at the moment that that was the proper committee. No member of the joint committee on reconstruction seemed to consider that it should go to that committee until the gentleman from Massachusetts [Mr. BANKS] suggested it. I now understand that some of the members of that committee think it should be referred to them, and I am inclined to think, upon reflection, that it is the proper committee to which to refer it.

The SPEAKER. The Chair is of opinion that it is the proper committee, and had the point of order been raised in time, the Chair would have so ruled.

Mr. WILSON, of Iowa. I ask unanimous consent to modify my motion, and move that the message and accompanying documents, if any, be printed and referred to the joint committee on reconstruction.

No objection was made, and the motion was agreed to.

Mr. FINCK moved that fifty thousand extra copies of the message and documents be printed for the use of members.

The motion went to the Committee on Printing under the law.

LEAVE OF ABSENCE.

Mr. GARFIELD asked and obtained leave of absence for himself for one week from today.

INDIAN APPROPRIATION BILL.

Mr. KASSON. I move that the rules be suspended, and that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering the special order, being the Indian appropriation bill.

The motion was agreed to.

So the rules were suspended; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. RANDALL, of Pennsylvania, in the chair,) and proceeded to the consideration of the special order, being House bill No. 387, making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes for the year ending 30th June, 1867.

By unanimous consent the first reading of the bill was dispensed with.

The Clerk proceeded to read the bill by clauses for amendment.

Mr. KASSON. I move to amend the clause under the head of "Chippewas, Pillager, and Lake Winnebagoish bands," which now reads "for pay of an engineer to grist and saw mill at Leech Lake, \$600," by inserting after the words "Leech Lake," the words "per third article of treaty of 22d of February, 1855."

The amendment was agreed to.

Mr. KASSON. I also move to amend the clause in relation to the Delawares, which now reads, "for interest on \$46,800 at five per cent., being the value of thirty-six sections of land set apart by treaty of 1829 for education, \$2,304," by inserting after the word "educa-

tion" the words "per Senate resolution of January 19, 1838, and fifth article of treaty of May 6, 1856."

The amendment was agreed to.

Mr. KASSON. I also move to amend the clause in relation to the Iowas, which now reads, "for interest in lieu of investment on \$57,500, balance of \$157,500, to the 1st of July, 1866, at five per cent. per annum, for education or other beneficial purposes, under the direction of the President, \$2,875," by inserting after the word "President" the words "per second article treaty October 19, 1838, and ninth article treaty May 17, 1854."

The amendment was agreed to.

Mr. KASSON. I also move to amend the clause under head of "Kansas," which now reads, "for interest in lieu of investment on \$200,000 at five per cent. per annum, \$10,000," by inserting after "per annum" "per second article treaty January 14, 1846."

The amendment was agreed to.

Mr. KASSON. I also move to amend the first clause under the head of "Kickapoos," which now reads, "for fourteenth installment of interest, at five per cent. on \$100,000 for educational and other beneficial purposes, \$5,000," by inserting after the word "purposes" the words "per second article treaty May 18, 1854."

The amendment was agreed to.

Mr. KASSON. I also move to amend the second clause under the head of "Menomonees," which now reads, "for first of fifteen installments of annuity upon \$242,686 for cession of lands, \$16,179,063," by inserting after the word "lands" the words "per third article treaty May 12, 1854, and Senate amendments thereto;" and also by striking out the words "and two eighths."

The amendment was agreed to.

Mr. WINDOM. I ask unanimous consent of the committee to go back to the clauses under the head of "Chippewas of Lake Superior."

No objection was made.

Mr. WINDOM. I move the following as additional clauses to come in under the head of "Chippewas of Lake Superior:"

For this amount, to pay the salary and incidental expenses of a physician for the Chippewa Indians of Lake Superior for the fiscal year ending June 30, 1867, \$1,000.

For this amount, to purchase medicines for the sick of said Indians for the fiscal year ending June 30, 1867, \$500.

This amendment was prepared by the Commissioner of Indian Affairs and transmitted to me with the request that I would offer it as an amendment to this bill. I have here a communication from the Secretary of the Interior, and one from the Commissioner of Indian Affairs, stating that there is no fund for the payment of a physician for these Indians, and the funds of these Indians are not sufficient for that purpose.

Mr. KASSON. Let the letters be read. The Committee on Appropriations have no information on the subject.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR.

WASHINGTON, D. C., May 16, 1866.

SIR: I have the honor to request the favorable consideration of your committee upon the inclosed estimate of appropriation for the payment of the salary and incidental expenses of a physician for the Chippewa Indians of Lake Superior, and the purchase of medicines for the sick of said Indians, amounting to \$1,500 for the fiscal year ending June 30, 1867. For your information I transmit herewith copy of a report of the Commissioner of Indian Affairs upon the subject.

Very respectfully, your obedient servant,

JAMES HARLAN, Secretary.

Hon. WILLIAM WINDOM, Chairman Committee on Indian Affairs, House of Representatives.

DEPARTMENT OF THE INTERIOR.

OFFICE INDIAN AFFAIRS.

WASHINGTON, D. C., April 19, 1866.

SIR: I have the honor to transmit herewith a copy of a letter from L. B. Webb, Esq., agent for the Chippewas of Lake Superior, setting forth that there are no funds applicable to the payment of a physician for these Indians, that their annuities are so limited that they cannot pay one themselves, that there is a necessity for a physician among them, there being

none nearer than eighty miles from their reservation, and asking that an application be made to Congress for an appropriation to pay a physician, who shall reside with or near the Indians.

Agent Webb correctly sets forth the facts of the case, so far as they are within the knowledge of this office, and I have no doubt there is the necessity he states for a physician for those Indians.

The amount of \$1,500 per annum is specified by Agent Webb for payment of a physician, who shall furnish medicines for the Indians at his own expense. This estimate I consider reasonable.

I have therefore prepared an estimate for an appropriation for the object designated, which I have the honor to submit herewith. If you concur with the views of this office as to the propriety and necessity of such an appropriation, I would respectfully suggest that the matter be laid before the proper committees of Congress at its present session.

Very respectfully, your obedient servant,

D. N. COOLEY, *Commissioner.*

Hon. JAMES HARLAN, *Secretary of the Interior.*

Mr. KASSON. I have no knowledge of the facts, except as they are stated in the remarks of the gentleman from Minnesota, [Mr. WINDOM,] and in the letters which have been read. I shall be obliged, therefore, to submit the question to the action of the committee, only remarking that I do not find that the appropriations for the benefit of this tribe are so small as would seem to be indicated by one of the letters. The appropriations in this bill for these Indians, for various purposes amount to a great many thousand dollars. Among the appropriations I find the following:

Fort-twelfth of twenty installments in coin, per fourth article treaty 30th September, 1854, \$5,000.

The application of this sum is not specified, and I would suggest that a portion might be expended for the purchase of necessary medicines. I would remark, however, that according to the experience hitherto in the West, the fewer the medicines that find their way among these tribes, the better will be their health. If it be deemed necessary to have a physician for these Indians, I certainly am not disposed to object.

Mr. SPALDING. Mr. Chairman, I do not feel at liberty to vote for this amendment, and I hope that the committee will not agree to it. It seems to me somewhat remarkable that after the numerous appropriations embraced in the bill, amounting to thousands of dollars, we should now be asked to send among these Indians, at an expense of \$1,500, some person (who could probably now be named) as a physician to prescribe for the bodily ills of the Indians. I believe that this is only one method among ten thousand of providing for some favorites who are hanging around this Indian Bureau.

Mr. WINDOM. I am not aware of any facts in addition to those I have stated. If there be any favorites hanging around, expecting to get places, I do not know anything about that. I have offered this amendment simply because such a provision has been recommended by the chief of the Indian Office and the head of the Interior Department. Whenever there is offered here any proposition directed against the Indians, the sympathies of certain gentlemen are always aroused; but whenever it is proposed to do anything for the benefit of the Indians the proposition is at once suspected as involving some improper scheme. I believe that the appropriation which I have moved is an honest appropriation and ought to be made. I know nothing about it, however, except what I have stated.

Mr. SPALDING. The prejudice is not against the Indians, but against some of our own race, who seek to defraud the Indians as well as the Government. That is what arouses our suspicions; and the trouble is that the Indian accounts have been full of instances of such frauds, as has been found by investigation of those accounts in the committee-room.

Mr. KASSON. I think that under the circumstances it is better to let the bill go to the Senate without this amendment. The matter can be presented to the Committee on Indian Affairs of that body, with proper statements regarding the matter.

The amendment was not agreed to.

Mr. KASSON. I move to amend by inserting at the end of line four hundred and fifty-three the words "per fourth article treaty September 24, 1857;" so that the paragraph will read as follows:

For grist and saw mill, and keeping the same in repairs, per fourth article treaty September 24, 1857, \$300.

The amendment was agreed to.

Mr. KASSON. I move to amend by striking out, in lines four hundred and ninety-nine and five hundred, the words "to supply a deficiency in this appropriation for the current fiscal year" and inserting in lieu thereof the words "for iron and steel;" so that the paragraph will read:

For permanent provision for three blacksmiths and assistants, and permanent provision for iron and steel for shops, per third article treaty 16th October, 1826, second article treaty 20th September, 1828, and second article treaty 29th July, 1829, \$2,160; and for iron and steel, \$600.

The amendment was agreed to.

Mr. KASSON. I move to amend by striking out, in line six hundred and twenty-three, "19th," and inserting in lieu thereof "29th;" and by striking out, in line six hundred and twenty-four, the word "three" and inserting in lieu thereof the word "four;" so that the paragraph will read:

Umpqua and Calapoosias of Umpqua Valley, Oregon:

For second of five installments, of the third series, of annuity for beneficial objects, to be expended as directed by the President, per third article treaty 29th September, 1854, \$1,700.

The amendment was agreed to.

Mr. COBB. I move to amend by inserting after line six hundred and forty-one the following:

Winnebago and Pottawatomie Indians of Wisconsin:

To enable the Secretary of the Interior to take charge of certain stray bands of Winnebago and Pottawatomie Indians in the State of Wisconsin, \$10,000.

This is a very necessary appropriation. I am authorized to say it was only omitted from the estimates upon which this bill was framed because of a clerical error. I will say, from my own personal knowledge, the appropriation is absolutely necessary.

Mr. SPALDING. Has the gentleman any letter from the Secretary of the Interior or the Commissioner of Indian Affairs?

Mr. COBB. There is such a letter in my possession, but I have it not here. It states the fact I have just given to the House. These Indians are located, not in my district, but in the district of my colleague, [Mr. McINDOE.] I have, therefore, no particular personal interest in the matter. My colleague left the paper with others in my possession. I have been absent for several days and did not expect this bill to come up to-day.

Mr. SPALDING. I do not doubt the gentleman's word. I only object to this mode of doing business. Here is an increase of \$10,000 on the gentleman's saying that sum was left out of the estimates by a clerical mistake.

Mr. KASSON. I will say, in reference to this, that at the end of the bill my friend will find the following:

For salary of a special agent to take charge of the Winnebago and Pottawatomie Indians now in the State of Wisconsin, \$1,500.

This whole subject was presented to the Committee on Appropriations, including the item of \$10,000 he asks for. The committee was not satisfied of the necessity of the appropriation, and it refused to grant it. I am also instructed to move to strike out the clause for a special agent, as the Indian Bureau declares they do not want this special agent without the other appropriation, that committee declining to give it on the information furnished. That is the state of affairs as connected with this action of the committee.

Mr. COBB. I ask in what manner this subject was before the committee.

Mr. KASSON. Through the estimates. Such is my recollection.

Mr. COBB. I think there must be some mistake about this matter. I am at a great loss

to see how the gentlemen who compose that committee could have come to the conclusion this should be stricken out of the estimates of the Department. The greater portion of these roving bands of Indians, to which this recommendation alludes, were originally colonized in the State of Wisconsin. They were brought there about twenty-four or twenty-five years ago. They were, some ten or fifteen years ago, induced to accept a reservation purchased in what I think is now the State of Kansas or Territory of Nebraska, and were removed to that reservation. They almost immediately returned, a large portion of them, to the State of Wisconsin. I think they have been removed half a dozen times by the authority of the Government. I have seen a person called a special agent of the Government removing them; but no sooner does he get them across the river and settled upon their reservation than they wander back again and colonize themselves on the Wisconsin river in the central part of the State. Of course, as soon as winter sets in they are left destitute, and commit depredations upon the white people. Quite a number of murders and other crimes have been committed by them.

I say unless the Government takes care of them in some way, unless some authorized agent takes charge of them or removes them, they will become an intolerable nuisance. I know that with the utmost exertion of my colleague, [Mr. McINDOE,] in whose district these Indians are, and who has a great influence with them, I say it has been with the greatest difficulty, with every personal exertion on his part, that he has prevented the white inhabitants turning out and annihilating these Indians all over the State. It has only been prevented by a pledge given that the Government would take care of these Indians, and prevent the necessity of their living by pillage, as they have done in the winter time. It is a matter of absolute necessity that something should be done. These bands of roving Indians are now without any means of support. The Government has made appropriations like this for years past, and these Indians have lived upon them up to this time. Therefore, unless the Government removes them and keeps them away, it becomes an absolute necessity that the Government should take care of them.

Mr. KASSON. I have not been able to hear the whole of the statement of the gentleman from Wisconsin, [Mr. COBB,] but I would remind him that at the last session of Congress we appropriated \$10,000 for this same purpose. I would like him to state how that appropriation was expended, if it proved insufficient, or why it is that this additional demand is made.

Mr. COBB. I can only state what the Commissioner of Indian Affairs told me in an informal conversation, and that was, that one reason why this item was not embraced in the estimates was that this special agent had not when the estimates were prepared made his report on the expenditure of the \$10,000 appropriated last year.

Mr. KASSON. My impression is that the allowance of money for such a purpose will not really accomplish the object designed. These Indians are unwilling to go. They have returned, as my friend states, to their old ground. There is but one way to accomplish their removal, and that is through the military action of the Government. This idea of appropriating \$10,000 year after year for this purpose is a waste of so much money. It will not enable the Government to remove the Indians. The appropriations heretofore made have been unavailing, and I believe that it would be better to rely upon the military arm of the Government.

Mr. WASHBURN, of Illinois. I desire to say a word upon this subject, in addition to what has been said by my friend from Wisconsin, [Mr. COBB,] I have the honor to represent a district adjoining that of his colleague, [Mr. McINDOE,] and I know something of the state of things which has existed in that dis-

strict in relation to these Indians. The Indians of this tribe have been in the habit of coming back to their own camping-grounds, and have been a great nuisance to the people all through the section of country to which my friend has referred. They have committed innumerable outrages, and I think the cheapest way of getting rid of them is to make an appropriation and employ a superintendent or agent to remove them. It would cost more to remove them by military power, even if it could be done, than the amount now asked for. The committee can well understand what a nuisance it is to the people of that section of country to have these Indians roving about, thieving, and robbing, and sometimes even murdering. I think, sir, that this will be the cheapest way to get rid of them. But I hope my friend will reduce the appropriation from \$10,000 to \$5,000. I think \$5,000 will be enough for the purpose.

Mr. KASSON. I confess I do not see how an appropriation of \$10,000 or \$5,000 is going to get the Indians out of that country and keep them out of it, even though the fund be administered by a very good agent.

Mr. COBB. In reply to the gentleman I will say that I have no idea the money would be sufficient for the purpose of removing these Indians, for I have no doubt but it would cost \$100,000 to remove them. This appropriation is to take care of them where they are.

Mr. KASSON. I suggest to my friend from Wisconsin, without wishing to prejudice his proposition at all, that since this bill has been printed, it has been submitted to the Indian department, and they have made no communication upon this subject to the Committee on Appropriations. I trust he will let the bill go to the Senate, and let the committee there examine the whole subject. I know of no disposition on the part of any member of the Committee on Appropriations of this House to prevent the accomplishment of this object in any proper way; but I submit to him that we are not now prepared to pass decisively upon it.

Mr. COBB. If it were my own motion, I would agree with the gentleman's suggestion, but I have made the motion in behalf of my colleague [Mr. McINDOE] who is absent, and I do not feel at liberty to withdraw it.

Mr. WASHBURN, of Illinois. I move to amend the amendment by striking out \$10,000, and inserting in lieu thereof \$5,000.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

Mr. KASSON. At the end of line six hundred and ninety-seven I move to insert the words "per fifth article treaty January 31, 1855;" so that it will read:

Makah Tribe:

For first of four installments of \$630,000, (being the fourth series,) under the direction of the President, per fifth article treaty January 31, 1855, \$1,500.

The amendment was agreed to.

Mr. KASSON. I move to amend, in line seven hundred and seventy-nine, by inserting after the word "President" the words "per fourth article treaty 11th July, 1855," so that it will read:

Nez Percé Indians:

For second of five installments, of second series, for beneficial objects, at discretion of the President, per fourth article treaty July 11, 1855, \$8,000.

The amendment was agreed to.

Mr. KASSON. There are a number of these amendments which I am instructed to offer, merely inserting the dates of treaties. They are, in fact, mere verbal corrections of the bill, and it will save a great deal of time if I hand a list of them to the Clerk and let him make the corrections. I hope there will be no objection to that course being pursued.

No objection was made, and the bill was corrected accordingly.

Mr. BURLEIGH. I find the following clause in this bill:

For insurance and transportation of annuity goods and provisions to the Flathead Indians for the fiscal year ending June 30, 1867, \$11,920 41.

Now, I desire to inquire of the gentleman from Iowa [Mr. KASSON] if it is proposed to make appropriations for insuring Indian goods. I know that last year there were some seventy or eighty thousand dollars' worth of Indian goods burned at St. Louis, upon which there was no insurance.

Mr. KASSON. This provision has been heretofore placed in Indian appropriation bills. It is a simple question as to whether the Government shall insure its own goods or get them insured.

Mr. BURLEIGH. I know that Indian goods have been destroyed for the past two or three years. I know that some seventy or eighty thousand dollars' worth of Indian goods were destroyed at St. Louis last year; and I know they were not insured. If money is appropriated for this purpose, I want to know why it is not so applied.

Mr. KASSON. The Committee on Appropriations, as the gentleman from Dakota [Mr. BURLEIGH] well knows, is not in charge of the expenditures of the Indian department. It has been thought proper to place this item in the Indian appropriation bill, leaving it to the Commissioner of Indian Affairs to insure such goods as he may deem it proper to insure. The goods that are sent across the plains in wagons are not generally insured, I believe. Those that go up the Missouri river, I think, are probably insured; if not, perhaps they ought to be. But that is a matter of discretion on the part of the Commissioner of Indian Affairs.

Mr. BURLEIGH. I know that those goods were destroyed; and I know that no insurance was effected upon them; and I ask, what is the use of appropriating this money for the purpose of insuring these Indians' goods when it is not used for that purpose, but most probably divided up among the officers of the Indian Bureau? I move to strike out this clause.

The CHAIRMAN. The committee having passed that point in the consideration of this bill, the motion of the gentleman from Dakota [Mr. BURLEIGH] can be entertained only by unanimous consent.

Mr. WASHBURN, of Illinois. I object to going back for any such purpose.

Mr. KASSON. I move to amend the clause under the head of "Indian service in Colorado Territory," which now reads, "for payment of interest on \$68,000 abstracted bonds, for the fiscal year ending June 30, 1866, \$4,080," by inserting after "1866" the words "of the Cherokee national fund."

The amendment was agreed to.

Mr. BURLEIGH. I move to strike out the clause which reads as follows:

For subsistence, clothing, and general incidental expenses of the Sisseton, Wahpaton, Medawakanton, and Wahpakoota bands of Sioux or Dakota Indians, at their new homes, \$100,000.

My reason for that motion is this: these Indians were removed from Minnesota to Dakota Territory in 1863, in pursuance of an act of Congress. Within the last few months these Indians have been removed from their former location in the Territory down into our settlement. I believe that this whole thing has been done in violation of law, and not in pursuance of the act of Congress which gave the authority for their removal from the State of Minnesota and their location in the Territory of Dakota. Now, it appears to me to be high time for Congress to understand the action of our Indian agents before they appropriate any more money for this purpose. These Indians have been located in our midst, and we have been told by the officers having this matter in charge that they have been located there in pursuance of the authority given by the act of Congress of 1863. Now, I am perfectly satisfied, and so are others better qualified to judge of these matters, that the power conferred by that act was exhausted by the first removal and location of these Indians. I would like to have the sense of the House upon that question, and therefore I move to strike out this clause.

The motion to strike out was not agreed to.

The Clerk read the following:

Indian service in Dakota Territory:

For the general incidental expenses of the Indian service in Dakota Territory, presents of goods, agricultural implements, and other useful articles, and to assist them to locate in permanent abodes and sustain themselves by the pursuits of civilized life, to be expended under the direction of the Secretary of the Interior, \$20,000.

Mr. HUBBARD, of Iowa. I do not know that that appropriation is needed for Dakota Territory. [Laughter.] I therefore move to strike it out.

Mr. WASHBURN, of Illinois. That motion comes from the Committee on Indian Affairs, I believe. [Laughter.] I hope it will be agreed to.

The motion to strike out was agreed to.

Mr. KASSON. I move to amend line twelve hundred and forty-three by inserting after the word "superintendency" the words "for the fiscal year ending June 30, 1867."

The amendment was agreed to.

Mr. KASSON. I am also instructed by the Committee on Appropriations to move to strike out the clause which reads as follows:

For salary of a special agent to take charge of Winnebago and Pottawatomie Indians now in the State of Wisconsin, \$1,500.

Mr. COBB. I hope, Mr. Chairman, that this amendment will not prevail. We have already appropriated \$5,000 for the benefit of these Indians. It is necessary that this agent should be continued in order that this appropriation shall be of any use.

Mr. KASSON. There are agents now connected with the department who can take charge of the administration of this fund. I understand that there is an excellent agent who has attended to this business heretofore and can do so again. It certainly is not proper to create a permanent agency with a salary of \$1,500 per annum for the disbursement of a single fund of \$5,000.

Mr. COBB. I beg leave to inform the gentleman from Iowa that the very competent agent as well as honest man to whom he refers has been removed from office; and whether as good a one has been appointed in his place remains to be seen; I very much doubt it. But that agent, however competent, however honest, never did perform these duties. All the appropriations for this purpose have been expended through the agency of Mr. Lemereaux, a special agent appointed some two years ago. I have no doubt that there are a great many agents belonging to the Indian department, and I do not doubt that there is a great deal of material out of which new agents may be made if there be not already a sufficient number. But this gentleman resides in the immediate locality; he has taken care of these Indians for the last two years, expending all the appropriations that have been made for them. I think it would be poor economy at this time to abolish this office. I trust that the gentleman will not press his amendment.

Mr. KASSON. This is not a matter of very great consequence, and I certainly am not disposed to make a strong point upon a small matter. But it certainly appears to me improper to appoint an agent at an annual salary of \$1,500 to expend an appropriation of \$5,000. He would probably be able to disburse the money in thirty days.

Mr. COBB. If the expenses of disbursing this appropriation of \$5,000 are to be deducted from the appropriation itself the amount remaining will be sufficient to accomplish the object contemplated.

Mr. KASSON. If the gentleman says that there is now no agent connected with the department who can properly disburse this sum of \$5,000 and take charge of these Indians, I certainly will not insist on my amendment.

Mr. COBB. I certainly do say so.

Mr. KASSON. Then I withdraw the amendment.

Mr. Chairman, I am instructed by the Committee on Appropriations to offer as new sections, to come in at the end of the bill, the paragraphs which I send to the Clerk.

The Clerk read as follows:

SEC. 1. *And be it further enacted*, That from and after the 31st day of December, 1863, the Secretary of War shall exercise the supervisory and appellate powers, and possess the jurisdiction now exercised and possessed by the Secretary of the Interior in relation to all the acts of the Commissioner of Indian Affairs, and shall sign all requisitions for the advance or payment of money out of the Treasury on estimates or accounts, subject to the same adjustment or control now exercised on similar estimates or accounts by the Auditors and Comptrollers of the Treasury, or either of them.

SEC. 2. *And be it further enacted*, That—

Mr. WINDOM. I raise the point of order that this amendment is out of order, for the reason that it is not to carry out any treaty stipulation or any provision of existing law. Hence it is not in order on an appropriation bill.

Mr. KASSON. If I understand the objection, it does not apply, as the amendment is germane to the objects of the bill, being designed to direct the manner in which the appropriations shall hereafter be disbursed. I submit, therefore, that the point of order is not well taken.

The CHAIRMAN. The Chair rules that the amendment is not in order, as it changes existing law.

Mr. KASSON. Let the whole amendment be read before the Chair gives his decision.

The Clerk concluded the reading of the amendment, as follows:

SEC. 2. *And be it further enacted*, That the Secretary of War shall be authorized, whenever in his opinion it shall promote the economy and efficiency of the Indian service, to establish convenient departments and districts for the proper administration of the duties now imposed by law on the superintendents of Indian affairs and upon agents and sub-agents, and to substitute for such superintendents and agents officers of the Army of the United States, who shall be designated for that purpose, and who shall then become charged with all the duties now imposed by law upon the superintendents and agents thus superseded, and without additional compensation therefor. Officers of the Army so designated, shall not be required to give the bonds now required of civil appointees, but shall be responsible for any neglect or maladministration, according to the Rules and Articles of War.

SEC. 3. *And be it further enacted*, That all contracts for transportation connected with the Indian service shall hereafter be made in the same manner and at the same time provided for transportation for the use of the Army.

SEC. 4. *And be it further enacted*, That the Secretary of War shall be authorized to withhold all special licenses from traders, and, under regulations to be by him prescribed, to provide the times and places at which all traders complying therewith may present themselves for bargain, barter, and exchange with the several Indian tribes, according to the laws of the United States regulating the same.

SEC. 5. *And be it further enacted*, That all laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

The CHAIRMAN. The Clerk will read for the information of the committee the rule on which the decision of the Chair is based.

The Clerk read as follows:

"No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress, and for the contingencies for carrying on the several Departments of the Government."

The CHAIRMAN. It has been decided that under this rule it is not in order to propose an amendment to a general appropriation bill which changes an existing law.

Mr. KASSON. I believe the Chair is right. I move that the committee rise and report the bill to the House.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. RANDALL, of Pennsylvania, reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly House bill No. 337, making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1867, and had directed him to report the same back to the House with sundry amendments.

Mr. KASSON. I move that the vote be taken on all the amendments of the Committee of the Whole on the state of the Union,

reserving for a separate vote the amendment adopted on motion of the gentleman from Iowa, [Mr. HUBBARD.]

There was no objection, and the amendments were concurred in.

The question then recurred on striking out the following words:

Indian service in Dakota Territory:

For the general incidental expenses of the Indian service in Dakota Territory, presents of goods, agricultural implements, and other useful articles, and to assist them to locate in permanent abodes and sustain themselves by the pursuits of civilized life, to be expended under the direction of the Secretary of the Interior, \$20,000.

Mr. HUBBARD, of Iowa. I do not insist on that amendment.

The amendment was non-concurred in.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. KASSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. SMITH, one of its Clerks, notifying the House that that body had passed a bill (S. No. 369) to establish certain post roads, in which he was directed to ask the concurrence of the House.

KOONTZ VERSUS COFFROTH.

Mr. DAWES presented papers in the case of Koontz vs. Coffroth; which were referred to the Committee of Elections.

REVISION OF UNITED STATES STATUTES.

Mr. WOODBRIDGE, by unanimous consent, from the Committee on the Judiciary, reported back Senate bill No. 59, to provide for the revision and consolidation of the statutes of the United States, with the recommendation that it do pass.

The bill is as follows:

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint three persons, learned in the law, as commissioners, to revise, simplify, arrange, and consolidate all statutes of the United States, general and permanent in their nature, which shall be in force at the time such commissioners may make the final report of their doings.

SEC. 2. *And be it further enacted*, That, in performing this duty, the commissioners shall bring together all statutes and parts of statutes which, from similarity of subject, ought to be brought together, omitting redundant or obsolete enactments, and making such alterations as may be necessary to reconcile the contradictions, supply the omissions, and amend the imperfections of the original text; and they shall arrange the same under titles, chapters, and sections, or other suitable divisions and subdivisions, with head-notes briefly expressive of the matter contained in such divisions; also with side-notes, so drawn as to point to the contents of the text, and with references to the original text from which each section is compiled, and to the decisions of the Federal courts, explaining or expounding the same, and also to such decisions of the State courts as they may deem expedient; and they shall provide by a temporary index, or other expedient means, for an easy reference to every portion of their report.

SEC. 3. *And be it further enacted*, That when the commissioners have completed the revision and consolidation of the statutes, as aforesaid, they shall cause a copy of the same, in print, to be submitted to Congress, that the statutes so revised and consolidated may be re-enacted, if Congress shall so determine; and at the same time they shall also suggest to Congress such contradictions, omissions, and imperfections as may appear in the original text, with the mode in which they have reconciled, supplied, and amended the same; and they may also designate such statutes or parts of statutes as, in their judgment, ought to be repealed, with their reasons for such repeal.

SEC. 4. *And be it further enacted*, That the commissioners shall be authorized to cause their work to be printed in parts, so fast as it may be ready for the press, and to distribute copies of the same to members of Congress, and to such other persons, in limited numbers, as they may see fit, for the purpose of obtaining their suggestions; and they shall, from time to time, report to Congress their progress and doings.

SEC. 5. *And be it further enacted*, That the statutes so revised and consolidated shall be reported to Congress as soon as practicable, and the whole work closed without unnecessary delay.

SEC. 6. *And be it further enacted*, That the commissioners shall each receive as compensation for his services at the rate of \$5,000 a year for three years, with the reasonable expenses of clerical service and

other incidental matters, not to exceed \$2,000 annually for such expenses.

The bill was ordered to be read a third time; and it was accordingly read the third time and passed.

Mr. WOODBRIDGE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

The SPEAKER asked and obtained indefinite leave of absence for Mr. KETCHAM and Mr. J. L. THOMAS.

ELLEN SANDERSON.

Mr. ROUSSEAU. I ask unanimous consent to report, from the Committee on Military Affairs, House bill No. 275, for the relief of Ellen Sanderson.

The bill was read. It authorizes the payment of \$10,000 to Ellen Sanderson, widow of Colonel John P. Sanderson, provost marshal general of Missouri, for services in detecting and exposing an organized conspiracy in the loyal States against the Government of the United States.

Mr. WASHBURN, of Illinois. I call for the reading of the report.

The report was read.

Mr. WASHBURN, of Illinois. That report is not very satisfactory.

Mr. BOUTWELL, and Mr. ASHLEY, of Ohio, objected to the consideration of the bill.

Mr. ROUSSEAU. I am sorry there is any objection raised.

Mr. BOUTWELL. I will withdraw my objection for the purpose of hearing a statement of the facts, reserving the right to renew it.

Mr. ROUSSEAU. I can state the case in a few words. I suppose every member is aware of the fact that this man was provost marshal in General Rosecrans's district. He spent some three months of the latter part of his life in detecting and exposing a conspiracy gotten up in the Northwest to overthrow the Government, in which Bowles and Horsey were implicated and convicted. Everybody is familiar with it. There was but one such conspiracy against the Government that I know of, except the great rebellion. In detecting and exposing this conspiracy, Colonel Sanderson devoted the last three months of his life, and in fact died in his efforts just before the work was completed.

Mr. ASHLEY, of Ohio. If there is to be any report made in this case I will withdraw my objection.

Mr. ROUSSEAU. I have only to say that he gave up his life in the discovery of this conspiracy, and I know of no more important work done during the rebellion than that which he did, nothing more beneficial to the country. I think if there is a just claim against the Government that has been presented during this session it is this one on behalf of his widow.

Mr. BENJAMIN. I would inquire if Colonel Sanderson was not an officer of the Army, drawing his pay like other officers.

Mr. ROUSSEAU. Yes, sir.

Mr. BENJAMIN. Did he discharge any other duty than what was incumbent upon him as an officer of the Government?

Mr. ROUSSEAU. Perhaps he discharged nothing but what he ought to have done, but his services were very extraordinary, such as were never rendered before, I believe, in the history of this country by anybody—extraordinary not only in character as regards labor and difficulty, but in their results. I will yield to the gentleman from Ohio, [Mr. SHELLABARGER.]

Mr. SHELLABARGER. I ask the indulgence of the House to make a brief statement. The matter of the services of Colonel Sanderson came to my personal knowledge especially and peculiarly on account of the fact that his widow was a resident of my district. The general character of those services is known to the entire country. Their inestimable value has been fully recognized and appreciated by the country. Every loyal citizen who has read the

report of Judge Holt, which is founded mainly upon that singularly exhaustive and laborious report of Colonel Sanderson, knows the national value and character of those services.

Now, the statement that I desire to make of what has especially come to my own knowledge is this, that the services, in their nature, were: in the first place, of a kind that did not in the main appertain to the duties of the office that he held. Although they were akin to those duties, yet the greatest part of them were not such as came within the official purview of his office. His services were of a character that could not be delegated to others, being strictly secret and confidential; and the slightest whisper in regard to them to another would have been utterly fatal to the cause of the Government. Hence they had to be discharged by this singularly faithful officer or not discharged at all. While he was alive and in the discharge of these duties he was admonished again and again that he was discharging them at the hazard of his life. His reply was, "My life shall be sacrificed if the interests of my Government demand it. These duties cannot be delegated, they must be gone forward with." And he went forward with them and let me say here in the face of the House, that his services were eminently valuable in saving the Government. They were of national importance. They resulted in the exposure of a wide-spread and universal conspiracy. He left a widow and children in indigent circumstances; and now we ask that this widow and children of one who deliberately laid down his life that the Government might live shall have the small allowance proposed by this measure. I do hope the House will permit the bill to pass.

Mr. BENJAMIN. I desire to ask the gentleman from Ohio when this officer laid down his life for the Government, and in what manner he did it. He died a natural death, did he not?

Mr. SHELLABARGER. It was the hard work he performed in his infirm state of health that killed him. The amount of work he did can be shown by the manuscript he produced, which is, I believe, in the hands of the Military Committee of this House. It includes several thousand pages of report.

Mr. BENJAMIN. I object to the consideration of the bill.

HOMESTEAD SELECTION.

Mr. DONNELLY, by unanimous consent, introduced a joint resolution to enable discharged soldiers to change the location of homestead selections in certain cases; which was read a first and second time and referred to the Committee on Public Lands.

And then, on motion of Mr. SPALDING, (at ten minutes past four o'clock, p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule and referred to the appropriate committees: By Mr. BANKS: The memorial of General M. C. Meigs, and several hundred residents and citizens of Washington, praying that Congress will appropriate suitable grounds, within a convenient distance of the city, for a public park.

Also, the memorial of General O. O. Howard, and many others, citizens and residents of Washington, praying that Congress will set apart suitable grounds for a public park of not less than one thousand acres, within a convenient distance of the city.

By Mr. GRISWOLD: Remonstrances of a large number of citizens of northern New York against making Rouse's Point bridge a post road.

By Mr. HALE: Twelve petitions of citizens of Clinton and Essex counties, New York, praying the repeal of an act to establish a post route from West Alburg, Vermont, to Champlain, New York, and for other purposes, approved May 21, 1866.

By Mr. HOTCHKISS: The petition of citizens of Broome county, New York, for the relief of State banks.

By Mr. PERHAM: The petition of Emerance Berube, for pension to her minor children.

By Mr. RICE, of Massachusetts: The remonstrance of the Atchison and Pike's Peak Railroad Company against granting permission to the Kansas branch of the Union Pacific railroad to refile their map, &c.

By Mr. WOODBRIDGE: The petition of H. H. Lovy-eridge, and 30 others, citizens of Meadville, Pennsylvania, for the relief of Edwin L. Drake; also of John Miller, president of Cherry Run and Chenango Oil Company, and others, for the same purpose.

IN SENATE.

SATURDAY, June 23, 1866.

Prayer by Rev. Dr. McCosh, of Queen's College, Belfast, Ireland.

On motion of Mr. WILSON, and by unanimous consent, the reading of the Journal of yesterday was dispensed with.

PETITIONS AND MEMORIALS.

Mr. WILSON presented the petition of Lieutenant Colonel Floyd Jones, of the nineteenth infantry, and other officers of the Army, praying for an increase of compensation; which was referred to the Committee on Military Affairs and the Militia.

Mr. MORGAN presented the petition of Peter V. King & Co., and other importers and dealers in coffee, tea, sugar, and other foreign merchandise, praying that the tax on sales made by commercial brokers may be repealed; which was ordered to lie on the table.

Mr. HARRIS presented four petitions of citizens of New York, praying for the repeal or modification of the law imposing a tax of ten per cent. on the circulation of State banks after the 1st of July next; which were ordered to lie on the table.

He also presented the petition of the North American Kessel Committee, praying Congress to make a donation to assist in erecting a national monument at the seat of Government to the memory of Joseph Kessel, the author of the invention and of the first application of the screw in steam navigation; which was referred to the Committee on Naval Affairs.

REPORTS OF COMMITTEES.

Mr. COWAN, from the Committee on Patents and the Patent Office, to whom was referred a bill (H. R. No. 591) for the relief of Thomas D. Burrall, reported it without amendment.

He also, from the same committee, to whom was referred the memorial of Hayward A. Harvey, praying for a further extension of the patents granted to the late Thomas W. Harvey, for the manufacture of wood screws, reported a bill (S. No. 388) for the relief of Hayward A. Harvey; which was read and passed to a second reading.

He also, from the same committee, to whom was referred the petition of Stephen K. Parkhurst, praying for an extension of his patent for ginning cotton and burring wool, reported a bill (S. No. 389) for the relief of Stephen K. Parkhurst; which was read and passed to a second reading.

Mr. LANE, of Indiana, from the Committee on Pensions, to whom was referred a petition of citizens of Union county, Indiana, praying that a pension may be granted to John Pyle, who lost his left leg while in the discharge of his duty as a soldier, submitted a report accompanied by a bill (S. No. 390) granting a pension to John Pyle. The bill was read and passed to a second reading, and the report was ordered to be printed.

PATENT FEES.

Mr. COWAN. I am instructed by the Committee on Patents and the Patent Office, to whom was referred the bill (H. R. No. 342) in amendment of an act to promote the progress of the useful arts, and the acts in amendment of and in addition thereto, to report it back without amendment and with the recommendation that it pass. As I presume there will be no objection to the bill, I ask unanimous consent to have it considered this morning.

There being no objection, the bill was considered as in Committee of the Whole. It provides that upon appealing for the first time from the decision of the primary examiner to the examiners-in-chief in the Patent Office, the appellant shall pay a fee of ten dollars into the Patent Office to the credit of the patent fund; and that no appeal from the primary examiner to the examiners-in-chief shall hereafter be allowed until the appellant shall pay this fee.

Mr. COWAN. I will merely state that an application for a patent is first referred to the

primary examiner, and if the decision is adverse there is an appeal to the board of examiners, but on that appeal there is no fee now paid. It is complained in the office that parties do not appear before the primary examiners, because they can appeal without any additional cost; and it is therefore thought to be advisable, for the purpose of compelling them to attend to the case before the primary examiners, that there should be an appeal fee, to be paid before going to the examiners-in-chief. The committee think this is proper, and have therefore recommended the passage of the bill.

Mr. GRIMES. Is that all there is in the bill?

Mr. COWAN. That is all.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

BILL INTRODUCED.

Mr. RAMSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 387) to secure the speedy construction of the Northern Pacific railroad and telegraph line, and to secure to the Government the use of the same for postal, military, and other purposes; which was read twice by its title, referred to the Committee on the Pacific Railroad, and ordered to be printed.

RICHARD W. MEADE.

Mr. WILLIAMS. I move that the Senate proceed to the consideration of the joint resolution (S. No. 39) to refer the claim of the administrator of Richard W. Meade, deceased, to the Court of Claims.

Mr. FESSENDEN. I do not know what the meaning of that is. I am utterly opposed to these resolutions referring particular cases to the Court of Claims, over which that court now have no jurisdiction. If we want to increase their jurisdiction we should do it by an amendment to the statute, without taking up these cases, of which they have no jurisdiction now, and referring them there.

Mr. WILLIAMS. I should like to have the resolution read before it is condemned, so that the Senate may see what it contains.

The PRESIDENT *pro tempore*. The reading of the resolution at length is asked for, and it will be read.

The Secretary read as follows:

Whereas doubts are entertained whether the claim of the estate of Richard W. Meade, deceased, upon the Government of the United States is covered and embraced by the ninth section of the act of 3d March, 1863, entitled "An act to amend an act to establish a court for the investigation of claims against the United States," approved February 24, 1855, which case was referred to the said court by resolution of the Senate, passed 27th February, 1861: Now, in order to remove all doubts on that subject,
Resolved, &c. That the said claim of Richard W. Meade, administrator of Richard W. Meade, deceased, be, and the same is hereby, referred to the Court of Claims for adjudication thereof, pursuant to authority conferred upon said court by an existing law to examine and decide claims against the United States referred to it by Congress.

Mr. FESSENDEN. I do not see that that meets the objection at all.

The PRESIDENT *pro tempore*. It is moved that the Senate proceed to the consideration of the joint resolution which has just been read.

Mr. FESSENDEN. I hope it will not be taken up. I am opposed to all of these resolutions.

Mr. WILLIAMS. This resolution is simply intended to remove doubts as to the jurisdiction of the Court of Claims over a case now pending in that court referred by a resolution of the Senate to the Court of Claims. I do not know that it is advisable to proceed with a statement of the merits of the claim now. It is an old claim. The heirs of Richard W. Meade—Captain Meade, General Meade, and others—simply desire to have the question settled as to whether the Government is responsible for this claim or not by an adjudication of the Court of Claims; and then by an adjudication of the Supreme Court; and if it is eventually decided that the Government is not responsible for this claim they desire, under such circumstances, to make application to the

the Government of Spain, as this is a claim which originated against the Government of Spain; and when the treaty was made between Spain and the United States, contrary to the protest of Commodore Meade, the Government undertook to discharge Spain from the payment of this claim and assumed its payment. Since that time it has been litigated in various ways and forms, and there have been reports for and against it; but there has never been any final determination of the matter. The parties interested simply desire to have the question submitted finally to the Supreme Court of the United States.

There is nothing in this resolution indorsing the correctness of the claim. I have examined the claim thoroughly. I do not care to express my opinion upon it; but I am satisfied that if the claim is not paid the Government will do an act of great injustice to the parties concerned. The merits of the claim, however, are not now particularly involved. This is simply a resolution to enable these parties to have the question finally adjudicated by the courts of this country. They hold from the Government of Spain an absolute acknowledgment of this indebtedness; and if the Government of the United States had not interfered, contrary to their wishes and contrary to the protest of the holders of the claim, they would have been paid long ago by the Government of Spain; but this Government having interfered the payment was prevented, and the Government, upon one quibble and another, since that time has refused to make payment. I do not see any particular injustice in allowing these heirs who are interested in this claim to have it litigated before the courts of the country and finally determined. That is all this resolution proposes to do. If the Senate is disposed to vote it down, of course I have nothing to say; but according to the examination I have made of the matter, I believe it is no more than right and just that this resolution should pass.

Mr. CLARK. I have had no opportunity of examining this claim at length, though I desire to do so, and I suggest to the Senator from Oregon that he let it lie until the first of next week.

Mr. WILLIAMS. I have no desire to press the matter unduly; but the case is now pending in court, and when it is reached upon the docket it will be dismissed, I suppose, unless there is some resolution passed by Congress recognizing or confirming the jurisdiction of the court.

Mr. CLARK. I presume that will not be done during next week. I move that the resolution be postponed until next week.

Mr. TRUMBULL. I believe it has not yet been taken up.

Mr. CLARK. Then no action is necessary.

Mr. WILLIAMS. I will let it go by.

The PRESIDENT *pro tempore*. Is the motion to take up the joint resolution withdrawn?

Mr. WILLIAMS. Yes, sir, it is.

ACCOMMODATION OF STATE DEPARTMENT.

Mr. TRUMBULL. I move to take up for consideration Senate joint resolution No. 110, which I reported two or three days ago.

The motion was agreed to; and the joint resolution (S. R. No. 110) to authorize the hiring of a building or buildings for the temporary accommodation of the Department of State was read the second time and considered as in Committee of the Whole. Its purpose is to authorize the Secretary of State to hire a suitable building or buildings for the temporary accommodation of the Department of State. It makes an appropriation of such sum, not exceeding \$50,000, as may be necessary toward defraying the expense of such hiring, the transfer of the public archives, and the fitting up of the building or buildings.

The joint resolution was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

HISTORY OF THE REBELLION.

Mr. WILSON. I move to take up the joint resolution No. 86.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. R. No. 86) to provide for the publication of the official history of the rebellion.

Mr. WILSON. When this joint resolution was last before the Senate it was recommended to the Committee on Military Affairs and the Militia, and that committee have since reported a substitute for it. I presume that it is only necessary to read the substitute.

The PRESIDENT *pro tempore*. The amendment reported by the Committee on Military Affairs and the Militia is to strike out all of the resolution after the resolving clause, and to insert in lieu of the words stricken out a substitute, which will be read.

The Secretary read the words proposed to be inserted, as follows:

That the joint resolution entitled "A resolution to provide for the printing of official reports of the armies of the United States," approved May 19, 1864, be, and the same is hereby, repealed.

SEC. 2. *And be it further resolved*, That the Secretary of War be, and he is hereby, authorized and required to appoint a competent person to revise, arrange, and prepare for publication the official documents relating to the rebellion and the operations of the Army of the United States, who shall prepare a plan for said publication and estimates of the cost thereof, to be submitted to Congress at its next session.

SEC. 3. *And be it further resolved*, That the person whose appointment is hereby authorized shall receive a compensation for his services not to exceed \$2,500 per annum, to be paid monthly by the Secretary of the Treasury, out of any moneys in the Treasury not otherwise appropriated: *Provided*, That said compensation shall not be paid for a longer period than two years from and after the passage of this resolution.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The resolution was ordered to be engrossed for a third reading, and was read the third time and passed.

A. M. JESS.

Mr. HARRIS. I move that the Senate proceed to the consideration of House bill No. 145.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 145) granting land to A. M. Jess, of Josephine county, Oregon.

The PRESIDENT *pro tempore*. This bill has been read and amended.

Mr. GRIMES. I should like to know what it is about.

Mr. HARRIS. It is a bill for the relief of a man who had taken up land under the homestead law, and by a change in the channel of a river the land was destroyed, and this is simply to allow him to relocate it. I move to amend the bill in line four by striking out the words "three hundred and twenty," and inserting "one hundred and sixty" before the word "acres."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in, and ordered to be engrossed, and the bill to be read a third time. It was read the third time and passed.

LAND OFFICE IN IDAHO.

Mr. STEWART. I move to take up House bill No. 249.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 249) to establish a land office in the Territory of Idaho. It provides that the public lands within the Territory of Idaho to which the Indian title is or shall be extinguished shall constitute a new land district, to be called the Idaho district, to be located at Boise City, Ada county; and the President is authorized to appoint, by and with the advice and consent of the Senate, a register and receiver of public moneys for the district, who is to be required to reside at the place at which the office shall be located, and they are to have the same powers, perform the same duties, and be entitled to the same compensation as are or may be prescribed by law in relation to land offices of the United States in other Territories.

Mr. TRUMBULL. I should like to inquire if this is recommended by the Interior Department or the General Land Office.

Mr. POMEROY. This bill came to us from the House of Representatives, and received the sanction of the Committee on Public Lands of the Senate, and was reported without amendment.

Mr. TRUMBULL. Has the Land Office requested it?

Mr. STEWART. In the general report they recommended it.

Mr. POMEROY. There has been no special report on the subject.

Mr. TRUMBULL. It was recommended?

Mr. STEWART. It was recommended. It is supposed they have about thirty thousand inhabitants in that Territory now, and it is highly important that there should be a land office there.

Mr. GRIMES. Is there no land office in that Territory?

Mr. STEWART. No, sir.

Mr. POMEROY. There is not now a land office in the Territory, and it was thought that there ought to be one established there.

Mr. TRUMBULL. I simply made the inquiry for information. I know that in many instances land offices have been established where there was no sort of occasion for them, and we have several that ought to be abolished; and hence I made the inquiry to know whether the Department recommended the establishment of this one. I have no objection to the bill. I think it very proper under the circumstances.

Mr. POMEROY. We have been opposed to the establishment of new land offices, and propose only to have one in each Territory. That has been the policy that experience has taught us.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed, without amendment, a bill (S. No. 59) to provide for the revision and consolidation of the statutes of the United States.

The message also announced that the House of Representatives had passed a bill (H. R. No. 491) to remove the office of surveyor general of the States of Iowa and Wisconsin to Plattsmouth, Nebraska, in which it requested the concurrence of the Senate.

MASSACHUSETTS MILITARY CLAIMS.

Mr. SPRAGUE. I move that the Senate proceed to the consideration of Senate joint resolution No. 106; and I should like to have the report accompanying it read.

The motion was agreed to; and the joint resolution (S. R. No. 106) to reimburse the State of Massachusetts for money expended in the purchase of guns and ammunition, for procuring plans for coast defense and harbor obstructions, and for the erection of works of coast defense, was read the second time, and considered as in Committee of the Whole. It is a direction to the Secretary of War to forthwith receive from the State of Massachusetts guns, ammunition, and plans for harbor obstructions and coast defense, as set forth in a memorial and accompanying papers of the Legislature of Massachusetts to Congress, dated April 27 and 28, 1866, and to pay the State therefor, and also for actual expenditures of money in work or materials furnished upon fortifications or coast defense, as stated in the memorial and papers, the payments to be made to the State upon vouchers furnished to the United States of actual payments made by the State; and \$475,000, or so much thereof as may be necessary, is appropriated to carry into effect the provisions of this joint resolution.

Mr. GRIMES. I understood the Senator from Rhode Island to ask for the reading of

the report accompanying this joint resolution. I should like to hear it, too.

The PRESIDENT *pro tempore*. Does the Senator ask for the reading of that report?

Mr. SPRAGUE. Yes, sir. I desire to have it read.

The Secretary read the following report submitted by Mr. SPRAGUE on the 11th instant from the Committee on Military Affairs and the Militia:

The Committee on Military Affairs and the Militia, having had under consideration the memorial of the Legislature of Massachusetts, praying Congress for reimbursement of money expended upon fortifications and in the purchase of guns and ammunition, and for procuring plans for coast defense and harbor obstructions for the common defense, beg leave to submit the following report:

The papers submitted to the committee consist of—
1. A joint memorial of the Senate and House of Representatives of Massachusetts, attested by their respective clerks, in which are considered the efforts, at the outset of the rebellion of rebel agents to engage this country in a foreign war; the bearing of such a war upon the contest; where its effects would be most seriously felt; whose duty it was to create means for defense; referring to the Secretary of State's opinion in his letter of October 14, 1861, (which is made a part of this report,) stating the possibility of a war, and his recommendations thereupon; the action of the State in view of this condition of affairs; and the reasons why Congress should act favorably in the matter of reimbursements for expenditures made in the common defense.

2. A message from Governor Alexander H. Bullock to the House of Representatives of Massachusetts, in response to a call therefor, accounting for the expenditure of \$418,840 28 for coast defenses, and of \$95,000 subject to warrant for fortifying Provincetown harbor, of \$20,000 to \$25,000 required to complete the purchases in Europe, \$9,700 for a telegraph from the forts in Boston harbor to the State House; giving reasons for the urgency of the expenditure, and recommending a memorial to Congress for reimbursement.

3. Colonel Harrison Reiche, appendix marked A, accounting in detail for \$554,346 11 expended under his direction in Europe and elsewhere.

4. John H. Read, quartermaster general of Massachusetts, report marked B, of ordnance and ordnance supplies on hand purchased for coast defense.

5. A letter from the Secretary of State, dated October 14, 1861, calling Governor Andrew's attention to the threatened state of our foreign relations.

6. Governor Andrew's address to the Legislature of Massachusetts, marked D, upon the defense of the coast, and the money expended to January, 1865, under the appropriations of \$1,000,000, made by the Legislature of Massachusetts for coast defense, amounting to \$354,346 11.

Some of the considerations favoring the views of the memorialist, and some that are adverse, appear to be as follows: In the outset of the rebellion rebel emissaries and rebel sympathizers did nearly succeed in provoking war between this country and Great Britain and France. A large number of their inhabitants, principally operatives, and others in and connected with their manufactories, were out of employment and destitute of the necessities of life. A severance from the Union of the cotton States would furnish cotton to Europe at lower prices than otherwise, and procure an exclusive market for the product of European manufacturers. A favorable opportunity was presented to check the growing power of the United States, and stop the further spread of liberal opinions and republican Governments; the future prosperity of France demanding an outlet for her poor and miserable rural population into the salubrious climate and among the effeminate populations of Mexico, added to which the frequent defeat of our arms invited interference, the consequence of which was war. The press throughout the country corroborated these views, and the Secretary of State confirmed them by the following letter that he addressed to the Governors of States nearest to and most exposed to attack:

DEPARTMENT OF STATE.
WASHINGTON, October 14, 1861.

Sir: The present insurrection had not even revealed itself in arms when disloyal citizens hastened to foreign countries to invoke their intervention for the overthrow of the Government and the destruction of the Federal Union. These agents are known to have made their appeals to some of the more important States without success. It is not likely, however, that they will remain content with such refusals. Indeed, it is understood that they are industriously endeavoring to accomplish their disloyal purposes by degrees and by indirection. Taking advantage of the embarrassments of agriculture, manufactures, and commerce in foreign countries, resulting from the insurrection they have inaugurated at home, they seek to involve our common country in controversies with States with which every public interest and every interest of mankind require that it shall remain in relations of peace, amity, and friendship.

I am able to state, for your satisfaction, that the prospect of any such disturbance is now less serious than it has been at any previous period during the course of the insurrection. It is, nevertheless, necessary now, as it has hitherto been, to take every precaution that is possible to avert the evils of foreign war, to be superinduced upon those of civil commotion which we are endeavoring to cure. One of the most obvious of such precautions is that our ports and harbors on the seas and lakes should be in a condition of complete defense; for any nation may be said to voluntarily incur danger in tempestuous seasons when

it fails to show that it has sheltered itself on every side from which the storm might possibly come.

The measures which the Executive can adopt in this emergency are such only as Congress has sanctioned, and for which it has provided. The President is putting forth the most diligent efforts to execute these measures, and we have the great satisfaction of seeing that these efforts, seconded by the favor, aid, and support of a loyal, patriotic, and self-sacrificing people, are rapidly bringing the military and naval forces of the United States into the highest state of efficiency. But Congress was chiefly absorbed, during its recent extra session, with those measures, and did not provide as amply as could be wished for the fortification of our sea and lake coasts. In previous years loyal States have applied themselves by independent and separate activity to support and aid the Federal Government in its arduous responsibilities. The same disposition has been manifested in a degree eminently honorable by all the loyal States during the present insurrection. In view of this fact, and relying upon the increase and continuance of the same disposition on the part of the loyal States, the President has directed me to invite your consideration to the subject of the importance of perfecting the defenses of the State over which you preside, and to ask you to submit the subject to the consideration of the Legislature when it shall have assembled. Such proceedings by the State would require only a temporary use of its means. The expenditures ought to be made the subject of conference with the Federal Government. Being thus made, with the concurrence of the Government, for general defense, there is every reason to believe that Congress would sanction what the State should do, and would provide for its reimbursement. Should those suggestions be accepted, the President will direct proper agents of the Federal Government to confer with you, and to superintend, direct, and conduct the prosecution of the system of defense of your State.

I have the honor to be, sir, your obedient servant,
WILLIAM H. SEWARD.

His Excellency JOHN A. ANDREW,
Governor of the State of Massachusetts.

The executive department of our Government availed itself of every occasion to excite the people and the States' officials to renewed efforts to recruit the Army and the Navy and to fill up their respective quotas. The movement of the enemy upon the capital, the defeat of our arms or threatened foreign complication, was made the occasion for more than ordinary appeals to greater efforts and sacrifices. During this condition of the public mind, a new enemy was announced by Mr. Seward's letter; the States that were most exposed were first called upon. The General Government, in exercising its whole power and every means that the country possessed to create a navy and to supply field and siege guns for army operations, had no means at its disposal, nor were there any in the country unemployed, that the States could avail themselves of to devote to defenses against a threatened or real attack from European Powers, or piratical vessels that had been put afloat and manned and were being put afloat and manned ostensibly as confederate cruisers, but really as a part of the aggressive machinery that rebel emissaries and their collaborators—the aristocratic and trading classes and their Governments in Europe—had set on foot. In the outset these States had responded to all calls made upon them without an inquiry as to how the expenses were to be met. In the present call, Governor Andrew, of Massachusetts, under date January, 1862, called the attention of the Legislature of that State to the real condition of affairs, and obtained then, and subsequently, an appropriation of \$1,000,000 for purposes of preparation, after consulting with different officers of the General Government; and so far as their sanction could operate upon the disbursements of money appropriated by a State, they gave it to the course firmly adopted by the authorities of Massachusetts, who elected to procure heavy guns and ammunition from Europe, to provide plans for coast defense and harbor obstruction, and to erect defenses at exposed points. This duty was committed to two commissions—three of the most distinguished citizens upon each. The duties of one of these was to obtain supplies from Europe; the other to administer upon home defenses. Thus guns and plans were obtained and are now in the custody of Massachusetts. The material that was purchased in Europe by the agents of the State was as well purchased as if the duty had been performed by agents of the General Government, and though not of the pattern used in our service, was the best that could be obtained in Europe. These the memorialist desires the Government to receive, and to pay the sum of their purchase.

Massachusetts, at the time of the purchase of this material, was contributing to the Government large supplies of war material. If her harbors or coast had been successfully attacked these supplies would have ceased, as well, also, as supplies from the other New England States, in many of which large manufactories were established, or were being established, for obtaining supplies of guns, ammunition, clothing, &c. Deprived of these supplies, the contest would probably have been prolonged, if productive of no other result; and no one doubts that in that event the materials in question would have been gladly received by the General Government, and would have been paid for as other material was paid for at the time.

Time and the absence of open foreign aggressions enabled the General Government to procure all necessary war material from establishments that had been created (during the progress of the war) in our own country. This also influenced the State's expenditures; instead of expending the million appropriated, but little more than one third was called for.

In this must be recognized a prompt compliance with the altered state of affairs, as the State ceased further action when the United States had means and leisure to meet its new obligation.

How far the alarm that had been sounded by the Secretary of State and otherwise, and the prompt response of the States, had influence in producing wiser reflections and conclusions from the Governments heretofore referred to, can never be known. Undoubtedly to the extent of that influence the States whose prompt action in assuming liabilities and in making expenditures to meet the threatened danger, should be doubly honored and reimbursed. If it is considered, as it is contended, that the country escaped a foreign war by the merest accident, it is clear that it would have been a neglect of the plainest duty, as well as criminal and treasonable, had the States that were appealed to neglected or refused to have responded to the call of the Secretary and the general opinion of the people.

That Massachusetts is contributing more to the income of the nation than any other State in proportion to her population is not, perhaps, a consideration that bears upon this question; but that the proportion of such contributions should be greatly augmented by requiring her to retain war material that was purchased for the common defense is a consideration, more especially as the General Government has an indirect control over such material, and can alone decide as to the uses that it may be put to, or how it may be disposed of.

The General Government, have now, of course, no use for this material. Its officials exercised no direct authority in its purchase. But it may be reasonable to contend that reimbursement should be made to the State therefor, as the exigencies of the case called for similar action from the General Government that was taken by the State.

In the absence also of written instructions or directions from the General Government touching the expenditure, questions might arise adverse to the positions assumed by the memorialist. In this respect it is similarly situated to those claims that have received favorable legislative action, and some that are, perhaps, less favorably situated.

The committee have obtained information from heads of Departments and other officers of the Government, and have, after careful consideration, arrived at the following conclusions:

In the beginning of the war the new States could not obtain the necessary funds from their own resources, or dispose of their securities based thereon; hence their acts were subject to the General Government. Massachusetts, on the other hand, could readily turn her securities into money; hence her readiness and promptness at all times to respond to the reasonable calls of the Government, and the present case is an illustration of that condition of facts. Had the State not taken the initiative, the General Government would or should have done so.

The Secretary of State was justified in warning the States of the impending danger of foreign aggressions.

Massachusetts, her legislative and executive officers, for their prompt response to the warning, is deserving the thanks of the nation.

The materials purchased are in some respects out of the control of the State and in that of the General Government, inasmuch as our Constitution and laws restrain its uses and sale. We think the Government should have exclusive title thereto. Some of the disbursements were made upon the solicitation of the officers of the Government, and others with their cooperation.

All the expenditures as set forth in the memorial were made in the interest, on behalf of, and to the advantage of the whole nation. They were available during the war, are now, and will be hereafter, and they were properly and honorably made, and should be promptly reimbursed. Therefore the committee recommend the passage of the accompanying joint resolution.

Mr. GRIMES. I move that this joint resolution be referred to the Committee on Claims.

Mr. CONNESS. Why do that?

Mr. GRIMES. Simply because there is not information enough before us, and there cannot be until there is a thorough examination of the claim, to justify us either in voting for it or in voting against it. It seems to me there ought to be an account stated. Besides, as I understand the report, and as I read the resolution, this is only the initiation to another appropriation that is to be made in the future.

Mr. SPRAGUE. No, sir.

Mr. GRIMES. We appropriate \$470,000 at this time, and I apprehend that is not to be taken in full discharge of the debt which the State of Massachusetts claims against the Federal Government for what they allege they have paid out in perfecting their coast defenses.

It seems to me that the Committee on Claims is the committee to which the case ought to have been referred. It should not have gone to the Committee on Military Affairs. It is a matter of claim. So far as such cases have been connected with nautical expenses, and have come to the Senate, we have referred them, in the first instance, to the Committee on Claims; or if by accident, on the motion of some member, they got to the Committee on Naval Af-

fares, that committee has invariably reported them back and had them sent to the Committee on Claims. This is the claim of a State for money which she says she expended in behalf of the Government and which ought to be reimbursed. The Committee on Military Affairs, it seems to me, have no more to do with it than any other committee.

Mr. POMEROY. The bills for paying claims of the State of Missouri, and the other States, were reported by the Committee on Military Affairs.

Mr. GRIMES. Because we have sent one or two claims to the Committee on Military Affairs is no reason why we should send this. Besides, Mr. President, I am frank to say that I want the State of Massachusetts to stand like all the rest of the States of this Union; let her wait until we are all ready to settle with the General Government, and then let us all come in and stand on the same platform.

Mr. SPRAGUE. I trust this resolution will not take the course suggested by the Senator from Iowa. It is a matter which seems to me to be exclusively within the province of the Committee on Military Affairs to investigate. The items are all set out in dollars and cents. This is a special expenditure brought about at the time that it originated by the urgent need of the national Government and of the whole country when we were trembling for fear of a foreign war. As is said by the committee in the report, it would have been criminal and treasonable if Massachusetts and her citizens had not responded with their money. The expenditures were purely military, and the whole amount now called for is to pay for material which the General Government is to receive to a very large extent. Massachusetts has now in her possession the guns that she purchased and the materials that she purchased for this purpose. Of course she cannot sell them to Mexico or to Chili or to Peru, as we all know. She must retain them. These materials were bought at the solicitation of the Government, and it is only asked that the Government shall receive them and pay for them and make such other reimbursements as will compensate the State for disbursements that were specially called for by the different heads of Departments of this Government. The whole subject was investigated by members of the Committee on Military Affairs, and the Departments informed those who investigated it that they had solicited very many of the expenditures that were made—plans for harbor and coast defense, telegraphs, and embankments at different places where it was impossible for the Government of the United States to do the work promptly.

I do not know what other claims Massachusetts may have, but I am informed that this is the only claim which Massachusetts makes for the expenses of coast defense, that were especially required at this particular, this distressing time to the Government. Whatever claims for money she may make on grounds common to the other States may very well be put off until the time arrives for the other States to be reimbursed; but here is a special appropriation for a particular purpose, and if Massachusetts had not expended this money the General Government would have paid it. It was simply a question of time. Immediately after certain expenditures had been made, and the General Government had opportunity and ability to resume its control over the matter, Massachusetts relinquished that control, and the General Government took it up where Massachusetts had left it and made the expenditures according to the circumstances and the necessities of the case. If Massachusetts had not been prompt, if she had been dilatory and neglectful, the Government of the United States would have paid every cent of this money; but the fact that she was prompt, energetic, and patriotic should not be a reason to deprive her of fair consideration. Her claim should go through regularly and promptly, as many claims that have not near the warrant that this has.

Mr. GRIMES. I am pronouncing no opin-

ion as to the validity of the claim of Massachusetts. I only say that so far as appears upon the record here, it has not been investigated in such a manner as it ought to have been before we are called upon to decide as to its validity. It is said that we are to pay for a certain number of guns. How many?

Mr. SPRAGUE. It is specified in the memorandum.

Mr. GRIMES. In what memorandum?

Mr. SPRAGUE. In the memorandum. The resolution refers to the memorial.

Mr. GRIMES. The resolution refers to the memorial; but how is the fact proved and where is the record before the Committee on Military Affairs that that memorial corresponds with the facts? Nowhere. It is said we are to pay for a certain amount of masonry done upon certain work. Where is the evidence that the masonry has ever been done?

The PRESIDENT *pro tempore*. The morning hour having expired, it becomes the duty of the Chair to call up the unfinished business of yesterday, which is House bill No. 513.

GOODRICH AND CORNISH.

Mr. CONNESS. I submit the following report from a committee of conference; and as it will take but an instant, and the parties are here awaiting action upon it, I hope it will be acted upon now:

The committee of conference on the disagreeing votes of the two Houses on the amendments to House resolution 77, entitled "Joint resolution for the relief of Ambrose L. Goodrich and Nathan Cornish, for carrying the United States mail from Boise City to Idaho City, in the Territory of Idaho," having met, and after full and free conference, have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from that part of their first amendment which provides "that the amount to be allowed shall not exceed \$20,000," and that said amendment be so modified as to read "Provided, That the amount to be allowed shall not exceed \$10,000."

That the House concur in the Senate amendments as modified.

JOHN CONNESS,
L. M. MORRILL,
C. R. BUCKALEW,
Managers on the part of the Senate.
JOHN H. FARQUHAR,
D. C. McRUER,
W. E. FINCK,
Managers on the part of the House.

The report was concurred in.

INTERNAL TAXATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 513) to reduce internal taxation and to amend an act entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," approved June 30, 1864, and acts amendatory thereof.

The Secretary resumed the reading of the bill, commencing with section sixty-four of the House bill, which, according to the amendments heretofore made, becomes section sixty-five:

SEC. [64] 65. *And be it further enacted*, That the office of the Commissioner of Internal Revenue be reorganized so as to include one Commissioner of Internal Revenue, with a salary of \$5,000; one deputy commissioner, with a salary of \$3,500; one cashier, with a salary of \$3,000, who shall also act as disbursing officer for said office; and which offices are now created, and the duties thereof defined by law; and to authorize, under the direction of the Secretary of the Treasury, the employment of the following additional officers and clerks, and with the salaries hereinafter specified, namely, two deputy commissioners, each with a salary of \$3,000; one solicitor, with a salary of \$4,000; seven heads of divisions, each with a salary of \$2,500; thirty-four clerks of class four; forty-five clerks of class three; fifty clerks of class two; and thirty-seven clerks of class one; fifty-five copyists, each with a salary of \$720; three messengers, each with a salary of \$1,000; five assistant messengers, each with a salary of \$850; and fifteen laborers, each with a salary of \$720; and a sum sufficient to pay the officers, clerks, and employes herein authorized is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The Committee on Finance proposed several amendments to this section. The first was in line five to strike out "five" and insert "six," so as to make the salary of the Commissioner of Internal Revenue \$6,000.

The amendment was agreed to.

The next amendment was in line five, after "dollars," to insert "and."

The PRESIDENT *pro tempore*. That change will be made.

The next amendment was in lines eight and nine to strike out the words "one cashier, with a salary of \$3,000, who shall also act as disbursing officer for said office; and."

The amendment was agreed to.

The next amendment was in line ten to insert the word "already" before the word "created."

The amendment was agreed to.

Mr. FESSENDEN. The word "now" before the word "already" should be stricken out.

The PRESIDENT *pro tempore*. It will be stricken out, no objection being made.

The next amendment was in lines twenty-three and twenty-four to strike out the words "copyists, each with a salary of \$720," and insert "female clerks," so as to make the item read, "fifty-five female clerks."

Mr. HENDRICKS. I wish to ask the chairman of the Committee on Finance whether a provision of that kind has ever been made in any law that we have enacted.

Mr. FESSENDEN. We provided for female clerks, copyists, counters, &c., in the legislative, executive, and judicial appropriation bill, and in some statutes express authority has been given to employ female clerks.

Mr. HENDRICKS. I thought they were employed under a usage of the Department as the interests of the public service seemed to justify it.

Mr. FESSENDEN. They are employed as clerks in different capacities. Some of them keep accounts.

Mr. HENDRICKS. I never was disposed to make an objection to the system while it was under the discretion of the Secretary. I doubt the propriety of providing that the Secretary shall appoint that class of clerical force.

Mr. FESSENDEN. The number mentioned here is the number that he employs and the number he wishes.

Mr. HENDRICKS. I have no objection to his doing it under the exercise of his discretionary power, but I do not think Congress ought to provide that there shall be such a class of clerks.

Mr. FESSENDEN. He is not obliged to employ the whole of them if he does not want them any more than of the others. It is a matter of discretion with him. He cannot employ any more than this number. It is fixed by law.

The amendment was agreed to.

The next amendment was in line twenty-five, to strike out "one thousand," and insert "seven hundred and twenty;" so as to make the item read, "three messengers, each with a salary of \$720."

The amendment was agreed to.

Mr. FESSENDEN. I move to amend that clause by striking out "three" and inserting "five," and also striking out the words "each with a salary of \$720;" so as to read, "five messengers."

The amendment was agreed to.

The next amendment was in lines twenty-seven and twenty-eight, to strike out "eight hundred and fifty" and insert "seven hundred and twenty;" so as to read, "five assistant messengers with a salary of \$720."

The amendment was agreed to.

Mr. FESSENDEN. I now move to strike out "five" and insert "three," and also to strike out the words "each with a salary of \$720;" so as to read, "three assistant messengers."

The amendment was agreed to.

The next amendment was in line twenty-nine, to strike out "seven hundred and twenty" and insert "six hundred;" so as to read, "fifteen laborers, each with a salary of \$600."

The amendment was agreed to.

Mr. FESSENDEN. I move to amend that clause by striking out the words "each with a salary of \$600."

The amendment was agreed to.

The next amendment was to insert "additional salaries of" before "officers," in line thirty-one.

The amendment was agreed to.

Mr. POMEROY. As the section has now been amended I do not see that any salary is fixed for these officers.

Mr. FESSENDEN. The salaries of the officers of these several grades are now fixed by law.

Mr. POMEROY. Then it is all right.

Mr. FESSENDEN. I move to add at the end of this section the following:

And this section shall take effect from and after the 30th day of June, 1866.

The amendment was agreed to.

The Secretary read the next two sections, to which the Committee on Finance reported no amendment, as follows:

Sec. [65] 66. *And be it further enacted*, That all official communications made by assessors to collectors, assessors to assessors, or by collectors to collectors, or by collectors to assessors, or by assessors to assessors, or by collectors to their deputies, or by deputy collectors to collectors, may be officially franked by the writers thereof, and shall, when so franked, be transmitted by mail free of postage.

Sec. [66] 67. *And be it further enacted*, That the Secretary of the Treasury is hereby authorized to appoint an officer in his Department who shall be styled "special commissioner of the revenue," whose office shall terminate in four years from the passage of this act. It shall be the duty of the special commissioner of the revenue to inquire into all the sources of national revenue, and the best methods of collecting the revenue; the relations of foreign trade to domestic industry; the mutual adjustment of the systems of taxation by customs and excise, with the view of insuring the requisite revenue with the least disturbance or inconvenience to the progress of industry and the development of the resources of the country; and to inquire from time to time, under the direction of the Secretary of the Treasury, into the manner in which officers charged with the administration and collection of the revenues perform their duties. And the said special commissioner of the revenue shall from time to time report, through the Secretary of the Treasury, to Congress, either in the form of a bill or otherwise, such modifications of the rates of taxation or of the methods of collecting the revenues, and such other facts pertaining to the trade, industry, commerce, or taxation of the country, as he may find, by actual observation of the operation of the law, to be conducive to the public interest; and, in order to enable the special commissioner of the revenue to properly conduct his investigations, he is hereby empowered to examine the books, papers, and accounts of any officer of the revenue, to administer oaths, examine and summon witnesses, and take testimony; and each and every such person falsely swearing or affirming shall be subject to the penalties and disabilities prescribed by law for the punishment of corrupt and wilful perjury; and all officers of the Government are hereby required to extend to the said commissioner all reasonable facilities for the collection of information pertinent to the duties of his office. And the said special commissioner shall be paid an annual salary of \$4,000, and the traveling expenses necessarily incurred while in the discharge of his duty; and all letters and documents to and from the special commissioner relating to the duties and business of his office shall be transmitted by mail free of postage. And section nineteen of an act entitled "An act to amend an act entitled 'An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes,' passed June 30, 1864," approved March 3, 1865, be, and the same is hereby, repealed.

The Committee on Finance proposed to strike out sections sixty-seven, sixty-eight, and sixty-nine of the House bill, in these words:

Sec. 67. *And be it further enacted*, That in any case, civil or criminal, where suit or prosecution shall be commenced in any court of any State against any officer of the United States, appointed under or acting by authority of the act entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," passed June 30, 1864, or of any act in addition thereto, or against any person acting under or by authority of any such officer on account of any act done under color of his office, or against any person holding property or estate by title derived from any such officer, concerning such property or estate and affecting the validity of this act, it shall be lawful for the defendant in such suit or prosecution at any time before trial, upon a petition to the circuit court of the United States in and for the district in which the defendant shall have been served with process, setting forth the nature of said suit or prosecution, and verifying the said petition by affidavit, together with a certificate, signed by an attorney or counselor at law of some court of record of the State in which such suit shall have been commenced, or of the United States, setting forth that, as counsel for the petitioner, he has examined the proceedings against him, and carefully inquired into all the matters set forth in the petition, and that he believes the same to be true; which petition, affidavit, and certificate shall be presented to the said circuit court if in session, and if not, to the clerk thereof, at his office, and

shall be filed in said office, and the cause shall thereupon be entered on the docket of said court, and shall be thereafter proceeded in as a cause originally commenced in that court; and it shall be the duty of the clerk of said court, if the suit were commenced in the court below by summons, to issue a writ of *certiorari* to the State court, requiring said court to send to the said circuit court the record and proceedings in said cause; or if it were commenced by *capias*, he shall issue a writ of *habeas corpus cum causa*, a duplicate of which said writ shall be delivered to the clerk of the State court, or left at his office, by the marshal of the district, or his deputy, or some person duly authorized thereto; and thereupon it shall be the duty of the said State court to stay all further proceedings in such cause, and the said suit or prosecution, upon delivery of such process, or leaving the same as aforesaid, shall be docketed and taken to be moved to the said circuit court, and any further proceedings, trial, or judgment therein in the State court shall be wholly null and void. And if the defendant in any such suit be in actual custody on mesne process therein, it shall be the duty of the marshal, by virtue of the writ of *habeas corpus cum causa*, to take the body of the defendant into his custody, to be dealt with in the said cause according to the rules of law and the order of the circuit court, or of any judge thereof in vacation. All attachments made, and all bail and other security given upon such suit or prosecution shall be and continue in like force and effect as if the same suit or prosecution had proceeded to final judgment and execution in the State court; and if, upon the removal of any such suit or prosecution, it shall be made to appear to the said circuit court that no copy of the record and proceedings therein in the State court can be obtained, it shall be lawful for said circuit court to allow and require the plaintiff to proceed *de novo*, and to file a declaration of his cause of action, and the parties may thereupon proceed as in action originally brought in said circuit court; and, on failure of so proceeding, judgment of *nolle prosequi* may be rendered against the plaintiff, with costs for the defendant. *Provided*, That an act entitled "An act further to provide for the collection of duties on imports," passed March 2, 1833, shall not be so construed as to apply to cases arising under an act entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," passed June 30, 1864, or any act in addition thereto or in amendment thereof, nor to any case in which the validity or interpretation of said act or acts shall be in issue.

Sec. 68. *And be it further enacted*, That the fifth section of an act passed June 30, 1864, entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," is hereby repealed: *Provided*, That any case which may have been removed from the courts of any State under said fifth section to the courts of the United States shall be remanded to the State court from which it was so removed, with all the records relating to such cases, unless the justice of the circuit court of the United States in which such suit or prosecution is pending shall be of opinion that said case would be removable from the court of the State to the circuit court under and by virtue of the sixty-sixth section of this act. And in all cases which may have been removed from any court of any State under and by virtue of said fifth section of said act of June 30, 1864, all attachments made, and all bail or other security given upon such suit or prosecution, shall be and continue in full force and effect until final judgment and execution, whether such suit shall be prosecuted to final judgment in the circuit court of the United States or remanded to the State court from which it was removed.

Sec. 69. *And be it further enacted*, That whenever a writ of error shall be issued for the revision of any judgment or decree in any criminal proceeding where is drawn in question the construction of any statute of the United States, in a court of any State, as is provided in the twenty-fifth section of an act entitled "An act to establish the judicial courts of the United States," passed September 24, 1789, the defendant, if charged with an offense bailable by the laws of such State, shall not be released from custody until a final judgment upon such writ, or until a bond, with sufficient sureties, in a reasonable sum, as ordered and approved by the State court, shall be given; and if the offense is not so bailable, until a final judgment upon the writ of error. Writs of error in criminal cases shall have precedence upon the docket of the Supreme Court of all cases to which the Government of the United States is not a party, excepting only such cases as the court, at their discretion, may decide to be of public importance.

The amendment was agreed to.

The Secretary read the next section, as follows:

Sec. [70] 68. *And be it further enacted*, That this act shall take effect, where not otherwise provided, on the 1st day of July, 1866, and all provisions of any former act inconsistent with the provisions of this act are hereby repealed: *Provided, however*, That no duty imposed by any previous act, which has become due or of which return has been or ought to be made, shall be remitted or released by this act, but the same shall be assessed, collected, and paid, and all fines and penalties heretofore incurred shall be enforced and collected, and all offenses heretofore committed shall be punished, as if this act had not been passed; and the Commissioner of Internal Revenue, under the direction of the Secretary of the Treasury, is authorized to make all necessary regulations and prescribe all necessary forms and proceedings for the collection of such taxes and the enforcement of such fines and penalties for the execution of the provisions of this act.

The Committee on Finance proposed to

strike out the proviso to this section, and in lieu of it to insert:

Provided, however, That all the provisions of said acts shall be in force for collecting all taxes, duties, and licenses properly assessed or liable to be assessed, or accruing under the provisions of acts, the right to which has already accrued, or which may hereafter accrue under said acts, and for maintaining and continuing liens, fines, penalties, and forfeitures incurred under and by virtue thereof, and for carrying out and completing all proceedings which have been already commenced or that may be commenced, to enforce such fines, penalties, and forfeitures, or criminal proceedings under said acts, and for the punishment of crimes of which any party shall be or has been found guilty: *And provided further*, That whenever the duty imposed by any existing law shall cease in consequence of any limitation therein contained before the respective provisions of this act shall take effect, the same duty shall be and is hereby continued until such provisions of this act shall take effect; and where any act is hereby repealed no duty imposed thereby shall be held to cease, in consequence of such repeal, until the respective corresponding provisions of this act shall take effect: *And provided further*, That all manufactures and productions on which a duty was imposed by either of the acts repealed by this act, which shall be in the possession of the manufacturer or producer or of his agent or agents on the day when this act takes effect, the duty imposed by any such former act not having been paid, shall be held and deemed to have been manufactured or produced after such date; and whenever by the terms of this act a duty is imposed upon any articles, goods, wares, or merchandise manufactured or produced, upon which no duty was imposed by either of said former acts, it shall apply to such as were manufactured or produced, and not removed from the place of manufacture or production, on the day when this act takes effect; and the Commissioner of Internal Revenue, under the direction of the Secretary of the Treasury, is authorized to make all necessary regulations and prescribe all necessary forms and proceedings for the collection of such taxes and the enforcement of such fines and penalties for the execution of the provisions of this act.

Mr. FESSENDEN. In the third line of the section I move to strike out the word "July" and to insert "August."

The amendment was agreed to.

The Secretary read the next and last section of the bill, as follows:

Sec. [71] 69. *And be it further enacted*, That it shall be the duty of the Commissioner of Internal Revenue to have this act, and the acts to which it is amendatory, published in at least one German newspaper in each of the States of the Union where such paper may be published.

The Committee on Finance reported no amendment to this section.

Mr. FESSENDEN. There are some amendments that I wish to suggest. One of them is on page 103, in line twenty-three hundred and thirty-four of section nine, to strike out the proviso, which extends to line twenty-three hundred and forty on the next page. It is found that although the rule is well in one part of the country it does not work in another.

The words proposed to be stricken out were read, as follows:

Provided, That in all cases in which such ware shall be delivered to agents or peddlers employed by the manufacturer for the disposal of the same, such ware so delivered shall be deemed to have been sold at the time of delivery, and the tax to be paid thereon shall be computed upon the value known to the trade as the five-pound rate or price for tin-ware.

The amendment was agreed to.

Mr. FESSENDEN. On page 108, in line twenty-four hundred and fifty of section nine, I move to strike out "ready-made" before "clothing," so that the clause will read:

On clothing, gloves, mittens, moccasins, caps, felt hats, and other articles of dress for the wear of men, women, and children, not otherwise assessed and taxed, a tax of two per cent. *ad valorem*.

The amendment was agreed to.

Mr. FESSENDEN. I propose on the same page, after line twenty-four hundred and thirty-nine, in relation to the tax on furs, to add the following proviso:

Provided, That on all articles made of fur, the retail price of which shall not exceed twenty dollars, a tax of two per cent. only shall be paid.

The amendment was agreed to.

Mr. FESSENDEN. On page 118, in line twenty-six hundred and ninety-five of section nine, the amendment there by the committee inserting "this act" in place of the words "the act to which this is an amendment," was not concurred in. On examining the matter I think it must be considered as the previous act, inasmuch as it is simply amending that

act. I move, therefore, to reconsider the vote by which that amendment was rejected, so that it may be agreed to.

The motion to reconsider was agreed to.

The amendment was agreed to.

Mr. FESSENDEN. I move to amend by striking out on pages 135 and 136, from line thirty-one hundred and twenty-seven of section nine down to and including line thirty-one hundred and thirty-five, and inserting instead of those words what I send to the Chair.

The Secretary read the words proposed to be stricken out, as follows:

That section one hundred and twenty be amended by striking out the proviso to said section and inserting in lieu thereof the following: *Provided*, That the tax upon the dividends of life insurance companies shall not be deemed due until such dividends are payable; nor shall the portion of premiums returned by mutual life insurance companies to their policy-holders, nor the annual or semi-annual interest allowed or paid to the depositors in savings banks or savings institutions, be considered as dividends.

The words proposed to be inserted were read, as follows:

That section one hundred and twenty be amended by striking out all after the enacting clause and inserting in lieu thereof the following: that there shall be levied and collected a duty of five per cent. on all dividends in scrip or money thereafter declared due; and whenever the same shall be payable to stockholders, policy-holders, or depositors as a part of the earnings, income, or gains of any bank, trust company, savings institution, and of any fire, marine, life, inland insurance company, either stock or mutual, under whatever name or style known or called, in the United States or Territories, whether specially incorporated or existing under general laws, and on all undistributed sums, or sums made or added during the year to their surplus or contingent funds; and said banks, trust companies, savings institutions, and insurance companies shall pay the said tax, and are hereby authorized to deduct and withhold from all payments made on account of any dividends or sums of money that may be due and payable as aforesaid, the said tax of five per cent. And a list or return shall be made and rendered to the assessor, or assistant assessor, on or before the 10th day of the month following that in which any dividends or sums of money become due or payable as aforesaid; and said list or return shall contain a true and faithful account of the amount of the taxes as aforesaid, and there shall be annexed thereto a declaration of the president, cashier, or treasurer of the bank, trust company, savings institution, or insurance company, under oath or affirmation, in form and manner as may be prescribed by the Commissioner of Internal Revenue, that the same contains a true and faithful account of the taxes as aforesaid. And for any default in the making or altering of such list or return, with such declaration annexed, the bank, trust company, savings institution, or insurance company making such default shall forfeit, as a penalty, the sum of \$1,000, and in case of any default in making or rendering said list or return, or of any default in the payment of the tax as required, or any part thereof, the assessment and collection of the tax and penalty shall be in accordance with the general provisions of law in other cases of neglect and refusal: *Provided*, That the tax upon the dividends of life insurance companies shall not be deemed due until such dividends are payable, nor shall the portion of premiums returned by mutual life insurance companies to their policy-holders, nor the annual or semi-annual interest allowed and paid to the depositors in savings banks or savings institutions be considered as dividends.

Mr. SPRAGUE. In what part of the bill is that?

Mr. FESSENDEN. This is a change made necessary by changing the mode of payment. It is on pages 135 and 136 with reference to the payment of dividends of life insurance companies, &c.

The amendment was agreed to.

Mr. FESSENDEN. I offer the following to come in immediately after the amendment:

That section one hundred and twenty-two be amended by striking out all after the enacting clause and inserting in lieu thereof the following: that any railroad, canal, turnpike, canal navigation, or slack-water company, indebted for any money for which bonds or other evidences of indebtedness have been issued, payable in one or more years after date, upon which interest is stipulated to be paid, or coupons representing the interest, or any such company that may have declared any dividend in scrip or money due or payable to its stockholders, as part of the earnings, profit, income, or gains of such company, and all profits of such company carried to the account of any fund, or used for construction, shall be subject to and pay a tax of five per cent. on the amount of all such interest, or coupons, dividends, or profits, whenever the same shall be payable: and said companies are hereby authorized to deduct and withhold from all payments on account of any interest or coupons and dividends due and payable as aforesaid the tax of five per cent.; and the payment of the amount of said tax so deducted from the interest or coupons or dividends, and certified by the president or treasurer of said company, shall discharge said company from

that amount of the dividend or interest or coupon on the bonds or other evidences of their indebtedness so held by any person or party whatever, except where said companies may have contracted otherwise. And a list or return shall be made and rendered to the assessor or assistant assessor on or before the 10th day of the month following that in which said interest, coupons, or dividends become due and payable, and as often as every six months; and said list or return shall contain a true and faithful account of the amount of the tax; and there shall be annexed thereto a declaration of the president or treasurer of the company, under oath or affirmation, in form and manner as may be prescribed by the Commissioner of Internal Revenue, that the same contains a true and faithful account of said tax. And for any default in making or rendering such list or return, with the declaration annexed, or in the payment of the tax as aforesaid, the company making such default shall forfeit as a penalty the sum of \$1,000; and in case of any default in making or rendering said list or return, or in the payment of the tax or any part thereof as aforesaid, the assessment and the collection of the tax and the penalty shall be made according to the provisions of law in other cases of neglect or refusal.

The amendment was agreed to.

Mr. FESSENDEN. On page 148 I move the following amendment, to come in after line twenty-four hundred and forty-one of section nine:

And provided further, That in all cases where the party has not affixed the stamp required by law upon any instrument made, signed, or issued at a time when and at a place where no collection district was established, it shall be lawful for him or them or any party having an interest therein, to affix the proper stamp thereto, or, if the original be lost, to a copy thereof; and the instrument or copy to which the proper stamp has been thus affixed before the 1st day of January, 1867, and the record thereof shall be as valid to all intents and purposes as if stamped by the collector in the manner hereinbefore provided.

The amendment was agreed to.

Mr. FESSENDEN. I move to insert the following proviso at the end of line thirty-four hundred and ninety-five of section nine, on page 150:

Provided, That when such imported articles (except lucifer or friction matches, cigar-lights, and wax-tapers,) shall be sold in the original and unbroken package in which the bottles or other inclosures were packed by the manufacturer, the person so selling said articles shall not be subject to any penalty on account of the want of the proper stamp.

The amendment was agreed to.

Mr. FESSENDEN. An amendment was made on page 64, striking out in lines thirteen hundred and fifty-six, thirteen hundred and fifty-seven, thirteen hundred and fifty-eight, and thirteen hundred and fifty-nine these words:

All steamers and vessels upon waters of the United States on board of which passengers or travelers are provided with food or lodgings shall be subject to and required to pay twenty-five dollars.

And inserting in lieu of them:

All steamers and other vessels engaged in the business of carrying passengers and providing them with food or lodging, and the gross receipts of which are taxable under section one hundred and three of this act, shall pay twenty-five dollars.

I move to reconsider the vote adopting that amendment. The committee think it proper that the clause should remain as it was originally.

The motion to reconsider was agreed to; and the question recurring on the amendment, it was rejected.

Mr. FESSENDEN. On page 104 I move to insert a paragraph between lines twenty-three hundred and sixty and twenty-three hundred and sixty-one of section nine to conform to an amendment made to the free list:

On steel made directly from muck-bar, blooms, slabs, or loops, a tax of three dollars per ton.

The amendment was agreed to.

Mr. FESSENDEN. On page 126 I move to strike out the word "such" before "return," at the beginning of line twenty-eight hundred and eighty-five of section nine, and also to strike out the words "as aforesaid" in the same line.

The PRESIDING OFFICER. (Mr. POMEROY in the chair.) These corrections will be made.

Mr. FESSENDEN. On page 141, in lines thirty-two hundred and sixty-nine and thirty-two hundred and seventy of section nine, I move to strike out the words "under this act."

The PRESIDING OFFICER. That amendment will be made, no objection being interposed.

Mr. FESSENDEN. On page 147, in lines

thirty-four hundred and eighteen and thirty-four hundred and nineteen of section nine, I move to strike out the words "real estate records in the proper town or county," and to insert in lieu of them "any records in which such original is required to be recorded."

The amendment was agreed to.

Mr. FESSENDEN. On page 151, in line thirty-five hundred and twenty-nine of section nine, the word "such" should be "each."

The PRESIDING OFFICER. That correction will be made.

Mr. FESSENDEN. On page 159, in lines twenty-eight and twenty-nine of section ten, the words "for all the purposes of the act of which this is an amendment" should be stricken out. I move that amendment.

The amendment was agreed to.

Mr. FESSENDEN. On page 215, in line twenty-five of section forty-six, the words "or any other" should be "and any."

The PRESIDING OFFICER. That correction will be made.

Mr. FESSENDEN. On page 216, in line twelve of section [forty-eight] forty-seven, the word "at" should be stricken out and the words "or removed from" inserted.

The PRESIDING OFFICER. That alteration will be made, there being no objection.

Mr. FESSENDEN. On page 220, I move to strike out all after the word "year" in line sixteen of section [fifty-three] fifty-two, down to and including the word "jurisdiction," in line twenty-eight, on page 221. The matter is provided for in another place.

The Secretary read the words proposed to be stricken out, as follows:

And said liquors, utensils, and apparatus may be seized by the collector or deputy collector of the proper district, or by such other collector or deputy collector as may be specially authorized by the Commissioner of Internal Revenue for that purpose, and held by any collector or deputy collector until a decision shall be had thereon according to law: *Provided*, That proceedings to enforce said forfeiture shall be commenced by such collector within twenty days after the seizure thereof. And such proceedings shall be in the nature of a proceeding *in rem*, or in any proper form of action, in the circuit or district court of the United States for the district where such seizure is made, or in any other court of competent jurisdiction.

The amendment was agreed to.

Mr. FESSENDEN. On page 224, in line twenty-four of section [fifty-six] fifty-five, I move to strike out the words "the term of" and to insert "not less than one nor more than," so as to read, "be imprisoned not less than one nor more than five years."

The amendment was agreed to.

Mr. FESSENDEN. On page 34, in line five hundred and ninety-five of section nine, I move to strike out the words "or otherwise."

The PRESIDING OFFICER *pro tempore*. That correction will be made.

Mr. FESSENDEN. On page 235, in line five of section [sixty-six] sixty-seven, I move to strike out the words "passage of this act" and insert "30th day of June, 1866."

The amendment was agreed to.

Mr. FESSENDEN. There are some other verbal amendments that I may wish to make to the bill, but as I desire to look over them I will suspend here and let other gentlemen who have amendments to propose offer them.

Mr. EDMUNDS. At the end of line twenty-nine hundred and thirty-nine, on page 128, I move to insert the following amendment:

But this tax shall not be assessed upon, or collected from, any such converted bank or converted banking association whose total average circulation, including State bank notes as well as national currency, shall not exceed the amount of circulation allowed by the act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof.

Mr. FESSENDEN. I believe that is right. I have looked at it.

Mr. GRIMES. I do not understand it, and I should like to have an explanation.

Mr. EDMUNDS. I have shown it to all the gentlemen of the committee, and it was satisfactory to them.

Mr. GRIMES. It may be satisfactory to some gentlemen; but I have got to vote on it one way or the other, and I do not understand it.

Mr. FESSENDEN. It is simply this, that the additional tax of three per cent. upon the outstanding circulation of converted banks shall not apply to banks which have been unable to get in their notes, and in consequence have not received the amount of circulation to which they are entitled under their organization from the Government. For instance, take a bank with a capital of \$100,000. It is entitled to receive \$90,000 in circulation. If they have \$30,000 of circulation outstanding, the Comptroller does not allow them to receive that amount of their \$90,000 of circulation; and this amendment provides that they shall not be taxed for the excess of that money out, so long as they keep within the limit of \$90,000 circulation to which they are entitled. That is the effect of it, and I think it is right.

The amendment was agreed to.

Mr. CONNESS. I move to amend the bill, on page 106, line twenty-three hundred and ninety-eight, by striking out the word "five" and inserting "three." The clause now reads:

On leather of all descriptions, tanned or partially tanned in the rough, a tax of five per cent. *ad valorem*.

The amendment simply proposes a reduction of the tax from five to three per cent. on leather tanned in the rough. This will still leave an additional tax of five per cent. *ad valorem* on the same leather when curried or finished, which I do not propose to interfere with. There is a tax of five per cent. *ad valorem* on the additional value given the article by being curried or finished. It will also leave the tax of five per cent. on the higher class of leather that enters into articles of greater value, and that are more commonly used by persons who are able to pay. This class of leather, the tax on which I propose to reduce to three per cent., enters into the manufacture of common boots and shoes.

Mr. FESSENDEN. If the Senator will look at the proviso to the succeeding clause he will see that his object is already accomplished by that proviso.

Mr. CONNESS. No, sir.

Mr. FESSENDEN. It reads:

Provided, That all leather in the rough upon which duties or taxes have been actually paid shall be assessed on the increased value only when curried or finished.

Mr. CONNESS. I propose to leave that in. I desire to make a change in the paragraph before that.

Mr. FESSENDEN. What change?

Mr. CONNESS. From five to three per cent.

Mr. FESSENDEN. I hope that will not be done.

Mr. CONNESS. I had intended presenting the letter that I hold in my hand to the Committee on Finance, and handed it to the Senator from Oregon, [Mr. WILLIAMS,] but through inadvertence it was not presented to the committee. I think it is a case in which the relief asked for ought to be granted. It is the only amendment that I have undertaken to offer, although I suppose it is not entitled to any consideration on that account. A very reputable and substantial citizen, engaged in this business for many years in my State, writes me thus—I will read but one paragraph of his letter:

"And although we have from \$50,000 to \$60,000 employed in our business for the past two years, in consequence of the frauds committed by a good many in our trade against the revenue, neither Mr. Dean nor his partners have been able to make a living; and he has determined, that unless modification of the present tax is made, and more stringency in compelling delinquent tanners to make just returns to the Government, to leave the business and try some other employment whereby a subsistence can be obtained."

He complains of the administration of the law as well as of the provision itself. The tax, I learn, is reduced one per cent. in this bill; it was six per cent., but is now reduced to five per cent.; and I propose to reduce it two per cent. more, making it three per cent. I think that the committee, considering the fact that they have not had this particular question before them, and that I intended to place it before them, ought not to resist this amendment. It

will, perhaps, not make so much difference to the revenue as to the parties engaged in this useful branch of industry. I hope the Senate will adopt the amendment.

Mr. FESSENDEN. This tax has been fixed after very great consideration by both committees, and I do not see any occasion to change it, neither from the individual case nor the views submitted.

Mr. CONNESS. I think the Senator is right about that, that we should make no change upon the views of an individual; but the honorable Senator will remember that an individual may be a very good representative of a class.

Mr. FESSENDEN. I believe the trade generally is content with this tax as it stands.

Mr. CONNESS. I differ with the Senator upon that point.

The amendment was rejected.

Mr. CONNESS. I give notice that I shall renew the amendment in the Senate.

Mr. HENDRICKS. I have received a letter from a manufacturer of farming implements in the State of Indiana, calling my attention to the one hundred and seventh line on page 165, and I wish to make an inquiry of the chairman of the Finance Committee in regard to it. That clause, which is part of the free list, now reads:

Plows, cultivators, harrows, straw and hay cutters, planters and seed-drills, horse-rakes, hand-rakes, cotton-gins, grain-cradles, and winnowing-mills."

This writer says:

"If the last-named article—

That is, the winnowing-mills—

"is to have any force or in any way benefit the West or the Northwest, it should read 'threshing or winnowing mills or machines.'"

I do not know for certain whether that is provided for in the one hundred and twenty-third line, "reapers, mowers, threshing-machines, and separators." Will that answer the purpose?

Mr. SHERMAN. Certainly. A winnowing-mill is a part of a threshing-machine.

Mr. HENDRICKS. The Senator from Ohio is more familiar with that class of articles than I am; and if that is so, I shall not offer an amendment. I understand that the clause which I have just read in the one hundred and twenty-third line stands in the bill, as the proposition of the committee to strike it out was disagreed to.

Mr. HOWARD. I wish to amend the bill on page 163, between lines fifty-four and fifty-five, by inserting, "iron roofs for railroad depots, and the iron therefor," so as to make iron roofs for railroad depots and the iron of which they are composed free from taxation.

Mr. FESSENDEN. Why should they be free from tax any more than iron for other things?

Mr. HOWARD. The reason is that, like railroad bridges, they are very essential to the safety of property and persons passing over a railroad and in store awaiting transit. I think we ought to encourage this species of manufacture. I will simply relate what has happened in my own city, and that, perhaps, will be the best argument that I can present to the Senate on the subject.

We had two large and spacious depots at Detroit, the roofs of which were made of wood. During the last fall one of them, that of the Michigan Central depot, a very spacious and ample building, filled with property belonging to the company and to shippers and owners, took fire in consequence of the bursting of a cask of varnish, which is very inflammable and which it is impossible to prevent being carried on railroads. Such was the inflammable character of the material that it set the depot on fire almost instantaneously, and the whole building was destroyed. The roof being made of wood took fire almost instantly, and the whole building was consumed, notwithstanding the efforts of a most efficient fire department, using steam engines. The loss to the company could not have been much less than a million dollars. During the last spring the other depot, known as the Detroit and Milwaukee depot, was destroyed by means of a similar accident; the roof and

the walls also of the latter depot being made of wood. If these two buildings had been roofed with iron I suppose there is no doubt that they would have been saved.

Mr. SHERMAN. I will ask my friend from Michigan whether these roofs were not built before the tax law went into operation, and whether he thinks the railroad companies were prevented from putting on iron roofs by the tax law.

Mr. HOWARD. Undoubtedly the roofs were built before the tax law came into operation; but they have to be built again.

Mr. SHERMAN. I will ask my friend from Michigan if he does not think that the Michigan Central railroad and other railroads are just as able to build iron roofs as citizens are to protect their own buildings.

Mr. HOWARD. They are able to build iron roofs probably, and so is the Senator from Ohio, if he is worth the money to procure the materials and manufacture the article; but there lies the difficulty. The iron is so expensive, according to the present prices and the present taxation, as to make it almost impossible, at least very onerous, for railroad companies to construct the roofs of their depots of iron. I might allude to other cases where similar accidents have occurred. I submit that it is nothing more than just, both to the companies and to the public, who travel and whose property is in transit upon these roads, that this simple favor should be extended both to the company and to the public. It is for the safety and security of the public more particularly that I ask that these roofs shall be placed upon the free list.

Mr. SHERMAN. The railroad interest has probably been more relieved by this bill than any other single interest in the country. There has been thrown off the tax on freights, amounting to \$4,800,000. The tax on iron, which enters largely into the cost of every railroad, is very much reduced. The tax has been thrown off railroad iron and iron bridges and also pig iron; and on the great body of articles that are consumed by railroads the duty is now thrown off. There is probably no domestic interest in the United States that is so much relieved by this amended tax bill as the railroad interest. The tax on rubber springs and on nearly everything that enters into the manufacture of machinery, locomotives, and all repairs on locomotives has been stricken off. The double tax that has heretofore been complained of by railroad builders is removed. Certainly we ought not to carry the discrimination in their favor any further. As a matter of course it would be a very convenient thing to have an iron roof on a railroad depot; when it catches fire, it would not be so likely to burn. The same argument would apply to any private house, or to the building of the Capitol or to the building of a State House or to any other public building; it would be cheaper to have a stone or iron roof than a wooden roof; but we do not therefore propose to make exceptions in their favor. It seems to me the exception in this case is totally indefensible on principle.

The amendment was rejected; there being, on a division—ayes two, noes not counted.

Mr. HOWARD. I now move to amend the bill on page 163, line fifty-four, by striking out the words "and castings for iron bridges" and inserting the words "and their several parts;" so that the clause will read, "iron bridges and their several parts."

Mr. FESSENDEN. I can only state that the exemption is confined to castings all through the bill. This is an effort to extend it to wrought iron, which is not done in any case. We have relieved them so far as iron bridges and castings for iron bridges are concerned; and if wrought iron goes into their construction in a greater or less degree, it should take the same course as all other wrought iron that goes into other machinery. There is no reason for extending the exemption any further, in my judgment. I do not think these railroad institutions—a mere favored interest, and most of them very large and rich corporations—exhibit a very proper

spirit in attempting to get rid of all taxation. This amendment would be introducing something entirely new into the bill which is not in any part of it.

Mr. HOWARD. The honorable member from Maine seems to have the impression that iron bridges are made almost entirely of cast iron. At least one half of the iron material entering into a bridge is wrought iron, not cast iron.

Mr. FESSENDEN. The exemption does not go any further in any part of the bill than simply to the castings, with the exception of bar and railroad iron.

Mr. HOWARD. Far the most costly portion of an iron bridge is made of wrought iron; and it is required to be manufactured with reference to being put into a particular bridge before it can be used. It is just as necessary that the wrought iron of a bridge should be prepared beforehand with reference to the particular position which it is to occupy in the bridge as that the various parts of a watch should be thus prepared. There can be no difficulty at all in guarding the revenues against any fraud that may be suspected.

Mr. FESSENDEN. Not the slightest. If we give up collecting the revenue, of course there will be no trouble about frauds.

Mr. HOWARD. The difficulty is the high price of iron, and the next to impossibility of the manufacturer's proceeding with this enterprise if the wrought iron which enters into the fabric is to be taxed after it has been procured by the manufacturer for the purpose of going into the bridge. There is the great difficulty. I hope that this amendment will be adopted.

Mr. GRIMES. All the iron that goes into a bridge, as I understand, is rolled iron. It is what may perhaps be called dimension iron. It is rolled in the particular form in which it is to be used in the bridge. It is not wrought iron in the sense in which wrought iron is usually understood. It is not iron which can be made into the various forms into which blacksmiths convert wrought iron. Now, where is the principle in exempting railroad iron, as the committees of both Houses have reported that we should do, and as we have agreed to do, and not exempting also the rolled iron that goes to make the bridge structure upon which the road is to pass when it crosses a stream? Does not the same principle apply in this case as in the other? Perhaps the amendment of the Senator from Michigan would be more appropriate if it spoke of the rolled parts of the bridge. We have exempted the structure as an entirety from duty. We have exempted the rolled rails on which the track runs until it comes to the bridge. Now, is there any reason that can be assigned why we shall not also exempt the parts of the bridge that support the superstructure upon which the train passes when it goes over this cavity in the earth?

Mr. SHERMAN. The objection to the amendment is the uncertainty and ambiguity that will be created by its adoption. The bill now exempts nearly all kinds of cast iron from taxes, especially all cast iron used by railroads. The only rolled iron that I believe is exempted from the tax is railroad iron. This is a special exemption in favor of the railroad interest, not probably defensible. If you were called upon to defend the exemption of railroad iron it would be very difficult to defend it upon the ground that it is an exception in favor of the railroad interest; and yet this exception is made in their favor. They want the exemption to extend to the whole list. They might as well say that all the rails used in a freight depot should be exempted from taxation because you exempt cast iron, the nails, and the repairs of machinery. We have exempted locomotives and a certain class of repairs.

It seems to me, the difficulty will be this: it is true that in the city of Detroit, where there is a very large establishment for constructing railroad bridges, they may at that shop construct all the parts of a railroad bridge, and if they do, they are exempt under the general

exemption made of railroad bridges; but in every railroad bridge there are component parts made at other rolling-mills. Now, if you exempt all the parts of a railroad bridge, when a part is rolled out in Pennsylvania, how can it be determined whether that will be used as a part of a railroad bridge or not? It may not be. Very much of the iron used in a railroad bridge may be used also for building purposes. It is therefore impossible for us to go any further than we have already done. You have exempted the iron railroad bridge; and that will include all the work done by the man who builds the bridges; but when you extend the exemption to the parts of a railroad bridge, you go back to the foundry; you go back to the Pennsylvania roller; you go back to the man who manufactures the rails, or contributes by his work to any portion of this railroad bridge; and you make uncertainty and ambiguity. It seems to me, therefore, that this interest is sufficiently protected when you exempt the railroad bridge and the castings, the materials that go into it.

In the case that I know the Senator wishes to provide for—the case in Detroit—a very intelligent gentleman came to me and spoke to me about this clause, and there is no doubt that as it now stands it will embrace all that he desires, because by the exemption of the railroad bridge you exempt all the work done by a man in constructing that bridge; but it ought not to go back and exempt all the work that has been done on the various parts by some one else.

Mr. HOWARD. Will the Senator allow me to ask him a question?

Mr. SHERMAN. Certainly.

Mr. HOWARD. Does the Senator understand from this language, "iron bridges," that all the materials that enter into an iron bridge when it is a completed structure are to be, before they enter into the structure, exempted from tax?

Mr. SHERMAN. No, sir; but the Senator wishes to make it so.

Mr. HOWARD. That is the very point on which he and I differ.

Mr. SHERMAN. He wishes to make it so, and I say it is impossible, because the assessor cannot tell, when the iron is rolled out, whether it is to be used for a bridge or a house.

Mr. HOWARD. Very well; then all I ask is that when it is procured by the manufacturer as a bridge, and formed into some part of a bridge, so molded, hammered, bent, or formed, as to be made suitable to enter into a bridge and form a part of it as such, it shall be exempted from that time forth from taxes. I do not ask that the raw material, the commercial article, the iron found at the ironmonger's shop shall be exempted from taxation.

Mr. SHERMAN. That is precisely what the Senator's amendment will do.

Mr. HOWARD. No, sir.

Mr. SHERMAN. All the parts that enter into a bridge are to be exempt. You exempt the railroad bridge, which is made by the contractor or constructor, and then propose to exempt all the parts that enter into and form part of that bridge.

Mr. HOWARD. When they are formed and fashioned to become parts of the bridge.

Mr. SHERMAN. Those parts are made in a remote region; and how can you distinguish them? It seems to me we have gone far enough.

Mr. GRIMES. I understand the Senator from Ohio to admit that the only objection there is to this proposition is that it may lead to fraud, inasmuch as it will be impossible to distinguish between the iron that may be rolled and used for bridges and that which may be rolled for other purposes. I think he is entirely in error in that. I do not suppose that any iron company ever rolled a bit of iron that could be used for bridge purposes without first having a contract with some company by which the iron was to be used in a specific way, and having the exact dimensions of the bridge; but in order to obviate all difficulty on that

subject, I suggest to the Senator from Michigan that he adopt this phraseology, "and all iron rolled specially for and used in the structure of bridges."

Mr. HOWARD. I will accept that amendment.

Mr. GRIMES. That will not apply to spikes; it will not apply to wrought iron; it will not apply to the various forms in which iron can be used, and which the Senator from Ohio supposes may be objectionable, but only to the large dimension iron, which can only be used in the structure of a bridge, and after a contract is made. There will be no difficulty in following it from the place where it is rolled to the place where it is used.

Mr. CLARK. It seems to me that the amendment proposed by the Senator from Iowa is worse than the other. I fear very much that if the amendment were adopted all the iron rolled in the country would be rolled for bridges, and I do not believe we would get any duty. Everybody would say, this is intended for such and such a bridge; and we should never get any duty. We would have to rely entirely on their statement.

Mr. GRIMES. I do not know what kind of bridges the Senator from New Hampshire has been in the habit of seeing; but the iron in the bridges that I have seen could not be used by blacksmiths, if they were torn to pieces, for making horseshoes or anything of that sort.

Mr. SHERMAN. The kind of iron that is used for a certain class of bridges that I know something about is one and one and a half inch pound iron, which has a screw at the end, and is used as a part of a trestle bridge; and that can be used for almost all the purposes for which iron can be used.

Mr. GRIMES. That is the kind of iron that they use in wooden bridges.

Mr. SHERMAN. Trestle bridges.

Mr. GRIMES. We are speaking about iron bridges, and this amendment applies to iron bridges, and not to wooden bridges. The whole subject under consideration is iron bridges; and if the Senator ever saw any of that kind of iron in an iron bridge he has seen something that I have never seen.

Mr. FESSENDEN. The difficulty of adopting such an amendment would be the great liability to fraud under it, as the Senator from Ohio has stated. All of this work might be done at one establishment; but this bar iron, rolled iron, &c., can be used for any purpose, and they could pass it off and escape taxation by saying that it was for the making of bridges. What proof can we have that it ever goes into the construction of a bridge? It is not taxed; it is free; and whether it will be absolutely used in the construction of a bridge we can never know. It can be used just as well for anything else, or sold and used for anything else, precisely. The reason why there is no chance for fraud in the case of castings is, that when it is once cast for a particular purpose it is good for nothing else, and if broken up, it is ruined. There is no danger, therefore, to the revenue with reference to castings once made. But if you apply the principle to wrought iron, and let it escape from taxation in a large establishment, how are you going to follow it to know whether it is to be used in the construction of a bridge? The bridge is not made at one factory. The result will be that it will open the door to fraud, and there is no knowing how much of this iron may escape taxation under this provision. I hope the Senate will not think of adopting such an amendment, simply for the purpose of giving additional aid to these very large and rich corporations and railroad companies.

Mr. CHANDLER. The Senator from Maine entirely misapprehends this question. These bridges are absolutely made and put up at the factories, be they longer or shorter, and every particle of the iron composing each part of the bridge is rolled or cut for that specific purpose.

Mr. FESSENDEN. They are not taken in that way to the places where they are to be put

up, I suppose. They must be taken to pieces again.

Mr. CHANDLER. Certainly, and they are put up at the place where the bridge is to be. I have seen a bridge a thousand feet long put up at a factory.

Mr. FESSENDEN. It was not carried in that state to the place where it was to be put up.

Mr. CHANDLER. Certainly not; it was taken to pieces, and then put up again. All the iron rolled for a bridge is just as distinctly for that purpose as if cast for that purpose.

Now, Mr. President, the object of this amendment is to induce the building of iron bridges. Tax iron bridges and leave wooden bridges without tax, and you offer a premium for the construction of these unsafe, unreliable wooden bridges, which ought to be abandoned, and there ought to be a law compelling the use of iron instead of wood. By taxing the iron and leaving the wooden bridge untaxed you actually offer a premium for the use of the unsafe and unreliable wooden bridges. It is a mistake to suppose that there is any danger from exempting the parts of the rolled iron rolled for that purpose. It can be used for no other purpose. It must be used for that specific purpose. There are but two or three establishments in the United States where these bridges are manufactured. I hope that the amendment of the Senator from Iowa, which is just as acceptable as that of my colleague, will be adopted.

Mr. FESSENDEN. I hope not, unless the Senate mean to exempt everything.

The PRESIDING OFFICER, (Mr. POMEROY in the chair.) The amendment, as modified by the Senator from Michigan, will now be reported.

The SECRETARY. It is proposed on page 163, line fifty-four, to strike out the words "and castings for iron bridges" and to insert—

Mr. GRIMES. Those words should not be stricken out, but the words which I propose should be added right on to that line.

The SECRETARY. It is proposed to add at the end of line fifty-three the following: "and all iron rolled specially for, and used in, the construction of bridges."

Mr. HOWARD. Mr. President, I see no force in the objection insisted upon by the Senator from Maine with regard to the exemption of the various parts of an iron bridge. He seems to see a danger that the revenue will be defrauded by a perversion of the materials to some other purpose after they have been procured by the manufacturer. Undoubtedly there is a possibility that such frauds may be committed; but is there not the same possibility in reference to a clause, which lies in close juxtaposition to this, exempting from all taxation "masts, spars, ship and vessel blocks, and tree-nail wedges, and deck-plugs, cordage, ropes, and cables made of vegetable fiber?" Is there not a possibility that some of these materials might be perverted and put to some other use? Certainly there is; and if there is any force in the Senator's objection against our proposition, there is force in the objection against this same proposition which I have read exempting cordage, ropes, cables, &c., from taxation. The truth is, that there is no more difficulty in identifying the various parts of an iron bridge than there is in identifying masts, spars, &c., that are prepared or procured for the manufacturer for ship-building. Both classes of materials rest upon precisely the same foundation. I hope, in order to encourage the building of iron bridges, and thus to promote the safety of the public in person and property, that the Senate will adopt the amendment which has been offered.

Mr. GUTHRIE. I understand that freeing railroad bridges from taxation is relieving the bridges after they are constructed from taxation as a construction; and to strike out bridge castings from this clause is to strike out that portion of the bridge which is made of castings. The tax upon bar iron which is used in the construction of bridges is not interfered with by the bill that is reported; but there is no tax upon pig metal, and if you take off the

tax from bridge castings there will be no tax upon that part of the structure, and this is an effort to get bar iron that is used in the construction likewise relieved. The fair way would be to give a drawback when it is so used and put in bridges, in that careful way in which we always make provision for drawbacks.

When a farmer gets bar iron for the use of his farm, or when any builder gets bar iron for the use of his construction, he has to pay to the manufacturer the tax, which is a part of the cost. This is simply a reduction of the tax on a bridge as a manufacture after it is constructed and put up. It is simply a reduction of bridge castings—cast iron used in the construction of bridges. A large portion of some bridges is of iron castings.

When the war broke out our people were engaged in building a great many iron bridges at the South; they have now resumed it; and there, where for very long distances they have no stone to make the abutment and the piers with, they make them of iron castings. So far as they are made of castings, the bill now relieves them from all tax. We are using iron very extensively in these structures, because it does not wear out so readily and is not burned so easily, and resist longer the influences of decay; and the result is to have the structures more secure and more permanent. I am not against cheapening iron bridges; I think it is very well to do so; but we must get a revenue to pay the interest of the public debt and support this Government; and if we knock out everything that pays a tax, or would cheapen articles, or be convenient to some portion of the people, we shall have no taxes left. I think in prudence and justice we should not run too fast with these exemptions, and I shall therefore vote against this amendment.

The amendment was rejected.

Mr. VAN WINKLE. I offer the following amendment to come in after line twenty-eight hundred and twenty-four of section nine, on page 123:

That section one hundred and four be amended by striking out all after the enacting clause and inserting in lieu thereof the following: that any person carrying on or doing express business shall be subject to and pay a tax of three per cent. on the gross amount of all the receipts of such express business in excess of the amount paid by such person to any railroad company or companies for the transportation of his cars and freight.

This amendment proposes to alter the existing law, in the first place, by striking out the words "company, firm, or corporation," which is in accordance with other amendments in the bill, because the word "person" is defined to include all these; and secondly by striking out the word "duty." But the main point of the amendment is the latter clause. It is to relieve express companies from paying a tax on that part of their earnings which they pay over to the railroad company that gives them their transportation, the railroad company being exempt from paying any tax upon its tonnage earnings. It seems to me that when you exempt the one and levy that tax on the other, you are making a very gross discrimination between them, and they are to some extent rivals in the transportation at least of certain kinds of freight. The object is to relieve express companies simply from paying tax on that part of their earnings which goes over to the railroad company that transports their cars and their contents.

Mr. FESSENDEN. One objection is that the fair inference would be that if railroad companies are relieved so far as freight is concerned, the express companies would get their proportion of that relief.

Mr. VAN WINKLE. But they are working under contracts already made.

Mr. FESSENDEN. But their contracts will be out after a time. It is not worth while to legislate in reference to very short periods. That is the first objection.

The next objection—for this matter was considered very deliberately in the committee—is that if there is any set of people in the world who can afford to pay the tax, it is the express

companies. They are universally profitable, and the tax is in no way oppressive. My friend from West Virginia has for some reason or other this favorite notion of his, but it has not struck the rest of the committee as it has struck him. I hope this change will not be made.

Mr. SHERMAN. I concurred heartily in the view expressed by the chairman of the committee when it was presented; but there was one view mentioned to me by a person interested in this business this morning which I think it is proper to state to the Senate. He said that their chief competitors were these vast transportation lines called star lines, &c., transportation lines connected with the railroad companies, which are expressly relieved by this act from a tax upon transportation. No transportation company pays any tax upon money received for transportation. Express companies are now required under the law to pay a tax on the very money they pay to the railroad companies, while the railroad companies and all these other competing companies which carry property carry it free from any tax. The express company not only pays on its earnings, but also on the amount it pays to the railroad companies. That presents their claim to this partial relief pretty strongly, in my judgment.

Mr. FESSENDEN. The answer is obvious. There is a wonderful difference in price between carrying an article by an express company and by these transportation companies.

Mr. SHERMAN. But they pay the railroad companies for express transportation.

Mr. FESSENDEN. I know they do; but take the price which express companies charge for carrying a bundle and compare it with the freight over a railroad. Bundles and packages and innumerable little things are carried by express, and transportation companies do not compete with express companies except in matters of heavy freight; but the difference between the comparatively enormous charges of express companies and those of railroad companies in the ordinary course of business is exceedingly great, and covers all the tax. Their very great prosperity is enough to satisfy anybody that they are not oppressed by this tax.

Mr. VAN WINKLE. I do not think the last argument of the Senator from Maine is a strictly fair one in any case. If you are going to tax anybody that can bear it, you have only got to single out the people who make money and put the whole of the taxes on them. That express companies have made money, I believe is a fact that cannot be disputed; but we also know that recently, at least, they have lost immense sums of money by robbery, and their risk is very great for they insure everything they do carry.

Again, as to their rates being higher than those of railroad companies: they take your goods from your door and convey them to the car and then deliver them at the other end of the route. I remember on one occasion going from here only to Baltimore with a trunk, and I paid more for the transportation of myself and trunk from the railroad depot to a hotel in Baltimore than the fare for the forty miles amounted to.

I put this on the ground that it is an act of justice to these companies in reference to what has been done for others; that if you continue to charge them on this, it is establishing an inequality and making them the subjects of an inequality to their detriment.

Mr. FESSENDEN. Will this reduce their prices for carrying articles? [Laughter.]

Mr. VAN WINKLE. Oh, yes, certainly. [Laughter.]

Mr. GUTHRIE. These express companies are not very popular in the community. They are supposed to make a good deal of money, and I never knew anybody to be very popular who was supposed to get more than his share. An express company on a long line, say from New York or Boston to Cincinnati or Louisville, make arrangements with the railroad companies to carry a car for them or furnish them room in a car, for which they pay each

road so much annually or so much per hundred-weight carried. They undertake with the railroad company to bear all risks, receive all goods offered, and deliver them, and bear the railroad company harmless except from damages that arise from the negligence of the railroad company. It is for that guarantee, that insurance, and for collecting the goods and delivering them to the parties for whom they are intended at the place of destination, that express companies make a charge beyond that which is allowed to the railroad companies. Every railroad, to a certain extent, runs in competition with the express companies; but their guarantee under the liabilities of the law is not as good as the personal guarantee of the express companies, and hence the people prefer to patronize the latter. If an express company undertakes to carry \$100,000, and a robbery is committed before the money reaches its destination, the owner expects immediate payment, and not payment at the end of a lawsuit. When I was in the Treasury Department one of these express companies lost \$50,000 of Government money intrusted to them. They made a very fair representation of the case, but as Secretary of the Treasury I told them that they could never carry a dollar more until they paid that, and they paid it up, for they wanted the business. So it is with individuals; they require them to stand up to their bargains. No railroad company that I know of would be able to respond at once to such a liability. The railroad companies are not able to keep on hand the amount necessary to meet such contingencies. The Adams Express Company, which I believe is one of the strongest there is, has a surplus invested which is probably sufficient to meet all the hazards, and they do it very promptly. It is impossible that the community can have these guarantees and these extra services and this prompt payment on the part of the express companies without paying something in return. They are running lightning express lines by arrangements with the railroad companies. They charge more than the railroad companies; but if the railroad companies were to undertake to do the business it would be broken up in a very short time, because there is not the same liability and security to the public.

We found during the war that the Adams Express Company made a great deal of money. They were the only line that were allowed by the military authorities to carry anything over the Louisville and Nashville railroad. The railroad company was prohibited from carrying anything except Government supplies and Government troops. The railroad company could not carry a dollar's worth of freight over the road, and the express companies had the business all to themselves. This threw an immense and very profitable business into their hands, and they got to be exceedingly odious to everybody who did not like to see other people grow rich fast. I am satisfied that if the public have the accommodation of the express lines and have their guarantee, they will always have to pay for it. Most of these express companies pay for the transportation of their goods to the railroad companies fully one half of their receipts; and a tax of three per cent. on their gross receipts is equivalent to six per cent. on their earnings, because they pay one half and sometimes a greater proportion to the railroad companies who transport their freight. The amendment was rejected.

Mr. DAVIS. I offer an amendment on page 197, in section [thirty-five] thirty-three, line seven, after the word "gallon" to insert "until the 1st day of November, 1866, and after that date \$1 50 on each gallon until the 1st day of April, 1867, and after that date one dollar on each gallon."

This is simply a proposition to reduce the rate of tax upon whisky ultimately to one dollar a gallon. The amendment proposes that the reduction shall not commence until the 1st day of November next, and then \$1 50 on each gallon shall be paid until the 1st day of April following, and after the 1st day of

April next year, that the rate of tax upon whisky shall be one dollar per gallon.

I am induced to offer this amendment from several considerations. I believe, in the first place, it will yield more revenue. In the next place it will reduce a very large amount of temptation that there is in the country for illegitimate distillation of spirits and for the commission of fraud upon the public revenue and of perjury. I believe, from the slight information I have upon the subject, that there are now thousands of persons all over the United States engaged in distilling spirits in fraud of the revenue, clandestinely and illegitimately. I believe that they are encouraged and rewarded to do so by the high rate of tax upon the distillation of whisky and other spirits. It is a principle that taxes may become so high as to destroy revenue, too high to produce the largest amount of revenue; and I believe that that is the state of the present tax upon whisky. My own opinion is that it is too high to produce the largest amount of revenue. Any evasion of the law by spurious distillation is accompanied by more or less of crime and of demoralization. I think the reduction of the rate of taxation as I have proposed would have a tendency to remove very much of the temptation to fraud, perjury, and crime that is certainly stimulated under the present high tax upon whisky, and I think it would be a measure not only of political economy but of morality also to reduce the rate of tax upon whisky as I have proposed.

Mr. FESSENDEN. I hope that amendment will not be adopted. The other provisions of the bill have been arranged with reference to that particular provision, the free list, &c.

The amendment was rejected.

Mr. DAVIS. I propose another amendment on page 61, in line twelve hundred and eighty-six, to strike out after the word "distillers" the words "shall pay \$100," and to insert:

Who shall distill fifty barrels or less of brandy or whisky, twenty dollars; and every distiller who shall distill more than fifty barrels, for each and every one hundred barrels above that quantity shall pay an additional ten dollars.

The intent of this amendment is to establish a graduation of the cost of special licenses. In my State—and I suppose it is so in other sections of the United States—a great many small distillers consume their own grain, grain that they themselves raise upon their farms, in distillation. Many of them make under fifty barrels, and very few above that quantity. There is no reason in justice why a man who distills grain which he raises upon his own farm, and in that form seeks to find a market for it, and who makes but fifty barrels of whisky or less, should be charged as much for a special license as an establishment that makes two thousand barrels. There are some distillers that make more than that quantity, but greatly less than any of the large distilling establishments of the country. The effect of this bill, of its various and complicated and oppressive provisions, will be to induce these small distillers to cease their operation of distilling wholly. The revenue that is to result from this special tax on distillation is increased or diminished in proportion to the number of persons that are engaged in distilling. This high tax of \$100 upon every distiller, and the various other most vexatious and oppressive provisions of this bill, which I suppose are necessary, that bear upon distillers, will have the effect of inducing those who distill a small quantity to discontinue the operation entirely. If this amendment shall be adopted, and a graduated price for this special permission to distill shall be established, it will have the effect, I think, of encouraging the continuation of their business by the small distillers, and of bringing others into the operation of distilling their own grain or the grain of their neighbors; and in that way I think it would be a provision that would excite and increase the revenue instead of diminishing it.

The amendment was rejected.

Mr. HENDRICKS. I propose an amend-

ment to come in after the word "dividends" in line thirty-one hundred and thirty-five of section nine of this bill, on page 136:

That section one hundred and twenty-two be amended by adding thereto the following proviso: *Provided*, That whenever any such railroad, canal, turnpike, canal navigation, or slack-water company is indebted as herein set forth, and shall owe accrued interest or matured coupons upon its indebtedness, the tax of five per cent. on the amount of all such interest or coupons shall be payable to the Government whenever said interest or coupons shall be ordered by any such company to be paid to the person to whom the same shall be due and owing, or whenever the payment thereof, as aforesaid, by any such company, with or without previous order, shall have been commenced.

I will explain in a word or two what this amendment is. The section of the old law which it proposes to amend is section one hundred and twenty-two. That provides—

"That any railroad, canal, turnpike, canal navigation, or slack-water company indebted for any money for which bonds or other evidence of indebtedness have been issued, payable in one or more years after date, upon which interest is stipulated to be paid, or coupons representing the interest, or any such company that may have declared any dividend in scrip, or money due or payable to its stockholders, as part of the earnings, profits, income, or gains of such company, and all profits of such company, carried to the account of any fund, or used for construction, shall be subject to and pay a duty of five per cent. on the amount of all such interest, or coupons, dividends, or profits, whenever the same shall be payable; and said companies are hereby authorized to deduct and withhold from all payments, on account of any interest, or coupons and dividends due and payable as aforesaid, the duty of five per cent.; and the payment of the amount of said duty so deducted from the interest, or coupons, or dividends, and certified by the president or treasurer of said company, shall discharge said company from that amount of the dividend, or interest, or coupon, on the bonds or other evidences of their indebtedness so held by any person or party whatever, except where said companies may have contracted otherwise."

This construction has been given to that provision: that as soon as the coupons became due the company shall pay five per cent. on them, whether the company is in a condition to pay the coupons or not. In other words, it is so construed as to make the payment of the tax to be upon the indebtedness of the company. This was intended to be an income tax, that the five per cent. should be paid by the company, instead of the party to whom the interest is payable. The proposition I now make is, that it shall be in fact an income tax; that it shall be a tax upon the interest paid to the bond-holder, instead of being a tax against the company upon its indebtedness. Congress did not intend to tax the indebtedness of a corporation, but intended to tax the income of the bond-holders against the company, and provided that the tax should be paid directly by the company to the Government instead of collecting the tax from the bond-holder after the coupon or interest had been paid.

It seems to me this is right. There is one company in the State of Indiana that has not been able to pay its coupons, but it has been required to pay the tax upon the coupons when it was not able to meet them. My proposition is that when a company pays the coupons, and not before, it shall pay the five per cent. tax upon them into the Treasury.

Mr. SHEERMAN. The substance of this amendment I had intended to offer myself. The tax, as it is now imposed, is really a tax upon an insolvent corporation. This is a mode of collecting the income tax levied upon persons who own stock in incorporate companies or are bond-holders of those companies. I think there ought to be some provision to meet the case stated by the Senator from Indiana. There are many corporations in the western States, and perhaps some in other portions of the country, that are laboring under the difficulty which that Senator has stated. This was really intended to be an income tax of five per cent. levied upon coupons or interest paid by corporations. In some cases the corporations themselves are insolvent, and cannot and do not pay their interest to the bond-holders. The tax, however, is notwithstanding levied upon the corporations, and it is collected from their other property, adding to their insolvency, and in some cases really taking away from them the power to go on.

The section was intended to provide for an income tax, and for convenience of collection levied it on the company rather than upon the bond-holder. The effect of the section as practically construed, however, is to add to the insolvency of an insolvent corporation, and take away from them the means of paying their liabilities. I think, therefore, some such provision as this ought to be inserted. I commenced to draw one, but I have not yet completed it. I had thought of putting it in the shape of a proviso, providing that whenever any of the companies named, by reason of their inability to pay their interest, should in fact fail to pay it, the tax should be postponed until they did pay it. I think the amendment of the Senator from Indiana uses more words than are necessary.

Mr. FESSENDEN. If it can be put into a clear shape, I do not know that I shall object to it.

Mr. HENDRICKS. I think it is clear enough as I have drawn it:

That whenever any such railroad, canal, turnpike, canal navigation, or slack-water company is indebted as herein set forth, and shall owe accrued interest or matured coupons upon its indebtedness, the tax of five per cent. on the amount of all such interest or coupons shall be payable to Government whenever said interest or coupons shall be ordered by any such company to be paid to the person to whom the same shall be due and owing, or whenever the payment thereof, as aforesaid, by any such company, with or without previous order, shall have been commenced.

The amendment is simply that this five per cent. shall be paid by the company as soon as the company shall order the payment of the coupons or interest, or as soon as the company without such order shall commence the payment.

Mr. SHERMAN. I would like to amend that amendment to carry out the object.

Mr. FESSENDEN. While the amendment is being put in shape, I suppose I may as well be allowed to offer some verbal amendments. I have a long list of them here.

Mr. HENDRICKS. I withdraw my amendment for the present.

Mr. FESSENDEN. On page 33, in line five hundred and seventy-one, I move to strike out the words "under this act."

The PRESIDING OFFICER. That correction will be made.

Mr. FESSENDEN. On the same page, in line five hundred and eighty-eight, I move to strike out the words "under the provisions of this act."

The PRESIDING OFFICER. That correction will be made.

Mr. FESSENDEN. In line five hundred and ninety-three, on page 34, I move to strike out the words "arising under this act."

The PRESIDING OFFICER. That correction will be made.

Mr. FESSENDEN. In line seven hundred and ninety-nine, on page 42, I move to strike out the words "this act" and insert "law."

The PRESIDING OFFICER. That change will be made.

Mr. FESSENDEN. In line eight hundred and nine, on the same page, I move to strike out "this act" and to insert "law."

The PRESIDING OFFICER. That alteration will be made.

Mr. FESSENDEN. In line eight hundred and twenty, on page 43, I move to strike out "this act" and insert "law."

The PRESIDING OFFICER. That amendment will be made.

Mr. FESSENDEN. In line eight hundred and twenty-two, on the same page, I move to strike out "virtue of this act" and to insert "law;" and I move also the same amendment in line eight hundred and twenty-four.

The PRESIDING OFFICER. That change will be made.

Mr. FESSENDEN. In line eight hundred and ninety-four, on page 46, I move to strike out the words "under this act."

The PRESIDING OFFICER. That amendment will be made.

Mr. FESSENDEN. I move to amend, on

page 50, in line nine hundred and ninety-four, by striking out "this act" and inserting "law."

The PRESIDING OFFICER. That change will be made.

Mr. FESSENDEN. I move to amend in line eight hundred and ninety-five, on page 46, by inserting "fraudulent" before "selling," and by striking out the words "in fraud of said laws."

The PRESIDING OFFICER. That change will be made.

Mr. HENDRICKS. I have availed myself of the phraseology of the Senator from Ohio, and I now offer my amendment in this shape:

Insert after line thirty-one hundred and thirty-five of section nine: That section one hundred and twenty-two be amended by adding thereto the following proviso: *Provided*, That whenever any of the companies mentioned in this section shall be unable to pay the interest on their indebtedness, and shall in fact fail to pay such interest, in such cases the tax levied by this section shall not be paid to the United States until said companies resume the payment of interest on their indebtedness.

The amendment was agreed to.

Mr. FESSENDEN. In line eleven hundred and forty-one, on page 56, I move to strike out "under this act;" and in line eleven hundred and fifty-six, on the same page, to strike out the same words.

The PRESIDING OFFICER. That correction will be made.

Mr. FESSENDEN. On page 57, in line eleven hundred and seventy-nine, I move to strike out the words "under this act."

The PRESIDING OFFICER. That amendment will be made.

Mr. FESSENDEN. On page 58 I move to amend in line eleven hundred and ninety-eight by striking out "under this act," and by striking out the same words in line twelve hundred and seven.

The PRESIDING OFFICER. That amendment will be made.

Mr. FESSENDEN. On page 59, line twelve hundred and twenty-one, I move to strike out the words "under this act;" and also to strike out the same words in line twelve hundred and twenty-nine and in line twelve hundred and thirty-five, on the same page.

The amendment was agreed to.

Mr. FESSENDEN. On page 60, line twelve hundred and forty-nine, I move to strike out the words "under this act;" and in line twelve hundred and fifty-two to strike out the words "within the meaning of this act."

The amendment was agreed to.

Mr. FESSENDEN. On page 61, line twelve hundred and seventy-one, I move to strike out the words "under this act;" and also to strike out the same words in line twelve hundred and seventy-eight and line twelve hundred and eighty-four.

The amendment was agreed to.

Mr. FESSENDEN. On page 62, line twelve hundred and ninety, I move to strike out the words "under this act;" and also to strike out the same words in line thirteen hundred and four.

The amendment was agreed to.

Mr. FESSENDEN. On page 63, line thirteen hundred and twenty-three, I move to strike out the words "under this act," and also to strike out the same words in line thirteen hundred and thirty-one.

The amendment was agreed to.

Mr. FESSENDEN. On page 64, line thirteen hundred and forty-nine, I move to strike out the words "under this act."

The amendment was agreed to.

Mr. FESSENDEN. On page 65, line thirteen hundred and seventy-two, I move to strike out the words "under this act," and also to strike out the same words in line thirteen hundred and eighty.

The amendment was agreed to.

Mr. FESSENDEN. On page 66, line thirteen hundred and ninety-four, I move to strike out the words "under this act," and also to strike out the same words in lines thirteen hun-

dred and ninety-eight, fourteen hundred and four, and fourteen hundred and ten.

The amendment was agreed to.

Mr. FESSENDEN. On page 67, line fourteen hundred and sixteen, I move to strike out the words "under this act;" and also to strike out the same words in line fourteen hundred and twenty-two and line fourteen hundred and thirty-three; and also to strike out the words "within the meaning of this act" in line fourteen hundred and thirty-seven.

The amendment was agreed to.

Mr. FESSENDEN. On page 68, line fourteen hundred and fifty-four, I move to strike out the words "under this act."

The amendment was agreed to.

Mr. FESSENDEN. On page 69, line fourteen hundred and sixty-eight, I move to strike out the words "under this act."

The amendment was agreed to.

Mr. FESSENDEN. On page 70, line fourteen hundred and ninety, I move to strike out the words "under this act;" and also to strike out the same words in line fifteen hundred and four and line fifteen hundred and nine.

The amendment was agreed to.

Mr. FESSENDEN. On page 71, line fifteen hundred and sixteen, I move to strike out the words "under this act," and also to strike out the same words in line fifteen hundred and thirty-five.

The amendment was agreed to.

Mr. FESSENDEN. On page 72, line fifteen hundred and forty-three, I move to strike out the words "under this act," and also to strike out the same words in lines fifteen hundred and forty-six, fifteen hundred and fifty, fifteen hundred and fifty-five, and fifteen hundred and sixty-two.

The amendment was agreed to.

Mr. FESSENDEN. On page 73, line fifteen hundred and seventy-three, I move to strike out the words "under this act."

The amendment was agreed to.

Mr. FESSENDEN. On page 74, lines fifteen hundred and ninety-three and fifteen hundred and ninety-four, I move to strike out the words "within the meaning of this act;" and also to strike out the same words in line sixteen hundred; and also to strike out the words "under this act" in lines sixteen hundred and five, sixteen hundred and six, and sixteen hundred and thirteen.

The amendment was agreed to.

Mr. FESSENDEN. On page 75, lines sixteen hundred and eighteen and sixteen hundred and nineteen, I move to strike out the words "within the meaning of this act;" in lines sixteen hundred and thirty-two and sixteen hundred and thirty-three to strike out the words "for the purpose of this act;" and in line sixteen hundred and thirty-nine to strike out the words "under this act."

The amendment was agreed to.

Mr. FESSENDEN. On page 76, line sixteen hundred and sixty-four, I move to strike out the words "under this act."

The amendment was agreed to.

Mr. VAN WINKLE. On page 70, line fifteen hundred and two, I move to strike out the words "or persons," and in the same line to change the word "make" to "makes," so as to read, "any person who makes for sale photographs," &c.

The amendment was agreed to.

Mr. FESSENDEN. On page 77, lines sixteen hundred and seventy-five and sixteen hundred and seventy-six, I move to strike out the words "anything in this act" and to insert "any provision of law."

The amendment was agreed to.

Mr. FESSENDEN. On page 88, line nineteen hundred and forty-one, after the word "under," the words "the fifty-eighth section of the act to which this is an amendment" have been stricken out and the words "this act" inserted. I now move to strike out the words

"this act" and to insert "the provisions of law."

The amendment was agreed to.

Mr. FESSENDEN. On page 93, line two thousand and seventy-one, I move to strike out the words "this act" and to insert "law," and that the same amendment be made in line two thousand and eighty-two.

The amendment was agreed to.

Mr. FESSENDEN. On page 96, line twenty-one hundred and fifty-nine, I move to strike out the words "this act" and to insert "law."

The amendment was agreed to.

Mr. FESSENDEN. On page 79, line seven hundred and twenty-one, I move to strike out the words "taxed by this act" and insert "upon which a tax is imposed by law."

The amendment was agreed to.

The PRESIDENT *pro tempore*. The bill will be laid aside temporarily to enable the Chair to receive a message from the House of Representatives.

DEATH OF HON. JAMES HUMPHREY.

The following message was received from the House of Representatives by Mr. McPHERSON, its Clerk:

Mr. President, I am directed by the House of Representatives to communicate to the Senate information of the death of Hon. JAMES HUMPHREY, late a Representative from the State of New York, and the proceedings of the House thereon.

The resolutions of the House of Representatives were read.

Mr. MORGAN. Mr. President, if the frequency of the messages that have been communicated to us since the commencement of this session, that another member of Congress is dead, shall serve to remind us of the uncertainty of human life and to prepare us for the divine injunction, "Be ye also ready," then as these tidings are made known our grief should be assuaged and our sorrow lessened.

Hon. JAMES HUMPHREY, a member of the House of Representatives from the third congressional district of the State of New York, died suddenly at his residence in Brooklyn, county of Kings, on Saturday, the 16th instant, in the fifty-fifth year of his age. For several years he had been more or less an invalid, and many times his attacks had endangered his life.

He was a son of the late Rev. Heman Humphrey, for many years president of Amherst College, and he possessed the fine mind for which his father was distinguished—a mind corresponding, in the delicacy of its tastes and the elegance of its culture, with his sensitive physical organization, and the peculiar grace of his manners.

He was born in Fairfield county, Connecticut, in 1811, and graduated at Amherst College when but nineteen years of age, and immediately commenced his legal studies at Yale College law school. From that institution he removed to New York, and became a student in the law office of the late Seth P. Staples. After his admission to the bar he married and removed to Louisville, Kentucky, where he practiced his profession successfully until 1838, when he removed his law office to the city of New York and his residence to Brooklyn. He soon secured a large business, and became actively identified with the leading commercial and corporate interests of the city of New York, and was the legal adviser of the best merchants and bankers in that city, all of whom ever reposed in him the most implicit confidence. As a lawyer he was distinguished for his learning, candor, fairness, and clearness of thought, and he invariably gave satisfaction to his clients. He possessed a rare faculty of attaching men to him, and was always faithful to every tie of friendly or political relationship. In common with so many of our public men who have gained honorable positions and been of service to the State, his first active occupation was that of a teacher. The first public office that he held was that of alderman of Brooklyn, next that of counsel to the

corporation, and in both relations he sustained the same high character he had ever borne. In 1858 he was chosen to the Thirty-Sixth Congress, where he discharged his duties in a highly creditable manner. He was again a candidate for Congress in 1860, but was not elected. His successful opponent at that election was the late Hon. Moses F. Odell, whose decease was announced only three days previous to the decease of Mr. HUMPHREY. In 1864 he was chosen to a seat in the Thirty-Ninth or present Congress, and in the summer of 1865 he visited Europe, hoping to benefit his impaired health from the celebrated springs at Wiesbaden. But the result of his visit was not favorable, and he had determined to withdraw from public life at the end of his present term in Congress.

Mr. HUMPHREY was not a frequent speaker in Congress, but he never failed to speak directly for the object he sought to accomplish, and few were more careful in all matters of legislation, or better understood or were more attentive to the requests of their constituents.

Mr. President, our colleagues and associates in this and in the other branch of Congress die, and prompted by duty or affection or both, we rise in our places and speak to their memory. I sometimes think that we are too ready to omit all reference to their defects of character, limiting our language to that which is universally acknowledged to be good and deserving of praise. What we really need on these occasions is a truthful record of the lives and conduct of public men, that their example may be followed in all that is worthy of emulation, and be avoided in all that is otherwise.

My late colleague in the House of Representatives, whose untimely decease we mourn to-day, was greatly respected and honored by all who had the pleasure of being personally acquainted with him. He was esteemed as a man and a Christian, and confided in as a friend. His delicate health led him to seek a quiet life; and he was naturally indisposed to bear a conspicuous or forward part in legislation or in business avocations. But I cannot withhold my testimony to his elevated moral character, his scrupulous regard for truth, to his gentleness of disposition, his refinement, adherence to friends, his loyalty and unswerving devotion to his country, and to the interests of humanity and freedom. Although from his habit of thought and his diffidence he was not disposed to be prominent as a leader, yet his convictions were strong and his judgment clear and decided. Few felt a more lively interest in public questions, and at no time that I can recall during the present session has there been a debate upon an important question that Mr. HUMPHREY was not present, and giving to it the most profound attention.

I do not suppose that he was devoid of ambition; but I never knew a man whose character and conduct developed less to excite the ill will of his associates and rivals. He was courteous to his opponents, kind and agreeable to his companions, and devoted to his friends. He was never illy spoken of, and I do not believe he had an enemy; and no man ever questioned his honor or his integrity. His were indeed rare virtues, but they were such as it should be the aim of all to possess. To JAMES HUMPHREY we may with strict propriety apply the words—

"None knew him but to love him,
None named him but to praise."

I offer the following resolutions:

Resolved, That the Senate receive with sincere regret the announcement of the death of Hon. JAMES HUMPHREY, late a member of the House of Representatives from the third congressional district of the State of New York, and tender to the family of the deceased the assurance of their sympathy with them under the bereavement they have been called to sustain.

Resolved, That the Secretary of the Senate be directed to transmit to the family of Mr. HUMPHREY a certified copy of the foregoing resolution.

Resolved, That in token of respect for the memory of the deceased the Senate do now adjourn.

The resolutions were unanimously adopted; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, June 23, 1866.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. C. B. BOYNTON.

The Journal of yesterday was read and approved.

SURVEYOR GENERAL OF IOWA AND WISCONSIN.

Mr. JULIAN, by unanimous consent, from the Committee on Public Lands, reported back bill of the House No. 491, to remove the office of surveyor general of the States of Iowa and Wisconsin to Plattsmouth, Nebraska.

Mr. WASHBURNE, of Illinois. The gentleman from the Dubuque district [Mr. ALLISON] is not now present, nor is the gentleman from Wisconsin, [Mr. COBB], who is also interested in this bill. I trust the gentleman will not press it in their absence.

Mr. JULIAN. This bill is acceptable to them and is entirely unobjectionable. It is simply a local matter.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. JULIAN moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

CUSTOM-HOUSE INVESTIGATION.

Mr. WASHBURNE, of Illinois. I ask unanimous consent to present to the House the record of an investigation into the accounts and official transactions of George M. Carleton, late special agent and acting surveyor of customs at Memphis, Tennessee. It is in regard to a transaction in which the Government lost about half a million dollars. I move that it be printed and referred to the Committee on Banking and Currency, with authority to that committee to examine into the whole subject, to call for persons and papers, and to report to the House.

No objection being made, the record was received and Mr. WASHBURNE's motion was agreed to.

IMPORTATION OF BONES.

Mr. WASHBURNE, of Illinois. I also ask unanimous consent to present a communication from the consul of the United States at Beirut, Syria, to the Secretary of State, in relation to the importation of bones of cattle that have died of the rinderpest; and I move that it be referred to the Committee on Commerce, and printed.

No objection being made, the communication was received and Mr. WASHBURNE's motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SMITH, one of its Clerks, announced that the Senate had insisted on its amendments, disagreed to by the House, to joint resolution (H. R. No. 52) to provide for the expenses attending the exhibition of the products of industry of the United States at the Exposition at Paris in 1867, had agreed to the conference asked by the House thereon, and had appointed Messrs. HARRIS, CRAGIN, and GUTHRIE as managers on the part of the Senate.

The message further announced that the Senate had insisted on its amendments, disagreed to by the House, to the bill (H. R. No. 477) further to provide for the safety of the lives of passengers on board vessels propelled in whole or in part by steam, to regulate the salaries of steamboat inspectors, and for other purposes, had agreed to the conference asked by the House thereon, and had appointed Messrs. CHANDLER, EDMUNDS, and NESMITH as managers on the part of the Senate.

ANDREW TEN BROOK.

Mr. BEAMAN, by unanimous consent, introduced a bill for the relief of Andrew Ten Brook, late consul at Munich; which was read a first and second time and referred to the Committee on Foreign Affairs.

SANTA CRUZ, CALIFORNIA.

Mr. McRUER, by unanimous consent, introduced a bill to relinquish the title to the town of Santa Cruz, California; which was read a first and second time and referred to the Committee on Public Lands.

LEAVE OF ABSENCE.

Mr. MOULTON asked and obtained leave of absence for his colleague, Mr. HARDING, until Wednesday next.

ORDER OF BUSINESS.

Mr. WASHBURN, of Illinois. I call for the regular order of business.

The SPEAKER. The morning hour has now commenced, and the first business in order is the call of committees for reports, commencing with the Committee of Claims.

DR. EDWARD JARVIS.

Mr. WASHBURN, of Massachusetts, from the Committee of Claims, reported a bill for the relief of Dr. Edward Jarvis; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill was read at length. It directs the Secretary of the Treasury to pay to Dr. Edward Jarvis the sum of \$1,500, in full, for his services in the preparation of the United States census of 1850, provided that the Secretary of the Interior, after full examination of his claim, shall be satisfied that it is reasonable and just.

Mr. WARD. I call for the reading of the report.

The report was read. It states that Dr. Edward Jarvis, a gentleman of distinguished scientific attainments, was engaged to arrange and compile certain statistics which were regarded of great value, and which were published in the census reports. The report sets forth the account of Dr. Jarvis for services during the years 1853, 1854, and 1855, consisting of professional clerical labor, in investigation of subjects, examination of records, calculations, answering questions, and solving difficulties, at the request and by the repeated orders of J. B. De Bow, Superintendent of the Census Bureau. The account is indorsed by De Bow, with the statement that the claim is just, but he has no authority to pay it. The committee report a bill for his relief.

Mr. PRICE. I understand from the reading of the report that the services for which compensation is claimed were rendered in 1853, 1854, and 1855, and that there was no contract made for compensation for these services. Now, it strikes me as particularly curious, to say the least of it, that the gentleman who rendered clerical services thirteen years ago without any contract for compensation should after this lapse of time now come forward and ask for \$1,500. And but for the fact that the Committee of Claims had reported in favor of it, I should think there was no kind of foundation for the claim. I have every confidence in that committee; but really I am afraid that for once they have been mistaken, as the best men sometimes are.

Mr. WARD. I desire to ask my colleague on the Committee of Claims, who has reported this bill, [Mr. WASHBURN, of Massachusetts,] whether there was any proof before the committee that this man rendered these services upon the strength of any promise on the part of the Government or of any of its officials that he was to be compensated for his labor; or was he merely requested to superintend and compile these statistics, and after the request had been made and complied with he then filed his claim?

Mr. WASHBURN, of Massachusetts. This case is somewhat peculiar. After a thorough investigation the Committee of Claims came to the conclusion that the claim was a just one. I will state some of the facts, if it is necessary to state them more fully than they are stated in the report, in order that every member present may understand the situation of this case. This individual is one of the most distinguished

statisticians of this country, and he is the author of some of the most valuable statistics contained in our census report of 1850, as well as the report of 1860. He is employed at the present time, and has been so employed for some time past, and receives his pay regularly, for preparing these very same statistics.

The only point, it seems to me, which the House would wish to understand is why the applicant did not receive his pay for the labors which he performed in 1853, 1854, and 1855. He was employed by Mr. De Bow, the Superintendent of the Census Bureau, to perform these labors from year to year. When they were completed, at the end of three years, he sent in his bill to the head of the Census Bureau for his services. Mr. De Bow felt that he was not authorized to pay the claim and told him that he must apply to Congress for payment, as there had been no money appropriated for that special service. The Secretary of the Interior, as well as the head of the Census Bureau, after examining the claim, was satisfied that the services which the claimant rendered occupied about one third of each year for three years, and that the country has had the benefit of his labor. In 1860, finding that the Department had no authority to settle his account, he made out his claim for services rendered, charging simply the sum of \$500 a year for the three years during which he was thus employed.

The claim was recommended by the Department as just and one that ought to be paid. It was examined by a committee of the Senate, who recommended that it be passed. A bill for the payment of the claim was passed by the Senate, and came to this House; and the only reason why it did not pass here was that at the close of the session of 1860 the House did not have time to act upon it. Then the war broke out; and this gentleman said that he would not press any claim against the Government while it was struggling to defend itself against its enemies. Accordingly the claim slept until the present time, when the gentleman has appeared before the committee and stated the facts.

This gentleman is acknowledged by the Department to have rendered most valuable service, having given a third part of his time for three years, and he has received no compensation. It is true that, in answer to a question of one of my colleagues upon the committee, this gentleman admitted that there was no contract made. The reason why a contract was not made was that in the first place the Census Bureau sent to him for information—whether much or little he did not at that time know—so that he could not tell whether he would be obliged to consume in furnishing it only a few days or a considerable time. Accordingly, nothing was said about pay for his services until the lapse of three years, when the census was completed. Then he sent in his bill, supposing that the Census Bureau would pay him, as other officers had been paid for similar services. He sent in a claim for compensation for the time he had actually expended as nearly as he could calculate it, being about one third of each year for three successive years. The Census Bureau, as I have already stated, pronounced the claim just and the charge low. But it was believed that the bureau had no authority to settle the claim. Hence the gentleman has presented his claim to Congress.

Mr. WARD. Will my colleague on the committee yield to me for a moment?

Mr. WASHBURN, of Massachusetts. Yes, sir.

Mr. WARD. Mr. Speaker, I was not able to concur with the majority of the committee in the report which my colleague has presented. My reason for dissenting was that I felt that the allowance of this claim would establish a new principle with reference to claims against the Government—a principle which has not heretofore received the sanction of the Committee of Claims or of this House. I understood from the investigation before the committee and from the answer which this gentleman

himself gave in response to an inquiry of mine, that when he performed these services, he did not expect compensation from the Government, and he did not perform them with reference to any contract with the Government. Sir, the passage of this bill, as recommended by the committee, will establish the principle that every man, woman, and child in this country who, during the struggle through which we have recently passed, has gratuitously and without expectation of reward rendered valuable services to the country shall receive compensation.

I apprehend, Mr. Speaker, that the committee may be charged with some inconsistency in recommending the payment of this claim. When the Union men of the South, who had their property destroyed by the rebels, who had suffered and sacrificed everything in behalf of the Government, came to our doors as beggars, asking some small compensation for their losses, we said, "No; the Government is not in a condition to pay such claims." When the men of Pennsylvania and Ohio and other States on the border came here asking compensation for their property destroyed by the rebels, we said, "No, we cannot help you. Although you have contributed largely to put down the rebellion, we cannot aid you; first, because there is no obligation on the part of the Government to do so; and secondly, because the national Treasury is not in a condition to pay such claims." Then came the volunteer nurses who had served in field and camp and hospital. When those ministering angels came, asking us for compensation for their services, we said "No."

Mr. WASHBURN, of Massachusetts. I will remind the gentleman we have only an hour.

Mr. WARD. I will be through in a moment.

Mr. WASHBURN, of Massachusetts. I hope the gentleman will confine himself to the question.

Mr. WARD. I say the committee have acted on the principle all along of not compensating parties who have rendered valuable gratuitous services to the Government. We took the position, and had to take it to save the Government from ruin and the Treasury from bankruptcy, we could not reward those who had done service unless there was a contract express or implied. That, sir, is this case. This man has done valuable service to the country. Some have given their lives, some have given their property, and some have given their knowledge and their talents, as this man. All have done so gratuitously, and all should stand upon the same platform precisely. Unless we are prepared to open the door and give to every one who has done service for the Government up to this time, we should not allow this claim. If we are prepared to do that, then we will allow it. I make this statement so that the House may understand what principle is proposed to be established.

Mr. WASHBURN, of Illinois. I must protest against the principle being established that a man who renders voluntary service to the Government has a right to claim it to be his debtor.

Mr. WASHBURN, of Massachusetts. There is no evidence that this gentleman was to perform this service without payment. The point is whether the House will say to one of the most distinguished men of the country, who has given part of three years to the Government, he shall not have pay for that service. There is not a particle of testimony he performed this service without expectation of pay when the work was done. When the census was completed he sent in his bill, as he would for any other service, and he did not know till the bill was sent in that the head of the bureau would not pay it as any other bill. He never mistrusted that the head of the bureau had not authority to pay that bill. He performed the service honestly, and owing simply to a blunder of the head of the bureau has not yet been paid for them. He has presented his bill to Congress, indorsed by the Department, certifying to the truth and value of his services. What did the committee do when it was sub-

mitted to them? They said it was just, and reported this bill in his favor.

We do not establish the precedent of paying for services when there was no contract. You could not make a contract. You could not tell how much time it would take. After the work was done he presented his bill, and we do not see any reason why it should not be paid. This bill was to have been reported by the chairman of the committee, the gentleman from Ohio, [Mr. DELANO,] now absent on account of sickness. He put it into my hand and requested me to report it. I only wish the House to understand the circumstances; and if they see fit they may vote down the bill and I shall have no complaint to make.

Mr. WARD. Should not this be referred to the Committee of the Whole on the state of the Union? It involves an appropriation.

The SPEAKER. It is too late to make the point of order.

Mr. BEAMAN. Does the Department employ men it cannot pay?

Mr. WASHBURN, of Massachusetts. He supposed he would receive his pay when he had completed the work.

Mr. LAWRENCE, of Ohio. Is there any evidence of any understanding these services were to be paid for?

Mr. WASHBURN, of Massachusetts. At first it was expected it would only take a few days; when it extended over three years of course it was expected he should be paid. The question is whether we will pay him for the work he has done. I demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. LAWRENCE, of Ohio. I call for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question being taken on the passage of the bill, it was decided in the affirmative—yeas 51, nays 41, not voting 90; as follows:

YEAS—Messrs. Alley, Allison, Ames, Baldwin, Benjamin, Bingham, Blaine, Boutwell, Buckland, Bundy, Coffroth, Conkling, Darling, Dawes, Donnelly, Driggs, Dumont, Eliot, Farquhar, Griswold, Hayes, Holmes, Hooper, Asahel W. Hubbard, John H. Hubbard, Hubbard, Jencks, Julian, Kasson, Kelley, Longyear, Lynch, Marvin, McClurg, McKee, McRuer, Miller, Moulton, Perham, Pike, Sawyer, Stevens, Stillwell, Upson, Burt Van Horn, Robert T. Van Horn, Warner, Henry D. Washburn, William B. Washburn, Windom, and Woodbridge—51.

NAYS—Messrs. Baker, Bergen, Boyer, Bromwell, Cobb, Cook, Cullom, Dawson, Defrees, Denison, Eekley, Finck, Goodyear, Grider, Aaron Harding, Henderson, Humphrey, Kelso, Kerr, George V. Lawrence, William Lawrence, Loan, Marshall, Marston, Mercut, Niblack, Orth, Paine, Price, Ritter, Ross, Scofield, Sitgreaves, Taber, Thornton, Trimble, Townbridge, Ward, Elihu B. Washburne, Wentworth, and Winfield—41.

NOT VOTING—Messrs. Ancona, Anderson, Delos R. Ashley, James M. Ashley, Banks, Barker, Baxter, Benjamin, Bidwell, Blow, Brandegee, Broomall, Chanler, Reader W. Clarke, Sidney Clarke, Culver, Davis, Delano, Doming, Dixon, Dodge, Eggleston, Eldridge, Farnsworth, Ferry, Garfield, Glossbrenner, Grinnell, Hale, Abner C. Harding, Harris, Hart, Higby, Hill, Hogan, Hotchkiss, Chester D. Hubbard, Demas Hubbard, Edwin N. Hubbard, James R. Hubbard, Ingersoll, Johnson, Jones, Ketcham, Kuykendall, Laffin, Latham, Le Blond, McCullough, McIndoe, Moorhead, Morrill, Morris, Myers, Newell, Nicholson, Neill, O'Neill, Patterson, Phelps, Plants, Pomeroy, Radford, Samuel J. Randall, William H. Randall, Raymond, Alexander H. Rice, John H. Rice, Rogers, Rollins, Rousseau, Schenck, Shanklin, Shelabarger, Sloan, Smith, Spalding, Starr, Strouse, Taylor, Thayer, Francis Thomas, John L. Thomas, Van Aernam, Welker, Whaley, Williams, James F. Wilson, Stephen F. Wilson, and Wright—90.

The SPEAKER. The Chair votes in the affirmative to make a quorum; and so the bill is passed.

Mr. WASHBURN, of Massachusetts, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

ELEANOR C. RANSOM.

Mr. WASHBURN, of Massachusetts, from the same committee, reported a bill for the relief of Mrs. Eleanor C. Ransom; which was read a first and second time.

The bill was read in full. It authorizes the payment of \$400 to indemnify the claimant for losses sustained by the sinking of the steamship North America, on the 22d of December, 1864, during her voyage from New Orleans to New York, she having been on board to nurse and care for the sick and wounded soldiers of the United States during the voyage.

Mr. WASHBURN, of Massachusetts. I do not wish to consume time, but simply to state this case to the House, it being a little different from the cases usually reported by the committee, and then to leave it to the House to pass the bill or not, as they may deem best. Various individuals who have acted as volunteer nurses in the Army during the war have appeared before the committee asking for compensation, and in all cases the committee have reported adversely upon them. This lady was employed by the Sanitary Commission of Indiana to act as hospital nurse at Memphis, and she had charge of the hospital there as matron for several years. After taking charge of various hospitals she was sent to New Orleans, her daughter accompanying her. There her daughter was taken sick, and returned home and died. The steamer North America was about to leave with some two hundred of our wounded and sick soldiers, and it was the desire of the medical department, as many of the soldiers were very ill, that some matron should attend. Accordingly the medical officer requested this lady to accompany the sick soldiers on the return of the vessel. She consented to go. On the voyage the ship was lost, and out of all the two hundred persons on board only sixteen, including this lady, were saved. On board the vessel was all that she and her daughter possessed. All the money and every thing else she had left in the world went to the bottom. Even her satchel, which contained the small pittance which she had left, was lost, and she had nothing but the clothing which was upon her. Now, she asks nothing for her five years' service which she gave, nothing for the money she had expended, which took her last dollar. She simply comes and asks if we will do something to provide the means by which she may supply her wardrobe which went to the bottom. Under these circumstances the committee recommend the passage of a bill giving her \$400 to make up that loss. If the House think the committee acted injudiciously in recommending the passage of this bill they will, of course, vote against it. If, on the other hand, they think the committee have done right they will sustain the bill.

Mr. STEVENS. I move to amend the bill by striking out "\$400" and inserting "\$500" in lieu thereof.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. WASHBURN, of Massachusetts, moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

JOHN M. BROOME, ET AL.

Mr. WASHBURN, of Massachusetts, also from the Committee of Claims, reported a joint resolution for the relief of John M. Broome, and others; which was read a first and second time.

The joint resolution was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. WASHBURN, of Massachusetts, moved to reconsider the vote by which the joint resolution was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

OBER, NANSON AND COMPANY.

Mr. WASHBURN, of Massachusetts, also from the Committee of Claims, reported a bill for the relief of Ober, Nanson & Co., merchants

of New York; which was read a first and second time.

The bill was then read at length.

Mr. WASHBURN, of Massachusetts. I do not wish to consume the time of the House by discussing this bill. I will simply state the facts in this case, and then if the House chooses to reject the bill it can do so. The bill refers to certain compound-interest notes which were sent to New Orleans by mail. A record was taken of the numbers, and each note verified and certified to. There is no dispute in regard to the numbers.

There was a difference of opinion in the committee as to whether any relief should be granted under the circumstances or not. The bill, however, simply preserves the evidence in the case, and the Treasury Department, on the maturing of the compound-interest notes, the numbers all being preserved, will pay the notes to these parties. The bill simply preserves the evidence; and that being done, these parties may raise money upon the notes in advance of their payment. They would lose some sixty thousand dollars unless some such provision as this were made. There may be some doubt, and I confess I had doubts myself, whether, in the case of any of these short compound-interest notes—seven-thirties—which mature in three years, where, if the party losing them, can make out his evidence to the Department, he can collect the notes, we should furnish relief; but a majority of the committee were in favor of furnishing relief in this case.

All the bill amounts to is this, that six months after the maturity of these compound-interest notes the Government may pay them; as it would do without the bill; only the parties think that the passage of this bill will enable them to raise money in advance.

Mr. BINGHAM. I desire to ask the gentleman from Massachusetts, in the first place, what is the amount involved in this bill?

Mr. WASHBURN, of Massachusetts. The amount of the compound-interest notes shown to have been lost is \$60,000.

Mr. BINGHAM. On what ground is the Government asked to pay for them? Is it because they were in the United States mail?

Mr. WASHBURN, of Massachusetts. Simply because the evidence shows these notes were lost.

Mr. BINGHAM. How?

Mr. WASHBURN, of Massachusetts. In the United States mail.

Mr. BINGHAM. Exactly; because they were transmitted in the United States mail.

Mr. WASHBURN, of Massachusetts. Yes, sir.

Mr. BINGHAM. Is it proposed by this bill to establish the principle of making the Government of the United States the insurer for every dollar that is transmitted through the mail?

Mr. WASHBURN, of Massachusetts. Not at all. The Government must pay these notes in two years; and the simple question is whether Congress shall furnish any present aid and relief. We do not propose that the Government shall pay these notes any sooner than if the bill should not pass.

Mr. BINGHAM. I think it is due to myself as well as to the honorable gentleman from Massachusetts, [Mr. WASHBURN,] to say that it is far from my purpose to insist here on what are known among lawyers as technicalities. But I want to know if the passage of this bill is to imply that the Government of the United States is to pay for every lost security of the Government in the absence of legal proof of the fact of its existence, in the first place, and in the second place of its ownership. I want to know if that is what is involved in this bill.

Mr. WASHBURN, of Massachusetts. Before the Committee of Claims took any action in this case we went to the Treasury Department and submitted the evidence which had been laid before us, and they said that with that evidence they would be compelled to pay the notes when they should mature. They decided that question. Then the difficulty with

the committee was whether, as the Department would pay these notes in a little more than two years, we should furnish any present relief. Some of the committee thought not, because the time was so short.

Mr. PRICE. Will the gentleman yield to me for a moment?

Mr. WASHBURN, of Massachusetts. Certainly.

Mr. PRICE. I wish the House to pay a little attention to this matter of dollars and cents. In my opinion these notes are good in the hands of the holder. Should an innocent party present these notes at any time prior or subsequent to the date of their maturity, they would be good against the Government. Now, if the Government establishes by the passage of this bill the precedent of paying these notes because they have been lost, it will subject itself to the liability of paying them twice over, and there will be no remedy.

Mr. WASHBURN, of Illinois. Such a precedent would ruin any Government.

Mr. PRICE. I know it is said that these parties propose, by the terms of this bill, to give security to indemnify the Government against loss. But I need not say to the gentlemen who compose this House that security these days amounts to just nothing at all; that a bond of security to pay twelve months after date, nine times out of ten amounts to nothing. Business men all understand this, and none better than the gentleman from Massachusetts [Mr. WASHBURN] who reports this bill. Again, if we establish this precedent we are liable to have bills presented here to pay every man, woman, and child who may have sent or who may send a five-dollar note or a fifty-dollar note through the mail, and it is lost, and there is no reason in the world why we should not pass all those bills as well as this one. And if so, where will the matter end? I hope that for the safety of the Government this bill will either be withdrawn or voted down.

Mr. WASHBURN, of Massachusetts. Personally I have no objection to this bill being voted down. But the gentleman from Iowa [Mr. PRICE] is mistaken in one thing; these notes are not a part of the circulation of the country.

Mr. WASHBURN, of Illinois. They read "pay the bearer."

Mr. WASHBURN, of Massachusetts. They are not a part of the circulating medium of the country. The Committee of Claims have decided that no compensation shall be made for the loss of any portion of the circulating medium of the country. Every one of these notes is on record, and no one can present any of them for payment without the Government being aware of it.

Mr. PRICE. That is true; but at the same time they are good in the hands of the holder. And they are also a part of the circulating medium of the country; whether so intended or not when issued, is another question. The fact is that they pass from hand to hand, payable to bearer, and are part of the circulation of the country.

Mr. WASHBURN, of Massachusetts. It is not a question of any very great importance. I want a vote on it, and therefore I call the previous question.

Mr. WASHBURN, of Illinois. I appeal to the gentleman from Massachusetts [Mr. WASHBURN] to withdraw his call for the previous question, and let this bill be recommitted to the Committee of Claims.

Mr. WASHBURN, of Massachusetts. Very well. I have no objection to that. I withdraw the call for the previous question, and move that the bill be printed, and recommitted.

The motion was agreed to.

REIMBURSEMENT TO WASHINGTON CITY.

Mr. WASHBURN, of Massachusetts, from the Committee of Claims, reported a bill to pay and discharge certain debts and expenditures to the corporation of the city of Washington.

The bill, which was read, proposes that the

Secretary of the Treasury be authorized to pay to the proper authorities of the city of Washington the sum of \$31,971 84, in full for all claims which the city of Washington now has against the United States, on account of moneys expended in improving the streets, avenues, alleys, and public grounds in the city of Washington, and for repairing any of the bridges crossing the Potomac river prior to May 5, 1864; provided that before payment of the sum appropriated the mayor of Washington city shall present to the Commissioner of Public Buildings an account embracing each item of charge which the city has against the United States for the expenditures referred to, which account the Commissioner shall certify to be correct and just.

Mr. WASHBURN, of Illinois. I rise to the point of order that this bill contains an appropriation, and must therefore be referred to the Committee of the Whole on the state of the Union.

The SPEAKER. The Chair sustains the point of order, and the bill will be referred to the Committee of the Whole on the state of the Union.

WILLIAM G. LEE.

Mr. McKEE, from the Committee of Claims, reported back House bill No. 629, for the benefit of William G. Lee, with a recommendation that it pass.

The bill, which was read, proposes to direct the Secretary of the Treasury to pay to William G. Lee the sum of \$28,428 80, in full payment of his claim against the United States on account of corn purchased by him in the department of Kentucky as agent of the quartermaster's department, under agreement made by him with Captain John A. Morris in 1864, which corn spoiled on his hands by reason of the Government failing to furnish transportation.

Mr. WASHBURN, of Illinois. I raise the point of order that this bill contains an appropriation, and must, under the rule, go to the Committee of the Whole on the Private Calendar.

The SPEAKER. The Chair sustains the point of order; and the bill will be referred to the Committee of the Whole on the Private Calendar.

Mr. McKEE. I move, then, that the rules be suspended, and that the House now resolve itself into the Committee of the Whole, in order that we may proceed to the consideration of this bill.

The SPEAKER. By the order of the House, the regular business of the morning hour cannot be interrupted by any other business.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SMITH, one of its Clerks, announced that the Senate had agreed to the amendments of the House to Senate bills of the following titles:

An act (S. No. 180) for the relief of A. J. Gray;

An act (S. No. 330) making further provision for the establishment of an armory and arsenal of construction, deposit, and repairs on Rock Island, in the State of Illinois;

An act (S. No. 275) for the relief of Cornelius Crowley; and

An act (S. No. 238) granting a pension to Mrs. Amarilla Cook.

The message further announced that the Senate had passed without amendment House bills of the following titles:

An act (H. R. No. 249) to establish a land office in the Territory of Idaho; and

An act (H. R. No. 342) in amendment of an act to promote the progress of the useful arts and the acts in amendment of and in addition thereto.

The message also announced that the Senate had passed a House bill of the following title, with an amendment, in which the concurrence of the House was requested:

An act (H. R. No. 145) granting land to A. M. Jess, of Josephine county, Oregon.

The message further announced that the Senate had passed a bill and joint resolution of the

following titles; in which the concurrence of the House was requested:

An act (S. No. 285) granting lands to the State of Kansas to aid in the construction of the Kansas and Neosho Valley railroad and its extension to Red river; and

A joint resolution (S. No. 110) to authorize the hiring of a building or buildings for the temporary accommodation of the Department of State.

ARMISTED T. M. FILLER.

Mr. McKEE, from the Committee of Claims, submitted an adverse report upon the petition of Armisted T. M. Filler; which was laid on the table.

FULLER AND FISHER.

Mr. THORNTON, from the Committee of Claims, reported a joint resolution to audit and pay the claim of Fuller & Fisher, of Missouri; which was read a first and second time.

The preamble of the resolution recites that the horses, coaches, stage property, and means of transportation of Messrs. Owen Fuller and Ulysses E. Fisher, mail contractors on mail route No. 106048, between Rolla and Springfield, in the State of Missouri, were impressed into the military service of the United States, and taken possession of and used by competent military authority, by reason of which a large amount of their property was captured by the enemy and lost to them.

The resolution authorizes and requires the Secretary of the Treasury to have the claim of Fuller & Fisher audited, and to pay them the amount that shall be found due for such losses, not exceeding the sum of \$12,500.

Mr. WASHBURN, of Illinois. The bill contains an appropriation, and under the rule must be referred to the Committee of the Whole on the Private Calendar. I make that point of order.

The SPEAKER. The Chair sustains the point of order.

The bill was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

J. R. BECKLEY.

Mr. THORNTON, from the same committee, reported a joint resolution authorizing the Secretary of the Treasury to audit and pay the claim of J. R. Beckley; which was read a first and second time.

Mr. WASHBURN, of Illinois. The joint resolution makes an appropriation, and under the rule must have its first consideration in the Committee of the Whole.

The joint resolution was referred to the Committee of the Whole on the Private Calendar; and, with the accompanying report, ordered to be printed.

Mr. WASHBURN, of Illinois. Does not the rule require all bills and resolutions making appropriations to be referred by the Chair to the Committee of the Whole?

The SPEAKER. Not unless the question is raised. Such has been the uniform practice.

JAMES FITZGIBBON.

Mr. THORNTON, from the same committee, reported a bill for the relief of James Fitzgibbon; which was read a first and second time.

The bill was read *in extenso*.

Mr. THORNTON. Mr. Speaker, I will state for the benefit of my colleague, that this is an appropriation of some five or six hundred dollars for the purpose of paying a chaplain whose commission was given on the 1st of March by Mr. Lincoln, and is among the papers, but by some mistake of the President's Private Secretary the commission did not reach him until the 1st of August. It was sent to Springfield, Missouri, instead of Springfield, Illinois, where he was on duty at Camp Butler. He has been paid only from the 1st of August, and this is to pay him from March to August, during which time he was doing duty.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. THORNTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

The SPEAKER stated the morning hour had expired.

KOONTZ VERSUS COFFROTH.

Mr. DAWES presented papers in the case of Koontz vs. Coffroth; which were referred to the Committee of Elections.

ESTABLISHMENT OF A POST ROUTE.

Mr. DEFREES, by unanimous consent, introduced a bill to establish a post route from Fort Wayne to Auburn, De Kalb county, Indiana; which was read a first and second time and referred to the Committee on the Post Office and Post Roads.

DUTY ON COPPER.

Mr. DRIGGS, by unanimous consent, submitted the following; which was referred to the Committee of Ways and Means:

At a meeting of the House Committee on Mines and Mining held on Friday, June 22, 1866, the following resolution was unanimously adopted:

Resolved, That this committee respectfully recommend to the Committee of Ways and Means the necessity which in their opinion exists for an increased duty on foreign copper, with a view of securing to the home production fair and just protection, at least equal to that which was afforded previous to the war of the rebellion; and that in their opinion a duty of at least six cents per pound should be imposed upon foreign ingot copper, and not less than three cents per pound on the pure copper in foreign ores.

Attest: J. H. RILEY,
Clerk of Committee on Mines and Mining.

WASHINGTON AND GEORGETOWN RAILROAD.

Mr. MERCUR, by unanimous consent, introduced a bill to amend an act entitled "An act to incorporate the Washington and Georgetown Railroad Company;" which was read a first and second time and referred to the Committee for the District of Columbia.

DEATH OF HON. JAMES HUMPHREY.

Mr. DARLING. Mr. Speaker, the mournful duty of announcing to this House the decease of JAMES HUMPHREY, late Representative from the third district of the State of New York, has been assigned to me by my colleagues. He was my chosen friend and companion, and my friendship and respect for him led to the most intimate and cherished associations. With this great and sudden affliction resting upon my heart, I feel how utterly inadequate any words of mine will be to properly portray the ability he displayed as a statesman, his talents as a lawyer, or his virtues as a Christian gentleman. Although I had long since marked with approbation his public career, my personal acquaintance with him commenced only with our election as members of this Congress. I learned to love him as I learned to know him; and now, as I look around and miss his cordial greeting and friendly smile, I realize how great a void is here.

A few brief hours have elapsed since I stood at his open grave and assisted in paying the last tribute of respect to all that remained of him on earth. From his home, replete with all the evidences of his cultivated taste and refinement, where sat a noble-hearted woman bowed down with a grief no human power can heal, two daughters and a son mourning a departed father, we bore him to the church of which he was a conspicuous and consistent member. There the talent, the wealth, and the representative men of two great cities were assembled to do honor to his memory and to mingle their tears with those of thousands from the humbler walks of life who had been cheered by his smile, counseled by his wisdom, and aided by his benevolence.

JAMES HUMPHREY was a nobleman, titled by his Creator; he bore his patent upon his open, manly face; he upheld it by his honorable, consistent record and his pure and spotless life. He was a martyr, too, and died, like a knight of old, with his armor girded for the fight, and struggling for the supremacy of those principles which were dearer to him than life itself.

Although enfeebled by disease of many years' duration, and daily suffering patiently without repining, he sought oblivion of personal afflictions in his devotion to his public duties. The gentleness of his character, the courtesy of his deportment, the clearness of his analytical mind, the polish of his manners, the ready attention he gave to all who approached him, the absence of the peevishness which often accompanies illness, were evident to all who were brought in contact with him, even when suffering most. If there was a negation of self in his life, there was also a spirit of self-immolation in his death. Feeble in health, and debilitated by the effects of the climate, he had sat here the long, weary months of a session which, when future history is written, will be looked back to as not the least, if not the most, important of the American Congress; rarely claiming the attention of this House as a speaker, but when he did so, commanding its respect by the elegance of his diction and the soundness of his thought.

His modesty and small appreciation of his own abilities prevented a more extensive claim upon the attention of the House. It was his friends only who were aware that with less diffidence and a more powerful physique he would have taken a prominent part in the debates of the session. Constant in his place in the House and on important committees, he was faithful and diligent in attention to his duties, and his vote was ever recorded on the side of freedom and the largest humanity. His devotion to his country throughout the rebellion, as a Representative and a citizen, were proverbial; when it was suppressed, his efforts were given to restore an enduring peace and prosperity. During the pendency of an important question, upon which he desired to record his vote with the majority of this House, although his physical condition would have precluded attention to private interests, he hastened to Washington to participate in the final vote.

On Wednesday, the 18th of this month, he left his residence for this Capitol, which he was destined never again to behold. On his route he was seized with a paroxysm of pain more agonizing and intense than anything he had ever before experienced. At Wilmington, in Delaware, unable to proceed further, he stopped to obtain relief. After a night of intense suffering he made the attempt to resume his journey. His enfeebled frame refused to respond to the promptings of his mind. Still hopeful of resuming his seat here, unwilling to return, and yet more unwilling to alarm his family by communicating his condition, he lingered at Wilmington until Friday morning, the 15th instant, surrounded by strangers, with no familiar hand to administer to his sufferings. Finally, anticipating a fatal termination of the attack, he procured the assistance of an attendant and retraced his steps toward home; to that home, now desolate, so soon to be left for a nobler and happier mansion.

That he was firmly impressed with a conviction that he was on his final journey and that the scenes of earth were as soon to pass from before his fading eye-sight as the landscape that was flitting by the window of the car in which he rode, was evident from the fact that he repeatedly impressed upon his attendant the importance of remembering his name and his residence.

He reached his home as the setting sun was gilding spire and dome of that beautiful city which had known him so long and honored him so often. His family physician being summoned expressed no immediate apprehension. At eight o'clock he had so far rallied as to reach his bedroom and prepare himself for rest.

To his devoted wife who watched over him he expressed his conviction that death was near, and said that to him it had no terrors, it was only a sleep, and that he was but a passenger on that train in which those he loved soon would follow to be reunited at the termination of life's journey. Shortly after midnight he raised himself on his pillow and vainly sought

to recognize his wife faithfully sitting at his side; after a brief interval, again raising himself he exclaimed, "I faint," "I faint;" and without a struggle or a groan the gentle, manly spirit of JAMES HUMPHREY was wafted into the presence of his Maker.

Mr. Speaker, as an evidence of our appreciation of the loss this House and the country has sustained in the death of this upright Representative and pure and excellent man, I offer the following resolutions, and move their adoption:

Resolved, That the House of Representatives has learned with sincere sorrow of the decease of Hon. JAMES HUMPHREY, of the city of Brooklyn, and a member of this House from the third congressional district of the State of New York.

Resolved, That the sympathies of this House be, and they are hereby, tendered to the widow, family, and relatives of the deceased in our mutual affliction and bereavement.

Resolved, That the Clerk of the House be instructed to communicate a copy of these resolutions to the family of the deceased.

Resolved, That as an appropriate expression of respect for the memory and character of the deceased the members of the House will wear the usual badge of mourning for thirty days.

Resolved, That the Clerk be directed to transmit to the Senate a copy of these resolutions.

Mr. BERGEN. Mr. Speaker, I feel it my duty, a painful and melancholy one, of making a few remarks on the unexpected death of my late lamented colleague, JAMES HUMPHREY. If in these remarks I should happen to touch upon some of the points which have been so eloquently and feelingly portrayed by the honorable gentleman who has preceded me, I hope you will pardon repetition. When, on the 15th instant, I attended the funeral of Hon. Moses F. Odell, his predecessor from the third district of New York, a gentleman honored and respected throughout this land for his many virtues and for his services in this body during the most trying period of our national existence, little did I think that his successor was then on the confines of eternity, and that in the brief space of five days I would again deem it my duty to visit the chambers of the dead and be present at the performance of the last sad rites which we pay to the departed.

Thus two men, a predecessor and a successor to seats in this Hall, have been stricken down in the prime of their lives, in their days of usefulness, and we are left to mourn their loss. It is a reminder to us of the uncertainty of life, of the certainty of death, and of the necessity of being always prepared, for who can tell which of our number will be the next victim of the fell destroyer.

JAMES HUMPHREY, a son of Rev. Herman Humphrey, president of Amherst College, was born at Fairfield, Connecticut, in 1811, and was therefore at the time of his death in his fifty-fifth year. He graduated at the college over which his father presided when only twenty years old, and after preparing himself in the study of law at Yale College, he took up his residence in Louisville, Kentucky, where he practiced his profession for two years. In 1838 he left that city and removed to Brooklyn, where he has since resided, opening a law office in New York.

An oration which he delivered shortly after arriving in Brooklyn was the means of first directing public attention to his ability. In politics Mr. HUMPHREY was an old-line Whig, and he made his first *entrée* in public life as alderman in the first ward of the city of his chosen residence. He was afterward sent to the Legislature, and finally selected by his party as the legal adviser of the city. In 1858 he was elected in what was then known as the second district of New York as a Representative in Congress, and was a member of the Committee on Foreign Affairs and of the committee of thirty-three on the rebellious States. In 1860, 1862, and 1864, he was the candidate of his party for the same position, but in the first two named elections he was defeated by Mr. Odell, but was successful in the last, Mr. Odell having declined a renomination.

Mr. HUMPHREY's nominations and elections show how highly his worth and abilities were

appreciated by the people among whom he resided and to whom he was best known. They deeply feel his loss, which has occurred at a period when he was in the highest vigor of his intellect, and when from his experience he was calculated to become more and more useful to the public and to attain a higher and nobler destiny for himself. He was debarré in consequence of long-continued ill health, although his abilities were of a high order, from taking a very prominent part in congressional business. His honesty and integrity were of the highest order; he was a high-toned gentleman, affable and courteous to all with whom he came in contact, and commanded the respect not only of those with whom he agreed in political opinions, but also of those with whom he differed.

Finally, in all the relations of life, as a husband, father, Christian, citizen, and legislator, he has left an example worthy of imitation, and no man in the community in which he was known will go to his final rest more respected.

Mr. WASHBURN, of Illinois. Mr. Speaker, I first made the acquaintance of Hon. JAMES HUMPHREY at the opening of the Thirty-Sixth Congress, in the month of December, 1859. That Congress has become historic, not only from the protracted and turbulent struggle for the election of a Speaker, but from the other fact that so many of its members, with treason on their lips and in their hearts, left our Halls with insult and defiance to wage war upon a Government they had sworn to protect and defend. Mr. HUMPHREY's first election was to the Thirty-Sixth Congress. Though a new member, he was placed upon one of the foremost committees of the House, the Committee on Foreign Affairs. This committee was composed of men well known in the history of the country, and four of whom have so soon passed away. That distinguished statesman and orator of Ohio, the late Thomas Corwin, was the chairman. Mr. Barlingame, our present minister to China, and Mr. Joy Morris, our present minister resident at Constantinople, were members of the committee. Barksdale, of Mississippi, and Branch, of North Carolina, afterward rebel generals, who fell on the field of battle fighting against their country, were members. Mr. Porcher Miles, of South Carolina, late one of the most prominent members of the rebel congress, was on the committee, and whose career has been in marked contrast to another member of it, Hon. Joshua Hill, of Georgia, who, with courageous patriotism, kept his honor and faithful among the faithless, remained true to his country and his flag. Mr. Royce, of Vermont, an able man and a worthy son of the Green Mountain State, completed the number of members that made up that distinguished committee.

At the opening of the second session of the Congress he was appointed the member from the State of New York on the celebrated committee of thirty-three, being one from each State on the "perilous condition of the country." His appointment on a committee of so much importance to represent the Empire State was a well-merited compliment to his high character, his firmness, and his patriotism. His speech during that session on the state of the country is well remembered by all of the old members of the House as an effort of remarkable power and eloquence, and it at once placed him in the front rank of the able men of the House.

Retiring to private life at the close of the Thirty-Sixth Congress, Mr. HUMPHREY was in the fall of 1864 elected to the present Congress, and it was my good fortune to be associated with him on the Committee on Commerce of this House. He brought to the discharge of his duties on that committee great intelligence and ability and a thorough practical knowledge of the commercial questions coming before us. As the session wore on it became painfully evident to his associates on the committee that an insidious and treacherous disease had marked him for its victim, though he kept unimpaired

the vigor of his intellect, his cheerful disposition, and his kind temper. While his health was such as to inspire the gravest apprehensions on the part of his friends, I did not anticipate that he was in any immediate danger, and hence during my recent absence from the House I learned with surprise and grief of his sudden death.

My acquaintance with Mr. HUMPHREY led me to esteem him most highly. He was a man of the purest and most exemplary character. Of his beautiful and blameless private life his colleagues have fitly spoken. To a cultivated intellect and scholarly attainments he united the manners and deportment of a most polished gentleman. As a lawyer, he was able, upright, and conscientious; as a legislator, he was intelligent, incorruptible, and vigilant; and his patriotism and love of country challenged the respect of all loyal hearts. Recognizing his genuine virtues, his great qualities of mind and heart, his services to his country and his State, I am glad to have this opportunity to pay a humble tribute to the memory of a good citizen, a faithful public servant, and an honest man.

Mr. DAVIS. I have known my colleague, Mr. Speaker, for nearly thirty years, or since the time of his connection with the eminent law firm of Butler, Barney & Humphrey, of the city of New York. I knew his father. His father and my own were warm personal friends. I felt, from the time of my acquaintance with the son, an attachment which may have been warmer, perhaps, in consequence of the friendship which existed between my father and his. His father, Rev. Dr. Humphrey, was a man of eminent intellectual ability and culture, and it might have been expected that the son should inherit the qualities which that father possessed, and trained under such a father should exhibit in life that degree of culture which he was capable of inspiring.

But it will be my purpose to speak of Mr. HUMPHREY in respect to the traits of character by which he was distinguished and for which he was beloved rather than of the incidents of his life.

As might be anticipated from the peculiar advantages of education to which I have alluded, our departed friend, gifted by nature with fine intellectual abilities, was remarkable not only for classic attainment but for refined literary taste. His acquaintance with the languages, with the productions of poets, philosophers, and writers on varied subjects, was so accurate that he was often referred to as the arbiter for the settlement of questions of authorship. I am confident, that had his life been devoted to literature rather than to law, he would have taken high rank in a department where failure is far more frequent than success.

In giving expression to this opinion, I am by no means insensible to his conceded merit in the legal profession. He possessed many of the qualifications essential to a legal adviser and practitioner. First and foremost he was proverbially an honest man, desirous of knowing the right, and then of doing it. He believed that law was instituted in the interests of justice, and that those who were practitioners at its bar were bound, so far as human infirmity would permit, to prevent its perversion to the purposes of oppression or wrong. He regarded the law as a wise agency for the enforcement of rights and the redress of injuries, and while he felt it to be a duty to guard carefully and well the just rights of his client, he discarded *in toto* that miserable fallacy which has too often brought reproach upon the profession, that a lawyer was bound to do everything for a client which the technicalities of the law might permit; but was guided by the nobler and higher principle that his relations to his client bound him to no act and no service which, in his own behalf, he might not perform without dishonor or self-reproach. With this sentiment controlling his professional career from its opening to its close, giving color to his counsels as well as direction to his action, it may reasonably as well

as truthfully be supposed that Mr. HUMPHREY enjoyed the highest personal respect and confidence of those who were his patrons.

But their confidence reposed not on this ground alone. He brought to his professional engagements a rare degree of plain, practical common sense, a power of discriminating between the true and the false, between the plausible only and that which was both plausible and practical, between the interests of his clients and their prejudices, between that which was technically legal, and that which was morally wrong. And beyond this, he gave to the cases with which he was intrusted a patient and careful investigation, applying to the decision of the questions involved the acumen of a sound judgment and a knowledge of legal principles derived from severe studies, continued from early life to the period when failing health required the abandonment of professional labor. There is no profession in which frankness, kindness, a manly bearing, and a courteous deportment contribute more toward success than the profession of the law. The angry collisions of advocates before a jury or of counsel at the bar may be pastime for an audience, but they advance in no degree the dignity of a profession, the interests of clients, or the ends of justice.

Mr. HUMPHREY, so far as I may speak of him from professional intercourse or from professional reputation, always avoided these controversies, and by his calmness and equanimity often gained for his client what another might have lost by indiscretion and passion. It will be needless for me to speak here of the attractive modesty which characterized our friend. It was ever present in his professional efforts, in his social intercourse, and in his public life; and while this quality denied his associates here of the benefit of his counsels publicly expressed, it doubtless added force to the words he uttered in personal intercourse with his friends.

It was my privilege to know Mr. HUMPHREY for many years, not intimately, but sufficiently well to speak of him in terms of the deepest personal respect and regard, and I may add that the most favorable impressions created by our intercourse have been confirmed by the concurrent sentiments of all who knew him. He was a good man. He was a Christian.

Life to him was no unmeaning term. Its high purpose was ever before him. God inspired it, not to be spent in idleness, not to be passed in thoughtless pleasure, not that it might be devoted to selfish gains, or to inordinate ambition. He gave us life that we might perform its duties to Him who gave it, and to those around us, who with us share its blessings and its trials, and to ourselves that we might by the appropriate use of its privileges be prepared for a still nobler existence.

Mr. HUMPHREY was not, in the popular sense, an advocate. He seldom, when it could be avoided, engaged in the trial of jury causes, or in the argument of cases in bench. But whenever he spoke, his efforts were characterized by clearness of thought, by great judgment in the arrangement of his argument, by research in the precedents of the courts, and by eminent fairness and truthfulness in the statement of his facts. His *forte* was that rather of a judicious and wise counselor, whose opinions, prepared and given in the privacy of his counsel chamber, were almost invariably found reliable.

Our friend lived with the knowledge of life's purposes. No absorbing avarice cursed his gains of honest accumulation; no heartless selfishness bade him forget that the poor and dependent had claims upon his bounty; no pampered pride taught him to thank God that he was better than other men; but recognizing, in humility, his dependence for all things on the great Giver of all good, he sought to minister to the wants of those around him, to aid the oppressed, to comfort the mourner, to bind up the broken heart, to promote peace, order, and virtue; and by his own example to teach to others that duty performed meets reward in this life, and inspires hope and confidence in the life to come. My colleague, who has so

well portrayed the last hours of our friend, assured us that the approach of death brought to him no apprehension or alarm. Why should it?

True, human nature, linked by the mysterious organism of bone and muscle, of artery and vein, of nerves and flesh and blood, with that still more mysterious creation, impalpable, intangible, and invisible, that we call soul, may shrink from the physical suffering which oft accompanies the rupture of the tie between these mysteries; it may start back appalled from the deep, dark grave and dread to enter it. Yet what is death but the executor of that eternal law of the Creator which bids the body decay and perish because it is mortal, and bids the soul depart from it because the soul is immortal?

Death is but a process of life, and to the Christian the grave but the portal to a new home, illumined by the presence of the Creator and made happy by His smile.

Who, sir, that, like the friend we mourn, performing through life the Christian's duty with the Christian's faith, might not in dying exclaim with the Apostle, "O death, where is thy sting? O grave, where is thy victory?"

It would be alike presumptuous and profane in me to claim perfection for any man, and I doubt not that Mr. HUMPHREY, like all others, was marked by human weakness and infirmity. But we can judge him by no perfect standard. We must compare him as we knew him with other men as we know them; and where, sir, shall we find one who will better bear a comparison with others.

Who in this Hall, claiming for himself the highest rectitude of motive in all his actions, and desiring exemption from all prejudice or passion, dare stand unblushing in this presence and listen to the history of his secret and inner life as truth has graven it upon his own memory.

While, therefore, Mr. Speaker, I know that our friend was afflicted with the infirmities to which all men are in greater or less degree subject, I think I may say that his character presented a rare combination of qualities, so adjusted, so counterbalanced, so symmetrical, so attractive in life, and so beautiful in death, that the blemishes which a cynic scrutiny might reveal, become invisible through the tears which we shed upon his tomb.

Death, sir, has not yet finished his mission in this Hall. He has entered it before; he will enter it again. He asks the assent of no door-keeper. He awaits no "regular order." Alone, he suspends your rules, strikes down his victim, and bears him from your presence. Who next may be touched by that icy finger which freezes the coursing life-blood, God only knows; but from his tomb who so recently went out from our midst to return no more there comes to-day the monition, "Be ye ready."

This duty, enjoined by Revelation, was suggested, in the heathen philosophy of Persia, in the beautiful words addressed by a father to his son:

"On parent knees, a naked new-born child,
Weeping thou sat'st while all around thee smiled;
So live, that sinking in thy last long sleep,
Calm thou mayst smile while all around thee weep."

The resolutions were agreed to.

Mr. DAVIS. I move that the House adjourn.

The motion was agreed to; and thereupon (at two o'clock and fifteen minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule and referred to the appropriate committees:
By Mr. DONNELLY: The memorial of Commander Benjamin Moore Dove, of the United States Navy, asking that he be restored to his proper rank in the Navy.

By Mr. GOODYEAR: The petition of Horace L. Emery, praying for the passage of a joint resolution authorizing the Commissioner of Patents to receive, and decide upon its merits, an application for the extension of the patent for the endless chain horse-power.

By Mr. MERCUR: The petition of 38 citizens of Esby, Columbia county, Pennsylvania, asking for such

a change in the tariff laws as will protect the labor of American citizens.

By Mr. McCLURG: A claim in favor of John Boehm, of Missouri, for \$2,153.

By Mr. PAINE: Resolutions of the Chamber of Commerce of Milwaukee, in favor of bridging the Mississippi at Winona.

By Mr. WINDOM: The memorial of E. H. Crittendon, and 90 others, for an appropriation for the relief of E. L. Drake.

IN SENATE.

MONDAY, June 25, 1866.

Prayer by the Chaplain, Rev. E. H. GRAY.
On motion of Mr. WILSON, and by unanimous consent, the reading of the Journal of Saturday last was dispensed with.

PETITIONS AND MEMORIALS.

Mr. POMEROY presented the petition of S. J. Bowen, C. Storrs, Charles King, and other citizens of Washington, praying that the judges of the supreme court of the District of Columbia may be authorized to appoint an additional number of notaries public; which was referred to the Committee on the District of Columbia.

Mr. WILSON presented the memorial of William H. McGill, of Beaufort, South Carolina, president of Council No. 4, Union League of America, praying that the payment of the direct tax on the confiscated lands of persons who were engaged in the rebellion, may be suspended for the period of one year from the time that the several amounts may become due; which was referred to the Committee on Finance.

He also presented the memorial of Norman Wiard, praying for relief for losses sustained by him under a contract with the Navy Department for fifteen-inch guns, which was annulled by the Department, as he alleges, without sufficient cause; which was referred to the Committee on Naval Affairs.

He also presented the memorial of Norman Wiard, praying for relief for losses sustained by him under a contract with the War Department for semi-steel fifty-pounder guns; which was referred to the Committee on Military Affairs and the Militia.

He also presented the memorial of Norman Wiard, praying for compensation for expenses incurred by him in delivering steamers for the War Department; which was referred to the Committee on Military Affairs and the Militia.

He also presented the memorial of Norman Wiard, praying for compensation for alterations made by him in certain iron-clad steam transports for the War Department; which was referred to the Committee on Military Affairs and the Militia.

He also presented three petitions of colored citizens of Wilmington, North Carolina, praying for the establishment of a Bureau of Education; which were referred to the Committee on the Judiciary.

Mr. MORGAN presented the petition of E. A. Vervalen, of Haverstraw, New York, praying that the Commissioner of Patents may be allowed to examine testimony in relation to the extension of his patent for a brick machine, which was issued June 29, 1852; which was referred to the Committee on Patents and the Patent Office.

Mr. EDMUNDS presented the petition of Margaret M. Ransom, widow of the late Colonel T. B. Ransom, who was killed at the battle of Chapultepec, in Mexico, in 1847, and mother of the late Major General T. E. G. Ransom, who died in active service during the campaign of Atlanta, praying for an increase of pension; which was referred to the Committee on Pensions.

Mr. CHANDLER. I present a memorial from the Governor of the State of Michigan, asking commutation for the Michigan first cavalry, or rather a letter from the Governor, asking me to bring to the notice of Congress the facts connected with the case, and transmitting some papers in relation to it. The Michigan first cavalry reenlisted as a veteran regiment, after having served three years. At the close of the rebellion, instead of being discharged, as they expected to be, they were marched to

Utah. A short time since the regiment was assembled and notified that the men might receive their discharge in Utah or be retained a few months longer in service, when they would be marched on foot, across the plains, back to their homes. They were given the option to receive their discharge there in Utah or to remain in the service, and be then marched home when it should suit the convenience of the Government. The men being homesick, having been detained more than a year after they supposed their term of service had expired, and expecting commutation as in other cases should they accept the then muster-out, accepted the muster and were mustered out in Utah, and came home penniless. It cost them some two hundred dollars to obtain their transportation from Utah home. They came home destitute and ragged, after four or five years spent in the military service of the United States. They think and I think that they are justly entitled to a fair commutation for their transportation home. I am requested by the Governor to call the attention of Congress to this matter, and I move that the letter of the Governor and the accompanying papers be referred to the Committee on Military Affairs and the Militia; and I trust that the committee will report at an early day favorably on the case.

The motion was agreed to.

Mr. CHANDLER subsequently said: Since presenting the papers in the case of the first Michigan cavalry I have received a letter from General Sherman, which I ask may be read and referred to the Committee on Military Affairs.

The Secretary read the letter, as follows:

HEADQUARTERS
MILITARY DIVISION OF THE MISSISSIPPI,
ST. LOUIS, June 22, 1866.

SIR: General O. B. Wilcox spoke to me in Detroit a few days since of the hardship and seeming injustice experienced by certain Michigan volunteers discharged in Utah, and he now writes that he is satisfied the men have been paid all that the law allows, and that a petition will be made Congress for proper relief, which he wishes me to favor. I will do so with the utmost pleasure, and beg that you will lay this letter before the Military Committee as evidence of my feelings in the matter.

The specific facts of the case do not come to me officially, but I think I know the facts. In Utah, having no cavalry, we retained some horses and equipments to mount infantry in case of need. Therefore the Michigan cavalry could not bring in their horses. The Government does not give to a discharged soldier actual transportation back to his place of enlistment, or mileage, but presumes he will march back at the rate of twenty miles a day. Therefore the paymaster on making final payment computes the time it will take the soldier to march to the place of enlistment and pays him his pay, subsistence, and clothing allowance. Now, to march in from Utah is a very different thing from footing it through a settled country, and instead of simply affording relief in the case in point I would like to see some general rule, suited to the changed state of facts, to be applied to all cases of the kind. I will not venture to suggest any, as my experience is that you gentlemen prefer to make your own laws.

It is often to the interest of our remote Territories that volunteers should be discharged there, as many want to remain as settlers, and to transport them back home for discharge and pay would cost them individually much money and the loss of a whole season.

With much respect, your obedient servant,

W. T. SHERMAN,
Major General.

Hon. Mr. CHANDLER,
United States Senate, Washington, D. C.

The letter was referred to the Committee on Military Affairs and the Militia.

Mr. GUTHRIE. I present the memorial of the president and board of directors of the Southern Pacific Railroad Company, a corporation chartered several years ago by the State of Texas for the purpose of building a railroad from the eastern line of that State to the Pacific coast, to run as nearly as practicable along the thirty-second parallel of latitude. They represent that Texas, with a high appreciation of the importance and national character of the work, endowed them with a munificent land grant, and guaranteed a loan in money to the amount of \$6,000 per mile for every mile to be built in that State, a distance of eight hundred miles. Citizens of more than twenty States are subscribers to its stock, thus attesting the national character and importance

of the company. The executive and legislative departments of the Government have examined and admitted the merits of this route, both Houses of Congress having formerly passed a bill largely endowing them with grants of land and money, but owing to a disagreement between the two Houses on some immaterial point of detail, delayed the consummation of the measure into a law, and the rebellion intervening destroyed for the time the hopes of the enterprise. They now pray that Congress may revive and reenact the measures so carefully matured by the Thirty-Sixth Congress in aid of the Southern Pacific railroad, with only such modifications as the changed condition of the country may require.

I move that this memorial be referred to the Committee on the Pacific Railroad.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. WILSON. The Committee on Military Affairs and the Militia, to whom was referred a bill (H. R. No. 680) for the relief of certain officers in the volunteer service who failed to make proper returns of stores and other public property, have instructed me to report it adversely. I move the indefinite postponement of the bill.

The motion was agreed to.

He also, from the same committee, to whom was referred a bill (H. R. No. 456) to extend the benefits of section four of an act making appropriations for the support of the Army for the year ending June 30, 1866, approved March 3, 1865, reported it with an amendment.

He also, from the same committee, to whom were referred the following bills and joint resolutions, reported them severally without amendment:

A bill (H. R. No. 486) for the relief of Catharine Welsh;

A bill (H. R. No. 641) for the relief of Charles M. Stout, late a second lieutenant in company B, seventh regiment Pennsylvania Reserve corps;

A joint resolution (H. R. No. 163) for the relief of Joseph Parkins; and

A joint resolution (H. R. No. 164) for the relief of Fontaine T. Fox, jr.

Mr. NESMITH, from the Committee on Military Affairs and the Militia, to whom was referred a bill (S. No. 287) to provide for the construction of a wagon road from Boise City, in the Territory of Idaho, to Susanville, in California, reported it with an amendment.

Mr. STEWART, from the Committee on Mines and Mining, to whom was referred a bill (S. No. 352) granting to A. Sutro the right of way and granting other privileges to aid in the construction of a draining and exploring tunnel to the Comstock lode, in the State of Nevada, reported it with an amendment.

CHARLES M. BLAKE.

Mr. SPRAGUE. The Committee on Military Affairs and the Militia, to whom was referred the joint resolution (H. R. No. 162) for the relief of Charles M. Blake, have instructed me to report it back without amendment and recommend its passage; and I move that the Senate proceed to the consideration of the resolution.

By unanimous consent, the joint resolution was considered as in Committee of the Whole. It directs that there be paid to Charles M. Blake six months' salary as chaplain in the Army, in full for the pay of which he was deprived while waiting investigation into charges preferred against him, at the close of which investigation he was restored to his position by the Secretary of War.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PARK AND PRESIDENTIAL MANSION.

Mr. POLAND submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the Committee on Public Buildings and Grounds be directed to inquire whether a tract

of land of not less than three hundred and fifty acres, adjoining, or very near this city, can be obtained for a reasonable price, for a park and site for a presidential mansion, which shall combine convenience of access, healthfulness, good water, and capability of adornment.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House of Representatives had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 709) for the relief of Mrs. Eleanor C. Ransom; and

A joint resolution (H. R. No. 172) for the relief of John M. Broome, and others, the band of twelfth Kentucky infantry.

BILLS INTRODUCED.

Mr. KIRKWOOD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 391) to aid the development of the mineral and agricultural resources of Montana; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. SHERMAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 392) for the relief of the heirs of George Faber; which was read twice by its title, and referred to the Committee on Patents and the Patent Office.

LEAVE OF ABSENCE.

Mr. ANTHONY. I move that leave of absence be granted to Mr. Dixon for the remainder of the session. I desire to state, as his colleague is in the chair, that this leave is asked for on account of sickness; and while I am happy to say that he is convalescent, it is feared that it may not be prudent for him to return this session.

Leave was granted.

APPROVAL OF BILLS.

A message from the President of the United States, by Mr. COOPER, his Secretary, announced that the President had approved and signed, on the 21st instant, the following acts and joint resolutions:

An act (S. No. 57) for the relief of the heirs of Lieutenant Joshua D. Todd, late of the United States Navy, deceased;

An act (S. No. 127) for the relief of Jonathan W. Gordon, late major in the eleventh regiment of infantry;

An act (S. No. 174) to establish a hydrographic office in the Navy Department;

An act (S. No. 202) for the relief of Elisha W. Dunn, a paymaster in the United States Navy;

An act (S. No. 230) to reimburse the State of West Virginia for moneys expended for the United States in enrolling, equipping, and paying military forces to aid in suppressing the rebellion;

An act (S. No. 278) for the relief of Captain John H. Crowell, assistant quartermaster in the United States Army;

An act (S. No. 307) authorizing the restoration of Commander Charles Hunter to the Navy;

An act (S. No. 360) to regulate the appointment of paymasters in the Navy, and explanatory of an act for the better organization of the pay department of the Navy;

A joint resolution (S. R. No. 71) referring the petition and papers in the case of Joseph Nock to the Court of Claims; and

A joint resolution (S. R. No. 85) explanatory of and in addition to the act of May 5, 1864, entitled "An act granting lands to aid in the construction of certain railroads in Wisconsin."

And on the 22d instant he approved and signed the following act and joint resolutions:

An act (S. No. 225) for the relief of the Amoskeag Manufacturing Company;

A joint resolution (S. R. No. 109) for the restoration of Lieutenant Commander Richard L. Law, United States Navy, to the active list from the reserved list; and

A joint resolution (S. R. No. 108) for the relief of Samuel Norris.

HOUSE BILLS REFERRED.

The following bills and joint resolution from the House of Representatives were severally read twice by their titles and referred as indicated below:

A bill (H. R. No. 491) to remove the office of surveyor general of the States of Iowa and Wisconsin to Plattsmouth, Nebraska—to the Committee on Public Lands.

A bill (H. R. No. 709) for the relief of Mrs. Eleanor C. Ransom—to the Committee on Claims.

A joint resolution (H. R. No. 172) for the relief of John M. Broome, and others, the band of twelfth Kentucky infantry—to the Committee on Military Affairs and the Militia.

PAYMENT FOR ARMY SUPPLIES.

Mr. POLAND. I move to take up Senate bill No. 217.

The motion was agreed to; and the Senate resumed the consideration of the bill (S. No. 217) to provide for the payment for quartermaster's stores and subsistence supplies furnished to the Army of the United States, the pending question being on the amendment proposed by Mr. HENDRICKS, to add the following as a new section:

And be it further enacted, That the second and third sections of the act of Congress approved July 4, 1864, entitled "An act to restrict the jurisdiction of the Court of Claims and to provide for the payment of certain demands for quartermaster's stores and subsistence supplies furnished to the Army of the United States," be so amended that all claims of loyal citizens in the States not in rebellion at the date of the passage of the act aforesaid for quartermaster's stores or commissary stores furnished to or taken by the Army of the United States, under and by direction of any officer acting at the time under competent authority, may be submitted to the Quartermaster General and Commissary General, with such proof as each claimant can present of the facts in his case. And it shall be the duty of these officers to cause such claims to be examined, and, after an investigation thereof, to report each case, with their action thereon, to the Third Auditor of the Treasury for final adjudication and settlement. That the provisions of this act shall extend to such persons only as were loyal at the inception of their claims and have so continued to the present time.

Mr. HENDRICKS. The amendment which has just been read is one which I was requested to present and which I think is right. It has just two effects. One is to allow claims for property that was taken by an officer having competent authority to do it, but not technically in the commissary or quartermaster's service, as in many cases where a general himself ordered property to be taken. This amendment provides that where it was taken and used by the Army it shall be paid for. The other effect is that these cases shall go to the Third Auditor's office and be examined like any other cases of claims for property against the Treasury. This amendment is confined to the States that were not in rebellion; it does not extend as far as the bill extends in its other provisions.

Mr. POLAND. The first object of this amendment to remedy the acts of the Departments in relation to their construction of the statute of July 4, 1864, as to who was a proper officer, seems to me to be quite unnecessary. This bill is almost in exact words the act of July 4, 1864, providing for payment for quartermaster's stores and subsistence furnished to the Army by loyal persons in loyal States; but this bill extends the provisions of that act over the whole country, including the rebel States as well as the rest of the country, and it makes further alteration. By the act of 1864 claims for supplies that were furnished by persons in the loyal States were to be audited by the Quartermaster General for quartermaster's stores, and by the Commissary General of Subsistence for subsistence stores, and their action was to be reported to the Third Auditor of the Treasury. By the action of the Departments the findings of the Quartermaster General and the Commissary General of Subsistence were treated as conclusive, and the duty of the Third Auditor as merely ministerial. This bill provides that all claims above \$500, instead of being presented to the Quartermaster General and

the Commissary General of Subsistence, shall go to the Court of Claims. The committee regarded that as a safer tribunal, both for the claimants and for the Government, than that they should be audited by some subordinate in some of the Executive departments.

Now, in reference to the first objection that this amendment is designed to meet, it is true, as I understand, that in the Quartermaster General's office they hold that the language of the law, "taken by a proper officer, or receipted for by a proper officer," means an officer of the quartermaster's department; and they have held that although these supplies may have been taken by a military officer or by his command, still, if he was not an officer of that particular department, he was not a "proper officer," within the meaning of the act. I am very free to say that I think that is an erroneous construction of the law, and that when this bill is passed, if it shall be passed, and these cases for larger amounts are presented to the Court of Claims, an entirely different construction will be put upon it, and it will receive the construction which this amendment proposes to give it, that wherever supplies were taken by virtue of the direction or command of an officer having competent authority to give the order, he will be held to be a "proper officer" within the meaning of the statute.

A word, sir, in reference to the merits of this bill. Its object is simply to pay loyal persons in the rebel States for supplies that have actually been received and used by our Army. I am aware that some gentlemen have expressed fears in reference to this bill, that if it should pass, some disloyal person in the rebel States may get pay for something that he has furnished the Army. Of course it will be necessary that very great caution should be exercised in administering this law. It undoubtedly will be true that persons in the southern States who were really disloyal will attempt to prove that they were loyal and get claims allowed under it. The administration of it will necessarily require strict examination; but it seems to me that this is really no argument against having a law of this kind. The Government certainly should not decline to pay for supplies which our Army have had and used, furnished by persons who were really loyal, and loyal in those States where it was at the peril of their lives to be loyal, and who have been left destitute and in a suffering condition by the war. I think the amendment that has been offered is unnecessary; that the bill will really accomplish all that the honorable Senator from Indiana desires to accomplish by his amendment, without having that adopted; and I fear that the adoption of it would jeopardize the passage of the bill.

Mr. CLARK. I hope the Senator from Indiana will not press his amendment at the present time. I think we had better pass the bill as it is. I do not know but that an amendment may be needed hereafter, but we are making in some sort an experiment now, and we should be very careful with these claims. I am in favor of the bill as it stands. I am, and have been for a long time, in favor of paying the loyal citizens of the disloyal States who have just claims against the Government. I think the true way of paying them is at the Court of Claims. The Court of Claims has much greater facilities for examining testimony and thoroughly investigating a case than a Department can have, or a committee of Congress can have. If, by and by, when we have gone along for sometime and seen what we can accomplish in this way, there shall be need of further legislation, I have no doubt Congress will be willing to supply it. But there is a little hesitancy now on the part of many Senators and Representatives to go very largely into these claims in the southern States. We had better proceed cautiously. We had better have our construction of the law very strict rather than loose at first, in order to pay the claims that ought to be paid. I think it is better that the bill should pass as it is, and if hereafter the court shall give a wrong con-

struction to it, we can make the proper amendment.

Mr. HENDRICKS. If the Senator would propose an amendment to the bill advocated by the Senator from Vermont, I would be entirely satisfied; and that is, to let the cases under \$500, which have yet to be examined before the Department, notwithstanding this bill, go directly to the accounting officers. I think it is an error that the Commissary General and the Quartermaster General should become accounting officers. It is not according to the system that we have adopted. The Quartermaster General is not a proper accounting officer of the Government. Where a claim is presented to him, and he rejects it—

Mr. CLARK. If the Senator will pardon me, I think it had better go, in the first instance, to the Quartermaster General or the Commissary General for examination, and then go to the accounting officers.

Mr. HENDRICKS. That is what I propose. I think they ought to go through the quartermaster's office with a view to such suggestions about allowing them and such information as that department can give; but I do not think the Quartermaster General ought to be the final authority to adjudicate a claim.

Mr. CLARK. I was for fixing the amount at which all claims should go to the Court of Claims at \$300. I prefer that; but many Senators thought that would be a little too strict, and that the accounting officers of the Treasury or the proper officers of the Department might settle all claims up to \$500. I do not know but that I would be entirely willing, if these claims can go in the first instance and be certified at the quartermaster's or commissary department, then to let them go to the accounting officers of the Treasury and there be finally adjudicated. I have no desire or preference for one tribunal over another, except to have these cases thoroughly examined and allowed only upon strict proof; because there will be so many of them, unless we do make strict proof and be very thorough in our examination, the danger is that they will all be swept away or the Treasury depleted; one of these two things must happen.

Mr. HENDRICKS. I presume there are a great many citizens in the State of Indiana interested in this question, and therefore I am anxious to see it properly disposed of. There was an invasion of our State by a cavalry force under John Morgan, and in the pursuit of that force the proceedings were somewhat irregular, and to support the Army the means of the people were taken to a very considerable extent, and no sufficient provision is made for their payment. The corn, hay, oats, &c., to support the cavalry force in pursuit of John Morgan were sometimes taken without the intervention of a quartermaster's officer or any officer of the commissary department. The man whose corn, oats, and hay went to feed the horses of the Army ought to be paid, but General Meigs will not pay them. I am not willing that he shall be the final authority upon any such question where the people of Indiana are interested.

Mr. CLARK. The Senator will see that there is considerable difficulty in the case which he suggests. A great many things might be destroyed that would come under the head, perhaps, of damage. Provender, &c., taken by a proper officer for the support of the Army should be paid for. So far as I am concerned, and perhaps the Senator from Vermont will consent to that course, I think the bill should lie over a little while to allow the Senator from Indiana and the Senator having charge of it to confer a little, and see if something cannot be agreed upon that will be satisfactory to both. It is desirable that only a proper bill should be passed with proper safeguards for the Treasury.

Mr. HENDRICKS. I want to state to the Senator, if he thinks I am in favor of letting any officer adjudicate upon a claim of mere damages; that I am not. I am not in favor of taking that from under the immediate control of Congress.

Mr. CLARK. I did not understand the

Senator so to state; but I was pointing out the difficulty there might be in the case.

Mr. HENDRICKS. Where there is an implied assumption between the citizens and the Government, whether it is in a regular proceeding or not, I think they ought to be paid; for instance, where provisions have been taken to feed the Army in the field or horses in the field. What I want, and what I think is very important to the rights of these parties, is, to take the adjudication away from the Quartermaster General, so far as he assumes to be the final judge, and give it to the accounting officers of the Treasury. I am willing for the claims to pass through those departments for report, and then let them go to the Auditor, who is the proper accounting officer of the Government. There is much dissatisfaction with the adjudications of the quartermaster's office, and I think justly. I think there is an effort—perhaps I am not justified in saying what I was going to say—but sometimes a reputation for economy is secured by grinding down the citizen in regard to a little bit of a matter when millions of money are squandered in things that bring no good to the public.

Mr. POLAND. I entirely agree with what the honorable Senator from Indiana says in relation to the constructions that have been put upon the existing law by the quartermaster's department. I think it is true that their construction of the language in relation to who is the proper officer is entirely erroneous; and in some other respects there has been a strictness of construction that I think is not warranted by the existing law. The language of the present act is the same as that of the existing law, except that it extends it over a wider portion of country, and gives the jurisdiction in all cases above \$500 to the Court of Claims. But, Mr. President, I think the whole thing will be remedied by the passage of this bill just as it stands. All the larger claims will go into the Court of Claims; a proper judicial construction will be given to the act; and, of course, that will be binding upon the Departments; that will settle the practice under it there; and those erroneous interpretations, of which the honorable Senator from Indiana complains, will all be cured in that way. I think that the entire object of his amendment will be met and satisfied by the passage of the bill as it stands.

Mr. HENDRICKS. Upon the suggestion of the Senator, for whom I have so very much respect, I will withdraw my amendment, and we will test it until the next session. If we find the people are still to be ground down as they have been heretofore, we can offer an amendment at the next session.

The PRESIDENT *pro tempore*. The amendment is withdrawn.

Mr. SPRAGUE. I ask the consent of the honorable Senator from Vermont to amend the bill wherever a reference is made to the Quartermaster General or to the Commissary General by changing it to "the Secretary of War." These officers are to cause an examination into the validity and propriety of these accounts. It seems to me that the Secretary of War would be the proper person in whom to concentrate all matters pertaining to his whole Department, rather than to make separate branches of his Department accounting and settling officers, even in matters of this kind. Combinations outside of the Department might have an influence upon the subordinate officers, when that influence would not extend to the head of the Department. It seems to me, therefore, that we should insert in this bill the name of the Secretary of War, who would naturally refer all matters pertaining to the quartermaster's department to the Quartermaster General, and all matters of subsistence to the Commissary General's department, and would receive reports, of course, directly from them on the subject. I hope the honorable Senator will permit the name of the Secretary of War to be introduced, and I will move that amendment. In line eight, of the first section, I move to strike out the words "Quartermaster General

of the United States" and insert "Secretary of War," and also in line ten to strike out the words "Quartermaster General" and insert "Secretary of War;" and in the second section, line six, to strike out the words "Commissary General of Subsistence" and insert "Secretary of War;" and also in line eight to strike out the words "Commissary General of Subsistence" and insert "Secretary of War."

Mr. HOWARD. This bill will be very sweeping in its effect; very general. I wish to inquire of the honorable Senator from Vermont if he or any other person has made any estimate of the probable amount of money which this bill, should it become a law, will require to be paid out of the Treasury of the United States.

Mr. POLAND. The committee made no inquiry upon that subject. Indeed, I supposed it was one in regard to which we could get no information; and I do not suppose it makes any difference what the amount may be. Whatever amount loyal people have furnished our Army we ought to pay for or undertake to pay for, whether that amount be great or small. We have no means of ascertaining the exact amount.

Mr. HOWARD. Does the honorable Senator from Vermont, who reported the bill, contemplate that it is to go into operation in the rebel States? By the terms of the bill, I understand that such will be the effect, and that every person throughout the rebel States whose property has been taken, either with or without an official receipt, and who can prove that he was a loyal person, will be entitled to compensation under this bill, if it should become a law.

Mr. POLAND. I understand that to be substantially the meaning of the bill.

Mr. HOWARD. Then, Mr. President, I did not misunderstand the effect of the bill. I am entirely opposed to it as it now stands. It is impossible to foresee or to calculate the amount of money which will be drawn from the Treasury of the United States if this bill shall be passed and become a law. It will enable all persons throughout the rebel States, who by solemn act of Congress have been declared and treated as the enemies of the United States, to present their claims to the proper officer of the Government, to prove their loyalty—not a very difficult thing, by no means a difficult thing—and to obtain such an amount of compensation or indemnification for property taken from them as they shall be able to establish by such proofs as they may be able to offer. In my judgment, if this shall become a law, it will cost the Treasury of the United States at least a billion dollars, and I presume that even that figure would not cover the entire expenditures which would be called for by this bill. And in a matter of so serious import, I object entirely to submitting such questions as will arise under this bill to the adjudication of any one man, any officer of the Government, no matter how high may be his position, or how great may be his talents, or how pure his intention or his honesty. It opens the door to the most enormous impositions upon the Government; and it is impossible to fancy even the amount of fraud and perjury and imposition which will be practiced, and easily practiced, under this bill in the rebel States.

Besides, sir, I hold that we are under no moral obligation to pay for property taken by our armies in the course of their regular operations in the field from rebels or from rebel communities. The seizure of that property was one of the necessary results of the war which they waged upon the Government; and although the effect of that war may be to work hardship and possibly injustice in many cases upon individuals, still it is one of the necessities growing out of the attitude which those rebel communities placed themselves in toward the United States, and they are compelled by the laws of war and the laws of nations to pocket their own losses. Sir, I can never go home to my constituents and tell them that I have voted for an act of Congress which will take out of their pockets so vast an amount of money merely to indemnify rebels and rebel

communities for losses accruing necessarily out of the operations of the armies of the United States, of which my constituents constituted a very respectable part. I think it is entirely vain to expect that the loyal people of the United States will ever consent to pay off any portion of the losses which have accrued necessarily to the rebel States in the prosecution of the war for the preservation of the Government; and I object therefore *in toto* to the whole bill and to the whole scheme as being unjust to the loyal people of the United States.

Mr. TRUMBULL. Mr. President, I should object as strenuously as the Senator from Michigan to any bill of the character which he is opposing. I should object in behalf of the loyal people of the United States to paying rebels for anything. But, sir, I do not object to paying the loyal people of the United States for the contributions they have made to put down this rebellion. This is a bill for the loyal people of the United States, not for the disloyal. Does the Senator from Michigan mean to stand up and say that when the Army of the United States through its proper officer has taken the property of a loyal man, loyal at the time, loyal ever since, loyal now, and used it in putting down the rebellion, he will not pay that loyal man for that property?

Mr. HOWARD. What I intended to say—and I think I confined myself carefully to the statement of my proposition—was this: I object to the payment of any man (whether loyal or disloyal) in a rebel State for the taking of his property in the regular prosecution of the war for the preservation of the Union. I have said nothing about the payment of loyal men in loyal States whose property has been taken; and it was not necessary for me to allude to that branch of the subject.

Mr. TRUMBULL. Well, Mr. President, is a loyal man in a disloyal State, who with treason all around him, at the hazard of his life and everything he had, stood by the Government, not to be paid for his property because he happens to be located there? Sir, I am for encouraging loyalty in the disloyal States; and the man who has been tempted and tried, who with all the community around him engaged in the rebellion, stood out, in the midst of the fiery furnace, for the Union, and furnished property to feed our armies, I am for paying. A great mistake has been made in this Government in not distinguishing between the loyal and disloyal men in the rebellious States. If, at the beginning of this war, we had made it as terrible to the traitor in the disloyal States as the traitors made it to the loyal men, we should have had a loyal party there. If we failed in anything, it was in not protecting our loyal men in the disloyal States.

Now, sir, this bill is not a bill to pay traitors. It is guarded carefully against being used for any such purpose. Most of the claims that arise under this bill will have to go to the Court of Claims—a much safer place to send them, in my judgment, than before any committee of Congress or any board of commissioners. We have organized here a court of five judges, able men, with attorneys whose special duty it is to defend the interests of the Government, who cross-examine witnesses, who subject testimony to legal tests, who do not pass upon a claim simply upon an affidavit *ex parte* which is brought in, as is the case before the committees of Congress; but before a claim is allowed by that court it undergoes a thorough judicial investigation. We have officers appointed whose duty it is to cross-examine witnesses and introduce new testimony on behalf of the Government, and the Government will be protected there. Hundreds and thousands and millions of dollars will be saved to this Government by compelling parties who claim to be loyal to go before this tribunal and establish their loyalty by legal evidence; establish the fact that their property was taken for the support of the Union Army; that it was taken by the proper officer; that it was actually used by the Union Army; and when they establish these facts, which this bill requires,

and that the claimant has been and is loyal, that you took his provisions to feed your Army, that your proper officer took them, I say this Government is bound to pay for them, and sooner or later we will pay for them; and I want to say to the few loyal men all over the rebellious States that, for one, I am ready to pay now.

I hear the Senator from Massachusetts [Mr. WILSON] say there is ruin in the bill. Sir, there is no ruin in the bill. That idea is entirely imaginary. The Senator from Massachusetts undoubtedly knows a great many things; but does he know that this very law has been enforced for two years applying to all the loyal States of the Union, applying to the State of Maryland, applying to the State of West Virginia, applying to the State of Missouri, applying to the State of Kentucky; and what ruin has come upon the country? The whole amount that has been allowed, even through your commissary and quartermaster's departments, without the legal tests of a judicial investigation, is but a few hundred thousand dollars. The whole of it is nothing like a million, although you had large armies in these States all the time. The whole amount of claims established, I think, is not \$400,000. We had a statement from the Department on that point.

Mr. POLAND. About three hundred thousand dollars at that time. That was a couple of months ago.

Mr. TRUMBULL. About three hundred thousand dollars two months ago was all that had been allowed, and the law has been in force for two years. It is an unnecessary alarm that is sought to be excited against this bill. I think, sir, that we ought to pass a measure of this kind, and I do not see the distinction which my friend from Michigan makes between the truly loyal man of the South and the truly loyal man of the North. I would pay one as soon as the other.

Mr. HOWARD. If the Senator will pardon me, I will endeavor to manifest the distinction to which I alluded. It seems to me to be very plain. It consists in this: that by several solemn acts of Congress, passed by his votes and mine, the eleven rebel States have been declared to be enemies of the United States, public enemies, with whom we as a Government were at war—a war regulated in all respects upon the recognized principles of public war. Every man, woman, and child within the limits of the rebel States were by law the enemies of the United States. When I say enemies, I do not mean that every one of course was at heart hostile to the Government of the United States; but it was one of the necessary legal results of the condition in which the majority of the people of those States placed the State in each case, to make the whole population enemies. Now, if the honorable Senator from Illinois will inform me what case there is in the whole history of war in which property taken by a belligerent entering the enemy's territory has been paid for by the invaders who have become the successful party, then I shall give up my point. I know of no such principle in the laws of war as requires a belligerent party to pay for property which the invading army takes by way of forage or in any other form for the support and maintenance of the army which he is leading against his enemy.

Mr. TRUMBULL. The Senator from Michigan refers to various laws with which I am not familiar. I am not familiar with those statutes which declared these people to be public enemies. I am very sure I did not vote for them.

Mr. HOWARD. I am very sorry to hear it. Mr. TRUMBULL. And I do not know where those statutes are. I know that we declared the inhabitants of certain States to be in a state of insurrection, under a proclamation. But the Senator wants to know if I can give him any instance where property was paid for under such circumstances, and he says that if I can he will give it up. Why, sir, our Army paid for property all the while. General Sherman paid for property and General Banks paid for

property taken in the rebellious States. Where the officer had the money he paid down at the time. It has been done all through the war.

Mr. HOWARD. Not as the act of the commander-in-chief.

Mr. TRUMBULL. Yes, as the act of the commander; and where he did not have the money he gave a receipt for it; and now, because he did not have the money, you will not pay! This bill provides for paying where your proper officer took the property of a loyal man and gave a receipt for it. If he had had the money he would have paid at the time; but because the officer did not have money to pay down and gave a receipt for the property you will not pay, and you never heard of an instance where anybody did! Certainly such payments have been made all through the war.

Now, that there may be no mistake as to this question of loyalty, I propose to define it a little more strictly, and I think that will obviate some of the objections of my friend from Michigan, and perhaps the objections of others. I shall move at the proper time an amendment to define the question of loyalty, which I will read:

That the claimant must, in proof of his loyalty, establish by evidence that from the time his claim accrued, and ever since, he has firmly and faithfully maintained his adherence and allegiance to the Government of the United States, by defending its cause against the rebellion, government, and forces of the so-called confederate States in all suitable and practicable ways and according to his ability and opportunity.

I am willing to adopt a provision defining loyalty in that way, that it shall not be simply passive, but that the claimant shall be required to prove that he has manifested his loyalty upon all suitable and practicable occasions, according to his ability; that whenever opportunity offered he has shown affirmatively that he was and is loyal; and when he shows that I think he ought to be paid if his property has been taken and receipted for by the proper officer, or, if a receipt was not given, where it was taken and used by the Government.

Mr. WILSON. Mr. President, the Senator from Illinois tells us that the passage of this bill will save hundreds of thousands and millions of dollars, and that explains the extraordinary zeal he manifests for it. I took occasion to refer to a remark made by a gentleman who for four years has been daily engaged in matters pertaining to the loyalty of these people, and who tells me that under the bill the whole population can prove themselves loyal. The Senator himself confesses its weakness by his proposed amendment. My side remark was not made to him, but he took occasion publicly to comment upon it.

Now, sir, I will say to the Senator that this is a dangerous bill, that there are millions upon millions of dollars involved in it, and this Senate and this Congress ought not to pass it. If we are to legislate at all, if we are to extend the provisions of a law applicable and which have been applicable to loyal States, to the eleven disloyal States in the present condition of the country, and in their present condition, I think the act should be most studiously guarded and carefully worded. If loyal persons, persons who can prove themselves loyal, have received from officers of the Government certificates for supplies furnished the Army, there is some claim in that, but here is a provision in this bill that persons who have received no certificates may make their application. That almost the entire population can prove and will prove themselves loyal people in order to obtain this compensation, I entertain no doubt. There are Departments of this Government where they are doing it now. There are Departments of this Government in Washington where there is evidence to show that a very large portion of the population there always have been loyal. Whenever these money claims are made it is pretty easy to prove the man to have been loyal to the country or never to have given any voluntary support to the rebellion.

The PRESIDENT *pro tempore*. The morning hour having expired, it is the duty of the

Chair to call up the unfinished business of Saturday, being House bill No. 513.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. LLOYD, its Chief Clerk, announced that the House of Representatives had passed the following bills, in which it requested the concurrence of the Senate:

A bill (H. R. No. 708) for the relief of Dr. Edward Jarvis; and

A bill (H. R. No. 711) for the relief of James Fitzgibbon.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House of Representatives had signed the following enrolled bills and joint resolution; which were thereupon signed by the President *pro tempore*:

A bill (S. No. 59) to provide for the revision and consolidation of the statutes of the United States;

A bill (S. No. 243) to extend the time for the reversion to the United States of the lands granted by Congress to aid in the construction of a railroad from Amboy, by Hillsdale and Lansing, to some point on or near Traverse bay, in the State of Michigan, and for the completion of the said road;

A bill (S. No. 180) for the relief of A. J. Gray;

A bill (S. No. 238) granting a pension to Mrs. Amarilla Cook;

A bill (S. No. 275) for the relief of Cornelius Crowley;

A bill (S. No. 330) making further provision for the establishment of an armory and arsenal of construction, deposit, and repair at Rock Island, in the State of Illinois;

A bill (S. No. 200) for the relief of Jane Harris;

A bill (S. No. 276) for the relief of Mrs. Jerusha Witter;

A bill (S. No. 298) granting a pension to Jane D. Brent;

A bill (S. No. 326) granting a pension to Mrs. Harriet B. Crocker;

A bill (S. No. 339) granting a pension to Benjamin Franklin;

A bill (S. No. 342) for the benefit of Ira B. Curtis;

A bill (S. No. 375) to amend an act granting a pension to the widow of the late Major General Hiram G. Berry;

A bill (S. No. 381) to amend an act entitled "An act to authorize the sale of marine hospitals and revenue-cutters," approved April 20, 1866;

A bill (H. R. No. 249) to establish a land office in the Territory of Idaho;

A bill (H. R. No. 342) in amendment of an act to promote the progress of the useful arts, and the acts in amendment of and in addition thereto; and

A joint resolution (H. R. No. 162) for the relief of Charles M. Blake.

INTERNAL TAXATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 513) to reduce internal taxation and to amend an act entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," approved June 30, 1864, and acts amendatory thereof.

Mr. FESSENDEN. On page 144, at the top of the page, in line thirty-three hundred and thirty-four, I move to strike out "this act" and to insert "law;" and in line thirty-three hundred and thirty-six to strike out "hereby" before "imposed," and after "imposed" to insert "by law."

The PRESIDENT *pro tempore*. These alterations will be made, no objection being interposed.

Mr. FESSENDEN. On page 153, in line thirty-five hundred and seventy-seven, I move to strike out "in this act," and in line thirty-five hundred and eighty, on the same page, to strike out "by virtue of this act."

The PRESIDENT *pro tempore*. Those alterations will be made.

Mr. FESSENDEN. In line thirty-five hundred and eighty-two, on the same page, I move to strike out "by virtue of this act."

The PRESIDENT *pro tempore*. That alteration will be made.

Mr. FESSENDEN. In line thirty-five hundred and eighty-three, at the top of page 154, I move to strike out "herein" before "provided."

The PRESIDENT *pro tempore*. That alteration will be made.

Mr. FESSENDEN. In line thirty-six hundred and forty, on page 156, I move to strike out "herein."

The PRESIDENT *pro tempore*. That alteration will be made, no objection being interposed.

Mr. FESSENDEN. On page 32, in line five hundred and sixty-four, I move to strike out after "shall" the words "call upon the assessor of the district to," so as to read: "the officer making the distraint shall summon three disinterested householders of the vicinity," &c.

The PRESIDENT *pro tempore*. Those words will be stricken out, no objection being interposed.

Mr. FESSENDEN. On page 42, in lines seven hundred and ninety-two and seven hundred and ninety-three, I move to strike out the words "with the salary, fees, commissions, and charges allowed by law."

The PRESIDENT *pro tempore*. Those words will be stricken out, no objection being interposed.

Mr. FESSENDEN. On page 77, line sixteen hundred and seventy-two, I move to strike out "tobaccoists."

The PRESIDENT *pro tempore*. That correction will be made, no objection being interposed.

Mr. FESSENDEN. In line eighteen hundred and five, on page 82, after the word "sureties," I move to insert the words "or amount."

The PRESIDENT *pro tempore*. Those words will be added, no objection being interposed.

Mr. FESSENDEN. On page 166, in line one hundred and forty-one of section eleven, I move to strike out the word "pumps" before "steam-engines."

The amendment was agreed to.

Mr. FESSENDEN. I now move to amend the bill on pages 175 and 176 by striking out all of section twenty after the enacting clause and inserting as a substitute what I send to the Chair.

The Secretary read the amendment, which was to strike out all of section twenty after the enacting clause, in the following words:

That no suit shall be brought against any collector of customs or of internal revenue for any duty, license, special tax, or tax paid, unless such suit is brought within six months from the passage of this act, or within six months after the payment of such duty or tax.

And to insert in lieu thereof:

That no suit shall be maintained in any court for the recovery of any tax alleged to have been erroneously or illegally assessed or collected, until appeal shall have been duly made to the Commissioner of Internal Revenue according to the provision of law in that regard, and the regulations of the Secretary of the Treasury established in pursuance thereof, and a decision of said Commissioner shall be had thereon; nor unless such suit shall be brought within six months from the time of said decision or within six months from the time this act takes effect: *Provided*, That if said decision shall be delayed more than six months from the date of such appeal, then said suit may be brought at any time within twelve months from the date of such appeal.

The amendment was agreed to.

Mr. FESSENDEN. I will ask the Clerk to turn to page 118, lines twenty-six hundred and ninety-four and twenty-six hundred and ninety-five. How does that provision read now?

The Secretary read the clause, as follows:

And the provisions of law in relation to stamp duties in schedule B of this act shall apply to stamp taxes herein imposed upon sales and contracts of sales made by brokers, banks, or bankers, and others, as aforesaid.

Mr. FESSENDEN. On page 190, section

[thirty-two] thirty, line thirty-three, I move to strike out the words "one eighth of one per cent." and to insert "such fee as may be prescribed by the Commissioner of Internal Revenue."

The amendment was agreed to.

Mr. FESSENDEN. On page 192, section [thirty-three] thirty-one, line seven, I move to strike out the words "one quarter of one per cent." and to insert "such fee as may be prescribed by the Commissioner of Internal Revenue."

The amendment was agreed to.

Mr. VAN WINKLE. On page 14, lines one hundred and eight and one hundred and nine, I move to strike out the words "special tax or income" and to insert "special or income tax."

The amendment was agreed to.

Mr. VAN WINKLE. On page 78, line seventeen hundred and ten, I move to strike out the words "in this act levied or provided" and to insert "imposed by law."

The amendment was agreed to.

Mr. VAN WINKLE. On the same page, line seventeen hundred and twelve, I move to strike out the words "herein specified."

The amendment was agreed to.

Mr. VAN WINKLE. On page 100, line twenty-two hundred and forty-one, at the end of the clause, I move to insert the words "mentioned in this paragraph."

The amendment was agreed to.

Mr. VAN WINKLE. On page 168, line one hundred and eighty-nine, after the word "yeast" I move to insert "and baking;" so as to place "yeast and baking powders" on the free list.

The amendment was agreed to.

Mr. VAN WINKLE. On page 199, section [thirty-seven] thirty-five, line thirty-five, I move to strike out the word "and" and to insert "or," so as to read "distillery or warehouse."

The amendment was agreed to.

Mr. VAN WINKLE. On page 207, line forty-two of section [forty-three] forty-one, I move to insert the word "the" before "execution."

The amendment was agreed to.

Mr. VAN WINKLE. On page 210, section [forty-five] forty-three, line fourteen, I move to strike out the words "right, title, and interest in and to," and to insert "property in."

The amendment was agreed to.

Mr. DAVIS. On page 195, line sixty, after the word "prescribe," I move to strike out the following words:

Of the number of pounds or gallons of materials used for the purpose of producing spirits.

Mr. President, I never read a bill in my life with so much aversion as I have read the bill under consideration. It is, I suppose, a necessity and a dire necessity that the country should have such a system of internal revenue; but in all its multifarious and complicated details it throws more distrust upon the people upon whom it is to operate and more of degradation and oppression than any measure that it has ever been my fortune to read. The whole bill and all its provisions proceed upon the general idea that all the people that it is to act upon are knaves and plunderers; and the whole machinery of the bill is studded with bonds and oaths and punishments by fine and imprisonment. I presume that those features cannot be obliterated from the bill, and that the bill will have to pass with a large proportion of them in. But, sir, where it is possible to mitigate the bill by striking from it any of these obnoxious regulations I think it ought to be done, and I think that I make a proposition of that character in the amendment which I have submitted to the Senate. The bill requires that all distillers—

Shall from day to day make, or cause to be made, true and exact entry in a book, to be kept in such form as the Commissioner of Internal Revenue may prescribe, of the number of pounds or gallons of materials used for the purpose of producing spirits, the number of gallons of spirits distilled, the number of gallons placed in warehouse and the number

thereof, and the number of gallons sold, with the proof thereof, and the name and place of business or residence of the person to whom sold.

In a page or two afterwards the bill provides—

That the owner, agent, or superintendent of any distillery establishment as hereinbefore provided, shall erect, in a room or building to be provided and used for that purpose, and for no other, two or more receiving cisterns, each to be at least of sufficient capacity to hold all the spirits distilled during the day of twenty-four hours, into one of which shall be conveyed each day all the spirits manufactured in said distillery during that day; and such cisterns shall be so constructed as to leave an open space of at least three feet between the tops thereof and the floor or roof above, and of not less than eighteen inches between the bottoms thereof and the floor below, and shall be separated in such a manner as will enable the inspector to pass around the same, and shall be connected with the outlet of the stills, boilers, or other vessels used for distilling, by suitable pipes or other apparatus so constructed as always to be exposed to the view of the inspector.

Now, sir, we have all heard of the coffin of Mohammed being suspended, and being sustained upon no foundation. These cisterns are the nearest device to that coffin of Mohammed that I have ever heard of or met with in the course of my reading.

But to the point. The distillers are to report from day to day the produce in liquor of their distillations, and in addition to that, they are to be emptied into these cisterns, so constructed that the inspectors may go all around them, and see whether there are any false vaults below them in which liquor, I suppose, could be emptied. Where is the necessity of the distiller being required to enter upon his day-book, day by day and report three times a month to the collector, the number of pounds or gallons of materials used for the purpose of producing spirits, when he is required inexorably to report the produce of the spirits from day to day, and he is to empty them into a cistern where it would be impossible that the whole quantity distilled should not be deposited, and upon which he would be subject to be taxed according to the rates established by the bill?

I feel a particular hostility to this provision from this consideration: in a county contiguous to my own there were four distillers indicted for a violation of the law, and they were fined in an aggregate of exceeding \$14,000. It appeared in the course of the evidence that the distillers had fairly accounted for all the liquor that they had distilled and had paid the tax upon it, not according to the proof measure established by the law, but according to wine measure, and therefore had paid more tax to the Government than they were bound to pay; and the only feature of the law that they had violated, and that through their innocent and blameless ignorance, was a failure to report from day to day the amount of the grain that they had used in mash. In the trial of those cases that took place in the United States district court for Kentucky a few weeks since, the distillers vindicated their perfect integrity by showing that they had accounted for every gill of liquor that they had made, and had paid the full tax upon it by wine measure; and yet they were pursued in that trial upon the charge of having violated the law which required them from day to day to enter into a book the amount in weight of their mash. Those distillers appealed to headquarters, if I may use the term, for relief. I do not know whether they got it or not. They had no intention of violating the law or of committing any fraud upon the Government, and they did in fact commit no fraud upon the Government. On the contrary, they accounted to the Government and paid tax upon more liquor than they had made, according to the proofs established by the law itself; and yet some sharks of officers, by the meshes of this law, were enabled to pursue them to judgment upon the simple and innocent charge of having omitted to enter in a book from day to day the amount in pounds of grain which they had distilled; and for that simple and practically inoffensive violation of the law, made in utter ignorance on their part, they were assessed in an aggregate amount of damages exceeding \$14,000. Those distillers were mostly distilling their own grain; two of them, I be-

lieve, entirely their own grain. One of them had made from twenty to forty barrels in a domestic distillery out of corn raised upon his own farm; and the amount of fine imposed upon him exceeded the entire value of his whole crop of whisky.

I never in my life have heard of any system of revenue or any system whatever connected with the collection of money, that established so many chances of sweeping oppression and robbery upon the part of the officers appointed to carry the system into execution as is embodied in this bill and the bills of which it is the successor. The assessors and their officers laid in wait, with a knowledge of the careless manner in which these unsophisticated and uninformed distillers were transacting their business; they knew that they were in daily and innocent violation of the law; and when their violation accumulated to such an extent that by the plunder acquired by the iniquitous and unjust enforcement of these penalties, they were enabled to enrich themselves, the harpies then pounced upon these innocent men; and had them mulcted to the extent that I have named; and that in relation to a matter in the law that was totally immaterial; because these distillers, admittedly, had reported the full amount of their distillations according to the law, had accounted for it by wine measure, and yet could not escape from the inexorable fangs of the law and of the harpies who were engaged in its execution.

I will advert to another matter of abuse under this law. The collector in that district admitted to me when his name was before the Senate for confirmation on renomination, that some of his officers had assessed, for the simple gauging of the liquor, in some instances, as high as seven per cent. upon its value, and in other instances as high as five per cent.

When that is the character of the law, when that is the system of tyranny and oppression, with all of its vexations, that the Government introduces, and men are thus wronged and robbed and plundered and impoverished for a violation of its immaterial provisions by the officers who ought to be the guardians of the innocent distillers as well as of the Government, how can it be expected that men thus robbed and plundered should feel a disposition to sustain the system or the Government itself?

Mr. President, I want no more war, no more rebellion. I never wanted any. I always believed it a great iniquity that would produce a hundred-fold more of mischief and woe to those who made it than it would to anybody else. But if the country should ever unfortunately come again to a disposition to rebel, what more fruitful cause of rebellion and of engendering rebellious feeling could be had than in such a law as this? Sir, the people do not belong to the Government. They were made for some other purposes than to pay taxes. They have their duties to perform in life, and other ends to attain as individuals and as members of a great political community. The Government by its laws, instead of outraging all the customs and habits of the people in their ordinary business, ought to accommodate itself to the modes of doing that business by the people. Wherever it be practicable to make provisions for taxation and collecting taxes that will observe the habits and modes of the people in doing their business, those habits and modes ought to be scrupulously conformed to and respected by the law. But this law proceeds upon the contrary principle, and outrages and disregards all those modes of doing their own business by the people, and seeks by its highly penal and punitive provisions to constrain the people to come to its own expensive and most vexatious mode of doing their own business.

Mr. President, I think that a greater good could not be done to the Government and to the country, and one that would result in producing more of revenue to the Government, and more of contentment and submission to this necessarily vexatious measure on the part of the people, than for those who form these

bills and give them their features to attempt in every possible and practicable instance to mitigate the severity and the vexation of the law and of the system, and to conform the law as nearly as possible to the modes of industry of the people, where that can be done without any sacrifice of revenue or of public interest. I do not think the provision which I have moved to strike out is germane to the bill. I think it is unnecessary; that it is multiplying and making more complex the law needlessly, without any necessity or any practical result; that it only tends to give one more chance to the harpies who are enriching themselves by having this law executed upon innocent and unsophisticated and ignorant men; and I therefore move to strike it out.

Mr. FESSENDEN. If rebellion grows out of this provision I suppose it will be called "the mash-tub rebellion of Kentucky;" but I apprehend there will not be any such result, even if we keep this clause in. The "unsophisticated" distillers of whom the honorable Senator has spoken, taking the country through, have been so unsophisticated that the result is, that out of about forty million gallons manufactured last year, we got the tax on about fifteen millions; so that it seems, unsophisticated as they are, they understand very well how to dodge the payment of taxes.

This provision to which the Senator has referred is one that has been in the tax laws from the beginning, and it was put into the original bill on a suggestion that was made to me, as chairman of the Committee on Finance, when the bill was being drawn, that it was impossible, and had been found so in Canada, because the communication came from a friend there, to have the necessary checks upon distillation to ascertain the quantity unless the distillers were compelled to state from time to time the quantity of materials purchased and used. That was a check that enabled you when you could get at it to ascertain with more certainty the amount distilled, because the amount of materials being given, you could ordinarily tell the amount of production. It is considered by the office, and by all connected with the collection of the revenue on distilled spirits, as a very necessary and important check. The Senator says it is unnecessary and means nothing. I assure him it is not so regarded. It is regarded as a very important provision, by which the amount distilled can be ascertained, and for the prevention of fraud, and has been so considered from the beginning.

The Senator has also made some remarks upon the system. I am told that in the city of New York it has been ascertained that in some instances they had vats under ground directly under the cisterns; and when the officers came to seize the distillery and make an examination, large vats were found into which a considerable quantity of liquor was run off; and in one instance they were connected with pipes on the other side of the street, some fifteen rods off where they were built. That was ascertained after they got hold of the establishment. There are many contrivances of that sort which render it necessary to have most stringent and careful provisions in order to guard against frauds which those unsophisticated distillers are continually practicing, and practicing successfully, on the Government.

The appeal which the Senator has made, founded upon the brutal nature of the officers who wish to entrap these "unsophisticated" distillers and to prey upon the simplicity of the people; I think really has no foundation except in the imagination of the honorable Senator from Kentucky. The case which he has referred to in Kentucky is now under consideration. They have broken the law. It is now under examination here; and if it shall turn out that there was actually no fraud intended or none perpetrated, unquestionably the fine will be remitted. There has been no instance, I am told, from the beginning, in which, although a fine was imposed under the law, if it was satisfactorily shown that the offense was unintentional, accidental, the penalty has not been

remitted by the office, under the authority conferred on the Commissioner and the Secretary of the Treasury; and so it will unquestionably be in the case referred to by the Senator. But even if there are some instances in so extensive a system in which the comparatively innocent; that is, those who are innocent in intention, suffer, that affords no reason for overturning a system that is absolutely necessary for the protection of the revenue against frauds that are practiced. I hope, therefore, as this is regarded by all connected with the collection of the revenue on distilled spirits as not only a very important but a very essential provision, that it will not be stricken out on the motion of the honorable Senator.

Mr. DAVIS. I beg to say a single word in reply to the honorable chairman of the Committee on Finance. What I said in relation to unsophisticated distillers had no reference to the distillers in the cities. I do not know anything about those in the cities; but in the rural districts all that I said about them is true. I do not know anything of the modes of distillation by what is called the steam process; but by the old method of distilling which you, sir, [Mr. HENDRICKS in the chair,] are familiar with, by two copper stills, one called singling and the other doubling, and running through a copper vessel, I know all about that; and it is in that way that the real, genuine Bourbon, that is most highly appreciated for its greatest excellence, is made. The mode of distillation in that way is about thus: the distiller makes his mash; he takes a bushel of corn and half a bushel of rye, and after he has made his mash he puts it in the tub and the beer works. It has four or five days to work. When it has perfected itself by sufficient working, it is then let into the first still for distillation. I have not been in a still-house but once since I was twelve years of age, but up to that time I learned a good deal about distillation. I know that the produce of distillation results very much from the character of the weather. The beer works and becomes perfect very much in proportion to the character of the weather. It must be neither too cold nor too warm. The highest produce of that mode of distillation is three gallons to the bushel; but it varies from one gallon to three. I am told that under the steam process the production is five gallons to the bushel; but under the old mode of distillation the highest production was about one half that quantity, and was very often not more than one fifth of that quantity.

The number of pounds of meal, corn, or rye that is used in the process is no criterion to be relied upon by which the quantity of liquor made from it is to be ascertained. Sometimes it is two and a half gallons, under our mode of distilling in Kentucky. It is sometimes as high as three; it is often as low as one; and something like two gallons would probably be the average. But amid such variation of the produce of liquor resulting from the same amount of grain, according to that process of distillation, owing to the condition of the weather and the perfection to which the beer reaches, and other causes, the requisition that the distiller shall keep in a book from day to day and supply three times a month to the collector the number of pounds of grain he has distilled is no criterion of the produce of his distillation upon which the collector or anybody else can rely. Why, then, is he required to keep such a constant and tedious record? It is unnecessary, because the produce of his distillation, whether it has been successful or not, is to be emptied into two reservoirs; it is to be emptied once a day; and it is to remain in those reservoirs for three days, to enable the inspector to visit the establishment and ascertain the exact quantity that has been made. I do not see any need for this record. Certainly there was none for it in the cases to which I referred, because there was no fraud upon the revenue in those instances.

Now, what is the punishment? "Any person who shall violate the provisions of this sec-

tion shall, for every such offense, be liable to a fine of \$500." These four men, farmers in the county of Harrison, distilling their own grain, except in one instance, by omission to comply with this law, of the existence of which they were perfectly ignorant, and which omissions resulted in no damage to the Government, in the loss of not one cent of revenue, were yet mulcted in damages in the aggregate exceeding \$14,000.

Mr. President, if it is necessary to fortify a law of this kind and a provision such as I have just read by a fine of \$500 for every violation of it, it seems to me that the court trying the case ought to be vested with a discretion, if the judge is satisfied that there is no fraud, to remit the fine or to graduate the fine according to the defalcation and the immorality of the offender. I do not think there is any necessity for this provision, but if there is, I think it ought to be mitigated by vesting the judge with a discretion over the amount of the fine, and over its very existence, so that he would be enabled to graduate it according to the testimony, as the testimony would establish guilt or the absence of guilt in the case.

Mr. GUTHRIE. I am acquainted with the facts and the proceedings to which my colleague refers. I thought they were framed pretty much to get the penalties. They did not touch the production. It was the outside declaration of the lawyer that the parties had paid for all they had distilled, and I have no doubt that was so. I have looked over this bill, and I do not believe it is possible to collect the internal revenue without a very rigid law, and one nearly as rigid as this.

My colleague says the amount of grain is no criterion of the quantity of spirits distilled. I think it certainly is a criterion. It may not be a very accurate one. Some distillers used to say that they made four and a half gallons, others that they made but three and a half gallons, and others that they could not get that much. A good deal depends on the character of the weather, a good deal depends on the success of the mash. Then when they mash with slop, very often they do not get the spirits in the first distillation, but get them in the second. The quantity of grain used is one criterion, and I could not recommend that it be dispensed with. So it is in relation to beer. You cannot resort to taxation on these articles without a pretty rigid system of laws. If you make them so equitable and amiable that they will suit the taste of everybody you will get no revenue.

The amendment was rejected.

Mr. HENDERSON. I move to strike out all of the first section of the bill after the enacting clause, and insert the following:

That no tax or duty shall be assessed or paid on unmanufactured cotton which may be grown or produced after the passage of this act.

Mr. FESSENDEN. I trust that will not be adopted. We have had the same tax on cotton since the last act was passed. The House of Representatives in this bill put the tax on cotton at five cents a pound. We have struck that down to the original tax, leaving it to stand as it is. I trust the Senate will be content to let it so remain.

Mr. HENDERSON. I believe that it was two years ago that that tax was first imposed, was it not?

Mr. FESSENDEN. Yes, sir.

Mr. HENDERSON. I at that time resisted the imposition of the tax upon the ground that I thought it unconstitutional. I had not then sufficiently examined the subject to advance any very confident opinion on that point, but I have since given it a very thorough investigation, and I am perfectly satisfied that cotton or any other article of agricultural production cannot be taxed in the raw state under our Constitution; or if it can be taxed at all, it must be apportioned among the States as a direct tax. I do not wish to take up the time of the Senate; but as this is a very important subject, I think one of the most important, because it lays a precedent for the taxing of

agricultural products, I should like to be allowed a short time to discuss it. In fact a year or two ago it was proposed by the Secretary of the Treasury to tax tobacco in the leaf, and that induced me to make a very thorough examination of this general subject. I do not wish to interfere with the desire of the Finance Committee on this subject, and I hope I shall have the permission of the Senator from Maine to discuss the subject somewhat.

Mr. FESSENDEN. I have no power either to give or to withhold permission. The Senator must be his own judge.

Mr. HENDERSON. I do not wish to impede the progress of the bill. Of course I know my rights, but I do not desire to interfere with the speedy passage of the bill because I am as anxious to get away from here as any Senator, but I regard this as a most important question, and I trust I shall be indulged for a short time in giving the result of my investigations in regard to it.

The third clause of the second section of the first article of the Constitution provides that—

"Representatives and direct taxes shall be apportioned among the several States which may be included within this Union according to their respective numbers"—

which shall be determined in a certain manner therein prescribed. The eighth section of the same article provides that—

"The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States."

In the ninth section of the same article it is declared that—

"No capitation or direct tax shall be laid unless in proportion to the census or enumeration hereinbefore directed to be taken."

In the same section it is declared that—

"No tax or duty shall be laid on articles exported from any State."

The tenth section of the same article provides that—

"No State shall, without the consent of the Congress lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress."

In the next clause of the same section it is said—

"No State shall, without the consent of Congress, lay any duty of tonnage," &c.

I believe these are all the provisions of the Constitution in reference to taxation. Whenever duties, imposts, and excises are laid they are required to be "uniform throughout the United States." If a capitation tax or other direct tax is laid, it must be "in proportion to the census or enumeration" constituting the basis of representation in the lower House. It will be observed that the power is given "to lay and collect taxes, duties, imposts, and excises," and that only duties, imposts, and excises are required to be uniform. This requirement does not apply to taxes. In the first case decided in the Supreme Court, calling for an interpretation of these provisions, it was thought that the Convention purposely omitted taxes from the requirement of uniformity in order that a tribute or tax might be assessed and collected which would not fall under the head of duties, imposts, excises, or direct taxes. The word "taxes," in this connection, is synonymous with the "capitation, and other direct taxes" named in other clauses of the Constitution. Congress, of course, was given power to lay direct taxes; but if this word only had been used it might have been well said that no taxes could be laid at all, except direct taxes, for such a tax had been already provided for and a mode fixed for assessing it. An established rule of construction would have made the term equal and caused it to refer to the same subject-matter in every part of the instrument. The Convention avoided that construction by proceeding to enumerate the other kinds of tax which it wished to give Congress the

power to levy. Hence, after taxes follow the words "duties, customs, and excises." It is then provided that the last three, to wit, "duties, customs, and excises," shall be uniform. They did not say that taxes should be uniform, because it was already provided that taxes, that is direct taxes, should not be uniform.

If this view be correct, then the words "duties, imposts, and excises" will cover every species of taxation within the power of Congress except capitation and other direct taxes. It is highly important, then, to know what was the true force and meaning of these terms at the time of the adoption of the Constitution. We are not told in the instrument what a direct tax is, nor what a duty, impost, or excise is. To ascertain what is meant by these words we must look to the English law, the terms of which were used throughout the Constitution, and with which our ancestors were familiar. We must look to the same source for their meaning as for the meaning of bills of attainder, *ex post facto* laws, or writs of *habeas corpus*. Mr. Madison, commenting on these very clauses, said:

"It may be thought that the Constitution might easily have been made more explicit and precise in its meaning. But the same remark might be made on so many other parts of the instrument, and, indeed, on so many parts of every instrument of a complex character, that if completely obviated it would swell every paragraph into a page, and every page into a volume; and, in so doing, have the effect of multiplying topics for criticism and controversy."

I propose first to show that a tax on cotton is within what was known in the English law as a direct tax. I hold that agricultural products, in their raw or unmanufactured state, were only considered as a means of ascertaining the value of land, and, if taxed at all, were taxed under the head of "land tax" by our English ancestors, and that this is the same referred to in our Constitution when it speaks of a direct tax. By reference to English history and English law a clear definition of all the terms used in connection with this subject of taxation may be easily obtained:

"The earliest system of taxation in England was based on the nature of its land tenures. Every tenant of a knight's fee was bound, if called upon, to attend the King in his army for forty days in every year. Blackstone says this personal attendance grew troublesome, and the tenants found means of compounding for it, by first sending others in their stead, and in process of time by making a pecuniary satisfaction to the Crown in lieu of it.

"This pecuniary satisfaction came afterward to be levied by regular assessments, at so much for every knight's fee. This tax was called the *scutage*, because of its military origin. Now, there were many lands in the kingdom not held by military title, and it was thought proper that they too should pay taxes. The tax was, therefore, finally levied on them as upon the military lands, and this was called *hidage*, because it was assessed at so much per hide of one hundred and twenty acres of plowed land. In process of time commerce and manufactures brought together large bodies of people who built up cities and burghs. These towns, of course, did not fall subject to the taxes I have named, because their lands were neither military nor farming lands. The simple idea of justice suggested that they also should be taxed, and hence came what was called the *tailage* tax, which was levied upon them in their corporate limits.

"These land taxes proved to be wholly insufficient to carry on the wars of the crusades under Henry II, and through the religious zeal of the day he induced the people to pay him the tenth part in kind of all their goods, which tax was called the *tithes*. This proved too burdensome and was reduced to a fifteenth."

"During the reigns of Richard II and Henry VI both the land taxes and the fifteenths were abandoned and a new system adopted called *subsidies*. This was a money tax on persons levied in proportion to their wealth, lands being valued according to their rental or productions and taxed at four shillings per pound, and goods at two shillings and eightpence per pound.

"During the war between Charles and his Parliament both parties taxed the people. They made no change in the subjects of taxation, but made their assessments weekly and monthly, instead of annually. A very material change they made, however, was to levy a certain amount on each county in proportion to its wealth in lands and personal estate according to their value. The lands were valued by their rental or production. After the Restoration, the old system of subsidies was entirely abandoned. Blackstone says, 'from that time forward, we hear no more of subsidies. But,' he says, 'occasional assessments (the new mode adopted) were levied as the national emergencies required.'"

Blackstone, referring to these taxes, book one, page 312, says:

"These periodical assessments, the subsidies which

preceded them, and the more ancient *scutage*, *hidage*, and *tailage*, were to all intents and purposes a land tax, and the assessments were sometimes expressly called so."

He refers to the Journal of the House of Commons, June 26, and December 9, 1678. In 1692 a new valuation of the kingdom was taken, and so much apportioned to each county, the amount to be assessed upon the individuals residing in each county, according to the value of their real and personal estates. This was what was known in all the acts of Parliament as the land tax or direct tax.

In 1769 Burns's Justice was published in London, a work containing a vast fund of information in regard to the English law, and defining with accuracy the duties of public officers. In volume three, page 17, I find the following under the head of "land tax":

"The land tax hath succeeded into the place of the ancient fifteenths and subsidies, and the land-tax acts are framed in many respects after the manner of the ancient subsidy acts."

The subsidy, I have shown, was on land valued by its products, and on personal property other than agricultural products.

"We meet with the payment of fifteenths as far back as the statute of Magna Charta, in the conclusion of which the Parliament grant to the King, for the concessions by him therein made, a fifteenth part of all their movable goods.

"This taxation was originally set upon the several individuals. Afterward, to wit, in the eighth year of Edward III, a certain sum was rated upon every town by commissioners appointed in the Chancery for that purpose, in like manner as commissioners are now appointed by the several land-tax acts for carrying the said acts into execution, which commissioners rated every town at the fifteenth part of the value at that time, and their taxation was recorded in the exchequer; and the inhabitants rated themselves proportionably for their several parts to make up the general sum upon the whole township. This fifteenth amounted to £29,000, or near thereabouts.

"But as the necessities of Government multiplied and the kingdom became more populous, and the values of things increased, this fifteenth was insufficient for the occasions of the public, and thereupon the number of the fifteenths was augmented to two or three fifteenths, which still proving defective, another and quite different taxation was superadded, namely, the subsidy, which was an aid to be levied of every subject of his lands or goods, after the rate of four shillings in the pound for lands, and two shillings and eightpence for goods. And accordingly in the ancient subsidy acts there is first a grant of so many fifteenths and then the grant of a subsidy."

The writer proceeds to say that Parliament, afterward finding these taxes insufficient, changed the method; and during the Long Parliament "certain sums were fixed upon the several counties, which course of taxation still continues."

And again, at page 42 of the same volume, he gives directions as to how the tax was to be assessed, and enumerates the articles falling subject to this land tax. It will be seen that agricultural productions are not included in the list. I give the full list as it appears, to wit:

"The charge upon real estate shall be as follows: that the entire sum may be raised, all manors, messuages, lands and tenements; all quarries, mines of coal, tin and lead, copper, mundick, iron, and other mines; iron-mills, furnaces, and other iron-works; salt springs and salt-works; all alum mines and works; all parks, chases, warrens, woods, underwoods, coppices; all fishings, tithes, tolls, annuities, and all other yearly profits, and all hereditaments whatsoever, shall be charged with as much equality and indifference as possible, by a pound rate, to make up the several sums charged by the act on each county or place."

Dr. Adam Smith, in his work on the Wealth of Nations, discusses this subject fully, and while he denounces a separate tax on agricultural products, shows that no such thing then existed in England. His work was first published at the beginning of the American Revolution, in 1776, and the third edition of it in 1784. After speaking of the two modes of levying this tax on productions, to wit, in kind and on the money valuation, he uses these words:

"When, instead either of a certain portion of the produce of land or of the price of a certain portion, a certain sum of money is to be paid in full compensation for all tax or tithes, the tax becomes in this case exactly of the same nature with the land tax of England."

This language seems to settle the question, but it is equally clear in Mr. Hume's definition of this tax in his History of England, and in other works referred to in those from which I

have quoted. The truth is that all taxes on production, for many years before our Constitution, had been odious in England. They had been abandoned by the State from the time of the tenths and fifteenths. I quote from standard works to show the contemporaneous feeling by political economists against this sort of tax. The truth is, no one at that time thought of burdening agricultural products.

In the notes of Mr. McCullough to the work of Adam Smith, speaking of the tax on raw produce, he says:

"It is indisputable, therefore, that tithes operate practically as a premium on idleness, and as a heavy and constantly increasing tax on industry. By preventing the cultivator from reaping the entire advantage of superior skill and increased exertion, they discourage his efforts and contribute to render him indolent and indifferent."

Dr. Paley, in his work on Moral and Political Philosophy, says:

"Tithes are a tax not only upon industry, but upon that industry which feeds mankind; upon that species of exertion which it is the aim of all wise laws to cherish and promote."

Adam Smith, page 377, says:

"Taxes upon the produce of land are in reality taxes upon the rent." "There is no farmer who does not compute beforehand what the church tithe, which is a land tax of this kind, is, one year with another, likely to amount to."

"The tithe, and every other land tax of this kind, under the appearance of perfect equality, are very unequal taxes; a certain portion of the produce being, in different situations, equivalent to a very different portion of the rent."

"The tithe, as it is frequently a very unequal tax upon the rent, so it is always a great discouragement both to the improvements of the landlord and to the cultivation of the farmer. The one cannot venture to make the most important which are generally the most expensive improvements, nor the other to raise the most valuable which are generally, too, the most expensive crops, when the church, which lays out no part of the expense, is to share so very largely in the profit."

I think I have now shown that agricultural productions in their original state were not taxed separately under what was called the land tax. They were never assessed and placed in the tax lists. They were taken into consideration as affecting the value of lands, those lands producing most being regarded as most valuable; but they were never rated and taxed in addition to the lands on which they grew. I now propose to show that these products were never taxed before the making of our Constitution under any other head of taxation in England.

In addition to this land tax was the old duty known as the "customs," which was taken from the French word *coustume*, meaning "toll" or "tribute," from which comes our word "cost." Blackstone says:

"Customs are the duties, toll, tribute, or tariff, payable upon merchandise, exported or imported."

The ground upon which an export tax was permitted was that the King was bound of common right to maintain and keep up the ports and havens and to protect the merchants from pirates. These export customs were first granted in the third year of Edward I. They became unpopular, and in the twenty-fifth year of Edward I it was expressly stipulated that the King should receive the tax only on wool, skins, and leather. These articles could not be exported without being taken to the King's marts and stores, called staples, there to be first rated and then exported. These stores were the same as those used in our warehousing system. Hence articles that thus came in large quantities into the warehouses for exportation were soon known as "staple commodities." An export tax was allowed upon these three articles, because it was supposed no other people could compete with our English ancestors in their production; in other words, that these articles could bear the export tax and then compete with other nations in foreign marts of sale.

In addition to these regular customs was a small subsidy, tonnage, or poundage tax, levied for the keeping and the safeguard of the seas and the intercourse of merchandise to come safely into the kingdom and pass out of the same. This was a tax of the same character as that referred to in our Constitution, where it is said "no State shall, without the consent

of Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for its inspection laws;" and again, "no State shall, without consent of Congress, lay any duty of tonnage," &c. It was the abuse of this power to levy tonnage duties which constituted one of the complaints leading to the rebellion against Charles I. These export duties were always the cause of much complaint, and tonnage duties had been greatly abused; hence our Constitution designed to cure the evil by cutting it up by the roots.

Next came the excise tax, which had its origin, as most of these burdens have, in that curse of nations and of mankind, war. Blackstone says that this tax—

"Is an inland imposition usually paid upon the retail sale of a commodity."

It appears, he says,

"That they are generally imposed on manufactures and paid by the manufacturer, who advances the price of his commodity in proportion."—1 Blackstone, 318-320.

An excise tax was exceedingly unpopular in England when first proposed, because it was thought to be incompatible with the temper of a free people. To execute it properly required that officers should enter and search the houses of such as deal in excisable commodities, and the proceedings for punishment were to be summary and sudden, denying jury trials and other proceedings of the common law. One of the most formidable accusations against Charles I, was that his Lord Treasurer, the Earl of Bedford, contemplated an excise tax. It was charged afterward that the Parliament also contemplated it on their side when the House indignantly denied it, saying "that these rumors were false and scandalous, and that their authors should be apprehended and brought to condign punishment." However, less than six months thereafter they levied an excise tax on venders of ale, cider, and perry. The royalists at Oxford immediately followed their example. Both sides protested that it should cease at the end of the war. It afterward, however, became a permanent system of taxation. The evils of war have made it permanent, but Blackstone says its very name has at all times been odious to the people of England. The direct tax was afterward insufficient to meet the expenses of the continental wars, and it had to be submitted to. But my chief object is to show that it is a perversion of terms to call a tax upon an agricultural production in its raw state an excise duty. A distinguished writer, Blackstone, in enumerating the articles subject to excise duty in England at the period of our Revolution, says:

"Brandies and other spirits are now excised at the distillery; printed silks and linen at the printer's; starch and hair-powder at the maker's; gold and silver ware at the wire-drawer's; plate in the hands of the vender, who pays yearly for a license to sell it; lands and goods sold by auction, for which a pound rate is payable to the auctioneer, who also is charged with an annual duty for his license; and coaches and other wheel carriages, for which the occupier is excised, though not with the same circumstances of arbitrary strictness as in most of the other instances. To these we may add coffee and tea, chocolate and cocoa paste, for which the duty is paid by the retailer; all artificial wines, commonly called sweets, paper and pasteboard, first when made and again if stained or printed, malt, as before mentioned, vinegar and the manufacture of glass, for all which the duty is paid by the manufacturer; hops, for which the person that gathers them is answerable; candles and soap, which are paid for at the maker's; malt liquors brewed for sale, which are excised at the brewery; cider and perry, at the vender's; and leather and skins at the tanner's—a list which no friend to his country would wish to see further increased."

Now, Mr. President, it will be observed that there is but one article in this entire list which is an agricultural production, and that is hops. The cultivation of this article, it will be remembered, was regulated by law, as the cultivation of tobacco now is in France. The article was never exported, and could be and was protected by a heavy impost duty on the foreign article. There was not enough of the article produced for home consumption.

The only other taxes existing in England at the American Revolution were the salt tax,

which was really an excise tax on the manufacture of this article: the post office tax, the stamp duties, the duty upon windows, the duty of twenty-one shillings per annum upon every servant employed, excepting in husbandry, trade, or manufacture; the license tax on hackney coaches, and the duty on salaries, fees, and perquisites of office. The notion that all agricultural products may be taxed is predicated on the decision of the Supreme Court rendered in the case of *Hilton vs. United States*, reported in 3 Dallas's Reports, page 171.

On the 5th day of June, 1794, Congress passed an act levying a duty on carriages used for transporting persons. Hilton, a citizen of Virginia, owned one hundred and twenty-five carriages and refused to pay the tax, which was small. The case was submitted to the circuit court of the eastern district of Virginia, and the judges being equally divided, the defendant confessed judgment and took the case to the Supreme Court on a writ of error. The decision of the court turned on the question whether the duty on carriages was a direct tax or not. Chief Justice Ellsworth was sworn into office on the day the opinion was delivered, and therefore took no part in its decision. Justice Cushing was sick at the argument, and delivered no opinion. Justice Chase delivered the opinion of the court. On the precise question at issue he used the following language:

"As it was incumbent on the plaintiff's counsel in error, so they took great pains to prove that the tax on carriages was a direct tax; but they did not satisfy my mind. I think, at least, it may be doubted; and if I only doubted, I should affirm the judgment of the circuit court. The deliberate decision of the national Legislature, who did not consider a tax on carriages a direct tax, but thought it was within the description of a duty, would determine me, if the case was doubtful, to receive the construction of the Legislature; but I am inclined to think that a tax on carriages is not a direct tax, within the letter or meaning of the Constitution."

Justice Patterson, who concurred in the judgment of the court, delivered a separate opinion, in which he used the following language:

"All taxes or expenses on consumption are indirect taxes. A tax on carriages of this kind, and of course is not a direct tax. Indirect taxes are circuitous modes of reaching the revenue of individuals who generally live according to their income. In many cases of this nature the individual may be said to tax himself."

Justice Patterson received this idea of direct and indirect taxes from the work of Adam Smith on the *Wealth of Nations*, where he says:

"Consumable commodities, whether necessities or luxuries, may be taxed in two different ways; the consumer may either pay an annual sum on account of his using or consuming goods of a certain kind or the goods may be taxed while they remain in the hands of the dealer and before they are delivered to the consumer. The consumable goods which last a considerable time before they are consumed altogether are most properly taxed in the one way; those of which the consumption is immediate or more speedy in the other; the coach tax and plate tax are examples of the former method of imposing; the greater part of the other duties of excise and customs of the latter."

He concluded that as a carriage is kept by the wealthy, and is consumed in the use of it, the duty on it is a tax on luxury or the expenses of living, and may be denominated an indirect tax.

Justice Iredell, in his opinion, said:

"There is no necessity or propriety in determining what is or is not a direct or indirect tax in all cases. Some difficulties may occur which we at present do not foresee. Perhaps a direct tax in the sense of the Constitution can mean nothing but a tax on something inseparably annexed to the soil, something capable of apportionment under all such circumstances."

Without determining what is a direct tax, he says that a poll tax and a land tax are certainly direct taxes. He says further, "In regard to other articles, there may possibly be considerable doubt." He concludes by using the following language:

"It is sufficient on the present occasion for the court to be satisfied that this is not a direct tax contemplated by the Constitution in order to affirm the present judgment."

Justice Wilson concurred in the judgment, but left no written opinion. By examining these opinions closely it will be seen that all the judges were forced to the conclusion that this tax was constitutional chiefly by the fact that it

could not be equally apportioned to the States. For instance, Judge Chase said:

"The Constitution evidently contemplated no taxes as direct taxes but only such as Congress could lay in proportion to the census. The rule of apportionment is only to be adopted in such cases where it can reasonably apply; and the subject taxed must over determine the application of the rule."

Justice Patterson said:

"A tax on carriages, if apportioned, would be oppressive and pernicious. How would it work? In some States there are many carriages, in others but few. Shall the whole sum fall on one or two individuals in the State who may happen to own and possess carriages? The thing would be absurd and inequitable."

Justice Iredell said:

"As all direct taxes must be apportioned, it is evident that the Constitution contemplated none as direct but such as could be apportioned. If this cannot be apportioned it is, therefore, not a direct tax in the sense of the Constitution."

He then said, if any State had no carriages there could be no apportionment at all, and the tax apportioned must be collected from other articles. This mode, he proceeded, is too manifestly absurd to be supported.

I have examined the reasoning of the judges to ascertain, if possible, the extent and authority of this decision. It has been always quoted for more than it is worth. It is dangerous to extend the authority of a case beyond the facts before the court. It is true this was a tax upon specific personal property, or rather it was a tax upon the use of it. But because it was a tax on one article of personal property it does not follow that a tax may be levied upon every article of personal property. Much less does it follow that because a tax may be levied upon the use of a manufactured article of luxury, which enters into the expenses of living, that therefore a tax may be laid upon an article of agricultural production after it was estimated to enhance the value of the land, and whether it is consumed or not. A carriage is an article of manufacture, and may be taxed at the time it is made and sold or afterward in the hands of the consumer. It is in no way connected with the land. It is therefore not analogous to a tax on an agricultural production. It will be observed that no one of the judges pretended to define what the Constitution means by a direct tax. Judge Chase satisfied himself by saying that a tax on carriages is not a direct tax. He said:

"It seems to me that a tax on expense is an indirect tax; and I think an annual tax on a carriage for the conveyance of persons is of that kind; because a carriage is a consumable commodity, and such annual tax on it is on the expense of the owner."

It is perfectly clear that no judicial opinion was given in this case denying that a tax on personal property in some cases may not be a direct tax. Judge Chase said:

"I am inclined to think, but of this I do not give a judicial opinion, that the direct taxes contemplated by the Constitution are only two, to wit, a capitation or poll tax simply, without regard to property, profession, or any other circumstance; and a tax on land. I doubt whether a tax by a general assessment of personal property within the United States is included within the term direct tax."

Justice Patterson, in his opinion, says:

"It is not necessary to determine whether a tax on the product of land be a direct or an indirect tax. Perhaps the immediate product of land in its original and crude state is to be considered as the land itself; it makes part of it; or else the provision made against taxing exports would be easily eluded. Land, independently of its produce, is of no value. When the produce is converted into a manufacture, it assumes a new shape; its nature is altered; its original state is changed; it becomes quite another subject, and will be differently considered. Whether direct taxes, in the sense of the Constitution, comprehend any other tax than a capitation tax and tax on land, is a questionable point. If Congress, for instance, should tax in the aggregate or mass things that generally pervade all the Union, then, perhaps, the rule of apportionment would be the most proper, especially if an assessment was to intervene. This appears, by practice of some of the States, to have been considered as a direct tax. Whether it is so under the Constitution of the United States is a matter of some difficulty; but as it is not before the court it would be improper to give any decisive opinion upon it."

No one doubts that a tax on land is a direct tax. But we do not levy such tax by the acre, that is, an equal amount on an equal number of acres, wherever it may lie. A vacant lot in the city of New York should pay more than

the same area of land in the open prairies of Kansas. And why? Because it is more productive. It yields a larger rental, a larger profit to the owner. When a direct tax is apportioned to the several States they would surely rate the rich agricultural lands that yield largely to the husbandman much higher than the poor, barren lands from which but scanty productions might be obtained. We give value to lands in proportion to what they realize, or can be made to realize, to their owners. If the rental or productions of land are large, the value will be necessarily enhanced, and the tax correspondingly increased.

Now, suppose that Congress should lay a direct tax and at the same time impose excise and income taxes, including a tax on agricultural products, what would be the result? First, the farmer, in paying the direct tax on his land, would indirectly pay on his productions, because they would necessarily go to increase the valuation of his land. Secondly, he would again pay the tax levied directly on the products themselves under the name of excise tax, but which no nation has ever called an excise tax before this age. And thirdly, he would pay another tax on the same productions in the shape of an income tax. None of these taxes could ever be returned to him in case the products themselves were raised in excess of home demand. They would partially fall on the producer, even were the home consumption ever so great.

But how would it be with the manufacturer? He, too, would have to pay the direct tax on his real estate, but its valuation would not be enhanced by the productions of the factory. The articles manufactured would be taxed under the excise, it is true, but the manufacturer would add to their price, and get it back on sale. He might also add the direct tax imposed on his factory. The only tax that would likely affect him would be the income tax. In this case the manufacturer would pay one tax, at the outside two, while the farmer would pay three. In addition to the three taxes I have named, would not the farmer help to pay the excise tax of the manufacturer on the purchase and consumption of his excised articles? And if the customs duty on the imported article of a similar character were sufficient to enable the manufacturer to add the amount of the direct tax paid on his factory to the price of his goods, would not the consumer have to pay that also?

This, I think, is a fair statement of the rank injustice of the proposed tax. We boast of our Constitution as an instrument securing justice to the people, perfect equality among the States, and guarantees against discriminating legislation oppressive to the interests of any section.

Now, if this tax on raw cotton is a constitutional tax then no branch of industry in this country is safe. The Constitution ceases to be an instrument of justice, and at once becomes an engine of oppression and wrong. If a tax of two cents on the pound is legal, then a tax of twenty cents is equally so. The limit of taxation is a mere matter of legislative discretion. No one denies that a tax of twenty cents would prevent the growth of cotton in the United States. The tax of ten cents per pound might not entirely prevent it, but would certainly restrict it to home consumption, and on the grower be oppressive.

The agricultural productions of the United States were quite varied when the Constitution was framed. As the country has become larger, embracing soil adapted to new growths, this variety has become much more marked. This thing was well understood and anticipated at that time. A rule was fixed for the imposition of direct taxes. Direct taxes included poll taxes, taxes on land, and, in my judgment, such other taxes on permanent possessions as could be apportioned. This rule could not be changed. It was not thought advisable to confine taxation exclusively to direct taxes. The exigencies of the nation might demand a larger revenue than could be obtained from this source.

Hence the power to lay "duties, imposts, and excises." These terms were well understood in the English law, and there was no necessity for defining them. It was only necessary to prevent Congress from establishing rules of inequality in their imposition. If impost taxes were greater at the ports of one State than at the ports of another the entire commercial interests of the State discriminated against might be destroyed. If the excise tax on the manufactures of one State are greater than on those of another any one can see the result without an argument. The manufacturers of the one would grow rich, the manufacturers of the other would grow poor. If stamp duties were larger in one State than in another this discriminating tax would depress business, and drive population to the more favored States. To prevent these evils it was provided that—

"All duties, imposts, and excises shall be uniform throughout the United States."

Now, can it be possible that with a small commerce for imposts and inconsiderable manufactures for excises, the Convention should have so carefully guarded against injustice in the laying of indirect taxes, and left the whole agricultural interest of the country subject to no rule except the combination of interest or the whims of passion and prejudice? A tax upon raw cotton can affect but few States; so with tobacco, hemp, rice, and other articles. Those States not growing any one of these articles might combine and tax it as they chose, unless prohibited by the Constitution. Unless there is such a prohibition, the Constitution is not that perfect instrument which we have supposed. I am aware that if an agricultural product is not produced beyond the demands of home consumption, it may bear an internal tax, provided the foreign article is sufficiently taxed upon its importation to protect the home product. But where an article is grown or produced in excess of home consumption, an internal tax without the privilege of drawback upon exportation is liable to destroy its production entirely, and that is the case before us.

Now, if we give to the decision of the Supreme Court the construction accorded to it by some Senators here, this strange conclusion will follow, to wit, a direct tax includes nothing but a capitation and land tax. These are fixed by the rule of representative numbers. The word "duties" refers to taxes on the use of consumable articles, stamps, &c. The term "imposts" refer only to taxes laid on articles imported from foreign countries, export taxes being prohibited. The word "excises" refers to the tax levied on manufactures, when the article is changed from the raw material into some new form. Now, this would leave agricultural productions in the raw state to be taxed *ad libitum*. They would neither fall in the list subject to direct taxes, for which a supposed equitable rule of apportionment was established, nor in the list of indirect taxes, for which the rule of uniformity was adopted. Now, does any sane man believe that such was the intention of those who made the Constitution? Does such a construction accord with other provisions of the instrument? The agricultural interests in the country were the most watchful and jealous of all others, and therefore the idea cannot be tolerated for one moment that they intended to leave these products to be taxed in the discretion of Congress.

My argument up to this point has been to show that an agricultural production cannot be taxed at all in its raw state. If cotton can be taxed, wheat, corn, oats, barley; hay, potatoes, and onions may be equally taxed; and if right to tax one, why not tax the other? But suppose I am mistaken in this; let it be admitted that agricultural products can be constitutionally taxed, under what head of taxation will they fall? Congress may lay and collect taxes, duties, imposts, and excises. Nobody will pretend that this is an impost or an excise tax. If the opinion of the Supreme Court in the *Hilton* case can be relied on, it is not a "duty." It must, then, fall under the general head of "taxes." I have already attempted to

show that this term in the Constitution means "direct taxes," and none other. To give the term any broader signification would open the door to unlimited injustice. Now, I insist if any tax at all can be laid on agricultural productions, it must be a direct tax and apportioned among the States. In England a tax on a carriage was called an excise tax. Instead of imposing the whole duty on the original manufacturer, a part of it was reserved to be paid from year to year by the consumer or user of the article.

The Supreme Court perhaps properly sustained the carriage tax under our Constitution. If they committed an error at all, it was because they did not place it under the head of an excise tax. Judge Chase believed that it was constitutional, because it was a tax on expenses, and "that a tax on expense is an indirect tax." Judge Patterson said, in the same case, that "all taxes on expenses or consumption are indirect taxes." It is upon the same principle that we tax gold watches, gold and silver plate, yachts, billiard tables, &c. The tax is on the use of the article, and not upon the article itself. We had no precedent in England for taxing agricultural products. We have none here. The laws of England did not even tax the hiring of servants who were employed in agricultural products. So in the early legislation in this country. Though carriages were taxed which were used for hire or for the conveyance of persons, yet by the act of July 24, 1813, all carriages "usually or chiefly used" in husbandry were exempted. Again, by the act of December 16, 1814, the same exemption was continued.

Although we were in the midst of war in 1813 and 1814, and were imposing heavy direct taxes, stamp and excise duties, and although in January, 1815, a heavy duty was imposed on even household furniture, ranging from one to one hundred dollars, yet no thought of taxing agricultural production seems to have entered the public mind. But for the decision of the Supreme Court, that a carriage could be taxed, nobody, I dare say, would now think a cotton tax constitutional. That decision does not justify this action. All the judges in that case based their decision chiefly on the ground that a tax on carriages could not be apportioned. That reason does not apply in this case. If a tax on land can be apportioned, certainly a tax on its products can be apportioned. It may be that no carriages could be found in one of the States. But is it likely that any State would be without agricultural productions? The only other reason influencing the court was that the carriage tax was a tax on expense. This reason, of course, is not applicable to a tax on agricultural products, and especially to those which must seek a foreign market. So far from the court intimating that agricultural productions could be taxed, Judge Patterson expressly said that—

"If Congress, for instance, should tax in the aggregate or mass things that generally pervade all the States in the Union, then perhaps the rule of apportionment would be the most proper, especially if an assessment should intervene."

He further said that some of the States under these revenue systems included other things than land in a direct tax. Whether it was so under the Constitution of the United States, he said, "is a matter of some difficulty;" but he repeated "as it is not before the court, it would be improper to give any decisive opinion upon it." If we seek for his opinion at all, we find it in these words: "the immediate product of the land in its original and crude state ought to be considered as the land itself; it makes part of it, or else the provision against taxing exports would be easily eluded." To support this view there is an argument in the wording of the Constitution. It is such as to indicate that some other direct tax than a capitation tax or tax on land may be imposed. The words are, "no capitation or other direct tax shall be laid." If it were intended only to include a poll tax and a land tax, why were not the words "capitation and land tax" used? The words "other direct tax" seem to signify

that such a tax might include more than one article or subject of taxation. If any other article than the land itself was intended to be placed subject to a direct tax, what article so universal and so common to all the States as agricultural productions? My theory is that they are subject to no tax in kind, but if taxed at all it must be directly. All taxes levied upon them must be apportioned in the same way as a capitation or land tax. Hence the proposed excise duty of two cents per pound on cotton is an unconstitutional tax.

I now propose to give a third reason, showing the invalidity of this tax. It is notorious that much of the cotton grown in this country must seek a foreign market. Such was the case when the Constitution was formed. The home consumption did not then and will not now absorb it. Hence we cannot protect this interest by an import duty upon the foreign article. It must be exported. Now, this bill proposes to tax cotton and allow no drawback on its exportation. When Senators who favor this tax are reminded that this is tantamount to an exportation tax, and therefore a violation of the Constitution, they attempt to escape the force of the argument by saying that it is not an exportation tax. They insist that it is an internal duty, an excise tax, or something else than an exportation tax. They say that it is within the discretion of Congress to allow drawbacks or not. This, of course, makes the provision against export taxes utterly futile, if not absurd, and leads to the destruction of any interest that Congress chooses to destroy. If an article is produced in this country in excess of home consumption all that Congress has to do in order to destroy it is to levy upon it an exorbitant duty and allow no drawback when it is sent abroad. If the article can be produced anywhere else upon the surface of the earth the American producer will go there and produce it or enter into some new business at home. In the same way might any species of manufacture be oppressed and broken up.

In my construction of the Constitution, whenever a tax of any sort has been paid to the United States upon any commodity whatever, and that commodity is afterward exported, the tax must be paid back to the owner. If this is not so, Congress may regulate even to the extent of building up or destroying all industrial pursuits by its system of taxation. Congress cannot evade the constitutional restriction under any such subterfuge as this. It is not an exportation tax alone which is prohibited. In the prohibition on the States it is said "no State shall lay any imposts or duties on imports or exports." It is not said that the States shall lay no duties on articles that may be thereafter exported. The States were to be left free to adopt their own system of taxation. They had governments to support, and they must necessarily have the power to levy not only direct taxes, but other duties and excises. Many of the articles upon which they had levied duties might afterward be shipped abroad. If the State could not tax any article because it might be exported, or if, having taxed it, it had been compelled to pay drawback on its exportation, the States might have been unable to keep up their governments. It will be observed that the prohibition on Congress is in altogether different language, and language was never changed in the Constitution without a purpose. It is there provided that—

"No tax or duty shall be laid on articles exported from any State."

This language is much more comprehensive than it would be if it read, "no exportation tax, or no tax on exports shall be laid." I think it means, what it ought to mean, and what the framers of the Constitution evidently intended it to mean, that when an article is exported from any one of the States it may enter into free competition with the commodities of other countries. It was to induce industry to come and develop our resources. It was to invite population. It was to make our country equal in all industrial pursuits to any

other country on earth. There was no doubt that a sufficient revenue might be obtained from direct taxes, duties, imposts, and excises to answer all the ends of Government, and yet leave our industry to compete on equal terms with the industry of other nations. We had the advantage of taxes upon every article of home consumption through imposts and excises, and if this proved insufficient we could resort to direct taxes. This was thought sufficient, and is sufficient for every purpose of revenue.

If by chance we tax any article which is afterward exported, the Constitution requires the payment of drawback. If the language had been similar in the prohibition on the States, the States would have been compelled to repay the tax which it had collected, when the article should be exported.

It is unnecessary to adduce reasons in favor of this construction. It is sufficient to say that with this construction the Government may supply itself with abundant revenue. Perfect equality will be accorded to each State and its people; every department of industry will be placed on a footing of equality, and the Constitution will become an instrument of justice and protection instead of injustice and oppression. As an additional guarantee, it was provided that no preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another. What does this guarantee, in connection with others named, amount to if their promises can be broken by false construction? If such a tax as the one contemplated can be constitutionally levied, then all the advantages springing from equal taxation and freedom of commerce, like Dead sea fruits, turn to ashes upon the lips. The injustice of this tax is openly confessed in the proposition to allow a drawback on manufactured cotton exported, while it is denied on the exportation of the raw material. If the manufacturer needs further protection let him have it in the shape of a tariff, which, though it may be said is unjust, is at least constitutional. If the cotton manufacturer cannot go abroad and compete with the foreign article, how is it that the planter can compete in the same market with the raw material? This, then, constitutes the third reason for pronouncing this tax an infraction of the Constitution.

But if this tax were clearly a valid one, I should object to it on the score of its impolicy. First, we have had four years of war, and now have the asperities and bitterness of feeling which invariably follow civil strife. Though united we are almost two different nations. Statesmanship requires the removal of every obstacle to perfect a reunion. We want chemical affinity. A Union in name is not sufficient. We want a Union in fact. How is that to be accomplished? Certainly the most powerful means to attain this end would be to induce a large immigration into the South. This would gradually break down their present hostility and prejudice. It would give to every neighborhood in the South teachers to inculcate Union sentiment, and establish the new system of industry. It would tend to infuse into the public mind more patriotic sentiment. Northern men, who have fought for the Union, will carry their energy, industry, and intelligence into the southern States and gradually reform its material and social condition. The South is the best cotton-growing region of the world. Its culture was almost entirely neglected during the war, and in consequence the supply fell far below the demand. Great profits can now be realized by its cultivation. In this very fact Providence kindly furnishes us a means of consolidating our people again. By blending together northern and southern men in these cotton States, we shall unite their interests. Commerce it is said makes friends of nations. Trade and intercourse make friends of individuals. They will thus sooner forget the past and become absorbed in the mutual labors of the present and the anticipations of

the future. As a political measure, it would be better to give a bounty upon the production of cotton for the next five years than to impose a duty. This opportunity for reaping great political advantages in the pacification of so large a mass of restless and discontented people should not be thrown away. The paltry amount of revenue to be obtained in this way is insignificant when compared with the advantages to be realized by a contrary policy.

My second objection to it under this head is, that it is vicious as a measure of economy. The civil war, in which the people of the South so foolishly engaged, has left them in extreme poverty. Many of them are actually suffering from the want of the necessities of life. Their labor system, to which they had become accustomed, is completely overthrown. The ravages of war destroyed their plantations. Long before it ceased they had nothing but a worthless currency, and at its close they had none. Many of the laborers, white and black, have been killed or disabled. The larger proportion of the southern people are not only reduced to utter poverty, but they are helpless and physically unable to repair their fortunes. In Alabama and other States there is now much suffering, and even famine is threatening. The levees on the southern waters were cut by our troops during hostilities, and the best cotton and sugar lands have been completely submerged this summer. To save the people, white and black, from starvation and suffering was one of the chief objects inducing the enactment of the Freedmen's Bureau bill. For this charitable object Congress is annually appropriating millions of dollars. Now, I submit that that economy is questionable indeed which appoints tax commissioners and pays them heavy commissions to collect from ten to fifteen million dollars to be replaced in the hands of bureau agents and distributed at an additional risk and cost among the very people from whom it was collected. Let us rather encourage them by every system of favorable legislation which is just within itself to enter with zeal upon the cultivation of their great staple for their own support and the relief of the nation.

But if these reasons be thought insufficient, I have a third one to urge, which affects the national wealth and the national finances. We now have upon our shoulders a national debt of near three thousand million dollars. That debt is not a blessing. It cannot perhaps be called a curse, for it was contracted in a good cause. At the least, however, it is a great burden, a misfortune. That debt has to be paid. Millions of the material wealth of the country was burned and otherwise destroyed during the war. That must be replaced. We cannot repair these losses and pay the public debt by the manufacture of paper money. We cannot pay it by protecting one branch of the industry at the expense of another. With much truth it has been said that agriculture is the source of all wealth. Let us then develop it in all its resources. It behooves us indeed to encourage every branch of labor, for without labor there can certainly be no accumulation of wealth. It is notorious that exchanges are largely against us. We import more than we export. We have supplied the deficit of exportation, not with the elements of wealth, but the evidences of poverty, the bonds of our indebtedness. Our country has been drained of its precious metals, and in the present state of agriculture the mines of California, Colorado, Nevada, and Montana will prove wholly inadequate to meet the balance of trade against us. Nothing is so well calculated to retrieve our condition as the cultivation of cotton. The world needs the article, and we have the best soil and climate for its production. Instead of discouraging it by an oppressive tax, we would much better appropriate millions to encourage its growth. One full crop of cotton would be worth at least \$800,000,000. This would check the exportation of gold, appreciate our bonds, establish specie payments, send a large immigration of loyal men to the South, give contentment to

the present dissatisfied elements of southern society, give wages to the negro and employment to the poor white, and relieve the Government from its present burdensome dispensation of charity.

A fourth reason consists in the fact that this is a discriminating tax, the only one levied upon agricultural productions, and should not be resorted to unless the necessities of the Government absolutely demand it. Such is not the case. The receipts from the customs and internal duties this year are amply sufficient to meet the current expenditures of the Government and the interest of the public debt. This fact has induced a heavy decrease in excise duties as proposed in the very bill now pending. I make no complaints against the manner in which this decrease is to be made. Many articles of manufacture are put in the free list which might very well bear a continued tax without injury to the manufacturer and without serious detriment to the public. Wealthy railroad corporations and other common carriers are relieved of tax, which will inure, perhaps, but little to the traveler or to the shipper. Large reductions are made in iron manufactures; native wines are made free; and even the manufacture of every species of agricultural implement is left without taxation. The ship-building interest, a tax on which is essentially indirect and but little injurious to anybody, is left entirely free. I might go on and enumerate many articles that could better bear a tax than the production of cotton. But, Mr. President, I will not detain the Senate longer.

Mr. SHERMAN. I certainly shall not undertake to answer the learned and elaborate argument of my friend from Missouri at this stage of the debate, because I look upon this question, so far as the Senate is concerned, as already adjudicated. I have not the time and I have not made preparation to follow his argument through the whole course of it; but there are one or two considerations that seem to me to settle this matter. The Constitution of the United States in the first article, section eight, provides—

"The Congress shall have power to lay and collect taxes, duties, imposts, and excises to pay the debts and provide for the common defense and welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States."

The power that is conferred upon Congress to lay taxes is as broad as the English language. No words could be used in the Constitution that would give Congress more fully and completely the power of taxation than the words here used. The only exception to the power of taxation is contained in a clause of section nine of the same article in which it is provided that "no tax or duty shall be laid on articles exported from any State."

There are two modes of levying taxes. One is provided for by the general section I have already read, declaring that "all duties, imposts, and excises shall be uniform throughout the United States." The other mode is provided in section nine of article one, declaring that "no capitation or other direct tax shall be laid unless in proportion to the census or enumeration hereinbefore directed to be taken." The only question, then, in this case is whether this is a direct tax within the meaning of the Constitution. There are four classes of taxes provided for in the Constitution: one under the general name of taxes, one under the name of duties, one under the name of imposts, and another called excises. Three of these classes are expressly required to be levied uniformly throughout the United States. There is one general word used, "taxes," a word so broad that nothing can be levied by a Government upon the people that it does not include; a word of as broad signification as any that could possibly be employed. The Constitution recognizes a difference between direct taxes and indirect taxes, because after speaking of taxes generally it then speaks of direct taxes, and provides that they shall be apportioned according to population. As to indirect taxes, imposts, excises, and duties must be levied by some uniform rule in the mode provided for

in this bill. Then the only question that is open for us is whether this is a direct tax within the meaning of the Constitution.

Mr. HENDERSON. Allow me to interrupt the Senator just there. He says that taxes, imposts, excises, and duties may be laid, but the latter three must be uniform. He says that the first word, taxes, is as broad as the English language. Now, I desire to ask him a question. If excises, duties, and imposts must be uniform, and Congress can levy other than a direct tax under the first word, "taxes," is there any restraint upon it unless it be that it shall be apportioned as required upon representative population? According to the Senator's argument, everything may be a "tax," and you may levy in one State just as much as you please, and in another State just as much as you please, on the same article, because if the word "taxes," as used in that connection, does not mean "direct taxes," there is no limit at all.

Mr. SHERMAN. I hope my friend will not interrupt me further, because it is too hot for a conversational colloquy, and I do not think it is necessary. I want to meet directly and without equivocation the question that is made. I say the only question is, whether a tax on cotton is a direct tax. If it is not a direct tax within the meaning of the Constitution then the argument of the Senator falls. All the argument that he bases upon the extraordinary power of Congress to break down one State or one interest by improper taxes is inherent in the nature of things. Having the full and broad power of levying taxes, that includes the power of levying a heavier tax upon the productions or consumption of one community and less upon those of another. That has been done since the foundation of the Government. The only question with us is whether a cotton tax is a direct tax. My own impression is, though that is a question which has not been decided by the Supreme Court, that a tax on cotton comes within the express meaning of "excise," within the technical meaning of the word "excise" under the English law. I find in a very good law book, Webster's Dictionary, [laughter,] this definition of "excise," and I think that as this is a legal technical term, the definition is legally and technically given:

"The word 'excise' includes any inland tax or impost laid on an article produced and consumed in a country, and also on licenses to deal in certain commodities."

The word "customs" or "duties" has now a much more contracted signification than when the Constitution was framed. Under the English law the word "duties" is almost as broad as the word "taxes." The word "taxes" is a broader term, covering all species of levies upon the people, and the word "duties" includes nearly all, although in common parlance now we generally apply that word to duties on imported goods, but those are really "imposts." The proper definition of the word "impost" is a duty on imported goods; but we have by common use applied the word "duties" to revenues collected from imported goods, and the word "excises" or "taxes" to inland revenue. When the Constitution was framed the legal meaning of the word "duty" would include all excises and all taxes except a tax on land. The definition of "duty" given in Webster's Dictionary is "that which a person owes to another; that which a person is bound by any natural, moral, or legal obligation to pay, do, or perform; and further, 'in the technical sense it is anything that is prescribed by law or by morals.'" That is the broad meaning of the word "duty," and when applied to taxes it is any duty that is imposed by law, any legal duty. I think that the framers of the Constitution have used words which cover this case. I think the word "excise" will do; I think the word "duty" will do. The Supreme Court, however, declined to give a specific meaning to these words, stating that the word "tax" certainly included everything. You may say there was simply tautology in the use of words.

Now, the question again recurs, whether a tax on cotton is a direct tax, and upon that point the Supreme Court of the United States have made as plain and palpable a decision as I think they have ever made upon any question whatever. There were but four judges, it is true, upon the bench at the time, the Chief Justice not yet having taken his seat, but those four judges all concurred in the opinion. I do not wish now to read the whole of the decision. The substance of it is, that they regard the power of Congress to be plenary and absolute, with but the single exception I have named of a duty on exports. They then go on and define what is meant by the term "direct tax." They draw a distinction between a direct tax and an indirect tax. They say that under the Constitution an indirect tax of any kind, shape, form, or manner that is not included within the words "imposts, duties, and excises" may be levied in any way that Congress may provide for; that whatever may be levied under the name of "duties," "imposts," or "excises" must be levied by uniformity, but an indirect tax that is not included within those three words may be levied in any mode provided for by act of Congress.

They then proceed to discuss what is a direct tax. In that case the question was about a tax on a carriage. If I were to say that anything in the world was a direct tax, I should be inclined to say that a direct tax was a tax upon accumulated property, that which a man had on hand. That would be our ordinary definition of the term "direct tax"—a tax on a matter on hand, on personal property, on a horse, on carriages, on cotton, on all the various products which are on hand—a completed fixed article of property. The ordinary meaning of the term "direct tax" would be a tax upon any kind of personal property; but the Supreme Court go on to show here that that was not the meaning of the framers of the Constitution. The meaning of the framers of the Constitution was to apply the term "direct tax" simply to a poll tax and to a tax on land; and the only doubt, upon which my friend from Missouri hangs the whole of his argument, was a doubt which, fairly construed, works against him, and that is a doubt expressed by one of the judges, Judge Patterson, in giving his opinion. Judge Chase said, in the case alluded to, *Hilton vs. The United States*, 3 Dallas, 171:

"I am inclined to think, but of this I do not give a judicial opinion, that the direct taxes contemplated by the Constitution are only two, to wit, a capitation or poll tax simply, without regard to property, profession, or any other circumstance; and a tax on land. I doubt whether a tax by a general assessment of personal property within the United States is included within the term direct tax."

And then he goes on and shows the effect of such a construction, that it would be unequal and unjust, and excludes it from the contemplation of the framers of the Constitution. Judge Patterson, in giving his opinion, says this:

"The Constitution declares that a capitation tax is a direct tax; and, both in theory and practice, a tax on land is deemed to be a direct tax. In this way, the terms 'direct taxes' and 'capitation or other direct tax' are satisfied. It is not necessary to determine whether a tax on the product of land be a direct or indirect tax. Perhaps the immediate product of land, in its original and crude state, ought to be considered as the land itself; it makes part of it; or else the provision made against taxing exports would be easily eluded. Land, independently of its produce, is of no value."

And upon this remark the honorable Senator bases his whole argument. But the judge goes on and says further:

"When the produce is converted into a manufacture it assumes a new shape; its nature is altered; its original state is changed; it becomes quite another subject, and will be differently considered."

If I were disposed to split hairs on a question of this kind, I might show that cotton, the article of commerce, is an article of manufacture, and that the process of ginning cotton makes a greater change in it than the process of converting wheat into flour makes in wheat. Flour was taxed under our excise laws without objection, but it was a tax that was very soon repealed. I have no doubt that where an agri-

cultural article or any other article is changed in getting it ready for consumption, it becomes then a manufacture; but aside from that, in an agricultural country like ours, we cannot find any provision in the Constitution which exempts agricultural products from the same tax that may be levied upon manufacturing products. I represent an agricultural State, and yet I can find in the Constitution no principle favoring the productions of my people more than the products of any other people. If any other articles of personal property may be assessed under the form of an excise tax, so may the articles produced by my people. The distinction made by the framers of the Constitution is palpable. A tax on land or a tax on people is a direct tax; all other taxes are indirect taxes, taxes on personal property, carriages, yachts, cotton, wheat, &c. I have not a doubt that we may levy a tax upon wheat; but I do not fear that Congress will do it.

When you come to the question argued by the Senator in the closing part of his elaborate speech, I quite agree with him; I think a tax on cotton is indefensible in principle, and I do not believe it will last more than this current year. It was levied during the war at two cents a pound. I have no doubt of our power to levy it. The tax is proposed to be continued this year because all the people who have planted their cotton—I give my own reason for it—have planted it under the expectation of paying this tax. The great bulk of this tax will be paid by the consumer abroad, and therefore we are justified, under the present circumstances of the country, in putting an exceptional tax on this agricultural product; but after this year I do not suppose the cotton tax will be continued for any length of time. The very moment cotton produced in other parts of the world competes with our own production, then, as a matter of course, we shall have to abandon the cotton tax or we shall have to give a drawback upon the exportation of cotton, which will amount to the same thing; but at present we can levy this tax, I think, without any injury to any portion of our people.

As I said before, I am not prepared to enter into a further and more elaborate examination of this subject. I look upon it as settled by the debate two years ago, when it was discussed at some length. I consider it as settled by the decision of the Supreme Court. I do not think, therefore, it is worth while to continue the discussion.

Mr. HENDERSON. I should like to have the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. HENDERSON. The Senator from Ohio says we have settled this question. We settled it in the midst of war and at a time when the proclamation of the President made the southern States enemies, and I do not think the legislation at that time, levying a tax upon cotton that might be obtained and brought from the enemy's country into our own, comes under the same head of taxes under which he chooses to tax this article now. I think it is altogether a different thing. The war is over; and now the levying of a tax upon an agricultural product in the southern States is exactly the same as levying it in the State of Ohio. I do not think our action of two years ago is any precedent at all. It was an article, then, brought from a country that was at war, an enemy's country.

The question being taken by yeas and nays, resulted—yeas 10, nays 24; as follows:

YEAS—Messrs. Buckalew, Davis, Foster, Henderson, Hendricks, Norton, Pomeroy, Sprague, Stewart, and Wiley—10.

NAYS—Messrs. Chandler, Clark, Conness, Creswell, Doolittle, Edmunds, Fessenden, Grimes, Guthrie, Harris, Howard, Howe, Kirkwood, Lane of Indiana, Morgan, Morrill, Poland, Ramsey, Sherman, Trumbull, Van Winkle, Wade, Williams, and Wilson—24.

ABSENT—Messrs. Anthony, Brown, Cowan, Cragin, Dixon, Johnson, Lane of Kansas, McDougall, Nesmith, Nye, Riddle, Saulsbury, Sumner, Wright, and Yates—15.

So the amendment was rejected.

Mr. CRESWELL. I move to amend the bill on page 22, line three hundred and sixteen, by striking out the word "four" and in-

serting in lieu thereof the word "five;" the effect of which will be to pay the assistant assessors uniformly five dollars a day instead of four. It makes their pay uniform.

Mr. BROWN. It increases it.

Mr. CRESWELL. It pays them all five dollars a day instead of a portion of them. As the section now stands they receive, generally, four dollars a day. They receive, however, three dollars for every hundred persons assessed, contained in the tax list, and a subsequent provision in the section has since been stricken out paying them twenty-five cents for each permit granted to any tobacco, snuff, or cigar manufacturer. But by the provision commencing on the three hundred and thirtieth line and extending to the word "day," in the three hundred and thirty-fourth line, all assistant assessors when employed outside of the town in which they reside, in addition to the compensation now allowed by law, are to receive during the time they are so employed one dollar per day. Under the existing provisions of the bill, all assistant assessors in the country will be paid five dollars a day for all days in which they are employed in the exercise of their duties outside of their towns. I presume that that allowance is owing to the additional expense to which they will be subjected in maintaining a horse and carriage, and also in payment for their hotel bills. If the amendment I have offered shall be adopted, I shall then move to strike out this subsequent provision, and thus make the pay of all assistant assessors, either in cities or towns, at the uniform sum of five dollars per day.

In the cities the assistant assessors now receive four dollars a day for every day employed. Their pay, then, is four dollars a day for every day in the year, because, I believe, they are employed nearly all the time except Sundays, and excepting such days as they may be necessarily absent, and such days as they may be sick. The result is that their pay is reduced below the sum of \$1,200 per annum, under the general provision of the per diem. Under the subsequent provision they receive comparatively an insignificant sum. I allude now to the provision paying them three dollars for every hundred persons assessed, contained in the tax list. There are scarcely any of them who return on their lists more than from eighty to one hundred names. That would make their pay, under that heading, only three dollars per annum. The subsequent provision granting them twenty-five cents for each permit granted to any tobacco, snuff, or cigar manufacturer being stricken out, they are deprived of the amount of compensation that they received under that clause. It is impossible, in my judgment, in any of the cities of this country to insure the proper men to perform the duties of assistant assessors for this sum. The enforcement of this law depends altogether upon the kind of men who are selected as assistant assessors, because they really do the work. It will be impossible, under the provisions of this bill, to secure proper and competent men to discharge the duties of assistant assessors at the rate of compensation which the law allows. It requires that these men should all rent houses, in the cities, and those houses cannot be obtained at less than from four to four hundred and fifty dollars. That will leave them for actual expenses seven or eight hundred dollars. The kind of men required to perform this duty cannot, in my judgment, be procured for that pay. They are certainly men of a superior stamp to those who are required for first-class clerkships in this city. Most of them are men of families, and it is important that there should be appointed men of that stamp, substantial men who may be raised above all temptation to fraud or any inducement to raise money other than that which may be legitimate and proper and honest; and I therefore think that the sum of five dollars a day is compensation small enough for that order of men.

Mr. FESSENDEN. The original provision was three dollars a day. They made a very considerable talk about it, and we put it up to

four dollars a day. This session they have been complaining that they ought to have office rent, and we have given power to the Commissioner to allow them office rent. Now, the Senator says that will not do; they must have five dollars a day; and I do not know where it will end. He says we cannot get competent persons for less. We do get competent persons, and they are willing to hold on to the offices. They do not resign. The question is, inasmuch as this matter has been considered and settled by the committee, whether it is worth while, because a gentleman is here from Baltimore, who, I believe, has been staying here for a long time trying to get his pay raised, for us to raise their pay. I think we had better stand as we are.

Mr. CRESWELL. The provision for office rent is not at all equitable in its character, because that requires every man, no matter what may be his position, to rent an office, and many of them have apartments in their houses, for which they cannot legitimately or properly, perhaps, charge office rent.

Mr. FESSENDEN. It can be allowed.

Mr. CRESWELL. I ask for the yeas and nays upon the amendment.

The yeas and nays were ordered; and being taken, resulted—yeas 5, nays 28; as follows:

YEAS—Messrs. Cragin, Creswell, Howe, Kirkwood, and Ramsey—5.

NAYS—Messrs. Brown, Buckalew, Chandler, Clark, Conness, Cowan, Davis, Edmunds, Fessenden, Foster, Grimes, Guthrie, Harris, Henderson, Hendricks, Morgan, Morrill, Nesmith, Poland, Pomeroy, Sherman, Sprague, Stewart, Trumbull, Van Winkle, Willey, Williams, and Wilson—28.

ABSENT—Messrs. Anthony, Dixon, Doollittle, Howard, Johnson, Lane of Indiana, Lane of Kansas, McDougall, Norton, Nye, Riddle, Saulsbury, Sumner, Wade, Wright, and Yates—16.

So the amendment was rejected.

Mr. TRUMBULL. I move to amend the bill on page 107 by inserting after line twenty-four hundred and twenty-nine the following:

On shoddy-wool manufactured from woven cloth five cents per pound.

Mr. FESSENDEN. I will inform the Senator that there is already a tax on that by this bill.

Mr. TRUMBULL. Where is it?

Mr. FESSENDEN. It is a tax of five per cent. on the manufactured article.

Mr. TRUMBULL. That is a tax of five per cent. *ad valorem*, which is a very different thing from this amendment. My proposition is to tax it five cents per pound. I presume every one knows what shoddy is. It is a species of wool made out of old cloth which is introduced into the manufacture of new cloth. It is a substance, producing a very inferior article, by which the community are very much imposed upon. In the early stages of the war a great deal of this shoddy cloth was purchased for Army clothing, and great losses were occasioned by it. It is a poor and inferior article, calculated to impose upon the community. Its production ought not to be encouraged, and it is in the way of the manufacture of good articles. The woolen manufactories cannot afford to use all wool and make a good article of cloth and compete with the other manufactories which use half wool and half shoddy. This shoddy can be manufactured, I understand, from old cloths at about ten cents a pound. It is mixed then with good wool and an article is produced of course cheaper than you can make it from new wool, wool costing say fifty cents a pound.

The object of the amendment is twofold: in the first place, to derive a revenue from this shoddy; and in the next place, to encourage the manufacture of a good article, and discourage the introduction of this shoddy into manufactured articles. It goes into cloth, hats, and carpets.

Mr. CHANDLER. It ought to be taxed ten cents a pound.

Mr. TRUMBULL. I agree with the Senator; I think the tax ought to be ten cents. I first framed the amendment fixing the tax at ten cents; but Senators around me suggested "five," and I placed it at that. I should be better satisfied with ten. I think there ought

to be a tax of ten cents a pound on this shoddy, so that there will be less inducement to introduce it into our cloth, and thus have less imposition practiced upon the country. Shoddy wool is an article well known. It is wool made out of old cloth. It is well understood in the country. I had three specimens of it submitted to me the other day, made out of different kinds of cloth, some of it very coarse, and some of it made from finer cloths, and a fine fiber. I trust the Senate will adopt the amendment. I shall take up no time in discussing it.

Mr. SPRAGUE. I wish to say one word on this subject. This material called shoddy—called so since the war, but never before—was introduced into the use of manufactured articles in this country in order to compete with articles manufactured abroad. It was not known here until we were forced to imitate the example of those who shipped such goods into this country to be distributed to the consumers here. The Senator from Illinois cannot accomplish the result that he desires by simply preventing home manufacturers from the employment of this commodity, for the very reason that it will come in contact, as the manufacturers here have come in contact, with the foreign article.

Mr. TRUMBULL. The Senator from Rhode Island will allow me to suggest that we shall have the tariff bill before us in a short time, and I shall propose, and I presume it will be done, to put a very heavy tariff duty upon all cloths manufactured of shoddy, so that we shall protect ourselves against it from abroad as well as at home.

Mr. SPRAGUE. You may do that in the new tariff bill; but that is not the law now, as I understand it.

Mr. TRUMBULL. But a tariff bill is to come soon. It is well understood that we are to have a tariff bill.

Mr. SPRAGUE. I am speaking of the case as it stands. I knew something of this commodity prior to the war. It costs the manufacturer about half a cent a pound. It is put into a machine and torn into pieces, and the fibers from old blankets and old woolen clothes of all sorts are used, as I say, to compete with the foreign article. There was no demand for woolen rags in this country prior to the introduction of this article. They could not be sold. By taxing this article out of existence the value that the people of this country derive from the sale of their own woolen clothing will become useless. You affect every individual in this country in the amount of the value of the wool that he uses when you tax this commodity in the manner in which you propose. You might just as well tax any article that enters into woolen cloth out of proportion to any other article in it, because some of the properties of that article are not of equal value to some others. Everybody who knows anything on this subject, in examining the qualities of cloth, knows at once which contains shoddy and which does not. The people cannot be deceived in the purchase of an article with or without shoddy. There is a great deal of wear in the material that is used. If you destroy its use, you destroy an article which, first, is of value in wear, as it has wear, and you destroy a large value of property which has been heretofore used, and you prevent the people from exercising economy in collecting together their old materials and making the best use of them.

Sir, if this proposition be adopted, its effect will be to legislate out of existence a quality which is very common in the people of other countries, and which we have endeavored to introduce among the people of this country, of economy in their living and in everything connected with wear. I should conceive that to be one of the most deplorable conditions of things. It is well known that we in this country live at greater expense than those abroad. Our people complain of the high price of everything in this country in comparison with the cost of the same articles in other countries, and one of the causes of those high prices is the extravagance and the waste among

our people. Here is an opportunity whereby a commodity may be saved, may be put into use, and may be made an element of public wealth and of advantage.

Mr. CHANDLER. The Senator from Rhode Island says that every purchaser knows what is manufactured from shoddy. Now, I will venture to say that there are not three members of this body who can tell whether there is shoddy in the cloth of their coats or not. None but an expert can tell it. Shoddy is used chiefly, although not wholly, in thickening by fulling cloth which was lighter before the shoddy was applied. It is utterly worthless. It is a cheat. There is no wear in it. A thin article of cloth is thickened, and the shoddy filled in. Every man who has worn a coat has found a little wisp of something in the bottom of the lining. That is shoddy. It is filled into the cloth. It peeks off, and is utterly worthless. It is simply a cheat. There is no wear to it, no value to it, no object in its use except to defraud. It is true it is a recent production in this country. The English were in the habit of sending us manufactures of shoddy. They look well; they feel well; but they will cheat; they will not wear.

I remarked a few minutes ago that I thought the tax on shoddy should be ten cents instead of five. I do. I would tax it out of existence; and then to protect our manufacturers I would impose a duty of one hundred or five hundred per cent. on the importation of anything that had shoddy connected with it in any way, manner, or shape. I would stop the cheating in shoddy. This Government has lost millions of dollars since the commencement of this war by shoddy. I think we all know enough about shoddy to stop its manufacture if we can. I would prefer a tax of ten cents; but I am willing to accept five; and then when the tariff bill comes in, I will vote any tax you see fit to impose on the importation of shoddy, enough at any rate to stop the use of shoddy.

The amendment was agreed to—ayes eighteen, noes not counted.

Mr. HARRIS. I move to amend the bill on page 138 by inserting after line thirty-two hundred and three the following:

Any tax paid under the provisions of the one hundred and twenty-fourth and one hundred and twenty-fifth sections shall be deducted from the particular legacy or distributive share on account of which the same is charged.

I will explain the object of this amendment. It does not affect the Government at all, one way or the other. A tax is imposed by the one hundred and twenty-fourth section, and it is carried out in the one hundred and twenty-fifth section, upon what is called succession. A person dies, and a legatee or distributee is entitled to a share of the estate, and there is a tax upon it, and very properly. The question has arisen whether that tax is chargeable upon the body of the estate, the *corpus* of the estate, or upon the particular legacy or distributive share. Questions have arisen and are now in litigation upon that point. I should have no hesitation myself in saying that it should be charged upon the share on account of which the tax is laid; but there are those who suppose that, like other expenses of administration, it should come out of the body of the estate; and this amendment is offered with a view to charge this tax in the settlement of the estate upon the particular legacy or distributive share, on account of which the tax is laid.

Mr. FESSENDEN. There is no objection to the amendment.

The amendment was agreed to.

Mr. HARRIS. On page 128, after line twenty-nine hundred and thirty-nine, I move to insert the following proviso:

And provided further, That the provisions of this act shall not apply to any bank, banking association, or corporation whose charter had expired and whose affairs were in process of liquidation at the time the act of June 20, 1864, took effect.

Mr. FESSENDEN. What is the effect of that amendment?

Mr. HARRIS. I will state it. There is in the State of New York, and I dare say there

are in other States, a class of old banks whose charters had expired and whose business was in process of settlement and liquidation before June, 1864; some of them several years ago. Some of them had closed up their affairs, distributed their effects among the stockholders, and after paying all their effects, they had nothing to do but to redeem the small outstanding circulation. To illustrate it, I will take the case of the Highland Bank, at Newburg, in New York. Its charter expired in 1863. By the laws of New York, trustees were appointed to settle the affairs of the bank. They went on and settled the affairs of the bank, paid all the debts, and distributed the effects among the stockholders; but there is a circulation out, of lost bills probably, of more than five per cent. If there was less than that amount I see a provision in the new section here which would cover it; but there is more than five per cent. out. For the purpose of covering that, and meeting those bills if they should come in—probably they never will—they have deposited in a national bank the amount of their outstanding circulation in order to redeem those bills. Now, by a construction which has been given by the Commissioner, which I think, with all respect, is erroneous, he holds that this bank which had ceased to exist before this law was passed—it was no bank, no banking corporation, no banking institution, but merely a provision made by certain trustees appointed by law to redeem the outstanding circulation—he holds that this bank, as he construes it to be, is liable to the tax of three per cent. a year. They have no interest at all; they are doing no business; they merely made the deposit to redeem bills which will probably never be presented. The provision of this amendment which I have offered is, that where a bank had ceased to exist before the law of 1864 went into effect it shall not be liable to taxation under the provisions of that law.

Mr. FESSENDEN. I will ask the Senator whether such a case would not come under this provision:

But whenever any bank which has ceased to issue notes for circulation shall deposit in the Treasury of the United States in lawful money, the amount of its outstanding circulation, to be redeemed at par under such regulations as the Secretary of the Treasury shall prescribe, it shall be exempt from any taxation.

Mr. HARRIS. I have thought of that, and I have been looking at that to-day, and I am not sure that it would not cover this case; but it would require these trustees to break up their arrangements for the redemption of their bills, to take their deposits from the bank where they are now and place them in a sub-Treasury.

Mr. FESSENDEN. Why should they not do it?

Mr. HARRIS. It would be no advantage to the Government at all. I thought this amendment would be perhaps judicious, notwithstanding that provision.

Mr. SHERMAN. To require them to deposit the amount of outstanding circulation in the Treasury in order to relieve from tax would be rather burdensome, because the outstanding circulation is really a cumulative property made years and years ago. It would hardly be fair to make them surrender that in order to get the benefit of exemption from tax.

Mr. FESSENDEN. If the Senator from Ohio thinks the amendment is right, I have no objection.

Mr. SHERMAN. I do not see any particular objection to the amendment, as it is to guard against a harsh construction of law, if the banks have gone entirely out of existence.

Mr. HARRIS. That is provided for in the amendment. It refers to banks whose charters had expired before the law of 1864 took effect.

The amendment was agreed to.

Mr. HARRIS. On page 153, line thirty-five hundred and seventy-two, I move to strike out "three months" and insert "one year;" so that the proviso will read:

Provided also, That no claim for drawback on any articles of merchandise exported prior to June 30,

1864, shall be allowed, unless presented to the Commissioner of Internal Revenue within one year after this amendment takes effect.

I will state why I make this motion. I have no objection to the statute of limitations applying to such a case as this. On the contrary, I approve of it; but three months is too short a time. Those that are entitled to drawbacks in the city of New York, where perhaps most of these claims arise, have great trouble in getting them through the custom-house, so as to prepare them to be presented to the Commissioner, and it will perhaps do injustice to limit them to so short a period as three months. I am told there are very great delays in the custom-house.

Mr. FESSENDEN. I think the Senator does not exactly understand the proviso which reads:

Provided also, That no claim for drawback on any articles of merchandise exported prior to June 30, 1864, shall be allowed, unless presented to the Commissioner of Internal Revenue within three months after this amendment takes effect.

They have already had two years.

Mr. HARRIS. That is so; and yet I am told that there are claims of this sort coming within the provision of this section which are still pending in the custom-house, and they are not able to present them. I do not want anybody to be injured by it.

Mr. FESSENDEN. The Senator has probably been informed about it. Two years is an abundance of time; and this provision is to head off a great evil. There are a parcel of sharks in the city of New York who make it their business to hunt up old claims, anything they can make fortunes out of; and when parties have had two years allowed them for the absolute presentation of their claims, we want to cut them off after that time, allowing them three months more. The people who have them never would think of them; in ninety-nine cases of a hundred they do not know anything about them until they are informed by those who make a living in that way, who are continually hunting up things of this sort. I presume the Senator gets his information from them. We want to cut off these old claims, giving the parties three months more in which to present them, in addition to the two years they have already had.

Mr. HARRIS. The Senator from Maine certainly has no right to indulge in any such presumption as that I get any information from anybody who should be called a shark.

Mr. FESSENDEN. I do not suppose my friend has any affinity with the sharks.

Mr. HARRIS. The Senator from Maine ought to be assured that I get my information from a gentleman for whom I am willing to vouch on this floor. I understand that there are claims that have been lying for a long while in the custom-house. If this limitation were to be made applicable to the custom-house instead of to the Commissioner of Internal Revenue I would have no objection to it.

Mr. FESSENDEN. All they have to do is to present their claims. They do not have to make them out.

Mr. HARRIS. They cannot present them to the Commissioner until they go through the custom-house.

Mr. FESSENDEN. Yes, sir, they can. There is no difficulty about it in the world. We give them three months to present their claims to the Commissioner, and then they can take all the time that is necessary to make them out.

Mr. HARRIS. I will compromise with the Senator from Maine and make it six months.

Mr. FESSENDEN. I do not think it is a case of compromise.

Mr. HARRIS. I will change my amendment by making it six months.

The amendment was rejected.

Mr. SPRAGUE. I desire to suggest an amendment on page 163. It is to insert after line forty-five of section eleven the free list, "flax and the manufactures thereof."

The law now exempts all yarns, twine, and everything made from flax, except when it is

made into cloths. The object of the amendment is to exempt from tax cloths made from flax. It may not be known to the Senate, but nevertheless the fact is that there is not a manufactory in the United States of linen. Shirt-bosoms, handkerchiefs, and things of that sort, to the value of twenty or thirty million dollars a year, are imported. It is very well known that Congress, in 1863, exempted from duty flax machinery for two purposes: one was to encourage the manufacture of the article in the country, and the other was to create a demand for flax culture, with the idea of varying our productive industry and also our manufacturing. I am told that that machinery has now arrived in this country; but cloth made from flax being included in the ordinary tax upon manufactured articles, that machinery must remain useless. It cannot be used so as to compete, in the present state of the tariff, with the low prices of goods sent to this country. If, however, they are relieved from this tax it will create an interest equal, as far as it goes, to that of the cotton interest and manufacturing of the country. The Government having encouraged the introduction of the machinery into the country, it seems to me every principle of interest, right, and justice would suggest that when they have received it they should be protected in its operation.

Mr. GRIMES. I suggest to the Senator from Rhode Island that he insert the word "cloth" in connection with the word "thread" wherever it occurs. His amendment now goes too far, as I understand it. It would exempt linseed oil, which is one of the manufactures of flax. That, I suppose, he does not intend to exempt.

Mr. SHERMAN. It is exempted now.

Mr. GRIMES. Is it on the free list?

Mr. SHERMAN. All vegetable oils are placed on the free list by this bill.

The question being put, there were, on a division—ayes 11, noes 2; no quorum voting.

Mr. SHERMAN. My impression is that the whole amount of flax manufactured in this country probably does not amount to \$50,000 a year, so far as I have heard of the manufacture. It is not manufactured anywhere but in one or two places in Massachusetts. If we had such a manufacture it would consume a production of our soil which is now utterly worthless and thrown out on the manure heaps. It may render that of some value which is now of no value. I feel disposed to favor the amendment. The tax does not yield us any revenue.

Mr. FESSENDEN. My objection is that we do not know much about it.

Mr. SHERMAN. We know that the flax in the country is produced simply for the seed. The oil is pressed from the seed, and then the stalk is thrown out and not used at all; it goes to waste and is good for nothing. They are now beginning to use it, and when they use it for twine and rope it is free, but if converted into cloth it is not free. I do not suppose that there are over \$50,000 of linen goods made in this country, as far as I know or have ever heard.

Mr. CHANDLER. The manufacture of cloth from flax yarns is a manufacture we have been trying for years to encourage, and I certainly hope this amendment will be adopted. As the Senator from Ohio says, the product is very small, but there is a very great desire to enlarge it. Of course the importations of flax and the products of flax are very heavy, and it is for the interest certainly of this Government to promote the production of the manufactures of flax. Perhaps no country on earth is so well adapted to the raising of flax as this, and there is no reason on earth why we should not manufacture our own articles of that material. I hope the amendment of the Senator from Rhode Island will prevail.

Mr. VAN WINKLE. The Senator from Rhode Island has already stated flax machinery is exempted from taxation. I find in section ninety-six of the existing law that "flax prepared for textile or felting purposes, until actually woven," is also exempt from duty. This

shows the spirit in which this subject has been approached, and it is in accordance with the remarks, I believe, of more than one Senator, that in the infancy of the manufacture of linen goods or the woven fabrics from flax it ought to be encouraged. The tax that would be laid upon these goods, it seems, would amount to nothing at the present time, and as much of our land is adapted to the cultivation of flax, and it is now only cultivated for the purpose of the seed, which is sold and exported from the country, I should be in favor exempting from internal tax the woven fabrics from flax.

The PRESIDING OFFICER, (Mr. HENDRICKS in the chair.) The Chair will put the question again on the amendment of the Senator from Rhode Island.

The amendment was agreed to.

Mr. SHERMAN. It will now be necessary to move an amendment on page 109, in order to make it conform to the amendment just made. On page 109, line twenty-four hundred and seventy-nine, the word "flax" should be stricken out; and the word "paper" should also be stricken out in line twenty-four hundred and eighty-one, because that has been otherwise provided for.

Mr. FESSENDEN. This strikes out all the tax on paper.

Mr. SHERMAN. No; the tax on paper is put at three per cent.

Mr. FESSENDEN. That is a manufacture of fine paper.

Mr. SHERMAN. No; I think not. All flax that is converted into paper is then taxed three per cent.

Mr. FESSENDEN. But this is on the "manufactures thereof." It goes clear through. It changes the whole bill.

Mr. SHERMAN. It may go too far in that particular; but I think it would be covered by the three per cent. clause. The word "paper," at any rate, ought to be stricken out in line twenty-four hundred and eighty-one. It is provided for in another amendment.

The PRESIDING OFFICER. Does the Senator from Ohio propose an amendment?

Mr. SHERMAN. I move to strike out the word "flax" in page 109, line twenty-four hundred and seventy-nine, and also the word "paper" in line twenty-four hundred and eighty-one. They are provided for in another place.

Mr. VAN WINKLE. I call the attention of the Senator to the fact that the amendment of the committee introduced the word "printing" before "paper," and only included printing paper and tarred paper in the free list.

Mr. SHERMAN. But by the direction of the committee, I proposed an amendment putting all other paper at three per cent. This clause provides for a tax of five per cent., and these words ought to be stricken out of it.

Mr. VAN WINKLE. That is true.

The amendment was agreed to.

Mr. KIRKWOOD. On page 146, line thirty-four hundred and ninety-six, I move to insert after the word "collector" the words "or deputy collector." If this amendment shall succeed, I shall move the same amendment on the next page, and a slight change afterward. The provision is, that in case a party has omitted to affix the stamp required by law to an instrument, or a copy of an instrument in case the original is lost, he may do so by appearing before the collector and paying a penalty of fifty dollars. On the next page the provision is carried further, and in case the stamp has not been placed on an instrument by reason of accident, mistake, inadvertence, or urgent necessity, the party may go before the collector, and by proving that fact, may put the stamp upon the instrument without a penalty. In some of the districts in the State in which I live, it will be exceedingly onerous to go before the collector. A man may have to travel one hundred or one hundred and fifty miles to see the collector of the district; and perhaps it would be so in some of the congressional districts of the State of Maine. I move to insert the words "or deputy collector," so that this

may be done before the officer of each county. If this amendment prevails, I shall move to amend the next page in the same way, and also to require the person to pay, in addition to the stamp, a penalty equal to the value of the stamp. I think if these amendments are made the effect will be good. As it now stands, it will certainly be a very serious inconvenience and loss to persons living in large congressional districts.

Mr. FESSENDEN. That was considered in committee, and we did not deem it safe to put this matter of affixing stamps afterward and collecting penalties into the hands of every deputy collector. There are but very few instances of their having been omitted in places where the law has been in operation; and we have provided for the southern States where the law has not been in operation. If a person has omitted to affix the proper stamp to any instrument, we did not think it would be hard for him to go or send to the collector and have the proper stamp affixed on the instrument or whatever it may be. We did not consider it safe, and the Commissioner did not, to leave the business of affixing these stamps where they have been left off in the hands of every deputy collector, but thought it should be confined exclusively to the collector who has charge of the district. I hope the amendment will not be adopted.

The amendment was rejected.

Mr. SPRAGUE. On page 79, line seventeen hundred and thirty, after the word "thereof" I move to insert these words:

Less the actual expenses paid out by such manufacturer, producer, or agent in effecting such sale and removal.

Section eighty-six of the existing law is the one to which this amendment will apply. It reads:

"That any person, firm, company, or corporation, manufacturing or producing goods, wares, and merchandise, sold or removed for consumption or use, upon which duties or taxes are imposed by law, shall, in their return of the value and quantity, render an account of the full amount of actual sales made by the manufacturer, producer, or agent thereof."

I want my amendment to come in at this point—

less the actual expenses paid out by such manufacturer, producer, or agent in effecting such sale and removal.

The tax as the law now stands is imposed upon a value that the manufacturer himself does not receive. He cannot receive the expenses of removing or transporting the goods and the expenses of selling. It will be seen, therefore, that it is a very unequal tax, because a person at a distance, in sending his goods, for instance, to New York or Philadelphia, is obliged to pay a much larger tax than he who manufactures his goods in New York or Philadelphia. The tax is sufficiently onerous when he who pays it pays upon the actual amount that he receives. If you tax him for an amount that he does not receive it produces great dissatisfaction and complaint. If you tax him upon the whole amount that he does receive there will be less complaint and less dissatisfaction. As it now stands it produces great dissatisfaction. It looks like an arbitrary tax; it looks like one that ought not to be imposed; and it is unequal, when really there can be no difficulty in executing the law so that every producer may have the benefit of the cost to the time of his entering his goods into consumption. If a parcel of goods is sold at a dollar ten cents is given for the transportation and the selling, perhaps; but upon that ten cents the Government impose a tax of five per cent. It seems to me that the committee and the Senate will see the wisdom of applying this amendment to the proposed amendment of the eighty-sixth section; and I really hope they will see that it will be to the advantage of a proper execution of the revenue law in obtaining more honest returns from the producer than otherwise would be obtained; because if the people begin to feel that the Government exercises an arbitrary will in relation to this matter, they in their turn may exercise the same spirit. I really hope that the committee will see the

advantage that will result in the execution of the law and of its general policy, and will permit this amendment to prevail.

Mr. FESSENDEN. The only question is whether the whole thing shall be put in the hands of the manufacturers at their own will and pleasure and as they make out their expenses of agency and everything else. How much we should get out of the tax with that provision I leave the Senate to judge.

Mr. SPRAGUE. I do not think that is a fair way to treat that subject.

Mr. FESSENDEN. That is the way I look at it, and I think it is fair to state precisely the view I have of it.

Mr. SPRAGUE. I must disagree with the honorable member on this proposition.

The amendment was rejected.

Mr. HARRIS. I desire to call the attention of the committee to the provision in regard to lotteries, on page 58. I do not intend to make any motion about it, but there is an amendment proposed by the committee which I do not comprehend, and to which my attention has been called by a gentleman engaged in that business.

Mr. FESSENDEN. I will explain it in a moment. As it now stands, it is precisely the provision reported by the committee of the House after great consideration. The only way in which we could get the tax was by making the managers responsible for the payment of the tax. When the bill came to be engrossed the provision was not there, but there was another instead of it. The Committee on Finance struck that out and put back the original provision.

Mr. HARRIS. I understand there are but two States in the Union in which lotteries are allowed.

Mr. FESSENDEN. This provision is simply to guard against fraud and to secure the payment of the tax.

Mr. HARRIS. I am satisfied.

Mr. ANTHONY. I wish to offer an amendment, to insert on page 135, after line thirty-one hundred and thirteen, the following:

Provided, That the list of incomes in the offices of the assessor and collector shall be open to the inspection of the public; but neither the assessor nor the collector shall furnish such list or any portion thereof for publication, nor permit the same to be copied for publication.

I hope the committee will not object to this amendment. The exposure of the lists in the offices of the assessor and collector is sufficient for all purposes of preventing frauds; and it seems utterly unnecessary to parade in the papers a list of every man's income. It is not done in England where they have the income tax, and I do not believe it is necessary here. It is very annoying; it is the most odious feature of that tax.

Mr. SHERMAN. One of the best writers on the subject of English taxation, though, recommends that it should be done.

Mr. ANTHONY. But his views do not prevail with the Government.

Mr. SHERMAN. It is not done in England because they are controlled very much by an aristocracy. It seems to me in the interest of the revenue the publication of the income returns is the most efficient means of attaining certainty. I know how the first law operated. The first law did not require these lists to be published, and it got abroad in various communities. I know in the State of Ohio that such and such persons gave such an income return when it was known that their expenditure was much more than their reported income. It had an effect upon their credit. Finally the lists were published, and a great sensation was created. The result was that in some communities the incomes of many men were doubled over the previous year, and the general result was to get double the previous year's amount. I have no doubt that in nearly every community the neighbors of a man have some general idea of his income, and if he does not give it nearly right or approaching what is right they have some means of detecting it. If it is confined simply to the books

of the assessor and collector, and it is not published, no one desires to go and examine the lists and publish his neighbor's income return. It is an invidious task, and therefore it is not likely to be published. No great harm is done by income lists being published, and then the community at large generally pass judgment upon the accuracy of the returns. It is a great assistance to the assessor and collector. I see myself in this country no practical objection to it. I hope, therefore, this amendment will not be agreed to.

The amendment was rejected.

Mr. SPRAGUE. I have another amendment to propose, but I will let the bill get into the Senate if that is desired.

Mr. FESSENDEN. I should like to have it get into the Senate.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The vote will be taken on all the amendments together, unless in cases where a separate vote is asked for.

Mr. SPRAGUE. I should like to except from the general vote the amendments on page 116 striking out the words "foreign exchange."

Mr. SHERMAN. I desire to have the amendment on page 185, relative to extending the time for the operation of the tax on State bank circulation, excepted, as I wish to move an amendment to it.

Mr. EDMUNDS. I desire to reserve the amendment on page 2, reducing the tax on cotton from five to two cents per pound.

The question being put on concurring in the amendments made as in Committee of the Whole, with the exception of those reserved for a separate vote, it was decided in the affirmative.

Mr. FESSENDEN. Before acting on the other amendments, I wish to make a couple of slight changes. On page 188, section [thirty] twenty-eight, I move to strike out in line twenty-seven "Commissioner of Internal Revenue" and insert "Secretary of the Treasury."

The amendment was agreed to.

Mr. FESSENDEN. After the word "collector," in line twenty-nine of the same section, I move to insert "with the approval of the Secretary of the Treasury."

The amendment was agreed to.

The PRESIDING OFFICER. The amendment excepted at the suggestion of the Senator from Ohio [Mr. SHERMAN] will now be read.

The Secretary read the amendment, which was to add to the tenth section of the bill the following clause:

That section six of the act of March 3, 1865, entitled "An act to amend an act entitled 'An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes,' approved June 30, 1864," be amended by striking out all after the enacting clause and inserting in lieu thereof the following: That every national banking association, State bank, or State banking association, shall pay a tax of ten per cent. on the amount of notes of any person, State bank, or State banking association, used for circulation and paid out by them after the 1st day of July, 1867, and such tax shall be assessed and paid in such manner as shall be prescribed by the Commissioner of Internal Revenue.

Mr. SHERMAN. Instead of non-concurring in this amendment, which I had intended to propose, I think my object will probably be better accomplished by striking out the word "seven," in line twenty, and inserting "six," so as to leave the tax to go into effect on the 1st of July, 1866, according to the present law. The phraseology of this amendment is better than that of the corresponding section of the present law.

I am opposed to extending the time allowed to the State banks to retire their circulation. The existing law provides "that every national banking association, State bank, or State banking association, shall pay a tax of ten per cent. on the amount of notes of any State bank or State banking association paid out by them after the 1st day of July, 1866." Under the present law there is no discrimination against State banks on the circulation now outstand-

ing; but all banks are to pay a tax of ten per cent. on State bank notes which they pay out after the 1st of July. The purpose of the enactment was to compel the retirement of the State bank circulation. The effect of the legislation of Congress has been substantially to get rid of the State banks. According to a statement which I have before me, their circulation has been reduced to about fifteen million dollars; but in some of the most glaring cases the purpose of Congress as evinced by its legislation has been abused, so that one bank has now in circulation about eight times the amount of its capital stock. Some of these banks exist in Maine, some in Massachusetts, some in New York, some in Ohio, and some in the western States. I am informed by the Comptroller of the Currency that he fears that if this time is extended one year longer, and the right is given to these State banks to issue notes without restraint, they will largely increase the amount of their present circulation. Some of the banks have actually increased it within the last month or two so as to have it outstanding.

I have here a letter from a cashier of a national bank in New York, showing how this privilege has been abused in that State. He gives a list of some fourteen State banks in the State of New York, with a capital of \$866,320, whose circulation is now \$2,509,996. The Bank of Watertown, with a capital stock on the 30th of December, 1865, of \$110,000, had a circulation of \$594,371, and it appears that by the 1st of May last that circulation had been increased \$257,645, making the circulation of that bank (with a capital stock of \$110,000) \$852,017. I have a statement from the superintendent of the banking department of the State of New York, showing that the circulation of that bank is \$852,017. I have no doubt that many of the other banks in this list have increased their circulation. If we should repeal section six of the act of last year, or extend the time for retiring the State bank circulation, I fear not only that the present State banks will keep out their existing circulation to the detriment of the public credit, inflating the currency of the country to that extent, but that all the State banks now in process of liquidation will again commence issuing paper.

In the State of Ohio we had a very excellent bank system when the national act took effect, and most of our banks went into the national banking system; but some of the State banks are still in existence, not many, but some which have made no efforts to retire their circulation. While under the general banking law those who went into the national banks were limited in their circulation to ninety per cent. of their actual stock, those that kept out of the national banking associations, those that refused to come in under the general system and kept out their notes, are only liable to pay the same tax as is imposed on the other banks. They were prepared, and prepared themselves to retire the whole of their circulation and redeem the whole of their circulation on the 1st of July next; but if you extend the time one year they will undoubtedly reissue a portion of the circulation they have now retired; they will make no effort to draw in that which is now outstanding; but if you leave the law stand as it is, no national bank and no State bank dare pay out these notes, because if they do they would be liable to a tax of ten per cent. They would be bound to make a return showing it. The effect would be that every State bank would by the 1st of July next redeem the great body of its circulation, because no such circulation could possibly be used to any profitable extent.

I know that the argument has been made that this will be inconvenient in particular localities, and especially to the State banks themselves. The Senator from New York [Mr. HARRIS] tells me that in certain communities where they have relied upon State circulation, it will deprive them of circulation. So I am informed by the Senator from Maine will be the effect in certain localities in Maine. But

it seems to me it should be remembered that all these State banks had for a year or two an opportunity to come into the national banking system. They did not do it in time; they waited until the amount of circulation was taken, until other banks, new and old, absorbed the amount fixed by law, and now, after they have been guilty of laches, they come in and claim an exemption that is not extended to the other banks. It must be observed, again, that by this bill we have assessed three per cent. —

Mr. FESSENDEN. That has nothing to do with this.

Mr. SHERMAN. Except this: we have assessed that upon national banks, not upon State banks.

Mr. FESSENDEN. Only upon the national banks that continue to issue their old paper in connection with their new paper. That is a very different thing, they having a double circulation.

Mr. SHERMAN. Where State banks have gone into the national bank system, we provide that upon the amount of their old circulation we will tax them three per cent. over and above the tax imposed upon all other banks; but we make no such provision in regard to State banks that have refused to go into the national banking system.

It seems to me that as the section we now propose to modify has been on the statute-book more than a year, as all these banks knew of it and are prepared to meet the burden of that legislation, we ought not to change it. I am therefore in favor of letting the law remain as it is; but as I prefer the language of the amendment better than the language of the old law, because it enables the Commissioner of Internal Revenue to prescribe the mode and manner of assessing the tax, I will simply move to strike out the word "seven" and to insert "six," so as to leave the provision stand as it is now, taking effect on the 1st of July next.

Mr. FESSENDEN. I do not think it is worth while to run a good idea entirely into the ground. This is not a question in which the State banks for which we propose to extend the time are so much interested as the people who are connected with them and rely upon them in different sections of the country. This clause was inserted to meet a difficulty that arises in my own State, I understand in the State of Michigan also, and to a certain extent in some other States, where the conversion of certain State banks did not take place or was not attempted until the whole amount of national banking capital had been taken up that was allowed by law. They were not converted, not for the reason that they were negligent so much as because they doubted whether the system that was to go into operation would be a success, and they did not move so fast as others. When they undertook to do it they found the whole amount was taken and they were not able to convert.

The reason why they have not called in their circulation up to this time, and why they have held on, is because they were not able to convert. They have been trying to do so, and making application after application to the Comptroller of the Currency, but he says, "My power is exhausted; I have no more circulation to give you, and therefore you are ruled out." Take, for instance, my own State. Pretty much all the eastern section of the State — and it is a large State — is supplied by one or two small banks. Our people there do a very large business; they do a foreign business; they build ships; they take freights; they have bills from abroad; they rely for getting circulation upon the banks in their own immediate vicinity. When they wind up the result is that we are tributary to Boston, Massachusetts, which has got largely more than its share of circulation, more than it wants to use in point of fact. The whole eastern part of Maine, because we cannot get a chance to convert our banks at this time, is to be subject to them. I am told it is so in other sections of the country. Now, I learn from the Comptroller's office that \$10,000,000 will cover all the conver-

sions that are necessary in the country. The object of this clause is to give time in order to allow any bill that may be passed to go into effect; and I hope one will be passed giving relief to a certain extent. Several plans have been proposed, not to oblige them to call in their circulation and distress the community all about them until we can see whether they can have an opportunity to convert by withdrawing the circulation from those States which have so much more than they want to use, cutting them down and giving a chance to the State banks which are left in different sections of the country to be converted into national banks. That is the object.

Now, whether the time allowed should be a year or not is perhaps a question. It is put at a year in the amendment of the committee for the reason that that will carry us over the next session of Congress, at which I suppose, if it is not done at this—a bill has been reported in the other House on the subject—some remedy, some relief, will be afforded to those sections of country where they have in fact no banking facilities under the operation of the law. A line cannot be carried straight square through and be considered without reference to the inconvenience it produces to the people everywhere. We must try to accommodate ourselves to the wants of all sections, if we can.

With regard to the other provision of which the Senator speaks, it is intended to meet a case which I was very anxious to meet, where a State bank had not been converted into a national bank in point of fact, but had so arranged as to become a national bank and at the same time keep up its old organization, kept out all the circulation it was entitled to under its charter and then continued issuing, not only the new circulation, but also the old, thus having a double circulation. That was an evil which ought to be met. If any national bank practiced it, as some did, it ought to be corrected.

I do not suppose that this provision will stand exactly as it is before the committee of conference. It was inserted here, as I thought, by the consent of all the Committee on Finance, in order to give an opportunity in the committee of conference to arrange the matter so that those sections of the country that are suffering for this very reason might be relieved, and I certainly hope it may be permitted to stand. We shall never be able to accomplish anything unless we take the matter into our own hands, for I am perfectly satisfied that if the Comptroller of the Currency cannot get the one hundred millions of additional capital which he proposes and which he desires to have, but which Congress is not disposed to grant, he will unquestionably oppose everything that affords temporary relief to the community unless it is done in his own way. I hope the Senate will allow this provision to stand as it is, and if there is any error or danger about it the committee of conference of the two Houses can undoubtedly arrange the matter without difficulty so as to produce no evil. If a year is too long, cut the time down to six months.

Mr. EDMUNDS. I move to amend the amendment of the Senator from Ohio by substituting therefor—

Mr. FESSENDEN. You cannot do that; his is an amendment to an amendment.

Mr. EDMUNDS. I see. I was about to propose an amendment as a middle ground which appeared to me to be just between the views of the Senator from Ohio and the views of the Senator from Maine. I will state the purpose of my amendment, as it may possibly have some effect on the minds of Senators in voting upon the amendment of the Senator from Ohio, as I perceive that my amendment is not at this moment in order. If the amendment of the committee, as it now stands, is left, it gives State banks an advantage over national banks, by an excessive circulation. For instance, in the State of Vermont by law State banks are authorized to circulate their notes to

twice the amount of their capital; and in other States they are authorized to circulate probably the full amount of their capital, possibly in some States more. Now, by act of Congress, national banks are in no instance authorized to circulate in excess of ninety per cent. of their capital, and in some instances a much less percentage.

Mr. FESSENDEN. But they get six per cent. on their capital out of the Government, which the other banks do not.

Mr. EDMUNDS. The other banks do in the same way, for the reason that every bank in my State has the whole or nearly the whole of its capital invested in United States bonds, and they draw their interest upon them, and do their banking business on what among private persons would be regarded as a kind of kiting. It is perfectly safe, however, because they are secured; but if there should be a run upon them they would have to realize and sell their bonds. As it is, every bank invests in Government securities, and then the bank issues its own circulation and keeps it running round and round. It is no reproach to them, because the law allows it, and it is just as safe because their loans are secure. Therefore it is that this bill, as it now stands, makes an unjust discrimination in favor of the old State banks, and against the very banks that are organized under the national statute. I think there is great force in what the Senator from Maine has said as to the necessity for a larger circulation in some sections of the country than would exist without these State banks. To meet that, I propose to tax the excess of their circulation above their capital or above ninety per cent. of it, with ten per cent. now; but to all State banks that are willing to come down to a national basis of ninety per cent. or below, I am willing to grant an extension.

Mr. FESSENDEN. I wish the Senator would allow that to go over.

Mr. EDMUNDS. I am obliged to allow it.

Mr. FESSENDEN. The State of Vermont, where the banks are of which the Senator speaks, will undoubtedly be represented in the committee of conference, and that can be suggested then as a basis of action.

Mr. CHANDLER. I hope the amendment of the Senator from Ohio will prevail. When this tax was originally provided for I urgently advocated making it commence on the 1st of July, 1865. I think it was a mistake that it was not made to take effect on the 1st of July, 1865. Our object then was to compel State banks to drop into the national organization; and had we adopted that provision then, every State bank would have organized at once under the national system; but they stood out in my State and finally came in reluctantly. They fought as long as they could fight, and at last gave way and organized under the national system. I regret that this tax was not made operative on the 1st of July, 1865; but as it was then fixed at 1866, and as it has been understood up to this time that it would take effect on the 1st of July, 1866, I hope the amendment of the Senator from Ohio will prevail, and that we shall make it operative at the time then fixed. It certainly cannot be a hardship on any State banking organization, for they have now had a year and a half notice, and if they are not prepared it is their own fault; they ought to be prepared.

Mr. SHERMAN. The proposition made by the Senator from Vermont will not answer, because this is not a tax upon the bank; it is a tax upon the circulation of the bank paid out after the 1st of July next. If the bank would simply draw in and retain its circulation it would not be subject to any tax. This is only a tax on what is paid out after the 1st of July. That is the only effect of it.

Mr. EDMUNDS. My point is exactly that it is a tax, as the Senator from Ohio says, upon the circulation paid out after the 1st of July; but if you leave it as the bill now stands, a bank in my State for every hundred thousand dollars of capital can pay out \$200,000 in cur-

rency, and therefore it has an unjust advantage over a national bank; but I think, in order to relieve the people and let these State banks run awhile, that it would be just to put them down to the national basis of ninety per cent., and then let them run to the next session. With that it would accomplish much of the object the Senator from Ohio has in view.

Mr. SHERMAN. They all understood the law would take effect on the 1st of July.

The amendment of Mr. SHERMAN was agreed to—ayes fifteen, noes not counted.

Mr. SHERMAN. With the consent of the Senate, I propose to strike out "July" and insert "August," ["No objection,"] as the rest of the bill takes effect on that day.

The PRESIDING OFFICER. The question now is on concurring in the amendment made as in Committee of the Whole as amended.

The amendment, as amended, was concurred in.

The PRESIDING OFFICER. The next excepted amendment will be read.

The Secretary read the next excepted amendment, which was on page 116, in lines twenty-six hundred and forty-three and twenty-six hundred and fifty, to strike out "foreign exchange."

Mr. SPRAGUE. If the chairman of the committee will consent that promissory notes should also be struck out of the same clause, I would make no objection to this amendment. Foreign exchange moves the commodities of foreign countries. Promissory notes move and take care of the products of our own country. Section ninety-nine, which this clause amends, imposes a tax on sales of bullion, coin, gold, promissory notes, and other securities, and taxes them at the rate of one cent for every \$100, and on all sales and contracts for sale negotiated by any person, firm, or company not paying a special tax as a broker, bank, or banker, of any gold or silver bullion, coin, promissory notes, stocks, bonds, or other securities, not his or their own property, the tax is at the rate of five cents for every \$100. If a person draws a check on a bank at sight the stamp is, as all know, two cents. If he issues his note for \$100, it is five cents. Foreign exchange is divided into first, second, and third bills of exchange; and upon each bill instead of five cents, the stamp is two cents, making foreign exchange pay six cents, because five cannot be divided into three parts without leaving a fraction; and for that reason the stamp tax on foreign exchange is to a certain extent somewhat higher than the stamp upon promissory notes. But to offset that there is the difference between gold and currency. Take for instance a bill of exchange for £200, which would be equal in the market to about \$1,500. The bill of sale upon that exchange would be \$1,500, whereas the stamp placed upon that bill of exchange would only be a stamp for \$1,000, or fifty cents. If it was a note for \$1,500, the stamp duty would be seventy-five cents. It is very apparent, therefore, that foreign exchange is permitted to be passed and issued at a less rate than promissory notes are permitted to be negotiated and sold. It may not be known, but it is nevertheless the fact that promissory notes have become as much a commodity of sale necessary to trade as stocks, bonds, and other securities. I trust, therefore, that the committee will not insist upon striking "foreign exchange" out of this portion of the bill.

Mr. FESSENDEN. There is a good deal of force in what the Senator says; but I submit to him that if these words be not struck out now, there will be no way of amending the clause, if found to be wrong. Some members of the House committee think it was wrong to insert these words; that they ought to be out. I think the Senator had better leave the amendment in, and we can consider it in the committee of conference. I am very much inclined to agree in his views on the subject; but still I do not like to tie my hands in case it shall be found that foreign exchange ought to be excluded. There are some arguments that

might be used in favor of it. I would rather, therefore, that the clause remain as we have amended it, in order to give us a chance to reconsider it, which we cannot have if there is no concurrence in the committee's amendment. The amendment was concurred in.

The PRESIDING OFFICER. The remaining excepted amendment will be read.

The Secretary read the amendment, which was in section one, line twelve, to strike out "five" and insert "two;" so as to make the tax on cotton two cents per pound.

Mr. EDMUNDS. I move to amend the amendment of the committee by striking out "two" and inserting "three." I think that five cents is too high under all the circumstances, and I think that two cents is decidedly too low upon cotton, considering the fact that much of it will be received from foreign nations, and that it discriminates too much in favor of cotton against wool. I hope, therefore, that the Senate will agree to the amendment which I propose to the committee's amendment, making it three instead of two cents.

Mr. WILLIAMS. I was inclined to vote for three cents in committee, but upon examination and more mature reflection I am satisfied in my own mind that two cents is as much a tax as ought to be levied upon cotton. I shall vote now for the two cents as it has been reported by the committee.

Mr. EDMUNDS. I ask for the yeas and nays on the amendment to the amendment.

The yeas and nays were ordered.

Mr. SPRAGUE. I move that the Senate adjourn.

Mr. FESSENDEN. Oh, no; let us finish the bill.

Mr. SPRAGUE. This is too important a subject—

Mr. FESSENDEN. I hope we shall not adjourn. Let us pass the bill. We have got nearly through the amendments.

The motion to adjourn was not agreed to.

The question being taken by yeas and nays on the amendment of Mr. EDMUNDS to the amendment of the Committee on Finance, resulted—yeas 6, nays 20; as follows:

YEAS—Messrs. Chandler, Edmunds, Howe, Poland, Trumbull, and Wade—6.

NAYS—Messrs. Buckalew, Clark, Cowan, Creswell, Davis, Doolittle, Fessenden, Foster, Guthrie, Henderson, Hendricks, Morgan, Pomeroy, Sherman, Sprague, Stewart, Van Winkle, Willey, Williams, and Wilson—20.

ABSENT—Messrs. Anthony, Brown, Conness, Craig, Dixon, Grimes, Harris, Howard, Johnson, Kirkwood, Lane of Indiana, Lane of Kansas, McDougall, Morrill, Nesmith, Norton, Nye, Ramsey, Riddle, Saulsbury, Sumner, Wright, and Yates—23.

So the amendment to the amendment was rejected.

The amendment made as in Committee of the Whole was concurred in.

Mr. HENDERSON. I move to strike out the sixth section of the bill on page 6. It provides for a drawback on cotton fabrics, allowing no drawback on the raw material. If raw cotton can be shipped to foreign ports, and can compete in foreign markets with foreign cotton, I cannot for my life see the necessity of allowing a drawback upon the manufactured article. If there is any reason for it, I am sure I am not hostile to the manufacturers of cotton.

Mr. FESSENDEN. I will state to the Senator that a small export goes on of coarse fabrics. We do not export anything except mere coarse fabrics. They come in competition with coarse manufactures made abroad from Surat cotton. It is a comparatively small item of our exports—I do not know how many millions. Perhaps the Senator from Ohio recollects it better than I.

Mr. SHERMAN. The last three or four years it does not amount to anything. It used to amount to something.

Mr. FESSENDEN. It is trifling. There is a tax already on the machinery, on the manufacture, on the income derived, and everything of that description. If you refuse to allow a

drawback it puts an end entirely to any chance of exporting these coarser fabrics, for they cannot come in competition in foreign markets with—

Mr. HENDERSON. What are they manufactured from?

Mr. FESSENDEN. From Surat cotton. They can hardly compete with Surat cotton now. That is the simple state of the case. It is a small matter in amount, comparatively, but it adds something to our exports, is of value to the country, and it is entirely destroyed unless a drawback is given. Ever since the duties were put on a drawback of the same amount has been allowed. As it is they lose about fifteen per cent. in the export.

Mr. HENDERSON. Let me ask the Senator, then, if he has objection to an amendment. It now reads, that on articles "manufactured exclusively from cotton and exported" there shall be allowed as a drawback an amount equal to the tax. Has he any objection to saying articles "manufactured exclusively from cotton imported from foreign countries?"

Mr. FESSENDEN. Of course, for then we should gain nothing. I say it comes in competition abroad with coarse cotton manufactures made from Surat cotton, and some in our own markets; but the very object is to enable those who manufacture it to export it, and that the country shall have the benefit of the export in the competition in foreign markets. It adds just so much to our exports; but if there is no drawback allowed there is an end of it; we cannot export it at all. The section is unquestionably right as it stands. The House agreed to it almost without a division. The thing is understood. I hope the Senator will not insist on his amendment.

Mr. HENDERSON. I will not insist if I can understand it. The Senator is generally very clear in his statements, but for my life I cannot understand it:

That upon articles manufactured exclusively from cotton, when exported, there shall be allowed as a drawback an amount equal to the internal tax which shall have been assessed and paid upon such articles in their finished condition, and in addition thereto a drawback or allowance of as many cents per pound upon the pound of cotton cloth, yarn, thread, or knit fabrics, manufactured exclusively from cotton and exported, as shall have been assessed and paid in the form of an internal tax upon the raw cotton entering into the manufacture of said cloth or other article.

Mr. FESSENDEN. Certainly.

Mr. HENDERSON. Do I understand that our cottons, upon which an internal revenue tax has been levied of two cents a pound when manufactured here, come into competition in foreign markets with goods made from Surat cotton? I thought ours were the very best cottons upon the earth.

Mr. FESSENDEN. All we can export is coarse cottons; we cannot come into competition with others, although I should like to see it grow up. If it could be it would be very much for the interest of the country; the larger the better, for we should have so much larger exports. It takes very little from the internal revenue.

Mr. HENDERSON. It may be right, but it strikes me that it is simply this: it is laying the foundation for the very thing which I made objection to this morning; it is that you may enable Congress to tax, constitutionally as it is claimed, an article in the raw state, but as soon as it gets into a manufactured condition, when it is exported, the tax that was paid upon the raw material is paid back.

Mr. FESSENDEN. Certainly that is the drawback.

Mr. HENDERSON. If that thing can be tolerated constitutionally, I do not understand the Constitution.

Mr. FESSENDEN. It has been tolerated for many years.

Mr. HENDERSON. I know it has been tolerated, but never before this war commenced.

Mr. FESSENDEN. Because we had not occasion to lay an internal tax before.

Mr. HENDERSON. Yes, we have laid internal taxes again and again, but we never

laid an internal tax on an agricultural production before. There is the difficulty.

Mr. FESSENDEN. I do not feel disposed to argue that question. The Senator stated his views at length and the Senate was decidedly against him, as he is aware. It is hardly worth while to reargue it now.

Mr. HENDERSON. The Senate was decidedly against me in regard to the tax on cotton. Now I want to know if the Senate is decidedly against me on the subject of allowing a drawback to the manufacturer of a tax which was paid by the planter on the manufactured article when he exports it.

Mr. FESSENDEN. The purchaser pays the tax.

Mr. HENDERSON. It is taking the tax from one man and giving the drawback to another. Why not allow the planter to get his drawback when he exports the article?

Mr. FESSENDEN. The planter does not pay the tax under this bill. Each district is a bonded warehouse.

Mr. HENDERSON. Somebody pays it, but nobody who exports it in the raw is allowed a drawback under this bill.

Mr. FESSENDEN. Of course not; the drawback is on the manufactured article.

Mr. HENDERSON. It is a bonus to the manufacturer.

The amendment was rejected.

Mr. SPRAGUE. I desire now to offer an amendment to come in after the word "dollars," in line twenty-six hundred and sixty-four, the object of which is to determine the value of bills of exchange and credits in coin, for the purpose of taxation and stamp duties. I wish the Senator from Maine would agree to this amendment and let the matter go to the committee of conference, to be finally arranged.

Mr. FESSENDEN. I will hear it read.

The Secretary read the amendment, which was to insert after the word "dollars," in line twenty-six hundred and sixty-four, the following words:

For the purpose of the tax on sales and stamp tax, gold and silver bullion and coin shall be taken at the face value thereof, increased by the price of gold at the date of sale; and bills of exchange and letters of credit shall be rated at five dollars per pound sterling, increased by the price of gold at the date of the issue of such bill of exchange or letter of credit.

Mr. FESSENDEN. It is perfectly impracticable, and cannot be carried into execution, in my judgment.

The amendment was rejected.

Mr. SPRAGUE. I desire to submit one other amendment. On page 135, I desire to amend the amendment of the committee in relation to the income tax by inserting after line thirty-one hundred and thirteen the following:

And in addition thereto a tax equal to the tax heretofore levied on the gains and profits and income of other citizens during such times as they may have carried on said business.

It will be rather an astonishment to the people of the country to learn that persons owing allegiance to foreign Governments who have for the past three years transacted business in this country have been exempt from tax on their income. All foreigners, as I understand, who have been engaged in any business in this country, and who have acquired an income, have been exempt from income tax ever since the income tax law was passed. The design of this amendment is that they shall pay a tax equal to the tax that the citizens of the United States have paid during that time.

Mr. FESSENDEN. The amendment now offered by the Senator from Rhode Island is wrong in principle. It is to make up defects of our former tax bills, where people have been exempted, because we did not so frame our bills as to catch them; to go back and collect taxes on them for three or four years past when they were not liable to tax by any law.

The amendment was rejected.

The amendments were ordered to be engrossed and the bill to be read a third time. The bill was read the third time and passed.

HOUSE BILLS REFERRED.

The bill (H. R. No. 708) for the relief of Dr. Edward Jarvis, and the bill (H. R. No. 711) for the relief of James Fitzgibbon, were severally read twice by their titles and referred to the Committee on Claims.

Mr. WILSON. I move that the Senate adjourn.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

Monday, June 25, 1866.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. C. B. Boynton.

The Journal of Saturday was read and approved.

The SPEAKER stated as the first business in order the calling of committees for reports to go upon the Calendar and not to be brought back into the House on a motion to reconsider, commencing with the Committee of Elections.

TARIFF BILL.

Mr. MORRILL, from the Committee of Ways and Means, reported a bill to provide increased revenue from imports, and for other purposes; which was read a first and second time, ordered to be printed, referred to the Committee of the Whole on the state of the Union, and made the special order for Thursday next after the morning hour, and from day to day thereafter until disposed of.

The call of committees having been concluded, the Speaker stated as the next business in order the calling of the States and Territories for resolutions in the inverse order, commencing with the State of Vermont where the call rested on last Monday.

PAY OF CLERKS.

Mr. WOODBRIDGE offered the following resolution, and demanded the previous question thereon:

Resolved, That the compensation of the file, printing, petition, stationery, and principal engrossing clerks be made equal to that of the assistant disbursing clerk, and that John M. Barclay, Journal clerk, receive a like increase of compensation with that of assistant disbursing clerk under the resolution of the House of the 18th instant; said increase of compensation to commence at the same time provided in said resolution.

Mr. WASHBURN, of Illinois. I will ask the gentleman to agree to an amendment. I think he will do it. Instead of having the increase of these salaries perpetual I think we should confine all of them, if we vote an increase at all, to the present Congress. I am opposed to the whole thing, but if the resolution is going to pass I want it to pass with that limitation. I ask the gentleman to accept this amendment, "provided that the increase of salaries made at this session shall not extend beyond the present Congress." Let the next Congress do as it pleases.

Mr. ROLLINS. Will the gentleman withdraw the previous question?

Mr. WOODBRIDGE. I suggest to the gentleman from Illinois [Mr. WASHBURN] that it may be modified by adding the words "until otherwise ordered."

Mr. WASHBURN, of Illinois. I appeal to the gentleman from Vermont to accept the amendment I suggested.

Mr. WOODBRIDGE was understood to give his assent.

Mr. WASHBURN, of Illinois. The gentleman from Vermont accepts it so that the increase shall extend only to the Thirty-Ninth Congress.

Mr. ROLLINS. I hope the previous question will not be sustained.

Mr. HALE. I would inquire if it is in order to make a reference of this resolution to the Committee of Accounts.

The SPEAKER. Not pending the previous question.

Mr. HALE. Will it be if the previous question is not seconded?

The SPEAKER. Any motion will then be in order.

Mr. BOUTWELL. I move to lay the resolution on the table, and on that I demand the yeas and nays.

The yeas and nays were not ordered.

The question being taken on laying the resolution on the table, no quorum voted.

Tellers were ordered, and the Speaker appointed Messrs. WOODBRIDGE and BOUTWELL.

The House divided; and the tellers reported—yeas 13, noes 79.

The Speaker voted in the negative to make a quorum; so the motion was not agreed to.

The question recurred upon seconding the demand for the previous question.

Mr. ROLLINS. Will the gentleman from Vermont yield to me for a question?

Mr. WOODBRIDGE. I must decline to yield.

Mr. ROLLINS. I desire only to ask the gentleman if he knows what the pay of these officers is now.

Mr. WOODBRIDGE. I decline to yield.

The question was put upon seconding the demand for the previous question, and there were—yeas 71, noes 23.

So the previous question was seconded.

The main question was then ordered, being upon agreeing to the resolution.

The resolution, as modified, was read, as follows:

Resolved, That the compensation of the file, printing, petition, stationery, and principal engrossing clerks, (I. Strohm, A. J. Larner, and E. Cowan,) be made equal to that of the assistant disbursing clerk; and that John M. Barclay, Journal clerk, receive a like increase of compensation with that of said disbursing clerk under the resolution of the House of the 18th instant; said increase of compensation to commence at the same time provided in said resolution: *Provided*, That the salaries of all officers of the House increased at the present session shall not extend beyond the first session of the next Congress.

Mr. LAWRENCE, of Ohio, demanded the yeas and nays on the resolution.

The yeas and nays were ordered.

Mr. ROLLINS. Is it in order for me to ask a question?

The SPEAKER. The gentleman from Vermont declines to yield, and the House is acting under the previous question.

The question was taken on agreeing to the resolution; and it was decided in the affirmative—yeas 88, nays 21, not voting 73; as follows:

YEAS—Messrs. Alley, Ancona, Delos R. Ashley, James M. Ashley, Barker, Beaman, Bergen, Bidwell, Blaine, Boyer, Buckland, Coffroth, Conkling, Darling, Davis, Dawes, Dawson, Deming, Dixon, Dodge, Donnelly, Driggs, Dumont, Eckley, Eggleston, Eldridge, Eliot, Finck, Glossbrenner, Goodyear, Grinnell, Hayer, Henderson, Higby, Hogan, Holmes, Hooper, Hotchkiss, Demas Hubbard, John H. Hubbard, Hubbard, Humphrey, Ingersoll, Kasson, Kelley, Kelso, Kerr, Latham, George V. Lawrence, LeBlond, Loan, Longyear, Marvin, McCullough, McKee, McRuer, Miller, Moorhead, Morrill, Morris, Myers, Newell, O'Neill, Orth, Paine, Radford, Samuel J. Randall, William H. Randall, John H. Rice, Schenck, Scofield, Shellabarger, Sitgreaves, Spaulding, Stevens, Stilwell, Thayer, Francis Thomas, Frowbridge, Robert T. Van Horn, Warner, Henry D. Washburn, Wentworth, James F. Wilson, Stephen P. Wilson, Windom, Winfield, and Woodbridge—88.

NAYS—Messrs. Allison, Ames, Baker, Baldwin, Benjamin, Boutwell, Hale, Aaron Harding, William Lawrence, Marston, Niblack, Perham, Pike, Price, Rollins, Sawyer, Thornton, Trimble, Ward, Elihu B. Washburn, and William B. Washburn—21.

NOT VOTING—Messrs. Anderson, Banks, Baxter, Bingham, Blow, Brandegee, Bromwell, Broomall, Bundy, Chanler, Reader W. Clarke, Sidney Clarke, Cobb, Cook, Cullom, Culver, Desires, Delano, Denison, Farnsworth, Farquhar, Ferry, Garfield, Grider, Griswold, Abner C. Harding, Harris, Hart, Hill, Asahel W. Hubbard, Chester D. Hubbard, Edwin N. Hubbard, James R. Hubbard, Jencks, Johnson, Jones, Julian, Ketchum, Kuykendall, Ladin, Lynch, Marshall, McClurg, McIndoe, Mercer, Moulton, Nicholson, Noell, Patterson, Phelps, Plants, Pomeroy, Raymond, Alexander H. Rice, Ritter, Rogers, Ross, Rousseau, Shanklin, Sloan, Smith, Starr, Strouse, Taber, Taylor, John L. Thomas, Upson, Van Aernam, Burt Van Horn, Welker, Whaley, Williams, and Wright—73.

So the resolution was agreed to.

Before the result of the vote was announced, Mr. WOODBRIDGE said: From what has been stated to me by one of the clerks, it appears that there may be some misunderstanding as to the amendment of the gentleman from Illinois which I accepted. I accepted an amendment that this resolution should not apply after the present Congress, but I did not

accept an amendment that cases in which the amount of pay had been already established by the House should be affected by the amendment.

Mr. WASHBURN, of Illinois. I stated distinctly in offering my amendment that I did not see any reason why the salaries of those which had been already increased should remain intact while the salaries of those proposed now to be increased should only be increased for this Congress.

The SPEAKER. The Chair will state the situation of the resolution as he understands it. After the gentleman from Vermont introduced the resolution and demanded the previous question upon it, the gentleman from Illinois suggested a modification, which was accepted by the gentleman from Vermont. After it had been reduced to writing and reported to the House, the gentleman from Illinois stated that it did not cover all that he intended that it should cover; that he intended to cover the increase of pay of all the clerical force, and the gentleman from Vermont did not dissent from that construction.

Mr. WOODBRIDGE. If I had understood it I should certainly have dissented from it. I had no intention of making the resolution apply to those whose salaries had been increased by a vote of the House.

The SPEAKER. The House has already voted on the resolution and has decided upon it. If the gentleman from Vermont states that he misunderstood the matter and desires another roll-call, that can only be done by unanimous consent.

Mr. ROLLINS. I object.

The SPEAKER. The gentleman from Illinois stated distinctly that his modification was intended to cover the cases of all those whose salaries had been increased and the gentleman from Vermont did not object to it at the time.

Mr. WOODBRIDGE. I merely wish to say that if I had understood the gentleman to have proposed any such amendment I should have disagreed to it. I do not want now to complicate the matter, and I suppose the best thing I can do is to let it go.

The result of the vote having been announced as above recorded,

Mr. WOODBRIDGE moved to reconsider the vote by which the resolution was adopted; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

HOUSE LIBRARIAN.

Mr. BLAINE. There have been a great many salaries increased of gentlemen who have hitherto been paid very respectfully. I now offer a resolution, upon which I call the previous question, to increase the salary of a man who now receives but three dollars a day, although he is one of the most faithful and attentive officers of the House. I offer the following resolution, and call the previous question:

Resolved, That the salary of Paul Stevens, librarian in charge of the Hall library, be fixed at \$1,500, beginning with the present Congress.

Mr. ROLLINS. Will the gentleman from Maine [Mr. BLAINE] yield to me for a moment?

Mr. BLAINE. I cannot yield.

The previous question was seconded.

The question was then taken upon ordering the main question; and upon a division there were—yeas fifty-five, noes not counted.

So the main question was ordered.

The resolution was then agreed to.

Mr. BLAINE moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COMPENSATION OF HOUSE EMPLOYEES.

Mr. WOODBRIDGE. I ask unanimous consent to offer the following resolution:

Resolved, That until otherwise ordered the Clerk of the House of Representatives be directed to pay the clerks and employes of the same, receiving salaries of \$1,200 or less, a sum equal to twenty-five per cent. additional compensation upon the amount

received by said employés, to date from the commencement of the Thirty-Ninth Congress: *Provided*, That the extra twenty-five per cent. shall be paid only during the present Congress.

Mr. ROLLINS. I object to the resolution.

Mr. WOODBRIDGE subsequently said: I understand that the gentleman from New Hampshire [Mr. ROLLINS] withdraws his objection to the resolution.

Mr. ROLLINS. I will withdraw my objection to the consideration of the resolution at this time if I am allowed to say a word or two in explanation of my objection to the passage of the resolution.

Mr. WOODBRIDGE. I have no objection to the gentleman's making his explanation, though I think the resolution will commend itself to everybody.

Mr. ROLLINS. I have opposed all these resolutions for the reason that I believe it to be a bad policy to increase the pay of the employés of this House in the manner in which it has been done, without any sort of inquiry whatever. There is a standing Committee of Accounts on the part of this House whose business it is to take all these matters into consideration. Now, I object to the manner in which these things are being done, because great injustice is often done, and in my opinion great injustice will be done by the passage of this resolution. I think this resolution should be referred to the Committee of Accounts, for them to thoroughly inquire into the matter. I am not opposed to the policy of increasing salaries, for I think the pay of many of our employés should be increased; but I think the increase should be made after a full and complete examination.

Mr. O'NEILL. I have no doubt it is very important for the Committee of Accounts to have knowledge of these matters. But if I am not mistaken that same committee the other day reported in favor of an additional clerk in the office of the Sergeant-at-Arms without the House having called for or recommended any such thing.

Mr. ROLLINS. The gentleman is mistaken. A resolution making that recommendation was introduced into the House, referred to the Committee of Accounts, and reported back to this House unanimously by the committee.

Mr. WARD. I beg leave to correct my colleague on the Committee of Accounts, [Mr. ROLLINS.] I have never given my consent in any way to increasing salaries or employés whether in committee or out.

Mr. ROLLINS. The gentleman may not have been present when the committee acted upon that subject. But that is a matter of no importance in this connection.

My objection to this whole thing is that it is doing it without a fair and proper examination of the matter. I think there are some employés of this House whose salaries should be increased; but there are also others whose salaries should not be increased. But this resolution proposes an indiscriminate increase of the whole, without any inquiry whatever, the increase to date back to the commencement of this session. I am satisfied that if the gentleman from Vermont [Mr. WOODBRIDGE] was familiar with this whole matter, he would be the last man to introduce the resolutions he has introduced into this House, and which he now urges the House to pass. The resolution is proper enough, perhaps, so far as it applies to some of the employés of the House; but it is improper so far as it applies to others. I hope that even at this late day the House will take a position upon this subject which is right and proper; and allow all these matters to be inquired into by the proper committee before action is taken upon them. And if it is in order, I will move that the resolution be referred to the Committee of Accounts.

Mr. WOODBRIDGE. The gentleman from New Hampshire [Mr. ROLLINS] only does me justice when he says that if I knew this to be an improper resolution I would not introduce it. I deem it to be absolutely and essentially a just and proper resolution toward a class of

employés who are now receiving salaries entirely inadequate to their support. Now, this resolution does what? It simply makes all the doorkeepers receive the like pay and compensation. Some of them receive now \$1,500 a year, others receive \$1,200 a year. The \$1,200 men, to my knowledge, are as efficient as the \$1,500 men. If the resolution I have offered shall be adopted it will make them all \$1,500 men. And in order to make no distinction between them and other employés who receive less than \$1,200, the resolution provides that all employés who receive less than \$1,200 shall have this increase of pay. I believe it is due to these employés that we should pay them enough to support them. I do not think it is true economy for the Government to pay so low salaries that they cannot obtain the services of men entirely competent to perform the duties of their offices. I believe this to be a just resolution—just to these officers, and not an extravagant one by any means. I hope that the resolution will be adopted. I demand the previous question.

Mr. WARD. I would like to make a suggestion to the gentleman from Vermont. He says that some of the doorkeepers get \$1,500 while others get \$1,200, and he wants to equalize the pay. Now, I am in favor of equalization; but I would suggest to the gentleman that the best means of accomplishing this is to make the salaries of all of them \$1,200.

Mr. WOODBRIDGE. I am very much obliged to the gentleman for his suggestion; but I prefer to equalize up instead of equalizing down. I insist on the demand for the previous question.

The previous question was seconded and the main question ordered.

The question being taken on the motion of Mr. ROLLINS to refer the resolution to the Committee of Accounts, there were—ayes 40, noes 53.

Mr. ROLLINS. I call for the yeas and nays.

The yeas and nays were not ordered.

Mr. ROLLINS. I call for tellers on ordering the yeas and nays.

Tellers were not ordered.

So the resolution was not referred to the Committee of Accounts.

The question recurred on the adoption of the resolution.

Mr. BALDWIN. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. SPALDING. I suggest that this resolution ought to include the Chaplain of the House.

The SPEAKER. The resolution cannot be modified now except by unanimous consent, as the House is acting under the operation of the previous question.

Mr. LE BLOND. I must object to increasing the pay of the Chaplain.

Mr. SPALDING. Why?

Mr. LE BLOND. Because he has done nothing but pray abolitionism during the whole session.

The SPEAKER. Debate is not in order. The Chair will state, however, that, as he thinks, the terms of the resolution include the Chaplain, whose salary is less than \$1,200.

The question was taken; and it was determined in the affirmative—yeas 76, nays 29, not voting 77; as follows:

YEAS—Messrs. Alley, Delos R. Ashley, James M. Ashley, Banks, Barker, Beaman, Benjamin, Bergen, Bidwell, Blaine, Boyer, Buckland, Cobb, Coffroth, Darling, Davis, Dawes, Dixon, Donnelly, Driggs, Dumont, Eckley, Eggleston, Eliot, Goodyear, Grider, Grinnell, Hayes, Henderson, Hogan, Holmes, Hooper, Hotchkiss, John H. Hubbard, Hulburd, Ingersoll, Julian, Kasson, Kelley, Kelso, Kerr, Latham, Loan, Marvin, McCullough, McKee, McRuer, Miller, Moorhead, Morris, Myers, Newell, O'Neill, Orth, Paine, Radford, Samuel J. Randall, William H. Randall, Sawyer, Schenck, Shellabarger, Sitgreaves, Spalding, Stevens, Stilwell, Thayer, Francis Thomas, Upson, Burt Van Horn, Robert T. Van Horn, Warner, Henry D. Washburn, Wentworth, Whaley, James F. Wilson, Stephen F. Wilson, and Woodbridge—76.

NAYS—Messrs. Allison, Ames, Ancona, Baker, Baldwin, Boutwell, Broomall, Dawson, Eldridge, Finck, Aaron Harding, Laffin, William Lawrence,

Le Blond, Marston, Mercer, Niblack, Perham, Price, Ritter, Rollins, Scofield, Shanklin, Taylor, Thornton, Trimble, Ward, and William B. Washburn—29.

NOT VOTING—Messrs. Anderson, Baxter, Bingham, Blow, Brandegee, Bronwell, Bundy, Chanler, Reader W. Clarke, Sidney Clarke, Conkling, Cook, Cullom, Culver, DeForest, Delano, Deming, Denison, Dodge, Farnsworth, Farquhar, Ferry, Garfield, Glossbrenner, Griswold, Hale, Abner C. Harding, Harris, Hart, Higby, Hill, Asahel W. Hubbard, Chester D. Hubbard, Demas Hubbard, Edwin N. Hubbell, James R. Hubbell, Humphrey, Jencks, Johnson, Jones, Ketchum, Kuykendall, George V. Lawrence, Longyear, Lynch, Marshall, McClurg, McIndoe, Morrill, Moulton, Nicholson, Noel, Patterson, Phelps, Pike, Platts, Pomeroy, Raymond, Alexander H. Rice, John H. Rice, Rogers, Ross, Rousseau, Sloan, Smith, Starr, Strouse, Taber, John L. Thomas, Trowbridge, Van Aernam, Elihu B. Washburne, Welker, Williams, Windom, Winfield, and Wright—77.

So the resolution was adopted.

During the roll-call the following announcements were made:

Mr. GRINNELL. My colleague, Mr. HUBBARD, has been called away by indisposition.

Mr. WOODBRIDGE. My colleague, Mr. BAXTER, is confined to his bed by sickness.

Mr. LE BLOND. When my name was called, I voted under a misapprehension. I now understand that this resolution embraces the Chaplain. I therefore change my vote from "ay" to "no."

Mr. ELDRIDGE. I vote "no" for the same reason.

Mr. McKEE. Because the resolution embraces the Chaplain, I change my vote from "no" to "ay." [Laughter.]

The result of the vote was announced as above stated.

Mr. WOODBRIDGE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PERSONAL SECURITY IN SOUTHERN STATES.

Mr. PERHAM submitted the following resolution, on which he demanded the previous question:

Whereas Captain John E. Bryant, recently of the county of Oxford, in the State of Maine, was, a few weeks since, brutally assaulted, and his life greatly endangered, in the streets of Augusta, Georgia, by a citizen of that State, because, as is reported, of the efforts the said Bryant had made for the elevation of the colored people of that State and the part he bore in a movement to decorate with flowers the graves of the soldiers who fell in the defense of the Union cause; and whereas it is reported that Captain C. C. Richardson, of the same county of Oxford, was on the 12th instant attacked at Thomasville, Georgia, by a man named Lightfoot, by whom he had been ordered to leave town, and shot through the neck and hand; and whereas both of these gentlemen served the country with distinguished ability and bravery during the war, and are now entitled to the protection due to American citizens in the State of Georgia which they assisted in saving to the country by their valor, and in which they are attempting to establish themselves in the practice of their profession and make their future homes; and whereas similar cases to those recited above are understood to be of frequent occurrence in the States recently in rebellion, thus rendering it extremely hazardous for northern men to attempt to settle there; and whereas the Richmond Examiner, a paper published in Richmond, Virginia, and receiving the patronage of the Administration, being one of the papers designated to publish the laws of Congress, in its issue of May 4, 1866, used the following language:

"THE SHRIEK OF COWARDS.—No better proof of the dastardly nature of the 'loyalists' could be found than their evident trepidation when left without protecting bayonets. We hear a cry of alarm at Staunton. The Union men are afraid of their own shadows if a Federal soldier is not at hand to reassure them. They have guilty consciences that oppress them heavily, and they will not find peace and quiet until they confess and repent. We assure the authorities at Washington that secessionists are not such asses as to expose themselves to further hardships by their own acts, and the shriek of cowards at Staunton is more a call for greater oppression of the true Virginians than for a protection of the lion-hearted Unionists. The fact is, that when the blue uniforms are withdrawn, the 'loyalists' have nobody to keep them in countenance, nobody to associate with, and they feel very like they had got into the wrong paw. Let them seek congenial society elsewhere, if they do not like the contempt of the honest and respectable throughout the South. We are not likely to pay them any respect if they live among us a thousand years."

And whereas the spirit of the foregoing extract appears to predominate in the States referred to, and the citizens of these States who continued loyal to the Government during the war, and especially those who served in the Union Army, are insultingly proscribed and excluded from social and political privileges: Therefore,

Resolved, That the President of the United States be requested to inform this House whether the per-

sonal rights of citizens of the United States are at present sufficiently protected in said States, and whether any further legislation is necessary to clothe him with sufficient authority to protect all the loyal citizens of the States recently in rebellion in the enjoyment of their constitutional rights.

THE SPEAKER. The morning hour has expired, and the preamble and resolution will go over until Monday next.

MONUMENTS FOR NATIONAL CEMETERIES.

Mr. WASHBURNE, of Illinois, by unanimous consent, introduced a bill to provide suitable monuments for national cemeteries; which was read a first and second time, ordered to be printed, and referred to the Committee on Military Affairs, with leave to report at any time.

PACIFIC RAILROAD.

Mr. STEVENS. Mr. Speaker, I wish to make a personal explanation as well as an appeal to the House. Some days ago action was had in reference to Senate bill No. 317, to amend an act entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri river to the Pacific ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," approved July 2, 1864.

THE SPEAKER. Is there objection to the gentleman making a personal explanation?

There was no objection.

Mr. STEVENS. Those interested in that bill came here and asked me to take charge of it, and when it came here to let it lie upon the Speaker's table and not to let it be sent to a committee, and I agreed to do so. I remained in the House until within a few minutes to four o'clock p. m. I was unwell, and became feeble. The call ceased, and I asked the Speaker whether he thought the call of any more bills would take place, and he told me he thought it would stop where it was. I went to the committee-room and got my hat and was about to go home when the call was renewed. I came in just at what I supposed to be the call of the Kansas bill, and I asked that it lie upon the Speaker's table, as I had promised to those who asked me to take charge of it. There was no objection, and I went home. I found, next morning, instead of bill No. 317, another bill was allowed to remain upon the Speaker's table, and bill No. 317 was referred to the Committee on the Pacific Railroad. I asked that the Journal should be corrected. It was my fault, and not that of those interested in the bill, it was placed in that condition. It was not from any negligence on my part, but on account of sickness I was obliged to leave at the time I did; but, sir, it was objected to my correcting the Journal in that way. I have waited till now to move a suspension of the rules, if necessary. I ask, first, by unanimous consent, that Senate bill No. 317, to amend an act entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri river to the Pacific ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," approved July 2, 1864, be placed back upon the Speaker's table. It can remain there, subject to the disposition of the House. I do not want my mistake to prejudice gentlemen who have an interest in the bill. I hope there will be no objection.

Mr. WENTWORTH. I rise to a personal explanation. I have been boarding at a public hotel in this city during most of this winter. I have had gentlemen call on me at the hotel, respectable gentlemen, to tell me about the Pacific railroad. Each of these gentlemen very kindly gave me his views of what would be to the interest of this country. If I know myself, that is exactly my policy; I want to do what is to the interest of this country. I was told that these bills were coming from the Senate, and when they came I expected to hear from these railroad men at the West, and get their views. Some of them wrote to me. They said when the bills came to the House

and were referred to the committee they would come and explain their views. I watched the bills. They came to the Speaker's table.

Now, the gentleman from Pennsylvania thinks he was taken advantage of. I do not like to see him going back on himself. When other people have impugned his sagacity I have stood up for him, as everybody knows. These bills were on the Speaker's table, and I was informed by one side of this case that the gentleman from Pennsylvania would take care of that side. I thought that I could safely take care of the other side by moving to refer the bill to himself. He is on the committee to which we referred this bill, and I thought it would be doing him no injustice to refer it to him. There is no man in this House who has followed him so blindly as I have. [Laughter.]

My friend from Pennsylvania made a motion the other day to lay one bill on the table. I was not watching that bill. That was his business, not mine. But when we came to the proper bill I wanted to send it somewhere, and where could I send it better than into the arms of my friend from Pennsylvania? So, into his arms I sent it, and there it is now.

Now, Mr. Speaker, I am free to say that I know nothing about the merits of these bills. I have heard both sides kindly, fairly, and impartially. But from a long experience in this House, I have no confidence in the professions of a lobby man anyhow. He is like a lawyer, he works for his client; and when a man comes into this House and tells me his story, I regard him just like a lawyer. He has got his fee and is working for the men who sent him here. I have heard the lobby men on both sides of this question, and I have asked that this bill might go to this committee. I am opposed to leaving it on the Speaker's table, because some morning or evening when but few of us are here it will be taken up and passed. It is not a thing that is to be discussed in the Committee of the Whole on the state of the Union, and five minutes will settle the case when the lobby have notified their men. Therefore, without saying anything more either for or against it, I propose that it do not lie on the Speaker's table, where any member can get up here some afternoon and take a snap judgment on the House.

Mr. STEVENS. Mr. Speaker, I was not going to discuss the merits of the question.

Mr. WENTWORTH. Let me finish my remarks, and then I will yield with great pleasure to my friend from Pennsylvania.

Well, now, Mr. Speaker, we have been passing a great many of these railroad bills this session, and no member of this House knows when called upon by his constituents what they have been doing. And now you ask me to let a great railroad grant lie on our table where in five minutes it can be disposed of under the previous question. I never will consent to that. The bill is now referred to a committee of which my friend from Pennsylvania [Mr. STEVENS] is a member, and of which the gentleman from Iowa [Mr. PRICE] is a member. I do not know who the other members of the committee are, but the bill is in the committee now, and what I propose is, that it shall remain in that committee, where every member of the House and every man in the country shall have the privilege of going before the committee and discussing it, and thus all sides of the question can be heard. I want only fair play.

THE SPEAKER. The Chair understands the gentleman from Illinois to object.

Mr. WENTWORTH. I do not object to the gentleman's speaking, but I object to his motion.

THE SPEAKER. Then the gentleman's object can only be reached by a suspension of the rules.

Mr. STEVENS. I do not propose to refer to the merits of the bill. I have stated the reason why those interested in the bill were deprived of what they desired. It was a mistake on my part, and I simply ask that the bill be placed where it was, simply leaving it on the Speaker's table, subject to all the action it would have been subject to but for my mistake.

As objection is made, I move a suspension of the rules so as to allow the bill to remain upon the Speaker's table.

The question was put; and there were—yeas 74, noes 36.

Mr. ALLISON demanded the yeas and nays. The yeas and nays were ordered.

Mr. PRICE. I ask unanimous consent to speak five minutes.

Mr. STEVENS. I object.

The question was taken; and there were—yeas 83, nays 38, not voting 61; as follows:

YEAS—Messrs. Ancona, Delos R. Ashley, Baker, Barker, Beaman, Benjamin, Bergen, Bidwell, Bingham, Blaine, Boyer, Broomall, Buckland, Coffroth, Cullom, Dawson, Dixon, Driggs, Eckley, Eggleston, Finck, Glossbrenner, Goodyear, Grider, Hale, Aaron Harding, Harris, Hayes, Henderson, Higby, Hogan, Hotchkiss, Demas Hubbard, Hulburd, Kasson, Kelley, Kelso, Kerr, Larkin, Latham, George V. Lawrence, William Lawrence, Le Blond, Loan, Longyear, Marvin, McClurg, McCullough, McKee, Mercur, Miller, Moorhead, Morris, Myers, Newell, Niblack, O'Neill, Orth, Phelps, Radford, Samuel J. Randall, William H. Randall, Ritter, Rousseau, Schenck, Seofield, Shanklin, Shellabarger, Sitgreaves, Stevens, Stillwell, Thayer, Francis Thomas, Thornton, Trimble, Trowbridge, Upson, Burt Van Horn, Robert T. Van Horn, Henry D. Washburn, Whaley, Stephen F. Wilson, and Winfield—83.

NAYS—Messrs. Alley, Allison, Ames, James M. Ashley, Baldwin, Banks, Boutwell, Chandler, Cobb, Davis, Dawes, Deming, Dodge, Donnelly, Eldridge, Eliot, Grinnell, Hooper, John H. Hubbard, Humphrey, Julian, Marston, Paine, Patterson, Perham, Pike, Price, John H. Rice, Rollins, Sawyer, Spalding, Taylor, Warner, William B. Washburn, Wentworth, James F. Wilson, and Windom—38.

NOT VOTING—Messrs. Anderson, Baxter, Blow, Brandegee, Bromwell, Bundy, Reader W. Clarke, Sidney Clarke, Conkling, Cook, Culver, Darling, De-frees, Delano, Denison, Dumont, Farnsworth, Farquhar, Ferry, Garfield, Griswold, Abner C. Harding, Hart, Hill, Holmes, Asahel W. Hubbard, Chester D. Hubbard, Edwin N. Hubbard, James R. Hubbard, Ingersoll, Jencks, Johnson, Jones, Ketcham, Kuykendall, Lynch, Marshall, Melndoe, McRuer, Morrill, Moulton, Nicholson, Noell, Plants, Pomeroy, Raymond, Alexander H. Rice, Rogers, Ross, Sloan, Smith, Starr, Strouse, Taber, John L. Thomas, Van Aernam, Ward, Elihu B. Washburne, Welker, Williams, Woodbridge, and Wright—61.

So (two thirds voting in favor thereof) the rules were suspended, and the Committee on the Pacific Railroad was discharged from the further consideration of the bill, and the same was transferred to the Speaker's table.

Mr. STEVENS. I wish to say that there is no disposition to take any advantage of the fact of the bill being where it now is. I do not propose to call it up to-day. I propose to let it remain where it now is until gentlemen shall have had a chance to examine it.

CONTESTED ELECTION—BOYD VERSUS KELSO.

Mr. UPSON. I rise to a privileged question. I am instructed by the Committee of Elections to make a report in the contested-election case of Boyd vs. Kelso, accompanied by a resolution. I do not propose to ask for action on the resolution at this time, but will call it up at some future day. I move that the report and resolution be printed and laid upon the table.

The resolution is as follows:

Resolved, That JOHN R. KELSO is entitled to retain his seat in this House as a Representative in the Thirty-Ninth Congress from the fourth congressional district of Missouri.

The report was laid on the table and ordered to be printed.

DORENCE ATWATER.

Mr. HALE, by unanimous consent, submitted the following resolutions:

Resolved, That the Committee on Military Affairs be instructed to inquire and report whether, in the conviction of Dorence Atwater, late a private in the general service of the United States Army, on the charge of larceny, before a court-martial held at the city of Washington in or about the month of September, 1895, and in the finding and sentence of said court-martial, and the execution thereof, any injustice was done to said Atwater which ought to be redressed; and whether in the proceedings against said Atwater before said court-martial, or prior or subsequent to the same, any officer or officers of the United States Army was or were guilty of oppression, cruelty, injustice, or other conduct unbecoming an officer and a gentleman; and also to inquire and report whether, and since the conviction of said Atwater, any officer or officers of the United States Army, has or have been guilty of oppression, cruelty, injustice, or other conduct unbecoming an officer and a gentleman, in improperly attempting to prevent, hinder, or delay the pardon of said Atwater, or the canceling and annulling the sentence of said court-martial, or in any manner improperly interfering or

attempting to interfere with the course of public justice, or the exercise of executive clemency; and whether any further legislation is necessary to protect the rights of citizens and of the rank and file of the Army against oppression and injustice under color of military authority or martial law, and that said committee have power to send for persons and papers.

Resolved, That the President of the United States be requested to transmit to this House copies of the record and proceedings of the court-martial held at the city of Washington, in or about the month of September, 1863, in the case of Dorence Atwater, late a private in the general service of the United States Army, including all testimony taken before the said court-martial, together with all orders and papers relating to the finding or sentence of said court-martial, or the execution thereof; and also copies of all papers subsequently presented to the President in relation to the case of said Atwater, and looking toward the canceling or annulling of the finding and sentence of said court-martial, or other redress to said Atwater; together with any and all reports, recommendations, statements, protests, or other papers that may have been received by the President from the Judge Advocate General of the Army, or from any other officer or officers of the Army touching the case of said Atwater, or any action or proposed action thereon.

The question was upon agreeing to the resolutions.

Mr. HALE. In offering these two resolutions upon the same subject, I ask the attention of the House for a few minutes while I briefly state the facts upon which they are founded. This is a matter affecting directly only a very humble individual, a citizen of the State of Connecticut, who served for some years as a private in a volunteer regiment of the State of New York. Indirectly I think it affects the rights and privileges of every citizen of the United States, and particularly of every soldier, whether in the regular or volunteer service.

I have here upon my table two memorials, which I propose to present to-day under the rule for reference to the Committee on Military Affairs, bearing upon the subject. One of them is a memorial of the party immediately interested, Dorence Atwater, setting forth the facts in his case, and asking that this Congress may afford him proper relief. The other is a memorial of a large number of highly respectable citizens of the town of Terryville, Connecticut, his own residence and native place, setting forth their knowledge of his character, certifying him to be a young man of the highest standing and integrity, morally and intellectually, and setting forth the facts of his case as they have learned them and asking the action of Congress upon it.

The facts of his case are very briefly these: Dorence Atwater, at the age of seventeen years, in 1861, enlisted in a regiment of New York volunteers. He served down to the month of August, 1863, at which time he was taken prisoner at Hagerstown, Maryland, during the pursuit of the rebel army on its retreat from Gettysburg. He remained a prisoner in the hands of the rebels for twenty-two months, several months after his term of enlistment had expired. During his confinement at Andersonville he was detailed as clerk in the office of the rebel surgeon of the prison. It there became his duty to keep what was called "the dead-list," the record of those who died in the Andersonville prison. This record he kept for many months, during which time the deaths amounted to over twelve thousand. The idea occurred to him while he was there keeping those records that the information afforded by that list would be of the highest value and importance to the citizens of the North, the relatives and friends of those soldiers who were there dying by hundreds and thousands. At the risk of his life, he succeeded in making a complete copy of that dead-roll, and when he was paroled he secreted it on his person and brought it through the lines with him to the parole camp at Annapolis. It appears that, subsequently, some of the officers of one of the staff departments in Washington, learning that Atwater had such a list, called upon him to enter into negotiations for the surrender of the list to the Government. He did enter into such negotiations, and finally upon urgent application and against his own wish (he desiring simply to publish this list for the benefit of those who were anxious concerning the fate of their

relatives and friends in the rebel prison) he entered into an agreement with a bureau officer in this city to surrender these rolls to the Government, as he affirms, on three conditions: first, that he was to receive \$300; second, that he was to be appointed to a clerkship in the War Department; and third, that these rolls when copied by the Department should be returned to him.

The record of the evidence before the court-martial that afterward tried him shows that there is no conflict between him and the officer with whom this bargain was made, except upon one point, the officer stating the agreement to have been that he was to receive a copy of the rolls and not the original—an entirely immaterial point so far as regards the merits of the case. Atwater surrendered the papers, received the \$300, and also received the clerkship, he being obliged for that purpose to enlist anew in the general service of the Army. He remained for some months in that service. From time to time he called upon the officers of the Department to return to him his rolls. He received answers from time to time that they were not copied, or that the Department was not then prepared to part with them. He finally received a direct and decided answer that the Department would not deliver to him either the rolls or a copy of them, according to the agreement set forth in his own memorial and in the testimony of the officers before the court-martial. Those officers took the responsibility of directly repudiating their own agreement, and without right or color of right retaining the rolls from him. To that he of course submitted, for he had no alternative.

I ought to remark here that these copies which were furnished by Atwater were the first information afforded to the anxious people of the North regarding the fate of those prisoners who had died in Andersonville prison. Afterward, the original records were in part, but not fully, captured by our armies; but the only complete list we have ever had is Atwater's list. Some months after Atwater was detailed to go to Andersonville with a party under the command of a quartermaster of the Army, for the purpose of marking the graves of the United States prisoners buried there. The original copy of the roll made by Atwater was taken with that party to be used at Andersonville. Those rolls there came into his hands in the ordinary course of his duty in identifying and marking the graves. When the duties of that party at Andersonville were completed, the rolls remained in his hands; they were not called for there. Without being questioned he put them in his trunk and brought them to Washington. After he arrived in Washington, on the first inquiry that was made in regard to the rolls, he avowed their possession, stating that he claimed to own them, that they were his under the agreement of the Department. He simply put himself on his rights, claiming his own property. In his whole conduct there was not the first trace of secrecy, of fraud, of felonious intent, from beginning to end. I should add that they had been already copied by the Department.

For this act this young man was arrested by order of an officer of a staff department in this city, committed to the Old Capitol prison, afterward brought to trial before a court-martial, and by that court-martial, on the facts which I have here detailed—and the record of that court-martial I myself have read and examined—on these facts he was convicted of the crime of larceny, sentenced to confinement in a State prison in New York for a term of years, to refund the \$300, to give back his papers, and lose all pay and allowances due him from the United States. He was put in chains in this city as a felon and carried through its streets, taken to Auburn prison, in the State of New York, and confined there in a cell and in the garb of a felon. And I say, on my reputation as a lawyer and a man, that it is impossible any intelligent man can read the record of that court-martial without saying it is a case of the grossest and most monstrous cruelty and in-

justice that ever oppressed any human being. This would seem to be sufficient to call for an inquiry in this case of Atwater, but there are other and subsequent facts which I apprehend call for the vigorous interposition of this House. Atwater was subsequently discharged from prison under a general order discharging prisoners convicted by courts-martial, but still remained with the brand of a felon upon him.

These memorials to which I have referred came to my hands several weeks ago. Before presenting them to Congress I deemed it my duty to seek for redress from the military and executive authorities of the nation. I caused a copy of Atwater's memorial to be transmitted to the President of the United States, with the request that the Judge Advocate General of the Army might be called upon to reexamine the case and report whether, in his opinion, the facts proved before the court-martial against Atwater justified his conviction. A copy of the charge and proceedings was laid before the President for the purpose of asking him to take such action as should in some little degree tend to redress the great wrong this young man had suffered. Sir, I have reason to believe that the Judge Advocate General did examine that record. I have reason to believe, in returning his opinion together with a copy of the proceedings, he certified that, in his judgment, the evidence before the court-martial was insufficient to sustain the charge of felony, and that it was a proper case in which a special pardon should issue, stating, as its ground, the insufficiency of the evidence on which he was convicted.

I have reason to believe that another fact existed in this case, which, if true, is a most remarkable one. After the head of the Bureau of Military Justice had made his report and decision certifying that justice and right entitled this man substantially to the abrogation of his sentence, to restoration to his position among honest men, to be relieved from the odium and disgrace of a felon's name, I have reason to believe that another military officer of this city, an officer high in rank, the head of a military bureau, that he *dared*—that he *dared*, sir, I use the word deliberately—to interfere by submitting a paper in the teeth of the recommendation of the proper head of the Bureau of Military Justice to urge that justice be not done this man. On what ground? That Atwater, after his discharge from prison, after the end of his term of service in the Army, had presumed to make publications which reflected on the character of a subordinate of his bureau.

Mr. SCHENCK. I think in order to relieve other officers in this city, the gentleman from New York should give the name of the officer to whom he refers.

Mr. HALE. I do not know whether I ought to mention his name now. When the matter comes before the committee it will then be made public, and that, I trust, will be sufficient for all practical purposes, both for the officer in question and others.

One word in conclusion. Without assuming to prejudge this case, it strikes me it is of all cases a most proper one for thorough and searching investigation; and if it shall prove true that any officer of the Army, high or low, distinguished or ignoble, has dared to put himself in the position that I apprehend and have reason to believe this man has done, has dared to place himself athwart the path of even-handed justice to a humble man for the purpose of protecting a subordinate in his office or himself, I can only say that such a man ought certainly to be stricken from the rolls of the Army with disgrace and infamy.

Mr. PAINE. Mr. Speaker, it seems to me that the gentleman ought, in justice to those officers in this city who are innocent, to inform the House who this officer is; and I earnestly ask him to give us now the name of the officer.

Mr. HALE. Mr. Speaker, I have stated that I have reason to believe that these facts exist, but I do not think I ought to go further than I have gone until the matter shall come to the

notice of the committee to which I ask to have the subject referred. There is no officer who is familiar with the operations of the Army staff at Washington but knows perfectly well the name of the officer to whom I refer. I prefer not to name him—God knows from no fear of consequences to myself, but simply as a matter of propriety. His name will be known soon enough, and wide enough. Upon this statement I submit the case to the consideration of the House; and unless some other member desires to be heard, I move the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the resolutions were agreed to.

PAY OF CLERK TO SERGEANT-AT-ARMS.

Mr. KERR, from the Committee of Accounts, by unanimous consent submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the salary of the chief clerk in the office of the Sergeant-at-Arms be the same as that of the assistant disbursing clerk of the House during the Thirty-Ninth Congress.

Mr. FINCK moved to reconsider the vote by which the resolution was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

MESSAGE FROM THE PRESIDENT.

A message was received from the President of the United States by Mr. COOPER, his Private Secretary, informing the House that the President had approved and signed the following acts and joint resolutions:

An act (H. R. No. 85) for the disposal of the public lands for homestead actual settlement in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida;

An act (H. R. No. 482) to incorporate the Howard Institute and Home of the District of Columbia;

Joint resolution (H. R. No. 148) to authorize the distribution of surplus copies of the American State Papers in the custody of the Secretary of the Interior;

Joint resolution (H. R. No. 166) to pay the State of Vermont the sum expended for the protection of the frontier against the invasion from Canada in 1864;

An act (H. R. No. 492) making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under the authority of law, and for other purposes; and

An act (H. R. No. 661) changing the name of Emil Cohen.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SMITH, one of its Clerks, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on House joint resolution No. 77, for the relief of Ambrose L. Goodrich and Nathan B. Cornish for carrying the United States mail from Boise City to Idaho City, in the Territory of Idaho.

Also, that the Senate had passed a joint resolution (S. R. No. 86) to provide for the publication of the official history of the rebellion.

Also, that the Senate had passed House joint resolution No. 163, for the relief of Charles M. Blake.

Also, that the Senate had indefinitely postponed House joint resolution No. 680, for the relief of certain officers of the volunteer service who failed to make proper returns of stores and other public property.

ARRESTS IN CANADA.

Mr. HOGAN. I ask unanimous consent to submit the following resolution:

Resolved, That the President of the United States be requested to communicate to this House, if not incompatible with the public interests, whether any, and if any what, steps have been taken by the executive department to interpose its good offices with the Government of Great Britain or that of Canada direct for the relief of those persons arrested in Canada during the late troubles along the border.

Mr. BANKS. I object.

Mr. HOGAN. It is simply asking for information, if not incompatible with the public interest, whether anything has been done. I hope there will be no objection.

Mr. BANKS. I have reason to believe that steps have been taken on this subject, but it strikes me the inquiry had better be deferred a few days at least.

The SPEAKER. Objection being made, the resolution is not before the House.

LAND GRANTS IN MINNESOTA.

Mr. DONNELLY. I ask unanimous consent to report from the Committee on Public Lands Senate bill No. 221, relating to lands granted to the State of Minnesota to aid in the construction of railroads.

The bill was read. It provides that whenever it shall appear that the United States have sold or disposed of any lands granted to the Territory or State of Minnesota for the purpose of aiding in the construction of railroads, after the passage of the act granting the same, and after the definite location of the line of road, and before the withdrawal of said lands from sale at the proper local land office, said State may by its agent select, in lieu of the lands so sold or disposed of, from any of the lands of the United States subject to sale, within twenty miles of the line of the proper road, a quantity of land equal to that so sold or disposed of; and the lands so selected shall be substituted for those so sold or disposed of by the United States, and may be disposed of by said State in all respects as if said substituted lands had been parcel of the original grant to the State.

It further provides that the time named in the act granting lands to the Territory of Minnesota to aid in the construction of a certain railroad "from Saint Paul and from Saint Anthony, by the way of Minneapolis, to a convenient point of junction west of the Mississippi river, to the southern boundary of the Territory," approved March 3, 1857, for the construction and completion of said road, is hereby extended for seven years from the passage of this act.

It further provides that all the lands heretofore granted to the Territory and State of Minnesota to aid in the construction of railroads, shall be certified to said State by the Secretary of the Interior, from time to time, whenever any of said roads shall be definitely located, and shall be disposed of by said State in the manner and upon the conditions provided in the particular act granting the same; provided that when the original quantity granted to aid in the construction of any road has been increased, the quantity authorized to be sold from time to time shall be increased correspondingly; and provided further, that on the completion of any ten miles of road the State may sell one half the quantity of lands which said State is authorized to dispose of on the completion of twenty miles.

It further provides that the lands granted specifically, lying in place, on any division of ten miles of road shall not be disposed of until the road shall be completed through and continuous with the same.

Several amendments, mostly of a verbal character, were reported by the committee.

Mr. KASSON. I would inquire of my friend, as a member of the Committee on Public Lands, whether that committee has added to this bill what it was understood both the House and the committee desired hereafter to add to our land-grant bills, that is, one of two provisions, namely, either that the lands thus granted should be subject to preemption all the time at a fixed minimum, or that the company for whose benefit the grant is made should be compelled within a limited time to offer them for public sale. Unless we adopt that course the time is near at hand when we shall have scarcely a hundred thousand acres of land in the Territories of the United States subject to settlement by emigrants from the East. These railroad corporations are absorbing almost all the valuable lands throughout the Territories of the West. We grant lands to them for ten

years without obliging them to sell an acre or to open them to preemption by settlers. They go to work and mortgage the lands for aid in constructing their roads and then the mortgagors cannot sell so long as the interest is paid. Thus we establish an enormous land monopoly all over the western country which is depriving the people of the use of the public lands. With these views, which I have heretofore expressed to the House I believe, I have only to say that I understood from the chairman of the Committee on Public Lands that that committee was favorable to guarding hereafter against this monopoly by one of the two provisions of which I have spoken, and in listening to the amendments proposed by the committee I heard nothing of that kind. I ask my friend from Minnesota [Mr. DONNELLY] whether any attention was given in the committee to this subject.

Mr. DONNELLY. I beg to say, in reply to the inquiry of the gentleman from Iowa, [Mr. KASSON,] that this bill makes no new grant whatever. It does not add a foot of land to what has been already granted. Its provisions refer simply to details in regard to the grants already made. For instance, it provides that when *bona fide* settlers have gone upon the lands to which this company has acquired title the company shall not be compelled to dispossess them and drive them from their homes, but may go elsewhere and select other lands in lieu thereof—a measure favorable to the settlers and against the company, since it is probable that the lands so settled upon are nearer the roads and of more value than the lands taken in lieu thereof.

It also provides that the number of miles of railroad required to be built before the company shall acquire title to any of its lands under the grant shall be reduced from twenty miles to ten miles. That is to say, when the company has built ten miles of road they shall acquire one half the number of acres they would have acquired under the former bill by building twenty miles. This is but a just and equitable provision, and is rendered necessary by the increasing difficulty experienced in the construction of western railroads. And while it is a measure of convenience and advantage to the companies, it is no detriment to the Government, since it gives the companies nothing in addition to what they are already entitled to. There are other matters in this bill, some for the advantage of the company, some for the people, and which I shall be happy to state if any gentlemen desire it.

It might be a question whether in such a bill as this, we could insert such a provision as the gentleman from Iowa [Mr. KASSON] refers to, since we are not now granting lands but are legislating in regard to grants already made, and in which these companies now have vested rights.

Mr. KASSON. If my friend will allow me, I will state that in a similar case affecting a land grant to my own State, I submitted that proposition to the Committee on Public Lands. My argument is that where we grant any new benefit whatever to a railroad company we have a right to accompany that grant with certain conditions therein set forth. In that aspect it comes entirely in our power to accompany the grant of any new privilege with the condition I have named, and I very much hoped that my friend from Minnesota [Mr. DONNELLY] would have inserted that condition in his bill.

I was this morning looking at the map of the railroad grants to the State of Minnesota published by the Land Office, showing by colors what the grants are, and from looking at the map it certainly seemed to me that one half or nearly three fourths of the public lands of that State were covered by railroad grants.

Mr. RICE, of Maine. Almost as bad as Iowa, I suppose. [Laughter.]

Mr. KASSON. Very much like Iowa. But I am urging this principle upon the State of Iowa and every other State. There is nothing selfish in my proposition, but it is a principle of universal application. I hold that our lands

must be taken care of or our people will have no public lands in twelve or twenty years to come.

Mr. DONNELLY. I sustained in the Committee on Public Lands the proposition of the gentleman from Iowa, [Mr. Kasson,] not upon its intrinsic merits, but because I believed the Representatives from Iowa should be allowed to determine whether the settlements in and condition of their State demanded such legislation as they proposed. But I do not think it is demanded in Minnesota. On the contrary, the amount of land granted to the State of Minnesota is not so great as the gentleman has stated. I believe the statistics will show that those grants do not comprise one sixth of all the lands in that State. But the State of Iowa is in a different position. The State is older and longer settled than Minnesota, while the railroads therein have been more tardy in their construction, and public complaints have arisen in many parts of the State. Such is not the case in Minnesota. Every road to which land has been granted is progressing as rapidly as the people can reasonably expect. While I am prepared, therefore, to follow the Iowa delegation in all purely local questions, I ask that the same courtesy be extended the delegation from Minnesota. All I ask of the House at the present time is, that this bill, which does not give an additional foot of land or appropriate a dollar in money, but is simply a bill of details for the convenience of the railroads, and at the same time for the protection of the settlers, may be passed. It has already passed the Senate, and it has been examined and approved by the Committee on Public Lands of the House. I am not now opposing the principle which the gentleman urges—it is not necessary to do so—but I do not think this is the occasion to apply it. I now call the previous question upon the amendments of the Committee on Public Lands.

The previous question was seconded and the main question ordered.

The amendments reported from the Committee on Public Lands were agreed to.

The bill, as amended, was then read the third time.

The question was upon the passage of the bill.

Mr. DONNELLY called the previous question on the passage of the bill.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was passed.

Mr. DONNELLY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BOUNTIES TO COLORED SOLDIERS.

Mr. SCHENCK. I rise to what I suppose to be a privileged question. A bill passed the Senate several weeks ago and came to the House and was passed here with amendments. A very serious error, either in the copying or in some other way, has occurred in the text by which it defeats its own purpose. I desire, therefore, the permission of the House to introduce at once a joint resolution amendatory of that act which will correct that error. I would like to have the matter settled to-day because it is keeping a large number of soldiers from receiving their bounty, many of whom have been waiting here for a long time.

I will state briefly what is the error I desire to have corrected. Under the existing law, the law antecedent to the enactment to which I now refer, the negroes who were enlisted were paid bounty or not, according as it might appear that they were free or not on the 19th of April, 1861, the commencement of the war. A great many applications having been made on the part of colored soldiers or their representatives for bounty, a difficulty arose in regard to the evidence. On some of the muster-rolls of companies and regiments the entry was made "free" or "not free on the 19th of April, 1861," as the fact might be. But upon most of the muster-rolls there was no entry

whatever. The consequence of this has been that hundreds of these men have been kept waiting, and are yet waiting, to receive the \$100 bounty to which they are entitled under the act, if the proof could be furnished upon the question of their freedom. To remedy this difficulty the Senate passed a bill providing that other testimony might be admitted upon the question of freedom at that date. The bill, coming to this House, was referred to the Committee on Military Affairs, and by that committee reported back with an amendment providing that where nothing appeared upon the muster-roll to show whether the claimant was free or not, the presumption should always be in favor of freedom. That amendment added by the House was in these words:

"But where nothing appears on the muster-roll or of record to show that a colored soldier was not a free man at the date aforesaid, under the provisions of the fourth section of the act making appropriations for the support of the Army for the year ending 30th June, 1865, the presumption shall be that the person was free at the time of his enlistment."

The words "at the time of his enlistment" defeat the operation of the first part of the amendment. The question of freedom does not relate to the time of enlistment; it relates to the 19th of April, 1861. By the addition of those words, "at the time of his enlistment," which were inserted through some mistake in copying the bill, the whole provision is made an absurdity. The bill thus amended went back to the Senate, where the amendment was agreed to at once, and the bill became a law, being approved by the President on the 15th of the present month. The accounting officers now find difficulty in interpreting this law, by reason of those words, "at the time of his enlistment," which contradict and defeat the previous provision of the bill.

These being the facts of the case, I propose to introduce a joint resolution to amend that resolution, providing—

That the words "at the time of his enlistment," at the end of section one of the resolution respecting bounties to colored soldiers, and the pensions, bounties, and allowances to their heirs, approved June 15, 1866, be, and the same are hereby, stricken out.

But, Mr. Speaker, while we have the subject before the House, I wish to go a little further, and amend the resolution, not only by the correction of that mistake, but by adding some other clauses further amendatory of it. This bounty to be paid to colored troops will of course come out of the payment to any one under the law for the equalization of bounties, if the bill which has already been passed by this House, and is now pending in the Senate, should become a law; but in the mean time a large sum, in the shape of bounty, will be paid to such of these colored troops, their widows and heirs, as may successfully establish their claims under the resolution which we passed the other day. In view of this fact, I find it stated in one of the public papers that—

"The claim agents are preparing for the golden harvest. One of the principal firms here is expecting to realize a fortune by collecting claims under the bill. About half the estimated amount, unless the negroes are very careful, will go into the pockets of these sharpers."

This is from the telegraphic correspondence of the Cincinnati Gazette. I have reason to know, from other sources of information, that, inasmuch as none of the guards against the impositions and extortions of claim agents will apply to this joint resolution which has been passed, a very large profit is expected by the claim agents, who intend to share with the negroes in their demands upon the Treasury for bounty.

In the bill which we passed the other day, to equalize the bounties of the soldiers, there were incorporated some five or six sections, prepared with great care for the purpose of avoiding the possibility of the soldiers being cheated by these claim agents. Now, sir, I am glad this error has occurred in the joint resolution authorizing the payment of bounties due to colored troops, because in offering amendment to correct that error I can add similar sections to those we have ingrafted into the general bill

for the equalization of bounties of all soldiers; and I propose, therefore, with the permission of the House, to offer this joint resolution, consisting first of the correction of an error in the joint resolution passed on the 15th of this month, and next of additional sections taken from the bill for the equalization of bounties, so that the same care shall be taken to guard the interests of these colored men, more likely to be imposed upon even than white men, just as we propose to guard the interests of all soldiers, if that bill for the equalization of bounties becomes a law.

I ask leave of the House to offer that amendatory joint resolution.

There was no objection, and joint resolution amendatory of a joint resolution entitled "A resolution respecting bounties to colored soldiers, and pensions, bounties, and allowances to their heirs," approved June 15, 1866, was received and read a first and second time.

The joint resolution was then read *in extenso*. Mr. McKEE. I would like to make an inquiry of the chairman of the Committee on Military Affairs.

Mr. SCHENCK. I yield for that purpose.

Mr. McKEE. I want to know in reference to the decision of the question of the freedom or slavery at the time of those who enlisted in colored regiments.

Mr. SCHENCK. The question of their freedom or slavery is determined at the date of 19th of April, 1861. "At the time of enlistment" is a blunder.

Mr. McKEE. I understand there is a provision in these enlistments of slaves that a bounty of \$100 is paid to the masters.

Mr. SCHENCK. That is so.

Mr. McKEE. That, then, remains the same as it was.

Mr. SCHENCK. Yes, sir, leaving the construction as before. The whole effect of this is to enable proof to be furnished, and in the absence of proof, leaving the presumption of the freedom of the colored man.

Mr. DAVIS. If it be shown that the master received a bounty of \$100 for the colored man who enlisted, is that to be taken as proof that he was a slave and not a freeman?

Mr. SCHENCK. That is a matter for construction and legal decision. I do not say some things like that will not occur, but the gentleman is going back to the merits of the bill which has been passed. This is to correct a blunder which occurred through inadvertence.

Mr. McKEE. I have an amendment which I would like to offer.

Mr. SCHENCK. I will hear what the amendment is.

The Clerk read as follows:

That all soldiers who enlisted in the Army of the United States during the recent rebellion shall be entitled to the bounties provided by law for white troops. These bounties shall be paid to colored troops without regard to the fact as to whether they were free or slave at the time of their enlistment; and no bounty shall hereafter be paid to the owner of any slave at the time of his enlistment.

Mr. BINGHAM. This is simply to enable free men, in point of fact, who served their country to get their pay. It merely enables them to make proof of that fact. I hope the gentleman will not embarrass the joint resolution at the present time by pressing his amendment. The fact is that the object of the gentleman from Kentucky is already accomplished; and I hope he will not endanger the joint resolution at the other end of the Capitol by what looks like a repeal of the present law on the subject.

Mr. SCHENCK. I think my friend from Kentucky has not heard the statement I made. We do not propose to interfere with any existing law. We do not propose to repudiate any obligation, if any has been incurred. We propose to put such construction, or to make such provision of law on the question of evidence touching the claim of colored men, as will enable them to get their bounty.

Now, the difficulty is that the law provided that if the man were free on the 19th of April,

1861, he should be entitled to bounty, and not if a slave. The question arose with the accounting officers what should be the proof of the man's freedom, and they have decided that the only proof they will look to is an entry on the muster-roll, "free 19th April, 1861." The Senate propose to let in other proof where that entry did not appear, and the House committee went further and recommended that it should be presumed that a man was free on the 19th April, 1861, unless the contrary appeared from the muster-roll or from some matter of record; but in doing that, there were these other words added, that he should be presumed to be free on the 19th of April, 1861, and at the time of enlistment. It is proposed to get rid of these words, "at the time of enlistment," which render the whole matter contradictory; and the accounting officers are unwilling to act under the law passed the other day unless it is that far modified. Now, the gentleman from Kentucky proposes to go back, under the existing law, and declare that all shall be treated alike, both white and colored. That is already done under the bill passed equalizing bounties. Under that law, whether a soldier, sailor, or marine be black or white, he gets the bounty, and the colored man would get under that law, if it should be passed, all that is already provided for. The gentleman effects nothing by that part of his amendment which declares what the law is. We had better leave it for the construction of the courts hereafter. Otherwise it might introduce a matter of controversy, and defeat the measure in the Senate. Meantime there are some seven hundred cases suspended and the men cannot get their bounty because the accounting officers want the law made clear as to what proof is required.

Mr. McKEE. If the gentleman will allow me, I will only state that my object in offering the amendment is to clear up all difficulties. There are difficulties, as the gentleman has stated, and the amendment of the Senate providing that other evidence may be taken must give rise to interminable controversies. It is my opinion that it would simply cut off the colored soldiers from getting their bounty. I think that while we are on this bounty question we might as well settle the whole controversy. It must be done some day or other, and we might as well do it now. We ought to put all men who have gone into the Army and risked their lives in the cause of the nation upon the same footing.

The gentleman says that the law equalizing bounties will give the colored troops the same bounty as white troops. It will not give the colored troops who were slaves any bounty at all; but my amendment provides that hereafter bounties shall be paid to all men in the Federal Army, without distinction as to whether at the time of enlistment they were free or slave. That will obviate all difficulty, so far as repudiating our obligations is concerned. It will not go far. There are very few men in the border States who were the owners of slaves who enlisted in the Federal Army, who, under the law, could prove their loyalty. I believe that Attorney General Speed rendered a decision that when a man enlisted in the Federal Army he was a free man and entitled to bounty; and although that decision was repudiated in the War Department it was a correct one. If that be not the law of the land we ought to make it so to-day. I do not believe that, under the law as it now stands, or under the law which we have passed equalizing soldiers' bounties, those men who were slaves when they enlisted will ever get one dollar of bounty. For that reason I want my amendment adopted.

Mr. SCHENCK. I think the gentleman from Kentucky [Mr. McKEE] has not adverted to the language of the bill equalizing the bounties. The provision is that every man who has served as a soldier, sailor, or marine, in the Army or Navy of the United States, shall have the benefit of that bill. That embraces everything. If a man gets anything under this or any other law, it is only so much to be deducted from what he gets under that law. If

he does not get it under this bill, he gets it under that bill if it becomes a law.

Now, in reference to this particular clause, I propose to let it run as a judicial question rather than to make it a subject of legislation here. The Senate provided that the accounting officers, on the point to which the gentleman has referred, should take other proof. The House struck that out; and, instead of providing for the taking of other proof, passed the act with a provision that if there were no entry upon the muster-roll, or other matter of record, to settle the question by evidence, the presumption should be in favor of the freedom of the enlisted man on the 19th day of April, 1861. Now, it might happen that there being no entry "free on the 19th of April, 1861," a man who was actually a slave would come forward and, taking advantage of the presumption of freedom, would get the bounty; and afterward, the man claiming that the colored soldier was his slave and that he was a loyal master, might come forward, and, as a loyal master, make claim also for bounty. I propose that if there be anything in the law under which the master can make his claim, to let him have the benefit of the law, if any fair construction of the law will give it to him. I would leave it to the construction of the Department or of the courts. I would take just as much care of the colored men as the gentleman from Kentucky would do. This is a question in which the master is concerned as well as the colored man, and every colored man is taken care of, anyway, by this amendment. I do not like to refuse to let the gentleman from Kentucky have a vote upon his amendment, but I only yielded to hear it read, and I must insist on the demand for the previous question.

PRIVILEGES OF THE FLOOR.

Mr. WENTWORTH. I rise to a question of privilege. This morning, when a bill was pending in which I was interested, persons, not members of the House, were inside the doors of the House, without leave, and occupied the seats of members. Out of respect to those members I did not then make the point; but now that the bill has passed and everything is over, and no person can consider himself personally rebuked by the remarks I make, I insist that no person shall come upon the floor except members of the House, and that no person shall occupy a member's chair who is not a member of the House. I am satisfied that I was defeated this morning by that class of persons, and I owe it to myself and my constituents to insist from this time henceforth and forever the "lobby" shall not come within the doors of the House.

Mr. STEVENS. What is the question before the House?

Mr. WENTWORTH. I rose to a question of privilege, and I shall stand by it.

Mr. STEVENS. Is this a question of privilege?

The SPEAKER. It is. It relates to the enforcement of the rules of the House.

Mr. RANDALL, of Pennsylvania. I think the members of the House, lobby, as well as others—

The SPEAKER. The Chair will state that the gentleman having complained that there were persons on the floor who were not entitled to admission, he referred him to the Doorkeeper. The Doorkeeper, upon the demand of any member, will see that no one is admitted to the floor excepting those who are entitled to admission under the rules of the House.

Mr. WENTWORTH. Now that the bill is passed, I do not make the point with reference to the past, but to the future.

Mr. STEVENS. I do not think any harm came of it. There was a gentleman from the far West sitting next to me, but he went away, and the seat seemed just as clean as it was before. [Laughter.]

Mr. WENTWORTH. I insist that henceforth no man shall take a seat upon this floor who is not entitled to it. Have I that right?

The SPEAKER. The gentleman has, and the Doorkeeper will enforce the rules of the House.

BOUNTIES TO COLORED SOLDIERS—AGAIN.

Mr. SCHENCK. I now insist upon my call for the previous question.

Mr. McKEE. Is it not in order to have a vote on my amendment?

The SPEAKER. It is not, unless the previous question is not seconded. The gentleman from Ohio [Mr. SCHENCK] has the floor by the unanimous consent of the House; he yielded to allow the proposed amendment of the gentleman from Kentucky [Mr. McKEE] to be read, but stated after hearing it that he could not yield to allow it to be offered.

The question was taken upon seconding the call for the previous question, and upon a division there were—ayes 80, noes 16; no quorum voting.

Mr. STEVENS. I call for tellers.

Mr. THAYER. I move that the House do now adjourn.

The SPEAKER. The Chair will request the gentleman from Pennsylvania [Mr. THAYER] to withdraw his motion for a few moments, to enable the Chair to lay before the House some executive communications.

Mr. THAYER. I will withdraw the motion for that purpose.

AMERICAN CITIZENS IMPRISONED IN IRELAND.

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 18th instant calling for information in regard to the arrest and imprisonment in Ireland of American citizens, I transmit herewith a report of the Secretary of State on the subject.

ANDREW JOHNSON.

WASHINGTON, D. C., June 22, 1866.

Mr. BANKS. I move that the message and accompanying documents be printed and referred to the Committee on Foreign Affairs.

Mr. ELDRIDGE. Let the report of the Secretary of State be read.

Mr. BANKS. I understand that it sets forth that all the prisoners have been released.

Mr. ELDRIDGE. I understand that such is not the case in regard to some of them, and I want to know what particular ones have not been released.

Mr. BANKS. It is believed that all have been released; there is some possible question in regard to two of them.

Mr. ELDRIDGE. I understand that it rests merely upon belief; I want to know whether that is so or not; and therefore I call for the reading of the report of the Secretary of State.

The report of the Secretary of State was read. After setting forth the terms of the resolution of the House, it concludes as follows:

"I subjoin a list of names of alleged citizens of the United States, who, according to the information of this Department, have been arrested in Ireland since the recent suspension of the *habeas corpus* act in that country. Pursuant to the instructions of this Department, the United States minister at London and the consuls of the United States in Ireland have made such representation to the British authorities in regard to the cases of those persons that they have been released, except two who are held for trial upon grounds supposed to be sufficient by the judicial authorities. It is believed, however, that in consequence of the aforesaid representations even the two persons referred to, one of whom is a Colonel Burke, have been set at liberty before the present time."

The motion of Mr. BANKS was then agreed to.

EXPENDITURES OF INDIAN BUREAU.

The SPEAKER also laid before the House the following message from the President of the United States:

To the House of Representatives:

I transmit herewith a report from the Secretary of the Interior, communicating in part the information requested by the resolution of the House of Representatives of the 22d of April last, in relation to the appropriations

and expenditures connected with the Indian service. **ANDREW JOHNSON.**

WASHINGTON, D. C., June 23, 1866.

The message and accompanying documents were ordered to be printed and referred to the Committee on Indian Affairs.

LEAVE OF ABSENCE.

The SPEAKER asked and obtained indefinite leave of absence for Mr. JENCKES and Mr. DARLING.

Mr. ORTH asked and obtained indefinite leave of absence for his colleague, Mr. DEFREES.

Mr. CHANLER asked and obtained indefinite leave of absence for himself.

COMMITTEE VACANCY FILLED.

The SPEAKER announced the appointment of Mr. DODGE to fill the vacancy on the Committee on Commerce caused by the death of Mr. James Humphrey.

ENROLLED BILLS SIGNED.

Mr. TROWBRIDGE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 59) to provide for the revision and consolidation of the statutes of the United States;

An act (S. No. 180) for the relief of A. J. Gray;

An act (S. No. 200) for the relief of Jane Harris;

An act (S. No. 238) granting a pension to Mrs. Amatilla Cook;

An act (S. No. 243) to extend the time for the reversion to the United States of the lands granted by Congress to aid in the construction of a railroad from Amboy, by Hillsdale and Lansing, to some point on or near Traverse bay, in the State of Michigan, and for the completion of said road;

An act (S. No. 275) for the relief of Cornelius Crowley;

An act (S. No. 276) for the relief of Mrs. Jerusha Witter;

An act (S. No. 298) granting a pension to Jane D. Brent;

An act (S. No. 326) granting a pension to Mrs. Harriet B. Crocker;

An act (S. No. 330) making further provision for the establishment of an armory and arsenal of construction, deposit, and repair on Rock Island, in the State of Illinois;

An act (S. No. 339) granting a pension to Benjamin Franklin;

An act (S. No. 342) for the benefit of Ira B. Curtis;

An act (S. No. 375) to amend an act entitled "An act granting a pension to the widow of the late Major General Hiram G. Berry;"

An act (S. No. 381) to amend an act entitled "An act to authorize the sale of marine hospitals and revenue-cutters," approved April 20, 1866;

An act (H. R. No. 249) to establish a land office in the Territory of Idaho; and

An act (H. R. No. 342) in amendment of an act to promote the progress of the useful arts and the acts in amendment of and in addition thereto.

Mr. THAYER. I now renew my motion to adjourn.

The question was taken; and upon a division there were—ayes 31, noes 53.

Before the result of the vote was announced, Mr. STEVENS called for tellers.

Tellers were ordered; and Mr. ASHLEY of Ohio, and Mr. THAYER, were appointed.

The House again divided; and the tellers reported—ayes 34, noes 62.

So the motion to adjourn was not agreed to.

BOUNTIES TO COLORED SOLDIERS—AGAIN.

The question recurred upon seconding the demand for the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the joint resolution was ordered to

be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question being on the passage of the joint resolution,

Mr. SCHENCK. I call for the previous question.

The previous question was seconded and the main question ordered.

Mr. HARDING, of Kentucky. I call for the reading of the bill.

The bill was again read.

On the passage of the bill,

Mr. LE BLOND called for the yeas and nays.

The yeas and nays were not ordered.

Mr. LE BLOND called for tellers on ordering the yeas and nays.

Tellers were not ordered.

The joint resolution was passed.

Mr. SCHENCK moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

PENITENTIARIES IN THE TERRITORIES.

Mr. RICE, of Maine, by unanimous consent, reported from the Committee on Territories a bill setting aside certain proceeds from internal revenue for the erection of penitentiaries in the Territories of Nebraska, Washington, Arizona, Montana, Idaho, and Dakota; which was read a first and second time.

Mr. RANDALL, of Pennsylvania. I make the point of order that this bill must go to the Committee of the Whole on the state of the Union.

The SPEAKER. The Chair sustains the point of order; and the bill will be referred to the Committee of the Whole on the state of the Union.

Mr. RICE, of Maine. I move that the bill be printed.

The motion was agreed to.

TAX—EXEMPTION OF PUBLIC LANDS.

Mr. HOTCHKISS, by unanimous consent, introduced a bill to exempt certain public lands from taxation; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

Mr. SPALDING moved to reconsider the vote by which the bill was referred; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RAILROAD FROM CALIFORNIA TO OREGON.

Mr. McRUER, by unanimous consent, introduced a bill granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific railroad, in California, to Portland, in Oregon; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

Mr. SPALDING moved to reconsider the vote by which the bill was referred; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SALT LAKE AND COLUMBIA RIVER RAILROAD.

Mr. HENDERSON. I move that, by unanimous consent, Senate bill No. 336, granting lands to aid in the construction of a railroad and telegraph line from Salt Lake City to the Columbia river, be taken from the Speaker's table and referred to the Committee on Public Lands.

The SPEAKER. That bill was referred on last Wednesday to the Committee on the Pacific Railroad.

PRINTING TARIFF BILL.

Mr. MORRILL. I move that one thousand extra copies of the tariff bill be printed for the use of the members of this House.

The SPEAKER. That motion will be referred, under the law, to the Committee on Printing.

PUBLIC SECURITIES AND CURRENCY.

Mr. WILSON, of Iowa, by unanimous con-

sent, introduced a bill to punish certain crimes in relation to the public securities and currency, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ARMY APPROPRIATION BILL.

Mr. STEVENS, from the Committee on Appropriations, reported back Senate amendments to the bill (H. R. No. 157) making appropriations for the support of the Army for the year ending the 30th June, 1867.

The amendments of the Senate were read.

First amendment:

On page 6, in lines sixteen and seventeen, strike out "250" and insert in lieu thereof "100," so that the clause will read:

For contingencies of the Army, \$100,000.

The Committee on Appropriations recommended concurrence.

The amendment was concurred in.

Second amendment:

On page 7, strike out all after the word "dollars," in line five, to the end of the bill, as follows:

Provided, That no part of the money hereby appropriated shall be used for paying the Illinois Central Railroad Company for the transportation of the troops or the property of the United States; and the Attorney General of the United States is hereby directed to institute a suit against the said company in the circuit court of the United States, in the eleventh circuit, without delay, to recover from the said company any moneys that have been paid to the said company by any Department of the Government for the transportation of the troops or property of the United States; and the said Attorney General is hereby further directed to appear for the United States in said court, and prosecute its interests in the said suit.

The Committee on Appropriations recommended non-concurrence.

Mr. DAVIS. I hope that amendment will be concurred in.

Mr. STEVENS. This matter has been settled by Congress three or four times. We recommend that it be non-concurred in, and I hope it will be non-concurred in and sent to a committee of conference, which will dispose of it as it has done heretofore. The gentleman from Illinois, [Mr. WASHBURN,] who takes a deep interest in the matter, is too unwilling to be in the House; but this does not dispose of the subject, as it will again come up on the report of the committee of conference.

Mr. DAVIS. When the report of the committee of conference is made, must we not act on it as a unit?

Mr. STEVENS. The committee of conference acts on each one of these amendments separately, but when the report is made, of course it must be acted on as a whole.

The amendment was non-concurred in.

Third amendment:

Insert the following as an additional section: And be it further enacted, That the sum of \$146,000 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to be disbursed by the Secretary of War in the erection of fire-proof buildings at or near the Schuylkill arsenal, in the State of Pennsylvania, to be used as store-houses for Government property.

The Committee on Appropriations recommended a non-concurrence.

The amendment was non-concurred in.

Fourth amendment:

Insert the following as an additional section: And be it further enacted, That the following sums be, and the same are hereby, appropriated out of any money in the Treasury not otherwise appropriated, for the support of the Bureau of Refugees, Freedmen, and Abandoned Lands, for the fiscal year commencing January 1, 1866, namely:

For salaries of assistant and sub-assistant commissioners, \$147,500.
For salaries of clerks, \$82,000.
For stationery and printing, \$63,000.
For quarters and fuel, \$59,000.
For clothing for distribution, \$1,170,000.
For commissary stores, \$3,106,250.
For medical department, \$500,000.
For transportation, \$1,320,000.
For school superintendents, \$21,000.
For repairs and rent of school-houses and asylums, \$500,000.

The Committee on Appropriations recommended a concurrence, with an amendment, to add the following:

For telegraphing, \$18,000.

Mr. RANDALL, of Pennsylvania. I hope that will be non-concurred in.

Mr. KASSON. Is the gentleman aware that this is a large reduction?

Mr. RANDALL, of Pennsylvania. I am opposed to any such appropriation.

The amendment to the amendment was agreed to; and the amendment of the Senate, as amended, was concurred in.

Fifth amendment:

Insert the following as an additional section:
And be it further enacted, That the quartermaster's department shall in all cases, in obtaining supplies for the military service, state in advertisements for bids for contracts that a preference shall be given to articles of domestic production and manufacture, conditions of price and quality being equal; and that such preference shall be given to articles of American production and manufacture produced on the Pacific coast to the extent of the production required by the public service there; and to that end the Quartermaster General shall cause advertisements to be published in the cities of San Francisco, in California, and Portland, in the State of Oregon, and he shall accept the lowest responsible bids under such advertisements, if the quality be equal each in its kind or superior to that which shall be offered by bidders on the Atlantic side, and if the price or cost to the Government be no greater than articles of like kind offered by bidders on the Atlantic side with the cost of transportation added thereto.

The Committee on Appropriations recommended concurrence, with an amendment to strike out all after the word "there," in the eighth line, as follows:

And to that end the Quartermaster General shall cause advertisements to be published in the cities of San Francisco, in California, and Portland, in the State of Oregon, and he shall accept the lowest responsible bids under such advertisements, if the quality be equal each in its kind or superior to that which shall be offered by bidders on the Atlantic side, and if the price or cost to the Government be no greater than articles of like kind offered by bidders on the Atlantic side with the cost of transportation added thereto.

Mr. McRUER. I should like to ask the committee upon what ground it struck out the latter part of this amendment, which seems to me to be perfectly just and proper, and demanded by the requirements of the public service. Now, in regard to advertising—

Mr. STEVENS. It does not strike out that part. It only strikes out the part that they shall add the freight. We leave it at the price there, without reference to what goes to make up that price.

Mr. McRUER. It only provides they shall purchase on the Pacific coast such articles manufactured there as can be procured as low as articles on this side, adding the cost of transportation. I think that it is just and right that these young manufacturers on the Pacific should be encouraged to that extent, that the military department should buy such articles as they may manufacture there, provided they can be procured as cheaply as articles manufactured on the Atlantic coast, adding the cost of transportation. Certainly these young manufacturers might be encouraged by the Government to that extent; therefore I hope the amendment will not be concurred in.

Mr. SCHENCK. I was going to suggest the striking out of something more from the amendment of the Senate than was proposed by the Committee on Appropriations. It seems to me sufficient to retain simply the declaration that in the advertisement of the quartermaster preference should be given in all cases to articles of American manufacture, and that we should not undertake to decide between one section of the country and another. It would only be going a step further to say in reference to those things to be consumed in Massachusetts that Massachusetts should be preferred; and in reference to those to be consumed in Pennsylvania that Pennsylvania should be preferred; and that in the cotton-growing States their own cotton should have preference. It is far better to leave out all attempts to sectionalize in this matter and confine ourselves to the simple general declaration that in all advertisements the quartermaster should declare that a preference will be given to articles of American manufacture. I move, therefore, to amend by striking out that portion which relates to the Pacific coast, leaving simply the general declaration of preference for American manufactures.

Mr. BIDWELL. Mr. Speaker, we do not

desire to ask any preference on the Pacific coast, all things considered. But it is a fact that we have manufactories there of various articles, and that we produce those articles at prices which will compare favorably with the same articles on this side. We make a better article of blankets than is manufactured on this side. At all events, they are in no wise inferior to any article manufactured anywhere in the United States or elsewhere. Now, sir, it seems to me that if these articles can be purchased at the same price, all things considered, deducting the cost of freight from the Atlantic seaboard to the Pacific coast, it is not asking too much to allow the quartermaster to purchase them from the manufacturers upon the Pacific coast. We do not ask any preference; we simply ask to be placed upon the same footing, taking into consideration the quality of the article required and the price of the freight from the Atlantic to the Pacific.

Mr. STEVENS. Will the gentleman tell me what part of this amendment prevents such a thing as that? I see nothing of it.

Mr. BIDWELL. I do not know that anything in this bill prevents it, but if there is anything that allows it I hope it will not be stricken out.

Mr. KASSON. I will state that I was under the impression at one time that the bid was for the entire supply of the Army, but I learn that it is for the delivery of such a quantity as is wanted at the respective points of delivery. Hence I am frank to say that for myself I see no use of this entire amendment in reference to California as giving any practical advantage to that coast. It seems to me to be a nominal effect produced and not a real one. As it was the committee struck out the part that was clearly surplusage. I do not wish to appear to uphold the policy of splitting up the Army of the United States into different geographical divisions in reference to the matter of supplies. I believe it will work detrimentally to the interest of the Government. But I assure the gentleman that in the mode in which the bidding is done, the very object which he desires will be accomplished, for if the party at San Francisco bids lower than is bid by the party at New York or on the Atlantic coast it must be given to the party in California.

Mr. BIDWELL. I wish to ask the chairman of the committee whether parties living on the Pacific coast can furnish the supplies needed there.

Mr. STEVENS. It makes no kind of difference where the parties furnishing the goods reside. Advertisements are put in for the furnishing of goods at various points all over the United States. A man in Boston may bid to furnish goods in Oregon, or a man in Oregon may bid to furnish goods in Boston.

Mr. BIDWELL. Does not one man, for instance, furnish all the blankets needed at different points?

Mr. SCHENCK. No, sir. The contracts are not made in that way. There is a demand, for instance, for ten thousand blankets, which are needed at San Francisco, or at Portland, Oregon. They are advertised for, and the bids are open to the whole country, and the contract is given to those who can furnish them cheapest at that point.

Mr. McRUER. But the advertisement is made in New York and Boston and Cincinnati, and not in San Francisco and Portland.

Mr. SCHENCK. Usually the papers in which the advertisements are inserted are selected at the points where the delivery is to be made or at the principal commercial cities.

Mr. McRUER. All we desire is, that if the Government requires articles delivered at Portland or San Francisco, they may purchase them there, provided they can be furnished as cheaply as in New York or elsewhere.

Mr. RADFORD. I desire to ask the gentleman from California a question, so that I may understand this amendment. I desire to know if this amendment would require us to purchase goods manufactured on the Pacific coast, even though we could obtain the goods manufactured in other places at a lower price.

Mr. BIDWELL. No, sir; by no means.

They are not to be purchased on the Pacific coast unless they can be purchased as low, all things considered, as elsewhere.

Mr. RADFORD. I think the construction put upon the gentleman's amendment would be that it would compel the Government officers to purchase the goods there, even though they had to pay a higher price than for goods manufactured elsewhere.

Mr. BIDWELL. I have proposed no amendment. I am merely opposing the amendment of the Committee on Appropriations to strike out a portion of the Senate amendment. I desire to see the bill passed as it came from the Senate.

Mr. STEVENS. I think that we have had debate enough upon this question, and I demand the previous question.

The previous question was seconded and the main question ordered, being first on the amendment proposed by Mr. SCHENCK to the amendment reported by the Committee on Appropriations.

The amendment to the amendment was agreed to, and the amendment of the Committee on Appropriations, as amended, was also agreed to.

The amendment of the Senate as amended was then concurred in.

Sixth amendment:

Insert the following as an additional section:
And be it further enacted, That a sum not exceeding \$45,000 is hereby appropriated from any moneys in the Treasury not otherwise appropriated, for the purchase of fifty-eight acres, ninety-four and one quarter poles of land near Nashville, Tennessee, being the site of Fort Morton, as recommended by the chief Engineer.

The Committee on Appropriations recommended a non-concurrence.

The amendment was non-concurred in.

Seventh amendment:

Insert the following as an additional section:
And be it further enacted, That section seventeen of an act entitled "An act to define the pay and emoluments of certain officers of the Army," approved July 17, 1862, and a resolution entitled "A resolution to authorize the President to assign the command of troops in the same field or department to officers of the same grade without regard to seniority," approved April 4, 1862, be, and the same are hereby, repealed; and no officer in the military or naval service shall be dismissed from service except upon and in pursuance of the sentence of a court-martial to that effect or in commutation thereof.

The Committee on Appropriations recommended a non-concurrence.

The amendment was non-concurred in.

Eighth amendment:

Insert the following as an additional section:
And be it further enacted, That hereafter the Superintendent of the Military Academy may be selected from any corps of the Army.

The Committee on Appropriations recommended a non-concurrence.

The amendment was non-concurred in.

Ninth amendment:

Insert the following as an additional section:
And be it further enacted, That section thirty-five of an act entitled "An act for enrolling and calling out the national forces, and for other purposes," approved March 3, 1863, prohibiting the payment of extra-duty pay to enlisted men of the Army, be, and the same is hereby, repealed; and the provisions of the original act and the authority to grant extra pay are hereby extended to the enlisted men of the Navy and Marine corps of the United States.

The Committee on Appropriations recommended a non-concurrence.

The amendment was non-concurred in.

The tenth and last amendment was as follows:

Insert as an additional section the following:
And be it further enacted, That the allowance now made by law to officers traveling under orders, where transportation is not furnished in kind, shall be increased to ten cents per mile.

The Committee on Appropriations recommended a non-concurrence in the amendment.

The question was taken; and the amendment was non-concurred in.

The title of the bill was amended by adding thereto the words "and for other purposes."

Mr. STEVENS. I move to reconsider the various votes by which the amendments of the Senate have been acted upon; and I also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. STEVENS. I move that the House still further insist upon its disagreement to the amendments of the Senate, and request a committee of conference.

The motion was agreed to.

EVENING SESSIONS FOR FOREIGN AFFAIRS.

Mr. BANKS. I ask unanimous consent to submit the following resolution for consideration at this time:

Resolved, That the evening of Monday, the 2d of July, and each subsequent evening until the business is disposed of, be specially assigned to the consideration of reports of the Committee on Foreign Affairs upon the several subjects referred to them by the House of Representatives.

Mr. ASHLEY, of Ohio. Except the evening of the 4th of July.

Mr. BANKS. Of course that will be excepted.

Mr. MORRILL. I object to anything which will be in the way of the tariff bill.

Mr. BANKS. The intention is to occupy the evening sessions for the consideration of the reports of the Committee on Foreign Affairs and not trespass upon the business of day sessions.

Mr. SCHENCK. I am opposed to evening sessions.

Mr. BANKS. I will not press the resolution now.

GEORGE FABER.

Mr. ECKLEY, by unanimous consent, introduced a bill for the relief of George Faber; which was read a first and second time and referred to the Committee on Patents.

BRIDGE ACROSS THE MISSOURI RIVER.

Mr. VAN HORN, of Missouri, by unanimous consent, introduced a bill to authorize the construction of a bridge across the Missouri river, and declaring the same a post route; which was read a first and second time and referred to the Committee on the Post Office and Post Roads.

BENJAMIN MOORE DOVE.

Mr. DONNELLY, by unanimous consent, introduced a bill for the relief of Benjamin Moore Dove; which was read a first and second time and referred to the Committee on Naval Affairs.

COURT OF CLAIMS.

Mr. MOORHEAD, by unanimous consent, introduced a bill to further extend the jurisdiction of the Court of Claims; which was read a first and second time and referred to the Committee on the Judiciary.

ELIZA F. MOORHEAD.

Mr. MOORHEAD asked and obtained leave to withdraw from the files of the House the papers in the case of Eliza F. Moorhead.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. TROWBRIDGE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

A joint resolution (H. R. No. 162) for the relief of Charles M. Blake.

SALT LAKE AND COLUMBIA RIVER RAILROAD.

Mr. HENDERSON. I ask unanimous consent that the Committee on the Pacific Railroad be discharged from the further consideration of Senate bill No. 336, granting lands to aid in the construction of a railroad and telegraph line from Salt Lake City to the Columbia river, and that the same be referred to the Committee on Public Lands.

Mr. SPALDING objected, but subsequently withdrew his objection.

Mr. WENTWORTH renewed the objection.

JOHN T. TAYLOR.

Mr. LOAN, by unanimous consent, introduced a bill for the relief of John T. Taylor, late postmaster at Gallatin, Missouri; which was read a first and second time and referred to the Committee of Claims.

JONATHAN W. BEACH.

Mr. TAYLOR asked unanimous consent to report, from the Committee on Invalid Pen-

sions, a bill for the relief of Jonathan W. Beach.

Mr. ELDRIDGE objected.

MAIL ROUTES IN CALIFORNIA.

Mr. BIDWELL, by unanimous consent, introduced a bill to establish certain mail routes in the State of California; which was read a first and second time and referred to the Committee on the Post Office and Post Roads.

SOUTHERN OVERLAND MAIL ROUTE.

Mr. BIDWELL. I ask unanimous consent to submit the following resolution for consideration at this time:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of reestablishing the southern overland mail route from San Francisco, via Los Angeles, Fort Yuma and Fort Smith, to Memphis, in accordance with the accompanying resolutions, adopted January 20, 1866, by the Legislature of California, and that the said committee have leave to report at any time.

Mr. ALLISON. I object.

And then, on motion of Mr. RADFORD, (at four o'clock and fifteen minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule and referred to the appropriate committees: By the SPEAKER: The petition of A. E. Damas, of Austin, Texas, for relief.

Also, of Mrs. Mary A. Palmer, of Pamplin's Depot, Virginia, for relief.

Also, of Mrs. Cynthia Mullins, of Shelby, North Carolina, for relief.

Also, of F. B. Tatt, T. Witherill, and others, citizens of St. Joseph county, Indiana, for just and equal laws for the regulation of inter-State insurances.

By Mr. BANKS: The petition of A. F. McMillan, and thirty-six others, praying for the establishment of a public park for the use of the people of Washington and Georgetown.

By Mr. BRADFORD: The memorial of ex-Governor Evans, of Colorado, asking for the payment of Colorado militia.

By Mr. HALE: The memorial of Dorence Atwater, of Terryville, Connecticut, praying for redress of grievances sustained at the hands of a court-martial.

Also, the memorial of Eli Terry, and others, of Terryville, Connecticut, praying for redress of grievances of Dorence Atwater.

Also, two petitions of citizens of Clinton county, New York, praying for repeal of an act to establish a post road from West Alburg, Vermont, to Champlain, New York.

By Mr. HENDERSON: A petition from physicians, of Seio, Oregon, praying for a reduction of the tax on alcohol.

By Mr. KELLEY: The petition of the merchants of the city of Washington, asking that the pillar-boxes used for the reception of mail matter on street corners be made more secure, and suitable not only for the reception of valuable letters but newspapers, pamphlets, and magazines.

By Mr. MOORHEAD: The petition of citizens of Alleghany county, Pennsylvania, praying for an increase of duties on foreign imports.

Also, the petition of citizens of Venango county, Pennsylvania, praying that an appropriation be made for Edwin L. Drake, the original discoverer of petroleum.

By Mr. PAINE: The petition of Theodore C. Hawkins, of Sheboygan county, Wisconsin, for a pension.

By Mr. SCOTFIELD: The petition of citizens of New York, for the relief of Edwin L. Drake.

By Mr. TAYLOR: The petition of L. C. Wright, F. B. Baker, and 52 others, asking that suitable provisions be made to prevent United States pension agents from deducting any fee from payments made to pensioners; and protesting against allowing United States pension agents a fee for preparing papers and administering oaths.

Also, the petition of Samuel C. Shepherd, asking an American register for the bark R. W. Griffiths.

IN SENATE.

TUESDAY, June 26, 1866.

Prayer by the Chaplain, Rev. E. H. GRAY.

On motion of Mr. COWAN, and by unanimous consent, the reading of the Journal of yesterday was dispensed with.

LEAVE OF ABSENCE.

Mr. LANE, of Indiana. A few days since I asked leave of absence for the Senator from Kansas, [Mr. LANE.] I have received this morning a telegram from his physician at St. Louis, stating that he is unable to reach the city, and will not probably be here during the remainder of the session. I move that the leave of absence may be extended for the residue of the present session. I have the telegram with me.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. MORGAN presented the petition of Horace L. Emory, to whom letters-patent were granted February 22, 1852, for improvements in the endless-chain horse power, praying for an extension of that patent; which was referred to the Committee on Patents and the Patent Office.

Mr. COWAN presented the petition of W. H. Singer, F. D. Harton, Frederick Haas, and a large number of other citizens of Pennsylvania, praying that the tariff law may be so amended as to protect American labor to the extent of the difference of the cost of capital and labor here and abroad, with the addition of the taxes paid by American industrial products from which the foreign are free; which was referred to the Committee on Finance.

Mr. SHERMAN. I present the memorial of Mrs. Amelia Feaster, which is accompanied by an autograph letter from General Grant, one from General Howard, one from General Schriver, and letters from other officers of the Army. It presents a case of very peculiar merit on the part of this lady, who not only sacrificed her property in aiding our soldiers when imprisoned in South Carolina, but who was really driven away from there, and she prays to be reimbursed for money expended by her in alleviating the condition of Union troops while in rebel prisons. It presents a very strong case for her relief which I hope will be promptly granted. I move that the memorial with the accompanying papers be referred to the Committee on Claims.

The motion was agreed to.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. RAMSEY, it was

Ordered, That the petition and other papers in the case of A. J. Campbell be withdrawn from the files of the Senate and referred to the Committee on Indian Affairs.

REPORTS OF COMMITTEES.

Mr. MORRILL, from the Committee on the District of Columbia, to whom was referred a bill (H. R. No. 379) to establish in the District of Columbia a reform school for boys, reported it with amendments.

Mr. BUCKALEW, from the Committee on Indian Affairs, to whom was referred a joint resolution (H. R. No. 123) for the relief of Elizabeth Woodward and George Chorpenning, of Pennsylvania, reported it with amendments.

CUYAHOGA RIVER BRIDGE.

Mr. CHANDLER. The Committee on Commerce, to whom was referred the memorial of the Columbus and Toledo Railroad Company, praying that they may be allowed to construct a bridge across the Cuyahoga river, have had it under consideration, and have instructed me to report a joint resolution (S. R. No. 113) for the construction of a railroad bridge across the Cuyahoga river, over and upon the Government piers at Cleveland, Ohio; and, with the consent of the Senate, I will ask immediate action upon it.

The PRESIDENT *pro tempore*. It requires unanimous consent to consider the joint resolution on the day it is reported.

Mr. CONNESS. If this resolution will consume any time I shall be compelled to object to it.

Mr. CHANDLER. It will occupy but a moment. It will take only the time necessary to read it.

Mr. SHERMAN. It is a mere local matter, and there can be no objection to it.

There being no objection, the joint resolution was read twice by its title, and considered as in Committee of the Whole.

It authorizes the Secretary of War to permit the Cleveland and Toledo Railroad Company, and the Cleveland and Pittsburg Railroad Company, jointly, or either of those companies, for their joint or separate use, to erect a swing-bridge over and upon the Government piers for the passage of cars across the Cuyahoga river, at the city of Cleveland, Ohio, upon such plan as shall be hereafter approved by the city

council of Cleveland, and by the Board of Trade of the same city, subject, however, to such restrictions, conditions, and limitations as the Secretary of War may see fit to impose at any period, whether prior or subsequent to the erection of the bridge.

Mr. EDMUNDS. I move to amend the resolution by adding to it the following proviso:

Provided, That this resolution, and all acts done under it, shall be subject to the future action of Congress.

Mr. CHANDLER. I have no objection to that.

Mr. WADE. There is no objection to the amendment.

Mr. SHERMAN. That is so now.

Mr. WADE. I suppose it is. It does not add anything to the resolution.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in. The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

BILLS INTRODUCED.

Mr. MORRILL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 393) to incorporate the Metropolitan Club of the District of Columbia; which was read twice by its title and referred to the Committee on the District of Columbia.

Mr. SHERMAN asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 114) for the relief of John A. Coan; which was read twice by its title and referred to the Committee on Military Affairs and the Militia.

AUSTRIAN TROOPS IN MEXICO.

Mr. ANTHONY submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That ten thousand copies of the message from the President, with accompanying documents, answering a resolution of the Senate of the 13th instant, in regard to the departure of troops from Austria for Mexico, be printed for the use of the State Department.

COMPENSATION OF EMPLOYEES.

Mr. WADE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Whereas great inequalities exist in the compensation allowed to the several officers and other employees of the Senate and House of Representatives; Therefore, with a view to the adjustment of these inequalities in the Senate,

Be it resolved, That a committee of three be appointed to take into consideration the foregoing matter, and report by bill or resolution.

Mr. WADE. I move that the committee be appointed by the Chair.

It was so ordered by unanimous consent; and Messrs. WADE, WILLIAMS, and BUCKALEW were appointed the committee.

VENTILATION OF SENATE CHAMBER.

Mr. BROWN. I offer the following resolution:

Resolved, That the Committee on Public Buildings and Grounds be instructed to inquire into the expediency of authorizing the improvement of the ventilation of the Senate Chamber in accordance with plans that may be submitted by the architect of the Capitol and under his direction, similar to those adopted in the Representative Chamber, and report by bill or otherwise.

Mr. RAMSEY. I suggest to the Senator from Missouri that the committee make a report at some early day, for we are suffering every day. [Laughter.]

Mr. BROWN. While it is warm, you mean. [Laughter.]

Mr. RAMSEY. Yes, sir.

Mr. MORRILL. This afternoon.

Mr. BROWN. I will simply say that I have felt a little delicacy about interfering with the special committee that has already had the matter of ventilation under consideration, but still I think it would be well to charge both committees with it. I ask for the present consideration of the resolution.

The resolution was considered by unanimous consent and agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. LYON, its Chief Clerk, announced that the House of Representatives had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

A bill (H. R. No. 387) making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes for the year ending 30th June, 1867; and

A joint resolution (H. R. No. 176) amendatory of a joint resolution entitled "A resolution respecting bounties to colored soldiers, and the pensions, bounties, and allowances to their heirs," approved June 15, 1866.

WASHINGTON TERRITORY.

Mr. WADE. I move to postpone all prior orders and take up House bill No. 179, amending the organic act of the Territory of Washington.

The motion was agreed to; and the bill (H. R. No. 179) amendatory of the organic act of Washington Territory was considered as in Committee of the Whole. It provides that after the next annual session of the Legislative Assembly of the Territory the sessions shall be biennial. Members of the Council shall be elected for the term of four years, and members of the House for the term of two years, and they shall receive the sum of six dollars per day instead of three dollars heretofore allowed, and shall receive the same mileage now allowed by law. Each is to have authority to elect, in addition to the officers now allowed by law, an enrolling clerk, who shall receive five dollars per day. The chief clerks shall receive six dollars per day, and the other officers elected by the Legislature shall receive five dollars per day each. The first election for the biennial session is to be at the time of holding the general election for the Territory in the year 1867.

Mr. WADE. I offer this amendment as an additional section:

And be it further enacted, That the act of the Legislative Assembly of the Territory of Washington, approved January 14, 1865, entitled "An act in relation to the county of Skamania," be, and the same is hereby, disapproved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. It was ordered that the amendment be engrossed and that the bill be read a third time. The bill was read the third time and passed; and, on motion of Mr. WADE, its title was amended by the addition of the words "and for other purposes."

HOUSE BILLS REFERRED.

The following bill and joint resolution from the House of Representatives were severally read twice by their titles and referred as indicated below:

A bill (H. R. No. 387) making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes for the year ending 30th June, 1867—to the Committee on Finance.

A joint resolution (H. R. No. 176) amendatory of a joint resolution entitled "A resolution respecting bounties to colored soldiers, and the pensions, bounties, and allowances to their heirs"—to the Committee on Military Affairs and the Militia.

SURVEYOR GENERAL IN IDAHO.

On motion of Mr. STEWART, the bill (H. R. No. 391) to create the office of surveyor general in Idaho Territory was considered as in Committee of the Whole.

It authorizes the President, by and with the advice and consent of the Senate, to appoint a surveyor general for Idaho, whose annual salary is to be \$3,000, and whose power, authority, and duties are to be the same as those provided by law for the surveyor general of Oregon. He is to have proper allowances for clerk hire, office rent, and fuel, not exceeding what now

is allowed by law to the surveyor general of Oregon, and he is to locate his office at Boise City, in the Territory of Idaho.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRITISH VESSEL MAGICIENNE.

Mr. SUMNER. I move that the Senate proceed to the consideration of Senate bill No. 297, reported from the Committee on Foreign Relations.

The motion was agreed to; and the bill (S. No. 297) for the relief of the owners of the British vessel *Magicienne* was read the second time and considered as in Committee of the Whole. It directs the payment, to the order of the proper functionary of the Government of her Majesty the Queen of Great Britain and Ireland, of the sum of \$8,645, as full compensation to the owners of the British vessel *Magicienne*, or their legal representatives, for damages occasioned by reason of the wrongful seizure and detention of that vessel by the United States ship *Onward*, in the month of January, 1863, and also as full compensation to the owners and shippers of the cargo of the *Magicienne*; such sum to be distributed agreeably to the award of William M. Evarts and Edward M. Archibald, Esquires, to whom the claim was referred for adjustment, by an agreement bearing date in November, 1863, between the Secretary of State on the part of the United States, and the British minister at Washington on the part of Great Britain.

The PRESIDENT *pro tempore*. If no amendment be proposed, the bill will be reported to the Senate.

Mr. SUMNER. Before the vote is taken upon that question, I desire that the Senate should understand precisely the character of the bill. Perhaps the Senate may have forgotten that a message of the President, bearing date April 4, 1866, communicated to the two Houses of Congress the correspondence between the Government of the United States and the Government of Great Britain relating to this vessel. It appears by that correspondence that the United States, through Mr. Seward, and the Government of Great Britain, through Lord Lyons, came to an agreement, in 1863, to refer the question of damages in this matter to Mr. Evarts, the eminent counsel at New York, and Mr. Archibald, the British consul at New York. Those two referees have proceeded with the business and have made a report which forms the basis of this bill. I call particular attention to the dates in this case, because they had an influence on the judgment of the committee in the report which they instructed me to make. I need not remind the Senate that at a later day Lord Russell, in a formal manner, undertook to refuse to submit our claims on Great Britain to any arbitration. That was by a dispatch which I hold in my hands, addressed to Mr. Adams, our minister at Great Britain, and bearing date August 30, 1865. All will remember the terms of that dispatch, which have been substantially set forth in the annual message of the President of the United States. Had this claim accrued subsequent to that dispatch of Lord Russell, it would have been a very grave question whether our committee could have counseled the recognition of the claim; but, sir, it was anterior to that dispatch, and referees were selected on both sides, by whose judgment, it seemed to the committee, we ought to abide. In short, under the circumstances, there was no alternative. We had selected our court, and the damages were determined by the judgment of that court. It was under those circumstances that the committee directed me to report that this claim ought to be paid.

The bill was reported to the Senate without amendment.

Mr. CONNESS. As we are in want of time, I should not consume it and will not. The whole of this case is that we are to pay a British claim because it existed anterior to the date of the insolent refusal of the British Govern-

ment to consider any claims of ours, or to submit our claims and theirs jointly to arbitration. They are to turn out as public marauders over the seas of the world and destroy our commerce, and the question of losses is not to be submitted, and our Government is to be insulted when the proposition is made; but we, with a nicety of justice and an exactitude of justice that can scarce find a parallel, are to pay British claims anterior to that date because we had appointed our own court. I have great confidence in the Committee on Foreign Relations; I know the sense of justice of that committee, and of the chairman of that committee, and have great respect for it; but I cannot vote to pay any British claim in the face of the insulting response made by the British Government to the proposition even to consider American claims.

Mr. SUMNER. I make no question with the Senator from California with regard to the character of the reply of Lord Russell to our own application. I have already stated that had this claim accrued subsequent to that, and had our obligations with regard to it been declared subsequent to that, the committee would not have undertaken to recommend it to the Senate; but it appears by the correspondence which is on our tables that this claim was the subject of an explicit understanding between Mr. Seward on our part, and Lord Lyons on the part of the British Government; that they came to an agreement as to how it should be decided; that referees were selected; that they have proceeded to the decision of the case; and now it seems that it only remains for us to abide by the judgment of the referees that we have assisted in selecting.

Mr. CONNESS. Pay the bill.

Mr. SUMNER. And, in short, pay the bill. I see that it goes against the grain of my excellent friend; but I believe that he, too, is not insensible to the claims of justice. For myself, I would say that while I have no question as to how the conduct of Great Britain on this matter should be characterized, I am anxious that my own country should be kept firm and constant in the attitude of justice.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

NIAGARA SHIP-CANAL.

Mr. HOWE. I move that the Senate proceed to the consideration of the bill (H. R. No. 344) to incorporate the Niagara Ship-Canal Company.

The PRESIDENT *pro tempore* put the question on the motion, and declared that the yeas appeared to have it.

Mr. HOWE. I ask for the yeas and nays. The yeas and nays were ordered.

Mr. HOWE. Allow me to say, for the information of the Senate simply, that this is a bill to provide for a ship-canal around the falls of Niagara. I am not going to argue the question of taking it up. I want to have the sense of the Senate as to whether they will consider it or not.

Mr. DOOLITTLE. If my colleague will allow me to make a suggestion on the subject, I think he had better move to take it up after the morning hour has expired. Some gentlemen here who are perhaps friendly to the bill would vote against it in the morning hour, but would vote to take it up after the morning hour has passed. I make that suggestion to my colleague. He may not get the sense of the Senate if he moves to take it up in the morning hour.

Mr. HOWE. I should like to have the Senate take up the bill, and if then it should be the disposition of the Senate that it shall be assigned to any particular time for consideration, I shall have no objection to that. I do not understand why it should not properly be considered in the morning hour as well as in any other hour of the day.

Mr. STEWART. There is no objection to taking it up for an assignment.

Mr. HOWE. I hope we shall have a vote.

The question being taken by yeas and nays, resulted—yeas 17, nays 19; as follows:

YEAS—Messrs. Anthony, Chandler, Clark, Conness, Cragin, Doolittle, Edmunds, Foster, Howe, Morrill, Nye, Poland, Pomeroy, Ramsey, Stewart, Trumbull, and Yates—17.

NAYS—Messrs. Buckalew, Cowan, Davis, Grimes, Guthrie, Henderson, Hendricks, Lane of Indiana, Morgan, Nesmith, Norton, Riddle, Sherman, Sumner, Van Winkle, Wade, Willey, Williams, and Wilson—19.

ABSENT—Messrs. Brown, Creswell, Dixon, Fessenden, Harris, Howard, Johnson, Kirkwood, Lane of Kansas, McDougall, Saulsbury, Sprague, and Wright—13.

So the Senate refused to take up the bill for consideration.

FREEDMEN'S BUREAU.

Mr. WILSON. I move to take up House bill No. 613, to continue in force and to amend an act to establish a Bureau for the Relief of Freedmen and Refugees, and for other purposes.

Mr. DOOLITTLE. I wish the honorable Senator would not propose to take that up in the morning hour, for there is no special order for to-day, and there are some little matters concerning Indian affairs that I want to get up and dispose of in the morning hour.

Mr. WILSON. This bill was specially assigned last week, and was put aside to take up a railroad bill, and then had to give way to the internal revenue bill, and I cannot yield any longer.

Mr. DOOLITTLE. This is the morning hour.

Mr. SHERMAN. I can vouch that the business of the Military Committee has been crowded off day after day, and they ought to have a chance.

Mr. POMEROY. I think the Senator from Massachusetts might bring up his bill at one o'clock and allow the morning hour to be devoted to miscellaneous bills.

Mr. DOOLITTLE. As Senators seem to be giving notices and stating about what ought to be done, I will state what in my judgment ought to be done. We ought to go into executive session pretty early to-day. There are some pending Indian treaties necessary to be acted upon before the Indian appropriation bill is acted upon, and the honorable Senator from Maine having charge of that bill has informed me that he will press it within the next two or three days. Therefore, I wish to give notice to the Senate that I intend to move at an early hour to day to go into executive session, and I wish my friend from Massachusetts to give way and give the floor to Indian affairs—they do not trouble the Senate very often—and let his bill go over until the end of the morning hour. I think we can dispose of two or three Indian questions in the morning hour to-day.

Mr. WILSON. I will take this up and specially assign it for one o'clock.

Mr. DOOLITTLE. Assign it for to-morrow at one o'clock.

Mr. WILSON. No, I must have it up to-day.

Mr. CONNESS. I hope that if we are to consider the bill called up by the Senator from Massachusetts we shall go on with it now. The Senator from Wisconsin was not in his seat, I think, when we voted down the motion to take it up the other day. I was constrained to vote against the motion then, although I am in favor of the measure. I hope we shall go on with it now, without making any special assignment of it.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Massachusetts to proceed to the consideration of House bill No. 613.

The motion was agreed to.

JAMES P. JOHNSON.

Mr. ANTHONY. I ask the consent of the Senator from Massachusetts and the unanimous consent of the Senate to allow Senate bill No. 374 to be taken up and passed. It is a little bill for a poor fellow who has been waiting a long time. I am sure there will be no objection to it.

By unanimous consent the bill (S. No. 374) for the relief of James P. Johnson, was read the second time and considered as in Committee of the Whole.

It is a direction to the Secretary of the Treasury to pay James P. Johnson, of Iowa, the sum of \$202 50, in full payment for his services as veterinary surgeon in the fourth Iowa cavalry.

The bill was reported to the Senate, and ordered to be engrossed for a third reading.

Mr. BROWN. Before this bill is passed I should like to hear some explanation of it.

Mr. ANTHONY. It is simply to pay a veterinary surgeon of one of the Iowa regiments for the term which he actually served, but owing to some informality he was not legally mustered in. The bill pays him precisely what the Department says he would have been paid if he had been mustered in, and he ought to have been mustered in.

The bill was read the third time and passed.

WYANDOTTE MISSION CHURCH.

Mr. DOOLITTLE. I ask unanimous consent to take up a little bill which has passed the Senate once, but it ought to be passed again so that it may be acted on in the other House during the present session. It is to pay for the destruction of two churches and a library, belonging to the Wyandotte Indians in Kansas. I am sure no one will have any objection to it, and it will take but a moment.

Mr. POMEROY. I hope that bill will be passed at once.

Mr. DOOLITTLE. It is Senate bill No. 353. I ask unanimous consent to take it up at this time.

By unanimous consent the bill (S. No. 353) for the relief of the trustees and stewards of the mission church of the Wyandotte Indians was read a second time and considered as in Committee of the Whole. It is in these words:

Be it enacted, &c., That for refunding to Jacob White-Crow, John Sarahass, and others, trustees and stewards of the Wyandotte and Quindaro mission of the Kansas conference of the Methodist Episcopal church, for the destruction of their church buildings and library, \$6,000, to be applied in rebuilding said buildings and inclosing the graveyards of the Wyandotte Indians in the State of Kansas.

Mr. DOOLITTLE. I move to amend the bill by striking out "\$6,000" and inserting "\$4,680." I will state to the Senate, and that explains all there is in the case, that two churches belonging to these Indians were destroyed by the border ruffians of Kansas. We, by treaty, were bound to pay any damages committed upon Indian property. The one church, a brick church, was appraised at \$3,000; the other church and the library at \$1,680. The member of the committee reporting the bill included another item in relation to a parsonage, about which there is a question, and the committee were not willing to press it upon the consideration of the Senate.

The amendment was agreed to.

Mr. DOOLITTLE. It has been suggested to me that the usual appropriating clause is not contained in the bill. I move, therefore, to insert after the word "dollars," in line seven, the words "he and is hereby appropriated out of any money in the Treasury of the United States not otherwise appropriated."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in. The bill was ordered to be engrossed for a third reading, and was read the third time and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. LLOYD, Chief Clerk, announced that the House of Representatives had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. R. No. 77) for the relief of Ambrose L. Goodrich and Nathan Cornish, for carrying the United States mail from Boise City to Idaho City, in the Territory of Idaho.

The message also announced that the House

of Representatives had concurred in some and non-concurred in other amendments of the Senate to the bill (H. R. No. 127) making appropriations for the support of the Army for the year ending 30th June, 1867, requested a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. ROBERT C. SCHENCK, of Ohio, Mr. WILLIAM E. NIBLACK, of Indiana, and Mr. E. B. WASHBURN, of Illinois, managers at the same on its part.

The message further announced that the House of Representatives had passed a bill (S. No. 221) relating to lands granted to Minnesota to aid in constructing railroads, with amendments, in which it requested the concurrence of the Senate.

ARMY APPROPRIATION BILL.

Mr. SHERMAN. I move to take up the Army appropriation bill with a view to have a committee of conference appointed.

The motion was agreed to; and the Senate proceeded to consider its amendments disagreed to by the House of Representatives to the bill (H. R. No. 127) making appropriations for the support of the Army for the year ending 30th of June, 1867.

Mr. SHERMAN. I move that the Senate insist on its amendments, agree to the conference asked by the House, and that the President *pro tempore* appoint the conferees on the part of the Senate.

The motion was agreed to.

NORTHERN KANSAS RAILROAD.

Mr. POMEROY. Senate bill No. 145, for a grant of lands to the State of Kansas to aid in the construction of the Northern Kansas railroad and telegraph, has been returned from the House of Representatives, with an amendment. I move to take it up for the sake of having a committee of conference on the disagreement between the two Houses.

The motion was agreed to.

Mr. HENDRICKS. Some person, I do not now recollect who, suggested to me that that bill, as it comes from the House, ought to go again to the Committee on Public Lands.

Mr. POMEROY. I have no objection to that reference. I only want to facilitate business.

Mr. HENDRICKS. I do not know what is the present stage of the bill, but some person asked me to have that action taken. I do not know for what purpose, and I cannot now recollect who it was.

Mr. BROWN. I believe the amendment that has been put on the bill in the House of Representatives does not meet with the approbation of any one connected with the bill here in the Senate or on the committee, but it was proposed subsequently to dissent from the amendment of the House and ask for a committee of conference, with a view of substituting the original bill as it passed the Senate. Probably that would be the better mode of arriving at it as it is now so late in the session.

Mr. HENDRICKS. If Senators desire that this bill should go to a committee of conference I am not going to insist on the reference to the Committee on Public Lands.

Mr. BROWN. I think it had better go to a committee of conference.

The PRESIDENT *pro tempore*. Does the Senator from Indiana withdraw his motion?

Mr. HENDRICKS. It is rather unusual to send a bill to a committee of conference when an amendment is merely made in one House, but I withdraw the motion if Senators desire it.

Mr. POMEROY. I now move that the Senate disagree to the amendment of the House of Representatives, ask for a committee of conference on the disagreeing votes of the two Houses, and that the managers on the part of the Senate be appointed by the President *pro tempore*.

The motion was agreed to.

FREEDMEN'S BUREAU.

Mr. WILSON. I hope we shall now proceed with the bill before the Senate.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 618) to continue in force and to amend an act to establish a Bureau for the Relief of Freedmen and Refugees, and for other purposes.

The Committee on Military Affairs and the Militia reported several amendments to the bill. The first amendment was to insert after section three the following, as section four:

SEC. 4. *And be it further enacted*, That officers of the Veteran Reserve corps or of the volunteer service, now on duty in the Freedmen's Bureau as assistant commissioners, agents, medical officers, or in other capacities, whose regiments or corps have been or may hereafter be mustered out of service, may be retained upon such duty as officers of said bureau, with the same compensation as is now provided by law for their respective grades; and the Secretary of War shall have power to fill vacancies until other officers can be detailed in their places without detriment to the public service.

The amendment was agreed to.

Mr. DAVIS. I move to postpone the bill until the first Monday of December next.

The motion was not agreed to.

The Secretary read the next amendment of the committee, which was to strike out section five of the bill in the following words:

SEC. 5. *And be it further enacted*, That for the purpose of rendering this bureau self-sustaining, and in the place of lands heretofore assigned to freedmen and thereafter withdrawn from the control of the bureau the President shall reserve from sale or settlement under the homestead or preemption laws, and assign for the use of the freedmen and loyal refugees, male or female, unoccupied public lands in Florida, Mississippi, Alabama, Louisiana, and Arkansas, not exceeding in all one million acres of good land. And the Commissioner shall cause the same, under the direction of the President, to be allotted and assigned from time to time, in parcels not exceeding forty acres each, to the loyal refugees and freedmen, who shall be protected in the use and enjoyment thereof for such term of time and at such annual rent as may be agreed upon between the Commissioner and such refugees or freedmen. The rental shall be based upon a valuation of the land, to be ascertained in such manner as the Commissioner may, under the direction of the President, by regulation prescribe. At the end of each term, or sooner, if the Commissioner shall assent thereto, the occupants of any parcels so assigned, their heirs and assigns, may purchase the land and receive a title thereto from the United States in fee, upon payment therefor the value of the land ascertained as aforesaid.

Mr. WILSON. A separate bill has already passed and has become a law, which embraces the provisions included in this section and therefore the committee propose to strike it out.

The amendment was agreed to.

Mr. DAVIS. I move to lay the bill upon the table, and upon that motion I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 6, nays 27; as follows:

YEAS—Messrs. Buckalew, Davis, Doolittle, Guthrie, Hendricks, and Riddle—6.

NAYS—Messrs. Anthony, Brown, Chandler, Cragin, Creswell, Edmunds, Fessenden, Foster, Grimes, Harris, Henderson, Howard, Kirkwood, Lane of Indiana, Morgan, Nye, Pomeroy, Sherman, Sprague, Sumner, Trumbull, Van Winkle, Wade, Willey, Williams, Wilson, and Yates—27.

ABSENT—Messrs. Clark, Conness, Cowan, Dixon, Howe, Johnson, Lane of Kansas, McDougall, Morrill, Nesmith, Norton, Poland, Ramsey, Saulsbury, Stewart, and Wright—16.

So the motion was not agreed to.

The next amendment was to strike out the sixth section of the bill in the following words:

SEC. 6. *And be it further enacted*, That whenever the former owners of lands occupied under General Sherman's field order, dated at Savannah, January 16, 1865, shall apply for restoration of said lands, the Commissioner shall refuse the surrender of the same: *Provided*, That nothing in this act contained shall be construed to affect the right of any person to recover in the proper courts any title or right of possession which such person may have in any of the lands held under said field order.

And to insert in lieu thereof the following:

SEC. 6. Whereas by the provisions of an act approved February 6, 1863, entitled "An act to amend an act entitled 'An act for the collection of direct taxes in insurrectionary districts within the United States, and for other purposes,' approved June 7, 1862," certain lands in the parishes of St. Helena and St. Luke, South Carolina, were bid in by the United States at public tax sales, and by the limitation of said act the time of redemption of said lands having expired; and whereas in accordance with instructions issued by President Lincoln on the 16th day of September, 1863, to the United States direct tax commissioners for South Carolina, certain lands bid in by the United States in the parish of St. Helena, in said State, were in part sold by the said

tax commissioners to "heads of families of the African race," in parcels of not more than twenty acres to each purchaser; and whereas under the said instructions the said tax commissioners did also set apart as "school farms" certain parcels of land in said parish, numbered on their plats from one to thirty-three, inclusive, making an aggregate of six thousand acres, more or less: Therefore, *be it further enacted*, That the sales made to "heads of families of the African race," under the instructions of President Lincoln to the United States direct tax commissioners for South Carolina, of date of September 16, 1863, are hereby confirmed and established; and all leases which have been made to such "heads of families," by said direct tax commissioners, shall be changed into certificates of sale in all cases wherein the lease provides for such substitution; and all the lands now remaining unsold, which come within the same designation, being eight thousand acres, more or less, shall be disposed of according to said instructions.

SEC. 7. *And be it further enacted*, That all other lands bid in by the United States at tax sales, being thirty-eight thousand acres, more or less, and now in the hands of the said tax commissioners as the property of the United States, in the parishes of St. Helena and St. Luke, excepting the "school farms," as specified in the preceding section, and so much as may be necessary for military and naval purposes at Hilton Head, Bay Point, and Land's End, and excepting also the city of Port Royal, on St. Helena Island, and the town of Beaufort, shall be disposed of in parcels of twenty acres, at \$1 50 per acre, to such persons, and to such only, as have acquired and are now occupying lands under and agreeably to the provisions of General Sherman's special field order, dated at Savannah, Georgia, January 16, 1865, and the remaining lands, if any, shall be disposed of in like manner to such persons as had acquired lands agreeably to the said order of General Sherman, but who have been dispossessed by the restoration of the same to former owners: *Provided*, That the lands sold in compliance with the provisions of this and the preceding section shall not be alienated by their purchasers within six years from and after the passage of this act.

SEC. 8. *And be it further enacted*, That the "school farms" in the parish of St. Helena, South Carolina, shall be sold, subject to any leases of the same, by the said tax commissioners, at public auction, on or before the 1st day of January, 1867, at not less than ten dollars per acre; and the lots in the city of Port Royal, as laid down by the said tax commissioners, and the lots and houses in the town of Beaufort which are still held in like manner, shall be sold at public auction; and the proceeds of said sales, after paying expenses of the surveys and sales, shall be invested in United States bonds, the interest of which shall be appropriated, under the direction of the Commissioner, to the support of schools, without distinction of color or race, on the islands in the parishes of St. Helena and St. Luke.

SEC. 9. *And be it further enacted*, That the assistant commissioners for South Carolina and Georgia are hereby authorized to determine the validity of all titles to lands in their respective States which are claimed under the provisions of General Sherman's special field order, and to give each person having a valid claim a warrant upon the direct tax commissioners for South Carolina for twenty acres of land, and the said direct tax commissioners shall issue to every person, or to his or her heirs, but in no case to any assigns, presenting such warrant, a lease of twenty acres of land, as provided for in section —, for the term of six years; but at any time thereafter, upon the payment of a sum not exceeding \$1 50 per acre, the person holding such lease shall be entitled to a certificate of sale of said tract of twenty acres from the direct tax commissioner or such officer as may be authorized to issue the same; but no warrant shall be held valid longer than two years after the issue of the same.

SEC. 10. *And be it further enacted*, That the direct tax commissioners for South Carolina are hereby authorized and required at the earliest day practicable to survey the lands designated in section — into lots of twenty acres each, with proper metes and bounds distinctly marked, so that the several tracts shall be convenient in form, and as near as practicable have an average of fertility and woodland; and the expense of such surveys shall be paid from the proceeds of sales of said lands, or, if sooner required, out of any moneys received for other lands on these islands, sold by the United States for taxes, and now in the hands of the direct tax commissioners.

SEC. 11. *And be it further enacted*, That upon completion of the transfers of the said lands in the manner specified in the preceding sections, the President of the United States shall have power to restore to their former owners the lands now occupied by persons under General Sherman's special field order, dated at Savannah, Georgia, January 16, 1865, excepting such lands on the islands in the parishes of St. Helena and St. Luke as may have been sold by the United States for taxes; but such restoration shall not be made until after the crops of the present year shall have been gathered by the occupants of said lands, nor until a fair compensation shall have been made to them for all improvements or betterments erected or constructed thereon, and after due notice of the same being done shall have been given by the assistant commissioner.

SEC. 12. *And be it further enacted*, That the Commissioner shall have power to seize, hold, use, lease, or sell all buildings and tenements, and any lands appertaining to the same, or otherwise, formerly owned by or claimed as the property of the so-called Confederate States, and any buildings or lands held in trust for the same by any person or persons, and to use the same or appropriate the proceeds derived therefrom to the education of the freed people; and whenever the bureau shall be withdrawn, States which have

made provision for the education of their citizens without distinction of color shall receive the sum remaining unexpended of such sales or rentals, which shall be distributed among said States for educational purposes in proportion to their population.

Mr. WILSON. This proposition is to strike out the sixth section of the House bill and to insert seven sections in lieu of it. I will state that this sixth section refers to the lands in Georgia and South Carolina occupied under General Sherman's special field order. The purpose is to allow the President to restore those lands to the owners by the 1st of January. As far as we can learn, there are between twenty-five thousand and thirty thousand acres that have been taken up by the freedmen in accordance with the provisions of General Sherman's field order. There is a great deal of controversy over them. I see that General Steadman and General Fullerton have recommended to the President that they be given up to the owners by the 1st of January next. Some nine hundred persons have acquired titles to small portions of those lands. We propose to give up those lands in this manner: we have acquired about forty thousand acres of land by tax sales on the islands in South Carolina; those are in the possession of the Government; now, we propose that in lieu of the claims acquired under General Sherman's order, those lands shall be divided up into twenty-acre lots and shall be sold to the persons who have those titles at their cost to the Government. They are to go on the lands and have six years within which to pay for them. They cost the Government about one dollar and a half an acre. This, it is thought, will settle all this difficulty. These lands on the islands are our lands; they are in our possession; they amount to about the same number of acres that have been acquired by these colored persons under General Sherman's field order. It is now proposed that they shall have these lands set apart to them, which shall not for six years be alienated by them, and they shall pay the Government a small pittance of a dollar and a half an acre, which was the cost to the Government.

Then we have six thousand acres, some thirty-three tracts, said to be worth ten dollars per acre, which we authorize the selling of at ten dollars per acre, and which are not to be sold for less, which have been set apart by the commissioners, and are now used and rented for the purposes of a school fund. We propose to have those lands sold between now and the 1st of January, and that the proceeds shall be a fund for the benefit of the persons residing upon those islands for school purposes.

If this amendment shall be adopted, we shall provide for the restoration of the lands set apart by General Sherman, and we shall allow persons who have acquired titles under his order to acquire titles to the land we possess. It is believed by those who understand the condition of affairs there to be an arrangement that will be satisfactory to all. We provide further that if any betterments or improvements have been made on these lands, these persons, before being removed from the lands, shall have the benefit of them, and also the benefit of the present crop, which they planted and which they are to gather.

I believe that the adoption of this amendment will be a great advantage to the freedmen, and that it will relieve us from the controversy that has grown up in regard to the lands set apart under the special order of General Sherman. I will say that several persons who know all about the lands and about the condition of affairs there of the freedmen think that the provisions of this bill will be a great advantage to all concerned.

Mr. HENDRICKS. I wish to ask the Senator from Massachusetts what amount it is proposed to confirm under the tax sales under the sixth section. The quantity of land described in the seventh section is mentioned; but I am not able to see from the sixth section what amount of lands will be confirmed; and I should like to know.

Mr. WILSON. There is a balance of five

or six thousand acres not occupied yet which it provides for on those lands; but I understand the amount occupied which is confirmed here to these persons is some fifteen or twenty thousand acres. They are in small lots that were set apart to these persons by the special order of the Government when we had possession of that part of the country and were providing for these persons so as to give them an opportunity to obtain a livelihood.

Mr. HENDRICKS. Unquestionably it is very desirable to accomplish all that the Senator suggests will be accomplished by this bill; but, sir, I am not able to see the propriety on the part of Congress of undertaking to settle titles under a tax sale. No class of titles are regarded with more care and jealousy by the courts than tax titles. It seems rather an unheard-of proceeding for the legislative department of the Government to confirm a tax sale. The Senator is aware that to make a good title under a tax sale, all the proceedings must have been most accurately pursued according to the requirements and the very letter of the law. The courts will not hold a title good unless in every respect the proceedings connected with the sale have been in conformity with the law. Now, it may be that the Senator from Massachusetts is much more thoroughly informed than I am upon this subject. I have but little information about these sales. I am not prepared to say whether the sales were valid or not. They may be. If so, they do not need any confirmatory act by Congress. If they were so irregular as to be void, ought Congress to undertake to confirm them? In other words, the tax sale being void, can Congress by an act pass the title from the real owner of the lands to the purchaser?

Tax sales have never been favorites in the courts, and should not be; and perhaps no set of tax sales are entitled to less regard than the sales which it is now proposed to confirm. In the other States this tax was not collected. The people of Indiana, as individuals, and of other States, were not required to pay this tax, and no sales were made; but in South Carolina, where the people were in a condition making it almost impossible for them at that time to meet the demands of the tax-gatherers, the sales took place. Whether the proceedings were at all regular; whether they were partial or impartial; whether they were fair or unfair, I think is not known to the Senate; and now it is proposed to confirm them.

I should desire very much to settle the controversy that has grown up in consequence of General Sherman's order; but I would not desire to settle that controversy by perpetrating another wrong; and I am not sure that the purpose of the Senator, even in that regard, is altogether right, because the colored people who occupy the lands under General Sherman's order are not the same as those who hold lands under the tax sales; and how it will do justice to persons who hold under Sherman's order to confirm the tax sale to other people, I cannot understand. It may be all right; but I do not see the propriety of it. General Sherman's order was a military order. I believe no Senator has pretended that General Sherman's order was sufficient to pass the title. It gave the right of occupancy during the command of the officer who made the order. It was a military order, ceasing to have force at the termination of the war, so that that order conferred no title; and it is simply now a question of possession and the right of possession. I presume that the parties can settle their rights in the courts, if in no other way. I am hardly willing to say that a set of tax sales, about which we know but little, shall be confirmed merely to satisfy other parties under General Sherman's order. I do not intend to discuss this measure, because I presented my views in regard to it at a former period of the session, on at least a branch of this subject. I have felt it to be my duty now to suggest this much.

Mr. WILSON. I am satisfied that we have acquired a good title to the amount of about

forty thousand acres of land; that it is ours, in our care, used by us, rented, and used for other purposes, generally for the purposes of the freedmen.

Mr. HENDRICKS. If the Senator will allow me, I wish to ask him one question. Have these titles ever received the investigation of the law officers of the Government? Has Congress before it any statement of the facts connected with these sales so as to show their regularity, their fairness, or the propriety of confirming the sales? Have we any opinion of any law officer of the Government in regard to them?

Mr. WILSON. We have reports from the tax commissioners who went on the lands, levied the taxes, and sold the lands. Certain lands were bid in. Certain other lands were set aside for the use of the freedmen, by order. Other lands, about six thousand acres, were set apart for the purposes of schools. They are rented now, I understand, for something like \$12,000, the proceeds of which are used for the benefit of the people living on the islands. I think myself that this arrangement is the best we can make, and will settle a great deal of the practical difficulty we have there, and therefore I hope the amendment will be adopted.

The PRESIDENT *pro tempore*. Is the Senate ready for the question on the amendment?

Mr. TRUMBULL. Is the question to be taken simply on striking out, or on inserting the other sections?

The PRESIDENT *pro tempore*. The question is on striking out the sixth section and inserting in lieu of it what is printed in italics in the bill.

Mr. TRUMBULL. Is it on inserting the sixth section in italics, or on inserting all these other sections?

The PRESIDENT *pro tempore*. The question is on striking out the sixth section and inserting all the sections printed in italics down to and including section twelve.

Mr. TRUMBULL. I wish to make a suggestion before the vote is taken. In section eleven, after the word "lands" in line seven, I move to strike out the words "on the islands in the parishes of St. Helena and St. Lake." I do not know that it would alter the meaning of the section at all to strike out these words. The section provides for restoring to the former owners the lands which were seized by General Sherman, excepting those which have been sold for taxes on these particular islands. Now, I do not know that any other lands have been sold for taxes, except upon these islands. The Senator from Massachusetts thinks there are none. If that be so, it would not alter the effect of the bill at all; but if in point of fact lands had been sold for taxes which were not upon those islands, the section, as it reads, would require their restoration to their former owners. Congress, I think, would not undertake to do that, but would leave it to the purchaser of those lands, if he has purchased them at a tax sale, to maintain his title if he could, and not undertake to divest it. If there should be any other lands, it can do no harm to strike out the words, and, with the words in, it would limit the tax titles to those particular islands.

Mr. WILSON. I have no objection to the amendment, but still the making of it will effect nothing. Within the boundaries of General Sherman's order were these islands; and on them are the only lands that have been sold for taxes, and they are now in the possession of the Government. It was proposed to surrender up all lands covered by General Sherman's field order to the owners excepting the lands on those islands that had been sold for taxes. The Senator proposes to strike out the lands on these islands. There are no lands that were sold for taxes excepting on the islands named in the bill, as I understand. I have no doubt on that point; still I have no objection to the amendment.

Mr. TRUMBULL. If that is so, it cannot alter it.

The amendment to the amendment was agreed to.

Mr. TRUMBULL. I think there is another amendment that ought to be made in section twelve. After the word "States," in line five of that section, I move to insert "and not heretofore disposed of by the United States;" so as to make the section read:

The Commissioner shall have power to seize, hold, use, lease, or sell all buildings and tenements, and any lands pertaining to the same, or otherwise, formerly owned by or claimed as the property of the so-called confederate States, and not heretofore disposed of by the United States.

My object is to protect those who have purchased property that was seized and has been heretofore disposed of by the Government. There are some such cases. I happen to know of one where some lands were sold under the direction of the Freedmen's Bureau and purchased by third parties. Of course it is not intended to seize that property which has been parted with.

The amendment to the amendment was agreed to.

Mr. HENDRICKS. I propose an amendment in the ninth section, to strike out in line three the words "determine the validity of," and insert the word "examine." I presume the Senator having the bill in charge will not object to this. I do not think it would be fortunate to use words in this act which would confer upon any authority other than the established courts of the country the right to determine the validity of titles. If my amendment be agreed to the section will then read, "that the assistant commissioners for South Carolina and Georgia are hereby authorized to examine all titles to lands in their respective States which are claimed under the provisions of General Sherman's special field order," &c. It does not require the establishment of a title, and I do not think we ought to confer upon a commission the power to fix titles.

Mr. TRUMBULL. It seems to me that the word "examine" does not go quite far enough. I suppose the intention of this provision is to have the commissioners determine upon conflicting claims between the parties, not to pass in the legal sense upon the title as between the original owners of these lands and the persons who may claim them under General Sherman's field order; but they are to pass upon them in the nature of a land officer or of commissioners who were sent out in early times, I recollect, to examine the various grants which had been made to the early settlers in the Northwest under various resolutions and acts of Congress. Those commissioners were appointed by Congress, and they proceeded to hear testimony and make a report upon the claims of different parties to lands. They had them surveyed and set apart to them, and those titles have been held valid by the Government of the United States. I suppose that that is what is meant by the language here used. It is something more than to "examine;" it seems to me that word goes hardly far enough.

Mr. HENDRICKS. I suggest to the Senator from Illinois that the following words accomplish what he thinks ought to be accomplished; if the commissioner examining the title finds in the particular party "a valid claim"—that is the language used in the sixth line—if he finds a valid claim a warrant is to be issued upon the direct tax commissioners. What is intended to be meant by "valid claim" I am not sure that I know; but it does not require the fixing of legal title.

Mr. WILSON. I suppose the Senator from Indiana does not consider that there is any legal title in this case. Certain persons, as far as I can gather, to the number of about nine hundred, under General Sherman's field order, have taken up portions of lands in Georgia and in South Carolina amounting to between twenty-five thousand and thirty-five thousand acres, according to the best information we have. We propose that all the land now occupied under General Sherman's order shall be released by the President to the original owners on the 1st of January next. This provision is that the assistant commissioners for Georgia and South Carolina, who are now General Scott

and General Tillson, shall examine the titles or claims—I suppose "claims" is as good a word as "titles"—of the persons holding land under General Sherman's order, and decide among them who have complied with the terms of that order, and then to give the persons who have so complied a certificate of the fact. Then the tax commissioners are to survey the lands which have been bought in by the Government at tax sales and give titles to small tracts of that land to these colored persons in lieu of the claims they have under General Sherman's order. The assistant commissioners are to give a certificate so that they can obtain other land.

Mr. HENDRICKS. Elsewhere?

Mr. WILSON. Yes, sir. I do not think there is any objection to letting it stand in the form it is. If the language used had been "the validity of the claims," instead of "the validity of all titles," it would have been as well. I suppose it is only a sort of squatter claim anyhow. These persons went on to these lands in accordance with General Sherman's order. Our assistant commissioners are to decide who has obtained a claim or a title according to the provisions of that order, in order to give such parties a certificate of the fact, that they may go elsewhere and be compensated for removing from these lands, so that the President can restore them to the original owners.

Mr. HENDRICKS. That is just the purpose that I supposed the Senator wanted to accomplish. He does not want to make the right of these men to depend on the validity of the title—a legal right to the land in fee-simple. He wants the Commissioner to examine the claims of these parties, and whichever party, as between contestants, has the better right, for the Commissioner so to adjudge, and upon that adjudication to give a warrant which may be located upon other land.

Mr. WILSON. That is precisely what we want to do.

Mr. HENDRICKS. Then the words I suggest will accomplish it more certainly than the words used in the section. Let it read, "authorized to examine all claims to lands." If you require the Commissioner to adjudge that there is a valid, legal title, it will defeat the very purpose, because there is no legal title, but simply a right of possession during military occupancy, in my judgment. I modify my amendment by also proposing to strike out the word "titles" in the third line, and inserting "claims;" so as to read, "to examine all claims to lands."

Mr. WILSON. I have no objection to that amendment.

The amendment to the amendment was agreed to.

Mr. HENDRICKS. I think it is my duty to call the attention of the Senator having the bill in charge to the twelfth section. That section provides—

That the Commissioner shall have power to seize, hold, use, lease, or sell all buildings and tenements, and any lands appertaining to the same, or otherwise, formerly owned by or claimed as the property of the so-called confederate States, and any buildings or lands held in trust for the same by any person or persons, and to use the same or appropriate the proceeds derived therefrom to the education of the freed people.

I wish to ask of the Senator whether he holds that the *de facto* government of the confederate States was such a body or State as that it could become the owner of lands. This section assumes that the so-called confederate States could become the owner of real estate; in other words, that that government had a legal existence for the purpose of acquiring title to land. I should think the Senator would hesitate before he would assume that position. That question is likely to arise in several shapes; I do not care to express any opinion about it; but it is proposed for the consideration of the Senator, I think, when he asks us to vote for the section. If that *de facto* government could not acquire land, if it was not a legal existence for the purpose of acquiring

land, any deed made to it during the war was simply a nullity. If it had a legal existence in such a sense as that it could become the owner of lands, could be a grantee, then I presume the Government of the United States succeeds to that property; at least it would have a right to take possession of it.

Mr. WILSON. The confederate government somehow contrived to get into their possession buildings and lands. They had, I understand, in the State of Georgia alone what cost them more than \$1,000,000 in buildings and lands for the purposes of their army—arsenals and other buildings. They had some very valuable buildings, property taken, used, and owned, or professed to be owned, by the confederate government. We have taken some of this property and sold it. This section simply proposes that we shall take possession of this property which, if anybody in the world has a title to it, I take it the Government of the United States has, and that it shall be used for the benefit of education, and that when this bureau ceases to exist, the balance, whatever there may be of it, may be turned over to any State where it exists as a school fund. I think it is a good way to dispose of that kind of property; and there will be several hundred thousand dollars worth of it, I have no doubt.

The PRESIDENT *pro tempore*. The question is on the amendment of the committee.

Mr. WILSON. I move to amend the amendment by filling up the blank after the word "section" in line eleven of section nine and in line four of section ten with the word "seven."

The PRESIDENT *pro tempore*. Those corrections will be made, no objection being interposed. The question now is on the amendment of the committee to strike out the sixth section of the bill and insert in lieu thereof the sections which have been read as amended.

The amendment, as amended, was agreed to.

The next amendment of the committee was in section [seven] thirteen, at the commencement of the section to insert the words "and be it further enacted," and to strike out:

Whereas we recognize the necessity and duty resting upon the Government, and resulting from the condition of freedom, of aiding freedmen to receive that needful education which oppressive prejudices, laws, and customs denied them when held in slavery: Therefore.

The amendment was agreed to.

Mr. WILSON. I believe the amendments reported by the committee are disposed of.

The PRESIDENT *pro tempore*. They are.
Mr. WILSON. In section [four] five, on the fourth page, I move to strike out lines eleven, twelve, thirteen, fourteen, fifteen, sixteen, and seventeen. The provisions granted there are embraced in another section of the bill in the new, amended fourth section. The words I propose to strike out are:

And the Secretary of War is hereby authorized, on the recommendation of the Commissioner, to continue in office as surgeons of the bureau, with their present rank, pay, and allowances, the volunteer officers now employed, and to fill any vacancies with other volunteer surgeons, with like rank and compensation, unless suitable surgeons in the regular Army can be thus assigned to duty.

The amendment was agreed to.

Mr. BUCKALEW. I move in the first section, fifth line, to strike out the words "two years" and insert "one year," and on this amendment I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BUCKALEW. This relates to the duration of the present measure, and will continue the operation of the bureau fully four months after the adjournment of Congress. There will certainly be time enough at the next session to consider whether it is necessary to extend this exceptional and peculiar system for a greater period of time than is contemplated in the amendment submitted by me, which will extend it to about the commencement of July, 1867.

The question being taken by yeas and nays, resulted—yeas 6, nays 26; as follows:

YEAS—Messrs. Buckalew, Cowan, Davis, Doolittle, Guthrie, and Hendricks—6.

YAYS—Messrs. Anthony, Brown, Conness, Cragin, Edmunds, Fessenden, Foster, Grimes, Harris, Henderson, Howard, Lane of Indiana, Morgan, Morrill, Nye, Poland, Pomeroy, Ramsey, Sprague, Sumner, Trumbull, Wade, Willey, Williams, Wilson, and Yates—26.

ABSENT—Messrs. Chandler, Clark, Creswell, Dixon, Howe, Johnson, Kirkwood, Lane of Kansas, McDougall, Nesmith, Norton, Riddle, Saulsbury, Sherman, Stewart, Van Winkle, and Wright—17.

So the amendment was rejected.

Mr. BUCKALEW. I move to amend the fourteenth section by striking out all the section after the word "justice" in the thirty-eighth line.

The Secretary read the words proposed to be stricken out, as follows:

And after such State shall be fully restored in its constitutional relations to the Government and shall be duly represented in the Congress of the United States.

Mr. BUCKALEW. The effect of this amendment will be to continue the action of this bureau until the courts both Federal and State are in complete and uninterrupted operation within the States which will be affected by this measure. Now, sir, the question whether a State shall be represented in Congress or not, has no necessary connection with the question of the internal administration of justice in that State. In other words, the organization of the State and Federal courts may be complete, and their action uninterrupted and perfectly satisfactory without any adjustment or determination of the political relations between the State and the Federal Government so far as regards membership in the Senate and House of Representatives. Therefore, sir, it is perfectly absurd to make the continuance of this bureau as an instrument for the administration of justice dependent upon the future action of Congress with reference to the admission of members from any particular State.

If this measure, then, is to stand upon principle; if you are to have this exceptional jurisdiction and the exceptional powers contemplated by this bill; and if you intend that they shall be exercised because there has been, or is, or may be, an interruption of the ordinary course of justice either in the Federal or State courts—if this is what you intend, let your bill say so. My amendment will cause it to speak precisely that language, in conformity, I suppose, with the general object or idea upon which the measure is founded.

Mr. HENDRICKS. In addition to what has been said by the Senator from Pennsylvania, I want to suggest that I am not able to see the necessity of this section. If the civil rights bill has any force at all, I cannot see the necessity of repeating legislation at periods of two months to the same point. The civil rights bill is claimed to be a law, having the force of law, and it regulates the very matter, so far as I can now recollect, that the fourteenth section in this bill is intended to regulate. Are Senators not satisfied with the provisions in what is called the civil rights bill, or do they think that by reenacting the same matter it will acquire some validity? I heard of a client employing an attorney to bring a suit, who a few days afterward returned and asked if the suit was brought. He was told that it was, and then he handed out some more money as a retaining fee and said he wanted the man sued harder. [Laughter.] If it is necessary for Congress to legislate harder than it has already done in what was called the civil rights bill, perhaps this section is necessary. The same matters are found in the civil rights bill substantially that are found in this section. I think the whole section might be stricken out.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Pennsylvania.

The amendment was rejected.

Mr. HENDRICKS. As a matter of form, for I know it will not be adopted as the amendment just proposed was not, I move to strike out the fourteenth section.

The Secretary read the section, as follows:

Sec. [8] 14. And be it further enacted, That in every State or district where the ordinary course of judicial

proceedings has been interrupted by the rebellion, and until the same shall be fully restored, and in every State or district whose constitutional relations to the Government have been practically discontinued by the rebellion, and until such State shall have been restored in such relations, and shall be duly represented in the Congress of the United States, the right to make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold, and convey real and personal property, and to have full and equal benefit of all laws and proceedings concerning personal liberty, personal security, and the acquisition, enjoyment, and disposition of estate, real and personal, including the constitutional right to bear arms, shall be secured to and enjoyed by all the citizens of such State or district without respect to race or color or previous condition of slavery. And whenever in either of said States or districts the ordinary course of judicial proceedings has been interrupted by the rebellion, and until the same shall be fully restored, and until such State shall have been restored in its constitutional relations to the Government, and shall be duly represented in the Congress of the United States, the President shall, through the Commissioner and the officers of the bureau and under such rules and regulations as the President, through the Secretary of War, shall prescribe, extend military protection and have military jurisdiction over all cases and questions concerning the free enjoyment of such immunities and rights, and no penalty or punishment for any violation of law shall be imposed or permitted because of race or color, or previous condition of slavery, other or greater than the penalty or punishment to which white persons may be liable by law for the like offense. But the jurisdiction conferred by this section upon the officers of the bureau shall not exist in any State where the ordinary course of judicial proceedings has not been interrupted by the rebellion, and shall cease in every State when the courts of the State and the United States are not disturbed in the peaceful course of justice, and after such State shall be fully restored in its constitutional relations to the Government, and shall be duly represented in the Congress of the United States.

The amendment was rejected.

Mr. HENDRICKS. In the best faith possible I wish to assist the Senator from Massachusetts in perfecting this bill as nearly as possible, and in that spirit I move to strike out all after the word "President" in the ninth line of the third section down to and including the word "bureau" in line fourteen. The words which I propose to strike out are:

And the Commissioner shall, under the direction of the President, and so far as the same shall be, in his judgment, necessary for the efficient and economical administration of the affairs of the bureau, appoint such agents, clerks, and assistants as may be required for the proper conduct of the bureau.

I was willing, under the leadership of the Senator from Maine, the other day, to give to the Secretary of the Treasury a good deal of discretion; but in that bill we limited the Secretary to \$160,000, and said that in the use of that much money he should have a discretion, but on that question the Senator from Massachusetts, I think, and the Senator from Illinois were very earnest in their arguments to show that such discretion ought not to be given, but that when an office was to be created it ought to be done by law, and when a salary was to be paid it ought to be paid according to law. Even my confidence, following the distinguished chairman of the Finance Committee, was somewhat shaken by the earnest and able arguments of the two Senators to whom I have referred. Now, if they were unwilling upon principle—and they said they stood upon principle altogether, and not at all upon personal prejudice or jealousy of the Secretary—if upon principle they were unwilling to give that discretion to the Secretary of the Treasury in the payment of clerks already provided for by law, under a limitation as to the amount, how is it that these distinguished Senators can give to the Commissioner of the Freedmen's Bureau an unlimited and unrestricted discretion and power in the appointment of officers? Where is the limit? He may, in his own discretion, appoint such agents and clerks as he shall think the necessities of the bureau may require. Shall he appoint one or ten thousand? That depends upon his discretion; and here distinctly it is proposed to give, not even to a Secretary, but to the head of a bureau, the power to increase the office holders of the country without limit or restriction. I have thought it to be my duty to call the attention of Senators to the question of principle that I consider involved in this proposition.

Mr. TRUMBULL. It is very manifest that

the Senator from Indiana supposes something is to be made in the country by these various motions which he makes. He made one a moment ago to strike out one of the sections of this bill, and he made a little speech upon it. He did not make the motion with any expectation that it would be adopted, not he. But what was his expectation? Was it possible that he thought somebody might be misled by that little speech that he made, when he said that the civil rights bill covered that thing and he wanted to know why it was necessary to reenact it? Is it possible that he supposes any one is to be misled now by the speech he has made about conferring these extraordinary powers upon the head of a bureau? Why, Mr. President, this is very unlike the proposition that was up the other day, which I opposed and which the Senator from Indiana voted for. It is very easy to show to any one who wants to see it the necessity for the fourteenth section of this bill. The civil rights bill is a bill to have operation in regions of country where the civil tribunals are established, where the rebellion is crushed, where the writ of *habeas corpus* is authorized, where martial law does not exist; but the Freedmen's Bureau is a part of the military establishment of the country; it is to have effect where the courts cannot operate, and this military tribunal, a part of the military establishment of the country, is for the purpose of preserving order, rendering justice, protecting the rights of person and property in those regions of country, like Virginia and Alabama, where the civil authority is not restored; where the President of the United States allows a man to qualify for office or not, as in his judgment and discretion he thinks proper; where he prohibits one officer to act as judge of probate in Mobile and another to act as an officer in Norfolk. He would not do that in the State of Indiana, where the Senator resides. He does not pretend to exercise any such authority there. Hence the necessity for the fourteenth section of this bill conferring judicial authority upon this portion of the military establishment of the United States where the country is governed by the military power.

Now as to the Senator's other amendment. This provision does not authorize the head of this bureau to give whatever salary he pleases.

Mr. HENDRICKS. I did not say that.

Mr. TRUMBULL. I know the Senator did not; but the bill for which he voted the other day did authorize the Secretary of the Treasury to give whatever salary he pleased. The Secretary could, under the bill that the Senator supported and voted for, pay \$10,000 to a single individual. I opposed it because I would vest no such authority in the Secretary of the Treasury. I thought that it was a corrupting fund, not that he will use it that way, but it is a fund that may be used for corrupt purposes. I would not lead the Secretary of the Treasury into temptation; I would not corrupt the clerks by expectations of reward out of this fund placed in his hands and without limit.

But what is this proposition? This proposition is to employ certain clerks or agents at a salary of not less than \$500 nor more than \$1,200, limited expressly. But, says the Senator, the officer who is to employ these clerks may employ as many as he pleases. Not at all. He is limited by the President of the United States; it must be under his direction; and I know the Senator from Indiana has just as high a regard for the President of the United States as I have; at least, I trust he has. I believe he professes to have a regard for him, and he does not believe the President of the United States would abuse this authority; so that you have a guarantee here in an officer higher and above a Secretary. The Commissioner can employ nobody except it is done under the direction of the President, who shares the confidence of the Senator from Indiana. Therefore, I think he cannot apprehend that there will be any abuse under this provision of the bill. The amount of salary is limited. Certainly the services of a clerk ought to be

worth as much as \$1,200, which is the maximum, if he is a faithful clerk.

Mr. HENDRICKS. On the amendment which I have suggested I have but a word or two more to say to the Senate. I was a little surprised that the Senator from Illinois, in resisting the amendment which I have now proposed, should go back to the discussion of the fourteenth section of the bill. That was before the Senate a few minutes ago, and the Senator did not feel it to be his duty to discuss it; but to meet the proposition to amend the third section he discusses the fourteenth. Now, I am not able to see the connection between the two sections. I am not able to see the relevancy between the two subjects, but it was agreeable to the Senator, and not disagreeable to me, that he should make that argument. The Senator says that the fourteenth section is intended for a condition of society bordering on that of war, when the courts cannot exercise their powers in any particular community, and that the civil rights bill was not intended for that condition of society. I thought the civil rights bill was better adapted to that state of society than to a state of society when the courts of the States are in full operation.

The Senator has discussed the confidence which he has, and which I ought to have, in the President of the United States. I hope the Senator has as much confidence as I; not less. For much of the policy of the President of the United States I have the greatest respect. In what is known as his "policy" I have entire confidence, and give it my cordial support; but why does the Senator repeat that which has so often been alluded to in the Senate, the fact that the President of the United States has exercised, to say the least of it, in my judgment, a doubtful power in refusing to Commander Semmes the right to hold a civil office in the city of Mobile? Is the Senator dissatisfied with the action of the President in that regard, that he brings it up so frequently in the Senate? It was certainly desirable that that person should not hold the office; and if the President could bring himself to believe that he had the power to say he should not, I am gratified that he should do so. But I think it very strange that Senators who for the last four or five years have exercised and apologized for the exercise of powers not defined or delegated in the law should now be so earnest in their demand that the President shall stand exactly upon the letter of the law. The purpose of the President, I presume, meets with the approval of the Senator. Then, if it was a doubtful power, that Senator, according to the course he has pursued for several years, the purpose being a good one, ought to seek an apology for it rather than to criticize it.

The question now is simply whether the Commissioner shall have the power to appoint as many clerks and agents as he pleases; and I did not think that the Senator was happy in meeting that particular point. He says that the salary is fixed. I say to the Senator that the salary is not fixed. The number is not defined, and the salary is not fixed. This bill provides that the clerks and agents shall not receive less than \$500 nor more than \$1,200; but if the Commissioner chooses, he may give to one man \$500 and to another man \$1,200 for doing the very same thing. The Senator says he could not vote for the proposition of the Senator from Maine the other day, because it gave the Secretary of the Treasury the power to pay one man more for the same service than another; he might give one man \$10,000 a year; but the amount in the aggregate was fixed in the bill. Here the number of officers and the salary are both left to the discretion of the Commissioner. I think that the proposition certainly will not receive the support of the Senator from Illinois.

Mr. WILSON. I take it we would all agree with the Senator from Indiana and fix the number of officers and define their pay if it was in our power to do so; but we do not know precisely the number of officers that will be needed

and we cannot tell the exact amount of their duties. In one State it will be much larger than in others. We have, therefore, been driven to the necessity of allowing the Commissioner, under the direction of the President, to appoint these officers, "so far as the same shall be, in his judgment, necessary for the efficient and economical administration of the affairs of the bureau." The object is to have as few employes as it is possible to get along with, and to pay them at the cheapest rate. We authorize them, in order to avoid the necessity of appointing new men, to detail men from the Army. We provide, also, that the clerks appointed shall have a salary of not less than \$500 nor more than \$1,200, and the persons to be appointed will receive a salary somewhere between those two sums. I think the provision of the bill as it now stands is imposed upon us by the very necessities of the case. Wherever we can define the number of officers and fix their salaries, I think it is our duty to do it; but I think we cannot do it here; and I hope, therefore, that the amendment will not be adopted.

Mr. FESSENDEN. This is a pretty extensive power provided for in this bill. The exercise of it is very large. As the Senator from Indiana observed, the number seems to be unlimited and the pay not fixed. Ordinarily, I should be very much averse to granting such a power; but inasmuch as two very distinguished Senators who have carefully examined the subject—the honorable Senator from Massachusetts and the honorable Senator from Illinois—and the committee of which the honorable Senator from Massachusetts is chairman who have thoroughly examined the subject, have come to the conclusion, and tell us as the result of their examination, from their acquaintance with the subject and their familiarity with it, that they are satisfied there is an absolute necessity for the purposes of the Government that it should be granted, and as I have not examined the question, and cannot pretend to be able to correct them, I shall yield my opinions to theirs, according to my usual custom. Notwithstanding that they would not attach the slightest consequence the other day to my assertion and the assertion of the Committee on Finance that they had thoroughly examined the subject then under consideration, and in their judgment there was no other mode in which the business could properly be done, I am disposed to carry out my own principle of action with regard to committees instead of following their example. [Laughter.]

The amendment was rejected.

Mr. HENDRICKS. I have one more amendment to suggest, and then as far as I am concerned the bill may abide its fate. I move to strike out all after the twenty-seventh line in the third section.

The Secretary read the words proposed to be stricken out, as follows:

And all persons appointed to service under this act and the act to which this is an amendment, shall be so far deemed in the military service of the United States as to be under the military jurisdiction and entitled to the military protection of the Government while in discharge of the duties of their office.

Mr. HENDRICKS. I make this motion because I do not think that this bureau will in fact be a part of the Army of the United States; it will not be organized as a part of the Army; nor will it have the duties to discharge which belong to the Army. In no proper sense, speaking the truth, is it a part of the military force of the country; and to say that it shall be regarded as a part of the Army under the military law is simply to force it into that position. It does not properly belong there. It is civil service, to superintend civil rights, to protect civil rights, as it is claimed by the authors of the bill, and to secure men in their personal privileges, and ought not in any sense to be connected with the Army, so far as the government of the persons connected with it is concerned. This is the objection that I have to these words.

Mr. WILSON. I hope the amendment will not be agreed to.

The amendment was rejected.

Mr. DOOLITTLE. If that clause is to stand, and they are to be regarded as in the military service for protection, they ought to be regarded as in the military service so as to be subject to the Rules and Articles of War, to be liable to be tried and punished for any irregularity or improper conduct. I suggest to the Senator from Massachusetts whether the clause ought not to be amended in that way. If they are to be in the military service for protection they ought to be in the military service for trial and punishment.

Mr. WILSON. I think that is covered by the language of the clause. They are certainly so considered. Some of them are now under arrest, and are to be tried by court-martial. The provision is this:

And all persons appointed to service under this act, and the act to which this is an amendment, shall be so far deemed in the military service of the United States as to be under the military jurisdiction, and entitled to the military protection of the Government while in the discharge of the duties of their office.

I think the words "under the military jurisdiction" subject them to trial by court-martial for any improper conduct; and that is the object, to have the persons who are thus appointed tried by court-martial for any misconduct.

Mr. DOOLITTLE. I think it would be safe to amend the clause. The language, "under the military jurisdiction and entitled to the military protection of the Government," would perhaps protect them, but not subject them to trial.

Mr. WILSON. "Shall be so far deemed in the military service of the United States as to be under the military jurisdiction." They are to be in the military service so as to be under military jurisdiction; to be under the control of the military authorities, and of course to be tried by court-martial; and then it provides that they shall be "entitled to the military protection of the Government." I think it is right.

The bill was reported to the Senate as amended, and the amendments were concurred in. It was ordered that the amendments be engrossed and the bill be read a third time. It was read the third time.

Mr. HENDRICKS. I think this is a very objectionable measure, and regret to see it pass; but I am well aware that any argument that could be made upon it, at this stage of its consideration, would not influence its fate, and therefore I do not propose to take up the time of the Senate in its discussion further than to say that in the very nature of the thing, an institution of this sort cannot bring good either to the white or to the colored race, in my judgment. I do not believe that any bureau can be a success which sends men into a community to govern a part of that community. There is no society in New England, there is no society in the Northwest, which can be governed well for the country under a system like this. I think during the last six months we have had so much information in regard to the practical operation of this bureau as to call upon men to hesitate before they continue its existence for two years longer. My information upon the subject is, and it is that upon which I rely, that this bureau has been a cause of evil and disturbance in the southern States, and has not secured to the colored people that blessing which is any compensation to the country for the enormous expense it is upon the national Treasury.

The bill was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. LLOYD, its Chief Clerk, announced that the House of Representatives had passed the following bills, in which it requested the concurrence of the Senate:

A bill (H. R. No. 609) to constitute Omaha

and Nebraska City, in the Territory of Nebraska, and St. Paul, in Minnesota, ports of delivery;

A bill (H. R. No. 611) to provide for making the town of Whitehall, New York, a port of delivery;

A bill (H. R. No. 726) to extend to certain persons the privilege of admission, in certain cases, to the United States Government Asylum for the Insane; and

A bill (H. R. No. 727) declaratory of an act entitled "An act authorizing the Secretary of the Treasury to issue registers to vessels in certain cases," approved February 10, 1866.

The message further announced that the House of Representatives had passed a bill (S. No. 313) to regulate the transportation of nitro-glycerine or glycin oil, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House of Representatives had agreed to the amendments of the Senate to the bill (H. R. No. 179) amendatory of the organic act of Washington Territory, and also to the bill (H. R. No. 145) granting land to A. M. Jess, of Josephine county, Oregon.

EXECUTIVE SESSION.

Mr. DOOLITTLE. I move that the Senate now proceed to the consideration of executive business.

Mr. WILSON. I hope not.

The motion was agreed to; and after some time spent in executive session the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, June 26, 1866.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. C. B. BOXTON.

The Journal of yesterday was read and approved.

ABUSE OF FRANKING PRIVILEGE.

Mr. ALLEY. I am directed by the Committee on the Post Office and Post Roads to submit a resolution, together with a communication I have received from the Postmaster General. I hope there will be no objection to the introduction of the resolution at this time.

The Clerk read the resolution, as follows:

Resolved, That the Committee on the Post Office and Post Roads be directed to inquire if any further legislation is necessary to prevent frauds on the franking privilege, and to prevent abuses of the same, and report by bill or otherwise.

There was no objection.

Mr. ALLEY. I want the House to understand this matter. I ask that the Clerk read the communication of the Postmaster General showing abuses in the franking privilege.

The Clerk read as follows:

POST OFFICE DEPARTMENT,
WASHINGTON, June 14, 1866.

Sir: Complaints have been frequently made to this Department of frauds upon its revenues by the illegal use of the franks of members of Congress by claim agents and other persons in this city, to which the attention of Senators and Representatives, whose names have been so used, has been called. This abuse of the franking privilege has become a serious evil, lessening considerably the postal revenues and bringing reproach upon the Department.

The Postmaster General is powerless to arrest the evil while members of Congress permit their clerks or other persons to write their names upon envelopes and use or permit the use of *fac-simile* stamps, neither of which has the sanction of law.

I transmit herewith for the information of yourself and committee, and for such use as you may think proper to make of them, copies of two letters recently received at this Department from reliable parties, and copies of statements made by two claim agents to an officer of the Department, showing the manner in which they procured and used the franks of members in their business.

I should regard the repeal of all laws authorizing such privilege as most healthy legislation, in harmony with the principle on which the Post Office Department is organized, and promotive of good morals.

I am, very respectfully, your most obedient servant,

W. DENNISON,
Postmaster General.

Hon. J. B. ALLEY, Chairman Committee on the Post Office and Post Roads, House of Representatives.

OFFICE OF THE SCIENTIFIC AMERICAN,
No. 37 PARK ROW, NEW YORK CITY, June 2, 1866.
DEAR SIR: We inclose herewith a letter just received from Milton Bradley, a reliable party residing in Springfield, Massachusetts.

We think the abuse of the franking privilege complained of is now carried on to an extent greatly detrimental to the postal revenue.

Not long since we received a letter from a party doing business in Connecticut which was inclosed in an envelope franked by an M. C.

Messrs. Holloway & Co. are doing business in Washington as patent agents, and have no more right to conduct their business through the mails free of expense than ourselves.

During the months of April and May we purchased over \$600 worth of postage stamps at the New York post office, and if we could be allowed to secure the frank of an M. C. it would afford us great advantages.

We consider it to be our duty to call your attention to the subject.

Your obedient servants,
MUNN & CO.
Hon. WILLIAM DENNISON, Postmaster General.

SPRINGFIELD, MASSACHUSETTS, May 31.

GENTLEMEN: Having received three business circulars from D. P. Holloway & Co., under the frank of —, M. C., I have been incited to send the inclosed communication to your paper. It seems to me a downright swindle that such things should be allowed. It would be a very pretty arrangement for every business firm in Washington to have the name of some M. C. printed on their envelopes, as it would pay pretty well for printing.

If you see fit to publish my communication, and wish to say anything different in the same strain, do so; I will swear to it.

Yours, &c.,
MILTON BRADLEY.
Messrs. MUNN & Co.

MILWAUKEE, WISCONSIN, POST OFFICE,
March 31, 1866.

Sir: The inclosed circulars or handbills of Storrs & Ellis, under the frank of —, M. C., have been sent me by the route agent. Is this properly sent? Does it come under the provisions of the law for franking privilege?

They have been sent to all postmasters in Wisconsin and Minnesota, some sealed and some unsealed.

Yours respectfully,
P. VAN VECHTEN, Jr.,
Special Agent Post Office Department.
To Hon. WILLIAM DENNISON,
Postmaster General, Washington, D. C.

POST OFFICE,

CHICAGO, ILLINOIS, March 31, 1866.

DEAR SIR: Herewith I inclose an envelope and contents, which seems to me to be not entitled to be sent under a frank, but which is but one of thousands that are passing in the mails. This one happened to be unsealed and disclosed its contents, but the others are closely sealed.

Very respectfully, yours, &c.,
H. PARK,
Special Agent Post Office Department.
GEORGE WILLIAM MCLELLAN, Second Assistant Postmaster General, Washington, D. C.

Cordial Storrs says the envelopes inclosing the business card of Storrs & Ellis, sent out by mail from their office under the frank of Hon. —, United States Senator, were franked by Miss —, a niece of the Senator, by his direction. That he (Storrs) called upon the Senator and asked if he would frank a package of these envelopes for him, to which he assented and directed Miss — to do it. The name was written on each envelope by her and returned to him (Storrs).

He has sent out not exceeding two hundred letters thus franked by Senator —, and has never asked any other Senator or member of Congress for their franks, and has never used any other than those above mentioned.

Dated April 9, 1866.
Sworn and subscribed this 9th day of April, 1866, before me,
JAMES LAURENSEN,
Justice Peace.

George E. Lemon states that the envelopes purporting to be franked by Hon. —, in which his business cards and circulars have been sent through the mails, were procured by him from John H. Alston, a clerk in the Interior Department. He had them in his possession and gave them to him (Lemon) to cover correspondence with his (Alston's) friends. Lemon does not know how he came by them, but supposes he procured them from Mr. —.

He has also sent out letters by mail containing his business cards and circulars under the franks of Hon. —, of Pennsylvania, Hon. —, of Ohio, Hon. —, and Hon. —, of New York. He did not procure these franks from the members themselves but from third parties, whose names he does not now feel at liberty to disclose, but is perfectly willing to do so to the above-named gentlemen.

He has also used the franks of a good many other members of Congress, which he has procured from themselves and not from third parties.

Signed,
G. E. LEMON.
In presence of St. JOHN B. L. SKINNER.
April 9, 1866.

POST OFFICE, HOUSE OF REPRESENTATIVES,
WASHINGTON, April 3, 1866.

DEAR SIR: Inclosed please find two letters bearing the frank of Hon. —.

Mr. — says the franks are forged, and he has no knowledge of the parties to whom the letters are addressed.

Respectfully, yours,
L. S. MORTON,
Assistant Postmaster.

S. J. BOWEN.

DANVERSPORT POST OFFICE, MASSACHUSETTS,
June 9, 1866.

The inclosed envelope, containing three circulars of the kind now inclosed, came in this morning's mail from Boston. It being directed "Postmaster," I supposed it on official business; but discovering that it was not, I laid it aside to proceed in opening the mail, and thus lost a portion of the envelope. On again examining the inclosure and envelope, which bears no official stamp, I felt convinced that the package had passed through the mail by fraud; and that the name, —, M. C., was probably forged.

I take the liberty to make this communication to the Post Office Department.

Very respectfully,
DAVID MEAD,
Postmaster.

POST OFFICE, MYSTIC BRIDGE,
COUNTY OF NEW LONDON, CONNECTICUT,
June 12, 1866.

Sir: Inclosed I send a document I received this day. Please do me the honor to inform me if the Department allows such papers to be sent free of postage.

Sir, trusting that I am not asking too great a favor, I have the honor to remain truly your obedient servant,

J. A. RATHBURN,
Postmaster.

POSTMASTER GENERAL, Washington, D. C.

The resolution was adopted.

PRINTING TARIFF LAW.

Mr. O'NEILL, by unanimous consent, submitted the following resolution; which, under the law, was referred to the Committee on Printing:

Resolved, That there be printed for the use of this House five hundred copies of the existing tariff act.

PACIFIC RAILROAD.

Mr. PRICE, by unanimous consent, reported back Senate bill No. 20, granting lands to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast, with amendments; which were ordered to be printed and recommitted.

Mr. BEAMAN moved to reconsider the vote by which the bill and amendments were recommitted; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

On motion of Mr. MOULTON, leave of absence was granted to Mr. BAKER on account of illness.

DORENCE ATWATER.

Mr. SCHENCK. Mr. Speaker, a resolution was passed yesterday referring to the Committee on Military Affairs an investigation into the conduct of certain officers of the War Department in the case of Dorence Atwater, and also two memorials on the same subject. I desire, after conference with my committee this morning, to say that the Committee on Military Affairs, from the pressure of unfinished business yet upon their docket, will be unable to give attention to a case of this kind, where witnesses must be examined and a somewhat extended investigation entered on. I ask, therefore, at the request of the Committee on Military Affairs, that committee be discharged from the further consideration of the resolution, as well as of the two memorials; that a select committee of five be appointed to investigate and report on this subject, suggesting as a very proper chairman of that committee the gentleman from New York [Mr. HALE] not now present, who introduced the subject to the attention of the House.

There was no objection, and it was ordered accordingly.

The SPEAKER subsequently announced the appointment of the following named gentlemen to constitute the select committee: Mr. ROBERT S. HALE of New York, Mr. FREDERICK E. WOODBRIDGE of Vermont, Mr. ANTHONY THORNTON of Illinois, Mr. HALBERT E. PAINE of Wisconsin, and Mr. JOHN W. LONGYEAR of Michigan.

PAYMENT OF TROOPS.

Mr. BINGHAM, from the Committee on

Military Affairs, reported a bill to provide for the payment of the sixth, eighth, and eleventh regiments of Ohio volunteer militia, of Cincinnati, &c.; which was read a first and second time.

Mr. KASSON. Were these men mustered into the United States service?

Mr. BINGHAM. Yes, sir. The payment is limited to thirty-one days.

Mr. KASSON. May we not violate the precedent?

Mr. BINGHAM. There is no violation of precedents. I demand the previous question.

Mr. ELDRIDGE. What special circumstances demand this special legislation?

Mr. BINGHAM. Simply because of the ruling of the Department that they are not within the provisions of existing law.

Mr. ELDRIDGE. Are there no other cases like this?

Mr. BINGHAM. Let the report be read.

The report was accordingly read.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. BINGHAM. I now demand the previous question on the passage of the bill.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was passed.

Mr. BINGHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

THIRTY-SEVENTH IOWA VOLUNTEERS.

Mr. ALLISON. I wish to call up the motion to reconsider the vote by which House bill No. 18, for the relief of the thirty-seventh regiment Iowa volunteer infantry, reported adversely by the Committee on Military Affairs, was laid upon the table.

Mr. Speaker, this bill proposes to pay the thirty-seventh regiment of Iowa volunteers the same bounty that has been paid to the other soldiers serving in the United States Army. It is an exceptional case, being a regiment of men enlisted in the Army over forty-five years of age. The Governor of the State of Iowa offered this regiment to the Secretary of War on the 25th of August, 1862, and it was accepted. By an order of that date it was mustered into the service of the United States in December, 1862, and continued in the service until the end of the rebellion. After it was mustered into the service a portion of the regiment received bounty, but afterward, by the ruling of the Secretary of War, bounty was refused to the members of the regiment, and at its muster-out those who had received the bounty were compelled to refund it. The Committee on Military Affairs have made an adverse report upon this claim upon the ground that there was no law authorizing bounty to be paid to this regiment, which perhaps is true. Yet I think a liberal construction of the bounty law would give bounty to that regiment as well as to other soldiers mustered into the United States service. But, however that may be, this, I believe, is the only regiment that was mustered into the service for three years that has not received the \$100 bounty granted to the soldiers of the United States.

Now, I appeal to the members of this House to grant to this regiment of men who enlisted in the Army of the United States in the dark hour of the history of this country, in 1862, and who continued to perform faithful service up to the close of the rebellion, the same bounty that has been given to other soldiers of the United States. They continued in the service, discharging the duties that would necessarily have been discharged by other soldiers if these had not enlisted. I think they are, from the nature of their services and the time in the service, entitled to the bounty proposed by this bill. They served from the 13th of December, 1862,

till May, 1865, a period of two years and five months.

Mr. WILSON, of Iowa. Will my colleague yield?

Mr. ALLISON. Certainly.

Mr. WILSON, of Iowa. I wish to add something to the statements made by my colleague. In 1863, after this regiment had been mustered into the service, it was discovered that it was not the intention of the Department to allow bounty to its members. An amendment was made to a Senate bill, upon the motion of one of the Senators from Iowa, providing for the payment of this bounty. That bill came to this House, and was referred to the Committee on Military Affairs. The subject was placed in the hands of Mr. Odell, of New York, then a member of the committee, for investigation. He afterward told me that he had applied to the War Department to know what the intention of the Department was in relation to the bounty of this regiment, when he was informed that it was intended to treat the thirty-seventh Iowa infantry precisely the same as other regiments were treated. Not being satisfied with that, I made a personal application to the Secretary of War to know whether the information I had received from Mr. Odell was correct, when the Secretary informed me that no difference whatever would be made in relation to the pay of that regiment, either as regarded regular pay or bounty. Upon that the Committee on Military Affairs declined to recommend any further action, believing it to be entirely unnecessary.

Now, sir, the order or dispatch from the War Department accepting this regiment, I have in my hand, and it reads as follows:

WAR DEPARTMENT,

WASHINGTON CITY, August 11, 1862.

Sir: In reply to yours of 4th instant, proposing to raise a regiment of men of forty-five years of age, but "active and vigorous," for garrison duty, I am directed to say that such a regiment will be accepted.

By order of the Secretary of War:

C. P. BUCKINGHAM,

Brigadier General and A. A. G.

HIS EXCELLENCY SAMUEL J. KIRKWOOD,

Governor of Iowa, Davenport.

Under that order the regiment was raised. It was ordered into camp on October 10, 1862. It was mustered into the service on the 15th of December, 1862. It remained in the service until the 24th day of May, 1865, being a period of two years and five months and some days. I have here a statement of the service performed by this regiment; and let it be remembered that it was agreed that the regiment should be received for the performance of garrison duty alone. That was the order issued to the Governor of Iowa accepting the service of the regiment.

Now, as I have stated, on the 15th December, 1862, the regiment was mustered into the service of the United States by Captain H. B. Hendershott. On the 29th of the same month they left Camp Strong for St. Louis, Missouri, where on the 5th January, 1863, the regiment was placed on duty guarding military prisons, provost duty, and escorting troops to the front. They served at St. Louis, Missouri, till the last of May; on the Pacific railroad, in Missouri, guarding the same, from the last of May to the last of July, 1863; at Alton, Illinois, guarding the Alton military prison, from the last of July, 1863, to the 18th January, 1864; at Rock Island, Illinois, guarding the military prison there, from the 22d January to the 5th June, 1864; at Memphis, Tennessee, on picket duty, from the 9th June to the 27th August, 1864. From Memphis, Tennessee, the regiment was ordered to Indianapolis, where it remained a short time, when five companies were ordered to Cincinnati, Ohio, under command of Colonel Kincaid; three companies to Columbus, Ohio, under command of Lieutenant Colonel West; and two companies to Gallipolis, Ohio, under command of Major Allen. The duty performed by Colonel Kincaid's command at Cincinnati was guarding Lytle & Kelton's transportation barracks, guarding Government store-houses, and provost and transportation duty. The duty per-

formed by Lieutenant Colonel West's command was guarding Camp Chase and escorting troops and prisoners to the front. The duty performed by Major Allen's command was guarding Government stores, scouting, and transportation. The regiment continued on duty as above stated until May 13, 1865, when the commands of Lieutenant Colonel West and Major Allen were ordered to join that of Colonel Kincaid at Cincinnati, Ohio, and on the 20th the regiment left Cincinnati, Ohio, en route to Davenport, Iowa, where on the 24th May, 1865, it was mustered out of service, in accordance with orders from the War Department, dated May 13, 1865.

Now, before the regiment was mustered out a part of the men had been honorably discharged, and those thus honorably discharged received bounty. But nearly all, if not all, of them had received twenty-five dollars of bounty when the regiment was originally mustered in, and when the regiment was mustered out as a regiment all those who had received twenty-five dollars only had it deducted from their pay, although the Secretary of War had at one time given assurances that the regiment would be treated just as other regiments raised at the same time. Now, if it had been understood at the time that the regiment was not to receive bounty for performing garrison duty, yet after the Government used them for purposes and different services, they are just as much entitled to bounty as the members of any other regiment. And let it be remembered that we have already provided bounties for regiments not strictly provided for by law, for all the colored troops and all the white troops but this regiment, which stands alone in the refusal of bounty.

Now, all we ask is that this regiment shall be placed upon an equal footing with other regiments. They served as well as other regiments and discharged their duties faithfully, and I hope the motion to reconsider will prevail and that the bill will be passed. I introduced this bill early in the session, and had hoped for favorable action on it soon after its introduction. I trust it will not be delayed longer, but that justice will now be done to these patriotic men.

Mr. ALLISON. I will now call the previous question unless some gentleman desires to speak upon the bill.

Mr. SCHENCK. I desire to explain why the Committee on Military Affairs reported as they did.

Mr. ALLISON. I will withdraw the call for the previous question.

Mr. SCHENCK. Mr. Speaker, everybody knows the patriotism of Iowa as a State, and the patriotic course of her citizens, to say nothing of the patriotic gentlemen here who so ably represent her on this floor. But the Committee on Military Affairs felt constrained to report adversely upon the bill referred to them, to pay this thirty-seventh Iowa volunteer regiment their bounty, simply upon the ground of the information derived by correspondence with the War Department as to the terms under which the enlistment of these men was offered. It is true that reporting as we did, the thirty-seventh Iowa would not receive the \$100 bounty given at that time to those who enlisted. It is equally true, however, that they were taken into the service with the understanding that they were not to receive that \$100 bounty. In this respect they are in precisely the same condition with various other troops who have served their country and served their country well. And to go no further for an illustration, I will take the hundred days' men, some thirty-eight thousand of whom came from my own State, and as many more in the aggregate from other States of this Union, and who were supplied to the Government and mustered into service in a time of great emergency, thus enabling General Grant to carry on his campaign of 1864, and which without them would perhaps have been a failure.

There is, however, a bill which has passed this House and gone to the Senate for concur-

rence, which I trust it will obtain, equalizing the bounties of all soldiers who have actually rendered service to the Government. That bill proposes that every soldier, sailor, or marine who has actually performed such service, shall receive bounty at the rate of eight and one third dollars per month for the time they were actually employed during the period embraced between the commencement and the cessation of hostilities, covering a period of four years. That bill, if it shall pass, will embrace these Iowa troops; it will also take in the hundred days' men, and it will also take in as well those who were employed under peculiar circumstances, agreeing with the authorities and for themselves that they would not demand bounty, as those to whom bounty has been secured by existing law.

Mr. WILSON, of Iowa. Will the gentleman from Ohio [Mr. SCHENCK] yield to me for a moment?

Mr. SCHENCK. Certainly.

Mr. WILSON, of Iowa. I merely wish to have justice done the members of this Iowa regiment. The gentleman says the members of this regiment agreed that they would not ask for bounties. Now, a part of this regiment, a considerable portion of it, was raised in my district; and I know that the uniform representation which was made by those who were recruiting was that the men would receive bounties. That was the impression and belief of the men when they enlisted in this regiment.

Mr. SCHENCK. I have no desire to go at any length into the correspondence in relation to this subject. I will, however, read a clause in the first communication made upon this subject. The decision made on the 5th of February, 1866, communicated from the War Department, after stating that this regiment was recruited for light or garrison duty only, and that the regiment thus authorized for a special service and in accordance with the regulations of the Department, was not to receive bounty allowance, the Adjutant General goes on to state:

"This was fully understood by the State authorities of Iowa, and was made known to the men enlisting in the organization, under telegram dated October 10, 1862, a copy of which was furnished the United States mustering officer at Davenport, as follows."

And then follows a copy of the telegram, stating that the men were to be mustered in on that condition, which telegram the mustering officer held at the time the men were mustered in.

Now, whether there has been any deception practiced or not I have nothing to say. We have only this authority from the War Department. What I was going on to say was that no injustice was intended to be done to these men. And unless the men of this regiment prefer the \$100 bounty to what they would receive from the operation of the equalization bounty bill, it seems to me it would be just as well to leave them where we left the hundred days' men, amounting to some sixty-odd thousand in number of the eighty-five thousand who were enlisted, and others who entered the service for short periods of time, and who have thus far received no bounty, but depend upon the general equalization bounty bill to get bounties for the time they served.

Now, under that general bill, if this "greybeard" regiment served for two years, they will receive \$200 instead of the \$100 the bill under consideration would give them. Those who were honorably mustered out of the service at any earlier period, after serving two, five, ten, or more months, will receive bounty at the rate of eight and one third dollars for each month of their service. They will thus all be provided for under the general bounty bill. It was the consideration, in the first place, that they fell within the category of great numbers for whom no bounties are provided by law, and the most of whom have not come forward, as these men have, to claim bounty, including all the hundred days' men; and in the second place, the consideration that though they do not claim it and could not receive it under any existing law, they would all get it *pro rata* under the equalization scheme; it was

these considerations that induced the Committee on Military Affairs to report as they did in this case.

Now, I do not wish to be considered as opposing any sense of justice of the House which may induce them to vote this bounty to this "greybeard" regiment. I only desire to put the House in possession of the facts which led the committee to come to the conclusion they did; and also to put them in possession of the general fact, or rather to remind them of it, that if the equalization bounty bill shall become a law, they will all get bounty.

Mr. SPALDING. I desire to inquire if the members of this regiment, to whom it is proposed to give this bounty, will be embraced within the provisions of the equalizing bounty bill which has gone to the Senate. If so, then what reason is there for passing this special bill providing for this Iowa regiment, when they will come in under that general bill?

Mr. ALLISON. I will answer that question by saying, in the first place, that the bill equalizing bounties has not yet passed the Senate.

Mr. SPALDING. It will pass.

Mr. ALLISON. In the next place, these men were mustered into the service of the United States for three years or during the war; and they performed faithful service for two years and five months under the order of the War Department without reference to the terms of the order mustering them into service. And they are entitled to the same bounty that has been paid to other faithful soldiers of the Republic.

Mr. SPALDING. Has this bill passed the Senate?

Mr. ALLISON. It has not.

Mr. SPALDING. Then that argument fails.

Mr. ALLISON. If the general bounty bill fails there is no reason why these men, who have served in the Army for two years and five months, should not have the same bounty that has been paid to the soldiers. That is the reason why we propose the passage of this bill now. As my colleague [Mr. WILSON] has stated, we have already granted bounty to the colored soldiers of the Republic, and to every soldier who has served in the Army more than two years, except this thirty-seventh regiment of Iowa volunteers. Now, I ask upon what ground can we make an exception against these men, when, although mustered into service for garrison duty only, they were subject to the orders of the War Department, and were actually required to go into the field, and did serve in the field, filling the places of those who had been ordered East for the purpose of reinforcing the army of General Grant. It seems to me that there can be no objection to paying these bounties to these men. And now I will call the previous question upon this bill.

Mr. SPALDING. I hope this bill will be postponed until the first Monday of December next, and then, if the general bill is not passed, we can pass this bill.

Mr. ALLISON. This bill can do no harm. Two years ago the bill passed the Senate of the United States to pay bounty to these soldiers, and it only failed to become the law because the Secretary of War said he could under existing law pay these soldiers the same bounty as other soldiers who had been mustered into the service for the same period of time. I demand the previous question on the motion to reconsider.

The previous question was seconded and the main question ordered; and under the operation thereof the vote by which the bill was laid upon the table was reconsidered.

Mr. ALLISON demanded the previous question on the bill.

The previous question was seconded and the main question ordered.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. ALLISON demanded the previous question on the passage of the bill.

The previous question was seconded and the main question ordered.

Mr. SPALDING demanded the yeas and nays.

The House divided; and there were—yeas fifteen.

Mr. SPALDING demanded tellers on the yeas and nays.

Tellers were ordered; and Messrs. SPALDING and ALLISON were appointed.

The House again divided; and the tellers reported—yeas twenty-four; more than one fifth of those present.

So the yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 80, nays 81, not voting 71; as follows:

YEAS—Messrs. Alley, Allison, Ames, Anderson, Banks, Barker, Beaman, Benjamin, Bidwell, Bingham, Blow, Boutwell, Bromwell, Broomall, Buckland, Cobb, Coffroth, Cullom, Davis, Dawes, Deming, Dixon, Dodge, Donnelly, Driggs, Eckley, Eggleston, Eliot, Farquhar, Grinnell, Hale, Hayes, Henderson, Higby, Holmes, Hotchkiss, Chester D. Hubbard, Thomas Hubbard, Ingersoll, Julian, Kasson, Kelley, Kelso, Kuykendall, George V. Lawrence, William Lawrence, Loan, Longyear, Marvin, McClurg, McKee, McKuer, Mercur, Miller, Moorhead, Morrill, Morris, Moulton, Myers, O'Neill, Paine, Patterson, Perham, Price, William H. Randall, Alexander H. Rice, John H. Rice, Sawyer, Stevens, Stilwell, Thayer, John L. Thomas, Trowbridge, Upson, Burt Van Horn, William B. Washburn, Welton, Whaley, James F. Wilson, and Woodbridge—80.

NAYS—Messrs. Ancona, Bergen, Boyer, Dawson, Denison, Dumont, Eldridge, Finck, Glossbrenner, Goodyear, Grider, Aaron Harding, Le Blond, Marshall, Marston, Niblack, Nicholson, Radford, Samuel J. Randall, Ritter, Rollins, Ross, Schenck, Scofield, Sitgreaves, Spalding, Taylor, Francis Thomas, Thornton, Trimble, and Winfield—81.

NOT VOTING—Messrs. Delos R. Ashley, James M. Ashley, Baker, Baldwin, Baxter, Blaine, Brandegee, Bundy, Chanler, Reader W. Clarke, Sidney Clarke, Conkling, Cook, Culver, Darling, DeForest, Delano, Farnsworth, Perry, Garfield, Griswold, Abner C. Harding, Harris, Hart, Hill, Hogan, Hooper, Asahel W. Hubbard, John H. Hubbard, Edwin N. Hubbell, James R. Hubbell, Hulburd, Humphrey, Jenckes, Johnson, Jones, Kerr, Ketcham, Latham, Lynch, McCullough, McIndoe, Newell, Nocli, Orth, Phelps, Pike, Plants, Pomeroy, Raymond, Rogers, Rousseau, Shanklin, Shellabarger, Sloan, Smith, Starr, Strouse, Taber, Van Arman, Robert T. Van Horn, Ward, Warner, Elihu B. Washburne, Henry D. Washburn, Wentworth, Williams, Stephen F. Wilson, Windom, and Wright—71.

So the bill was passed.

Mr. ALLISON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

SALT LAKE AND COLUMBIA RIVER RAILROAD.

Mr. HENDERSON. I ask unanimous consent that the Committee on the Pacific Railroad be discharged from the further consideration of Senate bill No. 336, granting lands to aid in the construction of a railroad and telegraph line from Salt Lake City to the Columbia river, and that the same be referred to the Committee on Public Lands.

There was no objection, and it was ordered accordingly.

Mr. SPALDING moved to reconsider the vote by which the bill was referred to the Committee on Public Lands; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

INSANE ASYLUM.

Mr. ANCONA, by unanimous consent, from the Committee on Military Affairs, presented a bill to extend to certain persons the privilege of admission, in certain cases, to the United States Government Asylum for the Insane; which was read a first and second time.

The bill was read. It provides that civilians employed in the United States quartermaster and subsistence departments who may have become or may hereafter become insane in such employment, shall be admitted the same as persons belonging to the Army and Navy to the benefits of the asylum for the insane in the District of Columbia. The following classes are to be admitted to the asylum under the order of the Secretary of War: 1. Men who while in the service of the United States Army and Navy have been admitted into the said asylum, and have been thereafter discharged therefrom on the supposition that they had recovered their reason, and have within three years become again insane and have no adequate means of support. 2. Indigent insane

persons who have been in the same service and have been discharged on account of insanity. 3. Indigent insane who have become such within three years after discharge from such service from causes which arose during and were produced by said service.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. ANCONA moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

AMBROSE L. GOODRICH AND NATHAN CORNISH.

Mr. FARQUHAR, from the committee of conference on the disagreeing votes of the two Houses, on the amendments to House joint resolution for the relief of Ambrose L. Goodrich and Nathan Cornish, submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments to House resolution 77, entitled "Joint resolution for the relief of Ambrose L. Goodrich and Nathan Cornish, for carrying the United States mail from Boise City to Idaho City, in the Territory of Idaho," having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from that part of their first amendment which provides "that the amount to be allowed shall not exceed \$20,000," and that said amendment be so modified as to read, "Provided, That the amount to be allowed shall not exceed \$10,000."

That the House concur in the Senate amendments as modified.

JOHN CONNESS,

L. M. MORRILL,

C. R. BUCKALEW,

Managers on the part of the Senate.

JOHN H. FARQUHAR,

D. C. MCUEER,

W. B. FINCK,

Managers on the part of the House.

The report was agreed to.

Mr. FARQUHAR moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

TARIFF BILL.

Mr. LAFLIN, from the Committee on Printing, reported the following resolution; which was read, considered, and agreed to:

Resolved, That there be printed for the use of this House one thousand extra copies of the tariff bill lately reported.

Mr. LAFLIN, from the same committee, also reported the following resolution; which was read, considered, and agreed to:

Resolved, That there be printed for the use of this House, five hundred copies of the existing tariff act.

NITRO-GLYCERINE.

Mr. ELIOT called for the regular order of business.

The House accordingly proceeded to the consideration of the regular order of business during the morning hour, being the calling of committees for reports, commencing with the Committee on Commerce.

Mr. ELIOT, from the Committee on Commerce, reported back with amendments Senate bill No. 313, to regulate the transportation of nitro-glycerine or glynoil oil.

The amendments reported by the committee, mostly of a verbal character, were agreed to.

The bill, as amended, was ordered to be read a third time; and it was accordingly read the third time and passed.

Mr. ELIOT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, informed the House that the Senate had passed an act (S. No. 353) for the relief of the trustees and stewards of the mission church of the Wyandotte Indians, in which he was directed to ask the concurrence of the House.

Also, that the Senate had passed an act to reduce internal taxation and to amend an act entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," approved June 30, 1864, and acts amendatory thereof, with amendments, in which the concurrence of the House was requested.

ISSUE OF REGISTERS TO VESSELS.

Mr. ELIOT, from the Committee on Commerce, reported a bill declaratory of an act entitled "An act authorizing the Secretary of the Treasury to issue registers to vessels in certain cases," approved February 10, 1866; which was read a first and second time.

The bill provides that the act approved February 10, 1866, entitled "An act further to regulate the registering of vessels," shall not be deemed or construed to affect in the least the operation of the act approved December 23, 1852, entitled "An act authorizing the Secretary of the Treasury to issue registers to vessels in certain cases," but that the same shall be in full force and effect, anything in the act first aforesaid to the contrary notwithstanding.

Mr. SCOTFIELD. If the gentleman from Massachusetts is going to explain the bill I have nothing to say. I only wanted to know how he expects that it will change the existing law. It does not appear from the bill itself.

Mr. ELIOT. I will state that some years ago there was a law passed which authorized, in case a foreign-built vessel was wrecked upon our shores and was purchased by an American owner and an expense equal to three times the consideration money was put upon the vessel, the registry of that vessel as an American bottom. On the 10th of February, 1866, this Congress passed an act requiring that where vessels had changed ownership during the rebellion, which had been American and had been placed under foreign protection, those vessels being repurchased by the American owners should not be entitled to American registers except by act of Congress. In point of fact, such was the law before, as I believe, but there was a misunderstanding or doubt at the Treasury Department, and it was deemed advisable to make the law certain, and so the act of February last was passed. Now, since that time, it has been contended at the Treasury Department that the "wreck act" of 1852 was in some way interfered with by the act of February, 1866. Well, it was not the intention of the Committee on Commerce to interfere at all with that "wreck act," as it is called, and in order to remove all doubt upon that subject this bill simply provides that the act of February 10, 1866, shall not be construed to limit the operations of the act of 1852. That is the whole story.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. ELIOT moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider upon the table. The latter motion was agreed to.

REGISTRY OF VESSELS.

Mr. ELIOT also, from the same committee, reported a bill authorizing the Secretary of the Treasury to issue certificates of registry or enrollment and license to certain vessels; which was read a first and second time.

The bill was read.

Mr. PIKE. I would like to inquire what are the circumstances requiring the passage of this bill.

Mr. ELIOT. The vessels to which this bill refers are all of them, I believe, with one exception, vessels built in Canada for the purpose of being used in the lake trade, which have been purchased by Americans and which since the abrogation of the reciprocity treaty, it is found, of course, impossible to use advantageously without American registers. There is one exception to that, a schooner which was wrecked and which, being wrecked, was pur-

chased by an Englishman. No bill of sale was made; I mean no custom-house bill of sale, but a bill of delivery, and the vessel being wrecked, was raised and being found to be but little injured, was put in order, and sold on the spot to its present owners. They found upon application at the custom-house that although the vessel had never sailed under any foreign flag at all, yet that the momentary ownership by a foreigner prevented their obtaining an American register, and this enables them to do it. With that exception, the vessels are all foreign-built.

Mr. PIKE. I would inquire what rule the committee have adopted, and whether they propose to admit any foreign-built vessel and sold *bona fide* to American owners to an American register. If that rule is to obtain, if we are to import foreign-built vessels in this indirect way, and thus in effect repeal the navigation acts, we should tax these vessels as we do other importations. Let them be assessed forty per cent. or thirty per cent. or such *ad valorem* percentage as may be deemed proper. I am not disposed to interfere with these particular cases, for I know nothing about them; but it seems to me that this admission of foreign-built vessels by wholesale to American registers does in effect repeal the navigation acts of the country.

Mr. ELIOT. The Committee on Commerce have no idea of entering upon any such legislation as that. It has so happened, since the abrogation of the reciprocity treaty, that quite a number of vessels—almost all, without exception, small vessels, used upon the lakes and in the lake trade between this country and Canada—it has happened that quite a number of these vessels, being the property of Americans, and being purchased now by Americans, have been seeking the protection which American papers would give them. The Committee on Commerce have confined themselves almost exclusively to the consideration of those cases, having considered no others, except very exceptional cases. The gentleman, I think, need not apprehend that the Committee on Commerce will recommend any legislation tending to affect at all the navigation laws of this country. Certainly, so long as I may be a member of the committee, no such recommendation will be made without protest on my part.

Mr. PIKE. I want to make one more inquiry of the gentleman. I understand that during this session some thirty vessels have already in some way been admitted to American registers. I should like to inquire whether that is true.

Mr. ELIOT. I should think not. I think that if the gentleman would say fifteen or twenty he would be nearer the fact.

Mr. PIKE. The gentleman stated that all of these vessels are foreign-built except one. I ask him to designate that one.

Mr. ELIOT. It is the M. C. Rowe, a vessel from Gloucester, Massachusetts.

Mr. PIKE. I will inquire whether she was "whitewashed," as it is termed—whether she took a foreign register for the purpose of avoiding the risks incident to the war.

Mr. ELIOT. I wonder that the gentleman should make that inquiry. I should be the last person to recommend the granting of a register in such a case.

Mr. PIKE. I ask the gentleman to yield to me to make a motion to amend by providing that these vessels shall be assessed at thirty per cent. *ad valorem*.

Mr. ELIOT. I cannot yield for any such purpose. I call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to a third reading, and was accordingly read the third time.

On the passage of the bill, there were—ayes fifty-one, noes not counted.

Mr. LYNCH called for the yeas and nays.

The yeas and nays were not ordered.

So the bill was passed.

Mr. ELIOT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

WHITEHALL, NEW YORK.

Mr. ELIOT, from the Committee on Commerce, reported back the bill (H. R. No. 611) to provide for making the town of Whitehall, New York, a port of delivery, with a recommendation that it pass.

The bill, which was read, provides that the town of Whitehall, in the State of New York, which by existing law is a port through which imported merchandise may be exported in bond and for drawback to the adjacent British North American Provinces, be constituted a port of delivery within the collection district of Champlain, and that a deputy collector as now authorized by law shall reside there, and shall receive the same compensation as is now paid to the deputy collector now stationed at that port.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. HALE. This bill, as I understand, does not propose to divide the district of Champlain or create any new office.

Mr. ELIOT. It simply makes Whitehall a port of delivery. That is the whole of it.

Mr. HALE. It does not provide for any new office?

Mr. ELIOT. No, sir. The letter which I send to the Clerk's desk to be read will give the gentleman the information he seeks.

The Clerk read as follows:

TREASURY DEPARTMENT, June 14, 1866.

SIR: I have the honor to acknowledge the receipt of your note of the 6th instant, transmitting for my views "House bill 611, proposing to make Whitehall, in New York, a port of delivery;" and to reply that by the act of January 10, 1849, chapter fourteen, (9 Statutes, 341), and the proclamation of the President of March 2, 1849, (9 Statutes, 1002,) the privilege was extended to Whitehall to export to the British Provinces goods with the benefit of drawback; and it seems to me that its location and commercial importance make it a proper point for a port of delivery. As no additional expense is incurred by the measure there can be no reasonable objection to it.

Very respectfully,

H. McCULLOCH,

Secretary of the Treasury.

Hon. T. D. ELIOT, of the Committee on Commerce, House of Representatives.

The bill was passed.

Mr. ELIOT moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

PORTS OF DELIVERY.

Mr. ELIOT, from the Committee on Commerce, reported back, with amendments, the bill (H. R. No. 609) to constitute Omaha and Nebraska, in the Territory of Nebraska, ports of delivery.

The bill, which was read, provides that Omaha and Nebraska City, in the Territory of Nebraska, shall be constituted ports of delivery, and shall be subject to the same regulations and restrictions as other ports of delivery in the United States; and there shall be appointed a surveyor of customs to reside at each of said ports, who shall, in addition to his own duties, perform the duties and receive the salary and emoluments of surveyor prescribed by the act of Congress approved on the 2d of March, 1831, providing for the payment of duties on imported goods at certain ports therein mentioned, entitled "An act allowing the duties on foreign merchandise imported into Pittsburg, Wheeling, Cincinnati, Louisville, St. Louis, Nashville, and Natchez, to be secured and paid at those places." It is further provided that the towns of Omaha and Nebraska City shall be annexed to and made a part of the collection district of New Orleans, and all the facilities and privileges afforded by the act of Congress of March 2, 1831, shall be extended to the ports of Omaha and Nebraska City.

The amendments reported by the committee were read, as follows:

First amendment:

Insert after the word "Nebraska," at the end of line three, the words "and St. Paul, in the State of Minnesota."

The amendment was agreed to.

Second amendment:

Insert after the word "city," in line seventeen, the words "and St. Paul."

The amendment was agreed to.

Third amendment:

Insert at the end of line twenty-two the words "and St. Paul."

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

The amendment to the title reported by the committee was read, as follows:

Amend the title so as to read, "A bill to constitute Omaha and Nebraska, in the Territory of Nebraska, and St. Paul, in Minnesota, ports of delivery."

The amendment was agreed to.

Mr. ELIOT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, announced that the Senate had passed without amendment a bill (H. R. No. 391) entitled "An act to create the office of surveyor general in Idaho Territory."

The message also announced that the Senate had passed House bills of the following titles, with amendments, in which the concurrence of the House was requested:

An act (H. R. No. 179) amendatory of the organic act of Washington Territory; and

An act (H. R. No. 513) to reduce internal taxation and to amend an act entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," approved June 30, 1864, and acts amendatory thereof.

The message further announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House was requested:

An act (S. No. 297) for the relief of the owners of the British vessel *Magicienne*;

An act (S. No. 374) for the relief of James P. Johnson;

An act (S. No. 353) for the relief of the trustees and stewards of the mission church of the Wyandotte Indians; and

Joint resolution (S. No. 113) for the construction of a railroad bridge across the Cuyahoga river over and upon the Government piers at Cleveland, Ohio.

PORT OF ENTRY, PUGET SOUND.

Mr. ELIOT, from the Committee on Commerce, reported a bill to change the port of entry in Puget sound; which was read a first and second time.

The bill provides that from and after the 1st day of October, 1866, the port of Port Angeles, in the district of Puget Sound, in Washington Territory, shall be abolished as a port of entry, and that Port Townsend shall be established as the port of entry and delivery for that district.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. ELIOT moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

PILOTS AND PILOT REGULATIONS.

Mr. ELIOT, from the Committee on Commerce, reported a bill relating to pilots and pilot regulations; which was read a first and second time.

The bill provides that no regulations or provisions shall be adopted by any State of the United States which shall make any discrimination in the rate of pilotage or half pilotage between vessels sailing between the ports of one State and vessels sailing between the ports of different States, or any discrimination against vessels propelled in whole or in part by steam, or against national vessels of the United States; and all existing regulations or provisions making any such discrimination are annulled and abrogated.

Mr. RANDALL, of Pennsylvania. Does that apply to river pilots? They are now under State laws.

Mr. EGGLESTON. It only applies to ocean pilots.

Mr. ELIOT. Mr. Speaker, the object of this bill is to prevent States from passing pilot laws discriminating in favor of their own State and against other States, discriminating against vessels which come from ports in other States to ports in the given States, and vessels which come from one port to another in the same State, and discriminating against national vessels. That is the object of the bill. If it passes the effect will be to annul all regulations which tend to make such obnoxious discriminations. In the laws of some States there are provisions which discriminate against vessels which come from the Atlantic coast, and make discriminations in favor of vessels which come from the Pacific coast; which discriminate in favor of vessels sailing from port to port within their own State and against vessels which sail from ports in other States to ports in their own State. The object of the bill is to prevent that.

Mr. RANDALL, of Pennsylvania. I have no objection to any bill which proposes to prevent any unfair discrimination. Now, the State of Pennsylvania and the State of New York fix certain prices they allow pilots to charge for bringing vessels in and taking them out of port, and I do not think the Government of the United States should interfere with the regulations of the States. I ask whether this practically interferes with the laws of the States in reference to the charges of pilots.

Mr. ELIOT. Not at all, beyond the extent I have stated. The bill is a simple one and I ask it be again read.

The bill was again read.

Mr. O'NEILL. I do not wonder my colleague from the first district [Mr. RANDALL] wished to have this bill read and its provisions explained to the House, as it affects the commerce of the Delaware river, which runs alongside his district as well as my own. The bill seems to look to this. The State of Pennsylvania has its own pilot laws. They regulate the charges of pilots for piloting vessels up the rivers in our own State. This is recommended by the Committee on Commerce, and it is desirable the bill should be passed so that these pilots shall bring vessels into the Delaware river just as if they brought them from one port to another on the river. I think it is just, and my colleague need not be alarmed about its interfering with the laws of Pennsylvania in reference to pilots, unless in providing the charges shall be the same.

Mr. RANDALL, of Pennsylvania. I ask the gentleman from Massachusetts to yield to me for a moment.

Mr. ELIOT. Certainly.

Mr. RANDALL, of Pennsylvania. If all the gentleman has stated in his explanation were in the bill it would be a different matter; but the object he says he seeks to accomplish is not borne out by the language of the bill. I do not think the terms used are as plain as they ought to be; and if the object be as stated, I do not see why gentlemen should object to adding a proviso to the effect that the Federal Government shall not attempt to control or interfere with State laws in reference to these pilots. Now, I am not aware that any abuse has been complained of in reference to these pilots. I do not know that any petition has been pre-

sented on the subject, and therefore I do not see why this bill has been brought here.

Mr. O'NEILL. I presume this originated from some of the western States.

Mr. ELIOT. It was introduced by the gentleman from California, [Mr. McRUER.]

Mr. O'NEILL. The object the gentleman who introduced this bill sought to accomplish I presume to be this: that pilots on the Atlantic coast shall not charge large fees for piloting vessels into our eastern ports coming from California, and that the pilots there shall be bound to take our vessels at the same charge as for piloting a vessel from one port to another in California. This law seeks to correct State laws in cases where discrimination is made against vessels coming from other States.

Mr. RANDALL, of Pennsylvania. I think I have at last got at the reason which induces this legislation. If the gentleman from California who introduced this bill desires a remedy for evils in California, it is not necessary that we should pass a general law reaching river and ocean pilots, who are not liable to the charges made against pilots in California. These constant changes in our laws in relation to commerce are not desirable. In Pennsylvania we have in a great measure conformed to the requirements in this particular, and there are no discriminations. We do not want any change, so far as I know, and I would like, if possible, to have the Delaware river excepted from the action of this bill. We do not desire any further legislation on this subject.

Mr. McRUER. I supposed this bill was so simple in its provisions and so just that it would not require any discussion or explanation. There are upon our statute-book only two laws of the United States affecting the question of piloting. One is the law of 1798, I think, which says that each State may establish her own pilot laws, not in conflict with any act of Congress. The only other act is that which allows vessels to enter the ports of New York or New Jersey as they like. Therefore there is nothing on the statute-book preventing any State from passing a pilot law discriminating against the vessels of any other State.

Now, sir, under the present act Pennsylvania can pass a law that will give the whole carrying trade to vessels owned in Pennsylvania. I seek to provide that no State shall discriminate against the vessels of any other State, but if they choose to exempt vessels of fifty or one hundred tons the exemption shall operate against vessels of all the States. Now, I know that States have discriminated in their laws against the vessels of other States. It was so on the Pacific, and I dare say it may be so or has been so on the Atlantic. This bill does not seek to regulate the rights of pilotage. It only provides that they shall be equal as regards vessels coming from any of the States.

Mr. ELIOT. I call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. HARRIS. I call for the yeas and nays on the passage of the bill.

The yeas and nays were refused.

The bill was then passed.

Mr. ELIOT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

CHANGE OF NAMES OF VESSELS.

Mr. ELIOT, from the Committee on Commerce, reported adversely on Senate joint resolution No. 52, authorizing the Secretary of the Treasury to change the name of the steamboat City of Richmond to City of Portland, and the schooner Lucinda Van Valkenburg to Camden; and the same was laid on the table.

Mr. PIKE. My colleague not being in, I wish to enter a motion to reconsider the vote just taken.

ISSUE OF AMERICAN REGISTERS.

Mr. ELIOT, from the same committee, reported adversely on Senate joint resolution No. 101, authorizing the Secretary of the Treasury to issue American registers to the barks Marget and Golden Fleece; and the same was laid on the table.

PAY OF INSPECTORS OF CUSTOMS.

On motion of Mr. ELIOT, the Committee on Commerce was discharged from the further consideration of the letter of the Secretary of the Treasury concerning the pay of inspectors of customs; and the same was referred to the Committee of Ways and Means.

DISMAL SWAMP CANAL.

Mr. EGGLESTON, from the Committee on Commerce, reported a joint resolution in reference to the Dismal Swamp Canal Company; which was read a first and second time.

The joint resolution was read in full, as follows:

Whereas the United States are interested in the Dismal Swamp canal, connecting the waters of the Chesapeake with the sounds of North Carolina, by holding eight hundred shares of the stock of the Dismal Swamp Canal Company; and whereas the canal should be kept open as a navigable highway without further outlay on the part of the United States: Therefore,

It is resolved by the Senate and House of Representatives, That the Secretary of the Treasury be, and hereby is, authorized to sell said stock, at auction or otherwise, in such manner as will best protect the interest of the United States in said canal, and will insure that the same will be kept open as a navigable highway without further expense to the Government: Provided, That the instruments and papers effecting such sale in the manner aforesaid shall be approved by the Attorney General before the delivery thereof.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. EGGLESTON moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

PREVENTION OF SMUGGLING.

Mr. ELIOT, from the Committee on Commerce, reported back, with amendments, Senate bill No. 222, further to prevent smuggling, and for other purposes.

The amendments reported by the committee were of a verbal character, except the following proposed as an additional section:

And be it further enacted, That the provisions of this act shall not be deemed to affect any action, or proceeding, or indictment pending at the time this act shall take effect, but the same shall be tried and disposed of and judgment or decree executed as if this act had not been passed.

The amendments were agreed to.

Mr. LE BLOND. Has this Senate bill ever had any consideration in this House until today?

The SPEAKER. It was taken from the table and referred to the Committee on Commerce, and the committee has reported it back with amendments.

Mr. LE BLOND. It is a very large bill, and I think it ought to go to the Committee of the Whole.

Mr. ELIOT. The effect would be to kill it. I have a letter here from the Secretary of the Treasury, sent to the committee within a week, expressing a strong desire that the legislation on this subject should be completed. It is a pretty important bill, and ought to be passed; it has already been delayed too long.

Mr. LE BLOND. For that reason I think it ought to have more consideration. If to have it considered will defeat it, then it ought to be defeated. That is the strongest reason in the world why it should have some consideration. I presume there are none outside of the committee who have had an opportunity under the press of business to give this bill the consideration which its merits demand. I certainly think that a bill of this magnitude, involving so many interests, ought not to pass without more consideration than has been given to it.

Mr. ELIOT. In reply to the remarks which

have been made by the gentleman from Ohio [Mr. LE BLOND] I would say that probably there has been no bill presented to the House during the session upon which more careful labor has been bestowed than upon the one now reported from the committee. The subject was carefully examined in the Committee on Commerce on the part of the House even before the bill had passed the other branch of Congress. It was considered then because it was known to be important that the bill should be put upon its passage or be brought before the House for its consideration at as early a moment as practicable.

After the bill had passed the Senate it was, upon my motion, I believe, directed by the House to be printed, and it has been upon the files of members ever since. Since that time it has been under examination in the Committee on Commerce, and I believe there is no provision in it about which I am not prepared to give information to the gentleman from Ohio or any other member upon the floor of the House who may desire it. It is a bill of some length, and unquestionably of a great deal of importance. It has been found very difficult on our frontier during the last two years to prevent the system of smuggling which has been going on and increasing day by day. The custom-houses are defrauded and the Government is cheated. The officers of the Government, wide awake as they may have been, have found themselves wholly unable to check the smuggling which has been continued there, so that it has been found imperatively necessary to have an examination of the laws on the statute-book concerning smuggling, and to embody in the law provisions which, as it is believed, will successfully enable the officers of the Government to administer the laws and collect the revenue.

Now, sir, if this bill should go to the Committee of the Whole, it is perfectly well understood that it would go to its grave. The gentleman from Ohio [Mr. LE BLOND] probably does not intend any such fate for it as that. If there is any provision in the bill that does not meet his approval, I am prepared either to defend it or to abandon it.

Mr. LE BLOND. I can say to the gentleman from Massachusetts [Mr. ELIOT] that I by no means wish to defeat this measure. But I know it is a very difficult matter to regulate these things upon the frontier in the West. Some things may be treated as smuggling and punished criminally by this law that should not be so treated and punished. I know it is a very easy matter to regulate these things with foreign Governments. But when it comes to our frontier there are a great many things there that might be treated criminally under this bill which I think should not be so treated, and which, if so treated, would cripple the interchange of commerce between the Canadas and the United States. And it is only with reference to that matter that I particularly desire the further consideration of this bill.

I cannot call the attention of the gentleman from Massachusetts to any particular feature in the bill now that to my mind would be objectionable, from the fact that I have not yet given it that consideration that the subject really demands. I think but few members have done so, or have found themselves able to do so, in the present condition of the business before the House. But if the bill was allowed to be considered in Committee of the Whole, or in the House as in Committee of the Whole, and the bill was read section by section, the attention of members who represent different localities would be called to the different provisions of the bill, and there might be some important and proper amendments made. That is my only object in asking further time for the consideration of this bill.

TAX BILL.

Mr. WENTWORTH. I ask unanimous consent of the House that the Senate amendments to the internal revenue bill be taken from the Speaker's table and referred to the Committee of Ways and Means.

The SPEAKER. Under the rule, the morning hour cannot be interrupted by any other business.

Mr. WENTWORTH. Cannot unanimous consent be given merely for the reference?

The SPEAKER. It is an interruption of the morning hour to ask unanimous consent for anything.

PREVENTION OF SMUGGLING—AGAIN.

Mr. ELIOT. I now call the previous question on the bill and amendments.

Mr. HUMPHREY. I desire to offer a couple of amendments to this bill before the previous question is called.

Mr. ELIOT. It was understood in committee that my friend and colleague on the committee [Mr. HUMPHREY] should have an opportunity to offer two amendments to this bill, though I would say that the committee cannot recommend the adoption of those amendments. But, in pursuance of the arrangement made in the committee, I will yield to allow the gentleman to propose his amendments.

Mr. HUMPHREY. I move to amend section two of this bill, in line seven, by inserting after the word "district" the words "where he or they shall suspect there are goods, wares, or merchandise thereon, subject to duty, or which shall have been introduced into the United States in any manner contrary to law."

I also move to amend section four by striking out the words "and the burden of proof shall be upon the claimant where probable cause is shown for such prosecution, to be judged of by the court before which the prosecution is held."

Mr. ELIOT. I would ask the gentleman if those are all the amendments he desires to offer.

Mr. HUMPHREY. Yes, sir.

Mr. ELIOT. Then I call the previous question on the bill and amendments.

Mr. HUMPHREY. I desire to make some explanation of those amendments.

Mr. ELIOT. Very well, I will withdraw the call for the previous question for the present.

Mr. HUMPHREY. I desire the attention of this House for a very few moments, and particularly of such members as are lawyers, to the fourth section of this bill. One of the amendments which I have offered proposes to strike out the words "and the burden of proof shall lie upon the claimant where probable cause is shown for such prosecution, to be judged of by the court before which the prosecution is had." This bill, as it now stands, proposes to incorporate into the criminal law, as it shall be administered under this bill, a principle entirely new, a principle which has never been adopted in the administration of criminal law for the punishment of crimes in this country in respect to any offense whatever. This question was discussed in the Senate at considerable length, and I think it is worthy the consideration and discussion of the House or of any other body where members are called upon to settle a question of criminal law as remarkable as this.

This section makes provision for the punishment of crime, and having declared that the doing of certain acts shall be regarded as a crime, it provides that "the burden of proof shall lie upon the defendant where probable cause is shown for such prosecution." This language is taken from the law as it has existed and still exists in relation to civil proceedings for the purpose of obtaining property which has been seized under the law and which the Government seeks to forfeit. In such a case, the claimant comes into court and says, "This property is mine;" he resorts to legal proceedings to determine the question of ownership. The law, as now settled, simply requires in a case of that kind that the Government shall give proof that there was probable cause for the seizure, and it then becomes incumbent upon the claimant to show the facts which go to establish his right. In the criminal law no such rule has ever prevailed. It is the pride and boast of this nation, as it has been for ages one of the glories

of the country from which we derive the great principles of the common law, that, in the administration of criminal justice, the presumption in favor of the innocence of the defendant commences when he is put on trial and continues down to the time when a verdict of guilty is rendered. In all criminal trials the prosecution must establish beyond all reasonable doubt the guilt of the accused; otherwise a verdict of "not guilty" must be returned. This just and beneficent principle of the common law it is proposed in this bill to abandon. This Congress is asked to enact that, with reference to the cases covered by this bill, the showing of probable cause by the prosecution shall throw upon the defendant the burden of proof.

Now, I desire to ask the attention of the House to the definition of what constitutes "probable cause," so that members may see what is necessary to be proved for the purpose of putting a prisoner in such a position that he must be declared guilty by the court unless he be able to produce affirmative proof of his innocence. I read from Conkling's Treatise on the Practice of the United States Courts:

"It may be added that the term 'probable cause,' according to its usual acceptation, means less than evidence which would justify condemnation, and in all cases of seizure has a fixed and well-known meaning. It imports seizure made under circumstances which warrant suspicion. In this, its legal sense, the court must understand the term to have been used by Congress."

Now, the conviction of a man under some of the provisions of this bill will send him to prison for a term not less than one year, and in the discretion of the court may be ten years. Yet all that is necessary for his conviction is simply that the prosecution shall prove "circumstances which warrant suspicion" against the defendant, when, unless he produces on his part satisfactory affirmative proof of innocence, the court directs the jury to render a verdict of "guilty."

Now, Mr. Speaker, I submit that among a civilized and enlightened people, in a country where the criminal law is administered according to those just and righteous principles which should always control its administration, no interest of commerce, no interest of the revenue can warrant the adoption of so odious a rule as that proposed to be enacted by this bill.

The SPEAKER. The morning hour has expired; and the bill goes over until to-morrow morning.

ABOLITION OF USURY LAWS.

The SPEAKER, by unanimous consent, presented a memorial of the Philadelphia Board of Trade to the Congress of the United States, praying for the abolition of legal restrictions upon the commerce in money; which was referred to the Committee on Commerce, and ordered to be printed.

SPEAKER'S TABLE.

Mr. STEVENS. I move that the House proceed to the consideration of business on the Speaker's table.

The motion was agreed to.

A. M. JESS.

The first business on the Speaker's table was Senate amendments to the bill (H. R. No. 145) entitled "An act granting land to A. M. Jess, of Josephine county, Oregon."

The amendments of the Senate were read, as follows:

First amendment:

On page 2, in lines two and three, strike out the words "three hundred and twenty" and insert in lieu thereof the words "one hundred and sixty."

Mr. THAYER. I move that the House concur.

The amendment was concurred in.

Second amendment:

On page 2, in line ten, strike out the words "revert in" and insert the words "revert to."

Mr. THAYER. I move that the House concur.

The amendment was concurred in.

Mr. THAYER moved to reconsider the vote by which the amendments were concurred in;

and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

WASHINGTON TERRITORY.

The next business on the Speaker's table was Senate amendment to the bill (H. R. No. 179) entitled "An act amendatory of the organic act of Washington Territory."

The amendment of the Senate was read, as follows:

Add the following as a new section:
Sec. 4. And be it further enacted, That the act of the Legislative Assembly of the Territory of Washington, approved January 14, 1865, entitled "An act in relation to the county of Skamania, be, and the same is hereby, disapproved."

The amendment was concurred in.

TAX BILL.

The next business on the Speaker's table was Senate amendments to the bill (H. R. No. 513) to reduce internal taxation and to amend an act entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," approved June 30, 1864, and acts amendatory thereof.

Mr. MORRILL. Mr. Speaker, I would make a motion to non-concur in all the amendments of the Senate, if I supposed that such a motion would meet the approbation of the House. But not anticipating that that motion would receive the approval of a majority of members I move that the amendments be referred to the Committee of Ways and Means.

Mr. PIKE. I hope that the gentleman will move to non-concur, and let the bill go at once to a committee of conference.

Mr. STEVENS. I hope that will not be done. This is a very important bill.

Mr. PIKE. I know that it is an important bill; but that is a good way to dispose of the question.

Mr. STEVENS. There are a good many of these amendments that ought to be disposed of in the House. They involve some very important questions.

Mr. MORRILL. I believe I will persist in the motion I have made.

The motion was agreed to; and the amendments were referred to the Committee of Ways and Means.

UNION PACIFIC RAILROAD, EASTERN DIVISION.

The next business on the Speaker's table was Senate bill No. 317, to amend an act entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri river to the Pacific ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," approved July 2, 1864.

The bill was read a first and second time.

The bill provides, in the first section, that the Union Pacific Railway Company, eastern division, shall be authorized to designate the general route of their road, and to file a map thereof, as now required by law, at any time before the 1st day of December, 1866; and upon the filing of the map, showing the general route of the road, the lands along the entire line thereof, so far as the same may be designated, shall be reserved from sale by order of the Secretary of the Interior. The company, however, are to be entitled to only the same amount of the bonds of the United States to aid in the construction of their line of railroad and telegraph as they would have been entitled to if they had connected their line with the Union Pacific railroad on the one hundredth degree of longitude, as now required by law. It is provided also that the company shall connect their line of railroad and telegraph with the Union Pacific railroad, but not at a point more than fifty miles westwardly from the meridian of Denver, in Colorado.

The second section provides that the Union Pacific Railroad Company, with the consent and approval of the Secretary of the Interior, shall be authorized to locate, construct, and continue their road from Omaha, in Nebraska

Territory, westward, according to the best and most practicable route, and without reference to the initial point on the one hundredth meridian of west longitude, as now provided by law, in a continuous completed line, until they shall meet and connect with the Central Pacific Railroad Company, of California; and the Central Pacific Railroad Company, of California, with the consent and approval of the Secretary of the Interior, are authorized to locate, construct, and continue their road eastward, in a continuous completed line, until they shall meet and connect with the Union Pacific railroad. It is further provided that each of the companies shall have the right, when the nature of the work to be done, by reason of deep cuts and tunnels, shall, for the expeditious construction of the Pacific railroad require it, to work for an extent of not to exceed three hundred miles in advance of their continuous completed lines.

Mr. STEVENS. This is a very short bill; and I gave notice yesterday that I would call it up to-day and ask a vote upon it. It in fact does not propose the enactment of a new law; it is simply designed to correct a mistake in an act already passed.

Mr. WILSON, of Iowa. I ask the gentleman to yield to me for a moment. I wish to make a suggestion.

Mr. STEVENS. I yield to the gentleman.

Mr. WILSON, of Iowa. I differ with the gentleman from Pennsylvania [Mr. STEVENS] in reference to the construction of this bill, although if the construction which he adopts be correct I have no serious objection to the measure. I desire that the gentleman shall agree either that the bill be referred to the Committee on the Pacific Railroad, with leave to report at any time, or that it be made a special order for some early day, or that he will consent to an amendment which I hold in my hand. I propose to add to the first section of the bill this additional proviso:

And provided further, That no mineral lands shall be included in the grant hereby made, but the same shall be reserved to the United States; that nothing in this act contained shall be so construed as to affect the right of the Union Pacific Railroad Company to receive the bonds provided for in the act of July 1, 1862, and of July 2, 1861, to aid in the construction of the Union Pacific road on its entire line from Omaha to the point of its connection with the road of the Central Pacific railroad, of California, and that bonds shall not be issued to the Union Pacific Railway Company, eastern division, on a greater number of miles than are embraced in the line of said road between the Missouri river and the one hundredth meridian, as indicated in the map heretofore filed by said company in the Interior Department.

I will state what I regard to be the effect of this amendment. The grant provided in the first section of this bill is a new grant of lands, and it is to reserve from the operation of that grant any mineral lands which may lie within the limits of the grant. It will be observed, by the language of the first section of this bill, that it is provided the Union Pacific Railway Company, eastern division, is authorized to designate the general route of their road, and to file a map thereof, as now required by law, at any time before the 1st day of December, 1866; and upon the filing of the said map, showing the general route of said road, the lands along the entire line thereof, so far as the same may be designated, shall be reserved from sale by order of the Secretary of the Interior.

My construction of that is that it makes a new grant of land on the new line. It grants the entire body of land without designating by odd or even sections. It includes all the mineral lands lying within the grant. I do not think that is what my friend designed, but I think that would be the effect of the language used. I am told by those friendly to this bill they do not intend to deprive the Union Pacific Railroad Company of the aids provided in 1862 and 1864 in the construction of the Union Pacific Railroad from the one hundredth meridian of west longitude to connect with the California road. If that be the case then they intend to do just what I seek by this amendment which is this: that the Union Pacific Railroad Company shall, notwithstanding the passage of

this bill, have the aids provided in those sections for the completion of this road.

I have no objection to the change made in the California road. If that company want to build the road faster than the Union Pacific Railroad Company, I say let them build it, for the country wants this road completed at as early a day as possible. So if the California company can build their road to Salt Lake City before the Union Pacific Railroad Company can get their road there, I say let them build it. Its completion at the earliest possible day is what we want. But I do not want them deprived of the aids provided in 1862 and 1864.

I am told by the friends of this bill that its object is as is stated in my amendment. If that be so, I am not asking more than they concede is already provided for in this bill. But I differ with them in the construction that will be given to the language used, and therefore I ask that my amendment be adopted.

There is one other thing. I am told by the friends of the bill that they do not intend to provide for issuing more bonds to the Kansas company than is already provided for in the legislation of 1862 and 1864. I am willing that legislation should rest where we placed it at those periods. I am willing that company shall have the bonds we have already provided. I say, therefore, they shall receive bonds to the entire amount for the construction of the road from the Missouri river to the initial point on the one hundredth meridian of west longitude. If they wish to push it further south, let them do it. I think it would advance the interests of the country. They say, too, they do not ask any more bonds.

There is one view in connection with the existing law I wish to present to the House, because it is on that point difference of construction springs up between myself and those who advocate the bill in its present form, and that is this: under the law as it now stands the company which reaches the one hundredth degree first is authorized to construct the Union Pacific railroad. Now, if the Kansas company reach the one hundredth degree first, of course, under this provision of law, it will be authorized to construct the Union Pacific railroad. What effect follows that? Simply this, that by being authorized to construct the Union Pacific railroad all the subsidies provided in present legislation for the construction of a Pacific railroad from the line commencing at the Republican fork and running westward to connect with the California road will pass down to the Kansas road, and the line on the Platte valley route is deprived of all subsidies westward of the one hundredth degree. Now, I am told that it is not the design of the friends of this bill to accomplish that result, and I give them credit for stating precisely what they desire to effect. The only difference between us is as to the construction to be given to this bill in connection with the law as it now exists. Now, sir, I hope that inasmuch as this company which is building the road west from Omaha by the Platte valley route have completed already over one hundred and twenty miles of that road, and are laying their track at the rate of a mile and a half a day, they will not be stopped in the construction of that work.

If this bill means what it is contended it does mean, it cannot affect the Platte valley route or the Union Pacific Railroad Company. But if it means what I insist it does mean, and what I claim would be the construction put upon it if the question should be thrown into the courts of law, then it would destroy this enterprise entirely. I hope, therefore, that the gentleman from Pennsylvania will accept one of the three propositions which I have made: either that the bill should be referred to the Committee on the Pacific Railroad, with leave to report at any time; or that it should be set down as the special order for consideration at an early day, so that we may have a discussion of the important questions involved in it; or that he will allow me to offer my amendment now. I do not want to

interfere with the object which these gentlemen say they have in view; I have no such intention. I only desire to protect rights which now exist. I am willing that gentlemen shall have such changes in our legislation as they desire, provided they do not affect existing rights. I hope, therefore, that the gentleman from Pennsylvania [Mr. STEVENS] will give his assent to one of the propositions I have made.

Mr. STEVENS. Either of those propositions is death to this bill. I do not suppose he so intends, but that would be the effect. Suppose you send it to the Committee on the Pacific Railroad; from what I saw of the votes of that committee yesterday the bill would never get back.

Mr. WILSON, of Iowa. If the gentleman will allow me, I will change my suggestion, and move that it be referred to that committee with instructions to report it back within a certain number of days.

Mr. STEVENS. I will make a proposition, and I hope the gentleman will agree to it. I remember to have read of the Trojan horse, and I do not care to be caught by any such contrivance at this time. I propose that the gentleman shall draw up an explanatory act in the very language that he has suggested here, and that when we have passed this bill he shall forthwith introduce that act explaining what this bill means, and I for one will vote for it.

Mr. WILSON, of Iowa. I would like to ask the gentleman, then, why he objects to permitting this amendment to go upon the bill.

Mr. STEVENS. For a reason as plain as daylight, that if you put it on this bill it will have to go back to the Senate, and that would be its death.

Mr. WILSON, of Iowa. I should like to know how the gentleman knows that.

Mr. STEVENS. That is my information, and I shall act upon that information. There is not a proposition contained in this bill that differs from the original bill; not one.

Mr. DAWES. Will the gentleman from Pennsylvania explain why the setting down of this bill for discussion on a given day would kill it?

Mr. STEVENS. I do not see how setting it down for discussion on a particular day would do any good.

Mr. DAWES. I understood the gentleman to say that it would be the death of the bill. Upon what ground? How could it injure the bill to have it fairly discussed, so that it could be understood on all sides?

Mr. STEVENS. I suppose that every man who desires to understand it knows what it is now. I am sure that my intelligent friend from Massachusetts understands it.

Mr. DAWES. I will say frankly that I am not in favor of the bill, but I feel that if it were set down for fair discussion on some day, perhaps some of us could so explain it to the House that the House would understand its merits. But the gentleman says that that would kill it.

Mr. STEVENS. No, it would not kill it, if the House understood it. But my friend is so good at mystifying that he might possibly so encloud it that some gentleman would vote against it, without knowing what it was. But let me go on and state that this bill is nothing more than a correction of an error in the original law to which it is a supplement.

Mr. WILSON, of Iowa. I desire to ask the gentleman if under the present bill the Kansas Company or the Union Pacific Railroad Company, eastern division, should reach the one hundredth meridian first, and then should continue the construction of the Union Pacific railroad, what amount of lands it would be entitled to, and whether there is anything in this bill which would deprive that company of the right of doing that thing after it reached the one hundredth meridian further south than was contemplated in the original bill: whether, if it continued to construct the Pacific railroad westward from the one hundredth meridian, it would not be entitled to the \$16,000 in bonds per mile.

Mr. STEVENS. I will state exactly what

all the provisions are. There are three laws referred to in connection with this matter, each of which, I think, I have had some share in drafting, being chairman of the committee that reported them. The Union Pacific railroad starts from an initial point upon the one hundredth degree of longitude to be fixed by the President, a point which never has been fixed. The various branches—the Omaha road and the Kansas road—were originally to unite on that initial point with that railroad, and they were to unite within certain points on the banks of the Kansas and of the Platte.

Mr. HIGBY. I would ask the gentleman from Pennsylvania if the first section of this bill contemplates anything more than an extension of the time within which the maps of those roads are to be filed.

Mr. STEVENS. That is everything it does.

Mr. DAVIS. Does not this bill change the route which has been laid down on the maps already filed in the office of the Secretary of the Interior?

Mr. STEVENS. If the gentleman will allow me to go on with the history of this matter he may, perhaps, understand it better. Originally these branch roads were to go to the initial point on the one hundredth meridian. The route of the Kansas branch, ending at Fort Riley, was to be fixed by the President. Two years were allowed them to file their maps in the office of the Secretary of the Interior, for the purpose of having the route designated. The President never fixed the route. Sometime after, in 1864, application was made to the House to allow any one of these branches that chose to do so to unite with the Union Pacific railroad anywhere they chose west of the one hundredth degree of longitude, provided they received no more bonds than if they went to the one hundredth degree. The act of 1864, which I hold in my hand, gave either of these branches a right to unite with the Union Pacific railroad and go westward as far as they pleased without reference to the initial point, provided they should have no more than \$16,000 per mile up to the one hundredth degree. That was the law last year. It extended the time for filing the map. After this Kansas route had been extended as far as Fort Riley, and had already one hundred and sixteen or one hundred and twenty miles in running order, they came to the conclusion that the best route was upon Smoky Hill branch, which the engineers had long before believed to be the proper one. They filed maps for the purpose of taking up the Smoky Hill route, but the Attorney General decided that the maps were filed too late, not having been filed within the three years required. I do not think the opinion of the Attorney General was correct, because the initial point had never been fixed. The Kansas branch now comes and asks us to give them until the 1st of December next to file their maps and designate the route, the same as if it had been done within the first three years.

That is the whole provision of the bill. So far as the Kansas route is concerned it expressly says that they shall receive no more bonds than if they had gone by the other route. They only ask the right to file their maps between this and December next, and to take the same advantages under the law to which this is a supplement that those two acts gave them before. If any member will read those laws, he must have an anxious desire to see a difference if he can pervert it to mean anything but what I have stated.

Now, with regard to the main line, the California and Central Pacific railroad—I think that is the name—were authorized at first to build their road to the Nevada line, and then through Nevada to the eastern line of Nevada; and then there was a general provision allowing that company, if they could get there before the Union Pacific line got there, to go on eastward until they met the construction of the Union Pacific road. But if the Union Pacific Railroad Company failed to make it, then this company was to go on the whole way and make it themselves. That was the law as it

stood in 1864. In that year, in the enactment to which I have referred, there was inserted a provision that the California company should go on one hundred and fifty miles this side of the Nevada line. How that provision got in that bill there is very great diversity of opinion. I do not want to make a statement; I do not want to give any recollection about it.

Mr. HIGBY. Will the gentleman from Pennsylvania [Mr. STEVENS] yield to me for a moment to have read an extract bearing upon the point to which he refers?

Mr. STEVENS. Yes, sir.

Mr. HIGBY. I ask the Clerk to read the extract I have marked in the paper which I send to his desk.

The Clerk read the following extract from the remarks of Senator CONNESS, as published in the Daily Globe of the 20th instant:

"Mr. President, I ask the attention of every Senator in the Senate to the statement I am now about to make, and I challenge contradiction of it. How did that provision of law obtain? How did it come to be the law? I will tell you, Senators. In 1864 the Senate passed a Pacific railroad bill; I had a copy of it before me this morning. The House of Representatives passed another. The Senate refused to pass the House bill, and the House refused to pass the Senate bill; and the matter was referred to a committee of conference upon the questions of disagreement. In neither of those bills did this arbitrary condition that I have named, confining one of these great companies to one hundred and fifty miles east of the California line, occur. It was not in either bill; there was not a word or a title of it in either. I was a member of the conference committee. We met in the room of the Committee on Public Lands of the Senate. The honorable Senator who is now Secretary of the Interior was chairman of that conference. I sat there pending that entire conference. Point by point the differences between the two Houses were arranged and agreed upon, and I undertake to say here that that arbitrary condition now in the law, and in the law when it was printed, never was considered in that conference. It was stolen in through the corruption of some parties and the clerk who eventually made up the report. The report of that conference committee was presented here on the last day of the session and compelled to be adopted without examination. What I state cannot be contradicted, and the Senate and Congress ought to justify itself by a close inquiry as to who dared to make laws for the Congress of the United States."

Mr. STEVENS. Although my recollection is precisely that of the Senator, of whose remarks the Clerk has just read an extract, yet I shall make no charges against anybody. But by some means that law was made to provide that the California road should stop one hundred and fifty miles this side of the Nevada line; to stop unconditionally, no matter whether the Union Pacific railroad reached that point or not. Now, one object of the bill under consideration is to correct that, and to allow the California Railroad Company to go on until it meets the road constructed by the Union Pacific Railroad Company; to allow each company to see which can build the road the fastest. If it shall be that the California company builds the fastest, then let them go on; if the Union Pacific Railroad Company builds the fastest, then let them go on. The object is to restore the law to what it was intended to be, and to what it should be now. Now, in regard to the other part of the bill, there can hardly be any objection to it—I mean the initial point agreed upon—and therefore I have nothing further to say upon it.

Mr. DAWES. It is my desire to have such a discussion of this bill that I can clearly understand what it is; if it does not mean any more than the gentleman from Pennsylvania [Mr. STEVENS] claims for it, I do not know that I shall oppose its passage. But I cannot, with my present knowledge of the bill, come to the same conclusion that the gentleman does; and I find that others put the same construction upon the bill that I do. I only desire to understand fully what the bill is; that is the sole reason why I ask the gentleman from Pennsylvania to consent that it may be assigned for consideration to some day certain, when it may have a fair discussion.

And I ask that for the further reason that I find the bill on my file and the Senate bill now under consideration are two very different bills. How far that difference affects the actual meaning of the bill I cannot tell. I find upon my file a Senate bill No. 317, and until five min-

utes ago I supposed that was a true copy of the bill under consideration at this time. But I have just compared the printed copy on my file with the bill at the Clerk's desk, and I find that they are two very different bills. I understand that there is in circulation about the House, among some of the members, another print of this bill, which I am told is a private print and not a public print. I do not know how far members may be misled by confounding those two bills. I suppose the real state of the case to be this: the bill I hold in my hand is probably the printed copy of the bill as it was first reported to the Senate, the other is a printed copy of the bill as it finally passed the Senate.

Now, I do not know there is any real difference between the printing of the bill at the Clerk's desk and this printed copy which I hold in my hand; but it is a good reason why we should have a fair discussion of this bill on a day certain. If a fair discussion of this bill shall show there need be no apprehension in reference to the construction that will be given to it, then it will pass more certainly. If, however, a fair discussion shall indicate there is good ground for the doubt alleged, then the gentleman ought to join with us in making that certain which seems uncertain.

Mr. STEVENS. Let me appeal to the House. Is there anything unreasonable in the proposition I have offered that if this bill shall pass then the gentleman from Iowa shall introduce and pass his amendment in the shape of an explanatory joint resolution?

Mr. WILSON, of Iowa. If the gentleman makes that suggestion to me, I will say in reply, if, as the gentleman says, we should adopt this amendment it would defeat the bill in the Senate, why would not the amendment be also defeated in the Senate if sent to them in the shape of an explanatory joint resolution?

Mr. STEVENS. I do not say it would be defeated if sent to the Senate as an independent measure.

Mr. WILSON, of Iowa. If this will be defeated with the same thing in it, I would like to know whether the Senate would not be likely to defeat an independent bill.

Mr. STEVENS. I will just go so far as to pledge that the friends of the bill shall vote for it. But, Mr. Speaker, I will proceed with what I was saying. I had shown how the one hundred and fifty got in. That is given up. Then there is nothing more than the initial point. In reference to this we have the evidence of the engineers and attorneys at Omaha.

Mr. WILSON, of Iowa. I wish to state here in connection with what the gentleman has said that I do not care what the Omaha men or their attorneys may have agreed to. I am not representing that company or any man in the company; I am representing the interests of the country connected with that road.

Mr. STEVENS. I trust I shall be allowed to proceed. I ask any gentleman whether, if the Kansas company got to the one hundredth meridian before the other, they could not go on. In this bill it does not say a word of it. But it is answered by a former bill which I have here, and the twelfth section of which I would be glad if some gentleman would read for me.

Mr. WILSON, of Iowa, then read the section, as follows:

"Sec. 12. And be it further enacted, That the Leavenworth, Pawnee, and Western Railroad Company, now known as the Union Pacific Railroad Company, eastern division, shall build the railroad from the mouth of Kansas river, by the way of Leavenworth; or, if that be not deemed the best route, then the said company shall, within two years, build a railroad from the city of Leavenworth to unite with the main stem at or near the city of Lawrence; but to aid in the construction of said branch the said company shall not be entitled to any bonds. And if the Union Pacific Railroad Company shall not be proceeding, in good faith, to build the said railroad through the Territories when the Leavenworth, Pawnee, and Western Railroad Company, now known as the Union Pacific Railroad Company, eastern division, shall have completed their road to the hundredth degree of longitude, then the last-named company may proceed to make said road westward until it meets and connects with the Central Pacific Railroad Company on the same line. And the said railroad

from the mouth of Kansas river to the one hundredth meridian of longitude shall be made by the way of Lawrence and Topeka, or on the bank of the Kansas river opposite said towns: *Provided*, That no bonds shall be issued or land certified by the United States to any person or company for the construction of any part of the main trunk line of said railway west of the one hundredth meridian of longitude, and east of the Rocky mountains, until said road shall be completed from or near Omaha, on the Missouri river, to the said one hundredth meridian of longitude."

Mr. STEVENS. That law provided if the Union Pacific Railroad Company did not honestly prosecute their work, when the Kansas road reached their part, the Kansas company might go on and build it. Here, then, you see what was intended, and this bill gives no new privilege. This bill leaves it precisely where it was before. So I say, sir, there is not one single thing contained in this bill, so far as the Kansas route is concerned, that is not contained in the law and supplement, except giving time to file a map until December.

Mr. WILSON, of Iowa. The gentleman will allow me another suggestion. Under that twelfth section of the act of 1864 the Kansas company would be, as I stated in my first remarks, authorized to build the Union Pacific railroad from the one hundredth meridian until they met the California road. Now, sir, that road was upon the route by way of the Republican fork. This bill provides they may select any other route, that is they need not go by the Republican fork; they need form no connection.

Mr. STEVENS. The law of 1864 allowed them to take any other route. If the gentleman will read it he will find it there.

Mr. WILSON, of Iowa. That is one of the grave questions that ought to be discussed.

Mr. STEVENS. No grave question except the question of sending it to the grave. That is the only question there is in it.

Mr. KASSON. Will the gentleman from Pennsylvania yield?

Mr. STEVENS. Yes, sir.

Mr. KASSON. I beg leave to say to the members of the House that from the very inception of the location of the initial point of the Omaha branch of this railroad, I have been specially and personally interested in this Pacific railroad. I visited Washington and saw the President in relation to the establishment of this initial point of the Omaha branch; and from that time to this there is no part of it that has not fallen under my observation or that has not been to me a matter of special interest. During the last fall I traveled entirely across the plains on the Omaha route and returned by the Smoky Hill route, and I have some knowledge of the topography of all that region east of the Rocky mountains.

Now, I ask the attention of the House to the provisions of this bill. As regards the second section of the bill there seems to be no question at all. It has been conceded in the debate in the Senate, which I have examined, that through somebody's impropriety there was a forcible violation of the intent of the former law of Congress touching the construction of this Union Pacific railroad; that while Congress intended to encourage the rapid construction of the Pacific railroad by providing that it should be built both from the east and from the west as rapidly as the two companies could do it, by some means or other it was provided in the report of the committee of conference that the western portion should not be permitted to proceed more than one hundred and fifty miles from the eastern boundary of California. It seems to be conceded that that was wrong and a violation of the intent of Congress, and that it needs to be corrected. And while nobody disputed that in the Senate, I have yet to hear any person announce on this floor his opposition to it. So much for the second section. It is admitted that that section should be adopted by the House.

And now, in regard to the first section. It simply provides "that the Union Pacific Railway Company, eastern division, is hereby authorized to designate the general route of their said road, and to file a map thereof, as now re-

quired by law," (not as this law provides, but "as now required by law.") "at any time before the 1st day of December, 1866." It simply fixes the time when they may comply with the existing law, and nothing more thus far. It then provides that "upon the filing of the said map, showing the general route of said road, the lands along the entire line thereof, so far as the same may be designated, shall be reserved from sale by order of the Secretary of the Interior." What lands? The lands granted by the terms of the original act. This act does not create the grant. It makes no grant to the railroad company. It is the lands to which they are entitled under the terms of the original grant. It only provides that these are to be reserved from sale; not to be granted to the company. It makes no grant of land at all, but simply provides for their reservation from sale as soon as the route shall be located.

Mr. ALLISON. Will my colleague allow me to ask a question? I understand him to say that the first section of this bill does not make an additional grant of land. He may be correct in that. But I wish to ask him whether or not under the provisions of this section this eastern division of the Pacific railroad may not make a connection with the Union Pacific railroad at a point fifty miles beyond Denver city.

Mr. KASSON. I shall come to that as soon as I reach it in the section.

Mr. ALLISON. Now, it also provides that they shall have lands within twenty miles on each side of this road, including mineral lands. If that be true, will they not be entitled to lands until they unite with the Pacific railroad, fifty miles beyond Denver?

Mr. KASSON. I will answer that as I go on, if the gentleman will allow me, and I will not omit a point.

This simply provides, as I stated before, that the lands are to be reserved from sale. There is not one word of grant from beginning to end of the bill. I have taken the pains to compare the printed copy which I hold in my hand with the written copy on the Clerk's desk, and it is word for word identical. Now, that being the fact, that it simply reserves the lands from sale along this line when the map shall be filed in the office of the Secretary of the Interior, it takes no right from the United States reserved under the original grant. West of the point of divergence, from the route up the Republican, I am sorry to say there are mighty few lands that will be occupied for years to come by tillers of the soil. That, to my mind, is certain, from personal knowledge of the ground. The demand for land entries west of that point will be very limited.

Then comes the proviso to the first section, as follows:

Provided, That said company shall be entitled to only the same amount of the bonds of the United States to aid in the construction of their line of railroad and telegraph as they would have been entitled to if they had connected their said line with the Union Pacific railroad on the one hundredth degree of longitude, as now required by law.

Not one dollar of United States bonds additional is granted to them.

And *provided further*, That said company shall connect their line of railroad and telegraph with the Union Pacific railroad, but not at a point more than fifty miles westwardly from the meridian of Denver, in Colorado.

I have now read the entire first section. The bill also has reference to the fact, as now required by law, of a connection with the Union Pacific railroad, but it may be at a point west of Denver city not exceeding fifty miles, if they can find a route that will enable them to do it.

Now, sir, as to the propriety of giving them this right. I traveled from the top of the snowy range of the Rocky mountains by Denver city, up Cherry creek, down the Big Sandy, and across by the "Cheyenne wells" to the head of the valley of the Smoky Hill river, thence down the Smoky Hill by Forts Ellsworth and Riley; and I have only to say that if for this same grant, without one additional dollar of United States bonds, and with nothing additional but the grant of land, there is any man or set of men who are willing to take

that land and build that road in preference to going up the Republican and crossing over the divide between the Republican and Platte to the Omaha route, near the one hundredth parallel, I say it is a duty we owe to the people of this country to allow it to be done.

It is not a question of cost to the United States. Everybody who has studied the topography of that country knows that you cannot make farms except along the infrequent margins of the rivers for the whole distance between the eastern border of the plains and the foot of the Rocky mountains. Why, sir, even between Denver and the base of the Rocky mountains, some fifteen miles, you have no farms except by the aid of irrigation, where the water flows through the ditches of the engineer. It is only thus that they are enabled to supply the requisite moisture for their wheat and corn.

Now, sir, I will in few words finish what I have to say, and leave the bill to the care of the gentleman from Pennsylvania, [Mr. STEVENS.]

Mr. DAWES. I wish to inquire of the gentleman, if this bill passes, whether this company may not file a new map anywhere without any limitation.

Mr. KASSON. They may file a new map in accordance with the provisions of the law passed during the last Congress, and with this limitation, that they must connect with the Union Pacific railroad at a point not more than fifty miles westward of Denver city.

Mr. DAWES. Is there anything requiring a connection within fifty miles of Denver city?

Mr. KASSON. There is a requirement of a positive connection with that road not more than fifty miles westward of Denver city.

Mr. DAWES. My printed copy of the bill is different from yours.

Mr. KASSON. The gentleman's printed copy is not authentic, as he will find if he will take the one I have, and which I will pass over to him for examination, as I am through with it. I hope he will excuse me from further interruption, because I am occupying the floor by the permission of the gentleman from Pennsylvania, [Mr. STEVENS.]

Now, let me add, in conclusion, that it is of the utmost importance to the interests of the country that there should be some competition in the transportation of freight across the plains to the Rocky mountains. We paid last year nearly ten million dollars for our military supplies and freight in connection with operations against the Indians, the freight being the principal item. And if we do not allow competition in transportation, the benefit of this great Pacific railroad to the people of the United States will be diminished at least one half. And that explains why I am in favor of a decent liberality toward these two lines, in order to increase our facilities for reaching the miners North and South and supplying their wants. We want no single great railroad monopoly of freight and passenger traffic. Let the vast mineral regions have the great benefit of competition in supplying all their demands.

Mr. STEVENS resumed the floor.

Mr. PRICE. Will the gentleman from Pennsylvania [Mr. STEVENS] yield to me for a moment?

Mr. STEVENS. How much time have I left, Mr. Speaker?

The SPEAKER. The gentleman has seven minutes remaining of his hour.

Mr. STEVENS. I cannot yield; I prefer to go on. These offers of gentlemen around me for a little longer time seem to be fair enough; and they are especially commended to my magnanimity when I consider the action of these gentlemen yesterday. From some accident, in consequence of mere debility and indisposition on my part, we had lost what was our right, and they had gained an unfair advantage. When we appealed to them to let this bill take its present position, so that it might be considered by the House, these very gentlemen, including the gentleman from Massachusetts, [Mr. DAWES,] refused to consent

to it, a thing I never before saw perpetrated upon any member of this House. And now those gentlemen ask us to be magnanimous, and allow them to have some advantage which they have not and to which they are not entitled.

Sir, as I have already said, and as has been stated by the gentleman from Iowa, [Mr. KASSON,] this bill asks for nothing but what is fair and just; and I honestly believe all these propositions for delay are intended merely to defeat the bill. I believe these efforts are not intended to secure the amendment and improvement of the bill, but to secure its final defeat; and I therefore feel no difficulty in taking the course I do. Sir, when a measure is before this House affecting the interests of the whole country, affecting the great thoroughfares through Missouri, Illinois, Indiana, Ohio, and all those States, and I hear gentlemen say that it does not go to Chicago—in fact saying, "If it does not go to Chicago I am opposed to it; but if it does go there I am for it;" when I hear that style of argument I cannot understand what magnanimity those gentlemen can expect. It is a mere question of interest, a mere gouging, like boys playing at marbles, in order to see which one shall get the advantage of the other, instead of the legislation of the Congress of the United States for a great nation. When I see such sentiments as these acted upon, and gentlemen, honorable gentlemen, attempting to hold an advantage which was got by accident, as it was in this case, I cannot understand how it is that those offers have any other object than that which they attempted on yesterday, in my judgment, to carry out so unfairly. I therefore call the previous question on the bill.

Mr. PRICE. Will the gentleman yield to me for a moment?

Mr. STEVENS. The gentleman must excuse me.

Mr. PRICE. I want to state to this House that this bill has never been printed.

Mr. STEVENS. I do not yield.

The question was taken upon seconding the previous question; and upon a division there were—ayes 71, noes 32.

So the previous question was seconded and the main question ordered; and under the operation thereof the bill was read the third time.

The question was on the passage of the bill.

Mr. STEVENS. I call the previous question.

The previous question was seconded and the main question ordered.

Mr. ALLISON. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 98, nays 36, not voting 48; as follows:

YEAS—Messrs. Ancona, Anderson, Delos R. Ashley, James M. Ashley, Barker, Beaman, Benjamin, Bergen, Bidwell, Bingham, Blow, Boyer, Bromwell, Broomall, Buckland, Bundy, Sidney Clarke, Cobb, Coffroth, Conkling, Cullom, Dawson, Denison, Dixon, Donnelly, Driggs, Dumont, Eekley, Eggleston, Farquhar, Finck, Glossbrenner, Goodyear, Grider, Griswold, Hale, Aaron Harding, Harris, Hayes, Henderson, Higby, Hogan, Hotchkiss, Chester D. Hubbard, Demas Hubbard, Hulburd, Kasson, Kelley, Kelso, Kerr, Kuykendall, Ladin, Latham, George V. Lawrence, William Lawrence, Le Blond, Longyear, Marshall, Marvin, McClurg, McCullough, McKee, McKuer, Meaurio, Moorhead, Morris, Moulton, Myers, Niblack, Nicholson, O'Neill, Orth, Paine, Samuel J. Randall, Ritter, Ross, Rousseau, Seofield, Shanklin, Shellabarger, Sitgreaves, Smith, Stevens, Stilwell, Thayer, Francis Thomas, John L. Thomas, Thornton, Trimble, Trowbridge, Upton, Bart Van Horn, Robert T. Van Horn, Ward, Henry D. Washburn, Welker, Whaley, and Winfield—98.

NAYS—Messrs. Alley, Allison, Ames, Baldwin, Banks, Blaine, Boutwell, Cook, Davis, Dawes, Deming, Eldridge, Eliot, Grinnell, Holmes, Hooper, Humphrey, Julian, Loan, Marston, Patterson, Perham, Pike, Price, Radford, Alexander H. Rice, John H. Rice, Rollins, Sawyer, Spaulding, Taylor, Warner, William B. Washburn, Wentworth, James F. Wilson, and Windom—36.

NOT VOTING—Messrs. Baker, Baxter, Brundage, Chanler, Reader W. Clarke, Culver, Darling, Deffrees, Delano, Dodge, Farnsworth, Ferry, Garfield, Abner C. Harding, Hart, Hill, Asahel W. Hubbard, John H. Hubbard, Edwin N. Hubbard, James R. Hubbell, Ingersoll, Jencks, Johnson, Jones, Ketcham, Lynch, McIndoe, Miller, Morrill, Newell, Noell, Phelps, Plants, Pomeroy, William H. Randall,

Raymond, Rogers, Schenck, Sloan, Starr, Strouse, Taber, Van Aernam, Elihu B. Washburne, Williams, Stephen F. Wilson, Woodbridge, and Wright—48.

So the bill was passed.

During the call of the roll,

Mr. MILLER said: On this question I am paired with the gentleman from Illinois, Mr. INGERSOLL. If he were here he would vote for the bill, while I should vote against it.

The result of the vote was announced as above stated.

Mr. STEVENS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CLERICAL FORCE OF INTERIOR DEPARTMENT.

Mr. KASSON. Mr. Speaker, I desire—

The SPEAKER. The House some time ago resolved to proceed to the consideration of business on the Speaker's table, and is now engaged in the execution of that order.

Mr. KASSON. I desire to report a bill from the Committee on Appropriations.

The SPEAKER. That is in order.

Mr. KASSON. I report back from the Committee on Appropriations, with an amendment in the nature of a substitute, Senate bill No. 282, entitled "An act to reorganize the clerical force of the Department of the Interior, and for other purposes."

Mr. SPALDING. I trust that the gentleman will not ask the House to take action on that bill at present. It will occupy considerable time; and I think we ought to dispose of the business on the Speaker's table.

Mr. KASSON. I do not propose that the House shall take action on the bill at the present time. I move that the bill be recommitted, and that the substitute reported by the committee be printed.

The motion was agreed to.

ATCHISON, TOPEKA, AND SANTA FE RAILROAD.

The next business on the Speaker's table was Senate bill No. 320, entitled "An act to amend an act entitled 'An act for a grant of lands to the State of Kansas in alternate sections, to aid in the construction of certain railroads and telegraphs in said State,' approved March 3, 1863."

The bill was read a first and second time.

Mr. TROWBRIDGE. Mr. Speaker, I desire that this bill shall be considered at the present time.

The bill, which was read at length, provides that whenever it shall be deemed impracticable or inexpedient to construct any portion of the Atchison, Topeka, and Santa Fe railroad in the manner required by the act of March 3, 1863, and whenever the Governor of the State of Kansas shall certify to the Secretary of the Interior that upon such portion, in lieu thereof, the railroad company have constructed a road suitable for the running of a steam traction engine with its train of cars over the same, the grant of lands made in the act of March 3, 1863, shall be confirmed to the State for the purpose of aiding in the construction of the road, and in all other respects as in that act provided. The amount of lands granted in the act, when applied to the construction of such steam traction road, is to be three alternate sections of land per mile, designated by odd numbers, on each side of the road; and patents are to issue upon the completion of every twenty miles of road upon the certificate of the Governor.

The second section authorizes and empowers the company to construct the roadway from the boundary line of the State of Kansas, through the Territories of the United States, on the most eligible route to Santa Fe, in the Territory of New Mexico, and to such Government forts in that Territory as the President of the United States may approve. There is granted to the company the right of way through the public domain to the extent of two hundred feet on each side of the road. And for the purpose of aiding in the construction of the roadway and its equipment, and to secure the safe and speedy transmission of the mails,

troops, munitions of war, and supplies over the road, the same amount of land, not mineral, (but not excluding iron or coal,) is granted to the company as is provided in the first section of the act, and upon the same terms and conditions, but upon the certificate of a commissioner, appointed by the Secretary of the Interior, that the conditions have been complied with.

It is provided in the third section that the grants are made only upon condition that the road shall be constructed in a substantial and workmanlike manner, with all necessary culverts, bridges, viaducts, crossings, stations, and watering places, and other appurtenances, including engines and cars sufficient to move not less than fifty tons, or two hundred passengers, in one train, at a rate of six miles an hour.

Mr. RANDALL, of Pennsylvania. Mr. Speaker, I think that this bill ought to be referred to the Committee on Public Lands; and if it be in order, I will make that motion.

The SPEAKER. The gentleman from Michigan [Mr. TROWBRIDGE] is entitled to the floor.

Mr. TROWBRIDGE. Mr. Speaker, I desire to explain briefly the provisions of this bill and the reasons in favor of its passage.

In 1863 a grant of land was made to the State of Kansas to aid in the construction of a railroad from the city of Atchison, in that State, to Santa Fe, in the Territory of New Mexico. That was a grant of ten sections to the mile. It has been discovered by a company who have taken those lands from the State of Kansas that on that route there are four or five hundred miles of treeless desert over which it has been decided it is altogether impracticable to build a railroad. The company have proposed to put upon that route, over that portion where a railroad cannot be constructed, what is called a steam traction engine; that is, an engine capable of running upon an ordinary dirt road or a macadamized road without the necessity for rails.

This bill proposes to reduce the grant of land from ten sections per mile to six sections per mile. But the company are not to receive this grant till they have built and equipped the road in such a manner that a train of fifty tons or two hundred passengers can pass over it at the rate of six miles an hour. I may remark, in passing, that the bridges for this road will cost as much as the ordinary railroad bridges, for this traction engine is much heavier than an ordinary locomotive engine. This grant of land is no greater than grants which Congress has heretofore on several occasions made for the construction of ordinary wagon roads. The land proposed to be granted is the same which has heretofore been granted to this company for the construction of a railroad; but the amount of the grant is now reduced.

It is claimed by competent authorities that these steam traction engines are no longer an experiment; that they have actually been proved to be a success. I have here some testimony on the subject which I will read. A London scientific journal, devoted to engineering, remarks in a recent number:

"It should be even more widely known than perhaps it is, that traction engines are now working in all parts of the kingdom, and that when sent from the makers to the purchasers, at distances of even one hundred to five hundred miles, they always go on their own steam. They work both up and down inclines as steep as one in six, and often go over ground where horses would sink. They are employed in the Government dock-yards, and by the large engineers for hauling weights up to forty tons; and we last week gave an account of the removal of a great block of Cornish granite, intended for the base of the Wellington memorial at Stratfieldsaye, a total load of forty tons, hauled for some miles by a traction engine." * * * * * "We cannot but think that, with so many of these engines now at work, the time is not distant when some of the present restrictions upon the use of steam on common roads will be removed."

A later number of the same journal, describing the operation of one of the traction engines, remarks:

"We have had these engines in all sorts of difficulties—hills such as traction engines were never before taken at, bad roads, over which they have

had to travel through soft, shifting soil, and to cross running streams; we have had them sunk up to their tenders in soft places, but have never had them yet stuck fast, nor in any difficulty out of which they could not extricate themselves without aid and without breakage."

Experiments with engines of this sort have been made in this country. I have here the testimony of scientific men who witnessed such an experiment in Brooklyn. They declare their entire confidence in the practicability of the traction engines as a means of transportation. From among the numerous letters before me, I will detain the House by reading only the following:

HEALTH OFFICERS' DEPARTMENT,
QUARANTINE, STATEN ISLAND, February 16, 1864.

MY DEAR SIR: It affords me great pleasure to state that on the 4th of December, 1863, I attended an exhibition of your "steam horse" on De Kalb avenue, in the city of Brooklyn, and was exceedingly gratified with its performance. I must confess that I was very skeptical as to the practicability of your invention until I witnessed this exhibition.

All doubts, however, have vanished, and I feel assured that you have attained what, if prosecuted to completion, is calculated to be of immense value to the world, and of untold wealth to yourself and friends who have aided you in carrying out your enterprise. I have entire confidence in your ultimate success, and I assure you that if I had the means at my command very little time would be lost in completing your machine and setting it to work, either in plowing or in traveling over our western plains.

As it may be of some assistance to you in inducing others, who have the means, to assist you in perfecting your machine, and carrying out your contemplated enterprise, I will state what I saw the machine do.

I saw it travel over an ordinary road in the suburbs of the city of Brooklyn, with portions of the running gear in an incomplete condition, with a very inferior quality of fuel, and with an imperfect boiler and blower, at the rate of certainly ten miles an hour. I then saw you travel over a soft meadow, when the frost was just leaving the ground, at the same rate of speed, and witnessed with perfect surprise the entire ease with which you controlled the movements of the machine among the crowd, about as readily as a driver would an ordinary team of horses. I then saw you hitch on two blocks of granite, weighing not less than eight or ten tons, and travel off with entire ease over the soft ground, in which the wheels sank about six or eight inches, at about the speed of eight or nine miles per hour, and at the same time directing your course with a precision which perfectly astonished all who witnessed its performance, and not a doubt was entertained of your entire success in your enterprise by the many scientific gentlemen who were on the spot at the time.

ALEXANDER N. GUNN, M.D.,
Health Officer, New York.

JESSE FRYE, Esq.

Mr. Speaker, it seems to me that if there is any reason to suppose that the vast desert region to which I have referred can be traversed by steam, we shall do well to make this grant of land and allow the experiment to be made. If the company should fail they will obtain no part of the land, and if they should succeed they will receive no greater grant than those which have heretofore been made to aid in the construction of ordinary wagon roads in various parts of the country.

Mr. THAYER. I desire to ask the gentleman what reason there is why this bill should not take the ordinary course. Why should it not be referred for investigation to the appropriate standing committee of this House?

Mr. TROWBRIDGE. I did not suppose there would be any opposition after I stated the object of the bill. As it is late in the session I requested the Committee on Public Lands, to whom it would naturally go, to examine it, and I understand they make no opposition to it. But the chairman of the Committee on Public Lands will state how this is.

Mr. JULIAN. I wish to state to the House that I have not waived any objection or any right to object to the passage of this bill without reference to the committee in the ordinary way. This traction engine is something very novel, and it seems to me it would be exceedingly shipshod legislation to pass the bill without sending it to the committee, without that consideration in the Committee on Public Lands provided for by the rules of the House. If the previous question be not seconded I shall move the reference of the bill to the Committee on Public Lands.

Mr. THAYER. I hope the gentleman from

Michigan will not under the circumstances press the passage of the bill at this time.

Mr. JULIAN. I will state that the Committee on Public Lands will be called on Thursday next.

Mr. TROWBRIDGE. The chairman of the committee certainly said if some members of the committee would examine this thoroughly he would make no objection to it. I am afraid the reference of the bill to the committee at this late period of the session will send it to "the tomb of the Capulets."

Mr. THAYER. I hope the House will refuse to transact business in this manner; that it will refuse to second the call for the previous question, and then refer the bill to the Committee on Public Lands.

Mr. JULIAN. I did agree, if the members of the committee examined the bill and made no objection to it, I myself would not make any; but since then two or three members of the committee have come to me and asked that it should be referred.

Mr. TROWBRIDGE. I demand the previous question in order to test the sense of the House.

Mr. RANDALL, of Pennsylvania. I shall be forced, if the gentleman will not allow a reference to the appropriate committee, to move that the bill be laid upon the table.

Mr. TROWBRIDGE. As it seems to be the wish of the House, I will agree to the reference of the bill to the Committee on Public Lands. I withdraw the demand for the previous question.

Mr. RANDALL, of Pennsylvania. I withdraw my motion to lay on the table, and move that the bill be referred to the Committee on Public Lands.

The motion was agreed to.

MRS. ABBY GREEN.

The SPEAKER next laid before the House Senate joint resolution No. 112, for the relief of Mrs. Abby Green; which was read a first and second time and referred to the Committee of Claims.

POST-ROAD BILL.

The next bill on the Speaker's table was Senate bill No. 369, to establish certain post roads; which was read a first and second time and referred to the Committee on the Post Office and Post Roads.

STATE DEPARTMENT.

The next business on the Speaker's table was Senate joint resolution No. 110, to authorize the hiring of a building or buildings for the temporary accommodation of the Department of State; which was read a first and second time.

Mr. RICE, of Maine. I ask that the joint resolution be put upon its passage. It authorizes the Secretary of State to hire a suitable building or buildings for the temporary accommodation of the Department of State, and that such sum of money, not exceeding \$50,000, as may be necessary toward defraying the expense of such hiring, the transfer of the public archives, and the fitting up of the building or buildings, be appropriated out of any money in the Treasury not otherwise appropriated. It is necessary that it should pass at once, as the Treasury Department is about to be extended over the ground where the State Department now stands.

Mr. RANDALL, of Pennsylvania. I insist that the joint resolution should first be considered by a committee.

Mr. RICE, of Maine. It has been considered by the Committee on Public Buildings and Grounds, and they recommend its passage. I have the letter of the Secretary of State, together with his estimates for this temporary occupation. I trust it will go through at once, so that the work on the Treasury Department may not longer be suspended.

Mr. RADFORD. Is there not room in the new Treasury building for the State Department? I remember to have heard something of this when I was a member of the committee

at the last session. From the information I then received I was led to believe there was room in the Treasury Department or in Win-der's Building.

Mr. RICE, of Maine. I will state for the benefit of my friends on the other side of the House that the committee investigated this subject at this session and came to the conclusion this appropriation was necessary, as no room could be provided for the State Department in any of the public buildings. I will state that the two Committees of the House and Senate on Public Buildings and Grounds have examined this question thoroughly, have visited the Treasury Department and the State Department, and have come to the conclusion unanimously that there is no other way but to provide a temporary building for the occupancy of the Department of State.

Mr. RADFORD. I would ask the gentleman if there are not rooms already fitted up in the Patent Office building sufficient to accommodate the Secretary of State?

Mr. RICE, of Maine. I think not.

Mr. RADFORD. I think there were last year, and I do not know that the building has grown any smaller since then. I move to amend the joint resolution by striking out \$50,000, and inserting in lieu thereof \$25,000.

Mr. RICE, of Maine. I ask that a letter from the Secretary of State on this subject be read.

The Clerk read as follows:

DEPARTMENT OF STATE,
WASHINGTON, June 14, 1866.

SIR: In reply to the inquiry contained in your note of yesterday, I have the honor to state that it will be difficult to estimate, with any exactness, what amount will be necessary to defray the expenses of the contemplated removal of this Department to temporary buildings. Taking into consideration the rent, fitting up generally, removing of archives, &c., I should think the sum of \$50,000 would not be an overestimate for the first year.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HON. LYMAN TRUMBULL, United States Senate.

Mr. RICE, of Maine. I did not yield for the amendment of my friend from New York, and I now demand the previous question.

Mr. RADFORD. Then I must move that the joint resolution be laid upon the table.

Mr. THAYER. I hope the gentleman from Maine will at least give us an opportunity to vote on the amendment. I do not see why the House should not have that opportunity.

Mr. RADFORD. All I ask is a vote on my amendment.

Mr. RICE, of Maine. All I can say is, that this is the estimate of the Secretary of State, and that the adoption of the amendment would defeat the entire measure. If my friend from Pennsylvania will go to the State Department and see the vast accumulation of papers there, including all our treaties with foreign nations, he will see that they ought to be removed to a fire-proof building, or one that can be made fire-proof. In my judgment the estimate of the Secretary is within bounds, and if that amount is not required it will not be used.

The SPEAKER. The gentleman from New York has moved to lay the joint resolution on the table, and that motion is not debatable.

Mr. RADFORD. I withdraw my motion temporarily, and I hope the gentleman from Maine will allow this subject to be debated fully.

Mr. THAYER. We all know that if we appropriate \$50,000 that money will be spent; whereas it will be the easiest thing in the world, if the \$25,000 should fall short, to put the balance in the deficiency bill of next session. I do not believe that it will require \$50,000 to provide temporary accommodations for one year. But if our views shall turn out to be erroneous, it will be easy to make up the deficiency hereafter. I am opposed to voting such large sums of money without any better foundation than the loose estimate which has been read to the House. I hope the House will insist on economy in this matter.

Mr. RICE, of Maine. I will leave the matter to the House, although my own idea is that the Secretary of State having examined the premises which he is to occupy, and having made this estimate, his judgment is better than ours on this question. But I will yield to the gentleman from New York to make his motion.

Mr. RADFORD. I renew my amendment, and wish only to say that I assert, without fear of contradiction, that rooms equal to those now occupied by the Secretary of State can be hired in the city of Washington for \$5,000 a year.

Mr. RICE, of Maine. I demand the previous question on the joint resolution and the amendment.

The previous question was seconded and the main question ordered.

Mr. RADFORD's amendment was agreed to.

The joint resolution was then ordered to a third reading; and it was accordingly read the third time and passed.

Mr. RICE, of Maine, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

ENROLLED RESOLUTION SIGNED.

Mr. TROWBRIDGE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution of the following title: when the Speaker signed the same:

Joint resolution (H. R. No. 77) for the relief of Ambrose L. Goodrich and Nathan Cornish for carrying the United States mail from Boise City to Idaho City, in the Territory of Idaho, and of Daniel Wellington and J. C. Dorsey for extra services in carrying the mails.

LAND GRANT TO KANSAS.

The next business in order on the Speaker's table was bill of the Senate No. 285, granting lands to the State of Kansas to aid in the construction of the Kansas and Neosho Valley railroad and its extension to Red river; which was read a first and second time.

Mr. SPALDING. I move that that bill be referred to the Committee on Public Lands.

Mr. VAN HORN, of Missouri. I hope the bill will be passed over informally. There is a similar bill at this time under consideration before the Committee on Public Lands.

Mr. JULIAN. I prefer that the bill should be referred to the committee.

Mr. ANDERSON. I will state to the House that a bill of the same character as this is now before the Committee on Public Lands, and the friends of the measure prefer that this bill should remain upon the Speaker's table. I can see no necessity for its reference.

Mr. JULIAN. There is so much hasty legislation here that I am not willing to forego the security of a reference.

The question was put upon Mr. SPALDING's motion; and there were—ayes 52, noes 17; no quorum voting.

And then, on motion of Mr. STEVENS, (at four o'clock p. m.,) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule and referred to the appropriate committees:

By Mr. BANKS: The memorial of Rev. D. Eglington Barr, chaplain of the United States colored volunteers, for compensation for property destroyed by engineers in constructing defenses at Baton Rouge, Louisiana.

By Mr. BROOMALL: The petition of many citizens of Chester county, Pennsylvania, asking for such a change in the tariff and tax laws as will enable American labor to compete successfully with foreign.

By Mr. BUNDY: The petition of John Brown, Samuel Spence, and 72 others, operatives in Gaylord & Co.'s rolling-mill at Portsmouth, Ohio, for an increase of the tariff to protect them against the effects of pauper labor of Europe.

By Mr. GRIDER: The petition of Dory Nell, of Metcalfe county, Kentucky, for indemnity and relief. Also, the petition of the trustees of Southern College, of Kentucky, at Bowling Green, for indemnity and relief.

Also, the petition of Elias Dunbar, of Russell county, Kentucky, for indemnity and relief.

By Mr. JULIAN: The memorial of Harly Ingersoll, and others, citizens of Michigan, praying the enactment of national insurance laws.

By Mr. O'NEILL: A petition, numerously signed by merchants, business men, and officers of the customs of the city of Philadelphia, with the plan of the alterations, asking that the "Pennsylvania Bank Building" belonging to the Government may be altered for the accommodation of the appraiser's department; and also asking for an appropriation for that purpose.

By Mr. TAYLOR: The petition of J. S. Underhill, of the city of New York, asking for relief for extra expenses incurred in working nights and Sundays upon the iron-clad steamer Keokuk, to hasten the construction of that vessel.

By Mr. VAN HORN, of New York: The petition of citizens of New York city, asking equal laws in relation to inter-State insurance.

IN SENATE.

WEDNESDAY, June 27, 1866.

Prayer by Rev. WILLIAM T. JOHNSON, of Washington, D. C.

On motion of Mr. LANE, of Indiana, and by unanimous consent, the reading of the Journal of yesterday was dispensed with.

ARMY APPROPRIATION BILL.

The PRESIDENT *pro tempore* appointed Mr. SHERMAN, Mr. WILSON, and Mr. YATES as the committee of conference on the part of the Senate on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 127) making appropriations for the support of the Army for the year ending 30th of June, 1867.

NORTHERN KANSAS RAILROAD.

The PRESIDENT *pro tempore* appointed Mr. POMEROY, Mr. BROWN, and Mr. RIDDLE as the committee of conference on the part of the Senate on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. No. 145) for a grant of lands to the State of Kansas to aid in the construction of the Northern Kansas railroad and telegraph.

PETITIONS AND MEMORIALS.

Mr. SUMNER presented a petition of citizens of the United States, farmers and mechanics and laborers in American manufacturing establishments, praying Congress to watch over and promote the interests of the people by amending the tariff so as to protect American labor to the extent of the difference of the cost of capital and labor here and abroad, with the addition of the taxes paid by American industrial products, from which the foreign are free; which was referred to the Committee on Finance.

Mr. SUMNER. I also offer the petition of the St. Domingo Mining and Commercial Company, having its office and place of business at New York. The petition is signed by S. De Witt Bloodgood, president, F. W. Newbold, secretary, and H. W. Bonsall, vice president, and is attested by the seal of the company. In this petition they ask that Congress may take steps in order to secure the establishment of a United States naval station at some convenient place in the West Indies, for the use and advantage of our squadrons cruising in the adjacent seas, and they propose that for that purpose land may be obtained in the bay of Mancinilla or elsewhere in the northern part of the island of St. Domingo. They represent that this place is specially adapted for a naval station. I offer this petition and ask for its reference, with the accompanying papers, to the Committee on Naval Affairs.

The motion was agreed to.

Mr. WILSON presented the petition of Samuel H. Madden, and other citizens of Schuylkill county, Pennsylvania, praying that the tariff law may be so amended as to afford better protection to American labor; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. WADE, from the Committee on the District of Columbia, to whom was referred a bill (S. No. 380) to incorporate the Washington County Horse Railroad Company, in the

District of Columbia, reported it with amendments.

He also, from the same committee, to whom was referred a bill (S. No. 280) to repeal an act entitled "An act to retrocede the county of Alexandria, in the District of Columbia, to the State of Virginia, and for other purposes," reported it without amendment.

Mr. HOWARD. The Committee on Military Affairs and the Militia, to whom was referred the bill (H. R. No. 447) to authorize the Secretary of War to sell a portion of the Fort Leavenworth military reservation to the city of Leavenworth, in the State of Kansas, for a public park have instructed me to report the bill back to the Senate with a recommendation that it do not pass. The committee are of opinion that it would not be for the interest of the military service that any further portion of that military reservation should be sold or disposed of by the Government.

Mr. WILSON, from the Committee on Military Affairs and the Militia, to whom was referred a joint resolution (H. R. No. 151) authorizing the purchase of Dugan's work on Infantry Tactics, reported adversely thereon.

Mr. LANE, of Indiana, from the Committee on Pensions, to whom was referred the petition of Margaret M. Ransom, of Norwich, Vermont, praying for an increase of her pension, reported adversely thereon.

He also, from the Committee on Pensions, to whom was referred a bill (H. R. No. 705) for the relief of George W. Bush, reported adversely thereon.

He also, from the same committee, to whom was referred a bill (H. R. No. 701) granting a pension to Mrs. Imogene Buckingham, of Edgar county, Illinois, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs and the Militia; which was agreed to.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. No. 698) granting an increase of pension to Mrs. Mercie E. Scattergood;

A bill (H. R. No. 699) for the relief of James L. Perham;

A bill (H. R. No. 700) for the benefit of John W. Jones;

A bill (H. R. No. 702) granting a pension to Mrs. Charlotte E. Reed;

A bill (H. R. No. 703) for the relief of Lieutenant Colonel Frank Lynch; and

A bill (H. R. No. 704) for the relief of Joel Farley.

Mr. VAN WINKLE, from the Committee on Pensions, to whom was referred a bill (H. R. No. 692) increasing the pensions of widows and orphans, and for other purposes, reported it with amendments.

Mr. HENDERSON, from the Committee on the District of Columbia, to whom was referred a memorial of the mayor, recorder, aldermen, and common council of Georgetown, praying that the aqueduct may be allowed to remain as a bridge, and that a suitable draw may be constructed in it so as to admit of the free passage of vessels, reported a bill (S. No. 395) relating to the aqueduct bridge of the Alexandria Canal Company over the Potomac river at Georgetown, in the District of Columbia; which was read and passed to a second reading.

He also, from the same committee, to whom was referred a bill (S. No. 65) to amend an act to extend the charter of the Washington and Alexandria railroad, passed March 3, 1863, reported it with an amendment.

W. H. HAMRICK.

Mr. WILSON. I am directed by the Committee on Military Affairs and the Militia, to whom was referred the joint resolution (H. R. No. 158) providing for the settlement of accounts of W. H. Hamrick, to report it back to the Senate without amendment, and with a recommendation that it pass; and if there be no objection I should be glad to have it put upon its passage now. It is a very small matter and will take but a moment.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It directs the proper accounting officers of the Treasury Department to settle the accounts of the late Wyatt H. Hamrick, lieutenant and quartermaster of the thirty-ninth Ohio volunteers, upon equitable terms, and upon the best evidence available.

Mr. WILSON. I will simply state that this officer had property put in his hands, and within a few hours afterward was killed in battle. This is a resolution to settle his accounts. The Government owes him money, instead of he owing it to the Government.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WOODWARD AND CHORPENNING.

Mr. WADE. I move to take up for consideration House joint resolution No. 123, which was reported yesterday by the Committee on Indian Affairs.

The motion was agreed to; and the joint resolution (H. R. No. 123) for the relief of Elizabeth Woodward and George Chorpenning, of Pennsylvania, was considered as in Committee of the Whole. The resolution provides for the payment of \$32,325, in equal moieties, to Elizabeth Woodward, widow of Absalom Woodward, and George Chorpenning, for destruction of property by Indians between Salt Lake and California prior to the 1st of July, 1852; the moiety paid to Elizabeth Woodward to be for the use of herself and her four children. It also provides for the payment of \$30,670 to George Chorpenning for property destroyed by Indians between Salt Lake and California prior to the 1st of April, 1856; and the amount thus paid is to be deducted from any annuities now due or that may hereafter become due to the Indians inhabiting that territory.

The Committee on Indian Affairs reported the bill with two amendments. The first amendment was in section one, line three, to strike out "\$32,325" and to insert "\$28,175."

The amendment was agreed to.

The next amendment was in section two, line two, to strike out "\$30,670" and to insert "\$26,370."

The amendment was agreed to.

Mr. GRIMES. I will inquire whether this joint resolution is accompanied by a report. If so, I ask that it be read.

The PRESIDENT *pro tempore*. The Chair is advised that there is no written report accompanying the joint resolution.

Mr. GRIMES. I should like to learn whether anybody knows anything about what the facts are. It seems to me a resolution of this kind ought to be accompanied by a report. There ought to be something to go upon the record explaining it.

Mr. CONNESS. There is a House report.

Mr. GRIMES. Then I ask that the House report be read.

Mr. CONNESS. It is very long.

The PRESIDENT *pro tempore*. The Chair is informed that there is no report from the House on the files of the Senate.

Mr. HENDRICKS. I wish to inquire of the Senator having the resolution in charge whether it has been customary for the Government to pay for losses of property caused by depredations of the Indians except in cases where the Government is indemnified by the Indian annuities going to the Indians that did the wrong.

Mr. MORRILL. This resolution provides for that.

Mr. HENDRICKS. I am told that this resolution provides for that deduction. I did not know that.

Mr. WADE. Yes, sir, it does. This resolution comes from the House of Representatives. After mature deliberation on the evidence that was before them, the House committee reported in favor of the payment of

\$63,000. I do not pretend to be fully informed upon it, and only brought it up by the consent of the gentleman having it in charge—

Mr. CLARK. Who had it in charge?

Mr. WADE. The Senator from Pennsylvania, [Mr. BUCKALEW,] who wished that I would move to take it up. It was before the committee, I believe, yesterday, and after full deliberation they made their report upon it, and amended the House bill by decreasing the amount very much. Some of the gentlemen of that committee are present, and I suppose they can answer any questions in regard to it. The Senator from Oregon [Mr. WILLIAMS] can explain it much better than I can. I know that the committee have deliberated upon the evidence in the case very fully; and the only question, as I understand, that was pending before that committee was the question as to the amount of damages that should be allowed for certain property that was destroyed by the Indians at the time mentioned in the resolution. The right to such damages, I believe, was conceded by all, both in the House and in the Senate; but our committee cut down the damages considerably, some eight or nine thousand dollars, from the amount allowed by the House. Of course it turned on a mere estimate of the damages, derived from various witnesses, as to the value of the property destroyed. I believe that is the only question there is pending, and I suppose it is a question about which men would form different judgments. Different men would form different estimates as to the value of the property destroyed. The committee I know to be an exceedingly vigilant one, and one that would be very apt to take care of the interests of the Government in a question of this kind. The amount is pretty large, and the matter received the deliberate judgment of the committee, as I know they had it under consideration for some time. I have read the testimony in regard to the damages, and I think that there is in it room for any tribunal to vary somewhat. If I was to judge myself, however, I should suppose that in estimating the damages the House had made nearer an average of the testimony than the Senate committee, who cut it down; but that is not for me to say. It was before the committee for examination, and their judgment, of course, is infinitely better than mine on such a subject. I think there is no reason to object to the resolution unless gentlemen want to overhaul all the evidence.

Mr. GRIMES. There is no question but that there has been, as the Senator from Ohio says, very mature deliberation in this case. Congress has been deliberating on it, to my knowledge, seven years, and I believe it had been here some years before, for it was an old claim when I took my seat in the Senate seven or eight years ago. It may be full of merit; I do not pretend to say how that is; but the Senator does not state to us the facts in regard to it upon which we are called on to base our amendment. What I want is a legitimate, proper report from a committee, so that we can read it and see what we are doing.

Mr. CONNESS. Permit me to say that there is a House report accompanying this joint resolution. I had it and read it, but cannot put my hand on it now. It states with considerable preciseness the merits of the whole case, and it would be well, perhaps, before the Senate acts on it to get that report.

Mr. TRUMBULL. The House report is among the papers. It was before the Committee on Indian Affairs. There is a whole bundle of papers, and the member of the committee who has the bill in charge knows all about them.

Several SENATORS. He is not here.

Mr. TRUMBULL. I should not think it advisable to call up the bill in his absence.

Mr. CLARK. The Committee on Indian Affairs, who had this matter in charge, deputed it to one of their members for examination and examined it very thoroughly themselves; but that member, the Senator from Pennsylvania, is not in the House at the present time. I think

it had better go over and not be called up in his absence, but be called up when he is here, so that he can explain it.

Mr. WADE. I have no objection to its lying over.

Mr. SHERMAN. I move that it be postponed with a view of taking up Senate bill No. 357, the telegraph bill.

The motion was agreed to.

BILLS INTRODUCED.

Mr. ANTHONY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 394) to establish certain ocean post routes between the United States and Europe, and to regulate the transportation of the mails thereon, and to reduce the expenses thereof; which was read twice by its title and referred to the Committee on Post Offices and Post Roads.

Mr. ANTHONY. I desire to say that I introduce the bill by request, without committing myself at all to the measure.

Mr. HARRIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 396) for promoting the growth of forest trees on the public lands; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. HOWARD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 397) for the relief in certain cases therein named of settlers in Kansas and on the line of the Union Pacific railroad, eastern division, and for other purposes; which was read twice by its title, referred to the Committee on the Pacific Railroad, and ordered to be printed.

Mr. POMEROY. I think that bill ought to be referred to the Committee on Public Lands. I think there is only a question of public lands in it.

Mr. HOWARD. I have no objection to that reference.

Mr. CONNESS. I think it is altogether probable that there will be some wish to insert a provision in it connected with the Pacific railroad legislation, and growing out of the late bill passed. With that view, I think it had better go to the Pacific Railroad Committee.

Mr. POMEROY. If it has anything to do with the road, let it take that course.

The PRESIDENT *pro tempore*. The bill has been referred to the Committee on the Pacific Railroad.

TELEGRAPH LINES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 357) to aid in the construction of telegraph lines, and to secure to the Government the use of the same for postal, military, and other purposes.

Mr. GRIMES. I move to amend the bill by striking out in section one, line three, the words "the national" and inserting "any;" and in the same line by striking out "a corporation organized under the laws of the State of New York April 16, 1866," and inserting "authorized to be organized under the laws of any State in this Union;" so as to make the section read:

That any telegraph company authorized to be organized under the laws of any State in this Union shall have the right to construct, maintain, and operate lines of telegraph through and over any portion of the public domain of the United States, over and along any of the military or post roads of the United States, &c.

The purpose of the amendment is to make a general law on the subject of telegraphs, which will allow any company that may be organized under the authority of any State in the Union to establish telegraph lines, instead of confining it to one particular company—to put them all on a par.

Mr. SHERMAN. The amendment of the Senator from Iowa, I believe, rather meets my idea; but the select committee who reported this bill at the time they were considering this matter thought it better to take up this company, which showed at least an inclination to enter into competition with the great and pow-

erful corporations now existing, rather than to adopt any general system which might be superseded hereafter. The purpose of this bill is simply to enable this particular company to engage in this competition, believing that they have now the power and the means to do it. I do not myself, however, see any objection to this amendment, unless it would tend to cripple their operations.

Mr. GRIMES. I do not think it will have that effect.

Mr. SHERMAN. My purpose has always been to extend these rights to all incorporations, because the fourth section of the bill provides—

That nothing contained in this act shall be so construed as to prevent Congress from granting to other telegraph companies such powers and privileges as are hereby conferred; and Congress may at any time alter, amend, or repeal this act.

So far as I, as an individual Senator, am concerned, I am not opposed to the amendment of the Senator from Iowa; but I am not authorized to accept it, because the committee thought it better to confine at present the operation of this bill to a single company. If the amendment is to be adopted it ought to be that "any company now in existence or hereafter authorized"—

Mr. GRIMES. It covers that now. "Any telegraphic company authorized to be organized."

Mr. SHERMAN. Say "now organized or authorized to be organized."

Mr. GRIMES. Well, I will accept that modification.

Mr. HARRIS. Why not say "any telegraph company?"

Mr. GRIMES. I would rather say one authorized by the law of some State. "Any telegraph company" might be a mere private association. "Now organized or authorized to be organized" is my amendment.

Mr. SHERMAN. So as to include all existing companies and all hereafter organized?

Mr. GRIMES. I will say "now organized or authorized to be organized under the laws of any State in this Union."

Mr. CLARK. Why not say "now or hereafter organized?"

Mr. GRIMES. Very well.

Mr. SHERMAN. I ask the Senator from Iowa whether it would not accomplish his purpose better to leave the bill as it stands and say in the fourth section "the privileges hereby granted to the National Telegraph Company are also conferred upon all other companies organized under the laws of the several States?" I think that would be better.

Mr. CONNESS. The difficulty of that is this, it appears to me: this company is a joint stock company organized under the laws of the State of New York; they have a very large capital, as they state themselves in some of the prospectuses accompanying this matter; though they may not have any immediate benefit to their company from the passage of this bill, they expect a great indirect benefit by reason of the credit that it will give their company. In other words, it is proposed by the passage of this bill for this particular company, to enhance the value of their stock in the market. Now, Mr. President, I hope that Congress will not pass an act with that view, nor having that effect; but that instead of doing it, the amendment proposed by the Senator from Iowa will be accepted. If you are to pass an act that there be free trade in telegraphing from the start, very well; if you are able to give advantages or facilities for telegraphing in the United States, give them alike to all. Then this company have any benefits that can be derived from the legislation of Congress that they are entitled to have. I hope the Senator having the bill in charge will consent to the change.

Mr. SHERMAN. There is one idea that ought not to be forgotten. This company or any other company starting in the telegraph business has got to enter into competition with a powerful consolidated corporation, with a capital stock of from forty-five to fifty million

dollars—a company now receiving a gratuity from Congress on a line from here to San Francisco, with their agents scattered all over the United States, with their arrangements made with the railroad companies throughout the United States; and it is no idle task for any new company to enter into this kind of competition. I do not wish to say it to discourage any one, but the probability is that in such a competition there will be a good deal of capital lost before the business is put on a stable footing. We know, as a matter of history, that the United States Company and the American Telegraph Company, I believe, both started as rival institutions to other companies, but they are now all consolidated in one great company; so that any company entering into the race must expect to meet a powerful competition. It has been shown by the experience of telegraph companies that a line established even on the most favorable location, say between Washington and Boston, starting alone, would not be able to compete with these powerful companies, because they can do all the business of telegraphing between these leading points for nothing, and so drive out of existence the rival company, unless that company is able to extend its branches to the leading cities of the United States.

Some of the gentlemen connected with this National Telegraph Company organized in New York are men of property and wealth, who have embarked in this enterprise, and they intend to take this hazard upon themselves in order to make this competition with a view to establish a telegraph line. This bill provides that after they have established this line, they shall not do as other companies have done, sell out to the existing monopoly, but shall continue to stand upon their own footing as an independent company. At the same time we reserve the power in Congress to alter, amend, or repeal their charter, or to give the same rights and privileges to other companies.

Now, I say, as an individual Senator, not representing the committee upon this matter, that unless it would tend to weaken their effort to create a company, I would be perfectly willing to see this privilege extended to all telegraph companies, including the present one; but I do not think it is exactly fair, under the circumstances, now to give this privilege to an existing company who are seeking to monopolize the whole business, and who do now monopolize the whole business, when it is manifestly the interest of the Government to build up new rivals to compete, if possible, with the existing corporation. I am willing, however, to take the sense of the Senate, without any further debate upon the question, whether they desire to make this legislation general or special. My impression is, that it would accomplish the object of the bill better to confine it to this one corporation, and then to extend it gradually if other companies desire to enter into it. But if it is the sense of the Senate to make it general now, I am perfectly willing to abide by that decision.

Mr. BROWN. Mr. President, I believe it was on my motion that this matter was brought to the attention of the Committee on Post Offices and Post Roads, and was afterwards referred to the Postmaster General for an opinion and for data. Subsequently a special committee was organized in this body to examine the question more completely. I am free to say that the report of that committee, as far as it goes, submitting a bill for the organization of a new company, does not fulfill, in any manner, the idea which I had in the premises; that is, the propriety of the Government taking this subject of telegraphing in hand as a legitimate postal business, reducing it to a uniform rate and establishing a minimum of charge. I believe that much can be accomplished, and will be accomplished yet. The leading foreign Governments have recently moved in this direction, and I believe that the Government of the United States will have to come to that at last as the only means of

curing the evils under which the telegraphic system now labors—a vast monopoly and an enormous public burden.

Since I had occasion to bring this subject to the attention of the Senate, the companies then in existence have gone on and consolidated themselves still more closely, until, I believe, there is now a single control that governs the whole subject, rendering competition an impossibility. Under that aspect of it, I shall have but little objection to this bill which has been introduced by the committee, or to any other bill which proposes to facilitate the organization of another company. I think, therefore, the amendment suggested by the Senator from Iowa is a very good one, as that will enable all the companies that may see fit to organize to go into this business, and, in so far, break the force of the monopoly. I shall therefore favor the amendment, and shall offer no objection to the bill itself, although it comes so far short of the true remedy for the evil. It may prove an entering wedge, preparing the way for a final consummation, when under Government control the telegraph shall be open to all as cheaply and as extensively as are now the facilities for transmitting messages by the mails.

I have one other word to say in regard to the communication of the Postmaster General. I think he has shown himself in that communication utterly unworthy of the position which he holds as a public officer so far as a comprehension of the necessities of that service goes. I think that he has exerted himself rather to throw before us details antagonistic to the project than to seek out and collate any information that would bear out the enterprise. Substantially he has collocated and presented here only the replies of the different telegraphic companies which are directly interested in this monopoly, and who have arranged their figures to suit their interests. He has given, it is, true the statement of Mr. Prescott, in which he endeavors to rebut and deny his own published works and published statements on this subject—details and facts given by him when he did not anticipate that any such movement as the present would place his publications in antagonism with the interests of the telegraph companies. How unfair the whole of this farrago of figures which has been laid before us is, may be gathered from a single remark; and that is in the statement of Mr. Prescott, who is combating his own published works heretofore, and says:

"I will dismiss this brief review of his (Mr. Brown's) speech by adding, in regard to his suggestion, 'that the telegraphic charges on ordinary commercial correspondence may be made as inexpensive as the present postal rates,' that the messengers receive more than the price of a letter stamp for delivering each dispatch, and that the Government tax upon the gross receipts of the telegraph companies averages more per message than Mr. Brown's estimate of the entire expense."

I believe that the Government, in its charge of three cents per letter, undertakes not only to transmit those letters to distant parts of the country, but it also undertakes the delivery to the individuals in cities of those letters themselves; so that the assumption here that more is given to the messengers for delivering telegraphic dispatches than the Government postage is simply ridiculous. Government carries them and delivers them both for postal rates, and yet makes money. They could deliver them just as easily as the Government delivers its letters, and just as cheaply. Therefore, it is clear that the illustration has no bearing at all, and is delusive and tricky. The same may be said of the statement "that the Government tax upon the gross receipts of the telegraph companies averages more per message than Mr. Brown's estimate of the entire expense." What bearing has that on the cost of telegraphing? The Government tax averages more per message than my estimate of the expense of telegraphing a dispatch because the telegraph company charge such an enormous price for every dispatch that it makes the tax amount to more than they could really be carried for. That is the answer to the attempted

illustration. But it is not my intention this morning to make any extended reply to the hostile criticisms on my remarks which the Postmaster General has deemed it proper to gather up and present here under the disguise of a report. I will do that at some future time, when I shall renew the motion I have heretofore made, urging upon the Government the extension of its postal system so as to embrace telegraphic messages.

I do not think it probable that anything will be done at the present session in this connection, in the face of the adverse report which has been presented by the Postmaster General, and I shall therefore have no objection to taking up the bill which has been reported by the special committee, and doing what may be done in that behalf. I give notice, however, that I shall renew at the next session of Congress the attempt in this behalf.

Let me say, however, in conclusion, that I think the Postmaster General has reflected more discredit upon himself as a public officer in this connection than perhaps has transpired in regard to any high public functionary in this Government for a long period of time.

Those who have heretofore held the position of Postmaster General have endeavored to signalize themselves by defending it against the inroads of monopolies, by advancing the service, by giving to it the money-order system, the free-delivery system, the registration system, by facilitating the convenience of the people, and by carrying forward the service instead of standing in their places and repressing by illiberal and unfair reports every effort that may be made to extend and expand its usefulness and scope. And then such reasons as are lugged in to sustain this consolidated telegraph despotism, and prevent Congress from legislating for the relief of the people! Take one illustration. He says in his report:

"As the result of my investigation, under the resolution of the Senate, I am of the opinion that it will not be wise for the Government to inaugurate the proposed system of telegraphs as a part of the postal service, not only because of its doubtful financial success, but also its questionable feasibility under our political system."

Doubtful financial success? Pshaw! and that in the face of corporations that have expended themselves from five millions, which may be held to represent their construction account, to fifty millions, which is the proposed capital stock on which they design to base their dividends. And again, "feasibility under our political system;" as if the hearings of our political system had anything to do with determining whether the Post Office should send its messages and letters on the rail or on the wire, by post roads or by telegraph lines. It is too ridiculous for further comment.

Mr. SHERMAN. I regret very much the remarks made by the Senator from Missouri, because I know them to be unjust, so far as this bill is concerned. I know that Governor Dennison, the present Postmaster General, desires to promote the very object the honorable Senator from Missouri desires to promote, the extension of the telegraphic system and its eventual absorption by the Government of the United States; and therefore all his remarks on this subject are very unjust. The Postmaster General was called upon for information by a resolution of the Senate, I think introduced by the honorable Senator himself. Where would he get that information? He sent letters to all the leading persons engaged in the business, to the men themselves who had interest, on both sides. He addressed the persons who were interested in this very project of creating new competition. The whole of their replies were sent to him, and he communicated them to Congress. He has given, himself, no opinion on the subject. He has stated that on account of the large cost of establishing a Government system he does not think it should be done now. He shows by the figures he sends us that it would cost from ten to twenty million dollars, and perhaps more, to establish this system now, and he thinks we have not sufficient in-

formation to engage generally in the business. In that opinion he may be wrong; but upon the information that he gathered he probably was not wrong. He sends the whole of that information to us. I desire to state further that I submitted this very bill, reported from the special committee on the subject, to Governor Dennison, and it meets his hearty approval. He examined it carefully, and thought we ought to do that much, and be prepared to do more from time to time, as the system might develop itself. The whole system is new; it is but a little over twenty years since the first telegraphic message was sent across the wires between Baltimore and Washington. We must first get a rival or private competition with the existing company to reduce prices, and then, perhaps, after awhile the Government may do as the republic of Switzerland has already done, assume the whole telegraphing. In the little republic of Switzerland telegraph messages are sent by the Government precisely like postal letters, at a uniform charge of one franc per message. The British Government are now considering whether in Great Britain they will not do the same thing by Government, and I have no doubt that in a year or two telegraphic messages will be sent by the Government, precisely as the Government sends a letter of the citizen all over Great Britain; and eventually I hope we shall come to the same thing. As it is now, it costs two dollars to send a message from Washington city to my home, in the center of the State of Ohio. It costs now more than it did the first year the telegraph was established in this country. The great company that has now nominally fifty millions of capital, probably represents ten or fifteen millions of property; all the rest is accumulated profits or watered stock. It is manifest, therefore, that this bill or some measure to create competition ought to pass.

But I only rose now to reply to what I consider an unjust personal remark on Governor Dennison, in this connection. He, I have no doubt, favors the object of this bill; indeed I know that he favors this bill itself, and he favors the object which we all seek. The remarks of the Senator, so far as Governor Dennison is concerned in this connection, are unjust.

Mr. BROWN. I said nothing about Governor Dennison favoring this bill, but I said he had thrown the whole weight of his position as Postmaster General against this reform of the postal service.

Mr. SHERMAN. Only by communicating information, reports from interested parties.

Mr. BROWN. And by expressing his decided opinion that it was not feasible under our political system.

Mr. SHERMAN. At present.

Mr. BROWN. He does not say "at present."

Mr. SHERMAN. I think the Senator has given too much force to the language of Governor Dennison. The honorable Senator from Missouri has been absent during most of the time we have been considering this matter; and although he takes it very much to heart, I think if he had been here and had conferred with Governor Dennison he would have found that he is not so much opposed to this system as the Senator imagines he is. I think he is prepared to aid and give the aid of his office at any time to extending the telegraph system and cheapening the rate of telegraph messages.

Mr. GUTHRIE. I am opposed to this bill and to all this system of legislating so as to create corporations by the national Government, or to extend the rights of corporations created by the States. It interferes with existing corporations in the land, whether they be railroads or whether they be canals or corporations established for any other mode of conveyance or transit. I do not think under this system of government we have any business with such legislation in Congress. The avowed object here is to give the company named in this bill the advantage of the national Government and of a national charter

against existing corporations in which it is said there have been some forty or fifty millions of capital invested during the last twenty years. Sir, we have an immense system of telegraphing throughout the United States, which is vastly convenient to the citizens. Now, the object of this bill is to break down that whole fabric by creating a counter-corporation, with the favor of the United States, extending to all the States of the Union. Let this company in New York, if it is so rich and so powerful as it is claimed to be, build its line of telegraph and enter into competition in the States, and let us give them no sanction by Congress. Let us not interfere with the enterprise and capital of the people and the arrangements which the States have made for transmitting information.

If this system of legislation is tolerated, we shall be here engaged in granting charters to interfere with the private rights that are granted by the States, and to break down the profits of the large amount of capital that has been invested in telegraph lines, in railroads, and perhaps in canals, and after awhile in bridges. We cannot tell where this thing is to end. I think this Government has quite enough to do to manage the national affairs, without interfering with the internal affairs of the States, which belong properly to State jurisdiction and State regulation.

I am opposed to this whole measure. I do not think the time has come for the General Government to embark in the business of telegraphing. I agree with the Postmaster General on that point. We have not transacted the business committed to us in such a very economical way as to make it desirable that, before we get out of debt, we should try our hand upon these new enterprises and new undertakings. I shall vote for the amendment of the Senator from Iowa, but I shall vote against the whole measure.

Mr. DOOLITTLE. I incline to think that I also shall vote for the amendment of the Senator from Iowa, but after all I am in doubt in my own mind whether the Government ought to take telegraphing away from the people and put it under its own control, or whether it should not rather give back the post office to the people and let the Government have nothing to do with it, but let the people run the whole concern, post office, telegraph, and all. I think we shall arrive at that point some day—we are not educated up to it yet—when we can dispense with the whole Post Office Department and let the people take care of the transmission of their own letters, just as they do of their own merchandise.

But, sir, I do not think we can dispose of this question to-day. It is too important in all its bearings to be discussed and acted upon, and disposed of now. I think it had better be postponed. I move that this bill be postponed until to-morrow, for the purpose of going on with other matters.

Mr. SHERMAN. This matter has been fully considered by the Post Office Department and by the special committee on the subject. The bill has been twice before the Senate, and it is now up again. Let me say another word to the honorable Senator from Wisconsin. There is not a single power conferred by this bill upon the new company that is not already conferred upon the old corporations. Every provision of this bill has been already granted by law to the old existing corporations, and besides that they have \$40,000 a year from the Government of the United States as an express monopoly. They have already got from this Government without objection every provision in this bill, and besides that an annuity of \$40,000 a year. I hope we shall at least put this new company that proposes to compete with them upon an equal footing with them without an annuity, and that is all this bill does. I hope the bill will be disposed of.

Mr. POMEROY. I hope we shall finish this bill to-day. I have always found that after we discuss a bill and then lay it aside and have it come up a second time, we have the debate to

go over again. Now this, I believe, is the third time this has been before the Senate, and I hope we shall take a vote upon it and conclude it. I feel no great interest in the measure, because I think the bill is so drawn that it is useless for any good purpose for the company when they get it. They get no exclusive privileges; they get no particular rights; and I do not believe capitalists will invest in it after the bill is passed.

Mr. HENDRICKS. I am indifferent whether this bill be disposed of finally to-day or at some future time. I hope the Senate will reject a bill like this; but if it is to be adopted, and this policy entered upon by the General Government, we may as well do it to-day as to-morrow or some future time. I was not aware that the Congress of the United States had ever extended to other telegraph companies the privileges that it is proposed to grant by this bill. I know that in the State of Indiana the telegraph companies construct their lines and conduct their business under State law.

Mr. DOOLITTLE. The honorable Senator from Indiana will allow me to interrupt him and to suggest that, on my motion, it is preferable to take the sense of the Senate on the point whether the bill is to be postponed or whether the discussion is to go on to-day. Let us settle that point before we go into discussion.

Mr. GRIMES, [to Mr. DOOLITTLE.] What do you propose to bring up? Anything?

Mr. DOOLITTLE. There are other matters that ought to come up to-day; and besides, I gave notice yesterday that I should move early to-day for an executive session, because one of the treaties yesterday was not disposed of. I could not keep the Senate here long enough yesterday to dispose of it. I hope this bill will be allowed to go over until to-morrow.

Mr. SHERMAN. It will only stand in the way of other business.

Mr. HENDRICKS. I have no objection to the postponement. Of course a bill of this sort is not to pass without investigation and discussion. If the Senate wishes to take up something else, I shall not be in the way of that.

Mr. TRUMBULL. I should be very glad to call up the House bill to fix the number of judges of the Supreme Court of the United States and to change the judicial circuits. I have been trying to get the floor to move to take it up for several days; but there are so many of these telegraph lines and railroad companies and land-grant railroad companies that it has been impossible to do any other business for, I should think, several weeks. I hope this bill will be postponed or voted upon and got out of the way in some shape so that we may do some other business.

Mr. SHERMAN. Let us take a vote on it.

Mr. HENDRICKS. It is very clever in the Senator from Ohio to propose to just take a vote on it.

Mr. SHERMAN. On the postponement I mean.

Mr. HENDRICKS. I thought the Senator wanted the vote on the bill.

Mr. SHERMAN. I hope we shall come to a vote on the bill pretty soon. I ask for the yeas and nays on the motion to postpone.

The yeas and nays were ordered; and being taken, resulted—yeas 19, nays 14; as follows:

YEAS—Messrs. Buckalew, Chandler, Creswell, Davis, Doolittle, Edmunds, Foster, Guthrie, Hendricks, Howard, Morgan, Morrill, Nye, Poland, Riddle, Trumbull, Van Winkle, Willey, and Wilson—19.

NAYS—Messrs. Anthony, Brown, Clark, Connors, Harris, Kirkwood, Nesmith, Norton, Pomeroy, Ramsey, Sherman, Stewart, Wade, and Williams—14.

ABSENT—Messrs. Cowan, Cragin, Dixon, Fessenden, Grimes, Henderson, Howe, Johnson, Lane of Indiana, Lane of Kansas, McDougall, Saulsbury, Sprague, Sumner, Wright, and Yates—16.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. LLOYD, its Chief Clerk, announced that the House of Representatives had passed without amendment a bill (S. No. 317) to amend an act entitled "An act to amend an act entitled

'An act to aid in the construction of a railroad and telegraph line from the Missouri river to the Pacific ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," approved July 2, 1864.

The message further announced that the House of Representatives had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

A bill (H. R. No. 18) for the relief of the members of the thirty-seventh regiment of Iowa volunteer infantry;

A bill (H. R. No. 725) to provide for the payment of the sixth, eighth, and eleventh regiments of Ohio volunteer militia, of Cincinnati, Bard's company of cavalry, and Paulsen's battery, during the time they were in the service of the United States in 1862;

A bill (H. R. No. 728) authorizing the Secretary of the Treasury to issue certificates of registry or enrollment and license to certain vessels;

A bill (H. R. No. 729) to change the port of entry in Puget sound;

A bill (H. R. No. 730) relating to pilots and pilot regulations; and

A joint resolution (H. R. No. 178) in reference to the Dismal Swamp Canal Company.

The message further announced that the House of Representatives had passed a joint resolution (S. R. No. 110) to authorize the hiring of a building or buildings for the temporary accommodation of the Department of State, with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House of Representatives had signed an enrolled joint resolution (H. R. No. 77) for the relief of Ambrose L. Goodrich and Nathan Cornish, for carrying the United States mail from Boise City to Idaho City, in the Territory of Idaho, and of Daniel Wellington and J. C. Dorsey, for extra services in carrying the mail; and it was thereupon signed by the President *pro tempore*.

COURTS IN GEORGIA.

Mr. TRUMBULL. I move to proceed to the consideration of Senate bill (S. No. 382) to change the place of holding court in the northern district of Georgia.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that the district court for the northern district of Georgia shall hereafter be held at Atlanta, instead of Marietta.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WOODWARD AND CHORPENNING.

Mr. WADE. I move now again to take up the joint resolution which was under consideration this morning, but which was laid aside until the Senator from Pennsylvania should come in.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. R. No. 123) for the relief of Elizabeth Woodward and George Chorpenning, of Pennsylvania.

Mr. BUCKALEW. The Committee on Indian Affairs have reduced the appropriations contained in the House joint resolution, by the sum of \$8,450, by putting a reduced valuation on the animals proved to have been lost in the mail service. That is the only change made in the resolution. Otherwise it stands precisely as it came from the House of Representatives.

A bill or provision for the relief of the claimants formerly passed the House of Representatives at three different sessions. On two of the former occasions the subject was not acted upon in the Senate for the want of time. On the third occasion, after the passage of the measure in the House which included this proposition, a part of it was struck

out by the Senate Committee on Post Offices and Post Roads, at the instance of the late Judge Collamer, for the reason, and only for the reason, that it was a subject not pertinent to the consideration of that committee but appropriate to the consideration of the Committee on Indian Affairs. It was also his opinion that it was properly a legitimate subject for examination and assessment by the Indian department, and he suggested that the case should be laid before that department. For that reason the first section of that bill containing four sections in relation to the carrying of this mail was stricken out. Subsequently the claim was examined by the Indian department and rejected upon certain technical grounds, not affecting its merits, and leaving open, in my opinion, the whole question of the legal obligation of the Government, under the existing law, for the consideration of Congress.

Now, sir, the House of Representatives have again passed a measure for the relief of the claimants, differing only from the first measure to which I have alluded in the fact that it covers an additional period of time. That covered a period extending through 1851 up to July, 1852. The present resolution and the last bill which passed the House of Representatives and remained unacted on in the Senate included a period of time extending up to March, 1856. This subject has been reported upon by the House Committee on Indian Affairs. I hold that report in my hand, and if the Senate desire to pause for a full examination of this claim upon its merits, it will, I suppose, consult the convenience of members and save time to have that report of the House committee read.

Mr. BROWN. I ask for the reading of that report if it is not too long. It seems to be a very old claim, and I should like to know how it differs from a great many other cases where parties lost property on the plains, so as to entitle these persons to precedence.

The Secretary read the following report made in the House of Representatives by Mr. A. W. HUBBARD on the 27th of April:

The Committee on Indian Affairs, to whom was referred the petition of George Chorpenning, submit the following report:

The committee have carefully reviewed the facts as set forth by the proofs in the case, fully concurring in the views expressed by the respective Committees on Indian Affairs of the Thirty-Fifth, Thirty-Seventh, and Thirty-Eighth Congresses, and report that it is fully established that George Chorpenning and Absalom Woodward were contractors for carrying the United States mails from California to Salt Lake, in Utah Territory; that they were the first persons ever engaged in transporting the mails through that country, commencing as early as May 1, 1851, and connecting at Salt Lake with the line east, formed the first "overland mail line" ever established across the continent; that in the performance of these duties they were compelled to pass regularly through the Indian haunts of the country; that the mail parties or trains were repeatedly attacked, men killed and wounded, mules, horses, and other property stolen and destroyed by them; that in November, 1851, Absalom Woodward with his escort of four men were attacked and murdered by those Indians, and all the property in their charge destroyed. The petitioner, Chorpenning, continued to carry the mail for Woodward and Chorpenning down to the 30th of June, 1852, and on his own account since.

The proof is sufficient to establish that from the commencement of the service down to the 30th of June, 1852, eighty-three mules and horses and other property, valued at \$3,275, were killed and destroyed by the Indians, together with a large amount of money on the person of Woodward when he was killed. The proofs also establish that from June 30, 1852, to April 1, 1856, eighty-six mules and horses were killed or stolen, and property of the value of \$570 destroyed by the Indians. For this property George Chorpenning and Absalom Woodward are entitled to indemnity from the Government.

It has been the policy of the Government to regard the Indians within its limits, and not subjected to the legislation of any of the States, as distinct but imperfectly organized political communities, under the control and protection of the Government of the United States.

The intercourse of the whites with the Indians is regulated by law, and all persons going among them in the service or by the special license of the United States are under its protection. If such persons are injured by the Indians they have no redress by resort to judicial tribunals, for none such exist among the Indians; and such persons are strictly prohibited from obtaining redress by reprisals, but the Government promises to pay their losses.

It is unnecessary to review the series of laws passed to effect these objects. The act of 30th of June, 1834, (5 Statutes-at-Large,) is the last of the general series,

and is now in force. By the seventeenth section of this act it is, among other things, enacted that if any Indian or Indians shall, within the Indian country, take or destroy the property of any person lawfully within such country, such person may make application to the superintendent, agent, or sub-agent, who on being furnished with the necessary proof shall, under the direction of the President, make application to the nation or tribe to which such Indian or Indians belong for satisfaction; and if such nation or tribe shall refuse satisfaction in a reasonable time, not exceeding twelve months, such superintendent shall make return of his doing to the Commissioner of Indian Affairs, that proper steps may be taken to obtain satisfaction for the injury; and in the mean time the United States guaranty to the party so injured an eventual indemnification: *Provided*, First, if the party seeks personal satisfaction or revenge he forfeits his claim for indemnification; second, if the claim is not presented in three years it is barred. If the Indians receive an annuity, the claim is to be paid from the annuity; if the Indians do not receive an annuity it is to be paid from the Treasury. The seventh section of the Indian appropriation bill, passed the 27th of February, 1851, is as follows, namely:

"Be it enacted, That all the laws now in force regulating trade and intercourse with the Indian tribes, or such provisions of them as may be applicable, shall be, and the same are hereby, extended over the Indian tribes in the Territories of New Mexico and Utah."

Woodward and Chorpennig were lawfully in the Indian Territory. They were there by authority, and in execution of the laws of the United States, and in the actual service of the Government. As such they were entitled to rely on its promises of indemnity.

They did not seek private satisfaction or revenge for injuries sustained by the Indians, but cultivated, as far as was in their power, a friendly feeling with them. They made known their losses to the superintendent and agent, Brigham Young, the superintendent, reported the death of Woodward; J. H. Holeman, the agent, in his affidavit gives an account of the murder of Woodward; says the Indians admitted their attacks on Hanson's and other mail trains, because they had first been attacked by the whites, but did not pretend that the persons in charge of the mail trains had attempted to injure them; says he could not attempt to state the number of mules killed or the amount of property taken from the mail trains, but the Indians themselves admitted they had killed many. In the letter of 13th February, 1858, written by the Commissioner of Indian Affairs to an attorney of the parties, the Commissioner says, "that Messrs. Chorpennig and Woodward were lawfully in the Indian country where and when their property was lost is admitted. But then the tribes to which the offending Indians belonged cannot be said to have been in amity with the United States; the petition itself styles them as hostile Indians. When the intercourse act was passed, it was with reference to the Atlantic tribes, but few of whom were west of the Missouri; and treaty stipulations were necessary to place them technically upon a footing of amity; and in addition to that, it was required that they must be on terms of actual friendship. This law, inapplicable as it is in many respects, has been extended, without amendment, over the tribes of the Pacific coast by the act of February 27, 1851, and in regard to them the same construction must be given as in the case of those for the government of which it was originally intended."

"There is nothing to show that the requirement of the law, that the proofs of the losses should be submitted to an agent to be laid before the Indians, was ever complied with. It is true that reports to this office from the Governor and *ex officio* superintendent of Indian affairs for Utah and from Agent Holeman show that they were cognizant to some extent of the losses complained of, and it is admitted that it would, under the circumstances, have been perhaps impossible to identify the tribes to which the offenders belonged, and impracticable as well as useless, had they known, to have adopted the regular and exact courses prescribed, or to have submitted the matter to them, but the law is imperative that it should be done."

Your committee are of opinion that only so much of the law of 1854 as was applicable to the Territory of Utah was extended over it by the seventh section of the act of February, 1851. At that date the Territory of Utah was unexplored. What Indian tribes inhabited or made it a place of resort was then, and for a long time afterward, unknown to the Government, and no treaties of peace and amity had yet been made. So much of the law as looked to a regular course of transactions with them as known to savage communities under the regular treaties of peace was wholly inapplicable.

The preparation of documents stating the losses and the tribes to which the assailing Indians belonged was not, in the opinion of the committee, applicable to these Indians, and was impracticable. All the sufferers could do was to report the injuries to the superintendent and agent, and claim the protection of the Government. This the committee are satisfied has been done.

But the committee are further of opinion that so much of the law of 1854 as prohibited the injured party from seeking private satisfaction or redress for his wrongs did apply to the Territory of Utah, and also so much as promised payment by the Government did apply. The party was restrained from seeking private redress to preserve the country from an Indian war, and this restraint was the consideration of the promise of indemnity. The Government, by this law, took the matter in its own hands. It restrained the injured party from seeking redress, and promised to make good his losses.

Your committee are of opinion that George Chorpennig and the widow of Absalom Woodward, de-

ceased, are entitled to compensation for the losses sustained, and, as no annuities are payable to these Indians, the parties are entitled to payment from the Treasury.

The number of mules and horses lost, as stated above, is eighty-three mules and horses of Woodward and Chorpennig, killed prior to July 1, 1852, and eighty-six mules and horses of George Chorpennig, killed from July 1, 1852, to April 1, 1856.

By the proofs in the case, as well as the corroborating statements of the honorable Senators and Representatives in the Thirty-Fifth Congress from the State of California, these animals are proved to have been worth from two hundred dollars to five hundred dollars each. These prices, upon first impression, may seem extravagant. But when your committee take into consideration that this was in the days of fabulously high prices for everything in California, together with the strong array of proofs upon the subject, they cannot but regard it as fair and reasonable. Besides, the route lay over the mountains and through the barren deserts between California and Salt Lake, and none but the very best stock could endure the severe hardships incident to the service. For, in addition to the length of the trip, there were changes of grass, water, and climate, which would soon break down the constitution of any but superior animals; and when such were obtained, they were doubtless worth to the contractors from two hundred dollars to five hundred dollars each.

Your committee, therefore, think it reasonable and just to take the sum of \$350, the difference between \$200 and \$500, as the average value of each animal, and thus ascertain the eighty-three mules and horses lost by Messrs. Woodward and Chorpennig to be worth \$29,050. To this must be added \$3,275 for their property lost. This does not include the money lost when Woodward and his party were killed.

On the eighty-six mules and horses lost by George Chorpennig individually from July 1, 1852, to April 1, 1856, they place the same average value of \$350, making this loss \$30,100, to which must be added, for the loss of other property, \$570, making \$30,670.

Your committee, therefore, recommend that the sum of \$32,325 be paid to George Chorpennig and Elizabeth Woodward, wife of Absalom Woodward, and that the further sum of \$30,670 be paid to George Chorpennig.

To these ends your committee report the accompanying joint resolution, and recommend its passage.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in, and ordered to be engrossed, and the joint resolution to be read a third time. It was read the third time, and passed.

HOUSE BILLS REFERRED.

The following bills and joint resolution from the House of Representative were severally read twice by their titles and referred as indicated below:

A bill (H. R. No. 729) to change the port of entry in Puget sound—to the Committee on Commerce.

A bill (H. R. No. 730) relating to pilots and pilot regulations—to the Committee on Commerce.

A bill (H. R. No. 728) authorizing the Secretary of the Treasury to issue certificates of registry or enrollment and license to certain vessels—to the Committee on Commerce.

A bill (H. R. No. 609) to constitute Omaha and Nebraska City, in the Territory of Nebraska, and St. Paul, in Minnesota, ports of delivery—to the Committee on Commerce.

A bill (H. R. No. 611) to provide for making the town of Whitehall, New York, a port of delivery—to the Committee on Commerce.

A bill (H. R. No. 726) to extend to certain persons the privilege of admission, in certain cases, to the United States Government Asylum for the Insane—to the Committee on the District of Columbia.

A bill (H. R. No. 727) declaratory of an act entitled "An act authorizing the Secretary of the Treasury to issue registers to vessels in certain cases," approved February 10, 1866—to the Committee on Commerce.

A joint resolution (H. R. No. 178) in reference to the Dismal Swamp Canal Company—to the Committee on Commerce.

BOUNTY ON IOWA TROOPS.

The bill (H. R. No. 18) for the relief of the members of the thirty-seventh regiment of Iowa volunteer infantry, was read twice by its title.

The PRESIDENT *pro tempore*. This bill will be referred to the Committee on Military Affairs and the Militia, if there be no objection.

Mr. WILSON. I should like to put that bill on its passage without a reference, if there be no objection. We passed it once and the

House has just passed it now. It is to pay the bounty due to a regiment of Iowa troops.

Mr. GRIMES. I hope it will be considered now.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which provides for the payment to the members of the thirty-seventh regiment of Iowa volunteer infantry of the same bounty provided by law or which may hereafter be provided by law, to soldiers enlisted into the volunteer forces of the United States during the year 1862; and in case any of the members of the regiment are dead or may die before the payment of the bounty it is to be paid to their representatives in the same order provided by law for the payment of bounties in other cases.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

BOUNTY ON OHIO TROOPS.

The bill (H. R. No. 725) to provide for the payment of the sixth, eighth, and eleventh regiments of Ohio volunteer militia of Cincinnati, Bard's company of cavalry, and Paulsen's battery, during the time they were in the service of the United States in 1862, was read twice by its title.

The PRESIDENT *pro tempore*. This bill will be referred to the Committee on Military Affairs and the Militia, if there be no objection.

Mr. SHERMAN. The bill is precisely like the other to pay for some troops that were called out in the service of the United States in 1862. We have already provided for one regiment of them, and a bill passed the other day on the motion of the Senator from Kentucky providing for Kentucky troops. I hope the Senate will allow this bill to pass at once.

Mr. TRUMBULL. I very reluctantly made no objection to the passage of a bill a moment ago; and now we see the consequences of that precedent. Here is a bill that has never been read in the Senate, a bill that has never been considered by any committee of the Senate, and I submit to my friend from Ohio it is a very dangerous species of legislation.

Mr. SHERMAN. If there was any objection I would not insist on its passage now.

Mr. TRUMBULL. I do not know that there is any objection.

Mr. SHERMAN. It was fully considered by a committee.

Mr. TRUMBULL. Has it been considered by any committee of this body?

Mr. SHERMAN. The whole subject of this particular class of troops has been.

The PRESIDENT *pro tempore*. Debate is out of order, unless by universal consent the bill is before the Senate. Is there any objection to its present consideration?

Mr. TRUMBULL. I object to its being considered until it goes to some committee.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Military Affairs and the Militia.

ACCOMMODATION OF STATE DEPARTMENT.

The Senate proceeded to consider the amendment of the House of Representatives to the joint resolution (S. R. No. 110) to authorize the hiring of a building or buildings for the temporary accommodation of the Department of State; which was in line six, to strike out "fifty" and insert "twenty-five," so as to make the sum appropriated for the hiring and fitting up of a suitable building or buildings for the Department of State \$25,000.

Mr. TRUMBULL. I move that the Senate concur in that amendment of the House.

The motion was agreed to.

RAILROADS IN MINNESOTA.

The Senate proceeded to consider the amendments of the House of Representatives to the bill (S. No. 221) relating to lands granted to Minnesota to aid in constructing railroads, and they were referred to the Committee on Public Lands.

TRANSPORTATION OF NITRO-GLYCERINE.

The Senate proceeded to consider the amend-

ments of the House of Representatives to the bill (S. No. 313) to regulate the transportation of nitro-glycerine or glycin oil.

The PRESIDENT *pro tempore*. The amendments will be referred to the Committee on Commerce.

Mr. EDMUNDS. I have examined the amendments proposed by the House to that bill, and they are merely in the verbal phraseology of it, and are perfectly satisfactory to me and I have no doubt are to the rest of the committee. I move that the Senate concur in the amendments.

The amendments were concurred in.

WILLIAM HICKEY.

Mr. WILSON submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That there be paid to the legal representatives of William Hickey, late Chief Clerk of the Senate, \$300 to defray his funeral expenses, and that they be paid the balance of his salary as Chief Clerk for the year in which he died.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. LLOYD, Chief Clerk, announced that the House of Representatives had passed, without amendment, the joint resolution (S. R. No. 113) for the construction of a railroad bridge across the Cuyahoga river over and upon the Government piers at Cleveland, Ohio.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House of Representatives had signed the following enrolled bills; which were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 145) granting land to A. M. Jess, of Josephine county, Oregon;

A bill (H. R. No. 179) amendatory of the organic act of Washington Territory; and

A bill (H. R. No. 391) to create the office of surveyor general in Idaho Territory.

SUFFRAGE IN THE DISTRICT.

Mr. MORRILL. I move that the Senate proceed to the consideration of Senate bill No. 1.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 1) to regulate the elective franchise in the District of Columbia, the pending question being on the amendment of Mr. MORRILL to the amendment reported by the Committee on the District of Columbia as a substitute for the bill. The amendment to the amendment was in line seven, after the word "therein" to insert "and excepting persons who may have voluntarily left the District of Columbia to give aid and comfort to the rebels in the late rebellion;" so that, if amended, the amendment of the committee will read:

That from and after the passage of this act, each and every male person, excepting paupers and persons under guardianship, of the age of twenty-one years and upwards, who has not been convicted of any infamous crime or offense, and who is a citizen of the United States, and who shall have resided in the said District for the period of six months previous to any election therein, and excepting persons who may have voluntarily left the District of Columbia to give aid and comfort to the rebels in the late rebellion, shall be entitled to the elective franchise, and shall be deemed an elector and entitled to vote at any election in said District, without any distinction on account of color or race.

SEC. 2. *And be it further enacted*, That any person whose duty it shall be to receive votes at any election within the District of Columbia who shall willfully refuse to receive or who shall willfully reject the vote of any person entitled to such right under this act, shall be liable to an action of tort by the person injured, and shall be liable on indictment and conviction, if such act was done knowingly, to a fine not exceeding \$5,000, or to imprisonment for a term not exceeding one year in the jail of said District, or to both.

SEC. 3. *And be it further enacted*, That if any person or persons shall willfully interrupt or disturb any such elector in the exercise of such franchise, he or they shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in any sum not to exceed \$1,000, or be imprisoned in the jail in said District for a period not to exceed thirty days, or both, at the discretion of the court.

SEC. 4. *And be it further enacted*, That it shall be the duty of the several courts having criminal jurisdiction in said District to give this act in special charge

to the grand jury at the commencement of each term of the court.

SEC. 5. *And be it further enacted*, That all acts and parts of acts inconsistent with this act be, and the same are hereby, repealed.

SEC. 6. *And be it further enacted*, That the mayors and aldermen of the cities of Washington and Georgetown, respectively, on or before the first day of March in each year, shall prepare a list of the persons they judge to be qualified to vote in the several wards of said cities in any election; and said mayors and aldermen shall be in open session to receive evidence of the qualification of persons claiming the right to vote in any election therein, and for correcting said list, on two days in each year, not exceeding five days prior to the annual election for the choice of city officers, giving previous notice of the time and place of each session in some newspaper printed in said District.

SEC. 7. *And be it further enacted*, That on or before the day of — the mayors and aldermen of said cities shall post up a list of voters thus prepared in one or more public places in said cities, respectively, at least ten days prior to said annual election.

SEC. 8. *And be it further enacted*, That the officers presiding at any election shall keep and use the check-list herein required at the polls during the election of all officers, and no vote shall be received unless delivered by the voter in person, and not until the presiding officer has had opportunity to be satisfied of his identity, and shall find his name on the list, and mark it, and ascertain that his vote is single.

Mr. STEWART. I should like to inquire of the chairman of the Committee on the District of Columbia, before we proceed with this bill, which of the two measures he proposes shall be finally passed—the one placing this District under the charge of commissioners, reported some time since and which was particularly considered some days ago, or this one extending the suffrage? I think the public good would be subserved by the able and well-considered bill we had under consideration a few days ago placing this District under the charge of a board of commissioners. I think any person who has examined the subject and lived in this city for a short period and observed the situation, will be satisfied that that is the kind of legislation we really need. I should like, before we proceed with this bill, to know of the chairman which one of the two measures he proposes to press.

Mr. MORRILL. I was quite disposed, on another occasion, to take the sense of the Senate on the bill referred to by the Senator from Nevada, but the Senate seemed to have some apprehensions that, at this late day in the session, it would hardly be practicable to consummate that measure; besides, I was admonished by my honorable friend on my left, the Senator from Indiana, [Mr. HENDRICKS,] that he had a very decided preference that we should proceed with the consideration of the bill now under consideration, as being the first in order.

Mr. STEWART. You had better inquire of him if he intends to vote for either.

Mr. MORRILL. And for some other reasons which were rather hinted at than stated. The Senator from Massachusetts [Mr. WILSON] also seemed to have such a preference. Thinking, therefore, that it was possible I might not succeed in getting the attention of the Senate to the bill referred to by the Senator from Nevada, and considering that this bill was reported to the Senate among the earliest that were introduced at the commencement of this session, and considering, moreover, as I believe, the general expectation in the country that Congress should not adjourn until some action upon this subject had been taken, I concluded to ask the attention of the Senate to this bill.

Perhaps I ought to say, before asking the consideration of the Senate further, that I propose to offer some amendments to this bill further to qualify it. As reported to the Senate it provided for unrestricted and, I believe, what would be called impartial and perhaps universal suffrage in the District, as applicable to all males of the years of majority. I propose to qualify it by requiring that persons to be entitled to the elective franchise in this District shall be able to read and write; further, that persons who served in the military or naval service of the country during the rebellion shall have the right to vote; and a further qualification disfranchising all persons who entered the service of the confederate States

against the Government of the United States. With those qualifications I made up my mind that it was my duty, having charge of this bill, under all the circumstances, some of which I have alluded to, to ask the consideration of the Senate to the subject. I am not particularly desirous of going on with it now, if gentlemen want further time. Otherwise I should like to have the consideration of the Senate to-day. The subject is one that has been very much discussed; and in the limited, qualified form in which I propose to put it, I had hardly anticipated much objection to it.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The question is on the amendment offered by the Senator from Maine to the amendment reported by the committee.

Mr. MORRILL. If the amendment to the amendment is still within my reach I will move to insert it after the word "offense" in the fourth line.

The PRESIDING OFFICER. That change will be made in the insertion of the amendment.

Mr. TRUMBULL. I should like to inquire what bill we are amending. There are so many of them that I really cannot understand them. Are we at work on the original bill, or the bill as reported by the committee?

Mr. MORRILL. On Senate bill No. 1, on an amendment to the amendment reported by the committee.

Mr. TRUMBULL. The amendment that is now offered is to the committee's amendment?

Mr. MORRILL. Yes, sir.

Mr. TRUMBULL. Then it does not come in on line four. As I have it printed here the word "offense" is on line six.

Mr. MORRILL. The Senator has the wrong copy.

Mr. TRUMBULL. I have what purports to be Senate bill No. 1, reported by Mr. MORRILL, with amendments, namely, "strike out the parts within the brackets and insert those printed in italics." Is that the bill you are at work upon?

Mr. MORRILL. No, sir. The bill on which we are now acting is the one reported on the 12th of January last.

Mr. BROWN. I desire to say one word on the amendment that is offered by the Senator from Maine. I do not object to the temporary disfranchisement of those who have been in arms as a matter of precaution or safety for the District; but if it is intended by this amendment to set the precedent that all who have been engaged in the rebellion, or who may have left this District to become engaged in the rebellion, are to be disfranchised for all time to come, then I shall not be disposed to concur in it, and for this reason: I believe that the theory of universal suffrage goes upon the idea that it renders innocuous those who have been engaged in the rebellion heretofore; that their facility for getting up rebellion originated in the fact that a large portion of the community was disfranchised; that if it had not been for that fact they could not have succeeded; and that if you are going to have permanent peace and safety for the country you will only assure it by removing those disfranchisements and making suffrage equal and impartial, and that that will be in itself a substantial guarantee for the peace of the country in the future. Sir, I believe that doctrine. I believe that impartial or universal suffrage is the only reconstruction that will give us safety in the hereafter. I believe, furthermore, that if it is not adopted to-day, it will be simply remitted to the agitations of parties and the conflict of sections, and perhaps extending over a term of twenty years, it will simply defer that long our arrival at a period of repose and safety.

Now, sir, I am free to say, for my own part, that I prefer to take the amendment as it comes from the committee without any qualification. I do not wish the suffrage restricted permanently on the ground of action of this sort during the rebellion. I do not wish the suffrage restricted by any educational qualifications; nor do I wish it restricted by any property quali-

cations. I want it simple and absolute, a right of human nature, which is as much a right as any other of self-defense in political communities or out of political communities. I therefore simply signify that I prefer the amendment as it comes from the committee without the additional qualifications which the Senator now proposes.

Mr. WILLEY. Is the proposition of the Senator from Maine susceptible of amendment at present?

The PRESIDING OFFICER. It is an amendment to an amendment, and not subject to further amendment.

The amendment to the amendment was agreed to.

Mr. WILLEY. Is that proposition now susceptible of amendment?

The PRESIDING OFFICER. It is.

Mr. MORRILL. I move further to amend the amendment by inserting in section one, line seven, after the word "therein," the following words: "and who can read the Constitution of the United States in the English language and write his name."

Mr. BROWN. I ask for the yeas and nays on that proposition.

The yeas and nays were ordered.

Mr. POMEROY. I do not think I would object to this amendment but for the insertion of the word "English." There are a great many very well-educated men who cannot read in the English language, or write their names in English.

Mr. MORRILL. If they are citizens they ought to be able to read the English language.

Mr. POMEROY. They are Germans. There are in my State a great many Germans who are educated, loyal, patriotic, and radical, but they cannot read the English language. They can write their names, but they cannot write their names in the English language. They write them in German; that is, they have the German spelling and the German letters. I do not know but that it is necessary in this District to insist that persons who enjoy the franchise should write in English; but I have yet to learn that a man is any more of a patriot by writing in English than he would be by writing in German or some other language. I have believed that a man was an American as truly when he became so from choice as though he was so from necessity. The Senator from Maine and myself were born here; but we could not help it. There is no great merit in that. But the man who becomes an American from choice, who looking over the ocean and seeing America, learning of our institutions, breathing somewhat of our freedom, longing to identify himself with us in this great struggle for self-government, comes here and voluntarily assumes the duties of a citizen, enters our Army, and carries our flag to victory; I say such a man, if he cannot write a word in English, is an American; he is a patriot; he is loyal; and he should be entitled to vote.

I should not like to defeat this amendment by proposing an amendment to it, but I certainly believe it would be stronger and better by striking out the word "English" and letting it stand, "who can read the Constitution of the United States and write his name."

Mr. WILSON. I move to amend the amendment by striking out the words "in the English language."

The PRESIDING OFFICER. This is an amendment to an amendment, and it is not susceptible of further amendment.

Mr. WILSON. Then I will say, while I am up, that I do not think it right to insert the words "in the English language" here. I think it a great mistake. We ought to say nothing about that, and I see no sort of sense in putting in the words "who can write his name." What has writing to do with voting? Many men of rare intelligence and character, from physical causes, cannot write their names, owing to paralysis or some cause of that kind. In some of the States where they have made this rule, they have provided for such persons by adding the words, "unless prevented by

physical causes." I do not see any reason for the insertion of these words, "in the English language." I think the whole thing is trifling. I do not believe in putting in any of this matter about reading. We put it in our constitution a few years ago in Massachusetts, although we have not to-day probably a thousand voters in the State who cannot read and write; and it has been quoted for us and against us from that time to this. I have attended elections in the State for thirty years, and I never knew the test put, and I do not suppose it has ever been put. I voted against it then, and I am opposed to it now. I do not believe a word of it. Still, if I could not get a suffrage bill through without it, I would consent to it. But why tell a German, a man of intelligence and character, that he must read the Constitution in the English language? Why say to the Frenchman, or to any other foreigner who comes here, that he must be able to read and write in the English language? I think it is all wrong. In my opinion we had better meet the question squarely on the manhood of the case.

Mr. MORRILL. I am not at all particular about the phraseology. I think it not unlikely that the influence of Massachusetts in this instance was a sort of malign influence to which I ought not to have yielded. I found this provision in the constitution of Massachusetts, and I did not suppose that her honorable Senator would feel quite at liberty to repudiate it here.

Mr. WILSON. I voted against it there.

Mr. MORRILL. But outside of Massachusetts there is a reason that occurs to me why we should require those who exercise the elective franchise to read the English language. It is the language of this country. There is none other recognized in the publication of the laws.

Mr. BROWN. You are mistaken.

Mr. MORRILL. I am speaking now of the laws of Congress. The Constitution of the United States is not furnished by Congress to anybody except in the English language. The five years' quarantine, within which a foreigner is to have an opportunity to learn our institutions, are sufficient, if he is intelligent, to learn the English language, and to enable him to read the Constitution, and therefore it is no hardship. I believe for the sake of unity, unity in our civilization, unity in our language, unity in our sentiments and opinions, that we ought to inculcate as a standard and a formula that the laws should always be printed in the English language; and so far as any qualification is concerned, certainly our civilization is worth but little in its influence and its effect upon aliens and foreigners, if at least we do not require them to speak our language. That is the reason that influences me more than anything else, and leads me to desire the adoption of some such proposition. At the same time, I do not think it of importance enough to divide our friends upon that subject; and in order to accommodate the question to the views of gentlemen I am perfectly willing, if it is within my power, to modify the amendment by striking out the words "in the English language;" so that it will read, "and who can read the Constitution and write his name."

The PRESIDING OFFICER. The yeas and nays having been ordered, it requires general consent to make the modification. The Chair hears no objection, and the amendment to the amendment is so modified.

Mr. GRIMES. It occurs to me that the adoption of this amendment may involve us in this trouble: I do not know how extensive the foreign population may be in this District; but I suppose that the adoption of this amendment, if it shall be adopted, will have a considerable reflex influence upon the public sentiment of the States, and may lead to the adoption of similar amendments, or to the agitation of the question whether similar amendments should be adopted there. Take as an example one of the western States, the State in which I have the honor to reside. We have a

population made up from every one of the German principalities and Powers—Swedes, Norwegians, Danes; some Russians, some French, some Spanish, and some Portuguese. They have different dialects of the different languages that are peculiar to their country. Now, if such an amendment as this were adopted in that State as a part of its legislative law on the subject of elections, how would it be possible for it to be administered? The Constitution of the United States probably could not be found published in one third of the languages that are spoken in that State.

It is said that these people after having undergone a novitiate of five years ought to be able to read the English language. That is the case with those who come to the country young. Those who come here under the age of eighteen, or probably under the age of twenty-five, learn the English language in the course of five years so as to be able to speak it well, and generally to read it; but the man who comes here in mature life never learns to read it, and hardly ever learns to talk it, unless he was before he came here a thoroughly educated man. A large majority of the population that come to this country from abroad belong to the peasantry of the country from which they came. They have a limited education, as a general thing; but they have passed that period of life when they are qualified to acquire with any sort of correctness another language, and to be able to speak especially so difficult a language as the English language.

Mr. MORRILL. I have stricken that out.

Mr. GRIMES. I know it does not require them to read in the English language, but it requires them to read the Constitution in some language. You will not find the Constitution published in one half of the languages that are spoken by these different people in the country. Will not the adoption of such an amendment lead to complications and troubles if it is put upon that basis? That is the point I raise.

Mr. MORRILL. I will say to the honorable Senator that it seems to me the obvious answer to that is, that this provision applies to the District of Columbia, and if it should have the reflex influence in a general way that he supposes, of course no State would be disposed to adopt it as a formula where a portion of the people are situated as the honorable Senator supposes. Whatever its general influence might be, it would not have the effect to influence the legislation of such a State.

Mr. SUMNER. I should like to have the attention of the Senator from Maine for one moment. It seems to me there is some misunderstanding in regard to the bill now before the Senate. If I remember aright, the bill that the Senator has called up was first reported from the committee. Then, on motion of the Senator from Illinois, who is now by my side, [Mr. YATES,] it was referred to the committee again; and, according to my recollection, the committee reported back, then, the House bill, a bill that has already passed the House, on this subject, and our chairman was directed to put that bill on its passage at as early a day as possible. Now, I understand that the chairman, instead of putting the House bill on its passage, brings forward the other bill, which had been recommitted to the Committee on the District of Columbia, on motion of my friend, the Senator from Illinois. It seems to me there is some misapprehension.

Mr. MORRILL. The misapprehension is in the facts. The honorable Senator has not the facts in his mind.

Mr. SUMNER. Perhaps not; I thought I had.

Mr. MORRILL. With his permission, I will state the facts.

Mr. SUMNER. Certainly.

Mr. MORRILL. This bill was sent to the committee by the Senator from Ohio, [Mr. WADE.] It will be seen that it is Senate bill No. 1, the first bill on this subject or any subject that went to the Committee on the District of Columbia. Some weeks afterward—months, possibly—a bill came from the House,

which was referred to the Committee on the District of Columbia. In the mean time, however, this bill had been reported back to the Senate with restricted suffrage, requiring the qualification to read and write. Upon the motion of the Senator from Illinois, it was re-committed, and that qualification stricken out, and reported back to the Senate in the condition we now find it. That is the history of it. Afterward we acted upon the bill which came from the House, and the committee instructed me to report it, which I have done, and it now lies upon the table. That is the history of the two bills. We have, therefore, before us this bill, which was the first, is the first on the Calendar, first considered, first reported back by the committee; and then we have the House bill, which contemplates unrestricted suffrage.

In further justification, if any were necessary, why I should take up the bill first in order, first reported, and first on the Calendar, I have an additional reason to assign. It will be remembered that some five or six months have passed since those bills were reported. It is needless to say, to a perfect understanding of the whole thing, that the bill which comes from the House is not an election bill, and confers no right of voting whatever on any man, woman, or child, in this District beyond what they now have. It is a mere declaration of a right to vote. The committee so regarded it at the time and I believe we gave our consent to it at the time, chiefly upon the ground—some of us, at least—that perhaps at that early period a declaration of that sort might do good. But months have passed away, and very great changes have been wrought since that time, I do not say in the sentiment or opinions of the country, but in the action of this Senate. We have had before us the whole question of reconstruction, and this question among others involved in it, during this period; and, as having some influence on my mind, within the last four weeks, a delegation of very intelligent gentlemen, I may say with the utmost propriety—I speak without distinction of color—called upon me, from different parts of the country, to urge me to take up this precise bill.

Mr. SUMNER. The first bill?

Mr. MORRILL. The one we have now under consideration, saying that it was, they believed, the bill which the colored people in this District most desired to pass; that they were in favor of limited, qualified suffrage.

Mr. BROWN. Those not limited were in favor of limiting the others.

Mr. MORRILL. No, sir; these men had no rights that were not common.

Mr. BROWN. The fellow that could read and write was willing to limit the man who could not read and write.

Mr. MORRILL. I do not know what their motives were, but they were intelligent enough to vote and comprehend the question. I only mention that—I do not know that it ought to have any influence—as one of the facts which led me to feel that it was my duty to present this bill to the consideration of the Senate and to propose these amendments. I intended before asking the vote of the Senate on the question to say what I have now said; that there are two measures before the Senate: one provides for qualified suffrage and is an election bill; and the other is a declaration of the principle of universal suffrage, but confers no right. Of course, if the Senate prefer the second, then we can lay this aside and proceed to the consideration of the bill which came from the House; but having been persuaded myself that we had better proceed to the consideration of this bill, for the reasons I have stated, I felt not only authorized, but quite obliged, to bring the bill in its present shape before the Senate.

Mr. STEWART. I move to postpone this bill and all other prior orders and take up Senate bill No. 257, which we nearly completed the other day, and which can be disposed of before the hour for going into executive session. We cannot arrive at any result to-day on this bill.

Mr. POMEROY. What is that bill?

Mr. STEWART. It is the bill to regulate the possession of the mineral lands, which we nearly perfected the other day.

The PRESIDING OFFICER. The question is on the motion of the Senator from Nevada.

Mr. MORRILL. I hope that will not be done.

Mr. STEWART. I will withdraw the motion if the Senator desires to go on with this bill.

Mr. HOWARD. Let us go on and pass this bill.

Mr. WILSON. We can pass it to-day, I think.

Mr. STEWART. In my opinion, it had better go over.

Mr. POMEROY. I hope this bill will not be laid aside. I object on general principles; after we have discussed a bill for awhile and got ready to pass it, to lay it aside, not because I want to antagonize this bill with any other; but as we have it under way, I think we had better proceed with it.

Mr. STEWART. Very well; I withdraw my motion.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Maine, upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 15, nays 19; as follows:

YEAS—Messrs. Anthony, Cragin, Edmunds, Fessenden, Foster, Harris, Kirkwood, Morrill, Poland, Pomeroy, Sherman, Trumbull, Wade, Willey, and Williams—15.

NAYS—Messrs. Brown, Buckalew, Conness, Davis, Grimes, Guthrie, Hendricks, Howard, Howe, Morgan, Norton, Rice, Ramsey, Sprague, Stewart, Sumner, Van Winkle, Wilson, and Yates—19.

ABSENT—Messrs. Chandler, Clark, Cowan, Cresswell, Dixon, Doolittle, Henderson, Johnson, Lane of Indiana, Lane of Kansas, McDougall, Nesmith, Riddle, Saulsbury, and Wright—15.

So the amendment to the amendment was rejected.

Mr. WILLEY. I move to amend the amendment reported by the committee by striking out all after the word "that," at the beginning of the first section, and insert the following:

In all elections to be held hereafter in the District of Columbia, the following described persons, and those only, shall have the right to vote, namely: first, all those persons who were actually residents of said District and qualified to vote therein at the elections held therein in the year 1865, under the statutes then in force; second, all persons residents of said District who have been duly mustered into the military or naval service of the United States during the late rebellion, and have been or shall hereafter be honorably discharged therefrom; third, male citizens of the United States who shall have attained the age of twenty-one years, (excepting paupers, persons *non compos mentis* or convicted of an infamous offense,) and who, being residents of the ward or district in which they shall offer to vote, shall have resided in said District for the period of one year next preceding any election, and who shall have paid the taxes assessed against them, and who can read, and who can write their names.

On this proposition I deem it my duty to address the Senate somewhat at length; and in asking this indulgence at the hands of the Senate, I desire to state that I am ready to proceed now or at any time that will suit the convenience of the Senate. I understand there is a desire to go into executive session pretty soon; I do not wish to interfere with that.

Mr. DOOLITTLE. If it will not interrupt the remarks of the honorable Senator from West Virginia, I will now submit the motion that the Senate now proceed to the consideration of executive business.

Mr. WILLEY. I am entirely willing to submit to the wishes and convenience of the Senate, either to proceed now or to give way to the motion of the Senator from Wisconsin, as the Senate may desire. To me it is a matter of perfect indifference.

Mr. DOOLITTLE. If it is entirely acceptable to and is considered as courteous on my part by the honorable Senator from West Virginia, I will move an executive session.

Several SENATORS. Not now.

The PRESIDING OFFICER. Does the Senator from West Virginia yield the floor to the Senator from Wisconsin?

Mr. WILLEY. Certainly, sir.

The motion was not agreed to.

Mr. WILLEY. Mr. President, the discussions which the bill now under consideration has excited, both in Congress and in the country, have embraced a wider range of thought and argument than was strictly in order. More has been said and written upon the propriety or impropriety of bestowing the elective franchise upon the negro in the States lately in rebellion than upon the proposition directly involved in the bill itself. In the latter case there can be no doubt about the power of Congress. Our authority to pass the bill will not, I suppose, be controverted. In the former case there can be as little doubt, in my judgment, that Congress has not the power by legislative enactment to confer the right of suffrage on any class of people, black or white, within the jurisdiction of any of the States. I know that it is said that the Constitution provides that "the United States shall guaranty to every State in this Union a republican form of government," and that no form of government can be republican which withholds the right of suffrage from a class of persons simply on account of their color. But this very clause of the Constitution, it will be observed, does not clothe Congress positively with the power or the duty of regulating the qualifications of electors in the States. The most liberal construction which can be placed upon it, favoring the idea advanced, is, that Congress may withhold its recognition of a State, or refuse the admission of a State, until it shall be satisfied that the government of the State is republican in form. But it seems to me it is now too late to raise the question.

The advocates of this construction of the Constitution have been very remiss, to say the least of it, if the power which they claim has really been conferred on Congress. They have allowed the infraction of what they regard as a fundamental principle of republican government by almost every State in the Union to remain unchallenged and unredressed until the present time. Sir, nearly every State in the Union, at some period of its history, has excluded persons from the elective franchise in consequence of race and color; and that exclusion remains in full force now in a large majority of the States. And, sir, the question may well be raised whether an interpretation of this clause of the Constitution which would clothe Congress with authority to regulate the right of suffrage in the States would not itself be a destruction of republican government. Suffrage is the fundamental principle of republican government. Therefore, if you deny the right of a State to regulate this franchise for itself, how can it be truly republican in fact? But without further remark in this behalf, I respectfully submit that it is only necessary, in order to refute this latitudinarian idea of congressional power, to quote another plain provision of the Constitution itself. It is as follows:

"The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature."

It seems to me that this clause excludes all rational controversy respecting the power of Congress to regulate the qualifications of electors by statutory enactment. And, in my judgment, the wisdom of thus leaving with the States the right of regulating suffrage is as manifest as the authority conferred upon them to do it is plain and undeniable. It avoids all conflict between the nation and the respective States as to the qualifications of the electors of State officers and Federal officers, and thus secures more harmonious relations between the States and the national Government. Besides, the States must necessarily be the better judges of the limits to which suffrage may be judiciously extended therein, having due regard to the public welfare and safety; for it is quite obvious that it might well be bestowed upon a class of voters in one State, when it might be impru-

dent and dangerous to give it to the same class in another State. For instance, the great State of New York may receive little detriment from the predominating proportion of vicious and dissolute population in the district of the "Five Points," but if the proportion which that population bears to that district existed all over the State it might well suggest much more stringent restrictions upon the qualifications of voters than the constitution of that State now contains. Of the necessity of such limitations the States respectively must be better able to judge than the nation at large. How could we know what the welfare and safety of California or Oregon might require in this respect? But on this question, in regard both to power and to expediency, hear the contemporaneous expositions of the framers of the Constitution.

Mr. Madison, in No. 52 of the *Federalist*, says:

"The first view to be taken of this part of the Government relates to the qualifications of the electors and the elected.

"Those of the former are to be the same with those of the electors of the most numerous branch of the State Legislatures. The definition of the right of suffrage is very justly regarded as a fundamental article of republican government. It was incumbent on the Convention, therefore, to establish and define this right in the Constitution. To have left it open for the occasional regulation of the Congress would have been improper for the reason just mentioned. To have submitted it to the legislative discretion of the States would have been improper for the same reason, and for the additional reason that it would have rendered too dependent on State governments that branch of the Federal Government which ought to be dependent on the people alone. To have reduced the different qualifications in the different States to one uniform rule would probably have been as dissatisfactory to some of the States as it would have been difficult to the Convention. The provision made by the Convention appears, therefore, to be the best that lay within their option. It must be satisfactory to every State, because it is conformable to the standard already established or which may be established by the State itself. It will be safe to the United States, because, being fixed by the State constitutions, it is not alterable by the State governments, and it cannot be feared that the people of the States will alter this part of their constitutions in such a manner as to abridge the rights secured to them by the Federal Constitution."

Mr. Hamilton, in No. 60 of the *Federalist*, says:

"The qualifications of the persons who may choose or be chosen, as has been remarked upon another occasion, are defined and fixed in the Constitution, and are unalterable by the Legislature."

It is my opinion, therefore, that the advocates of congressional intervention to regulate the right of suffrage in the States, whether loyal or disloyal, by mere legislative enactment, have no warrant for the authority they claim in the Constitution, but are seeking to exercise a power expressly prohibited by the Constitution.

If the discussion had been confined to the operation of this bill, these remarks would hardly be pertinent. But the question has been discussed in its bearing upon the whole country, and it is avowed that what we do upon this measure is designed to have a bearing on the general policy of the nation. But the power of Congress to pass this bill is, I suppose, undeniable. Congress has complete jurisdiction over the District of Columbia; and here it is only a question of justice and expediency.

If it had been left to my judgment, Mr. President, I should have said that whether this measure was in itself wise or unwise this was hardly a proper time to introduce it. We are in the midst of mighty events. The order of society all around us is disorganized. There is a painful sense of uncertainty filling every heart and mind. New, vital, and most difficult questions are thrust upon us, which must be decided. Anything not essential in itself, or very material to the welfare of the nation, or a considerable part of the nation, if it is calculated to complicate our difficulties, or inflame party passions or sectional animosities, had better be left, it appears to me, to a more propitious hour. It is true that this bill is limited to this District in its operation. Nevertheless it has and is designed to have a national significance. The moral influence of our action here is intended to reach every State. But, wisely or unwisely, the question is before

us and we must meet it. And, sir, in taking my position to-day I do it with the understanding that it may possibly terminate my connection with this body and with public affairs.

But, sir, acting in obedience to the convictions of my judgment, I shall leave the result, so far as it shall affect me personally, to take care of itself. If I am right the truth sooner or later will vindicate my course. If I am wrong, I shall at least have the consolation of knowing that I erred from no selfish motive. I will not, I cannot now, whatever may be the consequences, shrink from what I trust I may be pardoned for saying, has been the sacred rule of my life—a conscientious adherence to whatsoever I believe to be just and true. Therefore reiterating my belief that Congress has no power to interfere with the right of suffrage in any State; that I shall oppose all congressional legislation assuming to exercise any such power; and recalling the fact that the bill under consideration is confined in its legal operation to the District of Columbia alone, I solicit the attention of the Senate to some further remarks on the principles and policy involved in it. In doing so I wish to treat the question fairly, and so to deserve a candid and impartial hearing here and elsewhere.

Mr. President, I do not concur in the opinion so boldly avowed by some Senators that the proposition to extend the right of suffrage to the African race in this District is so plainly right as to be unquestionable. I regard it as one of the most difficult and important questions ever submitted to the consideration of Congress. It involves the future welfare of two races here and elsewhere, and perhaps the very existence of one of them on this continent. It is not, in my judgment, consistent with a wise and enlightened statesmanship to seek to evade its embarrassments by mere emphatic declarations that its propriety is incontrovertible. There is no argument in simple asseverations, however vehemently made or dogmatically expressed.

This question of suffrage has been discussed with great ability and research during the past few weeks. History, philosophy, law, and metaphysics have been laid under liberal contributions to illustrate it. The debate has been adorned with great eloquence and learning on both sides of the Chamber.

Mr. President, I shall be unable to commend my views to the Senate by any of these attractive and fascinating adjuncts. My aim shall be to present the conclusions which are warranted by plain, common sense. And, sir, I begin with the proposition, which I believe has not been seriously controverted, that suffrage is not a natural or absolute right. If it were so the controversy would be at an end; for I think it would be hard to demonstrate that we would be justifiable in withholding from any member of society what he had a natural right to enjoy.

But, sir, it seems to me that the order and economy of divine Providence plainly indicate that citizenship must necessarily be subject to limitations. The universal law of self-defense, belonging to communities no less than to individuals, involves the principle of restricted suffrage. If we look abroad over the earth we cannot fail to see, from its physical structure and geographical divisions, that distinct communities and separate nationalities are inevitable. It is divided into continents and islands and zones and sections, separated by oceans and seas and mountain ranges, indicating a most palpable providential design of distinct and independent communities. Then there are radical differences in systems of religion, forms of civilization, manners, customs, language, and race. Some are pagans, some are Christians, some are Jews, and some are savages. It would, therefore, be impossible, even if the physical barriers referred to were out of the way, to extend one safe, consistent, and useful empire over the entire globe, embracing so many heterogeneous elements of society. Different nationalities do, therefore, seem to be absolutely necessary, and to be

according to the divine will; and therefore they must be warranted by natural and absolute right, and consequently include the power to ordain and enforce whatsoever regulations shall be deemed essential to preserve their peace and integrity and promote their happiness and prosperity. On this principle, I imagine, our naturalization laws are based; and these laws imply that no person belonging to any one of these communities has the right to incorporate himself into the body-politic of any other community without its consent and without complying with such conditions as shall be prescribed for his admission. On this foundation, too, has been erected the whole superstructure of international law. Every nation or community, therefore, has the absolute right to regulate its own affairs and govern its own people. In doing so it may not, however, rightfully exercise this power arbitrarily or in derogation of the principles of justice and equity toward all or toward any of its people.

Now, sir, one fundamental and most obvious principle necessary to be observed in the organization of such community is homogeneity of condition, whether it relates to religion, to the form or degree of civilization, to distinctions of race, or to anything else; because upon this may depend its welfare, its peace, and, indeed, the perpetuity of its existence. And so when an independent nation has been organized, it would seem to be a logical sequence of the premises enunciated that that nation has thereafter a perfect right to say who shall or who shall not be introduced into its citizenship; and therefore no individual, class of individuals, or race, not originally composing a part of it, has any natural or absolute right to be enfranchised as a part of it against its consent or on conditions other than those it may prescribe. Indeed, this is implied in the cherished maxim of our American institutions, that all just government is derived from the consent of the governed; for this implies that Government is a compact between the parties to it, and to be just and complete it must include the consent of all the contracting parties.

It follows from these considerations that whatever would seriously disturb the harmony of the political organism of the State or imperil its welfare and integrity may be properly excluded. And here, sir, I must be allowed to remark that there can be nothing more likely to disturb the peaceful relations of society than caste or distinction of races, especially when those distinctions are as marked as those belonging to the Anglo-Saxon and the African. Sir, I repeat it, that it is vain as it is unwise to attempt to underdate the peril of negro enfranchisement. Sir, we find impressive admonitions on almost every page of history against the evils of incorporating different races, religions, and civilizations into the same national organization. If the Senator from Massachusetts had brought the same learning and research to the examination of the relations which this thought bears to the actual history and condition of the nations of the earth which he did to the definition of what constitutes republican government a few days ago, what an instructive lesson he would have taught us! Sir, may we not find a solution of the problem of the long-protracted anarchy and insurrectionary condition of Mexico in the heterogeneous character of its population? And if so, was not Louis Napoleon indebted for his opportunity of violating the traditional policy of the United States and humiliating us as a nation by the introduction of European imperialism on this continent to these same Mexican disorders? And what was our own late sad and sanguinary war but a rebellion instigated by causes growing out of the existence of a foreign race in this country? And how does England maintain her authority to-day over the castes and races in her eastern possessions? Not by law or by the consent of the people, but by the sword.

Mr. President, I do not suppose there is a Senator here, not even the Senator from Massa-

chusetts, [Mr. SUMNER,] who would be willing, as an original proposition, to consent to the introduction of the negro race into this country in any considerable numbers to become citizens. And why? Because he would wish to avoid the dangers arising from the contrariety of races in the same body-politic. His philosophic mind, enlightened by all the history of the past, would enable him to foresee bloody scenes of revolution like those which have just attested in our own age and land the sad consequences of introducing different races into the same community. But then, sir, the negro is here; here without any fault or will of his own, and by no fault or will of ours. Four millions of his race are here, and we cannot help it. What are we to do? Say there is no difficulty in the situation of affairs and shut our eyes upon the perils that surround us? Sir, I do not believe either in the policy or the propriety of discussing this great national question after the manner of an advocate at the bar or a partisan on the hustings, seeking to make the most of the side of the case he espouses. The obligations of the Senator rise above this; and if we would comprehend our duty and discharge it intelligently, we must survey the question in all its bearings. And now, sir, having made these general observations, and having, as I believe, fairly stated the general principles of law and policy applicable to the proposition under consideration, so as to give to those who deny the right or expediency of negro enfranchisement the full benefit of all they can logically or lawfully claim in support of their position, I proceed in my examination of the bill before the Senate. My only desire is to ascertain what is true in itself, just to the negro, and safe for the country.

Mr. President, it is useless now to discuss the propriety or impropriety of the abolition of slavery in the United States. The deed is done. It is an accomplished fact. It is irreversible; and because it is irreversible it affords a strong presumption that it must be right. No Senator, I imagine, would assert that he would reestablish slavery in this country if he could. No Senator will contend that the white race in this country is not in a better condition without slavery than with it. Whether gradual emancipation would not have been the better mode, better for the master and better for the slave, it is now too late to determine. It is well known that Mr. Lincoln would have preferred gradual emancipation. In this preference I concurred with him. It would, in my opinion, have prevented many of the sore evils which are now afflicting so many of the colored race. But the pressure of events, the exigencies of the war, and the madness of the slaveholders themselves, did not permit any such beneficent delay. At all events the deed is done; and four million human beings, lately slaves, are now free, forever free. For myself, I rejoice that it is so. I voted for the constitutional amendment, and thus aided in the accomplishment of the result. To this extent I am individually responsible for the result. The nation, through the means provided in its organic law, has ratified and confirmed the decree of universal emancipation. So the nation, too, is responsible for the great result. Does our duty cease here? I think not. The question still remains, what shall be done with the freedmen? I have always entertained the opinion that it would be better for the races to be separated, if it were practicable to separate them. But it is impracticable to do so at this time. Gradual emancipation might possibly have rendered deportation and colonization available. But this is impossible, even if it were desirable, under existing circumstances. We have not the means to do it. We cannot support the burden of increased public debt which any commensurate effort to do it would necessarily impose upon us. And if we had the pecuniary means, the moral and intellectual condition of the great mass of our colored population wholly disqualifies them for the duties and responsibilities involved in any separate colonial organization. They must undergo a century of

moral, intellectual, and civil, if not political, tuition before they will be prepared for the high behests of self-government.

What, then, is the nation's duty to its freedmen; freed by our act, not their own? In relation to a certain class of its duties, I suppose there can be no difference of opinion among all enlightened, humane, and Christian statesmen. We owe to the freedman the guarantee of every civil right of man. He must be fully protected in the enjoyment of "life, liberty, and the pursuit of happiness." He must have the same rights in these respects that you or I have; and the securities and guarantees surrounding them must be as ample for him as they are for you or for me. To this extent he must be made equal before the law. Why should it not be so? This protection involves, on his part, obedience to the law; the same obedience that the white man renders. Enjoying the full benefit of this relation to civil government, he must also bear its burdens, the same burdens which the white man bears. He must pay taxes. He must render military service. He must work upon or pay for keeping in repair the public highways. He must, in short, respond to all the obligations and duties which rest upon the white man. Upon what principle of justice or equity, therefore, will it be said that he is not entitled to the same civil rights, privileges, and immunities as the white man? If he performs all the civil duties of the citizen, how can he be deprived of any of the civil rights of a citizen? Does the mere color of his skin constitute any rational disability? Surely not in the mind of any Christian statesman.

But aside from all these considerations of obligation and duty, it is clear that the welfare of both races, and of the nation, would be promoted by cheerfully and faithfully extending all civil rights and guarantees of civil rights to the freedman. While he remains here it is for our interest, no less than for his, that he should be elevated in character and capacity as speedily and to as great an extent as possible. But how can we rationally expect improvement in these respects, or in any respect, if, while he has the name of freedman, we withhold from him the privileges and immunities rightfully and logically belonging to that relation, and treat him, in fact, as if he were still a slave? Will he not sink under the helplessness and hopelessness of such a situation into a degradation deeper than that from which he has been wrested—a burden and a curse to the community where he dwells? And do we not here find a complete answer to the allegation so constantly and vehemently reiterated in our ears that the free negro will not labor and uniformly leads an indolent, vicious, and disreputable life? What motive had he in the slave States to do otherwise? But throw around him the protection and extend to him the privileges of the citizen, and he will be stimulated to industry, and will have some inducement to improve his condition. Let his manhood be recognized if you wish to develop it.

In reference to these suggestions, however, I suppose there will not be much controversy. But what is the logical inference from these statements? Can it be true that a class of men may be justly entitled to all the civil rights and privileges of the citizen, and still be wholly unworthy of all political rights? Is not the relation between civil and political rights intimate if not indissoluble? How can they be logically separated? Does not civil obligation imply political right unless some motive of the public welfare and safety intervenes to justify the exclusion? The fundamental principle of our political institutions is, that all rightful government must rest on the consent of the governed. If the freedmen are to be subject to the laws, are they not, therefore, entitled in justice and equity to some authority in the appointment of those who are to make the laws? There is another fundamental principle of American liberty involved in the question. It was the cardinal complaint of our revolutionary fathers that they were taxed without

representation. Upon this issue they went to war. Upon this issue the revolutionary war was fought. How can we consistently tax the freedmen and wholly exclude them from representation? Upon what principle, I ask, can this be done? And upon what principle of justice or American liberty, I furthermore ask, can freedmen be compelled to perform military service, and yet be excluded from having any voice in the Government which sends him to the field? Is he to be intrusted with the bayonet and not with the ballot? Is he worthy to die for his country, and yet necessarily unworthy of the elective franchise? I am not unmindful of the clamor with which these propositions are met. Do I propose, I shall be asked, to make the black soldier equal to the white soldier? The question is hardly worthy of a statesman, and is therefore, in this place, hardly worthy of a reply. The equality of the two races as soldiers is not at all involved in the issue I am discussing. But I do not mean to say that the colored soldier is equal to the white soldier. I do not believe that he is. Under the circumstances in which he is placed it is impossible that he should be. But if he is worthy of being a soldier at all is he not worthy of being a citizen and a voter? Should we fear to give the ballot to him who is ready to give his life for his country? His country, sir! He who is morally and intellectually qualified to vote, and is denied the privilege, can hardly be said to have a country. He is virtually still a slave. Sir, we have seen the blood of the black man and the blood of the white man during the late terrible rebellion mingling undistinguishably together as a common libation to liberty on the altar of their country. Is not such a sacrifice sufficient to propitiate the favor of a magnanimous race, and to merit the boon of political enfranchisement? For myself, sir, I should be ashamed to deny it wherever there is capacity to appreciate it and use it discreetly, and where I have the right to bestow it.

Again, Mr. President, what is the legitimate effect on the *status* of the freedman of the constitutional amendment abolishing slavery? If he was not a citizen before that amendment took effect is he not now? According to the spirit of our institutions, if not according to the letter of our Constitution, it appears to me that he is. I can conceive of no intermediate state between slavery and citizenship among the natives of our soil and within our jurisdiction, unless there be an exclusion in express terms. Why were negroes born on our soil heretofore ruled not to be citizens? Was it simply because they were of African descent? I suppose not—no more than it would be competent to exclude on account of German descent or French descent. It was because the negro belonged to an enslaved race; it was on account of slavery; it was because their ancestors were brought to this country as chattels and not as persons. But slavery being now abolished, and all men born on our soil being now made free by our organic law, the reason of the original exclusion no longer exists. With the extinction of slavery, its incidents and disabilities are necessarily extinguished. I know it is said that the sole effect of the constitutional amendment was to release him from the control of his master—nothing more. But it seems to me that this is a narrow view of the subject. Freedom is a fact if it is anything—a reality, not a mere shadow without substance.

It was Kossuth, I believe, who said "liberty is liberty, as God is God." But if the effect of constitutional emancipation, and constitutional prohibition of slavery forever in this land be nothing more than is thus claimed for it, removing the control of the master but leaving the freedman subject to all the other disabilities of slavery, it is a mere mockery. That the question of color had nothing to do with the exclusion of persons of African descent from the *status* of American citizenship I think is made clear by Mr. Justice Curtis in his opinion in the Dred Scott case, which case constitutes the only authority, I believe, against

the competency of negroes to be made citizens. The opinion I refer to is as follows:

"It has sometimes been urged that colored persons are shown not to be citizens of the United States by the fact that the naturalization laws apply only to white persons. But whether a person born in the United States be or be not a citizen, cannot depend on laws which refer only to aliens, and do not affect the status of persons born in the United States. The utmost effect which can be attributed to them is to show that Congress has not deemed it expedient generally to apply the rule to colored aliens. That they might do so, if thought fit, is clear. The Constitution has not excluded them. And since that has conferred the power on Congress to naturalize colored aliens, it certainly shows color is not a necessary qualification for citizenship under the Constitution of the United States. It may be added that the power to make colored persons citizens of the United States, under the Constitution, has been actually exercised in repeated and important instances. (See *Treaties with the Choctaws*, of September 27, 1830, article 14; with the *Cherokees*, of May 23, 1836, article 12; *Treaty of Guadalupe Hidalgo*, February 2, 1848, article 8.)"

Here, then, is the point of the argument: that a man born on our soil, subject to military duty, subject to taxation, rendering obedience to all our laws, sustaining all the burdens of citizenship and discharging all its duties, and morally and intellectually qualified to vote intelligently and judiciously, cannot, justly and consistently with the principles and spirit of our republican institutions, be rightfully deprived of the elective franchise, simply in consequence of the color of his skin or on account of his race. His being a black citizen cannot, if he have all the other qualifications of the white citizen who by law is entitled to vote, constitute any legal, rational, or righteous disability on his part to vote. The only justification for his exclusion which will bear the test of reason and of right must be found in considerations of the public peace, welfare, or safety. If the enfranchisement of the negro will impair any of these, then you may exclude him from political authority; if not, how can you justly do it? If according to our Constitution and laws and the spirit of both, the native-born black man is a citizen, how can you consistently withhold from him this franchise when he becomes equal, morally and intellectually, with the white voter; when he fulfills the same conditions you impose on the white voter?

But the freedman is not the only party interested in this question. I consider the political enfranchisement of such of the freedmen as shall become capable of a judicious and intelligent use of the right of suffrage as very materially connected with the welfare of the white man and of the nation. The great argument against emancipation was the danger to be apprehended from the want of homogeneity between the two races. Entertaining the views I have already expressed, I shall not attempt to deny that there was force in the argument. No candid student of history or of the philosophy of human nature can be free from apprehension here. But let me repeat the fact that the deed is done. Slavery has been abolished. It is for the future we are required to provide. Four million colored slaves have been emancipated—forever emancipated. They are in our midst, and we cannot help it. There may be danger in giving to them the elective franchise; but is there not equal if not greater danger in withholding it from them? They may not be homogeneous as voters; but will they be any less so as freedmen deprived of the right to vote? Is there not more danger in the want of homogeneity in the endowment of political rights than in race or color? May they not claim the right to vote at some time? Is there no danger here? If we tax them, will they always peaceably submit to it without representation? Will they always yield unresisting obedience to a Government imposed upon them without their consent? Will they have courage enough to bear arms in our defense, and to die in our defense, as they have done recently, and yet be incapable of exerting equal courage and determination in asserting their own rights, real or imaginary? Remember, they are four millions now—more in numbers than our fathers were when they

fought the battles of the Revolution and established our independence as a nation. There may be danger in the direction indicated; but is there not, I repeat, equal if not greater danger in the contrary direction? Sir, I acknowledge again that the question is surrounded with difficulties of the gravest character. I am seeking to discover the way by which we may avoid the most serious of them.

Now, I know that it has been said that any attempt to elevate the negro to an equality with the white man at the polls will certainly provoke a conflict with the white voter; that the white man will submit to no such humiliation. Where is the humiliation? If I am not in error, if our fathers were not in error in enunciating the truth that all just government rests on the consent of the governed, then the right of suffrage would seem to belong to the freedman who is competent to appreciate it, if we compel him to submit to our Constitution and laws. Can there be any humiliation in granting to any and to every human being what he is worthy of receiving or what he is entitled to receive? Nay, sir. The degradation, I think, would consist in withholding it from him. Besides, sir, I suppose the white man would be no more humiliated by the equality of the negro at the ballot-box than he would be by equality at the bar of a court of justice. And yet all are agreed, I believe, to yield to the negro equality of civil rights. And what do these include? All that enters into the security and enjoyment of "life, liberty, and the pursuit of happiness." If the negro is to be placed on the same platform with me in all these vital respects, and no degradation is suffered from it, I cannot see either the degradation or any just cause of danger in awarding to him, when he is qualified to receive it, the elective franchise. I am not blind, sir, to the prejudice, not to say passion, which exists in the public mind against the endowing of the negro with this great right; nor will I conceal the apprehensions which I feel myself lest serious difficulties and collisions may ensue. But my argument is, that there is less danger in bestowing the franchise than there is in reserving it. That is the point I make. There ought to be, there is in truth, no good reason why justice to the negro should provoke the hostility of the white man; but there would be reason in the revolt of the former if the latter should be guilty of injustice to him. It may be impossible sometimes to give practical effect to abstract principles of right and justice; but wherever it is possible to do so we ought not to fear evil consequences from doing it. What is right is always expedient if it is practicable.

But, Mr. President, I may as well notice this outcry against negro equality a little more particularly. It is an unmeaning clamor, addressed to the passions and prejudices of the unthinking rather than the respectful consideration of the statesman. Will you, it is frequently asked, will you make the negro equal to the white man? Well, sir, what does that mean? If it were possible to make the negro fully equal to the white man—equal in virtue, in knowledge; equal in all the attributes of our common human nature—why should it not be done? And if he were really and truly made our equal, what would we have to complain of? It would take away the grounds of complaint. And if the elective franchise really had any such wondrous power of transmutation and refinement of the negro, why should it not be bestowed upon him? If the power to vote would really make the negro equal to us, we ought to desire it to be given to him, for it is his inequality with us of which we complain. It would at once remove the apple of discord which has been so long disturbing the peace of the nation. But unfortunately it could have no such effect. Equality of civil and political rights could have but little influence on the social relations of the races.

Why, sir, the negro has an equal right to breathe the same vital air which we do; and he does breathe it equally with us; and it is equally necessary to the life of us all. Does that prove the social equality of the races?

The right of suffrage is the vital principle of republican institutions; but its equal enjoyment by the white man and the black man does not and cannot in anywise change the personal identity of either or affect their social relations. Social relations cannot be regulated by law. They are beyond its power. They are not the legitimate subject of legal regulation. Social equality is a matter of taste, of feeling, and of every man's unfettered sense of propriety. The idea that because a negro can vote he is thereby placed on a social equality with the white man is supremely ridiculous. The idle, vicious, dissolute, dishonest white man votes; am I thereby placed under any obligation to acknowledge his social equality, or any other kind of personal equality? Is he, therefore, my equal? I may not and ought not to associate with him at all, nor will the law compel me to do it. Mr. President, such arguments are intended for other ears than ours. I am willing they shall go to those for whom they are intended, assured that the good sense of the people will readily distinguish between what is artfully addressed to their prejudices and passions and what shall justly challenge their enlightened judgment.

Akin to this class of objection is another even more trivial. I allude to the intermarriage and miscegenation of the races. It admits of the same reply. These also are matters of taste and feeling. And I have this further remark to make about it, that if any white man should ever so far forget all the instincts of nature and all sense of propriety as to intermarry with a negro, I would say, Heaven help the negro! She would certainly have the harder part of the bargain. But how could the elective franchise affect this matter? It imposes no obligation on the races to intermarry. It holds out no inducements to do it. There is no possible relation between the elective franchise and such intermarriage. It leaves the two races, in that respect, precisely where they now are. Moreover, it creates no barrier to the interposition of legislative prohibitions against such intermarriage. Every State, I suppose, has statutory provisions inhibiting the marriage relation between persons within certain degrees of kindred. The same policy might be observed in reference to these races, if the good of society should render it necessary. On the question of illegitimate miscegenation I need only refer to the census. The southern mulatto furnishes a conclusive answer to the argument on miscegenation. There has been brutality in both races. But in proportion as we shall elevate the negro, and increase his self-respect by extending to him the rights of man, these instincts and evidences of lechery and brutality will disappear. In my judgment, one of the most beneficial results of the abolition of slavery will be the decline of miscegenation.

I come now to the examination of the particular provisions of the bill, and the amendments proposed, under consideration, and to the application thereto of the general principles regulating and defining the right of suffrage which I enunciated in the commencement of my remarks. I ask for the reading of my amendment.

The Secretary read the amendment.
MR. WILLEY. This amendment proposes to classify the voters. I think it would be unjust to deprive of this right any who have heretofore exercised it. The amendment extends the right of suffrage to all who have been in the service of the country during the rebellion and have been honorably mustered out, whether they can read or write or not, or whatever other qualifications they may possess. Then the third classification imposes the qualification of residence, payment of taxes, and ability to read and write their names. Is there any valid objection to these restrictions? I think not. There is no exclusion or discrimination on account of color; although, as I have shown, such exclusion or discrimination might well be made, if the welfare or safety of the community required it. But this bill secures perfect equal-

ity. The principle, therefore, of negro suffrage is as completely recognized and established as if the enfranchisement was universal.

If I am not in error in supposing that every community may rightfully exclude from political authority all persons whose incorporation in it would imperil its prosperity and security, then I think it is plain that a large proportion of the freedmen of this District should be excluded. Who are these freedmen? Whence do they come? What is their mental and moral condition?

I do not pause on the fact that they are the descendants of tribes who were savages of the worst and lowest type not more than two centuries ago, and that the progress of mankind in civilization in all ages and under the most favorable circumstances has been slow. But I refer to the fact that these freedmen were slaves less than four years ago, the descendants of slaves, having all the servile habits and instincts of the most inveterate slavery, coming from States whose laws forbade their being taught to read, not only the Constitution and history of their country, but also the very oracles of salvation; debased, degraded, as ignorant as it was possible to make them. Are such beings as these the safe depositaries of the political power of any community? I repeat the question, are the peace, order, prosperity, and perpetuity of a State secure in the custody and administration of such citizens as they would make? Would you intrust to them any private business or personal interest of importance? Surely not. How, then, can you ask the people of the District of Columbia to confide to such voters the welfare and safety of its people? Recurring again to the fundamental maxim that all just government rests on the consent of the governed, I inquire, what is consent? It must be an intelligent consent. It implies that the party consenting understands and appreciates what he consents to. Do these poor creatures, I mean the majority of them, know what suffrage is? Can they appreciate the nature and importance of this high privilege? Do they understand our laws and Constitution, or the spirit of our laws and Constitution, or the spirit and principles of civil and political liberty? It is impossible. And yet it is a received and incontrovertible maxim that free institutions are safe only in the hands of an intelligent people. You say they will soon learn. Very well, sir; let them learn. The amendment proposed imposes no such inhibition on them in that respect. Nay, it holds out the strongest motive to mental culture and improvement. And this is one of the advantages of the restrictions imposed in the amendment. It says to the freedmen, you shall vote if you comply with a certain condition, and that condition is only to acquire the fundamental qualification of a voter, namely, intelligence sufficient to appreciate the right and execute it safely and beneficially to the public. Ought they, or any others, to have this great right on any other condition? Surely not.

There are, it seems to me, several advantages in this process of gradual enfranchisement. In the first place, it would avoid the mischief of the sudden influx of so large a number of incapable, ignorant, and irresponsible voters into the District at once. In the second place, it would meet with less hostility from the people. In the third place, if it succeeded, as I hope it will succeed, in demonstrating the capacity of the negro to discharge discreetly this high function of the citizen, it would disarm public preconception and prejudice, and kindly and safely open the way for the enfranchisement at no distant day of the race here, elsewhere, and forever. And in the fourth place, it would obviate the very serious objection raised by the result of the late vote taken in this city to ascertain the sense of the people upon the question. It may be true, sir, that said vote was taken without any lawful authority for it. Nevertheless, it did unquestionably ascertain the fact that at least seven eighths of the people of this District are opposed to unlimited negro suffrage. It is

hardly a fair answer to say that Congress is not responsible to the people of the District and has unrestricted power over the subject. I do not controvert the fact. But I do controvert the moral right of Congress to legislate for the people of the District in a manner repugnant to the fundamental principles of our American institutions. Who of us, in our own State, would dare to impose a law upon the people known to be contrary to the will of a clearly ascertained majority of them? Shall I be answered that we are to reflect the will of the whole American people? Then, I ask, what is the will of the American people in this behalf? Let the fact that the fundamental laws of three fourths of the States expressly prohibit the right of suffrage for the negro altogether answer.

And now, Mr. President, I have to say that the late constitutional amendment abolishing slavery in this country did no more than carry into effect the teachings and principles of the great founders of the Republic. Mr. Madison objected to the incorporation of the word "slavery" into the Constitution, because he said he hoped the day would come when there would be no slavery, and he did not wish to leave in an instrument so important anything which would remind posterity that there had ever been any slavery in this country. Emancipation, therefore, was no new conception. In accomplishing it we did only realize the ardent hopes of the great men who established our Government and ordained its fundamental law.

So, too, Mr. President, I may say that by conferring the right of suffrage on the qualified freedman we shall likewise be acting in conformity with the precepts and example of the same illustrious founders of the nation. In the case already referred to of *Dred Scott vs. Sanford*, the same eminent judge already quoted declared that—

"At the time of the ratification of the Articles of Confederation all native, free-born inhabitants of the States of New Hampshire, Massachusetts, New York, New Jersey, and North Carolina, though descended from African slaves, were not only citizens of those States, but such of them as had the other necessary qualifications possessed the franchise of electors on equal terms with other citizens."

And we have the authority of Judge Gaston, as may be seen by reference to his opinion in the case of the *State vs. Manuel*, that in North Carolina these free negroes "claimed and exercised the franchise" until about the year 1835, when the constitution of the State was amended.

In Pennsylvania, the constitution of 1790 guaranteed the right of suffrage to "every freeman over the age of twenty-one years." And if I am not misinformed the free negro of that State continued to vote until the year 1838.

In Maryland, too, I believe, free negroes voted until 1809, and perhaps still later. Maryland had provided, August 4, 1776, that—

"All freemen above twenty-one years of age having a freehold of fifty acres of land in the county in which they offer to vote, and residing therein; and all freemen having property in this State above the value of thirty pounds current money, and having resided in the county in which they offer to vote, shall have a right of suffrage in the election of delegates for such county."

On referring to the declaration of rights and fundamental rules of Delaware, made September 20, 1776, I find the following provision:

"That the right in the people to participate in the Legislature is the foundation of liberty and of all free governments; and for this end all elections ought to be free and frequent; and every free man having sufficient evidence of a permanent common interest with and attachment to the community, has a right of suffrage."

New York, in 1777, adopted the following constitutional provision:

"That every male inhabitant, of full age, who shall have personally resided in one of the counties in this State for six months immediately preceding the day of election shall, at such election, be entitled to vote for representatives of said county in Assembly; if, during the time aforesaid, he shall have been freeholder, possessing a freehold of the value of twenty pounds within the said county, or have rented a tenement therein of the yearly value of forty shillings, and have voted and actually paid taxes to this State." (See constitution of New York, article 2, Revised Statutes, vol. 1, p. 126.)

New Hampshire:

"Every male inhabitant of each town and parish with town privileges in the several counties in this State, of twenty-one years of age and upwards, paying for himself a poll tax, shall have a right, at the annual or other meetings of the inhabitants of said towns and parishes, to be duly warned and holden annually forever in the month of March, to vote in the town or parish wherein he dwells for senators in the county or district whereof he is a member."

Connecticut:

"The qualifications requisite to entitle a person to vote in election of the officers of government are maturity of years, quiet and peaceable behavior, a civil conversation, and forty shillings freehold, or forty pounds personal estate."

New Jersey:

"That all the inhabitants of this colony, of full age, who are worth fifty pounds proclamation money, clear estate in the same, and have resided in the county in which they claim a vote for twelve months immediately preceding the election, shall be entitled to vote for representatives in Council and Assembly, and also for all other public officers that shall be elected by the people of the county at large." (July 2, 1776.)

Pennsylvania, September 28, 1776:

"Every freeman of full age of twenty-one years, having resided in this State for the space of one whole year next before the day of election for representatives, and paid public taxes during that time, shall enjoy the right of an elector."

North Carolina, December 18, 1776:

"That all freemen of the age of twenty-one years, who have been inhabitants of any one county within the State twelve months immediately preceding the day of any election, and possessed of a freehold within the same county of fifty acres of land for six months next before, and at the day of election, shall be entitled to vote for a member of the Senate."

"That all freemen of the age of twenty-one years, who have been inhabitants of any county within the State twelve months immediately preceding the day of any election, and shall have paid public taxes, shall be entitled to vote for members of the House of Commons for the county in which he resides."

I might furnish other proofs of the political enfranchisement of the negro in the earlier days of our history; so that it is true, as I have already stated, that in granting the right of suffrage to the negro now in this District, we are following the precedents of the earlier if not better days of the Republic.

Still, Mr. President, we are warned by Senators of the dangers of introducing different races into the enjoyment of equal political franchises under the same Government. We are told that a conflict between them will inevitably ensue. We are admonished that we are the superior race, and the negro must go down before us. I have not denied our superiority—our superiority intellectually, numerically, physically, morally—our immeasurable superiority. What then have we to fear in a conflict? It is the negro who must go down, if either shall. In relation to predominance of race, therefore, we run no risk. Sir, in my opinion, the question is reduced either to the ballot or to banishment, either to enfranchisement, colonization, or slavery; or if to none of these, then to violent extermination, or to still greater demoralization and gradual extinction.

Sir, the races may not be homogeneous. I have already repeatedly admitted the force of the argument based upon this fact. But has it never occurred to Senators that the existence of the negro among us, in the condition he will occupy deprived of the elective franchise, will render the organization of society still more heterogeneous? According to my conception of the spirit and principles of our institutions, such a relation to the State is utterly illogical and irreconcilable. To be entirely a slave or entirely a citizen is plainly comprehensible. But the hybrid, purgatorial condition, midway between these extremes, involving all the obligations, burdens, and duties, and especially the capabilities of citizenship, and yet excluding the right of suffrage, is a solecism in government. Such a posture of affairs, instead of tending to the conciliation of harmony and peace, would, it seems to me, be the source of inevitable rupture and confusion.

Mr. President, the slavery of the African race in this nation has been the cause of nearly all the discord which has disturbed the public tranquillity. "The irrepressible conflict" has

passed from the volume of prophecy into the bloodiest chapter of actual history in the book of time. Slavery has been abolished, not by the will or the wisdom of man, but by the folly of its friends and the providence of God. Shall we superinduce a repetition of the sanguinary history of the last five years in another form? Shall we lay the foundation of another insurrection? I think I may confidently anticipate increasing agitation in this Hall, and in all the councils of the country, and through every avenue reaching the public mind until the political enfranchisement of the negro in this District is accomplished. "The tide has set that way." It may ebb, but it will flow again as ceaseless as the sea. For the sake of the public peace, therefore; to avoid a conflict as irrepressible as that through which we have passed; to prevent the sorrows and desolations of another civil war; to complete the harmony and symmetry of our political system, and reconcile the logical demands of our cherished principles of civil and political liberty by exhibiting a practical recognition of the Declaration of Independence, let the experiment be made. Our race can well afford to make it. It imperils none of our rights. It curtails none of our privileges or power. I cannot appeal to our fears, but it does challenge our magnanimity. If it fail, then the strife will be ended and the question forever settled. If it succeed, who is there so basely recreant to the high behests of his own humanity as to say he would not rejoice?

Sir, we are admonished against the radicalism of the times. Perhaps there is some necessity for the admonition. But let us not be so cautious as to err in the opposite direction. This is an age of progress—progress of ideas, of science, of philosophy, of civilization, of law, of liberty. The truth does not change; the fundamental principles of government as proclaimed by our fathers may not change; but their application may be made more complete. It would be unwise, it would be ludicrous, to stand still, steadfastly adhering to the same policies and measures which were appropriate to the radically different condition of affairs existing a century ago. Slavery is abolished. It is forever prohibited by our organic law. Shall our feelings, our prejudice, our policy, our laws relating to the freedman be the same now as when he was a slave?

"Tempora mutantur, et nos in illis mutamur."

The only worthy interpretation of the tremendous conflict which has just convulsed the nation, but which has been crowned with such resplendent victory, is progress—progress especially in the principles of human freedom. Let us not refuse the providential hand extended to lead us onward and upward toward a more exalted destiny. The great rebellion proclaimed that slavery was to be the chief corner-stone of its treacherous organization. And thus it was a revolt not only against legitimate human authority, but it was also a rebellion against the law of God. The result is announced by a fundamental decree of universal emancipation. This revolution will not stop there. It has awakened a spirit that will never slumber again until all laws and all statesmen shall recognize the authority of the heavenly precept uttered by the divine Lawgiver on the mount more than eighteen hundred years ago in tones which, however gentle and sweet, have sounded along down through the successive centuries, commanding an eager responsive echo from every liberal human heart: "Therefore, all things whatsoever ye would that men should do to you, do ye even so to them;" which was republished, in effect, by the great apostle in the midst of Mars hill: "And hath made of one blood all nations of men for to dwell on the face of the earth;" and which, at last, was essentially incorporated into the great national charter of American independence at Philadelphia. In America this Christian principle of humanity and freedom first received a legal definition and found

a practical political recognition. In America let it have its complete, final, and glorious consummation.

Mr. DOOLITTLE. I now move that the Senate proceed to the consideration of executive business. This will come up as the unfinished business to-morrow.

The motion was agreed to; and after some time spent in the consideration of executive business the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, June 27, 1866.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. C. B. BOXTON.

The Journal of yesterday was read and approved.

BRIDGE ACROSS THE CUYAHOGA.

Mr. EGGLESTON. At the request of my colleague, [Mr. SPALDING,] who is absent, I move to take from the Speaker's table joint resolution (S. No. 113) for the construction of a railroad bridge across the Cuyahoga river over and upon the Government piers at Cleveland, Ohio.

No objection being made, the joint resolution was taken from the Speaker's table, read a first and second time, ordered to a third reading; and was accordingly read the third time and passed.

Mr. EGGLESTON moved to reconsider the vote by which the joint resolution was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

PRINTING OF A REPORT.

Mr. LATIAM, from the Committee on Printing, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That there be printed twenty-five hundred extra copies of report No. 66, of the House Committee on Public Lands, on the subject of the sale of mineral lands, fifteen hundred for said committee and one thousand for the members of this House.

UNION PACIFIC RAILROAD, EASTERN DIVISION.

Mr. WILSON, of Iowa. I ask leave to introduce a joint resolution explanatory of an act entitled an act to amend an act entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri river to the Pacific ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," approved July 2, 1864.

It refers to the bill passed yesterday, and I have prepared it in exact pursuance of the amendment which I proposed to the bill yesterday, and which the gentleman from Pennsylvania [Mr. STEVENS] said would not be objected to, inasmuch as it contained precisely what he stated to be the true construction of the bill then passed.

Mr. STEVENS. Is that the road that begins at Kansas City and runs west?

Mr. WILSON, of Iowa. It is the explanatory bill of which I gave notice yesterday.

Mr. STEVENS. I beg the gentleman's pardon. I think the bill better be printed.

Mr. WILSON, of Iowa. Let it be read.

The bill was read at length. It provides that nothing contained in the act described in the title of this act shall be so construed as to enlarge the grant of land made to the Union Pacific Railroad Company, eastern division, by the acts of July 1, 1862, and of July 2, 1864; nor to entitle said company to any greater amount of bonds of the United States than it would have been entitled to receive on the construction of its road from the mouth of the Kansas river to the point of junction with the Union Pacific railroad on the one hundredth meridian of longitude, as indicated by the map heretofore filed by said company in the Interior Department; nor in any manner to interfere with the right of the Union Pacific Railroad Company to receive the bonds of the

United States provided for in said acts of July 1, 1862, and July 2, 1864, to aid in the construction of the road and telegraph line of said last-mentioned company on its entire line from Omaha to the point where it may meet and join the road of the Central Pacific Railroad Company, of California.

Mr. STEVENS. Do I understand the gentleman from Iowa [Mr. WILSON] desires to put this bill on its passage now?

Mr. WILSON, of Iowa. Yes, sir; I do so desire.

Mr. STEVENS. Then I must object, because it is a long bill, and contains things which I do not understand.

Mr. WILSON, of Iowa. Before the gentleman from Pennsylvania [Mr. STEVENS] seeks to enforce his objection I desire to say one word in explanation of this bill. I have prepared this bill in accordance with the statement made yesterday by the gentleman from Pennsylvania in the debate on the bill which was passed amending the Pacific railroad act. My bill differs in no respect from the construction given yesterday to that bill by the gentleman from Pennsylvania. It is drawn in precise accord with what that gentleman stated he would be willing to have passed in a separate bill, explanatory of the bill passed yesterday, so as to prevent the construction being placed upon it which I stated I feared would be placed upon it. It does not change in any particular the statement of construction made by the gentleman to the House.

Mr. DAWES. I would inquire of the gentleman from Iowa if this bill contains the amendment which he proposed yesterday.

Mr. WILSON, of Iowa. It contains the amendment I offered yesterday with a modification, which modification relates to the land grant. The amendment I offered yesterday—

Mr. STEVENS. I would suggest to the gentleman from Iowa [Mr. WILSON] that he had better not waste time now in discussing the merits of this bill. I think this bill had better be printed and go upon the docket, so that we can examine it thoroughly, as my friend from Massachusetts [Mr. DAWES] will object to anything short of that.

Mr. WILSON, of Iowa. I will say, in reply to the gentleman from Pennsylvania, [Mr. STEVENS,] in the language which he used yesterday concerning his bill, "That would be sending it to its grave." Now, I wish to explain the difference between this bill and the amendment I offered yesterday.

Mr. DAWES. I would like to inquire of the gentleman from Pennsylvania [Mr. STEVENS] if he has forgotten what he said yesterday.

Mr. STEVENS. Not a word.

Mr. DAWES. Then the gentleman deliberately departs from what he yesterday pledged himself to do.

Mr. STEVENS. Yes, sir; and the gentleman rejected my offer and put this matter upon a fair issue, which has been decided.

Mr. DAWES. The gentleman's offer was not that we should vote for his measure; but he said if that bill passed he would help us put through an explanatory act.

Mr. STEVENS. I said if the gentlemen would withdraw their opposition I would go for such a bill. But the gentlemen refused to do that, and placed their question upon the cast of the die.

Mr. DAWES. Then I understand the gentleman from Pennsylvania [Mr. STEVENS] to oppose this explanatory act, which yesterday he said he would be willing to vote for, simply because we voted against his bill.

Mr. STEVENS. No, sir; but I do not feel myself bound to accept this proposition, because gentlemen did not accept the offer I made them. But I have said that if this bill is reported and printed I will examine it.

Mr. WILSON, of Iowa. I wish to state the difference between the bill I now propose and the amendment which I offered yesterday. In the first clause of the amendment which I proposed yesterday it was provided that no min-

eral lands should be included in the grant thereby made, but the same should be reserved to the United States. My construction of the bill which passed yesterday was that it made a new grant of land, and I desired to reserve the mineral lands. The gentleman from Pennsylvania insisted that it made no new grant of land. I have simply provided in this bill that the grant of lands made to the Union Pacific Railroad Company, eastern division, shall not be enlarged by the terms of the bill which passed yesterday. Now, sir, I wish to read what the gentleman said yesterday in reference to this bill—

Mr. STEVENS. I do not like to interrupt the gentleman, but I wish to inquire whether, after objection being made, this discussion is in order.

The SPEAKER. The gentleman from Pennsylvania [Mr. STEVENS] stated, as the Chair understood, that he waived his objection. If he objects now, the bill is not before the House. Does the gentleman object?

Mr. STEVENS. I do.

Mr. WILSON, of Iowa. I ask the gentleman to yield to me a moment that I may submit a proposition.

Mr. STEVENS. I will hear the gentleman's proposition privately, but I do not think it necessary now to consume time—

Mr. WILSON, of Iowa. I was about to propose that the bill shall go over for the present, shall be printed, and be taken up to-morrow.

Mr. STEVENS. I insist on my objection.

Mr. WILSON, of Iowa. Very well; that is keeping faith.

The SPEAKER. The bill, being objected to, is not before the House.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, announced that the Senate had passed the joint resolution (H. R. No. 158) providing for the settlement of the accounts of W. H. Hamrick.

The message further announced that the Senate had passed the bill (H. R. No. 613) entitled "An act to continue in force and to amend an act to establish a Bureau for the Relief of Freedmen and Refugees, and for other purposes," with amendments, in which the concurrence of the House was requested.

The message further announced that the Senate had insisted on its amendments, disagreed to by the House, to the bill (H. R. No. 127) entitled "An act making appropriations for the support of the Army for the year ending the 30th of June, 1867," had disagreed to the amendments of the House to other amendments, had agreed to the conference asked by the House, and had appointed as conferees on the part of the Senate Messrs. SHERMAN, WILSON, and YATES.

The message further announced that the Senate had disagreed to the amendments of the House to the bill (S. No. 145) entitled "An act granting lands to the State of Kansas to aid in the construction of the Northern Kansas railroad and telegraph, had asked a conference on the disagreeing votes of the two Houses, and appointed as conferees on the part of the Senate Messrs. POMEROY, BROWN, and RIDDLE.

PAYMENT OF KENTUCKY MILITIA.

Mr. KASSON, by unanimous consent, moved that the Committee on Appropriations be discharged from the further consideration of joint resolution S. No. 94, providing for the payment of certain Kentucky militia forces, and that the same be referred to the Committee of Claims.

The motion was agreed to.

PAYMENT OF KANSAS MILITIA.

Mr. KASSON, by unanimous consent, moved that the Committee on Appropriations be discharged from the further consideration of bill S. No. 359, entitled "An act to authorize the Secretary of War to settle the claims of the State of Kansas for services of the militia called out by the Governor of that State, upon the requisition of Major General Curtis, the

commander of the United States forces in that State, and that the same be referred to the Committee of Claims.

The motion was agreed to.

KANSAS AND NEOSHO VALLEY RAILROAD.

Mr. ROLLINS. I call for the regular order.

The SPEAKER. The first business in order is the bill remaining undisposed of at the adjournment yesterday, Senate bill No. 285, granting lands to the State of Kansas to aid in the construction of the Kansas and Neosho Valley railroad and its extension to Red river. The pending question is upon the motion of the gentleman from Indiana [Mr. JULIAN] to refer the bill to the Committee on Public Lands. It appears by the Globe that this motion was made both by the gentleman from Indiana and the gentleman from Ohio, [Mr. SPALDING.] As the Journal credits the motion to the gentleman from Indiana the Chair will regard it as having been made by him.

Mr. STEVENS. I trust that that bill will be allowed to lie on the table.

The SPEAKER. That would require unanimous consent, as the motion to refer is pending. If the gentleman from Indiana withdraws his motion, the bill may be passed over informally; but if the gentleman persists in his motion it must be put.

Mr. STEVENS. I trust that the gentleman will withdraw the motion and allow the bill to lie on the table for the present.

Mr. JULIAN. With the understanding that the bill shall not be called up till we have an opportunity to examine it, I withdraw the motion to refer.

The SPEAKER. If there be no objection, the bill will be passed over informally, remaining upon the Speaker's table.

There was no objection.

MICHAEL BARRON.

Mr. ALLISON, by unanimous consent, introduced a bill for the relief of Michael Barron; which was read a first and second time, and referred to the Committee on Invalid Pensions.

PREVENTION OF SMUGGLING.

The SPEAKER. The first business of the morning hour is the bill (S. No. 222) further to prevent smuggling, and for other purposes; which was under consideration at the expiration of the morning hour yesterday.

The pending question was upon the following amendments offered yesterday by Mr. HUMPHREY:

Amend section two, in line seven, by inserting after the word "district" the words "where he or they shall suspect there are goods, wares, or merchandise thereon, subject to duty, or which shall have been introduced into the United States in any manner contrary to law."

Amend section four by striking out the words "and the burden of proof shall be upon the claimant where probable cause is shown for such prosecution, to be judged of by the court before which the prosecution is held."

Mr. HUMPHREY. Mr. Speaker, yesterday, when interrupted by the expiration of the morning hour, I was engaged in the endeavor to direct the attention of the House to the propriety and justice of striking out the last three lines of section four of this bill.

I have heard but two reasons assigned for incorporating in the bill this provision. One of the reasons stated is that this provision is designed to guard against a species of crime which requires unusual stringency in the law. But, sir, so far as regards the question presented by this section, I undertake to say that less stringency is required than in almost any provision of criminal law. Why? Because the offense of smuggling can be more readily established by the prosecution than almost any other. All that is necessary to establish a *prima facie* case of smuggling, under the present rules of the criminal law, is to show that the property has come into our country without having passed through the proper offices and paid the proper duties. These facts can be established by simply calling on the stand the officers themselves, and then you

have what is known in the criminal law as a *prima facie* case made against the prisoner, one which carries the prosecution to the jury. Then the party may, or may not, as he sees fit, come in and give evidence of his good character, or other evidence tending to show the fact that he had nothing to do with smuggling in the case charged. The reason assigned falls to the ground, because there is no necessity for it.

Again, there is another reason which has been assigned that there should be some more stringent provision in this law because of the necessity to put a stop by the terrors of the criminal law to crimes of this character.

Mr. Speaker, when the State and Federal Governments have found the present rules of evidence adequate to the prevention and punishment of all crimes, treason and murder included, it can hardly be supposed that any modification of those rules is necessary to prevent smuggling, and certainly not such an amendment as is proposed in this bill; by this provision the present rules of evidence are wholly revolutionized; instead of requiring the Government to prove the guilt of the accused beyond "reasonable doubt" and to the "satisfaction of the jury," it merely requires such evidence to be given by the Government as will "satisfy the court" that there is "reason to suspect" the prisoner is guilty, and then he is required to prove his innocence or stand convicted. I see no necessity growing out of the increase of smuggling or any other class of crime that will justify such a law as this.

It is a well-known fact that for the last twenty or thirty years the whole current of proceedings in reference to criminal law has been in the direction of enlightened action under it. In the State of Massachusetts they became so liberal to the prisoner a few years ago that they passed a law for him to come upon the stand and testify himself. And this subject has been discussed in all of the States of the Union. Now, instead of going in the direction of reform, instead of following in the line of increased intelligence, we seem to be going back to the days when a man, after he was arrested for a crime, was put upon the rack to convict himself. I say that this is a step in that direction instead of a step in the way of progress and enlightened legislation on this question.

I now desire to call the attention of the House to the other amendment, as I am upon the floor. I ask the Clerk to read it.

The Clerk read as follows:

Amend section two, line seven, by inserting after the word "district" the words "where he or they shall suspect there are goods, wares, or merchandise thereon subject to duty, or which shall have been introduced into the United States contrary to law."

Mr. HUMPHREY. Mr. Speaker, this act authorizes an increase to a very great extent of the subordinate officers connected with the custom-house. It authorizes the collector and other officers to make appointments themselves; so the result will be they will appoint men for the purpose of performing the specific duty not of that high character of the man who would occupy the position of collector or deputy collector; and under the third section these men are authorized to arrest any person and examine his trunks and vehicle for the purpose of seeing whether there is any property which has been smuggled. But the officer can do this only where he has reason to believe the person or carriage has goods liable to duty. I think that is at least an amount of caution which ought to be placed in this bill when we are to put such immense powers into the hands of such men as will doubtless have the privilege of exercising them.

But the second section is a new one. Its object is to extend the extraordinary powers of search and seizure of vessels, and it does extend those powers to all vessels in every port of the United States without requiring that these men should have reason to believe or suspect that there is something on board that has been smuggled.

Take, if you please, the port of New York, Boston, Philadelphia, or Buffalo; any of these officers may go upon a vessel that is already loaded and just upon the point of leaving on its regular trip and stop it. If the man who has command of the vessel refuses to stop he is liable to be indicted and punished severely. And not only may they stop the vessel, but they are authorized to call to their aid all the powers of the Government for the purpose of stopping it. They may use a revenue-cutter and call in the aid necessary to stop that vessel; and they may detain it while the officers are making an examination of every single package on board.

Now, I submit that we ought not to do an act which shall put it in the hands of irresponsible men at every port of the country to embarrass the commerce under the simple pretense of stopping smuggling. The evil would most undoubtedly outweigh any good that could possibly come from any such provision. Let this provision have the same check and guard that the provision has which authorizes these men to arrest an individual. Because it is a thousand times more important that we should control these men in the exercise of a power which stops not only an individual, but stops hundreds and thousands of them when they are just ready to leave one of the ports of this country for another or for a foreign port; which stops a vessel under circumstances where the damage may be hundreds of dollars per hour. These men should have some reason to believe that there is something there which warrants them in stopping the vessel. The interests of commerce imperatively demand that at least this safeguard should be incorporated into this section.

I am aware that, under the cry that there must be more efficient legislation for the purpose of stopping smuggling, we are liable to do just what was done once before by Congress, when there was a great outcry made in relation to the gambling in gold in the city of New York. This House, in a spasm of indignation, undertook by law to settle the question, but in less than ten days thereafter it saw fit to unsettle it. It saw what was true; that the interests of trade and commerce were not to be regulated by this sort of legislation.

One great and important object of legislation is to protect and encourage the interests of trade; and now, because there happens to be just at this time some pretense that there is a necessity of a little more stringent legislation, is it proper or expedient that we should go to work to overthrow the well-settled principles which every man understands must be maintained in order that those interests may be protected? I am in favor of making this law as efficient as possible without infringing upon the rights of citizens, of innocent citizens. Let us do no act that shall violate the principles upon which those rights are maintained and preserved. In addition, let us see to it that the interests of commerce, the great interests of the country, shall in no way be violated simply in answer to an unreasoning cry, an unreasoning effort to get a more efficient law for the purpose of punishing a trivial crime.

I believe that these two amendments ought, for the protection of the rights of the citizen and for the protection of the interests of commerce, to be incorporated into this bill. I hope that the action of the House may be such as will at least do thus much toward protecting those interests.

Mr. ELIOT obtained the floor.

Mr. HALE. Will the gentleman from Massachusetts yield to me for a few minutes?

Mr. ELIOT. How much time have I?

The SPEAKER. The gentleman has twenty-seven minutes of the morning hour remaining.

Mr. HALE. I will not occupy over ten minutes, and probably not more than five minutes.

Mr. ELIOT. Well, take five minutes.

Mr. HALE. I ask the attention of the House for a very few minutes. This is a bill which this House ought to understand so far as regards the effect of the amendment proposed by my colleague from the Buffalo district, [Mr. HUMPHREY.] Section four provides for certain penalties for smuggling, consisting of forfeiture of goods, fines, and imprisonment. Its provisions, although stringent, are undoubtedly proper, except that it closes with what seems to be a very extraordinary provision, which my colleague from the Buffalo district proposes to strike out. I think it ought to be stricken out. It provides that in a criminal prosecution where a man is subjected to forfeiture of property, fine, and imprisonment, the burden of proof shall lie, not upon the prosecution, where by all the rules of law it is always placed, but upon the defendant where "probable cause" is shown.

Now, "probable cause" does not mean a *prima facie* case. If it did there would be no need of this provision, for if a *prima facie* case is made out the burden of proof always rests on the defendant. But "probable cause" has a fixed, definite, and technical meaning. It means such a ground of suspicion as will protect the complainant from the charge of false imprisonment or malicious prosecution. I cannot believe that this House is prepared to adopt a rule which will say that when a man is arrested upon suspicion—not upon evidence sufficient to convict him, but evidence sufficient to raise a suspicion merely—the burden of proof shall be thrown upon him. I do not think that such a provision would add to the protection of the revenue of the country. I am in favor of making this bill just as stringent and efficient as it can be made with proper regard to the rights of all parties who may be implicated under it; but I do not think there ever was a case where crime was suppressed by reversing the ordinary rules of law. I hope that the amendment of my colleague will be adopted.

Mr. ELIOT. It is something to be able to say, in reporting a bill containing so many important provisions, that a gentleman who has examined every section as carefully as the gentleman from the Buffalo district has done, has been able to find but two provisions in it which he desires to correct. I understand that there are two amendments now before the House offered by the gentleman from New York, both of which he has vindicated in the speech which he has just concluded.

The first of the amendments relates to the second section of the bill, and the second to the fourth section of the bill. The gentleman from Buffalo first discussed the amendment to the fourth section, and I will say a few words upon that subject. The question is not whether the provision of this bill is or is not in exact accordance with the laws of evidence prevailing hitherto in criminal cases. That is not the point. If we were administering this law, and in the capacity of judges should be called upon to determine questions of evidence, it might arise, and of course we ought to be controlled by the rules applicable to evidence in criminal cases. But Congress is not controlled by any considerations of that sort. The question we have to determine is not whether the provision is or is not in accordance with what has been heretofore, but whether the provision is not such a one as, under the circumstances of the case, ought to be incorporated in a law upon the subject.

Now, this bill was reported by the Committee on Commerce in the Senate and was subjected there to very careful deliberation. And no one provision of the bill called to itself more examination than the one which is now the subject of discussion here. And the various reasons which have been stated as properly urged against a provision of this sort were urged and answered in the Senate. In the discussion upon that question in the Senate, as I find by reference to the Globe, a short argument was made by an honorable Senator who

has been Secretary of the Treasury—a gentleman whose public life is drawing to a close; I refer to the Senator from Kentucky, [Mr. GUTHRIE.] In advocating this bill, and in giving the reasons which induced him to vote for it with the provision now contained in it, he states the circumstances under which he was placed, when Secretary of the Treasury, in regard to this matter of smuggling. Without reading the argument that he makes, I will say that he stated that in his judgment it was needful that stringent provisions should be embraced in the law if it was desired to prevent smuggling. If members do not want to prevent smuggling, that is one thing. Now, I am perfectly ready to admit that where smugglers are brought before the courts, your laws must be plain, must be explicit, must be strong, or else the talent, the ingenuity, and the eloquence of gentlemen whom they employ, will be sufficient to override the provisions of the law.

But it is said that you must not put upon the smuggler the duty of proving, of showing, of explaining where he got the merchandise which has not been entered in the custom-house. Why should he not explain? The Government finds in the hands of some man a large amount of merchandise which has not been entered in the custom-house. He is prosecuted as a smuggler, and proof is produced that the merchandise in his possession was there without the payment of duty. But the learned gentlemen who may be employed to defend him, come forward and say, "What of it all? To be sure the Government charges that these goods have not been entered regularly, and have not paid duties. What of it all? That is not enough. A man is to be held innocent until you prove him guilty. Prove where he got his goods; prove how he came by them; prove that they were not entered in the custom-house. Ay; show more than that; show that he received the goods knowing that they had not been entered."

That is the way they will talk. Now, sir, the proof has been put in on the part of the Government. But the counsel for the defendant calls upon the prosecuting officer to show where the goods came from, to show facts that there is but one man can show, and that man is the defendant. Now, I want to know why the defendant should not be called upon to show that fact.

The gentleman from New York [Mr. HALE] says that "probable cause" means more than "*prima facie* case." It means more, or it does not mean so much, according to the stand-point that may be taken. Where the words "probable cause" are used in connection with proceedings *in rem*, where it is ordinarily found; or where the words "probable cause" are used in order to justify an officer for having made a complaint, as is the case in many of our legal statutes; or where those words are used upon a question to determine whether or not a party shall be subjected to costs; in those cases, and in others like them, it may be that what the gentleman from New York terms "suspicion" merely will be enough. But that, I apprehend, is not the meaning of the words here. It may not, perhaps, mean that there shall be a full *prima facie* case made out, although upon that point I am not prepared to yield to the suggestions made by the gentleman from New York, from the Buffalo district, [Mr. HUMPHREY.] There is to be proof that the property is in the hands of the party charged; there is to be proof that the property has not been entered in the custom-house.

Mr. HUMPHREY. Will the gentleman yield to me for a moment?

Mr. ELIOT. For what purpose?

Mr. HUMPHREY. I merely want to ask a question.

Mr. ELIOT. Very well; I will yield for a question.

Mr. HUMPHREY. This language is the precise language used in the law under which civil proceedings are now administered, and the language has come to have a fixed judicial

construction. Now, if we as a legislative body employ this very language in a bill, will the gentleman pretend that the court administering our law would not say that it should be construed as the courts have hitherto construed it?

Mr. ELIOT. The next time my learned friend appears in court to defend a smuggler, he will be the very first man to contend that it could not have been that the words "probable cause" in this connection meant that kind of probable cause which has been required in questions of costs or probable cause of suit.

Mr. THAYER. Will the gentleman allow me to ask him a question?

Mr. ELIOT. Certainly.

Mr. THAYER. I desire to ask the gentleman this question: if the phrase which is used means more than is commonly understood by the technical phrase "probable cause," if it means, in other words, a *prima facie* case, what necessity is there for this provision? Where a *prima facie* case is made out, is not the burden of proof always upon the defendant?

Mr. ELIOT. That involves the question, what is meant by the "burden of proof?" Some very good lawyers believe that there is a very loose way of talking about "burden of proof." In a criminal proceeding, what is fairly called the "burden of proof" does not shift. The burden of proof is on the Government wholly and throughout, and when all the evidence is in, the question is, "Has the Government proved the case?"

In the course of the trial of a case there may be proved facts which must be explained, or which, if not explained, will justify the jury in finding a verdict of conviction. In such a case it is sometimes said by the profession the burden of proof shifts. That, I suppose, is what my friend from Pennsylvania means. For instance, a man is charged with having stolen a watch; the owner of the watch comes upon the stand and swears that he had the watch an hour before it was found upon the defendant; that he never parted with it willingly. The defendant, the watch having been found in his hands, is charged with stealing it. Under these circumstances he must explain how it came into his possession. It would be said ordinarily that the burden of proof is on him to explain that matter. But that mode of speaking is not correct. The burden of proof is throughout on the Government to sustain the charge. But there are circumstances which, though not amounting in themselves to direct and conclusive evidence, raise such a presumption of guilt that, if unexplained by the defendant, they justify the jury in convicting.

Mr. THAYER. I will ask the gentleman, why not leave the rules of evidence in cases arising under this bill just where you leave the rules of evidence in the case which he has put by way of illustration? Why should we not apply in the cases arising under this bill the same rules of evidence that are applied with reference to the crime of larceny or the crime of receiving stolen goods? Why should we not leave these cases to be determined according to the general rules of law which regulate criminal trials instead of undertaking to make a special code of rules for the offense of smuggling?

Mr. ELIOT. That is just what this does. This brings the smuggler into the same category with the man who is charged with having stolen a watch. Let me tell the gentleman that in this case of smuggling the facts are not of the same kind as those in the prosecution of a man for stealing a watch, because there the owner of the watch is on hand to identify his property. Here the owner of the property is not present, and the Government has it not in its power to show the fact. The only object of the provision is, on probable cause shown, to require the defendant to explain how it was he came by the goods which are the subject of charge. It is to put him where the man charged with stealing a watch is put when the owner of

the property is on the stand identifying it, and showing he never parted with it willingly.

Mr. HALE. Is not that the law now?

Mr. ELIOT. My learned friend from the Buffalo district [Mr. HUMPHREY] will be able to say that is not the law as administered in smuggling trials.

Mr. HALE. It is the law, notwithstanding.

Mr. THAYER. I desire to say, with the indulgence of the gentleman from Massachusetts, as I cannot have the privilege of speaking when he has closed, in all cases the question of guilt may be made out by circumstantial evidence, and the jury is at perfect liberty to convict if in their judgment the circumstances give rise to a fair presumption of guilt. But that is not the proposition in the clause which the gentleman from New York moved to strike out—the proposition in that clause to make it incumbent on the judge to charge the defendant is guilty unless he has thrown off what it is proposed to put upon him, the burden of proof. It is to convict him by operation of law, and not to leave it as a question of fact for the jury to determine the circumstances of the case. I want to ask the gentleman why the rules of evidence applied to all other criminal cases should not be applied to cases arising under the law now the subject of construction.

Mr. ELIOT. Without stopping to answer the first part of the gentleman's remarks, I will answer his last question here. Assuming this is a change to the extent he states, I tell him the time has come, if the smuggling laws are to be enforced, when there must be to that extent that change of the law. I tell him the men who are carrying on smuggling are men of skill. It takes skill to make a smuggler. It is a profitable business. The men engaged in it employ the best talent at the bar, and the handsome, honest face of my friend from Buffalo, and the earnest and enthusiastic eloquence which he can employ, will be all brought to bear in favor of the men who violate the law. It is more than we can do, if I am to rely upon the evidence which comes to me from the Treasury Department, to enforce the laws in reference to smuggling on the present rules of evidence. So that if it be as I think it is, not to the extent claimed by the gentleman from Pennsylvania, if it be the provision in this section does to a certain extent change it, I say, first, Congress has the right to do it; and second, because for the reason given we are called upon to this extent to do it.

Mr. HALE. Pardon me a single suggestion. If the principle the gentleman now contends for is the one sought to be established it may be better done by inserting two legal maxims: first, that all men are to be presumed guilty until they prove themselves innocent; and second, it is better that ninety-nine innocent ones should suffer than one guilty should escape.

Mr. ELIOT. That is not as bright as my friend would suppose.

Mr. HALE. I do not think it is very bright, but it conforms to the provisions of the gentleman's bill, which I do not think bright.

Mr. ELIOT. The law will be the same on that point as before; a man is to be held innocent until proved to be guilty. When facts are alleged which the Government cannot prove, but which he can show, which the Government cannot make plain, but which he can but will not make plain, then the effect is simply to put the burden which those facts should put upon him. Now, I have desired to call the previous question, and I will say this: if the House desires further debate upon the bill let it vote down the previous question. I want to have decisive action upon the bill. This provision ought, I believe, to be put in it; but if the House is unwilling to second the previous question I shall acquiesce.

Mr. ELDRIDGE. I appeal to the gentleman not at this moment to insist upon calling the previous question, but to allow me to offer an amendment. I understood him to say on yesterday that if anybody had objections to

this bill he would allow an opportunity for amendment and correction.

Mr. ELIOT. I beg pardon; I did not say any such thing. What I said was in reference to the wishes of my colleague on the committee.

Mr. ELDRIDGE. I desire to say that I have an amendment which I am anxious to offer, and I wish to state my reasons for proposing it. If the gentleman will hear my reasons, then he may make his decision in regard to allowing me to offer it.

Mr. ELIOT. I will allow it to be reported.

The Clerk read the amendment proposed by Mr. ELDRIDGE, as follows:

Amend the bill by striking out all after the enacting clause of section twenty, and inserting "that section four, of chapter thirty-one, of an act concerning the navigation of the United States, approved March 1, 1817, be, and the same is hereby, repealed."

Mr. ELIOT. I cannot consent to that.

Mr. ELDRIDGE. I do not think the gentleman comprehends the force of this amendment, and I ask to be allowed to state the reasons for and the effect of it. That section, to which this is amendatory, operates very injuriously against the western producer in the transportation of wheat from the western States to the East. We desire that all vessels engaged in the carrying business, without regard to nationality, may compete for this trade and business. This will prevent the agreement by American vessels upon the rate of charges and allow competition in favor of the producer of wheat.

Mr. ELIOT. I think the gentleman cannot have read section four of the act of 1817. By that section it is provided that no goods shall be transported from one port of the United States to another in foreign vessels unless those vessels shall leave a part of their cargo at one port and carry the rest of it to the other. This section which the gentleman would strike out simply provides—

"That if any goods, wares, or merchandise shall, at any port or place in the United States on the northern, northeastern, or northwestern frontiers thereof, be laden upon any vessel belonging wholly or in part to a subject or subjects of a foreign country or countries, and shall be taken thence to a foreign port or place, to be reladen and reshipped to any other port or place in the United States on said frontiers, either by the same or any other vessel, foreign or American, with intent to evade the provisions of the fourth section of 'the act concerning the navigation of the United States,' approved March 1, 1817, the said goods, wares, and merchandise shall, on their arrival at such last-named port or place, be seized and forfeited to the United States, and the vessel shall pay a tonnage duty of fifty cents per ton on her admeasurement."

Mr. ELDRIDGE. The gentleman is quite mistaken in supposing that I have not read this section. I have it now by me and desire to have it read for the information of the House.

Mr. ELIOT. I demand the previous question.

Mr. ELDRIDGE. I hope it will not be seconded. The provision I have referred to will operate very oppressively upon the wheat-growers of the West.

Mr. ELIOT. It keeps foreign vessels out. The SPEAKER. Debate is not in order; the gentleman from Massachusetts has himself moved the previous question.

Mr. ELDRIDGE. It prevents all competition and allows certain lines of vessels to establish just such freights as they please.

On seconding the demand for the previous question no quorum voted.

Tellers were ordered; and the Speaker appointed Messrs. ELIOT and ELDRIDGE.

The House divided; and the tellers reported—ayes 57, noes 42.

So the previous question was seconded and the main question ordered.

The question was first upon the first amendment offered by Mr. HUMPHREY, as follows:

Page 5, section four, line thirteen, strike out all after the word "court" to the end of the section, as follows:

And the burden of proof shall be upon the claimant where probable cause is shown for such prosecution, to be judged of by the court before which the prosecution is held.

Mr. SPALDING demanded the yeas and nays. The yeas and nays were not ordered.

The question was put; and there were—ayes 58, noes 36.

So the amendment was agreed to.

The question recurred on the second amendment offered by Mr. HUMPHREY, to amend section two of the bill, in line seven, by inserting after the word "district" the words "where he or they shall suspect there are goods, wares, or merchandise thereon, subject to duty, or which shall have been introduced into the United States in any manner contrary to law."

Mr. ELIOT. That amendment would destroy the bill. That is all that the law now requires. I call for tellers on the amendment.

Tellers were ordered; and Messrs. ELIOT and HUMPHREY were appointed.

The House divided; and the tellers reported—ayes 35, noes 59.

Mr. ELDRIDGE called for the yeas and nays, and for tellers on the yeas and nays.

Tellers were not ordered.

The yeas and nays were not ordered.

So the amendment was disagreed to.

The bill was ordered to a third reading; and it was accordingly read the third time.

Mr. ELIOT. I call the previous question on the passage of the bill.

Mr. LEBLOND. I hope the gentleman from Massachusetts will yield long enough for the amendment of the gentleman from Wisconsin [Mr. ELDRIDGE] to be offered. There is a reason for the adoption of that amendment which I think will be satisfactory to the judgment of the gentleman.

Mr. ELIOT. When does the morning hour expire?

The SPEAKER. In one minute.

Mr. ELIOT. Then I hope the gentleman will not ask me to yield. I demand the previous question.

Mr. ELDRIDGE demanded tellers on seconding the previous question.

Tellers were ordered; and Messrs. LEBLOND and O'NEIL were appointed.

The House divided; and the tellers reported—ayes seventy-four, noes not counted.

So the previous question was seconded.

The main question was then ordered to be put, being upon the passage of the bill.

Mr. ELDRIDGE demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 100, nays 33, not voting 49; as follows:

YEAS—Messrs. Allison, Ames, Dolos R. Ashley, James M. Ashley, Baldwin, Banks, Beaman, Benjamin, Bidwell, Bingham, Blaine, Blow, Boutwell, Bromwell, Broomall, Buckland, Bundy, Cobb, Conkling, Cook, Cullom, Davis, Dawes, Dixon, Donnelly, Driggs, Dumont, Eckley, Eggleston, Eliot, Farquhar, Ferry, Grinnell, Griswold, Hale, Hart, Hayes, Henderson, Higby, Holmes, Hooper, Demas Hubbard, John H. Hubbard, James R. Hubbell, Hubbard, Ingersoll, Julian, Kasson, Kelley, Kelso, Ladd, Latham, George V. Lawrence, William Lawrence, Longyear, Marvin, McClure, McKee, McKuer, Mercer, Miller, Moorhead, Morrill, Morris, Moulton, Myers, O'Neill, Orth, Paine, Perham, Pike, Price, Radford, Raymond, Alexander H. Rice, John H. Rice, Rollins, Sawyer, Scofield, Shellabarger, Spalding, Stevens, Stillwell, Taylor, Thayer, John L. Thomas, Trowbridge, Upson, Burt Van Horn, Ward, Warner, Henry D. Washburn, William B. Washburn, Welker, Wentworth, Whaley, James F. Wilson, Stephen F. Wilson, Windom, and Woodbridge—100.

NAYS—Messrs. Ancona, Anderson, Bergen, Boyer, Dawson, Denison, Eldridge, Finck, Glossbrenner, Goodyear, Grider, Aaron Harding, Harris, Hogan, Humphrey, Kerr, Kuykendall, Le Blond, Marshall, McCullough, Niblack, Nicholson, Noell, Ritter, Ross, Rousseau, Shanklin, Sitgreaves, Strouse, Thornton, Trimble, Robert E. Van Horn, and Winfield—33.

NOT VOTING—Messrs. Alley, Baker, Barker, Baxter, Brandegee, Chanler, Reader W. Clarke, Sidney Clarke, Coffroth, Culver, Darling, Deffrees, Delano, Deming, Dodge, Earnsworth, Garfield, Abner C. Harding, Hill, Hotchkiss, Asahel W. Hubbard, Chester D. Hubbard, Edwin N. Hubbell, Jenckes, Johnson, Jones, Ketcham, Loan, Lynch, Marston, McIndoe, Newell, Patterson, Phelps, Plants, Pomeroy, Samuel J. Randall, William H. Randall, Rogers, Schenck, Sloan, Smith, Starr, Taber, Francis Thomas, Van Arman, Elihu B. Washburne, Williams, and Wright—49.

So the bill was passed.

Mr. ELIOT moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider upon the table. The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. TROWBRIDGE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 179) amendatory of the organic act of Washington Territory;

An act (H. R. No. 391) to create the office of surveyor general in Idaho Territory; and

An act (H. R. No. 145) granting land to A. M. Jess, of Josephine county, Oregon.

COMMITTEE ON COMMERCE.

Mr. ELIOT. I desire to say to the House that the chairman of the Committee on Commerce [Mr. WASHBURN, of Illinois,] is unfortunately confined to his bed by indisposition. He hopes to be able to come here in the course of three or four or five days. He has sent to me, desiring that I should say to the House that he has two or three bills in his charge, and that he hopes the House will give him leave to report them when he is able to be in his seat. I ask leave for him to do so, say this day week, if he is able to be here.

No objection was made, and leave was granted accordingly.

REPORT OF RECONSTRUCTION COMMITTEE.

Mr. BLOW. I was absent from the city at the time the joint committee on reconstruction made their report. I ask permission of the House to sign my name to that report.

No objection was made, and leave was granted accordingly.

CORRECTION OF THE JOURNAL.

Mr. DUMONT. I rise for the purpose of asking that the Journal may be corrected. I voted yesterday in the affirmative upon the bill in relation to the Smoky Hill Fork railroad. My name is not so recorded on the Journal.

The SPEAKER. The Journal will be corrected. The response of the gentleman was not heard by the Clerk yesterday.

TAX BILL.

Mr. MORRILL. I am ready now to report from the Committee of Ways and Means upon the amendments of the Senate to what is commonly known as the tax bill. There are over six hundred and sixty amendments of the Senate to this bill, many of which are merely verbal. The Committee of Ways and Means, in their recommendations, have endeavored to follow the expressed opinions of the House as indicated by their votes. If any gentleman will indicate the amendments upon which a separate vote is desired, I will ask to have that amendment reserved for a separate vote. I will say, in the first place, that the Senate have reduced the tax upon cotton from five cents to two cents per pound. The Committee of Ways and Means recommend a non-concurrence in that amendment.

Mr. KASSON. I ask a separate vote on that amendment.

Mr. DAVIS. I ask a separate vote upon the amendment of the Senate in relation to the tax upon street railroads.

Mr. MORRILL. I will state some of the amendments, by numbers, and the subjects to which they relate, so that members may understand them. The two hundred and seventy-sixth amendment of the Senate is in relation to gas companies. The Senate's amendment proposes to allow the gas companies to add the tax to the price charged; while the Committee of Ways and Means thought that was just, the House, it will be remembered, thought otherwise, and struck it out. The Committee of Ways and Means therefore recommend a non-concurrence.

Mr. THAYER. I call for a separate vote on that amendment.

Mr. MORRILL. The three hundred and twelfth amendment is in relation to ready-made clothing. The House fixed the tax at one per cent.; the Senate proposes a tax of two per cent. The committee recommend a non-concurrence. I ask a separate vote upon that amendment.

The three hundred and twenty-sixth amendment of the Senate is in relation to fine-cut short tobacco. The Committee of Ways and Means think that is a mistake, and recommend a non-concurrence.

The three hundred and twenty-seventh amendment reduces the tax upon smoking-tobacco from twenty cents to fifteen cents per pound. The Committee of Ways and Means recommend a non-concurrence. I suppose my friend from Ohio [Mr. SCHENCK] will be opposed to the recommendation of the committee.

Mr. SCHENCK. I ask a separate vote on that amendment, and if necessary I shall call for the yeas and nays.

Mr. MORRILL. The three hundred and twenty-ninth amendment of the Senate is in relation to the tax on cigars. The Committee of Ways and Means are very decidedly of the opinion that the amendment of the Senate is a proper one. But out of deference to the expressed opinion of the House the committee recommend a non-concurrence.

Mr. STEVENS. I shall want a separate vote on that amendment. And I hope that when the committee of conference comes to be appointed some member of the House opposed to that tax will be placed on the committee.

The SPEAKER. No committee of conference has yet been asked for or ordered.

Mr. MORRILL. In relation to mowers, reapers, and various other articles made free of tax by the action of the House, they were finally left on the free list by the Senate, though the Finance Committee recommended otherwise. They remain in the same condition they were in when the bill left the House. I believe I have now mentioned all the material amendments. There are some amendments in regard to which the Committee of Ways and Means recommend non-concurrence for the purpose of subjecting them to a more critical examination, they being long sections and introducing new matter which should have careful consideration. We have recommended non-concurrence in some instances where it is very possible that on further examination we shall be ready and willing to concur.

Mr. WARD. I desire to have a separate vote upon the amendment of the Senate to section sixty-one of this bill, with reference to the disqualification of persons interested in the manufacture of tobacco from holding certain offices, such as assessor and collector.

Mr. STEVENS. I will ask the gentleman from Vermont [Mr. MORRILL] if the Senate did not make some amendment in regard to postponing the ten per cent. tax upon banks.

Mr. MORRILL. They did; and the Committee of Ways and Means recommend a non-concurrence.

Mr. STEVENS. I hope the gentleman will permit an amendment to be offered, postponing the tax for one year.

Mr. MORRILL. I should prefer that no amendment should be made to the bill by the House, for that would send it back to the Senate. But any action of the House upon the Senate amendment would of course be regarded as instructions to the committee of conference.

Mr. STEVENS. In what way would it be instruction?

Mr. MORRILL. If the House should vote to non-concur, we shall understand that it is the wish of the House to have the time extended.

Mr. STEVENS. With that understanding, I will move to non-concur in the amendment of the Senate which extends for one month the tax on the circulation of the State banks. I think it ought to be extended for one year. If the House non-concur with the amendment of the Senate, it will be understood to be because the House desires a longer time.

Mr. MORRILL. Mr. Speaker, the Senate has stricken out all, or nearly all, that was done in relation to incomes. The Committee of Ways and Means recommend non-concurrence with the action of the Senate on this subject.

Mr. ANCONA. I desire to say that I wish a separate vote to be taken on this question.

Mr. PAINE. I desire to inquire of the gentleman from Vermont whether any change has been made with reference to the tax on agricultural implements.

Mr. MORRILL. The provisions of the bill on that subject remain as fixed by the House.

Mr. BOUTWELL. I desire to have a separate vote on the Senate amendment in regard to the transfer of suits from State courts to United States courts.

Mr. PRICE. Mr. Speaker, has a separate vote been demanded upon the question of taxing the circulation of the State banks?

The SPEAKER. The gentleman from Pennsylvania [Mr. STEVENS] has made some remarks upon that subject, explaining why he asks the House to non-concur; but he has not demanded a separate vote.

Mr. PRICE. Then I demand a separate vote.

Mr. BOUTWELL. Understanding that the Committee of Ways and Means have reported in favor of non-concurrence with the Senate amendment relating to the transfer of suits, I withdraw the call for a separate vote.

Mr. WENTWORTH. Perhaps the House would better understand the action of the committee if the chairman would make the general announcement that in no instance, where the House overrode the committee on the bill as originally reported, has the committee taken the responsibility of overriding the House.

Mr. KASSON. Having demanded a separate vote upon the question of the tax on cotton, I desire now to say that I have learned from the committee that it is the intention to treat the question in a liberal spirit in the committee of conference; and therefore, after consultation with those who concur with me in opposition to the tax as fixed by the House, I withdraw my demand for a separate vote.

Mr. HOOPER, of Massachusetts. I renew the demand.

Mr. HART. I ask a separate vote on the amendment in relation to cigars.

Mr. HALE. I desire to ask the chairman of the Committee of Ways and Means whether on every question upon which the House overruled the committee the committee now ask a separate vote.

Mr. MORRILL. I will say in reply to the gentleman that the general purpose of the committee was to conform their action to the votes of the House. The committee's recommendations to non-concur will be found to embrace every important question in reference to which the Senate and the House differ. I have indicated every important question upon which such difference exists.

Mr. WARD. Is it in order now, Mr. Speaker, to move non-concurrence in one of the Senate amendments?

The SPEAKER. It is not. The gentleman can demand a separate vote on any proposition; and that will raise the question whether the House shall concur or non-concur.

Mr. WARD. I wish to suggest to the chairman of the Committee of Ways and Means that he ask the House to non-concur in the amendment proposed by the Senate to section sixty-one.

Mr. MORRILL. I cannot do that, because I am in favor of concurring.

Mr. WARD. I call for a separate vote, then, on the Senate amendment to section sixty-one.

Mr. MORRILL. If all the amendments have been specified on which gentlemen desire separate votes I will call for the previous question.

Mr. BUCKLAND. I desire to renew the demand for a separate vote on the amendment in reference to cotton.

The SPEAKER. That has already been reserved and will be the first vote taken.

Mr. ANCONA. I desire to know whether the demand for a separate vote in reference to ready-made clothing comprehends all the Senate amendments on that subject. If not, I ask for separate vote on the amendment of the Senate increasing the tax from one to two per cent. *ad valorem* on ready-made clothing, &c., and

a separate vote on the amendment, in reference to the exemption from tax, striking out "work, exclusive of the materials, does not exceed annually in value \$1,000," and inserting "annual product does not exceed \$2,000." I ask that separate votes shall be taken on those two amendments.

The SPEAKER. Senate amendment number three hundred and twelve striking out one per cent. and inserting two, is the only one which has been reserved.

Mr. ANCONA. I demand a separate vote on the other amendment to which I have referred. There is an amendment also in the next section in regard to ready-made clothing on which I demand a separate vote.

Mr. MORRILL. I demand the previous question on all the amendments of the Senate.

The previous question was seconded and the main question ordered.

Mr. MORRILL. Mr. Speaker, the first and perhaps most important item to be voted on is that in reference to the tax on cotton. The House by a large and positive vote fixed it at five cents per pound; the Senate have amended by reducing it from five to two cents per pound, and from what I have seen and heard there is a wide variance between the House and the Senate on that subject. I trust, however, the House will not feel disposed to yield its position, as it appears to me that a tax of five cents, if we have any, is not too much. I would much prefer the tax to remain as the House proposed, but at all events I hope we shall not consent to anything less than three or four cents per pound. I believe the reduction proposed by the Senate, besides working a great injury to our industrial interests, would make too great a reduction in the revenue of the country. If we are to have the trouble of collecting it, it is far better that it should be as much as the House originally proposed. It will make a sad hole in the revenue to reduce the tax from five to three cents. I trust the House will feel disposed to non-concur in the amendment of the Senate.

Mr. KASSON. Will the gentleman allow me to ask him a single question?

Mr. MORRILL. Certainly.

Mr. KASSON. Will it not make a sadder hole in the prices to the consumers in this country if the tax should be added to the cost of the goods consumed in this country made of cotton?

Mr. MORRILL. No, sir; I think it will add largely to the wealth of the United States, give southern industry present profitable employment, and add a large item to our export trade, which is greatly in want of something to pay for the foreign goods. Our people seem determined to purchase at any price. At the present time we have nothing except gold which foreign nations are willing to take. They will take our bonds, not at par, but only at sixty-six cents on the dollar. If we can pass a measure of this kind we shall in a short time increase our manufacture of cotton yarns and other fabrics so as to double our exports. I think it will materially increase the wealth and better the financial condition of the country, and that without injury to anybody.

Mr. RAYMOND. I would like to know by what amount the revenues will be decreased by the Senate amendment reducing the tax from five to two cents.

Mr. MORRILL. The loss would be from twenty-five to twenty-seven million dollars.

Mr. RAYMOND. How much if from five to three cents?

Mr. MORRILL. About eighteen million dollars. In relation to the tax on smoking-tobacco, the House is well aware that the present tax is thirty-five cents per pound, and that after a rather sharp contest on the subject the House came to the conclusion, by a very decided majority, that it would fix the tax at twenty cents.

Mr. SCHENCK. By a very small majority.

Mr. MORRILL. A decided majority.

Mr. SCHENCK. By two majority the other way in Committee of the Whole, and by nine in favor of it in the House.

Mr. MORRILL. Nine is a very decided majority, and I think we can carry it by as large a majority now, and we ought to by a larger. If we are to tax the article at all, if we are to get the princely revenue from it we all so much covet, twenty cents per pound is little enough. As it is, the cigar business has suffered largely by the extensive use of the cheaper pipes and more fashionable meerschaums. I trust, therefore, that the House will non-concur with the Senate's amendment in this respect.

In relation to cigars, I think the gentleman from Ohio and those who acted with him at the time will find that they are fully provided for; that all the cheap cigars which his constituents make or can make out of cheap tobacco such as they produce will come in at the lowest rate of duty; and the idea of putting the forty per cent. *ad valorem* valuation on all their cigars is one that is attended by very great difficulties, not to say impossibilities. New York cigar-makers say it will be ruinous to every honest cigar-maker in that city. All the officers that are connected with the revenue are averse to it, and declare that it is impossible that it can be fairly and properly executed. The opinions of these men ought to be weighed. I do not hesitate to say, whether we follow their advice or not, they have given the subject a great deal of attention—and very likely more than any one in this House.

Mr. STEVENS. I understood the gentleman to say that the committee intended to move non-concurrence in the Senate's amendment.

Mr. MORRILL. The committee do recommend that in deference to the vote of the House, while they have from the start and do now entertain a contrary opinion.

Mr. STEVENS. Then the chairman of the committee argues against it.

Mr. MORRILL. Yes, I do.

Mr. STEVENS. Then he had better leave it open and let us discuss this whole question. It is one of the most vital questions involved in this bill. If the gentleman's views prevail the result will be to break up this whole interest in four States. Coming, as the gentleman does, from the top of the Green mountains, he does not understand nor feel the importance of this question.

Mr. ELDRIDGE. Mr. Speaker, I desire to know if it is of any importance that the House should hear what is going on. It is impossible for those sitting around me to hear a word that is said.

The SPEAKER. Until the rain ceases it will be difficult to hear. The Chair cannot arrest the noise that comes from above. [Laughter.]

A MEMBER. There is a good deal of noise in the rear, made by parties that do not belong to the House.

Mr. MORRILL. Mr. Speaker, if I do not understand this subject it is not because I have not sat at the feet of Gamaliel, [pointing to Mr. STEVENS.] I have studied it for years past side by side with the gentleman, and I think I have received as much instruction theoretically as the gentleman from Pennsylvania, for I think he possesses no practical information on the subject; that is to say, he does not any more than myself use the weed in any form.

Mr. STEVENS. I live where \$2,000,000 worth of it is grown.

Mr. MORRILL. As far as I am concerned I believe I am an impartial juror as between the different sections of the country on this subject of tobacco. My own State does not to any great extent produce tobacco nor make cigars. They consume them, however, but do not care where they come from, and I am unwilling to see the interest of any section of the country sacrificed. Now, it does seem to me that if the gentleman from Ohio [Mr. SCHENCK] has the interest of his people taken care of it ought not to make him miserable if other parts of the country have theirs taken care of.

Mr. SCHENCK. I raise a question of order. I pass by the imputation which has been

more than once made by the gentleman of impropriety of motive on my part; but I wish to know if it is in order for the chairman of the committee to report a recommendation of non-concurrence with a Senate amendment, and then rise to argue against his own report and insist that his own report ought not to be adopted. That is what he is doing.

Mr. MORRILL. I think that is a matter of taste and not a question of order.

Mr. SCHENCK. I think there is a point of order involved, whether the chairman of the committee shall be permitted to argue that the House ought not to do that which the committee recommend.

The SPEAKER. The chairman of the committee is the exponent of the committee, but at the same time as a member of the House he is at liberty to express his views, the same as the chairman or a member of a conference committee sometimes does, stating that he dissents from the recommendation of the committee.

Mr. SCHENCK. I put it on the ground of false pretense.

Mr. MORRILL. Mr. Speaker, I desire to treat this matter with perfect fairness, not agreeing with the House, yet having sufficient deference for the House to make the report of the committee in accordance with the expressed sentiment of the House. But differing with the House, I think it is proper that I should state the views, not only of myself, but of the majority of the Committee of Ways and Means, and there is no false pretense about it, as the House was informed at the outset that the Committee of Ways and Means made its report on this question as it did only in deference to the previous vote of the House—reserving the right to act on the question when it came up according to their own judgment.

In relation to the question of allowing gas companies to add their tax to the bills of the consumers, I do believe that if members of the House understood all the facts of the cases to be affected by this legislation they would regard it as a species of hardship and tyranny, for which they would not be willing to be responsible, not to allow the tax to be added. Of course those companies not limited by law have no interest in the question. Take, for instance, the largest company which is to be affected, the Manhattan Company, at New York. They supply gas and are restricted by their charter to \$2 50 per thousand feet. They are located in the lower part of the city where the buildings are mostly stores. These stores consume but little gas, not being open like buildings in other portions of the city during the night, and yet the same expenditure has to be made by the company for gas pipes. Their sales are comparatively small on a large outlay of capital. Take the case of the Pittsburgh company, which is restricted to seventy-five cents per thousand feet for gas supplied to the city and \$1 50 for gas supplied to other consumers. Or take the case of the company at Covington, where there is a similar restriction.

Mr. UPSON. I desire to ask the gentleman whether the Senate's amendment discriminates in relation to gas companies in that respect, between those that are restricted by law and those that are not.

Mr. MORRILL. It does. The Senate's amendment simply applies to those that are under legal restrictions.

Mr. UPSON. I understood, as it was read, that it made no distinction between them.

Mr. MORRILL. Of course it could not liberty to any other; they would have the same liberty to add the tax that the man who makes boots has. If they are not restricted by law of course there is no necessity of any action on the subject. If the House refuses to concur these companies can only live by selling poor gas or giving short measure. I do not think that a desirable result.

Mr. Speaker, I do not desire to occupy further time, and I will therefore yield to the gentleman from Illinois, [Mr. WENTWORTH.]

Mr. WENTWORTH. In order that the House may act understandingly upon this matter, I will state the position taken by the Committee of Ways and Means. We originally made a report to the House, and the House, in some few particulars, overrode us. Then when the bill came back from the Senate we did not feel at liberty, after having been overridden by the House, to undo what the House had done. The House had no representative on the committee, yet we, in every instance, brought back to the House its own action unprejudiced by any action of our own. That is the reason why the committee have felt at liberty to speak against some of the measures which we reported in favor of; it is because the committee wanted to bring back to the House its own action unprejudiced; and I do not well see how we could have done differently. Everything that the House put in the bill against the original report of the committee comes right back here just as the House sent it to the Senate.

Mr. MORRILL. I now yield to the gentleman from New York.

Mr. GRISWOLD. I desire to express my concurrence with the chairman of the Committee of Ways and Means with reference to the recommendation of non-concurrence in the Senate's amendment in regard to the tax on cotton. When the subject was under discussion in the House before, I took the liberty of stating that I was informed that at twenty-five cents per pound American cotton would be used in England in preference to the cotton of any other country. The gentleman from Massachusetts, a member of the Committee of Ways and Means, [Mr. Hooper,] demurred to the statement I then made. I desire now to call his attention to my authority for what I then said with reference to American cotton. My authority is Mr. Walker, of Springfield, a gentleman whose intelligence and integrity my friend from Massachusetts will not question. He gave me a statement as coming from Sir Edmund Potter, a member of Parliament for Carlisle, one of the largest cotton printers in Manchester and former president of the Chamber of Commerce there. While Mr. Walker was in England a few months since, having gone there under the auspices of the Treasury Department for the express purpose of obtaining information on this and kindred subjects, Sir Edmund Potter said to him that at a shilling a pound American cotton would be preferred to the cotton of any other country.

Now, in addition to that I desire the Clerk to read an extract which I send to his desk. It is from the London Economist of April 7, 1865, and bears directly upon this point.

The Clerk read as follows:

"They recommend a tax of five cents per pound on cotton, to be levied and collected from the manufacturer where the cotton is worked up at home and sent away for use abroad. They consider that this tax would not at all diminish the consumption of American cotton abroad; the grower will, they think, (and probably rightly) be well able to pay this tax and make a good profit besides. The world will be glad enough to get American cotton at a rate which will pay the tax to the Government and a fair profit to the grower."

Mr. HOOPER, of Massachusetts. I wish to say to the gentleman from New York [Mr. GRISWOLD] that I think his sources of information are rather suspicious, for that information comes from the other side of the water. I can conceive of their being willing that we should put ten cents per pound tax upon cotton. In the remarks I made the other day I said that the effect of this high tax would be to operate as a bounty to the growers of cotton in other countries. Great Britain has a large interest in the growth of cotton in India. And I can fancy that this great spinner referred to by the gentleman may be a spinner of the Bombay cotton. And if he gets his Bombay cotton without any tax upon it I can imagine that he would be very glad to see us put a heavy tax on American cotton, and thus encourage the growth of India cotton.

Mr. GRISWOLD. I will give the gentleman further evidence on that point. I desire

to call his attention to another fact corroborative of what I have stated. I find that from the 1st of January to the 19th of April, 1865, there were imported into Great Britain 87,430 bales of American cotton, while during the same term in the present year there were imported 536,505 bales. While the increase during that period of this year of the importation of cotton from all countries was only forty-two per cent. over the importation of the corresponding period of last year, the increase in the exportation of American cotton was six hundred per cent. This shows that the moment they could get American cotton, the difference between the amount of cotton imported from all other sections of the world and the amount of cotton imported from America was as forty per cent. is to six hundred per cent.

Mr. HOOPER, of Massachusetts. Might not that be explained by the fact that about April, 1865, the war in this country ceased, and the cotton that had accumulated here became accessible to purchasers?

Mr. GRISWOLD. Undoubtedly; and the very moment they could obtain American cotton they increased its importation over six hundred per cent., while they increased the importation of cotton from all other parts of the world only about forty per cent. And we have every reason to believe that Great Britain will very gladly consume not less than three million bales of American cotton, at a price not less than twenty-five cents per pound. And at that rate, I contend that no interest in this country can as well pay a tax and contribute to the national revenue of this country as this cotton-growing interest. And I, for one, hope that the House will non-concur in the amendment of the Senate.

Mr. HOOPER, of Massachusetts. Does the gentleman from New York [Mr. GRISWOLD] know what was the stock of American cotton on hand for sale in proportion to the stock of other cotton?

Mr. GRISWOLD. In England?

Mr. HOOPER, of Massachusetts. Yes, sir.

Mr. GRISWOLD. I do not know.

Mr. KASSON. I wish to say to the gentleman from New York [Mr. GRISWOLD] that I think in his statement he has entirely overlooked two things. One is, that the extraordinary demands, or rather the relatively extraordinary demands, of England for American cotton arose in part from the fact, which everybody knows, that they need a large portion of American cotton to mix with the other cotton they use; that the accumulation of American cotton in England had become exhausted to a very great extent during the war, and consequently there was an extra demand for it, which they supplied at the very first opportunity.

The other point to which I wish to call his attention is, that by this proposition to tax cotton five cents per pound upon all cotton, including that manufactured in this country, especially while withdrawing that tax from all cotton goods exported to Europe, the effect upon the people of this country will be, that while the entire tax will be charged upon the consumers in this country, the manufacturer will have the entire margin of the great drawback to enable him to undersell the foreign manufacturers of cotton in Europe.

A MEMBER. Will that hurt us?

Mr. KASSON. I will tell you who it hurts. It hurts the people of this country who consume the goods manufactured here, and who must pay this entire tax, while the foreign consumer of American goods can buy the same manufactures at a price exempt from all tax. And it hurts the exchange between this country and foreign countries, because they can produce more cheaply than we can so far as regards the cost of labor and machinery and chemicals, &c.; and thus the price of the article abroad will be largely reduced below the price which the people of this country will be required to pay; and the profits of the manufacturers in this country will come, not from the people of foreign countries, but from our own people.

Mr. STEVENS. I desire to ask the gentle-

man whether he has seen the official reports made in England showing that the demand for our cotton is far greater than it was before the war, and that almost every grower of cotton in every other country than our own has given up growing the article.

Mr. KASSON. No, sir; I do not recognize that as the fact, because I have not seen the proof of it. I know that under the stimulus of war prices extraordinary efforts were made in India—and so far as I know they continue to this day—to produce larger crops of cotton.

Now, sir, a member of this House who sits near me, and who is largely interested in the production of cotton, tells me that in view of the price of labor, the article cannot be produced in this country to-day at less than sixteen or seventeen cents per pound. Yet we propose to tax this article at the rate of five cents per pound—nearly thirty-three and one third per cent. on the actual cost of the raw product. No other raw product is taxed in anything like such a proportion to its value.

Mr. GRISWOLD. I desire to ask the gentleman whether he believes cotton will continue to cost, under the present system of labor, sixteen cents per pound, when it was formerly produced, under the system of slave labor, at five cents per pound.

Mr. KASSON. I have two answers to make to that question. In the first place, if the cost of cotton ever does come back to five cents per pound, then we are proposing to tax this raw material of the country one hundred per cent. In the second place, I believe that this article will never get back to its former cost, for with the system of free labor established in the South, the freedmen working plantations there must receive, if justice be done them, reasonable wages, which they have never received as slaves. The slaves received for their labor nothing but their food and clothing. But with the education which we are endeavoring to give the freedmen, they will henceforward demand increased compensation for their labor; and I for one am disposed to give it to them. Another reason with me for opposing this proposition is, that by this excessive tax we shall embarrass a branch of industry upon which the freedmen must largely rely for their elevation in household comfort and intelligence. I insist that we should not embarrass a branch of labor so essentially connected with their interests.

Mr. GRISWOLD. Do I understand the gentleman to maintain that production by means of free labor will be more expensive than production by means of slave labor?

Mr. KASSON. In my view, sir, no clearer proposition than that can be presented. On the one hand we have the slave, subsisting upon bacon and corn bread, wearing one linsey-woolsey suit in a year, or possibly two, shod with rough brogans or going barefooted. On the other hand you have the free laborer, who will have wheaten bread now and then, who will wear broadcloth now and then, or at least decent goods of home manufacture; who will wish also to possess the means of educating his family; who will desire to own a homestead and to furnish comfortably his own house. To contend that the labor of men of the latter class does not enter as a more costly element into the production is to contend against the plain evidence of facts.

Mr. GRISWOLD. I desire to say to the gentleman that he and I occupy exactly opposite positions in regard to this question. I believe that intelligent free laborers, well fed and well paid, will produce cotton and any other products more cheaply than they have ever been produced under the system of slave labor.

Mr. KASSON. I have simply to speak of the evident effects. I have stated that when that labor was obtained at ten per cent.—

Mr. MORRILL. I cannot yield to the gentleman any longer, as my hour is rapidly running out, and I have promised to yield to other gentlemen. I will ask the Speaker how much time still remains of my hour.

The SPEAKER. Twenty-three minutes.

Mr. KASSON. I will only finish the sentence I have commenced and then yield the floor. When I say the former cost of each laborer on the amount of capital invested was scarcely \$100 a year, and when you cannot for the future get that labor at \$100 a year, you must admit the cost of production will be increased in the future as compared with the past.

Mr. MORRILL. I cannot yield the gentleman any more of my time; but before yielding to the gentleman from Pennsylvania [Mr. STEVENS] and the gentleman from Massachusetts, [Mr. BANKS,] I desire to correct a single point in the statement of the gentleman from Iowa. The statement of the gentleman from Pennsylvania in regard to the discontinuance of the cultivation of cotton lands is correct. To-day there are thousands of bales of cotton on hand in Liverpool, and yet the price of cotton rises, and is a penny or two pennies more than it was a short while ago.

Then in relation to another point. The gentleman suggests it would be a great hardship on our people if they were manufacturing for other people at a lower rate than for ourselves. Nearly one third of the goods which come to this country are sold at lower rates here than where they are produced. At the end of a season, whatever stock may be left on hand is always sent at lower rates into the market, and our country affords the largest in the world. So that foreigners do regard it of immense advantage to be able to keep their mills employed even if they sell at a cheaper rate. I yield the rest of my time to be divided between the gentleman from Pennsylvania and the gentleman from Massachusetts.

Mr. STEVENS. Mr. Speaker, as regards the question of cotton, I think no man who has studied the history of soils and climates and productions but knows that America can produce cotton for much less than one half of what it can be produced for in any other country in the world. During the war they ran it up until it reached a price of sixty cents per pound, and even then, instead of using foreign cotton, they used our cotton to the extent which they could get it, and only took the foreign article to supply them with what they could not get from America. I have no hesitation in saying, and gentlemen acquainted with the history of the subject will understand it, that if the cost of cotton in this country were thirty cents per pound still it would all be taken from here, because it could be got better and cheaper in this country. The tax of five cents will not stop the sale of a single pound of it. A tax of ten cents would not stop the sale of a pound of it.

We should have amended the Constitution, and then Congress could have placed a tax of ten cents upon the exported cotton. Even then there would be more exported than to-day. The result would have been, on the thousands of bales exported we would have reaped millions of dollars of revenue for the Government. We would have obtained, sir, some compensation from those who were the cause of prolonging the war and imposing the present grinding taxation upon our people. We should have made them, sir, pay a portion of it. Why shall we not do it? They ought to be made pay a portion of our heavy taxes. It will not stop the growth of a single pound of cotton. It will enable us to get from those people a large amount of revenue from this article of cotton which they will still continue to export from this country, for they can get it nowhere else, even then, cheaper or better, and it is the only mode I see in which we are likely to get from them any compensation for the trouble they have caused us. I know no one who can oppose this who is not a free trader in theory or practice, and who does not scorn the idea of protecting American manufactures, American industry. I say opposition to this comes, and can come, from no one here except those who are the advocates of the doctrine of free trade.

Mr. KASSON. I ask whether, when the

gentleman states no one can be opposed to this who is not in theory or practice a free trader, he means to refer to me.

Mr. STEVENS. I suppose so, from the gentleman's argument.

Mr. KASSON. If he leaves it upon my argument I have nothing to say, but if he asserts it on outside matters—

Mr. STEVENS. I never go outside of these walls in reference to what I say here. I say that his argument here is a free-trade argument, and nothing but a free-trade argument. It has not one symptom, one odor of protection about it. All I can see in it is free trade. Now, I do not know whether we are to have any further discussion on this bill; but I desire to say that the amendment of the Senate in regard to the subject of tobacco is the most ruinous, heartless, and crushing provision that ever was imposed upon the industry of a people—of New York, Pennsylvania, Ohio, and all the western States. Before this iniquitous principle of applying a tax of ten cents on tobacco worth fifty dollars the same as on that worth \$100—before that principle was adopted the county in which I reside raised \$2,000,000 worth of tobacco and sold it. We put on an *ad valorem* duty, and there were not \$200 worth of plants put in in that county. I have been informed that since that time they have not raised any such amount. They were fully prepared to put in what would have produced millions of dollars before that fatal blow was struck. Now, if this bill passes they will not put out their plants at all. The same must be the case, I am sure, in Ohio, and elsewhere, where tobacco is raised, on the Connecticut river. I have no enmity to the Connecticut river, but they have great advantages there. They sell their tobacco at forty dollars where we sell it at eight. I have only time to add that the tax levied by the Senate crushes out the whole of the industry engaged in this branch, and I hope the House will not agree to it.

Mr. BANKS. Mr. Speaker, I support the tax on cotton proposed by the committee, not in the belief that it will materially affect the quantity produced or its market value, but because I believe it to be one of the legitimate objects of taxation from which we can, without detriment to the producer, the manufacturer, or the merchant, obtain a large portion of the revenue necessary to defray the expenses of the Government and meet the obligations incurred during the war.

If this tax were in any essential degree to affect the quantity produced and its value in the markets of the world, or tended to stimulate its cultivation in other countries, or deprive us of the monopoly which we have had, and in my opinion will still have, of this article which enters so largely into the textile manufactures of the world, I should hesitate, even in view of the financial necessities of the country. But in my opinion it will not have this effect. It stands upon different grounds. It can be sustained without injury to any one of the great interests of the country, and perhaps with benefit to all. It is in this view that I present the question.

Mr. Speaker, before the cotton crop of this country can be largely increased it is indispensable that the General Government should do many things to protect and aid those who are or may be engaged in its culture. They are at present unable to control permanently any one of the many elements of power necessary to insure successful results in this branch of industry. The advantages to be derived from stable and just government, capital, credit, continuous labor, the security of property, and the maintenance of just laws, all of which are essential and indispensable to successful industry, can be enjoyed only through the assistance of the Federal administration. In no one of the cotton States are these indispensable prerequisites to the profitable culture of cotton within the control of the people themselves.

In the lower valley of the Mississippi, for example, it will be necessary that the General Government should assume the management

of the Mississippi river. A large portion of the best cotton lands of the country are now submerged or in danger of overflow. Every year will increase the destruction of lands that have been reduced to cultivation, and prevent the reclamation of extensive tracts that might be, and doubtless will be, devoted to this great interest. But it is now unproductive and useless to the people, and altogether beyond their power of reclamation. Nothing less than the powerful and sustained aid of the General Government can render this part of the country accessible or secure to the cultivators of cotton, sugar, or any other important agricultural product. Without this aid it can do little more than provide subsistence for the people, if indeed this were not beyond their power. The restoration of the levees of the Mississippi, the Red river, and other less important bayous and rivers, will cost twenty or thirty million dollars. It is a work altogether beyond the power of the people, whose substance has been destroyed and whose country has been laid waste in the late terrible war; and the maintenance of the work, if completed, is equally beyond their present means.

In other parts of the country it will be necessary for the Government to assist the people in securing continuous and contented labor to relieve them for a time at least from the heavy burdens consequent upon the war; to extend to them its credit and secure to them that permanent peace without which compensating industry is impossible. For everything that belongs to good government and successful industry, the people of the South will be more or less dependent upon the Federal administration: and with this aid we shall be able, without difficulty, in my opinion, to equal the largest crops of past years, or to double and treble them in quantity. Instead of the five million bales produced before the war, it is not impossible that we may gather, at a day not far distant, ten and fifteen and even twenty million bales. Cotton has been produced only in five or six States or parts of States. It is capable of successful cultivation, with greater or less profit, in twenty States of the Union. It is by no means certain that the present prices will be maintained indefinitely; still less is it probable that its value will be so far enhanced as to give other nations an advantage over American cotton in the foreign markets of the world. I do not know what time may be required to reestablish, upon a permanent basis, the industry of the South. I entertain no doubt, however, that it can be or that it will be done; and when it is accomplished we shall find that we are able to produce cotton in such quantities and at such prices as to make it impossible for other countries to compete with us, whatever aid and encouragement they may receive from their respective Governments. If we are capable of good government we are destined more than ever to secure and maintain the monopoly of this great staple, the substantial basis of the world's industry.

In years past, I believe, cotton has been grown in favorable seasons for five cents a pound or less. I have no doubt whatever that it may be and will be produced at fifty per cent. less cost than it ever has been raised in this country; if at five cents before, then at two and a half cents per pound. I speak of course of the cost of production alone at the same standard of values, a standard of gold, not of paper, to which I hope we may come at some time or other, and without subjection to the heavy burdens imposed upon our industry in consequence of the war. If under the most wasteful and extravagant system of industry that the world ever saw cotton could be grown and sold without loss at five cents a pound, what extravagance is there in assuming that with the most economical system of labor, like that applied to the manufacture of cotton, with all the advantages of mechanical ingenuity, the energy imparted by compensated industry, and the constantly increasing intelligence of labor that results in many ways from

sharing in the profits of the work; what extravagance is there, I ask, in assuming that the same results can be obtained at one half the cost of former crops, or even less than half the cost of product under the old system? A far greater advantage has been obtained everywhere and in everything by free, intelligent, and interested labor over that of serfs and slaves.

I listened with respectful attention to the statements of the gentleman from Iowa [Mr. KASSON] as to the different conditions of labor now as compared with that of the old system. But in his estimate of this difference, the gentleman omits one most important consideration. He says very justly that formerly plantation labor cost the planters but a couple of suits of Kentucky jeans each year, and a scanty fare of corn bread and poor bacon; and that now the laborer requires, after the style of northern labor, I suppose, good food, comfortable dwellings, education for his children, and broad-cloth instead of jeans for clothing. That is very true. But we must remember also that under the old system the plantation laborer was entitled to a bare subsistence as the reward of his toil, amounting to perhaps three or five per cent. of the profits of the crop. The planter and his factor received fifty or seventy-five per cent., which was expended in extravagant systems of cultivation, costly machinery, heavy interests, or wasted in other extravagant expenditures in the country where he lived, or in other countries where he spent a large portion if not all of his time. The laborer was a slave. He received nothing that was not necessary to his existence. Beyond that everything went to the capitalist, the master, his factors, and his creditors. At the end of the year the master and the slave were poor alike. Now the laborer will get not only a subsistence, the means of existence, but a share of the profits. It is from this that he obtains his better living, improved dwelling, better raiment, and education for his children. If his share were ten or twenty times that which he received when a slave, it would not affect the quantity nor the value of the crop. It is a new rule of division between labor and capital, between the employed and the employer. It is a change with mutual advantages. The market price or cost of the cotton will depend upon different considerations, of which the compensation of labor is but an immaterial, and the rule for division and profits between labor and capital the material and controlling point.

Looking upon a cotton or sugar plantation in the South, you cannot fail to see from the character of its organization that the greater portion of the profits were applied to other and less profitable things than the improvement of the plantation, the economy of time, product, or labor. Large estates, numerous idle hands, unrestricted waste, universal indolence, and extravagant and thriftless customs of labor and life consumed the product of the soil and left the cultivator a bankrupt, without hope of improvement in his condition except by an increase of the evils that crushed him, and an attempt to overthrow the Government that protected him. From this came the poverty, treason, rebellion, and defeat of the South.

Under the new system of cultivation large estates will be broken up. Usurious interests upon hands that never worked, and old debts that could never be paid will be stopped. Laboring men will plant for themselves, as lessees or owners of the soil. They will turn over their crops of one acre or more to those who can manage the markets to the best advantage. All the intelligent laborers are likely to cultivate the land for themselves, whether as lessees or owners. A new class of factors will arise, men who no longer manage old debts, or receive pledges of future crops, but who will buy at fair prices and sell at small profits whatever crops are offered, whether large or small, from the acre of the emancipated slave or the plantation of the disinherited master.

Such changes as these are not impossible.

In time they will be certain. They are certain to reproduce from the cultivated fields of the South as much and all that they have ever produced. They will recuperate old and reclaim new lands. They will enrich the country by a more equitable division of profits among the people. By increasing the quantity of the crop and reducing the price of the product they help us to maintain the monopoly of cotton without losing altogether the control of our senses.

I do not expect to see these results produced by the same agents that have led the South to destruction heretofore. New men are necessary to the success of new measures. The people of the South must apply to the cultivation of the soil the apostolic injunction. They must try all things that are new and hold fast all that are good. If governments can be provided for the cotton-growing States that will strengthen the Union while they promote the prosperity of their people, in which power shall be exercised by friends and not by enemies, I know not what limit can be fixed to the generosity or clemency of the loyal States. Whatever is in my power I shall cheerfully give. Without this there is little of good, I fear, for us or for them.

Now, Mr. Speaker, if we can assist the South in securing such political organizations—governments in harmony with the institutions of the country and with the spirit of the age; governments that are in all respects in accord with the general administration of the country, without which they can never successfully cultivate the soil—they can well afford to pay a tax of five cents a pound on their cotton. Assessed upon a product which is almost exclusively the growth of American soil, it cannot impair our control of foreign markets. Coupled with an exemption from this duty, in the form of a drawback, when manufactured in this country, it cannot increase the cost of the supplies of the manufactured article. The burden of the tax is borne by foreign purchasers, and not by our people. It will aid us to reduce taxes upon many necessities of life. It will extend the markets for American manufactures. It will reconcile the people to liberal appropriations for the benefit of the South for compensation for losses, and to a temporary relief from the excessive burdens of taxation. It is a measure that will benefit the whole country, without bearing unjustly upon any part; and as it may be reduced or removed as the financial exigencies of the Government diminish, it ought not to be regarded as unjust or oppressive.

The report of the Committee of Ways and Means upon all those amendments on which separate votes had not been demanded was then agreed to.

The question recurred upon agreeing to the third amendment of the Senate on which a separate vote had been demanded, to wit: in line thirteen (in the paragraph in reference to the tax on cotton,) strike out the word "five" and insert "two," so as to make the tax two cents per pound.

The Committee of Ways and Means recommended a non-concurrence.

The amendment was non-concurred in.

Mr. TRIMBLE. I move to reconsider the vote by which the House non-concurred in the amendment of the Senate.

Mr. SCHENCK. I move to lay the motion to reconsider upon the table.

Mr. ANCONA. I demand the yeas and nays upon that motion.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 84, nays 47, not voting 51; as follows:

YEAS—Messrs. Alley, Allison, Ames, Delos R. Ashley, Baldwin, Banks, Benjamin, Bingham, Boutwell, Bromwell, Broomall, Bundy, Cobb, Conkling, Cook, Culom, Davis, Dawes, Denning, Dixon, Driggs, Eggleston, Eliot, Farquhar, Ferry, Grinnell, Griswold, Hale, Hart, Henderson, Higby, Holmes, Hotchkiss, Asahel W. Hubbard, Deenas Hubbard, John H. Hubbard, Hubbard, Hulbard, Ingersoll, Julian, Kelley, Kelso, William Lawrence, Longyear, Lynch, Marston, Marvin, McClurg, McRuer, Mercer, Miller, Moorhead, Morrill, Morris, Moulton, Myers, O'Neill, Orth, Pat-

terson, Perham, Pike, Price, William H. Randall, Raymond, Alexander H. Rice, Rollins, Sawyer, Schenck, Seofield, Shellabarger, Spalding, Stevens, Stillwell, Thayer, Ward, William B. Washburn, Welker, Wentworth, Whaley, James F. Wilson, Stephen F. Wilson, Windom, and Woodbridge—84.

YAYS—Messrs. Ancona, Barker, Beaman, Bergen, Blaine, Boyer, Buckland, Dawson, Denison, Eldridge, Finck, Glossbrenner, Goodyear, Grider, Aaron Harding, Harris, Hayes, Hogan, Hooper, Chester D. Hubbard, James R. Hubbard, Humphrey, Kasson, Kerr, Kuykendall, Ladin, Latham George V. Lawrence, Le Blond, Marshall, McCullough, Niblack, Nicholson, Noel, Paine, Ritter, Ross, Shanklin, Sitgreaves, Strouse, Taylor, Francis Thomas, John L. Thomas, Thornton, Trimble, Trowbridge, Henry D. Washburn, and Winfield—47.

NOT VOTING—Messrs. Anderson James M. Ashley, Baker, Baxter, Bidwell, Blow Brandegee, Chanler, Reader W. Clarke, Sidney Clarke, Coffroth, Culver, Darling, Defrees, Delano, Dodge, Donnelly, Dumont, Eckley, Farnsworth, Garfield, Abner C. Harding, Hill, Edwin N. Hubbard, Jenckes, Johnson, Jones, Ketcham, Loan, McIndoe, McKee, Newell, Phelps, Plants, Pomeroy, Radford, Samuel J. Randall, John H. Rice, Rogers, Rousseau, Sloan, Smith, Starr, Taber, Upson, Van Aernam, Burt Van Horn, Robert T. Van Horn, Warner, Elihu B. Washburne, Williams, and Wright—51.

So the motion to reconsider was laid on the table.

The next amendment upon which a separate vote had been reserved was as follows:

On page 99, after the word "return," insert the following:

And all gas companies whose price is fixed by law are authorized to add the tax herein imposed to the price per thousand feet on gas sold; and all such companies which have heretofore contracted to furnish gas to municipal corporations are in like manner authorized to add such tax to such contract price.

The Committee of Ways and Means recommended non-concurrence.

Mr. THAYER. I hope the House will concur in that amendment of the Senate.

The question was upon concurring, and being taken, upon a division there were—ayes 45, noes 46; no quorum voting.

Mr. ROSS and Mr. THAYER called for the yeas and nays.

Mr. MORRILL. I call for tellers.

The SPEAKER. The question will be first taken upon ordering the yeas and nays.

The question was taken, and the yeas and nays were not ordered.

The question recurred upon ordering tellers. Tellers were ordered; and Messrs. MORRILL and KERR were appointed.

The House again divided; and the tellers reported—ayes 58, noes 53.

So the amendment of the Senate was concurred in.

Mr. NICHOLSON. I rise to a question of order. I ask that the Clerk read the twenty-ninth rule of the House.

The Clerk read as follows:

"29. No member shall vote on any question in the event of which he is immediately and particularly interested, or in any case where he was not within the bar of the House when the question was put."

The SPEAKER. It is too late to raise that point of order on this question.

Mr. THAYER. I would like to know upon what member it was attempted to make this point.

The SPEAKER. The Chair cannot tell.

Mr. THAYER. It is an imputation upon the whole House, unless the person to whom it is intended to apply shall be specified.

The SPEAKER. The Chair cannot make the member specify.

Mr. THAYER. Then I resent, as a member of the House, any such insinuation or imputation.

The SPEAKER. The Chair thinks it is a point the gentleman has a right to make.

Mr. THAYER. I deny that the gentleman can make such a point, without specifying the member to whom he refers. Otherwise no effect can be given to his point of order, except to cast a general imputation upon all the members of the House.

The SPEAKER. Any member has the right to call for the reading of a rule of the House.

Mr. NICHOLSON. With the permission of the House, I will explain. I have no desire to reflect upon any member of the House. I

simply desired the rule to be read, not because I supposed any member was interested, but because the rule seemed to me to be in point and applicable to this case.

The SPEAKER. The question of the construction of the rule opens a wide field.

Mr. THAYER. I deny that the rule is in point, so far as it may have been intended to apply to me. When the gentleman makes this imputation against the whole House he includes me.

The SPEAKER. The gentleman from Delaware had the right to have the rule read; and if the point had been made in time, he would have had a right to ask the ruling of the Chair in regard to what constitutes such an interest as to preclude a member from voting on a public bill.

Mr. EGGLESTON. I move to reconsider the vote by which the House concurred in the Senate amendment on which the vote was just taken; and on that motion I call for the yeas and nays.

Mr. THAYER. I move that the motion to reconsider be laid on the table.

Mr. EGGLESTON. On that motion I call the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 55, nays 75, not voting 52; as follows:

YEAS—Messrs. Alley, Ames, Baldwin, Bergen, Blaine, Blow, Boutwell, Davis, Dawson, Deming, Dixon, Donnelly, Eckley, Eliot, Grinnell, Griswold, Hale, Hart, Henderson, Higby, Hooper, Asahel W. Hubbard, John H. Hubbard, Hulburd, Ingersoll, Kasson, Kelley, Kelso, Ladin, George V. Lawrence, Longyear, Lynch, Marston, Marvin, McClurg, McCullough, McRuer, Mercur, Moorhead, Morrill, Morris, Myers, O'Neill, Pike, Price, Samuel J. Randall, Alexander H. Rice, Spalding, Thayer, Francis Thomas, Burt Van Horn, Warner, William B. Washburn, Stephen F. Wilson, and Woodbridge—55.

NAYS—Messrs. Allison, Ancona, Delos R. Ashley, Banks, Barker, Beaman, Benjamin, Bingham, Boyer, Bromwell, Broomall, Buckland, Bundy, Sidney Clarke, Cook, Cullom, Denison, Driggs, Dumont, Eggleston, Eldridge, Farquhar, Ferry, Finck, Glossbrenner, Goodyear, Grider, Aaron Harding, Harris, Hayes, Hogan, Holmes, Hotchkies, Chester D. Hubbard, James R. Hubbard, Humphrey, Julian, Kerr, Kuykendall, Latham, William Lawrence, Le Blond, Marshall, Miller, Moulton, Niblack, Nicholson, Noel, Orth, Paine, Patterson, Perham, Radford, William H. Randall, John H. Rice, Ritter, Rollins, Ross, Sawyer, Schenck, Seofield, Shellabarger, Sitgreaves, Stevens, Stillwell, Strouse, Taylor, John L. Thomas, Thornton, Trowbridge, Ward, Henry D. Washburn, Welker, and James F. Wilson—75.

NOT VOTING—Messrs. Anderson, James M. Ashley, Baker, Baxter, Bidwell, Brandegee, Chanler, Reader W. Clarke, Cobb, Coffroth, Conkling, Culver, Darling, Dawes, Defrees, Delano, Dodge, Farnsworth, Garfield, Abner C. Harding, Hill, Demas Hubbard, Edwin N. Hubbard, Jenckes, Johnson, Jones, Ketcham, Loan, McIndoe, McKee, Newell, Phelps, Plants, Pomeroy, Raymond, Rogers, Rousseau, Sloan, Smith, Starr, Taber, Trimble, Upson, Van Aernam, Robert T. Van Horn, Elihu B. Washburne, Wentworth, Whaley, Williams, Windom, Winfield, and Wright—52.

So the motion to reconsider was not laid on the table.

Before the result of the vote was announced, Mr. TRIMBLE (having voted when his name was called) said: Mr. Speaker, I ask leave to withdraw my vote.

The SPEAKER. The Chair hears no objection.

Mr. ANCONA. I would like to hear the grounds upon which the gentleman desires to withdraw his vote.

The SPEAKER. The right of a member to withdraw his vote is never denied.

Mr. TRIMBLE. My reason is that I am interested in a gas company. It is a small interest; but still if I should vote my motives might be impugned.

Mr. EGGLESTON. I hope that other gentlemen interested will withdraw their votes.

Mr. PIKE. Do I understand the Speaker to rule that a person interested in a gas company is so far interested in this question as to come under the terms of the rule?

The SPEAKER. The Chair has made no ruling of that kind. No point has been made requiring a ruling by the Chair.

The result of the vote was then announced as above stated.

The question recurring on the motion to reconsider the vote by which the Senate amendment was concurred in,

The question was taken; and there were—ayes seventy-two, noes not counted.

So the motion to reconsider was agreed to.

The question recurring on concurring in the Senate amendment,

Mr. LE BLOND and Mr. EGGLESTON called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 49, nays 76, not voting 57; as follows:

YEAS—Messrs. Alley, Ames, James M. Ashley, Baldwin, Boutwell, Davis, Dawes, Deming, Dixon, Donnelly, Driggs, Eliot, Grinnell, Griswold, Hale, Hart, Henderson, Higby, Hooper, Asahel W. Hubbard, John H. Hubbard, Ingersoll, Kelley, Kelso, Ladin, George V. Lawrence, Longyear, Marvin, McClurg, McCullough, McRuer, Mercur, Moorhead, Morrill, Morris, Myers, O'Neill, Pike, Price, Raymond, Alexander H. Rice, Smith, Spalding, Thayer, Burt Van Horn, Warner, William B. Washburn, Stephen F. Wilson, and Windom—49.

NAYS—Messrs. Allison, Ancona, Delos R. Ashley, Banks, Barker, Beaman, Benjamin, Bergen, Bingham, Blaine, Boyer, Bromwell, Broomall, Buckland, Bundy, Sidney Clarke, Cobb, Coffroth, Cook, Cullom, Denison, Dumont, Eggleston, Eldridge, Farquhar, Ferry, Glossbrenner, Goodyear, Grider, Aaron Harding, Harris, Hogan, Holmes, Hotchkies, Chester D. Hubbard, James R. Hubbard, Humphrey, Julian, Kerr, Kuykendall, Latham, William Lawrence, Le Blond, Marshall, McKee, Miller, Moulton, Niblack, Nicholson, Orth, Paine, Patterson, Perham, William H. Randall, John H. Rice, Ritter, Rollins, Ross, Sawyer, Schenck, Seofield, Shellabarger, Sitgreaves, Stevens, Stillwell, Strouse, Taylor, Francis Thomas, John L. Thomas, Thornton, Trowbridge, Robert T. Van Horn, Ward, Henry D. Washburn, Welker, and James F. Wilson—76.

NOT VOTING—Messrs. Anderson, Baker, Baxter, Bidwell, Blow, Brandegee, Chanler, Reader W. Clarke, Conkling, Culver, Darling, Dawson, Defrees, Delano, Dodge, Eckley, Farnsworth, Finck, Garfield, Abner C. Harding, Hayes, Hill, Demas Hubbard, Edwin N. Hubbard, James R. Hubbard, Hulburd, Jenckes, Johnson, Jones, Kasson, Ketcham, Loan, Lynch, Marston, McIndoe, Newell, Noel, Phelps, Plants, Pomeroy, Radford, Samuel J. Randall, Rogers, Rousseau, Sloan, Starr, Taber, Trimble, Upson, Van Aernam, Elihu B. Washburne, Wentworth, Whaley, Williams, Winfield, Woodbridge, and Wright—57.

So the amendment was non-concurred in.

The SPEAKER stated the next amendment of the Senate, on which a separate vote had been reserved by the gentleman from Pennsylvania, [Mr. ANCONA,] was as follows:

Strike out "one" and insert "two;" so that the clause will then read as follows:

On ready-made clothing, gloves, mittens, moccasins, caps, felt hats, and other articles of dress for the wear of men, women, and children, not otherwise assessed and taxed, a tax of two per cent. *ad valorem*, to be paid by every person making, manufacturing, or producing for sale clothing, gloves, mittens, moccasins, caps, felt hats, and other articles of dress, or furnishing the materials or any part thereof, and employing others to make, manufacture, or produce them: *Provided*, That any tailor, or any maker of gloves, mittens, moccasins, caps, felt hats, or other articles of dress to order as custom work only, and not for general sale, and whose annual products do not exceed \$2,000, shall be exempt from this tax; and articles of dress made or trimmed by milliners or dress-makers for the wear of women and children shall also be exempt from this tax: *Provided*, That the branching into sprays, branches, or wreaths of artificial flowers, on which an impost or internal tax has already been paid, shall not be considered a manufacture within the meaning of this act.

The Committee of Ways and Means recommended non-concurrence.

Mr. ANCONA. I hope the amendment will be non-concurred in.

The amendment was non-concurred in.

The next amendment of the Senate on which a separate vote was reserved was as follows:

Strike out the words "work, exclusive of the materials, does not exceed annually in value \$1,000;" and in lieu thereof insert the words "annual product does not exceed \$2,000, shall be exempt from this tax."

The Committee of Ways and Means recommended non-concurrence.

The amendment was non-concurred in.

Mr. ANCONA. Does that embrace all the amendments on the subject?

The SPEAKER. They will all go to the committee of conference as non-concurred in.

The next amendment, on which a separate

vote was reserved by the gentleman from Illinois, [Mr. Cook,] is as follows:

Insert the following:
On shoddy-wool manufactured from woven cloth, five cents per pound.

The Committee of Ways and Means recommended non-concurrence.

The amendment was non-concurred in.

The next amendment of the Senate, on which a separate vote was reserved by the gentleman from Ohio, [Mr. SCHENCK,] was as follows:

Strike out "twenty" and insert "fifteen;" so that the clause will read as follows:

On smoking-tobacco of all kinds, not sweetened, nor stemmed, nor butted, including that made of stems, or in part of stems, and imitations thereof, a tax of fifteen cents per pound.

The Committee of Ways and Means recommended non-concurrence.

Mr. SCHENCK. I hope the amendment will be concurred in.

The House divided; and there were—ayes 58, noes 40.

Mr. MORRILL demanded tellers.

Tellers were ordered; and Messrs. MORRILL and SCHENCK were appointed.

The House again divided; and the tellers reported—ayes sixty-six, noes not counted.

So the amendment was concurred in.

The next amendment of the Senate on which a separate vote was reserved was as follows:

Strike out the words "and, in addition, forty per cent, *ad valorem* on the value beyond twelve dollars per thousand, to be assessed on the excess beyond twelve dollars per thousand: *Provided*, That any person who shall offer or expose for sale any cigars, cheroots, or cigarettes, whether the articles so offered or exposed are imported or are of foreign or domestic manufacture, shall be deemed the manufacturer thereof, and shall be subject to all the duties, liabilities, and penalties imposed by law in regard to the sale of domestic articles without the use of the proper stamp or stamps denoting the duty or tax paid thereon;" and in lieu thereof insert the following:

Provided, That upon all imported cigars and cheroots, but not including cigarettes, an internal revenue tax shall be levied and collected, in addition to the duties paid upon importation thereof, of ten dollars per thousand, and stamps denoting the payment of such tax shall, under such regulations as the Commissioner of Internal Revenue may prescribe, be affixed to every box or package of imported cigars or cheroots before the same are sold or offered for sale; and any cigars or cheroots so imported, which shall be sold or offered or exposed for sale without having stamps affixed, shall be forfeited to the United States, and the importer of such cigars or cheroots shall be deemed the manufacturer thereof, and shall be subject to all the duties, liabilities, and penalties imposed by law upon the manufacturer of domestic cigars or cheroots.

The Committee of Ways and Means recommended non-concurrence.

The amendment was non-concurred in.

The question next recurred on the following amendment of the Senate, on which a separate vote was asked by Mr. DAVIS:

Insert the following:
Provided further, That all such persons, companies, and corporations shall have the right to add the tax imposed hereby to their rates of fare whenever their liability thereto may commence; any limitations which may exist by law or by agreement with any person or company which may have paid or be liable to pay such fare to the contrary notwithstanding.

The Committee of Ways and Means recommended non-concurrence.

Mr. RANDALL, of Pennsylvania. Are gentlemen considered interested in railroads who have "free passes," and therefore excluded from voting on this amendment?

The SPEAKER. Cushing, in his Parliamentary Law, holds that members of Congress are not excluded from voting in regard to pay, because they are all equally interested; and the same rule, the Chair supposes, would apply in the case suggested by the gentleman from Pennsylvania. [Laughter.]

The amendment was non-concurred in.

The SPEAKER stated the next amendment on which a separate vote was asked was in reference to the income tax, the Senate reducing the amount exempted from \$1,000, as agreed to by the House, to \$600 per annum; and that the Committee of Ways and Means had recommended non-concurrence.

The amendment was non-concurred in.

The next amendment on which a separate vote was asked was as follows:

Insert:
"That section six of the act of March 3, 1865, entitled 'An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes,' approved June 30, 1864, be amended by striking out all after the enacting clause and inserting in lieu thereof the following: that every national banking association, State bank, or State banking association, shall pay a tax of ten per cent. on the amount of notes of any person, State bank, or State banking association, used for circulation and paid out by them after the 1st day of August, 1866, and such tax shall be assessed and paid in such manner as shall be prescribed by the Commissioner of Internal Revenue."

Mr. MORRILL. I hope the gentleman from Pennsylvania [Mr. STEVENS] will be allowed to make an explanation.

Mr. STEVENS. I want to move to strike out "sixty-seven" and insert "sixty-six."

Mr. ELDRIDGE, Mr. HOTCHKISS, and many other members objected, unless all sides could be heard.

Mr. BLAINE. I rise to a point of order. I understand it to be assumed that if the House non-concur, that gives the committee of conference the right to report recommending a longer time than is allowed by the Senate's amendment.

The SPEAKER. The point is not well taken. No committee of conference has been ordered.

Mr. ANCONA. I would inquire whether, if the House concur in the Senate's amendment, that precludes all action on this subject.

The SPEAKER. It does.

Mr. ANCONA. And enforces the ten per cent. tax after the date designated.

The SPEAKER. If the House concurs in the Senate's amendment it removes the matter entirely from the consideration of the two Houses.

The question being taken on concurring in the amendment of the Senate, it was decided in the affirmative—ayes 75, noes 25.

So the amendment was concurred in.

Mr. DAWES moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid upon the table.

Mr. ELDRIDGE. I demand the yeas and nays on the motion to lay on the table.

The yeas and nays were not ordered.

Mr. ANCONA. I demand tellers on ordering the yeas and nays.

Tellers were refused.

So the motion to reconsider was laid on the table.

The next amendments of the Senate, reserved on motion of Mr. MARVIN, were numbers four hundred and forty-nine and four hundred and fifty, on page 149, line seventeen, in relation to oil-dressed leather, to strike out the words "dressed or," and after the word "smoked" at the end of the line to insert the words "or not oil-dressed."

The committee recommended non-concurrence in these amendments.

The amendments were non-concurred in.

The next amendment reserved was number four hundred and eighty-eight, on page 157, to strike out all after the word "act," in line sixteen, down to and including the word "annum," in line fifty-two, as follows:

And apothecaries shall not be regarded as retail dealers in liquor in consequence of selling alcohol, or of selling or of dispensing, upon physicians' prescriptions, the wines and spirits official in the United States and other national pharmacopoeias, in quantities not exceeding half a pint of either at any one time, nor exceeding in aggregate cost value the sum of \$300 per annum.

The committee recommended non-concurrence in the amendment.

Mr. HOOPER, of Massachusetts. If the House concur in this it leaves a similar provision in the bill elsewhere. I therefore hope the House will concur in the amendment. The non-concurrence was recommended by mistake.

The amendment was concurred in.

The next amendment, reserved on motion of Mr. WARD, was on page 199, in relation to

tobacco and cigars, to insert in line nineteen, after the word "court," the following:

And any such officer interested as aforesaid in any such manufacture at the time this act takes effect, who shall fail to divest himself of such interest within sixty days thereafter, shall be held and declared to have been so interested after this act takes effect.

Mr. WARD. I desire to call the attention of the chairman of the Committee of Ways and Means to this amendment. I wish to have an opportunity to be heard upon it before the committee of conference, and I apprehend that the chairman will have no objection to the House non-concurring in it in order that I may have that opportunity.

Mr. MORRILL. While I approve of the amendment of the Senate I have no objection to the gentleman's doing as he requests.

The amendment was non-concurred in.

Mr. MORRILL moved to reconsider the votes upon the various amendments of the Senate; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

Mr. MORRILL. I now move that the House insist upon its disagreement with the Senate amendments, and ask for a committee of conference.

The motion was agreed to.

RAILROAD FROM CALIFORNIA TO OREGON.

Mr. McRUER. I move that the Committee on the Pacific Railroad be discharged from the further consideration of Senate bill No. 123, granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific railroad, in California, to Portland, on the navigable waters of the Columbia river, in Oregon, and that the bill be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. KASSON moved to reconsider the vote by which the bill was referred; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. FORNEY, its Secretary, notifying the House that that body had agreed to the amendment of the House to Senate joint resolution No. 110, authorizing the hiring of a building or buildings for temporary accommodation of the Department of State, and the amendments of the House to Senate bill No. 813, to regulate the transportation of nitro-glycerine or glynnoin oil; that it had passed House bill No. 18, for the relief of the members of the thirty-seventh regiment of Iowa volunteer infantry, without amendment, and House joint resolution No. 123, for the relief of Elizabeth Woodward and George Chorpennin, of Pennsylvania, with amendments, in which he was directed to ask the concurrence of the House; and that it had passed an act (S. No. 382) to change the place of holding court in the northern district of Georgia, in which he was also directed to ask the concurrence of the House.

Mr. KASSON. I move that the House do now adjourn.

The motion was agreed to; and thereupon (at four o'clock and twenty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule and referred to the appropriate committees:
By the SPEAKER: The petition of C. H. Foster, of Murfreesboro, North Carolina, asking for protection from county taxes levied for rebel supplies.

By Mr. DENISON: The petition of Charles Fuller, Lewis Jones, and others, from the city of Scranton, Pennsylvania, asking that Congress enact such laws as will make insurance in the several States uniform.

By Mr. GRIDER: The petition of Major Samuel Martin, of Glasgow, Kentucky, for indemnity and relief.

By Mr. LAWRENCE, of Pennsylvania: A petition from citizens of Westmoreland county, Pennsylvania, asking for an increase of duties on foreign products which come in competition with American interests.

By Mr. WELKER: The memorial of Alvason Penfield, of Ohio, in relation to the cotton tax, and the policy of the Government in reference thereto.

IN SENATE.

THURSDAY, June 28, 1866.

Prayer by the Chaplain, Rev. E. H. GRAY.
On motion of Mr. WILSON, and by unanimous consent, the reading of the Journal of yesterday was dispensed with.

PETITIONS AND MEMORIALS.

Mr. NESMITH presented the petition of Mrs. Catharine E. Whitall, widow of the late Brevet Lieutenant Colonel John A. Whitall, United States Army, praying for a pension; which was referred to the Committee on Pensions.

Mr. FESSENDEN presented the memorial of Campbell & Thayer, and other manufacturers of linseed oil, remonstrating against an increase of the tariff on foreign linseed; which was referred to the Committee on Finance.

Mr. WADE. I present a petition very numerous signed by citizens of Ohio, praying the Senate and House of Representatives, in the discharge of their duty, to watch over and promote the interests of the people, to avert from them and their wives and children the misfortunes with which they are threatened, by amending the tariff so as to protect their labor to the extent of the difference of the cost of capital and labor here and abroad, with the addition of the taxes paid by American industrial products, from which the foreign are free. The petition is in favor of a high protective tariff, in which opinion I very strongly coincide, and I move that the petition be referred to the Committee on Finance.

The motion was agreed to.

Mr. WADE. I have another petition, which I present, from Mrs. C. S. Wilson, who represents that she nursed and took care of our prisoners at Andersonville and other prisons until she lost her health; and her property was all seized by the rebels. She is strongly recommended by General Sherman and other general officers. She prays for compensation for expenses incurred and services rendered by her. As there is a like petition now pending before the Committee on Military Affairs and the Militia, I move that this be referred to that committee.

The motion was agreed to.

Mr. ANTHONY presented the petition of Mrs. Eliza H. Barnwell, wife of James L. Barnwell, praying that she may be allowed to pay the taxes, with accrued interest and costs, on property situated at Beaufort, South Carolina, which was sold by order of the United States Government for non-payment of taxes, and that the property may be conveyed to her; which was referred to the Committee on Claims.

Mr. DOOLITTLE presented the memorial of C. C. Washburne, of La Crosse, Wisconsin, remonstrating against the construction of a railroad bridge across the Mississippi river from Winona, in Minnesota, to a point opposite in Wisconsin; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. LANE, of Indiana, from the Committee on Pensions, to whom was referred the petition of W. B. Kelley, late a second lieutenant in company F, first regiment Kentucky cavalry, praying for a pension, submitted a report accompanied by a bill (S. No. 398) for the relief of W. B. Kelley. The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. STEWART, from the Committee on Public Lands, to whom was referred a bill (H. R. No. 557) to quiet the title to certain lands within the corporate limits of the city of Benicia, reported it with an amendment.

Mr. POMEROY, from the Committee on Public Lands, to whom was referred a bill (S. No. 341) amendatory of the pre-emptory laws, and for other purposes, reported it with amendments.

He also, from the same committee, to whom was referred a bill (S. No. 244) granting lands to aid in the construction of a railroad from the city of Stockton to the town of Copper-

opolis, in the State of California, reported it without amendment.

Mr. RAMSEY. The Committee on Post Offices and Post Roads, to whom were referred two memorials of citizens of Iowa, praying for the enactment of a general law regulating the bridging of the Mississippi river and making provision therein that neither railroad nor water traffic shall be impeded or impaired, have instructed me to report them back and ask to be discharged from their further consideration, as that matter has been the subject of legislation.

The report was agreed to.

Mr. SHERMAN, from the Committee on Finance, to whom was referred a bill (H. R. No. 387) making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes for the year ending 30th of June, 1867, reported it with amendments.

Mr. CRESWELL, from the Committee on Commerce, to whom was referred a joint resolution (S. R. No. 82) to provide for codifying the laws relating to the customs, reported it with amendments.

BILL INTRODUCED.

Mr. WILSON asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 115) respecting the payment of interest upon the war debts due the loyal States; which was read twice by its title and referred to the Committee on Finance.

Mr. CRESWELL asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 116) to make compensation for damages to property held for religious and charitable purposes within loyal States, and for other purposes; which was read twice by its title, referred to the Committee on Military Affairs and the Militia, and ordered to be printed.

COMPENSATION OF COMMITTEE CLERKS.

Mr. SPRAGUE. I offer the following resolution:

Resolved, That the annual compensation of the clerks of the Committees on Military Affairs and the Militia, and District of Columbia, shall hereafter be the same as that of the clerks of the Committees on Finance, Printing, and Claims, commencing July 1, 1866.

I offer this resolution to secure the continuance of two very valuable clerks. Unless this resolution shall be passed their services will not be obtained for the committees next year. It is indispensable for the carrying on of the work of those committees.

The PRESIDENT *pro tempore*. Does the Senator from Rhode Island ask for the present consideration of the resolution?

Mr. SPRAGUE. Yes, sir.

The PRESIDENT *pro tempore*. It requires unanimous consent to consider the resolution at this time. Is there any objection?

Mr. GRIMES. I have no objection to its being considered, if it is to be referred to the committee that was raised at the instance of the Senator from Ohio [Mr. WADE] the other day, to take into consideration the subject of the compensation of the officers of the Senate. If that committee choose to decide that these persons shall be paid the same as the other committee clerks named in the resolution, then it will be proper for us to act upon it, I suppose; but it seems to me rather invidious to select out one or two clerks here and say that they have peculiar responsibilities resting upon them and not specify others.

Mr. SPRAGUE. It is not my intention to move the reference of the resolution to that committee.

Mr. GRIMES. Then I object to its consideration to-day.

The PRESIDENT *pro tempore*. Objection being made to the resolution, it must lie over under the rule.

APPOINTMENTS IN THE CIVIL SERVICE.

Mr. BROWN. I offer the following resolution:

Resolved, That the Committee on the Judiciary be

instructed to inquire into the expediency of providing by law for such a reorganization of the civil service, and especially of the Post Office, Treasury, and Interior Departments, as shall secure appointments to the same after previous examination by proper boards; as shall provide for promotions on the score of merit or seniority, and authorize dismissal under the safeguards of trial or resignation; as shall officer each branch of the service with well-trained experts in the details of its business; and as shall assimilate them all more nearly to those conditions and regulations which govern the enlistment and officering of the Army and Navy of the United States, and which have successfully precluded the latter from being used as reservoirs of political patronage or ordinary appliances of party power.

The PRESIDENT *pro tempore*. Does the Senator ask for the present consideration of the resolution?

Mr. BROWN. Yes, sir, with a view to its reference.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. The substance of this resolution is an attempt to conform the civil service, in many of its details of appointment and of dismissal, to the regulations and conditions which govern the military service of the country. I cannot hope, at this late stage of the session, to get any definite or final action on the subject. It is one of such a large character, and will necessarily involve so much consideration, that all I can hope, at the present time, is to bring it to the attention of the distinguished gentlemen who compose the Committee on the Judiciary, and invite for it their consideration. I will say further, however, that I had been engaged in the preparation of bills covering the objects specified in this resolution with the design of bringing them before the Senate at this session; but absence and sickness have interfered so largely with my ability to prepare them that I have not been able to complete them. I did not think it right, however, to let the whole subject go by without taking some notice of it, and without stating that is my design, if I am spared, to present the subject in a more tangible form at the next session of Congress.

I believe, sir, that the great danger of this Government—one that probably threatens its life within the next ten or fifteen years—consists in the use of the public patronage for party purposes. I believe, furthermore, that no party is benefited by that public patronage any more than is any Government of Europe benefited by its standing army. If there were a general disarmament of parties here of this great force of public patronage it would go further to give our Government character, to defend it from corruption, and to insure its perpetuity, than all other legislation within the scope of my conception at this moment.

I believe, sir, it is perfectly feasible. We all know, and we all have seen, that there are two great branches of the public service—the Army and the Navy—which derive their appointments from the same source, which are subjected to the same revisal here as the other branches of the public service; and yet they, by the necessities of the case and the gravity of events involved in connection with them, have been kept free from this sinister and debasing influence. The Army of the United States and the Navy of the United States, to-day embracing large numbers of appointees, are not political appliances within the meaning of the term. I see no reason why the same safeguards and conditions may not be thrown around the public service in other departments, and I believe that the gravity which begins to gather around our financial department—our Treasury Department—the gathering in of five hundred millions of revenue a year and its disbursement throughout the country, requires that that shall be put on a more stringent footing as to the great purpose of requiring that public functionaries shall do the public service, and that alone.

However, sir, I did not intend to be drawn into any extended remarks, this morning, on the subject. I simply desired to have it referred to the Committee on the Judiciary, for the sake of bringing the matter to attention

here and to the attention of the public elsewhere. I trust that the resolution will be acted upon now.

The resolution was agreed to.

MINERAL LANDS.

Mr. STEWART. I move to take up Senate bill No. 257, and I trust we shall be able to finish it this morning.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 257) to regulate the occupation of mineral lands, and to extend the right of preemption thereto, the pending question being on the amendment of Mr. NYE to the amendment reported by the Committee on Mines and Mining. The amendment of Mr. NYE was to insert after the word "thereupon," in the fourteenth line of the third section of the amendment of the committee, the words "but said plat, survey, or description shall in no case cover more than one vein or lode; and no patent shall issue for more than one vein or lode, which shall be expressed in the patent issued."

The amendment to the amendment was agreed to.

Mr. STEWART. There are two or three verbal amendments which I wish to make. In the first place, I move, in line two of section three of the committee's amendment, to strike out the words "plat and survey" and insert "diagram." The amendment is merely to avoid confusion, because the word "plat" is used in another connection.

The amendment to the amendment was agreed to.

Mr. STEWART. In the same section after the word "act," in line three, I move to insert "and posting the same in a conspicuous place on the claim together with a notice of intention to apply for a patent."

The amendment to the amendment was agreed to.

Mr. STEWART. In section three, after the word "notice," in the amendment already inserted in line twelve, I move to insert "and giving satisfactory evidence that said diagram and notice have been posted on the claim during said period of ninety days." This amendment was suggested by the Senator from Indiana, [Mr. HENDRICKS.]

The amendment to the amendment was agreed to.

Mr. STEWART. In section four, line twelve, after the word "discoverer," I move to insert the words "of the lode."

The amendment to the amendment was agreed to.

Mr. STEWART. In line ten of the same section I move to strike out "three" and insert "two;" so as to read, "that no location hereafter made shall exceed two hundred feet in length along the vein for each locator."

The amendment to the amendment was agreed to.

Mr. STEWART. At the end of the fourth section I move to insert:

And provided further, That no person may make more than one location on the same lode, and not more than three thousand feet shall be taken in any one claim by any association of persons.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question now is on the amendment as amended.

Mr. CONNESS. What is the amendment?
Mr. STEWART. The substitute reported by the committee.

The PRESIDENT *pro tempore*. Is the reading of the amendment asked for?

Mr. CONNESS. No, sir.

Mr. WILLIAMS. I ask for the reading of the amendment.

Mr. CONNESS. The amendment is the whole bill. It has been printed, and it is hardly worth while to consume time by reading it.

Mr. GRIMES. It has been amended in many respects since it was printed.

Mr. WILLIAMS. When the bill was last

under consideration I made a motion to strike out certain sections, and I submit to the Chair that that motion is now pending.

The PRESIDENT *pro tempore*. The Senator from Oregon is right. The question is on his motion to strike out sections two, three, four, five, six, seven, and eight of the amendment reported by the Committee on Mines and Mining.

Mr. WILLIAMS. My intention was to make some extended remarks upon the subject-matter of this bill and upon the project of selling the mineral lands; but as the time of the Senate is so precious I will not tax its patience with any speech upon that subject, but content myself with reading an extract from a letter which I have in my hands, which seems to me to state one sufficient and fatal objection to this bill and to all other bills of a similar nature. I do not produce the letter as authority; but if the Senate will hear what the writer says, of course it can judge of the correctness and sufficiency of his statements. He says:

"By the press reports in late morning papers, I see that the bill providing for the sale of our mineral lands was before the Senate on the 18th instant; and I note your motion to strike out the second to eighth sections, inclusive. That bill is laden with infinite mischief to the great mining interests of the Pacific States and Territories, and your proposition would retain only such parts of the bill as are just and proper, and which, if a law, would tend to produce the most rapid development of the mines and the largest yield of the precious metals."

"I hope the bill may not pass, but that it will go over to another Congress, or at least to the next session, in order that the mining men of our country may be heard from, and that Senators may be more fully advised."

"But that for which I most desire to write is in regard to a great feature of quartz mining that is wholly ignored in this bill; an interest which, in my opinion, is of paramount importance. I allude to the rights and interests of tunnels and tunnel companies; organizations of miners formed for the purpose of running deep-drain tunnels or adits, commencing the same, of course, always low down at the foot of the hill or slope or mountain in which lie the mineral-bearing lodes or veins; and with the view of mining on the same at greater depths than is practicable, and sometimes even possible, for the same lodes to be worked by those miners or companies who claim on the outcropping veins upon the crest or surface of the hill, and who work through shafts sunk perpendicularly. These tunnel projects and companies are numerous in California, in Nevada, and in Idaho, and are fast becoming the great feature of silver mining, and, as I confidently believe, will ultimately prove the most successful way of getting out the ores containing the precious metals; especially in all districts where the topography of the country is such as to render deep tunneling practicable. Individuals or companies engaged in this kind of mining often make no claim originally to the lodes at the surface, but run their work into the mountain to discover, if haply they may find them." Senators need to be reminded that gold and silver quartz lodes are not like iron or coal or galena or copper mines. They are generally found in narrow veins of one foot to five or seven feet in thickness, sometimes, though rarely, extending to fifteen or twenty feet. These stand often perpendicular and sometimes with a slight dip or angle in the mountain. To measure and make sale of these, by rods and acres upon the surface, would be like measuring a string by square rule, or determining the length and height of a party-wall by cube measurement.

"Gold and silver quartz mining in our country is in its infancy; the customs and rules among miners, even, which should govern it are being formed and established by the light of experience. Almost all that has yet been done has been by a surface skimming and pit-hole process, while the vast and deep lodes of precious ore lie yet undiscovered. The Comstock lode in Nevada was discovered in 1858, and the mines of Idaho, Montana, and Colorado in years of age development can be counted upon the fingers of a single hand. The experience, however desired in this class of mining, all over the world shows a very uniform law that where true fissure veins have been discovered they may be relied upon for a gradual increase in width and richness to the greatest depth possible for the miner to obtain.

"The lowest working levels in the quartz mines of Nevada are only from four hundred to five hundred and twenty-five feet, the lowest developments being from six hundred to seven hundred and fifty feet; and few mines only are below two hundred and fifty feet in depth. The great obstacles in the way of successful mining upon these quartz-bearing lodes are rapid accumulation of water in the shafts and chambers, and the want of easy ventilation. These can be best obviated by deep-drain tunnels. And in the long run legitimate and successful mining in our country, where the topography of a district will admit, must be carried on through this means of approach.

"Now, see how this proposed bill will work. Tunnel mines and tunnel companies make no claim to lodes or veins by surface discovery or development; sometimes there are no outcroppings, but the work is begun and prosecuted upon the faith of certain indications; in the language of the miner, they 'run for the blind lodes;' and if any have been located upon

the mountain they prosecute the work of their tunnels so as to strike or touch the lodes nearly at right angles to their general course. They pass on into the mountain, cutting as many lodes as they may be able to reach, and mine upon such as prove of sufficient width or richness to warrant the work, by drifting or chambering along the lode, both to the right and left of the tunnel line; and all the ore as quarried is removed to the mouth of the tunnel in barrows or in hand-cars, thence to the mills for crushing and reduction. In this manner the miners through a tunnel may honey-comb all the lodes in a hill or mountain where their tunnel penetrates, and make no work upon and assert no claim to the surface or area of the ground. By the local laws and customs, as now established in mining districts, there is no conflict of interest or of title or of working with those miners who at the same time may be prospecting and raising ore through shafts sunk, perhaps, upon the same lodes at the surface or on the top of the mountain. Both parties pursue their work, it may be for years, until they chance to come together; their priority of right is simply determined by priority of possession. These tunnels, as a general thing, are projected so far below the surface claims, that there can be no interference; rather each proves a valuable aid and ally in the work of the other. The surface miner could not prosecute his work to a great depth if the tunnel was not below, through which he may hope for drainage and ventilation, and an additional outlet for the ore in his deep chambers; and the tunnel can the better be run by making a connection with all the shafts which may be sunk from time to time along the lodes. I venture the prediction that in twenty years of all the millions of bullion to be extracted from the gold and silver-bearing quartz veins, nineteen twentieths will be obtained from ores that shall be brought to the reduction mills by and through deep drain tunnels; provided that our Congress does not cripple or ruin these interests by legislation such as is proposed in this bill.

"Look at the great mines of Europe and we shall find almost all valuable explorations and developments made through tunnels such as I have attempted to describe. In the famous Frieberg (Saxony) mines a great drain tunnel of several miles in length has been run, through which much of the ore from lodes that could be reached by perpendicular shafts of a few hundred feet is taken out. In Nevada and in Idaho I am cognizant of several fine tunnels which have been projected. Some of them already run a length of three to four hundred feet, and which will strike out valuable lodes at a depth of five hundred to fifteen hundred feet, and in a few cases two thousand feet, below the surface. For all these valuable and (to our country) the most important mining enterprises and rights there are in this bill no provisions for protection or recognition. They are totally ignored in a proposition to sell gold and silver lodes by the same survey and measurement with which one might buy and sell a coal mine or a stone quarry. The provisions in the second and ninth sections of the bill do not and cannot be construed to apply to them. The present mining laws and customs regulate and protect them; but let the surface claimants once get their patents, possessing them in fee of the area of the mountains filled with lodes, and how and where would the tunnel miner's right and interest be found?

"The gold and silver-bearing quartz lands of the public domain ought never to be sold. The veins of ore which by the miners' custom and law are determined and held for work, by lineal measurement, are all, absolutely all, that are valuable in the domain to induce settlement, discovery, and development. Remove those lodes and the lands would not be worth a furthing for a thousand acres; Nevada and Colorado and Arizona and New Mexico would become, for the most part, uninhabited deserts; and Idaho and Montana would be totally abandoned to the roving Indians; the inducements which attract and hold our sturdy settlers in all those localities would be gone, entirely gone. There is somewhere in an oriental country a curious provision about title to the realty, which is somewhat akin to the customs and rules among miners. A man in Ispahan may buy a town lot, and if not expressed in the deed has not the right to build his house above a single story, but the original proprietor owns the air above and can add a second or third story. Now, if Congress are to insist upon a sale of the mineral lands, and will provide for two or three stories or strata of titles, through the mountains, in which are discovered the gold and silver-bearing quartz veins, we may be able to adjust the miners' law to the statute of Congress. And wherever the surface claims shall sell at five dollars per acre they may be assured that the basement floor in the mineral mansion will sell at fifty dollars per acre; and the sub-basement, say one thousand feet below, at \$500 per acre."

Mr. STEWART. Who is the writer of that letter?

Mr. WILLIAMS. I do not propose to give the name to the Senate, as it is a private letter and addressed to me, and I claim nothing for the author. If what he says in the letter is not in itself entitled to any weight, then, of course, it will not be so considered; but I submit whether the arguments made in that letter are not of consequence. They embrace one objection which I intended to make in case I addressed the Senate generally upon this question; but so far as this particular bill is concerned, it seems to me this man understands the bill, and I think he understands the subject about which he writes; and as he has expressed

my views upon that point in a better form than I could express them, I have taken the liberty to read this extract from his letter; and I submit what he has said to the consideration of Senators.

Mr. STEWART. I will simply say in regard to that letter that it is a very good argument against Julian's bill in the House of Representatives, which is a proposition to sell the lands and let them go into private hands; but so far from injuring the development of that country by tunneling, this bill is the very thing to encourage it. It provides that when a man has found a vein and improved it to the extent of \$1,000 he may get a title. That is the very thing that the tunneling companies want. I know a great many men engaged in that work. I have many constituents engaged in it. They are all pressing for a title when they find a vein. They say, if we run into the mountain and take the chances we want the privilege of buying the vein when we discover it. This bill will allow them to buy nothing but the vein, and expressly, in so many words, holds the entire country open to development. The argument in that letter as to the inconveniences that would arise apply to Julian's bill, which would sell the lands and stop the development. This is simply a confirmation of the present title enabling the miners—those who are working in good faith—when they have spent their money in this way, to acquire titles and to have no further difficulty about it, and keeping the entire country open. If I could have five minutes' conversation with the writer of that letter, explain the bill to him, and let him read the section so as to understand it, he would be a warm advocate of the bill. He evidently has not read it, and he has fallen into the popular prejudice of supposing that the land is to be sold in rectangular form between perpendicular lines. It has been explained that that cannot be done. A vein pitches into a hill, and a perpendicular line would cut it up into pieces. He speaks of that. This bill provides for selling the vein, following it into the earth, with its natural angles and dips. None of the objections which he urges are applicable to this bill. This is simply a confirmation of the miner's title. The writer of that letter would be more rejoiced at the passage of this bill, if he understood it, than of any other measure. I see that from the reading of the letter. I know he would be in favor of the bill, if he understood it, from what he says.

Mr. HENDRICKS. A year ago the Senator from Nevada, and I think the Senators from California and Oregon, asked us to oppose the granting of an appeal from the highest courts of the Territories to the Supreme Court of the United States in cases involving the rights of miners. I heard the able argument, I recollect, of the Senator from Nevada with interest, and I became satisfied that the views expressed by him and the other Senators from the Pacific coast were correct upon that question; and I joined with them in advocating their views upon the ground that the interests of the country required that the usages and customs of the miners should be maintained. Those usages could not be respected in the Supreme Court of the United States, and therefore I felt it to be my duty to vote with them in opposition to that measure. Now, sir, they ask us to go much further than that, not alone to recognize the rights, customs, and habits of the miners, but to attempt to vest a title in the mines in favor of the particular occupant. I do not think that can be safely done. I shall vote for the proposition of the Senator from Oregon to strike out the sections which he proposes to strike out. If the Senators will prepare a bill and present it, recognizing and establishing the usages and customs of the miners, I shall give it my support. If the Senators are afraid that at any time the officers of the Government will interfere with the miners in the prosecution of their business according to their own customs, I am willing by law to say that it shall not be done; but to go further than that I think is not safe. I cannot vote for this bill.

Mr. CONNESS. I only wish to say now that this bill contains more than has been stated by the Senator, who regards it as a bill to enable the miner engaged in vein-running to obtain a title to his mine when that vein has been well defined. It does more, I say; it proposes to allow the Interior Department to segregate the mining from the agricultural lands in the vast and mighty area that is now unsurveyed and not subject to sale, and in which no title is obtainable to lands for any purpose. There is nothing better understood, I apprehend, when it is brought to the minds of men, than that improvements of a permanent character for the purposes of vine-growing, or for agriculture in all its departments, horticulture, pomology, &c., cannot take place nor be made with security unless there is a title to the land upon which they are proposed to be made. Those improvements never were made and never can be made and never will be made, to the extent that a good form of society requires, until title is obtained to the land on which they are to be made, so that there will be an absolute ownership in the party that invests his labor and his capital; and, sir, a society without the refinements and domestic provisions that the class of improvements to which I have referred furnish hardly can be called a society at all.

This segregation of the vast masses of the public domain within what is called, in general terms, the mining region, is so necessary that that particular part of this bill is of the greatest possible consequence to the entire population. One of the greatest vagaries of this letter-writer, as I noticed while the letter was being read, is that he says that the entire area of the country is worth nothing except to the miner alone for mining purposes. Why, sir, it contains the finest lands under the sun, within, in many instances, the finest climates on the face of the earth. But he says not an inch, or some small part, to a thousand acres of it would be occupied by men unless for its mining value. Why, sir, I have my residence and home in California at an elevation in the mountains of twenty-five hundred feet above the level of the sea. There in my garden grow all the finer qualities of the grape that we import from Europe. The Royal Muscat of Alexandria, that is grown in every other country than ours under glass, is grown there without any respect to season whatever. So with all the finer varieties which I might go on to name; and a country like that, capable of production of that kind, is to be left forever and ever without the possibility of acquiring an ownership to it simply because here and there there is a mine!

Sir, I am in favor of miners. I believe them in a new country and in our new country to be a people particularly and especially deserving encouragement and protection, and by no vote nor act of mine would I invade any right of theirs. We do not propose to sell, as is proposed to be sold in the House bill referred to by the Senator from Nevada, known as Julian's bill, the entire mining area by the acre; we do not propose to interfere now with the disposition of what are known as the placer mines; but we propose, for the purpose of giving a certainty of ownership, for the purpose of inviting capital in the production of the precious metals, to ascertain vein mines, and to give a title to the actual occupier. I say to the honorable Senator from Indiana, who has always, I concede—and I am glad to pay him the compliment in this connection—seen with a clear eye what was best for that country, and has heretofore expressed and does now express the most liberal opinions in regard to it, that this bill proposes in legislation very little, and that little going to the confirmation of what these people themselves have done, not changing the valuable system they have established in one single jot or tittle, but carefully going thus far and no further; and I cannot imagine any greater boon to the occupants and owners of mines, and to the occupants and owners of other improvements in those mighty and extensive

areas, than to give them gradually some means of obtaining an absolute ownership and title.

Mr. HENDRICKS. Mr. President, I would not have it understood that I dissent from the views expressed by the Senator from California upon the importance of a separation of the mineral and agricultural lands. I agree with him that there are agricultural lands of very great value to be found in the midst of the mineral region, and it is of first importance that the Government should take steps to ascertain what lands are agricultural, with a view to dispose of them to the agriculturist. I advocated that during this session when I insisted upon a liberal appropriation to be placed under the charge of the General Land Office for this very purpose. But I ask that Senator, and I ask other Senators, how the mineral lands and the agricultural lands are to be separated. It must be by examination, by a survey made by competent men of some scientific information, to say the least of it. It is a matter of fact to be ascertained what lands are mineral and what agricultural, and I will vote with that Senator at any time for a very large appropriation to ascertain and survey the agricultural lands that they may be disposed of to the farmers.

Mr. WILLIAMS. I do not intend to protract this discussion, and I concur in what has just been said by the Senator from Indiana. I acknowledge that it is necessary that the agricultural lands should be segregated from the mineral lands of the country; but that does not necessarily involve the survey and sale of those lands that are acknowledged to be mineral lands—gold and silver-bearing lands. I admit, too, that it would be desirable if titles could be obtained to these mining claims, as titles can be obtained to the agricultural portion of the country; but I insist that it is impracticable at the present time to obtain such titles, because complicated interests have arisen in the mineral regions which will prevent the acquisition of such titles without great injustice to some portions of the community.

The writer of the letter which I read was misunderstood by the Senator from California. He said that Arizona, Nevada, and New Mexico would substantially be of little value if it were not for the mining interests of those countries; and I suppose upon that point there can be little or no question. I think that the point made by the writer of that letter against this bill is well taken, and it is impossible for me to see how this bill does provide for tunnel companies in the mineral region or how the interests of such companies are protected by its provisions. The bill provides in section four "that no location hereafter made shall exceed three hundred feet in length along the vein for each location, with an additional claim for discovery to the discoverer, with the right to follow such vein to any depth, with all its dips, variations, and angles, together with a reasonable quantity of surface for the convenient working of the same, as fixed by local rules." If a tunnel is started on the side of a mountain with a vein of mineral running into it or for the purpose of striking blind lodes, under this bill the person who commences that tunnel must take a claim of three hundred feet in extent at the mouth of this tunnel; and now I should like to know whether he can go beyond the boundary of the surface claim which he takes in prosecuting work upon that tunnel. Suppose he takes a claim of three hundred feet in extent and another man takes an adjoining claim of three hundred feet in extent in the direction in which the tunnel runs, can the first man by means of that tunnel not only go through his own claim of three hundred feet, but pass on through the adjoining claim of three hundred feet and go into that mountain as far as it may be profitable for him to follow a lode or make a tunnel? If that is the provision of the bill, this section does not mean anything when it says "that no location hereafter made shall exceed three hundred feet in length along the vein for each locator."

Mr. STEWART. Allow me to explain. They never run along the vein longitudinally

with a tunnel. They run into the hill and cut the vein at angles. That provision in the bill which declares that a locator shall have three hundred feet in length has nothing to do with that. That is the mining rule now. As to tunneling, we provide that if there shall be any difficulty about the right of way or draining, the local Legislature shall be empowered to grant the right of way if it is ever interfered with. The miners' rules always concede the right of way to run into a barren mountain. There will be no difficulty on that point; but to guard it and make it secure, we provide that the Legislature may make regulations for granting the right of way and in regard to drainage. While now on the floor, as authority is being produced here from the mining regions, I beg leave to read an extract from one of the leading and best journals in the mining regions, edited by one of the most intelligent men there. I read from the Daily Mining Journal, published at Black Hawk, Colorado Territory, the answer given by the editor to a correspondent calling himself "One of 'em':"

"'One of 'em' asks us day before yesterday what we are to do under the proposed mining law, where lodes cross each other and run out and in within ten feet of each other. We answer, do just as we do now. We seem to get along with it somehow or other, and the law proposes to make plats of lode property in accordance with local customs and rules. If we are to be harassed until we have perfected a plan that shall be theoretically perfect and correct in every particular, we shall always be harassed. It is well enough to insist, too, that Congress shall let the past alone; but Congress won't do it. We have protested and suggested until Congress has at last fallen upon a scheme—at least the committee has—which recognizes acquired rights precisely as our own laws recognize them. In the name of sense, what more could we ask? It is nothing to us that it will cost more than it will come to; that's what we have always told them; that's the experience of the past; but they don't believe it. It is something to us, however, to have the critical question settled, even if not so as to work out perfectly smooth and harmless to all parties concerned."

And that will be the language of every mining district: "What more can we ask than this bill?" It settles everything.

Mr. WILLIAMS. I desire to have the Senator refer me to that portion of this bill which authorizes the Legislature of a State to protect tunneling interests.

Mr. STEWART. It is a section which was added to the bill on my motion. I ask the Clerk to read that section.

The Secretary read the eleventh section of the amendment, as follows:

And be it further enacted, That as a further condition of sale, in the absence of necessary legislation by Congress, the local Legislature of any State or Territory may provide rules for working mines, involving easements, drainage, and other necessary means to their complete development; and those conditions shall be fully expressed in the patent.

Mr. STEWART. If there is a tunnel in progress of construction the party getting a deed to the vein cannot cut off the right of way for the tunnel. If he attempts to interfere with it the Legislature can regulate that matter.

Mr. WILLIAMS. I do not know that I fully understand that amendment in its application to the other sections of this bill, and I think it will take some time to reconcile these different amendments with the original sections of the bill. But this amendment, as I understand it, proposes now to confer upon the Legislative Assembly of any State or Territory the right to regulate and control the mining interests of the State or of the Territory, so that the property of the United States, as well as the rights of the miners, will be subject to the legislative control of the State or of the Territory. Here is a conflict of jurisdiction at once, between Congress and the legislative power of the States.

It seems to me that these amendments which the Senator is constantly making to this bill serve to indicate that it is impossible for him to perfect a system which will answer the purpose he has in view; and here he now provides by this amendment for a sort of patched up system, a part of which is to be under the control of Congress and a part of which is to be under the control of the legislative department of each State.

Now, sir, I say that, in my judgment, the

policy for Congress to pursue on this subject is simply to pass a law making the gold and silver-bearing lands of the United States open to exploration and to occupation, and to confirm by something in the nature of a quit-claim deed, without any reservations or qualifications or any equivalent, to those persons who occupy or may occupy the mineral lands of the United States, according to the usages and the customs of the district where they may live, the right and title to the land. That is all that is necessary. That is equivalent in all respects to a patent from the Government of the United States, and whenever any controversy arises in any of these mining districts in reference to the right to the different claims, that right will be determined by the laws and customs and usages of that community, and it would not be necessary to refer to the records of the United States, or to any proceedings in Washington, or to any laws of Congress, in order to determine those rights. But, sir, I did not intend to discuss the merits of the bill, and will not trouble the Senate further on the subject.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Oregon.

The question being put, there were, on a division—ayes 7, noes 11; no quorum voting.

Mr. WILLIAMS. I give it up. I think there is a majority of the Senate against the proposition.

The PRESIDENT *pro tempore*. There is not a quorum of the Senate present by the vote.

Mr. WILSON. Let us have the yeas and nays.

Mr. STEWART. Let the amendment be withdrawn.

Mr. WILSON. It cannot be withdrawn. Let us have the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 10, nays 21; as follows:

YEAS—Messrs. Clark, Edmunds, Foster, Hendricks, Nesmith, Pomeroy, Saulsbury, Trumbull, Williams, and Yates—10.

NAYS—Messrs. Buckalew, Chandler, Conness, Cowan, Cram, Creswell, Fessenden, Guthrie, Harris, Howe, Kirkwood, Morgan, Nye, Ramsey, Riddle, Sherman, Stewart, Sumner, Van Winkle, Willey, and Wilson—21.

ABSENT—Messrs. Anthony, Brown, Davis, Dixon, Dozette, Grimes, Henderson, Howard, Johnson, Lane of Indiana, Lane of Kansas, McBoagall, Morrill, Norton, Poland, Sprague, Wade, and Wright—18.

So the amendment was rejected.

The PRESIDENT *pro tempore*. The morning hour having expired, it becomes the duty of the Chair to call up the unfinished business of yesterday, which is Senate bill No. 1, to regulate the elective franchise in the District of Columbia.

Mr. CLARK. The Senator from Maine who had that bill in charge, [Mr. Morrill,] which is the order of the day, is sick and confined to his room. He desires to be present when it is under discussion, and he requested me to move if it came up that it be postponed. I therefore, at his request, move its postponement until to-morrow.

The motion was agreed to.

Mr. HOWE. Is there any question before the Senate?

The PRESIDENT *pro tempore*. There is not.

Mr. HOWE. I move to proceed to the consideration of House bill No. 344.

Mr. STEWART. Will the Senator from Wisconsin give way a moment? All we want is a vote on this mining bill. We have had the whole thing discussed, and are ready to vote. I presume there will be no more amendments. I ask a vote.

Mr. HOWE. Why not let my bill be taken up, and then I will yield?

Mr. STEWART. This is up now, and let the vote be taken.

Mr. HOWE. I understand it is not up.

Mr. CONNESS. I hope the Senator from Nevada will take the course proposed by the Senator from Wisconsin. As soon as this bill is taken up it can lie over informally for a moment while we get a vote.

Mr. HOWE. I have no objection to that. The PRESIDENT *pro tempore*. Will the Senator from Wisconsin repeat his motion?

Mr. HOWE. That the Senate proceed to consideration of the bill (H. R. No. 344) to incorporate the Niagara Ship-Canal Company. The motion was agreed to.

Mr. CONNESS. Now I suggest that this bill be laid over informally for an instant until we get a vote on the measure which was under consideration.

The PRESIDENT *pro tempore*. The Senator from California asks the unanimous consent of the Senate that this bill be laid aside, and that the Senate proceed with the consideration of the bill in hand previous to the expiration of the morning hour. Is there any objection?

Mr. HOWE. I understand, if it is laid aside, informally, when that bill is disposed of this will be in order.

The PRESIDENT *pro tempore*. That is the impression of the Chair. The bill (S. No. 257) to regulate the occupation of mineral lands and to extend the right of preemption thereto is before the Senate as in Committee of the Whole, the pending question being on the amendment reported by the Committee on Mines and Mining, as amended.

The amendment, as amended, was agreed to. It is to strike out all of the original bill after the enacting clause and in lieu thereof to insert:

That the mineral lands of the public domain, both surveyed and unsurveyed, are hereby declared to be free and open to exploration and occupation by all citizens of the United States, and those who have declared their intention to become citizens, subject to such regulations as may be prescribed by law, and subject also to the local custom or rules of miners in the several mining districts, so far as the same may not be in conflict with the laws of the United States.

SEC. 2. *And be it further enacted*, That whenever any person or association of persons claims a vein or lode of quartz or other rock in place, bearing gold, silver, cinnabar, or copper, having previously occupied and improved the same according to the local custom or rules of miners in the district where the same is situated and having expended in actual labor and improvements thereon an amount of not less than \$1,000, and in regard to whose possession there is no controversy or opposing claim, it shall and may be lawful for said claimant or association of claimants to file in the local land office a diagram of the same so extended laterally or otherwise as to conform to the local laws, customs, and rules of miners, and to enter such tract and receive a patent therefor, granting such mine, together with the right to follow said vein or lode with its dips, angles, and variations to any depth, although it may enter the land adjoining, which land adjoining shall be sold subject to this condition.

SEC. 3. *And be it further enacted*, That upon the filing of the diagram as provided in the second section of this act, and posting the same in a conspicuous place on the claim together with a notice of intention to apply for a patent, the register of the land office shall publish a notice of the same in a newspaper published nearest to the location of said claim, and shall also post such notice in his office for the period of ninety days; and after the expiration of said period, if no adverse claim shall have been filed, it shall be the duty of the surveyor general, upon application of the party, to survey the premises and make a plat thereof, indorsed with his approval, designating the number and description of the location, the value of the labor and improvements, and the character of the vein exposed; and upon the payment to the proper officer of five dollars per acre, together with the cost of such survey, plat, and notice, and giving satisfactory evidence that said diagram and notice have been posted on the claim during said period of ninety days, the register of the land office shall transmit to the General Land Office said plat, survey and description, and a patent shall issue for the same thereupon; but said plat, survey, or description shall in no case cover more than one vein or lode, and no patent shall issue for more than one vein or lode, which shall be expressed in the patent issued.

SEC. 4. *And be it further enacted*, That when such location and entry of a mine shall be upon unsurveyed lands, it shall and may be lawful, after the extension thereto of the public surveys, to adjust the surveys to the limits of the premises according to the location and possession and plat aforesaid, and the surveyor general may, in extending the surveys, vary the same from a rectangular form to suit the circumstances of the country and the local rules, laws and customs of miners: *Provided*, That no location hereafter made shall exceed two hundred feet in length along the vein for each locator, with an additional claim for discovery to the discoverer of the lode, with the right to follow such vein to any depth, with all its dips, variations, and angles, together with a reasonable quantity of surface for the convenient working of the same as fixed by local rules: *And provided further*, That no person may make more than one location on the same lode, and not more than three thousand feet shall be taken in any one claim by any association of persons.

SEC. 5. *And be it further enacted*, That the President of the United States be, and is hereby, author-

ized to establish additional land districts and to appoint the necessary officers under existing laws, wherever he may deem the same necessary for the public convenience in executing the provisions of this act.

SEC. 6. *And be it further enacted*, That whenever adverse claimants to any mine located and claimed as aforesaid, shall appear before the approval of the survey, as provided in the third section of this act, all proceedings shall be stayed until a final settlement and adjudication in the courts of competent jurisdiction of the rights of possession to such claim, when a patent may issue as in other cases.

SEC. 7. *And be it further enacted*, That wherever prior to the passage of this act, upon the lands heretofore designated as mineral lands which have been excluded from survey and sale, there have been homesteads made by citizens of the United States, or persons who have declared their intention to become citizens, which homesteads have been made, improved, and used for agricultural purposes, and upon which there have been no valuable mines of gold, silver, cinnabar, or copper discovered, and which are properly agricultural lands, the said settlers or owners of such homesteads shall have a right of preemption thereto, and shall be entitled to purchase the same at the price of \$1 25 per acre, and in quantity not to exceed one hundred and sixty acres, or said parties may avail themselves of the provisions of the act of Congress approved May 20, 1862, entitled "An act to secure homesteads to actual settlers on the public domain," and acts amendatory thereof.

SEC. 8. *And be it further enacted*, That upon the survey of the lands aforesaid, the Secretary of the Interior may designate and set apart such portions of the said lands as are clearly agricultural lands, which lands shall thereafter be subject to preemption and sale as other public lands of the United States, and subject to all the laws and regulations applicable to the same.

SEC. 9. *And be it further enacted*, That whenever, by priority of possession, rights to the use of water for mining, agricultural, manufacturing, or other purposes, have vested and accrued, and the same are recognized and acknowledged by the local customs, laws, and the decisions of courts, the possessors and owners of such vested rights shall be maintained and protected in the same; and the right of way for the construction of ditches and canals for the purposes aforesaid is hereby acknowledged and confirmed: *Provided, however*, That whenever, after the passage of this act, any person or persons shall, in the construction of any ditch or canal, injure or damage the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage.

SEC. 10. *And be it further enacted*, That the right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted.

SEC. 11. *And be it further enacted*, That as a further condition of sale, in the absence of necessary legislation by Congress, the local Legislature of any State or Territory may provide rules for working mines, involving easements, drainage, and other necessary means to their complete development; and those conditions shall be fully expressed in the patent.

The bill was reported to the Senate as amended, and the amendment was concurred in. The bill was ordered to be engrossed for a third reading, was read a third time, and passed. On motion of Mr. STEWART, the title was amended so as to read, "A bill to legalize the occupation of mineral lands and to extend the right of preemption thereto."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. LLOYD, Chief Clerk, announced that the House of Representatives had agreed to some and disagreed to other amendments of the Senate to the bill (H. R. No. 513) to reduce internal taxation and to amend an act entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," approved June 30, 1864, and acts amendatory thereof, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. JUSTIN S. MORRILL of Vermont, Mr. WILLIAM B. ALLISON of Iowa, and Mr. CHARLES H. WINFIELD of New York, managers at the same on its part.

The message further announced that the House of Representatives had passed the following Senate bills without amendment:

A bill (S. No. 30) to create an additional land district in the State of Oregon;

A bill (S. No. 173) to amend an act entitled "An act granting land to the State of Michigan to aid in building a harbor and ship-canal at Portage Lake, Keweenaw Point, Lake Superior," approved March 3, 1865; and

A bill (S. No. 219) granting certain lands to the State of Michigan to aid in the construction of a ship-canal to connect the waters of Lake Superior with the lake known as Lac La Belle, in said State.

The message further announced that the House of Representatives had passed the following Senate bill, with amendments to each, in which amendments it requested the concurrence of the Senate:

A bill (S. No. 222) further to prevent smuggling, and for other purposes; and

A bill (S. No. 37) making a grant of lands in alternate sections to aid in the construction and extension of the Iron Mountain railroad from Pilot Knob, in the State of Missouri, to Helena, in Arkansas.

The message also announced that the House of Representatives had passed the following bills, in which the concurrence of the Senate was requested:

A bill (H. R. No. 690) to explain and limit an act to grant the right of way to the Humboldt Canal Company through the public lands of the United States;

A bill (H. R. No. 733) for the discontinuance of land offices and authorizing modifications in the limits of certain land districts; and

A bill (H. R. No. 734) granting lands to the State of Minnesota for the establishment of an asylum for the relief of disabled soldiers and sailors of that State and of the United States.

APPROVAL OF BILLS.

A message from the President of the United States, by Mr. COOPER, his Secretary, announced that the President had approved and signed, on the 27th instant, the following acts:

An act (S. No. 59) to provide for the revision and consolidation of the statutes of the United States;

An act (S. No. 180) for the relief of A. J. Gray;

An act (S. No. 238) granting a pension to Mrs. Amarilla Cook;

An act (S. No. 275) for the relief of Cornelius Crowley;

An act (S. No. 330) making further provision for the establishment of an armory and arsenal of construction, deposit, and repair at Rock Island, in the State of Illinois;

An act (S. No. 200) for the relief of Jane Harris;

An act (S. No. 276) for the relief of Mrs. Jerusha Witter;

An act (S. No. 298) granting a pension to Jane D. Brent;

An act (S. No. 326) granting a pension to Mrs. Harriet B. Crocker;

An act (S. No. 339) granting a pension to Benjamin Franklin;

An act (S. No. 342) for the benefit of Ira B. Curtis;

An act (S. No. 375) to amend an act granting a pension to the widow of the late Major General Hiram G. Berry; and

An act (S. No. 381) to amend an act entitled "An act to authorize the sale of marine hospitals and revenue-cutters," approved April 20, 1866.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a message from the President of the United States transmitting a communication from the Secretary of the Navy with an accompanying copy of a report and map prepared by the board of examiners appointed under the authority of the joint resolution approved June 1, 1866, to examine a site for a fresh-water basin for iron-clads of the United States Navy; which was referred to the Committee on Naval Affairs, and ordered to be printed.

INTERNAL TAXATION.

The Senate proceeded to consider its amendments to the bill (H. R. No. 513) to reduce internal taxation and to amend an act entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," approved June 30, 1864, which were disagreed to by the House of Representatives and upon which the House requested a committee of conference.

Mr. FESSENDEN. I make the usual motion that the Senate insist on its amendments

non-concurred in by the House, and agree to the conference asked by the House.

The motion was agreed to.

Mr. FESSENDEN. I move that the committee on the part of the Senate be appointed by the Chair.

The motion was agreed to by unanimous consent, and Mr. FESSENDEN, Mr. VAN WINKLE, and Mr. GUTHRIE were appointed the committee.

PREVENTION OF SMUGGLING.

The Senate proceeded to consider the amendments of the House of Representatives to the bill (S. No. 222) further to prevent smuggling, and for other purposes.

Mr. CHANDLER. I move that the Senate disagree to the House amendments, and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

Mr. CHANDLER. I move that the Chair appoint the committee of conference on the part of the Senate.

The motion was agreed to by unanimous consent.

PILOT KNOB AND HELENA RAILROAD.

The Senate proceeded to consider the amendments of the House of Representatives to the bill (S. No. 37) making a grant of lands in alternate sections to aid in the construction and extension of the Iron Mountain railroad from Pilot Knob, in the State of Missouri, to Helena, in Arkansas.

Mr. BROWN. Let that bill lie on the table for the present. I make that motion.

The motion was agreed to.

HOUSE BILLS REFERRED.

The bill (H. R. No. 690) to explain and limit an act to grant the right of way to the Humboldt Canal Company through the public lands of the United States; the bill (H. R. No. 733) for the discontinuance of land offices and authorizing modifications in the limits of certain land districts, and the bill (H. R. No. 734) granting lands to the State of Minnesota for the establishment of an asylum for the relief of disabled soldiers and sailors of that State and of the United States were severally read twice by their titles and referred to the Committee on Public Lands.

NIAGARA SHIP-CANAL.

The PRESIDENT *pro tempore*. The bill (H. R. No. 344) to incorporate the Niagara ship-canal, which was taken up on the motion of the Senator from Wisconsin [Mr. HOWE] a few moments since, and was then laid aside by common consent, is now before the Senate, as in Committee of the Whole, and will be read.

The Secretary proceeded to read the bill, but was interrupted by

Mr. SHERMAN. I will ask if it is in order now, before the reading is completed, to move to postpone this bill. The motion that I desire to submit, perhaps, might as well be made before the bill is read at length.

The PRESIDENT *pro tempore*. A motion to postpone is in order.

Mr. SHERMAN. I move, then, to postpone the further consideration of this bill until the first Monday of December next. I will state the reason why I am induced to make this motion. This bill, we all know, involves an appropriation ultimately of \$6,000,000. It is for the purpose of building a very important work, well understood by every member of the Senate, around the falls of Niagara, within the State of New York. The Committee on Commerce of the Senate have reported, as an amendment to this bill, the following section:

SEC. 28. *And be it further enacted*, That this act shall not take effect unless the Legislature of the State of New York shall, within one year of the date hereof, give its assent thereto.

The consequence is, that if we shall spend much of the remaining hours of the session upon this bill, no action can be had under it until after the Legislature of New York meets; and that, I am informed, is not until the first Monday in January next. This bill also pro-

poses to incorporate a company to build an improvement within the State of New York, and it involves very grave constitutional questions, which always give rise to debate in this body. If the State of New York assents to the building of this work within its limits, and by a corporation of the United States, and if the provisions of this bill depend upon that condition-precedent, it is manifestly proper that we should first get the assent of the State of New York; and to avoid the constitutional questions that will be raised, it will be very proper that this corporation should be a corporation of the State of New York, and that the grant of Congress should be to the corporation of the State of New York, upon such conditions as Congress may prescribe.

I am not willing to pass a law involving an appropriation of \$6,000,000, the validity of which will depend upon the act of a State Legislature, or the assent of a State to that law. I think we ought to compel the smaller power to act first, and give our consent afterward; and then if the State of New York consents to the building of a canal within its limits around the falls of Niagara, it must be done by the Legislature of that State, and that cannot be done until January next; and they might deem it much more proper to have this improvement constructed by a corporation organized under the laws of that State. Then it will be time enough for Congress to say whether it will grant aid on the part of the United States to the construction of the work. It seems to me we are putting the cart before the horse. We ought to wait until the Legislature of the State of New York acts, until it incorporates a company, and then we may in the usual way aid to any extent we may see proper in the construction of this work; but for us, at this period of the session, to waste our time upon the passage of a bill the whole validity of which depends upon the subsequent action of the Legislature of a State, it seems to me is not a wise disposition of the few days we have left.

Mr. SUMNER. I should like to ask the Senator whether in his opinion the assent of the State is absolutely necessary.

Mr. SHERMAN. This bill requires it.

Mr. SUMNER. The proposed amendment to the bill requires it?

Mr. SHERMAN. The amendment is reported by the committee, and as a matter of course by the friends of the bill. I take it, that being reported by the committee that brings the bill before us, it will be adopted; it is, at least, their desire that it should be adopted; and indeed without this amendment, perhaps—I cannot say positively—it would not have passed the committee. The fact that the committee did ingraft this amendment upon it, shows that without the assent of the Legislature of New York, the committee were not willing to undertake this work. I therefore submit to the Senate and to the Senator whether it is not better that the assent of the State of New York should first be obtained, as we make that a condition-precedent, that they should then prescribe the formula of a corporation and the mode and manner of constructing this work, and that then we give them our grant, if we give them any, upon such terms and conditions as we may prescribe afterward.

Mr. SUMNER. As the Senator has evidently reflected upon the question, the point to which I wished to draw his attention was, whether, in his opinion, the previous assent of New York was necessary. Of course, if in his opinion that is not necessary, it might lead him to vote against the proposition of the committee.

Mr. SHERMAN. I have no doubt about the power of Congress to build a ship-canal around the falls of Niagara. If I was acting upon my own convictions, I have no doubt of the power of the Government to build any necessary works of this kind; but it is evident that that is a disputed and mooted question in the Senate that will give rise to long debates, and will occupy much of the time of the Senate; and this provision was put in for the purpose of

avoiding that debate, for the purpose of getting around that debate evidently, and therefore it is idle for us to pass the bill—

Mr. SUMNER. It passed the House without that provision.

Mr. SHERMAN. I know; but it is here in the Senate, and we have got to act upon it. I take it, therefore, that that is the sense of the committee who reported this bill; and so it is manifest that we ought to wait until the consent of the State shall first be had, and then give our final sanction to the work afterward. I do not wish to pass a bill of twenty-eight sections at the close of the session, after a long debate, the entire validity of which depends upon the action of a local Legislature.

Mr. SUMNER. I will ask the Senator if we might not vote down the amendment of the committee and take the bill as it came from the House.

Mr. SHERMAN. That is another question. I think we had better postpone the bill until next winter at any rate. It is only a short time.

Mr. HOWE. Mr. President, I am very much surprised to hear the motion submitted by the Senator from Ohio. If the motion had been made to postpone the bill indefinitely it would not so much have surprised me, though such a motion as that would have surprised me, coming from the Senator from Ohio. I assume that there are some Senators on this floor who are opposed to undertaking this work at all; and for such a one to move to postpone it indefinitely would be legitimate. I do not assume, however, that the Senator from Ohio can be opposed to undertaking this work. If it is to be undertaken, it is to be undertaken either as a work which interests the State of New York solely, or as a work which interests the people of the United States. If it is a work which interests the people of New York alone, then the Senator from Ohio is entirely correct in supposing that we should say nothing until New York has undertaken it and asks our aid or co-operation; and if it interests New York alone, when she does undertake it, and asks our aid and co-operation, it is evident that we should refuse that aid and co-operation. But if, on the contrary, as I believe, it is a work which interests the nation more than the State of New York; which interests the nation almost to the exclusion of the State of New York; which interests the State of New York only as a part of the nation, then it seems evident to me that the Legislature of the United States should inaugurate the enterprise, and either prosecute it, as the Senator says we have the power to do, by our own authority and with our own means, or invite to it the co-operation and the assent of the State of New York.

Sir, we are raising in the States of the Northwest nine hundred million bushels of grain that we have got to sell somewhere; and in the States lying east of us there are a great many people who do not raise their own grain, and who want to purchase it. We are raising five hundred million bushels of corn, a very large portion of which our farmers are selling at from three to ten cents a bushel, and it is being consumed in the eastern States at a cost of not less than ninety cents a bushel. We are feeling more and more every year that we cannot afford to go to such markets at that cost. The project of building a canal around the falls of Niagara is one of those enterprises which it is supposed will very much diminish the expense of getting this produce to market. If it will diminish materially the cost of getting the grain and the other products of the West to market, then it is a work which interests the nation—not the State of New York, but the whole country—everybody who raises or who consumes those products. Whether it will diminish that expense or not, and if so, to what extent it will diminish it I am not prepared to state here. This bill is not, as it is now presented to the Senate, framed upon the supposition that we do know definitely and conclusively about that. This bill does not undertake to build this canal merely as a public work, but it proposes to aid private enterprise

in building it, and only aids private enterprise which shall come forward in good faith and first put in its own money to the amount of \$2,000,000 before the Government will advance a cent. The committee went upon the assumption that private capital would not undertake the work and put that amount of its own money into it if it was not satisfied that it was an important work and a proper one.

Mr. GILMES. How does the bill leave the regulation of the tolls?

Mr. HOWE. It leaves the regulation of tolls just as it is left in all other private enterprises, subject to no other restrictions than competing routes, with this additional provision, that if the company ever put tolls upon the carriage of produce or freight over this work which are felt to be onerous or unreasonable, the Government can take it from the company, at its cost, with ten per cent. added. As the bill came from the House, there were other regulations upon the tolls. We thought, inasmuch as we required the company to put in their own money first in this enterprise, that it was not fair to subject them to these additional restrictions. We leave them to get the return for their capital and get the return for the money that we propose to loan them, just as other companies get the returns for their investments. The House of Representatives have considered this subject, and have deemed it a very important work. They have passed a bill and sent it here and asked our assent to it. The Committee on Commerce have considered the bill, and have reported it back, with sundry amendments thereto, and recommended its passage. It seems to me it is due from the Senate to the great interests which are involved in this measure to consider it, and if they approve it, say so, and if they do not approve it, say that after they have considered it, and not before.

Mr. MORGAN. Will the Senator allow me to ask him one question?

Mr. HOWE. Certainly.

Mr. MORGAN. The Senator from Wisconsin has stated that the Committee on Commerce have reported this bill back and recommended its passage. I think he will recollect that the report of the committee was not in favor of the bill. It was simply reported for the consideration of the Senate.

Mr. CHANDLER. An amendment was made subsequently, and with that amendment it received the sanction of a majority of the committee.

Mr. MORGAN. The action of the committee was that the bill should be reported for the consideration of the Senate. I think I am not mistaken in that.

Mr. CHANDLER. The original bill was rejected; but with that amendment at the end of the bill the Senator from Maine [Mr. MORGAN] agreed to report it.

Mr. MORGAN. The Senator from Maine is not present, and therefore I cannot say as to that; but my understanding is that it was reported for the consideration of the Senate, without any recommendation.

Mr. HOWE. My recollection is different from that of the Senator from New York. I think this bill, as it stands, has the support of a majority of the Committee on Commerce. That was my understanding of it, and I so reported the bill; and I did not mean to misrepresent the committee. That, however, can be ascertained to a certainty.

Mr. President, it does not seem to me advisable that the Senate should return to the House of Representatives and to that large body of the country which is looking to us for some help, for some effort in this direction, for an answer, that they will not consider a proposition of this kind; and therefore I am induced to hope that the Senate will not postpone its consideration until the next session. If we are going to inaugurate the thing at all, it is evident we must take precedence of the State of New York, and the sooner we invite the attention of New York to it the sooner New York will act upon it. As to the question whether we can build this canal without the

assent of New York, my opinions coincide with those of the Senator from Ohio; but as the bill stands here, recommended by the Committee on Commerce, it does propose to invite the assent of New York, and does not propose to make it operative without the consent of the State of New York. But it is none the less a measure of national concernment, and being a measure of national concernment it is none the less proper that we should act at once if we are going to act at all.

Mr. GUTHRIE. Mr. President, I have no question myself that the Government may build a ship-canal around the falls of Niagara for the defense of the nation, without the incorporation of a company for the purpose. I have great doubts whether we have any right to incorporate a company to do it. We have an official organization by which we can build forts and canals and everything else that is necessary. I object to these partnerships with State corporations. If we undertake to make a corporation to build this work, I doubt the propriety of it. I have no question that the construction of a ship-canal around the falls of Niagara would be of great advantage to the defense of the lakes. I have no doubt that it would be of great advantage to the commerce of the lakes, and still more to the commerce of New York. Any one by looking at the map will see that Canada must command to a greater or less extent the trade of the upper lakes, unless we have a large ship-canal capable of carrying the whole produce of those lakes to New York.

But, sir, I favor the postponement of this bill. I do not think we are now in a situation to commence this work. We feel in the West that it is just as important in a national point of view and just as important in a commercial point of view that we should open the lakes to the commerce of the southern portion of the nation as it is that we should open them to New York. We do not think that now is the time to commence such works, when we are struggling to consolidate the existing debt, to get it into a shape that the United States can bear it with ease and comfort, and give confidence to all the holders of the debt that we will pay it, and until we have seen really what that debt is. We do not know its amount, and I would advise gentlemen not to begin this system of expenditure until we know on what ground we stand. My judgment is in favor of this work; but I shall vote for postponing the bill, because I think we and the nation require time to reflect, time to think upon the subject, and time to mature our judgments. I do not intend to go into any further argument on the subject.

Mr. McDOUGALL. Mr. President, I differ with the Senator from Kentucky. This is not a new question. It has been discussed for twenty years within my personal knowledge. It has been thought to be an enterprise that could be made a success, and of vast importance to the entire country. If this were a new question there would be some cause for its postponement. I do not propose now to indulge in argument, but simply to say that this subject has been considered at least for twenty years past within my personal knowledge. Various plans have been suggested. Engineers of the greatest eminence have undertaken to examine into its feasibility, and they have made their several reports. There have been several plans suggested altogether feasible, according to the understanding of, I think, competent engineers. This bill permits the exact manner of the communication to be left to the judgment of those who undertake the enterprise, which I think is wise.

Now, as to the objection of going into these things blindly, there is a little piece of history that should be well known by every Senator. After the Peninsular war, after Great Britain had been engaged on the Continent, and after the war of the French Revolution, she had accumulated an immense debt. How did she meet that debt? By immense enterprise, casting all her strength into the development of

wealth; and from her very necessities up sprang the strength of Britain. That is recorded history. Now, to say that because we have a great public debt we should not engage in great public enterprises that are the foundation of wealth, is false policy and against all the laws that are known or have been taught from Aristotle down to this day.

This measure has always been regarded as an important one. Of the power of the Government in a matter national as this is I think there is no question. The exercise of the power for this particular purpose has been, in my judgment, too long delayed, and I trust we shall have action upon it now.

Mr. HOWARD. The Senator from California has very correctly remarked that this is not a new measure. It has been the subject of most anxious consideration among commercial men for at least twenty-five years past, and perhaps for a longer period. It was before the Thirty-Eighth Congress, and ever since I have been here there has been more or less discussion respecting a canal around the falls of Niagara. At the long session of the Thirty-Eighth Congress it was very fully discussed and considered by one of the standing committees of this body, and, if I mistake not, a bill for the purpose passed the House of Representatives. It is undoubtedly an enterprise of very great importance, of great importance both to the West and to the East, and one which I predict will ultimately be accomplished; for it is impossible to conceive that with the present limited facilities for the transportation of the products of the great West the country will generally be content for any considerable period. Without going into particulars, it is sufficient to say now that the means of transportation of the agricultural productions of the western States, and of the northwestern States particularly, are by no means adequate to meet the public wants.

I hope, sir, that this measure will not be postponed, but that it will be taken up and acted upon by the Senate at the present session of Congress. For one, I am free to announce myself strongly and earnestly in favor of this measure. It is a measure which we need in the West as well as in the East, and I know of no public work at present in contemplation which will ultimately be of more value to the country and to the commerce and the agriculture of every part of the country. I hope that the measure will not be postponed, but that we shall proceed to consider the bill and pass it.

Mr. WADE. Mr. President, I cannot agree with my colleague in postponing this measure. I think, with the Senator from California and other Senators, that it is not a new question. It is one that has been before the public for several years, and every man of thought and reflection undoubtedly has made up his mind with regard to its merits. It is one of those measures so essential that in my judgment we cannot be too early in commencing it. I know that when any great measure is proposed to be undertaken it is always approached with some little hesitation; and the time seems never to come when you are to commence. It took us a great while before we could enter upon the project of building the Pacific railroad. I believe that it was up in Congress some eight or ten years every session before we had the courage to grapple with the question and enter upon the commencement of the work. It ought to have been commenced at least five years before it was, and now be in the process of completion; and it would have been if we had not had this same hesitation that I see now to commence this work. There was no reason for it then. The great project of the Pacific railroad was before us when we were almost entirely free from debt, and then this great nation, with no embarrassment at all upon it, did not seem to have the courage to commence it in season to have the full advantage that they would have got from it if they had commenced it at an earlier period. I do not think we got a great deal of additional information upon

that subject at the time we did commence it over and above what we had at a much earlier period.

It is so with this work. It is always said by some that the time has not come to commence such a measure. Sir, I think the time has arrived. I have felt that it was a humiliation to this great nation for several years past that we paid toll to a foreign nation in navigating the lakes; that we suffered Great Britain, through her colonies, to institute these measures, instead of making a thoroughfare through our own country.

I do not believe that this measure will embarrass us in a financial point of view. I believe it will be worth infinitely more than it will cost. I believe, with the Senator from California, that when a nation is oppressed with great debts it is the last time in the world when it can lay down and fold up its hands and do nothing. Then is the time for it to extricate itself by its courage and by its perseverance in entering upon great and profitable enterprises that every man must admit will be of the greatest national importance when they are completed. The cost of making this great improvement will not compare with its advantages when made. The nation can afford to embark in a measure that will cost something to achieve, when we know that the accomplishment will be infinitely more than the cost of doing it. The credit of the nation is good; the enterprise will be beneficial; and the quicker we enter upon the project and begin to receive the profits of it the better. I am against the postponement. I am ready to second the motion of the House of Representatives, and put the thing forward as soon as it can be done. I hope we shall not postpone the bill, but shall enter upon its consideration, perfect the project, and put it through at this session.

Mr. CHANDLER. A majority of the Committee on Commerce were opposed to asserting the right of this Government to act independent of the State authority, and the bill could not be reported favorably, recommending its passage, without the amendment to which the Senator from Ohio objects. I object to that amendment as much as he does, and so did a large majority of the committee. I would much prefer that the Senator should move to strike out that objectionable proviso and take the sense of the Senate upon that, rather than to postpone the bill. I would prefer to pass the bill as it is, rather than not pass it at all; but I should be very glad—I will not make the motion myself—if the Senator from Ohio would make a motion that that proviso be stricken out. I do not believe that any State can raise a barrier against the commerce of other States. I do not believe it is in the power of any State to raise an obstacle between the different States of this Union. I believe the Government possesses the power to regulate commerce as it sees fit between the several States; and I do not believe that the State of New Jersey or the State of New York or any other State can raise an obstacle that shall interfere with the commercial relations between the other States of this Union. I believe it is as much in the power of this Government to build a canal around the falls of Niagara as it is to establish a post route from the city of Washington to the city of Richmond, or from the city of Washington to the city of New York. I believe we possess the requisite authority for the purpose under the war power as well as under the power to regulate commerce. As I stated before, a majority of the Committee on Commerce are against the assertion of that power, but I should be glad to take the sense of the Senate upon that point, and I should be glad to take it here. It is well known to the members of the Senate who have been here for the past four years that I have been striving for four years to get that power asserted. I should be glad to have it asserted, and I shall strive, while I have the honor of a seat in the Senate, to secure the assertion, either upon this or upon some other bill, of the right and power of Congress to build a railroad wherever it sees fit, without the sanction of the State, where it becomes neces-

sary for us to go in our commercial relations or under the war power.

Mr. GRIMES. Being a representative in part of one of the States supposed to have a peculiar interest in the provisions of this bill, I desire to state briefly to the Senate the reasons which will control my vote. I would prefer very much that the Senator from Ohio should substitute a motion to recommit this bill to the Committee on Commerce for the motion which he has made to postpone it until the next session of Congress.

Mr. SHERMAN. You can move to recommit; and that, I think, will take precedence.

Mr. GRIMES. If so, I make that motion. I agree fully with the Senators who have preceded me in the opinion that Congress has the power of itself for defensive purposes to build a canal around the falls of Niagara, and I am in favor of the construction of such a canal. I entertain very great doubts whether we have the power to create a corporation and endow them with the authority for commercial purposes to go within the jurisdiction of the State of New York and construct a canal; but whether we have that power or not, believing that we can do the work ourselves and control it for ourselves and as we see fit, I am wholly unwilling to agree that Congress shall devolve this power on a private corporation, authorize them to go within the State of New York to construct a canal, and when it is constructed to enjoy the benefits of all the immense water power that will be created, and establish just such tolls as they may see fit for the transportation of agricultural and mechanical productions through that canal. This is the great objection that I have to the bill. If we have the power let us do it ourselves. Why do we want the interposition of a company?

Mr. President, I do not profess to be very familiar with the provisions of this bill; but it strikes my mind that this is one of the grandest privileges, and will result in being one of the most tremendous monopolies that ever was devised on this continent. We bestow upon this corporation the eminent domain that belongs to the State of New York, authorizing them to go into that State and construct a canal. We give to them all of the immense water power that will be secured by the construction of the canal—enough to make a dozen Lowells and Lawrences, and enough, in my opinion, to authorize any respectable company with capital to build the canal without the aid of the General Government in the way of money or of bonds. Then we authorize the company to fix as tolls upon the transportation of our agricultural products just such sums as they choose to fix. I am not disposed to put the agricultural interests of my section of the country into the keeping of any such corporation as is proposed to be created by this bill. And after this is done, according to the statement of the Senator from Wisconsin, as I understand it, if the company discover that their work is not going to be as advantageous to the stockholders as they think it should be, and after they shall have arranged their accounts, "watered" their stock, perhaps, to suit them, then they can sell the work to the Government, if they will only be so unconscientious as to raise the tolls so as to make it in the view of Congress or the public extortionate if they should charge as much as they fix.

As I said before, no man is more anxious to have proper channels of communication between the Northwest and the Atlantic and the Gulf of Mexico than I am. I have no doubt as to the constitutional power of Congress to make those channels of communication. I am as anxious as anybody else is that Congress shall do it. If the Committee on Commerce will report to the Senate a bill providing that appropriations shall be made and expended under our Engineer corps, who are created and maintained for just such purposes, to construct such a line of communication between Lake Erie and Lake Ontario, I will vote for it. I will go further, and will vote for a bill carrying this canal forward, for it will not be a very

great advantage to our section of country to go down from Lake Erie into Lake Ontario, unless we can get beyond Lake Ontario. I will therefore go with the Committee on Commerce or any gentlemen who are in favor of continuing the construction of a ship-canal beyond Lake Ontario. But I do not want to put the public Treasury into the hands of a private corporation for the purpose of building any such channel, and allowing that corporation to fix just such tolls as they please on the transportation that may pass through it.

Mr. TRUMBULL. Mr. President, what is the question before the Senate?

The PRESIDING OFFICER. (Mr. EDMUNDS in the chair.) The pending question is on the motion of the Senator from Ohio [Mr. SHERMAN] to postpone the consideration of the bill until the first Monday in December next.

Mr. GRIMES. I think my motion takes precedence of that.

Mr. SHERMAN. I am informed that the rules of the Senate in regard to the precedence of motions are different from the rules of the other House. I withdraw my motion for the present in order to allow the Senator from Iowa to test the sense of the Senate on the question of recommitment.

The PRESIDING OFFICER. The motion to postpone is withdrawn.

Mr. TRUMBULL. Then I understand the question to be on recommitment.

The PRESIDING OFFICER. The Chair has not yet heard any such motion. The bill has not been read at length, and the first business in order, unless some member moves a recommitment, will be the reading of the bill.

Mr. SHERMAN. I understood the Senator from Iowa to move to recommit the bill, and I gave way to that motion.

The PRESIDING OFFICER. Does the Chair understand the Senator from Iowa to move that the bill be recommitted to the Committee on Commerce?

Mr. GRIMES. Yes, sir, I make that motion.

Mr. TRUMBULL. Upon that question I suppose it is hardly necessary to read the bill, and perhaps not altogether proper to go into a general discussion of its provisions. I have been very much gratified at the tone of this debate, and was particularly pleased with the remarks of the Senator from Kentucky, who seems to appreciate the great national importance of this enterprise. All the Senators who have spoken in regard to it have spoken of it as a work of vast importance, a work which the nation should undertake. The only question seems to be whether this is the proper time to move in it; the Senator from Kentucky thinking not, because we have a great national debt, the precise amount of which is not yet known; and until we ascertain in regard to that, and our finances are in a better condition, he thinks that we ought not to undertake an enterprise of this kind.

So far from the reasons suggested by the Senator from Kentucky being good reasons for the postponement of this measure, it seems to me they are the very ones which should induce us to take it up and act upon it at the present time. When an individual is pressed by debts, it is the very time for him to put forth all his efforts to meet his outstanding obligations. This is a proposition which is calculated to develop and increase the wealth of the country. The small amount which will thereby be added to the our national debt, trifling in comparison with the whole of it, is not to be taken into consideration as against the vast benefits to result to the whole country from opening this new avenue of commerce. Sir, no one can calculate, I will not undertake to conjecture, the increased value that would be given to the products of the West and of the Northwest if this canal were constructed to-day; and it is just as important to the East as to the West, because the productions of the West are consumed in the East, and whatever cheapens the transportation between different portions of the country is a benefit to all parts of the country.

Then, sir, in a national point of view, not simply as a commercial measure, but as a measure of defense, upon which ground also this bill is placed, there can be no question of the authority of the nation to construct this work. Why, then, should we not undertake it, and why not proceed with the consideration of the measure at this time? The motion to postpone is withdrawn, and now my friend from Iowa moves to recommit it. What can be gained by recommitting except delay? If this bill is to be recommitted, let it be recommitted with instructions; for if we send it back to the committee they would simply keep it or report it back to us in the same shape we now have it, unless they are instructed by the Senate as to the shape in which the body desires the bill to be presented. I cannot see that anything is to be gained by recommitting the bill.

I quite agree with what is said by the Senator from Iowa and the Senator from Ohio, that this being a national work is not to be built subject to the consent of the State of New York. If the nation has a right to construct the work as a means of national defense, has the right to make a canal around the falls for the passage of its vessels-of-war, the State of New York cannot stand in the way a moment, nor any other State, nor any private individual. The property of individuals and the territory of States may be entered upon by the Federal Government at any moment when it is necessary to the defense of the nation, and the State of New York can no more interpose her authority to prevent this great work when necessary for the national defense than could the State of Kentucky some years ago interpose her authority to prevent the armies of the United States from passing over her territory to put down the wicked rebellion which was inaugurated in 1861. I should not agree, I think it would be inconsistent for the nation to undertake a work of this character if any State had authority to interpose and to stop it. It is only on the ground that it is a national work that I could vote for it at all—a work necessary to the proper defense of the northern lakes, as well as a work required by the commercial interests of the country.

With this view I am in favor of considering this measure now. Every consideration should induce us to take it up and consider it. If the bill is not perfect, let us perfect it. If it is objectionable to place this work in the hands of a company, and it is best that it should be done directly by the nation, then let us do it directly by the nation.

Mr. GRIMES. The Senator from Illinois will allow me to say that the objection to the course proposed by him is, that to attempt to amend the bill in that way would destroy the whole framework of the bill, and the Senator who reported the bill gives his assent to that proposition. My sole purpose in proposing to send it back to the committee is to allow them to change the character of the bill so as to make it truly a national work, and not partially and in a great degree a private work.

Mr. TRUMBULL. If the Senator from Iowa will present his instructions to the committee, as to the character of the bill they are to report, if it shall be one that seems to me better than that already reported by the committee, I should be glad to vote for it.

Mr. GRIMES. I should have drawn up some instructions if I had not understood ever since I have been here that it was not exactly in order to instruct a committee of this body as to the course they shall pursue, but merely to make inquiries or propose suggestions. It may be parliamentary to instruct a committee, but I think it is not according to the custom of this body. A committee is requested to inquire and not instructed to report in a particular way. I suppose, however, that if the sentiment of the Senate, as indicated by the debate, should be what I have suggested, the committee would of course report a bill in accordance with it.

Mr. TRUMBULL. We can arrive at the point desired by the Senator from Iowa either

by the submission of a substitute on his part, by committing it to some other committee, or by instructions. When we come to consider the bill and its features, it will be for the Senate to say whether it will be best to amend it or not. If the Senator desires to have this work done by the Government itself, he can move to strike out those provisions of the bill which place it in the hands of a company, and then, if that motion was sustained by the Senate and the bill was recommitted, the committee, understanding the views of the Senate, would frame a bill to carry out those views, and report it back to us, if it was necessary to recommit it at all.

I will not, at this moment, undertake to say whether it would be best for the Government to construct the work itself or through a company. That it has power to do it through a company, I have very little doubt. The question of the right of a company to take property for public uses is too well settled in this country to be raised at this time. The right of eminent domain existing in a State may be exercised through the means of a company for a public purpose. It has so been settled in all the States; and I think the Federal Government may, through a company, exercise this power. We have done it in the case of the Pacific railroad. In opening the great highway to the Pacific we have incorporated a company through whom the work is being done.

Mr. CLARK. We incorporated a company not in the States, but in the Territories.

Mr. TRUMBULL. That work runs into the State of California.

Mr. CLARK. But we did not undertake to charter the company to do it there.

Mr. TRUMBULL. We recognized a company incorporated by the State of California under the Pacific railroad bill, and another company, as I understand, in Kansas. It is analogous, in principle, to the chartering of the old United States Bank, which the Supreme Court sustained. I am aware it was always a controverted point among the politicians of the country whether the United States Bank was constitutional, but the Supreme Court of the United States sustained it as constitutional, upon the ground that Congress had authority to adopt such means as it deemed proper to accomplish a legitimate end. Now, it is a legitimate end to be accomplished to construct this ship-canal around these falls. That is conceded. It is for Congress to determine upon the most appropriate means to accomplish that object, and if it is believed to be the cheapest and the most proper mode of doing it to do it through the creation of a corporation, I doubt not that Congress may do it in that way.

But, sir, I did not propose to go into the merits of this bill at this time. My only object in saying anything was to urge upon the Senate its consideration now. Let us commence the consideration of it; let us test the sense of the Senate as to the right of the State of New York to put its veto upon this national work; let us see whether that section reported by a majority of the committee is to stand. We may do that much, at least; and I hope the bill will not be recommitted until we ascertain what is the sense of the Senate in regard to these vital questions: first, whether the work is to be done by a corporation, and second, whether it is to be done or not as the State of New York shall think proper to determine. I think we had better consider in the Senate and settle here these questions before we recommit the bill. Otherwise I can see no object in recommitting it. I think that now, when every consideration calls upon us to develop the resources of this country, to put forth the strength and energy of the nation in bringing out its wealth, is the very time when we should commence this great national work.

Mr. GUTHRIE. Mr. President, I am very much obliged to the Senator from Illinois for his suggestion upon the subject of paying debts by increasing them. That is a new idea to me,

and I think it is new to others. There is no doubt that when an individual is involved it is necessary that he should make the proper exertions to meet his obligations; but how would his creditors look at him if when he owed a million he should immediately engage in a work that would cost him a million more to a certainty, and without any certainty that a million more would accomplish it? The creditors would all lose confidence in his sanity; they would believe that that was not the way to secure them or to pay them; and I am not certain that these projects will not fix upon the Senate of the United States something like the same suspicion.

I was in favor of postponing this bill, because I thought we had not time now to mature it, because I thought the work ought not to be built by the Government in conjunction with a company, because I thought the great advantages and privileges that would result from the construction of this canal and the immense water power all along the line, were matters to be considered before we agreed to give them to a private company. If the Senator from Illinois, however, is right, and can find the means for this work, I suppose, from the cry he has raised, he will carry the measure; but he will carry it without my judgment being in favor of this hasty action. I recollect that when this bill was passed by the other House it fell upon everybody in the Senate with astonishment that it should be proposed to undertake an expenditure of this kind in the condition in which we are—not united, not conciliated, with eleven States not here to join us in council in relation to this description of works. Is this work going to make money enough to pay the national debt? How long will it be before this ship-canal will be done? I reckon it will work its way slowly and tediously along like the Pacific railroad.

Mr. TRUMBULL. That is coming on very rapidly.

Mr. GUTHRIE. They are going ahead with it now; but if we had had that enterprise on hand when the war came on, how fast could we have constructed it? My judgment has always been in favor of the Pacific railroad. When I was in Mr. Pierce's Cabinet, and was there brought to the consideration of the subject, surveys having been ordered, I came to the conclusion, and I have never since changed my opinion, as to the necessity, the propriety, the wisdom, and the statesmanship of binding the west coast to the Atlantic by railroad communication, and I am not going now to be driven out of my judgment in favor of this ship-canal because gentlemen are disposed to undertake it in a way that I do not like, and at a time that I think inexpedient for the work, considering the condition in which we are. I shall not, however, undertake to discuss the subject or to go into its merits.

Mr. SUMNER. Mr. President, the Senator from Kentucky gives his judgment in favor of the proposed ship-canal, but he gives his argument against it. He is in favor of delay, and the reason that he assigns for delay is that the country is already encumbered by a large national debt which we should not now increase by any additional expenditure, and he asks with a triumphant air whether before it has ever been proposed to reduce a national debt by increasing it. Now, sir, permit me to say that his question does not meet the case. It is proposed, so far as I understand the question now, to provide additional resources. To that end an additional expenditure is to be incurred; but the object is to secure additional resources. Out of those additional resources there will be increased means for the payment of the national debt. That is the precise answer which I make to the Senator from Kentucky; and as I understand him to make no other special objection to proceeding with the matter now, I feel that he is completely answered.

I confess, however, sir, that what fell from the Senator from Iowa produced more impression on my mind. His objection to the exe-

cution of this work by a corporation and to allowing that corporation to establish tolls which the people of his State and of other States at the West should be obliged to pay, certainly deserves attention.

Mr. SHERMAN. And there is the water power.

Mr. SUMNER. The Senator from Ohio reminds me also of the large amount of water power which is to be given to this corporation. I say it deserves attention, and I am glad that the Senator from Iowa has brought that into the debate. But I think the Senator is mistaken when, on that account, he interposes the dilatory motion which he does by asking the re-reference of this proposition to the committee. I do not know that at a subsequent stage of the debate it may not be important to recommit it; but I believe that now where we are at this moment, we had better proceed with the consideration of the bill and especially have a vote of the Senate on the amendment reported by the committee. For one I wish an opportunity, and the sooner the better, to vote against that amendment. Senators about me say, so do they. Let us, then, proceed with the consideration of the bill, and I hope the Senate will vote down the proposition which is to invite the consent and cooperation of the State of New York. On that question I hope the Senate will establish a precedent. The time has come for us to assert the powers of the national Government, independent of the States, in certain cases. The argument thus far in this debate has gone very much on the military power of the Government; little allusion has been made to that other source of power which seems to me so ample; the power to regulate commerce among the States. I should prefer, perhaps, to found this exercise of power upon these words of the Constitution. I ask Congress now to interpose its power to regulate commerce among the States, to interpose it on a great occasion, under circumstances, I admit, of special responsibility when I consider the time and the occasion, but under circumstances which I think amply justify the exercise of the power. Who, sir, can doubt that under these special words of the Constitution we have full power over this whole question? Who can doubt that without asking the consent of New York we may establish a canal about the falls of Niagara? I think that no Senator who hears me can now hesitate as to the power of Congress over that whole question. Assuming, then, that Congress has the power, the only question that remains is as to the expediency of exercising it at this time; and that again brings me to the argument of the Senator from Kentucky, that at this time when we are involved in a large national debt we should not undertake to increase it. To that I have already replied, as the Senator from Illinois has also replied before me, that we undertake to provide additional resources, we seek to extend the commerce of the country, to enlarge its means, and to enable it to meet this national debt which has been imposed upon it.

I hope, sir, that there will be no delay, that the Senate will proceed with the consideration of the bill at once. The question is great; it is important; it is almost historical; it is nothing less than to determine whether the northern shores of Ohio and Illinois shall be brought forward to the ocean itself, so that the large towns there shall be, as it were, ports of the sea. By this ship-canal Chicago and Cleveland may be made sea-ports on the Atlantic coast. Sir, that is an object which is well worthy of an honest ambition, and I do ask the Senate without any delay to give its best attention to it.

Mr. STEWART. I am in favor of this great work, the building of this canal, and I wish to say to Senators who claim that it will be an increase of the national debt, that that depends upon another question. Our national debt is comparative. It is nominally \$3,000,000,000. Our wealth is, according to the last census, in round numbers, \$10,000,000,000, so that the debt is about twenty per cent. of the wealth of the country. Now, the question is not about

adding \$6,000,000 to the debt, but whether by adding \$6,000,000 you will not increase the wealth more than \$60,000,000. While a measure may increase the aggregate debt, if it does not increase the proportion of debt to wealth, and actually increases the wealth so that the debt bears a less ratio to the public wealth than it did before, it does not increase, but in fact decreases, the burdens of the country. I am of opinion that the building of this canal will add many hundred millions to the estimated value of the property of the West. As I traveled through that country last year, passed the falls of Niagara, saw the great valley of the Mississippi, saw their avenues of transportation clogged up, as it were, corn being used for fuel, I could not but reflect that if they had this additional outlet our national debt would be in fact diminished, for the national wealth would be increased.

I believe that it would be a great relief to the people of this country to enhance values. I believe it would reduce the national debt, and for that reason I am in favor of the project. We must develop the resources of this great country and grow if we would pay the national debt. Every time you double the wealth of the country you pay one half the debt, because the debt then only bears half as great a proportion to the value of the property of the country. If we were to stop here, leave our resources undeveloped, and attempt to pay the debt without increasing our property, three thousand millions would be appalling; but in view of the development of its resources, the development of the great Mississippi valley, the development of the thousands of miles of mineral country we have in the West, the growth of the country is the only thing that is to relieve the people from the burdens of taxation to pay this debt, and I believe that this more than any other enterprise which has been before Congress at this session will tend to enhance values and lighten the burdens of the people.

My own opinion is, however, that the work should be constructed by the Government itself. A gentleman who has figured upon the cost of construction in the State of New York, by the State and by private corporations, has given me some figures which I have no doubt are entirely reliable. The State has realized in actual labor ninety-five per cent. of the money expended in building her system of canals, having lost only five per cent. in carrying on the work. On the other hand the railroad companies, on account of their want of credit, on account of the discounts which they were compelled to suffer, and on account of mismanagement, in one way or another, have only realized upon the whole amount of the cost of their works, in actual work upon the railroads, fifty-seven per cent. So the State government of New York has succeeded better than private corporations by the difference between ninety-five and fifty-seven per cent. I believe it will be better for the country that this should be a national work. When it shall have been completed its effects will be more munificent; it will then be simply kept in repair for the use of the nation. I think its construction will enhance the value of the property of the country, and will be the very best investment this country can make for the payment of the national debt.

Mr. HOWE. Mr. President, up to the present time we seem unanimously agreed that this canal about the falls of Niagara ought to be built. So far as the debate has proceeded, there is no opposition to that. The Senator from Ohio and the Senator from Kentucky think it ought to be done at another time; the Senator from Iowa thinks it ought to be done in another way. I have only to say that if the canal is to be built at all, it must be built at some time and in some way; and the time can be nowhere so well fixed as in the Congress of the United States; and there is no better opportunity to fix both the time and the way than the present, now that we have the subject before us.

Mr. President, if it is not expedient, if it is not wise for the nation to help build a canal around these falls, there never was a time when it was proper for the nation to do it. If it will not make the nation richer instead of poorer, the nation has no business to do it in aid of commerce. In aid of the defenses of the country, it might be proper to do it; but as a commercial measure, if it will not make the nation stronger instead of weaker, it is not proper for the nation to undertake it. If it will make the nation stronger instead of weaker, there never was a time more proper to do it than this, because there never was a time that the nation needed it so much.

Now, as to the manner of doing this thing; if it is to be done at all, it must be done by the nation directly out of its own Treasury, for its own use, and by the employment of its own agents, or it must be done by some private parties authorized by the nation to do it. The Senator from Iowa thinks it had better be done by the nation directly. Upon that question it would be very proper to take the sense of the Senate; and if he had moved to commit this bill to the Committee on Commerce or any other committee with instructions to report such a bill, we could have the sense of the Senate upon it. That proposition, I believe, was submitted to the House of Representatives, and the House of Representatives declined to entertain it, but thought it better to employ to some extent private enterprise, and for the nation to act in aid of private enterprise in the execution of this work. In that opinion of the House of Representatives I entirely concur. Thereby you secure these two advantages: first, it is my deliberate opinion that a private corporation will do the work more economically than the Government can or ever did do a work of the kind in the world; and second, you have the opinion of private capitalists who are more jealous and more watchful and more particular as to what enterprises they put their money into than Congress is as to what enterprises it puts the Treasury of the nation into. You have their judgment upon the feasibility of this enterprise. And although you pass this bill to-morrow, no dollar of money will ever go out of your Treasury unless individuals shall first be found with sufficient confidence in this enterprise to put actually and truly two millions of their money into it, two millions which they have paid in for stock, not which they have borrowed; two millions for which they have taken the stock of the company, and nothing else. Until such a company as that shall be found, you will never pay a dollar; and when that is done, you will only advance \$200,000 as often as the company advance \$300,000. You advance two thirds of what shall thereafter be put into the enterprise up to \$6,000,000.

Mr. STEWART. I desire to say to the Senator that I shall not oppose the bill on the ground that the canal is to be built by a company. I think the work is so important that if a majority of its friends conclude that it ought to be built by a company, I shall vote for the bill in that shape.

Mr. HOWE. But, Mr. President, this is not a grant to the company: this is a loan. In other words, under this bill you put six millions of your notes or your obligations into this enterprise, and you take back six millions of the obligations of the company. True, there is nothing to back these obligations except this money which they have put in previous to your loaning a dollar to them. That does not seem to me like a very rash enterprise.

The Senator from Iowa is afraid that they will lay enormous tolls on the commerce of his State, on the products that go from the Northwest to the East and the commodities that come back again. Possibly they may. He says he is not willing that the products of his State shall be subjected to any such tolls as this company may levy. Who has the control of the tolls levied upon the products of the State of Iowa to-day? This is an additional facility that you are to afford. You do not close up any of the present avenues. You will have

all the outlets you now have and this in addition.

Mr. GRIMES. Will the Senator permit me a moment?

Mr. HOWE. Yes, sir.

Mr. GRIMES. We have various outlets now to the East, and we have been looking with longing eyes to a piece of unoccupied ground where we have been in the hope that there would be a national work that would not be within the control of a private corporation. The Committee on Commerce propose now to let a private corporation come in and take possession of that very ground, the only unoccupied ground, and put it in the control of another corporation. This is putting it beyond our power to have any free communication between the Atlantic and the lakes.

Mr. HOWE. Not at all. It is conceded that the commerce of Iowa will not be in any worse condition when this canal is built than it is now; but, argues the Senator, a location, a site, for an improvement will be occupied by a private company, which he seems to have been looking to as a proper site for the Government itself to improve for the benefit of the whole country. It is still open to the Government to do so.

Mr. CLARK. Why is it not better for the Government, as a great national work, to undertake it and have it as its own?

Mr. HOWE. I have assigned one reason; that is, that a private company will do it more economically than the Government will do it, in my judgment. I am only giving my own ideas now and not the ideas of the committee, because the committee have not considered this question; were not instructed to consider it. The House of Representatives refused to consider it. The committee could have considered it if you had instructed them to consider it. This is my own reason. Another reason is this: it is yet an open question whether it is advisable, whether it is wise and expedient, for the Government to put its money into this work. If the measure is not a wise and judicious one, and you put the \$12,000,000 which it is estimated it will cost, into it, if it does not pay the money is gone and you have no resource. If you put \$6,000,000 into it and a private company puts in the balance it is all pledged to pay back your \$6,000,000. The interest is to be paid annually, and ten per cent. of the gross earnings of the canal are set aside to pay back your principal. You have that security for getting it back. In the worst point of view you get the improvement for \$6,000,000, whereas, if the Government undertook it directly, you would not get it under twelve or thirteen million dollars.

Mr. CLARK. Is that anything more than making a private company surety for the Government? This is such a national work that I would have Congress consider whether it would do it, and whether it was advisable to be done by the nation, and let the nation do it and own it and control it, as a monument of the nation's power, as a monument of the nation's beneficence and foresight. It seems to me very much better that it should be so. I should myself very much prefer that the Government should do it, and that it should be the Government's work. I will not interrupt the Senator now, but I was going to state another reason why I should prefer it.

Mr. HOWE. That is nothing more than getting a private company to be surety for the capital that the Government puts into the work. If it is reprehensible to take such security, then we ought not to do it; but I did not think it was a very unwise thing for the Congress of the United States to look for some security of this kind if we could have it. If my friend from New Hampshire has that pride in this enterprise, will insist upon stamping upon it a national character, I do not much disapprove of that policy. I think a good deal of that myself; but I want to remind him that the nation has slept over the falls of Niagara a great many years, ever since it was born, in fact, without lifting a finger to do this work;

and now it seemed to me becoming in a prudent legislator rather to offer to assist private enterprise in doing this work than to drive away private enterprise and insist upon monopolizing the work. But if it proves a successful thing; if it proves to be a wise investment of money, two things will happen: first, that it will yield great revenues, and you will get back the money you have advanced; and second, that if you are dissatisfied with the rate of tolls, the thing being made a success, you have only to step forward and pay the company their disbursements—disbursements made under your own supervision, for you appoint a part of the directors to superintend the expenditure of every dollar of this expenditure—you have only to step forward and pay those disbursements and take the work into your own hands.

Mr. President, I concur with those who have preceded me in saying that if this bill is to be recommitted at all, this is not the time to do it, for it is impossible for the committee to understand that the recommitment is to be because the Senate prefers to have the work done by the nation directly rather than by the nation acting in aid of a corporation from anything that has been said in the course of the debate. We cannot draw any such deduction from this debate. I believe only one or two gentlemen have intimated that; and how many who vote to recommit would vote for it for that purpose, or because they want to delay or to defeat the enterprise itself, it is impossible for the committee to know. But when the Senate has gone through with this bill and considered its present features, then if it is thought fit to submit such a proposition, accompanied by instructions as to what the Senate wish to have done, I shall be ready to vote for or against a motion to recommit at that time. A recommitment now would be useless to the Senate because it would be without any information to the committee.

Mr. McDOUGALL. Mr. President, it was long ago that the art was learned of betraying by a kiss. Senators say they are in favor of this proposition; some, however, want to recommit, and some want to postpone. These are simply artful ways to destroy the proposition which has been carefully matured in committee and produced I think in its best form. I have felt a great interest in this measure, not looking to my own country, for the Pacific coast has nothing to do with it, and can have no local concern in it, but from the fact that I once inhabited on the northern lakes and I had occasion to examine the question, and long since felt it of great public importance, and have always been its advocate whenever I have had any opportunities for advocacy.

We are getting late in the session. This measure has been discussed, and generally discussed. Who is uninformed, who is unprepared to act either pro or con unless he has paid no attention to one of the most important questions of legitimate legislation that ever came before Congress? Some say this must be made a national measure. Is the nation to engage in a system of public works and have a Bureau of Canals and Railroads, with officers and employes throughout the United States? Is such a system to be inaugurated? Not, I think, in the judgment of any person who carefully considers the importance of relieving Government from such relations. That we have the power to vest this right in individuals is not denied. All experience has taught that private enterprise is more prudent and produces better results than when Government, either Federal or State, engages in public works. This has been learned by the experience of this whole country. It will be a monument of public enterprise if we can secure the accomplishment of this work; and if we trust it, not to committees of Congress, but trust it to men who embark their own capital and give their own guarantees, we have an assurance of prompt completion and prudent management, and we have assurances that we shall not be disturbed by questions arising out of the business of a canal around the falls, that we shall not be

disturbed by questions of the same kind that will be sprung all over the country if such a policy as some contend for is inaugurated. That it is a national work, and that for national purposes we may embark in it, is unquestionable; but to manage it as a work on the part of the Government, would be, I think, a piece of the greatest folly in which we could engage. Congress cannot manage a canal or a railroad, nor have we any department of the Government to do it and do it well. It is the business of individuals who embark capital and have their private interests concerned in it. Now, all this matter is of course well understood, and it is not valuable to indulge in remark. What I desire to say is simply that these motions for recommitment without any given purpose of recommitment, and for postponement, are blows aimed at the entire measure which has been urged before in Congress, has been urged before the people, and has been the desire of the great body of the people in the Northwest.

Mr. HOWARD. Mr. President, I infer that the motion now made to recommit this bill does not proceed from any motive friendly to the final passage of the bill in whatever form it may assume. I would not be uncharitable, however, and I trust that those Senators who seem to entertain a hostility to the project itself will endeavor to review their opinions and to look at this subject in the aspect which really and truly belongs to it. This bill has been carefully considered by the Committee on Commerce of this body, and they have given it all the attention that it seemed to deserve. They have suggested a great number of amendments upon which we shall be called on to act sooner or later. I hope the bill will not be recommitted. It is of importance to the whole country that the question of the ultimate construction of a ship-canal around Niagara falls should be settled permanently in order that the public mind may be at rest upon the subject.

I am, for one, entirely content to leave the matter in the hands of a corporation subject to the legislation of Congress as to the regulation of tolls and any other matters of detail which we may see fit to reserve to the legislation of Congress. I have no fears of a corporation as connected with such a work. Only a few years since Congress made a very magnificent donation of lands to the State of Michigan to construct a similar canal around the falls of the Sault Ste. Marie, within the limits of my State—a work which many people at that time thought entirely impracticable and idle, but one which has since shown that it is not only practicable but has been very productive indeed, and has had the effect to open up the Lake Superior country and to bring to light resources which up to that time were almost entirely concealed from the world. That work was constructed by a corporation created by the Legislature of New York, and the whole business has been carried on through that corporation, by the consent of Michigan, to be sure, to whom the grant of land out of the proceeds of which it was constructed was originally made. It is even now a profitable work, a money-making operation to the stockholders; and I have no doubt at all that the ship-canal around the falls of Niagara will turn out in the end to be equally profitable, not only to the public but to those who may see fit to embark their private capital in it.

I do not concur at all with those Senators who insist that this shall be a national work. If the work is to be carried on economically, vigorously, and efficiently, it must be intrusted to the vigilance of private enterprise and private capital. The United States, as a Government, is in no condition to supervise and carry on a work of this description. All that it can do, and what I think it ought to do, is to aid the company in some safe manner in the construction of the work. The interests of the commerce of the whole country, of the West as well as of the East, require the construction of this work, and I know of no better mode of perfecting it and giving to it that efficiency and

importance which it deserves than by creating a corporation for that purpose.

As to the power of Congress to create a corporation for such a purpose I have no sort of doubt, and I shall, therefore, at the proper time, vote to strike out the last amendment suggested by the committee, which requires the consent of the State of New York to the operation of the bill. I have not the slightest doubt that, under the Constitution of the United States, Congress have full power, whenever they shall see fit, to take the property of private persons for just such a purpose as this, by making due compensation for it. It is one of the powers that belong to us under the Constitution as a Government, to be used for the public good, under such restrictions, of course, as safety and the public interest may require. I hope, sir, the bill will not be recommitted, but that we shall proceed to act upon it and to pass it.

Mr. COWAN. Mr. President—

Mr. DOOLITTLE. If the honorable Senator from Pennsylvania will give way I desire to move an executive session. ["Oh, no."] I have on two days in succession moved executive sessions, and when the time has arisen to take a vote, the question in executive session has failed for the want of a quorum. The Indian appropriation bill is to come right upon us, and it is necessary to act on certain matters in executive session before that is disposed of. I therefore, if the Senator from Pennsylvania will allow me, move that the Senate now proceed to the consideration of executive business.

Mr. COWAN. I give way.

Mr. HOWE. I wish my colleague would let us get through with this.

Mr. DOOLITTLE. Let it go over until tomorrow as the unfinished business.

EXECUTIVE SESSION.

The motion of Mr. DOOLITTLE was agreed to; and after some time spent in executive session the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, June 28, 1866.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. C. B. BOYNTON.

The Journal of yesterday was read and approved.

CONTESTED ELECTION—BOYD VERSUS KELSO.

Mr. UPSON called up and the House proceeded to consider the report of the Committee of Elections in the case of Boyd vs. Kelso, the pending question being upon the following resolution reported by the committee:

Resolved, That John R. Kelso is entitled to retain his seat in this House as a Representative in the Thirty-Ninth Congress from the fourth congressional district of Missouri.

Mr. UPSON. I am informed that neither of the parties desire to discuss this report, and unless some other gentleman desires to debate it, I shall content myself with calling the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was agreed to.

Mr. UPSON moved to reconsider the vote by which the resolution was adopted; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

Mr. UPSON. I am instructed to report from the Committee of Elections the following resolution:

Resolved, That there be paid out of the contingent fund of this House to S. H. Boyd the sum of \$2,500 in full for the time spent and the expenses incurred by him in contesting the right of John R. Kelso to his seat in this House as a Representative in the Thirty-Ninth Congress from the fourth congressional district of Missouri.

The committee, on examining the case, agreed that it came within the rule adopted by the House.

The resolution was agreed to.

Mr. UPSON moved to reconsider the vote by which the resolution was adopted; and also

moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

LAND TITLES IN CALIFORNIA.

Mr. BIDWELL. I call up the motion to reconsider the vote by which bill of the Senate No. 343, to quiet land titles in California was referred to the Committee on Public Lands. I have no remarks to make on this question. I will only say that this is a very important bill, and one in which we who live on the Pacific coast feel a deep interest. I call the previous question on it.

Mr. JULIAN. I wish merely to state to the House that this bill has been considered by the Committee on Public Lands, and that it will be reported under our regular call.

Mr. BIDWELL. If there is any objection, I am willing to postpone the consideration of the bill until the morning hour, but I desire to bring it before the House, and I hope there will be no objection to my motion. I insist on the demand for the previous question.

Mr. JULIAN. I move to lay the motion to reconsider upon the table.

The question was put, and there were—ayes 32, noes 52; no quorum voting.

Tellers were ordered; and Messrs. JULIAN and BIDWELL were appointed.

The House divided; and the tellers reported—ayes 44, noes 37; no quorum voting.

Mr. ELIOT demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 50, nays 54, not voting 78; as follows:

YEAS—Messrs. Allison, Ancona, Beaman, Benjamin, Boutwell, Sidney Clarke, Cobb, Conkling, Culion, Deming, Driggs, Dumont, Eckley, Eliot, Farquhar, Finck, Grider, Hale, Hart, Holmes, Hotchkiss, Chester D. Hubbard, John H. Hubbard, Julian, Kasson, Latham, George V. Lawrence, William Lawrence, Longyear, Miller, Moorhead, Moulton, O'Neill, Paine, Perham, Pike, Samuel J. Randall, William H. Randall, John H. Rice, Sawyer, Schenck, Seefeld, Spaulding, Thayer, Francis Thomas, Trowbridge, William B. Washburn, James F. Wilson, Stephen F. Wilson, and Windom—50.

NAYS—Messrs. Alley, Ames, Anderson, Delos R. Ashley, Baldwin, Banks, Bergen, Bidwell, Bingham, Bromwell, Buckland, Coffroth, Davis, Denison, Dodge, Donnelly, Eggleston, Ferry, Glossbrenner, Goodyear, Grinnell, Hayes, Henderson, Higby, Hogan, Asahel W. Hubbard, Donnas Hubbard, James B. Hubbard, Humphrey, Kerr, Kuykendall, Laffin, Lynch, Marston, McClurg, McKee, McRuer, Mercer, Morris, Newell, Niblack, Orth, Price, Stigsdave, Stilwell, Strouse, Taber, Taylor, John L. Thomas, Upson, Robert T. Van Horn, Henry D. Washburn, Welker, and Woodbridge—54.

NOT VOTING—Messrs. James M. Ashley, Baker, Barker, Baxter, Blaine, Blow, Boyer, Brandegee, Broomall, Bundy, Chandler, Reader W. Clarke, Cook, Culver, Darling, Dawes, Dawson, Deftrees, Delano, Dixon, Eldridge, Farnsworth, Garfield, Griswold, Aaron Harding, Abner C. Harding, Harris, Hill, Hooper, Edwin N. Hubbard, Hubbard, Ingersoll, Jenckes, Johnson, Jones, Kelley, Kelso, Ketcham, Le Blond, Loan, Marshall, Marvin, McCullough, McIndoe, Morrill, Myers, Nicholson, Neill, Patterson, Phelps, Plants, Pomeroy, Radford, Raymond, Alexander H. Rice, Ritter, Rogers, Rollins, Ross, Rousseau, Shanklin, Shellabarger, Sloan, Smith, Starr, Stevens, Thornton, Trimble, Van Aernam, Burt Van Horn, Ward, Warner, Elihu B. Washburne, Wentworth, Whaley, Williams, Winfield, and Wright—78.

So the motion to reconsider was not laid on the table.

The question recurred upon the motion to reconsider the vote by which the bill was referred to the Committee on Public Lands.

Mr. BIDWELL. I call the previous question on that motion.

The previous question was seconded and the main question ordered.

Mr. JULIAN. I wish to make a single remark upon this question. The Committee on Public Lands have decided to report in favor of this bill, and the committee will probably be called to-day. Now, I ask that this House will not permit the discourtesy toward a standing committee of this House of reconsidering the reference of this bill without any shadow of reason or excuse therefor; and I ask the yeas and nays on the motion to reconsider.

Mr. BIDWELL. A single word. There is a reason for this reconsideration. This is a California bill, and I am informed that a very wrong and odious amendment, in our opinion, is attempted to be attached to the bill. As it

is a California measure we think that a member from California should have the control of the bill while on its passage through this House. We demand nothing but what is right, but we are determined to stand firmly, at the same time courteously and respectfully, by our rights.

Mr. JULIAN. The amendment which the Committee on Public Lands have agreed to report to this bill is one which they have deemed proper. All that we ask, without having any feeling in the matter, is that this House shall vote upon the propriety or impropriety of that amendment. If the amendment is voted down, the bill will still be before the House for action. We only ask that the Committee on Public Lands shall be treated with a decent courtesy, such as is accorded to every other standing committee of this House.

Mr. HIGBY. I did not consult with my colleague [Mr. BIDWELL] nor he with me in this matter. But I understand from the chairman of the Committee on Public Lands [Mr. JULIAN] that the bill now in question will be reported by that committee to-day, or so soon as that committee shall be called.

Mr. JULIAN. We will be called to-day or to-morrow, and we have decided to report that bill with an amendment.

Mr. HIGBY. The amendment to which the gentleman refers is one which my colleague [Mr. BIDWELL] says is odious to him. It is odious to the whole California delegation. And all I ask, as a Representative from California, is, that whenever the bill is reported to the House it shall be open for examination and discussion. And if there should be any attempt on the part of the Committee on Public Lands to call the previous question and thus cut off debate, I shall ask the House to vote down the previous question, so that the bill may be open to investigation. With that understanding, I have no objection to the position taken by the chairman of the Committee on Public Lands, [Mr. JULIAN] that the bill be left to the committee, and that it shall be reported with the understanding that it shall be open for investigation. That is all I want.

Mr. BIDWELL. I wish to say to the honorable chairman of the Committee on Public Lands [Mr. JULIAN] that if he will agree that my colleague, [Mr. McRuer], who is also a member of that committee, shall report the bill, and that he or I shall have the control of it, I will not press my motion to reconsider.

Mr. JULIAN. Mr. Speaker, as the chairman of that committee and its organ, and in concurrence with its wishes, I claim the right to report the bill. I say, however, to my friend from California that I propose no snap judgment; I do not propose to cut off a fair hearing by calling the previous question. A full and candid discussion of the measure is the very thing that I want and all that I ask. If the House should disagree to the amendment recommended by the committee the House will be responsible, not myself or the committee. We seek no improper advantage. Certainly I am not making an extraordinary claim when I insist on my right to report a bill agreed upon by the committee of which I am chairman. It is an extraordinary movement to attempt to contravene that right by the motion which has been made.

Mr. McRuer. If the chairman of the Committee on Public Lands will report this bill to-day, and will not, as he has indicated, withhold it until all other bills are reported, so that thus the bill may die, I have no objection to its being reported by the chairman. But, sir, I fear that the bill in his hands will never be reported.

Mr. JULIAN. I have said to the House that I will report the bill, and I have nothing more to add.

Mr. McRuer. I am not willing that we shall lose our position on the floor to-day unless the gentleman will agree to report the bill to-day. If he will not do that, I must insist upon our maintaining the position we now have.

Mr. JULIAN. If the question is presented

here of the right of a local interest in California to dictate to this House, and to dragoon it into compliance with its own peculiar wishes and purposes, I hope the House will so understand the question, and with that understanding will vote upon the motion which has been made.

Mr. HIGBY. In answer to the remark which the gentleman has just made, I will say that if this House should undertake to dictate to a united delegation upon a local question, it will do more than I anticipate, and more than this House has done before.

Mr. JULIAN. We simply propose to submit an amendment prepared by the committee. We only ask a vote upon that amendment. Let me add that the amendment involves principles which affect the whole country, and not merely the State of California.

Mr. HIGBY. I am willing to take the word of the gentleman. If he says that he will report the bill, I have no doubt that he will do so.

Mr. JULIAN. Of course I will.

The SPEAKER. This debate is not in order, though it has been tolerated in the hope that some arrangement would be agreed upon between the delegation interested and the committee. The previous question has been seconded and the main question ordered.

Mr. BEAMAN. I object to further debate.

Mr. BIDWELL. I trust that the gentleman will allow me to say three words.

Mr. BEAMAN. Very well.

Mr. PIKE. I object to further debate.

The SPEAKER. Debate is not in order except by unanimous consent; and objection is made. The question is on the motion to reconsider the vote by which the bill was referred to the Committee on Public Lands, on which the gentleman from Indiana [Mr. JULIAN] has demanded the yeas and nays.

The yeas and nays were ordered.

The call of the roll was commenced, when

Mr. HIGBY said: I hope that in view of the statement of the chairman of the committee, my colleague will withdraw the motion to reconsider. It can be done by unanimous consent.

Mr. BIDWELL. I am willing to withdraw the motion with the understanding expressed by the gentleman from Indiana that he will report—

Mr. RANDALL, of Pennsylvania. I object to debate. If the gentleman is willing to withdraw the motion, let him withdraw it.

The SPEAKER. Debate is not in order without unanimous consent.

Mr. BIDWELL. I withdraw my motion, relying upon the justice of the House that it will not adopt a proposition against the wish of the delegation immediately interested.

The SPEAKER. Is there any objection to dispensing with the further call of the roll and allowing the gentleman from California to withdraw his motion to reconsider?

There was no objection, and the motion to reconsider was withdrawn.

The next business in order was the call of the Committee on Public Lands for reports.

INDIANA AGRICULTURAL COLLEGE.

Mr. JULIAN, from the Committee on Public Lands, submitted an adverse report upon the petition of the trustees of the Indiana Agricultural College, asking a modification of the act of Congress donating lands for such colleges; which was laid on the table.

HUMBOLDT CANAL COMPANY.

Mr. JULIAN. I am instructed by the Committee on Public Lands to report back House bill No. 690, to explain and limit an act to grant the right of way to the Humboldt Canal Company through the public lands of the United States, with the recommendation that it do pass. It is in explanation of an act passed at this session.

The bill was read. It provides that the act approved June 12, 1866, and entitled "An act to grant the right of way to the Humboldt Canal Company through the public lands of the

United States," shall never be held or construed to authorize the grantee therein to divert the water of said river from its natural channel to such an extent as to deprive the occupants of farming and agricultural lands along said river of the free and adequate use of the water of the same necessary for the ordinary use of said lands by settlers thereon; nor to permit said company to appropriate land in the *bona fide* occupation of settlers on the public lands without making compensation for the land to be taken.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. JULIAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

DISCONTINUANCE OF LAND OFFICES.

Mr. JULIAN, from the same committee, also reported a bill for the discontinuance of land offices and authorizing modifications in the limit of said districts; which was read a first and second time. It proposes that whenever the public land in a State shall have been so nearly sold out as to render unnecessary the continuance of the district office of the register and receiver it shall and may be lawful for the Secretary of the Interior to order the transfer to the General Land Office of the land archives belonging to such districts, and in regard to the disposal of any residue of public lands in such district, the Commissioner shall possess all powers previously possessed by the register and receiver; and that whenever in the judgment of the Secretary of the Interior it shall be advantageous to the public interests to modify the limits of a land district, either by enlarging or diminishing the same, he shall be, and is hereby, authorized to cause such modification to be made, giving timely public notice thereof.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. JULIAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

OREGON LAND DISTRICT.

Mr. JULIAN, from the same committee, also reported back Senate bill No. 80, to create an additional land district in the State of Oregon, with the recommendation that it do pass. It proposes to authorize the President of the United States to establish an additional land district in the State of Oregon and to fix its boundaries, which district shall be named after the place at which the office shall first be established; and the President is from time to time, as circumstances may require, to adjust the boundaries of the various land districts in that State, and to change the location of the land office. A register and receiver are provided for, to reside at the site of the office, to receive the same fees and perform like services as other land officers in that State.

The bill was ordered to a third reading; and it was accordingly read the third time and passed.

Mr. JULIAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

NEVADA LAND GRANT.

Mr. JULIAN, from the same committee, also reported back Senate bill No. 215, concerning certain lands granted to the State of Nevada, with amendments.

The bill approves the appropriation by the constitution of the State of Nevada to educational purposes of the five hundred thousand acres of land granted to that State by the law of September 4, 1841, for purposes of internal improvement; land equal in amount to seventy-

two entire sections for the establishment and maintenance of a university in that State is granted to the State of Nevada. The grant made by law of the 2d of July, 1862, to each State, of land equal to thirty thousand acres for each of its Senators and Representatives in Congress, is extended to the State of Nevada; and the diversion of the proceeds of these lands in Nevada from the teaching of agriculture and mechanic arts to that of the theory and practice of mining is allowed and authorized without causing a forfeiture of said grant. The President of the United States, by and with the advice and consent of the Senate, is authorized to appoint a surveyor general for Nevada, who shall locate his office at such place as the Secretary of the Interior shall from time to time direct, whose compensation shall be \$3,000 per annum, and whose duties, powers, obligations, responsibilities, and allowances for clerk hire, office rent, fuel, and incidental expenses shall be the same as those of the surveyor general of Oregon, under the direction of the Secretary of the Interior, and such instructions as he may from time to time deem it advisable to give him. In extending the surveys of the public lands in the State of Nevada the Secretary of the Interior may, in his discretion, vary the lines of the subdivisions from a rectangular form, to suit the circumstances of the country; but in all cases lands valuable for mines of gold, silver, quicksilver, or copper shall be reserved from sale. Until the State of Nevada shall have received her full quota of lands named in the first, second, and third sections of this act, the public lands in that State shall not be subject to entry, sale, or location under any law of the United States, or any scrip or warrants issued in pursuance of any such law, except the homestead act of May 20, 1862, and acts amendatory thereto, and under the acts granting and regulating preemptions, but shall be reserved exclusively for entry and sale by the State for the period of two years after such survey shall have been made; provided, the State shall select such lands in her own name and right, and dispose of them only to actual settlers and *bona fide* occupants.

The amendments of the committee were read, as follows:

Page 3, line eight, strike out the word "under."
Page 3, line ten, strike out the words "and sale."
Page 3, line twelve, after the word "right," insert "in tracts of not less than forty acres."
Page 3, line thirteen, after the word "same," insert "in tracts not exceeding three hundred and twenty acres each."
Page 3, line fourteen, after the word "occupants," insert "and further provided, that city and town property shall not be subject to selection under this act."

The amendments were severally agreed to.

The bill, as amended, was then ordered to a third reading; and it was accordingly read the third time and passed.

Mr. JULIAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

IRON MOUNTAIN RAILROAD.

Mr. JULIAN, from the same committee, reported back with amendments Senate bill No. 87, making a grant of lands in alternate sections to aid in the construction and extension of the Iron Mountain railroad from Pilot Knob, in the State of Missouri, to Helena, in Arkansas.

The amendments reported by the committee were of a verbal character.

The bill was read in full.

Mr. PRICE. I desire to ask a question in reference to the phraseology, "ten sections in width on each side of the road;" whether the fair construction of that language would not give them ten sections on each side of the road.

Mr. JULIAN. If there is anything equivocal in the language I will accept a modification.

Mr. PRICE. I think it is proper that the language should be changed so as to make it definite. It reads, "every alternate section of

land designated by odd numbers for ten sections in width on each side of the road." I move to amend it by substituting "five" for "ten;" so that it will read "five sections in width on each side of the road."

Mr. JULIAN. I accept the amendment and call the previous question on the bill and amendments.

The previous question was seconded and the main question ordered; and under the operation thereof the amendments were agreed to.

The bill, as amended, was then ordered to be read a third time; and it was accordingly read the third time and passed.

Mr. JULIAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

Mr. JULIAN. Mr. Speaker, I have one other bill which I reserve for the present, and yield to my friend from Michigan.

PORTAGE LAKE SHIP-CANAL.

Mr. DRIGGS, from the Committee on Public Lands, reported back Senate bill No. 193, granting lands to the State of Michigan to aid in the construction of a harbor and ship-canal at Portage Lake, Keweenaw Point, Lake Superior, in said State, with a recommendation that it do pass.

The bill was read.

Mr. DRIGGS. Mr. Speaker, the bill reported appropriates two hundred thousand acres of land to aid in the construction of a ship-canal to connect Portage Lake with Lake Superior at the base of Keweenaw Point, in the State of Michigan, and provide a harbor of refuge at that exposed and dangerous point of navigation. The canal is to be one hundred feet wide, thirteen feet deep, and two miles and six hundred feet long, with a capacious harbor at its juncture with Lake Superior. The construction of these works will save nearly three hundred miles of the most dangerous navigation on the western lakes, around Keweenaw Point, to every vessel making the round trip to the copper mines or to other points on the head waters of Lake Superior; a glance at the map will satisfy any person of this fact. It is an improvement, as all must admit, second to no other in importance to the commerce of the northwestern lakes, especially to that of Lake Superior, and demanded by all interested in it, for the greater security of life and property, the increased facility for expedition, and the reduction of cost in transporting the mineral and agricultural products of the vast country upon its borders and beyond which must have an outlet through that greatest of all inland seas to the East and the Atlantic.

The national importance of this improvement—for it is by no means a local or State work in its character or benefits to be derived from it—may be judged from the fact that eight States bordering on the western lakes and other States east of them are largely interested in the extensive commerce of those lakes.

The Legislature of the State of New York has, by joint resolutions, recommended the passage of the measure by Congress, and requested its Senators and Representatives, in the language of these resolutions—

"To further, by their best efforts, and by all judicious means, its adoption, because it will tend greatly to promote the commercial interests of that State."

The Legislature of Wisconsin has pressed this measure upon its Senators and Representatives by concurrent resolutions; and it will be seen from her geographical position that that State is prompted by a deep interest in the work.

The State of Minnesota, by the adoption of joint resolutions by its two last Legislatures, has petitioned Congress for this measure, and urged upon its Senators and Representatives their energetic influence to secure the construction of the proposed canal and harbor by the passage of this bill.

The State of Michigan, within which the proposed improvements are located, and to the

authorities of which their construction is necessarily confided, takes an interest in them commensurate with their national importance, although not more directly interested in them than several of her sister States, East or West. The Legislature of that State, at its last session, by joint resolution has urged the adoption of the measure, and "requested its Senators and Representatives to use their best endeavors to secure its passage through this Congress."

The present able Executive of Michigan, H. H. Crapo, under whose special supervision and direction the canal and harbor are to be constructed, after having made personal examination of the location and work to be done, accompanied by a corps of engineers, and had the necessary surveys and estimates made, and decided upon his plan of construction, moved by the importance of the works, not only addressed an appeal to the Senators and Representatives from Michigan in behalf of this measure, but afterward came to Washington and called the Michigan delegation together to press upon them, not only the importance of the works, but the justice of the appropriation asked for by the bill under consideration.

The city of Chicago, deeply interested as that greatest city in the Northwest is in everything affecting the commerce of the lakes and always foremost in active interest to promote it, took early occasion to manifest her lively appreciation of the importance and necessity of the proposed canal and harbor. Petitions signed by all her most prominent and energetic citizens and firms, embracing her principal ship-owners, merchants, and others interested in the commerce of the lakes, have been referred to your committee, asking the passage of this measure. The Board of Trade of that city has also petitioned for it and urged its passage.

What has been said of Chicago is also true of all the other cities on the western lakes. The Boards of Trade and business men and firms of Milwaukee, Detroit, Cleveland, Buffalo, Toledo, Green Bay, and Pittsburg have all urged the passage of this measure by Congress.

The petitioners for this measure represent a capital invested and a tonnage of shipping employed in the commerce of Lake Superior and connecting lakes very much larger than any other in the world engaged in inland commerce. And the aid of Congress was never asked to a more meritorious measure, as nothing of the kind was ever more generally or more strongly urged or demanded by the necessities of a very large and rapidly growing commerce.

The bill before the House, after having been unanimously reported to the Senate by the Committee on Commerce, was referred to the Committee on Public Lands in that body, which committee unanimously reported it back to the Senate and recommended its passage, and it was passed by the Senate without opposition.

At the last session of Congress an appropriation of two hundred thousand acres of land was made for this improvement. This was not the amount then asked for it. In the judgment of the Governor of Michigan, then expressed, more than twice that amount would be required. Subsequent investigations prove that the Governor was right. But owing to the press of business on Congress, and the fact that no survey or accurate estimate of the cost of the works had then been made, the member on the committee from that State deemed it prudent to ask only the appropriation then made. From the engineer's report and estimate of the cost of the works, and the letter of Governor Crapo, laid before the Committee on Public Lands, it is ascertained that the canal and harbor will cost more than twice the sum estimated before any actual survey was made. This additional expense, over all former estimates, is owing to the more extensive character of the works than originally contemplated. It is found necessary, from the peculiar character of the soil through which the canal is to be made, and the great strength of the work constituting the harbor on Lake Superior, made necessary by its exposure to the action of the lake, to adopt plans

settled upon by the Governor entirely different and far more expensive than originally contemplated. These plans require that both banks of the canal shall be made a continuous dock, by close piling, sheet piling, and counter-piling, or by other sufficient walls, from Lake Superior to Portage Lake, and that the harbor on Lake Superior shall be of a capacity, permanency, and construction to be accessible in any stress of weather to vessels on Lake Superior. The specifications for all this work has been laid before your committee by Governor Crapo.

By an act of the Legislature of Michigan, approved March 18, 1865, entitled "An act to accept a grant of land by Congress to aid in the construction of a ship-canal and harbor at the head of Portage lake to connect with Lake Superior, and to provide for the construction of the same," the State of Michigan "accepted" the grant "with the restrictions and conditions contained in said act of Congress." Section two of said State law confers said grant upon the Portage Lake and Lake Superior Ship-Canal Company, as follows:

"For the purpose of carrying out the object of said congressional act, the lands hereby granted and conferred upon the Portage Lake and Lake Superior Ship-Canal Company, (a company organized under and by virtue of the laws of this State,) subject to all the conditions, restrictions, and obligations therein mentioned: And provided, That none of said lands shall be sold or otherwise disposed of, except for the purpose of hypothecation, until said canal and harbor shall be completed and accepted, as hereinafter specified."

Under this State law, the surveys, estimates, &c., have been made and the plans adopted required by the former act of Congress referred to. The works have been commenced, by the company to whom the State conferred the grant, and several thousand dollars expended thereon. But the plans adopted by the Governor of Michigan exceed so much the previously estimated cost that the company, acting under the advice and recommendation of the State authorities of Michigan, and sustained by many of the petitions heretofore referred to, appeal to Congress for the additional aid provided for by the bill before the House. The Committee on Public Lands, after thoroughly investigating the subject, have unanimously come to the conclusion and direct me to report:

1. That the proposed canal and harbor are of great national importance to our inland commerce, second only in point of necessity, to the Sault Ste. Marie canal. They will give to the Government and country one of the most extensive and secure harbors in the world, entirely land-locked, and capable of holding more than all the vessels on the western lakes. The importance of this will be seen from the fact that, for a distance of some two hundred miles of rock-bound coast, from Bayfield to the extreme end of Keweenaw Point, there is not a harbor for a vessel to take shelter in. The interests of commerce demand this improvement, and if it is not provided for as this bill contemplates, an appropriation of money will soon be demanded to make it, to relieve commerce from the most dangerous navigation on the lakes, around the rocky promontory of Keweenaw Point.

2. Since the opening of the Sault Ste. Marie canal—now about ten years—the navigation interest has grown up on Lake Superior from one steamboat and two little schooners to two hundred sail vessels and twenty-seven steamships. The copper and iron interest, then but little developed, now yields to the national wealth a product of full \$10,000,000 annually. To construct the Sault Ste. Marie canal Congress appropriated seven hundred and fifty thousand acres of land. Experience has shown that to have been one of the wisest appropriations Congress ever made. The State engineer, in his report on the proposed Portage Lake canal and harbor—the measure now before the House—uses the following language:

"The St. Mary's Canal Company had seven hundred and fifty thousand acres of land given it for building that canal, many of them as good mineral lands as there are on the whole range. The extent of this work [the Portage Lake canal and harbor] is greater than the St. Mary's canal, and its impor-

tance, as one link in the chain of public works for the Northwest must eventually be as great."

It will be remembered that the St. Mary's canal cost \$1,150,000.

3. The construction of the proposed canal and harbor will not only give an impetus to the development of the mineral resources of Lake Superior, but the agricultural, commercial, and railroad interests of Minnesota and Wisconsin, centering on Lake Superior, will be greatly promoted. Nor will these States, and others bordering on the great lakes, be the only States benefited by it. New York, Massachusetts, Pennsylvania, Rhode Island, and Connecticut are very largely interested in both the mining and transportation business of that section, the citizens of some of those States owning larger interests in the mines and in the vessels employed in the commerce of the lakes than any State bordering on those lakes, all of which are to be benefited by it.

4. For these reasons, the committee unanimously recommend the passage of the bill before the House.

The bill was ordered to be read a third time; and it was accordingly read the third time and passed.

Mr. DRIGGS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

LAC LA BELLE SHIP-CANAL.

Mr. DRIGGS, from the same committee, reported back Senate bill No. 219, granting certain lands to the State of Michigan to aid in the construction of a ship-canal to connect the waters of Lake Superior with the lake known as Lac La Belle, in said State, with a recommendation that it do pass.

The bill was read.

Mr. DRIGGS. Mr. Speaker, the bill under consideration appropriates one hundred thousand acres of land to aid in the construction of a harbor and ship-canal from Betegrise to Lac La Belle, which bay and lake are situated near the northern end of Keweenaw Point, Lake Superior, in the State of Michigan. The lands are to be selected from alternate odd-numbered sections in the upper peninsula, not mineral, and from the nearest vacant land to the proposed improvement. It will be seen that no lands are to be acquired by the company until the work is entirely completed, and accepted by the Governor of the State, and as the grant only extends for two years, unless completed within that time the lands will revert to the United States.

Lac La Belle is a small inland lake of some two by five miles in extent, with an average depth of twenty-seven feet of water. To afford an entrance from Lake Superior and Betegrise to this lake it is only necessary to widen, deepen, and straighten a natural channel less than a half mile long. When this is done and the proposed pier and breakwater at its entrance are completed, it will afford one of the best and safest harbors on this immense inland sea, and will secure a refuge at a point half way between Bayfield and Sault Ste. Marie, which now afford the only safe harbors, with the exception of Grand Island and Portage Lake, for a distance of four hundred miles, and these two harbors are a long distance out of the usual route taken by vessels in going to and returning from Ontonagon and the head of the lake.

Mr. Speaker, this grant is considered of very great importance to the safety and convenience of commerce, not only by the people of Michigan, but by all the States bordering on the great western lakes. I have before me petitions from nearly all the shipping interests of Oswego, Buffalo, Cleveland, Detroit, Milwaukee, and Chicago, with resolutions recommending this grant from the Boards of Trade of all the important lake cities, with similar expressions from the Chambers of Commerce.

Mr. Speaker, the committee have also in their possession a letter from the Governor of Michigan transmitting joint resolutions of the Legis-

lature of that State in favor of the grant; a letter from Colonel W. F. Reynolds, topographical superintendent of the lake surveys, showing the necessity and practicability of the work, an official map accompanying the same; and a petition signed by twenty-five hundred miners, masters of vessels, merchants, and others, of Lake Superior, the lake cities, and by citizens of New York, Boston, Hartford, Philadelphia, and other cities.

In addition to all the foregoing, your committee have had before them numerous other letters and petitions praying for the grant. The bill has passed the Senate and has been unanimously approved by the House Committee on Public Lands. And I have been directed to report the same back with the recommendation that it pass. I therefore call the previous question, and ask that a vote may be now taken.

Mr. PRICE. I only wish to say that it is a most singular thing that such a bill as this should come from a committee that has heretofore insisted so pertinaciously upon having limits to land grants. Here is a bill without any limitation whatever, I believe, unless it be the boundaries of this continent.

Mr. STEVENS. Mr. Speaker, I desire to know whether this amendment which I hold in my hand is germane or not. If it is I desire to offer it.

Mr. DRIGGS. I will hear it read before I agree to allow it to be offered.

The Clerk read as follows:

NEW HAVEN, June 27, 1866.

To Hon. H. C. DEMING, 291 E street:

The constitutional amendment finally approved today, 125 to 88. We are firing one hundred guns.

JOSEPH R. HAWLEY.

[Laughter.]

The SPEAKER. The Chair thinks the amendment is not germane.

Mr. DRIGGS. I will say, in reply to the gentleman from Iowa, [Mr. PRICE,] that no lands are to be acquired by this company until they have completed all their work. The time is limited to two years, and the lands are confined to the upper peninsula of the State of Michigan. If that is not so I will have it inserted.

Mr. RICE, of Maine. How much land does it grant?

Mr. DRIGGS. One hundred thousand acres. The bill was ordered to a third reading; and it was accordingly read the third time and passed.

Mr. DRIGGS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message was received from the Senate by Mr. FORNEY, its Secretary, informing the House that the Senate had agreed to the request of the House for a committee of conference on the disagreeing votes of the two Houses on House bill No. 513, to reduce internal taxation and to amend an act entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," approved June 30, 1864, and acts amendatory thereof, and that it had appointed as managers on the part of the Senate Messrs. FESSENDEN, VAN WINKLE, and GUTHRIE.

LAND GRANT TO MINNESOTA.

Mr. DONNELLY, from the Committee on Public Lands, reported back bill of the Senate No. 156, making an additional grant of lands to the State of Minnesota in alternate sections to aid in the construction of railroads in said State. The Senate amendments were agreed to.

Mr. DONNELLY. I move the previous question on the bill.

The previous question was seconded and the main question ordered.

The bill, as amended, was ordered to a third reading; and it was accordingly read the third time and passed.

Mr. DONNELLY moved to reconsider the

vote by which the bill was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

Mr. DONNELLY also, from the same committee, reported back bill of the House No. 382, granting lands to the State of Minnesota for the establishment of an asylum for the relief of disabled soldiers and sailors of that State and of the United States.

Mr. DONNELLY. I demand the previous question.

The previous question was seconded and the main question ordered.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. DONNELLY moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

Mr. DONNELLY, from the same committee, reported back bill of the House No. 191, to amend an act making a grant of lands to the State of Minnesota to aid in the construction of a railroad from St. Paul to Lake Superior, approved May 5, 1864.

Mr. MORRILL. I would like to make an inquiry or two of the gentleman in relation to this matter. I would like to know how many of these bills there are behind. We seem to be passing these measures without any knowledge, so far as I can ascertain, of what they are. We have already passed a bill giving six hundred and forty acres of the most valuable lands in the United States.

Mr. DONNELLY. I would say, in reply to the gentleman's question, that this bill does not make any additional grant of lands. It only changes the boundaries and location of the land grant already made. There has been a grant of land made to Minnesota to build a very important railroad from St. Paul, which is the head of navigation on the Mississippi river, to Lake Superior. The city of St. Paul, anxious to encourage the building of that road, has offered a bonus of \$250,000, provided the road should be built on the most direct line practicable. The result is that the company have to carry their road very close to the boundaries of the State of Wisconsin, and as the grant is confined to Minnesota, and the road necessarily in the center of the grant, the value of the land grant is impaired to that extent, unless it is allowed to take the same amount of lands in Minnesota further to the west. That is all that this bill proposes to do.

Mr. MORRILL. I would ask the gentleman from Minnesota [Mr. DONNELLY] if there is in this bill the same provisions that there were in the former bill.

Mr. DONNELLY. Precisely.

Mr. MORRILL. I do not know that the gentleman has seen a map of the State of Minnesota, such as I saw a day or two since. If I had it there, so as to show the House the lines drawn across it, indicating the grants that have been given to railroads, I think it would rather surprise the House. And it is the same with other western States. These western States are covered all over with railroad grants as with a gridiron; the whole country completely braided. I think that no bill in relation to these railroads ought hereafter to pass without a close inspection by the House.

Mr. DONNELLY. This bill has been thoroughly inspected by the Committee on Public Lands, whose business it is to look into the details of such measures. I am not surprised that gentlemen coming from small and rock-bound States like Vermont can scarcely appreciate the condition of our western States. The State of Minnesota, for instance, is twice the size of the State of New York, and it contains, according to the United States Annual Record for 1864, 90,776,000 acres of public lands. In those great expanses of plain and level country, railroads are as important as population. And we should not be guided by

any narrow or illiberal spirit in this species of legislation.

By the homestead law we have already relinquished all intention on the part of the Government to derive revenue from the public lands of the United States. We have offered them to the whole world upon condition of settlement alone. It is then to us simply a question of the administration of this great public donation so set apart for the good of mankind. And I say, speaking here as a western man, and responsible to my constituents for what I say, that railroads are as important to that country as population. I have seen the map to which the gentleman from Vermont [Mr. MORRILL] refers. But he does not understand, as western men do, the character of that map. He must recollect that that map not only represents the actual direct grant to the railroads, which is ordinarily limited within ten miles on each side of the line of the road, but that there is also represented on that map the secondary or contingent grant, extending twenty miles on each side of the road, from which deficiencies are to be made up. As I said here the other day, I do not believe that the State of Minnesota has received for railroad purposes one sixth of the public lands in that State; I doubt if it has received one fourth.

But, sir, this reasoning, while it is proper that it should be presented to the House in answer to the argument of the gentleman from Vermont, [Mr. MORRILL,] does not apply to this particular case, because this bill does not give a single foot of public land in addition to what has been already granted. It is merely a shifting westward of the boundary lines of the grant, a matter of accommodation to the company, which may thus be enabled to construct their important railroad in as direct and short a line as possible without any detriment to their land grant. If there are no other inquiries to be raised, I will call the previous question.

Mr. ROSS. I will say that if we have not given Minnesota more than a fourth of our public lands in that State, it might be as well for the gentleman to introduce a bill to give the State the balance.

Mr. DONNELLY. I have no doubt that when the delegation from Minnesota ask for it Congress will respond liberally, not for our sakes alone, but because we are doing a great and national work there; we are developing great communities there, and thus benefiting the whole country. And when my friend, the chairman of the Committee of Ways and Means, [Mr. MORRILL,] shall succeed in getting through his great measures for raising revenue, he will find in the mass of population and settlement spread over the great West the best testimony in favor of the wisdom of that policy which has encouraged the building of railroads by grants of public lands; and the best basis not only for the collection of revenue, but for the prosperity of the whole land. We deserve well of the country. We are laying the foundation for a mighty future and the whole nation is interested in our work. I demand the previous question.

Mr. RANDALL, of Pennsylvania. I call for the yeas and nays on this bill.

Mr. FARQUHAR. I desire to inquire of the gentleman from Minnesota [Mr. DONNELLY] whether in this grant the alternate sections are reserved.

Mr. DONNELLY. They are; the grant is precisely the same in its details as all other land grants.

Mr. GRINNELL. I simply wish to inquire of the gentleman from Minnesota whether the objection made in regard to giving away these public lands is not one unworthy to be uttered here, when the Government charges just double the usual price for the reserved alternate sections. And I would also suggest that there can be no objection to this bill, because by it no additional land is given.

Mr. DONNELLY. I thank the gentleman for the suggestion. I have already said that

this bill does not give a foot of land in addition to the former grant, but simply changes the western boundary of the grant. I renew the call for the previous question.

Mr. RANDALL, of Pennsylvania. I wish to ask the gentleman from Minnesota a question: does not this bill propose to vary the original grant?

Mr. DONNELLY. It proposes to change the shape of the land grant; that is to say, the effect will be that the road, instead of running through the center of the land granted, will run through the eastern part of the grant.

Mr. RANDALL, of Pennsylvania. Then it simply proposes that this company shall have a further choice of the public lands.

Mr. DONNELLY. Yes, sir. I call for the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question being on the passage of the bill, Mr. DONNELLY called for the previous question.

The previous question was seconded and the main question ordered.

Mr. RANDALL, of Pennsylvania. I call for the yeas and nays on the passage of the bill.

The yeas and nays were not ordered.

Mr. DAWSON. I call for tellers on ordering the yeas and nays.

Tellers were not ordered.

Mr. MORRILL. I move that the bill be laid on the table, and on that motion I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 45, nays 73, not voting 64; as follows:

YEAS—Messrs. Ancona, Benjamin, Bergen, Blow, Boutwell, Boyer, Broomall, Cobb, Conkling, Dawes, Dawson, Denison, Dixon, Eliot, Finck, Glossbrenner, Goodyear, Hale, Hulburd, Humphrey, Kerr, Ketchum, George V. Lawrence, Marston, McCullough, Moorhead, Morrill, Niblack, Nicholson, Noell, Patterson, Pike, Samuel J. Randall, William H. Randall, Raymond, Ritter, Rollins, Ross, Sitgreaves, Stevens, Strouse, Taber, Trimble, Upson, Williams, and Winfield—45.

NAYS—Messrs. Alley, Allison, Ames, Anderson, Delos R. Ashley, James M. Ashley, Barker, Beaman, Bidwell, Bingham, Bromwell, Buckland, Cook, Davis, Deming, Dodge, Donnelly, Driggs, Dumont, Eckley, Eggleston, Farquhar, Ferry, Grider, Grinnell, Hayes, Henderson, Higby, Holmes, Hotchkiss, Asahel W. Hubbard, Deas Hubbard, John H. Hubbard, James R. Hubbell, Ingersoll, Julian, Kelley, Kelso, Kuykendall, Lathin, Latham, William Lawrence, Longyear, Marshall, McKee, McRuer, Mercer, Miller, Morris, Myers, O'Neill, Orth, Paine, Perham, Price, John H. Rice, Sawyer, Seefeld, Shellabarger, Stilwell, Thayer, Trowbridge, Robert T. Van Horn, Ward, Warner, Henry D. Washburn, William B. Washburn, Walker, Wentworth, James F. Wilson, Windom, and Woodbridge—73.

NOT VOTING—Messrs. Baker, Baldwin, Banks, Baxter, Blaine, Brandegee, Bundy, Chandler, Reader W. Clarke, Sidney Clarke, Coffroth, Cullem, Culver, Darling, DeFeves, Delano, Eldridge, Farnsworth, Garfield, Griswold, Aaron Harding, Abner C. Harding, Harris, Hart, Hill, Hogan, Hooper, Chester D. Hubbard, Edwin N. Hubbell, Jenekes, Johnson, Jones, Kasson, Le Blond, Loan, Lynch, Marvin, McClurg, McIndoe, Moulton, Newell, Phelps, Plants, Pomeroy, Radford, Alexander H. Rice, Rogers, Rousseau, Schenck, Shanklin, Sloan, Smith, Spalding, Starr, Taylor, Francis Thomas, John L. Thomas, Thornton, Van Aernam, Bart Van Horn, Elihu B. Washburne, Stephen F. Wilson, and Wright—64.

So the House refused to lay the bill on the table.

The question recurring on the passage of the bill, it was agreed to.

Mr. DONNELLY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE PRESIDENT.

Several messages in writing from the President of the United States were delivered to the House by Mr. EDWARD COOPER, his Secretary; who also informed the House that the President had approved and signed bills and a joint resolution of the following titles:

An act (H. R. No. 249) to establish a land office in the Territory of Idaho;

An act (H. R. No. 342) in amendment of an act to promote the progress of the useful arts and the acts in amendment of and in addition thereto; and

A joint resolution (H. R. No. 162) for the relief of James M. Blake.

FORT HOWARD MILITARY RESERVE.

Mr. DONNELLY, from the Committee on Public Lands, reported back Senate bill No. 168, to provide for the disposal of certain lands therein named.

The bill, which was read, provides that the Commissioner of the General Land Office shall be authorized to cause to be offered at public auction all the unsold lots of that portion of the public domain known as the Fort Howard Military Reserve, which is situated in the county of Brown, and State of Wisconsin, giving not less than two months' notice of the time and place of such sale, by advertising the same in such newspapers and for such period of time as he may deem best. Every such lot shall be sold separately to the highest bidder for cash, and when not paid for within twenty-four hours from the time of purchase, it shall be liable to be resold under the order of the Commissioner of the General Land Office, at such reasonable minimum as may be fixed by the Secretary of the Interior, and no sale shall be binding until approved by that officer. It also provides that it shall be the duty of the President to cause patents to be issued in due form of law for every such lot, as soon as may be after purchase and payment.

The SPEAKER. The morning hour has expired, and this bill goes over until next Saturday morning.

SPEAKER'S TABLE.

Mr. DAWES moved that the House proceed to the consideration of the business on the Speaker's table.

The motion was agreed to.

NORTHERN KANSAS RAILROAD, ETC.

The SPEAKER then laid before the House the message from the Senate in which it was announced that the Senate had disagreed to the amendments of the House to the bill (S. No. 145) entitled "An act granting lands to the State of Kansas to aid in the construction of the Northern Kansas railroad and telegraph," had asked a conference on the disagreeing votes of the two Houses, and appointed as conferees on the part of the Senate Messrs. POMEROY, BROWN, and RIDDLE.

The conference asked for was agreed to.

WOODWARD AND CHORPENNING.

The next business on the Speaker's table was the amendments of the Senate to House joint resolution No. 123, for the relief of Elizabeth Woodward and George Chorpennning, of Pennsylvania. The resolution provides for the payment of \$32,325, in equal moieties, to Elizabeth Woodward, widow of Absalom Woodward, and George Chorpennning, for destruction of property by Indians between Salt Lake and California prior to the 1st of July, 1852; the moiety paid to Elizabeth Woodward to be for the use of herself and her four children. It also provides for the payment of \$30,670 to George Chorpennning for property destroyed by Indians between Salt Lake and California prior to the 1st of April, 1856; and the amount thus paid is to be deducted from any annuities now due or that may hereafter become due to the Indians inhabiting that territory.

The amendments of the Senate were read.

The first amendment was in section one, line three, to strike out "\$32,325" and to insert "\$28,175."

The next amendment was in section two, line two, to strike out "\$30,670" and to insert "\$26,370."

Mr. DAWES. Mr. Speaker, this was unanimously agreed to by the committee here, and reported on favorably in the Senate, but the amendments which have been read were

adopted reducing the amount. The parties are compelled to acquiesce from necessity.

The amendments were concurred in.

Mr. DAWES moved to reconsider the vote by which the amendments were concurred in; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

FREEDMEN'S BUREAU.

The next business on the Speaker's table was the message from the Senate which announced that the Senate had passed the bill (H. R. No. 613) entitled "An act to continue in force and to amend an act to establish a Bureau for the Relief of Freedmen and Refugees, and for other purposes," with amendments, in which the concurrence of the House was requested.

Mr. ELIOT moved that the House non-concur in the amendments of the Senate, and that a committee of conference be requested on the disagreeing votes of the two Houses.

It was so ordered.

GRANTING AMERICAN REGISTERS.

Mr. PIKE, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Commerce be directed to inquire into the expediency of providing that in all cases that may be reported by them for granting American registers to foreign-built vessels, the owners of vessels shall, before receiving such American registers, pay forty per cent. *ad valorem* of said vessels into the Treasury of the United States—forty per cent. being the average of duties under the existing tariff.

DITCHING COMPANY.

Mr. COBB, by unanimous consent, introduced a bill to incorporate the United States Fencing, Ditching, and Land-Reclaiming Company; which was read a first and second time and referred to the Committee for the District of Columbia.

LAWS OF DAKOTA TERRITORY.

Mr. ASHLEY, of Ohio, at the request of Mr. BURLING, by unanimous consent, introduced a bill to provide for the publication of the laws of Dakota Territory; which was read a first and second time and referred to the Committee on Territories.

IRON-CLAD NAVY-YARD.

The SPEAKER laid before the House a message from the President transmitting a communication from the Secretary of the Navy, with a report of the board of examiners appointed under joint resolution of June 1, 1866, to examine a site for a fresh-water basin for iron-clad vessels of the United States Navy; which was laid upon the table, and ordered to be printed.

HONORS TO REBEL DEAD.

The SPEAKER also laid before the House a message from the President in answer to a resolution of the House as to whether any of the civil or military employes of the Government have assisted in the rendition of public honors to the rebel living or dead; which was laid upon the table, and ordered to be printed.

ARMY BILL.

On motion of the SPEAKER, Mr. WASHBURN, of Illinois, detained from the House by illness, and at his own request, was excused from service on the committee of conference on the Army bill, and Mr. THAYER was appointed in his place.

TARIFF.

Mr. MORRILL moved that the rules be suspended and the House resolve itself into the Committee of the Whole on the state of the Union on the special order.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union (Mr. SCOFIELD in the chair) and proceeded to the consideration of House bill No. 718, to provide increased revenue from imports, and for other purposes.

Mr. MORRILL. Mr. Chairman, at this late period of the session and in this hot weather I

know the dispatch of business will be hailed with more good-will than any discussion of great principles of political economy involving protection or free trade, or of the minute details of a tariff bill involving the present condition of trade, and the nice adjustment of duties on imports to our system of internal taxation; and I shall therefore, as a matter of taste, as well as from the impossibility of doing otherwise from sheer exhaustion, trespass upon the patience of the committee no longer than may be necessary to show that some action is imperatively required at our hands, and that the action proposed by the Committee of Ways and Means, taking into careful consideration the circumstances of the country, the condition of our national finances, and the currency with which all commercial transactions must be conducted, is reasonable and proper.

The close of the war exhibits a northern loss by death in the service of not less than two hundred and fifty thousand men, and an equal number, it may be computed, have been physically incapacitated for manual labor. So that not less than half a million men, between twenty and thirty years of age—the athletes of the world—have suddenly been withdrawn from the fields, workshops, and mines of the old free States of the Union. This loss represents, in the aggregate, the industrial and vital force of not less than two million five hundred thousand men, women, and children; and the two million old men, women, and children, though survivors and dependents of the five hundred thousand smitten in battle or of those who tasted the bitter cup of rebel prisons or who failed of complete restoration to health and soundness of body, notwithstanding the sweet mercies tendered under our own flag, are the precious legacies of the war, to be provided for, though consumers and no longer producers of wealth, nor perhaps of even the ordinary means of subsistence. The loss of the South, though nominally less, may be practically equal, as their recuperative power appears comparatively inferior and was more crippled by the relentless track of war.

This great subtraction from the industrial forces of the country cannot be at once repaired. Many of those who went forth to the war, though untouched by steel, shot, or shell, have found new fields of enterprise and labor, as yet unremunerative, but promising in the end prosperous homes. A wave of population has gone southward, hardly perceptible now, but which is likely to exhibit itself in the returns of the next census. Some accessions from Europe have come, amounting to two hundred and eighty-seven thousand three hundred and ninety-seven in the year 1865; but the pitiless war conscriptions now going on there and the perpetual allegiance demanded will most likely arrest the tide of emigration which otherwise might justly have been anticipated from that quarter. The deduction to be made from all these considerations is, that our present supply of labor is largely deficient—so largely that we cannot at present compete with the dense and crowded populations of the eastern hemisphere in hardly any branch of human industry; and yet it is more important here than ever that every man should find work. I hope labor in America will forever be far more highly rewarded than elsewhere. It is so now, and that distinction is the glory of our country, of our institutions, and of American policy; but just now labor, like everything else, is artificially dear. High prices must be paid, or our laboring men will be degraded. High prices must be paid, or the capital invested in lands, mines, and manufactures must be wrecked and abandoned.

But for the war and had we remained in our normal condition, unvisited by unusual taxes and the disturbing flood of an exclusively paper currency, our people would have occupied a more impregnable position, as against foreign competition, than they ever occupied in their previous history. Now we are vulnerable to the attacks of anybody from any quarter who has anything to sell. Foreign artificers

of brass and iron and even of clay, we cannot resist; they are able to undersell our own people.

Our present amount of circulating currency is vast. Of legal tenders, so called, we have \$401,252,468; of national bank notes, \$280,301,900; of outstanding notes of the old State banks, (not including those having less than five per cent. of their capital,) \$48,479,782; of fractional currency, \$27,053,709 04; and of compound-interest notes, \$154,926,910, amounting in all to \$917,014,769 04. I do not cite these figures as a reproach to anybody, but as a fact, and a monstrous fact, attended by evils increasing day by day; and the longer contraction, the true remedy, is withheld, the more difficult will be found its application. At the time of the surrender of Lee and Johnston any terms of settlement might easily have been obtained from southern rebels with ample guarantees for the future, as they panted for nothing so much as deliverance from the pains and penalties of treason, and anything short of expatriation would have been promptly accepted. That opportune moment passed away never to return. So the transition from paper to specie at that time might perhaps have been made with less strain upon the country, with less inconvenience to individuals, than it can now or ever again be brought about. The people were prepared for it. The goal in point of fact was almost reached. Nobody was in debt and nobody was distressed. The nominal reduction of inventories would have left all with relatively equal purchasable values.

But unfortunately this policy did not prevail, and now trade stands in serried ranks against any reduction of values, and Congress itself grudgingly authorizes the retiring of only about four millions per month of our huge volume of currency, the presence of which stimulates sales and strangles production. Our country, from one of the cheapest places to live in, is becoming one of the dearest. The wages paid for labor are not too much, considering what those wages will pay for in bread and meat, in rent and clothes. No manufactures can be made, while this state of things lasts, to be sent abroad. And, unless war, pestilence, or famine occurs among foreign nations, they will want none of our corn or wheat, beef or pork, at anything like what it costs to produce it. Our gold, it is true, they eagerly despoil us of, and why not? It is said to be "demonetized," and at any rate as money it is getting to be obsolete. Gold coin is itself depreciated in our markets, because it is useless save as so much convenient and portable merchandise. If used for the payment of an existing contract it is worth no more than an equal amount of United States legal-tender notes. Our whole monetary system is bloated by more than a fourfold addition to the currency in circulation. This is unnatural and daily begets diseases of a new type, formidable because unknown, as well as those with which we are already familiar and know to be dangerous. Having to deal with such facts, and it being impossible to remove this incubus upon the labor of the country at once, our legislation must recognize the situation, and trim our sails for such breezes as may blow. Our imports of foreign goods this year are nearly double what they were last year, and we pay for them by sending abroad gold and silver, and United States bonds at a little more than half their face value.

Another reason, and one of the most cogent, for a revision of the tariff at this time, is the insufficient rates now levied on foreign wools. This is a question which has vexed Congress for forty years. The evils endured by wool-growers somehow never disappear, let the laws take what shape they may. The flocks of sheep in South America, in Australia, at the Cape, and elsewhere, have become so large, so much improved by mixed breeds, that they threaten to force the American wool-grower to abandon a chosen and most attractive pursuit. Formerly the wool obtained from Buenos Ayres was coarse and full of burs, but by crossing with the merino breeds it has become entirely

changed in character, and now wool equal in grade to the average American growth can be bought in South America for fifteen cents per pound. It is not washed, and burs still accompany it, but no American husbandman, not even those who are located in proximity to unfenced prairies where the summer feed can be appropriated without let or hindrance, can compete with such prices. They must, unless at once taken care of, succumb. For the past four years, notwithstanding the nominally high prices for wool, the amount received when reduced to a gold standard shows that the business of wool-growing has not been remunerative; not affording one half the profits of any other kind of farming, and many owners of sheep have been preparing to quit the business for something more hopeful. Unless Congress shall do something to revive the courage of these men the stock of sheep that will be offered for slaughter the coming fall will exceed anything the country has heretofore witnessed. The complaint is loud, universal, and real, not simulated. Never since I have had the honor to be a member of this House have so large a number of petitions been received, or with so many respectable and genuine signatures, upon any subject. The Committee of Ways and Means have been flooded with these documents from the East to the farthest West.

The tariff of 1857, against which I voted, allowed wool under eighteen cents to come in free and reduced the *ad valorem* tariff on wools costing more than that. The tariff of 1861 placed a small *ad valorem* duty on wool under eighteen cents and a specific duty on all wool above that rate, besides providing many provisions against fraud. This was considerably improved by the tariff of 1864, but the value of wool abroad being less than represented or believed to be, importers still got competing wools through the custom-house at rates never above six cents per pound and sometimes at even less. Last fall and winter the wool-growers, through their various agricultural societies and other State and national organizations, got together for the first time and discussed the subject of wool-growing in its relation to rival foreign interests. The wool manufacturers also met with them in joint convention. After months of patient toil and critical examination they presented to us in April last the fruits of their joint labor so far as it relates to the duties upon wool. The proposition as it relates to woollens came along considerably later. A mutual agreement was arrived at and upon a basis fair and equitable of parties that never agreed before. I think their work does honor to those who conceived and who have so far successfully matured these several propositions. These propose much higher rates upon wool because of the perfection of the classification, which is so framed as to catch all wools that can by any possibility compete with American wool. There is no loop-hole through which any wool can escape the duty intended to be placed upon it. It is fixed and certain. The custom-house officer, though a fool, cannot err therein. "I know the wool-growers will be satisfied with their own proposition, as they should be, for it amounts to more on mestiza wool than would a duty of seventy-five per cent. *ad valorem*, and I hope we shall not attempt to offer anything less or in other shape, for whatever is not in the form of a specific duty would be as in most other cases valueless. The greatest protection the American wool-grower could have would be the disclosure of the fact, at every sale of woollen cloths, whether the same were made of American wool or not, as cloths made of sound American wool are really worth, for actual service, for hard wear and tear, far more than those made of the tender and brittle foreign wools.

The duties upon woollens, it will be seen, are very carefully adjusted so as to cover the duties which the manufacturers pay first on wool and dye-stuffs, the internal taxes on their sales, and in addition twenty-five per cent. *ad valorem*. The compound duties in the bill, though following the principle first adopted

in the tariff of 1861, may not be understood at a glance, but when carefully studied they will be found to have the extent I have indicated and no more. If this bill becomes a law, as I trust it will, the woolen manufacturer will not find his condition any better than now—not a whit. Foreign goods, I fear, will crowd our marts in nearly the same imposing procession that they have done heretofore, or at the rate of over a million dollars for every day in the year.

Last year (1865) our imports amounted to \$234,756,447, but this year they will reach not less than \$409,411,513. This is a drain that we are in no condition to bear. Every spare dollar in the country is needed to fund our rapidly maturing national obligations.

For the past year we have received from California but a little over \$29,000,000, and yet our exports of gold and silver at New York alone, from May 12 to June 16, amounted to \$36,515,402.

When can we resume specie payments if this stream of merchandise inward and flow of gold outward is allowed to continue? Clearly it is the duty of the Government to moderate if it cannot control this reckless course of trade before bankruptcy ensues and the business of the country receives a check from which it may take years to recover.

I do not think it necessary to go into the details of many branches of business. There is not a member of the House who does not know and feel that there is urgent need of legislation upon the tariff. To adjourn without such legislation would be a calamity and a blunder. Take the iron trade. It is true they made money during the war, but they are not doing it now. They are paying laborers for making a ton of iron nearly as much as a ton would cost abroad.

There are some little items in the tariff bill, which hardly arrest the eye, which give employment to thousands and therefore require considerate treatment at our hands. Among these permit me to cite one or two examples. Eyelets, made of brass and then tinned, have but recently been introduced as an article of commerce so far as to attract attention. They will be noticed in shoes and boots, and though invisible in other articles for ladies' wear, they are still there. I find that of these small and very cheap articles, costing no more than seventeen to eighteen cents per thousand, the amount we consume rises to the respectable sum, annually, of \$4,000,000. Hoop-skirts is another article of extensive use for which we are supposed to be indebted to the genius of Eugenie, who, failing to rule the Emperor of the French, has great audacity in French fashions. In New York city alone twenty-five thousand persons find employment in all the branches of the hoop-skirt manufacture. It would be possible to mention many other articles, apparently "trifles light as air," which furnish the means of support to a large number of industrious and thrifty families.

The articles added to the free list in the bill are few in number and of inconsiderable importance. Such articles as form the base or raw material of other manufactures, and of which there is no domestic supply, scientific theorists, as well as practical legislators, agree should be charged with little or no duty. When any country has superior natural advantages for the production of a specific article it may be useless and a waste of capital for others to attempt rivalry in the same direction. We have nothing that will compete with the white cliff stone of England for chalk and whiting, and as it enters into other manufactures to a considerable extent, and gives business to our homeward bound vessels, it deserves to be free. We produce rock oil or petroleum, and while it bubbles up and spontaneously runs away from its fountains, to be had only for the catching, it will be difficult to find any article in other markets to supplant "the poor man's light," as my friend the Chairman [Mr. SCOFIELD] aptly calls it, and so long as we have a surplus to spare it will find purchasers.

Salt, when it is made from springs, depends mainly for its cheapness upon the amount of saline matter contained in the water. The relative value of salt springs in Virginia, Michigan, New York, and Ohio differs widely. In some of these States the business may continue, but without a higher duty most of them will wind up. If in any of these States mines could be found where salt could be taken out in pure crystals the saline springs would have to be abandoned. As it is we cannot afford to be dependent upon other nations for so indispensable an article in peace and war as salt, even if it can be obtained elsewhere nominally at a less price. Our own establishments must be preserved, encouraged to the full amount of their capacity, and even then one half of all we consume will be brought from abroad. We cannot afford to make it free, nor yet can we afford to tax it so heavily as to make it a luxury or anything but what it is—an article for human nature's daily use.

The discovery of an enormous deposit of chloride of potassium in a bed of rock-salt in Germany may prove to be the chief source from which commerce will draw its future supplies. Manifestly the maker of ordinary potash salts, who cuts down timber and burns it to ashes for this sole purpose, cannot compete with an article already made and which only needs to be taken from the mine and purified. This is an advantage of which Germany cannot be deprived. The Indian who stole his brooms already made could always undersell the Indian who only stole his timber. England, with untold wealth in minerals, coal, clay, and cheap salt, eclipses in many productions all the nations of the earth. Soda-ash is one of these productions entering greatly into other manufactures of various descriptions. The cost of soap, glass, and of many textile fabrics depends much upon the price of soda-ash. At Pittsburgh, Pennsylvania, they have salt and cheap coal, and have from time to time striven to establish the manufacture of soda-ash, but thus far without marked success, and if the manufacture cannot succeed at this point it will hardly do better elsewhere. Under these circumstances, but for the glimmering hope that the manufacture of an article of such extensive use may yet be established, it might have been well to place it upon the free list. We have left it where it is, to pay a duty of a half cent per pound.

The supply of ivory cannot be increased, and is supposed to be annually diminishing. It takes twenty thousand elephants, it is said, to furnish the annual supply of a single manufacturing town (Sheffield) in England. Our wants are large and increasing. It is proposed, therefore, to remove the small duty now imposed upon this useful as well as beautiful article; and as the gigantic gano from which ivory is obtained is hunted by persons without regard to race or color I presume no one will object.

One of the main reasons for a new tariff bill now is that the termination of the reciprocity treaty leaves the duties upon agricultural productions, and upon lumber, fish, and coal at such rates as were imposed at times when it made no difference what those rates were, as all such articles came in from the Provinces practically free, and of course our tariff laws in this respect now call for revision. The wisdom of terminating the treaty alluded to is already apparent. There are none of its provisions that we cannot surrender without a pang. Some of the pretentious claims concerning the fisheries, as, for instance, the right of excluding our fishermen from the shore within three miles, and from bays, drawing the line from headland to headland, might be annoying; but even if admitted on our part, as they are not likely to be by any modern Secretary of State, such claims, were they to be strictly enforced, would be of little damage to us and of no profit whatever to the Provinces. There is no more reason for exempting grain, flour, cattle, horses, wool, and butter and cheese imported from British Provinces, from revenue duties, than there would be in the case of the

importation of similar articles from Great Britain. In peace, the mother country and her colonies are all our friends; in war, they are not less our enemies.

It is due, however, to the present British minister, Sir Frederick Bruce, to say that he has manifested a high-toned spirit of fairness touching any remaining questions as to the fisheries, and that he seeks their solution without making such exactions as would be likely to produce national conflicts. Through the courtesy of the Secretary of State, I have learned that the British minister has information that the Canadas, New Brunswick, and Nova Scotia will issue licenses to fishermen other than British subjects, upon the payment of fifty cents per ton on the tonnage of vessels engaged therein, and that a license will secure the right to fish within three miles of the shore, and also to land for the purpose of curing fish and obtaining supplies. More than this, a license from one Province is to confer the right to fish in all the Provinces which unite in the system of giving licenses. Without this Zollverein principle, Americans would find the license of no value, and would not avail themselves of it. In the end all the Provinces may unite in such legislation, or if they do not the confederated Provinces—and that scheme appears likely to be speedily adopted, more speedily, perhaps, in consequence of the recent Celtic eruption—will undoubtedly adopt the principle.

Mr. Chairman, I will now send to the Clerk's desk, to be read for the information of the committee, a letter from the Secretary of State upon this question, and also one from the British minister, Sir Frederick Bruce.

The Clerk read as follows:

DEPARTMENT OF STATE,
WASHINGTON, June 23, 1866.

SIR: I have the honor to inclose for the information of the committee over which you preside a copy of a note of the 24th instant, addressed to me by Hon. Sir Frederick W. A. Bruce, the British minister, relative to the course determined upon by the governments of Nova Scotia, New Brunswick, and Canada in regard to licenses to fishermen of the United States.

By a note of the 31st of May last, Sir Frederick Bruce informed me that P. Forbin, Esq., the magistrate commanding the Government vessel *La Canadienne*, employed in protecting the fisheries of Canada, had been authorized to issue fishery licenses on the payment of the sum of fifty cents per ton of measurement of the vessels proposed to be used in fishing; that these licenses would remain in force during this season, and would confer upon the holders of them, as far as the Canadian fisheries are concerned, all the rights enjoyed by the fishermen of the United States under the reciprocity treaty.

An official notification embodying this information was made public upon its receipt, and the same course will now be pursued in regard to that contained in the inclosed.

I have the honor to be, sir, your obedient servant,
WILLIAM H. SEWARD.

Hon. JUSTIN S. MORRILL, *Chairman of the Committee of Ways and Means, House of Representatives.*

WASHINGTON, June 24, 1866.

SIR: I have the honor to state that I am informed by his Excellency the Governor General of Canada, that the governments of Nova Scotia and New Brunswick have agreed that the possession of a license issued by Canada to fish shall entitle the holder, during the season of 1866, to fish in the waters of New Brunswick and Nova Scotia as well as in those of Canada; the holder of a license from the government of Nova Scotia or New Brunswick, if any such shall be issued, being entitled to fish also in the Canadian waters. I shall feel much obliged if you will communicate this information to the chairman of the Committee of Ways and Means.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,
FREDERICK W. A. BRUCE.

Hon. WILLIAM H. SEWARD, &c.

Mr. MORRILL. Mr. Chairman, it may be proper for me to add that I have just received a note from Sir F. Bruce saying that another of the Provinces has enacted laws in relation to licenses similar to that of Canada, &c. It is also due to myself to say that in a conversation with the British minister I informed him that I thought our fishermen would be reluctant to take out licenses for the right to fish in British waters, but that they probably would be willing to pay a license for going on shore to cure fish.

The greater cost of fitting out our vessels and the taxation to which they are subjected, enables provincial fishermen, who have no long

voyages to make to reach the most desirable fishing-grounds, to bring fish to our markets at cheaper rates than our own people. In addition to this, our fishermen will now, when they enjoy the privileges of the shore fisheries—only needed for catching mackerel late in the season—have to pay a license of from fifty to one hundred dollars for each vessel, according to its size. Under these circumstances justice requires the imposition of reasonable duties upon foreign-caught fish. As we are now, however, met in a generous spirit, I hope Congress will suitably respond and place only moderate duties, sufficient to cover the items already indicated, upon mackerel and cod-fish. Mackerel may, perhaps, need to be placed even lower than it will be found in the bill. In the cod-fisheries it is no longer necessary to go within three miles of the shore, and such duties can be placed on the product as may seem judicious; but it being an article of food consumed largely by those who can ill afford butchers' meat at twenty-five to thirty cents per pound, a moderate duty appears appropriate.

Our trade with the maritime Provinces is one more deserving our fostering care than that of the other Provinces. The people are very friendly and they have articles such as we require in large quantities, such as coal and plaster, for which they take of us flour and other articles in nearly equal quantities. It is a reciprocal trade that is profitable to all parties, and ought to find some favor in our legislation. And here let me remark that for eleven years we have drawn moderate supplies of bituminous coal from Nova Scotia. Enterprising Americans have embarked their capital there and opened mines to supply the wants of the gas companies in a few northern cities on the bleak, ice-bound Atlantic coast. Some of our mills and little iron founderies have been started with the expectation of a continued supply of coal of this character from this quarter. Even if this is granted the coal so used will cost the consumers ten or twelve dollars per ton, while that used by our brethren in Pennsylvania and Maryland, for identically the same purposes, will only cost three or four dollars. Most of the pig iron used in Connecticut, Massachusetts, and Rhode Island, comes from Pennsylvania. Is it now to be insisted upon that no coal shall be used in those regions but that which is dragged over a thousand miles of railroad? Is this necessary to the prosperity of the Baltimore and Ohio railroad—a road that as I have heard is earning fatter dividends than almost any in the land?

I have no feeling on this question, and I am not aware that my constituents have any interest in it, but to use the words which my excellent friend from Chicago emphasizes with so much unction, I desire to see "fair play."

The Committee of Ways and Means have shaped the bill so that all cannel coal, bearing the highest price of any, and all other bituminous coal imported from any place thirty degrees east of Washington, and all anthracite, if there be any that can be imported, shall pay \$1 50 per ton, and only propose that the common bituminous coal, such as we have had free for eleven years from Pictou, shall pay fifty cents. Mr. Chairman, we leave it to the good sense of this committee to say whether this is not eminently just and fair. Even the gentleman from the Pittsburg district concedes that is right and proper, and where he leads, on these subjects, I feel sure no Pennsylvanian need fear to follow.

The present bill is not likely to suit everybody, and I regard it only as a temporary measure fit to be introduced because of the imperious necessities of our present condition. Many will think it inadequate to the exigencies of the country and that much more ought to have been conceded to our imperiled industries. The statements made by the gentlemen of the revenue commission, who have long studied the subject, as well as by those whose special interests are touched, in almost every instance, would have justified the Committee of Ways and Means in proposing higher rates

than will be found in the bill. But the committee have scrutinized every case, and consented to no higher rates, with only here and there a possible exception, than will, as they are forced to believe, place the American laborer, producer, or manufacturer upon a level of fair competition with foreign capital and foreign labor. During the prevalence of war prices and the excelsior premium of 280 upon gold, while we were accustomed to contemplate money in fabulous sums, something of extravagance prevailed everywhere, but now upon the return of peace we ought to begin to practice the stern duties of economy, be content with moderate gains, and make some approach to our former rule of estimates, when an advance of even five per cent. in the scale of duties was weighed with as much scrupulousness as gold dust in the balance. But unless we are willing to court the usual sequence of war we must now adopt measures that will shield our people from general financial ruin. We are at the mercy of those who have had no unusual war taxes, no bounties to pay to brave volunteers, and we must have a little breathing time, time to recuperate, or we may yet sink under the load, although triumphant at all points in the great struggle of Freedom against Slavery.

Our great revenue from internal taxes is wholly dependent upon the fact whether we can keep our own fields, factories, and workshops fully manned and the men constantly employed. The tax they pay is a percentage on the inflated current value in our markets, and five per cent. here is nearly equal to ten per cent. on any foreign invoice, especially as we know that many invoices, by the adroitness of trade, are largely undervalued. Our taxes which are not direct, also, imperceptibly, press hardly upon all who are engaged in any kind of business. Raw materials are largely increased in cost, stamp taxes insidiously entrap every business transaction, so that after we have levied extraordinary duties we shall find that importations will by no means cease. Although our present tariff, in ordinary times, would be likely to be denounced as prohibitive, yet we find it practically productive beyond all precedent, yielding for the year ending June 30, 1866, nearly one hundred millions more in solid gold than was ever before realized, or about one hundred and seventy million dollars. While the present bill is indispensable to preserve the aggregate of our internal revenue, it will not be likely to diminish, even if it does not increase, the revenue from imports. It will keep our people at work.

I am in favor of taking proper care of American industry as against foreign competition, now and at all times, whether it be that engaged in the production of flour or wool, brogans or ships, or whether it be the tiny artificial flower that embellishes the lady's bonnet or the ponderous engine that moves the floating palace, in spite of wind or weather, from ocean to ocean. Let the time be far distant when an American citizen will be forced to work for the wages of those whose toil furnishes no home-steads, no school-houses, and finally not even tomb-stones for the graves of themselves or their children. But rather than jeopardize a sound public policy, rather than excite the odium which extravagance is always likely to excite, I should counsel temporary inconvenience and the lowest rate of duties under which it is possible for our various branches of manufactures, not to prosper, but to live, hoping that a better time is coming, when labor will be more abundant, taxation less onerous, and when our paper money shall be good for its entire face value. God speed the day!

Mr. Chairman, I will not at this time consume further time of the House, but will, when in the progress of the bill, have something more to say in relation to its details.

Mr. KELLEY. Mr. Chairman, I do not avail myself of the floor at this time for—

Mr. MORRILL. Mr. Chairman, I desire to say this: if it is the wish of the committee, I would like to move at once that the committee

rise for the purpose of terminating all general debate; but if it is the desire on the part of gentlemen to continue the discussion through the day, I have no objection to debate for to-day.

Mr. STEVENS. I hope, after the speech just made by the gentleman from Vermont, we shall be allowed some latitude of discussion. I look upon this bill as a free-trade bill from beginning to end. It is anything but protective. For instance, I see a single item in this bill, not in the former act, relating to what is called scrap iron, which means any kind of iron. The duty on scrap iron is one half that on pig iron, and yet it is worth four times as much as pig iron. This is a tariff particularly fitted for the eastern market.

I shall not say anything about the question of coal until I find whether my colleague has really indorsed the bill or not. If he had not been on the committee I should say it was a most extraordinary imposition upon the protective tariff of the country. But I did not rise to speak on the subject, but simply to ask that we may be allowed a little discussion.

Mr. MOORHEAD. As my name has been introduced by the chairman of the Committee of Ways and Means, very unexpectedly to me, with regard to the tariff on coal, and as I have now been referred to by my colleague, [Mr. STEVENS,] I deem it proper that I should say a few words on this subject. I can only say that while I believe the chairman of the committee quoted me correctly when he referred to the gentleman from the Pittsburg district as conceding this, yet he might have said a great deal more. He might have said that I contended for the full rate of \$1 25 per ton on all bituminous coal, and that the rate proposed in this bill is a compromise. I am very free to say, since the chairman of the committee has placed me in that position, that I did concede that point, and that I made use of this argument, which I am willing my constituents and those of every other Representative on this floor should see, hear, and know as coming from me, namely, that it was unnatural that we should prevent the New England manufacturers from using and procuring coal from their own mines in the Provinces, and force them to get it from the Maryland, Pennsylvania, and Virginia coal districts, a distance of a thousand miles or more of railroad transportation. I said that in the committee, and I say it now to the House.

I do not know but there is a constitutional difficulty here, and that under subsisting treaties with Great Britain we ought not make a distinction in this regard as against one of her colonies. But I am not a constitutional lawyer, and I leave that question to be settled by them. But I saw a great difficulty in discriminating, in saying that articles coming from one country should pay a higher rate of duty than the same articles coming from another. The chairman of the committee will bear me witness that I was unwilling at any time or under any circumstances to agree that bituminous coal should be taxed less than \$1 25 per ton, which is the present rate. I wanted it increased to two dollars, or at least to a dollar and a half. I did concede, however, that if a discrimination could be made in favor of the coal brought from mines in the colonies owned by our citizens and used by them here, as against the coal of Liverpool or Newcastle, it ought to be done. In asking for a discrimination I stand here as I have always stood, as the advocate of a high tariff. I have sometimes been censured for agreeing to call it a protective tariff. I am in favor of a protective tariff. What is my object in asking for a protective tariff? It is to protect the manufacturers of this country and the labor of this country against the manufacturers and labor of the Old World, where labor costs less than one half what it does here.

Mr. KELLEY. Mr. Chairman—

Mr. MOORHEAD. I must decline to yield the floor.

Mr. KELLEY. I believe I hold the floor, and I yielded it temporarily to my colleague.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. KELLEY] in front of the Chair is entitled to the floor.

Mr. MOORHEAD. I did not know that that was my position. I had no idea that I was occupying the time of my colleague.

Mr. KELLEY. I thank my colleague for his courtesy. I thought he had brought his explanation to a good point where I might resume the floor, and I would as lief make my own speech as have the gentleman make it.

Mr. MOORHEAD. My colleague knows that I am not much in the habit of speaking, and I do not like interruptions. I thought he wished to draw me from the line of my remarks.

Mr. KELLEY. I will promise not to interrupt the gentleman when he gets the floor, but I must interrupt him now as the floor is mine. Unless it be the understanding that the interruptions shall not come out of my time, I must decline to yield further.

Mr. BEAMAN. I object to further interruption.

Mr. KELLEY. If the objection be withdrawn and the House agree that it shall not come out of my time, I will gladly yield to my colleague.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. KELLEY] is entitled to the floor, and he will proceed.

Mr. KELLEY. I do not avail myself of the privilege of the floor for the purpose of replying to the chairman of the Committee of Ways and Means, nor of assailing the bill he has submitted. I agree, I think, with every principle enunciated by him. I find in this bill much to approve and admire. Pressed as the committee has been by the preparation of the tax bill and its grave general duties, and limited as the time has been which it has had to consider this complex subject, I wonder that it has presented a bill so general in its scope and just in its provisions. There are, however, a few things in it which I feel called upon to bring to the attention of the House. While I find much to appreciate in the bill I find also inevitable evidences of haste and want of due consideration, and I avail myself of this early opportunity to point them out, in the belief that the committee will correct them of its own motion. The chairman of the committee alluded to Pennsylvania when explaining the action of the committee on the question of coal, and I therefore beg the attention of the House first to that subject, and will be gratified if I can have the ear of the chairman of the committee for a moment or two.

One of the palpable evidences of haste and want of consideration that appear in the bill is that it proposes a protection of \$1 50 per ton on anthracite coal. Now, I do not want the Legislature of this country to proclaim not only to the savans of the world, but to people of but partial information, that we do not know that we have in this country all the anthracite coal in the world. I do not want it to go to the world that we are giving legislative protection to anthracite coal when scientific men and half-informed men the world over know that outside of four hundred and seventy square miles of our territory within the limits of Pennsylvania no anthracite coal has ever been found. Now, if there is no anthracite coal in the world but our own, why do the Committee of Ways and Means propose to protect it by a duty of \$1 50 per ton? It is clearly an oversight which the committee will correct. It is intimated by my friend on my right that there is anthracite coal in Wales. I say no; there is what is called Welsh anthracite coal. It contains too much hydrogen or volatile matter for anthracite. Nor is it purely bituminous. It is a bastard coal, and while it makes all the dust of anthracite, it produces all the smoke of bituminous. It is, therefore, incapable of use for any of the purposes to which pure anthracite coal only can be applied.

I think it desirable that the word anthracite so inconsiderately inserted should be stricken out of the bill. The anthracite, which needs no protection, and which, were it constitutional,

would bear an export duty, is the coal interest of Pennsylvania. It prefers no claim to protection, and I speak not for it but for those who are voiceless in this House, the deluded and poverty-stricken people of the insurrectionary districts which it should be known is the preëminent bituminous coal district of our country. Maryland has her own eloquent champions here. Kentucky is not without potent voices; Missouri also has her champions in her able and faithful Representatives; and Tennessee, although her Representatives are not permitted to participate in our debates, has them upon the floor, mingling freely with members and able to tell them of the rich treasures of bituminous coal in her hills, and how their products are excluded from their legitimate market on the Gulf coast by the British coal and that of the Provinces carried thither as ballast without charge of freight in vessels arriving for cargoes of cotton. My own State having no special interest in this question, I argue it on behalf of the people of the wide and rich bituminous fields of the South, and especially of those of Virginia and North Carolina. But, Mr. Chairman, let me remark that it is not a question of the cost of coal to the manufacturers of New England. It does not touch the cost of their coal, as I will demonstrate.

Under the reciprocity treaty the coal of Nova Scotia came into our ports duty free. Since the abrogation of that treaty \$1 25 of duty has been collected upon every ton of coal that has arrived from Sydney or Pictou. Where did that duty fall? At the door of the New England manufacturer, or at the entrance of the foreign mine? It did not fall at the door of the factory; nothing is more certain than that. No New England manufacturer has paid more for his coal since that duty of \$1 25 was put on than he paid before. The owners of Nova Scotia coal mines have paid into our Treasury the tens of thousands of dollars we have collected as duties. I challenge any New England man to refute that assertion. Coal paying a duty of \$1 25 a ton is delivered in Portland, in Boston, in Providence, and in New York at precisely the price at which it was delivered when it came in duty free. We have, I repeat, made the owners of coal mines in the British Provinces pay into the Treasury of the United States \$1 25 for every ton of their coal that we have consumed.

Now, sir, let me tell you how it happens that our amiable and loving neighbors could add \$1 25 to the cost of their coal per ton, and still sell it at the same price as before. Sir, these American gentlemen, who the chairman of the committee tells us went to Nova Scotia and invested their capital in coal mines, did not go there blindfolded; and they will not be ruined if their dividends be reduced fifty per cent. by the competition of Virginia and North Carolina coal in the markets of New England. Let us consider that question calmly. What have their dividends been? Never below fifty per cent. per annum, and they have not unfrequently risen to one hundred and seventy-five per cent. per annum. Their profits have long since reimbursed their original outlay; and all they had to do when the falsely called reciprocity treaty was abrogated was to conclude to put up with from forty to one hundred and sixty per cent. per annum and pay the duty on the coal delivered in the United States.

Sir, it is my wish to stimulate and promote the manufacturing power of our country. I wish our country to achieve commercial independence, and to accomplish this we must give New England cheap coal. To do this we must establish rivals to the provincial coal-fields. We will cheapen New England's supply of coal by dealing fairly and honestly by the unrepresented people of the South, and by stimulating the development of the rich fields on the Dan, the Haw, and the Deep rivers, North Carolina, and the James river, Virginia. My colleague from the Pittsburg district [Mr. MOORHEAD] said it would be a hardship on New England manufacturers to make them go a thousand miles to his district for their coal. Sir, accept-

ing a point midway of the coast of New England as the point of departure, they need not to obtain better American coal add a mile to the distance their coal is carried. It can be taken by water transportation from Richmond by a route as short as it is taken from Nova Scotia to the ports of Connecticut and Massachusetts.

The suggestion is fallacious; and unless gentlemen want to legislate against Virginia and North Carolina and in favor of Nova Scotia, they will strike from this bill that extraordinary clause which assumes an imaginary line in the middle of the ocean, the thirty-second meridian east; and provides, not like all previous American legislation, that goods coming from the greater distance, say east of the Cape of Good Hope, shall pay but half the duties imposed on goods coming from nearer ports, but in violation of all precedent, and of all principle, provides that the coal which crosses the ocean shall pay \$1 50 per ton, while that which comes from just beyond our borders, and within that imaginary line, and upon which the cost of transportation is little more than nominal, shall come in at one third of that duty, or fifty cents per ton.

The question before us is not between the Government and manufacturer, but between the interest of a few American gentlemen who went out of this country and invested their funds in an enemy's territory, and these war-trampled States whose people we are, while unrepentant of a great public crime, justly holding in political subjection, but whose material interests we ought to foster and promote with more than a guardian's, with a brother's or a father's care. The true interest of the New England manufacturer will be found in promoting competition between those patriotic Americans who during the war avoided our increasing taxes, and whose foreign investments were earning average dividends of about one hundred per cent., and the present or future owners of the rich tide-water coal-fields of Virginia and North Carolina. Between these parties lies the whole question, and experience will prove that I am the friend and not the foe of the New England manufacturer.

Having said this much on the coal question, I invite gentlemen to examine the provisions under consideration, which they will find at the close of the fifth section, on page 25 of the bill; and I beg leave to say to the members of the committee that in attempting to protect an investment of American capital in a foreign country they have fallen into error, and that if I wanted to perpetrate a satire upon gentlemen who have labored with such industry, fidelity, and general good judgment, I would conceal the fact that misled them and say they proposed to protect anthracite coal, and that they drew an imaginary line in the middle of the ocean and proposed that coals coming from within that line should pay but fifty cents per ton, and coals coming from beyond that line and beyond the ocean should pay three times fifty cents per ton.

Mr. MORRILL. Will the gentleman from Pennsylvania [Mr. KELLEY] yield to me for a moment?

Mr. KELLEY. With pleasure.

Mr. MORRILL. I desire to ask the gentleman from Pennsylvania if he does not know that for a half a century such lines have been drawn by American Congresses; if there have not been differential rates of duties upon goods imported from the one side or the other of the Cape of Good Hope?

Mr. KELLEY. The gentleman has not done me the honor to listen to my remarks, for I have alluded to that fact. But, sir, I repeat that all the precedents established by Congress are that the lighter duties should be imposed upon goods coming from the more distant points; and that this bill is in direct conflict with those precedents, inasmuch as it proposes to increase the duties in proportion to the greater distance the goods have to be transported. The greater the expense of carrying the commodity to our country, the heavier are

to be the rates of duty according to this bill, and in this respect, I assert, and the gentleman will not gainsay the fact, the bill is in conflict with all our past regulations on the subject.

Now, sir, I desire most briefly and cursorily to call the attention of gentlemen to what may become a grave national question in connection with this subject. We must strengthen the patriotism by fostering under patriotic auspices the material interests of Virginia, if we do not want the possibility of a war with France to be thrust upon our attention in the consideration of many questions which should be purely domestic. In this aspect of the case, the question is not merely local. When the rebellion was precipitated by the firing upon Sumter, the rebels of Virginia were inviting Louis Napoleon to direct interference in behalf of the contemplated confederacy. In March, 1861, the Legislature of that State granted to Messrs. Bellot des Minieres, Brothers & Co., of France, nominally in their own right, but really as unrecognized agents of the Emperor, authority to extend the Kanawha canal from the James river, through vast and inexhaustible beds of iron and cannel and bituminous coal, to the Ohio. And the present unconstitutional and rebel Legislature of Virginia are endeavoring to revive and execute that contract.

Mr. PIKE. I desire to ask the gentleman whether the loyal people of West Virginia have not tried to do the same thing.

Mr. KELLEY. I do not know but they may have been hoodwinked into it, and may be trying to do it. But if it be so I desire to defeat their purpose by inducing New England energy and enterprise and capital to engage in the coal trade and iron and steel manufacturing of Virginia, so that Louis Napoleon shall not have southern rebels to conspire with against our peace or prosperity, but northern patriots to resist and balk his machinations. Sir, the Mexican invasion was incited by no claim or interest of grandeur comparable to this. It had for its pretext an indebtedness of but \$750,000 of real indebtedness. Yes, a just claim for less than one million dollars engendered the Mexican invasion; and if we permit the minions of Louis Napoleon to gain control of a line of canal running through the coal and iron regions which extend from the James river to the Ohio, our legislation with regard to many important internal interests will be governed by extraneous influences, as it was for ten years by the influence of the infamous reciprocity treaty which was forced upon us by the men who are engineering this foreign and dangerous project.

Sir, I will not nor did I propose to examine the details of the bill. I have responded on behalf of my State, which was alluded to as claiming advantage in this connection. She does not expect to supply the New England manufacturers with bituminous coal, but her people believe that they better promote the interests of our whole country by promoting those of Virginia and North Carolina than they would by legislating so as to advance those of a few American patriots who have invested their capital in Nova Scotia or any other foreign country. The coal from the mountains of Maryland and Pennsylvania will be excluded from the coast towns of New England by that of the tide-water mines of Virginia and North Carolina, and the people of those States will, in exchange, buy the products of New England. Much as I am tempted I will not detain the House by reading from the admirable book of Mr. Samuel Harries Daddow on Coal, Iron, and Oil, a description of the coals of Virginia and North Carolina. I will, however, say that in gas-producing qualities and in cleanness they exceed the best that are produced by our British American provincial countrymen who are begging us to violate all law and all reason to protect their special investment; and I will ask the Clerk to read a short paragraph from an admirable article in to-day's Chronicle.

The Clerk read as follows:

"Virginia and North Carolina have each more mountains or mineral territory and less agricultural

lands than Pennsylvania, yet how reverse all the circumstances of their developments.

"The Richmond or tide-water coal-field in Virginia contains one hundred and eighty square miles of coal territory. The coal has been used for nearly one hundred years as a mineral fuel for smiths' uses, the casting of cannon, producing steam, and as gas coal. It is equal to the coals of the British Provinces for every purpose, is equally available to the New England manufacturers, and is not further from them, taking a general center, than the coals of Pictou or Sydney. It is, like the coal of Nova Scotia, near tide-water, and can be conveyed from the mines to the manufacturers at Boston with the same distance by water as the coals of the British Provinces. Yet this most available deposit of coal is only partially developed.

"The people of Virginia are blinded by a willful, ruinous infatuation, which stupidly rejects all that is promising and productive for all that is blighting and impoverishing. Congress also helps to make their case more desperate by granting to foreigners greater favors than to our own citizens; while taxing the coal produced from our own mines directly and indirectly over fifty cents per ton, the rival coals of Nova Scotia come to our markets duty free.

"At one time Richmond enjoyed an export trade in coal, but since the reciprocity treaty it has vanished. Enterprise and capital have gone from Philadelphia, New York, and Boston to develop Acadian coal-fields, while it is denied to Virginia—first, because Congress legislates against her and in favor of a foreign rival; and second, because her people are poor, impractical, and soured by poverty and distress."

Mr. KELLEY. Mr. Chairman, I had intended to argue the question of labor—

Mr. MARSTON. I desire to ask the gentleman whether he knows and will disclose the name of the writer of the article, a part of which has just been read.

Mr. KELLEY. I do not know who is the writer of that admirable article, and cannot therefore disclose his name. But I read it with great pleasure; and could, if time permitted, more than confirm its statements from the recently published work of Mr. Daddow, giving descriptions of every mine in those States, and which I commend to gentlemen who wish to understand this subject.

Now, sir, I was going to demonstrate to the House that this is not a question of capital, but is a question of labor. This is the point upon which my colleague [Mr. MOORHEAD] was about entering when I resumed the floor, and as he will discuss it more ably than I could, I will heap coals of fire upon his head by saying I will be interrupted and give him the remaining portion of my time.

Mr. MOORHEAD. I did not know my colleague would conclude to let me in. I would rather he had preferred to let me conclude my remarks when I was upon the floor. He is accustomed to speak here, while I am not; but I do not know the House would not as lief hear me as him, [laughter,] for though I do not speak as eloquently, still he speaks till the House gets tired of him. If he will tell me where I left off I will go on and finish my remarks.

Mr. KELLEY. I have come to the point of demonstrating that this is a question of the laborer and not of the capitalist, which is the point on which you were engaging when I resumed the floor.

Mr. MOORHEAD. Mr. Chairman, I did not know that my colleague [Mr. KELLEY] had yielded the floor to me. I would greatly have preferred to conclude my remarks when up before; but I thank him for his courtesy now. And as the House is entertained so often and so profitably by the silvery tones of his mellifluous voice, I presume it will be quite as willing to hear me for a few moments, who so seldom even attempt to engage its attention.

Mr. Chairman, I do not want to adopt the remarks of anybody, as I am able to make my own arguments. I believe I was stating, at the time I was notified by the gentleman I was occupying the floor during his hour, which I did not know until he informed me of the fact—I believe I was stating my reasons why there should be a discrimination or difference between the duty under this tariff upon Pictou coal and British coal which comes across the ocean.

I wish to make that a little more clear and explicit if I can have the opportunity to do so. It is very well known by this House—I know it is by my constituents; I do not require any

indorsement at home of the fact—this House and the country, sir, know I am and have been a tariff man, a protective tariff man. It is as well known to members as to my constituents that I am in favor of protecting American manufactures against the cheap labor of foreign countries.

I wish now to say that this coal which comes from Pictou and the mines of Nova Scotia is used for manufacturing purposes, and the manufacturers who use it compete with what is flippantly called the pauper labor of the "old country." I think the argument is clear that if we put a high duty upon the raw material used by these manufacturers we disable them to that extent from competing with this low-priced foreign labor. The principle I have advocated all my life, and which I have endeavored to carry into practice, has been to sustain the manufacturers of this country against those of all other countries; and when I find that this raw material is used by American manufacturers who come into competition with the manufacturers of foreign countries, by helping the former I only act upon the principle which has always controlled me in reference to the tariff.

Pictou coal for the last eleven years, as the chairman has stated and as the House well knows, has come in free under the reciprocity treaty. By the bill now before the House we propose a tax upon Pictou coal of fifty cents per ton, and to that extent we protect the coal producers of Maryland, Pennsylvania, and Virginia without oppressing the particular manufacturing interest under consideration. My object, so far as I have aided in framing this bill, has been to protect American labor and American interests against the labor, interests, and competition of all other nations. That is what I ask and all I ask.

Mr. HUBBARD, of West Virginia. Mr. Chairman, West Virginia having been referred to in connection with this coal question, I desire to say a word or two. The concurrent legislation of Virginia and West Virginia was not had with reference to the sale of the James River and Kanawha canal to the French firm named; that was wholly a Virginia scheme, but to the completion of the Covington and Ohio railroad, negotiations for which have been opened with a company of New York capitalists, and I trust they may soon be consummated, so that both States may have the advantage of this line of improvement, thus opening up a market for the coal and iron and other minerals which both States possess in great abundance. But West Virginia has a more direct interest in this question. She has vast fields of the best quality of bituminous coal, accessible by a railroad already completed and fully prepared to transport it in any quantity. This coal must find a market on the sea-board, where it comes in competition with the coal from the British Provinces, the coal which this bill proposes to admit at a duty of fifty cents per ton. Now, we do not desire to prohibit Pictou coal from being admitted into the New England States, but we do desire that it shall be made to pay its proportionate share of revenue into the Treasury of the United States.

It has been shown by the gentleman from Pennsylvania [Mr. KELLEY] that this coal has not increased in price any since the termination of the reciprocity treaty, though it was then admitted duty free, and now pays a duty of \$1 25 per ton; showing clearly that this duty is paid by the producer and not by the consumer, and that this article will bear the present rate of duty, \$1 25, without increasing the price to the consumer.

How was it during the war? At the beginning of the war this coal was sold in Boston at from five to six dollars per ton; before its close the price went up to sixteen and seventeen dollars per ton. Why was this? Simply because our men were withdrawn from industrial pursuits to defend the flag of our country; the price of labor was more than doubled; our railroads and transportation service were overburdened with conveyance of military stores

and troops, and the cost of producing and transporting coal was greatly increased. The price went up in the New England market just in proportion as the difficulties increased in the way of home production and home competition, showing plainly that it is the competition of our own mines, from Maryland and Pennsylvania and West Virginia, that keeps down the price of coal in New England, and not the fact that Canada coal is admitted at a low duty or free of duty.

Therefore it is a plain proposition that this reduced rate of duty will inure wholly to the benefit of a people who have no interest in common with us; or to that portion of our people who have investments in the coal mines of Canada; and that coal from Canada can well afford to pay \$1 25 or \$1 50 a ton without increasing the price, for the duty will be paid by the producer and not by the consumer. Therefore I trust when the proper time comes this section will be stricken out and the duty remain as at present—\$1 25 per ton. It will not increase the price the New England people will have to pay. They will be able to maintain their manufactories as before, for we can furnish them with better coal, and at a lower price than they are now paying.

Mr. MORRILL. I move that the committee rise for the purpose of terminating general debate.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. SCOTFIELD reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, and particularly the special order, being bill of the House No. 718, to provide increased revenue from imports, and for other purposes, and had come to no resolution thereon.

CLOSE OF DEBATE.

Mr. MORRILL. I move that when the Committee of the Whole on the state of the Union shall resume the consideration of bill of the House No. 178, general debate be terminated thereon in ten minutes.

Mr. F. THOMAS. Does the chairman of the committee intend to cut off legitimate debate on the propositions to amend this bill?

Mr. MORRILL. Not at all.

Mr. F. THOMAS. I have something to say.

Mr. MORRILL. I will modify my motion if the gentleman desires to occupy any time now.

Mr. F. THOMAS. I prefer to make my remarks upon some proposition to amend. There is a single feature in this bill that I desire to be heard upon when we reach that point. It is the one to which the gentleman from Pennsylvania referred.

Mr. MORRILL. Of course, when general debate is closed, the debate on amendments will be limited to five minutes, but so far as I am concerned I will use my efforts to allow the gentleman a reasonable time if he will state how long he wishes to speak.

Mr. F. THOMAS. I do not want to speak more than twenty or thirty minutes.

Mr. MORRILL. Would it not suit the gentleman as well to occupy that time now?

Mr. F. THOMAS. No, sir; there are some facts in my possession that I wish to present.

Mr. MORRILL. I presume the House will indulge the gentleman. I insist on my motion. The motion was agreed to.

TARIFF BILL—AGAIN.

Mr. MORRILL. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union on the special order.

The motion was agreed to.

So the rules were suspended; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. SCOTFIELD in the chair,) and resumed the consideration of the special order, being a bill of the House (No. 718) to provide increased revenue from imports, and for other purposes.

The Clerk read the first section of the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act, in lieu of the duties now imposed by law on the articles mentioned and embraced in this section, there shall be levied, collected, and paid on all unmanufactured wool, hair of the alpaca, goat, and other like animals, imported from foreign countries, the duties hereinafter provided. All wools, hair of the alpaca, goat, and other like animals, as aforesaid, shall be divided, for the purpose of fixing the duties to be charged thereon, into three classes, to wit:

CLASS 1.

Clothing wools: that is to say, merino, mestiza, metz, or metis wools, or other wools of merino blood, immediate or remote: Down clothing wools; and wools of like character with any of the preceding, including such as have been heretofore usually imported into the United States from Buenos Ayres, New Zealand, Australia, Capo of Good Hope, Russia, Great Britain, Canada, and elsewhere, and also including all wools not hereinafter described or designated in classes two (2) and three (3.)

CLASS 2.

Combing wools: that is to say, Leicester, Cotswold, Lincolnshire, Down combing wools, Canada long wools, or other like combing wools of English blood, and usually known by the terms herein used; and also all hair of the alpaca, goat, and other like animals.

CLASS 3.

Carpet wools and other similar wools, such as Don-skoj, native South American, Cordova, Valparaiso, native Smyrna, and including all such wools of like character as have been heretofore usually imported into the United States from Turkey, Greece, Egypt, Syria, and elsewhere.

For the purpose of carrying into effect the classification herein provided, a sufficient number of distinctive samples of the various kinds of wool or hair embraced in each of the three classes above named, selected and prepared under the direction of the Secretary of the Treasury, and duly verified by him, (the standard samples being retained in the Treasury Department,) shall be deposited in the custom-houses and elsewhere, as he may direct, which samples shall be used by the proper officers of the customs to determine the classes above specified, to which all imported wools belong. And upon wools of the first class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall be thirty-two cents or less per pound, the duty shall be ten cents per pound, and, in addition thereto, ten per cent. *ad valorem*; upon wools of the same class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall exceed thirty-two cents per pound, the duty shall be twelve cents per pound, and, in addition thereto, ten per cent. *ad valorem*. Upon wools of the second class, and upon all hair of the alpaca, goat, and other like animals, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall be thirty-two cents or less per pound, the duty shall be ten cents per pound, and, in addition thereto, ten per cent. *ad valorem*; upon wools of the same class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall exceed thirty-two cents per pound, the duty shall be twelve cents per pound, and, in addition thereto, ten per cent. *ad valorem*. Upon wools of the third class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall be twelve cents or less per pound, the duty shall be three cents per pound; upon wools of the same class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall exceed twelve cents per pound, the duty shall be six cents per pound: *Provided*, That any wool of the sheep, or hair of the alpaca, goat, and other like animals, which shall be imported in any other than the ordinary condition as now and heretofore practiced, or which shall be changed in its character or condition, for the purpose of evading the duty, or which shall be reduced in value by the admixture of dirt or any other foreign substance, shall be subject to pay twice the amount of duty to which it would otherwise be subjected, anything in this act to the contrary notwithstanding: *Provided further*, That when wool of different qualities is imported in the same bale, bag, or package, it shall be appraised by the appraiser, to determine the rate of duty to which it shall be subjected, at the average aggregate value of the contents of the bale, bag, or package; and when bales of different qualities are embraced in the same invoice at the same price, whereby the average price shall be reduced more than ten per cent. below the value of the bale of the best quality, the value of the whole shall be appraised according to the value of the bale of the best quality; and no bale, bag, or package shall be liable to a less rate of duty in consequence of being invoiced with wool of lower value: *And provided further*, That the duty upon wool of the first class which shall be imported washed shall be twice the amount of duty to which it would be subjected if imported unwashed, and that the duty upon wool of all classes which shall be imported scoured shall be three times the amount of the duty to which it would be subjected if imported unwashed. On sheep-skins and Angora goat-skins, raw or unmanufactured, imported with the wool on, washed or unwashed, the duty shall be thirty per cent. *ad valorem*; and on woolen rags, shoddy, mungo, waste, and flecks, the duty shall be twelve cents per pound.

Mr. GRINNELL. I move to amend the

section by striking out in line one hundred the word "twelve" and inserting in lieu thereof the words "twenty-five," so that it will read as follows:

On sheep-skins and Angora goat-skins, raw or unmanufactured, imported with the wool on, washed or unwashed, the duty shall be thirty per cent. *ad valorem*; and on woolen rags, shoddy, mungo, waste, and flecks, the duty shall be twenty-five cents per pound.

Mr. Chairman, I am not acquainted with any clothes-wearers, or wool-growers, or with any other class of men, who are in favor of permitting the importation of this shoddy into this country. We all know that it has been associated with fraudulent contracts. It has been palmed off upon our citizens who use cheap clothing; and every one knows that it has no real value. It is wanting in the wearing properties of wool. I think it is just to all parties, to the manufacturers, to the cloth-wearers, and to the wool-growers, to discourage the importation of this article.

Mr. KELLEY. I rise to oppose the amendment of the gentleman from Iowa. The gentleman is not familiar with the process of blanket making. He cannot be familiar with the process of making fine cloths such as those which gentlemen wear in their dress coats, and ladies in their habits. He cannot be familiar with the constituents of "Irish frieze" and "Peterboro'"; or he would not talk thus. Shoddy is one of the elements of the softest blankets made for the infant's cradle or the bridal bed. [Laughter.] Gentlemen laugh; being bachelors they are not acquainted with such things. [Laughter.] The finest cloth receives its exquisite softness of touch from shoddy.

I admit, that like every other ingredient, it may be used for purposes of adulteration, and in excess. Ours is the only country that permits woolen rags to be exported. Prussia prohibits it absolutely; and British manufacturers have moved their machinery and capital to Berlin to establish shoddy mills as they would do in America if we prohibited the export of our woolen rags. France also prohibited their export; and when Chevalier and Cobden made their treaty, France agreed to admit their export, but she cheated England by making the tax, or duty, prohibitory.

The woolen rags we export contain the elements of some of the finest pigments used by artists. From the dust of the shoddy manufactory you get that which gives the velvety appearance to the finest papers that embellish our saloons. In England, from the factories of Battly and Dewsbury, in the West Riding of Yorkshire, this material is derived. There is not one element in woolen rags gathered by the *chiffonniers* on the streets that goes to waste. There is not a raw material that yields so small, so imperceptible a percentage of waste as this. It is used to the last particle in manufactures and the arts.

When 1837 and 1857 were marked by commercial bankruptcy, from one end of our country to the other, the shoddy manufactures of England were closed; and only for two years in their history did their laborers live on public charity. Those were the years following the great commercial crises of 1837 and 1857, when there was a stoppage of the American market for shoddy goods. Let the raw material come in. Let us make blankets that will drive out English blankets. Let us make our own "Irish frieze" and "Peterboro' frosted beaver." Let us be able to rival England and France, and other European nations, in making those cloths, in which softness and fineness of texture are required, but in which durability is not expected.

Mr. KASSON. I move to amend the amendment of my colleague [Mr. GRINNELL] so as to make the duty ten cents per pound. I do this for the purpose of saying a few words. It is not often on these tariff questions that I have an opportunity of agreeing with that great advocate of protection, the distinguished gentleman from Pennsylvania, [Mr. KELLEY.] I think, however, he is now on that line of true protection to American industry which con-

sists with the general prosperity and advantage of the people of this country as well as of the manufacturers. Therefore I am with him heartily. Let me say, then, touching all these articles that are in the nature of raw material, that just in proportion as you promote the introduction of materials which are used in manufactures just in that proportion do you, on the one hand, increase the profits of the business of manufacturing in this country, and on the other hand cheapen the price to the consumer in this country. I think no gentleman will dispute this point with me. Now, these being articles of no use until they are manufactured, let them come in as freely as possible, so far as it is necessary to use them, in order to facilitate the development of the manufactures of which they form a part, and at the same time cheapen the cost to the consumers of the country.

My colleague [Mr. GRINNELL] evidently intended to accomplish an excellent purpose, in which, however, I think he was mistaken, so far as his proposition is concerned. His purpose evidently was to prevent the use in this country as far as possible of the article known as "shoddy." But he will see at once that his proposition in raising the duty to, as he proposes, twenty-five cents per pound does not accomplish that purpose, because it still leaves the cost of shoddy less than the cost of wool. And as long as you leave any margin of difference in favor of the inferior article, just so long will that inferior article be used to the extent necessary to secure a small profit if a large profit cannot be obtained. Then this article of shoddy will be used unless you forcibly prohibit its use entirely in this country. I say, therefore, that my colleague, excellent as his intention is, entirely fails to accomplish his purpose by his proposition. But I am earnestly desirous that this Congress shall, as far as possible, introduce into the tariff legislation of this country the principle of allowing the indispensable raw material, which we must introduce to a large extent from abroad, to come in with as low a duty as possible, and thus on the one hand develop manufactures, and on the other hand reduce the cost to the consumers of the country.

This is all I wish to say, and therefore I withdraw my amendment to the amendment, saying, however, that I should have preferred that the committee should have put the duty on these articles at a lower rate than the one they have.

Mr. COOK. Before the gentleman from Iowa [Mr. KASSON] withdraws his amendment to the amendment, I wish to ask him whether his argument would not apply with equal force to the introduction of all foreign wools which may be manufactured in this country.

Mr. KASSON. The answer to that is, that we produce an amount of wool in this country that is probably adequate to the consumption of the country. That is not the case in reference to shoddy and rags. There is a species of wool which we introduce largely for the purpose of mixing with the wools of this country; yet there is a respectable duty placed upon them by this bill.

Mr. COOK. It seems to me that this shoddy wool, which I am informed, though I have no knowledge upon the subject, is imported into this country in great quantities from the British Provinces, does come in direct competition with the wool of this country. In so far as it is used in the manufacture of woollen fabrics it necessarily comes in competition with the wool-growing interests of the country. I insist that there is no force in the argument addressed to this committee by the gentleman from Iowa [Mr. KASSON] in relation to shoddy, that it has no value until manufactured. The same argument might with equal force be addressed to the committee in favor of the importation of unmanufactured wool, because when manufactured it makes an article that is valuable. But shoddy makes an article that is not valuable, because it deteriorates the article in which it

is placed, which article might otherwise be valuable.

Let me state another reason why I hope to see a heavy duty placed upon shoddy. Our western manufactures have grown up to some extent during the war. Many branches of manufacture in my own State which before the war were scarcely able to live, have since the war commenced done well. By the establishment of woollen manufactories in the West the cost of transporting the wool from the West to the East, as well as the cost of transporting the manufactured article from the East to the West, is saved. In the West operatives can be fed at an expense of some thirty-three and one third per cent. less than it costs to feed them in New England. There is no reason why the manufacturers of the West should not prosper except that, manufacturing wool, they come into competition with the manufacturers of this cheap article, shoddy. I affirm, sir, that no western manufacturer can successfully compete with eastern manufactured goods, when he manufactures wool solely or chiefly, while the goods which come into competition with his are manufactured to a large extent of shoddy. The question, therefore, with reference to the duty upon shoddy is simply the question whether the manufacturers of the western country shall live or whether they shall not live.

[Here the hammer fell.]

Mr. KASSON. I withdraw the amendment to the amendment.

Mr. LAWRENCE, of Ohio. I move to amend the amendment by striking out the words "twenty-five" and inserting in lieu thereof the word "thirty." I hope this question will not be disposed of without due consideration on the part of the committee. What is the particular proposition of the bill now under discussion? It is, that "on woollen rags, shoddy, mungo, waste, and flocks the duty shall be twelve cents per pound." We are gravely told by the gentleman from Pennsylvania [Mr. KELLEY] that we should encourage the importation into this country of the old rags and cast-off clothing of Europe, (bringing with them, as my colleague [Mr. BINGHAM] suggests, the itch, the small-pox, and yellow fever,) in order that this foreign refuse may be remanufactured into blankets and the finer qualities of clothing. Why, Mr. Chairman, what is this shoddy, this refuse from Europe, that is to be brought here to increase our manufactures? It is an article that may be bought at from five to ten cents per pound. I will not pretend to speak with precision as to the price, for I am not familiar with the traffic.

Mr. COOK. It can be bought for about twelve cents per pound.

Mr. LAWRENCE, of Ohio. My friend from Illinois informs me that it sells for twelve cents per pound. This bill proposes that it shall be imported at a duty of twelve cents on the pound; so that its cost when brought into the country will be about twenty-four cents per pound.

Mr. KELLEY. Will the gentleman allow me to state a single fact in reference to the price of this article? Our Army-cuttings sold during the war for sixty-five cents a pound, being used for making shoddy-wool. Hence the shoddy could hardly be sold for twelve cents a pound.

Mr. LAWRENCE, of Ohio. Why, Mr. Chairman, I am a little surprised at the remarks of the gentleman from Pennsylvania. The Army-cuttings to which he refers are not even American shoddy. They are the waste fragments of new cloth, cloth never worn, never rotted, never contaminated by contagion or disease. Hence the remark of the gentleman has nothing to do with the question before us. The question is whether the old rags and worn-out clothes of Europe shall be imported into this country at a low rate of duty for the purpose of breaking down the wool interests of this country. The gentleman from Illinois [Mr. COOK] informs me that he has now here a specimen of shoddy which is offered for sale

in Boston at twelve cents per pound, so that with the duty proposed in this bill this article can be imported at a cost of twenty-four cents per pound. I can understand what may be the interest of those whom the gentleman from Pennsylvania represents, but that is not the interest of the western States, nor of the country generally.

I do not propose to weary the committee with a discussion of the inexpediency of encouraging a foreign fraud, as we do by inviting the importation of foreign shoddy. The gentleman from Pennsylvania says our old stockings and all the cast-off rags of the country will be taken to be manufactured into bridal blankets and baby clothes, and the gentleman, not satisfied with that, proposes to invite the shoddy and rags of Europe to come in upon us. I am opposed to any such thing. Instead of twenty-five I hope the duty will be made thirty.

[Here the hammer fell.]

Mr. MORRILL. Mr. Chairman, I am somewhat surprised that we can all of us be so eloquent on so uninspiring a subject. Now, the duty proposed in this bill on shoddy is four times what it ever was before. It is a duty with which the wool-grower himself is entirely satisfied. It is proposed by him and by nobody else.

I will say to the gentleman from Iowa [Mr. GRINNELL] that the increase he has proposed will not prevent our having foreign shoddy. The only difference will be that under his amendment it will be manufactured by foreign manufacturers instead of by our own manufacturers. If you prohibit this raw material from coming in our manufacturers cannot use it, but of course foreign manufacturers can use it. We cannot discriminate in a tariff on wools in reference to this subject of shoddy. It will take sharper eyes than the members of this House have to say when goods are made partly of shoddy and partly of wool.

Again, the amount manufactured in this country is inconsiderable. We have not reached that perfection in its manufacture which is obtained abroad, and the quantity, therefore, produced, amounting to something, is yet inconsiderable with that made by British manufacturers. It is also used for other purposes than for the manufacture of cloth. It is used for paper-hangings, borderings, and fire-boards, giving the velvet appearance to wall-paper and borderings, and it is also used for various other purposes.

Mr. LAWRENCE, of Ohio. I will inquire whether, if we produce enough of wool in this country to carry on the manufactures of the country, the old clothing and old woollen goods will not supply all demand for shoddy.

Mr. MORRILL. The fact is, the wool grower in this country is protected upon this article to the fullest extent he would be if wool were used. Take the article of wool coming from Cordova, the common mestiza wool, valued at fifteen cents per pound: the specific duty of ten cents per pound and ten per cent. *ad valorem* makes it eleven and a half cents per pound, and we give twelve cents on shoddy; so that if the manufacturer uses shoddy, the wool-grower gets about a half cent more protection than he would if wool only were to be used.

Mr. BROMWELL. I ask the gentleman from Pennsylvania or the gentleman from Vermont how France cheated England by prohibiting the importation of woollen rags.

Mr. MORRILL. France tried to keep the raw material from going out of the country in order to manufacture it herself.

The CHAIRMAN. The gentleman's time has expired.

Mr. MORRILL. I will only add that the wool-growers themselves have no interest in raising this above the duty on wool.

Mr. LAWRENCE, of Ohio. I withdraw my amendment to the amendment.

Mr. GRINNELL. I move to amend the amendment by inserting "twenty" instead of "twenty-five;" and on that I wish to say simply a word or two. The gentleman from

Pennsylvania and the chairman of the Committee of Ways and Means have assured this House there are no wearing properties in shoddy. It is not denied this shoddy is the importation of rags worn by Italian beggars and the cast-off rags of South American barbarians, and it is not denied we can get shoddy enough here at home. I am prepared to say I know men engaged in the manufacture of shoddy who wish to conceal the fact, understanding that it was disreputable. I have seen soldiers tear in pieces their clothing made from what was supposed to be wool, but which was made of shoddy, and was almost as tender as brown paper. Now, sir, does it become the American Congress to encourage the importation of that which is so filthy that the board of health of New York city was compelled to remove it, in the shape of imported rags?

Mr. MORRILL. I know the gentleman from Iowa [Mr. GRINNELL] is learned in regard to wool, but he is not quite posted up in relation to shoddy. It is an article that never has been worn, being made from woolen rags torn to pieces—the chippings from tailor shops. Mungo is the article that the gentleman alludes to.

Mr. GRINNELL. I allude to mungo and shoddy. The House does not understand what mungo means, and I have not time to explain it. I am simply stating that there are no wearing properties in it. It is an imposition, and it ought so to be regarded, upon the clothes-wearing public. There is not a wool-grower nor a clothes-wearer that asks it. It is an imposition upon the people. We have imported in the last four years more than twenty-seven million pounds of these old rags, not the cuttings of cloth, but beggars' clothes. And now it is proposed to have a duty of twelve cents a pound upon the article, the same as upon strong wool proper to be worn by a gentleman. I say it is unequal. I say it is a reproach upon the nation to encourage it. Therefore, in order to secure the amendment, if possible, I will modify it by substituting twenty cents in the place of twenty-five cents.

Mr. KELLEY. Mr. Chairman, I wish the gentleman from Iowa [Mr. GRINNELL] were better acquainted with this subject.

Mr. GRINNELL. I do not want to be any better acquainted with shoddy.

Mr. KELLEY. The gentleman never saw an American soldier clothed in American-woven shoddy such as he described. We send our rags to England where they are torn into wool and woven, and we buy them back again. The ragged soldiers of our early volunteer army were clothed in English shoddy cloth. The grand and well-appointed armies that were reviewed at the close of the war were clad in American-made cloth. But I tell the gentleman that the western manufacturers will never diversify their woolen fabrics until they learn to work up their own old rags. So long as they gather up and export their woolen rags, to be bought back again in cloth, they cannot diversify their fabrics.

The gentleman cries "shoddy," and would exclude an element of more than twenty branches of manufacture; an essential element; in some three per cent., in others five, and in none more than fifteen, until you reach the range of dog blankets and other things which are professedly shoddy. In many branches of manufacture you use shoddy alone. Your felt hats you cannot make without shoddy. And we are, as I have said, the only manufacturing people on the face of the globe that allow their woolen rags to be exported. I agree that there should be a duty on shoddy, on mungo, and on flocks, for they are manufactured articles and involve labor. I deny that there should be a duty on woolen rags. We export them while we want them more largely than the people of other countries. The production of shoddy alone can give us, as I said before, and as the chairman of the committee has well stated, an essential element of embellished papers. These old rags grace the elegant saloons of this country and of Europe.

Gentlemen do not understand the facts of the case. Because we export old rags and import shoddy cloths they insist upon it that we must forego a thousand advantages which science has deduced from them as raw material. I ask that in the final action of the committee they will let this section stand as it is in regard to "shoddy, mungo, waste, and flocks," but strike out woolen rags, and for this simple reason, that the presence of that provision in the bill proclaims us a nation so ignorant of the elements of manufactures that we prohibit the importation of that which France, Belgium, Prussia, and England will not permit to be exported from their limits.

Mr. MORRILL. I move that the committee rise for the purpose of terminating debate upon this section.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. SCOFFIELD reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration bill of the House No. 718, to provide increased revenue from imports, and for other purposes, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. TROWBRIDGE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

An act (S. No. 313) to regulate the transportation of nitro-glycerine or glynnoin oil, and other substances therein named;

An act (S. No. 317) to amend an act entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri river to the Pacific ocean, and to secure to the Government the use of the same for postal, military and other purposes,' approved July 1, 1862," approved July 2, 1864;

An act (H. R. No. 18) for the relief of the members of the thirty-seventh regiment of Iowa volunteer infantry;

A joint resolution (H. R. No. 158) providing for the settlement of accounts of W. H. Hamrick;

A joint resolution (H. R. No. 123) for the relief of Elizabeth Woodward and George Chorpennig, of Pennsylvania;

A resolution (S. R. No. 110) to authorize the hiring of a building or buildings for the temporary accommodation of the Department of State; and

A joint resolution (S. R. No. 113) for the construction of a railroad bridge across the Cuyahoga river over and upon the Government piers at Cleveland, Ohio.

CLOSE OF DEBATE.

Mr. MORRILL. I move that when the House resumes the consideration of the special order, the tariff bill, all debate on the pending section shall be terminated in six minutes.

The motion was agreed to.

Mr. WARD. I move that the House do now adjourn.

Mr. MORRILL. I hope the gentleman will let us reach the next section of the tariff bill and then I shall be willing to adjourn.

Mr. WARD. I withdraw my motion.

TARIFF BILL—AGAIN.

Mr. MORRILL. I move that the rules be suspended and the House resolve itself into Committee of the Whole on the state of the Union on the special order.

The motion was agreed to.

So the rules were suspended; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. SCOFFIELD in the chair,) and resumed the consideration of the special order, being bill of the House No. 718, to provide increased revenue from imports, and for other purposes, the pending question being upon Mr. GRINNELL'S amendment.

Mr. MORRILL. I deem it only fair that we

should allow the duty to remain upon shoddy at as high a rate and no lower than reported. This is a matter which has been long discussed between the parties interested; and this amendment, as I understand it, was agreed upon by the convention of wool-growers. I trust the bill will be allowed to stand as it is.

Mr. BINGHAM. I desire to inquire of the honorable gentleman from Vermont whether the whole of the provision of this first section touching wool and shoddy was a part of the agreement between the convention of wool-growers and the manufacturers.

Mr. MORRILL. I so understand it.

Mr. DAWES. I do not desire to interfere at all with the pending amendment, nor do I rise in defense of shoddy. But inasmuch as debate has been closed, and as I desire to offer an amendment, I wish to explain it beforehand. My amendment will be to strike out the word "flocks," and to put it in at the rate of six cents per pound, reducing the duty one half. I think this article of flocks was put in this section by the committee under a misunderstanding as to the difference between flocks, shoddy, mungo, and waste. I have not time to explain the difference; but it is as much for the interest of the wool-growers as of the manufacturers that flocks should be omitted from this section. I object to its being retained here for two reasons. One is that it does not cost half as much as shoddy, and to place a duty of twelve cents upon it would be discriminating in favor of shoddy, against flocks. Flocks is the shreds of new cloth. It will not weave in as shoddy does. It is used for felting. It is used also in the manufacture of fine satinet to put a face on the back. It will wear until the cloth wears out. My friend from Iowa [Mr. GRINNELL] does not know anything about that kind of satinet.

I say to him that if he desires to prevent the manufacture of his fine wool into fine satinet he will succeed absolutely if he will only put a duty of from twelve to twenty cents per pound upon flocks. Now, the introduction of this flocks will not interfere at all with the shoddy trade. It has nothing to do with the shoddy trade. It goes into the manufacture of felt hats; it is also used in the manufacture of the finer kinds of wall-paper. And when it is in order, I shall move to reduce the duty on flocks to just one half what is proposed in this bill, or to twice as much as it is under the existing tariff law. The duty proposed in this bill is just four times as much as it is under the present law, simply because it is put here in bad company with shoddy, mungo, and waste. I hope, therefore, that some regard will be had to the nature of the article. It is like wool in that it will felt, while shoddy, mungo, or waste cannot, by any process under heaven, be made into felt. Shoddy is only used in woven goods, and that is the way in which it deteriorates, if at all, the value of the cloth.

Mr. GRINNELL. I will ask the gentleman from Massachusetts [Mr. DAWES] if this bill does not afford additional protection to the species of cloth in which this flocks enters.

Mr. DAWES. I will ask the gentleman from Iowa, [Mr. GRINNELL,] what is the reason he desires to discriminate against flocks and in favor of shoddy after the speech he has made?

Mr. GRINNELL. I do not. But I would like to have the gentleman answer my question.

Mr. DAWES. I do not think so.

The CHAIRMAN. Debate upon this section is closed by order of the House.

The question recurred upon the amendment of Mr. GRINNELL, as modified, to strike out the word "twelve" and insert the word "twenty," at the close of the first section; so that the clause will read:

And on woolen rags, shoddy, mungo, waste, and flocks, the duty shall be twenty cents per pound.

The question was taken, and the amendment was not agreed to.

Mr. DAWES. I move to amend the last clause of this first section by striking out the word "flocks," and also to add to the section

the words, "on flocks the duty shall be six cents per pound." That is double what it is now under the law; and really, in view of the difference between flocks and shoddy, I trust the House will discriminate in favor of flocks.

The question was taken; and upon a division there were—ayes 32, noes 39; no quorum voting.

Tellers were ordered; and Messrs. DAWES and MORRILL were appointed.

The House again divided; and the tellers reported—ayes forty, noes not counted.

So the amendment was not agreed to.

The Clerk began the reading of the second section, when

Mr. MORRILL said: Agreeably to my promise I now move that the committee rise.

The motion was agreed to; and the Speaker having resumed the chair, Mr. SCOFIELD reported that the Committee of the Whole on the state of the Union, according to order, had had under consideration the bill of the House (No. 718) to provide increased revenue from imports, and for other purposes, and had come to no resolution thereon.

HOUR OF MEETING.

Mr. PRICE. I ask leave to submit the following resolution for consideration at this time:

Resolved, That this House will, until otherwise ordered, commence its sessions at eleven o'clock a. m., beginning with to-morrow, Friday, the 29th instant.

The SPEAKER. It requires unanimous consent to consider this resolution at this time.

Mr. RANDALL, of Pennsylvania. I object.

And then, on motion of Mr. BINGHAM, (at five o'clock and twenty minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule and referred to the appropriate committees: By Mr. BENJAMIN: The petition of Albert S. Pierce of Kirksville, Missouri, for relief.

By Mr. CUBB: A memorial of C. C. Washburne, of Wisconsin, in re the proposed bridging of the Mississippi river at Winona.

By Mr. DODGE: The petition of a large number of commercial brokers, praying for a reduction of the tax on sales.

By Mr. HUBBARD, of New York: Two several petitions of 39 citizens of the county of Chenango, New York, praying for a repeal of the tax of ten per cent. imposed by a recent act upon any bank that shall pay out the notes of any State bank or banks on all they shall pay out on and after the 1st day of July next.

By Mr. MILLER: Two petitions from citizens of Pennsylvania, asking the tariff to be so amended as to protect labor, &c.

By Mr. McKEE: The petition of Chenant & Co., of Lexington, Kentucky, praying an act for their benefit, to enable them to secure payment for pork used by the Federal Army in Kentucky.

By Mr. MYERS: The petition of Mrs. Eliza H. Barnwell, of Philadelphia, for permission to redeem a store and wharf in Beaufort, South Carolina, sold without her knowledge for taxes and bought by the United States, by the payment of said taxes and expenses.

By Mr. WILSON, of Pennsylvania: The petition of 130 citizens of the city of Williamsport, Pennsylvania, praying for an amendment of the tariff so as to protect labor to the extent of the difference of the cost of capital and labor here and abroad, with the addition of the taxes paid by American industrial products from which the foreign are free.

By Mr. WILLIAMS: The petition of 60 working men of Armstrong county, Pennsylvania, praying for protection to labor to the extent of the difference between the value of foreign and domestic capital and labor, with the addition of the internal duties levied upon American industrial products.

IN SENATE.

FRIDAY, June 29, 1866.

Prayer by Rev. A. D. GILLETTE, D. D., of Washington.

On motion of Mr. WILSON, and by unanimous consent, the reading of the Journal of yesterday was dispensed with.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented resolutions of the Legislature of Connecticut, in favor of the passage of an act whereby the comparative merits of each site offered for a navy-yard and naval depot for iron-clads may be ascertained, with a view to the adoption of that one by which the public interest will be

best promoted; which was ordered to lie on the table and be printed.

Mr. CHANDLER presented a petition of citizens of Washington, North Carolina, praying that a light may be placed on the obstruction in the Neuse river known as the "Blockade;" the petitioners alleging that the obstructions are so constructed as not to be visible above low-water mark, and that a light should be placed there for the protection of vessels entering and departing from that port; which was referred to the Committee on Commerce.

Mr. SUMNER presented resolutions of the Legislature of Massachusetts, in favor of an appropriation by Congress to aid in the construction of a railroad from Orleans to Provincetown; which were referred to the Committee on Military Affairs and the Militia, and ordered to be printed.

Mr. POMEROY. I have a memorial from the board of common council of the city of Leavenworth, in the State of Kansas, with some accompanying papers, relating to a bill that passed the House of Representatives appropriating a portion of the military reserve at Fort Leavenworth for a park for the city of Leavenworth. The Committee on Military Affairs yesterday reported adversely on that bill, without the proof and papers which are now in my possession and which have been received by mail since the report was made. I now move that the bill reported by the committee yesterday, (H. R. No. 447,) to authorize the Secretary of War to sell a portion of the Fort Leavenworth military reservation to the city of Leavenworth, in the State of Kansas, for a public park, be recommitted to the Committee on Military Affairs; and that the memorial and papers I now present take the same reference.

The motion was agreed to.

GEORGE W. BUSH.

Mr. VAN WINKLE. At the request of the chairman of the Committee on Pensions, who is absent to-day, I move that House bill No. 705, for the relief of George W. Bush, which was yesterday reported on adversely, be recommitted to the Committee on Pensions.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. KIRKWOOD, from the Committee on Public Lands, to whom was referred a bill (H. R. No. 491) to remove the office of surveyor general of the States of Iowa and Wisconsin to Plattsmouth, Nebraska, reported it without amendment.

Mr. HARRIS, from the Committee on Private Land Claims, to whom was referred the petition of Ethan Ray Clark and Samuel Ward Clark, praying that their title to a tract of land in Florida may be confirmed, reported a bill (S. No. 402) to confirm the title of Ethan Ray Clark and Samuel Ward Clark to certain lands in the State of Florida, claimed under a grant from the Spanish Government; which was read and passed to a second reading.

Mr. CLARK, from the Committee on Claims, to whom was referred a bill (S. No. 385) for the relief of Thomas W. Stevens, reported it without amendment.

BILLS INTRODUCED.

Mr. CHANDLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 399) relative to collection districts in North Carolina; which was read twice by its title and referred to the Committee on Commerce.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 400) to fix the compensation of certain collectors of customs, and for other purposes; which was read twice by its title and referred to the Committee on Commerce.

Mr. WILSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 401) to increase and fix the military peace establishment of the United States; which was read twice by its title, referred to the Committee on Military Affairs and the Militia, and ordered to be printed.

Mr. BROWN asked, and by unanimous con-

sent obtained, leave to introduce a bill (S. No. 403) to place the name of Sarah Bacon on the pension list; which was read twice by its title and referred to the Committee on Pensions.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. LLOYD, Chief Clerk, announced that the House of Representatives had passed the following bills, in which it requested the concurrence of the Senate:

A bill (H. R. No. 191) to amend an act making a grant of lands to the State of Minnesota to aid in the construction of the railroad from St. Paul to Lake Superior, approved May 5, 1864; and

A bill (H. R. No. 629) for the benefit of William G. Lee.

The message further announced that the House of Representatives had passed the following bills, with amendments to each, in which amendments it requested the concurrence of the Senate:

A bill (S. No. 215) concerning certain lands granted to the State of Nevada; and

A bill (S. No. 156) making additional grant of lands to the State of Minnesota, in alternate sections, to aid in the construction of a railroad in said State.

The message further announced that Mr. RUSSELL THAYER, of Pennsylvania, had been appointed as one of the managers on the part of the House of Representatives, in place of Mr. E. B. WASHBURN, of Illinois, who was excused, at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 127) making appropriations for the support of the Army for the year ending 30th June, 1867.

The message further announced that the House of Representatives had insisted on its amendments to the bill (S. No. 145) for a grant of lands to the State of Kansas to aid in the construction of the Northern Kansas railroad and telegraph, which were disagreed to by the Senate, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BENJAMIN F. LOAN of Missouri, Mr. SIDNEY CLARKE of Kansas, and Mr. CHARLES A. ELDRIDGE of Wisconsin, managers at the same on its part.

The message also announced that the House of Representatives had non-concurred in the amendments of the Senate to the bill (H. R. No. 613) to continue in force and to amend an act to establish a Bureau for the Relief of Freedmen and Refugees, and for other purposes, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. THOMAS D. ELIOT of Massachusetts, Mr. JOHN A. BINGHAM of Ohio, and Mr. HIRAM McCULLOUGH of Maryland, managers at the same on its part.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House of Representatives had signed the following enrolled bills and joint resolutions; which were thereupon signed by the President *pro tempore*:

A bill (S. No. 313) to regulate the transportation of nitro-glycerine or glycoin oil, and other substances therein named;

A bill (S. No. 317) to amend an act entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri river to the Pacific ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," approved July 2, 1864;

A bill (H. R. No. 18) for the relief of the members of the thirty-seventh regiment of Iowa volunteer infantry;

A joint resolution (S. R. No. 110) to authorize the hiring of a building or buildings for the temporary accommodation of the Department of State;

A joint resolution (S. R. No. 113) for the construction of a railroad bridge across the

Cuyahoga river over and upon the Government piers at Cleveland, Ohio; and

A joint resolution (H. R. No. 158) providing for the settlement of the accounts of W. H. Hamrick.

JOSEPH PARKINS.

Mr. WILSON. I am very anxious to get through two or three bills that it is important to pass at once. I move to take up the joint resolution (H. R. No. 163) for the relief of Joseph Parkins.

The motion was agreed to; and the joint resolution was considered as in Committee of the Whole. It is an instruction to the proper accounting officer of the War Department to pay to Joseph Parkins, who has been and now is delivering the stone for the construction of the arsenal at Rock Island, in the State of Illinois, in lieu of the contract price, the sum of \$13 50 per perch for all stone delivered and to be delivered for the construction of the arsenal. Parkins is to receive and accept this sum as full satisfaction of all claims under the contract, and is never to make any further claim for any services rendered by him thereunder.

The joint resolution was reported to the Senate, ordered to a third reading, read the third time, and passed.

EXTRA PAY TO VOLUNTEER OFFICERS.

Mr. WILSON. I now move to take up House bill No. 456.

The motion was agreed to; and the bill (H. R. No. 456) to extend the benefits of section four of an act making appropriations for the support of the Army for the year ending June 30, 1866, approved March 3, 1865, was considered as in Committee of the Whole. It directs that section four of an act entitled "An act making appropriations for the support of the Army for the year ending June 30, 1865," be so construed as to entitle to the three months' pay proper, provided for therein, all officers of volunteers below the rank of brigadier general who were in the service on the 3d day of March, 1865, and whose resignations were presented and accepted, or who were mustered out at their own request, or otherwise honorably discharged from service after that date.

The Committee on Military Affairs and the Militia reported the bill with an amendment to strike out the words "that date" at the end of the bill and to insert "the 9th day of April, 1865."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. It was ordered that the amendment be engrossed and the bill read a third time. The bill was read the third time and passed.

LEASING OF SALINE LANDS.

Mr. HARRIS. I move that the Senate proceed to the consideration of Senate bill No. 351.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 351) to authorize the Secretary of the Interior to lease such of the public lands of the United States as are known as saline lands or lands containing mineral springs, and to provide for the preservation and development of the same. Authority is given by the bill to the Secretary of the Interior to lease to responsible parties such saline lands or lands containing mineral springs as in his judgment may be leased with advantage to the Government and the public; but no such lease is to be for a longer period than twenty-five years, subject to readjustment every five years by disinterested referees, nor at any rate of rental less than the revenue assessed from time to time on manufactured salt or income tax upon mineral springs by act of Congress. The Secretary of the Interior is to prescribe all necessary rules and regulations for the leasing, preserving, and developing of these saline lands and mineral springs, and for the securing and collection of the rental revenues due the Government therefrom; but such rules and regulations may be subject to revision by Congress.

The Committee on Public Lands reported the bill with an amendment in section one, line five, after the word "springs" to insert "situated east of the one hundred and second meridian of longitude."

The amendment was agreed to.

Mr. GRIMES. I should like to inquire of the Senator from New York what objection there is to having these saline lands sold.

Mr. HARRIS. I cannot answer that question. This bill is furnished to the committee by the Secretary of the Interior. He informs us that he can save something to the Government by the lease of these springs, without any disadvantage to anybody.

Mr. GRIMES. I suppose members of the Senate—and I desire simply to call their attention to that fact—are aware that by the passage of this bill we are to inaugurate a new system in this country, and that is, the leasing of the public lands for manufacturing purposes. The result will be that these salt lands will never be half developed under such a system as this. We shall have agents scattered all over the country, appointed by the central power here at Washington, who will have the control of these salt springs, and I cannot apprehend that any advantage at all will result to the Government. The right way is to sell these lands, let them be owned by citizens of the country and let them develop them. This bill introduces a new practice, and I think it should receive more consideration than I fear it is likely to receive at this time.

Mr. CONNESS. This is a bill to make the Government of the United States a landlord and the citizens of the United States tenants. It originated, I believe, in the Land Office, and, singularly enough, it is not made to apply to the cases that gave it its origination or its birth. Some cases came up recently in the State of California where persons had settled upon land containing soda springs and sulphur springs. In some instances they were claimed in connection with land adjacent to them by reason of land-warrants issued by the State of California and laid upon those lands; and as against such claimants there were preëmptors claiming the same quarter section of land. The contest in those cases came up to the Land Office, and the decision of that wise tribunal was that neither of those parties could have the land. Now, let me inform the honorable Senator who has reported this bill, whom I understand so well, and whose motives I know to be so good, that in a single case improvements upon a quarter section connected with one of those springs had been made by a citizen of California amounting to over \$150,000, and yet this Land Office decided that this was of a class of property that could not go to the citizen in fee. Why? Because there was a law of the United States against it? Not a scratch nor a word; but because of the assumption of an official that a property which he thought of great value was too valuable to pass into the hands of a citizen. Why, sir, there is nothing in this country nor in this world that is too good for an American citizen; and it is time that officials were taught that simple fact. But the bill as reported does not apply to our country at all, and hence the honorable Senator who reports the bill will see that I have no motive coming from locality in opposing the bill. It has been amended by the committee so that it shall not have application west of a certain meridian. Why? A citizen of Iowa cannot take a piece of saline land or a soda or sulphur spring, but he must become the tenant of the Government of the United States forever, while the citizen of California can. What is to be done in the mean time by the decisions made at the Land Office in regard to the cases arising in our State I know not. The bill was intended to apply to them also, but the committee have excluded its application from our country. I am very glad they have done that. They want but to go one step further to do the wisest thing, and that is, to exclude such an act from the Senate.

Sir, it is too late in the day to teach the

doctrine, by proposing an act here, that Government is in its most legitimate capacity when it undertakes to be a landlord over the people. It is too late in the day to teach the doctrine that the citizen is in his proper relations to the Government when he is made a tenant of the Government. Does the Senator from New York propose to reestablish upon a small scale, or upon a large scale, the Van Rensselaer estate system, simply substituting the Government for the Van Rensselaers, and give to us a war such as that which in the State of New York was called the anti-rent war, twenty-five or fifty years hence?

I hope that no bill of this kind will secure the attention of the Senate. It is kindred with a measure that was passed here in 1864, that never ought to have received the sanction of Congress, but which went through without much consideration. I refer to a bill for the sale of coal lands, fixing as the minimum price for coal lands upon the public domain of the United States twenty dollars an acre, while you can go into the State of Pennsylvania and into the State of Illinois and buy the most valuable coal lands in the world for a third of that sum. What is the result of that act passed in 1864? Where the Land Office suspects—not knows, but suspects—that coal exists in Oregon, in California, in a whole district, they issue an order withdrawing all that land from sale, and the citizen cannot buy it unless he pays twenty dollars an acre, which is the minimum price; but it is first to be sold at public auction for a higher rate, if that can be obtained. There is not on the entire Pacific coast a single coal mine of great value. There are small strata of coal, of not a valuable quality, in different places on the Pacific coast, but no valuable coal mines; and our people are prevented from undertaking to mine or to look for coal until they first buy the fee of the land at twenty dollars an acre. Now, we are to have added to that an act from the Land Office which proposes to make the Government a landlord and the citizens tenants wherever a piece of saline land or a soda or sulphur spring is found. I hope, sir, that there will be no more of such legislation.

Mr. HARRIS. I will consent that this bill lie over until I can inform myself more in regard to it. I move that it be postponed for the present.

The motion was agreed to.

RICHARD W. MEADE.

Mr. WILLIAMS. I move that the Senate proceed to the consideration of joint resolution No. 39.

The motion was agreed to; and the joint resolution (S. R. No. 39) to refer the claim of the administrator of Richard W. Meade, deceased, to the Court of Claims, was considered as in Committee of the Whole. The preamble recites that doubts are entertained whether the claim of the estate of Richard W. Meade, deceased, upon the Government of the United States is covered and embraced by the ninth section of the act of 3d March, 1863, entitled "An act to amend an act to establish a court for the investigation of claims against the United States," approved February 24, 1855, which case was referred to the court by resolution of the Senate, passed 27th February, 1861. In order to remove all doubts on that subject, the resolution directs the claim of Richard W. Meade, administrator of Richard W. Meade, deceased, be referred to the Court of Claims for adjudication pursuant to authority conferred upon that court by any existing law to examine and decide claims against the United States referred to it by Congress.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read the third time, and passed.

WASHINGTON GLASS COMPANY.

Mr. RIDDLE. I move that the Senate proceed to the consideration of Senate bill No. 227, which was reported unanimously by the

Committee on the District of Columbia. It is a short bill, and will occupy no time and give rise to no debate.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 227) to incorporate the Washington Glass Company. It proposes to constitute William S. de Zeng, Robert Rose, and John L. Kidwell, their associates, successors, assigns, and such other persons as shall become shareholders, a body politic and corporate, in deed and in law, by the name, style, and title of the Washington Glass Company, to be located in the District of Columbia, for the manufacture of glass and porcelain in all their varieties, with a capital stock of \$100,000, with power to increase the same to any sum not exceeding \$500,000.

The Committee on the District of Columbia reported the bill, with an amendment in section one, line ten, after the words "capital stock of \$100,000" to insert "twenty per cent. of which shall be subscribed and paid in before said company shall proceed in its operations."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

ASBURY CHAPEL.

Mr. WILLEY. I move to take up Senate bill No. 361.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 361) to authorize W. J. Sibley, and others, to sell and convey lot number nine, in square number seventy-six, in the city of Washington. The preamble recites that lot number nine, in square number seventy-six, in the city of Washington, was conveyed by J. H. McBlair to W. J. Sibley, and others, in trust, to erect thereon a place of worship for the use of the people of color, members of the Methodist Episcopal church in the United States; that the trustees have not had the means of erecting such church, and the purpose has been abandoned, and another church, called the Asbury chapel, has been erected in or near the neighborhood of the lot, which the trustees desire to sell and apply the proceeds to the benefit of the congregation worshipping in Asbury chapel, a purpose which J. H. McBlair, as far as he had any interest therein, has approved by his subsequent deed made to the trustees. The bill therefore authorizes W. J. Sibley, and others, trustees of the lot mentioned, or the survivors of them, to sell and convey it for such price as they shall think proper, or to confirm and carry out any contract for sale already made by them with any person, and to convey the same accordingly, freed and discharged of the trust upon which it was originally conveyed to them, and to apply the proceeds of sale to the benefit of the congregation worshipping in the Asbury chapel, as the proper and legal authority thereof may deem expedient, and for no other purpose whatever.

The Committee on the District of Columbia reported the bill with two amendments. The first amendment was in line three of the preamble, after the name of "W. J. Sibley," to strike out the words "and others" and to insert "Ro. Ricketts, R. W. Bates, R. L. Sanders, Benjamin McCoy, and G. Spoarder."

The amendment was agreed to.

The next amendment was in line three of the bill, after the name of "W. J. Sibley," to strike out the words "and others" and to insert "Ro. Ricketts, R. W. Bates, R. L. Sanders, Benjamin McCoy, and G. Spoarder."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in. The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

HOUSE BILLS REFERRED.

The following bills from the House of Rep-

resentatives were severally read twice by their titles and referred as indicated below:

A bill (H. R. No. 191) to amend an act making a grant of lands to the State of Minnesota to aid in the construction of the railroad from St. Paul to Lake Superior, approved May 5, 1864—to the Committee on Public Lands.

A bill (H. R. No. 629) for the benefit of William G. Lee—to the Committee on Claims.

PREVENTION OF SMUGGLING.

The PRESIDENT *pro tempore* appointed Mr. CHANDLER, Mr. MORRILL, and Mr. CONNESS as the committee of conference on the part of the Senate on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. No. 222) further to prevent smuggling, and for other purposes.

PUBLIC LANDS IN NEVADA.

The Senate proceeded to consider the amendments of the House of Representatives to the bill (S. No. 215) concerning certain lands granted to the State of Nevada.

Mr. STEWART. The amendments to that bill are merely verbal. I ask that the Senate concur in them.

The Secretary read the amendments of the House of Representatives, which were in section six, line nine, to strike out the word "under;" in the same section, in lines ten and eleven, to strike out the words "and sale;" in line thirteen, after the word "right," to insert "in tracts of land not less than forty acres;" in line fourteen, after the word "same," to insert "in tracts not exceeding three hundred and twenty acres each;" and in line fifteen, after the word "occupants," to insert "and provided further, that city and town property shall not be subject to selection under this act."

The amendments were concurred in.

TERRITORIAL GOVERNMENTS.

Mr. WADE. I move that the Senate proceed to the consideration of House bill No. 508.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 508) to amend the organic acts of the Territories of Dakota, Colorado, Nebraska, Montana, Washington, Idaho, Arizona, Utah, and New Mexico.

The Committee on Territories proposed to amend the bill by striking out all after the words "to wit," in the seventh line of the first section, to the end of the enacting clause of the sixth section. The words proposed to be stricken out were as follows:

The Legislative Assemblies of each of the Territories named shall pass no special acts conferring corporate powers, but they may authorize the formation of corporations (except for banking purposes) under general laws, which may be altered or repealed at any time; and the property of all corporations which may hereafter be organized, or which now exist, shall be subject to the same taxation as the property of individuals.

SEC. 2. *And be it further enacted*, That the Legislative Assemblies of the Territories aforesaid, respectively, shall, at their first session after the passage of this act, provide by general laws for the organization of associations for commercial, manufacturing, and mining purposes, for ferries, bridges, turnpikes, and toll-roads, for churches, colleges, and literary and other associations, and for the incorporation of cities and villages, restricting their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent the abuse of such power.

SEC. 3. *And be it further enacted*, That the Legislative Assemblies of each of the Territories aforesaid shall, at their first session after the passage of this act, prescribe by law the manner in which all corporations, except for benevolent purposes, heretofore authorized by acts of said Territorial Legislatures, shall reorganize under general laws: *Provided*, That all corporations or associations now duly organized in pursuance of law, and engaged in legitimate business, shall have precedence of any proposed new association, in reorganizing under such general acts of incorporation as may be passed: *And provided further*, That such reorganization shall be within one year from the date of the adjournment of the first Legislative Assembly in each of the aforesaid Territories after the passage by such Assembly of the act herein required.

SEC. 4. *And be it further enacted*, That all special charters granted by any of the Legislative Assemblies of either of the Territories herein named, to associations which have not been organized, are hereby declared void, and all persons who may have secured special grants for ferries, bridges, turnpikes, toll-

roads, or special grants for any purpose, shall be subject to such general laws as the Legislative Assemblies of the Territories aforesaid shall enact as required by this act.

SEC. 5. *And be it further enacted*, That all acts and parts of acts of any of the Legislative Assemblies of the Territories aforesaid, granting to associations or to individuals the exclusive right to go upon and occupy any part of the public domain, or to the exclusive use of the timber or water powers thereon, or the right to the exclusive use of water to be taken from lakes, rivers, or streams be, and the same are hereby, declared null and void: *Provided*, That nothing in this act contained shall be construed in anywise to invalidate any vested rights of persons acquired under the existing laws of either of said Territories in any mines, nor to invalidate any corporation or mining company within any of said Territories organized under and in pursuance of any State law or law of Congress.

SEC. 6. *And be it further enacted*.

The amendment was agreed to.

The committee also proposed to strike out the eighth section of the bill in the following words:

SEC. 8. *And be it further enacted*, That the Legislative Assemblies of the Territories aforesaid shall hereafter have no power or authority to grant divorces, but divorces may be granted by the courts of the United States in each of said Territories for such cause as may appear to them good and sufficient: *Provided*, That both parties shall reside in the Territory where the application for divorce is made: *And provided further*, That public notice shall be given by advertisement in at least two newspapers published in said Territory, stating the court before which the application will be heard, and the causes for which the divorce is demanded.

The amendment was agreed to.

The bill, as amended, reads thus:

Be it enacted, etc., That the several acts establishing territorial governments for the Territories of Dakota, Colorado, Nebraska, Montana, Washington, Idaho, Arizona, Utah, and New Mexico, and all acts amendatory thereof, be, and the same are hereby, amended as follows, to wit: that no person now appointed, or who may hereafter be appointed by the President to any office in either of the aforesaid Territories, shall receive any compensation out of the Treasury of the United States, or out of any contingent fund for services or as compensation for his salary until he shall have entered upon the discharge of his official duties within the Territory; nor shall any officer thus appointed be paid for the time he may be absent from the Territory if absent without authority of the President of the United States.

SEC. [7] 2. *And be it further enacted*, That in case of the death, absence, or inability of any judge of the United States superior courts for any Territory, at the time when the courts for his judicial district are appointed by law to be held, a judge of either of the districts in such Territory, not then occupied, is hereby authorized and may hold court in such district during the absence or inability of any judge, and all judgments, decrees, and orders of said court shall be as binding as if the same were held by the judge appointed therefor.

SEC. [9] 3. *And be it further enacted*, That within the Territories aforesaid there shall be no denial of the elective franchise to citizens of the United States because of race or color, and all persons shall be equal before the law. And all acts or parts of acts, either of Congress or of the Legislative Assemblies of the Territories aforesaid, inconsistent with the provisions of this act are hereby declared null and void.

SEC. [10] 4. *And be it further enacted*, That where a secretary of a Territory has heretofore performed, or hereafter shall be required to perform, the duties of acting Governor by reason of the absence from the Territory of the Governor, or during a vacancy in said office, said secretary shall be entitled to receive for the actual time during which the said duties of Governor devolve upon him by law, and are actually performed by him, a sum sufficient to make his salary equal to the salary of the Governor.

SEC. [11] 5. *And be it further enacted*, That all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

Mr. BUCKALEW. I move to strike out the section in regard to the regulation of suffrage. I think it is the ninth section. I ask for its reading.

The Secretary read section [nine] three, proposed to be stricken out.

Mr. WADE. I hope that section will not be stricken out. We have all thus far, I suppose, proceeded upon this subject on the hypothesis that the General Government had not the power to regulate the elective franchise in the States of this Union; but of course we have the power of legislation to all intents and purposes in the Territories of the United States, and I believe it is pretty well understood here now that when a Territory shall refuse to grant this franchise in its most extensive signification, the Senate will refuse to receive that Territory into the Union as a State. It is that, perhaps, which prevents us now from passing a certain bill over the veto of the President, because the

constitution of the State which that bill proposed to admit has not this stipulation in it.

I do not now suppose it is necessary to go into the argument that is ordinarily resorted to, either pro or con, as to the right of franchise and the expediency of granting it generally, because the whole subject has been so often up and so thoroughly debated that in my judgment no good would come from prolonged discussion at this stage of the session.

I only wish the Senate to understand what the question is. The section now proposed to be stricken out provides that these Territories shall make no discrimination in the elective franchise between any races of people within their limits. The question is fairly raised by this motion whether the Senate will make that provision for a Territory where we have entire power or control over the subject, or whether they will not. I think that it is time it was understood that when Territories come knocking at our doors to be admitted as States they are not to be admitted if they have improper provisions in their constitutions, and now is the time to test the question by imposing such provisions as we think proper, so that all the Territories framing constitutions and bringing them here for our sanction may know on what terms they may expect to be admitted. It is for that purpose that this section was inserted here, and I think it ought to be tried.

For myself, at this period of the session and in this year of grace, I surely need not say that I am for the most extensive right of suffrage to every human being who is rational, who is above the age of twenty-one years, and who is a citizen of the United States. I am for that on all occasions. I am inclined to think and I do believe that it is one of those inherent and "inalienable" rights which were alluded to by our fathers in that great Declaration which has had so much effect upon the destinies of the world. I believe that in civilized communities it is a right which pertains to a man from the same high source and in the same way that any other of his rights to person or property are held. That is my judgment, and I think that the Declaration of Independence in this respect was only declaratory of the great law of nature itself, and introduced no new principle. I am for living up to that Declaration, and I am for bringing the Territories to understand that if they come here for admission they must come without any taint of aristocracy in their constitutions, but must make them conform to the reformed state of public opinion now existing. Therefore, sir, I am opposed to striking out this section, and I hope that the Senate will keep it in and that it will be passed into a law.

Mr. BUCKALEW. The effect of the amendment which I have submitted is to leave this question wholly untouched, to allow all the provisions which exist in the acts organizing the Territories to have operation as heretofore, without the interference of Congress. Now, sir, the Senator from Ohio appears, from his remarks, to desire this provision as a notice to the Territories with reference to the question of the formation of constitutions by them preparatory to their admission into the Union hereafter. In other words, he desires indirectly to dictate to those Territories the form of constitutions which they may hereafter make for themselves preparatory to their admission into the Union. Our old doctrine and our correct doctrine, as I understand it, has been that the constitution made by a new State, or made by the inhabitants of a Territory preparatory to their admission into the Union as a State, shall be their own work, completely and entirely, in every respect whatever, except that it must be republican in form. From the beginning of our Government down to this day, I believe that doctrine has obtained; it has received general admission.

Now, the Senator from Ohio proposes, as I understand his argument, by this measure to give direction to the action of the people of the respective Territories who may hereafter

apply for admission into the Union—to give direction to their action in the formation of their constitutions preparatory to admission. Of course, sir, we are not now forming territorial governments; that has already been done by Congress, and the subject has passed from us as to those already established. The object at present must be to anticipate future action with reference to the admission of these Territories as States. I understand—

The PRESIDENT *pro tempore*. The morning hour having expired it becomes the duty of the Chair to call up the unfinished business of yesterday, which is House bill No 344.

NIAGARA SHIP-CANAL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 344) to incorporate the Niagara Ship-Canal Company.

The PRESIDENT *pro tempore*. The pending question is on the motion of the Senator from Iowa [Mr. GRIMES] to recommit the bill to the Committee on Commerce; and upon that question the Chair is advised that the Senator from Pennsylvania [Mr. COWAN] is entitled to the floor.

Mr. COWAN. I merely rose yesterday to put some interrogatories.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Iowa.

The motion was not agreed to.

Mr. HOWE. Let the Clerk proceed with the reading of the bill.

The PRESIDENT *pro tempore*. The reading of the bill will be commenced at the point where it was interrupted yesterday.

The Secretary read the bill.

The first amendment reported by the Committee on Commerce was in section two, line three, after the word "engineers" to strike out the word "to" and insert "appointed by the company to be organized as hereinafter provided, who shall;" so as to make the section read:

That the President shall appoint a topographical engineer, to be associated with two civil engineers appointed by the company to be organized as hereinafter provided, who shall make such preliminary examinations and surveys, &c.

The amendment was agreed to.

The next amendment was in line two of section three to strike out the word "secure" and insert "aid in securing;" and in the same section, line three, to strike out the words "to acquire" and insert "and in acquiring;" so as to read:

That it shall be the duty of the President of the United States to aid in securing the right of way for such canal and in acquiring the title to such lands, &c.

The amendment was agreed to.

The next amendment was in line nine of section three to strike out the words "President by," and after "agents," in the same line, to insert "of said company;" so as to read:

Then the engineers and agents of said company may, at any time thereafter, enter upon and take possession of said lands, &c.

The amendment was agreed to.

The next amendment was in line twelve of section three to strike out the words "the United States" and insert "said company;" so as to read:

Appropriate the same to the use of said company for the purpose of the construction of said canal.

The amendment was agreed to.

The next amendment was in section three, line twenty, after the word "paid" to strike out the words "by the United States."

The amendment was agreed to.

The next amendment was in section four, after the words "notice of," in line two, to insert "not less than;" so as to read:

Such application shall be made on the service of notice of not less than twenty days to the parties in interest.

The amendment was agreed to.

The next amendment was after the word "and," in line four of section four, to strike out the words "in case personal service thereof cannot be made upon the parties, such service

may be made by the publication of such notice in the State paper of the State of New York and in a public newspaper printed in the county of Niagara aforesaid, for four weeks prior to the day on which such hearing is to be had, by petition describing," and in lieu thereof to insert "if it shall be made to appear to said court or the judge thereof that personal service of such notice cannot be made for any cause, such service may be made by publishing the same in such newspaper and for such a length of time as the court or judge may direct, which notice and the petition on which it is issued shall in all cases describe."

The amendment was agreed to.

The next amendment was in line ten of section five to strike out the words "the United States" and insert "said company."

The amendment was agreed to.

The next amendment was after the word "notice," in line four of section six, to strike out the words "and the court may confirm the report of the commissioners or recommit it to the same or other commissioners, as justice may require, who shall proceed in like manner, and report their proceedings to the court," and in lieu of these words to insert the following:

And they shall make a report of their proceedings to one of the courts named in section three of this act, with the minutes of the testimony taken by them, if any. On such report being made by said commissioners, the company shall give notice to the parties to be affected by the proceedings or their attorneys, according to the rules and practice of such court at any general or special term thereof, for the confirmation of such report; and if no appeal be taken therefrom the court shall thereupon confirm such report, and shall make an order containing a recital of the substance of the proceedings in the matter of the appraisal, and a description of the real estate appraised for which compensation is to be made, and shall also direct to whom the money is to be paid or in what bank, and in what manner it shall be deposited by the company. But either party feeling aggrieved at said appraisement may, within thirty days after the same has been returned into court, file an appeal therefrom and demand a jury of twelve men to estimate the damages sustained; but such appeal shall not interfere with the rights of said company to enter upon the premises taken, or to do any act necessary and proper in the construction of its canal. And said party appealing shall give bonds with sufficient surety or sureties for the payment of any costs that may arise upon such appeal; and in case the party appealing does not obtain a verdict increasing or diminishing, as the case may be, the award of the commissioners, such party shall pay the whole costs incurred by the appellee as well as his own; and the payment into court, for the use of the owner of said premises taken, of a sum equal to that finally awarded, shall be held to vest in said company the title of said land and of the right to use and occupy the same for the construction, maintenance, and operation of said canal.

The amendment was agreed to.

The next amendment was in section seven, lines two and three, to strike out the words "commissioners shall have made a satisfactory report the court shall make an order confirming the same, and," and to insert "report of such commissioners shall be confirmed, or in case of appeal therefrom final judgment thereon shall have been rendered, the court;" in line seven, after the word "confirmation," to insert "or final judgment;" and at the end of the section to strike out the words "the United States" and to insert "said company;" so that the section will read:

SEC. 7. And be it further enacted, That whenever the report of such commissioners shall be confirmed, or in case of appeal therefrom, final judgment thereon shall have been rendered, the court shall direct a summary of the petition and the report, with the order of confirmation, or final judgment, to be entered of record in the clerk's office of the county of Niagara, in said State, in the book of miscellaneous records. And said commissioners shall be entitled to eight dollars each for their services, together with their traveling expenses, for every day they are actually engaged in the performance of their duties, which shall be added to the amount agreed upon in their report, and paid as a part of said claims. And upon the payment of the compensation specified in said report for such right of way and any such land to the owner or owners thereof, or upon depositing the sum in such bank or other institution as the court shall designate for that purpose, the title to such right of way and lands shall pass to and be vested in said company.

The amendment was agreed to.

The next amendment was in section eight, line two, after the word "canal," to strike out the following words:

For military and commercial purposes, and to provide for the common defense and general welfare of

the States bordering on the northern frontier, and to regulate commerce among the several States, as well as to relieve the Treasury, as far as may be practicable, from a large expenditure of money, by availing itself of private enterprise.

The amendment was agreed to.

The next amendment was in section eight, line forty, after the word "appropriated," to strike out the words "by the United States."

The amendment was agreed to.

The next amendment was in section eight, line forty, after the word "provided," to strike out the following words:

The title to and fee in which land shall be and remain in the United States, as a guarantee that the canal to be constructed thereon shall at all times, during the season of navigation, be kept in repair and open to the free use of the United States for military and naval purposes; but the corporation hereby created, and its successors, shall always and at all times, and in perpetuity, have, hold, and enjoy the right, and be allowed and permitted, without let or hindrance of any kind, to enter upon, use, occupy, and enjoy the said land and every part thereof, free of rent or any charge whatever, for the purposes and objects herein expressed.

The amendment was agreed to.

Mr. HOWE. There is a change of phraseology that I wish to make in the clause immediately following the one just stricken out. It is in line fifty-three of section eight to strike out after the word "upon" the words "pass to," and after the word "and" to insert the word "may;" so that it will read:

And all the rights, powers, and privileges created hereby shall be, and the same hereby are, conferred upon, and may be used and enjoyed by, said company upon the terms and conditions following, &c.

The PRESIDENT *pro tempore*. That alteration will be made if there be no objection.

The next amendment of the committee was in section eight, line seventy-six, after the word "appointed," to strike out the words "by the President."

Mr. KIRKWOOD. I should like to have the Senator having the bill in charge refer to the part of the bill in which the appointment of these engineers is provided for. This amendment proposes to strike out their appointment by the President. In looking over the bill I do not see how else the engineers who are to examine this work are provided for.

Mr. HOWE. It is in the second section of the bill.

Mr. KIRKWOOD. The provision on which we are now acting is this: it speaks of the construction of the canal as it progresses, that it shall be of "permanent and substantial material and in good workmanlike manner, subject, as the work progresses, to the examination, direction, and approval of the engineers to be appointed by the President as is herein specified." Now, the words "by the President" being stricken out, the engineers will then be, under the second section, the engineers and agents of the company.

Mr. HOWE. Two of them.

Mr. KIRKWOOD. If this amendment be made, as I understand it, the Government really has no supervision over the work as it progresses, to know whether it is done in a workmanlike manner or not.

Mr. HOWE. It will have the supervision of one engineer appointed by the President, and three directors.

Mr. KIRKWOOD. That is no control at all.

Mr. HOWE. Certainly not. The Government do not propose to control the company. If the Government was going to build the work itself it would not employ a company.

Mr. KIRKWOOD. I understand that; but is the Government to have no controlling power as to the manner in which the work shall go on; to see whether it is according to the law or not, as set down here?

Mr. HOWE. It has whatever protection the supervision of that engineer and its three directors can give.

Mr. KIRKWOOD. Otherwise it will be left wholly with the company?

Mr. GRIMES. All the duty of the Government is to furnish the money.

Mr. KIRKWOOD. I understand that in building the Pacific railroad there is no money allowed to be paid to the company until a com-

mission appointed by the President shall go on and view the work and certify that it has been built according to the law. Now, by this amendment, if it prevails, we have no such safeguards in regard to this work; but the certification of an engineer of the company alone is all that is required before we are called upon to pay the money under this bill.

Mr. HOWE. The security of the Government is provided for in another clause of the bill. It is not affected by this clause at all. When we come to that the Senator will see whether it is adequate or not. If it is not adequate that will be the place to make it adequate. This, however, has nothing to do with that question.

Mr. KIRKWOOD. This amendment can be adopted now, and we can have a separate vote on it hereafter if necessary.

The amendment was agreed to.

The next amendment of the Committee on Commerce was in section eight, line eighty-three, after the word "thereof" to strike out the following words:

And when thus completed the said canal and Niagara river shall be a military, naval, postal, and public highway, connecting Lakes Erie and Ontario, and shall be established as such to the United States and the people thereof forever, and no obstructions shall be placed therein which shall impede or interfere with the uninterrupted navigation thereof.

The amendment was agreed to.

The next amendment was in section eight, line one hundred and twenty-five, to strike out the words "or neglect" before the word "to," and after the word "to" to strike out the word "perform" and insert the words "comply with;" and in line one hundred and twenty-eight, after the word "declare," to strike out the words "the said contract void, and;" and after the word "rights" in the same line to strike out the words "thereunder and" and insert the words "of said company;" so that the clause will read:

8. In case of any failure on the part of said company to commence said work or to complete the canal within the period herein specified, or to keep the same in good repair and condition, or of a neglect to perform any and all of the conditions hereinbefore stated, the President of the United States shall notify the president of such company thereof in writing, specifying wherein said company is in default; and upon receipt of such notice, if the said company shall fail to comply with the terms and conditions of this act set forth and specified in said notice, for the space of six months after the service thereof, the President may declare all rights of said company under this law forfeited.

The amendment was agreed to.

The next amendment was in section eight, line one hundred and thirty, after the word "and" to strike out the following words:

May terminate said contract, and at once proceed to relet said canal, and make and enter into a new contract for the construction and operation of said canal with any other company which may be incorporated for such purpose, under the laws of the United States, upon the terms and conditions above stated.

And to insert in lieu thereof:

May take such proceedings as he may deem advisable to terminate the possession of said company.

The amendment was agreed to.

The next amendment was in section nine, line seven, to strike out the word "hundred," and insert "thousand;" so that the clause will read:

And shall be divided into shares of \$100 each, and which shall be subscribed for and held in not less than one share or more than two thousand shares by any one person.

The amendment was agreed to.

The next amendment was in section ten, line six, after the word "commissioners," to strike out the following words:

To open books for subscription to the stock of said corporation, on which shall be paid at the time of subscription ten per cent. thereof, and they shall open such books on or before the 1st day of August next, at such places as they may appoint, having first given notice of the time and place of meeting for that purpose by publishing the same once at least in each week for four weeks successively, in a newspaper printed and published in the city of New York; Chicago, in the State of Illinois; Detroit, in the State of Michigan; Milwaukee, in the State of Wisconsin; Cleveland, in the State of Ohio; and Boston, in the State of Massachusetts. The aforesaid subscription books shall be kept open, at the places designated in the aforesaid notice, for at least three days. A majority of said

commissioners shall constitute a quorum for the transaction of business, and they may adjourn from time to time, and, after the first three days, to such places as they may think fit, until the requisite number of shares shall be subscribed for; and in case a surplus of—

And to insert in lieu thereof:

One or more of whom shall open books of subscription to the stock of said company in each of the cities of New York; of Chicago, in the State of Illinois; of Milwaukee, in the State of Wisconsin; of Detroit, in the State of Michigan; and of Boston, in the State of Massachusetts. Notice of the time and place for opening said books in each of said cities shall be given by publishing the same in two leading newspapers printed or published in each of said cities, at least once in each week for four successive weeks prior to the time of meeting. Such books of subscription shall be kept open at each of the places above designated, at least three days, and no subscription shall be received unless the subscriber shall deliver to the commissioner in charge of the books, a certificate of deposit issued by some national depository for ten per cent. of the amount subscribed and payable to the order of the treasurer of the Niagara Ship-Canal Company. In case twenty thousand shares of said stock shall not be subscribed for in manner aforesaid within said three days, said books may be opened at such other places and for such further time as a majority of said commissioners may direct, and until the requisite number of shares shall be so subscribed; and in case more than twenty thousand.

Mr. HOWE. I move to amend that amendment in the forty-third line by striking out the words, "the requisite number of" before the word "shares," and inserting "twenty thousand."

The amendment to the amendment was agreed to.

The amendment, as amended, was adopted.

The next amendment was in section eleven, line sixteen, to strike out the word "States" and to insert "of the cities;" in line eighteen to insert the word "and" before "Oswego," and after "Oswego" to strike out the words "and New York;" and in line nineteen, after "New York," to strike out "and in the city of Chicago;" so that the clause will read:

The annual meetings of the stockholders shall be held at such time, between the first Wednesday of May and the first Wednesday of June in each succeeding year, and at such place in the county of Niagara, State of New York, as shall be from time to time fixed by the directors for the purpose; and in all cases at least four weeks' notice of the time and place of meeting shall be published in one newspaper in each of the cities in which subscription books have been opened, and in the counties of Niagara and Oswego, in the State of New York, in the manner in which the notice for opening the books for subscription is required to be published by the preceding section of this act.

The amendment was agreed to.

The next amendment was in section twelve, line two, to strike out the word "eighteen" and insert "fifteen" before the word "directors;" in line four, after the word "appointed," to insert "by the President;" in line five to strike out the words "pleasure of the President" and insert "term of three years;" in line seven to strike out the word "fifteen" and insert "twelve" before "directors;" in line thirteen to strike out the word "fifteen" and insert "twelve" before "directors;" and in line twenty-one to strike out the word "five" and insert "four" before the word "directors;" so that the section will read:

SEC. 12. And be it further enacted, That the affairs of the said corporation shall be managed by a board of fifteen directors, three of whom shall represent the Government and be appointed by the President, and hold their offices during the term of three years, and shall not be stockholders in said corporation. The remaining twelve directors, with the exception hereinafter mentioned, shall hold their offices for three years, and until others shall be elected in their places. A majority of the board of directors shall constitute a quorum for the transaction of all business connected with said corporation. Immediately after the first election of directors, as herein provided, the twelve directors, representing said corporation, shall be divided by lot into three classes of equal number; and the term of office of the first class shall end on the first Wednesday of June next succeeding the due organization of the said corporation, according to the provisions of this act; of those of the second class, on the first Wednesday of June in the year next succeeding; of those of the third class, on the first Wednesday of June following. At each succeeding annual meeting of the stockholders four directors and three inspectors of election shall be elected, by ballot, to fill the places of those whose term of office will expire on the first Wednesday of June of that year. And on all questions submitted to the stockholders for determination, each shall be entitled to one vote, either in person or by proxy, for every share of stock held or represented by him.

The amendment was agreed to.

The next amendment was to strike out the sixteenth section of the bill in the following words:

SEC. 16. *And be it further enacted*, That whenever \$500,000 of the capital stock of the said corporation shall have been subscribed for and the subscribers shall have paid ten per cent. upon the stock subscribed for by them respectively, the said corporation shall be deemed to be duly organized.

The amendment was agreed to.

The next amendment was in section seventeen, lines seven and eight, to strike out "such lands" and insert "the same."

The PRESIDENT *pro tempore*. That correction will be made, no objection being interposed.

The next amendment was in section eighteen, after the word "company," in line four, to strike out "at any rate of interest, not exceeding ten per cent. per annum, as may be agreed upon between the parties."

The amendment was agreed to.

The next amendment was in the same section, after the word "dollars," to insert "payable in twenty years from date, with interest thereon at seven per cent., to be paid semi-annually, upon coupons attached;" so that the section will read:

That the said corporation is hereby authorized to borrow money on time, not to exceed in the aggregate \$2,000,000, on the credit of the company, for the purpose of building and constructing said ship-canal and the works connected therewith, and may issue its corporate bonds therefor in denominations not less than \$500, payable in twenty years from date, with interest thereon at seven per cent. to be paid semi-annually, upon coupons attached, and to secure the payment thereof, with the interest that may accrue thereon, may mortgage its corporate property, effects, and franchise, or convey the same by deed of trust for said purposes.

The amendment was agreed to.

The next amendment was in the same section, in line eighteen, after the word "prices" to insert "not less than par;" and after "company," in line nineteen, to strike out "and if such bonds or stocks are sold at a discount, such sale shall be as valid and binding in every respect as if sold at par value;" so as to read:

And said company may by its president or other officers or agents, under the direction of the board of directors, sell, dispose of, or negotiate such bonds or stocks of said company, at such times and places and at such rates and for such prices, not less than par, as, in their opinion, will best answer the interest of the company.

The amendment was agreed to.

The next amendment was in section nineteen, line four, to strike out the word "impose" and to insert "provide;" in line five, after "such," to strike out "forfeitures of money and penalties" and insert "fines."

The amendment was agreed to.

The next amendment was in section nineteen, line twelve, after "as," to strike out "due" and insert "*prima facie*;" and in line thirteen, after "regulations," to strike out "and forfeitures;" so as to read:

And a copy thereof, certified by said clerk under his hand and seal of his office, shall be received in all courts of law as *prima facie* proof that such rules and regulations were established by said company.

The amendment was agreed to.

The next amendment was in line seventeen of the same section to insert "defendant" after "parties."

The amendment was agreed to.

The next amendment was at the end of section nineteen to insert:

And provided further, That no money shall be loaned to said corporation by the United States nor borrowed by it from any other source until the full sum subscribed to its capital stock shall have been collected and in good faith expended upon the construction of said work, which expenditure shall be duly verified by the oaths of the president and engineers aforesaid, and thereafter such loan shall be advanced only upon the terms and conditions in this section prescribed: *And provided further*, That all interest accrued on any bond to be issued to said corporation by the United States under the provisions of this act prior to the date of its delivery shall be duly canceled prior to its delivery.

Mr. HOWE. That amendment is printed in the wrong place. It is designed as a proviso to section twenty-one.

The PRESIDENT *pro tempore*. That change will be made, and the proviso will be put in at the place indicated by the Senator from Wisconsin.

Mr. HOWE. I suppose it will be proper to consider it when we come to section twenty-one.

The PRESIDENT *pro tempore*. It can be considered at the present time.

Mr. TRUMBULL. I think we had better consider this proviso when we reach section twenty-one, for it seems to me to be inconsistent with that section.

The Secretary read the next amendment of the committee, which was in section twenty, line two, after the word "dollars," to insert "or so much thereof as said company may desire to borrow."

The amendment was agreed to.

The next amendment was to insert at the end of section twenty-one the following proviso:

And provided further, That no money shall be loaned to said corporation by the United States nor borrowed by it from any other source until the full sum subscribed to its capital stock shall have been collected and in good faith expended upon the construction of said work, which expenditure shall be duly verified by the oaths of the president and engineers aforesaid, and thereafter such loan shall be advanced only upon the terms and conditions in this section prescribed: *And provided further*, That all interest accrued on any bond to be issued to said corporation by the United States under the provisions of this act prior to the date of its delivery shall be duly canceled prior to its delivery.

Mr. HOWE. I wish to amend this amendment by inserting after the word "sum," in the twenty-second line, the words "of \$2,000,000;" so as to read, "until the full sum of \$2,000,000 subscribed to its capital stock shall have been collected and in good faith expended."

The amendment to the amendment was agreed to.

Mr. TRUMBULL. It seems to me that the proviso is inconsistent with the body of the section, if I understand it. Section twenty-one provides:

That whenever said company shall have expended in and toward the construction of said canal the sum of \$300,000, and shall deliver to the Secretary of the Treasury the certificate of the engineers aforesaid and the president of said company, duly verified by them on oath, stating that such sum last above named had been expended and paid, the Secretary of the Treasury shall forthwith pay and deliver to the treasurer of said company, or to his order, \$200,000, in the bonds aforesaid, as a part of the sum to be loaned by this act; and whenever and as often thereafter as the like certificate and proof shall be furnished to the Secretary of the Treasury that other and the further sum of \$300,000 has been paid and expended by the said company in the further construction of the said canal, the Secretary of the Treasury shall pay and deliver to the treasurer of said company, or to his order, other of said bonds to the amount of \$200,000; and he shall continue from time to time to pay over and deliver other of said bonds to said company, or to its treasurer, to the amount of \$200,000 at a time, or such parts thereof as may be necessary to make the whole sum hereby ordered and directed to be loaned upon such certificates and proof of expenditure as aforesaid, until the whole \$6,000,000 above specified shall be duly advanced and paid.

This provides that whenever the company shall have expended \$300,000 the Government is to deliver \$200,000 of its bonds to the company, as part of the sum to be loaned by this act. What is the proviso? The proviso is that no money shall be loaned to the corporation by the United States, nor borrowed by it from any other source till the full sum of \$2,000,000 subscribed to its capital stock shall have been collected and in good faith expended upon the construction of the work. Are not the provisions inconsistent? When \$300,000 are expended by the company, \$200,000 of Government bonds are to be delivered, as I understand the body of the section; but by this proviso the two millions must all have been expended upon the work before the company can receive anything.

Mr. HOWE. I will state to the Senator the idea of the committee, and he will see whether we have carried it out or not. Our purpose was to insure the expenditure of at least two millions of the money of the company before any money was advanced by the United States, and we had this section twenty-one to amend so as to effect that object, and we agreed to

this proviso, supposing it would do it. The section twenty-one provides that as often as \$300,000 are spent by the company, \$200,000 shall be loaned by the United States; but the proviso requires that the Government shall not begin to loan at all until the company have spent \$2,000,000, and then as often as they spend \$300,000 we loan \$200,000.

Mr. TRUMBULL. The section provides that when the first \$300,000 is expended by the company, the Government shall loan \$200,000. It seems to me that to carry out the purpose stated, the language of the first part of the section ought to be altered as to read, "that whenever said company shall have expended in and toward the construction of said canal the sum of \$2,000,000, and shall deliver to the Secretary of the Treasury the certificate of the engineer aforesaid and the president of said company, duly verified by them on oath, stating that such sum last before named had been expended and paid, the Secretary of the Treasury shall forthwith pay and deliver to the treasurer of said company, or to his order, \$200,000 in the bonds aforesaid," and so on. Certainly the proviso is utterly inconsistent with the first provision of this section as it now stands; but it would carry out the object which I understand the committee have in view to insert "\$2,000,000" in the third line of the section.

Mr. HOWE. Our idea was that the proviso covered and controlled the operation of the section; but I suggest that we pass over it for the present.

Mr. KIRKWOOD. I think the proviso had better be attached to section twenty, and then the change made in the twenty-first section suggested by the Senator from Illinois.

Mr. HOWE. I propose to pass this amendment by for the present, and I ask Senators to look into it. We want to effect the object which I have stated.

The PRESIDENT *pro tempore*. By common consent the proposed amendment to the twenty-first section will be passed over, and the next reported amendment will be read.

The Secretary read the next amendment, which was to strike out the twenty-third section, in the following words:

SEC. 23. *And be it further enacted*, That the tolls to be imposed upon vessels, rafts, and property passing said canal may be altered and revised once in every five years after the completion of said canal by five commissioners, one to be appointed by the President of the United States, one by each of the Governors of the States of New York, Massachusetts, and Illinois respectively, and the remaining one by the canal company. And if the said company, or any ten owners of vessels navigating said canal, shall at any time notify said commissioners in writing of their dissatisfaction with the tolls agreed upon by them, the said commissioners shall unite with three additional commissioners, to be appointed by the Governors of Maine, Wisconsin, and Michigan, and such new board of commissioners shall again revise and determine the rates of tolls to be imposed and collected upon vessels, lake craft, and property passing through said canal for the next five years thereafter: *Provided*, That said rates of toll may at any time be revised and regulated by Congress.

Mr. KIRKWOOD. I should be glad to know why it is proposed to strike out that section. I think it is a good one.

Mr. HOWE. It is a pretty good section in one point of view, and may not be so good in another. If you want to secure the lowest possible rate of tolls on this canal when it shall be built, and that is the only object you aim at, probably this section had better be retained. It was the idea of the committee, however, that it would have a tendency to discourage the building of the canal; that it would have a tendency to discourage capitalists from embarking their capital in it; that they would not be willing to put their capital (as this bill requires them to do to the amount of \$2,000,000 before the Government advances a cent) into a work the profits of which were to be regulated by the Governors of different States in the Union. And it was thought by the committee that it was not necessary to retain this section, because they argued that the competition of other routes would of itself be probably sufficient to keep the tolls down to a fair rate; but if it should

not prove sufficient to keep them down to a fair rate, the first consequence of an exorbitant rate would be that the Government would get its money back quicker, and the next consequence would be that the Government would see how advantageous it was to the public to own this canal, and therefore they would simply be invited by this high rate of tolls to come in and take it from the company. I ought to say in this connection that a general provision is proposed here authorizing Congress to amend and alter this act.

Mr. KIRKWOOD. I am afraid you could not do that in the matter of tolls.

Mr. HOWE. In section twenty-seven it is proposed that Congress may at any time alter, amend, or repeal this act.

Mr. KIRKWOOD. I used to have a good deal more faith in this matter of competition between corporate companies of this kind than I have now. In fact, instead of competition there has come to be combination to a very great extent. The companies doing business between particular points, which were intended to be brought into competition with each other, now make combinations with each other by which they keep up the rates of toll. We have a good many railroads running from Chicago into the State of Iowa, but instead of competition between them, there is combination, the result of which is to take from us the very last cent that our produce will bear in getting to market. I do not like to trust this matter in the future entirely to competition.

This section provides in substance that the tolls may be altered and revised once in every five years after the completion of the canal, by five commissioners, one to be appointed by the President of the United States, one by each of the Governors of the States of New York, Massachusetts, and Illinois, and the remaining one by the canal company. That is to be done every five years; and if the company or any ten owners of vessels navigating the canal shall notify the commissioners in writing of their dissatisfaction with the tolls agreed upon by them, these five commissioners are to unite with three additional commissioners, to be appointed by the Governors of the States of Maine, Wisconsin, and Michigan, and this new board is to again revise and determine the rates of toll; and then there is a proviso that the rates of toll may at any time be revised and regulated by Congress. If this section remains in the bill, the people will have some assurance that the money of the Government—which is to be put into this work to the extent of \$6,000,000 upon the idea that it is to benefit the producing classes of this country and enable them to get their produce to market at less rates, and to benefit the consumer by allowing him to get our produce at less prices—the people will have some assurance that the money of the Government is to be used to produce these ends, and not be used for the purpose of placing in the hands of the corporators enormous profits. I merely wish to call the attention of the Senate to this provision now. I shall not ask for a division at this time, but when the bill comes into the Senate I shall ask for a separate vote on this amendment.

Mr. TRUMBULL. I ask for a division on the amendment.

The question being put, there were, on a division—ayes 11, noes 18; no quorum voting.

Mr. SUMNER and Mr. HOWARD called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 7, nays 29; as follows:

YEAS—Messrs. Chandler, Edmunds, Foster, Howe, Morgan, Poland, and Pomeroy—7.

NAYS—Messrs. Anthony, Brown, Cowan, Cragin, Creswell, Doolittle, Grimes, Guthrie, Harris, Hendricks, Howard, Kirkwood, McDougall, Nesmith, Norton, Nye, Ramsey, Riddle, Saulsbury, Sherman, Sprague, Stewart, Sumner, Trumbull, Van Winkle, Wade, Wiley, Wilson, and Yates—29.

ABSENT—Messrs. Buckalew, Clark, Conness, Davis, Dixon, Fessenden, Henderson, Johnson, Lane of Indiana, Lane of Kansas, Morrill, Williams, and Wright—13.

So the amendment was rejected.

The next amendment reported by the Com-

mittee on Commerce was to insert the following as an additional section:

SEC. 27. *And be it further enacted*, That Congress may at any time alter, amend, or repeal this act.

The amendment was agreed to.

The next amendment was to insert, as an additional section, the following:

SEC. 28. *And be it further enacted*, That this act shall not take effect unless the Legislature of the State of New York shall within one year from the date hereof give its assent thereto.

Mr. HOWE. Before the vote is taken on that amendment I wish to move to amend it by striking out "one year" and inserting "two years."

The PRESIDENT *pro tempore*. That change will be made if there be no objection.

Mr. POMEROY. If they give their consent at all, they ought to give their consent before the work commences.

Mr. HOWE. Yes, sir; they will of course. It does not take effect until they do consent, and does not take effect at all unless they give their consent within the time fixed.

Mr. POMEROY. Do you propose to legislate now and have nothing done for two years?

Mr. HOWE. This amendment proposes, if it is agreed to by the two Houses, that we shall do nothing until the State of New York assents. Whether the two Houses will agree to this amendment is a question to be considered.

Mr. POMEROY. If you want to defeat the measure you had better put in "any time within ten years," so as to put it off.

Mr. HOWE. One of the members of the committee, I understand, who feels a deep interest in the question involved in this amendment is not able to be in his seat to-day, and there are some circumstances which seem to me to make it improper that I should press the bill forward to a vote when he is absent; and I therefore ask that the further consideration of the bill may be postponed.

Mr. SHERMAN. With leave of the Senator from Wisconsin, I will move to take up another bill which I am very anxious to get rid of and have disposed of to-day if possible—the telegraph bill.

Mr. HOWE. Do I understand that the amendment which I proposed to this section is adopted?

The PRESIDENT *pro tempore*. The words "one year" have been stricken out and the words "two years" inserted by common consent.

Mr. HOWE. I move to postpone the further consideration of this bill and to make it the special order for to-morrow at one o'clock.

Several SENATORS. Say Monday.

Mr. SHERMAN. The Senator alluded to may not be here to-morrow or on Monday; but by simply postponing the bill, it will be in the power of the Senator from Wisconsin to call it up at any time.

Mr. HOWE. I will modify my motion, and move that the bill be postponed until Monday at one o'clock and be made the special order for that hour.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. LLOYD, its Chief Clerk, announced that Mr. SAMUEL HOOPER, of Massachusetts, had been appointed one of the managers on the part of the House of Representatives at the conference upon the bill (H. R. No. 513) to reduce internal taxation and to amend an act entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," approved June 30, 1864, and the acts amendatory thereof, in place of Mr. JUSTIN S. MORRILL, of Vermont, excused from service.

The message also announced that the House of Representatives had passed the following Senate bills without amendment:

A bill (S. No. 56) granting a pension to Mary C. Hamilton;

A bill (S. No. 299) granting a pension to Jane E. Miles;

A bill (S. No. 368) granting a pension to Margaret A. Farran; and

A bill (S. No. 314) for the relief of Sarah J. Purcell.

The message further announced that the House of Representatives had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

A bill (H. R. No. 739) for the relief of Le-mantha Rader;

A bill (H. R. No. 740) for the relief of Matilda J. Monroe;

A bill (H. R. No. 741) granting pension to Jonathan W. Beach;

A bill (H. R. No. 742) for the relief of the minor children of Salvador Accadi, deceased;

A bill (H. R. No. 743) amendatory of an act entitled "An act granting a pension to Mrs. Emerance Gouler;" and

A joint resolution (H. R. No. 179) for the relief of Edgar T. Harris.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House of Representatives had signed the following enrolled bills and joint resolution; which were thereupon signed by the President *pro tempore*:

A bill (S. No. 30) to create an additional land district in the State of Oregon;

A bill (S. No. 198) granting lands to the State of Michigan to aid in the construction of a harbor and ship-canal at Portage Lake, Keweenaw Point, Lake Superior, in that State;

A bill (S. No. 219) granting certain lands in the State of Michigan to aid in the construction of a ship-canal to connect the waters of Lake Superior with the lake known as Lac La Belle, in said State; and

A joint resolution (H. R. No. 163) for the relief of Joseph Parkins.

LINES OF TELEGRAPH.

Mr. SHERMAN. I now move to take up the bill which I have already indicated.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 357) to aid in the construction of telegraph lines, and to secure to the Government the use of the same for postal, military, and other purposes, the pending question being on the amendment of Mr. GRIMES to strike out in line three of section one the words "the National" and insert "any;" and in lines three, four, and five to strike out the words "a corporation organized under the laws of the State of New York, April 16, 1866," and insert "now organized, or which may hereafter be organized under the laws of any State in this Union;" so as to read:

That any telegraph company now organized, or which may hereafter be organized, under the laws of any State in this Union, shall have the right to construct, maintain, and operate lines of telegraph through and over any portion of the public domain of the United States, over and along any of the military or post roads of the United States which have been, or may hereafter be, declared such by act of Congress, and over, under, or across the navigable streams or waters of the United States.

Mr. SHERMAN. I have submitted to the Senator from Iowa another amendment which accomplishes the same purpose precisely; but is in different form, and I suggest to him the propriety of withdrawing his amendment and letting the amendment which I have drawn be adopted in lieu of section four of the bill.

Mr. GRIMES. I am content, at the instance of the Senator from Ohio, although I do not like his amendment as well as my original proposition, to withdraw the amendment I moved the other day, and allow the amendment to be adopted which he has sent to the Chair.

The PRESIDENT *pro tempore*. The amendment of the Senator from Iowa is withdrawn. The Senator from Ohio now offers an amendment, which will be read.

The Secretary read the amendment of Mr. SHERMAN, which was to strike out the fourth section of the bill, and in lieu of it to insert the following:

That any other telegraph company organized under the laws of the United States or of any State, for the construction of telegraph lines in different States or Territories in the United States, may have and enjoy such rights and privileges as are hereby conferred, subject to the same restrictions, conditions,

and obligations as by this act are imposed on said National Telegraph Company: *Provided*, That such other company shall first file with the Postmaster General its resolution, regularly passed and certified under its corporate seal and the hand of its president, accepting such rights and privileges on the terms herein expressed.

Mr. CONNESS. I do not like this amendment. I think it is a very objectionable one. It makes this bill one to grant a special charter, as originally proposed, to a particular company, and then makes it a general bill in that other companies may have like privileges thereafter, on certain terms.

Mr. SHERMAN. This bill does not charter any company at all.

Mr. CONNESS. I will correct my expression in that respect. The bill proposes to confer privileges upon a company chartered by the State of New York, but the privileges proposed to be conferred by the bill are special, although by this amendment other companies may hereafter avail themselves of like privileges on conditions named. I think it better to relieve the bill from the complexion of being special in its character, and make it general at once.

Mr. SHERMAN. I really see no difference between the two, and I am, myself, indifferent as to which course is pursued; but the persons who are interested in this bill prefer that the bill should stand as it is, and then that the same general privileges should be conferred on any other company. If, however, Senators desire to have the bill stand in the form proposed by the Senator from Iowa, I have no special objection.

Mr. CONNESS. I think that is preferable, for this reason, if for no other: it will then be relieved of a general objection which the President has communicated to us that he has against special legislation. I do not mean to say, by any means, that our legislation should be conformed to previously expressed opinions of the President; but when we can accomplish the same result in another manner, I think we should avoid running counter to those expressed opinions, and I must say that in the main I agree with him in those opinions.

Mr. SHERMAN. There is this difficulty that occurred to me and to those interested in the bill, that the other companies may come in and claim the benefits of this bill without filing their formal acceptance of the bill so as to place themselves under the restrictions contained in it.

Mr. CONNESS. I would require them to do that.

Mr. SHERMAN. That is precisely what my amendment does, and that is the only difference between the two propositions. My amendment requires the new companies who come in and seek to avail themselves of the provisions of this bill to accept the terms and conditions it imposes; that is, to allow the Postmaster General to fix the rates of conveying Government dispatches, &c. If the Senator from Iowa will modify his amendment in such a way as to embrace that idea, I shall have not the slightest objection to it.

Mr. CONNESS. I think that would be a great improvement.

Mr. GRIMES. That could be done in a separate section. I understand the objection that the Senator from California raises to the amendment of the Senator from Ohio is, that the Congress of the United States, by the bill, indorses and stands sponsor for some telegraph company created by the laws of the State of New York. He prefers, and so do I, that Congress should authorize, without specifying any particular telegraph company, any company, whether created by the laws of the State of New York or of Illinois, to build a telegraph line wherever they choose to build one.

Mr. CONNESS. And under all the privileges we can extend to them.

Mr. GRIMES. Yes, sir; so far as we have any authority to bestow any privileges upon them. The rights they may derive under our legislation is a question for them to have settled by subsequent judicial decision. Whether

they have any rights under it or not is another question.

Mr. SHERMAN. As Senators seem to prefer that course I will withdraw my amendment and allow the amendment of the Senator from Iowa to be acted upon, and I will endeavor to frame a section to meet the case.

The PRESIDENT *pro tempore*. The amendment of the Senator from Ohio is withdrawn.

Mr. GRIMES. I now renew my amendment.

Mr. NYE. I should like to hear the Secretary read the section as it will be if amended.

The Secretary read it, as follows:

That any telegraph company now organized or which may hereafter be organized under the laws of any State in this Union shall have the right to construct, maintain, and operate lines of telegraph through and over any portion of the public domain of the United States, &c.

Mr. NYE. I would like to inquire of the honorable Senator who has the bill in charge what the particular object of this class of legislation is with regard to telegraphs. From reading the bill I am unable to determine.

Mr. SHERMAN. I think the bill on its face is very clear and definite on that point. The bill, as proposed to be amended by the Senator from Iowa, will give to all telegraph companies organized under any State law the right to cross navigable rivers, to go wherever the United States has exclusive jurisdiction, to cross over the public lands, and to build telegraph lines along the postal routes of the United States. Now, there is not, as I said the other day—and I have looked at the legislation since—a single privilege conferred by this bill that has not been already conferred upon existing telegraph companies; and the purpose is to enable new companies that may be organized by any of the States or by the United States to enter into a fair competition with one existing monopoly which now controls the telegraphing of the United States. There is nothing more nor less in this bill. It may be doubted whether the privileges here granted will be sufficient to enable new companies to enter into competition, but so far as the powers conferred by this bill are concerned, they are not new, and indeed the monopoly which now includes the Pacific telegraph has a bounty from the United States of \$40,000 a year besides.

Mr. NYE. I should like to inquire of the Senator from Ohio when this company was organized in New York—the National Telegraph Company, so called.

Mr. SHERMAN. Now "the National Telegraph Company" is stricken out, and this bill applies to all companies.

Mr. NYE. I understand that the object is to help that company.

Mr. SHERMAN. That was undoubtedly the object of this bill, to aid that company.

Mr. NYE. When was that company formed?

Mr. SHERMAN. Very recently.

Mr. NYE. Mr. President, I think this kind of legislation is uncalled for; and I do not see what possible benefit it can be to existing or non-existing companies that may exist hereafter if it is passed. The whole system of telegraphing has grown up within my recollection; first there was a single wire on one line, then double wires; then other companies were authorized to carry on the same business, and all for the purpose of opening up the great good of competition, and, sir, what has been the result of it all? There is not a telegraph company existing now on this continent that stands independent and alone by itself, unless it be some small work of minor importance. The lines form one great combination from the Atlantic to the Pacific coast, and it seems that the more of them that are created enlarge and swell the powers of this organization.

Now, sir, I undertake to say that the real object of the formation of this National Telegraph Company in the State of New York was but to compel the existing company to purchase their franchise and keep them out of this field of competition.

Mr. BROWN. There is a provision in the bill that it shall not be sold.

Mr. NYE. I understand that there is a provision in the bill that it shall not be sold without the consent of Congress; and my friend from Missouri will pardon me when I say that I think the consent to sell would be as easily obtained as the consent to create. Sir, what is true of the past will be true of the future, and the great consolidation of these telegraph companies has been formed now within a very few days from the Atlantic to the Pacific. An independent company was started not long since for telegraphing to the Pacific ocean. When it reached the boundaries of the State of Nevada it was stopped by an injunction by the old company. What is the result? A trial? No, but a purchase of the new company by the old; and you may create to-day as many franchises to telegraph to the Pacific as you choose, but there will be no more telegraphs built to the Pacific ocean, and why? Because the facilities now opened up are adequate and equal to all the necessities of that coast.

Mr. CONNESS. I do not believe that.

Mr. NYE. My friend says he does not believe it.

Mr. BROWN. I know it is not so.

Mr. NYE. It is difficult to argue against the belief of my pertinacious friend, and the entire knowledge of my more quiet friend. But, sir, notwithstanding, I shall venture upon it. It is quite likely that when the northern route shall be opened up there will be a line of telegraph upon that. The Senate will bear in mind that every railroad that is authorized to be constructed to the Pacific coast is by its charter compelled to build along with it an independent line of telegraph, or to make arrangements to use the other line, so that the telegraph shall go with the railroad, and that the cars may be run by telegraph if necessary.

I think the object of all this is to give this National Telegraph Company the right to sell out, and to compel the existing monopoly to become more monopolizing in its influences by adding to its prices what it has to pay these other companies to secure their franchises. There is no obligation in this bill on this company to construct a telegraph anywhere. They do not propose to construct a line of telegraph to any place. The bill does not make it their duty to construct one single rod of telegraph; but it is an open permission to them, that whenever they desire it in the present or the future they shall have this privilege.

Sir, I never have believed, and I do not now believe, that the assent of Congress to the putting up of a telegraph line through any State or across any river is at all essential or important. This company is a corporation created by the State of New York, and the distinguished Senator from Ohio who fathers this bill must be aware that the Supreme Court of this nation have held over and over again that a corporation created in one State has a right by the comity of States to perform its functions in other States. It was so decided in the celebrated coal cases of Pennsylvania and Maryland. There is no necessity for the legislation here proposed in that respect but to give additional sanctity to it by giving it the indorsement of Congress so as to enable this company or any other—but there is no other, probably, that will try it—to sell out its franchise. The project that was started for a new Pacific Telegraph Company has answered the end designed; and I entertain no doubt that they were privy to that injunction in Nevada. They had got far enough to give evidence that they were going to build the line; and when that was made evident what was the result? A combination of both companies; the concentration of all the telegraph interests; and I repeat, you may authorize a dozen more and you will never get another line of telegraph, except what are built as the country increases in importance across, until you get your Northern Pacific railroad through.

Now, Mr. President, if there was any necessity for this bill I would not object to it; but there is none. The men who live upon the Pacific coast and reside here six or seven

months in the year are burdened already as great as they can bear, without the additional purchase of any other telegraph line. There is nothing in this bill. It is simply prospective in its character, for an ideal company that may be hereafter organized, or one that now exists. The National Telegraph Company that ask to do this have not a rod of telegraph anywhere, and they never will have one. It is simply an effort, I repeat—I am glad that my friend from Iowa has knocked that feature out of the bill—to get an indorsement of a New York charter by Congress to make the existing companies buy them out. I do not propose, for one, to be a party to any such speculation. It will be time enough to legislate for additional telegraphs when companies really propose to build them.

Mr. CONNESS. The position of my good-natured friend from Nevada, as I understand it, is this: in the first place, that the present company is a monopoly of such a character that we never can get any other line but it; that no matter how many we create by legislation, the existing monopoly will buy them out, and therefore it is useless to provide for creating any others, for this mammoth corporation will immediately include them; as my honorable friend from Massachusetts would express it, in another connection, the principle of inclusion will occur and be rendered practical. The next position of the Senator from Nevada is, that the present monopoly furnishes facilities enough. I understood him to say that distinctly. I submit that those propositions are inconsistent with each other. First, he declares that the existing monopoly is sufficient to destroy all other companies and imposes so many burdens on us that we can bear no more, but to induce the establishment of another line will only result in the monopoly buying up that other line, and we shall be taxed for that additional purchase-money in the cost of dispatches.

Mr. SHERMAN. We have provided against that purchase.

Mr. CONNESS. I understand that. I have not come to that part of the bill.

Mr. NYE. Will my honorable friend allow me to ask him where this telegraph is proposed to be built?

Mr. CONNESS. The Senator, I think, does not understand the scope of the amendment of the honorable Senator from Iowa. If the amendment now pending be adopted, this bill, so far as we can authorize it, authorizes the formation of companies everywhere or anywhere, and confers all the powers and privileges that an act of Congress can confer, for carrying on the telegraph business. For that reason I am in favor of it; and I confess that I cannot understand the consistency of the honorable Senator's argument.

Mr. NYE. Will you allow me to explain?

Mr. CONNESS. Certainly.

Mr. NYE. My point is this: that every kiting charter like this one—I speak of the National Telegraph Company as an illustration—that has not a rod of telegraph, that procures its charter for the mere purpose, of selling it out, with no intention to build, increases the tax upon every one of us that has to use that telegraph, for this additional purchase is counted in as the cost of the line, and we have to support it with its additional cost. I hope the Senator will understand that. It is like adding freight to the purchase of goods. That is just what it is; it all constitutes the cost.

Mr. SHERMAN. I should like to read in this connection the names of some of the men who are engaged in this business, to show that they are not men of straw. I should like to show the character of the men who have been denounced by the Senator from Nevada as undertaking this as a speculation. I have had a list furnished to me of the men who are engaged in this enterprise. The first is Frederick Prentiss, who is estimated to be worth \$4,000,000.

Mr. NYE. And he will be worth another million dollars by the sale of this telegraph.

Mr. SHERMAN. Then there is Mr. Holla-

day, who is running the overland express across the continent. I have a list here of men from all the different States engaged in this business, who are going into it as a matter of fair and legitimate competition, showing that they are men of the very highest character, many of them the leading merchants of Boston, Philadelphia, and New York. I will state further that this bill contains an express provision that they shall not sell out their franchise.

Mr. NYE. Unless with the consent of Congress.

Mr. SHERMAN. They can do it by consent of Congress; but that is avoided entirely by the amendment of the Senator from Iowa, which now makes the privilege general; so that if they do sell out any other company can step in and enter into this competition. The truth is, that it is a matter of absolute necessity to provide for some competition with the existing company. Mr. Holladay, who is running this overland route, cannot build a telegraph wire along the line of his route without the assent of Congress, because it goes through three Territories and two States, and he is liable to be stopped at any moment by a rival company. He cannot cross a navigable stream. All these new companies have arrayed against them, not only the present powerful corporation with a capital of \$50,000,000, but they have arrayed against them the grants made by repeated acts of Congress to this company; because this company now represents not only \$50,000,000 of capital, but all the powers that have been given since the organization of telegraphing to the various companies that are now combined in one.

Mr. HOWARD. Will the Senator allow me to inquire what grants have been made by Congress to telegraph companies?

Mr. SHERMAN. I have a list of them here. There is quite a number of them. From 1846 up to this time there have been several acts of Congress granting powers to different telegraph companies, all of which are now absorbed in this one company.

Mr. HOWARD. Yes, sir; granting powers undoubtedly; but where is the statute granting them public lands?

Mr. SHERMAN. I have it before me; it is familiar to every Senator here. We gave to one of them \$40,000 a year for ten years, and we gave them a quarter section of land for every station; and this one company now owns all these vast powers. We gave them a quarter section for every station of fifteen miles. My friend from California knows more about that than I do.

Mr. HOWARD. The Senator refers to the overland route.

Mr. SHERMAN. Yes, sir; but they are all now absorbed into one company.

Mr. CONNESS. And the State of California gave the same company \$6,000 a year for ten years.

Mr. SHERMAN. All that this bill does is to give by a general law, to all the companies that may be organized for the purpose of competing with this monopoly, a very small moiety of the privileges conferred on and already exercised by that company. This proposition was not originally the one upon which the select committee of the Senate raised to consider the subject desired to act. They proposed, in the first place, to authorize the Postmaster General to contract for the telegraphing of the United States; but the Postmaster General thought that at present the measure would be too expensive; and we therefore introduced this bill simply to beget competition, knowing that it could do no harm. The Government gives up nothing, but, on the other hand, retains important advantages and privileges; among the rest, the right in the Postmaster General to fix the price to be paid by the Government for all dispatches sent by Government officers. I may state now that in the miscellaneous expenses of the Government hundreds of thousands of dollars are now paid to this existing monopoly for telegraphic dispatches by all the various officers

of the Government. This bill provides that for all messages sent by the Government, or by any officer of the Government, or to any officer of the Government, the Postmaster General shall have the right to prescribe the rates. Now those rates are regulated by the company. In every view, therefore, this bill, if it is ever acted upon, will be for the benefit of the Government. The only doubt I have is, whether by the privileges conferred by the bill, the new companies can compete with the old one. If they break down in the effort, it is not our loss; if they succeed, by the very act of competition and by their very success, they will necessarily reduce prices. Further, we save to ourselves the right at any time to step in and assume these telegraph lines. I beg pardon for interfering with my friend from California.

Mr. CONNESS. The Senator occupies the floor always with more profit to the Senate than I do.

The argument of my honorable friend from Nevada sounds to me very much like that of a Senator who was opposed to any competition, although that is not asserted by him. He assures us with great confidence that there can be no competition; that we may provide for organizing, or encouraging the organization of as many lines as we please, and yet the present monopoly will include them all, and therefore we should do nothing of that kind. I submit, while I have no doubt that it is not so, that if the present monopoly desired an argument made in the Senate in their favor, the Senator has made just such a one as they would choose to make. I cannot conceive how a Senator from the Pacific coast, at least, should not be in favor of any and every provision that proposed to encourage the establishment of rival lines. There is no tax so burdensome upon us at the present time as the tax imposed by the telegraph monopoly. Not only is it a monopoly in point of the charges that are imposed, but, as we happen to know, it is a monopoly in other respects of far more consequence and importance. They are enabled to control the commercial transactions of both sides of the continent by their control over a single line of telegraph. I know of an instance that came to my knowledge, while we were sitting here during the past winter, of a land case decided in the Supreme Court, in an adjoining chamber in this building; and the decision was no sooner known to be rendered than the telegraph was seized and made use of by men engaged in its ownership to carry out a great speculation on the Pacific coast before the result of that decision should be known.

Mr. NYE. My friend will allow me to ask him whether the number of telegraphs will lessen that opportunity.

Mr. GRIMES. I wish to inquire of the Senator from California whether that telegraph dispatch was sent in anticipation of its regular order?

Mr. CONNESS. Certainly.

Mr. GRIMES. Then I trust the Senator will at once introduce a bill to take away the gratuity we have agreed to bestow on that telegraph company.

Mr. CONNESS. Mr. President, I shall first address myself to the inquiry of the honorable Senator from Nevada. He inquires, shall we not be subject to like acts if competition be created? I do not mean to say anything to the contrary of the proposition that a noble man cannot do an ignoble act, and that an ignoble man cannot but by chance do a noble act; and therefore, whether we have one or more lines, if they are in the control of bad men, they will be badly controlled and directed; but, sir, the chances of the public, in all respects, for fair dealing, are increased by the establishment of rival lines. The Senator need not be told that, for he very well understands it.

I am not a little surprised that there should be any opposition, particularly from our coast, as we familiarly speak of it, to a bill which now proposes to offer all that the national authority can give in the way of inducement for the establishment of rival lines. The great diffi-

culty that the Pacific coast labors under constantly, notwithstanding its many great natural advantages, is, that it is on the other side of a great continent, while the Government is principally on this side, and therefore the wants of that distant country can never be known or understood fully here. This great means of intercommunication, instantaneous in its character, is provided; but, unfortunately, by the love of gain established as a principle in the human mind, it consolidates itself and becomes a monopoly. To-day we are asked to vote with the Senator from Ohio to offer inducements for liberalizing this great agency and inducing the establishment of rival lines. I do not think there can be any objection urged successfully against the project. The bill is no longer an act to authorize the National Telegraph Company to do anything. Its title must necessarily be changed after the adoption of the pending amendment, and it must be called an act to grant to all parties who may choose to organize themselves under the laws of the States of the Union the right to build telegraph lines over the post roads of the United States. I hope, sir, that we shall have such an act.

Mr. NYE. I am not to be charged by the Senator from California—

Mr. CONNESS. I did not charge the Senator.

Mr. NYE. With any want of kindly feeling toward the Pacific coast equal to his own. I have been connected with that coast as he has. My object is not what the honorable Senator presumes it to be, by any means. My object is to lighten the burdens from off the shoulders of the people of the Pacific coast. They are already as great as they can bear. I repeat, the experience of the past proves that every corporation that has been organized and gotten up with a view of breaking down this monopoly and combination has but increased the power of this combination and this monopoly. Does the Senator need to be told that millions when invested must pay interest in some way? And how is it to be paid? It is to be paid by the persons who use the facilities offered. Is there any proposition contained in the bill presented here by the Senator from Ohio to build a rod of telegraph anywhere? Is there any proposition to build a telegraph to the Pacific coast? If so, I shall be happy to aid in its construction, and to throw around it all the guards that Congress has the power to throw around it, in order that the newly constructed line to the Pacific coast may not become a monopoly like the other. But, sir, that is not the proposition. My honorable friend from Ohio has read me some of the names to show how wealthy the men are who are engaged in this enterprise. Sir, that is the way they have made themselves rich. Instead of Mr. Prentiss being worth four millions, authorize the National Telegraph Company to build a line as this bill first proposed and he will be worth five millions to-morrow. Who has got to pay the additional million? It is the honorable Senator from California and myself and every one who uses the telegraph.

Mr. CONNESS. The Senator will permit me, I know, to say a word right here. The Senator persists in fighting what is not before us, the bill to establish the National Telegraph Company and enfranchise it. The question before the Senate now, and that I have endeavored to address myself to, is a bill to enable all companies whatever to build telegraph lines over the post routes of the United States. That is my answer to the Senator.

Mr. NYE. This thing started, at least, in substance, and now my friend says it is a shadow. It is spread so thin that you cannot see it. [Laughter.] I know that this bill never would have been born if it had not been for that National Telegraph Company of New York. They have not got an inch of wire, nor a post, nor a place to put a post; but they hold an act of incorporation created in New York; they want to get a congressional indorsement; and then what? Then to go to this existing company and say, "Gentlemen, we are now going to

construct a new telegraph to the Pacific; what will you give us if we do not do it?" The reply will be, "Let us have no rivalry; we will buy you out; we will increase the stock of our company \$1,000,000, and that shall be yours."

Mr. SHERMAN. We make the bill so that they cannot buy it.

Mr. NYE. Nonsense! Tell me what cannot be done by the consent of Congress and I will show you a white blackbird. [Laughter.] That is the way this monopoly is to be broken down by the honorable Senator from California. I have no doubt his intentions are good, but his reasoning entirely fails to convince me. Sir, I have seen the various companies started from the day the first telegraph wire was stretched from this city to Baltimore; I have lived to see every inch of telegraph in this country laid; and where now are your independent companies? All together; all consolidated; the United States, and the Union, the Pacific, and all these numberless companies are all one company, with one set of directors; and, sir, make your National Telegraph Company which this bill was intended to brace up, to give it power to walk, and that will be under the same set of directors to-morrow. How? By increasing the stock of the old monopoly to pay for it, and then we shall have to pay an additional price for telegraphing.

Now, my friend from California has a startling case of fraud upon a land grant in California. I repeat the question, suppose there were a dozen lines to California, would that lessen or increase the facilities for cheating?

Mr. CONNESS. No; but as I understand the honorable Senator, he is entirely willing to sleep and lie contentedly under the present order of things.

Mr. NYE. Mr. President, that shows either how obtuse I am or the Senator from California is. I have repeated over and over again that I desire the same object that he does, to lighten the burdens of the persons who have to use the telegraph, but the *modus operandi* by which he would cheapen it has, by the logic and the history of the past, been shown to increase the burden every time it has been attempted.

Mr. CONNESS. I should like to make an inquiry of the Senator at this point.

Mr. NYE. Certainly.

Mr. CONNESS. Then I ask the Senator if I am to understand him to believe that no means possible remain to excite competition or rivalry in the telegraphing business in the United States?

Mr. NYE. Not at all.

Mr. CONNESS. Then we understand the Senator.

Mr. NYE. You do not understand me if you echo that. I will try again to make the Senator from California understand me, and if he does not, it will not be my fault. There is a way to do it: to authorize the construction of a telegraph line from New York to the Pacific ocean, and say that they shall not receive over so much a word for telegraphing, cutting it down one half; and if the Senator from Ohio will so frame his bill as to authorize the National Telegraph Company to construct a line to the Pacific coast and carry messages for one half the price now charged, I will vote for it. That is the way to do it. The Senator from California remembers the old story of the fox covered all over with flies as thick as they could stick. A kindly friend came along and asked permission to drive them away. "For God's sake do not do that," was the reply, "for if you do a more hungry swarm will come." [Laughter.] That is what I am afraid of here. It is of this new hungry swarm that is coming, with no restrictions upon them, to increase rather than diminish the price of telegraphing from here to the Pacific coast, or from here to Baltimore. The old swarm have got fat; do not drive them away and let a leaner class come in.

Mr. BROWN. Will the Senator allow me to ask him a question?

Mr. NYE. Certainly.

Mr. BROWN. I should like to inquire of the Senator how the limiting of this company to one half the present price per message would prevent them from being bought up by the old company. And yet the Senator says he would vote for that, but would not vote for the other.

Mr. NYE. No; you have not understood me. I would not vote for it unless it was made a positive fact, without the consent of Congress, that they should not sell out.

Mr. BROWN. You said that could not be done.

Mr. NYE. No; I have not said that.

Mr. BROWN. That is in this bill.

Mr. NYE. No; it is not. This is "without the consent of Congress."

Mr. HENDRICKS. I wish to ask the Senator from Nevada if he has the least notion that Congress can take away from a corporation organized by State law the power to dispose of its franchise according to that State law.

Mr. NYE. I was just coming to that point. All that Congress would have the right to do would be to say that across these navigable streams they should not sell their wire; but in the State of Missouri, where my ardent friend for this measure resides—

Mr. BROWN. The Senator misrepresents me; I am not an ardent friend of this measure at all.

Mr. NYE. You were the friend of a better measure.

Mr. BROWN. Yes, sir.

Mr. NYE. All right; I am glad of it. But take the State of Missouri, across which this new line, if the National Company had not been knocked out of the bill, would go; and do you suppose that Congress has any right to say that across the State of Missouri this company shall not sell their line of telegraph? I do not suppose that they have any such right.

But, sir, my objection to this measure is, that it is legislating for a phantom. As the thing now stands, there is no corporation and no company that proposes to build a line anywhere; and this legislation is in anticipation of what may occur. "Sufficient unto the day is the evil thereof." We have got pressing business enough to engage our immediate attention, and which should command it, without legislating upon ideal cases that may hereafter exist.

I have said all I desire to say on this question. It is legislating at a shadow and for a shadow, and the result will be nothing. Its inception was to bolster up the National Telegraph Company. That is dead already in the progress of this bill.

Mr. CONNESS. The Senator reasons in a circle. That is the objection.

Mr. NYE. It might or might not improve the Senator to get within the circle. [Laughter.] I do not propose to discuss that. It is spending day after day to legislate upon something that may come up hereafter. Now, sir, I would sooner undertake to legislate—and with this remark I have done—to cut down the rates, to so regulate the subsidy to that overland telegraph company as to cheapen the rates. My friend from Ohio is quite a stickler for State rights, occasionally, and for vested rights, and I should like to inquire of him whether there are any vested rights in this old line.

Mr. SHERMAN. I think we can hardly say that they shall not charge more than so many dollars or cents a message. I wish we could.

Mr. NYE. Why not?

Mr. SHERMAN. If we had the power to say that this old monopoly should not charge more than, say a dollar for every ten words, I should think then there was no necessity for this legislation; but I do not think we can do that.

Mr. NYE. I do not see why not. If the Government was a party to the contract in building it—

Mr. DOOLITTLE. In the law which was passed in relation to the overland telegraph line to California there was a provision limiting

the amount which the company should charge for a message.

Mr. SHERMAN. For the Government.

Mr. DOOLITTLE. No; to any person. A message of a given number of words.

Mr. SHERMAN. You are mistaken.

Mr. NYE. I had no recollection about the law, and sent for it. I have it here, but have not had time to examine it; but I know from what is calculated to make a more lasting impression than the reading of the section of the statute—from practice and habit—that it costs \$7 50 to send ten words—

Mr. CONNESS. Seven dollars and eighty cents.

Mr. NYE. Seven dollars and eighty cents to send ten words from San Francisco to New York or Washington; and from Carson City, where I reside, the price is the same, although that is three hundred miles nearer. Now, sir, if the Senator from Ohio, with his acute legal mind, will set himself to work to control the prices upon these old lines, he will do his country a substantial service; but I repeat, in my judgment, he never can effect it by this bill for a line which only exists in fancy, the purchase of which will increase the capital of the present monopoly, and every time the capital is increased the price for telegraphing is increased.

Mr. STEWART. Mr. President, all the telegraph companies of the country have combined, and have formed a most oppressive monopoly. They have now their rights and their charters. It is very clear that there is no power in Congress to reduce their prices. All the companies which have obtained special privileges from Congress have been bought up or consolidated, thus creating a vast monopoly, which is acknowledged to be oppressive. The simple question is, is there any remedy, and if so, what? To reduce the charges every lawyer knows is impossible. They have their contract and their vested rights. The question is, is there any remedy for high prices against a monopoly? I believe but one remedy has ever been discovered for such a case; and that remedy is competition. The only way to reduce fares upon railroads is to build more railroads. The only way to reduce the charges of telegraph companies is to build more telegraph lines.

No more telegraphs can be built across the public domain unless we grant privileges in some way. If we grant special privileges to particular companies they will sell out, as they have done before, and become a part of a monopoly. If we grant these privileges to whomsoever will build a line, and these gentlemen in New York organize a company, there will be no great object in buying them out; because if they were bought out somebody would organize another company the next day, and so on. So long as you grant special privileges, so long will they continue to buy them out; but if it is free to all the world to build telegraph lines, and the present arrangement is a monopoly charging high prices, the enterprise of the American people will devise a remedy. The commercial interests of the country, the men who are oppressed by it, will constantly combine to make other lines. There would be no use in buying them out, because another combination could be formed the next day. The business community throughout the entire country is interested in the question. I believe in competition. There can be no other remedy devised but building other telegraph lines. There is no other way to prevent these companies from selling out, except by conferring the privilege on all who choose to do so to build these lines. Suppose we had the power, and should grant a special privilege to a company to navigate the ocean between here and England. You might grant the same privilege to a hundred different corporations by name, and they would soon be swallowed into one and become a vast monopoly; but while the ocean remains free companies are constantly organized and competition exists.

I say that the privileges that this Govern-

ment can grant to corporations for the purpose of telegraphing, for the purpose of conveying information, should be as free as the air to competition. Your American Company sold out to your Pacific Company. They would not have bought the American Company if it had not had special privileges, because otherwise another company could have been formed the next day. If we can open the door and make this free, there are commercial interests enough to build the necessary lines of telegraph, and the evil will then cure of itself. It is not true, if we are to be governed by the history of these transactions, that the monopoly will still grow more and more oppressive. It will reduce its charges in view of the fact that exorbitant charges increase the liability of the organization of new companies. Pass this bill, and the charges of this monopoly will be reduced to-morrow; or if they remain as they are, the business men of New York, Boston, and every other city will unite to build opposition lines. The very fact that you pass this bill, making this business free, granting no exclusive monopoly to one company, will induce the reduction of the present charges. If the charges remain as they are the people will build more telegraph lines. I believe the mere fact of passing this bill will do good and reduce the charges. If they intend to retain their present monopoly, it must be a reasonable monopoly, and they must be reasonable in their charges, because if this company continues to oppress the business community that business community has the wealth and enterprise to build more lines.

I would not vote for a special privilege to a company of this sort. I am in favor of the amendment offered by the Senator from Iowa. I think this bill would be of very little use without an amendment to make it free to all; because I believe that if we organized a single company for this purpose, it would sell out to the present monopoly, and thus add probably to the cost of transmitting dispatches. You might grant this privilege to an individual company every year, and still they would sell out before the next year, and probably make money, and the result would be to increase the burdens of the country; but if it is free to all, and we keep it free to all, the laws of trade, and the laws that govern competition, will bring telegraphing within reasonable rates, and that within a reasonable time. The interests at stake in this matter are too vast, too important, to allow them to be at the mercy of a single corporation.

Mr. HOWARD. I cannot vote for this bill as I understand it. I understand that the National Telegraph Company is a private corporation created within the past few weeks by the Legislature of the State of New York. It is not pretended that the company have taken a single step toward establishing a line of telegraph anywhere within the United States. All they have is the parchment charter granted by the State of New York under the great seal of the State; and at present that is their only corporate property, if I am not misinformed. They have not bought a pound of wire, nor a post, nor a spade, nor employed a single agent or laborer to commence work anywhere within the wide world. The bill itself does not designate any place where the contemplated line of telegraph shall commence or where it shall end; and for aught that appears in the bill, the company, when it shall have received the benefits contemplated by the bill, may at once, by the consent of Congress, sell them out to the present monopoly, and that monopoly will acquire the right to construct another line of telegraph lying right along-side of the one which they now occupy and use; or they may construct a line somewhere else; but if they should become the purchasers they would probably be shrewd enough to understand that their right is to construct another line of telegraph side by side with the one which they now own and use; and in doing this they would have the right to take all the material they should find necessary for its construction and growing

or being upon the public domain of the United States, where their line should happen to be. They are authorized, in the language of the bill, to preempt a quarter section of land, that is, one hundred and sixty acres, at each and every one of their stations. The number of their stations is not given; the distance which they are to be from one to another is not provided for, and for aught that appears in this bill, the corporation would have a right to preempt a series of one hundred and sixty acre lots wherever they could find them lying along in a range or in a row touching upon one another. They have a right to put a station at every mile or every half mile on their entire route, and to enter upon and occupy and use this public land as their own, in fee-simple, clear across the continent, without let or hindrance. That is the effect of the bill, whether we treat the bill as being for the benefit of the National Telegraph Company, or of some other company, with or without a name.

What I object to particularly in this bill is its entire looseness, its generality. It fixes no beginning and no terminus to the line which is in contemplation; and it is just as easy for the present monopoly to purchase it and to unite it and consolidate it with the existing line, and thus unite the two interests, as it is to pass this bill through Congress. All this may be done, and easily done, without removing in the slightest degree the oppression under which the commercial community is now laboring arising from the high price of telegraphing. I must confess that the bill looks to me like an undisguised attempt on the part of this new company, that owns not a dollar of corporate property, to acquire important and valuable rights and valuable lands belonging to the United States merely for the purpose of selling out its charter to some other company, and making a large profit out of the operation. Why not fix the line? Why not say to this company, "If you accept the land and the other privileges granted by the bill commence your line at such a place, run upon such a parallel of latitude toward the Pacific coast, and terminate it at such a place; if you will do this, we will grant you these privileges; if you will not, we withhold them?" That would be to institute a competition, as it seems to me, between the existing monopoly and the corporation about which we are speaking. As the bill now stands, whether it be amended or not according to the suggestion of the honorable Senator from Iowa, granting this so-called privilege to any and all companies, I cannot vote for it, for I do not think that amendment makes any difference whatever, or in any degree removes the objectionable features from the bill.

Mr. WILLIAMS. I am not so well satisfied with this bill as I was before it was amended.

Mr. SHERMAN. The amendment is still pending.

Mr. WILLIAMS. I supposed that the amendment had been adopted. I am advised that it has not been adopted.

The PRESIDING OFFICER. (Mr. CLARK in the chair.) The pending question is on the amendment of the Senator from Iowa.

Mr. WILLIAMS. I am satisfied with the bill as it now stands, and prefer it without the amendment proposed by the Senator from Iowa; but if that amendment be adopted, as I presume it will be, I shall still vote for this bill, and hope it will pass. I think that this bill, or some such bill, is necessary for the transaction of the business between the Pacific coast and the Atlantic States. I think that the present line of telegraph is not sufficient to do the business that the people require to be done, and that the construction of other lines is necessary for commercial purposes, and that their construction will not only promote the commercial interests of the country, but they are necessary for the protection of the people. Persons living on the other side of the continent who have occasion to send messages by telegraph know something about the burdens imposed upon the people by the present company. It costs ten dollars in gold to send a

telegraphic dispatch of any kind or description from the city of Portland to Washington; and I suppose that the prices correspond between Washington and the intermediate points. I think that some means should be devised to reduce this imposition and burden upon the people, and this bill tends in that direction. It may not accomplish all the purposes that the people desire to have accomplished, but it certainly will have some effect in assisting another company or other companies to establish a line in competition with the present line of telegraph across the continent.

Now, sir, the Congress of the United States, as I understand, has given its countenance and support to one company. Is there any reason why Congress, if it desires to be fair and just in this matter, should not give its countenance and support to other companies? Why should one company claim the exclusive right to enjoy the favors of the Government as the present company does at this time? I think that the passage of this bill will assist other companies in the construction of telegraph lines across the continent; and the objections that are made to this bill seem to me to have very little weight. If a corporation was to be organized without any restrictions, the probability is that the present company would purchase that company, purchase out its rights, its privileges, or its charter, and so destroy all competition. But there must be some way, it seems to me, by which competition can be established; and if there is any way, the most feasible way would seem to be by an act of Congress organizing a company or companies to construct another line, and forbidding that line from transferring its rights or privileges to the company now in existence. If that remedy fails, then, according to the argument that has been submitted, it seems to me that there is no remedy, and the entire country must forever submit to the burdens imposed upon it by the existing monopoly.

The present company has been characterized by all that have spoken on the subject as a very great monopoly. If it be such, it seems to me it is the duty of Congress to take some steps to destroy that monopoly, or, at any rate, to alleviate its burdens upon the people. The objection that the companies organized under this act may sell out, seems to me to be an objection that ought not to prevail here. In the first place, Congress is constantly organizing corporations that have no railroads, no telegraphs; that have not engaged in the business for which they were organized. The argument is, that because some particular corporation in the State of New York, which was named in the original bill, is not engaged in the business of telegraphing at this time, therefore no additional powers or privileges should be extended to it. That argument would defeat every bill that is proposed in Congress for the organization of a corporation to construct a railroad across the continent, or for any other purpose; because Congress is constantly organizing companies that have not engaged in this kind of business.

Mr. NYE. Will the Senator allow me to ask him a question?

Mr. WILLIAMS. Certainly.

Mr. NYE. Were you a member of the select committee on this subject?

Mr. WILLIAMS. No, sir.

Mr. NYE. There has never been in the annals of our legislation so sweeping a corporation as this, to construct a line of telegraph everywhere, wherever they please, and at every station they are to get lands. There never was, in my judgment, such a corporation as this formed. If gentlemen are afraid of a monopoly let them look at the title of this bill. I wish to make this inquiry of the Senator: if this bill passes, will it authorize the National Telegraph Company to construct telegraphs in the United States wherever they have a mind to do so?

Mr. SHERMAN. Let me ask the honorable Senator, where is the objection to allowing telegraph companies to extend their telegraph lines anywhere in the United States? Would you

not like to have them extended to every man's homestead if it could be done? Why not? Then my friend must remember another thing, the National Telegraph Company is stricken out of the bill, and any company, he himself, may embark in the business.

Mr. NYE. Then of course this bill, if it passes at all, will consist simply of a single section, saying that any telegraph company existing, or that may hereafter exist, may run a telegraph in the territory of the United States anywhere, and get this land.

Mr. SHERMAN. That is the general privilege. Any telegraph company organized in a State may run the wires anywhere along the post routes. They may take them to every man's door, if they choose, if it will pay.

Mr. NYE. The title of the bill is "to incorporate the National Telegraph Company."

Mr. SHERMAN. The Senator has not got the bill at all. He has got some other bill. That is the bill that was sent to us.

Mr. NYE. That is the bill I have.

Mr. SHERMAN. I thought the Senator was talking about something that was not before us. This is "a bill to aid in the construction of telegraph lines."

Mr. NYE. The bill that I have is a bill reported by you from the committee.

Mr. SHERMAN. I did not report any such bill. The title of the bill that I reported is, "A bill to aid in the construction of telegraph lines, and to secure to the Government the use of the same for postal, military, and other purposes."

Mr. NYE. Look above that. "In the Senate of the United States, June 7, 1866. Mr. SHERMAN, from the select committee on incorporating a National Telegraph Company, reported the following bill, which was read and passed to a second reading. A bill to aid," &c.

Mr. SHERMAN. That is true. The bill sent to the committee was to organize a particular company; but we laid that aside and reported this bill for general purposes.

Mr. NYE. That is what I want to know. Three hundred and fifty-seven is the number of my bill. What is the number of yours?

Mr. SHERMAN. The same.

Mr. NYE. Then I guess I am right about it. It is a child of your begetting, and I am a little surprised that the Senator should disown it.

Mr. SHERMAN. The bill referred to is not the bill that we reported back.

Mr. NYE. This is your bantling, and is stamped as yours.

Mr. SHERMAN. Not at all. That bill was referred to the special committee of which I was chairman, and we reported back another bill. The Senator has been talking about a bill that is not before us.

Mr. NYE. Not at all. I have got the same number, and it purports on its face to come from you, as a member of the select committee.

Mr. WILLIAMS. I am not particular as to the form of the bill. I am prepared to go for any bill that appears to me to be constitutional, and as this bill is the only one that has been submitted, I am willing to take it, either in its original form or as the Senator from Iowa proposes to amend it. I am in favor of any bill that will strike at the existing monopoly in telegraphing in this country, for I think it is necessary that some effort should be made on the part of Congress to put down this monopoly and to protect the interests of the people.

There are only two objections made that I have heard to this bill: one was stated by the Senator from Michigan, and the other by the Senator from Nevada. The objection made by the Senator from Michigan is, that the company named in the original bill has not yet engaged in the business of telegraphing, and therefore this bill ought not to pass; as though Congress could pass no bill authorizing any company to construct telegraphs across the continent unless that company at the time the bill was passed was engaged in that business. In answer to that objection, I have to say, in the first place, that it is evident to my mind that

this will not be the end of this project, from the fact that men of capital, men of enterprise, and men of energy are taking hold of this business, and because it has become obvious to the whole country that another telegraph line across the continent is necessary and will be profitable to those who invest their capital in that enterprise.

Mr. HOWARD. Allow me to call the honorable Senator's attention to the last clause of the first section of Senate bill No. 357, which, I believe, is the one under discussion, in which it is said that the company "may preëempt and use such portion of the unoccupied public domain through which its said lines of telegraph may be located as may be necessary for its stations, not exceeding one quarter section for each station." Who is to judge of the necessity of taking land? Plainly, the company. What then is to hinder these companies or all of them from squatting upon every foot of the public domain belonging to the United States, whether lying within the limits of a State or within the Territories? If they see fit to multiply themselves so as to become an uncounted number of squatters, they can take the entire public domain of the United States by way of making telegraph lines all over the United States. Is Congress prepared to give such an enormous privilege as this? And what is to hinder one single company from taking a series of one hundred and sixty acre lots upon a line lying in one direction, and then another series of the same lots lying adjacent to the former lots? The whole public domain might in this way be absorbed by these uncounted telegraph companies. Does the honorable Senator from Ohio, who has so vigilant an eye over the public money and public property, feel willing to grant these privileges to telegraph companies? It seems to me to be utterly absurd. If you are going to make a line of telegraph state in your charter or in your act of Congress where it is to begin and where it shall run and where it shall end, so that the public generally may understand what the privileges are which you are granting, and not give a roving, unlimited commission to a dozen, fifteen, twenty, or a hundred, or a thousand telegraph companies to pervade the entire public domain and absorb it all by way of preëempting it for telegraph companies.

Mr. WILLIAMS. I find the language of this portion of the section to which the Senator objects to be as follows:

And said corporation shall have the right to take and use from such public domain the necessary stone, timber, and other materials for its posts, piers, stations and other needful uses in the construction, maintenance, and operation of said lines of telegraph, and may preëempt and use such portion of the unoccupied public domain through which its said lines of telegraph may be located as may be necessary for its stations, not exceeding one quarter section for each station.

These companies are authorized to preëempt and use such portions of the unoccupied public domain as may be necessary for the construction of their telegraph lines not exceeding one quarter section for each station. I think that there is no danger that the public domain will be absorbed by the construction of these telegraph lines, for there is no human probability that more lines will be constructed across the continent or upon the public domain than will probably pay those persons who may invest their capital in such lines. Is it probable that there would be a line run over every section of the public land lying between the Atlantic States and the Pacific coast? Is there any ground for any such apprehension? The business of the country may sustain two or three lines, and it would be of advantage to the people concerned, on both sides of the continent, if large portions of the public domain were appropriated to the construction of these telegraph lines, and I do not believe that the public lands could be applied in a more useful manner than for the construction of these telegraph lines. I believe in the application of the public lands to the construction of railroads and telegraph lines, and there is no way in my judgment in which the public lands of the country can be

used more for the public advantage than by appropriating them for such works of internal improvement, for then they are made useful and of advantage to all the people.

I think this is an apprehension in which the Senator from Michigan indulges without any foundation, and I will invite his attention to the old law under which the existing company was organized, in which the same phraseology is employed as is employed in this bill: In the "act to facilitate communication between the Atlantic and Pacific States by electric telegraph" the phraseology is this:

"And permission is hereby granted to said parties to whom said contract may be awarded, or a majority of them, and their assigns, to use until the end of said term, such unoccupied public lands of the United States as may be necessary for the right of way and for the purpose of establishing stations for repairs along said line, not exceeding at any station one quarter section of land, such stations not to exceed one in fifteen miles on an average of the whole distance, unless said lands shall be required by the Government of the United States for railroad or other purposes."

Mr. HOWARD. But here the stations may be adjacent to each other. The old act requires the stations to be not nearer than fifteen miles.

Mr. SHERMAN. I ask the Senator if he thinks they would establish a station in the wilderness in order to get a quarter section of wild land?

Mr. HOWARD. Certainly I do. Let one of these companies go into the wilderness and preempt and squat upon every lot of one hundred and sixty acres upon a particular line—the one hundred and sixty acres are worth \$200 at the minimum price—and it would be a very great speculation.

Mr. SHERMAN. They would make a station there to do that?

Mr. HOWARD. Certainly they would make a station there for that purpose. There is no difficulty about it. It makes a settlement upon the lot, brings it into market, changes ownership from the United States to the occupant, and thus the public land will go.

Mr. WILLIAMS. I think that if it was true that this telegraph company would do all that the Senator from Michigan apprehends, it would be an advantage to the country. If this telegraph company can cause a settlement across this continent upon the public domain as frequently as he supposes, it will be an advantage to the country, it will enhance the value of the public domain that may not be taken by the company, and it will extend the population of the United States across the continent and conduce to the settlement of the public lands.

Mr. HOWARD. Perhaps it would, but suppose the telegraph company should abandon its line after it had acquired the title and go off, no reversion to the United States would follow.

Mr. WILLIAMS. The honorable Senator can indulge in all possible suppositions. I doubt whether any project for any public enterprise can be submitted to the Senate about which Senators may not indulge in improbable suppositions. But is it probable that when a company has invested millions of dollars in a telegraph line across the continent that is paying a large interest upon the money invested, it will abandon that line?

Mr. HENDRICKS. I will ask the Senator this question: When the right of preemption is secured, the purchase made, and the patent given to the company, what is to prevent the company withdrawing its station from that land to another station, at its pleasure, and going on with one preemption after preemption, according to its own pleasure, under the language of this bill?

Mr. SHERMAN. I supposed my friend from Michigan was merely joking on this point; but if the Senator from Indiana is serious, if he really thinks there ought to be a limitation on it, I should say one station to every fifteen or twenty miles.

Mr. WILLIAMS. I have not charge of this bill, and it is not my business to defend its particular phraseology, and I did not take the

floor for that purpose: I intended simply to express my hope that this bill—or if this bill is not satisfactory in its phraseology to Senators, I hope the gentleman having it in charge will make it conform to their wishes so long as the end in view is preserved—I simply intended to advocate the passage of this bill or some such bill for the purpose of putting down the present monopoly.

Mr. HOWARD. I will help you to do that.

Mr. WILLIAMS. As I find that my remarks are extending further than I originally intended, and leading to protracted discussion, on account of the lateness of the hour I will not trouble the Senate further.

Mr. DOOLITTLE. Mr. President—

Mr. GRIMES. Let us vote on my amendment, and then discuss the general merits of the bill.

Mr. DOOLITTLE. I understand the amendment of the Senator from Iowa to be to change the whole character of the bill. The bill as it stands is granting rights to a particular company; but the bill as it will stand after that amendment is adopted is to grant the same privileges to all companies that now exist or hereafter may exist under the laws of any State, not confining its operation to any one company.

I rose not so much to discuss the bill as to refer to the statute under which the existing company received what rights it received from the General Government; and I think that when it is spoken of as a monopoly which has been granted by the Government the character of that measure is not properly understood. The truth is, that in 1860, before we had any such communication as telegraphs across the continent, and when by the great mass of the people it was regarded as almost a Utopian scheme to propose to build a telegraph to the Pacific, Congress passed a law by which it let to the lowest bidder the right to build a telegraph line from Missouri across to San Francisco. The bids were to be advertised for, I think, sixty days, and as an inducement to enable some person or company to go into the construction of this telegraph line Congress agreed in behalf of the Government that it would use the line across the continent and pay for the use of it \$40,000 per year. They further agreed that if the company did more than \$40,000 worth of telegraphing for the Government at the ordinary price for which telegraphing was done for individuals, they would pay the excess over the \$40,000. Congress agreed that the Government business should amount to the sum of \$40,000 a year to the contractors. The fact is, that the business of the Government has much exceeded, I suppose, the \$40,000 every year since the telegraph line was completed.

In 1844 the first telegraph line was established in this country, from Washington to Baltimore, and the first message which passed over the line, as I recollect, was the message of the Baltimore convention announcing the nomination of the candidate for the Presidency, who was elected that year. From 1844 down to about 1856 there were various competing lines of telegraph built up all over the United States, and as a general thing they were failures upon the hands of those who were operating them. Although they were a great convenience to the country the men who put their money into them and engaged in building them failed. O'Reilly had his great telegraph line; other persons had their telegraph lines; but from 1854 to 1856 the gentlemen who were interested in the lines came to an arrangement by which the lines were consolidated more or less throughout the country; and in 1860, after the lines had become consolidated, this act was passed by Congress letting out this matter of telegraphing across the continent to the lowest bidder, and the contract was taken in behalf of this consolidated telegraph company, and the line was built. The line became a magnificent success, and the result was that this telegraph stock or telegraph property sprung like a new creation out of nothing, and has advanced itself, I suppose, to be worth thirty or forty or fifty million dollars.

It is a new creation of wealth growing out of this new discovery. But, sir, when you look into the statute of 1860 it really does not confer any monopoly upon that company.

Mr. SHERMAN. One section of that bill expressly authorized Congress to extend the same rights to other companies.

Mr. DOOLITTLE. The act provides that the Government will, for a given length of time, employ this telegraph to the amount of \$40,000 a year at least. The Government guaranty to do at least as much business as that with the company, and so far the guarantee has been kept. We also agreed that the company, in building its line, might preempt at each station a quarter section of land, but those stations were not to be within fifteen miles of each other. That was the provision of the statute. The contract was to be for the period of ten years and to be awarded to the lowest responsible bidder. That was in the year 1860. The act declared further:

"Provided, That no such contract shall be made until the said line shall be in actual operation, and payments thereunder shall cease whenever the contractors fail to comply with their contracts; that the Government shall at all times be entitled to priority in the use of the line or lines, and shall have the privilege, when authorized by law, of connecting said line or lines by telegraph with any military posts of the United States and to use the same for Government purposes: And provided also, That said line or lines, except such as may be constructed by the Government to connect said line or lines with the military posts of the United States, shall be open to the use of all citizens of the United States during the term of the said contract, on payment of the regular charges for transmission of dispatches: And provided also, That such charges shall not exceed three dollars for a single dispatch of ten words, with the usual proportionate deductions upon dispatches of greater length: Provided, That nothing herein contained shall confer upon the said parties any exclusive right to construct a telegraph to the Pacific, or to deprive the Government of the United States from granting, from time to time, similar franchises and privileges to other parties."

Mr. BROWN. Do I understand that to be a limitation of three dollars for ten words on messages across the continent?

Mr. DOOLITTLE. It was from the west line of the State of Missouri to San Francisco. What I insist is that the company must act in good faith.

Mr. BROWN. It is clear from the reading of that provision that they have violated their charter.

Mr. DOOLITTLE. In relation to what the facts are I will not undertake to state; but I say that it would be held in any court if any proceeding were taken against them for damages, or any proceeding against them by way of injunction or for forfeiture, that they could be compelled to carry out this law in good faith, so that the price of dispatches should not exceed the sum which is here mentioned in the statute.

Mr. STEWART. But the Senator will observe that there is a very small portion of the people of the United States who reside west of the Missouri river. The great mass of the people reside east of that; and the same combination owns the lines east. The people east have to get their messages to that point and must pay for getting them there.

Mr. DOOLITTLE. That may be all true; but here is the real fact: we in 1860 let to the lowest bidder the business of building a telegraph line across the continent; and the question is, as that contract only runs for the ten years, shall we now, is it good policy, is it wise, is it just to provide for building on the same line another telegraph? Although the power is reserved to us to do it, ought we to exercise that power, is the question. That is a question which addresses itself to the good faith of Congress. The fact that this company took upon itself the risk when it was supposed to be a risk, when many believed it was a chimera to suppose that a line could be built and kept up across the continent, ought to weigh something with us. My judgment is that if this company has exceeded in its charges what it has a right to charge for its dispatches, there should be a proceeding against it. It would work a forfeiture.

Mr. WILLIAMS. Allow me to suggest that

I know it costs ten dollars in gold—they will take nothing but gold—to send a dispatch of ten words from Portland, in Oregon, to Washington. I do not know who gets the money, but I know it costs that amount.

Mr. DOOLITTLE. I do not desire to take up the time of the Senate. I simply say that the character of the act of 1860 has been misunderstood by some in supposing that it was intended to make a monopoly of this company and put everything out of the power of Congress.

Mr. BROWN. The monopoly has been by buying up each other and consolidating.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa, [Mr. GRIMES.]

The amendment was agreed to.

Mr. SHERMAN. It will now be necessary to make some verbal alterations in the bill to conform to the amendment just made.

Mr. NYE. Let it be recommitted to the committee to reconstruct the bill.

Mr. SHERMAN. It is not necessary to recommit it. Only a few verbal alterations are necessary, and they can be made in a moment. In line four of section two I move to strike out "said company" and insert "any of said companies."

The amendment was agreed to.

Mr. SHERMAN. Now, in line two of section three I move to strike out "said" before "company," and after "company" to insert "acting under this act;" so as to read:

The rights and privileges hereby granted shall not be transferred by any company acting under this act to any other corporation, association, or person without the consent of Congress.

The amendment was agreed to.

Mr. SHERMAN. Now, to oblige my friend from Nevada, I move to strike out the words "without the consent of Congress," in the fourth line of section three.

Mr. DOOLITTLE. What will the effect of that be?

Mr. SHERMAN. To provide that the rights and privileges granted to any company acting under this bill shall not be transferred to another company. The Senator from Nevada seems to fear that Congress might assent to such a transfer.

The amendment was agreed to.

Mr. SHERMAN. In line eight of section three I move to strike out the words "said company" and insert "any or all of said companies."

The amendment was agreed to.

Mr. SHERMAN. In line eleven of section three I move to strike out the words "said company" and insert "the company interested."

The amendment was agreed to.

Mr. SHERMAN. Now let the third section be read as it stands amended.

The Secretary read as follows:

SEC. 3. *And be it further enacted*, That the rights and privileges hereby granted shall not be transferred by any company acting under this act to any other corporation, association, or person: *Provided, however*, That the United States may at any time after the expiration of five years from the date of the passage of this act, for postal, military, or other purposes, purchase all the telegraph lines, property, and effects of any or all of said companies at an appraised value, to be ascertained by five competent disinterested persons, two of whom shall be selected by the Postmaster General of the United States, two by the company interested, and one by the four so previously selected,

Mr. SHERMAN. I move to strike out the fourth section after the enacting clause and insert:

That before any telegraph company shall exercise any of the powers or privileges conferred by this act, such company shall file their written acceptance with the Postmaster General of the restrictions and obligations required by this act.

The amendment was agreed to.

Mr. CONNESS. I suggest to the Senator to incorporate in the first section a restriction in regard to the distance of the stations from each other.

Mr. SHERMAN. I see no danger to be apprehended on that score; but I move after

line twenty-three of the first section to insert "but such stations not to be within fifteen miles of each other," so as to prevent them making a station in order to get the right to preempt a quarter section of land.

Mr. HOWARD. I move in line nineteen of section one to strike out the words "preempt and." It will then leave the lots upon which the stations of the company are, subject merely to a possessory right or right of occupancy on the part of the company, and will not give them the fee-simple of the land. It will simply tolerate them there while in possession of the lot for the purposes of a station, and remove all doubt as to the meaning of the word "preempt." There are many persons who believe that word implies a title in fee-simple. I am not quite sure myself that it does not. To remove all doubt, I think we had better strike out that word.

Mr. CONNESS. I cannot think that this provision is a grant as it now stands; but if the word "preempt" were left in, the company could go on and perfect their title if they saw fit, and buy the land. As the language stands, it gives no title in fee; but if the word "preempt" is stricken out, the companies cannot preempt and buy at any time, and yet the companies may improve a piece of land and have it subject to being preempted by others.

Mr. HOWARD. Not at all. It cannot be subjected to preemption because the company are in possession under a right of occupancy. That excludes everybody else from being a preemptor.

Mr. CONNESS. What objection can there be to allowing the company to preempt and buy?

Mr. HOWARD. The objection is this, that it is not the business of a telegraph company to become the owner of lands in fee-simple. They are intended for another purpose, and ought not to be allowed to accumulate landed property in their hands any more than any other corporation. They ought to be allowed to own and use as much as is necessary for their purposes, and when their occupancy for that purpose has ceased the title ought to revert to the original donor.

Mr. HENDRICKS. Allow me to suggest to the Senator from Michigan that I think it probable his proposition will defeat a very important purpose of this bill. Suppose a very desirable town site is selected and a whole quarter section is taken. Of course that quarter section is not needed to put up the telegraph apparatus, but the town site is secured by the quarter section. Now, the proposition of the Senator will cut them off from the right to divide that up into lots and sell it, and will very materially interfere with the speculation which is possible under this bill.

Mr. HOWARD. Undoubtedly, Mr. President, and that is one of the purposes which I wished to guard against by the amendment which I offered. I foresaw that.

Mr. POMEROY. There are some reasons why I think the public interest would be subserved by allowing a preemption rather than a mere occupancy. Preemptors are subject to certain laws and restrictions. As a preemptor a man cannot strip a quarter section of its timber. A preemptor can use only that portion necessary for his preemption. But if you give the company the use and occupancy of a quarter section, they may strip it of all its timber and may damage the public lands. There are certain restrictions and limitations thrown around preemptors that do not apply to persons who have a perpetual right of use and occupancy. I do not care anything about it so far as it applies to this company. There is one correction, however, that I should like to make in the bill if I can have the attention of the Senator from Ohio for a moment. The words "public domain" and "public lands" have different significations as administered at the Department. We have domain over military reservations, valuable tracts for military sites. We exercise eminent domain over them. They are part of the public domain, but you do not

mean to give a company the right of preemption on a reservation, or any such valuable tract. The word "lands" should be used instead of "domain."

Mr. SHERMAN. Would that cover the unsurveyed lands?

Mr. POMEROY. Yes, sir; they are all "public lands;" but "public domain" is another thing.

Mr. SHERMAN. I used the word "domain" so as to cover unsurveyed lands. I supposed that "public lands" technically meant only those which were surveyed and subject to entry.

Mr. POMEROY. They are all public lands, excepting certain reservations, and those reservations are public domain. If it is in order now, I move to insert the word "lands" instead of "domain," in the twentieth line of the first section.

Mr. HOWARD. Let the vote be taken first on my amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Michigan.

The amendment was rejected; there being, on a division—ayes 12, noes 13.

Mr. POMEROY. I now move, in lines sixteen and twenty, of section one, to strike out the word "domain," in each case, and insert "lands." We had to pass a bill here not long since to restore to the public lands certain reservations that were part of the public domain before.

The amendment was agreed to.

Mr. DOOLITTLE. The Senator from Ohio, as I understand, says he wishes to give to companies under this bill the same rights that we give to the company across the continent, by the law to which I have already referred. He will find that there is a provision in that law that the company may preempt land for stations during the time that they occupy the land for telegraph purposes. Furthermore, there is a provision that if the land they preempt should happen to be so located as to be needed for railroad purposes, they must give way to the railroad. They can move telegraph lines, but a railroad may have only one place where it can go through. You will find when you come to build the Pacific railroad through the mountains that there are particular sections where the railroad must go, and if there is a telegraph line that has land preempted it may encumber the railroad company—

Mr. SHERMAN. If the Senator thinks there is any danger on that score, and will draw an amendment to cover the point, I shall have no objection to it. I do not want to secure to any company under this bill a town site or anything of the kind.

Mr. HENDRICKS. I move to strike out all after the word "telegraph," in the nineteenth line of the first section, to the end of the section.

The Secretary read the words proposed to be stricken out, as follows:

And may preempt and use such portion of the unoccupied public lands subject to preemption, through which its said lines of telegraph may be located as may be necessary for its stations, not exceeding one quarter section for each station, but such stations not to be within fifteen miles of each other.

Mr. HENDRICKS. This privilege secured to the company can only be for the purpose of speculation. A railroad company, wherever it has a station, needs land of some considerable extent for its depots, its water stations, &c.; but a telegraph company needs simply room enough for its poles and for its office. It has no occasion for one hundred and sixty acres of land. Of course, if Congress gives it, every fifteen miles, a quarter section of land, it is simply for the purpose of speculation. It enables any company acting under the law to select the most desirable locations upon the public lands along the line of the route. It may be said that the telegraph operator located at a particular station needs a homestead. That is very well, and he, under existing laws, may secure his homestead. He may secure it

under the homestead law or under the preëemption law. If he settles down in good faith as a telegraphic operator to live upon the quarter section of land, as soon as he shows to the General Land Office that he has made a home upon the particular quarter section of land, like any other citizen he has a right to preëempt it.

Mr. GRIMES. The land must first be surveyed.

Mr. HENDRICKS. But any citizen has a right to settle upon a piece of land and secure the right of preëemption in advance of the surveys under existing laws. This right will be secured under existing laws to the operator who may make his home at the station.

Mr. GRIMES. I inquire of the Senator whether that would not be a personal right pertaining to the operator; and if he was changed, would it inure to the benefit of the corporation whose agent and servant he was?

Mr. HENDRICKS. It would be a personal right to the operator who makes his home upon the quarter section of land.

Mr. GRIMES. Then the title of the property would cease to be in the company or in the operator either the moment the operator was discharged from the employment of the company.

Mr. HENDRICKS. The operator who would secure the one hundred and sixty acres of land under the general law would have the right to sell it, dispose of it, just like any other citizen.

Mr. GRIMES. But he could not dispose of it until after the Government had surveyed all these lands, which we have not yet acquired the title to from the Indians.

Mr. HENDRICKS. That is a practical difficulty which will be experienced by any preëemptor, whether it be the corporation or the individual. Now, if one hundred and sixty acres of land is wanted at a station, it is either for speculation or for furnishing a home for the operator. If it is to be a home for the operator, let him have his home like every other citizen. Let it be a nucleus, too, for a settlement. Therefore, I move to strike out this clause giving the company the right of preëemption. I do not think it has any proper place in the bill.

Mr. KIRKWOOD. I desire to ask a question of the Senator from Indiana. Under the language of this bill, how much land can a company take for a station? Does he hold it to be that it can absolutely take one hundred and sixty acres, whether necessary for a station or not; or is the amount it can take limited by the necessity, under the language of the bill?

Mr. HENDRICKS. All such laws are construed as giving the right to the extent of the limit in the law itself. If the company preëmits one hundred and sixty acres of land, the Commissioner of the General Land Office cannot say that less than that is necessary if the company says it is necessary. The Commissioner cannot adjudicate the amount necessary when Congress has said that to that extent it may be necessary.

Mr. KIRKWOOD. That is the point I wished to come at.

Mr. HENDRICKS. Congress has fixed the construction by the law itself.

Mr. CONNESS. The last telegraph bill that was passed by Congress was what was known as the Russian telegraph bill. It will be remembered that in that bill the amount of land at each station was cut down to forty acres. I think that would be fair as a compromise in this case. I move to amend the amendment of the Senator from Indiana by striking out "one quarter section" where it occurs and inserting "forty acres."

Mr. SHERMAN. That will avoid the controversy.

Mr. HOWARD. That is thirty acres too much.

Mr. HENDRICKS. I withdraw my motion and let the Senator suggest his amendment.

Mr. CONNESS. I make the motion to strike out "one quarter section" where it occurs and to insert "forty acres."

Mr. HOWARD. Why not say "ten acres?"

Mr. CONNESS. I have already given the reason. My purpose is not to destroy this bill, but to perfect it.

Mr. POMEROY. If there is any use in this company having any land at all, it is not that they want every fifteen miles a place for an operator nor to give an operator any land. The operators of the line across this continent over the public lands would not be perhaps within three hundred miles of each other; but every fifteen miles there is to be a watchman to watch the line and to take care of it. If the company have the right of giving a man a homestead, provided he will stay and watch the line across the public domain, to keep it from being cut by Indians, and can build him a little castle there, he can stay and watch and defend this line. That is the object of having a quarter section of land. Every citizen, to be sure, has the right to take that much now, but you cannot get a citizen away out far from the settlements to settle on a piece of public land unless he is protected by a company who pay him something for it; and if he can have the additional inducement of having some land and having the protection of this company, he can keep the line up. The company have to pay as much for keeping the line up as for operating it, and they must have a class of watchmen whose duty it is to go over the line from one end to the other and see that it is perfect. That is the reason why they want land every fifteen miles. There will not be an operator in a hundred miles.

Mr. CONNESS. This land would not serve the purpose the Senator suggests unless the title of it should remain in the company, because if it did not, the watchman, as he terms him, would take the land when he left and sell it to whom he pleased. The purpose is to give a certain amount of land to the company, where they may have a location.

Mr. POMEROY. It is a misapprehension to suppose that anybody can go on the public lands in advance of survey and get anything he may sell.

Mr. CONNESS. The watchman may make a home outside of the forty acres.

Mr. POMEROY. But he cannot sell it until after the land is surveyed. There is no such thing as a squatter selling a preëemption right.

Mr. CONNESS. There is nothing to hinder this man making another location on one hundred and sixty acres outside of the forty.

Mr. POMEROY. That is true.

Mr. SHERMAN. Let it be forty acres.

Mr. NYE. I desire to inquire of the Senator from Kansas whether there is any provision in this bill that there shall be a watchman every fifteen miles.

Mr. POMEROY. There is no such provision in the bill.

Mr. NYE. And no such thing exists across the plains.

Mr. POMEROY. The line is watched all the way.

Mr. NYE. It is not watched every fifteen miles, or every two hundred miles. The way their lines are watched is this: the telegraph runs by the stage road, and they have an arrangement by which the men employed on the stage route see to the line; but there is no such thing as a watchman every fifteen miles. I can show the Senator five hundred miles without any.

Several SENATORS. Vote! Vote!

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from California.

The amendment was agreed to.

Mr. NYE. I move that the Senate adjourn.

Mr. SHERMAN. I hope we shall close this bill. I wish to get up the Indian appropriation bill to-morrow, with the assent of the Senate.

The motion to adjourn was not agreed to—ayes eight, noes not counted.

Mr. HENDRICKS. This session of Congress has been characterized to some extent by the number of propositions for the exercise of

extraordinary powers heretofore conceded to belong to the States, for the establishment of railroad companies and propositions to authorize companies to construct railroads through the States, to make canals, to establish a system of land speculation; and now the proposition is that Congress shall undertake to control the telegraph system through the States. When the bill was read this morning I asked a friend sitting near by how Congress came to be able to pass such a bill as this. His reply was, "By main strength." I think no other reply can be given. I admit that Congress may provide for the construction of lines of telegraph through the Territories, through the lands that are under the exclusive control of Congress, and perhaps authorize the construction of lines across the navigable streams. I would not stop to question that; but I cannot comprehend how it is that Congress can say to a telegraph company organized under the laws of the State of Indiana, "You may go into the State of Ohio and run your lines over any road in the State of Ohio." I ask the Senator from Ohio what right the Congress of the United States acquires over a post route. A road is built by the State authorities in the State of Indiana or the State of Michigan, a common highway, and Congress declares that road to be a post route. Does Congress by that act acquire a right in that road or a control over it? What is the act of Congress declaring it a post route? Simply an authority to the Postmaster General to put the mail service upon that line, and beyond that the General Government acquires no control or power over the road.

Then I want to know how it is that a corporation of one State can be authorized to go into another State and there exercise its powers and its franchise. If it can be done in this case, I cannot see why it may not be exercised in the other cases proposed before Congress; and the friends of the right of the States to prohibit foreign corporations from exercising their franchises within their limits might as well make the fight upon this bill as upon any other; for if Congress can authorize a telegraph company of the State of New York to pass through Pennsylvania and Ohio and Indiana and extend its lines over the States according to its own pleasure, I cannot see why Congress cannot authorize a railroad company of the State of New York to construct a railroad in the State of Indiana.

I admit, sir, that a telegraph line does not make the same impression or occupy the same space upon the surface of the earth as a railroad. It is only the erection of a pole every here and there along the line and the putting of a wire upon those poles; it does not occupy very much space; yet it is a power, and up to this time the people have understood that the permission must be granted by the State. Now, it is proposed to say that Congress may authorize a corporation of one State to exercise its powers in another State, with or without the consent of that State. A corporation is organized in the State of New York; it goes to Indiana and proposes to run along our highways. By what right? That corporation tells us, "We have this right because Congress has said so." Why is it that Congress may say so? Where is the authority for Congress to say so? If a corporation of New York shall go into Indiana and propose to construct a railroad along the post routes of the State of Indiana, may the authorities of the State of Indiana not inquire into the authority, and will that company not be stopped upon proper proceedings, and can that company say, "Congress has authorized us to go into the State of Indiana?"

I do not intend to occupy much time upon this bill; but if we mean to say that corporations of States shall not go into other States to exercise their powers, we had as well say it upon this bill as upon any other of the propositions before Congress.

Mr. STEWART. I ask the Senator whether there ever was a time when corporations of States did not go into other States with steam-

ers, stage lines, and any other means of conveyance.

Mr. HENDRICKS. In answer to the Senator from Nevada I have to say that, according to my knowledge of the law, there never has been a time yet when a corporation of one State had a right to go into another State except by the permission of that other State. That is the law on the subject as I understand it. A railroad company of the State of Ohio cannot construct its road in the State of Indiana, and it has been by the highest court settled that the power of a corporation is co-extensive only with the political power that brought it into existence. A corporation has no existence, it has no life outside of the State that creates it. It is an artificial body, and that artificial body has no life and no power outside of the political power that brings it into existence; and the Senator by voting for this bill admits this to be the law. If the corporations already possess this power, why shall Congress confer it upon them? The very proposition before us, to confer the power to go from one State into another, is an admission that without such legislation they do not possess it. Are Senators prepared now, merely to accommodate some telegraphing scheme, to establish the doctrine that Congress may say to a corporation of one State, "Go into all the States and exercise your powers?"

Mr. President, the bill itself may not be very important. It may be desirable to bring about a competition that will relieve the business of the country from the exorbitant charges that are made; but I think there is a good deal of force in the argument of the Senator from Nevada [Mr. NYE] that this bill will finally not accomplish much. You say to a corporation of New York or to a corporation of another State, "You may build telegraph lines," and that corporation will sell out, the Senator says, and we are authorized to believe so by the history of the past. But the Senator from Ohio says that he has provided against that. I ask him the question, can Congress prohibit a corporation having a certain franchise under the law of a State, from selling out its franchise if the law of the State authorizes it? The Senator says that to avoid that he has inserted a section which says that before a company shall exercise any power under this bill it shall file its agreement to the restrictions contained in the bill with the Postmaster General. Then, I ask Senators, will it stand upon the law or the contract? The Senator proposes to make a contract between the General Government and a corporation, that the corporation will not sell out; and suppose, instead of selling out it gets up a parade of an organization; it does a good deal of printing; it proposes to establish a line; but before it commences building it sells out or is bought off by one of the old companies; how can Congress avoid that? It is simply a provision for a system of speculation that has not been equaled heretofore.

Mr. WILSON. I move that the further consideration of this bill be postponed to the first Monday of December next.

The motion was not agreed to.

Mr. MORGAN. I offer an amendment to strike out the second section of the bill and insert the following in lieu of it:

That it shall be the duty of the Postmaster General, on the first Monday of September of each year after the passage of this act, to advertise in the three daily newspapers having the largest circulation in the United States for sealed proposals for doing the telegraphic business of the several departments of the Government of the United States; such advertisements to be published in each of such newspapers twice each week for two consecutive weeks. And upon the first Monday of October thereafter, in each year, the Postmaster General shall open the proposals which shall be made to him, and shall thereupon award the contract to the lowest bidder for the transmission of each one hundred words, not including the address and signature to any dispatch: *Provided, however,* That it shall be the duty of the Postmaster General to reject the bid of any person, company, or association whose bid shall not be accompanied by a good and sufficient bond in the penal sum of \$50,000 executed by the bidder and two sufficient sureties, who shall be resident citizens of the United States, conditioned, in case the said contract

shall be awarded to such bidder, that he shall execute a written contract according to the terms of such bid, and indemnify the United States against all loss or damage by reason of the non-performance of such contract.

Mr. SHERMAN. The provision of the bill is much simpler and much better than the price of all messages sent by or to any officer of the Government shall be fixed by the Postmaster General. It is much better to leave it with him than to open it to contract or competition. I hope, therefore, that the amendment will not be agreed to.

Mr. BROWN. It strikes me that the result of the amendment offered by the Senator from New York would simply be to make the Government pay more than it is now paying for telegraphic charges. There would be no competition and there might be combination, and we should be required to pay all that was asked. I think it would be unfortunate if any such amendment were put on.

Mr. MORGAN. We are now providing by a general law for telegraph companies, and while providing for an increase of telegraph companies, it seems to me it would be well also to provide generally for the telegraphic business of the Government.

Mr. NYE. I hope the care of this immense business will not be committed to the hands of the Postmaster General alone. It is a pretty large power. I recollect that we had a pretty lively debate here the other day on giving to the Secretary of the Treasury a couple of hundred thousand dollars to spend as he pleased. This is putting a million into the hands of one man, whoever he may be, to pay just what he pleases to any telegraph company that he chooses to contract with. I hope this amendment of the Senator from New York will be made.

The question being put, there were, on a division—yeas 13, nays 11; no quorum voting.

Mr. SHERMAN. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 14, nays 14; as follows:

YEAS—Messrs. Clark, Cowan, Doolittle, Guthrie, Harris, Hendricks, Howard, Morgan, Nye, Sumner, Van Winkle, Wade, Wiley, and Wilson—14.

NAYS—Messrs. Anthony, Brown, Buckalew, Conness, Cragin, Fessenden, Foster, Howe, Kirkwood, Pomeroy, Sherman, Sprague, Stewart, and Williams—14.

ABSENT—Messrs. Chandler, Creswell, Davis, Dixon, Edmunds, Grimes, Henderson, Johnson, Lane of Indiana, Lane of Kansas, McDougall, Morrill, Nesmith, Norton, Poland, Ramsey, Riddle, Saulsbury, Trumbull, Wright, and Yates—21.

So the amendment was rejected.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in; so that the bill reads as follows:

Be it enacted, &c., That any telegraph company now organized or which may hereafter be organized under the laws of any State in this Union shall have the right to construct, maintain, and operate lines of telegraph through and over any portion of the public domain of the United States, over and along any of the military or post roads of the United States which have been or may hereafter be declared such by act of Congress, and over, under, or across the navigable streams or waters of the United States: *Provided,* That such lines of telegraph shall be so constructed and maintained as not to obstruct the navigation of such streams and waters, or interfere with the ordinary travel on such military or post roads. And any of said companies shall have the right to take and use from such public lands the necessary stone, timber, and other materials for its posts, piers, stations, and other needful uses in the construction, maintenance, and operation of said lines of telegraph, and may preempt and use such portion of the unoccupied public lands subject to preemption through which its said lines of telegraph may be located as may be necessary for its stations, not exceeding forty acres for each station, but such stations not to be within fifteen miles of each other.

Sec. 2. *And be it further enacted,* That telegraphic communications between the several Departments of the Government of the United States and their officers and agents shall, in their transmission over the lines of any of said companies, have priority over all other business, and shall be sent at rates to be annually fixed by the Postmaster General.

Sec. 3. *And be it further enacted,* That the rights and privileges hereby granted shall not be transferred by any company acting under this act to any other corporation, association, or person: *Provided, however,* That the United States may at any time after the expiration of five years from the date of the passage of this act, for postal, military, or other purposes, purchase all the telegraph lines, property, and effects

of any or all of said companies at an appraised value, to be ascertained by five competent, disinterested persons, two of whom shall be selected by the Postmaster General of the United States, two by the company interested, and one by the four so previously selected.

Sec. 4. *And be it further enacted,* That before any telegraph company shall exercise any of the powers or privileges conferred by this act, such company shall file their written acceptance with the Postmaster General of the restrictions and obligations required by this act.

Mr. NYE. I now renew the amendment which was offered by the Senator from New York [Mr. MORGAN] when we were in committee.

Mr. SHERMAN. I hope that amendment will not be adopted. It will only put the Government of the United States to expense. It seems to me not necessary. The bill is very carefully guarded. We have put the price of Government messages in the power of the Postmaster General, who will always, as a matter of course, endeavor to get the business done at the lowest possible price consistent with the public interest.

Mr. HOWARD. It is quite uncertain whether he will endeavor to get the service performed at the lowest rates. I think this is nothing but a reasonable restriction imposed upon the Postmaster General. It is certainly the mode in contracts of importance that are let by the Government, and I see no reason whatever for rejecting it. I hope the amendment will be adopted.

Mr. WILLIAMS. Allow me to ask the Senator if Congress cannot require the Postmaster General to state what he pays for telegraphing the public messages.

Mr. HOWARD. Certainly we can ask the Postmaster General to state any official fact of which he has knowledge; but what does it amount to? He will have the authority under this bill to give the contract to any party that he may see fit, and upon any terms that he may see fit, however extravagant they may be. I think it is a power that ought to be restrained within some reasonable limits. Certainly nobody can complain of the amendment.

Mr. POMEROY. If there were a great many telegraph corporations in the United States, so that we could get some contest between them, it would be worth while to advertise; but what we are trying to resist is the overshadowing monopoly of consolidated companies. The idea that when those consolidated companies have got only one organization which embraces all the lines in the United States, you are going to advertise for proposals, so that that one organization can have entire control of the prices which the Government shall pay for telegraphing, seems to me ridiculous. If you make that provision the Postmaster General must make contracts for what they will do the work for.

Mr. BROWN. And he is required to make contracts with them, which he is not now.

Mr. POMEROY. Yes. I was about to say that the amendment requires him to do it while the bill puts it into his hands to fix the prices. What we are trying to resist is the overshadowing monopoly of the existing companies; and the idea of advertising for Government work so that they can agree on the precise price they will have, and then oblige the Department to contract with them, is only adding strength to the monopoly.

Mr. NYE. That illustrates precisely what I have been trying to show all day, that there is no company now in existence that can compete, that it is not a proposition to build a single foot of telegraph by any company. This whole thing beautifully exemplifies the farcical character of the bill. Here you are providing that the Postmaster General shall make a contract with the only company there is. You do not propose to build a foot of telegraph anywhere upon this continent. I think the amendment proposes simply to carry out the practice of the Departments. There are gentlemen here who have been in the Departments, and they know that whenever they want any particular service for the Government they contract for it. I should like to know from the

Senator from Ohio why the Government telegraphing, which costs from four hundred thousand to five hundred thousand dollars a year, I have no doubt, should not be let-by contract like other Government service.

Mr. WILLIAMS. The reason is that there is nobody to compete.

Mr. NYE. Then why are you legislating here?

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Nevada.

Mr. SHERMAN called for the yeas and nays, and they were ordered; and being taken, they resulted—yeas 14, nays 15; as follows:

YEAS—Messrs. Clark, Cowan, Doolittle, Guthrie, Harris, Hendricks, Howard, Morgan, Nye, Sumner, Van Winkle, Wade, Wiley, and Wilson—14.

NAYS—Messrs. Anthony, Brown, Buckalew, Conness, Cragin, Edmunds, Fessenden, Foster, Howe, Kirkwood, Pomeroy, Sherman, Sprague, Stewart, and Williams—15.

ABSENT—Messrs. Chandler, Creswell, Davis, Dixon, Grimes, Henderson, Johnson, Lane of Indiana, Lane of Kansas, McDougall, Morrill, Nesmith, Norton, Poland, Ramsey, Riddle, Saulsbury, Trumbull, Wright, and Yates—20.

So the amendment was rejected.

The bill was ordered to be engrossed for a third reading, and was read the third time, and on the question, Shall the bill pass?

Mr. HENDRICKS called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 16, nays 18; as follows:

YEAS—Messrs. Anthony, Brown, Conness, Cragin, Edmunds, Fessenden, Foster, Harris, Howe, Kirkwood, Pomeroy, Sherman, Sprague, Stewart, Wade, and Williams—16.

NAYS—Messrs. Buckalew, Clark, Cowan, Doolittle, Guthrie, Hendricks, Howard, Morgan, Nye, Sumner, Van Winkle, Wiley, and Wilson—18.

ABSENT—Messrs. Chandler, Creswell, Davis, Dixon, Grimes, Henderson, Johnson, Lane of Indiana, Lane of Kansas, McDougall, Morrill, Nesmith, Norton, Poland, Ramsey, Riddle, Saulsbury, Trumbull, Wright, and Yates—20.

So the bill was passed.

HOUSE BILLS REFERRED.

The following bills and joint resolution from the House of Representatives were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. No. 739) for the relief of Lemantha Rader;

A bill (H. R. No. 740) for the relief of Matilda J. Monroe;

A bill (H. R. No. 741) granting pension to Jonathan W. Beach;

A bill (H. R. No. 742) for the relief of the minor children of Salvador Accadi, deceased;

A bill (H. R. No. 743) amendatory of an act entitled "An act granting a pension to Mrs. Emerance Gouler;" and

A joint resolution (H. R. No. 179) for the relief of Edgar T. Harris.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. I move, merely for the purpose of leaving it as the unfinished business for to-morrow, to take up the Indian appropriation bill. I hope to get through with it to-morrow.

The amendment was agreed to.

Mr. WILSON. I move to take up House bill No. 613, the Freedmen's Bureau bill, which came from the House to-day, for the appointment of a committee of conference.

Mr. HENDRICKS. I think we had better adjourn and attend to that in the morning. I move that the Senate adjourn.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, June 29, 1866.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. C. B. BOXTON.

The Journal of yesterday was read and approved.

WILLIAM G. LEE.

Mr. McKEE. I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of House bill No. 629, for the benefit of William G. Lee, in order that it may be considered at this time.

Mr. HALE. Let the bill be read.

The bill was read. It directs the Secretary of the Treasury to pay to William G. Lee, or his legal representatives, \$28,428 50, which sum is to be in full payment of his claim against the United States on account of corn purchased by him in the department of Kentucky, as the agent of the quartermaster's department, under the agreement made by him with Captain John A. Morris, in 1864, and which corn spoiled on his hands by reason of the Government failing to furnish transportation.

The motion to discharge the Committee of the Whole from the consideration of the bill was agreed to.

The question was on ordering the bill to be engrossed and read a third time.

Mr. McKEE. I do not desire to say anything in reference to this bill unless some gentleman desires some explanation. A report, a very long one, setting forth all the facts, accompanies the bill. The case is simply one of a contract with an agent of the Government.

Mr. BOUTWELL. I ask that the report be read.

The Clerk read the report.

Mr. BOUTWELL. I think it must be apparent to the House that this being a claim under a contract with the Government ought properly to go to the Court of Claims. For the consideration of precisely such cases the Court of Claims was established.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. McKEE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

EXCUSED FROM COMMITTEE SERVICE.

Mr. MORRILL. Mr. Speaker, you have done me the honor to appoint me a member of the committee of conference on the internal revenue bill. I expect to be busily engaged for some days upon the tariff bill; and with this and my other engagements my time will be fully occupied. I therefore ask to be excused from service on that conference committee.

There being no objection, Mr. MORRILL was excused.

IOWA AGRICULTURAL COLLEGE.

Mr. KASSON. I ask unanimous consent to introduce a joint resolution, to which I think there will be no objection. Let it be read for information.

The Clerk read the resolution. It provides that the time for completing the Agricultural College of the State of Iowa, in accordance with the provisions of the act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts, approved July 2, 1862, be extended for the period of one year.

Mr. KASSON. Mr. Speaker, I have only to say that a committee of the trustees of this institution have requested that an act of this kind may be passed, as the work on the college is in progress, but not yet completed.

Mr. HALE. I desire to inquire whether this has not already been provided for in a general bill.

Mr. KASSON. I had supposed that such was the fact; but on an examination of the bill I do not find it to cover this case.

Mr. GRINNELL. Some time since I was addressed in regard to this matter. I then examined the bill on this subject passed about two months ago, on the recommendation of the Committee on Agriculture. I found that that bill covers the case.

Mr. KASSON. I was under the impression that such was not the fact; but I will make a reexamination, meanwhile withdrawing the bill for the present.

CIVIL APPROPRIATION BILL.

Mr. STEVENS, from the Committee on Appropriations, reported a bill making appropri-

tions for sundry civil expenses of the Government for the year ending June 30, 1867, and for other purposes; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. STEVENS. I move that this bill be made a special order for next Tuesday immediately after the morning hour, and from day to day until disposed of.

The motion was agreed to.

LAND TITLES IN CALIFORNIA.

Mr. JULIAN. Mr. Speaker, I ask the unanimous consent of the House that an additional hour be assigned to the Committee on Public Lands to-morrow for the special consideration of Senate bill No. 343, to quiet land titles in California, which was referred to in the debates on yesterday. It will be impossible to consider that question unless the leave I ask for be granted, unless we withhold action on all other matters before us, which would be wrong. I therefore ask for an additional hour on that matter affecting the interests of California so deeply.

Mr. PIKE objected.

NATIONAL BUREAU OF INSURANCE.

Mr. COOK, by unanimous consent, from the Committee on the Judiciary, reported a bill for the creation of a national Bureau of Insurance; which was read a first and second time, ordered to be printed, and recommitted.

Mr. HALE moved to reconsider the vote by which the bill was recommitted; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

PENSIONS TO SOLDIERS OF WAR OF 1812.

Mr. HALE called for the regular order of business.

The SPEAKER stated the regular order of business was the consideration of the unfinished business of the morning hour of Friday last, being an adverse report from the Committee on Invalid Pensions on House bill No. 168, granting pensions to soldiers of the war of 1812 with Great Britain, on which the chairman of the committee [Mr. PERHAM] was entitled to the floor for thirty-six minutes.

Mr. PERHAM. Mr. Speaker, at the close of the morning hour last Friday I had nearly concluded what I had to say on this question. I had shown, in answer to an inquiry then put to me in regard to the probable expense of paying the pensions proposed, that it would in all possibility be not less than \$10,000,000 per annum; and that this proposes to go back something more than a year, so that for the first year the expense would be more than \$20,000,000.

It is, as I have said, impossible to say how much it would be in the aggregate. We are now paying the last of the pensioners of the revolutionary war eighty-three years after the close of that war; that is about fifty-two years after the time of granting pensions generally to the soldiers of the revolutionary war. We have, then, probably about thirty years more in which we would be paying these soldiers of the war of 1812, if this bill be passed. At an average of five millions a year you would have \$150,000,000, which would be the total outlay under this bill.

Now, Mr. Speaker, I will say, in behalf of the Committee on Invalid Pensions, that we have had this subject of pensions under consideration for a long time. We have had applications for pensions in all forms before us, of destitute women, helpless children, in all conditions of suffering; all presenting their claims to us; and I think no member of this House can feel a deeper sympathy for this class of persons than we do, and none would be more willing to grant pensions to these soldiers than we are could the committee satisfy themselves the country was in a condition now to meet this expenditure. The truth is, we have other claims to pensions which we have not yet met, although we have extended the provisions of the pension laws by acts already

passed and which are to be passed to an amount of something like six millions. There are many others not provided for. Many have been killed in organizations known as home guards, having done good service for their country, and their widows are living with large families, and penniless in many instances. We feel we could not extend the pension laws to that class of persons. Should not the widows of men who were killed in battle receive the bounty of the Government sooner than those who only served in the war of 1812 and have not been wounded?

Now, Mr. Speaker, we have had many complaints since the action a week ago. These old soldiers have been writing to us, and some of them have said very hard words to us because we have not been more willing to meet their expectation in this regard. I have a letter now in my hand from one who has written to many other members of the House; I believe the gentleman from Pennsylvania among others. This gentleman complains that it was said in the debate on this subject that Congress had been extremely liberal in its legislation in regard to the soldiers of 1812, and he wants us to point out to him in what this liberality consists. He says he cannot see it. He asks us to take his own case. He says he enlisted in 1814, just before the close of the war, and served six months faithfully, and all the Government has ever given him since that time is two land-warrants, of eighty acres each, which he sold for only \$150. That is all he has received during the fifty-two years since the close of the war of 1812, and he says it is only three dollars per year for that period of time. He does not complain that the Government did not pay him all it agreed to, nor that he was injured at all by the service of six months. He probably was never in a battle, never smelt gunpowder; still he is among the first to complain and is the severest in his censure.

Now, I only wish to say that my friend from Pennsylvania, [Mr. STEVENS,] in his very earnest remarks, made a mistake in one regard which I wish to correct, so that it may not have a false impression. He remarked that we pensioned the soldiers of the Revolution indiscriminately thirty-five years after the close of the war. That is not correct. Fifty-two years had elapsed before they were pensioned. The same time has now elapsed since the war of 1812. I do not desire to occupy the time of the House. The committee have many private bills which they wish to call up, and I will move the previous question, unless some gentleman desires to speak on the subject.

Mr. SPALDING. I wish to say a word.

Mr. PERHAM. I will yield to the gentleman.

Mr. SPALDING. I desire to say that there must be some mistake in the statement that it will require anything like \$10,000,000 to pension the soldiers of 1812, even if we adopt the same plan that was adopted in regard to the revolutionary soldiers. Two years ago I had occasion to inquire of the Commissioner of Pensions in regard to the probable expense. The number of soldiers of 1812 has certainly not increased since that time, but must in the ordinary course of events have diminished. At that time I was informed by the Commissioner that the expense would be from three to five millions. And now the estimate is made at \$10,000,000.

Sir, I am in favor of doing something for these men who are now living. They are few in number, and the number is daily growing less. If we put it off for another year, how many shall we have left? There can hardly be a man of them less than seventy years of age. I was a boy in 1814, and I now lack two years of being seventy. The bulk of the soldiers of the war of 1812 must be over seventy years of age. If the Committee on Pensions do not deem it expedient to give to these old men as much of a pittance as was afforded to the soldiers who fought in the war which has just closed we will not complain; but they surely ought not to turn their backs upon them

and refuse to do anything. If it be necessary that economy be carried to that extent, so far as regards our national Treasury, I would propose that the committee take this matter into consideration and report something in the shape of a donation to these old men, say of two, three, or five hundred dollars; something that may smooth their passage to the grave.

Mr. PERHAM. I do not rest this matter entirely upon the cost and expense; but I wish to say a word in reply to the gentleman from Ohio [Mr. SPALDING] on this subject. The gentleman says that he applied to the Pension department a year ago, and was informed that it would take from three to five million dollars annually to carry out this act. I have no doubt of that fact. We all know that the estimates are very much below what the expenditures amount to. I desire to move the previous question upon this bill, but I will yield for a moment to the gentleman from Pennsylvania, [Mr. MILLER.]

Mr. MILLER. Mr. Speaker, I think the honorable chairman of the committee [Mr. PERHAM] is clearly mistaken in his estimate of the surviving soldiers of the war of 1812; in fact, it is based upon a mere supposition, and from that he formed his estimate of \$10,000,000 annually as the amount required to pay pensions under the provisions of the present bill. I find that by the first section of an act of Congress, approved April 10, 1812, entitled "An act to authorize a detachment from the militia of the United States" (see United States Statutes-at-Large, volume two, pages 705, 706,) it is provided:

"That the President of the United States be, and is hereby, authorized to require of the Executives of the several States and Territories to take effectual measures to organize, arm, and equip according to law and hold in readiness to march at a moment's warning their respective proportions of one hundred thousand militia, officers included, to be apportioned by the President of the United States from the latest militia returns in the Department of War, and in cases where such returns have not been made by such other data as he shall judge equitable."

Thus it will be seen that under the provisions of this act the maximum number of militia to be called out was one hundred thousand. I have no correct data as to the number of volunteers and seamen, as many of the records were destroyed by the British invasion of this city (Washington) during that war. It is clear, however, that the survivors are nothing like the number supposed by the honorable gentleman. Including seamen, they certainly cannot exceed from twenty-five to fifty thousand, and a large number between the age of seventy-five and eighty years. I find, by pamphlets furnished me by the secretary of the Pennsylvania Association of the defenders of the country in the war of 1812, that the mortality in that association between the years 1860 and 1866 was astonishing, and it is fair to presume that deaths occurred in the same proportion among the other veterans of that war throughout the United States, so that the ranks must be now very much thinned; and it must be borne in mind that the bill provides to pay only those who are in necessitous circumstances.

But it is said by the honorable gentleman [Mr. PERHAM] that many old men put their property out of their hands by giving it to their children, and therefore this bill might embrace such in its provisions. It is not, Mr. Speaker, to be supposed that these old veterans, with one foot in the grave, would attempt to commit a fraud upon the Government; but if any should have intrusted their little property to their children, with an understanding that they should receive a comfortable support the remainder of their days, and by some misfortune that property should be swept away and their support with it, would that be any reason why these old men should not be cared for by the Government they defended in their manhood against the assaults of a powerful nation? It is said that there are many widows and orphans of those who fell in the late war for putting down the rebellion, who claim and ought to have increased pensions. All this I concede, Mr. Speaker, but is that any reason for not

paying the indigent soldiers of the war of 1812, who are equally meritorious? The gentleman also argues that the country is not in a proper condition to meet these demands. This, as I stated, when the case was up last week, is a mistake. The nation is able and willing, and all that is wanting is for Congress to pass the law and our constituents will cheerfully respond, "Well done good and faithful servants." We are reducing taxation, and have done so more than seventy millions, and yet "we are unable to meet this demand." I would ask this House what would be the effect of delay in this matter. The answer is plain, and that is that these old soldiers will soon be laid in their graves. I want to see them cared for so that they can have some little of the comforts of this world and a pittance to give them a decent burial.

We are told that we are not yet done paying pensions to the soldiers of the revolutionary war. Mr. Speaker, as I stated in my former remarks, there are but two of those honored sires remaining, and would to God there were more of them, so that they could see the magnificent Government for which they fought in the dark days to make free. A few days more, and these two will be gone, and so it will be with those of the war of 1812. They will not trouble Congress long. As I said on a former occasion, a bill passed this House in 1858 allowing them a pension, which was not acted on in the Senate. Now, sir, is this House less patriotic at present than it was in 1858? I am sure the vote about to be taken will show the veneration this Congress has for those who in the hour of peril risked their lives for this country, and it will show to the rising generation that this is a nation that is true to its defenders; and if ever we should be imbrued in another war it would be a stimulant for our young men to rally around the flag of our country, and woe beto the nation that would attempt to tarnish the emblem of this Republic or impugn the Monroe doctrine.

It is said, Mr. Speaker, that it will require considerable to pay pensions to the widows of such as are dead, that are in necessitous circumstances. There certainly cannot be a very large number of them remaining, and those that are must be far advanced in life, for it cannot be supposed that a man eighty years old would leave a very young widow. Now, Mr. Speaker, I have endeavored to discharge my duty to these old defenders of our country, and if my feeble effort is instrumental in inducing this Congress to pass a law giving a pittance to soothe them in their declining years, I feel grateful. I am satisfied this Republic will be none the poorer; that the same omnipotent Hand that led us through the late terrible war triumphantly will bless our nation with abundance. And I am sure the honorable committee will most cheerfully and promptly respond to the action of this House.

Mr. STEVENS. I understand now that the motion is to recommit the bill with instructions to bring in a bill. I move to amend the instructions as follows: to report an amendment increasing the lowest rate of pensions for total disability, which now rates at eight dollars, to ten dollars per month.

Mr. MILLER. I rise to a question of order. I submit that the amendment is not germane to this bill.

The SPEAKER. The Chair thinks the amendment is germane, as it relates to the subject of pensions.

Mr. FARQUHAR. With the consent of the chairman of the Committee on Invalid Pensions, I desire to ask the gentleman from Pennsylvania [Mr. STEVENS] whether the amendment he proposes applies to pensions generally, and will reach the cases of soldiers of the war of 1812 if adopted.

Mr. STEVENS. It instructs the committee to report a bill increasing the lowest rate of pension for total disability from eight dollars to ten dollars. It applies to all pensions that now rate at eight dollars a month, and raises them all to ten dollars a month. I proposed twelve dollars a month the other day; but I found that

the Committee on Pensions were reluctant to agree to that; I suppose they wanted to save all the money they could. For that reason I have modified it so as to make it ten dollars a month.

Mr. FARQUHAR. I most heartily concur in the amendment of the gentleman from Pennsylvania, [Mr. STEVENS.] I regret very much to have to differ with the chairman of the Committee on Invalid Pensions [Mr. PERHAM] and with that committee on this subject. I am free to say that the labors of that committee thus far during this session have been most successful. And so far as they in their judgment have seen proper to go in the extension of pensions, I think their course has been highly commendable, and that the country will fully sustain them. And I think that the increase of two dollars per month, as called for by the amendment of the gentleman from Pennsylvania [Mr. STEVENS] is demanded by the country, and will be met by the people with hearty commendation. I know that the committee have had to contend with great difficulties in the investigation of this question. They have had to contend against a heavy expenditure, while at the same time they have had to endeavor to meet the wants of those claiming pensions and the demands of the people. And yet I am satisfied the public sentiment of this country will sustain the committee and will sustain Congress in the adoption of the increased rate of pension proposed by the amendment of the gentleman from Pennsylvania, [Mr. STEVENS.] Now one word in regard to the main proposition before the House, that is, the extension of pensions to the soldiers of 1812; not indiscriminately, not to all the soldiers of 1812, but only to the indigent soldiers, and the indigent widows of the soldiers of 1812. Now, I appeal to the chairman of the Committee on Invalid Pensions [Mr. PERHAM] to say whether that proposition does not reach his sympathies, and also his judgment. And I appeal to him to say whether there is not some mistake in regard to the conclusion at which he arrives, when he tells us that the number of these soldiers and widows will amount to one hundred and fifty thousand.

Mr. PERHAM. I suppose I might as well answer the gentleman here as at any other time, and also resume the floor, if the gentleman is through with what he desires to say.

Mr. FARQUHAR. Not quite.

Mr. PERHAM. I cannot yield for much further debate, as I desire to have this subject disposed of soon. In regard to the estimate to which the gentleman refers, I will say that if any bill of this kind should be passed, the gentleman will find that the estimate is under rather than above what it should be. I have not the least doubt about it.

Mr. FARQUHAR. Now to the point. I will refer, by way of illustration, to the city of Baltimore, where I undertake to say there are now more indigent soldiers and indigent widows of soldiers of 1812 than in any other like population in this country. It was there that the old flag of the Republic had to be sustained and was sustained in the war of 1812. It was there that the British lion attempted with all his force and power to trail that flag in the dust. A short time since the city of Baltimore adopted a provision giving pensions to the indigent soldiers and the indigent widows of soldiers of the war of 1812; and there were found only five hundred persons who were able to take advantage of that provision. Now, apply that to all the United States, assuming that there are twenty million people, among whom can be found some of these soldiers of 1812, and at the rate of proportion shown by the city of Baltimore, there would not be fifty thousand in the whole country. And if the deduction is made of those who are not indigent, from two to five million dollars would exceed the amount required for pensions to them. And yet gentlemen will tell us, as one did a week ago when this subject was before up for consideration, that the number of indigent soldiers of 1812 would largely increase if such a

bill as this should be passed. Now, I repel the charge that the men who bore aloft the old flag in 1812, and who fought to sustain the Government at that time, are such a class of men that they would, not now being indigent, violate honor and integrity and their oath for the purpose of obtaining these pensions while they are not entitled to them. I know in regard to my own district that—

Mr. PERHAM. What charge is the gentleman repelling?

Mr. FARQUHAR. The charge that if this law should be passed, it will be found that honorable men have put their property in the hands of their children, in order that they may obtain these pensions as indigent persons. I ask whether that statement was not made by the chairman of the Committee on Invalid Pensions [Mr. PERHAM] when this subject was up before.

Mr. PERHAM. Mr. Speaker, I am inclined to think that this discussion has gone about as far as the gentleman can reasonably expect me to allow it to continue under the circumstances. I think that my language with regard to these soldiers of 1812 has been of the most respectful character—

Mr. FARQUHAR. I hope that the gentleman will give me a moment longer.

Mr. PERHAM. I do not think I ought to yield longer. I desire to say, Mr. Speaker, that the gentleman from Pennsylvania, [Mr. MILLER,] who presents this proposition for pensioning the soldiers of the war of 1812, desires that it should be acted on in the House as a distinct proposition. I desire, too, that a distinct vote shall be had upon the proposition. I did not intend to yield the floor for any other proposition to come in. I think that any proposition in regard to the increase of other pensions should be acted on as a separate proposition. This is the desire of the gentleman from Pennsylvania, [Mr. MILLER,] as well as of the committee.

The SPEAKER. The amendment of the gentleman from Pennsylvania [Mr. STEVENS] was entertained, no objection being made at the time. It is too late now for objection to be made.

Mr. COFFROTH. Will the gentleman from Maine [Mr. PERHAM] yield to me for three minutes?

Mr. PERHAM. I will yield to the gentleman for that time.

Mr. COFFROTH. I do not desire to discuss this proposition. I merely wish to state that by a resolution adopted by this House on the 2d of May last, the Committee on Invalid Pensions was instructed to report a bill in favor of the soldiers and sailors of 1812. The committee this morning instructed me to present that bill at the proper time. When this question is disposed of I will report that bill from the committee. Although a majority of the committee are opposed to the bill, it will be presented in accordance with the resolution of the House. When that bill is reported this whole question will come up, and can then be discussed.

Mr. PERHAM. I now demand the previous question.

The previous question was seconded and the main question ordered, which was upon the motion of Mr. STEVENS to amend the instructions proposed by Mr. MILLER.

Mr. LE BLOND. Mr. Speaker, would it be in order at this time to move to lay this bill on the table?

The SPEAKER. It would be. The bill is now pending before the House on a motion to recommit with instructions.

Mr. LE BLOND. I believe I will make that motion, for the reason just stated by the gentleman from Pennsylvania, that, under a resolution already adopted by the House, the committee will bring in a bill providing pensions for the soldiers and sailors of the war of 1812. The House ought really not to consider this proposition until it is presented by the bill to be reported from the committee.

Mr. STEVENS. I will suggest to the gen-

tleman that if the bill be recommitted with instructions we need not act upon it when reported if meanwhile another covering the same subject has been reported and acted upon. I think that we had better recommit this.

Mr. LE BLOND. Exactly. Then, if we desire a bill of this sort, our proper course is to recommit with the instructions we desire.

Mr. FINCK. I desire to make an inquiry of the Chair. If the amendment of the gentleman from Pennsylvania [Mr. STEVENS] should be adopted, what will become of the proposition to grant pensions to the soldiers of 1812?

The SPEAKER. The amendment of the gentleman from Pennsylvania [Mr. STEVENS] is to strike out the instructions proposed by his colleague [Mr. MILLER] and insert instructions of a different nature.

Mr. FINCK. I hope, then, that the amendment will not be agreed to. I wish to vote in favor of the soldiers of 1812. I trust that the gentleman from Pennsylvania [Mr. STEVENS] will withdraw his amendment. I understand a bill has already been prepared by the committee carrying out the object which the gentleman desires. Let us have a direct vote on the instructions in favor of the soldiers of 1812.

Mr. STEVENS. I must decline to withdraw my amendment.

On agreeing to the amendment,

Mr. STEVENS called for the yeas and nays. The yeas and nays were not ordered.

Mr. STEVENS. I call for tellers on ordering the yeas and nays.

Mr. LE BLOND. I desire that the House shall vote understandingly. As I understand, the amendment of the gentleman from Pennsylvania, [Mr. STEVENS,] if it prevails, will cut off the soldiers of 1812 altogether. Am I correct in this?

Mr. STEVENS. We simply instruct them to report a bill granting ten dollars as the lowest pension.

Mr. LE BLOND. What soldiers? The soldiers of 1812?

Mr. STEVENS. All of them.

Mr. EGGLESTON. I request the honorable gentleman to withdraw this motion, for the reason that I want to vote for the soldiers of the war of 1812 as well as for those of 1861.

Mr. HALE. I object to debate.

Tellers were ordered; and Messrs. STEVENS and FINCK were appointed.

The House divided; and the tellers reported—yeas five, noes not counted.

So the yeas and nays were not ordered.

Mr. STEVENS's amendment was then disagreed to.

The question recurred on Mr. MILLER's motion to recommit with instructions to report favorably on the subject.

Mr. FINCK demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 102, nays 11, not voting 69; as follows:

YEAS—Messrs. Anderson, Beaman, Benjamin, Bergen, Bingham, Blow, Boutwell, Boyer, Bromwell, Buckland, Bundy, Cobb, Coffroth, Cook, Culom, Dawson, Denison, Dixon, Dodge, Driggs, Dumont, Eckley, Eggleston, Eldridge, Farquhar, Ferry, Finck, Glossbrenner, Goodyear, Grinnell, Abner C. Harding, Hart, Henderson, Higby, Holmes, Asahel W. Hubbard, Chester D. Hubbard, Demas Hubbard, John H. Hubbard, James R. Hubbell, Humphrey, Ingersoll, Johnson, Julian, Kelley, Kerr, Kuykendall, Latham, George V. Lawrence, William Lawrence, Le Blond, Loan, Longyear, Marshall, Marvin, McClurg, McCullough, McKee, McRuer, Mercut, Miller, Moorhead, Morris, Myers, Newell, Niblack, Nicholson, O'Neill, Orth, Price, Radford, Samuel J. Randall, William H. Randall, Raymond, Alexander H. Rice, John H. Rice, Rollins, Ross, Rousseau, Sawyer, Scofield, Shellabarger, Spalding, Stevens, Stillwell, Strouse, Taber, Taylor, Thayer, Francis Thomas, Thornton, Trimble, Bart Van Horn, Robert T. Van Horn, Ward, Warner, Henry D. Washburn, Welker, James F. Wilson, Stephen F. Wilson, Windom, and Winfield—102.

NAYS—Messrs. Alley, Ames, Baldwin, Broomall, Davis, Dawes, Hale, Perham, Ritter, Trowbridge, and William B. Washburn—11.

NOT VOTING—Messrs. Allison, Ancona, Delos R. Ashley, James M. Ashley, Baker, Banks, Barker, Baxter, Bidwell, Blaine, Brandegee, Chanler, Reader W. Clarke, Sidney Clarke, Conkling, Culver, Darling, Deftrees, Delano, Deming, Donnelly, Eliot, Farn-

worth, Garfield, Grider, Griswold, Aaron Harding, Harris, Hayes, Hill, Hogan, Hooper, Hotchkiss, Edwin N. Hubbell, Hulburd, Jenckes, Jones, Kasson, Kelso, Ketcham, Laffin, Lynch, Marston, McIndoe, Morrill, Moulton, Noel, Paine, Patterson, Phelps, Pike, Plants, Pomeroy, Rogers, Schenck, Shanklin, Sitgreaves, Sloan, Smith, Starr, John L. Thomas, Upson, Van Aernam, Elihu B. Washburne, Wentworth, Whaley, Williams, Woodbridge, and Wright—69.

So the motion was agreed to.

During the vote,

Mr. PERHAM stated, as it seemed to be the sense of the House, he would vote in the affirmative.

The vote was then announced as above recorded.

Mr. MILLER moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

L. RADER.

Mr. PERHAM, from the Committee on Invalid Pensions, reported a bill for the relief of L. Rader; which was read a first and second time.

The bill provides for the payment to L. Rader, widow of John Rader, late private company K, seventeenth Ohio infantry, a pension during her widowhood of eight dollars per month.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. PERHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

ADVERSE REPORTS.

Mr. PERHAM, from the same committee, also reported adversely on sundry petitions, resolutions, &c.; which were laid upon the table.

On motion of Mr. PERHAM, the Committee on Invalid Pensions was discharged from the further consideration of various petitions, &c., in cases already provided for under general law; and the same were laid upon the table.

MRS. MARGARET A. FARRAN.

Mr. PERHAM, from the Committee on Invalid Pensions, also reported back, with a recommendation that it do pass, Senate bill No. 368, granting a pension to Mrs. Margaret A. Farran.

The bill directs the Secretary of the Interior to place upon the pension-roll the name of Mrs. Margaret A. Farran, widow of Abram Farran, late private twenty-fourth battery Indiana light artillery, and that she be paid a pension at the rate of eight dollars per month, to commence from the 16th of February, 1864, and to continue during her widowhood.

The bill was ordered to be read a third time; and it was accordingly read the third time and passed.

Mr. PERHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

ADVERSE REPORTS.

Mr. TAYLOR, from the Committee on Invalid Pensions, reported adversely on the following cases, the same having been provided for by a general law, and they were laid on the table: petition of Joseph J. Murphy; petition of J. W. Moody, asking a pension for Martha Stevens; petition of Mrs. Caroline Lang; bill for the relief of Mrs. Anna Burnett.

MATILDA J. MONROE.

Mr. TAYLOR, from the same committee, reported a bill for the relief of Mrs. Matilda J. Monroe; which was read a first and second time.

The bill was read in full. It grants a pension of eight dollars per month to Mrs. Monroe, widow of David B. Monroe, late sergeant in the sixty-second Ohio volunteers, and in the event of her death extends the pension to her minor children subject to the limitations of the pension law.

Mr. TAYLOR. I move an amendment by inserting after the word "widowhood" the words "commencing on the 16th day of March, 1863." There was a question raised in the committee whether the pension should commence from the date of the death of her husband or from the passage of this act, and it was finally agreed to submit the question to the House.

The amendment was agreed to.

The bill, as amended, was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. TAYLOR moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

JONATHAN W. BEACH.

Mr. TAYLOR, from the same committee, reported a bill for the relief of Jonathan W. Beach; which was read a first and second time.

The bill was read in full. It grants a pension of twenty-five dollars per month during the petitioner's blindness, to commence from the passage of this act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. TAYLOR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

CHILDREN OF SALVADOR ACCADI.

Mr. TAYLOR, from the same committee, reported a bill for the relief of the minor children of Salvador Accadi; which was read a first and second time.

The bill was read in full. It grants a pension of eight dollars per month to Adrian and Lavinia, children of the late Salvador Accadi, musician in the United States Navy, commencing from the 1st of January, 1864, and to continue until the youngest child shall be sixteen years of age.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. TAYLOR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

JANE E. MILES.

Mr. TAYLOR, from the same committee, reported back Senate bill No. 299, granting a pension to Jane E. Miles, with a recommendation that it do pass.

The bill was read. It grants a pension of eight dollars per month to Mrs. Miles, widow of William D. Miles, late landsman in the Navy, commencing from the 22d of March, 1865.

The bill was ordered to a third reading; and it was accordingly read the third time and passed.

Mr. TAYLOR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

EMERANCE GOULER.

Mr. TAYLOR, from the same committee, reported a bill amendatory of an act entitled "An act granting a pension to Mrs. Emerance Gouler;" which was read a first and second time.

The bill was read in full. It continues the pension heretofore granted to Mrs. Gouler, in the event of her death, to her minor children under sixteen years of age, had by her late husband, Charles Gouler, private in the ninth New Hampshire volunteers.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. TAYLOR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

EDGAR T. HARRIS.

Mr. LAWRENCE, of Pennsylvania, from the Committee on Invalid Pensions, reported a bill for the relief of Edgar T. Harris, of West Virginia; which was read a first and second time.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. LAWRENCE, of Pennsylvania, moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

MARY C. HAMILTON.

Mr. LAWRENCE, of Pennsylvania, also, from the same committee, reported back, with the recommendation that it do pass, bill of the Senate No. 556, granting a pension to Mrs. Mary C. Hamilton.

The bill was ordered to a third reading; and it was accordingly read the third time and passed.

Mr. LAWRENCE, of Pennsylvania, moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

SARAH J. PURCELL.

Mr. LAWRENCE, of Pennsylvania, also, from the same committee, reported back, with the recommendation that it do pass, bill of the Senate No. 314, for the relief of Sarah J. Purcell.

The bill was ordered to a third reading; and it was accordingly read the third time and passed.

Mr. LAWRENCE, of Pennsylvania, moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

ADVERSE REPORTS.

Mr. LAWRENCE, of Pennsylvania, also from the same committee, made adverse reports in the following cases: Mary B. Farr, of Pennsylvania, Mary C. Hamilton, John Fowler, Elizabeth H. Prummer, and John Garner; which were severally laid upon the table and ordered to be printed.

SOLDIERS AND SAILORS OF THE WAR OF 1812.

Mr. COFFROTH, from the Committee on Invalid Pensions, reported back, with a recommendation that it do pass, bill of the House No. 665, granting pensions to the soldiers and sailors of the war of 1812, and those engaged in Indian wars during that period.

The SPEAKER. The morning hour having expired, the bill goes over until Friday next.

TERRITORIAL OFFICERS.

Mr. SMITH, by unanimous consent, introduced a bill requiring the officers of the Territories of the United States to hold their offices and file their papers at the capitals of the Territories; which was read a first and second time and referred to the Committee on Territories.

LAND DISTRICT IN NEBRASKA.

Mr. HITCHCOCK, by unanimous consent, introduced a bill to establish an additional land district in the Territory of Nebraska; which was read a first and second time and referred to the Committee on Public Lands.

LEAVE OF ABSENCE.

The SPEAKER. The Chair asks indefinite leave of absence for the gentleman from New York, Mr. BERGEN.

No objection was made, and the leave was granted.

PAYMENT FOR HORSES, ETC.

Mr. LATHAM. I ask unanimous consent to offer the following resolution:

Resolved, That the Committee on Military Affairs be instructed to report an amendment to the act of March 3, 1819, providing payment for horses and

equipments of officers lost by accident beyond the control of the owners, resulting from the management of railroad transportation while in the service of the United States.

Mr. ROLLINS. I must object to that resolution, unless the gentleman will so modify it as to make it one of inquiry, directing the committee to inquire into the expediency, &c.

Mr. LATHAM. I will modify it in that way. No objection being made, the resolution, as modified, was agreed to.

TARIFF BILL.

Mr. MORRILL. I now move the rules be suspended and the House resolve itself into Committee of the Whole on the state of the Union.

The motion was agreed to.

So the rules were suspended; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. SCOFFIELD in the chair,) and resumed the consideration of the special order, being bill of the House No. 718, to provide increased revenue from imports, and for other purposes.

The Clerk resumed the reading of the bill by paragraphs for amendment, commencing as follows:

Sec. 2. And be it further enacted, That in lieu of the duties heretofore imposed by law on the articles hereinafter mentioned, and on such as may now be exempt from duty, there shall be levied, collected, and paid on the goods, wares, and merchandise herein enumerated and provided for, imported from foreign countries, the following duties and rates of duty, that is to say: on woolen cloths, woolen shawls, and all manufactures of wool, of every description, made wholly or in part of wool, not herein otherwise provided for, fifty cents per pound, and, in addition thereto, thirty-five per cent. *ad valorem*.

No amendment being offered,

The Clerk read as follows:

On flannels, blankets, endless belts or felts for paper or printing machines, hats of wool, knit goods, Balmorals, woolen and worsted yarns, and all manufactures of every description, composed wholly or in part of worsted, the hair of the alpaca, goat, or other like animals, except such as are composed in part of wool, not otherwise provided for, valued at not exceeding forty cents per pound, twenty cents per pound; valued at above forty cents per pound and not exceeding sixty cents per pound, thirty cents per pound; valued at above sixty cents per pound and not exceeding eighty cents per pound, forty cents per pound; valued at above eighty cents per pound, fifty cents per pound, and, in addition thereto, upon all the above-named articles, thirty-five per cent. *ad valorem*.

Mr. RICE, of Massachusetts. I move to amend this paragraph by striking out the words "endless belts or felts for paper or printing machines." That will leave this article subject to the duty which it now bears, of thirty-five per cent. This article is manufactured to only a very limited extent in this country. I think there is but one establishment that manufactures it; and I am not certain that that establishment manufactures endless belts. I think it will meet the public exigencies quite as much to strike this out as to leave it in.

And there is another consideration which should lead to the adoption of my amendment. There will be endless trouble in collecting the duties under this paragraph if it is allowed to pass as it now stands. These articles in great variety are imported in the same bale. And if this section is passed as it now stands, it will necessitate the opening and examination of each bale at the custom-house, in order to determine the duty to be paid upon each variety of this article contained in the same bale.

The question was taken; and upon a division there were—ayes forty-seven, noes not counted. So the amendment was agreed to.

The Clerk read as follows:

On bunting twenty cents per square yard, and, in addition thereto, thirty-five per cent. *ad valorem*.

Mr. LE BLOND. I move to strike out this paragraph. Gentlemen will remember that this article is not manufactured in this country; I believe it is all imported.

Mr. MARSTON. It is manufactured in this country now.

Mr. LE BLOND. I am aware there is one establishment in this country, of which General Butler is the foundation. That is the only bunting establishment in the United States of which I have any knowledge.

Mr. BOUTWELL. I think the gentleman from Ohio [Mr. LE BLOND] is in error. I do not know about the establishment in which he says General Butler is interested. But there are other bunting establishments in which General Butler is not interested.

Mr. LE BLOND. I have no knowledge of them. I know there is one which has been started since the late war commenced, in which General Butler is the foundation. And if it be the case that we have but one establishment in which bunting is manufactured, I think this article should not have any duty placed upon it.

Mr. MORRILL. The manufacture of bunting is a very difficult manufacture, and one which has never yet been successfully carried on in this country. During the late war we passed, in an appropriation bill, I believe, a provision directing the Secretary of War and the Secretary of the Navy to purchase American bunting, provided it could be purchased at a price not exceeding the market value of imported bunting. Under these circumstances some establishments have attempted its manufacture. It is found, however, that these establishments will be compelled to abandon its manufacture on a simple *ad valorem* duty.

We propose to place a specific duty on all other woolen goods. If there is any article upon which we ought to place such a duty as will enable the American people to manufacture it, it is that kind of cloth that bears the stars and stripes. I trust that we will at least be no longer disgraced and degraded in the eyes of the world by flying at our mast-heads bunting made by foreigners. And if General Butler is at the bottom of this manufacture, it is a recommendation of it.

The amendment of Mr. LE BLOND was not agreed to.

The Clerk read as follows:

On women's and children's dress goods and real or imitation Italian cloths, composed wholly or in part of wool, worsted, the hair of the alpaca, goat, or other like animals, valued at not exceeding twenty-five cents the square yard, six cents per square yard, and, in addition thereto, thirty-five per cent. *ad valorem*; valued at above twenty-five cents the square yard, eight cents per square yard, and, in addition thereto, forty per cent. *ad valorem*; Provided, That on all goods weighing four ounces and over per square yard, the duty shall be fifty cents per pound, and, in addition thereto, thirty-five per cent. *ad valorem*.

Mr. MORRILL. I move to amend this paragraph by striking out the words "twenty-five" where they occur, in two places, and to insert in lieu thereof the word "twenty." I will say in explanation of that amendment that the Committee of Ways and Means examined the rates reported by the wool manufacturers and the wool-growers of the country, and revised with some severity the bill reported by those parties, cutting down the duties in several instances. Upon a reinvestigation of the subject we find that we have done injustice in relation to the goods embraced in this paragraph. They are dress goods and are made at very inconsiderable prices abroad.

The amendment was agreed to.

The Clerk read as follows:

On clothing ready made, and wearing apparel of every description, and Balmoral skirts and skirting, and goods of similar description, or used for like purposes, composed wholly or in part of wool, worsted, the hair of the alpaca, goat, or other like animals, made up or manufactured wholly or in part by the tailor, seamstress, or manufacturer, except knit goods, fifty cents per pound, and, in addition thereto, forty per cent. *ad valorem*.

Mr. MORRILL. I move to amend by inserting at the end of the paragraph just read the following:

On webbing, beltings, bindings, braids, galloons, fringes, gimps, cords, cords and tassels, dress trimmings, head nets, buttons, or barrel buttons, or buttons of other forms for tassels or ornaments, wrought by hand or braided by machinery, made of wool, worsted, or mohair, or of which wool, worsted, or mohair is the component material, unmixed with silk, fifty cents per pound, and, in addition thereto, fifty per cent. *ad valorem*.

The articles named in this amendment are small articles made for dress trimmings. They are of difficult manufacture. There are in different parts of the country several establishments which manufacture these articles, especially one in Cincinnati, which ought to be sus-

tained. The duties proposed in the amendment are no higher than those recommended on silks and goods of a similar class.

Mr. KELLEY. I desire to ask the chairman of the Committee of Ways and Means whether it would not be better to insert this in the paragraph beginning at line eighty-two, on page 12.

Mr. MORRILL. No, sir; I prefer to have it inserted here.

The amendment was agreed to.

Mr. KELLEY. I move to amend by striking out, in line forty-six, the word "forty" and inserting in lieu thereof the word "fifty." The clause which I propose to amend provides that on clothing "manufactured wholly or in part by the tailor, seamstress, or manufacturer, except knit goods," the duty shall be "fifty cents per pound, and, in addition thereto, forty per cent. *ad valorem*." I propose to make the duty fifty per cent. *ad valorem*. Upon cloths and other materials for wearing apparel the duties are the same as provided in this paragraph. Therefore, where the article is more manufactured, involving more labor, and that the hand-labor of men and women, but more largely of women, this really has the effect of diminishing the duty. On a suit of clothes, the cloth of which would cost fifty dollars, the whole increase of duty by this is 91 $\frac{3}{4}$ cents—not one dollar. Yet this question involves the employment of the widows and many of the orphans of our soldiers. It involves the labor of the poorest of our people—the needy women of the country. A large amount of the clothing worn in the northern States comes to us now from Canada and the Provinces. It is made of cheap English cloth; and it really reaches our markets at a lower rate of duty with this increase of labor upon it than it does in the condition of cloth in bulk. I hope the chairman of the Committee of Ways and Means will consent to the amendment which I offer; or, at any rate, I trust it will be adopted.

Mr. MORRILL. I must oppose the amendment. The gentleman has not read the bill correctly. By referring to page 6, line twenty-five, he will find that cloth pays in addition to the specific an *ad valorem* duty of only thirty-five per cent. We do propose that these articles of ready-made clothing shall have more protection than the mere cloth; and five per cent. additional is what the committee have agreed upon. I trust that it will not be changed.

The amendment was not agreed to.

Mr. RICE, of Massachusetts. In pursuance of the suggestion of the chairman of the Committee of Ways and Means, I move to amend by inserting at the end of line twenty-six, on page 6, the words "on endless belts or felts for paper or printing machines twenty cents per pound, and thirty-five per cent. *ad valorem*."

The CHAIRMAN. It will require unanimous consent to go back to that paragraph, which has been passed.

There was no objection, and the amendment was agreed to.

The Clerk read as follows:

On Aubusson and Axminster carpets and carpets woven whole for rooms, fifty per cent. *ad valorem*; on Saxony, Wilton, and Tournay velvet carpets, wrought by the Jacquard machine, seventy cents per square yard, and, in addition thereto, thirty-five per cent. *ad valorem*; on Brussels carpets wrought by the Jacquard machine, forty-four cents per square yard, and, in addition thereto, thirty-five per cent. *ad valorem*; on patent velvet and tapestry velvet carpets, printed on the warp or otherwise, forty cents per square yard, and, in addition thereto, thirty-five per cent. *ad valorem*; on tapestry Brussels carpets printed on the warp or otherwise, twenty-eight cents per square yard, and, in addition thereto, thirty-five per cent. *ad valorem*; on treble ingrain, three-ply, and worsted chain Venetian carpets, seventeen cents per square yard, and, in addition thereto, thirty-five per cent. *ad valorem*; on yarn Venetian and two-ply ingrain carpets, twelve cents per square yard, and, in addition thereto, thirty-five per cent. *ad valorem*; on druggets and bookings, printed, colored, or otherwise, twenty-five cents per square yard; on hemp or jute carpeting, eight cents per square yard; on carpets and carpetings of wool, flax, or cotton, or parts of either, or other material not otherwise herein specified, forty per cent. *ad valorem*; Provided, That mats, rugs, screens, covers, hassocks, bedsteads, and other portions of carpets or carpeting shall be subjected to the rate of duty herein imposed on carpets

or carpeting of like character or description, and that the duty on all other mats, (not exclusively of vegetable material), screens, hassocks, and rugs, shall be forty-five per cent. *ad valorem*.

Mr. ALLISON. I move to insert, page 8, line sixty-seven, after the word "yard," the words "and thirty-five per cent. *ad valorem*."

The amendment was agreed to.

The Clerk read as follows:

On oil-cloths for floors, stamped, painted, or printed, valued at fifty cents or less per square yard, thirty-five per cent. *ad valorem*; valued at over fifty cents per square yard, and on all other oil-cloth, (except silk oil-cloth,) and on water-proof cloth, not otherwise provided for, forty-five per cent. *ad valorem*; on oil silk cloth, sixty per cent. *ad valorem*.

No amendment being offered,

The Clerk read as follows:

Sec. 3. *And be it further enacted*, That in lieu of the duties heretofore imposed by law on the importation of the articles hereafter mentioned, there shall be levied, collected, and paid the following duties and rates of duty, that is to say, on cotton, raw or unmanufactured, — cents per pound,

Mr. MORRILL. Of course it will be understood by the committee that the rate to be imposed must be the same as the rate imposed in the internal tax bill, and I move that the filling of the blank be reserved for the present.

There was no objection, and it was ordered accordingly.

The Clerk read as follows:

On all manufactures of cotton, (except jeans, denims, drillings, bed tickings, gingham, plaids, cottonades, pantaloons, stuffs, corset jeans, cantils, Marcellies, satteens, and goods of like description and for similar use,) not bleached, colored, stained, painted, or printed, five cents per square yard; if bleached, five and a half cents per square yard; if colored, stained, painted, or printed, five and a half cents per square yard, and, in addition thereto, ten per cent. *ad valorem*: *Provided*, That all cottons above described exceeding two hundred threads to the square inch, counting the warp and filling, or weighing less than five ounces to the square yard, shall pay ten per cent. *ad valorem* in addition to the foregoing rates.

Mr. HALE. I call the attention of the chairman of the committee to what seems to be an ambiguity in this paragraph. Is it the intention that the ten per cent. *ad valorem* in the fourteenth line shall apply to all of the items specified, or only to the last one? There is an ambiguity which I think should be corrected.

Mr. MORRILL. It is intended to apply only to the last one. It is the law as it now is, and there has been no trouble in regard to the construction.

The Clerk read as follows:

On all cotton jeans, denims, drillings, bed tickings, gingham, plaids, cottonades, pantaloons, stuffs, corset jeans, cantils, Marcellies, satteens, and goods of like description or for similar use, if unbleached, six cents per square yard; if bleached, six and a half cents per square yard; if colored, stained, painted, or printed, six and a half cents per square yard, and, in addition thereto, fifteen per cent. *ad valorem*: *Provided*, That all cottons above described exceeding two hundred threads to the square inch, counting the warp and filling, shall pay one cent per square yard in addition to the foregoing rates: *And provided further*, That no cotton yarn or piece goods shall be admitted at rates of duty less than forty per cent. *ad valorem*, if bleached, or at less than forty-five per cent. *ad valorem*, if colored, stained, painted, or printed.

No amendment being offered,

The Clerk read as follows:

On spool thread, of cotton, six cents per dozen spools, containing on each spool not exceeding one hundred yards of thread, and, in addition thereto, thirty per cent. *ad valorem*; exceeding one hundred yards, for every additional one hundred yards of thread on each spool or fractional part thereof in excess of one hundred yards, six cents per dozen, and, in addition thereto, thirty per cent. *ad valorem*.

No amendment being offered,

The Clerk read as follows:

On cotton thread or yarn when advanced beyond single yarn by twisting two or more strands together, if not wound upon spools, forty cents per pound, and in addition thereto thirty-five per cent. *ad valorem*: *Provided*, That loose floss, cotton thread, embroidery cotton, or mending cotton, shall be subject to a duty of twenty cents per pound, and in addition thereto thirty-five per cent. *ad valorem*; on cotton yarns not advanced beyond singles, and not finer than number fifty, twenty cents per pound, and in addition thereto thirty-five per cent. *ad valorem*; when finer than number fifty, and not finer than number one hundred, forty cents per pound, and in addition thereto thirty-five per cent. *ad valorem*; when finer than number one hundred, fifty cents per pound, and in addition thereto thirty-five per cent. *ad valorem*.

Mr. MORRILL. I move to insert after the

word "yarn" page 10, line forty-nine, the words "warp or wet."

The amendment was agreed to.

The Clerk read as follows:

On webbing, tapes, galloons, and bindings, plain or otherwise, and on braids, made of cotton or linen, or of cotton and linen, thirty cents per pound, and, in addition thereto, thirty-five per cent. *ad valorem*.

Mr. WASHBURN, of Massachusetts. I move to strike out "thirty cents per pound" and insert "one inch wide and under, sixty cents per pound, and on all that is over one inch wide twenty-five cents per pound;" so that it will read, "on webbing, tapes, galloons, and bindings, plain or otherwise, and on braids, made of cotton or linen, or of cotton and linen, one inch wide and under, sixty cents per pound, and on all that is over one inch wide, twenty-five cents per pound, and, in addition thereto, thirty-five per cent. *ad valorem*."

I simply wish to call the committee's attention to this amendment. All these narrow tapes are manufactured from yarn upon which there is a duty of forty cents per pound by this bill. Now, it is proposed to put a duty of only thirty cents per pound on this tape manufactured from the same article. By the amendment which I offer these narrow tapes, on which the labor is about five times as much as on the wide tapes, will have a greater protection. On the wider tapes I propose to reduce the duty to twenty-five cents, because they are made from coarser yarn and the labor is very much less. That is all the protection that is necessary for the coarse tapes. But when you come to these narrow tapes, which require the finest material and five or six times the amount of labor that the others do, clearly there should be a discrimination.

Mr. MORRILL. I think the gentleman is right, and I shall therefore offer no objection. The amendment was agreed to.

Mr. HALE. I move to amend by adding after the word "thereto" the words "in each case."

The amendment was agreed to.

The Clerk read as follows:

On hosiery shirts and drawers, and on knit goods made wholly of cotton, not otherwise provided for, thirty cents per pound, and, in addition thereto, thirty-five per cent. *ad valorem*.

No amendment being offered,

The Clerk read as follows:

On cotton laces, insertings, gimps, and trimmings of every description, if exclusively of cotton or of cotton with linen, if not dyed or colored, forty per cent. *ad valorem*; if dyed or colored, forty-five per cent. *ad valorem*.

No amendment being offered,

The Clerk read as follows:

On cotton velvet, velveteen, corduroy, or other like manufactures, and on all manufactures of cotton, and of cotton with other materials, not otherwise provided for in this act, forty per cent. *ad valorem*: *Provided*, That a distinct statement of the quantity, by yards, of all cotton velvets, velveteens, and like goods shall be made.

No amendment being offered,

The Clerk read as follows:

On ready-made clothing or wearing apparel of silk, or of which silk shall be a component material of chief value, made up wholly or in part, sixty per cent. *ad valorem*.

No amendment being offered,

The Clerk read as follows:

On manufactures of cotton, linen, silk, wool, worsted or other material, if embroidered or tumbled in the loom or otherwise by machinery, or with the needle or other process, and of which the embroidering or tumbled is the chief value, fifty per cent. *ad valorem*.

No amendment being offered,

The Clerk read as follows:

On all ribbons, beltings, galloons, hat bands, bindings, braids, fringes, gimps, cloak and dress trimmings, fancy buttons, cords, dress cords, tassels, cords and tassels, head-nets, head-dresses, neck-ties and scarfs, made of silk, or of which silk is a component material, seventy-five per cent. *ad valorem*.

Mr. KELLEY. I desire to ask the chairman of the committee whether it would be incompatible with other provisions of the bill to insert the words "cotton and woolen" after the word "silk," so that it will read, "made of silk, cotton, and woolen."

Mr. MORRILL. I think it would. We have already made a provision for these articles so far as worsted is concerned. If they are part cotton and part wool, they are provided for.

Mr. KELLEY. If they are of cotton; is there any provision for them? It is a growing branch of manufacture.

Mr. MORRILL. I believe there is.

The Clerk read as follows:

On lastings, mohair cloth, silk twist, or other manufactures of cloth, woven or made in patterns of such size, shape, and form, or cut in such manner as to be fit for use in the manufacture of shoes, boots, and booties exclusively, not combined with India rubber, fifty per cent. *ad valorem*.

Mr. MORRILL. I move to insert after the word "rubber," the words "and lastings in the piece."

The amendment was agreed to.

The Clerk read as follows:

On lastings, mohair cloth, silk twist, or other manufactures of cloth, woven or made in patterns of such size, shape, and form, or cut in such manner as to be fit for use in the manufacture of buttons exclusively, not combined with India rubber, ten per cent. *ad valorem*.

No amendment being offered,

The Clerk read as follows:

Sec. 4. *And be it further enacted*, That, in lieu of the duties heretofore imposed by law on the importation of the articles hereafter mentioned, there shall be levied, collected, and paid the following duties and rates of duty, that is to say: on flax, unmanufactured, twenty dollars per ton; on flax, hackled, known as dressed line, forty-five dollars per ton; on flax, of tow, five dollars per ton; on jute, unmanufactured, twenty dollars per ton; on burlaps, canvas paddings, cot bottoms, duck, and all manufactures of jute or of which jute is a component material of chief value, not herein otherwise provided for, three cents per square yard, and, in addition thereto, thirty per cent. *ad valorem*.

Mr. MORRILL. I move to insert after the words "manufacture of" the words "piece goods made of;" so that it will read, "manufactured of piece goods made of jute."

The amendment was agreed to.

Mr. GRINNELL. I move to strike out the words "three cents" and insert "two cents." This will reduce the cost of bagging required for wheat, oats, and other grain by the farmers in removing their crops. As we cannot supply this article ourselves, I think the duty ought to be lowered.

The amendment was agreed to.

The Clerk read as follows:

On all other manufactures of jute, or of which jute is a component material of chief value, not herein otherwise provided for, thirty-five per cent. *ad valorem*.

Mr. McRUER. I move to add the words "on Manila cordage untarred, three cents per pound." The present duty is two and a half cents, which, with the internal revenue tax, I contend is not a sufficient protection to enable us to compete with the cheap labor of Manila. I think the amendment will meet the approbation of the Committee of Ways and Means.

Mr. HOOPER, of Massachusetts. I suggest that the gentleman vary the language of his amendment so that it shall be "on cordage of Manila hemp untarred, three cents per pound."

Mr. McRUER. I accept the modification.

The amendment was agreed to.

The Clerk read as follows:

On gunny-cloth, gunny-bags, cotton bagging, or other manufactures not otherwise herein provided for, suitable for the uses to which cotton bagging is applied, composed wholly or in part of hemp, jute, flax, or other material valued at ten cents or less per square yard, three cents per pound, and, in addition thereto, thirty per cent. *ad valorem*; valued at over ten cents per square yard, four cents per pound, and, in addition thereto, thirty-five per cent. *ad valorem*.

Mr. MORRILL. I move to strike out "thirty per cent." and insert "fifteen per cent.," and also to strike out "thirty-five per cent." and insert "twenty per cent."

Mr. RICE, of Massachusetts. I rise to suggest to the chairman of the committee the expediency of striking out the *ad valorem* duty altogether. The article of gunny-bags and gunny-cloth is a very important one in American commerce, and the importation of it is confined almost entirely to American merchants. I understand the quantity now imported is hardly equal to the present increasing

demands of the country for this class of merchandise, and many of the reasons assigned by the gentleman from Iowa for a reduction of duty in the section immediately preceding apply also to this. The present duty on gunny-cloth and gunny-bags is three cents a pound, amounting, as I understand, to six and three eighths cents per yard. Now, if this duty of thirty and thirty-five per cent. *ad valorem* be added it will be seen how enormous will be the duty on an article the value of which is but ten cents per yard. As there seems to me to be no good reason why this excessive burden should be put on this article, and as the public convenience will be promoted by striking it out, I hope the chairman of the committee will consent to modify his amendment by striking out the *ad valorem* duty altogether. If not, I will make the motion myself to strike out the words "and, in addition thereto, thirty per cent. *ad valorem*," and also the words "and, in addition thereto, thirty-five per cent. *ad valorem*."

The CHAIRMAN. The Chair is of opinion that that is not in order, because it proposes to strike out more than the original amendment.

Mr. RICE, of Massachusetts. Then I ask the chairman of the committee to accept it.

Mr. MORRILL. I cannot accept it.

The CHAIRMAN. It will be in order after the other amendment is disposed of.

Mr. RICE, of Massachusetts. Then I give notice that I shall offer it.

The amendment offered by Mr. MORRILL was agreed to.

Mr. RICE, of Massachusetts. I now move to amend this paragraph by striking out the words "and, in addition thereto, fifteen per cent. *ad valorem*," and also by striking out the words "and, in addition thereto, twenty per cent. *ad valorem*."

Mr. HOOPER, of Massachusetts. Will my colleague [Mr. RICE] allow me to make a suggestion to him? That is, that if he will move to strike out the whole paragraph the duty will be left as it is under the existing tariff.

Mr. RICE, of Massachusetts. I will accept the suggestion of my colleague, [Mr. HOOPER,] and move to strike out the entire paragraph.

The paragraph, as amended, was as follows:

On gunny-cloth, gunny-bags, and cotton bagging, or other manufactures not otherwise herein provided for, suitable for the uses to which cotton bagging is applied, composed wholly or in part of hemp, jute, flax, or other material valued at ten cents or less per square yard, three cents per pound, and, in addition thereto, fifteen per cent. *ad valorem*; valued at over ten cents per square yard, four cents per pound, and, in addition thereto, twenty per cent. *ad valorem*.

Mr. HOGAN. If the House will indulge me a few moments, I will say that I favor the amendment of the gentleman from Massachusetts, [Mr. RICE,] and I hope it will be adopted. We neither make this article of gunny-cloth nor manufacture it into bags in this country. This gunny-cloth is absolutely necessary for bags in which to transport the grain of this country. I hope the old tariff, the one under existing laws, will be allowed to stand. There will be nothing gained by increasing the duty on this article except to put money in the pockets of some men who now have a large amount of this stuff on hand; and it will be a direct tax upon the people of the West.

Mr. MORRILL. I merely desire to say to the gentleman from Missouri, [Mr. HOGAN,] and also to the gentleman from Massachusetts, [Mr. RICE,] that their purpose will not be accomplished by striking out this entire paragraph, for the reason that manufactures of jute are provided for in a different part of this bill. If they desire to accomplish their purpose they will have to move to reinstate the tariff as it is under the existing law.

Mr. RICE, of Massachusetts. Then I will withdraw the motion to strike out this paragraph, and I renew the amendment I first offered. That amendment is to strike out the words "and, in addition thereto, fifteen per cent. *ad valorem*;" and the words "and, in addition thereto, twenty per cent. *ad valorem*."

The amendment was agreed to.

The Clerk read as follows:

On jute and coir, or cocoa-nut matting or carpeting, five cents per square yard, and, in addition thereto, twenty-five per cent. *ad valorem*.

No amendment being offered,

The Clerk read as follows:

On brown and bleached linen, damask table linen, brown Hollands, blay, coatings, crash, duck, drills, diapers and huckabucks, valued at thirty cents or less per square yard, six cents per square yard, and, in addition thereto, thirty per cent. *ad valorem*; valued at over thirty cents and not over sixty cents per square yard, ten cents per square yard, and, in addition thereto, thirty-five per cent. *ad valorem*; valued at over sixty cents and not over one dollar per square yard, fifteen cents per square yard, and, in addition thereto, thirty-five per cent. *ad valorem*; valued at over one dollar per square yard, twenty cents per square yard, and, in addition thereto, thirty-five per cent. *ad valorem*; on all other manufactures of flax or linen, or of which flax or linen shall be a component material of chief value, not herein otherwise provided for, forty per cent. *ad valorem*.

Mr. DODGE. I move to strike out the word "crash" in the second line of this paragraph. That is an article imported from Russia, and is consumed in large quantities in this country. It is imported to the extent of from four to five thousand bales a year. It is a very cheap article, and is much used by the poorer classes for toweling. It is made by the peasantry of Russia, and is an important article of commerce with that country. It measures about a half a yard in width, and now pays a duty of thirty-five per cent. This paragraph contemplates throughout articles of the width of a full yard, and under its operations this article of crash would pay about one hundred and forty per cent. per square yard. I move to strike out the word "crash," so that the duty may remain as at present, thirty-five per cent. *ad valorem*.

Mr. WILSON, of Iowa. I do not rise so much for the purpose of opposing the amendment of the gentleman from New York, [Mr. DODGE,] as of making an inquiry of the chairman of the Committee of Ways and Means. I have endeavored to ascertain from an examination of the table that has been printed and laid upon our desks, what the duties upon these various articles are under the existing tariff. But I find that it is almost impossible to determine that question by an examination of that table. Now, I desire to know from the chairman of the Committee of Ways and Means [Mr. MORRILL] how much this bill increases the duties upon the articles enumerated in this paragraph over the duties upon them under the existing tariff. I had supposed that we could ascertain the amount of present duty from this table. But this bill is, I find, drafted in many respects so differently from the act now in force, that it is almost impossible, without a great deal of care and study upon each provision, to ascertain what changes have been made. And therefore I ask for this information.

Mr. MORRILL. Mr. Chairman, I will say, in response to the gentleman, that under the existing law the duty on these goods when valued at thirty cents or less per yard is thirty-five per cent. *ad valorem*; when valued at more than thirty cents per pound, the duty is forty per cent. *ad valorem*.

Mr. WILSON, of Iowa. Then the increase is six cents per pound.

Mr. ALLEY. Mr. Chairman, I move to amend the amendment by striking out the last letter of the word "crash." I make this motion merely for the sake of saying a word in reference to the motion of the gentleman from New York, [Mr. DODGE,] I agree with him that the word "crash" ought to be stricken out, and the duty upon that article left as it is now. In fact, I am in favor of more moderate duties than those reported by the committee upon nearly all the articles imported from Russia. During the rebellion Russia was our only friend among the great Powers of Europe. Yet by this proposed tariff we have stricken at her manufactures in greater proportion than those of any other country. Gentlemen will find it to be a fact that, under the operation of the present tariff law, the duties are so high upon Russian products that our trade with Russia has greatly decreased. The importa-

tions from that country into this are at the present time less than half what they were formerly. If this bill be adopted in the form reported by the Committee of Ways and Means, it will operate almost as a total prohibition of our trade with that country. If this is to be the policy of the Government toward the productive industry of Russia, then extend it to other countries to whom we owe less than to that country.

As the gentleman from New York has stated, the duty upon crash under this bill will be nearly one hundred and forty per cent. It must be obvious that this would amount to a positive prohibition of the importation of this article. Certainly this cannot be intended. This article, as has been observed, is used to a large extent by all classes, including the poorest people in the community. And this is another reason why an excessively high duty should not be imposed. I trust, therefore, that the motion of the gentleman from New York will prevail. I dislike to go against the views of the committee, and I do not know what may have been their views or the information upon which they acted in reporting in favor of the rate of duty proposed in the bill. Whatever may have been their reasons, I should like to hear them. All my information is against the proposition, and I cannot but think they are misled. I withdraw my amendment to the amendment.

Mr. MORRILL. I renew the amendment to the amendment for the purpose of saying a word or two in relation to this subject. I have no objection to the motion of the gentleman from New York, provided this article be inserted in some other part of the bill, so that it will be subjected to the duty which he designs shall be imposed upon it.

I will say, in relation to this subject, that previous to 1861 all linens imported into this country bore a duty of only fifteen per cent., while cotton goods, used by the laboring classes of the North, were subjected to a duty of thirty per cent. The tariff of 1861, and the laws which have since been enacted as amendments, have been framed with the view of raising up, if possible, the manufacture of linens in this country and creating here a demand for the hemp and flax that are raised in this country. I know that in some portions of the West flax is raised purely for the seed; whereas, if those who raise it would cultivate it for the fiber, they would realize more than double the profit per acre on their land than they obtain by devoting it merely to the raising of seed.

Under the laws to which I have referred and other laws allowing machinery for the manufacture of flax to come into the country free of duty various experiments have been made, some of which have been successful and some not. But it is a branch of manufacture eminently deserving of the fostering care of the Government. The duties proposed in this bill will upon some articles increase the amount of protection, while upon others there will be actually a reduction. The present rate of duty, as I have already stated, is thirty-five per cent. *ad valorem* upon goods valued at thirty cents or less per yard, and forty per cent. upon articles valued at more than thirty cents per yard. Gentlemen will readily perceive that the *ad valorem* reduction of ten per cent. on those articles costing more than thirty cents per yard will make the rate of duty on goods costing less than seventy-five cents lower than that fixed by the present law. On goods valued at fifty cents the duty will be one cent per yard more than the present duty. On articles of a still lower price the increase of duty and of protection will be greater. I think the proposition introduced by the Committee of Ways and Means is nothing more than reasonable. It is nothing like what is demanded by the manufacturers.

[Here the hammer fell.]

Mr. WILSON, of Iowa. I rise for the purpose of stating an amendment I intend to offer when the pending amendment is disposed of. I design on all low-priced linen to strike out six per cent. per square yard and increase the

ad valorem duty to thirty-five per cent. It is thirty-five under the existing law. This is a most exorbitant increase of the rate of duty on these goods. They are goods generally used by the middle and poorer classes of the people of the country. A small proportion of these goods consumed, an exceedingly small one, are manufactured in this country. They are almost exclusively brought from abroad. I do not think in relation to goods of that kind it is designed to protect our manufacturers, and we should not put these enormous duties on the importation of these goods.

Mr. Chairman, I desire to say the manufacturers of the country are making a great mistake in pressing upon this House a bill which proposes this enormous increase of duties. I am satisfied the manufacturers of this country need not so much this increase of duty as they do stability in the law levying duties on imports. Let the manufacturers of this country know what they are to depend on so they can make investments and conduct business in pursuance of the interests they have, and they will be a great deal safer under the present laws of the United States than when we are constantly changing our import duties.

There are a great many features in this bill to which this objection of mine will apply; and I am apprehensive they will operate as much, if not more, to the benefit of those who are holding the enormous stock of goods now in this country as to the manufacturers themselves. The result will be, as I apprehend, at the next session of Congress, after the benefit has been derived by those holding the enormous stock of goods at the present time, an effort will be made to reduce the duty, and we will probably swing to the other extreme. It is better to support the present system of duty and to notify the manufacturers of the country there is to be some stability in the law, than that there is to be a change at every recurring session of Congress. I not only hope that the amendment of the gentleman from New York will prevail, but that he will follow it up so as to bring this bill as near to the present law as possible.

I desire to submit another consideration to the House, and it is this: by pressing the duties to the high standard proposed in this bill very many sections of the country, now disposed to protect properly and equitably our manufacturing interests, will be driven to the other extreme, and the manufacturers will find the great body of the population of those sections, instead of as now favoring protection, driven into free-trade ideas. There is more danger from reaction to the manufacturing interests than from letting them rest upon the basis of the present law. I give that warning to gentlemen who are asking us to make these enormous rates; I give them the warning so that they may know when the storm comes hereafter it is the result of their own action and not the design of any portion of the people of the country to injure or cripple our manufacturing interests. I hope the amendment of the gentleman from New York will be adopted.

[Here the hammer fell.]

Mr. MORRILL, by unanimous consent, withdrew his amendment to the amendment.

Mr. STEVENS. Mr. Chairman, I regret very much to find a gentleman of the sagacity and talents of the gentleman from Iowa [Mr. WILSON] still adhering to his opposition to the protection of American industry. He seems determined that the raw material of the West shall be shipped in bulk to feed the workshops of Europe, and that we shall take their manufactures in return for it instead of building up a home market here in the United States to consume this raw material, thus saving the heavy expense of transportation. I had hoped the time had arrived for building up in every neighborhood, in every portion of the country, a market for our home products. We have long enough been tributary to the pauper labor of Europe, and we have long enough been deluded by the idle idea that when we put protection upon

articles manufactured in this country we injure the consumers here.

Sir, every man who has studied the subject must know that in every country the time comes when it is proper that manufactures should spring up all over the country and home products should be consumed there. I had hoped that the great West, with its great interests, its flourishing cities, its noble soil, had reached a time when we were to see all through the valley of the Mississippi great manufacturing cities, such as adorn all similar places in Europe, which consume not only their home products, but send them abroad, especially to young nations; and I am astonished to find that any gentleman possessing the talent of the gentleman from Iowa [Mr. WILSON] should still adhere to the old notion, and insist upon sending the products of the West, its sheep, bullocks, corn, beef, and everything of that kind to England for the purpose of purchasing those articles they need. Sir, I did not intend to say a word upon the subject of the tariff; but when I heard such antiquated doctrines, which are so erroneous, sent forth to the country by so able a gentleman, I thought it proper to say a word.

Mr. WILSON, of Iowa. I have often heard the same argument made by the gentleman from Pennsylvania. It is not new. He charges me with expressing antiquated ideas. It may be that he has been uttering sentiments of the same character himself. Now, I could understand, while the war was in progress, and we were incurring debts every day, why there should be protection in customs duties; but now that the war is over; now that we are reducing the volume of our national receipts; now, when we have just passed an internal revenue act, which we were told by the Committee of Ways and Means would reduce the revenue \$75,000,000, I cannot understand why we should be asked to go on and increase the duties on imports to the enormous extent provided in this bill. I am quite as anxious as the gentleman from Pennsylvania [Mr. STEVENS] can be to have manufactures established all over the beautiful country in which I reside; I desire to see the Mississippi and its tributaries lined from its source to its mouth with manufacturing establishments, which will make that portion of the country great, prosperous, and wealthy. But, sir, I do not desire to do that at the expense of what I believe to be sound policy on the part of our country.

I have asked the chairman of the Committee of Ways and Means to tell me how much the duty provided for in this section increases the duties levied under the existing tariff. I have not received an answer from him; but I have received an answer from another source; not from an outsider, not from a manufacturer, but from a member of this House, who is well informed in relation to this subject, and he tells me that the increase under this paragraph will amount to one or two hundred per cent. And yet we are told that it is necessary for us to have that increase of duty, in order that we may not send our raw material to Russia to be manufactured there and brought back to us, and that we shall have a home market. Does the gentleman from Pennsylvania expect the consumers of the country, who are to pay these exorbitantly increased rates under the duty now proposed to be laid for the purpose of sustaining the theory which he has advanced here to-day of building up at some future time manufactures of these particular articles? Not at all. While we take care of the interests of the manufacturer, we must take care, also, of the people who are to buy the goods they manufacture, and who are to pay these exorbitant rates of import duty. If we do that the consumer will not quarrel with the manufacturer, and the manufacturer will have no cause to quarrel with the consumer. I protest against the imposition of import duties ranging from one to two hundred per cent.; and I stand here to-day a better friend of the manufacturing interest

than some who claim to be its special champions. I ask the House to give stability to the law in reference to this matter, and not to be constantly changing it.

Mr. MORRILL. I move that the committee rise in order to terminate debate upon this paragraph.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. SCOFIELD reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration bill of the House No. 718, to provide increased revenue from imports, and for other purposes, and had come to no resolution thereon.

CLOSE OF DEBATE.

Mr. MORRILL. I move that all debate in Committee of the Whole on the state of the Union on the pending paragraph of the special order shall close in three minutes after the committee resumes the consideration of the same.

The motion was agreed to.

TARIFF BILL—AGAIN.

Mr. MORRILL. I move that the rules be suspended and the House resolve itself into Committee of the Whole on the state of the Union on the special order.

The motion was agreed to.

So the rules were suspended; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. SCOFIELD in the chair,) and resumed the consideration of the special order, being bill of the House No. 718, to provide increased revenue from imports, and for other purposes.

Mr. MORRILL. Mr. Chairman, the argument of the gentleman from Iowa [Mr. WILSON] would be a very good one if it were only applied in the right place. I think it does not apply to the paragraph now in question. Now, sir, certainly these goods manufactured here are not consumed by the poorer classes. They are such articles as the gentleman comes here clothed in on hot days; they are such articles as table linen and diaper; and the effect of the gentleman's amendment would be to give no protection at all to these goods, and to strike down the infant manufacture of flax in the western country, in which the State of Iowa is largely interested. The amount of increase on these articles is extremely small, and I hope that when the gentleman comes to offer his amendment it will be voted down.

The question was taken on Mr. DODGE's amendment, to strike out the word "crash;" and on a division, there were—ayes fifty, noes not counted.

So the amendment was agreed to.

Mr. DODGE. I now move to amend, on page 14, line forty-four, by inserting the words "crash, thirty-five per cent. *ad valorem*."

Mr. KASSON. I would ask the gentleman if that is not already included in line thirty-one of that section, which reads, "on brown and bleached linen, damask table linen, brown Hollands, blay, coatings, crash, duck, drills," &c.

The CHAIRMAN. No debate is in order on this amendment.

The amendment was agreed to.

Mr. WILSON, of Iowa. I now move to amend the paragraph by striking out, in lines thirty-two and thirty-three, the words "six cents per square yard, and, in addition thereto," and to insert after the word "thirty" in the thirty-third line the word "five;" so that it will read, "on brown and bleached linen, damask table linen, brown Hollands, blay, coatings, crash, duck, drills, diapers, and huckabucks, valued at thirty cents per square yard, thirty-five per cent. *ad valorem*." That will leave the duty as it now is.

The amendment was disagreed to—ayes 40, noes 53.

Mr. WILSON, of Iowa. I now move to amend the section by striking out, in the thirty-second line, the word "six" and inserting in lieu

thereof the word "three," so as to make the duty upon these goods three cents per square yard.

The amendment was disagreed to.

The Clerk read as follows:

On seines or nets made of flax or hemp thread, yarn, or twine, completed or in parts, valued at not over seventy-five cents per pound, fifteen cents per pound, and, in addition thereto, thirty-five per cent. *ad valorem*; valued at over seventy-five cents per pound, twenty-five cents per pound, and, in addition thereto, thirty-five per cent. *ad valorem*.

No amendment being offered,

The Clerk read as follows:

On fish lines of linen, or twines of linen suitable for fish lines, valued at \$2 50 or less per pound, forty cents per pound, and, in addition thereto, thirty-five per cent. *ad valorem*; valued at over \$2 50 per pound, sixty cents per pound, and, in addition thereto, thirty-five per cent. *ad valorem*.

No amendment being offered,

The Clerk read as follows:

On flax thread, linen thread, saddlers' thread, shoe thread, gill-net thread or gill-net twine, and pack thread and sewing-machine thread, valued at seventy-five cents or less per pound, ten cents per pound, and, in addition thereto, thirty-five per cent. *ad valorem*; valued at over seventy-five cents and not over \$1 50 per pound, twenty cents per pound, and, in addition thereto, thirty-five per cent. *ad valorem*; valued at over \$1 50 per pound, thirty cents per pound, and, in addition thereto, thirty-five per cent. *ad valorem*.

No amendment was offered.

Mr. HALE. I move to insert a new paragraph, to follow the one last read by the Clerk. It is as follows:

On yarns of flax or hemp, or on tow of flax or hemp, valued at seventy-five cents or less per pound, eight cents per pound; valued over seventy-five and not over one hundred and fifty cents per pound, seven cents per pound; valued over one hundred and fifty cents per pound, twenty-seven cents per pound, and, in addition thereto, in each case thirty-five per cent. *ad valorem*.

In looking over this bill, it seems to me that the Committee of Ways and Means have committed an oversight in omitting to provide for the case of yarns, so as to protect the spinner in reasonable proportion to the other manufacturers of flax, hemp, &c. The amendment which I have offered covers the case of yarns, which are largely imported for the manufacture of thread, twine, seines, nettings, carpets, &c. It seems to me we should not discriminate in favor of foreign labor, so far as the production of these yarns is concerned, which I think we certainly will do without the amendment I have offered.

Mr. BANKS. I do not rise particularly to oppose the amendment of the gentleman from New York, [Mr. HALE,] because I desire that some provision of the kind therein proposed should be adopted. I think the manufacturers of this country suffer a serious injury from the fact that yarns are imported into this country, which importation interferes with our own manufacturers. And I trust the gentleman from Vermont [Mr. MORRILL] will be willing to accept some provision of this kind. I was engaged upon a committee of conference, when the Committee of the Whole passed upon the first article embraced in this section, being unmanufactured flax, upon which this bill proposes to impose a duty of twenty dollars per ton, or an increase of twenty-five per cent. of the present duty upon unmanufactured flax imported into this country. Manufacturers of flax thread cannot use American flax alone, though they can use it in great part; but they are obliged to use to some extent imported flax. There are but very few districts in Europe where flax is grown that is of the right quality and character to be used in the manufacture of flax thread. Now, in addition to the duty that manufacturers have to pay on this article, and which impedes the manufacture of flax thread in this country, some manufacturers in some parts of the country, as suggested by the gentleman from New York, [Mr. HALE,] import yarns at a low rate of duty, thus injuring the manufacture of flax thread.

Now, I trust that after the amendment of the gentleman from New York has been disposed of the gentleman from Vermont [Mr. MORRILL]

will allow me to go back to the clause relating to unmanufactured flax for the purpose of reinstating the present rate of duty, which is sixteen dollars per ton, instead of twenty dollars per ton, as proposed by this bill. I ask this because I was detained from the House by service upon a committee of conference when this subject was under consideration.

Mr. MORRILL. I think I must object to going back to that clause.

Mr. HALE. I would suggest to the gentleman from Vermont [Mr. MORRILL] that he permit the question to be reserved upon the amendment I have offered, together with the subject to which the gentleman from Massachusetts [Mr. BANKS] has referred, with the privilege of going back hereafter.

Mr. MORRILL. As there might be some injustice done by adopting such a proposition as this without fully understanding it, I will not object to the vote upon it being reserved.

The CHAIRMAN. It requires unanimous consent.

Mr. LE BLOND. I object to reserving anything.

Mr. BANKS. Then I request to be allowed to propose an amendment to the clause in relation to unmanufactured flax. I was engaged upon a committee of conference at the moment it was passed, and returning a few moments afterward, I was unable to make the proposition in time.

The CHAIRMAN. The question must be first taken upon the amendment proposed by the gentleman from New York, [Mr. HALE.] The amendment was agreed to.

Mr. BANKS. I now ask leave to offer the amendment I have suggested, and that action upon it be reserved for the present.

Mr. MORRILL. I am satisfied that if the gentleman from Massachusetts [Mr. BANKS] fully understood the subject to which he refers, he would not go back.

Mr. BANKS. That is what I want; I want to be instructed, and that is why I ask that action be reserved for the present. I was away from my place in performance of a duty assigned me by the House; and therefore I hope the gentleman will not object.

Mr. MORRILL. I must object.

Mr. BANKS. Will the gentleman not consent to have action on it reserved for the present?

Mr. MORRILL. I must object to that also.

The Clerk read as follows:

SEC. 5. And be it further enacted, That, in lieu of the duties heretofore imposed by law on the importation of the articles hereinafter enumerated, there shall be levied, collected, and paid the following duties and rates of duty, that is to say: on iron in pigs, nine dollars per ton.

Mr. BUNDY. I move to strike out the word "nine" and insert the word "ten," so as to make the duty on pig iron ten dollars per ton. I make this motion for the reason that I am satisfied the duty of nine dollars per ton is not a sufficient duty on pig iron. I have come to that conclusion from a very intimate knowledge of the iron business during the past few years. Under the operation of the present tariff, according to data furnished by the British Trade Circular, during the month of November last, there was enough pig iron imported into this country last year to equal the production of one half of all the blast furnaces in the country for nearly, if not quite, a year. To my certain knowledge the manufacturers of pig iron have been losing money for ten or twelve years, with the exception of one or two years. Besides that, the duty on pig iron is not in proportion to the duty on any other description of iron. Neither is it in proportion to the duty on anything else for which this bill provides a duty. I hope, therefore, that the Committee of Ways and Means will consent that this addition of one dollar shall be made. I make this motion with the view of carrying out in future the idea of the gentleman from Iowa, [Mr. WILSON,] that is, that we shall have stability in regard to the duty on iron.

Mr. WILSON, of Iowa. Will the gentle-

man inform us how much we have reduced the internal duty on pig iron?

Mr. BUNDY. About two dollars and forty cents per ton. With that duty, forty-five furnaces in my district made no money at all last year, but in the majority of cases they lost money to the extent of the internal duty which they paid. Now, so far as I am concerned, I do not speak for the manufacturers. I do not care anything about the matter, although I am a manufacturer. The manufacturer and the capitalist can get along with or without the duty; but the effects of this fall directly upon the man who digs the iron, the man who chops the wood, and the man who burns the coal. I have seen, during the last ten or twelve years, enough suffering in the districts where pig iron is manufactured to induce me, by every consideration, to try and have that manufacture protected to an extent sufficient to furnish employment to our own people, and not only employment, but a fair day's wages for a fair day's work. It is a very great mistake to suppose that because we ask protection for the manufacture of any article the expense of the article to the consumer is thereby increased. Take, if you please, the report which I hold in my hand for the month of November last as the criterion by which to judge of the whole year's importation of iron from Europe. During the last twelve months there was enough pig iron imported into this country to keep ninety blast furnaces fully employed. These ninety furnaces can furnish employment for at least fifty-four thousand persons, and these fifty-four thousand persons will consume forty-five thousand barrels of flour and nine thousand barrels of pork every year, to say nothing about beef and everything else. Therefore, I say, the stopping of these ninety furnaces, kept idle by the importation of pig iron last year, has prevented the employment of this large number of persons and the consumption of this vast amount of our own produce.

We do not ask, Mr. Chairman, that protection shall be furnished for the mere protection of our manufacturers, but we do ask it for the men who are employed at these manufactories; and until we come up to that point we will suffer under the same rule which we have been following for the last few years.

[Here the hammer fell.]

Mr. SPALDING. I desire to say I am in favor of the amendment of my colleague.

The CHAIRMAN. One speech already has been made in favor of the amendment.

Mr. SPALDING. Well, then, I will say I am opposed to the amendment because I wish a higher rate; and when I get through with the few remarks I have to make I will suggest an improvement in the motion of my colleague.

Mr. Chairman, I wish to say I am in favor now and at all times in this House of the highest rate of protection to American industry in every shape in which you may bring it forward. I do not limit it to coal or iron or oil; but I go in the most extensive manner for the highest rate of protection to American industry. We are now considering the article of pig iron. I think we should raise the duty on iron imported in every shape; and while I advocate this increased rate of tariff I beg to have read as a part of my argument an extract from a recent number of the London Times; and I ask the attention of the committee to it.

The Clerk read as follows:

"WOLVERHAMPTON, Saturday.

"The demand for iron keeps very steady, orders coming in day by day, and they are pressed for completion. The improvement in the trade with the United States is more decided, and iron-masters having agencies there are sanguine of a heavy spring trade with that country. Stocks are low at New York, and requirements for the restoration of railways and all commercial plant very large. The only drawback is that the American iron-works are far from being well employed, and they are striving earnestly to get the heavy import duties further raised, but it is hoped that southern votes will on that question counteract New England in Congress. Railway orders are large, and the Lancashire and Yorkshire are in the market for five thousand tons. The demand for hardwares is improving steadily."

Mr. SPALDING. I do not think I can add

to the force of the argument contained in that extract. It shows us that the iron-works of the United States are not well employed, and that in reference to the increase of duties necessary for the protection and safety of our own interests the British iron interest hopes to defeat it by the votes of those who have been in rebellion against this Government in opposition to the votes of the loyal States who have upheld and preserved it.

[Here the hammer fell.]

Mr. LE BLOND. I move to amend by striking out "nine" and inserting "two;" and I do this, Mr. Chairman, in good faith. I do it because I believe the great interests of the American people demand it. And I confess I cannot understand the argument of my colleague who offered the first amendment. He contends these foundry men have been suffering; that they have been losing money for the last ten years. Now, I think that class of manufacturers throughout the country like to be ruined in the manner the gentleman has stated. They have been declaring large dividends, and why it is, when this particular interest has been losing money for the last ten years, these men should continue in the business is, I confess, a mystery to me. But I do not believe that they have been losing money. The gentleman closed by saying he does not care for a high tariff on pig iron, because it does not inure to the benefit of these men. But he says that the injury falls upon the wood-chopper and the worker in iron. Well, if that is true, and I think it is altogether probable in part, this tariff is not going to help them; for if you make it four times as large they will still grind the faces of those who toil in the coal-bed, and put the additional bounty in the pockets of the manufacturer. I never knew the manufacturing interest become liberal toward those they employ, but the more margin you give them the more money it puts into their pockets, while they keep the laboring class just where they always were.

Now, I wish this House to take some decided action upon this question. You are trying to inaugurate a protective system. Years ago the people of the United States settled this question, and they settled it in favor of a tariff for revenue alone. But now when gentlemen rise for the purpose of advocating a proposition in regard to tariff duty it is with a view of protecting something in which they are particularly interested. Sir, the people have fought this battle and settled it, as I said before, in favor of a revenue tariff. The Congress of 1862, under the then disturbed condition of the country, adopted a plan of raising revenue for protection alone, and not for the purpose of raising revenue, and this bill provides a further increase; and the distinguished gentleman from Pennsylvania [Mr. STEVENS] even denounces this bill as a free-trade bill. Great God! If he calls this a free-trade bill I would like to know what he would call a protective bill. Sir, this question of iron is one that interests every single man in the whole country. They are all interested in having it cheap, and as cheap as it can possibly be produced. I am satisfied that the duty that is laid in this bill on everything in the shape of iron, and I might say, the same of almost every provision in this bill, is only for the purpose of prohibiting the importation of these articles, and inflicting that much penalty upon the consuming class.

[Here the hammer fell.]

Mr. McKEE. Mr. Chairman, upon this question of a duty on iron, and upon all other questions pertaining to the general subject of a tariff, I am willing and anxious to go for the very highest duties that are necessary to protect every branch of our industry. I do it not alone with a view of building up our manufacturing interests, but, as has been well said by the gentleman from Ohio, [Mr. BUNDY], of giving employment to the men who are engaged by these various manufacturing establishments, in order that they may be well clothed and fed. We need protective duties not for revenue alone but in order that we may build up on our own

soil manufacturing establishments by which we may manufacture everything that is necessary for our use, so that our own people may not be dependent upon foreign countries for their supplies. This policy I consider of prime necessity.

In regard to the article of iron, I wish to make this statement, that in my own district, which has a considerable interest in the question, fifteen years ago the manufacture of iron was quite an active business. Before the war nine tenths of the capital invested in the manufacture of iron—and we manufactured pig-metal iron alone—had been taken out of the business. It was completely broken down. The war itself only reestablished the business in part. During the last year and a half pig metal has been imported from Europe and sold upon the Ohio river, within sight of the very smoke of our furnaces, at four dollars per ton less than they could manufacture it, thereby crushing them out and preventing them from engaging in the business at all. And it is so in reference to all other branches of our industry, and will be so unless the duty is made sufficient to enable the manufacturers to renew their work. Unless you put upon this single item of pig metal alone a sufficient tariff to enable the manufacturers to go on with their work, all the capital invested in the valley of the Ohio must be withdrawn and go into something else, and thus thousands of people heretofore engaged in the business will be thrown out of employment.

Now, sir, I think the duty is too low. I should like to see it increased three dollars per ton over what it is; but as the gentleman from Ohio has moved to increase it only one dollar, if the House will agree to that I shall be content. For myself, however, let me say that I will go for the highest possible duty, and I hope the House will increase it as proposed.

Mr. MORRILL. I move that the committee rise for the purpose of closing debate upon the pending paragraph.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. SCOTFIELD reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, and particularly the special order, being bill of the House No. 718, to provide increased revenue from imports, and for other purposes, and had come to no resolution thereon.

CLOSE OF DEBATE.

Mr. MORRILL. I move that all debate in Committee of the Whole on the state of the Union on the subject of pig iron shall be terminated in three minutes after the committee shall resume the consideration of the same.

The motion was agreed to.

TARIFF BILL—AGAIN.

Mr. MORRILL moved that the rules be suspended and the House resolve itself into the Committee of the Whole on the state of the Union on the special order.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union (Mr. SCOTFIELD in the chair) and resumed the consideration of House bill No. 718, to provide increased revenue from imports, and for other purposes.

Mr. MORRILL. I desire merely to correct a statement made by the gentleman from Ohio [Mr. LE BLOND] in relation to the wages paid by our manufacturers for labor. He is certainly very much mistaken in supposing that the manufacturers of this country do not pay their employés liberally. Why, sir, women employed in manufactories in this country get more wages than men do abroad. And in connection with this iron interest, there is no branch of the business where the laborers of this country do not receive at least double what is paid to laborers for similar work in England. With the exception of skilled labor, the laborers in the iron foundries of this country receive three times as much as foreign laborers do; and in regard to those engaged in the man-

ufacture of silk goods our workmen receive four or five times as much as similar laborers do abroad.

Mr. BUNDY. As I stated before, my reason for proposing a tax of ten dollars was that I believed that the committee might agree to that. I do not wish to make any further remarks upon this subject, but I wish to have read a brief extract, which I send to the Clerk's desk, from Ryland's British Iron Trade Circular, received by the last steamer.

The Clerk read as follows:

"There is no prospect of the demand from the United States subsiding, at any rate until the orders for the spring trade are in and have been placed. The increase that has been going on assumes an extraordinary character, as evidenced by the returns of the Board of Trade, the figures of which were given in full, according to the usual custom, in our last circular. Of pig and puddled iron, in November, 1863, we supplied 3,402 tons; in 1864, 380 tons; and in the same month of 1865, 12,120. Of railroad iron at the same dates, 8,734,097, and 7,141 tons; but the month of December will show singularly larger returns in this direction, as our Cardiff and Liverpool reports have testified in each number. Our present Liverpool report, for instance, shows an export of 1,857 tons of pig iron, 1,154 tons of bars, 100 tons of hoops, 62 bags, 37 casks of nails, 52 tons rod, 64 tons of sheets, 4 tons of wire, 341 packages of hardware, £4,700 value of machinery, and 12,850 boxes of tin-plates to the United States in six days, from the 22d to the 28th of December."

The question was taken on Mr. LE BLOND's amendment, to strike out "nine" and insert "two" in lieu thereof, and it was disagreed to.

The question being taken on the amendment of Mr. BUNDY, there were—ayes 55, noes 42.

Mr. INGERSOLL. I call for tellers.

Tellers were ordered; and Messrs. INGERSOLL and BUNDY were appointed.

The committee divided; and the tellers reported—ayes 53, noes 46.

So the amendment was agreed to.

Mr. MORRILL. A number of articles made of cast iron have been, by an oversight, omitted from the bill. To supply the omission I move the following amendment:

Insert after line five of section five the following: On vessels of cast iron not herein otherwise provided for, and on andirons, sad-irons, tailors' and hatters' irons, stoves and stove-plates of cast iron, two and a quarter cents per pound; on glazed, tinned, or enameled cast-iron hollow-ware, four and a half cents per pound; on tinned and enameled wrought-iron hollow-ware, six and a half cents per pound; on cast-iron steam, gas, water pipe, two cents per pound; on cast-iron butts and hinges, three cents per pound; on all other castings of iron not herein otherwise provided for, thirty-five per cent. *ad valorem*.

Mr. KASSON. I desire to inquire of the chairman of the Committee of Ways and Means how these rates compare with those of the present tariff.

Mr. MORRILL. On stove-plates, sad-irons, hollow-ware, made of cast iron, the present rate of duty is one cent and a half per pound. On wrought-iron hollow-ware, tin, glazed or enameled, the present duty is three and a half cents per pound.

Mr. KASSON. I am in favor of continuing the rates established by the present tariff. I hope the amendment will not be adopted.

The amendment was agreed to.

The Clerk read as follows:

On bars rolled or hammered, comprising flat bars not less than one and a half inch wide, nor more than four inches wide, nor less than half an inch thick, nor more than two inches thick, one cent and a quarter per pound.

Mr. HALE. I move to amend by striking out in the last line of the paragraph just read the word "quarter" and inserting in lieu thereof the word "half," so that the duty shall be "one cent and a half per pound."

I understand, Mr. Chairman, that the Committee of the Whole, in sustaining the motion of the gentleman from Ohio [Mr. BUNDY] in regard to pig iron, adopted what is understood to have been the recommendation of the revenue commission. A schedule of duties upon iron was agreed upon by the iron manufacturers of this country as the very lowest rates under which they could possibly run their mills. This schedule, as I understand, (though I have not the right to speak positively on the question,) received the approval of the

revenue commission. The rates named in this schedule have been reviewed, and almost uniformly reduced, by the Committee of Ways and Means. The votes already taken indicate, I believe, the sense of the House that in making this reduction the Committee of Ways and Means has erred, and that we ought to adopt the very moderately increased rates approved by the revenue commission. If this amendment shall be adopted, I shall propose a change in a portion at least of the other provisions, so as to make the rates of duty on the various articles correspond with the rates recommended by the revenue commission.

Mr. LE BLOND. Mr. Chairman, I rise for the purpose of opposing this amendment. I may remark that I do not expect to offer another word during the consideration of this tariff bill. I am satisfied from the votes which have already been taken that no change for the better can be effected in this bill. I am convinced that no change can be made that will result to the benefit of the consumers throughout the country. There is an evident determination in this House to frame and enact a tariff that is calculated to exclude importations in order to benefit the manufacturing interests alone.

Now, sir, I wish to call the attention of gentlemen to an important consideration intimately connected with this bill. In the first place you inaugurate a protective system. The Government must be carried on; and in order to keep the wheels of the Government in motion you must have revenue. How do you raise it? After you have adopted a high protective tariff, which to a great extent excludes importations and thus largely diminishes the revenue from imports, you turn round, and in your internal revenue law, tax the very last dollar of the people, drawing from them every cent that you can from every possible source. The consumers of the country are already very heavily taxed in a direct form; yet you adopt a bill which operates to exclude importations and increase the price of almost every article which the laboring classes necessarily and largely consume. This will doubtless operate very nicely for the manufacturing interests of the East; but as a western man, representing western interests, I feel it my duty, as I conceive it to be the duty of every western man, to oppose this bill in every possible way.

Sir, look at the free list which has been adopted in our internal revenue bill. Does it inure to the benefit of the West? Does it benefit any western man, except with regard to two or three articles? Why, sir, that long list inures almost exclusively to the benefit of the State of New York and the New England States. I know that, with regard to the subject of iron, my Democratic friends from Pennsylvania do not stand with me upon this question, but, in taking the attitude which they do, they, in my opinion, stand in opposition to the great interests of the American people. The sentiment of the masses in this country is averse to the principle of laying high duties for the purpose of protecting the manufacturing interests alone. Gentlemen here, in their action on this bill, put out of view entirely the question of raising revenue from imports. All their arguments are based upon the idea of protecting the manufacturing interests. How many, I would ask, do they benefit by this system, in comparison with the number that they embarrass and cripple?

Mr. HALE. Does the gentleman wish an answer?

Mr. LE BLOND. Yes, sir.

Mr. HALE. Answering for my own district, I would say at least ninety-nine out of every hundred, and I think nine hundred and ninety-nine out of every thousand.

Mr. LE BLOND. Does the gentleman mean to say that that is the proportion of those benefited by a high protective tariff?

Mr. HALE. Yes, sir.

Mr. LE BLOND. Well, I presume that the gentleman lives in an iron district, where almost

all the people are miners or workers of ore. If that is the case, I am not surprised at his statement. There are, I doubt not, many other gentlemen interested in the same way and who vote in the same manner. But if gentlemen will go among the masses of the American people and ask them whether they are in favor of a high protective tariff, or of a tariff for revenue alone, I think that gentlemen will not be able to misunderstand the response which the people will give to such an inquiry.

[Here the hammer fell.]

Mr. MORRILL. Mr. Chairman, the gentleman from Ohio [Mr. LE BLOND] is usually facetious in his remarks in this House; but I think he has been more successful in his last effort than I have known him to be on any previous occasion. He would seem to intimate that the free list in the internal revenue bill was made specially for the benefit of New England. Why, sir, no gentleman in the House can be unaware of the fact that that list was carried entirely by gentlemen from the West. They had it all their own way. In fact, if a New England man would have any chance at all under that bill, it would be necessary for him to remove into Ohio or west of the Mississippi.

Mr. LE BLOND. If the gentleman from Vermont would come to the West, we would convert him in a very short time to liberal principles.

Mr. MORRILL. Now, sir, in relation to this very article, iron, New England would be very glad to have no duties at all upon it. It is for the protection of the Ohio, Kentucky, and Missouri interests that the duties are to be increased.

But, Mr. Chairman, in all soberness on this subject, we ought to consider it fairly. In the internal revenue bill we did take off the duty on pig iron; we also removed it upon coal; we also removed it upon freights. The rate proposed by the committee, therefore, was thought to be reasonable, and I hope it will be retained.

Mr. DAWES. I would like to ask the gentleman from Ohio a single question. I understand him to say, by his remarks, that he is in favor of a revenue tariff, but not of a protective tariff.

Mr. LE BLOND. That is it.

Mr. DAWES. The gentleman says I understand him correctly. I take it, a revenue tariff must be levied on the manufactured article or on the raw material. I would ask the gentleman upon which he prefers it.

Mr. LE BLOND. I should have an *ad valorem* tariff on everything imported, and let that operate as a protection, as it would incidentally.

Mr. DAWES. He prefers an *ad valorem* duty. I understand the experience of everybody has proved an *ad valorem* duty is the very best possible method in which the tariff can be defrauded; but I do not understand the gentleman is in favor of it for that reason.

Mr. LE BLOND. We will have honest men in those days.

Mr. DAWES. The duty must be levied on the raw material or on the manufactured article. If you levy it on the raw material you discriminate against American labor, and if you levy it on the manufactured article you discriminate in favor of American labor. You must have either a protective tariff or a tariff which discriminates against American labor. I understand the gentleman from Ohio to be in favor of that which discriminates against American labor, and there I leave him.

Mr. LE BLOND. Not at all.

The CHAIRMAN. No further debate is in order on the amendment.

Mr. MORRILL. I shall move that the committee rise unless it be agreed that debate shall terminate on this subject of bar iron.

There was no objection; and it was so ordered.

Mr. MORRILL, by unanimous consent, withdrew his amendment to the amendment. The question recurred on Mr. HALE's amendment.

The committee divided; and there were—ayes 23, noes 54.

Mr. HALE demanded tellers.

Tellers were ordered; and Messrs. HALE and ORTH were appointed.

The committee again divided; and the tellers reported—ayes 34, noes 59.

So the amendment was disagreed to.

The Clerk read as follows:

On bars rolled or hammered, comprising flat bars less than one and a half inches and more than four inches wide, and less than one half of an inch thick, and not thinner than one fourth of an inch, one and three quarters cents per pound; on bars rolled or hammered, comprising all sizes thinner than one fourth of an inch and not thinner than number eight wire gauge, two cents per pound; on all sizes hoop, band, or other descriptions of iron, thinner than number eight wire gauge, two and one half cents per pound.

No amendment being offered,

The Clerk read as follows:

On bars or rods, round or square, not less than seven eighths of an inch diameter or square, nor more than two inches diameter or square, one and one quarter cent per pound.

Mr. HALE moved in line twenty-two to strike out "one quarter" and insert "one half."

The CHAIRMAN stated that debate was not in order.

Mr. MOORHEAD hoped the amendment would be adopted and demanded tellers.

Tellers were ordered; and Messrs. MOORHEAD and COOK were appointed.

The committee divided; and the tellers reported—ayes thirty-one, noes not counted.

So the amendment was disagreed to.

The Clerk read as follows:

On bars or rods, round or square, less than seven eighths of an inch diameter or square, and more than two inches diameter or square, and not less than nine sixteenths of an inch round or square, one and three-fourths cents per pound; on bars or rods, round or square, less than nine sixteenths of an inch diameter or square, and not less than five sixteenths of an inch diameter or square, two cents per pound; on rods less than five sixteenths of an inch diameter or square, and less than number nine wire gauge, two and a half cents per pound; on rods less than number nine wire gauge, three cents per pound; on all sizes of nail rods, slit or rolled, two and a half cents per pound; on all sizes, oval, half oval, and half round iron, two and a half cents per pound; on all sizes of plate iron, not thinner than number ten wire gauge, two cents per pound; on sheet or plate iron thinner than number ten wire gauge, and not thinner than number eighteen wire gauge, two and one fourth cents per pound; on sheet or plate iron thinner than number eighteen wire gauge, and not thinner than number twenty-two wire gauge, two and one half cents per pound; on sheet or plate iron thinner than number twenty-two wire gauge, two and three fourths cents per pound; on polished sheet iron, of all descriptions, four cents per pound; on iron hoops, cut to uniform length or lengths, fit for use, all sizes and descriptions, two and three fourths cents per pound.

On iron of any description less finished than bars, and more advanced than pig, blooms, slabs, or muck bar, one cent per pound: *Provided*, That all iron in slabs, blooms, loops, or other forms, less finished than bars and more advanced than pig iron, except castings, shall pay one and a quarter cent per pound.

Mr. MORRILL. The gentleman from New York [Mr. HALE] has suggested an ambiguity about the last paragraph, and I therefore move to strike out all after the word "on" in the first line down to and including the word "that," and also to strike out the words "shall pay;" so that it will read, "on all iron in slabs, blooms, loops, or other forms, less finished than bars and more advanced than pig iron, except castings, one and a quarter cent per pound."

The amendment was agreed to.

Mr. DODGE. I move to amend on page seventeen, line fifty, the paragraph in regard to polished sheet iron.

The CHAIRMAN. The committee have passed that, and it will require unanimous consent to go back.

Mr. BINGHAM. I object.

The Clerk read as follows:

On iron of any size or description, not included, embraced, or enumerated in this act, one and three fourths of a cent per pound; on chains or cables or parts of cables or chain, made of iron rods more than five eighths of an inch in diameter, three cents per pound.

Mr. MORRILL. I move to insert before the word "chains" where it first occurs the words "anchors or;" so that it will read, "on

anchors, or on chains or cables, or parts of cables."

The amendment was agreed to.

Mr. PIKE. I move to strike out the words "three cents" and insert "two cents;" so that it will read, "on anchors, or on chains or cables or parts of cables or chains, made of iron-rods more than five eighths of an inch in diameter, two cents per pound." The present duty on anchors is two and a quarter cents, and on chains two and a half cents. I suppose this will be ordinarily about one hundred per cent. *ad valorem*. I am not aware what the present price is, but in ordinary times they make chains in England for three or four cents a pound, and frequently less. Therefore two and a half cents a pound duty is nearly one hundred per cent. I do not know why this increased rate of three cents per pound is proposed. These chains are used for ships that have no protection in this tariff bill or any other. You oblige ships to pay enormously for a protection in which they do not share. Your ship goes into the port of New York or Liverpool upon the precise terms in every particular upon which an English ship goes there. Your own ship gets no advantage whatever. And now the proposition is that the ship-owner shall pay to the Pennsylvania iron manufacturer one hundred per cent. *ad valorem* for the purpose of fitting out his vessel with anchors and cables. I protest that this is wrong. Canada, which is as protective in its way as we are, remits all duties on articles that go into a ship. At the proper time I shall propose the same thing. But it does seem to me that while we protect one interest we should not, for the purpose of exaggerating that protection, sacrifice another and equally important one. And now, while in our internal revenue law we are lessening the burden on iron, when we can produce it cheaper under the present internal revenue bill, why should we enlarge the foreign duties? I hope the Committee of Ways and Means will make no opposition to this amendment.

Mr. MORRILL. I always like to see a gentleman vigilant in relation to the interest of his constituents, and my friend from Maine is never lacking in that particular.

Mr. PIKE. Neither is my friend from Vermont, [Mr. MORRILL.]

Mr. MORRILL. In relation to this matter the gentleman is very slightly mistaken. In the first place ships are protected because we do not allow foreign ships to come here and get American registers at all. In the next place they are protected because foreign ships are not permitted to engage in our coasting trade. And I will say in regard to this very article that the last time I knew anything about its manufacture the tariff was raised specially to favor an establishment in the State of Maine struggling for life. We were glad to see that there was one single establishment in the whole country that needed protection in the manufacture of the article, and that that establishment was in the State of Maine.

Another thing connected with this matter. It is well that these articles should be protected even for the benefit of the commerce of the country. Most of these miserable chains that are imported at the prices named by the gentleman will not hold a vessel. They refuse to use them in England but send them to us. A large part of the shipwrecks which occur are caused by the parting of weak cables such as will not stand the admiralty test used in England. Let us encourage something better.

Mr. GRISWOLD. I move, *pro formâ*, to strike out "three," in line one hundred and sixty-five, and insert in lieu thereof "four." I do it more particularly for the purpose of informing the gentleman from Maine [Mr. PIKE] that if he were at all familiar with the struggle which there has been heretofore to establish this branch of manufacturing in this country he would not make the proposition which he has made. I wish to say that for the last twenty years every effort that has been made to establish manufactories of chains that will compete with the English chains has failed;

and the few establishments of that kind in the country, unless they have this protection, will certainly come to grief. I trust the gentleman will not press an amendment which is not in conformity with the policy that has been adopted here with regard to manufactures generally.

Mr. PIKE. The gentleman from Vermont [Mr. MORRILL] says that our shipping is protected by receiving American registers. Will he tell me what difference it makes to a ship-owner, when he pays the same insurance and receives the same freight, whether he has an American or an English register? Undereither he is protected by the Government under which he sails. It is a new idea that our ships want to engage in the coasting trade. There are but two trades in this country of the slightest consequence. The one is the California trade and the other is the trade with New Orleans, and neither of them is a "drop in the bucket" as compared with the general trade of the world. The gentleman says that the object is to secure good chains. I suppose I cannot instruct him upon this subject; but allow me to say that American ships do not use American chains; that seven eighths of the chains they use are foreign, and, therefore, the only effect of this provision is to tax the shipping interest.

Mr. GRISWOLD. I withdraw my amendment.

The question was taken on Mr. PIKE's amendment, and it was disagreed to.

The Clerk read as follows:

On chains made of iron rods not more than five eighths of an inch in diameter, and not less than three eighths of an inch in diameter, three and one half cents per pound; on chains made of iron rods less than three eighths of an inch in diameter, and not less than one fourth of an inch in diameter, four cents per pound; on chains made of iron rods less than one fourth of an inch in diameter, and not less than number nine wire gauge, five cents per pound; on chains made of iron rods less than number nine wire gauge, five cents per pound, and, in addition thereto, twenty per cent. *ad valorem*; on blacksmith's hammers, stone hammers, sledges of all descriptions, wholly or partially finished, four cents per pound.

Mr. SPALDING. I move that the committee rise.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. SCOFIELD reported that the Committee of the Whole on the state of the Union, according to order, had had under consideration the bill of the House (No. 718) to provide increased revenue from imports, and for other purposes, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, announced that the Senate had disagreed to the amendments of the House to the bill (S. No. 222) further to prevent smuggling, and for other purposes, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Messrs. CHANDLER, MORRILL, and CONNESS the conferees on the part of the Senate.

The message also announced that the Senate had passed, without amendment, House bill No. 163, entitled "An act for the relief of Joseph Parkins."

The message further announced that the Senate had passed House bill No. 456, entitled "An act to extend the benefits of section four of an act making appropriations for the support of the Army for the year ending June 30, 1866, approved March 3, 1865," with an amendment, in which the concurrence of the House was requested.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House was requested:

An act (S. No. 361) to authorize W. J. Sibbey, and others, trustees, to sell and convey lot number nine, in square number seventy-six, in the city of Washington;

An act (S. No. 227) to incorporate the Washington Glass Company; and

Joint resolution (S. No. 39) to refer the

claim of the administrator of Richard W. Meade, deceased, to the Court of Claims.

ENROLLED BILLS SIGNED.

Mr. TROWBRIDGE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

An act (S. No. 219) granting certain lands to the State of Michigan to aid in the construction of a ship-canal to connect the waters of Lake Superior with the lake known as Lac La Belle, in said State;

An act (S. No. 30) to create an additional land district in the State of Oregon;

An act (S. No. 193) granting lands to the State of Michigan to aid in the construction of a harbor and ship-canal at Portage Lake, Keweenaw Point, Lake Superior, in said State; and

Joint resolution (H. R. No. 163) for the relief of Joseph Parkins.

FREEDMEN'S BUREAU.

The SPEAKER announced that he had appointed Messrs. ELIOT, BINGHAM, and McCULLOUGH to constitute the committee of conference on the part of the House upon the bill (H. R. No. 613) entitled "An act to continue in force and to amend an act to establish a Bureau for the Relief of Freedmen and Refugees, and for other purposes."

NORTHERN KANSAS RAILROAD.

The SPEAKER also announced that he had appointed Messrs. LOAN, CLARKE of Kansas, and ELDRIDGE, to constitute the committee of conference on the part of the House upon the bill (S. No. 145) entitled "An act granting lands to the State of Kansas to aid in the construction of the Northern Kansas railroad and telegraph."

COMMITTEE OF CONFERENCE APPOINTED.

The SPEAKER laid before the House a message from the Senate requesting a conference on the disagreeing votes of the two Houses on the bill (S. No. 222) further to prevent smuggling.

No objection being made, the conference was agreed to.

ORDER OF BUSINESS.

Mr. HIGBY. I believe that the Committee on Public Lands is entitled to the morning hour to-morrow, and I suggest that it be permitted to yield that hour, and that the House proceed with the consideration of the tariff bill, with the understanding that the committee have two hours after the tariff bill is concluded.

Mr. SPALDING. I object.

UNITED STATES COURTS.

Mr. COOK, by unanimous consent, from the Committee on the Judiciary reported back, with amendments, a bill to establish judicial courts of the United States, approved September 24, 1789, and moved that the same be recommitted and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. ELIOT, by unanimous consent, leave was granted for the withdrawal from the files of the House of the register of, and certain papers in relation to, the bark Marget.

And then, on motion of Mr. CONKLING, (at four o'clock and thirty minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule and referred to the appropriate committees:

By Mr. BANKS: The memorial of A. W. Allen, and W. Kirby, of Washington, praying for the assignment to them of a just proportion of the reward offered by the authorities for the apprehension of Booth, the assassin.

Also, the memorial of General Joseph G. Ramsay, Hon. Francis E. Spinner, and many others, for the appropriation of land for a public park in the city of Washington.

By Mr. BROOMALL: The petition of citizens of Chester county, in the State of Pennsylvania, asking such a change in the tariff and tax laws as will protect domestic industry.

By Mr. BUNDY: The petition of General W. H. Powell, J. H. Allison, and 118 others, citizens of Lawrence county, Ohio, for an increase of the tariff to prevent the labor of this country from being subjected to the ruinous competition with the pauper labor of Europe.

By Mr. EGGLESTON: The petition of Amos More and others, leather manufacturers of Ohio, praying for a reduction of the revenue tax.

By Mr. GRIDER: The memorial of the Southern Pacific railroad, asking right of way and grant of lands to aid in the construction of a railway from El Paso to the Pacific coast.

By Mr. HARDING, of Illinois: The petition of more than 2,000 people of Illinois, for railway bridge over Mississippi river at Quincy, Illinois.

Also, one from Brown county, Illinois, on the same subject.

By Mr. KASSON: The petition of Hon. Joseph Segar, for compensation for his property, near Fort-tress Monroe, taken for the use of the United States.

By Mr. WILLIAMS: The petition of 64 citizens of Armstrong county, Pennsylvania, for protection of home labor to the extent of the difference between the value of capital and wages abroad and at home, with the addition of the internal duties levied on American industrial products.

IN SENATE.

SATURDAY, June 30, 1866.

Prayer by the Chaplain, Rev. E. H. GRAY.

On motion of Mr. WILSON, and by unanimous consent, the reading of the Journal of yesterday was dispensed with.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented resolutions of the Legislature of Connecticut in favor of a donation of lands by Congress to endow female colleges in the several States; which were ordered to lie on the table and be printed.

Mr. MORGAN presented the petition of Sabina Himpelman, widow of the late Julius Himpelman, a private in company H, forty-sixth regiment New York volunteers, praying for a pension; which was referred to the Committee on Pensions.

Mr. WILSON presented the petition of J. T. Clouse, and others, citizens of the United States, praying for an increase of the duties on imported goods; which was referred to the Committee on Finance.

PARK AND PRESIDENTIAL MANSION.

Mr. HOWE submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the Committee on Public Buildings and Grounds be directed to inquire what tracts of land containing not less than one hundred acres, adjoining or very near this city, can be obtained, and for what prices, for a park and site for a presidential mansion, and which shall combine convenience of access, healthfulness, good water, and capability of adornment.

ALFRED ELMORE.

Mr. POLAND. I offer the following resolution:

Whereas Alfred Elmore, who has recently been nominated by the President and confirmed by the Senate as collector of customs at Mobile, in the State of Alabama, is alleged to have held office under the late confederate government, and also to have otherwise given aid and support to the same, and therefore could not honestly and truthfully take the oath prescribed by law: To the end that proceedings may be instituted for the due investigation thereof.

Resolved, That the Secretary of the Treasury be requested to communicate to the Senate a duly certified copy of the official oath taken by said Elmore as such collector.

The PRESIDENT *pro tempore*. Does the Senator ask for the present consideration of the resolution?

Mr. POLAND. Yes, sir.

The PRESIDENT *pro tempore*. It requires unanimous consent to consider it at this time. No objection being interposed, the resolution is before the Senate.

Mr. POLAND. I desire merely to say that I have offered this resolution at the request of prominent Union men in the State of Alabama, who assure me that this Mr. Elmore who has been appointed collector at Mobile rendered service in a military way to the rebel government, and also held office under it; and they say that if it be true that he has taken the oath which the law provides for all officers, he has committed the crime of perjury; and they desire to obtain official, certain information as

to whether he has taken the oath, and if he has they desire to prosecute him. That is the object in offering the resolution.

Mr. HOWE. I have no sort of objection to the adoption of the resolution. I think it proper to say, however, inasmuch as that nomination was confirmed on a recommendation of the Committee on Commerce, and inasmuch as it was considered very fully not only once but two or three times by the committee, that this is the first time I have heard that Mr. Elmore ever rendered any service to the so-called confederate government in a military capacity. I never heard of his having occupied but one office, and that was the office of clerk of the House of Representatives of Alabama.

It was upon a supposition that he could not take the oath because he had held that office that the committee were at first inclined to withhold their recommendation to his confirmation, and did withhold it. We were subsequently led to believe, we saw in fact that the constitution of the State of Alabama did not seem to require any oath on the part of the officers of the House of Representatives to support the constitution of the confederate States, or any other oath in the world except simply to support the constitution of the State of Alabama, and we supposed he had never acted in any sort of alliance with the rebellion.

The resolution was agreed to.

THOMAS W. STEVENS.

Mr. HARRIS. I move to proceed to the consideration of Senate bill No. 385.

The motion was agreed to; and the bill (S. No. 385) for the relief of Thomas W. Stevens was considered as in Committee of the Whole. It provides for the payment to Thomas W. Stevens of \$1,025 50 on account of services as inspector of customs at the port of Albany from the 1st day of March, 1862, to the 1st day of April, 1863.

Mr. GRIMES. What committee reports that bill?

The PRESIDENT *pro tempore*. The Committee on Claims.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

FREEDMEN'S BUREAU.

Mr. WILSON. I move to take up the Freedmen's Bureau bill that has come back from the House of Representatives, with a view to the appointment of a committee of conference.

The motion was agreed to; and the Senate proceeded to consider its amendments disagreed to by the House of Representatives to the bill (H. R. No. 613) to continue in force and to amend an act to establish a Bureau for the Relief of Freedmen and Refugees, and for other purposes.

Mr. WILSON. I move that the Senate insist on its amendments disagreed to by the House, and agree to the conference asked by the House.

The motion was agreed to.

Mr. WILSON. I now move that the committee on the part of the Senate be appointed by the Chair.

The motion was agreed to by unanimous consent; and the President *pro tempore* appointed Mr. WILSON, Mr. HARRIS, and Mr. NESMITH the committee on the part of the Senate.

RAILROAD FROM FORT RILEY TO FORT SMITH.

Mr. HENDRICKS. A week or two since the Senate passed a bill in relation to a railroad in Kansas. I did not support that measure; but there is a branch road connecting with that, and forming part of the same system, which ought to go to the House in connection with that bill. I speak of the road from Fort Riley to connect with the road which was provided for a week since. The two measures ought to go together to the House, to be considered there as they were considered by the Senate committee, as at the southern boundary line of Kansas they form one road thence south in the direction of Fort Smith. I move,

therefore, to take up Senate bill No. 224, with a view of passing it.

Mr. POMEROY. I do not think there can be any objection to the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 224) to aid in the construction of a southern branch of the Union Pacific railway and telegraph, and to secure the Government the use of the same for postal, military, and other purposes.

The Committee on Public Lands, to whom the bill was referred, had reported it back with an amendment, which was to strike out all of the original bill after the enacting clause and in lieu of it to insert the following:

That for the purpose of aiding the Union Pacific Railroad Company, southern branch, the same being a corporation organized under the laws of the State of Kansas to construct and operate a railroad from Fort Riley, Kansas, or near said military reservation, thence down the valley of the Neosho river to the southern line of the State of Kansas, with a view to an extension of the same through a portion of the Indian Territory to Fort Smith, Arkansas, there is hereby granted to the State of Kansas, for the use and benefit of said railroad company every alternate section of land or parts thereof designated by odd numbers, to the extent of ten sections per mile on each side of said road; but in case it shall appear that the United States have, when the line of said road is definitely located, sold any section, or any part thereof, granted as aforesaid, or that the right of preemption or homestead settlement has attached to the same, or that the same has been reserved by the United States for any purpose whatever, then it shall be the duty of the Secretary of the Interior to cause to be selected for the purposes aforesaid, from the public lands of the United States nearest to the sections above specified, so much land as shall be equal to the amount of such lands as the United States have sold, reserved, or otherwise appropriated, or to which the right of homestead settlement or preemption has attached as aforesaid, which lands, thus indicated by the direction of the Secretary of the Interior, shall be reserved and held for the State of Kansas for the use of said company by the said Secretary for the purpose of the construction and operation of said railroad, as provided by this act: *Provided*, That any and all lands heretofore reserved to the United States by any act of Congress, or in any other manner by competent authority, for the purpose of aiding in any object of internal improvement or other purpose whatever, be, and the same are hereby, reserved and excepted from the operation of this act, except so far as it may be found necessary to locate the route of said road through such reserved lands, in which case the right of way, two hundred feet in width, is hereby granted, subject to the approval of the President of the United States: *And provided further*, That said lands hereby granted shall not be selected beyond twenty miles from the line of said road.

SEC. 2. *And be it further enacted*, That the sections and parts of sections of land which by the aforesaid grant shall remain in the United States, within ten miles on each side of said road, shall not be sold for less than double the minimum price of public lands when sold, nor shall any of said lands become subject to sale at private entry until the same shall have been first offered at public sale to the highest bidder, at or above the minimum price aforesaid: *Provided*, That actual *bona fide* settlers under the preemption laws of the United States may, after due proof of settlement, improvement, and occupation, as now provided by law, purchase the same at the price fixed for said lands at the date of such settlement, improvement, and occupation: *And provided also*, That settlers under the provisions of the homestead act, who make their settlement after the passage of this act and comply with the terms and requirements of said act, shall be entitled, within the said limits of ten miles, to patents for an amount not exceeding eighty acres each.

SEC. 3. *And be it further enacted*, That the grant of lands hereby made is upon condition that said company, after the construction of its road, shall keep it in repair and use, and shall at all times be in readiness to transport troops, munitions of war, supplies, and public stores upon its road for the Government, when required to do so by any Department thereof, the Government at all times having the preference in the use of the road for all the purposes aforesaid, at fair and reasonable rates of compensation, not exceeding that paid by private individuals, or the average paid for like services on other roads. And the lands hereby granted, held, and reserved as aforesaid shall inure to the benefit of said company, as follows: when the Governor of the State of Kansas shall certify that any section of ten consecutive miles of said road is completed in a good, substantial, and workmanlike manner as a first-class railroad, then the said Secretary of the Interior shall issue to the said company patents for so many sections of the land within the limits above named, and continuous with said completed section hereinbefore granted; and when certificates of the Governor aforesaid shall be presented to said Secretary of the Interior of each successive section of ten consecutive miles of said road, the said Secretary shall in like manner issue to said company patents for the land for each of said sections of road as in the first instance, until said road shall be completed: *Provided*, That if said road is not completed within ten years from the date of the acceptance of the grant hereinbefore made, the lands remaining unpatented shall revert to the United States.

SEC. 4. *And be it further enacted*, That as soon as said company shall file with the Secretary of the Interior maps of its line, designating the route thereof, it shall be the duty of the said Secretary to withdraw from the market the lands granted by this act, in such manner as may be best calculated to effect the purposes of this act and subserve the public interest.

SEC. 5. *And be it further enacted*, That the United States mail shall be transported on said road, and under the direction of the Post Office Department, at such price as Congress may by law provide: *Provided*, That until such price is fixed by law the Postmaster General shall have power to fix the compensation.

SEC. 6. *And be it further enacted*, That the right of way through the public lands be, and the same is hereby, granted to said Pacific Railroad Company, southern branch, its successors and assigns, for the construction of a railroad as proposed; and the right is hereby given to said corporation to take from the public lands adjacent to the line of said road material for the construction thereof. Said way is granted to said railroad to the extent of one hundred feet in width on each side of said road where it may pass through the public domain; also all necessary ground for station buildings, workshops, depots, machine-shops, switches, side-tracks, turn-tables, and water-stations.

SEC. 7. *And be it further enacted*, That the acceptance of the terms, conditions, and impositions of this act by the said Pacific Railroad Company, southern branch, shall be signified in writing, under the corporate seal of the said company, duly executed pursuant to the direction of its board of directors first had and obtained, which acceptance shall be made within one year after the passage of this act, and not afterward, and shall be deposited with the Secretary of the Interior.

SEC. 8. *And be it further enacted*, That said Pacific Railroad Company, southern branch, its successors and assigns, is hereby authorized and empowered to extend and construct its railroad from the southern boundary of Kansas, south through the Indian Territory along the valley of Grand and Arkansas rivers, to Fort Smith, in the State of Arkansas; and the right of way through said Indian Territory is hereby granted to said company, its successors and assigns, to the extent of one hundred feet on each side of said road or roads, and all necessary grounds for stations, buildings, workshops, machine-shops, switches, side-tracks, turn-tables, and water-stations.

SEC. 9. *And be it further enacted*, That the same grants of lands through said Indian Territory are hereby made as provided in the first section of this act, whenever the Indian title shall be extinguished by treaty or otherwise, not to exceed the ratio per mile granted in the first section of this act: *Provided*, That said lands become a part of the public lands of the United States.

SEC. 10. *And be it further enacted*, That said Pacific Railroad Company, southern branch, its successors and assigns, shall have the right to negotiate with and acquire from any Indian nation or tribe, authorized by the United States to dispose of lands for railroad purposes, and from any other nation or tribe of Indians through whose lands said railroad may pass, subject to the approval of the President of the United States, or from any company or parties incorporated or authorized for such purposes, by such nation or tribe, or which such parties may have acquired under the laws of the United States.

SEC. 11. *And be it further enacted*, That any railroad company chartered under any law of the United States, or of any State which may have been heretofore or shall hereafter be organized and subsidized by any act of the Congress of United States, may connect, unite, and consolidate with this railroad company after the same shall be located to the valley of the Neosho or Grand river, upon just, fair, and equitable terms, to be agreed upon between the parties as shall not be against the public interest, or the interest of the United States.

Mr. HENDRICKS. I move to amend the amendment of the committee in section eight, line five, by inserting after the word "Territory" the words "with the consent of the Indians, and not otherwise;" so as to make it conform to the bill that was passed the other day.

The amendment to the amendment was agreed to.

Mr. CONNESS. I thought as I listened to the reading of the bill that there was a restriction in it of the homestead settlements lying within this grant to eighty acres. I should like to inquire of those who have charge of the bill whether that is correct.

Mr. POMEROY. That applies to the homestead settlers on the even sections. That provision is inserted in all these bills. When homestead settlers go, after the passage of a railroad grant, upon the even sections which are held at \$2 50 per acre, they get only eighty acres.

Mr. CONNESS. Is it confined to the even sections?

Mr. POMEROY. Yes, sir.

Mr. HOWARD. I desire to inquire of the chairman of the Committee on Public Lands at what point this contemplated railroad is to commence, where it is to terminate, and what

is its probable length. I have not been able to ascertain very accurately what the facts are in regard to these matters. Where it goes I really do not know.

Mr. HENDRICKS. I will explain to the Senator that three years ago, March 3, 1863, there was a grant of land made to a railroad from Fort Leavenworth by Lawrence to the southern boundary line of Kansas, in the direction of Galveston bay. In connection with that grant there was a grant from Fort Riley, running in a southeastern direction to intersect that road near the southern boundary of Kansas. Now, this bill repeats that grant simply, and brings it into one law, and also extends it from the road running from Lawrence in a southern direction toward Galveston bay. This bill extends the Fort Riley road across that road to Fort Smith, in Arkansas, so as to make a continuous railway from the Mississippi river, by Little Rock, to Fort Riley, thence in a southwestern direction to Fort Smith, connecting with the Pacific road.

Mr. HOWARD. So that really this road will terminate on the Mississippi?

Mr. HENDRICKS. I will eventually have that connection, when all the roads are finished to which the grants of land have been already made.

Mr. HOWARD. I wish merely to say that I thought this bill might contemplate the construction of a railroad from Fort Riley down southwardly to Galveston bay, a distance of about six or seven hundred miles, I believe.

Mr. POMEROY. This runs to the southeast. It is no new grant.

Mr. HOWARD. I believe not.

Mr. POMEROY. Every acre has been granted in a previous bill, and this bill only consolidates the two grants.

Mr. HENDRICKS. I will state to the Senator from Michigan that I thought two weeks ago we ought to confine the grant to Galveston bay, or, rather, to the northern boundary of Texas, to the road to which we made the grant three years ago, but the Senate did not concur in that view, and this is a part of the policy agreed upon two weeks ago by the Senate.

Mr. GRIMES. There is one question I should like the Senator from Indiana to answer.

Mr. HENDRICKS. I am not going to answer many questions.

Mr. GRIMES. I should like to know whether the Senator has investigated the subject sufficiently so as to satisfy himself that if we pass this bill it will not mar the beauty and symmetry of that zebra-marked map which he exhibited to the Senate the other day, showing these additional railroad lines.

Mr. HENDRICKS. No, sir.

Mr. GRIMES. If so, I am satisfied with the bill.

Mr. HENDRICKS. I will state to the Senator that from a point about seventy miles south of the southern boundary of Kansas it will start a new system of marks, in a southeastern direction to Fort Smith; and with that addition it will leave the maps as they are already marked.

The PRESIDENT *pro tempore*. The question is on the amendment of the committee, as amended.

The amendment, as amended, was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. The bill was ordered to be engrossed for a third reading, was read the third time, and passed. The title of the bill was amended so as to read, "A bill granting lands to the State of Kansas to aid in the construction of a southern branch of the Union Pacific railway and telegraph, from Fort Riley, Kansas, to Fort Smith, Arkansas."

BILLS INTRODUCED.

Mr. WADE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 404) to regulate the selection of grand and petit jurors in the Territory of Utah, and for other purposes; which was read twice by its title, referred to the Committee on Territories, and ordered to be printed.

Mr. SPRAGUE asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 117) for the relief of Charles M. Blake; which was read twice by its title and referred to the Committee on Military Affairs and the Militia.

PILOT KNOB AND HELENA RAILROAD.

Mr. BROWN. I ask the Senate to take up a Senate bill that comes from the House of Representatives with some amendments, for the purpose of agreeing in the amendments of the House. They are simply conforming the bill more accurately to the land-law system as we have agreed upon it. It is a bill to grant lands to the Iron Mountain Railroad Company. I move to take it up.

The motion was agreed to; and the Senate proceeded to consider the amendments of the House of Representatives to the bill (H. R. No. 37) making a grant of lands in alternate sections to aid in the construction and extension of the Iron Mountain railroad from Pilot Knob, in the State of Missouri, to Helena, in Arkansas.

The amendments of the House of Representatives were as follows:

In section one, line five, strike out "a corporation of the State of Missouri;" in the same section, line seventeen, after "sections," where it occurs the second time, insert "to be selected as aforesaid;" in the same section, line twenty-three, after the word "established," insert "and not more than twenty miles from the line of said road."

In section two, line seventeen, after the word "sections," insert "designated as aforesaid."

In section three, line three, after the word "road," insert "and the even sections and parts of sections corresponding to the odd ones selected within twenty miles of the same."

In section four, line six, after "United States," insert "and at the cost in all respects of said railroad companies;" and in the same section and line strike out the words "road or."

The amendments were concurred in.

DIPLOMATIC CORRESPONDENCE.

Mr. ANTHONY. The Committee on Printing, to whom was referred a resolution to print additional copies for the use of the State Department of the message of the President relative to the departure of troops from Austria for Mexico, have instructed me to report it back without amendment, and recommend its passage. I ask for its present consideration.

By unanimous consent, the Senate proceeded to consider the resolution. It is as follows:

Resolved, That ten thousand copies of the message from the President, with accompanying documents, answering a resolution of the Senate of the 13th instant, in regard to the departure of troops from Austria for Mexico be printed for the use of the State Department.

Mr. TRUMBULL. I should like to know why ten thousand copies of such a report as that are needed.

Mr. ANTHONY. I will explain. A general law fixes the number of documents from the different Departments that shall be printed, and the purposes to which they shall be applied—so many for the use of the Senate, so many for the use of the House of Representatives, so many for the use of the Departments. The number of documents of the State Department printed for the use of the Department is fixed by law in the discretion of the President of the United States, and for several years the number has been fixed at ten thousand. That number has been ordered to be printed of the Diplomatic Correspondence of the current year. This is a small paper that was sent in in reply to a resolution calling for information with regard to the stoppage of the sending of troops from Austria to Mexico. The cost of printing it is \$500, and I presume the object of the State Department, at whose request this resolution has been introduced, is to add this to the last volume of the Diplomatic Correspondence, and have the same number printed as is printed of the other. I have here a letter from the Secretary of State asking for the publication.

Mr. TRUMBULL. I think it is time that law was changed. There certainly can be no necessity for publishing ten thousand copies for the use of the State Department of all this voluminous correspondence. I am opposed utterly to such an expenditure of the public money as that. Congress publishes for distribution among the people a less number, I think, than that. How many?

Mr. ANTHONY. I think the whole number printed by both Houses is seven thousand.

Mr. TRUMBULL. Both Houses of Congress for distribution to the whole American people publish but seven thousand copies, and here there is published for the use of the State Department alone, to be distributed in foreign nations, ten thousand copies. I am utterly surprised to learn that it has been the practice to print so many copies, and I trust we shall begin now and stop this publication. Although this is a small matter, costing but \$500, it is a proper place to begin. I move to amend the resolution by striking out "ten thousand" and inserting "one thousand;" and I wish to say further that unless some one else moves in it, I will introduce a resolution directing the Committee on Printing to inquire into the propriety of limiting the number of these documents that are published by the State Department. There should be some limitation.

Mr. BROWN. I desire to say for myself, as a member of the Committee on Printing which reports this resolution, that I dissented from the report and could see no propriety in publishing any such number as is specified, notwithstanding I am assured that it is customary. I desire that the amendment of the Senator from Illinois reducing the number to one thousand copies be concurred in by the Senate, and that we will make this a precedent which shall govern our action in similar cases hereafter.

Mr. ANTHONY. I differ from my friend from Illinois in thinking that this is the proper time to begin. If it is the sense of the Senate that the law should be repealed which places in the discretion of the President the number of copies to be printed for the use of the State Department, that will be for the Senate to decide; but I think, since we have ordered to be printed ten thousand copies of the four large volumes of Diplomatic Correspondence, it would be rather bad economy to destroy the completeness of the work by omitting a dozen or fifteen pages that will only cost us \$500.

Mr. TRUMBULL. Will the Senator from Rhode Island inform me what is done with the ten thousand copies?

Mr. ANTHONY. I do not know; a great many of them are distributed in this country, and some abroad. Of course I do not know what is done with them; they are at the disposal of the State Department.

Mr. SUMNER. When the Senator from Illinois said that it was the "practice" to publish ten thousand copies for the use of the State Department, perhaps he used too strong a word, unless he meant to limit the application of the word to what has occurred since the war. I believe the first case was on the motion of a gentleman in the other House, when the House of Representatives ordered ten thousand copies of Diplomatic Papers to be published for the use of the State Department. I do not know whether that was four or three years ago; but as I understood it at the time, the object was to enable the Secretary of State to send these Diplomatic Papers to Europe. I believe the habit has been to send a very large number, I do not know how many hundred, to each one of our diplomatic and consular representatives, through whom they have been distributed in the localities where they have been. It was supposed by the Department of State that the circulation of these papers would serve a patriotic purpose. On that I give no opinion.

Mr. TRUMBULL. Will the Senator from Massachusetts allow me to inquire whether he thinks there is now any occasion to continue that?

Mr. SUMNER. I am not aware that there is any occasion. Indeed, I should say in all

frankness that I was not sure that there was any occasion for it in the beginning; but it was done first by an order of the other House, not through the Senate, not by a concurrent resolution—

Mr. CONNESS. Nor under a law.

Mr. SUMNER. But by a vote of the other House. That is my recollection; but I may be mistaken. I think a vote of the other House placed ten thousand copies of the Diplomatic Papers at the disposition of the Secretary of State, and I understand that that number has been printed ever since, and they have been boxed in large boxes and sent to our different agents in Europe, sometimes perhaps four or five hundred copies to one.

Mr. GRIMES. And sold for old paper.

Mr. SUMNER. I do not know whether they have been sold for old paper or not; but they have been distributed in that way, and it was supposed that in doing it a patriotic purpose was subserved. But as the Senator from Illinois asked me the question whether this should be continued now, I will say that I regarded it at the time as a war measure [laughter] of very doubtful propriety; but now, "in these piping times of peace," I know not that a war measure of such a doubtful character as that is necessary.

Mr. ANTHONY. The way this number came to be fixed is this: when the law was passed some three or four years ago very much diminishing the number of the executive documents that were printed, some discussion arose in the Senate as to the number that should be printed for the State Department; a very great variety of opinion was expressed; and it was finally compromised on the motion of some Senator, I do not know who—it was not on the report of the committee—by providing that the number of documents from the State Department accompanying the President's message, to be printed for the use of that Department, should be fixed by the President of the United States. During the war, for the reasons stated by the chairman of the Committee on Foreign Relations, the number was fixed at ten thousand. My judgment is that it has effected a good purpose, that it has had an influence upon public opinion in Europe, and that these documents have had an influence upon emigration from Europe to this country. I do not suppose that now, after the war is over and this correspondence has lost much of its interest, the President would be likely to fix so large a number again; but I think that when we have already this year printed ten thousand copies of all the documents of this character except this little one, it would be much better policy for us to complete the work at an expense of \$500.

Mr. SUMNER. I should agree with the Senator from Rhode Island on that point. I think we ought to complete the series, and then it will be time to consider whether we shall adopt a different policy.

Mr. ANTHONY. Senators are aware that if we are to diminish the number we must repeal the law which gives a discretion to the Executive to fix the number. It is not the Senate that fixes the number of these documents that shall be printed for the Department; but the House of Representatives has always given the State Department as many of the documents as it wanted. I have always thought that since the Government had a printing office of its own, there was a singular impropriety in the heads of Departments being required to send to one House of Congress or the other for documents to be printed and to be paid for out of the contingent fund of the House. I think the printing of these documents should be paid for out of the contingent fund of the Departments, and the expense should be estimated for like any other item of contingent expenses. The Committee on Printing, and the Senate themselves, are not to be presumed to be the best judges of what documents the Departments want.

Mr. GRIMES. I wish to inquire whether that is not the case now; whether some docu-

ments are not ordered to be printed by the Departments and paid for out of their contingent funds.

Mr. ANTHONY. There is a good deal of printing done for the Departments, under what law I do not know.

Mr. GRIMES. I understand that some of the printing for the Secretary of State is done at the Treasury Department. I suppose, as a matter of course, as that is not done by order of Congress, it must be paid for out of the contingent fund of the State Department.

Mr. ANTHONY. I am not aware what that printing is.

Mr. GRIMES. I am not aware that it is done, but I understand it to be done. I understand that some of the lubrications of the Secretary of State are printed there, I suppose at the public expense, but I presume it is paid for out of the contingent fund of the State Department.

Mr. ANTHONY. I think this distribution of documents during the war has been beneficial. I think that the Diplomatic Correspondence now to be distributed, which will be made complete by this, will be of benefit to the country; and I think we ought to complete the work, now that it has begun. For the future I am ready to submit to what the Senate may judge proper.

Mr. TRUMBULL. I should like to inquire if this will not go out by itself and have to be boxed up and sent abroad. Some, if not all, of the volumes of Diplomatic Correspondence for this year have been printed and laid on our tables.

Mr. ANTHONY. Not all.

Mr. TRUMBULL. Will not this go out by itself?

Mr. ANTHONY. No, sir. I understand that the last volume has not been completed; at least I have not seen it; and I presume that the object of the Department is to bind this up with the last volume. I do not know that fact, however. I only have a letter from the Secretary of State saying that it is deemed desirable by the Department to print the same number of this document that was printed of the others; and when the Secretary of State or any other head of a Department asks for an expenditure of \$500 for such a matter as this, I am not in the habit of going behind his recommendation. I think he should be trusted at least for so much.

Mr. TRUMBULL. I hope we shall strike down the number to one thousand. I think it is time to begin, and this is a very good place to begin.

Mr. ANTHONY. I hope we shall not commence a reduction on this document. I hope we shall complete this one, and then if the Senate choose to vote that the next publication shall be one thousand copies, we will all agree to that if that is the proper number.

Mr. BUCKALEW. I am willing to vote to pay for these books; but I hope we shall stop the printing of this inordinate number of documents for the State Department by repealing the existing provision of law on that subject.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Illinois, to strike out "ten" and insert "one."

Mr. GRIMES called for the yeas and nays and they were ordered.

Mr. ANTHONY. I wish to remind the Senate again that this expenditure of \$500 is in order to complete the Diplomatic Correspondence which has already been ordered, and to print the same number as was printed of the preceding correspondence. The others have not yet been distributed.

Mr. GRIMES. All the others are distributed?

Mr. ANTHONY. No; we have not distributed them. The publication is not yet complete.

Mr. KIRKWOOD. I suppose, from what I learn, that this is to be printed in the edition of the other correspondence that has thus far been printed.

Mr. ANTHONY. I presume so.

Mr. KIRKWOOD. If that be the case, I think we had better print it.

Mr. TRUMBULL. This is a distinct thing by itself. It has no connection whatever with the others.

Mr. KIRKWOOD. It is to be bound in the same volume, I understand.

Mr. TRUMBULL. The other volumes are all printed. Whether this is to be bound in the same volume or not I do not know, and the chairman of the committee does not know. He says he thinks all the volumes are not made up: but whether they are or not the volumes will be complete without it, and there can be no necessity and no propriety, in my judgment, in publishing ten thousand copies of the Diplomatic Correspondence to be sent abroad by the Secretary of State. I think we had better begin when the question is first presented. I hope the Senate will now strike it down to one thousand.

The question being taken by yeas and nays, resulted—yeas 14, nays 17; as follows:

YEAS—Messrs. Brown, Chandler, Conness, Grimes, Howard, Howe, Nye, Pomeroy, Ramsey, Stewart, Trumbull, Wade, Williams, and Wilson—14.

NAYS—Messrs. Anthony, Buckalew, Doolittle, Foster, Hendricks, Kirkwood, Morgan, Nesmith, Norton, Poland, Riddle, Saulsbury, Sherman, Sprague, Sumner, Willey, and Yates—17.

ABSENT—Messrs. Clark, Cowan, Cragin, Creswell, Davis, Dixon, Edmunds, Fessenden, Guthrie, Harris, Henderson, Johnson, Lane of Indiana, Lane of Kansas, McDougall, Morrill, Van Winkle, and Wright—18.

So the amendment was rejected.

The resolution was adopted.

COMSTOCK LODGE TUNNEL.

Mr. STEWART. I move to take up Senate bill No. 352.

The motion was agreed to; and the bill (S. No. 352) granting to A. Sutro the right of way, and granting other privileges, to aid in the construction of a draining and exploring tunnel to the Comstock lode, in the State of Nevada, was considered as in Committee of the Whole.

The PRESIDENT *pro tempore*. The Committee on Mines and Mining report an amendment as a substitute for the original bill, and the substitute only will be read unless some Senator asks for the reading of the original bill.

The Secretary read the substitute, as follows:

That for the purpose of the construction of a deep draining and exploring tunnel to and beyond the Comstock lode, so called, in the State of Nevada, the right of way is hereby granted to A. Sutro, his heirs and assigns, to run, construct, and excavate a mining, draining, and exploring tunnel; also to sink mining, working, or air shafts along the line of course of said tunnel, and connecting with the same at any points which may hereafter be selected by the grantee herein, his heirs or assigns. The said tunnel shall be at least eight feet high and eight feet wide, and shall commence at some point to be selected by the grantee herein, his heirs or assigns, at the hills near Carson river, and within the boundaries of Lyon county, and extending from said initial point in a westerly direction seven miles, more or less, to and beyond said Comstock lode; and the said right of way shall extend northerly and southerly on the course of said lode, either within the same, or east or west of the same; and also on or along any other lode which may be discovered or developed by the said tunnel.

Sec. 2. And be it further enacted, That the right is hereby granted to the said A. Sutro, his heirs and assigns, to purchase, at \$1 25 per acre, a sufficient amount of public land near the mouth of said tunnel for the use of the same, not exceeding two sections, and such land shall not be mineral land or in the *bona fide* possession of other persons who claim under any law of Congress at the time of the passage of this act, and all minerals existing or which shall be discovered thereon are excepted from this grant; that upon filing a plat of said land the Secretary of the Interior shall withdraw the same from sale, and upon payment for the same a patent shall issue. And the said A. Sutro, his heirs and assigns, are hereby granted the right to purchase, at five dollars per acre, such mineral veins and lodes within two thousand feet on each side of said tunnel as shall be cut, discovered, or developed by running and constructing the same, through its entire extent, with all the dips, spurs, and angles of such lodes, subject, however, to the provisions of this act and to such legislation as Congress may hereafter provide: *Provided*, That the Comstock lode, with its dips, spurs, and angles, is excepted from this grant, and all other lodes, with their dips, spurs, and angles, located within the said two thousand feet, and which are or may be at the passage of this act, in the actual *bona fide* possession of other persons, are hereby excepted from such grant. And the lodes herein excepted, other than the Comstock lode, shall be withheld from sale by the United States; and if such lodes shall be abandoned or not worked, possessed and held in conformity to existing mining

rules, or such regulations as have been or may be prescribed by the Legislature of Nevada, they shall become subject to such right of purchase by the grantee herein, his heirs or assigns.

Sec. 3. And be it further enacted, That all persons, companies, or corporations, owning claims or mines on said Comstock lode, or any other lode, drained, benefited, or developed by said tunnel, shall hold their claims subject to the condition (which shall be expressed in any grant they may hereafter obtain from the United States) that they shall contribute and pay to the owners of said tunnel the same rate of charges for drainage, or other benefits derived from said tunnel or its branches, as have been or may hereafter be named in agreements between such owners and the companies representing a majority of the estimated value of said Comstock lode at the time of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended; the amendment was concurred in. The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INDIAN APPROPRIATION BILL.

The PRESIDENT *pro tempore*. The morning hour having expired, it becomes the duty of the Chair to call up the unfinished business of yesterday, which is House bill No. 387.

Mr. CONNESS. If that bill is to be gone on with I have nothing to say, but I desire to occupy the floor for a moment to consider a small bill, local to my State. What bill is House bill No. 387?

Mr. SHERMAN. The Indian appropriation bill.

Mr. CONNESS. Will the Senator agree that that bill shall lie over informally for a moment?

Mr. SHERMAN. I would rather go on with it.

Mr. CONNESS. I apprehend that the bill I desire to call up will not occupy more than two or three minutes.

Mr. SHERMAN. There are several bills in that predicament, and I hope the Senator will let this go on. If I yield to him, it will only give rise to applications from others.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 387) making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes for the year ending 30th June, 1867.

The bill was read at length.

The first amendment of the Committee on Finance was in lines eleven and twelve to increase the appropriation "for the pay of superintendents of Indian affairs and Indian agents" from \$87,450 to \$110,050.

The amendment was agreed to.

The next amendment was to insert after line eleven hundred and fifty-six the following:

Minneconjon band of Dakota or Sioux:

For first of twenty installments, to be paid in such articles as the Secretary of the Interior may direct, as per fourth article of treaty of October 10, 1865, for the fiscal year ending June 30, 1867, \$10,000.

The amendment was agreed to.

The next amendment was to insert after the amendment just adopted the following:

Lower Brule band of Dakota or Sioux:

For first of twenty installments, to be paid in such articles as the Secretary of the Interior may direct, as per fourth article of treaty of October 14, 1865, for the fiscal year ending June 30, 1867, \$6,000.

The amendment was agreed to.

The next amendment was to insert after the previous amendment the following:

Blackfeet band of Dakota or Sioux:

For first of twenty installments, to be paid in such articles as the Secretary of the Interior may direct, as per fourth article of treaty of October 19, 1865, for the fiscal year ending June 30, 1867, \$7,000.

The amendment was agreed to.

The next amendment was to insert after the amendment just adopted the following:

Two Kettleband of Dakota or Sioux:

For first of twenty installments, to be paid in such articles as the Secretary of the Interior may direct, as per fourth article of treaty of October 19, 1865, for the fiscal year ending June 30, 1867, \$6,000.

For this sum, to be paid the widow and children of Ish-tah-chan-ne-ah, under the direction of the Secretary of the Interior, as per sixth article of treaty of October 19, 1865, \$500.

For this sum, being for indemnity, to be paid under

the direction of the Secretary of the Interior, as per sixth article of the treaty of October 19, 1865, \$500.

The amendment was agreed to.

The next amendment was to insert after the amendment just adopted the following:

Onk-pah-pah band of Dakota or Sioux:

For first of twenty installments, being thirty dollars for each lodge or family, (three hundred lodges,) to be paid in such articles as the Secretary of the Interior may direct, as per fourth article of treaty of October 20, 1865, for the fiscal year ending June 30, 1868, \$9,000.

The amendment was agreed to.

The next amendment was to insert after the previous amendment the following:

Sans Arcs band of Dakota or Sioux:

For first of twenty installments, being thirty dollars to each lodge or family, (two hundred and eighty lodges,) to be paid in such articles as the Secretary of the Interior may direct, as per fourth article of treaty of October 20, 1865, for the fiscal year ending June 30, 1867, \$8,400.

The amendment was agreed to.

The next amendment was to insert after the amendment just adopted the following:

Yanktonai band of Dakota or Sioux:

For first of twenty installments, being thirty dollars for each lodge or family, (three hundred and fifty lodges,) to be paid in such articles as the Secretary of the Interior may direct, as per fourth article of treaty of October 20, 1865, for the fiscal year ending June 30, 1867, \$10,500.

The amendment was agreed to.

The next amendment was to insert after the amendment just adopted the following:

Upper Yanktonnais band of Dakota or Sioux:

For first of twenty installments, to be paid in such articles as the Secretary of the Interior may direct, as per fourth article of treaty of October 28, 1865, for the fiscal year ending June 30, 1867, \$10,000.

The amendment was agreed to.

The next amendment was to insert after the words previously inserted the following:

O'gallala band of Dakota or Sioux Indians:

For first of twenty installments, to be paid in such articles as the Secretary of the Interior may direct, as per fourth article of treaty of October 28, 1865, for the fiscal year ending June 30, 1867, \$10,000.

The amendment was agreed to.

The next amendment was to insert after the amendment just adopted the following:

Dakota or Sioux:

For expense of transporting and delivering articles furnished for Indians on the upper Missouri river, parties to treaties made at Fort Sully in October, 1865, \$20,000.

The amendment was agreed to.

The next amendment was to insert after the amendment just adopted the following:

Bois Fort band of Chippewa:

To enable the President of the United States to set apart a reservation for the Bois Fort band of Chippewa Indians, as provided in article third, treaty of April 7, 1866, \$1,000.

For the erection of one blacksmith shop, as per third article treaty of April 7, 1866, \$500.

For the erection of a school-house, as per third article treaty of April 7, 1866, \$500.

For the erection of eight houses for chiefs, as per third article treaty of April 7, 1866, \$3,200.

For the erection of an agency building and storehouse, as per third article treaty of April 7, 1866, \$2,000.

For first of twenty installments, for the support of one blacksmith and assistant, and for tools, iron and steel, and other articles necessary for the blacksmith shop, as per third article treaty of April 7, 1866, for the fiscal year ending June 30, 1867, \$1,500.

For first of twenty installments, for the support of one school teacher, and for necessary books and stationery, as per third article treaty of April 7, 1866, for the fiscal year ending June 30, 1867, \$800.

For first of twenty installments, for the instruction of the Indians in farming, and purchase of seeds, tools, &c., as per third article treaty of April 7, 1866, for the fiscal year ending June 30, 1867, \$800.

For first of twenty installments of annuity in money, to be paid *per capita*, as per third article treaty of April 7, 1866, for the fiscal year ending June 30, 1867, \$3,500.

For first of twenty installments of annuity in provisions, ammunition, and tobacco, as per third article treaty of April 7, 1866, for the fiscal year ending June 30, 1867, \$1,000.

For first of twenty installments of annuity in goods and other articles, as per third article treaty of April 7, 1866, for the fiscal year ending June 30, 1867, \$6,500.

To enable the chiefs, headmen, and warriors to establish their people upon the new reservation, and to purchase useful articles and presents, as per fourth article treaty of April 7, 1866, and Senate amendment thereto, \$50,000.

To pay necessary transportation and subsistence of the delegates who visited Washington for the purpose of negotiating treaty, as per eighth article treaty of April 7, 1866, \$10,000.

For transportation and necessary cost of delivery

of annuity goods and provisions to the Bois Fort band of Chippewa Indians, as per sixth article treaty of April 7, 1866, for the fiscal year ending June 30, 1867, \$1,500.

The amendment was agreed to.

The next amendment was to insert after the amendment just adopted the following:

Tabaquache band of Utah Indians:

For building a blacksmith shop for the Tabaquache band of Utah Indians, as per tenth article treaty of October 7, 1863, \$500.

For the purchase of iron and steel and necessary tools for said shop, as per tenth article treaty of October 7, 1863, for the fiscal year ending June 30, 1865, \$220.

For the purchase of iron, steel, and necessary tools for said shop, as per tenth article treaty of October 7, 1863, for the fiscal year ending June 30, 1867, \$220.

For pay of blacksmith and assistant for the Tabaquache band of Utah Indians, as per tenth article of treaty of October 7, 1863, for the fiscal year ending June 30, 1865, \$1,100.

For pay of blacksmith and assistant for the Tabaquache band of Utah Indians, as per tenth article of treaty of October 7, 1863, for the fiscal year ending June 30, 1866, \$1,100.

For pay of blacksmith and assistant for the Tabaquache band of Utah Indians, as per tenth article treaty of October 7, 1863, for the fiscal year ending June 30, 1867, \$1,100.

The amendment was agreed to.

The next amendment was to insert after the amendment just adopted the following:

Arapaho and Cheyenne Indians of the upper Arkansas river:

For reimbursing members of the bands of Arapaho and Cheyenne Indians who suffered at Sand Creek, November 23, 1864, to be paid in United States securities, animals, goods, provisions, or such other useful articles as the Secretary of the Interior may direct, as per sixth article treaty of October 14, 1865, \$39,050.

For first of forty installments, to be expended in such manner and for such purposes as the Secretary of the Interior may direct, being an amount equal to twenty dollars *per capita* for two thousand eight hundred persons, the number agreed upon for the present year, as per seventh article treaty of October 14, 1865, for the fiscal year ending June 30, 1867, \$56,000.

For transportation of goods, provisions, &c., purchased for the Arapaho and Cheyenne Indians of the upper Arkansas river, for the fiscal year ending June 30, 1867, \$20,000.

The amendment was agreed to.

The next amendment was to insert after the amendment just adopted the following:

Omaha tribe of Indians:

For this sum, to be expended by their agent, under the direction of the Commissioner of Indian Affairs, for goods, provisions, cattle, horses, construction of buildings, farming implements, breaking of lands, and other improvements on their reservation, as per second article of treaty of March 6, 1865, \$50,000.

For this sum, to be paid as damages, in consequence of the occupation of a portion of the Omaha reservation, and use and destruction of timber by the Winnebago tribe of Indians, as per third article of treaty of March 6, 1865, \$7,000.

For keeping in repair a grist and saw mill, as per eighth article of treaty of March 16, 1854, and third article of treaty of March 6, 1865, for the fiscal year ending June 30, 1867, \$300.

For pay of one engineer and assistant, as per eighth article of treaty of March 16, 1854, and third article of treaty of March 6, 1865, for the fiscal year ending June 30, 1867, \$1,800.

For pay of one miller and assistant, as per eighth article of treaty of March 16, 1854, and third article of treaty of March 6, 1865, for the fiscal year ending June 30, 1867, \$1,200.

For pay of farmer, as per eighth article of treaty of March 16, 1854, and third article of treaty of March 6, 1865, for the fiscal year ending June 30, 1867, \$900.

For pay of blacksmith and assistants, as per eighth article of treaty of March 16, 1854, and third article of treaty of March 6, 1865, for the fiscal year ending June 30, 1867, \$1,200.

For support of blacksmith shop and supplying tools for the same, as per eighth article of treaty of March 16, 1854, and third article of treaty of March 6, 1865, for the fiscal year ending June 30, 1867, \$300.

The amendment was agreed to.

The next amendment was to insert after the amendment just read the following:

Yakama nation:

For second installment for keeping in repair blacksmith's, tinsmith's, gunsmith's, carpenter's, and wagon and plowmaker's shops, and for providing necessary tools therefor, per fifth article of treaty June 9, 1855, \$500.

For third installment for keeping in repair blacksmith's, tinsmith's, gunsmith's, carpenter's, and wagon and plowmaker's shops, and for providing necessary tools therefor, per fifth article treaty June 9, 1855, \$500.

For fourth installment for keeping in repair blacksmith's, tinsmith's, gunsmith's, carpenter's, and wagon and plowmaker's shops, and for providing necessary tools therefor, per fifth article treaty June 9, 1855, \$500.

For fifth installment for keeping in repair black-

smith's, tinsmith's, gunsmith's, carpenter's, and wagon and plowmaker's shops, and for providing necessary tools therefor, per fifth article treaty June 9, 1855, \$500.

For sixth installment for keeping in repair blacksmith's, tinsmith's, gunsmith's, carpenter's, and wagon and plowmaker's shops, and for providing necessary tools therefor, per fifth article of treaty June 9, 1855, \$500.

For seventh installment for keeping in repair blacksmith's, tinsmith's, gunsmith's, carpenter's, and wagon and plowmaker's shops, and for providing necessary tools therefor, per fifth article treaty June 9, 1855, \$500.

The amendment was agreed to.

The next amendment of the Committee on Finance was to insert as a new section the following:

SEC. 2. *And be it further enacted*, That no funds belonging to any Indian tribe with which treaty relations exist shall be applied in any manner not authorized by such treaty, or by express provisions of law, nor shall money appropriated to execute a treaty be transferred or applied to any other purpose.

The amendment was agreed to.

Mr. DOOLITTLE. In relation to the other amendments which are proposed by the Committee on Finance, that is to say, sections three, four, five, and six, which concern the transfer of the Indian Bureau to the War Department, I will ask the honorable Senator from Ohio to let that matter go over until the bill comes to be considered hereafter, as I desire to move an executive session to-day to consider an Indian treaty.

Mr. SHERMAN. I think we had better proceed to consider this proposition.

Mr. DOOLITTLE. We shall not be able to proceed with the consideration of this question to-day. It will occupy some considerable time in its discussion.

Mr. SHERMAN. I think we had better proceed with the discussion now, because I know it will occupy some time; but I will not press a vote upon it to-day if the Senator does not desire it.

Mr. DOOLITTLE. I think it had better go over until the estimates come in for the treaties which have been confirmed, and which did not go to the Committee on Finance.

Mr. SHERMAN. I would rather go on regularly with the amendment. This is the only topic that will be likely to create any division of opinion, and I prefer to proceed with it to-day as far as we can. As a matter of course, if the Senator, after the discussion, does not want a final vote to-day I will not press it.

Mr. DOOLITTLE. This is Saturday afternoon, and I desire an executive session, and I think we had better go into executive session. If we should adjourn a little earlier to-day than usual it would be no loss of time.

Mr. SHERMAN. I call for the reading of the section. I desire to say a few words in regard to the pending proposition.

The Secretary read the next amendment, which was to insert as a new section the following:

SEC. 3. *And be it further enacted*, That from and after the 31st day of December, 1865, the Secretary of War shall exercise the supervisory and appellate powers and possess the jurisdiction now exercised and possessed by the Secretary of the Interior in relation to all the acts of the Commissioner of Indian Affairs, and shall sign all requisitions for the advance or payment of money out of the Treasury on estimates or accounts, subject to the same adjustment or control now exercised on similar estimates or accounts by the Auditors and Comptrollers of the Treasury, or either of them.

Mr. SHERMAN. Mr. President, I should like to have the attention of the Senate while I make a brief statement in regard to the very important proposition ingrafted on this bill by the Committee on Finance. It is contained in the third, fourth, fifth, and sixth sections. The effect of this proposition is to transfer the Indian Bureau to the Department of War, the place where it was before the organization of the Interior Department. The language of the third section is precisely the same as that which was used in organizing the Interior Department in 1848. This amendment—for the whole four sections are really but one amendment—was prepared in the House of Representatives by the Committee on Appropriations, but was excluded as an amendment in that

House on account of the rules of the House. It has been examined and considered by the Committee on Finance, and is now proposed as an amendment to this bill here.

I will state that in offering this amendment there was no intention to reflect upon any officer of the Government, either the Secretary of the Interior or the Commissioner of Indian Affairs; and indeed one reason for offering the amendment now was that the time was favorable. The transfer will not take effect until the 1st of January, and we know that the present incumbent of the Interior Department will shortly after that time become a member of the Senate. He is going out of his present office, and we do not know who will come in his place; if, then, this transfer is made, it cannot be considered to reflect upon him or any officer of the Government. I am sure that I would not vote for this proposition or any other if it called in question either the integrity, the character, or the capacity of the present head of the Interior Department. There is no man in public life for whom I have a higher respect and regard than I have for him. But he will be, shortly after this change takes effect, a member of this body. We do not know who the incoming officer may be, and therefore we cannot reflect upon him.

The general reasons for the transfer of the Indian Bureau to the War Department I will state. We are of the opinion that it is better to substitute military officers, who hold their commissions for life, in place of the Indian superintendents and Indian agents. We believe that by this substitution we shall get the security of a commission for life, and get the services of an officer of the Army for this duty without any increased pay. At present we have no security from a superintendent of Indian affairs or from any Indian agent that amounts to anything, while if an officer of the Army was there performing the same duties, there would be a chain of accountability from the soldier up to the general that would always give a sense of security. There is a burden of responsibility as against an officer of the Army that does not exist against any other person. This security would be worth more than all the bonds that can be executed by any civil officer.

Another thing is to be considered; an Indian always has more respect for a uniform and a musket than he has for any civil authority; one soldier, or one officer, can do more in an Indian territory than any number of agents or superintendents. The present system is conducted by civilians entirely, who are under salaries, but with no responsibility whatever, and who cannot be punished for any offense committed within the Indian territory. The courts do not extend over the remote Indian territory. It is impossible to have any chain of responsibility. The consequence is, that complaints without number, and charges of the most grave and serious character, are constantly made against Indian agents and superintendents, without any means or facilities to examine into the truth of those charges, without any mode of ascertaining the accuracy of them, without any means of taking testimony, and without any tribunal before whom they can be tried. The United States courts are ineffective, because they do not extend so far as to be practically useful. The truth is, therefore, that we place the Indians and the disbursement of all the millions of money appropriated for their support in the hands of Indian agents and superintendents, who are under no substantial accountability to any one. It is true, they may be removed from office; but their offenses are committed at a remote region, beyond the eye of the officers of the law, who are here in Washington; there is no chain of responsibility, and I have no doubt that this has caused many of the complaints that have been made from time to time against Indian superintendents and agents, and many of the gross abuses that have grown up out of this system.

On the question of economy, it may be said that we shall have for some time a pretty large Army; that the only use for this Army in time

of peace will be to take care of the Indians, and probably to place small detachments throughout the southern States. They may as well be employed in this service. They are generally men of experience and capacity. Two thirds of the officers of the Army now are persons taken from civil life, who are under the restraints of a military commission. They are generally men of character and experience, who have familiarity with Indian affairs, and therefore can better discharge the duty of Indian superintendents and agents. They are held by a chain of responsibility; and beside that they are subject to the Rules and Articles of War; so that if any of them acting as an Indian agent, or as an officer transacting the duties of an Indian agent, should either violate his duty to the Indians or to the Government, he may be tried under the Rules and Articles of War.

Without entering at greater length into the reasons why we propose this important amendment, I can say that after the consideration we gave it, the Committee on Finance were unanimously of the opinion that this transfer ought to be made, and that without casting any reflection on any officer of the Government, but simply as a question of official duty, responsibility, and economy. Every argument that could be urged, after full consideration, was in favor of this transfer. If this bureau is transferred to the War Department the same machinery that is now in existence will be continued, subject, however, to such changes and removals as may be made by the President. Then from time to time military officers will be substituted for the present superintendents and agents. Where it is impracticable to do that the agents and superintendents will be kept in office; but as far and as soon as practicable the Secretary of War will be required to supersede the agents and superintendents by military officers of proper rank, and they will be required to transact the duties of these offices without any increase of pay.

It must be remembered, too, that the Army will necessarily be stationed, in a great measure, in the Indian country, and that the present complex system by which the Indian agents and superintendents are to do certain duties, and the Army officers certain other duties, makes often a conflict of jurisdiction. Out of that conflict of jurisdiction has arisen several Indian wars. If there is but one source of authority in the Indian Territory, and that is the War Department, there will then be proper responsibility. We can then hold the military officers responsible; but, as it is now, the Indian agents often blame the military authorities—they have done so to me—and the military authorities blame the agents and the traders, and the result is that there is a conflict of jurisdiction, which itself creates war, expense, and confusion.

There is another difficulty. One of the points brought before the committee is in regard to the frauds that have been inflicted on the Government by the traders and contractors in the Indian country. They are charged with stealing, with all sorts of fraud, both upon the Government and upon the Indians. The amendments now proposed provide for a new system. It is provided that contracts for all Indian supplies shall be made in the mode and manner now provided by law for supplies for the Army. Bids must be invited, opened, and supervised by the proper officers of the Government. There will be in this a degree of responsibility that does not now attach to Indian contracts. Besides, the Indian traders, who are a fruitful cause of controversy, are superseded by the sixth section, and the Secretary of War is authorized to name times and places where any one may trade with the Indians, under proper regulations. This, no doubt, will be in the presence of the military authorities and in the presence of an armed force, when there will be power which will be respected both by traders and Indians.

These are, briefly, the reasons which have been urged upon us, and to which we have

yielded so far as to propose the transfer of the Indian Bureau to the War Department. I do not wish to consume any further time in arguing a question of this kind upon which every Senator has heard a great deal in the course of the last three or four years.

Mr. DOOLITTLE. I do not desire to go into the argument of this question at length to-day; I will say but a few things. The Senator from Ohio and the Committee on Finance cannot certainly have had an opportunity to consider this question as those gentlemen have whose special business and duty it has been to look into our Indian affairs. I admit in the outset that there are some considerations which would incline the judgment to place the superintendency of Indian affairs under the control of the War Department. At the same time there are other, and in my judgment stronger, considerations why it should be kept distinct from the War Department.

I know, sir, that it is sometimes urged that there is a jealousy between the employes of the Indian Bureau and the officers of the Army. I admit it. I admit that there is sometimes a conflict of opinion and apparently a conflict of jurisdiction, that they are exceedingly jealous of each other. But, sir, so far from that jealousy working to the disadvantage of the Government it works rather to its advantage. The fact that there are two sets of officers in the Indian country jealous of and watching each other, is both for the good of the Indians and for the good of the Government.

As to the manner in which these Indian wars arise, of course I cannot now go at length into a detail of their history to show how they have arisen. It is enough to say that they sometimes arise from a sudden conflict between the whites and the Indians. An Indian may commit some depredation upon the whites in the stealing of their cattle, which provokes at once retaliation, and a war begins; or, on other occasions, it arises from depredations committed by whites upon the Indians. And, sir, I venture to say, upon the best information which I have been enabled to obtain, that the Indian wars have, in nine cases in ten, arisen from the depredations or the wrongs committed by the whites upon the Indians, and not by the Indians upon the whites.

My friend on my right [Mr. Brown] observes it is not by the Army. Now, let me call some facts to my friend's recollection. I do not charge upon the Army greater mistakes than I would charge upon any other men in the same circumstances; but I do charge that the greatest Indian wars that have occurred within the last twenty years may be traced directly to the Army and to the blunders of officers in command. I refer to the great Sioux war which began in 1852, and continued until General Harney was called to the field and punished the nation very severely. How did that war commence? It commenced in this way: the plains had been perfectly peaceful until then; some Mormons were driving their cattle toward Salt Lake, and near Fort Laramie, the Indians being gathered together waiting in the neighborhood of the military post, one of the tribe killed one of the animals belonging to those Mormon emigrants; the lieutenant in command of the fort at once sent out a man in command of twenty men, and in the presence of the Indian camp demanded that this Indian must be surrendered or he would fire upon them. The Indians said, "We are willing to pay for this animal; we will pay you in buffalo robes or buffalo skins." But no, he demanded the instant surrender of the man who had committed the offense. The Indians refused to deliver him up, and he ordered his men to fire. They fired upon the Sioux warriors and Sioux Indians there assembled, and in twenty minutes he and his whole party were killed and scalped. That began the Sioux war of 1852.

Mr. GRIMES. I desire to inquire of the Senator from whence he derives his information.

Mr. DOOLITTLE. I derive my information from the testimony taken.

Mr. GRIMES. The Senator has already said that this officer and his whole party were killed on the spot; and I should like to know, therefore, what source the Senator derives his information from. There must have been nobody left except the conquering Indians.

Mr. DOOLITTLE. One of the interpreters of the tribe testified before our committee as to the facts. Why, Mr. President, there is no doubt about the facts. It was that lieutenant going out and demanding the surrender of that Indian, and their refusing to surrender him, that began that war. He fired on the Indians, and was killed within thirty minutes with his whole party, and that commenced that Sioux war which lasted three or four years, and cost the Government from fifteen to twenty million dollars.

How did the great Navajoe war begin? As long as Major Kendrick, who was a man of great good sense, was in charge of the fort in the Navajoe country, there was no war between the Navajoes and the United States after we acquired the country; but the war began just in this way: an Indian happened to be within the fort, and there was a negro boy that belonged to one of our officers that, I suppose, insulted the Indian in some way, made him angry; he let slip an arrow and killed the boy on the spot; the Indian fled to his tribe; the officer sent a demand for the surrender of the Indian; the Indians did not deliver him up, refused to deliver him up, and at once war was commenced by our troops against the Navajoe tribe of Indians, and we made three campaigns against them and were beaten every time. In consequence of the war begun in that way, the Government had to spend nearly twenty million dollars.

So in reference to the Arapahoe and Cheyenne war which has desolated the plains so long. How did that arise? Because some cattle had been stolen, as it was supposed, a lieutenant, taking no interpreter with him, was sent out with orders to follow the Indians and to disarm them—not to demand the cattle, or reparation, but to follow the Indians and disarm them. He went out with a little squad of men and undertook to disarm these great big Indians of the plains of their bows and arrows, with no interpreter to explain anything. What was the result? A fight, of course. Then began your Arapahoe and Cheyenne war.

Sir, it is the blundering of these officers of the Army in command of little squads of men that in an hour can make an Indian war. It is from that more than anything else that these wars have arisen. And yet I stand not here to condemn the Army. The men who control it are as honorable men as we can find. But I say to Senators my judgment is, from all my attention to this subject, that it is not in the law, it is not in the system, it is in the administration of Indian affairs, whether it is committed to civilians or to military officers, that the essential difficulty lies. The system which we have adopted is good enough; the laws we pass are beneficent enough; but the difficulty is in the administration. If you put a young lieutenant who knows but little about human nature, and not much about Indians, in the command of a fort in an Indian country, he may involve you in a war that will cost you \$20,000,000 before you come to the end of it; or if you have a dishonest agent, he may cheat the Indians, it is true; he may, perhaps, embroil a difficulty between the Indians and the whites. I admit there is a difficulty in the case. It is to know how to manage this business economically. But when the Senator from Ohio says that he expects if you remit it entirely to the War Department, that we shall be free from Indian wars and Indian difficulties, in my judgment he makes a great mistake.

Now, Mr. President, I will state another fact that has come under my observation personally. Hon. Mr. FOSTER, was with me upon the plains last summer. When we arrived at Fort Larned, we found a military officer in the command of about fifteen hundred troops, that was anxious, earnest, and had received his orders

permitting him to march those fifteen hundred men across the Arkansas into the Comanche country. We ascertained the facts, prevailed upon him to revoke that order until we could telegraph to the President and get directions from headquarters here in Washington that not a man should be marched south of the Arkansas until we could see if peace could not be made with the Indians upon the plains. Had those fifteen hundred men crossed the Arkansas to chase the Comanches they could have chased them perhaps two hundred, three hundred, or five hundred miles; their animals would have given out, and they would have been compelled to retire without effecting any more than some of our other Indian expeditions have effected when they have been chasing the Indians of the plains; but it would have been the beginning of a war with the Comanches, the most powerful tribe of Indians south of the Arkansas, involving us in another \$20,000,000 before we had seen the end of it. But, fortunately, peace has been made with those tribes upon the plains, and now they are at peace with the Government under the treaties which have been made. Kit Carson, General Harney, and those men who were best known among the Indians, were employed in behalf of the Government to negotiate peace with the Indians, and they have succeeded in doing it.

Mr. President, I grant that it is impossible to devise any system which will be, so far as the administration of Indian affairs is concerned, free from all objection, whether it is to be done in the War Department or whether it is to be done under the Interior Department; but I do not believe that the fact that there are two sets of officers somewhat jealous of each other, watching each other, perhaps complaining of each other, injures the public service. I believe to a certain extent they are checks on each other. The officers of the War Department and the officers of the Army are watching the traders and watching the agents in the Indian country. They can make their reports upon them and state the facts, and those facts then come to our knowledge. The Indian agents under another bureau or another Department being in that country can also see how the War Department is administered in its dealings with the Indians. They are checks and guards upon each other. Withdraw all checks and guards whatever, and leave this whole thing to be determined by the officers of the Army, leave them to deal with the Indians as it is the profession of the soldier to deal with them, and my word for it, they will deal with them with the sword. It is their profession to do so; and there is no man in any profession of life who is not disposed from the very nature of the human heart to magnify his own profession.

Mr. President, in relation to the contractors who contract to furnish Indian supplies in the Indian country I believe that the law and the practice under the Department have all the provisions and guards which are thrown around Army contracts, and if I am correctly informed the Interior Department has contracted for its transportation at two or three cents a pound less than the War Department; and as an instance of the economical administration of Indian affairs by the War Department or by the Interior Department I would cite to my honorable friend what perhaps would escape his attention, the fact that the Navajoe Indians are taken care of by the War Department. The War Department took those Indians and placed them upon a reservation and they are supporting them at an expense of more than a million dollars, from a million to a million and a half—

Mr. GRIMES. How much did the refugee Cherokees cost the Indian department?

Mr. DOOLITTLE. I can give the Senator the figures upon that matter.

Mr. GRIMES. Is it more or less than the cost of the Navajoes?

Mr. DOOLITTLE. I think the expense of all the refugees has been at least a million dol-

lars a year, but there are about twenty thousand of them. But there are only about seven or eight thousand of the Navajoes.

Mr. GRIMES. But the one is in the midst of civilization, and the other is far removed in New Mexico whither you have got to transport all your supplies.

Mr. DOOLITTLE. I do not complain of the War Department in making the expenditure, although it may be that the prices at which the provisions were purchased to feed those Indians were higher than they ought to be. I suppose the contracts were let to the lowest bidder just as the contracts in all the Departments are let; but when we speak of the expense of dealing with the Indians, and suppose we are going to make it a matter of economy to deal with them through the War Department instead of the Interior Department, I must say that I do not believe that the hope of my friend from Ohio, in that respect, will be realized. At all events, so far as this question is concerned, I desire that it may go over until we come to the consideration of the other amendments upon the bill which will be prepared by the Committee on Indian Affairs at farthest by Thursday next; and I desire to move an executive session today for the purpose of disposing of an Indian treaty.

Mr. STEWART. I am very much pleased with the decision of the Finance Committee. It is the first light I have seen upon the Indian question during a residence among the Indians of sixteen years. It is the first change which I have seen proposed that has promised anything for the better. It is well known in the history of our country that up to 1848 the Indians were taken charge of by the War Department, and we had such men as General Harrison and General Jackson, and men of that character, to look after the Indians, and there was much less trouble and much less expense in the system than now, although there were a great many more Indians to be taken care of; and the management of Indian affairs was much more satisfactory to the country. The present new system seems always to have been a job, and a badly performed job.

I do not mean by what I say to reflect upon any particular individual. I disclaim any such purpose. I have the highest respect for the Secretary of the Interior. I do not desire this change on his account or on account of any particular individual. But I think it must be obvious to every one that the soldiers of the Army, with men of character at their head, generals who have the confidence of the country, particularly after our Army has been tested as it has been in the late struggle, have more at stake than obscure Indian agents who are collected together for political purposes, whom nobody knows, who are responsible to no one. The Army is much better organized, much better provided with all needful facilities for carrying on this business. Besides, you are compelled to incur about the same expense for the Army now that you would be under the proposed system. You must keep armed forces in all these Territories and throughout the entire region of the Indian country. You must keep an army there to whip the Indians as soon as the traders shall have cheated them. That is the situation.

The proposed change will not increase the expenses of the War Department. It is the opinion of many eminent military men that they can carry on the whole business, manage all the Indian wars, and not increase the expenses of the War Department; so that we shall thus avoid the entire expense which the Indian department now subject us to. Several generals with whom I have conversed say that if they had the whole charge of the matter, and the parties dealing with the Indians were responsible to them, such would be the result. Certainly, in so important a matter as this, that has created so much trouble and so much vexation, I am extremely anxious that the system shall be under the control of men in whom the country has confidence. The country has confidence in our military men;

the Indians have confidence in them; but the country has no confidence in obscure Indian agents and Indian agents who are getting rich out of the Indian business.

The proposed change cannot make things worse. We have tried the system of army supervision and found it to work better than the present one. While that system prevailed we never had as much trouble with Indian affairs nor so much complaint of corruption and fraud as we have now. It is the testimony of every one who lived in those times and who is old enough to be familiar with them, with whom I have conversed, that while the business was in the hands of the War Department, although there were abuses then, there were fewer abuses than now; and then we had been a long time on a peace establishment, whereas now we have been recently in a war in which our officers and soldiers have been tried. If there is any employment growing out of this matter; if a larger number of soldiers are to be retained in the service; if there is any patronage or any advantage in increasing the Army, give this service to the soldiers; do not take from them the legitimate business of the Army and give it to mere adventurers. If you go among the people who live near the Indians, and converse with them, you will find their testimony to be that these adventurers are not benefiting either the Indians or the community.

Sir, this is the first time I ever heard it intimated that Indian wars had been got up by the War Department. I thought it was a well-established fact that it was the Indian traders, who speculated with the Indians and got into disputes about their contracts, that brought on most of our Indian difficulties. The Senator from Wisconsin has spoken of one or two Indian wars, and has attributed them to some rash action of officers of the War Department. Such things may have occurred; but I would not place much reliance on the testimony of Indians when they came to make a treaty at a subsequent time and the soldiers could not be heard. I do not think that the evidence is that the War Department has been instrumental in getting up these wars; I believe the testimony is the other way.

Mr. DOOLITTLE. I hope the gentleman does not understand me to say that the War Department got up the wars.

Mr. STEWART. The Senator said they had been caused by indiscreet officers.

Mr. DOOLITTLE. I do not say that they intended to get up wars, but they blundered into and produced those wars.

Mr. STEWART. I undertake to say that the men living in the Indian country, when they are talking about these things and relating them, must be the worst set of liars in the world, if the Indian agents and Indian traders are not the principal parties in getting up the Indian wars. I never before heard them attributed to the indiscretion of men connected with the Army. There may have been indiscretions of that kind; but where you will find one such instance among the trained officers of the Army, you will find five hundred among the vagabonds that go into the Indian business, either as traders or as agents, to make money out of the Indians. Officers of the Army have something at stake; they are responsible to authority, and they can be tried for their offenses if they misbehave. A man who deals with Indians ought to be subject to military law. His conduct should be liable to be inquired into by a summary tribunal. Then, if you trust this matter to the Army, you will always have ample witnesses to everything that is done; but if you trust it to the Indian trader and Indian agent, who are in partnership, as is very often the case, you will have no interested witnesses.

Where there is a fort and one or two hundred men there, the chances of a combination between those one or two hundred men and the officers stationed at that fort are nothing like as great as where they are partners in trade with the Indians. I believe it is charged that the Indian trader and the Indian agent are

usually in partnership. At all events they are charged with being so; it is a part of the system; but there could not be partners in an Army of three or four hundred men; you would have some witnesses who would tell you how these transactions did actually occur. I am decidedly in favor of the amendment reported by the Finance Committee.

Mr. POMEROY. Mr. President—

Mr. GRIMES. I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. (Mr. ANTHONY in the chair.) The Senator from Kansas has the floor.

Mr. POMEROY. If it is the wish of the Senate to go into executive session, I have no desire to continue this discussion now; but I want to say that before we take a vote on this question it ought to be at least very well understood in the Senate. It is a new system. It is an experiment that has not been tried, at least for a good many years. The reasons that induced the taking of this bureau from the War Department originally, may still exist. I do not care to discuss the proposition to-day. I think we had better deliberate very maturely upon it before we take the vote. It may be best to concur with the committee; but the point as to whether we should make this change in the middle of the fiscal year instead of at the end of the year I think ought to be considered. If the Senate wish to go into executive session I do not care to say anything further on the subject at present.

Mr. WILLIAMS. I move that the Senate proceed to the consideration of executive business.

Mr. CONNESS. I hope the Senator will withdraw that motion for a moment until I call up a small California bill of consequence to us, which I have been trying for three or four days to call up during the morning hour.

Mr. WILLIAMS. Do you want to pass it to-day?

Mr. CONNESS. Yes, sir. It will not occupy a moment of time. It is a House bill, recommended by the Committee on Public Lands of the Senate.

Mr. WILLIAMS. What is the nature of the bill?

Mr. CONNESS. It is to confirm the titles to certain lands in the city of Benicia—a bill to which there can be no objection, and which will not occupy a moment of time.

Mr. WILLIAMS. If the bill will not excite any discussion I will not object to it.

Mr. CONNESS. It certainly cannot, for it is recommended by the Committee on Public Lands, and is a House bill.

Mr. WILLIAMS. I withdraw my motion for the present to enable the Senator to call up his bill.

Mr. CONNESS. I move, then, to take up House bill No. 557, to quiet the title to certain lands within the corporate limits of the city of Benicia.

Mr. GRIMES. Is that the town opposite Mare Island navy-yard?

Mr. CONNESS. No, sir; that is Vallejo.

Mr. SHERMAN. I move to postpone the Indian appropriation bill until Tuesday next, and make it the special order for that day at one o'clock, with the purpose to dispose of it on that day.

The PRESIDING OFFICER. There is a motion now before the Senate.

Mr. SHERMAN. I hope that will be withdrawn to enable me to submit this motion.

Mr. CONNESS. Of course I withdraw it for that purpose.

The PRESIDING OFFICER. It is moved that the further consideration of the Indian appropriation bill be postponed to and made the special order for Tuesday next at one o'clock.

Mr. SUMNER. Why not say Monday?

Mr. SHERMAN. The Senator from Wisconsin will not be ready with some amendments that he desires to offer, before Tuesday. The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. LLOYD, its Chief Clerk, announced that the House of Representatives had passed without amendment a bill (S. No. 168) to provide for the disposal of certain lands therein named.

The message further announced that the House of Representatives had passed the following bills of the Senate with amendments to each:

A bill (S. No. 58) granting lands to the State of Oregon, to aid in the construction of a military road from Corvallis to the Aquina bay; and

A bill (S. No. 99) granting lands to the State of Oregon to aid in the construction of a military road from Albany, Oregon, to the eastern boundary of said State.

The message further announced that the House of Representatives had insisted on its amendments to the bill (S. No. 222) further to prevent smuggling, and for other purposes, agreed to the conference asked by the Senate, and had appointed Mr. THOMAS D. ELIOT of Massachusetts, Mr. JOHN L. THOMAS of Maryland, and Mr. JAMES M. HUMPHREY of New York, managers at the same on its part.

The message also announced that the House of Representatives had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

A bill (H. R. No. 187) erecting the Territory of Montana into a separate surveying district, and for other purposes;

A bill (H. R. No. 255) to authorize a departure from the established mode of surveying in certain cases;

A bill (H. R. No. 746) for the organization of land districts in the Territories of Arizona, Idaho, Utah, and Montana;

A joint resolution (H. R. No. 180) extending the time for the completion of the Agricultural College of the State of Iowa; and

A joint resolution (H. R. No. 181) to enable discharged soldiers to change the location of their homestead selection in certain cases.

LAND TITLES IN BENICIA.

Mr. CONNESS. I now renew my motion.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 557) to quiet the title to certain lands within the corporate limits of the city of Benicia. It proposes to relinquish and grant all the right and title of the United States to the land situated within the corporate limits of the city of Benicia, in the county of Solano, State of California, as defined in the act incorporating the city, passed by the Legislature of the State of California April 24, 1851, to that city and its successors, upon trust, however, that so much of the lands as is in the *bona fide* occupancy of parties upon the passage of this act, by themselves or tenants, shall be conveyed by the city to such parties; but the relinquishment and grant by this act is not to extend to any lands within the corporate limits occupied as a military depot of the United States, or heretofore reserved by the United States for public purposes; nor shall they interfere with or prejudice any valid adverse right or claim, if such exist, the land or any part of it, or preclude a judicial examination and adjustment thereof.

The Committee on Public Lands reported the bill with an amendment, to add at the end of the bill the following as an additional section:

SEC. 2. *And be it further enacted*, That all the right and title of the United States to the land within the corporate limits of the town of Santa Cruz, in the State of California, as defined in the act of the Legislature of that State incorporating said town, be, and the same are hereby, relinquished and granted to the corporate authorities of said town and their successors, in trust for and with authority to convey to the *bona fide* occupants of said land: *Provided*, That this grant shall not extend to any reservation of the United States, nor prejudice any valid adverse right or claim, if such exist, to said land or any part thereof, nor preclude a judicial examination and adjustment thereof.

Mr. GRIMES. I will inquire what is the effect of that amendment. I understand it re-

leases to the corporation of the city the right that the United States has for the benefit of the persons who are in occupation at the time of the passage of this act. Is that so?

Mr. CONNESS. Yes, sir.

Mr. STEWART. Those entitled to the occupation.

Mr. POMEROY. Not to those who happen to be in occupation.

Mr. CONNESS. No, sir; by themselves or tenants.

Mr. STEWART. Those in title.

Mr. GRIMES. Let the last clause be read again.

The Secretary read as follows:

That all the right and title of the United States to the land within the corporate limits of the town of Santa Cruz, in the State of California, as defined in the act of the Legislature of that State incorporating said town, be, and the same are hereby, relinquished and granted to the corporate authorities of said town and their successors, in trust for and with authority to convey to the *bona fide* occupants of said land.

Mr. GRIMES. Not to those who are entitled to the occupation, but to those who are in occupation.

Mr. STEWART. Let the whole sentence be read, and you will see what is the meaning.

The Secretary continued the reading, as follows:

Provided, That this grant shall not extend to any reservation of the United States, nor prejudice any valid adverse right or claim, if such exist, to said land or any part thereof, nor preclude a judicial examination and adjustment thereof.

Mr. GRIMES. A valid adverse claim to an inchoate title!

Mr. SHERMAN. That will give to a tenant under a lease the legal title, and turn over the real owner to the courts.

Mr. CONNESS. I will ask that this bill lie over for the present. I see on examining the amendment reported by the committee that the conditions in it are not the same as those contained in the first section, and I will make them the same, if the Senate will allow me.

Mr. DOOLITTLE. I move an executive session.

The PRESIDING OFFICER. It is moved that the further consideration of this bill be postponed until to-morrow.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. WILSON. I ask the unanimous consent of the Senate to put a House resolution, which is a very brief one, on its passage.

Mr. DOOLITTLE. Will there be any debate upon it?

Mr. WILSON. I think not.

Mr. DOOLITTLE. What is it about?

Mr. WILSON. It is House joint resolution No. 149.

Mr. DOOLITTLE. I desire to move an executive session.

Mr. WILSON. This resolution will take but a moment.

Mr. DOOLITTLE. That will only lead to some other little bill being called up, and it is now three o'clock, and I want an executive session.

Mr. WILSON. Let this pass first.

Mr. DOOLITTLE. We can open the doors after we get through the executive session and pass it.

The PRESIDING OFFICER. The question is on the motion of the Senator from Wisconsin to proceed to the consideration of executive business.

Mr. BUCKALEW. I should like to hear the title of the resolution that the Senator from Massachusetts wishes to call up read.

The PRESIDING OFFICER. The pending motion is to proceed to the consideration of executive business.

Mr. SHERMAN. But I presume we can have the title of that resolution read.

The PRESIDING OFFICER. It will be read.

The SECRETARY. "A joint resolution declaratory of the law of bounty."

Mr. DOOLITTLE. That will lead to discussion, of course.

Mr. WILSON. None whatever.

Mr. WILLIAMS. There are several confirmations that ought to be confirmed and which have been pending for several days, and I do not see any reason why we cannot have an executive session.

Mr. WILSON. This is a resolution simply to allow bounty to the persons who have been detailed from the Army to act in some other place, the same as if they had not been detailed. I think it ought to pass, and pass to-day; but if the Senator insists upon his motion I will not press this resolution.

Mr. DOOLITTLE. I think we ought to have an executive session.

Mr. HENDRICKS. What is the question before the Senate?

The PRESIDING OFFICER. It is the motion of the Senator from Wisconsin to proceed to the consideration of executive business.

The motion was agreed to; there being, on a division—ayes sixteen, noes not counted; and after some time spent in executive session the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, June 30, 1866.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. C. B. DORNTON.

The Journal of yesterday was read and approved.

IOWA AGRICULTURAL COLLEGE.

Mr. KASSON. Mr. Speaker, I find, on further examination, that I was right in supposing that there is no existing provision of law covering the object of the joint resolution I offered yesterday morning. I therefore again ask unanimous consent to offer it, in compliance with the request of the board of trustees of the Iowa Agricultural College. The building, a very creditable one to the State, large, commodious, and imposing, is now in process of erection, and they desire assurance that there will be no failure in the grant if the building should not be quite completed in the time now required by law.

No objection was made.

The joint resolution was read a first and second time.

The joint resolution was read at length. It provides that the time for completing the Agricultural College of the State of Iowa, in accordance with the provisions of the act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts, approved July 2, 1862, be extended for the period of one year.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

LEAVE OF ABSENCE.

Mr. TAYLOR asked and obtained indefinite leave of absence for his colleague, Mr. GOOD-YEAR.

ORDER OF BUSINESS.

Mr. MORRILL. I ask unanimous consent that the morning hour of to-day be dispensed with, and that the Committee on Public Lands be allowed an hour for their business after the tariff bill shall have been concluded.

Mr. TROWBRIDGE. I ask that they may be allowed an additional hour.

The SPEAKER. Giving that committee two morning hours?

Mr. TROWBRIDGE. Yes, sir.

Mr. McKEE. I object to giving the committee two hours.

Mr. MORRILL. Then I ask that they be allowed a morning hour when the tariff bill shall have been concluded, and that the morning hour of to-day be dispensed with.

Mr. McRUER. I object to that.

Mr. MORRILL. I hope the gentleman from California [Mr. McRUER] will withdraw his objection.

Mr. HIGBY. I hope my colleague will withdraw his objection.

Mr. McRUER. Very well; I will withdraw it.

Mr. HARDING, of Illinois. I renew the objection.

Mr. MORRILL. Then I call for the regular order of business.

The SPEAKER. The regular order, during the morning hour, is the call of committees for reports, beginning with the Committee on Public Lands, where the call rested at the close of the morning hour on Thursday last.

FORT HOWARD MILITARY RESERVE.

The SPEAKER. The pending business is the consideration of Senate bill No. 168, to provide for the purchase of certain lands therein named, reported from the Committee on Public Lands by the gentleman from Minnesota, [Mr. DONNELLY.] The question is upon ordering the bill to be read the third time.

The bill was read the third time.

The first section provides that the Commissioner of the General Land Office shall be authorized to cause to be offered at public auction all the unsold lots of that portion of the public domain known as the Fort Howard military reserve, which is situated in the county of Brown, and State of Wisconsin, giving not less than two months' notice of the time and place of such sale, by advertising the same in such newspapers and for such period of time as he may deem best. Every such lot shall be sold separately to the highest bidder for cash, and when not paid for within twenty-four hours from the time of purchase, it shall be liable to be resold under the order of the Commissioner of the General Land Office, at such reasonable minimum as may be fixed by the Secretary of the Interior, and no sale shall be binding until approved by that officer.

The second section provides that it shall be the duty of the President to cause patents to be issued in due form of law for every such lot, as soon as may be after purchase and payment.

Mr. DONNELLY. I call the previous question on the passage of the bill.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was passed.

Mr. DONNELLY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RELOCATION OF SOLDIERS' HOMESTEADS.

Mr. DONNELLY, from the Committee on Public Lands, reported back joint resolution (H. R. No. 171) to enable discharged soldiers to change the location of their homestead selections in certain cases.

The question was upon ordering the joint resolution to be engrossed and read a third time.

The joint resolution was read. It provides that whenever it shall be made to appear to the register and receiver of any land office of the United States that any soldier of the Army of the United States, who has been honorably discharged from service, did, during such service, through any agent or agents, without personal examination, select public lands in accordance with the provisions of the homestead act, which selection, upon personal examination by such soldier, shall prove not to be satisfactory to him, then the register and receiver shall permit the selection by such soldier of another like amount of the public lands for a homestead, the first selection to be canceled, and the fees and ten dollars paid thereon to be applied to the new selection.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. DONNELLY moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LAND GRANTS FOR AGRICULTURAL COLLEGES.

Mr. DONNELLY. I am directed by the Committee on Public Lands to report adversely upon the bill (H. R. No. 498) to amend section two of an act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts." I ask that a letter on this subject from the Commissioner of the General Land Office be read.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE, June 21, 1866.

SIR: I have the honor to acknowledge the receipt of a bill to amend section two of an act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts, approved July 2, 1862, with your oral request that the opinion of the Office be expressed upon its provisions.

The bill provides that the act above recited be so amended as to make the script issued to the older States, under the provisions of the aforesaid act, receivable from *bona fide* settlers in any State or Territory for the purchase of any public lands in such State or Territory, although such lands may not be "subject to private entry," a restriction now required by law. It will readily be seen that this provision exposes at once the whole surveyed portion of the public domain to this scrip, and that holders of this class of paper have only to locate in the name of some actual resident to enable them, in any Territory, to acquire the surveyed lands to an indefinite extent, probably in many instances monopolizing all of the most desirable lands, and thus defeat to a large extent the beneficial provisions of the homestead and pre-emption laws, or drive that class of settlers upon the less valuable and less desirable lands. And in any State the same would be true to the extent of one million acres.

To the holders of the scrip such a law would be advantageous, as it would promptly and largely enhance the value of the scrip by more than doubling the active present basis for its redemption and enabling it to go in advance of the pre-emption and homestead settler, gathering the choice lands. But in the new States and Territories, and the new districts in the older land States, it would be a great hindrance to settlement and cultivation, and would have the effect, in the end, of not only retarding the advance settlements, but would compel the pioneers to pay an increased price for these selected lands greatly larger than the scrip-holding States would receive in the enhanced price of the scrip, the difference passing into the hands of the intermediate agent who by the law must stand between the State and the location, the States being wisely forbidden to make such location.

Being made receivable for both offered and unoffered lands, until substantially exhausted, it would cut off almost entirely cash receipts for public lands.

The scrip issued and to be issued under the law as it now stands will require seven million and twenty thousand acres for its satisfaction, and it is submitted whether such a barrier can with advantage be placed around our pioneer settlements, and whether both the nation and the new States and Territories would not respectively lose more than the older States would gain by the proposed modification of the law. I may add that in this view the judgment of the General Land Office is unqualifiedly adverse to the measure as inconsistent with the public interest.

With great respect, your obedient servant,

J. M. EDMUNDS,
Commissioner.

Hon. I. DONNELLY, House of Representatives.

The bill was laid on the table.

TERRITORIAL LAND DISTRICTS.

Mr. GLOSSBRENNER, from the Committee on Public Lands, reported a bill for the organization of land districts in the Territories of Arizona, Idaho, Utah, and Montana; which was read a first and second time.

The bill, which was read at length, provides that Arizona, Idaho, Utah, and Montana be each created land districts, to bear the names of the respective Territories; the district land office for each to be established at such place within the district as the President of the United States may from time to time direct.

The second section provides that for the purpose of carrying the act into effect the President be authorized to appoint, by and with the advice and consent of the Senate, or during the recess as in similar cases, a register and receiver for each of the several land districts created, who shall be required to reside at the site of the district land office, and whose powers, duties, obligations, responsibilities, compensation, and emoluments shall be the same as now allowed by law for like officers in New Mexico. It is provided that the act shall not take effect until after six months from its passage, and that the compensation shall not begin until the incumbents shall have actually

entered on duty within the land districts to which they may be appointed.

The third section proposes to enact that the preemption, homestead, and general laws for the disposal of the public lands shall be extended to the several land districts named, but not to embrace mineral lands.

The fourth section provides that a surveying district comprising the Territories of Arizona and Utah be created, and that the President be authorized, in the manner before specified, to appoint a surveyor general for the district whose compensation shall be \$3,000 per annum, with such an allowance as shall be approved by the Commissioner of the General Land Office, not exceeding \$5,000 per annum for clerk hire, and \$3,000 for rent, pay of messenger, and incidental expenses.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. GLOSSBRENNER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SURVEYING DISTRICT IN MONTANA.

Mr. GLOSSBRENNER, from the Committee on Public Lands, reported back a bill (H. R. No. 187) erecting the Territory of Montana into a separate surveying district, and for other purposes, with a recommendation that it pass.

The bill, which was read at length, provides for erecting the Territory of Montana into a surveying district. The President of the United States is authorized to appoint a surveyor general for the district, who shall hold his office at such place as the Secretary of the Interior may direct. The location may be changed from time to time when in the opinion of the Secretary of the Interior the public interest may require it. The powers, duties, obligations, responsibilities, and compensation of the surveyor general are to be the same as now prescribed by law for the surveyor general of Oregon, with a proper allowance for clerk hire, office rent, and fuel, not exceeding what is now or may hereafter be allowed by law to the surveyor general of Oregon. It is also provided that the surveyor general of Montana shall reside within the Territory.

Mr. PRICE. I desire to inquire of the gentleman who reports this bill whether the Territory of Montana is not now attached to another Territory for surveying purposes, and whether the Territory to which it is attached has not had all the available land surveyed, leaving nothing for the surveyor general there to do, except what is to be done in Montana.

Mr. GLOSSBRENNER. The nearest land office to Montana is that near the Yankton reservation, in the southeastern corner of Dakota, some eight hundred miles from the northwestern extremity of Montana. The Commissioner of the General Land Office favors the creation of a surveying district in Montana to facilitate and expedite the surveys of public lands. He thinks it is now too remote for the convenient transaction of business.

Mr. PRICE. From information I have on that subject, I am induced to believe the only business for a surveyor to do in that region of country now is in Montana, and the two Territories being joined together for surveying purposes, this is a work of supererogation, to say the least of it. It is to create an additional office, with the expense of clerks and all the other expenses attached to the office of a surveyor general. It will be that much more than is necessary for doing the work. If that be the case, then this bill ought not to pass. If the surveyor general in Dakota has not more work to do than he can do—which I believe to be the case—in both Territories—

Mr. GLOSSBRENNER. That is a question which would arise on a proposition to discontinue the office in Dakota.

Mr. PRICE. If we have a surveyor gen-

eral in Dakota to do the surveying for Montana as well as for Dakota, and this Government is paying the expense of an office, of clerks, and all the expenses incident to the office of a surveyor general, and nothing is being done, then we ought not to pass this bill. If there is no work in Dakota, then let him go to Montana where there is work to be done.

Mr. GLOSSBRENNER. If there be no work done or to be done in Dakota, then let the land office there be abolished; but do not therefore deprive Montana of an office, where it is imperatively required by the need of the people and the interests of the Government.

Mr. PRICE. If the gentleman will attach that to the bill, then it will remove an objectionable feature to it—abolish the office in the other Territory, or let the surveyor general do the work of both Territories, for which he has ample time and for which the Government has provided ample compensation. I think we are incurring an additional expense entirely unnecessary.

Mr. ASHLEY, of Ohio. Has this bill been reported from the Committee on the Public Lands?

Mr. ECKLEY. Yes, sir; and it has been recommended by the Commissioner of the General Land Office.

Mr. ASHLEY, of Ohio. Having been in the Territory myself, I am satisfied the establishment of a land office in Idaho is absolutely necessary.

Mr. PRICE. This is not for Idaho; it is for Montana.

Mr. ASHLEY, of Ohio. It is still more necessary there even than in Idaho. I will say further, from my observation I believe every Territory should have a surveyor general appointed and resident in the Territory. In the Territory of Utah there are no public lands surveyed; surveys have been returned, but there are no public lands open for sale in Utah and no land office there, although the Territory has been settled for eighteen years.

Mr. PRICE. We are not talking about Utah.

Mr. ASHLEY, of Ohio. I am showing the necessity for the establishment of a land office in every Territory. In Montana there is a population of thirty thousand, and it is increasing very fast. There are cities and towns in Territories of four and five thousand people. In some there has never been a foot of public land surveyed and sold, and these cities are built upon squatter rights; and the interests of the Government as well as those of our citizens therefore demand early surveys, so that these lands may be brought into market at once. The gentleman from Iowa lives upon the frontier and ought to know it would cost more for the surveyor general of Dakota to go with his "kit" any time during the last five years from the capital of Dakota to the capital of Montana than to establish a land office in Montana.

Mr. PRICE. Is not the present surveyor general able to survey both Territories?

Mr. ASHLEY, of Ohio. No, sir; he is not.

Mr. PRICE. Is there any more surveying to be done there than there was two years ago?

Mr. ASHLEY, of Ohio. Certainly. There are on the way to Montana more than twenty thousand people. Two years ago the Territory was organized with scarcely any population, and when I was there last summer there were at least twenty-five thousand people in the Territory.

Mr. PRICE. I do not doubt but what there are a great many people in Montana and a great many more to go; and there is just as much land there now as there was fifteen years ago, and I presume it is likely to remain. What I maintain is, that there is no surveying going on in Dakota at all, and the surveyor general who has Montana under his control and direction can do all the surveying in Montana. If I am right in that, then we ought not to pass this bill. If I am mistaken in that, and it can be clearly shown that the surveyor general's time is taken up in Dakota so that he cannot do what is required in Montana, that

puts a different face on the matter. But that is not the fact, so far as my information goes, and I have obtained it from different sources.

Mr. ASHLEY, of Ohio. I demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. ASHLEY, of Ohio, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

VIRGINIA LAND-WARRANTS.

Mr. ECKLEY, from the Committee on Public Lands, reported adversely on House bill No. 169, allowing the further time of five years to those owning land-warrants issued by the State of Virginia to her officers and soldiers of the Virginia line on continental establishment to enter and survey the same; and it was laid on the table.

MILITARY ROADS IN OREGON.

Mr. ECKLEY, from the same committee, reported back, with amendments, Senate bill No. 99, granting lands to the State of Oregon to aid in the construction of a military road from Albany, Oregon, to the eastern boundary of said State.

The amendments reported by the committee, which were of a verbal character, were agreed to.

The bill, as amended, was then ordered to a third reading; and it was accordingly read the third time and passed.

Mr. ECKLEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

Mr. ECKLEY, from the same committee, reported back, with amendments, Senate bill No. 68, granting lands to the State of Oregon to aid in the construction of a military road from Corvallis to Aquina bay.

The amendments reported by the committee, which were of a verbal character, were agreed to.

The bill, as amended, was then ordered to be read the third time; and was accordingly read the third time and passed.

Mr. ECKLEY moved to reconsider the vote by which the resolution was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, informed the House that the Senate had agreed to the amendments of the House to the bill (S. No. 37) making a grant of land in alternate sections to aid in the construction and extension of the Iron Mountain railroad from Pilot Knob, in the State of Missouri, to Helena, in Arkansas.

Also, that the Senate had passed acts of the following titles, in which the concurrence of the House was requested:

An act (S. No. 385) for the relief of Thomas W. Stevens; and

An act (S. No. 357) to aid in the construction of telegraph lines, and to secure to the Government the use of the same for postal, military, and other purposes.

CONSOLIDATION OF LAND OFFICES.

Mr. ECKLEY. I am instructed by the Committee on Public Lands, to whom was referred a resolution of the House asking for the consolidation of the land offices in several States, to report a bill consolidating land offices in the States of Alabama, Florida, Louisiana, Mississippi, and Arkansas.

The bill was read a first and second time.

The first section provides for one land office in Alabama, to be located at Montgomery; one in Florida, to be located at Tallahassee; one

in Louisiana, to be located at New Orleans; one in Mississippi, to be located at Jackson; and one in Arkansas, to be located at Little Rock.

The second section provides that there shall be a register and receiver at each of the land offices provided for in the first section, whose compensation each shall be the same as now prescribed by law, provided the salaries and fees of each shall not exceed \$3,000 in any one year; and that it shall be the duty of these officers, under the direction of the Commissioner of the General Land Office, to collect without delay all maps, plots, books, papers, records, and other property belonging to the several land offices in those States, and carry the same to their respective offices; and upon reporting that the duty has been performed the Commissioner is authorized to pay them such compensation for such extra services as in his opinion may be reasonable and just.

The third section repeals all acts and parts of acts inconsistent with this act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. ECKLEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HOMESTEADS IN NEW MEXICO AND ARIZONA.

Mr. ECKLEY, from the Committee on Public Lands, reported back, with a recommendation that it do pass, House bill No. 315, for the relief of the inhabitants of towns and villages in the Territories of New Mexico and Arizona.

The question was upon ordering the bill to be engrossed and read a third time.

The bill was read at length. The first section provides that any person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who shall have filed his declaration of intention to become such, as required by the naturalization laws of the United States, and who has never borne arms against the United States Government, residing in a town or village in either of the Territories of New Mexico or Arizona, and cultivating lands of the United States in the vicinity of such town or village, and being the *bona fide* owner of the improvements thereon, is hereby declared to be, with respect to such land, entitled to all the benefits of the several acts of Congress now in force granting the right of preemption to settlers upon the public lands, and also of the act entitled "An act to secure homesteads to actual settlers on the public domain," approved May 20, 1862, notwithstanding that such person shall not reside nor have resided upon such land.

The second section provides that in order to secure the benefits of the foregoing section the actual resident in any of the towns or villages aforesaid shall establish to the satisfaction of the register and receiver, and according to such instructions as may be given by the Commissioner of the General Land Office, the fact that the party is an actual *bona fide* resident of at least two years in such town or village, designating the place of his abode and showing the connection with or contiguity of the improved tract to the place of residence, and that the cultivation of the improved tract is an essential means of his subsistence, and that the same has been cultivated and improved for a continuous period of not less than two years in the case of preemption, or of five years in the case of homestead, and that the tract under either preemption or homestead, taken under the provisions of this act is merely an improvement, on which there is no actual residence, shall not exceed the smallest legal subdivision, or forty acres.

The third section provides that the provisions of this act shall be considered as applying not only to those persons who shall be residents of towns or villages in said Territories of New Mexico and Arizona at the date of the

passage of this act, but to those who may hereafter become so.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. ECKLEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FOLSOM AND PLACERVILLE RAILROAD.

Mr. ECKLEY, from the Committee on Public Lands, reported back, with sundry amendments, Senate bill No. 125, granting aid in the construction of a railroad and telegraph line from the town of Folsom to the town of Placerville, in the State of California.

The amendments of the committee were read, as follows:

Strike out the first and second sections and insert in lieu thereof the following:

Be it enacted, &c., That the right of way through the public lands be, and the same is hereby, granted to the Placerville and Sacramento Valley Railroad Company, a corporation existing under the laws of the State of California and designated by the Legislature thereof, to construct the road hereinafter named, and to its successors and assigns, for the construction of a railroad and telegraph line from the town of Folsom to the town of Placerville, in said State; and the rights hereby given to said corporation to take from the public lands adjacent to the line of said road, material for the construction thereof. Said right of way is granted to said railroad to the extent of one hundred feet in width on each side of said road where it may pass over the public lands; also all necessary ground for station buildings, workshops, depots, machine-shops, switches, side-tracks, turn-tables, and water-tanks.

Strike from section three the following:

And whenever, prior to said time, any of said sections or parts of sections shall have been granted, sold, reserved, or covered by private land grants, or occupied by homestead settlers, or preempted, or otherwise disposed of, other lands shall be selected by said company, in lieu thereof, on the line of said road, within twenty miles of the same, under the direction of the Secretary of the Interior, in alternate sections, and designated by odd numbers not more than twenty miles beyond the limits of said alternate sections.

Amend section four so that it shall read as follows:

And be it further enacted, That whenever said Placerville and Sacramento Valley Railroad Company shall have ten consecutive miles of any portion of said railroad and telegraph line ready for the service contemplated, the President of the United States shall appoint three commissioners to examine the same, and if it shall appear that ten miles of said railroad and telegraph line have been completed in a good and substantial manner, and in all respects as required by this act, the commissioners shall so report to the President of the United States, and patents of lands, as aforesaid, shall be issued to said company, confirming to said company the right and title to said lands, situated opposite to and continuous with said completed section of said road, unless said lands are covered by the exceptions of this act. And from time to time, whenever ten additional miles shall have been constructed, completed, and in readiness, as aforesaid, and verified by the commissioners to the President of the United States, then patents shall be issued to said company, conveying the additional sections of land, as aforesaid; and so on as fast as every ten miles of said road are completed, as aforesaid: *Provided,* That said commissioners named in this section shall be paid by the company ten dollars per day for the time actually employed, and ten cents per mile for the distance actually and necessarily traveled each way.

Amend section five by striking out "draws" and insert "drains;" also to amend the proviso so as to read as follows:

Provided, That said company shall not charge higher rates to the Government, its officers, or agents, than they do to individuals for telegraphic service.

Also add to the proviso of the fifth section the following:

And that the said railroad shall be and remain a public highway for the use of the Government of the United States, free of all toll or other charge upon the transportation of any property or troops of the United States, and the same shall be transported over said road at the cost, charge, and expense of the corporation or company owning or operating the same.

Amend section six by adding after line fourteen the following: "and the sections and parts of sections of lands, the title of which by the aforesaid grant shall remain in the United States, within ten miles of each side of the road, shall not be sold for less than double the minimum price of public lands when sold."

Amend section seven by striking out the word "two," in line six, and inserting in lieu thereof the word "one."

Amend the same section by striking out in line eight the word "seventy," and inserting in lieu thereof the words "sixty-nine."

Amend section eight by striking out all of the section after the word "case," on line seven, and inserting in lieu thereof the following: "the title to the

public lands herein reserved for the construction of said road shall revert to the United States."

Amend section ten by striking out in line six the word "two" and inserting in lieu thereof the word "one."

Amend section twelve by striking out the word "two," in line five, and inserting in lieu thereof the word "one."

Amend section thirteen by striking out all after the word "that," in line one, to the word "Congress," in line six.

Mr. DAVIS. Mr. Speaker, I desire to say a few words with reference to that one of the amendments which proposes to require from this railroad company the transportation, free of all charge or toll, of all troops and munitions of war of the United States at any time when required by the Government.

Now, sir, I insist that this provision is unjust. Although we give to this company the right of way, we do so in consideration of the advantage which the construction of this road will afford the entire country along the line. The investment of the capital of this country in a railroad adds in fact to the value of every acre of public land or private land anywhere within its vicinity. In the case of the Illinois Central railroad, I undertake to say that the benefits which the State of Illinois and the United States have derived from the construction of that road are infinitely greater than the value of all the land that was ever granted to the company.

Mr. Speaker, I object to the principle of imposing such a requirement on any railroad company to which we make grants of land. When this war broke out the Illinois Central Railroad Company were required by the Government to furnish cars and other means of transportation to the Government. They had not the ability, with all their stock, to furnish all the transportation which the Government required. They were obliged to apply to other roads in the State of Illinois and out of the State. The entire equipments of several of those roads were seized by the Government and kept week after week and month after month in that service. Yet, upon the principle which it is proposed to incorporate in this bill, we deny to the company to whom we are now giving this grant the power of asking compensation for the service, however great, which they may render to the Government. In the case to which I have referred, the Illinois Central Railroad Company said to the Government, "Take our road and run it if it is necessary for the assistance of the Government in carrying on the war." The Government said, as it ought to say in every case, "We will charge you a reasonable sum for the right of way, and then we will pay that compensation which is fair and just with regard both to the Government and the corporation." I hope, Mr. Speaker, that this amendment reported by the committee will not be agreed to; and I ask a separate vote upon it.

Mr. ECKLEY. I understand that the gentleman from New York [Mr. DAVIS] objects to this railroad company, to whom we make a liberal grant of land, making a contract by which they shall agree to do certain things for the Government. I think that no other member of the House is disposed to make such an objection. I ask the previous question.

The previous question was seconded and the main question ordered.

The SPEAKER. The question will be taken in gross upon all the amendments reported by the committee, with the exception of the one on which the gentleman from New York [Mr. DAVIS] has called for a separate vote.

The question being taken, the amendments, except that reserved, were agreed to.

The amendment on which a separate vote was demanded was read, as follows:

Add to section five the following:

That the said railroad shall be and remain a public highway for the use of the Government of the United States, free of all toll or other charge upon the transportation of any property or troops of the United States; and the same shall be transported over said road at the cost, charge, and expense of the corporation or company owning or operating the same.

The amendment was agreed to.

The bill was ordered to be read a third time; and it was accordingly read the third time and passed.

Mr. ECKLEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

MINNESOTA LAND GRANT.

Mr. ECKLEY, from the same committee, also reported back House bill No. 310, making an additional grant of lands to the State of Minnesota in alternate sections to aid in the construction of a railroad in said State, it being already provided in the Senate bill, and moved that it be laid upon the table.

The latter motion was agreed to.

ADVERSE REPORTS.

Mr. HOLMES, from the same committee, made adverse reports in the following cases; which were laid upon the table:

Petition of the National Normal School Association, praying for a grant of lands to establish State normal schools.

House bill No. 299, to amend an act entitled "An act for the relief of the purchasers and locators of swamp and overflowed lands."

Memorial of the Legislature of Washington Territory relative to common schools.

Memorial of the Governor and Legislature of the Territory of Utah praying for a donation for town sites in said Territory for school purposes.

Petition of James D. Regnurt, late receiver of public funds at the United States land office, St. Croix Falls.

House bill No. 206, to improve the navigation of the Mississippi river to St. Anthony and Minneapolis.

Petition of the citizens of Buffalo for a donation of public lands for the improvement of Eagle harbor, Lake Superior.

Mr. HOLMES. I will say in the last two cases an adverse report has been made from no hostility to those improvements, but because it is necessary first to receive reports of the surveys for which an appropriation has been made in the river and harbor appropriation bill.

CHANGE OF MODE OF SURVEYING.

Mr. HOLMES, from the same committee, reported back House bill No. 355, to authorize a departure from the established mode of surveying in certain cases, with the recommendation that it do pass.

The bill states that, owing to the peculiar habits of settlement of a portion of the people of New Mexico and Arizona, and the irregular configuration of the surface of the country in some parts of the mountainous States and Territories, the ordinary mode of surveying the public land is not suited to all circumstances and localities; and that the adaptation of the public surveys to the peculiar wants of the people and to the face of the country in such cases would save expense to the Government and promote the public interest. And then it goes on to enact that whenever, in the opinion of the Commissioner of the General Land Office, a departure from the ordinary mode of surveying the public lands in the mountain regions or in the river valleys would best promote the public interest, he may authorize such modifications therein as he shall deem necessary to adapt the surveys to such localities respectively; but no such changes shall be made except under specific regulations and instructions; provided that it shall not be construed to authorize the surveying of any public land into tracts containing less than forty acres nor more than one hundred and sixty acres each.

Mr. KASSON. Mr. Speaker, the bill which has just been read appears to me to be of more importance than the House seems to think. It is proposed to change the entire system of land survey which has existed so long in the United States in reference to a portion of the western country. I would be glad if the gentleman would allow the bill to go over and be

printed, so that it may be examined by the House before such a change is made in a system so long established as our present system.

Mr. HOLMES. The bill has been printed, and was passed by this House at the last session of Congress, after consideration and recommendation by the Commissioner of the General Land Office. It was reported favorably by the committee, and passed the House, as I am informed, almost unanimously.

Mr. KASSON. I will only say, then, that without any limitation as to the form in which the survey is to be made, such a bill deserves more examination than it could have under the pressure of business of that committee.

Mr. HOLMES. I have no objection, if the bill can be taken up at any time. It simply authorizes surveys to conform to the circumstances of the country. I demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. HOLMES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LAND TITLES IN CALIFORNIA.

Mr. JULIAN. My friend from New York [Mr. HOLMES] has yielded to me to enable me to make a report which I promised to make recently. I report back from the Committee on Public Lands Senate bill No. 343, to quiet land titles in California, with sundry amendments.

Mr. BIDWELL. I wish to say that I have a few amendments which I desire to offer to this bill, and for the purpose of saving time I would like to have them read with the bill.

The SPEAKER. The usual course is first to have the bill read, and then the amendments reported by the committee. After that the gentleman can offer his amendments.

The bill was read; and at the conclusion of the reading,

The SPEAKER announced that the morning hour had expired, and the bill would go over until next Tuesday morning.

Mr. JULIAN. I ask unanimous consent to have the bill and amendments printed, including those proposed to be offered by the gentleman from California [Mr. BIDWELL.]

No objection being made, it was so ordered.

TERRITORY OF LINCOLN.

Mr. ASHLEY, of Ohio, from the Committee on Territories, reported back House bill No. 647, to provide a temporary government for the Territory of Lincoln; which was ordered to be printed and recommitted to the committee.

TELEGRAPH LINES.

Mr. ALLEY. I ask unanimous consent to take from the Speaker's table for the purpose of reference Senate bill No. 357, to aid in the construction of telegraph lines, and to secure to the Government the use of the same for postal, military, and other purposes.

The bill was accordingly taken up, read a first and second time, and referred to the Committee on the Post Office and Post Roads.

PUBLIC PARK IN THE DISTRICT.

Mr. RICE, of Maine, by unanimous consent, introduced a bill for the establishment and maintenance of a public park in the District of Columbia; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

TARIFF BILL.

Mr. MORRILL. I now move the rules be suspended and the House resolve itself into Committee of the Whole on the state of the Union.

The motion was agreed to.

So the rules were suspended; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr.

SCOFIELD in the chair,) and resumed the consideration of the special order, being bill of the House No. 718, to provide increased revenue from imports, and for other purposes.

The Clerk resumed the reading of the bill by paragraphs for amendment, commencing as follows:

On wrought-iron tubes of all descriptions, four cents per pound; on wrought-iron hinges of all descriptions, and bed-screws, four cents per pound; on galvanized iron of all descriptions, four and one half cents per pound; on anvils of all descriptions, four cents per pound; on cut nails and spikes of all descriptions, two cents per pound; on all hand-saws not over twenty-four inches in length, \$1 50 per dozen and thirty per cent, *ad valorem*; over twenty-four inches in length, \$2 50 per dozen, and, in addition thereto, thirty per cent, *ad valorem*; on all back-saws not exceeding ten inches in length, \$1 25 per dozen, and, in addition thereto, thirty per cent, *ad valorem*; over ten inches in length, \$2 25 per dozen, and, in addition thereto, thirty per cent, *ad valorem*; on squares of steel or iron, marked for measuring, six cents per pound, and, in addition thereto, thirty per cent, *ad valorem*.

Mr. AMES. I move to amend, in the last line, by striking out "thirty" and inserting "fifty," making it "fifty per cent, *ad valorem*." Steel has been advanced in price three cents per pound, and thus stands at the old rate of duty.

Mr. MORRILL. I suggest to the gentleman to make it at the rate per pound rather than *ad valorem*. I suggest to make it ten cents.

Mr. AMES. I will accept the modification to strike out "six cents" and insert "ten cents," leaving the *ad valorem* duty as it stands.

Mr. HARDING, of Illinois. I rise to oppose the amendment. I have not been very troublesome to the House during the consideration of this bill, notwithstanding I have a constituency which I believe is about equal in number to that which is ordinarily represented by a member on this floor, and have therefore an equal right to express my views. I dissent from this special provision of this bill and to many others. I hold that this vast increase of the tariff duty will have the effect to impose an onerous and excessive burden upon the consumers of the articles which are mentioned in this bill—the toiling millions of the country.

If I understand the effects of this bill, they are these: by the provisions of this bill it is expected to affect the value of at least \$1,000,000,000 worth of material which is now on hand in the warehouses of merchants, manufacturers, and importers, including all that will be manufactured, all of which, both that on hand and that to be manufactured, is to be consumed within the next year. My information from gentlemen who are cognizant of the facts is to the effect that that estimate is not too large. The effect of this bill will be to increase the cost of that \$1,000,000,000 worth of material to be consumed by the people of the United States within the next year at least thirty per cent. upon the whole amount, or at least \$300,000,000. Now, let me ask this committee, who will pay this increase? If it was an appropriation to pay a premium to manufacturers and to the holders of the imported articles there might not be so much objection to it, for it would be an appropriation out of the Treasury of the United States. We derive the money in the Treasury of the United States in a great measure from taxes upon the wealth of the country, upon the incomes of the wealthy, upon articles of luxury; and if we should take out of the Treasury of the United States \$300,000,000 and appropriate it *pro rata* to those who ask assistance under this bill, we could better afford to do it, for then we would have a constituency able to pay it. But we propose to take it, by this bill, not from the wealth of the country, but from the poor, who are burdened in common with the wealthy with the taxes imposed by the revenue bill; we are to extract from the consumers of the United States during the next year the sum of \$300,000,000, and to pay it to whom?

[Here the hammer fell.]

The question was then taken upon the amendment of Mr. AMES, and it was not agreed to.

Mr. MORRILL. I move to amend this paragraph by striking out "six" and inserting "nine," so as to make the duty nine cents per

pound. I will state that we raised the duty upon all steel and iron from which these squares are made, and it is manifestly improper that we should leave all iron and steel squares at precisely the same rates they have borne heretofore. The gentleman from Illinois [Mr. HARDING] is not perhaps aware that in the manufacture of these articles a large amount of waste is incurred. It takes much more iron or steel to manufacture a square, than what is really found in the square after it is made, which is usually not a heavy article, but may have had much labor bestowed upon it.

Mr. WILSON, of Iowa. Will the gentleman allow me to ask him a question?

Mr. MORRILL. Certainly.

Mr. WILSON, of Iowa. I would ask the gentleman from Vermont [Mr. MORRILL] if it takes more steel and iron to make a square in England than it does in this country.

Mr. MORRILL. The gentleman from Iowa [Mr. WILSON] is too astute himself to be deceived on this question, and he ought not to undertake to befog anybody else. He knows very well that if steel is allowed to come into this country only at so high a rate of duty that squares cannot be profitably manufactured from it, then, instead of steel coming in here unmanufactured, we will have it imported in the manufactured form.

Mr. KASSON. I would ask the gentleman if we did not essentially reduce the internal revenue tax on these articles.

Mr. MORRILL. The gentleman asks that question for the sake of having me argue his side of the question, which I do not propose to do.

Mr. KASSON. What I want are the facts.

Mr. MORRILL. The facts have already been stated.

Mr. HARDING, of Illinois. I rise to oppose this amendment of the gentleman from Vermont, [Mr. MORRILL.] When the line of my argument was interrupted just now I was endeavoring, on behalf of my constituents, to show that this presents a practical question to the members of this House for consideration. The manufacturers and importers of this country have now on hand in the warehouses of this country large stocks of goods, to the amount of many millions, which have been withheld from consumption by the demand of high prices. And the question is whether those high prices which have prevailed during the war shall be continued or not, and whether my constituents and the constituents of other gentlemen here shall be required hereafter to pay those extraordinary prices for these articles imported from abroad or manufactured here. Now, I hold that it is a clear proposition that the consumers of this country must pay the prices added to the materials embraced in this bill. We cannot derive the payment from any one else. It is a question between us and our constituents at home.

Now, sir, these gentlemen come here and tell us that, regardless of consequences, they must have an average of at least thirty per cent. added to all the materials which are essential to the prosperity and existence of the country. I maintain, sir, that if there is a prosperous class in this country it is not that class who for four years toiled for their Government at thirteen dollars per month. My constituents at the outbreak of this war had nothing to do that would give them even a livelihood at home. Our crops were rotting, literally rotting, and burning in our granaries and store-houses. Our people went to the war and spent four years in the service of the Government for the paltry sum of thirteen, fourteen, or fifteen dollars per month. They wore the clothes which these eastern gentlemen manufactured and sold to the Government at extravagant prices. We used the guns upon which eastern manufacturers made their fortunes, the powder and everything else with which they supplied the commissary establishment of the United States. We supplied it at prices ruinously low. Yet during the whole time we were paying the eastern manufacturers for the articles which we

needed one hundred per cent. more than the articles cost them.

[Here the hammer fell.]

Mr. KELLEY. I move to amend the amendment by striking out "nine" and inserting "eight." I propose this amendment *pro forma* for the purpose of saying what is indisputably true, that the question of protection here to-day is more eminently a question of protection to the growers of wheat than of protection to the manufacture of any fabric.

Sir, from the year 1850 to 1860 the wheat crop of Ohio fell from thirty million bushels per annum to fifteen millions. Our average crop from virgin soil is about thirty bushels to the acre. Our crop from old soil, worked under the free-trade policy, which has prevailed throughout our history with rare and brief intervals, is from seven to ten bushels per acre. Under free trade our farmers draw but an average of twelve bushels from the acre; while England, importing breadstuffs and converting them into manures, has enabled her farmers by equal labor to draw from the acre, not twelve bushels, as they formerly did, but from thirty-five to forty-three bushels.

When those whom the gentleman from Illinois represents draw wheat from the prairies for exportation they draw from the soil a portion of the vital principle of wheat for exportation; while if the wheat they produce were consumed in the neighborhood and the straw consumed by the mules and horses of iron-works and coal mines, the vital elements thus abstracted would be restored to their land and the next year the crop would be as heavy as the last. But they gather up their crop, and if there be a foreign market for it send it over thousands of miles of railroad and across the ocean, to be transmuted into manure and increase the reward of the English farmer's labor. Free trade thus diminishes the results of the labor of the gentleman's constituents upon their acres. The farmers of the prairies need such protection as the provisions of this bill will give them.

The friends of the bill want to secure to the farmers a home market. We want to enable them to restore each autumn or spring the vital principles of the soil extracted by each year's crop of grain. Would you know how much Ohio paid for her British goods during the last decade? Take the cost price in gold, and add to it half the value of her wheat lands. For she began the decade with thirty million bushels in 1850, and in 1860 she raised but fifteen million bushels. She had sent, in addition to the money value of the imported goods she consumed, the wheat-yielding principle of her acres to England to enrich the soil of that island.

This question of protection is the farmer's question; and the gentlemen from Iowa and Illinois plead against the interest of their grain-growing constituents when they strive to compel us to consume British, French, and Belgian articles. I plead the farmer's cause; and he who will study the measured rewards of the farmer's labors in the constantly diminishing crops of our agricultural districts will find that they diminish in proportion to the amount of white and hard crops gathered here and shipped abroad for consumption and transmutation into manure.

[Here the hammer fell.]

Mr. MOORHEAD. I rise to oppose the amendment of my colleague, not for the purpose of replying to his argument, but to say a few words in answer to the eloquent argument of the gentleman from Illinois, [Mr. HARDING.] The item now is steel squares. It is therefore connected with the manufacture of steel, and is a good place for me to make the illustration I desire. The gentleman from Illinois has argued the question all through as if the amount of duty levied upon the foreign article would enhance the price to the extent of the duty, and that the additional price would have to be paid by the consumer.

The argument can be illustrated upon this item of steel, as indeed it can upon every other

article imported from abroad. Twenty years previous to the tariff of 1861, known as the Morrill tariff—considered by many to be a high tariff—the price of foreign steel, for we had no American steel then, and have little now, was from seventeen to nineteen cents. That tariff advanced the duty. Previous to that it was only twelve per cent. *ad valorem*. That tariff more than doubled that rate. It has been increased since by the tariff of 1864, and we propose to advance it more. Notwithstanding this is said to be the best country to sell in, on account of our inflated prices, still the price for steel throughout the United States is much less now than then. How can the gentleman answer facts like these when he endeavors to induce the people to believe the rate of duty levied upon an article increases the price to our constituents? It is a false idea entirely, and these facts in regard to steel show that it is. I hope the gentleman will carefully consider them, and if he does, I am sure he will change the view he now takes of this subject.

Mr. HARDING, of Illinois. I rise to move an amendment.

The CHAIRMAN. Neither amendment nor debate is now in order.

Mr. KELLEY. I withdraw my amendment to the amendment.

Mr. HARDING, of Illinois. I renew it. I wish to say to gentlemen that all the arguments they have presented to this House are predicated on the basis that by reason of the duty imposed the subjects of this legislation will be protected from any reduction in price. They say that reduction in price will ruin them, and therefore it is necessary to keep it up. They wish to keep the price so as to prevent all foreign competition. We are told that foreign competition, by lowering the price to the consumers of this country, would ruin them. It will not be denied that this is the argument for keeping the duty up on this and all other articles. They ask this tariff that they may be protected from any reduction in price, and therefore the consumers of the country are compelled to pay the three hundred millions of revenue which this is expected to raise. If you put a heavy duty on nails for instance, I will have to pay it if I use nails.

Mr. MOORHEAD. The gentleman is unfortunate in his illustration when he refers to the duty on nails. We ask no protection on nails now, and it is not necessary to put any duty on the importation of nails. We can beat the world in making nails. The very system of protection we now propose has built that manufacture to such an extent that it is able to compete favorably with any like foreign interest.

Mr. HARDING, of Illinois. If that interest does not need any protection then why impose a duty of two cents per pound on nails in this bill? While I am ready and willing to maintain the industrial interests of the country against ruinous competition, I am unwilling to put up the duty thirty per cent., the effect of which will be to enrich during the next year everybody connected with manufactures. If we are now commencing to build woolen, cotton, and other manufacturing establishments, and if by this bill we are to pay thirty-three and one third per cent. additional to the present prices for all the material with which we fit up those establishments, I do not see how you call that encouraging manufactures. It is a bill for the encouragement of those who have a large stock of goods on hand. They will reap the benefit of it within the next year.

[Here the hammer fell.]

Mr. DAWES. I wish the gentleman would remember the history of cut nails. Under the influence of the protective principle the price of cut nails has come down so that they are purchasable in the market for one quarter what they were thirty years ago, and had it not been for protection we should have been dependent for them to-day upon England. Under the system of protection there has sprung up a competition in this country which has brought that simple article of cut nails down to one

quarter what it would have been had we enjoyed free trade and allowed England the monopoly of our markets. And so with everything else. The principle is the same from beginning to end.

Now, Mr. Chairman, this tariff bill can be framed, as I said yesterday, upon one of two principles only. It must be upon the principle of laying a duty either upon the raw material or upon the manufactured article. And the effect of this tariff must be one of two things, either to bring in the manufactured article or to bring in the laborer himself. It will import either the product of the labor or the laborer himself. The gentleman from Illinois [Mr. HARDING] may have his choice. It is an impossibility to frame this tariff upon any other principle than that the article shall be manufactured on this side or on the other side of the Atlantic. If upon the other side, the laborer will stay there; if upon this side, he will come here and enrich this country, and enrich the gentleman's State more than any other. If the State of Illinois, to which this Government has donated public lands enough to make an empire, wants wealth she must have laborers, and she can have laborers if she will permit them to be employed on this side of the water rather than the other.

I defy any one to frame a system of tariff upon any other than one of the two principles I have named, namely, a discrimination against American labor or a discrimination for it. The gentleman from Illinois [Mr. HARDING] seems to cling to the idea of the tariff of 1846, which was framed expressly and avowedly upon the principle of free trade and discrimination against the laborer of this country, and in favor of the laborer of the old country. We were told yesterday that these doctrines were old. So are these objections old. But they come from a new source. Heretofore they came from the mouths of another party, another side of the House; now they are taken up on this side of the House. But, sir, the fate of the tariff of 1846, its ruinous effect upon the industry of the country, would be the fate of this tariff if it were framed upon the principles suggested by the gentleman from Illinois.

Mr. HARDING, of Illinois. I withdraw the amendment.

The question was taken on the amendment of Mr. MORRILL to strike out "six" and insert "nine," and it was agreed to.

The Clerk read as follows:

On needles of all kinds for sewing, darning, and knitting, forty per cent. *ad valorem*; on needles for knitting or sewing machines, one dollar per thousand, and, in addition thereto, thirty-five per cent. *ad valorem*.

On table cutlery, with ivory, pearl, or metal handles, one dollar per dozen and forty-five per cent. *ad valorem*; on table cutlery with other than ivory, pearl, or metal handles, twenty-five cents per dozen, and, in addition thereto, forty per cent. *ad valorem*; on butcher knives, cook's and shoe knives, and spatulas and palettes, one dollar per gross, and, in addition thereto, fifty per cent. *ad valorem*.

Mr. ALLISON. I move to strike out after the word "handles" the words "twenty-five cents" and insert "twelve cents."

Mr. MORRILL. No objection.

The amendment was agreed to.

The Clerk read as follows:

On cutlery of all kinds, not including pocket cutlery, not herein otherwise provided for, fifty per cent. *ad valorem*; on pocket knives and pocket cutlery of all kinds valued at not over five dollars per dozen, seventy-five cents per dozen, and, in addition thereto, fifty per cent. *ad valorem*; valued at over five dollars per dozen, two dollars per dozen, and, in addition thereto, fifty per cent. *ad valorem*.

On steel skates costing twenty cents or less per pair, ten cents per pair; costing over twenty cents per pair, forty-five per cent. *ad valorem*.

On padlocks and curry-combs of every description and of whatever material composed, twenty-five cents per dozen, and, in addition thereto, forty-five per cent. *ad valorem*.

Mr. DAWES. I move to amend by adding after the last paragraph the following:

On chest, drawer, till, cupboard and wardrobe locks of every description, and on door and shutter bolts, and wrought iron drawers, twelve cents per dozen, and, in addition thereto, forty-five cents *ad valorem*.

This is rendered necessary by reason of the

duty on the articles that enter into their manufacture.

The amendment was agreed to.

The Clerk read as follows:

On horse-shoe nails, all kinds, seven cents per pound: on cut tacks, brads, or sprigs not exceeding sixteen ounces to the thousand, two and a half cents per thousand; exceeding sixteen ounces to the thousand, three cents per pound.

On wrought nails and spikes less in size than twenty-penny, (20d.,) four cents per pound; and on all other wrought nails or spikes, three cents per pound.

Mr. MORRILL. I move to strike out the last paragraph and insert in lieu thereof the following:

On wrought-iron rivets, bolts, spikes, and nails less in size than twenty-penny, four cents per pound; on all other wrought-iron rivets, bolts, spikes, or nails not herein otherwise provided for, three cents per pound.

The amendment was agreed to.

Mr. GRISWOLD. I move to insert after the last paragraph, "on horse and mule shoes, two cents."

Mr. STEVENS. It ought to be more than that.

Mr. GRISWOLD. The principal producers of the article are satisfied with two cents, but I am willing to make it higher if the gentleman desires it.

Mr. STEVENS. I think it ought to be four cents, but I will say three.

Mr. GRISWOLD. I will accept that.

Mr. KASSON. I understand the gentleman to say that the parties interested were satisfied with two cents, but now the gentleman from Pennsylvania proposes to increase it in order to conform to the general principle of protection or prohibition. I think the gentleman from New York had better adhere to what the parties in interest are contented with.

Mr. MORRILL. I trust the amendment making the duty three cents will not be adopted. These articles are made by patent machinery, and are produced very cheaply, and I think the manufacturers will be content with two cents.

Mr. GRISWOLD. I will adhere to my original proposition, making it two cents per pound.

The amendment was agreed to.

The Clerk read as follows:

On railroad splice-bars or chairs, punched or unpunched, two cents and a half per pound.

On iron bars for railroads or inclined planes, made to pattern, ready to lay down, one cent per pound.

Mr. MORRILL. I move to strike out the last paragraph and insert in lieu thereof the following:

On all iron imported in bars for railroads or inclined planes, made to patterns and fitted to be laid down on such roads or planes without further manufacture, one cent per pound.

Mr. WILSON, of Iowa. I propose now to strike out of the amendment the words "one cent per pound," and insert the words "seventy cents per one hundred pounds." The amendment of the chairman of the committee proposes to continue the present rate of duty on railroad iron. I do not expect with the temper that has been manifested by this committee to succeed in reducing this rate of duty. I know that these iron men are very poor and very much depressed, and I am glad to know that some of those who are taking special interest in this subject are also coming forward as the champions of the western farmer. I am almost disposed to suggest to the appointing power that the gentleman from Pennsylvania, [Mr. KELLEY,] who gave us a dissertation on farming this morning, be placed at the head of the Agricultural Department, because he gave us some ideas that it will be very difficult to get our farmers in the West to comprehend unless they shall come in some official form from the head of that Department.

Now, sir, the farming interest in the West is interested in this particular item of the bill. We are engaged in the construction of railroads, and it is of the utmost importance to that section of the country that those railroads shall be completed, and that they shall not be retarded by the legislation of this Congress.

As I stated on yesterday, I repeat to-day, that I am in favor of granting to American manufacturers fair and reasonable protection against foreign competition. And, sir, I think we have already granted by the action of the present Congress some relief, for I hold in my hand a letter written by a person connected with one of the principal iron establishments in this country, the Cambria Iron-Works, in which I find a statement of the amount of reduction in the former tax upon the iron interest of that establishment. I find by the statement of this letter, written by Mr. Morell, that the amount of tax which we have taken off of every ton of railroad iron is \$8 40. We have taken off of pig iron, according to his statement, \$2 40. [Here the hammer fell.]

Mr. GRISWOLD. Mr. Chairman, I desire to inquire of the gentleman from Iowa what he would regard as a proper protection for the iron interests of this country.

Mr. WILSON, of Iowa. I will answer the gentleman. I know that the iron interests in this country have been prosperous during the past four years. I know that they have prospered under the present tariff. I know that according to the statement of the gentleman to whom I have referred—and any person can satisfy himself as to its accuracy—we have reduced the tax to the extent I have stated.

Mr. GRISWOLD. I did not yield to the gentleman for a speech, and I must go on with my remarks. I desire to inform the gentleman that instead of its being the fact that prosperity has attended the manufacture of railroad iron during the last four years, not a rolling-mill in the country during the last eighteen months has made one dollar; and there is not a mill in the country that can run to-day, competing with the English manufacturer, without a ruinous sacrifice in its business.

Mr. WILSON, of Iowa. I wish to ask the gentleman from New York a question.

Mr. GRISWOLD. I cannot yield any further. Mr. Chairman, the gentleman's strong point is—and it is no new argument presented on this floor—the strong point made by these western gentlemen is, that they are in want of railroad iron at a low price for the purpose of cheapening the cost of constructing their railroads. I desire to ask the gentleman from Iowa whether he believes that striking at a great interest of this country is the way to promote the general prosperity and secure the construction of railroads in a portion of the country. Now, sir, the cost of constructing railroads, on the average, is forty to fifty thousand dollars per mile. The difference between the present duty on rails and the proposed duty would make a difference of only \$450 per mile in the cost of the construction of railroads. Yet the gentleman, for the sake of saving four hundred to four hundred and fifty dollars per mile in the cost of constructing railroads, is ready and willing to strike at this great interest.

Mr. WILSON, of Iowa. Will the gentleman permit me to ask him a question?

Mr. GRISWOLD. No, sir; I have not time to yield. Now, sir, I should like members of this House to decide whether they deem it incumbent on them to protect American interests, or whether they are here to act in obedience to the behests of the English manufacturer. In the Engineer, an English publication, I find, on page 295, the following:

"One of the objects of the British association [the Iron and Steel Association] is to look after foreign tariffs."

Now, Mr. Chairman, I present to the consideration of the gentleman from Iowa the question whether it is wise to respond to the desire of the English association formed for the protection of manufactures there and to look after foreign tariffs, including the tariff of this country. In perfect consistency with this purpose is the issuing of the free-trade pamphlets, which have been circulated throughout the country. Congress has been flooded with them. Every member has had placed upon his desk these specious arguments issued by the Free-

Trade League in this country. Mr. Chairman, whom do we find to be the managers and officers of this association? I stand here ready to prove that not a solitary man among the officers or counselors of this Free-Trade League is identified with the industrial interests of the United States. Almost without exception every man of them is either a mere theorist or is directly or indirectly interested in or identified with the English trade.

[Here the hammer fell.]

Mr. WILSON, of Iowa. I withdraw the amendment, that the gentleman from New York [Mr. RAYMOND] may renew it.

Mr. RAYMOND. Mr. Chairman, I renew the amendment. I desire to say a few words with reference to this particular clause in the bill; and I shall not seek to have the House decide it by an appeal to prejudices that may be created, as they are often created, by quotations from foreign newspapers or from the circulars of some particular foreign firm. This is a simple question of detail. My colleague [Mr. GRISWOLD] appeals for protection to the rolling interest of this country. That interest is entitled to protection. There are other interests also entitled to protection. But my complaint is, that in seeking to protect one interest gentlemen on this floor generally are too apt to lose sight of all others. Sir, what is the increase in this rate of duty and the reason assigned for it? Previous to the last session the duty on railroad iron was \$13 44 per ton. It was raised last year to \$15 75, expressly for the reason that the internal tax levied on it was \$8 40. Now, that internal tax has been thrown off, and yet it is proposed to raise the duty to \$22 40.

Mr. GRISWOLD. I ask the gentleman to let me interrupt him for a moment.

Mr. RAYMOND. I do not want to be interrupted. You can follow me. I wish to say that is a large increase in the rate of duty on railroad iron. See what is the whole amount of duty levied on iron landed here—\$15 75 to be paid in gold; freight charges to be paid in gold; insurance and commission; in all \$27 75 in gold, or \$38 62 in currency, is to be paid on every ton of railroad iron brought here from England. That is so much protection on every ton. According to the present law it is proposed to increase it \$6 75 in gold, or ten dollars in currency, so that every railroad that buys a ton of iron landed here from abroad has to pay forty-eight dollars in currency over and above the cost of production abroad. If that is not sufficient protection, what, in Heaven's name, will be? The great objection I make to this cry for protection is not that it is wrong in principle, but that there is no end to it. We were told in the beginning if we protected this infant manufacture it would soon stand alone. We have been doing that for thirty or forty years, and yet every session of Congress witnesses new demands for increased protection.

How will this fall on the railroad interest? I take two railroad companies in my own State, the New York Central and the New York and Erie, both employing more capital than all the rolling interests in the United States, disbursing ten times as much money and providing for and supporting ten times as many people. They renew one fifth of their roads every year, and will require each two hundred and twenty thousand tons to lay down new portions of their tracks, on which they will have to pay \$975,000 of increase; that is, both will pay about two million dollars by way of protection. In Heaven's name, is not that enough? They pay \$2,000,000 apiece as internal tax, and we are to put \$2,000,000 more on them in the way of protective duty. They cannot stand such oppression. And these are only two roads out of all in the United States. They all paid something like six million dollars of internal tax, and you are proposing now to put \$6,000,000 upon them in the shape of protection. I desire to see the time come when this iron interest will be able to protect itself.

[Here the hammer fell.]

Mr. GRISWOLD. I desire to say that the duty imposed under the present tariff affords no protection at all to these rail makers. This is proved not only by theory but by experience, and I will demonstrate it to my colleague whenever he will give me an opportunity. We were told at the first session of the Thirty-Eighth Congress, against the plea for increased duty on American rail, that there was not capacity in this country to produce all that was needed. What are the facts to-day? With a capacity in this country of producing nine hundred thousand tons annually, last year the production was only about three hundred and fifty or four hundred thousand tons; and that was because the price at which the low grade of English rails were offered in the market of this country was so low that the American producers could not compete with them. That is the simple fact. I commend it to the consideration of the gentleman, and I appeal to his sense of justice not to ignore that fact.

If gentlemen are going to single out for attack this one single branch of the iron interest, I give them notice that it will be just as disastrous and fatal as though they attacked all the branches of the iron interest together. You cannot single out any one branch which absorbs so much labor and material as this does without producing a disastrous effect upon every branch of the iron interest. The gentleman from New York city [Mr. RAYMOND] knows as well as I do that no branch of industry in England has ever contributed so much to the national wealth and prosperity of that country as has the great iron interest; and no branch of industry will ever contribute so much to the national wealth and prosperity of this country as the great iron interest if properly encouraged and protected. I appeal to him not to permit his judgment to be warped by the futile and specious arguments that are presented by gentlemen who are interested in railways or English manufactures.

Mr. RAYMOND. I withdraw the amendment to the amendment.

Mr. WILSON, of Iowa. I renew the amendment for the purpose of saying a few words. I think if the gentleman from New York [Mr. GRISWOLD] would deal a little more in details and not quite so much in generalities we might understand this question a little better than we do now. He says the manufacturers of railroad iron in this country have not been conducting a profitable business during the last four years. I suppose they have not been losing a great deal; they have probably succeeded in at least paying expenses.

Mr. GRISWOLD. Many have not.

Mr. WILSON, of Iowa. The better way for the gentleman to inform us would be to tell us how much they have made or how much they have lost per ton on the iron manufactured by them. If they have been able heretofore barely to pay their way, they ought to be satisfied now. As I have already shown by the testimony of gentlemen interested in the Cambria Iron-Works, we have relieved them of an internal duty of \$8 40 per ton. And yet they ask us now to place an additional duty of six dollars in gold per ton upon all iron imported, in order to give them the protection they say they need. Now, sir, that is a fact that we can all understand; we have already relieved them of that amount of duty per ton. There is no answer to that; no gentleman has attempted to answer it. Let gentlemen come down to these details and tell us how much these manufacturers have made or lost per ton, and then we can judge of this question.

We have been asked to increase the duty on this article; and not only on this article, but upon every article embraced in this bill, because of the high price of everything. The gentleman from Vermont, the chairman of the Committee of Ways and Means, [Mr. MORRILL] commenced his speech the other day by deprecating the amount of currency which we now have in circulation. And he desires a reduction of the

currency in order that we may reduce the prices, and thereby afford protection to American manufactures. Now, are you to reduce prices by increasing the amount of protection given to manufacturers? If it is because of high prices that they are not now making as much as they desire to make, will you reduce those high prices by affording them a margin of increase of price on all their manufactures? Every one knows that so far as you increase the marginal profits to them by this protection, you hold out to the workman the prospect of getting the manufacturer to accede to a demand for an increase of his wages. And where is it to stop? The truth of the whole matter is, that this legislation is simply legislation in favor of keeping up the high prices that now prevail in this country; it will have and can have no other effect. And I say to the gentleman from New York [Mr. GRISWOLD] that I am not striking at this interest merely. I desire to reduce all the duties provided for by this bill, and let them stand where they now stand under existing legislation. I am free to say that I will not vote for this bill, for I believe it to be extravagant in its demands and in its provisions. And I will remark here, as I remarked yesterday, that those who are asking for this legislation are making the greatest legislative mistake that has ever been made in connection with the interests of the manufacturers of this country. They will, by legislating so as to keep up the high prices which now prevail in this country, place such a burden upon the people as will bring about a reaction which will swing back the rates of duty far below where they are now.

[Here the hammer fell.]

Mr. GARFIELD. There are two or three points which I wish to notice in the argument of the gentleman from Iowa, [Mr. WILSON.] I suppose he will agree with me that what we do in reference to this clause about railroad iron should be done so as at least to make the bill distributively just. Now, I would be glad to have him and other gentlemen consider this question. If we put the tariff upon bar iron, as has already been agreed upon, at one and a quarter cent per pound, how can he regard it as just to put a tariff on railroad iron of only seven mills per pound? There is no distributive justice in such a rate as that. And if he carries the point which he desires to carry, in relation to railroad iron, then we ought to go back and change every other item in the bill in relation to iron.

It costs about the same to make a ton of railroad iron that it does to make a ton of common bar iron. And because we have given some special favor to railroad iron in the internal revenue bill, we give it less protection in this bill than we do to common bar iron. And the gentleman from Iowa [Mr. WILSON] wants us to give it still less protection by reducing it almost to one half of what is now proposed. I am perfectly well aware that we have been compelled to raise the tariff more than we otherwise should have done, because of the opposition of the gentleman from Iowa and others to a more stringent loan bill, which would have reduced our inflated currency, and brought us more rapidly down to the basis of fixed values in this country. But as that large amount of circulation is still afloat, and as values are constantly changing, and liable to change even more rapidly from the uncertainty of foreign affairs, we must now give such protection to our manufactures as we would not otherwise have been compelled to give.

I am unwilling in this bill to adopt all the dogmas of any one of the extreme parties, whether free traders or tariff men. But as a practical question I demand that our own interests in this country shall not be eaten up and destroyed by the interests of foreign manufacturers. I remember perfectly well, and gentlemen here remember, what has been the policy of England for the last one hundred and twenty-five years in reference to this country. The manufacturers and Birmingham smiths, more than a century and a quarter

ago, petitioned Parliament in the following words:

"That the American people may be subjected to such restrictions as shall forever secure the iron trade to this country."

And that is still the purpose and policy of Great Britain. And those gentlemen who desire to give Great Britain the opportunity to accomplish that purpose, will vote with the gentleman from Iowa [Mr. WILSON] on the proposition he has now made.

Why, sir, in 1750 a bill was actually introduced into the British Parliament ordering that every iron mill and slitting mill in America should be demolished; and it only lacked two votes of becoming a law. And although that bill did not carry they did carry a proposition that from that time forward no slitting mill should ever be erected in America, and that no trip-hammer, to be run by water power, should ever be erected in America; that we might produce the raw material, but that it should be exported to them to be manufactured. And whenever the Americans went to work to supply themselves with what they needed the Birmingham smiths went up to Parliament with a petition that such legislation might be had as would forever secure the iron trade to the people of Great Britain. And I wish to say that the same sort of issue is now upon this country.

While I am upon the floor, I wish to respond to a question of the distinguished gentleman from New York city, [Mr. RAYMOND.] He wants to know where this cry for protection will end; when the iron interest will be sufficiently protected to stand alone. I will answer the gentleman. It will be, if that unfortunate day ever comes, when American labor is only equal to the pauper labor of Great Britain in its wages per day. If that happy day shall ever come when the amount of our capital shall be proportionately as great, and the rate of our interest shall be as low as it is in Great Britain, then he may be able to find what he seeks.

Mr. WILSON, of Iowa. I withdraw the amendment to the amendment.

Mr. DODGE. I renew the amendment to the amendment for the purpose of saying a few words. I am confident that there is no portion of the country so deeply interested in the increase of our iron interests, and particularly the interest of railroad iron, as is the West. The State of Iowa, twelve hundred miles from the sea-coast, is more deeply interested in the successful increase of the railroad interests of the country than almost any other State. Within the last five years there has been a vast increase of the capacity of rolling iron in this country. I differ from my colleague from New York city [Mr. RAYMOND] in regard to the prosperity of the iron interests of this country. I know that for the last eighteen months those interests have been far from prosperous. But during the early years of the war the iron interests were prosperous, and during that time the railroad iron mills of this country increased rapidly. The railroad interests of the West are now stimulating the production of railroad iron in the West. There are now rolling-mills in Chicago; there are rolling-mills in St. Louis; and I have been informed within a few days past that a large amount of capital is about to be raised to put up immense rolling-mills on the Mississippi river, near the Iron mountain in Missouri.

The people of the West are more interested than any other portion of our people in securing railroad iron made from the best quality of iron. The railroad interests of this country for the last fifteen years have suffered immeasurably from the poor quality of the railroad iron that has been imported into this country. They have had the products of the cinders of the mountains of Wales converted into rails and imported into this country. The result has been the imposition of a tremendous expense upon the railroad interests. We want to develop the manufacture of railroad

iron from the very best quality of iron. It is of more consequence to railroads that they secure the first quality of rails than that they shall procure them at a low price. And grant the protection now proposed and railroad iron mills will spring up all over the West, not only providing new rails, which are wanted for the construction of new roads, but rolling the old rails and perpetuating in the cheapest possible manner all the mighty railroad interests of the West. I now withdraw the amendment to the amendment.

Mr. ALLISON. I renew the amendment to the amendment. I think this particular provision in relation to railroad iron should be changed as originally proposed by my colleague, [Mr. WILSON,] and I beg gentlemen who are insisting here upon protection not to regard those of us who oppose the full measure of protection that they ask as being in favor of free trade. I am willing for one to give to the manufacturers of this country all the protection that the necessities of the hour require. But I am not willing to give them such protection as I believe they do not require. We have a proposition here to increase the duty upon railroad iron to the extent of six dollars per ton. And yet in the internal revenue bill which we have just passed we have relieved that branch of industry entirely from internal taxes. We have taken the duty off coal; we have taken the duty off pig iron, and we have taken the duty off railroad iron, or relieved the railroad iron of burdens of internal taxation to the extent of \$8 43 per ton; and yet gentlemen, not content with that, ask that we shall give an increased protection of six dollars per ton to every manufacturer of railroad iron. And upon what ground do they ask this protection? That these industries are not flourishing at this time. I undertake to say, and I care not what other gentlemen may say upon that question, that the railroad iron interests and the railroad iron manufacturers of the country have flourished during the last year.

I hold in my hand the return from the Cambria Iron-Works, of Pennsylvania, a company having a capital of \$2,000,000, showing that during the last year they have paid \$215,000 of internal tax, or ten per cent. upon their capital. It shows they have made a greater profit upon the capital invested than perhaps any other class of capitalists in this country. I do not suppose they have been ruined during the last year when they were able to pay ten per cent. or \$215,000 of internal tax.

By reference to the report of the Commissioner of Internal Revenue, I find that the iron interest has increased during the last year. The State of Pennsylvania has paid more tax for the rolling of railroad iron during the nine months preceding this than during the entire year of 1864-65. Notwithstanding all this these gentlemen ask additional protection of six dollars per ton, when we have given \$8 43 on railroad iron. In addition to that, we have given this interest a special protection by our legislation in reference to the Pacific railroad. We are now building three or four roads across the continent, and have compelled them all to purchase iron of American manufacture. Is not this a protection not given to any other interest? We have never compelled any class of our people to purchase goods of American manufacture, but have uniformly allowed them to go where they pleased to purchase what they needed. So then this railroad interest has a special protection which has been afforded to no other interest. Now, Mr. Chairman, when I consented to the reduction of three dollars per ton on railroad iron in the internal tax bill, I did it on the understanding that there would be no proposition to increase the duty on imported railroad iron.

Mr. MOORHEAD. I ask the gentleman, if he had any such understanding, with whom it was he had it.

Mr. ALLISON. I may have perhaps used too strong an expression. I am not at liberty to state what occurred in committee on this

subject, or I would be very happy to communicate everything for the information of the House. I do not say the gentleman from the Pittsburg district is not and has not been in favor of the largest protection to the iron interest. I am with him, and with all others, in favor of protection, but not to the same extent. I am in favor of protection when there is necessity for it, but there is no such necessity, in my opinion, for the high rate of tariff proposed in this bill for the protection of this iron interest.

[Here the hammer fell.]

Mr. ALLISON, by unanimous consent, then withdrew his amendment.

Mr. BENJAMIN. I renew it; and I do it for the purpose of expressing a few ideas not given by the gentleman from Iowa in connection with this duty. There is another great interest more seriously affected by this bill than either the iron or railroad interest, or indeed than both interests combined. The agricultural interests of the country will feel the result of this legislation. Gentlemen representing the iron interest seem to have taken the agricultural interest under their especial charge, thus seeming to insinuate that the Representatives of the great West are incapable of protecting their own particular interests.

They say that we must build up a home market for the agricultural products of our country. Now, our products are affected by the facility or want of facility of getting them to market, and for the purpose of affording the facility required we are straining every nerve to build railroads, so that the farmers may have ready access for their products to market. And here we have a proposition to increase the duty six dollars in gold on railroad iron. We know how that will affect the railroad interest of the West. It will interfere with it very seriously by impeding the construction of those railroads; for unless we can extend transportation facilities to the farmers of the West their products will remain on their hands. This increase of duty, therefore, is really a tax on the agricultural interest. It will enhance the price of railroad iron, and to that extent increase the difficulty of building these roads so necessary to the West. The increased duty will come out of the pockets of the agriculturists. Every farmer who raises a pound of beef or pork, or who attempts to transport a barrel of flour or bushel of corn to market, has to pay this tax. Now, I do not see why this interest should be so heavily oppressed for the protection of the iron interest.

[Here the hammer fell.]

Mr. STEVENS. Mr. Chairman all those free-trade doctrines that are now located along the Mississippi were some years ago further located down South. I had hoped that they were expunged from the free industrial manufacturing North, but I was mistaken. Whatever else the secessionists took with them I am very sorry they did not take all their relics of free-trade doctrine with them. But it seems they did not; a little of the seed is left.

Mr. Chairman, thirty years ago, before there were rolling-mills in Pennsylvania for iron bars of this kind, the price of that article introduced from England was more than three times what it was five years ago, before the war. It was reduced from the former price simply by protecting American manufactures, and enabling our rolling-mills to build up the trade. And yet these gentlemen cannot see it, cannot understand it. They are blind to everything but a theory which is mere theory, and never can be reduced to practice without crushing all the industry of this country. Do not gentlemen know that the reason why England can now send into this country, as she does, nearly as much iron as we make is because the price of labor is but one third what it is here? Why, sir, the price of iron is well ascertained to consist of one part capital to nineteen parts labor. Nineteen twentieths of it is labor. It is the laborer, therefore, that these gentlemen are striking at; it is the laborer whom the Free-Trade League

of the gentleman from Iowa [Mr. KASSON] are seeking to grind by carrying out his theory. I say the Free-Trade League of the gentleman from Iowa, for I find his name connected with one of these leagues. I find his name in its circular as among its managers. But I am too much exhausted to speak, and I will say no more.

Mr. KASSON. I renew the amendment. I am glad my distinguished friend from Pennsylvania, [Mr. STEVENS,] with whom on the same committee I have worked for three years, has again renewed his suggestion ranking me as a free trader. I am glad of it for two reasons: first, that it affords me the opportunity to state in a dozen words what kind of divisions exist as to the principles that control members of this House, as well as the people of the country, on this subject. There is on the one hand the absolute free trader, who wishes to abolish custom-houses and let the markets of the world be as free as those of our own country. At the antipodes from him is the man who calls himself a protectionist, but who is really a prohibitionist. One of the latter class, and a friend of the gentleman from Pennsylvania, declared to me that he would build up a Chinese wall between the United States and every other part of the world. That was his remedy for our difficulties.

Mr. STEVENS. I never said anything of that kind.

Mr. KASSON. I did not say that the gentleman said it, but a friend of his and a distinguished protectionist of Pennsylvania, to whom the gentleman defers, like most Pennsylvanians, as authority.

Mr. STEVENS. I do not defer to that doctrine.

Mr. KASSON. Between those two extremes are two classes. One of them wishes simply to foster the incipient industries of America, until they are able to take care of themselves without help in fair competition with the industries of foreign countries. To that class of free traders I belong. The other is a class of men who also call themselves protectionists, who wish to build up monopolies in this country at the expense of the consumers, and of other industries in which they are not concerned.

Now, sir, I do not pretend to say to which of these four classes any gentleman in this House belongs, except myself; but I do distinctly affirm that I stand for the fostering of the infantile interests of America; and so knows the Free-Trade League of New York, or any other Free-Trade League that regards me as committed to their interests. Until those interests can stand alone, encourage them, discriminate in their favor, strengthen them. But when they have become vigorous, strong, rich, and skillful, then we say, "Hands off," open to the people of the country the privilege of a respectable competition of markets, of buying where they can buy cheapest, and selling where they can sell dearest. If you were to pass a law to compel us at the West to buy our goods from Philadelphia by imposing a discrimination against the goods shipped from New York, every sentiment of justice would revolt at it. Cross an imaginary line between Nova Scotia and New England, and you say you will not apply the principle of free competition in trade for the benefit of the people of this country. Both countries then assert that the people shall not buy where they can buy cheapest and sell where they can sell dearest, even in competition between well-established interests.

Now, sir, if advocating measures against aggression on the industries of our own country, while they are in their infancy and need support, but allowing free competition for the benefit of consumers, who are the masses of the people, when those industries are able to take care of themselves—if that be free trade then I glory in the word.

One remark in regard to railroad iron. When you tell the western people that they are getting railroad iron cheaper with every additional duty you put upon it if imported from abroad,

all I have to say is, that our people cannot see it.

[Here the hammer fell.]

Mr. KELLEY. Railroads running through wildernesses are not very good investments. In order to make a railroad profitable it should run from town to town and through towns. There should be cultivated farms upon its line, and the farmers should have a market, and those who work the farms should have the means to buy goods carried to them and thus patronize the railroad.

The gentleman from Missouri [Mr. BENJAMIN] remarked that the planting and farming interests must have facilities to get to market. I tell him they want one thing more than that. They want a market to get their products to. When they burn corn for fuel on the prairies of Illinois and Missouri, it is not for want of a broad river down which they may float them to market; it is for want of a market at the end of the river. Let them induce the construction of workshops, rolling-mills, forges, and furnaces near to their fields and they will have adequate facilities for getting their productions to market. The market will be at their door.

One other point. The gentleman from Iowa [Mr. WILSON] said that these changes of tariff were for increasing wages; that we were continually asking more tariff to pay more wages.

Mr. WILSON, of Iowa. I desire to say that I said no such thing. I said that this system of legislation was calculated to keep up high prices. In that I include everything.

Mr. KELLEY. Embracing everything, he included wages. I am for increasing wages so that every working man may be able to leave when he dies more than enough to buy his coffin; that he may educate his children and leave a home for them to live in. I am for so increasing wages that tempted by them the skilled workmen of England, France, or Belgium shall come and settle on the lands of the West that are traversed by railroads, and thereby increase the value of lands and railroad stock, and create a market for the products of the field. This is the method of securing permanent prosperity to the railroads in which the gentlemen from the West are interested. This bill will stimulate immigration, increase the value of western lands by giving the farmer a market always accessible, and will relieve the embarrassed railroad companies of the West.

Mr. WILSON, of Iowa. The reason the gentleman urges is the very one which several large iron manufacturers have urged to me. They complained of the price they had to pay their workmen, and were in favor of reducing wages instead of increasing them.

Mr. MORRILL. I move that the committee rise for the purpose of terminating debate.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. SCOFIELD reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, and particularly the special order, being bill of the House No. 718, to provide increased revenue from imports, and for other purposes, and had come to no resolution thereon.

CLOSE OF DEBATE.

Mr. MORRILL. I move that when the Committee of the Whole on the state of the Union shall resume the consideration of bill of the House No. 718, debate on the paragraph in relation to railroad iron be terminated in ten minutes.

The motion was agreed to.

TARIFF BILL—AGAIN.

Mr. MORRILL. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union on the special order.

The motion was agreed to.

So the rules were suspended; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. SCOFIELD in the chair,) and resumed the con-

sideration of the special order, being a bill of the House (No. 718) to provide increased revenue from imports, and for other purposes.

Mr. HALE. Mr. Chairman, I desire in the first place to correct one or two misapprehensions of fact in regard to the action proposed by this bill. It proposes a tax of one cent per pound upon railroad iron, which is an increase of five dollars per ton, and no more, upon the existing rate. I undertake to say that during the last eighteen months no manufacturer of railroad iron in the United States has been doing business at a profit. I believe that no manufacturer of iron of any grade has been doing business at a profit. For the last two years the internal direct taxes upon the manufacturer, accompanied by those indirect taxes resulting from the internal taxation of the consumption of the laborer, have been actually greater than the tariff, with the gold rates converted into currency. The protection has been in favor of the foreign producer, and not the home producer. The discrimination has been in favor of foreign labor and against home labor.

Now, by the internal revenue act of the present session, as proposed to be passed, we have struck off those direct taxes upon railroad iron, but the great mass of indirect taxation, which bears very heavily upon all these classes of manufacture in which labor is the principal ingredient, will still continue. We now propose to put a tariff of twenty dollars per ton on railroad iron. That is not all protection, for from it we must subtract the amount of indirect internal revenue tax which still bears upon it. What this is I am unable to state in detail, but we may safely estimate it as not less than one half this amount. A gentleman near me says that it will amount to eight dollars per ton. My own impression is that it will not be less than ten dollars per ton. Thus we see that the protection here proposed is no such monstrous thing as gentlemen have argued.

Let me then leave this branch of the subject and recur for a moment to the arguments which have been advanced against this proposed rate of duty. All the gentlemen who have discussed this question, including my colleague from the city of New York, [Mr. RAYMOND,] who spoke on behalf of New York railroads, and the gentlemen from the West, who speak in behalf of the agricultural interest, as connected with the railroad interest, and requiring cheap transportation, have argued that this proposed amount of duty upon foreign iron is to be added to the price of railroad iron. Why, Mr. Speaker, I had supposed that that fallacy had been exposed so often, and had been so thoroughly exploded by the practical experience of this nation, that no one would deem it necessary to repeat it here. But I call gentlemen's attention to the fact that the cheapness of iron which did exist in this country at the time when the war broke out, and which would exist to-day but for the inflation caused by the war, is the result of a protection to home industry, or a building up of American interests, discriminating in favor of our own labor, so as to give the market to home producers. Strike down the home manufacturer, and you leave us at the mercy of foreign importers. Strike out this proposed duty on iron, and not an iron mill in the nation can live. Sweep away this protection, and you leave us at the mercy of the foreign importers. No man who has read or seen anything of the commerce and manufactures of this nation is ignorant of the fact that the foreign manufacturers are always found combined and acting together.

[Here the hammer fell.]

Mr. MORRILL. Mr. Chairman, I think that this question has been pretty thoroughly ventilated. I do not suppose it is necessary for gentlemen on either side to get into any kind of heat upon the subject. All that is necessary is to understand the facts. I believe that we ought to consider the changed circumstances of the country at the present time in relation to this manufacture, as well as all others. It is true

that the large increase of our taxation upon almost all kinds of articles increases the expense of the manufacture. It is also true that our inflated currency makes the cost of living to the workman far greater than ever before. He cannot buy a barrel of flour or a barrel of meat or anything else necessary for the subsistence of his family without paying a largely increased price. So a specific duty of the same amount which would answer the purpose four years ago is not now enough. But the gentleman from New York [Mr. HALE] was mistaken in reference to the amount of increase proposed in this bill. The present duty is seventy cents per hundred pounds, or fourteen dollars a ton. This proposes twenty dollars a ton. It makes an increase, therefore, of six dollars. The reduction of the internal revenue tax it is just and proper we should consider. In that we not only relieved railroad iron by name, but we also relieved pig iron, making a deduction equal to \$7 20 per ton.

Now, Mr. Chairman, I think the gentlemen from Iowa and the West ought to favor this tariff on iron. My friend from Missouri lives very near the great Iron mountain. It would be very great gain to the West if that mountain could be melted down into railroad and other iron. They have coal, and there is no reason why they should not produce iron cheaper than in Pennsylvania or anywhere else. I hope soon to see that result reached.

Mr. ALLISON. We do not oppose a duty on railroad iron but only the exorbitant rate which is here proposed.

The CHAIRMAN. Debate is now closed by order of the House.

Mr. MORRILL modified his amendment by striking out "or" and inserting "and."

Mr. BENJAMIN demanded tellers on the amendment to the amendment offered by Mr. WILSON, of Iowa.

Tellers were ordered; and Mr. WILSON of Iowa, and Mr. MYERS, were appointed.

The committee divided; and the tellers reported—ayes 50, noes 40.

So the amendment to the amendment was agreed to.

The question then recurred on the amendment as amended.

Mr. WILSON, of Iowa, demanded tellers.

Tellers were ordered; and Mr. WILSON of Iowa, and Mr. COFFROTH, were appointed.

The committee divided; and the tellers reported—ayes 44, noes 47.

So the amendment as amended was rejected.

Mr. WILSON, of Iowa, moved to amend by striking out "one cent per pound" and inserting "seventy cents per hundred pounds."

Mr. THAYER demanded tellers.

Tellers were ordered; and Mr. ALLISON and Mr. MORRILL were appointed.

The committee divided; and the tellers reported—ayes 45, noes 56.

So the amendment was rejected.

Mr. ALLISON moved to amend by striking out "one cent per pound" and inserting "seventy-five cents per hundred pounds."

The committee divided; and there were—ayes 35, noes 58.

Mr. WILSON, of Iowa, demanded tellers.

Tellers were not ordered.

So the amendment was rejected.

The Clerk read as follows:

On iron known as angle iron, two and three fourth cents per pound.

Mr. MORRILL. I move to strike that out and insert in lieu thereof the following:

On iron known as angle iron, whether in shapes called T, L, and H, or any other shapes than round, square, or flat, not herein otherwise specified, two and three quarter cents per pound.

Mr. ALLISON. I move to strike out the words "and three fourths;" so as to leave the duty on angle iron at two cents per pound.

Mr. TROWBRIDGE. I would like the gentleman from Vermont [Mr. MORRILL] to tell us what kind of iron "angle iron" is.

Mr. MORRILL. It is iron used for girders in buildings and for various other purposes. It is a large, heavy iron for building purposes,

made in various shapes, known as L, T, and H iron, and by various other names.

The amendment of Mr. ALLISON was not agreed to.

The Clerk read as follows:

On old scrap iron, five dollars per ton: *Provided*, That nothing shall be deemed old iron that has not been in actual use, and is fit only to be remanufactured by reheating, rolling, and welding.

Mr. MORRILL. I move to amend this paragraph by inserting the word "and" after the word "reheating;" also by striking out "and" and inserting "or" after the word "rolling."

The amendment was agreed to.

Mr. BUNDY. I move to amend by striking out the word "five" and inserting the word "ten" before the word "dollars," so as to make the duty on old scrap iron ten dollars per ton. I wish to state as the reason for my motion, that the scrap iron mentioned in this paragraph is what is known as "raw scrap," and is nothing more or less than the odds and ends of wrought iron, bar iron, round iron, and all those kinds of iron from blacksmiths' shops. It is more valuable than any other description of wrought iron, except it be perfect bar iron, &c.

Mr. HOOPER, of Massachusetts. I would remind the gentleman from Ohio [Mr. BUNDY] that the proviso of this paragraph states "that nothing shall be deemed old iron that has not been in actual use."

Mr. BUNDY. That would include any iron that is the refuse of blacksmiths' shops, or any other shops where they manufacture wrought iron. It is iron that is worth in the market to-day, from two and three quarters to three cents per pound, or fifty per cent. more than pig iron. There ought to be a duty upon it of at least ten dollars per ton.

Mr. STEVENS. And though so much more valuable, it has been always rated heretofore at the same duty as pig iron.

The question was taken on Mr. BUNDY's amendment; and on a division, there were—ayes twenty-eight, noes not counted.

So the amendment was not agreed to.

The Clerk read as follows:

On iron wire, bright, coppered, or tinned, drawn and finished, not more than one fourth of an inch in diameter, nor less than number sixteen wire gauge, four cents per pound; less in size than number sixteen, and not less than number twenty-five wire gauge, five and a half cents per pound; less than number twenty-five wire gauge, six cents per pound.

Mr. DODGE. I move to amend this paragraph by inserting after the word "coppered" the word "galvanized."

The amendment was agreed to.

Mr. DODGE. I move further to amend by adding to the paragraph the words "and, in addition thereto, ten per cent. *ad valorem*."

My reason for offering that amendment is that the duty proposed here is not sufficient for the better class of wire used for telegraphs, &c.

Mr. ALLISON. I hope that amendment will not be adopted, for I think we have already advanced the duty on iron wire quite enough. The rate of the first class under the present law is only three and a half cents per pound, and fifteen per cent. *ad valorem*, and we have increased it to four cents per pound; and the other class, which is now four cents per pound, we have increased to six cents.

Mr. MORRILL. The amendment of the gentleman from New York, [Mr. DODGE], as he explains it, I do not think a proper one; but in the form he has actually offered it there is no objection to it.

Mr. DODGE. My amendment has reference to all the kinds of wire enumerated in this paragraph.

The amendment of Mr. DODGE was then agreed to.

Mr. MORRILL. I move to insert after the paragraph last read the following:

On iron spiral furniture springs six and a half cents per pound.

I merely desire to say that without this paragraph these springs will be imported at less than the wire.

The amendment was agreed to.

The Clerk read as follows:

On locomotive tire of iron, or bars rolled and cut for such uses, of whatever length, three cents and a half per pound; on locomotive tire, or bars rolled for such uses, of steel or of iron, refined by the Bessemer process, four cents per pound.

No amendment being offered,

The Clerk read as follows:

On all puddled and blistered steel, and on all steel other than cast or shear steel, in bars, sheets, slabs, plates, coils, axles, tire, and parts of machinery forgings, a duty of three and a half cents per pound.

No amendment being offered,

The Clerk read as follows:

On all cast and shear steel, in bars, ingots, slabs, plates, coils, axles, tire, and parts of machinery forgings, valued at seven cents per pound or less, a duty of four and a half cents per pound.

Mr. HOOPER, of Massachusetts. I move to amend by inserting after the word "ingots," in the paragraph just read, the word "sheets."

The amendment was agreed to.

Mr. HALE. I move to amend the pending paragraph by striking out the words "four and a half" and inserting in lieu thereof the word "five," so that the duty shall be five cents per pound. I believe, Mr. Chairman, that the duty which I propose is no greater than ought to be granted. The manufacture of steel in this country, although recently undertaken, is one of our most promising branches of industry, and is well deserving of the encouragement which this increase would give.

Mr. MORRILL. Mr. Chairman, I should be very glad, indeed, to accede to the motion of the gentleman from New York, [Mr. HALE.] But it will be observed that the duty proposed in this paragraph applies only to steel "valued at seven cents per pound or less." Steel is an article that enters into all our manufactures. It is difficult even now to place a duty upon anything made of steel so that it cannot be imported from abroad.

Mr. ALLISON. I beg to suggest that, according to the argument adduced a short time since, a higher duty will diminish the price of this steel; so that a duty of five cents per pound will really have the opposite effect from what the chairman of the committee anticipates.

[Laughter.]

Mr. MORRILL. The gentleman from Iowa [Mr. ALLISON] is speaking a little sarcastically. [Laughter.] I do not propose to argue the question; but I think it is the better policy in this case to adhere to the bill.

The amendment of Mr. HALE was disagreed to.

The Clerk read as follows:

On all cast and shear steel, in bars, ingots, sheets, slabs, plates, coils, axles, tire, and parts of machinery forgings, and wire, exceeding three eighths of an inch in diameter, valued at above seven cents per pound, a duty of five cents per pound, and, in addition thereto, ten per cent. *ad valorem*.

No amendment being offered,

The Clerk read as follows:

On steel wire less than one fourth of an inch diameter, and not less than number sixteen wire gauge, five cents per pound, and, in addition thereto, twenty per cent. *ad valorem*; less or finer than number sixteen wire gauge, six cents per pound, and, in addition thereto, twenty per cent. *ad valorem*.

Mr. MOORHEAD. I am authorized by the Committee of Ways and Means to offer the following amendment:

In the first line, strike out "one fourth" and insert "three eighths;" so that the clause will read, "on steel wire less than three eighths of an inch in diameter," &c.

Mr. HALE. I suggest to my friend from Pennsylvania that it should read, "not exceeding three eighths," instead of "less than three eighths."

Mr. MOORHEAD. I accept the gentleman's suggestion, and modify my amendment accordingly.

The amendment, as modified, was agreed to.

Mr. MOORHEAD. I move further to amend by inserting before the words "steel wire" in the first line, the words "all steel wire, and;" so that the clause will read, "on all steel and steel wire," &c.

Mr. ALLISON. Will the gentleman explain the object of that?

Mr. MOORHEAD. It is designed to include

a great many articles made of steel, such as ramrods, &c.—articles that might perhaps be designated as rods.

Mr. ALLISON. I suggest to the gentleman that it would be better to say "steel rods" instead of "steel."

Mr. MORRHEAD. I have no objection to that, and I modify my amendment accordingly. The amendment, as modified, was agreed to.

The Clerk read as follows:

On metal, converted, cast, or made from iron by the Bessemer or pneumatic process, of whatever form or description, except railway bars, three cents per pound.

Mr. MORRILL. I move to amend by inserting after the word "bars," in the last line of the paragraph just read, the words "whether invoiced as steel or iron."

Mr. GARFIELD. I suggest to the gentleman whether he had not better add, as an additional security, the words "or otherwise," so that his amendment will read "whether invoiced as steel or iron or otherwise."

Mr. MORRILL. I accept the gentleman's suggestion, and modify my amendment accordingly.

The amendment, as modified, was agreed to.

The Clerk read as follows:

On all railway bars, made by the Bessemer and pneumatic process, two and a half cents per pound.

Mr. MORRILL. I move to amend by striking out the clause just read and inserting in lieu thereof the following:

On railway bars, made in whole or in part by the Bessemer or pneumatic process, and steel railway bars, made in whole or in part by any other process, two and a half cents per pound.

The amendment was agreed to.

Mr. GRISWOLD. I desire to ask the Committee of Ways and Means whether they propose to amend by adding steel carriage springs, which are omitted.

Mr. MORRILL. There has been no action of the committee on that subject.

Mr. GRISWOLD. I move, then, to amend by adding after the amendment just adopted, "steel carriage springs, ten cents per pound."

Mr. ALLISON. I suggest to the gentleman that those articles would come within the limits of the next paragraph, which reads thus:

On steel, in any form, and on manufactures of steel of every description not otherwise herein provided for, forty-five per cent. *ad valorem*.

I think that this duty is certainly sufficient.

Mr. MORRILL. I think that the duty proposed in the amendment of the gentleman from New York [Mr. GRISWOLD] is a little too high. Eight cents per pound is fully sufficient.

Mr. GRISWOLD. There is at present a difference of sixty per cent. in favor of the English manufacture. But I will accept the suggestion of the gentleman from Vermont, and modify my amendment by substituting "eight" for "ten."

The amendment, as modified, was agreed to.

Mr. HOOPER, of Massachusetts. I move to amend by inserting after the amendment just adopted the following:

On railway-frogs, frog-points, fish-bars, and finger-bars, four and a half cents per pound.

Mr. PRICE. I would suggest that fish-bars are already in the bill, under the name of "splice-bars."

The amendment was agreed to.

The Clerk read as follows:

On steel, in any form, and on manufactures of steel of every description, not otherwise herein provided for, forty-five per cent. *ad valorem*.

Mr. AMES. I move to amend the paragraph just read by striking out "forty-five" and inserting "fifty-five," so that the duty shall be "fifty-five per cent. *ad valorem*." Mr. Chairman, I offer this amendment in order to cover the advance made in steel. There is no advance in the duty imposed on the manufacture of steel; but the price of steel is increased two and a quarter to three cents per pound. This amendment is necessary, in order that the manufacturer may stand as well as before.

Mr. MORRILL. If the gentleman will mod-

ify his amendment so as to make the duty fifty per cent., I will not object.

Mr. AMES. I accept the gentleman's suggestion, and modify my amendment accordingly.

The amendment, as modified, was agreed to.

Mr. ELDRIDGE. I move to amend by inserting the following after the paragraph last read:

On all bonds, certificates of stock, or other evidences of indebtedness of the United States or any State, brought back or returned for payment, sale, or collection before due, ten per cent. *ad valorem*.

[Laughter.]

The amendment was not agreed to.

The Clerk read as follows:

On crinoline steel wire, flattened and tempered, seven cents per pound.

Mr. DODGE. I move to amend by inserting after the word "tempered," in the clause just read, the words "whether covered or otherwise." The object of this amendment is to protect our home industry against the importation of the crinoline wire already covered.

The amendment was agreed to.

Mr. DODGE. I move further to amend by striking out the word "seven" and inserting in lieu thereof "ten," and by adding after the word "pound" the words "and ten per cent. *ad valorem*," so that the clause will read, "on crinoline steel wire, flattened and tempered, whether covered or otherwise, ten cents per pound, and ten per cent. *ad valorem*."

This steel wire for skirts is a very large manufacture. It is made from the steel rods. The addition made by this tariff to the duty on steel rods is very large, equal to \$124 per ton, while the increase of the former duty on wire is only twenty-two cents. The consequence will be that the large number of persons engaged in this manufacture at home will be turned out of employment. The wire will be imported already prepared, and the steel will not be drawn down in this country.

The amendment was rejected.

Mr. DODGE. I am sure the chairman of the committee is aware of the great importance of this interest. There is employed in the manufacture of this article in this country more than two hundred thousand people.

The CHAIRMAN. Debate is not in order.

Mr. MORRILL. I move to strike out "seven" and insert "ten," so that it will read, "on crinoline steel wire, flattened and tempered, ten cents per pound." No doubt that increase is necessary. I am assured by those engaged in the business that it ought to be fifteen in order to give a profit to the manufacturer.

The amendment was agreed to.

Mr. HALE. I move that the committee rise. It is Saturday night, and we ought to have a little time to prepare for Sunday.

Mr. MORRILL. I hope the committee will sit to the usual hour of half past four.

The motion was disagreed to.

The Clerk read as follows:

On cross-cut saws, twelve cents per lineal foot; on mill, pit, and drag saws, not over nine inches wide fifteen cents per lineal foot; over nine inches wide, twenty-five cents per lineal foot.

No amendment being offered,

The Clerk read as follows:

On hardware, tools, implements, carpenters' tools, vises, braces, bits, fire-tongs, and shovels, house-building hardware not otherwise herein provided for, sheaves, scales, instruments for surgical and medical uses, and all like finished articles of steel, wholly or in part, or of iron, brass copper, or other metal, and whether washed, plated, or gilt, forty-five per cent. *ad valorem*.

Mr. O'NEILL. I ask the chairman whether this clause of the bill comes up to the expectation of the hardware interest of the country.

Mr. MORRILL. That is rather a hardware question.

Mr. O'NEILL. And in behalf of the American hardware manufacturers I ask for the information. I will now move to strike out "forty-five" and insert "sixty" per cent. *ad valorem*.

Mr. Chairman, some weeks ago a communication was sent to some of the members of the House by the Philadelphia Hardware Trade

Association, in which that organization indicated a desire that the duty on hardware should be increased on an average twenty-five per cent. over the duty in the existing tariff. My amendment provides for such an addition to the recommendation of the committee as would make an average increase on imported hardware to that amount. I hope the chairman of the Committee of Ways and Means will not object to this reasonable request. It is only just to the American hardware manufacturers that the increase should be granted, because we have in the tax bill now about to become a law increased the taxes upon the goods made by them, and I think we should endeavor, as soon as possible, at least, to raise the duty on foreign hardware to the same extent as the higher taxation proposed in our internal revenue bill, and also consider the high rate of gold and materials.

Mr. KASSON. Is it the rule to give each interest all it asks?

Mr. O'NEILL. In some cases I presume particular interests have been given not only as much, but more, than they have asked. The chairman of the Committee of Ways and Means a few minutes ago said that the duty on crinoline wire should be as high as fifteen per cent. *ad valorem*, when, as I understand it, ten per cent. was as much as the home manufacturers desired.

Mr. MORRILL. I said the manufacturers declared they could not manufacture it for less than fifteen, but I did not say they ought to have it.

Mr. O'NEILL. My impression was that the chairman of the committee had said that he was satisfied that the duty on crinoline should be higher than was asked, but he explains that it was the manufacturers who said so. I did not, of course, desire to state him wrong.

The manufacture of American hardware is one of the most important branches of our industry. Large capital has been invested in it, and if we want to protect this branch of manufacturing we should not hesitate to increase the duty to the point which I have named. American-made hardware, under the auspices of a favorable tariff, would entirely keep out the foreign-made article, even at the enormously high premium on gold. It is conceded that we can produce a better article, especially in building-hardware, and in fact in most other kinds, than the imported. Hence, why not cherish our own manufacture of it, and while the large number of operatives and skilled workmen engaged in the numerous factories and shops are day by day improving in skill, why not give the increased protection to the capital invested? I hope my amendment will prevail.

The amendment was disagreed to.

The Clerk read as follows:

On all harness and saddlery hardware, fifty per cent. *ad valorem*.

No amendment being offered,

The Clerk read as follows:

On muskets, rifles, fowling-pieces, pistols, and all other fire-arms, forty-five per cent. *ad valorem*.

No amendment being offered,

The Clerk read as follows:

On swords and sword-blades, twenty-five cents each blade, and, in addition thereto, forty-five per cent. *ad valorem*.

No amendment being offered,

The Clerk read as follows:

On planter's or other hoes, wholly or in part of steel or iron, two dollars per dozen.

No amendment being offered,

The Clerk read as follows:

On files, file blanks, rasps, and floats, not exceeding five inches in length, forty-cents per dozen; over five inches, and not over seven inches, sixty-five cents per dozen; over seven inches, and not over nine inches, one dollar per dozen; over nine inches, and not over eleven inches, one dollar and thirty-five cents per dozen; over eleven and not over thirteen inches, two dollars per dozen; over thirteen inches, and not over fifteen inches, two dollars and seventy cents per dozen; over fifteen inches in length, three dollars and twenty-five cents per dozen.

No amendment being offered,

The Clerk read as follows:

On copper ore, fifteen per cent. *ad valorem*.

Mr. HUBBARD, of Connecticut. Mr. Chairman, I move to amend by striking out the clause just read. If this motion prevails, the duty on foreign copper ores will remain the same that it now is; namely, at five per cent. on the value. I am strongly in favor of a protective tariff; but a proper discrimination must be made between articles that will bear a high duty and articles that will not. All agree that the tax should not fall on the "raw material," but should be as far removed from it as practicable. I do not expect, under the five-minute rule, to discuss the great principles of the American protective system. On looking over the bill presented to us by our very able Committee of Ways and Means I observe with feelings of regret that they propose to increase the rates of duty on divers articles which enter into the manufacture of brass goods, so called, in a manner unprecedented, and to a degree unequalled for by any facts in the case.

The present duty on copper ore is five per cent. *ad valorem*. The bill before us proposes to increase the duty to fifteen per cent.

The present duty on copper in pigs, ingots, or bars, is two and a half cents per pound. The bill offered us proposes to augment the duty to five cents per pound.

The present duty on zinc and spelter in blocks or pigs is one and one half cent per pound. we increase this duty to two and one half cents. The bill submitted to us recommends that per pound.

The duty on zinc in sheets is two and one fourth cents per pound, a heavy duty, and certainly all the article will bear; but it is proposed to increase it to four cents per pound.

I will submit one example more only to illustrate my own views of the extraordinary increase of duties proposed by the bill on what the manufacturer deems the raw material he must import from abroad or abandon his business, namely, the case of nickel, on which the present duty is fifteen per cent., and which the bill proposes to increase to forty cents per pound. This must be regarded as an extraordinary proposition when it is understood that less than one tenth part of all the nickel used in this country is made here. I know of nothing in the experience of the past to justify it.

The American manufacturer who is compelled to purchase these articles from abroad and use them as "raw material" is making no money under the present rates. The excise tax he is bound to pay, with the enormous increase of the cost of production, places his business in a most embarrassing condition.

One of the most enterprising and skillful of the manufacturers of "brass goods" assured me that his company, with the exercise of the most prudent care, were not able to realize ten per cent. He assured me that even at the present rates of duty on the foreign material it would be better to place their capital in United States bonds than incur the hazard incident to all capital embarked in manufactures. And yet it is proposed to duplicate and triplicate the duties on the material he is compelled to purchase abroad or abandon his business. I presume it is well known that our smelters must have the foreign copper ores to enable them to work the home ores to advantage. I am informed that England imposes no excise tax on the articles named. I am apprehensive, sir, that if the duties are imposed as recommended our countrymen will be driven from the market, and the business of making brass goods will pass into the hands of our enemies. I send to the Clerk the following memorial and ask that it be read, as it states the case better than I can state it. At the time the memorial was sent me the memorialists did not dream of the additional duties now recommended, but sought relief from the burdens stated in their address.

The Clerk read as follows:

To the honorable the Senators and Representatives in the Congress of the United States:

The undersigned, manufacturers of sheet brass, brass and copper wire, and German silver, respect-

fully represent that the capital invested in this business in the United States is at least \$5,000,000; that all the goods they manufacture are in turn the raw materials of other branches of industry, in which are invested at least \$20,000,000 more; that the excise tax paid by your memorialists and those in the same business was last year over \$250,000, besides the excise tax paid by the manufacturers who work up brass, &c.

Until recently the duties imposed by the present tariff upon brass goods have been satisfactory, but our internal revenue tax and other causes have so increased the cost of our products that a very serious embarrassment has arisen in consequence of large importations of goods manufactured wholly or in part of brass, German silver, and wire, and these embarrassments become more serious with the constant decline in gold.

We use the following articles as raw materials, and it is desirable that they should be afforded at as low a rate as possible:

Ingot copper.—The present duty is two and a half cents per pound, and on copper ores five per cent. The excise tax is three per cent. The copper smelters must have the foreign ores in order to work the home ores advantageously. There is no import or excise duty on copper or ores in England, and therefore the brass manufacturers of England have this advantage in competition with us.

Spelter.—The present duty is one and a half cent per pound, or about thirty per cent. *ad valorem*. The English import duty is merely nominal.

Nickel, which is largely used in the manufacture of German silver.—The present duty is fifteen per cent. *ad valorem*. No duty is imposed in England. Nickel is produced in this country to only a limited extent, and many years must elapse before it is largely manufactured. Indeed, it is doubtful whether it is ultimately successful, as the cost of refining is much greater here than in Europe. Plated-ware is made from German silver, and this business has become enormous, millions of dollars being invested in it. Plated-ware is largely imported at the present time, and so largely that the business in this country must be completely destroyed unless we can procure our raw materials at the same rate as the English manufacturers, or unless the present duty on the manufactured goods is largely increased.

Your memorialists therefore pray your honorable body to examine into the foregoing facts, and to grant such relief as may seem reasonable, and, as in duty bound, we will ever pray.

WATERBURY BRASS COMPANY.
BENEDICT & BURNHAM MANUF'G CO.
SCOVILL MANUFACTURING COMPANY.
HOLMES, BOOTH & HAYDEN.
BROWN & BROTHERS.
COE BRASS MANUFACTURING CO.

Mr. BEAMAN. I hope the amendment will not be adopted. There are large investments made in this branch of industry in the State which I have the honor in part to represent, and this interest has been languishing very much during the last two or three years. Mr. Chairman, it seems to me that the tax of fifteen per cent. *ad valorem* as proposed in the bill is very small.

Mr. HOOPER, of Massachusetts. If the gentleman will give way, I will move that the committee rise.

Mr. BEAMAN. I will do so.

Mr. HOOPER, of Massachusetts. I move that the committee rise.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. SCOFIELD reported that the Committee of the Whole on the state of the Union, according to order, had had under consideration the bill of the House (No. 718) to provide increased revenue from imports, and for other purposes, and had come to no resolution thereon.

NEW JERSEY SOLDIERS' CERTIFICATES.

Mr. NEWELL, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be requested to inquire into the expediency of authorizing the adjutant general of New Jersey to distribute through the mails free of postage certain certificates of honor awarded by the Legislature to soldiers of that State, and that they report by bill or otherwise.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. FORNEY, its Secretary, notifying the House that that body had agreed to the conference asked for on the disagreeing votes on House bill No. 613, to continue in force and to amend an act to establish a Bureau for the Relief of Freedmen and Refugees, and for other purposes, and had appointed Messrs. WILSON, HARRIS, and NESMITH managers of said conference on its part.

PARIS EXPOSITION.

Mr. BANKS, from the committee of conference on the disagreeing votes of the two Houses on the joint resolution relating to the Paris Exposition, made the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the joint resolution (H. R. No. 52) to provide for the expenses attending the exhibition of the products of industry of the United States at the Exposition at Paris in 1867, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

1. That the House of Representatives do concur in the amendments of the Senate with amendments, as follows: in section one, line fifteen, strike out the words "in coin;" in section one, line seventeen, strike out the words "in coin;" in section one, line twenty-eight, strike out the words "and return;" in section one, line thirty-six, strike out the words "going and coming;" in section one, line forty-three, strike out the words "in coin."

2. That the Senate do agree to the said amendments to the amendments of the Senate.

IRA HARRIS,
JAMES GUTHRIE,
A. H. CRAGIN,

Managers on the part of the Senate.

N. P. BANKS,
R. P. SPALDING,
S. S. MARSHALL,

Managers on the part of the House.

Mr. BANKS. The amendments made by this report reduce the appropriations made by the Senate's amendments from about two hundred and five to one hundred and fifty-six thousand dollars. I trust that the House will consent to the amendments of the Senate as amended by this report. I demand the previous question.

Mr. ROSS. I suggest to postpone this until my colleague [Mr. WASHBURN] is present. [Laughter.]

Mr. BANKS. I am sorry the gentleman is not here; but the parties employed by the Government in making arrangements for the Exhibition desire as little delay as possible.

The previous question was seconded and the main question ordered.

Mr. WILLIAMS. I demand the yeas and nays on agreeing to the report.

The yeas and nays were not ordered.

Mr. HARDING, of Illinois. I call for tellers on ordering the yeas and nays.

Tellers were refused.

Mr. LAWRENCE, of Ohio. I move to lay the report on the table; and on that I demand the yeas and nays.

The SPEAKER. The adoption of that motion would carry the joint resolution with it.

The yeas and nays were not ordered.

The question recurring on agreeing to the report of the committee of conference, there were—yeas 75, noes 10; no quorum voting.

Mr. BANKS. I call for tellers. There is evidently a quorum in the Hall.

Tellers were ordered; and Messrs. BANKS and WILLIAMS were appointed.

The House again divided; and the tellers reported—yeas 73, noes 21.

So the report of the committee of conference was agreed to.

Mr. BANKS moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

And then, on motion of Mr. GARFIELD, (at twenty-five minutes to five o'clock p. m.,) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule and referred to the appropriate committees: By Mr. HOTCHKISS: A petition of citizens of Schuylers county, New York, in favor of a National Insurance Bureau.

By Mr. MYERS: The petition of 69 farmers, mechanics, and laborers, of Reading, Berks county, Pennsylvania, asking for an increased tariff to protect American labor.

By Mr. THAYER: The petition of American farmers, mechanics, and laborers, for a protective tariff.

By Mr. SAWYER: The petition of Christiana Brewer, of Stockbridge, Calumet county, Wisconsin, praying for the passage of an act authorizing said Christiana Brewer to enter in her own name lot No. 126, Stockbridge reservation, Wisconsin; or an act instructing the proper officer to order a rehearing in the matter.

IN SENATE.

MONDAY, July 2, 1866.

Prayer by the Chaplain, Rev. E. H. GRAY.
On motion of Mr. CONNESS, and by unanimous consent, the reading of the Journal of Saturday last was dispensed with.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the Senate of the 10th of May, a report of the chief of Ordnance furnishing information as to the present condition of the public works at Harper's Ferry; which was ordered to lie on the table and be printed.

ALBERT ELMORE.

The PRESIDENT *pro tempore* also laid before the Senate the following communication from the Secretary of the Treasury:

TREASURY DEPARTMENT, June 30, 1866.

SIR: In response to a resolution of the honorable Senate, passed this day, requesting this Department to communicate to the Senate a duly certified copy of the official oath taken by Albert Elmore, as collector of customs at Mobile, Alabama, I have the honor to inclose a copy of Mr. Elmore's official oath, which has been taken by him in the form required by law.

In reference to the recital in the preamble of the resolution that Mr. Elmore is alleged to have held office under the late confederate government, and also to have otherwise given aid and support to the same, so that he therefore could not honestly and truthfully take the oath prescribed by law, I deem it my duty to say that this Department was informed before the appointment that Mr. Elmore had never held office under the late confederate government, nor given the same aid and support; that although a resident of Alabama during the war, and at one time a sub-officer of the Alabama Legislature, yet that he never took the oath of allegiance to the confederacy, and was uniformly and always opposed to the rebellion.

All the facts in relation to Mr. Elmore within the possession of the Department were communicated to the honorable chairman of the Committee on Commerce prior to his confirmation.

I have the honor to be, very respectfully,

H. McCULLOCH,
Secretary of the Treasury.

Hon. L. F. S. FOSTER, President of the Senate.

The communication was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

Mr. SUMNER. I offer the petition of William McDonagh, of New York, in which he sets forth that he deposited in the post office at Williamsburg a package containing the sum of \$174 04, in mutilated currency of the United States, addressed to Mr. Spinner, the Treasurer of the United States; that that package was never received, and he has therefore lost the value of it, and he asks compensation from Congress. I offer this petition with an accompanying paper, and ask its reference to the Committee on Claims.

It was so referred.

Mr. HARRIS presented the petition of Daniel McMahon, late a captain in the twentieth regiment New York State militia, praying that he may be allowed arrearages of pension to which he alleges he is rightfully entitled; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. CLARK, from the select committee to whom was referred the memorial of the levee commissioners of the State of Louisiana and of the Yazoo district of Mississippi, submitted a report accompanied by a bill (S. No. 405) making appropriation for the reconstruction and repair of the levee of the Mississippi river, in the States of Mississippi, Louisiana, and Arkansas, and for the improvement of the river. The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. BROWN, from the Committee on Military Affairs, to whom was referred a joint resolution (S. R. No. 19) for the benefit of certain volunteer troops of Missouri who served during the war, reported it without amendment.

Mr. NESMITH, from the Committee on Military Affairs and the Militia, to whom was referred a joint resolution (S. R. No. 114) for

the relief of John A. Coan, asked to be discharged from its further consideration and that it be referred to the Committee on Claims; which was agreed to.

Mr. LANE, of Indiana, from the Committee on Military Affairs and the Militia, to whom was referred a joint resolution (H. R. No. 172) for the relief of John M. Broome and others, the band of twelfth Kentucky infantry, reported it without amendment.

Mr. HOWARD, from the Committee on the Pacific Railroad, to whom was referred a bill (S. No. 387) to secure the speedy construction of the Northern Pacific railroad and telegraph line, and to secure to the Government the use of the same for postal, military, and other purposes, reported it with amendments.

Mr. WILSON. I am directed by the Committee on Military Affairs and the Militia, to whom was referred the bill (H. R. No. 725) to provide for the payment of the sixth, eighth, and eleventh regiments of Ohio volunteer militia, of Cincinnati, Bard's company of cavalry, and Paulsen's battery, during the time they were in the service of the United States in 1862, to report it back without amendment and recommend its passage. This is a very brief bill to pay for services which I think ought to have been paid for long ago, and I ask that the bill be put on its passage at once. It will take but a moment.

By unanimous consent the bill was considered as in Committee of the Whole. It was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. HARRIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 406) for the removal of causes in certain cases from State courts; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 407) to amend an act entitled "An act to establish the judicial courts of the United States," approved September 24, 1789; which was read twice by its title and referred to the Committee on the Judiciary.

Mr. NYE asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 118) relating to the International Exhibition at Paris, in the empire of France, during the summer of 1867, and the representation of the mining interests of this country thereat; which was read twice by its title and referred to the Committee on Mines and Mining.

He also asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 119) relating to the International Exhibition at Paris, in the empire of France, during the summer of 1867, and the representation of the mining interests of this country thereat; which was read twice by its title, and referred to the Committee on Mines and Mining.

MILITARY ROADS IN OREGON.

The Senate proceeded to consider the amendments of the House of Representatives to the bill (S. No. 99) granting lands to the State of Oregon to aid in the construction of a military road from Albany, Oregon, to the eastern boundary of said State.

The Secretary read the amendments of the House of Representatives, as follows:

On page 1, line nine, strike out the word "for."
On the same page and line, after the word "sections," strike out all down to and including the word "road," in line ten, and insert "per mile to be selected within six miles of said road."

On page 2, in line eight, after the word "that" where it occurs the second time, insert "when ten miles of said road shall be completed."

On the same page, line ten, after the word "sold," insert "conterminous to said completed portion of said road."

On the same page, line fourteen, after the word "sold," insert "conterminous to said completed portion of said road."

Mr. NESMITH. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

The Senate proceeded to consider the amendments of the House of Representatives to the bill (S. No. 58) granting lands to the State of Oregon to aid in the construction of a military road from Corvallis to the Aquina bay. The amendments were on page 1, line three, after the word "lay," to insert "three;" in the same line to strike out the word "of" and insert "per mile from the;" in line four, after the word "number," to strike out all down to and including the word "road" in line five, and to insert in lieu of the words stricken out "and not more than six miles from;" on page 2, line two, after the word "say," to strike out all the words to the end of line three; in line six to strike out "another" and insert "a;" and in line seven, after the word "granted," to insert "conterminous to said completed portion of said road."

Mr. NESMITH. I move that the Senate concur in those amendments.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills and joint resolutions from the House of Representatives were severally read twice by their titles, and referred to the Committee on Public Lands:

A bill (H. R. No. 187) erecting the Territory of Montana into a separate surveying district, and for other purposes;

A bill (H. R. No. 255) to authorize a departure from the established mode of surveying in certain cases;

A bill (H. R. No. 746) for the organization of land districts in the Territories of Arizona, Idaho, Utah, and Montana;

A joint resolution (H. R. No. 180) extending the time for the completion of the Agricultural College of the State of Iowa; and

A joint resolution (H. R. No. 181) to enable discharged soldiers to change the location of their homestead selection in certain cases.

LAND TITLES IN BENICIA.

Mr. CONNESS. I move to take up House bill No. 557, which was under consideration on Saturday.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 557) to quiet the title to certain lands within the corporate limits of the city of Benicia, the pending question being on the amendment reported by the Committee on Public Lands, to add, as an additional section, the following:

SEC. 2. And be it further enacted, That all the right and title of the United States to the land within the corporate limits of the town of Santa Cruz, in the State of California, as defined in the act of the Legislature of that State incorporating said town, be, and the same are hereby, relinquished and granted to the corporate authorities of said town and their successors, in trust for and with authority to convey to the bona fide occupants of said land: *Provided*, That this grant shall not extend to any reservation of the United States, nor prejudice any valid adverse right or claim, if such exist, to said land or any part thereof, nor preclude a judicial examination and adjustment thereof.

Mr. CONNESS. There was an error in that section as reported by the committee, and I move to amend the amendment by striking out all after the word "that" and inserting the following:

All the right and title of the United States to the land within the corporate limits of the town of Santa Cruz, in the State of California, as defined in the act of the Legislature of that State incorporating said town, be, and the same are hereby, relinquished and granted to the corporate authorities of said town and their successors, in trust for and with authority to convey so much of said lands as are in the bona fide occupancy of parties upon the passage of this act by themselves or tenants to such parties: *Provided*, That this grant shall not extend to any reservation of the United States, nor prejudice any valid adverse right or claim, if such exist, to said land or any part thereof, nor preclude a judicial examination and adjustment thereof.

The amendment to the amendment was agreed to.

The amendment, as amended, was adopted.

The bill was reported to the Senate as amended, and the amendment was concurred in, and ordered to be engrossed, and the bill

to be read a third time. It was read the third time and passed.

Mr. CONNESS. I move to amend the title of the bill by adding the words, "and the town of Santa Cruz, in the State of California."

The amendment was agreed to.

CHARLES BREWER AND COMPANY.

Mr. CHANDLER. I move that the Senate proceed to the consideration of House bill No. 555.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 555) for the relief of Charles Brewer & Co. It directs the payment to Charles Brewer & Co., of Boston, of the sum of \$3,530, in full for the passage, on the Hawaiian bark Kamahamaha V, of sixty-eight destitute American seamen belonging to American vessels which were burned by the Anglo-confederate pirate Shenandoah, from the island of Ascension to Honolulu.

The Committee on Commerce reported an amendment to the bill, which was after the word "Boston," in line four, to insert "in coin."

Mr. CLARK. It seems to me that amendment is a very singular one. I do not know that we have ever undertaken to pay private claims in coin before. I should like to hear something as to the necessity of it.

Mr. CHANDLER. This is for the transportation of our sailors from a desert island where they were left by the rebel pirate Shenandoah. The ship in which they were transported belonged to a subject of the Hawaiian Government, and of course coin is the only thing that is used there; our currency is not known there. We pay the same rate precisely that the Hawaiian Government paid for the bringing of their own subjects to the Sandwich Islands at the same time, and it was deemed by the committee right and just and proper that the claim should be paid in coin rather than in the currency of this country.

Mr. CLARK. But these people are of Boston.

Mr. CHANDLER. The parties named in the bill are simply agents. The owner of the ship is a subject of the Hawaiian Government. Charles Brewer & Co. are simply agents for the collection of the claim.

Mr. CLARK. I suppose the shipping is all owned in Boston; these people are the real owners; and it seems to me this is a new case. I think if the amount of the bill is not sufficient in currency, it had better be made so in currency, and not be paid in coin in this way. It is the first instance I have ever known where a private claim was proposed to be paid in coin.

Mr. CHANDLER. We pay all our consuls and diplomatic agents in coin. All money that we expend abroad out of this country is paid in coin.

Mr. CLARK. That is a matter of salaries when we provide for people abroad; but here we are proposing to pay a private claim to people of our own country, and it seems to me they ought to be satisfied with the currency in which we pay all other citizens here.

Mr. CHANDLER. The money is not to go to citizens of our own country. The citizens of our own country named here are simply agents to collect the claim for a subject of his Majesty the King of the Sandwich Islands.

Mr. CLARK. The bill says on its face that it is to pay a house in Boston.

Mr. CHANDLER. They are the agents to collect the claim.

Mr. CLARK. If they are agents and other parties are the principals, what right have they here? They should come through the State Department.

Mr. CHANDLER. This came from the State Department to the Committee on Commerce.

Mr. CLARK. Recommended by the State Department to be paid?

Mr. CHANDLER. Yes, sir.

Mr. CLARK. I still think it should be paid in the currency of the country. I am opposed to the amendment.

Mr. CHANDLER. It is for the Senate to say whether they will repudiate fifty per cent. of an honest and just debt. I think the amount is thirty dollars for the transportation of each of these men from a desert island where they were left by the rebel pirate Shenandoah. This Sandwich Island vessel was sent to that island to bring off some subjects of the Sandwich Islands who were left there, and they took our abandoned sailors and carried them to the Sandwich Islands. We are to pay precisely the same price, not a cent more nor less, as was paid by the Government of the Sandwich Islands, in coin, for the transportation of their own subjects.

Mr. SUMNER. Where is this money to be paid?

Mr. CHANDLER. It is to be paid to Charles Brewer & Co., of Boston, who are simply agents for the collection of the claim.

Mr. CLARK. The point is this, that we ought not to appropriate money in coin to pay our own people. If this bill is not large enough in currency let the Committee on Commerce take it and fix the proper sum, and not bring it in here for a given sum and afterward move an amendment providing for paying it in coin. I think we should pay all our citizens in the currency of the country and make no distinction in that regard. I wish the bill to be re-committed or lie over until the committee can make an estimate how much is, in currency, the proper sum and have the claim paid in that way.

Mr. CHANDLER. There is just one way to pay it, and that is to pay it in money.

Mr. GRIMES. I call for the reading of the communication made by the State Department to the Senate on this subject.

The PRESIDENT *pro tempore*. The document alluded to, if in the possession of the Senate, will be read.

Mr. SUMNER. While the Secretary is finding that document permit me to remark—

Mr. CLARK. Let the bill lie over to be examined.

Mr. CHANDLER. No; it has been before us for four months.

The PRESIDENT *pro tempore*. The Chair is advised that there are no papers accompanying the bill.

Mr. SUMNER. If the claim is to be paid at all, it ought to be fully paid. Now, as I understand it, the payment in currency is not a full payment.

Mr. CHANDLER. No; fifty per cent. less.

Mr. SUMNER. The expenditure was in coin, and we are to make the party good.

Mr. CHANDLER. Certainly.

Mr. SUMNER. I see no way in which we can make him good except by coin. The Senator from New Hampshire says make a calculation in currency; but can we do that? Suppose you had made your calculation three weeks ago, you would have made it on the basis of thirty per cent. advance, thirty per cent. as the value of the exchange. If you make it now, you must make it on the basis of fifty or sixty per cent. What will it be next week, or what will it be a month from now, when this payment may be consummated? Nobody can tell. I say, therefore, the direct practical way is to make it payable in coin. That fixes it absolutely.

Mr. GRIMES. I think it is very certain that at any rate we ought to have something upon the record here, in the shape of a report from the committee or a communication from the State Department on this subject, before we proceed to act upon the bill, because upon the face of the transaction, as it appears before us to-day, this is a mere payment of a claim to citizens of the United States, in coin, for the transportation of persons upon the Hawaiian bark Kamahamaha V. That is the mere designation of the vessel. That Hawaiian bark was owned by citizens of the United States or was chartered by them.

Mr. CHANDLER. No, sir; neither owned nor chartered by them. It was owned by a subject of the Hawaiian Government, and these

citizens of the United States are merely agents to collect the claim.

Mr. GRIMES. Does it not strike the Senator from Michigan as being very important, then, that there should be something on the record here to show that Charles Brewer & Co. are authorized to receive and receipt for this money? Why do we make the payment to Charles Brewer & Co., as being the principals, apparently, on the face of the bill? If they are entitled to this money I want them paid. If they are citizens of Honolulu or any one of the Sandwich Islands group let them be paid in coin, but let us not establish a precedent here which will be inconvenient to us in the future. So far as the record shows, Charles Brewer & Co. are citizens of Boston, in the State of Massachusetts, without being the agents of anybody; and we propose to pay them, as the principals in this transaction, in coin. I move that the bill either lie upon the table or be recommitted to the committee, to let it be accompanied with a report. If the facts be as stated by the Senator from Michigan, and we have a record that will govern us in the future, that will be printed and laid upon our tables, I am for paying the claim.

Mr. CHANDLER. I of course have no interest in this matter. The bill was before the Committee on Commerce, and was carefully considered. It is needless to refer it back to the Committee on Commerce. If it is to lie over I suggest that it be referred either to the Committee on Claims or to the Committee on Naval Affairs, or I will name the two jointly, and move that it be referred to the Committee on Claims and the Committee on Naval Affairs, and that they be directed to bring in a report.

Mr. GRIMES. I will only say that no such claim as that has ever passed the Committee on Naval Affairs in the last six years.

Mr. CHANDLER. Nor any other that I know of.

Mr. CLARK. I made the remark some little time ago that it would be well that this should go through the State Department, and the Senator from Michigan said it had been through the State Department.

Mr. CHANDLER. It came to the Committee on Commerce from the State Department.

Mr. CLARK. I am not contradicting what the Senator says. On a call for the information from the State Department at the table it was not to be found. Now, is it not reasonable that the bill should lie over until we can see what is the communication from the State Department? That is all I desire. I have no desire that it shall go to the Committee on Claims separately or conjointly with any other committee. Neither have I any desire to delay the passage of a proper bill. I only desire time to look into it, and see that we do not pay some of our own citizens in coin when we are paying other people in currency. Let it lie over, and we will try to see how it is. I move that the bill be postponed until to-morrow.

The motion was agreed to.

RAILROADS IN MINNESOTA.

Mr. STEWART. There are two bills on the table, which were reported originally by the Committee on Public Lands, that have been returned from the House of Representatives with some slight amendments, and I wish to take them up for the purpose of concurring in those amendments. I move to take up the House amendments to the bill (S. No. 156) making an additional grant of lands to the State of Minnesota, in alternate sections, to aid in the construction of a railroad in said State.

The motion was agreed to. The amendments of the House of Representatives were read. They were to strike out from the beginning of the fourth line of the first section to and including the word "State," in line nine, and to insert in lieu of the words stricken out "the purpose of aiding in the construction of a railroad from Houston, through the counties of Fillmore, Mower, Freeborn, and Faribault, to the western boundary of the State; and also

for a railroad from Hastings, through the counties of Dakota, Scott, Carver, and McLeod, to such point on the western boundary of the State as the Legislature of the State may determine;" in line ten of the same section to strike out "for ten sections in width" and to insert "to the amount of five alternate sections per mile;" to add to section three the words "and the same shall at all times be transported at the cost, charge, and expense in all respects, of the companies or corporations, their successors or assigns, having or receiving the benefit of the land grants herein made;" in section four, after the word "aforesaid," in line thirteen, to insert "provided, however, that the continuous principle hereby applied shall not extend to such lands as are taken by the said railroad companies to make up deficiencies; provided, that no land to make up such deficiencies shall be taken at any point within ten miles upon each side of the line of said roads;" in line twenty-five of the fourth section strike out all after the word "State" to the end of the section except the words "United States;" and also to strike out the word "road" and insert "roads" wherever it occurs in the bill; and amend the title by striking out "a railroad" and inserting "railroads."

The amendments were concurred in.

Mr. STEWART. I now move to take up the House amendments to the bill (S. No. 221) relating to lands granted to the State of Minnesota to aid in constructing railroads.

The motion was agreed to.

The amendments were in lines six and seven of the first section to strike out the words "after the passage of the act granting the same and;" in line eleven, after the word "sale," to insert "being odd-numbered sections;" at the end of the first section to add, "provided, however, that nothing herein contained shall be so construed as to diminish the quantity of land granted by act of May 5, 1864, to the State of Minnesota to aid in the construction of a railroad from St. Paul to Lake Superior;" after the word "same," in line eight, of section three, to insert "as modified by the provisions of this act;" in line two, of section four, after the word "granted," to insert "by any act of Congress to the State of Minnesota to aid in the construction of railroads in said State;" and at the end of section four to add the following proviso: "provided, however, that this provision shall not extend to any lands authorized to be taken to make up deficiencies."

The amendments were concurred in.

FREEDMEN'S BUREAU.

Mr. WILSON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on bill of the House of Representatives No. 613, entitled "An act to continue in force and to amend an act to establish a Bureau for the Relief of Freedmen and Refugees, and for other purposes," having met, after full and free conference have agreed and do agree to recommend to their respective Houses as follows:

That the House agree to the first and second amendments as made by the Senate.

That the House agree to the third amendment made by the Senate with the following amendments:

Strike out the word "having" on page 2, line five, of said amendment, and insert the word "has."

Strike out on pages 4 and 5 in section eleven of the amendment, the words "upon completion of the transfers of the said lands in the manner specified in the preceding section, the President of the United States shall have power to return to their former owners the lands now occupied by persons under General Sherman's special field order dated at Savannah, Georgia, January 16, 1865, excepting such lands as may have been sold by the United States for taxes, but such," and insert after the word "restoration" on page 5, line six, of the amendment, the words "of lands occupied by freedmen under General Sherman's field order dated at Savannah, Georgia, January 16, 1865."

Insert on page 5 of the amendment, in line nine, after the word "them," the words "by the former owners of such lands or their legal representatives."

Strike out on page 5 of the amendment in section twelve, line four, the words "owned by or claimed as the property of the" and insert the words "held under color of title by the late."

Strike out on page 5 of the amendment, section twelve, in lines nine and ten, the words "be withdrawn States which" and insert the words "cease to exist, such of said so-called confederate States as shall."

That the House agree to the fourth amendment as made by the Senate.

That the Senate agree to the above named amendments to the third amendment as made by them.

HENRY WILSON,

IRA HARRIS,

J. W. NESMITH,

Managers on the part of the Senate.

THOMAS D. ELIOT,

JOHN A. BINGHAM,

Managers on the part of the House.

Mr. HENDRICKS. It is impossible to understand the modifications made in this bill by the committee of conference simply from the reading of the report, and it is due to the Senate, I think, that the Senator who represents the committee of conference should state to us what the modifications of the bill are.

Mr. WILSON. I will state that the changes are merely formal, and do not alter the sense or purpose of the bill. There is one change, perhaps, of some importance, but it affects nothing; and that is to one of the sections of the amendment in regard to the restoration of lands. The bill provides that the persons who have claims under the Sherman order shall have their cases examined—we retain the form of words moved by the Senator himself—and that they shall have lands set apart for them. We strike out the words authorizing and directing the President to give up these lands, as it was a question of doubtful power whether Congress could direct him to do anything about them. We provide for taking care of these persons, that they shall have the privilege of taking this year's crop off the land; and we provide further, that if they have made any betterments on the lands they shall receive a consideration for them; and we leave the President to restore the lands on the 1st of January next or at any other time he pleases.

Mr. HENDRICKS. I will ask the Senator if I understood one point aright. I gathered from the report that the President is not authorized to restore to the original owners these lands until he has first secured to each one of the colored occupants under the bill lands elsewhere. Is that the effect of the report?

Mr. WILSON. The provision on that subject is the same as was contained in the original bill. This report does not alter the original provisions of the bill. We provide in the amendment of the Senate, which has been concurred in by the House with some verbal changes in the mode of expression, but without changing the idea or obligation, that the nine hundred persons who have claims under the Sherman order shall have their claims examined and determined upon by the commissioners in South Carolina and Georgia, and that they shall have certificates on the islands which the tax commissioners have set apart for them; that these claims which these persons will have on those lands shall stand good for two years, and if they do not attend to them in that time they will be invalid.

We provide further that these persons shall have the privilege of taking the present crop off the land, and that they shall have the benefit of any betterments they have made on the land, just as was provided in the original bill; but we have stricken out the words authorizing the President to restore the lands to the original owners, on the ground that it is a question whether Congress has got any power over that subject at all; that, as a military order, it is a matter for the President to deal with himself and to take the responsibility of doing it in his own time. He cannot do it, however, until these persons have had the privilege of taking off this year's crop. The President may do it on the 1st of January next, or the 1st of February, or at any time he pleases, at his own option. We do not say anything about it; we leave it to him. There is nothing in the sense of the bill changed at all. There was really no substantial difference of opinion between the two Houses on these matters, and the bill was referred to a committee of conference more for the purpose of changing some modes of expression than for any other. I think the amendments are improvements on the bill.

The PRESIDENT *pro tempore*. The ques-

tion is, Will the Senate concur in the report of the committee of conference?

The report was concurred in.

PARIS UNIVERSAL EXHIBITION.

Mr. HARRIS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the joint resolution (H. R. No. 52) to provide for the expenses attending the exhibition of the products of industry of the United States at the Exposition at Paris in 1867, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

1. That the House of Representatives do concur in the amendments of the Senate with amendments, as follows; in section one, line fifteen, strike out the words "in coin;" in section one, line seventeen, strike out the words "in coin;" in section one, line twenty-eight, strike out the words "and return;" in section one, line thirty-six, strike out the words "going and coming;" in section one, line forty-three, strike out the words "in coin."

2. That the Senate do agree to the said amendments to the amendments of the Senate.

IRA HARRIS,

JAMES GUTHRIE,

A. H. CRAGIN,

Managers on the part of the Senate.

N. P. BANKS,

R. P. SPALDING,

S. S. MARSHALL,

Managers on the part of the House.

The report was concurred in.

IOWA MILITARY CLAIMS.

Mr. WILSON. I move to take up Senate joint resolution No. 93.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. No. 93) providing for the appointment of a commission to examine and report upon certain claims of the State of Iowa. It requires the President of the United States to appoint three commissioners, whose duty it shall be to examine and report, on or before the first day of December next, upon the claim of the State of Iowa for forage, transportation, subsistence, and clothing furnished by the State to certain volunteers of the State, who, under the command of Colonels Morledge and Edwards, and at the request of certain officers commanding troops of the United States in the State of Missouri, marched into the State of Missouri to cooperate with the troops of the United States in that State in suppressing the rebellion; also the claim of the State of Iowa for repayment of certain moneys paid by the State in raising, arming, equipping, paying, and subsisting certain troops of the State maintained by the State on its southern and northwestern borders during the late rebellion, for the purpose of defending the State against attacks by bushwhackers and Indians; and also the claim of the State for compensation for certain forage procured and barracks, built by the State on the northwestern border thereof and turned over by the State to and used by the United States.

The Committee on Military Affairs and the Militia reported the joint resolution, with an amendment in line four, to strike out the words "three commissioners" and to insert "a commissioner."

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in. The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

NIAGARA SHIP-CANAL.

The PRESIDENT *pro tempore*. The morning hour having expired, it becomes the duty of the Chair to call up the special order assigned for this hour, which is the bill (H. R. No. 344) to incorporate the Niagara Ship-Canal Company.

Mr. HOWE. The Senator from Maine [Mr. MORRILL] is still unable to be in his seat, and I am unwilling to proceed with that bill during his absence if he is going to be able to be here in a short time. I therefore move its postponement.

The PRESIDENT *pro tempore*. It is moved that the further consideration of this bill be postponed until to-morrow.

The motion was agreed to.

LEAVENWORTH CITY RAILROAD.

Mr. WILSON. I now move to take up House bill No. 448. It is of some importance to act early upon it.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 448) to authorize the construction of a railroad through certain land of the United States in Kansas. It authorizes the Leavenworth City Railroad Company to construct a horse railway, with one or two tracks, through the military reservation from Fort Leavenworth to the city of Leavenworth, Kansas, and take for the accommodation of the road or its business a strip of land over the reservation not exceeding twenty feet in width; but the location of the railroad through the reservation is to be on and along the west side of the wagon road leading from the city to the fort, and the company are to erect their own bridges and crossings, and not be permitted to use those of the wagon road; and whenever this strip of land shall cease to be used for the purposes of the railroad company or the accommodation of its business it is to revert to the United States.

The Committee on Military Affairs and the Militia reported an amendment, to add at the end of the bill the following:

That this privilege shall be allowed as long as the Secretary of War shall, in his discretion, determine, and no longer.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. It was ordered that the amendment be engrossed and the bill read a third time. The bill was read the third time and passed.

ETHAN RAY CLARK AND SAMUEL WARD CLARK.

Mr. HARRIS. I move that the Senate proceed to the consideration of Senate bill No. 402.

The motion was agreed to; and the bill (S. No. 402) to confirm the title of Ethan Ray Clark and Samuel Ward Clark to certain lands in the State of Florida, claimed under a grant from the Spanish Government, was read the second time and considered as in Committee of the Whole. It proposes to confirm the title of Samuel Ward Clark and Ethan Ray Clark to a tract of land five miles square, on Black creek, south of the St. Mary's river, in the State of Florida, and bounded upon one side by the St. Mary's river, and upon the other side by vacant lands, being the same lands to which an exclusive right to take the timber was granted by the Spanish Government to John Underwood, and upon which he erected a saw-mill in 1805, and which was kept up and continued for many years; but nothing contained in this act is to operate to the prejudice of any claim which may be set up to the land by reason of any previous sale; nor is this act in any way to prejudice any claimant under John Underwood, or any person deriving title or claim thereto under him, his heirs or assigns, or of any person or persons who may be entitled to preemption rights under any existing laws of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES POOL.

Mr. WILLIAMS. I move that the Senate proceed to the consideration of Senate bill No. 311.

The motion was agreed to; and the bill (S. No. 311) for the relief of James Pool, was read the second time and considered as in Committee of the Whole. It directs the Secretary of the Interior to pay to James Pool the sum of \$1,287 10; but \$487 50 of this amount is to be paid out of any annuities or moneys payable to the Senecas and Shawnee Indians, if there be any, and if none, then the whole sum is to be paid out of the Treasury of the United States.

Mr. GRIMES. I call for the reading of the report.

Mr. WILLIAMS. I will state that there is no report accompanying the bill at this time; but there are three reports on file made by the Committee on Claims at different times in favor of this bill. The bill has passed the Senate two or three times. I have in my hand a report made from the Committee on Claims by the honorable Senator from Ohio, [Mr. WADE,] and also another report made in reference to this claim by the honorable Senator from Kansas, not now in his seat, [Mr. POMEROY.] I will read the last report made upon this claim:

"It appears that the petitioner was employed by the United States, under the provisions of sundry treaties, as blacksmith for the Delaware, Shawnee, and Seneca tribes of Indians, from August, 1823, until November, 1838. During that period the various Indian agents often employed Mr. Pool in various capacities, such as transporting the moneys to be paid to the Indians, procuring supplies, &c., and oftentimes he advanced his own money in such purposes, which was in every instance refunded except one. He alleges that on the 29th of April, 1834, at the request of Governor Stokes, as Commissioner of Indian Affairs, (a copy of whose letter to that effect is annexed to the petition, and is sworn to,) he purchased for the use of the Seneca and Shawnee Indians four hundred and eighty-seven and a half bushels of seed corn, for which he paid out of his private funds one dollar per bushel, making \$487 50, which sum he asks to have reimbursed. To sustain this the petitioner produces the copy of Governor Stokes's order for the purchase of the corn, sworn to as a copy; the receipt of John Brown, of whom he bought the corn, for the money, and attested by George T. Horron, Indian interpreter, and the certificate of five of the chiefs and headmen of the nation, that the corn was received by them, and duly attested by W. J. Morrow, their agent."

"It is further stated that between the years 1833 and 1838 he was employed by contract as blacksmith for the Seneca tribe of Indians alone; that the mixed tribe of Senecas and Shawnees were also entitled to a smith but had none; that one agent attended to both, and that agent (Vaisson) verbally ordered him to put up a shop among the Senecas and Shawnees, and procure hands and run it; that he did so, and that he was paid for the service except for one year. He supposed he was being paid on his contract for the Senecas, but upon examination of the vouchers at the Department he found that he had been paid for all his work for the mixed tribe, and that there was one year of service for the Senecas that he had not been paid for, and still remains unpaid. He now asks Congress to order the payment of the \$800 due to him on that contract."

There is another part of the report which refers to another item of the claim which has not been embraced in this bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. LLOYN, Chief Clerk, announced that the House of Representatives had passed the following bills, in which it requested the concurrence of the Senate:

A bill (H. R. No. 315) for the relief of the inhabitants of towns and villages in the Territories of New Mexico and Arizona; and

A bill (H. R. No. 747) to consolidate the land offices in the several States therein named.

The message further announced that the House of Representatives had passed a bill (S. No. 125) granting aid in the construction of a railroad and telegraph line from the town of Folsom to the town of Placerville, in the State of California, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House of Representatives had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the joint resolution (H. R. No. 52) to provide for the expenses attending the exhibition of the products of industry of the United States at the Exposition at Paris in 1867.

LEAGUE ISLAND.

Mr. HENDRICKS. I move to take up House bill No. 452, which is the bill authorizing the Navy Department to accept from the city of Philadelphia League Island for the purposes of a navy-yard. The bill was reported from the Committee on Naval Affairs a couple of weeks since.

The PRESIDENT *pro tempore*. The title of the bill will be read at the desk.

The SECRETARY. "A bill to authorize the Secretary of the Navy to accept League Island, in the Delaware river, for naval purposes, and

to dispense with and dispose of the site of the existing yard at Philadelphia."

Mr. HENDRICKS. Upon a suggestion that has been made to me, I will move to postpone the further consideration of this bill until tomorrow.

Mr. GRIMES. It is not up yet.

Mr. HENDRICKS. Let it be taken up and postponed until tomorrow.

Mr. CLARK. That will leave it just where it is.

Mr. HENDRICKS. Will it?

Mr. CLARK. Just exactly.

Mr. HENDRICKS. Then I withdraw the motion.

TERRITORIAL GOVERNMENTS.

Mr. WADE. I move to take up House bill No. 508.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 508) to amend the organic acts of the Territories of Nebraska, Colorado, Dakota, Montana, Washington, Idaho, Arizona, Utah, and New Mexico, the pending question being on the motion of Mr. BUCKALEW, to strike out section [nine] three in the following words:

SEC. [9] 3. And be it further enacted, That within the Territories aforesaid there shall be no denial of the elective franchise to citizens of the United States because of race or color, and all persons shall be equal before the law. And all acts or parts of acts, either of Congress or of the Legislative Assemblies of the Territories aforesaid inconsistent with the provisions of this act are hereby declared null and void.

Mr. WADE. I said all I desired to say on this question when the bill was up before. This is the section that gives to the people of the Territories universal franchise without distinction of race or color. I hope it will not be stricken out. Every Senator has his mind made up; I do not wish to argue it. Nothing could be added now to the question by way of argument.

Mr. SAULSBURY. I have but a few words to say upon the question now before the Senate. As I understand, the motion is to strike out that section of the bill which provides for universal suffrage in all the Territories named in the bill. In other words, that section is a proposition to give to all persons, without distinction of race or color, within the Territories of the United States, the right of suffrage. It is a proposition to admit to the exercise of this great right, a right the proper exercise of which is so essential to the preservation of a pure republican government, the negro race.

What has occurred, Mr. President, in the history of this country or in the history of that race, since the organization of the Territories named in the bill, that now demands that they be admitted to the right of suffrage in these Territories? Does any great public necessity exist in any of those Territories that the comparatively few negroes who inhabit them shall be admitted to the right of suffrage? Has any public grievance been experienced in those Territories, has any great public calamity overtaken the people of those Territories, that it becomes essential to their welfare and essential to the welfare of the white race that the negroes there shall now be admitted to participate in the government of those Territories? If so it is due to the Senate, it is due to the country, that the evils experienced from withholding this right of suffrage from the negro race should be made known to the Senate and the country.

I know, sir, that the attempt has been made to justify such an enactment as this, upon the ground that a faithful observance of the principles of the Declaration of Independence requires that all persons, negroes included, shall be admitted to a participation in the Government, to a voice in the management of public affairs. That assertion has been so often met and so successfully met that it is not necessary now for me to enter into any elaborate discussion to prove what was meant by the declaration "that all men are created equal." Is it possible that the American people can at this day be induced to believe that George Wash-

ington, a slaveholder, James Madison, a slaveholder, and most of the framers of the Declaration of Independence, slaveholders, ever meant to say by that Declaration that the negro race were to be admitted to participation in the affairs of Government; and that they contemplated by that Declaration that they would be understood as saying that the negro race were equal to themselves? The proposition that those founders of the Government meant such a thing as that is derogatory to their high characters; for if they meant by that Declaration so to be understood, how is the fact that those great men lived and died slaveholders to be reconciled with such an opinion upon their part? Sir, they only meant to say that the people of every distinct political community had a right to govern themselves and were not to be controlled by another distinct and independent community; and such is the interpretation which, until these modern days when a light has sprung up in the East which attempts now to irradiate the whole land, made its appearance.

But, sir, I will not discuss that feature of this question, because the bare statement of the proposition itself is sufficient to show that the founders of this Government never meant to be understood that the negro race was equal to the white race, or should be admitted to a participation in the affairs of this Government. If they meant it, why did they not set the example of negro suffrage? Why did they not bestow upon every negro in the land a voice in the Government and a right to participate in the management of public affairs? They did no such thing. Sir, the founders of this Government meant to establish a white man's Government, and they lived up to their meaning; and while they lived, and while the generation of great statesmen lived who succeeded them, no man in the Halls of Congress was ever heard to make such a proposition as this. Did not the necessity exist in those days why the negroes of the country should be admitted to share in the right of suffrage? We heard no complaint in those days on account of the withholding of such a right from the negro race. Do you believe that if the negroes in the days of the founders of the Government and of the generation of great men who succeeded them had been admitted to the exercise of this right this Government would have been more wisely administered than it was? Do you believe that the great principles of constitutional and civil liberty would have been more firmly established, more deeply rooted, or more fondly cherished than they were?

If no necessity existed in those days for the bestowment of this privilege or right upon that race, I ask you, sir, what necessity has arisen since, what necessity of a public character exists now why it should be conferred upon that race? Has it come to this, that the noble race to which we belong has become so degenerate, has so lapsed, so fallen from its high character and its high estate, that it is now necessary to supply its weaknesses and defects by admitting to participation in the affairs of Government that formerly servile race? Has the intellect of the white man so degenerated; or has his heart become so corrupt that the superior enlightenment and the higher morality of the negro are necessary to save our institutions or to better our condition? Sir, what greater evidence has that race given in these times of a fitness for participation in public affairs than it gave in the days when your Constitution was founded? Have they ever made any great discovery in art, science, literature, or learning of any description that it now becomes necessary to invoke their superior wisdom to direct and guide the councils of the American people?

Sir, there are but comparatively few negroes, I suppose, in those Territories, but the principle is the same. The American Senate is asked to recognize a right in the negroes to participate in the elective franchise in those Territories, and then the question is to be asked, if they have such a right there, how can you withhold it in the southern States where they are

so much more numerous? You are asked to adopt the principle in reference to a few negroes scattered here and there over the Territories; and then the plea of estoppel is to be put at you, "You have recognized the principle, you have recognized the right;" and having recognized the principle and having recognized the right in that race in those Territories, to be consistent you must recognize the principle and the right wherever the negro exists within the boundaries of the United States. I attribute no personal motives to any man, but I say that is to be the legal, logical argument with which you are to be met when the proposition shall come up to establish it, throughout the southern States, where millions of the race exist. If you recognize the principle here as contemplated by this bill, to be consistent with yourselves and to be logical in your own reasoning you must say that they ought to be clothed with this franchise wherever the race exists.

Now, Mr. President, in most of the northern States represented here by gentlemen of the Republican party, this very right is withheld from the negro race. You have not set the example to the American people of allowing this race to vote in a majority of your own States; and yet you attempt to say that in the Territories of the United States they shall have this right. Where is the consistency of it? In the State of New York they have a qualified negro suffrage; if a negro happens to be worth \$250, he is allowed to vote. Even in the State which the present occupant of the chair so ably and faithfully represents on this floor, [Mr. HARRIS in the chair,] popular sentiment will not tolerate universal negro suffrage. Go home to your constituents, I say to gentlemen from the northern States, adopt the system of universal negro suffrage among yourselves, and then you may consistently (if you have the power) attempt to force it upon the distant Territories of this country; but until you do that you are not consistent with yourselves.

Mr. President, it was said the other day by the honorable Senator who has charge of this bill that it might as well be known now as at any other time by the people of those Territories that unless this privilege was accorded to the negro race they could not expect admission into this Union. Sir, the honorable Senator was speaking for the present, speaking, I suppose, in reference to what he knew to be the sentiments and the opinions of a majority of this body at the present time. But neither he nor any other Senator has a right to speak for any future Senate of the United States. The time may come, the time may be near at hand, and the indications of the times are that the day is not far off when the complexion of both Houses of the American Congress may be changed. May God hasten the auspicious day, not on account of any desire to get rid of such very polite, honorable, and learned gentlemen as compose the present majority, but because the public necessities and the public interests require it.

Mr. President, let me ask gentlemen who favor this proposition one question. Suppose that when you entered upon the prosecution of the late civil war you had proclaimed, as the party just come into power, that your object was the abolition of slavery in the United States, could you have succeeded? No, sir, not even upon that issue. You were too wise as Senators and Representatives, you were too wise as representative men of your party to proclaim in the commencement of the late civil struggle that you were even prosecuting the war for the liberation of the slave from bondage; but you declared that your object was to preserve the Union with all the rights and institutions of the States unimpaired, and that when this was done the war ought to cease.

Well, sir, you went on step by step. A patriotic people, aroused by an attack upon the American flag, at the summons of the President of the United States flocked to the national standard, as they supposed, to preserve the

union of the States with all their rights and privileges and dignities unimpaired. The war went on for years before a word was ever uttered in these Halls suggesting that even the abolition of slavery was the object of this war. It was not until Mr. Seward had rung his "little bell"—a member of your party, gentlemen, not of ours; you may talk about him as much as you please, but the Democratic party has no such captains. He rung that "little bell" too often even to be a lieutenant in the great conquering army which is to drive you out of power. It was not until your "divine Stanton" exercised his great military power to take possession of the polls in Democratic States and to keep Democrats away from the polls; not until the voice of the American people was hushed by the clangor of arms; not while there was an open foe, but when all was silence and quietness within the boundaries of your power, that you dared proclaim even that the abolition of slavery was your object in the prosecution of the war. When the people were surrounded by military power, a power which unarmed men could not resist, it was then for the first time we heard an intimation that the object of the struggle was not the preservation of the union of these States, with all the rights and dignities of the States unimpaired, but the abolition of slavery. Then, I say, for the first time that voice like the whispering of the serpent,

"Squat, like a toad, close at the ear of Eve,"

was heard. Sir, had you announced that as your object in the commencement of the struggle, not half of the volunteers that rushed to arms would have flocked to your standard even to support the American flag when assailed. But, sir, suppose you had then gone further, and had avowed that your object was not only the liberation of the slave from bondage but to confer upon him equal civil rights, and not merely equal civil rights but the right to go side by side with the white citizen to the polls, and to cast his ballot at the very same poll; your call would have been scouted by the great mass of the American people, and you would not have had an army large enough to meet a single regiment of soldiers.

The American people in the enthusiasm of the moment, relying upon your promise and your declaration of the objects of the war, never dreamed that you meant to go further and confer the right of voting upon this race. You did not avow it yourselves. If it had been charged upon you then, the denial would have been heard from one end of the country to the other. And yet now, sir, with the representatives of eleven States of this Union not in these Halls, denied seats upon this floor and in the other House of Congress, you having an accidental majority in this body—because in my judgment you do not represent a majority of the American people, even in the non-seceded States, not to take into consideration the seceded States—undertake to incorporate into the legislation of this country principles which the founders of the Government never asserted, which you yourselves never asserted until, perhaps, you think it becomes necessary to the perpetuation of political power in yourselves. Mr. President, is it possible that gentlemen of the majority upon this floor are more familiar with the negro race, their capacity, their fitness for participation in civil government, than those of us who have lived among them all our lives, who have been familiar with them? Where did you get your education, where did you go to school to get superior wisdom upon this subject? What were your text-books? You had no personal knowledge, because you were not in the midst of the race. You might have seen one here and one there, not enough to make mile-stones along your public roads, mere curiosities which when seen by the children attracted their attention and caused their wonder. If such were your opportunities and your only opportunities by way of observation of judging of the capacities of this race, you must have acquired your superior wisdom from some other source. What

was your text-book? Was it Uncle Tom's Cabin, so pathetically written by—I say it without any disparagement of the lady—a strong-minded woman? Was it in her book which was written to draw tears from weak-minded men and feeble-minded women that you learned all about the negro-race? What were her opportunities for acquiring a knowledge of the capacities of the negro? Was it from the northern press that you learned your wisdom? How many of their editors ever were in the midst of this race that they could judge of their qualifications for participation in public affairs? Sir, they staid at home, and if a John Brown raid was to be got up they were not the men to go, but men of firmer nerve and men made of sterner stuff.

Mr. President, in some of the States of this Union a majority of the population are of that class. I refer to those States, not because this bill proposes to force negro suffrage upon them, but because this bill is a recognition of the principle. Every one who has traveled in those States knows full well that you might as well admit to the polls the mules and the cows, for all practical wise purposes of legislation, as a majority of such a race. How do you know, sir, that the negro race in the Territories of the United States are better fitted for the purposes of participation in public affairs than they are in those States? Have you ever been there to see? Do you know anything about it? You do not propose to select such of them as are qualified; you propose no terms or conditions upon this class as a qualification for the exercise of this high governmental privilege; but you say that every one of them, whether he has qualifications or not, shall participate in this privilege, and you ask the intelligent white adventurer who has gone to make his fortune in a western home, the man of high purpose and firm resolve, who has left the home of his fathers to seek a better condition far off, to be governed, so far as the negro race can govern him, by the votes of negroes in the Territories of the United States.

Sir, honorable Senators who advocate this proposition may suppose that it will be popular, that the idea of the equality of all men will be so popular that it will sweep as a hurricane the political field, and continue for an indefinite term in power those who so disinterestedly and patriotically advocate it. Mr. President, there never was a greater humbug preached upon earth as from the Almighty than the equality of races. The great God, in the human as well as in other animal races, has formed a great chain; and that chain is composed of links; in other words, there is the highest step, the next higher step, the next higher step until you come to the very lowest step in animal and in human existence, and to preach that the race which occupies this lower step in the great gradation of life is equal to that race which occupies the highest is contradictory to the observation of man and is in contravention of the workings of the Almighty. It is not true in inanimate nature that equality is the law of God and of nature; it is not so in human existence; it is not so in other animal existence; it is not so in the great works of nature spread out before our view. I ask you to go with me into the majestic forest and view with me the great trees found upon your Pacific slope; go with me into the great forests of your country and tell me, if equality be the law of nature and race, why it is that you see the majestic oak spreading his branches far and wide, upon whose thousand boughs the birds of heaven chirp and sing sweetly, and then why beside it do you see the little sapling that is unworthy of notice?

No, sir, equality is not the law of God or nature; but inequality, diversity is the great law. Man in his wisdom, legislators with their superior knowledge, may say that all these things are wrong and ought to be different. The Almighty could have made the mole which burrows in the ground equal to the lion which majestically roams the forest. Is the one equal to the other? If so, why did not the Almighty make them so? He could have done it. Take

the other great animals which roam in your forests and the more obscure and less distinguished animals which you deem not worthy either of your curiosity or regard. If equality be the law of nature and nature's God, tell me why He did not make these animals alike, why did not He make the trees and the bushes and the shrubbery of the forest all the same! Your humble scrubby pines might have equaled those of Lebanon if He had chosen so to do. The fact that He did not choose to do so shows the truth of my proposition, that equality is not in the works of nature or in animal existence His law; and if it be not His law in the works of nature and in other animal existence, where is the evidence that we have of its being His law in the existence of the human race? Observation does not teach it; history disproves it.

Sir, the proud and noble race to which we belong has had its moments of darkness and ignorance, even when its members made their homes in the caves of the earth; but there was a Heaven-inspired power, a something placed within that race by the determined will of the Almighty, which caused it to develop itself and become the great guiding race of the world. Why do you not find that race now in its original ignorance and barbarism? It is because the Almighty God, when He breathed into our ancestors the breath of life, made it as a distinguishing race, the crowning work of His almighty power on earth. But take the race which you now propose to admit to a participation in public affairs; go to his native home where for century after century he has dwelt, and show the developments and improvements which he has made. You find him in his original ignorance, in his original barbarism, not making one single step in the onward path to enlightenment and to civilization. What is the reason? I believe it to be because the eternal God for His own wise purposes made distinctions between the different races which He made; and dost thou, oh man, say that this is all wrong? Shall the clay accuse the potter? He who made all the trees of the forest, the animals of the field, and the men who inhabit the earth, of all gradations and all conditions, had the right to establish inequality. His power was omnipotent; His will all controlling; and what He made the creature has no right to question.

Sir, that is not only sound reasoning, derived from the observation of His works wherever we find them, but it is the teaching and the inspiration of that Book of books, from which, in childhood at our mother's knee, we learned those lessons which if properly observed would guide us to brighter and happier climes. Sir, even in that better world, if we believe the language of inspiration, you are not to have equality, but as one star differeth from another star in glory, so, also, shall they be in the future world. Inspiration adds its voice to the manifestation of God Almighty's works on earth and attests the absurdity; ay, sir, the infidelity of this doctrine of equality of races or the equality of man.

But, Mr. President, I did not rise for the purpose of going into this view of the subject, but to say a few words by way of protest against the incorporation into the organic act organizing these Territories of this obnoxious provision. I cannot see how the legislation of these Territories, how the public peace, how the rights of the community, civil and political, are to be elevated or advanced by the recognition of such a principle as this in those organic acts. Unless gentleman can show that there is some wrong to be remedied, practically, not theoretically; unless they can show that there is some wrong that should be remedied, and which can only be remedied by such a provision as this, and by the recognition of such a right as this, then, sir, I obtest before this Senate that your legislation is unwise, and you are treading upon hallowed ground because you are not guided by any light from the past. There is nothing in the past to show you that the condition of the people of these Territo-

ries would be bettered by conferring this privilege upon the negro race. Therefore, finding nothing in the experience of the past demonstrating that the condition of the people in these Territories would be bettered by such legislation, I ask you, is it not rash legislation to make the attempt now?

It is only for the good of the people of the Territories and for the good of my country that I have felt it an imperative duty to protest against this sort of legislation. Were I to speak only as a partisan; were I to look only to the success of the political organization to which I belong, I should hail every measure of this kind that you passed as a means to restore to power that noble party to which it is my pride and my boast that from childhood to the present hour, amidst all the mutations of party, I have ever belonged; and with all the experience of the past I would not change it for any party that ever existed in this country. As a mere party man I should hail your legislation as a means of your own defeat, because I cannot believe that when these questions are fairly and fully presented to the American people, and when in the quietude of home, in the stillness of the midnight hour, they shall reflect upon this species of legislation, they will not meet it with an overpowering and overwhelming condemnation. If it is the continuance of party power that you aim at, go on, gentlemen, in your madness and infatuation. I have not so read the character—I have not so read the sentiments of the race to which I belong, as to believe that now, when reason has resumed its throne and judgment has taken its place, they will ever approve such legislation. I repeat, sir, that if I spoke to-day as a mere partisan, I should hail your legislation as a great political boon; but I do not so speak.

Mr. President, it is time we had ceased speaking theoretically; it is time we had quit shedding crocodile tears over the wrongs of the poor negro race. As legislators we should look at the questions presented in the legislation proposed as practical men and as practical statesmen. What, even now, let me ask, has the great boon of freedom which you say you have given to the negro race profited them? If we are to believe the accounts we read hundreds and thousands of those who thought you meant to do them good are returning to their old homes in the South, and hundreds and thousands more who stay away are left to languish and to die; and in some of the States, a distinguished gentleman from Mississippi told me, if I mistaken not, that one fourth or one third of the whole negro race as it existed previous to the liberation which you gave them, have ceased to exist, have died. Under the nurturing care of their masters and former owners they were happy, they were contented. They sought not this boon which you proffered them. You came promising them a blessing and you have brought to them starvation and death. I speak from no unkindness to this race. I think that I know them as well as, in fact better than, some Senators who have never been among them. I was raised, to be sure, in comparatively a small slaveholding State, but amidst slaves. I had them to nurture me when an infant, to lead me when a child. I never felt any unkindness toward them; I wish them well; and now when I meet one that I knew in my boyhood there is no anger in my heart, but thanks and kindness; and that is the universal feeling among those who have known them and been associated with them. There are monsters in human flesh everywhere. There are men in the North who whip their own children to death, even, sir, in the enlightened State that you so ably represent. There are men in the North who kill their own mothers, even in the State which is so honorably represented by the Presiding Officer of this body. There are monsters in the northwestern States who murder their own children. There may be monsters found in the southern States who cruelly treat their slaves; but the cases in one section as in the other are exceptions to the general rule.

Mr. President, having made these remarks, much more extended than I anticipated when I arose, for when I came into the Chamber to-day I did not know that the subject would be brought up for consideration, I will detain the Senate no longer.

Mr. STEWART. Mr. President, I was struck with some of the remarks made by the Senator from Delaware, and particularly by his statement that if the northern people had known that slavery would be abolished as the result of the war, they would not have engaged in the war, would not have enlisted in our armies. I should like to ask the Senator from Delaware whether he believes that if Jeff. Davis & Company had known that they would be whipped, they would have engaged in this rebellion.

Mr. SAULSBURY. I will answer the gentleman with pleasure. He is just as familiar with the opinions and sentiments of Jeff. Davis as I am, and I have no doubt he is just as intimately acquainted with him. I served awhile with Mr. Davis, on this floor, but I never was so intimate with him as to know his opinions upon any subject. He may be one of those heroes, who, believing himself right, would have vindicated what he believed to be the right, though he saw that defeat was inevitable, as the honorable Senator, although he might get the worst in a public struggle, if he thought himself insulted might still go into the conflict.

Mr. STEWART. I believe that the people of the loyal States who have succeeded in abolishing slavery are quite as well satisfied with the result of the issue as those who fought to maintain it, who fought to build it up as the controlling and ruling institution of the country. I think that with the past the Union party have as good reason to be satisfied with themselves, and the results of their policy, as the Democratic party. I think that the Union party is quite as well satisfied with itself for having fought to defend the Union, to save the Union, to preserve the Union, as the Democratic leaders can be with the fact that they destroyed this Government and declared that there was no power under the Constitution to save the country. If you talk about satisfaction with past records let them be compared. As to the present policy, the Senator appears to be very much alarmed for fear the Union party will not be satisfied with it, and he has attempted here now, as on various other occasions, to prove that negro suffrage is wrong because men are not equal. That is the only argument that I hear against it. If that be true all suffrage is wrong, because no two men are equal. There is a difference between men; there is every gradation, from the highest to the lowest, in all communities. Equality has nothing to do with the right of suffrage. We do not mean that men must be equal physically, that they must be equal intellectually, that they must be equal morally. We do not expect that; we do not say any such thing; but we do say that all men are equally entitled to the pursuit of happiness and to the protection of the law, and that the weak need the protection of the law more than the strong; and we do say that now that the negro in the South is manumitted, and that cannot be helped, (although the Democratic party would reverse the verdict if they could, and reenslave him,) he must be protected, and if you do not allow him to protect himself with the ballot you must protect him with the sword. The race is emancipated and must be governed. It must either have self-government or despotic government. I think it is better for the whites and blacks that all now shall have a chance to govern themselves. The time for governing the blacks as slaves has passed. The "divine right" of slavery is repudiated by the sword. This same appeal to the Bible for the divine right to govern other men is the old song of kings. It is divine to make men unequal; it is divine to control and govern them, provided you let me govern them. Let me be king, and then it is divinely right.

You be slave and I be king, and then it is a divine right.

Mr. SAULSBURY. Allow me to put a question to the Senator.

Mr. STEWART. Certainly.

Mr. SAULSBURY. The Senator refers to the Bible. I did not. I ask him what these words in the Bible, "*naubad. naubadam*," mean.

Mr. STEWART. Is that in the Bible?

Mr. SAULSBURY. It is in the Bible.

Mr. STEWART. That is rather a settler.

[Laughter.] I do not believe the Senator knows much more about that than I do, but if he does, I should like him to translate it, and then I may give him the meaning of it. The Senator says he did not appeal to the Bible. I thought he said that it was the teaching of that good Book that there was a difference in man. Why, sir, that is the same good Book to which every king and every despot has appealed. That, however, is not the interpretation that Christian nations are now putting upon it. It is not in accordance with the spirit of the age, not in accordance with justice or humanity.

The simple question before the Senate is, whether the colored men who emigrate to the Territories shall have the right to exercise the elective franchise for their own protection? I have resided in Territories and in new countries, and I know that the poor and the weak there can be better protected if they have a vote. It will be for their advantage; it will be much more secure. To give them a vote will do nobody any harm, but will do good to themselves. Others will treat them more respectfully and more kindly. That has been the result in all cases with the weak. I can point out other classes besides the negro who would have a very difficult time to live in the Territories, or live anywhere in new communities, if you took the ballot from them—other classes that are courted and favored now, that none will speak ill of, because they have votes. On account of race or religion or for other reasons, there are prejudices against some which can only be wiped away by the power of the ballot. If the Senator from Delaware is not too solicitous for the success of the Union party, I hope he will let us try this experiment, as we tried the experiment of emancipation, and I do not believe when it is over we shall be any more sorry for it than he.

Mr. SAULSBURY. Mr. President, the honorable Senator has been so kind as to appeal to me. Allow me to say that he reminds me very much of all young converts. Sir, did you ever attend a Methodist meeting, especially a Methodist class meeting? I speak in no disparagement of the Methodists, because I believe them to be among the best people on earth; but in a class meeting you find that after the old grey-headed fathers and mothers have told their experience some of the young converts get up and begin to tell what great things have been done for them; and the old fathers and mothers in Israel look upon the young converts very approvingly. They obey the scriptural injunction, "He shall gather the lambs with his arm and carry them in his bosom." Now, the old political members of the Republican party, I have no doubt, have been very much amused at our young convert from the Breckinridge Democracy. If I understand his political record aright—I do not say it offensively, but I say it as a matter of history—the Democratic party with which he finds so much fault to-day was to him a glorious, magnificent, patriotic party even when its standard was borne aloft by John C. Breckinridge. And yet the honorable Senator rises here to-day as though he were one of the fathers in your political Israel, and he descants upon the errors, the folly, and the want of patriotism of the Democrats. A stranger might have supposed that he was one of the fathers in the Republican camp. I think the honorable Senator is growing in political grace very fast, and he reminds me very much of the experience of the man that I once heard of, given

in class meeting, and I have no doubt that after awhile he will become equal to some of your older men in the Republican party who can say now what that member of the church said, and he is trying to get people to see the same thing. He said that when he was first converted and joined the church he could not do any little thing that was wrong that conscience did not prick him for it, but now, thank his God! he had so grown in grace that he could do anything whatever and conscience never troubled him at all about it. [Laughter.] I think the Senator has arrived almost to that state of perfection.

Mr. STEWART. As the Senator from Delaware has been kind enough to pay a little attention to me, I simply rise to say to that Senator that I had patriotism enough when the Democratic party attempted to destroy the Government to repudiate it. There was then a great revival in the country. There were a great many convinced of the fact that Buchanan & Co. were surrendering to the enemy; that Jeff. Davis & Co. were attempting to destroy this Government; and there was a revival of patriotism throughout the country. It was only those who loved treason more than liberty, slavery more than freedom, that failed to feel any of that inspiration of truth and justice and love of union that brought forth this great Union party, that inspired it from ocean to ocean, that spoke into existence the loyal hosts of the country that sustained the flag. Of course I felt more indignant, and I had a right to feel more indignant, than an old Whig, because the party to which I belonged, and which I trusted, and which I thought was really Democratic, through its leaders attempted to strike down this Government. Democrats, of course, have a double reason to complain of it. Our leaders not only betrayed the country, but betrayed us. Those who did not get political religion then, so as to be opposed to Jeff. Davis & Co., are past redemption. I fear they have committed the unpardonable sin. They are sunk so low that the political hand of resurrection will never reinstate "the glorious Democratic party" of which the Senator talks. It must go down among the things that were, as a monument of the sins of a conspiracy to destroy this Government. The Democratic party is linked with treason and with corruption, and it must go down. The man who still glories in it and its leaders, who still extols slavery, who still feels happy over those things, I say never can be converted. He is joined to his idols. Let him remain.

Mr. SAULSBURY. One word in reply to the honorable Senator. When does the honorable Senator say that this great revival took place? He said it was when the Democratic hosts—

Mr. STEWART. When treason struck at the flag of the country the Union party was formed, and that Union party will last until that treason is blotted out, until traitors are odious, and until every man in this broad land, black or white, is allowed to enjoy the privileges of a free man. That is the mission of the party, which we are going to carry out, and which false Democracy can never overthrow.

Mr. SAULSBURY. The young convert will get happy after awhile in class meeting. [Laughter.] Now, Mr. President, when did the honorable Senator say, in the remarks he made when he was up before, that this great revival took place? He said that hundreds of thousands of patriotic men throughout the country believed that Buchanan & Co. were leagued with Jeff. Davis for the destruction of the country; and yet, sir, notwithstanding that, the honorable gentleman, with all his patriotism, did not rush with his patriotic hosts to the rescue, against the combined forces of Buchanan and Davis, but cast his vote for John C. Breckinridge for President of the United States at a subsequent period to that, although he was Vice President on the same ticket with Mr. Buchanan, and although I presume the honorable Senator supposed their views were

identical! "O consistency, thou art a jewel!" [Laughter.]

Mr. STEWART. I will state the fact with regard to that. The fact is this: I was then in the Territory of Nevada. There were two parties formed. I declined to join either the Republican or the Douglas party. The Douglas party was not the regular organization. I declined to take any part in the canvass.

Mr. SAULSBURY. Whom did you vote for?

Mr. STEWART. I did vote for Breckinridge, and he was not the first traitor who enjoyed the confidence of honest men before his fall. Arnold was once a brave soldier. I did not know he was about to betray his country, but I told my friends that I believed the Democratic party was gone, was ruined, but I did not suppose it would commit treason. I was living then in a remote Territory and I did not know that they had as yet betrayed the country. I stated to my friends that I was not going to change until an organization was formed that was for the country. Like other Union Democrats, I stayed with the party until it was betrayed. That was in 1860. I took no part in the canvass. During the fall of that year secession commenced, and I believe I was among the first to declare in favor of the Union and in favor of the war, even before those who had been Republicans and Douglas men, and long before the firing on Fort Sumter.

I tell the Senator that the Republican Union party was born when every man was convinced that the country was in peril, when the proof was positive that Buchanan had betrayed the country. It was born in the winter of 1860-61 when Mr. Buchanan declared here that he had no power to sustain this Government; that there was no power to coerce a State. The Democratic party did not, until after the election of President Lincoln, disclose that their intention was to destroy this Government. When that became certain, then, sir, there was a revival throughout the land, and those who loved their country, those who had a spark of patriotism in them, left the fortunes of Jeff. Davis and Company and stood by the Union. Did the Senator from Delaware do that?

Mr. SAULSBURY. My record will speak for itself.

Mr. STEWART. Yes, sir, his record will speak for itself. Did he vote supplies for our armies? Did he vote for sustaining the flag of his country? I think his record does speak for itself, and it tells us in language not to be misunderstood that he was giving that negative aid to the enemy which declines to feed the Union soldiers by voting supplies to our armies. I think his record speaks in that language; and the man whose record speaks in that language may well talk of converts, for he never can be converted. A man who loves the record of the Democratic party, who loves the record of the party that betrayed every lover of his country may well speak of converts, because his case is hopeless. He may well boast of his consistency in evil—and the Democrat who honestly loved his country need not blush for that inconsistency that made him repudiate traitors and stand by the Union. But let him blush who, when betrayed by traitors, would become a traitor for consistency.

Mr. CONNESS. It is evident that no conclusion can be arrived at to-day on the pending bill. I will therefore ask the chairman of the Committee on Territories to allow it to be postponed for the present.

Mr. WADE. Has the Senator a measure that has already passed the House which he desires to take up?

Mr. CONNESS. I have not. I desire to call up a Senate resolution.

Mr. WADE. What is it?

Mr. CONNESS. It is a resolution relating to the China mail line, upon which I desire to have the action of the Senate.

Mr. WADE. It seems to me we are about ready to take a vote on this subject.

Mr. CONNESS. If the Senate are ready to

vote upon it, of course I shall not ask for its postponement, but if we are to continue to discuss it I should like very much to get the action of the Senate upon the matter to which I have referred.

Mr. WADE. This measure has passed the House of Representatives and been debated here nearly as much as it will be debated, and therefore I am not so pertinacious about pressing it now, because there will be ample time to pass it.

Mr. CONNESS. Then, with the Senator's permission, I move that the present and all prior orders be postponed, and that the Senate proceed to the consideration of the joint resolution (S. R. No. 98) to amend an act entitled "An act to authorize the establishment of ocean mail steamship service between the United States and China," approved February 17, 1865.

Mr. HENDRICKS. I think we have arrived at that period in the session when we should dispose of a measure when we take it up. If we expect to adjourn at any reasonable day, it is necessary that we should consider and act upon bills as they come before us. I hope we shall not be kept here very much longer in the summer months; and I shall object to postponing any bill, when there is no special reason for it, to take up some other bill and discuss it a little while. If it is the purpose of the Senator from Ohio to pass this bill it is just as well to complete its discussion to-day, vote upon it, and let it be a law, if it is to be a law, as to postpone it to some future day. If the Senator does not expect to put the bill upon its passage, then I think it is due to us who desire an early adjournment that he should not occupy the attention of the Senate by calling it up. I have a very few words to say in regard to the bill, not perhaps to exceed five minutes, and as it is yet before the Senate, I will say what I have got to say now.

Mr. President, this is not proposed as a measure of practical necessary legislation, because it is known to all Senators that there are but very few colored people in the Territories which will be reached by the provisions of this bill, and it can be intended only as an expression of the views of Congress in regard to the right of the colored people to exercise the privilege of voting. I am not ready to say that in the northern States this privilege ought to be extended to the colored people. I am not prepared in the State of Indiana to vote to extend this right to the colored people. If I thought it right to give to the colored people in Indiana the privilege of voting, it is probable that I would support this measure, because I have no constitutional difficulties upon the matter, for I presume it is not questioned that Congress may extend or limit the right of voting in the Territories.

How does the measure now stand? By the acts organizing these Territories the power of controlling the franchise in the Territories is given to the Territorial Legislatures. This bill proposes to take that power away from the Territorial Legislatures, to take it away from the people of the Territories, and to exercise the power by Congress, to declare by Congress that the right of voting shall be extended to all the colored people. It presents the square, naked question, whether the right of suffrage shall be given to all the colored people of the country. The vote of each Senator, I presume, will be given according to his views upon that question. If a Senator is in favor of extending the right of suffrage in every State, everywhere where a colored man is found, extending the right to him, he will vote for this bill; but if a Senator believes that in his own State it ought not to be extended to the colored man, of course he will not vote to force it upon the people of the Territories, who are as competent, I presume, to regulate a question of this sort as the people of the States. I believe in the doctrine that the people of the Territories ought to regulate their domestic affairs. I have voted upon that principle, and upon this

particular bill I shall give my vote according to that principle.

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) The question is on the motion of the Senator from California, to postpone the bill under consideration and all prior orders and to take up the joint resolution mentioned by him.

The motion was agreed to.

CHARLES BREWER AND COMPANY.

Mr. CHANDLER. I ask the indulgence of the Senator from California, before taking up his resolution, to allow me to pass a little bill which I called up this morning and which will not take a moment. I now have the papers in the case before me, and they can be read, if it is desired by any Senator.

Mr. CONNESS. If the Senator's bill will take no time, I am willing that my resolution be laid aside informally.

Mr. CHANDLER. I move, then, to take up House bill No. 555.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 555) for the relief of Charles Brewer & Company.

Mr. CHANDLER. I ask the Secretary to read the communication from the Department of State which I send to the desk.

The Secretary read as follows:

DEPARTMENT OF STATE,
WASHINGTON, March 14, 1866.

SIR: I have the honor to transmit herewith a copy of a letter from Messrs. Charles Brewer & Co., of Boston, inclosing to this Department an account of the Hawaiian bark Kamehameha V, for the passage of destitute American seamen from the Ascension islands to Honolulu. These seamen, numbering sixty-eight, belonging to American vessels which were burned by the pirate Shenandoah, were landed in the Ascension islands without any provision being made for their support. They were found in a destitute condition by the master of the bark Kamehameha V and taken to Honolulu. It seems but just and proper that this claim should be paid. As, however, there is no fund at the disposal of this Department with which to meet it, the claim is respectfully referred to Congress, with the recommendation that an appropriation be made sufficient to cover it.

I am, sir, your obedient servant.

WILLIAM H. SEWARD.

Hon. S. CHANDLER, Chairman of the Committee on Commerce, United States Senate.

Mr. CHANDLER. I have here also the consular certificate indorsing this, and likewise the appointment of Charles Brewer & Co. for the collection of this claim.

Mr. CLARK. The communication from the Department of State refers to a letter from Brewer & Co., which I desire to have read.

Mr. CHANDLER. Let the Secretary read the consul's certificate and all the papers.

The Secretary read as follows:

Boston, March 3, 1866.

SIR: Inclosed we beg to hand you the original bill of Hawaiian bark Kamehameha V, and owners, for service in carrying to Honolulu, H. I., from the island of Ascension, the officers and crew of three United States whalers burned at that island by the pirate S. S. Shenandoah, (Sea King,) amounting to \$3,530, payable in United States gold coin, which bill is properly attested by the United States consul at Honolulu, and indorsed payable to our order by the owner of the bark Kamehameha V.

If the said bill or account is found correct, please remit the amount of same to

Your obedient servants,

CHARLES BREWER & CO.

Hon. WILLIAM H. SEWARD, Secretary of State for the United States, Washington, D. C.

HONOLULU, December 11, 1865.

United States Government

To Hawaiian bark Kamehameha V, and Owners, For passage of the following shipwrecked officers and seamen from the island of Ascension to this port, to wit:

Edwin P. Thompson, master of the American bark Pearl.....	\$60
Leonard Golechell, first officer.....	60
Charles S. Serson, second officer.....	60
Christopher L. Daley, third officer.....	60
William H. Young, William H. Allen, John Keenan, Nathan S. Gardner, C. D. Osgood, William Monroe, Richard Walsh, Thomas Shannon, John Barker, William M. Reed, Thomas Williams, John Yore, Benedict Kamehameha, Merritt Sparks, Fernando Frank, William P. Benton, Charles Marshall, in all seventeen seamen of American bark Pearl,	\$50

Amount carried forward.....\$1,030

Amount brought forward	\$1,090
Amos A. Cohan, master of American ship Hector.....	60
John Hill, first officer.....	60
Lewis Frances, second officer.....	60
Richard Gould, third officer.....	60
Edward C. Wheeler, fourth officer.....	60
John Norris, M. C. Kospmann, Joseph C. Hannon, Robert Ashworth, G. M. Day, F. M. Lockett, Thomas Collins, William Hearnly, Lewis Harder, Hosea Victor, John Thomas, Hosea de la Crun, John Hernan, John Carty, Bourta Seneca, Adano Victorinea, William Harris, John Sprague, John Silvia; in all nineteen seamen of American ship Hector, @ \$50.....	950
George O. Baxter, master of American bark Edward Carey.....	60
Horace Mintross, first officer.....	60
George Gibson, second officer.....	60
William Muse, third officer.....	60
Joaquinda Laus, Andrew Wise, John Griffin, James Thompson, James Powers, Joseph M. Alfonso, Manuel Glass, Thomas Beech, Antonio S. Grall, John Woorzey, William Moses, Thomas Davis, John Hare, John Baker, William Baker, George Slocum, George Lyons, Richard Humphrey, John Thomas; in all nineteen seamen of American bark Edward Carey, @ \$50.....	950
Total, (United States gold coin).....	\$3,530

UNITED STATES CONSULATE.
HONOLULU, December 26, 1865.

I, the undersigned consul of the United States at the port of Honolulu, do hereby certify that the foregoing specified sixty-eight seamen had their several vessels burned by the pirate Shenandoah at Ascension island on the 1st day of April last; and said seamen turned on shore at said island, (which is a savage island,) where they remained without means of getting away until the 28th day of September last, when they were rescued and brought therefrom and brought to this port on the 18th of November last, and thrown upon my hands for relief in a state of great destitution by the Hawaiian bark Kamachamaha V of Honolulu, of which bark T. R. Foster is sole owner. I further certify that I consider the sums charged above for the passages of said seamen from said island of Ascension to this port a very reasonable charge, being at the same rate per man paid by the Hawaiian Government to said owner of said bark for bringing from said island the crew of the Hawaiian ship Harvest, which was also burned at said time and place by said pirate. For the full particulars of all which reference is hereby made to my dispatch No. 21 to the State Department, dated November 20, 1865.

Given under my hand and consular seal the day and year aforesaid.

ALFRED CALDWELL,
United States Consul.

HONOLULU, December 26, 1865.

Please pay Charles Brewer & Co. or order the amount of the above claim.

J. R. FOSTER.

The PRESIDING OFFICER. The pending question is on the amendment reported by the Committee on Commerce to insert after the word "Boston" the words "in coin."

The amendment was agreed to.

Mr. CLARK. I move to strike out the names of the parties, "Messrs. Charles Brewer & Co., of Boston," and to insert "the owners of the Hawaiian bark Kamakamaha V;" so that it shall appear that this money is paid to foreigners.

Mr. CHANDLER. Then you would simply have to send it to Honolulu to get an indorsement instead of sending it to Boston.

Mr. CLARK. There will be no necessity of sending it away. I wish it to be stated in the bill that this payment in coin is to foreigners.

Mr. CHANDLER. This claim has been pending for more than a year, and I want to have it paid at once. It is a disgrace to the Government that it should be so long delayed.

Mr. CLARK. There ought to be some recognition in the bill of this claim. It does not appear in the bill for what the money is paid, and it should be amended so as to show that.

Mr. CHANDLER. I simply ask to have a vote on the bill. I hope it will not be amended.

Mr. CONNESS. I suggest that this language be used, "the owners of the Hawaiian bark Kamakamaha V or their agents."

Mr. CLARK. That is the amendment I desire to have made.

Mr. HOWE. Would it not meet the idea of the Senator from New Hampshire better to say, "pay Charles Brewer & Co., of Boston, for the use of the owners," &c.?

Mr. CLARK. I do not care how it is done. That would be the same thing.

Mr. CHANDLER. Put it in that shape. That will do.

Mr. JOHNSON. Are they the agents?

Mr. CHANDLER. Yes, sir; they are the agents for the authorities there.

Mr. JOHNSON. You had better say that it be paid to them as the agents for the bark.

Mr. CHANDLER. I have no objection to that.

Mr. CLARK. I will agree to anything that will show what it is paid for.

Mr. HOWE. I think the best form in which we can get it is to say, "Charles Brewer & Co., of Boston, for the use of the owners of the Hawaiian bark Kamakamaha V."

Mr. JOHNSON. To be paid them "as the agents." That will answer the purpose.

Mr. CLARK. I modify my amendment in accordance with those suggestions.

Mr. CHANDLER. I have no objection to that.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in and ordered to be engrossed, and the bill to be read a third time. It was read the third time and passed.

On motion of Mr. CHANDLER, the title of the bill was amended so as to read: A bill for the relief of the owners of the Hawaiian bark Kamakamaha V.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. LLOYD, Chief Clerk, announced that the House of Representatives had passed the following resolution, in which it requested the concurrence of the Senate:

Whereas the financial condition of the United States demands the exercise of a rigid economy, in all Departments of the Government, in order to sustain the credit of the nation and to relieve the people at the earliest possible day from the burden of excessive taxation; and whereas there is reason to believe that in many Departments of the civil service abuses have for a long time existed and still exist, in the perpetuation of useless offices and sinecures, in extravagant salaries and allowances, and in other unnecessary and wasteful expenditures: Therefore,

Resolved by the House of Representatives, (the Senate concurring,) That a joint select committee be appointed, to consist of two members of the Senate and three members of the House, to be styled the joint select committee on retrenchment; that said committee be instructed to inquire into the expenditures in all the branches of the civil service of the United States, and to report whether any and what offices ought to be abolished, whether any and what salaries or allowances ought to be reduced, and generally how and to what extent the expenses of the civil service of the country may and ought to be curtailed. That said committee be authorized to sit during the recess of Congress, to send for persons and papers, and to report by bill or otherwise. And that said committee may appoint a clerk for the term of six months and no more.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House of Representatives had signed the following enrolled bills; which were thereupon signed by the President *pro tempore*:

A bill (S. No. 56) granting a pension to Mary C. Hamilton;

A bill (S. No. 215) concerning certain lands granted to the State of Nevada;

A bill (S. No. 299) granting a pension to Jane E. Miles;

A bill (S. No. 314) for the relief of Sarah J. Purcell; and

A bill (S. No. 368) granting a pension to Mrs. Margaret A. Farran.

MAIL SERVICE TO CHINA.

Mr. CONNESS. I now call up the joint resolution which was laid aside informally to enable the Senator from Michigan to pass his bill.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. No. 98) to amend an act entitled "An act to authorize the establishment of ocean mail steamship service between the United States and China," approved, February 17, 1865. It proposes to repeal so much of the first section of an act entitled "An act to authorize the

establishment of ocean mail steamship service between the United States and China," approved February 17, 1865, as requires that the steamships engaged in carrying the mails between the United States and China shall touch at Honolulu, in the Sandwich Islands; but this is not to be construed to alter the amount fixed by that act, or the contract made by the Postmaster General in pursuance thereof, as a compensation for carrying the mails between the United States and China.

Mr. CONNESS. Mr. President, the resolution under consideration proposes to release the Pacific Mail Steamship Company, who are the contractors with the Postmaster General for carrying the United States mails between San Francisco and Japan and China by way of Honolulu, from the obligation to touch at Honolulu. The act under which that contract was made was passed in 1865. The first proposition to pass such an act, I believe, came from some parties in Boston. It was proposed to carry the mails, by the form of bill that they presented to Congress, in vessels that should not be less than two thousand tons measurement. After a considerable length of time, those parties abandoned the project, and the Pacific Mail Steamship Company took it up. It will be remembered that they are the parties who are engaged in carrying the United States mails and transporting merchandise and passengers between New York and Aspinwall, and Panama and San Francisco.

Under the act that was passed, competition was invited for the performance of the service from San Francisco to China; and it was provided that a subsidy should be granted by the Government, not to exceed \$500,000 annually, but that the Postmaster General should advertise for bids for the service, and give the contract to the lowest responsible bidder. In process of time, those advertisements were made, but no bid was received except from the Pacific Mail Steamship Company. The act, however, providing for it had been amended so as to require the construction of steamships, in which to carry the mails and to perform this service, of not less than three thousand tons measurement. The increase of one thousand tons was made to the ships proposed originally by the act as it passed in 1865. The Pacific Mail Steamship Company felt their ability to undertake this work; but with their wide experience in the management of sea-going steamers, they entered upon calculations before they made their bid, taking into account the distance of ocean to be traversed, the capacity of the ships for coaling themselves or carrying a sufficient supply of coal, and the capacity of the ships for the transportation of merchandise and passengers. It may very well be assumed that they would not enter upon building larger vessels, owing to the great cost of constructing them, than the actual necessities of this great commercial project demanded with a view of assuring its entire success; but the calculations that they made were of such a character as to convince them that success in the great and new project of grasping the trade of the East Indies, and connecting it in the most direct manner with our own country could not be successfully made or had in vessels of a less capacity than four thousand tons.

In that condition of affairs they consulted various parties, their friends in and out of Congress, as to whether they would be held, if they made the contract, to make the stopping required in the act as passed at Honolulu. The general answers and replies that they received were, that if it could be shown at any time that the success of this great commercial project would be in any manner compromised by the stoppage at Honolulu, Congress would readily release them from that part of the service. With that assurance, and determined to make the project a great success for the character of the nation and for their own character as men entering upon a great and new service, they engaged in building ships of the greater capacity. Two of those ships are being con-

structed, one by the celebrated builder, Mr. Webb, at New York, and another by Steers. They are to cost \$1,000,000 each. It is intended to put four such ships on the line, but at the end of the war it was found impossible to collect material for such a character of ships, of seasoned condition and quality, and therefore only two of the ships have been contracted for; the other two are to follow those. In the mean time the company have prepared for service vessels exceeding three thousand tons in burden from the newest vessels in possession of the company. The steamships Colorado and Golden Gate, recently plying between San Francisco and Panama, are being taken into dock—one of them now—double planked and fitted for the new service throughout; so that they may be able to begin the service as required by the contract, on the 1st day of January, 1867.

Upon making this application for release from stopping at the Sandwich Islands, various gentlemen of this country, particularly residents at Boston, in Massachusetts, have felt, considering the interests that they have in that country, that it would not be entirely just to American interests at the Sandwich Islands to grant this release. They have presented the case to many persons, and among others, to myself. I wish to say here that the whole question involved was very carefully considered by the committee before we undertook this measure. The question of the maintenance of American interests, political, commercial, and social, at the Sandwich Islands, I concede freely to be one of great consequence. No person, perhaps, feels a greater interest in it than I do. The people of no State in the Union can feel a greater interest in it than the people I in part represent here—the people of California. We are in close and almost immediate neighborhood with the Sandwich Islands. Our trade is large with the Sandwich Islands. But, sir, the maintenance of American influence at the Sandwich Islands does not in any manner depend upon forcing this company or continuing to require them to make the stoppage required in the contract at those islands. On the contrary, the maintenance of that influence is already, by other steps taken, fully assured.

Until within the past year there was in the whole Pacific ocean, to take care of American commercial interests, including the Sandwich Islands, from the north to the south, but five vessels-of-war, and those, in the main, of the most indifferent class; two of them being sailing sloops-of-war. Within a year, and since the release of our blockading squadrons, that entire matter has been changed, and the Pacific squadron to-day is one of the largest squadrons belonging to the Government. It embraces one of our first-class double-turreted monitors, another single-turreted monitor, the steamship Vanderbilt, and like ships of the highest capacity for war uses. In addition to that, by a special order, in compliance with a request made by the State Department, I will say here, at my own instance, four months ago, the Secretary of the Navy has designated one of our men-of-war to be stationed permanently hereafter at the Sandwich Islands, and the officer to take command of that ship is now on his way to the Pacific. Thus, sir, so far as the maintenance of American political power and influence at the Sandwich Islands is concerned, the matter is assured beyond peradventure.

The only question remaining is the importance of immediate steam communication between San Francisco and Honolulu. I have already said that no people feel perhaps so great an interest in that question as the people of California; but we also feel that it is vital to us, as it is to the entire commercial interests of the whole country, that nothing shall be done to mar the prospects of the mighty project of intercommunication and commercial control by Americans in the East Indies, which has been so well begun.

Now, sir, shall we not release this company from stopping at the Sandwich Islands? If we do not, the round trip from San Francisco

to China will be lengthened from eight to ten days; and thus we shall lose in the great international race in which we are now engaged with the other commercial nations of the world. In addition to that, if we shall refuse to release them, there is another difficulty in the case, and I will state it briefly. It was found to be necessary for the complete success of this great commercial enterprise to build vessels of the class that I have described. They cannot, as was subsequently found, enter the harbor of Honolulu. They cannot go over the bar before that town. I have been asked, in reply, why did they build such ships? As I have said, the project and the scheme that we have undertaken required the establishment of just such a line as they have begun, and the fact that they have begun upon the scale that they have is the very highest compliment to the gentlemen engaged in it. The four ships that they are to build, in place of costing, as they might have cost, half a million dollars each, are to cost \$4,000,000. But if we should refuse to release them from stopping at the Sandwich Islands, they would now, at this time, be compelled to turn the two great ships that they have built off from that trade, and to order the building of two of a less capacity. This I do not state as a fact to be questioned, but as a fact that will certainly follow. The service to China must be performed as required by the act, in vessels of not less than three thousand tons burden, but they will not be to any considerable amount in excess of that tonnage. To reduce, then, the capacity of the great ships that are to do this work, that is to revolutionize this mighty trade, that is to give America preëminence in the new markets of the world, or, if you please, the old markets of the world, but new markets to us, would, it seems to me, be a very narrow policy.

I regret very much that the gentlemen to whom I have referred have seen fit to persist in their opposition to this measure. I have allowed it to remain here from day to day since the committee have reported it, expecting that they would see that the true interest of the Sandwich Islands consists in developing the great empire of trade that the East India ocean furnishes to us; that commercial communication with them, rapid steam communication, would follow as a matter of course; and that they should not urge this incidental matter of interest in the way of so great and mighty a project.

When the Committee on Post Offices and Post Roads took this subject up for consideration it was referred to the Postmaster General for his views on the subject. Those views have been presented. They are before us in an elaborate report from the committee. I will not take up the time and attention of the Senate by reading from it; but it is shown, as stated by the Postmaster General, that when he recommended, in his annual report of 1864, that a subsidy be granted to a company to carry the mails between San Francisco and China, the question of stopping at the Sandwich Islands never entered into his consideration; that his idea was to patronize American steamships by authorizing them to carry the mails, and thus secure a new empire of trade for his country. Therefore, that being the great object for which the line was established, should you release them from stopping at the Sandwich Islands, you do not thereby cheapen their service; but, on the contrary, we should not refuse, in my judgment, the passage of this act and the release asked for.

The question of the voyages between San Francisco and China; the question of the ocean, its currents, the winds to be encountered, and the passages to be taken, were comparatively unknown by us. Further and most thorough examination into those questions and considerations which are of the first importance have been made, and the result is spread before Senators in the report of the Post Office Committee of this body. It shows clearly that to make this line what we should all wish it to be, a great success, the most rapid passages must

be made; and this rapidity should be secured from the start of the line. Nothing should occur from the beginning to destroy the prestige of its success. Indeed, if we release them from this stoppage from the very first trips that the ships shall make they will beat the time that is now made on the other route from China to London. The shortest time now between London and Hong Kong by the European routes is fifty-five days; that is, by way of Gibraltar and Suez; by way of Marseilles it is forty-seven days. But by this means we shall make the connection between China and New York in forty-three or forty-four days, and perhaps in forty-one days.

I do not wish, unless it should become necessary, and there shall be further discussion on the subject, to occupy the time of the Senate longer. I wish to say simply, in conclusion of the remarks that I submit now, that no commercial project of equal magnitude with this has ever yet been undertaken by the Government of the Republic; and I hope that nothing will be refused to this company who have engaged in its performance upon so grand and magnificent a scale. As to the question of securing communication between the Sandwich Islands and California, as I have said, that will follow as a matter of course; and should we be compelled to grant a small subsidy in addition for the performance of that service hereafter, the money of the Treasury can be engaged in no better office than that.

Gentlemen have suggested, in conversation with me, that the subsidy now provided for this company should be reduced if they are to be released from stopping at the Sandwich Islands; but it will be remembered that that cannot be done with any propriety. Releasing the company from stopping at the Sandwich Islands is simply to make their trips more rapid, to make speed an object; so that the highest rate of speed will then be attempted; the most costly ships will then be put upon the line. The company never would have made a bid for the service at less than the amount stipulated by the act of Congress. The fact that they were the only bidders shows that clearly and conclusively, and the magnitude upon which and experience with which they have entered upon this great service conclusively shows that they are prepared in the most liberal manner to meet the exigencies of the case. I hope, therefore, that there will be no opposition to the passage of this resolution.

Mr. GRIMES. I rise to oppose the passage of this resolution; and I will say to the Senator from California that I am impelled to do it, in a measure, by the remonstrances of the very officer of whom he has spoken, who has been ordered to command the Lackawanna, to be stationed at the Sandwich Islands, in conjunction with various other naval officers stationed or who expect to be stationed in the Pacific ocean.

A year ago and upward we passed a bill authorizing the subsidizing of a line of steamers between San Francisco and the Sandwich Islands, Japan, and China. The Postmaster General issued his proposals. One great company, as the Senator has told us—an immense company, a company that has thus far been able to frown down all opposition, the great Pacific Mail Steamship line, a company of immense wealth—made its bids for this contract. Other parties, doubtless, who were aware that the Pacific Mail Steamship Company was about to bid, declined to enter into competition with them. The result was that this great company succeeded in securing the contract. And now, without having built a single ship, without having put a single vessel upon the line, without having done anything except to contract, as we have been told by the Senator, for two large ships, they come before us and ask us to release them from a part of their contract; to release them from that part of it which, I undertake to say, is of most importance to the commercial interests of the United States; to release them from that part of it in which I feel infinitely more

deeply interested than in any other part of it—that part of it which compels them to touch at Honolulu, to keep our continent in close connection with the American interests at the Sandwich Islands, and thus be able to restore in some degree the American influence which, during the last eight or ten years, has been greatly supplanted by the British influence there.

What are the arguments that are urged in favor of this proposition? First, that these large steamships are not able to enter the harbor of Honolulu. Was there a seaman connected with the Pacific Mail Steamship Company that did not know that they could not do it in the first instance? Does not the Senator from California know that half the whalers from New Bedford—vessels with a tonnage of from nine hundred to a thousand tons—lie outside the bar and transfer their oil and bone from the islands by lighters to the ships? If the Senator does not know it, as he shakes his head at that suggestion, I can produce gentlemen who have lived for years in the Sandwich Islands, doubtless now within the sound of my voice; I can bring him the charts and the records from the Navy Department that will convince him of that fact. There is not a very great depth of water over the bar at Honolulu, and all large vessels lie outside of the bar.

MR. CONNESS. Will the Senator state the depth?

MR. GRIMES. I do not remember the precise depth. Will the Senator state it?

MR. CONNESS. Fifteen feet.

MR. GRIMES. Fifteen feet is not a very great depth of water. We regard twenty-three feet as an ordinary depth of water for a large vessel to come in. Fifteen feet is a little less than the depth of water across the bar at Charleston, South Carolina, where we had a great deal of difficulty in getting large vessels across. We can carry in seventeen feet, as the Senator from New Hampshire [MR. CLARK] reminds me, at Charleston; and that we consider a very shallow harbor. Is it possible that the men who control the Pacific Mail Steamship Company did not know what was the depth of water across the bar at Honolulu when they undertook to make this contract? Why, sir, as I said before, one half of all the whalers from Massachusetts and Connecticut that frequent the northern Pacific ocean are in the habit of lying outside the bar and having the whalebone and oil that have been accumulated in Honolulu transferred to them by lighters; and it can well be done there, for the climate is so mild and the sea is so exceedingly pacific, that it is not once in two or three years, I am told by naval officers, that there is a very heavy storm there.

The other reason assigned for the passage of this resolution is, that a great saving of time will be made if they are allowed to go to and from the China seas without touching at Honolulu. I do not get my information from any agent of the Pacific Mail Steamship Company; but I am told by the naval officers who have been stationed there, and among them is Captain Reynolds, of the Lackawanna, from whom I have a letter to-day, that in the passage from San Francisco to Japan and China, no vessel ever goes without passing in sight of the harbor of Honolulu. The Senator from California shakes his head. I suppose he does not doubt but what I am so told by Captain Reynolds.

MR. CONNESS. Not at all.

MR. GRIMES. He has lived there five or six years. On the way back from the China seas to this country the currents and the wind take them considerably to the north of the Sandwich Islands, and, in some conditions of weather, it would require probably from three to four days longer to make the homeward passage if they were compelled to touch at Honolulu than if they did not touch there; but on the outward bound passage there would be no detention required, except just so long as they chose to lie at the bar to connect with the tug that might come down from the harbor.

The Senator, I think, told us that at the time this company bid upon this contract last year they were not very well informed as to the currents and channels and winds in the Pacific ocean. I do not think that is very creditable, either to the company or to the knowledge of seamanship and navigation that is possessed by the people of this country. I think that the currents and the prevailing winds across the Pacific are tolerably well understood among nautical men. If the Pacific Mail Steamship Company did not know all about them at the time they made their bid it was their own fault, for they had the means of informing themselves. Nearly the whole distance across there has been surveyed, and surveyed by our own officers, by Commodore Ringgold and Captain John Rodgers, and the dangers have been pointed out upon the maps, and we know exactly the courses of the currents and the prevailing winds at particular seasons of the year. If this Pacific Mail Steamship Company, at the time they made their bid to carry this mail for a specific sum, did not know these things, whose fault was it? It was not ours.

The Committee on Post Offices and Post Roads have appended to their report a letter of the Postmaster General; and it will be observed that great stress has been laid by the Senator from California, in his argument, upon the idea that it is necessary to release the Pacific Mail Steamship Company from this part of their contract because we want to have a line that will make a quicker passage than the British line is able to make across the Isthmus of Suez to the East Indies, and if the Pacific railroad was completed we would be able to make a quicker passage.

MR. CONNESS. We will be able to make it without that.

MR. GRIMES. Let us see what the Postmaster General says:

"In determining the question when the company's steamers shall be relieved, if at all, from calling at the Sandwich Islands on their voyages in either direction, it should be borne in mind that, until the completion of the Pacific railroad, the general interests of commerce will not be materially advanced by permitting the steamers to take the direct route either way, as, prior to that time, the line between China and Europe, via San Francisco and New York, will not be an equal competition, in point of expedition, with the existing lines between Europe and China via Suez."

Now, what becomes of all that branch of the argument? The Postmaster General tells us that until the Pacific railroad is completed the interests of commerce are not going to be materially advanced or affected in any way by releasing the Pacific Mail Steamship Company from their obligation to touch at Honolulu, either one way or the other.

MR. CONNESS. Will the Senator permit me to say a word right there?

MR. GRIMES. Yes, sir.

MR. CONNESS. The Postmaster General, on the point the Senator is now making, is considering the question of whether the shortest voyage could be made now from Hong Kong by this line to London or by the Isthmus of Suez, not whether the shortest passage could be made from Hong Kong to New York. If we release this line from the consumption and waste of eight or ten days of time, we shall at once, by the line from San Francisco, beat the London time a great many days, and we shall by that means get the teas that we now receive from London by our own line, and in a shorter time.

MR. GRIMES. I can only tell what the Postmaster General meant by what he said. This is a paragraph that is entirely disconnected with any other branch of this subject. The preceding paragraph is in these words:

"I have been furnished by the Department of State with a summary of arrivals and departures of American vessels at the port of Honolulu during 1865, also of inward and outward bound cargoes for the same year, which is appended hereto, and from which it will be seen that we have a profitable trade with the Sandwich Islands, susceptible of increase by means of direct steamship communication."

They propose to take off that direct steamship communication.

"In determining the question when the company's

steamers shall be relieved, if at all, from calling at the Sandwich Islands on their voyages in either direction, it should be borne in mind that, until the completion of the Pacific railroad, the general interests of commerce will not be materially advanced by permitting the steamers to take the direct route either way, as, prior to that time, the line between China and Europe, via San Francisco and New York, will not be an equal competition, in point of expedition, with the existing lines between Europe and China, via Suez."

Now, Mr. President, will it not be well to let this thing rest and let these contractors fulfill the terms of their contract for a little while until we shall be a little nearer to completing the Pacific railroad than we are at present?

One word, sir, as to the general American interests at the Sandwich Islands. I suppose I am not as well qualified to speak upon that subject as some other gentlemen are; but it has so happened within the last three or four years that I have every day almost been brought in contact with persons who have been stationed more or less of their time at the Sandwich Islands, and I can only give such information to the members of this body, in a sort of second-hand way, as I have been able to receive from them; and they are mostly officers of the naval profession. A very large proportion of the property in the Sandwich Islands is owned by citizens of the United States, and, until within the last eight or ten years, American interests have been vastly in the preponderance there. A few years ago the present King overturned the Government, overturned the constitution, and established a new Government, and this new Government has been in the interests of Great Britain. He is childless. The next in authority under him was the Princess Victoria, of whose death we were notified a few days ago. Next in authority, or whom the British authorities will seek to place on the throne, but who is not really the heir apparent or entitled to the throne, is the Dowager Queen Emma, now in the custody of Great Britain.

MR. SUMNER. Traveling in Europe.

MR. GRIMES. In the custody of Great Britain, traveling in Europe. Now, the question is whether or not, just at this particular juncture, we ought to relax any of our efforts to keep up a close and immediate communication between this continent and the Sandwich Islands. I say there are political interests of the highest consideration that should restrain us at all hazards, no matter what it may cost, from allowing a single tie to be severed that can possibly bind us to the Sandwich Islands. As I said at the outset, about the only thing that was in connection with the whole bill when it passed originally, that gave me any sort of consideration for it, was the fact that these steamships would be compelled to touch at Honolulu, and by bringing us in immediate contact and connection with our friends there, it would serve to maintain them in their position, and in some manner overthrow the British interest that is so much antagonized to us.

As I said, I have spoken in this matter more at the instance of persons whose employment requires them to be in the Pacific ocean, and spoken in a sort of second-hand way, so far as the facts that I have been able to state are concerned, because I know nothing of the country myself. I have never been in the Pacific; but I know that with one universal accord the whole naval profession is in favor of keeping up the closest possible connection with the Sandwich Islands, and that every one of them with whom I have spoken has urged me to prevent, if possible, the passage of this bill.

MR. CONNESS. The Senator told us at the close of his remarks that the only possible consideration which permitted him to look with any favor upon the establishment of this line in 1865 was the stoppage at the Sandwich Islands. Then the argument that the Senator has made was certainly to have been expected. The fact that all the nations of the world that have been from time to time enabled to control the trade of the East Indies have enriched themselves in proportion to that control, had escaped the honorable Senator's attention; and the attempt in modern times to grasp that and control it

for American commerce had not secured the honorable Senator's attention. I am very sorry that is the case, and to hear him tell us that it is so.

It is too often the case that those of us who live near the sea and go down to it in big ships are left without the protecting care and aid of gentlemen situated like the honorable Senator. But the honorable Senator has much contact with the sea in the high position that he occupies in this body as chairman of the Committee on Naval Affairs, and that brings him in contact with the commanders of our ships; and with one voice, he tells us, they are opposed to this release. I do not wish to question what the honorable Senator has said; but I do not think that many of them have spoken. A very eminent member of that profession has spoken; I mean Rear Admiral Davis, who occupies a very high position indeed in that connection; and he tells us the very contrary of what the honorable Senator has told us that he has obtained from commanders of naval vessels. Here is what he says on the subject of routes and on the subject of stopping at the Sandwich Islands, the question being referred to him. He says the idea of stopping on the return voyage is out of the question, meaning the return voyage from China and Japan to San Francisco; that what is called the great circle route must be taken; and I have here a map that will explain it fully, if gentlemen see fit to examine it; that the northern or great circle route must be taken; that on the outward trip from San Francisco what is known as the rhumb line must be taken; and that to go to the Sandwich Islands is to diverge largely from the best and shortest route. The Postmaster General, in his communication to the committee, says:

"As to the second proposition, that relating to the outward voyages, I again quote from the communication of Admiral Davis, as follows:

"The question whether the Pacific Mail Steamship Company's vessels can, with a proper regard to their business and to the economy of time and means, make the Sandwich Islands an intermediate stopping place, is really definitely settled by what has already been said."

Mr. GRIMES. What is the Senator reading from?

Mr. CONNESS. I am reading from the letter of the Postmaster General accompanying the report by the committee to this body.

Mr. GRIMES. What page?

Mr. CONNESS. Page 5:

"It appears, however, from the very careful investigation of all the facts that enter into the question, that it is not desirable that the company's ships should touch at the Sandwich Islands, even on the western voyage."

On the voyage out. Why?

"The return on the great circle route is obviously out of the question. It is necessary, therefore, to pursue what mariners call the "rhumb line," which is the course by compass taken from day to day as often as the ship's position is determined, whether astronomically or by computation.

"Now, it is apparent on looking on the chart that a vessel bound to Yeddo or Shanghai deviates sixteen and a half degrees from the rhumb line by going to Honolulu."

Here is a very wide divergence between the say-so of a naval officer who has had little experience in the Pacific ocean—

Mr. GRIMES. The naval officer whose name I gave to the Senator was Captain Reynolds, in command now of the Lackawanna, who was stationed, I think, either five or six years at the town of Honolulu in the Sandwich Islands. It was his statement that a vessel going from San Francisco to Japan always or almost invariably went within sight of the harbor of Honolulu.

Mr. CONNESS. If the Senator will look at this map, I think he will conclude that there is some mistake about this matter.

Mr. GRIMES. I know a great deal about how maps are made, and I know a great deal of how letters are obtained where there is a great interest like that of the Pacific Railroad Company.

Mr. CONNESS. I hope the Senator will cast no aspersions upon either Admiral Davis or upon my humble self in my advocacy of this measure.

Mr. GRIMES. Was this letter of Admiral Davis to the Senator?

Mr. CONNESS. His letter was addressed to the Postmaster General. The Senator said when he was up before that he knew facts were easily obtained for companies or something of that thing. I think it is as well to pass that mode of discussion by.

Now, Mr. President, I proceed:

"The physical geography of this part of the ocean ought to present some counter-advantages to balance this manifest disadvantage, and to a certain extent it does. After passing the parallel of thirty degrees, the ship enters into the region of the northeast trade-winds and derives the same benefit from them in going to the westward as she does from the prevailing westerly winds on her eastern voyage. And if she will descend some six degrees further in latitude—that is, in all twenty-two and a half degrees, or thirteen hundred and fifty miles below the line of her direct course—she will fall into the northern branch of the great equatorial current of the Pacific ocean and profit by its aid."

That is, if she goes still further south. I am quite aware and willing to concede that the honorable Senator has stated according to his information, but he will remember that Captain Reynolds in sailing his ship sails it by the charts that go out from the office of Admiral Davis, from the data furnished from that office, and the charts furnished by him; and therefore I take it that this must be considered as the great source of authority.

Mr. President, I am as much the friend of the maintenance of American interests in the Sandwich Islands as the Senator can be. He will, perhaps, concede that without question the people I represent here are directly interested. They have spoken with a unanimous voice for this release; and yet they are connected directly with trade, day by day, via the Sandwich Islands.

Mr. GRIMES. Permit me to ask a question.

Mr. CONNESS. Certainly.

Mr. GRIMES. If they spoke with a unanimous voice in favor of this release, I ask if they did not couple with it a condition that Congress should grant a subsidy to another line between San Francisco and Honolulu, and if that was not the purport of the petition of the Chamber of Commerce of San Francisco.

Mr. CONNESS. The Senator will do me the credit to concede that I stated that in my opening remarks.

Mr. GRIMES. I did not hear it.

Mr. CONNESS. I thought the Senator had not heard me. The Senator will find that I have been entirely candid in this matter, because I then submitted that even if it should cost us \$50,000 or \$60,000 per annum—it will not exceed that sum to encourage a line of small ships hereafter to the Sandwich Islands—we should not at the beginning change the form and the size of these great vessels that are to enter into a competition with the commercial nations of the world for supremacy in these new regions. I ask the Senator himself whether that is a consideration that should govern him in the case. I am pretty sure that the Senator would not refuse such a subsidy if it were deemed important to ask for it or of special consequence to ask for it. But not the Chamber of Commerce alone, but the commercial press of San Francisco, directly connected, directly interested, have all spoken in favor of this release.

Mr. President, is it not a matter of consequence that the raw silks, baled silks of Japan, shall be laid down in the city of New York, or such of them as are necessary there, in less time than they can be laid down in London by the Isthmus of Suez? Is it not of consequence that to-day we are absolutely importing tea via London, from the London market, and paying London merchants their profits upon that article, to be taxed again to our people? Is it possible that my friend, who takes charge of and represents on this floor the great naval interests of this country, does not extend his view far enough to wish to see this line a grand national success?

Mr. President, let not the Senator or any other Senator believe that I speak in behalf of the company's interests. The Senate will

bear me witness that, contrary to the wishes of these companies, since I have been on this floor I have favored the passage of the most restrictive legislation in connection with their business, and by that means not always secured their approbation, but the contrary. But this is a matter we are interested in, and these companies concern us no more than to the extent that they are able and willing to engage in the great project upon a scale of munificence corresponding with its value to us as a nation. In that connection the company is of considerable consequence. No company but a great company could ever have entered upon this service; and had a company of inconsiderable means entered upon it, it would become a failure upon their hands; and there would then be an end of the question of subsidizing American lines thereafter. Our experience in subsidizing American lines has not, I concede, been encouraging; but it was our pride to make this a success, to make it a success that would challenge the admiration of the whole country. In the Pacific ocean particularly our Government has been most remiss. Let me call the attention of the honorable chairman of the Finance Committee to a statement I made here not long ago, strictly true and demonstrated to be true by statistical information, that notwithstanding the great amount of commerce that the American States now pass and re-pass over the Panama railroad, all we do over that railroad is but one tenth of the whole business that railroad does. Nine tenths of it is in European hands—nine tenths of the commerce of the Pacific ocean—simply because we have slept while England and France have occupied those great channels of trade. Sir, there never was a time so fitting to lift up a burden from a company that are engaging in this enterprise, not as niggards, not as stingy men measuring their expenditures, but lavishly and largely upon the most magnificent scale.

Mr. President, the Senator tells us that this line can stop at the Sandwich Islands, and that they can receive the freights and discharge the freights that they may have there by lighters. Will you keep your great ships of three or four thousand tons burden there wasting and consuming their time with this mode of connecting with the land? I hope not.

Mr. GRIMES. I inquire how they are going to load at the other end. They must go to Hong Kong.

Mr. CONNESS. There is no question about the depth of water there.

Mr. GRIMES. Can they load there without the aid of lighters?

Mr. CONNESS. The Senator smiles. This company have latterly sent an agent to Hong Kong to arrange their entire business there, with authority to make expenditures, to construct wharves, and to do anything that may be necessary to facilitate this line. But they have another plan and project that ought to be interesting to the Senator to know, and I will state what it is. It is well that it should be known. Hong Kong and the city of Shanghai, in China, are eight hundred miles apart. Shanghai, as will be seen by the map before me, is eight hundred miles nearer, giving us that advantage if we are able to make our commercial connection with that city, Hong Kong being eight hundred miles further off and consequently nearer to Europe. The intention of this company is to fix their headquarters at Shanghai, which has already become an American city, I may say, to some extent, and to bring the trade of China to their great ships there, and thus gain eight hundred miles at one leap in this great race. I am very happy to be able to say that everything that could possibly be wished for by the American commercial mind is contemplated and intended to be carried forth by this company; and to require them to continue here for fear we should be called upon, as suggested by the San Francisco Chamber of Commerce, for fifty or sixty thousand dollars annually hereafter to maintain a direct communication with the Sand-

wich Islands, appears to me to be the shallowest and narrowest policy imaginable. I hope that the Senate of the United States will not adopt that line of policy.

Mr. FESSENDEN. I do not rise to enter into this debate, but to state my recollection on this matter so as to see whether I am right. I think the proposition to subsidize a line of steamships between San Francisco and Hong Kong was originally brought forward by a late Senator from California, Mr. Latham. I do not remember whether I was in favor of it or not, but I recollect the debate upon that measure and the circumstances connected with it. I was not aware of the bill that was passed last winter, which was somewhat a modification of the original proposition to which I have alluded, principally with reference to the size of the vessels, I believe, until this debate sprang up to-day. I remember that in the debate to which I have referred the effecting of a rapid communication with the Sandwich Islands was dwelt upon as a great part of the plan, as important to this country, as important to our citizens there and to our country generally, and especially to the Pacific coast. Was it not so?

Mr. CONNESS. It has always been taken into the account.

Mr. FESSENDEN. Always, largely, as a matter of very great consequence.

Mr. CONNESS. We are very much interested in it.

Mr. FESSENDEN. That was one of the arguments urged, and urged strongly, why we should subsidize this line. It was not only to secure to us communication with China, but constant and speedy communication with the Sandwich Islands. Now, it seems that the contract having been made with this company, and they having undertaken for the whole amount of this subsidy, half a million a year, to do these two things for the benefit of the country, to-wit, communicate regularly with the Sandwich Islands and also with China, a proposition is made to release them entirely from one important part of the contract, and at the same time pay them the whole amount of the subsidy. That I understand to be the object of this joint resolution. Now, sir, if these gentlemen went to work in relation to this matter as business men ordinarily do, they calculated these two elements: one was what would be the cost of direct communication with China, and the other what would be the additional cost of that communication touching at the Sandwich Islands on the way.

Mr. CONNESS. I wish to say to the Senator from Maine that so far from it being a gain to the company to be released from stopping at the Sandwich Islands, the contrary will be the effect. It will be simply a gain in the great enterprise, and not of money to them.

Mr. FESSENDEN. That is the opinion of the honorable Senator. If this is not to be a gain to them, I ask what their objection is to doing the two things, both of which are of importance to this country. Why do they want to be released from one?

Mr. CONNESS. I have answered, because the trip will be so extended as to defeat the great enterprise according to the scale they have measured that they think it can only be made a success upon.

Mr. FESSENDEN. I do not exactly understand that. These parties have made a contract; they are not the only persons to judge of the commercial interests of the country; I suppose in reality this proposition came from this company, or those connected with it, in the first place. They held out this double inducement to the whole country, that we should be accomplishing these two great objects at one and the same time, both of very great consequence to the country. Now they come forward and say that they desire to make this change, and they urge this change on account of what they conceive to be the great commercial interests of the country and the honor of the country in making a quicker trip. I do not see how this is going to make the trip much shorter in point of time, as it is said that it will

do, without at the same time saving a considerable expense to the company.

Mr. CONNESS. I can answer the Senator. Released from this condition, speed becomes an object at once, and it will be necessary for them to maintain their steamers at such a rate of speed as to secure that object, which increases in an immense proportion the cost of running steamships.

Mr. FESSENDEN. I do not see how that has anything to do with it. What security have we that they will increase their rate of speed at such an additional cost? If they have got this much further distance to go, of course it is important to them to have an increase of speed in order to accomplish the purpose, if they design to accomplish it in good faith. Then they mean to tell us, "Unless you will let us off from so much of the contract, and pay us the same price, we will not try to increase our rate of speed in such a way as to accomplish the great object." I do not like that kind of argument.

Mr. CONNESS. That is not what they say.

Mr. FESSENDEN. Put into plain English, it seems to me that is the inference to be drawn. If they came forward and said to Congress, "On account of the commercial interests of the country, or on account of our desire to make a short trip, we propose to run an independent line to Honolulu; we can accomplish that object in that way; we will not disappoint the country in the two objects which we held out as important to be accomplished; we will accomplish both; but instead of obliging us to touch at the Sandwich Islands we ask you to allow us to establish an independent line from California to the Sandwich Islands," that would be another matter; or if they proposed that we should take from their gross price the amount needed to pay for such an independent service I could perceive some reason in it; but they propose that the Government shall surrender one of the great objects which were to be accomplished, and that at the same time they shall retain the full amount of money for which they stipulated to perform both services. Notwithstanding the energy with which my honorable friend from California has urged it, upon general principles it really strikes me that the proposition itself is a very strange one; and I must require more of argument and illustration and more of facts before, having made a contract by which two things were to be accomplished for the benefit of the country, I agree to give up one of them and yet pay the same price that I originally contracted to pay for both.

Mr. WILSON. I voted, Mr. President, most cheerfully for the establishment of this line originally to accomplish the object set forth on the face of the proposition which was then presented to us. That object included the touching of these steamers at the Sandwich Islands where in a special manner the people of my State are interested. It sometimes happens that a hundred sail of whaling vessels are at the Sandwich Islands at the same time, and we are very much interested in having a communication with those islands. Now, I am willing to release these parties from the obligation of touching at the islands by making such a deduction from the sum agreed upon as shall be sufficient to put on a separate monthly line from San Francisco to the Sandwich Islands, or to allow them to do it. For that purpose I move to amend the joint resolution by striking out all after the word "that," in the third line, and inserting these words:

The Pacific Steamship Company is hereby authorized to establish a monthly steamship line between San Francisco and the Sandwich Islands, instead of touching at Honolulu as required by law with their steamships carrying the mails between the United States and China.

This is a simple proposition, which authorizes the company to fulfill the contract already made, or to so change it as to allow their steamships to go directly to Asia, they putting on a separate monthly line to the Sandwich Islands, which will accomplish the same purpose as though the main line stopped there. I think the sum given is large enough to accomplish

both objects, and I believe it to be for the interests of the whole country that both should be accomplished. My amendment leaves it with the company either to touch at the islands or to put on a separate monthly line at their will.

Mr. NYE. I hope that this substitute will not be adopted. A few years ago Congress gave quite a large subsidy to establish the Collins line of steamers between New York and Liverpool, a subsidy that was worthy of the body that granted it, and not more than worthy of the object intended to be accomplished. That lasted a few years. The struggle for trade between other countries and our own was great. Just at the time when the Collins line of steamers was getting along upon a basis where it could stand, the Government withdrew the subsidy, and the result is to-day, I believe, that our own mails are carried in British bottoms to England by the way of Liverpool. In the same way in nearly all our struggles for the mastery in commerce, we have been beaten in consequence of what I regard as ill-timed penuriousness. If that subsidy had been continued a little while longer the result would have been that the Collins line, which was the best line of steamers this country ever had, would have been established upon a firm basis, and to-day we should have at least a fair share, if not the control, of the trade with Liverpool. The result of that policy is seen in the fact that we are now employing British ships to carry our mails to England.

I voted for this measure at the last session of Congress for the reason that I regarded it as one of the most important steps in a new effort to seize the commercial advantages that are presented by the trade of the great Pacific.

Mr. FESSENDEN. Will the Senator allow me to make an explanation here?

Mr. NYE. Certainly.

Mr. FESSENDEN. I find, on looking at the act passed last year, that the contract was very definite. It was for a monthly line of steamships of a certain description, capable of making twelve round trips in a year. It was for a line from San Francisco to a port in China, "touching at Honolulu, in the Sandwich Islands, and one or more ports in Japan, by means of first-class American sea-going steamships, to be of not less than three thousand tons burden each, and of sufficient number to perform twelve round trips per annum between said ports." That was the contract which was made, and now the contractors ask to be relieved from an important part of the contract. The time they were to occupy, what they were to do, what should be the description of vessels used, is all matter of contract.

Mr. NYE. There can be no disagreement in regard to what the contract is, and the truth is that they ask to be relieved from a portion of it, and the question submitted to the Senate now is whether they shall be so relieved.

I remarked that I regarded the provision for the establishment of this line as a great step in what I hope will be a successful effort on our part to enter into the contest with other nations for the commercial mastery of that great ocean. I know that at the time one of the considerations was that these steamers should touch at Honolulu. I regard it as important now that we should have a line of steamers to Honolulu; but of much greater importance do I regard it that we should have this line of steamers established for the great prime cause for which it was intended to be established, to control the trade of China and Japan. We are not to achieve that without a great struggle. Already the British Government have a line of steamers running to Panama; already have millions of dollars been expended by the French Government on a beautiful line of ships from Panama, to contest with us for the mastery of that trade. It is not further from Panama to China, and I think not quite so far, as it is from San Francisco to China, by the usual routes of sailing. If in the contest for that great trade we are to lose five days on our outward and five days on our inward pas-

sage, of course the contest is already settled; other Governments become the masters of that trade, and like our other efforts to grasp for commercial equality, this will be a failure.

I agree perfectly with the Senator from Maine that this was the contract they made. But they have done a little more, thus far, than merely to carry out their contract. Instead of making their ships of three thousand tons, they are making them of four thousand tons, which is equal, in other measurements, to about five thousand tons capacity. The object in that was to have, in the first place, a class of ships that would defy the ships of other nations to compete with them.

Mr. CONNESS. That could not be beaten.

Mr. NYE. In the first place, for the nation, for one of these contracting parties, the company add a thousand tons to their ships so as to bid defiance at least in their ships to those of other Governments. There they have given us a thousand tons on each ship more than they agreed to do. I say for this manly effort on their part to make it a success they are entitled at least to a fair consideration upon the other thing that they ask, to be released from touching at Honolulu.

Sir, it is true, undoubtedly, that we as a people have not paid that kind, nursing care and attention to the interests of the Sandwich Islands that we should. Other nations, more careful, more vigilant, more Argus-eyed in looking at its advantages, have been doing it. But, sir, the trade and the commercial importance of the Sandwich Islands sink into insignificance in comparison with the great trade for which we are reaching. A Senator upon this floor, who is now dead, uttered a great truth when he said that for two hundred years the nations of the earth had been seeking for the natural outlet of Asiatic production; and, situated just as we are, in the center of the commercial world, everything has got to go over or go around us; and this nation, with a due sense to its own interest, in a time of war, when the country was in great commotion, exhibited great sagacity in stretching forth its power and resources to construct a railroad across the continent that would complete this great work of determining what was the natural outlet of Asiatic production. I regarded this measure, when we adopted it last year, as the beginning of the end of an effort that would be successful. Already we see, on both sides of this continent, on both ends of the great Pacific road, unparalleled exertions to complete the work that will solve this great problem of the natural outlet. This line of steamers to China and Japan is the ferry from the end of that railroad to the boundless riches and commercial wealth of the Indies, of China, and Japan. The great depot of American commerce will be beyond the Pacific. There will be congregated the productions of that rich country, increasing with the facilities for outlet till no human being can compute the magnitude and importance of this great work.

I understand the amendment of the honorable Senator from Massachusetts to be to deduct \$50,000 from this subsidy, and then release them from this portion of their contract. Mr. President, as a matter of sound economy I submit to Senators on this floor whether that would not be practicing and reenacting the old saying "Penny wise and pound foolish." If the trade of the Sandwich Islands is valuable, as it is, the paltry consideration of \$50,000, I submit; with great respect to the judgment of the Senators who have addressed the Senate on this question, is not at all to be regarded for a moment. The subsidy that this direct line has got is none too much for the magnitude of the labor they are to perform—long voyages, full of peril, in boisterous seas, under inclement skies—the most dangerous navigation of the world, where any day one of those proud ships that look so defiant at the wharf may be made to dance like a cockleshell before the power of the tornado. The company is liable any day to lose one half its investment. I submit that if the Senator from

Maine and the Senator from Iowa were partners in this great company they would not think the subsidy too much. Sir, I would let this subsidy stand.

The Senator from Maine says it is the contract. Yes, sir, so it is. This company, I think, meet that question in a manly spirit when they come up to the other contracting party and say "We have contracted for more than we can do; we can do a portion, the large portion, the main portion of this great work; but we find it impracticable to execute some of the details." Under such circumstances what is the part of wisdom for this Government? Is it to abandon the whole project and let go this rich prize which is already reaching out to us? By no means. I would hold on to the promising treasure that is so clearly seen; I would hold the main point if I had to let some of the minor points go. Sir, it would be a little matter to this Government in view of what I conceive most honestly to be the present and future interests of this country to subsidize another line to control the rich productions of the Sandwich Islands. That is comparatively a short trip, and the subsidy would be much less; a different character of ships better adapted to that service could be put on with a small subsidy, and that would insure a growing harvest from both fields.

Mr. President, I did not believe when this measure was passed that we had done with the great commercial interests of the Pacific ocean or the countries lying beyond it. By no means. We were just entering then upon the pathway of future commercial greatness. It was the first step, and our flag was to be seen for the first time in those distant seas in an organized commercial line that was calculated hereafter to control that great trade. I hope that the Senator from Maine, notwithstanding the contract is as he states, will, with his wide scope and clear vision that watches so carefully the interests of this country, both present and prospective, when he comes to contemplate it, see that it would be unwise to cut down this subsidy, and unwise to compel the company to perform the contract so as to lose these great commercial advantages. It is a fact as clear as the sunbeam at noon that that line which goes the quickest will control; time is everything in these commercial transactions; and ten days lost to the commercial world would ruin this enterprise. Trade will take the line that goes the quickest and is the most direct. The great question is now submitted to the Congress of this nation whether we shall compete in point of time and adopt other measures to secure the great commercial advantages of an intimate connection with the East. I think the Senator from Maine will see that it will be far better to give a subsidy to a smaller class of vessels making quicker commercial trips and have a more intimate connection with the Sandwich Islands, than it would be to cut down this subsidy or to compel these contractors to perform that labor, the performance of which destroys the great prime object of this subsidy, to wit, the control of the trade of the Indies. I trust that Senators will look at this question as a question of great commercial interest; and if this contract can be so varied, so altered, so changed as to be both a benefit to the contractors and a benefit to us as a nation, that measure will be adopted.

Sir, it is a great work, and I hope to see, indeed I believe I shall see the day, if the Government acts in that spirit of liberality which is due to the importance of this measure commercially, when our own steamers and our own cars will take the productions of China and Japan and put them down in our own bottoms at the different ports of the world upon the eastern continent. It is no stretch of fancy when I say that I expect to see it. From our position we should be the commercial masters of the sea, and all that is requisite to put that control, so full of importance, into our hands, is to act in a spirit of generous, manly liberality, with a generosity commensurate with the importance of the object to be attained. If we do, we shall realize the brightest hopes and

fondlest anticipations of our future commercial greatness.

Mr. FESSENDEN. I shall not attempt to follow or reply to my honorable friend from Nevada, [Mr. NYE.] I cannot use the fine language that he does, and I have not the imagination that he has. It is, though of course superior in quality, of the same kind with very much that I have heard for a great while; in fact ever since I have been here. Whenever anything of this sort was proposed to be undertaken, it was always said to be a matter of great enterprise and great sacrifice and great public spirit on the part of those that were subsidized. They never have their own interests view; they only seek to enlarge and increase the grandeur of the Republic! That is the case here undoubtedly. But let us look a little to see whether they are not sharp bargainers like ourselves—a little of the Yankee about them. Take this contract as it is in the law, and what is it? That they shall establish a monthly line and perform twelve round trips per year in a certain direction and touching at certain ports. Now, the Senator says, rapidity is everything, and they want to be released from the contract to touch at Honolulu because they can go quicker; but where is the contract to have more than a monthly line and more than twelve round trips a year? That is all conveniently left out, so that in fact when we pass this measure we have simply released them from their obligation to touch at Honolulu, and they then stand upon their original contract for the twelve round trips and nothing more, and are not bound to go a particle faster or arrive any quicker or do anything more.

Mr. CONNESS. My friend will allow me to suggest that there was no contract requiring the Pacific Mail Steamship Company to carry the mails oftener than semi-monthly between New York and Aspinwall, Panama and San Francisco, but the company put on an additional number of ships there without any requirement by contract to do so, and now carry the mails tri-monthly.

Mr. FESSENDEN. That is because it pays them to do so, and there are rival lines competing with them. Now this question is whether this trade will pay. We do not know. This proposition is simply that we shall surrender a part of the contract and get nothing in return. The Senators talk largely and liberally about what these contractors want to do. They say the company will increase their speed, that time is everything. But what is time to them in comparison with their own particular interests, unless there is the competition of some rival line, or something of that sort? Sir, it is nothing but the modest proposition that we shall give up a large and important part of our contract and not ask them in return to do anything more than they contracted to do before, so that if it is perfectly convenient and profitable for them to go quicker they will do so; not otherwise.

Mr. STEWART. I do not wish to interrupt the Senator; but I desire to suggest that they have a stronger inducement than might be at first supposed to make the time. They have no trade now, and unless they make quicker time than the English and French they never will get any.

Mr. FESSENDEN. The English and French do not go from this side.

Mr. STEWART. They go from the Isthmus.

Mr. FESSENDEN. They do not go from this side and will not be likely to go by steamship.

Mr. STEWART. That does not alter the case.

Mr. FESSENDEN. I am talking to sensible men as I trust and know. Gentlemen speak about "inducements." The amount of it is you give up the money and give up the bargain and rely upon "inducements." If they can do it and will do it, put it in the bond, and do not talk about inducements.

Mr. CONNESS. They have more than put it in the bond.

Mr. FESSENDEN. How?

Mr. CONNESS. By building greater ships and more costly ones than were required.

Mr. FESSENDEN. Who asked them to build greater ships? They do it simply because they think they can make more money by it, because they will carry more goods. Our contract is that they shall build ships equal to a certain amount of power. If they build larger ones it is because they think they can make more money by so doing; it is for their own benefit. But now they come in here and ask us to give up a large portion, an important portion of the contract on our side, when they do not promise or pledge themselves or intimate in any shape or form that they will do the service one hour quicker, but we leave it to them to do it or not, according to their own interests; and the honorable Senator from Nevada [Mr. STEWART] talks to me about the inducements they will have to do it. Let us have the inducements of the contract; that is what I want to rely upon. If it is so that they will do it quicker, do it better, put that in the contract, and let us not, like unwise men, when we have agreed to give a half million dollars a year to perform a certain service, give up half the service on the representation to us that then, when we have given up half the service and give them all the money, they will be under "inducements" to go quicker. The inducement will depend on whether they can make money by it. I have yet to see the first company in this country or any other country that put the honor of their country in relation to trade ahead of the money that went into their own pockets. If there is such a company I should like to have any Senator name it. If they can succeed and do credit to the country and at the same time make it profitable, very well; but if they cannot make it profitable, if it is a losing game, they cannot afford to uphold the honor and commercial interests of the country out of their own pockets, and will not attempt to do it. If the argument of the honorable Senator from California is well founded, let it be put into this bill which he proposes to pass that they may have the privilege of not touching at Honolulu, provided they will make a certain time, and then we shall have some security; but not give it up on the ground simply that thereby we furnish them an inducement to make certain time because the inducement will depend upon circumstances that we cannot foresee.

Mr. STEWART. Upon this question of inducement I just want to say a word. In the first place, the inducement on the part of the Government of the United States to pay this subsidy was in order to start a trade with China. That was the principal inducement to us. The company, in order to carry out the plan, have built larger ships than were anticipated or required by the contract. The subsidy does very little toward paying for those ships or paying for running them. The subsidy is a very small matter compared with the whole expense of the company. Their remuneration for the most part must come from the trade that they are to build up. If they can build up a trade it will be a good speculation; otherwise your subsidy will be of very little account, and the whole thing will be a failure; it will be a great loss of money. Your \$500,000 in currency will go very little toward running these enormous ships on the Pacific ocean. Their reward consists in their success. To secure that success we make the appropriation. If the trade can be built up, and the line can be a success for ten years, we then have the trade established and they need no further subsidy. The question with them, whether they will make or lose money, is a question of success or failure. They have gone to work like men in order to induce success. They have built larger ships than the contract required so that they can carry more coal. Doing this heavy business from China to our coast is an experiment to some extent. The gentlemen who have made this contract have met the question in a very liberal spirit. If they make it a success

they will pay back more than tenfold the bounty we give them. If it shall be a failure, we lose our subsidy. If they make it a success, they will be enriched by it and the Government will be benefited. If it be a failure, they will lose money by it and the Government will not be benefited.

They having gone to work in this admirable spirit, and their success depending upon speed, as they have to compete with other lines, it seems to me but just that we should meet them in the same spirit. Their interest and ours being identical, their reward and our reward depending upon the success of the enterprise, and the success of the enterprise depending upon the speed with which they can carry the goods, it seems to me we have a sufficient guarantee. Gentlemen speak of twelve round trips. Twelve round trips may be sufficient. They may make twelve round trips; but if they can make them in a less number of days you get goods here quicker, and they certainly will make them in a less number of days if they are not sent out of their course so as to consume eight or ten days additional time. You do not want any more trips; twelve trips are enough. The only thing is to carry the goods more rapidly than they can be carried in other steamships, either English or French. That is what we are making this expenditure for, and that is the way the investment is to benefit the country, and that is the way this enterprise is to benefit them. As the interest of the Government and the interest of the contractors is identical, why cannot we leave this matter to them? Of all the companies that have tried to navigate the ocean, the Pacific Mail Steamship Company is the best. It has been the most honest monopoly, if it has been a monopoly. While Vanderbilt upon this side was slaughtering his hundreds by starvation and privations and overcrowded ships, they had large floating palaces, where they were much more costly, and the people of California are much attached to them and feel very much obliged to them. You gave a medal to Vanderbilt. I wish I had been in the Senate at the time to protest against it. While he on this side was carrying on his monopoly to prey upon mankind, this company in the far Pacific was having its floating palaces and looking to the comfort of every man. If it is a monopoly, it is a generous, noble monopoly, that the people love. It has undertaken this work in its usual enterprising spirit, and if we meet it half way it will always respond. It has got a history of fifteen years that is a noble history. This company can be trusted; and trusting to the generosity of Congress, it went to work and built ships larger than were required by a thousand tons burden, expecting that this generosity and enterprise would be met in a liberal spirit.

Mr. GRIMES. I move that the Senate do now adjourn.

Mr. CONNESS. If the Senator must adjourn the Senate, I hope there will be a short executive session; but I would very much prefer that the Senator should not take this course on this measure, but let us come to a vote.

Mr. HENDRICKS, and others. Finish this resolution.

Mr. GRIMES. I do not know what the Senator from California alludes to by saying "the Senator should take this course." I do not want to avoid a vote on this bill, but it is now half past four o'clock, and it is the ordinary time for the Senate to adjourn—past that time—and I make the motion for that reason. I am ready to vote on the bill to-night.

Mr. CONNESS. What I meant when I said "take this course" and "adjourn the Senate," was to adjourn action on this measure. I presumed that was his object; but I shall not object so much to going into executive session as to adjourning.

Mr. GRIMES. I am willing. I move, then, that the Senate now proceed to the consideration of executive business.

The motion was agreed to; and after some time spent in executive session the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, July 2, 1866.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. C. B. BOYNTON.

The Journal of Saturday was read and approved.

ORDER OF BUSINESS.

The SPEAKER. The first business in order is the call of States and Territories for bills and joint resolutions on leave for reference to appropriate committees, not to be brought back into the House by motions to reconsider, beginning with the State of Maine.

PUNISHMENT OF BRIBERY AND CORRUPTION.

Mr. LYNCH introduced a bill to protect the public credit and prevent bribery and corruption; which was read a first and second time and referred to the Committee on the Judiciary.

GUARDIAN SOCIETY, DISTRICT OF COLUMBIA.

Mr. RICE, of Maine, introduced a bill to amend an act entitled "An act to incorporate the Guardian Society and provide for reforming juvenile offenders in the District of Columbia;" also, an act entitled "An act granting certain privileges to the Guardian Society, District of Columbia;" which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CANAL IN CALIFORNIA.

Mr. BIDWELL introduced a bill to aid in the construction of a canal in the counties of Tehama, Colusa, Yola, and Solano, State of California; which was read a first and second time and referred to the Committee on Public Lands.

LIEUTENANT HENRY C. PEARSON.

Mr. COFFROTH introduced a bill for the relief of Lieutenant Henry C. Pearson; which was read a first and second time and referred to the Committee on Military Affairs.

SAMUEL S. GREENE.

Mr. MILLER introduced a bill for the relief of Samuel S. Greene, late lieutenant of the third Pennsylvania volunteer cavalry; which was read a first and second time and referred to the Committee on Military Affairs.

ORDER OF BUSINESS.

The SPEAKER. The call of States and Territories for bills and joint resolutions having been concluded, the next business in order during the morning hour is the call of States and Territories for resolutions.

PROTECTION OF UNIONISTS SOUTH.

The SPEAKER. The pending question is upon the call for the previous question upon a preamble and resolution submitted on last Monday by the gentleman from Maine, [Mr. PERHAM,] action upon which was suspended by the close of the morning hour.

The resolution was read, as follows:

Whereas Captain John E. Bryant, recently of the county of Oxford, in the State of Maine, was, a few weeks since, brutally assaulted and his life greatly endangered in the streets of Augusta, Georgia, by a citizen of that State, because, as is reported, of the efforts the said Bryant had made for the elevation of the colored people of that State and the part he bore in a movement to decorate with flowers the graves of the soldiers who fell in the defense of the Union cause; and whereas it is reported that Captain C. C. Richardson, of the same county of Oxford, was, on the 12th instant, attacked at Thomasville, Georgia, by a man named Lightfoot, by whom he had been ordered to leave the town, and shot through the neck and hand; and whereas both of these gentlemen served the country with distinguished ability and bravery during the war, and are now entitled to the protection due to American citizens in the State of Georgia, which they assisted in saving to the country by their valor, and in which they are attempting to establish themselves in the practice of their profession and make their future homes; and whereas similar cases to those recited above are understood to be of frequent occurrence in the States lately in rebellion, thus rendering it extremely hazardous for northern men to attempt to settle there; and whereas the Richmond Examiner, a paper published in Richmond, Virginia, and receiving the patronage of the Administration, being one of the papers designated to publish the laws of Congress, in its issue of May 4, 1866, used the following language:

"THE SHRIEK OF COWARDS.—No better proof of

the dastardly nature of the 'loyalists' could be found than their evident trepidation when left without protecting bayonets. We hear a cry of alarm at Staunton. The Union men are afraid of their own shadows if a Federal soldier is not at hand to reassure them. They have guilty consciences that oppress them heavily, and they will not find peace and quiet until they confess and repent. We assure the authorities at Washington that secessionists are not such asses as to expose themselves to further hardships by their own acts, and the shriek of cowards at Staunton is more a call for greater oppression of the true Virginians than for a protection of the lion-hearted Unionists. The fact is, that when the blue uniforms are withdrawn the 'loyalists' have nobody to keep them in countenance, nobody to associate with, and they feel very like they had got into the wrong pew. Let them seek congenial society elsewhere if they do not like the contempt of the honest and respectable throughout the South. We are not likely to pay them any respect if they live among us a thousand years."

And whereas the spirit of the foregoing extract appears to predominate in the States referred to, and the citizens of those States who continued loyal to the Government during the war, and especially those who served in the Union Army, are insultingly proscribed and excluded from social and political privileges: Therefore,

Resolved, That the President of the United States be requested to inform this House whether the personal rights of citizens of the United States are at present sufficiently protected in said States, and whether any further legislation is necessary to clothe him with sufficient authority to protect all the loyal citizens of the States recently in rebellion in the enjoyment of their constitutional rights.

Mr. JOHNSON. I rise to a question of order. My point of order is that the resolution relates to what is called in this House "reconstruction," and is intended to prevent a restoration of the Union, and that it should therefore go to the committee on that subject.

The SPEAKER. The rule in regard to the reference of papers to the committee on reconstruction provides that—

"All papers which may be offered relative to the representation of the late so-called confederate States of America or either of them shall be referred to the joint committee of fifteen without debate."

The Chair does not see that the resolution comes within the terms of this rule, and therefore overrules the point of order.

Mr. FINCK. I raise another point of order. I understand that this is a resolution calling for executive information.

The SPEAKER. It is.

Mr. FINCK. Then I object to its consideration, until it has lain over one day under the rule.

The SPEAKER. The resolution has lain over one week. The Chair overrules the point of order.

Mr. LE BLOND. When the resolution was presented last Monday, the morning hour expired before it had even been read.

The SPEAKER. That is true.

Mr. LE BLOND. And it passed over by reason of that fact.

The SPEAKER. That is true.

Mr. LE BLOND. Then I think the point of my colleague [Mr. FINCK] is well taken.

The SPEAKER. The Chair will have the rule read, which will show that the decision of the Chair is correct.

The Clerk read as follows:

"Such resolutions as call for information from the President or heads of Departments are required by Rule 53 to lie on the table one day."

The SPEAKER. This resolution has lain on the table one week.

Mr. ELDRIDGE. Was the resolution introduced?

The SPEAKER. The resolution was introduced. At the time the gentleman from Maine rose and presented the resolution his right to offer it accrued.

Mr. ELDRIDGE. Was not the resolution offered subject to objection, and did not the morning hour expire before the resolution was actually received by the House?

The SPEAKER. The morning hour expired before the reading of the resolution was concluded; but it was entered in full upon the Journal, it having been offered, although not fully read.

Mr. ELDRIDGE. But was not the right to object at that time reserved? Was the resolution, in fact, introduced?

The SPEAKER. The right to object, when reserved, is reserved under Rule 53, which pro-

vides that unanimous consent shall be necessary for the consideration of a resolution calling for executive information on the day on which it is offered. The object of this rule is that such a resolution shall not be suddenly precipitated upon the House for action without an opportunity being allowed to consider the propriety of making the call for information. A week has elapsed since this resolution was offered. It has been printed in the "Order of Business," was entered on the Journal, and read as part of the Journal on last Tuesday, and was also printed in full in the Globe. Hence the object of the rule has been attained.

Mr. ELDRIDGE. I see that I do not make myself understood in the point which I desire to raise. It is this: that the resolution was offered to the House conditionally, not for the purpose of lying over under the rule, but for the purpose of being acted on at the time, subject to objection reserved. The morning hour having expired before the reading of the resolution was concluded, the resolution, as I hold, was not received.

The SPEAKER. The State of Maine having been regularly called for resolutions, the gentleman from Maine [Mr. PERHAM] had the right to offer a resolution. This resolution was offered by him; and while it was being read the morning hour expired. The resolution has lain over one week, while the rule only requires that it shall lie over one day. The object of the rule has been fully accomplished. The Chair rules, therefore, that the resolution cannot be required to lay over again.

Mr. FINCK. I suggest to the gentleman from Maine to make his resolution a little more extensive and include in it an inquiry whether a few days ago, in the State of New York, a brutal assault was not made by a father upon his child, resulting in the death of the child.

Mr. PERHAM. I suppose the resolution might have been made more extensive. I hold in my hand a statement of wrongs and outrages committed on Union men, which would make a man whose face was made of copper blush with shame.

Mr. HALE. Is debate in order?

The SPEAKER. It is not.

Mr. HALE. Is the question divisible?

The SPEAKER. It is; and the question will first be on the resolution.

The House divided; and there were—ayes 52, noes 20; no quorum voting.

The SPEAKER, under the rule, ordered tellers; and appointed Mr. PERHAM and Mr. ELDRIDGE.

The House again divided; and the tellers reported—ayes seventy, noes not counted.

So the previous question was seconded.

The main question was ordered to be put.

The preamble and resolution were then adopted.

Mr. PERHAM moved to reconsider the vote by which the preamble and resolution were adopted; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

OFFICIAL STENOGRAPHER FOR COMMITTEES.

Mr. RICE, of Maine, submitted the following resolution, and demanded the previous question on its adoption:

Resolved, That the Speaker be authorized to appoint, until otherwise ordered, a competent stenographer as assistant official reporter to the committees of the House, who shall be paid out of the contingent fund of the House, commencing 1st of May, 1866, the same compensation paid to such official reporter, and who may also be assigned by the Speaker to report other proceedings of the House.

Mr. HALE. Mr. Speaker, is not this resolution in clear violation of that clause of the Constitution which prohibits legislation impairing the validity of contracts? There was a contract over which there was some talk early in the present session, and this resolution is in the very teeth of that contract.

The SPEAKER. Questions arising out of constitutional obligations must be decided by the House.

Mr. HALE. I hope the gentleman from Maine will not press the demand for the previous question.

Mr. RICE, of Maine. Let me explain for a moment. There is no question about the justice of this resolution. To be sure this reporter was appointed at a salary of \$3,600 per annum, but in consequence of the number of committees making investigations, requiring stenographers, he has already been compelled to employ and pay assistants, doing work which, under the old rates, would amount to more than \$12,000. This reporter has been away at Memphis with one of the committees of the House, and has been compelled to appoint several stenographers to take minutes before the committees sitting in this city. This assistant is needed, and I hope the gentleman from New York will withdraw his opposition.

Mr. HALE. Send this to the Committee of Accounts and let them report on it, and I have no objection. I have a page of the Congressional Globe containing the discussion here in January last on this subject, showing that a formal contract was entered into.

Mr. RICE, of Maine. I send to the Clerk's desk a statement which I ask to be read.

The Clerk read as follows:

"The reporting of committee proceedings has grown and is growing to large proportions. The work done this session by the official reporter and by assistants employed by him would amount, at the usual rates, to about twelve thousand dollars. During the time he was necessarily absent at Memphis, by order of the House, the business of the committees was assigned to a gentleman who had to employ as many as six assistants at a time. This resolution goes back for two months in order to give compensation to one of those reporters for that time. There have been no less than sixteen committees requiring the services of the stenographer this session. Some of them will take testimony during the recess, and several months will be occupied by the reporters in indexing and supervising the publication of the immense amount of testimony taken by committees this session."

Mr. WARD. What is the compensation this reporter now gets?

Mr. RICE, of Maine. Three thousand six hundred and fifty dollars per annum.

Mr. WARD. The question arose before the Committee of Accounts whether they would recommend that this office be abolished. That gentleman appeared before the committee and assured us there was necessity for such reporters, and agreed if we would allow him to continue, and would not make such a recommendation as we proposed, he would do all the reporting for the committees and ask for no other pay or assistance.

Mr. ROLLINS. For how long a time is this assistant authorized?

Mr. RICE, of Maine. The time is not limited.

Mr. ROLLINS. It provides for an additional reporter for an indefinite length of time. Now, I desire to call the attention of the House to the fact that this reporter was paid from March 4, 1865, to the first Monday of the following December at the rate of \$3,650 a year for which he did no labor; and so it will be from the 4th of next March till the meeting of the subsequent Congress.

In voting upon this resolution, if the House decide to adopt it, I only desire that they shall take these facts into consideration and make such limitations upon this resolution as they may deem proper. I think there has been a large amount of labor performed, and I remember when this matter was up for consideration I assured the gentleman from New York [Mr. HALE] that this would be the last of the matter. I have been examining the amount of labor performed, and it is larger than I anticipated, and I am not quite certain but what some relief should be granted. I do not feel clear upon this subject. I have not sufficiently examined into the matter. If it is as the gentleman from Maine [Mr. RICE] represents, perhaps some additional relief should be granted. But I do think this subject should be thoroughly inquired into before this resolution is passed.

Mr. RICE, of Maine. I do not yield for a speech.

Mr. ROLLINS. I would like to ventilate this subject further.

Mr. CONKLING. I would like to say a word.

Mr. RICE, of Maine. I will yield.

Mr. CONKLING. I have been referred to by the gentleman from New Hampshire, [Mr. ROLLINS,] and I would like to bear one word of testimony on this subject. When the resolution providing for a stenographer was proposed originally I doubted very seriously the propriety of passing it, and I suggested then the probability that the business of the reporter would far exceed the limits contemplated by the resolution, and that additional appropriations or additional provisions would be necessary. Now, sir, that contingency has arisen sooner than I expected it would, and to an extent far greater than I supposed. It may be, as the gentleman from New Hampshire suggests, that the resolution needs to be guarded somewhat as to time. If so it can be modified.

But I want to say, what I am enabled to say, as a matter of fact from the observation I have given to this subject. It has been my fortune, whether good or bad, to be compelled to be absent from the House for some weeks, much of the time attending the sessions of one of the committees, and the difficulty of providing a stenographer for that and for other committees which have been in session has led me to observe somewhat the condition of the business of reporting for the House, and I have no hesitation in saying that an amount of work has been required already of the official reporter exceeding altogether the amount of his pay, inasmuch that nothing could be more inequitable than to require him to do the extraordinary amount of labor which he is compelled to do for the compensation provided in the original resolution. I have no doubt that treble, if not four times, the amount of labor contemplated by that resolution has already been thrown upon him, just as I supposed, only much sooner than I anticipated; and the time has come when, upon the principles of fair dealing, we ought either to release him from his contract or pass some such resolution as is now proposed. But if this is not guarded as to time let us guard it.

Mr. HALE. Mr. Speaker, it is impossible to hear, the noise is so great.

Mr. CONKLING. I am aware of that; I can hardly hear myself. I was about to say that I am entirely clear that some provision by way of relief ought to be made, and my impression is that as we have already made this contract the easiest and most suitable way to correct the difficulty is to make some additional allowance, and if the resolution is amended so as to properly limit the time, I for one shall vote for it. As from the first I believed that some relief would be necessary, so now I am confirmed in that belief.

Mr. TROWBRIDGE. Mr. Speaker, is it in order to move to refer this resolution to the Committee of Accounts?

The SPEAKER. Not while the call for the previous question is pending.

Mr. TROWBRIDGE. Will it be in order to move to lay it on the table?

The SPEAKER. It will.

Mr. RADFORD. I rise to a point of order, that this question is not debatable.

The SPEAKER. No debate is in order except by unanimous consent.

Mr. TROWBRIDGE. I move to lay the resolution on the table.

Mr. WARD. On that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. JOHNSON. I would inquire of the gentleman from Maine [Mr. RICE] if it is intended to provide now for a stenographer for the vacation.

Mr. RICE, of Maine. I will say to the gentleman that there is no doubt that there will be several committees authorized to take testimony during the recess. I will state further, for the information of the gentleman from Pennsylvania, [Mr. JOHNSON,] that the passage of this resolution for this additional compensation will, for the present session, save the Government \$5,000—yes, nearly twice \$5,000—of

the amount which would be required under the old system of contracts.

Mr. JOHNSON. But the gentleman from Maine [Mr. RICE] has not answered my question.

Mr. TROWBRIDGE. Is debate in order?

The SPEAKER. It is not, except by unanimous consent, pending the motion to lay on the table.

Mr. TROWBRIDGE. Then I object to debate.

The question was taken; and it was decided in the negative—yeas 58, nays 68, not voting 56; as follows:

YEAS—Messrs. Ancona, Delos R. Ashley, Benjamin, Boyer, Bromwell, Buckland, Cobb, Cullom, Dawson, Deming, Denison, Dodge, Dumont, Eckley, Eggleston, Eldridge, Farquhar, Finck, Glossbrenner, Grider, Hale, Aaron Harding, Hayes, Johnson, Kerr, Kuykendall, Latham, George V. Lawrence, William Lawrence, Le Blond, McCullough, McKee, Moorhead, Phelps, Radford, William H. Randall, Ritter, Rogers, Rollins, Ross, Rousseau, Schenck, Scofield, Shanklin, Sitgreaves, Strouse, Taber, Thayer, Francis Thomas, John L. Thomas, Thornton, Trimble, Trowbridge, Upson, Ward, Henry D. Washburn, Welker, and Whaley—58.

NAYS—Messrs. Alley, Allison, Ames, Anderson, James M. Ashley, Barker, Beaman, Bidwell, Bingham, Boutwell, Conkling, Cook, Davis, Dixon, Donnelly, Briggs, Eliot, Ferry, Garfield, Grinnell, Abner C. Harding, Henderson, Higby, Holmes, Demas Hubbard, John H. Hubbard, James R. Hubbell, Hulburd, Humphrey, Ingersoll, Julian, Kasson, Kelley, Kelso, Ketchum, Ladin, Longyear, Lynch, McClurg, Mercer, Mercur, Miller, Morrill, Moulton, Newell, O'Neill, Orth, Paine, Perham, Plants, Price, Raymond, Alexander H. Rice, John H. Rice, Shellabarger, Spalding, Stevens, Stilwell, Robert T. Van Horn, William B. Washburn, Wentworth, Williams, James F. Wilson, Stephen F. Wilson, Windom, and Woodbridge—68.

NOT VOTING—Messrs. Baker, Baldwin, Banks, Baxter, Bergen, Blaine, Blow, Brandegee, Broomall, Bundy, Chandler, Reader W. Clarke, Sidney Clarke, Coffroth, Culver, Darling, Dawes, DeForest, Delano, Farnsworth, Goodyear, Griswold, Harris, Hart, Hill, Hogan, Hooper, Hotchkiss, Asahel W. Hubbard, Chester D. Hubbard, Edwin N. Hubbell, Jenekes, Jones, Marshall, Marston, Marvin, McIndoe, Morris, Myers, Niblack, Nicholson, Noell, Patterson, Pike, Pomeroy, Samuel J. Randall, Sawyer, Sloan, Smith, Starr, Taylor, Van Aernam, Burt Van Horn, Warner, Elihu B. Washburne, Winfield, and Wright—56.

So the resolution was not laid on the table.

The question recurred upon the demand for the previous question.

Mr. ROLLINS. I ask the gentleman from Maine [Mr. RICE] to yield to me to move an amendment.

Mr. RICE, of Maine. I cannot yield for any such purpose.

Mr. WARD. I desire to inquire of the Chair if the adoption of this resolution would not re-instate that man as a reporter of the Globe.

The SPEAKER. That is in the nature of debate.

Mr. ANCONA. If the gentleman from Maine [Mr. RICE] will modify the resolution so as to leave out the last clause I will not object to it so much.

Mr. ROLLINS. I move to refer this resolution to the Committee of Accounts.

The SPEAKER. That motion is not in order pending the call for the previous question.

The question was taken upon seconding the call for the previous question; and upon a division, there were—yeas 42, noes 58.

Before the result of the vote was announced, Mr. RICE, of Maine, called for tellers.

Tellers were ordered; and Mr. RICE, of Maine, and Mr. ANCONA, were appointed.

The House again divided; and the tellers reported—yeas 42, noes 59.

So the previous question was not seconded.

Mr. ANCONA. I move to amend the resolution by striking out these words at the close:

"and who may also be assigned by the Speaker to report other proceedings of the House."

And upon that motion I call the previous question.

Mr. WARD. Will the gentleman from Pennsylvania [Mr. ANCONA] withdraw the call for the previous question for a moment?

Mr. ANCONA. I will withdraw the call for a motion to refer the resolution to the Committee of Accounts.

Mr. WARD. Then I make that motion. I think all these subjects should be referred to

that committee for investigation, in order that we may fully understand what we are called to vote upon.

Mr. ANCONA. I call the previous question on the motion to refer.

The previous question was seconded and the main question ordered; and under the operation thereof the motion to refer was agreed to.

Mr. ANCONA moved to reconsider the vote by which the resolution was referred to the Committee of Accounts; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER announced as the next business in order the consideration of resolutions on which debate had arisen, and which had lain over under the rule.

TRANSPORTATION FROM THE WEST.

The first resolution was the following, offered on the 2d of April by Mr. RAYMOND:

Resolved, by the House of Representatives, (the Senate concurring,) That a commission of five persons be appointed by the President of the United States to consider and report to Congress at its next session upon the necessity of some more speedy, cheap, and reliable means of transportation between the western States and the Atlantic sea-board; and to submit some plan, whether by law or treaty, whereby the national Government can aid in providing for said necessity if it shall be found to exist: Provided, That said commissioners shall receive no compensation for their services, and no payment of any kind except for such traveling expenses as they may actually incur in discharging the duties imposed upon them by this resolution.

Mr. RAYMOND. If the House is ready to act upon this resolution at the present time, I have no objection to its being acted upon. But if it is to give rise to debate I prefer that it should lie over.

Mr. LE BLOND. I call for the yeas and nays on the adoption of the resolution.

Mr. RAYMOND. I will suggest to the gentleman from Ohio [Mr. LE BLOND] that if there is serious objection to the resolution I prefer that it should lie over. I have no special interest in the matter. I supposed that the resolution would be adopted without any objection.

Mr. LE BLOND. I prefer that the resolution should lie over.

The SPEAKER. If there be no objection the resolution will lie over informally.

There was no objection.

Mr. JOHNSON. I would like to inquire who is expected to maintain and support the officers provided for in the resolution if they are to receive no compensation for their services. Are outsiders to support them, or are they to support themselves?

Mr. RAYMOND. I will suggest to the gentleman a fact of which, perhaps, he is not aware, that there are in the United States gentlemen who are willing to render public service and pay their own expenses.

Mr. JOHNSON. Such gentlemen, I suppose, as we often see around the lobbies here.

The SPEAKER. Debate is not in order. The resolution is not before the House, having been laid over by unanimous consent.

RECOGNITION OF FENIAN BELLIGERENCY.

The next resolution lying over under the rule was the following, offered on the 4th of June by Mr. CLARKE, of Ohio:

Resolved, That whereas the recent successes which have attended the demonstrations of the Fenian organization, with the avowed purpose of liberating Ireland from the oppressive rule of Great Britain, according to the laws of nations as interpreted by British authorities, entitles said Fenian organization to be regarded with respect and as entitled to the rights of belligerents, that the Committee on Foreign Affairs be requested to inquire into the propriety of recommending such action as may be proper to secure that object.

The resolution was not agreed to so.

DAMAGES BY REBELS IN PENNSYLVANIA.

The next resolution lying over under the rule was the following, offered on the 11th of June by Mr. COFFROTH:

Whereas during the late civil war the sixteenth congressional district of Pennsylvania was invaded by the entire rebel army under General Lee, and which remained in said district about three weeks, and to repel and drive out the rebel forces the Army

of the United States under the victorious General Meade was marched into said district, encamped and remained there during the great battle of Gettysburg, and the pursuit of the rebel army from the State of Pennsylvania; and whereas said district was once before thus invaded by General Stuart's rebel army, and once afterward by General McCausland's rebel army; that during these invasions the personal property of the citizens of said district was taken and carried away, and their houses burned and other property destroyed; Therefore,

Be it resolved, That the Committee of Claims be, and is hereby, instructed to inquire into the expediency of appointing commissioners, with such restrictions as the committee deem proper, to ascertain what damages the citizens of said district have suffered, with a view to enforce legislation for the payment of the damages sustained.

Mr. WILSON, of Iowa. I move that this resolution be referred to the Committee of Claims.

The SPEAKER. The resolution contemplates a reference to that committee. It provides that the committee be "instructed to inquire into the expediency," &c.

Mr. WILSON, of Iowa. I desire that the resolution shall be referred without instructions.

Mr. JOHNSON. I desire to state to the House that the Legislature of Pennsylvania has already appropriated \$500,000 for the relief of the people of the district referred to in the resolution.

Mr. WILSON, of Iowa. A reference of this resolution to the Committee of Claims, without its adoption by the House, will carry the whole subject before the committee. I do not wish to have the House committed to anything contained in the resolution by adopting it. I am willing that the subject shall go to the committee for investigation. I demand the previous question.

Mr. McKEE. I want to oppose the motion to refer to the Committee of Claims and to move that it be laid upon the table. That committee has already had that subject under consideration, claims coming from the sixteenth congressional district of Pennsylvania, and we have voted uniformly against allowing claims growing out of the ravages of war.

Mr. WILSON, of Iowa. I do not withdraw the demand for the previous question.

Mr. McKEE. I move that the resolution be laid upon the table.

The motion was agreed to.

SOLDIERS OF WAR OF 1812.

The SPEAKER stated the next business was the following preamble and resolution, submitted by Mr. MILLER June 18:

Whereas on the 22d of January last a bill entitled "A bill to grant pensions to soldiers of the war of 1812 with Great Britain" was referred to the Committee on Invalid Pensions, on which no report has yet been made; and whereas the bill provides for giving pensions only to those who are in indigent circumstances, and as many of these old soldiers are now in abject poverty, and inasmuch as it is due to them as well as to the credit of the country that speedy action should be taken thereon: Therefore,

Resolved, That the Committee on Invalid Pensions be, and is hereby, requested to report said bill with an affirmative recommendation with as little delay as possible.

The subject having already been acted on the preamble and resolution were laid upon the table.

The morning hour expiring, the Speaker next proceeded to call the States for resolutions.

INCREASE OF SALARIES.

Mr. ROLLINS submitted the following resolution; which was read, considered, and agreed to:

Resolved, That all motions and resolutions for the increase of pay of officers and employees of the House be referred to the Committee of Accounts without debate.

FEMALE COLLEGES.

Mr. DEMING presented joint resolutions of the State of Connecticut, asking an appropriation of public lands for the establishment of female colleges in the several States; which were laid upon the table and ordered to be printed.

CONSTITUTIONAL AMENDMENT.

Mr. LAWRENCE, of Ohio. Mr. Speaker, I rise to ask unanimous consent to record my

vote upon one of the important measures of the session. On the 15th day of June the joint resolution proposing an amendment to the Constitution of the United States came back to the House with Senate amendments. The question was taken and the House concurred in the Senate amendments. I desire to vote "ay" on the question of concurring.

There was no objection, and Mr. LAWRENCE'S vote was recorded in the affirmative.

Mr. JOHNSON, by unanimous consent, was allowed to record his vote in the negative, and Mr. BENJAMIN to record his vote in the affirmative on the same question.

REORGANIZATION OF INTERIOR DEPARTMENT.

Mr. KASSON, by unanimous consent, reported back Senate bill No. 283, to reorganize the clerical force of the Department of the Interior, and for other purposes, with a substitute; which was referred to the Committee of the Whole on the state of the Union and ordered to be printed.

FIRST REGIMENT MICHIGAN CAVALRY.

Mr. UPSON submitted the following resolution; which was read, considered, and agreed to:

Whereas it is represented in a recent communication from the Governor of the State of Michigan to the Secretary of War, that the officers and enlisted men of the first regiment Michigan cavalry, lately mustered out of the United States service in Utah, were wrongfully held in service for over six months, and in their payment on discharge only received commutation of mileage and subsistence, which gave them each only about one hundred and fifteen dollars to bear their expenses from Utah to their homes, while the necessary expenses of each man were over three hundred dollars; and that under all the circumstances attending their said detention in the service and discharge in Utah as aforesaid they have been subjected to unreasonable hardship and pecuniary loss of over two hundred dollars each, necessarily expended by them for transportation that should have been furnished by the Government: Therefore,

Resolved, That the Committee on Military Affairs be instructed to inquire into all the facts and circumstances relating to the alleged detention in the service of the officers and enlisted men of the said first regiment Michigan cavalry, and relating to their muster out and payment in Utah as aforesaid, and to report what allowance, if any should be made, to be paid to said officers and men as commutation of transportation from Utah to Michigan as aforesaid, or what compensation further should be allowed and paid them in any other manner.

ELLEN SANDERSON.

Mr. MORRILL obtained the floor.

Mr. ROUSSEAU. I ask the gentleman to yield to me.

Mr. MORRILL. I do yield on condition the gentleman's proposition does not give rise to debate.

Mr. ROUSSEAU. I ask unanimous consent to report back House bill No. 275, for the relief of Ellen Sanderson, widow of Colonel John P. Sanderson, the provost marshal general of Missouri.

Mr. BENJAMIN objected.

Mr. ROUSSEAU moved to suspend the rules for the purpose indicated.

The motion was agreed to.

The bill was received and read. It authorizes the Secretary of the Treasury to pay to Ellen Sanderson, widow of the late Colonel John P. Sanderson, late provost marshal general of the department of Missouri, \$10,000 as compensation for special labor and services in detecting and exposing organized conspiracies in the loyal States against the Government of the United States.

Mr. ROUSSEAU demanded the previous question.

Mr. STEVENS asked that the report of the committee be read.

The Clerk read as follows:

The Committee on Military Affairs, to whom was referred House bill No. 275, entitled "A bill for the relief of Ellen Sanderson, widow of John P. Sanderson, the provost marshal general of Missouri," have had that subject under consideration, and have directed me to return the same to the House, and recommend its passage in the following report:

Colonel J. P. Sanderson, thirteenth United States infantry, was assigned to duty as provost marshal department of Missouri, on the 4th of March, 1864. Soon thereafter he obtained information from various sources of the existence of a secret organization in the State of Missouri, which had been instituted by the rebel General Price, the object being to supply his army with the necessary munitions of war. About the same time he was also informed that this secret

organization not only existed in Missouri but in nearly all of the western States. It was called the "Order of American Knights," and its true object was to so embarrass, by every possible means, the Government in its attempt to suppress the rebellion, that they might succeed in establishing a northwestern confederacy and thereby also secure to the southern States their independence. The importance of a thorough investigation and exposure was apparent, and, with the approval of the commanding general, a number of detectives were employed by Colonel Sanderson to ferret it out.

These detectives were at first set to operate in the city of St. Louis, and the information already received was more than confirmed by their statements. They reported that the order had been established in nearly every county in the western States, and that its object was really the formation of a northwestern confederacy; that the membership thereof exceeded in number half a million men, and nearly two thirds of whom were armed; that the order had its grand commander, State commanders, and other subordinate officers; that the members were sworn to obey the orders of their superior officers, no matter what the nature of the order might be; and that the membership was daily increasing, and arms were being furnished as rapidly as possible for the use of those without them.

Desiring to be still further informed and to know whether the representations made by the members in St. Louis were correct, several detectives were in May, 1864, sent by Colonel Sanderson on tours of inspection; one through Missouri, another through Illinois, and another through the States of Ohio and Indiana, a sufficient number of the detectives remaining on duty in St. Louis.

Daily reports were received from these detectives, giving in full the result of their observations; and though at different points from each other, their reports corroborated each other and verified the previous representations. They reported that the order existed in each of those States. The membership in Missouri was thirty thousand men; in Illinois one hundred and twenty-five thousand men; in Indiana one hundred thousand men; in Ohio the same; in Kentucky about twenty-five thousand men; and about thirty thousand men in the balance of the western States. After awhile they reported that the name of the order had been changed from that of "American Knights" to the "Sons of Liberty"; that most of the members were armed; and that unless prompt and decisive action was taken on the part of the Government by exposing both the order and its principles, their success in building up a northwestern confederacy could not be prevented.

All the information which had been received by Colonel Sanderson relative to this order was carefully compiled and transmitted by him, with a report thereon, to the commanding general about the middle of June, 1864. This report was forwarded by the latter to President Lincoln for his action. In the early part of July, 1864, an abstract of that report and its accompanying documents was made by Colonel Sanderson and furnished to the press, which, with the exposure made at Indianapolis about the same time, completely destroyed the effectiveness of the order. For several weeks after the completion of his first report, a large amount of additional information had accumulated, which was also forwarded with a report to the commanding general. This, together with the first report, covered over a ream of foolscap paper, besides embracing considerable printed matter. Knowing that strict secrecy was essential to the success of this investigation, he took upon himself, in addition to his regular duties as provost marshal general, the superintending of the investigation. To prevent suspicion against his detectives, who were generally supposed to be rebels, their reports were made either late at night or very early in the morning, so that they could not be seen entering the provost marshal general's office. From the middle of March until July there were constantly several detectives on duty in St. Louis, and it was generally midnight before their reports were made and written out by Colonel Sanderson. Their reports were then taken by him the same evening for the inspection of the commanding general, and after a consultation for one, two, and even three hours, and the plans for the next day agreed upon, he returned to his office to rest, obtaining very seldom over four hours' sleep. About the time that his first report was finished his health gradually began to fail, and he was advised by his physician and his associate officers to accept of a proffered leave of absence, or, if he would not do that, to give up the night work which he was performing. He would not accept the leave, and remained at his post, still continuing his evening labors, though constantly remonstrated with for doing so.

His evenings, after the finishing of his report, were devoted to collecting and arranging that portion of the testimony which could be used against those persons who had been arrested in Missouri at their trial before a military commission.

By the 1st of September, 1864, he had collected such testimony as was necessary, and had commenced preparing the charges against these parties, when he was taken so ill as to prevent him continuing his work, and he was carried from his office to his residence, at which place he had remained but one night since his investigation of the conspiracy. What little medical skill could then do was promptly done, yet it was apparent to all that the continuous night labor performed by him in addition to his daily duties, from the beginning of March till September, had so shattered his constitution that not even medical assistance could be of any avail. He gradually became weaker and weaker from that time until the middle of October, 1864, when his system yielded to the heavy burden, and he died.

No one doubted that he lost his life in this great effort to save his Government.

Mr. JOHNSON. I ask the gentleman from Kentucky to allow me three minutes on this question.

Mr. ROUSSEAU. I will yield.

Mr. JOHNSON. I desire to say that I knew John P. Sanderson for many years. When this proposition came before the House asking, as it did, for an appropriation for his widow, I was not disposed to object. But since it has taken a course which is evidently for political and partisan purposes, I protest against the abuse of the courtesy of this side of the House that has been taken advantage of here in this debate, and I now say that which I would not otherwise have said since the death of Colonel Sanderson, but which I feel due to myself and to others to say, that whatever he may have done in Missouri, he was a man of bad character in Pennsylvania, and I have no faith in the batch of statements made by him. The records at Harrisburg relative to the election of United States Senator in 1855, show that he was there as an outsider, a borer, and was corruptly employed by different parties for the same office, and robbed one man of \$3,000. That was his character then, and when his statements are lugged in here after his death by his friends, apparently to accomplish a political purpose, although I who knew him well would be willing that his ashes should rest in peace, I will not allow such injustice as this to be perpetrated upon an organization throughout the country to which I belong. I want that, sir, to go upon the record.

Mr. STEVENS. Will the gentleman from Kentucky yield to me a moment?

Mr. ROUSSEAU. Yes, sir.

Mr. STEVENS. I merely wish to say that I believe all that has been said by my colleague, and I would move to lay the bill on the table, but I do not wish to take advantage of the courtesy of the gentleman.

Mr. McKEE. I would like to inquire whether while Colonel Sanderson was provost marshal general of the State of Missouri he did not receive his regular pay as an officer of the Army, and whether his widow is not now allowed a pension by law.

Mr. ROUSSEAU. I suppose he received his pay. But I wish to say to my friend from Pennsylvania, [Mr. JOHNSON,] who says that this report is made for political purposes, that I wrote the report myself, and I got the data from the report of Colonel Sanderson in the case to which reference is made. But nothing was further from my mind than that this should have any political effect, and I do hope that no man on this side of the House will claim any affinity with the infamous order referred to. I cannot see how it is possible that any gentleman on this or the other side should take exception to this reference. The report refers to the order of the Sons of Liberty, an infamous order that I believe no man on this floor ever thought of having any connection with. As to the question of my colleague, [Mr. McKEE,] I suppose Colonel Sanderson received his regular pay, but this is for extraordinary services, such as were never rendered in this country by any man before.

Mr. JOHNSON. One single word. I want to say that I know nothing of the particular organization called the Golden Circle or the Sons of Liberty, but I know that the Democratic party, to which I belong, was charged, in a general way, with being controlled by that organization; therefore, I take it that this is a fling at that party, after the old style, gotten up under pretense of appropriating a sum of money to a woman and a widow.

Mr. ROUSSEAU. I sometimes vote with the Democratic party, and I hope no man who has any sort of respect for that party will take any offense at anything said in this report.

Mr. MORRILL. The gentleman from Kentucky must be aware that I did not yield for debate, but only on the condition that the matter should give rise to no debate. I therefore hope he will not press the passage at this time.

Mr. ROUSSEAU. I demand the previous question.

Mr. STEVENS. Does not the widow get a pension?

Mr. ROUSSEAU. I think not; I am not certain.

The previous question was seconded and the main question ordered.

Mr. BENJAMIN. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. STEVENS. I move to lay the bill on the table.

Mr. ROUSSEAU. I hope the gentleman will withdraw that motion.

Mr. STEVENS. I prefer not to do so.

Mr. HALE. On that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 58, nays 72, not voting 52; as follows:

YEAS—Messrs. Alley, Allison, Ames, Ancona, Baxter, Benjamin, Boutwell, Boyer, Bromwell, Dawson, Denison, Dixon, Dodge, Eldridge, Eliot, Finck, Glossbrenner, Grider, Grinnell, Hale, Aaron Harding, Henderson, Higby, Hogan, Holmes, Hulburd, Humphrey, Johnson, Kerr, Latham, William Lawrence, Le Blond, McCullough, McKee, Morrill, Niblack, Perham, Pike, Price, Radford, Samuel J. Randall, John H. Rice, Ritter, Rollins, Ross, Sawyer, Shanklin, Sitgreaves, Spalding, Stevens, Taber, Francis Thomas, John L. Thomas, Thornton, Henry D. Washburn, Wentworth, James F. Wilson, and Winfield—58.

NAYS—Messrs. Anderson, Delos R. Ashley, James M. Ashley, Baldwin, Barker, Beaman, Bidwell, Bingham, Blow, Buckland, Bundy, Sidney Clarke, Cobb, Coffroth, Conkling, Cook, Cullom, Davis, Deming, Dumont, Eekley, Eggleston, Farquhar, Ferry, Garfield, Hart, Hayes, Demas Hubbard, John H. Hubbard, James R. Hubbell, Ingersoll, Julian, Kasson, Kelley, Kelso, Ketcham, Kuykendall, Laffin, Marshall, McClurg, McRuer, Mercer, Miller, Moorhead, Morris, Moulton, Myers, Newell, O'Neill, Orth, Plants, Pomeroy, William H. Randall, Raymond, Alexander H. Rice, Rogers, Rousseau, Schenck, Scofield, Shellabarger, Smith, Stilwell, Strouse, Thayer, Trowbridge, Upson, Burt Van Horn, Robert T. Van Horn, William B. Washburn, Welker, Whaley, and Stephen F. Wilson—72.

NOT VOTING—Messrs. Baker, Banks, Bergen, Blaine, Brandegee, Broomall, Chanler, Reader W. Clarke, Culver, Darling, Dawes, Defrees, Delano, Donnelly, Driggs, Farnsworth, Goodyear, Griswold, Abner C. Harding, Harris, Hill, Hooper, Hotchkiss, Asahel W. Hubbard, Chester D. Hubbard, Edwin N. Hubbard, Jenckes, Jones, George V. Lawrence, Loan, Longyear, Lynch, Marston, Marvin, McIndoe, Nicholson, Noell, Paine, Patterson, Phelps, Sloan, Starr, Taylor, Trimble, Van Aernam, Ward, Warner, Elihu B. Washburne, Williams, Windom, Woodbridge, and Wright—52.

So the motion to lay on the table was not agreed to.

The question recurred upon the passage of the bill, on which the yeas and nays had been ordered.

The question was taken; and it was decided in the negative—yeas 57, nays 79, not voting 46; as follows:

YEAS—Messrs. Anderson, Delos R. Ashley, James M. Ashley, Banks, Bidwell, Bingham, Blow, Buckland, Bundy, Sidney Clarke, Cobb, Cook, Cullom, Davis, Dawes, Deming, Donnelly, Dumont, Eekley, Eggleston, Garfield, Griswold, Hart, Hayes, Asahel W. Hubbard, Demas Hubbard, John H. Hubbard, Ingersoll, Julian, Kasson, Kelley, Kelso, Kuykendall, Marvin, McClurg, McRuer, Mercer, Miller, Moorhead, Morris, Myers, Newell, O'Neill, Orth, Paine, Plants, Pomeroy, Rousseau, Schenck, Shellabarger, Smith, Trowbridge, Upson, Robert T. Van Horn, Henry D. Washburn, Whaley, and Stephen F. Wilson—57.

NAYS—Messrs. Allison, Ames, Ancona, Baldwin, Baxter, Beaman, Benjamin, Boutwell, Boyer, Bromwell, Conkling, Dawson, Denison, Dixon, Dodge, Driggs, Eldridge, Eliot, Ferry, Finck, Glossbrenner, Grider, Grinnell, Hale, Aaron Harding, Abner C. Harding, Henderson, Higby, Hogan, Holmes, James R. Hubbell, Hulburd, Humphrey, Johnson, Kerr, Ketcham, Laffin, Latham, George V. Lawrence, William Lawrence, Le Blond, Loggyear, McCullough, McKee, Morrill, Niblack, Noell, Patterson, Phelps, Pike, Price, Radford, Samuel J. Randall, Raymond, Alexander H. Rice, John H. Rice, Ritter, Rogers, Rollins, Ross, Sawyer, Scofield, Shanklin, Sitgreaves, Spalding, Stevens, Stilwell, Strouse, Taber, Francis Thomas, John L. Thomas, Thornton, Trimble, William B. Washburn, Wentworth, Williams, James F. Wilson, Winfield, and Woodbridge—79.

NOT VOTING—Messrs. Alley, Baker, Barker, Bergen, Blaine, Brandegee, Broomall, Chanler, Reader W. Clarke, Coffroth, Culver, Darling, Defrees, Delano, Farnsworth, Farquhar, Goodyear, Harris, Hill, Hooper, Hotchkiss, Chester D. Hubbard, Edwin N. Hubbard, Jenckes, Jones, Loan, Lynch, Marshall, Marston, McIndoe, Moulton, Nicholson, Perham, William H. Randall, Sloan, Starr, Taylor, Thayer, Van Aernam, Burt Van Horn, Ward, Warner, Elihu B. Washburne, Welker, Windom, and Wright—46.

So the bill was rejected.

Mr. STEVENS moved to reconsider the vote by which the bill was rejected; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SELECT JOINT COMMITTEE ON RETRENCHMENT.

Mr. HALE. I ask unanimous consent to submit the following preamble and resolution for consideration at this time:

Whereas the financial condition of the United States demands the exercise of a rigid economy in all departments of the Government in order to sustain the credit of the United States, and to relieve the people at the earliest possible day from the burden of existing taxation; and whereas there is reason to believe that in many departments of the Government civil abuses have for a long time existed and still exist, in the perpetuation of useless offices and sinecures, in extravagant salaries and allowances, and in other unnecessary and wasteful expenditures:

Resolved by the House of Representatives, (the Senate concurring,) That a joint select committee be appointed, to consist of two members of the Senate and three members of the House, to be styled the joint select committee on retrenchment; that said committee be instructed to inquire into the expenditures in all the branches of the civil service of the United States, and report whether any and what offices ought to be abolished, whether any and what salaries or allowances ought to be reduced, and generally how and to what extent the expenses of the civil service of the country may and ought to be curtailed; that said committee be authorized to sit during the recess of Congress, to send for persons and papers, and to report by bill or otherwise; and that said committee may appoint a clerk for the term of six months and no more.

Mr. ANCONA objected, but subsequently withdrew his objection.

Mr. JOHNSON renewed the objection, but subsequently withdrew it.

The resolution was then agreed to.

ASSESSING POST OFFICE CLERKS.

Mr. KELLEY. I ask unanimous consent to submit the following resolution for consideration at this time:

Resolved, That the Postmaster General be requested to inform the House by virtue of what order or provision of law the postmaster at Philadelphia has assessed upon each of his employes a tax equal to one and one half per cent. on the annual salary of each of said employes, and is proceeding to collect the same.

Mr. ROSS. I object, unless the resolution is referred to the Committee on the Post Office and Post Roads.

RAILROAD TO PORTLAND, OREGON.

Mr. McRUER, by unanimous consent, reported back from the Committee on Public Lands Senate bill No. 123, entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific railroad in California to Portland, in Oregon," with an amendment in the nature of a substitute, and moved that the bill and amendment be ordered to be printed and be recommitted to the committee.

The motion was agreed to.

CONTESTED ELECTION.

Mr. PAINE. I desire to give notice that tomorrow, after the morning hour, I will call up the report of the Committee of Elections upon the contested election of Fuller vs. Dawson.

UNION PACIFIC RAILROAD, EASTERN DIVISION.

Mr. WILSON, of Iowa. I ask unanimous consent to introduce a bill explanatory of an act to amend an act entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri river to the Pacific ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," approved July 2, 1864.

Mr. STEVENS. Does the gentleman from Iowa propose to introduce this bill for action at the present time?

Mr. WILSON, of Iowa. I do.

Mr. STEVENS. If the gentleman is willing to introduce the bill and allow it to lie over and be printed, so that we may offer any amendments which may be necessary and fix any day, I do not care how early, for its consideration, I shall not object; otherwise I must.

Mr. WILSON, of Iowa. I propose to introduce a bill which the gentleman from Pennsylvania [Mr. STEVENS] promised that he and his

friends would support. I desire that the bill may be taken up now and acted on.

Mr. STEVENS. I do not know that this is such a bill as the gentleman states. I only want to have an opportunity to examine it and see what it is. I do not desire that a bill, the effect of which we do not know, shall be passed in this way.

Mr. WILSON, of Iowa. The gentleman from Pennsylvania would not allow any time the other day for the examination of his bill.

Mr. STEVENS. If the gentleman insists on the consideration of the bill at this time, I object to its introduction.

Mr. WILSON, of Iowa. I move to suspend the rules to allow me to introduce the bill.

Mr. STEVENS. On that motion I call for the yeas and nays. I again say that I have no objection to the introduction of the bill if the gentleman will let it lie over for one day.

Mr. WILSON, of Iowa. If the bill be received, I am willing that it should go over till to-morrow, if we can have an agreement by which it shall be considered as a special order.

Mr. STEVENS. That will suit me. The SPEAKER. If the bill be postponed until to-morrow immediately after the reading of the Journal, it will take precedence of the special order for to-morrow.

Mr. WILSON, of Iowa. That will suit me. The SPEAKER. If there be no objection, the bill will be introduced, ordered to be printed, and postponed until to-morrow immediately after the reading of the Journal.

There was no objection.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. FORNEY, its Secretary, in which it was announced that the Senate had agreed to the amendments of the House to Senate bills of the following titles:

An act (S. No. 221) relating to the lands granted to the State of Minnesota to aid in constructing railroads;

An act (S. No. 156) making an additional grant of lands to the State of Minnesota in alternate sections to aid in the construction of a railroad in said State;

An act (S. No. 58) granting lands to the State of Oregon to aid in the construction of a military road from Corvallis to the Aquina bay; and

An act (S. No. 99) granting lands to the State of Oregon to aid in the construction of a military road from Albany, Oregon, to the western boundary of said State.

It further announced that the Senate had agreed to the reports of the committees of conference on the joint resolution and bill of the following titles:

Joint resolution (H. R. No. 52) to provide for the expenses attending the exhibition of the products of industry of the United States at the Exposition at Paris in 1867; and an act (H. R. No. 613) to continue in force and to amend an act to establish a Bureau for the Relief of Freedmen and Refugees, and for other purposes.

It further announced that the Senate had passed a joint resolution and bills of the following titles, in which he was directed to ask the concurrence of the House:

Joint resolution (S. R. No. 93) for the appointment of a commission to examine and report on certain claims of the State of Iowa;

An act (S. No. 81) for the relief of Jas. Pool;

An act (S. No. 352) granting to A. Sutro the right of way and granting other privileges to aid in the construction of a draining and exploring tunnel to Comstock lode, in the State of Nevada; and

An act (S. No. 402) to confirm the title of Ethan Ray Clark and Samuel Ward Clark to certain lands in the State of Florida, claimed under a grant from the Spanish Government.

It further announced the Senate had passed bills of the following titles, the first without and the others with amendments, in which he was directed to ask the concurrence of the House:

An act (H. R. No. 725) to provide for the

payments of the sixth, eighth, and eleventh regiments of Ohio volunteer militia of Cincinnati, Bard's company of cavalry, and Paulsen's battery, during the time they were in the service of the United States in 1862;

An act (H. R. No. 557) to quiet the title to certain lands within the corporate limits of the city of Benicia; and

An act (H. R. No. 448) to authorize the construction of a railroad through certain lands of the United States in Kansas.

TARIFF BILL.

Mr. MORRILL. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union on the special order.

The motion was agreed to.

So the rules were suspended; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. SCOFIELD in the chair,) and resumed the consideration of the special order, being the bill (H. R. No. 718) to provide increased revenue from imports, and for other purposes.

The pending question was upon the motion of Mr. HUBBARD, of Connecticut, to strike out on page 24, in line two hundred and twenty-five, the words "on copper ore, fifteen per cent. *ad valorem*," on which Mr. BEAMAN was entitled to the floor.

Mr. BEAMAN. Mr. Chairman, when the Committee of the Whole rose on last Saturday I was about to refer to the importance of the copper mines of this country, and especially those in the Lake Superior region. I desire now to call the attention of the committee to some facts in reference to the importance of this interest. It seems to me, if gentlemen will give a little attention to the condition of these mines and the facts in reference to them, there will be no doubt in the minds of any that this amendment ought not to prevail.

Now, sir, there has been invested in the copper region of Lake Superior over thirty million dollars. There is now a population of over fifty thousand people there, sustained by this mining interest. There are eighteen steamers constantly employed in carrying freight growing out of this interest. This vast amount of capital, this great industrial interest I have referred to, is limited simply to the Lake Superior region, having no reference to the vast interests in California and in other parts of the country.

The gentleman from Connecticut, [Mr. HUBBARD,] who has moved this amendment, professes he is in favor of protection. He says if this amendment prevails there will still be a duty of five per cent. *ad valorem* upon copper ore; and he seems desirous of impressing on the minds of the committee that this is sufficient protection. If gentlemen will look into the question they will find that instead of being sufficient protection it is no protection at all.

This mining interest previous to the breaking out of the war asked for no protection and received no protection; and it will ask no protection to-day if you will put it in the condition in which it was before the war. The truth is, that instead of offering protection to this mining interest it has been discriminated against. What are the facts? It has been estimated that every one hundred pounds of copper, under the internal revenue tax bill, now pays \$4 65. Under the internal revenue bill lately passed, that is reduced to \$3 65 upon every hundred pounds of copper ore. The increased cost has been estimated to amount to fifty per cent. over what it was previous to the breaking out of the war because of the increased price of labor in consequence of the internal revenue tax imposed upon everything necessary to feed and clothe the miners.

[Here the hammer fell.]

The CHAIRMAN. Debate is exhausted on the amendment.

Mr. HUBBARD, of Connecticut. I withdraw my amendment.

Mr. PHELPS. I renew the amendment. Up to 1861 copper ore as raw material was

imported entirely free of duty. Under the operation of that system the business of mining and smelting copper ores in the eastern States and California was developed to a very considerable extent. The ore was obtained principally from the States of Vermont, Connecticut, New Jersey, Maryland, Virginia, North Carolina, Tennessee, and California. Large smelting establishments, located principally with a view to facilities for obtaining coal and transportation, were established at various points on the Atlantic coast. In order to show the extent to which this smelting business had advanced, I will refer to a very large establishment located in the neighborhood of Baltimore, employing an amount of capital of over \$1,000,000, requiring for the transportation of its products over seventy vessels, consuming over thirty-five thousand tons of coal per annum, and capable of producing of pure copper thirty thousand pounds a day or over five thousand tons per annum. Upon that work alone our Government was very largely dependent during the war for its supply of copper for percussion caps, cannon, and vessels.

For the successful manipulation of the native ores there is required a considerable infusion of foreign ore, principally imported from South America—some from Cuba, but mainly from Chili. The process of smelting copper is a complicated and expensive one without that infusion; with it the process is materially shortened and the expense very considerably reduced. Indeed, without the employment of this foreign material, the native ores cannot be advantageously smelted. Consequently the recent tariff upon foreign ores which was required as an indispensable ingredient, so far from being a protection to domestic production or to home industry, is in point of fact a discouragement to both. Under the operation of the five per cent. *ad valorem* tariff now imposed the works to which I have referred, located in the neighborhood of Baltimore, have been prosecuted to a very considerable disadvantage, at a loss, as I am informed, during the last year, of over \$250,000.

It is now proposed to triple the weight now loading down this interest by raising the duty on ores from five to fifteen per cent. This sudden and enormous increase cannot but be disastrous not only to the copper-smelting, but the copper-mining interests of all the States named. This is not protection, but virtual prohibition on the further development of American mines excepting those on Lake Superior. These mines yielding native copper require no flux of foreign carbonate ores, but are refined by a much simpler and less expensive process. The present duty of five per cent., onerous to the general copper-smelting interest of the country, may be tolerated as a protection to the Michigan miners. The inordinate increase proposed by the committee may be well calculated to swell the profits of those operating in that particular section.

[Here the hammer fell.]

Mr. PHELPS. I withdraw the amendment.

Mr. DRIGGS. I move to amend the paragraph in relation to copper ore by striking out "fifteen per cent." and inserting "twenty per cent."

Mr. Chairman, on the 22d of June last I offered the following resolution from the Committee on Mines and Mining:

"Resolved, That this committee respectfully recommend to the Committee of Ways and Means the necessity which, in their opinion, exists for an increased duty on foreign copper, with a view to securing to the home production fair and just protection, at least equal to that which was afforded previous to the war of the rebellion; and that in their opinion a duty of at least six cents per pound should be imposed upon foreign ingot copper, and not less than three cents per pound on the pure copper in foreign ores."

Thirty million dollars are invested in my district in copper mining. The business supports a population of nearly fifty thousand people. The fifteen per cent. in the bill does not more than counteract the effect of the indirect taxes in producing the article. It is not better than free trade would be without internal taxation. The duty proposed by the Committee of Ways

and Means is too low. It ought to be at least twenty per cent. This would be no injustice to the smelters, because the duty on the copper after it is smelted much more than covers the whole duty on the ore.

The manufacturers of copper cannot complain, because they are protected enough to cover the duty on the copper and the labor they employ in addition. To strike off the duty on ore is to rob the poor miners of the necessities of life and the Government of so much revenue, and all to swell the dividends of the capital invested in working up the ores.

If this policy be adopted it will depopulate the Lake Superior district, and by destroying one of the largest sources of supply it will injure the consumers of copper, while it destroys the producers. It can be demonstrated that the losses in the Lake Superior region in a single year, owing mainly to the legislation of Congress, have been more than all the capital invested in smelting foreign copper ores in the United States.

I appeal to this House to consider the thirty millions of capital invested in mining copper on Lake Superior, to consider the six large smelting-works located in the West; three on the lake shore, one at Detroit, one at Cleveland, and one at Pittsburgh, all smelting domestic copper. For all these and the toiling thousands employed by them, including fifty thousand of my own constituents, whose very bread is involved, as against the avaricious demands of the three establishments on the whole Atlantic coast that smelt foreign ore. To strike off the duty would be an outrage. I ask that the duties on foreign copper ores be raised to twenty per cent. *ad valorem*. I ask it as an act of simple justice to the miners and the capital invested, and as indispensable to continued and successful mining.

Mr. MORRILL. Mr. Chairman, I trust when the subject of coal comes up here my friend from Maryland [Mr. PHELPS] will reproduce his present argument upon raw material. The rate fixed in the bill on copper ore was fixed with considerable care upon information received by the Committee of Ways and Means from all parties. It is true that there ought to be some duty fixed upon copper ore, or it might be liable to the same misfortune that would happen in the case of lead ore admitted without duty. If we should impose a high duty on lead and then let lead ore come in free, which does not shrink more than twenty-five per cent. by smelting, our duty on lead would be entirely nugatory. And now, if we place a duty of four or five cents upon copper and allow copper ore to come in free, of course copper will be brought in in the shape of ore, for a large amount of the cost of copper is in the labor expended in producing the ore. Fifteen per cent., however, in my judgment, is all that should be put upon copper ore. I am not quite certain that it ought to be more than twelve, but certainly fifteen per cent. is enough. If the duty was raised to six cents a pound on copper, then it would be quite proper to raise the duty on copper ore to something like twenty per cent.; but while it remains as we have it, fifteen per cent. is just about an equal rate. I hope, therefore, that the amendments will not prevail on either side, whether to increase or diminish the rate proposed in the bill. Now, I think all sides have been heard on this question, and I move that the committee rise for the purpose of closing debate on the subject of copper.

Several MEMBERS. Oh, no, we will take the vote now.

Mr. DRIGGS. I withdraw my amendment.

Mr. MORRILL. If it is understood that the vote will be taken now I withdraw my motion.

Mr. J. L. THOMAS. Mr. Chairman, I move to amend by striking out "fifteen" and inserting "five." I am not here in the interests of any individual or any corporation, but to do the greatest good to the whole country. I am in favor of developing the great internal resources of the country, whether it be manufacturing or producing, and for that purpose to protect

by an adequate and just tariff both the manufacturer and the producer. But while I am in favor of this, I am opposed to any tariff that will protect one interest to the detriment of another; that will discriminate in favor of the manufacturer and against the producer, or that will protect the manufacturing interests of Massachusetts and give no protection to the manufacturing and mining interest of Maryland. My colleague, [Mr. PHELPS,] who has had this special section in his charge, has already given the reasons why we desire some protection for the copper-manufacturers of our State.

The copper manufacture of Maryland is no mean or insignificant interest. It employs many hundreds of thousands of dollars in its capital, gives work to hundreds of men, and expends thousands of tons of coal and copper in carrying on the business. This enterprise was started when there was no duty on copper, and it has grown steadily under adverse circumstances, until to-day it stands second to the iron interests of my State in so far as manufacturing is concerned. The present tariff puts a duty of five per cent. *ad valorem* on foreign copper. * This was enough, and these infant manufactures have struggled hard to meet the high wages they are obliged to pay and to compete with the foreign manufacturer of copper. If you put an additional tariff of ten per cent. it will have the tendency not only seriously to cripple, but it is feared to suspend the manufacture altogether. The consequence will be that not one tenth the amount of native ore now consumed will hereafter be required, and consequently the producer of the metal will suffer in proportion. As has already been stated, it is absolutely necessary to use a certain percentage of the foreign ore in order properly to smelt the native ore. The native ore cannot be smelted either as successfully or as profitably as when used in conjunction with foreign ore, owing to the fact that the foreign ore contains more of the oxide. Now, what we ask for is no discrimination against Lake Superior ore. In this connection I desire to read some extracts from a printed circular signed by J. C. Hoadley, (who appears to have examined into the matter,) showing the amount of copper used in this country, and some valuable suggestions in relation to the tariff on copper:

BALTIMORE, March 26, 1866.

Sir: I avail myself of your permission to state as concisely as possible my views of the legislation required to secure and promote the interests of the whole copper trade, including mining, smelting, manufacturing, and reworking in the arts.

1. The supply of copper from the native copper and native ores has hitherto been less than the consumption in the arts, and the deficit has been made up partly by the importation of refined copper, but chiefly by the importation of foreign copper ores.

2. The production of copper from our own mines is now sufficient to supply the American market with all it can absorb; but on account of the necessity of mixing copper ores of various kinds for profitable smelting, part of the ores of California are exported to England, and their place is supplied by about an equal quantity from Chili.

3. The preceding facts are shown in a more exact form in the subjoined statement:

Annual consumption of copper in the United States, usually estimated at..... 25,000,000 lbs.

Amount of product of the mines of the Lake Superior region, twelve or fifteen million pounds, say..... 12,000,000 lbs.

Product of the mines of California, in fine copper..... 10,000,000

Product of Vermont, Maryland, Virginia, North Carolina, and Tennessee, estimated at..... 3,000,000

25,000,000 lbs.

Of the product of California there was exported, in fine copper..... 4,000,000 lbs.

Brought to the Atlantic sea-board to be smelted..... 6,000,000

Total, as before..... 10,000,000 lbs.

Ores imported from Chili, in fine copper, about..... 3,600,000 lbs.

From Canada and Cuba, about..... 400,000

Total, equal to export from California, 4,000,000 lbs.

4. The price of fine copper in the markets of the world and in the currency of commerce (gold) is immediately dependent upon the price in England, since that country is the only one in the world where

ores are imported and smelted for a profit. Her imports of copper are nearly equal to five times our entire consumption, and the products of her smelting furnaces are probably equal to one half of the production in the round world.

5. While we were importers of refined copper, its price in our market was almost always, and still is, about the cost of importation from England; that is, the price in sterling money reduced to United States currency, plus the import duty, two and a half cents per pound in gold, and the cost of importation, freight, and charges, commissions, insurance, loss of interest, &c., amounting to one cent per pound in coin, the whole amounting to three and a half cents in gold, equal to about four and a half cents in United States currency at the present time.

6. When we become a copper exporting country, the price here will fall to the English price less the cost of exportation to England, equal to one cent in coin, or about one and a quarter cent in United States currency, at present. The difference between the import price and the export price is, therefore, about four and a half cents in gold, equal to, say, five and three quarter cents in currency. As there must be hope of profit to turn the scale, this difference, is in fact, not less than five cents in gold, equal to six and a quarter cents in currency, and about twenty per cent. of the current price of ingot copper.

7. The production of copper in the United States is rapidly increasing; for although some of the Lake Superior mines produce less, or run out altogether, other mines are opened, so that that important interest retains its relative rank, as the source of about one half of our supply of copper; and the rapid development of the mines of California, together with the aggregate results of new mining enterprises in other States, has already brought our supply up to our consumption, and will soon carry it beyond, unless our consumption largely increases.

8. The consumption of copper depends mainly on price. For so many purposes other metals, such as sheet iron, tinned iron, galvanized iron, zinc, and lead may be substituted where copper is preferred, that with copper a high price means small consumption.

9. Almost the whole quantity consumed, both as sheet copper and yellow metal, in the sheathing of ships, will be transferred from American to English manufacturers unless the revenue laws be changed so as to relieve those articles of all burdensome taxation, by a drawback equal to the entire enhancement of the price of said articles by import duties and excise taxes, since ship-owners can as well sheathe their ships in one port as in another. This is about one third of our whole annual consumption. * * *

11. To compensate the mining and smelting interest for this high excise tax there must of course be a corresponding import duty on refined copper; and such duty should be sufficient to compensate them for the whole burden of taxes on fuel, &c.

12. In view of the rapid approach of the time when we shall have to seek a market abroad for our copper, I do not regard a duty, even a heavy duty, on copper in pigs, bars, and ingots as a real burden upon the manufacturer and consumer. While, in my judgment, the present duty of two and a half cents per pound in gold is about right, I can see no good objection to raising it to five cents, if the Lake Superior mining interest deem it important for their protection; and if the excise tax on their products be increased the import duty should clearly be increased in proportion.

13. But in any event the small quantity of foreign ores required to mix with our native ores (and no other foreign ores can be imported) should be admitted free, or with only a nominal duty.

14. If, in accordance with the views of the Lake Superior mining interest, the import duty on refined copper be increased, then the drawback on copper and yellow metal sheathing should be proportionately increased, since the consumers of these articles are not amenable to import duties, and any tax on the materials or manufacture merely drives the business out of the country.

Begging pardon for the crudeness and diffuseness with which these views are presented, but with an earnest desire that the importance of the views themselves should be fully realized,

I remain, very respectfully, yours, &c.,

J. C. HOADLEY,

Agent of the New Bedford Copper Company.

Hon. DANIEL A. WELLS,

Chairman of the United States Revenue Commission.

It will be seen from this that it is recommended by this gentleman that the small quantity of foreign ore required for mixing with our native ore should be admitted free. I believe, Mr. Chairman, the effect of this will be not only to build up a great manufacturing copper interest in the country, but necessarily to use ten times the amount of native copper, and thus to develop that interest. You cannot expect to find a market for your copper in foreign countries, and it appears to me the best way to develop that interest is to foster and increase your copper manufactures. If you close your manufactures less copper will be used and less mined, and, as is shown in the paper I have read, the use of foreign copper in the smelting of our native ore is not disadvantageous to the increased use of the latter.

Mr. MORRILL. I move that the commit-

tee rise for the purpose of terminating debate upon this section.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. SCOFIELD reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration bill of the House No. 718, to provide increased revenue from imports, and for other purposes, and had come to no resolution thereon.

CLOSE OF DEBATE.

Mr. MORRILL. I move that when the House resumes the consideration of the special order, the tariff bill, all debate on the pending section shall be terminated in five minutes.

The motion was agreed to.

TARIFF BILL—AGAIN.

Mr. MORRILL. I move that the rules be suspended and the House resolve itself into Committee of the Whole on the state of the Union on the special order.

The motion was agreed to.

So the rules were suspended; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. SCOFIELD in the chair,) and resumed the consideration of the special order, being bill of the House No. 718, to provide increased revenue from imports, and for other purposes, the pending question being upon Mr. J. L. THOMAS's amendment.

Mr. MORRILL. There is no doubt but what the copper interest of this country is languishing for the want of labor at such prices as will enable the miners to conduct their business without loss; but I believe that when this bill shall have passed, those who are engaged in using foreign copper ore will be as well off as they have been heretofore. For it will be noticed by the committee that we have increased the rate on copper ingots, pigs, and bars two and a half cents per pound, so that the rate, if this bill passes, will be, on copper five cents per pound, and on copper ore the rate is raised from five to fifteen per cent. *ad valorem*. It will not alter the relative position very much, and I hope therefore that no change in the bill will be allowed.

Mr. HIGBY. I have understood from the gentleman from Maryland last on the floor, [Mr. J. L. THOMAS,] that those whom he represents are ready, on a question of tariff, to sustain Massachusetts and Pennsylvania, one manufacturing cloth and the other iron. I hope the gentleman will bear in mind that while Pennsylvania manufactures iron she uses the raw material produced in the State; that while Massachusetts and other New England States manufacture cloth they manufacture it from wool raised in those States; and that there is a tariff on those various articles of raw material. I will say to gentlemen—for I have heard no complaint that they cannot get enough of the native ore—that my own State is largely interested in this question of copper ore. I believe that the delegation from California is steadily voting for a tariff; yet most of the manufactured articles that we use in that State come from the eastern States. We are ready to sustain the establishments of those States, because we think it for the interest of the country to do so. We shall ask in return that the Representatives of those States will aid us in procuring a suitable tariff upon the copper ore, in which we are largely interested. We guaranty that we can supply all those establishments with the raw material for their manufactures of copper. We desire that the raw material which we produce shall be protected just as the raw materials of iron and wool are protected.

The question being taken on the amendment of Mr. J. L. THOMAS, it was not agreed to, there being—ayes 23, noes 67.

The Clerk read as follows:

On copper in pigs, ingots, or bars, five cents per pound; on copper sheathing for vessels, and yellow metal sheathing, six cents per pound; on old copper, three cents per pound; on copper in plates, rods, pipes, and copper bottoms, and all other manufac-

tures of copper, or of which copper shall be a component material of chief value, not otherwise herein provided for, forty per cent. *ad valorem*.

Mr. MOORHEAD. I am authorized by the Committee of Ways and Means to offer the following amendment: after the word "plates," in the paragraph just read, insert "sheets."

The amendment was agreed to.

Mr. MOORHEAD. I am also authorized by the Committee of Ways and Means to move to amend by inserting in the last line of the paragraph just read, after the word "forty," the word "five," so that the duty shall be forty-five per cent. *ad valorem*.

The amendment was agreed to.

Mr. ROGERS. I move to amend by inserting after the paragraph which has just been read the following:

On copper and brass wire-cloth of a texture finer than thirty-six wires to the running inch, fifty-five per cent. *ad valorem*.

Mr. MORRILL. I believe that the gentleman from New Jersey [Mr. ROGERS] is right for once. [Laughter.] I do not know but that fifty per cent. would be high enough. However, I raise no objection.

The amendment was agreed to.

Mr. JOHNSON. I would suggest an amendment, to add this proviso to the pending paragraph:

Provided, That copperheads shall be admitted free of duty as heretofore.

[Laughter.]

Mr. RADFORD. I move to amend the pending paragraph by striking out the word "six," in line two hundred and twenty-eight, and inserting in lieu thereof the words "three and a half," so that the clause will read, "on copper sheathing for vessels, and yellow metal sheathing, three and a half cents per pound." My reason for offering this amendment is that, at the present time the tariff on this article of sheathing is so high that in most cases our large vessels built in this country go to Europe for the purpose of being coppered, saving thereby a very large expense. This has been the case with the duty at three and a half cents. The Committee of Ways and Means now propose to increase the duty to six cents. I assure members that if they adopt this proposition they will make a great mistake. Our vessels will still go to Europe, and in increased number, for the purpose of being coppered.

Mr. MORRILL. As we have increased the duty on the raw material of copper to five cents per pound, it would be manifestly improper that copper sheathing should be admitted at a lower rate. I hope, therefore, that the amendment will not prevail.

The amendment was not agreed to.

Mr. DEMING. I ask the unanimous consent of the House to go back and make a correction in the amendment moved on Saturday by the gentleman from Massachusetts, [Mr. DAWES.]

There was no objection.

Mr. DEMING. I move to strike out "drawers" and insert "chest-handles;" so that it will read, "on chest, drawer, till, cupboard, and wardrobe locks of every description, and on door and shutter bolts, and wrought-iron chest-handles, twelve cents per dozen, and, in addition thereto, forty-five per cent. *ad valorem*."

The amendment was agreed to.

The Clerk read as follows:

On brass in pigs and bars, thirty per cent. *ad valorem*; on brass in plates, sheets, or wire, thirty-five per cent. *ad valorem*; on brass, old and only fit to be remanufactured, fifteen per cent. *ad valorem*; on all manufactures or articles of brass, or of which brass shall be a component material of chief value, not otherwise herein provided for, forty per cent. *ad valorem*.

Mr. O'NEILL. Mr. Chairman, a few minutes before we adjourned, Saturday, I made a motion to amend in the two hundred and sixth and two hundred and seventh lines, but by some misapprehension or inadvertence it was supposed that I had made a motion to go back to these lines. I now ask to amend by striking out of these lines "fifty per cent." and inserting "sixty per cent. *ad valorem*;" so as to

read, "on all harness and saddlery hardware, sixty per cent. *ad valorem*."

There was no objection.

Mr. O'NEILL. Mr. Chairman, this increase is asked for by most of the manufacturers of saddlery hardware, who find it difficult, with the high premium on gold and the legitimately advanced rate of wages, to compete with the foreign manufacturer. The capital invested amounts to many millions of dollars in the States of New Jersey, New York, and Connecticut; and in the State of Pennsylvania it is also an important interest. The factories in many places are quiet, the operatives idle, and the effect of the present comparatively low rate of duty is very disastrous. I am informed that foreign goods of this kind are now sold at much less than those of American make, that on many articles of saddlery hardware the prices of the foreign are from twenty to thirty per cent. less than the American. This should not be so, and we should seek to keep down the competition by which our home-made goods are so much depressed. An increase of ten per cent. over the amount recommended by the Committee of Ways and Means is all that would be required to put the factories again at work and to keep employed hundreds who are now waiting anxiously the action of Congress. I hope the chairman of the committee [Mr. MORRILL] will not oppose this amendment, but will agree with me that it should be adopted.

Mr. MORRILL. I am sorry to differ from my honorable friend from Philadelphia, but it is my belief that the increase recommended by the Committee of Ways and Means is ample. Harness and saddlery hardware requires less protection than almost any other article of hardware, for the reason that that made by the American manufacturers is most sought after and will be taken even when the foreign article is offered at a less price. The quality of American goods is not only better but the style is far more beautiful. Take the article of buckles. The American manufacturers have more ingenuity in their manufacture than the foreign manufacturers. The latter make one at a time while the Americans turn out a dozen at once.

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. WILSON, of Iowa. I ask why it is that the manufacturers of saddles and harness use a greater proportion of American hardware than of foreign hardware.

Mr. O'NEILL. With the consent of the committee I will answer the gentleman's question. I would be glad to go into a full discussion of the matter, and am satisfied I could show the injustice of the present proceeding. Conceding all that the gentleman says, that the American manufacturers of harness and saddlery use American hardware, I tell him that under the unjust policy pursued in this bill toward the manufacturers of that hardware the American manufacturers will be undersold in our own markets by the British article, and hereafter instead of American harness and saddlery hardware being used in this country we will have that imported from foreign countries in favor of which the present duty undoubtedly discriminates.

The CHAIRMAN. Debate is not in order. The amendment was disagreed to.

The Clerk read as follows:

On lead in pigs or bars, three cents per pound.

Mr. RICE, of Massachusetts. I move to strike out "three" and insert "two." From the information that I have, I am inclined to think that the duty proposed by the Committee of Ways and Means is too high. The duty now is two cents per pound, and I doubt very much whether the Committee of Ways and Means have carried out their own intention in the provisions they have reported in relation to lead.

Mr. WILSON, of Iowa. I am somewhat surprised at the motion made by the gentleman from Massachusetts, [Mr. RICE.] I have understood the argument of those in favor of this bill to be that the higher the duty placed upon

a given article introduced into this country the cheaper will the article be furnished to the consumer.

Mr. MOORHEAD. I would ask the gentleman where he got that idea.

Mr. WILSON, of Iowa. I obtained part of the idea from the gentleman from Pennsylvania, [Mr. MOORHEAD.]

Mr. MOORHEAD. I never advocated any such idea.

Mr. WILSON, of Iowa. I certainly understood the gentleman the other day to say that certain articles that had had a high duty imposed upon them had decreased in price.

Mr. MOORHEAD. I demonstrated that while the duty on steel had been regularly advanced, steel manufactures were now furnished more cheaply to the consumer than for twenty years before.

Mr. WILSON, of Iowa. That is holding out the idea that the greater the duty the cheaper the article. Now, if the amendment of the gentleman from Massachusetts [Mr. RICE] had been to increase the duty one per cent., instead of decreasing it, I could have understood its appropriateness to the argument of the friends of this bill.

Mr. RICE, of Massachusetts. Will the gentleman yield to me for a moment?

Mr. WILSON, of Iowa. I will.

Mr. RICE, of Massachusetts. I would say in reply to the gentleman from Iowa [Mr. WILSON] that I am certainly in favor of imposing so much duty as may be necessary to give fair protection to all our manufactures. But I am not in favor of imposing upon any article of raw material a duty so excessive as to be a great deal more than what is necessary for revenue and protection. I might reply to the gentleman from Iowa [Mr. WILSON] by asking him whether he is prepared to put so large a duty upon the raw material as shall render necessary a corresponding duty on the manufactured article, in both cases being more than is necessary for revenue and protection, and therefore making the cost of the manufactured article greater to the consumer than is necessary.

Mr. WILSON, of Iowa. If it will have the result which has been presented to this House as the one necessarily following that action, I should be in favor of it. Here is my friend from Missouri, [Mr. HOGAN], a member of the Committee of Ways and Means, representing a district of that State where a great deal of lead is produced. My colleague near me, [Mr. ALLISON], from my own State, represents a district where a great deal of lead is produced. And so it is with the gentleman from Wisconsin, [Mr. COBB]. I suppose that as a matter of course they will be opposed to this amendment of the gentleman from Massachusetts, [Mr. RICE], because they are in favor of furnishing lead to the people of this country at a cheaper rate than they now do; that is, they will oppose lessening the duty so as to cheapen the cost of the manufactured.

Mr. COBB. I move to amend the amendment by striking out "two and a half" and inserting "four," so as to make the duty four cents a pound. I confess that I am very considerably surprised, as well as the gentleman from Iowa, [Mr. WILSON], at the proposition of the gentleman from Massachusetts [Mr. RICE] to reduce the proposed duty on lead. I have the honor to represent perhaps the largest lead-producing district in the United States; at least we think so there. And hence my attention has been called somewhat particularly to this subject. And I was somewhat disappointed and surprised at the report of the committee in doubling the duty upon copper as fixed by the tariff bill of 1864, and in raising the duty on lead only to the extent they did.

Sir, the production of lead in this country has fallen off immensely within the last fifteen or twenty years. The lead which was supplied to the market up to within fifteen or twenty years ago, was produced from surface diggings, produced easily, mined without the appliances of machinery, and at a very trifling cost. But

now, throughout the northwestern lead-mining district, represented by the gentleman from Iowa, [Mr. ALLISON], the gentleman from Illinois, [Mr. WASHBURN], and myself, the surface mines have been exhausted. And the production has fallen off until I think I speak within bounds when I say that we do not now produce more than twenty per cent. of the amount that we produced twenty years ago, and the cost to those who produce it is three times as much as it was before. There is no metal in commerce, with perhaps a single exception, that costs so much to produce it in proportion to the price at which it sells as lead. To the people engaged in its production it does not pay five per cent. upon the capital and labor employed; and its production becomes more difficult day by day and year by year. Now, while the people of my district will sustain—I hope they will at least—a high tariff, so that it be reasonable and equal on the results of the industry of the different parts of the country, I shall be loth to say to them that while I have voted for an increased tariff on manufactured articles, while I have gone with New England in this measure which is called the peculiar measure of New England, while I have turned my back upon the suggestion so often made in my country to leave that favored spot out in the cold, the men from New England have been the first to get up on this floor and oppose the small measure of protection that is offered us.

[Here the hammer fell.]

Mr. MORRILL. I move that the committee rise for the purpose of closing debate.

Mr. HOGAN. I hope the gentleman will not make that motion just yet.

Mr. MORRILL. I will leave time enough for the gentleman from Missouri [Mr. HOGAN] to be heard after we shall have gone into committee again.

The motion that the committee rise was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. SCOFIELD reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, and particularly the special order, being bill of the House No. 718, to provide increased revenue from imports, and for other purposes, and had come to no resolution thereon.

ASSAULT UPON A MEMBER.

Mr. SPALDING. I rise to a privileged question. I am instructed by the select committee on the violation of the privileges of members of this House to submit a report, with accompanying resolutions, which, together with the testimony taken by that committee, I move be laid on the table and printed.

Mr. ANCONA. I ask that the resolutions accompanying the report be read.

Mr. WILSON, of Iowa. I rise to a question of order. I wish to give notice, and if necessary to reserve the point now, that upon one of the resolutions accompanying this report I shall raise a point of order as to the jurisdiction of the committee.

Mr. THAYER. I make the point of order that that is not now a point of order.

The SPEAKER. The gentleman has the right to give notice of a point of order which he proposes to raise when the subject shall be brought before the House for its action.

Mr. WENTWORTH. Let the resolutions be read.

The resolutions were read, as follows:

Resolved, That Hon. LOVELL H. ROUSSEAU, a Representative from the State of Kentucky, for committing an assault upon the person of Hon. J. B. GRINNELL, a Representative from the State of Iowa, for words spoken in debate, has justly forfeited his privileges as a member of this House, and is hereby expelled.

Resolved, That the personal reflections made by Mr. GRINNELL, a Representative from the State of Iowa, in presence of the House, upon the character of Mr. ROUSSEAU, a Representative from the State of Kentucky, were in violation of the rules regulating debate and the privileges of members founded thereon, and merit the disapproval of the House.

Resolved, That Charles T. Pennibaeker, of Kentucky, L. B. Snigsby, of Kentucky, and John S. McGrew, of Ohio, by their presence and participation

in a premeditated personal assault between Hon. Mr. ROUSSEAU, of Kentucky, and Hon. Mr. GRINNELL, of Iowa, on account of words spoken in debate, in which the persons if not the lives of members of this House were imperiled, were guilty of a violation of its privileges; and they are hereby ordered to be brought to the bar of this House to answer for their contempt of its privileges.

Mr. WILSON, of Iowa. I do not desire to delay the House at this time by having this question disposed of at this time. But in relation to the second resolution, I suggest that under Rule 62 of this House, it is too late to raise the question there raised against my colleague, [Mr. GRINNELL.] I do not make the point now for the purpose of bringing up the question for discussion at the present time; but I do not wish to waive my right to raise the point when the report shall come before the House for action.

The SPEAKER. Does the gentleman make the point to be decided now by the Chair?

Mr. WILSON, of Iowa. No, sir. I only desire to have the point reserved, not to delay the House at the present time, but in order that I may not be precluded from making it at the proper time.

Mr. J. L. THOMAS. I ask that the report be read.

Mr. RAYMOND. I rise to present the report of the minority of the committee. The committee, I may remark, were unanimous upon all but one resolution. The minority report proposes a substitute for the first resolution of the majority.

The SPEAKER. The Clerk will read the substitute proposed by the minority of the committee for the first resolution.

The Clerk read as follows:

Resolved, That Hon. LOVELL H. ROUSSEAU be summoned to the bar of the House and be there publicly reprimanded by the Speaker for a violation of the rights and privileges of the House, of which he was guilty in the personal assault committed by him upon Hon. J. B. GRINNELL for words spoken in debate.

Mr. LE BLOND. I understand from the remarks of the gentleman from Iowa that the question he reserves relates to the resolution censuring his colleague, [Mr. GRINNELL,] and is in the nature of an objection to the jurisdiction of the committee. I would suggest to the gentleman that he should make his reservation large enough to apply to the other gentlemen referred to in the resolutions; for it does seem to me that, if this committee have no jurisdiction in the case of his colleague, they have none in the case of the other gentlemen.

Mr. WILSON, of Iowa. With the permission of the House, I will ask that the rule be read.

Mr. MORRILL. I submit, Mr. Speaker, that this debate is not in order.

The SPEAKER. The gentleman from Maryland [Mr. J. L. THOMAS] has demanded the reading of the entire report. If he insists on the demand the Clerk must read it.

Several MEMBERS. Let it be read.

Mr. MORRILL. I hope the report will not be read.

Mr. JOHNSON. If the report be read, I will ask for the reading of the testimony.

Mr. J. L. THOMAS. I withdraw my demand for the reading of the report.

Mr. RANDALL, of Pennsylvania. I call for the reading of the report. We may as well have it read now as at any other time.

Mr. JOHNSON. Then I shall have to demand the reading of the testimony.

The SPEAKER. The Chair will rule in regard to the reading of the testimony when that point comes up. The report will be read.

Mr. NIBLACK. I beg to call attention to the fact that the gentleman from Kentucky [Mr. ROUSSEAU] is not now in his seat; and I hope that no further proceedings in reference to this matter will be taken in his absence.

Mr. MOORHEAD. I trust that my colleague [Mr. RANDALL] will withdraw his call for the reading of the report, and let us go on with the tariff bill. The report can be printed.

Mr. JOHNSON. I desire to inquire of the gentleman from Ohio, [Mr. SPALDING,] who has charge of this matter, when he proposes

to call up the question for the action of the House.

Mr. SPALDING. Whenever it will suit the convenience of the House after the report shall have been printed.

The Clerk began the reading of the report, but was interrupted by

Mr. HALE, who said: I move that the further reading of the report be dispensed with.

The SPEAKER. The gentleman from Pennsylvania has the right to demand that a report upon which he is required to vote shall be read. The only way in which the gentleman from New York [Mr. HALE] can accomplish his purpose is, this being Monday, to move a suspension of the rule which entitles a member to demand the reading of the document.

Mr. HALE. I make that motion.

Mr. ELDRIDGE. Is it not too late to make that motion, the reading of the report having been commenced?

The SPEAKER. It is not too late.

Mr. RAYMOND. I suggest that, besides this report, there is a good deal of testimony that ought to be printed and examined before any action shall be taken on this subject. I think the object we all have in view will be better attained by waiving the further consideration of this subject until we can have both reports as well as the testimony printed and laid on our desks.

Mr. HALE. Let me add one word. The controlling reason is that the gentleman from Kentucky is not now in his seat.

Mr. RANDALL, of Pennsylvania. I desire to state to the House my object in asking for the reading of the report. It is simply this: that we may hear it read and hear the testimony which has been taken, so that members may reflect upon it to-night and be prepared to-morrow calmly to vote on the subject. I therefore insist on the reading of the report.

Mr. WENTWORTH. I rise to a point of order. I make the point that the Clerk having begun the reading of the report in execution of the order of the House, no member has a right to interrupt it until the reading has been concluded.

The SPEAKER. The Chair overrules the point of order. It has been the uniform usage to interrupt the reading of a paper when the question has been raised to decide whether the reading should be concluded or not. This being Monday, of course a motion to suspend the rules is in order, and that motion is now pending. The Clerk will read from page 162 of Barclay's Digest.

The Clerk read as follows:

"Where papers are laid before the House or referred to a committee, every member has a right to have them once read at the table before he can be compelled to vote on them; and this applies to the reading of papers on a motion to refer them. And so in regard to any proposition submitted for a vote of the House, but it being a right derived from the rules, he may at any time (when a motion to suspend the rules is in order) be deprived of it by a suspension of the rules, even after the main question is ordered to be put."

The question recurred on Mr. HALE's motion to suspend the rules.

The House divided, and there were—ayes 87, noes 28.

So the rules were suspended and the further reading of the report was also suspended.

The majority and minority reports were then laid upon the table and ordered to be printed.

ENROLLED BILLS.

Mr. TROWBRIDGE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 56) granting a pension to Mary C. Hamilton;

An act (S. No. 215) concerning certain lands granted to the State of Nevada;

An act (S. No. 299) granting a pension to Jane E. Miles;

An act (S. No. 314) for the relief of Sarah J. Purcell; and

An act (S. No. 368) granting a pension to Mrs. Margaret A. Farran.

TARIFF—AGAIN.

Mr. MORRILL. I move that all further debate on the pending paragraphs in Committee of the Whole on the state of the Union in reference to lead be terminated in five minutes, to give the gentleman from Missouri an opportunity to be heard.

The motion was agreed to.

Mr. ROSS. Is it in order to move to postpone the further consideration of the tariff bill?

The SPEAKER. It is not, as the bill is not before the House, but in the Committee of the Whole on the state of the Union.

Mr. MORRILL. I move that the rules be suspended, and the House resolve itself into the Committee of the Whole on the state of the Union on the special order.

The motion was agreed to.

So the rules were suspended; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. SCOFIELD in the chair,) and resumed the consideration of the special order, being a bill of the House (No. 718) to provide increased revenue from imports, and for other purposes.

Mr. HOGAN. Mr. Chairman, this is a question of very considerable importance to the House and the country. We are now large importers of lead into this country, and have been during the war, while at the same time we have had the most abundant supply in our own country. We have a more abundant supply in this country than perhaps almost any other country in the world; but we have been unable heretofore to supply ourselves with lead, because of the cheaper rate at which it could be introduced from abroad.

This tariff proposes to raise the duty one cent per pound on pig lead. This is a benefit exclusively to the laborer. The miner only gets the advantage. The price of pig lead regulates the value of the ore. We should not introduce foreign lead and be dependent on it as we have been for the last four years in order to carry on our war. The ore can be produced in this country if the laborer gets sufficient protection in the price of lead. The price of lead now throughout the world is higher than it has been heretofore, but this tariff only proposes advancing the rate of duty on pig lead one cent per pound. I hope the committee will agree to do it. It is a boon given to the miner, and I am opposed to any reduction.

[Here the hammer fell.]

The question being taken upon the amendment to the amendment, to strike out "two and a half" and insert "four," it was not agreed to.

The question recurring on the amendment of Mr. RICE, of Massachusetts, to strike out "three" and insert "two and a half," the gentleman withdrew it.

The Clerk read as follows:

On lead ore, two and a half cents per pound.

On old scrap lead, fit only to be remanufactured, two cents per pound.

On lead in sheets, pipes, or shot, three and a half cents per pound.

Mr. BEAMAN. I move to insert after the last paragraph the words "on copper, regulus of, twenty per cent. *ad valorem*."

The CHAIRMAN. All debate is closed on the subject of lead, and the Chair is therefore of opinion that this amendment is not in order as coming under this head.

Mr. BEAMAN. I would inquire of the chairman of the committee whether "regulus" is covered in any part of this bill.

Mr. MORRILL. It is not; and I suppose it is proper that this amendment should be introduced.

Mr. BEAMAN. It is evidently a different article from ore and has received increased value. I think, therefore, that twenty per cent. is the proper rate to put upon it, as it is fifteen per cent. on the ore.

The amendment was agreed to.

At the suggestion of Mr. MOOREHEAD the foregoing amendment was transposed so as to come in after the paragraph in relation to copper ore.

Mr. COBB. I move to amend the paragraph in relation to "lead in sheets, pipes, and shot," by striking out "three and a half cents" and inserting "four and a half cents."

The amendment was agreed to.

The Clerk read as follows:

On zinc, spelter, or teutenague, in blocks or pigs, two and a half cents per pound.

Mr. COBB. I move to strike out "two and a half cents" and insert "four cents." The manufacture of metallic zinc is an interest quite in its infancy in this country, and it is one which, in my estimation, requires more protection than any other of the mining or metallic interests of the country. It is one in which labor and capital enter more largely in proportion to its value than any of the other mineral productions of the country. Previous to 1860, so far as my information goes, there was little or none produced in the United States; all was brought from Germany and some other European countries. Now, there are zinc-works in five or six different States—Wisconsin, Illinois, Pennsylvania, New Jersey, and Massachusetts. But the production of zinc has never yet been remunerative in any of those States. While we produce zinc ore in greatest abundance and of the very best quality, yet we have never been able to manufacture it to advantage, in consequence of the intricate and complicated character of the machinery and processes by which the zinc is separated from the ore. It is not smelted like other ores, but is produced by a system of distillation or sublimation, which requires extensive and costly patented machinery and processes. I have some statistics here which if the time allowed I would like to read.

Mr. MORRILL. I hope the amendment will not be adopted. It will be necessary to go through the bill and make several other alterations if it is adopted. The amount we have provided is, I think, sufficient, and ought not to be changed.

Mr. COBB. We can make the other changes without much trouble.

The amendment was not agreed to.

The Clerk read as follows:

On zinc, spelter, or teutenague in sheets, four cents per pound.

On oxide of zinc, dry or ground in oil, three cents per pound.

On all manufactures of zinc, not herein otherwise provided for, forty per cent. *ad valorem*.
On candle or cannel coal, and on all bituminous coal mined and imported from any port or place thirty degrees of longitude east of Washington, \$1 50 per ton of twenty-eight bushels, eighty pounds to the bushel; on all bituminous coal mined and imported from any place not more than thirty degrees of longitude east of Washington, fifty cents per ton of twenty-eight bushels, eighty pounds to the bushel; on anthracite, and all other coal not herein otherwise provided for, \$1 50 per ton of twenty-eight bushels, eighty pounds to the bushel; on coke and culm of coal, twenty-five per cent. *ad valorem*.

Mr. F. THOMAS. Mr. Chairman, I move to strike out from the paragraph just read the words, where they first occur, "thirty degrees of longitude east from Washington," and also the words, "on all bituminous coal mined and imported from any place not more than thirty degrees of longitude east of Washington, fifty cents per ton of twenty-eight bushels, eighty pounds to the bushel." The House will remember that early in the present session we had before us a bill which was intended to take the place, so far as this article was concerned, of the expiring reciprocity treaty. And it will be remembered, too, on that occasion that a proposition, having the same object in view I now have, was then submitted by myself, and after the subject was so far discussed as the rules of this House will permit, and upon examination of the bill in detail, the chairman of the Committee on Appropriations moved to strike out the enacting clause of the bill, and a large majority ratified that motion. Under these circumstances I must be permitted to express a little surprise that such a proposition as this, to which I propose to address a few remarks, should have been again submitted to the present Congress. And I must still more express my surprise, with all respect,* that the

chairman of the Committee of Ways and Means did not think proper, in the very elaborate analysis in which he indulged of the entire bill, to turn the attention of the committee to this peculiar anomaly and justify its introduction into such a measure. I can only account for it by the belief that if a few sentences had been interpolated in that speech in vindication of the policy looked to in this provision, there would have been the most palpable, obvious, direct antagonism between those sentences and the entire theory of the speech itself.

The chairman of the committee very ably vindicated the protective policy of the country, and for that he has my most decided thanks. For no man in his public capacity has ever been truer than I to the belief that the Government of the United States has that power, which has sometimes been contested, of protecting domestic industry from injurious foreign competition; nor has any man in his public life been truer than I to practicing up to that precept. What I complain of now is this: that for some occult, sinister purpose in their advisers, the Committee of Ways and Means have permitted themselves to be prevailed upon to incorporate in this bill a provision directly in antagonism with the whole policy for which the chairman himself contends with such distinguished zeal and ability. Upon what is the policy of protection founded? In what idea? That it is wise foresight in the Government to levy duties upon such products of industry as may become necessary to our independence as a nation, with a view to the encouragement of capital and labor to embark in such pursuits; that in the event of a contingency that often happens in this condition of civilization, namely, war, we may be proudly independent of every nation on the globe, having within our jurisdiction all the means of self-preservation and self-protection, and of subduing the enemy with whom we may come in conflict.

That policy was inaugurated fifty years ago. It has been adhered continuously to ever since; it has never been departed from. And, sir, I know not an instance in the history of the Government—and I have watched its progress for forty years of my life with earnestness—I know not an instance where such enormous protection, ay, such prohibitory protection, has been incorporated in a tariff bill as that which is spread all over the face of this measure, until you come to the very item that I now propose to rectify in this regard. I need not point to instances of these high duties. Gentlemen have all read this bill; duties from one hundred to one hundred and fifty per cent. on iron, and on woolen and cotton cloths. Very few items that are largely manufactured in those sections of the country from whence a majority of this committee come are to be found that have not a duty of over fifty per cent. *ad valorem*.

I do not complain of their policy. I desire to move in that column, for I am one of those who believe that whatever might have been originally the wisdom, patriotism, and propriety of embarking in this system of protection, we have waded in so far that it would be harder to return now than go on. And if gentlemen have had speculative opinions about the wisdom of such a policy, I hold that the experience of this country during the late war, that the logic of facts and events, must eradicate every doubt in an American mind that such policy was wise and patriotic and indispensable to this Government. We have been able to command the means for prosecuting the war in our own jurisdiction, when all the crowned heads of Europe, with perhaps a single exception, were against us during the late conflict. And but for the existence of our domestic manufactures is it not easy to be seen that our attempt to vindicate the authority of the Government must have been a signal failure?

Now, why is the coal interest, a domestic industry to which I have referred, neglected in this bill? It is not allowed under the pro-

posed tariff even a revenue duty. This bill proposes to impose a duty of \$1 50 per ton upon coal that has to cross the ocean. But they have very adroitly incorporated novelties in this bill such as I think are not to be found in any other tariff law that has ever been upon our statute-books. They have very adroitly run a certain line, and you must have some geographical knowledge to know for what special purpose that line was established. They have said that coal brought here from this side of a certain line of longitude shall pay a duty of only fifty cents a ton. Why not say in plain words, just what that means, that coal brought from the coal mines of Nova Scotia, owned in part by speculators of the United States, shall come in at a duty of fifty cents per ton, at a duty less than we impose now for revenues? I say that is not even a revenue duty. Let gentlemen look at the tariff of 1864 which we passed. In that tariff, in almost every instance, the duties for protection were not less than forty per cent. *ad valorem*. Duties for revenue in the same tariff are high. The duties in that bill are from three to fifteen cents per pound on sugar; five cents per pound upon coffee, &c. Those duties, levied chiefly with a view to revenue, not one of them was so small an *ad valorem* duty as this which is proposed on coal imported from the coal mines of Nova Scotia.

I have taken pains to inform myself before I undertake to speak confidently upon this subject. I have taken the pains to ascertain the market value of a ton of this Nova Scotia coal at the custom-houses where it is delivered. And I say that this proposed tariff does not impose a duty of more than ten per cent. *ad valorem* on that value. And let gentlemen look over this tariff and find a similar duty levied upon many articles even for revenue alone. Why is this? Why not speak out before Congress that which we speak privately? At the time this matter was discussed before, I had read at the Clerk's table an extract from a Nova Scotia newspaper, which was published in our debates, going to show that in the disturbed state of the coal interests in this country, of which I shall presently speak so far as I am personally informed, a number of capitalists in the North, in Boston and New York, had invested their money in these Nova Scotia coal mines, having obtained leases upon the acre. I had also read by the Clerk in another paper a report of a commission appointed in Nova Scotia to examine into the condition and progress of the coal mining in that Province, going to show that these capitalists had divided fifty per cent., one hundred per cent., even one hundred and fifty-five per cent., upon their investments.

That state of affairs was produced by the disturbances of the late war. I need not dwell much on that. We all know very well that the great lines of communication between the bituminous coal-fields of West Virginia and of Alleghany, Maryland, and the sea-board, both by railroad and canal, were almost entirely interrupted by the operations of the enemy. A similar state of things prevailed in the bituminous coal-fields of Pennsylvania, not from the same cause, but from the fact that a large number of the laboring population engaged in mining volunteered to go to the war.

Without looking to the diminution of the quantity brought in from the coal-fields of Pennsylvania, I can simply state that from the coal-fields in Alleghany, Maryland, the transportation on the Chesapeake and Ohio canal was reduced from three hundred thousand tons to ninety-four thousand tons per annum. The transportation since the war has again run up to three hundred and forty-six thousand tons. What was the consequence of this state of affairs? Those gentlemen who speculated in the coal mines of Nova Scotia put up the coal to twelve dollars a ton in the market, though there was nothing to prevent them selling after the war at the same price as before the war. Yet, sir, they place the price of coal at twelve dollars a ton; they could do it safely in the ab-

sence of competition. We are now engaged in a system of legislation, attempting to pass a law through Congress that will perpetuate that state of affairs and give to those lessees of Nova Scotia coal lands an opportunity to make enormous profits at the expense of a large body of our own manufacturers and to the utter ruin and annihilation of a large interest in Maryland, Pennsylvania, and West Virginia, of which I shall presently speak.

Mr. Chairman, I undertake to predict, although no prophet is required to foresee the effect, that if you pass this bill without the amendment I propose it will be almost an interdict of coal transportation on the Chesapeake and Ohio canal and the Baltimore and Ohio railroad, while it will insure the enormous profit of from forty to fifty per cent. upon the capital invested in the Nova Scotia mines.

What is my proposition? I simply propose to strike out the lines from this bill intended to secure advantages to dealers in Nova Scotia coal and to provide, so far as the importation of that coal is concerned, for the collection of the duty which is imposed by the bill upon coal coming across the ocean. If my amendment be adopted this clause of the bill will read:

On candle or cannel coal, and on all bituminous coal mined and imported from any port or place, \$1 50 per ton of twenty-eight bushels, eighty pounds to the bushel; on anthracite, and all other coal not herein otherwise provided for, \$1 50 per ton of twenty-eight bushels, eighty pounds to the bushel; on coke and culm of coal, twenty-five per cent. *ad valorem*.

I ask that all foreign bituminous coal shall be put upon the same basis. I am at a loss to conceive how we can, with any compatibility, acting in accordance with the received opinion of the objects and purposes of a tariff law for revenue or protection, adopt any other measure. Now, first, as to the effect upon the revenue if the bill be passed as now reported. Seven hundred thousand tons of bituminous coal was brought into the country in 1865. Estimating that at \$1 50 per ton, it would produce for us a revenue of \$1,050,000. Estimating it at fifty cents per ton, it would produce a revenue of \$350,000, making a loss to the public Treasury of \$700,000 a year. I am not about to maintain that the passage forthwith of this bill for the benefit of the holders of these coal lands in Nova Scotia will operate to the exclusion immediately from market of the products of the coal mines of this country. I am not about to maintain that a duty of \$1 50 per ton upon all coal from Liverpool will exclude that coal also; neither am I about to maintain that the coal operators of Pennsylvania and Maryland and Virginia cannot stagger along for some time under the operation of this bill; but I do maintain that the policy set forth in this bill looks to the exclusion of our domestic bituminous coal from market altogether. It contemplates the exclusion of the coal from Liverpool also; and it will in time, if persisted in, have the inevitable effect of annihilating the coal interest of Pennsylvania and Maryland. If this policy be pursued, instead of having only seven hundred thousand tons of coal from Nova Scotia we will have three million tons annually in place of that amount mined and sent to market from our own coal-fields.

I am notified by the chairman of the Committee of Ways and Means that my time has nearly expired.

Mr. MORRILL. I only desire to notify the gentleman from Maryland that the time he asked for has expired.

Mr. F. THOMAS. I will only state—and I hope this will not be counted out of my time—that when this bill was introduced I abstained from occupying the hour to which I was entitled, preferring to submit my remarks when the item of coal was immediately before the House. Now that we are on the subject of coal I hope I will be indulged in making the remarks which I could have made in the general discussion.

Mr. VAN HORN, of New York. I hope the gentleman will be allowed to proceed.

THE CHAIRMAN. The gentleman has six

minutes of his time left. It cannot be extended as we are acting under the orders of the House.

Mr. MARSTON. I ask that the gentleman from Maryland [Mr. F. THOMAS] shall be allowed what time he desires, if it be a full hour even.

The CHAIRMAN. The Chair understands that by general consent in the House the gentleman from Maryland [Mr. F. THOMAS] was allowed twenty or thirty minutes on this question. We are now acting under order of the House, and the committee have no power to extend the time allowed by order of the House.

Mr. MORRILL. So far as I am concerned I wish the gentleman from Maryland [Mr. F. THOMAS] to have all the time he wishes. Still, I know the committee are acting under order of the House.

Mr. F. THOMAS. As we are to travel somewhat by rule in Committee of the Whole, I move that the committee rise with a view that the House take action upon this question. And I would suggest, too, that it is very near the time when ordinarily we adjourn.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. SCOFIELD reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, and particularly the special order, being bill of the House No. 718, to provide increased revenue from imports, and for other purposes, and had come to no resolution thereon.

CLOSE OF DEBATE.

Mr. MORRILL. I desire to submit a motion now to give the gentleman from Maryland [Mr. F. THOMAS] as much additional time upon this subject, when its consideration shall again be resumed in committee, as he may desire, be that what it may.

Mr. F. THOMAS. I think a half or three quarters of an hour will be enough. I think three quarters of an hour.

Mr. MORRILL. I think I can hardly consent to allow the gentleman more than an hour's speech altogether on this subject.

The SPEAKER. The Chair is informed that the gentleman from Maryland has six minutes remaining of the time heretofore granted by the House.

Mr. MORRILL. I move that the gentleman from Maryland be allowed thirty minutes additional time, upon the subject of coal, when the consideration of the same shall again be resumed in Committee of the Whole.

Mr. COFFROTH. I move to amend that motion so as to make it forty-five minutes.

Mr. GARFIELD. We must accord as much time to the one side as to the other; and therefore I hope it will not be over thirty minutes.

The SPEAKER. The House having ordered all general debate on this bill in Committee of the Whole to be closed, it will require a suspension of the rules to permit any more than debate under the five-minute rule.

Mr. MORRILL. I move that the rules be suspended, and that when the Committee of the Whole on the state of the Union shall resume the consideration of the bill of the House No. 718, the gentleman from Maryland [Mr. F. THOMAS] shall be allowed thirty minutes in addition to the time already allowed him by the House; and that I may be allowed ten minutes to reply to him.

Mr. HARDING, of Illinois. I shall object to the rules being suspended to allow any individual members time to speak on this subject, unless I am allowed to come in also.

Mr. COFFROTH. I move to amend the motion of the gentleman from Vermont, [Mr. MORRILL,] so as to allow the gentleman from Maryland [Mr. F. THOMAS] forty-five minutes additional time.

The SPEAKER. The amendment of the gentleman from Pennsylvania [Mr. COFFROTH] is not in order upon a motion to suspend the rules.

The motion to suspend the rules was agreed to, and the order for debate made accordingly.

TARIFF BILL—AGAIN.

Mr. MORRILL. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union on the special order.

The motion was agreed to.

So the rules were suspended; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. SCOFIELD in the chair,) and resumed the consideration of the special order, being a bill of the House (No. 718) to provide increased revenue from imports, and for other purposes.

Mr. F. THOMAS. The House will do me the justice to believe that I am not ambitious to occupy their attention. Nothing but a stern sense of duty induces me to engage in a discussion of this character, for it is one entirely new to my habits of thought and speculation. That it may be seen that the interests involved here are of no ordinary character, I will commence what I now have to say by giving something like an outline of the vast interests involved in the State which I in part represent. I assume that it is hardly necessary for me to state, for the proposition is self-evident, that the coal interests of Maryland, located, as they are, nearly two hundred miles from the sea-board, cannot compete, without any duty at all, with not even a revenue duty, with the coal mines of Nova Scotia, lying within six miles of water transportation. If there be any gentleman present who wants to have a single fact that will be conclusive upon that point, he may discover it in the declaration I make, that every ton of coal transported from the Broad Top tunnels of Pennsylvania or from the Alleghany regions of Maryland to the sea-board costs not less than \$1 50 for transportation. And when it reaches the sea-board, or water transportation, either at this city or Baltimore, and I presume it will be about the same at Philadelphia, the freight to New York will be about the same, I think precisely the same, that the freight is upon coal from the mines of Nova Scotia to the same point.

With these facts in mind, gentlemen will see at once that with a duty of only fifty cents per ton on Nova Scotia coal all the coal trade of the New England States and of New York will be beyond the reach of the coal regions of Maryland, Virginia, and Pennsylvania. They will see at once that when they consider, too, the cheapness of labor in the Provinces, it will make most certain our exclusion from the coal markets of the States I have named, and we will be confined to the localities of Baltimore and Washington city and Philadelphia.

I call the attention of the House to the fact mentioned heretofore, that \$18,000,000 have been spent in making a canal to the Alleghany coal regions of Maryland, and that \$12,000,000 have been expended in making a railroad to those regions, and I may interpolate this remark into my argument: drive this coal trade from the Baltimore and Ohio railroad, deprive that road of the income derived from that source, and the entire line of road through to the Ohio river is placed in jeopardy. If the road is to lose or have very seriously diminished this coal freight, the whole cost of working the road must fall upon the freight to and from the western States, or the road must be abandoned. As it is now, and has been during one season of the year, the locomotive power of the road can be used for transporting coal; during the other portion of the year it can be used for other transportation.

And why is this attack made on this interest? Merely to put money in the pockets of a few wealthy individuals in New England and New York. Strip it of all its verbiage, and that is just what it amounts to. This Baltimore and Ohio railroad has cost Maryland and the enterprising capitalists of Baltimore \$30,000,000, and for the last thirty years it has not yielded on the average more than two and fifty-three hundredths per cent. per annum. Now, strike

down the coal trade on this road, now amounting to about five hundred thousand tons annually, and soon to yield three times that amount, and do not gentlemen perceive that they necessarily put in jeopardy the entire interests of the great valley of the Mississippi, at least so far as they are connected with this great through line, which at least has had the effect of keeping freights down to something like a moderate figure, by competing with the Pennsylvania Central railroad, and with the New York railroads? But apart from this consideration, there are fifty thousand human beings in Pennsylvania and Maryland, and Virginia alone who are dependent upon this coal trade. Let any gentleman, if he pleases, take memoranda from persons about this Hall for the purpose of contradicting my statements; I speak from authority, and no man who is truthful can contradict what I have to say. I say there are fifty thousand human beings who are dependent upon this coal interest.

In addition to the capital invested in this Maryland coal trade of which I have spoken, a railroad has been built some twenty or thirty miles in extent, in the form of a semicircle, diverging at Cumberland, and coming into the Baltimore and Ohio railroad again at Piedmont. There have been embarked in these coal mines at least \$30,000,000 of capital, much of which has been sunk, and none of it has yielded liberal returns, because of the difficulties with which these capitalists have had to contend. But give to this bituminous coal interest a reasonable protection, and its friends have no fears of the future. We know that this coal interest is one of the most growing interests that the hand of industry ever brought to light. We know that a few years ago the anthracite coal mines of Pennsylvania produced some five, ten, or fifteen thousand tons annually, while now they send to market some eleven million tons a year. There is nothing to prevent a similar magical effect upon these bituminous coal regions, unless Congress shall violently interpose, and shall give us neither the incidental protection of a revenue tariff, which is all I ask for, nor the protection, direct and positive, such as is given to the iron and manufacturing interests of the whole country.

But, sir, this question concerns not alone the individual operator engaged in these coal mines of Maryland. The faith and the credit of the whole State are embarked in these enterprises. Maryland has invested in them very largely. If you shake the credit of the State by reducing her income as a stockholder in the Baltimore and Ohio railroad, either immediately or prospectively, the State could not, in the market to-morrow, coming in competition with the other States of the Union, and especially with the General Government, raise the means to meet her obligations to her soldiers in the late war.

Mr. Chairman, is it right for the Congress of the United States to strike this violent and fatal blow at this great interest of the State of Maryland, the largest interest in that State? The coal mines of the Alleghany region are worth more than the whole superficies of the State. Is it right to take such a step at this particular time? Maryland has emancipated all her slaves. She has done it voluntarily, without dictation from any quarter. She has in this way deprived herself of seventy-four millions of property that had been resorted to as a subject of taxation. Under the new assessment law recently ordered by our Legislature, these \$74,000,000 are to be stricken out of the assessment, which to a small State is a large item.

In addition to this, sir, consider the fact that the western part of Maryland has been laid waste by the armies. A short time ago—for under the plastic hand of industry that region of country is reviving and being rebuilt—a short time since you might have taken, as I did, a position on some elevated spot of that highly cultivated country, and looking eastward and westward, northward and southward, have seen not a living animal within a range of five miles

around, not a bunch of hay, not a sheaf or stalk of grain. All had been swept away. How, and for what purpose? To feed our own armies. It has not been paid for. It has been seized and appropriated to the purposes of the Government. To this hour one technical objection after another has been interposed to the claims for reimbursement; and compensation has never been paid from the national Treasury. Millions of dollars worth of property have been appropriated for the use of the Army, and when we apply to the Government of the United States for redress, what is the reply? "The national finances are in an embarrassed condition." Yet now it is proposed to pass here a bill that will deprive us of millions of dollars in the present and in the future, and kill off the rivals of this Nova Scotia coal interest by making almost valueless great highways opened at an enormous expense between the coal-fields of Virginia, Pennsylvania, and Maryland, and the sea-board.

Sir, I very well remember—and it occurs to me just at this moment—a remark made by Mr. Webster in remonstrating against the annexation of Texas. He said that every one accustomed to self-examination and self-scrutiny discovers that there is in human nature an occult principle which incapacitates a man for taking a very lively interest in the affairs of a community situated very remote from his own locality. That remark seemed to me at the time to be not a very apt illustration of the penetration, the deep analytic power which distinguished the philosophic mind of that great statesman. I thought then, I think now, that this principle is to be traced to selfishness or self-interest. We are not as much agitated by the account of an earthquake or a conflagration involving the destruction of a whole city remote as San Francisco. We would be still less affected by the intelligence of the burning of Pekin or any large city of Asia. And why? As quick as electricity the thought flashes upon us we are too remote to be involved in the calamity. We feel self-secure, and sympathize less than we would do if the sufferers in the calamity were nearer. It is, I fear, a kindred feeling under which this new principle in our tariff policy may excite less attention than it should do, if our laws for protecting domestic industry are to be framed with too much reference to local interests. If such laws are to be framed in reference to particular latitudes and longitudes and from no other considerations, how long will it be before every just and right-minded man in the country will revolt against the entire system? Let me put a case and ask some of the advocates of this feature of the bill before us how they would act in a certain contingency. Suppose a few citizens of Maryland had crossed the line into Canada during the existence of the reciprocity treaty, and after getting into the jurisdiction of Canada had gone into the manufacture of cotton and woolen goods; and suppose when a tariff bill had been proposed as now a provision had been inserted, instead of a certain fixed duty applicable to all foreign importations, that within a certain line of latitude and longitude on the border of Canada, intended to include the Maryland manufactures, these articles should be brought in at eight per cent. *ad valorem*, would not the gentlemen who are opposed to my amendment have rebelled against such a proposition?

Suppose during the war a large number of the citizens of the United States had crossed into Canada and engaged extensively in wool-growing while the reciprocity treaty was in force, and this House in legislating concerning the importation of wool, should have under consideration a bill proposing a very small duty on wool from the locality where our citizens had located in Canada, and a reasonable protective duty on wool imported from all other foreign countries, how many wool-growers in the United States would by their Representatives on this floor sustain so ridiculous a measure? Yet I do not perceive wherein in principle these supposititious cases differ from the

proposition I propose to amend. I invite the friends of this clause of the bill to run a parallel between the cases put, and to discover any essential or vital difference in principle.

I know it has been said in this debate that it is hard to require those near the coal mines of Nova Scotia to pay a duty for the protection of the coal interest of Pennsylvania and Maryland. Would not the same argument hold good in reference to the manufacture of cotton and woolen goods? I insist that any policy that is inaugurated should be national and not sectional. If you exclude competition from abroad with the cotton and woolen interests of New England, why should you not also exclude unfair competition from abroad with the coal interests of Maryland and Pennsylvania? Why should you exclude competition with one branch of industry and not with another? I tell you, sir, that until statesmen come up upon the high platform of patriotism and cast aside all selfish considerations, until all interests are placed upon an equality before the law, and there shall be no distinction between the protection afforded to one or the other, giving to the people of each locality an equal chance to derive the local values, we will not either legislate justly or for the prosperity of the whole country.

Speaking under the permission of the House, I am reluctant to trespass any further, and thank the House for its indulgence.

Mr. MORRILL. I move that the committee rise.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. SCOTFIELD reported that the Committee of the Whole on the state of the Union, according to order, had had under consideration the bill of the House (No. 718) to provide increased revenue from imports, and for other purposes, and had come to no resolution thereon.

LEAVE OF ABSENCE.

The SPEAKER asked and obtained leave of absence until after to-morrow for Mr. McKEE.

ANNEXATION OF BRITISH AMERICA.

Mr. BANKS, by unanimous consent, submitted a bill establishing conditions for the admission of the States of Nova Scotia, New Brunswick, Canada East, and Canada West, and for the organization of territorial governments; which was read a first and second time, ordered to be printed, and referred to the Committee on Foreign Affairs.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. FORNEY, its Secretary, notifying the House that that body had passed House bill No. 555, for the relief of Charles Brewer & Co., with amendments, in which he was directed to ask the concurrence of the House.

HABEAS CORPUS.

Mr. COOK, by unanimous consent, from the Committee on the Judiciary, reported a bill amendatory of an act to amend an act entitled "An act relative to *habeas corpus* and regulating judicial proceedings in certain cases," approved May 11, 1866; which was ordered to be printed and recommitted.

Mr. ALLISON moved to reconsider the vote by which the bill was recommitted; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

MINERAL LANDS.

Mr. HIGBY. I ask unanimous consent to take up from the Speaker's table Senate bill No. 157, to legalize the occupation of mineral lands and extend the right of preemption thereto, and refer it to the Committee on Mines and Mining.

Mr. JULIAN. I move to amend by referring it to the Committee on Public Lands.

Mr. HIGBY. I have no objection to this bill going to three or four different committees if it be necessary. But there is one bill now before that committee that has been there for the last two years. It came before the House during the last session of the Thirty-Eighth

Congress, and the chairman of the committee rose to speak upon it, and the bill was sent to the committee and it has lain there ever since. Now, there is some practical knowledge in the Committee on Mines and Mining in relation to this subject, and we would like to have an opportunity to make a report upon it. I hope, therefore, this will be sent to that committee.

The question being taken on the amendment of Mr. JULIAN, to refer the bill to the Committee on Public Lands, it was agreed to.

Mr. PRICE moved to reconsider the votes just taken by which the bills were severally referred; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

EVENING SESSION.

Mr. MORRILL. I give notice that I shall ask for an evening session to-morrow, in order to close debate on the tariff bill.

And then, on motion of Mr. RADFORD, (at four o'clock and fifty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule and referred to the appropriate committees: By Mr. DODGE: The petition of a large number of persons, protesting against the increase in the duty on linseed.

By Mr. GRISWOLD: The remonstrance of a large number of citizens of New York, against making Rouse's Point bridge a post road.

By Mr. EGGLESTON: The action of the city council of the city of Cleveland, in the State of Ohio, protesting against consumers of gas being taxed as manufacturers; also protesting against the collection of a revenue tax from passengers on street railroad cars.

By Mr. FARQUHAR: The petition of Ira G. Robertson, late a captain of United States volunteers, praying for authority to the War Department to pay him for six months' services rendered as a captain of Indiana volunteers, in command of the twelfth battery of Michigan volunteers in East Tennessee.

By Mr. HUBBARD, of Connecticut: The petition of Martin Derwer, for relief.

By Mr. HUBBARD, of West Virginia: A petition of citizens of Pleasants county, West Virginia, for the establishment of a post route from St. Mary's, in Pleasants county, via Shingleton's Mills, to Hebron, in the same county.

By Mr. UPSON: The report of the adjutant general of Michigan in relation to the treatment of the Michigan cavalry brigade.

Also, a letter from Governor Crapo, of the State of Michigan, to the Secretary of War, in relation to the claim of the officers and men of the first Michigan cavalry.

By Mr. WHALEY: A petition of citizens of Craig, Montgomery, and Roanoke counties, Virginia, to be attached to West Virginia.

IN SENATE.

TUESDAY, July 3, 1866.

Prayer by the Chaplain, Rev. E. H. GRAY.

On motion of Mr. WILSON, and by unanimous consent, the reading of the Journal of yesterday was dispensed with.

PETITIONS AND MEMORIALS.

Mr. FESSENDEN presented six petitions of citizens of the United States, praying that the duties on imported articles may be increased so as to afford better protection to American labor; which were referred to the Committee on Finance.

Mr. CLARK presented the petition of William B. Lewis, praying for compensation for damages done to his property by United States troops; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. WILSON, from the Committee on Military Affairs and the Militia, to whom was referred a bill (S. No. 401) to increase and fix the military peace establishment of the United States, reported it with amendments.

He also, from the same committee, to whom was referred a joint resolution (H. R. No. 176) amendatory of a joint resolution entitled "A resolution respecting the bounties to colored soldiers, and the pensions, bounties, and allowances to their heirs," approved June 16, 1866, reported it without amendment.

He also, from the same committee, to whom the subject was referred, reported a joint resolution (S. R. No. 120) restoring the allowance

of double rations to the Adjutant General and Quartermaster General of the Army; which was read and passed to a second reading.

He also, from the same committee, to whom was referred a bill (S. No. 226) to repeal section ten of an act to amend the several acts heretofore passed to provide for enrolling and calling out the national forces, and for other purposes, reported it without amendment.

Mr. CRESWELL, from the Committee on Commerce, to whom was referred the memorial of Phineas Banning, praying for the establishment of a port of entry at Wilmington, California, and also a communication from the Secretary of the Treasury in relation to the same subject, asked to be discharged from their further consideration; which was agreed to.

Mr. BROWN, from the Committee on Military Affairs and the Militia, to whom was referred the petition of Mrs. C. S. Wilson, praying for compensation for expenses incurred and services rendered by her in aid of the Union prisoners at Andersonville, Georgia, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

CHARLES M. BLAKE.

Mr. SPRAGUE. I am instructed by the Committee on Military Affairs and the Militia, to whom was referred the joint resolution (S. R. No. 117) for the relief of Charles M. Blake, to report it back to the Senate without amendment and with a recommendation that it pass; and I move that the Senate proceed to the consideration of the resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It directs the payment to Charles M. Blake, of the full pay and allowances of a chaplain in the Army for one year from the 18th of May, 1865, to the 17th of May, 1866, being the sum of \$1,560, less the amount which may have been paid him by the effect of the joint resolution for his relief, approved June 27, 1866.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

J. JUDSON BARCLAY.

Mr. SUMNER. The Committee on Foreign Relations, to whom was referred the bill (H. R. No. 683) for the relief of J. Judson Barclay, have had the same under consideration and directed me to report it back with a recommendation that it pass. As it is a very brief bill, I think it would save time if it were taken up and acted upon now. I therefore ask that the Senate proceed with its consideration now.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Treasury to cause to be paid to J. Judson Barclay, consul at Cyprus, the sum of \$3,000, being the amount paid by him for the expenses of his consulate.

Mr. SUMNER. There is a report from the House explaining the bill.

Mr. GRIMES. Let us hear it read.

The Secretary read the report, as follows:

The Committee on Foreign Affairs, to whom was referred the petition of J. Judson Barclay for remuneration for expenses incurred while United States consul at Cyprus, have considered the same and report:

That by the sworn statement of J. Judson Barclay, it appears that as consul at Cyprus, he has paid out of his own funds the sum of \$500 each year for six years past for guard-hire, dragoman, and other officials indispensable to his office, which expense in every other consulate in the East is borne by the Government. By a letter received from the Department of State these statements of the petitioner are confirmed, and the justice and equity of the claim are fully approved. The committee therefore report for the relief of J. Judson Barclay the accompanying bill.

Mr. GRIMES. I will inquire of the Senator from Massachusetts if this expense was incurred with or without the knowledge, approbation, or consent of the State Department.

Mr. SUMNER. I have no information on that point. There is a letter from the State Department sanctioning it.

Mr. GRIMES. I see, according to the report, that the letter from the State Department admits that such an amount of money has been expended; but the question is, whether it is a safe rule for us to establish here that a consul, wherever he be, may employ dragomen and interpreters and marshals and other officers, and then come here, on the strength of this precedent, and ask for compensation.

Mr. SUMNER. It is very evident that he cannot, whenever he pleases, for the Senator is well aware that these are the incidents of the consulates in the East.

Mr. GRIMES. I am very well aware, by conversation with a consul just from that section of the world last week, that there is no more necessity for a consul at Cyprus than there is for one at the Ichaboe Island, as there is not any necessity for one half the consuls we have now in Europe. I understand we have a consul general at Florence who, for the purpose of aggrandizing his jurisdiction, is establishing little consulates all over Italy; and upon the theory of this bill I suppose that each one of them will be permitted to come here in a little while and ask for some extra compensation.

Mr. SUMNER. With regard to the necessity of our consuls abroad, I think it hardly worth while, on this very small bill, to raise that question. As to the consul general at Florence, it is well known that he serves without any compensation; he has no pay.

Mr. GRIMES. He has no pay except that he compels the consuls who are under him to divide in the shape of fees.

Mr. SUMNER. I think the Senator must be mistaken in that. I have no idea that he receives anything in the way of compensation.

Mr. GRIMES. I understand that, as an illustration, such things as straw goods that have heretofore been shipped at the port of Leghorn without such signatures are now signed by this consul general, or else he causes the consul at Leghorn to divide the proceeds with him—all such articles as are made and manufactured in the valley of the Arno, and they are imported principally into the Senator's own city of Boston. I do not know whether it is so or not; but I have been so told by a consul.

Mr. SUMNER. I have no knowledge of those facts; but I know perfectly well that the consul general at Florence receives no compensation.

Mr. GRIMES. No direct compensation.

Mr. SUMNER. I do not think that he would receive any indirect compensation. It was understood when he took the post that he should receive no compensation, and I believe that he has adhered in his own practice to that rule. However, that is a very wide deviation from the question before us. The simple question is, whether money which the consul at Cyprus shows he has expended for the purposes of his consulate shall be defrayed by the Government. The Department of State thinks it ought to be defrayed, the other House think it ought to be defrayed, and the report of the committee is in harmony with that.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading. It was read the third time.

The question being put on the passage of the bill, there were, on a division—ayes eighteen, noes none; no quorum voting.

Mr. SUMNER called for the yeas and nays, and they were ordered.

Mr. GRIMES. As I shall be constrained to vote against this bill, I propose to say in a single word why I shall vote against it. It seems from the letter of the Department which I hold in my hand, and which I shall presently read, that this consul at Cyprus, where we have no commerce at all—and the necessity of having such an officer is no greater than that of having a fifth wheel to a coach—without any authority from the State Department or from anybody else, employed dragomen and interpreters, and now after a lapse of six years, after having preferred no claim for six years, he comes forward and prefers a claim of \$500 a year,

or something thereabouts. I will now read the letter of the Department. It is a letter addressed to Hon. WILLIAM A. NEWELL, of the House of Representatives, and dated April 10, 1866:

SIR: In reply to your letter of the 12th ultimo, inclosing a certificate of J. Judson Barclay, Esq., late United States consul at Cyprus, relative to his account for dragomen and guard-hire, and inquiring as to its correctness, I have the honor to inform you that the statements which he makes agree with the funds and vouchers recorded in this Department; and inasmuch as appropriations for interpreters, guards, and other expenses are made for all other consulates in the Turkish dominions, namely, Constantinople, Smyrna, Candia, Alexandria, and Beirut, the Department knows of no reason why a discrimination should be made against Cyprus, and therefore recommend that it be placed, in this respect, upon the same footing as the other consulates in that country.

Herewith please find returned the certificate which accompanies your letter.

I have the honor to be, sir, your obedient servant,
WILLIAM H. SEWARD.

Mr. President, when we pass an appropriation bill we make an appropriation to pay for dragomen, interpreters, and other officers at Beirut, at Smyrna, and at Constantinople; but we have never yet made one for Cyprus. The Secretary of State does not say that it is necessary that there should be such officers there; but he says inasmuch as we have hitherto done this in regard to these other places, he knows no reason why we should not do it in relation to this.

But, Mr. President, my great objection to this claim is that it is a stale affair. The man held the place for six years, without preferring, so far as we know, any claim for any remuneration of this kind. And now, after the lapse of that period, he comes in and asks to be paid this back compensation.

The question being taken by yeas and nays resulted—yeas 22, nays 8; as follows:

YEAS—Messrs. Anthony, Buckalew, Chandler, Conness, Cragin, Davis, Edmunds, Harris, Hendricks, Howard, Howe, Johnson, Morgan, Nesmith, Poland, Ramsey, Saulsbury, Stewart, Sumner, Wade, Willey, and Wilson—22.

NAYS—Messrs. Brown, Foster, Grimes, Kirkwood, Lane of Indiana, Sherman, Sprague, and Williams—8.

ABSENT—Messrs. Clark, Cowan, Creswell, Dixon, Doolittle, Fessenden, Guthrie, Henderson, Lane of Kansas, McDougall, Morrill, Norton, Nye, Pomeroy, Riddle, Trumbull, Van Winkle, Wright, and Yates—19.

So the bill was passed.

PRINTING OF BILLS.

On motion of Mr. CHANDLER, it was

Ordered, That the bill (S. No. 399) relative to collection districts in North Carolina, and the bill (S. No. 400) to fix the compensation of certain collectors of customs, and for other purposes, be printed.

Mr. CONNESS. I desire that an order be made to print Senate bill No. 244, granting lands to aid in the construction of a railroad from the city of Stockton to the town of Copperopolis, in the State of California, as reported from the Committee on Public Lands. By some error it has not been printed.

The PRESIDENT *pro tempore*. It will be printed under the rule.

Mr. CONNESS. It has not been, and I desire to call attention to it.

The PRESIDENT *pro tempore*. The rule is that all bills reported from committees are to be printed.

Mr. BUCKALEW. I move that the Chair be authorized to fill the vacancy upon the committee on ventilation occasioned by the absence of Senator Stockton.

The motion was agreed to.

HOUSE BILLS REFERRED.

The bill (H. R. No. 315) for the relief of the inhabitants of towns and villages in the Territories of New Mexico and Arizona was read twice by its title and referred to the Committee on Territories.

The bill (H. R. No. 747) to consolidate the land offices in the several States therein named was read twice by its title and referred to the Committee on Public Lands.

J. L. PETTIGRU'S LAW LIBRARY.

Mr. HOWE. I move to take up for consideration Senate joint resolution No. 79.

The motion was agreed to; and the Senate

resumed the consideration of the joint resolution (S. R. No. 79) to authorize the purchase, for the Library of Congress, of the law library of James L. Pettigru, of South Carolina.

Mr. HOWE. I move to amend the joint resolution by striking out, in the fourth line, the words "contract with the heirs" and insert "purchase the law library belonging to the estate," and in the fifth and sixth lines, to strike out the words "transfer of the law library left by the said Pettigru to" and insert "use of;" so as to make the resolution read:

That the Joint Committee on the Library be, and they are hereby authorized, to purchase the law library belonging to the estate of the late James Louis Pettigru for the use of the Library of Congress, and the sum of \$5,000 is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, to carry into effect the purpose of this resolution.

The amendment was agreed to.

Mr. HOWE. I move to amend the resolution further by adding to it the words "to be paid only to the use of the widow of the said Pettigru."

The amendment was agreed to.

Mr. HOWE. I have hesitated to recall the attention of the Senate to this resolution. The threatening attitude of the Senate on a former occasion led me to feel that the Committee on the Library might have made a mistake in recommending the passage of the resolution; but, however that may be, the resolution is here. It must be adopted or rejected, and the world must know it. I am sure the Senate cannot afford to put such a slight upon the memory of Judge Pettigru as to reject it.

I shall attempt no eulogy upon James L. Pettigru, but I would like, if it were possible, to rescue him from the weight of the encomium bestowed upon him by the Senator from Maine, who said of him that, notwithstanding he had adhered firmly and resolutely to the cause of the Union, after all, he had done only his duty. I admit that Pettigru did no more than his duty. Who was there on the side of the Republic, in that season of darkened counsel, who did do more than his duty? The voice of the first magistrate was heard proclaiming that, although it was a pity the nation should perish, yet the nation was helpless to save itself. The voice of the loyal Democracy was heard exclaiming, "We told you the election of a sectional President would dissolve the Union, and now you see the Union is dissolved." The voice of loyal Kentucky was heard protesting that she would be neutral between the friends and the enemies of the nation. The voice of loyal Maryland was heard beseeching the President to march the troops of the Republic around her metropolis lest the sight of the flag should disturb the peace of the city. The voice of loyal republicanism could not be heard at all; at least, above a whisper. A Senator on this floor, and subject to your control, taunted you that your flag had been fired upon in the harbor of Charleston, and that you dared not resent it. He said, in his place that he owed no allegiance to the Government whose Senator he was and upon whose pay he lived. When you hesitated upon an order to clear the galleries for some indecorous demonstration, he told you, from his place, that you would be lucky if the galleries did not soon turn you out; and when for those offenses it was proposed to expel him the Senate refused.

But while we, panoplied as we were in the authority of the nation, crouched thus under the responsibilities of the hour, there was in the city of Charleston one man, already more than seventy years of age, animated by no partisan love or partisan hate, for he had long ceased to belong to any party; fired by no ambitious hope, for he never had one; a citizen clothed with no authority whatever and armed with no power whatever, stood up alone, with the prerogatives of a traitor State frowning upon him in a thousand forms, and heard threatened admonition thundering at him from five hundred thousand throats, and with judgment undimmed by all the sophistry and spirit unawed by all the terror which surrounded him,

and giving utterance to no impulse excited by the fervor of the hour, but speaking freely the convictions of his whole life, he said the national authority must be obeyed, the national Union must be preserved, and the troops of the Republic must replant its ensign throughout all its borders. I say these were the convictions of his lifetime, for he was not truer or braver or more self-sacrificing in 1861 than in 1851. In 1851 he was called upon to demonstrate his love for the Union. The evidence of that I wish to lay before the Senate in the shape of a letter from Millard Fillmore, who was then President of the United States. It is very brief, and it bears this testimony:

"Your favor of the 27th ultimo making inquiries as to the circumstances which led to the appointment of Mr. J. L. Pettigru to the office of district attorney for South Carolina during my administration, came duly to hand; but a domestic affliction which has engrossed my time and thoughts has prevented an earlier reply.

"This event occurred some twelve or thirteen years since, amid the anxious cares of perplexing and pressing official duties, and I cannot be certain that my memory will enable me to give the circumstances correctly, and I regret to find, on looking at my letters and letter-books, that I have but one of Mr. Pettigru's letters to me, (the rest probably on file in the Department,) and a copy of but one of mine to him, of both which I inclose you copies.

"But according to the best of my recollection the district attorney of South Carolina resigned about the time I came into office, and knowing Mr. Pettigru by reputation, I tendered to him the office which he declined, but recommended another man whom I appointed, but he declined or resigned, and after considerable inquiry no man was found who had the moral courage to accept the appointment, so strong was public sentiment against my administration and the Union. I then made a personal appeal to Mr. Pettigru, insisting that I must have a district attorney, for in the then feverish state of the country no one could tell how soon the services of such an officer would be indispensable to the administration of justice and the maintenance of law and order; and I urged him from patriotic motives to waive his objections, and submit to the sacrifice for the good of the country, and as an act of personal friendship to me; and on this appeal he reluctantly consented to take the office, and was appointed and held the office during my administration.

I regarded it then and do now as an act of moral heroism such as very few men are capable of performing, and which justly entitled him to my thanks and the gratitude of his country.

"He was, indeed, a truly noble man, and we shall scarcely look upon his like again."

"Tis for this we give him honor,
That he ranked among the few
Who, amid the reign of error,
Dared sublimely to be true."

In great crises like that which tried Pettigru no man ever does more than his duty. It is only the very highest type of manhood that achieves so much. Jesus, himself, when He went staggering under the weight of His cross to Calvary and died upon it, only did His duty. He did His duty, it is true, as became a God; and Pettigru did his as only the noblest of men can do it.

You have yonder the likeness of John Hancock, chiseled in marble. It cost the nation \$6,000. What did John Hancock ever do to earn this distinguished tribute to his merits? When did Hancock ever do more than his duty? Sir, I shall not seek to strip Hancock of his laurels to make a wreath for Pettigru. The Republic has accepted John Hancock for one of its deities. Until the Republic has grown beyond its present stature I think he will answer for that purpose. But until the Republic has thus grown it will not comprehend Pettigru. I undertake to say there was patriotism enough in Pettigru at seventy to endow a brigade of Hancocks even at thirty-five. The latter was but little more than thirty years of age when he first came in collision with the Crown, and when his vessel was seized by its authority. I shall not stop to inquire how much of his devotion to the cause of the colonies was fairly attributable to his love of colonial liberty, or how much to his love for the schooner Liberty. But Hancock did not stand alone. He was buoyed up by all that was chivalric in thirteen colonies. He was a chieftain among them. The eyes of the world were upon him. A great party in England encouraged him. The honors to be won in giving life to a new nation lured him on. Under such circumstances one would be afraid to be a coward. Nevertheless you have done well to applaud his courage.

In another hall you have a statue of Frank-

lin. I believe the greatest of his achievements were in drawing lightning from a cloud and kissing the Queen of France. I am not prepared to admit that either of these exploits was beyond the reach of the genius of Judge Pettigru.

On a hill near Boston a granite column springs up two hundred and twenty-one feet from the earth. What excellence was exhibited on Bunker Hill save that of courage and constancy? But there was not more of courage or constancy displayed on Bunker Hill than inspired Pettigru with every breath he drew. One who knew him best and knew him longest has said that he "never knew a single person who came so near being an institution in himself."

But you are not asked to build monuments to the memory of Pettigru. If I could administer the wealth of the nation I would make the commons of that rebellious city in which he died groan under the weight of granite piled up in honor of his fidelity. You are not asked even to engrave his likeness upon marble. But he left some books. The study of them had made him what he was. He left a widow. His unselfish expenditure of his earnings while he lived had left her destitute.

It was said the other day that all his children did not partake the sentiment of loyalty which animated him. I learn that is so. The fathers are few and are deemed fortunate who, possessing great excellence themselves, succeed in impressing it upon all their offspring. But he had one daughter who did inherit all his love of and fidelity to his country; one who loved him as Margaret Moore loved the great Chancellor of Henry VIII, and who was as proud of her father's constancy as Margaret was of hers. She was driven from his side, and in 1861 found her way, alone, through the lines of two hostile armies and sought shelter in the city of New York. It seems the desire possessed her that the books which her father left should be owned by the country which he loved so well, and that their proceeds should be applied to making tolerable the last days of the widow he left.

If it be said the idea does not become a Senator and a statesman, I am sure it eminently becomes a woman and a daughter. Through you, sir, that desire of hers was communicated to the committee, whose chairman I am, and through that committee this desire is made known to the Senate. I hope the Senate will be induced to gratify it. It has been said that we do not want the books. If that be said in the sense that we can do without them, I admit it. If it be said as intimating that we have no use for them, I deny it. We have a use for them. It is said we could get the books cheaper. Upon some careful inquiry I am inclined to think that is true. I am afraid we have not proposed the best bargain that was within our reach. I am inclined to think that if we had ransacked the second-hand book-stalls we might have obtained an equal number of books and of the same character for less money. But being a little anxious to show that we had some regard for the former owner of these books we did not think the best way to do it was to attempt to cheat his widow, and therefore we thought it well to pay what the books were worth to the country.

It is said the Treasury is poor. Let that be admitted. After all we have a great many things we could better spare, I think, than to refuse such a tribute as is asked for in this resolution. If the Treasury is absolutely too poor to enable us to pay for these books, let us sell the statue of Hancock and pay for them; let us sell the picture that we have recently bargained for at a cost of \$25,000 to illustrate the art of the Republic; let us sell the bronze doors which open the way to the other House of Congress; let us work out by the day; let us do anything rather than advertise to the enemies among whom Pettigru died: that the loyalty which so distinguished him is held so cheap by us. I hope the Senate will not issue that advertisement.

Mr. FESSENDEN. The closing remark of the honorable Senator from Wisconsin, I think,

is in equally bad taste with the whole of the speech which he has read to the Senate on this subject, because it conveys an imputation upon all those who have opposed this purchase which none of them deserve. He closes with the idea that those who do not choose to vote for this proposition have no appreciation of the patriotism of the man, and are not disposed to do justice to him, and advertises those that were of different opinion and acted differently from himself that we had no appreciation of patriotism. I suppose it would not be doing myself very great injustice to claim that I have as much appreciation of those who have rendered service to the Republic or have exhibited patriotism as the honorable Senator from Wisconsin himself; and I do not think it necessary, in order to carry a measure which is a favorite one with me, to depreciate the great men whom the country has always almost worshiped for their heroism and their patriotism during the Revolution, or to depreciate the great battles which have been considered landmarks in our history.

Mr. HOWE. I beg to inform the honorable Senator that I have imputed nothing of the character that he speaks of to any Senator. If it be supposed that I did so, it was absolutely unintentional on my part. I did not mean it, and I do not think I said anything of the kind. I certainly did not mean any such thing.

Mr. FESSENDEN. I did not suppose the Senator referred to me particularly; but his remarks were applicable to all those who on a former occasion opposed the passage of this resolution.

Mr. HOWE. I commented on no one whatever.

Mr. FESSENDEN. I did not suppose the remark was meant for any individual particularly; but the remark was general, that he did not wish to advertise our enemies that we had no particular appreciation of the patriotism of those who stood by us. That was the substance of the closing remark, if I understood it aright, which he addressed to the Senate. As that would be the natural effect of it, I felt bound to answer it, and to repel what might seem to be a natural inference from what the Senator said. I acquit the Senator most clearly, and I should do it without his disclaimer, of any intention to cast an imputation upon any member of the Senate. Perhaps he was not aware of the inference that would be naturally drawn from the remark itself.

Now, sir, I had the highest estimation of Judge Pettigru while he lived, and I believe him, as the Senator believes him, to have been a very patriotic, bold, courageous citizen through life, attached to the Republic and ready to make any sacrifice for its good; and so far as I am individually concerned, or concerned as a Senator, I should be very glad indeed if, consistently with my ideas of duty, I could vote to purchase these books for the benefit of his widow and children. It is a small sum, comparatively, and would not press very hard except in connection with the ten thousand other small sums upon our finances; it is the principle of the thing that I object to. And allow me to say that I think we are becoming exceedingly loose in our legislation. I am afraid it is becoming too much the habit of Congress to consider everything as constitutional which anybody wishes to accomplish, and to find through some construction of some phrase in the Constitution power enough to do that which we wish to do. I have been connected with public affairs so long and began and have lived with such different ideas from those which I hear familiarly put forth as received truths about which there can be no dispute at the present day of the power of Congress under certain clauses of the Constitution, that I come to this matter with a great deal of difficulty; but the style of legislation that we have adopted with reference to many things and the expenditure of public money strikes me as exceedingly dangerous, and affects me with a great deal of fear with reference to what may be the

result. I have my own notions about that, and stand up to them, and am not responsible for what other gentlemen do or what other gentlemen think; but I am responsible so far as I am concerned as a Senator; and if I see very clearly that I cannot vote for an appropriation consistent with my ideas of what the power of Congress is, then, without reference to Judge Pettigru or anybody else, I must act according to my convictions.

The mode in which this is got up is only what is commonly called whipping the devil around the stump. It is a mere evasion. We might just as well vote the money in consideration of the services of Judge Pettigru to the Republic—or rather of his patriotism, for I do not know that he rendered any particular service in any other way; there was no particular danger at the time he became district attorney to his person. We might as well say that in consideration of his uniform loyalty and uniform devotion to the good of the country as evinced by his life, and his eminence as a man at the same time, we vote to give his widow \$5,000 out of the Treasury. Who would think of voting for such a proposition? We have no authority to do it, no power under any clause of the Constitution to do it, and it would be a precedent dangerous in itself, and would lead to innumerable evils.

Is this anything more than that? I would rather vote for that than vote for this proposition, because then my action would be clear and plain; I should not be trying to dodge a responsibility by putting it in a shape where, perhaps, I might get up some excuse for myself; and this is nothing more nor less than that. It is conceded now that we do not want these books. It is conceded that it is nothing but an old lawyer's old library, which everybody knows to be almost worthless in itself; books that we have no particular occasion for, because we have the same books, unquestionably, and many copies of them, all we want. They are old editions of old books accumulated by a lawyer in the long course of his practice. There is no more reason why they should belong to the Government particularly, because they were his books, than we should have purchased Jefferson's library and Madison's library and everybody else's, if we did not want them, or any lawyer's library, if he was a distinguished man and a friend of his country.

If we needed these books and that was conceded, as we have authority to purchase books for the Library, we might do it, and do it with propriety; but on the ground upon which it is put, not that we need the books, not that they are of any comparative value to us, but that we buy them for the sake of making a provision for his widow which we cannot make by a direct appropriation, this resolution cannot be sustained. I do not feel ready to go out and work by the day for the purpose of raising a fund to purchase these books, as suggested by the honorable Senator; but upon my word, I think I should rather do my proportion of the day's work in order to do it than to vote for a proposition of this kind, which is simply meant to get around or get over a plain proposition with reference to our power under the Constitution by dodging it. That is the whole length, breadth, and thickness of the thing, as I see it, and I rose simply to state the ground on which I put my vote. I cannot vote for it, and I am very sorry that I cannot.

Mr. SUMNER. I see no objection to this proposition on grounds of constitutional power. I cannot doubt our power. Had I been called to vote on this proposition when it was under consideration some weeks ago, I should have voted against it. I was disposed at that time to look at the purchase proposed simply as a question of economy. Since then I have been led to regard it in that other aspect presented by the Senator from Wisconsin, [Mr. Howe,] and I hesitate to vote against it.

I have gone over the catalogue of the library. It is a respectable library for a practicing lawyer. Some of the books are valuable, others may be useful as duplicates.

But in voting this sum I do not expect an equivalent in the books. I make the purchase of these books the occasion of expressing my sympathy with courage and fidelity under peculiar difficulties in the cause of our country. Mr. Pettigru was like the angel Abdiel; "faithful among the faithless only he." In the State of South Carolina and in Charleston itself he continued true to the Union in all its trials early and late; first, in those days when it was menaced by Nullification and then again when it was openly assailed by bloody Rebellion. He died in virtuous poverty, and I am willing that Congress should make this contribution to his widow. Such a character is an example of infinite value to the Republic. I wish to show my respect for it. I should be glad to see it exalted so as to be seen by men. In the deserts of the East a fountain is always cherished as a sacred spot; such a character as we propose to honor was a fountain in the desert. What desert more complete than South Carolina?

Mr. HOWARD. Mr. President, the Joint Committee on the Library of which I am a member had this measure under consideration and discussed it at considerable length, and I was one of those who gave their assent to the reporting of the present resolution, and I shall vote for it with pleasure. I shall vote for it for the reason that it is in itself an expression of our high respect for the memory of Mr. Pettigru, a patriot who in the worst of times and under the most trying circumstances maintained his integrity pure and without spot. He was an eminent member of the American bar, and had occupied that high position for many years. He was admired by the profession almost universally as a gentleman of profound learning and of incorruptible integrity. It is sufficient for me to refer to a single instance in his life to excite my admiration, for it shows not only his heroism and courage as a patriot, but his unflinching and inflexible fidelity to his professional oath as a member of that honorable and learned profession.

The newspapers informed us soon after the commencement of the war, and after the confederate congress had passed their act confiscating the property of Union men, or rather of aliens and non-residents, that on a certain day an old man with gray hairs came into the rebel court at Charleston, South Carolina, under a summons from the court requiring him to disclose upon his oath what claims he had in his possession as attorney and counselor-at-law belonging to persons other than citizens of South Carolina, and requiring him to deliver them over under the confiscation act which had been passed, for the use of the confederate authorities. This old man, borne down with years, surrounded by a community hostile to the cause which he loved, inimical to what he regarded as his duty, refused sternly to recognize the authority of the court, or of any other human being to put him upon such an inquisition. He demurred to the power of the court for two reasons; the first was that the so-called court itself had no legitimate authority under the Constitution of the United States; that it was a usurpation of power which could not be delegated under the Constitution of the United States; was rebellious in its character and unworthy to be regarded as a court of justice; and the second objection which he made was, that he would not defile his conscience as an honorable member of that profession by making to the world disclosures which, by the common law and the laws of all civilized countries, were placed under the seal of secrecy, not to be violated without the consent of those by whom he was employed. I do not recollect distinctly what was the result of that inquisition, but my belief is that the proceedings, so far as Pettigru was concerned, were, out of mere shame, discontinued and dismissed. Sir, that was an act of heroism at a time and under circumstances deserving of our high admiration.

I shall vote for this resolution for another reason, which, with me, would be a very weighty

one aside from those which I have presented; and that is, that the library of Mr. Pettigru is quite ample both in the number of volumes and in the variety of subjects which it embraces, and is very much needed as a facility for the Court of Claims in the discharge of their duties in this city. I understand that the judges of the Court of Claims have no access at all to the Law Library of Congress, and that they are very much embarrassed for the use of the necessary books to enable them to discharge their duties; and I understand that the same embarrassment exists, to a certain extent, on the part of the judges of the supreme court of this District. I think we should be consulting the public interest, therefore, by purchasing this small collection of law books for the use of those two courts.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

Mr. FESSENDEN. I ask for the yeas and nays on the passage of the resolution.

The yeas and nays were ordered; and being taken, resulted—yeas 19, nays 14; as follows:

YEAS—Messrs. Anthony, Cragin, Davis, Doolittle, Foster, Guthrie, Harris, Howard, Howe, Kirkwood, Lane of Indiana, Morgan, Nesmith, Ramsey, Sherman, Sumner, Van Winkle, Wade, and Wilson—19.

NAYS—Messrs. Brown, Bucklew, Edmunds, Fessenden, Grimes, Henderson, Hendricks, Norton, Poland, Saulsbury, Sprague, Trumbull, Willey, and Williams—14.

ABSENT—Messrs. Chandler, Clark, Conness, Cowan, Creswell, Dixon, Johnson, Lane of Kansas, McDougall, Morrill, Nye, Pomeroy, Riddle, Stewart, Wright, and Yates—16.

So the joint resolution was passed.

RETRENCHMENT.

The Senate proceeded to consider the following concurrent resolution from the House of Representatives:

Whereas the financial condition of the United States demands the exercise of a rigid economy, in all departments of the Government, in order to sustain the credit of the nation and to relieve the people at the earliest possible day from the burden of excessive taxation; and whereas there is reason to believe that in many departments of the civil service abuses have for a long time existed and still exist, in the perpetuation of useless offices and sinecures, in extravagant salaries and allowances, and in other unnecessary and wasteful expenditures: Therefore,

Resolved by the House of Representatives, (the Senate concurring), That a joint select committee be appointed, to consist of two members of the Senate and three members of the House, to be styled the joint select committee on retrenchment; that said committee be instructed to inquire into the expenditures in all the branches of the civil service of the United States, and to report whether any and what offices ought to be abolished, whether any and what salaries or allowances ought to be reduced, and generally how and to what extent the expenses of the civil service of the country may and ought to be curtailed. That said committee be authorized to sit during the recess of Congress, to send for persons and papers, and to report by bill or otherwise. And that said committee may appoint a clerk for the term of six months and no more.

Mr. EDMUNDS. I move that the resolution be referred to the Committee on Commerce.

The motion was agreed to.

ADJOURNMENT TO THURSDAY.

On motion of Mr. GRIMES, it was

Ordered, That when the Senate adjourn to-day, it do so to meet on Thursday next.

INDIAN APPROPRIATION BILL.

The PRESIDENT *pro tempore*. The morning hour having expired, it becomes the duty of the Chair to call up the unfinished business of yesterday, which is the joint resolution (S. R. No. 98) to amend an act entitled "An act to authorize the establishment of ocean mail steamship service between the United States and China," approved February 17, 1865.

Mr. SHERMAN. I move to postpone the unfinished business and all prior orders, with a view to take up the special order assigned for this day, being the Indian appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 387) making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various

Indian tribes, for the year ending June 30, 1867, the pending question being an amendment reported by the Committee on Finance to insert the following as section three:

SEC. 3. And be it further enacted, That from and after the 31st day of December, 1866, the Secretary of War shall exercise the supervisory and appellate powers and possess the jurisdiction now exercised and possessed by the Secretary of the Interior in relation to all the acts of the Commissioner of Indian Affairs, and shall sign all requisitions for the advance or payment of money out of the Treasury on estimates or accounts, subject to the same adjustment or control now exercised on similar estimates or accounts by the Auditors and Comptrollers of the Treasury, or either of them.

Mr. DOOLITTLE. I hope this question may be disposed of by the Senate without taking up a great deal of time. I submitted very briefly the other day the views which controlled my judgment in opposing this change. In the first place, it is a very important change in the administration of Indian affairs, and it is legislating in the strongest sense of the term upon an appropriation bill, which is not usually favored. Besides, as I stated the other day, while I concede that in certain particular cases there would be a convenience in having the control of the Indians entirely and absolutely under the War Department, yet in the majority of instances they are better managed under the Department of the Interior; and the great business connected with Indian affairs is, after all, in relation to their lands and reservations, which come more peculiarly under the Interior Department—the survey of their lands, the administration of their funds, the distribution of their annuities. While I admit that inconvenience sometimes arises from an apparent conflict of jurisdiction between the civil officers appointed by the Interior Department and the officers in command of the Army, in my judgment that inconvenience is greatly overbalanced by the other considerations; and therefore I am opposed to this change. I think that the Committee on Finance have not fully considered the matter, or they certainly would not propose such important legislation as this upon an appropriation bill. If the Senate should come to the determination that a change ought to be made it had better be taken up and considered in a bill by itself, and not be put upon an appropriation bill.

Mr. SHERMAN. I concur with the Senator from Wisconsin that it is not worth while to debate this measure at any length, because it is a question that has been in the mind of every Senator for some time. But as an illustration of the conflict of jurisdiction that occurs between the War Department and the Interior Department, involving large expenditures of money, I will read an extract from a memorial signed by a portion of the Cherokees. I am not responsible for the facts here stated; but as they are presented regularly to us by them in a written memorial complaining of certain grievances, I read their statements as alleged facts. If they are true, they certainly require some investigation:

"By the act of 3d March, 1865, the Secretary of War was authorized to feed and clothe the pauper Indians in the Indian Territory from the date of the passage of the law until the end of that fiscal year."

"On the 1st of July, 1865, when the military authorities ceased to have authority to feed refugee Indians, there was an immense surplus of flour and corn on hand at Fort Gibson, amounting to as much as all that has since been issued to pauper Indians in that country. These stores the commanding officer at Fort Gibson offered to turn over to the superintendent of Indian affairs at \$3 50 per barrel for flour and \$2 per bushel for corn. Instead of making this purchase, the superintendent went to Leavenworth and entered into a contract with McDonald, Fuller & Sells (the son of the superintendent) at \$8 per bushel for corn and \$34 per barrel for flour. This contract was let, as we are informed and believe, without the requisite advertisement on the pretense that there was not time to advertise. The most of the flour furnished under this contract was sent by steamboat from St. Louis, costing the contractors about \$12 and the Indian department \$34 per bushel, while a large amount of the flour offered by the War Department to the Interior at \$8 per barrel was being shipped down the Arkansas from Fort Gibson to Little Rock. The corn furnished by the contractors under this contract was part bought from the Indians at \$2 per bushel, and part bought of the military authorities at Fort Gibson by one McKee, who is understood to have been the agent and partner of McDon-

ald, Fuller & Sells, at eighteen cents per bushel, and turned over to the superintendent at \$8 per bushel. The gross amount of these supplies we are unable to state, but are satisfied that it was several hundred thousand dollars; and we have information that it has all or nearly all been paid."

I do not wish to read any more from the various allegations made by these Indians. I only read this much to show that when the War Department is charged with a certain portion of the duties connected with our intercourse with the Indians, and the Interior Department with another portion, there will necessarily be a conflict of jurisdiction and great complaints of fraud and peculation. This, certainly, is a very serious charge which is alleged by these Indians. It is that the Government actually being in possession of a large amount of stores and property through the War Department which offered to turn them over to the Interior Department—corn at \$2 a bushel and flour at \$8 50 a barrel—the Interior Department instead of taking them purchased flour at \$34 a barrel and corn at \$8 a bushel. It seems to me that if this kind of transactions can go on under this system of mixed responsibility, it is time we should put a stop to it. I do not avouch the facts here stated, but I give the authority on which they are stated.

We have desired, however, to place this amendment simply upon the public reasons that have been stated already. As the Army will necessarily now be without employment in a great measure, as the great body of the Army must be stationed in the Indian Territory in time of peace, it is proper that the officers of the Army, who control the military forces, should regulate our Indian affairs. Prior to 1848 the Indian service cost the Government probably less than a million dollars annually, and up to that time all that service was performed by the military authorities. Many of the most distinguished and eminent men in this country have been at the head of Indian affairs. General Harrison was for a long time at the head of Indian affairs in the Northwest. The number of Indians has been constantly decreasing, and yet the Indian expenditure is constantly increasing. Under these circumstances, it seems to me, it would be wise as a matter of economy to give to the officers in command of troops in the Indian Territory also the control of the dealings with the Indian tribes. The plan that has been adopted of late years to supersede military authority by teachers and blacksmiths, &c., it seems to me, up to this time has not worked very well; but if it is necessary to continue that system, it may as well be done under the Secretary of War as under the Secretary of the Interior, substituting from time to time, as rapidly as may be, military for civil authority.

As I stated the other day very briefly the reasons of the committee for proposing this amendment, I do not propose to repeat them now.

Mr. NESMITH. The comparison made by the Senator from Ohio between the expenses of the Indian Bureau in 1848 and prior to that time, with what they are now, it seems to me does not demonstrate anything. The expenses may have been a million dollars then, or half a million, and may be in the neighborhood of two or three millions now; and yet that proves nothing. At that time our Indian frontier was on the Missouri river. Since then our intercourse with the Indians tribes has spread to the Pacific, and reaches from the forty-ninth parallel of latitude on the north to the Gulf of California, or near that gulf, on the south. We have been brought in contact with the great tribes of the plains and the Rocky mountains, and it has become necessary to purchase more or less of their land by treaty stipulations, and to supply them with annuities and goods. We have been brought in much more direct intercourse with them. Probably the business of the department in this way has increased in a much greater ratio than the expense.

So far as the evils complained of are to be remedied, I think it is a mistake to suppose that it will be done by changing the bureau

from the Interior to the War Department. There is a peculiar adaptability in the Interior Department for the management of this business, particularly so far as our Indian affairs upon the Pacific coast are concerned. Our relations there with the Indians are confined principally to the management of their lands, their farms, and their reservations, and that is a department of the Government which is peculiarly under the control of the Secretary of the Interior. To make the change proposed and transfer all this business to the military authorities, where there is but little experience in relation to these details, would, I think, be disastrous at present, and I prefer not to see it done.

I do not know how far it is contemplated by the measure now proposed to supersede the present civil officers, and make military officers the agents and superintendents. So far as my own experience goes I know it is difficult to find details from the Army to fill these offices. The officers of the Army are generally engaged, and their time occupied with business relating directly to their own profession. The companies, battalions, and regiments stationed on the frontier are generally too destitute of officers to permit of many being detailed for this service.

"Another great objection to this whole plan would be the constant changing of officers. For instance, if a lieutenant or a captain in command of a post to-day in the vicinity of Indians should assume the duty of Indian agent; to-morrow or next week he may be ordered to a distant part of the country, and what advantages he had gained by acquaintance and familiarity with the Indians is entirely lost to his successor. A new man comes and assumes the duties of the office of Indian agent by virtue of his position in the Army. He has everything to learn of the details which are connected with the transactions of the office. Why, sir, it requires years for persons to become informed of all the details of the different treaties, the laws of Congress regulating the intercourse with the tribes, and the specific treaties applicable to particular tribes; the appropriations, the balances of appropriations, and the proper distribution of annuities, are questions which require years of experience to become familiar with. Our department as at present organized is in the hands of civilians who have made this their study, and in most instances they have become familiar with the subject. I think that at present the department is well managed, and I do not believe that at this time the proposed change would be for the benefit of the country or of the Indians, and I trust the amendment will not be adopted.

Mr. HENDRICKS. I will not vote for this proposition, in the first place, because it is a proposition to legislate generally upon an appropriation bill. I think the purpose of an appropriation bill is to provide means to carry on the Government according to existing laws. It is an unfortunate thing to legislate in an appropriation bill. In the second place, I shall not vote for the measure because I do not think the business of managing our Indians is a military business; it is a civil duty that is devolved upon the proper officers. Judging from the speeches that are made it would seem to be a question whether the Indians are to be governed by force, or fraud, or both. Now, sir, that there have been some frauds in the management of our Indian affairs I do not question; but I think that a comparison of expenditures of money under Army officers and under officers connected with the Indian Bureau would not be unfavorable to the officers of the civil bureau, although it might not be very favorable to either. If we are to judge by the charges that have been made during the last five years, we should say there is scarcely any person to be trusted now connected with the Indian service or connected with the Army. I think these charges are exaggerations; but I am not going to discuss that. I do not take it that men in the Army are any more honest

than they are anywhere else. Men will make money, it seems, if they have the opportunity to do so. The only guarantee the public can have for a faithful expenditure of money is that which the law secures.

If we are going to fight the Indians, of course we ought to place them under the control and rule of the Army. If that is to be the policy of the country, that they are simply to be governed by force, the proposition of the Senator from Ohio is right; but if we are going to feed them and educate them as far as we can, and by a wise and kind policy govern them, then they ought to be under the control of the Interior Department. If we are ready to come to the proposition that the Indians are simply to be fought, I am in favor of putting them under the control of the Army; but if we are to execute treaties fairly and honestly toward the Indians, treat them, as I think they ought to be treated, as kindly as we can, preserve them as long as we can, then I think their management ought to be under some civil Department of the Government.

Mr. DOOLITTLE. I think I ought to say a single word after what has been read by my honorable friend from Ohio from the statement of the Cherokees. I understand the fact to be that when the military officers were about to retire from Fort Gibson, when we had got through with the use of them there, they had large supplies on hand, and as they proposed to retire they were ready to turn over the supplies they had on hand to the Indian department; but the Department here knew nothing of that until the 3d of September, when the Commissioner of Indian Affairs himself in person was at this place pending the preliminary negotiations of some treaties, and immediately the amount of flour which was there on hand held by the War Department was accepted by the Commissioner of Indian Affairs on behalf of the Indian department, accepted upon the terms agreed upon, which are not correctly stated in the paper from which the Senator has read. As I am informed, the amount agreed upon was the cost of the flour with the transportation added, which amounted to about \$9 50 per hundred; but the flour itself, some of it, proved to be very bad; it was wormy and sour. It is but justice to Mr. Sells to state (because the Indian Committee had occasion to look into that matter) that the contract which he entered into as superintendent was a contract for a very small supply, which he deemed necessary to take with him in going down to the Indian country to feed them, as it was supposed, to prevent them from actual suffering. Subsequently the regular contract, which was entered into afterward, was made in open market upon advertisement and bids received just as all contracts are made in behalf of the Army as well as in behalf of the Indian department. I deem it but just to make this statement.

I do not say that my mind has been entirely satisfied in reference to the administration of Indian affairs in that country, because there have been undoubtedly some abuses there, as abuses grow up everywhere where the expenditure of money in large amounts is made. Contractors make contracts for the purpose of making money out of the Government beyond all question. If a steamboat is hired to transport goods or men or anything, the contractor seeks to make money out of the contract. I happen to have in my hand (and it comes in here by way of comparison as between the Indian Bureau and the War Department on the score of economy) a letter just received from Fort Sully from the special Indian commissioner sent to make treaties with the Sioux Indians. Writing to the Commissioner of Indian Affairs, he says:

"We have held consultations with the nine tribes with whom we made treaties last fall. We find they have suffered much during the past hard winter; some of them have actually starved to death, but notwithstanding which they have been very quiet and observed their treaty stipulations faithfully, which certainly is doing better than white men would have done under the same circumstances. Some of the tribes were obliged to kill and eat their ponies. We found on our arrival at this place"

And to this I wish to call the attention of my honorable friend from Ohio, when comparing the economy of war expenses with Indian expenses—

"We found on our arrival at this place six steamboats engaged by the military commandant of this upper country to transport soldiers, military stores, horses, and mules to Benton. The prices that he pays per day for steamers vary from \$500 to \$830. Now compare that with the price we pay for our boat"

This is a boat in the service of the Interior Department—

"a new boat, too—\$330—and perhaps you will conclude that we did not drive so bad a bargain after all."

This is the reply of the special commissioner to the Commissioner of Indian Affairs, who, learning that he had chartered a boat at this sum, was writing to him questioning the propriety of being at such an expense; and by way of answer, to justify himself, he asked the Commissioner of Indian Affairs to compare the price he was paying with what the commandant of the military forces there was paying for six boats, from five hundred to six hundred and thirty dollars a day each. There is just this precise difference, when you come to compare any other Department of the Government with the War Department on the score of economy: anything done by the military is all right; it comes out of the great fund of the commissary department and the quartermaster's department, and we know nothing about it; but everything done in the Indian department requires a special appropriation, into which we look; and if there is a good contract made against the Government we see it. That, I think, is the great difference.

One thing further I desire to say. When the Indian Bureau was under the War Department we still had our civilian appointments, superintendents and agents, as we have them now; but the next amendment which is proposed by the committee strikes them all out and substitutes officers of the Army to do the duties of superintendents and agents.

Mr. SHERMAN. Only when in the opinion of the Secretary of War it is advisable to do that.

Mr. DOOLITTLE. It is left to the Secretary of War; and of course, therefore, it authorizes the dispensing with all the civil officers connected with the Indian service and the substitution of officers of the Army. Now, Mr. President, I believe that the great difficulty in our Indian system grows out of the too frequent changes in the men who deal with the Indians in behalf of the Government of the United States. The changing of agents and superintendents is a very great evil; but the changes of the military officers that come into contact with them are still more frequent. They are changed, it may be, from month to month. Here is a lieutenant in command of a company to-day in the presence of an Indian tribe at a post. To-morrow, perhaps, he with that company is ordered to another post and a new company is ordered in. They are constantly, continually changing. I admit that a man of great good sense in the command of a military post in the presence of Indian tribes, if he were there and to remain there for a considerable length of time, might obtain the confidence of the Indians, preserve the peace between the Indians and the whites and peace among themselves. That has been done; and in the Indian country where troops have to be employed, when a sagacious, prudent officer is in command of them, I have no doubt that affairs are administered well; and so, too, when there is a good agent employed and put in contact with the Indian tribes, their affairs are well administered.

It must not be forgotten that there is just as much variety among the various Indian tribes as can possibly be imagined. There are all shades of difference. There is as much difference between the Cherokees, Choctaws, and Chickasaws of the Indian country, and the Nez Percés of Oregon, and the Indians of the plains and the Digger Indians of California, as can possibly be conceived. They are very dis-

inct from each other. There is as much and more difference between them as there is between the wild Apaches of New Mexico and the Pueblos of New Mexico, and there is just as much difference between wolves and sheep as there is between these tribes of Indians. The Pueblos have lived and live now just where they were found when the Spaniards first discovered this continent, living in their villages, at peace with the surrounding tribes, while the Apache is still the same wild nomad that he was when the Spaniards first discovered the country, although they live in immediate proximity to each other. For this reason it requires Indian agents of judgment and experience. I grant that from our changing our agents from time to time, we perhaps do not administer Indian affairs as well as they are administered in the British Provinces. The great difference is this: in the British Provinces an Indian agent is appointed substantially for life; he goes to his tribe, takes charge of its affairs, and after having served faithfully twenty or twenty-five years he is pensioned for the remainder of his life. But with us changes are frequent; they are made oftentimes for political reasons or for political services that have been rendered, and that is the difficulty in the system, I admit. You will not, however, avoid those difficulties by changing the bureau from the Interior to the War Department, because agents and superintendents will still be appointed, and the danger is that they may be changed from time to time hereafter as they have been heretofore. I hope we may enter upon a better policy in this respect; that if we find a good, faithful, Indian agent or superintendent we may continue him in the office from term to term and make it his life's business, his profession, his ambition.

Mr. NESMITH. I move to amend the pending amendment by striking out the word "not," in the twelfth line of the fourth section, and striking out all after the word "appointees," in the thirteenth line, so as to require the officers of the Army designated as Indian agents and superintendents to give bonds, as now required of civil appointees.

Mr. DOOLITTLE. The pending amendment is the third section, which provides simply for the transfer.

The PRESIDENT *pro tempore*. The amendment suggested by the Senator from Oregon is to a section not yet before the Senate. The question now is on the amendment proposed by the Committee on Finance as the third section of the bill.

Mr. TRUMBULL. That amendment presents a very important question. This transfer, in my judgment, ought not to be made without serious consideration and a full knowledge of all the facts involved in the change. That so important a proposition should be presented to us upon the Indian appropriation bill, which attracts very little attention at any time, and when the Senate, as is the case here to-day, consists of barely a quorum, very few paying attention to the subject under consideration, is, in my judgment, to be regretted. I think that a change of this sort should not be made without understanding from the Interior Department and the War Department specifically the reasons for it and what is to be gained by the change. Our Indian affairs have recently been very much disturbed by the war. We have at this time at the head of the Interior Department, under the control of which our Indian affairs now are, a gentleman in whom we all have the fullest confidence.

Mr. FESSENDEN. How long do you suppose he will remain there?

Mr. TRUMBULL. He may remain there just as long as the Secretary of War may remain in his position. I am not speaking with reference to his permanent continuance there; it was in another view, as the Senator from Maine, if he had waited a moment, would have seen, that I spoke in reference to him. This gentleman is familiar with our Indian matters. When a member of this body, for some eight or ten years he was an active member of the

Committee on Indian Affairs. He has paid very great attention to this particular branch of the public service, and, in my judgment, is now placing the conduct of our Indian affairs in a better condition than it has ever been placed in before. He is looking more closely to this branch of the public service. I think he understands it far better than any other head of a Department in the Government. If the expenses are now large, if the treaties recently negotiated are numerous, it arises out of the fact of the disturbed condition of the country, of the war which has disturbed our Indian relations.

Now, sir, at a time like this, when we have our Indian affairs under the control of a person in whom we have the greatest confidence, when numerous treaties have recently been negotiated, without any recommendation from the Department, hastily upon an appropriation bill, at the suggestion of a committee not charged by the Senate with looking particularly into Indian affairs, are we prepared to make this radical change and to take these uncultivated Indians, whom the religious community and the enlightened people of the United States have been struggling to Christianize, to educate, and to elevate for years, out from all these influences and simply control them by military power, place them under the bayonet? Why, sir, the great expenses of this Government connected with the administration of Indian affairs have grown out of the wars with the Indians. I will not say that these wars were inaugurated because the military had control of Indian affairs in times of peace. Perhaps they were a necessity that could not have been avoided; but we do know that some of the most expensive Indian wars, which have cost many millions to the Government, have been recklessly, and many of us think needlessly, brought upon the country by the hasty and inconsiderate action of subordinate military officers.

The tendency for the last few years, Mr. President, has been to a concentration of power in the hands of the military. They have controlled of necessity a large portion of the country for the last five years, in civil matters as well as military matters. Half the territorial extent of the Union already has been under the complete control of the military, and the tendency is to concentrate power in the hands of the military. Now, sir, when we have peace, when our Indian affairs are being managed, as I have said before, by a person in whom we have the utmost confidence, I think it is the wrong time inconsiderately to make such a change as this. I think it will shock the enlightened intelligence of this nation to say to them that all these Indian tribes, in which our religious denominations in different parts of the country have taken an interest, in which liberal-minded men have taken an interest, are to be taken out from under the control of the civil authorities and placed entirely under the control of the military.

What are the reasons that are given for it? It is said that it will be less expensive to manage them by the military, and my friend from Ohio brings in here and reads to the Senate, as a reason for making this change, an abuse in the purchase of some flour at Fort Gibson, if it be an abuse, and says that a large price was paid for that flour. If the Senator from Ohio will look at the purchases made by Army officers, he can find many abuses. He can find where they bought rocks for hay, where they paid for hundreds and thousands of cords of wood that were never delivered, where grain and forage paid for as in good condition were utterly worthless, where garments purchased for your soldiers were of rotten cloth and good for nothing. But, sir, that would afford but little reason for changing the whole organization and control of the Army; and the Senator from Ohio will permit me to say that this evidence that he has got in reference to the purchase at Fort Gibson, I presume, comes from one of the parties who are having a controversy in the Cherokee country. There were

before the Committee on Indian Affairs the representatives of what is known as the Ross party and the representatives of the other party, formerly known as the Ridge party, and they disagreed totally in their statements. These different parties have employed attorneys, and I am told that these attorneys receive very large fees for appearing before committees of Congress and endeavoring to advance the views of the particular tribe which employs them. I do not speak of this to the discredit of or as any reflection on the attorneys. It is their business to appear as counsel for clients who employ them; but they represent the case of their clients in the best view they can consistently with the facts; and I have no doubt that much of this information which has affected the mind of the Senator from Ohio has come through paid attorneys, paid thousands of dollars to accomplish a particular object. There are two parties of the Cherokees, unfriendly and hostile to each other, unwilling to unite together to make a treaty, one party setting up that they cannot live with the other, and that they must have a separate treaty; the other party insisting that there must be a treaty for the whole nation, and they being in a majority, as the minority say, will control the minority unjustly and encroach upon their rights. I will not undertake to decide who is right or who is wrong at this time. I speak of it merely to place before the Senate the fact that the statements of interested parties are to be taken with many grains of allowance.

We all know, sir, that under the management of the military Department of this Government business is not carried on in the most economical way. Suppose the Senator from Ohio were to institute an investigation to know what this Capitol has cost and how the work upon it has been done under the military Department of the Government, or were to look into the expense of constructing the Washington aqueduct, I wonder if he would not be able to find that much more money had been expended than was really necessary to accomplish the work which has been done. Why, sir, it is notorious that a public work erected by the Government through the military Department costs an extravagant price; and I know no reason to suppose that the public business of the country can be carried on more cheaply through the War than through the Interior Department. As was very justly remarked by the Senator from Wisconsin, we make our appropriations for the Army in the lump, by the tens and the hundreds of millions of dollars. Instead of appropriating a few thousand dollars, ten, twenty, or thirty thousand, as the case may be, to take supplies to an Indian tribe up the Missouri river, we appropriate \$30,000,000 for transportation purposes of the Army. Whenever the Army needs to move supplies up the Missouri river it charters boats at \$600 a day or \$700 a day, and nothing is ever said or thought about it; but if an Indian agent charters a boat at half that price, the matter is inquired into. None of us ever know the details of the expenditures in the War Department.

There has come to my knowledge, in connection with Indian affairs, within a few days, upon the Indian Committee, a fact which I will state. The War Department has had control of a tribe of Indians known as the Navajoes for the last two or three years. We had a war with them. Our armies captured them, placed them in a certain locality, and have been guarding them for several years, at an expense last year of more than twelve hundred thousand dollars for feeding and taking care of them. The Secretary of War applied to the Secretary of the Interior to take charge of those Indians. The War Department wishes to get rid of them; and the Secretary of the Interior has sent in an estimate of the amount it would cost that Department to take care of the Navajoes for the next year; and how much do you think it is? About seven hundred thousand dollars. I cannot give the exact figures, but it is more than half a million less than it cost the War

Department this year. The Committee on Indian Affairs, however, have thought it better, as those Indians were now in the control of the War Department, to leave them there, and have not recommended that appropriation. It being stated that it was necessary to use some military power to control the warlike tribes, it was thought better to leave them entirely under the control of the War Department for the ensuing year, although it cost last year more than twelve hundred thousand dollars for the War Department to take charge of that single tribe of Indians.

Mr. DOOLITTLE. Independent of the pay of the troops.

Mr. TRUMBULL. So I understand; independent entirely of the pay of the troops.

I do not wish to take up time on this subject. I confess that I am not sufficiently advised to discuss it in all its bearings. The matter was considered somewhat in the committee of which I am a member; but I did not feel sufficiently advised there to recommend this change. It may be for the best. I am not satisfied that it is. I see some reasons why it is not best to make the change. Until we have more information, and understand it better, I think we had best leave the matter where it is. Let us leave it there for the present until we see how, under the new settlements and new arrangements which have been recently made in regard to the Indians, this system will work. I think we shall find an improvement in the management of our Indian affairs under the present officers. That is my judgment about it. In that I may be mistaken, and it may be best, when we come to understand the subject thoroughly, that the Indian Bureau should be placed under the War Department. I am not satisfied that it is so. I think this measure is inconsiderate; that it ought not to come in here in this way upon an appropriation bill, and from a committee not having special charge of the matter. I think the Committees on Indian Affairs of the two Houses, in connection with such information as may be obtained from the different Departments in regard to the management of Indian affairs, ought to consult together and mature the system, if the change is to take place, before we adopt it.

The PRESIDENT *pro tempore*. Is the Senate ready for the question on the amendment reported by the Committee on Finance to the bill?

Mr. GRIMES. I understood the Senator from Maine to demand the yeas and nays upon it.

Mr. FESSENDEN. That was another question.

The PRESIDENT *pro tempore*. On this question the yeas and nays are demanded.

The yeas and nays were ordered; and being taken, resulted—yeas 12, nays 21; as follows:

YEAS—Messrs. Brown, Fessenden, Grimes, Guthrie, Kirkwood, Lane of Indiana, Morgan, Sherman, Stewart, Van Winkle, Williams, and Wilson—12.

NAYS—Messrs. Buckalew, Chandler, Clark, Cragin, Creswell, Davis, Doolittle, Foster, Henderson, Hendricks, Howard, Johnson, Nesmith, Norton, Poland, Salisbury, Sprague, Sumner, Trumbull, Willey, and Yates—21.

ABSENT—Messrs. Anthony, Connors, Cowan, Dixon, Edmunds, Harris, Howe, Lane of Kansas, McDougall, Morrill, Nye, Pomeroy, Ramsey, Riddle, Wade, and Wright—16.

So the amendment was rejected.

Mr. SHERMAN. The remainder of the amendments reported by the committee, the fourth, fifth, sixth, and seventh sections, will necessarily fall with the first. Perhaps a vote had better be taken upon them as one whole amendment. The first having failed, the rest as a matter of course follow.

The PRESIDENT *pro tempore*. The question will be taken on the other amendments proposed by the Committee on Finance collectively.

The amendments were to insert as additional sections the following:

Sec. 4. *And be it further enacted*, That the Secretary of War shall be authorized, whenever in his opinion it shall promote the economy and efficiency of the Indian service, to establish convenient departments and districts for the proper administration of the duties now imposed by law on the superintendents of Indian affairs and upon agents and sub-agents,

and to substitute for such superintendents and agents officers of the Army of the United States, who shall be designated for that purpose, and who shall then become charged with all the duties now imposed by law upon the superintendents and agents thus superseded, and without additional compensation therefor. Officers of the Army so designated shall not be required to give bonds now required of civil appointees, but shall be responsible for any neglect or maladministration, according to the Rules and Articles of War.

Sec. 5. *And be it further enacted*, That all contracts for transportation connected with the Indian service shall hereafter be made in the same manner and at the same time provided for transportation for the use of the Army.

Sec. 6. *And be it further enacted*, That the Secretary of War shall be authorized to withhold all special licenses from traders, and, under regulations to be by him prescribed, to provide the times and places at which all traders complying therewith may present themselves for bargain, barter, and exchange with the several Indian tribes, according to the laws of the United States regulating the same.

Sec. 7. *And be it further enacted*, That all laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

The amendments were rejected.

Mr. DOOLITTLE. I am instructed by the Committee on Indian Affairs to offer several amendments to the bill. In the first place, I will offer some which are rather verbal by way of correction. On page 8, lines one hundred and sixty-five, one hundred and sixty-nine, one hundred and seventy-two, one hundred and seventy-five, and one hundred and seventy-eight, the word "thirteenth" should be "twelfth;" so as to read "for twelfth of thirty installments," &c.; otherwise the effect would be that the Indians would lose one installment to which they are entitled. Last year we appropriated for the eleventh of their installments, and this year the appropriation should be for the twelfth.

The PRESIDENT *pro tempore*. That correction will be made, no objection being interposed.

Mr. DOOLITTLE. On the fourteenth page, lines three hundred and twenty-three and three hundred and twenty-seven, in the appropriation for the Kickapoos, the word "fourteenth" ought to be changed to "thirteenth." Last year we appropriated for the twelfth installment.

The PRESIDENT *pro tempore*. That change will be made, no objection being interposed.

Mr. DOOLITTLE. On the seventeenth page, line three hundred and ninety-four, in the appropriation for the Omahas, the word "ten" should be "nine," so as to read, "for the last of nine installments," &c.

The PRESIDENT *pro tempore*. That amendment will be made, no objection being offered.

Mr. DOOLITTLE. I move the same amendment in the four hundred and seventh line, on the same page, in the appropriation for the Ottos and Missourias, to strike out "ten" and insert "nine" before the word "installments."

The PRESIDENT *pro tempore*. That change will be made, no objection being interposed.

Mr. DOOLITTLE. On the eighteenth page, line four hundred and twenty, under the head of "Pawnees," "five" should be changed to "four," so as to read, "for last of four installments," &c.

The PRESIDENT *pro tempore*. That amendment will be made, no objection being offered.

Mr. DOOLITTLE. On page 19, line four hundred and forty-four, I move to strike out the word "ten" and insert "nine" before the word "installments."

The PRESIDENT *pro tempore*. That change will be made, no objection being interposed.

Mr. DOOLITTLE. In lines four hundred and fifty-one and four hundred and fifty-five, on the same page, the word "ninth" should be changed to "eighth," so as to read, "for eighth of ten installments," &c.

The PRESIDENT *pro tempore*. Those changes will be made, no objections being interposed.

Mr. DOOLITTLE. On page 28, line six hundred and fifty-seven, the word "ninth" should be stricken out and the word "eighth" inserted, so as to read, "for eighth of ten installments," &c.

The PRESIDENT *pro tempore*. That change will be made, no objection being offered.

Mr. DOOLITTLE. On the same page, line six hundred and sixty-nine, the word "fourth" should be changed to "third;" and in lines six hundred and seventy-five and six hundred and seventy-nine the word "ninth" should be changed to "eighth."

The PRESIDENT *pro tempore*. Those changes will be made, no objection being interposed.

Mr. DOOLITTLE. On page 63, line fifteen hundred and twenty-seven, I move to insert after the word "of" the words "sheep and of;" so that the clause will read:

For subsistence for the Navajo Indians, and for the purchase of sheep and of agricultural implements, seeds, &c.

Mr. FESSENDEN. Do you propose to increase the appropriation?

Mr. DOOLITTLE. No, sir.

The amendment was agreed to.

Mr. DOOLITTLE. I now propose to move some amendments which contain appropriations. On page 61, after line fourteen hundred and ninety-three, after the miscellaneous appropriations, I move to insert the following:

For the reappropriation of the sum carried to the surplus fund for warrant numbered one hundred and seventy-two, dated June 30, 1865, under the head "for surveying and allotting to the proper persons the reserved tracts, per the ninth and tenth articles of the treaty with the Sacs and Foxes, and other tribes of Indians of July 15, 1830," \$1,209 97.

This is recommended by the Secretary of the Interior in a letter which I hold in my hand, and which I will read if it is desired.

Mr. FESSENDEN. It had better be read, so that we can understand what this amendment is about.

Mr. DOOLITTLE. It is as follows:

DEPARTMENT OF THE INTERIOR.
WASHINGTON, D. C., February 19, 1866.

SIR: I have the honor to submit for the consideration of the Committee on Indian Affairs, the subject embraced in the inclosed copy of a communication from the Commissioner of Indian Affairs of the 17th instant, namely: by the fifth section of the act of July 31, 1854 (Statutes-at-Large, volume ten, page 332) an appropriation was made by Congress for surveying and allotting to the proper persons the reserved tracts per the ninth and tenth articles of the treaty with the Sacs and Foxes of the Missouri, of July 15, 1830.

Under the impression that all claims, on account of the above appropriation, had been settled, an unexpended balance, to the amount of \$1,209 97, was remanded on the 30th of June last, and carried to "surplus fund."

It now appears that William Ashley Jones, Esq., has a meritorious and just claim of \$1,142 62 for services as a commissioner under the appropriation above referred to; and as there are no funds at the disposal of this Department applicable to the payment of said claim, the Commissioner of Indian Affairs recommends that an application be made to Congress to reappropriate to its original purpose, in order that a settlement of said accounts may be made.

This recommendation of the Commissioner is approved by this Department and the favorable action of the Committee on Indian Affairs is respectfully requested.

I am, sir, very respectfully, your obedient servant,
JAMES HARLAN, Secretary.

Hon. J. R. DOOLITTLE, Chairman Committee on Indian Affairs, United States Senate.

The amendment was agreed to.

Mr. DOOLITTLE. The second amendment which the Committee on Indian Affairs intended to propose covers precisely what was put, as I am informed, upon the legislative appropriation bill. It is for payment of the goods that were burned on board steamboats at St. Louis. That matter having been acted upon by the Senate, and being now pending in the legislative appropriation bill, I shall not move an amendment on the present bill. If it remains upon the legislative appropriation bill that is all that is necessary.

On page 6, after line one hundred and eighteen, I move to insert the following amendment:

For the purpose of quieting the claim of the Lac de Flambeau band of Chippewas for an interest in lands ceded to the United States by the Bois Fort band of Chippewa Indians, \$5,000.

I have here a letter of the Secretary of the Interior, inclosing a communication from the Commissioner of Indian Affairs, upon which

this appropriation is asked. The facts, I will state, are simply these: there was a treaty with these Chippewas, and this band joined in the treaty, as long ago as 1854. By the terms of the treaty, all their right to a very large section of country was ceded to the United States. Some of these Indians or their chiefs claimed that they did not fully understand the provisions of the treaty, and that they had not intended to cede as much as it appears by the terms of the treaty they had ceded. They came on here with the other Chippewas at the present session. During the last winter a treaty was negotiated with the Bois Fort band of the Chippewas; but inasmuch as this Government had a treaty with these Lac de Flambeau Indians, and it appeared to be ratified, the Government could not concede, on its behalf, that they had been imposed upon in this way, and did not make any new treaty with them. It so happened that there were four of the chiefs of the Lac de Flambeau band here. Three of them sickened with the small-pox and died in this city, and there was but one of them to return home. It was believed by the Department of the Interior, or feared at least, that from the circumstances of their being dissatisfied with their arrangement, their not having made a treaty here, and these chiefs having sickened and died here, trouble would arise with them. It was therefore thought desirable that Government should appropriate this sum of money by way of a present to this tribe. It was thought it would be a matter of economy and a matter of conciliation toward the tribe. There is no treaty stipulation which binds us to pay this money; but the Department appeals to the generosity of Congress, under the circumstances, believing that it would be wise to make the appropriation. That is the substance of it. Our committee considered the subject in all its bearings, and though we had some doubts upon it, still, upon the whole, we thought it was wise to make this appropriation, or allow the Department to do it; and therefore we have recommended it. I hope the Senate will adopt it.

The amendment was agreed to.

Mr. DOOLITTLE. I am directed by the Committee on Indian Affairs to offer another amendment, to come in after the amendment which I have just offered, after line fourteen hundred and ninety-three, on page 61:

For this amount, or so much thereof as may be necessary to pay the indebtedness incurred for the Indian service in the State of Oregon and the Territory of Washington in the years 1860, 1861, and 1862, \$40,000.

I have a letter here from the Commissioner of Indian Affairs which explains the facts upon which the committee thought proper to recommend this amendment.

Mr. FESSENDEN. Does it come from the Department?

Mr. DOOLITTLE. Yes, sir.

Mr. FESSENDEN. Does the Department recommend it?

Mr. DOOLITTLE. Yes, sir; and this is the Commissioner's letter explaining the circumstances:

"On entering on the position of head of the bureau I found a large number of unsettled papers on file here, issued by various agents in Oregon and Washington Territory in 1860, 1861, and 1862. They amount in the aggregate to \$7,940 90 in Oregon and \$21,353 43 in Washington Territory. The records of the office do not show clearly why this indebtedness accrued; but it appears that during the years 1860, 1861, and 1862, owing to changes in the offices for the department of Oregon and Washington, funds were not regularly transmitted to defray the current expenses of the service. Superintendents and agents, not being fully advised as to the amount of the funds applicable to the service there, and being necessarily obliged to depart from the rules of the department against incurring any indebtedness, issued vouchers for whatever articles they purchased or whatever labor they hired, without reference to the funds at the disposal of the department to meet them. It is certain that vouchers were issued during those years to an amount greatly exceeding the appropriations then applicable to their payment. They have been presented and paid from time to time since, partly out of funds originally applicable to their payment, and partly out of funds made applicable by virtue of the act of March 3, 1863, authorizing not exceeding \$68,000 of unexpended balances of appropriations for the Indian service in Oregon and Washington to be so used. There are now no funds applicable to the

payment of these outstanding claims, and none appropriated for the Indian service in Oregon and Washington Territory which could be diverted to that object without seriously embarrassing the service there; yet the claims should be paid. A large portion of them are for labor done under the direction of officers of the Government, while others are for goods or provisions sold to the Government. The parties have lived out of their just dues for four or five years, some of them even longer, and this department is continually in receipt of urgent appeals for the payment of these vouchers.

"I have stated above the amount of these claims now on file in this office. Others have been filed by the claimants and withdrawn again, after a vain endeavor to procure their money; and occasionally a new claim is presented; so that it is impossible to say exactly what sum will be required to pay all the just claims now remaining unpaid. I think, however, that at least \$40,000 will be required for the object. I have therefore prepared an estimate," &c.

Now, Mr. President, it is not satisfactory to the committee that this thing should be so; but the facts are, that in consequence of the changes from time to time of the officers on that coast, and the length of time required to make out their bonds there and send them to the office here, before any money could be remitted, the necessities of the Indian service there had to go on, or did go on, and the officers, without waiting for the funds to come, actually incurred expenditures for labor, goods, &c. This indebtedness accrued against the Government in this way, and the department here is charged with it, and annoyed continually by it; and the question is, what shall be done? Shall the debt be repudiated, because in consequence of that state of things the agents on that coast transcended, really, their legal powers from the necessity of the case? The Senator from Oregon can explain more particularly how the matter transpired there, if it is necessary or desirable.

Mr. NESMITH. These liabilities accrued substantially in the way that has been mentioned by the Senator from Wisconsin, the chairman of the Committee on Indian Affairs. In 1861 changes were made in all the Indian offices, both in Oregon and Washington Territory. In Washington Territory there were two changes made, and they were made very rapidly, and the first superintendent never had any funds transmitted to him; I believe, at least not until about the close of his term. He was there for some six or eight months before his successor's bonds could be received here, and he be supplied with funds. The same condition of affairs existed in Oregon, except that there was but one appointment of superintendent. We were left there entirely destitute of funds for the prosecution of the business connected with the department, owing to the difficulties growing out of the war, the change in the head of the office here, and the delay in transmitting funds. Those officers found themselves in charge of reservations on which Indian tribes recently hostile had been removed, and there was no alternative left on their part. They had either to continue the business, retain the Indians there, and make sufficient disbursements for their subsistence, and the prosecution of the improvements which were then in process of completion, or they had to abandon the Indians, let them abandon the reservations, turn everything loose, and wait until they could communicate with the department here and get the money which had been appropriated. Those officers had not even been informed of the amounts appropriated. Under this condition of affairs they did employ labor and did make purchases of supplies absolutely necessary for the prosecution of the business there until they could communicate with the department here, and until statements of the different appropriations and the different heads under which they had been appropriated were transmitted to them. It subsequently transpired that they did exceed the amount of the appropriations some thirty-five thousand or perhaps forty thousand dollars.

Mr. FESSENDEN. Over \$60,000 has been already appropriated to pay them heretofore, according to the letter which has been read.

Mr. NESMITH. All the claims, with the exception of this balance of \$40,000, were paid out of the current appropriations. These are

simple additions in excess of the appropriations for those years. The Government has had the supplies and has had the service. The people there have been lying out of their money for three or four years. I think this is a just claim, and that the Government should pay this money.

Mr. WILLIAMS. I am somewhat familiar with the circumstances under which these claims accrued. I know very well that men in Oregon have advanced their goods and their labor to these Indian agents and received vouchers; that these vouchers have never been paid; and this money, if it is appropriated, will go to persons who are entitled to it, because they have rendered an equivalent for it to the Indian department in good faith. Men have been employed by the Indian agents where the circumstances required that they should be so employed. Of course it was impossible for men who were acting in the capacity of laborers to know whether or not there was an appropriation to meet the particular case. They could only depend upon the vouchers which they received from these Indian agents, and they, of course, expected that upon the presentation of those vouchers, which they had received in good faith, they would be paid for their labor or for their goods or whatever they furnished to the department. But, on the contrary, after making these expenditures of labor and goods, and, in some instances, money, they have been compelled to wait for several years. We know that there is throughout the State of Oregon a feeling that there has been great injustice done by the Government in this respect in not paying these claims. I know of my own knowledge that very many of the claims are claims that ought to be paid by the Government. The Government has received an equivalent. Men have rendered services, given their goods and their property in good faith to the Government, and received their vouchers. When they presented their vouchers there was no money to pay them. I am satisfied that if there is any appropriation that is just this is one, and it ought to be made.

The amendment was agreed to.

Mr. DOOLITTLE. I am directed by the Committee on Indian Affairs to move the following amendment, to carry into effect the treaty with the Winnabagoes. It is to insert on page 27, after line six hundred and fifty, the following:

For the erection of saw-mill, with grist-mill attached, on their new reservation, as per third article treaty of March 8, 1865, \$10,000.

For expense of branding and fencing one hundred acres of land for each band of said Indians, as per third article of treaty of March 8, 1865, \$0,087 60.

For expenses of sowing and planting one hundred acres of land for each band of said Indians, and furnishing seed for the same, as per third article treaty of March 8, 1865, \$5,750.

For the purchase of guns for said Indians, as per third article treaty of March 8, 1865, \$2,000.

For the purchase of four hundred horses, one hundred cows, twenty yoke of oxen, twenty wagons, and forty chains, as per third article treaty of March 8, 1865, and Senate amendment thereto of February 13, 1866, \$60,300.

For the purchase of agricultural implements, as per third article treaty of March 8, 1865, \$500.

For the erection of an agency building, school-house, warehouse, and suitable buildings for the physician, carpenter, interpreter, miller, engineer, and blacksmith, on the new reservation of said Indians, as per fourth article treaty of March 8, 1865, \$21,000.

For erection of a house for each chief of the said tribe, as per fourth article treaty of March 8, 1865, \$22,500.

For expenses of the removal of the property of said Indians to their new homes, as per fifth article treaty of March 8, 1865, \$300.

For subsistence of the Winnabagoes for one year after their arrival at their new homes, as per fifth article treaty of March 8, 1865, \$95,000.

The amendment was agreed to.

Mr. DOOLITTLE. I am directed by the Committee on Indian Affairs to offer the following amendment, to come in after line two hundred and thirty, on page 10:

For this amount, being in consideration of certain lands ceded the United States, to be invested and held by the said United States at an interest of not less than five per cent., and to be paid to the Choctaw and Chickasaw nations immediately on the enactment of certain laws regarding persons of African descent residing in said nations, as per third article of the treaty of April 23, 1866, to be covered into the

Treasury of the United States as a temporary loan at interest at the rate of five per cent., \$300,000.

For this amount, or so much thereof as may be necessary, to enable the Secretary of the Interior to cause a census of each tribe to be taken, as per first clause eighth article treaty of April 28, 1866, \$1,500.

For this amount, to be advanced the Choctaws for the cession of the leased district and the admission of the Kansas Indians, as per forty-sixth article treaty of April 28, 1866, \$150,000.

For this amount, to be advanced the Chickasaws for cession of the leased district and the admission of the Kansas Indians, as per forty-sixth article of the treaty of April 28, 1866, \$50,000.

For pay of commissioners to be appointed by the President, as per forty-ninth and fiftieth articles of the treaty of April 28, 1866, and Senate amendment thereto, or so much thereof as may be necessary, \$1,320.

The amendment was agreed to.

Mr. DOOLITTLE. On page 56, after line thirteen hundred and fifty-five, by direction of the Committee on Indian Affairs, I move to insert the following:

Camanches and Kioways:

For first of forty installments, to be expended under the direction of the Secretary of the Interior, being an amount equal to ten dollars *per capita* for four thousand persons—the number agreed upon for the present year—as per fifth article treaty of October 18, 1865, for the fiscal year ending June 30, 1867, \$40,000.

For transportation of goods, provisions, &c., purchased for the Camanche and Kioway Indians, for the fiscal year ending June 30, 1867, or so much thereof as may be necessary, \$8,000.

Mr. FESSENDEN. Is that to carry out a treaty?

Mr. DOOLITTLE. Yes, sir.

The amendment was agreed to.

Mr. DOOLITTLE. By direction of the Committee on Indian Affairs, I offer the following amendment to come in after the amendment just adopted:

Cheyennes, Arapahoes, and Apaches:

For first of forty installments, to be expended under the direction of the Secretary of the Interior, for the Apache Indians, being an amount equal to twenty dollars *per capita* for eight hundred persons, as per second article, treaty of October 17, 1865, for the fiscal year ending June 30, 1867, \$16,000.

For transportation of goods, provisions, &c., purchased for the Apache Indians for the fiscal year ending June 30, 1867, or so much thereof as may be necessary, \$3,500.

The amendment was agreed to.

Mr. DOOLITTLE. On page 17, after line four hundred and five, by direction of the Committee on Indian Affairs, I move the following appropriation for the Osages:

Interest on \$300,000 at five per cent. per annum, to be paid semi-annually in such articles as the Secretary of the Interior may direct, as per first article treaty of September 23, 1865, for the fiscal year ending June 30, 1867, \$15,000.

For this amount, or so much thereof as may be necessary, to defray the expenses of surveying and selling the lands ceded in trust by said Osage Indians, as per thirteenth article treaty of September 29, 1865, \$20,000.

For transportation of goods, provisions, &c., purchased for the Great and Little Osage Indians, for the fiscal year ending June 30, 1867, or so much thereof as may be necessary, \$3,500.

The amendment was agreed to.

Mr. DOOLITTLE. I offer the following amendment from the Committee on Indian Affairs, to come in on page 59, after line fourteen hundred and thirty-four:

Klamath and Modok Indians:

For first of five annual installments, to be applied under direction of the President, as per second article treaty of October 14, 1864, for the fiscal year ending June 30, 1867, \$8,000.

For this amount, to pay for such articles as may be advanced the Indians at the time of signing the treaty, and to subsist them during the first year after their removal to the reservation, the purchase of teams, farming implements, seeds, tools, clothing, and provisions, and salary of the necessary employes, as per third article treaty of October 14, 1864, \$35,000.

For the erection of one saw-mill, one flouring-mill, buildings for the blacksmith, carpenter, and wagon and plow maker, the necessary buildings for one manual labor school, and for hospital buildings, as per fourth article treaty of October 14, 1864, \$11,300.

For the purchase of tools and material for saw and flour mills, carpenter, blacksmith, wagon and plow maker's shops, and books and stationery for the manual labor school, as per fourth article treaty of October 14, 1864, \$1,500.

For first of fifteen installments to pay salary and subsistence of one superintendent of farming, one farmer, one blacksmith, one sawyer, one carpenter, and one wagon and plow maker, as per fifth article treaty of October 14, 1864, for the fiscal year ending June 30, 1867, \$6,000.

For first of twenty installments to pay salary and subsistence of one physician, one miller, and two

school teachers, as per fifth article treaty of October 14, 1864, for the fiscal year ending June 30, 1867, \$3,600.

For the erection of agency buildings, \$4,000.

Mr. FESSENDEN. Is that to carry out a treaty?

Mr. DOOLITTLE. Yes, sir.

The amendment was agreed to.

Mr. DOOLITTLE. I have one more amendment to carry into effect the treaty with the Nez Percés. It is on page 35, after line eight hundred and thirty-seven, to insert the following:

For first of four installments to enable the Indians to remove and locate upon the reservation, to be expended in plowing land and fencing lots, as per first clause fourth article treaty of June 9, 1863, for the fiscal year ending June 30, 1867, \$70,000.

For the purchase of agricultural implements, including wagons or carts, harness, cattle, and sheep, or other stock, as may be deemed most beneficial, as per second clause fourth article treaty of June 9, 1863, \$50,000.

For the erection of a saw and flouring mill, to be located at Kamia, as per third clause fourth article treaty of June 9, 1863, \$10,000.

For first of the sixteen installments for boarding and clothing the children who shall attend the schools, providing the schools and boarding-houses with necessary furniture, the purchase of necessary wagons, teams, agricultural implements, tools, &c., and for fencing of such lands as may be needed for gardening and farming purposes for the schools, as per fourth clause fourth article treaty of June 9, 1863, for the fiscal year ending June 30, 1867, \$6,000.

For building two churches, as per fifth clause fourth article treaty of June 9, 1863, \$2,500.

For salary of two subordinate chiefs, as per fourth article treaty of June 9, 1863, for the fiscal year ending June 30, 1867, \$1,000.

For the erection of buildings for the subordinate chiefs, and to plow and fence the land for said chiefs, as well as to procure the necessary furniture, and to complete and furnish the house, &c., of the head chief, as per fifth article treaty of June 9, 1863, \$2,500.

For the erection of two school-houses, including boarding-houses and the necessary out-buildings, as per first clause fifth article treaty of June 9, 1863, \$10,000.

For the erection of a hospital and providing the necessary furniture, as per second clause fifth article treaty of June 9, 1863, \$1,200.

For the erection of a blacksmith shop, to be located at Kamia, to aid in the completion of the smith's shop at the agency, and to purchase the necessary tools, iron, steel, &c., as per third clause fifth article treaty of June 9, 1863, \$2,000.

For the erection of houses for employes, repairs of mills, shops, &c., and providing necessary furniture, tools, and materials, as per fourth clause fifth article treaty of June 9, 1863, \$3,000.

For salary of two matrons to take charge of the boarding-schools, two assistant teachers, one farmer, one carpenter, and two millers, as per fifth article treaty of June 9, 1863, for the fiscal year ending June 30, 1867, \$7,600.

For the erection of a house for the Indian chief Timothy, as per sixth article treaty of June 9, 1863, \$600.

To pay the claims of certain members of the Nez Percé tribe for services rendered and for horses furnished to the Oregon mounted volunteers on the 6th of March, 1856, at Camp Cornelius, as per seventh article treaty of June 9, 1863, (to be paid in gold,) \$4,665.

To enable the President to cause the boundary lines of the reservation to be surveyed and properly marked and established, and the reservation to be surveyed into lots of twenty acres each, as per third article treaty of June 9, 1863, \$25,000.

The amendment was agreed to.

Mr. DOOLITTLE. There is one more amendment which I am authorized by the Committee on Indian Affairs to propose to the bill; and that is to add to this appropriation bill the appropriation for which a joint resolution was reported by the committee some time since to pay deficiencies for the support of the Indian refugees in southern superintendencies. I now offer that proposition as an amendment to this bill, to come in as a new section:

And be it further enacted, That there be, and is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$500,000 for the payment of supplies already furnished to the destitute Indians of the southern superintendency, for removing them to their homes, and for relieving such destitute persons among said Indians as are in actual want and suffering.

Mr. FESSENDEN. I have very great doubts about that amendment. I should be glad to have the attention of the Senator from Ohio to it.

Mr. SHERMAN. That is more than the amount they claimed of us.

Mr. DOOLITTLE. The amount estimated for by the Department was over \$700,000. The amount which was actually expended when the question was presented to the Committee on Indian Affairs was \$385,000, and the estimates for the expenditures up to the 1st of August

were over \$700,000. Our committee, after very long and patient investigation into this matter, bringing before us all the agents of these tribes, and the Secretary of the Interior himself also coming before the committee to impart any information that had come to his knowledge and the Commissioner of Indian Affairs, became satisfied that, so far as the money which had been expended was concerned, we must make the appropriation; and as to the condition of the Indians, we were fully satisfied that some further appropriation was necessary to keep them from actual starvation. We have cut the thing down, as I think, to the very lowest point, so far as any future or additional expenditure is to be made, that we can do without suffering these people to starve upon our hands.

If the Senate will give me their attention I can state the facts in this case in a single moment. When the war commenced the southern Indians joined the rebellion, with about one half the Creeks and a third or more of the Choctaws, and drove the loyal Indians, as they were called, out of the country, in the depth of winter, into Kansas, to the number of about twenty thousand. Their presence in the State of Kansas gave continual dissatisfaction to the people of Kansas, and we were constantly pressed to pass a law to compel the Interior Department to remove those Indians out of the State of Kansas into the Indian country. At last Congress passed an act which directed the Secretary of the Interior to remove those Indians from the State of Kansas back to their homes. This was undertaken. When they were removed back to their homes, the long and short of the whole story is, there was nothing upon which they could live except some few cattle that were found in the country. Some of them have not reached their homes yet. Complaints have been made that the thing has not been managed with as much wisdom as it might have been. Perhaps those complaints are well founded; but whether it has been managed with the discretion that it ought to have been or not, the truth is the Indians were there; the Indians were upon our hands; the Indians were almost in a state of absolute starvation; and the Government has never fed them any too well. It has cost no large sums of money, it is true. We confiscated the annuities of the Choctaws and all the Indians of the Indian country, and used that money to aid in supporting them. In addition to that, we have been compelled to expend large sums of money out of the Treasury. Let me say to my honorable friend from Ohio that the result to which our committee came, after the fullest examination, was, that we would favor this appropriation of half a million dollars, and that it should be the last. Most of the Indians are now at their homes, and we are making arrangements and treaties with them, and now they must take care of themselves. They can do it. These Indians, in comparison with other Indians, are civilized; and with the assistance we have given them, and the crops growing this year, they will be able to live. That is the real truth. I hope my honorable friends from Ohio and Maine will not resist this appropriation, for it is an appropriation to which we must come at the last. The money has been expended, and it must be paid.

Mr. SHERMAN. I wish to read extracts from two letters from the Commissioner of Indian Affairs upon this subject, and then I shall leave the question entirely to the Senate to decide. I know how futile it is to attempt to resist appropriations of this character. We have expended millions in this way. I must confess that these letters, and others, brought me very much to agree to the general proposition to transfer this whole bureau to the War Department. The first letter that I will read is dated May 10, 1866, and addressed to the Secretary of the Interior, from the Commissioner of Indian Affairs:

"SIR: In compliance with your direction, under date of the 7th instant, I called upon Superintendent Sells on the 8th"—

And here I may say that it was alleged before the Finance Committee that Mr. Sells had a son who was a partner of the contractors furnishing these goods. Although that is not criminally wrong, yet certainly it creates unpleasant impressions.

Mr. DOOLITTLE. Upon that subject, if my honorable friend will allow me to interrupt him, I desire to say a word, as it is a matter involving the character of Mr. Sells. It is a fact, I believe, that his son was for a short time connected with Perry, Fuller & Co., in Lawrence; but the moment the attention of the Interior Department was brought to the fact that there was a contract existing between the superintendent and a firm of which his son was a member, an order was at once issued by the Department absolutely forbidding any such kind of contracts being entered into by any agent of the Indian department with any firm in which any relative of the agent or superintendent had any interest whatever. The son of Mr. Sells immediately withdrew from this firm, as I understand the fact to be. The contract to which reference has been made was but for a very small portion of the supplies which were sent to that country. I will say to my honorable friend that this whole subject was before the Indian Committee, and pretty fully investigated, and we became satisfied that there was nothing in the transaction which involved the integrity of Mr. Sells. I felt bound to say this much.

Mr. SHERMAN. Let me go on and finish my statement. I am very glad to hear that there was such an order; but the Senate will see at once the connection between what I state now and these letters. Mr. Sells, the superintendent of these Indians, it was said had a son a member of the firm of contractors who, it was alleged, were to have very large and undue sums from the Government for supplying these very Indians. Now, the Commissioner of Indian Affairs on the 10th of May, wrote this letter to the Secretary of the Interior:

"Sir: In compliance with your direction under date of the 7th instant, I called upon Superintendent Sells on the 8th for an approximate statement of the disbursements made of the funds heretofore placed to his credit, not definitely accounted for, and also an estimate of the amount absolutely necessary to prevent starvation and suffering by the Indians of his superintendency up to the close of July next."

"On this day Superintendent Sells has submitted the report and estimate called for, which, with the letter accompanying it, I have the honor to transmit herewith."

I have that letter.

"I also transmit a letter of Agent Harlan, dated May 1, and letters of Agents Reynolds and Dunn, dated May 8, 1866, relating to the necessity of the expenditures heretofore made by Superintendent Sells, and of a continuance of supplies to the Indians of their respective agencies."

Then, the Commissioner of Indian Affairs very properly says:

"When I became aware of the fact that the expenditures for subsisting and clothing these Indians had exceeded the amount of funds at the disposal of the Department applicable to that object, I directed Superintendent Sells to incur no further expenditures in that behalf. I saw no other safe course to pursue; but I feared then, and am certain now, that great suffering will be the result if steps are not taken to continue the aid of the Government to these destitute Indians."

Here is a very simple proposition. During the session of Congress, while we might have been called upon at any moment, if the money appropriated at the beginning of the session was exhausted, no further appropriation was made, and the Commissioner of Indian Affairs directed the local superintendent there to stop all disbursements on this account. If the matter had ended there, there would have been no claim for a deficiency. A few days after, I think the next day, the Commissioner of Indian Affairs wrote another letter, which I believe was also directed to Mr. Harlan, the Secretary of the Interior. Here it is:

"Sir: On the 10th of November last I had the honor to submit an estimate of the funds required to feed and clothe destitute Indians of the southern superintendency for the fourth quarter, 1865, and the first quarter, 1866, and to provide them with agricultural implements and seeds to enable them to provide after this year for their own subsistence."

"The number of these Indians then requiring subsistence was thirty thousand seven hundred and

seventy; and the number to be clothed was thirty-two thousand two hundred and seventy. The ravages of war had rendered all these utterly destitute, and dependent on the Government for all the necessities of life."

"The amount of funds called for by Superintendent Sells, at the time stated, to support these Indians for six months, was \$1,185,331. This I considered a reasonable sum for the objects in view; but, in submitting the estimate, I reduced the amount to \$1,000,000, thinking that, with economy, this would be sufficient."

"In response to this estimate, Congress, on the 23d December, 1865, authorized a transfer of \$500,000 from appropriations remaining unexpended for the suppression of the African slave trade, to the objects for which funds were then asked."

I do not exactly see the connection between the two subjects; but it seems that this agent asked for \$1,185,000; the bureau here reduced it to \$1,000,000; and the Indian Committee then came in, and Congress, upon their motion, appropriated \$500,000. The Commissioner of Indian Affairs goes on and says:

"This sum would not provide subsistence alone for these Indians. It allowed about nine cents per day to each person for the time designated. Winter being upon them, clothing was as necessary to prevent starvation as food."

"Of the fund placed at the disposal of the Department for the support of these Indians, \$480,000 were expended by the superintendent, and the residue has been expended by Special Agent E. T. Smith for provisions furnished the Indians by him at points where no regular agent was stationed."

"The statement of Superintendent Sells, which I had the honor to transmit to you on the 10th instant, (the day of its receipt,) shows that up to March 1, 1866, he had expended \$227,159 68 more than had up to that time been placed in his hands."

How could a superintendent of Indian affairs, in a remote region, dare take upon himself the responsibility of expending a quarter of a million dollars without any authority of law, when Congress had refused to make the appropriation? Then, sir, this pregnant question came before us, where did he get this money to expend? Did he run in debt or allow these contractors to go on furnishing supplies after the money appropriated by Congress had been exhausted? Was that the mode; or did he pay this money out of his own pocket? We supposed that no Indian superintendent could pay this sum out of his own pocket. The probability is that he allowed the contractors to go on under the old contracts to furnish supplies. We had no other information than this letter. What right had he, though, a subordinate officer of the Government, against the order by his own superior, who directed him not to expend more than the amount appropriated, and who states to us in this letter that he directed him not to expend more than the appropriation; what authority had he to expend more than a quarter of a million dollars without authority of law, when Congress was in session, and when no request was made of Congress to appropriate money for this purpose? These letters were laid before the Committee on Finance and they could not help but have an influence upon our action. I will read on.

"The sum of \$50,000 has since been remitted to him leaving a deficiency of \$177,159 68 up to that date."

"The estimate of Superintendent Sells for funds required to cover this deficiency, and continue the subsistence of these Indians up to the end of July next (the time when their crops may become available) is for \$777,712 18; but as he credits \$45,000 instead of \$50,000 since March 1, it should be \$772,712 18; as follows:

For deficiency up to March 1, 1866.....	\$177,159 68
For subsistence for 12,850 loyal Creeks, Seminoles, and Wichitas, from March 1, to July 31, 1866, 153 days, @ 15 cents per day each.....	343,102 50
For subsistence 16,500 Indians of mixed tribes, from March 1 to July 31, 1866, 153 days, @ 10 cents per day each.....	252,450 00
	\$772,712 18

"That these Indians are destitute, and will really suffer starvation if not provided for by the Government, there can be no doubt; and I do not think the necessary relief can be furnished for a less sum than that indicated by the superintendent."

"In my communication of the 10th instant I stated that I had directed Superintendent Sells—"

And here I wish again to call the attention of the Senate—

"to discontinue expenditures for the support of these Indians. Although I am assured that they are now suffering for food, I do not feel authorized to revoke this order until funds are appropriated to meet such expenditures."

That is what Mr. Cooley says, and very properly says, that he directed Superintendent Sells to stop these expenditures. This is his second letter; and yet in the face of that it seems that he went on and expended the money, without regard to Congress.

Mr. FESSENDEN. I suggest to my friend that the Commissioner says that by looking at the dates the Senator will see that it was not until after the indebtedness had been incurred that he directed Mr. Sells to stop the expenditure.

Mr. SHERMAN. I know that; but then only \$177,000 had accrued up to that time. That was the deficiency.

Mr. STEWART. How much is it now?

Mr. SHERMAN. I do not know. This letter continues:

"I cannot therefore too strongly urge early action in this matter by Congress. When human creatures are starving I cannot hear their complaints with indifference; and I feel strongly the embarrassment of being utterly unable to respond to their calls for assistance."

That is the condition of affairs. This officer undertook, anticipating an appropriation, to expend \$500,000 when Congress was in session, and against the orders of his own superior, unless there is some discrepancy in the dates, and I give you the letter as it was furnished to us. Under these circumstances it seemed to us proper to stop these appropriations. There were a great many other things stated in regard to these Indian matters that I do not care about repeating now, because I never like to deal in matters of fact unless I have the proof before me, or some responsible party makes the allegations; but I take the statement furnished here that these Indians have absorbed more than \$1,000,000, considerably more than the amount appropriated for them, and that now we are asked to appropriate \$500,000 more. I show you that the estimate made for these expenditures up to the 1st of July next is \$777,000. I ask what assurance we have, if we should now appropriate this \$500,000, that we should not have to make good a deficiency of another \$500,000 hereafter. What restraint have we over the expenditure of this money? What right had Mr. Sells to go on and expend money in advance of an appropriation by Congress for an indefinite purpose of this kind, especially when the allegation is made to us by persons interested in this fund—an allegation that is not controverted or denied—that contracts were made with a firm doing business in Arkansas and the Indian Territory for flour at thirty-four dollars a barrel and corn at eight dollars a bushel? Under these circumstances I submit whether a provident care of the public money should not compel us to resort to some other management of Indian affairs.

I do not complain of the action of the Senate in regard to the proposed transfer of this bureau to the War Department, because I am not sure but what there would be the same complaints arising if this money were expended by the War Department; but it seems to me there ought to be some reforms, some control, some checks. Now Superintendent Sells in the disbursement of these large sums of money is as absolute as a dictator. It seems from these letters that he must have violated the orders of his superior, because Mr. Cooley tells us on the 10th of May that he directed the discontinuance of these expenditures, and that up to the 1st of March the amount of expenditure in excess of the appropriation was \$177,000. I want to know where that money was got. Was it drawn out of the Treasury without an appropriation? Certainly not, because the accounting officers would not allow them to do it. Was it money due to the contractors who were going on furnishing supplies after the fund was exhausted? If so, they did it at their peril. Was it in violation of the orders of the Commissioner of Indian Affairs? If so, certainly it has no claim here, before Congress. Who paid out that money? Where was it got? How could they expend the money without an appropriation? All these were questions that we could not answer. The

Committee on Finance, therefore, did not act upon these appropriations, simply because we had not satisfactory information on the subject.

Mr. DOOLITTLE. I do not wish to occupy the time of the Senate, but will call to mind two or three things in a very few words. It will be remembered that this estimate from the Interior Department came at the very beginning of the session. The estimate then was \$1,100,000 for the purpose of keeping these Indians from starving until something could grow out of the ground for them to eat. It went to the Committee on Indian Affairs. It seemed very large. We had already paid out a great deal of money for these Indians. A proposition was made to furnish \$500,000, and as Congress would not probably adjourn until spring, if that could not carry them on we would pass another appropriation and help the thing through. We could not let these Indians starve on our hands. They were our friends, who had been driven into Kansas on account of their loyalty to the Government. Under a law of Congress the Secretary of the Interior had been compelled to take them back to their own country, where there was no corn and no vegetation growing. They were on our hands. It was in the winter when nothing would grow. The fact is that we did appropriate that \$500,000, and the Department has been constantly pressing on us the consideration of this additional appropriation which would be necessary.

Mr. SHERMAN. Who furnished the money to Mr. Sells?

Mr. DOOLITTLE. I do not know. I suppose the contractors made contracts for the delivery of these goods. I presume they have kept delivering them right along.

Now, Mr. President, the Committee on Indian Affairs, looking the subject all over, being just as anxious as we could be to get rid of this expenditure, came finally to the conclusion to recommend the appropriation of \$500,000, which will pay for what has been expended, and leave about one hundred and twenty-five thousand dollars to carry the thing along until the 1st of August. By that time we thought these Indians could live from what grew out of the ground in that country, and what game they could secure or fish they could take in the river. Up to that point we were willing to go; but there the matter was to stop, and that was to be the end of any of this expenditure for the purpose of sustaining these refugee Indians. That was our conclusion. It was with that view that we recommended the passage of the joint resolution which we reported, and which we now propose to put as an amendment on this bill. It seems to us to be a necessity.

Mr. WILLIAMS. I should like to ask how many Indians there are that the Department has been feeding.

Mr. DOOLITTLE. There were about twenty thousand of the northern Indians, and some things were furnished after the war was over to some of the southern Indians, who were suffering also. I have here a detailed estimate, not made by Superintendent Sells, going into all the details. We put the amount down to the very lowest figure that we could. It would not do to let these Indians starve and let their blood be upon our hands. Their rations are as low as they can possibly be to live, in my opinion. The amendment was agreed to.

Mr. DOOLITTLE. I will state that there are some two or three matters connected with Indian affairs in relation to some deficiencies, one of them in the Territory of Nevada, but they did not come to the committee in time to enable us to consider them sufficiently to offer them to this bill. We propose therefore to offer them hereafter upon the miscellaneous appropriation bill.

Mr. GRIMES. I offer the following amendment to come in as an additional section:

And be it further enacted, That any loyal person, a citizen of the United States, of good moral character, shall be permitted to trade with any Indian tribe upon giving bond in the penal sum of not less than \$5,000 nor more than \$10,000, with at least two good

securities, to be approved by the superintendent of the district within which such person proposes to trade, renewable each year, conditioned that such person will faithfully observe all the laws and regulations made for the government of trade and intercourse with Indian tribes, and in no respect violate the same: *Provided*, That the laws now in force regulating trade and intercourse with Indian tribes, affecting licensed traders, and prescribing the powers and duties of the Commissioner of Indian Affairs, superintendents, agents, and sub-agents in connection therewith, shall be continued in force and apply to traders under this provision, except as herein otherwise provided.

When the bill was under consideration in the Senate which came from the special committee, I believe, of which the Senator from Wisconsin [Mr. DOOLITTLE] was chairman, I submitted an amendment in general terms embodying the idea that is embraced in this amendment. It was adopted with great unanimity by the Senate, and went to the House of Representatives; but the bill still lingers in that body. The amendment which I have now offered is the substance of that, except that it has been redrawn by a colleague of mine who is a member of the Indian Committee in the House of Representatives.

Mr. TRUMBULL. I do not think there can be any objection to the amendment.

Mr. GRIMES. The bill remains unacted upon in the House of Representatives in consequence of some inability to report it.

Mr. TRUMBULL. If I understand that amendment, the party gives a bond to comply with all the regulations for keeping whisky and contraband articles out of the Indian country. That is so, is it not?

Mr. GRIMES. Yes, sir.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in, and ordered to be engrossed, and the bill to be read a third time. It was read the third time and passed.

On motion of Mr. SHERMAN, the title of the bill was amended by adding the words, "and for other purposes."

PREVENTION OF SMUGGLING.

Mr. CHANDLER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 222) entitled "An act further to prevent smuggling and for other purposes," having met, after full and free conference they have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate agree to the first amendment of the House of Representatives to the bill; and that it agree to the second amendment of the House of Representatives to the bill, and that it agree to the third amendment of the House of Representatives to the bill, and that it agree to the fourth amendment of the House of Representatives to the bill.

That the Senate agree to the fifth amendment of the House of Representatives to the bill with an amendment as follows: "in all cases where the possession of such goods shall be shown to be in the defendant, or where the defendant shall be shown to have had possession thereof, such possession shall be deemed evidence sufficient to authorize conviction, unless the defendant shall explain the possession to the satisfaction of the jury."

That the Senate agree to the sixth amendment of the House of Representatives to the bill, and that the Senate agree to the seventh amendment of the House of Representatives to the bill.

Z. CHANDLER,

JOHN CONNESS,

Managers on the part of the Senate.

THOMAS D. ELIOT,

JOHN L. THOMAS,

Managers on the part of the House.

The report was concurred in.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. FESSENDEN, it was

Ordered, That the petition of Denis Sullivan, of Alexandria, Louisiana, praying for compensation for property destroyed by forces of the United States, be taken from the files of the Senate and referred to the Committee on Claims.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. LLOYD, Chief Clerk, announced that the House of Representatives had passed a resolution tendering the thanks of Congress to the working men of Lyons, France, for the presentation of a silken flag in memory of the late President Lincoln, to the Government of the United States, in which it requested the concurrence of the Senate.

The message further announced that the House of Representatives had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 613) to continue in force and to amend an act to establish a Bureau for the Relief of Freedmen and Refugees, and for other purposes.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House of Representatives had signed the following enrolled bills and joint resolution; which were thereupon signed by the President *pro tempore*:

A bill (S. No. 37) making a grant of lands in alternate sections to aid in the construction and extension of the Iron Mountain railroad from Pilot Knob, in the State of Missouri, to Helena, in Arkansas;

A bill (S. No. 58) granting land to the State of Oregon to aid in the construction of a military wagon road from Corvallis to the Aquina bay;

A bill (S. No. 99) granting lands to the State of Oregon to aid in the construction of a military road from Albany, Oregon to the eastern boundary of said State;

A bill (S. No. 156) making additional grant of lands to the State of Minnesota, in alternate sections, to aid in the construction of a railroad in said State;

A bill (S. No. 168) to provide for the disposal of certain lands therein named;

A bill (S. No. 221) relating to lands granted to the State of Minnesota to aid in constructing railroads;

A bill (H. R. No. 725) to provide for the payment of the sixth, eighth, and eleventh regiments of Ohio volunteer militia, of Cincinnati, Bard's company of cavalry, and Paulsen's battery, during the time they were in the service of the United States in 1862;

A joint resolution (H. R. No. 52) to enable the people of the United States to participate in the advantages of the Universal Exhibition at Paris in 1867;

A bill (H. R. No. 613) to continue in force and to amend an act to establish a Bureau for the Relief of Freedmen and Refugees, and for other purposes; and

A bill (H. R. No. 683) for the relief of J. Judson Barclay.

THANKS TO WORKING MEN OF LYONS.

The Senate proceeded to consider the following concurrent resolution from the House of Representatives:

Resolved by the House of Representatives, (the Senate concurring,) That the thanks of Congress be, and are hereby, tendered to the working men of Lyons, France, who have presented a silken flag prepared at their instance by the Weavers' Association of that city in memory of the late President Lincoln, and intended to be displayed at the ceremonies of Congress on the 12th of February last; and that the flag be deposited with the archives of the Government in the State Department.

Mr. SUMNER. I move that the Senate concur with the House of Representatives in that resolution. It is not necessary that it should be referred. I have examined it at the desk.

The motion was agreed to.

LEAVE OF ABSENCE.

Mr. HOWARD. My colleague [Mr. CHANDLER] is about to be absent for the purpose of visiting his home, and I venture to ask for him leave of absence for one week from this time.

Leave was granted.

MASSACHUSETTS MILITARY CLAIMS.

Mr. WILSON. I am directed by the Committee on Military Affairs and the Militia to report a joint resolution (S. R. No. 121) providing for the auditing of the accounts of the State of Massachusetts for moneys expended during the war for coast defense.

The joint resolution was read a first time by its title and passed to a second reading.

Mr. WILSON. I should like to have that

resolution acted upon at the present time. It proposes to authorize the appointment of two commissioners to examine into the claims of the State of Massachusetts for something like four hundred thousand dollars expended for coast defense. A joint resolution on this subject was reported the other day by the Senator from Rhode Island, [Mr. SPRAGUE,] from the Military Committee, but objection was made to it at the time; and in order to get the facts of the case this resolution proposes the appointment of two commissioners by the Secretary of War to examine into the subject.

Mr. GRIMES. Let us have it printed, so that we can see what it looks like.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks the unanimous consent of the Senate that the resolution now reported by him may be considered at the present time.

Mr. GRIMES. I should like to see it in print.

Mr. WILSON. Let it be read.

The PRESIDENT *pro tempore*. Objection being made, the joint resolution lies over under the rule.

LEVEES OF THE MISSISSIPPI.

Mr. CLARK. I move that the Senate proceed to the consideration of Senate bill No. 405.

The motion was agreed to; and the bill (S. No. 405) making appropriation for the construction and repair of the levees of the Mississippi river, in the States of Mississippi, Louisiana, and Arkansas, and for the improvement of the river, was read a second time and considered as in Committee of the Whole. It appropriates the sum of \$1,500,000 to reconstruct and repair the levees on the Mississippi river, in the States of Louisiana, Mississippi, and Arkansas. This sum, or so much thereof as may be necessary, is to be expended, under the direction of the Secretary of War, for the purpose mentioned, as follows: \$595,000 in the State of Louisiana, \$655,000 in the State of Mississippi, and \$250,000 in the State of Arkansas, as nearly as may be, with a proper regard to the efficiency of the repair. The Secretary of War is, at the next session of Congress, to make an accurate and detailed report to each House of the amount of money expended under this act; the amount of work done, how, and in what manner; where, and by whom; the particular levees repaired or reconstructed; the rates paid for work and material; the condition of the levees; the area protected by such repairs or reconstruction, and what sums, if any, remain unexpended.

Mr. CLARK. There was a report submitted by the committee who had this subject in charge, and I will ask for the reading of the report, as it states the matter as succinctly as I could do it.

The Secretary read the following report, submitted by Mr. CLARK on the 2d instant, from the select committee on the subject:

The select committee appointed by the Senate, to whom was referred the memorial from the boards of levee commissioners for the State of Louisiana and the Yazoo valley district of the State of Mississippi, praying the aid of Congress in the reconstruction of the levees on the Mississippi river, submit the following report:

The subject of protecting the alluvial lands in the valley of the Mississippi river from overflow by its annual floods has in former years engaged the attention of Congress, and various legislative provisions have been adopted having that object in view. Levees constructed by private exertion in the State of Louisiana had reclaimed a large body of swamp land, stated as high as two million acres, which was sold and the proceeds carried to the public Treasury. In consideration of the benefit thus derived, and for other reasons, by the act of Congress approved March 2, 1849, the remaining swamp lands in Louisiana were donated to that State for levee purposes. By the act of Congress approved 28th September, 1850, the same provision was extended to Arkansas and other States in which alluvial and overflowed lands existed.

By the act of Congress approved September 30, 1850, making appropriations for the civil and diplomatic expenses of the Government, the sum of \$50,000 was appropriated for the "topographical and hydrographical survey of the delta of the Mississippi, with such investigations as may tend to determine the most practicable plan for securing it from inundation, and the best mode of so deepening the passes at the mouth of the river as to allow ships of twenty feet draught to enter the same."

By the act of Congress approved August 31, 1852, making appropriations for the Army, an additional

appropriation of \$50,000 was made "for continuing the topographical and hydrographical survey of the delta of the Mississippi, with such investigations as may tend to determine the most practicable plan for securing it from inundation."

In pursuance of these appropriations extended surveys and investigations were carried on for several years under the direction of Captain (now Major General) A. A. Humphreys, of the United States Engineer corps; and the report prepared by this officer was submitted in August, 1861, to the War Department.

In December last General Humphreys was instructed by the War Department to make an examination of the river, with a view to the speedy repair of the principal breaks in the levees. This survey was completed by the 8th of January last; but as neither General Canby nor the War Department possessed the requisite means for the execution of the repairs, no work on the levees was done. General Humphreys's report of this survey has been communicated to the Senate, and has materially facilitated the labors of the committee.

The country which will be protected by a proper system of levees is the alluvial bottom of the Mississippi river, of great and inexhaustible fertility. Its area is stated by General Humphreys at "31,700 square miles; of which a mere narrow strip, along the banks of the river and along a few bayous, has been opened for cultivation. Of this area 12,300 square miles is below Red river, and belongs to the sugar region. Under a proper system of drainage one third of it may be eventually opened and cultivated, to wit, 2,500,000 acres. There are now under cultivation in this region about 1,000,000 acres. Of the remaining 19,400 square miles, perhaps 3,000 square miles may be north of the cotton-growing region, leaving some 16,000 square miles within that region, of the most fertile alluvion, two thirds of which may be finally rendered cultivable under a proper system of leveeing and draining. This would give 7,000,000 acres of cultivated land, capable of growing a bale of cotton to the acre."

This product would be much larger than any crop yet raised in the United States.

The first levees were made by individual effort. Then came county and district organizations in the States of Louisiana and Mississippi, under the sanction of the State authority; and at the beginning of the war much had been effected for this important object. But the outbreak of hostilities stopped the progress of the work. During the war many breaks occurred by the action of the floods, and at some points large openings in the levees were cut for military purposes. In four years nothing was done for protection or repairs; and the work of repair by the State of Louisiana during the past winter did not withstand the spring freshet, and has for the most part been swept away.

The important branches in the levees are enumerated in the report of General Humphreys, and are described in detail; but it is known that some others have occurred since his survey was made, and those which then existed have been much enlarged. The number of acres now overflowed cannot be stated except approximately; but it appears that thirteen of the most fertile parishes of Louisiana are nearly or quite desolated, while others are partly overflowed. To this must be added much the larger portion of the cultivated lands in the Yazoo valley district of Mississippi, and nearly the whole of the cultivated alluvial country in eastern Arkansas.

General Humphreys estimates for the complete and permanent repair of all the levees of the river as follows:

	Cubic yards.	
For the State of Arkansas.....	3,000,000	\$1,200,000
For the State of Mississippi.....	1,500,000	1,500,000
For the State of Louisiana.....	3,000,000	1,200,000

Total for permanent repairs of all the levees, \$3,900,000

It is urged, however, by the delegates of the levee commissioners that the above sum would be insufficient, and to provide for smaller breaks, and the recent caving of the banks, large additional amounts must be raised either by the Government or by the people in that country.

The committee are satisfied that the people of these States are unable, without aid from the Government, to undertake and complete the necessary repairs. At present there is a general bankruptcy of means. They possess neither the labor nor the money; and, with overflowed lands and general pecuniary distress, it is impossible for them to command credit. In the State of Louisiana thousands of families have been forced to fly from their homes and are supported by public and private charity. And in districts where the distress has been less immediate, the fruits of industry have been swept away by successive floods. But, even if this impoverishment did not exist, so numerous and so large are the crevasses in the river that it would hardly be practicable to rescue any large portion of the country by the unaided efforts of the people. Unless the resources of the nation be promptly interposed, a large extent of country, supporting a numerous population of both races, must be abandoned and will speedily relapse into its original wild and uncultivated condition, and the general prosperity of the country very sensibly affected.

The question would seem, therefore, to be as to the extent to which, in view of the pressing need of the people and the great national interests at stake, relief should be afforded by the Government. That this relief should assume the form of an appropriation for a work of an extensive nature, and demanding a large sum for its completion, does not appear advisable in the present condition of the Treasury. The committee are of opinion that the amount of aid to be granted should be limited to repairing, in an effective and durable manner, those important

breaches which are beyond the power of individual or local effort, and by the closing of which large districts formerly cultivated may be rescued from the floods, until by one or more crops the planters may be able to provide for their own security. Having in view these principles and the extent to which these works may be aided by the efforts of the resident population, the committee submit a bill, the effect of which they confidently believe will be the reclamation of a large body of land in season for the crop of the next year.

The committee propose to confide this work to the United States Government engineers under the direction of the War Department.

It is hardly necessary to enlarge upon the great national and political importance of this measure. The area of land now proposed to be rescued from the floods, by the repair of the levees, is the Yazoo bottom of the State of Mississippi, the Tensas bottom of Arkansas and Louisiana, and the delta of the Mississippi. These bottoms are of vast extent and embrace the richest cotton and sugar lands of the United States; and, for the production of the first-named staple are second to none upon the globe. In the State of Mississippi 300,000 acres of cultivated land will be redeemed, and in Louisiana a much larger portion. In the first-named State it is claimed by the memorialists that if this protection be afforded there will be a crop of 300,000 bales of cotton grown in the Yazoo district, in addition to other products, the ensuing year. In the State of Louisiana the memorialists refer to the State census of 1859, to show that the product of cotton in this overflowed section was 294,044 bales, and of sugar 269,828 hogheads, making with other productions at their current prices a value of \$105,656,094. These statements are fully sustained by the report of General Humphreys. By this document it appears that the cotton crop of 1860, of that portion of the alluvial region above the mouth of Red river, where it is proposed to make repairs, must have exceeded 600,000 bales, which at thirty cents per pound would be worth \$72,000,000. The sugar crop of 1860 of the country below Red river proposed to be protected, he states, was 241,000 hogheads of sugar and 317,000 barrels of molasses; the value of which, at present prices, would be over \$40,000,000.

The annual tax upon this raw cotton alone, at two cents per pound, would be \$4,800,000. Even assuming that it will take three or four years for the normal production to be restored, we still have an income of millions of dollars as the annual product from this tax. This is, however, a single item only. The commercial transactions incident to the growth, sale, and shipment of these staples, the manufacture of the cotton, or its shipment to foreign ports, involves a return to the revenue of many millions of dollars, and makes this measure of relief to the people one of relief also to the revenues and to the present taxpayers of the country. The effect that a largely augmented crop of cotton in the coming year would have upon the exchanges, thereby reducing the shipment of gold to foreign ports, and the consequent effect upon the public currency and credit, are considerations of grave importance, but too obvious to require more than a suggestion by the committee. Nor should it be forgotten that anterior to the war a great and growing trade existed between this valley and the other portions of the Union. Its supplies of grain, meat, mules, &c., came in large measure from the States which are situated upon the upper waters of the Mississippi and its tributaries. Its staples were carried by the shipping of the eastern States to the points of consumption and manufacture. The eastern States supplied also the manufactures of cotton, woolen, iron, steel, shoes, and other articles, and the agricultural implements required by the people of this section. To restore this trade, to revive the prosperity of this section, to develop its industry, and by a recovered prosperity and an enlargement of commercial intercourse, to renew and strengthen those feelings of affection which ought to exist among the people of the different portions of the country, are objects which will not be deemed of light importance, and will more than justify the measure presented by the committee.

For four years the national Government has been struggling with the people of this portion of the country to secure the recognition of its authority and to preserve the Union of the States. In the progress of this war this section has been desolated and much suffering inflicted on the inhabitants. The industry which once so largely contributed to the general prosperity has been interrupted, and every interest now lies prostrate. The contest having terminated by the submission of the inhabitants to the authority of the national Government, it is believed that every proper aid should be given to these people to renew their industry and to develop the rich productions of their soil. Such a measure of relief as the one proposed would be to them a proof of the liberal and impartial spirit in which it is proposed to administer the Government, and would create that fraternal feeling which it is so desirable to foster and maintain by all appropriate means.

The power of Congress to improve harbors and rivers has been long exercised, and is not doubted by the committee. Experience demonstrates that unless the waters of this river be limited to its proper bounds, the result is a deposit of earth or alluvion gradually filling up the mouth and increasing the bars of the river. The restoration of the levees will give greatly increased volume and force to the waters, and remove the impediments to navigation, while it will rescue from annual devastating floods a vast area of land of wonderful fertility, capable of supporting, with a well-ordered industry, millions of inhabitants, ministering largely by their products to the national wealth and to the wants of the civilized world.

It is the part of wisdom to restore the breaches and desolated places which wasting elements and a more

wasting civil war have made. Whosoever may have been the folly to pull down, let ours be the magnanimity and the effort to build up.

Mr. CLARK. Mr. President—

Mr. SHERMAN. Unless the Senator wants to go on with this bill to-day, I wish to move an executive session.

Mr. CLARK. I was about to say that I did not propose to carry this bill to its passage to-day. My object in calling it up and having it read and having the report read was to call the attention of Senators to it. It is a very important measure, and it will need undoubtedly the action of the Senate. I intend to call the attention of the Senate to it again at a very early day. I will now move that the Senate proceed to the consideration of executive business.

Mr. CONNESS. I hope the Senator will withdraw that motion for a moment to enable me to get some House amendments to a Senate bill concurred in.

Mr. CLARK. I have no objection to that, if it will not displace this bill.

Mr. CONNESS. Not at all.

FOLSOM AND PLACERVILLE RAILROAD.

Mr. CONNESS. I move to take up for consideration the amendments of the House of Representatives to the bill (S. No. 125) granting aid in the construction of a railroad and telegraph line from the town of Folsom to the town of Placerville, in the State of California.

The motion was agreed to. The amendments of the House of Representatives were read, as follows:

Strike out all after the enacting clause of the first section and the second section of the bill and in lieu thereof insert, "that the right of way through the public lands be, and the same is hereby, granted to the Placerville and Sacramento Valley Railroad Company, a corporation existing under the laws of the State of California, and designated by the Legislature thereof to construct the road hereinafter named, and to its successors and assigns for the construction of a railroad and telegraph line from the town of Folsom to the town of Placerville, in said State, and the right is hereby given to said corporation to take from the public lands adjacent to the line of said road material for the construction thereof. Said right of way is granted to said railroad to the extent of one hundred feet in width on each side of said road where it may pass over the public lands; also, all necessary ground for station buildings, workshops, depots, machine-shops, switches, side-tracks, turn-tables, and water stations."

In section three strike out all after the word "officers," where it occurs the second time in line thirteen, to and including the word "sections," in line twenty-one.

In section four, line two, strike out "twenty" and insert "ten."

In section four, line twelve, after the word "are," strike out to and including the word "are," in line thirteen.

In section four, line thirteen, strike out after the word "act" to and including the word "completed," in line fifteen.

Add to section four, "Provided, That said commissioners named in this section shall be paid by the company ten dollars per day for the time actually employed, and ten cents per mile for the distance actually and necessarily traveled each way."

In section five, line three, strike out "draws" and insert "drains."

In section five, line thirteen, strike out "like transportation and,"

Add to section five, "that the said railroad shall be and remain a public highway for the use of the Government of the United States, free of all toll or other charge upon the transportation of any property or troops of the United States, and the same shall be transported over said road at the cost, charges, and expenses of the corporation or company owning or operating the same when required by the United States to do so."

Add to section six, "and the sections and parts of sections which by the aforesaid grant shall remain in the United States within ten miles on each side of said road shall not be sold for less than double the minimum price of public lands when sold."

In section seven, line six, strike out "two" and insert "one."

At the end of section seven strike out "seventy" and insert "sixty-nine."

In section eight, line seven, strike out all after the word "case" to the end of the section and insert in lieu thereof "the title to the public lands herein reserved for the construction of said road shall revert to the United States."

In section ten, line six, strike out "two" and insert "one."

In section twelve, line five, strike out "two" and insert "one."

In section thirteen, line one, after "that," strike out to and including the word "purposes," in line six.

Mr. CONNESS. I move that the amendments be concurred in.

Mr. HENDRICKS. I inquire whether these amendments have been referred to the Committee on Public Lands.

The PRESIDENT *pro tempore*. They have not been. The bill is returned from the House of Representatives with these amendments. This is the first time the Senate has been called to act on them.

Mr. HENDRICKS. I ask the Senator whether the chairman of the committee has examined them.

Mr. CONNESS. I believe not. But as the amendments are all restrictive of the Senate bill and reducing the grant made, I supposed there would be no objection to a concurrence in them. The amendments are all restrictive on the bill as it passed the Senate. I have examined them closely.

Mr. HENDRICKS. I cannot tell much about it from the mere reading of the amendments.

The amendments were concurred in.

EXECUTIVE SESSION.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and after some time spent in the consideration of executive business the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, July 3, 1866.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. C. B. BOXTON.

The Journal of yesterday was read and approved.

ACCOUNTS OF HOUSE EMPLOYÉS.

Mr. KERR, from the Committee of Accounts, submitted the following resolution:

Resolved, That it is ordered by this House that hereafter it shall be the duty of every officer or employé of the same, before presenting for payment or approval to the Committee of Accounts, any account or claim for service or labor or material, to cause the same to be duly certified to be correct by the proper officer, and to procure an affidavit to be attached thereto, signed and sworn to by the officer under whose immediate supervision such account or claim accrued, setting forth that the same is just and correct, and that the amount thereof is the true amount required by law or the order of this House, or that it is the amount due upon contract and is the usual price for such service, labor, or thing, and that no officer or person except the one named therein, has any interest, directly or indirectly, in such account or claim.

Mr. KERR. I demand the previous question on the resolution.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was agreed to.

Mr. KERR moved to reconsider the vote by which the resolution was adopted; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

WITHDRAWAL OF PAPERS.

On motion of Mr. COFFROTH, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of John McGorish, asking for a pension, reported adversely from the Committee on Invalid Pensions, and also the letter of the Secretary of the Interior and of the Commissioner of Pensions on the same case.

UNION PACIFIC RAILROAD, EASTERN DIVISION.

Mr. WILSON, of Iowa. A bill explanatory of an act to amend an act entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri river to the Pacific ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," approved July 2, 1864, was set down as a special order for to-day. The gentleman from Pennsylvania, [Mr. STEVENS,] who is interested in it, informs me that he is quite unwell, and as the bill is not yet returned from the printer, I move that it be postponed until Thursday next, after the morning hour.

The motion was agreed to.

FREEDMEN'S BUREAU BILL.

Mr. ELIOT. I rise to a privileged question. I desire to make a report from the committee of conference on the disagreeing votes of the two Houses on the Freedmen's Bureau bill.

The report was read as follows:

The committee of conference on the disagreeing votes of the two Houses on bill of the House of Representatives No. 613, entitled "An act to continue in force and to amend an act to establish a Bureau for the Relief of Freedmen and Refugees, and for other purposes," having met, after full and free conference have agreed and do agree to recommend to their respective Houses as follows:

That the House agree to the first and second amendment as made by the Senate.

That the House agree to the third amendment made by the Senate, with the following amendments: Strike out the word "having," on page 2, line five, of said amendment, and insert the word "has."

Strike out on pages 4 and 5, in section eleven of the amendment, the words "upon completion of the transfers of the said lands in the manner specified in the preceding section, the President of the United States shall have power to return to their former owners the lands now occupied by persons under General Sherman's special field order dated at Savannah, Georgia, January 16, 1865, excepting such lands as may have been sold by the United States for taxes, but such," and insert after the word "restoration," on page 5, line six, of the amendment, the words "of lands occupied by freedmen under General Sherman's field order dated at Savannah, Georgia, January 16, 1865."

Insert on page 5 of the amendment, in line nine, after the word "them," the words "by the former owners of such lands or their legal representatives."

Strike out on page 5 of the amendment, in section twelve, line four, the words "owned by or claimed as the property of the," and insert the words "held under color of title by the late."

Strike out on page 5 of the amendment, section twelve, in lines nine and ten, the words "be withdrawn States which" and insert the words "cease to exist, such of said so-called confederate States as shall."

That the House agree to the fourth amendment as made by the Senate.

That the Senate agree to the above-named amendments to the third amendment as made by them.

HENRY WILSON,
IRA HARRIS,
J. W. NESMITH,
Managers on the part of the Senate.
THOMAS D. ELIOT,
JOHN A. BINGHAM,
Managers on the part of the House.

Mr. ELIOT. I demand the previous question on agreeing to the report of the committee of conference.

Mr. HALE. I would inquire if the amendments of the Senate have been printed.

Mr. ELIOT. Yes, sir; long ago. Everything has been printed except the report of the committee of conference.

Mr. HALE. I hope the gentleman will explain the report.

Mr. ELIOT. I am asked by the gentleman from New York to explain the amendments of the Senate, and I will do so.

Mr. Speaker, the first amendment which the Senate made to the bill as it was passed by the House was simply an enlargement of one of the sections of the House bill, which provided that the volunteer medical officers engaged in the medical department of the bureau might be continued, inasmuch as it was expected that the medical force of the regular Army would be speedily reduced to the minimum, and in that case all the regular officers would be wanted in the service. It was therefore thought right that there should be some force connected with the Bureau of Refugees and Freedmen. The Senate enlarged the provisions of the House bill by providing that officers of the volunteer service now on duty might be continued as assistant commissioners and other officers, and that the Secretary of War might fill vacancies until other officers could be detailed from the regular Army. That is the substance of the first material amendment.

The next amendment strikes out a portion of one of the sections of the House bill, which related to the officers who serve as medical officers of the bureau, because it was provided for in the amendment to which I have just referred.

The next amendment strikes out from the House bill the section which set apart, reserved from sale, a million acres of land in the Gulf States. It may perhaps be recollected that when the bill was reported from the committee, I stated that in case the bill which the

House had then passed, and which was known as the homestead bill, and which was then before the Senate, should become a law, this section of the bill would not be wanted. The bill referred to has become a law, and this section five providing for that reservation has therefore been stricken from the bill.

The next amendment made by the Senate was to strike out a section of the House bill which simply provided that upon application for restoration by the former owners of the land assigned under General Sherman's field order, the application should not be complied with. That section is stricken out and another substituted for it, which provides that certain lands, which are now owned by the United States, having been purchased by the United States under tax commissioners' sales, shall be assigned in lots of twenty acres to freedmen who have had allotments under General Sherman's field order, at the price for which the lands were purchased by the United States; and not only that those freedmen should have such allotments, but that other freedmen who had had lots assigned to them under General Sherman's field order, and who may have become dispossessed of their land, should have assignments made to them of these lands belonging to the United States. I think the justice of that provision will strike every one. And it will be perhaps a merit in the eyes of many that it does not call upon the Treasury for the expenditure of any money. In the bill which was passed by the House it will be recollected that there was a provision under which there should be purchased by the Commissioner of the bureau enough public lands to be substituted for the lands at first assigned to freedmen. Instead of that, provision is made by which they can have property belonging to the United States which has come into its possession under tax sales, and where the titles have been made perfect by lapse of time.

Mr. WASHBURN, of Indiana. What is the price at which these lands are to be sold to freedmen?

Mr. ELIOT. A dollar and a half an acre.

Mr. WASHBURN, of Indiana. That is not the cost to the Government.

Mr. ELIOT. I ought to state that the price is fixed in the bill at \$1 50 an acre. The gentleman from Indiana [Mr. WASHBURN] says that is not the cost to the Government. I am not so familiar with the facts as to be able to state how that is.

The next amendment of the Senate provides that certain lands which were purchased by the United States at tax sales, and which are now held by the United States, should be sold at prices not less than ten dollars an acre, and that the proceeds should be invested for the support of schools, without distinction of color or race, on the islands in the parishes of St. Helena and St. Luke. That is all the provision which was made for education. It will be remembered that in the other bill there was a provision which was deemed pretty elaborate and pretty extensive. That provision was stricken out and the provision of the Senate is a substitute for it.

The next amendment, or rather a part of one long amendment, consists of two sections that merely provide for carrying into execution the prior sections to which I have referred.

The only other material amendment made by the Senate gives to the Commissioner of the bureau power to take property of the late confederate States, held by them or in trust for them, and which is now in charge of the Commissioner of the bureau—to take that property and devote it to educational purposes. The amendment further provides that when the bureau shall cease to exist, such of the late so-called confederate States as shall have made provision for education without regard to color should have the balance of money remaining on hand, the same to be divided among them in proportion to their population.

I believe I have gone over the amendments which have been made by the Senate, and I hope I have explained them so as to be under-

stood by my friend from New York, [Mr. HALE.] I now call the previous question on the adoption of the report.

The previous question was seconded and the main question ordered.

Mr. LE BLOND. I wish to say to the gentleman from Massachusetts [Mr. ELIOT] that we cannot tell at this time just what this bill is. It has never been printed as amended by the committee of conference. We can only judge as to its present form by what has been said by the gentleman. I do wish that the gentleman would consent to have it printed in the form in which it has come from the committee of conference, so that we may understand it. We understand this much, and this alone, that there is "nigger" in its head, "nigger" in its bowels, and "nigger" in its heels. I suppose that it is "nigger" all through; but whatever may be its character we would like to understand it.

Mr. UPSON. I raise the question of order that debate is not in order, the previous question having been seconded and the main question ordered.

The SPEAKER. The Chair sustains the point of order. The House is acting under the operation of the previous question, and debate is not in order.

The question being on agreeing to the report of the committee of conference,

Mr. FINCK called for the yeas and nays.

The yeas and nays were not ordered.

Mr. FINCK called for tellers on ordering the yeas and nays.

Tellers were not ordered.

Mr. FINCK. I move that the report of the committee of conference be laid on the table, and on that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 25, nays 102, not voting 55; as follows:

YEAS—Messrs. Ancona, Boyer, Coffroth, Dawson, Eldridge, Finck, Glossbrenner, Aaron Harding, Johnson, Kerr, Le Blond, Marshall, Niblack, Noell, Ritter, Rogers, Ross, Rousseau, Shanklin, Sitgreaves, Strouse, Taber, Taylor, Thornton, and Trimble—25.

NAYS—Messrs. Alley, Allison, Ames, Anderson, Delos R. Ashley, James M. Ashley, Baker, Baldwin, Barker, Beaman, Benjamin, Bidwell, Bingham, Boutwell, Brandegee, Brownell, Buckland, Bundy, Sidney Clarke, Cobb, Cook, Cullom, Davis, Dawes, Deeming, Dixon, Dodge, Donnelly, Driggs, Bekley, Eggleston, Eliot, Farnsworth, Farquhar, Ferry, Garfield, Grinnell, Hale, Abner C. Harding, Hart, Hayes, Holmes, Hooper, Hotchkiss, Asahel W. Hubbard, Chester D. Hubbard, Demas Hubbard, Hulburd, Ingorsoll, Julian, Kelley, Ketcham, Laflin, Latham, George V. Lawrence, William Lawrence, Longyear, Lynch, McClurg, McRuer, Mercier, Miller, Moorhead, Morrill, Morris, Myers, Newell, O'Neill, Orth, Paine, Patterson, Perham, Plants, Price, Raymond, Alexander H. Rice, John H. Rice, Rollins, Sawyer, Schenck, Scofield, Shellabarger, Spalding, Stevens, Stilwell, Thayer, Francis Thomas, John L. Thomas, Trowbridge, Upson, Burt Van Horn, Robert T. Van Horn, Ward, Henry D. Washburn, William B. Washburn, Welker, Wentworth, Williams, James F. Wilson, Stephen F. Wilson, Windom, and Woodbridge—102.

NOT VOTING—Messrs. Banks, Baxter, Bergen, Blaine, Blow, Broomall, Chanler, Reader W. Clarke, Conkling, Culver, Darling, Defrees, Delano, Denison, Dumont, Goodyear, Grider, Griswold, Harris, Henderson, Higby, Hill, Hogan, John H. Hubbard, Edwin N. Hubbell, James R. Hubbell, Humphrey, Jencks, Jones, Kasson, Kelso, Kuykendall, Loan, Marston, Marvin, McCullough, McIndoe, McKee, Moulton, Nicholson, Phelps, Pike, Pomeroy, Radford, Samuel J. Randall, William H. Randall, Sloan, Smith, Starr, Van Aernam, Warner, Elihu B. Washburne, Whaley, Winfield, and Wright—55.

So the House refused to lay the report on the table.

The question recurring on agreeing to the report, it was agreed to.

Mr. ELIOT moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

THANKS TO WORKING MEN OF LYONS.

Mr. RAYMOND, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved by the House of Representatives, (the Senate concurring.) That the thanks of Congress be, and they are hereby, tendered to the working men of Lyons, France, who have presented a silken flag, prepared at their instance by the Weavers' Associ-

ation of that city, in memory of the late President Lincoln, and intended to be displayed at the ceremonies of Congress on the 12th of February last, and that the flag be deposited with the archives of the Government in the State Department.

Mr. RAYMOND moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AGRICULTURAL REPORTS OF 1864.

Mr. LAFLIN. The Committee on Printing, to whom was referred the resolution providing for printing twenty-five thousand extra copies of the Agricultural Report of 1864, have directed me to ask that they be discharged from the further consideration of the same, and to move that it be laid on the table.

The motion to lay on the table was not agreed to—ayes 45, noes 55.

The question recurring on agreeing to the resolution.

ENROLLED BILL AND JOINT RESOLUTION.

Mr. TROWBRIDGE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill and joint resolution of the following titles; when the Speaker signed the same:

An act (H. R. No. 725) to provide for the payment of the sixth, eighth, and eleventh regiments of Ohio volunteer militia, of Cincinnati, Bard's company of cavalry, and Paulsen's battery, during the time they were in the service of the United States; and

Joint resolution (H. R. No. 52) to provide for the expenses attending the exhibition of the products of industry of the United States at the Exposition in Paris in 1867.

RAILROAD TO PORTLAND, OREGON.

Mr. BIDWELL had, under the rules, entered upon the Journal a motion to reconsider the vote by which Senate bill No. 123, entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific railroad in California to Portland in Oregon," with an amendment in the nature of a substitute, was recommitted to the Committee on Public Lands.

PRINTING OF AGRICULTURAL REPORT—AGAIN.

Mr. ANCONA. I demand the previous question on the adoption of the resolution.

The House divided; and there were—ayes 50, noes 25; no quorum voting.

The SPEAKER, under the rules, ordered tellers; and appointed Mr. LAFLIN and Mr. ANCONA.

The House again divided; and the tellers reported—ayes seventy-three, noes not counted.

So the previous question was seconded.

The main question was then ordered.

Mr. LAFLIN. I rise, under the rules, to close the debate on the resolution.

Mr. ANCONA. I rise to a question of order, that the gentleman from New York is not entitled to the privilege of closing the debate after the previous question has been seconded for the reason that he has reported against the adoption of the resolution.

The SPEAKER. The Chair overrules the question of order. The rules allow the member who reports a proposition, after the previous question has been seconded and the main question ordered, to close the debate.

Mr. ANCONA. Does not the gentleman from New York lose his privilege because he has reported against the adoption of the resolution?

The SPEAKER. He does not.

Mr. ANCONA. I thought, when my motion prevailed against the report, I would of course be entitled to the floor.

The SPEAKER. The ground for the decision of the Chair has been fully stated heretofore. No member, after a bill or resolution has been reported, can cut off the right of the member reporting the proposition to close the debate. The rule is exactly appropriate to this case.

Mr. LAFLIN. Mr. Speaker, I have no dis-

position, neither has the Committee on Printing, to act in opposition to the general wish of the House; but with that committee I am satisfied the House is acting under a misapprehension. If it were not for that I should not have availed myself of the privilege granted to me as chairman of that committee to discuss the resolution before the House.

This resolution does not apply to the Agricultural Report of 1865, but to an Agricultural Report of which a very large edition has been printed and distributed. I wish to state a fact for the House to consider before they proceed in this summary manner to vote on the resolution calling for the printing of twenty-five thousand extra copies of an Agricultural Report. I am told by my associate on the committee from West Virginia, [Mr. LATHAM,] who has given this subject special investigation, that a large edition already has been printed of this Agricultural Report, and that the electrotype plates are so worn that it will be impossible to print this edition of twenty-five thousand extra copies without renewing them altogether.

I would like to know where the argument is to come from that will drive us to the necessity at this time of publishing a new book, requiring resetting from beginning to end, at an expenditure not to be estimated in the ordinary way at a dollar and a half or two dollars a volume. It would amount to thousands of dollars to print twenty-five thousand copies of the Report of 1864. So far as the type are concerned, they are now distributed, and it will really be the publication of a new book.

Mr. ROSS. I believe the plates of the Report for 1863 allowed us to have seven hundred and fifty copies each. The gentleman has been very liberal in reporting for all printing except that which is beneficial to the farmers of the country. He has now persistently set himself against the expressed will of the House. I believe he has reported in favor of printing a large number of the Reconstruction Report, while he strenuously opposes the printing of this Agricultural Report for the benefit of the farmers.

Mr. LAFLIN. Does the gentleman intend to interject a speech into mine? I thought he rose to a question.

Mr. ROSS. I wanted to know how the plates for 1864 gave out, while we have had so many more copies of the Report of 1863. What is the matter with the plates?

Mr. LAFLIN. I was proposing to answer the gentleman's question, but he continued his speech and did not give me an opportunity. Now, sir, I am not able to say why it was that the metal used in 1863 proved superior to that used in 1864. I am telling what I understand to be the fact, on the authority of my colleague on the committee, [Mr. LATHAM,] that the plates are worn out; but the reason why they are worn out I have not been able to discover.

Mr. ANCONA. If the gentleman will allow me, I think I could help him to a satisfactory answer to the gentleman from Illinois, [Mr. Ross,] by assuming that these plates are not worn out at all, but that the Public Printer only wishes to save himself from the labor of printing this additional number, and makes that a mere pretext.

Mr. LAFLIN. Mr. Speaker, I am unable to understand the drift of the remark of the gentleman from Pennsylvania. If the gentleman means to intimate that the Superintendent of Public Printing desires to serve the ends of economy and of public interest, I conceive that he is right; but if by that intimation he intends to convey the impression that the Superintendent of Public Printing does not design and is not willing to do his duty, I repudiate, on his behalf, such an intimation.

Now, I say to this House that if this resolution is passed you have got to go to the expense of preparing the work *de novo*. If gentlemen want more books than they have now, in the name of common sense let them, instead of passing this resolution, pass a resolution to print the Agricultural Report of 1865. To print twenty-five thousand copies of the Report of

1864 will cost as much as to print seventy-five thousand copies of the Report of 1865. Let us, therefore, show some practical sense, some judgment, and have the books of 1865 printed instead of 1864. We might go on and print the Agricultural Reports of 1862 and 1863, and so on with regard to every book ever ordered by Congress, with just the same propriety as to print this.

Mr. JOHNSON. Will the gentleman allow me to say a few words on the subject of plates?

Mr. LAFLIN. A very few.

Mr. JOHNSON. I think it rather recommends itself to the House that these plates are worn out. If the House knew how these plates are gotten up they would not consider them of any great use. In 1863, a few days after the battle of Chancellorsville, happening to be in this city, I called upon the Commissioner of Agriculture, and he showed me an engraved picture of a sheep which he said he had imported from Europe, and he was going to have the picture inserted in the next Agricultural Report. I remarked that it was a very fine animal; I never in my life saw a sheep so large across the hams and withers. The Commissioner was very much pleased with my remarks. "Now," said he, "I will show you the original photograph of the sheep." So he got it out. It did not look like the engraved plate at all. Then he showed me another picture of the sheep, which he had had painted up after the original photograph and improved so that the lithographer could make the fine picture that was to embellish the Agricultural Report. Now, I submit that if these plates are gotten up by the Commissioner of Agriculture in that manner we had better have the book without the plates.

Mr. LAFLIN. I did not yield for a speech on the subject of pictures. I supposed the gentleman was going to say something on the subject of printing.

Mr. JOHNSON. I do not know anything about printing. [Laughter.]

Mr. LAFLIN. Mr. Speaker, the Government of the United States printed during the last year one hundred and fifty-five thousand copies of the Agricultural Report, and it must have cost the Government from a dollar and a half to two dollars per volume for each extra copy beyond the cost of composition. The paper and press-work alone cost a dollar and a half per volume. We have got to expend, to prepare twenty-five thousand copies, as much money as if we printed one hundred thousand copies. Every member is receiving from five to six hundred copies of the Agricultural Report for distribution, at a cost of ten or twelve thousand dollars; and when we bear in mind that these Agricultural Reports are sent, not to the men who cannot afford to buy newspapers, but to the men who are best able to buy those papers, I ask whether it is not a subject worthy of consideration why we should tax the men who cannot afford to buy these papers for the sake of giving these books to the men who are.

I am perfectly satisfied that if the tax-payers of the country understood, what every member of this House understands, that all he has to do to obtain a copy of the Agricultural Report until the supply is exhausted, is to write to his member of Congress and request the same, it would not be six months before the House would be deluged with demands that would occupy not only the Public Printing Office, but all the printing offices in New York and Philadelphia. It would consume not only, as we do now, such a vast proportion of the paper of the United States, but would take nearly all of it. And indeed I do not know how this great evil of printing such inordinate, extravagant, and enormous editions of books is ever to be corrected except when the people come to understand that all they have to do to obtain books is to send to members of Congress, and then the demand will become so enormous that not even my liberal friend from Illinois [Mr. Ross] or my kind and generous friend from Pennsylvania [Mr. JOHNSON] will have the

hardihood to rise upon this floor and ask for such editions.

Why, sir, I am astonished to see gentlemen on the other side of the House demanding an extra edition of the Agricultural Report of 1864. So far as I have seen or have been able to read the papers which represent and advocate their principles, they have been unanimous in their declarations of the extravagance of the public printing; and it was but a short time ago that I noticed that they had commenced a campaign against members on this side of the House that they had willingly consented to such extravagance. Why, sir, I saw it stated in a Democratic paper that the committee of the Senate had already initiated a movement whereby somewhere about a million dollars was to be expended in printing reports whereby money was to be expended, not for the purpose of any benefit to the public, but for the purpose of rewarding some worn-out politicians.

Mr. ROSS. There has been no complaint about the printing of Agricultural Reports. It is the printing of political documents that we have been objecting to.

Mr. LAFLIN. I fully understand that. I fully understand that the object of the gentlemen is to run up such an enormous sum of expenditures in every department that they can go before the people of the United States and decry and condemn this Administration for its extravagance. And when gentlemen upon that side of the House can go before the people and can show that each member of Congress is receiving an expenditure made in his behalf in public printing of from two to three thousand dollars a year and say, "We are not responsible; this thing has been done to us by the majority with the consent of those who control that majority," they can apply the argument with great power and force.

Mr. ROSS. If the gentleman wishes to put himself and his party friends on record against publishing the Agricultural Report and in favor of publishing political documents, we are willing to accept that issue.

Mr. LAFLIN. So far as our relations to that matter are concerned, I stand ready to justify them both here and anywhere. In no particular has the Committee on Printing allowed themselves to be influenced by merely political considerations in their action. The very last report which was made from that committee, and which was submitted by the gentleman from West Virginia, [Mr. LATHAM,] ought of itself to be sufficient to disprove such an imputation as that. That report was in favor of printing both the majority and the minority reports of the joint committee on reconstruction; no partiality, no preference was shown. And the gentleman from Illinois [Mr. Ross] knows that this House was not under any obligation to print that minority report. Now, I defy any member of this House to point to any report which this committee has made, or to any report which they have declined to make, which would authorize him to cast that imputation upon the committee. I hope that by this time the House thoroughly understands this question. Now, if after this explanation, members shall choose to adopt a resolution calling for the printing of this extra number of Agricultural Reports, at this immense cost to the Government; if they choose, simply for the purpose of procuring twenty-five thousand additional copies of the Agricultural Report of 1864, to impose an expense upon the Government which would give them from fifty to seventy-five thousand more copies of the Report of 1865, then all I have to say is, that I have done my duty, and upon them rests the responsibility.

Mr. MILLER. Will the gentleman from New York [Mr. LAFLIN] yield to me for a few moments?

Mr. LAFLIN. I will yield five minutes, and then I shall call for the vote.

Mr. MILLER. I do not think that this question has any side of the House to it. We are all on one side, I trust, on this great ques-

tion. I do not understand why the gentleman from New York [Mr. LAFLIN] should be so fearful of Agricultural Reports. He seems to think this will lead to an enormous expense on the part of the Government, because the plates are all worn out, and new ones must be made. After I heard from the gentleman that those plates were out of order, I called upon Mr. Newton, the head of the Agricultural Bureau, and asked him about them. He informed me that the plates were in good order, and that all that was required for the printing of these extra Reports was the necessary paper for that purpose.

In 1860 the agricultural area of the country embraced 163,110,720 acres of improved land, and 244,101,818 acres of land unimproved. Of course since then a large additional number of acres have been put under cultivation. As far as I have been able to ascertain from the last census, the number of farms in the United States then was 2,428,895; farm laborers, 795,679; total, 3,219,574.

Mr. Speaker, there were printed of the Agricultural Reports for 1864, by order of this House, twenty-five thousand copies less than in 1863, and in 1863 twenty-five thousand less than in 1862, as the following statement will show:

1862.....	190,000
1863.....	165,000
1864.....	140,000

And the number allotted to the Agricultural Department was distributed according to a statement from that Department, as follows:

"The number sent to each party decreasing with the decreased supply granted and the increase of parties to be supplied. The exact numbers changing thus, from time to time only an approximation to the average is given: to five thousand and fifty regular agricultural correspondents, from one to two copies each; to two hundred and ninety meteorological correspondents, from one to two copies each; to forty-six State Agricultural and Horticultural Societies, from ten to twenty-five copies each; to one thousand and forty-five county Agricultural and Horticultural Societies, from one to ten copies each; to three hundred and twenty agricultural and daily newspapers, from one to two copies each; to three hundred United States and foreign consuls and ministers, from one to four copies each; to President, heads of Departments, judges of Supreme Court, &c., from one to two copies each—making an average of from twelve to sixteen thousand copies to what may be termed official and regular recipients.

"The second copy given to the agricultural and meteorological correspondents (who perform their constant and oftentimes arduous duties gratuitously) is generally requested to supply a loss, or for some special use. So, also, to papers which sometimes have two editors who each desire a copy."

Why was this deduction made when the farmers require them? The gentleman asks, why do the farmers want these books? It is for information; and for that purpose this book is more important than any other document printed by Congress. Now, who pays the cost of these books? It is paid by the people who ask for them; and the sum required is but small.

Now, every time the gentleman gets up here about printing he calls for reform. And he advocates reform for what and against whom? Reform against the farmers? He objects to giving them these books, and says they can get, I do not recollect how many, newspapers for the amount these books will cost the Government. But they do not want the newspapers, and they do want these books. These books are prepared under the direction of a bureau established by the Government, and contain important information which the farmers of the country have a right to demand of their Representatives.

Why does the gentleman call so loudly for reform, when it is made to apply only to farmers? Some time ago the gentleman said to this House that for the printing of the Government it required one thirteenth of all the paper produced in the United States. But that is not for the purpose of printing these Agricultural Reports, but for other printing. And there is another reason why we should print these Reports of 1864. The gentleman must recollect that there are eleven States which have been in rebellion, the people of which for the last four years have not been able to obtain these Reports. They are now resuming agri-

cultural pursuits, and demand their share of these Agricultural Reports, and they are entitled to them. The interests of agriculture are now being greatly developed there by those who have for years past been engaged in pursuits of war, who are turning their attention to cultivating the soil, and will you not give them this information? It is what the people have a right to ask. But the gentleman says, no, we must retrench. Retrench on what? Why, on Agricultural Reports. I repeat, there is no side of the House on this question. The gentleman talks about the other side wanting to print Agricultural Reports. I admire the courage of the other side of the House in standing up for the farmer.

[Here the hammer fell.]

The question being taken on agreeing to the resolution, it was agreed to.

Mr. ANCONA moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. MORRILL called for the regular order.

LAND TITLES IN CALIFORNIA.

The SPEAKER announced as the regular order the bill (S. No. 243) to quiet land titles in California, reported from the Committee on Public Lands, Mr. JULIAN being entitled to the floor.

The bill provides in the first section that in all cases where the State of California has heretofore made selections of any portion of the public domain, in part satisfaction of any grant made to the State by any act of Congress, and has disposed of the same to purchasers in good faith under her laws, the lands so selected shall be confirmed to the State. No selection made by the State contrary to existing laws is to be confirmed for lands to which any adverse preemption, homestead, or other right has, at the date of the passage of the act, been acquired by any settler under the laws of the United States, or to any lands which have been reserved for naval, military, or Indian purposes by the United States, or to any mineral land, or to any land which, at the time of the passage of the act, was included within the limits of any city, town, or village, or within the county of San Francisco. The State of California is not to receive under this act a greater quantity of land for school or improvement purposes than she is entitled to by law.

The second section provides that where the selections named in section one have been made upon land which has been surveyed by authority of the United States it shall be the duty of the proper authorities of the State, where the same has not already been done, to notify the register of the United States land office for the district in which the land is located of such selection, which notice shall be regarded as the date of the State selection, and the Commissioner of the General Land Office shall, immediately after the passage of this act, instruct the several local registers to forward to the General Land Office, after investigation and decision, all such selections, which, if found to be in accordance with section one, the Commissioner shall certify over to the State in the usual manner.

The third section enacts that where the selections named in section one have been made from lands which have not been surveyed by authority of the United States, but which selections have been surveyed by authority of and under the laws of the State, and the land sold to purchasers in good faith under the laws of the State, such selections shall, from the date of the passage of this act, when marked off and designated in the field, have the same force and effect as the preemption rights of a settler upon unsurveyed public land; and if, upon survey of such lands by the United States, the lines of the two surveys shall be found not to agree, the selection shall be so changed as to include those legal subdivisions which nearest conform to the identical land included in the State survey and selection. Upon the filing with the

register of the proper United States land office of the township plat in which any such selection of unsurveyed land is located, the holder of the State title is to be allowed the same time to present and prove up his purchase and claim under this act as is allowed preceptors under existing laws; and if found in accordance with section one of this act, the land embraced therein shall be certified over to the State, by the Commissioner of the General Land Office.

The fourth section provides that in all cases where township surveys have been or shall hereafter be made under authority of the United States, and the plats thereof approved, it shall be the duty of the Commissioner of the General Land Office to certify over to the State of California, as swamp and overflowed, all the lands represented as such, upon such approved plats, within one year from the passage of this act, or within one year from the return and approval of such township plats. The Commissioner is to direct the United States surveyor general for the State of California to examine the segregation maps and surveys of the swamp and overflowed lands made by the State; and where he shall find them to conform to the system of surveys adopted by the United States, he shall construct and approve township plats accordingly, and forward to the General Land Office for approval. But in segregating large bodies of land, notoriously and obviously swamp and overflowed, it shall not be necessary to subdivide the same, but to run the exterior lines of such body of land. In case such State surveys are found not to be in accordance with the system of United States surveys, and in such other townships as no survey has been made by the United States, the Commissioner shall direct the surveyor general to make segregation surveys, upon application to the surveyor general by the Governor of the State, within one year of such application, of all the swamp and overflowed land in such townships, and to report the same to the General Land Office, representing and describing what land was swamp and overflowed under the grant, according to the best evidence he can obtain. If the authorities of the State shall claim as swamp and overflowed any land not represented as such upon the maps or in the returns of the surveyors, the character of such land at the date of the grant, September 28, 1850, and the right to the same, shall be determined by testimony, to be taken before the surveyor general, who shall decide the same, subject to the approval of the Commissioner of the General Land Office.

The fifth section proposes to enact that it shall be the duty of the Commissioner of the General Land Office to instruct the officers of the local land offices and the surveyor general, immediately after the passage of this act, to forward lists of all selections made by the State referred to in section one, and lists and maps of all swamp and overflowed lands claimed by the State, or surveyed as provided in this act, for final disposition and determination, which final disposition shall be made by the Commissioner of the General Land Office without delay.

The sixth section enacts that an act entitled "An act to provide for the survey of the public lands in California, the granting of preemption rights therein, and for other purposes," approved March 3, 1853, shall be construed as giving the State of California the right to select for school purposes other lands in lieu of such sixteenth and thirty-sixth sections as were settled upon prior to survey, reserved for public uses, covered by grants made under Spanish or Mexican authority, or by other private claims, or where such sections would be so covered if the lines of the public surveys were extended over such lands, which shall be determined whenever township lines shall have been extended over such land, and in case of Spanish or Mexican grants, when the final survey of such grants shall have been made. The surveyor general for the State of California is to furnish the State authorities with lists of all such sections so covered, as a basis of selection, such

selections to be made from surveyed lands, and within the same land district as the section for which the selection is made.

The seventh section provides that where persons in good faith, and for a valuable consideration, have purchased lands of Mexican grantees or assignees, which grants have subsequently been rejected, or where the lands so purchased have been excluded from the final survey of any Mexican grant, and have used, improved, and continued in the actual possession of the same continuous proprietors according to lines of their original purchase, and where no valid adverse right or title (except of the United States) exists, such purchasers may purchase the same, after having such lands surveyed under existing laws, at the minimum price established by law, upon first making proof of the facts as required in this section, under regulations to be provided by the Commissioner of the General Land Office. But whenever it shall be made to appear by petition of the occupants of such land that injury to permanent improvements would result from running the lines of the public surveys through such permanent improvements, the Commissioner of the General Land Office may recognize the existing lines of the subdivision.

The eighth section proposes to enact that in all cases where a claim to land by virtue of a right or title derived from the Spanish or Mexican authorities has been finally confirmed, and a survey and plat thereof shall not have been made, as provided by sections six and seven of the act of July 1, 1864, "to expedite the settlement of titles to lands in the State of California," and in all cases where a like claim shall hereafter be finally confirmed, and a survey and plat thereof shall not be made as provided by said sections within six months after such final confirmation, it shall be the duty of the surveyor general of the United States for California, as soon as practicable after the passage of this act, or such final confirmation, to cause the lines of the public surveys to be extended over such land; and he shall set off, in full satisfaction of such grant, and according to the lines of the public surveys, the quantity of land confirmed in such final decree, and as nearly as can be done in accordance with such decree; and all the land not included in such grant as so set off shall be subject to the general land laws of the United States.

It is provided in the ninth section that from the decrees of the district courts of the United States for the district of California, approving or correcting the surveys of private land claims under Spanish or Mexican grants, rendered after the 1st day of July, 1865, an appeal shall be allowed for the period of one year after the entry of such decrees to the circuit court of the United States for California, as provided by section three of the act of July 1, 1864, to expedite the settlement of titles to land in the State of California; and the decision of the circuit court shall be final.

Mr. JULIAN. Mr. Speaker, before proceeding to discuss this bill, I desire to make a proposition to the House, and my subsequent action will be determined by the vote upon that proposition. This is a bill to quiet titles in California. It has been passed by the Senate and reported favorably by the Committee on Public Lands of the House. Since the report of the bill, I have received letters and dispatches from intelligent and prominent gentlemen in California, begging me not to press action upon the bill at this session. If we enter upon its discussion at the present time, it will consume whole days of the most valuable time of the session; for I find upon the one side and the other gentlemen who are desirous to debate it; and I mean to allow the fullest range of debate, the subject being an important one. In view of the late period of the session, and in view, also, of fresh information I have received, I propose to submit a motion to postpone the further consideration of the question until next December. If the House should vote down this motion, I shall endeavor to proceed in reg-

ular order with the consideration of the bill and the amendments.

Mr. McRUER. I hope that the chairman of the Committee on Public Lands [Mr. JULIAN] will allow the dispatches and letters of which he speaks to be read to the House. I would like to see the character of the letters and dispatches which "intelligent gentlemen of California" have sent here. This is a matter in which we feel the deepest interest. More than ten thousand of our citizens are now holding the titles to their land by an uncertain tenure. Every week's delay adds to the vexation, confusion, and litigation experienced by citizens there. This bill is a measure of deeper concern to the California delegation than all other measures in which they are interested. The delegation has for the last seven months been assiduously at work to perfect this bill. We have now matured a bill to which there can be no well-founded opposition. It meets with the approval of the Land Office here. It receives the united approbation of the whole California delegation. It is asked for by the Legislature of California. It is asked for by numerous individuals throughout the State, who are now suffering in consequence of these vexed questions, which have existed for years between the State of California and the Land department here.

Now, sir, we claim, as a right, that this measure shall be considered by the House at the present time. If the gentleman from Indiana has received from California any valuable information which will warrant the House in delaying this matter I want to hear it; for this question has been discussed almost every day for the last six months in every newspaper in California. The question has been considered and acted upon by the Legislature of that State. I know that a bill to settle these titles will meet with the approbation of nine hundred and ninety-nine out of every thousand honest men in the State. It is a matter of deep interest to every citizen of California who has the welfare of the State at heart. I trust, therefore, that this bill will now be considered by the House. It will not necessarily consume much time. As for myself, I can say all that I want to say in ten or fifteen minutes. The previous question, with our consent, may be called before the morning hour expires.

Mr. JULIAN. In answer to the gentleman's call for information, I send to the Clerk's desk a dispatch which I have received.

The Clerk read as follows:

SAN FRANCISCO, June 29, 1866.

GEORGE W. JULIAN,

Chairman Committee on Public Lands:

Do not report California bill until you hear from me next mail. I will show its enormous injustice. Refer to California delegation for character. Answer.

JAMES C. SEABRISKI,
Attorney for eight hundred settlers.

Mr. JULIAN. The gentleman who sends that dispatch states that he represents eight hundred settlers on the land in California; and he refers me to the California delegation for his character. I have referred to one member of that delegation, who indorses him as a gentleman of intelligence and worth. I now send to the Clerk's desk, to be read, an article on this question from a leading California newspaper, the American Flag, which is represented to me by intelligent Californians as a respectable and influential newspaper of that State.

The Clerk read as follows:

"A BILL TO QUIET LAND TITLES.—On the 19th of March last, Senator CONNESS introduced a bill into the United States Senate entitled 'A bill to quiet land titles in the State of California,' which was read twice, referred to the Committee on Public Lands, and ordered to be printed. Mr. HENDRICKS reported the bill with an amendment, on the 20th of April following, making many material alterations, which bill is now before Congress. The original object of the bill was no doubt good, and designed to settle many vexed and doubtful questions affecting land titles in this State.

"The first section provides that the claims, locations, and sales of land made by the State of California anterior to the passage of this act pursuant to the legislative enactments of the five hundred thousand acres of land donated by the Government for the purpose of internal improvements, and other land devoted to the purposes of education, and swamp and overflowed lands shall be confirmed; but there

are several exceptions which are particularly specified. One is where a person has become entitled to a preemption under the laws of the United States by reason of having settled upon any legal subdivision of such lands. And further, the act does not confirm any location of lands made under State authority within the limits of any town or city which was incorporated at the time, or within the county of San Francisco.

"It is provided by another section that in case persons have purchased lands of Mexican grantees, in good faith, which have since been rejected, and have improved the same and been in the actual possession thereof, may purchase where there is no adverse title except that of the Government.

"There is one section of the bill proposed as part of the amendment which seems to be objectionable and calculated to work great injustice to thousands of bona fide settlers upon the public domain. It is section two of the proposed amendment, which declares that in all cases contemplated by the first section of the act which are in conflict with preemption or other settlement claims an exemption shall be held before a commission, to determine whether those claiming under the State selections or the preemption or other settlers have the prior right of settlement, and the fact of priority must govern the decision of the controversy.

"A large number of claims to valuable lands are held by speculators, under the selections made by the State before she had any authority to do so, but the selections by the authority of the State were made before the locations by the actual bona fide settlers, and who, supposing their titles good, have made valuable and permanent improvements upon such lands. These honest settlers will be deprived of all their improvements without any compensation whatever by these remorseless speculators and land sharks, who claim under the selections made by the State, if this provision of the bill is not modified.

"It is to be hoped that our delegates to Congress will see that before this act becomes a law, the proper changes are made, so as to protect the rights and interests of the settlers as well as the speculators."

Mr. HIGBY. I wish to ask the gentleman a question. Does he propose to try the California delegation before this House?

Mr. JULIAN. I will answer the gentleman. I referred to some matter I had recently received affecting this question, and the gentleman's colleague asked if I had such matter to produce it. I am now doing so in accordance with that request.

Mr. HIGBY. I ask the gentleman another question, whether, before my colleague made that request, he did not intimate to the House he would move to postpone the further consideration of this bill.

Mr. JULIAN. I stated to several gentlemen upon the floor that I meant to submit a motion to postpone, and if the House voted it down, I then intended to proceed with the consideration of the question.

Mr. HIGBY. I ask another question, whether the Committee on Public Lands did not accept the bill as it came from the Senate, with the exception of the amendments they proposed. I ask whether it was not reported back to the House with those two amendments.

Mr. JULIAN. The committee reported several amendments to the bill; and the gentleman's colleague has several amendments which I agreed he should have an opportunity to offer.

I now ask the Clerk to read the letter I send up to him.

Mr. BIDWELL. I desire to ask whether that letter has a name attached to it.

Mr. JULIAN. It was written to me as a private letter, conveying to me no authority to give the name of the writer. I have shown the letter to several respectable Californians and they say the writer is a gentleman whose word ought to be received. For this reason I have asked to have it read. I now ask that the letter be read.

The SPEAKER. But limited debate is allowed on the motion to postpone.

Mr. HIGBY. I object to the reading of the letter unless the name be given.

The SPEAKER. The postponement does not open the merits of the bill. Barclay's Digest, page 107, declares that postponement admits of but very limited debate.

Mr. McRUER. I desire to say in reference to the extract from the California paper which has been read, that it does not apply to the bill under consideration. The bill to which it refers contains different provisions. If this bill has any fault it is in protecting settlers in California, recognizing preemption claims.

Mr. JULIAN. I ask that the letter be read. The Clerk read as follows:

"SAN FRANCISCO, CALIFORNIA, June 2, 1866.

"DEAR SIR: We have just received Senate file 206, a bill to quiet land titles in the State of California, introduced by Senator CONNESS, with the amendment reported by Mr. HENDRICKS on the 20th of April last. The bill as originally reported by Mr. CONNESS is objectionable, as it is only asked for by speculators and land-grabbers, a large share of whom are foreign capitalists, but the amendment as reported by Mr. HENDRICKS, if it should become a law, would be a most wicked enactment, as it would drive off thousands of honest settlers from their homes who have settled on the public lands of the United States in this State on the speculators had previously located their school-land-warrants before survey, which locations had been set aside by the Commissioner of the General Land Office as illegal."

Mr. HIGBY. I object to the reading of this letter. It is not pertinent to the bill.

Mr. JULIAN. The gentleman is mistaken.

Mr. HIGBY. I am not mistaken.

Mr. JULIAN. It applies to the very objections that are embodied in the bill before the House.

Mr. HIGBY. I am not mistaken; it is only a waste of time to read it.

The SPEAKER. The gentleman's colleague has spoken beyond the limits of the rules of debate on the question of postponement, but if the gentleman insists upon the point the Chair will rule upon it.

Mr. HIGBY. I withdraw it.

The Clerk proceeded with the reading of the letter, as follows:

"Encouraged by the decisions of the Commissioner with regard to the invalidity of such locations and State selections (made before survey) the settlers went on under the general preemption laws, and thousands of them have proved up their claims before the local land offices, a large share of whom have already paid the Government for their land and made valuable improvements, supposing Congress would not interest themselves so much in behalf of speculators as to pass laws which would enable the land monopolists to rob them of their all. Others again have more recently made settlements on the public lands, and who have more recently made proof of settlement and cultivation, and whose claims are now pending before the Land department at Washington for adjudication. I know that this wicked and monstrous proposition as contained in HENDRICKS' amendment has many advocates in Washington, among them Government and State government officials, all interested in behalf of the capitalists and speculators.

"The amendment of HENDRICKS has been received with surprise and indignation, no one dreaming that any man in Congress would be base enough to rob thousands of honest settlers of their rights to a home on the Government land of the United States."

The SPEAKER. That is a reflection upon a member of Congress in the other branch, and it is so offensive that it ought not to be read in the House. Although the point of order is not made, yet as no Senator can interpose to protect himself against such imputations here, the Chair goes beyond his usual practice and rules that it is not proper to be read.

Mr. JULIAN. I did not intend to ask for anything to be read in violation of the rules. A portion of that letter is certainly pertinent. I had not noticed the character of the words last read.

The SPEAKER. The rule will be found in the Manual. Reflections are not allowable in one branch on members of the other branch of the legislative department of the Government. A part of this letter relating to the bill might be allowed in the range of general debate, although it would then go beyond the legitimate rule of debate on a motion to postpone.

Mr. BIDWELL. I regret exceedingly, as one of the Representatives of the State of California, that my privileges and my rights should be attempted to be subverted here by anonymous communications and by newspaper articles which contain neither facts nor reason, and by statements from the chairman of the Committee on Public Lands calculated to mislead this House. As a delegation we have been put off until almost the close of the session, when we are brought to the consideration of the merits of the most important bills ever proposed in this body for the benefit of the Pacific coast. And now I think it is doing us the most rank injustice to consume almost the entire morning hour reading slanderous communications, false

in every utterance, and thus waste the hour at last given to our State for this important measure. For what purpose are these statements made? For the avowed purpose of defeating this bill—a bill which the committee passed upon unanimously.

Mr. JULIAN. I do not yield the floor for that style of argument. I wish to say in reply that the gentleman is totally mistaken in asserting that my design or purpose is to defeat this bill. I have no such purpose whatever in view. As I have intimated before it is a question of indifference to me whether the House postpones this bill until December, or determines to pass upon it now. If the House has the leisure and inclination to consider it at present, I have no objection. I have no purpose of hostility to the measure, but I thought it due to myself and to this House, having reported that bill, and having since received information from respectable sources, so conceded by my friend from California, to state as I have done the facts that have come to my knowledge, leaving it for the House to determine the course it would pursue.

Let me say another thing. The gentleman from California has sedulously put forward the idea all through this debate that this is a local measure and one entirely within the control of the delegation of that State. Mr. Speaker, this bill grows out of certain facts which I desire to state. One of these is that five hundred thousand acres of land belonging to California under the law of 1841 have been surveyed by California under a system of survey and sale in violation of the laws of the United States. The same illegal conduct has prevailed in regard to her school lands and swamp lands.

Mr. McRUER. I rise to a question of order. This bill is not under discussion.

The SPEAKER. The Chair sustains the point of order. According to the Digest, a motion to postpone admits of "but very limited debate." If that means anything, it means that the merits cannot be discussed on that motion. A motion to refer opens the whole question; but on a motion to postpone the question is simply whether it should be postponed for future consideration.

Mr. JULIAN. I was misled by following the example of my friend from California, [Mr. McRUER,] who debated the merits of the bill with the leave of the Speaker, and would not, as I supposed, raise the point upon me. I was only going to say that this bill grows out of the violated faith of the State of California with the national Government, and therefore it concerns every man in the nation. Every actual settler and homestead claimant has been defrauded exactly to the extent that the State of California has granted her school-warrants on land that ought to have been first surveyed by the General Government. The General Government, as neither of the gentlemen from California will deny, has been wronged by the illegal action of California.

Mr. McRUER. I insist on the point of order.

The SPEAKER. The Chair will state to the gentleman from Indiana [Mr. JULIAN] when he speaks of the gentleman from California speaking by leave of the Chair, that it was because the gentleman from Indiana did not make the point of order. When a point of order is made, the Chair rules upon it.

Mr. JULIAN. Without having any wish or desire in the matter of my own, I submit the question of postponement to the judgment of the House, and I desire a vote upon it without consuming more time. I move the previous question.

Mr. BIDWELL. Let me say one word.

Mr. JULIAN. I must decline.

The previous question was seconded and the main question ordered.

The question was taken on the motion to postpone the further consideration of the bill until the first Monday in December next; and there were—ayes 51, nays 58.

So the House refused to postpone the bill.

Mr. JULIAN. I agreed to allow the gen-

tleman from California to present his amendments, and I now yield to him for that purpose.

Mr. BIDWELL. I offer the following amendments to the Senate bill.

In line fifteen, section one, after the word "land," I move to insert the words "or to any land held or claimed under any valid Mexican or Spanish grant;" so that the proviso will read:

Provided, That no selection made by said State contrary to existing laws shall be confirmed by this act for lands to which any adverse preemption, homestead, or other right has, at the date of the passage of this act, been acquired by any settler under the laws of the United States, or to any lands which have been reserved for naval, military, or Indian purposes by the United States, or to any mineral land, or to any land held or claimed under any valid Mexican or Spanish grant, or to any land which, at the time of the passage of this act, was included within the limits of any city, town, or village, or within the county of San Francisco.

The amendment was agreed to.

Mr. BIDWELL. I move to amend section seven by striking out in line seven the words "as conterminous proprietors" and inserting in lieu thereof the words "joint entries being admissible by conterminous proprietors to such an extent as will enable them to adjust their respective boundaries."

The amendment was agreed to.

Mr. BIDWELL. After the words "Land Office" in line fourteen, section seven, I move to insert the words:

Provided, That the right to purchase herein given shall not extend to lands containing mines of gold, silver, copper, or cinnabar.

The amendment was agreed to.

Mr. BIDWELL. I move to add to section seven the following proviso:

Provided, That the provisions of this section shall not be applicable to the city and county of San Francisco.

The amendment was agreed to.

Mr. BIDWELL. I move to amend section eight by striking out the word "made," in the fifth line, and inserting in lieu thereof the words "requested within ten months from the passage of this act;" also by striking out the word "made," in line ten, and inserting in lieu thereof "requested;" so that the section will read:

SEC. 8. *And be it further enacted*, That in all cases where a claim to land by virtue of a right or title derived from the Spanish or Mexican authorities has been finally confirmed, and a survey and plat thereof shall not have been requested within ten months from the passage of this act, as provided by sections six and seven of the act of July 1, 1864, "to expedite the settlement of titles to lands in the State of California," and in all cases where a like claim shall hereafter be finally confirmed, and a survey and plat thereof shall not be requested, &c.

The amendment was agreed to.

Mr. BIDWELL. In line eleven of the same section, I move to strike out the words "six months after final confirmation," and to insert in lieu thereof the words "ten months after the passage of this act, or any final confirmation hereafter made." I move also to insert in line fifteen, after the word "the," the words "expiration of ten months from the;" and I move further to amend by inserting after the word "confirmation," in line sixteen, the words "hereafter made;" so that the latter portion of the section will read as follows:

And in all cases where a like claim shall hereafter be finally confirmed, and a survey and plat thereof shall not be requested, as provided by said sections within ten months after the passage of this act, or any final confirmation hereafter made, it shall be the duty of the surveyor general of the United States for California, as soon as practicable after the expiration of ten months from the passage of this act, or such final confirmation hereafter made, to cause the lines of the public surveys to be extended over such land, and he shall survey, in full satisfaction of such grant, and according to the lines of the public surveys, the quantity of land confirmed in such final decree, and as nearly as can be done in accordance with such decree; and all the land not included in such grant as so set off shall be subject to the general land laws of the United States.

The amendment was agreed to.

Mr. BIDWELL. Those are all the amendments I had to offer.

The question recurred on the amendments reported by the Committee on Public Lands.

Mr. JULIAN obtained the floor.

Mr. ASHLEY, of Nevada. Will the gentle-

man from Indiana [Mr. JULIAN] yield to me to offer an amendment?

Mr. JULIAN. I will.

Mr. ASHLEY, of Nevada. Mr. Speaker, I have lived a great many years in the State of California, and perhaps have had more to do with these matters there than any man upon this floor; and I have an amendment to offer which my experience assures me is right and just. My amendment contains a provision which will secure the rights of all who have settled upon the land of the United States under the homestead or preemption laws of the United States. But under our treaty stipulations with Mexico we are bound to respect the grants of land which were made by the Spanish or Mexican authorities. There are only some ten or twelve grants the records of which are in the surveyor general's office for California. Now this amendment cannot oust any settlers on those lands, because they are expressly provided for.

Now, I say that if there are eight or ten of these grants there, it is incumbent on this Congress to keep inviolate the national faith and protect the honor of the American name; we are bound by treaty obligation to do so. And as my amendment is carefully guarded in all respects, I think it will appeal to the justice of this House, and will not, I believe, imperil this bill if adopted. I send to the Clerk's desk to be read the amendment I propose.

The Clerk read the amendment, as follows:

Add to section seven the following:

*And provided further, That whenever any just and valid claim to land in the State of California, by virtue of or through any grant or title derived from the Mexican or Spanish Government, the genuine expediente or evidence relative to which grant or title is contained in the Spanish archives in the custody of the United States surveyor general for California, shall not have been presented to, examined, and decided upon by the commission created by the act of Congress, approved March 3, 1851, the grantee or his assigns may, at any time within six months after this act shall have become a law, present a petition to the district court of the district in which the land claimed is situated, praying said court to decide upon the validity of said claim; and thereupon the same proceedings shall be had in said district court, in relation to the hearing and decision of said claim, in all respects, as though said claim had been presented to and decided by the commission created by said act adversely to said claim, except that no transcript of the report of said commission shall be presented to said district court, and the same appeal may be brought from the decision therein, and the same proceedings had for the hearing and decision thereof as is provided by said act: *Provided, however, That nothing in this act nor any proceedings under it, shall impair or affect the right or title of any person or persons, their representatives or assigns, who have acquired any just right or title in said lands under the preemption or homestead laws of the United States.**

Mr. BIDWELL. I appeal to the gentleman from Nevada [Mr. ASHLEY] to withdraw his amendment and not press it at this time. The object of this bill is to quiet land titles, and nothing else. And we do not desire to be called upon to pass on such a measure as he has proposed, as it must lead to a great deal of discussion. And I think his proposition should go before the Committee on the Judiciary, and be brought up as a separate measure, and not be allowed to encumber this bill.

Mr. McRUER. I rise to a point of order; that the proposition of the gentleman from Nevada [Mr. ASHLEY] is not germane to this bill.

The SPEAKER. The title of this bill is "An act to quiet land titles in California." Anything upon the subject of quieting land titles in California is certainly in order as an amendment. This amendment of the gentleman from Nevada [Mr. ASHLEY] is certainly in order, whether it commends itself to the House for its adoption or not.

Mr. ASHLEY, of Nevada. I have but little to say upon my amendment. It confirms nothing in the way of land titles; it says simply that they may be taken before the courts, so that the final decision of the United States Supreme Court can be had upon it. And if their title is held to be good, it is good against the United States, saving the rights of settlers upon the land. And I hold that this is a proper amendment.

Mr. GARFIELD. I desire to inquire whether this amendment, if it be adopted, will decide, one way or the other, cases of contested land titles now pending in court.

Mr. ASHLEY, of Nevada. It will not.

Mr. HIGBY. It will revive cases growing out of the old Mexican grants which are now outlawed. It will carry those cases again into court.

Mr. GARFIELD. What I desire to ascertain is, whether this amendment will affect titles now in litigation.

Mr. ASHLEY, of Nevada. It will not affect cases now pending; but it will reopen for adjudication eight or ten cases, the records of which exist in the old archives.

Mr. WILSON, of Iowa. Will this amendment reopen the Miranda case?

Mr. ASHLEY, of Nevada. It will; but I say to the gentleman—

Mr. WILSON, of Iowa. I had occasion, as a member of the Judiciary Committee, to examine that case; and I think it ought not to be reopened.

Mr. ASHLEY, of Nevada. As to that case I will say that the lands on that rancho have been settled as public lands, and the rights of the parties, so far as they have been acquired under the United States, are protected by this proviso.

Mr. WILSON, of Iowa. From my examination of that case, I am satisfied that this Congress should take no action which will reopen that controversy. I do not know anything about the merits of this bill; but I am satisfied that that case should never be reopened.

Mr. ASHLEY, of Nevada. In answer to that I will simply say that, so far as regards any land case in California which is protected under the treaty of the United States, the proper tribunal to adjudicate it is the Supreme Court of the United States, and not any committee of this House. It was not intended when we made that treaty with Mexico that those rights should be determined by the action of a committee here. This amendment simply provides that the Supreme Court of the United States shall determine the case when it is carried there; and this our national honor requires.

Mr. WILSON, of Iowa. I will ask whether the Miranda case has not already been determined by the court.

Mr. ASHLEY, of Nevada. It never has been. It was withdrawn before a decision was made.

Mr. HIGBY. I will say that the very case to which the gentleman refers has been before the court.

Mr. ASHLEY, of Nevada. It has never been determined.

Mr. HIGBY. The Miranda and the Ortega titles were both in court. The Miranda case was withdrawn, and the Ortega case struggled on. The cases involved the same question precisely. I will state the substance of the matter: Congress prescribed a certain time within which all those claimants under the Mexican grants should appear before commissioners appointed for the purpose of settling those questions. There was a sufficient time allowed for all claimants to appear and commence litigation. The object of the amendment now proposed by the gentleman from Nevada is simply to give another opportunity to parties who have already let slip the opportunity which was afforded them to appear and present their claims. The amendment proposes to reopen to litigation questions which are now closed. That is the object of it. Let me say further, Mr. Speaker, that there is now in the hands of the Committee on Public Lands a bill containing the very same proposition: and it seems as if the object were to attach this as a rider to this bill in order that it may go through with it, or that this bill, affecting great interests of the State of California, shall fail.

Mr. ASHLEY, of Nevada. This proposition has been before the Committee on Public Lands, and they have agreed to it as being proper; but as it is now late in the session, and there will probably be no opportunity to

report or act on that bill, we deem it best to propose it now. One word in regard to the time allowed for the presentation of these claims. The period allowed was from 1851 to 1853. And I say, sir, that two years constitute a very small period of time to allow in such cases to people who do not understand the English language and who never saw the law in regard to the matter. Now, sir, I think that is a proper amendment. It decides nothing, but leaves the matter for the courts. It saves the rights of these parties.

Mr. JULIAN. I only wish to say that the same proposition has been before the Committee on Public Lands. It was considered in a separate measure, and the committee were of the opinion that it is a proper provision. It was not designed for the benefit of the Miranda claim, but to save the rights of all parties who have been deprived of all opportunity for redress through no fault or avoidable neglect on their part. We thought it proper to give to such parties the power to assert their rights. For this reason the committee had agreed to it, and believing it to be proper, I have allowed my friend from Nevada [Mr. ASHLEY] to present it as an amendment to this bill, as there will be no other opportunity of reaching it during this session.

Mr. BIDWELL. This proposition will open up all the land claims of California, and cases now settled will have to be again gone over; cases where the land has been surveyed and sold and patented under the laws of the United States. It will enable them to bring these titles again into court. It is all wrong.

Mr. JULIAN. It does not cover all of the cases to which the gentleman refers.

Mr. BIDWELL. Bring it up in another bill.

Mr. JULIAN. The gentleman is hostile to it in any form. I demand the previous question.

The previous question was seconded and the main question ordered.

Mr. ASHLEY, of Nevada, modified his amendment by adding the following:

Provided further, That the provisions of this bill shall not apply to any case now pending in any of the State courts or United States courts.

The amendment was rejected.

Mr. PRICE. I move to add the following:

Provided further, That nothing in this bill shall be construed as in any manner to interfere with the rights of bona fide preemption claims.

Mr. BIDWELL. The bill is guarded in every section, but I do not object to the amendment.

The amendment was agreed to.

The amendments of the committee were read, as follows:

First amendment:

Add to section eight:

Provided, however, That the act of Congress entitled "An act to grant the right of preemption to certain purchasers on the Socol ranch, in California," approved March 3, 1853, shall not be so construed as to interfere with the claims of bona fide settlers on the said lands who had settled thereon and were claiming preemptions, in accordance with the laws of the United States, prior to the time of the passage of the said act.

Second amendment:

Add to section nine:

*Provided, however, That from decrees of the district courts, as aforesaid, made after July 1, 1853, and prior to the passage of this act, an appeal may be taken to the United States circuit court for the State of California within one year from the approval of this act: *Provided, That in any such case in which an appeal may be taken under the provisions of this section, the said circuit court shall not be precluded by the terms of the decree of confirmation, or by reason of any clerical mistake therein, from determining the boundaries of the land claimed, in accordance with the original grant and the real justice and merits of the case.**

Here the morning hour expired, and the bill went over until the next morning hour.

ENROLLED BILLS.

Mr. COBB, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 37) making a grant of lands, in alternate sections, to aid in the construction

and extension of the Iron Mountain railroad from Pilot Knob, in the State of Missouri, to Helena, in Arkansas;

An act (S. No. 58) granting lands to the State of Oregon to aid in the construction of a military road from Corvallis to the Aquina bay;

An act (S. No. 99) granting lands to the State of Oregon to aid in the construction of a military road from Albany, Oregon, to the eastern boundary of said State;

An act (S. No. 156) making an additional grant of lands to the State of Minnesota, in alternate sections, to aid in the construction of a railroad in said State;

An act (S. No. 168) to provide for the disposal of certain lands therein named; and

An act (S. No. 221) relating to lands granted to the State of Minnesota to aid in constructing railroads.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. WILLIAM J. McDONALD, its Chief Clerk, informed the House that the Senate had passed a joint resolution (S. R. No. 117) for the relief of Charles M. Blake, in which he was directed to request the concurrence of the House.

The message further informed the House that the Senate had passed, without amendment, a bill of the House (H. R. No. 683) for the relief of J. Judson Barclay.

RECONSTRUCTION.

The SPEAKER stated as the first business in order the consideration of the special order, being House bill No. 543, to restore to the States lately in insurrection their full political rights, upon which Mr. BINGHAM was entitled to the floor.

TARIFF BILL.

Mr. MORRILL. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union on the special order.

The motion was agreed to.

So the rules were suspended; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. SCOFIELD in the chair,) and resumed the consideration of the special order, being the bill (H. R. No. 718,) to provide increased revenue from imports, and for other purposes.

The paragraph under consideration was as follows:

On candle or cannel coal, and on all bituminous coal mined and imported from any port or place thirty degrees of longitude east of Washington, \$1 50 per ton of twenty-eight bushels, eighty pounds to the bushel; on all bituminous coal mined and imported from any place not more than thirty degrees of longitude east of Washington, fifty cents per ton of twenty-eight bushels, eighty pounds to the bushel; on anthracite, and all other coal not herein otherwise provided for, \$1 50 per ton of twenty-eight bushels, eighty pounds to the bushel; on coke and culm of coal, twenty-five per cent. *ad valorem*.

The pending question was on the motion of Mr. F. THOMAS to strike out from the paragraph just read the words, where they first occur, "thirty degrees of longitude east from Washington," and also the words, "on all bituminous coal mined and imported from any place not more than thirty degrees of longitude east of Washington, fifty cents per ton of twenty-eight bushels, eighty pounds to the bushel;" so that the paragraph will read as follows:

On candle or cannel coal, and on all bituminous coal mined and imported from any port or place, \$1 50 per ton of twenty-eight bushels, eighty pounds to the bushel; on anthracite, and all other coal not herein otherwise provided for, \$1 50 per ton of twenty-eight bushels, eighty pounds to the bushel; on coke and culm of coal, twenty-five per cent. *ad valorem*.

Mr. MORRILL. I believe the House acceded to my request to be allowed ten minutes to reply to the gentleman from Maryland, [Mr. F. THOMAS.] Mr. Chairman, I know the very unequal task that I have to perform when I undertake to reply to the gentleman from Maryland, who so rarely appears upon this floor, but when he does appear comes forth with such impressive eloquence and is so earnest in his appeal to the House that whether he is right or wrong the House is disposed to follow his suggestion. He is, I am happy to say, seldom wrong, but in this case I believe him to be entirely wrong.

In the first place, the gentleman criticises the manner or form of the bill. The form is by no means unusual. It is in the same or a similar form that has been enacted for more than fifty years past in order to make a discrimination in relation to articles that may be imported from one side or the other of a given degree of longitude.

In the next place, the gentleman criticises our proposed bill because it does not give coal equal protection to anything else in the bill. Why, Mr. Chairman, the present bill, contrary to the opinion of the gentleman from Maryland and others in the House, is not a bill for protection. It is a bill for revenue, and unless we adopt it we may lose, perhaps, \$200,000,000 of internal revenue. The bill is framed to protect our internal revenue and for no other purpose. If it were not for that we should make no emendations to the tariff at all. If it were not for the vast flood of circulating medium at the present time we should not make any amendments to the tariff. But in consequence of the enormous inflation of the currency it is impossible that laboring men can live upon the same rate of wages that has been heretofore paid, and where we have the old specific rates in our tariff it is impossible that those rates should be adequate to the necessities of either the Government or the manufacturers. If we had an *ad valorem* tariff on a home valuation there would be no necessity now for an increase in the tariff.

Now, in relation to the article of coal, as I have argued heretofore, it stands upon a different principle from a manufacture, or from wool, which the gentleman from Maryland cited. We cannot by any possibility increase the amount of production, levy whatever tariff we please upon it, as we can upon manufactures or upon wool.

Mr. Chairman, I have only one fault to find with the argument of the gentleman from Maryland. I read what he said yesterday:

"Sir, I very well remember—and it occurs to me just at this moment—a remark made by Mr. Webster in remonstrating against the annexation of Texas. He said that every one accustomed to self-examination and self-scrutiny discovers that there is in human nature an occult principle which incapacitates a man for taking a very lively interest in the affairs of a community situated very remote from his own locality. That remark seemed to me at the time to be not a very apt illustration of the penetration, the deep analytic power which distinguished the philosophic mind of that great statesman. I thought then, I think now, that this principle is to be traced to selfishness or self-interest."

Now, sir, does not that remark apply to the gentleman from Maryland as much as to myself? Is he not as remote from the New England coast as I am from western Maryland? Sir, I scorn the imputation that I ever neglect a measure because it happens to interest California more than I would if it interested Connecticut. I scorn the imputation that I would neglect a measure that interested the Lake Superior region any more than if it interested Maine.

Mr. F. THOMAS. I simply remind the gentleman that that is hardly parliamentary language.

Mr. MORRILL. I will withdraw any part of it if it is offensive to the gentleman, as I certainly intended no offense.

Mr. F. THOMAS. I would say to the gentleman in the best possible spirit, for his deportment is always highly courteous, that at the very time of speaking of that selfishness in our nature I conceded that I was myself subject to the same impulses and the same emotions, and I imputed to him only the feelings that were common to us all.

Mr. MORRILL. In relation to coal, Mr. Chairman, we have proposed the same rate of duty that was in the former bill. The gentleman objected that we should reproduce the same rates, because that bill was rejected on motion of the gentleman from Pennsylvania. I beg to remind the gentleman that the bill did not have its enacting clause stricken out on account of this coal question simply. It was stricken out because of the reluctance on the part of the House to legislate in rela-

tion to the provisions of a tariff for the Canadian Provinces upon any different principle or rates than what we would for all the world. The House did not wish to have any part of the reciprocity treaty reproduced in any possible shape, and that was why that bill was rejected.

The gentleman from Maryland suggests that it is only for the interest of a few men in Boston and New York that the rate on coal coming from no more than thirty degrees east longitude is inserted. Why, sir, the whole coast north of New York is interested in this matter. The poor people that have hard work to pick up in the streets the little fuel that may be necessary to keep themselves warm during our severe winters have an interest in this bill. They are dependent for their fuel upon coal, and is it reasonable and proper that we, in order to benefit a company that has subsisted for the last eleven years without any protection whatever, shall now ask that these people shall pay at least \$1 50 a ton more for their fuel? I certainly cannot conceive that it is necessary that this should be done for the benefit of the Baltimore and Ohio Railroad Company. And then let me say that in our internal revenue bill we have benefited that company and the States of Maryland and Pennsylvania to the amount of over a million dollars by exempting coal from any tax whatever. We have benefited the railroad company by exempting them from any tax on freight. Now, is it reasonable that they should ask for anything more? Certainly it appears to me very unreasonable.

Now, Mr. Chairman, this article is used in manufactures. We tax the manufactures after they are made. Is not that enough? It is used for making gas, and there is not an article in the whole list of manufactures that is taxed more heavily, with the exception of tobacco and liquors, than gas. Is it not enough to tax an article after it is produced, without taxing the raw material?

The Baltimore and Ohio railroad, to recur to it again, the gentleman from Maryland has already stated, was in the habit prior to the war of sending something like three hundred thousand tons annually to market, during the war only ninety thousand, and since the war three hundred and forty-six thousand tons. Now, it does seem to me if they can recover and recuperate without this heavy duty on coal, they can do so when we levy fifty cents upon it, which the gentleman acknowledges to be ten per cent. upon the cost. It does appear to me that if we levy a duty of fifty cents per ton on all the coal that comes from Nova Scotia, that is enough. And I will say to the House that in our experience when coal was entirely free, half of all the bituminous coal we received from abroad, or nearly half, came from Liverpool or somewhere else besides Nova Scotia.

[Here the hammer fell.]

Mr. STEVENS. I move to amend so as to make the duty \$1 25 per ton. I do not know that I desire to say anything, except that I do not see that the Committee of Ways and Means have proposed anything new, except that we shall go into the business of taxing degrees of longitude. [Laughter.] It is a new idea, and I do not know that I fully understand it. However, I hope that we will make the duty at least \$1 25 per ton.

Mr. MARSTON. I rise to oppose the amendment of the gentleman from Pennsylvania, [Mr. STEVENS.] Under the reciprocity treaty with Great Britain certain articles from the Provinces were allowed to come into this country free, and among them were the articles of wool and coal. During the last ten years, under that treaty, there has grown up in this country a manufacture of worsted goods, made almost entirely of Canada wool, to the amount of \$8,000,000 a year. In that manufacture is consumed about four million pounds of Canada wool; while we do not raise in this country more than three hundred thousand pounds. Now, by this bill an increased duty has been

placed upon Canada wool, which for a time, at least, will be a great injury to that manufacture. But the people of New England engaged in this manufacture do not complain of this; for although it will cripple us for a time, we believe this country has the capacity to raise all the wool required, and that it will do it.

Another great interest is that of coal, which under the reciprocity treaty was admitted from the Provinces free of duty. During the time that treaty was in operation the capitalists of this country invested largely in coal mines in the Provinces, and have been engaged largely in mining coal there. Those mines are situated immediately upon the shore of the ocean, and yield the very best bituminous coal found on this continent. Now, I appeal to the committee if it is fair and right, after this great amount of capital has been invested under the reciprocity treaty, that a duty should now be imposed of more than one hundred per cent. upon this coal. Before the commencement of the late war, bituminous coal was sold at the mines of Cumberland at seventy-five cents per ton; and I suppose it sold at about the same price at the mines in Nova Scotia.

Now, I am not aware that New England has any natural advantages over any other section of the country. Her climate is rigorous, her soil is sterile, and her location far removed from the regions producing the articles she uses in her manufactures, the breadstuffs and meats she needs for the consumption of her population. We go to North Carolina and other States South for the timber to build our ships, for the cotton for our manufactures, and to those States and the States of the West for our breadstuffs and meats. And after paying the cost of transporting these articles to our region we must then transport the products of our industry to the populations that consume them. Now, is it reasonable that there should also be added the immense cost of transporting coal from the Alleghany regions to the sea and then by water to our homes?

It is said by the gentleman from Maryland [Mr. F. THOMAS] that we ought to put a larger tax than this on for the purpose of revenue as well as protection. Now, I hold that it is an absurdity to tax fuel for revenue; it is an absurdity to undertake to protect fuel.

[Here the hammer fell.]

The question recurred upon the amendment of Mr. STEVENS.

Mr. STEVENS. I will withdraw the amendment if any gentleman will renew it, as I desire a vote on it.

Mr. MARSTON. I will renew the amendment for the purpose of concluding what I have to say. I was saying, when my five minutes expired, that we pay enormous sums for the transportation of raw materials to supply our manufactures. And it is not reasonable that we should be compelled to transport fuel from the Alleghany to the ocean and thence by water to New England. Sir, if there is any product that ought to be afforded cheap, and that every human being in the country is interested in the greatest degree in having afforded as cheaply as it possibly can be, it is that product which makes light and heat and power. Not only is it to the interest of the people of New England to have cheap fuel, but it is equally the interest of everybody in the country who consumes our manufactures.

Now, sir, I maintain that it is no sort of benefit to Nova Scotia, when, by the outlay of New England and New York capital, coal is mined there and brought away to be consumed here on our own territory. Nor is it any considerable advantage to Maryland, when, by the expenditure of New England and New York capital, coal is mined in Maryland and carried away for use at the North. The advantage is infinitesimal when compared with the disadvantage under which the country labors in consequence of the necessity of transporting fuel such immense distances. Why, sir, if Virginia (pleaded for so eloquently by the gentleman from Pennsylvania [Mr. KELLEY] the other day) and Maryland would real-

ize an adequate profit from the immense natural advantages which they possess, let them use their own timber to build ships on their own shores. Let them burn their own coal in their own steamers, their own furnaces, their own manufactories, and then they will be able to consume the products of their agricultural industry on their own soil. Thus they will be able to exchange the silence of the grave, which now broods over the greater portion of that country, for the hum of a busy and thriving industry.

Mr. KELLEY. The gentleman from New Hampshire, [Mr. MARSTON,] New Englander though he be, is not more anxious than I am that New England shall have cheap coal. I believe that the way for her to obtain it is to open generous rivalry with the coal-fields along the coast. I am anxious that she shall have the coal of Nova Scotia as cheaply as she can have any American product. And if gentlemen will look at Executive Document No. 128, the answer of the Secretary of the Treasury to a resolution which I had the honor to introduce here on the 28th of March, they will see there broached the idea of adding stars to our flag and of making Nova Scotia, New Brunswick, and Canada East States of this Union. That, sir, is a feasible project; and it can be accomplished without war. Nothing but the provisions of the reciprocity treaty could have kept those Provinces out of the Union until the present time; and if we decline to give them legislative protection equivalent to the advantages they enjoyed under the reciprocity treaty, they will, by the force of political gravitation, take their places before many years as States of the American Republic.

The gentleman says that we have put a duty on wool. Yes, sir; and we have added a corresponding duty on woolen goods. The gentleman talks of this tariff as a protective tariff. It is not a protective tariff. It is a mere revenue tariff. I hope to see some day a protective tariff in this country. But this tariff does not compensate the manufacturers for the internal taxes imposed upon them. And the commercial reports with reference to coal show that it is pouring into our country this year in great excess of the importation last year. I hold in my hand a copy of the New York Commercial Times and Financial Chronicle for June 23. It contains a table of foreign importations of leading articles of commerce at that port for the week ending June 15, as compared with the importations during a corresponding period last year. The amount of coal imported during one week last year was 73,666 tons, while this year it is 253,000 tons.

I concede that the Committee of Ways and Means, pressed as they have been, have done the best they could to adjust the tariff to compensate for internal taxes. During the war we have not been living under a tariff. We have been living on the difference between our currency and gold. More than one year ago I said in this House that when gold should fall below 150, our factories and workshops would be obliged to close. When gold dropped to 130, they did close all over the country. This system of free trade, or rather this question of giving protection nicely balanced with the measure of internal taxes which a product bears, is making it the interest of the manufacturer to have an inflated and cheap currency, in order that the difference between it and gold may protect him against the influence of our unwise legislation.

[Here the hammer fell.]

Mr. BOUTWELL rose.

The CHAIRMAN. Debate is exhausted on the pending amendment.

Mr. MARSTON. I withdraw the amendment to the amendment.

Mr. BOUTWELL. I renew it. Mr. Chairman, there are three vital and satisfactory reasons why this duty should not be increased. The first is that coal being a raw material, and in no sense a manufacture, does not come within the settled policy of the country to protect manufactures. It is an article of fuel as

necessary to human existence as air and water, and therefore should be furnished to every person at the lowest possible cost. Second and third, the measure proposed is neither one of revenue, properly speaking, nor of protection. I say it is not one of revenue, properly speaking, because if we deny the doctrine of protection and stand on the principle of revenue, then we ask that the duty for the purpose of revenue shall be upon luxuries before it is imposed upon articles of positive and prime necessity. We have stricken out of the internal revenue system fifty articles, refusing to take revenue on them, not one of which is to be compared with coal as an article of necessity for the people of the country.

Now, sir, I say for the purpose of protection the tax of \$1 50 per ton is wholly inadequate. It is well known that coal comes to this country in large quantities from Nova Scotia, the consumption of which is confined to New England and portions of New York; and with this duty of \$1 50 per ton it will continue to be imported, because you cannot transport Cumberland coal from the mines five hundred miles away for anything like \$1 50 per ton. It costs four dollars a ton to transport Cumberland coal from the port of Georgetown to the port of Boston. Therefore, if you put the duty upon domestic coal even at three dollars a ton, we in New England will still be obliged to purchase foreign coal because we can procure it cheaper. Here, then, we impose a tax upon an article of prime necessity to all classes, and especially to manufacturers, while we allow articles of luxury to come in free from abroad.

If you make this a protective tariff, you must put on a duty of at least five dollars a ton in order to secure the coal miners of this country the monopoly of the New England markets. But I say there is nothing in the whole range of possible taxation which ought not to be taxed for the purpose of revenue before you tax coal. If, however, you propose to tax for protection, a tax of \$1 50 per ton is totally inadequate.

[Here the hammer fell.]

Mr. MILLER. Mr. Chairman, the State which I have the honor to represent in part is deeply interested in a tariff. Her vast resources of coal and iron need adequate protection against foreign competition, and many other States of this Union are in like situation. I am therefore in favor of imposing such a duty on coal and iron as will enable us to compete with foreign countries. I must disagree with the honorable gentleman from Massachusetts, [Mr. BOUTWELL,] who asks a diminution of duty on coal. There is no occasion for importing that article from Nova Scotia, as we have an abundance in our own country to supply our New England friends and all others. We must foster and build up our own country. I concur with the views of the honorable gentleman from Maryland, [Mr. F. THOMAS,] that the duty on coal ought to be increased. Sir, in 1842 a tariff was passed that gave prosperity to our country, but unfortunately for us in 1844 James K. Polk was elected to the presidential chair, who carried Pennsylvania under a deceptive flag having inscribed thereon "Polk, Dallas, and the tariff of 1842," over the gallant and great protector of the true American system, Henry Clay, and the result was the passage of the free-trade tariff bill of 1846. In 1857 another tariff bill was passed which, if anything, was worse for those States that abounded in coal and iron.

I tell you, sir, that Pennsylvania will not be again deceived, for no man will get her vote for President who is not out and out a protective tariff man. In 1861 a new tariff bill was passed, called the Morrill tariff, which met the approbation of the country at the time, to which in 1864 a supplement was added, and now we have under consideration the tariff bill of 1866, reported by the Committee of Ways and Means through their honorable chairman, [Mr. MORRILL.] It does not impose as high a duty on many articles as I should desire, yet is far from being a "free-trade bill." I can fully appre-

ciate the arduous duties of that honorable committee in deciding upon the conflicting interests of the various sections of our country. I may say here, Mr. Chairman, that no one member of that committee nor of this House stood up more firmly for the interest of Pennsylvania than my colleague, the honorable gentleman from the Pittsburg district, [Mr. MOORHEAD.] I am in favor of the protection of the interests not only of my own State, but also those of the manufacturers of our New England friends and of all other sections of the country. Sir, the only thing that will make us a great nation is to encourage our own manufacturers. We now pay the skill and sagacity of the manufacturers of Europe nearly one hundred million dollars annually in gold over and above our exchanges, value for value. This might, in a great measure, be saved if we would practice the policy of England, to buy no manufactured articles which we may produce with profit to ourselves, and to encourage no foreign trade that does not pay profit and produce general prosperity. We now produce over \$2,500,000,000 of manufactures, which consume about two thousand million dollars of agricultural products in food and raw material, &c., and yet I am sorry to say that there are free traders who would break down this immense interest to foster a petty trade with the manufacturers of Europe, who never took more than \$80,000,000 of our agricultural products, exclusive of cotton, any year, and often considerably less.

I was surprised, Mr. Chairman, to hear the learned gentlemen from Iowa [Messrs. WILSON and KASSON] and the honorable gentleman from Illinois [Mr. HARDING] finding fault with the bill on the ground that it was too protective. It is a delusive idea to suppose that the European manufacturers will purchase the vast agricultural products of our western States. They will buy none except they do not raise sufficient at home, and then no more than they can help. The only way for our western friends to get a fair price for their grain and meat is to encourage the building up of manufacturing which will prevent this constant drain of gold from our country. There is no necessity for Americans purchasing their clothing from foreign countries. I fear, Mr. Chairman, that the abominable free-trade documents, got up by those in the interest of foreigners, which are flooding our country and sent to every member of this House, are calculated to poison the public mind. I trust that the people of this country will see and feel the importance of home protection, and follow the example of that great man, Henry Clay, who was so much revered, and though now dead yet lives in the hearts of his countrymen. I am in hopes, Mr. Chairman, that the day is not far distant when we can have a tariff not only for revenue but for complete protection to American enterprise.

[Here the hammer fell.]

Mr. MORRILL. I move that the committee rise for the purpose of terminating debate upon this subject of coal.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. SCOFIELD reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, and particularly the special order, being bill of the House No. 718, to provide increased revenue from imports, and for other purposes, and had come to no resolution thereon.

ADJOURNMENT OVER THE FOURTH OF JULY.

Mr. KELLEY. I move that when the House adjourns to-day it adjourn to meet on Thursday, the 5th of July.

Mr. ELIOT. I hope not. I demand the yeas and nays, and tellers on the yeas and nays.

Tellers were ordered; and Messrs. ELIOT and ANCONA were appointed.

The House divided; and the tellers reported—yeas twenty-four, nays not counted.

So the yeas and nays were ordered.

The question was taken; and it was decided

in the affirmative—yeas 85, nays 47, not voting 50; as follows:

YEAS—Messrs. ALLEY, Ancona, Anderson, Delos R. Ashley, Baker, Banks, Barker, Baxter, Bidwell, Bingham, Blow, Boutwell, Boyer, Buckland, Cobb, Cook, Cullom, Davis, Deming, Dixon, Dodge, Driggs, Eckley, Eggleston, Eldridge, Farquhar, Ferry, Finck, Glossbrenner, Hale, Aaron Harding, Hart, Hayes, Hogan, Holmes, Hooper, Chester D. Hubbard, Demas Hubbard, James R. Hubbell, Humphrey, Ingersoll, Johnson, Kelley, Ketcham, Latham, William Lawrence, LeBlond, Marshall, Marston, Marvin, McNair, Mercer, Morrill, Myers, Newell, Neill, O'Neill, Patterson, Samuel J. Randall, Raymond, Alexander H. Rice, Ritter, Ross, Schenck, Shanklin, Smith, Spalding, Strouse, Taber, Taylor, Thayer, Francis Thomas, John L. Thomas, Thornton, Trimble, Burt Van Horn, Robert T. Van Horn, Welker, Wentworth, Whaley, Williams, James F. Wilson, Stephen F. Wilson, Winfield, and Woodbridge—85.

NAYS—Messrs. Allison, Ames, Baldwin, Beaman, Benjamin, Brandegee, Bromwell, Coffroth, Davies, Dawson, Eliot, Garfield, Griswold, Abner C. Harding, Henderson, Higby, Hulburd, Julian, Kelso, Ladin, George V. Lawrence, Loan, Longyear, Lynch, Miller, Moorhead, Morris, Moulton, Orth, Perham, Phelps, Pike, Pomeroy, Price, Radford, John H. Rice, Rogers, Rollins, Sawyer, Seofield, Shellabarger, Stilwell, Trowbridge, Upson, Henry D. Washburn, William B. Washburn, and Windom—47.

NOT VOTING—Messrs. James M. Ashley, Bergen, Blaine, Broomall, Bundy, Chanler, Reader W. Clarke, Sidney Clarke, Conkling, Culver, Darling, Defrees, Delano, Denison, Donnelly, Dumont, Farnsworth, Goodyear, Grider, Grinnell, Harris, Hill, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, Edwin N. Hubbard, Jenckes, Jones, Kasson, Kerr, Kuykendall, McClurg, McCullough, McIndoe, McKee, Niblack, Nicholson, Paine, Plants, William H. Randall, Rousseau, Sitgreaves, Sloan, Starr, Stevens, Van Aernam, Ward, Warner, Elihu B. Washburne, and Wright—50.

So the motion to adjourn over was agreed to.

During the roll-call,

Mr. MORRILL said: Believing that there will not be a quorum present to-morrow I vote in the affirmative.

Mr. SCHENCK said: As it would be a shame to vote against adjourning over the 4th of July, I vote "ay."

Mr. HALE said: Wishing to follow the lead of the chairman of the Committee of Ways and Means I vote "ay."

The result of the vote was announced as above recorded.

CLOSE OF DEBATE.

Mr. MORRILL. Before moving to go into Committee of the Whole on the state of the Union I move that all debate in Committee of the Whole on the state of the Union upon the subject of coal shall close in eleven minutes after the committee shall resume the consideration of the subject. I desire to give the gentleman from West Virginia [Mr. LATHAM] and the gentleman from Pennsylvania [Mr. COPFROTH] an opportunity to be heard, and wish a minute or two myself.

The motion was agreed to.

TARIFF BILL AGAIN.

Mr. MORRILL. I move that the rules be suspended and that the House resolve itself into the Committee of the Whole on the state of the Union on the special order.

The motion was agreed to.

So the rules were suspended; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. SCOFIELD in the chair,) and resumed the consideration of the special order, being the bill (H. R. No. 718) to provide increased revenue from imports, and for other purposes.

Mr. STEVENS. I desire to withdraw my amendment which is pending, as I find that it complicates matters somewhat.

Mr. LATHAM. I move to amend the pending clause by striking out the following words beginning on line two hundred and—

The CHAIRMAN. That amendment would not be in order pending the amendment of the gentleman from Maryland, [Mr. F. THOMAS.]

Mr. LATHAM. Well, then, I renew the amendment of the gentleman from Pennsylvania, [Mr. STEVENS.] Mr. Chairman, with reference to the remark made by the gentleman from Massachusetts, [Mr. BOUTWELL,] that a duty of \$1 50 per ton would afford no protection to the coal interests, I will only reply that that is all we ask. While Massachusetts interests are asking one hundred per cent. protection to many of their interests,

we ask only \$1 50 per ton, which amounts to twenty-five per cent.

I rise more for the purpose of indicating what I believe should be the financial policy of this country toward foreign nations than of advocating any particular local interest. I have thus far consistently advocated and will continue to advocate the highest import duties proposed upon all articles which are or can be produced in this country; and I do this not with a view primarily to the protection of American enterprise and capital, but with a view to the protection of the national credit, the index to which is the gold value of our currency; and the protection thus given to enterprise and capital is incidental and of secondary consideration. My own convictions are that enterprise and capital will protect themselves the world over when placed everywhere upon an equal footing, and that they will seek the most profitable channels of investment and prosper most when least interfered with by legislation. These being my convictions, I am for free trade and unrestricted competition, for buying what I must buy where I can buy it cheapest, and selling what I have for sale where I can sell it highest, when we can have perfect reciprocity with all nations.

There is, however, sir, no proper or equitable reciprocity in trade between different countries which do not recognize a common currency; and consequently while greenbacks are a legal tender in this country, and are not so in England or other countries, I would protect the public credit by prohibiting importations from foreign countries until those countries are willing to receive our securities at par. There is no legitimate reason for a premium on gold except that there are demands for money, debts to be paid which can be discharged only with gold, and the greater these demands the greater the premium on gold; or, in other words, the depreciation of our currency, which must remain with us a legal tender, and the gold value of which is, as I have before stated, the index to the national credit. In order, then, to sustain the national credit and bring our currency to a specie value we must cut off, as far as possible, all demands for money for which our currency is not a legal tender. The prohibition of importations will strike the evil in its vitals and release the struggling credit of the country from the encircling folds of this anaconda which is crushing out its life.

And, sir, this policy is not for the protection of the manufacturer and capitalist alone, but for the protection and the interest of all, as all alike are interested in the value of our currency; and home competition in the various branches of enterprise will be sufficient to prevent monopolies in any, will purify the channels of trade, and preserve a healthful equilibrium between all the departments of industry. But for the sake of the argument, admit that the prohibition of importations from abroad would raise the price of commodities in this country; it would at the same time, by cutting off the demand for gold, raise the value of our currency in a greater proportion than the price of the article, and would thus enable us to pay more easily for the article at the advanced than we now can at the lower rate. To illustrate: \$1 50 in currency is now worth one dollar; the prohibition of importations would raise the price of goods say twenty-five per cent., but the value of our currency fifty per cent. What now at the lower rate is worth one dollar, but costs in our depreciated currency \$1 50, would then at the advanced rate be worth \$1 25, and would cost no more in our currency than appreciated to gold value, being a clear gain to the consumer of twenty-five cents per in the cost of the article—gold being always the standard of values.

And, sir, we should bear in mind that all, except the drones in society, occupy at the same time the double relation of both producer and consumer. What the farmer produces the manufacturer consumes, and what the manufacturer produces the farmer consumes; and so on through all the departments of industry,

through which capital and enterprise ebb and flow to seek a common level as do the waters of the great deep.

Now, sir, just one word with reference to the provisions of this section. My admiration at the ingenuity with which this discrimination is sought to be made in favor of British American coal is equalled only by my humiliation at the thought that American statesmen are capable of making an effort to sacrifice a principle of great national import and application for the pecuniary advantage of a section, and of a few capitalists of that section who have invested their means in these foreign coal-fields, and who will pay by the duty proposed less revenue to the Government by investing their capital out of the country, than the same capital would pay under our internal revenue laws if invested in an enterprise of the same character within the country. This proposition, sir, is not based upon friendship for or a desire for reciprocity in trade with Canada, but upon considerations of a nature purely sectional and selfish. Sir, let us have the principles of political economy of uniform application throughout our entire common country, no invidious discriminations between other nations of the earth, protection to the citizen by protecting the national credit, and reciprocity in trade only where greenbacks are money.

[Here the hammer fell.]

Mr. COFFROTH. I will not undertake to discuss the question of the tariff in the space of three minutes which are allotted to me. I only rise to state that the great coal interests of Pennsylvania and Maryland require that we shall give an adequate protection, and while we grant to other sections of the country that protection which they require, we ask it at the hands of this Congress to give the coal interest of Pennsylvania and Maryland the protection which the amendment of the gentleman from Maryland [Mr. F. THOMAS] will afford. If there is anything in the argument of the gentleman from Massachusetts, [Mr. BOUTWELL,] it is in favor of the duty proposed to be put upon coal. I say to the House that, in my judgment, his argument is conclusive in favor of the proposition of the gentleman from Maryland [Mr. F. THOMAS] for raising revenue for the Government. The gentleman goes on to state that coal from Pennsylvania could not be transported to Boston for less than three or four dollars per ton, and that no tariff would protect the interests of the coal regions of the North unless the tariff would be fixed at that rate. I will grant this in order to show the gentleman the necessity of the adoption of the proposed amendment as a revenue measure.

Now, sir, the object of this tariff is revenue. Would not the tariff realize more revenue for the Government if the duty on coal were fixed at \$1 50 per ton than if it were fixed at fifty cents? Why, sir, we pay a duty of twenty-five per cent. on coffee, an article largely consumed by the people. Why should not these gentlemen living in New England pay \$1 50 per ton on coal, which is not more than fifteen or sixteen per cent. on the value of the article?

Mr. Chairman, as a question of revenue, every member of this House, it seems to me, should stand by the proposition of the gentleman from Maryland. If that amendment be adopted it will realize three times as much revenue from coal alone as will be obtained under the rate of duty fixed in the bill. Besides, sir, we ask the adoption of this amendment to protect the interests of Pennsylvania, so that one prominent branch of industry in our State may not suffer by the importation of coal at a duty of fifty cents per ton, while other sections are enjoying a large percentage on their manufactures and products.

Mr. LATHAM withdrew his amendment.

Mr. MORRILL. I move *pro forma*, as an amendment to the amendment, to fix the duty at one dollar. I desire to present to the Committee of the Whole some statistics with reference to the importation of coal, although nearly the same I presented on a former occasion. The whole quantity imported free under the recipi-

city treaty during the fiscal year ending June 30, 1864, was 283,483 tons, of which 202,899 tons went to New England, while 80,584 tons were carried to New York. The quantity imported and paying duty during the same period was 250,234 tons, of which 212,545 went to New York and 37,609 tons to New England. Thus it will be seen that the larger amount of the coal imported from abroad and paying duty goes to New York, the competing point. The gentleman from Massachusetts [Mr. BOUTWELL] well said it would be impossible to fix any duty short of four or five dollars per ton that would compel the use of this Pennsylvania and Maryland bituminous coal in New England. I give these facts so that the House may judge for itself as to the merits of the question. I trust that the bill will be allowed to stand as reported, so far as coal is concerned, or at any rate that no material change will be made.

Mr. F. THOMAS. I desire, with the permission of the committee, to make an explanation of the position of the question.

The CHAIRMAN. All debate is closed by order of the House, and an explanation is in the nature of debate.

Mr. F. THOMAS. Well, I will rise to a point of order, and in that way accomplish my purpose. I desire to inquire of the Chair whether, if my amendment be adopted, the bill does not still stand open—

Mr. BOUTWELL. I rise to a point of order.

Mr. F. THOMAS. Well, I will take my seat rather than have any controversy.

Mr. MORRILL. I modify my amendment so as to make the duty seventy-five cents per ton.

The amendment of Mr. MORRILL was not agreed to.

The question recurred on the amendment of Mr. F. THOMAS.

Mr. F. THOMAS. I desire to make an inquiry of the Chair. If the amendment which I have proposed be adopted, will not the paragraph still be open to amendment, so that the rate of duty may be changed?

The CHAIRMAN. If the amendment of the gentleman from Maryland prevails the paragraph, as amended, will still be open to amendment.

Mr. F. THOMAS. That is all I want to know.

The question recurred on the amendment of Mr. F. THOMAS.

The committee divided; and there were—ayes 55, noes 48.

Mr. MORRILL demanded tellers.

Tellers were ordered; and Mr. MORRILL and Mr. F. THOMAS were appointed.

The committee again divided; and the tellers reported—ayes 52, noes 52.

The CHAIRMAN voted in the affirmative. So the amendment was agreed to.

Mr. JOHNSON. Before passing the next section I move to insert after section five the following:

On slates of all kinds except roofing slate, sixty per cent. *ad valorem*.

Mr. MORRILL. I hope the gentleman will withdraw his amendment until we have got through with the pending section.

Mr. JOHNSON. I withdraw my amendment for the present.

Mr. STEVENS. I move to strike out the whole paragraph in reference to coal and in lieu thereof to insert the following:

On candle or cannel coal, and on all bituminous and other coal, \$1 25 per ton of twenty-eight bushels, eighty pounds to the bushel.

Mr. ALLISON. That is the existing law.

Mr. PIKE. I move to amend by making it "one dollar."

Mr. STEVENS. Then I withdraw my amendment.

Mr. DAWES. I make the point that it is not in order for the gentleman to withdraw his amendment, there being now an amendment to the amendment.

Mr. STEVENS. No vote has been taken.

The CHAIRMAN. The Chair overrules the

point of order, no action having been taken on the amendment.

Mr. DAWES. I renew the amendment.

Mr. COFFROTH. I move to amend by making it two dollars per ton.

The amendment to the amendment was disagreed to.

Mr. PIKE. I move to amend by making it one dollar.

The committee divided; and there were—ayes 41, noes 42; no quorum voting.

The CHAIRMAN ordered tellers; and appointed Mr. PIKE and Mr. KELLEY.

The committee again divided; and the tellers reported—ayes 47, noes 51.

So the amendment to the amendment was disagreed to.

Mr. DAWES. I withdraw my amendment.

Mr. JOHNSON. I move to add the following:

On slates of all kinds except roofing slate, sixty per cent. *ad valorem*; and on slate pencils, eighty per cent. *ad valorem*.

Mr. Chairman, I offer this amendment—

The CHAIRMAN. All debate is closed on this section, by order of the House.

The committee divided; and there were—ayes thirty-nine, noes not counted.

Mr. JOHNSON demanded tellers; and Mr. HOOPER of Massachusetts, and Mr. JOHNSON, were appointed.

The committee again divided; and the tellers reported—ayes 55, noes 38.

So the amendment was agreed to.

Mr. RICE, of Maine. I move to add the following:

On roofing slate, three dollars persquare.

Mr. MORRILL. Let it go at forty per cent. *ad valorem*. It is now thirty-five, and I think the addition of five per cent. is enough.

Mr. RICE, of Maine. I do not accept the modification.

The amendment was disagreed to.

Mr. RICE, of Maine. I now move the amendment suggested by the gentleman from Vermont, of forty per cent. *ad valorem*.

The amendment was agreed to.

The Clerk read as follows:

SEC. 6. *And be it further enacted*, That, in lieu of the duties heretofore imposed by law on the importation of the articles hereinafter mentioned, there shall be levied, collected, and paid the following duties and rates of duty, that is to say: on wines of all kinds valued at not over twenty-five cents per gallon, cost of cask included, forty cents per gallon; valued at over twenty-five cents and not over one dollar per gallon, seventy-five cents per gallon; valued at over one dollar per gallon, one dollar per gallon, and twenty-five per cent. *ad valorem*. *Provided*, That all wines in bottles shall be subject, in addition to the foregoing rates, to a duty at the rate of one dollar for each dozen bottles containing not more than one quart for each bottle: *And provided further*, That upon bottled wines no allowance shall be made for breakage, and the invoice quantity shall not be reduced, but shall be increased if found deficient: *And provided further*, That no champagne or sparkling wines in bottles shall pay a less duty than six dollars per dozen bottles, each bottle containing not more than one quart and more than one pint; or six dollars per two dozen bottles, each containing not more than one pint: *And provided further*, That wines may be imported in bottles the package shall contain not less than one dozen bottles; and any brandies or other spirituous liquors may be imported in casks of any capacity, containing not less than thirty gallons; and any wines, brandies, or other spirituous liquors imported on and after the 1st day of October, 1866, in any less quantities than herein provided for, shall be forfeited to the United States.

Mr. ALLISON. I move to amend by inserting at the end of the third proviso the following:

Or six dollars per four dozen bottles, each containing not more than one half pint, in which class the additional duty on the bottles shall be twenty-five cents per dozen.

Mr. MORRILL. That is very proper, especially for bachelors.

The amendment was agreed to.

Mr. PRICE. I move to strike out in line ten the words "twenty-five" and insert "seventy-five;" so that it will read, "valued at over one dollar per gallon, one dollar per gallon and seventy-five per cent. *ad valorem*." I make this motion because wines costing over a dollar a gallon are only required to pay a

specific duty of a certain amount and twenty-five per cent. *ad valorem*. Now, I believe that some of these wines cost several dollars a gallon. If so you have made the duty on the costly wines much less in proportion than it is on the cheap wines. The object of my amendment is to make the men who drink those costly wines pay a good revenue to the Government. If there is anything that ought to pay a revenue to the Government it is the luxuries of life; and without knowing anything about it experimentally, I take it to be a self-evident fact that the high-priced wines are considered a luxury in this country. If so, they ought to pay a high rate of duty.

Mr. MORRILL. I believe the rates now in the bill are as high as they have ever been before. The duty proposed is one dollar per gallon or equal to one hundred per cent. on wines valued at over one dollar per gallon, and in addition to that twenty-five per cent. *ad valorem*. I trust the amendment will not prevail. I think either for revenue or protection the present duty is ample.

The question being taken on the amendment offered by Mr. PRICE, no quorum voted.

Tellers were ordered; and the Chairman appointed Messrs. PRICE and SMITH.

The committee divided; and the tellers reported—ayes twenty-two, noes not counted.

So the amendment was not agreed to.

Mr. HOOPER, of Massachusetts. I move to strike out in line six the words "twenty-five" and insert "fifty," so that it will read, "on wines of all kinds valued at not over fifty cents per gallon, cost of cask included, forty cents per gallon." That is the same as the present tariff. As to the price, it will be perceived that upon wine at twenty-five cents a duty of forty cents per gallon is over one hundred and fifty per cent. We thus charge for the cheapest and poorest wine which the poorer people consume a much higher rate than we charge for the more costly wines.

Mr. PRICE. I undertake to say, without the fear of successful contradiction, that the wines that are brought into this country are undervalued nineteen times out of twenty, just to allow the wine drinkers to get their wines in at a certain price; I mean as a general thing. There are exceptions to all general rules. I do not of course mean anybody here. The object is to allow these wines to come in without paying anything. The very thing gentlemen ought to be willing to put a tariff on for revenue to the Government they are exceedingly anxious to have exempted. While the necessities of life, a large majority of them, are taxed almost beyond endurance, these things that men who drink ought to be willing to pay for—and I presume a large majority are willing to pay for—gentlemen are now anxious to evade in some way, so that we shall receive no tariff from them whatever. I hope that the amendment will be voted down. Allow them to bring in wine at fifty cents a gallon and there will not any of it cost by the invoice price more than that, I presume.

The amendment was not agreed to.

Mr. LAWRENCE, of Ohio. I move to strike out in line nine "seventy-five" and insert "\$1 50," so that it will read, "valued at over twenty-five cents and not over one dollar per gallon, \$1 50 per gallon." I am perfectly aware that in the frame of mind in which the House is now found it is extremely difficult to carry any amendment against the weight of the Committee of Ways and Means. But I hope the committee will look into this section and see just what this provision is. As the bill stands, it provides that on wines of all kinds valued at over twenty-five cents and not over one dollar per gallon the tariff shall be seventy-five cents per gallon. Now, every man in this committee understands very well that under this provision of the bill there will be no wines imported at thirty, forty, fifty, sixty, or seventy-five cents a gallon, because between twenty-five cents and one dollar a gallon the duty is the same. And the result will be that there will be no wines imported under this clause of the bill, except such wines

as are worth a dollar a gallon. They will all be brought up to that standard for importation, and reduced down afterward, so that the importer shall pay the least possible duty upon the wines which he may import. Now, one of the results of this provision, as will be seen by any one who will examine it, will be that wines worth one dollar a gallon will pay a duty of only seventy-five cents per gallon. Now, common whisky pays a tax of two dollars per gallon, and I hope the committee will adopt the amendment I have offered, so that the tariff upon foreign wines imported into this country shall be in some sense equal to the tax which is levied upon common whisky.

Mr. ALLISON. I know very well the difficulty that now exists in regard to importing wines of different values. The Committee of Ways and Means desire to have, as nearly as possible, a uniform duty upon the importation of foreign wines, as they now have a uniform duty upon brandy, charging upon the finest article of brandy the same duty that is charged upon the cheaper article. Sir, the very reverse of the proposition of the gentleman from Ohio [Mr. LAWRENCE] is true. Under the existing law we have but three valuations, one under fifty cents per gallon, another over fifty and under one dollar per gallon, and the other over one dollar per gallon. The result is that seven eighths, or perhaps nine tenths of all the wines imported into this country to-day under the existing tariff come in at fifty cents per gallon, invoiced abroad at that price. The Committee of Ways and Means desire, so far as they can, to correct the existing evil of under-invoicing these wines; therefore we made the classification in this bill so as to charge upon wines valued over twenty-five cents per gallon a duty of seventy-five cents per gallon instead of fifty cents as now. And seventy-five cents per gallon is certainly as high a duty as this class of importations will bear; it is in nearly every instance from one hundred and twenty-five to one hundred and fifty per cent. of the cost value. There are very few wines imported into this country at an invoice price higher than one dollar per gallon. And under the classification proposed in this bill all the wines that come into this country will come in under the second class, and pay a duty of seventy-five cents per gallon instead of fifty cents per gallon as now.

Mr. MORRILL. I move that the committee rise for the purpose of terminating debate upon the paragraphs relating to wine, ale, and porter.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. SCOFIELD reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, and particularly the special order, being bill of the House No. 718, to provide increased revenue from imports, and for other purposes, and had come to no resolution thereon.

ENROLLED BILLS.

Mr. TROWBRIDGE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 613) to continue in force and to amend an act to establish a Bureau for the Relief of Freedmen and Refugees, and for other purposes; and

An act (H. R. No. 683) for the relief of J. Judson Barclay.

HOLDING AN EVENING SESSION.

Mr. LE BLOND. I would ask the gentleman from Vermont [Mr. MORRILL] if he expects that the House will hold an evening session to-day.

Mr. MORRILL. I hope that the House will be willing to have an evening session.

Mr. LE BLOND. If it is contemplated that we shall have an evening session I think we had better take a recess now as it is after four o'clock.

Mr. MORRILL. Let us hold on till half past four o'clock.

Mr. LE BLOND. If we are not to have an evening session we can sit awhile longer now.

Mr. MORRILL. I move, in order to determine the question, that the House take a recess to-day from half past four to half past seven o'clock; and that the evening session be devoted exclusively to the consideration of the tariff bill.

Mr. HARDING, of Illinois. I move to lay that motion on the table.

The SPEAKER. The motion of the gentleman from Illinois [Mr. HARDING] is not in order.

The question was taken upon the motion of Mr. MORRILL; and upon a division there were—ayes 49, noes 45.

Before the result of the vote was announced, Mr. ORTH called for tellers.

Tellers were ordered; and Messrs. ORTH and GARFIELD were appointed.

The House again divided; and the tellers reported—ayes 50, noes 52.

So the motion of Mr. MORRILL was not agreed to.

TARIFF BILL—AGAIN.

Mr. MORRILL. I move that when the House shall again resolve itself into the Committee of the Whole on the state of the Union, all debate on the paragraph relating to wine, ale, and porter terminate in one minute and a half.

The motion was agreed to.

Mr. MORRILL. I move that the rules be suspended and the House resolve itself into Committee of the Whole on the state of the Union on the special order.

The motion was agreed to.

So the rules were suspended; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. SCOFIELD in the chair,) and resumed the consideration of the special order, being bill of the House No. 718, to provide increased revenue from imports, and for other purposes.

The pending question was upon the amendment of Mr. LAWRENCE, of Ohio.

Mr. MORRILL. I desire merely to say that the lowest rate provided in the bill was intended to include and does include only a small class of imported wines, used mainly for medicinal purposes. I refer to the low-priced claret wines which hardly cost more abroad than the first quality of cider does here. They are often prescribed for persons in a low state of health by our best physicians. I trust that the bill will in this particular be allowed to remain as reported.

Mr. LAWRENCE, of Ohio. I hope the committee will understand that the remarks of the gentleman do not relate to my amendment at all.

The amendment of Mr. LAWRENCE, of Ohio, was not agreed to.

The Clerk read as follows:

On cigars, cigarettes, and cheroots of all kinds, three dollars per pound, and, in addition thereto, fifty per cent. *ad valorem*; and no tare for the box in which any cigars, cheroots or cigarettes are packed shall be allowed in ascertaining the weight: *Provided*, That paper cigars and cigarettes, including wrappers, shall be subject to the same duties as are herein imposed upon cigars: *And provided further*, That on and after the 1st day of August, 1866, no cigars shall be imported unless the same are packed in boxes of not less than five hundred cigars in each box; and no entry of any imported cigars shall be allowed of less quantity than three thousand in a single package; and all cigars on importation shall be placed in public store or bonded warehouse, and shall not be removed therefrom until the same shall have been inspected and a stamp affixed to each box indicating such inspection, with the date thereof. And the Secretary of the Treasury is hereby authorized to provide the requisite stamps, and to make all necessary regulations for carrying the above provision of law into effect.

Mr. O'NEILL. I move to amend by striking out "three," in the first line of the paragraph just read, and inserting in lieu thereof the word "two;" so that the clause will read, "on cigars, cigarettes, and cheroots of all kinds, two dollars per pound." By the existing tariff cigars are graded according to their cost per

pound. It is now proposed by the Committee of Ways and Means that they shall pay a uniform rate irrespective of their cost. I see no objection to this except that I think two dollars would be nearer an average rate of duty than that named in the bill.

Mr. SCHENCK. Mr. Chairman, I trust that the amendment will not prevail. If there be anything agreed upon between the rival producers and manufacturers of tobacco in different parts of our country, it is that all of them require protection against importations from abroad. Importation has been so easy, because of the light duty heretofore imposed, that it has been possible to put in competition with the best cigars made in this country, Havana cigars, which have actually been sold in our market at lower rates than cigars even of inferior quality made here. The simple question now submitted to us is whether we shall make the duty heavy enough to protect all the tobacco interests in every part of the country, or whether we shall so legislate that the manufacture of the better classes of cigars shall be liable to be broken down as an interest of the country by this competition from abroad. The very objection which the gentleman makes, that the duty is not one graduated in reference to the quality or value of the cigar, is met by the proposition embraced in the bill. The bill proposes to impose a specific duty of three dollars per pound, "and, in addition thereto, fifty per cent. *ad valorem*." So that there is a mixed duty, partly specific and partly *ad valorem*, thus accomplishing the very object which the gentleman complains is not attained by the bill.

Mr. O'NEILL. In order to say a few words more on this subject, I move, *pro forma*, to amend my amendment by striking out "two" and inserting "two and a half." If members will look at page 27 of the existing tariff, they will find how the classification has been made. I have endeavored, in my amendment, to fix an average rate, reducing the rate proposed by the Committee of Ways and Means from three dollars to two dollars. In the existing law, there is but one grade of cigars which pays three dollars per pound and in addition an *ad valorem* of sixty per cent. Now, my idea is that the argument of the gentleman from Ohio does not present the case as it should. We have taken off the discrimination in favor of the lower grades of imported cigars which were brought into the country in such quantities as to depress the American manufacturer. I hope the amendment will prevail.

Mr. MORRILL. I rise to oppose the amendment *pro forma*. I believe with the gentleman from Ohio, if there is anything that we are agreed upon, it is to levy a heavy tax on imported cigars.

Mr. O'NEILL, by unanimous consent, withdrew his amendment.

The Clerk read as follows:

SEC. 7. And be it further enacted, That, in lieu of the duties heretofore imposed by law on the importation of the articles hereinafter mentioned, there shall be levied, collected, and paid, on the goods, wares, and merchandise enumerated and provided for in this section, imported from foreign countries, the following duties and rates of duty, that is to say: on all brown earthenware and common stone-ware, gas retorts, and blacking jars or bottles, twenty-five per cent. *ad valorem*.

Mr. SPALDING. I move to strike out "twenty-five" and insert "thirty-five." The manufacture of earthenware is springing up all over the country, and it is necessary to foster it. I think it should be fifty per cent., but I will be content if gentlemen will say thirty-five. It has been twenty-five for a long time.

The amendment was agreed to.

Mr. MORRILL. I move to strike out "blackening jars or bottles" and to put them in a separate paragraph at twenty-five per cent. *ad valorem*. I do not think the gentleman from Ohio will object to that.

The amendment was agreed to.

The Clerk read as follows:

On China, porcelain, and Parian ware, gilded, ornamented, or decorated in any manner, sixty per cent. *ad valorem*.

On China, porcelain, and Parian ware, plain ware, and not decorated in any manner, sixty per cent. *ad valorem*; on all other earthen, stone, or crockery ware, white, glazed, edged, printed, painted, dipped, or cream-colored, composed of earthy or mineral substances, and not herein otherwise provided for, fifty per cent. *ad valorem*.

No amendment being offered,

The Clerk read as follows:

On all plain and mold and press glass, not cut, engraved, or painted, fifty per cent. *ad valorem*.

Mr. MYERS. I move to strike that out and in lieu thereof to insert the following:

On all glass vials, jars, bottles, demijohns, carboys, and other vessels except those made of flint glass, and otherwise provided for, a duty of four cents per pound filled or unfilled.

Mr. Chairman, I do not think there will be any serious objection to this amendment. By turning to the next page of the bill it will be found that on similar articles the duty is made specific, and on some is fixed at four cents per pound. I confess that I have a prejudice in favor of specific duties and against *ad valorem* duties. I hope the amendment will be agreed to.

Mr. MORRILL. I do not know whether the objection will be serious or not, but there is objection to the amendment.

On blown and pressed glass it is proposed to impose a duty of four cents per pound, amounting to at least one hundred per cent. We have increased the duty on account of the exhibition made before the Committee of Ways and Means in this pending item from thirty-five to fifty per cent. *ad valorem*, and I think the parties should be content with that. I do not object to anything reasonable, but it does seem to me that from thirty-five to fifty is all the increase we should grant. I trust the amendment will not be adopted.

Mr. MYERS. I move, *pro forma*, to strike out the last word; and I hope I will have the attention of the committee in answer to the chairman who has opposed my amendment, because his argument is fallacious and the facts will show that it is. I will read a short extract from a letter which I have received going to show the effect if the bill be passed as it now stands:

"An eight-ounce (half-pint) bottle can under it be imported at a cost of \$4 per gross, which cannot be made here, at present reduced prices, for a less cost than \$5.50 to \$7.75 per gross. Wine-bottles can be imported at \$7 per gross, costing to make here \$10.75 to \$11 per gross. These are but instances which run all through, and the result of which must inevitably be that the great bulk of the ware now made here will be, to the extent of two thirds or three fourths, transferred to the other countries."

I will add that I have a statement from three of the largest glass manufacturers of my district, that one half of the business of the country will have to be given up to Europe unless they are not more protected by having the duty made specific so as to avoid fraud.

One word more. When the whole trade demands a thing of this kind I believe the committee will pay some attention to it, especially when the facts and figures are given. Now, I have stated the facts to the chairman of the committee and I challenge refutation. This business has had to struggle along since 1861, paying an increased rate of one hundred and fifty per cent. on soda-ash and five hundred on clay, articles which enter into the manufacture, and then six per cent. on their sales, besides having to pay one hundred per cent. more for labor than formerly, and we all know that labor forms a very large portion of the cost. These are facts which the chairman of the committee cannot deny. With all that increase since 1861, they have struggled along, and now it is asked that they shall have the paltry increase of protection proposed by this bill. My amendment proposes not one hundred per cent. increase, but an increase that would amount perhaps to twenty-five per cent. more than that which is proposed by the committee.

We have had here on our desks—and I suppose it has had some effect on our discussion—a protest from the importers of New York. Sir, I am not here to protect the interests of the British or Belgian importers, nor of those of our own country who are engaged in the importation of their goods. This doctrine of

protection is not a new one with me. I learned it from the great statesman of Kentucky. I believe in a tariff for protection, with incidental revenue. And I take issue with the chairman of the committee when he claims that the object of this bill is to secure a revenue. I attach little consequence to the remark that he made this morning, that unless we pass this bill we shall lose an immense revenue. What we want is protection. I withdraw the amendment to the amendment, but I hope my original amendment will prevail.

Mr. MORRILL. I rise simply to say *pro forma* that I oppose the gentleman's amendment.

The question being taken on the amendment offered by Mr. MYERS, no quorum voted.

Mr. MORRILL. I am satisfied there is not a quorum present. I therefore move that the committee rise.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. SCOTFIELD reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration bill of the House No. 718, to provide increased revenue from imports, and for other purposes, and had come to no resolution thereon.

And then, on motion of Mr. HOGAN, (at four o'clock and forty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule and referred to the appropriate committees: By Mr. EGGLESTON: The resolution passed by the Merchants' Exchange of Cincinnati, Ohio, recommending an appropriation to repair the levees on the Mississippi river.

By Mr. GABRIEL: The petition of Samuel Robinson, and 75 others, citizens of northern Ohio, praying for the passage of House bill No. 304, granting lands to the Iowa and Missouri State Line railroad.

Also, the petition of 375 citizens of Boston, asking Congress to provide free education to all children in the United States.

By Mr. PAINE: The Petition of John Walz, for reward for capture of Booth and Harrod.

IN SENATE.

THURSDAY, July 5, 1866.

Prayer by the Chaplain, Rev. E. H. GRAY.

On motion of Mr. WILSON, and by unanimous consent, the reading of the Journal of Tuesday last was dispensed with.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the memorial of Mrs. N. V. Hewlitt, of Brownstown, Madison county, Alabama, praying that she may be compensated for property taken by the Army of the United States during the late rebellion for subsistence when in her neighborhood; which was referred to the Committee on Military Affairs and the Militia.

Mr. SHERMAN presented two petitions of citizens of Pennsylvania, praying for an increase of the tariff so as to afford better protection to American industry; which were referred to the Committee on Finance.

Mr. SHERMAN presented a letter from the Commissioner of Agriculture, addressed to him, transmitting a communication from H. R. Helper, United States consul at Buenos Ayres, Argentine Republic, in reference to the purchase by our Government of a flock of alpacas; which was referred to the Committee on Agriculture and ordered to be printed.

Mr. SHERMAN. I presented the other day a memorial of Mrs. Amelia Feaster, asking for relief, and, as I understood, I moved to refer it to the Committee on Military Affairs and the Militia, but it has gone to the Committee on Claims. I move that the Committee on Claims be discharged from its consideration, and that it be referred to the Committee on Military Affairs and the Militia.

Mr. BROWN. I should like to ask the nature of that claim, and why it should go to the Committee on Military Affairs instead of the Committee on Claims. I believe it is a claim; is it not?

Mr. SHERMAN. It is not a claim in one

sense; it is an application for compensation for services rendered and sacrifices made, and provisions and supplies furnished to our soldiers when prisoners in South Carolina and Georgia. The case is a very peculiar one; and the reason I ask that it should go to the Committee on Military Affairs is that I in fact moved that it be referred to that committee originally, and as I understood it was referred to that committee; and some members of that committee have had their attention called to the subject-matter. That is the reason why I desire to have it referred to the Committee on Military Affairs now.

Mr. BROWN. I doubt very much the propriety of referring claims to different committees when we have got a committee constituted for that especial purpose. This is evidently nothing more than a claim for damages done by our armies.

Mr. SHERMAN. No.

Mr. BROWN. It is for compensation; that is the groundwork on which it is predicated; and it ought to be substantiated in the manner required by and to the satisfaction of the committee that have this general subject under their cognizance. Now, I will say for the Committee on Military Affairs that that same subject was up before them at the last meeting, an application of the same kind was there pending, and the committee after canvassing it thought it ought not to go to that committee but should go to the Committee on Claims, and ordered it to be reported back to the Senate that it might take that direction. That was the case of Mrs. Wilson, a very similar case to this.

Mr. SHERMAN. I am told that was done because this particular claim had gone to the Committee on Claims.

Mr. BROWN. No, that was done because it was thought that was not the proper place for the claim to be investigated; and I submit that it is improper that these things should be sent to that committee. I, for one, as a member of that committee, protest against it.

Mr. SHERMAN. I do not wish to urge this motion against the sense of the Senate, and I do it rather at the request of persons interested in this claim. This claim is made by a lady in the southern States, very strongly supported by military officers who are conversant with the facts. I have no particular desire on the subject, although I prefer that it should go where the persons interested desire it to go.

Mr. GRIMES. It occurs to me that that is one of the very reasons why it ought not to go there. If a party owning a claim is to designate the particular committee to whom it is to be sent, we ignore all the rules of the Senate, and we shall abandon to people outside of the Senate the control of our business. I have noticed, with a good deal of dissatisfaction I confess, the gradual change that has been going on in the transaction of business in the Senate. Eight years ago a claim of any description whatever was never referred to any other committee except the Committee on Claims; and that is the rule that we ought to observe now if we want to preserve regularity or consistency in the transaction of the public business. Here is a claim which I understand grew somewhat out of military transactions. It may be referred to the Committee on Military Affairs, and they will decide in a particular way as to the manner in which it ought to be adjudicated and the kind of settlement that ought to be made. Another case comes up which grows out of some transactions connected with naval affairs. That is referred to the Committee on Naval Affairs, and that committee has a different manner of deciding those questions, deciding them upon different principles; and so we go on throughout the entire routine of our committees, each committee deciding for itself and upon its own particular theory of deciding such questions. There ought to be uniformity in our own rules and in our judgment; and in order to secure that I think the experience of the Senate in past years has demonstrated that the proper tribunal to settle these questions is the Committee on Claims.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Ohio. The motion was not agreed to.

REPORTS OF COMMITTEES.

Mr. WADE. The Committee on Territories, to whom was referred a bill (H. R. No. 315) for the relief of the inhabitants of towns and villages in the Territories of New Mexico and Arizona, have instructed me to report it back and to ask that they be discharged from its further consideration and that it be referred to the Committee on Public Lands. I presume it was referred by mistake to the Committee on Territories, as it relates to proceedings about the settlement of lands, and properly belongs to the Committee on Public Lands.

The report was agreed to.

Mr. NESMITH, from the Committee on Commerce, to whom was referred a bill (H. R. No. 729) to change the port of entry in Puget's sound, reported it without amendment.

Mr. EDMUNDS, from the Committee on Commerce, to whom was referred a communication from the Department of State respecting the establishment of a marine hospital at Yokohama, in Japan, reported a bill (S. No. 408) making an appropriation for the erection of a marine hospital at Yokohama, in Japan, and for other purposes; which was read and passed to a second reading.

Mr. MORGAN, from the Committee on Commerce, to whom was referred a bill (H. R. No. 609) to constitute Omaha and Nebraska City, in the Territory of Nebraska, and St. Paul, in Minnesota, ports of delivery, reported it without amendment.

Mr. LANE, of Indiana, from the Committee on Pensions, to whom was referred a bill (S. No. 408) to place the name of Sarah Bacon on the pension-list, reported adversely thereon.

He also, from the same committee, to whom was referred a joint resolution (H. R. No. 179) for the relief of Edgar T. Harris, reported it without amendment.

He also, from the same committee, to whom was recommended a bill (H. R. No. 705) for the relief of George W. Bush, reported it without amendment.

He also, from the same committee, to whom was referred a bill (H. R. No. 739) for the relief of Samantha Rader, reported it with an amendment.

He also, from the same committee, to whom was referred a bill (H. R. No. 742) for the relief of the minor children of Salvador Accadi, deceased, reported it with amendments.

He also, from the same committee, to whom was referred a bill (H. R. No. 743) amendatory to an act entitled "An act granting a pension to Mrs. Emerance Gouler," reported it without amendment.

He also, from the same committee, to whom was referred a bill (H. R. No. 740) for the relief of Matilda J. Monroe, reported it without amendment.

He also, from the same committee, to whom was referred a bill (H. R. No. 741) granting a pension to Jonathan W. Beach, reported it with an amendment.

He also, from the same committee, to whom was referred the petition of Daniel McMahon, late a captain in the twentieth regiment New York militia, praying for a pension, reported adversely thereon.

He also, from the same committee, to whom was referred the petition of Sabina Himpelman, widow of the late Julius Himpelman, late a private in company H, forty-sixth regiment New York volunteers, praying for a pension, submitted an adverse report thereon, as this case, in the opinion of the committee, comes under the general law passed at this session.

He also, from the same committee, to whom was referred the memorial of Catharine B. Whitall, praying for a pension, reported adversely thereon.

Mr. POMEROY, from the Committee on Public Lands, to whom was referred a joint resolution (H. R. No. 180) extending the time

for the completion of the Agricultural College of the State of Iowa, reported it without amendment.

ST. PAUL AND LAKE SUPERIOR RAILROAD.

Mr. POMEROY, from the Committee on Public Lands, to whom was referred a bill (H. R. No. 191) to amend an act making a grant of lands to the State of Minnesota to aid in the construction of the railroad from St. Paul to Lake Superior, approved May 5, 1864, reported it without amendment.

Mr. RAMSEY. If there be no objection, I ask the Senate to proceed at once to the consideration of this bill.

Mr. POMEROY. I presume there is no objection to considering it now.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section one of the act entitled "An act making a grant of lands to the State of Minnesota to aid in the construction of the railroad from St. Paul to Lake Superior," approved May 5, 1864, by adding to it the following proviso; provided further: that in case it shall appear, when the line of the Lake Superior and Mississippi railroad is definitely located, that the quantity of land intended to be granted by the said act in aid of the construction of the said road shall be deficient by reason of the line thereof running near the boundary line of the said State of Minnesota, the said company shall be entitled to take from other public lands of the United States within thirty miles of the west line of said road such an amount of lands as shall make up such deficiency; provided, that the same shall be taken in alternate odd sections as provided for in said act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EVENING SESSION FOR PENSION BILLS.

Mr. LANE, of Indiana. I am directed by the Committee on Pensions to report to the Senate the following resolution and ask for its present consideration:

Resolved, That there be an evening session of the Senate on Friday, the 6th instant, commencing at seven o'clock p. m., for the purpose of considering bills and reports from the Committee on Pensions.

The resolution was considered by unanimous consent and agreed to.

CAPTURE AWARDS.

Mr. HOWE. Some time since the Secretary of War made a report, in answer to a resolution of the Senate, communicating the evidence upon which the special bounty or reward was recommended to be distributed for the capture of Jefferson Davis, and those papers were referred to the Committee on Military Affairs and the Militia. I suppose the Committee on Finance will before the session closes recommend an appropriation to pay that award, and it seems to me proper that that committee should have those papers before them. I therefore submit a motion that the Committee on Military Affairs and the Militia be discharged from the further consideration of them and that they be printed and referred to the Committee on Finance.

The motion was agreed to.

COMMERCE ON CHINESE COAST.

Mr. TRUMBULL submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the President be requested to inform the Senate, if not incompatible with the public interests, whether any, and if so how many, American vessels have been destroyed by pirates during the last year on the coast of China; and whether additional legislation is necessary for the protection of American commerce on that coast.

BILLS INTRODUCED.

Mr. TRUMBULL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 409) to provide for the publication of papers relating to foreign affairs; which was read twice by its title and referred to the Committee on Printing.

Mr. WILSON asked, and by unanimous con-

sent obtained, leave to introduce a joint resolution (S. R. No. 122) to authorize the Secretary of War to make compensation for persons held to service or labor enlisted or drafted into the military service during the war; which was read twice by its title and referred to the Committee on Military Affairs and the Militia.

ARMY APPROPRIATION BILL.

Mr. SHERMAN. I submit a report from the committee of conference on the Army appropriation bill, which I should like to have acted upon at the present time.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 127) making appropriations for the support of the Army for the year ending the 30th of June, 1867, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House of Representatives recede from their disagreement to the second, third, and tenth amendments of the Senate, and agree to the same.

That the Senate recede from its sixth amendment.

That the Senate recede from its disagreement to the amendment of the House to the fourth amendment of the Senate, and agree to the same.

That the Senate agree to the amendment of the House to the fifth amendment of the Senate, with an amendment, as follows: insert in lieu of the words stricken out of said Senate amendment by the House the following words: "and in advertising for Army supplies the quartermaster's department shall require all articles which are to be used in the States and Territories of the Pacific coast to be delivered and inspected at points designated in those States and Territories, and the advertisements for such supplies shall be published in newspapers in the cities of San Francisco, in California, and Portland, in Oregon;" and the House agree to the same.

That the House recede from their disagreement to the seventh amendment of the Senate, and agree to the same with the following amendment: in line eight of said amendment, after the word "shall," insert the following words: "in time of peace."

That the House recede from their disagreement to the eighth amendment of the Senate and agree to the same with an amendment, as follows: strike out all of said amendment and insert in lieu thereof the following: "Sec. —. And be it further enacted, That the Superintendent of the United States Military Academy may hereafter be selected, and the officers on duty at that institution detailed, from any arm of the service; and the supervision and charge of the Academy shall be in the War Department, under such officer or officers as the Secretary of War may assign to that duty;" and the Senate agree to the same.

That the House recede from their disagreement to the ninth amendment of the Senate, and agree to the same with an amendment, as follows: strike out all of said Senate amendment and insert in lieu thereof the following: "Sec. —. And be it further enacted, That when it is necessary to employ soldiers as artificers or laborers in the construction of permanent military works, public roads, or other constant labor of not less than ten days' duration in any case, they shall receive, in addition to their regular pay, the following additional compensation therefor: enlisted men working as artificers, and non-commissioned officers employed as overseers of such work, not exceeding one overseer for every twenty men, thirty-five cents per day, and enlisted men employed as laborers, twenty cents per day; but such working parties shall only be authorized on the written order of a commanding officer. This allowance of extra pay is not to apply to the troops of the engineer and ordnance departments;" and the Senate agree to the same.

JOHN SHERMAN,

HENRY WILSON,

RICHARD YATES,

Managers on the part of the Senate.

ROBERT C. SCHENCK,

W. E. NIBLACK,

M. RUSSELL THAYER,

Managers on the part of the House.

Mr. GRIMES. What changes have been made?

Mr. SHERMAN. The Senator from Iowa asks me what changes have been made by the committee of conference. The Senate recede from one amendment in regard to the purchase of land in Nashville. The other amendments of the Senate have been agreed to, somewhat modified. If the Senator will mention any particular amendment upon which he desires information I will answer him. The Senate amendments have been substantially agreed to.

Mr. GRIMES. What has been done with the amendment in regard to the Illinois Central railroad?

Mr. SHERMAN. The House recede from that amendment.

Mr. GRIMES. What has been done about the West Point superintendency?

Mr. SHERMAN. The amendment in regard to the Superintendent at West Point is left substantially as the Senate made it. The Senate amendment was agreed to by the House com-

mittee, with some modifications which change but very little the meaning of it. All the amendments of the Senate, which are mostly of a legislative character, are agreed to—I think every one of them, with some modifications of phraseology.

The report was concurred in.

LAW OF BOUNTY.

Mr. WILSON. I move to take up the joint resolution of the House of Representatives declaratory of the law of bounty. It is a small matter, and will not take long.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. R. No. 149) declaratory of the law of bounty. It provides that where any enlisted man has been or may be detailed for duty as a clerk, or for any other duty in any executive bureau, at headquarters or elsewhere, he shall not by such detail be deprived of any rights to bounties now due or hereafter to become due, but shall be as fully entitled thereto as though no such detail had been made.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLAIM OF MASSACHUSETTS.

Mr. WILSON. I now move to take up Senate resolution No. 121.

The motion was agreed to; and the joint resolution (S. R. No. 121) providing for the auditing of the accounts of the State of Massachusetts for moneys expended during the war for coast defense was read the second time and considered as in Committee of the Whole. It is an authorization and request to the President of the United States to appoint, by and with the advice and consent of the Senate, two commissioners who shall examine into the claim and audit the accounts of the State of Massachusetts for moneys expended for coast defense during the war, and shall make a full and complete report thereon to Congress at its next session.

Mr. GRIMES. I move to amend the resolution by striking out in the sixth line the words "and audit the accounts;" so as to read, "commissioners who shall examine into the claim of the State of Massachusetts," &c.

Mr. WILSON. I have no objection to that amendment.

Mr. HOWARD. I should like to hear from the Senator from Massachusetts the nature of these defenses, the structures for which he now claims pay from the Government; whether they were made on Government plans, or what was their nature or description. It must not be forgotten that other States may have claims of very considerable magnitude of a similar nature, and I think we ought to be a little cautious how we proceed to recognize such claims at this time. I really am in ignorance of the nature of these claims, and should like therefore to hear the Senator from Massachusetts describe them.

Mr. WILSON. I would commend the Senator from Michigan to the report made by the Senator from Rhode Island, [Mr. SPRAGUE,] from the Military Committee, on this subject, in which the facts are very clearly set forth. It appears that the Secretary of State sent a circular to the Governors of some of the States stating that there was great danger that our harbors would be entered by ships in the interests of the confederacy, and recommending that the States should take action to prepare their cities against such attacks. The Governor of the State of Massachusetts recommended to the Legislature to make an appropriation for that purpose on the strength of the recommendation of the Secretary of State; and the Legislature appropriated \$1,000,000 for that purpose. Of that money about four hundred thousand dollars were expended in the purchase of guns and other means of defense. The Senator from Rhode Island made a report from the Committee on Military Affairs in favor of paying that sum of about four hundred thousand dollars; but objection was made

to that, and this resolution is now a simple proposition to appoint a commission to examine into and report the facts of the case, so that Congress at the next session may have that report before them. I do not think it binds Congress in any respect whatever. I will say to Senators that the bill will be lessened nearly one half if the Government will consent to it; for I am told that the State of Massachusetts has received an offer for the guns on hand for their cost, and has applied to the Government to be permitted to allow them to be sold.

Mr. HOWARD. Massachusetts still holds the title to all this property, guns, &c.

Mr. WILSON. The resolution reported by the committee before, provided that they should all be turned over to the ordnance department of the Army. This commission will examine the precise condition and facts of the case, on which we can base future action. It does not bind us to anything. I hope there will be no objection to the proposed examination of the facts.

Mr. HOWARD. I did not rise for the purpose of objecting to the passage of the resolution, but merely to obtain information. I am very much obliged to the Senator from Massachusetts for giving it.

Mr. GRIMES. Whether the resolution will bind us or not to the payment of the claim, I think, depends somewhat on the question whether or not the Senate adopts my amendment.

Mr. WILSON. I have no objection to the amendment.

Mr. GRIMES. If we passed the resolution as it was, it would stand very much in the light of an interlocutory judgment and the appointment of a master to examine as to the amount of damage. With my amendment, I think we shall not run that risk.

Mr. POMEROY. I do not precisely understand how that can be the effect of the amendment. If I understand the amendment it is to strike out the words "and audit the accounts." If a claim is to be examined and reported upon definitely, what is the difference whether it be audited or not? Auditing a claim does not commit us to the payment of it if it is to be reported to Congress for action hereafter. I have no objection to the amendment, but I do not see how it affects the claim.

Mr. WILSON. I have no objection to striking out the words directing the auditing of the claim if the Senator from Iowa objects to them. All is obtained that I desire to obtain by the passage of the resolution with those words stricken out.

Mr. GRIMES. I will say in reply to the Senator from Kansas that I may not be very well informed as to the proper use of the English language, but I understand that a claim is not audited unless it can be allowed under some law; and when we use the word "audited" we commit ourselves to the validity of the claim, and the only question then is as to the amount which we shall be compelled to pay.

Mr. POMEROY. I cannot see how words providing for the auditing of a claim that is afterward to be investigated by Congress can affect the claim or commit us to its payment. I do not see that those words add to or take anything from it.

Mr. GRIMES. If we used that language we should not have an opportunity to investigate it afterward.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed for a third reading and was read the third time.

Mr. SAULSBURY. I do not wish to raise any objection to the passage of this resolution, but it strikes me as a singular species of legislation. There was no law of the land, as I understand, under which the State of Massachusetts undertook to provide protection against an invasion of her harbors. There was no au-

thority of law enabling her to make this expenditure. Certainly the defense of the coast of the country is a matter proper for the General Government. To allow a State to erect whatever fortifications that State may see proper without any authority of law from the General Government, and then to pay the bill, is certainly committing a very large discretion to the States, because there are a great many works of defense and improvement which a particular State and the citizens of that State may desire upon its coast that the General Government might not see proper, even in time of war, to erect. If a State of its own motion may undertake to erect fortifications or works of defense which are agreeable to her own citizens, certainly it is giving that State a very great advantage for the Federal Government to foot the bill. Whatever, according to the judgment of the people of that State, may be desirable, they may go on constructing, notwithstanding the absence of any law or authority on the part of the Federal Government, and then come to Congress and ask that the bill be paid.

The coast of my State was as much exposed according to its size as the State of Massachusetts, and it would have been very desirable during the last war to have fortifications erected at Lewes, on Delaware bay, but I apprehend that it would not have been proper for the Legislature of Delaware without any authority of Federal law to make such improvements and erect such fortifications as might have been convenient to that State and desirable to her people.

It seems to me this is a species of legislation which ought not to be encouraged, and yet we know how very modest Massachusetts is. She never asks for anything but what is right, and therefore I presume she will obtain anything she does desire. At the same time I must say again that I think it is a very dangerous species of legislation. If the precedent is once set, every State hereafter in time of war will go to work, erect fortifications upon her coast, give employment to her people, spend a large sum of money, do everything on the coast that that particular State may desire, when perhaps the Federal Government would not, if it undertook the work, make half the expenditure, and then when the fright is over, when nobody is hurt, when no State has been invaded, present a handsome little bill to Congress to foot. Thus a State may have all the improvements on her coast that she wants, without any authority of law from the General Government, and which have only been pleasing and desirable to her own people, constructed at the cost of the General Government. I think the precedent is a very dangerous one.

Mr. SPRAGUE. There was no law for sending forty or fifty thousand troops to Washington after the firing upon Fort Sumter; but still those troops have been paid by the Federal Government. This is a parallel case. Danger threatened the coast; the Government of the United States warned the Governors of the States that were nearest to the danger, and expenditures were made for ammunition and for ordnance. Three fourths of this claim is for ammunition and ordnance now in the possession of Massachusetts which it is desirable that the Government of the United States should take and pay for in accordance with the terms of the original purchase. The expenditures for this ordnance and this ammunition were made at the desire of the General Government. By letters communicated to the different States and people throughout the country, the officials in each State were constantly warned of threatened danger from foreign invasion and urged to take measures against them.

Sir, this was simply at that time a loan of the money of Massachusetts to the General Government when the money which was wanted could not be obtained or was not in the hands of the General Government, as everybody knows, to pay these claims. Massachusetts at that time could more readily obtain the funds necessary for this expenditure than the General Gov-

ernment, and hence the money was raised by Massachusetts and the expenditures made by her. At every point where expenses were entered into for coast defense, the spot was designated by the General Government and by its officers. Most if not all of these expenditures were made upon works already existing in order to put them in a proper state of defense. They were in a dilapidated condition; there had been little or no money expended by the General Government upon those forts for many years, and a slight force could raid upon them and take them.

It had been seen by the Government how easy it was to obstruct the ports at the South by the sinking of old hulls and in other ways, and the Navy Department requested, solicited the authorities of Massachusetts to set at work its engineers and its men capable of bringing about that state of things to suggest good plans for harbor defense. That was accomplished, and those plans are now in the hands of Massachusetts ready to be turned over to the Government, and will be as available hereafter if the necessity arises as would have been expenditures made by this Government directly for that purpose. Telegraphs were established between the different forts in the harbors of Massachusetts, and they were used by the Government of the United States from the beginning of their establishment until there was no further necessity for the use of these wires.

By paying this claim the Government of the United States will get nearly or quite the whole amount of its expenditure back again in the shape of superior guns and ammunition. Everybody can conceive the embarrassments that a State is under in the possession of ordnance and ammunition at this time. It cannot dispose of them to advantage so as fully to reimburse itself for the expenditure it has made. I think this is a clear case of an absolute loan by Massachusetts to the Government at a time when the Government could not obtain funds for itself.

Mr. SAULSBURY. If this was a loan by the State of Massachusetts to the General Government, the question necessarily arises, who were the high contracting parties? Who had the power, the legal authority, to borrow money of Massachusetts? Was there any act of Congress authorizing the General Government to ask for or accept a loan from Massachusetts? None whatever. You cannot treat this as a loan, because there was no law for it. Who receipted for it? Who received the loan? Now, sir, my own State all along its coast has been exposed—

Mr. WILSON. If the Senator will allow me, I will state that the Governor of Delaware had his attention called to this subject by the same circular which called the attention of the Governor of Massachusetts to it. I suppose, therefore, that the Governor or the Legislature of Delaware thought they had no great interest to be protected, or that they were sufficiently protected, for I believe they took no action in regard to the matter; but the Governor of Massachusetts, after receiving the same circular that was addressed to the Governor of Delaware and of all the other States, thought it was necessary to take some action for the protection of the coast of the State.

Mr. SAULSBURY. I will say in reply to the honorable Senator from Massachusetts that this is the first time I ever heard that the attention of the Governor of my State was called to this subject. I was in the State at the time, and certainly if his attention was called to it he never called the attention of the Legislature of the State to it. We had interests to protect. The breakwater near the mouth of the Delaware bay and the shipping there was exposed, and it would have been very desirable indeed to have had fortifications erected there. If we had thought that we could get reimbursed by the General Government for erecting fortifications there we certainly would have erected them. It would have given employment to our people, and would have brought considerable money into the treasury; because, after

all, when a bill is made out by a particular State and presented to the General Government it is very apt to be large enough; it is no money-losing business, but rather a money-making business. I apprehend there is hardly a State in the Union but what would have expended, if it had had such an offer, considerable money in erecting fortifications on its own coast.

But it turns out now that a great deal of the amount asked for by this resolution is for guns and ammunition. If Massachusetts has expended money for guns and ammunition and now wishes to get clear of them, let her put them up at public sale and let the Federal Government buy them; or let her representatives bring in a bill authorizing the General Government to purchase of the State of Massachusetts guns and ammunition; but do not put it in the form of reimbursing Massachusetts for money expended in coast defense, for these guns and ammunition which are on hand now certainly do not properly come under that head. It is not money expended for coast defense. It is money expended in buying just as many guns and just as much ammunition as the authorities of Massachusetts deemed proper or necessary; and then if they had any surplus on hand why should they be paid for by the General Government?

I do not object to this measure on account of its coming from Massachusetts. I would have made the same objection if it had come from any other State. The point of my objection is, that if you once set this precedent, and we should ever be in a war again, or threatened with war, every State, of its own motion, will buy guns and ammunition, and erect and complete fortifications, with the expectation that the Federal Government will pay the amount of the expenditure; and having set the precedent in this case, I ask you, sir, how could you reasonably deny such an application? It is admitted here that there was no act of Congress and no authority of law under which this money was expended. It seems simply to have been a notification from the Secretary of State that there was danger of invasion of the harbors of the coast. The Secretary of State is not the General Government. The Secretary of State has no authority to draw money from the public Treasury, or to contract with a State or an individual that money shall be so drawn, or to pledge the faith of the Government that if money is expended it shall be paid. As to this particular case, if it stood alone, if it was not for the precedent that will be set by it, and the dangers you will incur of having large drafts hereafter made upon your Treasury, I would not say a word. With these remarks, having no feeling whatever in the case, I submit the question to the Senate and shall say no more about it.

Mr. SPRAGUE. The Secretary of State, in his communication, represented the President of the United States, and his communication was made during the recess of Congress, when it was impossible to get any legislation of Congress on the subject.

The resolution was passed, and its title was amended so as to read: "A joint resolution providing for an examination of the accounts of the State of Massachusetts for moneys expended during the war for coast defense."

RETROCESSION OF ALEXANDRIA.

Mr. WADE. I move that the Senate proceed to the consideration of Senate bill No. 280.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 280) to repeal an act entitled "An act to retrocede the county of Alexandria, in the District of Columbia, to the State of Virginia," and for other purposes.

The preamble recites that the Constitution of the United States provides that Congress "shall exercise exclusive legislation in all cases whatsoever over such District (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of Government of the United

States;" that by an act of Congress approved July 16, 1790, ten miles square of territory was accepted from the States of Maryland and Virginia, as the permanent seat of Government, constituting what was subsequently known as the District of Columbia, that when so accepted and defined, all jurisdiction over it was, by the Constitution, forever vested in Congress, whose duty it was then, and forever after, to preserve it unviolated and free from all control whatsoever save that of Congress; that experience derived from the recent rebellion, has demonstrated the wisdom of preserving such ten miles square under the exclusive control of Congress, both for military and civil purposes, and for the defense of the capital; and that by an act of Congress approved July 9, 1846, that portion of the said ten miles square lying south of the Potomac was ceded back to the State of Virginia, in violation of the intent and meaning of the Constitution of the United States, and to the great peril of the capital as aforesaid. The bill, therefore, proposes to forever repeal and declare null and void the act of Congress approved July 9, 1846, retroceding to the State of Virginia that portion of the district ten miles square, as provided by the Constitution, known as the District of Columbia, and the jurisdiction of Congress, and the laws provided for the District of Columbia are put in force, the same as if that act of retrocession had never been passed.

Private and personal property is not to be affected by this act, so far as the rights of parties are concerned; but all public property of which the United States were possessed at the time of the retrocession of this portion of the District of Columbia to the State of Virginia is, from and after the passage of this act, to be vested in the United States Government, any law, act, or conveyance to the contrary notwithstanding, and the Government, through its proper officials, is authorized to acquire, by purchase or otherwise, any and all further property, real or personal, in this portion of the District of Columbia, as may be deemed necessary for public use.

All suits and actions at law, civil or criminal, are, from and after the passage of this act, to be conducted and determined according to the laws, rules, and regulations enacted and provided by Congress for the District of Columbia, excepting causes wherein final judgment, decree, or sentence shall have been pronounced or passed; in such cases the final satisfaction of such judgments or decrees is to be in accordance with the laws in force in the State of Virginia. But all causes wherein final judgment or decree shall not have been passed or pronounced are to be in future conducted and determined as provided by this act.

All taxes and revenues assessable and collectible on property, real or personal, in the portion of the District of Columbia south of the Potomac, are, from and after the passage of this act, to be rated, collected, and applied according to the existing or future laws of Congress governing the District of Columbia.

All civil offices in the portion of the District of Columbia south of the Potomac, in the city of Alexandria, and what is known as the county of Alexandria, are declared vacant; and the vacancies so created are to be filled by new appointments or elections, to be made and held under the laws, regulations, and qualifications provided by Congress for elections and elections in the District of Columbia.

Mr. WADE. This is a bill of very considerable importance, and I observe that the Senate seem to be taking no note of it whatever, and that but very few are present.

This District was once composed of ten miles square. I suppose every Senator knows the history of the District of Columbia; why it happened to be set off; why it was provided for in the Constitution of the United States; and all the particulars in reference to it. I do not know of anything in our political history up to the time of the recent war that created a greater sensation among the people of the United States than the question of where should be the location of their capital, the ten miles

square provided for by the Constitution. A number of places were designated; and Congress was perhaps as much agitated upon that question as upon any other that has ever arisen. It was settled by a great compromise. We are told by Mr. Jefferson and Mr. Madison that it came very near creating a rupture and perhaps a disunion of the States. Judging from the controversy that then arose, the question was considered by the statesmen of that day as of much greater interest than the importance of the subject would seem to have warranted. The preceding Congress had sat in Philadelphia. About the time that the whisky insurrection arose in the State of Pennsylvania Congress feared that they would be disturbed there. Disturbances did arise that threatened, perhaps, the session of Congress at that place. The Governor of Pennsylvania was applied to; but his answer was not very satisfactory to Congress. Thereupon, their attention being called to the subject, the question became agitated, until finally they fixed, under the Constitution, upon this place, this ten miles square, as the permanent seat of Government. The Constitution provides, in the eighth section of the first article, that Congress shall have power—

"To exercise exclusive legislation in all cases whatsoever over such district, (not exceeding ten miles square,) as may, by cession of particular States and the acceptance of Congress, become the seat of the Government of the United States."

The General Assembly of Maryland, by an act passed December 23, 1788, entitled "An act to cede to Congress a district of ten miles in this State for the seat of Government of the United States," authorized and directed its representatives on behalf of the State to cede any district in the State, not to exceed ten miles, which Congress might fix for a seat of Government. The act of these delegates was afterward affirmed by the General Assembly in an act of ratification passed December 19, 1791. The General Assembly of the State of Virginia in 1789 passed a like act for that portion of it that was finally located in the State of Virginia. All agreed in fixing this as the permanent location of the seat of Government under the constitutional provision authorizing that to be done.

The question arises, when that power became executed by the final and permanent location of the seat of Government here, and the ten miles square were ceded by those States and accepted by Congress under the Constitution, whether it was in the power of Congress afterward to retrocede any portion of it to Virginia or Maryland or any other State. I do not suppose it was any more competent for Congress to cede any portion of this ten miles square that had been thus fixed upon under the Constitution of the United States to the State of Maryland or the State of Virginia, from which it was taken, than it would be to cede it to any other State of the United States. The cession was full, ample, plenary, and exhausted all the power both of the States and of Congress over the subject. Congress were invested with all the legislative power over this District that could be exercised by any Legislature. No power over it was left in those States any more than was left in the other States. The cession was as complete as when one neighbor deeds his farm in fee-simple to another, reserving no right, title, or interest in it whatever. Therefore these States had no more particular claim over it for a retrocession than any other State. The question arises, had Congress the right, had they the power to divide this grant? If they could do so nobody will deny that to-morrow Congress may, if they see fit, cede the other portion of it to Maryland. I believe the ablest jurists in the United States have considered that the act of Congress in 1846 ceding this territory back to Virginia was an unauthorized, unconstitutional act. I have heard no opinion of any lawyer or judge on the subject who believed the act was constitutional. Of course, this original cession was the joint act of the State of Maryland, the State of Virginia, and Congress, all three coöperating and concurring; and it was necessary that that

should be done in order to fix the seat of Government here.

The PRESIDENT *pro tempore*. The morning hour having expired, it becomes the duty of the Chair to call up the unfinished business of Tuesday, which is the bill (S. No. 405) making appropriation for the reconstruction and repair of the levees of the Mississippi river in the States of Mississippi, Louisiana, and Arkansas, and for the improvement of the river.

Mr. WADE. I move that that bill be laid aside informally.

Mr. BROWN. Oh, no, not informally; altogether.

Mr. WADE. I move that it be postponed for the present, in order that we may proceed with this bill in relation to the retrocession of Alexandria.

The motion was agreed to.

Mr. WADE. I was saying that it required the joint action of Maryland, Virginia, and of Congress in order to fix this constitutional right of having a seat of Government ten miles square, according to the provisions and requisitions of the Constitution. Now I ask any lawyer, could any power or authority less than that which coöperated and was necessary to concur in making this location, dissever and convey it away to another? On the general principles of the common law, it could not have been done except by the joint action of all that concurred in the settlement of it. I suppose, therefore, that the act of retrocession was an unconstitutional act; that it had no authority.

There is another reason why I suppose the act was unconstitutional. That act of 1846 provided that this retrocession should depend upon the vote of the county of Alexandria; that the people there should assemble and vote upon the subject, and if they concurred in it then the retrocession should take effect. I do not suppose that it is in the power of Congress to cede away its legislative authority. I do not suppose that it can transfer its legislative power to any county or any other division or part or portion of the country whatever. The sovereign power conferred upon it by the Constitution is, as it were, personal. It is not transferrable at the will of Congress or any other power in this Government; nor can it confer that right upon any county or any other place. I believe that is a question that has been often settled; so much so that it is hardly necessary to turn—

Mr. COWAN. It is like delegating the veto power.

Mr. WADE. Yes, sir, it would be delegating a veto power. The people of the United States who do not consent to your grant are not to be ceded like the inhabitants of Poland to any other jurisdiction. Whenever the jurisdiction over them is fixed by the Constitution and laws of the United States, it is not left to a majority of that municipality to say whether they shall be transferred to a foreign jurisdiction or not. That is incompatible with the rights of an American citizen. There are many rights about which a majority have no power to act and ought never to act. If I own property in Alexandria and have my *status*, my domicile, fixed there under the laws of Congress can I be transferred to a strange, foreign jurisdiction against my will? Have a majority the right to transfer me over there against my will because they happen to be a majority? I do not believe that can be done.

I will say here in passing that I have looked over the very meager debate that occurred on this question in 1846, at the time this retrocession was made. The subject created but very little debate in Congress. Mr. Hunter, of Virginia, was the mover of it; he was the principal arguer of it. Mr. Webster was not present. I understand from the history of the time that he was opposed to it as an unauthorized and unconstitutional act, but he was not present to argue or to vote upon it, although he was a member of the Senate at the time.

Mr. HARRIS. What were the provisions of the act of retrocession of 1846?

Mr. WADE. I have stated its provisions.

I thought I had that act before me, but I have not. I can get it very easily.

Mr. COWAN. It submitted it to the people; there is no doubt about that.

Mr. WADE. As I have stated, there is no doubt that it was left to the vote of the people of Alexandria. Now, Mr. President, believing the act of retrocession to be entirely unauthorized by the Constitution of the United States; believing, as I do, that it was gotten up for no other purpose than as preparatory to the secession of the States that took place afterward, I desire to repeal the act. We all know that the abstractionists and secessionists, the statesmen representing old Virginia in this Senate, for many years had been hostile to the Union of these States, or, at all events, had contended for doctrines utterly destructive to the permanent Union of the States, claiming the right to annul any law that was unpalatable to a sovereign State of this Union, claiming the right to secede from this Union, peaceably, as they called it, whenever a State should believe that circumstances existed which in its judgment would warrant and authorize such a proceeding. They did not claim the right of revolution, which we all admit, taking the hazard and the consequences of it. When any people are so oppressed by the laws under which they live that they believe the hazard of a violent revolution is justified, I grant you they must be the judges; but these secessionists claimed the peaceable right under the Constitution to secede, not as a revolutionary but as a constitutional right. They had been dreaming over that subject, arguing upon it in Congress, mooted it everywhere, until it became the prevailing doctrine in all the southern States; and it was meditated even at that time that those States were to secede from the Union; and nothing which could have been done to prepare the States for the attempted disunion by violence that took place afterward could have been better calculated to forward the success of such an attempt than first to get back that part of the District of Columbia which came from Virginia. It brought the sovereignty, as they called it, of that State right up under your Capitol, for old Virginia has always claimed the Potomac river up to the Maryland bank, and brought your Capitol right under the guns of the State. You cannot defend your Capitol against the State unless you have the entire territory that you stipulated for under the Constitution and as was provided for in the original act of Congress.

Why did our fathers claim so large a territory as ten miles square for the seat of Government? It was for the reason to which I have already alluded. Previously Congress had been held in a State, subject as it were to State jurisdiction, subject to all the turbulence that might be stirred up by State authorities, who might perhaps in time propose to drive members of Congress from their seats. They saw the propriety of having a territory at least large enough to enable them to defend themselves against the point-blank shot of their enemies if a civil war should arise; and according to modern gunnery it takes fully ten miles square if you desire to put your Capitol effectually beyond the reach of cannon-shot at this day.

Now, sir, what a predicament are we in! When the rebellion broke out, every member of the Senate who was here then remembers how we expected, yea were afraid, that on Arlington heights the rebels would erect fortifications and plant their batteries for the destruction of this city, or this Capitol. And what shall prevent the State of Virginia tomorrow, if she should meditate another attempt to go out of the Union, from erecting fortifications there, placing them on her own soil as she calls it now, within range of your Capitol, compelling us to legislate here under the guns of an enemy?

Mr. President, I have stated some of the reasons which were potential at the time in inducing the requirement of so large a territory for the national capital. Ten miles square is none too large to give us entire independ-

ence within the jurisdiction of the United States, subject to no State interference, to no State authority whatever. It is not too large for us to fortify, if we please, against all foreign aggression. And yet this retrocession, as I said before, does away with all this security and places us under the control of a "sovereign State."

But, besides all this, we have a great number of petitions presented here asking for the passage of this bill. When it was first agitated about the time this session commenced there seemed to be very great opposition to the measure. Almost all the original secessionists in Alexandria were entirely opposed to any such thing. They claimed to belong to the State of Virginia, and it was their ardent desire to stay there; they did not like to be under the jurisdiction of the Congress of the United States. But I have observed, and the petitions on file show, that as the question has been agitated there among all classes it has become more and more popular, and I believe to-day, and I am informed by some of the best men there, that they have no doubt that a majority of the people of Alexandria themselves wish to come back to the old fold from which they were driven by an act unauthorized by the Constitution of the United States. The taxation of the State is exceedingly grievous to be borne, and they find that by going out from under the jurisdiction of Congress into that of the State of Virginia they have lost immensely in every way, and they wish now to get under the shadow of this great Government, and be governed by its equitable laws, and freed from that onerous burden of debt that would rest upon them as members of the State of Virginia, and I claim that they have a perfect right to prefer this.

Besides, sir, it should be remembered that we have a great cemetery on Arlington heights where lie the bones of many brave and patriotic men who fell in defense of their country, a place held sacred and revered by every patriotic man and woman in the United States. We are bound to protect their remains from that indignity to which they will be subjected if we allow them to be under the jurisdiction of the State of Virginia.

But, Mr. President, it has been said by some with whom I have conversed that this is a constitutional question, that if the act of retrocession was not authorized by the Constitution of the United States those affected can bring a process in the courts of the United States and try the question there. I do not deny that that may be done; but it is a great hardship to put upon the Union people who have ever been loyal, who have ever resisted what almost everybody considered an unauthorized and unconstitutional act, the burden of prosecuting such a suit. We ought to place them back on the same footing that they would have occupied if no such unwarrantable law had been passed. It is their right to claim that; it is their due; and I hope every gentleman here will be willing to award it to them.

Sir the great capital, laid out by the Father of his Country, the territory surveyed, as it were, under his own eye, and most dear to his own patriotic heart, has been mutilated by this act. There ought to be some reverence paid to those who made the compromise under which this District was made the seat of Government—the greatest compromise that ever took place under our Constitution. We ought not thus ruthlessly to tear it up and annul it. How was it brought about? I have alluded to the fact that the question was so important a one that it endangered the Union itself; and how did we get over the difficulty? Every gentleman acquainted with the history of his country knows full well that after we came out of the war of the Revolution, burdened with an enormous debt, there was a great question to be settled, how that debt should be disposed of; one party claiming that the debt should be funded and taken under the protection of the United States Government, and paid by it, and the other claiming that the States should pay the debt, as they had incurred it. The latter

proposition was very unjust, in my judgment, because it would have thrown the great burden of the debt of the Revolution upon the northern States, who had furnished infinitely the greatest number of troops, who had been at infinitely the greatest expense during that war; and consequently they declared that the debt ought to be funded and paid by the General Government; and the other party took the opposite ground, and opposed it because, it threw the debt off the shoulders of one section of the country and compelled the other to participate in it according to their ability or according to the equitable rules which prevailed in collecting taxes for the payment of the debts.

Another controversy existing at that time, just about as stubborn, just about as uncontrollable, just about as hopeless to settle, was on the question where the seat of Government should be located. There were three or four places that were contended for. Mr. Madison, as you will see when you come to read his speech on the subject, declared that the Union could not have been formed if it had been believed that the seat of Government was to be located upon the Susquehanna river, which was one of the places proposed, or on the Delaware river, which was another. The place could not be agreed upon. Congress had separated, and the prospect of agreement on these subjects seemed to be entirely hopeless. Finally some of the leading statesmen at the time with great difficulty got some of the members together and agreed that a compromise should be made by fixing the seat of Government here and funding the debt. The North yielded its side of the controversy by bringing the seat of Government down to the Potomac, and the South gave up its opposition to the funding of the debt. The two things were brought together and the controversy was settled in that way; and although we have receded a great while from that period, it seems to me to be a want of good faith now to tear up that agreement. I think it ought to remain as they fixed it in settling the great and dangerous controversy which existed at that time. I feel that this is the right of the Union men in Alexandria and all that part of the District which has been turned over into the State of Virginia, who have been persecuted in person and property by a kind of vindictive process beyond what they would have been if they had never belonged to this District. This is their wish. They look to us as the ark of their safety; as the jurisdiction to which they have always properly belonged; their hearts are with us, and always have been with us. They were turned away by this unauthorized act, that was got up undoubtedly in aid of this great rebellion that it so much favored, bringing the walls of your Capitol under the guns of a hostile State.

Mr. President, I do not wish to prolong the argument on this subject. Indeed, I do not know that I could throw any additional light on it if I went into more detail, because all the facts pertaining to the history of the Government in this respect are understood by every Senator present. We are all aware of the policy that dictated this mutilation and division. It was done at a time when the State of old Virginia was most potential in Congress. You cannot find an instance in the history of the Government for twenty years prior to that time where the will of that State had ever failed in either branch of Congress. Whatever she demanded was a law. She demanded this, and the subservient statesmen of that day yielded to her imperious demand without the authority of the Constitution. They ought not to have done it. The people being wronged and outraged and their rights trampled on by means of it, appeal to us now, in better times, to rectify the mistake that was made at that period. I hope we shall do it.

Mr. DAVIS. I happened to be a member of the House of Representatives when Alexandria was retroceded to Virginia, and I voted against the measure. I voted against it because I did not think it was competent for Con-

gress to make the retrocession. I am still of that opinion. I believe that the act of retrocession was outside of the competence and power of Congress, and is void; but whether it is or not, to my mind is a judicial question. I am not now disposed to vote and will not vote for the repeal of that law. If the act had any validity, and one of its effects was to retransfer to the State of Virginia the people of that portion of the District of Columbia, and if I was a citizen of Alexandria, I would want the retrocession to remain perpetual. In God's name I should never want to come under the government of Congress. I would certainly much prefer to be under the government of the State of Virginia if I were a citizen of Alexandria. If I were a citizen of Georgetown, and the retrocession had been of the portion of the State of Maryland that was originally ceded by that State to the General Government, I should desire that that retrocession should be valid and perpetual. As a citizen of Virginia or a citizen of Maryland I never would want to be under the government of the Congress of the United States. That portion of the District that we have not ceded back, that is, the portion which was ceded by Maryland for the purposes of the General Government, it seems to me gives to Congress quite enough trouble. Legislation upon the subject of the people of this District, as it has been mutilated, as I think, by an unconstitutional act, engrosses a large portion of the time of Congress. It is a source of much difficulty and vexation in Congress to legislate properly for it and a very considerable expense to the United States Treasury. It seems to me that if Alexandria was brought back to the District by a repeal of the retrocession law it would only increase proportionately the labors of Congress in legislating for twice as many people in the District of Columbia as they have now to legislate for; and it would have the further effect, which to my mind is much more objectionable, of bringing a large additional population to submit to a state of things where they would have no right of self-government.

About the same time Texas was annexed to the United States by joint resolution. We all know that a treaty had been first formed between Texas and the United States under Mr. Tyler's administration; a treaty, I believe, negotiated by Mr. Calhoun for the cession of Texas as foreign territory to the United States. That treaty was opposed at the time by the Democratic party, and most vehemently and ably and persistently by Senator Benton; and the treaty was rejected. After the treaty was rejected the joint resolution of Congress was introduced for the purpose of admitting Texas as a State into the Union. I then happened to be a member of Congress and I voted against the annexation of Texas in that way, because I then believed and I still believe that foreign territory cannot be annexed to the United States by a joint resolution of Congress. Congress has no powers but legislative powers, and the scope of its powers does include validly, as I conceive, the act of admitting foreign territory, even in the form of a State, into the Union as one of the States of the United States. I thought it was an illegitimate mode of acquiring the annexation of foreign territory to the United States. I am still of that opinion. I believe that the joint resolution was against the Constitution and was void and ineffectual. But that now has become a judicial question; and if there was a proposition offered in Congress to repeal the joint resolution annexing Texas I would not vote for the passage of such a resolution repealing that joint resolution; why? The act has been done by the forms of authority. Whether the act be constitutional and valid or not is now a judicial question. It has passed, as I think, properly from the legislative department to the courts. I think that the question still could be made of the validity of the annexation of Texas to the United States by joint resolution in the courts of the country. So in relation to the retrocession of Alexandria to Virginia. I may be mistaken, but in my own mind I have no doubt that the ques-

tion of the validity of that retrocession might be made judicially in the courts of the country, and I think it ought to go there.

I will not pretend to say whether the act of retrocession is valid or not; I cannot say so; but I believe that it is invalid. That is the conclusion of my own judgment. It was so at the time the act of retrocession passed, and my opinion has not since undergone any change. I still believe that it was an invalid, unconstitutional act, and beyond the competency of Congress. Whether it be invalid and unconstitutional or not, in my opinion could be tested at any time in the simplest form in our courts of justice, and I think that the question ought to go there.

But, sir, if the act of retrocession was valid, it gave to the State of Virginia rights in that territory retroceded. Whether it could be ceded back again by the State of Virginia under the original provision of the Constitution for getting ten miles square for the seat of the General Government, is another question. It might be done; probably it could be done. But upon the proposition that if the act of retrocession was valid it invests Virginia with the title as a part of the Commonwealth of Virginia to the country so retroceded, I have no doubt. If that be the effect of it, then the act cannot now be repealed so as to divest Virginia of her right to Alexandria and to the portion of the country outside the city of Alexandria that was included in the act of retrocession.

I will put another case. I believed, and I still believe, that the State of West Virginia was organized unconstitutionally, without proper and valid authority, and that legally and constitutionally West Virginia is not now a State of the Union. But whether this be so or not, I hold to be a judicial question, no longer to be submitted to the legislative department of the Government, but to the courts; and if at this session or any future session when I might happen to be a member of Congress, an effort was made to repeal the laws and the action of the two Houses of Congress in relation to the erection of West Virginia into a State of the Union, I would vote against any such legislation, and I would do it upon the same principle that I now stand opposed to the repeal of law retroceding Alexandria to Virginia, because I think the action of Congress upon both subjects has placed the question in the form of a judicial question and beyond the legitimate pale of the legislative action of the Government. My vote will be to leave the question in the present case, and in relation to West Virginia, if it ever should come up, to the courts, to be decided by the courts upon the constitutionality and the validity of the action of Congress in the two cases.

Certainly, sir, if I was a citizen of Alexandria I should never want to be made subject, as a part of the ten miles square, to be brought under the jurisdiction of Congress. If I resided there, I should regard it as one of the greatest individual misfortunes to me and to the particular community in which I lived for this reannexation to take place. I have had from observation a good deal of experience as to the legislation of Congress for this District. I have observed it for eight years in the other House and for now five years in the Senate; and certainly during that whole period, without any exception as to times or parties, among the worst governments I have ever known has been the government by Congress of the District of Columbia. If I were a citizen of Alexandria, I would say "The Lord deliver me from congressional government;" and I have no doubt many of the citizens there will say so.

I do not think it is proper, or just, or within the proper exercise of the powers of Congress, to repeal the bill that retroceded Alexandria to Virginia, and, without consulting the Commonwealth of Virginia, as it at present exists, and the people of Alexandria, to attempt to bring those people into the District of Columbia. For these reasons I shall vote against the measure.

Mr. SAULSBURY. I hope the honorable

Senator from Ohio who has charge of this bill will let it go over until to-morrow. My attention had not been called to it until on coming to the Capitol this morning, on the avenue, some gentlemen from Virginia spoke to me about it. I did not know it would come up to-day. I should like to examine the record with reference to the retrocession of this portion of the District of Columbia to the State of Virginia, and the votes given on that question. I only ask for one day's delay. There are very grave questions of law arising in the case, and before we dispose of it finally—

Mr. WADE. If the Senator desires a postponement I shall not object. I know the question is one of very great importance, and I do not know how far the attention of Senators has been called to it. I called up the bill at this particular time more to attract the attention of Senators to it than for any other purpose, so that they might be prepared to consider it. I move now that it be postponed until to-morrow, and I give notice that I will call it up at a very early period when gentlemen have prepared themselves upon it, and shall press it to a vote.

Mr. COWAN. I would suggest that I think this question should be referred to the Committee on the Judiciary, with instructions that if they are of opinion that there is any doubt in regard to the nullity of the act of Congress making this cession, they report a bill authorizing the Attorney General to test that question in the courts, because it seems to me it must go there at last in order to determine the validity of that act. If that was a valid act, and within the scope of our power and jurisdiction, I do not see very well how we are to get rid of it by a simple repeal on our part. If it was not valid, and if it had no force to transfer the jurisdiction of that portion of the District to the State of Virginia, then the Supreme Court is the proper tribunal to determine it, and a case might be made by the Attorney General for the purpose of testing that question. It seems to me that that would be the proper disposition of it on the part of Congress.

I am not prepared to say that I do not agree with the honorable Senator from Ohio in thinking that the delegation of legislative power to the people of the District by that act was void, and no matter what their action might have been upon it, it gave no force to that act as a statute. At the same time, however, there is a question behind that, whether we had not the absolute power to legislate without delegating it at all. These are proper questions for the judiciary after the legislative power has exhausted itself upon them. I think that would be the better disposition of it, and if the bill is called up again I shall move to make that disposition of it.

Mr. WILLEY. Mr. President, I rather hope that the suggestion of the Senator from Pennsylvania may be adopted. I concurred fully with the other members of the Committee on the District of Columbia in regard to the inexpediency of the act of Congress retroceding the county of Alexandria to the State of Virginia. I thought that the condition of the District, and especially of that portion of it, for the last three or four years indicated very plainly the rashness of that proceeding and its impropriety, and that by all means if it be competent for us to acquire it again it should be done. I suppose that there would be nothing to-day to prevent Virginia, on some pretext or other, from erecting fortifications commanding this city and planting her cannon there, which would enable her in an issue like that through which we have passed, to destroy the capital of the nation before force could be rallied for its rescue.

But still, while I concurred entirely with the committee in the propriety of again acquiring jurisdiction of the county of Alexandria, I thought there was a very grave question involved, and I believe that it was wholly and exclusively a legal question, a constitutional question. If the act of retrocession in 1846 was a valid and constitutional act, then it occurs to me that the matter is entirely beyond our competency and our jurisdiction. In February,

1846, the Legislature of Virginia passed a law providing for the reception within the jurisdiction of that State of the county of Alexandria, provided Congress should pass an act retroceding it to Virginia, and by an act approved July 9, 1846, the same year, that county was retroceded by Congress, which, in the language of the act itself, forever relinquished the territory and the jurisdiction over it to the State of Virginia. If that was a constitutional act, what can Congress do now? There is a compact between Congress and the State of Virginia; there are vested rights; there is an executed contract; and it seems to me the territory is beyond our reach. If, on the other hand, as I believe myself, the act was unconstitutional, it may be, possibly, that we have a right to repeal the act of retrocession; but it strikes me that we ought to be very certain that the act of retrocession was unconstitutional, and very certain that we have the power to repeal it; because, if we make a mistake in this matter, very disastrous consequences may ensue in regard to the rights of property, in regard to peace between Congress and the State of Virginia, and in regard to very many other material interests.

It seems to me, then, that the Senate should be perfectly clear before it passes any bill of this kind that the act of retrocession in 1846 was without authority of law, was unconstitutional in point of fact. Therefore, sir, while wishing that we could have this territory back within our jurisdiction, believing that it is material in many respects, nevertheless, desiring that the matter may be examined by the committee of the Senate who have such questions more properly within their consideration, the Judiciary Committee, so that we may have a thorough investigation of what it seems to me is the only material question in the premises, I hope the Senator from Ohio will accept the suggestion of the Senator from Pennsylvania, and allow this bill to go to the Judiciary Committee, with instructions or otherwise, as he may see proper.

Mr. HOWARD. Do I understand the Senator from West Virginia to move the commitment of this bill to the Committee on the Judiciary?

The PRESIDENT *pro tempore*. There is another motion already before the Senate, which is that the further consideration of the bill be postponed until to-morrow. That is the motion now pending.

Mr. HOWARD. Then, only one word in reply to the honorable Senator from West Virginia and the honorable Senator from Pennsylvania. I am not able to see the necessity of committing the bill to the Judiciary Committee for the purpose of getting their opinion, or for the purpose, rather, of making some provision to make up a case to be submitted to the Supreme Court. That case will present itself in some shape, even if we pass this bill in its present form, or if we do not pass it. The question, as has been very truly said, is a judicial one as to the right of jurisdiction over that territory, and it will at some time present itself and be taken to the courts and there properly decided, whatever we may do here; and I am not able to see how we can expedite the decision of that question by any legislation of our own, or the necessity of our attempting to do so.

My own opinion is, I confess, well made up on the question. I have always regarded the retrocession of the county of Alexandria to Virginia as having been entirely unconstitutional and without legal warrant. The District of Columbia was ceded to the United States by Virginia and Maryland in trust and for a specific purpose, and that purpose was that it should be the seat of Government of the United States, and the people in their Constitution declared that Congress should forever have exclusive jurisdiction over it, not for the general purposes of buying and selling land, such as it possesses in regard to the Territories, but for the purpose of maintaining and keeping in the District the seat of Government, defining

the limits of the District, and declaring in terms as plainly as was possible the uses and purposes for which the District was to be devoted. If Congress is competent to retrocede to Virginia one half of the District thus set apart as the seat of Government, it is equally competent to retrocede to Maryland the remaining half, together with all the buildings and other public property erected here by the United States for public purposes as the seat of Government. Certainly, I think no court will ever hold or can hold that under the Constitution of the United States as it now stands and has stood since its adoption, it is competent for Congress to divest themselves of the title to the District within which the seat of Government was to be fixed and where it has been fixed.

Mr. SAULSBURY. May I ask the honorable Senator from Michigan whether, in his judgment, it is competent for Congress to remove the seat of Government from this District to any other place, and if so, what then might become of this ten miles square? Could Congress do anything with it, or would it revert to the States of Maryland and Virginia?

Mr. HOWARD. When the proper time shall arise for an opinion from me on the subject of the competency of Congress to remove the seat of Government, I think I shall probably have formed an opinion; but I do not see how the inquiry of the honorable Senator from Delaware in any way affects the question of the assumption of jurisdiction over the county of Alexandria. I am not able to see it.

Mr. SAULSBURY. I think the honorable Senator will see the relevancy of my question if he will consider for a moment that if Congress has the power to remove the seat of Government from this District, Congress has the power to part with the jurisdiction over this District or it has not. The question I wished to propound to the honorable Senator was, in case Congress should remove the seat of Government from this District, would it not be competent then for Congress to cede the District to Maryland and Virginia if it saw proper, or must it forever retain these ten miles square subject to the jurisdiction of Congress?

Mr. HOWARD. I regard those questions at the present time as immaterial and not involved in the issue presented by the bill. One thing, however, is quite certain, that the people of the United States, in granting this power of exclusive legislation to Congress over the District, intended to provide for them and their posterity a district wherein was to be the seat of Government of the United States; and I think that when Congress assumes to retrocede the District, either to Virginia or to Maryland, it undertakes to exercise a power which is in violation of the intention of the American people in making the grant, as well as of the terms of the grant themselves. Of course, if the Senator from Ohio desires this bill to go over until to-morrow, I shall make no objection.

Mr. COWAN. The honorable Senator from Michigan is of opinion that the statute making the retrocession was void.

Mr. HOWARD. Yes, I think it was.

Mr. COWAN. If that be a correct opinion, then this legislation is wholly superfluous, and, indeed, has no meaning whatever, because if that statute was void it was as nothing; it was the same precisely as though nothing had been done; and to repeal it is the same precisely as to repeal that which never had any existence. If that statute was a nullity, the proper mode by which to determine that question is by a *quo warranto* issued to the officers who exercise power and authority under it by virtue of the retrocession. That would bring the question up. If, on the other hand, it was not a nullity, if it was a good, valid, and binding statute, for the purpose of transferring the county of Alexandria to the jurisdiction of the State of Virginia, then this act of Congress would be a nullity in attempting to repeal it without the consent of the State of Virginia.

I, for my part, believe that the whole of this territory as well as the various parts of it are within the control of Congress and of the Legis-

latures of Virginia and Maryland. I have no doubt of that, and that if we should choose to transfer the seat of this Government to some other place, the people of this District would not be left without a government, nor would they be within the jurisdiction of the United States; they would be provided for by transferring them to the States to which they originally belonged. I have very little difficulty on that point. But I think it would be proper for the Judiciary Committee to inquire, and, if necessary, report a resolution instructing the Attorney General to make a case to determine this question. If the people of the county of Alexandria are governed by the State of Virginia against their rights, they should be relieved from that power, and they should be put under that authority to which they justly and properly belong, but that is to be done through the medium of the judiciary, not through our agency.

Mr. WADE. I am perfectly aware that this like every other law is subject to the opinion and action of the courts when it shall be brought before them. I have no doubt, and I presume there is no lawyer in the Senate who has any doubt, that the act of retrocession was an unconstitutional act, and therefore void; but those acts that lawyers and judges believe to be void are exceedingly embarrassing to the people, for their rights will be, for the time being, displaced by laws that are really unconstitutional, and men are frequently subjected to great hardship and great wrong by laws that are really unwarranted and unconstitutional and will finally be declared void. Such, of course, I regard this law to be. You may bring it before the courts and annul it in that way; but the reason why I suppose Congress ought to act upon the subject is that it makes a great difference to the people there whose rights have been displaced and outraged by this unconstitutional legislation, and they have a right to have Congress clear this unconstitutional law out of their way and put them *in statu quo ante bellum*. If we are clear that the law was unwarranted by the Constitution, that it was got up in troublous times, when men did not consider the full purport of what they were doing, or that it was for the nefarious purpose of obtaining a particular advantage in contemplation of what was subsequently done, in my judgment it is the right of that people, who never consented to the act, to have it wiped out of their way; and then if the other party contend that it was constitutional and that Congress had a right to pass it and no right to repeal it, let them contest it.

We are told that if it shall be determined that the act of retrocession is constitutional, we shall be in a very bad predicament by passing a bill to repeal it. Sir, is it possible that any lawyer will argue here that one Congress may pass a law that another cannot repeal? The act of retrocession, I think, was unconstitutional. Every gentleman that I have heard speak upon the subject believes it to be clearly unconstitutional. It is an incumbrance, however. It is a cloud thrown over the title of every man in that portion of the District who holds his property under the original titles, and who has a right to have them confirmed; and every man who has a right to live under the jurisdiction of the Government of the United States in that portion of the District has had a wrongful doubt or cloud thrown over his possession, and thrown over it, too, by Congress; and Congress ought to wipe it away if they so regard it. We ought not to suffer an unconstitutional law to rest on our statute-books a moment after we come to the conclusion that it is unwarrantable and wrong. It makes a great difference to the people of that portion of the District whether you repeal this law, wipe it out, and leave them as they were before, or whether you hold them to test the validity of a law that everybody supposes to be unconstitutional. I think it is the right of the Union people of Alexandria county to have this law that is supposed to be unconstitutional repealed.

If it is not unconstitutional it ought to be repealed. Undoubtedly if it is a constitutional law it is in our power to repeal it, and there are paramount reasons that should induce us to do so. The great reasons which induced our forefathers to make this District as large as it was originally, and to which I alluded before, are paramount reasons why we should preserve it in that position. Yea, sir, infinitely stronger reasons should move us now than did then. Their foresight was a prudent one. We suffered great inconvenience during the recent war because this jurisdiction was supposed, by this law, to be in old Virginia, which was hostile to and at war with us. I think I know that if it had not been for this unconstitutional legislation the southern States would have been invaded much sooner than they were, and with much greater efficiency. We were put back pondering over the question whether we would invade a sovereign State, and with two hundred thousand men on this side of the Potomac we stood hesitating a long time whether we would march them into a sovereign State. The enemy had possession there in that jurisdiction which belonged to us, and which this unconstitutional law had deprived us of. We gave them the advantage of quartering their troops in Alexandria and other strongholds in the District, where they could assail us.

I say, then, if the law was constitutional it ought to be repealed and the territory reannexed, for public purposes, for purposes of defense. For that matter, I do not care whether you say the act was constitutional or unconstitutional. If it was a constitutional law, the same reasons that induced those who laid out this District to lay it out of its original size, that they might defend themselves against aggression, should be insisted on now by us. If it was not an unconstitutional act, it was an exceedingly improvident act.

Mr. WILLEY. The Senator from Ohio will allow me to propound a question to him. I think I understood him to say that the law of retrocession should be repealed, although it might be constitutional.

Mr. WADE. Yes, sir.

Mr. WILLEY. Does the Senator believe it is competent for Congress, without the consent of the State of Virginia, to repeal the law of retrocession, provided it was constitutional?

Mr. WADE. I do not suppose that it is possible for any one to come to the conclusion that this joint act of three parties, as I said before, could be annulled by any two of them. When Maryland and Virginia made their grants and the General Government accepted them, it was the joint act of all, and cannot be annulled without the consent of all. Even if the act of retrocession was constitutional, I suppose it would be in our power to reacquire the territory, and that, too, against the will of Virginia and her Legislature. So I think. I do not see what right has attached to her. But, however that may be, we ought, in my judgment, to do more than to tell the men whom we have wronged by an act that we believe to be unconstitutional, to work out their own salvation through the courts. I think we ought to undo that which we have wrongfully done. I think it is due to those people whose rights have been infringed upon by our unconstitutional legislation, and it is no more than justice and right that we should wipe out this act, and if any one claims that its repeal is unconstitutional, let those who so believe and who regard the original law as constitutional test the question before the proper tribunal. Every Senator who has yet spoken on the subject seems to intimate no doubt that the act was wrongful and without constitutional authority. Let us give the benefit of that opinion to those Union men whose rights have been infringed upon by it, and let those who believe that it is a constitutional act take the initiative, with the burden on their pockets, of going into court and showing that it is constitutional. But let us legislate upon our convictions, and let us not legislate to the detriment of those who, we believe,

have been wronged. I have no doubt that this is a judicial question if we see fit to treat it so, and so are many other questions. Those who passed the original law did not so regard it. It was treated as a legislative question then, and it ought to be so with us.

Now, sir, I hope that the bill will be postponed until gentlemen's minds shall be turned to it more particularly than they are now, and we will take it up at a convenient season and endeavor to dispose of it.

The PRESIDENT *pro tempore*. The question is on the motion to postpone the further consideration of the bill until to-morrow.

The motion was agreed to.

MILITARY PEACE ESTABLISHMENT.

Mr. WILSON. I move to take up Senate bill No. 401, to increase and fix the military peace establishment of the United States, with a view to fixing a time for its consideration.

The motion was agreed to.

Mr. WILSON. I move that the bill be made the special order for to-morrow at one o'clock.

Mr. TRUMBULL. Before the question is taken on that motion, which I do not know that I have any objection to, I wish to inquire of the chairman of the Committee on Military Affairs in reference to another subject about which I am receiving a great many letters, and that is, when he proposes, or if he proposes at all, to take up the bill from the House of Representatives relating to the equalization of soldiers' bounties. It is a matter that I think the Senate should act upon. The country is looking for action, and I should like to know when the Senator from Massachusetts proposes to bring that subject before the Senate, if at all.

Mr. WILSON. In reply to the Senator, I have simply to say that the Committee on Military Affairs reported a bill on that subject some weeks since, before the bill alluded to passed the House of Representatives. The bill reported by the Military Committee of the Senate is a real equalization bill; the bill of the House of Representatives is not that, but it is something, and we propose to take up in committee to-morrow morning the House bill and the other bill and consider them together and see what we can do, and I think we shall have a report introduced on the subject.

Mr. TRUMBULL. That is entirely satisfactory to me. I think it important that the subject should receive attention. I think the country expects it, and I trust we may have a report that will satisfy the country upon that subject, and will in fact equalize the bounties of soldiers.

Mr. HOWARD. I do not rise to discuss the matter, but merely to say that that is a subject which the Committee on Military Affairs have had before them during a very large portion of the session, and to which their most anxious attention has been directed at numerous meetings, and I can assure the Senator from Illinois that the Committee on Military Affairs have been diligent in their attention to the subject, and that I expect before the present session shall close the bill to which he refers will be taken up and passed. I, for one, am strongly in favor of the equalization of bounties among the soldiers.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Massachusetts to make the bill (S. No. 401) the special order for to-morrow at one o'clock.

The motion was agreed to.

CHARLES M. STOUT.

Mr. WILSON. I move to take up House bill No. 641, for the relief of Charles M. Stout.

The motion was agreed to; and the bill (H. R. No. 641) for the relief of Charles M. Stout, late a second lieutenant in company E, seventh regiment Pennsylvania Reserve corps, was considered as in Committee of the Whole. It is a direction to the proper accounting officers of the War Department to cause to be stated the account of Charles M. Stout, late a second lieutenant of company E, seventh regiment Pennsylvania Reserve corps of volunteers, and to allow him pay and allowances as such officer

from the date of his appointment, by general orders of General McClellan, at Harrison's Landing, in Virginia, during the time he served as such officer, from August 1, 1862, to January 30, 1863, inclusive, the time he returned again to the ranks as a private soldier, and to pay the amount due to him or his legal representatives.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

EXECUTIVE BUSINESS.

Mr. GRIMES. I move that the Senate proceed to the consideration of executive business.

Mr. TRUMBULL. I hope not at this early hour; it is not half after two o'clock; and there are some important bills that we want to act upon. The Senator from Vermont [Mr. POLAND] has a bill which he has been trying every day for a week to get the floor to call up.

Mr. GRIMES. What is that?

Mr. TRUMBULL. A bill in relation to payment for quartermaster's and commissary stores.

Mr. GRIMES. That is a bill which has been contested here day after day, and one which we ought not to proceed to the consideration of when there are not more than ten or twelve Senators here, not more than half a quorum.

Mr. TRUMBULL. Many Senators are about the building who will be here as soon as the yeas and nays are called.

Mr. GRIMES. I am opposed to going on with legislation of such magnitude when there is nobody here to transact the public business.

The question being put, there were, on a division—yeas 12, noes 5; no quorum voting.

Mr. TRUMBULL called for the yeas and nays, and they were ordered.

Mr. TRUMBULL. I wish to state, as several Senators have come in since the motion was made, that there is important legislative business, and now we are trying to get up a bill that has been considered several times in the Senate and postponed by the expiration of the morning hour—a bill providing for payment for commissary and quartermaster's stores—in my judgment a bill which ought to be passed, which is due to the loyal men who have not received pay. It is extending the law which we now have to other portions of the country. I hope the motion to go into executive session will not carry at this hour.

The question being taken by yeas and nays resulted—yeas 12, nays 16; as follows:

YEAS—Messrs. Foster, Grimes, Henderson, Howard, Morgan, Nesmith, Norton, Nye, Sherman, Sprague, Sumner, and Wilson—12.

NAYS—Messrs. Clark, Cowan, Cragin, Davis, Guthrie, Harris, Hendricks, Howe, Lane of Indiana, Poland, Riddle, Saulsbury, Trumbull, Van Winkle, Wade, and Willey—16.

ABSENT—Messrs. Anthony, Brown, Buckalew, Chandler, Conness, Creswell, Dixon, Doolittle, Edmunds, Fessenden, Johnson, Kirkwood, Lane of Kansas, McDougall, Morrill, Pomeroy, Ramsey, Stewart, Williams, Wright, and Yates—21.

So the motion was not agreed to.

PAYMENT FOR ARMY SUPPLIES.

On motion of Mr. POLAND the Senate resumed the consideration of the bill (S. No. 217) to provide for the payment for quartermaster's stores and subsistence supplies furnished to the Army of the United States, the pending question being on the amendment proposed by Mr. SPRAGUE to strike out, in line eight of section one, "Quartermaster General of the United States," and insert "Secretary of War;" to strike out, in line ten of section one, "Quartermaster General," and insert "Secretary of War;" in section two, line six, strike out "Commissary General of Subsistence" and insert "Secretary of War;" and in lines eight and nine of section two, to strike out "Commissary General of Subsistence" and insert "Secretary of War."

Mr. POLAND. I hope the amendment will not prevail. The provisions of this bill are precisely the same as those of the act of July 4, 1864, providing for payment for quartermaster's stores and subsistence supplies in the loyal States. This bill merely extends the pro-

visions of that law over the whole country; and the Quartermaster General's office and the subsistence department have had the subject of allowing these claims under the law of 1864 until the present time, and if this amendment should prevail and the matter should be given to the Secretary of War, of course the business must be done in some of the subordinate departments of that office, and I see no reason why it may not as well be left, as it was by the law of 1864, to be determined by these departments, and go from them to the Third Auditor, according to the existing law.

The amendment was rejected.

Mr. TRUMBULL. I move to add the following by way of proviso to the bill:

Provided, That the claimant must in proof of his loyalty establish by evidence that from the time his claim accrued and ever since he has firmly and faithfully maintained his adherence and allegiance to the Government of the United States by defending its cause against the government and forces of the so-called confederate States of America, in all suitable and practicable ways and according to his ability and opportunities.

The amendment was agreed to.

Mr. HOWARD. I had occasion, sir, the other day when this bill was before the Senate, to make some remarks upon it, and to say that I was opposed to the passage of such an act. It is very true that the amendment which has just been adopted by the Senate in regard to the evidence of loyalty of the claimant relieves it somewhat of the objections I entertained to it; but it does not by any means remove all my objections.

The operation of the bill, if it shall become a law, will not be restrained, as was that of the act of 1864, to the States in rebellion, but will affect every State of the Union, whether loyal or disloyal; and under the bill, every man in a disloyal State whose property has been taken will be enabled to present his claim to the Quartermaster General or Commissary General, as the case may be, for indemnification out of the Treasury of the United States for property thus taken. I do not recognize this as a sound principle of legislation so far as the insurgent States are concerned. It is the theory of our Government that the majority in a State shall rule, and such is the practice. Every one of the insurgent States was carried out of the Union and involved in the rebellion either by the direct vote or by the assent of a majority of its citizens. In 1861, at the breaking out of the war, Congress passed an act by which the President was authorized to declare States and parts of States in insurrection against the Government. In pursuance of that general law, he, from time to time, issued his proclamations informing the world that these States were in insurrection, until eleven States of the Union were involved in that denunciation. As I said on a former occasion, these insurrectionary States and all their population, old and young, male and female, loyal and disloyal, became, in law, and to all practical purposes, the enemies of the United States; and became such under an act of Congress, for the proclamations were all issued in pursuance of that act.

Now, sir, here is a proposition to allow every person throughout the rebel districts whose property may have been taken in the regular and necessary operations and movements of our armies to put down the rebellion, to claim an indemnity for property taken by our Army in the course of those necessary operations. The insurgent States, as political communities, were, in the sense of the laws of war and the laws of nations, the enemies of the United States, and all their property, no matter of what kind or description, was liable to be seized in the course of the operations of the war by the Union armies who entered their territory, and liable in precisely the same sense that the property of alien enemies in a foreign country would be liable to be taken and used by the Army of the United States that should enter its territory in the prosecution of a war.

It was the misfortune of loyal men who happened to be within the insurgent districts that

their property was thus taken. It was their misfortune to reside in a community the majority of which became, by their voluntary act, the enemies of the Government; but, sir, I submit it is one of those misfortunes which cannot be guarded against. It is one which befalls every people against whom a war is carried on. It might be claimed of the United States with equal consistency that they should pay persons residing in a foreign country with whom we should be at war a like indemnity simply upon the ground that they were at heart friendly to the United States, although in a hostile country. Such a payment out of the public Treasury would be an anomaly in the history of war. Mr. President, I have as much commiseration for the Union men in the rebel States who have been overborne and oppressed by the majority as any other member of the Senate; but I cannot consent to indemnify them simply because they happen to be thus unfortunate. It is one of the misfortunes which the individual must bear, and does bear in all other cases of war, unless the evil has been removed or alleviated by the treaty of peace, which sometimes takes place.

Now, sir, can the honorable Senator from Vermont, who urges the passage of this bill, inform the Senate what amount of money is likely to be claimed and taken out of the Treasury to furnish the indemnity this bill will require? He informed us the other day that probably it would only call for some few millions. What warrant has he for saying that it will only call for a few millions? Does he not know, do we not all know, that these claims will spring up as thick and as pestilential as the frogs of Egypt, in every nook and corner of the late confederacy? His reply is, that only loyal men will be allowed to prosecute their claims, and that such, and such only, can come into court or go before the Commissary or the Quartermaster General. Sir, the history of this rebellion has developed satisfactorily to my mind a state of morals on the part of the rebels which forbids me to place any confidence in their oaths or assurances. The whole thing from beginning to end, both at home and abroad, has been a continuation of the basest perjury and perfidy that could be committed. Will it be difficult among such persons to find witnesses to come forward and swear that A B, although a blood-stained rebel from the beginning to the end, was nevertheless a good Union man at heart, and that he always spoke in favor of the Union on all proper occasions, as required by the amendment of the Senator from Illinois? Sir, under this bill I can prove by witnesses to be called from the rebel States any claim belonging to any person, not even excepting Davis himself, or Lee; I can multiply witnesses by the score who will swear that the claimants are and ever have been loyal men. It costs them nothing. They have no conscience about it. They would as soon swear that black is white or white black if thereby they can get money out of Uncle Sam's Treasury and put it in the pockets of their friends. I will not open the Treasury to so great a danger, one which in its effects hereafter is so well calculated to impose, and which must indeed inevitably saddle the United States with an enormous amount of unjust debt—a debt which is to be counted by millions upon millions and thousands of millions before these claims will all be settled and adjusted. Sir, I am opposed entirely to the enactment of any law on the subject going beyond the limit fixed in the act of 1864, which allows persons whose property has been taken in the loyal States and receipted for to present their claims.

Mr. HENDRICKS. I am not willing to admit that the relation existed between the true men of the country and the Government during this war which the Senator from Michigan says the law of war establishes. I do not believe that a citizen of one of the southern States, if he were true to the Government, became, because of the insurrection, an alien enemy in the sense defined by the laws of war. But suppose the proposition of the Senator to be true; suppose that the law of war does fix

their relation as he describes it; and suppose that it be a legal right of the Government to take the property of citizens in the enemy's country for the public use, is he in favor of exerting that right of war against a man in the Southern States that has stood out against the rebellion, that has been true all the while to the country, that was true under circumstances of embarrassment that no man in the North experienced?

Mr. HOWARD. If the Senator will allow me, I will answer his question.

Mr. HENDRICKS. Certainly.

Mr. HOWARD. That is not a question for me to decide. That is a question to be decided by the commander in the field who is leading the army, and who is to be the judge of the necessity of taking the private property of persons, citizens of the community where he is, in the act of prosecuting the war. That is not for me to determine.

Mr. HENDRICKS. I think this bill makes the question for the Senator and each Senator to decide. We must decide upon the question of right and conscience, whether we ought to take the property of a true man in the southern States, a man who, against the force of popular opinion, in presence of personal dangers, stood up for his country in the war—whether we shall visit upon him the stern rule which may be enforced against a public enemy. As a matter of conscience and right, merely because there may be a technical right which we can enforce, shall we do it? I think it is not right to do it.

But, sir, this country has not been in the habit of enforcing that right of war to which the Senator from Michigan refers. When our columns invaded Mexico our commanders did not choose to treat even the Mexicans, who were unquestionably foreign enemies, in the sense and manner which the Senator now demands against our own citizens in the southern States, but when our commissary and quartermaster's departments took supplies for the Army from the people of Mexico, they were paid, and paid the full value, so that when our Army passed over a section of country it left friends instead of enemies; and the whole body of our people approved the policy adopted by General Scott and General Taylor in that regard. And now a principle and a policy which we adopted wisely, and which was approved by the country in a war against a foreign Power when our Army invaded that foreign country, is not regarded by the Senator as proper to be extended to the true men of our own country in the late controversy. Mr. President, I cannot understand this at all. I cannot understand why a loyal man in the South shall not be paid for any article that he has supplied to the Army.

My objection to this bill when it was before the Committee on the Judiciary and we were considering it there was, that it did not go far enough; that it did not take away the adjudication from the Quartermaster General who, in regard to these claims, is exceedingly close and hard, while in other respects the money goes by the millions. That is the objection I have to the bill; but I did not suppose any Senator would say that a loyal man in the South who is entitled to peculiar regard should not be paid for his property when that property went to feed the soldiers and horses of our Army, simply on the ground that we may claim a technical rule of war against him. I do not think we have that claim. I do not think such men were foreign enemies. I think they were citizens within the limit of our own country struggling for that country. These are the plain views that will govern my vote upon this question.

Mr. NESMITH. I cannot reconcile the position taken by the Senator from Michigan with my ideas of justice in a case of this kind. However true it may be that one great nation warring against another may have the abstract right of seizing and using private property for public use, it is a right that is very seldom resorted to. The Senator from Indiana very

correctly states that in the war with Mexico we refrained from exercising any rights of that kind, and invariably paid for all property taken. No property was confiscated excepting public property. If we were in the habit of exercising that forbearance with a foreign nation, and if that leniency is universally exercised by civilized Governments toward one another, I think it hardly becomes us to adopt a rule at this time that will be so oppressive on the Union men who adhered to the Government in the southern States during our recent rebellion. Why, sir, if the idea had been proclaimed at the commencement of this war that the property of every man in the South would be taken, no matter what his convictions were or how strong a friend he was of this Government, how many friends should we have had there? We should have driven every man from the support of the Union cause. I think the proposition is monstrous, to say that the property of a man who, living in that country and contending against all obstacles, adhered to the Government, should be seized, and that he should receive no compensation for it.

Sir, I do not believe in the theory advanced by the Senator from Michigan, that the fortunes and condition of every citizen of a State follow the condition of a State or follow any theory that the State may adopt. If the majority of a State see proper to go into secession against the wishes of a minority, I think the minority have rights that are entitled to protection. I do not believe that every man becomes a rebel because he happens to live in a rebel State. Why, sir, it was only a few days since that the Senator himself made a speech in favor of paying Mr. Pettigru, of South Carolina, for his library; Mr. Pettigru, who, under the very construction that the Senator places upon this question of national law, must have been a rebel himself. If the condition of Mr. Pettigru, he living in a southern State, necessarily followed the condition of the State, then the Senator from Michigan perpetrated a gross and palpable wrong in voting \$5,000 to a man who was a rebel, not personally a rebel, but who became a rebel by virtue of a majority of the people of his State being rebels, although at the same time the Senator admitted that this man was loyal himself. If Mr. Pettigru's library or Mr. Pettigru's property had been taken for the use of the United States, I should think he would have just as much claim for pay for it at the hands of the Government as he had for pay for a library which the United States had never taken from him. I think the position of the Senator upon the pending question and the one which was under consideration the other day is grossly at variance.

Mr. HOWARD. I am not able to see the inconsistency that the honorable Senator from Oregon imputes to me. What was the case of Mr. Pettigru? So far as the precedent cited by the Senator has anything to do with this case, it is this: Mr. Pettigru was a Union man in sentiment, and so remained until the time of his death, which was sometime after the breaking out of the war. He left a large professional library, which his heirs or representatives proposed to sell to the United States. When that proposition was before the Senate, I voted to buy the library, and to give a *quid pro quo* simply to the heirs of Mr. Pettigru. With that very simple transaction I do not conceive that the laws or usages of war have anything to do, or that they have any sort of application in the remotest degree.

It is very true, probably, that during the invasion of Mexico by General Scott there were occasional payments to the enemy for property furnished by them and sold to the Army and used by the Army; but the Senator from Indiana will not undertake to say, I fancy, nor will the Senator from Oregon, that such a thing as foraging upon the enemy while the Army was in Mexico never took place. According to my recollection, and I was not inattentive to the events which transpired during that war, the system of foraging and seizing private property for the use of the Army without com-

pensation was as general on that occasion as in other modern wars; and certainly the Government of the United States have never been called upon to pay to the friends of the United States residing in Mexico any money or other compensation for the seizure of private property belonging to them during our military operations in that republic.

Mr. NESMITH. I will undertake to correct the Senator there. There have been immense claims preferred to this Government of the very character of seizures that he speaks of, and a great many of them have been paid—claims of citizens of the United States residing in Mexico whose property was seized during the war.

Mr. HOWARD. I am not talking about citizens of the United States; I am talking about Mexicans who were national enemies at that time. I have yet to learn that they have made any such application, much less that the Government of the United States has paid them—Mexican citizens and public enemies—for property taken from them without compensation by the American Army in its operations in Mexico. I fancy the Senator will not be able to produce a single instance of it; and I presume that no Senator can produce a single instance of the kind in the history of all wars, ancient or modern, where the Government has stepped in and paid a public enemy for property taken by its army in the course of its regular operations.

The Senator from Indiana insists that the insurgents are not to be treated or considered in fact or in law as alien enemies. I have not so stated. I have never intimated that they were aliens; but that they were enemies and belligerents for the purposes of carrying on the war is evidenced by the whole course of our proceedings from the beginning to the close of the contest. It is not necessary that a party should be an alien in order to become an enemy. Sir, the very necessity of the case imposed upon us the duty, growing out of motives of humanity and the observance of the laws of war as connected with humanity, to recognize them as belligerents, and of course as enemies for that purpose. We recognized their whole communities as enemies.

Mr. SAULSBURY. I simply wish to refer the honorable Senator to a case. I suppose that if it is proper to pay for the destruction of the property of a Union man in one of the revolted States, it is equally proper to pay for the property which was taken in those States. During this present session of Congress you passed an act giving \$10,000 to a gentleman residing in Virginia, and that was one of the States in revolt, on account of damages done to his property; and if you give \$10,000 on account of damages done to a Union man's property in Virginia, why should you not give compensation where you take his property and use it?

Mr. HOWARD. I am not aware that any such law has passed Congress.

Mr. SAULSBURY. I allude to the case of Armes.

Mr. HOWARD. That has not passed and is not a law.

Mr. SAULSBURY. It passed the Senate.

Mr. HOWARD. No, sir.

Several SENATORS. It did pass, but was reconsidered.

Mr. HOWARD. At all events it has not become a law. There may be exceptional cases presenting individual hardships of peculiar character, invoking the humanity and the benevolence of Congress, and invoking relief. We have ground to expect that there are such cases. When such a case shall be presented, I shall be entirely willing to consider it upon its individual merits; but I will never agree—and I do not think the Senate ought to agree—to pay for all the property which may have been taken even from Union men in the rebel States during the prosecution of the war. Sir, it was a misfortune brought upon those men, in common with all other people in the State, by the declaration and prosecution of the re-

billion against the United States; and I will never consent to take the money of my constituents, their hard earnings, and hand it over to a quartermaster or a commissary general to be paid to a man who, notwithstanding the witnesses and proofs he may adduce of his loyalty, may have been, and in most cases will turn out to have been, an arrant rebel. I am not to be deceived and trepanned in this way. I will grant as readily as any gentleman relief in individual cases where the proof is clear and undoubted; but I will not put this immense power of granting or withholding this relief into the hands of a subordinate officer of the United States who may proceed to hear the case *ex parte*, and to make up his mind upon perjured testimony, where it will be impossible for us to hold the officer to anything like a proper accountability. The whole thing, in my judgment, is loose and in the highest degree dangerous to the country, and especially to the Treasury.

Mr. WILSON. I move to amend the bill by striking out in the sixth and seventh lines of the first section, after the word "same," the words "or which may have been taken by such officer without giving such receipt;" so that it will read:

That all claims of loyal persons, not exceeding \$500, for quartermaster's stores actually furnished to the Army of the United States and receipted for by the proper officer receiving the same, may be submitted to the Quartermaster General, &c.

I believe it was the common practice during the war for officers of the United States seizing individual property to give a receipt for that property, when the officer seizing it believed that the individual owning it was loyal to the United States, or well disposed to the United States, and I take it there was very little property taken during the war from persons who had any pretense to be loyal men that was not receipted for by the officer taking that property. If we are to pay for that property for which a receipt was given, we shall know something as to where we are; but if we are to allow the provision to stand that I have moved to strike out, that any person who had property taken, or had not, who can trump up a case may go before the Quartermaster General or Commissary General and prove that he had property taken, I think we shall throw open the Treasury to claims of millions upon millions of dollars all depending upon the oaths of men whose oaths we know never were worth anything whatever, and have been proved so, and are proved so to-day. Why, sir, a year ago all through the country from the Potomac to the Rio Grande, everybody was professing to have done but very little during the war; they were very good friends of the United States; they were forced into doing what little they did; there was a power somewhere that, contrary to their wills, put them into the war. That was the common talk. To-day, from the Potomac to the Rio Grande, there is boasting of what has been done. Everywhere they tell us how much they did, not how little they did; that they went into the rebellion voluntarily; and if we are to believe what we are told now, there was hardly a loyal man during the war in the rebel States, and in many of those States not any. Perhaps if we pass this bill we shall have another pretense of loyalty, and thousands of men who were enemies of the country during the war will trump up evidence and come upon the Treasury of the country, and profess that they were quite loyal during the war, because the Treasury will be open to the oaths that they will present to us.

Now, sir, if this amendment shall be adopted I am willing that the bill shall pass to allow men who hold the receipts of this Government to have their cases examined. Many of those men were not loyal. Our officers were very kindly disposed toward the people of the South. Everybody knows the social influence that was exerted upon them during the war. Everybody knows how many of those officers were persuaded to say things and do things and sign papers that they ought never to have done. But, sir, let us provide that the persons who hold certificates

for property taken may come forward and prove their cases, and let us wait awhile at any rate before we open the Treasury of the United States to the innumerable claims that will be made, for I take it that every man that has lost a horse or an ox or a bushel of corn or anything else during the war by our armies or by the rebel armies will try to find his way to the Treasury of the United States to get pay. The rebel treasury is gone; they cannot go there for it; and we shall not only have to pay millions of dollars for what our own armies took, but for what was taken by the rebel armies, if we are to allow those who have not the certificates of an Army officer that they had their property taken at all to make up cases. I take it there is no difficulty in making up a case. We all know the oaths that have been violated during this war. We know the oaths that have been taken since the surrender of Lee's army. We all know that oaths have come to be of very little account when they are in any way directly or indirectly connected with this rebellion, so far as any persons that have opposed the Government are concerned. I hope, sir, that this amendment will be adopted, that we shall deal with the loyal people who have certificates from officers of the United States that their property was taken for the use of our armies, and that persons who have no such certificates will, at any rate, not be provided for at the present time.

Mr. EDMUNDS. I am very much surprised at some part of the observations of my friend from Massachusetts, particularly in respect to the state of entire treason which he supposes to have existed at the South, and which seems to be the basis of his opposition, in a degree, at any rate, to the repayment to loyal, patriotic men, if there be any such there, of the cost of supplies which went to furnish our armies. I have always been taught to believe that when this rebellion broke out there were thousands and hundreds of thousands of citizens of the southern States who were just as loyal, in the highest sense of the term, to this Government and to our flag as the Senator from Massachusetts was, or as myself.

Mr. WILSON. I am sorry the Senator is so misinformed.

Mr. EDMUNDS. It has been contended so by all political parties; it has been assumed to be so by every sane man on this continent down to this day, I believe. What is the evidence of it, if we must go into evidence upon that subject now? Were we not told during the war, and at times by the Senator himself, I think, that a large proportion of the population of the South—I do not mean a majority, but a large proportion—were trying to escape from rebel conscription; that they were seeking every avenue to evade and avoid resisting the laws of the United States; that they were hunted with blood-hounds and with soldiers and with every ingenuity which could be brought to bear to bring them into opposition to the flag? Is all this a delusion? Is all this a dream that we have been dreaming for these years? And are we to take it as true now that there was a universal treason in the South?

Mr. WILSON. I did not say "universal."

Mr. EDMUNDS. Universal in substance and in effect. My friend from Massachusetts says he did not say "universal." No, he did not; but what he said was tantamount to universal; and that is, that the whole body of southern society was rotten with treason. I do not believe it, sir. All the evidence that we had proved directly the contrary. The evidence of the rebel government itself, its official acts from the beginning to the end, prove the contrary, and prove the truth of the fact that all through the South, in the worst and most traitorous districts, there were still apostles and martyrs of liberty every day and every year. It is true, as my friend from Michigan says, that by a fiction of law or some particular legal contrivance that he describes, they became legally enemies, although at heart they were patriots. That is another question.

Now, sir, let us look a little further at this

state of southern society. What was the report to us from the armies of the West, who, as they went down the Mississippi and across the country to the ocean, had some opportunity to observe the state of southern society? Have we not been officially told that Sherman's army got thousands of recruits among southern white men, who hailed with joy the opportunity to shed their blood to regain the liberties that treason had deprived them of? Are they traitors? I should be glad to have the Senator from Massachusetts tell me. If they are traitors, they are the kind of traitors that I like.

Look at it in another point of view, supposing it to be true, taking it for granted that there are some really loyal, honest men in the South, men who still have some respect for oaths; and I am bound to say that I differ from the Senator from Massachusetts on this question of oaths in a degree, because it is within our experience in this Senate, at any rate, that cases are arising numerously every day in which we find that even rebels have some respect for oaths, because we are puzzled, the Treasury is puzzled, the internal revenue is puzzled, the Government is puzzled, to find men who are willing to swear that they have not been rebels, to whom offices are to be intrusted. If there was so much of perjury there it would be a very rare thing, indeed, that we should find any difficulty in selecting suitable men, because they would all be willing to commit perjury; but it would seem that there is some respect paid to oaths even by a man who has been a traitor. It does not necessarily follow that the greatest rebel in the world, (and who would have been a patriot if unfortunately he had been successful,) may not, upon occasions, as the English dramatist tells us, tell the truth.

We are desirous of consolidating this Government, of making it again homogeneous and perfect in its relations to all its parts, and the relation of all its parts to the whole. We are to provide not only indemnity for the past, to use an old phrase, but security for the future. We are to provide, as far as human wisdom can, against future rebellions. We are to make treason dishonorable, unprofitable, distasteful. We are to hold out inducements to patriotism, and to hold out the opposite to treason. How are we to do it? We have had the experience of a rebellion; and the moment the rebellion is over and those men who have been true and faithful to us, who have fed our armies as they advanced, come forward and ask for the citizen's compensation, we tell them, in the language of my friend from Michigan, "I am very sorry for you; you are a good man; you are a true patriot at heart, but by some fiction of law which the lawyers have discovered, you became a traitor when you did not know it."

Mr. HOWARD. No fiction; a fact.

Mr. EDMUNDS. "By some fact of law which the lawyers have discovered, you became a traitor when you did not know it; you went to sleep an honest man and you woke up a traitor; legally you deserve to be hung, and it is only the grace of the sovereign power which saves you, as it does a good many other traitors who are morally more guilty than you are, from that condign punishment. In addition to that, we wish to inform you a little further," in the language of my friend from Massachusetts, "that we have not any faith in you at all. You may run away from the rebels; you may hide in the mountains, and the moment the star-spangled banner appears among you, you may seize a gun and fight it out under Sherman to the sea, to the last, to restore the old authority, and then we will tell you you are nothing but a perjured traitor, and had better be gone about your business." Now, I undertake to say if you use a set of men who are really loyal in that way, the next time a rebellion occurs they ought to be on the rebellious side. I would be if I were in their position; and so would every Senator who hears me, because it outrages that sense of justice which is implanted in every man's bosom.

Now, what is this legal fact or legal fiction that my friend from Michigan advances? That is the Rubicon with him. If he could only pass that he might be disposed to do justice to these men. It is that by force of the acts of secession passed by the States all loyal men in those States became traitors by relation of law—public enemies upon whom the Government had a right, under its war-making power, to levy forage and to make war, and to despoil them at its will.

Mr. HOWARD. I desire to correct the honorable Senator from Vermont. I did not say, nor did I intend to say, nor do I believe, that a man became a traitor, as he repeats over and over again *ad nauseam*, under the act of 1861, declaring certain States to be in insurrection. What I said was, that they became belligerents, became hostile, became enemies of the United States. It does not follow because a person is an enemy of the United States, being an insurgent, or being embraced within an insurgent community, that he is, therefore, a traitor and guilty of treason. That is a fact which remains to be proved against him as an individual growing out of his individual acts.

Mr. EDMUNDS. Mr. President, that is a distinction, if it be one, without a difference. Now, my friend says that these people, although they might not have become traitors, levying, under the Constitution, overt acts of war, to be proved by two witnesses, and therefore punishable, became belligerents; they became enemies; they became hostile to the Government by operation of law. He had just told a Senator on the other side of the Chamber that they were not alien enemies. Then they were citizen enemies, persons owing allegiance and duty to the Government, and being in a condition which is openly hostile to it, belligerents against it, enemies of it. How much that lacks of being a traitor! I should be glad to have the gentleman, at some convenient opportunity, inform me and the other Senators.

But say he is not a traitor; say he is an enemy; I do not know, for one, that any such legal result has been produced by any act or pretended act of secession whatever. I am one of those who have been brought up in the old notion, that this is a Government of the people, and that within the scope of the constitutional powers of this Government it operates upon the people as individuals, and not upon the States as sovereignties. We make no law operating upon States. We never have made a law operating upon States, and we never shall. We have no relations with the States of this Government except those that the Constitution prescribe in respect to organizing a form of government and in respect to the Governors of States appealing to us for protection against domestic violence. If this be within the limits of the Constitution a Government of the people, it operates directly upon the people, upon the individual citizen, whether he be in Maine or in Virginia; and if that individual citizen bands himself together with all the other citizens in the State, save one, in levying war against that Government to whom they owe allegiance and subjection, is that other one therefore an enemy? I should be glad to have the Senator from Michigan tell me if the inhabitants of some county in his State should get up an insurrection against a State tax and levy war against the State, whether those who resisted that war, who were willing to pay the tax, who would not take up arms, became hostile to the State and subject to the pains and penalties which are duly imposed upon enemies of the State.

Mr. HOWARD. I will answer the Senator, if he pleases, now.

Mr. EDMUNDS. Certainly; that is why I asked the question.

Mr. HOWARD. If the government *de facto* of the State, in accordance with its constitutional authority, as was the case with Congress, had found it necessary to declare, and had declared, that a certain portion of the State, consisting of counties A, B, C, D, were in insur-

rection against the rightful authority of the State, the whole population of those counties, in the sense of the laws of war, would become enemies of the State. It would be a case precisely parallel with that which has existed and through which we have just passed. I need hardly inform the Senator from Vermont that the question as to the character of even loyal people residing in the insurrectionary districts has been solemnly argued before the Supreme Court of the United States, who have decided that the whole people within the lines of bayonets were the enemies of the United States. I think that is an answer to his entire interrogation.

Mr. EDMUNDS. Mr. President, I do not agree with the Senator from Michigan in his construction of the decision of the Supreme Court to which he refers, by any means whatever; and I undertake to declare that if it bore that construction, it is not only an outrage upon law, but an outrage upon the good sense of this whole people, and that it will be reversed the first time it is brought in question. But I have yet to learn that any such decision as that which my friend has stated has been announced as the deliberate opinion of the Supreme Court of the United States. If so, I fail to put the construction upon it which I ought to have put, in the estimation of the gentleman.

One word more, sir, and I shall have done. My friend says that the Government *de facto*, that is the Government of the United States, has found it necessary to declare certain districts in insurrection, and therefore that the General Government has undertaken to declare, and has in fact declared, that all the people within those districts were in insurrection. I deny that there is any such declaration on record from the Government of the United States. I undertake to declare that the true construction of these acts of ours has been that within certain districts of territory an insurrection existed, without undertaking to define whether it was the whole people or a part of the people who were engaged in that insurrection; leaving it for the courts of law and the process of time to determine upon whom, and how far, the weight of this legal warfare should operate. That is the construction that I put upon the acts of Congress and the acts of this Government, and, in my judgment, it is the only true construction.

But suppose, for the sake of the argument, that I am mistaken in that; suppose that by the laws of internal warfare, that is, the laws of war operating as between rebels upon one side and a lawful Government upon the other, and in a case where the rebellion is not carried to that crowning point of success which makes it a complete war and a war of independence; I defy the gentleman to produce any authority, from the foundation of the world to this day, which declares that when that rebellion is put down any man who did not personally aid and assist in that rebellion had his legal or civil rights changed a particle. No such authority can be found anywhere. But suppose there could; suppose that by relation and operation of law, against justice and against common sense, innocent and loyal and patriotic persons who were refugees and hunted, and traitors against treason in their own land, had become, by relation, enemies of ours. If that be so, would it not follow as a matter of course that the very moment the armies of the United States repossessed themselves under Federal authority of this territory, the persons who were then within their reach and under their protection became transmuted again, by operation of law, into real patriots and orderly and peace-loving citizens. If they did, if the same acts which, by relation carried them out, again being reversed brought them in again, and they then supplied the armies of their country with provisions, ought they not to be paid for them?

But, Mr. President, I rose only to enter my dissent against this idea of a universal treason by relation, and had not intended to occupy so much time as I have.

Mr. SUMNER. This question has already

been opened to debate. Senators, I think, have become aware of its magnitude. I doubt if they are disposed to act upon it definitely. There is some business on the table of the Senate which ought to be disposed of in executive session; and therefore I move that the Senate now proceed to the consideration of executive business.

Mr. CLARK. I hope not. We have had the bill now before the Senate under consideration two or three times before, and it is desirable that it should be disposed of; and now that we have got fairly into the discussion it seems to me it will be more profitable and better advance the public business if we continue it and dispose of it this evening, than to change and take up something else.

Mr. SUMNER. I think that the Senate had better reflect upon it now. The case has been fairly opened to-day, and Senators have become aware of its magnitude. I doubt if they were before.

Mr. TRUMBULL. It has been discussed this much three or four times before.

Mr. CLARK. So far as I am concerned I do not need further time for reflection. I am, of course, very glad to hear and will consider all the arguments made upon the one side and the other; but I have given it a great deal of attention. I have given it attention in committee and in the Senate, and my mind is made up upon it as to what is just for the Government to do, and that is, to protect and pay its citizens wherever it finds them, whether in loyal or disloyal territory, if they have claims against the Government. I cannot now go into this debate, as the motion is to go into executive session, but I propose to do so if the discussion is continued.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Massachusetts.

The motion was agreed to, there being, on a division—ayes 15, noes 13, and the Senate proceeded to the consideration of executive business. After some time spent in executive session the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, July 5, 1866.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. C. B. BOXTON.

The Journal of Tuesday was read and approved.

CONTESTED ELECTION.

Mr. PAINE. I rise to a question of privilege. I gave notice some days since that on Tuesday of this week I would call up the contested-election case of Fuller vs. Dawson, from the twenty-first district of Pennsylvania. I was, however, unable to obtain the floor on Tuesday, and I now call up that case for action. It has been suggested by the chairman of the Committee of Ways and Means and by many other gentlemen that it would be best to postpone the case till after the tariff bill is disposed of by the House and sent to the Senate. This seems to me to be reasonable. At the same time I submit this case to the House under instruction from the committee, and I have no alternative but to insist upon its being taken up for action unless the House sees fit to order otherwise. If the House desires to postpone it until after the tariff bill is disposed of, I have no objection. I think, however, that the parties ought to have an opportunity to be heard even if that motion is made.

Mr. SPALDING. I desire to give notice, as I have been inquired of often, that I will call up the question of privilege in the case of the member from Kentucky, [Mr. ROUSSEAU,] and the member from Iowa, [Mr. GRINNELL,] as soon as the tariff bill is acted upon—the first thing after it is disposed of.

Mr. DAWES. I hope the gentleman will not call it up before the election case. I insist that that shall be the next thing after the tariff bill.

Mr. MORRILL. I desire to say that the

postponement of the tariff bill for any other question will inevitably prolong the session of the House that much. This contested-election case may be considered after we get through the tariff bill, and will not prolong the session of the House because we will have plenty of time. I therefore move that this question be postponed until we get through the subject of the tariff.

Mr. PAINE. I wish to give notice that I cannot consent that the contested-election case shall be postponed until after the case referred to by the gentleman from Ohio, [Mr. SPALDING,] I desire that the contested-election case shall have precedence of that.

Mr. SCOFIELD. I only wish to say that the contestant in the Pennsylvania contested-election case is not here now, and I suppose cannot be here before Monday. It is probable that the tariff bill will not be disposed of much before the close of the week.

The question was taken on Mr. MORRILL's motion to postpone the contested-election case; and it was agreed to.

PROBATE OF WILLS IN DISTRICT OF COLUMBIA.

Mr. PATTERSON, by unanimous consent, introduced a bill to provide for probate of and for the recording of wills of real estate situated in the District of Columbia, and for other purposes; which was read a first and second time and referred to the Committee for the District of Columbia.

ADOPTION OF CHILDREN, ETC.

Mr. PATTERSON also, by unanimous consent, introduced a bill to provide for the adoption of children and changes of names in the District of Columbia; which was read a first and second time and referred to the Committee for the District of Columbia.

GUARDIANS OF LUNATICS.

Mr. PATTERSON also, by unanimous consent, introduced a bill to amend an act entitled "An act to enable guardians and committees of lunatics appointed from the several States to act within the District of Columbia," approved March 8, 1864; which was read a first and second time and referred to the Committee for the District of Columbia.

Mr. MORRILL. I call for the regular order of business.

UNION PACIFIC RAILROAD, EASTERN DIVISION.

The SPEAKER announced as the business first in order, its consideration having been postponed until immediately after the reading of the Journal to-day, bill of the House No. 753, explanatory of an act to amend an act entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri river to the Pacific ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," approved July 2, 1864.

The bill was read. It provides that nothing contained in the act described in its title shall be so construed as to enlarge the grant of land made to the Union Pacific Railroad Company, eastern division, by the act of July 1, 1862, and the act of July 2, 1864, nor to entitle said company to receive bonds of the United States on a greater number of miles than are embraced in the line of the road of said company between the Missouri river and the one hundredth meridian of west longitude as said line is indicated by the map heretofore filed by said company in the Interior Department, nor in any manner to interfere with the right of the Union Pacific Railroad Company to receive the bonds of the United States provided for in the said acts of July 1, 1862, and July 2, 1864, to aid in the construction of the road and telegraph line of said last-mentioned company, on its entire line from Omaha to the point where it may meet and join the road of the Central Pacific Railroad Company of California.

Mr. WILSON, of Iowa. I move to add at the end of the bill the following proviso:

Provided, That nothing in this act contained shall interfere with any rights conferred on the Central

Pacific Railroad Company of California by the second section of the act of which this act is explanatory.

I desire to say in relation to this amendment that it is feared by some of those who are interested in the construction of the California road that the terms of the bill would interfere with the right of that company to receive bonds on the portion of the line which they might construct east of the line of California. In order to avoid any possible construction which would lead to that result, I offer this amendment by way of protecting the interests of the California company. I ask the previous question on the amendment.

The previous question was seconded and the main question ordered; and under the operation thereof the amendment was agreed to.

Mr. LOAN. I ask the gentleman from Iowa to allow me to offer an amendment.

Mr. WILSON, of Iowa. I will hear the amendment read.

The Clerk read Mr. LOAN's amendment, as follows:

Add the following:
And provided further, That the Union Pacific railroad shall cross the one hundredth meridian of west longitude between the north bank of the Platte river and the south bank of the Republican river, in Nebraska Territory.

Mr. WILSON, of Iowa. I do not know that I have any objection to that. If I understand the amendment, it is merely to prevent the Union Pacific Railroad Company from running their line either north of the Platte river or south of the Republican fork. That I understand to be the law now. They are confined within those limits for the construction of their road. I know that they are constructing it upon that line. A great deal of the road, some one hundred and twenty or one hundred and thirty miles, has already been constructed, and considerable grading has been done on the remainder of the line east of the one hundredth meridian of longitude. Now, as I do not see that the amendment of the gentleman from Missouri [Mr. LOAN] changes either the intentions of the company or the provisions of the law, I have no objection to it.

Mr. STEVENS. I cannot conceive the necessity for the amendment which the gentleman from Missouri [Mr. LOAN] has offered.

Mr. LOAN. If the gentleman from Iowa [Mr. WILSON] will yield to me a moment I will explain why I offer this amendment.

Mr. WILSON, of Iowa. I will yield.

Mr. LOAN. By the bill of which this is explanatory it is provided, in the second section, that the Omaha branch of the Union Pacific railroad may run its road to any point that it sees proper, without regard to the initial point fixed by the act of July 1, 1862. That gives it the whole range of the territory as far north as it pleases. Now, if that road is to have the benefits conferred upon the Union Pacific railroad, I think it ought to be confined within the limits prescribed by the charter. Now that this change has been made, I think it is necessary to have this amendment to confine them within proper limits.

Mr. WILSON, of Iowa. I now call the previous question upon the pending amendment.

The previous question was seconded and the main question ordered; and under the operation thereof the amendment was agreed to.

The question was upon ordering the bill, as amended, to be engrossed and read a third time.

Mr. WILSON, of Iowa. The amendments which have been proposed and adopted do not in any manner interfere with the proposition which I submitted to the House when the bill passed of which this is explanatory. And I have endeavored to preserve in this bill the understanding had between the gentleman from Pennsylvania [Mr. STEVENS] and the House on that day, in relation to the subjects embraced in the amendment which I desired to offer at that time, but was prevented from offering by the previous question being called by the gentleman from Pennsylvania, [Mr. STEVENS,] except in the first part of this bill.

The bill now reads, "that nothing contained in the act described in the title to this act shall be so construed as to enlarge the grant of land made to the Union Pacific Railroad Company, eastern division, by the act of July 1, 1862, and the act of July 2, 1864." While that is a change from the phraseology of the amendment which I desired to propose the other day, yet it is not a departure from the statement made to the House by the gentleman from Pennsylvania [Mr. STEVENS] and others who advocated the passage of that bill. It was asserted that that bill was not intended to enlarge the land grant made to the Union Pacific Railroad Company, eastern division. I have here the Daily Globe which contains the debate of that day upon that bill. I find that the gentleman from California [Mr. HIGBY] put the following question to the gentleman from Pennsylvania, [Mr. STEVENS:]

"I would ask the gentleman from Pennsylvania [Mr. STEVENS] if the first section of this bill contemplates anything more than an extension of the time within which the maps of these roads are to be filed."

Mr. STEVENS. That is everything it does."

Now, sir, upon that statement being made to the House, as well as other statements to which I might refer, I concluded that the friends of the measure really meant what they said on that occasion they did mean; that the terms of that bill should not enlarge the land grant made to the Union Pacific railroad, eastern division. Therefore, when I put into this bill the language which I have read, that that act should not be so construed as to enlarge the land grant to that company, I supposed, as I yet suppose, that I was putting in it precisely what they designed should be in it.

As to the other provisions of this bill, they are just what my amendment proposed. The bill provides that nothing in the act which we have passed shall be so construed as to entitle the Union Pacific Railroad Company, eastern division, "to receive bonds of the United States on a greater number of miles than are embraced in the line of the road of said company between the Missouri river and the one hundredth meridian of west longitude as said line is indicated by the map heretofore filed by said company in the Interior Department." That is the precise provision that was embodied in the amendment which I desired to offer on that occasion to the bill which passed.

The next provision of this bill is, that nothing in that act contained shall be so construed as "in any manner to interfere with the right of the Union Pacific Railroad Company to receive the bonds of the United States provided for in the said acts of July 1, 1862, and July 2, 1864, to aid in the construction of the road and telegraph line of said last-mentioned company, on its entire line from Omaha to the point where it may meet and join the road of the Central Pacific Railroad Company of California."

That, sir, is the precise provision which my amendment contained, and therefore there is no departure whatever from the understanding had with the House on that occasion. And in order that it may appear that I am not mistaken about this matter, I will read to the House the amendment which I proposed on that day. It is as follows:

And provided further, That no mineral lands shall be included in the grant hereby made, but the same shall be reserved to the United States; that nothing in this act contained shall be so construed as to affect the right of the Union Pacific Railroad Company to receive the bonds provided for in the act of July 1, 1862, and of July 2, 1864, to aid in the construction of the Union Pacific road on its entire line from Omaha to the point of its connection with the road of the Central Pacific railroad of California, and that bonds shall not be issued to the Union Pacific Railway Company, eastern division, on a greater number of miles than are embraced in the line of said road between the Missouri river and the one hundredth meridian, as indicated in the map heretofore filed by said company in the Interior Department.

Thus it will be seen that this bill, except in the first clause, corresponds precisely with that which it was agreed by the friends of the bill passed the other day should pass this House, if that bill were passed without any amendment, thereby preventing its being sent back

to the Senate, occasioning delay, and perhaps the defeat of the measure. There can be no doubt, sir, as to the understanding which the House had on that occasion. I notice that in two or three places in the debate of that day it was stated directly that this measure should pass and receive the support of the friends of that bill. I submitted three propositions, one of which I asked might be accepted—

Mr. BINGHAM. Will the gentleman yield to me a moment?

Mr. WILSON, of Iowa. Yes, sir.

Mr. BINGHAM. I beg leave, as one of the supporters of that bill, to say to the gentleman that I never gave my assent, either expressly or impliedly, to the idea which the gentleman suggests here this morning, that this House should attempt, by any sort of amendment to the bill which we passed a few days ago, to put a legal construction upon the acts of 1862 and 1864. And I ask the gentleman to be good enough to say now, as he has the floor, what objection there is to striking out from the ninth line, inclusive, down to and including the word "department," in the thirteenth line, and inserting in lieu thereof these words:

To a greater amount than said company would have been entitled to if the act of which this is explanatory had not been passed.

The words which I propose to strike out are these:

On a greater number of miles than are embraced in the line of the road of said company between the Missouri river and the one hundredth meridian of west longitude as said line is indicated by the map heretofore filed by said company in the Interior Department.

Mr. WILSON, of Iowa. I will state to the gentleman the reasons why I am unwilling that the bill shall be amended in that way.

Mr. BINGHAM. I would like to hear the reasons.

Mr. WILSON, of Iowa. In the first place, I felt bound to prepare this bill in accordance with what I understood to be the agreement on that day.

Mr. STEVENS. Will the gentleman allow me one word?

Mr. WILSON, of Iowa. Certainly.

Mr. STEVENS. There was no agreement. I proffered a proposition to the gentleman, and said that if he would withdraw his opposition I would do a certain thing. He refused to accept the proposition; he made an earnest fight against the bill. He never accepted the proposition; and does he hold that we are bound by it now?

Mr. WILSON, of Iowa. I will read to the House what the gentleman from Pennsylvania said on that occasion. I submitted, as I have stated, three propositions. The gentleman from Pennsylvania then said:

"I will make a proposition, and I hope the gentleman will agree to it. I remember to have read of the Trojan horse, and I do not care to be caught by any such contrivance at this time. I propose that the gentleman shall draw up an explanatory act in the very language that he has suggested here, and that when we have passed this bill he shall forthwith introduce that act explaining what this bill means, and I for one will vote for it."

That is what the gentleman said.

Mr. STEVENS. I ask the gentleman now whether he did not repudiate that proposition.

Mr. WILSON, of Iowa. Why, Mr. Speaker, I could not prepare a bill at that time; it required some thought. I have given to the House the gentleman's own language. I do not hold him responsible for anything else than just what he said on that occasion.

Mr. STEVENS. I do not hold myself responsible for that, because you did not accept it.

Mr. WILSON, of Iowa. There was no understanding that we should withhold our opposition. What was desired was that that bill should go through without amendment, in order that it might not run the hazard of delay or defeat in the Senate by being sent back there. It was not insisted that we should vote for that bill. The gentleman from Pennsylvania gave me no opportunity to have a vote on that amendment. He demanded the previous question and cut off that opportunity.

And he did not insist on that occasion I should either vote for the bill or withdraw my proposition. His proposition was, if that bill should be permitted to pass without amendment I should introduce this bill and it would receive his support.

Mr. STEVENS. Let me correct the gentleman. I stated explicitly if he would withdraw his proposition and let the bill pass without opposition our friends would go for the amendment, but the gentleman declined, and we were compelled to pass the bill in spite of him.

Mr. WILSON, of Iowa. I do not depend on my recollection for this matter at all. I have quoted the gentleman's language as it appears in the Globe. I do not add anything to it, or take anything from it.

Mr. BINGHAM. The gentleman will pardon me for one moment. I wish to say for myself that in giving to that bill my support it was not intended by me, whatever may have been said in the debate by the honorable gentleman from Pennsylvania, nor did I understand it was expected by the gentleman from Iowa that at any time or in any place the act which we were then passing should thereafter be in any manner, by explanatory act, so limited or enlarged in its operation as to take from said Pacific Railroad Company, eastern division, any benefit of the previous acts of Congress. On the contrary, as I understood the gentleman himself on that day when he spoke, he desired that this company should not acquire any new rights by means of the amendment save the privilege of locating and constructing their road on the new route as therein provided.

Mr. WILSON, of Iowa. I have no issue with the gentleman from Ohio. I do not mean to say every person who voted for that bill was obliged by any remarks of the gentleman from Pennsylvania to vote for this one; but I do say that the member who was in charge of that bill did make that statement. And I have reason to believe some members voted to sustain the call for the previous question on that day because of that understanding.

The gentleman from Pennsylvania further remarked, after the floor had been occupied by the gentleman from Massachusetts [Mr. DAVES] for a short time:

"Let me appeal to the House. Is there anything unreasonable in the proposition I have offered that if this bill shall pass then the gentleman from Iowa shall introduce and pass his amendment in the shape of an explanatory joint resolution?"

In answer to that I said:

"The gentleman makes that suggestion to me. I will say in reply, if, as the gentleman says, we should adopt this amendment it would defeat the bill in the Senate, why would not the amendment be also defeated in the Senate if sent to them in the shape of an explanatory joint resolution?"

The gentleman then said:

"I do not say it would be defeated if sent to the Senate as an independent measure."

To this I replied:

"If this will be defeated with the same thing in it, I would like to know whether the Senate would not be likely to defeat an independent bill."

What was the gentleman's response?

"I will just go so far as to pledge that the friends of the bill shall vote for it."

Now, sir, I have prepared this bill in accordance with that understanding; and I hope the House will pass it. I am not endeavoring to give any construction to the act of 1864 other than that given to that act by the persons who voted on the passage of that bill. I do not seek to take any advantage of the Union Pacific railroad, eastern division, nor of the Central Pacific railroad of California; nor do I wish to take any advantage of the Union Pacific Railroad Company. I only ask that this matter shall be carried out as was suggested at that time. If that bill means what it was alleged to on that day, then this explanatory act will not interfere one iota with that act. If it means something more than was claimed on that occasion, then this explanatory act should pass, that the intention of the

House in passing that bill should be placed upon the statute.

Now, that is all there is in this case. I am not seeking, as I have said, to take advantage of any one of these roads. I have to preserve faith with the people who have been looking to our legislation with a view to settlement and investment; that is all I desire. I may remark that the bill does not give any construction to the second section of the bill which passed the other day, being the only section in which the California company is interested. I demand the previous question.

Mr. STEVENS. I want to offer an amendment, and I hope the House will not second the previous question until I have an opportunity of offering it.

Mr. WILSON, of Iowa. I will hear what the gentleman's amendment is.

Mr. STEVENS. I ask no favor of that kind. I want to offer it.

Mr. WILSON, of Iowa. I asked the same thing when the original bill was up—the privilege of merely having an amendment presented; that was all. I could not tell whether the House would adopt my amendment or not. I wanted the subject considered, but I was refused the privilege. Now, in accordance with the understanding on that occasion, I presented this bill, and if the gentleman will not go so far as even to let me know what his amendment is, I must demand the previous question, and I will leave it to the House, of course, to say whether that understanding shall be carried out.

Mr. STEVENS. I have no objection to letting the gentleman know what the amendment is, but I hope the House will give me an opportunity of offering it and explaining it. I offer, then, as a substitute for the bill the following.

Mr. WILSON. I will hear it read.

The Clerk read the amendment, as follows:

Strike out the entire bill and insert the following: Whereas the following Senate bill (No. 317) of the first session of the Thirty-Ninth Congress, has passed the Senate and House of Representatives of the United States in Congress assembled, to wit: "An act to amend an act entitled 'An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri river to the Pacific ocean, and to secure to the Government the use of the same for postal military, and other purposes,' approved July 1, 1862,' approved July 2, 1863,"

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Union Pacific Railway Company, eastern division, is hereby authorized to designate the general route of their said road, and to file a map thereof, as now required by law, at any time before the 1st day of December, 1866; and upon the filing of the said map, showing the general route of said road, the lands along the entire line thereof, so far as the same may be designated, shall be reserved from sale by order of the Secretary of the Interior: *Provided,* That said company shall be entitled to only the same amount of the bonds of the United States to aid in the construction of their line of railroad and telegraph as they would have been entitled to if they had connected their said line with the Union Pacific railroad on the one hundredth degree of longitude, as now required by law: *And provided further,* That said company shall connect their line of railroad and telegraph with the Union Pacific railroad, but not at a point more than fifty miles westward from the meridian of Denver, in Colorado.

Sec. 2. And be it further enacted, That the Union Pacific Railroad Company, with the consent and approval of the Secretary of the Interior, are hereby authorized to locate, construct, and continue their road from Omaha, in Nebraska Territory, westward, according to the best and most practicable route, and without reference to the initial point on the one hundredth meridian of west longitude, as now provided by law, in a continuous completed line, until they shall meet and connect with the Central Pacific Railroad Company of California; and the Central Pacific Railroad Company of California, with the consent and approval of the Secretary of the Interior, are hereby authorized to locate, construct, and continue their road eastward, in a continuous completed line, until they shall meet and connect with the Union Pacific railroad: *Provided,* That each of the above-named companies shall have the right, when the nature of the work to be done, by reason of deep cuts and tunnels, shall, for the expeditious construction of the Pacific railroad require it, to work for an extent of not to exceed three hundred miles in advance of their continuous completed lines." Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That nothing contained in the foregoing bill shall be so construed as to grant any mineral land to the Union Pacific Railway Company, eastern division, nor to entitle said company to receive bonds of the United States for any greater number of miles than the said company would have been entitled to

had the bill above recited not been passed, nor shall it be construed to prevent the Union Pacific Railroad Company from receiving the full amount of United States bonds and land to which it would be entitled according to the number of miles of road which it may actually build.

The SPEAKER. Does the gentleman from Iowa yield to allow that amendment to be offered?

Mr. WILSON, of Iowa. Yes, sir, I will allow a vote to be taken on the amendment; and if the gentleman desires to explain it I will yield a portion of my time for that purpose.

Mr. STEVENS. I certainly desire to explain it. I am hardly able to make myself heard this morning, and I must therefore be indulged in speaking very low.

By the act of 1864 the southern division of the Pacific railroad had a right to unite with the main branch anywhere beyond the one hundredth parallel, provided it received only the amount of bonds which it would have been entitled to up to the one hundredth meridian. It was entitled also to the odd sections of land. There is a difference of opinion as to whether the act of 1864 confined the odd sections of land to the original grant, or gave them the whole amount. My construction is that it gave them the whole amount. But the land beyond the one hundredth parallel is of little importance anyhow. When the bill was before the House the gentleman from Iowa [Mr. WILSON] objected to that part only because he feared that it conveyed mineral lands. My amendment provides "that nothing contained in the foregoing bill shall be so construed as to grant any mineral lands to the Union Pacific Railroad Company." I have, therefore, obviated that objection. I have said nothing about the land which they would have been entitled to, because, according to my construction, they would be entitled to it under the old law. But the land beyond the one hundredth meridian, I think, is not worth quarreling about. If it is considered an original grant there is scarcely a member of the House who would not vote to give the alternate sections beyond the one hundredth meridian to the company. I do not think the gentleman from Iowa [Mr. WILSON] himself would object to it as an original grant.

By the act of 1864 the southern division had liberty, if it reached the one hundredth degree, or the place of meeting, before the Union Pacific road reached there, and if the latter had ceased to operate and to fairly carry on the road, to go on and meet the western Pacific railroad. Now, the explanatory bill of the gentleman from Iowa takes away that right to go on and build that road, for it gives to the Union Pacific railroad under all circumstances the right to go on with its entire line from Omaha to the point where it shall meet the Central Pacific railroad.

Now, that is a very important provision. It takes away entirely one privilege from the Southern Pacific railroad and bestows it nowhere else, namely, the right to unite and go on with the line. The gentleman also proposes to confine the land and bonds according to a map which is already filed, as he says, to the initial point. Now, there never was such a map filed. A survey was made to Fort Riley, and a map or profile was filed to that point. A conjectural line was marked on some of the maps in the office to a supposed initial point upon the one hundredth degree, but that initial was never fixed and is not fixed to this day. The line from Fort Riley to that initial point was to be fixed by the President. It never has been fixed to this day. There was, therefore, no such quantity of land or bonds provided for. But the bill, as passed, only gives them the same amount of land that they would have if they had had time to file their map and had filed it to the initial point, which they never have had time to do; and the main object of that bill was to extend the time from the summer to next December.

Now, sir, that is all that is done with regard to the Southern Pacific railroad. With regard to the main line, it is a thing with which the

Southern Pacific railroad had nothing to do. It is a thing which was fixed according to the desire of the Union Pacific Railroad Company. An alteration was surreptitiously obtained in the law, stopping it on the California side at one hundred and fifty miles this side of the California line.

Now, what does the amendment that I propose say in regard to that?

That nothing contained in the foregoing bill shall be so construed as to grant any mineral land to the Union Pacific Railroad Company, eastern division, nor to entitle said company to receive bonds of the United States for any greater number of miles than the said company would have been entitled to had the bill above recited not been passed.

Is there anything more honest and fair than that? What objection can any honest man have to it?

Nor shall it be construed to prevent the Union Pacific Railroad Company from receiving the full amount of United States bonds and land to which it would be entitled according to the number of miles of road which it may build.

Now, what objection can there be to this explanatory act? It declares that the Southern Pacific Railroad Company shall have no more than the original law provides. It declares that the Union Pacific Railroad Company shall be deprived of no right in consequence of the passage of this law.

Now, Mr. Speaker, if anything more than that is wanted, or if anything more than that is contained in the bill of the gentleman from Iowa, then it seems to me to be unjust. There is more contained in his bill, as I perceive very well. It is very cunningly devised. It takes away two very important privileges granted by the law of 1862 and 1864. It takes away the right to go where they please, only receiving bonds up to the one hundredth meridian. It takes away the right to unite and carry on the road in case the other company should fail. And, according to my construction of the gentleman's bill and amendment, it takes away the right of the western road to come on and meet the other. Now, I wish to have two sections of the former law read to show that they contain all that I have now stated except the right to file the maps.

Mr. WILSON, of Iowa. I read that the other day.

Mr. STEVENS. I do not wish to take up any of the gentleman's time unnecessarily.

Mr. WILSON, of Iowa. I understand the point the gentleman makes—that under the act of 1864 the Kansas company would have the right, if it reaches the one hundredth meridian first, to go on and construct the Pacific railroad.

Mr. STEVENS. Only if it reaches it and the other is not progressing.

Mr. WILSON, of Iowa. The gentleman from Pennsylvania [Mr. STEVENS] has said, during the discussion on the original bill and during the discussion to-day on this bill, a great deal about no honest man possibly understanding this matter differently from what he does. Now, sir, I do not propose to refer to those remarks of a personal character.

Mr. STEVENS. The gentleman from Iowa [Mr. WILSON] misunderstood me. I said that I thought no honest man would require more than what I stated was in the bill.

Mr. WILSON, of Iowa. I wish to show what there is in this bill, and I affirm, as I did when the original bill was under consideration, that there is a great deal more in it than this House understands. It was told this House, when the original bill was under consideration, that the bill created no new land grant whatever. It was so stated in the debates and insisted upon by all except my colleague, [Mr. KASSON,] who is not now in his seat. He did state in effect that the bill which we have passed creates an additional land grant. He uses this language:

"And I have only to say that if for this same grant, without one additional dollar of United States bonds, and with nothing additional but the grant of land, there is any man or set of men who are willing to take that land and build that road in preference to going up the Republican and crossing over the divide between the Republican and Platte to the

Omaha route, near the one hundredth parallel, I say it is a duty we owe to the people of this country to allow it to be done."

To what land grant did he refer? The land grant contained in the bill which we passed the other day. And what kind of a grant is that? "That the Union Pacific Railway Company, eastern division, is hereby authorized to designate the general route of their said road, and to file a map thereof, as now required by law, at any time before the first day of October, 1866, and upon the filing of the said map, showing the general route of said road, the lands along the entire line thereof, so far as the same may be designated, shall be reserved from sale by order of the Secretary of the Interior." What kind of a land grant is that? We were told there were none in the bill. And yet you have heard the provision which withdraws all the land, odd sections, even sections, mineral land and all, without any limit as to the width of the grant, for the benefit of this Union Pacific Railroad Company, eastern division. And I may state here that I was told by a member of the other House, who took part in drafting this bill, that he was astonished that any person in this House should insist that it did not contain an additional land grant.

Now, if it contains an additional land grant, I want to know if it is not just of the character I have stated, without limitation as to width, without limitation as to odd or even sections, and without limitation as to the mineral lands of the Government. That is the character of the land grant contained in that bill.

Now, as to another point raised by the gentleman from Pennsylvania [Mr. STEVENS] concerning the bonds of the Government. He says there are no bonds in that bill more than are contained in the original act of 1864. He provides essentially in his amendment to my bill, that nothing contained in it shall interfere with the right of the Union Pacific Railroad Company to receive lands and bonds for every mile of road that company may build. There is no doubt, then, that his amendment is for the purpose of securing to the Union Pacific Railroad Company lands and bonds for every mile of road which that company may build.

What more? I say that the same bill secures to the Union Pacific Railroad Company, the road on the Smoky Hill route, precisely the same amount of bonds that is secured to the other road; or at least gives them the opportunity to demand and receive from the Government the same number of bonds. Now, how is that? Under the ninth section of the act to which the gentleman referred, the act of 1864, it is provided that if the Union Pacific Railroad Company, eastern division, shall reach the one hundredth meridian before the other road reaches there, or if the other road shall not be progressing in good faith in the construction of its road through the Territory, then this Union Pacific Railroad Company, eastern division, running on the Smoky Hill route, shall go on and construct the Union Pacific railroad. Now, suppose it should do that, what right does it acquire by the construction of the Union Pacific railroad? The same rights, the same privileges, the same benefits, and the same subsidies that are provided for in the act of 1864 for the construction of the Union Pacific railroad.

Now, sir, as I was remarking, if the Kansas company, or the Union Pacific Railroad Company, eastern division, shall, under the terms of the act of 1864, as construed by the gentleman from Pennsylvania, construct the Union Pacific railroad on the one hundredth meridian of longitude, it, by that construction, secures all the bonds provided for in the act of 1864 for the construction of the Union Pacific railroad. Now, what does the gentleman's amendment propose? After the provision that the bonds originally intended for the Union Pacific railroad line may go to aid in the construction of the Smoky Hill line, what does the gentleman's amendment propose to do for the Union Pacific Railroad Company in that regard? It

provides that the Union Pacific Railroad Company shall nevertheless receive the lands and bonds to the full amount provided for in the act of 1864 through the entire line of their road, or so much of it as they may construct, thereby duplicating the amount of such aid. This is the construction that will be put upon the provision by every person interested in the road.

Now, all that I ask of this House is to let this legislation rest where the country has had reason to believe it would rest—upon the action of Congress in 1864—except so far as may be necessary to allow the Union Pacific Railroad Company, eastern division, to file a map of a new line, if the company should desire, to build a road on that new line. This was stated, as I have proved from the Globe, to be the only thing contained in the bill which we passed the other day. I am willing they shall have this privilege. I have no objection to it whatever. In addition to this, the second section allows the California company to build their road eastward till it shall meet the line of the Union Pacific railroad. I am willing they shall have this privilege. It is proper and right that they should have it; for the country desires that this road shall be built at the earliest possible moment. When the company have secured those two things, I affirm all has been secured which this House was willing to believe was contemplated by the bill which we passed the other day, and to which the bill I present this morning is designed as an amendment by way of explanation.

Now, sir, I have prepared my bill, as I stated at the opening of my remarks, in strict accordance with the understanding had here the other day. I have embodied in it precisely what I said I was willing to grant to the Union Pacific railroad, eastern division, and to the California company. I do not propose to interfere with them at all; but I do propose to ask that this House shall carry out the understanding which we then had, and pass the measure which I then desired to offer as an amendment, and which it was asserted should pass as an independent bill without objection.

Mr. HIGBY. Will the gentleman allow me to ask him a question?

Mr. WILSON, of Iowa. I will.

Mr. HIGBY. The gentleman has referred to a question which I asked the gentleman from Pennsylvania the other day in reference to the map filed by this company. I now desire to ask the gentleman from Iowa whether the Union Pacific Railroad Company, eastern division, filed in time in the Interior Department a map under which they could go to work and build their road.

Mr. WILSON, of Iowa. I understand that the Union Pacific Railroad Company, eastern division, did file a map of a line from the Missouri river to the one hundredth meridian on the Republican fork. More than that, I understand that even though it be true, as contended by the gentleman from Pennsylvania, that that was intended only as a temporary line, still it is a line; and giving the company bonds upon the entire number of miles embraced in that line will give them bonds upon more miles than are embraced between the Missouri river and the point at which they now intend to cross the one hundredth meridian. So that it does not take from them a single dollar of subsidy provided for by the laws of the United States.

Now, sir, I ask this House to carry out that understanding. I have been more liberal than the gentleman from Pennsylvania was the other day. He refused to give me a hearing at all on my amendment. I have given him an opportunity to offer his substitute, in the terms of which, I affirm, will be found a duplication of the bonds of the United States to these railroad companies. And I ask this House now whether it is proper to vote to these railroad companies an amount of bonds double that provided by the act of 1864.

Mr. BOUTWELL. I ask the gentleman from Iowa whether my understanding of the

effect of the amendment proposed by the gentleman from Pennsylvania [Mr. STEVENS] is correct. I have examined the amendment and the laws of 1862 and 1864, and it seems to me the necessary legal effect of the amendment of the gentleman from Pennsylvania is to make a new grant of lands from the hundredth meridian west to the point where this Union Pacific railroad, eastern division, connects with the other; and not only a grant of land, but a new subsidy of money. I ask the gentleman from Pennsylvania whether that is not the effect.

Mr. STEVENS. There is not one word that would countenance such a construction.

Mr. BOUTWELL. I cannot come to any other conclusion.

Mr. WILSON, of Iowa. I have no doubt, as I have already said, that the construction placed on the amendment of the gentleman from Pennsylvania by the gentleman from Massachusetts is the true one; that it does make a new grant of lands without limitation except as to mineral lands, and that it does make a second issue of bonds on the entire line of the road. That is the effect of the provisions of the amendment of the gentleman from Pennsylvania. I ask that the original understanding may be carried out, and that is the purpose of the bill I have presented. I demand the previous question.

Mr. BINGHAM. I ask the gentleman to yield to me.

Mr. WILSON, of Iowa. I have not time.

Mr. BINGHAM. The gentleman could not hear my suggestion this morning on account of the noise.

Mr. WILSON, of Iowa. I insist on my demand for the previous question.

Mr. BINGHAM. I hope it will not be seconded.

The House divided; and there were—ayes 51, noes 42.

Mr. BINGHAM demanded tellers.

Tellers were not ordered.

So the previous question was seconded.

The main question was then ordered.

The question recurred on Mr. STEVENS's substitute.

Mr. STEVENS demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 71, nays 67, not voting 44; as follows:

YEAS—Messrs. Ancona, Anderson, Delos R. Ashley, Barker, Benjamin, Bingham, Blow, Boyer, Bromwell, Buckland, Bundy, Reader W. Clarke, Coffroth, Cullom, Dawson, Delano, Eckley, Eggleston, Finck, Garfield, Glossbrenner, Grider, Aaron Harding, Harris, Hayes, Henderson, Higby, Hogan, Hotchkiss, Chester D. Hubbard, Demas Hubbard, James R. Hubbell, Johnson, Kelley, Kerr, George V. Lawrence, William Lawrence, Le Blond, Marvin, McKee, McRuer, Mercier, Miller, Moorhead, Niblack, Noell, O'Neill, Phelps, Plants, Samuel J. Randall, Ritter, Rousseau, Schenck, Shanklin, Shellabarger, Stevens, Stillwell, Strouse, Thayer, Francis Thomas, John L. Thomas, Trimble, Upson, Robert T. Van Horn, Henry D. Washburn, Wolker, Whaley, Williams, Stephen F. Wilson, and Winfield—71.

NAYS—Messrs. Alley, Allison, Ames, Baker, Baldwin, Banks, Baxter, Bidwell, Boutwell, Brandegee, Cobb, Cook, Davis, Dawes, Dodge, Driggs, Eldridge, Eliot, Farquhar, Hale, Abner C. Harding, Hart, Holmes, Hooper, Asahel W. Hubbard, John H. Hubbard, Hulburd, Humphrey, Julian, Kelso, Kerr, Ketcham, Kuykendall, Lathin, Latham, Loan, Longyear, Marston, Morrill, Morris, Moulton, Orth, Paine, Patterson, Perham, Pike, Pomeroy, Price, Radford, William H. Randall, Raymond, Alexander H. Rice, John H. Rice, Rogers, Rollins, Ross, Sawyer, Scofield, Spaulding, Taber, Taylor, Trowbridge, Ward, Elihu B. Washburne, William B. Washburn, Wentworth, James F. Wilson, and Windom—67.

NOT VOTING—Messrs. James M. Ashley, Beaman, Bergen, Blaine, Broomall, Chandler, Sidney Clarke, Conkling, Culver, Darling, Defrees, Deming, Denison, Dixon, Donnelly, Dumont, Earnsworth, Ferry, Goodyear, Grinnell, Griswold, Hill, Edwin N. Hubbell, Jenckes, Jones, Kasson, Kelso, Lynch, Marshall, McClurg, McCullough, McIndoe, Newell, Nicholson, Sitgreaves, Sloan, Smith, Starr, Thornton, Trimble, Van Aernam, Burt Van Horn, Warner, Woodbridge, and Wright—44.

So the substitute was agreed to.

During the vote, Mr. TROWBRIDGE stated that his colleague, Mr. BEAMAN, was detained from the House by illness.

The vote was then announced as above recorded.

Mr. RICE, of Maine, moved that the bill be laid upon the table.

Mr. ALLISON demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 123, nays 11, not voting 48; as follows:

YEAS—Messrs. Alley, Allison, Ames, Ancona, Anderson, Baker, Baldwin, Banks, Barker, Baxter, Bidwell, Bingham, Blow, Boutwell, Boyer, Brandegee, Bundy, Reader W. Clarke, Cobb, Coffroth, Cook, Cullom, Davis, Dawes, Dawson, Delano, Dixon, Dodge, Driggs, Eldridge, Eliot, Farquhar, Ferry, Finck, Glossbrenner, Grider, Grinnell, Hale, Aaron Harding, Hart, Hayes, Henderson, Hogan, Holmes, Hotchkiss, Asahel W. Hubbard, Demas Hubbard, John H. Hubbard, Hulburd, Humphrey, Julian, Kelley, Kelso, Kerr, Ketcham, Kuykendall, Lathin, Latham, George V. Lawrence, William Lawrence, Le Blond, Loan, Longyear, Marston, Marvin, McKee, McRuer, Mercier, Miller, Moorhead, Morris, Moulton, Myers, Niblack, Noell, O'Neill, Orth, Paine, Perham, Phelps, Pike, Plants, Price, Radford, Samuel J. Randall, William H. Randall, Raymond, Alexander H. Rice, John H. Rice, Ritter, Rogers, Rollins, Ross, Rousseau, Sawyer, Schenck, Scofield, Shanklin, Shellabarger, Spaulding, Stevens, Stillwell, Strouse, Taber, Taylor, Thayer, Francis Thomas, John L. Thomas, Trowbridge, Upson, Burt Van Horn, Ward, Elihu B. Washburne, William B. Washburn, Welker, Wentworth, Whaley, Williams, James F. Wilson, Stephen F. Wilson, Windom, Winfield, and Woodbridge—123.

NAYS—Messrs. Delos R. Ashley, Benjamin, Bromwell, Buckland, Eckley, Eggleston, Higby, James L. Hubbell, Morrill, Patterson, and Pomeroy—11.

NOT VOTING—Messrs. James M. Ashley, Beaman, Bergen, Blaine, Broomall, Chandler, Sidney Clarke, Conkling, Culver, Darling, Defrees, Deming, Denison, Donnelly, Dumont, Earnsworth, Garfield, Goodyear, Griswold, Abner C. Harding, Harris, Hill, Hooper, Chester D. Hubbard, Edwin N. Hubbell, Ingersoll, Jenckes, Johnson, Jones, Kasson, Lynch, Marshall, McClurg, McCullough, McIndoe, Newell, Nicholson, Sitgreaves, Sloan, Smith, Starr, Thornton, Trimble, Van Aernam, Robert T. Van Horn, Warner, Henry D. Washburn, and Wright—48.

So the bill was laid upon the table.

During the vote,

Mr. WILSON, of Pennsylvania, said: My colleague, Mr. BROOMALL, is detained at home by sickness, and telegraphed me that he desired me to make this statement to the House.

Mr. DAVIS said: My colleague, Mr. CONKLING, is absent from the city in consequence of the sickness of a member of his family, and will be absent for some time.

The result of the vote having been announced as above recorded,

Mr. STEVENS moved to reconsider the vote by which the bill was laid upon the table; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. HAMLIN, one of their Clerks, informed the House that the Senate had passed a joint resolution (S. R. No. 121) providing for the examination of the accounts of the State of Massachusetts for moneys expended during the war for coast defenses, in which he was directed to ask the concurrence of the House.

ARMY APPROPRIATION BILL.

Mr. SCHENCK. I rise to present a report from the committee of conference on the Army appropriation bill. I ask that the report be read, and then I will briefly state the points of difference and what has been agreed to.

The Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 127) making appropriations for the support of the Army for the year ending the 30th of June, 1867, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House of Representatives recede from their disagreement to the second, third, and tenth amendments of the Senate, and agree to the same.

That the Senate recede from its sixth amendment. That the Senate recede from its disagreement to the amendment of the House to the fourth amendment of the Senate, and agree to the same.

That the Senate agree to the amendment of the House to the fifth amendment of the Senate, with an amendment, as follows: insert in lieu of the words stricken out of said Senate amendment by the House the following words: "and in advertising for Army supplies the quartermaster's department shall require all articles which are to be used in the States and Territories of the Pacific coast to be delivered and inspected at points designated in those States and Territories, and the advertisements for such supplies shall be published in newspapers in the cities of San Francisco, in California, and Portland, in Oregon;" and the House agree to the same.

That the House recede from their disagreement to the seventh amendment of the Senate, and agree to the same with the following amendment: in line eight of said amendment, after the word "shall," insert the following words: "in time of peace."

That the House recede from their disagreement to the eighth amendment of the Senate, and agree to the same, with an amendment, as follows: strike out all of said amendment and insert in lieu thereof the following: "SEC.—And be it further enacted, That the Superintendent of the United States Military Academy may hereafter be selected, and the officers on duty at that institution detailed, from any arm of the service; and the supervision and charge of the Academy shall be in the War Department, under such officer or officers as the Secretary of War may assign to that duty;" and the Senate agree to the same.

That the House recede from their disagreement to the ninth amendment of the Senate and agree to the same with an amendment as follows: strike out all of said Senate amendment and insert in lieu thereof the following: "SEC.—And be it further enacted, That when it is necessary to employ soldiers as artificers or laborers in the construction of permanent military works, public roads, or other constant labor of not less than ten days' duration in any case, they shall receive, in addition to their regular pay, the following additional compensation therefor: enlisted men working as artificers, and non-commissioned officers employed as overseers of such work, not exceeding one overseer for every twenty men, thirty-five cents per day, and enlisted men employed as laborers twenty cents per day; but such working parties shall only be authorized on the written order of a commanding officer. This allowance of extra pay is not to apply to the troops of the engineer and ordnance departments;" and the Senate agree to the same.

JOHN SHERMAN.

HENRY WILSON.

RICHARD YATES.

Managers on the part of the Senate.

ROBERT C. SCHENCK,

W. E. NIBLACK.

M. RUSSELL THAYER.

Managers on the part of the House.

Mr. SCHENCK. Mr. Speaker, I will, as I promised, very briefly explain the result of this conference to the House. It will be observed that the House recedes, through its conferees, from the second, third, and tenth amendments.

The second amendment is that which proposed as an addition to the Army appropriation bill a provision that suits shall be brought against the Illinois Central Railroad Company to recover back what sums may have been paid for the transportation of troops and munitions of war.

Sir, the House is familiar with this question. After full conference, the managers upon the part of the House became thoroughly satisfied that no appropriation bill with a provision of this kind in it could possibly pass the Senate, and that, instead of receding in any degree from the position which has for the last year or more been taken by the Senate, they have only been confirmed in it by arguments drawn by the character of the appropriation of lands made for canal purposes to the State of Illinois, finding that the bill granting lands to the Illinois Central railroad is but a transcript of the provisions of that canal bill. I will not, however, go into any argument upon the subject. As I said before, it has been fully discussed in this House and has been a point of controversy for a long time between the Senate and the House, and the managers on the part of the House were satisfied that if that provision is ever to prevail and become a law, it must be as a separate enactment and not as part of an appropriation bill. They therefore recommend the House not to keep the question open upon an appropriation bill, but to recede from the amendment in the form in which it is presented as attached to an appropriation bill. The third amendment from which the House recedes is an appropriation introduced by the Senate for the construction of fire-proof store-houses at the arsenal at Philadelphia. This had not been agreed to by the Committee on Appropriations of the House, nor by the House, as the conferees were satisfied, for the want of that full information of the necessity of such an appropriation which had been laid before the Senate committee, and the managers on the part of the Senate recommended that we should recede from that amendment.

They also recede from the amendment which increases the mileage to officers of the Army to ten cents per mile instead of six cents. This they might very safely do, because the House has already twice passed upon that subject—in

the bill recently passed for the reorganization of the Army, and in the bill establishing the pay of the Army. In those two acts the House affirms the very proposition which the Senate makes. The disagreement was *pro forma*, and not because of any difference between the House and the Senate.

The Senate recedes from its amendment by which an appropriation was made for the purchase of land near Nashville, Tennessee. It was believed that the appropriation was unnecessary at this time, and the Senate agreed to abandon the amendment which they had introduced making the appropriation.

The Senate recedes from its disagreement to the amendment of the House to the fourth amendment of the Senate. That amendment was an addition to the appropriations for the Bureau of Refugees, Freedmen, and Abandoned Lands, providing for the cost of telegraphing. The Senate agrees to accept the House amendment to its amendment upon that subject.

It will be remembered that the House struck out from the fifth amendment of the Senate a provision in regard to giving the preference to manufactures of the States on the Pacific coast when Army supplies are advertised for. The conferees have agreed, while the Senate accepts that amendment of the House, that there shall be inserted as a substitute for the part stricken out what I will read to the House, and which conveys its own explanation. After providing, as the Senate amendment does, that preference shall be given always to American manufactures, when Army supplies are to be obtained through the quartermaster's department, it is agreed these words shall be inserted in lieu of the part stricken out:

And in advertising for Army supplies the quartermaster's department shall require all articles which are to be used in the States and Territories on the Pacific coast to be delivered and inspected at the points designated in those States and Territories, and the advertisements for such supplies shall be published in the newspapers of San Francisco and Portland.

The next amendment is one which relates to the throwing open the appointment of the superintendency of the Military Academy to all branches of the Army. The House has passed upon that subject also, and the Senate has agreed to accept what the House has done, using the language of the House as inserted in the bill for the reorganization of the Army instead of the language of the Senate's amendment. The language of the House in the clause which was adopted is a little fuller and more precise than that of the Senate, and was preferred by the conferees both of the House and of the Senate, the two Houses being agreed upon the main proposition. In like manner both the House and the Senate were agreed upon the propriety of restoring the extra pay to soldiers employed outside of their regular line of duty. The Senate agreed that the language which was used for expressing this purpose in the House Army bill was better than the language which had been used in the Senate's amendment. Retaining the principle they adopt the language of the House. This covers all the amendments and the whole action of the conferees. I now move the previous question upon agreeing to the report of the committee of conference.

The previous question was seconded and the main question ordered, and under the operation thereof the report was agreed to.

Mr. SCHENCK moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by WILLIAM J. McDONALD, its Chief Clerk, informed the House that the Senate had passed the bill of the House (No. 387) making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes for the year ending 30th of June, 1867, with sundry amendments, in which he was directed to request the concurrence of the House.

The message further informed the House that the Senate had passed, without amendment, a bill and a joint resolution of the House of the following titles:

An act (H. R. No. 191) to amend an act making a grant of land to the State of Minnesota to aid in the construction of a railroad from St. Paul to Lake Superior, approved May 5, 1864; and

A joint resolution (H. R. No. 149) declaratory of the law of bounty.

The message further informed the House that the Senate had agreed to the report of the committee of conference upon the disagreeing votes of the two Houses upon the bill of the House (No. 127) making appropriations for the support of the Army for the year ending 30th of June, 1867.

LAND TITLES IN CALIFORNIA.

The SPEAKER. The morning hour has now commenced. The first business in order is the consideration of the bill of the Senate (No. 343) to quiet land titles in California, reported from the Committee on Public Lands. The pending question is upon the amendments reported from the Committee on Public Lands, upon which the gentleman from Indiana [Mr. JULIAN] is entitled to the floor.

Mr. MORRILL. I understand the chairman of the Committee on Public Lands [Mr. JULIAN] is quite willing to yield the morning hour of to-day, and take another morning hour after we get through with the tariff bill. I therefore ask that the House proceed at once to the consideration of the tariff bill.

The SPEAKER. That will require unanimous consent.

Mr. BIDWELL. I object.

The SPEAKER. On this bill the gentleman from Indiana [Mr. JULIAN] is entitled to the floor.

Mr. BIDWELL. I appeal to the gentleman from Indiana to allow me about five minutes' time to make an explanation in reference to this bill, which I think will obviate the necessity of a long discussion.

Mr. JULIAN. I will yield to the gentleman all the time he desires at the end of my remarks.

Mr. Speaker, in the first place, I ask a vote upon the last amendment reported by the Committee on Public Lands. There is no controversy about this proposition, and its adoption will leave only one amendment pending.

The SPEAKER. The amendment will be read.

The Clerk read the amendment, as follows:

Add to section nine:

Provided, however, That from decrees of the district courts, as aforesaid, made after July 1, 1865, and prior to the passage of this act, an appeal may be taken to the United States circuit court for the State of California within the year from the approval of this act: *Provided,* That in any such case in which an appeal may be taken under the provisions of this section, the said circuit court shall not be precluded by the terms of the decree of confirmation, or by reason of any clerical mistake therein, from determining the boundaries of the land claimed, in accordance with the original grant and the real justice and merits of the case.

Mr. JULIAN. I demand the previous question on that amendment.

The previous question was seconded and the main question ordered; and under the operation thereof the amendment was agreed to.

Mr. JULIAN. I now ask for the reading of the amendment offered as a proviso to the eighth section, which is the only remaining amendment.

The Clerk read as follows:

Add to section eight:

Provided, however, That the act of Congress entitled "An act to grant the right of preemption to certain purchasers on the Socol ranch, in California," approved March 3, 1863, shall not be so construed as to interfere with the claims of *bona fide* settlers on the said lands who had settled thereon and were claiming preemptions, in accordance with the laws of the United States, prior to the time of the passage of the said act.

Mr. BIDWELL. I desire the gentleman from Indiana to agree to have the vote taken during this morning hour.

Mr. JULIAN. I desire no unnecessary delay.

Having a number of points to discuss it is impossible for me to say whether I shall occupy half an hour, three quarters of an hour, or an hour. I will get through what I have to say without any unnecessary delay.

Mr. McRUER. I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. McRUER. My point is that the amendment which has just been read is not germane to this bill for the reason that it refers to an act to which this bill does not refer; that it seeks to qualify or repeal an act of Congress with which this bill has nothing to do; that the bill is a bill to quiet land titles, while this amendment seeks to disturb land titles.

The SPEAKER. That may be a proper argument to be addressed to the consideration of the House with reference to the adoption of the amendment; but it is not a point of order. The bill is in regard to quieting land titles in California, while the amendment relates to the claims of settlers upon lands in California. The Chair overrules the point of order.

Mr. JULIAN. Mr. Speaker, I regret very much to occupy the time of the House at this late hour of the session in the discussion of this bill, and nothing could induce me to do so but a sense of duty. I believe, and feel very sure in the opinion, (without imputing any improper motives to anybody,) that an effort is being made here to overturn the entire land policy of the United States respecting the rights of pre-emptors and homestead claimants upon the public lands. I deem it incumbent upon me, therefore, to discuss with some care the question involved in the amendment submitted by the committee affecting the title to this well-known ranch in California, and affecting also the proper interpretation of the act of Congress of March 3, 1863. The facts of this case, which it is necessary to understand, are about these: this Socol ranch in the State of California is a large tract of about ninety thousand acres, alleged to have been granted by the Mexican or Spanish Government to one General Vallejo. The title was for a long time in dispute and litigation, and the case finally found its way on to the docket of the Supreme Court of the United States; and that court, after a full hearing of the whole case on the points of law and of fact involved, decided that the alleged title of Vallejo was void. It was not pronounced void on technical ground, as gentlemen may perhaps argue on the other side, for Justice Nelson of the Supreme Court declares, in so many words, that "in every view we have been able to take of the case we are satisfied the grant is one which should not be confirmed."

This decision was given in December, 1861, and so soon as the judgment of the court was certified to the court below in California, which was in March following, this whole claim of ninety thousand acres became a part of the unappropriated public lands of the Government, open from that moment to preemption and purchase as other public lands. Accordingly, as soon as that decision was thus certified and made known, scores of persons entered upon this Socol ranch as preemption settlers, built their cabins, put up fences, cultivated the land, in some instances planted orchards, and asserted the rights generally of pre-emptors under the laws of the United States. The Vallejo purchasers under the void Spanish title were confused as to what course of action to pursue. Many of them had bought in good faith and made their improvements. Conflicts arose between the pre-emptors and the Vallejo claimants, and they were of such a character as to induce the latter to come to Washington and ask Congress to pass an act which would recognize their equities and enable them to purchase their land at \$1 25 per acre. The Committee on Public Lands in the Senate and in the House heard the application of these claimants, and on the representation that the lands claimed under the Spanish grant were in the possession of numerous small holders, who had purchased them in good faith, the following law was enacted. I ask the Clerk to read it.

The Clerk read as follows:

Special "Socol" Law, March 3, 1863.

Bill S. No. 537, to grant the right of preemption to certain purchasers on the "Socol ranch," in the State of California.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it may and shall be lawful for the Commissioner of the General Land Office to cause the lines of the public surveys to be extended over the tract of country known as the "Socol ranch," in California, the claim to which by Don Mariano Guadalupe Vallejo has been adjudged invalid by the Supreme Court of the United States, and to have approved plats thereof duly returned to the proper district land office: *Provided,* That the actual cost of such survey and platting shall first be paid into the surveying fund by settlers, according to the requirements of the tenth section of the act of Congress approved 30th of May, 1862, "to reduce the expenses of the survey and sale of the public lands in the United States."

SEC. 2. *And be it further enacted,* That after the return of such approved plats to the district office, it may and shall be lawful for individuals, *bona fide* purchasers from said Vallejo, or his assigns, to enter, according to the lines of public surveys, at \$1 25 per acre, the land so purchased, to the extent to which the same had been reduced to possession at the time of said adjudication of said Supreme Court, joint entries being admissible by contemorous proprietors to such an extent as will enable them to adjust their respective boundaries.

SEC. 3. *And be it further enacted,* That municipal claims within the limits of the said "Socol ranch," may be entered under the terms, limitations, and conditions of the town-site act of 23d of May, 1844.

SEC. 4. *And be it further enacted,* That all claims within the purview of this act shall be presented to the register and receiver within twelve months after the return of such surveys to the district land office, accompanied by proof of *bona fide* purchase under Vallejo, of settlement, and the extent to which the tracts claimed had been reduced into possession at the time of said adjudication; and thereupon each case shall be adjudged by the register and receiver under such instructions as shall be given by the Commissioner of the General Land Office, and no adjudication shall be final until confirmed by the said Commissioner.

SEC. 5. *And be it further enacted,* That any claim not brought before the register and receiver within twelve months, as aforesaid, shall be barred, and the lands covered thereby, with any other tract within the limits of said "Socol ranch," the titles to which are not established under this act, shall be dealt with as other public lands: *Provided,* That no entry shall be made of lands reserved and occupied for military, naval, or other public uses, or which may be designated for such purposes by the President, nor shall any claim under this act extend to mineral lands.

Mr. JULIAN. Mr. Speaker, it will be perceived from the reading of that act of March 3, 1863, that it recognizes the equities of these Vallejo claimants to the extent that they have reduced their claims to possession. It allows them to purchase the same at the rate of \$1 25 per acre under certain restrictions. That act was demanded by these claimants and was enacted by Congress at that time on the representation that the claimants, as shown by the report accompanying the bill, were a numerous body of small land-holders settled on the ranch, who only asked the right to enter their lands at \$1 25 an acre to the extent of their occupancy and possession. I speak what I remember and know, because I was a member of the Committee on Public Lands at the time. To show that I am right I ask the Clerk to read the extracts I have marked from the report of the committee, and I am willing that the entire report shall be printed in the Globe.

The Clerk read as follows:

"The facts upon which the Committee on Public Lands base a favorable report upon the above-named bill are as follows:

"The Socol ranch is settled upon and occupied by an enterprising body of agriculturists, men who have spent their means liberally in making improvements, claiming their lands under the Socol grant of M. G. Vallejo. In 1847 the town of Benicia was laid out, its projectors and settlers relying on the Vallejo title. It has grown to be a town of several thousand inhabitants, and is among the more important of the interior villages of California. The town of Vallejo is upon the same ranch, was laid out in 1850, and is also of considerable importance, the lands therein being held under the same title.

"The entire ranch has passed out of the hands of the original grantee into the possession of a multitude of small holders, and is covered by numerous small farms and orchards, each inclosed by substantial fences, highly cultivated, and dotted all over with comfortable farm-houses and other buildings. All these settlers upon the ranch hold by purchase of M. G. Vallejo, having paid for their lands in good faith and in the firm belief, supported by the best legal advice attainable, that the title of Vallejo was valid.

"Several million dollars have been expended in improvements upon the ranch, and hundreds of thousands of dollars are secured by mortgage upon the farms into which the ranch has been divided. It

is obvious that great confusion and distress must arise in a community of this character, with proper interests so extensive, when it is suddenly discovered that their title was invalid, and the wealth they had supposed their own is suddenly taken away and all the accumulations of years swept from them.

"There are many circumstances which tended to give to the settlers upon the Socol ranch confidence in the title which they purchased. M. G. Vallejo, the grantee from the Mexican Government, belonged to one of the most influential families of California. In 1827 he was a member of the departmental legislature. He afterward held a high official position under Governor Figueroa, and still later, in 1839, was commissioned by the supreme Government as military commandant of Alta California. At various times during the troubles in Mexico, and its consequent pecuniary straits, he furnished the Government large sums of money and other supplies; and, in consideration of these favors to the Government, Micheltorena, then governor of California, and invested with extraordinary powers by the home Government, granted to Vallejo the Socol ranch in 1843, several years before the conquest of the State by the United States. From that time Vallejo had the exclusive and undisputed use and possession of the rancho having upon it his residence, several thousand head of horses and cattle, numerous dependents and retainers, and exercised over it all acts of ownership. Thus matters stood when California became a part of the Union by a treaty guarantying, on the part of the American Government, protection to the property of Mexican citizens. Complying with the law of Congress requiring Mexican citizens to prove their ownership of grants, Vallejo presented to the board of land commissioners his claim to the land he had held and owned for years before. That board was satisfied as to the meritorious character of this grant, for after a thorough investigation of the documentary evidence in the case, and an elaborate examination of witnesses, the case was confirmed by said board on the 22d May, 1855. This decision of the board of land commissioners was subsequently confirmed by the higher tribunal of the United States district court for the northern district of California.

"After this grant had passed the ordeal of two courts of the United States, and had been indorsed by them as genuine, the owner would naturally feel warranted in selling portions of the same to third parties, and those desiring to purchase would not be apt to doubt the validity of the title against the decision of two courts of the United States. In addition to this, it should be stated that the Government desiring a location for a military establishment near Benicia, caused an investigation to be made into the *bona fides* of this title, under the supervision of the Attorney General, and that officer reporting that the title was valid, the Government purchased a portion of the land, and now holds it under the Vallejo title.

"After these various decisions the validity of the title was taken for granted until the decision of the United States Supreme Court. That decision was not made upon any alleged fraud, but upon a technical question as to the powers and duties of Micheltorena in making the grant, and this question was raised for the first time in that court.

"Justice Grier, who, with Justice Wayne, dissented from the majority of the Supreme Court in rejecting the grant on technical grounds, said:

"If this treaty is to be executed in good faith by this Government, why should we forfeit property, for which a large price has been paid to the Mexican Government, on the assumption that the Mexican Government would not have confirmed it, but would have repudiated it for want of formal authority? Vallejo was an officer in the army, high in the confidence of the Government. His salary as an officer had been in arrear. In a time of difficulty he furnishes provisions and money to the government of the territory. How do we know that Mexico would have repudiated a sale of eighty thousand acres as a robbery of its territory, when any two decent colonists, having a few horses and cows, could have one hundred thousand for nothing?

"I believe the Mexican Government would have acted honestly and honorably with their valued servant, and that the same obligation rests on us by force of the treaty.

"Now that the land under our Government has become of value, these grants may appear enormous; but the court has a duty to perform under the treaty, which gives us no authority to forfeit a *bona fide* grant because it may not suit our notions of prudence or propriety.

"We are not, for that reason, to be astute in searching for reasons to confiscate a man's property because he has too much. Believing, therefore, that in the case before us the claimant has presented a genuine grant for a consideration paid, which the Mexican Government would never have disturbed for any of the reasons now offered for confiscating it, I must express, most respectfully, my dissent from the opinion of the majority of the court, with the hope that Congress will not suffer the very numerous purchasers to forfeit the millions expended on the faith of treaty obligations."

"The bill reported by this committee respects the occupancy of the numerous holders under this title, recognizing it as a preemption, and authorizing a sale to them for the minimum price of public lands, they paying the cost of surveys and all other expenses.

"It has been the uniform practice of Congress to respect and protect the improvements of settlers. By the decision we have referred to, a considerable quantity of land covered with settler's improvements has suddenly become the property of the United States. To send out a commission to California to appraise those improvements would absorb all the Government could realize from the sale of the lands. Yet, to treat the settlers as intruders upon the public

domain, and deprive them of the fruits of their labor and investments, would be a gross departure from the practice of the Government, and a great injustice to the settlers. As the bill proposes to sell them their lands at the Government price, they to be at all the expense necessary for surveys, litigating conflicting interests, &c., the Government will probably realize more from the lands than it can from any other mode of treatment, while it will do justice to its citizens whose interests are so deeply involved in the premises.

"The legislation proposed in the bill is consistent with the precedents of congressional legislation in land cases. By act of Congress approved June 27, 1851, the right of preemption was granted to certain settlers on the Maison Rouge grant, in Louisiana. The Congress passed the act to take effect 'in the event of the final adjudication of the title in favor of the United States.' (9 Statutes-at-Large, page 565.) The final decision is reported in 11 Howard, 663, and the act was passed while the case was pending.

"Another act, entitled an act for the settlement of certain classes of private land claims within the limits of the Baron de Bastrop grant, and for allowing preemption to certain actual settlers in the event of the final adjudication of the title of said de Bastrop in favor of the United States, was approved March 3, 1851. (9 Statutes-at-Large, page 597.) The case is found in 11 Howard, page 609.

"The settlers on the above-named grants were comparatively few in number, and the grants eleven times as large as the Socol grant, while on the latter some three thousand families are settled, and several thousand others, all holding under the Socol title.

"Up to the time of the rejection of the Socol grant during the present Congress, the settlers were undisturbed by any outside parties; but difficulties have since arisen from the entrance of parties upon the grant on the claim that it is public land, leading to collisions, which must increase if Congress does not intervene. The parties so claiming have entered within the inclosures of settlers, and scenes of violence have hence resulted.

"In view of all the facts in the case, the fact that so large a population of industrious agriculturists have settled upon and improved the grant; that they have bought their lands in good faith; the precedents cited, and the consistent policy of the Government toward settlers, with the *bona fides* of the grant itself, the committee report back the bill, and recommend its passage."

During the reading of the report,

Mr. HIGBY said: Does the gentleman desire to have that report read only partially or in full?

Mr. JULIAN. I am willing it should all go into the Globe. I do not wish to consume my hour in reading it in full.

Mr. HIGBY. There may be a vote taken before members can see it in the Globe.

Mr. JULIAN. If it does not come out of my time I have no objection to having the whole of it read.

Mr. BIDWELL. I do appeal to the gentleman from Indiana to permit a vote to be taken on the amendments in the morning hour.

Mr. JULIAN. I shall make my argument just as full and as thorough as I deem it my duty. The question involved is an important one.

The SPEAKER. Does the gentleman desire to have the whole of it read or only the part marked?

Mr. JULIAN. Only the part marked. The remainder I will insert in the Globe.

It will be seen by the facts stated in that report that the act of Congress of March 3, 1863, was obtained by false and fraudulent representations of fact, as I shall proceed more fully to show. But first I will ask to have read the rules of decision which were adopted by the Land Office in the settlement of these difficulties.

The Clerk read as follows:

"1. The land included in these cases was, for a considerable period, regarded by many as a ranch, and designated 'the Socol ranch.' As such it was claimed by Don Mariano Guadalupe Vallejo, under an alleged grant from the Mexican Government.

"On the other hand there were those who contended that the claim of Vallejo was fraudulent, and that the land was part of the public domain of the United States.

"2. The contest at length passed into the Supreme Court of the United States, and at the December term, 1851, its decision was rendered adverse to Vallejo, and judgment entered on the 24th of March in favor of the United States.

"3. The immediate effect of this decision was to remove or destroy the claim of Vallejo and those holding under him. It in fact declared that all along the land belonged to the United States, and as such had been, and must continue to be, open to preemption under the general acts of Congress, as any other part of the public land.

"4. It therefore follows that any person having the requisite qualifications, who settled as a preëmptor on this land prior to the adjudication of the Supreme Court or subsequent thereto, and prior to the special act of 3d of March, 1863, and who has properly kept up his inaugurated claim, possesses a vested right of

which he cannot be deprived by any legislation of Congress. It is indeed not to be presumed that Congress designed to disturb such rights by the special act.

"5. This special act is in the nature of an enabling or remunerative act, and appears to be intended to compensate, as far as was proper, the claimants under Vallejo for the loss sustained by them as purchasers from him, in consequence of the decision of the Supreme Court.

"6. It therefore requires that, in order to establish a claim under the act, it must first of all appear affirmatively that they are *bona fide* purchasers from Vallejo or his assigns.

"This implies two things, a valuable consideration and the absence of notice of a valid adverse preemption claim.

"7. Such purchasers, in the absence of valid adverse claims, may be allowed the land originally claimed by them to the extent to which they show that they have reduced it to possession, upon producing evidence of compliance with the other provisions of the law. This may include the whole of the original purchase, or only the part actually occupied or possessed.

"8. This occupancy or possession relates back to the 24th of March, 1862, that being the period of adjudication by the Supreme Court or the date of the entry of the decree.

"The possession must then have existed; subsequent reduction to possession cannot be considered.

"The fact itself may be established by proof of actual occupancy or use of the land at that date, or the existence of dwellings, improvements, of inclosures within marked trees, stakes, stones, fences, or other visible lines or indications of claims to special tracts.

"9. In addition to proof of *bona fide* purchase and of reduction to possession, there must be proof of settlement.

"By settlement is meant a residence within the exterior limits of the ranch or original Vallejo claim.

"This settlement must necessarily be on a particular tract, and must be continued until the presentation of the claim at the local office, or until proven up.

"Abandonment of a tract after the adjudication of the Supreme Court, or before proving up, would be a forfeiture of a claim.

"The claim of a non-resident cannot be approved.

"The fact of residence on one tract would, however, give conditional validity to a claim for other tracts. Hence, a claimant establishing a right to a single tract may be allowed additional tracts if it appears he purchased them in good faith from Vallejo or his assigns, and without notice of an adverse valid claim, and that by employees or tenants he had reduced them to possession at the date of the adjudication of the Supreme Court.

"10. Conterminous claims may be allowed. These must come, in all other respects, within the requirements of the act of March 3, 1863.

"11. The first section of the special act rendered it lawful for me to cause the Socol ranch to be surveyed and have the plats returned to the local office upon the payment of the expenses thereof by the settlers, according to the provisions of the tenth section of the act of Congress of 30th of May, 1862, to reduce the expenses of the survey and sale of public lands in the United States.

"The required payment was commenced 9th October, 1863, (\$100), and completed November 23, 1863, and the plats returned to the local office in September, October, and December, 1863.

"12. It must appear that the claims under the special act were presented to the local office within twelve months after the return of the plats thereto, which took place as follows, namely:

Mr. JULIAN. The following letter will also be found pertinent to the subject:

PHILADELPHIA, May 30, 1866.

I have carefully examined the decision of the Commissioner of the General Land Office of the 13th January last, in the Socol case; also the above argument of Hon. F. P. Stanton and others, in the same case. I fully and clearly concur in all the views set forth in said decision and argument. The general preemption law of 1841 was drawn by me as a Senator of the United States and member of the Committee on Public Lands and of the Judiciary Committee. I was a member of the Committee on Public Lands of the United States Senate for nearly ten years; and as Secretary of the Treasury of the United States, on appeal or reference from the Commissioner of the General Land Office, as well as under special acts of Congress, decided several thousand preemption cases, not one of which decisions has ever been overruled by the Supreme Court of the United States. I have also argued a great many land-grant and preemption cases in the courts of Louisiana and Mississippi, and also in the Supreme Court of the United States.

R. J. WALKER.

Mr. McRUER. Is that intended as an advertisement?

Mr. JULIAN. If the gentleman has not comprehension enough to know what it was intended for, I am quite sure I cannot enlighten him.

Mr. Speaker, under these rules of the land office, as indorsed by Hon. Robert J. Walker, several of these cases have been decided, and decided, thus far, in favor of the preemptions.

Mr. BIDWELL. Will the gentleman yield for a question?

Mr. JULIAN. Only for a question.

Mr. BIDWELL. Is not Robert J. Walker a partner of F. P. Stanton, one of the lawyers in interest on the other side?

Mr. JULIAN. I do not know.*

Mr. BIDWELL. I know he is.

Mr. JULIAN. I do not know whether he is or not, and do not care. As I have already observed, this act of Congress was passed upon the statement that the claimants were a numerous body of land-holders, several thousand in all, occupying small tracts, and only asking the right to purchase to the extent of their actual possession; but the fact turns out to be that after being allowed all the time that the act of 1863 provides for the assertion and proof of their claims, only one hundred and fifty-seven claimants all told have made proof under the law as to their rights of ownership in that ranch. Let me give the House a sample of these "small" land-holders.

John B. Frisbie, one of the grantees under the Vallejo title, claims four thousand acres. He did not reside and never has resided on the premises, as I understand. His residence is in the city of Vallejo. Is he a "small holder" and a "settler" on the ranch?

D. H. Hastings claims nearly five thousand acres. He resides in the town of Benicia, and not on the land. Has he any rights under the act of 1863 for the preemption and purchase of this tract?

C. A. Eastman claims twenty-five hundred acres, and resides in San Francisco. Is he, too, a "small holder" with the right of preemption of this entire tract?

J. M. Neville claims six hundred and forty acres, and is a non-resident, his home also being in San Francisco.

Thomas S. Paige claims twenty-seven hundred acres, and resides in Chili, South America, and has resided there for many years. Is he, too, a "small holder," entitled to preempt his little possessions? Is it the policy of this Government to encourage foreigners to become large land-owners among us, who reside abroad and do nothing for the country, but hinder American citizens from preemitting the public domain in small homesteads?

J. Lankershin claims four hundred and sixty-six acres, and resides in San Francisco; and the seven claimants I have named assert the right to fifteen thousand seven hundred and six acres under the act of 1863, giving them the right to preempt at \$1 25 per acre to the extent of their actual possession.

Mr. Speaker, is it the policy of the Government to encourage this large land-holding by foreigners and non-residents in contravention of the well-settled policy of the United States? Would the Congress of 1863 ever have enacted this law if it had understood the character of these claimants? Is it not perfectly clear that Congress was imposed upon in the passage of that act, and that no construction of it should be tolerated which will favor these monopolists at the expense of preemptions and homestead claimants?

Let me recite some kindred facts. One Singleton Vaughan claims two hundred and sixty acres; Charles Ramsey seventeen hundred and sixty; John W. Bartlett and John Baker three thousand; Joseph and John Wilson sixteen hundred; John Goodyear two thousand; Andrew and James Hunter sixteen hundred; J. Hill thirteen hundred; John Torney about seven hundred and sixty-six; and Peter Fagan eight hundred and sixty-six. This makes a total of thirteen thousand one hundred and fifty-two acres owned by ten men; so that with the seven beforenamed here are seventeen land-holders claiming twenty-eight thousand eight hundred and fifty-eight acres of this land, seven of them non-residents of the ranch, one of them a non-resident of the country, claiming titles under the law of 1863, which was procured, as I have shown, by false and fraudulent representations to both the committees of Congress at that time.

* I have since learned that Mr. Walker has no interest whatever in the law business of Mr. Stanton.

Let me state some other facts bearing upon this case; and what I have said and shall say on these matters of fact I get from the records of the Land Office, to which I refer gentlemen who may see fit to controvert any statements that I may submit.

Jacob Anderson, father of A. J. Anderson, a preemption claimant, settled on the Sheehy tract in 1855. The first purchase of Sheehy, the Vallejo claimant, was in August, 1856, and the second in 1858; so that here is one claim of a preëmptor prior in date to the claims set up under the Vallejo grant. Will the gentleman from California [Mr. BIDWELL] pretend that the preëmptor should be ousted? Berry Shouse bought of Frisbie, in October, 1856, the land claimed by Nesbitt as a preëmptor, who proves settlement in April, 1853. He built a house, stables, sheds, &c., and remained on the land from that date to 1858, fenced in a garden, planted an orchard, &c. In 1856 the sheriff put him off at the instance of Frisbie, under the Vallejo title. Is this the treatment of preëmptors which California land speculators ask us to sanction?

The records of the Land Office show, too, that some of the Vallejo claimants purchased of Frisbie, who is the son-in-law of Vallejo, after the act of March, 1863, was passed, and some of them after the rejection of the grant by the Supreme Court. Have they any rights under the act of 1863?

Granting, in other respects, the justice of the claim of these men, certainly none of them can assert any right on the ranch subsequent to the date of the decision of the Supreme Court, or subsequent to the passage of the act of 1863; for the effect of the decision was to make it unappropriated public lands, and the effect of the act of 1863 was to restrict all parties to the provisions of that act. Clearly, then, the Land Office was right in deciding as it did in favor of the preëmptors in these cases in opposition to this void claim set up against it; and I am very sorry to find the gentlemen representing California so strenuously at work to defeat the just rights asserted by that decision.

I come now, Mr. Speaker, to the questions of law applicable to these facts. The act which I have referred to and which has been read to the House is an act entitled "An act to grant the right of preemption to certain purchasers on the Socol ranch in the State of California." Its title shows that it was itself an act providing for the preemption of the land specified.

The term "preemption" implies settlement in person on the land. Congress undoubtedly so understood it. In proof of this, I remind the House of the language of the report of the Land Committee in 1863, on which the act was thought to be justified. I quote the following:

"The Socol ranch is settled upon and occupied by an enterprising body of agriculturists, 'claiming their lands under the Socol grant.'"

"The entire ranch has passed out of the hands of the original grantee, into the possession of a multitude of small holders." &c. "All these settlers upon the ranch hold by a purchase of M. G. Vallejo."

"There are many circumstances which tended to give to the settlers upon the Socol ranch confidence in the title which they purchased." &c. "The bill reported by this committee respects the occupancy of the numerous holders under this title, recognizing it as a preemption."

"It has been the uniform practice of Congress to respect and protect the improvements of settlers." &c.

It is thus quite evident that Congress understood these Vallejo claimants to be settlers on the land. What is a settler? I refer to the authorities on the subject:

"Bouvier's Law Dictionary, vol. 2, p. 519, gives it as 'the right which a person has of being considered as resident of a particular place.' It is synonymous with domicile, or 'the place where a person has fixed his ordinary dwelling with a present intention of remaining.' Id. vol. 1, p. 342. The word comes into the English language from the Latin '*sedes*' or '*sedeo*,' and means not only a personal residence, but a permanent personal residence. In England, as far back as Elizabeth, a person must personally reside in a parish forty days with the intention of making it his permanent home, before he could gain a 'settlement' in such parish. Webster gives the definition of the word to 'settle' as to 'fix one's habitation or residence.' Burrill's Law Lexicon defines 'set-

tlement' to be 'a settled place of abode.' There are other meanings of the word, 'as to settle accounts,' &c.; but when the term refers to settlement in a parish, in a country, or in fact a settlement on land in any manner, it then means a permanent, personal residence, and nothing less. It had this meaning in its original form in the Latin vernacular. It had the same definition when incorporated into the English language, and has retained it to this day. It had this meaning in the civil law; it had it in the common law, and has it in all statute laws. A man is settled, wherever he locates his residence.

"But the special bill of March 3, 1863, attaches a peculiar significance to the requirement of 'settlement.' Although strictly speaking, the title is no part of an act, yet the rule is well established, that the title, when taken in connection with other facts may assist in removing ambiguities, where the intent is not plain." *United States vs. Fisher*, 2 Cranch 336. 1 Kent's Comm. 516.

These are the definitions of the law books applying to this act which uses the word "settlement," and the words "occupancy" and "preemption," and provides for purchase to the extent of actual possession.

Now, I submit it as a clear proposition, that a gentleman claiming lands on this grant and residing in South America, was not precisely a "settler" on the Soscol ranch. I take it that the six or seven other large claimants on this ranch already mentioned were not "settlers" on it, inasmuch as they did not reside on it. I submit that a settlement on it through their tenants or agents was not such a settlement as the act, on its face, providing for the preemption of the land, would be satisfied with, and that personal occupation of or residence upon the soil was necessary. On that point, I think there can be no difference of opinion.

I will now refer, Mr. Speaker, to some of the general principles which apply to the interpretation of statutes, and will read from authorities as I have collated them:

"The most general proposition is that 'the law does not favor repeal by implication, and though two acts are seemingly repugnant, they shall, if possible, have such construction that the latter may not repeal the former by implication.'"—*Dicaris on Statutes*, page 530.

"Subordinate to this, we submit two other propositions: 'If the law admits of two interpretations that is to be adopted which is agreeable to the fundamental or primary law.'"—*Professor Lieber*, quoted in *Sedgwick's Treatise*, page 238.

Now, among the "fundamental and primary laws" of the United States respecting the public lands may be classed the law of preemption; a law whose beginning dates back nearly fifty years, recognizing the policy of encouraging settlers to go on the public domain, establish their homes, mark their improvements, and assert their titles, and thus pioneer and people and civilize the vacant lands of the nation. This is the settled policy of the United States, our American policy, in the light of which this special act must be interpreted, and not in contravention of it.

Attorney General Legare says, page 71, volume four, Opinions of July 11, 1842, "Statutes must be construed so as to avoid the divesting of any rights of third parties." Here, as I have shown, were rights of preemptions, valid, undeniably valid, because they date prior to the time of the decision of the court and the enactment of this act of 1863. Now, those rights of preemptions cannot be divested by the mere interpretation of a special act made for the benefit of special claimants. Any rule allowing this would be manifestly unjust and unreasonable.

Mr. Cushing (volume six, page 700) said:

"We are not bound to suppose that Congress intended a violent invasion of a private right and interest in any portion of the land described, and lawfully acquired under previous laws, for such act would be in apparent disregard of the Constitution of the United States."

I take it to be good law that if Congress in express terms had enacted that these invested rights of preemptions should be divested, the law would have been void under the Constitution. The law inviting a preemption, when accepted by the settler, becomes a contract with the Government, and Congress could not impair it. It has no power to make such a law, nor can the courts, by interpretation, give any retroactive effect to the act of 1863. I here cite the following authorities:

"Taylor's Elements of Civil Law; Braeton, 1, 4 fo.,

228; 6 Brac. Abr. 370; 2 Inst., 292; 2 Jones, 108; 4 Burr. 24, 60.

And under the more stringent limitations upon legislative powers which prevail in this country, it is well settled that a retrospective statute, affecting and changing vested rights, is founded on unconstitutional principles, and consequently inoperative and void.

"Johnson's Rep., 477; Tennessee Bill of Rights, art. 23; Ogden vs. Blackledge, 2 Cranch, 262; Society for Propagating the Gospel vs. New Haven, 8 Wheaton, 498; Wilkinson vs. Leland, 2 Peters, 657-658; Wilkinson vs. Fields, 2 Sandford's Chancery Reports, 534; Osborne vs. Huger, 1 Bay, 179; Bedford vs. Shilling, 4 Serg. and Rawle, 401; Merrill vs. Shurburne, 1 New Hamp. Rep., 199; Ward vs. Barnard, 1 Aiken, 121.

"The doctrine expounded in these authorities rests upon the principles of natural justice and general jurisprudence, which underlie the Constitution of the United States. It is simply a recognition of inalienable rights, of which men are not divested by the artificial relations of municipal law. In fact the legislation of every civilized nation, and even the Roman civil law has adopted Papinian's maxim, '*Nemo potest mutare consuetudinem in alterius injuriam*.'"

"Nor is this doctrine without the express sanction of the Constitution. The Constitution provides that no person shall be deprived of life, liberty, or property without due process of law; and also that 'no ex post facto law shall be passed' by Congress. (United States Constitution, art. 1, sec. 9; and amendments to Constitution, art. 5.)

"And although, in strict construction, the terms 'ex post facto laws' apply to criminal rather than civil matters, yet, in a comprehensive sense, they embrace all retrospective laws or laws governing or controlling past transactions, whether of a civil or criminal nature. (Satterlee vs. Matthewson, 2 Peters, 416; 4 Wheaton, 578; Ogden vs. Sanders, 12 Wheaton, 286; Sedgwick on Statutory and Constitutional Law, 681; 14 Peters's United States Reports, p. 361.)"

Again, the Soscol act of 3d of March, 1863, grants a special privilege to certain persons, and it is a principle of law that privileges or favors are to be so construed as not to injure the non-privileged or unfavored. Attorney General Black said with great force and common sense, when interpreting an act under which a claim to land was set up, (Opinion of November 22, 1858,) that—

"In every doubtful case, we know very well what we ought to do as soon as we ascertain which party is entitled to the benefit of the doubt."

"It is well settled that all public grants of property, money, or privileges, are to be construed most strictly against the grantee."

I ask the gentlemen from California to apply that legal principle to this case. Every jot and tittle of that special act is to be construed most strongly in favor of the United States, in favor of the preemptions of the Government, and against the peculiar rights specially given in the act. "Whatever is not given expressly," says the same authority, "or not clearly implied from the words of the grant, is withheld." And he goes on to say:

"We all know the fact, and are not bound to seem ignorant of it, that gifts like this are often caused by private solicitation and personal influence. The bills, almost universally, are drawn up by their special friends, and may be made ambiguous on purpose to disarm their opponents or put suspicion asleep. If you let the grantees have the advantage of the ambiguity which they themselves put into their own laws, many of them will get a meaning which Congress never thought of. Acts which were supposed to have but little in them when they passed, will expand to very large dimensions afterward. An ingenious construction will make that mischievous which was intended to be harmless."

I have shown the House what "private solicitations" and "personal influences" were employed in misleading the Committee on Public Lands. The basest and most unconscionable fabrications were concocted in that case in order to get the committee to report the bill desired. Every gentleman on this floor knows how these things are managed here, and certainly I need not attempt to enlighten California gentlemen on the subject.

Mr. BIDWELL. I would ask the gentleman from Indiana [Mr. JULIAN] if there was not this session before the Committee on Public Lands a bill proposing the repeal of the act of March 3, 1863. And if that act was procured by fraud why did not the Committee on Public Lands report in favor of repealing it?

Mr. JULIAN. Mr. Speaker, there was a bill for the repeal of the act of 1863 referred to the Committee on Public Lands during this session.

Mr. BIDWELL. If the act of 1863 was passed under fraudulent representations, why did not the committee report favorably upon the bill for the repeal of that act?

Mr. JULIAN. I will answer the gentleman with the greatest pleasure. We did not report in favor of repealing the law of 1863 because rights had intervened and vested; and we believed that the repeal of the law might do more harm than good, inasmuch as the Land Office was at that time deciding in favor of the preemptions. But since that date the decision of the Land Office, on appeal to the Attorney General, has been reversed in the interest of the California land speculators, who in some way procured an opinion to that effect. I may add that in June, 1864, the House Committee on Public Lands did report a bill for the repeal of the act of 1863, which passed the House near the close of the session, but was not acted on in the Senate.

Mr. BIDWELL. Then why does the committee of which the gentleman is chairman attempt to nullify and repeal that law by this amendment?

Mr. JULIAN. I will answer that question, too. I make no such attempt. What we ask is, that the law of 1863 shall be interpreted in the light of the intention of the Legislature, and that the Attorney General, of whose opinion I shall presently speak, shall not pervert that law from its legitimate purpose by glosses which no lawyer will for a moment defend.

Mr. Speaker, the questions of the gentleman from California [Mr. BIDWELL] have drawn me aside from the legal considerations to which I was referring. I have no time now to pursue them further. I have referred to some rules of interpretation for the purpose of inviting the attention of the House to the unwarranted use that is sought to be made of the act of Congress of 1863, in furtherance of the most iniquitous purposes.

But we are told, Mr. Speaker, about the equities of these claimants. I must say a word in this connection on that subject; and in approaching it I want to read an extract from the opinion of the Supreme Court in deciding this case, showing how much equity in the beginning was in the grantee under this Spanish title. The court say:

"The evidence of possession and cultivation is slight. Indeed, considering the magnitude of the tract granted, it is entitled to very little weight. As the grants were dated 1843 and 1844, and the country taken possession of by this Government in 1846, there could be but two or three years' possession or occupation under them at the time of our taking possession. The evidence that Vallesjo occupied and cultivated the tract previous to the grants, which, of itself, is slight and unsatisfactory, is still further weakened by the fact, which is shown, that the ranch had been occupied by the claimant, as a military commandant, with soldiers and Government property."

The witnesses, who speak of the possession as early as 1841, might very readily have confounded this possession for the uses of the Government with a possession for Vallesjo himself. We can give very little weight to a possession so limited as to duration and in extent, when offered in support of a grant of ninety or one hundred thousand acres of land. If the grant cannot be maintained by its own force and effect, this possession will scarcely uphold it."

So much for the possession in the early history of this grant.

Now, sir, in noticing further the pretended equity of these claims, let me refer to some additional facts. Let me first mention that General Frisbie, who holds under General Vallejo, bought the whole of these ninety thousand acres at rates varying from thirty-three to sixty-six cents per acre, on an average, as the records of the Land Office show—land that was worth, I suppose, at the least calculation, ten times the amount. General Frisbie bought it for a comparative song, and when he got possession of it, knowing, as he evidently did, that the title was invalid, and not being willing to risk it, he proceeds to make sales of the ranch. These sales have no explanation except in the fact that he felt, himself, that the title was invalid or exceedingly doubtful. I give some facts taken from the records of the Land Office as samples:

In November, 1855, one Harbin bought two hundred and ninety acres, for fifty dollars, giving his note for \$1,103 75 on confirmation of the title. This was ten days before Frisbie professed to have bought it.

In December, 1855, John Torney, Peter

Fagan, and J. Lankorshin bought twenty-six hundred acres for \$19,800, being about seven dollars per acre. These lands lie in two townships. They claim land in twelve sections, and as will be noticed, by the way, could not be "settlers" on all the land.

In August, 1856, one Sheehy bought fourteen hundred acres for \$2,842, being about two dollars per acre. He claims land in two townships and various sections.

All these lands when sold were worth from forty to fifty dollars per acre, as I am informed by intelligent gentlemen from California. The rents which they bring, as I learn, will make their value more than stated. These purchasers bought an uncertainty, and knew they were so buying, and paid a trifling price accordingly.

So much for the equities of these Valjejo claimants. They bought at a price probably more than ten fold less than they could have purchased if the title had been good, and they knew it. They held it for years and years, building exterior lines of fences around it, plowing and cultivating it, and reaping the fruits of their toil. They had all the benefits of it without owning an acre of the land or having any legal rights on it. Sir, I think they ought to be satisfied in not being called to account for their unlawful use and occupation of the land for successive years. And yet these men, purchasing land for a trifle of a man who had no title, and receiving its unlawful fruits freely for years, come to Washington in 1863 with their bastard equity and besiege Congress by misrepresentation and lies to enact a law for their benefit; and not content still, they procure from the Attorney General an opinion which cheats the preëmptors of the United States for the benefit of these land-jobbing adventurers.

But it is argued that the right of preëmption does not apply to this Spanish grant. That it does apply, I prove by citing—

"The act of March 3, 1851, (Statutes-at-Large, vol. 9, p. 633,) entitled 'An act to ascertain and settle the private land claims in the State of California,' the thirteenth section of which reads in part as follows: 'That all lands, the claims to which have been finally rejected by the commissioners in manner herein provided, or which shall be finally decided to be invalid by the district or Supreme Court' * * * shall be deemed, held, and considered as part of the public domain of the United States.'

"And again the act of March 3, 1853, (Statutes, vol. 10, p. 244,) entitled 'An act to extend preëmption rights to certain lands therein mentioned,' reads in part as follows: 'That any settler who has settled or may hereafter settle on lands heretofore reserved on account of claims under French, Spanish, or other grants, which have been or shall be hereafter declared by the Supreme Court of the United States to be invalid, shall be entitled to all the rights of preëmption granted by this act and the act of 4th September, 1841, entitled 'An act to appropriate the proceeds of the public lands and to grant preëmption rights' after the lands shall have been released from reservation, in the same manner as if no reservation existed."

Even if Congress, as contended by Montgomery Blair and others, had exempted Spanish grants from the claim of preëmption, the exemption could not apply to void grants like the present, which of course is no grant at all. I marvel that so obvious a consideration never seems to have occurred to the learned counsel for the speculators. I respectfully refer them to the case of *Clements vs. Warner*, (24 Howard, page 397.) "The only lands excepted from the operation of the preëmption laws, on account of occupation, are: 1. Parcels and lots of land occupied for trade and not agriculture. 2. Lands in the occupation of any Indian tribe in California. Latter clause of section six, act of Congress, entitled 'An act to provide for the survey of the public lands in California,' &c., passed March 3, 1853. (Lester, page 207.) 3. Lands in actual occupation of half breeds or mixed bloods. Section two of act of Congress of May 19, 1853, entitled 'An act concerning lands belonging to said half breeds,' &c. (Lester, page 293. Section ten, act of September 4, 1841. Lester, page 62.")

But it is said the right of preëmption cannot attach to lands inclosed by a third party, whose title rests upon occupancy. This doctrine is in direct antagonism to every land law of the

United States since the act of Congress of 1807, which is still in force, entitled "An act to prevent settlements being made on lands ceded to the United States until authorized by law." I need not waste time in refuting a proposition the bare statement of which refutes itself. If the law were as stated, any man, by inclosing the Soscol ranch, after the decision of the Supreme Court, could have excluded every man claiming the right of preëmption or homestead in any portion of this immense domain. The principle would make good law of the opinion of a California judge, who decided, as I have heard, that a fence around the entire State would exclude all pestilent preëmptors from all quarters. Certainly I need not dwell on this point.

But I come now, passing over many things I desired to say, to a question on which I hope we shall have an intelligent vote in this House. The Land Office has decided every one of these cases, so far as it has decided at all, in favor of the rights of the preëmptors on this ranch. Gentlemen from California—I of course do not speak of members of this House—gentlemen interested largely in lands in that State who have been belaboring members here for some time past with great industry, have procured an appeal from the Interior Department to the Attorney General of the United States, and that officer has given an opinion which I think one of the most extraordinary legal performances of this generation. I ask the Clerk to read the passages which I have marked. They are so interesting that I ask the House to listen to them.

The Clerk read as follows:

"It is not to be doubted that settlement on public lands of the United States, no matter how long continued, confers no right against the Government. It only gives the settler under the preëmption laws a right to enter the land occupied and improved when it is open to sale, and when he has complied with the conditions as to proof of settlement and improvement and payment of the consideration prescribed by the statutes. It is in compliance with those conditions that alone rests an interest in the land.

"The land continues subject to the absolute disposing power of Congress until the settler has made the required proofs of settlement and improvement, and has paid the requisite purchase money. Before those steps are taken for the designation and assertion of his claim, Congress may at any time intervene, and either exempt the land from entry, location, or appropriation, or dispose of it by grant to other parties. Before proof and payment are made, the only right which the settler has is an inchoate right of entry. When proof and payment are duly made, his right of entry becomes choate and he acquires (perhaps even before entry) a vested interest in the land. The question may be a delicate one, whether Congress can impair a vested right of entry; but there is no doubt that before the settler has taken the steps necessary to convert the privilege of preëmption into a vested right of entry, by establishing the fact of his settlement and paying the purchase money in the manner prescribed by law, Congress has absolute power to place the land beyond the operation of the statutes under which the settlement was made."

"It is not necessary to determine whether, immediately on the decision of the Supreme Court, or at any time after, the lands in question, by operation of any statutes, became subject to preëmption; whether, in other words, there was any law under which persons not claiming under grants from Valjejo or his assigns could have acquired by settlement proof thereof, and payment of purchase money, a right to enter the lands at the land office, if such right had not been defeated by the statute of 1863.

"I assume that the lands embraced by the Valjejo claim fell, upon the adjudication of the Supreme Court, under the operation of the general preëmption laws, as other public lands, or were subject to the operation of special laws of that denomination, applicable to public lands in California. But under those laws settlers could acquire, as I have already stated, no interest, which it was not competent for Congress to direct, until they had taken all the steps necessary to perfect their right to make entries of the lands settled and improved."

"I have already said that a settler under the preëmption laws acquires and can acquire no vested interest in the land he occupies by virtue simply of settlement; and that no vested interest is obtained until the settler has taken all the legal steps necessary to perfect an entry in the land office. Before such steps are taken he has nothing but a contingent personal privilege to become, without competition, the first purchaser of the property, which he may never exercise, or which he may waive or abandon."

Mr. JULIAN. The Attorney General states as law that a preëmptor under the laws of the United States has no right until he has completed his purchase, and no interest which the United States cannot divest; no vested right.

Now, sir, I have heard it said there is nothing new under the sun, but I must question the truth of this after reading this opinion. He makes no issue of fact as to the character of the preëmption claimants as such. He admits this to be such, and says the fact is not material, since preëmptors may be driven out at any time before the completion of their purchase. His opinion is a plea in confession and avoidance, and the sole dispute is narrowed down to one of law. Affirming that the preëmptor has no rights under the laws of Congress, he rests the whole case of these Valjejo claimants upon this position. If that be so it applies to homestead claimants in like manner, and every such claimant and preëmptor in the United States, by this ruling of the Attorney General, strangely acquiesced in by the Interior Department, is at the mercy of the Government of the United States, which may violate its plighted faith at pleasure. Why, sir, the decisions are uniform, that the settler under the preëmption laws has a vested inchoate right which no power can take away so long as he remains on the land in the execution of the acts which the law imposes upon him as the conditions of title. While he performs his part of the contract no power can disturb him. You cannot divest him of his right, and if Congress should attempt to do it it would be a violation of the Constitution of the United States, as I have already shown. On this point I cite the following authorities, which I would be very glad to have the Attorney General and Montgomery Blair examine at their leisure:

"United States vs. Fitzgerald, 15 Peters, 419; Cunningham vs. Ashley, 14 Howard, 377; Bernard's heirs vs. Ashley's heirs, 18 Howard, 43; Garland vs. Wynn, 20 Howard, 3; Clements vs. Warner, 24 Howard, 397; Lindsey et al. vs. Hawes et al., 2 Black; McAfee vs. Kim, 7 S. and M., Missis. Rep. 780; Finley vs. Williams, 9 Cranch, 164; Isaacs vs. Steele, 3 Scammon, 97; Bruner vs. Manlove, 3 Scammon, 339; Brown vs. Griswold, 11 Illinois, 520; Polk's Lessee vs. Wendall, 9 Cranch, 87; McArthur vs. Crowder, 4 Wheaton, 448.

"Attorney General Mason, 25th April, 1846, expounding the right under the act of 4th September, 1841, pronounced an opinion which has ever since been followed by the land department, and said:

"The settler is entitled to protection against the claims or entries of others. From the moment, therefore, that he enters in person on land open to such claim, with the *animus manendi*, or rather with the intention of availing himself of the provisions of the act referred to, and does any act in execution of that intention, he is a settler. He must afterward give his notice of intention, inhabit, improve, build his house, and make his proof and payment within the time stipulated to perfect his right. But in every stage he is protected until he fails on his part to comply with the conditions of the law."

"Where the contest was between preëmptors and a railroad company, claiming under the State of Iowa, Attorney General Cushing said, (Opinions, volume 8, page 394): 'The preëmptor acquires inchoate or incipient title by entering on the land, and there performing certain acts, by means of which the land is appropriated to his individual use and thus segregated, in fact, from the public domain. If in addition to these acts done on the land, the preëmptor afterward performs certain acts of notice and proof in the local land office, then his previous equitable right is converted into a legal one.'

"In the case of *Lytle et al. vs. The State of Arkansas*, (9 How., 333,) the Supreme Court held as follows:

"The claim of preëmption is not that shadowy right which by some it is considered to be. Until sanctioned by law, it has no existence as a substantive right; but when covered by the law it becomes a legal right, subject to be defeated only by a failure to perform the conditions annexed to it. It is founded in an enlightened public policy, rendered necessary by the enterprise of our citizens."

"In the case of the *United States vs. Fitzgerald*, the Supreme Court held 'that no reservation or appropriation of a tract of land can be made after a citizen has acquired a right to it under a preëmption law.'

"The Secretary of the Interior says, December 20, 1851: 'Subsequent entries, however, which have been made by preëmption, in virtue of settlements made prior to the grants, will be valid, because in those cases the right of preëmption attached from the date of settlement, and became a vested right, which can be divested only by abandonment or a failure in the performance of its condition.'—*Lester's Land Laws*, p. 550.

"In *Lytle's* case we declared that the occupant was wrongfully deprived of his lawful right of entry under the preëmption laws, and the title set up under the selection of the Governor of Arkansas was decreed to Cloyes, the claimant, this court holding his claim to the land to have been a legal right, by virtue of the occupancy and cultivation, subject to be defeated only by a failure to perform the conditions of making proper tender of the purchase money."—*Barnaud's Heirs vs. Ashley's Heirs, et al.*

Mr. Speaker, these citations could readily be extended, but I deem it unnecessary. The

opinion of the Attorney General is not law; and in making this declaration I throw down the glove to all comers, from Montgomery Blair down or up, as the case may be, through the entire list of pensioned employes of speculators in the work of overturning the land policy of the United States and defrauding preëmtors of their rights. I am sorry the Attorney General allowed his name to be signed to such a document, and I regret still more that the Secretary of the Interior so far forgot the great interests at stake as to accept that opinion as the guide of his Department against what must have been his own decided judgment. If carried out, no preëmtor or homestead claimant is safe. It mocks justice, sets common sense at defiance, and insults judicial decency; and the men who procured it in behalf of speculators were engaged in a very unworthy and unmanly service. I trust their labors will fail.

In *Lytle et al. vs. The State of Arkansas*, (9 Howard's Reports), the court say, "the adventurous pioneer who is found in advance of our settlements, encounters many hardships, and not unfrequently dangers from savage incursions. He is generally poor, and it is fit that his enterprise should be rewarded by the privilege of purchasing the favorite spot selected by him, not to exceed one hundred and sixty acres. That this is the national policy is shown by the course of legislation for many years." It is in behalf of the great army of men of this class now hovering over the public domain and hereafter to find their homes upon it that I speak; and the attempt to wrong them by a pretended legal opinion, which is clearly against law, and industriously used on this floor and in the lobby to defeat a just and necessary amendment to the bill now pending, is about as despicable an enterprise as the public has been invited to consider in our latter-day legislative experience.

Mr. McRUER obtained the floor.

The morning hour having expired, the further consideration of the bill was postponed until the next morning hour for general business.

ENROLLED BILL SIGNED.

Mr. TROWBRIDGE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (S. No. 127) granting aid in the construction of a railroad and telegraph line from the town of Folsom to the town of Placerville, in the State of California.

GENERAL BURNHAM.

Mr. PERHAM asked and obtained leave to withdraw from the files of the House the papers in the case of the application of General Burnham for a pension, copies of the same being left.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SMITH, one of its Clerks, informed the House that the Senate had passed, without amendment, the bill of the House (No. 641), for the relief of Charles M. Stout, late second lieutenant of company E, seventh regiment Pennsylvania Reserve corps.

REFUNDING OF TAXES.

Mr. BLOW, by unanimous consent, introduced a bill to authorize the refunding of certain taxes; which was read a first and second time and referred to the Committee of Ways and Means.

OFFICIAL HISTORY OF THE REBELLION.

On motion of Mr. SCHENCK, by unanimous consent, Senate joint resolution No. 86, to provide for the publication of the official history of the rebellion, was taken from the Speaker's table, read a first and second time, and referred to the Committee on Military Affairs.

CHARLES M. BLAKE.

On motion of Mr. WILSON, of Pennsylvania, by unanimous consent, Senate joint resolution No. 117, for the relief of Charles M. Blake, was

taken from the Speaker's table, read a first and second time, and referred to the Committee on Military Affairs.

EVENING SESSION.

Mr. MORRILL. I ask unanimous consent for an evening session this evening at half past seven o'clock.

Several MEMBERS. Oh, no.

The SPEAKER. It can be ordered by a majority.

Mr. MORRILL. I move, then, that an evening session be held this evening for the exclusive consideration of the tariff bill.

The motion was agreed to—ayes seventy-three, noes not counted.

TARIFF BILL.

Mr. MORRILL. I move that the rules be suspended and that the House resolve itself into Committee of the Whole on the state of the Union on the special order.

The motion was agreed to.

So the rules were suspended; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. SCOTFIELD in the chair,) and resumed the consideration of the special order, being the bill (H. R. No. 718) to provide increased revenue from imports, and for other purposes.

The paragraph under consideration was on page 28, as follows:

On all plain and mold and press glass, not cut, engraved, or painted, fifty per cent. *ad valorem*.

The pending question was upon the motion of Mr. MYERS to strike out the paragraph and insert in lieu thereof the following:

On all glass vials, jars, bottles, demijohns, carboys, and other vessels, except those made of flint-glass, and otherwise provided for, a duty of four cents per pound, filled or unfilled.

The CHAIRMAN. Debate on this amendment is exhausted.

Mr. MORRILL. I move *pro forma* to strike out "fifty" in the original clause and insert "forty-five." In order to refresh the minds of members of the committee as to the merits of this matter, I shall have to restate some facts which I stated just before the adjournment on Tuesday. These articles in the present tariff are subject to a duty of thirty-five per cent. *ad valorem*. They are the cheapest and plainest articles of glass manufacture—plain, mold, and pressed glass. The gentleman from Pennsylvania [Mr. MYERS] proposes a duty of four cents per pound, which would be a higher duty than that levied on cut glass or ornamented Bohemian glass. If we are to have this extraordinary rate upon these plain articles, it would be manifestly proper that we should raise the duty on other articles upon which a vastly greater amount of labor is expended and a much higher rate than exists in the present bill. I think it will be conceded by fair minds in the House, in view of the fact that we have reduced the amount of the internal revenue tax on these articles from six to five per cent., that an increase of fifteen per cent. *ad valorem*—that is to say, from thirty-five to fifty per cent.—which we have made in the Committee of Ways and Means, when there was no special reason, but on account of the exhibition of the depressed condition of the trade made before the committee, is enough. It is even a very large increase. I trust the amendment will be voted down.

Mr. MYERS. As the chairman has refreshed the memory of members of the House in regard to this question, I will say a word or two in reply. It is a pity that upon reflection he has been able to find no better argument than he has now given. It seems he has taken little notice of the figures which I gave to the committee when they were last in session. He has just now stated that there was no special reason for this increase. It becomes proper, then, that I should repeat the reason for the increase of duty. But first let me state what I had forgotten to mention the other day, and what probably is known to every member of this House, that this manufacture is almost exclusively done by hand labor, so that the money

made in it goes mainly to the American operatives. There is scarcely any labor-saving machinery employed, and we have to compete not only with the English labor, but chiefly with the Belgian, the cheapest in the world.

But the reasons which I stated the other day were these: there is not as much protection now proposed by this bill to this manufacture as was given under what was called the free-trade tariff of 1846. Under that tariff, when the duty on glass was thirty per cent., soda-ash, which enters largely into this manufacture, paid a duty of ten per cent. *ad valorem*, which amounted to only two mills per pound; and German clay, another ingredient, paid a duty of fifty cents per ton. Under the act of 1861, since which this manufacture has languished, the duty on soda-ash has been increased to one half a cent per pound, or one hundred and fifty per cent., and German clay to three dollars per ton, an increase of more than five hundred per cent.; and I believe now it is proposed to make it seven dollars.

Mr. MORRILL. The gentleman is mistaken in regard to the tariff of 1861; under that tariff soda-ash was free; the half cent per pound duty was put on in the tariff of 1864.

Mr. MYERS. I believe it was the tariff of 1864. Now, sir, I have stated to the committee the reasons why we ought to make this increase. Those reasons are, in the first place, that the articles entering into the manufacture of glassware have had to pay an increased duty of from one hundred and fifty to five hundred per cent., and that besides all this the manufacturers have had to pay six per cent. on their sales and double the former rate for labor. Another reason is that I, for one, am in favor of a specific duty.

[Here the hammer fell.]

The CHAIRMAN. Debate is exhausted on the amendment.

Mr. MORRILL. I withdraw my amendment.

The question being put on the amendment offered by Mr. MYERS,

Mr. MYERS demanded tellers.

Tellers were ordered; and the Chairman appointed Mr. MYERS, and Mr. HOOPER of Massachusetts.

The committee divided; and the tellers reported—ayes 43, noes 50.

So the amendment was disagreed to.

Mr. MYERS. I move the following amendment:

Strike out the twentieth and twenty-first lines and insert in lieu thereof the words, "on all glass vials, jars, bottles, demijohns, carboys, and other vessels, except those made of flint-glass, and otherwise provided for, a duty of three and a half cents per pound, filled or unfilled."

I do not desire to occupy the attention of the committee upon this subject, save to say that I have reduced the duty I proposed in my former amendment one half a cent per pound.

Mr. MORRILL. If the gentleman were to reduce it a cent and a half more I should be opposed to it, because it is too much at this late period of the session to ask Congress to go into the subject of levying a specific duty, with any degree of fairness or appropriateness, on the subject of glass. I know something about it, for in years past I have undertaken to do it. I know it is impossible to levy any specific duty with any degree of fairness without investigating the subject for weeks and weeks. And now for the gentleman to come in here and propose a rate of duty upon the most inferior, the black and the green glass, which would be ample upon almost any quality of glass, I consider trespassing upon the good nature of the House. I hope the amendment will be voted down.

Mr. MYERS. I move, *pro forma*, to strike out the last word of my amendment, simply for the purpose of saying that the gentleman's bill furnishes the best reply to his argument, for in numerous parts of that bill he has proposed specific duties.

Mr. MOORHEAD. I always prefer specific duties to *ad valorem* duties, and I think the

amendment proposed by my colleague [Mr. MYERS] is a change in the right direction. I have looked a great deal into this question, and I believe a duty of three and a half cents per pound would increase the duty from fifty per cent., as reported by the bill, to sixty-five per cent. *ad valorem*.

Mr. MORRILL. I have no doubt the gentleman has investigated the subject thoroughly. What will the duty amount to upon a dozen common plain glass tumblers?

Mr. MOORHEAD. About sixty-five per cent. *ad valorem*. [Laughter.] I know the difficulty the gentleman has in his head; it is the common black bottles. Now, I would prefer making a scale of duties; have it three cents per pound on common articles, three and a half cents per pound on others, and four cents on others. I think three and a half cents per pound is about the right average, and I think we better adopt the amendment.

Mr. MYERS. I withdraw my amendment to the amendment.

The question was then taken on the amendment of Mr. MYERS, and upon a division there were—ayes 42, noes 58.

Before the result of the vote was announced, Mr. MYERS called for tellers.

Tellers were not ordered.

The amendment was accordingly rejected.

The Clerk read as follows:

On glass crystals for watches, forty per cent. *ad valorem*.

No amendment being offered,

The Clerk read as follows:

On lenses for spectacles, whether of glass or pebbles, and with or without frames, two dollars per gross pairs, and, in addition thereto, forty per cent. *ad valorem*.

On all other lenses for optical purposes, whether in frames or otherwise, fifty per cent. *ad valorem*.

No amendment being offered,

The Clerk read as follows:

On all articles of glass, cut, engraved, painted, colored, printed, stained, silvered, or gilded, not including plate-glass silvered, or looking-glass plates, fifty per cent. *ad valorem*.

Mr. MOORHEAD. I move to amend this paragraph by inserting after the words "looking-glass plates" the words "two cents per pound and." That duty is not anything like what the men who manufacture fine flint-glass ask us to impose. They want five, ten, or fifteen cents per pound, in addition to the present duty, which is thirty-five per cent. *ad valorem*. But seeing that the disposition of the House is to increase the duty but slightly, I have named two cents per pound, and hope there will be no objection to it.

Mr. MORRILL. It is only half as objectionable as the other, but I hope it will be voted down by an equal majority.

The amendment was not agreed to.

The Clerk read as follows:

On all unpolished cylinder, crown, and common window glass, not exceeding ten by fifteen inches square, two cents per pound; above that, and not exceeding sixteen by twenty-four inches square, two and a half cents per pound; above that, and not exceeding twenty-four by thirty inches square, three and a half cents per pound; all above that, four cents per pound.

Mr. DAWES. I have an amendment which I desire to propose to this paragraph, and which I think will not encounter the opposition of the learned chairman of the Committee of Ways and Means, [Mr. MORRILL.] I move to insert after the word "two," in the second line of this paragraph, the words "and one quarter;" so that it will read "two and one quarter cents per pound." If that amendment should be adopted, I propose to offer corresponding amendments to other portions of this paragraph. My object is to raise slightly the duty upon window-glass. If there is anything the manufacture of which it is desirable to cultivate in this country it is common window-glass.

We have every facility in this country for manufacturing window-glass. We have all the raw material except the soda-ash and a few other things. But for years the manufacture of window-glass has been struggling against the adverse influences of foreign competition.

Why? Because labor enters so largely into the manufacture; and abroad, in Belgium, labor can be obtained for one franc a day, while in this country two and three dollars per day must be paid. Hence, with sand and other materials, the best in the world for making window-glass, this manufacture here at home has been for years struggling, meeting with but little success, because the arrangement of our duties has been such as to give employment to the workshops and laborers on the other side of the water rather than here. I desire, sir, that the manufacture of window-glass shall be carried on here with our own material, relieving us from our dependence in this respect upon the foreign manufacture. If there is any article in the world in reference to which it is desirable that our country should be emancipated from dependence on foreign labor it is cheap window-glass. I hope, therefore, that the gentleman from Vermont [Mr. MORRILL] will not oppose this amendment.

Mr. MORRILL. The learned gentleman from Massachusetts [Mr. DAWES] has decorated me with such flattering terms that I shall make only a very weak opposition to his amendment. I believe it is more meritorious than the proposition which was made in reference to mold and press glass. But I will say to the gentleman, that since I agreed not to offer any opposition to an increase of duty upon window-glass I have acquired a little additional learning; and that is that the parties who make the mold and press glass say that those who manufacture window-glass do not need any more protection than we have already given them, while the parties who make window-glass say that those who manufacture the mold and press glass do not need any more protection.

Mr. DAWES. I move, *pro forma*, to amend my amendment by striking out "one quarter" and inserting in lieu thereof "one half." I do this simply to say that the gentleman from Vermont is mistaken, and that if those who have given him his information have attempted to advance their interests by any such statements they are not borne out by the facts. The manufacturers of window-glass are and have been for years struggling to succeed in their business. They have not for years made an annual profit of six per cent. upon their capital, and it is impossible for them to do so under the present tariff. I withdraw the amendment to the amendment.

The amendment was agreed to.

Mr. DAWES. I move further to amend by striking out in the thirty-fifth line the words "one half" and inserting in lieu thereof "three quarters," so that window-glass above ten by fifteen inches square and not exceeding sixteen by twenty-four inches, shall pay a duty of two and three quarter cents per pound.

The amendment was agreed to.

Mr. DAWES. I move further to amend by striking out in the thirty-sixth and thirty-seventh lines the words "three and a half" and inserting in lieu thereof the word "four," so that the duty on window-glass above sixteen by twenty-four inches square, and not exceeding twenty-four by thirty inches, shall be four cents per pound.

The amendment was agreed to.

Mr. DAWES. I move further to amend by inserting after the word "four," in the thirty-seventh line, the words "and one half," so that window-glass exceeding twenty-four by thirty inches square shall pay a duty of four and a half cents per pound.

The amendment was agreed to.

Mr. MYERS. I move to amend by inserting after the pending paragraph the following:

On all glass vials, jars, bottles, demijohns, carboys, and other vessels under one half pint, except those of flint-glass and otherwise provided for, three and three quarter cents per pound; where over one half pint and under one pint and a half, three and a half cents per pound; and all over a pint and a half, three cents, filled or unfilled.

Mr. Chairman, I have offered this amendment believing the House will adopt it. It follows the suggestion of my colleague, [Mr.

MOORHEAD,] a member of the Committee of Ways and Means, to make a graduation of duty. I think it about fits the case. It does not come up by any means to the wishes of the glass manufacturers, who say they are not sufficiently protected; and I ask for it the serious consideration of this committee. I have not put these amendments forward in any other than a spirit of good faith. I did not think they would be opposed, much less that the House would refuse tellers after they had been fully discussed. I believe this manufacture is languishing. I have made the amendment to tally, not only with the views of the gentleman from Pennsylvania, but with others acquainted with this manufacture. I hope the House will seriously consider it, and then put it in.

Mr. MORRILL. There is no disposition on the part of the Committee of Ways and Means or myself to consider this question with any disrespect. I thought the gentleman would have ascertained it was not only the opinion of the Committee of Ways and Means but of this House that we have granted all that we ought to grant under this bill. But I admire the persistence of the gentleman from Pennsylvania. I do not know anything equal to it unless it be that of the renowned preacher who "played on the harp of a thousand strings, demijohns and spirits of just men made perfect." [Laughter.]

The committee divided; and there were—ayes 28, noes 40.

Mr. MYERS demanded tellers.

Tellers were ordered; and Mr. GARFIELD and Mr. O'NEILL were appointed.

Mr. MYERS. The joke of the gentleman from Vermont was so good and so new, and the majority against me seems to be so great, that I withdraw my amendment.

The Clerk read as follows:

On cylinder and crown glass, polished, not exceeding ten by fifteen inches square, three and a half cents per square foot; above that, and not exceeding sixteen by twenty-four inches square, five and a half cents per square foot; above that, and not exceeding twenty-four by thirty inches square, eight cents per square foot; above that, and not exceeding twenty-four by thirty inches square, eight cents per square foot; above that, and not exceeding twenty-four by thirty inches square, eight cents per square foot; all above that, fifty cents per square foot.

No amendment being offered,

The Clerk read as follows:

On fluted, rolled, or rough plate-glass, not including crown, cylinder, or common window glass, not exceeding ten by fifteen inches square, \$1 25 per hundred square feet; above that, and not exceeding sixteen by twenty-four inches square, one and a half cents per square foot; above that, and not exceeding twenty-four by thirty inches square, two cents per square foot; all above that, two and a half cents per square foot; *Provided*, That all fluted, rolled, or rough plate-glass, weighing over one hundred pounds per one hundred square feet, shall pay an additional duty on the excess at the same rates herein imposed.

No amendment being offered,

The Clerk read as follows:

On all cast polished plate-glass, unsilvered, not exceeding ten by fifteen inches square, four cents per square foot; above that, and not exceeding sixteen by twenty-four inches square, six cents per square foot; above that, and not exceeding twenty-four by thirty inches square, ten cents per square foot; above that, and not exceeding twenty-four by thirty inches square, thirty cents per square foot; all above that, fifty cents per square foot.

No amendment being offered,

The Clerk read as follows:

On all cast polished plate-glass, silvered, or looking-glass plates not exceeding ten by fifteen inches square, five cents per square foot; above that, and not exceeding sixteen by twenty-four inches square, seven and a half cents per square foot; above that, and not exceeding twenty-four by thirty inches square, twelve cents per square foot; above that, and not exceeding twenty-four by thirty inches square, forty cents per square foot; *Provided*, That no looking-glass plates or plate-glass, silvered, when framed, shall pay a less rate of duty than that imposed upon similar glass of like description not framed, but shall be liable to pay, in addition thereto, forty per cent. *ad valorem* upon such frames.

No amendment being offered,

The Clerk read as follows:

On porcelain and Bohemian glass, paintings on glass or glasses, and all manufactures of glass, or of which glass shall be a component material of chief value, not otherwise provided for, and all glass bottles or jars filled with sweetmeats or preserves, not otherwise provided for, fifty per cent. *ad valorem*; on clay, unwrought or ground or prepared, seven dollars per ton.

Mr. HUBBARD, of West Virginia. I move

to insert "on firebricks, thirty per cent. *ad valorem*."

Mr. MORRILL. I do not object to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 8. *And be it further enacted*, That in lieu of the duties heretofore imposed by law on the importation of the articles hereinafter mentioned, there shall be levied, collected, and paid the following duties and rates of duty, that is to say:

On books and engravings, being editions printed not less than thirty years prior to the date of importation, and on books wholly in foreign languages, printed not less than fifteen years prior to the date of importation, twenty per cent. *ad valorem*.

Mr. KELLEY. I move to add the following:

Provided, If the same shall be imported in quantities of more than five copies in any one invoice they shall, if written wholly or partly in the English language, be liable to a duty of thirty cents per pound weight, and twenty-five per cent. *ad valorem*.

On all stereotyped or electrotyped plates of books and casts of wood-cuts, a duty of twenty cents per pound weight, and twenty-five per cent. *ad valorem*.

Mr. MORRILL. I suggest to the gentleman from Pennsylvania that he modify his amendment by striking out the word "thirty" where it first occurs, and inserting "twenty;" so as to make the duty twenty cents per pound weight.

Mr. KELLEY. I accept that as a modification of my amendment.

The question was taken on Mr. KELLEY'S amendment, and it was agreed to.

Mr. PATTERSON. I move to strike out from line six to line ten inclusive, namely, "on books and engravings, being editions printed not less than thirty years prior to the date of importation, and on books wholly in foreign languages, printed not less than fifteen years prior to the date of importation, twenty per cent. *ad valorem*;" including also what has just been adopted on motion of the member from Pennsylvania, and to insert in lieu thereof "on books wholly in foreign languages, and on agricultural and scientific reports and periodicals, not being American reprints, ten per cent. *ad valorem*."

Mr. Chairman, the books referred to here in the first part of this paragraph are old books, the classics, English and others, which are used mainly by the scholars of the country. They are not very generally used, but are used simply by those who devote themselves exclusively to the study of such works; and there seems to be no good reason why these rare old books should have a high tax laid upon them, for the individuals who desire them and do use them are generally too poor to pay the high price which will be required if this paragraph should go into operation as a law.

The second clause referring to books printed wholly in foreign languages relates mainly to German, Italian, and French books. Nine tenths of all these books are used in our academies and colleges by poor boys who are struggling against poverty to get an education. There is no reason why this class of our population should be oppressed by this heavy tax. Moreover, if the object of the bill is to secure revenue, you will secure a much larger amount of revenue by putting the tax at ten per cent. than by putting it at twenty per cent. If your object is to protect American publishers, those publishers will not publish a large class of the books referred to in this paragraph if you protect them, because they are used only by a few scholars, and there would not be a sufficient number sold in the country to make it profitable to republish them, even with the protection of twenty per cent.

Sir, this class of publishers do not need this protection. They have never, at any past period in our country's history, made as much as they have made during the year ending January 1, 1866. They do not, therefore, need protection, and as a matter of revenue, as I said before, it would be far better to levy a tax of ten per cent. than of twenty per cent.

What reason is there for shutting out this class of books—rare books, that contain the skill, the learning, and the ripest results of

the thoughts of the scholars of Europe, who have been laboring for a lifetime to put those thoughts and facts into circulation throughout the world? What we want in this country is to avail ourselves of the learning and skill of Europe, and make them practical by applying them to the business affairs of life. During the last two or three years, or during the war, the prices of good old books have been so high that the scholars of the country have not been able to avail themselves of the advantage they formerly derived by procuring these European books. If this tariff as it now stands goes into operation it will deprive them of that privilege of which they were deprived during the war. I can see no reason why the rate should not be reduced to ten per cent.

Mr. MORRILL. I trust the amendment proposed by the gentleman from New Hampshire will not be adopted. The gentleman is slightly mistaken in relation to this matter. The fact is that our publishers can now send abroad and have their books printed and brought back, paying the existing duties, cheaper than they can print them here at home. Sir, I do not, for one, desire to reach the object which the gentleman seems to have in view. I do not desire that the students and scholars of this country should have for their text-books those which are printed abroad. Let them be both edited and printed here. Let such authors as Professor Crosby and Professor Anthon get up their classical text-books and find a sale for them here. Our authors need to be taken care of quite as much as our publishers. The duty we propose to put upon these books in foreign languages is merely nominal, twenty per cent. on the valuation—not half what we place on other books. The cost of paper abroad is less than one half what it is here; the cost of setting type is very much less there than here. If the gentleman desires to reach his object, and will move to reduce the number of years that these books shall have been printed, in order to admit them at lower rates, I would offer no objection. But if we should adopt this amendment we could never expect hereafter that these books would be printed at all by American publishers. Why, sir, I have seen copies of even so insignificant a publication as the common Webster Spelling-Book which had been printed abroad with an American publisher's name upon them; and they are brought over here by millions and offered for sale. The gentleman does not sweeten it at all by putting in some reference to agriculture. I think the House are not going to have our distinguished and learned Commissioner of Agriculture dwarfed by the introduction of European agricultural publications. [Great laughter.]

Mr. PATTERSON. I move, *pro forma*, to strike out the last word. I should be very sorry indeed to deprive the distinguished friend of the chairman of the Committee of Ways and Means, the Commissioner of Agriculture, of any of his special privileges; and it is for that very reason, among others, that I have offered this amendment, that that distinguished and learned man may avail himself of European productions in agriculture in developing those of his own country. And I will say, furthermore, that such scholars as Professor Crosby, to whom the gentleman has referred, are the very men who desire an amendment of this kind. For those scholars who publish classical works in this country need and must have these works that come from Europe for investigation and for reference, and then they can reproduce those works in a different form in this country. But I would say to the gentleman from Vermont that many works will never be republished in this country under any circumstances, not even under this bill. They are not published here and will not be, because the number sold in this country would be so small that it would not pay any publishing house here to print them. So that if obtained here at all they must be obtained from abroad. If this be so, why should we require the scholar, who is almost always a poor man, to pay these enormous prices for these books?

Sir, it seems to me that our first and true policy is to protect the intelligence of the people rather than a few fat book publishers in Boston and New York. They are already enriched, and are daily becoming more so, by their publications, under the tariff as it already exists. Why should we give them superior advantages? We had better protect the boys of the country, who are to be the practical men hereafter, the boys who are to be the future lawyers and legislators of the country, now when they are seeking to fit themselves for those duties. This seems to me to be our true policy rather than to protect a few publishing houses in Boston and New York which are sufficiently protected already.

Mr. KELLEY. I want to say to the gentleman from New Hampshire that the book publishers of Boston and New York are not making fortunes at this time, and I want to add to that that those who are making money are doing it by printing in England and in Belgium, from the stereotyped plates made in this country and from which they used to print American editions, English and Belgian editions. The publishing houses of all our cities have had to remove their stereotype plates to England and to the Continent, by reason of the difference in cost between English and Belgian and American paper, and also by reason of the difference in the cost of the material used in book-binding. If the gentleman wishes to declare that no book of value shall be published in America, I advise him to open these little doors, through which a great storm may blow. The very object of the amendment which I proposed to this section and which was adopted, while it allowed old editions to come in for scholars, was to prohibit the opening of a door through which foreign publishers could antedate a book on its title-page, and introduce it at a low rate of duty. It gives scholars the opportunity of importing five copies of a book at a merely nominal duty, not equal to eight per cent. upon American prices.

Now, if you want to open the door so that immense editions from your own American stereotype plates will be forced to be printed with false dates upon them, then adopt such a provision as the gentleman proposes to accommodate college professors and the future lawyers of the country. You will then have, not only your Blackstones printed abroad, but also your Kents, your Chittys, and your current Decisions of the Supreme Court, for we will be unable to print any such book in America.

Mr. PATTERSON. I withdraw my amendment to the amendment.

Mr. RICE, of Massachusetts. I renew the amendment to the amendment. I listened with much attention to the argument of the learned gentleman from New Hampshire, [Mr. PATTERSON.] But I think he was mistaken in the point to which he was directing his remarks, if by the alteration which he proposes in this paragraph he seeks to benefit the poor boys and poor men in our schools. Perhaps, if he wishes to accomplish that object, it will be necessary for him to exempt from the rate of duty which he proposes those books in foreign languages which have been reprinted in this country, which have been familiarized to us, upon which American scholars have expended their time and attention, in the production of which American capitalists have expended their money, and which are already widely diffused throughout the length and breadth of the country in our educational institutions.

It seems to me that the argument which he makes in favor of the general importation at a low rate of duty of books printed wholly in foreign tongues falls to the ground when I remind him of what he himself very well knows, that of most of the editions of classics used in our academies and colleges, there are American reprints which, to say the least, are fully equal to those published abroad. The gentleman shakes his head in answer to that statement. Well, sir, he is a classical scholar; he is a professor, I believe, in one of our most cel-

brated colleges, and I little supposed that from that source would come a contradiction which involves so grave a reflection upon the scholarship of our American authors as his suggestion presupposes. I supposed there was no gentleman in this House who would for a moment hold out the idea or the plea that with the labors of the English scholars to base their operations upon, our American scholars would take their books and in revising them make them poorer than they were before they touched them. And yet I do not see but that is the inevitable conclusion to which we must arrive, if the suggestion of the gentleman from New Hampshire [Mr. PATTERSON] be true.

Now, in regard to other classes of books printed wholly in foreign languages, I want to say, in reply to the earnest and pathetic appeal of the learned gentleman from New Hampshire [Mr. PATTERSON] in behalf of poor scholars, that they are not the class of men who import these expensive editions of foreign classics. Those books are as much articles of luxury as jewelry, plate, or pictures, or anything else that is an acknowledged article of luxury. You do not find those books in the libraries of poor scholars. Scholars seeking access to those books generally find them in libraries attached to the schools and the institutions with which they are connected, or in neighboring colleges. You do not and you cannot find those books in the libraries of poor scholars. I can tell you where you will find them. You will find them in the libraries of wealthy people, people who adorn their libraries with these costly and expensive and luxurious editions, and who adorn their parlors with works of art, with paintings and statuary. I do not know, sir, of any articles upon which a duty can be more appropriately levied than these articles of luxury; and if I were speaking in behalf of poor scholars or poor men generally, I would say, "Put the duty upon these articles of luxury and taste, in order that we may lighten the burden upon articles which are necessary to the poorer classes." I withdraw the amendment.

Mr. MORRILL. I renew the amendment in order that I may say a few words. I desire to call the attention of the committee to the provisions of the bill as amended on motion of the gentleman from Pennsylvania, [Mr. KELLEY.] It is proposed to treat these publications with favor. It is not proposed to impose upon them anything more than a small *ad valorem* duty. The only amendment to which I should be willing to consent is to reduce the time from fifteen years to about ten years.

I may remark, Mr. Chairman, that I have seen magazines which have been printed abroad expressly for American circulation. They are gotten up and sent here at one dollar per copy per annum, while they could not be printed and published in this country at less than two or three dollars per copy. Besides that, Mr. Chairman, I desire to say that the amendment, even if it should be adopted, is wholly impracticable. How can you define the line which shall distinguish scientific publications from those which are not scientific? I affirm that in many cases it will be impossible to draw the line of distinction. The London Times, for instance, may announce itself as a periodical "devoted to literature, science, and politics." A book of travels may have a chapter on the geology of the country—will not that be a scientific work? Nearly all the foreign reviews, as well as the London Punch, are devoted to literature, politics, arts, and science. Yet these are not such publications as the gentleman designs to cover by his amendment. I trust that we shall allow the provisions of the bill to stand in its present form. For the purpose of closing debate, I move that the committee rise.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. SCOFIELD reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration bill of the House No. 718, to provide increased revenue from imports, and

for other purposes, and had come to no resolution thereon.

Mr. MORRILL. I move that when the House shall again resolve itself into the Committee of the Whole on the state of the Union, all debate in relation to books terminate in ten minutes.

The motion was agreed to.

ENROLLED JOINT RESOLUTION AND BILLS.

Mr. TROWBRIDGE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

An act (H. R. No. 127) making appropriations for the support of the Army for the year ending June 30, 1867, and for other purposes;

An act (H. R. No. 191) to amend an act making a grant of lands to the State of Minnesota, to aid in the construction of the railroad from St. Paul to Lake Superior, approved May 5, 1864; and

Joint resolution (H. R. No. 149) declaratory of the law of bounty.

RECESS.

Mr. THAYER. I move that the House adjourn.

The SPEAKER. If the House should adjourn now it would have the effect to dispense with the evening session.

Mr. THAYER. Then I withdraw the motion.

The SPEAKER. The House can, by unanimous consent, take a recess now till this evening.

Mr. GARFIELD. I move, then, that by unanimous consent the House now take a recess. Only five minutes of the afternoon session remain.

There being no objection, the motion of Mr. GARFIELD was agreed to; and the House (at twenty-five minutes after four o'clock p. m.) took a recess till half past seven.

EVENING SESSION.

The House reassembled at half past seven o'clock p. m.

TARIFF BILL—AGAIN.

Mr. MORRILL. I move that the rules be suspended and that the House resolve itself into the Committee of the Whole on the state of the Union on the special order.

The motion was agreed to.

So the rules were suspended; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. SCOFIELD in the chair,) and resumed the consideration of House bill No. 718, to provide increased revenue from imports, and for other purposes.

The pending question was upon the amendment of Mr. PATTERSON.

Mr. PATTERSON. I do not propose to say much upon this subject. I have here a letter which I shall presently ask to have read. But before doing so I wish to refer to a single remark made this afternoon by the gentleman from Vermont, [Mr. MORRILL.]

The gentleman says certain books have been taken from America to be published in England and brought back for a dollar which cost three dollars here. I am glad to hear that, sir. It is only decreasing the cost of literature in this country of general intelligence. It seems to me it should be our policy to make these books as free as possible, so that every child in the land may have access to them, whereby to fit it for usefulness in the future. We want skilled labor. We want that ingenuity which only comes by mental discipline. We want that comprehension of mind which can only come by having, with skilled intelligence, the discoveries brought out in Europe and published in books which come from there. It seems to me, while we should look to the great industrial interests of the country, we should especially look to the intelligence of the country. I am told by a friend it will throw many females out of employment if we do not pro-

tect the publishing interest in this country. It will throw a great many children out of the schools if we do not protect them in cheap books, if we do not furnish them with books which they cannot obtain in any publishing house here. I ask the Clerk to read the letter which I send up, as it states the case clearly.

The Clerk read as follows:

I want to present to you a few considerations regarding the proposed tariff on books.

The house of which I am a member holds the American agency for the Tauchnitz collection of British authors, and does a general importing business in the class of books used by scholars in special subjects, and not generally found in the American market. While gold averaged about two hundred these branches of business stopped. The importation of all articles of necessity and of those articles of luxury which appealed to people's vanities and physical appetites went on as vigorously as ever. This proves that, partly from the proverbial poverty of scholars and partly from the subordinate interest bestowed upon books by those who are not scholars, books cannot be imported at the same cost that most other articles can. Even with the present premium on gold and the present tariff, we are constantly receiving letters from eminent men—the fountains of the country's knowledge—saying, "We want to do so and so when gold comes down or when the tariff is removed." If the proposed tariff goes into effect it will produce the same results regarding books as the very high premiums on gold did during the war. The people who now use them cannot or will not afford to buy foreign books; that source of knowledge will be shut off, and the Government will be deprived of what revenue it now has from it.

To this objection, say, the tariff is intended to protect our own book-makers, and we can supply the demand at home. To this there are three answers: 1. Our book-makers do not need protection. 2. They would have no right to this kind of protection if they did. 3. If they were to get it they could not supply the demand.

1. Our book-makers do not need protection. My business is about equally divided between publishing and importing, therefore I know what I speak of when I say that the book-makers of the United States never had another year so prosperous as the one closing January 1, 1866. Printing offices and binderies were so crowded that it was almost impossible to get work done, and the rates charged were enormous. Of course these rates were profitable, for the demand was so great that almost any price could be commanded. In my whole acquaintance, I have never heard it alleged that book-making here is not justly profitable. It is said that foreign houses can compete, and therefore this tariff is sought by men who, not claiming that their gains are too small, yet wish to increase them by shutting off competition. Now, on examining the nature of this competition, I think you will recognize the truth of my second assertion, that

2. The American book-makers would have no right to the kind of protection they seek, even if they needed it. You know that it is one of our national disgraces that we have never followed the example of other civilized nations and made an international copyright law. This disgrace rests upon us because of the wealth and influence of certain reprinters of foreign books. With the American books thus printed, foreign books come into competition, and with them alone, as our own copyright law protects all others against the importation of rival editions. Now it is, from the nature of the case, only against the original edition of books reprinted here that our publishers can want protection. In other words, some of the publishers have to this day succeeded in making our law say to them, "You may steal as you will without being interfered with," and now they want through this tariff to make the law say, "Moreover I will secure for your stolen goods the monopoly of the market."

3. If the American publishers were to succeed in shutting out foreign books, as this tariff would, they would be unable to supply the demand by home manufactures. The demand is so small for many foreign books, and those many of the most important, that it would never pay to issue a special edition here. As you are aware, the main expense of book-making is in setting up the type and cutting the illustrations. After this is done copies can be produced cheaply. Now, for the most important scientific works in all departments, the demand is generally great enough throughout the whole world to pay this original expense once. In the United States the demand is in proportion to our youth, and we use rather less than our share according to numerical standards of population. That these books should be reproduced here is simply out of the question. Our house is agent for Trübner of London, and we are constantly importing books, from one to a dozen copies of each, for men who really shape the thought of the country. When gold was about twenty-five, the scholars who had been so long deprived of these books began to make a rush for them. Now with gold at fifty they resign themselves to wait. If the proposed tariff passes, they will have to wait for wiser legislation. As a publisher, I would think it a better business speculation to throw money away than to attempt to reproduce these books, for in the latter case I would have labor added to loss. It is not for scientific and rare books alone, however, that the tariff is to be avoided. You know the publications of Bohn, of London, which are really the basis of most of the good private libraries of the country. I select them as an example. Do you realize that the proposed tariff will increase the price of those books to the retail buyer, about sixty cents in gold? The same can be said of the ordinary library editions of French and German literature. The

idea of producing Bohn's series, or anything like it, here, is as chimerical as the idea of reproducing the books in foreign languages.

Very respectfully, yours,

HENRY HOLT.

Hon. WILLIAM E. DODGE.

Mr. MORRILL. The gentleman from Ohio [Mr. GARFIELD] will reply to the gentleman.

Mr. GARFIELD. I desire to make an amendment to the section proposed to be stricken out. I move to strike out these words, "printed not less than fifteen years prior to the date of importation;" so it will read:

On books and engravings, being editions printed not less than thirty years prior to the date of importation, and on books wholly in foreign languages, twenty per cent. *ad valorem*.

I mean, by striking out those words, to limit the operation of the paragraph so that we can buy books in foreign languages, no matter whether they have been published fifteen years or one year. The chairman has already indicated a willingness to have the period fifteen years reduced to five, but I am unable to see the necessity or justice of making a restriction of that sort at all. I am willing to agree with my associates on the committee, that we ought to protect our book publishers from having our own books taken abroad and shipped back into the country at cheaper rates to come into competition with our own publishers who have invested money in the business. But I do not see the justice of forbidding the importation of books in foreign languages when we will have to buy them anyway, and pay a heavy duty on them just as much after fifteen years as before. Every day important books come out in German, French, and Italian, which every college in this country wants to get as soon as possible, and they must pay enormous prices for them until they are fifteen years old; while a very large number of that class of books—I might say almost all—are never reprinted in this country in the language in which they are originally printed; only here and there a book like Napoleon's *Cæsar* and some of Victor Hugo's works. It is very rare, indeed, that a book published in a foreign language is republished in the same language in this country. Now, let us allow these books, coming out from year to year, that are of importance to us, to come into this country on the terms mentioned here, namely, twenty per cent. *ad valorem*. I would say, further, that the feature of charging by the pound on books has been commented on rather severely, and I think rather unjustly. I received a very able letter a few days since from Dr. Lieber, which I will append to my remarks. He puts the question why we should charge books by the pound, and says we may as well base representation upon the weight of voters. It seems to me, however, that the objection is not good in this respect: in books there is an element that is purely a matter of business; namely, the paper. Paper is valued by its weight, and it seems to me entirely proper that we should charge the paper part of books a duty by the pound, but when we come to charge on the book itself as a book then it seems to me the *ad valorem* principle should come in. There are so many valuable suggestions in this letter of Dr. Lieber, especially bearing upon the amendment I have offered, I shall ask to have it go into the Globe and not trouble the House by having it read. Let it go as a part of my remarks. I hope the amendment I have offered will be consented to by the chairman of the committee.

WASHINGTON, D. C., July 2, 1866.

DEAR SIR: My attention has been drawn, only today, to the passage in the new tariff bill which relates to the importation of books, and as it contains, in my opinion, grave inconsistencies, you will excuse me if I hasten to point them out to you when there may yet be time to propose some changes.

The passage I have alluded to is on pages 11 and 12 of the printed bill, and reads thus:

"On books and engravings, being editions printed not less than thirty years prior to the date of importation, and on books wholly in foreign languages, printed not less than fifteen years prior to the date of importation, twenty per cent. *ad valorem*; on all books reprinted from books first printed in the United States, thirty cents per pound, and, in addition thereto, twenty-five per cent. *ad valorem*; on all books not herein provided for, and on pamphlets,

magazines, illustrated newspapers, periodicals, and printed papers, bound or unbound, twenty cents per pound, and, in addition thereto, twenty-five per cent. *ad valorem*: Provided, that nothing herein shall be held to include newspapers or other printed matter lawfully transmitted by mail."

The law as it now stands imposes twenty-five per cent. *ad valorem* on all imported books, a duty which, with freight, exchange, and the high price of gold, makes it nearly impossible for all those persons who stand in real need of foreign books, as well as of American productions, to obtain them for their libraries. American publishers urge that books can now be produced so much cheaper in England than in America, that they stand in need of protection. But is not the advantage which they derive from reprinting English books without paying anything for the copyright very great? So much seems certain, that if Congress adopts this provision of the bill, very few English books will be imported except as an article of luxury for those who possess more wealth than scholars usually do, and who want books chiefly for elegantly carved shelves.

So this as it may, why is it proposed in the second paragraph to add to the *ad valorem* duty another and very heavy one on the weight of foreign books? In what relation does the weight of a book stand to its value? To charge duty according to the weight of books seems to me very much like making the average weight of voters the basis of representation. At a round calculation the two duties together would amount to something like eighty-five per cent., which, with the additional expenses already mentioned, would effect very nearly practical exclusion. As to "books in foreign languages," the proposed tariff would work positive exclusion for all the real laborers in the vineyard of knowledge. Even as the tariff stands now, with the adventitious circumstances of the price of gold and high exchange, the whole country must in a great many cases forego the advantage of having presented to it the results of the laborious and life-long study of foreign scholars, because we cannot afford paying for their treasure-books. I do not exaggerate; I am speaking plain and painful truth. The bill has the heading, "A bill to provide increased revenue from imports," but if Congress adopts the provision regarding books, the revenue will be decreased, and materially decreased, so far as books are concerned.

The proposed tariff proposes to impose twenty per cent. *ad valorem* and twenty-five per cent. by weight on all books in foreign languages printed within fifteen years. Books "printed in foreign languages" means, practically, French, German, and Italian books; but why should Congress furnish the chance of reprinting them in America for fifteen years? With the rare exception of a novel, no one thinks of reprinting in America a German, French, or Italian book, and for this useless chance you are going to exclude the importation of these books for those who need them. Are men of knowledge, the servants of the public, not to be protected in their turn also?

The object of our laws cannot be the Chinese exclusion. Civilization is a church universal; like our religion it is for all; and civilization advances only in that degree in which one generation or one country seizes upon the stock of skill or knowledge acquired by another and infuses it into its own life. All give and all take; and above all other things, books are the bridges over which civilization travels from one country or region to another, and from one generation to another. Whatever is done to impede free exchange of books materially impedes the progress of our kind.

It seems to me that "all books in foreign languages" should be left saddled with twenty per cent., or if needs you must add something, with twenty-five per cent. *ad valorem*, whether printed within fifteen years or not, and no duty of any kind ought to be added. It is useless and injurious. I have never been able to see why our Legislature should levy any duty at all on old books; say books printed fifty years or more previous to the day of importation. The more books which have stood the test of time we transfer from Europe to America, the better for us, and Congress ought to facilitate the transfer as much as possible. The duty collected on these books is not worth mentioning.

The second paragraph has apparently slipped in by mistake. The importation of reprints of original American books is totally prohibited; no duty, therefore, can be levied on them.

You will kindly excuse, sir, anything in this letter which may be owing to the great haste with which I have been obliged to write it.

With the highest regard, dear sir, your obedient,

FRANCIS LIEBER.

General JAMES A. GARFIELD, M. C.,
House of Representatives, Washington, D. C.

The CHAIRMAN. All debate is closed on the subject of books.

The question recurred on the amendment offered by Mr. GARFIELD.

Mr. MORRILL. I move to amend by inserting "five years" in lieu of "fifteen years," so that it will read, "printed not less than five years prior to the date of importation."

Mr. GARFIELD. I accept that amendment.

The amendment was agreed to.

Mr. PATTERSON. I move to amend by striking out "thirty years" and inserting "fifteen years;" so that it will read, "on books and engravings, being editions printed not less

than fifteen years prior to the date of importation."

The amendment was agreed to.

Mr. PATTERSON. I move to strike out "twenty per cent." and insert "ten per cent." Mr. MORRILL. I hope that will not be adopted.

The amendment was disagreed to.

The question recurred on the amendment of Mr. PATTERSON to strike out the whole paragraph and insert as follows:

On books wholly in foreign languages, and on agricultural and scientific reports and periodicals, not being American reprints, ten per cent. *ad valorem*.

The amendment was disagreed to.

The Clerk read as follows:

On all books reprinted from books first printed in the United States, thirty cents per pound, and, in addition thereto, twenty-five per cent. *ad valorem*.

No amendment being offered,

The Clerk read as follows:

On all other books not herein provided for, and on pamphlets, magazines, illustrated newspapers, periodicals, and printed papers, bound or unbound, twenty cents per pound, and, in addition thereto, twenty-five per cent. *ad valorem*: Provided, That nothing herein shall be held to include newspapers or other printed matter lawfully transmitted by mail.

No amendment being offered,

The Clerk read as follows:

On maps and charts, not otherwise herein provided for, thirty-five per cent. *ad valorem*.

Mr. SHELLABARGER. I move to insert after the word "maps" the words "excepting military maps and charts." That will exclude military charts and plans of battles which will be probably now of immense interest to our people.

Mr. MORRILL. I have no objection to the amendment.

The amendment was agreed to.

The Clerk read as follows:

On paper-hangings and paper for screens and fire-boards, four cents per pound, and, in addition thereto, thirty-five per cent. *ad valorem*.

Mr. MORRILL. I move to strike out that clause and to insert in lieu thereof the following:

On paper-hangings valued at not over twenty cents per roll, four cents per pound and thirty-five per cent. *ad valorem*. On all other paper-hangings, borders, and papers for fire-screens and fire-boards, four cents per pound, and, in addition thereto, forty-five per cent. *ad valorem*.

The amendment merely makes a discrimination, imposing a higher rate on the more costly paper-hangings.

The amendment was agreed to.

The Clerk read as follows:

On papers, fancy colored, colored for labels and wrappers, marbled, stained, glazed, or enameled, and card paper, six cents per pound, and, in addition thereto, thirty-five per cent. *ad valorem*.

Mr. MORRILL. I move to amend that clause by inserting after the word "wrappers" the words "for pins and needles."

The amendment was agreed to.

Mr. MORRILL. I move further to amend the clause by inserting after the word "enameled" the words "Bristol boards."

The amendment was agreed to.

The Clerk read as follows:

SEC. 9. And be it further enacted, That, in lieu of the duties heretofore imposed by law, there shall be levied, collected, and paid, on the importation of the articles hereinafter mentioned, the following duties and rates of duty, that is to say:

On salt in sacks, barrels, and other packages, forty-two cents per one hundred pounds; on salt in bulk, thirty cents per one hundred pounds.

Mr. HUMPHREY. I move to strike out "forty-two," in line six, and to insert in lieu thereof "twenty-four;" and to strike out "thirty," in line seven, and insert "eighteen" in lieu thereof.

Mr. Chairman, as will be readily observed by the committee, this amendment places salt where it was before, and when we consider the importance of this article and its universal use, when we consider the vast demand for it by the pork-packing and beef-packing interests of the West and by the manufacturing interests of New England, where, in consequence of

recent discoveries, it enters very largely into these interests, it seems to me that it is a most extraordinary proposition that we should undertake to increase the price of salt in the manner in which the bill, as reported, will do it. In looking at the remarks made by the distinguished chairman of the Committee of Ways and Means when the revenue bill was presented, I find this language used by him:

"The bill proposes to wholly exempt from taxation many articles, and to largely reduce it upon others, and among these will be found slaughtered animals, salt, sugar, starch, coal, soap, vinegar, saleratus, clothing, and boots and shoes."

And now here is what he says in this connection:

"These exemptions and reductions will lessen family expenditures and be a relief to all classes of the community."

Now, Mr. Chairman, put these two bills together, and it is a most extraordinary "relief to all classes of the community." Instead of leaving salt where it was, the two bills increase the expense of every barrel of salt to the amount of sixty-six cents per barrel. I am decidedly opposed to helping all the families of the country and the whole community by any such operation as this.

Mr. Chairman, there is another consideration which, it seems to me, must have escaped the distinguished chairman of the Committee of Ways and Means when he prepared this bill, and increased the present rates of duty upon salt from twenty-four cents to forty-two cents, and from eighteen cents to thirty cents. By the revenue bill, upon which I understand both Houses have now agreed, there has been a reduction of four cents and two mills on each one hundred pounds; more than half the internal tax has been taken off. Now, when you increase the tariff, the consequence is simply this, to enable these parties who are engaged in the manufacture of salt to put into their pockets a large sum of money which is taken from the labor and industry of the country. Every rich man and every poor man when he sits down to a repast uses this article, and I submit that the language of the distinguished chairman of the Committee of Ways and Means, which I have quoted, is exceedingly pertinent in the consideration of this question.

He says "these exemptions and reductions will lessen family expenditures, and be a relief to all classes of the community." Now, I have made a little estimate of the revenue which this bill, in connection with the internal revenue bill, will take from the revenues of the Government. It is estimated that there are five million barrels of salt used in this country in each year, two million four hundred thousand barrels of which is domestic salt. Now, the difference between seven cents and two mills and three cents upon a hundred pounds under the internal revenue bill will make upon that amount the sum of \$1,320,000 which the Government will lose, which is taken right away from the Government. Now, I desire to call attention to the salt interest in the State of New York.

[Here the hammer fell.]

Mr. HART. I rise to oppose the amendment of my colleague, [Mr. HUMPHREY.] I am surprised that he should stand here upon this floor and speak against an interest of his own State in which so large an amount of capital is invested. He has made some very extraordinary statements. He says that we propose to increase the tariff on salt to the extent of sixty-six cents per barrel. Even if we should take the figures which he has presented here, it would show an increase of only about fifty cents per barrel. Now the real fact is, that about seventy per cent. of all the salt imported is imported in bulk, while the remaining thirty per cent. is imported in bags. The increase is, therefore, really only about thirty-eight cents per barrel on the average. And there is a great deal of such *ad captandum* argument here, a great deal of talk about salt being a great necessity of life, that it was wanted by the poor man, and that it enters into the

consumption of all classes, and therefore it should be furnished as cheaply as possible.

Now, I do not know any reason why our manufactures of cotton, of woolen fabrics, or any other articles of similar character, should be protected more than the manufacture of salt. The fact is that it is estimated that the *per capita* consumption of salt in the United States is, estimated to be about forty-two pounds a year. And the increased cost to each individual of the proposed increase of duty would be the petty-sum of six cents; that is all that it will amount to. In the present condition of the salt manufacture in the United States it is absolutely impossible to produce salt at a profit at present prices. Formerly we could get labor at ten shillings per day; now we have to pay \$2 50 per day. Wood we used to get at ten and fourteen shillings and two dollars per cord, and now it is \$3 50 per cord. We could formerly purchase barrels at from eighteen to twenty cents each; now they cost from forty to forty-five cents each.

Salt is now manufactured at a cost of \$2 10 a barrel in the city of Syracuse. It was sold last year in Chicago at \$2 25 per barrel, leaving but about fifteen cents to pay expense of transportation, &c. Now, it is impossible for our salt manufacturers to compete with the salt manufacturers of Great Britain. There they have labor far cheaper than we have; they have coal at one dollar a ton, while in this country coal is anywhere from eight dollars to fifteen dollars a ton. Salt can be brought over here at a merely nominal freight. And very many of those bags and packages in which the salt is brought over are sold at a profit on the cost abroad; thus reducing in many instances the entire duty on salt.

Now, unless some relief, such as is presented in this bill is afforded, the salt interest in this country must suspend entirely. The Committee of Ways and Means have not given as much duty on salt as has been asked for by the salt manufacturers. It was thought that the least rates that would be satisfactory were thirty-six and fifty. But the committee have thought proper to report the figures contained in this bill, and the manufacturers have agreed to acquiesce in that report. I trust that no member of this House who pretends to be a protectionist, who pretends to be in favor of protecting the necessities of life, I do not care what they are, that are manufactured in this country, will vote for the amendment of my colleague, [Mr. HUMPHREY.]

Mr. DRIGGS. I move to amend the amendment so as to make the rates fifty cents and thirty-six cents. Unlike my friend from the Buffalo district of the State of New York, [Mr. HUMPHREY,] I can say that the delegates from my State are unanimous in support of the tariff as reported by the bill. Now, they do not live in my district, where the salt of our State is produced, any more than the gentleman from Buffalo lives at Syracuse where the salt of New York is produced.

Mr. Chairman, the States of New York, Michigan, West Virginia, Ohio, and Pennsylvania are all interested in favor of the duty agreed upon by the Committee of Ways and Means on salt, especially the three first named, in which perhaps two thirds of all the salt produced in the United States is manufactured. Saginaw, in my district in the State of Michigan, can produce, when relieved from ruinous foreign competition, five thousand barrels per day, and yet the average production within the last year has not been one thousand, most of the works being closed for the very good reason that foreign salt costing only ten to twelve cents per bushel at Liverpool is brought out in ballast and landed here at a cost of less than one dollar per barrel, while to produce it here, including the internal revenue tax direct and indirect, it costs about two dollars per barrel.

Thus it will be seen that the foreign article can be sold for two shillings per barrel less than

the domestic and yet make a profit of seventy-five per cent.; while the domestic producer to sell at that price would be losing two shillings per barrel, which many of them have been doing to keep their works running, in anticipation that Congress would give them at least a partial protection which the duty recommended by the committee will only afford. Early in the session the members from the States named above met the representatives from the various salt interests of the country in this city, and after a full discussion of the subject at several meetings, in view of the consideration that salt being a necessity of life should be secured to the consumer at as low a figure as justice to the producer would permit, they agreed to and did, through a committee, present to the Committee of Ways and Means, and recommended that the duty be fixed at thirty-six cents in bulk, fifty cents in bags and barrels, in lieu of which the committee have reported only in favor of thirty cents in bulk and forty-two cents in bags and barrels. Now it is proposed by the amendment to reduce it still lower, which if done will be a great injustice and ruinous to the salt producers of the country.

At Saginaw there is a capital of over two millions invested in this interest, and I am confident to reduce it below the amount fixed by the committee would be to close the works now in operation. The present tariff is eighteen and twenty-four cents, and the increase asked for, considering the amount consumed per annum in the United States, when divided among all the inhabitants, would not amount to over five cents per head. Nor would it in all probability increase the salt per barrel over twenty-five cents. Mr. Chairman, as the Representative of an interest in which my constituents are so largely and directly interested, I had thought it my duty to ask the House to increase the duty to thirty-six and fifty cents, but believing the Committee of Ways and Means have intended to act justly under all the circumstances I shall submit to its decision, and appeal to the House to act justly also; to vote down the amendment and sustain the committee.

Mr. BENJAMIN. Mr. Chairman, I oppose the amendment of the gentleman from Michigan, [Mr. DRIGGS.] I do not know that it is possible to effect any reduction of the duties levied upon any article in this bill; but it seems to me that if the bill contains one item on which the duties are fixed at too high a rate, it is this article of salt. Salt, as we all know, enters into the consumption of every family in the land. Now, sir, whatever may be said in other cases in respect to the effect of the duty upon the price of the article, it is clear that the cost of salt to my constituents will be increased precisely to the amount of this duty. Here is a proposition to increase the duty on salt from eighteen to forty-two cents per one hundred pounds. Now, sir, my constituents in the State of Missouri are obliged to use foreign salt; and this increase of duty is equivalent to a tax of one hundred and twenty-five to one hundred and fifty per cent. on the article. It must be obvious how seriously this must affect the great packing interest of the West.

The gentleman from Michigan spoke of the salt-works in his own State. But, sir, who does not know that the extent of country that can be supplied by those works is necessarily quite limited? The salt they manufacture never can, to any considerable extent, compete in the State of Missouri with foreign salt. With respect to this article of salt as well as many other articles, this bill increases the duty with no corresponding benefit to us, with the exception, perhaps, of the small increase of the duty on wool, which is very trifling.

Mr. MORRILL. If the gentleman from Missouri will allow me a moment, I desire to say—as I may not have another opportunity—that this is a question upon which I differ with the majority of the Committee of Ways and Means, and where I reserved the right to vote for the lower rates. I am willing to vote

for any reasonable and moderate reduction of the duty proposed on this article.

Mr. HUMPHREY. I am very glad to learn that fact.

Mr. BENJAMIN. I find, Mr. Chairman, in looking at the census of 1860 that nearly two thirds of all the salt consumed in the United States is imported from foreign countries. Perhaps the manufacture and consumption of the domestic product has increased somewhat since 1860, but certainly not to any large extent; and we may safely calculate, I think, that in the future two thirds of all the salt consumed in the United States must be imported from abroad.

[Here the hammer fell.]

Mr. DRIGGS. I withdraw my amendment.

Mr. DAVIS. I renew it. I wish to say, Mr. Chairman, that I have not been at all surprised at the remarks of my honorable colleague from the Buffalo district, [Mr. HUMPHREY.] He opposes this increased duty on salt not because the interest is not one intrinsically entitled to the fair and just consideration of this House, but because he is opposed to all protection. That is his doctrine. He opposes the whole bill in every form, feature, and principle; and he will vote against it, no matter what may be said by its friends or its enemies. Now, sir, the honorable gentleman from Missouri [Mr. BENJAMIN] is mistaken in his statement with reference to the consumption of foreign salt in the United States. Formerly two thirds of all the salt used in this country was the production of our own citizens.

Mr. BENJAMIN. I desire to ask the gentleman whence he gets his figures.

Mr. DAVIS. From the returns of imported salt.

Mr. BENJAMIN. I have here the census returns of 1860, and I do not find them to agree with the gentleman's statement.

Mr. DAVIS. I have the returns from the Department. If the gentleman will refer to the census of 1860 he will find that we manufactured in that year about fourteen million bushels of salt and imported about the same quantity. But large quantities of salt manufactured at that time in the country were not represented at all in the returns. The salt in the Pomeroy district was not returned. The salt of California was not returned. The salt of many places was not returned. The question we have to settle by this Congress is one which appeals to the justice and conscience of the country; and that is, how we are to divide labor between mechanics and agriculture so as to make both remunerative. That is the question we have to meet. It is the solemn duty of the American Congress to see whether the industry of the American people, whether the agriculture of America, whether all of our interests cannot be fairly protected. I am not in favor of a prohibitive tariff, but I want liberal and fair protection. When I remember the fact that upon the salt produced in my own district one hundred and twenty-five thousand persons all over the country are dependent, directly or indirectly; when I remember that the miner of Pennsylvania is employed in procuring the coal with which salt is manufactured; when I remember all the interests concerned, directly or indirectly, of transportation, &c., I ask from Congress action, and favorable action. Without just protection the manufacture in this country may cease. It has been said the salt manufacture has been profitable. The gentleman from New York made that representation. When this war broke out our salt went down the Mississippi to Memphis, and to New Orleans when we captured that place.

[Here the hammer fell.]

Mr. BENJAMIN. I want to correct a statement.

Mr. HUMPHREY. I will do that. Mr. Chairman, there has not been a single proposition to increase the tariff on any article presented to this committee but has been urged on the ground that unless it was adopted the business would stop. Now, I want to read for

the benefit of this House in relation to this subject of salt from the report of the superintendent of the Syracuse salt-works, which furnish more than two thirds of the salt manufactured in this country. I want the committee to listen to that report and say whether they put it upon the ground that foreign salt has interfered with them as a reason why they want protection or claim they ought to have any protection. This is a report published a year ago, and signed by the superintendent of the salt-works, a gentleman whom I saw around this House and the Committee of Ways and Means for two months during this session. This is what he says, speaking of the increase in the manufacture of salt:

"Still the rate of increase is not commensurate with the anticipations of former periods, or with the increase of population in the country. This is doubtless to be attributed largely to the competition met with in the markets of the West, from the salt manufactured in Michigan, where extensive manufactures have sprung into existence within three years. The quantity of Onondaga salt received at Chicago last year was about three hundred and thirty-two thousand barrels, while that of Michigan was three hundred and forty-four thousand. Thus Onondaga salt has been replaced by Michigan to the extent of one million seven hundred thousand bushels in one lake port alone, to which is to be added what the Michigan manufacturers have supplied to Cleveland, Toledo, and Detroit, large entrepôts for salt."

"But while anticipations of a large extension of the manufacture have been disappointed, it is well to reflect that the money value of the products of the salt-works have been greatly augmented. A business that but a few years ago was comprised within the compass of a million and a half of dollars, has grown to one of four or five millions."

That does not look very much as though these companies were getting poor. Now, I wish to call the attention of the House to another fact which shows beyond a peradventure that this pretense that the salt interest is suffering, in order to saddle upon the people of this country sixty-six cents a barrel, is merely for the purpose of putting the money into their own pockets. In 1860 there were only four thousand barrels of salt made at Saginaw. The amount has increased gradually until 1865, when, instead of the salt-works being shut up, as the gentleman says, the inspector returns eight hundred and nineteen thousand barrels of salt at Saginaw; and that is the only competition which the Syracuse salt-works have.

[Here the hammer fell.]

The CHAIRMAN. Debate is exhausted on the pending amendment.

Mr. DAVIS. I withdraw it.

Mr. KELLEY. I renew the amendment of the gentleman from New York [Mr. DAVIS] in order to say a word or two in explanation of what appear to be facts stated by the gentleman who has just taken his seat, [Mr. HUMPHREY.] Nothing better demonstrates the importance of protection as protection than the very facts he has disclosed here.

As I have had occasion to say before since this bill came under discussion, our manufactures and arts have been living independent of all question of tariff whether it be protective or free trade. The difference between gold and currency, and the fact that duties were paid in gold, has been the protection, and under that protection the salt interest of Michigan made the marvelous progress that the gentleman from New York [Mr. HUMPHREY] has indicated. But when our currency came to be within twenty-five or thirty cents of gold, the salt factories of the Northwest closed with the iron factories of Pennsylvania and the woolen and cotton factories of the country. Give us now a tariff, not that shall be protective, in any generous sense, but that shall countervail the influence of the internal revenue taxes imposed on our industry by the war, and we will soon produce salt enough to supply the country.

It is not hoped that either West Virginia or Michigan will supply New England. The rates fixed in the bill—and those are the rates which I hope the House will adhere to, for the committee seems to have given that subject consideration—the rates fixed in the bill will admit quite as much salt into New England and into all our coast ports, in proportion to any en-

larged demand that may grow, as the existing rates will. The only difference will be that the Government will derive something more of revenue; and with a generous western market, and with the border States restored, and the coal and iron regions of West Virginia and southern Ohio in full blast, Michigan, New York, and West Virginia will give us as good salt as we have ever had, and cheaper than the American people have heretofore been accustomed to.

[Here the hammer fell.]

Mr. KELLEY. I withdraw the amendment.

Mr. MORRILL. I move that the committee rise in order to terminate debate upon the subject of salt.

Mr. EGGLESTON. I hope this will be discussed more fully.

Mr. MORRILL. I will allow ten or fifteen minutes.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. SCOFIELD reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration bill of the House No. 718, to provide increased revenue from imports, and for other purposes, and had come to no resolution thereon.

CLOSE OF DEBATE.

Mr. MORRILL. I move that all debate in Committee of the Whole on the state of the Union on the subject of salt shall close in fifteen minutes after the committee resumes the consideration of the same.

Mr. ANCONA. I move to amend by inserting "ten minutes."

Mr. ALLEY. I move to amend the amendment by making it "fifteen."

The amendment was agreed to; and the motion, as amended, was agreed to.

TARIFF BILL—AGAIN.

Mr. MORRILL. I move that the rules be suspended and the House resolve itself into Committee of the Whole on the state of the Union on the special order.

The motion was agreed to.

So the rules were suspended; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. SCOFIELD in the chair,) and resumed the consideration of the special order, being bill of the House No. 718, to provide increased revenue from imports, and for other purposes.

Mr. DELANO. Mr. Chairman, I have been struck with the appropriateness of some of the observations which have fallen from the gentleman from Pennsylvania [Mr. KELLEY] in reference to the subject now under consideration. I happen to know, because some of my constituents are interested in the subject now before the committee, that during the early part of the war the salt interest, by reason of the price of gold, was so protected that it flourished in the district that he has alluded to, the portion of the Kanawha valley that lies in Ohio; and I happen to know, also, that during the last year that interest has not been sustained, and the manufacture of salt has in a great measure diminished. Now, what are we about to do? How are we proceeding in the business of protection? What are the principles that are to guide us? I am not one of those who favor a tariff for prohibition nor a tariff for protection merely. Necessity forces upon us a tariff for revenue; and duty requires that it should be so adjusted as to afford proper, reasonable, and as equal protection as we can arrive at.

When the interests of New England are presented to us, and we are told that those interests will be stricken down without a duty that furnishes protection, we tax the consumers of New England goods to the extent we consider our duty. We have voted protection to those who make books. We have levied a tax upon intelligence. We have done it upon the principle that the necessities of revenue require us to impose a tariff, and that, therefore, we should impose it with reference to judicious protection. Now, this great interest of salt is not one that

affects the poor merely. I tell the members of this committee that it is not the poor alone that are interested in salt. The bulk of the salt in the country is consumed by the farmers in independent and moderate circumstances, who use it for their stock, and those engaged in preserving meat. The great bulk is thus used, and it is idle to attempt to enforce on us the idea that the poor man merely is interested in this article of salt. There are various interests throughout the country and in various parts of the country interested in the production of salt, and unless some protection, just protection, is afforded them, these interests must not only languish, but be destroyed. While, therefore, we are protecting other interests, I trust the good sense and judgment of the House will protect this interest also.

Mr. TROWBRIDGE. I desire to call the attention of the committee to some of the facts made known by the gentleman from the Buffalo district [Mr. HUMPHREY] upon whose proposition I suppose the test vote in the committee will be had. His proposition is to reduce the tariff on salt to the exact figures at which it stood before the war and under the old tariff. Now, I ask the committee to recollect the vast difference there is in the values of everything used by manufacturers and by those who furnish them with their supplies. Why, sir, in the region where salt is manufactured in Michigan wood could then be purchased at seventy-five cents a cord, and it now costs between three and four dollars per cord. Labor was then a dollar and a dollar and a quarter a day. Now it is two and two dollars and a quarter a day. I claim then that there would be no possible justice in compelling them to compete with the foreign salt manufacturers under the old tariff while they are compelled to pay these enhanced prices for everything they use and consume in manufacturing salt.

I desire also to call the attention of the committee to another fact stated by the gentleman, and stated very nearly correctly, and that is that less than half the salt consumed in the United States is produced in the United States. I assert what my colleague [Mr. DRIGGS] has asserted, that so far as Michigan is concerned, unless our salt manufacturers can have this protection, they will certainly be compelled to suspend, as more than half of them have already suspended. More than half of the works on the Saginaw river are idle to-day because they cannot produce salt for what they can get for it. And thus the entire production of that region, amounting to over eight hundred thousand dollars, will be driven out of the market. I cannot speak for the salt workers; they may, possibly, produce as much as they did before; but, sir, we are not producing in the United States half the salt we consume, and we are dependent on foreign countries for the remainder.

Now, I ask if this article, which the gentleman has represented as so necessary to everybody, which enters into the consumption of the whole community, can be left to be supplied to us by foreign manufacturers. I ask, if as legislators for the United States we should not secure the domestic manufacture of this article against the contingencies of foreign difficulties and troubles. It seems to me that no wiser course can be pursued by this Congress than to secure to ourselves as far as possible the manufacture of this article of necessity. We possess capacity to supply the entire United States if we can only get a reasonable price for it. And it seems to me that so far as we can we should protect those who are producing this great article of necessity for our people. I desire also to call attention to the statement of the gentleman from New York, [Mr. HUMPHREY], that we propose to increase the duty on salt sixty-six cents per barrel. Now, he is too clear-headed a man to believe that himself. By far the greater portion of the salt that comes into this country comes in under the eighteen cent tariff now, and by this bill it is only made thirty-two cents. So that the increased duty on salt will be only about thirty-five cents per barrel. Now, it is not fair to mislead the com-

mittee by the statement that the duty is to be increased sixty-six cents per barrel. And further, although this article is so necessary for the consumption of the country, the amount consumed *per capita* is calculated to be only about forty-two pounds annually, and therefore the increase will be but little to each person.

[Here the hammer fell.]

Mr. PIKE. It seems to me it is well enough to be reasonable about this matter. This session we have reduced the internal revenue duty on salt four cents and two mills per hundred pounds. It was seven cents and two mills last year; it is now three cents per hundred pounds. Now, I suppose in consequence of that reduction, it is a necessity to have an additional protection. That I know is somewhat in accordance with the whole theory of this bill. Having labored here nearly a month to relieve the manufacturers of this country of some \$75,000,000 of annual taxation, we now propose to protect them additionally in consequence of that relief. And we are to go through a fortnight's or three weeks' work in the hot weather of July to protect them additionally because of that relief of \$75,000,000 of annual taxation which we afforded them in the internal revenue bill.

Now, I have this to say about salt, that it is in its nature a monopoly in this country. It can be produced in New York, in West Virginia, in Ohio, and in Michigan. And do you propose to coerce the people of Maine into buying Michigan salt? Is that the proposition? The gentleman from Michigan [Mr. TROWBRIDGE] says truly that give them duty enough and they will make my constituents buy salt of his constituents. Of course they can undoubtedly produce enough in Michigan to supply that locality and ours, too. And it is proposed to carry salt from Michigan across the country to Maine, when it can be produced on Turk's Island for eight or ten cents a bushel.

Now, I am ingrained a protective man; but I propose in legislation not to run the thing into the ground. I do not propose, as Mr. Webster said on a certain occasion, that we should reenact the laws of God. Nor does it seem to me worth while in a tariff bill to attempt to override the laws of God. We should pay some little attention to the situation of the country, where this article can be produced and at what rate, and where else we can get it, and at what rate it can be produced elsewhere. But now when the present rate of duty upon salt is something like one hundred and fifty per cent. *ad valorem*, it is proposed to add seventy-five per cent. more to that.

[Here the hammer fell.]

The question being taken on the amendment of Mr. HUMPHREY, there were—ayes 39, noes 60.

Mr. HUMPHREY called for tellers.

Tellers were ordered; and Mr. HUMPHREY and Mr. PLANTS were appointed.

The committee divided, and the tellers reported—ayes 38, noes 57.

So the amendment was not agreed to.

Mr. BENJAMIN. I move to amend by striking out "forty-two" in line six and inserting "thirty;" and by striking out "thirty" in line seven and inserting "twenty-two;" so that the paragraph will read as follows:

On salt in sacks, barrels, and other packages, thirty cents per one hundred pounds; on salt in bulk, twenty-two cents per one hundred pounds.

The amendment was not agreed to.

Mr. PIKE. I desire to offer an amendment to which I think the chairman of the Committee of Ways and Means will agree. It is to insert "thirty-six" instead of "forty-two," and "twenty-two" instead of "thirty;" so that the paragraph will read:

On salt in sacks, barrels, and other packages, thirty-six cents per one hundred pounds; on salt in bulk, twenty-two cents per one hundred pounds.

The amendment was not agreed to.

Mr. ROSS. I move to amend by striking out this paragraph, embracing lines six, seven, and eight, with the view to insert salt in the free list.

The amendment was not agreed to.

The Clerk read as follows:

On flaxseed, linseed, hemp-seed, and rape-seed, thirty cents per bushel, of fifty-two pounds per bushel: *Provided*, That no drawback shall be allowed on oil-cake when exported.

Mr. PRICE. I move to amend by striking out "thirty" and inserting "sixty," so as to make the duty sixty cents per bushel.

Mr. Chairman, we have now come to that part of the bill which concerns the agricultural interests. And I wish gentlemen of the committee to give their attention to a single fact. Flaxseed oil, under the provisions of this bill, will pay a duty of thirty cents per gallon. Flaxseed, it is proposed, shall pay thirty cents a bushel. In one bushel of flaxseed there are two gallons of oil. The effect is to tax oil in the seed fifteen cents a gallon, and out of the seed thirty cents a gallon. It requires no argument, and I do not propose to make any, to prove that this is a discrimination against the agricultural interests and in favor of the manufacturing interests.

We can raise in this country seed enough for all the paint in the world, even if we had no oil in the bowels of the earth. If we propose to protect any interest, I need not argue to this committee that the agricultural interest is the interest to be protected, for it underlies and furnishes the foundation for every other prosperous interest in the country; and without the prosperity of the agricultural interest there can be no prosperity in the nation. I hope that the legislation of this body will not look toward discrimination against the agricultural interests.

Mr. MORRILL. This is another portion of the bill in reference to which I reserved my right to vote against it. The duty fixed in the paragraph is already, in my judgment, higher than it ought to be. Linseed oil is anything but a luxury. It is a common necessity. Every man uses more or less of it for the painting of his house once in two or three years; and it is also used in various manufactures. It is essential that we do not put upon this article a rate of duty which may practically be prohibitive; for we derive from abroad I suppose nearly three fourths of all that is used in the country. The duty upon this article may affect us in very many ways. Our California trade is more or less dependent upon the article of linseed imported from India. Our vessels which are freighted from the Atlantic sea-board to California must return in ballast or they must go to India and get something of this kind on which to make a return freight. The average cost of the article in India is about one dollar per bushel. I undertake to say that if the bill be allowed to stand as it is, imposing a duty of thirty cents per bushel upon the seed and thirty cents per gallon upon oil, which costs abroad only fifty cents per gallon, every linseed oil mill east of the Alleghanies, instead of crushing linseed, will be crushed itself. The article will be imported in the form of linseed oil. It will be of no benefit except to some half a dozen crushers west of the Alleghany. Under all the circumstances, I hope not only the duty will not be increased, but that it will be reduced. But it is for the committee to dispose of the question.

The CHAIRMAN. Debate is exhausted on the pending amendment.

Mr. WENTWORTH. I propose to amend the amendment by making it forty. Mr. Chairman, our western friends have agreed upon forty, petitioned for forty, and hope to get forty; and it is quite little that agriculture can get out of this or any other tariff bill. We have nothing in it but wool and linseed. The oil men went down and asked the manufacturers what they could get, and we took what they would give us. We took forty. The linseed manufacturers came here and said they would not do it, that it would ruin them. Out in the West we are not afraid of ruin if we get the Niagara ship-canal. Rather than see all these men ruined we consented to thirty. As a farmer, as a western man, I am willing to compromise and help all these suffering interests out if they

will adhere to thirty and thirty; thirty on oil and thirty on flaxseed. But, Mr. Chairman, if they propose to disturb this, then I propose to say something further on the subject. I hope my friend from Iowa [Mr. PRICE] will withdraw his amendment if my friend, the chairman, will agree to stand by the compromise of thirty and thirty.

Mr. MORRILL. I did not enter into any compromise.

Mr. WENTWORTH. I never knew the time when you compromised on less than what you could get. [Laughter.] I do not know any interest that will consent to anything less. I withdraw my amendment; and I hope the friends of agriculture, the friends of the farmer in this House, will stand by the compromise of thirty and thirty.

Mr. J. L. THOMAS. I move to strike out "thirty" and insert "sixteen," sixteen being the present rate of duty fixed by the existing tariff. It appears to me that our friend from Illinois, as well as the rest of our agricultural friends, will defeat the object they have in view by putting such a tremendous tariff on agricultural products. We of the middle States have interests to attend to as well as you gentlemen of the western States. While you have flaxseed—

Mr. WENTWORTH. You have coal.

Mr. J. L. THOMAS. We have coal; but we also have flaxseed factories. We use your flaxseed, but you unfortunately cannot give us all that we want, and if you put this increased tariff of thirty per cent. on flaxseed you will close up our flaxseed factories, and the consequence will be that we cannot buy even what you now raise.

Now, sir, I have received time and again communications from different flaxseed factories in my district, from very reliable gentlemen, that the product of flaxseed in this country is not sufficient to meet the demands of even the flaxseed factories east of the Alleghanies. And yet while this fact is stated gentlemen propose to put a higher duty on flaxseed which will break up these factories and prevent increased consumption of the article. I am opposed to putting at a higher rate and in favor of the proposition of the chairman, striking it down one half.

Mr. GARFIELD. I am perfectly aware there is in this matter to some extent a collision of interests. I wish to state briefly some of the points involved in the case. The distinguished chairman of the Committee of Ways and Means has made two errors. In the first place he says two thirds of the seed already used in this country is imported. I think he is mistaken in that. For ten years the average home crop has been one million six hundred thousand bushels, and the average imported one million four hundred thousand.

The importation of oil has been about half a million gallons annually. So that, adding all the importation of oil to the oil made from the imported seed, it makes a little less than the amount made from the home seed. The result of that comparison of facts is, that we produce more of our oil from home-grown seed than we bring from abroad in the shape of oil and seed. The chairman of the committee speaks of there being about a dozen presses in the West that will be benefited by this bill as it now stands. I will tell him that there are in the States of Ohio, Indiana, Kentucky, Illinois, Missouri, and Iowa ninety-three presses, of the capacity of crushing two million five hundred bushels annually.

Now, what are the facts in regard to the business itself? We lay a tariff of sixteen cents a bushel on foreign seed and twenty-three cents on a gallon of foreign oil. Now, a bushel of foreign seed produces two and an eighth gallons of oil. So that if a man brings the seed from abroad and crushes it in Boston or New York he produces an amount of oil which, if shipped from abroad, would pay forty-nine cents duty; but in the shape of seed it pays only sixteen cents, and he then has a drawback of seven cents per bushel. The con-

sequence is that the oil brought into this country in seed really pays only about nine cents a bushel on the seed it comes in. Now, when a man raises seed in this country and ships his cake abroad he gets no drawback on cake made from the home-grown seed; but if he buys foreign seed and then ships his oil-cake abroad he gets his seven cents a bushel drawback. So much advantage to the man who handles foreign seed over one who handles home-grown seed. Now, the committee proposes to harmonize these things, as was said by the gentleman from Illinois, [Mr. WENTWORTH,] by giving to the grower of the seed in this country about two thirds what they ask for.

[Here the hammer fell.]

The CHAIRMAN. Debate is exhausted on the pending amendment.

Mr. SCHENCK. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Maryland withdraw the amendment?

Mr. J. L. THOMAS. I will withdraw it if the gentleman from Ohio will renew it.

Mr. SCHENCK. I will renew no such amendment as that.

The question being taken on the amendment offered by Mr. J. L. THOMAS, it was disagreed to.

Mr. SCHENCK. I move *pro forma* to make it forty cents. This clause proposes a duty on the seed from which the oil is produced and on the oil when manufactured, to equalize the two. The gentleman from Illinois [Mr. WENTWORTH] says this is the result of a compromise. If so it is a bad compromise. The tax ought to be higher. The chairman of the committee admonishes us that this is one of those cases in which he intends to oppose the action in committee and go for a lower tax. I apprehend he means a lower tax on the seed alone, and not on the oil.

Mr. MORRILL made some answer inaudible to the reporter.

Mr. SCHENCK. He prefers to have it where it is, a heavy tax on the manufactured oil to keep that out, but a low tax on the seed to let that in, in order that eastern manufacturers, in competition with the interest at the West, may manufacture oil from the imported seed, and thus crush out and destroy the whole western interest. And in accordance with this, a most extraordinary statement has been made by the chairman of the committee. He asks where is the necessity for increasing the cost of linseed oil, one of the articles in common use throughout the country, for the benefit of a little interest west of the Alleghany mountains, not involving more than half a dozen presses. Now, sir, let me say that this is an extraordinary statement coming from the gentleman to whom we look for information in regard to the manufactures of the country. There are twice as many presses as that in the town in which I live. There are forty-odd in the State of Ohio.

Mr. GARFIELD. Forty-seven.

Mr. SCHENCK. There are about ninety in the six western States which are interested in this matter; and the whole interest, instead of being one that deserves to be spoken of contemptuously, I undertake to say involves \$8,000,000 annually. I tell him, sir, that the flaxseed at its market price, raised annually in the six States of Ohio, Indiana, Illinois, Iowa, Missouri, and Kentucky, amounts to a little over \$5,250,000; that manufactured it produces \$6,000,000 worth of oil annually, and \$2,000,000 worth of oil-cake which is exported and sold abroad without the drawback which these eastern gentlemen get the benefit of when they export oil-cake made from foreign seed. I tell him that the labor, the gunny-bags, the cooperage, and the transportation to the eastern market of this oil-cake for shipment adds so much more that it becomes an interest of \$10,000,000 annually before it reaches the market; and it does not become the chairman of the Committee of Ways and Means, instructing this House, to stand up in his place and speak contemptuously of this interest, as if it were a matter affecting only half a dozen crushers

west of the Alleghany mountains. Sir, we want these five and a quarter millions' worth of seed to receive some little protection. We want a protection like that which is given to almost every other industrial pursuit or production provided for in this bill; and because we ask a little protection of this sort a great interest is to be spoken of in this contemptuous manner, as though it were some small matter out at the West not worthy the notice of gentlemen living upon the Atlantic sea-board.

Sir, we can comprehend why these gentlemen want to bring in seed from abroad and manufacture it into oil; they want to break down the western interest and buy our seed cheap, and let us manufacture none at home. It is all in the way of business. We can understand how they can go for a low tariff when nearly all the oil-cake made for the feed of cattle is used abroad, and little or none in this country. It finds its way after manufacture from the West to the sea-board, and from the East directly abroad, and they get a drawback of seven cents upon it, thus reducing the tariff which they pay to something like nine cents instead of sixteen.

Mr. MORRILL. Mr. Chairman, I am ready to admit that I spoke rather at random when I said that there were but half a dozen establishments for crushing linseed west of the Alleghanies; but it was not my purpose to speak contemptuously. I only desired to give an idea that this increased protection is not for the benefit of the farmers and the agricultural interest, but purely for the benefit of the crushers.

Now, Mr. Chairman, in relation to the amount of importations, I am ready also to confess that I have not examined them since 1861; but previous to that time I did examine them critically, and I know that we import very large quantities of both seed and oil. We all know that the importation of everything for the last four years has been entirely interrupted; the course of trade has been changed; it has not been as it has been before, and therefore the records for the last four or five years afford no criterion for legislators to go by. In order to show that I am not wrong in my position upon this subject, I ask the attention of the House to the records of Congress since 1842. Why, sir, there never has been a time when there has not been a greater duty on linseed oil than upon the seed itself. It is obvious, if the gentleman from Ohio nearest to me [Mr. GARFIELD] is correct, that if we import linseed oil when there is seven cents per gallon more duty upon it than upon seed, you put them on equal terms; and no more seed will come into the country; it will all come in in the shape of oil.

Now, let me call your attention to the record. In 1842 the duty on oil was twenty-five per cent., on seed five per cent.; in 1846 oil twenty per cent., seed fifteen per cent.; in 1857 oil fifteen, seed free; in 1861 oil twenty, seed sixteen; in 1864 oil twenty-three, seed sixteen. All previous Congresses, therefore, have been strangely in error or else my impetuous young friend from Ohio [Mr. SCHENCK] is somewhat in error to-night.

Now, Mr. Chairman, in my own State, and it is probably the same in Ohio, we have given up the growth of linseed for the sake of the seed. Every farmer, every agriculturist knows that if he lets even his grass ripen into seed it exhausts the soil twice as much as if he cuts it while in the flower. And if flax is allowed to grow until the seed ripens it is very exhaustive to the soil. And in States where they can grow wheat as they can in Ohio, where they can get twice as much from the same number of acres as they can of flaxseed, and get a higher price for it, you cannot by any system of protection induce them to grow flaxseed.

[Here the hammer fell.]

Mr. SCHENCK. I withdraw my amendment to the amendment.

Mr. WENTWORTH. I renew the amendment to the amendment. I wish to recall to the attention of this House that ever since this

tariff debate commenced we have heard nothing but "protection."

Mr. MORRILL. Not from me.

Mr. WENTWORTH. The United States is a large landed proprietor in its own right. But our land has become so valueless that we find great difficulty to give it away if we compel the one to whom we give it to go and live upon it. So we give it away to railroad companies in order that our lands may be occupied by somebody. Now, suppose a poor man goes to work on that land, just see how the country protects him. He first undertakes to fence in his land, and the spade with which he digs the hole for a post is taxed; the ax with which he cuts the post to put in the hole is taxed; the boards he puts on the posts to make his fence are taxed; the nails with which he fastens on the boards are taxed; and the hammer with which he drives the nails is taxed. When the fence is done and the man goes inside to work his plow is taxed, his hoe is taxed, his cultivator is taxed, his reaper or mower is taxed, and everything he uses is taxed. And for the benefit of whom? For the protection of American manufacturers. And the poor man must pay his tax in advance. He cannot stir a peg, he cannot dig a hole, or plow a furrow until he has paid his tax on his implements. And after he has endured the heats of summer and the frosts of winter, after he has risked the fevers and agues, the miasmas that are always incident to a new country, he looks to the Government for some protection. He fights the battles of the country and pays its taxes, too, and this is the protection you give him. I want to know what encouragement there is for us to go into agriculture if we have no protection at all. And there have been rich men and rich men and rich men here this winter trying to lobby against the agriculturists and put them down. I hope the House will say thirty cents for the oil and thirty cents for the seed.

Mr. PRICE. I have listened with a great deal of interest to the debate on this tariff bill from the commencement of it. And I have heard a great deal said about protection for the interests of this country. I believe, if I properly understand the meaning of the word, that I am a protectionist. But if the very moment we strike the agricultural interests of this country protection is to cease, then I shall begin to review my course and opinions upon the question of protection, and conclude that possibly I am not quite so much of a protectionist after all. The committee must allow me to say that if the manufacturer is to be protected, and the merchant is to be protected, and all classes and conditions of society are to be protected except the agriculturist, then I undertake to say that we have begun to protect at the wrong end, and have left entirely out of sight the interest that needs protection the most and that must have it.

My friend from Vermont [Mr. MORRILL] tells us as an argument why the provision reported by the committee should not be changed, that previous Congresses have adopted a lower scale. I do not know Mr. Chairman, that I ought to speak longer, for I am afraid I shall interrupt the private conversation that seems to be so interesting to members here. It would be impolite, perhaps, to interrupt them. If I can be heard, I wish to say a word in reply to the gentleman from Vermont, [Mr. MORRILL,] who says that the action of the last three Congresses has been of a different character from that which I propose, and therefore we ought to adhere to that line of policy. Now, sir, it just occurs to me that there is a class of politicians who—

"Chime on errors past,
And stumble on in blunders to the last."

I do not propose to be one of that kind. I prefer, when I see that an error has been committed, to correct that error, and to do better in the future than I have done in the past.

Now, I have only to say to gentlemen of this committee that if the agricultural interest of this country cannot be protected to the same

extent as all other interests, then I am not a protectionist or a tariff man, not in the least degree whatever. If the men who do the work of the nation, who constitute the bone and sinew of the country, underlying the prosperity of every other interest, are not to be protected equally with other interests—yes, sir, and above all other interests—then I am not a protectionist. The agricultural class embraces the men who furnish the labor of the community; and labor in this country, as in all other countries, is the only true standard of value. Sir, are we to tell the agriculturist that he must sell a bushel of flaxseed at a certain price to the eastern manufacturer for the making of oil because the seed can be raised in some foreign country at one dollar per bushel? Why, sir, have we not put a duty of sixty, seventy, eighty per cent. upon iron and steel and other articles in which the manufacturing interests are concerned?

Mr. MORRILL. The gentleman will permit me to say that I am not opposed to protecting the agricultural interest; but we do protect the agricultural interests by putting a higher duty on linen, encouraging farmers to raise flaxseed for the fiber rather than for the seed, and which will be found of far more value.

Mr. PRICE. I thank the gentleman for that word as much as the "Jew" was ever thanked. Sir, with reference to Russia duck and crash and other articles of that class, we the other day did that of which, if we examine it properly, we should be ashamed. We can raise in my own State raw material for enough duck and crash to supply the world; yet we must cater to the interests of Russia, and encourage the pauper labor of Europe rather than the industry of our own citizens. Now, sir, I am for taking care of the people of this country; and I would not deserve to be called a "protectionist" if I were not.

[Here the hammer fell.]

Mr. MORRILL. For the purpose of terminating debate, I move that the committee rise. The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. SCOFFIELD reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration bill of the House No. 718, to provide increased revenue from imports, and for other purposes, and had come to no resolution thereon.

Mr. MORRILL. I move that when the House shall again resolve itself into the Committee of the Whole on the state of the Union, all debate on the pending paragraph terminate in one minute.

Mr. SCHENCK. I suggest to the gentleman to allow three minutes for the explanation of some of his figures.

Mr. MORRILL. The gentleman shall have the whole of the one minute.

The motion was agreed to.

Mr. MORRILL. I move that the rules be suspended and the House resolve itself into Committee of the Whole on the state of the Union on the special order.

The motion was agreed to.

So the rules were suspended; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. SCOFFIELD in the chair,) and resumed the consideration of the special order, being bill of the House No. 718, to provide increased revenue from imports, and for other purposes.

The CHAIRMAN. All debate, by order of the House, is limited to one minute.

Mr. SCHENCK. The "impetuous friend" of the gentleman from Vermont would like to avail himself of that minute in order to show that the deliberate gentleman from Vermont, the chairman of the Committee of Ways and Means, is about as wrong in his figures in reference to importation as with regard to everything else connected with this interest. He says there has been no importation of seed of any consequence since 1861. Now, sir, I have taken the pains to procure the figures on this

subject; and I find that in 1861 123,603 bags were imported; and since that time the quantity of foreign seed brought into the country for the use of these eastern manufacturers has gradually increased till in 1865 it amounted to 321,570 bags—nearly three times as much as in 1861. The average annual importation during the last ten years has been 1,376,213 bushels. He is willing to protect all this foreign seed but none of that five millions and a quarter worth of seed raised by all these western States for these half a dozen of crushers.

[Here the hammer fell.]

Mr. WENTWORTH, by unanimous consent, withdrew his amendment.

The question recurred on Mr. PRICE's amendment, and it was disagreed to.

Mr. O'NEILL moved to strike out "thirty" and insert "twenty."

The amendment was disagreed to.

Mr. O'NEILL. I move to strike out the words, "that no drawback shall be allowed on oil-cake when exported."

The amendment was disagreed to.

Mr. ROSS. I move to strike out "thirty" and insert "forty."

The amendment was disagreed to.

The Clerk read as follows:

On mackerel, two dollars per barrel; on herrings, pickled or salted, one dollar per barrel; on salmon, pickled or salted, three dollars per barrel; on shad, two dollars per barrel; on all other fish, pickled, two dollars per barrel; on all fish, not herein otherwise provided for, one dollar per hundred-weight: *Provided*, That any fish in packages other than barrels shall pay in proportion to the rates charged upon similar fish in barrels; on sardines and anchovies, fifty per cent. *ad valorem*; on fish-oil, twenty per cent. *ad valorem*.

Mr. PIKE. I move to add the following:

Provided further, That herring imported in bulk shall pay at the rate of fifty cents per barrel of two hundred pounds.

Mr. MORRILL. I have no objection to the amendment.

The amendment was agreed to.

The Clerk read as follows:

On pelts, (without wool,) skivers, and roans, pickled or salted, fifteen per cent. *ad valorem*.

Mr. O'NEILL. I move the following:

On raw goat-skins in the hair from any port of shipment five per cent. *ad valorem*.

Mr. Chairman, the object of reducing the duty, as indicated in my amendment, is this: these skins come in free all over the world except into the ports of this country.

Mr. BINGHAM. Debate is not in order, as the committee commenced to divide.

The CHAIRMAN. Debate is not in order. The amendment was disagreed to.

Mr. EGGLESTON. I ask unanimous consent to go back to move an amendment reducing the duty on mackerel from two dollars to one dollar per barrel.

Objection was made.

The Clerk read as follows:

On skivers, tanned, colored, and finished, forty per cent. *ad valorem*.

Mr. MORRILL. I move to strike out "and" and insert "or."

The amendment was agreed to.

Mr. ALLEY. I move to insert the following:

On goat and sheep skins, tanned and unfinished, from any port of shipment, thirty per cent. *ad valorem*.

The amendment was agreed to.

The Clerk read as follows:

On fawn, kid, and lamb skins, tanned and dressed, otherwise than in colors, and known as chamois, thirty-five per cent. *ad valorem*.

On mats of sheep-skins, not colored, forty per cent. *ad valorem*.

On mats of sheep-skins, fancy, colored, sixty per cent. *ad valorem*.

No amendment being offered,

The Clerk read as follows:

On upper leather and calf-skins and goat-skins, tanned, dressed, or finished, thirty-five per cent. *ad valorem*.

On leather, patent, japanned or enameled, forty per cent. *ad valorem*.

Mr. MORRILL. I move to insert after the word "enameled" the words "and on glazed skin."

The amendment was agreed to.

The Clerk read as follows:

On parchment and vellum, forty per cent. *ad valorem*.

On shoes and boots of all kinds, and all manufactures of leather, not herein otherwise provided for, forty per cent. *ad valorem*.

Mr. O'NEILL. I move to add the following:
On goat or sheep skins, colored or finished, forty per cent. *ad valorem*.

Mr. MORRILL. I hope by unanimous consent the gentleman from Massachusetts [Mr. ALLEY] will be allowed to withdraw his amendment.

Mr. ALLEY. It should read, "shipment from foreign ports."

Mr. HOOPER, of Massachusetts. I hope the amendment will not be adopted. I wanted to make an amendment to that when it was up before.

Mr. ALLEY. If the committee will allow me, I will explain what I meant. By the existing law goods coming from the Cape of Good Hope by the way of London or Liverpool, or any other foreign port, are charged ten per cent. *ad valorem*, and there are a great many goods that are shipped to this country in that way. Now, it is to obviate that difficulty that I have offered the amendment. I supposed the word "foreign" was in it. If it reads "from any foreign port," it will read right.

Mr. THAYER. The word "importation" in the beginning of the section implies the same thing as the word foreign.

Mr. ALLISON. I object to going back unless we can consider the amendment.

The CHAIRMAN. The pending amendment is the one offered by the gentleman from Pennsylvania, [Mr. O'NEILL.]

Mr. MORRILL. I object to the amendment, because goat-skins are already provided for at a different rate elsewhere, and if the amendment is adopted it will present the anomaly of two different rates for the same article.

The amendment of Mr. O'NEILL was disagreed to.

Mr. O'NEILL. I have another amendment, as follows:

On raw goat-skins in the hair, from any foreign port of shipment, five per cent. *ad valorem*.

I merely wish to say a word. I offered an amendment some time ago which was ambiguous in its language. This is to confine it to any foreign port of shipment, so that American manufacturers can have the advantage which foreign manufacturers now have. This gives to the American manufacturer the opportunity of making up morocco from the skins instead of buying it from abroad.

Mr. MORRILL. I have no objection to that. The amendment was agreed to.

The Clerk read as follows:

SEC. 10. And be it further enacted, That, in lieu of the duties heretofore imposed by law on the importation of the articles hereinafter mentioned, there shall be levied, collected, and paid the following duties and rates of duty, that is to say:

On artificial flowers, fifty per cent. *ad valorem*: Provided, That artificial flowers when composed wholly or in part of silk shall be subject, in addition to the foregoing rate, to a duty of twenty-five per cent. *ad valorem*.

Mr. MORRILL. I move to strike out the last paragraph and insert in lieu thereof the following:

On artificial flowers when imported in roses, buds, leaves, and grasses, in gross fifty per cent. *ad valorem*; when imported in bunches or wreaths consisting of flowers, buds, leaves, and grasses combined, ready for sale and use, sixty per cent. *ad valorem*; when made wholly or in part of silk, seventy-five per cent. *ad valorem*.

The amendment was agreed to.

The Clerk read as follows:

On buttons, pearl, fifty per cent. *ad valorem*; on buttons of all other descriptions, not herein otherwise provided for, forty per cent. *ad valorem*.

Mr. MORRILL. I move to add the following:

On blacking for shoes and boots, forty per cent. *ad valorem*.

The amendment was agreed to.

The Clerk read as follows:

On Britannia and pewter ware, forty-five per cent. *ad valorem*.

On cobalt and oxide of cobalt, thirty per cent. *ad valorem*.

Mr. HOGAN. I move to amend by striking out "thirty" and inserting "forty." I do not think it necessary to say anything in reference to this. Cobalt is a product of our western country. It is found nowhere else in the United States. I think we ought to advance the rate of duty upon it so as to enable us to manufacture it. There are other countries that produce it.

Mr. MORRILL. No objection.
The amendment was agreed to.

Mr. J. L. THOMAS. I move to add the following:

On bichromate of potash, four and a half cents per pound.

The present duty is three cents per pound. The ore out of which it is made is found in Maryland in great quantities, and that is about the only State where it is produced. It is used to fix colors to dyes. It is a very important branch of industry in our State, and one that needs protection. I hope the committee will accept it.

Mr. MORRILL. Mr. Chairman, the committee will remember that in the progress of the internal revenue bill we took off all tax upon this article, which is essentially a raw material and enters into various other manufactures. If the gentleman from Maryland [Mr. J. L. THOMAS] will be content with an increase from three to three and one half cents, I will not object; otherwise I hope the proposition will be voted down.

Mr. J. L. THOMAS. Will the gentleman from the Committee of Ways and Means agree to four cents?

Mr. MORRILL. No; not more than three and one half cents.

Mr. J. L. THOMAS. I cannot agree to that.

The question was put on the amendment; and there were—ayes 12, noes 18; no quorum voting.

Tellers were ordered; and Messrs. J. L. THOMAS and GARFIELD were appointed.

Mr. J. L. THOMAS. I withdraw my amendment, and move to make the duty three and a half cents.

The amendment was agreed to.

The Clerk read as follows:

On corktree, bark of, unmanufactured, twenty per cent. *ad valorem*.

Mr. RADFORD. I move that the committee rise.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. SCOFIELD reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration bill of the House No. 718, to provide increased revenue from imports, and for other purposes, and had come to no resolution thereon.

And then, on motion of Mr. RADFORD, (at ten o'clock and five minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule and referred to the appropriate committees.
By Mr. HARDING, of Illinois: The petition of people of Warren county, Missouri, for a bridge at Quincy, Illinois.

By Mr. MILLER: The petition of sundry citizens of Millintown, Pennsylvania, for amending the tariff so as to protect labor to the extent of the difference of the cost of capital and labor here and abroad, with the addition of the taxes paid by American industrial products from which the foreign are free.

By Mr. O'NEILL: The petition of morocco manufacturers of the city of Philadelphia, asking that the tariff act may be so amended as to protect their manufacturing interest.

By Mr. PHELPS: The memorial of George W. Graves and John Creamer, claiming compensation for loss of schooner Fanny Davis.

By Mr. SCHENCK: The memorial of C. Parker, of Ohio, the "dusty philosopher," on Government abuses generally, whisky prohibition, negro equality, and pardons before conviction, with a postscript inquiring for a site for a grist-mill for himself and his son-in-law.

By Mr. UPSON: The petition of members of the first Michigan cavalry, praying for further compensation and relief.

IN SENATE.

FRIDAY, July 6, 1866.

Prayer by the Chaplain, Rev. E. H. GRAY.
On motion of Mr. STEWART, and by unanimous consent, the reading of the Journal of yesterday was dispensed with.

PETITIONS AND MEMORIALS.

Mr. HARRIS presented the petition of McClure & Miller, of Albany, praying that Solomon P. Smith may be allowed arrears of pension; which was referred to the Committee on Pensions.

Mr. WILSON presented the petition of Brevet Brigadier General Ward B. Burnett, praying that he may be allowed arrears of pension from the 4th of March, 1863, to March 4, 1866; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. WILLEY, from the Committee on the District of Columbia, to whom was referred a bill (H. R. No. 559) to authorize the extension, construction, and use by the Baltimore and Ohio Railroad Company of a railroad from between Knoxville and the Monocacy Junction into and within the District of Columbia, reported it without amendment.

Mr. CLARK, from the Committee on Claims, to whom was referred a bill (H. R. No. 517) for the relief of Liston H. Pearce, reported it without amendment.

He also, from the same committee, to whom was referred a bill (H. R. No. 695) for the relief of William H. Wheeler, of Bangor, Maine, reported it with an amendment.

Mr. WILSON. The Committee on Military Affairs and the Militia, to whom was referred a bill (H. R. No. 540) in relation to claims for horses turned over to the Government, have instructed me to report it adversely. I move that the bill be indefinitely postponed.

The motion was agreed to.

Mr. WILSON, from the same committee, to whom was referred a bill (H. R. No. 602) to equalize the bounties of soldiers, sailors, and marines who served in the late war for the Union, reported it with an amendment.

Mr. WADE. The select committee, to whom was referred the Senate resolution in reference to the adjustment of the inequalities of compensation allowed to the several officers and employes of the two Houses of Congress, with a view to the adjustment of the same in the Senate, have had that matter under consideration, and have directed me to make a report accompanied by a bill. I move that the report be printed.

The motion to print the report was agreed to; and the bill (S. No. 411) to equalize the compensation of officers, clerks, messengers, and others in the service of the Senate, with those of the House of Representatives, was read and passed to a second reading.

Mr. WADE, from the Committee, on the District of Columbia, to whom was referred a bill (S. No. 393) to incorporate the Metropolitan Club of the District of Columbia, reported it without amendment.

He also, from the same committee, to whom was referred a bill (H. R. No. 726) to extend to certain persons the privilege of admission, in certain cases, to the United States Government asylums for the insane, reported it with amendments.

RETRENCHMENT COMMITTEE.

Mr. EDMUNDS. I am instructed by the Committee on Commerce, to whom was referred the resolution of the House of Representatives, providing for the appointment of a joint committee on the subject of retrenching the expenses and correcting the abuses in the civil service of the Government, to report it back with the recommendation of the committee that the Senate concur therein; and I ask for the present consideration of the resolution inasmuch as I presume there will be no objection to it. It is not of course a resolution out of which any great results can be ex-

pected now to flow; but it provides for the only means the representatives of the people have to inquire into the abuses which in the course of time creep into the administration of the civil service of the Government. While I do not expect from it myself any great advantages to the people, I think that it will be useful to a very considerable degree.

The PRESIDENT *pro tempore*. The resolution will be read for information.

The Secretary read the resolution.

Mr. CLARK. I do not know that I have particular objection to the passage of the resolution; but I think it had better lie over for consideration. The power given to sit in the recess and send for persons and papers is a very broad one, and perhaps there had better be a little consideration in regard to it. It had better lie over until to-morrow.

The PRESIDENT *pro tempore*. Objection being made to its present consideration, the resolution lies over until to-morrow under the rule.

BILL INTRODUCED.

Mr. HARRIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 410) for the relief of Solomon P. Smith; which was read twice by its title and referred to the Committee on Pensions.

ALOIS KLAUS.

Mr. HOWE. I move that the Senate proceed to the consideration of bill No. 164.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 164) for the relief of Alois Klaus. It directs the Secretary of the Treasury to pay to Alois Klaus the sum of \$32 90, in full payment for moneys paid by him for transportation, and due to him for rations, while in the military service of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COMMITTEE CLERKS.

Mr. SPRAGUE. I move to take up for consideration the resolution which was offered by me some days since continuing throughout the year the clerk of the Committee on Military Affairs, and the clerk of the Committee on the District of Columbia. I will state that the object of this resolution is to put those two clerks on the same footing as the clerk of the Committee on Printing and one or two other of the committee clerks of the Senate. The reason for this arises from the impossibility of getting clerks properly qualified, for the pay which the law provides for a committee clerk during the three months of the short session and the six or seven months of the long session.

When I introduced the resolution the other day the Senator from Iowa [Mr. GRIMES] suggested that it should be referred to the select committee which was appointed to consider the compensation of the employees of the Senate. I did not then have an opportunity to state to him that the reason why that course was not deemed proper to be pursued was that the chairman of that committee was in favor of this measure. Upon subsequent inquiry I ascertained that the object of the appointment of that committee was to equalize the pay of the clerks and other officers of the Senate with that of similar officers of the House of Representatives, and not to adjust the relative compensation of the various clerks in the Senate or the various committee clerks of the Senate to each other.

It is well known that the Committee on Military Affairs have vast amounts of business, not only during the sessions of Congress, but in the intervals. It is known to every member of that committee that the investigations necessary for perfect legislation on military subjects require most incessant work and high talents. That committee has now a clerk of that character. It is desirable, in order to obtain as perfect legislation as can be secured, that the business which comes before the committee shall have

the revision of a competent hand. The individual who now occupies that post has had an experience of one or two years in the War Department, and is efficient in such a way that when matters are brought before the committee time is saved and more perfect legislation obtained. It is well known that in all the Executive Departments competent clerks are continued, and that the pay of the commonest is \$1,200 a year; and here, where it should require the greatest care, and where there should be brought to the consideration of the committees all the information possible, the pay is interrupted by the expiration of the session, and important committees are obliged to procure clerks with the small pay that the per diem for the broken session of Congress allows.

The question arises whether if we pass this resolution there will not then be left other committees of the Senate who will have clerks not receiving the pay allowed to the clerk of the Committee on Military Affairs and the clerk of the Committee on the District of Columbia. That suggestion, however, is answered by the fact that there are committees in the Senate who do not require this order of talent and who have no business to be attended to during the intervals between the sessions of Congress. I therefore submit the question to the Senate and ask for favorable consideration on the resolution I have proposed.

The PRESIDENT *pro tempore*. The question is, Will the Senate proceed to the consideration of the resolution the substance of which has been stated by the Senator from Rhode Island?

The motion was agreed to; and the Senate proceeded to consider the following resolution:

Resolved, That the annual compensation of the clerks of the Committees on Military Affairs and the Militia and the District of Columbia shall hereafter be the same as that of the clerks of the Committees on Finance, Printing, and Claims, commencing July 1, 1866.

Mr. RAMSEY. I should like to inquire what is the compensation of the clerk of the Committee on Finance.

Mr. SPRAGUE. The compensation of committee clerks now is six dollars a day.

Mr. JOHNSON. For the year?

Mr. SPRAGUE. No, sir; for the session; but the clerks named in the resolution are paid all the year round.

Mr. RAMSEY. I have no objection to the resolution, but I think it should be more comprehensive, and that some committee should consider it in order that we may know whether other committee clerks ought not to be embraced in this resolution. It is very likely that there are other committee clerks quite as deserving of this increased compensation as those who are named in the resolution. I do not oppose it, but I hope we shall not act upon it until we include all the cases that probably may require this kind of legislation. Perhaps it would be as well to refer it to one of the committees—I suggest the Committee on Contingent Expenses—and let them report what other clerks of committees should also be embraced in this enlargement of compensation.

Mr. GRIMES. As I understand it, the clerk of the Committee on Finance now receives a compensation of \$1,850 a year. The clerks of the two committees named in this resolution receive each six dollars a day during the time they are employed. The one has an annual salary, and the others are paid for the services that they render. The effect of this proposition would be to make the clerks of these two committees permanent officers, and to pay them every alternate year for nine months when they are performing no service. Whenever any resolution of this kind has hitherto been introduced it has always been referred to some committee. I do not know of any reason why we should single out these two particular clerks, making an invidious distinction between them and the other clerks at this time, without such a reference, without having the matter properly investigated by some committee. I hope, therefore, that the motion of the Senator from Minnesota will prevail.

Mr. SHERMAN. Two of the clerks of committees of the House and the Senate now receive an annual salary instead of a per diem allowance.

Mr. FESSENDEN. Three of the Senate: the clerks to the Committees on Claims, Finance, and Printing.

Mr. SHERMAN. I did not know that the clerk of the Committee on Claims was included. The clerk of the Committee on Printing receives it because he is required during the vacation to make out certain indexes and records, the precise character of which I cannot state.

Mr. GRIMES. Indexing the laws.

Mr. SHERMAN. I am told that he is a very competent person, and during the vacation he is employed in performing the duties that belong to that committee, making up indexes, &c. The clerks of the Committees on Finance of the Senate and Ways and Means of the House it seems to me ought to be salaried officers, because they have to prepare to some considerable extent for the discharge of their duties. An inexperienced man would cause delay and trouble. I think the clerks of those two committees ought to be salaried officers. They should be men of considerable ability in that line, and ought to have great familiarity with the various laws relating to appropriations, and ought to be able to frame the appropriation bills. Those clerks have to perform the work of framing most of the bills. As to whether this compensation should be extended further than that is a matter that I cannot judge upon. The clerk of the Committee on Claims must necessarily make digests, and must have a great deal of manual labor to perform.

Mr. CLARK. He has been paid an annual salary for many years.

Mr. SHERMAN. Perhaps the Military Committee ought to have a salaried clerk. I do not think there is anything lost by keeping these necessary officers and having them fairly paid. Most of the officers employed in the Senate are paid an annual salary. The clerks who perform their duties at the desk, receive an annual salary, although their duties are only performed a portion of the year; and so with many of the messengers and with many of the officers of the Senate. I think nothing is lost if we keep experienced men in office, because they are then ready to discharge their duties promptly, and generally with great fidelity. The longer they are kept the better they are. If there is any peculiar knowledge required by the clerk of the Military Committee, and I should think there should be, perhaps it would be well enough to substitute a salaried officer for a mere clerk with a per diem allowance. The duties of the clerk of the Committee on Military Affairs during the last three or four years must have been very responsible and arduous. It would be much better to pay an increased salary in order to keep a competent man, a person familiar with the duties. If he is discharged at the end of the session, and is compelled to seek other employment, and if a new clerk has to be employed, it may be a very serious embarrassment to the committee in the discharge of their duties.

Mr. WILSON. Mr. President, at the opening of the war the then clerk of the Military Committee was allowed the sum proposed by the resolution submitted by the Senator from Rhode Island. He had been for many years in the office and was very thoroughly posted in military matters and matters pertaining to the War Department; but, owing to causes not connected with his office, he had to leave that place, and it was with some difficulty that we could obtain another man fit for the place. We found one in the person of Mr. White, now the editor of the Chicago Tribune, a gentleman of rare intelligence and ability; but he was only with us for a short time, and then we had to find another. We have now a clerk who has had a great deal of experience, having been in the War Department for some time. He received there \$1,800 a year, being a fourth-class clerk, and having a very important position. There are but few men in the service anywhere who understand matters pertaining

to the War Department or military claims or anything connected with the Army as well as he does. He is our clerk now at a compensation of six dollars a day during the session. When this session ends, of course his connection with the committee must end, because he cannot afford to remain with us and be our clerk at the next session for three months. He would not get any compensation of any account. He is a very competent man, and I believe will be a great loss to the committee; at any rate, he certainly will be to me, for I do not know where I can get a decent man who can be with us any length of time for the pay allowed. Gentlemen may come with us during a long session and get some twelve or thirteen hundred dollars; but then for the three months' session a clerk would get only five or six hundred dollars a year. No man can afford to come to us and stay for that. I should be glad to have a permanent clerk for our committee, and I believe it would be a saving to the Government to have it, for we have an immense number of cases coming to us which the clerk we now have either knows about or can at once inform himself in regard to. I shall be very glad to have the clerk of our committee made a permanent clerk.

Mr. DAVIS. I suppose that clerks to some of the committees are necessary; but many of these clerks seem to have a double calling. They are not only clerks of the committees, but many of them are slanderers and libelers and traducers of the members of Congress. If a man is to be a clerk here, I do not think he ought to combine with it the character of a daily and habitual libeler of members of Congress and be supported from the public Treasury.

Mr. WILSON. Will the Senator allow me a single word?

Mr. DAVIS. Certainly.

Mr. WILSON. I will say to the Senator that the clerk of my committee is in no way connected with the press in any form whatever. He has no connection whatever with the press, and never had.

Mr. DAVIS. I have no objection whatever to any committee having its necessary clerk; but, although I am as impervious to the shafts of such malignant slanderers as any living man, I protest against a score or more of clerks being brought here and paid and supported by the public Treasury when their particular vocation is not to act as clerks to the committees and to facilitate the committees in the transaction of their business, but to send off their foul and false libels upon members of Congress.

I shall not make any proposition in relation to the resolution of the honorable Senator from Rhode Island nor in connection with this subject; but men who stickle for the freedom of debate, and who are willing to assure to members of Congress the perfect liberty of debate, at any rate within legitimate and decent bounds, ought not to billet upon the public Treasury a set of infamous libelers and slanderers, the principal business of some of whom is not to act as clerks but to send forth their vile missives from the Capitol in order to abuse the public mind in relation to the sentiments and the course of members of the Senate and House of Representatives. Sometimes the missives of these creatures meet my eye; it is not often that they do, but some of them have done so; and I know that that is the vocation of some of the men who occupy positions as clerks in the Departments and to the committees. Sir, if I was the chairman of a committee, and had the appointment of a clerk, if that clerk dared to desecrate his position by uttering falsehood and calumny, and endeavor to bring into contempt and degradation the humblest member of this Senate, I should immediately dismiss him, so far as my action would have the effect, from the service of the committee, and from thus being billeted upon the Treasury of the United States for the purposes of traduction and calumny.

Mr. FESSENDEN. I ask leave at this time

to make a report from a committee of conference.

The PRESIDENT *pro tempore*. If there be no objection the report will be received.

Mr. DAVIS. If the honorable Senator will permit me, I wish to say a word in explanation.

Mr. FESSENDEN. Certainly.

Mr. DAVIS. I do not mean in this denunciation to include all the clerks of committees. Some of them are gentlemen, modest, well-behaved gentlemen, with whom it is my pride to associate. They are clerks, and I am a Senator; but I receive them upon the pale of the equality of American citizens and American gentlemen. It is only those blackguards and infamous libelers who indulge in the sort of missives that I have alluded to that I intended to include in any remarks I have made.

INTERNAL TAXATION.

Mr. FESSENDEN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 513) "to reduce internal taxation and to amend an act entitled 'An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes,' approved June 30, 1864, and amendatory thereof," having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House of Representatives recede from their disagreement to the amendments of the Senate numbered 32, 58, 59, 60, 80, 109, 118, 121, 136, 150, 154, 197, 198, 215, 219, 221, 223, 225, 227, 233, 237, 259, 299, 301, 312, 317, 318, 324, 325, 349, 352, 354, 355, 362, 363, 368, 369, 379, 415, 416, 427, 428, 437, 447, 449, 450, 457, 466, 472, 478, 479, 480, 487, 509, 523, 532, 542, 552, 556, 557, 569, 592, 606, 611, 612, 618, 635, 649, 650, 652, 656, 658, and 659, and agree to the same.

That the Senate recede from their amendments to the bill numbered 153, 155, 158, 162, 163, 284, 285, 286, 287, 288, 292, 302, 303, 309, 315, 320, 322, 323, 357, 375, 377, 433, and 475.

That the House recede from their disagreement to the third amendment of the Senate, and agree to the same with an amendment as follows: strike out the word "two" and insert the word "three."

That the House recede from their disagreement to the fifty-second amendment of the Senate and agree to the same with an amendment as follows: strike out the words proposed to be inserted and insert in lieu thereof the words "fifteen months."

That the House recede from their disagreement to the fifty-fourth amendment of the Senate and agree to the same with an amendment as follows: add at the end of line one, page 24 of the engrossed bill, the words "and whenever the word 'duty' is used in this act, or the acts of which this is an amendment, it shall be construed to mean 'tax' whenever such construction shall be necessary in order to effect the purposes of said acts."

That the House recede from their disagreement to the fifty-seventh amendment of the Senate and agree to the same with an amendment as follows: insert in lieu of the words stricken out the words "and twenty-five cents for each permit granted for making tobacco, snuff, or cigars."

That the House recede from their disagreement to the one hundred and eighth amendment of the Senate and agree to the same with the following amendments to the matter proposed to be inserted, namely: in line two, page 10, strike out the words "this act," and insert the word "law;" in line twenty-three, page 11, strike out the word "such," and insert in lieu thereof the word "any;" after the word "aforesaid," in line three, page 12, insert "reciting the facts set forth in the said certificate;" in line nine, page 12, strike out "this act;" and insert in lieu thereof the word "law;" in lines three and four, page 13, strike out the words "by this act;" and at the end of line eleven, page 14, add, "Provided, That the word 'county,' whenever the same occurs in this act, or the acts of which this is amendatory, shall be construed to mean also a parish, or any other equivalent subdivision of a State or Territory;" and the Senate agree to the same.

That the House recede from their disagreement to the one hundred and thirty-fifth amendment of the Senate and agree to the same with an amendment as follows: insert in lieu of the words stricken out the words "except as samples;" and the Senate agree to the same.

That the House recede from their disagreement to the two hundred and fourteenth amendment of the Senate and agree to the same with an amendment as follows: in line two of said Senate amendment strike out the words "for each license;" and the Senate agree to the same.

That the House recede from their disagreement to the two hundred and eighteenth amendment of the Senate and agree to the same with an amendment as follows: in line two of said Senate amendment strike out the words "for each license;" and the Senate agree to the same.

That the House recede from their disagreement to the two hundred and twenty-fourth amendment of the Senate, and agree to the same with an amendment as follows: strike out the word "only" inserted by the Senate, and also all after the word "that," in line twenty-seven, page 79, down to and including the word "team," in line one, page 80, and insert in lieu thereof the words "persons owning and em-

playing not more than one vehicle;" and the Senate agree to the same.

That the House recede from their disagreement to the two hundred and seventy-sixth amendment of the Senate and agree to the same with the following amendments: in line one of said Senate amendment, after the word "and," insert "until the 30th day of April, 1867;" and also in line seven of said Senate amendment, after the word "manner," insert "and for the same period;" and the Senate agree to the same.

That the House recede from their disagreement to the three hundred and fifth amendment of the Senate, and agree to the same with the following amendments: in line three of said Senate amendment strike out the words "retail price" and insert in lieu thereof the word "value;" and also in line five of said Senate amendment strike out the word "cents" and insert in lieu thereof the words "per cent.;" and the Senate agree to the same.

That the House recede from their disagreement to the three hundred and twenty-first amendment of the Senate and agree to the same with an amendment as follows: strike out the word "enameled," proposed to be inserted, and after the word "tax," in the sixth line, page 109, insert the words "or duty;" and the Senate agree to the same.

That the House recede from their disagreement to the three hundred and twenty-ninth and three hundred and thirty-first amendments of the Senate, and agree to the same with the following amendments: strike out all of line nineteen, page 111, including the word "ten," proposed to be inserted by the Senate, to the word "thousand" inclusive, in line twenty, same page, and insert in lieu thereof the following: "on all cheroots, cigarettes, and cigars, the market value of which is over twelve dollars per thousand, a tax of four dollars per thousand, and in addition thereto twenty per cent. *ad valorem* on the market value thereof;" and the Senate agree to the same.

That the House recede from their disagreement to the three hundred and forty-seventh amendment of the Senate and agree to the same with amendments as follows: after the word "shall," in line three of said Senate amendment, insert "until the 30th day of April, 1867," and at the end of said Senate amendment add, "and whenever the addition to any fare shall amount only to the fraction of one cent, any person or company liable to the tax of two and a half per cent. may add to such fare one cent in lieu of such fraction; and such person or company shall keep for sale at convenient points tickets in packages of twenty and multiples of twenty, to the price of which only an amount equal to the revenue tax shall be added."

That the House recede from their disagreement to the three hundred and fifty-first amendment of the Senate and agree to the same with an amendment as follows: insert in lieu of the words stricken out, "and of the amount of notes of persons, State banks, or State banking association paid out by them for the previous month."

That the House recede from their disagreement to the three hundred and fifty-eighth amendment of the Senate and agree to the same with an amendment as follows: insert in lieu of the words stricken out the words, "and notes of persons, State banks, and banking association paid out."

That the House recede from their disagreement to the three hundred and sixty-first amendment of the Senate so far only as it proposes to strike out words, and the Senate agree to the same.

That the House recede from their disagreement to the three hundred and sixty-fifth amendment of the Senate and agree to the same with amendments as follows: after the word "due," in line five of said Senate amendment, insert "wherever;" and after the word "depositors," in line seven, page 40, of said Senate amendment, insert the words "or parties whatsoever, including non-residents, whether citizens or aliens."

That the House recede from their disagreement to the three hundred and sixty-sixth amendment of the Senate and agree to the same with the following amendments: in line eleven, page 42, of said Senate amendment, after the word "stockholders," insert the words "including non-residents, whether citizens or aliens;" and after the word "whenever," in line seventeen, insert "and wherever;" and in the same line, after the word "payable," insert the words "and to whatever party or person the same may be payable, including non-residents, whether citizens or aliens;" and the Senate agree to the same.

That the House recede from their disagreement to the four hundred and twenty-third amendment of the Senate and agree to the same with an amendment as follows: in line two, page 49, of said Senate amendment, after the word "except," insert the words "playing-cards."

That the House recede from their disagreement to the four hundred and fortieth amendment of the Senate and agree to the same with amendments as follows: in line twelve, page 55, of said Senate amendment, strike out the word "or" where it first occurs; and in lines fourteen and fifteen, same page, strike out the words "shall use the bills of such State bank or banking association;" and the Senate agree to the same.

That the House recede from their disagreement to the four hundred and fifty-fifth amendment of the Senate, and agree to the same with an amendment as follows: at the end of said Senate amendment add: "mounting and machinery of telescopes for astronomical purposes."

That the House recede from their disagreement to the five hundred and tenth amendment of the Senate and agree to the same with amendments as follows: in line nineteen, page 64, of said Senate amendment, strike out the word "aforesaid" and insert in lieu thereof the words "of the district;" and in line twenty-three, same page, strike out the words "be

equal to" and insert in lieu thereof the words "not be more than;" and the Senate agree to the same.

That the House recede from their disagreement to the five hundred and forty-fifth amendment of the Senate and agree to the same with an amendment as follows: in lines eight and nine, page 70, of said Senate amendment, strike out the words "in day or night while such distillery is in operation."

That the House recede from their disagreement to the six hundred and twenty-third amendment of the Senate and agree to the same with an amendment as follows: before the word "and," in line one, page 79, of said Senate amendment, insert the following: "and the Commissioner of Internal Revenue shall allow upon all sales of such stamps to any brewer, and by him used in his business, a deduction of seven and one half per cent.;" and the Senate agree to the same.

That the House recede from their disagreement to the six hundred and forty-fifth amendment of the Senate and agree to the same with the following amendments: in line ten, page 193, of the engrossed bill, strike out the words "assessor, collector;" and strike out in line twelve, same page, the word "or" where it last occurs, and insert in lieu thereof the words, "and any assessor, collector, inspector, or revenue agent who shall hereafter become interested directly or indirectly;" and the Senate agree to the same.

That the House recede from their disagreement to the six hundred and forty-eighth amendment of the Senate and agree to the same with amendments as follows: in line five, page 83, of said Senate amendment, after the word "thereof" insert the word "respectively;" in line eight, same page, after the word "promised" strike out the word "or," and after the word "given," in the same line, insert the words "accepted or received;" and the Senate agree to the same.

That the House recede from their disagreement to the sixty-third amendment and agree to the same with an amendment as follows: insert in lieu of the matter proposed to be stricken out the following:

SEC. 67. *And be it further enacted*, That in any case, civil or criminal, where suit or prosecution shall be commenced in any court of any State against any officer of the United States, appointed under and acting by authority of the act entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," passed June 30, 1864, or of any act in addition thereto or in amendment thereof, or against any person acting under or by authority of any such officer on account of any act done under color of his office, or against any person holding property or estate by title derived from any such officer, concerning such property or estate and affecting the validity of this act or acts of which it is amendatory, it shall be lawful for the defendant, in such suit or prosecution, at any time before trial, upon a petition to the circuit court of the United States in and for the district in which the defendant shall have been served with process, setting forth the nature of said suit or prosecution, and verifying the said petition by affidavit, together with a certificate, signed by an attorney and counselor-at-law of some court of record of the State in which such suit shall have been commenced, or of the United States, setting forth that, as counsel for the petitioner, he has examined the proceedings against him, and carefully inquired into all the matters set forth in the petition, and that he believes the same to be true; which petition, affidavit, and certificate shall be presented to the said circuit court if in session, and if not, to the clerk thereof, at his office, and shall be filed in said office, and the cause shall thereupon be entered on the docket of said court, and shall be thereafter proceeded in as a cause originally commenced in that court; and it shall be the duty of the clerk of said court, if the suit were commenced in the court below by summons, to issue a writ of *certiorari* to the State court, requiring said court to send to the said circuit court the record and proceedings in said cause; or if it were commenced by *captias*, he shall issue a writ of *habeas corpus cum causa*, a duplicate of which said writ shall be delivered to the clerk of the State court, or left at his office, by the marshal of the district, or his deputy, or some person duly authorized thereto; and thereupon it shall be the duty of the said State court to stay all further proceedings in such cause, and the said suit or prosecution, upon delivery of such process, or leaving the same as aforesaid, shall be deemed and taken to be moved to the said circuit court, and any further proceedings, trial, or judgment therein in the State court shall be wholly null and void. And if the defendant in any such suit be in actual custody on *meane* process therein, it shall be the duty of the marshal, by virtue of the writ of *habeas corpus cum causa*, to take the body of the defendant into his custody, to be dealt with in the said cause according to the rules of law and the order of the circuit court, or of any judge thereof in vacation. All attachments made, and all bail and other security given, upon such suit or prosecution shall be and continue in like force and effect as if the same suit or prosecution had proceeded to final judgment and execution in the State court; and if, upon the removal of any such suit or prosecution, it shall be made to appear to the said circuit court that no copy of the record and proceedings therein in the State court can be obtained, it shall be lawful for said circuit court to allow and require the plaintiff to proceed *de novo*, and to file a declaration of his cause of action, and the parties may thereupon proceed as in action originally brought in said circuit court; and, on failure of so proceeding, judgment of *nolle prosequi* may be rendered against the plaintiff, with costs for the defendant: *Provided*, That an act entitled "An act further to provide for the collection of duties on imports," passed March 2, 1833, shall not be so construed as to apply to cases arising under an act entitled "An act to provide in-

ternal revenue to support the Government, to pay interest on the public debt, and for other purposes," passed June 30, 1864, or any act in addition thereto or in amendment thereof, nor to any case in which the validity or interpretation of said act or acts shall be in issue: *Provided further*, That if any officer appointed under and by virtue of any act to provide internal revenue, or any person acting under or by authority of any such officer, shall receive any injury to his person or property, for or on account of any act by him done under any law of the United States for the collection of taxes, he shall be entitled to maintain suit for damage therefor in the circuit court of the United States in the district wherein the party doing the injury may reside or shall be found. And all property taken or detained by any officer or other person under authority of any revenue law of the United States shall be irretrievable, and shall be deemed to be in the custody of the law, and subject only to the orders and decrees of the courts of the United States having jurisdiction thereof. And if any person shall dispossess or rescue, or attempt to dispossess or rescue, any property so taken or detained as aforesaid, or shall aid or assist therein, such person shall be deemed guilty of a misdemeanor, and shall be liable to such punishment as is provided by the twenty-second section of the act for the punishment of certain crimes against the United States, approved the 30th day of April, 1790, for the willful obstruction or resistance of officers in the service of process.

SEC. 68. *And be it further enacted*, That the fiftieth section of an act passed June 30, 1864, entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," is hereby repealed: *Provided*, That any case which may have been removed from the courts of any State under said fiftieth section to the courts of the United States shall be remanded to the State court from which it was so removed, with all the records relating to such cases, unless the justice of the circuit court of the United States in which such suit or prosecution is pending shall be of opinion that said case would be removable from the court of the State to the circuit court under and by virtue of the sixty-sixth section of this act. And in all cases which may have been removed from any court of any State under and by virtue of said fiftieth section of said act of June 30, 1864, all attachments made, and all bail or other security given upon such suit or prosecution, shall be and continue in full force and effect until final judgment and execution, whether such suit shall be prosecuted to final judgment in the circuit court of the United States or remanded to the State court from which it was removed.

SEC. 69. *And be it further enacted*, That whenever a writ of error shall be issued for the revision of any judgment or decree in any criminal proceeding where is drawn in question the construction of any statute of the United States, in a court of any State, as is provided in the twenty-fifth section of an act entitled "An act to establish the judicial courts of the United States," passed September 24, 1789, the defendant, if charged with an offense bailable by the laws of such State, shall not be released from custody until a final judgment upon such writ, or until a bond, with sufficient sureties in a reasonable sum, as ordered and approved by the State court, shall be given; and if the offense is not so bailable, until a final judgment upon the writ of error. Writs of error in criminal cases shall have precedence upon the docket of the Supreme Court of all cases to which the Government of the United States is not a party, excepting only such cases as the court, at their discretion, may decide to be of public importance.

The committee of conference further recommend that the words "by the collector," in line nineteen, page 140, in the text of the engrossed bill, be stricken out.

W. P. FESSENDEN,
P. G. VAN WINKLE,
JAMES GUTHRIE,

Managers on the part of the Senate.

S. HOOPER,
W. B. ALLISON,
C. H. WINFIELD,

Managers on the part of the House.

Mr. FESSENDEN. There are a great many amendments, and most of them are verbal and formal. The committee have examined them with very great care, and had no difficulty in coming to a conclusion except upon some half a dozen points, which were finally settled by an agreement satisfactory to all. It is too much of a task for me to undertake to take up the report in detail and go through with it and state what it is in every respect. It has been read; but if any Senators have any questions to ask about particular points, I shall be very happy to answer them and state how they are settled. I may state generally that the differences are settled to the satisfaction of the committee of conference on both sides.

Mr. SAULSBURY. As this bill came from the House of Representatives a tax of five cents a pound was proposed to be imposed upon cotton. The committee of conference, I understand, have fixed that tax at three cents a pound. So far they have done well, in my judgment; but considering the situation of the people where this article is grown, reduced to absolute poverty, scarcely able to get bread for their families, unrepresented in Congress, without any

voice in the levying of taxes, I think it is unjust that the article of cotton should be singled out of all the products of the farmer and planter to be taxed.

I am utterly opposed to any tax upon cotton unless a tax be levied upon the other products of the earth. If you tax wheat and corn and the other articles which are produced by the farmers and planters, I have no objection to a tax being placed upon cotton. But under the circumstances in which we are placed, the circumstances in which the country is placed, I am opposed to imposing any tax whatever upon cotton; and while three cents a pound is more favorable to the planter of cotton than five cents, yet, being opposed to that particular article being singled out to be taxed, I cannot vote for the report of the committee, nor for the bill itself with that provision in it. Before the war, I understand that the average price of cotton was about nine cents a pound. This tax would be about one third of the average price of the article as it stood before the war. It seems to me unjust to single out that one particular article, especially when we know that those who grow it are reduced to almost abject poverty, and are in no situation to be singled out as a class to bear an unequal share of the public burdens. I make these remarks simply in explanation of the vote I shall give.

Mr. HENDRICKS. Before the vote is taken on this proposition, I desire to say a word or two. This bill purports to be a bill to reduce taxes. We were informed by the proper Department of the Government that the condition of our finances would allow a very large reduction; and I think I understood from the Senator from Ohio [Mr. SHERMAN] that the reduction contemplated in this bill would be about seventy-five million dollars, and that the condition of the Treasury would allow that much of a reduction. I had hoped to see some reduction in those taxes that press particularly upon the agricultural interests of the country; but I have been disappointed in that, and I think the western country will also be disappointed.

We have a tax levied, for some reason, in most extraordinary amount, upon one important production of the western country. I speak of the production of whisky. That is continued at two dollars a gallon. I think that the experience of two years has shown that that tax defeats revenue, and at the same time defeats production. I am not going to speak of this interest in its connection with the morals of the country, for no Senator in any of the discussions upon it has assumed that Congress has any right to legislate in the tax bill with a view to any moral results. The tax of two dollars a gallon is imposed with a view to revenue; and two years' experience has shown that that tax instead of producing revenue defeats revenue, and at the same time defeats a production very important to the western country.

While we are reducing the tax upon other articles it is proposed to increase it upon a very important production of agriculture, that production to which the Senator from Delaware has just referred, the production of cotton. I am not able to see upon what principle Congress now proposes to increase the tax upon cotton as it comes from the earth fifty per cent. While you are reducing the tax upon other articles you increase it upon cotton fifty per cent. From two cents on the pound this report takes it up to three cents. The Senate refused to increase it, upon a decided vote, as I recollect. I am not going to refer to the argument so ably presented by the Senator from Missouri, [Mr. HENDERSON], and which I thought was not answered, in regard to the constitutional power to tax this article; but I speak of it as a measure of wisdom, considering the present condition of the country. Every Senator is aware of the fact that the balance of trade is largely against us, and that to meet this balance every year there are large exports of the precious metals. Cotton, for a long series of years, has been the production of this

country that enabled us to maintain the balance of trade in our favor. Cotton was indispensable to the industrial pursuits in Europe. We had not to beg a market for cotton. It demanded its market and that demand had to be responded to by all the industrial interests of Europe. Now, sir, when it is very important that we should encourage the production of agriculture, not only with a view to the interests of the southern States, but with a view to the substantial interests of all the country, that we may have an article for export which will command a foreign market, which will restore the balance of trade in our favor, which will enable us to keep the precious metals at home; now, at a period in our history when it is most important that we shall encourage this production, we impose a most extraordinary tax upon it, a tax, as the Senator from Delaware has said, which will be equal to one third of its whole value if the production were equal to what it was a few years ago.

The PRESIDENT *pro tempore*. The morning hour having expired, it becomes the duty of the Chair to call up the unfinished business of yesterday, which is Senate bill No. 217.

Mr. FESSENDEN. I hope that will be postponed until we dispose of this report.

Mr. HENDRICKS. I wish to occupy the attention of the Senate but for a moment, and would like to conclude what I have to say now, if it is the pleasure of the Senate. I presume this subject is as important as any that will be brought before the Senate.

Mr. POLAND. I have no objection to the unfinished business being laid aside informally for the purpose of completing the business on hand; but I do not wish it to lose its place.

Mr. FESSENDEN. It will not lose its place; it can be laid aside informally.

The PRESIDENT *pro tempore*. It is suggested that the unfinished business of yesterday be laid aside by common consent temporarily until the debate shall close upon this question. That will be the course pursued, no objection being made. The unfinished business is laid aside.

Mr. HENDRICKS. Heretofore, as I understand, cotton has been worth nine cents a pound. It is worth more than that now, because of the great falling off in its production. Suppose—and it is very much to be hoped that it will return to its former market price—it returns to that price of nine cents a pound, one third of that value is imposed for the purposes of taxation. Sir, what is the tendency of this legislation? It is, to say the least of it, to embarrass the production. The only article that we propose to tax as it comes from the face of the earth is cotton; and why? Is it because that article is produced in the southern States? I ask Senators if we are going to legislate in our revenue laws for revenue upon the principle of prejudice or sectional dislike.

Mr. STEWART. The Senator is mistaken in one statement. There is one other article taxed that comes from the earth, and that is gold, which I think is wrong.

Mr. HENDRICKS. The Senator calls my attention to a fact which I had overlooked, that gold is taxed. Gold is hardly an agricultural production. I thought it unwise to impose any tax upon gold. I thought it was the policy of the Government in our present condition to encourage the production of gold, and so spoke and so voted in the Senate when that tax was first imposed.

I ask Senators why cotton is selected as an object of taxation. It is the only agricultural product that is taxed before any value is added to it by labor. Is it because it is a production of the southern States? I am sure Senators will not admit that this tax is imposed as a penalty upon the people of the South. A revenue system must be imposed without reference to prejudice or sectional dislike. It must be just to all the interests of the country. But, sir, as a northern man, I believe that the northern people are interested in the production of cotton to a very large extent in order to restore the balance of trade in our favor with Europe. This

interest was never in such an embarrassed and depressed condition as it is in at this very hour. Nature seems to have been against it during this present year. In large portions of the South the seed was found to be unfit for planting, and in many localities the crop will fail on that account. In other and in very large and desirable localities the rivers have broken from their boundaries, and have flooded whole sections of the country, so that no crop will be produced. And now, when the people of the southern States are scarcely able to cultivate the land at all; when nature has joined with their poverty to prevent the production of a crop; when the balance of trade is against us; when we need to send hundreds of thousands of bales across the ocean to restore the balance of trade in our favor, at this period it is proposed, when we are reducing taxation upon other articles, to increase by fifty per cent. the tax upon cotton. I cannot understand the statesmanship or the policy that for one moment will allow such legislation.

I presume that we are to be answered during the latter part of this week from the House of Representatives on this subject of the balance of trade. Our productions have been cut off; much of the labor of the country for the past five years has been called into the Army; the lands of the country have not responded with their abundant crops during these five years as in past years; the balance of trade is largely against us; and now Congress is to depress the most important interest, which we ought to encourage, and we are to be told in the latter part of this week, I presume, that we shall restore the balance of trade in our favor by cutting off arbitrarily and by a prohibitory tariff any importations from abroad. To strike down that interest in our own country which will restore trade, which will place our interests as they should be in our commercial relations with foreign countries, and instead of that policy, prohibit importations from abroad, and make the agricultural interest of this country wholly dependent upon the manufacturing interests for their supplies—this is the policy that is to be carried out at this Congress. I do not know whether the western country will quietly agree to it. I see that western gentlemen give it their support. I suppose this policy is to receive the support of western gentlemen. I suppose the tariff that is to come in here, which is a part of the system of which this bill is a part, will receive the support of western gentlemen.

For one, sir, I shall vote upon this bill and upon the tariff bill without sectional feeling; but I think we have a right to ask that toward our interests there shall be simple justice. I would like to see manufactures and commerce encouraged; but I do not want to see taken from agriculture a thousand million dollars and put into the pockets of the manufacturers of this country. New England, New York, and Pennsylvania have not the right to ask this. We protect by most extraordinary duties the labor of New England, and by most extraordinary duties we oppress the agricultural interest. What response can Senators make to the people of the West, when the people are told that a bushel of corn, which is worth in the farmer's crib, say forty cents, when it has one process of manufacture, when it goes into liquor, and in a shape in which it can be shipped to a market, is to be taxed eight dollars, and cotton is to be taxed an increase of fifty per cent. in a bill that proposes to reduce the taxes of the country, and on the other hand that the labor of another section of the country is to be protected by a law which prohibits importation?

It will not do to tell the country that this is a financial policy. It is not such. It is not imposed for purposes, simply and alone, of revenue. I will support that system of tariff which is designed for revenue. I am willing that the labor of New England shall be benefited by a revenue tariff. We have to raise a large amount of gold to meet our public debt, and I am willing to agree to a revenue tariff.

I think that is enough. I think, then, that when that protection is given to the labor of one section of the country there ought not to be a direct tax upon the labor of another section of the country. Because this bill starts out with the policy of taxing an agricultural production in the shape in which it comes from the earth I will not vote for the report of the committee. While the taxes upon other articles of production are reduced you increase the tax upon one article of agricultural production; and next year it may take one step further. If you can tax cotton as it comes from the earth, why may you not tax wheat? Three cents a pound upon cotton, when cotton comes down to nine or ten cents a pound, is equal to twenty, thirty, or thirty-five cents a bushel on wheat. Suppose you say to the farmers of the West, we will tax wheat twenty, thirty, or forty cents. Why not? Upon what principle do you refuse to do it? If it is right to tax agricultural labor in the production of one article as a raw material, why is it not right to tax another article of agricultural labor? If you can take this step this year you may take another step next year. I oppose it at the start. I do not think it is right to tax the labor that is expended upon the earth.

Of course, Mr. President, this report will be adopted; of course the tariff bill that will come in here, a part of this system, will also be adopted; and then the country will have the system—a system exceedingly favorable to the labor of one portion of the country and depressing to the labor of another section of the country. This question will eventually have to be contested before the people, not as a sectional question, I hope, but as a question of justice to labor; and on that question I believe the country will come to the right judgment.

Mr. SHERMAN. Mr. President, the Senator from Indiana tells us that he approaches this question in neither a partisan nor a sectional view, and he closes his remarks with an appeal to the people against the enormities of this tax bill. He commenced his remarks by stating that this whole bill is a discrimination against the agricultural interest; and as he and I represent agricultural States, and as he proposes to discuss this matter before the people, I propose to meet him here at the threshold.

I assert that in this tax bill there is no tax on any production of the State of Indiana or Ohio except the tax on whisky; that the whole bill, if there is any discrimination at all, is in favor of agriculture; and that most of the relief which is extended by this tax bill is in favor of the interests that he and I represent. As I was a member of the committee that had the consideration of this bill, I can state what I do now authoritatively, that there is no tax in this bill affecting any interest of Indiana or Ohio in which we are not relieved to a considerable extent from the previous tax. There is no tax on any production of agriculture of Indiana or Ohio in this bill. Besides that, all the tax on the implements which are used by the farmer in his agricultural production is thrown off. That is a discrimination in favor of the agricultural interest. The mowing-machine, the rake, the plow, the harrow, and all the multitude of implements that are used by the farmer, pay no tax. They are relieved from the tax not only on the machine itself, but on the component parts that enter into the machine. The building that is constructed on the farm is free from tax. All the tax is removed from almost every implement of husbandry and almost every article that is consumed in the family. Not only that, but when you come to transport the product of the farm from the field where it grows to the consumer in the East and in Europe, the tax is removed from the transportation; so that there is no tax on the production of the agricultural article, or on the tools which produce it, or on the labor which raises it, or on the transportation which carries it to a market. Now, for the honorable Senator from Indiana to state here, in an evident appeal to the people upon a tax question, that this bill discriminates against

the agricultural interest, it seems to me is not exactly fair; and I am therefore rather disposed to question the sincerity of his declaration when he says that he does not look at it in a sectional point of view.

I did, to some extent, look at this bill in a sectional point of view; that is, like every other Senator, I endeavored to protect the interests of my constituents, which are like the interests of the people of Indiana. I endeavored to relieve the great laboring masses of the people from as much of the burden of taxation as possible; and let me say that when this bill goes into operation, nearly all the burden of taxation will fall upon accumulated wealth and upon articles of luxury. The income tax is still continued, which is paid mainly by New York and New England, and no relief is given from that tax of five and ten per cent. But a small portion of it is paid in an agricultural community, because in an agricultural community wealth is generally so diversified that comparatively few of our people have more than a thousand dollars' income, and therefore pay no tax; and then the consumption which enters into the farmer's expenses, that portion of his product which he consumes himself, is free from tax; so that not one in ten of the constituents of my friend from Indiana and myself will pay any income tax.

When you come to the luxuries, like tobacco and whisky, it is true tobacco is grown in the West; but it is also grown in the East; it is grown in the South; it is grown in every country; but in this very bill the relief to the tobacco interest is greater than that to any other interest affected by the bill. We justly complained in the West that the uniform tax of one dollar a hundred on cigars was oppressive and odious, and we have taken care to relieve ourselves from the burden of that tax in a great measure by reducing it to one third, I believe, of the amount it was in the old law. I think it is now from two to four dollars a thousand on cigars produced from our products in the West; so that it is reduced some two hundred or three hundred per cent. So on the cheap tobacco made from our product and consumed by our people for smoking-tobacco, the tax is very much reduced; so that in this agricultural production we have extended probably as much relief as to any other.

Now, when you reach the tax on whisky, it is true that the tax on whisky is not changed. I did not think it was wise to change it. It was said that a larger amount would be consumed if the tax should be thrown off. I think by the tax on whisky we gain in a double sense. We gain, first, in promoting temperance and sobriety among our people. A decrease of the amount of whisky consumed as a beverage is undoubtedly beneficial to us as a nation. It would be better if we could substitute some light drinks, as the Germans do with their beer, or as the French do with their wines, for the use of alcoholic spirits. If we could strike down the whole of this industry founded upon whisky, or so much of it as is consumed by the people as a beverage, it would be better for our people in every sense of the word. But there is no article in the world that can afford to pay a tax so well as the article of whisky. England assesses nearly twice as much upon her whisky as we do upon ours. Now, because whisky is made out of corn, and corn is grown in Ohio, Indiana, and Illinois, is that any reason why we should oppose the tax on whisky? Is that the spirit in which we are to legislate? Are we to refuse to avail ourselves of this ample source of revenue simply because we raise the crop which is consumed, in a great measure, in the production of whisky? Certainly not. My friend from Indiana will hardly confess that. I have no doubt that the consumption of whisky has been very much reduced by the tax; but is that an objection to the tax? On the other hand, if we could raise all our internal revenue from tobacco, whisky, and a few articles of luxury, and from the income tax, we ought to favor that course, because it is manifestly not only for the interest of our

own people, but for the interest of the whole country.

I then again repeat that there is not a single industry of the State of Indiana or the State of Ohio but what will be benefited by the passage of this bill. Every production of our country, every interest of our country, is aided, benefited, and relieved by it. The farmer is relieved, not only of the tax on agricultural products, on implements, and on transportation, but in those vital necessities which go into the expense of every farmer, on iron, on coal, on those great leading productions of the mines, produced partly in our own country, and consumed there to a great extent, the tax is very much reduced. It will be within bounds to say that if Ohio paid ten millions of tax under the old law, she will not pay over five millions now. On the single item of transportation alone we save a tax of \$1,000,000. Therefore, I say, regarding this in the light that I do, as a matter in which the people of Ohio are interested, I regard this bill as a very great improvement upon the bill that now stands as the law of the land. If this bill should be defeated, the State of Ohio would pay in a single year one or two millions more tax, and I have no doubt the State of Indiana would pay one million more under the old law in a single year than under this law.

The Senator alludes to the tax on cotton. I agree with him in the main with regard to that. As I was not a member of the committee of conference, it is not for me to discuss the question of the tax now proposed. I suppose it was the result of a compromise, the House insisting on a tax of five cents a pound, and the Senate insisting that it should not be increased. The Committee on Finance proposed to leave it stand at two cents, where it is now, and to provide some mode by which the collection of the tax would be removed from the agricultural producer, and only be levied at the time when it entered into the consumption of the country, either as an article of export or as an article of consumption in manufactures. That was the proposition of the Senate. The House, it seems, would not agree to that; and the result is a compromise. If there is any mode by which we can keep the tax at two cents, and avoid raising it to three cents, I am rather disposed to join with my friend from Indiana in that project; but it is well known that in a bill like this, involving a multitude of amendments, several hundred I judge from the number acted upon, there must be some yielding by each House. That the tax on cotton is an exceptional tax, that it is probably not justifiable on the principles of political economy, and that it will not be long continued, I think is generally admitted in the Senate, because it is a tax upon a raw agricultural product; and that it will soon pass away I have no doubt; but the question is now whether we will continue the controversy with the House, ask another committee of conference, and endanger the passage of this great bill, a grand bill of relief, merely on account of a dispute about imposing, for this year, an additional tax of one cent a pound on cotton. The Senate proposed two cents. The Senate by a very large vote yielded the principle of the tax; and the only question is, whether it shall be for this year two cents or three cents a pound. If there can be any way pointed out by which we can reduce the tax to two cents, I am disposed to adopt it.

The Senator from Indiana alludes to another subject which is not yet before the Senate, that is the tariff bill now under debate in the House of Representatives. It seems to me it is rather premature to bring that question here. It is hardly fair to suppose that because the House may pass the tariff bill in an offensive shape to the Senator, therefore the Senate will do so. He anticipates the action of the Senate. I do not think it is fair to do that. I will not follow him in that discussion. When the tariff bill comes here, we can then decide upon the various questions that are involved in it. My own idea is that we dare not and will not in the

passage of any tariff bill surrender the ample revenue we receive from duties on imported goods. We will not pass any tariff bill which will yield up that revenue on any idea of protection or anything else. If, however, we can levy larger duties on imported goods, yielding us a larger revenue in gold, without materially disturbing our commercial interests, we will certainly do so; we will be bound to do so. Every civilized country in modern times looks to duties on imported goods as a fruitful source of revenue. If we can derive all our revenues from duties on imported goods, we are justified in doing so. That has been the policy for years, and no nation will ever resort to a system of internal taxation when it can raise sufficient revenue by duties on imported goods. I believe even the Democratic party would go so far as to say that all that can be raised from imported goods for revenue should be raised, rather than to resort to internal taxation. If there are classes of articles the duty on which may be raised by a tariff so as to yield us a greater revenue, we are justified in resorting to such a tariff, and we will do so. But the idea that we intend to destroy all the commercial interests of this country, that we intend at a single blow to destroy all our commerce, and all the revenue from imported goods, is simply preposterous. I do not believe that such a plan will be proposed in the Senate, nor acceded to if adopted in the House; but it is sufficient to say that it is premature to discuss that question at this time. The bill will come to us in a few days, and then there will be time enough to discuss that question.

I come back to the point that is now under consideration, and that is this: the only point upon which there is a vital disagreement between the two Houses, upon which there is probably any disagreement between the Senator from Indiana and myself, is whether we shall yield one cent additional tax on cotton in order to secure the passage of this bill. If he can show me that we can secure the passage of this bill, giving its bountiful relief to all branches of our industrial interests, without yielding to a tax of more than two cents a pound on cotton, I will join with him in the effort. But I fear from the statement made to me by the gentlemen who served on this conference committee that the House is set on this proposition, and therefore we should probably endanger the passage of the bill by prolonging the controversy on this point.

Mr. HENDRICKS. It was hardly necessary upon this question for the Senator from Ohio to refer to the income tax, and in that connection to say that New York and New England paid the greater proportion of that. The income tax, sir, is uniform upon the citizens of all the States, and if the West and Northwest do not pay so much of the income tax as the eastern States, it is because their incomes are less; and unless we have an equal system, a just system of legislation in regard to the interests of all sections, our income tax will always be less than that of New England and New York. We have rich lands, lands that ought to produce to us very largely. We have a country which ought to make the people very rich, and it will be so if we have equal and just legislation.

I do not agree with the Senator that Indiana and Ohio have no interest in this question of the cotton tax. His argument is that Indiana and Ohio have no interest that is prejudiced by this legislation. I do not agree with him. Indiana and Ohio produce corn, wheat, flour, bacon, beef, which ought to seek a market in the southern States. It is the interest of Ohio and Indiana that the southern States should be most fruitful, that they should again be restored to their condition of wealth and prosperity. It is the interest of the farmer in Indiana as much as it is the interest of the farmers in Louisiana that the cotton crop should be a rich and a productive one, for when the southern people produce their cotton, and find a market abroad and in New England, they are able to buy from us the surplus of our productions.

We are directly, immediately interested in the prosperity of the southern crops.

It is not our interest that the southern people should leave off the production of cotton; it is not our interest that cotton should be taxed out of production; it is our interest that it should be encouraged so that the people of the South may produce that article in the production of which we do not compete and cannot compete. We want the southern States to produce the largest possible cotton crop that we may sell to the southern States our surplus. It is the only convenient and cheap market that we have. The Ohio and the Mississippi rivers carry our heavy productions to this southern market, and if we but allow the southern people again to be restored to their condition of prosperity, we in the West have our convenient and natural market and will receive from that market the wealth to which we are entitled.

Mr. WILSON. The Senator from Indiana tells us that the people of the West have a direct and immediate interest in the culture of cotton and in the revival of prosperity in the southern States. Have the people of Indiana any more interest in that than the people of Massachusetts? Have the people of the West any more interest in the growth of cotton than the people of New England? Is there a stronger desire in the West that cotton shall grow and that the southern States shall prosper than there is in New England or New York or Pennsylvania? This tax on cotton is not a New England inspiration. It does not come from Massachusetts. I think that if it were submitted to Massachusetts to-day she would not vote for it. I have received innumerable letters during this session against a tax on cotton from men of intelligence and character and large business men in my State.

A Massachusetts man cannot turn his hand to anything that is not taxed in this bill; and I say here to-day that our internal revenue system, which has been put upon the country to pay the expenses of the war, bears heavily, and more heavily, upon New York and New England than upon any other portion of the country. There is hardly any industry in Massachusetts that is not hunted out and taxed by your internal revenue system. But how is it with the great agricultural sections of the country? They are hardly touched at all, and men of wealth, living on large farms, having good incomes, under the system of letting off persons under \$800, pay no income tax. Then there is a provision in this bill, which was well enough in time of war, when we had to submit to anything and everything, but which is utterly unjust now, making a discrimination against persons having incomes over \$5,000, and making them pay ten per cent. It is unjust, and it bears with a heavy hand on some portions of the country.

The Senator tells us that a protective tariff is to come here, and he gives the Senate and the country to understand that that tariff originated in New England. I deny it. I say that this new tariff is a western measure. It had its origin in the West; it is to take care of western interests; and the New England manufacturers will be taxed from forty to fifty million dollars a year on one article annually for the next five years, if it passes.

Mr. FESSENDEN. What is that?

Mr. WILSON. The article of wool. Sir, Massachusetts has nothing whatever in that tariff bill as it stands before the other House to-day. There is not a thing in it by which her interests are protected. It may perhaps be for the general interests of the country to pass a tariff bill, but unless the pending bill be modified, and modified largely, I will not vote for it, and I hope every Massachusetts man in Congress will vote against it.

Sir, I want this cry to stop here and stop now. Whatever tariff you may pass is not called for by Massachusetts. We are content with things as they are, with the tariff as it is. We take your internal revenue bill as you pass it, and will pay our share under it; but I want the Senator from Indiana to understand, and his

people to understand, and the people of the West to understand, and the western newspapers who are talking about it to understand, that the proposition to increase the tariff does not come from the State of Massachusetts, that her interests are not promoted by it, and that, as one of her representatives, if the bill comes here and is not modified largely from what it now is, I intend to vote against it, and I hope every Massachusetts man in Congress will do the same.

We have had enough instances of protection being called for by new interests in the Northwest, and by the great iron and coal interests of Pennsylvania, and then when it has been given, persons going up and down the country denouncing New England as the sinner. If there be any sin in the tariff now take it to yourselves and hug it to your bosoms. We have had no lot or part in it. It is not ours. It has no New England call for it; and I believe the ablest and best manufacturers in New England are opposed to it, do not believe a word in it, believe their interests will not be promoted by it, and are content with the tariff as it is. Others may say that the general interests of the country may require that there should be some modification of the tariff, but not our special or political interests. I want the Senator from Indiana to understand, and I want his people to understand, that this tariff had its origin in the Northwest, to take care of the wool-growers of the Northwest.

Mr. HENDRICKS. Before the Senator takes his seat I wish to ask him who is the author of the tariff bill in the House of Representatives, whether that bill came from any western man, or whether it is not from an eastern man. Was it not reported to the House by an eastern man?

Mr. WILSON. Mr. MORRILL, a Representative from Vermont, who is chairman of the Committee of Ways and Means, reported the bill; but I say here, and I want the Senator to understand it, that the beginning of the tariff movement this year originated with the wool-growing interests of the Northwest. They commenced it, they began the agitation; they visited all parts of the country and tried to induce the leading men of New England to go into the movement, who feared to go into it, because they said, "If you increase the duty on wool you must also increase the duty on woolsens, and we fear this thing." I tell you it has been imposed upon us, and whoever charges, from whatever section of the country, that the present effort to make a new tariff came from Massachusetts or from New England, is altogether mistaken.

Mr. HENDRICKS. I am very much in hopes now that the tariff bill can be beaten. I do not think that it can receive a western support, because it is not a revenue measure. It is not claimed to be a revenue measure by its author, nor does the author, in the able speech with which he introduced the bill into the House of Representatives, claim for it the positions assumed by the Senator from Massachusetts. I was reading, on yesterday evening, his able speech which accompanied the introduction of that bill into the House of Representatives from the Committee of Ways and Means, and I think the Senator is not sustained by the authoritative declarations of the chairman of the committee when he reported the bill to the House. I recommend to the Senator to examine the statements made by the Representative who introduced the bill from the committee. I think he will find that that bill is claimed by its author, the chairman of the committee, as a protective instead of a revenue measure; but I will join with the Senator from Massachusetts in laboring for its defeat. I am willing to give to New England and Pennsylvania and New York all the protection that the very high tariff for revenue will now give, and that is all they have a right to ask. That revenue is to be very large. The condition of the Treasury requires it to be large. Incidental to revenue there is a very large protection, such a protection as is given to the labor of no other

portion of the country; and if the income of New England is so much greater than the income of the West, it is not because we cultivate poor lands; it is not because our people are not frugal and industrious; it is because the advantages of the present system are so much against us and for another portion of the country.

Mr. WILSON. A single word in regard to the chairman of the Committee of Ways and Means of the other House, who reported the tariff bill. I think the Senator from Indiana, if he will inquire carefully into it, will find that the chairman of that committee was often, and very often, overborne by others from other sections of the country. I think he will find, too, that the high duty on wool and on iron was put on that bill not by the choice of the chairman of that committee. If I have watched his course aright, I think it has been to make a moderate tariff, and one that would take care of all sections of the country and excite the hostility of no considerable portion of our people.

Mr. GUTHRIE. Mr. President, my individual judgment is and has been against any cotton tax, and also against a tax on sugar. I thought that certainly, in our present condition, after the people of the southern States had, in the course of the rebellion, lost their whole labor applicable to these productions, we ought not now to tax them. I reflected on what appeared to be the opinion of the majority of the members of this and the other House, and I came to the conclusion from their votes and from what they said, that there was a pre-determination to have a tax on cotton and to retain the tax on sugar. Seeing this, I thought we might make the tax on cotton two cents, and might reduce somewhat the tax on sugar, and I so voted when the bill was before the Senate. When I was appointed a member of the conference committee on the disagreeing votes of the two Houses, I found that the House of Representatives still retained its predilection for a tax of five cents a pound upon cotton, and the Senate sustained the Finance Committee in proposing two cents. That was one of the difficulties among a great many that were to be reconciled.

Now, in legislation it has not been my habit to set down a principle from which under no circumstances will I depart. Though I am as earnest as almost any one to carry my views—and I was exceedingly earnest in relation to the cotton tax and the sugar tax, because I did not believe the people could bear those taxes, and I do not now believe they can fairly bear them—I will not resist this report. After much deliberation we finally settled on all the points of difficulty except the cotton tax, I think, pretty fairly. I think the House committee acted liberally and fairly, and I think the Senate committee acted liberally and fairly in coming to an agreement. Both parties determined to adhere to the cotton tax as their respective Houses had fixed it. We offered a compromise which they declined, and I was exceedingly sorry, and expressed myself so when it was declined. Finally, however, a compromise was made settling the tax at three cents. I felt that it was within the discretion of the committee to reconcile the difference if they could; and not bring it up for discussion before the two Houses again. I know very well how the feelings can be harrowed up by discussions on points like this. I know that the discussion runs into the rebellion and all the feelings that have been engendered by it on both sides. I see nothing to be done now but to concur in the report, or else there will be a long delay and interminable discussion which will not tend to harmonize the two sections of the country.

I intend to vote for this report, and then to vote for the levee bill which has been introduced, so as to give back, in the shape of an appropriation for that purpose, as much of this money as it will take to put the fields in order and put up the levees so that cotton may be made. The southern representatives on this

floor for a long period consisted of patriotic and conservative men, and I look to them again on this floor to join the conservative men and hold the balance in favor of a conservative Government. I hope and trust to live to see that day, and I hope we shall not by long discussions upon points of this kind widen the breach. My judgment, as I have said, is against any tax upon cotton, and if I were to act upon extreme points and extreme views, I would hold that there should be no tax; but still all legislation is a compromise of conflicting opinions. Some men yield, and some do not. I am one of those who are in favor of yielding when it is necessary to accomplish an object.

Mr. POMEROY. I only desire to say a single word in reply to the Senator from Indiana, who thought it strange that any Senator representing a western State should think of concurring in this report of the committee of conference, especially that portion of it relating to the tax upon cotton. Representing in part a western State, I do not forget that I am also a Senator of the United States, and that in arranging taxes for the whole country we cannot look simply to the interests of our own State or section. An appeal to a section upon a question of such public interest as this looks to me like an effort to divide the country rather than to unite it.

I have been, I confess, taking the tax bill as a whole, admirably well pleased with it, because it is a great improvement upon the bill of last year. I did not vote for the tax upon cotton, not because the people of my State had any particular interest in that production—we always raised some, but a very little—but because since the rebellion has closed there is now an effort to raise cotton by free labor, and it is an experiment. The cotton interests in this country are going to a great extent into hands that have never raised cotton before. The committee have been careful to encourage the production of iron by striking off all the taxes. Under the old bill the iron manufacturers for manufacturing the simplest form, like railroad iron, paid eight dollars a ton, while under this tax bill they pay not a cent. I am glad of that. It is done because we want to encourage the production of iron. I use that only as an illustration of a number of other articles. Now, I want to encourage the production of cotton. It is as valuable to us as gold. We are undertaking to raise it under a new system of labor, and at this crisis I think it exceedingly unfortunate to put a tax upon it. That, however, is only one item in this bill, and because I regard that as unfortunate, I shall not go against the whole bill; for, as a whole, it is certainly a very great improvement upon any tax bill we have had before.

The Senator speaks about the agriculture of the West being taxed. In reply to that I will say, in the first place, that there is no reason why one interest of the country should not be taxed as well as another. This bill is peculiarly favorable to agriculturists, and for no reason that I know of. I do not know why agriculture is any more honorable or is any more entitled to exemption than any other interest; and yet we exempt it; and I am very glad of that, because the section I represent is an agricultural community, and that is the great interest of the country. But on principle I know no reason why that interest should be particularly protected in tax bills. The manufacturing interests of the country are as deserving of protection as the agricultural, and so are the commercial interests, and so are all the interests of the people. They are all deserving, and no one of them should be discriminated against; but in this bill I find hardly anything raised by agriculturists taxed except, perhaps, cotton and whisky and tobacco. So far as whisky and tobacco are concerned, the tax comes ultimately, almost all of it, out of the consumer; and I have long believed that if persons desired to consume those luxuries, as they are called, they could very well afford to pay for them, and I do not hear much grumbling against their paying for them. Persons

who dance at such a shrine as that should always pay the fiddler, and pay him well. I do not think that that is any too high; I think it should be at least as high as it is. My own opinion is that this bill is such an improvement upon any other tax bill that has ever passed Congress that it will be received in the country with joy, and the report of the committee of conference should be accepted, notwithstanding there may be in it one or two items which as individuals and as representing particular sections of the country we might desire to have changed. As a whole I shall go for it, and I think we ought to adopt the report of the committee.

Mr. FESSENDEN. I really hope the Senate is ready to take the vote. Everybody is aware that this report must be taken as a whole, and I suppose everybody is pretty well satisfied that it will be taken, the whole of it, just as it is. If Senators are disposed, because of the cotton tax or any other, to vote that we shall have no bill at all after all the labor that has been given to this, they will so vote. I do not pretend to argue the matter; I will only say that it is very important that the bill should be sent to the House of Representatives in season to get it through the House to-day. The bill has yet to be enrolled, and that will take a good while. If gentlemen really are determined that the love of talking shall conquer the heat, if they will sit here to talk instead of acting on a matter about which the ultimate result is perfectly well understood, be it so. I hope, however, that they will be willing to take the question and not argue the tariff in advance. But if they do argue the tariff in advance I hope they will agree that when the tariff bill comes here they will consider their speeches as made and not then give them to us over again.

Mr. JOHNSON. I am not about to argue the tariff bill, nor to argue the propriety of this particular tax. I do not understand that any portion of the report is objected to except that which relates to the tax on cotton. The report contains recommendations on a variety of other subjects, to which there has been as yet no objection. I assume, therefore, that all those portions of the report are satisfactory in the judgment of the Senate. I rise now merely for the purpose of saying that I think there should be no tax upon cotton, or if there should be any it should be fixed at the lowest sum that the Senate can get it adjusted at. The Senate last year fixed it at two cents, and we adhered to that at the present session. The other House placed it at five cents. A compromise between the two bodies, under the auspices of the committee of conference, fixes the tax at three cents. I believe the production will bear that tax; but I think it will certainly not bear the tax which the House had determined upon. Although I think this tax is unnecessarily high, yet as it apparently is the best which can be done for the producers of the commodity I shall vote to support the report of the committee.

The report was concurred in.

The PRESIDENT *pro tempore*. There is another question on the bill. The committee recommend a change in the text of the bill, which was not in controversy between the two Houses.

Mr. FESSENDEN. Only striking out three words. There are three words in one section, which are inapplicable on account of changes made in other parts of the bill, and retaining them would only lead to embarrassment. The proposition is a mere verbal change, and it becomes important in reference to the proper construction of the section. We did not feel authorized to change it, but recommend the two Houses to do it, as has been done in other cases.

The PRESIDENT *pro tempore*. The recommendation of the committee is in these words: "the committee of conference further recommend that the words 'by the collector' in line nineteen, page 140 of the text of the engrossed bill, be stricken out." It has been ruled frequently by the Presiding Officer of the Senate

that a matter not in controversy between the two Houses was not in the power of a committee of conference and could not be acted on by either House. The Chair will be advised, however, to receive any motion which may be made in regard to the matter.

Mr. CLARK. It may be done by unanimous consent, by the consent of both Houses. If we agree to it and the other House agree to it, it may be done.

The PRESIDENT *pro tempore*. That would make a change in the bill, as a matter of course.

Mr. SHERMAN. I think the engrossing clerk could be directed by a resolution passed by the two Houses to make the change.

Mr. FESSENDEN. This has been done before.

Mr. JOHNSON. It cannot be done without the consent of the other House.

Mr. FESSENDEN. Of course not. It is no part of the report proper, but is a mere recommendation, and if concurred in by both Houses it is done. It is a mere verbal change, to which there can be no objection.

Mr. CLARK. I understand that it is only by virtue of the parliamentary law that it is not within the power of a committee of conference or within the power of either House to amend a portion of a bill which has been agreed to by both Houses; but it is clearly within the power of the two Houses, both consenting, to dispense with that parliamentary law and agree to an amendment of the bill, even where the text of the bill has been agreed to by both Houses.

Mr. POMEROY. There is no difficulty about that.

The PRESIDENT *pro tempore*. The motion is that the Senate concur in the recommendation of the committee of conference, regarding a correction in the text of the bill which was not in controversy between the two Houses. Is there any objection? The Chair hears none, and the correction is ordered to be made by the Senate.

APPROVAL OF BILLS.

A message from the President of the United States, by Mr. COOPER, his Secretary, announced that the President had approved and signed, on the 3d instant, the following bills and joint resolutions:

An act (S. No. 30) to create an additional land district in the State of Oregon;

An act (S. No. 193) granting lands to the State of Michigan to aid in the construction of a harbor and ship-canal at Portage Lake, Keweenaw Point, Lake Superior, in that State;

An act (S. No. 219) granting certain lands in the State of Michigan to aid in the construction of a ship-canal to connect the waters of Lake Superior with the lake known as Lac La Belle, in said State;

An act (S. No. 243) to extend the time for the reversion to the United States of the lands granted by Congress to aid in the construction of a railroad from Amboy, by Hillsdale and Lansing, to some point on or near Traverse bay, in the State of Michigan, and for the completion of the said road;

An act (S. No. 813) to regulate the transportation of nitro-glycerine or glynnol oil, and other substances therein named;

An act (S. No. 317) to amend an act entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri river to the Pacific ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," approved July 2, 1864;

A joint resolution (S. R. No. 110) to authorize the hiring of a building or buildings for the temporary accommodation of the Department of State; and

A joint resolution (S. R. No. 113) for the construction of a railroad bridge across the Cuyahoga river over and upon the Government piers at Cleveland, Ohio.

And that on the 4th instant he had approved and signed the following bills:

An act (S. No. 37) making a grant of lands

in alternate sections to aid in the construction and extension of the Iron Mountain railroad from Pilot Knob, in the State of Missouri, to Helena, in Arkansas;

An act (S. No. 58) granting land to the State of Oregon to aid in the construction of a military wagon road from Corvallis to the Aquina bay;

An act (S. No. 56) granting a pension to Mary C. Hamilton;

An act (S. No. 156) making additional grant of lands to the State of Minnesota, in alternate sections, to aid in the construction of a railroad in said State;

An act (S. No. 168) to provide for the disposal of certain lands therein named;

An act (S. No. 215) concerning certain lands granted to the State of Nevada;

An act (S. No. 299) granting a pension to Jane E. Miles;

An act (S. No. 314) for the relief of Sarah J. Purcell; and

An act (S. No. 368) granting a pension to Mrs. Margaret A. Farran.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House of Representatives had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 127) making appropriations for the support of the Army for the year ending 30th of June, 1867.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House of Representatives had signed the following enrolled bills and joint resolution; which were thereupon signed by the President *pro tempore*:

A bill (S. No. 125) granting aid in the construction of a railroad and telegraph line from the town of Folsom to the town of Placerville, in the State of California;

A bill (H. R. No. 127) making appropriations for the support of the Army for the year ending 30th of June, 1867, and for other purposes;

A bill (H. R. No. 191) to amend an act making a grant of lands to the State of Minnesota to aid in the construction of the railroad from St. Paul to Lake Superior, approved May 5, 1864; and

A joint resolution (H. R. No. 149) declaratory of the law of bounty.

PAYMENT FOR ARMY SUPPLIES.

The PRESIDENT *pro tempore*. The unfinished business of yesterday is now properly before the Senate, being Senate bill No. 217.

Mr. SPRAGUE. I ask the honorable member from Vermont who has charge of that bill to consent to let it lie for the present that a vote may be taken on my resolution which was pending this morning. I think there will be no further discussion upon it.

Mr. POLAND. I have no objection to that if the resolution will take no time.

Mr. CLARK. I think there may be some discussion on it. Let us go on with this bill.

The Senate resumed the consideration of the bill (S. No. 217) to provide for the payment for quartermaster's stores and subsistence supplies furnished to the Army of the United States, the pending question being on the amendment of Mr. WILSON to strike out in lines six and seven of section one the words "or which may have been taken by such officer without giving such receipt."

Mr. HOWE. Is that amendment open to amendment?

The PRESIDENT *pro tempore*. It is.

Mr. HOWE. Will it be in order, if those words are stricken out, to move then to insert other words in their place?

The PRESIDENT *pro tempore*. It will be.

Mr. HOWE. Then I shall reserve the amendment which I was about to propose.

Mr. CLARK. I hope this amendment of the Senator from Massachusetts will not be

made. The bill provides that where property has been taken and a receipt given, and also where property has been taken by a proper officer of the Government authorized to direct the taking of the property, and no such receipt has been given, the property shall be paid for. Now, I will thank any Senator to tell me why there should be a distinction in the two cases if the claim in each is fairly proved. The receipt is for the purpose of proof. If when the property was taken the officer taking it gave a receipt to the man from whom it was taken that he had so taken it and that the man was entitled to be paid for it, then that man had the proof that his property was taken; but where a man can clearly prove, aside from the receipt, that his property has gone for the benefit of the Government, that it was taken by a proper officer and used by the Army, pray let any Senator tell me why he should not be paid for it. What is the ground of the claim? Simply that you had the man's property for public uses and ought to pay him. Ought you not to pay him just as much where you have had his property and given no receipt as where you have had that property and given a receipt? And if you allow the man to be paid who has a receipt and not the man who has no receipt, then you make the officer who gave the receipt the power to determine the right of the man to payment; and perhaps the man who has the receipt may not be a loyal man and may not have so good a right to be paid as the man who has no receipt. The ground of the claim is the taking of the property and the use of it for the Government, not the receipt the man may have from the officer; and is it not as just to pay the man who has no receipt as to pay the man who has the receipt, if he be a loyal man and you have had his property?

And now one word, Mr. President, in regard to this bill, to its general provisions, and what, in my judgment, the Senate ought to do. I know it is objected that where you have taken the property of a man in a disloyal State, whether he be a loyal man or not, you ought not to pay him because he was living in the enemy's country. Gentlemen undertake to say that the law is that when two parts of a country are at war as we have been at war, all citizens on one side of the line are to be considered as enemies of the country; that is, everybody who was in the disloyal States is to be considered as an enemy to the Government, no matter how loyal he was himself, no matter how much he may have sighed for the appearance of the Union Army, no matter what aid he may have given the Union Army in its progress; he may have fed it, he may have housed the soldier, he may have taken his gun and gone off in your Army, and yet if he lived within that country he is an enemy of the country.

I know, sir, that in deciding certain prize cases in the Supreme Court the court laid down this rule; but when the Government comes to deal with its own citizen, and the citizen comes to the Government for relief, can the Government say to that citizen, if he has been a loyal man, "Because you have lived within that section of the country I have no aid for you?" Why, sir, in the State of Tennessee, which was within this disloyal country, we raised how many soldiers?

Mr. TRUMBULL. Thirty thousand.

Mr. CLARK. Thirty thousand soldiers in one State within the lines of this disloyal country. Let me ask the Senator from Michigan if they were enemies.

Mr. HOWARD. No, sir; they were not enemies because they were in the service of the United States as soldiers under the military organization.

Mr. CLARK. They were not enemies, though within the lines of the rebellion, because they were in the service of the United States. Then tell me if a man living by the side of those thirty thousand soldiers in Tennessee who gave you his property to feed those soldiers, was not also in the service of the United States, and entitled to be paid.

Mr. HOWARD. Do you want an answer now?

Mr. CLARK. If the Senator chooses to give an answer, if he has any answer for it. It is the man who serves the country and maintains his loyalty to the country that is a friend of the Government. He may have been an old man who could not march with a regiment, who could not carry his gun, but he may have said to the Government, "Here is all I have; take it for your service," and the Government may have taken it from him and left him poor and almost penniless, and shall that Government turn round when peace has come and say to him, "I will not pay you for this property?" Will the Government say to the soldiers, "We will pay you eleven dollars or thirteen dollars a month, and to the man who gives you rations we will not pay one cent?" Is that the justice of your Government? Is that the justice of the Government which will make your Government be loved at home and respected abroad? Why, sir, it was to maintain the authority of the Government over this part of the country; nay, sir, it was to protect these very Union men to whom we owed protection in that country, that we strove in this fight.

I will not say, as the Senator from Michigan said, that he would not recommend his constituents to pay these loyal men. I say to you, sir, show me the loyal man that lived in that country and who suffered as some of those loyal men did, and not only will I advise my constituents to pay, but I will divide with him the last crust.

Mr. HOWARD. Perhaps you may have the opportunity.

Mr. CLARK. It may be that I may have an opportunity, and let the opportunity come. I will not throw around me, Mr. President, the dictum of the law that all within those lines are to be considered enemies. The man that struggled within those lines to preserve the Union deserves as much as he who struggled without the lines for his heart was as true to Union.

It is said to me, Mr. President, and it is said to the Senate, there were not many loyal men within these States. I do not undertake to say how many, but in the State of Tennessee we found thirty thousand loyal soldiers. In northern Alabama there were Union men, and true Union men. Everywhere there were more or less of them; and where I find one of these men, if he is the only man in that Sodom, he shall have the protection of the Government, so far as I can give it; and if he has been true and loyal within the amendment of the Senator from Illinois, if his loyalty has not been of the passive kind, but of that active kind which manifested itself all along for the Government, so much the more is he deserving.

Mr. President, we do not consider, I fear, what the loyal men in these districts have suffered. In New Hampshire, or anywhere in the northern part of the country, in New York and in the Northwest, it may have been an easy thing to have been a loyal man. A man may have gone with the current. It was a difficult thing to be a disloyal man; and if a man manifested any hostility to the Government he was apt to be surrounded by a crowd and mobbed and compelled to put out a flag and make a speech for the Government. But in the southern country, where the current was all the other way, where they were overborne by masses, it was a struggle, it was a life of heroism for a man to be a loyal man; and if through that struggle he maintains his loyalty, I ask anybody to tell me why, if you have had that man's property for the benefit of the Government, the Government should not pay him.

It is said by the Senator from Michigan and also by the Senator from Massachusetts that if we pass a bill of this kind we shall open the Treasury of the United States to claims for millions. It may be so, though I do not believe it to the extent to which they say, for there is nothing in the claims that have come before Congress up to the present time to justify any

such remark; but suppose it were so, I ask the Senator from Michigan, I ask the Senator from Massachusetts if they are going to shut up the Treasury and refuse justice to the men who ought to have the aid of the Government because men not deserving it may claim it. You cannot escape these claims; you may postpone them to-day, you may postpone them this session, you may postpone them the next session; but the claims will come, and the man whose property you have had, who has been a loyal man, will not be satisfied until the Government has done him justice; the public will not be satisfied until you have done your citizens justice; and you had better take the matter in hand while the proof is recent and can easily be made, and it can be shown on which side the man is, whether a loyal or disloyal man, and whether the Government have had his property or not, and how much. It had better be done now than done at a later day. There is within the records of the Committee on Claims a claim made by a citizen against this Government in what was called "the last war," the war of 1812, and at the time he presented his petition to Congress he asked only \$450. It was refused him from year to year until in 1825 a commission was appointed by both Houses of Congress to value the property he had lost, and they valued it at \$2,500. At the time he suffered the loss it could have been settled for \$450; but as years rolled along, the claim kept increasing and the proof kept increasing until it swelled up to \$2,500. It is the experience of everybody who has anything to do with these claims that the longer they lie the more uncertain they become, and the more the testimony on one side and the other accumulates the more you are apt to do injustice. Take the thing when it is new and recent, when the people standing around, the neighbors, know how the matter is, and decide it upon the testimony that is then presented to you, and you are vastly more likely to do justice than you are at some subsequent time.

But, Mr. President, Senators seem to have misapprehended somewhat the nature of this bill. It is a bill carefully prepared by the Judiciary Committee, guarded in every way that it could possibly I think be guarded, so far as they understood it; and it provides that where the claim is for over \$500, the claimant shall go to the Court of Claims and make his proper proof before a judicial tribunal. There he is to be heard by his counsel upon his claim on one side, and the Government is to be heard by its counsel and its proofs on the other side, and the matter adjudicated as shall seem fair to the court. But as to those claims which are under \$500, the committee thought it was hardly worth while to drive the claimant through a lawsuit in the Court of Claims. I was myself for fixing the amount at \$300, and letting everybody who had a claim over \$300 go to the Court of Claims; but the committee thought otherwise, and thought it would be well and safe to leave it with the proper accounting officers of the Treasury to settle these claims under \$500; and I can say to the Senator from Massachusetts, I can say to the Senator from Michigan, that the experience has been that those accounting officers and the Quartermaster General and Commissary General have been hard enough in all conscience on those people who have any claims.

And now, sir, why should not this great Government be just to all its citizens? Why should the man who has been swept away by the current of secession, who was a loyal man, be cast out by the Government? Swept away by secession and then thrown out by his own Government, how hapless is his lot! Who would want to live under such a Government, who would praise such a Government, who would yield it respect? Sir, your Government must be founded upon its justice and must rely upon its justice, and its perpetuity rests upon its benevolence and the prosperity that it carries to all classes under it. I am not to be bound by any line between the loyal States and the dis-

loyal States. I am for restoring in every proper way that part which was disloyal. Where there is justice in their claims I am for giving them their claims; and though they may have struck at my country's flag, where I can reach out to them the helping hand, if they be loyal now, if they accede to the terms of the Government, I am for receiving them and making the restoration and prosperity of the country complete.

Mr. FESSENDEN. My friend from New Hampshire is so very eloquent on this subject that I do not know but that I ought to yield to it. Still, it strikes me, after all, that there is some danger connected with this bill. There is a manifest distinction between cases where on the spot the officer who took the property gave a receipt for it, thus making proof at once, and cases that may be brought up hereafter to depend upon oral testimony entirely. Our officers were not over-anxious, I take it, to consider men as loyal in an enemy's country. It may be presumed, therefore, and I suppose it was the fact, that they exercised or tried to exercise a sound discretion on that subject, and did not give a receipt for property taken unless they were satisfied of the loyalty of the person. So far as that evidence thus taken on the spot goes, perhaps it may be relied upon with some considerable degree of safety. But it seems there are a great many cases—the argument of the honorable Senator from New Hampshire would rather tend to satisfy me that the cases are very numerous—where officers who took property of this description did not choose to give any receipts. The inference naturally, therefore, from that would be that they did not think the case a proper one for a receipt to be given, that they were not satisfied about the party's loyalty. We propose to legislate that, although a receipt has not been given, oral evidence may yet be taken to establish the fact, in the first place, of loyalty, and in the next place, that the property was actually taken and went to the use of the United States; and where that is made out, then that the same rule shall apply which applies to cases where the proper receipt was given upon the spot.

I think this would be a dangerous practice. It would be dangerous for several reasons. In the first place, from the evidence that I have had and the observation I have made with reference to other cases, the easiest thing in the world will be to prove loyalty. I think when it comes to matters of claim it will be pretty well made out that there was never anybody down in that country who was otherwise than loyal, but that they were all forced into the rebellion. Who forced them in, inasmuch as they were all forced in, we cannot exactly tell; but the argument now is, whenever there is a claim against the Government, or whenever anybody wants a pardon or anything of that sort, that there was compulsion used from somewhere to force the whole population into rebellion, and the evidence is forthcoming at once. From the regard which has been paid to oaths, so far as I have observed, and to the taking of oaths, I do not think it will be very difficult to establish loyalty in any given case, or to make out the amount of any claim, or to prove anything that is necessary.

Then again there is difficulty arising from the meaning of "loyalty." That, I think, ought to be defined in the law. If you leave that to a clerk in the War Department, very much will depend upon what sort of a clerk you have. This will be running along for a course of years, and we cannot tell what may be the character of the man to decide the question; he may be one of these "loyal" people himself; and very likely he will be, to settle all these claims on oral testimony that may be adduced there. Thus it will be within the power of a clerk in the War Department (because after all in the office of the Quartermaster General it goes through the hands of clerks in the first place) to settle all these questions. Taking the course of time that this will run over, taking the chances as they will occur, and all the difficulties about amounts, I really

do think that in all cases except those that were settled upon the spot by the officer who took the property by giving his receipt for it, it would be very unsafe and unwise to open this door to extraneous proof with regard not only to the character of the claimant but the amount of the claim, and everything about it; and although that power is limited here to \$500, yet a great many claims of \$500 make considerable of a sum.

For that reason, and outside of the fact that we had very excellent soldiers from some parts of the disloyal region, I am in favor of the amendment proposed by the Senator from Massachusetts. The case is not like that of the soldier. My friend from New Hampshire asked the question, if you would recognize the loyalty of the soldier and take care of him why not of his neighbor who furnished the property? So I would. But with regard to the soldier the rolls show the fact; it is easily established whether he was serving the country or not; it does not depend on oral testimony; it is a matter that is established as easily as anything else that is matter of record. Everything of that sort is plain and palpable; but when you come to oral testimony taken as this must be, and to claims to be settled as these must be, I think it is much better that they should go to the court and be settled judicially rather than in the way proposed.

Mr. CLARK. Those go to the court beyond \$500.

Mr. FESSENDEN. I know; but many claims of \$500 will amount to a considerable sum. Although I agree that I would in some cases pay such claims if exhibited, yet I would scrutinize them very carefully, in the first place as to the character of the claim itself, and in the next place as to the character of the claimant. I do not go quite so far as the honorable Senator from Michigan, but I do not know but that his view is the correct one after all.

Mr. WILLIAMS. When this bill was brought forward I had grave doubts about its expediency, and I am not now fully satisfied that it ought to pass in its present shape, although I think it has been improved by the amendment proposed by the Senator from Illinois. I do not intend absolutely to commit myself against the payment of any and all claims that may have accrued to loyal men in the southern States during the late rebellion; and I do not feel much inclined to commit myself absolutely to the payment of all such claims. I think that each claim must stand upon its own popular circumstances; and my objection to this bill, if I have any objection, is not to any law providing for the payment of claims held by loyal men in the southern States so much as to the mode and the manner provided in this bill for the settlement or adjustment of these claims. I confess I have some apprehensions as to the effect of this bill upon that ground.

A man under the provisions of this bill is not entitled to recover for the property which has been taken by showing that he is the owner of the property and then by showing that it has been taken and appropriated by the Government, but his right of recovery depends upon his loyalty. Now, loyalty is something about which men widely differ, and I think I may safely say that when a man's loyalty is brought in question, the decision depends as much upon the sympathy and opinions of the judge as it does upon the views and action of the man whose case is brought to judgment.

This bill proposes, in the first place, to refer a class of these cases to the Quartermaster General, who is to decide as to the loyalty of the claimant, and if persons making claims before him are found, in his judgment, to be loyal, they are to be paid, or judgment is to be rendered in their favor, and Congress is to appropriate the necessary amount of money to pay that judgment.

Mr. TRUMBULL. They are paid directly.

Mr. WILLIAMS. Now, sir, how do we know what views the Quartermaster General will take

of this question of loyalty? I venture to say that I can pick out three men in this Senate who would constitute a tribunal whose judgment on the question of loyalty under this law would appropriate millions of dollars more out of the public Treasury than the judgment of three other men whom I could pick out in this Senate to constitute a similar tribunal for judgment upon such questions, and not because there was any difference in the merits of the claims, but because there are certain men here who regard loyalty as one thing, and certain other men who regard loyalty as another and a different thing.

I do not know who the Quartermaster General may be and what his views may be upon the question of loyalty. I have heard southern men complain of those people who claim to have been loyal men during this war, and say that many of them were property-holders, men of influence in the South; they agitated the question of secession, they fired up the southern mind, and when the collision of arms came, when they had inveigled the poor and the ignorant into the war, then they stood back in order to protect and preserve their property and took no part; they were Union men when it was to their advantage to be Union men, and rebels when the safety of their persons and property required them to be rebels; and they preserved that state of neutrality through the war while their dupes were fighting the battles of the rebellion; and since the rebellion is overcome they, because they did not bear arms, because they did not go into the ranks of the war, come forward now and claim it as a peculiar merit that they are the Union men of the South.

Now, sir, I think it is a question yet to be determined which class of men in the southern States is the more reliable, which class of men are those who are more willing to submit to the authority and acquiesce in the control of the Federal Government—those who remained at home, skulked all responsibility, who were one thing or another thing as circumstances required, or those men who went into the battle-field and experienced all the hardships and sufferings and calamities of this war, and know something of what it costs to fight against the Government of the United States. I suppose that the men whose property was protected in this way by this sort of neutrality are the men who are to obtain the advantages of this bill, while poor men who were misled by these leaders of public opinion there, who were induced to go into the war and carry arms, are to be excluded from its benefits, and if any of their property was taken they are not to have any advantages under this bill. Now, sir, I question whether those men who were able to say that they were loyal during the war are entitled more to the protection of the Government than this other class of men, and I doubt very much whether they are entitled to more credit, under any circumstances, or favor at the hands of this Government.

Here is a class of cases to be referred to the Quartermaster General; then there is another class of cases to be referred to the Commissary General, and parties are to appear before these respective officers with their claims, and they are to establish their loyalty. Now, how is that loyalty to be established? Suppose a man comes to the quartermaster from the State of Mississippi, in what way is he to prove his loyalty? Can it be proved in any other way except by the production of affidavits? Will anybody be able to testify as to the loyalty of that man except his neighbors, those who were acquainted with him during the war? And they will testify on that subject according to their views of loyalty; and they will swear, and they may be conscientious in it, that in their opinion this man was a loyal man because he may have before the commencement of hostilities expressed his opposition to the rebellion; but he was coerced, it will be claimed; a draft was ordered; there was a military force organized to impress men into the rebel service, and he was compelled either by actual force or the

fear of actual compulsion to go into the rebellion; and in that way a case can be made out of loyalty on the part of the claimant. This man has a claim against the Government, and his neighbor has a similar claim. The thing may be arranged and understood there among different persons who have claims against the Government. I do not wish to make any wholesale charges against these people; I do not wish to say that they are more inclined to perjury than other people; but we know that there is a very large number of persons in that section of country who are enemies of the Government and regard it as lawful, under the circumstances, for them, if possible, to indemnify themselves for the injuries which they say this Government inflicted upon them while they were trying to defend their rights, and we must expect that that feeling will have more or less influence upon the judgment and the opinions of those men.

I say, therefore, Mr. President, that notwithstanding this bill seems pretty carefully drawn, the difficulty is inherent in the case, and I am afraid that if Congress now by this bill puts the adjustment of all these claims, which are innumerable and which amount to millions, beyond its control it will have occasion hereafter to regret it. I know it will be a great relief to Congress, and particularly to the Committee of Claims, to have all this business transferred to the Departments and to the Court of Claims. I find that from the provisions of this bill the large claims are to be submitted to the Court of Claims. The evidence before that tribunal must consist of depositions taken in the southern States where these people reside. I do not suppose that it is expected that witnesses will come before the court and orally testify upon the subject; but the evidence will be taken by depositions; and any lawyer who has had any considerable experience or practice knows that it is very unsafe to depend upon depositions for evidence, because you cannot make the witness appear upon the paper, and he may concoct a story, and he may be shrewd enough to avoid a cross-examination which would expose the falsity of that story, when the whole effect of his testimony will be to produce a false impression. These judges are not allowed to go beyond the record; they must take the depositions, and they must be controlled by those depositions and by the preponderance of evidence as it appears upon the papers. Now, there is information abroad in this country that is of great value in passing upon these questions that cannot be allowed to reach the ears of a judge, that cannot be received by a court of justice—information that is satisfactory to any reasonable mind, at the same time that it does not come in the shape of lawful evidence to be submitted to a court of justice; and we, in adjusting these claims, ought to be in a situation where we can avail ourselves of this information, whatever it may be.

While I do not wish to be understood as saying that I am opposed to the payment of all claims that may originate in the southern States, while I am ready to concede that cases may arise there where the person whose property has been taken should be indemnified, yet I think there may be cases where it requires the examination of persons whose loyalty is of a certain complexion; and I would much rather that Congress would appoint a special commission of persons whose views and opinions upon that subject are known and can be depended upon to act on these questions than to refer them to those persons whose views and opinions and feelings are not known.

There is a great difference of opinion, as is generally supposed, between the executive department and Congress on that point; and I suppose if the executive department was to pass upon questions arising under this bill, many more millions of money would be allowed than would be allowed by the majority in Congress, because there is a difference of opinion as to what was or was not loyal. At present, until there are further developments, until I have

more light on this subject, I am determined to vote to retain the control of the subject in Congress. I am not disposed to be illiberal or vindictive; I am willing to be kind and generous to these people; I am willing to do everything I can to promote their material interests. I have only one point to make against them, and that is that, in my judgment, it is not safe at this time to put the political power of this country in their hands; but whatever I can do to promote their material interests I am willing to do.

I do not take this position from any vindictive or illiberal spirit toward these people, but because I regard it as unsafe at this time, now upon the very reel of the rebellion, before public opinion is settled, before we fully understand the circumstances of these people at this particular time, to pass this bill and commit Congress to the payment of all these claims.

This bill is more important in my judgment as a precedent than it is in its effect upon these particular claims. We are informed that with this bill is another bill that is now lying upon our tables to pay loyal claimants for all property that was destroyed by General Sheridan in his celebrated and effective raid through the Shenandoah valley. Pass this bill, and it seems to me, the argument possesses great force and cogency that if you pay a loyal man for property which an officer took in the prosecution of this war, why not pay a loyal man for property which an officer destroyed in the prosecution of this war? And so if you take this step, the next step will be to pay for the destruction of the property of loyal men in the southern States; and I do not know but that it may be followed up finally by an argument in favor of paying the loyal men of the South for the slaves that were taken during the prosecution of the war. It is urged by a large minority of the people of this country at this time that loyal men are entitled to be paid for their slaves taken in the prosecution of this war, because they were not responsible for the rebellion; their slaves were their property; that property was taken away from them without any wrong on their part, and therefore the Government ought to indemnify them. I am afraid of the first step in this direction, and I think we should take that step with great care and with great caution. We may be compelled to take it; but I do not believe the time has now come when we ought to take this step in this direction—a step that seems to me to be going to the full extent of committing ourselves, not only to the payment of these claims, but to the payment of the loyal men of the South for what they suffered during this rebellion.

Sir, you can never pay the loyal men of the North for what they have suffered in the suppression of this rebellion. Can you pay the father whose son sleeps beneath the southern soil for the loss of that son? We must be very particular to pay a southern man—perhaps a man who helped to fan the flame of this southern rebellion, who helped to plunge the country into the abyss of civil war—for a mule or a horse or anything that was taken by the Federal Army in the prosecution of the war; but how can we ever pay the innocent people of the North who lost their fathers and their brothers and their sons in their efforts to suppress this rebellion? That people should lose in war is one of its unavoidable calamities; but we who bore the burden of the war, it seems to me, ought not now to undertake fully and completely to indemnify the South for all it suffered until we can in some way indemnify the North for what it expended of blood and treasure in its efforts to suppress this rebellion.

Mr. HOWE. Mr. President, I think this is one of the most interesting questions that the Senate has been called upon to consider, if not one of the most important. There are two or three things I wish to say about it before the vote is taken. First, I wish to say in allusion to the remarks that have just been submitted by the Senator from Oregon, that if there has been any war between the North and the South I have not heard of it. If there had

been any such war, perhaps we should have had to settle the account upon a little different basis from that upon which I apprehend this account should be settled. I understand we have had a war on our hands, but not a war between the North and the South. It has been a war between the people of the United States and their enemies. It is very true that we found the most of their enemies in the southern portion of the United States; we did not find them all there. It is very true we found the most of the friends of the United States in the northern States of the Union; I believe we did not find all of them in that section of the country. The war was between those two parties, the people of the United States and their enemies. We did send our armies into the southern States of the Union, as we sent them into the northern States of the Union when we had occasion; but when we sent them into one State or another I think we sent them for the double purpose of bearing the justice and the protection of the Government to our friends, and the rebukes and the penalties of the Government to our enemies. If we sent them for any other purpose, their mission was a mistake; we had better have kept them at home.

This bill is one of the proposed means for settling up some of the transactions which took place during this war. Wherever we sent our armies they had to be supported; and they were entitled to that support just as much in a southern as in a northern State; and if any portion of that support was contributed by a friend of the United States in a southern State he was just as much entitled to pay for it as if it was contributed by a friend of the United States in the northern States.

The Senator from Michigan has stated, and I believe rather insisted upon, the idea that by our law all of the people in what were called the rebelling States were the enemies of the United States, declared so by a proclamation of the President in pursuance of an act of Congress. I have two things to say upon that proposition: first, that I do not know when the President of the United States declared all those people to be enemies of the United States, nor when he was authorized to make such a declaration; and secondly, I have to say that it was not in the power of the President to make him who was a friend in fact of the Government an enemy in law, nor was it in the power of Congress to authorize him to so transform one who was a friend in fact into an enemy in law. I am a strict constructionist. I do not believe there is any power in the Government of the United States to drive any portion of the people of the United States outside of the Union, nor do I think there is any power in any branch of the Government of the United States to transform a friend of the Union into an enemy. If he becomes an enemy it is his own act, the result of his own perverseness, and not the effect of any governmental action.

It is said that there were but very few or no loyal men in these rebellious portions of the United States. If that is so, this bill will have but very little or no effect; for it provides only for settling the claims of men who were loyal.

But it is said to be very easy to prove that a man was loyal who was not in fact loyal. That is the difficulty, says my friend from Oregon. The issue may be one a little difficult to try; but dare you say that the Government shall sit down upon the assumption that all the men within a certain district are enemies of the Union because it is a little difficult to discriminate between its friends and its enemies? When you are asked only to do justice to your friends, and asked to try the question of loyalty or disloyalty by your own tribunals, is not that protection enough? If you dare not trust your own tribunals, that is not the fault of those men in the South; for they have had no part in the creation of them. It is no imputation upon them. The imputation rests upon yourselves and upon the agencies you yourselves have created.

But after all, Mr. President, there is no sort

of danger, in my judgment, in passing this bill with the amendment which has been proposed by the Senator from Massachusetts, if that shall be accompanied by another amendment which I propose to offer myself. The Senator from Massachusetts proposes to strike out the words which would authorize a settlement with those whose property had been taken but to whom no receipt had been given. Evidently to my mind those words ought to go out, and evidently in the place of them these words ought to be inserted, "and taken up on the returns of such officer," so that then you will be called upon to pay only the claims of those loyal persons whose property had been taken by a quartermaster or a commissary, and receipted for by that officer, and the property taken up on his returns. How can you be injured when you do that? Every quartermaster in your service had so many mules and horses to feed. The law prescribed just how much forage should be fed out to them; and at the Quartermaster General's office they know just how much forage he had occasion for. He stands charged with that forage in bond, and he has to discharge himself of that. If he charges for more forage delivered out than he had animals in his custody to deliver it to, they know at the quartermaster's office that that account is false; the falsehood is detected at once. So of the commissary's department. Every commissary had a certain number of soldiers to deliver rations to, and they know at the office of the Commissary General just how many soldiers each assistant commissary had to deliver rations to and just how many rations he was allowed to make use of, and if he credits himself on his monthly statement with more rations than he had soldiers to feed them to, they know the error at once.

If a commissary seizes pork, or beef, or anything which may be a ration, in one State or another, it is his business to charge himself with it. "To take it up on his returns," I believe is the term used in these offices. When he has entered it upon his returns, he is accountable for it, and his bond is accountable for it, and you have got his obligation to account for it. If he distributes it in rations, then it takes the place of so much that he would otherwise have to furnish himself; for in the settlement of his accounts, you must remember, his business is to discharge himself of the whole amount of provisions and supplies delivered to him and charged to him by the Government. That is the business he has to do. If he seizes, in other places, or in any place, provisions, and does not take them up on his returns, then they never go to the use of the Army; they go to his own use; he does what he pleases with them. He accounts, in the settlement of his accounts, for every dollar that is committed to him by the commissary department, and for every man that he delivers rations to. So of a quartermaster. If he seizes a mule or a horse, and does not enter it upon his returns, he is not accountable for it, and the Government never gets the benefit of it. No quartermaster ever accounts for any more property than is on his returns; there is no way of accounting for it. If, therefore, you require the officer not only to give a receipt for this property, but to take it up on his returns, then the Government is perfectly safe. It can suffer at worst only by reason of paying a disloyal man for goods which it has actually obtained, but which it might have obtained, if it had known the fact of his disloyalty, without any price. You have got the benefit of the goods anyway.

I do not mean to detain the Senate—I cannot detain the Senate, for it is evident that they care but very little about the question—I am not going to detain myself but a moment. I said that this was a very important question as it struck me. It has been argued by some as important, but only as it affects the interests of the Treasury. I regard it as of infinitely more importance, because it affects the honor of the United States. It is true that if you pay, by the judgment of any of your tribunals, dis-

loyal men for goods of theirs which you have taken, you do to that extent affect injuriously the interests of the Treasury; but it is equally true, to my mind, that if you refuse or neglect to pay the friends of the United States for goods of theirs which you have taken and appropriated to your use, the nation is dishonored. There is no escape from it; it is dishonored. You cannot afford to repudiate one of these obligations. They are as sacred when presented by a man who was your friend where there were but few friends found, and, if it were possible, more sacred there than in other sections where the friends of the Government were numerous and strong. However important you may consider it, therefore, as affecting the interests of the Treasury, I say it is of vastly more importance as it affects the honor of the Government. It is for this reason that I have seen fit to say a word on the subject; and it is for this reason that I am extremely anxious that the Senate shall not place itself in the attitude of having refused to recognize one of these claims.

Mr. SAULSBURY. The particular question before the Senate, I believe, is whether that provision of the bill which requires that payment shall be made for the property taken belonging to loyal persons and not receipted for shall be stricken out. It was not my intention to say a word on this subject; nor do I intend now to detain the Senate more than a moment.

Mr. President, I have heard some very strange principles of law announced during this debate. It seems to be assumed by some gentlemen that the laws of war applicable to questions of this kind have undergone no change from the foundation of the world to the present time; but that to-day, in the nineteenth century, they are precisely what they were when ignorant barbarians met in conflict on the field of battle. When I hear it contended on this floor that a nation at war with another must regard every individual of that nation as a personal enemy, and must treat him with all the rigors of war, though he be not a combatant, I am amazed. As well would I expect to hear announced the old rule of law applicable to war, that when you take a prisoner of war you have a right to put him to death or that you have a right to reduce him into perpetual slavery. Look into the books; and you will find that at one time those were well-recognized principles of the law of war; but, sir, they were principles recognized in ignorant and barbarous ages, and the civilization of advancing times has caused them to pass away, and nowhere throughout the civilized world to-day are such principles contended for. Throughout the civilized world to-day the doctrine is not practically enforced that, as between foreign nations, every inhabitant of one nation must be treated by the other with all the rigors and penalties of war. Such a doctrine is acted upon to-day by no civilized nation on earth; and the law of war to-day, in every nation of Europe and in every civilized country is, that you have not a right to take the private personal goods and chattels of a non-combatant for your own use without compensation. The spirit of Christianity and the principles of civilization have modified, practically, those harsh rules of war which were enforced in former times.

Why, sir, in the war of 1812, a war waged between this country and Great Britain, we contended that the British Government had no right, according to the laws of war and laws of nations, to take the private property of our citizens without making compensation for it; and upon the conclusion of that war, when it was established that the military power of Great Britain had seized slaves on the Eastern Shore of Maryland, had decoyed them from their masters, had taken them upon their ships and carried them to England, our minister demanded compensation for those slaves from the Government of Great Britain. The matter was the subject of negotiation for some time. Finally, the law as laid down by John Quincy Adams was acknowledged to be correct in principle, and the British Government was made

to pay for those slaves which her military force took from their masters in this country and carried to England.

If it be so in reference to the taking of slaves, the principle is equally applicable to the taking of other private property. In the negotiations which resulted from the capture of those slaves by the British Government, no less a personage than John Quincy Adams declared that you might just as well fight with poisoned arms—that is his strong, vigorous language—as to undertake to take the private property of a non-combatant and convert it to your use without compensation. Any one who will take the trouble of looking into Lawrence's Wheaton will there find those opinions and declarations all cited. So convincing was the argument of our minister at the court of St. James that Great Britain gave up the contest and paid to this Government for the benefit of the owners of the slaves the value of those slaves; admitting, thereby, that as a belligerent Power, a Power at war with us, she had no right to take the private property of private citizens who were not engaged in the Army and convert it to her own use.

But, sir, that is not the question now before the Senate. The question before the Senate is this: when you find in the southern States an individual who has been true to the Federal Government and to the Union of these States, whose property has been taken for the use of the Army, shall he be paid for it? I do not use the word "loyalty." If there is any word in the English language that ought to be blotted out on account of the gross perversion that is made of it, it is that word "loyalty." It has no application in a republican form of government, unless we give it the definition of "conformity to and observance of law." If you use the term "loyalty" in that sense it is applicable; but in the sense in which the word "loyalty" is generally used it has no possible, conceivable application to a republican form of government, and never was intended to have such an application. No word can be found in any lexicographer, ancient or modern, which has been so grossly perverted, so egregiously misunderstood, and so wrongfully applied as this term "loyalty."

I say, then, the proposition now is, when you find a citizen or inhabitant of one of these southern States, who, during all this sanguinary conflict, amid all the raging of passion and conflict of arms, turned his eye and fixed it intently upon the flag of his country and wished to see it again float in glory and triumph over his head—whether, when you go and take that man's private goods and chattels, when you strip him bare of everything, turn his wife and children houseless and homeless out of doors, and throw them upon the cold charities of the people among whom he lives, and a people unfriendly to him, you shall deny him compensation. Go, ye war men, who thought there was no means of preserving this Union but by the bloody arbitrament of the sword; go, ye who proclaimed to the southern people that if they would not unite their fortunes with those who were warring against you, you would be their friends and protectors; go, ye now, and tell the man who has proved faithful to you, and whose fidelity stripped him of every earthly comfort, and made him a pauper, that what you told him before was a deception and a fraud. Did you not promise them protection? Had they not a right to believe that if they clung with unflinching fidelity to their country and their country's interest, you would see that loss should not come to them? Did you not tell them that wherever the American flag floated, or should thereafter float, it should be a shield and a protection to them and theirs? Did you not tell them that fidelity to the Government of the United States would be of more advantage to them than fidelity to the southern confederacy? Certainly you did.

During the whole progress of this war, we heard it hour after hour, day after day upon this floor, that down in these seceded States there were hundreds and thousands of true and

patriotic citizens who had been forced by circumstances to yield a passive obedience to the government of the confederate States, and who were looking with wishful eyes to you as their deliverers. It was one of the strong arguments which you used that you were bound under the Constitution of the United States to secure a republican form of government to those people and to give them ample and full protection. You said that as American legislators it was your solemn duty to see that the faithful men of the South were protected; and on many occasions you declared that except in the State of South Carolina, the Union men were in the majority. You said it was your duty to send armies down into the southern States to give to those people protection. If you now deny to them the benefits proposed by the provisions of this bill, I ask you what kind of protection are you giving them. If you deny them this, what more were you doing for those people whom you say were true and faithful to you, than you were doing for those whom you said were rebels and traitors and who had arms in their hands trying to disserve this Government? The proposition now is to put them all on an equality, the men who with arms in their hands made war against you, and the men who refused to take up arms against you but welcomed you when you entered into their midst.

Sir, had you proclaimed in the inception of this war to the southern people, "When we enter your borders we shall make no discrimination between those who united their fortunes with the confederacy and those of you who wish to be true to us," you would have had the united opposition of all classes of society from the Potomac to the Rio Grande, and from the Ohio to the Gulf. What sane man is there living in one of these southern States, if you had proclaimed to him that you were going to invade his State and that you would take every particle of property in the State, and make no compensation to any one, but would have rushed with arms in his hands to repel the invader and to protect his family from starvation and ruin? Not one, sir. But the promises you made them no doubt induced hundreds and thousands to adhere with fidelity to the Government of the United States and prevented them from uniting their destinies with the southern confederacy. Mr. President, I appeal not to magnanimity; I appeal not to generosity; I appeal to honor; I appeal to justice; and if there be honor and justice in man, I protest before this Senate that you cannot refuse compensation to those who were faithful to the Federal Government in that struggle.

Why, sir, even among those who sympathized with the southern confederacy, but who were non-combatants in the war, there certainly has been enough suffering to gratify the feelings of the most vindictive. I have in my mind's eye now a lady, the daughter of a chief justice of one of these States, the daughter of a former member of Congress, a widow with four children, who lived on her plantation comfortable, happy, almost rolling in wealth, who, when the armies of the United States passed through South Carolina, was stripped of every living thing; her house burned over her head, and but two little corn cribs left standing; whose faithful negroes, to save something from the wreck, took her three hundred pieces of china and buried them in the ground, and there they are lying to-day; who has returned to this city, and now, with four little children upon her hands, is trying to make bread for them by keeping a humble boarding-house. Mr. President and Senators, in view of the devastation, the havoc, and the ruin which your armies causelessly made in the destruction of private property, pause before you add to that great injustice by denying to those who, you yourselves say, were faithful to you, a just compensation for their property which you took to support your armies, and which property, if it had been just across the line, you would have most willingly paid for.

The question, then, is simply this, when narrowed down to a point: whether compensa-

tion shall be allowed only for the goods received for of loyal persons, or whether upon proof of what you call loyalty, clear and unquestioned, the parties shall be paid, although they were so unfortunate as not to obtain a receipt for it. That is the particular question before the Senate. Is there any difference in principle between the two cases? If the person was true to you, does it make any difference whether he had a receipt or not? The giving of a receipt was a matter dependent upon the whim, the caprice, it may be the pressing engagement of the commanding officer. If you are satisfied that the person who has no receipt was just as true to you as the person who has, where is the principle of justice and the principle of right that can discriminate between them, and say that you shall pay the one and shall not pay the other? The fact that the party had no receipt is no fault of that party. It there be fault attaching to any one it is to the officer.

I see, sir, that it is near time to close this debate, and I shall not detain the Senate further; but I am surprised that the good-natured and kind-hearted Senator from Massachusetts should make a proposition of this kind, to discriminate between two worthy persons, and base that discrimination upon so unimportant a fact as that one has a receipt and the other has not.

Mr. HOWARD. Mr. President, the temperature in this Chamber is too high to allow me to occupy the attention of the Senate, but a short time. I cannot, however, forbear to make a feeble attempt, warm as it is, to say something by way of reply to the remarks which have been addressed more especially to me.

The bill now before us does not call the attention of Congress to any individual cases of hardship which may have arisen in the course of the prosecution of the war in the rebel districts. As to such cases, as I remarked yesterday, I shall always hold myself ready to come to the relief of suffering humanity, and to do that which is generous and magnanimous to those who were at heart the friends of the Government in those districts. When such individual cases shall arise, they shall be sure of my careful attention; for I would not, under any circumstances, withhold from a true Union man that which is justly his, or refuse to indemnify him for the loss of property while he was really and truly at heart a friend of the Union, and willing to aid in upholding it.

Nor is the present bill founded upon the idea of making reparation for losses sustained by Union parties in the insurgent States who have actually rendered valuable service to the Union Army in the prosecution of the war. In such cases, where services have been actually and openly rendered by a person residing in a rebel community, I should always be ready to indemnify him for his losses and to pay him for his services.

The present bill is founded upon a different principle. It assumes, and so it has been argued by the honorable Senators from Wisconsin and New Hampshire, that there is a legal obligation on the Government to extend this indemnity to persons resident in the disloyal States who were, in the phrase of the bill, loyal to the Government of the United States. It does not require any act of loyalty to have been performed by the claimant. It does not require that he should have acted even as a spy in behalf of the Union Army; or that he should have contributed a single dollar of his money; that he should have ever traveled a single rod from his own door, or furnished voluntarily for the service of the Union Army a mule or a horse, or any other article of property, or, in short, to have rendered the slightest service openly and above board in behalf of the Union cause; but the bill contents itself, and its advocates here content themselves, with the fact, to be proved by *ex parte* affidavits to be used before a person having no judicial power, that the claimant has been at heart friendly to the Government, not that he should have done any act

to promote the interests of the United States during the war, but that he should have remained simply neutral at home, and entertained at heart sentiments friendly to the Union cause.

Sir, I oppose this kind of legislation because I recognize no obligation whatever on the part of the Government to afford indemnity in such cases. The calamities of this war were brought not only upon the South but the North by the misconduct and traitorous proceedings, not merely of individuals constituting irregular and irresponsible masses within the insurgent districts amounting to little more than mere mobs, but by States organized as political communities, possessing all the attributes of sovereign political power, each with its Governor, its Legislature, and its judiciary. It has been settled, as I before remarked, that the whole of the rebel States, one after another, as communities occupying territory and invested with the attributes of political power, and in the actual exercise of that power, have become by their own act the enemies of the Government, and that their persons and their property, whether found upon the sea or the land, were, in law, to be treated as enemies' property. When I speak of enemies of the United States, I mean, not that they were all influenced by actual feelings of hostility to the Government, not that they hated that Government and would have destroyed it, but enemies because they happen to be embraced within the territorial limits of the country upon which their proceedings and our legislation have stamped the character of belligerency.

Every enemy of the United States is not, therefore, necessarily a traitor; and this is a distinction which is drawn with great clearness and force in the decision of the Supreme Court of the United States in what are known as the prize cases. My friend from Vermont [Mr. EDMUNDS] yesterday denied the distinction; and for his information, as well as for the information of others, I will take this occasion to read a few paragraphs from the decision of that high tribunal upon the question who were the enemies of the United States, and what was enemies' property during the war. Speaking of the civil war which may break out within the territorial limits of a nation, the court held this language:

"The true test of its existence, as found in the writings of the sages of the common law, may be thus summarily stated: 'when the regular course of justice is interrupted by revolt, rebellion, or insurrection, so that the courts of justice cannot be kept open, civil war exists, and hostilities may be prosecuted on the same footing as if those opposing the Government were foreign enemies invading the land.'"

Again:

"The law of nations is also called the law of nature; it is founded on the common consent as well as the common sense of the world. It contains no such anomalous doctrine as that which this court are now for the first time desired to pronounce, to wit, that insurgents who have risen in rebellion against their sovereign, expelled her courts, established a revolutionary government, organized armies, and commenced hostilities, are not enemies because they are traitors; and a war levied against the Government by traitors, in order to dismember it, is not a war because it is an 'insurrection.'"

Again say the court:

"We now come to the consideration of the second question, what is included in the term 'enemies' property?"

"Is the property of all persons residing within the territory of the States now in rebellion, captured on the high seas, to be treated as 'enemies' property, whether the owner be in arms against the Government or not?"

"The right of one belligerent not only to coerce the other by direct force, but also to cripple his resources by the seizure or destruction of his property, is a necessary result of a state of war. Money and wealth, the products of agriculture and commerce, are said to be the sinews of war, and as necessary in its conduct as numbers and physical force. Hence it is that the laws of war recognize the right of a belligerent to cut these sinews of the power of the enemy by capturing his property on the high seas."

And I may here add that there is no distinction in principle between prizes made at sea and prizes made upon land in the prosecution of a war. [Mr. POLAND shook his head.] Yes, sir, that is the law.

"The appellants contend that the term 'enemy' is

properly applicable to those only who are subjects or citizens of a foreign State at war with our own. They quote from the pages of the common law, which say 'that persons who wage war against the King may be of two kinds; subjects or citizens. The former are not proper enemies, but rebels and traitors; the latter are those that come properly under the name of enemies.'

"They insist, moreover, that the President himself, in his proclamation, admits that great numbers of the persons residing within the territories in possession of the insurgent government are loyal in their feelings, and forced by compulsion and the violence of the rebellious and revolutionary party and its 'de facto government' to submit to their laws and assist in their scheme of revolution; that the acts of the usurping government cannot legally sever the bond of their allegiance. They have, therefore, a correlative right to claim the protection of the Government for their persons and property, and to be treated as loyal citizens till legally convicted of having renounced their allegiance and made war against the Government by treasonably resisting its laws."

Such was the argument presented to the court by the counsel on the opposite side. The court proceed:

"Under the very peculiar constitution of this Government, although the citizens owe supreme allegiance to the Federal Government, they owe also a qualified allegiance to the State in which they are domiciled. Their persons and property are subject to its laws."

"Hence, in organizing this rebellion, they have acted as States claiming to be sovereign over all persons and property within their respective limits, and asserting a right to absolve their citizens from their allegiance to the Federal Government. Several of these States have combined to form a new confederacy, claiming to be acknowledged by the world as a sovereign State. Their rights to do so is now being decided by wager of battle. The ports and territory of each of these States are held in hostility to the General Government. It is no loose, unorganized insurrection, having no defined boundary or possession. It has a boundary marked by lines of bayonets, and which can be crossed only by force—south of this line is enemy's territory, because it is claimed and held in possession by an organized, hostile, and belligerent power."

"All persons residing within this territory whose property may be used to increase the revenues of the hostile power are, in this contest, liable to be treated as enemies, though not foreigners. They have cast off their allegiance, and made war on their Government, and are none the less enemies because they are traitors."

Again:

"The produce of the soil of the hostile territory, as well as other property engaged in the commerce of the hostile power, as the source of its wealth and strength, are always regarded as legitimate prize, without regard to the domicile of the owner, and much more so if he reside and trade within their territory."

I have read enough to show the character of the war. It was waged upon us by the rebel States as political communities, and every feature of a war was imparted to it. We had our blockades of the southern ports, established by our own laws. We had a legal statutory interdiction against the prosecution of trade and commerce between the communities living south and the communities living north of this divisional line between the contending parties. We had an absolute non-intercourse; and whatever articles of property may have been brought from the rebel community north of the Union lines, or taken south of those lines and transported into the confederacy, became liable to be forfeited, unless accompanied by a license to carry on trade.

The two communities, then, were belligerents, to whose character as such were applied all the rules and principles and liabilities of belligerency that pertain to a struggle between two nations; and Senators will not deny that in the prosecution of a war by an army entering hostile territory it is the right of the officers commanding that army to forage upon the enemy and supply their army from the private property of the enemy. It is one of the ordinary rights of war. If it was a calamity or a misfortune to any portion of the southern people, it must be remembered that the calamity or misfortune was brought upon them by the misconduct of a majority of their own people. It was not the fault of northern men or northern State governments that brought on this war, although we have been compelled to suffer for it as no community ever suffered. We have spent, as the records of the Treasury Department show, in its prosecution nearly three thousand million dollars. That money must now be raised by taxation upon those who contributed to our successes. We have

lost more than half a million of the loyal soldiers of the loyal States. We have submitted to every privation necessary to give success to our great struggle. We have gone through it patiently, boldly, heroically, until at last we found the enemy under our feet, a fallen, conquered, humiliated foe.

It will not be pretended for a moment that this Government would be under any obligation to indemnify a person who, domiciled within the limits of a foreign nation with which we should happen to be at war, had suffered damage in consequence of the taking of his property by our Army, although such person were a friend of the United States. It might be a cruel, a harsh thing, to take his property; but it must be remembered that war itself in all its operations and rules is a harsh and cruel proceeding.

Sir, what has been the conduct of this so-called Union party in the rebellious States toward the Government during the whole of this war, and before the war? Did they not foresee that war was to come? Had they influence at the South? Who heard their multitudinous voices in opposition to their leaders and rulers? Why did they not make their influence felt? When the first shot was fired upon Fort Sumter, how did it happen that this Union party at the South did not unite their voices and their efforts in some effectual way to check the progress of the rebellion and the violence which was threatened by the secessionists? Why did they not take measures years and years ago to avert the danger of such an occurrence? They had notice, because the laws of war contained it, that in case of a collision their individual private property might be taken by us as well as their own army in the prosecution of the war, without indemnity, as an overruling necessity not to be questioned or resisted.

Mr. HOWE. As the Senator asks why the Union men down there did not make their influence felt when Fort Sumter was fired upon, I wish to ask him why we did not take some measures to punish that offense which was committed against this nation in Charleston harbor?

Mr. HOWARD. I see the point of the Senator's question, and I am very glad he has suggested that view, for I desire to make a reply to it. It has been said in this Chamber, and repeated over and over again, that the duty of allegiance is correlative to the duty of protection; and the inference is, that a party in the rebel States who had not been protected by the Government of the United States had the right to go into the ranks of the rebellion, and that he could do this without incurring the guilt of treason, simply because he was acting in obedience to the *de facto* government of his State.

Mr. HOWE rose.

Mr. HOWARD. I do not impute that doctrine to the Senator from Wisconsin. Sir, the breaking out of this war was like the sudden bursting forth of a conflagration in a great city. It was impossible for the Government to protect the Union people in the southern States; the thing was utterly impracticable; and it is idle to talk about the guiltlessness of treason at the South because the Government of the United States could not protect the Union men there. But the duty of allegiance remained unimpaired. It is in its nature antecedent to that of protection, and never ceases until the Government becomes so unjust and oppressive as to be intolerable.

Without spending further time upon this question, I resist the passage of this bill because I do not recognize on the part of the Government any obligation to make this general indemnity to persons who claim to be Unionists, but who continued their residence within the rebel lines during the war. We passed a law authorizing the President to declare those States in insurrection. In accordance with that law, he proceeded from time to time to declare States and parts of States in insurrection. This was no puerile or idle ceremony. It meant a great

deal. It was a most solemn and significant act. It meant that the character of all persons within the limits thus declared insurrectionary was that of public enemies of the United States, whose property was liable to be taken by the Army in the just and necessary prosecution of the war, and that they, unless they made their escape from the Bedlam in which they found themselves, were liable to be treated as our foes and be subjected to the will of the conqueror.

I have another weighty objection to the frame of this bill. The questions which it submits to the Quartermaster and the Commissary General are, in their very nature and essence, judicial questions. The Constitution of the United States gives to no person judicial authority except the courts. What chance, I ask, have the United States to make out a defense against one of these claims before an official with no judicial power, not authorized to call persons before him by subpoena, not authorized to punish for contempt, not authorized to submit any of the questions that may arise to an impartial jury, but who must, from the very nature of the case, proceed *ex parte*, and upon testimony existing in the shape of depositions? And as my friend from Oregon has said, how very little reliance is to be placed in contested questions of fact upon the testimony of depositions! Pass this bill, and my prediction is, although I am not a prophet nor the son of a prophet, that the Treasury of the United States will be depleted to the tune of a billion dollars before all such claims will be satisfied.

Sir, how are you to draw a distinction between claims of this kind for quartermaster's and commissary stores, and claims for damages on the part of the same class of persons at the South for the destruction of houses, barns, and fences and forests, and every description of damage that was done either to personal or to real property? I ask my honorable friend from Wisconsin, where is the distinction, in point of principle, between the seizure and use of commissary and quartermaster's stores, and the seizure and use of real estate for the accommodation and the comfort of the Army that consumes such stores? It is in vain to say that there is any distinction. If I was a Union man at the South, I should think as great a wrong was done me if my house were used by the Army, and destroyed in the use, or my other real estate damaged, as I should were my hard cash taken out of my drawer. In both cases I am the loser and the Government the gainer. In both cases the property is used for the prosecution of the war, and I am as much entitled to indemnification for damages done to my real estate as for damages done to my personal estate.

Once establish the principle that this indemnification is obligatory upon the Government, and I ask my honorable friend from Illinois [Mr. TRUMBULL] whether he must not in the end vote to pay for all the ravages committed by Sherman's army on its famous march from Atlanta to the sea, sweeping as it did with the besom of destruction a tract of not less than sixty miles in width, from Georgia to the Atlantic ocean, leaving in its track nothing but a wide-spread desolation, repulsive even to the imagination and frightful to the genius of history. Sir, we must sooner or later compensate every Union man who was affected by that raid if we pass this bill or any measure of like purport. Such, at least, is my prediction.

Again, I ask you, where is the sensible and practical distinction between an indemnification to a Union man for property thus taken and an indemnification to a rebel at heart who had not committed an open act of treason? Contemplate them! There they are; one living on one side of the highway; the other on the other. The former has professed Unionism from the beginning, but has not taken up arms to defend the Government. He has done no act; he has not contributed a dollar for that purpose; but he has staid quietly in his own home and professed in his intercourse with his neighbors to be friendly to the United States, and has expressed, honestly, perhaps, in a thou-

sand forms, his deep regret and sorrow at the insurrection. On the other side of the street is a man who has entertained opposite sentiments, who has been a friend of secession, who has spoken in favor of and advocated the right of secession and the fact of secession, but who has not raised his hand against his Government nor contributed a dollar nor a pound of lead nor a bushel of corn nor any other thing to aid and assist in the prosecution of the insurrectionary war. "The former," says my friend from Illinois, "I will pay for all that may have been taken from him by the Army;" but he says in the same breath, "the latter I will not pay. He has lost his thousands, it is true, by the Union Army, as well as his neighbor over the way. I will reward the Union man with an indemnity; I will make the other, not a Union man and yet not a traitor, he having committed no overt act, suffer the loss of thousands for entertaining different opinions." Sir, is this just; or rather is this a safe principle upon which to rest our legislation? I insist that it is not. In my view it approaches too nearly to mere puerility not to say the ridiculous, to be the foundation of legislation.

Mr. LANE, of Indiana. I move that the Senate take a recess until seven o'clock, so as to have an evening session for the consideration of pension bills.

Mr. TRUMBULL. I hope not. Let us dispose of this bill. This bill will come up at seven o'clock if we take a recess now.

Mr. LANE, of Indiana. No, sir. There is a special order for seven o'clock which I had fixed for the purpose of passing some pension bills, which every Senator is interested in.

Mr. TRUMBULL. I think it very manifest that if we take a recess now this bill will be discussed again to-morrow in the same way that it has been to-day and was yesterday. We have got to have a vote upon it at some time, and I think we had better hold on to it now until we finish it.

Mr. LANE, of Indiana. The Senator will understand that there was a resolution passed yesterday morning fixing this evening at seven o'clock for the consideration of bills from the Pension Committee.

Mr. TRUMBULL. I am aware of that, but we can suspend that resolution just as we did the special order to-day. The Senator from Massachusetts [Mr. WILSON] had a special order for one o'clock to-day, but it was set aside by the unfinished business. My judgment is to hold on to this bill now until we finish it, and I hope the Senate will do so. Let us kill it or enact it into a law, so far as we can do so.

Mr. LANE, of Indiana. I do not know whether a motion to take a recess is debatable.

Mr. SUMNER. It is.

Mr. LANE, of Indiana. If it is, I should like to say that in my opinion greater importance attaches to the passage of these pension bills than of the bill now under consideration.

Mr. TRUMBULL. We will pass those, too.

Mr. LANE, of Indiana. We are proposing now to pass a bill to indemnify loyal persons in the rebel States. I shall vote for it; but I do not consider that claim any more sacred than our duty to pay our maimed and wounded and crippled soldiers and the surviving orphans and widows of those who have been killed the pensions that are due to them under the law. I, for one, would rather pass these twenty or thirty pension bills than pass this bill, if they were antagonized; but I do not see any necessity for that. When the order of the Senate was taken yesterday, it was peremptory that at seven o'clock this evening there should be a session for the consideration of bills from the Pension Committee.

Mr. TRUMBULL. We shall get through with this bill before seven o'clock. Let us go on with it.

Mr. LANE, of Indiana. Perhaps there is not a single Senator in the Senate who is not interested in some one of these pension bills. I am as little interested in them, perhaps, as any one else.

Mr. CLARK. Let us go on for half an hour or so with this bill.

Mr. LANE, of Indiana. I have no objection to going on with it, but I do not want it to interfere with the order for seven o'clock.

The PRESIDING OFFICER, (Mr. POMEROY in the chair.) Does the Senator withdraw his motion?

Mr. LANE, of Indiana. I do not.

Mr. CONNESS. There is nothing inconsistent in the two objects desired to be accomplished. I hope we shall go on now and vote on the bill before us. The Senate, I apprehend, have discussed the subject sufficiently. We have heard all sides of it. There are amendments to be offered—

Mr. LANE, of Indiana. And speeches to be made.

Mr. CONNESS. The Senator says there are speeches to be made upon it. How does he know that?

Mr. LANE, of Indiana. The Senator who has charge of the bill told me that he desired to say something upon it, and I think it very proper that he should speak upon it, and I shall hear him with great pleasure.

Mr. CONNESS. I, too, am a friend of this bill with proper amendments, but I shall not give my vote from day to day to keep it before the Senate to the exclusion of all other business, if it is to be kept up merely for the purpose of listening to speeches when the thermometer is at eighty-eight degrees in the Chamber. If that course is to be pursued, I shall give my vote against continuing it, whether it comes in the shape of a postponement or not.

The PRESIDING OFFICER. The Senator from Indiana moves that the Senate take a recess until seven o'clock.

Mr. LANE, of Indiana. If there can be a vote on the bill, I will withdraw that motion. I am as anxious to have a vote upon it as anybody.

Mr. POLAND. I had designed to say a very few words in reference to the amendment that is proposed and upon the bill itself; but ten minutes would be as much time as I should desire.

Mr. LANE, of Indiana. I withdraw my motion, then.

Mr. POLAND. If no other gentleman desires to say anything, we shall have ample time to finish this bill before we take a recess.

The PRESIDING OFFICER. The question is on the motion of the Senator from Indiana.

Mr. LANE, of Indiana. I withdraw the motion. I understand the Senate are ready now to go right through with the bill.

Mr. POLAND. Mr. President, it is certainly very singular to me that so good a lawyer as the honorable Senator from Michigan should have fallen into so strange a delusion as it seems to me he has done in reference to the law upon this subject. He has read some extracts from the opinion of the Supreme Court, reported in 2 Black in the prize cases, as they are termed, to show that the inhabitants of the insurgent States, although they were loyal in fact, and did everything that was in their power to show their loyalty, their good will and good disposition toward the Government of the United States, still, in point of law, were enemies; and that, although we took their property, and took it by contract, bought it of them, gave them a written obligation for it, we are under no moral or legal obligation to pay for it, because, he says, they were legally enemies.

It is always important, as I have found, when you are going to attach any weight to what a judge or any court through a judge has said, to find out what he was talking about. What were those prize cases about which Judge Grier was speaking when he gave that opinion? The rebellion had assumed formidable proportions. A large majority of the people of the southern States were in arms. The great majority of them were hostile or disloyal. They stood in the attitude of a hostile foreign nation, although there were various persons in those communities who were our friends, who had

never forfeited their allegiance, who had never done anything that was hostile to this Government. Now, what did the court say? They said that although we claimed, and legally claimed, that that was still a part of our own country, that all the inhabitants there, whether in arms or not, were subjects of this Government, and owed allegiance to it, that it was nothing but an insurrection and a rebellion; still, it having assumed these formidable proportions, we had the same right to resort to all those means which one nation may use against a foreign nation with which it is at war. It was argued that we were endeavoring to put down a portion of our own people who were in insurrection, and therefore we could not legally blockade their ports. Now, it is well understood, and has been for centuries, that one of the means which one nation which is at war with another may use, is to blockade their ports, to cut off their intercourse with other nations, to stop their supplies. The court said that we had just the same right to resort to that against these States that were in rebellion as we would have against a foreign nation with which we were at war; and having that right, having the legal right to proclaim and set up this blockade, of course it must apply to everybody. It must apply just as much to individual persons who were our friends, within that country, as to those who were in point of fact hostile to us; that if we undertook to stop the trade, in order to make it practicable, or of any sort of use, we must prevent everybody from trading. We could not allow our friends to go there, and we could not allow our friends who were there to come out. We must stop it entirely. In that sense the court said it was immaterial whether the inhabitants there, the individual persons, were our friends or our enemies; and that is just as far as the courts have gone. That is the length and the breadth of it.

My friend, the honorable Senator from Michigan, said yesterday that all our legislation had gone upon that same ground, had gone upon the ground that all persons within the limits of the rebel States were our enemies; that all stood alike in a loyal sense. I was somewhat struck with a declaration of that sort coming from so eminent a lawyer as the honorable Senator from Michigan, and I have since taken some pains to look into the legislation of Congress upon this subject; and, sir, it is entirely the other way. Every single word of legislation that Congress have adopted upon the subject of the rebellious States or the people of those States, from the beginning of the war down to its close, has been upon an entirely opposite theory. The distinction between loyal and disloyal people there has been recognized in every single statute passed upon the subject, and by the decisions of the courts upon those statutes; and it is distinctly recognized in the last case that is reported on the subject, the case of Mrs. Alexander's cotton. The law that was passed in relation to abandoned property in the South that our Army was authorized to take up and sell, contained a provision that if within a certain time any owner of a portion of that property should come forward and prove his loyalty, he should have it restored to him. In the case of captured property, that which was captured upon land, there was a provision also that the loyal owner might come in and have redress for any portion of it that he owned. And here let me allude to the statute that authorized this capture upon land; because my friend, the honorable Senator from Michigan, says there is no difference between a capture upon land and a capture upon the sea.

Mr. HOWARD. No difference in point of principle.

Mr. POLAND. I think there is a very great difference in point of principle. The court held in the prize cases, and justly held, that the blockade must be total in order to be effectual, and if our friends undertook to run through the blockade, they were just as liable to forfeiture as our enemies. But the statute

upon which these captures upon land were made is this:

"That if any person within any State or Territory of the United States, being engaged in armed rebellion against the Government of the United States, or aiding and abetting such rebellion—"

then their property is liable to be taken, but no other class of persons excepting those who are actually engaged in the rebellion.

This is all I desire to say in reference to the law on this subject.

As I said before, we have constantly gone upon this distinction from the beginning of this war to the end, that loyal persons in the South were entitled to be protected; that they were still citizens of the United States, with all the rights of citizens living in the loyal States. We have taken their property for the support of our armies. Has it ever been questioned but what, if loyal persons in the North furnished provisions for the support of our armies, they would have their pay? We have an express statute to that effect. That is the very principle of the Constitution, that if you take private property for public use you are to make compensation for it. Now we propose to extend it over these States. What is the objection to it? It is said that there will be danger that some disloyal person will get paid. I suppose there is some danger of it; and if two disloyal persons should get pay for what they have furnished where only one loyal person got pay for what he furnished, I would rather pay the two traitors than cheat the one loyal and true man. I would forego a great many disadvantages and a great many losses before I would agree that any one of our loyal friends in the South who stood by us through all the perils and terrors of this rebellion—I would do anything almost rather than that he should not have his pay.

Now, sir, as to this particular amendment that is proposed by the Senator from Massachusetts, as the Senator from New Hampshire said, where is the difference in principle? If we really had the property, and it went to the use of our Army, and the man is a loyal and true man, what difference does it make whether he has got the evidence of a receipt in his pocket or not? Was it not equally beneficial to us? Was it a matter of choice with him whether he should have the receipt, written evidence, to show what he had furnished? Of course not.

But, Mr. President, there is another answer to this, and it seems to me a very sufficient one. If this business had all been done in the quiet of a counting-room, if it had been done in the ordinary way of mercantile transactions, there would have been some ground to suspect a claim that was not evidenced by a writing; but how was it? That country was invaded by our armies. Generally in the immediate vicinity there was a hostile army. Everything was terror and confusion and alarm. In a great many instances the owners of the property were not present to have any receipt given to them. When these foraging parties went out in haste and confusion for the purpose of getting supplies, there was not always time, they had not the materials, had not the opportunity to give receipts. Of course, this class of cases has got to be scrutinized with more deliberation; more care must be taken; more strictness must be required in the proof that the claimant is required to make in order to allow a claim that is not evidenced by writing than one that is evidenced by it; but that is a matter for the administrators of the law. The bill that we have framed, with the amendment that the honorable Senator from Illinois has proposed, and which we have adopted, has been made as strong as language could make it. As the Senator from Wisconsin said, we have the administration of it in our own hands. Are we afraid to trust ourselves to do right for fear somebody else will do wrong? That is a very old argument that we must not do right, must not do what justice requires of us because somebody may make a pretense of doing wrong. That is an argument that has no terror for me. I trust, sir, that this amendment will not be adopted.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts.

Mr. HOWE. I move to amend that amendment by striking out all after the word "and," in the fifth line, down to the word "receipt," in the seventh line, and to insert in lieu thereof "taken up on the returns of the proper officer."

Mr. JOHNSON. How will it read then?

The SECRETARY. It is proposed to include in the words proposed to be stricken out the words "received for by the proper officer receiving the same," and to insert "taken up on the returns of the proper officer," so that if the amendment to the amendment be adopted the first section will read:

That all claims of loyal persons, not exceeding \$500 for quartermaster's stores actually furnished to the Army of the United States and taken up on the returns of the proper officer may be submitted to the Quartermaster General, &c.

Mr. HOWE. The point of the amendment is this: the entering them on the return of the officer is the evidence, that the United States gets the benefit. These are quartermaster's and commissary stores which we provide for paying. If they are entered on the returns of the officer he becomes chargeable with them and must disburse them just as he distributes other stores furnished by the different departments. If he does not enter them on his returns the evidence is conclusive that the Army does not get the benefit of them, but that the property was applied to the personal use of the officer taking it.

Mr. JOHNSON. I understand now what the honorable member's object is; but how is that accomplished by saying "taken up on the returns?" You mean "entered on the returns," I suppose.

Mr. HOWE. That is the term, I believe, that the officers themselves use.

Mr. JOHNSON. "Taken up on the returns?"

Mr. HOWE. Yes, sir.

Mr. JOHNSON. It cannot be so.

Mr. HOWE. That is what I mean by it, at all events, and I understand that to be the term in use by the accounting officers at these departments. It is evident that we do not mean to pay for property taken by officers and applied to their own use, whether they gave receipts or not. It will be within the recollection of the honorable Senator from New Hampshire that the Committee on Claims refused to pay for a horse taken in Virginia, although the quartermaster taking it gave a receipt for it. Why? Because he never entered it on his returns, he never accounted for it to the United States, but took it and appropriated it to his own use. It was a mere trespass. I do not suppose we intend to hold ourselves responsible for the trespasses committed by our own officers.

Mr. CLARK. There may be and undoubtedly are cases where the property taken went to the use of the Army, and yet where it does not appear on the returns. There was a case, as the Senator will perhaps be aware of, where a considerable portion of tobacco was taken at the city of Atlanta and distributed by General Sherman. It did not appear on the quartermaster's return, but yet we recommended that it be paid for. We did not pay for the horse in the case referred to, because it did not appear by the return or in any other way that it went to the use of the Army, and we supposed the man kept it.

Mr. HOWE. There was a case where, assuming the power that belongs in the Legislature and nowhere else, under very peculiar circumstances, an officer commanding a great army did take possession of some tobacco, which I believe is not a ration. The soldiers of his army being in a position where they could not purchase this article, he took it and distributed it, and the committee recommended, that the Legislature should pay for it. But I take it we could not authorize either the Quartermaster General or the Commissary General to audit claims for such property. It is neither

a commissary nor a quartermaster store. This bill only provides for paying for quartermaster's stores and commissary stores, and every dollar of each of those articles of property which goes to the use of the Army is entered on the returns of the quartermaster or the commissary. That is the way he makes himself chargeable for the property, and then he discharges himself by delivering it to the use of the troops.

Mr. TRUMBULL. If the Senator from Wisconsin had examined the bill he would have seen that it provided for the very thing which he is at. The first section of the bill provides that the stores must have been "actually received or taken for the use of and used by said Army." A man must prove that in order to get his claim allowed. The property must have been taken for the use of the Army, and must have been actually used by the Army; so that his amendment, I think, is provided for.

Now, I want to answer in a word, as I am up, the Senator from Oregon, [Mr. WILLIAMS,] who made a speech of some half hour in length, and the Senator from Michigan [Mr. HOWARD] one equally long, declaiming against this as a precedent that would cost this Government, in the language of the Senator from Michigan, a billion dollars at least, and the Senator from Oregon would like to go for this bill, but it established such a precedent that he was alarmed. Now, has the Senator from Oregon forgotten that he has lived under this law for two years? On the 4th day of July, 1864, the Congress of the United States passed this law:

"That all claims of loyal citizens in States not in rebellion for quartermaster's stores actually furnished to the Army of the United States, and receipted for by the proper officer receiving the same, or which may have been taken by such officer without giving such receipt, may be submitted to the Quartermaster General of the United States, accompanied with such proofs as each claimant can present of the facts in his case; and it shall be the duty of the Quartermaster General to cause such claim to be examined, and if convinced that it is just, and of the loyalty of the claimant, and that the stores have been actually received or taken for the use of and used by said Army, then to report each case to the Third Auditor of the Treasury, with a recommendation for settlement."

That was the law passed on the 4th day of July, 1864. There was the precedent. If the Senator is alarmed at the precedent, he has lived under it for two years. That law applied to Missouri, it applied to Kentucky, it applied to West Virginia, it applied to Maryland—States in which our armies were. Now, what is the effect of this bill which we are trying to pass to-day? It is simply to pay the loyal citizen in Tennessee and Arkansas just as we have been paying him in Kentucky and in Missouri and in West Virginia and in Maryland all the time; and it has other limitations on it. We have put on the present bill a definition as to what loyalty shall be, requiring the party affirmatively to show some loyal act. What else have we done? We have taken away from the Quartermaster General and the Commissary General the right to pass upon claims to an unlimited extent, and placed all claims over \$500 in the Court of Claims. This is a restrictive bill. It is a bill requiring stricter proof of loyalty than the present law requires. It is a bill placing the larger claims under the jurisdiction of a court, throwing additional security around the Government. That is what this bill is; and if there is anything about precedent, you have agreed to pay loyal men—

Mr. HOWARD. There is no precedent to pay persons who were resident in the rebel States during the war, and the Senator is now endeavoring to fix and settle that question.

Mr. TRUMBULL. Then the whole precedent is this, and that is what you are alarmed about when you speak of a billion of dollars: that you are willing to pay a man in Kentucky and are not willing to pay one in Tennessee. Here was Major Lewis the other day in this city, the old friend of General Jackson, who owned property all around Nashville and gave all he had to your Army to feed it when there, bringing with him the certificates of his loyalty from Major Generals Thomas and Granger and Palmer, and every man who was ever there—

a man tottering, over fourscore years of age, bearing with him here the open ballot that he gave when the question of secession was presented to the voters of Tennessee and when he marched up to the polls in the neighborhood of Nashville, and with an open vote, and giving his reasons why he could never vote for secession or to dissolve this Union, placed it openly before the judges; and that man you will not pay; it is a dangerous precedent to pay him; but if he had been on the other side, over in Kentucky, you would have paid him!

Mr. HOWARD. The Senator will allow me one word. I would pay such a claim as that for this reason: that the claimant has actually and voluntarily contributed without being constrained to it his means and efforts to give success to the Union Army. That shows a will and a purpose which I admire.

Mr. TRUMBULL. The bill provides to pay nobody except he can show his loyalty affirmatively. It is stricter than the old law. As now amended, the party must show affirmatively that on every occasion where it was practicable he has manifested his loyalty and devotion to the Union. And now how preposterous to say that this will take a billion of money! Why, sir, the whole supply of your commissary and quartermaster's departments did not amount to a billion, all they ever used. It is no answer to get up scarecrows about a bill without examining it. A thousand millions of money was never used by both departments from the beginning of the war to the end; and yet Senators come in here and make such grave statements as this, and talk about precedents, when they have been living under a law like this two years, and a law not as closely guarded as this; and the Senator from Oregon, to my utter surprise, when talking about the danger to this Government, talked about sending out a congressional commission to pay claims for damages at random all over the United States! I do not know but that you would get a billion of dollars then. It is a great deal safer to put the matter under the checks and guards that are thrown around this bill, and in your Court of Claims, where you will have attorneys, and where you will have cross-examination, and where you will subject every claim to a judicial investigation before you will pay one of them that amounts to more than \$500.

Mr. WILLIAMS. Mr. President, I am somewhat surprised at the very emphatic manner in which the honorable Senator from Illinois condemns me for making any distinction between loyal and disloyal States of the Union. Now, sir, if there be no distinction I should like to know how he reconciles himself to the position which he occupies here as opposed to the representation of those States in Congress at this time. I have supposed that that distinction has been recognized in more ways than one by Congress; and because the law has provided for the payment of men in the loyal States to whom the Government has become indebted, does it therefore follow that those persons in the seceded States whose claims originated in this war are to be paid by the Government. I should like to know why the law to which the gentleman refers at the time it was enacted made a distinction between the loyal and the disloyal States.

Mr. TRUMBULL. Because at that time we were in the midst of the rebellion.

Mr. WILLIAMS. No doubt of that, and, sir, we are forgetting the lessons of this war every day. There is no more reason now why a law should be passed paying indiscriminately all persons in the South who may make it appear that they are loyal for claims which they have against the Government than there was in making a law to that effect at the time the law to which the gentleman refers was passed, for the claim of a loyal man then was as good as the claim of a loyal man at this time.

Now, sir, the gentleman represents that we have manufactured a scarecrow, or at least that the honorable Senator from Michigan did, in saying that this might lead to the expenditure of a billion dollars. I did not understand

myself to say that that expenditure would accrue in the payment of these claims, but I say, and the intimation has been distinctly made here already in this discussion, that if you pay these men for the property which the officers of the Federal Army took for the subsistence of the Army it will be followed by a claim to pay for the property which the Federal armies destroyed belonging to Union men.

Mr. TRUMBULL. Have we done that in the loyal States?

Mr. WILLIAMS. We have not done it in the loyal States.

Mr. TRUMBULL. Why should we do it down there any more than in the loyal States?

Mr. WILLIAMS. Because the argument will be, and it will be difficult to meet, that if a man who is a loyal man there had property which was taken by the Government with or without a receipt and if he is entitled to pay for that property, then he is entitled to pay for property that was destroyed. I do not say that we shall do it, but I say that that argument will be forced upon us, and it will be difficult to meet it; and it is in that respect that I fear the precedent.

Now, sir, I deny that the honorable Senator can put me in the position of refusing payment in the case which he has presented in his remarks, because I do not deny that there may be cases of peculiar hardship arising where indemnity should be made; but this bill, as I understand it, deprives Congress of all jurisdiction over the subject, turns this whole matter of adjusting these immense claims, immense in number and amount, to another department of the Government. That may be right; it may be safe; but so far as I am concerned, I have apprehensions that it will not be found to be a judicious law.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Wisconsin to the amendment of the Senator from Massachusetts.

Mr. HOWE. I wish to modify my amendment by saying "entered upon," instead of "taken up." Senators about me think that is a better form of expression.

The PRESIDING OFFICER. It is in the power of the Senator to modify his amendment, and that modification will be made.

Mr. HENDERSON. I apprehend that the Senator from Wisconsin, if he will reflect for a moment, will not insist upon that amendment. For myself, I am perfectly indifferent about this bill. The Senator from Wisconsin knows as a member of the Committee on Claims that I have voted constantly against the allowance of all these claims, not upon any legal ground, but because I have insisted that in all probability they would bankrupt the Government, and I thought we had better look into them somewhat before entering upon their payment. I shall not object, however, to the passage of this bill. But if the Senator from Wisconsin insists upon the amendment which he now offers, it will certainly defeat the very object that he a little while ago said he had in view. If he thinks that no claim should be allowed except those which have been taken up on the quartermaster's return, (and he makes no change now by saying "entered upon,") he is sadly mistaken in supposing that his amendment does not affect the bill. Where a quartermaster has put upon his return a claim and it is returned here, of course he could not have done that without issuing what is called a quartermaster's voucher. That is utterly impossible. He retains one copy of it, and gives duplicates to the individual from whom he gets the property. That certificate in the hands of the individual from whom the property is obtained is never paid until the returns come in to the quartermaster's department. When they come in and the quartermaster has made his settlement, this becomes a voucher in the hands of the individual, and any quartermaster in the United States will give him the cash, any banker in the United States will give him the cash. Bankers purchase up these certificates after it is certain that they have

been returned, "taken up" on the quartermaster's returns. It is not worth while now to say that the Quartermaster General may allow those claims which may have been taken up on the quartermaster's return, because they are worth the cash all over the United States; they are bound to be paid anywhere.

If I understand this bill it is for the purpose of covering altogether a different class of claims. For instance, a quartermaster passing through my State took forage from an individual, a farmer, and he did not enter it upon his returns, he never charged himself with it, and did not credit himself with it; it was an outside matter. He may have given the party a certificate, or he may have said "You are a disloyal man and I will not give you any certificate," or he may have given him a receipt, saying, "This is to certify that I took from this individual on this occasion five hundred bushels of corn; I have not time to inquire into his loyalty." Quartermasters in my State never gave receipts unless they were satisfied of the loyalty of the individual. He may say "I am not satisfied of the loyalty of this individual; I give my receipt, but I do not put it on my returns." If I understand it, this bill is for cases of that character, and for cases where property has been taken and a receipt not given at all. The Senator accomplishes nothing certainly by saying "entered upon the returns" or "taken up on the returns," because then the voucher is perfectly good and worth the cash in any part of the United States.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now is on the amendment moved by the Senator from Massachusetts, [Mr. WILSON.]

Mr. FESSENDEN and Mr. SUMNER called for the yeas and nays; and they were ordered.

Mr. HARRIS. I ask that the amendment may be reported.

The Secretary read the proposed amendment, which was in lines six and seven, of section one to strike out the words "or which may have been taken by such officer without giving such receipt."

The Secretary proceeded to call the roll.

Mr. CLARK, (when his name was called.) I agreed to pair with the Senator from Iowa [Mr. GRIMES] who has left the Chamber until the adjournment.

The result was announced—yeas 17, nays 13; as follows:

YEAS—Messrs. Brown, Conness, Cragin, Fessenden, Harris, Henderson, Howard, Howe, Lane of Indiana, Morgan, Pomeroy, Ramsey, Sprague, Sumner, Wade, Williams, and Wilson—17.

NAYS—Messrs. Davis, Doolittle, Edmunds, Foster, Guhrrie, Hendricks, Johnson, Poland, Saulsbury, Stewart, Trumbull, Van Winkle, and Wiley—13.

ABSENT—Messrs. Anthony, Buckalew, Chandler, Clark, Cowan, Creswell, Dixon, Grimes, Kirkwood, Lane of Kansas, McDougall, Morrill, Nesmith, Norton, Nye, Riddle, Sherman, Wright, and Yates—19.

So the amendment was agreed to.

Mr. WILSON. The adoption of that amendment makes it necessary to strike out the same words in the second section and in the third section; in the second section in lines four and five, and in the third section in lines five and six.

Mr. TRUMBULL. The Senate has just decided upon that question by a yea and nay vote. These are the words of the old law applicable to the loyal States, but it applied to Kentucky and Missouri, and is the law now and applies to all these cases. The bill is a very restricted one. No great amount of claims can come under it. It has been in operation for two years, and the whole amount allowed by the commissary and quartermaster's departments a short time ago, as reported, was less than half a million; I think only about a quarter of a million, when we got the report, since the session commenced.

Mr. WILSON. Can the Senator tell us how much has been claimed?

Mr. TRUMBULL. We had the amount; I do not recollect what it was; three or four millions, I think, in all these States.

Mr. FESSENDEN. In the loyal States?

Mr. TRUMBULL. The loyal States included those States where our armies were, the State of Missouri, the State of Kentucky, the State of West Virginia, and the State of Maryland. It is the present law, and I really think the Senate is making a mistake in striking out those words.

Mr. HENDERSON. Claims were presented from all the States. The construction given outside to the law of 1864 was that claims could be allowed from all the States, and they presented claims from Virginia, Georgia, Alabama, and elsewhere.

Mr. TRUMBULL. They presented those claims but they were not allowed. Claims were brought up from all the States under the law as it is, but the officers construed the law as applying only to the loyal States.

Mr. HENDERSON. To citizens of loyal States.

Mr. TRUMBULL. Yes; it must be citizens of loyal States who presented the claim.

Mr. HENDERSON. And the taking must have been in a loyal State.

Mr. TRUMBULL. That was the construction put upon it, although there were claims brought in from the other States.

Mr. WILLEY. I regret, with the Senator from Illinois, that this amendment has been made. Of course it indicates the sense of the Senate as to those words in the other sections. I shall be under the necessity of voting against the bill altogether if it be put in this form, because while I am exceedingly desirous to extend justice to loyal men in the southern States, I want to retain as much as possible of it for the loyal men who come within the purview of the law in the loyal States. The effect of this bill so amended will be to repeal the law as it exists already. What will be the result, then, upon the States of Missouri, Kentucky, West Virginia, and Maryland? Every loyal man who has furnished supplies to the Army; who has fed our soldiers; who has furnished forage; every loyal man who has thus placed himself in a relation to the Federal Government which, if he sustained the same relation to an individual, would justify an action of assumpsit and the recovery of a judgment and an execution to secure payment for his property, would be deprived by the repeal of the law as it now exists of enforcing his just claims against the Government.

Mr. FESSENDEN. The Senator can avoid that by just making an amendment confining this bill to the States that were declared in insurrection.

Mr. WILLEY. I cannot for the soul of me bring my mind to make any distinction between a loyal man in a loyal State and a loyal man in a disloyal State. Sir, if the Senator from Maine had lived in West Virginia, if he had lived along the border of the States in insurrection, if he had seen men, as I have seen them, hunted in the mountains, sometimes immured in rebel prisons, coming back again with hearts unbent and unsubdued, standing up manfully for the flag of their country, eager and willing oftentimes to divide the little of food they had for man and forage for beast with "our boys in blue" when they passed by their homes—if he had seen all this as I have seen it, I think his feelings toward the loyal men in the South would have been different from what they are.

Sir, what difference does it make if a man with a loyal heart in his bosom furnishes a portion of what he has to feed our soldiers and forage our horses whether his misfortune was to be born in a southern State or his fortune was to be born in a northern State? Is there not all the more credit due to him because he maintains his integrity in a disloyal State, surrounded by fire and persecution and obloquy and scorn, and stands up, notwithstanding all this, and gives his means to support our armies and for the prosecution of the war? How can it be possible that the nation can receive valuable consideration from loyal men in these disloyal States, and yet refuse to pay for it hon-

estly and honorably, as I think we ought? Sir, if I had I gone down through the State of Maine during these late troubles, these Fenian troubles, or during those other struggles during the war, when those wretched incendiaries from the South were attempting to burn his towns and his villages, and were robbing his banks, and in the hurry of my progress to his rescue I had taken of his substance, of his food or of his forage to support myself or to forage my beast—if I had done that, or to change the figure, if I had thus gone there on my own business, and afterward he had demanded payment at my hands, and should say, "Sir, you have received so many bushels of corn, you received so much forage, you received so much valuable consideration;" and I should reply, "Oh, yes, I have received it; I acknowledge to that fact; but you have no certificate that I received it; I did not give you a receipt, sir, that you had got it. You do not hold my bond." Would that exonerate me, in the estimation of the honorable Senator from Maine, from paying full and fair consideration for what of his means I had received? Sir, he would have scouted me from his presence as unworthy of the character and pretensions of an honorable man.

Let me put an actual case within my own knowledge. I know the man to-day. It is not a supposititious case. He is an old man. All through this terrible war, although he lived in a southern State, he was steadfast, unflinching; his iron will and his patriot heart never bent for a moment before the storm that beat upon his household. Sometimes he was immured, more than once, in rebel prisons; at other times he was hunted as a wild beast in the mountains; sometimes he stole stealthily home at midnight to his fireside to spend an hour with his family, and then again sought his refuge in the caves of the mountains. Our armies on a certain occasion, and on more occasions than one, passed by him. From his retreat he came out to meet them with beaming eyes and bounding heart, so glad was he to look upon the old flag of his fathers, for he inherited revolutionary blood; he gladly divided with them what little of food he had for man and forage for beast. On two occasions they gave him certificates, on other occasions he would not have any. He stands here to-day, or those of the class of whom he is a representative stand before Congress, and what is the response they meet at the threshold of justice of this great and magnanimous nation? The Senator from Massachusetts, always so just and always so generous, turns upon him his back, and the Senator from Michigan says, "Begone, you are a public enemy; you are of no more consideration than a rebel himself." Sir, is that the way in which we are to treat these loyal men? Are we in that manner to draw a distinction between Union men of the South and rebel men of the South? Are we to be forever proclaiming that we will make treason odious and that we will make Unionism honorable, and yet make no distinctions between the traitor and the Union man? Will we say to the Union man, "Yes, you have given us of your substance, but we will not pay you for it?" Or shall we say to such men as he to whom I have alluded, who gave two sons to the service of his country, one of whom lies among the melancholy hillocks at Andersonville, and the other, wrapped in his gory uniform, slumbers on the field of battle where he fell—will you say to such men as that, "We will not pay justly and honorably for the means which you have given to the support of the country in the hour of its peril and of its want?" Why, sir, it seems to me that it absolutely is abhorrent to all the better sentiments of human nature, not to say entirely inconsistent with the character for justice and magnanimity of a great and righteous nation.

I trust, sir, that this distinction will not be made, and that the United States Senate will not say to men, "Unless you present us with a certificate, unless you present us with a bond for the food we have received and the forage

we have had and the means you have given us to support the war and carry it on, we will not pay you." I hope it will not be done.

Mr. FESSENDEN. I do not like to be misunderstood; I will not say with regard to the honorable Senator from West Virginia that he misrepresented, because he never intentionally misrepresented anybody. My objection to the bill is not founded on the idea that I would not pay a Union man if I could find him and his claim was established. That I have not asserted. I go with the Senator in that respect, so far as I am concerned. He might have spared all his eloquent appeals to "Andersonville," "gory shroud," and all that kind of thing, which I do not think very good argument, especially on a matter of money, a matter of business, although it may be very good eloquence. My objection is to the mode in which you are getting at it. I will not put all these claims that may arise in the eleven disloyal States into the hands of a clerk in the Quartermaster General's office, without any written testimony to look into, for him to report on them as he may choose to report. God only knows what sort of clerks you may have to do it. My objection, as I have said before, is that I will not put the Treasury of the United States into the hands of such an officer. I do not like the mode proposed. I do not know when the law to which reference was made was passed, but it certainly passed without my observation.

Mr. TRUMBULL. It was in 1864.

Mr. FESSENDEN. I did not know until this bill came up that there was such a law in existence; but there is not the same danger in such a law confined to the loyal States. In the first place, confined to those States it was very much less extensive, and in the next place, we do not look there for disloyal men.

Mr. HENDRICKS. I wish to ask the Senator from Maine if he has not consented that in the Department over which he presided clerks examining claims should adjudicate upon claims amounting to thousands and hundreds of thousands of dollars for vessels taken and which we agreed to pay for if the vessels were lost, without any evidence except parol testimony.

Mr. FESSENDEN. Everything there goes through the regular accounting officers.

Mr. HENDRICKS. Just so; but they were examined by clerks, as these claims will be examined by clerks.

Mr. FESSENDEN. That may be, but they passed under the hands of the accounting officers afterward. But at any rate questions of this sort have not come up before. Another thing I will say to the Senator, that if it is wrong there it is wrong here, and if it is wrong here I think it is wrong there.

Mr. HENDRICKS. I do not think it is wrong in either.

Mr. FESSENDEN. I do.

Mr. HENDRICKS. I think the man ought to be paid.

Mr. FESSENDEN. When the Senator puts it to me, "Was it not so in your Department?" that proves nothing if it was wrong.

Mr. HENDRICKS. I think the Senator was in the Senate when that bill was passed which requires the Departments to pay for vessels that were taken on the rivers and were lost in the service.

Mr. FESSENDEN. Very likely I may have been. I have done a great many unwise things in my day, and probably that was not one of them.

Mr. HENDRICKS. I think not.

Mr. FESSENDEN. But the answer that is made in this case, "was it not so in another case," and so on, does not prove anything. That is no answer to an argument. Many things are done wrong, but they do not form a justifiable precedent for others. What I have spoken of is the great extent of these claims, extensive as they must be; and with what we have seen of the facility with which the most red-handed rebel can be proved a loyal man, I am unwilling for the next five or ten or fifteen or twenty years to put the Treasury of the Uni-

ted States into the hands of clerks of the Departments. I would rather the claims should go through the Court of Claims, and be properly adjudicated. I rose merely to say that I objected to the mode, and not to the thing. Prove to my satisfaction that the property of a loyal man has been taken by our armies and used for the benefit thereof, and I am willing to pay him.

Mr. LANE, of Indiana. I move now that the Senate take a recess until seven o'clock.

The motion was agreed to.

EVENING SESSION.

The Senate reassembled at seven o'clock P. M.

THADDEUS HYATT.

Mr. POMEROY. I move to postpone the consideration of the measure which has been under consideration this afternoon and take up Senate bill No. 367.

Mr. LANE, of Indiana. I suppose it is not necessary to make a formal motion to postpone; I will give way for a moment.

The PRESIDENT *pro tempore*. The Chair is of opinion that the unfinished business on which the Senate was engaged at the time the recess was taken is now properly before the Senate.

Mr. POMEROY. I move to postpone the unfinished business and take up the bill (S. No. 367) to extend the time of letters-patent issued to Thaddeus Hyatt. It is a bill which has been reported from the Committee on Patents, and will excite no discussion I think.

The motion was agreed to; and the bill (S. No. 367) to extend the time of letters-patent issued to Thaddeus Hyatt was read the second time.

Mr. GRIMES. How did that bill come before the Senate? I desire to inquire.

The PRESIDENT *pro tempore*. It was taken up on the motion of the Senator from Kansas.

Mr. GRIMES. I thought the understanding was that we were to take up pension business this evening. This is a bill for the extension of a patent. I object to its being considered now.

Mr. POMEROY. If anybody has any objection to it, I will consent to let the bill go over.

Mr. GRIMES. I object to any case of that kind being taken up now.

Mr. POMEROY. Let the bill be laid aside. I did not suppose anybody had any objection to it.

Mr. GRIMES. I do not know anything about it. I did not come here prepared to consider such subjects to-night.

The PRESIDENT *pro tempore*. The bill will be laid aside.

PETER ANDERSON.

Mr. LANE, of Indiana. I move to take up Senate bill No. 79.

The motion was agreed to; and the Senate resumed the consideration of the bill (S. No. 79) for the benefit of Peter Anderson. It provides for the payment to Peter Anderson of \$1,128, in full for back pension, at the rate of six dollars per month, from the day he received his wounds to the day his pension commenced, under award of Commissioner of Pensions; that is, from November 7, 1847, to July 13, 1863.

The bill was ordered to be engrossed for a third reading, and was read the third time and passed.

ANN SHEEHY.

Mr. LANE, of Indiana. I move now to take up for consideration House bill No. 461.

The motion was agreed to; and the Senate resumed the consideration of the bill (H. R. No. 461) granting a pension to Ann Sheehy.

The bill proposes to direct the Secretary of the Interior to place the name of Ann Sheehy, of Boston, Massachusetts, on the roll of invalid pensions, and pay her the sum of eight dollars per month during her widowhood; and also to direct the proper accounting officers of the Treasury to settle and adjust the accounts

of John Sheehy, late a private in company D, twenty-eighth Massachusetts volunteers, and pay to Ann Sheehy the amount that may be found to have been due him on the 3d day of July, 1863, the date of his death.

Mr. GRIMES. Is there a report in that case?

Mr. LANE, of Indiana. Yes, sir; the report of the House committee was read on a former occasion.

The bill was ordered to a third reading, read the third time, and passed.

WILLIAM CROSWELL.

On motion of Mr. LANE, of Indiana, the bill (S. No. 354) for the relief of William Crosswell was read the second time and considered as in Committee of the Whole. It is a direction to the Secretary of the Interior to place the name of William Crosswell, of Boston, Massachusetts, on the roll of invalid pensioners, at the rate of eight dollars per month, to commence on the 1st day of February, 1865.

Mr. GRIMES. Let us hear the report in that case.

The Secretary read the following report, made by Mr. LANE, of Indiana, from the Committee on Pensions:

The Committee on Pensions, to whom was referred the petition of William Crosswell, have considered the same, and beg leave to report:

It appears from the petition and accompanying papers that the petitioner shipped on board the United States steamer Columbia in December, 1862. In January following the Columbia was wrecked on the coast of North Carolina, and the petitioner, in attempting to leap from the vessel into a boat which was being tossed about by the waves, struck his side against the thwarts and produced a rupture. His injury was aggravated by exposure in wet and insufficient clothing, and by bad treatment, as a prisoner, by the rebels, he having been captured and taken to Richmond after his escape from the vessel. He is now unable to support himself, and asks a pension of the Government. He is unable to produce evidence from those who were present at the time of the accident, inasmuch as in the general confusion which prevailed scarcely anybody noticed it. One witness, upon whom he depended for proof, has deserted since his exchange, and is not available. Ample testimony does exist, and that it did not exist before the petitioner entered the service.

The committee are of the opinion that the case is meritorious, and they submit herewith a bill allowing the petitioner a pension of eight dollars per month, to commence on the 1st day of February, 1865.

The bill was reported to the Senate.

Mr. GRIMES. I suggest to the Senator from Indiana that the bill does not put this man on the naval pension-list.

Mr. LANE, of Indiana. No; we doubted about the propriety of that, as this occurred on a Government transport.

Mr. GRIMES. Was he not a seaman?

Mr. LANE, of Indiana. No; he shipped on board a Government transport. We have put a provision that the pension shall be paid out of the naval pension fund in those cases where we thought it proper. I have no objection to such an amendment here if the Senator from Iowa thinks it proper.

Mr. GRIMES. It strikes me that the committee may possibly have made an error in this case. They say in their report that "it appears from the petition and accompanying papers that the petitioner shipped on board the United States steamer Columbia in December, 1862." If she was a United States naval vessel, he would be entitled to be put upon the naval pension-roll; but if he shipped in an Army transport he is not entitled to a pension at all, because all the Army transports that I am aware of were chartered under charter-parties, and those who were employed as seamen on board of them were paid by the persons who executed the charter-parties. I think it will be discovered that if this man shipped on the Columbia—I have no recollection of any such vessel belonging to the Navy—he was not in the United States Government service at all except in so far as the vessel to the crew of which he belonged was in the Government service.

Mr. LANE, of Indiana. I think he was in the service in a transport. He was captured and taken to Richmond afterward and was returned as a prisoner of war, at all events.

Mr. GRIMES. I observe that he says in

the petition that he was shipped as an ordinary seaman in the United States naval service. If so, he ought to go on the naval pension fund. There does not seem to be any testimony to support the case, though.

Mr. LANE, of Indiana. He accounts for the absence of testimony on the ground that he was captured and taken prisoner, and the witness who was with him has deserted our service, but there is abundant proof of the nature of the injury.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

LUCINDA GATES.

Mr. LANE, of Indiana. I move to take up House bill No. 616.

The motion was agreed to; and the bill (H. R. No. 616) for the relief of Lucinda Gates was considered as in Committee of the Whole. It provides for placing the name of Lucinda Gates, widow of the late Horace Gates, of Franklin, Vermont, on the roll of invalid pensions, she to be paid the same pension during her widowhood, from the death of her husband, as was allowed him per special act approved July 4, 1864.

The bill was reported to the Senate.

Mr. WILLIAMS. I should like to inquire what the special act is to which reference is made in this bill.

Mr. LANE, of Indiana. There is a House report accompanying the bill which can be read if desired. We examined the papers and found the case entirely satisfactory. I cannot remember the facts of this particular case, there are so many of them.

Mr. WILLIAMS. I do not ask for the reading of the report if the Senator will state the case.

Mr. LANE, of Indiana. It is a House bill. I do not remember the facts of the case, though I know that we examined the papers and found them satisfactory.

Mr. RAMSEY. I imagine that our committee had before them all the evidence on which the House committee acted.

Mr. LANE, of Indiana. We had all the evidence, and examined all the papers which were before the House, and finding the House report satisfactory, we adopted it for ourselves.

Mr. RAMSEY. I imagine that is sufficient.

Mr. WILLIAMS. I will not insist on the reading of the report, but I supposed the Senator from Indiana could explain in a word what the bill meant.

Mr. GRIMES. We have just passed a bill where we had no evidence at all.

Mr. LANE, of Indiana. The committee examined all the papers. If all the papers were not here, we sent to the House of Representatives and got every paper they had acted upon, and examined every one separately, and wherever the House report was satisfactory we did not make a new report.

The bill was ordered to a third reading, was read the third time, and passed.

REUBEN CLOUGH.

Mr. LANE, of Indiana. I move to proceed to the consideration of Senate bill No. 171, for the relief of Reuben Clough, which was reported by the Senator from Vermont, [Mr. EDMUNDS.]

The motion was agreed to; and the bill (S. No. 171) for the relief of Reuben Clough was considered as in Committee of the Whole. The purpose of the bill is to direct the Secretary of the Interior to place the name of Reuben Clough on the invalid pension-roll, at the rate of eight dollars per month, commencing on the 15th day of May, 1815, and ending on the 29th day of December, 1848, when his present pension was allowed him at the Pension Bureau.

The Committee on Pensions proposed to amend the bill by striking out, in line six, the words "15th day of May, 1815," and inserting "1st day of January, 1816."

Mr. GRIMES. Does the Senator from Minnesota want the report read in that case?

Mr. RAMSEY. I have no objection.

Mr. LANE, of Indiana. There is a report accompanying this bill.

Mr. GRIMES. This is a regular old stager. It has been here ever since I have been in the Senate. The claim runs back to 1816. It has been a favorite with the Vermont Senators, if I remember aright, for the last ten years.

Mr. EDMUNDS. Let the report be read. The Secretary read the following report, made by Mr. EDMUNDS on the 7th of June:

The Committee on Pensions, to whom was referred Senate bill No. 171, entitled "A bill for the relief of Reuben Clough," having considered the same, beg leave to report:

That the facts in the case appear in the printed paper herewith returned, marked A, to which the committee refer for statement thereof. Under the act of May 15, 1820, (3 Statutes-at-Large, 597), which provides that "the right any person now has, or may hereafter acquire, to receive a pension in virtue of any law of the United States shall be considered to commence at the time of completing his testimony," &c., the said Clough obtained a pension, commencing on the 29th day of December, 1848, at the rate of eight dollars per month. The said Clough was wounded, at the battle of Chippewa, on the 5th day of July, 1814, and was justly entitled to a pension therefor, under the acts of 1812 and 1813.

The committee find from the evidence that the intellect of the said Clough, as well as his physical health, was greatly enfeebled and impaired in consequence of said wound; and they are satisfied from the evidence that he failed to complete his testimony within a few years after the war of 1812 in consequence of his intellect being so enfeebled and of the want of friends to care for his interests. At one time, prior to 1849, but when does not appear, he procured his testimony in part, but his case was neglected and his testimony lost.

Recognizing fully the propriety of these rigorous limitations in the pension laws, they as fully recognize the equitable exceptions which exist in all statutes of limitations, and in most other laws, in favor of persons incapable or deprived of the opportunity of defending their own interest; and inasmuch as the same wound which created his right to a pension deprived him of the intellectual capacity to obtain it, they are of the opinion that no *laches* are imputable to him in the premises, and that he is justly entitled to a pension from such time as he might reasonably have been expected to complete his testimony, had his intellect remained unimpaired, which the committee think would have been January 1, 1816. The committee therefore recommend that the bill pass with an amendment, as follows: in line six strike out the words "15th day of May, 1815," and insert the words "1st day of January, 1816."

PENSION OFFICE, April 19, 1860.

It appears from the evidence that Reuben Clough was wounded at Chippewa July 5, 1814. The Adjutant General made the following report in the case: "That Captain Goodrich's muster-roll for June, 1814, reports that Reuben Clough enlisted October 1, 1812, for five years. On roll for August he is reported 'wounded.' In general hospital July 5, 1814. Captain Bliss's muster-roll, eleventh infantry, war establishment, ending May 15, 1815, reports Reuben Clough wounded July 5, 1814; hospital, Williamsville."

It appears that in the battle of Chippewa he received a wound in his face by a ball entering the right nostril, and passing out back of the angle of the lower jaw into the neck. The surgeons in their certificate say: "The inflammation which would probably result from such a gunshot wound might, and probably would, impair materially the mental faculties, by deranging the functions of the brain."

The following is a synopsis of the testimony of witnesses, in the order in which it is presented: Henry Newman, who lives near, and has known Reuben Clough twelve years, knows he is very poor, and incapable of getting his living; his mind appears to be very much impaired.

Ebenezer Perkins has known him for eight years; knows his intellectual faculties are very poor and much impaired.

Cyrus Smith has known him for fourteen years; considers his faculties very poor toward getting a living.

E. B. Dennison has known him about sixteen years; says his intellectual faculties are and have been very poor, and his memory very treacherous.

Samuel Sleeper has known him well for more than forty years; that before he enlisted in the Army he had a good, fair intellect; that after his return from the Army he was wounded and feeble; his constitution and health very much impaired, his intellect enfeebled, and his memory poor, and has been ever since his return from the Army.

John S. Ruter has been acquainted with Reuben Clough for fifty-three years; knew him when a small boy; up to the time he entered the Army was considered of a strong constitution and fair intellect; on his return he had been wounded in the face and was very feeble; his constitution seemed much impaired and his intellect shattered; his intellect has remained very much impaired to the present day.

David Sleeper has been well acquainted with Reuben Clough since 1808; previous to his entering the Army in 1812 he was considered a smart young man, and of good intellect. Soon after his return from the Army in 1815 he came to my father's; he was then very feeble; appeared to have been severely wounded in and about the mouth; several of his teeth missing, his constitution quite broken down, his intellect greatly impaired; he has never recovered in either body or mind.

John W. Smith has been acquainted with him for more than thirty years; knows that he made several efforts to get his testimony prepared within the last twenty years, but failed on account of his extreme poverty and great deficiency of intellect. Once he procured his testimony in part, but his case was neglected and the testimony lost. Said Clough is very poor and quite the wreck of a man, both in body and mind.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. The bill was ordered to be engrossed for a third reading, and was read the third time and passed.

JOHN GORDON.

On motion of Mr. LANE, of Indiana, the Senate resumed the consideration of the bill (H. R. No. 464) for the relief of John Gordon. It is a direction to the Secretary of the Interior to place the name of John Gordon, late of company G, ninth United States infantry, upon the pension-rolls at the rate of eight dollars per month, to continue during his natural life.

Mr. VAN WINKLE. When this bill was previously before the Senate it was objected to by the Senator from Iowa [Mr. GRIMES] on the ground of its being alleged that a fever sore had ensued from a fever, the man had a deformity from that, and was discharged in consequence. On looking at the report and evidence afterward I found that that matter was really of no consequence, as the sore itself occurred while the man was still in the service, and the deformity ensued, and he was discharged honorably from the service in consequence of the deformity. I have, nevertheless, desiring to be enlightened, looked into the nature of these fever sores, and I find from Worcester's Dictionary that "fever sore is the common name of a species of caries or necrosis;" that "necrosis is mortification, particularly mortification or lifeless state of a bone." Caries is "ulceration or rottenness of a bone; cariosity." Webster says "fever sore" is "the popular name of a carious ulcer or necrosis," and that "necrosis" is "among physicians, mortification, the dry gangrene; among surgeons, an inflammation of a bone, terminating in its death." I have also a letter from a physician in this city, which was procured for me by Dr. Evans, Senator-elect from Colorado, saying:

"Fever sore is defined to be a popular name for a carious ulcer, commonly caused by the death of bone. The parts of the body where such a condition occurs are upon the bones, hands, the feet, and the legs. The causes which produce such a malady are injuries, bruises, and any cause that will seriously depress the vital forces. Contractions and deformities of the part invariably ensue after such a disease, injuring the usefulness and strength of the part."

I think the case was entirely satisfactory except as to this one point; and I presume that if these definitions have not removed the difficulty on that score, the fact that the sore occurred while the man was still in the service and in the line of his duty, and that he was discharged from the service in consequence of his being unable to render military service, will be sufficient to satisfy all.

The bill was ordered to a third reading, was read the third time, and passed.

HOPESTILL BIGELOW.

Mr. LANE, of Indiana. I move to take up Senate bill No. 359 for consideration.

The motion was agreed to; and the bill (S. No. 359) for the relief of Hopestill Bigelow, of New Market, New Jersey, was read the second time and considered as in Committee of the Whole. It provides for the payment to Hopestill Bigelow of \$710 93 $\frac{1}{2}$, in full for pension due him from the 17th day of April, 1837, to the 26th day of June, 1848, at the rate of \$5 33 $\frac{1}{2}$ per month, which pension was improperly suspended and not paid to him, and to which he was entitled during that period.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

NANCY A. STOCKS.

On motion of Mr. LANE, of Indiana, the

bill (S. No. 358) granting a pension to Mrs. Nancy A. Stocks was read the second time and considered as in Committee of the Whole. Its purpose is to direct the Secretary of the Interior to place the name of Mrs. Nancy A. Stocks, widow of Reuben Stocks, late a private in company K, eighteenth regiment Illinois infantry volunteers, on the pension-roll at the rate of eight dollars per month, to commence from the 11th day of June, 1863, and to continue during her widowhood.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

ABRAHAM LANSING.

On motion of Mr. LANE, of Indiana, the bill (S. No. 366) granting a pension to Abraham Lansing was read the second time and considered as in Committee of the Whole. It is a direction to the Secretary of the Interior to place the name of Abraham Lansing, late a master's mate in the United States Navy, on the pension-roll at the rate of ten dollars per month, to commence from the passage of the bill, and to continue during his natural life; the pension to be paid out of the naval pension fund.

Mr. VAN WINKLE. I move to amend the bill by striking out in the seventh line the word "bill" and inserting "act."

The PRESIDENT *pro tempore*. That correction will be made.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

MARY A. PATRICK.

Mr. LANE, of Indiana. I move to take up for consideration House bill No. 495.

The motion was agreed to; and the bill (H. R. No. 495) for the relief of Mary A. Patrick was considered as in Committee of the Whole. It proposes to direct the Secretary of the Interior to place the name of Mary A. Patrick, widow of Matthew A. Patrick, who was a captain first artillery United States Army, on the pension-rolls at the rate of twenty dollars per month.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MARY A. McMANUS.

Mr. LANE, of Indiana. I move to take up House bill No. 684.

The motion was agreed to; and the bill (H. R. No. 684) granting a pension to Mrs. Mary A. McManus, widow of Captain Andrew McManus, late of the sixty-ninth Pennsylvania volunteer infantry, was considered as in Committee of the Whole. The Secretary of the Interior will by its provisions be directed to cause the name of Mrs. Mary A. McManus, of Philadelphia, Pennsylvania, widow of Andrew McManus, late a captain of the sixty-ninth regiment of Pennsylvania infantry volunteers, to be placed on the pension-rolls at the rate of twenty dollars per month, to continue during her widowhood, and the pension is to go to the child or children of Andrew McManus until they arrive at the age of sixteen years, in the event of the death or marriage of Mary A. McManus.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DRUSEY A. LAYMAN.

On motion of Mr. LANE, of Indiana, the bill (S. No. 376) granting a pension to Drusey A. Layman was read the second time and considered as in Committee of the Whole. It is a direction to the Secretary of the Interior to place upon the pension-roll the name of Drusey A. Layman, of Palatine, Marion county, West Virginia, widow of Eugenius E. Layman, deceased, late a private in company C, seventeenth regiment West Virginia volunteers, at eight dollars per month from the death of her husband, on the 13th day of January, in the year 1865, to continue during her widowhood.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN PYLE.

Mr. LANE, of Indiana. I move to proceed to the consideration of Senate bill No. 390.

The motion was agreed to; and bill S. No. 390, granting a pension to John Pyle was read the second time and considered as in Committee of the Whole. The Secretary of the Interior is, under its provisions, to place the name of John Pyle, late a sergeant in company B, one hundred and fifth regiment Indiana militia volunteers, on the pension-roll at the rate of fifteen dollars per month, and to continue during his natural life.

The bill was reported to the Senate, ordered to be engrossed for a third reading, was read the third time, and passed.

JOEL FARLEY.

Mr. VAN WINKLE. I move to take up for consideration House bill No. 704.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 704) for the relief of Joel Farley. The Secretary of the Interior is under it to place the name of Joel Farley, late a private in company F, eleventh Iowa volunteer infantry, on the pension-roll, at the rate of fifteen dollars per month.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

CHARLOTTE E. REED.

Mr. VAN WINKLE. I move to take up House bill 702.

The motion was agreed to; and the bill (H. R. No. 702) granting a pension to Mrs. Charlotte E. Reed, was considered as in Committee of the Whole. It is an authorization to the Commissioner of Pensions to issue to Mrs. Charlotte E. Reed, widow of John D. Reed, late of Falls Church, Fairfax county, Virginia, a pension certificate, and place her name on the roll of pensioners, with the pay and under the conditions and limitations of a widow of a private of infantry.

The bill was reported to the Senate without amendment.

Mr. VAN WINKLE. If I understood the reading the bill says "the Commissioner of Pensions." I move to strike out "Commissioner of Pensions" and to insert "Secretary of the Interior."

The amendment was agreed to.

It was ordered that the amendment be engrossed, and the bill be read a third time. The bill was read the third time and passed.

JOHN W. JONES.

On motion of Mr. VAN WINKLE, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 700) for the benefit of John W. Jones. It directs the Secretary of the Interior to place the name of John W. Jones, late a private in company K, seventeenth regiment, Ohio volunteer infantry, on the pension-roll, and pay him a pension at the rate now allowed by law to pensioners who have suffered the loss of the right arm; and if the pension allowed to that class of pensioners should hereafter be changed by law, he is thereafter to be paid a pension according to such change.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES L. PERHAM.

On motion of Mr. VAN WINKLE, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 699) for the relief of James L. Perham. The Secretary of the Interior is directed by the bill to pay to James L. Perham, late of company G, tenth regiment Maine volunteers, a pension at the rate of eight dollars per month, from February 4, 1863, to November 17, 1864, amounting to \$171 36.

The bill was reported to the Senate without

amendment, ordered to a third reading, read the third time, and passed.

LIEUTENANT COLONEL FRANK LYNCH.

On motion of Mr. VAN WINKLE, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 703) for the relief of Lieutenant Colonel Frank Lynch. It directs the Secretary of the Interior to place the name of Frank Lynch, late of the twenty-seventh regiment Ohio volunteer infantry, on the pension-rolls, at the rate of pension allowed to a lieutenant colonel, to which rank he was commissioned, and pay to him at that rate in lieu of any other pension to which he may have been entitled.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MRS. MERCIE E. SCATTERGOOD.

On motion of Mr. VAN WINKLE the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 698) granting an increase of pension to Mrs. Mercie E. Scattergood. The Secretary of the Interior is directed by the bill to cause the name of Mrs. Mercie E. Scattergood, widow of Edward Scattergood, to be placed on the roll of naval pensioners, at the rate of fifteen dollars per month, to continue during her widowhood, and to be continued to the children of Edward Scattergood who are under sixteen years of age in the event of her death or marriage; the pension, thus granted to be in lieu of that now received by her.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

W. B. KELLEY.

Mr. VAN WINKLE. I now move that the Senate proceed to the consideration of Senate bill No. 398.

The motion was agreed to; and the bill (S. No. 398) for the relief of W. B. Kelley was read the second time and considered as in Committee of the Whole. It directs the Secretary of the Interior to pay to W. B. Kelley, late a second lieutenant in company F, first regiment Kentucky cavalry volunteers, a pension at the rate of fifteen dollars per month, from the 31st of July, 1863, to March 13, 1865, amounting to \$291 50.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

CHILDREN OF SALVADOR ACCARDI.

Mr. LANE, of Indiana. I move that the Senate proceed to the consideration of House bill No. 742.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 742) for the relief of the minor children of Salvador Accardi, deceased. The bill proposes to direct the Secretary of the Interior to place the names of Adrian J. P. Accardi and Lavinia M. E. Accardi, minor children of the late Salvador Accardi, a musician in the United States Navy, on the pension rolls, and to pay, out of the naval pension fund, a pension of eight dollars per month to their legally appointed guardian, until the youngest of the children shall attain the age of sixteen years. This act is to take effect from the 1st day of January, 1864.

The Committee on Pensions reported an amendment to the bill, which was in lines four, five, and six, to strike out the name "Accardi" and insert "Accardi."

The amendment was agreed to.

The bill was reported to the Senate, as amended, and the amendment was concurred in. It was ordered that the amendment be engrossed and the bill read the third time. The bill was read the third time and passed. Its title was amended so as to read, "A bill for the relief of the minor children of Salvador Accardi, deceased."

SAMANTHA RADER.

Mr. LANE, of Indiana. I move that the

Senate proceed to the consideration of House bill No. 739.

The motion was agreed to; and the bill (H. R. No. 739) for the relief of Lemantha Rader was considered as in Committee of the Whole. The Secretary of the Interior is directed by the bill to place the name of Lemantha Rader, widow of John Rader, late a private in company K, seventeenth regiment Ohio infantry, on the list of pensioners, and pay her the sum of eight dollars per month during her widowhood; and in the event of her marriage or death, then to the minor child or children of John Rader, subject to the limitations and restrictions of the pension laws.

The Committee on Pensions reported the bill with an amendment, in lines four and nine, to strike out the word "Lemantha" and to insert "Samantha."

The PRESIDENT *pro tempore*. That correction in the name will be made if there be no objection.

The bill was reported to the Senate as amended and the amendment was concurred in. The amendment was ordered to be engrossed, and the bill to be read a third time. The bill was read the third time and passed, and its title was amended so as to read, "A bill for the relief of Samantha Rader."

EDGAR T. HARRIS.

Mr. LANE, of Indiana. I move now to proceed to the consideration of House joint resolution No. 179.

The motion was agreed to; and the joint resolution (H. R. No. 179) for the relief of Edgar T. Harris was considered as in Committee of the Whole. It provides for placing the name of Edgar T. Harris, of the first West Virginia infantry, upon the list of pensioners, at such a rate of pension as the laws allow for full and permanent disability.

The joint resolution was reported to the Senate, ordered to a third reading, read the third time, and passed.

GEORGE W. BUSH.

Mr. LANE, of Indiana. I move now to proceed to the consideration of House bill No. 705.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 705) for the relief of George W. Bush. It directs the Secretary of the Interior to pay to George W. Bush, of the city and county of New York, late a sergeant in company G, ninetyeth regiment New York volunteers, a pension of eight dollars per month from August 29, 1863, to March 3, 1865.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. EMERANCE GOULER.

Mr. LANE, of Indiana. I move now to take up House bill No. 743.

The motion was agreed to; and the bill (H. R. No. 743) amendatory of an act entitled "An act granting a pension to Mrs. Emerance Gouler," was considered as in Committee of the Whole. It proposes to amend an act approved April 18, 1866, granting a pension to Mrs. Emerance Gouler, so as to continue the pension granted to Mrs. Gouler, in the event of her death or remarriage, to her minor children under the age of sixteen years, had by her late husband, Charles Gouler, a private of company F, ninth New Hampshire volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MATILDA J. MONROE.

Mr. LANE, of Indiana. I move now to take up House bill No. 740.

The motion was agreed to; and the bill (H. R. No. 740) for the relief of Matilda J. Monroe was considered by the Senate as in Committee of the Whole. The Secretary of the Interior is directed by the bill to place the name of Matilda J. Monroe, widow of David B. Monroe, late a sergeant in company A, sixty-second

Ohio volunteers, on the pension-rolls at the rate of eight dollars per month, and continue during her widowhood, commencing on the 16th of March, 1863, and in the event of her death or remarriage, then to the minor children of David B. Monroe, subject to the limitations and restrictions of the pension laws.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JONATHAN W. BEACH.

Mr. LANE, of Indiana. I move to proceed to the consideration of House bill No. 741.

The motion was agreed to; and the bill (H. R. No. 741) granting pension to Jonathan W. Beach, was considered as in Committee of the Whole. It provides for placing upon the pension-rolls the name of Jonathan W. Beach at twenty-five per month during his blindness.

The Committee on Pensions reported an amendment to the bill, in line six, after the words "twenty-five" to insert "dollars."

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in. It was ordered that the amendment be engrossed and the bill read a third time. The bill was read the third time and passed.

SARAH BACON.

Mr. LANE, of Indiana. I move to take up Senate bill No. 403, which was reported adversely.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 403) to place the name of Sarah Bacon on the pension-list.

Mr. LANE, of Indiana. I move the indefinite postponement of that bill.

The motion was agreed to.

WIDOWS' AND ORPHANS' PENSIONS.

Mr. VAN WINKLE. I move that the Senate proceed to the consideration of House bill No. 692, increasing the pensions of widows and orphans, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The first section proposes to extend the provisions of the pension laws so as to include provost marshals, deputy provost marshals, and enrolling officers, who have been killed or wounded in the discharge of their duties; and for the purpose of determining the amount of pension to which such persons and their dependents shall be entitled, provost marshals are to be ranked as captains, deputy provost marshals as first lieutenants, and enrolling officers as second lieutenants.

The second section provides that the pensions to widows of deceased soldiers and sailors, having children by such deceased soldiers or sailors, shall be increased at the rate of two dollars per month for each child of such soldier or sailor under the age of sixteen years; and in all cases in which there shall be more than one child of any deceased soldier or sailor leaving no widow, the pension granted to such children under sixteen years of age by existing laws shall be increased to the same amount per month that would be allowed under this provision to the widow if living and entitled to a pension; but in no case is more than one pension to be allowed to the same person.

The Committee on Pensions proposed to amend the bill by inserting after the word "widow," in line seven of section two, the words "or where his widow has died or married again."

Mr. VAN WINKLE. By instruction of the committee I move to amend that amendment by adding to it these words, "or where she has been deprived of her pension under the provisions of section eleven of an act entitled 'An act supplementary to the several acts relating to pensions,' approved June 6, 1866."

The amendment to the amendment was agreed to, and the amendment, as amended, was adopted.

The next amendment of the committee was to add as an additional section:

And be it further enacted, That the provisions of an act entitled "An act to grant pensions," approved July 14, 1862, and of the acts supplementary thereto and amendatory thereof, are hereby, so far as applicable, extended to the pensioners under previous laws, except revolutionary pensioners.

The amendment was agreed to.

The bill was reported to the Senate, and the amendments were concurred in. It was ordered that the amendments be engrossed and the bill read a third time. The bill was read the third time and passed.

Mr. GRIMES. I move that the Senate do now adjourn.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, July 6, 1866.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. C. B. BOYNTON.

The Journal of yesterday was read and approved.

INDIAN APPROPRIATION BILL.

On motion of Mr. KASSON, by unanimous consent, the Indian appropriation bill, with the amendments of the Senate thereto, was taken from the Speaker's table, referred to the Committee on Appropriations, and the bill with the amendments was ordered to be printed.

Mr. MORRILL. I ask that by unanimous consent the morning hour of to-day be dispensed with.

Mr. McKEE. I object.

PERSONAL EXPLANATION.

Mr. STEVENS. I ask the House to grant me a few moments for personal explanation. I will not occupy more than a few moments.

No objection was made.

Mr. STEVENS. On looking at the Globe now a week or two old, I observe some remarks made in my absence relative to my views of secession, which perhaps ought not to pass without comment lest in future they might be taken as true.

The gentleman from Maryland, [Mr. HARRIS,] with a boldness which showed great moral courage, whatever may be thought of its prudence, avowed himself the advocate of secession, and defended those who through it attempted to dissolve the Union. This was no new doctrine. It was held by the whole slaveholding South before the rebellion, and was sustained by their northern allies. But it has become less respectable since they were subdued; and their northern friends, now turning upon those in misfortune, choose here to disclaim the doctrine and to disavow the responsibility of the principles of their more candid, sincere, and brave colleagues. While repudiating it, they thought to divide the odium by attributing the same doctrine to certain Republicans. The gentleman from Ohio [Mr. LE BLOND] said it was the same doctrine held by the gentleman from Pennsylvania, [Mr. STEVENS.] The distinguished gentleman from Massachusetts, [Mr. DAWES,] with great clearness and truth, immediately corrected his error, for which I thank him. I had so often defined my position on this point that I had hoped that no one was so stupid as to misunderstand it, or so unprincipled as to misrepresent it. I was mistaken; and again, I think for the fifth time, will restate it.

I ask any gentleman who doubts to examine every word I have ever uttered on this question, and I challenge him to point out a single word to sustain the gentleman's assertion. I have always denied the right of secession, and denounced it as the highest crime known to the law. Secession means a withdrawal, a separation from the Government of the Union while such secession exists. I have held, and still hold, that the belligerent called the confederate States of America did commit this crime of secession; did for some four years separate and divide themselves from the Government of the United States, and established and main-

tained a separate and distinct government *de facto*; that while they maintained that position—defending it with large armies and well-balanced victories; issuing commissions, both by land and water, which were respected even by ourselves as sufficing to protect those acting under them from the penal consequences of their acts; holding one half this continent in their separate and exclusive possession; marching armies of more than one hundred thousand men into the territories of their enemy; carrying on all the machinery of a well-organized government, and conducting municipal governments in eleven well-organized States, united under one general confederation, more powerful than was ever our revolutionary government, and possessing three times as many citizens; and while for five years said confederate government renounced all connection with the United States, and claimed to be an independent and foreign Power—I hold that during all this time, after they had risen from the condition of insurgents, the law of nations declared them to be a belligerent engaged in a public war; and that all the rules of war, regulating their rights and liabilities, applied to them; and that we stood upon the same footing as two foreign nations engaged in open war, the only difference being that if the parent Government conquered she could elect to punish for violated sovereignty as well as for an unjust war. It cannot be denied that the civilized world treated the confederate States as a belligerent, and it is worse than falsehood to deny that we so acknowledged them.

It is a well-recognized principle that a public war between acknowledged belligerents severs all the ties, obligations, treaties, and compacts that existed between them; and that such obligations are not revived or renewed by peace without express stipulations to that effect. How, then, can any man of common judgment deny that these two belligerents were separate Powers, and that the conqueror had a right to dictate terms to the vanquished; that without the conqueror's consent and his terms there could be no reunion. I have said more than once that if my wishes could prevail, instead of justifying secession I would punish the conquered belligerents by the forfeiture of sufficient of their property to pay the expenses and damages of the war. Because I have declared that the confederate States had by their acts and declarations placed themselves outside the Union (at our election) gentlemen have asserted that it admitted the right of secession. He is a very stupid man who cannot discern between the existence of a crime and its justification. I have never been able by any process of reasoning to form any other theory of the status of the States. I have been sometimes charged with holding that the States were dead, their carcasses lying about in the Union. I never held such absurdity—others have; and I have said that it made no difference, as the power to reconstruct in either case lay in Congress alone. The doctrine of "suspended animation" seems to me equally ridiculous.

There never was an hour when the eleven States were not in full and active life—no suicide; no suspended animation. They had a perfect organization fitted with every officer necessary to execute all the legislative and municipal functions of a civil government. But while they were thus active in their organization, it was an organization outside the Government of the United States, and in no sense of the word forming a part of the same. To say that during all this time they were States in the Union, entitled to all its privileges whenever they chose, is a consummation of folly which could have been conceived but by a single government upon the face of the earth—a government made up of patches, thrown by a convulsion into the executive chair. Here are two mighty nations, raising billions of money, and commanding millions of armed warriors, charging in deadly strife; now victorious and now defeated; seizing each other's dominions and laying them waste, and we are told that all that time they were one people; one Government; one united fraternity! And

an official, whose station is more exalted than that of kings, lately seizes a most awkward and inopportune occasion to send down to Congress a slunk stump speech in a most imperfect state of gestation, and informs us that there are "eleven States excluded from representation, although they have been entirely restored to all their functions as States in conformity with the organic law of the land." Restored by whom? By one Andrew Johnson, who fancies himself the depositary of all the legislative and executive power of the Government.

After so thorough a discussion of the law and the reason of the question, which has but one side; after Congress by a two-thirds vote had three times declared that his interference to reconstruct those States was mere impertinence; after the conclusive argument of the senatorial chairman of the committee on reconstruction to the same effect, who would have expected any sober man to be reiterating such folly?

But I have gone beyond my purpose. I rose simply to deny any belief in the right of secession, and incidentally to deny the idea, no less absurd but much less injurious, that during the existence of the confederate government the eleven States were in any sense in the Union or have since got in, and also to express my inability to comprehend the idea of a State partly in the Union and partly out of it—a kind of Egyptian mummy with "suspended animation," close wrapped in cements, stiff and motionless, but ready to leap into action when some kind deity shall open the sarcophagus.

Mr. MORRILL. I call for the regular order of business.

PENSIONS FOR THE WAR OF 1812.

The SPEAKER. The regular order of business is the reception of reports of a private nature from the Committee on Invalid Pensions, and the pending bill is the bill (H. R. No. 665) reported on Friday last by the gentleman from Pennsylvania [Mr. COFFROTH] to grant pensions to the soldiers of the war of 1812.

The bill was read. It provides that each of the surviving officers, non-commissioned officers, musicians, and privates, who shall have served in the regular Army, State troops, volunteers, or militia, for a term of three or more months, or shall have been engaged in active battle with the enemy, in the war declared by the United States against Great Britain on the 18th day of June, 1812, be authorized to receive, out of any money in the Treasury not otherwise appropriated, the amount now paid, according to the same rank, but not exceeding in any case the pay of a captain of infantry, such pay to commence from the passage of this bill and continue during his natural life.

The second section provides that each of the officers, non-commissioned officers, musicians, and privates, who shall have served in the regular Army, State troops, volunteers, or militia, for the space of three or more months against any of the Indian tribes during the time of the war of 1812 with Great Britain, or who were engaged in any battle fought by the United States against any Indian tribe during the aforesaid war with Great Britain, shall be entitled to all the benefits of the first section of this act.

The third section provides that if any of the officers, non-commissioned officers, musicians, or privates, have died, leaving a widow, such widow shall be entitled to receive the same pension to which her husband would have been entitled under this act for and during her natural life.

The fourth section provides that the pay allowed by this act shall, under the direction of the Secretary of the Interior, be paid to the officer, non-commissioned officer, musician, private, or his widow, or their authorized attorney, at such places and times as the Secretary of the Interior may direct; and that no officer, non-commissioned officer, private, or his widow, shall receive the same until he furnish the said Secretary of the Interior with satisfactory evidence that he is entitled to the same in accordance with the provisions of this

act; and that the pay hereby allowed shall not be in any way transferable, or liable to attachment, levy, or seizure, by any legal process whatever, but shall go unencumbered to the possession of the officer, non-commissioned officer, musician, private, or his widow.

The fifth section provides that the officers, non-commissioned officers, and marines, who served for the said term of three months in the naval service, or were engaged in actual battle with the enemy during the war with Great Britain aforesaid, and their widows, shall be entitled to the benefits of this act in the same manner as is provided for the officers and soldiers of the Army of the war of 1812.

Mr. COFFROTH. After the very decided vote given on last Friday in favor of granting pensions to the soldiers and sailors of the war of 1812, I will not make any extended remarks in favor of the bill, and I will call the previous question at this time, explaining that if any gentlemen upon the other side of the House desire to discuss it, I will yield them a part of my time after the previous question shall be seconded.

Mr. PERHAM. I ask the gentleman from Pennsylvania to yield to me for a few minutes before the previous question is seconded.

Mr. COFFROTH. I prefer to have the previous question seconded first.

Mr. BENJAMIN. Will the gentleman from Pennsylvania [Mr. COFFROTH] yield to me for a suggestion?

Mr. COFFROTH. I will hear the suggestion.

Mr. BENJAMIN. I perceive, upon looking over this bill that there is no exclusion of disloyal persons who served in the war of 1812, of which there are perhaps large numbers in the southern States. Yet under the provisions of this bill they would receive a pension equally with the loyalists. I ask him to consider that matter, and exclude that portion of them from the benefits of this act.

Mr. COFFROTH. If the gentleman will indicate the amendment he desires, I will yield to allow him to offer it.

Mr. BENJAMIN. I have not prepared the amendment, but I will do so in a moment.

Mr. COFFROTH. While the gentleman from Missouri [Mr. BENJAMIN] is preparing his amendment, I will yield to hear what the gentleman from Maine [Mr. PERHAM] has to say.

Mr. PERHAM. I discussed at some length a few days since the proposition to pension the soldiers of the war of 1812. That discussion was with reference to the bill presented by the gentleman from Pennsylvania, [Mr. MILLER,] which provided only for pensioning those who are in necessitous circumstances. I do not know that I need to repeat the proposition which I presented on that occasion. I am quite certain that under that bill the expense would not be less than what I stated at that time; and under this bill it would be about one third more. The calculation which I then made was based on only the number who served for three months or more, which I believe was the basis upon which that bill was founded. If the House is desirous to pass a bill for the soldiers of 1812, the Committee on Invalid Pensions are not disposed to interpose special objection or long debate. I am instructed by the committee, however, to ask the House to substitute for this bill one similar to that offered by the gentleman from Pennsylvania, [Mr. MILLER.] His bill was recommitted to us with instructions to report favorably upon it. The committee have prepared some amendments to it, and have directed me to move it, so amended, as a substitute for this bill.

Mr. COFFROTH. I do not yield for anything of that kind.

Mr. HALE. Will the gentleman from Pennsylvania [Mr. COFFROTH] yield to me for a few moments?

Mr. COFFROTH. For a few moments, yes.

Mr. HALE. I do not propose to discuss at length the bill which is here introduced, and which is laid upon our desks this morning for

the first time. It has been in my hands for perhaps three minutes; and that is the only opportunity I have had for examining its provisions. I have the honor to represent a district which probably has to-day within its limits more men and widows who will be entitled to pensions should this bill pass than in any other district in the United States. My district is a frontier district, lying upon Lake Champlain, the whole population of which capable of bearing arms served during the war of 1812 in repelling the repeated attempted invasions of the British on that frontier. I apprehend that to-day the same style of men are abundant in that district. And I have yet to hear the first application from those fighting men of my constituency for the passage of such a bill as that now under consideration. I have yet to learn that at this time, when the country is burdened with such a weight of debt, with the heavy expenses which must necessarily continue for many years to come, they are prepared to ask for pensions to an extent which will involve an annual expenditure of not less than \$10,000,000 a year for some years to come; and, as I believe, not less than \$15,000,000 a year.

The cry is raised that these soldiers of the war of 1812 should be put upon the same footing as the soldiers of the late civil war. Now, I call upon members to bear in mind that without this bill they stand upon precisely the same footing. Those who were disabled in the service of the war of 1812 and the widows of those who lost their lives in that service are now entitled to precisely the same bounties and to all the privileges that are conferred upon the soldiers of the war through which we have just passed. I ask the gentleman from Pennsylvania [Mr. COFFROTH] if he proposes to do equal justice to the officers and soldiers of the last war, the war through which we have just passed. Is he prepared to report a bill which shall give to them the same liberality, make for them the same provisions that this bill makes for the soldiers of the war of 1812?

Mr. COFFROTH. I will say that I am; and that in forty-nine or fifty-two years from this time I hope that every man who represents the people in this House will vote to place upon the pension-roll every man who fought in this war.

Mr. HALE. Well, Mr. Speaker, I am very glad to hear it. It comports with my idea of the liberality of the gentleman from Pennsylvania. *Profusus alieni*—liberal with other people's money. Sir, I come here in no such spirit. I do not believe that it becomes us to talk even of giving pensions to every soldier who served in the late war. Why, the gentleman knows, and every man endowed with an ordinary share of common sense knows, that we might as well talk about buying the moon as pensioning the million and more of soldiers who served in the late war. This proposition, if it be meant as an entering wedge to a proposition of the kind which the gentleman from Pennsylvania now suggests, is certainly a proposition for nothing more nor less than national bankruptcy. No man believes that we can pension the soldiers of the late war, giving a pension to every man who has served in the armies of the United States, and survive, or begin to survive, the expense entailed by it. If we are not prepared to follow it out logically, as the gentleman from Pennsylvania proposes, why in Heaven's name begin with these soldiers of the war of 1812? The gentleman's argument has at least the merit of consistency. If this bill passes, we ought, in justice, to pension everybody else who served in any war, or smelt powder anywhere. If the sentiment of this House is that we should at once pass a bill that will involve an expenditure of from \$100,000,000 to \$500,000,000 a year for pensions, let us do it boldly and directly, and not come at it in this circumlocutory fashion.

I believe, Mr. Speaker, that the passage of such a bill as this through this House would be such a sign of, to say the least, easy virtue in regard to the administration of the finances of this country that it would tend greatly to-

ward unsettling the credit of the nation; and if we are to adopt it upon the terms proposed by the gentleman from Pennsylvania, on the understanding that it is to be followed by such a bill as he proposes, then I submit we ought at once to avail ourselves, as a nation, of the advantages of the bill which was proposed and advocated during this session by the gentleman from Rhode Island, [Mr. JENOKES,] and which has passed this House. We shall need to avail ourselves of a bankrupt law; and I fear, sir, we shall not show assets enough to entitle ourselves to a first-class certificate. For one, I trust this measure will be defeated squarely, and therefore I move that the bill be laid on the table.

The SPEAKER. The gentleman from Pennsylvania [Mr. COFFROTH] is entitled to the floor until he surrenders it. After that the motion to lay on the table will be in order. The gentleman has yielded only for remarks.

Mr. HALE. I do not wish to cut off debate, but I give notice that I will, when the opportunity shall arise, make the motion to lay on the table.

Mr. COFFROTH. I would like to hear the amendment suggested by my colleague on the committee, [Mr. BENJAMIN.]

The amendment was read, as follows:

In line nine, after the word "twelve," insert the words, "and who now are, and have been at all times, loyal to the Government of the United States."

Mr. STEVENS. Through my own negligence I failed to hear the bill read. I would like to know whether it is confined to indigent persons.

Mr. THAYER. No, sir; it takes in everybody.

Mr. STEVENS. I wish to know whether the bill of my colleague [Mr. MILLER] is confined to indigent persons.

Mr. MILLER. This is not my bill.

Mr. COFFROTH. Mr. Speaker, this bill provides for granting a pension to all the surviving soldiers and sailors of the war of 1812. As long ago as eight or ten years a bill of this kind was reported and passed by the House of Representatives. The first section of this bill is well guarded. It is provided that pensions shall be granted only to those who were in the service three months or more, or were actually engaged in battle. The bill contains all the safeguards necessary to protect the Government from imposition or squandering of the money of the people.

I will not now, sir, make any extended remarks in favor of the bill. Forty-nine years after the revolutionary war Congress, with unprecedented unanimity, passed a bill placing every surviving revolutionary soldier upon the pension-roll. It is now fifty-three years since the termination of the war of 1812, the second war of independence, and will the Representatives of the people in the Thirty-Ninth Congress say to the soldiers of that war, the men who then went out to defend the country in its infancy, that they shall not have the same justice done to them as was to the revolutionary patriots? I admire the spirit in which the gentleman from New York [Mr. HALE] spoke of my liberality. I only request him to be more liberal to the old soldiers of the war of 1812 before he votes to squander millions of the people's money for objects by no means as worthy.

Mr. HALE. One word. My congratulation on the gentleman's liberality he did not perhaps entirely comprehend. I only complimented his liberality with other people's money.

Mr. COFFROTH. I will reply that the gentleman has been liberal in many other instances with other people's money.

Mr. HALE. If the gentleman will specify the bill I will give him a cognovit. Specify the instances where I have voted to squander the public money.

Mr. COFFROTH. The gentleman voted over nine million dollars for freedmen—I mean the appropriation for the Freedmen's Bureau.

Mr. HALE. I confess to having voted for appropriation bills reported by the committee.

If the gentleman has voted against them I am sorry for it.

Mr. THAYER. Will my colleague let me ask him a question?

Mr. COFFROTH. Certainly.

Mr. THAYER. I desire to ask my colleague why, inasmuch as the bill proposes to compensate every one who has had anything to do with the war of 1812, he has omitted the sailors; why he has omitted to provide compensation for those who achieved glories on the sea transcending anything done on the land during that contest.

Mr. COFFROTH. I ask the gentleman to read the fifth section of the bill.

Mr. THAYER. It only refers to marines. It does not embrace sailors.

Mr. COFFROTH. It has been an accidental omission; and I move to insert the words "sailors and" before "marines."

Mr. Speaker, I have received a great many letters from the surviving soldiers of the war of 1812, asking me to bring this bill to a vote at the earliest day. I do not desire to consume any further time; I demand the previous question.

Mr. HALE moved that the bill be laid upon the table; and demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 46, nays 84, not voting 52; as follows:

YEAS—Messrs. Alley, Allison, Ames, Anderson, Delos R. Ashley, Baldwin, Baxter, Boutwell, Davis, Dawes, Dixon, Dodge, Eliot, Farnsworth, Garfield, Griswold, Hale, Aaron Harding, Hart, Henderson, Higby, Hooper, John H. Hubbard, Hulburt, Kasson, Ketcham, Ladlin, Longyear, Marvin, McRuer, Patterson, Perham, Plants, Pomeroy, Price, Raymond, Alexander H. Rice, John H. Rice, Ritter, Sawyer, Trowbridge, Upson, Van Aernam, Burt Van Horn, Elithu B. Washburne, and William B. Washburn—46.

NAYS—Messrs. Ancona, Baker, Barker, Bidwell, Bingham, Bromwell, Buckland, Bundy, Reader W. Clarke, Sidney Clarke, Cobb, Coffroth, Cullom, Dawson, Delano, Driggs, Eckley, Eggleston, Eldridge, Farquhar, Ferry, Finck, Glossbrenner, Grider, Grinnell, Abner C. Harding, Hayes, Hogan, Holmes, Chester D. Hubbard, Demas Hubbard, James R. Hubbard, Humphrey, Ingersoll, Johnson, Julian, Kelly, Kelso, Kerr, Kuykendall, Latham, George V. Lawrence, William Lawrence, Le Blond, Loan, Marston, McKee, Mercer, Miller, Moorhead, Morrill, Moulton, Myers, Niblack, Neill, O'Neill, Orth, Paine, Phelps, Radford, Samuel Neill, O'Neill, Orth, Paine, Phelps, Rogers, Rollins, Ross, Rousseau, Schenck, Scofield, Shanklin, Spaulding, Stevens, Stilwell, Taber, Thayer, John L. Thomas, Trimble, Robert T. Van Horn, Henry D. Washburn, Welker, Wentworth, James F. Wilson, Stephen F. Wilson, Winfield, and Woodbridge—84.

NOT VOTING—Messrs. James M. Ashley, Banks, Beaman, Benjamin, Bergen, Blaine, Blow, Bover, Brandegee, Broomall, Chanler, Conkling, Cook, Culver, Darling, DeForest, Deming, Denison, Donnelly, Dumont, Goodyear, Harris, Hill, Hotchkiss, Hakeel W. Hubbard, Edwin N. Hubbell, Jencks, Jones, Lynch, Marshall, McClurg, McCullough, McIndoe, Morris, Newell, Nicholson, Pike, Shellabarger, Sitgreaves, Sloan, Smith, Starr, Strouse, Taylor, Francis Thomas, Thornton, Ward, Warner, Whaley, Williams, Windom, and Wright—52.

So the House refused to lay the bill upon the table.

During the roll-call,

Mr. ANCONA stated that his colleague was absent on account of indisposition.

The result having been announced as above recorded,

The question recurred on seconding the demand for the previous question.

Mr. KELLEY. I rise to a point of order. Pending this motion would it be in order to move to recommit the bill to the Committee on Invalid Pensions?

The SPEAKER. Not during the pendency of the demand for the previous question. If the previous question should not be seconded, then that motion would be in order.

Mr. ROSS. I call the attention of my friend from Pennsylvania [Mr. COFFROTH] to the fact that he has omitted the soldiers of the Black Hawk war. [Laughter.]

On seconding the demand for the previous question, there were—yeas 26, nays 75.

Mr. ANCONA. I demand tellers.

Tellers were refused.

Mr. KELLEY. I now move to recommit the bill to the Committee on Invalid Pensions.

Mr. HALE. I hope the gentleman will yield a moment.

Mr. KELLEY. I demand the previous question.

Mr. LE BLOND. I ask the gentleman to allow me to move as an amendment to recommend with instructions to report next Monday.

Mr. KELLEY. No, sir; the very object in sending it to the committee is that they may consider the various amendments and substitutes that are proposed and bring in a better-considered bill.

Mr. PERHAM. Will the gentleman allow me to present a substitute which the committee have already considered and acted upon?

Mr. KELLEY. I decline to yield.

Mr. RANDALL, of Pennsylvania. I ask my colleague [Mr. KELLEY] to incorporate in his motion "with leave to report at any time."

Mr. KELLEY. There are various amendments and substitutes proposed, and I want the committee to have ample time to consider them all and bring in a well-considered and fully-matured bill. I therefore decline to yield.

Mr. RANDALL, of Pennsylvania. It is for the purpose of killing the bill. That is the object.

On seconding the demand for the previous question, there were—ayes 67, noes 37.

So the previous question was seconded and the main question ordered.

Mr. COFFROTH. I demand the yeas and nays on the motion to recommit.

The yeas and nays were ordered.

The question being taken, it was decided in the affirmative—yeas 74, nays 47, not voting 61; as follows:

YEAS—Messrs. Alley, Allison, Ames, Anderson, Delos R. Ashley, James M. Ashley, Baker, Baldwin, Barker, Baxter, Benjamin, Bidwell, Bingham, Buckland, Bundy, Reader W. Clarke, Davis, Dawes, Delano, Dixon, Driggs, Eggleston, Eliot, Farnsworth, Ferry, Hale, Aaron Harding, Hart, Hayes, Henderson, Holmes, Hotchkiss, Demas Hubbard, John H. Hubbard, Hulburd, Julian, Kelley, Kelso, Ketcham, Kuykendall, Ladin, George V. Lawrence, Loan, Longyear, Marston, Marvin, McKuer, Mercut, Miller, Pomeroy, Price, Raymond, Alexander H. Rice, John H. Rice, Ritter, Rousseau, Scofield, Taylor, Thayer, Trowbridge, Tyson, Van Aernam, Burt Van Horn, Elihu B. Washburn, William B. Washburn, Welker, Williams, and Stephen F. Wilson—74.

NOT VOTING—Messrs. Beaman, Bergen, Blaine, Blow, Boutwell, Boyer, Brandegee, Bromwell, Broomall, Chanler, Sidney Clarke, Cobb, Conkling, Cook, Cullom, Culver, Darling, DeForest, Deming, Denison, Dodge, Donnelly, Dumont, Garfield, Goodyear, Griswold, Abner C. Harding, Harris, Higby, Hill, Hooper, Asahel W. Hubbard, Edwin N. Hubbard, Jenckes, Jones, Kasson, Lynch, Marshall, McClurg, McInroe, Morris, Moulton, Newell, Nicholson, Radford, Schoenck, Shellabarger, Sitgreaves, Sloan, Smith, Starr, Stevens, Strouse, Francis Thomas, Thornton, Ward, Warner, Whaley, Windom, Woodbridge, and Wright—61.

So the bill was recommended to the Committee on Invalid Pensions.

Mr. KELLEY moved to reconsider the vote by which the bill was recommended; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. PERHAM. Mr. Speaker, it will be recollected that one week ago to-day the House referred to the Committee on Invalid Pensions a proposition of the gentleman from Pennsylvania [Mr. MILLER] to grant pensions to the soldiers of the war of 1812 who were in necessitous circumstances. The committee have considered that subject and are now ready to report, and would be glad to report on that proposition now.

Mr. HALE. I beg leave to ask if that bill provides for doing the same justice to the soldiers of the late war for the suppression of the rebellion as to those of the war of 1812.

Mr. PERHAM. It does not include them.

Mr. HALE. I object to the reporting of any bill which does not extend the same rate

of pension to the soldiers of the late war as to the soldiers of other wars.

Mr. PERHAM. Then I ask the unanimous consent of the House that some time may be fixed when the committee may make the report.

Mr. TAYLOR. I object.

The SPEAKER then proceeded to call the committees for reports of a private nature.

JAMES C. COOK.

Mr. HUBBARD, of Connecticut, from the Committee on Patents, reported a bill for the relief of James C. Cook; which was read a first and second time.

The bill grants leave to James C. Cook to make application to the Commissioner of Patents for an extension of the letters-patent which were issued for the term of fourteen years from the 27th of July, 1862, for an improvement in machines for forming button backs and affixing the eyes thereto, in the same manner as if he had filed his petition at least ninety days prior to the expiration of his patent, and authorizes the Commissioner of Patents to consider and determine the said application in the same manner as if it had been so filed.

Mr. HUBBARD, of Connecticut. This is an improvement in the machinery for forming button backs. There is not much money in it. Mr. TAYLOR. I call for the reading of the report.

The Clerk proceeded to read the report, when, the morning hour having expired,

The SPEAKER stated that the bill would go over until next Friday.

COMMUTATION OF PRISONERS' RATIONS.

The SPEAKER, by unanimous consent, laid before the House the following communication from the Secretary of War:

WAR DEPARTMENT.

WASHINGTON CITY, July 5, 1866.

SIR: In answer to the resolution of the House of Representatives of the 14th of June, calling for information relating to the commutation of rations allowed to Union soldiers who were prisoners of war, I have the honor to report:

1. That by a general order of February 14, 1862, rations to Union soldiers held as prisoners of war in the rebel States, were commuted at cost price during the period of their imprisonment. The sum paid on this account is reported by the commissioner at about two and a half million dollars. This commutation has not been considered as an ordinary claim of allowance under existing laws and no specific appropriation has been made to meet it, but it was allowed from the necessities of the case, to provide for those who were undergoing the calamity of prisoners in the rebel States.

2. After hostilities had terminated, and the prisoners were all released, it became manifest that commutation claims were becoming the subject of speculation and traffic by agents, brokers, and persons engaged in that class of business; and, in the absence of any specific appropriation, the order for payment of commutation was suspended until Congress should make an appropriation, if deemed proper, and provide regulations that might secure the money to the persons properly entitled and protect them against fraudulent speculation. The outstanding claims requiring appropriation, principally in the hands of agents, assignees, brokers, &c., are estimated at \$3,400,000.

I have the honor to be, your obedient servant,

EDWIN M. STANTON,

Secretary of War.

HON. SCHUYLER COLFAX,
Speaker of the House of Representatives.

The communication was referred to the Committee on Appropriations and ordered to be printed.

TARIFF BILL.

Mr. MORRILL. I move that the rules be suspended and that the House resolve itself into the Committee of the Whole on the state of the Union on the special order.

The motion was agreed to.

So the rules were suspended; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. SCOTFIELD in the chair,) and resumed the consideration of the special order, being bill of the House No. 718, to provide increased revenue from imports, and for other purposes, the following clause being under consideration:

On corktree, bark of, unmanufactured, twenty per cent. *ad valorem*.

Mr. MORRILL. I move to insert after that clause, "on cotton and machine cards, forty-five per cent. *ad valorem*."

The amendment was agreed to.

The Clerk read as follows:

On eyelets made of brass or other metal, eight cents per thousand; on felt, roofing, and patent adhesive, for ships' bottoms, made wholly or in part of hair, twenty per cent. *ad valorem*.

Mr. MORRILL. In the last clause I move to strike out the words "made wholly or in part of hair."

The amendment was agreed to.

The Clerk read as follows:

On fire-crackers, per box of not over forty packs, not exceeding eighty to each pack, (and in the same proportion for any greater number,) \$1 25 per box: Provided, That no fire-crackers shall be admitted at a less rate of duty than sixty per cent. *ad valorem*.

On fulminates or fulminating powders, fifty per cent. *ad valorem*.

On gloves of all kinds, except gloves made wholly or in part of silk, not herein otherwise provided for, fifty per cent. *ad valorem*.

On gold and silver plate, and on plated, German silver, argentine, platina, and alabata, or white metal ware or manufactures, fifty per cent. *ad valorem*.

On hair-brushes and tooth-brushes, fifty per cent. *ad valorem*; on paint-brushes and brushes of all kinds, not herein otherwise provided for, forty per cent. *ad valorem*.

On hair-cloth, forty per cent. *ad valorem*.

Mr. O'NEILL. I move to amend the last clause by striking out "forty" and inserting "forty-five," so as to make the duty on hair-cloth forty-five per cent. *ad valorem*. All those persons who are engaged in making sofas, chairs, and other furniture, and preparing this hair-cloth to be used, are interested in the duty on hair-cloth. At the rate at which it comes in here it is utterly impossible that they can compete with the foreign manufacturer. I hope the committee will consent to add five per cent. to the duty.

Mr. MORRILL. It is true, as the gentleman says, that the manufacturers of sofas, chairs, and other articles of furniture are interested in the article of hair-cloth, but they are interested in not having the duty raised. We admit the raw material free, and although it is a difficult manufacture, requiring some skill and machinery, yet I think the duty is sufficient, and ought not to be raised.

Mr. O'NEILL. I move to make the duty forty-seven cents. It is very unpleasant to rise here and discuss the merits of any amendment proposed, because the arguments are always the same in reference to every article which is imported from abroad. I am in favor of protecting those American manufactures which are struggling in their infancy for existence. This item of hair-cloth is one of vast interest in the locality where I reside. And I know that in other sections of the country American manufacturers are struggling to introduce the home-made article into the American market, to the exclusion of the foreign-made article. I do hope the House will permit my amendment to pass irrespective of the argument used against it by the chairman of the Committee of Ways and Means, [Mr. MORRILL,] who, it seems to me, never wants any item in this bill to be increased one penny, while he is generally willing to allow it to be decreased.

Mr. MORRILL. The gentleman should be aware that we already propose an increase of ten per cent. upon this article. It certainly is enough, and I do not know of any very special reason why it should be raised at all.

Mr. O'NEILL. The very reasons which have induced the Committee of Ways and Means to recommend an increase of ten per cent. should be an argument for the Committee of the Whole to raise it still more. In the argument of the gentleman, it is of course admitted that the present rate of duty is too low, because the committee have seen fit to recommend an increase of ten per cent. Now, I do not see why the Committee of the Whole should not put on five per cent. more, so that the American manufacturer can drive out of the American market the foreign-made article. I withdraw my amendment to the amendment.

Mr. RICE, of Massachusetts. I ask the gentleman from Pennsylvania [Mr. O'NEILL] to accept the following in lieu of his amendment: to strike out the words "on hair-cloth forty per cent. *ad valorem*" and insert in lieu thereof "on hair-cloth of the description known

as hair-seating, forty-five cents per square yard; on hair cloth other than seating, fifty per cent. *ad valorem*."

Mr. O'NEILL. I will withdraw my amendment to allow that to be offered, as it reaches the object I have in view.

Mr. RICE, of Massachusetts. I now offer the amendment I have just read. I agree very generally with what the gentleman from Pennsylvania [Mr. O'NEILL] has said upon this subject. This matter of hair-cloth and hair-seating is not a very large interest. Until a very short time since this article was made chiefly in England and Germany. But there are now some two or three moderate-sized factories in this country; one in Rhode Island, one in New York, and, I think, one in Pennsylvania. But it is impossible for them to continue the manufacture of this article in competition with foreign manufacturers of it at the present low rate of duty. I trust the Committee of the Whole will agree to the amendment I have proposed, for I am satisfied the public interest will be served thereby. I believe this is the first time during the progress of this bill that I have suggested any increase of duty on any article. But I do it in this instance because, as this subject has been represented to me, I am satisfied that the interests of this manufacture require it.

Mr. MORRILL. I rise to oppose the amendment of the gentleman from Massachusetts [Mr. RICE] for several reasons. One reason is that this article is of very different qualities, some of which are worth at least double what other qualities are worth. And I believe the constituents of the gentleman are as much interested in keeping this article at a reasonable rate of duty as the constituents of any other gentleman here. To my own knowledge a very large amount of manufactures in which this article is largely consumed are made either in Boston or its immediate vicinity; and they are made there not only for consumption in the United States, but also for export. The increased duty proposed by the Committee of Ways and Means, in consequence of the pressure brought to bear upon them by manufacturers, who complain of the dearth of labor, of ten per cent., is certainly as much as is reasonable, and I trust no more will be granted by this committee.

The question was taken upon the amendment of Mr. RICE, of Massachusetts, and upon a division there were—ayes 80, noes 87; no quorum voting.

Tellers were ordered; and Mr. RICE of Massachusetts, and Mr. GARFIELD, were appointed.

The committee again divided, and the tellers reported—ayes 48, noes 49.

So the amendment was not agreed to.

The Clerk read as follows:

On India-rubber shoes and boots; and all manufactures of India-rubber not herein otherwise provided for, fifty per cent. *ad valorem*.

No amendment was offered.

Mr. MORRILL. I move to insert after the paragraph last read the following paragraphs:

On fabrics of India-rubber and other materials combined, three inches wide or over, six cents per lineal yard, and forty-five per cent. *ad valorem*.

On all other fabrics of India-rubber and other materials combined, not otherwise provided for, twenty-five cents for every one hundred and forty-four yards, and fifty per cent. *ad valorem*.

On braces and suspenders made of India-rubber and other materials combined, thirty-five cents per dozen, and fifty per cent. *ad valorem*.

On umbrella and parasol elastic ties, six cents per dozen, and fifty per cent. *ad valorem*.

The amendment was agreed to.

Mr. GARFIELD. I move to insert the following paragraph after the amendment last adopted:

On manufactures of gutta-percha, and on all manufactured insulated telegraphic or electric wires or cables used for submarine, telegraphic, or other purposes, fifty per cent. *ad valorem*.

The amendment was agreed to.

The Clerk read as follows:

On marble, white statuary, brocette, Sienna, Verde antique, in block, rough or squared, one dollar per cubic foot, and, in addition thereto, twenty-five per cent. *ad valorem*; on veined marble, and marble of all other descriptions, not herein otherwise provided for, in block, rough or squared, one dollar per cubic

foot; on marble polished, finished, or partly finished, marble chimney-pieces, and all other manufactures of marble, seventy per cent. *ad valorem*.

Mr. KELLEY. I move to amend by striking out in the forty-seventh and forty-eighth lines the words "one dollar" and inserting in lieu thereof the words "seventy cents;" so that the clause will read, "on veined marble and marble of all other descriptions not herein otherwise provided for, in block, rough or squared, seventy cents per cubic foot." I offer this amendment because, in my judgment, it allows a sufficiently liberal increase upon an interest which I think is adequately protected now; while the new rate proposed in the bill will exclude an article which we cannot produce in this country. The present duty amounts to one hundred per cent. Italian marble sold in the market at auction—and it is all sold at auction—sells at from sixty-three to sixty-five cents per cubic foot; and the present duty is fifty cents per foot and twenty per cent. *ad valorem*, making a duty of about sixty-three cents.

The Italian marble does not compete with our American marble. It is needed for such work as that before you, Mr. Chairman, requiring a high polish and sharp lines, and for monuments which are exposed to the weather. Our American marble—and we produce it in the township adjoining my district—is too porous. It will not bear exposure to the weather. It absorbs liquids and is tarnished by them. It is easily affected by acids. It is not suitable for monuments. And now, at a period when a grateful people all over our broad country are striving to erect monuments which shall be enduring to the brave men who have died to save their country, the legislation proposed will either prevent the making of those monuments of marble or constrain their construction of an article not durable, an article easily defaceable, an article which, exposed to our variable climate, will scarcely live through the generation and preserve the lettering upon its face.

There is in this whole bill no item in reference to which such a duty as this is proposed. Upon kid gloves the duty is but fifty cents. Upon various manufactured articles the duty ranges from fifteen to fifty cents. Yet here upon a raw material, which really does not come in conflict with any of our own products, we propose to put a duty of one hundred and fifty per cent. I say that it does not come in conflict with any native product, because our American marble is bought before it is quarried. It is bought in the quarry. It never has to find its way to auction or to public sale. In our Pennsylvania quarries and in those of Vermont, strata are now, I venture to say, marked with the owner's name, having been bought as they lay where nature placed them, and now waiting to be gotten out. The duty on this article is now, as I have said, about sixty-three cents, or one hundred per cent. Seventy cents, an increase of seven cents, will compensate for the prevailing high prices and derangement in labor, and will leave our American marble adequately protected against Italian competition for any purposes for which marble is fit.

Mr. SPALDING. Mr. Chairman, I am opposed to this amendment. I believe that Italian marble, Verde antique, &c., may be as properly classed among the luxuries of the country as anything upon which we assess a duty.

Mr. KELLEY. The gentleman will permit me to say that my amendment does not apply to Verde antique.

Mr. SPALDING. I understand the gentleman as proposing to reduce the rate of duty named in the bill upon Italian marble; and the gentleman says that we must make this reduction because we have monuments to erect over the graves of our faithful soldiers who have fallen in the country's defense. Sir, if a monument of Italian marble is to be erected over the grave of any of our soldiers let it be done; but, my word for it, the fund which raises that monument will pay the duty upon the marble. Sir, this marble is not wanted for the soldier's grave. It would be honorable to the nation if our soldiers' graves could be adorned with mon-

uments of American marble. Who of those within the sound of my voice has friends or relatives whose names are commemorated in Italian marble? Soldiers' representatives, the survivors of soldiers, do not expect it. It is only an appeal made to our sympathy on this and every other occasion. I say this marble is wanted to decorate the palaces of the rich in our country, men who are able to pay for this and all other articles of luxury. If we raise the duty on any one we should raise it on those who are rich and able to erect palaces and decorate them with Italian marble and Verde antique. The committee have acted wisely, in my judgment, in putting this duty upon this importation. I would not abate one particle of it.

[Here the hammer fell.]

Mr. WOODBRIDGE. I move to strike out "seventy" and insert "seventy-five." Mr. Chairman, there is perhaps no section of the country more interested in this question than my district. The marble the gentleman [Mr. KELLEY] speaks of is, as to the marble of Vermont, a satyr to Hyperion. This is a question of facts and figures. It is said the people of Vermont who are interested in the marble quarries have become rich. It is not true, sir. Up to the present day there has not been as much derived from the marble quarries of Vermont as has been invested in developing them. The marble region of Vermont is almost entirely in my district. Marble quarries are being opened at great expense, and unless there is adequate protection afforded the work will have to cease. Let us see what the effect will be. This is a question of revenue with fair reference to protection. Before 1864 the duty on Italian marble was forty cents a cubic foot. The duty derived under that tariff was, in the year ending June 30, 1864, \$43,390 40; and when the duty was increased from forty to fifty cents a cubic foot we had the dealers in Italian marble here saying if we increased the duty, it would stop entirely the importation of Italian marbles. What was the result? During the year ending June 30, 1865, the revenue on Italian marble rose from \$43,390 40 to \$81,764 20.

Look still further to see what the effect of the present tariff has been, whether or not it has prevented the importation of Italian marble, as importers of Italian marble then predicted. The number of feet in eleven months after the tariff of 1864 over and above what was imported the previous year was forty-five thousand five hundred and eighty, and the increase of duty was \$32,937, for eleven months after the tariff was raised from forty to fifty cents, and when Italian marble importers said they would be ruined against twelve months when the tariff was forty cents a cubic foot. From June 30, 1863, to June 30, 1864, the duty was \$43,340 15; and from July 1, 1865, to June 9, 1866, eleven months after the duty was increased, it was raised from \$43,340 15 to \$114,079. In other words, in spite of what these gentlemen said before the committee and the House, there was an increase of revenue in eleven months of \$71,000. What is the cost of Italian marble? I have it from the gentlemen who came here interested in the article in 1864. The price, delivered by lighters from the quarries at Carrara, is sixty-five cents a cubic foot, and the whole cost of freight and all reduced to gold is only \$2 11 per cubic foot.

[Here the hammer fell.]

Mr. KELLEY. I oppose the amendment and insist upon seventy cents. My distinguished friend from Ohio [Mr. SPALDING] is pained at the very suggestion that any American should have a monument of Italian marble. Sir, he cannot point to polished marble in any of our large cemeteries that is not Italian. And does he mean to say that our soldiers shall have monuments that are neither enduring nor polished? Does he mean to say that henceforth all such work as embellishes our cemeteries shall be excluded? There are certain things that we cannot construct of American marble so that they shall vie with foreign art or develop our own art genius from our own marble. I

do not ask that we should interfere with the market for Vermont marble. It has its place in the market, and Italian marble cannot interfere with it. It is more easily worked for indoor embellishments. Where polish is not required it is more elegant than Italian marble. In this whole vast structure you find the Speaker's, Clerk's, and Reporters' desks, some few slabs in the Marble Room, some of the subbases, and some of the steps of the extension, where the hardest stone was needed, made of Italian marble. Further than that it does not compete with American marble in this great structure. Nor would it in our markets. You do not find Italian billiard-table tops. They are made of Vermont marble.

I do not want to dispute the excellence of Vermont marble. It is vastly superior to that which is quarried in my immediate neighborhood, and superior for all these uses. It has its own distinctive character, and that character is known to the trade. Vermont marble men will not sell one cubic foot less with a duty of seventy cents than they would with a duty of one dollar. I appeal to the gentleman himself to say whether there is any stock of quarried marble on hand for sale to-day, and whether there is not always an active demand for all the marble that can be quarried. It is for the American artists, it is for the men who deal in marble in our cities that I am pleading, that they may have an opportunity of buying the small quantity they require of the stone in which they can embody their skill in art, so that their work may endure as that of the ancients has done.

[Here the hammer fell.]

Mr. WOODBRIDGE. I move, *pro forma*, to make it eighty. Mr. Chairman, this is the first time I ever heard that Vermont marble was not durable or not fit for monuments. I am quite sure the gentleman from Pennsylvania [Mr. KELLEY] has been misinformed by those who have presented their claims in favor of Italian marble. There is no marble in the world which endures time and the weather more perfectly than the marble of Vermont.

Now, sir, at Carrara they employ labor at from eight to twenty cents a day. The cost of their marble per cubic foot, delivered on board the vessel from the lighter, is sixty-five cents. The freight is three dollars, but for the purpose of being liberal I will admit it may be \$3 50. Labor in the quarries of Vermont is from two dollars and a half to three dollars a day, and there are employed there to-day perhaps five thousand men, and I assure the gentleman from Pennsylvania [Mr. KELLEY] that to be consistent with himself he is the last man to ask us to pass a law which operates directly against the great laboring interest, an interest which he has harped upon from the time this session began until the present moment. The freight on a ton of marble from the quarries in my district to New York is greater than from Italy to New York.

And, sir, owing to this immensely increased importation Italian marble is sold at a profit, and a large profit too, at \$3 25 per cubic foot, when it costs nearly fifty cents more than that to lay a foot of marble from Vermont in the markets of New York and Boston, not quite so much in Boston, for the freight is less.

I tell gentlemen who wish to protect the laboring interests of the country that the marble business, which is one of the leading interests of my district, is now languishing, and marble numbered two and three cannot be sold in New York because of the vastly increased importation of Italian marble at prices so low, on account of pauper labor and cheap freights. Sir, I go for protecting the labor of this country, like my friend from Philadelphia, and in doing that, I go for protecting the marble interest, which is not a manufacturer's interest but a laborer's interest. It is simply a question involving the protection of the poor and laboring man. If this amendment prevails, one of the most important interests in the northern country will certainly languish and die. I am sorry that the gentleman from Pennsylvania wants the graves of our soldiers marked

with foreign marble. No, sir, let us put a reasonable protection upon marble, and then it will be sold at a fair price and of a kind that will endure as long as time lasts, so that every patriotic soldier may have a little tombstone at his head where for generations to come those who descend from him may go and shed a tear over his grave, and let them be proud to see that above his head is reared a monumental stone from his own land. Sir, I hope the report of the committee on this subject will be adopted.

Mr. MORRILL. I move that the committee rise for the purpose of terminating debate upon this subject.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. SCOFIELD reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, and particularly the special order, being bill of the House No. 718, to provide increased revenue from imports, and for other purposes, and had come to no resolution thereon.

CLOSE OF DEBATE.

Mr. MORRILL. I move that all debate in Committee of the Whole on the state of the Union on the pending paragraph of the tariff bill, in relation to marble in the rough, be terminated in ten minutes after the committee shall resume the consideration of the same.

Mr. ANCONA. I move to amend the motion so as to terminate the debate in five minutes. The amendment was not agreed to.

Mr. MORRILL's motion was then agreed to.

TARIFF BILL—AGAIN.

Mr. MORRILL. I move that the rules be suspended and that the House resolve itself into the Committee of the Whole on the state of the Union on the special order.

The motion was agreed to.

So the rules were suspended; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. SCOFIELD in the chair,) and resumed the consideration of the special order, being the bill (H. R. No. 718) to provide increased revenue from imports, and for other purposes.

Mr. WOODBRIDGE. I withdraw my amendment.

Mr. MORRILL. I move to add in line forty-eight the words "twenty-five per cent. *ad valorem*."

Mr. Chairman, I desire to say that in relation to this article, as in the case of most others that came before the Committee of Ways and Means, we had information upon the subject from parties interested; and perhaps there was no gentleman who appeared before the Committee of Ways and Means who was more entitled to our respect for his intelligence and integrity than the gentleman who appeared in behalf of this interest, and the rate that he demanded was considerably higher than the rate found in this bill.

Mr. Chairman, in relation to this matter there need be no apprehension but that the revenues of the country will be increased rather than diminished by the proposed change of the tariff. Under the existing law it is fifty cents per cubic foot and twenty per cent. *ad valorem*. And it is found practically that the *ad valorem* duties upon marble are of no consequence whatever; that the article, although sold in our market at three or four dollars per cubic foot, is yet valued abroad at sixty-five cents per foot or less. It is only proposed to drop the *ad valorem* and to substitute therefor an increased specific. The most of the value of this article consists in the immense labor there is in obtaining it from the quarries. It is not Vermont alone by any means which is interested in this article. Tennessee, Missouri, New York, Massachusetts, Pennsylvania, Maryland, and California are all interested in it. And the argument of the gentleman from Pennsylvania [Mr. KELLEY] struck me with peculiar delight; it was a new song from that source. But I discovered that in repeating his argument he showed a very faithful memory of

what has been told him. The argument repeated hereby that gentleman was almost *verbatim et literatim* the same that has been presented to us by a distinguished importer now in the galleries, and who has been here for the last ten days watching this interest.

Now, in relation to this article, we have not reported a higher rate of duty upon it than upon many other articles of a similar character in the bill. It is not so large by any means in proportion to its value as we have reported upon free-stone, soap-stone, and other stone of a like character. If the argument of the gentleman is true, which I deny, it would follow as a logical sequence that we ought to have more protection upon this article. If this Italian marble is of so very much finer quality than any that can be produced in this country, then it is an article of luxury, consumed by the wealthy, and they can well afford to pay the tax. I trust that the bill will be allowed to remain in this respect as it was reported. I have nothing further to say, and will yield the remainder of the time to the gentleman from New York [Mr. DODGE] and the gentleman from Massachusetts, [Mr. RICE,] to be divided between them as they please.

Mr. KELLEY. I merely desire to say in reply to the gentleman from Vermont [Mr. MORRILL] that if I have used the language of the importer, for once the importer and the manufacturer use the same language. I have uttered the instructions given me by every marble-worker in Philadelphia; and it was in their behalf that I spoke.

Mr. DODGE. I hold in my hand a petition signed by the working men of New York city who are engaged in manufacturing Italian marble, complaining of the excessive duty on that article. I know nothing particularly upon this subject. But as the petition is very short, I will ask the Clerk to read it as a part of my remarks.

The Clerk read as follows:

To the honorable the House of Representatives, Washington, D. C.:

The petition of the undersigned, dealers, workers, and artists in marble, respectfully sheweth:

That your petitioners cannot but regard the tariff of one dollar per cubic foot on foreign marble in the block or rough, as prohibitory and oppressive to all engaged in the manufacture of this article.

That there is not quarried in Vermont, or elsewhere in the United States, any marble adapted or that can be used for the principal purpose that the marble of Italy is applied.

That the tariff of 1864 has driven Italian marble out of use for the many purposes to which the marble of Vermont is now so extensively used.

That the proposed tariff therefore would be prohibition and not protection.

That the tariff now proposed would be a virtual exclusion of Italian marble for its principal use, namely, monuments.

Your petitioners, therefore, hope that your honorable body will so modify the bill now before you as not to increase the high tariff of 1864.

NEW YORK, June 30, 1866.

Mr. WOODBRIDGE. I merely desire to say in relation to this petition, which claims that the importation of Italian marble since the passage of the tariff of 1864 has been greatly decreased, and may entirely cease, that the figures which I have from the custom-house of New York city, and which I have read to this committee, show that since the passage of the tariff of 1864 the importation of Italian marble has been more than doubled.

Mr. MORRILL. I withdraw my amendment to the amendment.

Mr. RICE, of Massachusetts. I move to amend so as to make the duty seventy-five cents. It is manifest from the line of the discussion which has been had upon this subject that there is a divided interest here. And we are bound to look at both sides of the question in determining the rate of duty to be assessed on this article. The gentleman from Vermont, [Mr. MORRILL,] who is thoroughly acquainted with the business of quarrying marble, has very ably presented that side of the question. The other interest is that of the workers of marble, who represent a very important branch of manufactures in this country. They may be supposed to speak with a great degree of impartiality, because their labor is upon both the

marble of this country and the marble imported from Italy. Now, while it is true that we use the marble of this country for the uses to which it can be applied, we ought not by onerous assessments upon the foreign article to prohibit its importation altogether for those uses to which it is adapted, and to which the native marble is not suited.

Now, sir, I do not see any injustice or hardship to any interest in allowing this marble to come in at a fair rate of duty. I trust that the Committee of the Whole will not adopt the rate of one dollar per foot, but will agree to the amendment offered by the gentleman from Pennsylvania and insert seventy cents. I call the attention of the Committee of Ways and Means to the fact that if the rate of duty proposed in the bill be adopted, it will be very strongly prohibitory to the introduction of the rough marble in blocks and cubes, and will favor the introduction of the manufactured marble, thereby throwing the labor and the profit of working this foreign marble out of our hands into the hands of the Italian workers. I withdraw my amendment, trusting that the amendment of the gentleman from Pennsylvania will be adopted.

The question was taken on the amendment of Mr. KELLEY, and it was not agreed to, there being—ayes twenty-eight, noes not counted.

Mr. WILSON, of Iowa. I move to amend by striking out "seventy," in the fiftieth line, and inserting in lieu thereof "fifty-five;" so that the clause will read, "on marble polished, finished, or partly finished, marble chimneypieces, and all other manufactures of marble, fifty-five per cent. *ad valorem*." The amendment which I propose allows an increase of five per cent. *ad valorem* upon the rate established by the present law, and it seems to me that this is sufficient.

The bill before us is remarkable in a great many of its features. It touches almost everything, from the necessities of life to articles of luxury and taste, with a heavier hand than has ever been placed on them before. Now, sir, I am, for various reasons, opposed to these excessive duties upon articles of this character. In the first place, a great deal of this marble comes into the country in a partially finished state. In that state it passes into the hands of the workmen of this country and is by them completed. If we now attempt to exclude it by a duty prohibitory as this we shall interfere with a very large trade in this marble—a trade that is now very remunerative to the workmen of this country. It is cheaper to transport the Italian marble in this partially finished state than in the rough form; so that, the transportation being cheaper, there is practically a protection to the workers of this marble in this country who receive it in the partially finished condition.

Again, sir, I am opposed to placing all these articles beyond the reach of the middle classes. I was opposed to the high duty which we adopted upon books; for I desire to see a library placed in every dwelling in this land. I believe that articles of decoration, such as are embraced in the paragraph under consideration, should not be placed beyond the reach of the middle classes. I desire that all persons who have homes and homesteads of their own shall be permitted to enjoy to some degree these articles of luxury in common with the wealthier classes of the country. I hope, therefore, that my amendment will be adopted, and that those engaged in this trade will be willing to put up with the advance which I propose.

Mr. KELLEY. Mr. Chairman, other nations have honored their artists. They have been proud of their skill in sculpture. And does any gentleman believe that it has become a crime to make fine work of enduring marble? Does he mean to say if there be genius of that kind in America it must go abroad for its training, its development? We have just placed a most onerous duty upon the raw material upon which the scientific sculptor works, and now it is proposed to reduce the rate upon finished fabrics. Now, Mr. Chairman, it is in the mar-

ble-yard that the boy begins to develop his genius. It is in fashioning the things included in this paragraph his hand is trained to obey his eye and execute his fancy in marble; and in view of that we have legislated on the raw material. Now, let this clause stand with fifty or fifty-five per cent. *ad valorem*, or less than one hundred and twenty-five, and it would be a declaration of this House that it does not feel the American youth should engage in that high branch of art.

Mr. HOGAN. I move to increase it to one dollar. The gentleman from Iowa [Mr. WILSON] is entirely mistaken in reference to this whole feature of this bill. This part of it is the only part that looks to the advantage of the laborer. The mechanic who has spent seven years of apprenticeship in learning to cut marble and fashion it to make monuments, is he now, sir, to be deprived of all opportunity of following that trade by the introduction of the Italian finished monument?

It is a matter of fact now that there is hardly any one man in this country who as a mechanic is working in marble, for the simple reason that the importer of monuments can send out his models and drawings to Italy and have them made there and brought back at the present duties at a rate that would not pay the mechanic in this country for cutting them. I want to know whether gentlemen of this House are so much opposed to the interests of the laborer that in this simple matter for the interest of labor only, exclusively for the interest of labor, they will cut it down to this extent. I know that monuments are now made in Italy. Orders are going out to Italy for monuments that would be made in the United States but from the fact that the foreign article can come in at such a rate finished that the mechanic here cannot live on. It is the interest of the mechanic I look to. I have in my town over twenty-five hundred men who have been engaged in working marble who are now out of employment. It is not because the employers would not give them work, not because there are no more monuments being erected, but because monuments can be obtained and delivered at St. Louis, thirteen hundred miles from the sea, cheaper than any mechanic could afford to make them. I want to prevent all that kind of thing. If our mechanics, who have served an apprenticeship, are to be deprived of their business because of the discrimination made in favor of the pauper labor of Italy, let us know it.

Sir, the mechanical labor that is employed on monuments is the first inception of the sculptor. Our greatest sculptors have risen from the beginning of working in marble. The gentleman from Pennsylvania has so beautifully depicted this, I will not go into it further than to say that many of the men who make these monuments are the men who will supply us with our Powers and Hosmers and celebrated sculptors, and in order to afford their labor protection I hope my amendment will be adopted.

Mr. WILSON, of Iowa. Mr. Chairman, I desire to oppose the amendment of the gentleman from Missouri, [Mr. HOGAN.] I have always been a protectionist. I have been educated in that school, and I hold to that doctrine yet. But, sir, I have been so far outdone by the gentleman from Missouri, who, I have understood, belongs to the free-trade party, that I am disposed to withdraw my amendment. Now, sir, I do not suppose the gentleman from Missouri believes in the opposite theory, but that his tendency is all toward free trade. That was the argument he made when the internal revenue bill was under consideration—that these taxes bore too heavily on the people, who should be allowed to sell where they could sell dearest and buy where they could buy cheapest. But now, when the interest of his own district is concerned, we find him taking a different position when it touches an interest that his people are connected with. He then is willing to stand by the side of those who have been demanding the highest rates

of protection for the iron of Pennsylvania, the woolen fabrics of New England, and the salt interest of Syracuse and Saginaw.

Now, sir, inasmuch as I have been mistaken in this matter, as appears from the argument made by the gentleman from Missouri, I desire to withdraw my amendment, although I suppose the gentleman desires a vote taken upon his, which is to increase the duty from seventy cents to one-dollar. Seeing, therefore, that I am so far behind that branch of the free-trade party, I withdraw my amendment.

The CHAIRMAN. The amendment being withdrawn, the amendment of the gentleman from Missouri falls with it.

Mr. HOGAN. I renew the amendment to strike out "seventy per cent." and insert in lieu thereof "one hundred per cent." In reference to the remark of the gentleman from Iowa [Mr. WILSON] as to my being willing to go with the protective party when it suits my convenience, being myself a free-trade man, I wish simply to say this: I am for a fair tariff in reference to everything, but if we must have a high protective tariff at all, then I want the laborers of my portion of the country protected just as much as the laborers of any other portion. That is my doctrine. I cannot sit here and see an effort made in the interest of free trade or any other trade to cut down the mechanical interests of my district without vindicating the rights of my constituents and endeavoring to advance their interests. That is my position in reference to this bill. I do not say that I shall support this bill as an entirety; but I want it to be as near perfect as it can be in covering the general interests of the country, not mine only, but all of them. I am opposed to many features in this bill, and I am utterly amazed to find some gentlemen opposed to the interests of labor and seeking to build up the interests of capital. I am for labor first, because labor is the means of elevating capital, and I am for the interest of labor all the time. I hope the committee, in view of the fact that this is exclusively to inure to the benefit of the mechanic, will adopt the amendment which I propose, to make the duty one hundred per cent.

Mr. KELLEY. I move to amend the amendment of the gentleman from Missouri, not *pro forma*, but seriously, by making it one hundred and twenty-five per cent. In the interest of the marble-workers, the laborers in the marble-yards, and the skilled workmen, I resisted the increase upon the raw material. It is not an article of which we can increase the supply, because we have not the article. It is not manufactured; it is a natural product. Now, I ask that the increase of duty on the fabricated article shall be made relatively as high as the increase on the raw material. One hundred and twenty-five per cent. *ad valorem* will not be quite so high, for with the addition we have made on marble in the block the tariff is now equal to one hundred and fifty per cent. I hope that those who feel that American labor in American yards ought to have an equal chance with foreign laborers on foreign soil will equalize this bill, or make it approximately equal by striking out seventy per cent. and inserting one hundred and twenty-five per cent.

Mr. MORRILL. I move that the committee rise in order to terminate debate upon this paragraph.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. SCOFIELD reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration bill of the House No. 718, to provide increased revenue from imports, and for other purposes, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. HAMLIN, one of its Clerks, informed the House that the Senate had indefinitely postponed bill of the House No. 540, in relation to claims for horses turned over to the Government.

TAX BILL.

Mr. HOOPER, of Massachusetts, from the committee of conference on the disagreeing votes of the two Houses upon the tax bill, submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 513) "to reduce internal taxation and to amend an act entitled 'An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes,' approved June 30, 1864, and acts amendatory thereof," having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House of Representatives recede from their disagreement to the amendments of the Senate numbered 32, 53, 59, 60, 80, 109, 118, 121, 130, 150, 154, 197, 198, 215, 219, 221, 223, 226, 227, 253, 267, 259, 289, 301, 312, 317, 318, 324, 326, 349, 352, 354, 355, 362, 363, 368, 393, 379, 415, 416, 427, 428, 437, 447, 419, 450, 466, 472, 476, 479, 480, 487, 509, 523, 532, 542, 552, 556, 557, 569, 592, 606, 611, 612, 618, 635, 649, 650, 652, 656, 658, and 659, and agree to the same.

That the Senate recede from their amendments to the bill numbered 153, 155, 156, 162, 163, 284, 285, 286, 287, 288, 292, 302, 303, 309, 315, 320, 322, 323, 357, 375, 377, 438, and 475.

That the House recede from their disagreement to the third amendment of the Senate, and agree to the same with an amendment as follows: strike out the word "two" and insert the word "three."

That the House recede from their disagreement to the fifty-second amendment of the Senate, and agree to the same with an amendment as follows: strike out the words proposed to be inserted and insert in lieu thereof the words "fifteen months."

That the House recede from their disagreement to the fifty-fourth amendment of the Senate, and agree to the same with an amendment as follows: add at the end of line one, page 24 of the engrossed bill, the words "and whenever the word 'duty' is used in this act, or the acts of which this is an amendment, it shall be construed to mean 'tax' whenever such construction shall be necessary in order to effect the purposes of said acts."

That the House recede from their disagreement to the fifty-seventh amendment of the Senate and agree to the same with an amendment as follows: insert in lieu of the words stricken out the words "and twenty-five cents for each permit granted for making tobacco, snuff, or cigars."

That the House recede from their disagreement to the one hundred and eighth amendment of the Senate and agree to the same with the following amendments to the matter proposed to be inserted, namely: in line two, page 10, strike out the words "this act" and insert the word "law," in line twenty-three, page 11, strike out the word "such," and insert in lieu thereof the word "any," after the word "aforesaid," in line three, page 12, insert "reciting the facts set forth in the said certificate," in line nine, page 12, strike out "this act" and insert in lieu thereof the word "law," in lines three and four, page 13, strike out the words "by this act," and at the end of line eleven, page 14, add, "Provided, That the word 'county,' whenever the same occurs in this act, or the acts of which this is amendatory, shall be construed to mean also a parish, or any other equivalent subdivision of a State or Territory;" and the Senate agree to the same.

That the House recede from their disagreement to the one hundred and thirty-fifth amendment of the Senate and agree to the same with an amendment as follows: insert in lieu of the words stricken out the words "except as samples;" and the Senate agree to the same.

That the House recede from their disagreement to the two hundred and fourteenth amendment of the Senate and agree to the same with an amendment as follows: in line two of said Senate amendment, strike out the words "for each license;" and the Senate agree to the same.

That the House recede from their disagreement to the two hundred and eighteenth amendment of the Senate and agree to the same with an amendment as follows: in line two of said Senate amendment strike out the words "for each license;" and the Senate agree to the same.

That the House recede from their disagreement to the two hundred and twenty-fourth amendment of the Senate, and agree to the same with an amendment as follows: strike out the word "only" inserted by the Senate, and also all after the word "that," in line twenty-seven, page 73, down to and including the word "team," in line one, page 80, and insert in lieu thereof the words "persons owning and employing not more than one vehicle;" and the Senate agree to the same.

That the House recede from their disagreement to the two hundred and seventy-sixth amendment of the Senate and agree to the same with the following amendments: in line one of said Senate amendment, after the word "and," insert "until the 30th day of April, 1867;" and also in line seven of said Senate amendment, after the word "manner," insert "and for the same period;" and the Senate agree to the same.

That the House recede from their disagreement to the three hundred and fifth amendment of the Senate, and agree to the same with the following amendments: in line three of said Senate amendment strike out the words "retail price" and insert in lieu thereof the word "value;" and also in line five of said Senate amendment strike out the word "cents" and insert in lieu thereof the words "per cent.;" and the Senate agree to the same.

That the House recede from their disagreement to the three hundred and twenty-first amendment of the

Senate and agree to the same with an amendment as follows: strike out the word "enameled," proposed to be inserted, and after the word "tax," in the sixth line, page 100, insert the words "or duty;" and the Senate agree to the same.

That the House recede from their disagreement to the three hundred and twenty-ninth and three hundred and thirty-first amendments of the Senate, and agree to the same with the following amendments: strike out all of line nineteen, page 111, including the word "ten," proposed to be inserted by the Senate, to the word "thousand" inclusive, in line twenty, same page, and insert in lieu thereof the following: "on all cheroots, cigarettes, and cigars, the market value of which is over twelve dollars per thousand, a tax of four dollars per thousand, and in addition thereto twenty per cent. ad valorem on the market value thereof;" and the Senate agree to the same.

That the House recede from their disagreement to the three hundred and forty-seventh amendment of the Senate and agree to the same with amendments as follows: after the word "shall," in line three of said Senate amendment, insert "until the 30th day of April, 1867;" and at the end of said Senate amendment add, "and whenever the addition to any fare shall amount only to the fraction of one cent, any person or company liable to the tax of two and a half per cent, may add to such fare one cent in lieu of such fraction; and such person or company shall keep for sale at convenient points tickets in packages of twenty and multiples of twenty, to the price of which only an amount equal to the revenue tax shall be added."

That the House recede from their disagreement to the three hundred and fifty-first amendment of the Senate and agree to the same with an amendment as follows: insert in lieu of the words stricken out, "and of the amount of notes of persons, State banks, or State banking association paid out by them for the previous month."

That the House recede from their disagreement to the three hundred and fifty-eighth amendment of the Senate and agree to the same with an amendment as follows: insert in lieu of the words stricken out the words "and notes of persons, State banks, and banking association paid out."

That the House recede from their disagreement to the three hundred and sixty-first amendment of the Senate so far only as it proposes to strike out words, and the Senate agree to the same.

That the House recede from their disagreement to the three hundred and sixty-fifth amendment of the Senate and agree to the same with amendments as follows: after the word "due," in line five of said Senate amendment, insert "wherever," and after the word "depositors," in line seven, page 40, of said Senate amendment, insert the words "or parties whatsoever, including non-residents, whether citizens or aliens."

That the House recede from their disagreement to the three hundred and sixty-sixth amendment of the Senate and agree to the same with the following amendments: in line eleven, page 42 of said Senate amendment, after the word "stockholders," insert the words "including non-residents, whether citizens or aliens;" and after the word "whenever," in line seventeen, insert "and wherever;" and in the same line, after the word "payable," insert the words "and to whatsoever party or person the same may be payable, including non-residents, whether citizens or aliens;" and the Senate agree to the same.

That the House recede from their disagreement to the four hundred and twenty-third amendment of the Senate and agree to the same with an amendment as follows: in line two, page 49, of said Senate amendment, after the word "except," insert the words "playing-cards."

That the House recede from their disagreement to the four hundred and fortieth amendment of the Senate and agree to the same with amendments as follows: in line twelve, page 55, of said Senate amendment, strike out the word "or," where it first occurs; and in lines fourteen and fifteen, same page, strike out the words "shall use the bills of such State bank or banking association;" and the Senate agree to the same.

That the House recede from their disagreement to the four hundred and fifty-fifth amendment of the Senate and agree to the same with an amendment as follows: at the end of said Senate amendment add: "mounting and machinery of telescopes for astronomical purposes."

That the House recede from their disagreement to the five hundred and tenth amendment of the Senate and agree to the same with amendments as follows: in line nineteen, page 64, of said Senate amendment, strike out the word "aforesaid" and insert in lieu thereof the words "of the district;" and in line twenty-three, same page, strike out the words "be equal to" and insert in lieu thereof the words "not be more than;" and the Senate agree to the same.

That the House recede from their disagreement to the five hundred and forty-fifth amendment of the Senate and agree to the same with an amendment as follows: in lines eight and nine, page 70, of said Senate amendment, strike out the words "in day or night while such distillery is in operation."

That the House recede from their disagreement to the six hundred and twenty-third amendment of the Senate and agree to the same with an amendment as follows: before the word "and," in line one, page 79, of said Senate amendment, insert the following: "and the Commissioner of Internal Revenue shall allow upon all sales of such stamps to any brewer, and by him used in his business, a deduction of seven and one half per cent.;" and the Senate agree to the same.

That the House recede from their disagreement to the six hundred and forty-fifth amendment of the Senate and agree to the same with the following amendments: in line ten, page 100, of the engrossed

bill, strike out the words "assessor, collector;" and strike out in line twelve, same page, the word "or" where it last occurs, and insert in lieu thereof the words, "and any assessor, collector, inspector, or revenue agent who shall hereafter become interested directly or indirectly;" and the Senate agree to the same.

That the House recede from their disagreement to the six hundred and forty-eighth amendment of the Senate and agree to the same with amendments as follows: in line five, page 83, of said Senate amendment, after the word "thereof," insert the word "respectively;" in line eight, same page, after the word "promised" strike out the word "or," and after the word "given," in the same line, insert the words "accepted or received;" and the Senate agree to the same.

That the House recede from their disagreement to the sixty-third amendment and agree to the same with an amendment as follows: insert in lieu of the matter proposed to be stricken out the following:

SEC. 67. And be it further enacted, That in any case, civil or criminal, where suit or prosecution shall be commenced in any court of any State against any officer of the United States, appointed under or acting by authority of the act entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," passed June 30, 1864, or of any act in addition thereto or in amendment thereof, or against any person acting under or by authority of any such officer on account of any act done under color of his office, or against any person holding property or estate by title derived from any such officer, concerning such property or estate and affecting the validity of this act or acts of which it is amendatory, it shall be lawful for the defendant, in such suit or prosecution; at any time before trial, upon a petition to the circuit court of the United States in and for the district in which the defendant shall have been served with process, setting forth the nature of said suit or prosecution, and verifying the said petition by affidavit, together with a certificate, signed by an attorney and counselor-at-law of some court of record of the State in which such suit shall have been commenced, or of the United States, setting forth that, as counsel for the petitioner, he has examined the proceedings against him, and carefully inquired into all the matters set forth in the petition, and that he believes the same to be true; which petition, affidavit, and certificate shall be presented to the said circuit court in session, and if not, to the clerk thereof, at his office, and shall be filed in said office, and the cause shall thereupon be entered on the docket of said court, and shall be thereafter proceeded in as a cause originally commenced in that court; and it shall be the duty of the clerk of said court, if the suit were commenced in the court below by summons, to issue a writ of *certiorari* to the State court, requiring said court to send to the said circuit court the record and proceedings in said cause; or if it were commenced by *capias*, he shall issue a writ of *habeas corpus cum causa*, a duplicate of which said writ shall be delivered to the clerk of the State court, or left at his office, by the marshal of the district, or his deputy, or some person duly authorized thereto; and thereupon it shall be the duty of the said State court to stay all further proceedings in such cause, and the said suit or prosecution, upon delivery of such process, or leaving the same as aforesaid, shall be deemed and taken to be moved to the said circuit court, and any further proceedings, trial, or judgment therein in the State court shall be wholly null and void. And if the defendant in any such suit be in actual custody on *meine* process therein, it shall be the duty of the marshal, by virtue of the writ of *habeas corpus cum causa*, to take the body of the defendant into his custody, to be dealt with in the said cause according to the rules of law and the order of the circuit court, or of any judge thereof in vacation. All attachments made, and all bail and other security given, upon such suit or prosecution shall be and continue in like force and effect as if the same suit or prosecution had proceeded to final judgment and execution in the State court; and if, upon the removal of any such suit or prosecution, it shall be made to appear to the said circuit court that no copy of the record and proceedings therein in the State court can be obtained, it shall be lawful for said circuit court to allow and require the plaintiff to proceed *de novo*, and to file a declaration of his cause of action, and the parties may thereupon proceed as in action originally brought in said circuit court; and on failure of so proceeding, judgment of *nolle prosequi* may be rendered against the plaintiff, with costs for the defendant: *Provided*, That an act entitled "An act further to provide for the collection of duties on imports," passed March 2, 1833, shall not be so construed as to apply to cases arising under an act entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," passed June 30, 1864, or any act in addition thereto or in amendment thereof, nor to any case in which the validity or interpretation of said act or acts shall be in issue: *Provided further*, That if any officer appointed under and by virtue of any act to provide internal revenue, or any person acting under or by authority of any such officer, shall receive any injury to his person or property, for or on account of any act by him done under any law of the United States for the collection of taxes, he shall be entitled to maintain suit for damage therefor in the circuit court of the United States in the district wherein the party doing the injury may reside or shall be found. And all property taken or detained by any officer or other person under authority of any revenue law of the United States shall be irreprehensible, and shall be deemed to be in the custody of the law, and subject only to the orders and decrees of the courts of the United States having jurisdiction thereof. And if any person shall dispossess or rescue, or attempt to dispossess or rescue, any

property so taken or detained as aforesaid, or shall aid or assist therein, such person shall be deemed guilty of a misdemeanor, and shall be liable to such punishment as is provided by the twenty-second section of the act for the punishment of certain crimes against the United States, approved the 30th day of April, 1790, for the willful obstruction or resistance of officers in the service of process.

Sec. 68. *And be it further enacted*, That the fifth section of an act passed June 30, 1864, entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," is hereby repealed: *Provided*, That any case which may have been removed from the courts of any State under said fifth section to the courts of the United States shall be remanded to the State court from which it was so removed, with all the records relating to such cases, unless the justice of the circuit court of the United States in which such suit or prosecution is pending shall be of opinion that said case would be removable from the court of the State to the circuit court under and by virtue of the sixty-sixth section of this act. And in all cases which may have been removed from any court of any State under and by virtue of said fifth section of said act of June 30, 1864, all attachments made, and all bail or other security given upon such suit or prosecution, shall be and continue in full force and effect until final judgment and execution, whether such suit shall be prosecuted to final judgment in the circuit court of the United States or remanded to the State court from which it was removed.

Sec. 69. *And be it further enacted*, That whenever a writ of error shall be issued for the revision of any judgment or decree in any criminal proceeding where is drawn in question the construction of any statute of the United States, in a court of any State, as is provided in the twenty-fifth section of an act entitled "An act to establish the judicial courts of the United States," passed September 24, 1789, the defendant, is charged with an offense bailable by the laws of such State, shall not be released from custody until a final judgment upon such writ, or until a bond, with sufficient sureties in a reasonable sum, as ordered and approved by the State court, shall be given; and is the offense is not so bailable, until a final judgment upon the writ of error. Writs of error in criminal cases shall have precedence upon the docket of the Supreme Court of all cases to which the Government of the United States is not a party, excepting only such cases as the court, at their discretion, may decide to be of public importance.

The committee of conference further recommend that the words "by the collector," in line thirteen, page 140, in the text of the engrossed bill, be stricken out.

W. P. FESSENDEN,
P. G. VAN WINKLE,
JAMES GUTHRIE,
Managers on the part of the Senate.
S. HOOPER,
W. B. ALLISON,
C. H. WINFIELD,
Managers on the part of the House.

Mr. HOOPER, of Massachusetts. If any gentleman wishes to make any inquiries I will endeavor to answer them.

Mr. STEVENS. I desire to ask whether anything was done with the very important provision giving the right of trial by jury in the cases of charges of fraud. There is no way now provided to try the parties except by the Commissioner.

Mr. HOOPER, of Massachusetts. The Senate struck out the provision and the House receded from its disagreement to the Senate's amendment.

Mr. STEVENS. Well, sir, that was one of the most important provisions in the bill, a most vital one as regards the justice of the bill, and I am astonished that the House should recede from it.

Mr. HOOPER, of Massachusetts. Upon consulting with the Commissioner of Internal Revenue, the committee thought there was sufficient provision on that subject in another part of the bill.

Mr. STEVENS. Are you prepared to have that part of the section which the Senate struck out read? All now depends upon the examination and decision of a single man.

Mr. HOOPER, of Massachusetts. The opinion of the Senate committee—and the House committee concurred with them finally upon explanation—was, that if these cases were all to go into the courts they would be so crowded that we would never get along with them at all; the cases would never be decided.

Mr. STEVENS. I ask to have the portion proposed to be stricken out read.

The Clerk read as follows:

And in addition to other provisions of law, whenever fraud has been or shall be alleged as to any list or return, and the party charged with fraud shall make denial of the same in writing and shall demand a hearing thereon, and shall tender to the assessor of the proper district a bond with two or more sureties payable to the United States in a sum not less than

double the amount of the tax assessed because of such alleged fraud, and conditioned that such person will abide by the orders and judgments of the court before whom such case shall be heard, and will pay whatever sum may be adjudged against him, for tax, and also all cost that may be adjudged against him, and upon the approval of such bond by such assessor it shall be the duty of such assessor to transmit to the district attorney of the United States for the district within which such collection district is situated all the papers in the case, and it shall also be the duty of said district attorney to immediately institute in the proper circuit or district court of the United States a suit for the recovery of the tax assessed because of such alleged fraud, and the same shall be prosecuted to judgment as in other cases; and such cases shall have precedence over other civil cases on the calendar of such court. And until final judgment all proceedings by the assessor and collector shall be suspended; and in case of seizure of property, the property seized shall be released upon the approval of the bond herein provided for; but nothing herein contained to affect in any manner proceedings by indictment as provided by law.

Mr. ALLISON. With the permission of the gentleman from Massachusetts, [Mr. HOOPER,] I will say that this provision was inserted by the House with a view to transfer a class of cases to the courts of the United States before the tax was collected, which is a novel provision in our revenue system, there being no provision in any State law or Federal law by which the tax-payer, before the tax is collected, can go into the courts and litigate these questions. Parties aggrieved now have their remedy by appeal to the Commissioner of Internal Revenue, and also have their remedy against the Government of the United States, or against the proper officer. I believe that that was a just and proper provision in cases of fraud, and I supported it in the House; but the Senate insisted that if that provision was incorporated into the law we never could collect the taxes, and the result would be that in the course of six months or a year the courts of the United States would be lumbered up with these cases of fraud so that no cases could be tried in our courts under our present judiciary system. Yielding to the Senate in that view, we consented to strike out this provision because of the difficulties in its administration.

Mr. STEVENS. The gentleman is mistaken in supposing that there is no provision now for trying questions before the tax is paid. I had one last summer—a case of a bank which claimed the right to one sixth of one per cent.—which I appeared to defend. The court decided that the decision of the officer here was wrong, and the banks saved that much. It is only in cases under the revenue law that there is the provision to which the gentleman refers. Now, how does the matter stand? A man is charged with fraud in his return, say of distilled whisky. Who tries him? The assessor. The law, as it now stands, puts the whole adjudication of the question in the power of the assessor of the district, without remedy and without appeal. I know a case in my own district where the assessor took evidence on both sides and surcharged a distiller some sixty-two thousand dollars. Since the death of the man who was thus charged, it turns out that three of the witnesses were guilty of perjury. But he had no remedy. I asked the Commissioner of Internal Revenue, "What is the remedy?" He replied, "Against the United States." "Must not his property be first seized and sold?" "Undoubtedly." "Then when the man brings his suit for damages, if he succeeds, does he recover the full amount of the property seized and sold, or only the amount of the tax?" "Only the tax." I know a case where property was seized of the value of \$130,000 for a tax of \$41,000, and sold for the amount of the tax. Now, not a dollar can be collected beyond the \$41,000. In other words, a fraud is charged, the assessment is made to any amount that the assessor chooses, it is decided by him without appeal, and the only remedy of the party is to sue the officer after the property is taken from him and sold.

Now, no gentleman can deny that that is exactly the condition of the law as it now stands everywhere. I have taken some pains to examine this subject, and I find nothing but what I have stated. I say it is an outrage upon the rights of the people of this country, for it is

taking from them their property without trial by jury. The provision which the House put in the bill, and which it is proposed to strike out, provided that bail should be given to double the amount, not only of what should be found against him, but for all the costs that might be incurred; and only in that case should the proceedings be suspended. In my judgment, to leave the law as it is now would be one of the greatest outrages ever committed upon a civilized people. I cannot believe that the people of this country will endure such legislation as that. If it be in order I would move that the report of the committee of conference be rejected.

The SPEAKER. The same object would be accomplished by voting to non-concur in the report of the committee of conference.

Mr. STEVENS. If the report is non-concurred in, can the House ask for another committee of conference?

The SPEAKER. That would then be in order.

Mr. STEVENS. Then I hope the report will not be concurred in.

Mr. ALLISON. I desire to say simply that the Commissioner of Internal Revenue appeared before the committee of conference and stated that the case referred to by the distinguished gentleman from Pennsylvania [Mr. STEVENS] was the only case pending in the revenue department where such a difficulty existed; that they had had no difficulty in adjusting all the other cases at the office of the Commissioner of Internal Revenue or the office of the Secretary of the Treasury. For that reason the committee of conference assented to striking out this provision, not desiring to embarrass the collection of the revenue for the purpose of protecting the one, or perhaps two or three cases in as many years.

Mr. STEVENS. If there were only one or two cases, what becomes of the difficulty of lumbering the courts with cases?

Mr. ALLISON. This provision permits any person assessed to transfer the case at once to the courts of the United States, without going to the Commissioner of Internal Revenue or the Secretary of the Treasury. It places it in the power of the men who are compelled to pay taxes to transfer these cases at once to the district or circuit courts of the United States for the very purpose of delay and no other. It is the abuse of the provision by making up fictitious cases that would burden our courts with this class of suits that could be settled in an hour by application to the Commissioner of Internal Revenue, whose duty it is to revise the acts of his subordinates.

Mr. STEVENS. Let me say to the gentleman that it is provided that the party shall go before the assessor and present bail to his satisfaction before he can ask to have the case transferred.

Mr. HOOPER, of Massachusetts. I now yield to the gentleman from Ohio, [Mr. DELANO.]

Mr. DELANO. Mr. Speaker, a revenue bill of this sort, in order to be efficient, must necessarily provide stringent measures; for without them it will not accomplish the object which is sought. The committee of conference, as I understand, have reported in favor of an amendment striking out the provision under which a party deeming himself overtaxed could, on giving bonds, have his case transferred at once to the courts for adjudication. It must be apparent to the House that if we should insist upon retaining that provision, our courts would be overburdened with suits growing out of tax assessments, and the collection of the revenue would be greatly embarrassed. The party is not without a remedy as the law now stands. Though he may be forced to pay, he can bring suit afterward to correct any error or fraud that may have been practiced upon him. I think it would be exceedingly bad policy, as a revenue measure, to adopt the provision which was inserted by this House and which has been stricken out by the conference committee.

Mr. STEVENS. I will ask the gentleman, with his permission, a question. Under the present law, if a property is seized and sold under an erroneous and excessive assessment, can the party recover the value of the property or only the amount surcharged?

Mr. DELANO. Well, sir, I of course would not undertake, without reflection, to answer a question of that sort with absolute confidence; but my opinion is that he could recover the value of the property.

Mr. STEVENS. The opinion of the department is that he can recover only the amount surcharged, and that is my opinion, too.

Mr. DELANO. I do not see in that suggestion of the gentleman anything that detracts from the force of the considerations which I was presenting in reference to the propriety of agreeing to this report. I think it would be fatal to our tax law as a revenue measure to embarrass it by the provision which was adopted in this House. I do not think that our citizens can suffer any serious injury under the law as it will be if the report of the committee should be adopted. It is suggested to me, and I desire to bring the point to the attention of the House, that our law in reference to the collection of customs is in precise analogy to the present internal revenue law. Under the law for the collection of customs we have experienced no difficulty; and I apprehend that we shall not in this case.

Mr. STEVENS. The gentleman will allow me to say that in reference to customs the money is always paid beforehand. If the party believes that an illegal duty is charged, he makes the payment under protest, and brings his suit for the recovery of the money. The proceeding is very different under the internal revenue law.

Mr. DELANO. I cannot see how the statement of the gentleman affects the question we are now discussing. In the case of which he speaks the money is paid in advance, and in a case arising under the internal revenue law the money is paid in advance, but at a different stage of proceeding.

Mr. STEVENS. There is a very great difference between a merchant paying duties under protest and a man having his property sold for the non-payment of tax illegally exacted.

Mr. ROSS. I desire to inquire of the gentleman from Massachusetts [Mr. HOOPER] what action has been taken by the committee of conference in reference to exempting \$1,000 instead of \$600 from the income tax.

Mr. HOOPER, of Massachusetts. The Senate had stricken out everything inserted by the House in reference to the income tax. The view of the Senate was that as the income tax has already been assessed for this year, and as any amendment of the present law in reference to that subject would not affect the tax for this year, there is no necessity for any action upon the question at this session. The members representing the House in the committee of conference concurred in that view, and agreed to recommend the striking out of all the provisions relating to the income tax.

Mr. ROSS. I have only to say that I hope the House will not concur in the action of the committee of conference on this subject.

Mr. BINGHAM. I desire to say a word or two on this subject, chiefly because of the remark which fell from the lips of the venerable gentleman from Pennsylvania [Mr. STEVENS] as I came into the Hall. He seems to assume, in opposing the report of the committee of conference, that by their report there is some invasion of the right of the citizen under the Constitution of the United States that he shall not be deprived of his property without due process of law, and that to take his property for payment of taxes, without a jury trial, is a deprivation without due process of law. I wish to say in this connection that if the assumption of the gentleman be accepted and acted upon as broadly as he seems to have stated it, it will break up your whole revenue system. The adoption of the gentleman's rule would be a total departure from the practice

of the Government from the day of its organization up to the present hour. The compulsory collection of the revenues of the Government through its own executive officers, and without the intervention in the first place of a court or jury has always been the practice. Hence it is, sir, in relation to the collectors of your customs, who are required to give bonds for the faithful performance of their duty. If they are found in default in the Department of the Treasury, instead of having the intervention of a court or the intervention of a jury to determine the liability, the account is stated in the Department and the Treasury warrant is issued by the Department for the seizure of his person and his imprisonment, and for the seizure of his own lands and the lands of his security and for their sale at public outcry to the highest bidder. It has been ruled solemnly by the Supreme Court of the United States, in the case of *McMillan's Lessees*, that such proceeding was in complete accordance with the Constitution and was not a deprivation of property without due process of law. Holding this view of the subject I cannot agree with the gentleman at all that the collection of the revenues of the country is to be interrupted at every step by everybody through the intervention of a court and jury. So to legislate would be to provide that your whole revenue may be put in a state of suspense and made to await final trials in courts of justice before juries. It seems to me that the gentleman's proposition is most unsafe and most extraordinary, without anything in the past history of the country to sustain it or to give it the least color of support.

Mr. STEVENS. I know of six cases where they have been tried. The gentleman is behind the times.

Mr. BINGHAM. Does the gentleman know any case where the decision has been different from that I have referred to?

Mr. STEVENS. This system is entirely different from that of the customs, wholly different in its parts. Here a man may be robbed of his property at the mere fiat of a single assessor without appeal. It is monstrous; and I had no idea that any good lawyer would be found to advocate it.

Mr. BINGHAM. There is an appeal.

Mr. STEVENS. There is no appeal.

Mr. BINGHAM. There is an appeal to the Commissioner of Internal Revenue.

Mr. STEVENS. I say there is no appeal.

Mr. BINGHAM. I have prosecuted an appeal of that sort myself during the present session and reversed the action of the local assessor. I repel the gentleman's statement, therefore, that there is no appeal. I ask when and where the case of *McMillan's Lessees* was ever challenged, much less reversed, in any court in America—a case where property was seized without the action of court or jury.

Mr. HOOPER, of Massachusetts. In regard to incomes, as there would be no action until next May, after the meeting of the next session of Congress, the Senate deemed it expedient to postpone action to the next session, when there would be more experience of the operation of the law. The House agreed with the Senate in striking out all affecting incomes, leaving it as it is at present. In regard to the tax on cotton, the House receded from five cents and the Senate from two cents, and we have fixed it at three cents.

Mr. EGGLESTON. What has been done in reference to gas?

Mr. HOOPER, of Massachusetts. A compromise was made to continue the provision of the Senate until the 30th day of April next, in order to give the companies affected by it an opportunity to get redress from their different Legislatures. The provision, therefore, continues only until the 30th day of April next.

The same question arose in regard to horse railroads, and the same course was taken upon it, allowing the provision of the Senate to continue until the 30th of April next, but with some amendments by which the railroads are required to sell package tickets of not more than twenty with only the tax added. After

the 30th of April next these provisions will expire, and both the railroads and the gas companies will be left in the same condition as other parties who are affected by the tax bill. These are the most important provisions of the bill about which the two Houses differed, but if any gentleman desires to make any inquiry in regard to any other article I shall be happy to explain it to him.

Mr. WOODBRIDGE. I would like to inquire of the gentleman what has been done with the bank tax.

Mr. HOOPER, of Massachusetts. There was nothing to be done by the conference committee in relation to the bank tax. The House concurred in the material amendments of the Senate on that subject. The Senate also receded from their amendment in regard to tailors and shoe-makers and concurred with the House, so that work not exceeding \$1,000 in value will be exempt, exclusive of materials. Another amendment inserted by the Senate concerning "mead," which my friend from Philadelphia [Mr. O'NEILL] was so anxious about, is concurred in with an amendment adding to it "mountings and machinery of telescopes for astronomical purposes."

Mr. O'NEILL. I am glad the committee thought the article of "mead" of such importance as to associate it with telescopes.

Mr. HOOPER, of Massachusetts. I yield now to the gentleman from Ohio, [Mr. EGGLESTON.]

Mr. EGGLESTON. I am very sorry that I have not an opportunity to vote upon the report of this conference committee on each proposition by itself. The report is about as I expected it would be. The great monopolists of the country have, and will continue to have, the advantage over the poor young men who are working for salaries and trying to maintain themselves and their families honestly and doing what they can to support the Government. The committee tell us that only \$600 can be exempted from taxation to the man who gets a salary, and that over \$600 he must fork over to the Government. They could not bear to make the exemption \$1,000 as was proposed in the House. They tell us that the great monopolists, the gas companies that have repeatedly violated their contracts with the citizens, and have charged the manufacturer's tax on each and every bill, are to be permitted to continue to do so until the 30th of April next. I feel thankful that the committee has got this saving clause in their report. If it is adopted, we are to tell our constituents that they are only to be taxed by these monopolists until the 30th of April next, and then these companies are to get relief from the several State Legislatures.

Mr. Speaker, we cannot stand up before the people of this country with this kind of legislation. If you legislate against the people and in favor of corporations, no matter what party or what organization does it, you cannot stand before the people. These gas companies have no right, where they have contracted to furnish gas at \$3 50 per one thousand feet, to charge the manufacturer's tax in the face and eyes of that contract, and there is not a lawyer in this House who will stand up and say that it is legal. This Congress may authorize such a tax to be laid, and you tell us that the individual has his remedy in the courts of law. How long will it take him to get through the courts? If you put the seal of Congress upon such an enactment, individuals will hardly dare to stand up and face the community which is against them. I hope, Mr. Speaker, that this report will not be concurred in, and I shall vote against it. I hope another committee will be appointed and that we will stay here until the 1st day of December next rather than submit to such an iniquity.

Mr. HOOPER, of Massachusetts. I yield now to my colleague on the committee, the gentleman from Iowa [Mr. ALLISON.]

Mr. ALLISON. I desire to say a word in vindication of the committee against the assault of the gentleman from Cincinnati, [Mr.

EGGLESTON.] I believe that the committee is no more in favor of monopolies than the gentleman is; but we found this difficulty in the case: these gas companies and railroad companies are local corporations, chartered by the different municipal authorities and State Legislatures, and we have imposed an additional burden upon them since those charters were granted; and when the House adopted the provision by which this tax was not allowed to be charged over to their patrons these companies came here and said to the Senate that they had been before their several Legislatures asking relief, but were remanded back to Congress, because Congress by legislation heretofore had allowed them to add the tax to their charges. Therefore it is that the committee have provided that until April, 1867, these corporations may add the tax, but after that time Congress would give them no relief, because in the meantime they could go to their municipal corporations and State Legislatures and ask the relief which they sought at our hands, and if just would probably receive it, and at all events after that time Congress would refuse to allow them to charge over these fares.

It is not the purpose or design of Congress to interfere with local or State legislation; either to impose upon the people burdens or to take off burdens imposed under State legislation where such legislation is not required by the necessities of the General Government; and those who are not in favor of interfering with the rights of the States will not desire to interfere with local charters or corporations unless the necessities of the revenue imperatively require it. Therefore it was that the Senate insisted that this provision should apply until the 30th of April next, and the committee on the part of the House finally yielded the point, and in the mean time if the State Legislatures do not give relief, these companies must incur as we do the taxation imposed by Congress without diminution however onerous it may be. Besides that, it was shown that many gas companies are so limited at this time by local charters that they cannot pay these heavy burdens unless they are permitted to charge the burden on the consumers of gas. It is so in the case of one corporation in the city of New York where their charges do not pay the cost of the production of the gas at this time; and when we have placed by our legislation here an import tax of \$1.50 per ton upon coal, I doubt very much whether the gas companies can live at the existing rates which the municipal authorities have authorized them to charge for their product. I wish the House particularly to mark that this whole provision expires on the 30th of April, 1867, when these gentlemen will be remanded to their States; in the mean time all railroad companies are required to keep for sale at convenient points packages of tickets of not more than twenty with the tax only added, thus repealing an obnoxious provision in the existing law.

One word upon the subject of the income exemption. The House revised the income tax so as to exempt \$1,000 instead of \$600, as now provided by law; but the Senate refused to consider this question of income at the present session for the reason that any law passed now could not affect the collections for the present year, as they are all assessed and are now being paid; and it was hoped that at the next session, which must end before another assessment of income can be made, still further exemptions might be made, so as to relieve further those having small incomes. Therefore, with the hope in view of extending further relief the House committee receded from its non-concurrence in the amendments of the Senate upon that subject.

Mr. LE BLOND. I would ask the gentleman one question before he takes his seat. I understand him to say that those members of the committee who believed that Congress had not the power to interfere with this matter in the States differed from the rest of the committee in the final conclusion they came to.

Was it the determination of the committee that Congress had or that it had not the power to control this matter in the States?

Mr. ALLISON. The gentleman entirely misapprehended my remark. The committee all agreed that we had the power.

Mr. LE BLOND. The committee came to the conclusion that Congress had the power to regulate contracts made between companies and individuals.

Mr. ALLISON. Not at all; that question was not before the committee.

Mr. HOOPER, of Massachusetts. I will yield now to the gentleman from Ohio, [Mr. SCHENCK.]

Mr. SCHENCK. Mr. Speaker, this bill, as reported by the Committee of Ways and Means, contained in it two features, similar in principle, against which I voted throughout. They are involved in this present controversy. One was that gas companies should be permitted to charge over against their consumers the taxes imposed upon them. The other was that railroad companies should be permitted to charge the taxes imposed upon them over against their passengers. Now, I regard this as a pretense to tax the gas and railroad companies, when in fact it is but taxing the people more. Indeed, in the case of the railroad companies, it has gone further, and where the tax was one eighth, or one sixteenth, they have charged one cent in addition to their fares, and thus have actually made money out of being taxed. Gentlemen defend this principle, which has been conceded here by the committee of conference, on the ground that if you did otherwise it would be interfering with contracts. Now, I regard this matter in an entirely different light. You charge office-holders five per cent. upon their fixed salaries. Are they permitted to charge it over against somebody else? Do not the States pass laws fixing the interest on promissory notes at six per cent., and do you not tax the income arising from that limited interest? What is the object of all this? That these taxes shall be paid out of the profits and not be paid by the public.

Mr. ALLISON. I desire to explain to the gentleman from Ohio [Mr. SCHENCK] that we required these railroad companies, after the passage of this bill, to provide packages of tickets, not more than twenty tickets to the package, to which they shall add only the tax, and not the full cent for each ticket or fare.

Mr. SCHENCK. That obviates one of the difficulties; but it still leaves the principle that you do not tax at all the railway company or the gas company, but you tax the passenger and the consumer, the public, the people, and under the pretext of taxing these corporations it is proposed to let them go free of the tax. Now, I say all this talk of interfering with contracts is a mere fallacy. You seized upon fixed incomes everywhere; you seize upon them whether they are in the shape of salaries or otherwise. Why? Because your object is to take so much out of the profits, out of the receipts, out of the property of the person or corporation, and apply it to the public benefit; you take such a contribution from them for the support of the public authorities. Now, in this case of the railway company or gas company, instead of taking so much of their profit or property for the support of the Government, you propose simply to take away with one hand, and with the other you allow them to charge it over against somebody else. Your pretense of taxing them is thus a mere fallacy; you do not tax them at all; it is a mere mockery to say so. And therefore, from the beginning to the end, I have opposed as erroneous in principle, as an outrage upon right, every attempt to relieve these railroad and gas companies from contributing anything for the public good and benefit, because of the allowance made to them to collect that tax from somebody else. And if this principle is sustained by the report of the committee of conference, as I understand it is, even if there was no other objection to the report, I should oppose its adoption.

Mr. MORRILL. It seems to me that this is

a very great heat over a very little matter. In the first place, our law does not reach but a very small number of railroad companies and but very few in number of the gas companies, as only a few are restricted by State laws or by charters as to the charges they shall make. The report of the committee of conference, as I understand it, merely postpones the action of the House until next April, in order to give these gas and railroad companies that are now prohibited by their charters from increasing their rates, time to obtain relief from the Legislatures of their respective States. If they do not obtain that relief between this time and next April, then the action of the House goes into force. I think the proposition made on the part of the Senate and accepted by the conferees is a proper one. I think it is a fair proposition, and one which ought not to meet with any opposition from any reasonable man in this House.

Mr. DAVIS. I rise to repel the unworthy assaults made upon the corporations of this country. I refer particularly to the assault made by the gentleman from Ohio [Mr. EGGLESTON] representing the Cincinnati district. Corporations are organized and chartered by the laws of the different States for the purpose of accomplishing objects for which individuals are not competent. And when individuals are thus associated together for the purpose of accomplishing a particular object, the capital which each individual puts in that corporation is just as much entitled to the protection of this Government as if it remained in every respect individual and private capital. But the gentleman gets up here and claims that these corporations, these great over-towering corporations, shall be stricken down as unworthy of protection, so as to protect the people against the assaults of these corporations, even if they be destroyed. He would destroy everything of a corporate character, everything for which these corporations are authorized, and in which they are engaged. And the gentleman from Ohio [Mr. SCHENCK] on my right is entirely in error, I think, in the position he has taken here, that this Government has no right to relieve the corporations from the tax imposed upon them.

Mr. HOOPER, of Massachusetts. I now call the previous question.

The previous question was seconded, there being—yeas 68, nays 32.

The main question was ordered; which was upon agreeing to the report of the committee of conference.

Mr. ROSS. I call for the yeas and nays.

Mr. STEVENS. I understand that if the negative side should prevail on this question it will enable us to have another committee of conference.

The SPEAKER. A vote against agreeing to the report will either cause the defeat of the bill or the appointment of a new committee of conference, if the House should ask for it and the Senate agree to it.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 71, nays 57, not voting 54; as follows:

YEAS—Messrs. Alley, Allison, Ames, James M. Ashley, Baldwin, Banks, Baxter, Bidwell, Bingham, Boutwell, Bundy, Cobb, Davis, Dawes, Dawson, Delano, Dixon, Dodge, Driggs, Eckley, Eliot, Garfield, Grinnell, Griswold, Hale, Hart, Hooper, Asahel H. Hubbard, Chester D. Hubbard, Demas Hubbard, John H. Hubbard, James R. Hubbard, Hubbard, Julian, Kasson, Kelley, Ketcham, Ladin, Latham, Longyear, Marston, Marvin, McRuer, Miller, Moorhead, Morrill, O'Neill, Paine, Perham, Pike, Plants, Pomerooy, Price, Radford, Samuel J. Randall, Alexander H. Rice, Rollins, Sawyer, Scofield, Smith, Spalding, Thayer, Francis Thomas, Trowbridge, Upson, Van Aernam, Brut Van Horn, William B. Washburn, Welker, Winfield, and Woodbridge—71.

NAYS—Messrs. Ancona, Anderson, Baker, Benjamin, Boyer, Buckland, Reader W. Clarke, Coffroth, Cook, Cullom, Eggleston, Eldridge, Farnsworth, Farquhar, Ferry, Finck, Glossbrenner, Grider, Aaron Harding, Abner C. Harding, Harris, Hayes, Hogan, Holmes, Humphrey, Ingersoll, Johnson, Kelso, Kuykendall, William Lawrence, Le Blond, Loan, Marshall, McClurg, McKee, Mercer, Myers, Niblack, Noell, Orth, Patterson, William H. Randall, Ritter, Ross, Schenck, Shanklin, Shellabarger, Stevens, Strouse, Taber, Taylor, Trimble, Robert T. Van Horn, Henry D. Washburn, Wentworth, Williams, and James F. Wilson—67.

NOT VOTING—Messrs. Delos B. Ashley, Barker, Bauman, Bergen, Blaine, Blow, Brandegee, Bromwell, Broomall, Chanler, Sidney Clarke, Conkling, Culver, Darling, Deftrees, Deming, Denison, Donnelly, Dumont, Goodyear, Henderson, Higby, Hill, Hotchkiss, Edwin N. Hubbell, Jencks, Jones, Kerr, George V. Lawrence, Lynch, McCullough, McIndoe, Morris, Moulton, Newell, Nicholson, Phelps, Raymond, John H. Rice, Rogers, Rousseau, Sitgreaves, Sloan, Starr, Stillwell, John L. Thomas, Thornton, Ward, Warner, Elihu B. Washburne, Whaley, Stephen F. Wilson, Windom, and Wright—54.

So the report of the committee of conference was agreed to.

Mr. HOOPER, of Massachusetts, moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HOOPER, of Massachusetts. I am further directed by the committee of conference on the tax bill to present the following report:

The committee of conference further recommend that the words "by the collector" in line nineteen, page 140, in the text of the engrossed bill be stricken out.

This is merely a verbal correction.

The SPEAKER. A message from the Senate has been received, announcing that that body has unanimously agreed that this change shall be made. It requires the unanimous consent of both Houses to change the text of a bill after it has passed. Is there any objection to the change being made as recommended by the committee of conference?

There was no objection.

HOLDING EVENING SESSION.

Mr. MORRILL. I move that the House take a recess at half past four o'clock this afternoon, to meet again at half past seven o'clock, for the purpose of proceeding with the consideration of the tariff bill.

The motion was agreed to; there being—ayes 69, noes 35.

TARIFF BILL—AGAIN.

Mr. MORRILL. I move that when the House shall again resolve itself into the Committee of the Whole on the state of the Union, all debate on the pending paragraph terminate in one minute.

The motion was agreed to.

Mr. MORRILL. I move that the rules be suspended and that the House resolve itself into the Committee of the Whole on the state of the Union on the special order.

The motion was agreed to.

So the rules were suspended; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. SCOFIELD in the chair,) and resumed the consideration of House bill No. 718, to provide increased revenue from imports, and for other purposes.

The CHAIRMAN stated that the question recurred on the amendment offered by Mr. KELLEY to the amendment of Mr. HOGAN; and that all further debate had been limited to one minute.

Mr. KELLEY. I wish to say the object is to make the duty on the manufactured articles equal to the duty on the raw material. We have increased the latter, and I wish now to make the former commensurate with it. If the raw material of Italian marble is to be imported into this country, I want the labor of manufacturing it done here and not abroad.

The CHAIRMAN stated that debate was exhausted.

Mr. KELLEY's amendment was disagreed to. The question recurred on Mr. HOGAN's amendment.

Mr. HOGAN. I will modify my amendment so as to make it one hundred per cent. The amendment was disagreed to.

Mr. HOGAN. The committee agreed to seventy-five per cent. instead of seventy. I believe that is universally conceded.

The CHAIRMAN. All debate on this paragraph has been terminated.

Mr. HOGAN. I move to make it "seventy-five" instead of "seventy."

The amendment was disagreed to.

Mr. HOGAN. I move to add the following: On marble slabs and tiles one dollar per square foot, and, in addition thereto, twenty-five per cent. *ad valorem*.

Mr. MORRILL. Strike out "square" and insert "cubic."

Mr. HOGAN. I accept that modification. The amendment, as modified, was agreed to.

The Clerk read as follows:

On nickel, forty cents per pound; on alloy of nickel with copper, and on zaffer, forty cents per pound; on nickel matte, speiss, or oxide, thirty cents per pound; on manufactures of nickel, or of which nickel shall be a component material of chief value, fifty per cent. *ad valorem*; on ores of nickel and cobalt ores, ten per cent. *ad valorem*.

Mr. HUBBARD, of Connecticut. I move to strike out "on nickel forty cents per pound."

Mr. Chairman, I want to understand how it is that the duty on this article has been quadrupled by the report of the committee. It is here proposed to make it four times what it is in the existing tariff. I do not know that I am in error in regard to this article or the interest of the country in the subject. If I am the chairman of the committee can correct me. The tariff at present is fifteen per cent. *ad valorem*, and the article during the last year has paid a large revenue to the Republic. It has contributed its full share of the \$170,000,000 in gold that we have received from the present tariff. Now, I find from fifteen per cent. it is proposed to increase it to forty cents per pound. If this increase be adopted it will be entirely prohibitory, and we cannot expect to receive a cent of duty on the article of nickel hereafter. I understand, Mr. Chairman, that eighty per cent. of this article used in this country comes from abroad. It is used extensively in making white metal or German silver. If this tariff be adopted, thousands of individuals who are engaged in the manufacture will be driven out of employment. I would like to have the chairman of the Committee of Ways and Means say why the duty on this article has been increased fourfold?

Mr. MORRILL. I do not respond to the gentleman because there are others who wish to take part in this debate.

Mr. HUBBARD, of Connecticut. I presume it is proposed to increase the duty on this article to the extent of prohibition, in order that some interest in Pennsylvania may be protected. I do not believe that the interest of the Republic generally requires such an increase of duty on this article.

Mr. KASSON. I have the floor, but I feel bound to give way to a member of the Committee of Ways and Means.

Mr. GARFIELD. I desire to offer an amendment before the question is taken on the motion to strike out. I propose to insert "on nickel, twenty-five per cent. *ad valorem*." There is only a small district of country in the United States where nickel is produced, namely, one or two counties in Pennsylvania and a small part of New Jersey. Not more than two or three parties have ever produced it in this country. It enters into the manufacture of German silver and white metal wares generally. The manufacturers of articles made chiefly of nickel have paid into the Treasury during the past year \$200,000 of internal revenue. They ought to be cared for as well as the original producers of the raw material. I call attention to the history of the legislation on this subject hitherto. In the tariff of 1842 nickel was free. In the tariff of 1846 the duty was five per cent. *ad valorem*, and continued so for eleven years, when, under the tariff of 1857, it was reduced to four per cent. That rate was continued until 1861, when it was again made free, and continued so until 1864, when a duty of fifteen per cent. was put upon it. And now, by this bill, the duty proposed is forty cents per pound, which is about forty per cent. *ad valorem*, the article being purchased in foreign ports at about one dollar a pound.

Mr. STEVENS. It costs two dollars here.

Mr. GARFIELD. The cost here is about one dollar and seventy-five cents, which sum

includes the duty and cost of transportation; but at the foreign ports it is valued at about one dollar and five cents per pound. A duty of forty cents per pound is therefore about forty per cent. *ad valorem*, and it is an increase of the present rate of nearly one hundred and seventy-five per cent. There is another fact to be considered. The producers of nickel have an exclusive monopoly of the business. They supply the United States Mint with nickel for coinage, and have recently had a very lucrative contract with the Government to supply the metal for the one, two, and three cent coinage. A few days ago we passed a law to authorize the coinage of a five-cent piece, composed partly of nickel; so that these men will have a further continuance of Government patronage. I think we should have some regard for the large manufacturing interests which are obliged to use this article as raw material. The amendment I have offered will give adequate protection to the producer, for it is an advance on the present duty of sixty-five per cent. and it will also be in fair proportion to the duty on the products of nickel.

Mr. HOGAN. I would like to inquire of the gentleman whether the United States Mint instead of using American nickel does not import English nickel to make the coins of, paying no duty thereon.

Mr. GARFIELD. I believe the officers of the Mint have contracted with the parties in New Jersey and Pennsylvania to supply the Mint with the metal they need for coinage, and they have been using American nickel exclusively for seven or eight months past.

Mr. HOGAN. I understand the reverse to be the fact.

Mr. KASSON. I shall not be very much surprised if my friend from Ohio [Mr. GARFIELD] should be led into sundry other errors besides that which he has unintentionally committed now in his statement touching this subject, from the fact that he and I differ from the very foundation on the question of this tariff. As I stated the other day, whenever there is a new, struggling industry in this country that cannot compete without help, there is an object, and then is the time for the exercise of our right to discriminate in favor of industry.

Now, sir, this is peculiarly a new and struggling industry. As chairman of the Committee on Coinage, Weights, and Measures, I have had to examine this subject in connection with a bill which I introduced in regard to coinage. I find there is but one manufacture of nickel in this country now. There have been two or three previous attempts made to establish manufactures, but they have failed at the outset from inability to compete with the foreign product. The best nickel perhaps in the world is produced in Prussia, and that has been used to a great extent in the United States Mint as a part of the ingredient of our coin. Labor in Prussia is cheap, fuel is cheaper, and chemicals are so much cheaper abroad, that when the question comes as between the industry of Europe and this country—for there are some six or eight large producers in England and Germany, and I believe one or two in Sweden—the necessity for some considerable protection is manifest if we would establish this new industry in this country.

Nickel is obtained from an ore which yields from two to six per cent. It is found in Pennsylvania, New Jersey, Missouri, and some other States, I believe; but there is but one man who has possessed the genius and the will to develop and establish the manufacture of this product. That man deserves the thanks of Congress and of the country, for it has cost him from \$100,000 to \$200,000 to establish it on a permanent basis. And, sir, he has done what I would urge other capitalists to do who are clamoring for excessive protection from us. He has gone to Europe and brought the laborer here to his mill in order to be enabled by the skill and experience of that laborer to reduce the cost of the product and bring it in competition with the foreign article. He has

got one of the most experienced artisans from Europe to aid him in the development of this industry.

Now, I say this is one of those infantile industries of the country which needs to be developed. The question of the production of German silver depends upon it. It advances the cost of German silver about six per cent., and better would it be to enhance the price of German silver six per cent., which partakes of the character of a luxury, than to destroy the only factory where nickel is produced in this country. Recollect that the ore yields only from two to six per cent. of the metal. It first goes through the smelting operation and is reduced to a concentrated ore which is sent to England where it is reduced to nickel. Then that is brought back to this country, paying a duty of fifteen per cent. It is cheaper to do that than to reduce it to a metal here. Under these circumstances I consider this as a peculiar case where protection is needed.

[Here the hammer fell.]

Mr. MOORHEAD. I move, *pro formâ*, to strike out "forty cents" and insert "fifty cents." I hope the report of the committee will be adopted, and I only make this motion for the purpose of replying to my colleague on the Committee of Ways and Means, [Mr. GARFIELD.] I was very much surprised at two propositions he introduced here, and the first and most astonishing one was to change the report of the committee from a specific to an *ad valorem* duty. I have been exceedingly anxious, being in favor of protecting American manufactures, to change our system from *ad valorem* to specific duties. In the old countries where they have had a tariff for very many years they have almost entirely abolished *ad valorem* duties. I am told that in France, out of fifteen hundred items there are but about twenty that have *ad valorem* duties put upon them, while about forty per cent. of our own tariff is *ad valorem*.

The other proposition, or rather statement, that the gentleman made was that he should go against an *ad valorem* on minerals that we produce in this country. Sir, whenever you can develop from the bowels of the earth anything and turn it into gold, nickel, or anything else, so much is clear gain; all the labor, everything connected with the development of an article and the bringing it into commerce is so much clear gain to the community. It is not necessary, therefore, to say much more; I will only ask to have read, as a part of my remarks, a portion of a letter addressed to me recently by Joseph Wharton, Esq., of Camden, New Jersey.

The Clerk read a portion of the letter, as follows:

"I have now been struggling for more than three years to establish this important industry here, but for two reasons my efforts have hitherto produced little but vexation and loss. These reasons are, first, that though I succeeded in making some pretty good nickel I found it impossible with such light and aid as I had to bring this most difficult manufacture within any reasonable time to the same point of excellence and economy which by long experience the Europeans had reached; second, I was obliged to buy my chemicals and other materials at the high rates brought about by the high general scale of tariff, and was obliged to sell my product at the low rates which foreign nickel (subject to a tariff far below the general scale) could be sold here at. I had to give up the fight of course, and to stop my works, but as my means and resolution were not exhausted, instead of abandoning the enterprise, I cast about in every way to get at the best processes, by means of research and inquiry and sending my chemist on a tour to England and Germany.

Having satisfied myself that Dr. Theodore Flirtmann is the ablest man in the world in this business, I have induced him to come over here and has formed a partnership with him, which I believe will entirely do away with difficulty number one. The nickel firm of Flirtmann & With, of which Dr. Flirtmann is the head, is, I believe, the second in the world in magnitude, and the first in the world for excellence of product.

Mr. MOORHEAD. I wish to say that the gentleman who has written this letter, and who is developing the production of nickel in this country, sent to Prussia and obtained the services of a most distinguished gentleman, who is now in partnership with him in developing this new industry. I hope it will not be crushed

out by the action of this House. I withdraw my amendment to the amendment.

Mr. GARFIELD. I renew the amendment to the amendment. I wish to notice for a moment some of the objections which the gentleman from Pennsylvania [Mr. MOORHEAD] raises. The first is that I have proposed to change the duty from specific to *ad valorem*. Now, I am perfectly willing to make this duty specific. I agree with the gentleman that generally that is the better way. I only made it *ad valorem* because I did not know exactly what the corresponding specific duty was. But I would like the attention of the gentleman for one moment. I recollect to have seen a man attempting to bale out a boat that had no bottom to it; and for every pail full he poured out of the boat of course another pail full came right into the boat again. Now, when people propose to protect the production of an article by putting the duty upon it so high as to crush out its use in other manufactures, they are but pouring the water out of the boat to come right in again. Now, what is the use of our producing nickel in this country at all unless we have manufacturers to make use of it? But if every manufacture in this country that uses nickel is broken down, what is the value of its production?

Mr. MOORHEAD. Then I would ask the gentleman what was the use of developing the iron-producing interests in this country when we could at that time purchase it cheaper from abroad than we could make it. Yet we can now cope with the world in its production.

Mr. GARFIELD. We use nickel in this country for making white metal and other manufactures. And the only object of protecting the nickel-producing interest is to supply to this country the raw material for our manufactures. But if the gentleman breaks down our manufactures which use this article, then his nickel mines will not be worth a twopence. The manufactures in which this article is used will be brought in from England, Prussia, and other countries where they are produced, and that will be the result of his policy. Now, if the gentleman's Pennsylvania friend could for eleven years run his nickel mines without the protection of any duty whatever, he will probably be able to run them with the protection of a duty of twenty-five per cent. If he was enabled to run them before 1864, without having a duty of more than five per cent., then he can surely run them now with a duty of twenty-five per cent. If he could run them under the tariff of 1864, with a duty of fifteen per cent., I suppose he would not be crushed out and ruined with the advantage of a duty of twenty-five per cent. Now, I do not propose to be led off into this fallacy of running up the duty to such an exorbitant extent as to ruin everything else connected with it under the plea of protecting this particular interest, but eventually to ruin it entirely. Now, if the gentleman would rather have the duty at twenty-five cents per pound, instead of twenty-five per cent. *ad valorem*, I will not make much objection to so modifying my amendment, though that is raising the duty eighty per cent. over the present rate.

Mr. THAYER. I want to ask the gentleman from Ohio [Mr. GARFIELD] a question.

Mr. GARFIELD. Very well.

Mr. THAYER. Is there any other industry or interest which is opposed to a high protective duty on nickel except the German silver manufacture?

Mr. GARFIELD. Only the German silver manufacturers, and every person who uses German silver ware.

Mr. THAYER. I want to ask the gentleman whether the German silver manufacturers

[Here the hammer fell.]

Mr. HUBBARD, of Connecticut. I say there is no nickel ore in this country that is fit to be worked. But there are thousands and thousands of individual common day laborers now embarked in the business of making white metal and the German silver, for which this

metal is needed, and which they are compelled to import from abroad. It is not produced in this country. It cannot be produced here. Yet we are called upon by my respected friend from Pennsylvania to protect the interest of one single man who is experimenting in the production of this nickel ore, in opposition to the interest of thousands upon thousands of day laborers who use this material in the manufactures in which they are engaged.

Now, Mr. Chairman, no man can doubt that the duty here proposed is entirely prohibitory. If it be adopted we shall not realize a single dollar of revenue from this source. Under the present tariff, with a duty of fifteen per cent. *ad valorem* on this article, we have received a large amount of revenue from this source during the last year.

Mr. MORRILL. For the purpose of terminating debate, I move that the committee rise. The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. SCOFIELD reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration bill of the House No. 718, to provide increased revenue from imports, and for other purposes, and had come to no resolution thereon.

DUNDAS PATENT.

The SPEAKER, by unanimous consent, laid before the House a communication from the Secretary of the Interior in reply to a resolution of the House of May 26, in regard to the reissue of the Dundas patent for cultivators; which was referred to the Committee on Patents and ordered to be printed.

TARIFF BILL—AGAIN.

Mr. MORRILL. I move that when the House shall again resolve itself into the Committee of the Whole on the state of the Union, all debate on the pending paragraph and amendments thereto terminate in seven minutes.

The motion was agreed to.

Mr. MORRILL. I move that the rules be suspended and the House resolve itself into Committee of the Whole on the state of the Union on the special order.

The motion was agreed to.

So the rules were suspended; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. SCOFIELD in the chair,) and resumed the consideration of the special order, being bill of the House No. 718, to provide increased revenue from imports, and for other purposes.

Mr. MORRILL. I merely desire to occupy the time of the committee long enough to give some information which may be necessary for their proper action on this subject. In 1864 we imposed upon nickel a duty of fifteen per cent. A struggle was made for a higher duty. I resisted that effort because I thought it impossible to place a sufficient amount of duty upon German silver ware and Argentine ware to afford compensation. The duty now proposed is forty cents per pound. We have raised the duty upon German silver ware from forty per cent. to fifty per cent. Therefore, in my judgment, this article will be able to bear the amount of duty we have proposed.

The CHAIRMAN. Debate is exhausted upon the pending amendment.

Mr. STEVENS. I move, *pro formâ*, to amend the amendment by striking out the last word. This nickel is a very recent discovery in this country. The gentleman from Ohio speaks of what the tariff was on this article five or six years ago. Why, sir, the article had not then been discovered in America. The discovery is but recent. As to the mine which has been referred to, I may state that two companies that have attempted to work it have broken down, and a third company is now working it at a very great expense, for the work requires an amount of labor and machinery greater than would be supposed by one who had not seen the thing in practical operation. It costs between one and two hundred thousand dollars. This man has brought it to perfection or nearly

so. The gentleman from Connecticut says it is good for nothing. If it is not, it will not hurt anybody. What the committee proposes is forty cents per pound. The gentleman from Ohio moves instead twenty-five per cent. *ad valorem*. You do not put any other interest as low as that. Why should this have less protection than others? Show me any interest in which our citizens have been induced to invest their money that has so little protection.

Mr. GARFIELD. Flaxseed has not half the protection.

Mr. STEVENS. Until lately the people of Ohio raised flaxseed more for the seed and threw away the fiber. They had not gone far enough to make it into cloth. I do not know they do so to-day. They sent the cake to Glasgow. I say, that if this manufacture be broken down now it will be broken down forever. Mines have been discovered in New Jersey and some in Pennsylvania and some in Missouri. To strike out the duty as proposed by the gentleman from Connecticut will, as the gentleman from Iowa has well said, break it down forever. You will find no man persevering enough again to embark \$200,000 and send to Europe for skilled labor. What has come across the gentleman from Ohio? Has he bought lately some German silver, or has he been where he found them working awit, that he suddenly endeavors to put a less duty on this than it deserves?

Mr. GARFIELD. I desire to say that I impeach no man's motives on this floor for his advocacy of any measure, nor do I intend that any one shall impeach mine. I have no interest in nickel nor German silver, nor have I, indeed, any nickel mines in my district like the gentleman from Pennsylvania. I only wish to see justice done between the producers at the mines and the manufacturers.

The question recurred on Mr. GARFIELD's amendment to the amendment.

The committee divided; and there were—ayes sixteen, noes not counted.

Mr. GARFIELD demanded tellers.

Tellers were ordered; and Mr. GARFIELD and Mr. STEVENS were appointed.

The committee again divided; and the tellers reported—ayes twenty-one, noes not counted. So the amendment was disagreed to.

The question recurred on the amendment of Mr. HUBBARD, of Connecticut.

Mr. HUBBARD, of Connecticut, demanded tellers.

Tellers were ordered; and Mr. HUBBARD, of Connecticut, and Mr. STEVENS, were appointed.

The committee divided; and the tellers reported—ayes 44, noes 54.

So the amendment was disagreed to.

Mr. GARFIELD. According to the suggestion of the gentleman from Iowa, I move to make it thirty-five cents per pound.

The committee divided; and there were—ayes 27, noes 40; no quorum voting.

Mr. GARFIELD demanded tellers.

Tellers were ordered; and Messrs. GARFIELD and MOORHEAD were appointed.

Mr. GARFIELD, by unanimous consent, withdrew his amendment.

The Clerk read as follows:

On Paris white, dry, one and a half cent per pound; ground in oil, two and a half cents per pound; on whitening, dry, one cent per pound; when ground in oil, two cents per pound.

On pens, metallic, fifteen cents per gross.

Mr. MORRILL. I move to add the following:

On pen-holders twelve cents per dozen, and, in addition thereto, thirty-five per cent. *ad valorem*.

On pen-holder sticks and pen-holder tips imported separately six cents per dozen each, and, in addition thereto, thirty-five per cent. *ad valorem*.

The amendment was agreed to.

Mr. THAYER. I move to insert the following:

On wood pencils not exceeding six and three fourths inches in length filled with lead or other material fifty cents per gross, and, in addition thereto, thirty per cent. *ad valorem*.

On wood pencils exceeding six and three fourths inches in length an additional duty of the same amount for every additional six and three fourths inches in length.

The effect of the amendment is not to increase the existing duty on lead pencils but simply to prevent the commission of fraud on the revenue which I am informed is frequently resorted to. The ordinary length of pencils is six and three fourths inches. Pencils are imported twenty-eight inches long and then cut into the ordinary length when they are received here, so that a duty is paid only on one gross when four gross are imported.

The amendment was agreed to.

Mr. STEVENS. I move to strike out, on page 36, line sixty, "fifteen," and insert in lieu thereof "twenty," so that it will read, "on pens, metallic, twenty cents per gross." I learn that five cents a gross in addition would enable them to make a fair profit, and no more. I hope there will be no objection to this amendment.

Mr. MORRILL. I object to the proposition, and hope it will not be agreed to.

Mr. O'NEILL. I wish to say that although the duty under the existing tariff is ten cents, there is an *ad valorem* of twenty-five per cent., and I hope that duty will be added to the amendment of my colleague, [Mr. STEVENS.]

Mr. STEVENS. I think my amendment affords sufficient protection.

Mr. O'NEILL. I am satisfied if my colleague is. I hold in my hand a letter from a leading manufacturer of steel pens in which he tells me that in some custom-houses of the country they count a gross of pens one hundred and forty-four dozen, and he thinks that we should provide what should make a gross.

The hour of half past four o'clock p. m. having arrived, the House took a recess until half past seven o'clock p. m.

EVENING SESSION.

The House reassembled at seven o'clock p. m.

TARIFF BILL.

Mr. MORRILL. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union on the special order.

The motion was agreed to.

So the rules were suspended; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. SCOFIELD in the chair,) and resumed the consideration of the special order, being the bill (H. R. No. 718) to provide increased revenue from imports, and for other purposes, the pending question being upon Mr. STEVENS's motion to amend the pending clause, on page 36, by striking out "fifteen" and inserting "twenty," so as to make it read, "on pens, metallic, twenty cents per gross."

Mr. MORRILL. The duty is now ten cents, and we have increased it to fifteen. I hope the amendment will not prevail.

Mr. STEVENS's amendment was disagreed to.

Mr. O'NEILL. I move to amend by adding an *ad valorem* duty of twenty-five per cent.

Mr. MORRILL. I hope the gentleman will not persist in his amendments in reference to this article. It seems to me that there ought to be some limit and some moderation in proposing amendments to this bill. I have endeavored to vote against all these propositions for extravagant rates of duties, but I find it impossible to keep them from being put in.

Mr. O'NEILL. Allow me to say a word. It must be known to the members of the committee that the district that I represent and the districts represented by my immediate colleagues are, strictly speaking, manufacturing districts. If there are any places in the country where the manufacturers are paying attention to this tariff bill and the proposed amendments to it it is the districts to which I have referred. Hence the frequency of the offering of amendments by myself and my colleagues. I do not apologize to the committee for doing it, for I am here to do my duty, not only toward those I represent, but my duty to my country at large. I intend to pursue the course I have pursued, and that is to offer

amendments when I think they are right. Now, to come down to this particular amendment, the manufacture of these pens is limited in my neighborhood to one large establishment; I presume there are other large manufactories in the country. These gentlemen whom I know are largely interested in the manufacture of these small articles of steel pens, and their testimony to me is this: that under the proposed duty, with the *ad valorem*, they can get along. The duty now is ten cents a gross and twenty-five cents *ad valorem*. The committee have raised the duty to fifteen cents a gross, and have taken off the *ad valorem* duty of twenty-five per cent. Now, these gentlemen write to me that under this tariff they cannot continue the manufacture of these pens. We have raised the duty on steel, an article that enters almost entirely into the manufacture of these pens.

Mr. MORRILL. I am always ready to acknowledge an error. I acknowledge that the *ad valorem* on this article, and also on the article of percussion caps, was accidentally omitted in the bill.

Mr. O'NEILL. Then I will be satisfied if the gentleman will put on the *ad valorem*. I ask also that the number of pens that make up a gross shall be specified as one hundred and forty-four pens to the gross.

Mr. DAWES. I do not desire to oppose this particular amendment of the gentleman from Pennsylvania, [Mr. O'NEILL;] but I wish to remind him of the fable of the dog who was carrying meat over water, and not satisfied with the substance let it drop and snatched at the shadow. Now, my constituents are deeply interested in this tariff, but I have not pressed those interests for fear of jeopardizing the whole measure. I would rather have reasonable protection, because that which is reasonable and not high will be more likely to be permanent and to continue for the lasting benefit of my constituents, whereas if it be too high, though it may last through this session of Congress, it may bring down upon my constituents a great reduction.

Now, I think that if the gentleman from Pennsylvania would consult the interests of his constituents, and perhaps he will not thank me for telling him what the interests of his constituents are, he would not act upon the resolution which he has announced that he is determined to act upon, and that is to get the highest duties for his constituents whether or no, because that may end in losing everything.

Mr. WINFIELD. If there is any way of protecting ourselves against this perpetual talk I shall insist on that protection.

The CHAIRMAN. There is no protection except under the rules of the House.

The question was taken on Mr. O'NEILL's amendment, and it was disagreed to.

Mr. ROSS. I move to amend so as to make the duty five per cent. With the consent of the talkative gentlemen upon the other side of the House, I will say that if a stranger were listening to our deliberations he would be solemnly impressed with the deplorable condition of our country. No gentleman has spoken on this subject who has not disclosed the lamentable condition of the manufacturers of this country; many of them are languishing and likely to break up, and unless a high tariff is passed, it appears that utter, irretrievable ruin is to fall upon the manufacturing interests of the country. I have observed during the progress of this discussion that there has been a persistent effort on the part of all those representing the manufacturing interests of this country to club together for the purpose of fastening upon the country a high protective tariff. I have never seen a scheme so adroitly maneuvered for the purpose of filching money from the consumers of this country and bestowing it upon the manufacturers as has been exhibited by the action of this House.

Sir, if there is anything required beyond what this Congress has already done to make the country look with contempt and derision on its action it will be the passage of this iniquitous measure which is now attempted to be

fastened upon the people of the country. Gentlemen have openly combined here on the principle that "if you'll tickle me I'll tickle you;" if you will vote to fasten upon the country a high protective tariff for the benefit of the interest that I represent, I will vote for your interest. It is by such corrupt bargains and intrigues as these that it is attempted to fasten this iniquity upon the free people of this country. I tell you, sir, they will spurn it from them.

[Here the hammer fell.]

Mr. MORRILL. One of the greatest iniquities in relation to this bill, one of the most preposterous motions that has been made, was a motion made by the gentleman from Illinois himself, which was happily defeated. I move to amend by inserting after the words "per gross" the words "of one hundred and forty-four pence, and, in addition thereto, twenty-five per cent. *ad valorem*."

Mr. O'NEILL. I certainly understood the chairman of the Committee of Ways and Means [Mr. MORRILL] to accept my amendment, which is the same as he has moved.

Mr. MORRILL. I am perfectly willing the gentleman from Pennsylvania [Mr. O'NEILL] should have the credit of the entire amendment; I only desire to put it in the proper shape.

Mr. O'NEILL. That is just exactly what I want, the credit of my own amendment.

Mr. MORRILL's amendment was agreed to. The question recurred upon the amendment of Mr. O'NEILL, and it was not agreed to.

Mr. GARFIELD. I move to insert after line sixty, "on hair pins made of iron wire fifty per cent. *ad valorem*."

The amendment was agreed to.

The Clerk read as follows:

On percussion caps, ten cents per thousand.

Mr. MORRILL. I move to amend this line by adding the words "and forty per cent. *ad valorem*."

Mr. SCHENCK. Mr. Chairman, I desire to say a word or two upon this question of percussion caps. The percussion caps that are now imported from England are worth about \$1.80 per thousand, being the best water-proof caps. The French percussion caps are worth about thirty-four cents per thousand. The consequence is that the forty per cent. *ad valorem* duty amounts to about fifty-two cents on the thousand of the best English percussion caps, and about fourteen cents per thousand on the French percussion caps. And yet this bill, by some mistake as I knew it must be, reduced the whole to ten cents per thousand, far below the present rate.

At the beginning of the late war to put down the rebellion it so happened that the Government was not able to produce percussion caps, other than Navy percussion caps, sufficient for a single regiment. And yet this interest has now been so built up that we have become entirely independent of the foreign percussion caps. And I trust that nothing will be done to neutralize that interest, but that we shall keep within our control that and everything else we may need in time of war. I trust the time will never again come when we shall have to go to Belgium for rifles or to England for percussion caps. I now understand it was the intention of the committee to do what I thought ought to have been done, to increase the tariff upon percussion caps by retaining the present duty of forty per cent. *ad valorem*, and adding ten cents per thousand, which I think is probably a fair tariff.

Mr. MORRILL's amendment was agreed to.

The Clerk read as follows:

On photograph albums, portmanteaus, pocket-books, wallets, cabas, and leather bags, and frames for leather bags and portmanteaus, sixty per cent. *ad valorem*.

No amendment was offered.

Mr. KELLEY. I move to insert after the paragraph just read "on file, or gold or silver spang on silk, worsted or cotton bouillon, and lame, or flat wire, twenty per cent. *ad valorem*."

That is for the purpose of reducing the duties on two or three articles which come into this country as raw material, but upon which the duty is higher than upon the manufactured article.

Mr. MORRILL. I believe the amendment of the gentleman from Pennsylvania [Mr. KELLEY] is right.

The amendment was agreed to.

The Clerk read as follows:

On plaster, calcined, one quarter of a cent per pound.

Mr. PIKE. I move to amend by inserting after the word "calcined" the words "or ground."

The amendment was agreed to.

Mr. MORRILL. I move to amend by inserting after the line last read by the Clerk "on putty, two cents per pound."

The amendment was agreed to.

The Clerk read as follows:

On soap-stone, free-stone, brown free-stone, sand-stone, and all building stone, except marble, four dollars per ton of fourteen cubic feet.

Mr. SPALDING. I move to amend this paragraph by adding "on grindstones, finished, rough or unhewn, four dollars per ton of thirteen cubic feet." I ask that small addition for the benefit of the grindstone manufacturers of northern Ohio and Michigan. We have now to compete with the grindstones from Nova Scotia. The Nova Scotia men can send their grindstones to the New York market, all the way by water, for three dollars a ton, while we are obliged to send ours from Ohio and Michigan to the same market at an expense of about nine dollars per ton. If we put on this duty of four dollars per ton it will still give Nova Scotia two dollars the advantage of us. But with this duty we think we can compete with them in that market and furnish a better article than is now obtained from Nova Scotia.

Mr. MORRILL. We have been in the habit of importing rough grindstones free; and they form a very considerable item in establishments for the manufacture of articles of iron and steel. Some of them contain much more than thirteen cubic feet, large stones which are employed in the manufacture of edge tools and scythes. I suggest to the gentleman from Ohio [Mr. SPALDING] that he can hardly desire to impose this duty on those very heavy articles. The grindstones of Ohio will not be carried to New York or New England whatever duty we may impose. I hope that the gentleman will not propose so high a duty upon rough grindstones, whatever we may put upon finished ones; and the latter form a very considerable item and are usually much lighter in weight.

On the amendment Mr. SPALDING called for a division; and there were—ayes 10, noes 25; no quorum voting.

The CHAIRMAN, under the rule, ordered tellers; and appointed Messrs. SPALDING and PRICE.

The committee divided; and the tellers reported—ayes 31, noes 40; no quorum voting.

Mr. SPALDING. I am willing to withdraw the call for a division and allow the amendment to be regarded as rejected, if I can have a vote in the House upon this proposition.

Mr. MORRILL. I have no objection to that. The amendment was rejected.

Mr. HOOPER, of Massachusetts. I move to amend the pending paragraph by striking out "four" and inserting in lieu thereof "five," and by striking out "fourteen" and inserting "thirteen," so that the duty shall be five dollars per ton of thirteen cubic feet. I understand that thirteen cubic feet, and not fourteen, constitute the proper measure of a ton.

The amendment was agreed to.

Mr. MARSTON. I move to amend by adding to the pending paragraph the following: "and on Bristol stones and Bristol bricks, forty per cent. *ad valorem*."

Mr. MORRILL. Will not the gentleman consent to thirty per cent.? There is no duty upon these articles now.

Mr. MARSTON. There is a duty of ten per cent.; but I am willing to do whatever the chairman of the Committee of Ways and Means says is right.

Mr. RADFORD. I rise to ask the chairman of the committee by what authority these bargains are made in this way. A proposition being made, he offers a compromise right in the face of the House. It does seem to me that if this whole thing is to be farmed out in this way, the gentlemen who have the authority to control this matter had better present at once what they are willing the House shall adopt, and let us be done with the subject, so that we may go on with other business.

Mr. MORRILL. If the gentleman means to intimate that I have made any bargain with anybody, I utterly repudiate such an imputation. I merely asked whether the gentleman would not be satisfied with thirty per cent., believing that to be as high a rate of duty as the committee ought to vote, and for no other reason in the world, and there was nothing of bargain about it and nothing improper.

Mr. MARSTON. I modify my amendment by striking out "forty" and inserting "thirty."

The amendment, as modified, was agreed to.

Mr. SPALDING. I move to amend by inserting after the word "free-stone" the words "grindstones finished;" so that the paragraph will read, "on soap-stone, free-stone, brown free-stone, grindstones finished, sand-stone, and all building stone, except marble, five dollars per ton of thirteen cubic feet." I think that this will comport with the views of the chairman of the committee.

Mr. MORRILL. Let me suggest to the gentleman from Ohio that imported grindstones are never sold by the square foot; and he had better fix the duty at so much per ton. I suggest to him that the article of grindstones finished had better be included in a separate paragraph.

Mr. SPALDING. I modify my amendment so as to add after the pending paragraph the following: "on grindstones finished, five dollars per ton."

The amendment was agreed to.

The Clerk read as follows:

On trays and waiters, and all other articles of japanned, gilt, or plated ware, not herein otherwise provided for, fifty per cent. *ad valorem*.

Mr. GRISWOLD. I move to amend the paragraph just read by striking out "fifty" and inserting "sixty." I presume that if the Committee of Ways and Means had had proper information they would not have fixed the duty at less than sixty per cent. This branch of manufacture is just becoming established in this country. Under the present tariff the advance in the cost of materials has more than counterbalanced the advantage arising from the duty. The increased cost of varnishes resulting from the advanced price of alcohol will render it impossible for this branch of industry to sustain itself unless additional protection be given.

Mr. RADFORD. I move to amend the amendment by striking out "sixty" and inserting "thirty." I cannot see the propriety of increasing these duties, especially when it is proposed to make them prohibitory. I believe that the object is to prohibit the importation of these articles; and for that reason I move to reduce the duty to thirty per cent. I hope that the amendment will be adopted.

Mr. LE BLOND. Mr. Chairman, I am opposed to both the pending amendments for the reason I believe they are too high. I believe the duty is too high even as proposed by my friend from New York [Mr. RADFORD] on my left. I am not a little surprised to find gentlemen moving on all occasions increase of duties and assigning as a reason that the men who are engaged in the manufacture of the particular article cannot live unless there is a higher duty made in order to afford protection. Sir, I have sat here during the entire time this bill has been undergoing examination, and I have yet to hear from that side of the House a single gentleman say that the men who are the

consumers of these articles have been before them for the purpose of determining what rate of duty should be levied to raise revenue or to afford them protection in any shape. The time, it seems to me, has come when we should look to the interests of consumers and not alone to the interests of the manufacturers. How does it stand? By the census of 1860 we have to-day about thirty-four million people in the United States; and by the same census we are told of all classes of manufacturers there are some eight million six hundred thousand. Of this number about two millions or less are all that are benefited by the tariff. Here is a proposition that thirty-two million people shall pay a bonus to two millions in the shape of protection, which comes out of the consuming classes of this country.

I am opposed to this bill from the beginning to the end, and for the reason assigned by the gentleman why the committee should pass this protective tariff and not for revenue purposes. Not one gentleman has offered an argument why it should be raised for the purpose of increasing the revenue, not one, but every argument from that side of the House is that increased duty must be laid for the purpose of protecting particular branches of business. When you come down to the article of grindstones, every man comes here who has a manufacturing establishment of that article in his district and asks an increase of duty on that to protect an interest of a few men engaged in it, and yet the large number of men who use these articles, who consume all the articles provided in this bill, are never consulted for a single moment as to their wishes and wants.

I know that in the latter part of the bill they have thrown a tub to the whale, and protected broom corn and the article of corn which has hardly ever been known to be imported in this country. All that to the agricultural interest is a mere blind. Merchants in New York regard this present law as a prohibitory tariff to some extent, and the proposition here is to increase it; and a Republican paper in Chicago, which has given this subject a great deal of consideration, has stated that under this bill we will lose about one hundred and thirty-seven million dollars. I ask whether you are willing to lose that for protection alone.

[Here the hammer fell.]

The amendment of Mr. RADFORD was not agreed to.

Mr. MORRILL. I move to reduce it to forty-nine, for the purpose of saying that the committee raised the duty from forty to fifty per cent. for the reason that we have raised the duty on iron from the present rates. I hope it will be allowed to remain as we have reported it. The gentleman from Ohio says that New York importers declare our existing tariff is prohibitory, when the fact is we have received under it this last year over \$169,000,000 in revenue, which contradicts the declaration. I withdraw my amendment.

The question recurred on the amendment offered by Mr. GRISWOLD, and it was disagreed to.

The Clerk read as follows:

On umbrellas and parasols, and sticks, frames, tips, runners, wire, stretchers, handles, or other parts thereof, sixty per cent. *ad valorem*.

Mr. O'NEILL. I move to add after the word parasols "seventy per cent. *ad valorem*." I do this because I see there is no discrimination between the article already made up and the materials that enter into the manufacture of the article. They all pay the same duty by the bill as it stands.

Mr. MORRILL. All the materials used in the manufacture of this article are included, as was done in some other cases, pen-holders, for instance, in order that they should not be imported in separate pieces and then be put together in order to escape the duty. It was for the purpose of taking care of the umbrella manufacture that the materials were all put in at the same rate. I trust the amendment for a further increase will be rejected.

The amendment was disagreed to.

The Clerk read as follows:

On watches, watch movements, parts of watches, and watch cases, of gold, silver, plated, or other metal, thirty per cent. *ad valorem*; on chronometers of all kinds, and parts of chronometers, thirty per cent. *ad valorem*.

On whips, fifty per cent. *ad valorem*.

Mr. GARFIELD. I move to insert as an additional paragraph, "on gun-cotton, fifty per cent. *ad valorem*." The materials of which gun-cotton is made are arranged for in the tariff, and in order to make them harmonize, or make them about equal, I think it is a fair duty.

The amendment was agreed to.

The Clerk read as follows:

Sec. 11. *And be it further enacted*, That in lieu of the duties heretofore imposed by law on the importation of the articles hereinafter mentioned, there shall be levied, collected, and paid the following duties and rates of duty, that is to say:

On allspice, oil of, twelve dollars per pound.

On ammonia, alcoholic, spirits of, fifty cents per pound.

On aniline dyes, crystal, seventy-five cents per pound.

On aniline dyes, paste, forty cents per pound.

On aniline dyes, liquid, eight cents per pound.

Mr. GRISWOLD. I believe I have the approbation of the committee in offering to amend by striking out the last three lines, so as to leave the present duty remaining. I believe the committee were under a misapprehension in regard to this business, supposing that it was not conducted on a sufficiently large scale. Now, there are two establishments in England and one in France, and we have two in this country, for the manufacture of this article. I propose, after striking out these three lines, to offer a substitute imposing a duty on the crude article. I submit whether that does not meet the approbation of the committee.

Mr. MORRILL. I am not particular in relation to this matter, and if no other person in the House objects, I will not.

The amendment was agreed to.

Mr. GRISWOLD. I now move to add in lieu of the lines stricken out, "on crude aniline oil ten per cent."

The amendment was agreed to.

The Clerk read as follows:

On anhydrous boracic acid, twenty-five cents per pound.

Mr. MORRILL. I move to strike out "five" and insert "seven;" so that it will read, "twenty-seven cents per pound." I find on further investigation and information from scientific gentlemen, that twenty-seven cents is the proper rate in proportion to the duty on borax and boracic acid.

The amendment was agreed to.

Mr. ROLLINS. I move to transfer line thirty-six so as to have it come in after the line last read, as follows:

On hydrated boracic acid, twelve cents per pound.

Mr. MORRILL. I move, in the first place, to strike out "twelve" and insert "fifteen."

The amendment was agreed to; and the transfer was accordingly made.

The Clerk read as follows:

On anodyne, Hoffman's, seventy-five cents per pound.

On arsenic, and on arsenous and arsenic acid, ten per cent. *ad valorem*.

On black lead or plumbago, one cent per pound.

Mr. HALE. I move to add after the word "cent" the words "and a half," so that it will read "one cent and a half per pound." I understand this is assented to by the committee. I move it on the ground of increasing the revenue with incidental protection.

Mr. LE BLOND. That is refreshing to this side of the House, surely. [Laughter.]

The amendment was agreed to.

Mr. HALE. I move to insert on page 38, after line fifteen, "on crucibles made wholly or in part of plumbago or black lead, forty per cent. *ad valorem*."

The amendment was agreed to.

Mr. RICE, of Massachusetts. I desire to inquire of the Committee of Ways and Means the reason for doubling the duty on plumbago.

I move to amend the clause by striking out "one cent" and inserting "one half cent."

The amendment was disagreed to.

The Clerk read as follows:

On burning fluid, three dollars per gallon.

Mr. MORRILL. I move to insert after that clause, "on carmine, lake, and woodlake water colors, forty per cent. *ad valorem*."

The amendment was agreed to.

Mr. HENDERSON. In the clause in relation to burning fluid, I move to strike out "three" and insert "two," so as to make the duty two dollars per gallon. I am under the impression that this provision of the bill must be a mistake. The Committee of Ways and Means could not have intended to put the duty so high. When General Jackson was asked if he was in favor of a tariff, his answer was that he was in favor of a judicious tariff. I am in favor of a judicious tariff. I think some things ought to be taxed and some ought not. I think that luxuries and ornaments ought to be taxed, and taxed heavily, but I think that such things as air and water and light ought not to be taxed. I understand this to be a tax upon light. I recollect that the present chairman of this committee, [Mr. SCOFIELD,] made a very handsome speech in regard to furnishing light to the poor man. I am in favor of furnishing light to the poor man, and I think this is a mistake. I have moved to reduce the duty one dollar in the hope that some other gentleman will feel disposed to reduce it still lower. I do think that we should furnish light in the cheapest manner possible, and I hope that my amendment will prevail.

Mr. MORRILL. The reason for raising the duty on this article is apparent to every one in the House who knows anything about the materials from which the article is made. It is made from alcohol and spirits of turpentine, and the duty on the alcohol if only one half the quantity were used would be two dollars per gallon. As to this article being used by the poor, I suppose it has been obsolete since the discovery of petroleum, a superior article at half the price. Why, sir, instead of reducing the duty on this article, I would rather enact that the man who invented it should be hung, for until petroleum was discovered not a week passed that you did not read in the newspapers of some accidents by which some persons lost their lives by the explosion of these burning-fluid lamps. There was no week when it could not have been properly indicted as a murderer.

The question was taken on Mr. HENDERSON'S amendment, and it was disagreed to.

The Clerk read as follows:

On cloves, oil of, three dollars per pound.

On cologne water and other perfumery, flavoring extracts, essences, tinctures, liniments, medicinal compounds, and mixtures, of which alcohol forms the principal ingredient, \$3 50 per gallon, and, in addition thereto, fifty per cent. *ad valorem*.

On cordials of all kinds, sweet, three dollars per pound.

On ergot, oil of, ten dollars per pound.

On ergotine, ten dollars per pound.

On essence of cloves, three dollars per pound.

On ethers, preparations or extracts, fluid, all not provided for, ten dollars per pound.

Mr. ROLLINS. I call the attention of the Committee of Ways and Means to that last clause. I presume it is a mistake; the duty should be one dollar instead of ten.

Mr. MORRILL. As the gentleman from New Hampshire is an expert in these articles, I should be disposed to yield to him in regard to this matter, but we took the rate which is inserted here from the report of the revenue commissions.

Mr. ROLLINS. I move to strike out "ten" and insert "one."

Mr. MORRILL. I would ask the gentleman if he knows what material fluid is made of.

Mr. ROLLINS. Alcohol.

Mr. MORRILL. Well, if it is made of alcohol the duty on the alcohol would be four dollars a gallon.

Mr. ROLLINS. I will modify my amendment so as to strike out "ten" and insert "two."

The amendment was agreed to.

The Clerk read as follows:

On glycerine, forty per cent. *ad valorem*.

Mr. O'NEILL. I move to amend that clause by striking out "forty per cent. *ad valorem*," and inserting in lieu thereof "twenty-five cents per pound." It is alleged that there is a great deal of fraud practiced in the importation of this article, and I hope the chairman of the Committee of Ways and Means will allow the duty to be made specific.

Mr. MORRILL. In order to avoid any mistakes in the custom-house, we have enumerated this article by name and imposed a duty of forty per cent. *ad valorem*. I trust the duty will not be increased. It is made often of burnt flour.

The amendment was not agreed to.

Mr. GARFIELD. I move to amend by inserting after the line last read, "on nitro-glycerine or nitro-leum, fifty per cent. *ad valorem*." Nitro-glycerine is an explosive material almost the same as gun-cotton, with the exception of having glycerine fat as a base instead of cotton. I propose the same duty as on gun-cotton.

The amendment was agreed to.

The Clerk read as follows:

On gum benzoin or Benjamin, Senegal, Arabic, tragacanth, Barbary, East India, Jeddah and amber, ten per cent. *ad valorem*.

On gum copal and other gums and resinous substances used for the same or similar purposes, three cents per pound.

On gum shealac, three cents per pound.

On hydrated boracic acid, twelve cents per pound.

On lead, sugar of, twenty-five cents per pound.

On lead, acetate of, thirty cents per pound.

Mr. MORRILL. I move to amend by striking out the words "on lead, sugar of, twenty-five cents per pound," and to insert after the words "on lead, acetate of" the words "or sugar of."

The amendment was agreed to.

Mr. O'NEILL. I move to amend by inserting after what the Clerk has just read, "on red prussiate of potash, twelve and a half cents per pound; on yellow prussiate of potash, seven and a half cents per pound."

I hope the chairman of the Committee of Ways and Means [Mr. MORRILL] will help me to carry this amendment. Some weeks ago the important interests engaged in the manufacture of these prussiates went before the Committee of Ways and Means and endeavored to show why the duty should be increased. And I understood they went away with the impression or understanding that the duty would be increased. They desired at first to have a duty of fifteen cents on red prussiate and ten cents on the other. They went away with the belief that the committee would recommend twelve and a half cents on the red prussiate and seven and a half on the other. I believe this amendment is just and proper, and I hope the chairman of the committee will consent to it.

Mr. MORRILL. We had a great deal before the Committee of Ways and Means in relation to chemical preparations. But after mature deliberation we came to the conclusion that it was too hot weather to go into the study of chemistry to such an extent as to acquire the knowledge necessary for a proper understanding of these subjects. In order to understand fully any one of these preparations, a great deal of accurate information is necessary, because they are all more or less related to each other, and if you touch one you thereby create a necessity for touching all the other members of the family. I therefore hope the Committee of the Whole will not adopt any further amendment in relation to these chemical and medicinal preparations.

The amendment of Mr. O'NEILL was not agreed to.

The Clerk read as follows:

On linseed, flaxseed, hempseed, and rapeseed oil, thirty cents per gallon.

Mr. MORRILL. I move, *pro forma*, to make the duty thirty-five cents per gallon. And I do that for this purpose: the gentleman from Ohio [Mr. SCHENCK] last evening handled me rather roughly on the subject of statistics.

And while I have no expectation of changing the present duty on linseed oil, either to increase it or diminish it, I desire to place myself right upon the record, and to show that although I had not recently examined the subject, it is not always safe for gentlemen here to take their statistics second-hand, without investigating the subject to some extent themselves. And I know if the gentleman from Ohio had investigated this subject himself he would not have fallen into the error he did.

Now, to show that I was right in my recollection of what the facts were, I desire to submit some figures in regard to the amount of our importation of linseed and linseed oil, and also the amount of those articles produced in this country. My statement was that we have been in the habit of importing something like three fourths of all that we consumed either in the form of oil or linseed. The gentleman from Ohio [Mr. SCHENCK] rather scouted the idea that that was the fact at any time, and quoted statistics to show what he said the facts were for ten years past. Now, for the year 1850 I find that we imported 667,369 bushels of the seed and 1,513,117 gallons of the oil. The whole production of the United States for that year, according to the census, was but 562,312 bushels of seed. For the year ending June 30, 1851, we imported 602,074 bushels of the seed and 2,818,340 gallons of the oil. In 1859 we imported free of duty flaxseed of the value of \$2,415,243, and paying duty 275 bushels, and of oil 1,210,697 gallons. In 1860 we have the record of our production again. That year we imported free of duty seed of the value of \$2,753,411, and paying duty 513 bushels; the amount of oil was —, while the amount of home production for that year was 611,977 bushels. Now, Mr. Chairman, I only desired to state the facts, because when I undertake to represent facts I like to represent them as they are so far as I am able; and I do not mean that my statements shall be successfully impeached.

Mr. SCHENCK. In replying to the gentleman from Vermont I beg leave to remind the House that I said not one word last night about the importation of oil. My whole argument was confined to repelling, not an intimation, but a direct charge, made by the chairman of the Committee of Ways and Means that the whole object of the effort to procure protection for this seed interest was to benefit, as the gentleman said, some "half dozen crushers" in the western States. I replied by showing that those half dozen crushers consisted of more than ninety presses, involving an interest of about eight million dollars. I referred to the production in the six western States of Ohio, Indiana, Illinois, Iowa, Missouri, and Kentucky, and I presented some figures, the correctness of which the gentleman does not deny, to show that the aggregate value during the last year of the flaxseed produced in those States was \$5,250,000.

The gentleman, evading that point, admitting that he had gone very much too far in speaking of "a half dozen crushers," then spoke of the importation of flaxseed as falling off. On this subject I gave the gentleman some figures, which have nothing to do with what he is now speaking of, and which did not go back beyond 1861. I stated that so far from the fact being that the amount imported was of no consequence, the aggregate importation from 1861 to 1865 amounted, in round numbers, to 1,300,000 bushels. I will now give the gentleman the exact figures, taken from official sources. The importation, gradually increasing from upward of 123,000 bags in 1861, amounted in 1865 to 321,570. Now, the chairman of the Committee of Ways and Means, familiar as he is with all subjects relating to the tariff, must know that each one of these bags contains four bushels; consequently the amount imported last year was 1,286,280 bushels. But, besides this, there was an importation of 58,776 pockets. This eastern flaxseed, making, as it does, two and a quarter gallons of oil to the bushel while ours makes but two gallons, is to a great extent imported in small

bags called pockets, containing three pecks apiece. Reducing these pockets to bushels, and adding them to the 1,286,280 bushels, the result shows more than 1,300,000 bushels of this foreign seed imported during the last year. Sir, I did not speak at all of the importation of the oil; I referred simply to the importation of the foreign seed. So far from the fact being that the importation has fallen off, I affirm that it has gone on regularly increasing during the last five years, the amount imported during the last year being three times the amount imported in 1861.

There is among lawyers, I believe, what is called "answering aside." Now, the gentleman makes, as he claims, a triumphant defense by the production of some figures in reference to a matter to which I did not refer; but he takes special care to make no reference whatever to the statement with which I confronted him.

Mr. MORRILL. I merely wish to say that whether my remarks were an appropriate answer to the gentleman from Ohio I leave for the House to determine.

Now, Mr. Chairman, in relation to this article, the withdrawal of the right to a drawback upon the export of the oil-cake will make a difference against the eastern crushers of three or four cents per gallon. The fact that until 1861 we always allowed a duty of nearly twice as much upon the oil as we did upon the seed shows what the idea of Congress has been on this subject for more than thirty or forty years. All I now desire to do is merely to wash my own hands in reference to this matter.

Mr. WENTWORTH. I hope that the chairman of the Committee of Ways and Means has washed his hands for this time, henceforth, and forever. I hope that hereafter he will let our agriculturists alone and will confine himself to other matters. I have nothing more to say. [Laughter.]

Mr. HOOPER, of Massachusetts. I move to amend by inserting after the words "linseed," "flaxseed," and "hempseed," respectively, the word "oil." As the paragraph now stands the language is, I think, somewhat ambiguous.

Mr. MORRILL. I suggest that it would be better to strike out the word "oil" after the word "rapeseed" and to insert before the word "linseed" the words "oil of;" so that the clause will read "on oil of linseed, flaxseed, hempseed, rapeseed," &c.

Mr. HOOPER, of Massachusetts. I modify my amendment as suggested by the gentleman from Vermont.

The amendment, as modified, was agreed to.

The Clerk read as follows:

On nitric ether, spirits of, one dollar per pound.

Mr. MORRILL. I am directed by the Committee of Ways and Means to move to amend by adding "on nitrate of soda, one half cent per pound."

The amendment was agreed to.

Mr. HUBBARD, of Connecticut. I move to amend by adding the words "and on muriate of potash, ten per cent. *ad valorem*."

Mr. MORRILL. If the gentleman will say "fifteen per cent." I will not object.

Mr. HUBBARD, of Connecticut. Then I modify my amendment by striking out "ten" and inserting "fifteen."

The amendment, as modified, was agreed to.

Mr. WILLIAMS. I move to amend by inserting after the amendment just adopted the following:

On soda-ash and silicate of soda, one and one half cent per pound.

On carbonate of soda, exceeding ninety-five per cent. in purity, two cents per pound.

On sal-soda, two and one half cents per pound.

On caustic-soda, bicarbonate of soda, and aluminate of soda, three cents per pound.

It will be observed, Mr. Chairman, that this amendment embraces the article of soda and its correlatives. I would have hoped to obtain the support of the honorable chairman of the Committee of Ways and Means for this proposition, involving, as it does, a very im-

portant Vermont interest, if he had not unfortunately prejudged the case by pronouncing upon it in advance. He was pleased to say in his opening speech on this bill that the production of soda-ash, so important an element in the useful arts, and so essential for many domestic purposes, is one of those things in which our step-mother England eclipses all other nations; that the experiment of its manufacture in this country has failed because of the want of corresponding advantages on our part; and that, moreover, he had consented to save the nominal duty of one half of one per cent. on the article of soda-ash, which did not afford any protection, only in the glimmering hope that this beggar's brat, cast out upon the commons to scratch for a living, might win its way to manhood by its own inherent power without the protection of the Government. I am willing to admit—to the shame of the nation be it spoken—that we are entirely dependent upon England for this article so necessary to the arts. We are importing it annually, and paying for it to the extent of five millions in gold sent abroad while we are endeavoring to get back to specie payments, for the purpose of feeding some thousands of English laborers when we have all the elements for the manufacture at home.

It is not true, however, that England has any advantage whatever over us in the production of this article, except it be in its cheaper capital and lower wages. She has the salt, limestone, and coal in juxtaposition at New Castle on the Tyne, at Glasgow, and at other points, and so have we in equal abundance in many parts of this country. Nature has deposited the brine in immediate connection with the other elements, and so wedded them as to indicate the uses we are expected to make of them.

There is, however, one other important element in the manufacture of this article which England is obliged to import from abroad but which we have at home, and that is sulphur. This she cannot import in a pure state, but she gets it from Spain and Portugal in the shape of pyrites, or cheap sulphuret copper or iron ores. It costs her twenty-one or twenty-two dollars a ton, and the proportion of copper contained is, I think, three or four per cent. The same ores precisely are to be found in the Green mountains of Vermont in great abundance, but of so little value for fusion in the ordinary way as to be utterly worthless. Give us the protection we desire and we shall furnish a market for all the ores Vermont can provide. We will give employment to her people, and make that valuable which is utterly valueless now.

Sir, if the chairman of the committee had heard the opinions of those I have the honor to represent before he committed himself publicly in his opening speech on this question, he might have been induced to think differently. We have here a case of juxtaposition without any chemical combination. In Vermont is found the ore which only wants the voice of the potent member from that State to develop it and make it useful and valuable to his people.

Mr. MORRILL. I have heard the gentleman from Pennsylvania and his colleagues on this subject, and the more I have heard from them the more I am convinced that we ought to abandon even any duty at all on the article. Ever since the foundation of the Government this article has been treated as one that should not be subjected to any considerable tax. The Congress of 1842—and certainly that Congress was sufficiently protective to suit even my friend from the Pittsburg district, [Mr. WILLIAMS]—imposed a duty of five per cent. upon that article. The Congress of 1846 placed upon it a duty of ten per cent. That of 1857 of only four per cent. That of 1861 made it free. That of 1864 put a duty of one half a cent per pound upon it. More than twenty-five per cent. already exists upon it, and there is no probability or prospect that it can be successfully manufactured in this country.

The gentleman appeals to me, to my local

feeling, because he says Vermont possesses copper and iron pyrites which afford a sufficient amount of sulphur to manufacture this article. I can tell my friend that we have no coal in Vermont and no salt, and wood is so expensive that the article cannot be manufactured there. Besides, we have no salt there. His appeal is therefore of no force in that regard. Moreover, the experiment so far as sulphur or sulphuric acid has already been tried there. Many thousands of dollars have been expended in order to manufacture these articles, and it has proved a failure. And if we raise the duty to the extravagant rate on the article as he proposes, then, as I have already said this evening, we have got to go through the whole family of the sodas. We shall also have to increase the duty on glass, on soap, and other articles. Now, it does appear to me that if there is one article in the list on which we ought to hesitate about raising the duty it is this one. It presents to me the most cogent arguments in favor of being free. I am content, if the gentleman be so, to let it alone, to leave it as it is; otherwise I would be quite willing to act with any portion of the House to make it free.

Mr. WILLIAMS. I move, *pro forma*, to strike out the last word. The gentleman from Vermont underrates the value of the article in which the State is so rich. I can inform him that in Camden, New Jersey, a single establishment is consuming four tons per day of the ores from his own State, which they are not expected themselves to manufacture into sulphuret. So there is one market for the article if he is willing to furnish it. The gentleman's argument assumes that this article of soda-ash has been protected. The protection given to it, of half a cent a pound, is a mere mockery and delusion, intended to seduce men into the manufacture, but without furnishing the means of compensation for their risk and labor; and so it has happened that the manufacture has struggled along without protection until it has utterly failed; and now some of the manufactures into which that article enters are successfully carried on in this country because they have protection at the hands of the Government, while this important and useful article has no protection whatever. Now, what interest is to be damaged by this increase? It affects nothing. The article, it is true, enters into the composition of glass, soap, and paper to some extent. How much will this affect them? The effect is entirely insensible, and the increase made in the duty on the article of glass last night will more than indemnify them.

Mr. MORRILL. I leave it to your colleague to answer that.

Mr. WILLIAMS. Your colleague from New England [Mr. DAWES] happened to be more successful in moving an amendment in regard to the article of glass. But what would be the difference? One fourth of a cent per pound. What would be the difference to the soap manufacturer? One sixth of a cent per pound. Would they complain? They are willing, so far as we at the West are concerned, that the article should be adequately protected, because it would secure stability in prices and abundance of supply.

[Here the hammer fell.]

Mr. HOGAN. This is rather an important question. I think that if there is any article at all that we ought to make efforts to produce in this country, it is this, for all the materials entering into it are to be found here almost together. The State which I have the honor in part to represent has all the elements out of which to make this commodity. We have pyrites of copper and pyrites of iron; we have sulphate of copper and salt and limestone and coal. We can produce this commodity, if a little effort be made, cheaper than England can produce it, for she has to get copper ore from Spain out of which to make it. Now, why should it not be made at home? Why should not some protection be given to it so that we may make it at home? Every man that makes soap in this county has to send to England to get this soda-ash.

Mr. MORRILL. I desire to ask my friend from Missouri whether sulphur is used to make soda-ash or not.

Mr. HOGAN. Sulphate of copper is used and sulphate of iron is used.

Mr. MORRILL. To make soda-ash?

Mr. HOGAN. Yes, in combination.

Mr. MORRILL. It is used to make caustic-soda, but I was not aware it was used to make soda-ash.

Mr. HOGAN. It is used for that purpose in combination with salt and limestone and other articles. We have in our State an illimitable supply of all these articles; and we have in the city which I have the honor to represent chemical works in which this commodity could be made so as to supply the paper makers there, and the soap makers there, and furnish it in a liquid state, thus saving the cost of first reducing it to powder in order that it may be brought to this country from England. I hope that something will be done by the committee that will tend to open up such sources of national wealth as this is and enable us to be independent of the productions of England, to which country we are now compelled to look for this commodity.

Mr. MORRILL. I merely rise to say that in my judgment, the paper manufacturers, the glass makers and the soap makers can better afford to buy up this man for half a million dollars than have the duty raised on this article.

Mr. WILLIAMS. I withdraw my last amendment.

Mr. KELLEY. I renew the amendment to the amendment. And as the chairman of the Committee of Ways and Means [Mr. MORRILL] has just said that the paper makers of this country could well afford to buy off the party that wants this for half a million dollars a year, I will ask to have read a letter from the largest paper maker in the country, the head of a firm that is now turning out wood-pulp for paper; cutting down the trees of our forest and converting them into pulp for printing and writing paper. I ask that his letter be read.

The Clerk read as follows:

PHILADELPHIA, June 29, 1866.

DEAR JUDGE: When I last saw you I told you that I was not in favor of increasing the duty on soda-ash, but upon reflection I think that we ought to put sufficient duty on it to induce parties to go into the manufacture of it here. We are now dependent, you may say entirely, on England for the article. That is bad enough in time of peace, but in case of war with that country there are many branches of manufacture here that would be ruined for the time. Adequate duties on other things (sufficient to admit of our making the articles here) have always, I think, resulted in building up the manufactures of such articles here; and in the end, those articles have settled down at prices below what the same article of foreign manufacture was formerly sold at. I shall therefore be pleased to have you do all that you can to have the duty on soda-ash increased to one and a half or two cents per pound, and hope you will see the propriety of doing so, and of doing immediately all you can to bring it about.

Yours truly,

A. D. JESSUP.

Hon. W. D. KELLEY, Washington, D. C.

Mr. KELLEY. Mr. Chairman, there is probably no paper-maker or glass-maker in the country who is so large a consumer of soda-ash as the firm of Jessup & Moore, of which Mr. A. D. Jessup is the senior partner. Now, we know that during the last year our dependence upon England for this article ran the price up from what it used to be, from two and a half or three cents per pound to twelve cents, and at one period of time to fourteen cents per pound. This is an article which is an element of our bread, an element of our soap, an element of our glass, and an element of a thousand and one of our products. But so much are we dependent upon foreign countries for our supply of it that with a long westerly wind, and the wreck of three or four vessels loaded with soda-ash, the price went up from four cents per pound to twelve cents, and touched at the highest point, fourteen cents per pound. Now, if our country should be subjected to vicissitudes of that kind, or should a war with England take place, our manufacturers would have to create soda-ash factories; and that cannot be done in a day. We cannot create

soda-ash factories as we create foundries for casting large cannon, on mills for rolling plates for making iron vessels. It takes from fifteen to eighteen months to get one of these factories fairly in operation from the foundation up. Therefore, as my correspondent says, it would be wise to make our country, which contains all the elements for this manufacture, independent of foreign countries, by promoting the manufacture by ourselves.

[Here the hammer fell.]

Mr. MORRILL. For the purpose of terminating debate, I move that the committee rise. The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. SCOTFIELD reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration bill of the House No. 718, to provide increased revenue from imports, and for other purposes, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McDOWALL, its Chief Clerk, informed the House that the Senate had passed bills and a joint resolution of the House of the following titles, without amendment:

A joint resolution (H. R. No. 179) for the relief of Edgar T. Harris;

An act (H. R. No. 743) amendatory of an act entitled "An act granting a pension to Mrs. Emerance Gouler";

An act (H. R. No. 740) for the relief of Matilda J. Monroe;

An act (H. R. No. 705) for the relief of George W. Bush;

An act (H. R. No. 704) for the relief of Joel Farley;

An act (H. R. No. 703) for the relief of Lieutenant Colonel Frank Lynch;

An act (H. R. No. 700) for the benefit of John W. Jones;

An act (H. R. No. 699) for the relief of James L. Perham;

An act (H. R. No. 698) granting an increase of pension to Mrs. Mercie E. Scattergood;

An act (H. R. No. 684) granting a pension to Mrs. Mary A. McManus, widow of Captain Andrew McManus, late of the sixty-ninth Pennsylvania volunteer infantry;

An act (H. R. No. 616) for the relief of Lucinda Gates;

An act (H. R. No. 495) for the relief of Mary A. Patrick;

An act (H. R. No. 464) for the relief of John Gordon; and

An act (H. R. No. 461) granting a pension to Ann Sheehy.

The message further announced that the Senate had passed House bills of the following titles, with amendments, in which the concurrence of the House was requested:

An act (H. R. No. 692) increasing the pensions of widows and orphans, and for other purposes;

An act (H. R. No. 702) granting a pension to Mrs. Charlotte E. Reed;

An act (H. R. No. 789) for the relief of Samantha Rader;

An act (H. R. No. 741) granting a pension to Jonathan W. Beach; and

An act (H. R. No. 742) for the relief of the minor children of Salvador Accadi, deceased.

The message further announced that the Senate had passed bills of the following titles in which the concurrence of the House was requested:

An act (S. No. 79) for the benefit of Peter Anderson;

An act (S. No. 171) for the relief of Reuben Clough;

An act (S. No. 354) for the relief of William Crosswell;

An act (S. No. 358) granting a pension to Mrs. Nancy A. Stock;

An act (S. No. 359) for the relief of Hopestill Bigelow, of New Market, New Jersey;

An act (S. No. 366) granting a pension to Abraham Lansing;

An act (S. No. 376) granting a pension to Drussey A. Layman;

An act (S. No. 390) granting a pension to John Pyle; and

An act (S. No. 398) for the relief of W. B. Kelley.

CLOSE OF DEBATE.

Mr. MORRILL. I move when the House shall again resolve itself into the Committee of the Whole on the state of the Union, all debate on the pending section terminate in three minutes.

The motion was agreed to.

TARIFF BILL—AGAIN.

Mr. MORRILL. I move that the rules be suspended and the House resolve itself into Committee of the Whole on the state of the Union on the special order.

The motion was agreed to.

So the rules were suspended; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. SCOTFIELD in the chair,) and resumed the consideration of the special order, being bill of the House No. 718, to provide increased revenue from imports, and for other purposes.

The question was upon the amendment of Mr. KELLEY to the amendment of Mr. WILLIAMS.

Mr. MORRILL. I wish to say a single word more in relation to soda-ash, as it is a subject of some importance. The gentlemen who suppose that sulphur is used in the manufacture of this article I would state are entirely mistaken; it is not used in the manufacture of this article. And what motive there can be for the authors of the letter just read at the Clerk's desk to urge an increase of the duty on it I cannot see, unless somebody has offered to supply this article at a certain rate. I do not say that is so, but I do think there must be some interested motive at the bottom. And as we have raised the duty on salt we have placed the manufacture in this country out of the reach of anybody. It can be manufactured only where salt is obtained at a low rate. We have placed the duty on salt so high that it would be utterly impossible to compete with the manufacturers abroad who obtain their salt at a cost of only six or eight cents the bushel.

Mr. KELLEY. I withdraw the amendment to the amendment.

The question recurred upon the amendment of Mr. WILLIAMS.

Mr. MYERS. I move to amend the amendment by inserting "one cent per pound" instead of "one and a half." I am glad the chairman of the Committee of Ways and Means at last recognizes there is so large an interest in this matter in my district. He failed to recognize it the other day when he persuaded the House to vote down my proposition to give greater protection to the glass manufacture of that district and the country. I make this amendment because I think the amendment of my colleague from the Pittsburgh district is too high. If this new branch of industry in the United States is not sufficiently protected by one half cent per pound, I hope the committee will recur to the part of the bill which we have passed and afford more protection to the glass manufacturer. At the suggestion of friends I withdraw my amendment to permit a vote to be taken on the amendment of my colleague.

The question recurred on Mr. WILLIAMS's amendment.

The committee divided; and there were—ayes 41, noes 40; no quorum voting.

Mr. WILLIAMS demanded tellers.

Tellers were ordered; and Mr. WILLIAMS and Mr. MORRILL were appointed.

Mr. WILLIAMS. I withdraw my amendment, and offer the following:

On soda-ash, silicate of soda, and sal-soda, one cent per pound.

On bicarbonate and caustic-soda, two cents per pound.

On aluminate of soda, and on carbonate of soda over ninety-five per cent. purity, two cents per pound.

The committee divided; and there were—ayes 35, noes 56; no quorum voting.

Mr. WILLIAMS withdrew his amendment.

The Clerk read as follows:

On red lead, litharge, orange mineral, mineral yellow, and all paints or pigments of lead, not otherwise herein provided for, four cents per pound.

Mr. O'NEILL. I move to make it five cents per pound. As by the order of the House debate has closed on those paragraphs I will send to the Clerk's desk a letter from one of my constituents, parts of which, marked by me, I desire should be read.

The letter was as follows:

"You will notice that the new act increases the duty on red lead, litharge, and orange mineral, one cent per pound; this advantage is entirely counterbalanced by the increased duty on pig lead of one cent per pound. In addition to this, dry white lead is increased two cents per pound; but orange mineral, which must first be dry white lead, (being manufactured from carbonate of lead and not pig lead direct,) is only protected one cent, which, as we have said above, is made of no avail by the additional duty on pig lead. This, you will see at once, shows ignorance of the chemical nature of the articles.

"The white lead interest, including orange mineral, needs to sustain it clear three cents per pound duty over that of pig lead, and will, as sure as a sun shines, languish and die out from foreign competition, should gold fall to anything like par, if the necessary protection is not granted. The tax on whisky kills us. If the Government oppress our goods in one way they should relieve us against European markets. Oxides of lead (red lead and litharge) should have at least two cents protection over pig lead. In Europe, as well as probably at the mines in this country, the ore is first smelted into an oxide to obtain the silver before being made into pig lead. What chance have we to compete who have to buy the pig lead at an additional expense to the cost of oxide to the foreigner?

"These points are very important; they do not touch only us but an interest in this country, in apparatus, amounting to nearly five million dollars and employing one thousand operatives."

The amendment was not agreed to.

Mr. MORRILL. I move to strike out "orange mineral" and insert "and a half;" so it will read "four and a half cents."

The amendment was agreed to.

The Clerk read as follows:

On saltpeter refined, or partially refined, three cents per pound; on white lead, dry or ground in oil, five cents per pound.

Mr. MORRILL. I move to insert after "oil" "orange mineral."

The amendment was agreed to.

Mr. O'NEILL. I move to increase it from "five" to "six."

The amendment was disagreed to.

The Clerk read as follows:

Sec. 12. And be it further enacted, That from and after the day and year aforesaid, in lieu of the duties heretofore imposed by law on the articles hereinafter mentioned, and on such as may now be exempt from duty, there shall be levied, collected, and paid on the goods, wares, and merchandise enumerated and provided for in this section, imported from foreign countries, the following duties and rates of duty, that is to say:

On animals, living, all sorts, thirty per cent. *ad valorem*.

Mr. STROUSE. I move to strike out "thirty" and insert "ten." I have not very actively participated in the debates on this important bill, not because I did not feel as much interest as any one here, but in order to allay the general clamor that Pennsylvania was asking for protection. I have not asked, as a representative of the largest coal and iron region, anything not fair and proper. I think the committee will take into consideration that we ought not to legislate for any section or portion of the country.

This is a most important revenue bill. We should take into consideration the great area and extent of our country. Not because I am a Pennsylvanian, nor because I represent a mineral district, do I ask protection. I am in favor of the protection of American industry for all classes, all sections, and all divisions of our country. We must legislate for the masses of the people and not for the privileged few. We are now paying from twenty-five to thirty-five cents a pound for beef. The laboring man, is the great sufferer. We import cattle from Canada. This is no loss, damage, or prejudice to our agriculturists. We are on the border of the British Provinces, and when we impose a duty of ten per cent. in gold on cattle for slaughter I think we are doing very well. I

hope the committee will take a liberal view of this matter and reduce the proposed duty from thirty to ten per cent., in order that provisions, the necessities of life for the poor toiling millions, may be within their reach.

Mr. WENTWORTH. I am glad that the gentleman who has offered this amendment lives in Pennsylvania.

Mr. STROUSE. I do, and I am proud of it.

Mr. WENTWORTH. I would like to know what we have not been asked to do for old Pennsylvania. She has asked us to put up everything in the world, because she produces everything. And now the State of Pennsylvania, through her Representatives, asks us to bring her the provisions she wants from Canada—pork and beef, milk, butter, and honey, I suppose—to feed her manufacturing people, while she taxes us for the iron she produces. [Laughter.]

Mr. Chairman, I would, as a western man, have liked to have had the tariff on live animals thirty-three and one third per cent. That was about my figure, as a revenue tariff man, for I will now say that I am for a tariff for revenue, but after the amount is fixed for revenue, and we know what we want to raise, then I am willing to discriminate in favor of the protection of domestic industry. My figure was thirty-three and one third per cent. on live animals from Canada, but I was cut down to thirty.

Mr. BINGHAM. You are not cut down very much yet. [Laughter.]

Mr. WENTWORTH. I am talking about the committee, and I object to the gentleman making fun of me. [Laughter.] I hope, indeed I know, that the good sense of the committee will let this duty remain as it is.

Mr. ROSS. I move to amend the amendment by making it fifty per cent. That is still below the protection which New England asks for her manufactures. If it is the policy of Congress to build around this country a Chinese wall so as to prohibit the introduction of articles from other countries, the rule should apply as well to agricultural products as to the manufactures of New England. I see no reason why there should not be at least as much duty placed upon the importation of stock into this country as upon manufactures. If the people of New England want to compel us to purchase the products of their looms and factories at exorbitant prices, by putting on them a tariff of from fifty to eighty per cent., I see no reason why they should not be compelled to buy their beef from those who raise them in this country. I am therefore in favor of raising the price upon those articles, and if my amendment is adopted I propose, when we get to the next article, vegetables, to move to strike out ten per cent. and make it at least fifty per cent.

Why, sir, we have been told repeatedly during the discussion that an increase of the tariff decreases the price of the article to the consumer. Now, I want to carry out the principle in regard to vegetables, and see if by putting on fifty per cent. tariff we cannot reduce the price. If by putting on a tariff of sixty per cent. on manufactures the people of the West get them from New England a great deal cheaper, why not try it in regard to provisions?

[Here the hammer fell.]

Mr. MOORHEAD. I would like to ask the gentleman, if he can get this duty on animals fixed at fifty per cent., will the bill suit him, then?

Mr. ROSS. No, sir; I am opposed to the whole system entirely. I believe in "free trade and sailors' rights." [Laughter.] I would prefer that we should have as near free trade as possible. If we have any tariff it should be merely a revenue tariff. But as one of the representatives of the agricultural interest of the country, I will not stand here and see combinations made by manufacturers for the purpose of fleecing my constituency without raising my voice in behalf of protecting their rights here. If gentlemen from the east-

ern and middle States insist that we shall buy our manufactures exclusively from them, let them buy their beef and vegetables from us, and let us close our doors against their bringing in beef and vegetables from Canada.

[Here the hammer fell.]

Mr. PIKE. The gentleman from Illinois [Mr. ROSS] has repeated in five-minute talks some half dozen times that this is a New England tariff and that New England wants protection for her manufactures. Now, that simply shows the inattention of the gentleman to the business of the House. If he had been here and had attended to the business of the House for the last week or ten days he would have known this fact—

Mr. ROSS. Does the gentleman mean to insinuate that I have not been here?

Mr. PIKE. I cannot yield to the gentleman; he will have his turn.

Mr. ROSS. I have been here all the time.

The CHAIRMAN. The gentleman from Illinois is out of order and will take his seat.

Mr. PIKE. I say that if the gentleman had been here attending to the business of the House—and whether he has been here or not I cannot say—

Mr. ROSS. I have been here.

The CHAIRMAN. The gentleman is out of order.

Mr. PIKE. I say he would have seen that, although many gentlemen on the floor have been constantly proposing amendments to increase the duties provided for in the report of the Committee of Ways and Means, but one New England gentleman has risen here to propose an increase, and that was my friend from Massachusetts, [Mr. DAWES,] whose proposition was to increase the duty on glassware a quarter of a cent.

Mr. ROSS. Will the gentleman permit me to ask him a question?

Mr. PIKE. That is the sum total of the demands of New England.

Mr. ROSS. I want to ask the gentleman if he does not know that New England has the chairmen of twelve of the committees of this House? [Laughter.]

Mr. PIKE. What of that? Very worthy chairmen they are, and very properly bestowed I suppose. I am sure I do not brag of my position on the committees of this House.

Now, I have to say this, that while New England has not asked any increase, she has constantly asked a decrease—constantly. I myself have several times asked a decrease of these duties. Other New England gentlemen around me have asked for a decrease of duties. In no instance, except the one I have spoken of, has any New England man asked for an increase. The gentleman from Illinois knows so little about this tariff bill as not to know that this is a western tariff bill, got up for the benefit of the West, originating in a desire there to protect wool, starting there and sweeping from the West over into Pennsylvania, and going backward and forward between the West on the one side and Pennsylvania on the other. New England is out in the cold. She does not care to-day "one red" whether this tariff bill goes over until December or until March next, or into a distant future.

[Here the hammer fell.]

The question was taken on Mr. Ross's amendment; and there were—ayes 20, noes 46; no quorum voting.

Mr. ROSS. What is the trouble on the other side of the House? I understood they were willing to give us protection.

Mr. HARDING, of Illinois. I have every reason to believe that the House misunderstood the question. I noticed that the protective gentleman voted against the proposition of my colleague. [Laughter.]

The CHAIRMAN. Debate is not in order. The Chair will order tellers.

Messrs. ROSS and DAWES were appointed tellers.

The committee divided; and the tellers reported—ayes 27, noes 44; no quorum voting.

Mr. ROSS. I withdraw my amendment.

The question recurred upon the amendment of Mr. STROUSE.

Mr. MORRILL. I move that the committee now rise.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. SCOTFIELD reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the bill of the House (No. 718) to provide increased revenue from imports, and for other purposes, and had come to no resolution thereon.

And then, on motion of Mr. ROSS, (at ten o'clock p. m.,) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule and referred to the appropriate committees: By Mr. FARNSWORTH: The petition of E. B. Gilbert, and others, of De Kalb, Illinois, in favor of a uniform system of insurance.

By Mr. THAYER: Several petitions for an increase of the tariff.

IN SENATE.

SATURDAY, July 7, 1866.

Prayer by the Chaplain, Rev. E. H. GRAY.

On motion of Mr. WILSON, and by unanimous consent, the reading of the Journal of yesterday was dispensed with.

PETITIONS AND MEMORIALS.

Mr. WILSON presented the petition of J. R. Williams, and others, citizens of New Jersey, praying for an equalization of the bounties to soldiers in the late war; which was ordered to lie on the table.

Mr. SUMNER. I offer a petition from the presidents of the fire insurance companies of the city of Boston, and as it is very brief, I will read it. They say, "In view of the great destruction of property so frequently occasioned by the improper use of India crackers and other imported fire-works, we respectfully petition your honorable body that a law may be enacted prohibiting the importation of the same into any port or place in the United States." I move the reference of this petition to the Committee on Finance.

The motion was agreed to.

THE TARIFF BILL.

Mr. MORGAN. I present the remonstrance of the Chamber of Commerce of the State of New York against the passage of the bill now before the House of Representatives entitled "A bill to provide increased revenue from imports, and for other purposes." Inasmuch as this bill is soon to come before the Senate, I shall take the opportunity to call attention to the subject and to give the views entertained in regard to it by the New York Chamber of Commerce.

In the first place they represent that the title of the bill is mistaken. The enhanced duties it proposes being in many cases so high that they must prove prohibitory; its adoption cannot fail to diminish rather than increase the revenue from imports. The proposed enhancement of duties is chiefly, if not altogether, on imported articles which come directly into competition with similar domestic products, such for example as iron, woollens, worsted, and linen. These are all leading articles in our import trade, and no one familiar with that trade can doubt that the exorbitant duties to which this bill proposes to subject them would greatly diminish their importation, and therefore lessen the revenues of the Government.

It appears to the remonstrants impolitic to lessen the gold revenue of the Government at a time when our gold liabilities are increasing, and it seems especially impolitic to do so coincidentally with the abandonment of many of the existing sources of internal revenue. There is reason to apprehend that the joint effect of the two measures may so reduce the revenue of the Government as to leave the aggregate insufficient to meet its current expenses and maturing interest and thus weaken the public credit.

But the remonstrants object to this measure on other and broader grounds. They believe its adoption would prove injurious to every interest affected by it. It would be especially injurious to commerce, by driving it from established channels, by lessening our foreign trade, and by leaving our large mercantile marine without adequate or profitable employment. It would mar the prosperity of agriculture by increasing the cost of its supplies without enhancing the prices of its products, which are governed, as are those of all exportable commodities, by the foreign market value. It would injure mechanics by increasing the cost of living without enhancing wages. And finally, by its exorbitant protection, it would injure the permanent prosperity of the manufacturing interest itself, which it is specially intended to protect and foster. It proposes to increase the protection of that interest by adding from ten to fifty per cent. to the present high rates of duty at the moment when the amended internal revenue laws relieve that interest from a heavy excise tax. The joint effect of the two measures will be to confer upon that interest a rate of protection ranging from fifty to one hundred per cent.; and this protection will be absolute, with the excise taxes annulled and the premium on exchange and on gold to pay duties compensating to the manufacturers for the adverse effect of a depreciated currency. This degree of protection being at least twice as large as that which this interest has hitherto enjoyed under the revenue laws most favorable to it, we may expect to see engendered a home competition which will ultimately prove fatal to its prosperity. We may also expect to see the people soon become so restive under this unwarrantable boon conferred on a favored interest, as to demand its repeal and the substitution of a tariff strictly grounded on the principle of revenue. This, combined with the effect of home competition, would be liable to involve the manufacturing interests of our country in general bankruptcy. For these reasons the remonstrants respectfully ask that the bill may not become a law. I move that this remonstrance be referred to the Committee on Finance.

The motion was agreed to.

MINORITY REPORT ON RECONSTRUCTION.

Mr. JOHNSON. Mr. President, being compelled, by business affecting my State and city, for a period to leave my place in the Senate some three weeks since, and having prepared, in conjunction with two other members of the committee of fifteen, what is denominated a minority report, and it not being copied at the time so as to be in a presentable form, I requested the honorable member from Indiana [Mr. HENDRICKS] to present it in my name; and that was done a few days after I left here. The reception of it was objected to, as I see, by my friend from Illinois [Mr. TRUMBULL] upon, as I understand, three grounds. The first was that it was not presented by myself or by any member of the committee; the second was that reports of that sort are not received at all; and the third was that it was not presented at the time the report of the majority was presented.

In relation to the first, what I have stated I suppose may be considered as a sufficient explanation; but if it is not, the objection is avoided by my asking to present it now. In relation to the second, I find, on looking at the Journals, which I have had examined only so far back as the 10th of April, 1840, coming down to a recent period, that the minority of a committee have been permitted to present what I suppose were their reports, although they are called in the Journal the "views of the minority." That was done on the 10th of April, 1840. It is unnecessary to trouble the Senate with the detail of each of those cases. On the 12th of March, 1856—

"Mr. DOUGLAS, from the Committee on Territories, to whom were referred several messages of the President in relation to affairs in Kansas, submitted a report; which was ordered to be printed."

"Mr. COLLMER submitted the views of the minority of the committee; which were ordered to be printed with the report of the committee."

On the 5th of May, 1858, I find this entry:

"Mr. BAYARD, from the Committee on the Judiciary, to whom the subject of a national bankrupt law had been referred, stated that the committee had been unable to agree upon the details of a bill."

"Mr. DOOMBS, in behalf of the minority of the committee, submitted a paper purporting to be a bill to establish a uniform system of bankruptcy, and moved that it be printed."

"A question of order was raised by Mr. GREEN, to wit, that the minority of a committee had no power to originate or bring in a bill."

He did not object to the minority presenting their report or their views, but only their right to do it in the form of a bill.

"The VICE PRESIDENT stated that it had been usual to receive the views of a minority of a committee."

On the 7th of February, 1862,

"Mr. HARRIS, from the Committee on the Judiciary, to whom were referred the credentials of Hon. Benjamin Stark, submitted a report."

"Mr. TRUMBULL asked, and obtained, leave to submit the views of the minority of the committee."

"Ordered, That the report of the committee, with the views of the minority, and accompanying papers, be printed."

I suppose, therefore, that it may now be considered as the established usage of the Senate to permit the minority of a committee to state the grounds upon which, if they differ from the majority, that difference is founded.

But in addition to that I will state to the Senate, and I have here an extract from the journal of the committee, that on the 28th of April, 1866, when the committee determined upon reporting the measures which are now before the country, there is in that journal this entry:

"Mr. STEVENS moved that the joint resolution and bills adopted by the committee to-day be reported on Monday next to the two Houses of Congress, and that leave be asked to submit at some future time reports to accompany the same."

"The motion was agreed to."

"On motion of Mr. ROGERS, it was

"Ordered, That the minority of the committee have leave to submit minority reports."

The matter remained in that situation from the 28th of April until, I think, the 8th of June; and as I knew that the majority desired that the report which was to accompany the bills and resolutions, and which was directed to be made by the entry which I have just read, should be prepared by my friend, the chairman of the committee, the honorable Senator from Maine, [Mr. FESSENDEN], and knowing how his time was occupied in other duties, I doubted very much whether he would be able to prepare a report at all; and if he had not prepared a report, I certainly should have presented none, and as far as I know the minority of the committee would not have presented any. But on the 8th of June, nearly two months after the report was authorized to be made, the honorable member from Maine, as I get from the proceedings of the day reported in the Globe, just at the moment when the vote was about to be taken on the measures themselves, rose and said to the Senate:

"I ask leave to make a report. I have here an extended report from the committee of fifteen, so called, the committee on reconstruction, giving their views and reasons with reference to the joint resolution which they submitted to the Senate and the conclusions to which they arrived. It was my hope that some time in the course of this debate, before the vote was taken, I might have the opportunity to lay the whole report before the Senate and have it read, but it is now so late an hour, and as gentlemen are desirous of taking the vote, and it has been agreed to take it to-day, that I do not feel that it would be right to attempt to have it read in detail. I therefore move that it be laid upon the table and printed."

"The motion was agreed to."

I then rose and said:

"It was understood in committee that if there should be any member who did not agree with the majority of the committee he would be at liberty to make a counter or minority report, and I merely rise for the purpose of saying that as such is the condition in which I stand, and in which two or three other members of the committee stand, I shall avail myself of that privilege at as early a day as possible."

To that there was no objection.

Mr. TRUMBULL. When was that?

Mr. JOHNSON. The same day.

Mr. TRUMBULL. What day?

Mr. JOHNSON. The 8th of June, the same day on which the majority report was pre-

sented and not read, for the very satisfactory reason given by my friend from Maine.

I was quite unwell at the time the report was presented; but as soon as I could prepare the minority report I did prepare it. I did not know and had not the slightest reason to suspect there would be any objection until some eight or ten days afterward, I think, when my honorable friend from Maine said to me that according to the custom of the Senate it was not the right of the minority to present a report except at the time when the report of the majority was presented. Although there was nothing in his manner that should cause me to think he intended it more as a matter of jest than in earnest, I really did, in my simplicity, suppose it was a matter of jest, he and I being in the habit of jesting with each other occasionally; and I went on and finished the minority report.

I can understand why it is proper that as a general rule the report of the minority of a committee should be made simultaneously or as nearly simultaneously as possible with that of the majority; that is to say, it would not be right to put it in the hands of a minority to criticise or to answer in detail the argument of the majority. But that was not my purpose in any way, nor have I attempted to do it. As far as I recollect, there is no reference made in the minority report to the report of the majority except in two particulars. It is not an attempt to answer at all in detail the report of the majority.

Now, I submit, Mr. President, that under the circumstances it would be right to allow this paper to be received—not right to the minority, for that is a matter of little or no moment; it is certainly of little or no moment to me. I do not ask it as a matter of courtesy, for I would not ask the Senate as a matter of courtesy to give me a privilege that was inconsistent with the established usage of the Senate; but upon a subject so important as this, when a report drawn up with the ability which distinguishes the report of the majority is received by the Senate and goes to the country giving the reasons why the measures adopted by the majority should receive the sanction of the country, it is but right that the people of the country should have the views of the minority. It is barely possible that the views of the minority may receive the sanction of the people instead of those of the majority.

The report of the minority, too, was presented in the House of Representatives a day or two, I believe, before my friend from Indiana presented it in the Senate; it was received without any objection by that body, and was ordered to be printed with the report of the majority. I think they ordered some fifty or one hundred thousand copies. I have no personal interest in the matter; but I submit that under all the circumstances it is but right that the views of the minority should go to the country together with those of the majority, be printed either with or separately from the report of the majority. Even if there was any well-established usage to show that such a course would not be proper, I submit that under the circumstances this should be an exception to the general usage, first, because the committee of fifteen authorized the minority to make a report; second, because the purpose of the minority to make a report was made known to the Senate and received without any objection by anybody; third, because the report was being prepared under the belief that it would, when prepared, be received by the Senate without any objection; and fourth and lastly, because I had not the most remote suspicion that my friend from Maine was preparing the majority report at all. If he had told me, or had thought it necessary to tell me—he was under no obligation to tell me—that he was preparing the report and would have it ready on a certain day, and that if the minority desired to make a minority report it should be ready on the same day, the views of the minority would have been presented then; but until he held the paper in his hand, a moment or two before he offered it to

the Senate, and told me he was about to offer it, I had not the most remote suspicion that he had put pen to paper upon the question at all—not that he concealed it from me, because that he is incapable of; but knowing how constantly his time was occupied as chairman of the Finance Committee and with the running business of the Senate to which he always gives attention, and fearing that the state of his health would not permit him to prepare a report of this description, I did not suppose that he was engaged in any such work. Certainly, if I had so supposed, the minority report, with his consent, would have been offered on the day he presented the majority report.

The Senate will dispose of it as they may think is right under all the circumstances.

Mr. TRUMBULL. It places me in a very unpleasant situation to object to the reception of the report presented by the Senator from Maryland, and I certainly should not think of doing so if I did not fear that its reception, under the circumstances, would be leading to a very bad practice and establishing a new precedent in the Senate.

The Senator has referred to the practice of the Senate on this subject, and I presume has stated it correctly, which has been not to receive minority reports as reports at all, it being understood that by parliamentary law a committee can make but one report, and whenever a minority of a committee or some of its members have desired to place their views before the Senate it has been done in that form, as "the views of the minority," as the Senator has correctly stated. I think he did not refer to any case where a minority report, technically so called, had ever been presented to the Senate.

Mr. JOHNSON. In all the instances of it by the memorandum they are said to be "the views of the minority." If that is the objection to the form in which this report is presented, I can alter it in that respect and simply beg leave to present "the views of the minority."

Mr. TRUMBULL. That has always been made a point in the Senate. I have before me the Globe in which that objection was taken to what was called a technical minority report by Mr. Mason, then a member of this body from Virginia. He said that no such thing was known in this body as a minority report. I think none of the Senator's precedents which he refers to upon his memorandum show that a minority report was ever presented in this body.

But, sir, the object is accomplished by presenting the views of the minority and not calling it a report, which the Senator desires to accomplish. Although the Senate has thought it of sufficient importance never to allow hitherto a minority report to be made, I do not see myself any very great importance in what it is called. But the objection to this seems to me to be the time when it is made. However, I ought to say one word in regard to the suggestion which I made the other day that it was unusual for one Senator to represent another. I did not make that as a point, that the paper should not be received on that ground. I spoke of it as an unusual proceeding. I certainly should not desire to make that the ground of a refusal to receive the paper which is presented by the Senator from Maryland.

The objection which it seems to me exists against receiving it is one in point of time. The Senator from Maryland tells us that he was taken by surprise when the Senator from Maine presented his report. It seems that this is an after-thought on the part of the minority of the members of this committee. After the majority have presented their report, and after the measure in connection with which it was presented has passed both Houses of Congress and gone to the country, and Congress has done with it, it is not to be considered here any more—some weeks afterward, I believe, I do not remember the date, when the Senator from

Indiana asked leave, in behalf of the Senator from Maryland, to present this minority report, but I think it was some weeks after the majority report had been presented, and after the measure had passed from the consideration of Congress.

Mr. JOHNSON. I do not know what the time was. I left here, I think, on the 16th of June, and the majority report was presented on the 8th. I wrote the minority report in three or four days.

Mr. TRUMBULL. The Senator from Indiana probably recollects when he called attention to this; it was some days ago; I do not recollect the precise day.

Mr. HENDRICKS. I think it was yesterday week or yesterday two weeks; it was while the Senator from Maryland was in Pennsylvania.

Mr. TRUMBULL. It was some weeks at any rate; it is not material as to the precise number of days.

Mr. HENDRICKS. My impression is that it was about a week after the Senator from Maine had made his report, but I will not undertake to say within several days of the exact time.

Mr. TRUMBULL. The Globe will show. It must have been more than a week, because the Senator from Maryland did not leave till the 16th and the majority report was presented a week before that. This was sometime afterward; it was weeks after the majority report had been presented and after the subject-matter had passed entirely from the consideration of the Senate. Now, for what purpose is this? What is the object of presenting a report of a committee? What is the object of presenting the views of the minority of this committee? It is supposed that the object of a report, the office of a report, is to bring to the consideration of the body the reasons which have actuated the committee in the action which they have taken. Surely the Senator from Maryland does not expect to produce any effect upon this body by presenting his views after the measure had passed entirely away and gone for weeks.

Mr. HENDRICKS. If the Senator will allow me, I will state that I find on examination that I submitted that document on the 22d day of June, yesterday two weeks.

Mr. TRUMBULL. And the majority report I understand was presented on the 8th of June. Two weeks after the majority report was presented the minority report was sought to be presented in this irregular way, a minority report which was prepared after the majority report was presented to the Senate, a minority report which the Senator presenting it says he did not think of writing until he saw the majority report. He supposed the chairman of the committee was too unwell to prepare a report, and therefore he did not think of writing one.

Was ever such a practice as that heard of in a legislative body before to-day? I apprehend not; and if such a practice is sanctioned, the result of it will be that the minority members of a committee will wait until the majority present their views, and will then present a review of the majority report. The Senator from Maryland says he has not done that in this instance. It is not because I have any objection to this particular report that I raised this question, although it was insinuated the other day that there might be an objection to having these views go before the country. Certainly I have no such objection, and it is exceedingly unpleasant to make any objection to receiving the report, even, under the circumstances, and I would not do so except from a sense of duty and from a strong feeling of the impropriety of allowing such a practice to obtain in this body.

The Senator says that he had permission from the committee to make a minority report. Well, sir, that is a matter outside of the Senate. The committee could not give that permission. That is for the legislative body to determine.

Neither could the committee refuse it. The refusal of the committee to allow the Senator to submit his views could not take from him the right to do so if he has that right at all. It was not dependent upon any action of the committee; nor could they grant that right if it did not exist without their action.

Now, sir, I submit to the Senate whether it will not be setting a bad example to allow a minority report—a thing never presented in this body before—to be received under the circumstances. I should be very glad myself to have the minority report received, out of respect to the Senator from Maryland, if it is no violation of parliamentary law and of proper proceedings. I certainly have, personally, no kind of objection to it, and it is only as a matter of practice that I have presented the considerations that I have. I shall be quite satisfied if the Senate, consistently with its sense of duty and its practice, shall feel at liberty to receive the report, under the circumstances; and, on the Senator's account, I should myself be very glad of it.

Mr. JOHNSON. Of course the honorable member from Illinois does not suppose that I consider his opposition to the reception of this report as personally discourteous to me. I am sure he is actuated by what he considers to be his duty to the Senate. I rise only for the purpose of replying to a remark or two that fell from the honorable member. He says that I stated to the Senate that I did not begin to prepare the report until I saw the report of the majority. That in one sense is correct, and in another it is not. I had not seen the report of the majority at all when I commenced preparing it. I saw it in the hands of the chairman, and I heard it presented here, but it was not published in a form in which I could use it until I commenced writing the minority report. Why I did not commence writing that report before was, to repeat it, because I did not think that my friend from Maine would be able to make a report, nor did I suppose that it was deemed necessary, after so long a lapse of time as between the 28th of April and the 8th of June, that a report should accompany the measures themselves.

Now, the honorable member says, and says with some truth, that the object of these reports is to operate on the measure before the Senate to which they relate. That is true. It is supposed that the majority of a committee who may think it proper to accompany any measure that they recommend with a report, do it for the purpose of enlightening the Senate or aiding the Senate in arriving at a proper conclusion. But if it is improper to receive a minority report because the subject has passed beyond the consideration of the Senate, I should like to know from my friend from Illinois why he agreed to receive the report of the majority. It was presented on the 8th of June. It was not read. The honorable Senator from Maine gave his reasons for not reading it. We were about to vote upon the measures to which it related, and we did vote without any member of the Senate knowing anything that was contained in the report of the majority, except the honorable member by whom it was prepared and such members of the Senate as constituted a part of the committee of fifteen. The rest of the Senate knew nothing about it; so that that report was received, not when the measure had passed beyond the control of the Senate, but just as it was about to pass, and just as it did pass in point of fact. And yet, several days afterward, as I see by the journals, some fifty thousand copies of that report were ordered to be printed. What for? Not to aid the Senate in arriving at a proper conclusion, because the matter had gone beyond the control of the Senate. It was, as far as it might be considered as tending to the instruction of the people, for the benefit and instruction of the people. The measures recommended in that report were amendments of the Constitution. The subject, therefore, was to go before the people,

to be acted upon by the people of the several States; and the purpose of my friend from Maine—and a proper purpose—and the purpose of those who agreed with him in directing him, if he could, to prepare the report, was to recommend the measures which the committee had adopted to the sanction of the people. The object of the minority report is to lay before the people who are to act on those measures the views of the minority.

But my friend has not accounted for one fact which seems to me to be fairly before the Senate. When the chairman offered his report he did not ask that it be read, for a very satisfactory reason; it was received and ordered to be printed; and I at once announced that the committee had authorized the minority, if there should be a minority, to propose a counter report, and I gave notice to the Senate that at some future day, and at as early a day as I could, such a report would be prepared and presented, and there was not a word of objection from anybody. If there had been such an objection, I should not have prepared the report at all; or, if I prepared any report, it would not have been presented to the Senate; that is very certain.

Now, the honorable member says that it was not my purpose to prepare a report until I saw the report of the majority. That is true, I was perfectly willing that the measures recommended by the committee should speak for themselves; and not believing that my friend from Maine would be able to discharge the duty cast upon him, and not being advised by him that he was engaged in that duty at any time, I acted under the full impression that there would be no report; and certainly, if there had been no report on the part of the majority, it was not my purpose to present a report on the part of the minority. I should have been met, if I had offered a report under those circumstances from the minority; with the objection that there was no report from the majority, and of course one would not have been received from the minority.

But I beg the Senate to understand that I am not asking the reception of the report upon any personal ground. If I were to ask it, and the Senate were willing to grant it because there was no impediment in the way which they thought was one they could not get over, I have every reason to believe, from the courtesy always shown to me by the Senate, that the report would be received. I ask it simply now as what I suppose to be the right of the minority, and what I suppose also to be, perhaps, the wish of a great many people in the United States, to see published what the minority of that committee may think of the measures recommended by the majority.

Mr. SUMNER. The Senator from Maryland is certainly right when he declines to present this case as a personal one. Of course, if it was so presented, if we could regard it simply as a courtesy to the Senator from Maryland, there would be every disposition, I take it, to concede to him all that he could desire. There would be, certainly, on my part. I therefore eliminate that suggestion. There is another one, also, that I will eliminate; it is that there can be any disposition on the part of any Senator to interfere with the entire freedom with which we express our opinions on this floor, either individually or as members of committees. I believe there is every disposition to concede to every Senator and to every committee of this body all parliamentary privileges possible, everything that is consistent with parliamentary law.

Putting those two considerations, then, aside, the question that comes to us is whether, according to the usage of the Senate, or according to parliamentary law as recognized by the Senate, a report from a minority can be received at so late a day as that on which this document has been presented by the Senator from Maryland. On that question I am clearly of opinion with the Senator from Illinois. I believe that the reception of such a minority document—I will

not call it a report, because the parliamentary law does not recognize it as such—would not be consistent with the usage of the Senate, nor would it be for the good of the Senate in the conduct of public business. I am sure that it is not according to the usage of the Senate. This is a subject to which my attention was directed many years ago. Certainly more than ten years ago it fell to me to draw up what at the time I undertook to call a minority report on a very important political question then before the body, connected with the administration of the fugitive slave law. The document that I had drawn up was signed by Mr. Seward and by myself. It was presented to the Senate, however, contemporaneously with the report of the majority on the question. Our document was entitled a minority report. Its reception was objected to, in the first place, by Mr. Badger, of North Carolina, who the Senator from Maryland will remember to have been very acute and well versed in parliamentary law. He at once took the ground that there was no such thing known to parliamentary law as a minority report, and he seemed disposed at the beginning even to insist that we had no right to present any minority statement whatever; but finally he settled down upon the conclusion that if we chose to present a statement it should be called the views of the minority. Accordingly the document that had been drawn up was so entitled, "the views of the minority," and it was presented and received at the same time with the majority report, and was printed with it.

That occurred in 1854 or 1855. I refer to it as a case which at the time occupied very seriously the attention of the Senate. It related to a subject with regard to which the country and the Senate were very sensitive; and I believe it may be considered an authoritative precedent. It shows the care, the caution with which the Senate at that time were disposed to watch what was done by the minority of a committee. To be sure, that precedent does not directly decide the question raised by the Senator from Maryland. There was no question there arising from a delay on the part of the minority; but that precedent does show that the Senate was not disposed to concede to the minority any considerable privileges; that its disposition, on the other hand, was to constrain it, and to compel it to act in a very narrow field, and without according to what it did even the character of a report. If the Senator chooses to refer to that precedent, he will find that what was presented by the minority bears the title of "the views of the minority." So it stands in the Journal of this body, and so it was printed among its documents. I believe, therefore, that the precedents of this body will not sustain the Senator from Maryland.

Now, if you go further and look at the reason of the thing, I believe that will be full as strong against him as the precedents of the body. Sir, the reason of the thing is absolutely, if I may so say, against what is now proposed by the Senator from Maryland. Concede to a minority what he now asks, and all minorities hereafter will hold themselves in ambush, if you please, to spring forward, if they see fit, when the report of the majority has been made, constituting themselves into critics and reviewers.

Mr. JOHNSON. The honorable member does not suppose that was done in this instance?

Mr. SUMNER. I make no such suggestion as that at all. I am merely trying to present the danger which I think no one would see casier than the Senator from Maryland. Now, the question is whether at this moment we are disposed, in the first place, to discard the usages of the Senate, and, in the second place, to establish a precedent which, if followed hereafter, may be productive of so much mischief. I think, therefore, whatever may be its bearings on the present case, that the Senate ought to be sure and fix a proper precedent. It ought to bear in mind that what it

does in this very important case will be a rule of conduct hereafter, and establishing a rule of conduct is nothing more nor less than establishing something kindred to legislation itself.

Mr. JOHNSON. The honorable member from Illinois—and the same objection has been made by my friend from Massachusetts—objects to the receipt of the paper which I ask leave to present because it professes to be a report. I had supposed that when the views of a minority are presented, it is done virtually as a report, although it may not be called a report in words. I propose, therefore, to present it in this way: "I beg leave to present the views of the minority," striking out the word "report."

Mr. FESSENDEN. Perhaps I ought to say a word in explanation on this subject. I have not the slightest personal objection to the reception of this paper if the Senate think it proper to receive it under the peculiar circumstances of the case. I suppose, as it has been already presented in the House of Representatives and largely printed there in connection with the report made by the majority, there can be no particular purpose in presenting it here except to have the same number printed which was printed of the report itself; and if received by the Senate, I suppose that permission could not well be refused. To that I should have no objection.

I should have much preferred, however, and that is one of the objections, that it had been presented at the time the report itself was presented in order that they might have gone together. Perhaps my honorable friend may think there is a little vanity in my announcing my willingness that the two should be compared; but I beg leave to say to him, I have such confidence in the fact that I was on the right side and he was on the wrong one, that I am sure, even with his acknowledged ability, he could not make the worse appear the better reason. In such a case I should be willing to have them compared together.

I made the proper explanation to the Senate at the time that I reported the resolution. It was my intention to prepare a report to come in with the resolution. Perceiving that the labors of the committee were drawing to a point, I had made up my mind at once to commence the preparation of a report, which I supposed I should be ordered to make, as chairman of the committee; but on the very day that I proposed to do it and had collected some papers with a view to make a drawing of the report, I was seized, as the Senate will remember, with disease which confined me to my room and made me unfit entirely for work until the very last day of the sessions of the committee on the subject of the resolution. I was then sent for; the members of the committee insisted upon it that I should be present at that meeting if possible; and the very first day that I went out of my room I went to the committee-room and staid there for four hours, the Senator will remember, although very feeble at that time, while the committee was coming to its conclusion. It was then moved by some member of the committee that a report be prepared by the chairman. I stated that I had been sick, and it had been impossible for me to do it, and I had no report ready, whereupon a motion was made that the chairman be directed to make it out at as early a day as possible.

Mr. JOHNSON. At a future time.

Mr. FESSENDEN. At a future day, but directed to make the report, so far as the resolution was concerned, immediately. I stated that fact when I presented the resolution to the Senate from the committee. I remember well that at that time a member of the committee requested leave also, in the committee, to present the views of the minority, and the committee made no objection, but acceded to it as usual. Owing to the feeble state of my health and the great quantity of business that was accumulated upon me, I found it very difficult indeed to prepare the report; and such as it was, it was written in my room at odd

hours, after the adjournment of the Senate in the evening, or before its meeting in the morning, on such occasions as I could get, an hour at a time, when I could look into the subject, so that I was unable to get it finished until some three or four days before the 8th of June, when it was presented. I then called a meeting of the committee. The committee came together. I read the report, and it was approved, with one or two suggestions for the alteration of phraseology. Within three or four days afterward I made the report.

These were the circumstances. There was no concealment from anybody. Had the Senator or any one of the minority been present at the meeting he would have heard the report read.

Mr. JOHNSON. The Senator does not suppose that I thought for a moment there was any concealment. That was the last thing in the world that I dreamed of. I did not happen to be present at the meeting now referred to; I was out of town at the time.

Mr. FESSENDEN. Ample notice was given to everybody connected with the committee that the report would be made as soon as it could be put in shape. I was obliged to read the rough manuscript to the committee to let them see how it would read. These are the facts.

Now, with regard to the question before the Senate, I have no personal objection to granting the request of the Senator from Maryland, but, situated as I am, I shall not vote on the question. The Senator has alluded to a conversation which passed between him and myself which he supposed was sportive, and to a certain extent it was; but I expressed to him very clearly my objection to this course of proceeding. I said that I did not think it was parliamentary, that there was no precedent for it, and that such a practice afforded to the minority an opportunity to wait until they saw the views of the majority, and then to sit down and review them and make up their report or views in that way. The Senator remarked to me—he will excuse me for repeating it, although I supposed at the time it was sportive—"That is precisely what I intend to do."

Mr. JOHNSON. Certainly.

Mr. FESSENDEN. I told him that I should never agree to his doing any such thing, and that I should object to the reception of his views under those circumstances, because I did not deem it a proper or parliamentary course of proceeding.

Mr. JOHNSON. I did not do that.

Mr. FESSENDEN. I gave no further attention to the matter. I saw afterward that the views of the minority were presented in the House of Representatives, I think very erroneously according to all parliamentary practice; and I think this would be contrary to all parliamentary practice that I ever knew anything about if it was acceded to. I simply repeat the suggestion that so far as I am individually concerned, and so far as the committee are concerned, having made the majority report, I have no personal objection, and they have no personal objection, to this proceeding. I stand just as others do merely on the parliamentary propriety of the thing, of which the Senate will judge.

Mr. TRUMBULL. I am so desirous not to seem to object to this report in any way, as my only object is not to adopt a bad precedent, that I will, if it meets the views of the Senator from Maryland, offer the following resolution in connection with the report:

Resolved, That the paper presented by the Senator from Maryland be received as the views of the members of the joint committee of fifteen who have signed the same; but in receiving said paper subsequent to the time when the majority report was received the Senate does not mean to sanction the right to present said paper at this time, nor to establish a precedent for its future action.

That would relieve us of any embarrassment hereafter, and would at the same time allow the paper to be now received under the circumstances of the case.

Mr. JOHNSON. I have not the slightest objection to that, and I think the principle is

all right. I recognize at once the force of the suggestion made to me.

Mr. TRUMBULL. I suggest this as relieving the Senate of any embarrassment about it, if it meets the views of other Senators. I have no desire to suppress the minority report.

Mr. JOHNSON. It meets my views.

The PRESIDENT *pro tempore*. The resolution offered by the Senator from Illinois will be read.

The Secretary read the resolution.

The resolution was agreed to.

Mr. JOHNSON. Do I understand the paper now as ordered to be printed as well as received?

The PRESIDENT *pro tempore*. There has been no order on that subject.

Mr. JOHNSON. I move that it be printed.

The motion was agreed to.

Mr. HENDRICKS. Now I offer the motion which I submitted before, that the same number of copies of that document be printed as of the majority report.

The PRESIDENT *pro tempore*. That motion under the rules will go to the Committee on Printing.

Mr. HENDRICKS. So I understand.

REPORTS OF COMMITTEES.

Mr. TRUMBULL. The Committee on the Judiciary, to whom was referred a resolution instructing the committee to inquire into the expediency of providing by law for the reorganization of the civil service, and also a bill (S. No. 315) to regulate appointments to and removals from office, have instructed me to report back the bill with an amendment by way of substitute.

Mr. TRUMBULL, from the same committee, to whom were referred various petitions from citizens of West Virginia, praying for the establishment of a court at Parkersburg in that State, asked to be discharged from their further consideration; which was agreed to.

He also, from the same committee, to whom was referred a memorial of the Legislature of Wisconsin, in favor of dividing that State into judicial districts and creating the western district of Wisconsin, asked to be discharged from its further consideration; which was agreed to.

Mr. TRUMBULL. The same committee, to whom were referred sundry petitions of citizens of Alexandria county, Virginia, praying for the annexation of that county to the District of Columbia, have instructed me to report them back and to ask that they lie on the table, that subject being under consideration in the Senate at this time.

The report was agreed to.

Mr. TRUMBULL. The same committee, to whom were referred various petitions praying that means be devised which shall secure to every child born in the United States a competent education without regard to locality, color, sex, or condition, have instructed me to report them back with a statement that while the committee would be very desirous to pass a law that would accomplish that object, we see no practical means of doing more at this time than is already being done by the Government. The committee ask to be discharged from the further consideration of the petitions.

The committee was discharged.

Mr. TRUMBULL. The same committee, to whom were referred resolutions of the Legislatures of Nevada and Iowa, asking for the speedy trial of Jefferson Davis, petitions for the expulsion of GARRET DAVIS from the Senate, memorials from Sons of Temperance and Good Templars, praying for the enactment of a law dismissing from the public service officers who become intoxicated, a petition from citizens of Florida asking to be relieved from the payment of certain notes, and petitions of sundry citizens praying for an amendment to the Constitution of the United States, have instructed me to report them back and to ask to be discharged from their further consideration.

The report was agreed to.

Mr. TRUMBULL, from the same commit-

tee, to whom was referred a bill (H. R. No. 62) directing a district court to be held at the city of Erie, in the State of Pennsylvania, reported it with an amendment.

Mr. TRUMBULL. The same committee, to whom was referred a bill (S. No. 2) to preserve the right of trial by jury by securing impartial jurors in the courts of the United States, have instructed me to report it back with a recommendation that it be indefinitely postponed.

The report was agreed to, and the bill was indefinitely postponed.

Mr. TRUMBULL. The same committee, to whom was referred a bill (S. No. 362) to change the times for holding the courts of the United States for the eastern district of Texas, have instructed me to report it back with a recommendation that it be indefinitely postponed.

The report was agreed to, and the bill was postponed indefinitely.

Mr. TRUMBULL, from the same committee, to whom was referred a bill (H. R. No. 488) in relation to the courts of Washington Territory, reported adversely thereon.

Mr. POMEROY, from the Committee on Public Lands, to whom was referred a bill (H. R. No. 50) to amend the fifth section of an act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, so as to extend the time within which the provisions of said act shall be accepted and such colleges established, reported it with an amendment.

Mr. POLAND, from the Committee on the Judiciary, to whom was referred a bill (S. No. 363) declaratory of the act approved March 3, 1863, being "An act to amend an act to establish a court for the investigation of claims against the United States, approved February 24, 1865," reported it with an amendment.

Mr. GUTHRIE, from the Committee on Finance, to whom was referred the memorial of Fiske & Dale, Josiah Towle, and Morse & Co., praying to be relieved from the payment of the additional duty of fifty per cent. imposed by joint resolution of April 29, 1864, on goods in bonded warehouses, reported a joint resolution (S. R. No. 123) in relation the settlement of the accounts of William P. Wingate, collector at the port of Bangor, Maine; which was read and passed to a second reading.

CLAIMS AGAINST NEVADA.

Mr. SHERMAN. I am directed by the Committee on Finance to report back a joint resolution (S. R. No. 84) authorizing the payment of certain claims against the late Territory of Nevada, with amendments. As this is a matter of not very much moment, and the Senator from Nevada [Mr. Nye] is very anxious to have the resolution passed, I ask the indulgence of the Senate to have it acted upon now.

By unanimous consent, the joint resolution was considered as in Committee of the Whole. To enable the Secretary of the Treasury to settle and pay outstanding claims chargeable to the contingent expenses of the executive department of the Territory of Nevada it proposes to transfer so much of the unexpended balance of the appropriation "for compensation and mileage of members of the Legislative Assembly of the Territory of Nevada" as may be found necessary for that purpose, to the credit of the fund for paying the contingent expenses of the executive department of that Territory, and the proper accounting officers of the Treasury, out of the balance so transferred, are to pay "the said claims as adjusted and allowed."

The Committee on Finance proposed to amend the resolution by inserting between the words "claims" and "chargeable," in line four, the words "duly examined and allowed, and properly."

The amendment was agreed to.

The next amendment was before the word

"claims," in the last line of the resolution, to strike out the word "said," and after the word "claims" to strike out "as;" so as to read, "pay the claims adjusted and allowed."

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in. The resolution was ordered to be engrossed for a third reading, and was read the third time and passed.

BILLS INTRODUCED.

Mr. WILLEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 412) authorizing and directing the sale of the property of the United States at Harper's Ferry, West Virginia; which was read twice by its title.

Mr. WILLEY. Some days since the Secretary of War sent in a report, in compliance with a previous resolution of the Senate, in relation to the condition of the public works at Harper's Ferry. I move that that report, with the bill, be referred to the Committee on Military Affairs and the Militia.

The motion was agreed to.

Mr. WADE asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 124) for the protection of citizens of the United States in the matter of public loans of the republic of Mexico; which was read twice by its title, and referred to the Committee on Foreign Relations.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House of Representatives had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 513) to reduce internal taxation and to amend an act entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," approved June 30, 1864, and acts amendatory thereof.

The message also announced that the House of Representatives had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (S. No. 222) farther to prevent smuggling, and for other purposes.

MILITARY PEACE ESTABLISHMENT.

Mr. WILSON. I move to postpone all prior orders and take up for consideration Senate bill No. 401.

The motion was agreed to; and the bill (S. No. 401) to increase and fix the military peace establishment of the United States was taken up for consideration as in Committee of the Whole.

The Secretary read the bill at length.

Mr. GRIMES. I understand that the Senator from Massachusetts is not anxious to proceed with the further consideration of that bill to-day, and I move, therefore, that the Senate do now adjourn.

Several SENATORS. Oh, no.

Mr. GRIMES. Why sit here?

Mr. TRUMBULL. Let us go on with the bill we had up yesterday and finish that.

Mr. GRIMES. There is hardly a quorum of the Senate here. I do not think there is a quorum in the building. It is Saturday afternoon and the weather is intensely hot.

Mr. TRUMBULL. I know it is; but we might as well go on with the bill we had up yesterday and finish it.

Mr. GRIMES. Several Senators are already sick, and there are several more hardly able to sit here, myself among the number.

Mr. TRUMBULL. We had commenced voting on that bill yesterday, and I think we can soon finish it.

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) The question is not debatable; the motion is to adjourn.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, July 7, 1866.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. C. B. BOXTON.

The Journal of yesterday was read and approved.

REORGANIZATION OF THE ARMY.

Mr. SCHENCK. Mr. Speaker, I wish, with the permission of the House, to state on behalf of the Military Committee the present condition of the bill to reorganize the Army; and also to make a proposition to the House which perhaps will solve the difficulty in which we are situated. I had an interview the other day, upon invitation, with the Secretary of War and Lieutenant General Grant; and I learned from them, and particularly from the Lieutenant General, what I also well understand, the pressing necessity just now of having some action in relation to the reorganization or increase of the Army, with the view of supplying a need for troops. The enlistments have already gone up to the utmost capacity of the present Army, and there are not troops enough for the purposes of the Government. All the white volunteer troops have been mustered out, or have been ordered to be mustered out, and will soon be altogether gone from the service; and there are not now many of the black troops remaining.

The condition of the legislative question on the subject is this. The Senate passed a bill and sent it to the House. A bill reported from the Committee on Military Affairs of this House, and pending in the House at the same time, was rejected, recommitted, and again reported back to the House, passed by the House, and was sent to the Senate. So there is a bill of the House now in the Senate, and a bill of the Senate now in the House. In the mean time, as we learn by our files, there have been several successive bills brought forward in the Senate, and I believe the other day, and since the bill of the House was passed and sent to the Senate, the fifth bill was produced by the chairman of the Military Committee in that branch. From this I infer an indisposition on the part of the Military Committee of the Senate to take up and pass any bill which is a House bill. It seems to me to be preferred that whatever bill is passed shall be a bill of the Senate. This may be because it is desired to have the credit of the origination of the bill, or it may be something else. I know not what it is, and it is of no consequence in one sense; for I am ready to say, in behalf of the Military Committee of the House, that we do not care where the bill originates, whether in the Senate or in the House, so that it only contains, as its substance, that which has our approval, and which is sanctioned by the action of the House.

There is a means of bringing this matter speedily to some sort of conclusion. I am authorized by the Committee on Military Affairs of the House to make a proposition to the House; and that proposition is, to ask permission to report back now the Senate bill, to move as a substitute for it the bill which has been framed by the House, call the previous question, and pass the bill and send it to the Senate. Then they will have two bills before them, one a Senate bill amended by the House, and the other a House bill, and each embodying what the House has agreed to after a long discussion. I now ask permission to report the bill of the Senate back to the House, move the House bill as a substitute for it, move the previous question upon it at once, pass it, and send it back to the Senate. The effect would be this, as a matter of course: each House acting upon one or the other bill, no matter which so it be the same bill in each branch, whatever may be the disagreeing votes of the two Houses, would be brought to a committee of conference, and so the matter definitely disposed of.

The SPEAKER. It requires unanimous consent for such a purpose.

Mr. SPALDING. I object.

REIMBURSEMENT TO NEBRASKA TERRITORY.

Mr. KASSON reported from the Committee on Appropriations a bill authorizing the reimbursement to the Territory of Nebraska of certain expenses incurred in repelling Indian hostilities; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. KASSON moved that the bill be made a special order for Wednesday of next week after the morning hour.

The motion was agreed to.

BUST OF PULASKI.

Mr. KASSON. I am directed by the Committee on Appropriations to move that the committee be discharged from the further consideration of the memorial of Henry K. Kalusowski, asking that an appropriation be made for the purchase of a bust of Pulaski, executed by the late Henry D. Saunders, of Philadelphia, and that the same be laid on the table.

The motion was agreed to.

DISCOVERY OF PETROLEUM.

Mr. NIBLACK. I am directed to move that the Committee on Appropriations be discharged from the further consideration of the petition of citizens of Venango county, Pennsylvania, asking an appropriation for the discovery of petroleum, &c., and that the same be referred to the Committee on Patents.

The motion was agreed to.

PREVENTION OF SMUGGLING.

Mr. ELIOT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the bill of the Senate (No. 222) entitled "An act further to prevent smuggling, and for other purposes," having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate agree to the first amendment of the House of Representatives to the bill; that it agree to the second amendment of the House of Representatives to the bill; that it agree to the third amendment of the House of Representatives to the bill; that it agree to the fourth amendment of the House of Representatives to the bill; that the Senate agree to the fifth amendment of the House of Representatives to the bill, with an amendment as follows: "in all cases where the possession of such goods shall be shown to be in the defendant, where the defendant shall be shown to have had possession thereof, such possession shall be deemed evidence sufficient to authorize conviction, unless the defendant shall explain the possession to the satisfaction of the jury." That the Senate agree to the sixth amendment of the House of Representatives to the bill; and that the Senate agree to the seventh amendment of the House of Representatives to the bill.

Z. CHANDLER,
JOHN CONNESS,
Managers on the part of the Senate.
THOMAS D. ELIOT,
JOHN L. THOMAS, Jr.,
Managers on the part of the House.

The report of the committee of conference was agreed to.

Mr. McRUER. I call for the regular order.

LAND TITLES IN CALIFORNIA.

The SPEAKER. The regular order is called for, and the House resumes the consideration of the first business of the morning hour, the bill (S. No. 443) entitled "An act to quiet land titles in California."

Mr. McRUER. I desire to consume as little time as possible in the discussion of this bill, and I therefore wish to make this proposition to the chairman of the Committee on Public Lands; that on our side of this question not more than twenty minutes shall be occupied, provided the gentleman will consent that the vote shall be taken upon the amendment and the bill before the morning hour expires.

Mr. JULIAN. It is impossible for me to determine what I may deem it necessary to say until I hear the arguments on the other side. I am willing to give the pledge that I will make my remarks as brief as I can consistently with what I believe to be my duty. I am not willing absolutely to say now that I will be restricted to twenty minutes.

Mr. McRUER. We are willing to confine ourselves to twenty minutes and give the gentleman the remaining forty minutes of the morning hour, provided he will consent that the question shall be disposed of to-day.

Mr. JULIAN. I think that I can make all the remarks I have to make in less than forty minutes, so that we may take the vote before the conclusion of the morning hour.

Mr. McRUER. I understand the gentleman, then, to pledge that so far as he is concerned, the vote may be taken to-day; and although I would like to discuss this question at length, still, in deference to the wishes of the House, I propose to make my remarks very brief, so that the question may be disposed of this morning. I now yield to my colleague [Mr. BIDWELL] for five minutes.

Mr. BIDWELL. The question to be decided by the House to-day is one of so much, I might say of so momentous importance to the State of California, that it will be impossible for me more than barely to make an outline of what I ought to say in the time allowed me in justice to the magnitude of the questions involved in the issue. The State of California was entitled under certain acts of Congress to grants of land; no more, however, than other new States. But the condition under which those grants were made required that the lands should be surveyed and brought into market before the selections could be made by the States. But up to the present time the lands never have been surveyed by the United States and brought into market in advance of the settlement, so that it has been absolutely impossible for the State of California to make those selections unless she made them upon unsurveyed lands. Anxious to create a school fund with which to educate the youths of that State she went on, relying on the justice of the Government, and made selections of lands. We ask in this bill nothing more and nothing less than that the Government of the United States shall recognize those selections of land so far only as they do not conflict with any preemption right, or any homestead or other just and valid right.

That is all there is in the bill, and it would be perfectly satisfactory, and we would be ready now, without uttering another word, to take a vote upon the bill were it not for the proposition of the chairman of the Committee on Public Lands to attach to it an amendment which reopens the old Spanish claim which has been settled and adjusted, and that, too, in accordance with the principles of right and justice, as I believe, as our delegation believe, and as every honorable man in the State of California knowing the circumstances and merits of the case believes.

Now, Mr. Speaker, one word in reference to what the gentleman from Indiana [Mr. JULIAN] said the other day in regard to settlers upon that particular tract of land which he desires to provide for in the proposed amendment. The question will arise as to whether those persons are settlers according to the meaning of the preemption laws of the United States. The register and receiver of the State of California investigated the questions and reported that they were not such settlers. That did not satisfy the Land Office, and another register and another receiver were ordered to proceed and investigate the questions. After eight months of patient and deliberate investigation, filling seventeen volumes of eight hundred pages each of testimony taken upon the question, the decision was that the persons who settled upon that grant were not in any sense of the word within the meaning of the laws.

The SPEAKER. The gentleman's five minutes have expired.

Mr. McRUER. Mr. Speaker, in the very limited time which I propose to occupy upon this subject it is not possible for me to go into the various questions touching upon this matter. This Vallejo grant was made in 1843. It was occupied and cultivated from that time up to 1862 without the title being questioned and without any trespassers going upon it. It was a title that in California was unquestioned. In 1852 or 1853 that claim was presented to the board of land commissioners and confirmed by them as a good and valid title. An appeal

was taken by the Government to the United States district court, and they confirmed the decision of the commissioners. Whereupon it was bought and sold, mortgaged and bequeathed, and no man in California doubted that it was as firm and as valid as any title by Spanish grant within the limits of the State.

About the year 1855 it went out of the hands of the original grantees. It was purchased by an innumerable number of people. Most of the city of Benicia was built upon the grant. The United States purchased Mare Island of this Vallejo grant.

Mr. BIDWELL. No.

Mr. McRUER. My colleague says I am mistaken.

Mr. HIGBY. The Government purchased from the Vallejo title the part on which the arsenal and armory are situated.

Mr. BIDWELL. That is so.

Mr. McRUER. The Government bought a portion of the land from that title. The Pacific Mail Steamship Company, employing the best counsel in the State, purchased a portion of that grant upon which to build their ships. The town of Vallejo was built upon this grant. And but a few weeks since Congress as an act of justice to the city of Benicia gave it the United States title to the land upon which that city is founded by virtue of the purchase of the Vallejo title, paying therefor a valuable consideration. The title was considered as valid as the title to any land within the limits of that State. But nine years after the decision of the district court, under an appeal to the Supreme Court, to the surprise and to the regret of the citizens of California, it was rejected upon what I declare to be technical grounds.

It has never been questioned that the Mexican Government would have recognized this title; that they would never have attempted to take possession of this property sold for a valuable consideration. Immediately on the rejection of the title by the Supreme Court, when this land was all cultivated, inclosed, upon which were towns, orchards planted; immediately on the receipt of that news a class of men, not legitimately agriculturists, not preëmptors, thinking this would be a favorable opportunity to filch from their neighbors the fruits of their labor and the rewards of their toil, went on the land and located claims for one hundred and sixty acres. I wish to call the attention of the House to a short report made by the register and receiver of public lands. I ask the Clerk to read extracts from it.

The Clerk read as follows:

"The trial of these cases has occupied the register and receiver constantly every working day, as well as evenings, for near eight months, during which time between two and three thousand witnesses have been sworn and examined, and their testimony reduced to writing; and between four and five thousand deeds, documents, affidavits, and the like, introduced and examined."

A general report of the facts established by said evidence is briefly as follows: when the United States Government took possession of California, Don Mariana Guadalupe Vallejo was in the occupancy of the ranch of Soscol, claiming to own it by virtue of the grant from the Mexican nation, which has recently (December term, 1861,) been declared invalid by the Supreme Court of the United States. His occupancy was the usual one of the country, and in accordance with the primitive habits of the people. He possessed the land by herding stock upon it. General Vallejo, as military commandante of his district, consisting of all Alta California lying north of the bay of San Francisco, was necessarily the leading personage of the country. His influence among the rude inhabitants of the territory was almost monarchical, and his establishment was in accordance with his influence. His residence at Sonoma was the capital of his commandancy, and the people of the country for hundreds of miles around looked to General Vallejo for advice and assistance in business, and for protection and defense in time of trouble. These things are part of the history of California."

"We have, therefore, to report that the possession that General Vallejo had of 'Soscol,' in 1846, was the usual use and possession of the time and the country, and that it was the best and most perfect use and occupation of which the land was capable."

"The ranch was therefore reduced to possession by General Vallejo before the Americans took possession of the country."

"Soon after the American occupation or conquest, General Vallejo began to sell off portions of the 'Soscol,' and continued this practice until about the year

1855, at which time he sold the last of it, and does not appear to have had or claimed any interest since."

"This sale and consequent dividing the land into smaller parcels produced its usual effect in the way of improvements."

"From 1855 to 1860 the 'ranch of Soscol' was almost entirely reduced to absolute and actual possession and control by his vendees, being by them fenced up into fields, surrounded by substantial inclosures, and improved with expensive farm-houses, out-buildings, orchards, and the like, and was cultivated to grain wherever suitable for that purpose."

"It had upon it two cities of considerable importance, namely, Benicia and Vallejo, each of which had been at one time the capital of the State of California."

"No rural district of California was more highly improved than this, and but a very small portion equal to it."

"The title to 'Soscol,' before its rejection by the United States Supreme Court, was considered the very best in California. All the really valuable agricultural land in California was held under Mexican grants, and as a consequence, all had to pass the ordeal of the land commission."

"From 1853 to about 1860 very few had been finally passed upon by the courts, so that during that time the question for the farmer to decide was not what title is perfect, but what title is most likely to prove so by the final judgment of the Supreme Court."

"Among the very best, in the opinion of the public, stood 'Soscol.'"

"One conclusive, unanswerable proof of that fact is this: that there was not a single settler on the grant at the time it was rejected. Not one person on it except in subordination to the Vallejo title. Every resident on the whole tract held his land by purchase from Vallejo, or his assigns, and held just precisely the land so purchased and not one acre more or less. This fact was not even disputed during the whole eight months of investigation through which we have just passed. It is a notorious fact that of the grants in California which have stood the test of the Supreme Court, very many have been entirely in the possession of squatters, and all with more or less of such possessions, and the final patent has alone succeeded in recovering the long-lost possession to the grant holder. There were no settlers on the 'Soscol.' The people had the most perfect confidence in the title. It had been twice confirmed by tribunals of high authority and great learning—first by the United States land commissioners, and then by the District Court of the United States."

"The sales of lands upon the 'Soscol' were made at prices which called for perfect title; they brought the full improved value of the land. Money was lent on mortgage in the same way."

"Thus stood matters until early in the year 1862, when the intelligence reached California that the grant had been rejected by the Supreme Court. The struggle soon began. There was at the time employed upon the United States navy-yard at Mare Island, and also upon the Pacific Mail Company's works at Benicia, a large number of mechanics and laborers. There was also in the towns of Benicia and Vallejo a large floating population. Tempted by the great value of these lands in their highly improved state, many of these persons squatted upon the ranch."

"The land-holders in possession resisted."

"The houses of the great majority of the settlers were erected in the night time, as it was necessary to enter the inclosed fields by stealth. These houses were built of rough red-wood boards set up edgewise, with shed roof and without window, fire-place, or floor."

"They were about eight feet square, sometimes eight by ten feet, and never over six feet high."

"We have no hesitation in saying that they were utterly unfit for the habitation of human beings, and further, that they were never designed for permanent residences. The mode of erecting these shanties was as follows: the planks were sawed the right length in the town of Vallejo or Benicia in the afternoon of the day, and at nightfall were loaded upon a cart. About eleven o'clock at night the team would start for the intended settlement, reaching there about one or two o'clock in the morning. Between that hour and daylight the house would be erected and finished. Sometimes the house would be put together with nails, but when too near the residence of the land-holder in possession, screws would be used to prevent the sound of the hammer attracting attention. Very few of this class of settlers remained upon their claims above a few days, but soon returned to their ordinary occupations in the towns."

"Generally after they would leave the land-holders would remove the shanty from the ground. In some cases they would pull them down with force immediately upon discovering them, and in the presence of the settlers."

"A few of them got settlements near enough to their places of employment to enable them to work in town or at the navy-yard, and to sleep in their shanties—some regularly, others only occasionally. These generally remained longer than the others, but none of this class have remained up to the time of the trial."

"None of the settlers who went on since the grant was rejected have attempted regular improvements or cultivation. A few have harvested the grain planted by the land-holders; as it grew on their quarter they would harvest it, and offer this as evidence of good faith and cultivation."

"We have no hesitation in pronouncing, from the evidence, that these are not settlers within the spirit of the preemption laws, but are mere speculators, desirous of getting the improvements of another to sell and to make money."

"There are on the Soscol a few persons who claim preemption rights, but who occupy a different position from the above. They are persons who, before the rejection of the grant, purchased small parcels

of land under Vallejo, of quantity less than one hundred and sixty acres, say from ten up to seventy or eighty acres. This class of persons, with some exceptions, desired to extend their boundaries so as to include one hundred and sixty acres, the amount allowed by the general preemption laws of the United States. This they could only do by taking in the land of their continuous neighbors, who had bought and were holding under the same title with themselves. Those who would lose by this encroachment strenuously objected, and contests and conflicts were the speedy result."

Mr. McRUER. I will consume but a very few moments further. I want to say to this House that it is impossible each individual member will acquaint himself with all the circumstances of this case so as to form a solemn and just opinion. I say it is inevitable that such full information should be confined to the California delegation. Now, this class of vandals, who call themselves settlers, can find no friendly voice to speak in their behalf in the California delegation; and not only this delegation, but the same was the case in the last Congress and in the preceding Congress. They could not find a single voice coming from California representing the people in the various sections to speak in behalf of this class of men. The united voice of the whole delegation is against these men.

Mr. HALE. Allow me to ask a question. As the gentleman has remarked very properly, a large proportion of the members of this House are unable to examine this matter personally. As he has referred to the position of the California delegation, I ask for my own benefit, as well as for that of other members of the House, whether this involves any other than a construction of California law and California grants.

Mr. McRUER. It is nothing else. In regard to this case, it is put into this bill which we have prepared to quiet land titles as a rider. It has nothing to do with this matter. I ask the Clerk to read the paper I send up.

The Clerk read as follows:

The undersigned, of the Committee on Public Lands, beg leave to report that in their opinion the amendment proposed touching the question of the rights of settlers upon the Socol ranch should not be attached to this bill to quiet land titles; but, as it involves questions of a judicial character, should be referred to the Judiciary Committee.

D. C. McRUER,
A. J. GLOSSBRENNER,
STEPHEN TABER,
J. P. DRIGGS,
E. R. ECKLEY,
GEORGE W. ANDERSON.

Mr. McRUER. That is a majority of the committee. They say this should not be attached to this bill. Though I feel I have presented the case imperfectly I demand the previous question.

The previous question was seconded and the main question ordered.

The SPEAKER. The gentleman from Indiana [Mr. JULIAN] having reported the bill, is entitled to one hour to close the debate.

Mr. JULIAN. Mr. Speaker, I have been, I confess, a little astonished at the closing statements of the gentleman from California as to what he alleges to have occurred in the Committee on Public Lands of this House. I do not know by what authority he comes here and reveals what occurred in that committee without the license of the committee.

Mr. McRUER. I have not alluded to anything that occurred in the committee.

Mr. JULIAN. The gentleman denies that he has alluded to anything that occurred in the Committee on Public Lands. He knows that the paper he has had read was presented in the committee, and he has therefore made revelations here unwarranted by parliamentary usage. Now, let me state, since he has broached the subject, some further facts. A majority of the committee voted to adopt the amendment which we have reported to this bill. The gentleman from California [Mr. McRUER] moved afterward to reconsider the vote for the purpose of striking out that amendment. The committee deliberately voted him down. A second time, and at a subsequent meeting of the committee, he renewed his motion to strike out the amendment from the bill, and the committee a second time refused to strike it out; and a private paper which some gentle-

men on the committee have signed, under the persistent importunities of the gentleman from California, ought not to have been introduced here, and does no credit to the gentleman who exposes the facts, and could not have been desired by my colleagues on the committee. But what I state is, that the committee deliberately adopted this amendment and deliberately refused, on two occasions, to strike out the amendment from the bill as reported.

Mr. BIDWELL. I desire to ask the gentleman whether what he calls the committee did not consist of five members, three voting in the affirmative and two in the negative, and whether he did not refuse, at the request of six members out of the nine, to entertain a motion to reconsider and omit the amendment.

Mr. JULIAN. I will answer the gentleman. When this amendment was first adopted in the Committee on Public Lands I was not present, being necessarily absent on business. How many members were present I do not know. And in answer to the second part of the gentleman's question I will state that, as chairman of the committee, I never refused to entertain a motion, when made in order by any member, to reconsider the adoption of that amendment, but I put the vote twice and the committee refused to take that action.

Mr. McRUER. I would ask the chairman of the committee if he did not refuse to entertain a motion to reconsider the amendment after I had shown him this paper signed by six members of the committee.

Mr. JULIAN. I will answer that question. I had entertained a motion to reconsider and strike out this amendment twice, as already stated, and the committee had twice voted down the motion. I refused any longer to put an unparliamentary motion, and the gentleman knows that when he made his motion it was not in order. There must be some limit to motions to reconsider, or no business can ever be completed. I hope the gentleman is answered.

Mr. HIGBY. Do I understand the gentleman to say that what is stated upon that paper signed by six members of the committee did not transpire in the committee?

Mr. JULIAN. I have said nothing about it further than already stated in reply to the gentleman from California, [Mr. McRUER.]

Mr. HIGBY. Well, is it a fact? My colleague [Mr. McRUER] asserted that he had said nothing of what was done in the committee. The chairman of the committee, in reply, told him that he knew it took place in the committee.

Mr. JULIAN. I reiterate what I have already stated. He does know that the paper in question was presented in committee.

Mr. HIGBY. That is what I wanted to know.

Mr. JULIAN. The gentleman's colleague will not deny it.

Mr. HIGBY. Then that was the action of the committee.

Mr. JULIAN. The paper was presented in the committee, and that statement of what occurred there comes here in violation of parliamentary usage through the gentleman's colleague. I give the gentleman the benefit of the revelation in connection with what I have said of the refusal of the committee to reconsider its action, as I have properly reported it to this House.

Mr. HIGBY. Will the gentleman allow me to ask him another question?

Mr. JULIAN. The gentleman desires a vote on the amendment, but if he consumes all my time by asking questions I shall have to extend my time.

Mr. HIGBY. Does the gentleman from Indiana [Mr. JULIAN] say that what was done in committee cannot be brought before the House?

Mr. JULIAN. The gentleman understands what I say, that the particular facts transpiring in committee are not proper to be stated to the House. But the gentleman is welcome to all the information he has obtained through the methods employed by his colleague.

The gentleman from California [Mr. McRUER] says that this matter has been agreed upon by the California delegation. And in answer to the question of my friend from New York, [Mr. HALE,] whether this measure concerned anybody but the California delegation and the people of California, he expressly replied that it did not. Now, I have something to say on that point, and it will be to reiterate some facts which I presented here more at length the other day.

In the year 1862, under the decision of the Supreme Court of the United States, this Vallejo Spanish grant was pronounced void, and from that time this ranch of ninety thousand acres became public unappropriated lands of the Government. After that decision scores of preëmptors, as they had a right to do, went upon this public land, built their cabins, made their fences, and asserted their rights under the law.

Mr. DAVIS. I want to make an inquiry of the gentleman for my own information.

Mr. JULIAN. Very well.

Mr. DAVIS. I want to inquire whether these persons of whom he now speaks as preëmptors were not purchasers under the grantees of the Mexican Government.

Mr. JULIAN. I will answer the gentleman. The persons I speak of were not generally grantees under the Vallejo title. Some of the Vallejo claimants accepted the terms of the preemption law and acquired rights under it. But the preëmptors generally, of whom I now speak, claimed under the preemption laws of the United States, irrespective of any title under the Vallejo grant. They entered upon those lands as preëmptors, and upon the conflict which arose between them and the Vallejo claimants an appeal was made to Congress to pass a law allowing the Vallejo claimants to purchase the land at \$1 25 an acre, to the extent to which they had reduced their lands to possession. That law was passed, procured, as I proved the other day, by false and fraudulent representations of the facts; statements from California speculators who came here and represented that these Vallejo claimants were some three or four thousand small land-holders who had built their fences, erected their houses, and planted their orchards, and desired only to purchase their little possessions at the rate of \$1 25 an acre. I proved here the other day that so far from that being true, one of these "small land-holders" owned twenty-seven hundred acres, and resided in South America, never having lived upon the land. I proved here from the records of the Land Office that another of these "small" claimants owned five thousand acres. I showed from the records of the department that seven only of the claimants under the Vallejo title, who were also non-residents of the soil, claimed about fifteen thousand acres of land. Certainly these men, who never resided upon the land, and instead of being "small holders" were large land-owners, had no rights as "settlers" and preëmptors under the law of 1863.

Mr. DAVIS. I would ask the gentleman whether the persons who did not reside on this land were not the grantees under the Vallejo title.

Mr. JULIAN. I have already stated that they were all grantees under the Vallejo title. And I also stated that the law of Congress which they procured to be passed here was passed upon the false and fraudulent representation that they were all small holders and occupants of the soil, claiming simply the right to preëmpt and purchase their small possessions to the extent to which they had reduced them to actual possession.

Mr. BIDWELL. I would ask the gentleman, who made the representation that there were three or four thousand small land-holders.

Mr. JULIAN. That statement was made to the Senate and House Committee on Public Lands. I believe the friend of the gentleman, General Frisbie, was one of those who made it.

Mr. BIDWELL. There is no such thing in the report.

Mr. JULIAN. Well, I will read from the report:

"The Socol ranch is settled upon and occupied by an enterprising body of agriculturists, men who have spent their means liberally in making improvements, claiming their lands under the Socol grant of M. G. Vallejo. In 1847 the town of Benicia was laid out, its projectors and settlers relying on the Vallejo title. It has grown to be a town of several thousand inhabitants, and is among the more important of the interior villages of California. The town of Vallejo is upon the same ranch, was laid out in 1850, and is also of considerable importance, the lands therein being held under the same title. The entire ranch has passed out of the hands of the original grantees into the possession of a multitude of small holders and is covered by numerous small farms and orchards, each inclosed by substantial fences, highly cultivated, and dotted all over with comfortable farm-houses and other buildings."

In the latter part of the report, as the gentleman will see, it is stated that there are three thousand of these "settlers," besides several thousand more. Yet the evidence was produced here by me the other day showing that one hundred and fifty-seven persons, all told, proved up their claims under the act of 1863, seven of them owning fifteen thousand acres and being non-residents of the soil, and ten others owning some thirteen thousand and some hundred acres in large tracts, and which they never reduced to possession as settlers. Mr. Speaker, I submit to the gentleman that if he had read the report, he would not have questioned the statement which I made.

Mr. BIDWELL. Will the gentleman yield to me a moment?

Mr. JULIAN. Yes, sir.

Mr. BIDWELL. I desire to say that on this grant there were two cities, the corporate limits of one of them embracing thirty-five hundred acres. Within those limits were small land-holders owning from five to twenty and some fifty acres. But the city limits were entirely excluded from the act of 1863; so that the settlers, the cultivators of the soil mentioned as numbering one hundred and fifty-seven, were entirely outside of the city limits. When the report was made, it embraced all the population, amounting to perhaps six or seven thousand persons, the families and employés of the land-holders swelling the number very considerably. There was a numerous body engaged in the cultivation of the soil under those who held under the Vallejo title.

Mr. JULIAN. I can only say that the gentleman is again mistaken. The report shows that the committee making it believed the story told them that there were three thousand settlers, beside several thousand more outside of any town and on the ranch proper. They refer to these small holders as the reason for passing the act, *which excludes the towns*. He knows, and I need not tell him and this House again, that that law was procured by false representations, well calculated to mislead the committee and Congress, as it did, into its enactment, which Congress would not for a moment have thought of doing if it had been known that so large a portion of the tract was claimed by fifteen or twenty speculators, a considerable portion of whom did not reside upon the soil, and some of them residents of a foreign country.

Mr. BIDWELL. How can the gentleman reduce one hundred and fifty-seven land-holders to fifteen or twenty?

Mr. JULIAN. I spoke of the fact that a large portion of this land was held by some seventeen land-holders; and instead of three or four thousand persons proving up under the act of 1863, there were only one hundred and fifty-seven.

Mr. BIDWELL. The records show that twenty of the largest land-holders owned some twenty-seven thousand acres.

Mr. JULIAN. Does the gentleman argue that those twenty-seven thousand acres, more than half of it belonging to non-residents—

Mr. BIDWELL. No, sir.

Mr. JULIAN. Does the gentleman argue that that was the land properly understood by the committee as occupied by "a multitude of small holders," who had built their houses,

planted their orchards, and reduced their claims to possession?

Mr. BIDWELL. I cannot see how the committee so understood it if it read the memorial and papers. Here is the paper presented to that committee; and from that they could have come to no such conclusion. In justice they could not have passed any law different from what they did.

Mr. JULIAN. That is the opinion of the gentleman from California.

Mr. BIDWELL. I have known this land intimately for twenty-four years.

Mr. JULIAN. He says he has known this land intimately and well. The Land Office having heard the testimony, filing some seventeen large volumes, and decided this case, decided that these Vallejo claimants had no such rights as they set up, and affirmed the rights of the preëmptors which are now sought to be overthrown here.

Mr. BIDWELL. The Secretary has overruled that decision.

Mr. JULIAN. I beg the gentleman's pardon. The Secretary of the Interior has never overruled that decision. I know to the contrary. He did, however, grant an appeal to the Attorney General, and the Attorney General, in his argument, confesses, as I have shown, what the gentleman denies. He admits by his opinion, which is a sort of plea in confession and avoidance, that these men were *bona fide* preëmptors. But he affirms as law that preëmptors have no rights under the preëmption laws until the completion of their payments.

Mr. UPSON. Was not the opinion of the Attorney General drawn out by reference of the legal questions to him by the Secretary of the Interior?

Mr. JULIAN. I have said the Secretary of the Interior granted an appeal, giving no opinion of his own. The opinion of the Attorney General, no lawyer on this floor or elsewhere who is not the stipendiary of speculators will say is the law. It is a burlesque upon the legal profession and I say this without the fear of contradiction.

Mr. HIGBY. The gentleman will allow me to ask him a question.

Mr. JULIAN. Certainly.

Mr. HIGBY. If that be a mere burlesque of the law, does the gentleman think the courts would pay any attention to it at all in the decision of these cases?

Mr. JULIAN. I will answer the gentleman with great pleasure, and am glad he has called my attention to that point. I think no respectable court would decide as the Attorney General has decided; but the Secretary of the Interior, as head of the land department of the Government, has declared that he will accept the decision of the Attorney General as the rule of his action in regard to the public lands of the country, thus reversing the cases already decided in the Land Office in favor of the preëmptors and virtually ousting the remainder. Hence it is that we have reported this amendment to this bill, quieting titles in California, declaring in effect that the act of 1863 shall not be construed in consonance with the opinion of the Attorney General, and thus saving these people from litigation and strife by leaving them peaceably in their possessions.

Mr. HIGBY. Allow me another question.

Mr. JULIAN. Certainly.

Mr. HIGBY. If the Secretary of the Interior says he is to be controlled by the opinion of the Attorney General, are the parties interested bound by it? Is it conclusive on them one way or the other? Cannot these parties go into the courts just as well?

Mr. JULIAN. Undoubtedly these poor preëmptors, who have no money to spend in tedious litigation, can litigate the question in the courts of California, which have decided against the laws of the United States in more cases than one, as the gentleman knows. It is to save the preëmptors this litigation and hazard that the proposed amendment to the

bill has been reported and is now so earnestly urged. We desire to guard their rights by resisting this attempt to unsettle them through a policy which would assail the rights of preëmptors everywhere.

Mr. HIGBY. The gentleman alludes to the report of the committee of 1863. I ask what part he alludes to.

Mr. JULIAN. I allude to what has been read here to-day from the Committee on Public Lands.

The Attorney General admits, I repeat, that these were preëmptors under the laws of the United States. The question of fact is no longer in dispute; the question is solely one of law, and the Attorney General having decided against the preëmptors and against the uniform decisions of the courts, I submit that in a bill quieting land titles we should not reject an amendment that shall reassert the settled policy of the country against this revolutionary interference with vested rights now peaceably enjoyed.

Mr. RICE, of Maine. I ask the gentleman from Indiana whether the Commissioner of the General Land Office, in whom I have as much confidence as in the Attorney General, has sent to the committee any communication touching this matter.

Mr. JULIAN. We have the rules under which he decided the case of these preëmptors, which I had read the other day. I have also in my drawer a legal opinion of his in favor of the rights of preëmptors which I would be glad to have read to the House if my time would permit.

Mr. WILSON, of Iowa. Mr. Speaker, I desire to know whether the preëmptors who are to be protected by the amendment of the committee still remain on the lands and in the occupation of their preëmption claims.

Mr. JULIAN. That is so. A large number at least are in the actual occupancy of this land, claiming it to-day as preëmptors.

Mr. RICE, of Maine. I would inquire whether, if this bill passes without the amendment, under the decision of the Attorney General these men claiming preëmption rights will be ousted.

Mr. JULIAN. Undoubtedly; they anticipate being ousted and will be under the ruling of the department; and it is to guard against that danger that they are so earnestly seeking the adoption of this amendment, which will protect the rights which the land department decides belong to them, and in accordance with the uniform ruling of our courts as to the rights of preëmption claimants.

Mr. BIDWELL. The proposed amendment says, "shall not be so construed as to interfere with the claims of *bona fide* settlers on the said land." I ask the gentleman if it will not be necessary to institute proceedings in order to determine who are and who are not *bona fide* settlers, and whether the register and receiver for eight long months have not been taking testimony, and have not made a report deciding that all these persons are not *bona fide* settlers within the meaning of the preëmption laws of the United States.

Mr. JULIAN. What register and receiver do you refer to?

Mr. BIDWELL. The present register and receiver of the land office in California.

Mr. JULIAN. Does the gentleman pretend that the decision of the register and receiver of the land office in California is paramount to the ruling of the land department in Washington?

Mr. BIDWELL. Not paramount; but they have investigated this case fairly for eight long months, and have made a report that they are not settlers within the meaning of the preëmption and homestead laws of the United States, and in addition that they are a very lawless and bad class of men.

Mr. JULIAN. The gentleman asks me, if this amendment is rejected whether these settlers will not still have the right to—

Mr. BIDWELL. I did not ask that. My

question was whether it would not be necessary to institute investigations to ascertain who were *bona fide* settlers in case this amendment should pass.

Mr. JULIAN. In answer to that I can state that I have no doubt at all about the mode of settling the difficulty if the opinion of the Attorney General is accepted as law, and I send to the Clerk's desk to be read a specimen of the manner in which land speculators treat preëmtors on the Soscol ranch in California. It is taken from the Land Office, and I believe is uncontradicted from any quarter.

Mr. HIGBY. I would like to ask the gentleman a question.

Mr. JULIAN. After this is read I will yield, or now if the gentleman presses it.

Mr. HIGBY. I ask the chairman of the committee if he has not obtained *ex parte* testimony in this case from the Land Office without giving the contestants of this claim any notice whatever of what he was going to produce here.

Mr. JULIAN. I have produced testimony from the records of the Land Office which I understand is uncontradicted by any other testimony, and which the gentlemen have had all the means that they desire to contradict if they had seen fit. I wish to state to the gentleman that we shall not settle this question this morning if I am interrupted further.

Mr. HIGBY. I cannot help it.

Mr. JULIAN. Very well, then; I will yield to questions.

Mr. HIGBY. I ask the gentleman if he did not on Monday last, when the bill was to come up on Tuesday, send a letter to the Secretary of the Interior or Commissioner of the Land Office asking answers to some thirty-eight questions which he put; and whether he did not receive a letter from the Commissioner stating certain things in reference to what he has produced on this subject; and whether he gave any notice that he was going to produce this testimony before the House.

Mr. JULIAN. The gentleman asks his question with a good deal of emphasis and an air of significance, as if there was going to be some decided development. But after all I fail to see the point. I did write a letter to the Commissioner of the Land Office asking what the records showed as to certain facts, and I got some answer, from which I selected such facts as bore upon the controversy. I did not suppose this was a case in which I was bound to serve a notice on the gentleman, or that I was bound to do so, as if this were a suit in court. The records were as open to him as to me, and I have no apology to make, certainly, for having consulted them and used the facts I obtained.

Mr. HIGBY. Mr. Speaker—

Mr. JULIAN. I cannot yield. I can never say what I have to say upon this subject under these interruptions. I ask the Clerk to read now what I send up.

The Clerk read as follows:

A Statement of Mrs. Hanson.

On the 25th of November, 1862, we went and settled on the Soscol ranch; we erected a dwelling-house, and lived in it until the 13th day of December; on the afternoon of that day a large body of armed men, about two hundred in number, surrounded my house, when John M. Neville came to my door and demanded possession of my premises; I asked him by what authority; he answered me by the authority of the land-holders; I was then seized by three armed men and violently thrown upon a chest and searched in the most rude and indecent manner; I was then handcuffed and put out. Two of my small children, from fright, went into spasms; I implored Mr. Frisbie and Mr. Neville, in the name of mercy, to remove the handcuffs and let me have my children, when a man told me that if I did not keep quiet he would gag me; the men were all mounted and armed with shot-guns and revolvers; my furniture was then destroyed, my house was torn down and hauled away; I was forcibly removed from the premises and placed with my children on the highway; my clothes were torn from me; I was compelled to dress myself in the open field, in the presence of the armed men; I have never been served with any writs, and am satisfied that no suit has ever been commenced against us; Captain Frisbie and his brothers were present and were cognizant of everything that transpired; I am a married woman and have three children living; my husband, Peter Hanson, is at present, and has been for many years, employed in the navy-yard at this place; he was not present at the time of this occurrence; I was so

verely injured that I was confined to my bed for more than six weeks, and have not yet recovered from the injuries sustained; I was greatly abused by being kicked.

ANNE X HANSON.
mark.

Sworn and subscribed to before me, this 8th day of June, A. D. 1863.
CHARLES W. RILEY,
Justice of the Peace, Vallejo, Solano county.

Mr. JULIAN. That is a specimen of the manner in which California deals with preëmtors on the Soscol ranch and with parties whose cases have been solemnly decided by the land department, and in accordance with the laws of the United States giving the right of preëmption.

Mr. BIDWELL. This was all done under sheriff's process.

Mr. JULIAN. The gentleman says it was all done under sheriff's process. I think he is mistaken.

Mr. HIGBY. It was.

Mr. JULIAN. No, sir; it was done under pretended warrants. Would it justify the outrages recited if there was process?

Mr. HIGBY. It was done by the sheriff of the county.

The SPEAKER. The gentleman from California is not in order.

Mr. JULIAN. I hope the gentleman from California [Mr. HIGBY] will keep as cool as possible this hot weather.

Mr. HIGBY. It is true.

The SPEAKER. The gentleman from California must preserve order.

Mr. JULIAN. It is to guard against these mobs, this violence and lawlessness, that these poor preëmtors ask the adoption of this amendment, so as to save themselves from the effect of this mischievous ruling of the Attorney General, which has been accepted by the Interior Department of the Government. And now, if the House will give me five minutes' extension of my time I will bring this question to a vote to-day.

The SPEAKER. The gentleman has three minutes remaining.

Mr. DRIGGS. I appeal to the gentleman to allow me, before he closes, three or five minutes, as reference has been made to my signing a paper.

Mr. JULIAN. I will do so if it is not to be taken out of my time.

Mr. DRIGGS. I think it due to me, as my motives have been impugned with those of five other members of the committee.

Mr. JULIAN. I have not intended to impugn the motives of any member of the committee, and if the gentleman on some other occasion asks liberty to make an explanation I have no doubt the House will grant it. I understand the House to have granted me an extension of five minutes, and I propose to use it in closing this controversy.

If the House votes down this amendment, it votes, in effect, that the ruling of the Attorney General shall be the law, affecting not only the comparatively few preëmtors on the Soscol ranch, but the rights of preëmtors everywhere throughout the land. What we desire by this amendment is to save the land policy of the Government from this indirect, unmanly, and covert attack which has been attempted. We simply ask that the customary and well-settled laws governing the rights of preëmption shall prevail on the Soscol ranch as well as everywhere else, and that these poor men shall not be the victims of fresh and renewed acts of violence, caused by our failure to protect them.

And now, a word on the subject of the "California delegation." It would seem from the remarks made upon this floor that there is scarcely any other delegation in the world than the California delegation.

Now, Mr. Speaker, this amendment, which the gentleman from California says affects nobody but California, and no question but the "construction of California law and California grants," affects the right of preëmption in California and out of it, and everywhere. And it is a novel idea that because the California delegation ask a particular thing we are bound to

grant it. Why California has shingled the State all over with school-warrants, issued without law, and has undertaken a system of survey and sale and the disposition of her swamp and internal improvement lands and her seminary lands, all in flagrant contravention of the laws of the United States, and in violation of her plighted faith. The gentleman from California knows this and deplores it. Her legislative career in this respect seems to have been a career of systematic recreancy to her most sacred obligations to the national authority, and has thus rendered necessary the bill now before the House. This bill affects the rights of the whole country, since the illegal acts referred to interfered with the rights of purchasers, preëmtors, and homestead claimants on the public domain in California, thus unlawfully disposed of by the State. In view of these facts, I submit that the California delegation should not exact much more than ordinary deference for their wishes. Let me make another observation. I understand the proper mode of Legislation upon this floor to be this: that we present our measures and debate them on their merits, and then vote.

I have not had the time to get the Indiana delegation to go around and implore every member upon this floor in God's name to vote for my amendment. I have not had time to get any Senators from the other end of the Capitol to come here and plead vehemently with members to vote for any proposition in the interest of Indiana. I have not had time to persuade the Committee on Public Lands to unite with me in laying siege to members to carry any measure on grounds independent of its merits, or as a great personal favor, to be duly returned. I have no taste for such work. I know nothing of that kind of legislation; and I therefore have a great deal less of effectiveness and influence in carrying measures on this floor than other gentlemen who have the peculiar gifts and inclinations to which I have alluded. But I submit that after all the paramount question is, whether our proposed measures are right or wrong, and not whether the California delegation ask for them.

Mr. HIGBY. I rise to a question of order.

The SPEAKER. The gentleman from California [Mr. HIGBY] will state his point of order.

Mr. HIGBY. The chairman of the Committee on Public Lands, [Mr. JULIAN,] in the course of his remarks, speaks of calling Senators from the other end of the Capitol to aid in getting this bill through. I believe Senators have a right to come upon this floor at any time they see fit.

The SPEAKER. Senators have a right to be present in the House at all times; but the gentleman from Indiana [Mr. JULIAN] of course has the right to refer to their presence.

Mr. JULIAN. I am commenting upon their acts after they come here, and not upon their presence. Of course they have a right to come here, and I claim the right to refer to their business. The gentleman knows that I understand what California Senators have been doing here, and every member upon this floor knows it.

Mr. HALE. I rise to a point of order. The gentleman from Indiana [Mr. JULIAN] is not in order in referring to the conduct of any member of the other House while upon this floor.

The SPEAKER. The Chair sustains the point of order.

Mr. JULIAN. The Chair sustains that point of order, and therefore I will refer to some other officials. California surveyors—

Mr. HIGBY. I demand that the gentleman from Indiana [Mr. JULIAN] shall take his seat until allowed to proceed in order.

The SPEAKER. The Chair does not consider the point of order raised by the gentleman from New York [Mr. HALE] to be a point that requires the member called to order to take his seat. That is only required when a member is called to order for disorderly language.

Mr. JULIAN. I was alluding to California officials; among them to a California surveyor in the pay of the Government to-day, who has been here besieging our lobbies for weeks past in the interest of California land-holders; and another California surveyor has been doing the same thing. I know another fact, that General Frisbie, one of these large land-holders, has been upon the floor of the House, extensively operating with members with uncommon ardor of purpose. I know that the most marvelous assiduity has been employed here in endeavoring to carry through this House this California measure, without the proposed amendment, which can only be done by conniving at the overthrow of the whole land policy of the Government. Now, I protest against this intolerable lobbying in this House at the great peril of honest legislation, and intended, at least, to sway the views of members from a decision of public questions upon their merits. But this House, I know, is eager for other work, and I now demand a vote upon the amendment. In view of the principles involved, I ask the House to give me the yeas and nays upon the question.

Mr. DRIGGS. I ask unanimous consent of the House to make a personal explanation.

No objection was made.

Mr. DRIGGS. As a member of the Committee on Public Lands, and as one of the parties who signed the paper that has been read to the House, I desire simply to state that when this question came up, I considered that it was my privilege to investigate the facts and to decide accordingly, just as much as it was the right and privilege of the chairman or any other member of the committee. When the question assumed the character of great interest which it came to assume in the committee, I felt it my duty when the vote had been taken, and it was decided to report the bill with the amendment, to give it a still further and more thorough investigation. After doing so, I found that the occupants of those lands had acquired a title from Vallejo; that they had gone on and cultivated and improved the Socol ranch, and that they had been sustained in that title by the decisions of the courts; but that after various labors and workings on the part of men interested, the title was set aside by the Supreme Court. Immediately, like so many crows around a carcass, these men who claim to be *bona fide* preëmptors entered upon this land, cut down the wheat fields, removed the buildings, took possession of the land, and erected their shanties. On this they base their claim as preëmptors. Now, having myself been a register of the United States Land Office, I believe that the law regulating preëmption was designed for the benefit of those who enter upon the land of the United States and cultivate and reduce it to actual settlement, not those who go in and avail themselves of other people's improvements. I think that, considering all the questions of law involved, it would be right that the matter embraced in the amendment should at some future day be referred to the Committee on the Judiciary, that they may report upon the legal questions involved. I think that the proposition should not be attached to this bill. For this reason, I with five other members of the committee signed the paper which was read.

Now, it was said by the gentleman from Indiana, [Mr. JULIAN,] though I do not say that he intended to impugn my motives, that we had been driven or coaxed into signing that paper by the gentleman from California. Sir, I deny this. I affirm that on the questions coming before me as a member of this House I think as independently and act as conscientiously as the gentleman from Indiana.

Mr. JULIAN. I do not think I made that statement.

Mr. DRIGGS. I understood the gentleman to say that the members of the committee who signed the paper had been coaxed or persuaded into doing so by the importunities of the gentleman from California.

Mr. JULIAN. I said that the gentlemen

had been importuned very persistently, but I did not say that the importunity had made any impression.

Mr. DRIGGS. One word more, and I shall conclude, for I do not wish to trespass upon the patience of the House. I will state that, after the chairman of the committee had decided that it was unparliamentary to reconsider the vote which had been taken—after I had made an unsuccessful effort to procure a reconsideration, which the chairman stated could not be done, I with five other members of the committee signed the paper which has been read. When the gentleman says that that paper is not creditable to the members signing it, he is a little like that man on a jury who complained that the other eleven jurors were so stubborn that he could do nothing with them. That is all I desire to say.

The SPEAKER. Debate is exhausted, as the previous question is now operating.

Mr. WILSON, of Iowa. I ask unanimous consent of the House to make an inquiry in relation to this bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. WILSON, of Iowa. Mr. Speaker, I desire as far as possible to do what is right in reference to this case, and hence I wish to understand what are the facts in regard to several points on which my vote may depend. In the first place, if I correctly understand, this land is now subject to the disposal of the United States; that is, the title has not yet been perfected in either of the parties claiming it. I understand further that the opinion of the Attorney General is to the effect that the preëmptor has no right which the Government is bound to respect, until after he has completed his purchase. I also understand that these other parties need this legislation in order to perfect their title. I desire to know whether the passage of this bill under this state of facts would not confirm the title in the first claimants and prevent any legislation hereafter for the benefit of the second claimants. I have not heard this question discussed, and I should like to have an answer on the point from some member who has given his attention to the subject.

Mr. JULIAN. I will say in answer to the gentleman's inquiry that there are two classes of settlers in this case—the settlers under the void grant and the preëmptors. The act of 1863 defines and determines all the rights of the Vallejo claimants under the void grant. The preëmptors' claim has reference to land which is not occupied and settled upon at all by the Vallejo claimants. It is their preëmption rights, sought to be overturned by the opinion of the Attorney General, that we desire to save by the amendment of the committee as reported.

Mr. WILSON, of Iowa. I desire to know what effect the passage of this bill will have upon the rights of parties claiming under the Vallejo title.

Mr. BIDWELL. Without this amendment the passage of the bill will have no effect upon them whatever.

Mr. JULIAN. Without the amendment it will expose every one of these preëmptors to the usurpation and rapacity of the Vallejo claimants.

Mr. WILSON, of Iowa. My object in asking this question is to know whether the passage of this bill will so far dispose of the title to the land embraced in the Vallejo grant as to prevent any action on the part of Congress hereafter for the protection of all persons who are claiming as preëmptors. That was my object.

Mr. BIDWELL. It carefully guards the rights of preëmptors.

The question recurred on the following amendment:

Provided, however, That the act of Congress entitled "An act to grant the right of preëmption to certain purchasers on the Socol ranch in California," approved March 3, 1863, shall not be so construed as to interfere with the claims of bona fide settlers on the said lands, who had settled thereon

and were claiming preëmptions, in accordance with the laws of the United States, prior to the time of the passage of the said act.

Mr. BIDWELL demanded the yeas and nays. The yeas and nays were ordered.

Mr. BINGHAM. I appeal to the chairman to consent to a postponement of this question.

The SPEAKER. That can only be done by reconsidering the vote by which the main question was ordered.

Mr. BIDWELL. We do not object to postponing the amendment.

The question was taken; and it was decided in the negative—yeas 30, nays 91, not voting 61; as follows:

YEAS—Messrs. Allison, Bingham, Cook, Eckley, Finck, Abner C. Harding, Holmes, Julian, William Lawrence, Le Blond, Mercer, Miller, Morris, Orth, Paine, Price, John H. Rice, Ross, Shellabarger, Spaulding, Stilwell, Thayer, Thornton, Trimble, Van Aernam, Elihu B. Washburn, Henry D. Washburn, William B. Washburn, James F. Wilson, and Stephen F. Wilson—30.

NAYS—Messrs. Alley, Ames, Ancona, Anderson, Delos R. Ashley, James M. Ashley, Banks, Barker, Benjamin, Bidwell, Boyer, Bromwell, Buckland, Bundy, Rader W. Clarke, Sidney Clarke, Cobb, Coffey, Davis, Dawes, Dawson, Delano, Dixon, Dodge, Griggs, Eggleston, Eldridge, Eliot, Farquhar, Ferry, Garfield, Glossbrenner, Grider, Hale, Hart, Hayes, Henderson, Higby, Hotchkiss, Demas Hubbard, John H. Hubbard, James R. Hubbell, Humphrey, Ingersoll, Kelley, Kerr, Ketcham, Kuykendall, Laffin, George V. Lawrence, Longyear, Marshall, Marston, Marvin, McClurg, McCullough, McRuer, Moorhead, Morrill, Myers, Newell, Niblack, Noel, O'Neill, Patterson, Perham, Pike, Samuel J. Randall, William H. Randall, Alexander H. Rice, Ritter, Rogers, Rollins, Sawyer, Schenck, Scofield, Shanklin, Strouse, Taber, Taylor, John L. Thomas, Trowbridge, Unson, Burt Van Horn, Robert T. Van Horn, Ward, Welker, Wentworth, Williams, Windom, and Woodbridge—91.

NOT VOTING—Messrs. Baker, Baldwin, Baxter, Beaman, Bergen, Blaine, Blow, Boutwell, Brandegee, Broomall, Chanler, Conkling, Cullom, Culver, Darling, Defts, Deming, Denison, Donnelly, Dumont, Farnsworth, Goodyear, Grinnell, Griswold, Aaron Harding, Harris, Hill, Hogan, Hooper, Asahel W. Hubbard, Chester D. Hubbard, Edwin N. Hubbell, Hulburd, Jencks, Johnson, Jones, Kasson, Kelso, Latham, Loan, Lynch, McIndoe, McKee, Moulton, Nicholson, Phelps, Plants, Pomeroy, Radford, Raymond, Rousseau, Sitgreaves, Sloan, Smith, Starr, Stevens, Francis Thomas, Warner, Whaley, Winfield, and Wright—61.

So the amendment was rejected.

The bill was ordered to a third reading; and it was accordingly read the third time.

Mr. McRUER demanded the previous question on the passage of the bill.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was passed.

Mr. McRUER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CLOSE OF DEBATE.

Mr. MORRILL. I move that all debate in Committee of the Whole on the state of the Union on the pending paragraph of the tariff bill be terminated in one minute after the committee shall resume the consideration of the same.

The motion was agreed to.

TARIFF BILL.

Mr. MORRILL. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union on the special order.

The motion was agreed to.

So the rules were suspended; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. SCOFIELD in the chair,) and resumed the consideration of the special order, being bill of the House No. 718, to provide increased revenue from imports, and for other purposes.

The CHAIRMAN stated the pending question to be on the amendment offered by Mr. STROUSE, on page 39, line nine, to strike out "thirty" and insert "fifty;" so the paragraph will read, "on animals, living, all sorts, fifty per cent. *ad valorem*."

The amendment was disagreed to.

The Clerk read as follows:

On apples, garden fruit, and vegetables, ten per cent. *ad valorem*.

Mr. ROSS. I move to strike out "ten" and insert "fifty." I do this for the purpose of furnishing these manufacturers with cheap products. I do not want them to be dependent upon Great Britain for their vegetables, and by giving this encouragement to our nurserymen and gardeners for a few years they may be enabled to furnish vegetables a great deal cheaper than they have done heretofore.

Mr. THAYER. If the gentleman will add "small potatoes" as a part of his amendment, I will vote for it. [Laughter.]

Mr. ROSS. I omitted to state that this business will have to be stopped in this country unless we give this protection.

Mr. WENTWORTH. If I remember right, this section is taken from a bill which we had up here some time ago, which was a *quasi* reciprocity treaty, and was decidedly beaten. Now, I think the amendment of my colleague should be made to correspond to the duty on animals, which is thirty per cent. There is no reason why we should not have the same protection on fruits that we have on cattle. I ask my colleague to modify his amendment by making it thirty per cent.

Mr. ROSS. I suppose my colleague wants to follow the example on the other side, and have an agreement.

Mr. WENTWORTH. No; there is no agreement about this.

Mr. ROSS. Well, in that case I will accept the suggestion, and make it thirty per cent.

Mr. WENTWORTH. I am satisfied with that.

The amendment of Mr. Ross, as modified, was agreed to.

The Clerk read as follows:

On barley, not including pearl or hulled, fifteen cents per bushel.

Mr. MORRILL. I move to strike out the previous paragraph in relation to fruits and vegetables, and reinsert a duty of twenty per cent. in lieu of ten per cent.

Mr. ROSS. I raise a question of order. That paragraph has already been passed.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MORRILL. I rose before the Clerk read the last paragraph.

Mr. ROSS. The gentleman will not say he rose before the Clerk commenced the reading of the paragraph.

Mr. MORRILL. I rose as soon as the Chairman announced the decision; but I do not care anything about it. It seems to be a tariff that is to be made by the gentleman from Illinois, [Mr. Ross.]

Mr. ROSS. I now move to amend by adding after the words "fifteen cents per bushel" the words "and, in addition thereto, twenty-five per cent. *ad valorem*." This is following the example in relation to manufactures. Barley is largely used in this country for the purpose of making lager beer, and we could furnish it all from the valley of the Mississippi. There is no necessity for importing it from Canada or any other country; and if we are required to purchase our manufactured articles from our home manufacturers, they certainly ought to buy their barley from us. This is a very small addition in comparison with what the gentlemen on the other side have been putting on other articles; and I hope the House will by common consent give us twenty-five per cent. *ad valorem*. I appeal to the chairman of the committee to know whether it does not meet his approbation.

Mr. MORRILL. I trust the committee will pay some attention to this bill and try to keep it within moderate bounds. These propositions that come from gentlemen who propose to vote down the bill in any and every shape deserve the careful scrutiny of the committee. Now, by increasing the duty on apples and garden fruits we provoke retaliatory legislation. We, living further south, of course, have earlier vegetables than they have in Canada, which naturally seek their markets, and whatever rate we propose will be enacted in Canada as against us. It is

of very little consequence, so far as we are concerned, what the duties are on these vegetables, but it is important that no bad example should be set. Whatever may be adopted by us will be likely to be adopted by the Canadians. I hope the amendment will not be adopted.

Mr. Ross's amendment was disagreed to.

The Clerk read as follows:

On barley, pearl or hulled, one cent per pound.

Mr. DODGE. I rose to offer an amendment before the preceding clause was read, but the Chairman did not hear me. I propose now to insert after the last paragraph, "on fruits preserved in brandy or whisky, two dollars per gallon and thirty-five per cent. *ad valorem*." The object of this amendment is to prevent fraud being perpetrated by the importers of fruits preserved in brandy, intending to import brandy rather than fruits. I understand there are large quantities of fruits thus imported, but a much larger quantity of brandy with them. This amendment is designed to guard the revenue against such frauds by making the duty two dollars per gallon and thirty-five per cent. *ad valorem*. The duty now on brandy is from \$3 50 to \$4 per gallon.

Mr. MORRILL. No objection.

The amendment was agreed to.

Mr. WILSON, of Iowa. I move to add, "on coffee two and a half cents per pound." The rate established under the existing law is five cents per pound. From that I am informed we derive a revenue of about seven million dollars per annum. I think we are in a condition now to reduce the tax on this article, as we shall have at the end of the fiscal year just closed a surplus of over \$100,000,000 to apply to the principal of the national debt. I hope, therefore, the reduction will be made on coffee to two and a half cents per pound.

Mr. MORRILL. This is rather an important question to be sprung upon the House, and I regret that it has not been considered before in the Committee of Ways and Means. Upon an early occasion the question came up in the committee and we concluded not to disturb the tariff on tea and coffee. We have already got more in the bill than was at first intended. I think, however, the proposition to reduce the duty on coffee to some extent is perhaps reasonable, and that the revenue may be able to bear it, but not so much as the gentleman proposes to do. If the gentleman will say three and a half cents I shall for one be disposed to accept it.

Mr. WILSON, of Iowa. Since I have determined to propose this amendment quite a number of gentlemen, members of the House, have spoken to me about putting coffee on the free list. But I think it is a source of revenue that we ought not to dispense with entirely, and the rate which I propose I think is about right in the present financial condition of the country.

Mr. MORRILL. I am reluctant, before we have succeeded in funding any considerable amount of our large floating debt, to reduce to any extent the revenues of the country. I think the reduction to two and one half cents per pound will be too much. I therefore move to amend by making it three and a half cents.

Mr. ALLISON. I would like to ask the chairman of the committee what, in his judgment, will be the effect of this bill on our revenue; whether it will increase or decrease the revenue from imports. My vote will be governed somewhat by his estimation on this question.

Mr. MORRILL. It is impossible at the present stage of the bill to form any estimate as to what it will produce. We do not know what changes will be made. There are some rates that have been placed on articles in the bill that will inevitably reduce the amount of revenue. But I expect before the bill becomes a law that these rates will be reduced, if not in the House, in the Senate. I have no doubt, on many articles, the increased rates will increase the revenue, and yet that may be counterbalanced by a diminution in other cases.

The CHAIRMAN. Debate is exhausted on the pending amendment.

The question being taken on the amendment of Mr. MORRILL to make the duty three and a half cents per pound, there were—ayes 42, noes 33; no quorum voting.

Tellers were ordered; and the Chairman appointed Messrs. WILSON, of Iowa, and MORRILL.

The committee divided; and the tellers reported—ayes 41, noes 53.

So the amendment was disagreed to.

The question recurred on the original amendment of Mr. WILSON, of Iowa, to make the duty on coffee two and a half cents per pound, and it was agreed to—ayes 61, noes 35.

Mr. WILSON, of Iowa. I now move to amend by inserting immediately after the amendment last adopted, "on tea, twelve and a half cents per pound." That is just one half the present rate, and corresponds to the reduction made in the duty upon coffee.

Mr. TROWBRIDGE. I desire to ask the gentleman from Iowa [Mr. WILSON] a question in reference to a statement he made when he was advocating his amendment about coffee. I understood him to say that it was estimated that the revenue of the Government would during the current year amount to \$100,000,000 more than its expenses. Now, I desire to ask the gentleman his authority for that statement. We have largely reduced the internal revenue duties by the bill which we have just passed. We do not know to what amount that reduction will be, nor do we know what will be the effect of the bill which we are now considering.

Mr. WILSON, of Iowa. If the gentleman from Michigan [Mr. TROWBRIDGE] understood me as he has just stated, or rather if I made the statement which he has just repeated, then I was in error. I meant to refer to the fiscal year closing on the 30th of June last.

Mr. TROWBRIDGE. I understood the gentleman as I have stated.

Mr. WILSON, of Iowa. I am glad the gentleman has given me an opportunity to make the correction.

Mr. MORRILL. I hope the House will not act in haste upon this amendment. I do not know of any article that can more properly have a duty levied upon it than the article of tea, nor do I know an article that can better bear a duty upon it. It is possible that by another year we may be able to make coffee, tea, and sugar free; but as we now have some eleven or twelve hundred millions of debt yet to be funded, I think it is rather premature to reduce the duty now. And if this tariff bill should fail we are not to look for any considerable amount of revenue from our manufacturers. If no relief is granted the business of manufacturing must certainly come to a stop, in a great many instances, throughout the country. It must stop at least until the prices of labor shall be readjusted; and whether that can be done at all or not is a matter of doubt. Gentlemen are making motions of amendment to load this bill down, with a certain prospect of vastly diminishing the revenue, even if the bill should pass. I hope the House will hesitate about adopting this amendment, although we have already adopted one in regard to coffee. However, I would not regret that so much if the duty had been placed at three and a half cents per pound, as I proposed. I hope the duty on tea will not be cut down at all, certainly not one half, as proposed by the gentleman from Iowa, [Mr. WILSON.]

Mr. PIKE. I move to amend the amendment by striking out "twelve and a half" and inserting "five." There is a reason for having a duty imposed on coffee which does not pertain to tea with the same force. It is well understood that there are many very worthy manufacturers of coffee in this country; they make it of chicory, beans, peas, rye, wheat, dandelion root, and many other things. So there is a reason for retaining a small duty on coffee in order to protect that worthy class of our manufacturers. But there is no such rea-

son for retaining a duty on tea. We do not and cannot manufacture tea. I understand there are no tea manufacturers in this country. I believe there have been one or two attempts to grow tea in this country, but I understand they have not been very successful. So that it is a mere question of revenue, and the question is whether we shall derive our revenue from articles of necessity, such as tea, or from articles of luxury, and from the wealth of the country. It does seem to me very proper, at the earliest possible moment, to relieve the masses of the country from taxation. And it is in pursuance of that idea that the gentleman from Iowa [Mr. WILSON] has taken this opportune moment, when our receipts from revenue are very largely in excess of our expenditures, to remove or to decrease the duty on this favorite beverage. And I hope that, pursuant to the same line of policy, my motion will prevail to put upon tea the merely nominal duty of five cents per pound.

Mr. SPALDING. I rise to oppose the amendment. As I understand these propositions to cut down the duty on coffee and tea, the one from five cents per pound, the other from twenty-five cents per pound, they are merely attempts to render this bill so obnoxious that it will be defeated. The object is to obstruct the ordinary channels for obtaining our revenue, and to throw the whole burden upon particular quarters where it is known it will be obnoxious. The design, it seems to me, is to vote down this tariff *in toto*. If that be the object intended, let us meet the question at once and save the time of the House. If we are to have a tariff bill, I prefer that we should retain the duties upon the articles of coffee and tea, for I believe that the duty on these is paid as easily as any duty levied in our country. I know that the poor as well as the rich partake of tea and coffee; but they do not consider this tax onerous. The high prices of coffee and tea do not arise from the duty assessed by our Government; they result from the premium on gold. So long as gold ranges at 150 and upward coffee and tea will be high in our market. The duty, whether five cents or two and a half cents, makes very little difference in the price of these articles to the consumer.

[Here the hammer fell.]

Mr. PIKE's amendment to the amendment was not agreed to.

The question recurred on the amendment of Mr. WILSON, of Iowa.

Mr. ALLISON. For the purpose of saying a word or two on this subject, I move to amend the amendment by making the duty ten cents per pound. Sir, I believe that our Government can afford to reduce the duty upon these articles of necessity imported into this country. The total revenue derived from tea during the last fiscal year was only about nine million dollars. The proposition of my colleague will reduce this amount one half. Now, if the effect of this bill will be to increase the revenue derived from imports, then we can well afford to reduce the duty upon these articles of necessity which enter so largely into the consumption of the poorer classes. I trust, therefore, that the amendment of my colleague will be adopted.

Mr. STEVENS. I rise to oppose the amendment to the amendment. Mr. Chairman, I believe that two years hence this country will be in a very different condition from what is now anticipated by many gentlemen who look at things as they are now and have been for the last year. My opinion is that two years hence the internal taxation, instead of amounting annually to three or four hundred million dollars, will not exceed \$200,000,000; and our revenue from foreign importations, instead of being \$160,000,000 per annum, will not exceed \$80,000,000. I believe that the whole business of this country, now inflated in every sense of the word, must come into a narrower compass, and must necessarily pay largely less upon all the articles of taxation.

While I believe that our revenue from internal taxation and from duties on imports will

be reduced at least one third, I do not perceive—I wish I could—that we have reached the maximum of our debt. I believe that nearly a billion dollars is yet to be brought into the account which this Government will be obliged to settle. I have no doubt that by the time five years shall have rolled around this Government will be paying an interest upon \$4,000,000,000. Yet this must be done with a diminished revenue. Now, how is that to be done? We all know the claims that are coming up to Congress—honest claims, too; claims which this Government must finally meet, as the consequence of the great war which was forced upon us; claims of loyal men from all sections of the country. Those who have looked into this question cannot fail to see that the justice of the country must finally allow many of these claims. Hence they are to be taken into consideration in estimating the obligations which the Government will hereafter be called upon to meet. Gentlemen do not regard this question with alarm. They say this country is able to pay all its obligations. But how will you pay them when you reduce the sources of revenue? How will you be able to pay the public debt if you cut down the very articles on which the money is raised to pay it?

My friend thinks a reduction of four or five millions on a single item is hardly of any account. You have cut down the revenue five millions on coffee, and it is now proposed to cut it down five millions on tea, making ten millions in all. I am told it is a reduction of something like ten or twelve millions on both articles. Now, where will you go to make up this deficit? What item will bear it in addition to the tax already imposed? Besides, sir, I think the great advantage derived from the operation of this tariff is to preclude excessive importation now ruining this country. These importations have inflated the price of everything in the country.

[Here the hammer fell.]

Mr. ALLISON. I withdraw the amendment.

Mr. PRICE. I renew it; and I do it for the purpose of correcting a vital error made by the gentleman from Pennsylvania [Mr. STEVENS] who has just taken his seat. I say a vital error because it goes to the country with the indorsement of the gentleman from Pennsylvania, and thus having a weight and influence attached to it which but very few declarations made on this floor can have. Hence the necessity of correcting it, and having the subject presented in proper shape to the country. The gentleman from Pennsylvania tells the country, for when he says it upon this floor he tells it to the country, that we will be unable at a not distant year in the future to pay the expenses of the Government.

Mr. STEVENS. I have not said any such thing. I said I felt no difficulty about paying our public debt in doing as we do now; but I did seriously object to the reduction of these duties as leading to future embarrassment and difficulty.

Mr. PRICE. If the gentleman will not interrupt me I will quote him correctly. He said we must expect a reduction of the internal revenue, and if the receipts of the Government from this source were reduced to two hundred millions per annum and to one hundred millions on imports, thus making three hundred millions of revenue, we would be unable to meet our expenses, or words to that effect. In this calculation the gentleman does not allow anything for increase in the wealth and population of the country. If I had time I would like to show that the ratio of increase of wealth and population in the United States far exceeds that of any other country on the face of the earth. But I have not time and therefore cannot do that now. But, sir, taking the gentleman's own figures for the standard, and it will be seen that we have revenue sufficient to meet all the expenses of the Government and to provide a sinking fund of \$50,000,000 every year. Any good financier who has the interest of the country at heart will tell you that a sink-

ing fund of fifty millions a year, which we can have with a reduction of taxation, is a very healthy state of affairs, and by no means a discouraging view of our public debt.

Mr. STEVENS. Let me interrupt the gentleman.

Mr. PRICE. I would with pleasure if I had the time, but the gentleman very well knows that I have only five minutes under the rules, and that is not long enough for me fully to state my own position. This is a matter which ought to be understood by the country. The gentleman has stated our indebtedness at four billions, or more properly speaking, four thousand millions. I will say, as I had occasion to say more than a year since on this floor, that it was never that amount. It was never four thousand millions since the war commenced, as can be proven by a reference to the books of the Treasury of the United States. It is less to-day than it was three months ago—the statement of the Secretary of the Treasury establishes that fact beyond successful contradiction—and much less than it was six months ago. The power and ability of the nation to discharge its indebtedness have been increasing every day, to the surprise as well as satisfaction of the people. With these facts, then, existing, I do not want the statement of the gentleman from Pennsylvania to go out to the country uncontradicted. The truth is that we are paying our indebtedness to-day more rapidly than any one calculated we would be able to do; and in place, then, of holding up a dark picture for the people to gaze at, and be thereby discouraged, it is a duty incumbent upon us to make the view as bright and cheering as the facts will justify. The conclusion is irresistible that we can reduce the burden of taxation to some extent and at the same time reduce the national debt in a safe and healthy manner. It is a fact beyond controversy, and one of which every true-hearted American is justly proud, that the sun sets every night upon a smaller amount of national indebtedness than it arose upon the morning before.

[Here the hammer fell.]

Mr. GARFIELD. Mr. Chairman, I desire to call the attention of the committee to two or three points which have a bearing on this subject, and to give the reason why I hope we will not reduce the duty either on tea or coffee. In the first place, it is the genius of our whole revenue system, and the experience of the Government has approved it, that the best mode of raising revenue is to impose duty upon the fewest possible articles. Twenty-five years ago in England there were more than twelve hundred different articles on which duty was imposed, and now they have been so reduced that upon five articles more than one half the revenues of that country are collected. In England, in 1865, \$354,000,000 of revenue were raised, and of that sum \$189,000,000 were derived from five articles, namely, fermented malt and spirituous liquors, tea, coffee, and tobacco and sugar in their various forms.

I say that those five articles afforded the Government of Great Britain \$189,000,000 of its revenue, the total of which was \$354,000,000. Thus almost two thirds of the revenue were raised on five articles and two of the five were coffee and tea. Twenty-two million five hundred thousand dollars were raised in Great Britain in the year 1865 on tea alone, and the consumption of that article is steadily increasing in that country. It is now two and seven tenths pounds *per capita* of the population of Great Britain, whereas in this country the consumption, though increasing, has reached only one pound *per capita*. I say, then, that we have no article which the experience of all financial nations shows can better bear the duty without reducing the consumption than tea. Furthermore, this is one of the few articles on which we can levy a duty without duplication of taxation and without directly involving other interests. It is a simple and plain question of revenue. There is no other article into which it enters as an element. I shall be sorry if we

now add to the vote we have just cast in regard to coffee another which will take \$4,000,000 more out of the Treasury. I shall be sorry if we thus show the country that we are having no regard for revenue. I want it understood that we are raising revenue by this bill as well as protecting industry, and I trust that we shall not be guilty of the folly of reversing the whole policy of this country, and ignoring the experience of the leading financial nations of the world, by reducing this duty only to add an equal amount to a score of other interests not so well able to bear it.

[Here the hammer fell.]

The question was taken on the amendment to the amendment proposed by Mr. PRICE, and it was disagreed to.

The question recurred, on the amendment proposed by Mr. WILSON, of Iowa.

Mr. MORRILL. I move to amend the amendment so as to increase the duty to thirty cents.

Mr. Chairman, it does seem to me that it is very premature for us to act upon this question. We have acted on the internal revenue bill, and yet by the report of the conferees on that bill we find that even there we do not obtain the amount of revenue that was anticipated when the bill left the House. For instance, on the item of cotton there is a reduction of not less than eighteen million dollars. It becomes a question whether the amount of revenue that we propose to strike out from the bill can be spared. I must say that I am somewhat surprised that this subject should be introduced here. It is not in the original bill as reported. I hope the committee will not agree to the amendment of the gentleman from Iowa.

Mr. WILSON, of Iowa. The gentleman has no right to be surprised. The very reason why I offered this amendment was because these articles were not in the bill as reported. If the committee had reported it in this way, there would have been no necessity for this amendment. Now, as to the effect on the revenue, the gentleman from Vermont very well knows that under the provisions of the recent internal revenue act, \$50,000,000 more will be collected on the article of spirits alone than has been collected heretofore. If there be a faithful enforcement of the law in regard to this article alone we will succeed in increasing the revenue fourfold more than it will be diminished by the amendment I have offered. We are, therefore, running no risk as to the diminution of revenue. Now, this is not an article of luxury, as has been said by some, because it has become almost one of the articles of necessity to the people of the country. Gentlemen might as well call pork and beef a luxury as tea or coffee in this country now. But under the present high prices the consumption is not as wide-spread as it would be if prices were reduced. As tea now is consumed in this country, it is to some extent an article of luxury, because the poorer classes are deprived in a great measure of its use. Reduce the price of tea, and you will increase imports, and the increase of imports will keep up the present standard of revenue; and that is all there is in the question. I hope, therefore, that the amendment of the gentleman from Vermont will not prevail, and that the same reduction will be made upon this article that we have already made on the article of coffee.

Mr. MORRILL. I withdraw my amendment.

Mr. DAVIS. I renew the amendment. Mr. Chairman, in the consideration of this subject I think we should look to some facts which we have hitherto ignored. The internal revenue of this country in the year 1865 was about two hundred and eleven million dollars and two hundred and twelve million dollars. Of that internal revenue, between forty-nine and fifty per cent. was derived from the taxes upon manufactures. Prices in this country at this time range high in consequence of the condition of our currency. I hope to have a favorable change and to reduce prices to a gold basis. I hope sincerely that that time is not far in the future. But we must remember

that as we approach that system the prices of manufactures must be reduced, and incomes from business must be reduced, and therefore we shall materially affect the revenues of this country from the internal department. In this condition of things why should we forego the certain and secure source of revenue in the taxation of these articles which the people will have and the tax upon which is distributed almost universally among the people of this country? I do not believe that it is wise to do it, and therefore I hope that the committee will not consent to so great a reduction as has been proposed by the gentleman from Iowa.

The question being upon the amendment proposed by Mr. WILSON, of Iowa,

Mr. WILSON, of Iowa, demanded tellers.

Tellers were ordered; and Messrs. WILSON of Iowa, and DAVIS, were appointed.

The committee divided, and the tellers reported—ayes 46, noes 46.

The CHAIRMAN voted in the affirmative.

So the amendment was agreed to.

The Clerk read as follows:

On beans, (except vanilla and castor oil,) twenty-five cents per bushel.

On broom corn, fifteen per cent. *ad valorem*.

On buckwheat, ten cents per bushel.

Mr. HARDING, of Illinois. I move to amend the last clause by striking out "ten" and inserting the word "twenty," after the word "buckwheat." I propose to submit to the House some reasons why the duty on buckwheat should be increased; and what I have to say in regard to buckwheat applies generally to the agricultural products of the country. Now, Mr. Chairman, I desire to state that while I am in favor of a reduction of some of the high rates proposed by this bill, I am not opposed to a tariff for revenue, discriminating for protection. I am an old tariff man. For more than thirty years I have insisted that, in the arrangement of duties upon foreign productions introduced into this country, we should discriminate against those which compete in our markets with the productions of this country; that we should discriminate against those that compete with us and threaten to destroy the industry of this country. And, sir, the reason why I am opposed to this bill is, that I think it outrages the principles of reciprocity and equality. I believe that a tariff to be just should be so arranged as to protect all the interests of the country alike. I am no sectionalist; but I would put such protection upon our agricultural productions as to make it clear and apparent to the people on the other side of the border, in Canada, that their interests are identical with ours. I would remove the necessity of a long line of forts and posts for troops, watch-towers and revenue vessels to detect smugglers.

[Here the hammer fell.]

Mr. MORRILL. I move that the committee rise for the purpose of terminating debate.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. SCOFIELD reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, and particularly the special order, being bill of the House No. 718, to provide increased revenue from imports, and for other purposes, and had come to no resolution thereon.

CLOSE OF DEBATE.

Mr. MORRILL. I move that when the House shall again resolve itself into the Committee of the Whole on the state of the Union, all debate on the pending section terminate in one minute.

The motion was agreed to.

TARIFF BILL—AGAIN.

Mr. MORRILL. I move that the rules be suspended, and the House resolve itself into the Committee of the Whole on the state of the Union on the special order.

The motion was agreed to.

So the rules were suspended; and the House accordingly resolved itself into the Committee

of the Whole on the state of the Union, (Mr. SCOFIELD in the chair,) and resumed the consideration of the special order, being the bill (H. R. No. 718) to provide increased revenue from imports, and for other purposes.

The pending question was upon the amendment of Mr. HARDING, of Illinois, to make the duty on buckwheat twenty cents instead of ten cents per bushel.

Mr. MORRILL. I suppose that is not a serious amendment, and I hope it will not be adopted.

The question was taken; and there were, upon a division—ayes twenty, noes not counted.

So the amendment was not agreed to.

The Clerk read as follows:

On cleaned rice, and on rice commonly called Patna rice, two and a half cents per pound; on uncleaned rice, two cents per pound.

Mr. MORRILL. I move to amend by striking out after "on uncleaned rice" the word "two" and inserting "one and a half."

The amendment was not agreed to.

Mr. MORRILL. I move to further amend the paragraph by adding "on patty, one cent per pound."

The amendment was agreed to.

The Clerk read as follows:

On corn, Indian, or maize, ten cents per bushel.

Mr. ROSS. I move to strike out "ten" and insert "twenty."

The amendment was agreed to.

Mr. SPALDING. I move to insert after the line just read, "on wheat, forty cents per bushel."

The amendment was agreed to.

The Clerk read as follows:

On flour and meal, middlings, and mill feed of wheat, corn, rye, or oats, twenty per cent. *ad valorem*.

Mr. ROSS. I move to strike out "twenty" and insert "forty."

The question was taken; and upon a division there were—ayes 40, noes 53.

So the amendment was not agreed to.

The Clerk read as follows:

On hay, one dollar per ton.

Mr. ROSS. I move to strike out "one dollar" and insert "two dollars."

The amendment was agreed to.

Mr. GARFIELD. I move to insert after the line last read, "on malt, thirty per cent. *ad valorem*."

The amendment was agreed to.

The Clerk read as follows:

On peas, twenty-five cents per bushel.

Mr. ROSS. I move to amend by striking out "twenty-five" and inserting "fifty."

The question was taken; and upon a division there were—ayes twenty-five, noes not counted.

So the amendment was not agreed to.

Mr. HART. I move to amend by inserting after the line last read, "on peanuts or ground beans, two cents per pound; shelled, four cents per pound."

The amendment was agreed to.

The Clerk read as follows:

On potatoes, ten cents per bushel.

Mr. EGGLESTON. I move to strike out the line just read.

The motion was not agreed to.

Mr. ROSS. I move to strike out "ten" and insert "twenty."

Mr. HALE. I move to amend the amendment by inserting "without distinction of size or color." [Laughter.] However, I will not press my amendment.

The amendment of Mr. Ross was then agreed to.

The Clerk read as follows:

On seed, timothy and clover, twenty per cent. *ad valorem*.

Mr. ALLISON. I move to strike out "twenty" and insert "thirty-five."

The amendment was agreed to.

The Clerk read as follows:

On trees, plants, and shrubs, ornamental and fruit, fifteen per cent. *ad valorem*.

Mr. ROSS. I move to strike out "fifteen" and insert "twenty-five."

The amendment was not agreed to.

The Clerk read as follows:

On tallow, two cents per pound.

Mr. ROSS. I move to strike out "two" and insert "four."

The amendment was not agreed to.

Mr. RICE, of Massachusetts. I move to strike out the whole of the twelfth section as amended.

The CHAIRMAN. The Chair is of opinion that that motion is not in order. This bill is being read by paragraphs, and not by sections, for amendment.

The Clerk read as follows:

SEC. 13. *And be it further enacted*, That, in lieu of the duties heretofore imposed by law, there shall be levied, collected, and paid on the importation of the articles hereinafter mentioned, the following duties and rates of duty, that is to say:

On lumber, hemlock, cedar, and spruce, round, split, or sided, one half cent per cubic foot; when hewn square, three fourths of one cent per cubic foot; when sawed and valued at six dollars or less per thousand feet, one dollar per thousand feet; when valued at over six dollars per thousand, two dollars per thousand feet.

On lumber, pine, ash, butternut, bass-wood, birch, elm, maple, and white-wood, round, split, or sided, three fourths of one cent per cubic foot; when hewn square, one and one fourth cent per cubic foot; when sawed and valued at six dollars or less per thousand feet, one dollar per thousand feet; when valued at over six dollars and not over ten dollars per thousand, two dollars per thousand feet; when valued at over ten dollars per thousand, three dollars per thousand feet: *Provided*, That when lumber of any sort is planed or finished, in addition to the rates herein provided, there shall be levied and paid, for each side so planed or finished, one dollar per thousand feet; and if planed on one side and tongued and grooved, two dollars per thousand feet; and if planed on two sides and tongued and grooved, two dollars and fifty cents per thousand feet.

Mr. FERRY. I move to amend the last paragraph just read by striking out the words "six dollars or less per thousand feet, one dollar per thousand feet; when valued at over six dollars and;" so that the paragraph will read as follows:

On lumber, pine, ash, butternut, bass-wood, birch, elm, maple, and white-wood, round, split, or sided, three fourths of one cent per cubic foot; when hewn square, one and one fourth cent per cubic foot; when sawed and valued at not over ten dollars per thousand, two dollars per thousand feet; when valued at over ten dollars per thousand, three dollars per thousand feet.

Mr. Chairman, were I to consult my own judgment I should resist the *ad valorem* method of duty, and insist upon a specific duty of three dollars per thousand upon all lumber imported. But in deference to the judgment of others who take an interest in this question, I have assented to a modification and compromise with the Committee of Ways and Means, and propose to strike out the six dollar classification, leaving the remainder of the paragraph to stand as reported by the committee. It comes as near a specific duty as seems to be obtainable, and will make the duty on all lumber valued at not over ten dollars a thousand two dollars, and on all over ten dollars a duty of three dollars per thousand.

Those who are opposed to this proposition claim, I suppose, that they wish the cheaper lumber to be favored, while we on the other hand contend that the lower grades of lumber are in small part furnished by Canada and are supplied mostly by the States. The question, therefore, resolves itself practically into one of revenue. Concurring, by this amendment, with the remark of the distinguished chairman of the Committee of Ways and Means that "the bill is framed to protect our internal revenue and for no other purpose," I cannot believe that the committee will oppose us, and therefore invite them to support the proposition that is now made. I wish to call the attention of the committee to the fact that the price of lumber in the States has not been regulated by importations. Let me here quote a remark made by the chairman of the committee in March last, when we had under consideration the bill to regulate trade with the British Provinces. He said on that occasion:

"When we abandoned all duties on lumber under

the treaty, the effect was not to reduce the price in the American market, but the value of lumber increased in the Provinces."

When the treaty went into operation, it will be thus seen, the price of lumber did not decrease, showing that the importation had no effect upon the prices in the States. I will now refer to the Chicago lumber market, quoting from the Chicago Tribune of June 30, showing that since the abrogation of the reciprocity treaty the importations from Canada have had no effect upon the markets in the States:

"The receipts of lumber during the week closing to-day have been unusually heavy, and the market for several days past has had a downward tendency; but the decline is noticeable more particularly on common grades, which have fallen in price \$1 50 to \$1 75 per thousand feet. Prime cargoes, however, are still in fair demand, and but little if any concession has been made; but low grade cargoes are difficult to sell, and prices tend downward."

The same journal states under date of July 3, three days later, that "the market for common and coarse cargoes continues dull and depressed." From these facts it will be seen that this question is substantially one of the States, and resolves itself simply into one of revenue. Now, Mr. Chairman, we can sometimes draw information and instruction from competitors and rivals; and with this view I wish to call the attention of the committee to the report of the minister of finance for the Provinces.

It has not been forgotten that pending the discussion of the bill regulating trade with British America that was before the House last March, a large and very influential delegation of Canadians was present, representing the interests of the Canadas in the measure that was proposed to take the place of the reciprocity treaty which was then so soon to terminate. That delegation so shrewdly managed their interests as to impress the Committee of Ways and Means with the belief that it was much more important for the States than for the Canadas that the measure proposing to regulate trade between the two should become a law. The distinguished chairman had his fears so far invoked as to lead him to warn the House against opposition, and zealously deprecated defeat of so wise and equitable a project. What was that project? It was fixing the duty of one dollar on all lumber valued at seven dollars and under; on all over seven dollars and under twelve dollars a duty of two dollars; and all over twelve dollars a duty of three dollars. And we were told that the Provinces cared but little whether it was carried or not; they were not to realize by its passage, but that the benefits would accrue mostly if not entirely to the States; and the apparent indifference of the delegation to which I have referred was pointed to as a moving reason why we should grasp at so generous a proposition for the States. The British Provinces were represented to have been the losers in the main by the reciprocity treaty, and their assent to the new basis referred to was deemed a great concession on their part.

Now, sir, what does their financial minister admit in his recent budget? He says, "In consequence of the abrogation of the reciprocity treaty it became imperative to rearrange the customs. The estimated falling off in revenue is \$1,000,000." Here then is an official admission by the minister of finance that the termination of this reciprocity treaty, so wonderfully beneficial, as stated, to the States, is to work a loss of revenue to the Provinces of \$1,000,000 the current fiscal year. In other words, we have the grave and startling concession that the reciprocity treaty instead of being detrimental has been beneficial to the Provinces to the amount of \$1,000,000 per annum. We have then out of our generosity, during the existence of that treaty, poured into the British exchequer at least \$12,000,000. A most singular reciprocity, and a most significant key to the studied indifference of the Canadian delegation. Is it now again proposed to reproduce this damaging commercial relationship to the States?

Hear this financial minister further and learn wisdom from the mouth of our competitors. After stating that the estimated falling off of their revenue during the coming year will be \$1,000,000, he proposes, in order to supply the deficiency, to raise a duty upon importations, a duty of from thirty to sixty cents upon spirits; and upon Indian corn and coarse grains, ten cents per bushel—striking here at the great agricultural interests of the West, especially Illinois, the State that is now clamorous through its delegation for easier terms of interchange with this voracious power.

[Here the hammer fell.]

Mr. MORELL. I still adhere to what I said on a former occasion, that a moderate duty will not increase the price of lumber. But it is important that in reference to this matter we should not exceed a strictly revenue duty. It must be borne in mind that Canada is at the present time pressed for money. The government has been compelled to issue a legal tender currency, as I understand, to the extent of \$5,000,000, and has also been obliged to levy an export duty upon lumber in the log. The article now under discussion is one that we have favored in all our tax bills, exempting it from duty to a great extent, on the ground that building material and fencing stuffs ought to be as cheap as possible throughout the whole country. It is important to the interests of the United States that we should not cut down our forests too rapidly. I am not disposed to consent to the amendment of the gentleman from Michigan. It would levy upon ordinary fencing stuff double the amount of duty fixed in the bill. I think that this cheaper sort of lumber ought to come in at a lower rate than that of a better quality, which is sold at much higher prices. I trust that the amendment will not be adopted.

Mr. COOK. With the view of moving hereafter to place lumber in the free list, I move, as an amendment to the amendment, to strike out the pending section. I should like to be advised upon what principle the manufacture of lumber in this country should be protected. I have listened to the arguments which have been advanced to show the necessity of protecting various branches of manufacture in this country; and those arguments resolve themselves into two. One is the necessity of developing and establishing manufactures of our own. This principle certainly does not apply to the manufacture of lumber. Our forests are limited in extent.

Mr. DRIGGS. Does the gentleman wish to know the reason why the lumber business should be protected?

Mr. COOK. Yes, sir.

Mr. DRIGGS. I will state one very good reason. Canada, stretching along our northern border, is filled with pine forests; and by reason of the cheap labor there and the high price of labor in this country, resulting from the war and consequent taxation, there is a necessity that the American interest should be protected unless we want to ruin it.

Mr. COOK. I was coming to that proposition in a moment. We are not asked to protect the manufacture of lumber for the purpose of developing that manufacture. It has gone on increasing rapidly, and I hope in the future it will continue to increase. The other is a question of protection to American industry. It is to protect American labor against the pauper labor of Europe. But the labor of Europe does not come into competition with the manufacture of lumber. The only competition is that from Canada; and Canadian labor is not much cheaper, if any, than American labor. The result, then, is to make the western country pay this increase of duty. Every dollar paid for the protection of the lumber interest will be paid by every man who wants to put up a new house or to surround his field with a new fence or to make any other necessary improvement. In fine, the lumber men of the country are to be protected at the expense of the agriculturists.

Mr. GARFIELD. The gentleman does not recognize the difference between our system

of revenue and the taxation of Canada. There ought certainly to be enough to cover the difference which is against us. Our taxation is five times what it is in Canada.

Mr. COOK. Let me say, in answer to the objection of my friend from Ohio, that he must take into consideration also the difference of premium on gold. My friend from Michigan said the American labor was to be protected.

Mr. DRIGGS. You asked why we needed this, and I said because of the cheap labor of Canada, and because of the high prices and the high rates of taxation in the United States.

Mr. COOK. I think it is a bad policy and wrong in itself to raise revenue by preventing the development of the country.

Mr. GARFIELD. I say that Canadian labor does not have to bear as heavy taxation under their system as the American labor. Now, does not the gentleman think it is necessary to put on the difference?

Mr. COOK. I do not understand that the difference is against the American labor looking to the difference between our currency and gold.

Mr. GARFIELD. I think the gentleman is mistaken.

[Here the hammer fell.]

Mr. MORRILL. I move that the committee rise for the purpose of terminating debate upon this subject.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. SCOFIELD reported that the Committee of the Whole on the state of the Union, had had under consideration the Union generally, and particularly the special order, being bill of the House No. 718, to provide increased revenue from imports, and for other purposes, and had come to no resolution thereon.

CLOSE OF DEBATE.

Mr. MORRILL. I move that all debate be terminated on the pending paragraph in the Committee of the Whole on the state of the Union in five minutes after its consideration shall be resumed.

The motion was agreed to.

TARIFF BILL—AGAIN.

Mr. MORRILL. I move that the rules be suspended and that the House resolve itself into the Committee of the Whole on the state of the Union on the special order.

The motion was agreed to.

So the rules were suspended; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. SCOFIELD in the chair,) and resumed the consideration of the special order, being the bill (H. R. No. 718) to provide increased revenue from imports, and for other purposes.

Mr. MORRILL. I think the scale placed in the bill, after consultation with various parties, is about fair. I am quite satisfied that it should not be increased.

Mr. FERRY. Mr. Chairman, I was remarking when the hammer cut me short that the Provinces were protecting their commercial relations with the States by heavy duties on importations and invited the committee to profit by their example. What more have they done? They have levied an exportation duty upon saw logs of \$1 25 per one thousand feet. Knowing full well that their cheap stumpage, or value of the timber standing, and cheaper labor and other expenses entering into the production of logs, would drive Americans to their pinceries for stock to compete successfully with them in the lumber markets of the States under even the present twenty per cent. *ad valorem* duty, which is more favorable to Americans than what is proposed by the pending bill and my amendment, they resort to self-defense, like wise legislators, and impose an exportation duty. They practically say to the generous Americans, with all your generosity we must take care of our own interests first, and if you come to our soil to operate we propose to make you pay for it.

If I were satisfied we should have a correct valuation of lumber when imported I do not know that I would object to the proposition of the Committee of Ways and Means, but the chairman of that committee knows that such will not be the case. The gentleman from Massachusetts, the chairman of the Committee of Elections, [Mr. DAWES,] well said the other day that "the experience of everybody proved an *ad valorem* duty is the very best possible method in which the tariff can be defrauded." In proof of this let me state a case. A gentleman interested in lumber, an ex-Congressman, has written a letter in which he states that at Chicago a cargo from Canada was recently sold at twenty-four dollars per thousand feet which had been valued only at eight dollars per thousand. This is but one instance in which our revenue is being defrauded. The gentleman from Illinois [Mr. Cook] lays great stress upon the wants of his State for cheap fencing. In regard to fencing I will say that very little comes from Canada. Fencing is cut into one and three eighths inches in thickness. Canadians are too smart to cut their lumber into that thickness and sell it for inch stuff. They are too shrewd to lose in stock not only but the same in transportation. The lower grades of lumber come from Michigan. The proposition of the Committee of Ways and Means does not accomplish their purpose by the low valuation and their low grade of duty.

I have, I trust, sufficiently shown that Canadian lumber does not materially affect the rates of lumber in the markets of the States. When the treaty went into operation the prices did not decrease, and when it terminated prices declined, as quotations prove. The question, therefore, so clearly and undeniably resolves itself into one of revenue and not burden upon American industry and interests, the committee cannot refuse to sustain my amendment. By its adoption the opportunities for fraud are lessened and the system simplified. Instead of two divisions there will be but one; all lumber valued at ten dollars and under to pay a duty of two dollars, and all over ten dollars a duty of three dollars. Your revenue will be increased, the interests of the States protected, and the United States Government saved from being coerced into practical commercial fraud.

[Here the hammer fell.]

Mr. COOK. Mr. Chairman—

The CHAIRMAN. Debate is exhausted on the amendment, and no further amendments are in order. The gentleman can withdraw his amendment.

Mr. COOK. I made it in good faith, and I want to vote for it. But I will withdraw it for the purpose of saying a word or two and renew it when I have done. I want to state that it is bad policy to raise a revenue by crippling the resources of the country. Now, there is no one thing that affects every man in my section of the country like this tax on lumber. We have to depend entirely upon the lumber which we get from the North. I suppose it is not necessary to argue that the supply of lumber will regulate the price. I do not know what circumstances may have occurred in particular instances to depress the price at Chicago in the case cited by the gentleman from Michigan, [Mr. FERRY,] but assuming that it will be a rule that commands itself to every man that the supply of lumber will regulate the price, it is vital to us that the supply shall be free. And if the committee shall see fit to raise a revenue from lumber to the extent that is proposed, it will have the effect so to cripple the development of the country as to prevent the building up of the towns and fences of the agricultural lands, so that the actual revenue which will be derived will be less in consequence of the duty imposed on lumber.

[Here the hammer fell.]

Mr. COOK. I renew my amendment.

The question being taken on the amendment of Mr. FERRY, it was agreed to—ayes 61, noes 37.

The question recurred on the amendment

of Mr. COOK to strike out the whole paragraph, and it was not agreed to—ayes 29, noes 70.

The Clerk read as follows:

On lumber, black walnut, cherry, chestnut, and oak, not sawed, and less advanced than boards and planks, not otherwise provided for, ten per cent. *ad valorem*; when sawed, four dollars per thousand feet.

On ship timber, fifty cents per ton.

Mr. ROSS. I move to strike out "fifty cents" and insert "three dollars."

The amendment was not agreed to—ayes twenty-five, noes not counted.

Mr. PIKE. I move to strike out the words "on ship timber fifty cents per ton," and insert in lieu thereof the following:

On ship timber one half cent per cubic foot; on ship knees, one cent per inch; and on hard-wood ship planks, fifty cents per thousand feet.

I think I have the concurrence of the chairman of the committee.

The CHAIRMAN. No debate is in order.

Mr. WILSON, of Iowa. I would like to have the gentleman explain the difference between—

The CHAIRMAN. Debate is out of order.

The question being taken on the amendment, there were—ayes 38, noes 59.

Mr. PIKE. I demand tellers.

Tellers were refused.

So the amendment was disagreed to.

The Clerk read as follows:

On railroad ties, rough hewn or sawed, three cents each.

Mr. ROSS. I move to strike out "three" and insert "five."

The amendment was disagreed to.

The Clerk read as follows:

On shingle bolts, hubs for wheels, last blocks, posts and lumber, not otherwise provided for, hewn or sawed only, ten per cent. *ad valorem*.

On pickets, palings, and lath, twenty per cent. *ad valorem*.

On rift pine and cedar shingles, seventy-five cents per thousand.

On sawed pine and cedar shingles, fifty cents per thousand.

On spruce shingles, forty cents per thousand.

On pine clapboards, four dollars per thousand.

On spruce clapboards, \$2 50 per thousand.

SEC. 14. And be it further enacted, That from and after the day and year aforesaid the importation of the articles hereinafter mentioned and embraced in this section shall be exempt from duty, that is to say:

Archilia, archil, or orchilia weed.

Books, maps, and charts for the use of the United States or the Congressional Library, imported by authority: *Provided*, The price paid the importer does not include the duty.

Mr. MYERS. I move to insert after the word "authority" "and also all books and publications in any of the Slavonic languages."

Mr. Chairman, I have a petition from members of the Slavonic Fraternity of the United States, asking that books and publications in their several languages may be exempted from duty, and I now present it to the House, hoping that their prayer may be granted. There are about twenty thousand of these people in our country, speaking from fifteen to eighteen different idioms, the alphabets differing also. I have now before me newspapers in the Russian, Polish, and Bohemian dialects, which on account of the great heat I will not trouble the Clerk by sending to his desk to be read, [laughter,] but it is sufficient to state that we do not print publications in any of these various languages in this country. Poor immigrants speaking them, who naturally desire to bring a few religious and other books with them, as it takes some time for them to learn our tongue, find the duty amounting almost to a prohibition. I know of an instance where a resident of Washington importing such books, valued at ten dollars, had to pay twenty-one dollars for duties, exchange, and expenses upon them. As we do not print any such publications we need no protection calling for a duty, and the revenue derived from this source is too trifling to speak of. There is no other class of foreign publications in which an exemption from duty is so appropriate, and I hope the House will act favorably in the matter.

Mr. MORRILL. I move that the committee rise for the purpose of terminating debate on this section.

Mr. LE BLOND. I hope the gentleman

will let us consider this section without limiting the debate. The House will see at once that there are a great many articles put on the free list that ought not to be there.

The CHAIRMAN. The motion is not debatable.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. SCOFIELD reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration bill of the House No. 718, to provide increased revenue from imports, and for other purposes, and had come to no resolution thereon.

SUFFERERS BY THE PORTLAND FIRE.

Mr. HIGBY. I presume I will be pardoned, on account of the extraordinary occurrence, in giving notice to the members of this House that any who feel disposed to contribute to the sufferers by the recent fire in the city of Portland, Maine, can do so by handing in their contributions to the gentleman from Maine, [Mr. PERHAM,] and he will see that the money is immediately forwarded.

CLOSE OF DEBATE.

Mr. MORRILL. I move that when the House shall again resolve itself into the Committee of the Whole on the state of the Union all debate on the pending section terminate in three minutes.

Mr. LE BLOND. I hope the gentleman will extend the time.

Mr. MORRILL. I want one minute myself and I want to allow two minutes to the gentleman from Pennsylvania; but I will modify it so as to allow the gentleman from Ohio [Mr. LE BLOND] five minutes, making eight minutes in all.

The motion was agreed to.

TARIFF BILL—AGAIN.

Mr. MORRILL. I move that the rules be suspended and the House resolve itself into Committee of the Whole on the state of the Union on the special order.

The motion was agreed to.

So the rules were suspended; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. SCOFIELD in the chair,) and resumed the consideration of the special order, being the bill (H. R. No. 718) to provide increased revenue from imports, and for other purposes.

Mr. MORRILL. Mr. Chairman, in reply to the remarks of the gentleman from Pennsylvania [Mr. MYERS] I will say that I consider the policy he proposes a bad one. The same policy was inaugurated in the State of Louisiana. Where we have recognized no foreign language whatever, the population has immediately assimilated and become American. In Canada, on the contrary, where they keep up the French language, there a distinct race has been perpetuated. I hope the amendment will not prevail.

Mr. KELLEY. Mr. Chairman, as we proceed, I give notice that I shall move to strike out line nine, "chalk, white, or cliff stone." It was put in the bill under the idea that we had none in the country. I think the chairman will assent to its being stricken out.

Mr. MORRILL. I have no objection to this being stricken out.

Mr. KELLEY. I also propose to insert between lines eighteen and nineteen "camwood and palm oil," both raw materials, produced nowhere in this country, nor on this continent, I believe.

Mr. DAWES. I shall move to insert at that place "cat-gut and whip-gut."

Mr. MORRILL. No objection.

Mr. LE BLOND. I give notice that I shall move to strike out lines five, ten to nineteen, inclusive, and twenty-one to twenty-seven, inclusive, leaving line twenty remaining.

Gentlemen say that these articles ought to be upon the free list because they are not produced in this country. I would ask gentlemen if coffee and tea are produced in this country.

Yet those articles are taxed. The articles embraced in this free list are all articles that go into the manufacture of various commodities in this country. Look at the articles in this list exempt from duty. I find here "ivory, unmanufactured." What is that for? To enable men who are manufacturing buttons and such articles to obtain the raw material free of duty. You have here "horns, horn tips, and hoofs." Why put those articles in the free list? It is simply for the purpose of enabling the particular men who perchance live in the eastern States to obtain these articles for manufacturing purposes free of duty, and yet you tax tea and coffee, things that are not produced in this country at all, but which enter into the consumption of all classes of the community.

Then in the latter part of this section it is proposed to exempt wearing apparel that is obtained by persons who go abroad. Now that provision evidently opens the door to frauds.

Mr. MORRILL. That provision is adopted from the Democratic tariff of 1846, and is a provision which has been a law of the United States ever since.

Mr. LE BLOND. I do not care whether it was adopted under a Democratic Administration or not. If the gentleman will only allow the entire bill to be made to conform to the Democratic theory upon the subject, I will go with him. But I do not believe in making flesh of one and fish of the other. The truth is that if you undertake to have a tariff for revenue purposes alone, then you should make it with reference to revenue only. But do not discriminate in this manner in favor of the manufacturing interests and against the consumers of the country. This is all I have to say on this point.

The question recurred upon the amendment of Mr. MYERS, admitting free of duty publications in the Slavonic language.

Mr. HALE. I move to amend by adding the words, "or in the original Irish or Erse language." [Laughter.]

Mr. MYERS. I have no doubt that would be very satisfactory to my friend from New York, [Mr. HALE.]

Mr. HALE's amendment was not agreed to. The amendment of Mr. MYERS was not agreed to.

Mr. DAWES. I move to amend by inserting after the last paragraph, "cat-gut and whip-gut."

The amendment was agreed to.

The Clerk read as follows:

Chalk, white, or cliff stone; cudbear; cutch; cryolite; dragon's blood; diamond powder, dust, or bort; Esparto or Spanish grass; Gambier.

Mr. KELLEY. I move to amend by striking out the words "chalk, white, or cliff stone."

The amendment was agreed to.

Mr. ALLISON. I move to insert after what was last read by the Clerk, "extract of hemlock bark."

The amendment was agreed to.

The Clerk read as follows:

Horns, horn tips, and hoofs; ivory, unmanufactured; paper waste.

Mr. WASHBURN, of Indiana. I move to strike out "horns, horn tips, and hoofs."

The amendment was agreed to.

Mr. LE BLOND. In order to make the animal complete, I move to amend so that it will read, "horns, horn tips, hoofs and tails." [Laughter.]

The amendment was not agreed to.

Mr. KELLEY. I move to insert after the words "ivory unmanufactured" the words "camwood and palm oil."

The amendment was agreed to.

Mr. MORRILL. I move to amend by inserting the word "leeches" before the words "paper waste." I am informed by physicians that leeches will be classed as animals, and if not included in the free list they will be subject to the duty on live animals.

The amendment was agreed to.

Mr. LAFLIN. I move to amend by striking out the words "paper waste," and inserting in lieu thereof the words, "waste, or raw material of whatever kind for manufacture into paper."

The amendment was agreed to.

Mr. MORRILL. I move to amend by adding to the amendment last adopted the words "and not fit for any other purpose."

The amendment was agreed to.

The Clerk read as follows:

Fish, fresh caught, for daily consumption.

Mr. MORRILL. I move to amend by inserting after what has just been read the following:

Statuary, statues, busts, medallion portraits, paintings, or other works of art, being the production of American artists residing abroad, and which shall be so certified by the artist or by a consul of the United States.

The amendment was agreed to.

Mr. MORRILL. I move to amend by inserting "sumac" after the amendment just adopted.

The amendment was agreed to.

The Clerk read as follows:

Wearing apparel in actual use and other personal effects, (not merchandise,) professional books, implements, instruments, and tools of trade, occupation, or employment of persons arriving in the United States: *Provided*, That this exemption shall not be construed to include machinery or other articles imported for use in any manufacturing establishment or for sale.

Mr. DODGE. I move to amend by adding to the paragraph just read the following:

Provided further, That any individual, or association of individuals, importing any object of art for presentation as a gift to the United States Government, or to any State or municipal government, shall be allowed a drawback for the amount of duty paid upon such work so presented.

The amendment was agreed to.

Mr. O'NEILL. I move to amend by inserting after the word "States," in line twenty-four, the words "brought here for personal use and not for the purpose of sale;" so that the clause will read as follows:

Wearing apparel in actual use, and other personal effects, (not merchandise,) professional books, implements, instruments, and tools of trade, occupation, or employment of persons arriving in the United States, brought here for personal use and not for the purpose of sale: *Provided, &c.*

Mr. MORRILL. That amendment is hardly necessary.

Mr. O'NEILL. The gentleman will find, on examination, that it is necessary. Unless some such amendment be adopted large numbers of books as well as other articles designed for sale will be imported in evasion of the duty.

The amendment was agreed to, there being—ayes forty-nine, noes not counted.

Mr. FINCK. I move to amend by inserting after the pending paragraph, "provided, that coffee shall be free from all duty."

The amendment was not agreed to, there being—ayes 20, noes 78.

Mr. WILSON, of Iowa. I move to amend by striking out in the first line of the pending paragraph the words "and other personal effects." It seems to me that this clause will open the door to extensive frauds upon the revenue.

The amendment was not agreed to.

The Clerk read as follows:

Sec. 15. And be it further enacted, That, during the period of one year from the passage of this act, there may be imported into the United States, free of duty, any machinery designed solely for and adapted to the manufacture of sugar from beets, including all the preliminary processes requisite therefor, but not including any machinery which may be used for any other manufactures.

Mr. ROSS. I move to amend by inserting after the word "beets," in the fifth line of this section, the words "or sorghum;" so that "any machinery designed solely for and adapted to the manufacture of sugar from beets or sorghum" shall be admitted free. The manufacture of sugar from sorghum, one of our western productions, needs to be encouraged as much as anything else; and I think that we should allow the machinery for this purpose to come into the country free of duty.

The amendment was agreed to; there being—ayes forty-nine, noes not counted.

Mr. SMITH. I move to strike out this section; and I would like to inquire of the chairman of the Committee of Ways and Means why machinery for the manufacture of sugar from beets cannot be used for various other purposes.

Mr. MORRILL. Because the process is peculiar and requires a peculiar kind of machinery, which is fit for no other purpose. I may remark, also, that the manufacture of sugar from beets has only recently been introduced into this country—only in Illinois and California, perhaps—but I trust that ere long it will be a large and growing interest.

Mr. SMITH. I am enabled to state, from the testimony of those acquainted with this subject—I do not pretend to make the statement from my personal knowledge—that the machinery used for the production of sugar from beets can be used in the manufacture of sugar from almost any other article from which sugar can be made. I believe that other mechanical operations can be performed with this machinery where sugar is the ingredient to be obtained.

Mr. MORRILL. I call the gentleman's attention to this last proviso of the section:

Provided, That this exemption shall not be construed to include machinery or other articles imported for use in any manufacturing establishment or for sale.

Mr. SMITH. It does not follow that machinery absolutely used for this particular purpose cannot be used for the manufacture of sugar out of other materials.

Mr. SMITH's amendment was disagreed to.

Mr. PIKE. I move to insert the following as a new section:

SEC. —. *And be it further enacted*, That a drawback equal to the duties paid be allowed on all imported materials used in manufacturing the following articles when said articles are exported, to wit:

Axes, hatchets, pick-axes, tablecutlery, carpenters' tools, cotton-gins, carriages, mowing and reaping machines, plows, scythes, spades, shovels, hoes, hay and manure forks, boots and shoes made of leather. And a drawback equal to the duties paid be allowed to ship-builders on cordage, iron, copper, chains, and anchors actually used and employed by them in the building and rigging of any ship or steamer, or other vessel built within the limits of the United States, the amount of drawback in all cases to be ascertained and paid in such manner and under such regulations as may be prescribed by the Secretary of the Treasury.

Mr. Chairman, I will say but a few words on this proposition. It is too late in the session and too late in the afternoon and the weather is too warm to say much; but I cannot refrain from explaining it to the House, as it is one of considerable importance. The policy of this Government has been a settled one from the beginning. Ever since we have had a tariff we have allowed a drawback to encourage and protect articles manufactured for exportation. It is apparent to gentlemen of the House that in no way can we compete in foreign markets with foreign-made manufactures except by allowing drawbacks of duties, and in that way allowing our manufacturers to compete with articles produced in foreign countries which have not been subject to our taxation. This is the only method we can adopt to put our people on an equal footing with foreigners. The first clause of my amendment provides for drawbacks on materials imported used in manufacturing articles for exportation. There is a general law where articles imported are exported in the same condition in which they were when imported; but this goes further, and provides that when articles imported shall enter into the manufacture of articles exported and constitute only a portion of their composition the same rule shall be adopted. It is a just provision, and one rendered necessary by the changes in the tariff made by this bill.

The second clause provides that on articles entering into ship-building a drawback shall be allowed equal to the duties paid as some encouragement against provincial and foreign competition. The cost of ships built in this country is very greatly more than of those built in the British Provinces. Both

labor and material are vastly less there. A St. John ship of a thousand tons can be produced for \$45,000 in gold, while the same ship would cost a Maine ship-builder \$85,000 in currency. This is an enormous difference. But it must be recollected that everything there that enters into the ship is greatly cheaper than with us. We all know that no article of manufacture can be made here for much, if any, less than double the cost before the war. But in addition to other items of enhanced cost with which everybody is familiar, the ship-builder has to contend with the high duties levied upon ship-building materials. I have here a list of duties (in gold) upon articles actually used in building a seven hundred and fifty ton ship in my district in 1865. It was prepared by a careful and intelligent gentleman and is reliable:

76,620 lbs. iron @ 1 cent $\frac{3}{4}$ lb.....	\$766 20
6,200 lbs. spikes @ $\frac{2}{3}$ cents $\frac{1}{2}$ lb.....	155 00
1,500 lbs. spikes, galvanized.....	37 50
9,000 lbs. castings.....	135 00
32,363 lbs. chain cable at $\frac{2}{3}$ cents $\frac{1}{2}$ lb.....	809 07
7,068 lbs. anchors @ $\frac{2}{3}$ cents $\frac{1}{2}$ lb.....	159 00
1,114 lbs. clinch rings @ 2 cents $\frac{1}{2}$ lb.....	22 28
16,990 lbs. hemp cordage @ 3 cents $\frac{1}{2}$ lb.....	509 70
7,535 lbs. manilla @ $\frac{2}{3}$ cents $\frac{1}{2}$ lb.....	138 37
12,261 lbs. yellow metal for sheathing.....	367 82
5,180 yards duck @ $\frac{30}{100}$ cent.....	500 00
860 bushels salt @ 18 cents $\frac{1}{2}$ bushel.....	116 00
Oil, lead, copper bolts, nails, and paint.....	175 30
Sundry smaller items.....	589 90
Total.....	\$4,531 14

[Here the hammer fell.]

Mr. MORRILL. The general principle announced by the gentleman from Maine is a correct one. It is a principle of our laws at the present time; but I hardly think the amendment to the extent proposed is a proper one. If the gentleman had called the attention of the committee to it earlier, and provided for the security of the United States, perhaps it would be correct; but in our complicated system of taxation it would be difficult to say on what materials duties were paid. It would be difficult to tell what iron and what steel had paid duty which entered into the construction of a carriage for exportation. It would be difficult to tell which was foreign leather and which was American leather. There would be so many difficulties in carrying out the provision as suggested by the gentleman from Maine that I think it would be hardly safe to adopt it.

Mr. ALLISON. I move to amend by adding the following proviso:

Provided, That ten per cent. on the amount of all drawbacks, so allowed, shall be retained for the use of the United States by the collectors paying such drawbacks respectively.

I only desire to say that if this amendment is adopted, there ought to be a provision allowing a certain portion of the duties to be retained in the Treasury. I agree, however, entirely with the chairman of the Committee of Ways and Means that it would be impossible to carry this provision into effect.

Mr. PIKE. Why?

Mr. ALLISON. Because you cannot tell, it is impossible to tell, whether this steel or iron or other product that enters into these manufactures, was manufactured from articles imported from abroad or from domestic products.

Mr. PIKE. Mr. Chairman, it seems to me hardly fair for the chairman of the Committee of Ways and Means, at this stage of the session, to make the reply that he has made to me. Early in this session I introduced this proposition and sent it, in the usual way, to the Committee of Ways and Means. I have frequently urged it since, and I have from time to time received assurances from the chairman of the Committee of Ways and Means that he agreed to my proposition. It does seem to me, therefore, a little unfair for him to say to me now that if I had introduced it earlier and urged it more persistently I might have accomplished my purpose. The only other objection made to the amendment is that the Treasury must be protected. The chairman of the Committee of Ways and Means could not have read the proposition when he made that objection.

It provides that the Secretary of the Treasury may establish such rules and regulations as he may deem judicious and as stringent as he pleases; and certainly with proper officers he may explore the history of every article that enters into the construction of these vessels, and he may ascertain precisely the amount of duty each has paid and consequently the amount which should be refunded.

When I was interrupted by the hammer of the Chairman I was stating the great cost of our American vessels, and the reasons for it. It is apparent to the House that our ships cannot compete with foreign ships when the difference of cost is so great, unless a corresponding advantage is in some way given to them in the way of employment. But the House is aware that an American ship has no such advantages. She competes with her great rival on a free-trade basis. The St. John ship comes into the port of New York and gets the same freight and is subject to the same insurance as the American ship. The only privilege the American ship has is that of the coastwise trade, and that is hardly appreciable. From this statement of the committee the House will readily see that the question is whether our ships shall be driven from the ocean or not. They certainly cannot compete at such odds. In the great race for commercial supremacy our old enemy has latterly made alarming strides in advance. Before the war we had five and a half million tons afloat. But our ships were burned by British pirates and our ship-owners were obliged to sell them for protection, until now we have not four and a half million of American tonnage. What we have lost England has gained. Before the war we had gained so largely in the long and arduous struggle that we led. Now we are behindhand more than a million tons. At the present time more than nine tenths of the importations of foreign merchandise into New York are made in foreign bottoms. This is a proposition to enable the ship-builders of this country to do something to restore our supremacy. If this proposition be carried into effect, in ten years the tonnage of this country, instead of being behindhand, will be again in the ascendancy.

It does seem to me that there is no branch of industry that is more worthy of encouragement at the hands of the Government than this. The proposition is simply that the Government shall take its heavy hand off this branch of industry. We ask for no bonus. We ask nothing except partial relief from taxation that is absolutely destroying us for the benefit of wealthy manufacturers, already sufficiently protected.

[Here the hammer fell.]

Mr. ALLISON. I understand that there is no objection to my amendment.

The question was taken on Mr. ALLISON's amendment to the amendment, and it was agreed to.

Mr. MORRILL. I move to amend the amendment by striking out the word "carriages." My remarks applied to carriages rather than ships. I have no great objection to the amendment so far as it relates to ships, but the amendment of the gentleman includes other articles.

Mr. PIKE. I have a word only to say in reply to the gentleman from Vermont, and I trust the committee will bear with me, as I have not trespassed much on their attention during the discussion of this tariff. I wish to say, in reference to the practical working of this measure, that in the early part of the session I took the pains to write to Canada to ascertain the facts in relation to their laws there upon this subject, and I learned that they have found no practical difficulty in enforcing a law like this. They provide that all the materials I have enumerated here shall go into their ships free of duty, and they say that practically it works well. Of course if they continue the policy of thus encouraging ship-building they will outrun us. That is inevitable. We cannot continue to run ships cost-

ing twenty-five to fifty per cent. more than provincial ships of the same character.

Mr. HOGAN. I would like to ask the gentleman from Maine a question. Are not the provisions of his amendment to inure exclusively to the benefit of foreigners? You will not allow foreign vessels to come in and receive American registers. Now, why compel our people who use ships to pay all these expenses and all these duties while you build ships to go abroad and compete with our shipping?

Mr. PIKE. I am glad the gentleman has asked that question, for I wish to correct a prevailing error in the House, and that is that American ships have advantages over other ships. I say to the gentleman that there is no one single advantage that an American ship of a thousand tons in the port of New York has over a British ship except this single one of the coastwise trade, which to ships is of almost no importance.

The gentleman from Missouri seems to think that these ships are to be sold foreign in order to obtain the drawback. But it is not so. They are to be held and owned by Americans. The ship differs from other articles in this, that it is constantly exported. Every voyage she goes foreign, and a ship is as much entitled on any fair ground to a drawback as any article we now send foreign, and under the general law obtain a drawback for. My object is simply to build up our mercantile marine. Of course that object would be defeated if, as the gentleman from Missouri supposes, ships should be sold abroad.

Mr. MORRILL. I withdraw my amendment.

Mr. HOOPER, of Massachusetts. I move, *pro forma*, to strike out the last word of the amendment, merely that I may have an opportunity to ask the gentleman from Maine. [Mr. PIKE] if the effect of his amendment would not be adverse to the protection of American industry, and if a drawback is to be allowed on all the foreign materials used in ship-building, and on these various articles of manufacture, whether it would not confine the manufacture of these articles entirely to the foreign material, thus shutting out our own domestic articles. I take, for instance, steel. No American steel will be used and no American iron will be used in ship-building; foreign steel and iron would be used if they were to have a drawback.

Mr. PIKE. I wish to say, in reply to that, that here is the case of a manufacture which I think the committee will all concur with me in saying is one of the most worthy manufactures of this country. The question is whether this manufacture, which comes in direct competition with foreign manufactures, shall contribute to other American manufactures, and for their benefit, to its own destruction. I say to the gentleman from Massachusetts that he should not insist that the manufacturers of iron should grow rich at the expense of the ship-builder. This is a purely American article, owned necessarily under our laws by American citizens, for no foreigner is allowed to own an American vessel. It is produced and owned by American citizens and run for the benefit of American citizens. It is idle to talk about this being a great naval Power unless we have a commercial marine upon the seas. If you pursue your present course you will drive American ships from the ocean and make us, as a maritime Power, second to the great Powers of Europe. You cannot have a great navy unless you first have great tonnage. It is a matter of national importance that our vessels should not be driven from the ocean, but that the harbors of Boston, New York, and Philadelphia, instead of being crowded with foreign vessels to carry our products abroad, should be filled with vessels that fly at their mast-heads the stars and stripes. I do hope the committee will appreciate the importance of this amendment.

Mr. MORRILL. I move that the committee

rise for the purpose of closing debate upon this subject.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. SCOFIELD reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration bill of the House No. 718, to provide increased revenue from imports, and for other purposes, and had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. PERHAM asked and obtained indefinite leave of absence for his colleague, Mr. LYNCH.

Mr. SPALDING. I move that the House now adjourn.

The question was taken; and upon a division there were—ayes 37, noes 57.

So the motion was not agreed to.

CLOSE OF DEBATE.

Mr. MORRILL. I move when the House shall again resolve itself into the Committee of the Whole on the state of the Union, all debate on the pending section and section sixteen terminate in eight minutes.

Mr. ROSS. I move to amend by making it one minute instead of eight minutes.

The motion of Mr. ROSS was agreed to.

The motion of Mr. MORRILL, as amended, was then agreed to.

TARIFF BILL—AGAIN.

Mr. MORRILL. I move that the rules be suspended and the House resolve itself into Committee of the Whole on the state of the Union on the special order.

The motion was agreed to.

So the rules were suspended; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. SCOFIELD in the chair,) and resumed the consideration of the special order, being bill of the House No. 718, to provide increased revenue from imports, and for other purposes.

The question was upon the amendment of Mr. PIKE.

Mr. HARDING, of Illinois. I desire to say that no reason has been given why we should protect a special interest by a drawback that does not apply equally to every article of export from any part of the country.

Mr. PIKE. We already give a drawback on whisky.

Mr. HARDING, of Illinois. How is it with beef, pork, and a thousand things of that kind?

Mr. PIKE. There is no tax on beef and pork.

The question was taken upon the amendment of Mr. PIKE, and upon a division there were—ayes 23, noes 71.

So the amendment was not agreed to.

Mr. McRUER. I move to insert after section fifteen the following as an additional section:

And be it further enacted, That the proviso in section four of an act entitled "An act amendatory of certain acts imposing duties upon foreign importations," approved March 3, 1865, shall be construed to include no ship, vessel, or steamer, to or from any port in the Sandwich Islands or Society Islands.

Mr. Chairman, I desire to say in explanation of this amendment—

The CHAIRMAN. Debate is not in order. By order of the House debate is closed until the seventeenth section is reached.

Mr. McRUER. Then I withdraw my amendment.

The Clerk read as follows:

Sec. 16. *And be it further enacted, That upon the reimportation of articles once exported of the growth, product, or manufacture of the United States, upon which no internal tax has been assessed or paid, or upon which such tax has been paid and refunded by allowance or drawback, there shall be levied, collected, and paid a duty equal to the tax imposed by the internal revenue laws upon such articles.*

Mr. HOGAN. I move to amend by inserting after the words "and paid a duty equal to," the words "such drawback and."

The amendment was not agreed to.

Mr. MORRILL. I perceive that it will be

impossible to get through this bill to-day; I therefore move that the committee now rise.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. SCOFIELD reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the bill of the House (No. 718) to provide increased revenue from imports, and for other purposes, and had come to no resolution thereon.

And then, on motion of Mr. PRICE, (at four o'clock and fifty minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule and referred to the appropriate committees: By Mr. INGERSOLL: The petition of James A. Tait, John S. Slater, and 150 others, working men of the city of Washington, asking for the establishment of a public park.

By Mr. KELLEY: The petition of Horatio Stone for balance due him for the execution of the statue in marble of John Hancock for the Senate wing of the Capitol building, under instructions from the Library Committee.

By Mr. MYERS: The petition of the "Slavonic Fraternity" of the United States, stating that twenty thousand of their people, speaking from fifteen to eighteen idioms, are residents of the United States; that no books in their language or any of its idioms are published here, and asking that books and publications in the Slavonic languages may be admitted free of duty.

IN SENATE.

MONDAY, July 9, 1866.

Prayer by the Chaplain, Rev. E. H. GRAY.

On motion of Mr. WILSON, and by unanimous consent, the reading of the Journal of Saturday last was dispensed with.

COMMITTEE SERVICE.

The PRESIDENT *pro tempore*, in accordance with the order of the Senate directing the Chair to fill the vacancy on the committee on ventilation, appointed Mr. KIRKWOOD.

PETITIONS AND MEMORIALS.

Mr. COWAN presented seven petitions of citizens of Pennsylvania, praying for an increase of the tariff so as to afford better protection to American industry; which were referred to the Committee on Finance.

Mr. HARRIS presented the petition of William Baker, praying for an extension of his patent for an improved window-blind hinge; which was referred to the Committee on Patents and the Patent Office.

Mr. DOOLITTLE presented a memorial of citizens of Washington, remonstrating against any action of Congress modifying the conditions of the charter of the Washington and Georgetown Railroad Company, either in granting them larger powers or relieving them from conditions voluntarily assumed; which was referred to the Committee on the District of Columbia.

Mr. GUTHRIE presented the petition of A. H. Markland, praying for compensation for property destroyed by United States troops at Paducah, Kentucky; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. BROWN, from the Committee on Military Affairs and the Militia, to whom was referred a bill (S. No. 211) to improve and enlarge the arsenal grounds at St. Louis, reported it without amendment.

Mr. WILSON, from the Committee on Military Affairs and the Militia, to whom was referred a bill (S. No. 412) authorizing and directing the sale of the property of the United States at Harper's Ferry, West Virginia, reported it without amendment.

He also, from the same committee, to whom was referred a bill (H. R. No. 474) for the relief John C. McFerran, reported it without amendment.

He also, from the same committee, to whom was referred a joint resolution (S. R. No. 116) to make compensation for damages to property held for religious and charitable purposes within

loyal States, and for other purposes, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

He also, from the same committee, to whom was referred sundry petitions and memorials praying for compensation for supplies furnished and damages done to property during the late war and for the payment of claims growing out of the Indian war in Oregon in 1855 and 1856, asked to be discharged from their further consideration and that they be referred to the Committee on Claims; which was agreed to.

Mr. ANTHONY, from the Committee on Claims, to whom was referred the petition of Miss Sue Murphy, praying for compensation for the destruction of property belonging to her which was used by the Government in the erection of fortifications at Decatur, Alabama, submitted a report accompanied by a bill (S. No. 413) for the relief of Miss Sue Murphy, of Decatur, Alabama. The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. CLARK, from the Committee on the Judiciary, who were instructed by a resolution of the Senate to inquire into the expediency of providing a uniform and effective mode of securing the election of Senators in Congress by the Legislatures of the several States, reported a bill (S. No. 414) to regulate the times and manner of holding elections for Senators in Congress; which was read and passed to a second reading.

BILLS INTRODUCED.

Mr. HOWARD asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 125) granting the right of way through military reserves to the Union Pacific Railroad Company and its branches; which was read twice by its title and ordered to lie on the table and be printed.

Mr. SAULSBURY. I ask leave to introduce a bill without previous notice.

The PRESIDENT *pro tempore*. The bill will be read by its title.

The SECRETARY. A bill to amend an act entitled "An act to grant the right of preemption to certain purchasers on the Socol ranch, in the State of California."

Mr. SAULSBURY. I will state that I introduce this bill by request. I did not draw the bill myself and know nothing about the merits of it; but I was requested to present it and move its reference to the Committee on the Judiciary.

The PRESIDENT *pro tempore*. Is there any objection to the present introduction of this bill?

Mr. CONNESS. I object.

The PRESIDENT *pro tempore*. Objection being made, it lies over under the rule; and this will be considered as a notice, and the Senator can to-morrow or on some subsequent day introduce the bill.

MEDICAL STATISTICS.

Mr. EDMUNDS submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of War be directed to communicate to the Senate a report of the medical statistics collected during the war in the Bureau of the Provost Marshal General by Surgeon J. H. Baxter as soon as such report can be compiled and prepared for presentation by him.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House of Representatives had passed a bill (S. No. 343) to quiet land titles in California, with amendments, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House of Representatives had signed the following enrolled bills and joint resolution; which were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 461) granting a pension to Ann Sheehy;

A bill (H. R. No. 464) for the relief of John Gordon;

A bill (H. R. No. 495) for the relief of Mary A. Patrick;

A bill (H. R. No. 616) for the relief of Lucinda Gates;

A bill (H. R. No. 641) for the relief of Charles M. Stout, late a second lieutenant in company E, seventh regiment Pennsylvania Reserve corps;

A bill (H. R. No. 684) granting a pension to Mrs. Mary A. McManus, widow of Captain Andrew McManus, late of the sixty-ninth Pennsylvania volunteer infantry;

A bill (H. R. No. 698) granting an increase of pension to Mrs. Mercie E. Scattergood;

A bill (H. R. No. 699) for the relief of James L. Perham;

A bill (H. R. No. 700) for the benefit of John W. Jones;

A bill (H. R. No. 703) for the relief of Lieutenant Colonel Frank Lynch;

A bill (H. R. No. 704) for the relief of Joel Farley;

A bill (H. R. No. 705) for the relief of George W. Bush;

A bill (H. R. No. 740) for the relief of Matilda J. Monroe;

A bill (H. R. No. 743) amendatory of an act granting a pension to Mrs. Emerance Gouler; and

A joint resolution (H. R. No. 179) for the relief of Edgar T. Harris.

PILOTS AND PILOT REGULATIONS.

Mr. MORGAN. I am instructed by the Committee on Commerce, to whom was referred a bill (H. R. No. 780) relating to pilots and pilot regulations, to report it back without amendment, and with a recommendation that it pass. As it is a bill of, but a single section, and there can be no objection to it whatever, I should be glad to have it considered at this time.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that no regulations or provisions shall be adopted by any State of the United States of America which shall make any discrimination in the rate of pilotage or half pilotage between vessels sailing between the ports of one State, and vessels sailing between the ports of different States, or any discrimination against vessels propelled in whole or in part by steam, or against national vessels of the United States, and all existing regulations or provisions making any such discrimination are annulled and abrogated.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PREVENTION OF SMUGGLING.

Mr. NYE. As chairman of the Committee on Enrolled Bills I find that the bill (S. No. 222) further to prevent smuggling, and for other purposes, has come back by some mistake with eight or nine of the amendments unacted upon, as appears by the report of the committee of conference. I think it proper to call the attention of the Senate to it.

Mr. CONNESS. I was a member of the committee of conference on that bill. The Senator from Michigan, now absent, [Mr. CHANDLER,] was its chairman, and the Senator from Maine, to-day present, [Mr. MORRILL,] being then absent on account of illness, was a member of the committee. The preparation of the report devolved particularly upon the chairman. By some means there is an error; but the error consists simply in the amendments agreed upon not being entirely recounted. I move that the report and bill be recommitted to the committee of conference for correction.

The PRESIDENT *pro tempore*. The Senate must first reconsider its vote adopting the report before it will be before the Senate.

Mr. CONNESS. I make that motion.

The motion to reconsider was agreed to.

Mr. CONNESS. I now move to recommit it to the committee of conference.

The motion was agreed to.

A message was subsequently received from the House of Representatives announcing that they had reconsidered the vote adopting the report of the committee of conference, and had recommitted the bill and the amendments to the committee of conference.

PAY OF ARMY OFFICERS.

Mr. RAMSEY. I move that the Senate proceed to the consideration of House joint resolution No. 101.

The motion was agreed to; and the Senate resumed the consideration of the joint resolution (H. R. No. 101) for the relief of certain officers of the Army.

The PRESIDENT *pro tempore*. The joint resolution has been read and reported as from the Committee of the Whole, and the question now is on concurring in the amendments made to the resolution as in Committee of the Whole. The amendments were concurred in.

Mr. RAMSEY. I move to further amend it in accordance with an understanding with the chairman of the Committee on Military Affairs. I move first to insert in line ten, after the word "who," the words "if not killed in battle."

The amendment was agreed to.

Mr. RAMSEY. I move further to amend in line twelve, after the word "officer," by inserting "or to his legal representatives."

The amendment was agreed to.

Mr. RAMSEY. I move to amend also in line thirteen, after the word "emoluments," by inserting "of his rank."

The amendment was agreed to.

Mr. GRIMES. I ask for the reading of the joint resolution now as amended.

The Secretary read it, as follows:

Resolved, etc. That in every case in which a commissioned officer actually entered on duty as such commissioned officer, but by reason of being killed in battle, capture by the enemy, or other cause beyond his control, and without fault or neglect of his own, was not mustered within a period of not less than thirty days from acceptance of appointment and actual entry upon duty, and who, if not killed in battle, was afterward regularly mustered into the service of the United States, the pay department shall allow to such officer full pay and emoluments from the date on which such officer, or to his legal representatives full pay and emoluments of his rank, from the date such officer actually entered upon his duty, deducting from the amount paid in accordance with this resolution all pay actually received by such officer for such period.

Mr. WILSON. I move to strike out in line twelve the words "or to his legal representatives," with a view of putting in an additional section. The pay department does not pay the heirs or legal representatives. That has to go to the Second Auditor.

The Secretary read the section proposed to be inserted, as follows:

And be it further enacted, That the heirs or legal representatives of any officer whose muster into service has been or shall be amended hereby, shall be entitled to receive the arrears of pay due such officer or the pension provided by law for the corps in which such officer is mustered under the provisions of the first section of this resolution.

Mr. WILSON. I will simply say that the pay department does not pay the heirs of officers. That matter is settled in another department of the Government, and I submit this amendment with a view of having it correct. I propose to strike out the words "or to his legal representatives" in line twelve of the resolution, and to add this new section to cover the idea which is intended to be conveyed in the first.

Mr. RAMSEY. I was not aware that they did not pay the legal representatives. Are you not mistaken about that?

Mr. WILSON. No, sir.

The amendment was agreed to.

The amendments were ordered to be engrossed for a third reading, and the joint resolution to be read a third time. It was read the third time and passed.

WILLIAM HICKEY.

Mr. HENDERSON. The Committee on Contingent Expenses, to whom was referred a resolution to pay to the legal representatives of William Hickey, late Chief Clerk of the

Senate, his funeral expenses and the balance of his salary for the year in which he died, have instructed me to report back the resolution with the recommendation that it pass. I suppose there will be no objection to the resolution, and as it is one that ought to be passed, I ask the indulgence of the Senate to have it passed now.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the following resolution:

Resolved, That there be paid to the legal representatives of William Hickey, late Chief Clerk of the Senate, \$300 to pay his funeral expenses, and that they be paid the balance of his salary as Chief Clerk for the year in which he died.

The resolution was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

THADDEUS HYATT.

Mr. POMEROY. I move that the Senate now proceed to the consideration of Senate bill No. 367.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 367) to extend the time of letters-patent issued to Thaddeus Hyatt.

Mr. BROWN. I do not know that there is any propriety in making an opposition to this bill, as it has come from the Committee on Patents and will probably pass the Senate; but I feel it due to myself to say that I disapprove of it *in toto*. I doubt very much whether it would not be wise in us to repeal the present system of patent laws, which result in monopolies very injurious to the country, or, if we intend to give relief to individuals, give it on an entirely different plan. But I have no doubt at all that if we do maintain that system we ought to let it take its course, and whenever a patent has run out and large amounts have been amassed from it, not come in here and tax the community for ten, fifteen, or twenty years in addition for the benefit of a single individual.

Now, if I am correctly informed, this patent, in this case, shows under the investigations of the committee a net earning of nearly one hundred thousand dollars for an invention that is very trivial in its character as far as inventive power goes, certainly, and that is very necessary to the free use of the community. I, for one, am not willing to tax the community that I represent for another term of fourteen years for the benefit of such an invention. I trust the bill will not be passed.

Mr. POMEROY. The Senator from Missouri, I believe, makes the objection to this bill that he assures me he makes to all bills of the same sort. That is, he opposes all bills granting patents and then granting extensions. The fact about this patent is, that it was issued many years ago. In the first seven years the inventor did not get anybody to use it. The second seven years he got it in use through a manufacturing company, and the last seven years it has been somewhat remunerative. The fact is that what the community are now using is covered by the old invention, and the old invention is not what he uses, but that patent is the only protection he has for the invention that he does use. I know this case very thoroughly, because I have been connected with Mr. Hyatt for many years, and I know this is a case of very peculiar merit, so far as his own condition is concerned.

Mr. BROWN. I have no feeling in this case that would lead me to oppose this particular patent more than any other as regards the persons who are involved in it. On the contrary, my feelings would perhaps incline me to look with favor (if I could so look upon anything of the kind) upon this measure for the benefit of the person interested; but I think the principle is a wrong one. I think the evidence brought out by the committee shows that the receipts from this patent have been amply sufficient to cover the invention, and that there is nothing of merit in the application at the present time for an extension. It is simply levying

a tax upon the community under another name for the benefit of a single individual.

Mr. POMEROY. The Senator spoke of his constituents. His own constituents have never paid a cent. They have used the patent without paying the inventor one cent. There is nothing collected to-day at St. Louis.

Mr. BROWN. I presume they have paid as much as any other constituency if they have used it.

Mr. POMEROY. No; the articles have been manufactured in St. Louis without Mr. Hyatt getting any commission on them. What little they do use there have been manufactured without any benefit to him.

Mr. BROWN. So much the better reason why it should be continued so.

Mr. SUMNER. I understand the objection of the Senator from Missouri is of that broad and general character which is equally applicable to every bill of this kind. If objections that were of a special character were adduced against this bill, I should certainly be willing to go into the argument in its favor, and not otherwise; and yet there was one remark which the Senator let drop that I think deserves a passing comment. He spoke of this as a "trivial" invention. Against his accidental judgment, thus hazarded, I would adduce the official testimony of the Commissioner of Patents, who, when called upon to review this patent officially, expressed himself as follows:

"I am entirely satisfied that Hyatt's invention, whether it was the result of a high degree of inventive genius or required but a very small amount of ingenuity, is a very valuable one to the public, and has proved a source of more advantage and profit to them than to the inventor himself."

Sir, there is official testimony that this invention is a very valuable one to the public. Now, sir, I might go further. I might go into details and show the extent of its value to the public.

Mr. FESSENDEN. What is it?

Mr. SUMNER. It is the vault lights which really have only been brought into use in a few of the large cities, chiefly in New York, a little in Boston, and a little in Philadelphia; but, however, I will not occupy the time of the Senate upon it.

Mr. COWAN. I will only say that I think the honorable Senator from Missouri misapprehends the question when he asserts that this is a tax upon the community for the benefit of Mr. Hyatt. That is not the question. The question is whether at this time the community is entitled to the benefit of that which was Mr. Hyatt's, which he invented and which he discovered, and which, for aught we know about it, the community never would otherwise have possessed. That is the question. The community are not compelled to use Mr. Hyatt's invention; but if they do use it and are content to pay him a reasonable compensation for it, I think he ought to have that compensation until he has been remunerated fully for the service which he has conferred upon the community. That is this case, and I would say further that this is not *per se* an extension of the patent. The bill merely authorizes Mr. Hyatt to go before the Commissioner of Patents and there make out his case the same as though he were applying under the law which now prevails for the first extension.

Mr. BROWN. I believe that the patent laws go upon the principle that the term provided in them shall be a sufficient compensation for the invention. Now, I have heard no one reason adduced here this morning why we shall go beyond the present law, why we shall depart from the present system and violate what is the system, so to speak, in behalf of this individual. I believe it is confessed on all sides that a very large amount of money has been realized by this invention. If I am not mistaken, the patent has already been extended once, and the intention now is to extend it by special act for an additional term of fourteen years.

Mr. POMEROY, and others. Seven years.

Mr. BROWN. Seven years. So far as anything has been adduced to show why it should be done, it strikes me as the very best reason

why it should not. The Senator from Massachusetts in commenting on my remarks speaks of the great value of this invention, how largely it is coming into use, how much it is needed by the public everywhere. Well, sir, I think that is a reason why we should care a little for the public interest in this matter, especially if the individual has been compensated, and compensated more than ninety-nine out of a hundred inventions ever get. I am opposed to the bill *in toto*, and I hope it will not be passed.

Mr. HENDRICKS. I wish to inquire of the Senator from Missouri, as he has examined the bill, how long the special privilege has been enjoyed and what have been the profits made. What is the invention?

Mr. BROWN. It is an invention for lighting vaults by the insertion of glass in the pavements. I think the report shows that something like ninety-six thousand dollars has been realized from the invention heretofore. The chairman of the committee can state how long the patent has been enjoyed.

Mr. COWAN. From the evidence which was before the committee it appeared that during the time that Mr. Hyatt enjoyed the benefit of his invention, the first fourteen years that he enjoyed it, the patent realized hardly anything, from the difficulty which he had in introducing it into public use. During the last few years he has realized, perhaps, something near one hundred thousand dollars; but upon considering the great value of this improvement to the community, particularly in large cities, seeing that it makes available the very foot-walks for all the purposes of store-rooms and shops of various kinds, and that it can be applied to other purposes usefully, the committee thought he had not been compensated for the value of the invention to the community. It might have been ample compensation for divers inventions, but not for one of such magnitude as this and one of such great importance to large cities; and therefore it was that we thought he ought to have an opportunity to apply to the Commissioner of Patents for another extension of seven years, as it is really only six or seven years that his discovery has been introduced into general use.

The bill was reported to the Senate without amendment.

Mr. FESSENDEN. When I first came to Congress these applications were frequent. I was on the Committee on Patents for a time, and I was astonished at the representations made. In some cases patents popularly supposed to be exceedingly valuable after they had been enjoyed for a term of fourteen years, were, on proof to the Commissioner that they had not been as profitable as they ought to be, extended for seven years. It was then a very common thing to come here with applications to get seven years in addition. This made very considerable confusion constantly from the fact that rights were assigned in them in different places, and the renewal for seven years was held by the courts as a general rule not to apply to assignments, so that the patentee was reinvested in all his powers and held the whole. So far as I observed, those really valuable patents which had paid well were the only ones really in regard to which there came applications for renewal. Finally Congress became satisfied of that and refused to grant any extension after the period of twenty-one years; they thought that was long enough. That would seem to be enough to secure to a man a reward for his brains and labor. He got twenty-one years, and that was thought to be quite sufficient, and even fourteen years, in many cases, was found to be so. As I have understood, it was a matter of entire understanding, undisputed for a considerable time, that this Mr. Hyatt had made a fortune, a very comfortable fortune.

Mr. SUMNER. A mistake.

Mr. FESSENDEN. He so represented himself, at any rate, and his friends represented him to be a man in very easy circumstances. He lived certainly as if he were during the

time, and I really believe he has been sufficiently paid for his invention, which after all is a very simple thing in itself. It costs nothing of any consequence in its construction; it is a pure discovery rather than an invention; and out of it the profit of the invention is clear. I do not see any reason in this particular case for an extension, and it is very seldom that there is a case where an invention is profitable and valuable that it should be renewed beyond the time fixed by the law, which is ample and generous.

Mr. HENDRICKS. Has he had twenty-one years?

Mr. FESSENDEN. I suppose he has.

Mr. LANE, of Indiana. He has had one extension.

Mr. FESSENDEN. It was originally fourteen years, and one extension would make it twenty-one years, and it is long enough to keep a thing of this sort, which has come into general use, from the public. The provision made by Congress in the original law was a very generous one in point of time, and has resulted, in the case of beneficial inventions, always very profitably to the inventor.

Mr. POMEROY. The Senator has not stated that during seven years not one man in the United States would take the patent.

Mr. FESSENDEN. That is very frequently the case, but the patentees make it up afterward.

Mr. POMEROY. During the next seven years no man would make any of these lights except what he manufactured himself.

Mr. FESSENDEN. How many years ago is it since Mr. Hyatt was before the Senate?

Mr. POMEROY. During the John Brown trial.

Mr. ANTHONY. Just seven years.

Mr. FESSENDEN. At that time he was in the full tide of successful experiment and was reputed to be a man who had made a very considerable sum of money.

Mr. POMEROY. That was another matter.

Mr. FESSENDEN. No, sir; the subject of these very lights; and he has made a great deal of money out of it, and I think he can afford to get along after having the patent for twenty-one years. I think the policy adopted by Congress at that time was a good one and just to the public, and as has been remarked by my friend from Missouri, we should look out a little for the public, and I am disposed to look out for the public on applications for the extension of a patent in this or any other case. The argument in such cases usually has been that the patent has been pirated and the inventor has been put to the expense of law suits, which have consumed the profits. I have not heard anything of that sort alleged in this particular case. It is unquestionably true that six years ago, if that was the time Mr. Hyatt was here, he was reputed to have made a good deal of money out of his patent. It had then come into general use and it was sought for. You can see it wherever you go in our cities. I therefore, under the circumstances, shall vote against this extension.

Mr. SUMNER. I think the Senator from Maine is entirely mistaken when he says that Mr. Hyatt has enriched himself.

Mr. FESSENDEN. If he has not it is because he has misspent his money. He has had great receipts.

Mr. SUMNER. The Senator says that if he has not he has misspent his money. On that I have no special knowledge, and I do not wish to introduce that element into the case. I should prefer to argue the case on the facts which we have before us, and on which we can absolutely rely. Now, here is a statement from Mr. Hyatt himself.

Mr. BROWN. I will ask the Senator if any report has been made by the committee on this case.

Mr. SUMNER. I had not the honor of being on the committee.

Mr. COWAN. There is no printed report.

Mr. BROWN. Then there is nothing before us to show on what we are acting.

Mr. SUMNER. I have before me a statement of Mr. Hyatt himself, in which I place absolute confidence. He says:

"I may add, and I think justice to myself requires from me a statement of the fact that I am not to-day the fortunate possessor of \$110,000, nor the quarter of it. I know, indeed, that it is no part of the argument for me to say that I have never even received the half of it, but it is a part of the fact."

There is the statement of this individual, whose word I have never known to be impugned, a gentleman whom I know personally, for whose character and veracity, so far as I may be permitted to do, I vouch absolutely. I have complete confidence in anything that Mr. Hyatt states on his own knowledge. He states himself, as a fact, that he has never received even half of this sum which is attributed to him. And now, sir, the question occurs, has he received a sufficient reward or compensation for his patent? That leads to the question of the value of the invention. On that I have already adduced the very strong testimony of the Commissioner of Patents, who gives it as his positive opinion that the invention is of very great and peculiar value; but it needs no official testimony for Senators to see that it is of great and peculiar value. The character of the invention itself is so obvious, it goes so to the understanding the moment you begin to look at it, that no one can hesitate to say that it is of great and peculiar value. It may be regarded, as I understand it, in two different aspects: first, as a light to cellars and bringing into use cellars and underground apartments which before this invention were absolutely useless, but which are now brought practically into the light of day, so that immense spaces in all our large cities, and especially in New York, are now used for merchandise which formerly were absolutely idle, yielding no profit of any kind. Thus an immense amount of taxable property is brought forward to contribute to the expenses of the Government. From the memorandum I have in my hand I read this statement on that point:

"At the present hour, too, there is lying below the sidewalks of the great city of New York taxable real estate to the value of \$5,000,000, upon which the city government collects taxes to the extent of \$40,000 a year, which the owners derive from it an annual revenue of \$160,000 more."

Thus in the city of New York alone that vast amount of property is brought to the light of day, if I may so express myself, and made to contribute through taxation to the resources of this Government.

Then this light is applicable in another way. It is used in roofs as a covering there, and is fire-proof, and through its fire-proof character buildings and merchandise of vast amount have been protected from conflagration. For instance here is a statement on that head:

"At this hour more than one hundred million dollars' worth of merchandise is nightly protected in the city of New York against fire and burglary by my vault lights, manufactured into illuminating roofs, which cover the rear extensions of the principal stores of warehouses in that city."

These are the two different aspects in which this invention may be seen. In each aspect its value is apparent. Thus in each does it contribute to the resources of the city or place where it is, enlarging the taxable property and also contributing to the wealth of the owners. I think, therefore, I do not go too far when I say that such an invention is valuable in its character.

Now, the question is whether the inventor has received enough from the patent. It appears, and no one I believe will question it—the chairman of the committee certainly will sustain me in what I say—that during the first seven years he actually received nothing, so that those seven years may as it were be counted out. Then came the second seven years when he began to get his invention into use, but during that time he received little more than what belonged to him as a manufacturer; he received very little on account of what is sometimes called the "royalties" from the invention. Then the patent was renewed for seven years, and during that time he and all con-

cerned received some \$120,000, out of which not one half has come to him.

Under those circumstances he comes before Congress asking an extension of his patent for another seven years. Now, sir, it does seem to me that in making this request he is perfectly reasonable. The first seven years of his patent were nothing; the second seven years were very little; it is only during the third seven years that he has begun to receive anything; and what he has received, I submit, is a very small consideration for the invention that he has bestowed on the community. I think, sir, if we give him another seven years we shall do nothing more than follow out the principle of the Constitution which authorizes Congress to legislate for the benefit of inventors.

I do not know that I can add anything more to this very simple statement. I put the case on its essential simplicity; and I put it also on the statements which I have read from the inventor himself, in which I place implicit confidence.

Mr. FESSENDEN. The whole argument in this case seems to me to be very strange. Everybody knows the character of this patent; it is very simple. It is known that patents for the most simple things sometimes are of most value. The man who lights upon it first, by the exercise of his mind, his intellect, and his ingenuity is entitled to the benefit of it. But the argument which is usually adduced in these cases for an extension of time is that the inventions are of a character that require a great deal of time and a great deal of ingenuity and repeated failures, long expenditure of labor and of money, too, in order to bring them to a state of perfection in which they are valuable. Now, that argument does not exist in this case.

Mr. SUMNER. Will the Senator allow me to interrupt him there?

Mr. FESSENDEN. Yes, sir.

Mr. SUMNER. Here is the statement of Mr. Hyatt on that point. He says:

"I began this thing at eighteen years of age; made the invention public at twenty-six; worked industriously at it until I was forty-three; and now I stand within the shadow of my fiftieth year."

Beginning it at eighteen.

Mr. BROWN. And receiving the benefit of it all that time.

Mr. FESSENDEN. How he began it and how he worked upon it does not appear. The idea might have entered into his brain at that time and it might not. I do not dispute anything the Senator says about his entire confidence in Mr. Hyatt. I only say I have not that entire confidence in the statement of a person interested when there is no other evidence in the case except the mere question of the value of the invention which would induce me to predicate action as a legislator upon that alone.

It will be recollected, too, that the argument of its great use to the public works the other way. If the patentee has had the benefit of it for twenty-one years, and it is of really such use to the public, the Government has finished its contract with him under the law. It has given him his twenty-one years. He certainly cannot pretend to have lost money. He admits that he has received about fifty thousand dollars, at any rate. One would think that was tolerably good pay out of an invention—more than I ever received, or expect to receive, for the exercise of my brain on all subjects; to be sure, not so valuable as Mr. Hyatt's glass invention; but I should be amazingly well satisfied if I had laid up \$50,000 out of all the intellectual researches I have been able to make.

Mr. SUMNER. Or received?

Mr. FESSENDEN. Well, "or received." I do not know but that I have received that much. One would think that tolerably good pay, for he has received it all within five or six years, according to the statement made here. If we renew this patent, we tax every man who has occasion to use this invention. Fourteen years is the time fixed by law, and a man may get seven years more, under the law,

if he can show that he has not received adequate remuneration during the fourteen. Mr. Hyatt has had his seven years' extension, and everybody admits that during the last seven years he has been receiving ample remuneration; everybody knows it. How could you walk the streets of a city without seeing this in use everywhere, and that it is very valuable?

Now, sir, there is something a little singular about this bill. I do not see that there is any evidence in the case whatever. We have no written report, in the first place. In old times, when I belonged to the Committee on Patents, it would be considered that the renewal of a patent for seven years, especially one important to the public, was a matter to be set forth at length. The committee were to investigate them; they were on their responsibility to state the case, to state what the invention cost, what its nature was, what its character was with regard to expenditure, and what had been received; to examine and satisfy themselves upon evidence. But instead of having any report from the committee we have one or two gentlemen who tell us their conclusions, bottomed entirely on the printed statement of Mr. Hyatt himself. Because the Senator from Massachusetts has confidence in Mr. Hyatt's statement which he has written and printed, therefore we should seriously affect the rights of the whole public in this valuable invention, necessary now to the use of people in cities, simply upon the statement of the party himself, after he has had his twenty-one years and after his last seven have been so highly remunerative and productive as they must necessarily have been, and are admitted to have been!

Mr. COWAN. The honorable Senator will allow me to ask him what other statement he would have as to a man's *status* in a case of this kind except his own production of his own account.

Mr. FESSENDEN. Does he produce testimony showing how much it cost him from those who are acquainted with him? He has not done everything with his own hand. He can tell us how much one of these lights cost him, and what his charge was; he can show his books; he can present something besides the printed paper he sends here to Congress to which he signs his name, and that not under oath. Does he expect on that alone to get a valuable patent, affecting the interests of so many people of the United States renewed, giving him the exclusive privilege for another seven years? I think it is unsafe and unwise to do it, and for that reason I am opposed to it throughout.

The PRESIDENT *pro tempore*. The morning hour having expired, it becomes the duty of the Chair to call up the unfinished business of Saturday.

Mr. SUMNER. I think we can get a vote on this bill, and I hope my colleague will give way.

Mr. WILSON. If the matter is to be further debated, I will not give way.

Mr. BROWN. It certainly will be.

The PRESIDENT *pro tempore*. The unfinished business can be laid aside by unanimous consent or postponed by a vote.

Mr. WILSON. I will consent to allow a very few minutes further if we can take a vote.

Mr. BROWN. I object to limiting discussion upon the bill by any such agreement.

The PRESIDENT *pro tempore*. It can only then be done by a vote. Does the Senator from Massachusetts move to postpone the special order?

Mr. WILSON. I cannot agree to it.

The PRESIDENT *pro tempore*. The special order is before the Senate.

Mr. WILSON. I would give way, but I understand the matter is to be debated. I understand the Senator from Indiana proposes to debate it.

Mr. HENDRICKS. I was going to say a word or two, but if a vote can be had I will not occupy any time.

Mr. WILSON. Then I will wait a few minutes.

Mr. BROWN. I object.

The PRESIDENT *pro tempore*. The special order can be laid aside by unanimous consent; but objection is made, and it requires, therefore, a vote.

Mr. SUMNER. I move that the regular order be laid aside informally to proceed with this bill.

Mr. CLARK. It cannot be laid aside informally when there is objection.

Mr. SUMNER. I move, then, that it be laid aside in order to proceed with the pending question.

Mr. BROWN. I am not disposed to press my disposition to debate this question if the Senate will come to a vote, and let us have the vote by yeas and nays upon it. I am willing it should be taken.

Mr. SUMNER and Mr. POMEROY. Very well. Let us have the vote by yeas and nays.

The PRESIDENT *pro tempore*. The motion is that the further consideration of the bill before the Senate be postponed for the present.

Mr. SUMNER. I suppose the motion cannot be put in that form; but I think it can be done by unanimous consent if a vote is to be taken on Mr. Hyatt's bill.

Mr. WILSON. Let it be done informally.

The PRESIDENT *pro tempore*. Is there any objection? No objection being made, the special order is laid over, and Senate bill No. 367 is now before the Senate.

Mr. HENDRICKS. I was going to say something upon this bill, but Senators desire a vote and I yield the floor.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. BROWN. On the passage of the bill I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 23, nays 13; as follows:

YEAS—Messrs. Cowan, Cragin, Guthrie, Harris, Hendricks, Howard, Lane of Indiana, Morgan, Norton, Nye, Poland, Pomeroy, Ramsey, Riddle, Saulsbury, Sherman, Sprague, Stewart, Sumner, Van Winkle, Wade, Williams, and Wilson—23.

NAYS—Messrs. Brown, Clark, Conness, Davis, Fessenden, Foster, Grimes, Henderson, Howe, Johnson, Nesmith, Trumbull, and Wiley—13.

ABSENT—Messrs. Anthony, Buckalew, Chandler, Creswell, Dixon, Doolittle, Edmunds, Kirkwood, Lane of Kansas, McDougall, Morrill, Wright, and Yates—13.

So the bill was passed.

MILITARY PEACE ESTABLISHMENT.

Mr. WILSON. I now call up the special order.

The PRESIDENT *pro tempore*. The special order is now before the Senate.

Mr. HOWE. The bill for the construction of a ship-canal around the falls of Niagara has been lying here some time owing to the necessary absence of the Senator from Maine, [Mr. MORRILL.] To-day he appears in the Senate; and if the Senator from Massachusetts, who has the right to the floor, would assent to it, I should be glad to take up that bill.

Mr. WILSON. I think the Senator hardly ought to ask me to give this bill up. It comes up in its order, and I am anxious to act upon it. I think we can act upon it in a very short time. The Senator knows I would give way to him if I could.

Mr. HOWE. I shall not submit a motion. The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 401) to increase and fix the military peace establishment of the United States, which had been reported by the Committee on Military Affairs and the Militia with various amendments.

The first amendment reported by the Committee on Military Affairs and the Militia was in line four of section one, to strike out "six" before "regiments of cavalry" and insert "twelve;" so as to make the section read:

That the military peace establishment of the United States shall hereafter consist of five regiments of artillery, twelve regiments of cavalry, forty-five regiments of infantry, the professors and corps of cadets of the United States Military Academy, and such

other forces as shall be provided for by this act, to be known as the Army of the United States.

The amendment was agreed to.

The next amendment was to strike out all of the third section after the enacting clause, in the following words:

That the six regiments of cavalry provided for by this act shall consist of the six regiments now in service, each of which in addition to its present organization shall have one veterinary surgeon, whose compensation shall be \$100 per month. The grade of company commissary sergeant of cavalry is hereby abolished and cavalry regiments shall hereafter have but one hospital steward, and the adjutants, quartermasters, and commissaries shall be extra lieutenants selected from the first or second lieutenants of the regiment.

And in lieu thereof, to insert:

That to the six regiments of cavalry now in service there shall be added six regiments, two of which shall be composed of colored men, having the same organization as is now provided by law for cavalry regiments, with the addition of one veterinary surgeon to each regiment, whose compensation shall be \$100 per month, but the grade of company commissary sergeant of cavalry is hereby abolished. The original vacancies in the grade of first and second lieutenant and two thirds of the original vacancies in each of the grades above that of first lieutenant shall be filled by selection from among the officers and soldiers of volunteer cavalry, and one third from officers of the regular Army, all of whom shall have served two years in the field during the war, and have been distinguished for capacity and good conduct; four of the companies from each regiment may be armed and drilled as infantry at the discretion of the President, and each cavalry regiment shall hereafter have but one hospital steward, and the regimental adjutants, quartermasters, and commissaries shall hereafter be extra lieutenants selected from the first or second lieutenants of the regiment.

Mr. SAULSBURY. I hope that amendment will not be adopted. The amendment proposes to have regiments of negroes, otherwise called "colored cavalry." Where is the necessity for that? Cannot white men be found to enter into your Army and compose your regiments of cavalry and infantry? Are there not hundreds of thousands of white men in this country who have for the last three or four years been engaged as soldiers in the Army, some of them as members of cavalry regiments, seeking employment every day? Time and again, since the commencement of this Congress, I have had white men who have been employed in the Army come to me begging me to look for employment for them, even as laborers, to do the hardest kind of work, that they might get bread and clothing. Do you suppose if the opportunity was given to those men to enter into the Army again that they would not prefer doing so to being starved or being kept out of employment? There are hundreds and thousands of white men who have been engaged in your Army who would gladly accept the place of soldiers in the regular Army. I presume there can be no doubt, if it was known generally to the men who have been soldiers that there would be an opportunity for them to enlist in the Army under this bill, they would do so. If enlistment offices were opened throughout the United States plenty of such men would be found. It may be said there are offices open now. It may be so in some localities, but it is not so all over the United States. I undertake to say that in my own State a regiment of white soldiers can be found who would gladly enter the Army, men out of employment, men seeking employment.

If it be true, and I assume it to be true, that it is perfectly within your power to fill up every regiment in your Army with white soldiers, where is the necessity of saying in this bill that so many regiments shall be composed of negro soldiers? Are they better soldiers? Have they manifested more valor on the field of battle than white soldiers? Would they carry your standard aloft more proudly and gallantly than your white soldiers? If not, where is the necessity for saying positively in this bill that so many regiments shall be composed of these negro soldiers?

Mr. President, if the object of Congress is, and certainly it should be, to restore kind feelings and friendly relations between the different sections of the country, they should do nothing which in itself is calculated to aggravate feelings already excited or to arouse feel-

ings which may now be dormant. What would be the effect if you were to send negro regiments into the community in which I live to brandish their swords and exhibit their pistols and their guns? Their very presence would be a stench in the nostrils of the people from whom I come. A negro soldier riding up and down the streets and through your country, dressed in a little brief authority, to insult white men! I have no objection to soldiers of the regular Army being stationed in any community in which I live. In former years, when I was from home, in other States, I have been in the neighborhood of garrisons, and I have seen the soldiers generally well behaved; but if you were to send and quarter among white people a regiment of negro soldiers, to march into their villages and to deport themselves as it is most likely they would, what would be the consequence? You must expect collisions. If gentlemen who are so anxious to have negroes in the Army of the United States will take them among themselves, and provide in the bill that they shall be stationed in their section of country, I have no objection; but if the object is to station them in my State, I object to it. There is no necessity for it. I presume we shall have some of these colored gentry, if they are made a part of the Army, in my State. The present head of the War Department has not been so unmindful of my State as to debar us the pleasure of soldiery once in two years, about election time. Suppose that his divineness—or divinity I believe the Secretary of State would have him to be—should take it into his head to send into our State, when election day comes again, a regiment of negro soldiers to guard our polls, do you suppose there is a white man in the State that would not assist in driving them from the polls? If there is, he is unworthy of being a Delawarian.

Sir, it is peace that I want. I know that in some sections of this country, just as sure as you send these negro soldiers among the people, there will be strife, ill blood, bad feeling; and that this sending of such soldiers into some communities will lead to nothing but outrage and bloodshed. If you want a standing army, large or small, give us white soldiers and there will be no complaint; but, sir, you must know that in many sections of this country sending negro soldiers and quartering them in the midst of particular communities would engender strife, and in all probability would lead to bloodshed.

It may be said that I have an antipathy, a hatred, to this class of people. It is not true. I do not speak from unkindness toward them. I believe I think as well of them as the rest of you do. I know them as well. But it is for peace, quietness, and the observance of public order that I want your Army to be filled up with white men. It will be time enough when you cannot get white soldiers in your regular Army to appeal to the patriotism of this superior negro race; but until there is failure in procuring white soldiers, peace, harmony, and kind feeling demand that the negroes should not be incorporated into the regular Army, but that it should be filled up from our own race. I do not wish to argue this question; I presume it would be of no use to do it; but I have felt it due to myself to make this objection.

Mr. WADE. I move to amend the amendment by striking out "two" where it occurs and inserting "four," so that there shall be four regiments of colored cavalry. If this amendment shall be adopted one third of the cavalry force under this bill will be composed of colored troops. I offer the amendment for this reason: in time of peace it is exceedingly difficult, we always found it so, and will find it so again, to keep your white soldiers from leaving the Army. They are, unfortunately, more apt to desert, as the history of the war, and especially as the experience of the Army after the war has over shown. As an illustration, in Kentucky there were two regiments of colored troops stationed for a long time and about two regiments of white troops. I believe after the war, before those troops were

mustered out nearly one fourth of the white troops deserted, while not more than one or two of the colored troops ever deserted. They were quite as efficient as the white troops, as well disciplined, as formidable in the field, as effective in any service that they were put to.

So far as this argument about conciliation is concerned, the time for conciliation is gone when there is a necessity for stationing the Army in a portion of the country. They are not put there as peace-makers, nor as conciliators. They are put there to put down all wrongful opposition to the Government. If it is necessary to station troops anywhere to keep the peace in this nation, I do not care how obnoxious they are to those who undertake to stir up sedition. I would not vote for raising any troops if it were not necessary that they should be stationed in certain localities for the purpose of maintaining the peace of the country. They are expensive. It is a very disagreeable necessity that compels us to increase our Army at all; but if it is necessary, as we are told it is, for fear of insurrections in divers parts of the country, I care but little whether the insurrectionists like the kind of troops that we station there to keep them in order or not. We do not put them there to please them. They would be better pleased to have neither white nor black soldiers; but we look to the best interests of the country, and consider which class of troops can be kept there best in time of peace, which can be the most easily raised, and which remain the most permanently at their post. The one class is always to be depended upon just as well as the other, for our experience in the last war shows that the colored troops fought just as well as the white troops did; all of them fought well, and nobody could complain of them. As I have said, they are as efficient; they are easier to be got; they remain on hand better; and therefore we should increase the proportion to one third at least; I do not think it will be any too many.

Mr. SAULSBURY. Mr. President, what is the title of the bill? I ask the question, because I want to call the attention of the Senate to the application of the remarks of the honorable Senator from Ohio to the real matter before the Senate. The title of this bill is, "A bill to increase and fix the military peace establishment of the United States." It is not a bill with reference to the military establishment in time of war or insurrection; and therefore the remarks of the Senator about stationing these troops among the people to keep down insurrection and rebellion, &c., have no application. The bill refers to a time of peace. Now, sir, in time of peace—it has been thus so from the foundation of the Government to the present hour—you have had your barracks in different parts of the country where the regular Army has been stationed, not for the purpose of keeping down insurrection there, but in order that in case of war they might be ready to serve their country. The object of this bill, I apprehend, is to have a regular army of a certain number of men who shall be stationed in different parts of the country, this being a time of peace, not with a view of any present existing difficulty, but that in case of war of any kind, in the event of anything happening that might require their services, they may be on hand in order to serve their country.

The honorable Senator does not care whether he pleases the community in which these troops are stationed or not; but I do. If I thought that the selection of one class of troops and stationing them in a particular community would be particularly offensive to that portion of the country, whereas the stationing of a different class would not be objectionable, I would consult the feelings of the community where the troops were to be stationed, and would see that I did nothing to engender strife or to cause disquietude.

Mr. President, from the foundation of the Government up to the present time, or at least until the late civil war, it was never deemed necessary or proper to have negroes in your

regular Army. The men who founded your Government, the men who preserved the foundations of the Government up to the late civil war, never felt it incumbent upon them, or consistent with the duty, or consistent with the dictates of their judgment, to employ this class of people in the regular Army. Where is the necessity for it now? None can be shown. I do not presume that any one will contend that it is impossible to fill up your regular Army with white men who will enlist in it. The number of soldiers to be enlisted is not so large but that the amount can be readily had of white men.

But the honorable Senator seems to think that negro troops will not be so apt to desert as white troops. Mr. President, that certainly is making a distinction in favor of negro troops of fidelity to duty to the disparagement of the white troops. The Senator does not mean that. He says they all fought well. It is the first time, however, I have ever heard that they were more faithful, less liable to desert, that they regarded the performance of duty more sacredly than white troops.

It is not my intention to argue this question at length. I know that the subject can hardly be mentioned but that feeling is engendered and motives misapprehended. I rose to make the objection simply because I believe in my heart that incorporating negro troops into the regular Army in time of peace would be offensive to the community in which they were stationed. I have no doubt it would be offensive to the regular Army with whom they are called upon to associate; that is, with the white troops who in part are to compose that Army. It is therefore simply that we may have an army composed of our own race, believing that the Army can be filled up with men of that race, and believing that the stationing in any part of this country, in time of peace, of white troops would not be objectionable or offensive to any portion of the people, they being commanded by competent officers—it is for that reason that I object to incorporating into the regular Army, a thing that never has been done before, the negro race. In the civil war you had them as volunteers, and you drafted them; but you never before undertook to enlist them into your regular Army and make them a part of your peace establishment; and I therefore appeal to Senators not to do it now in the absence of all necessity for it. What can be the reason for incorporating them into the Army? To give them employment? Why, sir, the industrial pursuits of life and agriculture, in many portions of the country, are suffering for the want of laborers. They are particularly and peculiarly adapted for that kind of work; but, sir, to ride in your cavalry, to be stationed in your barracks, to go out visiting to neighboring towns to show what important personages they are, and to be offensive, as they necessarily will be from their very nature and character, to the white portion of the community among whom they are stationed, such a thing should be guarded against and avoided, unless there be absolute necessity for it. I have heard no reason showing why they should now be incorporated into the regular Army. I have heard no one say that it is impossible to get white soldiers. Unless it is impossible to get white soldiers, I think it very unwise to depart from the settled practice of the Government from its foundation to the present time.

Mr. LANE, of Indiana. Mr. President, here is a proposition to have two regiments of colored cavalry attached to the regular Army for the permanent peace establishment. When this bill was referred to the Committee on Military Affairs they sought light from every accessible source in reference to the proper organization of the regular Army. Generals Grant and Meade and Sherman and Thomas were called in consultation. We had the opinions of all those four distinguished generals. In addition to that we had the opinion of the Secretary of War, and, so far as practicable, of the War Department. The bill as it was first

introduced provided for eight regiments of colored troops. That received the sanction of Grant and Sherman and Meade and Thomas and the Secretary of War. The bill, as it now stands, only provides for seven regiments of colored troops. It will be hard, I apprehend, to convince either myself or the Senate that these four distinguished generals, backed and supported by the opinion of the Secretary of War, do not know as well how the regular Army should be constituted in time of peace as any one man now here without a particular investigation of the subject. Colored troops are sufficient for these grand leaders who have led your armies to victory and suppressed the rebellion, but from mere prejudice we are now to exclude them from the service.

Now, sir, to serve in your Army is one of two things: it is either a burden or it is a privilege. If it is a burden, it should be borne equally by every class of our citizens. The colored people are now all free, they are all now citizens, and all, I trust in God, to be protected. Then they should bear their proportion of this burden. But if it be a privilege to enter your armies, they are equally entitled to the protection of your laws, and every philanthropic citizen desires their elevation, and they should be permitted to participate in this high privilege of serving as common soldiers in the regular Army of the United States. It is, then, one of two things, either a burden or a privilege to serve in the Army, and if it is either, the colored people are equally bound to bear the burden or equally entitled to participate in the privilege.

What duties do you expect these soldiers in time of peace to perform? What duties are they to perform? First, to preserve your frontiers from the incursions of the savages. A mounted force is much better adapted to that purpose than an infantry force, and hence the necessity for more cavalry. Another duty is to preserve your public property and to man your garrisons in time of peace. These must all be kept up. But we need not shut our eyes to the present important and pressing necessity for troops, and that is, to preserve the peace and enforce the laws in the States now in rebellion. The whole force contemplated by this Army bill is less than fifty-five thousand, all told; and, in the opinion of the commander-in-chief of the Army, inadequate for the purposes for which we now need an army. The committee have brought it down to the very lowest possible estimate consistent with the public peace and public security, and altogether we are to have less than fifty-five thousand troops when your Army is full.

The distinguished Senator from Delaware takes the ground that there are thousands and thousands of discharged white soldiers now anxious, willing, and ready to enlist in the Army of the United States. Now, what is historically the truth upon that subject? At the beginning of the rebellion you authorized the addition of eleven regiments to the regular Army. After five years of warfare not one single battalion or regiment has been filled. Not one single company, battalion, regiment, brigade, or division in the regular Army is now full, and there is no pressure for enlistment. It is with the greatest possible difficulty that you can keep up your battalions and companies and regiments at all. But it is believed by those who should be familiar with the subject that you may raise seven or eight regiments of colored troops without difficulty. More than that amount now in the service are willing to remain.

But, exclaims the Senator from Delaware, "What! will you introduce this new principle now for the first time and incorporate into your regular Army colored troops in time of peace?" Is that the only objection? Was not the same objection urged against the employment of colored troops in time of war? Did we not hear precisely the same objection then; not founded in reason, but founded in the blind, unreasoning prejudices of race and color? It was not right to employ them in time of war, because gentle-

men opposed that and said there was a sufficiency of white troops for the purpose of the suppression of the rebellion. The objection was then that you should not employ them in time of war, and now we are told that you cannot employ them in time of peace; and why? Because, forsooth, you may exasperate our southern brethren; you may exasperate and rend wider the gulf between the loyal North and the disloyal citizens of the South by introducing into their neighborhoods these colored troops; and the Senator from Delaware says that it will operate injuriously upon the people of the State of Delaware.

Mr. SAULSBURY. I said it might do it. Mr. LANE, of Indiana. It might excite their prejudice, and doubtless would; but let not the people of Delaware labor under any serious apprehension on this subject. We are only to have about fifty thousand troops, all told, for over thirty million people, and when you divide them up how much will come to the share of Delaware? An ordinary guard with two corporals will be sufficient for the State of Delaware, even if they shall need a single one, which I do not believe they ever will.

I apprehend no particular difficulty, so far as the people of Indiana are concerned, by stationing colored or white troops there, because we are a loyal people, and it will never be necessary to station them there; but where it is necessary, it seems to me there is a peculiar propriety in the employment of colored troops. They are acclimated. They stand the climate and the diseases of the climate a great deal better than the white troops. The diseases of the colored troops in the South were much less, as the medical statistics show, than were the diseases among the white troops. They are peculiarly suited to the very duty that we desire them to perform, to keep order and preserve the peace in the rebel States. I apprehend that a loyal colored man is quite good enough to preserve the peace against a white rebel. I apprehend he is quite good enough to fight off the Indians from your northern frontiers, or to guard your forts or fortifications, even in time of peace. Having discharged so well and so gallantly their duty in a time of war, I am not afraid to trust them with this minor duty under circumstances of less danger and less responsibility in a time of peace. I do not know any distinction between the white troops and the colored troops further than this: that, so far as the history of the rebellion goes, it shows that these colored troops have discharged their duty. That they are the equal of the white race, my race and the race of the Senator from Delaware, I do not now believe, nor perhaps shall ever believe. After three hundred years of oppression the white race would be very different from what they are now. But I propose now simply to carry them into the Army, to protect them in all their civil rights, to make them believe they are men in the eye of the law and in the eye of their Maker, to enable them to ameliorate their own condition, and to reach the highest possible point of elevation their nature is capable and susceptible of. When we have done that and they have done that, both of us will have discharged our duty.

Mr. WILSON. The Senator from Ohio moves to amend the amendment of the committee by striking out "two" and inserting "four." If the Senator will amend his motion so as to insert "three," so as to have three regiments of colored cavalry, I shall make no objection to it.

Mr. WADE. I am willing to modify it in that way, as it is probably all I can get. My own judgment would be in favor of having four regiments of colored cavalry, because I think it would be better for the public service; but of course I do not set myself up against the Military Committee. If they will give us one additional colored regiment of cavalry I shall be satisfied.

The PRESIDENT *pro tempore*. The amendment to the amendment is modified, and it is now moved to strike out "two" and insert "three."

Mr. SAULSBURY. I should like to have the yeas and nays on that question.

The yeas and nays were ordered; and being taken, resulted—yeas 20, nays 9; as follows:

YEAS—Messrs. Anthony, Clark, Foster, Grimes, Harris, Henderson, Howard, Howe, Kirkwood, Lane of Indiana, Morrill, Poland, Sherman, Sprague, Sumner, Trumbull, Wade, Willey, Williams, and Wilson—20.

NAYS—Messrs. Cowan, Davis, Guthrie, Hendricks, Morgan, Nesmith, Riddle, Saulsbury, and Van Winkle—9.

ABSENT—Messrs. Brown, Buckalew, Chandler, Conness, Cragin, Creswell, Dixon, Doolittle, Edmunds, Fessenden, Johnson, Lane of Kansas, McDougall, Norton, Nye, Pomeroy, Ramsey, Stewart, Wright, and Yates—20.

So the amendment to the amendment was agreed to.

The amendment, as amended, was adopted.

The next amendment was in line fourteen of section four, to strike out "who" and insert "all of whom shall;" and in line fifteen to strike out "who" before "have."

The amendment was agreed to.

The next amendment was after "United States," in line three of section seven, to insert "one for the battalion of engineers;" so as to read:

That there shall be a band, as now provided by law, for each regiment in the service of the United States, one for the battalion of engineers, &c.

Mr. GRIMES. I should like to inquire of the chairman of the Committee on Military Affairs if this battalion of engineers is not always stationed at the Military Academy in time of peace, and if so, where is the necessity for having a band for them when there is a band for the Military Academy?

Mr. WILSON. I will say to the Senator that they are not always stationed at the Academy. This battalion now numbers about seven hundred and fifty men, and the commander of it has been endeavoring for some time to get a band of music for them.

Mr. GRIMES. Where are they stationed?

Mr. WILSON. At different places. A few of them are at the Academy. By the law as it now stands each regiment can have a band. They have got a band at West Point now, and we propose to give a band to this battalion. They have desired it for some time. They have been asking for it. They have got about seven hundred and fifty men. However, I am not particular about it.

Mr. GRIMES. I am not going to oppose the amendment, but I simply desire the Senate to understand that the headquarters of the Engineer corps and the battalion of engineers is at West Point. The band is always kept at the headquarters of the regiment. Now, if we adopt this amendment the effect of it will be that there will be two bands at West Point—one connected with the Military Academy, the other with this battalion of engineers.

Mr. WILSON. If the Senator desires to strike it out I have no objection. I will simply say that this amendment was inserted in the bill in compliance with suggestions from the War Office. The commander of this battalion has been endeavoring for some months to obtain a band for them. I do not consider it of importance, and am perfectly willing that it shall not be adopted. Certainly, if the effect of it would be to have two bands at West Point, I should be opposed to it.

Mr. WADE. I move to strike it out.

Mr. WILSON. We can simply non-concur in the amendment of the committee.

The amendment was rejected.

The next amendment was in section seven, line four, before the word "for" to insert "one;" so that the clause will read:

That there shall be a band, as now provided by law, for each regiment in the service of the United States, one for the United States Military Academy, &c.

The amendment was agreed to.

The next amendment was in section eighteen, on page 10, line four, to strike out the word "deputy" after "two" and to insert "assistant," and in line six to strike out "assistant" after "two" and to insert "deputy;" so that the section will read:

That the pay department of the Army shall here-

after consist of one paymaster general, with the rank, pay, and emoluments of a brigadier general; two assistant paymasters general, with the rank, pay, and emoluments of colonels of cavalry; two deputy paymasters general, with the rank, pay, and emoluments of lieutenant colonels of cavalry; and forty paymasters, with the rank, pay, and emoluments of majors of cavalry.

The amendment was agreed to.

The next amendment was in section twenty-one, line sixteen, before the word "section" to strike out "eleventh" and insert "fourteenth;" so that the clause will read:

And two thirds of the military store-keepers and ordnance store-keepers to be appointed under this and the fourteenth section of this act shall be selected from volunteer officers or soldiers who have performed meritorious service in the Army of the United States during the late rebellion.

The amendment was agreed to.

The PRESIDENT *pro tempore*. That completes the amendments of the committee.

Mr. HOWARD. I believe we have gone through with all the amendments offered by the committee. I offer the following amendment to come as section thirty-three at the end of the bill:

And be it further enacted, That officers of the regular Army entitled to be retired on account of disability occasioned by wounds received in battle, may be retired upon the rank of the command held by them in the regular or volunteer service at the time such wounds were received.

Mr. WILSON. That proposition, I take it, means simply this: a large number of officers of the regular Army were made officers of volunteers. Some of those officers, perhaps four or five of them, were desperately wounded. The proposition is that they shall be retired on the rank they held when they received their wounds, and I think it is right that it should be so. Where does the Senator propose to insert the amendment?

Mr. HOWARD. At the close of the bill, as an additional section.

Mr. WILSON. Put it in as section thirty-two.

Mr. HOWARD. Very well; let it come in as section thirty-two.

Mr. WILSON. My suggestion is that it come in after the thirty-first section as a new section.

Mr. HOWARD. Very well; I will move to insert it as section thirty-two, and then section thirty-two, as it stands in the bill, can be changed to section thirty-three.

The amendment was agreed to.

Mr. WILSON. I move to amend the seventeenth section by adding to it the following words, which were omitted by accident:

And the Secretary of War is hereby authorized to appoint from enlisted men of the Army, or cause to be enlisted, as many hospital stewards as the service may require, to be permanently attached to the medical department, under such regulations as the Secretary of War may prescribe.

Mr. HENDERSON. I desire to inquire of the Senator having charge of the bill if he cannot limit the number of these officers in any way. If the number can be limited properly I think it should be. The language is very broad as it stands.

Mr. WILSON. We cannot tell the number exactly. The number necessary will differ at different times. I take it that the Department will not employ more than they absolutely need.

Mr. NESMITH. I will state, with the permission of the Senator from Massachusetts, that it is difficult to tell the number of hospital stewards that will actually be required. Perhaps where a regiment is serving together one hospital steward might be sufficient; but in time of peace our Army is very much scattered; usually there are not more than one or two companies at a post; and under circumstances of that kind it will be necessary to have a hospital steward at each post. When the regiments are congregated or consolidated, it is not necessary to have so many. The necessities of the service for such officers are constantly varying. I hope the amendment will be allowed to stand as it is. The number of these officers cannot be very well fixed.

The amendment was agreed to.

Mr. NESMITH. I offer the following as a new section:

And be it further enacted, That all officers who have served during the rebellion as volunteers in the armies of the United States, and who have been, or hereafter may be, honorably mustered out of the volunteer service, shall be entitled to have the official title, and upon occasions of ceremony to wear the uniforms of the highest grade they have held by brevet or other commission in the military service. In the case of officers of the regular Army, the volunteer rank shall be entered upon the official Army Register: *Provided*, That these privileges shall not entitle any officer to command, pay, or emoluments.

I will state that this amendment is a precise copy of an amendment which passed the Senate in the original Senate bill now pending before the House of Representatives. It is merely complimentary to volunteer officers, permitting them to have the designation, and on occasions of ceremony and public occasions to wear the uniform of the highest rank they held in the volunteers, and the volunteer rank in the case of officers of the regular Army is to be transferred to the official Army Register. It is a matter that will cost nothing; it increases no pay or emoluments and entitles them to no command. It is a mere compliment.

Mr. GRIMES. I will ask the Senator to let that lie on the table until it can be examined. I have no objection to it as among officers of the Army, but it provides for occasions of ceremony. The difficulty is that officers of the Army and Navy are frequently brought together on occasions of ceremony, and there being no brevets in the Navy, a young man who has been brevetted as a major general or as a brigadier general, although having been in the service not more than two or three years, will rank on those occasions of ceremony an officer of the Navy who has served the country faithfully for fifty years. I should like to have an opportunity to amend the amendment. Let it lie on the table until I can draft an amendment, so that they may have this rank as among Army officers.

Mr. NESMITH. I have no objection to that.

Mr. WADE. While that amendment is being perfected I have one which I wish to offer.

The PRESIDENT *pro tempore*. Does the Senator from Oregon withdraw his amendment for the present?

Mr. NESMITH. Yes, sir.

Mr. WADE. I move to amend the bill on page 12, in section twenty-four, line four, after the word "board," concerning the examination of officers, by inserting "to be composed of officers of that arm of the service in which the applicant is to serve." Some of those to be examined, that have served in the cavalry for four or five years, are perfectly well acquainted with that service, well skilled in it, and were distinguished in that branch of the service, but their apprehension is that if they are put under the examination of the mere infantry officers they might fail. It seems to me but right and reasonable that the board should be composed of that arm of the service in which the applicant proposes to serve. I have received a great many letters on the subject from men who have served during the last war with distinction, but who are apprehensive that if they make their application, and are compelled to go before a board of officers of another and entirely different arm of the service, the examination will not be as fair as it would if they were examined by a board composed of officers of that arm of the service in which they propose to serve. I think it is reasonable, and I hope the committee will think so, too.

Mr. HOWARD. I hope that amendment will be adopted. I have received a number of communications on the same subject myself. There is quite a wide-spread complaint on that account. I think it is nothing but fair that the applicant should be allowed to be examined as to those branches which he is required to understand before entering into the particular branch of the service which he seeks. I see nothing unreasonable in it.

Mr. WILSON. I think there can be no objection to that amendment.

The amendment was agreed to.

Mr. SAULSBURY. I have an amendment to offer, but after the action which has been taken by the Senate I shall content myself with offering it. I move to amend section four, in the eighth and ninth lines, by striking out the words "of colored men, to be designated United States colored troops." I shall not call for the yeas and nays, because it is useless. I want a vote on it, however.

Mr. WILSON. Will the Senator allow me to make an amendment before he moves that?

Mr. SAULSBURY. I will not say a word on the subject of the amendment I propose. I only ask for a vote upon it.

Mr. WILSON. Very well.

The amendment was rejected.

Mr. WILSON. Since the committee reported this bill I have received a letter from General Brice, Paymaster General of the Army, which I desire to have read, after which I shall submit a motion.

The PRESIDENT *pro tempore*. The letter will be read if there be no objection.

The Secretary read it, as follows:

WAR DEPARTMENT,
PAYMASTER GENERAL'S OFFICE,
WASHINGTON, D. C., July 6, 1866.

SIR: I have the honor respectfully to represent, after a careful consideration of the subject, the conviction beyond a shadow of a doubt in my mind, that the forty paymasters provided in your bill now pending will not be nearly sufficient to satisfactorily accomplish the payment of the Army organized as that bill proposes, and distributed to stations scattered over the extent of a continent.

To say nothing of the five thousand (average number) of claims for back pay, bounties, &c., now coming to this office for settlement each month, and of the average of ten thousand certificates issued monthly by the Second Auditor to heirs of deceased soldiers and other claimants, and which are made payable by paymasters only; I give the following as the number of officers indispensably necessary for the payment of the troops in service after all the volunteer forces shall be disbanded. And I beg to assure you that this estimate is made with scrupulous care, and is regarded as the very minimum which should be provided for:

New York, (New York, New England, New Jersey,)	4
Washington, (Atlantic States from Pennsylvania to West Florida,)	7
New Orleans, (West Florida, Alabama, Mississippi, Louisiana, Texas,)	0
Cincinnati, (all States west of Alleghany mountains, east of Mississippi river, and north of Alabama,)	5
St. Louis, (Missouri, Arkansas, Iowa, Minnesota,)	5
Leavenworth, (Kansas and all the Territories east of Rocky mountains and north of the Arkansas river,)	8
San Francisco, (all west of the Rocky mountains, including Arizona and Utah, up north to the British possessions,)	9
Santa Fé, (all New Mexico,)	3
Allowance for leaves of absence, sickness, and other casualties	6
	56

I earnestly recommend that in section eighteen of the bill, "forty" be stricken out and "sixty" substituted.

Besides these it will be necessary to retain for a time twenty additional paymasters, to meet the volunteer demand above named, of referred claims and Auditor's certificates. For the retention of these so long as they may be needed, for the purpose indicated, it is believed that further legislation is not necessary.

I have the honor to be, very respectfully, your obedient servant,

B. W. BRICE,

Paymaster General.

Hon. HENRY WILSON, Chairman Military Committee United States Senate.

Mr. WILSON. Before the bill was reported, it was pressed upon us very strongly to make a larger number of paymasters than we were disposed to do. In fact we were disposed to cut down every department to the lowest possible number of officers that they could get along with. Since this bill was reported, as I have said, I have received this letter from General Brice. The Senate has heard it read, and they know General Brice, his industry and his character, and how his department is managed. He wants sixty paymasters instead of forty. He now has twenty-five. This bill increases the number to forty, but he asks for sixty. I told him I did not believe we could increase it so largely as that.

Mr. GRIMES. This bill makes the number forty-five.

Mr. WILSON. That includes the deputies. I think if we put it at fifty, they can get along, and I am disposed to strike out "forty" and

insert "fifty." I believe we can get along with that number. At any rate, at the next session of Congress, which is but a few months off, we can increase the number if necessary. I therefore move in section eighteen, line seven, to strike out "forty" and insert "fifty."

Mr. SHERMAN. I do not see why the letter of the Paymaster General on a point of this kind should not be conclusive. He says he cannot get along with less than sixty paymasters with our troops spread over the continent from Maine to the Pacific. It seems to me his reasons are reasonable, and I should be disposed to comply with his request. This is a military matter, and I generally follow the committee on such questions; but the Paymaster General, with a full knowledge of the service, and with this bill before him, tells us that to discharge this particular duty, he wants sixty paymasters, and I am rather disposed to give him the number he asks for. He certainly ought to know what number will be required. He has no motive in the world for increasing his corps. Certainly, the mere difference of controlling a force of forty or sixty paymasters would not induce a good man, as he undoubtedly is in that position, to ask for an unreasonable number. If it is in order, I will move to amend the amendment by inserting "sixty."

Mr. WILSON. I certainly have no objection to complying with General Brice's request. I think he has managed his office, since he has entered upon it, with great ability and great vigor, energy, and system, and I have great confidence in anything that he says. My only anxiety is that I do not want to load down this bill so much that we shall have difficulty in getting it through. If, however, the Senate believe that we ought to have sixty paymasters, I certainly shall not object to it. I thought he might get along with fifty at present, and at the next session if he found himself burdened, we could add ten more.

Mr. GRIMES. I suggest to the Senator that he may relieve him in that respect by striking out these assistant and deputy paymasters, who are to enjoy the rank of colonels and lieutenant colonels, a rank that has never been held in our service, and is not held in the British service by any paymaster, and giving that additional number of paymasters with the rank named here, which will save the expense.

Mr. HOWE. I wish to inquire of the chairman of the committee if there is any difficulty in retaining a sufficient number of the volunteer paymasters until the next session of Congress to do the work up to that time, and then we can fix the number which will be required by the regular Army.

Mr. FESSENDEN. These paymasters are to be selected from the volunteer paymasters. I will ask the chairman if there is not such a provision in the bill. If there is not, there certainly ought to be.

Mr. WILSON. I will say to the Senator from Iowa that we have now two deputy paymasters general with the rank of lieutenant colonel, and this bill gives two assistants in addition.

Mr. FESSENDEN. What is the title of those paymasters?

Mr. WILSON. They were deputy paymasters. Mr. FESSENDEN. I mean paymasters of volunteers. What was their title?

Mr. WILSON. They were majors in rank. They were assistant paymasters.

Mr. FESSENDEN. The paymasters provided for in this bill ought to be selected from those who have served as additional paymasters.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Massachusetts.

Mr. WILSON. Will this phraseology satisfy what the Senator from Maine desires: "and fifty paymasters, with the rank, pay, and emoluments of majors of cavalry, to be selected from those who have served as additional paymasters?"

Mr. ANTHONY. I wish the Senator from Massachusetts would modify his amendment

still further. I suppose there will be a dozen applications for every vacancy, and they ought not to be appointed by political favor, but by merit.

Mr. FESSENDEN. And therefore they ought to be confined to those who have served.

Mr. ANTHONY. Certainly; but among those who have served the selection should be on account of merit.

Mr. WILSON. I will say, "to be selected from those who have served as additional paymasters."

Mr. ANTHONY. But every man who has served as an additional paymaster would not be fitted for this position. There ought to be a proper age required, and the person best qualified and having the best record ought to have the place.

Mr. WILSON. I ask to have my amendment read as it now stands.

The Secretary read the amendment, which was in section eighteen, line seven, to strike out "forty" and insert "fifty," and at the end of the section to insert "to be selected from persons who have served as additional paymasters;" so that the clause will read:

And fifty paymasters, with the rank, pay, and emoluments of majors of cavalry, to be selected from persons who have served as additional paymasters.

Mr. SHERMAN. I moved to amend the amendment by making the number "sixty," and I understood that that was accepted.

The PRESIDENT *pro tempore*. Does the Senator from Massachusetts so vary his amendment?

Mr. WILSON. Yes, sir.

The PRESIDENT *pro tempore*. The question, then, is on the amendment as amended; so as to make the clause read:

And sixty paymasters with the rank, pay, and emoluments of majors of cavalry, to be selected from persons who have served as additional paymasters.

Mr. SHERMAN. I suggest to the Senator whether he ought not to add the words "for two years."

Mr. FESSENDEN. I hope we shall not do that. Some who may have only served a year may have shown their ability in such a way as to prove that they are the best fitted for the position.

Mr. SHERMAN. I mention two years because that was the rule adopted in the Navy. I think that probably a year's service would scarcely give them sufficient experience, but two years' service, when the war lasted four, would in all probability give them the amount of experience required.

Mr. FESSENDEN. I know that when this matter has been discussed with reference to the selection of additional paymasters the probability was that there would be one from the State of Maine, and public opinion settled upon two men, who were believed to be altogether the best men on the whole list, and I doubt whether one of these men, a man of peculiar ability, and who has distinguished himself, would be able to come in if we were to fix the limitation at two years. The Paymaster General is the best judge.

Mr. ANTHONY. It was found necessary to pass an amendatory act in regard to the Navy. The Secretary of the Navy said that the limitation of two years cut off some of the best officers. I think there ought to be a limitation as to age. I think a man of fifty or sixty years of age ought not to be put in to go on the retired list shortly afterward.

Mr. GRIMES. I will state, for the information of the Senate, another fact found in connection with the paymasters in the Navy. A very large proportion of these same paymasters who had acted as such, and who were supposed to be very efficient, when they were sent before a board and examined failed to pass the examination. They lacked the capacity and qualifications necessary. Does the Senator from Massachusetts propose to send those paymasters before any board of examiners?

Mr. WILSON. The bill provides that the persons appointed to these offices shall be examined by a board.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Massachusetts as modified.

The amendment was agreed to.

Mr. NESMITH. I now offer the amendment which I offered a short time since, to add as an additional section the following:

And be it further enacted, That all the officers who have served during the rebellion as volunteers in the armies of the United States, and who have been, or hereafter may be, honorably mustered out of the volunteer service, shall be entitled to bear the official titles upon occasions of ceremony, and wear the uniform of the highest grade they have held by brevet or other commission in the volunteer service. In the case of officers of the regular Army, the volunteer rank shall be entered upon the official Army roll: *Provided*, That these privileges shall not entitle an officer to command, pay, or emoluments.

The amendment was agreed to.

Mr. KIRKWOOD. I call the attention of the chairman of the committee to the fifth section, which provides—

That the appointments to be made from among volunteer officers and soldiers under the provisions of this act shall be distributed among the States, Territories, and District of Columbia in proportion to the number of troops furnished by them respectively to the service of the United States during the late war.

It proposes to distribute the appointments to be made among the States in the proportion to the number of troops furnished by the States respectively during the war. It seems to me that may work great injustice. Some of the States put into the service a large number of troops who were nine months' men.

Mr. WILSON. They are all to be measured by the three years' standard.

Mr. KIRKWOOD. That is what I wish to have the section do. In Iowa we put in no regiments for less than three years, except those under the seventy-five thousand call and some hundred-day men during 1864, but the others were all three years' men. I move to add to this section those words, "reduced to an average of three years' term of service."

Mr. WILSON. I have no objection to the amendment, but I think it unnecessary.

Mr. CONNESS. This section, if allowed to remain in the bill—I am aware there is an amendment pending, but I wish to call attention to it now—will do the State of California, at least, a great deal of injustice; and I wish to call the attention of the chairman of the Committee on Military Affairs to it. That State, owing to its geographical position, did not furnish its proportion of troops during the war, but it was not the fault of the State. The State furnished all the regiments that they were called upon to furnish, and in addition to that the Government refused tenders of regiments who offered to come here to go into the field and pay their own expenses for transportation to get into the field. Now, I submit that such a State, having a population so willing to enter the service and to reach the field of operations, should not be, by an especial provision, prevented from participating in some other proper proportion in the number of officers that should be furnished to the Army. I submit this seriously to the chairman and to the Senate. I have not determined on just what language would be necessary; but the Government, or the Administration, constantly refused to receive more than the number of troops that was necessary for distribution on the Pacific slope, because, as was stated by the Administration and by the War Department, it was essential and of the first importance to maintain peace and preserve the industries of that coast during the war, and therefore they decided that that country could not spare its able-bodied men to be sent here. Again and again regiment after regiment of our volunteers made application, and offered to pay the expenses of their transportation here to get into the field. Six hundred of our citizens enlisted in the Massachusetts service for the sake of getting into the field, making up part of the quota of that State. Now, I submit there cannot be any justice in this fifth section unless it be changed. I have no objection, of course, to the pending amendment to the section, but before we shall take a vote upon it I

wish to have time to consider what language will be necessary to prevent us from being cut off, as proposed now in this section, from a proper proportion of the officers required under this act.

Mr. KIRKWOOD. Let this amendment be made and then offer your amendment.

Mr. CONNESS. It is not our fault that we have not furnished our full proportion of troops.

Mr. WILSON. I understand that, and I appreciate the Senator's argument; but does the Senator suggest an amendment?

Mr. CONNESS. No, sir. I will consult with you about it.

Mr. KIRKWOOD. Let this other amendment be made.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Iowa.

The amendment was agreed to.

Mr. WILLIAMS. I move to amend the bill by inserting in the nineteenth line of section four, on page 4, after the word "by," the words "accident or;" so that it will read, "disabled by accident or wounds received or disease contracted in the line of duty during the war."

Mr. FESSENDEN. What does that refer to, the Veteran Reserves?

Mr. WILLIAMS. Yes, sir.

The amendment was agreed to.

Mr. WILLIAMS. I move to make the same amendment in section eight, line nine, on page 6, by inserting the words "accident or" after the word "by."

The amendment was agreed to.

Mr. HARRIS. I offer the following as a new section to come in after the fourth section:

And be it further enacted, That in the selection of officers to be appointed under the provisions of this act, officers of the regular Army who have commanded volunteer troops may be counted as officers of volunteers or as officers of the regular Army.

I will state that this is the amendment which was offered by the Senator from Maine [Mr. FESSENDEN] when a similar bill was before the Senate a few months ago and adopted by the Senate.

The amendment was agreed to.

Mr. HARRIS. I desire to call the attention of the chairman of the committee to the provision in relation to the Veteran Reserves. It looks to me as though that provision needed some amendment. I will state the objection that occurs to my mind. I do not propose any amendment, but I merely want to call the attention of the Military Committee to the subject. If I understand it, the effect of the provision will be simply to select a number of officers as officers of the Veteran Reserve corps who may immediately and probably will very soon be placed upon the retired list. The officers appointed, particularly the field officers of the Veteran Reserve corps, will be entitled to the same promotion into other regiments as any other officers. A gentleman is appointed a colonel, a lieutenant colonel, or a major of a regiment of the Veteran Reserve corps, and in a little while he is entitled to promotion, and he is promoted into one of the other regiments, and then he comes within the provisions of the law on the subject of retiring officers; and the effect of this bill is going to be, if I can understand its operation, to put a number of wounded officers now out of the service upon the retired list to receive their pay as officers of the Army. May not all the officers appointed in these three regiments be retired, placed upon the retired list, within a year after they are appointed? What is to prevent their being retired the first time a board is appointed for the purpose of examining officers? I think that will be the immediate effect of it. The officers to be appointed are those "who have been disabled by wounds received or disease contracted in the line of duty during the war." Any officer who is not capable of marching, who is not capable of performing active duty, is to be retired by the law as it now stands. Every one of these officers may be retired under the provisions of the existing law at once after they are appointed.

Mr. WILSON. It will be in the power of

the Government to retire them. I take it that is so. There is a provision here simply for three regiments of Veteran Reserves. I think that is more than will ever be raised. I have not the slightest idea that you can raise three regiments of Veteran Reserves during the next three years.

Mr. GRIMES. You can raise a regiment of veteran officers.

Mr. WILSON. I know, but we provide here for three regiments, and they are to be officered by persons who have been wounded in the line of duty or who have incurred disease in the line of duty.

Mr. HARRIS. Let me state that the law is that an officer who is found by a board to be incapacitated for active services shall be retired; and now you are about putting three regiments under officers who are incapacitated from active service.

Mr. WILSON. My judgment about this whole matter of the Veteran Reserve corps is that there is nothing in the claim which is set up on their behalf, and I think any one who reflects on it will come to that conclusion. As a reward for officers, it amounts to very little. We have enough wounded officers, men of intelligence and character, to officer a hundred regiments at least. But there has been a great deal said about having a few of these Veteran Reserve regiments, and we have put it at three regiments. I am willing that the Senator from New York may propose such a limitation as he deems proper; but the object is to have three of these regiments who shall do a certain kind of duty at posts.

Mr. GRIMES. I will inquire whether the men who are to be enlisted into these regiments are also expected to be disabled.

Mr. WILSON. That was the original idea.

Mr. GRIMES. Is that the idea the Military Committee recommend us to adopt?

Mr. WILSON. They are generally soldiers who have received some wound in the war.

Mr. GRIMES. Is there any provision to that effect in the bill?

Mr. WILSON. I think there is.

Mr. GRIMES. If there be not then I undertake to say they must be able-bodied men, under the general laws which require the inspection and examination of every recruit who presents himself to be recruited into the service, and we shall be placed in the anomalous position of having an army of lions led by a goat for a leader; that is, we are to have three regiments of stout, able-bodied men, ready and willing to perform efficient service, to be led by men who are "disabled;" in other words, unable to do duty, for that I understand to be the meaning of the word "disabled."

Mr. CONNESS. There is no proposition, I believe, on this subject before the Senate, and in the mean time I offer this proviso, to come in at the end of the fifth section of the bill:

Provided, That the regulation provided in this section governing the proportion of officers to be selected from each State shall not be applied to the States of California, Oregon, and Nevada.

The amendment was agreed to.

Mr. SAULSBURY. I move to strike out the twelfth section of the bill. That section is in these words:

SEC. 12. *And be it further enacted*, That the Bureau of Military Justice shall hereafter consist of one judge advocate general, with the rank, pay, and emoluments of a brigadier general, and one assistant judge advocate general, with the rank, pay, and emoluments of a colonel of cavalry; and the said judge advocate general shall receive, revise, and have recorded, the proceedings of all courts-martial, courts of inquiry, and military commissions, and shall perform such other duties as have heretofore been performed by the judge advocate general of the Army. And of the judge advocates now in office there may be retained a number not exceeding ten, to be selected by the Secretary of War, who shall perform their duties under the direction of the judge advocate general, until otherwise provided by law, or until the Secretary of War shall decide that their services can be dispensed with.

Mr. President, we went through the revolutionary war, we went through the war of 1812, we went through the war with Mexico, and we did not find it necessary even in time of war

to have any Bureau of Military Justice. Something like a Bureau of Military Justice, I believe, was claimed to have been established during the late civil war. But we are now at peace; this bill has reference to a time of peace, and not to a time of war; and the proposition is now made in this section to recognize "military commissions." Sir, I do not believe Congress has the power under any circumstances to establish military commissions, and certainly not for the purpose of trying civilians. There are now languishing at the penitentiary in Albany some men who, for a disturbance occasioned in Alexandria about Christmas, civilians never connected with the Army of the United States or any other army that I ever heard of, were tried, not according to the municipal law, not according to the law of Virginia for violating the law of that State, but tried by a military commission, authorized, I suppose, by the Secretary of War. Those young men, unfortunately being white, while those engaged in conflict with them were negroes, were sentenced to the penitentiary in Albany, and there languish to-day away from their friends. I have no hesitation in saying that every person who acted as a member of that military commission is liable to a civil suit by every man who has been sent to that penitentiary; and they would be unjust to themselves, and their kindred would be unjust to those young men, if they do not vindicate their rights before a civil tribunal. If that military commission had gone further and sentenced those young men to be executed, and they had been executed, every man who sat as a member of that military commission would have been guilty of murder, according to the law of the land.

There is no authority in this Government to try any civilian by military commission either in time of peace or time of war; and he who does it, he who authorizes it, whether he be President, whether he be Secretary of War, whether he be a member of a board of commission, is guilty of an offense against the law of the land; in the instance I have given, liable to damages; in a case where life is taken, guilty of murder.

Now, Mr. President, I object to this section because in the first place it recognizes as an established institution (if I may so speak) in times of peace a Bureau of Military Justice. Sir, it never occurred to the framers of this Government, it never occurred to the able men under whose guidance it grew and expanded until it became one of the greatest nations of the earth, that there was any necessity for the establishment of a Bureau of Military Justice. What is this Bureau of Military Justice as practically operated? It is a receptacle for the information of spies and informers against peaceable and quiet citizens. Could its doors be opened to the light of day and could the public see what is there recorded and piled away it would "make each particular hair to stand on end." I have no doubt that if we could get a look into the records of that bureau we should be amazed.

But now, sir, in time of peace, because your bill expressly contemplates a time of peace, you propose to recognize as valid trial by military commission. You do not even confine it to trials of persons engaged in the Army and Navy, in the military service of the country; but we all know that these military commissions have heretofore exercised jurisdiction over civilians, people in nowise connected with your Army or Navy; and having done so in the past, if you recognize these commissions by a solemn act of legislation, it will be presumed that they are to be continued in the future. The volumes of English State Trials are very large; and if you do not wish to have the volumes of American State Trials equally large keep out of your acts of Congress, out of your public law, provisions which must necessarily lead to state trials, criminal trials; and you ought also to keep out such provisions as will necessarily lead to litigation in the courts of justice.

The section provides that the bureau "shall perform such other duties as have heretofore been performed by the Judge Advocate General of the Army." The Judge Advocate General has decided it to be his duty to try civilians by military commission; and it will be claimed, if this section is adopted, that Congress having conferred upon this Bureau of Military Justice power to perform the duties which the Judge Advocate General has heretofore performed, he as its head will, in his omnipotence of power, sanctioned by legislative enactment, have a right to try civilians by military commission.

Mr. President, it is useless to say that the public liberty is in danger. There is very little public liberty in this country. With such enactments as this, grossly violative of the fundamental law, authorizing the establishment of tribunals to try men in civil life never contemplated by the Constitution of the country, in favor of which no voice among the sages of the past was ever uttered, it is useless to say that there is such a thing as civil liberty existing. You may say that the hand of power is not actually applied to the citizen at the present moment; but that country is not free, liberty does not exist in that country where the citizen is subject at any time to be called before an illegal tribunal and to be visited with the severest punishment. In the name of liberty I protest against it. In the name of the Constitution of my country I protest against it. In the name of the thousands of aching hearts who have suffered from the arbitrary action of these military commissions I protest against it. Sir, there come up weeping and wailing to-day from the loathsome penitentiaries of your land from persons there immured illegally, unlawfully, unconstitutionally, a protest against the recognition by Congress of such a tribunal as this. And could all the tears that have been caused to flow by the action of this Military Justice Bureau be gathered into one great reservoir every member of that bureau might swim in it. It is nothing but an engine of oppression. The man who is now at the head of it has shown great alacrity in doing the work of vengeance.

I appeal to the American Senate not to recognize in a solemn enactment of Congress the validity of such a tribunal as this. Your fathers never recognized it. No statesman from the foundation of the Government until the late civil war ever dreamed of putting into practical operation any military commission within the limits of the United States. It was never dreamed that persons not connected with the Army or the Navy were subject to be drawn, violently, unlawfully drawn before a few men, selected in many instances no doubt with a view to their known proclivity to a conviction. What chance, I ask you, sir, has a civilian that is brought before one of these military commissions for a fair and impartial trial. The Constitution of your country provides that every man not connected with your military or naval forces shall be entitled to the right of trial by jury; and yet, notwithstanding that provision, notwithstanding that a jury of the country acting under the instructions of a court is much more competent to administer justice fairly than a military commission, the spectacle is presented to the American people of persons not connected with the land or naval forces being denied this constitutional privilege and being called before these military commissions; and of whom are they composed in the main? Men learned in the law? Men qualified by long habits of study of the principles of law to decide properly? No, sir, but generally composed of military men without legal education, men who undertake to decide upon the great questions of evidence which frequently arise upon criminal trials, and to determine those great principles of criminal law which have been laid down by the master minds of the profession.

There certainly can be no necessity for the continuance of any such bureau as this in time of peace. You never had it before in time of peace or time of war; and is there more neces-

sity now when you are at peace at home and at peace with all the nations of the earth? Is there any more necessity now in time of peace that you shall have such an anomaly in your history as a Bureau of Military Justice established as a firm, continued institution of the country. Why, sir, it is placing in the hands of those who administer the Government absolute, despotic power. Some spy may give information that some crime, some offense against the authority of the United States has been committed, and immediately if so disposed those who administer the Government may select out (because there is no limitation upon the choice of those selected as commissioners) any complacent tools in the Army that they see proper and arraign the purest and most exalted citizen in the land before such an illegal tribunal as this; and tell me, in view of the past action of this bureau, what chance has the citizen for justice or for safety before such a commission? Sir, after you have done this go at once, get the guillotine, incorporate it as one of the institutions of the country. The one is no more offensive to the genius and spirit of American liberty than the other; the one is no more foreign to the past history of the country than the other; and the one is no more dangerous to the liberty of the citizen than the other.

I had hoped, Mr. President, that when the civil war was over, when peace had returned to bless the land, the spirit of cruelty which had characterized the legislation of Congress and the action of those intrusted with the execution of the law would have been satisfied, that fraternal feeling might be restored, and that that priceless liberty which we formerly enjoyed under a written Constitution might again be our portion. If you recognize the validity of such a bureau as this, with such powers as it has exercised heretofore, with such powers as we are warranted in believing it will continue to exercise in the future, your boasted liberty is but a name; it does not exist in reality. While this act shall stand upon your statute-book with this section in it, talk not to me of liberty, talk not of constitutional liberty anywhere, talk not about giving republican institutions to a neighboring nation, boast not your superiority over the despotisms of the Old World; but go, sir, abandon that liberty, falsely so called, which you enjoy, and seek safety and repose in law well understood and faithfully administered. With such a provision as this incorporated into the acts of Congress, and practically carried into effect by those empowered so to carry it, England is a paradise to the United States of America, and there is not a civilized Government that (if the thing is practically carried out in the future as it has been in the past) will not be a comparative paradise to the United States of America. It is no answer to say that the powers here conferred will not be abused. I have confidence—more than most of the Senators upon this floor—in the present Chief Executive Magistrate of the United States. I do not believe that he himself, had he the time to investigate these matters and determine in reference to them, would abuse any power; but he has not had the time to look into these matters. The head of your Bureau of Military Justice is the all-powerful instrument that is to work this engine of oppression. Private malice may be gratified; an innocent man may suffer, suffer wrongfully, suffer even unto death by the action of the head of this bureau, and there is no redress.

I invoke the Senate to strike out this section of the bill. Let us be rid of this instrument of oppression in the future. If the time should ever again come when it shall be necessary to invoke such extraordinary powers for the salvation of the country, and a future Congress should deem it expedient and wise, they will have the power to restore this machinery and can do so; but now, sir, in time of peace, I beseech you, abandon it.

Mr. LANE, of Indiana. Mr. President—Mr. RAMSEY. I desire simply to offer an amendment which will come in as a part of the

amendment of the Senator from Oregon. I propose to insert it after the word "service" in the amendment proposed by that Senator.

Mr. SAULSBURY. Can I not have a vote on my motion?

Mr. LANE, of Indiana. The motion, as I understand it, of the Senator from Delaware is to strike out the twelfth section of the bill. That is the motion pending. When a vote shall be taken on that, then the amendment of the Senator from Minnesota will be in order.

The PRESIDENT *pro tempore*. The Senator from Minnesota proposes an amendment, but it has not yet been read, and the Chair cannot determine on its applicability until it has been read.

Mr. LANE, of Indiana. It is an amendment to another amendment, not the amendment pending now of the Senator from Delaware, as I understand it.

The PRESIDENT *pro tempore*. It will be read to settle its character.

The Secretary read the proposed amendment of Mr. RAMSEY, which was to amend the amendment adopted on motion of Mr. NESMITH as the thirty-third section of the bill, by inserting after the word "service" the following words:

And privates who have served three years and been honorably discharged, shall, upon like occasion, be entitled to the honorary rank of first lieutenant and wear the uniform of that grade, and at the expiration of five years from the 6th of April, 1865, shall be entitled to the honorary rank of captain.

The PRESIDENT *pro tempore*. The proposed amendment is not now in order. The question is on the amendment proposed by the Senator from Delaware.

Mr. LANE, of Indiana. The vote was taken on the motion of the Senator from Oregon and that was passed. This is an amendment to that, intervening between the amendment of the Senator from Delaware and a vote that had already been passed, as I understand it.

The PRESIDENT *pro tempore*. The Senator from Delaware moves to strike out the twelfth section of the bill. That is the motion before the Senate. The proposed amendment of the Senator from Minnesota is not an amendment to that amendment, and therefore is not in order.

Mr. LANE, of Indiana. I will only say a few words in reference to the twelfth section. The twelfth section proposes to continue in operation the Bureau of Military Justice. The Senator from Delaware moves to strike out that section, which will have the effect to abolish at this time the Bureau of Military Justice, and he denounces in terms of great ability and considerable bitterness the organization of military commissions for the trial of certain offenses.

Mr. SAULSBURY. I referred to no particular individual.

Mr. LANE, of Indiana. Of course not. The Senator is always too parliamentary for that. Now, Mr. President, what has been the history of military trials in times past? From the very beginning of the Government the Rules and Articles of War authorized the organization of courts-martial and courts of inquiry, and in the administration of military law it was found necessary to appoint some officer of the Government who should alike represent the interests of the Government and protect the rights of the individual, and that officer was called a judge advocate, and he was selected for each special trial by appointment of the commanding general or of the Secretary of War. So the administration of military justice stood at the beginning of the present rebellion. There has been no military trial without a judge advocate. At the close of the session of 1863, I think, we organized the Bureau of Military Justice, authorizing the appointment of a Judge Advocate General and certain assistant judge advocates general, who should discharge the duties of judge advocates to the ordinary courts-martial, under the rules and regulations for the government of the Army. That is the provision of the law as it now stands.

This bill proposes to reduce the number of

assistant judge advocates general to ten. Under the bill organizing the Bureau of Military Justice, a Judge Advocate General and an assistant were appointed, and a judge advocate for every army in the field. We propose by this provision to retain in service the Judge Advocate General and one assistant, and the judge advocates with the rank and pay of major, so long as the Secretary of War shall believe their services are necessary, authorizing him at any moment to discharge the whole ten, leaving simply the Judge Advocate General and his assistant, the Judge Advocate General with the rank of brigadier general and his assistant with the rank of colonel.

Now, what is the necessity for the continuance of the Bureau of Military Justice? In the first place, more than five thousand claims are now before Judge Holt, the Judge Advocate General, which have not yet been passed upon. A trial is had; a decision rendered; it is referred to the Judge Advocate General; he digests and arranges the evidence and then refers it to the President for final adjudication. There are more than five thousand cases now pending in that bureau.

Mr. HENDRICKS. I wish to ask my colleague whether that refers to claims for property, and, if so, how that bureau got jurisdiction of any such cases?

Mr. LANE, of Indiana. I understand none of them are for property. They are minor offenses perpetrated in the Army, every one of them properly referable to that bureau. That bureau has done an immense amount of work. If you discharge them now, what becomes of all these records? Who is to look into them? Who is to make up the cases? It is utterly impossible for the President, in the multiplicity of his duties, to look into all these cases; it is physically impossible for the Secretary of War to do so; and to facilitate the administration of criminal justice it was found necessary to establish this bureau.

But the distinguished Senator from Delaware says that looking to the past history of military commissions, he trembles for the liberty of the people. What is the past history of the Bureau of Military Justice, and who has trembled before its sentences except the rebel traitor and the rebel sympathizer, the assassins of the President of the United States, and their coconspirators North and South? What is the past history of the Bureau of Military Justice, and what is the past history of military commissions? Who authorized a military commission to try the murderers and assassins of your martyr President? Who called and convened the board to try them, and who composed that board? The peers and equals of the proudest Senator upon this floor in general intelligence, in patriotism, and in legal learning. Who ordered that military commission? The present President of the United States convened that military commission that passed sentence upon the assassins of the late President of the United States, and they had a felon's doom not alone under the sentence of the military court, but approved by the President of the United States himself. I indorse in letter, syllable, and spirit, not only the organization of the court, but the approval of the sentence of that court. I have no doubt of the jurisdiction of the court in that case.

Is that one of the cases referred to in the past history of this Bureau of Military Justice to which the gentleman excepts? Does he except to the sentence of that court convened by Andrew Johnson, the President of the United States, sanctioned by him, and sanctioned by the general concurrence of the whole people and the universal public sentiment of all Christendom? Who would reverse that sentence to-day, and bring back the miserable murderers, assassins, and conspirators who sought to overthrow the Republic in the person of the President of the Republic? I feel in my heart of hearts that I owe them a debt of gratitude for the noble and manly manner in which they discharged their duty. I bow in obedience to the decision of that court. It

was right and proper, in my opinion, and I apprehend no detriment either to the public security or the public liberty from any military commission constituted as that was. I only regret that the President of the United States did not feel it his duty to persevere in well-doing and bring Jefferson Davis before the same or another military commission that summary human justice might have been meted out to him, if not commensurate with his crimes, at least all we could do, and leave him to the terrible retributions of hereafter. What has been the history of this Bureau of Military Justice that we should apprehend any danger from it? Have there been any wrong decisions, any innocent men punished? I know of no such case. I apprehend no such case can be presented.

An allusion was made to the head of that Bureau of Military Justice, General Holt. Who is he? A life-long Democrat so long as Democracy meant devotion to human rights and the union and the liberty of the Republic, but the moment when assassins and traitors sought to strike down the Republic that very moment he abandoned the Democratic party, was found faithful among the faithless in the Cabinet of that weak and wicked old man, Mr. Buchanan, and from that hour to the present his history is beyond all eulogy of mine. I can only hope for myself and for my friends that when our history shall be written and read of all men we may retire into the sanctity and security of the grave with the same proud historic record that will shed a halo of glory around the name of General Holt—a noble man; a patriot; an exception in the midst of his traitorous compeers. He is the head of the Bureau of Military Justice, and you are to strike out this section to legislate him out of office. For what cause? Simply because he assisted in the prosecution of the assassins of President Lincoln before a military court convened under the order of the Secretary of War and President Johnson, and the sentence of which was approved by President Johnson. What beyond that has Judge Holt done? His offense "hath that extent, no more."

Now, a word as to the bill. Under the present law we have a Judge Advocate General, with the rank of a brigadier general, an assistant, with the rank of colonel, and as many judge advocates as there are armies in the field. Under this bill we propose to retain the Judge Advocate General, an assistant, and for the time being ten assistant judge advocates, with the rank of major, to be mustered out the very moment the Secretary of War thinks there is no further occasion for their services. I cannot conceive there is anything wrong in this section. I am utterly at a loss to conceive why it should be stricken out, except for the simple purpose, as I apprehend, though not avowed, of rebuking the Government, rebuking the President, rebuking Congress for their past action for the last two years in their honest and patriotic efforts to see that traitors are punished and treason is made odious. If it has an object other than that, I am at a loss to conceive it.

Mr. HENDRICKS. While I concur mainly in the argument made by the Senator from Delaware, I cannot support the proposition that he makes in its full extent. I am not prepared to vote to abolish the court of military justice. If that court be properly constituted, and discharges its duties legitimately within its jurisdiction as the court was organized under the act of two or three years ago, it will be a blessing; and I will not vote to abolish the court because of some wrong decision that it may have made.

I know within two weeks of a case in which that court rendered service to the country and great justice to a gallant officer. A friend of mine came to me with his discharge from the public service as an officer from the regular Army. He was charged by some envious persons with having become intoxicated when on duty. There was a trial had, which was not very reputable to the officers of the mili-

tary court that conducted it. He came to see me because he was an acquaintance and friend of mine. I went with him to see the Judge Advocate General. The case was called up before the Judge Advocate General and reviewed, and at once he decided that the testimony was not sufficient, and restored the young man to his position in the Army.

Mr. SAULSBURY. The President could have done that.

Mr. HENDRICKS. The Senator from Delaware suggests that the President could have done that. I dare say that the President would have done it, but it is utterly impossible for the President of the United States to examine the many records and files that come up from the trials before military courts. I think it is a protection to the military men of the country to have such a court. It will come to be, when the hour of passion, to which my colleague has referred, shall have passed away, a court deliberate in its proceedings, and I hope and have no doubt wise in its adjudications. Then it will be a blessing to the country and a protection to our military men. Necessarily when our Army shall come to be fifty thousand strong there will be many military trials for military offenses of military men. There ought to be a court of appeal; and this is intended to be a court of appeal; a court in which the judgment of the courts-martial may be reviewed, and if improper reversed. Such a court, it seems to me, ought to be in the Army.

But, sir, I concur in the proposition of the Senator from Delaware that these words, "and military commissions," ought not to find their way into this section, or into any other statute of our laws, and I shall move to strike those words out of the section before the vote is taken on the proposition of the Senator from Delaware. The language of the section is, "the proceedings of all courts-martial and courts of inquiry." I understand that courts-martial and courts of inquiry have been known to the Army since its organization—courts of inquiry for the purpose of enabling the commanding general to decide whether an officer ought to be put upon trial; and courts-martial for the purpose of trying military men for military offenses. Now, I am in favor of continuing an appellate court that shall revise the proceedings of all courts-martial; but this tribunal known as a military commission is a thing that has sprung up among the abuses of the last two or three years, so far as I know. I do not know that military commissions have been recognized by the military law of the country prior to the late war.

My colleague inquires, what is there in the history of military commissions that they should not command our approval? I ask my colleague, what is there in the history of military commissions that ought to command our approval? They have passed away. The highest judicial tribunal in this country has pronounced them to be illegal, and their findings to be void, when they extend to the trial of civilians. What is there in their history that we can commend? If the Senator refers to the trial of the assassins of President Lincoln, I shall not question the propriety of their trial before a court-martial—a military court known to our law—for the simple reason that it may be held, though somewhat doubtful, that their offense was a military offense. The President of the United States was the head of the Army; it was during a time of war; and the city of Washington was the headquarters of the Army; and this offense was committed against the Commander-in-Chief of the Army and at his headquarters during the war, as if a man should go into a camp in the presence of the enemy and should kill the commander-in-chief who was to conduct a charge perhaps the next day. I would not question that that would be a military offense for which the party might be tried by a court-martial.

But I do not recognize the doctrine which my colleague seems so broadly to advocate, that a military commission may put upon trial a civilian in no way connected with the Army

for whatever that court may define to be a crime. What has been the wrong which the Supreme Court of the United States has reversed and consigned, I will not say to infamy, but consigned, I hope, in our future history to forgetfulness? It is this: that a court is organized unknown to our laws; a court organized without a defined jurisdiction; a court which is authorized to bring before it the men of the country not connected with the Army, and to put them upon trial for offenses not defined by any law, and to punish them in a mode unknown to the law. If this can be done; if a court can be organized in our country which is not authorized by law; if it can proceed according to its own pleasure, by no mode of practice defined by the law; if it can punish for a crime not defined by the law, and in a mode not tolerated or allowed by the law, then, sir, to the extent of the jurisdiction of such a court the liberty of the people is gone. What do we ask? That the courts that shall take jurisdiction of our persons shall only do so according to the law. A military commission is not known to the law; its proceedings are not defined by the law; its punishments are not prescribed by the law; and therefore in every respect, as the Supreme Court of the United States has decided, it is outside of the law, illegal, and void.

But, sir, since the decision of the Supreme Court it ceases to be necessary that we should argue upon this question. That court has pronounced upon the subject, and the citizen hereafter can only be tried before a court which the law has conferred jurisdiction upon, and according to the practice which the law has prescribed, and can be punished only as the law says, and not as some gentlemen who may happen to be upon a military commission may see fit to punish him. Therefore I shall move to strike out the words "and military commissions;" so that the court provided for in this section shall have appellate jurisdiction from all courts-martial and courts of inquiry. I do not know that it is necessary to give the court jurisdiction of the proceedings of a court of inquiry. A court of inquiry passes no judgment; it simply reports to the commanding general the facts in the particular case to aid the judgment of the commanding general upon the question whether an officer is to be put upon trial before a court-martial; but I have no objection to allowing the findings of a court of inquiry to go before the Judge Advocate General. All proceedings before courts-martial, I think, ought to be reviewed somewhere.

The PRESIDENT *pro tempore*. The Senator from Indiana moves to strike out the words "and military commissions," in the section proposed to be stricken out by the Senator from Delaware. The amendment of the Senator from Indiana is first in order.

Mr. LANE, of Indiana. Has my colleague reflected upon the fact that by striking out these words, "and military commissions," he might prevent the sentence of a spy altogether? Who tried Major André?

Mr. HENDRICKS. A court-martial, I think.

Mr. LANE, of Indiana. A court-martial perhaps, nominally, but it was a military commission. Courts-martial have cognizance of offenses committed by officers and soldiers in our own service. Courts of inquiry had military jurisdiction to try charges when the party himself asks an investigation, or where his superior officer demands an investigation. These are the offices of courts-martial and courts of inquiry as I understand.

Mr. HENDRICKS. I will ask my colleague if, under the Articles of War, a spy cannot be tried by a court-martial and sentenced to death?

Mr. LANE, of Indiana. Under the Articles of War courts-martial are provided for. Spies are not specifically named at all in the Articles of War. They are guilty under the laws of nations. The laws of war as recognized by the laws of nations define the offense of being a spy, but I think it is not defined or anywhere specifically defined in the Rules and Articles of War, if I recollect them rightly.

My colleague says that he indorses the action and finding of the commission in the case of the assassins of President Lincoln. I might have referred to another case while I was up, the case of Wirz. That, it seems to me, was a proper case for a military commission. There the sentence was death; there the sentence was executed; there the commission was constituted under the order of the present President; and there the sentence was approved and executed under his approbation. Wirz was neither in the military or naval service of the United States, nor was he a spy, but he was tried by a military commission for a violation of the laws of war under the laws of nations. If this section should be restricted as my colleague proposes to amend it, there would be no possible jurisdiction in the case of Wirz, because he neither belonged to the military or naval service, and was not technically, or in any sense, a spy; and yet his case was properly cognizable before a military commission, because, as I conceive, he had violated the laws of nations regulating the laws of war and the treatment of prisoners. There is one case where, if the jurisdiction was restricted as my colleague desires, there could have been no possible trial and no possible punishment.

But my colleague refers to a late decision of the Supreme Court of the United States, where certain men were tried by a military commission in my State, and I, at least, have no doubt of their guilt, the people, I think, have no doubt of their guilt, their monstrous guilt, and the Supreme Court released them without giving any decision. We do not know the grounds of that decision; we do not know whether they placed it upon the irregularity of the proceedings or the want of jurisdiction, or the nature of the offense, or the extravagant character of it. We are left wholly in the dark; no decision has been pronounced; but if that Supreme Court undertake to deny in a time of war the jurisdiction of military commissions to try men who have assassinated your President, who have starved your prisoners, who have conspired to overturn the Government, I trust in God they may never stain the judicial records of the country by writing any opinion upon the subject.

Mr. WILSON. I hope we shall now have a vote on this amendment that is proposed. I suppose it is understood. Everybody understands that this Bureau of Military Justice does not get up prosecutions; that it simply receives, revises, and records the proceedings of courts of inquiry, courts-martial, and military commissions. They have had a vast deal of work to do during the war. At one time they had eight thousand cases that they could not reach. We are told to-day by the Senator from Indiana that they have five thousand cases not yet touched. They make the examination and report to the Secretary of War the facts of the case, and make up the record. It goes to the Secretary of War and to the President, who has the final decision to make.

Mr. HENDRICKS. I wish to ask the Senator one question: why the necessity of introducing this expression "military commissions," when a military commission is not a military court known to existing laws?

Mr. WILSON. I will say to the Senator that I suppose to-day there are several hundred cases yet unacted upon in this bureau of the action of military commissions as well as courts-martial and courts of inquiry. These cases go there. The bureau never hear of them until they get there. They take them up usually in their order as they come along, unless in special cases, like the one the Senator referred to just now. I have had two or three cases of the kind during the winter of officers who have been court-martialed or tried in some way, to which I called the attention of the War Department, and they have had the cases examined and hurried on for action. I suppose there are reports of military commissions yet unrevised and unrecorded in that office.

If the Senator desires to pass an act that there shall be no military commissions in time

of war, I do not know that I would object to it. We authorized, by law, the establishment of military commissions for certain purposes. I believe they have rendered great service during the war. There is no doubt they have made some mistakes, and so have courts-martial. All those tribunals are liable to mistakes; I think more liable than judicial tribunals are. But while these cases go to the bureau I think they ought to be acted upon. Suppose the Senator's attention was now called to a case of the action of a military commission which has been sent to the office here and not been touched, and there it remains. Some person is wronged by it, the Senator thinks. He wishes the case examined, and he goes to the War Department and asks to have the case called up. Now, why should it not be and disposed of? If the Senator desires to get rid of military commissions altogether, let us pass a simple act of that kind; but while we have them, and while we now have every reason to believe there are before this very bureau reports of military commissions that concern the rights of men, why not let this bureau pass upon them, revise and record the cases, reexamine them, or do anything with them in order to reach the ends of justice?

Mr. HENDRICKS. In reply to the Senator I will say that I would not object, of course, to the review of cases that have already taken place. If the court have no jurisdiction, I want the Judge Advocate General to say so, and set aside their findings; but I do not want to recognize by general legislation a military court not known to our system. But with the explanation of the Senator that his purpose is to dispose of the cases that have been already tried, and with that understanding, I shall not insist on my amendment. I think it is desirable that the cases that have been already tried should be disposed of. I think it is very important there should be an appellate military court. With the understanding that it is to dispose of the cases already there, I withdraw the amendment.

The PRESIDENT *pro tempore*. The Senator from Indiana withdraws his amendment, and the question is on the amendment of the Senator from Delaware to strike out the twelfth section of the bill.

The amendment was rejected.

Mr. HARRIS. I offer the following amendment, to come in as a new section, to precede the last section:

And be it further enacted, That the third section of the act entitled "An act making appropriations for the support of the Army for the year ending June 30, 1866," shall continue in force until otherwise provided by law.

Mr. WILSON. What is that?

Mr. HARRIS. In the appropriation bill of last year a section was incorporated providing that during the continuance of the present rebellion, the commutation price of officers' subsistence shall be fifty cents per ration. That provision is to terminate with the rebellion, whenever that may be. Whether that has occurred yet or not, perhaps is a matter of a good deal of doubt. My object in offering this amendment is to continue the price of rations until otherwise provided by law, as it now is, at fifty cents instead of thirty cents.

Mr. WILSON. That would increase the pay of the Army that much. If the Senate is prepared to do that, I do not know that it is unjust in itself. By the old law, the ration was valued at thirty cents. During the war it was provided that while the rebellion continued, it should be valued at fifty cents; and the Senator now proposes to continue it at fifty cents.

Mr. HARRIS. For the present, until otherwise provided by law.

Mr. TRUMBULL. I should like to inquire what is paid now, fifty or thirty cents.

Mr. WILSON. Fifty cents, except to persons who have fuel and quarters. They are excepted.

Mr. HARRIS. This amendment does not apply to those who have fuel and quarters. It only applies to officers in the field. Where

the Government furnishes rations now in kind they cannot furnish them at fifty cents.

Mr. TRUMBULL. I should very much prefer that the Senator from Massachusetts would bring before us the House bill that fixes the pay of Army officers, so that we could understand it. I have never been able to know how much was paid to an officer in the Army under this Government. There are half a dozen provisions in the bill under consideration that particular officers are to have the pay of colonels of cavalry. I suppose that that means they are to get more pay than an ordinary colonel, under some pretense or other or some sort of device. I do not know how much a colonel of cavalry gets more than any other colonel, but I have no doubt he gets more, or else such a provision would not be inserted in this bill.

Mr. WILSON. Staff officers, who have to use horses, are allowed more.

Mr. TRUMBULL. I wish it was put in intelligible language, so that the common people of the country and those who make the laws could tell what the pay of an Army officer was. There are so many regulations changing it that I confess I do not know what the pay is. We ascertained in the Senate, accidentally, in the discussion of a bill a few days ago—it was brought to our notice, I believe, by the Senator from Wisconsin, [Mr. DOOLITTLE]—that the pay of the Navy had been increased some twenty or fifty per cent., I do not remember which, and nobody knew anything about it. The Senator from Ohio, [Mr. SHERMAN,] who watches the financial condition of the country and the Treasury very closely, knew nothing of it, and was astonished when he found that the pay of the Navy had been increased in that way; and so it goes. If the Senator from Massachusetts would put upon this bill the House bill fixing certain pay for Army officers, I would agree to almost anything if I could understand what it was.

Mr. WILSON. One word in regard to the House bill. We shall report on that bill in a day or two. I think we shall hardly want to sit here during the summer to consider it. For my part, I regard it as the crudest of crude things, as working the grossest injustice and inequality; and I take it that the more you study it the more you will come to that conclusion. It increases enormously the pay of certain officers and cuts down others. I believe the present system of pay to be the wisest the wit of man ever devised, and it is as simple as any proposition can possibly be and easily understood. There is no trouble about it at all. It is made to adjust itself to our great country and its varying system. That is my belief about it. However, that has nothing to do with the amendment now before us, which is a very simple proposition. A ration before the war was valued at thirty cents. It is now valued at fifty cents. The Senator from New York proposes that it shall continue to be fifty cents instead of thirty cents. A lieutenant colonel receives four rations. A colonel, I think, receives six. The value of them is easily calculated. There is no trouble in that respect.

Mr. TRUMBULL. It is all very simple to the Senator from Massachusetts. It is easily understood, he says. I confess I do not understand it, and for my information, in a matter that is so easily understood by him, I should be much obliged to him if he will have the kindness to answer me one question. In the eleventh section of this bill there is a provision that there shall be four inspectors general of the Army, with the rank, pay, and emoluments of colonels of cavalry, and three assistant inspectors general, with the rank, pay, and emoluments of lieutenant colonels of cavalry. Will the Senator from Massachusetts be kind enough to tell me how much per annum an inspector general, with the rank and pay and emoluments of a lieutenant colonel, will receive? I shall be very much obliged to him if he does, and I will try to remember that so as to know what the pay of an inspector general of cavalry, with the rank of a lieutenant colonel, per annum is. If the Senator from Massachusetts,

to whom this matter is so simple, and who knows it as well as his A B C, will be kind enough to tell me what that pay is per annum I shall be glad to hear it.

Mr. NESMITH. As the Senator from Massachusetts seems to be engaged I will answer the Senator from Illinois. The pay and allowances of a colonel of cavalry amount to \$211 a month, and of a lieutenant colonel to \$187 a month. A colonel of infantry receives \$194, and a lieutenant colonel \$170. That is the pay and allowances per month.

Mr. GRIMES. Suppose he has been in the service twenty-five years?

Mr. NESMITH. Then he would get an additional ration.

Mr. WILSON. In that case he would have \$540 added to his pay.

Mr. GRIMES. How much would be his commutation for quarters? That is not mentioned in that list.

Mr. NESMITH. This is on the supposition that the Government furnishes him his quarters.

Mr. GRIMES. Suppose the Government does not.

Mr. NESMITH. If the Government send him to a place where it is difficult to obtain quarters, of course then they pay the commutation value. We cannot pass a law regulating what shall be the cost of quarters and fuel, which varies with every post in the country. The law is founded in wisdom, and is in itself just, that where an officer is stationed at a post where fuel and quarters are high he shall be paid in proportion to their cost. This pay that I have stated is based upon the presumption that the Government furnishes the quarters and fuel. This embraces his pay per month, the number of rations, with the monthly commutation value, the number of servants allowed per month and the commutation value, and everything of that sort.

Mr. TRUMBULL. As the Senator from Oregon has volunteered to instruct us on this subject, and I am not apt enough scholar yet to understand it, he will excuse me for pressing the inquiry a little further, as he is posted in these matters. In answer to a question of mine as to how much an inspector general with the rank and pay of a lieutenant colonel of cavalry received per annum, he has read, I suppose, from the Army Register the monthly pay. I should like to know of the Senator whether his pay for commutation of rations does not depend upon the character of the service he is in, and whether he has any allowances for quarters, and whether the number of his servants or the number of horses for which he has allowances does not depend upon the character of the service or where he is. Will the Senator be kind enough to tell me?

Mr. NESMITH. The pay for his rations and commutation of rations and for servants is not varied by the service which he is rendering.

Mr. TRUMBULL. It is the same always, is it?

Mr. NESMITH. Yes, sir; but the commutation for fuel and quarters varies at the different posts at which he may be stationed. For instance, it has been higher during the war at Washington than at any other point; but the other commutation allowances are not varied, as I understand.

Mr. TRUMBULL. Then I understand that my instructor does not know himself what it is, just as I stated to begin with. I hope now, he having volunteered to inform us what the pay per annum was, and having failed, and having admitted in the presence of the Senate that the pay depends upon circumstances that he does not know anything about, that he will allow the instructor-in-chief, who says it is perfectly plain, to tell us what it is per annum.

Mr. NESMITH. I never undertook to instruct so dull a scholar before. [Laughter.] I did say precisely what the pay and commutation allowances were per month; and I supposed that the distinguished Senator from Illinois, with all his capacity, was able to mul-

tiply that amount by twelve, and ascertain precisely what it would be per annum. Of course, if an officer is engaged on service traveling he is allowed commutation for traveling expenses, six cents a mile. As I remarked when up before, the commutation varies according to the duty he is ordered upon, not the pay proper or the commutation allowances for servants and rations, but the pay for traveling expenses. The pay for traveling expenses at one time was different on this side and on the Pacific side. It was ten cents a mile some time ago; and we have cut it down to six cents. If an officer is ordered to travel, he gets his pay proper per month, his commutation for rations, and servants, and then gets his six cents per mile, but he gets no commutation for fuel and quarters. As the Senator is so very fastidious about the mode of my answer, and complains about my being a bad instructor, I can only retaliate by saying that he is a dull student. If he will state any particular circumstances under which an officer is placed, in which he would like to know exactly what his pay is, I will cipher it out to his satisfaction. It is very easily done.

Mr. TRUMBULL. It is very manifest, I think, from what the Senator from Oregon says, that he is unable to tell what the pay of an officer is, or what it will be for the next year. He has admitted now that that pay depends upon the character of the service he performs, whether he travels about, whether he has quarters provided for him, or whether he has allowances for fuel and quarters. Those are the very things that render it uncertain. Of course, we all know that a certain amount per month was allowed; but I undertake to say now, from what the Senator himself has stated, that he cannot tell what the pay of those officers he is creating is to be for the next year. Will the Senator from Oregon undertake to tell me how much an inspector general who acts as a lieutenant colonel of cavalry will receive under this bill for the next year—not what he did receive for last year? If he will, then I can understand it; but if he tells me that it is to depend on how much he travels, the Senator does not know how much he will travel. If he tells me that it is to depend on how much fuel he has, and how long he has quarters furnished him, and how long he furnishes them himself, of course it depends upon future events which neither he nor I know anything about.

Mr. NESMITH. If the Senator from Illinois will permit me, I will say that he has gone off upon a grand system of mystification. The thing itself is as simple as that two and two make four. He starts out by making it up with something like the proposition, if a cord of wood measures one hundred and twenty-eight feet, what will a bag of wool weigh? [Laughter.] I cannot undertake to determine the proposition upon that sort of premises. I can tell him exactly what a colonel of cavalry receives per month, what his commutation for rations and servants is, and if he does not get his quarters and fuel, what his commutation for that will be. If he travels ten thousand miles he will get six cents a mile; what does that amount to? The Senator can figure that. If he only travels one thousand miles, he only gets six cents for that. If he travels two miles and a half he will get precisely fifteen cents. [Laughter.] Those, it seems to me, are all propositions that are plain and simple enough. You do not hear any paymaster who undertakes to pay the Army hesitate a moment about this. The thing is just as simple as that two and two make four. The commutation for fuel and quarters depends upon the place where the officer is located. Here in Washington there was one price during the war. It is usually established at about the price the fuel and quarters cost.

The Senator referred to the pay bill that passed the House as being of very great consequence, and which it was very proper that we should pass here. I can tell him that an officer might be sent to a military post where his entire salary under that bill would not pay

for his fuel. On the Platte wood costs over \$100 a cord. Is it not proper, when an officer is sent there and compelled to have fuel, that the Government should commute to him the cost of it or furnish him fuel in kind?

Mr. WILSON. The Senator from Illinois thinks it is a very difficult thing under the present law to ascertain what an officer receives; and he is very anxious about what a lieutenant colonel of cavalry receives; he thinks he must receive more than a lieutenant colonel of infantry. That is so; he receives seventeen dollars a month more, and twelve times seventeen would be the additional amount he would receive in a year, just about two hundred dollars. A lieutenant colonel of cavalry would receive a little over \$2,600 a year, if he was paid nothing for traveling. If he was on duty where he did not travel any, and where the Government furnished him in kind fuel and quarters, he would receive between twenty-six and twenty-seven hundred dollars a year. Now, what is the House bill to which allusion is made? Its object is to get rid of the present system; and what does it inaugurate? The Secretary of War may give these officers quarters. What will be the interpretation of that here in this city? Where officers entitled to quarters are stationed here the amount they receive will not pay their rent and does not average it in this city. It is so in New York; it is in Philadelphia; it is so all through the country. By the House bill the Secretary of War can allow quarters to all the officers of the Army, and can say to this man, "You are allowed so much for quarters here in the city of Washington." He does not get fuel, but it is provided that fuel may be bought and other things necessary may be bought without including the cost of transportation at different parts of the country. In fact the new system that was to make everything so very plain has to resort to the same expedients, and must do it, or the grossest inequalities will be made. Now an officer for every five years he has been in the service receives one additional ration, \$108 a year. If he has been in forty years he receives \$896 increased pay on account of this service ration. What does the new House bill do? It gives him ten per cent. on his pay every five years, and a colonel receiving \$3,000 a year would, when he had been in service forty years, have \$2,400 added to his compensation annually, while under the present system he would have about nine hundred dollars. Here is an increase of about fifteen hundred dollars to the old officers, while it cuts down the captains and lieutenants and the inferior officers of the Army. Under that bill some colonels in the service would receive about two thousand dollars a year more than others.

So it will be perceived that the system adopted in the House bill has its inequalities. You cannot devise any plan that has not. I believe that the present system has grown up in this country founded upon reason, that it is adapted to our large country and our varied service, that it is in itself plain and simple, that it is a better system than any we are likely to devise. Still the House bill is before our committee; we shall report it in a few days, and I think we shall propose to put it off until December next, and between now and then we can think over it and consider it. However, we have been led off from the consideration of the bill before the Senate. I hope we shall get a vote upon it as speedily as possible, as I am very anxious to dispose of it to-day.

Mr. TRUMBULL. The complaint which I made was not that the House bill fixed the rates at less than they now are, or at more. It was the certainty which I thought it desirable to obtain; that is the thing we do not have; and for the life of me, notwithstanding what the Senator from Massachusetts has said, I do not see why we cannot pay Army officers just as we pay other officers of the Government. We pay the judges of our courts a certain salary; we know how much money to appropriate in advance to pay them. So we know how much money to appropriate in ad-

vance to pay postmasters, the officers connected with the Treasury Department, all the other officers of the Government; and I think we might fix a certain sum for the officers of the Army. If the House of Representatives has sent us a bill full of inequalities, nobody is better qualified to correct those inequalities than the Senator from Massachusetts; he can perfect that bill, and let us have some bill which will tell the country and tell all of us when we read it what the pay of an Army officer is. That is what we do not know; and with all the information we have been able to obtain now we do not know, because it depends at last upon the character of the service which the officer performs, as we are told by the Senator from Oregon. In other words, the Senator says to us "If you will tell us what an officer is to do next year we will tell you exactly how much he is to be paid next year;" that is to say, if we tell them how much he is paid they will tell us how much he ought to be paid. Is it not possible to fix the pay of an Army officer for a year in advance at a certain sum, and let him discharge the duties of the office, whatever they may be?

Mr. NESMITH. If the Senator from Illinois will permit me I wish to put a question to him. Suppose that two colonels were in Washington city to-day, one of them ordered to remain here on duty for twelve months, another ordered to travel perhaps twenty-five thousand miles within the twelve months, would it be fair or just that the same salary should be established for the two men discharging those two particular duties, without reference to travel?

Mr. TRUMBULL. Which would get the largest salary as it now stands?

Mr. NESMITH. The man doing the traveling.

Mr. TRUMBULL. Would that amount to more than the quarters provided here?

Mr. NESMITH. Yes; a great deal. He would get paid for his travel six cents a mile under the present law, or ten cents as a bill we passed the other day makes it.

Mr. TRUMBULL. Would the mileage in such a case be more than the cost of travel? And is it not probable that the man here would get more money than the other?

Mr. NESMITH. No.

Mr. GRIMES. Aside from the amount to be expended by the man who is traveling, which would get the larger compensation, the one who was compelled to undergo the fatigue of traveling or the one stationed as a bureau agent at Washington?

Mr. NESMITH. So far as the compensation proper is concerned—

Mr. GRIMES. I mean so far as the aggregate is concerned.

Mr. NESMITH. I do not suppose there would be any particular difference. It would take the compensation of the man who is stationed in Washington to pay for fuel and quarters, while the compensation of the other officer for traveling twenty-five thousand miles, at six or ten cents, would only pay his expenses; so that in the end they would come out, probably, nearly even. That is the intention of the law.

Mr. TRUMBULL. Then it would seem that the man who performed this arduous service and traveled so many miles would get nothing more than he who staid at Washington after all. I do not think he should get any more or any less, to answer the Senator's question. Officers of the Army enter the service for life. One year they are stationed at Washington, the next year out on the plains. They take their turns. One year an officer travels and the next he is stationed at some post. If he has more service to perform in one year without getting any additional pay the next year he will probably perform less service than some other officer who gets no more pay than he does, and in the end it will be equal. It is just so with your judges of courts. They do not all travel the same distance; they do not all have the same number of courts to hold, and yet you

fix the salary of each justice of the Supreme Court at the same amount. It does not depend upon the number of miles he goes to hold his court or how many days he sits in court. I presume some of the justices of the Supreme Court hold court many more days than others do.

Now, sir, it seems to me it would be altogether better to have a fixed, known price for these services. I have nothing to say in regard to the proposition of the Senator from New York immediately pending, because I am not sufficiently informed as to the propriety of raising these rations from thirty to fifty cents. It seems they were put up on account of the war. I wish to make one remark, however. The Senator from New York speaks of this as being raised "for the present." This is to be a permanent law. It will be an anomaly in the legislation of this country when you get salaries up to have a bill come in to put them down. I have never seen anything of that leveling process since I have been a member here. I have known a great many instances of bills introduced to pay some favorite officer, some officer who has performed extraordinary duties, and we have increased his salary \$800 or \$1,000; and the next year a bill will come in to pay the other officers the same as this colonel of cavalry has, and they will say it is an inequality and you must equalize it; but I never knew a bill to come in since I have been a member of the body to put down the higher salary and equalize it with the lower one. If this proposition should be adopted it will be as permanent as any of our laws, I think.

Mr. HARRIS. The Senator argues as if this were a proposition to increase the pay. My proposition is simply to keep it where it is. Unless this amendment should be adopted, the moment the rebellion is at an end, when we can find out when that is, the ration goes down from fifty to thirty cents. I propose to keep it where it is until Congress shall see fit to reduce it.

The amendment was agreed to.

Mr. WILSON. I desire to strike out the word "January," in the eleventh line of the twenty-fifth section, and to insert "July." The proviso now reads:

That this section shall not go into effect until the 1st day of January, 1867.

I propose that it shall go into effect the 1st day of July. The point is this: we abolish sutlers in the Army. Many of those sutlers are now scattered over the country, and have stocks of goods on hand, and the question is whether they can get out of the position they are in by the 1st of January. It is thought by some that they cannot. This is a very important change that will save a great deal to the Army, and I am willing to give these men a year to get out of the business. I therefore move to strike out the word "January" and to insert "July."

The amendment was agreed to.

Mr. DAVIS. I offer the following amendment in the form of a proviso to the twelfth section:

Provided, That no court-martial, court of inquiry, or military commission shall take jurisdiction of any case that does not arise in the land or naval forces, or in the militia when in actual service in time of war or public danger.

I offer this amendment upon this plain provision of the Constitution, which is to be found in article five of the amendments:

"No person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment by a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger," &c.

It seems to me to be a plain constitutional provision that a man who is not in the land or naval forces, or in the militia when in the actual service of the United States, is not triable by a military commission. We know that this principle has been violated very frequently during the progress of the whole war. I want the legislation of Congress on this subject to be in strict conformity to the Constitution, and that the Constitution may protect the rights of

every civilian against being arraigned before military courts.

The amendment was agreed to.

Mr. HENDERSON. I see in the thirteenth section that the quartermasters to be appointed under this bill are to be taken from the persons who have served as quartermasters during the war. Why is it that those who are to be appointed as commissaries of subsistence are not likewise to be taken from the commissaries of subsistence during the war?

Mr. WILSON. There are no new commissaries to be appointed. The bill adds a few quartermasters but there are no commissaries added, and therefore we do not want such a provision.

Mr. HENDERSON. How is it in regard to surgeons, in the seventeenth section?

Mr. WILSON. There are some surgeons added.

Mr. HENDERSON. Why not take them from the corps of surgeons who served during the war?

Mr. WILSON. We do.

Mr. HENDERSON. It is not so provided. There is no provision of that sort here. I think that those men who served during the war, and who have distinguished themselves, and shown their competency and qualifications for positions of this sort had better be provided for. I suppose, in regard to inspectors, the Senator would answer me as he did in respect to commissaries, that the corps is full, and none are to be appointed; but it is not so in regard to the assistant surgeons.

Mr. WILSON. It does not add to the aggregate number; but it takes two majors and makes then lieutenant colonels. There are five majors now, and we make two lieutenant colonels.

Mr. HENDERSON. I do not wish to interfere with the bill, because I do not understand the subject very well, but with the Senator's permission I will offer an amendment, unless it conflicts with his views. In section seventeen, line twelve, after the word "service," I propose to insert these words, "said assistant surgeons to be selected from among those who served in the same capacity during the late war."

Mr. WILSON. I agree to that.

The amendment was agreed to.

Mr. HENDERSON. On page 3 of the bill, section four, line six, I propose to insert the word "and" before the word "of," and after the word "of" to strike out the word "three," and to insert the words "eight new;" in line seven to strike out the words "to be designated the Veteran Reserve corps, and of," in line eight to strike out the words "of ten companies each," and to insert "of which shall be composed;" so that the clause will read:

And of eight new regiments of ten companies each; five regiments of which shall be composed of colored men to be designated United States colored troops.

Then after the word "conduct," in line sixteen, I move to strike out the words:

The Veteran Reserve corps shall be officered by selections from officers and soldiers of volunteers, or of the regular Army who have been disabled by accident, or wounds received or disease contracted in the line of duty during the war.

Mr. WILSON. I suggest to the Senator to strike out everything he proposes to do in regard to the Veteran Reserve corps, but not increase the number of regiments.

Mr. HENDERSON. My amendment does not increase the number. The Senator will see that the section provides for three regiments of Veteran Reserves and five regiments of colored men, and I change it to eight regiments, so as to make it read, "and of eight new regiments of ten companies each, five regiments of which shall be composed of colored men, to be designated United States colored troops." That is five out of the eight. Then in line sixteen, after the word "conduct," I strike out the words that I have mentioned. That will cut out everything in regard to the Veteran Reserve corps, and leave the Army to be filled up by veterans from any corps whatever, provided they are competent to serve.

The PRESIDENT *pro tempore*. The first amendment proposed by the Senator will be read at the desk.

The Secretary read the amendment, which was in section four, line six, to insert the word "and" before the word "of," and after the word "of" to strike out the word "three," and to insert the words "eight new;" in line seven to strike out the words, "to be designated the Veteran Reserve corps, and of," in line eight to strike out the words, "of ten companies each," and to insert "of which shall be composed;" so that the section will read:

That the forty-five regiments of infantry provided for by this act shall consist of the first ten regiments of ten companies each now in service; of twenty-seven regiments of ten companies each to be formed by adding two companies to each battalion of the remaining nine regiments; and of eight new regiments of ten companies each, five regiments of which shall be composed of colored men, to be designated United States colored troops.

Mr. WILSON. I rise now to answer a question put to me by the Senator from Iowa in regard to enlisting men who have been disabled by wounds in the Veteran corps. The Senator from Iowa put to me a question to know if we proposed to enlist in the ranks men who had been wounded. I will read that part of the eighth section:

It shall be competent to enlist men for the service who have been disabled by accident or wounds received or disease contracted in the line of their duty while serving in the Army of the United States, if on medical inspection it shall be found that by such wounds or disability they are not unfit for garrison or other light duty; and such men, when enlisted, shall be assigned to the regiments of the Veteran Reserve corps.

The intention was to make up three regiments to do garrison duty, to be officered by men who had been wounded, and to be made up of men who had been wounded in the line of their duty.

Mr. GRIMES. I will make another inquiry. I will inquire of the Senator whether or not it was the opinion of the Military Committee that these men who, being disabled, would be entitled to a pension would surrender that pension, or if he supposes that they, if receiving a pension, would be willing to go into the service as privates?

Mr. WILSON. In answer to the Senator I will say that in my judgment it will take a long while to enlist these three regiments of wounded men. We had quite a number of regiments kept up during the war mostly of men who had been wounded or had been sick; but when Congress met last autumn we had about six hundred officers and eight hundred men rank and file. The twenty-four regiments of the Veteran Reserve corps were reduced to that.

Mr. FESSENDEN. It is a humbug, anyhow.

Mr. GRIMES. That is exactly what I was going to say. The truth is, it seems to me everybody ought to be convinced that this attempt to raise a part of our regular Army, to be efficient in the future, out of men who have been, in the language of this bill, disabled already is one of the most absurd things that I have ever heard proposed. They are entitled to pensions; the country is willing to pay them pensions; and I suppose that Congress is disposed to increase the pensions if they are not able to support themselves upon what we already give them. But under the provisions of this bill I think the objection raised by the Senator from New York was well taken. As the law now stands, if these men should be appointed to-morrow as disabled officers into the Veteran Reserve corps, it will be not only the right but the duty of the Secretary of War to retire them the day after to-morrow because they are disabled. They therefore will go on the retired list, and have the advantage over men who have been disabled in the service, in so far as they will receive retired pay, while other men in the same regiment, who stood beside them in the same engagements, would be only entitled to the regular pension allowed by law. That is manifestly unjust.

Mr. HOWARD. I call for the yeas and nays on the amendment.

The yeas and nays were ordered; and being taken, resulted—yeas 18, nays 13; as follows:

YEAS—Messrs. Brown, Clark, Conness, Fessenden, Foster, Grimes, Guthrie, Harris, Henderson, Johnson, Nesmith, Norton, Saulsbury, Sprague, Stewart, Sumner, Trumbull, and Wade—18.

NAYS—Messrs. Davis, Doolittle, Edmunds, Howard, Howe, Lane of Indiana, Morgan, Nye, Poland, Ramsey, Willey, Williams, and Wilson—13.

ABSENT—Messrs. Anthony, Buckalew, Chandler, Cowan, Cragin, Creswell, Dixon, Hendricks, Kirkwood, Lane of Kansas, McDougall, Morrill, Pomeroy, Riddle, Sherman, Van Winkle, Wright, and Yates—18.

So the amendment was agreed to.

Mr. SHERMAN. There is another portion of that amendment which will now necessarily follow. In section four, line sixteen, after the word "conduct," I move to strike out the following words:

The Veteran Reserve corps shall be officered by selection from officers and soldiers of volunteers or of the regular Army who have been disabled by accident or wounds received or disease contracted in the line of duty during the war.

The amendment was agreed to.

Mr. WILSON. It will be necessary now to strike out from the seventh to the thirteenth lines of the eighth section, in the following words, in compliance with the amendment that has just been adopted:

It shall be competent to enlist men for the service who have been disabled by accident or wounds received or disease contracted in the line of their duty while serving in the Army of the United States, if on medical inspection it shall be found that by such wounds or disability they are not unfit for garrison or other light duty; and such men, when enlisted, shall be assigned to the regiments of the Veteran Reserve corps.

The PRESIDENT *pro tempore*. Those lines will be stricken out to make the bill consistent, if no objection be interposed.

Mr. GRIMES. On the third page, in section four, lines eight and nine, I move to strike out the words "to be designated United States colored troops." The words are superfluous.

Mr. JOHNSON. How will it read then?

Mr. GRIMES. "That the forty-five regiments of infantry provided for by this act shall consist of the first ten regiments, of ten companies each, now in service; of twenty-seven regiments, of ten companies each, to be formed by adding two companies to each battalion of the remaining nine regiments; and of five regiments, of ten companies each, of colored men."

I propose to strike out the words, "to be designated United States colored troops."

The amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The question will be on concurring in the amendments made as in Committee of the Whole, and the question will be taken on concurring in the amendments collectively, unless some Senator desires a separate vote.

Mr. BROWN. I ask that the amendment made by the Senator from New York, keeping the rations at fifty cents instead of at thirty cents, be excepted for a separate vote.

Mr. WILSON. I desire that the amendment to the twelfth section made by the Senator from Kentucky shall also be voted upon separately.

The PRESIDENT *pro tempore*. Those amendments will be excepted.

Mr. RAMSEY. I desire to have reserved the amendment in regard to the Veteran Reserve corps.

Mr. FESSENDEN. The Senate decided that by a very large majority.

Mr. RAMSEY. I should like to have a vote upon it again.

The PRESIDENT *pro tempore*. That amendment will be reserved. The question is on concurring in the residue of the amendments made as in Committee of the Whole, with the three exceptions that have been named.

The remainder of the amendments were concurred in.

The first reserved amendment was in section four, line six, to insert the word "and" before the word "of," and after the word "of" to strike out the word "three" and insert the

words "eight new;" in line seven to strike out the words "to be designated the Veteran Reserve corps and of;" and in line eight to strike out the words "of ten companies each" and to insert "of which shall be composed;" so that the clause will read:

And eight new regiments of ten companies each, five regiments of which shall be composed of colored men.

Mr. TRUMBULL. That is the amendment which strikes out the Veteran Reserve corps.

Mr. GRIMES. There are two or three of those amendments that follow each other, as I understand.

Mr. JOHNSON. The decision of one decides all the rest.

Mr. WILSON. If the first one is adopted, the rest will follow as a matter of course.

Mr. POMEROY. On that question I ask for the yeas and nays.

Several SENATORS. They have just been taken.

Mr. POMEROY. I will not insist upon it if they have been taken. I withdraw the call. The amendment was concurred in.

The next reserved amendment was to add as a proviso to the twelfth section the following:

Resolved, That no court-martial, court of inquiry, or military commission shall take jurisdiction of any case that does not arise in the land or naval forces, or in the militia when in actual service in time of war or public danger.

Mr. DAVIS. Upon that question I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. TRUMBULL. I wish simply to say that I am in favor of the proposition contained in that amendment offered by the Senator from Kentucky; but if I heard it read correctly it is a precise copy of the language of the Constitution, and I do not think it will strengthen it any to put it into a law. I see no object in reenacting the language of the Constitution over again.

Mr. DAVIS. I doubt whether it would be observed if it was reenforced even in the Constitution. The honorable Senator says truly, this is the language of the Constitution; but I want these military gentlemen, and the Secretary of War, and the Judge Advocate General to know that Congress has adopted it as part of the law as well as of the Constitution, and that they are to observe it.

Mr. TRUMBULL. If the Senator from Kentucky can give any assurance that they will pay any more respect to it in a law than they would in the Constitution, I do not know but that I should be inclined to vote with him. For myself I do not see any particular object in reenacting the Constitution.

Mr. HENDERSON. I apprehend that under the decision of the Supreme Court lately made in the cases of Bowles and Milligan, it is entirely unnecessary to reenact this provision. At the same time, if it is insisted upon, I shall vote for it. I have no doubt, and I never had a doubt, that the decision of the Supreme Court is correct. As the Senator from Illinois says, I deem this amendment unnecessary; but if the Senator from Kentucky insists upon it I shall vote for it. It is unnecessary, because a civilian tried by court-martial or military commission has his remedy before the courts of the country. Certainly no civilian can suffer any penalty from military tribunals after the decision of the Supreme Court.

Mr. WILLIAMS. I should like to inquire whether this amendment is to deprive the Bureau of Military Justice of jurisdiction over cases pending there on appeal during the war. I understand that there is a large number of cases before the bureau that originated during the war, and are there for review. Will the adoption of this amendment deprive the bureau of jurisdiction in such cases and leave them unsettled and undetermined?

Mr. DAVIS. I have no doubt that many men who have constituted, in part, these military courts never read the Constitution, and do not know what the provision is in relation to this or almost any other subject therein provided for. I want those men, who probably

look more to military law, as enacted by Congress, than they do to the Constitution, to have an opportunity of knowing how the Constitution reads by these words being adopted in this law. I hope the amendment will be adopted.

Mr. JOHNSON. The honorable Senator from Kentucky is right, I think, in saying that this provision should be incorporated into the law. The error into which the military tribunals have fallen, as is now demonstrated by the decision of the Supreme Court, was in construing the act of Congress establishing the Rules and Articles of War. There is in one portion of that act some general words used which, construed by themselves, would include civilians as well as those who are attached to the Army, and I know from conversation with many military men who have acted upon these courts that they believed and honestly believed it was the purpose of Congress to include civilians in the jurisdiction of the military tribunals. I thought then, and I am confirmed in that opinion since the decision of the Supreme Court, that they placed an erroneous interpretation upon the act to which I refer; that, taken in connection with the other portions of the act, it was very manifest, to a lawyer at least, that the whole object of Congress was to include within the military jurisdiction of those tribunals only those who belonged to the Army or the Navy. The Supreme Court have so decided. But as that provision is still in the Rules and Articles of War, I think it is advisable that we should incorporate into this act some such phraseology as is proposed by the Senator from Kentucky, which will make it very clear to these military gentlemen that it is not the purpose of Congress to submit the citizen to trial by military tribunal.

Mr. SAULSBURY. It seems to me that the objection urged against the adoption of this amendment is not very sound. It is said that this provision is already in the Constitution, and therefore it is unnecessary to reenact it. Sir, the friends of liberty did not think so in former days. Magna Charta was reaffirmed six or eight times within a few years after it was enacted. The friends of liberty, in those days, jealous of their rights whenever they were infringed, did not think it was unnecessary to reaffirm them but they did reaffirm them; and whenever they were infringed they were found uttering their voice against the infraction, and reaffirming the great charter of their liberties. This, if it shall be adopted, will be a reaffirmance by the Senate of the United States of this provision of our great magna charta. It can do no harm. It holds up to the eyes of those in power charged with the administration of public affairs the solemn judgment of the American Senate, "Now that peace has come and war has ceased, beware how you further trample upon the constitutional rights of the people." Not being capable of doing any harm but probably resulting in much good, I should hope the amendment would be adopted.

Mr. HOWARD. I shall vote against this amendment because I deem it entirely unnecessary if the purpose of the mover of it is to reenact the Constitution—and that would seem to be his purpose so far as he has indicated it, but more especially if his object be to limit and restrain the present jurisdiction of courts-martial or military commissions. I believe the law at present is sufficiently settled and definite as to the jurisdiction of that kind of courts. The mover of the amendment seems to entertain the idea that he is reasserting the principles of the Constitution in the amendment which he offers. I do not so regard it. It is very true the fifth article of the amendments of the Constitution speaks of cases arising in the military or naval service of the United States, or in the militia when called into actual service. In those special cases it is not necessary, according to that amendment, that the accusation should be presented in the form of an indictment against the accused; and that is the sole effect of the clause, and it relates to a comparatively small portion of military offenses. It can apply only to such military offenses as are

punishable capitally, or which in themselves are infamous crimes. In such cases in the civil service there must be an indictment. That is the entire meaning and application of the clause.

I do not look upon article five of the amendments to the Constitution as giving any jurisdiction at all to courts-martial or military commissions. It has nothing to do with those courts; it does not provide for the establishment or creation of those courts, but only secures the right of an accused party charged with a capital or otherwise infamous offense the right to be indicted by a grand jury of the proper number. It is not this source from which we derive authority to establish military commissions, but from those clauses of the Constitution which authorize Congress to make rules and regulations for the government of the land and naval forces, to raise and support armies, and to carry on war. These, as I understand, are the sources of the power to establish courts-martial and military commissions, and I know of no clause in the Constitution which limits the jurisdiction of courts-martial or military commissions further than they are understood to be limited by the laws of war, unless Congress should see fit to limit their jurisdiction. The source of power for the establishment of these courts, in my judgment, is not found in the fifth article of the amendments, nor in that article which provides that in all criminal cases the accused shall be entitled to a trial by jury without any distinction of cases which are military in their nature or civil in their nature. The whole power is derived from the authority of Congress to raise and support armies, to carry on war, and to make rules and regulations for the government of the land and naval forces of the United States. In those respects we have the same power and authority that any other Government possesses over the whole subject. Fearing, therefore, that the effect of this amendment may be to restrict and restrain unnecessarily and injuriously the just jurisdiction of courts-martial and military commissions, and that its purposes will not be really to reenact the Constitution, which would be an idle ceremony, utterly useless, not to bestow upon it worse epithets, I must vote against the amendment.

The question being taken by yeas and nays, resulted—yeas 12, nays 18; as follows:

YEAS—Messrs. Davis, Doolittle, Foster, Guthrie, Henderson, Hendricks, Johnson, Nesmith, Norton, Riddle, Saulsbury, and Sprague—12.

NAYS—Messrs. Brown, Clark, Conness, Edmunds, Fessenden, Grimes, Howard, Howe, Morgan, Pomero, Ramsey, Stewart, Sumner, Van Winkle, Wade, Wiley, Williams, and Wilson—18.

ABSENT—Messrs. Anthony, Buckalew, Chandler, Cowan, Cragin, Creswell, Dixon, Harris, Kirkwood, Lane of Indiana, Lane of Kansas, McDougall, Morrill, Nye, Poland, Sherman, Trumbull, Wright, and Yates—19.

So the amendment was non-concurred in.

The Secretary read the next excepted amendment, which was to insert the following as an additional section:

And be it further enacted, That the third section of the act entitled "An act making appropriations for the support of the Army for the year ending the 30th of June, 1866," shall continue in force until otherwise provided by law.

Mr. BROWN. I asked to have that amendment separated from the others with a view of moving to amend it. I move to strike out "until otherwise provided by law" and insert "for one year from the passage of this act." I am satisfied that it is premature now to adopt a permanent system in regard to an increase of that sort in the Army, and that one year's time will give us ample opportunity. I believe the Senator from New York agrees to that.

Mr. HARRIS. I am satisfied with the change proposed by the Senator from Missouri, and if it were competent for me to do so I would accept the amendment.

The amendment to the amendment was agreed to; and the amendment, as amended, was concurred in.

Mr. RAMSEY. I now offer the amendment which I indicated before, to insert after the word "service," in the twelfth line of the section which was inserted on the motion of the Sen-

ator from Oregon, [Mr. NESMITH,] the words "and privates who have served three years and been honorably discharged shall upon like occasions be entitled to the honorary rank of first lieutenant and wear the uniform of that grade, and at the expiration of five years from the 9th of April, 1865, they shall be entitled to the honorary rank of captain." I will simply ask Senators, why should a distinction be made in favor of officers and no like discrimination in favor of privates who did the service and fought the battles? I ask for the yeas and nays on this amendment.

The yeas and nays were ordered.

Mr. RAMSEY. I can see no sufficient reason why there should be a discrimination against the privates. They really did the fighting in all our battles. If special honors are to be showered upon the officers, to which I have no objection, why make a discrimination against the privates? I hope it will not go out from this Senate Chamber that there is that kind of indifference to their credit, reputation, and honor hereafter. It costs nothing; it is a mere empty honor, if you please to say so. If you are to shower honors upon officers who have already all places conferred upon them in the civil, probably, as well as the military service, I cannot see any reason why this little honor should not be paid to the privates. In the French service almost every officer and private has a red ribbon bestowed upon him. Why should not the privates here have this little honor conferred upon them?

Mr. WILSON. The amendment adopted on the motion of the Senator from Oregon provides simply that officers of the regular Army who have served with volunteers shall, on occasions of ceremony, have the rank they had among the volunteers.

Mr. NYE. This extends the same to the privates.

Mr. WILSON. This does not apply to volunteers; there is not a volunteer in the country concerned in it. It is a proposition that the rank and file of the regular Army who have served three years shall on all occasions of ceremony be first lieutenants.

Mr. CONNESS. I ask that the amendment be read again. I think that the Senator from Massachusetts is entirely mistaken about it.

The Secretary read Mr. RAMSEY's amendment.

Mr. CONNESS. The Senator from Massachusetts is surely mistaken.

Mr. WILSON. Certainly not. It says "privates." Privates of what? Privates of the regular Army.

Mr. CONNESS. Every private who has served three years in the Army.

Mr. WILSON. We are dealing with privates of the regular Army, not volunteers.

Mr. CONNESS. It can be amended so as to read "privates of the regular and volunteer services."

Mr. WADE. Without this provision what is there to prevent the privates from assuming just such characters as they please on occasions of ceremony, and taking the title of majors if they see fit?

Mr. NYE. There is a penalty.

Mr. WADE. I do not think there is.

Mr. NESMITH. So far as this is applicable to the regular Army I fear there may be some difficulty about it. On an occasion of ceremony in a year or two all the privates would be captains, and the lieutenants remaining lieutenants, the captains would have the right to command. Thus the privates might command the company. It would create a great deal of embarrassment to make eighty captains in a company commanding two or three officers.

Mr. CONNESS. It is quite apparent that the members of the Senate who belong to the Committee on Military Affairs do not understand this amendment. I think it is easily understood, and I must say that the Senator who has given it existence simply proves to the country that he is not unmindful of the great services the brave private soldiers have rendered to the country.

The question being taken by yeas and nays, Resulted—yeas 15, nays 20; as follows:

YEAS—Messrs. Anthony, Conness, Cragin, Grimes, Hendricks, Howard, Howe, Lane of Indiana, Norton, Nye, Pomeroy, Ramsey, Sprague, Stewart, and Wade—15.

NAYS—Messrs. Brown, Clark, Davis, Doolittle, Fessenden, Foster, Guthrie, Harris, Henderson, Johnson, Morgan, Nesmith, Riddle, Saulsbury, Sumner, Trumbull, Van Winkle, Willey, Williams, and Wilson—20.

ABSENT—Messrs. Buckalew, Chandler, Cowan, Creswell, Dixon, Edmunds, Kirkwood, Lane of Kansas, McDougall, Morrill, Poland, Sherman, Wright, and Yates—14.

So the amendment was rejected.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. SAULSBURY. I shall vote against this bill. I shall not take up the time of the Senate by calling for the yeas and nays, but I wish to put myself on the record as opposed to it. It increases the regular Army but very little. It has been, I am told, about forty-eight thousand. This bill increases the privates but very little but increases the officers most wonderfully and increases the expenses of the Government.

The bill was passed.

ORDER OF BUSINESS.

Mr. CLARK. I move that the Senate proceed to the consideration of the bill in regard to the repairing and reconstruction of the levees of the Mississippi.

Mr. TRUMBULL. We want to get up another bill. We will not delay your bill but a little while.

Mr. BROWN. I think it is unfair to take up the bill at the end of the day's session.

Mr. CLARK. I hope it will come up at the present time. You will not be in the way of anybody to-morrow.

Mr. HOWE rose.

Mr. BROWN. I move that the Senate adjourn.

Mr. HOWE. I appeal to the Senator from New Hampshire. Here is the bill for the construction of a canal around the falls of Niagara which has been before the Senate; the amendments are nearly concluded, and I do think that the Senator's bill which has recently been introduced ought not to press in ahead of this.

Mr. CLARK. I know very well that the bill which the Senator speaks of has been several times before the Senate, and I want him to give me a little opportunity to dispose of this bill; and if I am very much in the way, I will get out of the way if he will give me half as much time as he has had.

Mr. HOWE. I am not sure the Senator will ever get out of my way. [Laughter.]

Mr. CLARK. I am eager to get out of your way if you give me half the time you had. [Laughter.]

Mr. BROWN. I move that the Senate do now adjourn.

Mr. CLARK. I hope the Senate will allow me to take up this bill.

Mr. BROWN. I do not want to take it up now; that is the reason why I want to adjourn.

The question being put the Senate refused to adjourn.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from New Hampshire that the Senate proceed to the consideration of the bill named by him.

The question being put, there were, on a division—yeas 13, noes 4; no quorum voting.

Mr. HENDERSON. Now I move that the Senate adjourn.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, July 9, 1866.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. C. B. BOYNTON.

The Journal of Saturday last was read and approved.

LEAVE OF ABSENCE.

Mr. ORTH asked and obtained leave of ab-

sence for the remainder of the session for Mr. STILWELL and Mr. CULLOM.

ORDER OF BUSINESS.

The SPEAKER announced, as the first business in order, the call of committees for reports, to go upon the Calendar and not to be brought back by a motion to reconsider.

No reports were presented.

The SPEAKER announced, as the next business in order, the call of States for resolutions, and for bills on leave, commencing with the State of New Hampshire, where the call was interrupted last Monday by the expiration of the morning hour.

LAND GRANT FOR FEMALE COLLEGES.

Mr. HUBBARD, of Connecticut, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of a donation of lands by Congress for the endowment of female colleges in the several States.

Mr. HUBBARD, of Connecticut, also presented the following resolutions of the Legislature of Connecticut; which were referred to the Committee on Public Lands and ordered to be printed:

GENERAL ASSEMBLY, STATE OF CONNECTICUT,
May Session, 1866.

Resolved by this Assembly, That our Senators and Representatives in Congress be, and hereby are, requested to use their influence to procure a donation of lands by Congress to endow female colleges in the several States.

Resolved, That his Excellency the Governor be, and is hereby, requested to transmit a copy of this resolution to each of our Senators and Representatives in Congress.

Approved May 23, 1866.

TRADE WITH BRITISH PROVINCES.

Mr. HUMPHREY submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of the Treasury be requested to communicate to this House at its next session a statement of the revenue, trade, and commerce of the United States with the British Provinces since the abrogation of the reciprocity treaty, and any changes in Canadian tariff regulations, and also the comparative importance of Canadian and American commercial channels of transportation of property to and from the West to the sea-board, as shown by their returns, together with such other information as may be in his possession at that time, to assist in correctly estimating the relations and value of the trade and commerce of the British Provinces to the trade and productions of the United States.

REMONSTRANCE AGAINST TARIFF BILL.

Mr. DODGE presented the following remonstrance of the New York Chamber of Commerce against the passage of the tariff bill now pending in the House; which was referred to the Committee of Ways and Means and ordered to be printed:

CHAMBER OF COMMERCE
OF THE STATE OF NEW YORK,
NEW YORK, July 5, 1866.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The Chamber of Commerce of the State of New York respectfully remonstrates against the passage of the bill now before the House of Representatives entitled "A bill to provide increased revenue from imports, and for other purposes," and asks leave to submit for the consideration of Congress the following objections thereto:

In the first place the title of the bill is misleading. The enhanced duties it proposes being, in many cases, so high that they must prove prohibitive, its adoption could not fail to diminish rather than increase the revenue from imports. The proposed enhancement of duties is chiefly, if not altogether, on imported articles which come directly in competition with similar domestic products, such, for example, as iron, wool, woolsens, worsteds, linens, and cigars. These are all leading articles in our import trade, and no one familiar with that trade can doubt that the exorbitant duties which this bill proposes to subject them to would greatly diminish their import, and thereby lessen the revenue of the Government. It appears to your remonstrants impolitic to lessen the gold revenue of the Government at a time when its gold liabilities are increasing; and it seems especially impolitic to do so coincidently with the abandonment of many of the existing sources of internal revenue. There is reason to apprehend that the joint effect of the two measures might so reduce the revenue of the Government as to leave the aggregate insufficient to meet its current expenses and maturing interest, and thus weaken the public credit.

But your remonstrants object to this measure on other and broader grounds. They believe its adoption would prove injurious to every interest affected by it. It would be specially injurious to commerce

by diverting it from its established channels, by lessening our foreign trade, and by leaving our large mercantile marine without adequate or profitable employment. It would mar the prosperity of agriculture by increasing the cost of its supplies without enhancing the prices of its products, which are governed, as are those of all exportable commodities, by the foreign market value. It would injure mechanics by increasing the cost of living without enhancing wages. And finally, through its exorbitant protection, it would endanger the permanent prosperity of the manufacturing interest itself, which it is specially intended to protect and foster. It proposes to increase that protection by adding from ten to fifty per cent. to the present high rates of duty at the moment when the amended internal revenue laws relieve that interest from a heavy excise tax. The joint effect of the two measures will be to confer on that interest a rate of protection ranging from fifty to one hundred per cent.; and this protection will be absolute with the excise taxes annulled, and the premium on exchange and on gold to pay duties compensating the manufacturers for the adverse effects of the depreciated currency.

This degree of protection being at least twice as large as that interest has hitherto enjoyed under the revenue laws most favorable to it, we may expect to see it engender a home competition which will ultimately prove fatal to its prosperity. We may also expect to see the people soon become so restive under this unwarrantable boon conferred on a favored interest as to demand its repeal, and the substitution of a tariff strictly grounded on the principle of revenue. This, combined with the effects of home competition, would be liable to involve the manufacturing interests of our country in general bankruptcy. For these reasons your remonstrants respectfully ask that the bill may not become a law.

A. A. LOW, *President.*

Attest:

[L. S.] JOHN AUSTIN STEVENS, Jr.,
Secretary.

COURTS OF THE UNITED STATES.

Mr. MORRIS introduced a bill to amend an act entitled "An act to establish the judicial courts of the United States," approved September 24, 1789; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ASSISTANTS IN HOUSE FOLDING-ROOM.

Mr. NEWELL submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee of Accounts be requested to inquire into the propriety of increasing the salaries of the assistants in the folding-room whose pay has not been increased during the present session to a sum equal to that recently given to other officers employed in similar duties in that department.

TIME FOR MEETING OF CONGRESS.

Mr. SCOFIELD introduced a bill to change the time for the annual meeting of Congress from the first Monday of December to the first Monday in November; which was read a first and second time and referred to the Committee on the Judiciary.

A. W. FLEMING.

Mr. COFFROTH introduced a bill for the relief of A. W. Fleming; which was read a first and second time and referred to the Committee on Invalid Pensions.

JOHN GORDON.

Mr. MILLER submitted the following resolution:

Resolved, That the salary of John Gordon, principal messenger to the Postmaster General, be, and is hereby, raised to \$1,200 per annum.

The SPEAKER. The Chair would suggest to the gentleman that the salary of a messenger in one of the Departments cannot be increased by a resolution of this House.

Mr. MILLER. I withdraw the resolution.

BANCROFT'S MEMORIAL ADDRESS.

Mr. MILLER submitted the following resolution:

Whereas, under instruction of the Committee on Printing, but one hundred copies were allowed to each member of this House of the able memorial address of Hon. George Bancroft on the life and character of our late much esteemed and lamented President, Abraham Lincoln; and whereas the number of copies so furnished is entirely inadequate for anything like a fair distribution of such a valuable production: Therefore,

Resolved, That the Committee on Printing be, and are hereby, authorized and required to cause to be printed such additional number of copies as will allow to each member two hundred more for distribution.

Mr. WASHBURNE, of Illinois. I suppose

this resolution must go to the Committee on Printing.

Mr. MILLER. I demand the previous question.

Mr. HALE. I make the point of order that the resolution under the law must be referred to the Committee on Printing. The resolution instructs the committee to report in favor of printing a certain number of copies.

Mr. ROSS. I would like to amend the resolution so as to provide for printing Agricultural Reports instead.

The SPEAKER. The gentleman from New York is right, and the Chair holds that the resolution must, under the law, be referred to the Committee on Printing, although it is mandatory.

Mr. MORRILL. If the previous question be not seconded, cannot the resolution be rejected?

The SPEAKER. Under the law (Statutes-at-Large, volume ten, page 34) "all motions to print extra copies of any report, bill, or other document shall be referred to the members of the Committee on Printing from the House in which the same may be made." The committee have full jurisdiction of the resolution irrespective of the Manual.

The resolution was referred accordingly.

RECEIPTS AND EXPENDITURES OF GOVERNMENT.

Mr. MILLER submitted the following resolution:

Resolved, That the Secretary of the Treasury be, and is hereby, respectfully requested to furnish this House with a statement of the receipts and expenditures of the Government for the fiscal year ending the 30th of June, 1865.

Mr. WASHBURNE, of Illinois. I move to strike out "respectfully requested" and to use the proper word, "directed."

The amendment was agreed to; and the resolution, as amended, was adopted.

MOORE AND LADOMUS.

Mr. MYERS introduced a bill for the relief of Moore & Ladomus, of Philadelphia; which was read a first and second time and referred to the Committee for the District of Columbia.

IRA G. ROBERTSON.

Mr. FARQUHAR introduced a joint resolution for the relief of Ira G. Robertson, of Indianapolis, Indiana; which was read a first and second time and referred to the Committee of Claims.

RATIONS ISSUED BY THE GOVERNMENT.

Mr. BROMWELL submitted the following resolution, and demanded the previous question on its adoption:

Resolved, That the Secretary of War be, and is hereby, requested to communicate to this House the whole number of rations issued under direction of the War Department from the beginning of the late war hitherto to persons not belonging to the Army, showing the number of rations issued to white persons, and the number issued to colored persons in each year, and also the cost of rations issued to each class of persons respectively.

Mr. WASHBURNE, of Illinois. It will require a great amount of labor to answer that resolution. I hope my colleague will let it be referred to the Committee on Military Affairs.

Mr. BROMWELL. I prefer to have it acted on now.

The House divided on seconding the demand for the previous question; and there were—ayes 30, noes 16; no quorum voting.

The SPEAKER, under the rules, ordered tellers, and appointed Mr. BROMWELL, and Mr. WASHBURNE of Illinois.

The House again divided; and the tellers reported—ayes 50, noes 47.

So the previous question was seconded.

The main question was then ordered.

The question being taken on agreeing to the resolution, it was decided in the affirmative—yeas 65, nays 49, not voting 68; as follows:

YEAS—Messrs. Ancona, Anderson, James M. Ashley, Baker, Benjamin, Bidwell, Bingham, Boutwell, Boyer, Bromwell, Buckland, Reader W. Clarke, Sidney Clarke, Cobb, Coffroth, Cook, Deffrees, Eggleston, Eldridge, Eliot, Finck, Glossbrenner, Grider, Aaron Harding, Hayes, Higby, Chester D. Hubbard, John

H. Hubbard, James R. Hubbard, Humphrey, Ingersoll, Johnson, Julian, Kelley, Kelso, Kerr, Le Blond, Marston, McClurg, McCullough, McKee, Mercer, Moulton, Myers, Niblack, O'Neill, Orth, Paine, Price, William H. Randall, Ritter, Rogers, Ross, Sawyer, Shanklin, Strouse, Taber, Taylor, John L. Thomas, Thornton, Trimble, Robert T. Van Horn, Wentworth, Williams, and James F. Wilson—65.

NAYS—Messrs. Alley, Allison, Ames, Baldwin, Baxter, Dawes, Dawson, Deming, Dixon, Dodge, Eckley, Farquhar, Ferry, Grinnell, Griswold, Hale, Abner C. Harding, Hart, Henderson, Holmes, Hulburd, Kasson, Ketcham, Ladin, Latham, George V. Lawrence, William Lawrence, McRuer, Miller, Moorhead, Morrill, Morris, Plants, Alexander H. Rice, John H. Rice, Rollins, Scofield, Shellabarger, Spaulding, Stevens, Thayer, Trowbridge, Van Aernam, Burt Van Horn, Elihu B. Washburne, Henry D. Washburn, William B. Washburn, Windom, and Woodbridge—49.

NOT VOTING—Messrs. Delos R. Ashley, Banks, Barker, Beaman, Bergen, Blaine, Blow Brandegee, Broomall, Bundy, Chandler, Conkling, Cullom, Culver, Darling, Davis, Delano, Denison, Donnelly, Driggs, Dumont, Farnsworth, Garfield, Goodyear, Harris, Hill, Hogan, Hooper, Hotchkiss, Asahel W. Hubbard, Demas Hubbard, Edwin N. Hubbard, Jenckes, Jones, Kuykendall, Loan, Longyear, Lynch, Marshall, Marvin, McIndoe, Newell, Nicholson, Noel, Patterson, Perham, Phelps, Pike, Pomeroy, Radford, Samuel J. Randall, Raymond, Rousseau, Schenck, Sitgreaves, Sloan, Smith, Starr, Stilwell, Francis Thomas, Upson, Ward, Warner, Welker, Whaley, Stephen F. Wilson, Winfield, and Wright—68.

So the resolution was agreed to.

Mr. ELDRIDGE moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

DICTIONARY OF CONGRESS.

Mr. WENTWORTH offered the following resolution, which was referred to the Committee on Printing under the law:

Whereas the Senate has ordered the printing of the latest edition of the Dictionary of Congress: Therefore,

Resolved, That there be printed for use and distribution by the members of this House, upon the same terms, a sufficient number of copies to make the quota of Representatives equal to that of Senators.

SAFETY OF PASSENGERS.

Mr. WASHBURNE, of Illinois, introduced a bill further to provide for the safety of passengers on board of steam and sail vessels; which was read a first and second time and referred to the Committee on Commerce.

RIGHT OF WAY—MILITARY RESERVATIONS.

Mr. ANDERSON. I offer for consideration a joint resolution concerning the right of way of railroads through military reservations and for other purposes. I will state that this has been considered by the Committee on Public Lands, and has received their unanimous recommendation. I desire to put it on its passage; therefore I demand the previous question.

Mr. WASHBURNE, of Illinois. I object to this; I propose to debate it.

The SPEAKER. The gentleman from Missouri has demanded the previous question, which cuts off debate.

Mr. WASHBURNE, of Illinois. I hope the House is not going to pass this joint resolution without debate.

The joint resolution was read. It grants the right of way, not exceeding one hundred feet in width on each side of the track, and the necessary grounds for depots and stations, to all railroad companies upon all military reserves; and the President is authorized to restore, from time to time, to the public domain, any portion of said reserves over or near which the Union Pacific railroad, or any of its branches, may pass, and which shall not be required for military purposes; the same, when so restored, to be subject to existing laws concerning public lands in the same manner that they would have been if said reserves had never been made; provided, that the President shall not permit the construction of any railroad upon or diminish any such reservation in any manner so as to impair its usefulness for military purposes so long as it shall be required therefor.

Mr. WASHBURNE, of Illinois. That is a most extraordinary joint resolution. It permits railroads to go through all the arsenals of the country.

On seconding the demand for the previous question, there were—ayes 24, noes 67.

So the previous question was not seconded.
Mr. WASHBURN, of Illinois. I wish to debate the resolution.

The SPEAKER. The joint resolution then goes over under the rule.

PAY OF EMPLOYEES OF THE HOUSE.

Mr. KELSO submitted the following preamble and resolution:

Whereas the House of Representatives, at sundry times during the present session of Congress, has increased the compensation of a portion of its officers and employees:

Resolved, That the Committee of Accounts be requested to report a resolution making the increase of compensation equitable and uniform among all the officers and employees of this House for the Thirty-Ninth Congress.

Mr. WASHBURN, of Illinois. I suggest to the gentleman from Missouri that he strike out the words "requested to report" and insert "inquire into the expediency of reporting."

Mr. KELSO. I accept the modification.
The resolution, as modified, was agreed to.

ROBERT BALDWIN.

Mr. DRIGGS. I desire to introduce a bill for the relief of Robert Baldwin.

Mr. WASHBURN, of Illinois. Surely the gentleman does not propose to introduce this bill and move the previous question upon it. No debate can be had upon it now.

Mr. DRIGGS. If it is not in order I will withdraw it.

The SPEAKER. The gentleman can introduce the bill for reference.

Mr. WASHBURN, of Illinois. I object to this mode of passing bills.

Mr. DRIGGS. The bill has been referred, and this is a report from the Committee on Public Lands. I withdraw the bill.

HOUR OF MEETING.

Mr. PRICE. I offer the following resolution:

Resolved, That on and after Tuesday, the 10th instant, and until otherwise ordered, the House will commence its sessions at ten o'clock a. m.

Mr. WASHBURN, of Illinois. Make it nine o'clock.

Mr. PRICE. I ask the previous question on the resolution.

Mr. WASHBURN, of Illinois. I hope before the House acts upon this resolution, we shall get some information in regard to the state of business, and whether there is any necessity for our meeting earlier. I understand that after we get through the tariff bill there are but one or two appropriation bills left, and that there is nothing else to do.

Mr. PRICE. If that is true, and we can get through with our business and go home, I am satisfied. My object is to get through with our business so that we may leave this village.

Mr. SCHENCK. I hope the gentleman will accept an amendment providing that the standing committees of the House be discharged from the further consideration of all the subjects before them.

Mr. PRICE. I do not know that I have any objection to that.

Mr. ALLISON. I object.

Mr. PRICE. I will modify my resolution so as to make the hour of meeting eleven o'clock. But I am really anxious to get the business done without meeting here at night. I insist on the previous question.

Mr. SCHENCK. Does the gentleman accept my amendment?

Mr. PRICE. Oh, no!

The question was put upon seconding the previous question, and there were—ayes 30, noes 65.

So the House refused to second the demand for the previous question.

Mr. WASHBURN, of Illinois. I rise to debate the resolution.

Debate arising, the resolution went over under the rule.

PREEMPTORS ON THE SOSCOL RANCH.

Mr. PRICE introduced a bill to amend an act entitled "An act to grant the right of preemption to certain purchasers on the Soscol ranch, in the State of California;" which was read a first and second time and referred to the Committee on Public Lands.

LOUISIANA CONSTITUTIONAL CONVENTION.

Mr. WILSON, of Iowa, submitted the following resolution, upon which he demanded the previous question:

Resolved, That the President of the United States be requested, if not inconsistent with the public interests, to communicate to this House a copy of any correspondence he may have had with Governor Wells, of Louisiana, in relation to the reassembling of the constitutional convention of Louisiana, which held a session in the year 1864.

Mr. LE BLOND. I wish the gentleman from Iowa would amend his resolution so as to embrace the correspondence with Mr. Forney also. [Laughter.]

Mr. WILSON, of Iowa. The gentleman can call for that himself. I must decline to make the modification.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was agreed to.

Mr. WILSON, of Iowa, moved to reconsider the vote by which the resolution was adopted; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

UNION PACIFIC RAILROAD, EASTERN DIVISION.

Mr. WILSON, of Iowa, introduced a bill explanatory of an act to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri river to the Pacific ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862," approved July 2, 1864; which was read a first and second time and referred to the Committee on Public Lands.

RECESS OF CONGRESS.

Mr. GRINNELL introduced the following concurrent resolution; which was read and referred to the Committee of Ways and Means:

Resolved by the House of Representatives, (the Senate concurring.) That when this House adjourn on the—day of—, it will take a recess to meet on Saturday, the 1st day of December next.

REPORT ON MEDICAL STATISTICS.

Mr. PAINE introduced the following resolution, upon which he called the previous question:

Resolved, That the Secretary of War be directed to communicate to the House of Representatives a report of the medical statistics collected during the war in the bureau of the Provost Marshal General by Surgeon J. H. Baxter as soon as such report can be compiled and prepared for presentation by him.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was agreed to.

Mr. PAINE moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FIFTIETH REGIMENT WISCONSIN VOLUNTEERS.

Mr. COBB introduced the following preamble and resolution, upon which he called the previous question:

Whereas the fiftieth regiment of Wisconsin volunteer infantry were mustered into the service of the United States in the spring of 1865, to serve for one year or during the war, and were retained in the service for several months after the expiration of said year, but were only paid a bounty for one year's service:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of providing by law for the payment to the soldiers of said regiment an additional bounty of \$8 33 1/3 for each month's service after the expiration of said year, and that they report by bill or otherwise.

The previous question was seconded and the main question ordered; and under the operation thereof the preamble and resolution were agreed to.

Mr. COBB moved to reconsider the vote

by which the preamble and resolution were agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC LANDS IN CALIFORNIA.

Mr. HIGBY submitted the following resolution:

Resolved, That the Secretary of the Interior be requested to furnish to this House the information of how many acres of public lands are now in market, how long a time the same have been in market, situated in the State of California and bounded as follows, namely, on the northeast and north by the San Joaquin river; on the east by the foot of the Sierra Nevada mountains; and on the south by King's river and the line between townships seventeen and eighteen; and on the southwest and west by the foot of the Monte Diablo mountain range; and also the number of acres already sold by the General Government within the above-named boundaries.

Mr. WASHBURN, of Illinois. I ask the gentleman from California [Mr. Higby] to modify his resolution so as to make it direct; and also to call for the amount of land which has been granted at this session of Congress for railroad purposes.

Mr. HIGBY. I have no objection.

The resolution, as modified, was agreed to.

ARIZONA, NEW MEXICO, AND UTAH VOLUNTEERS.

Mr. McRUER submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Military Affairs be instructed to inquire into the propriety of paying to volunteers mustered out in the Territories of Arizona, New Mexico, and Utah such additional sums as may appear necessary to reimburse said volunteers for necessary expenses incurred in transportation to places of mustering in, over and above the amount which they have severally received, and report by bill or otherwise.

MARY JOHNSON.

Mr. BIDWELL introduced a joint resolution for the relief of Mary Johnson, of Belmont county, Ohio; which was read a first and second time.

The joint resolution provides that there be paid to Mary Johnson, of Belmont county, Ohio, out of any moneys in the Treasury not otherwise appropriated the sum of \$110, to reimburse her for the loss by fire of \$110 50 in legal-tender notes of the United States, of which she was the legal owner.

The joint resolution was referred to the Committee of Claims.

WISCONSIN.

Mr. CLARKE, of Kansas, introduced a joint resolution construing and giving effect to the joint resolution entitled "A resolution for the relief of the State of Wisconsin," approved July 1, 1864; which was read a first and second time and referred to the Committee on Public Lands.

OFFICERS' THREE MONTHS' EXTRA PAY.

Mr. CLARKE, of Kansas, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Military Affairs be instructed to inquire whether any provisions, and if so, what, are necessary to extend the three months' extra pay conferred by the act of March 3, 1865, upon all officers below the rank of brigadier general who having served one term of service again entered the service since the passage of said act and remained in service until mustered out because their services were no longer needed; and that said committee have leave to report by bill or otherwise.

SUPREME COURT OF COLORADO.

Mr. BRADFORD introduced a joint resolution authorizing the justices of the supreme court of Colorado to fix the terms of the supreme court of said Territory; which was read a first and second time.

Mr. BRADFORD. I desire that this bill shall be acted on now; and therefore I call the previous question on ordering the bill to be engrossed and read a third time.

Mr. DAWES. I think that this ought to be referred to the Committee on the Judiciary.

The joint resolution, which was read, provides that the justices of the supreme court of the Territory of Colorado, or a majority of them, shall be authorized to fix the terms of the supreme court of said Territory.

Mr. WASHBURN, of Illinois. This ought to go to the Committee on the Judiciary.

On seconding the demand for the previous question, there were—ayes 30, noes 31; no quorum voting.

The SPEAKER, under the rule, ordered tellers; and appointed Messrs. WILSON, of Iowa, and LE BLOND.

Mr. WASHBURN, of Illinois. If the gentleman from Colorado [Mr. BRADFORD] will withdraw the call for the previous question I will move that the resolution be referred to the Committee on the Judiciary with leave to report at any time.

Mr. BRADFORD. I consent to that, and withdraw the call for the previous question.

The SPEAKER. If there be no objection, the resolution will be referred to the Committee on the Judiciary with leave to report at any time.

There was no objection.

ARIZONA CONTESTED ELECTION.

Mr. DAWES. The Committee of Elections, to whom was referred the petition of Charles D. Poston, contesting the right of Hon. John N. Goodwin to a seat as Delegate from Arizona, have instructed me to make an oral report.

The petition was referred to the committee on the 11th day of December last. No notice of contest has been served upon the sitting Delegate, and no testimony has been taken and submitted to the committee in support of the statements of the petition. The committee have therefore instructed me to report back the petition and to move that the committee be discharged from its further consideration and that it be laid on the table.

The motion was agreed to.

J. S. UNDERHILL.

Mr. TAYLOR asked and obtained leave to withdraw from the files of the House the petition of J. S. Underhill for extra compensation for building the iron-clad Keokuk.

ENROLLED BILLS AND JOINT RESOLUTION.

Mr. TROWBRIDGE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

A joint resolution (H. R. No. 179) for the relief of Edgar T. Harris;

An act (H. R. No. 461) granting a pension to Ann Sheehy;

An act (H. R. No. 464) for the relief of John Gordon;

An act (H. R. No. 495) for the relief of Mary A. Patrick;

An act (H. R. No. 616) for the relief of Lucinda Gates;

An act (H. R. No. 684) granting a pension to Mrs. Mary A. McManus, widow of Captain Andrew McManus, late of the sixty-ninth Pennsylvania volunteer infantry;

An act (H. R. No. 698) granting an increase of pension to Mrs. Mercie E. Scattergood;

An act (H. R. No. 699) for the relief of James L. Perham;

An act (H. R. No. 700) for the benefit of John W. Jones;

An act (H. R. No. 703) for the relief of Lieutenant Colonel Frank Lynch;

An act (H. R. No. 704) for the relief of Joel Farley;

An act (H. R. No. 705) for the relief of George W. Bush;

An act (H. R. No. 740) for the relief of Matilda J. Monroe;

An act (H. R. No. 743) amendatory of an act entitled "An act granting a pension to Mrs. Emerance Gouler;" and

An act (H. R. No. 641) for the relief of Charles M. Stout, late a second lieutenant in company E, seventh Pennsylvania Reserve corps.

PERSONAL EXPLANATION.

Mr. MOORHEAD. Mr. Speaker, though I have served as a member of this House seven years or more, I believe I have never before

risen to a personal explanation, which I do on this occasion.

The SPEAKER. The gentleman from Pennsylvania asks consent to make a personal explanation. Is there objection?

There was no objection.

Mr. MOORHEAD. I ask the Clerk to read a portion of an article published in the Pittsburgh Republic of last Saturday.

The Clerk read as follows:

"Our Next Congressman."

"Pittsburg Coal Interests Sacrificed for the Benefit of Nova Scotia Land Jobbers and Speculators—Congressman Moorhead Representing a British Province."

"A few days since we alluded to the fact, so utterly astounding and unexplainable, that the representative of the greatest bituminous coal interest in the world had advocated, in debate in the House of Representatives, a measure destructive of that coal interest, for the benefit, as it was said, of New England manufacturers. We denounced the act as a betrayal of the interests of the majority of our people, and endeavored to find a plausible reason for the commission of the outrage. In full belief that our Representative never acted unless from some personal and pecuniary interest, we thought it might be probable that he had some local or home interest antagonistic with the general welfare, and hence his singular conduct. We are now, however, enabled to furnish the true reason for the action of our disinterested and honored Representative.

"We met in Philadelphia, on Thursday, a distinguished citizen from a neighboring county who is largely engaged in the coal business, and who is somewhat celebrated for his quiet adroitness in 'hunting up' and tracing hidden and obscure 'moccasin tracks.' This gentleman informed us that he was just en route for Washington city, deputed by a number of coal operators to go there and use his influence to secure the great bituminous coal interests of western Pennsylvania and eastern Ohio and Maryland from the destructive effects of the reduction proposed on the importation of Nova Scotia and other foreign coal. We stated that we had in a small way endeavored to call public attention to the facts in connection with the course pursued by our Representative, Mr. MOORHEAD. He instantly replied, 'It is well known what induces MOORHEAD; he would sacrifice any interest of the district he represents, if its protection came so directly in conflict with the money interest of his family, or probably of himself.' We admitted we did not understand in what particular manner a reduction of the duty on foreign coal could have any beneficial effect upon the interests to which he alluded.

"Thoroughly astonished, and at the same time opened to our view the whole secret of MOORHEAD's sudden change from what he advocated in the committee and yielded on the floor of the House. Why, said our informant, the family in Philadelphia (Jay Cooke & Co., and the Moorhead brothers, we presume, were referred to) own large coal interests in Nova Scotia and Picton; with proper rates of duty—they could not import a bushel with low duties—or under the old reciprocity treaty, they did and can drive us from the Atlantic market. They have to transport their coals not over three miles by land carriage to tide, while we are compelled to use three hundred miles of railway. A fair duty of \$1 25 or \$1 50 per ton gives us the eastern markets; fifty cents a ton gives it to the family land-jobbers in Philadelphia, and hence the reason for General MOORHEAD's course.

"Our informant further observed that Mr. MOORHEAD was an attentive Bible reader, and had probably remembered the words, 'He that does not provide for his own household is worse than an infidel.' 'I am in no hurry now,' said our informant, 'for I observe that a true, old-fashioned, and faithful Representative from Ohio has defeated the "Moorhead" compromise for the present, at all events.'"

Mr. MOORHEAD. Mr. Speaker, this was written in consequence of my having stated here, when the Committee of Ways and Means reported, that I had agreed to that part of the report imposing a duty of fifty cents per ton on coal from the British Provinces to be used by New England manufacturers, and a dollar and a half per ton on coal from Liverpool and Newcastle. The wisdom of my action in this regard, I believe, requires no explanation or justification, and even if it did this is neither the time nor the place for so doing. I will attend to that at home before my constituents.

My object in rising is to brand the article attributing to me sordid motives as false and malicious, whether it emanates from the distinguished gentleman referred to or the editor of the paper. I take occasion to say that neither myself nor my brother nor any other living person with whom I am acquainted is directly or indirectly interested in any British Province; and it is for the purpose of repelling that base slander I have risen, and not for the purpose of occupying the time of the House.

AMENDMENT OF THE CONSTITUTION.

Mr. BAKER, by unanimous consent, presented five petitions from A. C. Todd and nu-

merous other citizens of Illinois, praying an amendment of the Constitution, as follows:

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

We, citizens of the United States, respectfully ask your honorable body to adopt measures for amending the Constitution of the United States so as to read in substance as follows:

We, the people of the United States, humbly acknowledging Almighty God as the source of all authority and power in civil government, the Lord Jesus Christ as the Ruler among the nations, and His revealed will as of supreme authority, in order to constitute a Christian Government, and in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the inalienable rights of life, liberty, and the pursuit of happiness to ourselves, our posterity, and all the inhabitants of the land, do ordain and establish this Constitution for the United States of America.

The petitions were referred to the Committee on the Judiciary.

RECONSTRUCTION.

Mr. BAKER asked and obtained leave to have printed as a part of the debates of the House remarks he had prepared on reconstruction and the future civil policy of the Government.

[The remarks will be found in the Appendix.]

KOONTZ VERSUS COFFROTH.

Mr. McCLURG submitted, from the Committee of Elections, a report, concluding with the following resolutions:

Resolved, That Alexander H. Coffroth is not entitled to a seat in this House as a Representative from the sixteenth congressional district of Pennsylvania in the Thirty-Ninth Congress.

Resolved, That William H. Koontz is entitled to a seat as a Representative from the sixteenth congressional district of Pennsylvania in the Thirty-Ninth Congress.

The report was laid upon the table and ordered to be printed.

DR. F. B. CULVER.

Mr. JOHNSON, by unanimous consent, introduced a bill for the relief of Dr. F. B. Culver, late special agent and commissioner to negotiate treaties with certain Indian tribes; which was read a first and second time and referred to the Committee on Indian Affairs.

REORGANIZATION OF THE ARMY.

Mr. SCHENCK. Mr. Speaker, I explained on Saturday to the House the absolute necessity, as represented to me by the Secretary of War and by the Lieutenant General of the Army of the United States, for some provision in regard to the Army. Men must be obtained in addition to those we have now in the Army for the actual necessities of the Government; and it becomes essentially necessary in some shape a bill for the reorganization of the Army and its establishment on a peace footing shall pass, otherwise a large proportion of the present small Army must be mustered out on account of the cessation of hostilities. The Senate, I observe, are still presenting new bills. I have explained a bill as in possession of the Committee on Military Affairs, passed by the Senate, while a bill passed by the House is in possession of the Senate. If the Senate continue to pass new bills as it seems disposed to do, we shall never come to any conclusion. Someone bill must be acted on. The Committee on Military Affairs of the House have no particular pride in rejecting or having the Senate bill passed. Our desire is to have some action of Congress in which the two Houses shall agree, and in order to bring the Senate up to a position rendering it necessary to act on some bill, I am instructed by the Committee on Military Affairs to report back the bill passed by the Senate and to move, as a substitute, the bill passed by the House. This will result in a conference, without which we will never come to a conclusion. I report back, therefore, Senate bill No. 138, with a substitute, being precisely the bill upon which the House has acted, word for word. I propose to substitute for the Senate bill the House bill as an amendment.

The SPEAKER. Is there objection?

Mr. WASHBURN, of Illinois. I have this moment come in and I would like to understand the proposition.

Mr. SCHENCK. I simply propose to substitute the bill which has passed the House for

the Senate bill. I made an explanation on Saturday and my colleague [Mr. SPALDING] objected, but he afterward agreed to withdraw his objection; but it was too late to bring the matter up on that day.

Mr. WASHBURN, of Illinois. Do I understand that the Senate bill is now before the House together with the House bill?

The SPEAKER. It is if there is no objection. Otherwise the gentleman may move to suspend the rules for the purpose of reporting it back.

Mr. FARNSWORTH. I hope there will be no objection.

Mr. SPALDING. I will state that I objected on Saturday, but I am satisfied now that it is merely a matter of pride between the two committees of Congress, and I withdraw my objection.

No objection was made, and the bill was accordingly introduced.

Mr. SCHENCK. I ask the previous question on the adoption of the substitute.

The previous question was seconded and the main question ordered.

Mr. RANDALL, of Pennsylvania. I demand the yeas and nays.

The yeas and nays were ordered.

The question being taken on the adoption of the substitute, it was decided in the affirmative—yeas 95, nays 80, not voting 57; as follows:

YEAS—Messrs. Alley, Allison, Ames, Anderson, Delos R. Ashley, Baker, Baldwin, Banks, Barker, Baxter, Bidwell, Bromwell, Buckland, Bundy, Reader W. Clarke, Sidney Clarke, Cobb, Cook, Dawes, Dawson, Deffrees, Deming, Dixon, Dodge, Driggs, Eckley, Eggleston, Eliot, Farnsworth, Farquhar, Ferry, Garfield, Grinnell, Hale, Abner C. Harding, Hayes, Henderson, Higby, Holmes, Hooper, Asahel W. Hubbard, Chester D. Hubbard, Demas Hubbard, John H. Hubbard, James R. Hubbell, Hulburd, Humphrey, Ingersoll, Julian, Kasson, Kelley, Kelso, Ketcham, Laffin, George V. Lawrence, William Lawrence, Longyear, Marston, Marvin, McClure, Mercer, Miller, Moorhead, Morrill, Morris, Myers, Newell, O'Neill, Paine, Perham, Plants, Pomeroy, Price, Alexander H. Rice, Rollins, Rousseau, Sawyer, Schenck, Schofield, Shclabarger, Smith, Spalding, Stevens, Taber, Van Aernam, Burt Van Horn, Robert T. Van Horn, Ward, Elihu B. Washburne, Henry D. Washburn, William B. Washburn, Weiker, Wentworth, Williams, and Woodbridge—95.

NAYS—Messrs. Ancona, James M. Ashley, Benjamin, Boutwell, Boyer, Davis, Eldridge, Finck, Glossbrenner, Aaron Harding, Hogan, Johnson, Kerr, Latham, Loan, Marshall, McCullough, McKee, Niblack, Samuel J. Randall, Kitter, Rogers, Ross, Shanklin, Srouse, Thayer, John L. Thomas, Thornton, Trimble, and James F. Wilson—80.

NOT VOTING—Messrs. Beaman, Bergen, Bingham, Blaine, Blow, Brandegee, Broomall, Chanler, Coffroth, Conkling, Cullom, Culver, Darling, Delano, Denison, Donnelly, Dumont, Goodyear, Grider, Griswold, Harris, Hart, Hill, Hotchkiss, Edwin N. Hubbell, Jonckes, Jones, Kuykendall, Le Blond, Lynch, McIndoe, McKuer, Moulton, Nicholson, Noel, Orth, Patterson, Phelps, Pike, Radford, William H. Randall, Raymond, John H. Rice, Sitgreaves, Sloan, Starr, Stillwell, Taylor, Francis Thomas, Trowbridge, Upson, Warner, Whaley, Stephen F. Wilson, Windom, Winfield, and Wright—57.

So the substitute was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. SCHENCK. I move to amend the title so as to read "A bill to reorganize and establish the Army of the United States."

Mr. THAYER. I would like to move to amend it so as to read "A bill to disorganize the Army of the United States."

The motion of Mr. SCHENCK to amend the title was agreed to.

Mr. SCHENCK moved to reconsider the vote by which the bill was passed, and the title amended; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, informed the House that the Senate had passed joint resolution of the House No. 101, for the relief of certain officers of the Army, with an amendment, in which the concurrence of the House was requested.

Also, that the Senate had passed, without amendment, House bill No. 730, relative to pilots and pilot regulations.

The message further informed the House

that the Committee on Enrolled Bills having reported to the Senate that in the examination of the bill (S. No. 222) further to prevent smuggling, and for other purposes, it appeared that the committee of conference reported no recommendation upon sundry amendments of the House of Representatives to the said bill, it was resolved that the Senate reconsider its vote agreeing to the report of the committee of conference, and that the bill and report be recommitted to the said committee of conference.

INTERNAL REVENUE LAW.

Mr. MORRILL, by unanimous consent, offered the following resolution; which was referred to the Committee on Printing under the law:

Resolved, That twenty thousand copies of the internal revenue law, so called, shall be printed as amended, so as to incorporate the entire law, for the use of the members of the House.

REGISTER OF DEEDS IN THE DISTRICT.

Mr. INGERSOLL, by unanimous consent, introduced a bill to regulate the fees of the register of deeds for the District of Columbia; which was read a first and second time and referred to the Committee for the District of Columbia.

PREVENTION OF SMUGGLING.

Mr. ELIOT. I ask unanimous consent that Senate bill No. 222, for the prevention of smuggling, and for other purposes, be recommitted to the committee of conference, with a view to the correction of an error. I will state that the Senate has already taken this action, and that there is a message on the Speaker's table on the subject.

No objection was made.

The SPEAKER laid before the House the following message from the Senate:

IN SENATE, OF THE UNITED STATES,
July 9, 1866.

The Committee on Enrolled Bills having reported to the Senate that on examining the bill (S. No. 222) further to prevent smuggling, and for other purposes, it appeared that the committee of conference reported no recommendations on sundry amendments of the House of Representatives to said bill, it is resolved that the Senate reconsider its vote agreeing to the report of the committee of conference, and that the bill and report be recommitted to the committee of conference.

There being no objection, the House concurred in the action of the Senate recommitting the bill to the committee of conference.

Mr. ALLISON. I move to proceed to business on the Speaker's table, for the purpose of considering the first bill on the table.

The motion was agreed to.

ARMY APPROPRIATIONS.

The first business on the Speaker's table was bill of the House No. 456, to extend the benefits of section four of an act making appropriations for the support of the Army for the year ending June 30, 1866, approved March 3, 1865, returned from the Senate with an amendment.

The amendment of the Senate was to strike out at the end of the bill the words "that date" and insert in lieu thereof the words "the 9th day of April, 1865."

Mr. SCHENCK. I hope that amendment will be concurred in. It is a mere correction.

The amendment of the Senate was concurred in.

Mr. ALLISON moved to reconsider the vote by which the amendment of the Senate was concurred in; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

TARIFF BILL.

Mr. MORRILL. I move that the rules be suspended and that the House resolve itself into the Committee of the Whole on the state of the Union on the special order.

The motion was agreed to.

So the rules were suspended; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. SCOFIELD in the chair,) and resumed the consideration of the special order, being bill of the House No. 718, to provide increased revenue from imports, and for other purposes.

The Clerk read as follows:

SEC. 17. *And be it further enacted*, That in determining the dutiable value of all merchandise imported from foreign countries on which duties are imposed by this act, or by any existing law, the entire cost of such merchandise shall be taken, which shall appear on the invoice, certified by the consul of the United States at the place of original purchase or production, as having been paid by the purchaser to any party for or on account of said goods; and if such purchase and certification shall be at an interior town, city, or locality of any foreign country there shall be added to such entire original cost all actual costs of transportation to the last port of shipment for the United States, and all costs of preparation or preservation paid or accruing in such port of last shipment, except only the actual cost of removal from warehouse on board the vessel for final exportation, and except the commission or brokerage paid for the care of such shipment, not exceeding two and one half per cent. And if the importer of any merchandise shall neglect or refuse to place upon his invoice, when offered for entry, all elements or items of actual cost so paid or accruing, or shall offer for entry as the total value any bills paid for such merchandise not completely finished, baled, packed, or marked, or shall omit to include the value of the casks, bottles, or other articles containing wines or liquors, or shall omit the proper cost of boxes or of packing of cigars, such omission shall be held to be an undervaluation of the invoice, and the officers of customs examining and appraising the same shall add the said items of cost, and shall impose the penalties now prescribed by law for undervaluations: *Provided*, That any importer of merchandise may add items of cost paid or accruing after certification by the consul at the time of making entry without incurring penalty; but if the invoice value, as certified, be twenty per cent. less than the actual cost, all packages and costs of putting up included, then the said importer shall not be entitled to correct the entry without penalty, but shall, if the addition be to the extent of twenty per cent. upon the certified value, pay twenty per cent. additional as penal duty; and if said importer shall not offer to correct such undervaluation on entry he shall pay fifty per cent. penal duty; and if the undervaluation be thirty per cent. or over the merchandise shall be absolutely forfeited to the United States; and all charges of a general character incurred in the purchase of a general invoice shall be distributed *pro rata* upon all the parts of such invoice; and every part thereof charged with duties based on value, whether specific or *ad valorem*, shall be advanced according to its proportion, and all wines, or other articles paying specific duty by grades shall be graded, and pay duty according to the actual cost so determined.

Mr. MORRILL. I move to amend in line three by inserting after the words "foreign countries" the words "except as hereinafter otherwise provided."

The amendment was agreed to.

Mr. HALE. I move to amend in line nine by striking out the words "an interior" and inserting "any," and also by inserting after the word "country," in line ten, the words "other than the last port of shipment for the United States;" so that it will read:

That in determining the dutiable value of all merchandise imported from foreign countries on which duties are imposed by this act, or by any existing law, the entire cost of such merchandise shall be taken, which shall appear on the invoice, certified by the consul of the United States at the place of original purchase or production as having been paid by the purchaser to any party for or on account of said goods; and if such purchase and certification shall be at any town, city, or locality of any foreign country, other than the last port of shipment for the United States, there shall be added to such entire original cost all actual costs of transportation to the last port of shipment for the United States, and all costs of preparation or preservation paid or accruing in such port of last shipment, except only the actual cost of removal from warehouse on board the vessel for final exportation, and except the commission or brokerage paid for the care of such shipment, not exceeding two and one half per cent.

The amendment was agreed to.

Mr. RICE, of Massachusetts. I move to add to the seventeenth section the following proviso:

And provided further, That all goods, wares, and merchandise in bonded warehouses or on shipboard and bound to the United States from any foreign port when this act shall take effect shall be subject to the conditions and rates of duties which were applicable to said goods, wares, and merchandise on the last day of June, 1866.

Mr. THAYER. I suggest to the gentleman from Massachusetts that that amendment would come in more appropriately at the close of the twenty-second section.

Mr. RICE, of Massachusetts. Very well; I withdraw it for the present.

Mr. TAYLOR. I move to strike out this seventeenth section as amended. Mr. Chairman, I make the motion to amend for the opportunity that it will afford of saying a few words in opposition to this bill. I admire the

frankness with which the friends of the measure admit its purpose—protection to the manufacturers. It is generally supposed that the aim and end of all sound legislation should be to advance the interests of the many with as little detriment to the few as possible. This wise maxim is entirely disregarded in the present instance, as it has been in many others in this Congress. The converse of the maxim seems to be the ruling idea which governs our present legislation, and gentlemen seem to rack their brains how to most successfully devise laws that will be of the greatest good to the smallest number. This I think can be clearly demonstrated by the operation of the bill under consideration. Out of a population of about thirty-four millions there is perhaps one in five engaged in manufacturing; hence four fifths of the population are required to contribute something to the private advantage of one fifth without receiving in return the slightest equivalent. The effect and operation of this law will be in the United States to compel the many to cater to the few, and abroad to provoke retaliation. If we close our ports to foreign importations by a prohibitory tariff will not foreign countries do the same and exclude our productions? Most assuredly they will. What, then, becomes of our commercial marine which has been our pride and boast, and which has contributed so much to our greatness and prosperity? We shall have no further use for our ships, but, like the Japanese, must remain content to live within ourselves, and allow one of our most hitherto cherished interests to perish to foster another, to the minds of many of less importance.

Again, if this measure becomes a law it will enhance the price of stocks of goods on hand. In fact, it is well known that the introduction and discussion of this bill has already had that effect in anticipation of its passage. I am told that there is a gentleman present to whose colossal fortune the passage of this bill will add a half a million of dollars. Whether that be true or not will depend entirely upon the amount of goods he may have on hand.

When we had the tax bill before us a reduction of the tax on manufactures and manufactured goods was demanded. The reason assigned for this demand was that taxes being so high goods could be imported and sold for less than the cost, including taxes, of the same article produced in this country. The taxes were reduced and the manufacturers seemed satisfied, but now that an opportunity is offered I find them rushing here demanding protection, and pleading that unless they are protected they will be obliged to suspend business. Does any one believe the statement? Is not the fact patent to all that notwithstanding the high taxes which they have been obliged to pay manufacturers have all made money? Mr. Chairman, it is all a sham. The pretext is too shallow to deceive any one. The object of those holding large stocks of goods is to enhance their value and the manufacturers to drive a fair competition out of our markets and enable them to compel the consumer to pay any exorbitant price they may choose to place on their goods.

"Freedom of trade is the life of trade." * * * "Men should have the right to exercise their industry, to dispose of its fruits in any market which to them shall seem best, and buy wherever they please, subject to no other limitation than the revenue necessities which the Government demand."

Believing that "protection to the producer is robbery to the consumer with the added hypocrisy of pretending to look after the latter's interest," I shall feel myself constrained to vote against the bill.

I will only add that the following circular received by me this morning from dealers in hardware and cutlery in the city of New York, shows most conclusively the unreasonable and prohibitory nature of the proposed increase of the present tariff:

The importers of hardware and cutlery of New York respectfully submit the following statements in reference to those goods for the consideration of the members of the Thirty-Ninth Congress:

The enormous rates of duty proposed to be levied

upon hardware and cutlery indicate a regard for special interests to the entire sacrifice of revenue and great injury of consumers. It might have been expected that the protection of a war tariff of fifty per cent. on pocket cutlery, and thirty-five per cent. on table cutlery, and on files thirty per cent. *ad valorem*, and six cents per pound on some and ten cents per pound on others, averaging sixty-six per cent. on files, &c., on which many domestic manufacturers have become wealthy, would have satisfied them, and that the country might now be allowed the receipt of revenue from those which are imported, when it is remembered that, in addition to the import duties, the domestic manufacturer enjoys protection to the extent of ten to thirty per cent. in the cost of freights, packages, commissions, &c.

But it is now proposed, by taxing all pocket cutlery costing under five dollars with a specific duty of seventy-five cents per dozen, and costing five dollars per dozen and above, with two dollars per dozen in addition to fifty per cent. *ad valorem*; to tax every child's knife costing sixpence sterling per dozen, (custom-house value twelve cents,) with both rates of tax eighty-one cents; which is six hundred and seventy-five per cent. On every boy's knife which costs one shilling and threepence or thirty cents per dozen, the two duties will amount to ninety cents, equal to three hundred per cent.; and on every farmer's knife costing three shillings or seventy-two cents, the tariff will be \$1.11, or one hundred and fifty-four per cent.; while the duty on all pocket knives costing (custom-house value) seventy-two cents to \$9.68, will average seventy-two per cent. Surely the present tariff of fifty per cent. *ad valorem* should be enough to satisfy any one.

In table cutlery a considerable quantity is imported, which costs six shillings per gross or \$1.44; the specific duty, as the clause passed the House, is twelve cents per dozen, or \$1.44 per gross, with the forty-five per cent. *ad valorem*, is \$2.09, equal to one hundred and forty-five per cent. The table cutlery, extensively used through the country, costing sixteen shillings, or \$3.86 per gross; the specific and *ad valorem* duty is \$3.18, or eighty-two per cent. Ivory table knives, costing six shillings per dozen or \$1.44, are to bear a specific duty of one dollar per dozen and *ad valorem* forty-five per cent., together \$1.65, or one hundred and fifteen per cent., and a ten-shilling table knife, custom-house value \$2.42, with both rates bears a duty of \$2.09, equal to eighty-six per cent. Now, is it not reasonable that the present tariff of thirty-five per cent. should be sufficient, or could there not be moderation enough to dispense with the specific now proposed?

An English twelve-inch flat bastard file, used by nearly every mechanic, (custom-house value \$2.20,) with the proposed heavy specific of two dollars per dozen is taxed ninety-one per cent., while mill and taper files, used by every farmer, are proposed to be taxed in the same proportion; German files, being of less cost, are taxed on the average one hundred and forty-one per cent.

The proposed duty on German wrought nails varies from one hundred and forty-one to one hundred and fifty-five per cent.; halter and dog chains, eighty-one per cent.; coil chain, one hundred and ten to one hundred and thirty-five per cent.; trace chains, one hundred and thirty-four to one hundred and fifty-four per cent.; hooks and hinges, one hundred and eighty-three per cent.; on curry-combs and padlocks, with specific twenty-five cents and *ad valorem* forty-five per cent., on cheaper kinds, costing from eighteen to forty-eight cents per dozen—of which great quantities are used—the tariff is proposed to be ninety-three to one hundred and eighty-four per cent.

On the article of saws, used by every farmer, the specific and *ad valorem* duties will average seventy-seven to one hundred and sixty-three per cent.

All these goods come into general use by the bulk of the community, especially among the poorer classes, many of whom have not the means to pay high prices; thus revenue will be sacrificed and the population generally injured. Besides which, manufacturers here have the facilities for supplying only a very small portion of the demand, which of itself will tend to high prices. Then in addition to the direct specific and *ad valorem* rates above named, the proposed tariff imposes duty on casks, packages, commissions, &c., which on low-priced goods are very heavy, reaching to twenty per cent. and over on net cost of many goods. This is in addition to present tariff.

It is submitted whether the provisions of this bill do not call for very grave consideration, and will it not be for the interest of manufacturers themselves, as well as that of the country at large, to adhere on these goods to the present tariff, which is largely protective, rather than press these prohibitive rates and provoke continued unsettlement, as it is believed by many, if these enormous duties are passed they cannot be permanent.

An exhibit of rates of duty on hardware and cutlery in proposed tariff now under consideration, from which the above statements are made, will be forwarded quickly as possible for your perusal and consideration.

BROWN, HARRIS & HOPKINS,
WILLIS, CORNELL & CORBY,
WILLIAM BRYCE & CO.
QUACENBUSH, TOWNSEND & CO.,
LOUDBACK, GILBERT & CO.,
SHEATH & FLAGLER,
YALE, MACFARLANE & CO.,
HOWARD, SANGER & CO.
BEAM & MURRAY,
SHELDON, HOYT & CO.,
COFFIN, LEE & CO.,
SHERMAN BROTHERS,
MULFORD & SPRAGUE,
GEORGE W. ALBUSTUS,
AUG. W. PAYNE.

NEW YORK, July 3, 1866.

Mr. MORRILL. I suppose the motion of my friend from New York [Mr. TAYLOR] was made merely to hang a speech upon. Although he does not happen to represent the celebrated county in North Carolina, evidently his speech was made for Buncombe. As he has accomplished his purpose, I hope his motion will not prevail.

Mr. TAYLOR. I withdraw my motion to strike out.

The Clerk read as follows:

SEC. 18. *And be it further enacted*, That no return of duties on account of damage to merchandise on the voyage of importation shall hereafter be made, except as hereinafter provided, and upon the articles herein named; but it shall be lawful for any importer of merchandise, or for the representative or representatives of such importer, as insurers or otherwise, to abandon to the United States the whole or any part of any importation which may have received damage on the voyage; but no quantity shall be so abandoned the dutiable value of which on the original invoice was less than twenty-five dollars; nor shall any quantity be so abandoned less than one whole package. And notice of intention to abandon any part of an importation shall be given in writing by the importer or his representative within ten days from the date of original entry of the said goods; and in the said notice the marks and numbers of the packages, with the original and proper value of the said portions, shall be given; and the collector shall then direct the appraisers of damage or officers acting as such to examine the said goods as for allowance of damage, and they shall return a written report of such examination, approving or disapproving such abandonment; and if approved, the collector shall direct the duties paid on the entry of such merchandise to be refunded. And the appraisers shall also report, at the same time, whether the said abandoned merchandise is of value sufficient to pay the expenses of custody and sale, and if so, the same shall be sold at auction by the collector, and the proceeds, less the expenses of said sale, shall be paid into the Treasury; and if the merchandise shall be reported as of value not sufficient to justify sale, the same shall be destroyed, or otherwise disposed of, as the collector shall direct.

And the following described articles and merchandise only shall be excepted from the operation of the preceding provision, and may be admitted to return of duties on account of damage on the voyage of importation, as follows:

On tea, damage may be awarded not above twenty per cent.; on coffee, not above twenty per cent.; on manufactures of textile fabrics fully wet by salt water, not above twenty per cent.; and no damage shall be awarded on textile fabrics of every description for any other cause than actual immersion in or wetting with salt water; on machinery for the manufacture of textile fabrics, damage may be awarded from breakage or by salt water to the extent of fifteen per cent., of whatever material such machinery may be composed; on sumac, not above twenty per cent.; on tin, tinned iron, and terno tin, not above fifteen per cent.

Mr. MORRILL. I move to strike out this section and to insert in lieu thereof the section which I send to the Clerk's desk to be read.

The Clerk read as follows:

And be it further enacted, That the Secretary of the Treasury be, and he is hereby, authorized to extend to the Alabama and Florida Railroad Company a credit of five years on the duties on the railroad iron and fastenings necessary to relay thirty-seven miles of the track of the Alabama and Florida railroad, between the city of Pensacola to the Alabama State line, from which the rails and fastenings were removed by the so-called confederate authorities against the remonstrances of the officers of said railroad company and the injunctions of the court during the late rebellion: *Provided*, That the said railroad company shall first give security to the satisfaction of the said Secretary for the payment of such duties with semi-annual interest at the rate of six per cent. on or before the expiration of said credit; and that the said iron shall be used for no purpose but that before stated until said duties have been paid; and further, that the United States authorities can use said securities in payment for any services said railroad company may render for them should any services be rendered.

Mr. MORRILL. The section which I have moved to strike out is one subject to quite weighty objections, and will require considerable amendment even if it should be allowed to be retained. Therefore the Committee of Ways and Means have instructed me to move to strike it out; and if it is to be inserted at all, let it be inserted by the Senate.

The new section which I have moved, by direction of the Committee of Ways and Means, to insert in place of this eighteenth section, is for the purpose of allowing a railroad running from Pensacola to the Alabama State line, and which was utterly destroyed during the late war, a credit upon the iron which is now on the way, or perhaps has already arrived from abroad, for the relaying of the road. It will amount to about sixty thousand dollars. Now, while I am disposed "to quarrel for the ninth part of a hair"

in relation to political principles, when we come to financial questions of this kind, where the Government can afford relief without any damage to the interests of the country, and with the greatest benefit to the local interests of a State, I am, for one, quite willing to grant it. And as we have hitherto given considerable aid to railroads in the West, I think we should give this aid here. It is simply granting to this railroad time in which to pay these duties.

Mr. ALLISON. I desire to ask the chairman of the Committee of Ways and Means if this amendment provides that the principal and interest shall be paid in gold at the end of five years.

Mr. MORRILL. As a matter of course that will be so considered.

Mr. ALLISON. I am not quite clear about that.

Mr. MORRILL. It ought to be in that form.

Mr. ALLISON. If this duty on railroad iron should be changed as proposed to a debt in favor of the United States, that debt, in my judgment, would not be payable in coin unless it were so specified.

Mr. MORRILL. The amendment provides for the payment of interest semi-annually. I modify the amendment by inserting the words "to be paid in coin."

Mr. STEVENS. Mr. Chairman, I feel very much disposed to extend aid, so far as possible, to suffering men everywhere; but why the Government should give this credit to a corporation I cannot very well understand. I know no reason why this Florida corporation should receive this credit, except such reasons as would apply to every other railroad corporation in the United States. I can perceive in this proposition the entering wedge for all the other companies, opening the way to the destruction of our whole system of revenue on railroad iron. Next year—or if not next year, certainly the year after—this duty will be remitted; and we shall get nothing. This is practically a remission of the duty on railroad iron for the benefit of this Florida railroad company. The only thing that would recommend this proposition to me is the fact that a large part of the stock of this company is owned by northern men. Everybody knows that enterprising men of the North are assisting largely in building these southern roads; and of course they have my sympathy. I cannot understand, however, why this credit, or rather this gift, should be extended by the Government to those concerned in this railroad. I can understand why there should be a combination for the purpose of bringing railroad iron into the country free of duty. But I cannot see why we should consent to permit the remission of the duties to railroad companies which, if they are profitable at all, are able to pay the duties. I must therefore vote against the amendment.

Mr. BINGHAM. Mr. Chairman, for the purpose of saying a few words upon this question, I move to amend the amendment by striking out "five" and inserting "three." I regret very much to hear the remarks just made by the honorable gentleman from Pennsylvania, [Mr. STEVENS.] It seems to me that he has forgotten that the amendment which is offered by the chairman of the Committee of Ways and Means is in the very spirit of the resolution which has already been recommended to this House by a joint committee of both Houses, of which committee the honorable gentleman himself is a member, and which resolution proposes to suspend for the period of ten years, upon like securities being given, the obligations for the payment of direct taxes assessed upon the eleven States lately in insurrection.

Mr. STEVENS. I will ask the gentleman whether this railroad is a State work or an individual enterprise.

Mr. BINGHAM. The gentleman, I was just going to say, seemed to undertake to fortify his position and to forestall any remarks upon this subject by referring to the fact that the amendment now pending is in behalf of a corporation. Sir, the State itself is but a corporation; but

those who compose each are citizens of the country. In this respect they are all alike; and they are a very disorganized body of corporators at that. For myself, Mr. Chairman, I cannot see the statesmanship of saying that no quarter whatever shall be given to those people; that nothing is to be done for them, or even attempted to be done, but to exact the uttermost farthing at once and without one day of grace. After you shall have done this, what will you have accomplished? If you give the southern people no kind of encouragement to attempt anything toward improvement and the organization of industry and the development of their resources, what assurance have you that they will ever attempt anything? The amendment now pending proposes simply to say to those people, "Go on and build your railroad connecting your two States of Florida and Alabama; procure the iron necessary for the purpose; if it be foreign iron and liable to duty, give security satisfactory to the Government for the ultimate payment of the duties, and for the payment semi-annually, in gold, of the interest thereon during the period of the five intermediate years of extension." That is all there is in the proposition.

Sir, I am willing, and deem it my duty, to assist by special legislation, if you please, in working out speedily such results in the South as will break that unbroken column of rebel States extending from the shores of the Potomac to the Rio Grande. I thank the Committee of Ways and Means for the pending proposition and the statesmanship which underlies it and is embodied in it. Its adoption can do no harm. I scout as unworthy of a moment's consideration any suggestion that the adoption of a proposition like this will be a precedent which may bring disaster upon the country. Anything that is calculated to wake up intelligent industry through that vast tract of country held these last five years in the embrace of rebellion, which was an embrace of death, I hail as an omen of that "good time coming" when those States will be restored and the supremacy of the Constitution acknowledged in every State hitherto in insurrection. Having said these few words in favor of the proposition of the committee, I now withdraw my amendment to it.

Mr. FINCK. I renew the amendment. Mr. Chairman, I have been gratified with some of the liberal remarks of my colleague. I have sat here patiently day after day listening to the discussion of this important measure, and I have been deeply impressed with the striking fact that the people of eleven of our sister States, who have so much interest in a great measure like this, have not had a voice or vote on this floor to represent them. Sir, this is an unnatural condition of things; not in accordance with our representative system of government. The measure which was passed a few days since for raising internal revenue, which so vitally affects the interests and business of the whole people, as well those of the States represented as those of the eleven States unrepresented, has been passed through both Houses without the voice or vote for or against it of a single representative from nearly one third of the States. Can this thing last and our Government continue a free Government? Sir, it is in direct conflict with the great principle on which our system of government was founded. In that bill you have discriminated against one of the great staples of this country, and violated one of the rules on which the revenue system is based. You have imposed a tax of three cents a pound on cotton. You do not propose to tax wheat, oats, and corn so much per bushel. It would be unwise and unjust to do so. But, sir, it is also unwise and unjust to impose this tax upon cotton, and doubly so because you impose it upon a people to whom you have denied all representation on this floor.

Is it the policy of this Congress to discourage the raising of cotton and increase its price on the great masses of the people who use it? Is it the policy of this Congress to convert the cotton fields of the South into grain and pas-

ture fields and bring them in competition with the great agricultural interests of the West, and thus not only increase the price of cotton but deprive the great West of one of the markets for its produce? No man believes that this tax on cotton could have been imposed if all the States had been represented here; and allow me to inquire whether it is a part of this same scheme to take advantage of the absence of the Representatives of eleven States, who are deprived of their seats here by the majority, and impose this monstrous measure called a tariff upon the country? The internal revenue measure, we have been told, will lessen the burden, of our taxation from fifty to seventy-five million dollars, and surely the great manufacturing interests will receive their fair benefit of this reduction. Now, I submit whether it is right and proper to further protect the interests of the manufacturers, whose dividends for the last year have been so large, at the expense of the agricultural interests and of the great masses of the people; for, say what you will, all these burdens in the shape of duties must in the end be paid by the consumers.

Have gentlemen forgotten the importance of the cotton crop to this country; how much it has heretofore entered into the decision of the great question of the balance of trade, and the means it has furnished us of keeping our gold at home and sending the surplus cotton crop abroad? It has been a great element in regulating our exchanges; and it seems to me that it would be both wise and just for us to encourage instead of discouraging the production of this great staple.

Why, sir, its increase has been one of the most wonderful things in our history of productions. In 1800 only about five thousand bales of four hundred pounds each were exported. In 1849 the production had reached to nearly two and a half million bales, and in 1859 to the enormous and wonderful number of more than five million bales of four hundred pounds each. And why tax this production three cents a pound? Would gentlemen have dreamed of doing so but for the fact of the unfortunate and unnatural troubles which have afflicted the country? Is it in the spirit of punishment and revenge that it is now done? Gentlemen should remember that legislation based on such a spirit is always unsafe and unwise. Sir, the first great thing which this country requires is the assembling here of the representatives of the people of all the States in a true spirit of patriotism and conciliation, and then these duties and taxes can be discussed and considered, and the interests of the whole country wisely understood and adjusted. Gentlemen may venture too far. They should remember that he who would rend the oak must take care of its rebound. Let this bill be postponed to some more propitious time, when that happy day arrives, which I trust will soon come, when all the States shall again be represented here, and a cordial restoration of hearts and hands shall once more firmly cement our beloved Union. Mr. Chairman, I withdraw the amendment.

Mr. HALE. I move the following amendment to the amendment: strike out "so-called military confederate authorities," and insert in lieu thereof "rebel forces;" and strike out "and the injunctions of the courts." The first clause of my amendment explains itself. I believe in calling things by their right names. In reference to the injunctions of the courts, I do not know what courts are referred to, but they must be the so-called confederate or State courts. In either case it strikes me as improper to refer to the action of such courts as having authority. A single word as to the amendment itself. It seems to me, with all deference to the Committee of Ways and Means, that the provisions of this proposed section are not such as ought to be incorporated in this bill. This is a general tariff bill, and the proposed amendment would interpolate in it a specific provision for the benefit of a particular railroad in the southern States. Whatever may be the merits of this particular case, it is

not the proper subject of provision in this bill, and to countenance such a proceeding would open the door to great abuses. Whether affecting the construction of railroads or any other branch of industry in the southern States, it should be provided in a general bill hereafter to be introduced to cover certain classes of cases, or by separate special bills to provide for each separate case. I cannot certainly accede to the propriety of legislating for special relief in a general bill. I think this proposed new section should be withdrawn and come before the House in another form.

Mr. MORRILL. In reply to the gentleman from New York, while I do not object to his amendment, I will say to him the proposed section is certainly pertinent to the subject-matter of the present bill, and if it is to be passed at all at this session it must go in this bill, as any separate bill would not be acted upon. The Committee of Ways and Means regarded it as a question of so much interest as to be willing to ingraft it on this bill.

Mr. HALE. Has the committee information whether there are other roads in the same situation?

Mr. MORRILL. I am not aware of any other case. The present bill provides that the duty shall be paid semi-annually. It was formerly the practice to allow some extension of time to all parties who had duties to pay to the Government; and now, when the people of the North are extending pecuniary aid to the South in order that it may recuperate more rapidly, it seems to me that such help as this from the Government is eminently proper. I have no doubt it is for the interest of the Government to give this credit. It will be found in the increased amount of taxation to be derived because of the construction of this railroad. I hope the House will agree with the Committee of Ways and Means that this is a proper subject to be considered now. I know the parties, at least some of them, engaged on this road are as loyal men as any upon this floor, men who never lifted a hand to help the rebellion. They propose to give ample security for the payment of these duties.

Mr. PRICE. Are these stockholders northern or southern men?

Mr. MORRILL. Some are from the North, but the most of them are southern men.

Mr. PRICE. How many?

Mr. MORRILL. I do not know.

Mr. PRICE. I am to understand, then, that the largest part of the stock is held by residents of southern States?

Mr. MORRILL. Yes, sir; as I have been informed, residents of Florida.

Mr. PAINE. I desire to ask the gentleman whether these loyal men he speaks of as being owners of the stock are not northern men.

Mr. MORRILL. Not all of them. Some have been there more than twenty years.

Mr. PAINE. I move to amend the amendment by substituting "two years" in the place of "five years."

The CHAIRMAN. No further amendment is in order.

Mr. HALE. I withdraw my amendment and the gentleman may renew it.

Mr. PAINE. I renew it. Mr. Chairman, there is no member of this House who is more willing than I am to do anything that can be done properly in a pecuniary way to aid our southern friends in restoring their industry to the position which it occupied before the war broke out. But I can see no reason why this railroad company running out of Pensacola should be singled out of all in the United States to receive this bounty from the hands of the United States. Why not include in the same provision the railroads of the West, North, and Northwest, those roads which are needed by the country and which need such aid as this? Why should railroad iron be admitted for the present free of duty in the interest of this particular railroad company when we extend the same privilege to no other road? I would like to know for what particular reason, on what particular ground, this claim is presented here.

Now, Mr. Chairman, it may be as the gentleman from Vermont [Mr. MORRILL] has said, that a large number of the stockholders are loyal men. I believe that the largest number of loyal men are northern men and men who can pay this duty if they are disposed to go into the speculation. I am not inclined to give aid to northern speculators, and as for southern men I know not why their claims should be stronger before this House or the country than those of northern men, or why southern railroads should have any stronger claim on the Treasury of the United States than northern railroads.

Mr. Chairman, I am willing to do all that can be justly done, but I am not willing to encourage the importation of foreign iron to be used on southern railroads to the detriment of the production of American railroad iron by giving time for the payment of the duty. The gentleman says he does not anticipate any application being made to Congress to entirely remit the duties for which securities are to be given. I do not concur with the gentleman in that idea. I feel sure that if we give time for the payment of these duties they will never be paid. I feel confident that it is an effort made to an entire exemption. And as to the security to be given, I would like to know what has become of the securities given to this Government for the immense amount of rolling stock upon the southern railroads turned over to southern companies. I would like to know whether anything is to be realized from those securities.

Mr. Chairman, this case stands in my view on precisely the same basis. I have no idea that one penny will be realized on these securities any more than on those taken on the rolling stock that has been turned over to the rebels. And while I will do all that can be reasonably done for the South, I see no reason for selecting out this individual company and taking security satisfactory to the Secretary of the Treasury for the payment of the duties. I believe a general rule should be adopted, and I insist if it is adopted here now in behalf of this company, you shall also apply the same to struggling companies in the North and Northwest, where there has been no disloyalty and where the roads are urgently wanted for the development of the country and for the use of the Government.

[Here the hammer fell.]

Mr. DAWES. I oppose, *pro forma*, the amendment of the gentleman from Wisconsin. [Mr. PAINE.] The gentleman inquires why select out this particular road; why not select roads in the Northwest and other parts of the country and give them donations? Does the gentleman forget that we have been doing that all this session, and that we have been giving them the best lands belonging to the United States. We have done it because it is a wise policy to develop the resources of that western country. For the same reason, if we were to donate all these duties to this railroad it would be the wisest policy to pursue on our part. I do not look so much to the agency of such laws as we are enabled to pass here for the restoration of these States to their former relations to the Union as I do to precisely such agencies as are incidentally connected with such measures as this. I look to the civilization which is to follow from such legislation as this to restore these States to harmony. I look to the reaper and the mower, to the school-house, the church, the whole system of northern education and civilization carried down there from the North, and supported it may be from the North, to restore these States to their former relation to this Union. It is not by the force of laws that we can pass here that they will ever become what they were before save the institution of slavery. They are to be brought back by a new social system, new to the very foundation. The old system has been upturned, upheaved, and destroyed, and upon its ruins a better, healthier, and more permanent civilization is to be established.

I hope every one of these railroads, these arteries, these sources of life, civilization, and

strength, will be developed. I hope we will invite northern capital and northern emigration there. I would not undertake to starve and stint them. I would recognize the fact that they are prostrate, that the whole surface of the country is burned over, and is a heap of ashes, and I would build up upon it this new system which the providence of God has ordained as the result of the war. I would donate to these railroads all the duties upon iron necessary to put them in order. Their rolling stock, what is that to us in comparison with the worth of a flourishing, enterprising system like that which is spread all over the northern and western States? What is that compared with what it would be, dealing with them as we may have the power to do?

[Here the hammer fell.]

Mr. MORRILL. I move that the committee rise for the purpose of terminating debate.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. SCOFIELD reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, and particularly the special order, being bill of the House No. 718, to provide increased revenue from imports, and for other purposes, and had come to no resolution thereon.

CLOSE OF DEBATE.

Mr. MORRILL. I move that when the House shall again resolve itself into the Committee of the Whole on the state of the Union, all debate on the pending section terminate in five minutes.

The motion was agreed to.

TARIFF BILL—AGAIN.

Mr. MORRILL. I move that the rules be suspended and the House resolve itself into the Committee of the Whole on the state of the Union on the special order.

The motion was agreed to.

So the rules were suspended; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. SCOFIELD in the chair,) and resumed the consideration of the special order, being the bill (H. R. No. 718) to provide increased revenue from imports, and for other purposes.

Mr. PAINE. I withdraw my amendment.

Mr. KELLEY. I renew it for the sake of saying that I hope this section will be added to the bill. There is, perhaps, no man on the floor of this House who is more unwilling to give political power to the people of the South until they shall test their fitness to receive it by their acts than I am. But I believe the true policy of the Government is to win that people from their devotion to political abstractions by engaging them in the business of life.

Whenever during this Congress I have had a chance to raise my voice in favor of any measure that was calculated to promote and develop mutual interests and induce the people to engage on their own behalf in their promotion I have done it. I indorse every one of the words so ably spoken by the gentleman from Massachusetts, [Mr. DAWES.] We can regenerate that people, and it is our duty to do it. We can do it by just such acts as this, and that without periling a dollar of the Government funds. The section provides for the admission of a certain quantity of iron, but not until security shall have been given for the payment of the interest of the duties regularly in gold, and the duties to be paid at the end of five years.

Now, it is asked why this should be done here and not elsewhere. Sir, this House has passed a resolution instructing the proper officers of the Freedmen's Bureau to feed the starving people of Alabama and Georgia. This road is of great importance to those people. The people who are starving, who were without seed to put in a crop for this year, are not in a condition to raise money to go on with new enterprises.

Mr. STEVENS. May I ask my friend how

many of these starving people he thinks are stockholders in this road?

Mr. KELLEY. I do not know that any of them are. But I know that a railroad through a country, though its stock be owned in a foreign country, blesses those who live upon it and who live near its termini. Does the gentleman mean to say that railroads are blessings only to the stockholders?

Mr. STEVENS. I mean that the stockholders must make the road, and I do not believe in coaxing rebels with sugar-plums and love feasts.

Mr. KELLEY. Nor do I; yet I do believe that the only way to develop and restore a devastated region of country is by inducing capital and enterprise to come within their limits. That is my answer to the gentleman. And if we can induce northern capital and enterprise to go there we should do it.

The question recurred on the amendment of Mr. HALE, as renewed by Mr. KELLEY, to the amendment of Mr. MORRILL, which was to strike out the words "so-called confederate authorities," and to insert "rebel forces;" also strike out the words "and the injunctions of the courts."

The amendment to the amendment was agreed to.

The question was then taken upon the amendment as amended; and upon a division there were—ayes 66, noes 40.

Before the vote was announced,

Mr. FARQUHAR called for tellers.

Tellers were ordered; and Messrs. STEVENS and MORRILL were appointed.

The committee again divided; and the tellers reported—ayes 61, noes 34.

The amendment, as amended, was agreed to.

Mr. HOOPER, of Massachusetts. I move to insert the following as an additional section:

And be it further enacted, That so much of the act entitled "An act to authorize protection to be given to citizens of the United States who may discover deposits of guano," approved August 18, 1856, as prohibits the export thereof, is hereby suspended in relation to all persons who have complied with the provisions of section two of said act for five years from and after the 14th day of July, 1867.

Mr. RANDALL, of Pennsylvania. Does the gentleman offer this on his own individual motion, or does he do it upon the recommendation of the Committee of Ways and Means?

Mr. HOOPER, of Massachusetts. From the committee.

The amendment was agreed to.

Mr. McRUER. I move to amend by inserting the following as an additional section:

And be it further enacted, That the proviso in section four of an act entitled "An act amendatory of certain acts imposing duties upon foreign importations," approved March 3, 1865, shall be construed to include any ship, vessel or steamer to or from any port in the Sandwich Islands or Society Islands.

The act of 1865 provides that all vessels entering American ports, whether owned wholly or in part by American citizens, shall pay a duty of thirty cents per ton every time they enter at a custom-house. But there is in that law a provision that all vessels engaged in the coasting trade, and all vessels coming from Mexico, the West India islands, or the British possessions, shall be exempt from this tax, to the extent that they shall pay it but once a year. It was the evident intention only to tax vessels once a year, only those engaged in making long voyages. Now vessels engaged in the trade between San Francisco and the Sandwich Islands make, on an average, six trips a year. But since this law passed these vessels have been compelled to pay this enormous tonnage duty every time they enter the port of San Francisco, six times a year. Now this class of vessels should be exempted from the tax, the same as vessels trading with the West Indies, or with Mexico, or coming from any of the British possessions. This amendment meets with the approbation of the Committee of Ways and Means. I think there can be no sound objection to it, and I hope it will be adopted.

Mr. MORRILL. I believe there is no objection to this amendment.

Mr. DODGE. I hope the House will sustain the proposition of the gentleman from California, [Mr. McRUER.] Great Britain has almost monopolized the trade with the islands of the Pacific, and she is fast gaining the trade of the Sandwich Islands. It is for the interest of this country that we do everything in our power to relieve from tonnage duty the vessels trading from California to the Sandwich Islands. The amendment was agreed to.

Mr. McRUER. I ask consent to offer the following as a proviso to the sixth section, which has already been passed:

Provided, That no wines, brandies, or other spirituous liquors in transit to the United States on the 1st day of October, 1866, shall be subject to forfeiture under the act.

The CHAIRMAN. Is there objection to reverting to the sixth section for the purpose of considering the amendment stated by the gentleman from California?

Mr. MORRILL. I object.

Mr. McRUER. Then I offer the following as a new section, to come in after the section last read:

And be it further enacted, That no wines, brandies, or other spirituous liquors in transit to the United States on the 1st day of October, 1866, shall be subject to forfeiture under this act.

Mr. Chairman, I wish to call attention to the fact that in the sixth section it is provided that—

Any wines, brandies, or other spirituous liquors imported on and after the 1st day of October, 1866, in any less quantities than herein provided for shall be forfeited to the United States.

Now, it certainly cannot be the intention of the Committee of Ways and Means or of this House that a cargo of wines or brandies which left France on the 1st of last May and which may arrive in the port of San Francisco on the 1st of next October shall be forfeited because they are in packages of less than thirty gallons. Yet under the provisions of the bill as they now stand this would be the necessary effect, without any means of avoiding it. The Secretary of the Treasury would be compelled in such a case to forfeit the whole cargo because imported in packages of less than thirty gallons; and a package of twenty gallons is a very common package for fine liquors.

Now, it seems to me it would be perfectly monstrous to make such an enactment. Why, sir, this bill ought to include a provision that would exempt from this requirement importations arriving after the date specified, whenever it can be shown that the person shipping the cargo has not had time to become informed of the requirement of our tariff law. Heretofore, when we have enacted tariffs taking effect immediately, they have worked great hardship to individuals without any benefit to the Government. A merchant on the Mediterranean may on the 1st of October be entirely ignorant of this requirement of our law. The bill should provide that nothing shall be forfeited, unless imported in contravention of laws known to be in existence. I think that the amendment which I have offered must commend itself to the good sense of this House.

Mr. MORRILL. This provision was inserted for the purpose of trying to avoid the smuggling that is going on all along our northern frontier. Unless we have something of this kind it will be utterly impossible for our revenue officers to detect the smuggling that takes place daily. I am willing that something like that suggested should be inserted if it be not too broad. I will suggest that by unanimous consent the matter shall be passed over for the present, so that a proper provision may be prepared on the subject.

There was no objection, and it was ordered accordingly.

Mr. STEVENS. I offer the following new section:

And be it further enacted, That the same provisions in regard to credit on railroad iron extended to the Florida and Alabama railroad shall extend to all railroads west of Pennsylvania.

Mr. Chairman, I cannot see any reason why these infant railroads should not have the fos-

tering care of the Government in this way if any are to have it. I understand, in regard to the Florida and Alabama railroad, that it had iron there, but put it in another place to make a branch road which is now running, and has been for months past. The design is to bring in this iron to relay the old road. If it be granted to this road I see no reason why the same privilege should not be extended to all other railroads. What we have granted to one we should grant to the others.

Mr. HALE. I move to strike out "west" and to insert "outside;" so that it will read, "outside of Pennsylvania." [Laughter.]

Mr. STEVENS. I accept it. [Renewed laughter.] I demand tellers.

Tellers were ordered; and Mr. GARFIELD and Mr. THAYER were appointed.

The committee divided; and the tellers reported—ayes 48, noes 49.

So the amendment was disagreed to.

The Clerk read as follows:

SEC. 19. *And be it further enacted*, That all laws and parts of laws allowing fishing bounties to vessels hereafter licensed to engage in the fisheries be, and the same are hereby, repealed: *Provided*, That from and after the date of the passage of this act vessels licensed to engage in the fisheries may take on board imported salt in bond to be used in curing fish, under such regulations as the Secretary of the Treasury shall prescribe, and upon proof that said salt has been used in curing fish, the duties on the same shall be remitted.

Mr. KASSON. I offer the following as an additional section:

And be it further enacted, That so much of this act as increases the duty on iron bars for railroads or inclined planes, made to patterns, imported and laid down, shall not go into effect until one year from the 4th day of March next.

Mr. Chairman, I offer this new section for the purpose of once more calling the attention of the committee to the propriety of this measure of protection, the only real measure of protection offered to the interests of that great region of country known as the valley of the Mississippi. I offer it for another purpose which I hope the committee will take into account, that we may get a vote distinctly on this question of railroad iron in the House, if this bill be not recommended to the committee, or postponed until December next. There is not a single industry of the West, nor a single interest of any part of the country, that depends upon shipping food from the West which is not affected by the question I here attempt to make connected with the increase of duty on railroad iron. The great burden of the West is that it costs so much to get articles to market that it leaves almost nothing to the farmer as a profit upon his industry. At this time extraordinary efforts are being made west of the Mississippi for an extension of the railroad system. Many of the railroads are struggling even upon home contributions to carry them along ten or twenty miles at a time to reach further into the interior of that country for the benefit of the farming interest. They could not expect that after reducing the tax on iron under the internal revenue bill there would be an increase of duty on iron imported from abroad to deprive them of the benefit of that reduction. Companies have been organized and have been pushing ahead in the belief that Congress would not increase the burdens on the construction of these railroads.

Now, sir, this is a great and fundamental interest; an interest that we cannot afford to have disregarded in the West, when we have to pay for everything included in the tariff bill which we consume an enhanced price in consequence of the enhanced rates of duties.

I ask, then, gentlemen from the Northwest, from both sides of the Mississippi river, and gentlemen from New England, who feel an interest in cheap fuel for their manufactures; I ask gentlemen from all parts of the country who desire to do justice to the West that they will allow a vote to be taken here in committee upon this section to postpone the time for the taking effect of this clause and carry it in committee, so that we may have a vote by yeas and nays upon it in the House.

Mr. MOORHEAD. I would ask the gentle-

man whether, if the committee should adopt this provision, he and his friends who represent western interests will vote for the bill.

Mr. KASSON. It will be a very strong inducement for western members to vote for the bill. I am not authorized to pledge them, but I can say that without it we of the Northwest, with the exception of the Representatives of one State, shall vote almost unanimously against the bill.

Mr. MOORHEAD. Will the gentleman himself vote for the bill?

Mr. KASSON. No; there are some other clauses on which I want votes before I vote for the bill. I can only say that with the reduced duty on tea and coffee and a reduced rate on railroad iron, there will be a better opportunity for the passage of the bill. But I rest the amendment on the ground of naked right and justice, on the ground of the actual necessity that you impose no additional burdens on the railroad interests of the West that are struggling for existence and extension to-day more than they have done for several years past. These railroads must be extended or immigration and settlement will be retarded, and you will diminish the production of cereals and seriously embarrass various interests in the West. I ask gentlemen, whether they have made up their minds on the subject or not, that they will vote for the amendment here in committee so as to enable us to get a vote upon it in the House.

[Here the hammer fell.]

Mr. MORRILL. I suppose the gentleman from Iowa has accomplished his purpose in making his speech, but he probably was not present when the amendment about railroad iron was pending. It was the understanding then that the gentleman's colleague [Mr. WILSON] was to move an amendment in the House, and I have no doubt, from what I hear from various quarters of the House, that a compromise will be made as to the increase of the duty on railroad iron.

Mr. KASSON. Will the chairman of the Committee of Ways and Means state precisely what the arrangement was?

Mr. MORRILL. It was that the gentleman's colleague [Mr. WILSON] should have an opportunity to move in the House such an amendment as he desired.

Mr. KASSON. If that is the understanding I withdraw my amendment.

Mr. GRISWOLD. I renew the amendment, and I do it for the purpose of saying that I am not at all surprised at the motion of the gentleman from Iowa, and it only confirms what I have heretofore said upon this subject, that he and other members of the Free-Trade League in this country have made up their minds deliberately, instead of pursuing a course here which shall be deemed consistent with the interests of American manufacturers and American industry, to obey the behests and dictation of British manufacturers and British capitalists. A great clamor is raised about the tariff, and not content with stating the facts of the case, members here are misrepresented and enunciations are attributed to them for which there is no authority. Now, I find myself reported in the New York papers as having said the other day that the railroad iron makers had made no profits for three or four years.

Mr. Chairman, I said no such thing. I said that for the last eighteen months the manufacturers of railroad iron in this country had made no profits, and that to-day they could not compete with the manufacturers of England. I am reported also as having moved to place an increased duty on railway frogs. Both these charges are made upon me in the same report and on the same day. I made no such motion. And the comment is made upon it that I was interested with other gentlemen here, and was controlled by considerations of personal interest in the legislation of the country.

Now, what I said was, and I repeat it, that the manufacturers of railroad iron in this country cannot to-day compete with foreign manufacturers. I said further that a committee had

been appointed by the Iron and Steel Association of England to attend to the tariff of this country. I caused to be read at the Clerk's desk certain documents, and now, in confirmation, I ask the Clerk to read the letter which I send up.

The Clerk read as follows:

UNITED STATES CONSULATE,
TOWER BUILDING SOUTH, WATER STREET,
LIVERPOOL, April 19, 1866.

DEAR SIR: I inclose you the Parliamentary Blue Book on Trade and Navigation.

They are making great efforts on this side to repeal our tariff and admit British goods free of duty. If effort and money can accomplish it, you may rest assured that it will be done. The work is to be done through the agents of foreign houses in Boston and New York. Their plan is to agitate in the western States and to form free-trade associations all over the country.

If the people were over here, and could see one half that I do, they would open their eyes. No stone will be left unturned to break down our manufactures. Sir Morton Peto has written a book to show that we are only fit to grow produce, and that England should do our manufacturing. This book will be circulated by the thousands in the western States.
Yours, &c., THOMAS H. DUDLEY.

Mr. GRISWOLD. I now withdraw the amendment.

The Clerk read as follows:

SEC. 20. *And be it further enacted*, That from and after the passage of this act all goods, wares, or merchandise arriving at the ports of New York, Boston, and Portland, or any other port of the United States which may be specially designated by the Secretary of the Treasury, and destined for places in the adjacent British Provinces, may be entered at the custom-house and conveyed in transit through the territory of the United States without the payment of duties, under such rules, regulations, and conditions for the protection of the revenue as the Secretary of the Treasury may prescribe.

Mr. THAYER. I do not wish to debate that section, but I would like to know from the chairman of the Committee of Ways and Means what benefit we are to derive from this, and what consideration we are to get for this privilege.

The CHAIRMAN. There is no amendment pending before the committee.

Mr. THAYER. Then I move to strike out the section. I want to have some explanation why we should give this privilege of transmitting all goods from the Provinces over our territory duty free. I do not understand it.

Mr. MORRILL. I think the gentleman must understand it. If not, I think I can make him understand it in a few words. At the present time a large amount of the grain and merchandise that seeks transportation from the West to the East, or from the eastern to the western States, travels across more or less of the territory of the Canadian Provinces, taking the cars from Buffalo to Windsor, opposite Detroit, or taking the cars from Ogdensburg to Port Sarnia. It is, in other words, a competition which the West enjoys with our railroads and canals on this side, and cheapens freights. And it is regarded as a very great convenience to the West as well as to the East. It is not subject at the present time to any law, but merely to a regulation on the part of the Treasury Department. It has been deemed advisable that some law should be passed upon this subject. So far as the benefit to the Canadas is concerned, they only use a very small strip of our territory in crossing from Portland to the Canada line. It is really a reciprocal provision, and one that should be allowed.

Mr. THAYER. I understand the gentleman to say that we enjoy an equivalent privilege.

Mr. MORRILL. We do.

Mr. THAYER. Then I withdraw my motion.

Mr. BENJAMIN. I move to strike out the last word for the purpose of asking the chairman of the Committee of Ways and Means [Mr. MORRILL] if he has considered this section in reference to the provision of the Constitution which forbids the giving any preference by regulations of commerce to one State over another. It seems to me this section is in contravention of that provision.

Mr. MORRILL. It is a general provision, and does not in its terms apply to one State more than another. And although one State may derive more benefit from it than another, the provision itself is a general one.

Mr. BENJAMIN. I withdraw my amendment.

The Clerk read as follows:

SEC. 21. *And be it further enacted*, That imported goods, wares, or merchandise in bond, or duty paid, and products or manufactures of the United States, may, with the consent of the proper authorities of the Provinces aforesaid, be transported from one port or place in the United States to another port or place therein, over the territory of said Provinces, by such routes, and under such rules, regulations, and conditions, as the Secretary of the Treasury may prescribe; *Provided*, That the goods, wares, and merchandise so transported shall, upon arrival in the United States from the Provinces aforesaid, be treated in regard to the liability to or exemption from duty, or tax, as if the transportation had taken place entirely within the limits of the United States.

No amendment was offered.

Mr. MORRILL. I move to insert the following as an additional section:

And be it further enacted, That whenever it shall be shown to the satisfaction of the Secretary of the Treasury that more moneys have been paid to the collectors of customs, or others acting as such, than the law requires should have been paid, and where the parties have failed to comply with the requirements of the fourteenth and fifteenth sections of an act entitled "An act to increase duties on imports and for other purposes," approved June 30, 1864, it shall be the duty of the Secretary of the Treasury to draw his warrant upon the Treasurer in favor of the person or persons entitled to the overpayment, directing the said Treasurer to refund the same out of any money in the Treasury not otherwise appropriated; *Provided*, It shall be made manifest to the Secretary of the Treasury that said non-compliance with the requirements of the above laws was owing to circumstances beyond the control of the importer, assignee, or agent making said payment.

The amendment was agreed to.

Mr. GARFIELD. I move to insert the following as an additional section:

And be it further enacted, That the duty now levied by law on gunny-bags or sacks shall be paid on such bags or sacks whether they are imported empty or containing merchandise.

I offer this in conformity with the spirit and meaning of the law as it now stands.

Mr. MORRILL. I hope the amendment will not be adopted, for this reason: we have made a very heavy discrimination against gunny-bags in the importation of salt in sacks, giving ample protection. We have raised the duty on linseed, as I think, so that none will hereafter be imported, as oil will now come in lieu of it. I do not think it necessary to say anything further to show that this amendment should not be adopted.

The amendment was not agreed to.

The Clerk read as follows:

SEC. 22. *And be it further enacted*, That this act shall take effect, except where otherwise provided, on the day of —, 1866, and all acts and parts of acts repugnant to the provisions of this act be, and the same are hereby, repealed; *Provided*, That the existing laws shall extend to and be in force for the collection of the duties imposed by this act, for the prosecution and punishment of all offenses, and for the recovery, collection, distribution, and remission of all fines, penalties, and forfeitures, as fully and effectually as if every regulation, penalty, forfeiture, provision, clause, matter, and thing to that effect in the existing laws contained had been inserted in and reenacted by this act; *And provided further*, That the duties upon all goods, wares, and merchandise imported from foreign countries, not provided for in this act, shall be and remain as they were according to existing laws, prior to the 1st of June, 1866.

Mr. MORRILL. I move to amend the section just read by inserting in the first blank the word "first" and in the second blank the word "August," so as to read "the 1st day of August."

Mr. McRUER. I move to amend the amendment by inserting "the 1st day of October."

The amendment to the amendment was not agreed to.

The amendment was agreed to.

Mr. MARSHALL. I move, *pro forma*, to amend by striking out "sixty-six" and inserting "seventy." I make this motion simply for the purpose of saying that I am opposed to this entire bill. I presume that no opportunity will be afforded, either in the Committee of the Whole or in the House, for a full discussion of this question. Hence I take the opportunity now to ask the privilege of having printed as a part of the debates a statement of my objections to this measure.

The CHAIRMAN. The Chair hears no objection, and permission is granted.

Mr. HALE. I rise to a question of order.

I submit the point whether the Committee of the Whole has power to grant consent for the printing of a speech; whether such consent must not be granted by the House.

The CHAIRMAN. The Chair understands that, according to the every-day practice, such consent can be granted by the Committee of the Whole.

[Mr. MARSHALL's remarks will be found in the Appendix.]

Mr. RICE, of Massachusetts. I move to amend by adding to the section last read the following:

And provided further. That all goods, wares, and merchandise in bonded warehouses, or on ship-board and bound to the United States, from any foreign port, when this act shall take effect, shall be subject to the conditions and rates of duty which were applicable to said goods, wares, and merchandise at the time of the passage of this act.

I presume, Mr. Chairman, it is not the purpose of this House to pass any act which shall take improper advantage of the merchants of the country. But, if I am correct in my reading of this bill, it will, unless we adopt such a provision as I now propose, take immediate effect, and will operate not only upon goods that may be hereafter ordered but upon those now on ship-board and in bonded warehouses. Now, sir, it seems to me of the highest importance that our legislation should be such as to maintain the confidence of the people in the fairness and integrity of the Government in its dealings with them. The merchants of the country—those who have goods at present in bonded warehouses or on ship-board—have imported or ordered those goods with the understanding and belief that the Government would allow them the advantage of existing laws. No man of integrity, dealing with another man in a mercantile transaction, would, simply because he had the power, change the terms of an existing contract to the profit of himself and the injury of the person with whom he might be dealing. This principle which regulates the transaction of individuals should not, it seems to me, be disregarded by the Government.

I believe, sir, that the provision embraced in the amendment which I have offered corresponds with the uniform practice of the Government except during a time of war. During a time of war we are not bound to pursue the ordinary course of legislation, because we are subject to that necessity which knows no law. But now, in a time of peace, when trade and commerce are seeking revival upon an equitable and fair basis, it seems to me of the utmost consequence that the Government shall adopt such measures as shall inspire all classes of the people with a confidence that they shall not be made to suffer the consequences of any change in the law until reasonable notice of such change has been given. [Here the hammer fell.]

Mr. WASHBURNE, of Illinois. I move the following as a substitute for the pending amendment:

That all goods, wares, and merchandise in the hands of importers at the time of the passage of this act shall pay the additional duties levied by this act.

I ask whether my friend from Massachusetts will not accept that as a modification of his own proposition.

Mr. RICE, of Massachusetts. No, sir. I would like to know how the gentleman proposes to collect these duties.

Mr. WASHBURNE, of Illinois. I will undertake to say the duties will be collected if we pass a law to that effect. I do not see what reason the gentleman from Massachusetts or any other gentleman can urge against this reasonable proposition. By the imposition of these duties we add so much to the value of these goods, and the question is whether the vast sums which will have to be paid by the consumers shall go into the pockets of the importers or into the Treasury of the Government? It is the principle of taxing stock on hand which has met with favor sometimes in this House, and at other times has not met with favor. I hope a proposition so just and fair as this will be adopted. If these duties are to be levied and collected let the increase on the

goods already imported go into the Treasury, and not into the pockets of the importers. Let not these vast, untold fortunes go to the importers when we know they will have to be paid by the consumers. If they go anywhere they ought to go into the Treasury. I hope the amendment will be adopted.

Mr. DODGE. The amendment of the gentleman from Massachusetts is in accordance with the uniform practice of the Government ever since we began to have tariffs, except during war. It is certainly just. Orders sent to the East Indies and China, requiring long voyages, under the late tariff would, when the goods arrived in port, be subjected to an increase of duty of from twenty-five to fifty per cent. beyond what it was when the contract was made.

The committee divided; and there were—ayes 51, noes 42.

Mr. THAYER demanded tellers.

Tellers were ordered; and Mr. WASHBURNE of Illinois, and Mr. DODGE, were appointed.

The committee again divided; and the tellers reported—ayes 57, noes 43.

So the amendment to the amendment was agreed to.

Mr. MORRILL. I move to strike out the words "and of." Mr. Chairman, this question is one of no little difficulty. It has been decided by Congress in various ways, sometimes one way and sometimes another. The proposition made by the gentleman from Massachusetts to exempt goods on ship-board would manifestly be improper, for if the goods come here they will of course enjoy the opportunity of obtaining a higher price in consequence of the increase of the tariff. To exempt them from existing rates of duty, therefore, would actually be a bonus given to the importer. But when you come to goods in bond it is a different thing. Take the port of New York. It is impossible to get goods through the custom-house in much less than a month, and rarely even as fast as they are demanded, on account of the insufficient force. Under the circumstances, therefore, where the importers are ready to pay the duties and cannot get their goods out of bond, it seems to me to be harsh treatment not only to keep their goods against their will for a longer period, but make them pay higher rates in consequence. The position of the gentleman from Illinois, I regret to say, with his experience, is one which he ought not to have occupied. His amendment is not in proper form. How does it read?

Mr. RANDALL, of Pennsylvania. I rise to a point of order. The amendment of the gentleman from Illinois has been adopted and is not now under discussion.

Mr. MORRILL. But the amendment to which it is an amendment has not been adopted. The amendment of the gentleman from Illinois imposes the duty on these goods no matter whether in the custom-house or in the hands of the importer. It goes even beyond that, for if it be adopted, it is to take effect before the law itself. The law does not take effect according to the amendment we have just adopted until the 1st of August next, while this amendment provides that it shall take effect on all goods in the hands of importers from and after the passage of the act. I desire the House thoroughly to understand this question before it comes to a vote. I do think there is a difference between goods in the custom-house which the importer cannot reach if he wishes, and those on shipboard not yet arrived. But if the amendment is to be adopted I prefer it should be put in the proper form. I withdraw the amendment.

Mr. HALE. I move to amend the substitute offered by the gentleman from Illinois by inserting the word "not" after the word "shall;" so that it will read "shall not pay the additional duties levied by this act." I am confident this committee could not have understood the effect of their vote upon the amendment offered by the gentleman from Illinois, [Mr. WASHBURNE.] The hostility of that gentleman to this bill is well understood, and I

certainly do not think I misapprehend him in supposing this was offered by him simply as a satire upon the whole scheme and object of the bill. The amendment which he has offered is one plainly and palpably unconstitutional, and entirely incapable of enforcement. It applies to goods in the hands of the importer, those goods which the importer has brought into this country, and paid the tariff upon, which he has in his own possession and control clear of all Government claims. The amendment of the gentleman from Illinois proposes to put the hand of the Government upon those goods and say, "You shall pay us something more for these."

Now, it is just as idle to seek to take the money from these importers by such a provision as this as to enact that the gentleman from Illinois shall pay to the Government certain moneys from his own pocket. It is not a tax in any sense; it is simply an attempt by mere force, without any authority or process, not in the nature of a tax, to get something out of the hands of certain classes of individuals. It is impossible, I think, that the committee in voting for the proposition could have appreciated its force. It has not the first element of a constitutional provision in regard to taxation, and I trust the House will not so stultify itself as to adopt such an amendment to this bill.

Mr. WASHBURNE, of Illinois. I will modify my amendment by changing the language so as to read "from the time this act shall take effect."

The CHAIRMAN. It is not in order to modify it after the action of the committee upon it. The gentleman can attain his object by a subsequent amendment.

Mr. WASHBURNE, of Illinois. I will say one word in reply to the gentleman from New York, [Mr. HALE.] I take it this committee is fully advised in regard to the principle as well as in regard to the effect of my amendment, and so far as I may be for or against this bill it has very little to do with the principle which is involved in my substitute for the amendment of the gentleman from Massachusetts, [Mr. RICE.] The only question is, whether we are to legislate to put millions of dollars into the hands of these importers after the people have paid their duties, or whether the money shall go into the Treasury of the United States. Does the gentleman from New York [Mr. HALE] deny that these importers will raise the prices upon their goods precisely according to the amount that is levied? Now, shall that go into their pockets or into the Treasury? That is the question we have to decide, and I trust this committee will fully understand it and will hold to the principle contained in my amendment. I do not believe that we are prepared to legislate these untold millions into the pockets of the importers. I am told that there is one house in the city of New York that will realize, if we adopt this bill without such a provision as this, a profit of \$1,000,000 by adding the amount of the duties to the prices of their goods.

Now, sir, I think this question can be very fully and fairly determined. I know when the question of taxing stock on hand has been fully discussed and understood by the representatives of the people they have always upheld and sustained the principle, and the gentleman from New York will bear witness to the fact, until the distillers of whisky came down here and exerted their influence. I trust we will now adopt this principle and incorporate it into our law, so that we may not go before the people as being charged with legislating for these great interests and against the interests of the consumers. That is the question the committee has got to decide, and I have no idea that they can be misled. I believe they appreciate and understand it, and that when they come to vote—if this amendment is carried into the House—they will place their votes upon the record in favor of the consumers and against legislating in favor of importers and monopolists.

[Here the hammer fell.]

The CHAIRMAN. Debate is exhausted on the pending amendment.

Mr. THAYER. Mr. Chairman—

Mr. SCHENCK. Will the gentleman from New York [Mr. HALE] withdraw the amendment?

Mr. HALE. I will withdraw it on condition the gentleman renews it.

Mr. THAYER. The gentleman cannot take me off the floor by that process.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. HALE.]

The amendment was disagreed to.

Mr. THAYER. I move to strike out the last line of the amendment under consideration. The proposition which is now made by the gentleman from Illinois is akin to the violent and unjust legislation which he has proposed on a similar subject in this House on repeated occasions before, and on which, I am prepared to say, this House has repeatedly set its seal of reprobation.

Sir, this is sometimes said to be a day of great discoveries, and it would appear also to be a day of discovery in matters of legislative science as well as of other kinds of science. Why, sir, there is not a Government on the face of the earth which would perpetrate the injustice upon its merchants and persons who are dealing with it on the faith of its honor which the gentleman from Illinois proposes to do. Up to 1861, and in the year 1861, the legislation of this country contained in express terms the very proposition which the gentleman from Massachusetts [Mr. RICE] moved as an amendment to this bill, that is, to prevent the application of the act increasing duties to cargoes which were afloat upon the ocean at the time of the passage of the act, and to goods which were in bond at the time of its passage. That has been the uniform legislation of this country down to, I believe, the year 1862. So late as the act of March 2, 1861, and the act of August, 1861, revising the tariff laws of this country, a proposition, almost in terms that of the gentleman from Massachusetts, was put into the tariff law by the Congress of the United States. Now, what is the proposition? It is to deal with these people in a different spirit. It is, after you have given a receipt in full to the men who have obeyed your laws and have imported merchandise into the country upon the faith of your laws, to lay your hands upon them and rob them; for there is no other word in the English language which can characterize the legal outrage, or I should rather say such an illegal outrage, as is proposed to be inflicted by the proposition of the gentleman from Illinois.

The gentleman seeks to make his proposition popular with the House by suggesting that the merchants who have imported goods will realize large advances by the passage of this law. There may be instances in which that will result; there may be instances in which precisely the contrary may result. Persons who have engaged in large importations under your laws by reason of inability immediately to realize the proceeds of those importations, may be ruined by the sudden increase of the tariff upon goods imported upon the faith of other laws.

[Here the hammer fell.]

Mr. THAYER. I withdraw my amendment.

Mr. SCHENCK. I renew it. I have heard the speech of the gentleman from Illinois [Mr. WASHBURN] before. I was not convinced by it then, and I am not quite convinced now. We have heard the howl about being in the interest of distillers, and I suppose we are prepared now to hear a howl about being in the interest of importers. Now, as I have no particular friends among them nor any particular relations with them, I shall endeavor to consider this subject with reference precisely to its merits.

Sir, the fault is not with the importer or the manufacturer, if, when you change your laws, some men go up and others down. It is because you are continually changing your laws.

And I have therefore sometimes thought that a bad tariff or a bad tax law, if it were only persistently adhered to, would, in the long run, be better than a great many good ones if you change from one good one to another continually. It is the want of consistency and uniform continuity of legislation that enables some men to make fortunes and causes others to lose them whenever the law is changed; and the man who expects whenever a law is changed which affects taxation, either upon imports or upon articles of produce in the country, to patch it all up by looking after this, that, or the other interest, or on one side or the other of the line to be affected favorably or adversely by it, will find he has undertaken a Herculean task.

What then? The only safety is to adhere to some principle, and I hold that principle to be a very simple one, namely, a principle founded upon common honesty, which ought to be observed by the Government as well as by individuals. You say at one time to your importer, "Bring certain goods into the country and this shall be the amount of duties which shall be imposed upon those goods." He brings the goods here upon the faith of your law and pays the duties. Then you change your law, and the proposition is to say to him, "We have you in the country; we have collected one set of duties from you, and now we mean to collect another set of duties, if we can follow up your goods and find them." Sir, that is acting dishonestly toward your importer. When there was an attempt made to tax the stock of whisky on hand, I had no sympathy with the distiller. And any such insinuation is humbug, stuff, Buncombe, unworthy of legislators. But I hold that after we had said to men, "Manufacture a certain article and we will charge you fifty cents a gallon," we ought not afterward to say, "We will follow up what you have manufactured if we can and put another tax upon it."

And what is the provision proposed here? It is to compel the importer to pay the additional tax upon every article that he may have in his possession at the time this bill is passed. Why, sir, I suppose I shall have to invite the gentleman from Illinois [Mr. WASHBURN] down to my house to make an examination there. A friend in China was kind enough to send me some chests or boxes of tea, upon which I paid the duties. One or two of them are still unbroken; they are still in the hands of the importer; and the proposition is to put an additional duty upon them. And not only that, but everywhere throughout the country, wherever goods may be in first hands, notwithstanding they have been brought into the country in good faith, the importers trusting that the Government would not break its contracts with them, they are to be followed up and more duties collected upon them. I have no doubt that men will make fortunes and men will lose fortunes because of this legislation. But I repeat, going back to where I started, that this is the fault of continually changing the laws. And you will only make it worse, if every time you change your laws you violate the national faith and honor. I withdraw the amendment to the amendment.

Mr. BOUTWELL. I renew the amendment to the amendment for the purpose of saying a few words.

Mr. WASHBURN, of Illinois. Will the gentleman from Massachusetts [Mr. BOUTWELL] yield to me for a moment to modify my amendment?

Mr. BOUTWELL. Certainly.

Mr. WASHBURN, of Illinois. I desire to modify my substitute so that it will read:

Provided further, That all goods, wares, and merchandise in hand, on which duties have not been paid, shall, after this act takes effect, pay the rates of duty imposed by this act.

The CHAIRMAN. The gentleman from Illinois [Mr. WASHBURN] cannot, without unanimous consent, modify his amendment, it having already been acted upon by the Committee of the Whole. He can offer an amendment to it after the gentleman from Massachu-

setts, [Mr. BOUTWELL,] who is entitled to the floor, shall have concluded his remarks.

Mr. BOUTWELL. I wish to say that so far as I have any knowledge, the proposition made by the gentleman from Illinois [Mr. WASHBURN] is without any authority or precedent, and without any justification under the Constitution of the United States.

The exercise of the power of Congress to levy imports is limited to the time of the landing of the goods. When the import duty has been paid the power of Congress to levy an impost upon the articles imported is exhausted. Now, if the proposition of the gentleman from Illinois can be sustained under the Constitution by any authority or method whatever, it must be under the provision to levy an excise duty. But the provision of the Constitution in reference to excise duties, as well as to imposts, is that all imposts, excises, and taxes shall be uniform throughout the United States. Now, what is the proposition before the committee? It is that particular articles in the hands of importers shall be subject to certain duties, while the same articles in the hands of others are to be exempt from duty. Manifestly the whole proposition is unconstitutional and without any justification whatever. Now, if the gentleman undertakes to go further, and to levy duties upon all goods that have been imported, in whosoever hands they may be found, of course he proceeds or attempts to proceed to do that which is utterly impracticable. Sir, the part of wisdom is unquestionably to reject the whole of this proposition. When the importer has put his goods in his own store they are beyond the legislative power of Congress to levy imposts upon them. If we proceed under the authority to levy excise duties we must make them uniform on all articles subject to such duties. Herein this proposition is distinguished from a proposition presented at the last Congress to levy an excise duty upon the stock of spirituous liquors on hand.

Mr. WASHBURN, of Illinois. I will, by unanimous consent, modify my amendment already adopted, so as to read as follows:

And provided further, That all goods, wares, and merchandise in bond or in bonded warehouses, on which duties have not been paid, shall, after this law takes effect, pay all the rates of duty imposed by this act.

Mr. McRUER. I object to that modification being made.

Mr. WASHBURN, of Illinois. Then I move to amend my amendment already adopted by substituting what I have just read.

The CHAIRMAN. The Chair decides that that motion is in order.

The amendment was agreed to.

Mr. McRUER. I move to amend by adding the following as an additional proviso:

And provided further, That the Secretary of the Treasury shall return to the importers such amounts as they have paid as duty over and above that levied by this act on goods and merchandise on hand when this act takes effect.

Mr. Chairman, if the officers of the various custom-houses throughout the country are to go around and find out how many goods are on hand in the possession of the importers, and to levy thereon an additional duty, it is but just that those officers should take around with them their bags of gold to repay to the importers the amounts which the Government has received from them in excess of the duties to be levied by this bill. I hope, therefore, that my amendment will be adopted if that of the gentleman from Illinois is to be retained.

Mr. MORRILL. I merely desire to say that the amendment of the gentleman from Illinois in its present form is imperfect. If he desires that it shall fully accomplish the purpose, he should say "goods in public stores or bonded warehouses."

Mr. THAYER. I would like to ask the gentleman from Vermont whether the effect of the passage of this bill would not be to impose duties on goods in bonded warehouses at the time of its passage, and whether hitherto it has not usually been deemed necessary, in order to accomplish the exemption of such

goods, to insert a clause such as that which was suggested by the gentleman from Massachusetts, [Mr. RICE.]

Mr. MORRILL. Certainly.

Mr. THAYER. I see no need, then, of the amendment of the gentleman from Illinois.

The amendment of Mr. McRUER was not agreed to, there being—ayes 40, noes 67.

The amendment of Mr. RICE, of Massachusetts, as amended on the motion of Mr. WASHBURN, of Illinois, was agreed to.

Mr. RICE, of Massachusetts. I move to amend by adding the following as an additional proviso:

And provided further, That all goods, wares, and merchandise actually on ship-board and bound to the United States when this act shall take effect, from ports beyond the Cape of Good Hope and from beyond Cape Horn, shall be subject to the same conditions and rates of duty which were applicable to said goods, wares, and merchandise at the time of the passage of this act.

Mr. Chairman, the action which the committee has just taken has, I presume, indicated definitely the purpose of the House with reference to imposing duties upon goods in bond. I take it to be indicative also of the temper of the committee in relation to imposing duties upon goods on ship-board from foreign ports near to the United States. But I wish, if possible, to impress upon the committee the propriety and justice of at least making a distinction in favor of long-voyage goods—those that come from ports beyond Cape Horn or beyond the Cape of Good Hope. It requires many months of time to enable the merchants to send out orders for these goods to the Indies and to remote parts, to gather the goods and ship them, and to give sufficient time for the ships to arrive. It is often the case that goods imported on these long voyages, and I may say perhaps such is the custom, are sold to arrive. Therefore, while such goods are on the voyage of importation if Congress changes the law fixing the higher duties upon them, the excess must necessarily fall on the importer without any possible remedy in his hands.

Sir, I am informed that when the last law was passed making new duties applicable immediately and without notice to this class of merchandise, one merchant living in the district which I have the honor to represent, had goods on the way, and his vessels were due at the port of Boston at a time antecedent to the law taking effect, but owing to adverse winds his vessels were delayed and did not arrive until after the new law went into operation; the consequence was that his goods being sold to arrive, in that single instance the loss which fell upon the importer amounted to more than sixty thousand dollars, for which he had no remedy. I appeal to the justice of the House not to pass a law making a provision here in relation to the revenue of the country which it is impossible for the merchants to comply with. They must have a certain length of time in which to send out their orders for this kind of merchandise. They ought to be permitted to rely upon the good faith of the Government, without disappointment, and to find its legislation so fixed and stable as to render it safe for the merchant acting under the laws of his country to send out orders, trusting those laws will not be changed before he can get his returns.

I agree in almost everything said by the gentleman from Ohio, [Mr. SCHENCK,] that what we want to make the industry and commerce of the country prosperous is stable legislation. Even if we cannot make the laws regulating trade as right as we would like them, still we ought not to be so perpetually changing them as that business men can have no confidence in their stability.

[Here the hammer fell.]

Mr. ALLISON. I think that this will operate unjustly on the very class of men the gentleman wants to protect. We have reduced the duty on tea and coffee, and under the gentleman's provision these merchants will not have the benefit of that reduction.

Mr. RICE, of Massachusetts. I presume

the gentleman wants an answer. It is contained in the amendment I offer, that the rates existing and applicable to these goods shall take effect if it be necessary for the principle whether above or below those provided in this bill. If a merchant sent out orders expecting to pay twenty-five cents per pound on tea, let that be the duty collected when it arrives in preference to establishing the principle that the duties may be increased without notice.

Mr. ALLISON. I think it is unjust to the merchant where the duty has been reduced. Where the duty has been increased the importer will, of course, charge it upon the consumer. They do that, at least, in every instance. Therefore I believe in the amendment offered by the gentleman from Illinois [Mr. WASHBURN] and adopted by the committee. I am opposed to the amendment of the gentleman from Massachusetts, because if we reduce the rate of duty on particular articles it seems to me we ought not to impose the highest rate of duty on the importer.

[Here the hammer fell.]

The committee divided; and there were—ayes twenty-four, noes not counted.

Mr. RICE, of Massachusetts, demanded tellers.

Tellers were not ordered.

So the amendment was disagreed to.

Mr. BOUTWELL. I move to insert the following as a new section:

And be it further enacted, That the Secretary of the Treasury be authorized and directed to suspend the collection of the direct tax imposed by act of Congress passed August 5, 1861, entitled "An act to provide increased revenue from imports to pay interest on the public debt, and for other purposes," until January 1, 1868.

Mr. Chairman, I have only to say it can as well be understood by others as myself that the operation of collecting what remains uncollected of the direct tax in the rebel States operates more harshly upon our friends than our enemies. I hope the amendment will be adopted.

Mr. MORRILL. I hope the amendment of the gentleman from Massachusetts will be adopted. It seems to me that we can have hardly any better measure of reconstruction than the one that he has proposed.

The amendment was agreed to.

Mr. PAINE. I now offer the following as an additional section to the bill:

And be it further enacted, That the provisions made in this act for the benefit of the Alabama and Florida Railroad Company be extended to all railroad companies in the United States and Territories.

Mr. Chairman, this amendment differs in no respect from the amendment already voted on by the House. That amendment excluded from its operation the State of Pennsylvania, which was a very good reason why the House should not favor it, but now that odious discrimination against one of the largest States of the Union having been removed, and the provision being entirely fair, I trust it will be adopted unanimously by the House.

Mr. MORRILL. I move that the committee rise for the purpose of terminating debate.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. SCOFIELD reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, and particularly the special order, being bill of the House No. 718, to provide increased revenue from imports, and for other purposes, and had come to no resolution thereon.

THOMAS GLASGOW.

On motion of Mr. SCHENCK, it was ordered that the petition of citizens of the State of Tennessee, praying for the allowance of an invalid pension to Thomas Glasgow, a soldier in the war of 1812, be withdrawn from the files and referred to the Committee on Invalid Pensions.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, announced that the Senate had

passed a bill (S. No. 367) entitled "An act to extend the time of letters-patent issued to Thaddeus Hyatt," in which the concurrence of the House was requested.

TARIFF BILL—AGAIN.

Mr. MORRILL. I move that all debate in Committee of the Whole on the state of the Union on the special order, with the exception of the last section, be closed in one minute after the committee shall resume the consideration of the same.

The motion was agreed to.

Mr. MORRILL. I move that the rules be suspended and the House resolve itself into the Committee of the Whole on the state of the Union on the special order.

The motion was agreed to.

So the rules were suspended; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. SCOFIELD in the chair,) and resumed the consideration of the special order, being the bill (H. R. No. 718) to provide increased revenue from imports, and for other purposes.

Mr. MORRILL. We have already voted on the amendment of the gentleman from Wisconsin, and I trust it will be again voted down.

The question was taken upon Mr. PAINE's amendment; and there were—ayes 46, noes 75. So the amendment was disagreed to.

Mr. AMES. I offer the following as a new section:

And be it further enacted, That from and after the passage of this act there shall be allowed on the following articles when exported a drawback equal to the amount of duties paid on the imported materials used in the manufacture thereof of less five per cent, on the amount of such drawback, which shall be retained for the use of the United States, and such drawback shall be ascertained in accordance with regulations to be prescribed by the Secretary of the Treasury, namely: on mowing-machines, reaping-machines, plows, axes, hatchets, scythes, cotton-gins, shovels, spades, hoes, hay and manure forks, chisels, augers, and carpenters' tools.

The question was taken, and the amendment was agreed to—ayes 53, noes 42.

Mr. McRUER. In accordance with the understanding some time since, I propose to amend section six on page 28 by striking out in line twenty-seven the words "on and" and inserting in lieu thereof "shipped;" so that the clause will read, "and any wines, brandies, or other spirituous liquors imported; shipped after the 1st day of October, 1866, in any less quantities than herein provided for shall be forfeited to the United States."

The amendment was agreed to.

The Clerk read as follows:

SEC. 23. *And be it further enacted, That there shall be established in and attached to the Department of the Treasury a bureau to be styled the Bureau of Statistics, and the Secretary of the Treasury is hereby authorized to appoint a Director to superintend and conduct the business of said bureau, who shall be paid an annual salary of \$3,500. And it shall be the duty of the Director of the Bureau of Statistics to prepare the report on the statistics of commerce and navigation, exports and imports, now required by law to be submitted annually to Congress by the Secretary of the Treasury; and said report, embracing the returns of the commerce and navigation, the exports and imports of the United States to the close of the fiscal year, shall be submitted to Congress in a printed form on or before the 1st day of December next succeeding; and the said Director, as soon as practicable after the organization of this office, shall, under the direction of the Secretary of the Treasury, prepare and publish monthly reports of the exports and imports of the United States, including the quantities and values of goods warehoused or withdrawn from warehouse, and such other statistics relative to the trade and industry of the country as the Secretary of the Treasury may consider expedient. And the Director of the Bureau of Statistics shall also prepare an annual statement of all vessels registered, enrolled, and licensed under the laws of the United States, together with the name and tonnage of each vessel, the class to which she belongs, as to build and rigging, the name of her home port, and such other information as the Secretary of the Treasury may deem proper to embody therein; and to enable the said Director to furnish the information required, the Secretary of the Treasury shall have power, under such regulations as he shall prescribe, to establish and provide a system of numbering all vessels so registered, enrolled, and licensed; and each vessel so numbered shall have her number deeply carved or otherwise permanently marked on her main beam; and if at any time she shall cease to be so marked, such vessel shall be no longer recognized as a vessel of the United States. The said Director shall also prepare an annual statement of all merchandise passing in transit through the United States to for-*

sign countries, each description of merchandise, so far as practicable, warehoused, withdrawn from warehouse for consumption, for exportation, for transportation to other districts, and remaining in the warehouse at the end of each fiscal year; and to aid him in the discharge of these duties, the several clerks now employed in the preparation of statistics in the Treasury Department, or any bureau thereof, shall be placed under his supervision and direction. It shall be the further duty of said Director to collect, digest, and arrange, for the use of Congress, the statistics of the manufactures of the United States, their localities, sources of raw material, markets, exchanges with the producing regions of the country, transportation of products, wages, and such other conditions as are found to affect their prosperity. The said Director shall also collect, digest, and arrange for the use of Congress the statistics of the mining industry of the United States, the number and location of the mines, the products, wages of labor employed therein, and such other matters as may exhibit the condition and affect the prosperity of that branch of industry. And the said Director shall also annually prepare a report, to be laid before Congress, concerning the general course and influence of trade with foreign countries, exhibiting the distribution of the domestic exports of the United States among them, and the exchange of commodities with them, and the cost of production in the respective countries wherever attainable; which report shall extend to such particulars and shall be arranged in such manner and form as may be required by the Secretary of the Treasury. And for all these purposes the said Director shall have access to the statistics, papers, and records of the several Departments of the Government; and, in addition to the clerical service hereinbefore provided, the Secretary of the Treasury shall detail such other clerks as may be necessary to fully carry out the provisions of this act. And the expenses of the Bureau of Statistics for clerical service, publication of reports, stationery, books, and statistical periodicals and papers required by the bureau, shall be defrayed on the order and approval of the Secretary of the Treasury, out of any moneys in the Treasury not otherwise appropriated. And all letters and documents to and from the Director of the Bureau of Statistics, relating to the duties and business of his office, shall be transmitted by mail free of postage.

Mr. LAWRENCE, of Ohio. I move to strike out this section and ask permission to present briefly the reasons which induce me to do so. At the proper time a Bureau of Statistics is one of the very few additional departments I would be willing to add to the numerous branches of the Government service. I would do so because the statistics of the nation and the States furnish not only a part of our current history and progress but give us the means of intelligibly and equitably levying and adjusting national and local taxation. I would place at the head of such a department a gentleman of my own State, not because he is of my State, but because of his eminent abilities and his vast acquirements and capacity as a statistician. I refer to Hon. E. D. Mansfield. But to prepare the way for this, I would first abolish the various offices and clerkships now devoted to statistics in the Treasury, Interior, and other Departments, so that there should be but one authorized branch of this service. But I am not now in favor of the creation of this new office of Commissioner or "Director of the Bureau of Statistics" for several reasons.

There are various officers now in office who furnish statistics which thus far have enabled the legislative and executive departments of the Government to perform all their duties. The Census Bureau furnishes its fund of knowledge. The Treasury Department has its statistician, in addition to the annual reports on navigation and commerce, the banking statistics of the Comptroller of the Currency, and the revenue statistics of the Commissioner of Internal Revenue. The Agricultural Department has its statistician. The several Departments of the Government furnish the statistics appropriate to the service of each. Until there can be but one consolidated and exclusive department of statistics, an additional bureau is unnecessary, or at least may be dispensed with until a future time.

I would not now increase the patronage and the power of the national Government by creating additional offices and appointments which for the time being can be dispensed with. The nation is justly alarmed at the increase of patronage and power which the absolute necessities of the Government demand, growing out of the war and the national debt entailed upon us by southern traitors and their northern allies.

A vast number of our national officers hold their places, not for a definite term, but at the

pleasure of the President or of heads of Departments. By a practice which has no just sanction in the Constitution, even the officers who are by law appointed for a given term are removable during the recess of Congress by the President or heads of Departments. The State governments generally prescribe a term of years for each of their officers, and they can only be removed by a judicial trial and judgment. This whole theory and practice of the national Government should be changed. Congress has not yet matured the legislation necessary to regulate the appointing power, to prescribe a tenure and term of office for officers generally, and make them independent in the enjoyment and expression of opinion. The idea that many thousands of officers, extending to every State and city and village and neighborhood, shall be dependent for place and its duration upon the will of any one man, is at war with the first elements of republicanism, and dangerous to the purity, the existence of free government, and the freedom of the ballot.

This subjection of the office-holder to the will of a superior holds out an inducement—

"To crook the pregnant hinges of the knee,
That thrift may follow fawning."

The freedom of thought and its expression is as essential in a republic as the liberty of speech or the freedom of the press. Until this subject shall be regulated by law so as to secure the dignity, rights, and independence of the people and of all Government officials in the civil service, I will not consent to the creation of new departments and new officers which may not be immediately indispensable to the necessities of the Government and people. This is the opinion I would entertain wholly irrespective of any temporary consideration as to what party is in power or who may control its patronage. Legislation for temporary party purposes is always perilous, and full of dangerous precedents, while that which commands the approval of wise and patriotic statesmanship will "stand the test of human scrutiny, of talents, and of time."

But last, though not least, I object to the creation of a new department and new officers, because of the unnecessary expense it will entail upon the already overburdened tax-payers of the nation.

Mr. Chairman, I have voted for the soldiers' bounty bill and for an increase of pensions as a part of that justice which remains to be rendered to the brave soldiers who sacrificed the comforts of home and periled life for the preservation of the Union. I am willing to go yet further to pay them the debt of gratitude and justice the nation owes them. I am ready to advocate and vote for pensions to the needy soldiers of the war of 1812, already too long neglected by Congress. For these objects I would spare no fair taxation to do justice to brave and patriotic men. But the creation of new offices is a very different subject.

This House but a few days since passed a resolution in these words:

Whereas the financial condition of the United States demands the exercise of a rigid economy in all departments of the Government in order to sustain the credit of the United States, and to relieve the people at the earliest possible day from the burden of existing taxation; and whereas there is reason to believe that in many departments of the Government civil abuses have for a long time existed and still exist, in the perpetuation of useless offices and sinecures, in extravagant salaries and allowances, and in other unnecessary and wasteful expenditures:

Resolved by the House of Representatives, (the Senate concurring,) That a joint select committee be appointed, to consist of two members of the Senate and three members of the House, to be styled the joint select committee on retrenchment; that said committee be instructed to inquire into the expenditures in all the branches of the civil service of the United States, and report whether any and what offices ought to be abolished, whether any and what salaries or allowances ought to be reduced, and generally how and to what extent the expenses of the civil service of the country may and ought to be curtailed; that said committee be authorized to sit during the recess of Congress, to send for persons and papers, and to report by bill or otherwise.

Sir, I am in favor of carrying forward the purpose of this resolution. There is a manifest necessity for it now that the termination of flagrant war has rendered it practicable to

reduce the number and expenses of officers in most if not all of the Departments.

Mr. Chairman, this session of Congress has done much to relieve the burdens of the people. If the internal revenue bill already passed this House shall become a law, the reduction in internal taxation secured by it will be fruitful of benefits and blessings all over the land. I believe our legislation has been marked with more than usual economy. But in a few instances it would seem to me unnecessary expenses have been incurred and unnecessary offices created against my voice and vote. I will call attention to some of them:

The joint resolution, approved December 21, 1865, appropriating \$500,000 for subsistence for Indians, many of them rebels, in the southern superintendency.

The joint resolution of January 22 relative to the Paris Exposition.

The naval appropriation act of April 17, 1866, increasing naval officers' allowances some two million dollars or more. This is done in an innocent-looking section, as follows:

"That so much of the second section of an act entitled 'An act to regulate the pay of the Navy of the United States,' approved March 3, 1835, as prohibits any allowance to any officer in the naval service for the rent of quarters or for furniture or for lights or fuel or transporting baggage, and all acts or parts of acts authorizing the appointment of Navy agents, be, and the same are hereby, repealed."

It is proper to say a bill is pending to repeal this section. And then we have the following:

The act of May 16, giving vice admirals each a secretary with rank and pay of a lieutenant.

The act of May 26, authorizing the appointment of an additional Assistant Secretary of the Navy.

The act of June 12, amending the postal laws and increasing, but not materially, certain salaries.

The bill which passed the House creating a Department of Education with its Commissioner and other officers.

The pending internal revenue law, which creates a Commissioner of Revenue.

The joint resolution of June 30, to send ten commissioners to the Paris Exposition at an expense of \$156,000 for the great show, besides a commissioner to urge upon all nations the adoption of a uniform standard of weights and measures.

These, with the bills to reimburse Missouri and Pennsylvania for expenses of their militia, and to increase the clerical force of the Post Office Department, and pending bills to reorganize the Treasury and Interior Departments, will add something to our national burdens. In other Departments it is just to say the expenses have been reduced many millions. I am unwilling to create the additional offices contemplated by the bill now under consideration. Let us rather reduce wherever practicable the number and expense of some, perhaps many, of those we already have. I hope the motion to strike out will prevail.

Mr. GARFIELD. I desire to respond to the points made by my colleague and to say a word or two in defense of this section of the bill. Every gentleman will recognize the difficulty of replying to a written speech which has not been read, but I will respond to the points made orally by my colleague, [Mr. LAWRENCE.] The first objection that my colleague raises is, that however good this proposition may be, this is not the time to make it. Now, that is the common argument used on all occasions when gentlemen want to vote any proposition down, that now is not the proper time to make it. If the proposition made in this section is important and a proper one, there never has been a time when it was so important as just now for the necessities of our legislation. In the next place, the gentleman says that we have already the Census Bureau, a bureau of statistics much more extensive than this would be. I answer the gentleman by saying, what he well understands, that the Census Bureau is as nearly valueless for all the practical purposes of legislation as any bureau of statistics could well be. We really have no Census Bureau in any

efficient or potential sense. We have not yet received the results of what was taken as the census of 1860, and the whole condition of our affairs has so changed since then that the report on the census of 1860 will be almost valueless. But what is more, the Census Bureau never has furnished statistics at all. We do get something from them about manufactures and something on the subject of imports and exports, but we have nothing on earth that is called for in the consideration of propositions of this kind. Let the gentleman look at it for a moment. I hold that the excuse which the Committee of Ways and Means is compelled to make and is entitled to make to the House and the country for not having perfected much earlier in the session a complete tariff bill is because they have had to work in the original quarry and have had nothing furnished to their hands.

The revenue commission appointed under the act of the last session of Congress did nobly for us in the internal revenue department; but they had not time to go forward and perform the immense work of preparing anything reliable or complete on the subject of imports. See how perfectly the work is done in Great Britain, a country which has reduced the matter to almost an exact science. We look to that country now for the statistics even of our own affairs. Every month there is published and put in the hands of every legislator of Great Britain a paper containing, most accurately stated, all the items from which revenue is derived, all the items of importation and exportation and of the free list, and a complete classification of the navigation, commerce, and trade of Great Britain; and at the end of the year there is a complete summary made, so that every legislator in that country can hold in his hand the facts and no man can stand up and lecture *ex cathedra* on any subject of legislation connected with finance or taxation unless he is able to lay his finger on the facts.

Now, when a question comes up here and I am asked to say whether the tariff on a given article shall be ten per cent. or a hundred per cent., I want to know all the circumstances and all the facts about the article; where it is produced, whether we can produce it or not, what price it bears in the market, what capital is invested in producing it, and all other circumstances connected with it. But now I am compelled to come here with empty hands, and I cannot from all the volumes of our Library find out what I desire to know. It was but the other day that I called upon the Librarian and kept him busily at work for half an hour to find for me the market price of nickel, and he could not find it in any of our books.

Mr. GRISWOLD. I would ask the gentleman from Ohio [Mr. GARFIELD] if he does not believe that if all the facilities had been furnished to the Committee of Ways and Means which such a bureau as is here contemplated could furnish, this tariff bill would have been perfected and we would have been able to close our session by the 1st of June last.

Mr. GARFIELD. We might have been home by the 1st day of June, with a complete tariff, and one that would have reflected credit upon Congress.

[Here the hammer fell.]

Mr. FARNSWORTH. I do not rise to debate this proposition, but merely to make a suggestion. The chairman of the Committee of Ways and Means, I understand, will consent to give us a separate vote in the House upon the proposition to strike out this section.

Mr. MORRILL. I will consent to that.

Mr. LAWRENCE, of Ohio. With that understanding I will withdraw my motion to strike out this section, and renew it in the House.

Mr. KASSON. I move to amend this section by inserting the words "and by what means the export trade of the United States may be increased" after the words "and the said Director shall also annually prepare a report, to be laid before Congress, concerning

the general course and influence of trade with foreign countries, exhibiting the distribution of the domestic exports of the United States among them, and the exchange of commodities with them, and the cost of production in the respective countries wherever attainable."

As my friend from Ohio, [Mr. GARFIELD], in supporting this section seems to have been in an error, it leads me to think that others of the committee may be in error touching the existence of other statistical officers and bureaus. The gentleman from Ohio, [Mr. LAWRENCE], who just spoke against this section, alleged the existence of the Census Bureau as a reason why this provision should not be adopted. And my other friend from Ohio [Mr. GARFIELD] seemed to concur in that supposition. Now, sir, the fact is that the Census Bureau does not now exist. We have made no appropriations for it for two years past, and its duties are now being wound up by the officers and clerks of the General Land Office in the Department of the Interior. And thus it is that the statistical bureau connected with the census, or established for that purpose, has ceased to exist.

And in regard to other officers still existing, charged with the aggregation and presentation of such statistics, I have to say that the statistics for the year 1865, which we ought to have had one year ago, are not even yet laid before Congress. Our statistics in regard to commerce and navigation are so far behind also as to be nearly useless. Other nations of the world, having more appreciation of its advantages or more enterprise and tact, have long ago been in possession of such information. Now, sir, no legislation touching the commerce of the country is of any account unless it rests upon statistics of our own production and commerce and the production and commerce of other countries. And those statistics should be recent, as gentlemen about me remark, in order that we may keep up in the great commercial race with the other nations of the world.

I had occasion some three years ago to ascertain the extraordinary difference between the habit of other countries in this respect and our own. They have all the tact and shrewdness and diligence that belong to a private merchant or to a private manufacturer in the development of his own interests and the extension of his own circle of trade. Their commercial treaties are strict bargains, like those which merchants make with each other. We are behindhand entirely in this respect, and our Government loses a very marked advantage in the development of the commercial interests of this country.

If I understand the object of the Committee of Ways and Means, it is to provide a Bureau of Statistics to remedy our deficiencies; and by the terms of this section they do provide it. And if it is adopted we shall keep up these statistics as rapidly as the bureau can obtain them and submit them to the commercial interests to enlighten and enlarge its operations.

Mr. MORRILL. I desire to say a word or two before this shall pass from our consideration. While we are legislating for all parts of the country and for various objects, we may very well legislate a little in our own behalf. In other nations, England and France, for example, the executive departments aid in making out the bills and presenting them to the various committees for their consideration. But here no such practice prevails, and perhaps ought not to prevail. But we ought to have some access to the information which is absolutely necessary for the proper preparation and consideration of bills to be presented to Congress for its action. By law the printing of our reports on commerce and navigation is to be completed by the 1st of December succeeding the close of each fiscal year, and yet it is notorious that for the last three or four years those reports have been not only one year but sometimes more than two years behindhand. Yet the Journal of Commerce newspaper of New York city publishes in the main the returns of the custom-house of that city, which comprise

three fourths of all the importations of the country, in a very few weeks after the close of each fiscal year or quarter. But the Government here at Washington is unable or unwilling to force its officers at New York to make the same returns here that are given to that newspaper.

Sir, for one I regard the provisions contained in this section as eminently proper. We ought to be able to have returns here, not only upon this subject, but upon all the various subjects suggested by the gentleman from Ohio, [Mr. GARFIELD], in season to enable the Committee of Ways and Means and other committees to know accurately the facts upon which they are called to legislate. And while I am upon the floor I desire to say this in relation to the future action of the committee and of the House upon this bill. I do not propose that we shall come to a vote upon it in the House to-night. There are some three or four gentlemen who desire to occupy ten or fifteen minutes each in the general discussion of the bill. That discussion I propose to allow to-morrow. But it is necessary that we should take a little time between this and to-morrow to look over the bill, in order to determine what were regarded as contested questions, so that the House may know upon what amendments it will be necessary to take the vote by yeas and nays. There are also several amendments which it is proposed may be offered and voted upon in the House. And then there are some blanks yet to be filled. I trust the friends of the bill will allow it to go to the House, and also allow this discussion upon it. And I trust, also, that the vote will be allowed to be taken upon the various amendments before any test question on the bill shall be taken.

Mr. WASHBURNE, of Illinois. I will not object to the arrangement proposed by the gentleman from Vermont, [Mr. MORRILL], provided he will agree not to call the previous question, so as to cut off any motion to postpone the consideration of this bill to some time in December next.

Mr. MORRILL. The gentleman from Illinois [Mr. WASHBURNE] knows it is not necessary to make any such stipulation as that, because the House can refuse to second the call for the previous question, if the call should be made, should they desire to postpone the bill as the gentleman suggests.

Mr. DAWES. I desire also to have an understanding with the gentleman from Vermont [Mr. MORRILL] that I may be permitted to make a motion to recommit this bill with instructions to the Committee of Ways and Means.

Mr. MORRILL. I think the motions I have already consented to allow to be made are sufficient for the purpose of testing the feeling of the House in regard to this bill.

The question recurred upon the amendment of Mr. KASSON to section twenty-three of the bill.

The amendment was agreed to.

Mr. DAWES. I move to strike out the last word of the twenty-third section, simply for the purpose of inquiring of the gentleman from Vermont [Mr. MORRILL] if he will permit me to move in the House to recommit this bill and pending amendments to the Committee of Ways and Means with instructions to report the same back at any time. If not, I shall be obliged to move that the committee rise and recommend that to the House. I will make that motion unless I can accomplish the purpose without it.

Mr. MORRILL. I will permit that, as I desire the bill shall be put in the shape in which the House wants it before a test vote is taken. Of course this is with the understanding that there shall be no motion to lay on the table.

Mr. WILSON, of Iowa. I submit the following proposition:

Resolved, That the committee rise and report the bill to the House with a recommendation that it be recommitted to the Committee of Ways and Means with instructions to report a bill embracing the first section of the pending bill; the sixth and twelfth sections, as originally reported, and including the amendments relative to the duty on tea and coffee;

the duties on linseed, flaxseed, hempseed, rapeseed, and upon oils manufactured therefrom, as provided in the bill; a reduction of the duty on railroad iron to seventy cents per hundred pounds; a reduction of all other rates embodied in the bill to a standard not higher than the actual necessities of the interests affected thereby require, not exceeding in any case twenty-five per cent. above the rates now fixed by law; and section fourteen, and all subsequent sections, with such changes as previous modifications may require, if any.

Mr. DAWES. I ask the gentleman to accept the following as a modification of his proposition:

Resolved, That the committee rise and report the bill to the House with the recommendation that the same be recommitted to the Committee of Ways and Means with instructions to report the same back at the next session, with such modifications and changes as they may see fit.

Mr. WILSON, of Iowa. I cannot accept it.

Mr. ROSS. I have an amendment which must be acted on before any motion to rise can be entertained. I move to strike out "thirty-five hundred" and insert "twenty-five hundred;" so that the section will read as follows:

Sec. 23. *And be it further enacted*, That there shall be established in and attached to the Department of the Treasury a bureau to be styled the Bureau of Statistics, and the Secretary of the Treasury is hereby authorized to appoint a Director to superintend and conduct the business of said bureau, who shall be paid an annual salary of \$2,500.

Mr. Chairman, I have no remark to make further than this is another effort to reduce the expenses of the Government.

The amendment was disagreed to.

Mr. WILSON, of Iowa. If the gentleman from Vermont will give me an opportunity to offer the resolution in the House, I will now withdraw it.

Mr. MORRILL. I will. I move that the committee now rise and report the bill.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. SCOFIELD reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration bill of the House No. 718, to provide increased revenue from imports, and for other purposes, and had directed him to report the same back to the House with sundry amendments.

And then, on motion of Mr. MORRILL, (at four o'clock and fifty minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule and referred to the appropriate committees: By Mr. MYERS: The petition of Samuel Wilson, Isaac Mann, and 46 others, residents of Frankford, Philadelphia, employed in manufacturing establishments, for the passage of an amended tariff bill to protect American labor.

Also, the petition of William B. Coates, of Philadelphia, setting forth that on his application, the Navy Department granted him permission to test his submarine battery, and after putting him to expense failed to give him the cooperation required, and asking Congress for a grant of money to test his invention or purchase it.

IN SENATE.

TUESDAY, July 10, 1866.

Prayer by the Chaplain, Rev. E. H. GRAY.

On motion of Mr. HENDRICKS, and by unanimous consent, the reading of the Journal of yesterday was dispensed with.

PETITIONS AND MEMORIALS.

Mr. MORGAN presented the petition of the New York and Virginia Steamship Company, praying for payment for the steamers Yorktown and Jamestown, which were seized by the rebels in 1861 and converted into gunboats and used by the rebel government; which was referred to the Committee on Claims.

He also presented a memorial of the Chamber of Commerce of the State of New York, praying for the passage of a bill securing uniformity in the postal system of the different nations of the civilized world, by declaring that the half ounce avoirdupois shall, for postal purposes, be deemed and taken as the equivalent of fifteen grammes of the metric weight; which was referred to the select committee on coinage, weights, and measures.

He also presented resolutions of the Chamber of Commerce of the State of New York, in favor of the passage of the joint resolution now pending before the Senate repealing so much of the act relative to steamship service between California and China as requires the mail steamship line between the United States and China to touch at the Sandwich Islands; which were ordered to lie on the table.

Mr. NYE presented the memorial of James Roach, praying for compensation for services rendered in Ireland during the late rebellion in behalf of this country; which was referred to the Committee on Foreign Relations.

FENIAN MOVEMENT.

Mr. STEWART. I offer the following concurrent resolution, and ask for its consideration at this time:

Resolved by the Senate, (the House of Representatives concurring,) That the President be, and is hereby, requested to interpose the good offices of the United States to procure the release and discharge of persons now held in the Canadas and elsewhere under the authority of the Government of Great Britain, charged with participation in the so-called Fenian movement.

Mr. FESSENDEN. The Senate is rather thin now.

Mr. STEWART. Very well; I will consent to let the resolution lie on the table for the present.

REPORTS OF COMMITTEES.

Mr. WILSON, from the Committee on Military Affairs and the Militia, to whom were referred sundry petitions and memorials of officers of the Army of the United States, praying for an increase of compensation, asked to be discharged from their further consideration; which was agreed to.

BILLS INTRODUCED.

Mr. POLAND asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 416) extending time to the Alabama and Florida Railroad Company for the payment of duties on railroad iron; which was read twice by its title and referred to the Committee on Finance.

Mr. WADE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 417) to incorporate the Washington and Georgetown Ferry Company; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

CALIFORNIA LAND TITLES.

Mr. SAULSBURY. In pursuance of a notice which I gave yesterday, I ask leave to introduce a bill with a view to its reference to the Committee on the Judiciary.

Leave was granted to introduce a bill (S. No. 415) to amend an act entitled "An act to grant the right of preemption to certain purchasers on the Soscol ranch, in the State of California;" and it was read twice by its title.

Mr. SAULSBURY. I move that the bill be referred to the Committee on the Judiciary.

Mr. HENDRICKS. I will say to the Senator from Delaware that that question has been somewhat considered by the Committee on Public Lands, and properly, I suppose, belongs to that committee, though I have no choice about the committee to which it shall go.

Mr. CONNESS. I move that the bill be referred to the Committee on Public Lands.

The PRESIDENT *pro tempore*. The pending motion is that of the Senator from Delaware, that it be referred to the Committee on the Judiciary.

Mr. CONNESS. I hope the Senator will consent to let it go to the Committee on Public Lands.

Mr. SAULSBURY. I am aware that the matter has been before the Committee on Public Lands, and this is a bill to amend an act reported by that committee. I know nothing about the case myself; I only present the bill at the request of parties who feel a deep interest in it, and who desire, as there are questions of law involved in it, and they suppose that the Attorney General has given an opinion, that it be referred to the Committee on the Judiciary. Personally it makes no difference to me to what

committee it is referred; but as there are questions of law involved, it is proper, I apprehend, that it should go to the Committee on the Judiciary.

Mr. STEWART. I do not think it involves any questions of law more than any ordinary legislation in relation to public lands. The matter has been before the Committee on Public Lands in various forms of legislation. There is no question of law involved in the proposed bill that I know of more than in ordinary legislation connected with the public lands.

Mr. SAULSBURY. The honorable Senator may not be aware now, because, he may not have thoroughly examined the subject, that there are questions of law involved in it, and yet, although he is not aware of the fact that such questions are involved, it is possible that there may be. It is true the Committee on Public Lands have had this subject before them; and this is a bill contemplating an amendment to an act which was reported by that committee originally, and which has been passed by both Houses. There are questions of law involved, so much so that it has been thought to be necessary to take the opinion of the Attorney General.

Mr. HENDRICKS. I ask the Senator from Delaware if this bill contemplates a review of the opinion expressed by the Attorney General in regard to existing laws. Does it involve a reexamination of the questions that were once presented to the Attorney General?

Mr. SAULSBURY. I know nothing about the bill further than this: it was placed in my hands to be offered to the Senate by gentlemen who feel a deep interest in the matter, and who wish to have the judgment of the Committee on the Judiciary upon the questions of law which they say necessarily arise in the case.

Mr. HENDRICKS. Then we had better let it go there.

Mr. CONNESS. I have moved that this bill be referred to the Committee on Public Lands. I want to have a vote upon that question.

The PRESIDENT *pro tempore*. There is a motion already pending that the bill be referred to the Committee on the Judiciary. That motion is yet undisposed of.

Mr. CONNESS. I hope that reference will not be ordered. This is a bill to amend a former act relating to public lands, and I hope it will go to the Committee on Public Lands, and not to the Judiciary Committee, as now moved.

Mr. HENDRICKS. Without knowing what this bill provides, it is impossible to say which committee it ought to go to. The Committee on Public Lands reported a bill two or three years ago, and it became a law, regulating the rights of the settlers upon what is called the Soscol ranch, in California—a very valuable piece of land. The contestants brought their cases before the General Land Office, and a decision was there made. The question went to the Secretary of the Interior, and he took the opinion of the Attorney General upon the construction of the law that was passed two or three years ago, as I understand it. If this bill intends to change the law in view of the decision of the Attorney General, I think it ought to go to the Committee on the Judiciary, if that is the effect of the proposition; but if it is simply a bill regulating the public lands in California it seems to me it ought to go to the Land Committee.

Mr. CONNESS. I will say to the Senator, before he closes, that it does not propose that at all, but proposes to amend the former act.

Mr. HENDRICKS. If the amendment rests upon the opinion of the Attorney General, I suppose it ought to go to the Committee on the Judiciary.

Mr. CONNESS. I call for the reading of the bill. ["Oh, no."] It is very short, containing only one section.

The Secretary read the bill, as follows:

Be it enacted, &c., That an act entitled "An act to grant the right of preemption to certain purchasers on the Soscol ranch, in the State of California," approved March 3, 1863, be, and the same is hereby, amended by adding the following proviso to section

two of said act, namely: *Provided*, That not more than one hundred and sixty acres shall be entered or purchased of the Government by any one person under or by virtue of the provisions of said act.

Mr. CLARK. I happen to know something in regard to the act to which this bill refers, which was passed, I think, in 1863, and I happen to know something of the manner in which it went through the Senate. I have also been informed of and seen the opinion of the Attorney General, which, somewhat to my surprise, I think alters perhaps the rights of the preemptionists in all the country; and the question arises, as a matter of law, what shall be done with that act, what amendment should be made to it, or what legislation there should be on the subject. I think it is highly proper, as a matter of law, that this question should go to the Judiciary Committee and be settled by them. It is not a matter very much affecting the public lands, but it is a matter very gravely affecting the right of the preemptionists under the laws of the land, and so becomes particularly important for the consideration of the Committee on the Judiciary. I think it should go in that direction. I know some of the efforts that have been made in regard to this matter in the history of legislation, and I think the thing should be very carefully considered before it makes further progress.

Mr. CONNESS. I, too, know something about this question, for it affects the people that I represent very deeply and materially. The efforts that have been made in this connection have kept a section of the country that I represent here in turmoil for three years last past. The question has been settled by the tribunal of highest resort; and now it is proposed again to reopen for three or more years longer all the turmoil and difficulty that have passed. It is clearly a question for the Committee on Public Lands, if any, to consider, and not for the Committee on the Judiciary. I have confidence in the Judiciary Committee of this body, but there is no propriety in sending the question involved in this bill to that committee. The question is as to whether certain parties shall have exceeding one hundred and sixty acres of land. It is not proposed to review the opinion of the Attorney General alluded to. If the opinion of the Attorney General is not good law, if it restricts the general preemption laws, then let the Committee on Public Lands, who properly have charge of that subject, introduce such a change in the preemption laws as shall meet the case; if there be difficulty in the case, it is their province to do that. Why this bill, which proposes that certain parties in the State of California shall enter not to exceed one hundred and sixty acres of land, should be sent to the Judiciary Committee of this body, as against the Committee on Public Lands, I cannot understand, and I hope it will not be sent to that committee.

Mr. CLARK. I do not suppose that the turmoil and trouble which this case has occasioned are to be settled at once by the reference of this bill to the Committee on Public Lands or to the Committee on the Judiciary. I know there is a great deal of trouble about it; I know there has been a great deal of trouble about it; and I know there will be a great deal of trouble about it; and the Senator from California, though he may know a great deal in regard to the lands in California, as he undoubtedly does, will not be able, with all his power, to settle the difficulty. The question now is a question of law. How far this opinion of the Attorney General, which the Senator calls the highest tribunal—

Mr. CONNESS. I did not call it the highest tribunal.

Mr. CLARK. Or words to that effect.

Mr. CONNESS. I did not mean the Attorney General, with the Senator's leave.

Mr. CLARK. Then I am under a misapprehension in regard to what the Senator did mean, and I am at a loss to know what he did mean.

Mr. CONNESS. I will tell the Senator, if he will permit me.

Mr. CLARK. Certainly I will.

Mr. CONNESS. I meant the Interior Department. These questions of the administration of the land laws belong, first, to the General Land Office, and, upon appeal, to the Secretary of the Interior. I alluded to the decision of the head of that Department.

Mr. CLARK. I supposed that he meant the opinion of the Attorney General, because the Senator from California, I take it, well knows that the Interior Department referred it to the Attorney General and took his opinion, which was beyond that—

Mr. CONNESS. Upon one question.

Mr. CLARK. Exactly; I understand it; and now the question comes to be settled as a matter of law, how far that opinion goes, and what effect it has upon the land titles of the country. It seems to me eminently proper that this matter should go to the Judiciary Committee, that they may see what is the effect of that. I have no desire to take it from the Committee on Public Lands for any purpose except to settle what may be the law in regard to it; and in that view I think it should go to the Judiciary Committee.

Mr. CONNESS. I regret to occupy the time of the Senate this morning on this subject, for I am very anxious to get to business of more importance. But, sir, what does this bill propose to do? Does it propose in any manner to review the opinion of the Attorney General? Is the opinion of the Attorney General referred to in it? Not at all. It provides "that an act entitled 'An act to grant the right of preemption to certain purchasers on the Soscol ranch, in the State of California,' approved March 3, 1863, be, and the same is hereby, amended by adding the following proviso to section two of said act."

And then follows the proviso. There is not the most distant reference to any opinion. It is clearly a question of the practical disposition of land, and I am only astonished that there should be any objection to its going to the regular committee.

Mr. POMEROY. I have no feeling about this matter, and if Senators desire to send this bill to the Committee on the Judiciary, of course I shall not object to it. We have had this, among other questions from California, before our Committee on Public Lands for four years. We thought we settled it right in the bill to quiet land titles in the State of California. If any other committee after devoting four years to it can come to any better conclusion, I shall be glad to have them do it.

Mr. CLARK. It seems to me the Senator from Kansas ought not to have any feeling on this subject.

Mr. POMEROY. Certainly not.

Mr. CLARK. But it is an exceedingly narrow view which the Senator from California now attempts to press upon the Senate, that the bill of itself has no reference to the Attorney General's opinion. The Senator must know as well as I know that in settling the questions propounded in that bill and settling the disposition of the bill, the whole thing must be reviewed. It is true the bill does not allude to it in terms, but does allude to the matter in such a way that the whole thing must come before the committee.

Mr. POMEROY. I submit that if a committee are to review the whole question they should begin at the beginning of the session. The whole question of land titles in California is the most complicated question that has arisen in any of the States. If that whole question is to be gone into, a committee wants to begin at the beginning of the session, because we have certainly spent three Congresses upon it.

Mr. CLARK. That would be an objection to referring it to any committee if an objection at all; but I do not apprehend that it is going to take so much time. However much time it may take, it ought to be done thoroughly and done well. I have no doubt the Land Committee would do it well, but the Judiciary Committee is peculiarly a committee for the purpose of investigating questions of law, and it

seems to me that this bill ought to go to that committee.

Mr. STEWART. The Committee on Public Lands have already considered the subject, and they think they have considered it fairly and have done well. They reported a bill to this body which was thoroughly discussed, and it has they think well settled the question. I believe that the community are satisfied with the settlement, and I believe that equity and justice are fully accorded to all parties in that settlement. I do not believe a better settlement can be had; and at this late day it seems to me very proper that any new bill on the subject should go to the committee that has already considered it. It is simply a question whether the purchasers and occupants under a certain grant shall enter and buy more than one hundred and sixty acres. After a careful consideration of all the equities and hearing all parties, the Committee on Public Lands decided that they might buy what they had in possession, so that the community should remain undisturbed. This bill proposes to reopen the whole thing, to cut them down, and go into the same questions that have been before the Committee on Public Lands all this time. It presents no new question that has not been already considered. It seems to me that if this matter properly connected with the public lands is to be taken from that committee and given to the Judiciary Committee, it must be simply because gentlemen believe the Judiciary Committee will exercise a better discretion. I am on both committees, and it is entirely immaterial to me personally which committee the bill goes to; but it seems to me it will be a reflection on the Committee on Public Lands to take from them a matter that has been so thoroughly and I think fairly canvassed and determined by that committee.

Mr. SAULSBURY. In making this motion I intended no reflection upon any committee of the body. In fact, I know nothing about the case; I simply acted toward the person who handed me the bill to present to the Senate as I would act to any one else. He told me that he had a bill which he wanted me to present to the Senate, and he requested me to offer it and ask its reference to the Committee on the Judiciary. I did in this case what I would do in any other. I had no knowledge of the merits of the case, and I have no feeling in reference to the matter; but I thought it was due to a citizen of a State even that I did not represent, having a measure which he wished to be brought to the consideration of the Senate, to present it to the Senate, and ask that it be heard fairly. I am perfectly content, as far as I am individually concerned, with any course which the Senate may adopt. I have simply acted in this case as I would act in any other, to oblige an individual who, though a stranger to me, had business to present to the consideration of the body of which I am a member.

Mr. HENDRICKS. I will avail myself of the occasion, as the question is up, to make a personal explanation in connection with it. It will be recollected by Senators that two weeks since a bill was passed to quiet land titles in the State of California—a very important bill indeed, affecting the titles to very large sections of land in the State of California. That bill was before referred, some two or three months ago, perhaps, to the Committee on Public Lands. As an important measure, I gave it attention. The Senator from New York, who is a member of that committee, [Mr. HARRIS,] also gave that bill careful attention. He and I were both very anxious that in settling the titles in California the rights of the settlers upon the lands should be well secured; and we were neither of us, as I now recollect, satisfied fully with the bill that was introduced and referred to the committee, and it was finally suggested that that bill should be taken by myself to the General Land Office, and upon consultation with the Commissioner of the General Land Office, the chief clerk of that office, and the surveyor general of the United States for California a bill should be drawn. I took the bill to the General Land Office, and the substitute

was drawn mainly by the Commissioner of the General Land Office and the surveyor general for California. I thought it was pretty safe in its provisions, and reported that substitute thus drawn to the Senate from the Committee on Public Lands. That bill did not finally pass, but an amendment to it passed which I thought in some respects better, and I gave it my support.

While that bill was pending in the House of Representatives a colleague of mine, who is connected with the Committee on Public Lands in that body, opposed some of its provisions, which particular provisions I did not trouble myself to see; but in the course of his remarks he sent to the Chair to be read a letter from California, withholding the name of the writer, which letter was abusive of myself because I had reported the amendment which had been drawn by the surveyor general, the Commissioner of the General Land Office, and myself.

Now, sir, perhaps it is not proper that I should have noticed that proceeding. I suppose the man in California who wrote the letter is interested in this question, and perhaps he was not well informed on the subject that he was writing about, of the connection that I had with the legislation upon that subject, and the care that I had taken, so far as I was connected with the Committee on Public Lands, to secure the rights of the settlers. Of course I have nothing to say in regard to that person, or any language that he may have used toward myself. I simply wish in very plain and square terms to condemn the conduct of any colleague who will present to be read a letter traducing any gentleman connected with Congress about a matter that the writer could not have been well informed upon. But, sir, if that is the style and the taste of any gentleman, to attack a colleague in Congress by a letter, the name of the writer of which he will not communicate to the country, I leave it to him to decide for himself.

Mr. CONNESS. Will the Senator allow me a word in that connection?

Mr. HENDRICKS. Certainly.

Mr. CONNESS. I happened to be in the House at the time; and desiring to know the name of the writer I got the letter, but it was expunged by ink and covered so that it could not be interpreted.

Mr. HENDRICKS. The name was?

Mr. CONNESS. Yes, sir; the name.

Mr. HENDRICKS. As soon as enough of that letter had been read by the Clerk so that the Speaker could know its character, he stopped its reading instantly, as a presiding officer having a high appreciation of his duty and of the rights of other gentlemen would do, and making a marked contrast between himself and the high sentiments that govern him and the Representative that would send such a document to be read, obliterating the name of the writer before he would allow it to go to the country.

I was very careful in the preparation of that bill, as the Senator from California very well knows, and would not trust my own judgment; but I thought it was safe to trust the judgment of the Commissioner of the General Land Office, and of the surveyor general for California, who had come on here, as I understood, to give his experience and his knowledge in aid of Congress in legislating on this troublesome question. California titles ought to be settled. There is nothing of greater importance in that State; and I am glad that we are likely to arrive at some result. So far as the particular reference of this bill is concerned I have no choice.

Mr. CONNESS. I cannot let this opportunity pass, having been present when the letter alluded to was read in the other House, and having examined and read the whole letter myself, without saying that in my opinion it was first written by a man ignorant of the subject upon which he wrote, next a man evidently governed by his interests in the connection; and a more marked case of impropriety than its introduction I never was witness to. Neither, sir, was I ever witness to a grosser and more

unmerited and unjust attack than it made upon the Senator from Indiana; for I take pleasure in bearing testimony to the fact that in connection with all these questions of lands, upon the one proposition in which he was condemned in that letter, namely, a disregard of the settlers' interests, he has been peculiarly careful and precise.

The PRESIDENT *pro tempore*. The question is on the motion to refer this bill to the Committee on the Judiciary.

The motion was not agreed to; there being, on a division—ayes 12, noes 17.

Mr. CONNESS. Now I move to refer the bill to the Committee on Public Lands.

The motion was agreed to.

ADMISSIONS TO THE FLOOR.

Mr. GRIMES. I ask for the reading of the forty-eighth rule of the Senate.

The PRESIDENT *pro tempore*. It will be read.

The Secretary read as follows:

"48. No person shall be admitted to the floor of the Senate, while in session, except as follows, namely: the officers of the Senate, members of the House of Representatives and their Clerk, the President of the United States and his Private Secretary, the heads of Departments, foreign ministers, ex-Presidents, and ex-Vice Presidents of the United States, ex-Senators, Senators-elect, judges of the Supreme Court, and Governors of States and Territories."

Mr. GRIMES. I think every Senator has observed that there has been a very great relaxation of this rule of the Senate in practice, and I have waited a long time until an opportunity could occur when I might call the attention of Senators and of the Chair to the subject of this rule, no one being present occupying a place in the Senate who ought not to be here, so that any remark I might make about it might not be regarded as invidious. I desire now to say that so long as this rule exists I shall insist upon its strict observance.

GOVERNMENT INSANE ASYLUM.

Mr. HENDRICKS. I move to take up for consideration House bill No. 726, which has been reported from the Committee on the District of Columbia.

The motion was agreed to; and the bill (H. R. No. 726) to extend to certain persons the privilege of admission in certain cases to the United States Government Asylum for the Insane was considered as in Committee of the Whole. It provides that civilians employed in the service of the United States, in the quartermaster's department and the subsistence department of the Army, who may be, or may hereafter become, insane while in such employment, shall be admitted on the order of the Secretary of War, the same as persons belonging to the Army and Navy, to the benefits of the Asylum for the Insane in the District of Columbia, as now provided by law in reference to soldiers and sailors in the Army and Navy. It also provides that the following classes of persons, under the circumstances named, shall be entitled to admission to the asylum on the order of the Secretary of War if in the Army, or the Secretary of the Navy if in the Navy, to wit: first, men who, while in the service of the United States, in the Army or Navy, have been admitted to the asylum, and have been afterward discharged therefrom on the supposition that they had recovered their reason, and have, within three years after such discharge, become again insane from causes existing at the time of the discharge, and have no adequate means of support; second, indigent insane persons, who have been in the same service and been discharged therefrom on account of disability arising from such insanity; third, indigent insane persons, who have become insane within three years after discharge from such service from causes which arose during and were produced by said service.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUPREME COURT JUDGES.

Mr. TRUMBULL. I move that the Senate

proceed to the consideration of House bill No. 334.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 334) to fix the number of judges of the Supreme Court of the United States, and to change certain judicial circuits.

The first section of the bill provides that hereafter the Supreme Court of the United States shall consist of one chief justice and eight associate justices.

The second section provides that the first, second, and third circuits shall remain as now constituted; that the districts of Maryland, Delaware, Virginia, North Carolina, and South Carolina shall constitute the fourth circuit; that the districts of Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas shall constitute the fifth circuit; that the districts of West Virginia, Ohio, and Michigan shall constitute the sixth circuit; the districts of Indiana, Illinois, Kentucky, and Tennessee shall constitute the seventh circuit; the districts of Wisconsin, Minnesota, Iowa, Missouri, Kansas, and Arkansas shall constitute the eighth circuit; and the districts of California, Oregon, and Nevada shall constitute the ninth circuit.

The Committee on the Judiciary reported the bill with an amendment, which was to strike out all of section two after the enacting clause and in lieu thereof to insert the following:

That the first and second circuits shall remain as now constituted; that the districts of Pennsylvania, New Jersey, and Delaware shall constitute the third circuit; that the districts of Maryland, West Virginia, Virginia, North Carolina, and South Carolina shall constitute the fourth circuit; that the districts of Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas shall constitute the fifth circuit; that the districts of Ohio, Michigan, Kentucky, and Tennessee shall constitute the sixth circuit; that the districts of Indiana, Illinois, and Wisconsin shall constitute the seventh circuit; that the districts of Minnesota, Iowa, Missouri, Kansas, and Arkansas shall constitute the eighth circuit; and the districts of California, Oregon, and Nevada shall constitute the ninth circuit.

Mr. JOHNSON. Is that the only amendment reported by the committee?

Mr. TRUMBULL. That is the amendment we reported from the committee. I propose offering another amendment, upon which the committee has agreed since the bill was reported.

Mr. JOHNSON. I ask the honorable member to send to the Chair that amendment that it may be read in connection with the other. I do not know that I understand this alone.

Mr. TRUMBULL. Perhaps I had better explain. The bill as it came from the House provided that the judges of the Supreme Court should be eight associate justices and one chief justice, and arranged the nine circuits for the nine judges. Our committee have agreed to some alteration in those circuits as the House had arranged them. That is the amendment now pending. But the Committee on the Judiciary have instructed me further to report an amendment not to fill the vacancies until the whole number is reduced to seven; but still the circuits will be nine, because there are nine judges at present, and whenever the number on the bench shall be reduced hereafter it will involve the necessity of changing the circuits at a future time.

Mr. JOHNSON. The circuits must be modified.

Mr. TRUMBULL. The circuits will have to be modified as from time to time the number of judges decreases. We arrange them now according to the number of judges there are, so that the Senator will see we can act on this amendment now, and then I shall offer the other.

Mr. SHERMAN. The arrangement of the circuit in which I live would be very inconvenient as proposed by the amendment. I much prefer the original bill in that respect. I do not wish to interfere with the general arrangement of the circuits, but I know that the circuit in which Ohio is now proposed to be put will contain about five million people, and will contain at least six separate districts, extend-

ing over a vast region of country. I submit to the chairman of the Judiciary Committee whether we had better not leave the circuit as it stood in the original bill. West Virginia, Ohio, and Michigan would make a circuit of about three and a half million people, more than the average, with a large amount of business. Michigan has two districts with a very large water coast and a great deal of business. Ohio has two districts, the court sitting at Cleveland and Cincinnati, with a large amount of business. West Virginia added to them will be a circuit large enough; while the proposed circuit is Ohio, Michigan, Kentucky, and Tennessee, spreading over a vast region of country, with five million people, and with more business I think than ought to be embraced in one circuit. I therefore prefer the arrangement, so far as the circuit in which I live is concerned, in the original House bill. I hope the Senator will allow it to remain so, if he can in harmony with the rest of the bill.

Mr. TRUMBULL. The circuits are necessarily large. The Senator from Ohio is aware that a bill has passed the Senate and is pending in the other House to relieve the supreme judges entirely from circuit duty and establish an intermediate court of appeal.

Mr. SHERMAN. Yes.

Mr. TRUMBULL. And that court will be held at but one place in each judicial circuit.

Mr. SHERMAN. The circuit court?

Mr. TRUMBULL. It will be a court of appeals. It will be held at but one place in each circuit. The circuit in which Judge Swayne presides is large, and perhaps there will be more business in it than in some of the other circuits; but necessarily, the Senator must see, the circuits have to be very large, and the Senators from West Virginia—I think the Senators; if not the Senators some other persons—thought it would be entirely better that West Virginia should be in the same circuit with Virginia and Maryland. Their laws and their mode of practice are more in conformity with those of those States as a matter of course, having been a part of Virginia formerly, while there is no similarity between them and the proceedings in Ohio. Under the system that is to be adopted there is to be but one place of holding the appellate court in each circuit. In the bill that passed the Senate, I do not know where it was fixed in that circuit; but the House is proposing to change the place that was fixed upon, and I do not remember where they proposed to change it; but that bill has not yet passed the House. The Senator from Ohio will see that there will be no traveling over the circuit; and after considering the matter as well as we could—it is difficult to arrange these circuits so as to suit every local interest—taking everything into consideration, the committee agreed upon this arrangement as the best we could make, and I hope the Senate will not change it. The change of one will involve the change of others.

Mr. SHERMAN. But it involves very material interests. I will state to the Senator that the bill, as it passed the Senate, fixed the court for this circuit at Cleveland. It is convenient for the judges, convenient for Michigan, convenient for West Virginia, and convenient for the two districts of Ohio, while, if it is put at Columbus, we have no court-house there; we shall be compelled to build a court-house there; neither of the judges live there except Judge Swayne; neither of the district judges live there. It would be expensive and inconvenient to compel all the suitors to go to the interior of the State of Ohio instead of Cleveland, the proper place. I shall vote against the amendment. My colleague is familiar with it, and the Senators from Michigan know that the business relations of the three States of West Virginia, Ohio, and Michigan harmonize very well; and by having them together it would enable the court to be held where it is convenient. I do not wish to embarrass the bill; I simply want to have our court held at the place where it is convenient for our people.

Mr. TRUMBULL. This bill does not provide the place where it is to be held.

Mr. SHERMAN. I know; but this arrangement necessarily compels the court to be held probably at Cincinnati, and makes the circuit reach from Tennessee to Michigan.

Mr. TRUMBULL. Is there any objection to holding the court at Cincinnati?

Mr. SHERMAN. None, except that it is so remote from a great portion of the circuit. It will comprise over five million people with a large coast along Lake Erie and Lake Michigan, and stretching from the extreme northern boundary of this country on Lake Superior to the south boundary of Tennessee.

Mr. TRUMBULL. If the Senator will look at the bill as it came from the House of Representatives, he will see that that circuit is not near as large as Maryland, Delaware, Virginia, North Carolina, and South Carolina, which constitute the fourth circuit by the bill; it is not near as large as Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas, which constitute the fifth circuit by the House bill.

Mr. SHERMAN. It is much larger in population.

Mr. HOWARD. I desire to inquire of the chairman of the Committee on the Judiciary where the court of appeals for that circuit is to be held according to the bill which is now pending in the House.

Mr. TRUMBULL. I cannot tell you.

Mr. SHERMAN. It is to be held at Cleveland, as the bill passed the Senate.

Mr. JOHNSON. I think the House committee propose to alter it to Columbus.

Mr. HOWARD. The most convenient place for my State would be Cleveland.

Mr. TRUMBULL. That question is not before us now.

Mr. HOWARD. But if you alter the circuit as suggested by this amendment you will have to change the place of holding the court of appeals.

Mr. TRUMBULL. That is not the question now.

Mr. HOWARD. I think it comes in very fairly here. The circuit would be entirely too large. I shall vote against the amendment.

The PRESIDENT *pro tempore*. Is the Senate ready for the question on the amendment?

Mr. FESSENDEN. What is the amendment?

Mr. TRUMBULL. It is changing the circuits as the House have them. The United States are divided into nine circuits.

Mr. FESSENDEN. It does not change the first.

Mr. TRUMBULL. No, sir; nor the second. It changes the third circuit by putting another State in it. It equalizes them, as we think, better than is done in the House bill. I hope this arrangement will not be interfered with, for if you commence in the Senate, on motion, to change one circuit you have got to change the others, and then eventually you will have to refer the bill back to some committee to arrange them all. I think they are as fairly arranged as they can be. The Senator from Ohio says this is a large circuit. It is not any larger than some others.

Mr. FESSENDEN. What circuit is that?

Mr. TRUMBULL. The circuit in which Ohio is situated, the sixth circuit by the amendment of the committee. The amendment provides, "that the districts of Ohio, Michigan, Kentucky, and Tennessee, shall constitute the sixth circuit."

Mr. JOHNSON. The first and second circuits are not interfered with.

Mr. TRUMBULL. No, sir. I trust the amendment of the committee will be adopted.

Mr. HOWARD. I hope it will not be adopted, for the reason that this sixth circuit is entirely too large in comparison with the other circuits, in my opinion. It embraces a vast surface of the territory of the United States, commencing upon the divisional boundary line at the north, and terminating at the south with the southern boundary of Tennessee. The population of that circuit at the present time, I suppose, must

be at least six millions, probably even more than that. I imagine that this is the largest circuit that has been carved out, and covering a vast tract of country, and it will be next to impossible for the people of Michigan to attempt to litigate business before the court of appeals at the place where that court will probably be held. If this bill pass it will necessitate the removal of the court of appeals from Cleveland, which is sufficiently inconvenient in all conscience to us now, to Cincinnati, for the accommodation of Kentucky and Tennessee. It will be a most inconvenient and costly proceeding for us to be compelled to go to Cincinnati to try our appeals, and I think unreasonably so, consuming a vast deal of our time. We might as well come to Washington before the Supreme Court of the United States, with just as much convenience and with as little expense.

The amendment was agreed to—ayes nineteen, noes not counted.

Mr. TRUMBULL. There was no other amendment reported by the committee; but since the bill has been reported to the Senate I have been instructed by the committee to offer an amendment, which is to strike out all of the first section after the word "that" and to insert the following:

No vacancy in the office of associate justice of the Supreme Court shall be filled by appointment until the number of associate justices shall be reduced to six, and thereafter the said Supreme Court shall consist of a chief justice of the United States and six associate justices, and four of whom shall be a quorum; and the said court shall hold one term annually at the seat of Government, and such adjourned or special terms as it may find necessary for the dispatch of business.

The amendment was agreed to.

Mr. HARRIS. I offer the following amendment as an additional section:

And be it further enacted, That the Chief Justice, with the approval of the court, may appoint a marshal, who shall attend its sessions, execute its process, take charge of the property of the United States used by said court, and perform such other duties as may be by law fairly required of him. The compensation of said marshal shall be \$3,000 a year, and he shall collect all fees allowed by law on process executed and for services performed by him, and shall pay the same into the Treasury of the United States.

Mr. JOHNSON. I should like to inquire of the honorable mover of that amendment what is the necessity for it. The marshal has been appointed by the President, with the consent of the Senate, from the beginning of the Government to the present time. This amendment only provides for a marshal for the Supreme Court. No inconvenience has resulted from the present mode of appointment that I am aware of.

Mr. HARRIS. The marshal of the court now is the marshal of the District of Columbia. In fact, that officer is engaged with his other duties in the District attending the other courts in the District, and he is obliged to send an agent or a deputy to attend the Supreme Court of the United States. The judges of that court desire, and I think it is peculiarly proper, that they should have their own marshal to attend their court to execute the duties of such an officer; and it seems to me proper enough that the court itself should appoint that officer. There is a fitness in it, in my judgment. As I understand it, it will be very little, if any, expense to the Government. The fees that that officer will receive will amount to as much as the salary provided. The amendment will furnish the court with an officer of their own selection, to be present at the sessions of the court, to attend to the duties and orders of the court, instead of being obliged now to depend upon some deputy or inferior officer who may be sent there by the marshal of this District. It seems to me peculiarly proper that this dignified court should have an officer of their own appointment during their session.

Mr. TRUMBULL. I hope the Senator from New York will not insist on that amendment on this bill. It is an amendment which has not been considered by any committee, has not been recommended, and is brought in here

in the Senate to create a new officer for the court. There has been no official communication from the court to the committee on the subject. I have heard nothing of it until it is now proposed for the first time in the Senate. I do not know of any necessity there is for the Supreme Court to appoint their own marshal any more than for the judges of the district courts or the judges of the circuit courts to appoint their own marshals. An officer is furnished under the law to attend upon all these courts. If there is any complaint about it, of course I should feel disposed to correct it. I do not see any difficulty that can arise under the present law. But this is a question that has not been considered, and I trust the Senator from New York will not press it, upon this bill at any rate. This bill is for a specific object only. I hope he will let it go over until some other bill shall come in or until we shall have some further information in regard to it.

Mr. HARRIS. I dislike to press this amendment against the wishes of the chairman of the Committee on the Judiciary. It is true it has not been submitted to that committee. The amendment has been suggested to me by the judges of the court. It was not an original idea with me by any means; but the moment the suggestion was made, it struck me as so peculiarly fit that I supposed any lawyer, any person who was at all familiar with the business of the court, would see that it was proper that they should have an officer of this sort of their own. We all know, those of us who are at all familiar with the condition of things in the court, that they are without such an officer there, except as the marshal of this District, who is unable to attend there much, chooses to send them some inferior officer. I am disappointed to find that the amendment meets with the opposition it does from the quarter from which it comes.

Mr. JOHNSON. This would be a singular provision, as I think, and one not to be found in any of the States, that I am aware of. You might as well propose that a State court should appoint the sheriff. The marshal here has all the powers of a sheriff in executing process, and it has always been supposed that the appointment should be in the executive authority, whatever that might be, and not the judicial authority. There is no instance that I have ever heard of where a court itself was authorized to appoint its own executive officers. I think it is liable to objection on that account.

Now, in relation to the practice and effect of the present system, I never heard from any of the judges any ground of complaint. The marshal has generally been there in person, but if he was not there, he had some deputy who was apparently faithfully discharging the duties of his place. I submit, therefore, to my friend from New York that at least he had better not press it upon this bill, because it might defeat the bill, or delay its passage, which would be equivalent to a defeat.

The amendment was rejected.

The bill was reported to the Senate as amended and the amendments were concurred in and ordered to be engrossed and the bill to be read a third time. It was read the third time and passed.

NIAGARA SHIP-CANAL.

Mr. HOWE. I move that the Senate proceed to the consideration of the bill (H. R. No. 344) to incorporate the Niagara Ship-Canal Company.

Mr. FESSENDEN. That is a bill in which my colleague [Mr. MORRILL] takes a good deal of interest. He is now getting well; but I suppose he is unable to come out to-day on account of the inclemency of the weather; and I hope the bill will be postponed until he comes into the Senate. He will probably be here to-morrow if the weather is good.

Mr. HOWE. I ask if that request is made at his direction.

Mr. FESSENDEN. No, sir; but I know the fact. He is a member of the Committee on Commerce which reported this bill, and he

would like to be present when it is considered; indeed I know he would.

Mr. HOWE. I think I understand precisely how much interest the Senator from Maine takes in it, and just what his interest is. I have more interest in having him here, I think, than he has in being here, and I have delayed the bill a good while to have him here.

Mr. FESSENDEN. He was here yesterday. Mr. HOWE. He was here for a short time yesterday.

Mr. FESSENDEN. And probably will be here to-morrow, if the weather will allow him, as he is now recovering.

Mr. JOHNSON. If the honorable member will permit me, the Senator from Maine not now in his seat told me yesterday that he was exceedingly desirous to be here when this bill should be taken up. It was suggested to take it up yesterday while he was out for a moment, and when he came back he told me that. He did not request me to state it; but I state it as what I am sure is his wish; and I think he added that he had no doubt the Senator from Wisconsin would very willingly indulge him for a day or two longer.

Mr. HOWE. Then will the Senate indulge me in taking up the bill and setting it down as the special order for to-morrow at one o'clock?

Mr. FESSENDEN. With the understanding that it is to be proceeded with if my colleague is here at that time.

Mr. TRUMBULL. I think that all will agree, inasmuch as the bill is now being put over for the Senator from Maine, that it shall come up to-morrow without setting it down as a special order. I presume that will be the understanding; and I move now that the Senate proceed to the consideration of Senate bill No. 386.

The PRESIDENT *pro tempore*. The motion before the Senate is not disposed of.

Mr. TRUMBULL. I suppose the Senator from Wisconsin will not insist on his motion.

Mr. HOWE. I will not press it against the wishes of the friends of the measure.

The PRESIDENT *pro tempore*. Is the motion withdrawn?

Mr. HOWE. Yes, sir; I withdraw it.

ENLARGEMENT OF CAPITOL GROUNDS.

Mr. TRUMBULL. Then I renew my motion to proceed to the consideration of Senate bill No. 386.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 386) to enlarge the public grounds surrounding the Capitol. It proposes that the public grounds surrounding the Capitol be enlarged (according to the plan approved by the Committees on Public Buildings of the Senate and House of Representatives respectively, which plan is directed to be deposited in the custody of the Secretary of the Interior) by extension between First street east and First street west, in the following manner: northwardly to the south side of north B street, and southwardly to the north side of south B street, including, in addition to so much of the reservations, avenues, and streets as are necessary for such extension, the two squares designated on the plan of the city of Washington as Nos. 687 and 688 respectively.

It is to be the duty of the Secretary of the Interior to purchase from the owner or owners at such price, not exceeding its actual cash value, as may be mutually agreed on between the Secretary and such owner or owners, and not exceeding the appraisal made by the commission of nine in their report to Robert Ould, United States district attorney for the District of Columbia, on the 21st of January, 1861, such private property as may be necessary for carrying the act into effect, the value of the property so purchased to be paid to the owner or owners on the requisition of the Secretary; but before payment shall be made the owner or owners of the property purchased are, by good and sufficient deed or deeds in due form of law and approved by the Attorney General of the United States, to fully release and convey

to the United States their several and respective rights in the titles to such lands and property so purchased.

If the Secretary of the Interior shall not be able to agree with the owner or owners upon the price to be paid, or if, for any other cause, he shall be unable to obtain the title to any such property by mutual agreement with the owner or owners, it is to be his duty to make application to the supreme court of the District of Columbia; which court is required, upon such application, in such mode and under such rules and regulations as it may adopt, to make a just and equitable appraisal of the cash value of the several interests of each and every owner of the real estate and improvements thereon necessary to be taken for the public use and to which the Secretary has been unable to obtain the title by mutual agreement with the owner or owners. The fee-simple of all premises so appropriated for public use, of which an appraisal shall have been made under the order and direction of the court, is upon payment to the owner or owners respectively of the appraised value, or in case the owner or owners refuse or neglect for fifteen days after the appraisal of the cash value of the lands and improvements by the court to demand it from the Secretary of the Interior, upon depositing the appraised value in the court to the credit of such owner or owners respectively to be vested in the United States. And the Secretary of the Interior is to pay to the several owner or owners the appraised value of the several premises as specified in the appraisal of the court, or pay into court by deposit, the appraised value.

The court may direct the time and manner in which possession of the property condemned shall be taken or delivered, and may, if necessary, enforce any order or issue any process for giving possession. The costs occasioned by the inquiry and assessment are to be paid by the United States; and as to other costs which may arise, they are to be charged or taxed as the court may direct. No delay in making an assessment of compensation, or in taking possession, is to be occasioned by any doubt which may arise as to the ownership of the property, or any part of it, or as to the interests of the respective owners, but in such cases the court is to require a deposit of the money allowed as compensation for the whole property, or the part in dispute. In all cases, as soon as the United States shall have paid the compensation assessed, or secured its payment, by a deposit of money, under the order of the court, possession of the property may be taken.

The Washington and Georgetown Railroad Company are required to remove their track from Delaware avenue, between A and B streets north, and from the Capitol grounds, and to run the same along B street north to First street east, thence along First street east to the main line on Pennsylvania avenue, as now established; and the Metropolitan Railroad Company are required to remove the track of their road from A street north and from New Jersey avenue, between A and B streets north.

The sum of \$50,000 is appropriated, to be expended under the direction of the Secretary of the Interior, in grading, filling up, removing buildings, and improving the public grounds and streets around the Capitol as herein enlarged; but no grading of the public square east of the Capitol is to be commenced until the title to the private property to be purchased under the provisions of the act shall be acquired by the United States.

Mr. TRUMBULL. There is a misprint in the printing of the bill at the close of the second section. It now reads:

Fully release and convey to the United States all their and each of their respective rights in said titles to such lands and property so purchased.

It should read, "all their rights and titles to such lands," &c.

The PRESIDENT *pro tempore*. That correction will be made, if there be no objection.

Mr. TRUMBULL. If I can have the attention of Senators, as this is a matter in which

all are interested, I will try to explain what this proposed enlargement is. I have a map here which shows it precisely. The streets immediately north and south of the Capitol are known as A street north and A street south. A street is the nearest street to the Capitol. The embankment reaches over into A street at the present time; and so also south of the Capitol. The Government now own all the land west of the Capitol building between A and B streets, so that we have to purchase no grounds in order to extend the present grounds to B street north and B street south. There are in the grounds as now inclosed about the Capitol twenty-six acres. If the extension recommended by the committee—this bill comes from the Committee on Public Buildings and Grounds, and is approved by that committee, both of the Senate and House—takes place, there will be in the Capitol grounds forty-one acres, besides the two blocks, the dimensions of which I do not know exactly, known as squares 687 and 688, which are the blocks lying north and south of the square east of the Capitol. The block upon which the houses are where Mrs. Carter lives is one block, and the other is the block corresponding to that on the south side of the square. There will be forty-one acres of ground beside what is in those two blocks; and I suppose in those blocks there are four or five acres probably, so that there will be say forty-five acres in the inclosure. The committee recommend the purchasing of those two blocks and closing up A streets north and south, leaving the inclosure just as it now is on First street west, and extending the square to B street both north and south, and then running on B street up to First street east, which is the street directly east of the public square lying east of the Capitol, and which runs between the square and what is known as Carroll Row and the Old Capitol. We propose to remove the railroad of the Washington and Georgetown company from A street, and let them run on B street, and then on First street east over to Pennsylvania avenue and to the navy-yard, as at present; and the other railroad of course will stop on B street, instead of coming up to A street.

In connection with this plan it is proposed by the committee to grade down the grounds lying east of the Capitol. The ground east of the Capitol, from the steps east, now rises; and the elevation of First street east, which is over here by the Carroll block, is a little over eight feet higher than the foot of the Capitol steps. This gives a very low appearance to the building from that direction. It is thought it would improve the building very much to grade that square down so as to bring First street east one foot lower than the lowest step of the eastern front of the Capitol. Then the ground will be drained north and south. As all will recollect who have any knowledge of the ground, it declines very rapidly north and south. It will require no grading on B street north or B street south; there is a sufficient descent to take off the water.

We have had this ground all surveyed by engineers detailed by the engineer department, and also by the architect in charge here, Mr. Clark, who have measured the quantity of earth which is necessary in order to extend the terrace. The terrace on the west front of the Capitol, according to the proposed plan, is to be extended around on the north and south ends of the Capitol; and it will require a large amount of earth upon the south of the Capitol to fill it up to B street and to grade B street. The quantity of earth which may be obtained by grading down the square east of the Capitol, as proposed, will not be sufficient to fill up what will be requisite to extend these terraces and make this improvement; so that it will cost nothing to grade the block east of the Capitol. We can get earth there cheaper than anywhere else, and we shall need twice the amount that will be furnished by this grading.

The two blocks of ground to which I have referred, the one on which Mrs. Carter's is and the one corresponding to it on the other side,

are known as squares 687 and 688. In 1860 the title of the different owners to the property in those squares was examined, and I have in my hand the report of the district attorney for the District of Columbia, who was charged with that duty, showing who owns each lot, and tracing the title of each person to the property which he claims, and also the assessed value of these two blocks, and their estimated value by nine gentlemen selected for that purpose. I will read the report of those nine gentlemen as to the value of these lots, as the Senate probably would like to know something about what the expense of purchasing these squares will be:

"WASHINGTON, January 21, 1861.

"In compliance with the request of Robert Ould, United States attorney for the District of Columbia, that the undersigned should appraise the fair cash value of the several pieces of real estate embraced in a certain proposed enlargement of the public grounds around the Capitol, we respectfully submit that, after a personal inspection of the premises and a careful consideration of the value thereof, in our judgment the same are worth the several amounts named in the aforesaid schedules. We further certify that we have no interest in the said property.

"Given under our hands."

I will read the names. They are all citizens of Washington and known to many members of the Senate, and I presume the valuation at that time was a fair one:

"Thomas J. Fisher, Charles W. Boteler, Jr., George W. Riggs, Samuel Bacon, Richard Wallach, B. B. French, J. Van Riewick, J. M. Brodhead, John D. Brandt."

The estimate of these two blocks which we propose now to purchase at that time was for the value of the lots in square 687, \$87,933, and for the value of the improvements upon that square, \$47,150. The value of the lots in square 688 was \$97,754, and the value of the improvements, \$57,550, making the whole value of the two squares, as estimated by this commission of nine gentlemen—and each particular lot is calculated for as well as the improvements—about three hundred and sixty thousand dollars, I think. The bill under consideration provides that the Secretary of the Interior may purchase this property by private contract with the owners at a price not exceeding that named in this appraisal made in 1861; but in case he cannot agree with the owners as to the price, then the bill contains a provision for the condemnation of the property under the direction of the supreme court of the District of Columbia.

I believe I have presented to the Senate all that is necessary to an understanding of the matter, and I shall be happy, so far as I can, to explain to any member of the Senate who may desire it anything further or communicate any information that I may have in explanation of the bill.

Mr. HOWARD. I will inquire from the Senator from Illinois whether he has made any estimate of the probable expense of the purchase which is contemplated by the bill at the present time. The report which he has read was dated in 1861, five years ago. Between that time and this, I take it for granted, the property has increased in value considerably, and must now be worth, according to asking prices, perhaps half a million at least.

Mr. TRUMBULL. I do not know. The information in regard to that is somewhat conflicting. One member of the committee—I do not know whether he is now present—informed me that some of the owners had stated to him that they were willing to take the appraisal. I have seen other owners, and they say they will not take it; but if they do not, then the bill provides for a condemnation. We thought it better to put a limit on the Secretary of the Interior, that he should not give above this appraisal. The Senator will remember this appraisal was made before the war.

Mr. HOWARD. I noticed that.

Mr. TRUMBULL. And perhaps at one time the property has been much lower; it could have been bought for less. How it may be now I cannot say. There is a difference of opinion about that. My own judgment is that most of the proprietors will be glad to take the

amount that the property was appraised at; but if they do not, we know no other way than to proceed to condemn it and pay for it what may be assessed by a jury under the direction of the proper court.

Mr. HOWARD. I have not been able to discover any very pressing necessity, especially at the present time, for enlarging the Capitol grounds and incurring further expense for that purpose. I do not know wherein the necessity exists. The Capitol has been here for half a century or more, and we have got on very comfortably with it, got on very well with the small patch of ground on which we have been located. I am not able to discover any great inconvenience from want of ground merely. There is great inconvenience in this Chamber, I am quite aware, owing to the peculiar atmosphere with which we are blessed, but I do not know of any necessity for an expansion of the surface that we are occupying.

Mr. FESSENDEN. I should like to ask my friend from Michigan whether he is willing the Capitol should stand as it now is, with no ground beside the wings.

Mr. HOWARD. That would involve such a variety of considerations that it might occupy more time than I should be willing to allow.

Mr. FESSENDEN. I am not willing it should stand that way without ground. We must do it at some time or other.

Mr. HOWARD. I merely rose to make an inquiry. I have got a partial answer from my friend from Illinois; but as to a part of my question he does not seem to have given it attention, and that is the necessity which exists for extending the surface of the public grounds.

Mr. TRUMBULL. I suppose that is obvious to every one's eye-sight. Certainly this building, upon which so many millions have been expended, is not to be left here permanently in this unfinished condition of the grounds about it.

Mr. HOWARD. If the capital could be moved into the valley of the Mississippi river, the people there could furnish any amount of ground that might be necessary without any expense.

Mr. FESSENDEN. Will they meet the expense of the removal?

Mr. HOWARD. There are some reasons which I think might induce them to take the entire expense of removing the capital, if they had a chance.

Mr. JOHNSON. I have great respect for the opinion of the honorable member from Michigan; but I am inclined to think that in this instance he will be thought by the Senate to be in error. I am so well satisfied of that, that I will not undertake to state why I think that he is in error. I rise for a different purpose, and I ask the attention, therefore, of my friend from Illinois.

The second section of the bill limits the Secretary of the Interior, who is to purchase the property, to the sum that was ascertained to be its value in 1861, before the war commenced, and amounting, perhaps, as he correctly added it up, to some three hundred and sixty-odd thousand dollars. That estimate was made upon the hypothesis that a dollar was a dollar. Now, I want to know from the honorable member whether this valuation is to be paid in the existing currency. I suppose it is. If it is to be paid in that way the owners of the property will not get the value of their property as it was ascertained in 1861, but just so much less as a dollar now is worth less than it was in 1861.

Then, my friend from Illinois will be kind enough to tell me what is the meaning, in the particular which I have mentioned, of the succeeding section. The third section assumes that the Secretary may not be able to obtain the property by purchase from the present owners, and it gives, therefore, to the Secretary the authority to have the property condemned under "the provisions of this act." I want to know of my friend from Illinois whether under that condemnation the jury or the board, whoever may pass upon the value of the property,

can give to the owners more than the amount ascertained to be the value of the property in 1861.

Mr. TRUMBULL. Shall I reply now?

Mr. JOHNSON. Certainly.

Mr. TRUMBULL. Surely this has nothing to do with the appraisement in 1861. While I am up, if the Senator will allow me, I will answer both his questions. The first part of the bill provides for the purchase of this property at private sale by contract. The committee were not willing to leave the thing without limit, to leave the Secretary to pay any price he thought proper, and therefore we have provided in this bill that he shall purchase it at private sale, if he can, at a price not exceeding that appraisement, of course at a price to be paid in the currency of the country. The Senator from Maryland thinks that will not purchase the property now. He may be correct in that. We had information before the committee that some of the proprietors, and we were informed that one who owned largely of this property, would accept the appraisement for the property, of course payable in the currency of the country; others may not; and perhaps this information may not be correct, though one of the members of the committee stated that he had the information. Then we have provided, if it cannot be purchased at that price, that it shall be condemned under the direction of the supreme court of the District of Columbia, and that condemnation has no reference whatever to the appraisement in 1861. The Senator will observe that the third section is not limited. I do not suppose it would be competent to limit it.

Mr. JOHNSON. I do not think it would.

Mr. TRUMBULL. I apprehend we should have no right to do so, or perhaps would have no right; it would at least be questionable. I submit, as the Senator has raised that question, whether he thinks we could properly limit it in that way. If so, I should have no objection to putting in a proper limitation.

Mr. JOHNSON. My friend misunderstands me. I supposed the section was susceptible of a different interpretation from the one which the honorable member says is the only one which can be put upon it.

Mr. TRUMBULL. I may be mistaken.

Mr. JOHNSON. If it was susceptible of a different interpretation, I intended to say it was what we could not accomplish. We must give to the owners of property taken for public use what the worth of the property is at the time of the taking. If, therefore, the property should be worth more than \$360,000 supposing none of the proprietors are willing to sell, we cannot get it from them without paying them what it is found to be actually worth.

Mr. TRUMBULL. If the Senator will allow me, I will say that I was mistaken in stating the amount to be \$360,000. It is not quite \$360,000.

Mr. JOHNSON. The principle is the same, whatever the amount. The Senator stated it to be \$360,000.

Mr. TRUMBULL. I ran it over in my mind as I was speaking, but I see, on coming to add up the figures, that the amount is only two hundred and ninety-odd thousand dollars—less than three hundred thousand.

Mr. JOHNSON. That does not affect the present question. I supposed the Senator had added it up correctly. The only reason that made me doubt whether the jury or the court could give the actual value of the property is that in the second section the appraised value in 1861 is made the maximum beyond which the Secretary of the Interior cannot go, and then it says in the third section that the supreme court of the District of Columbia is authorized, in such mode and under such rules and regulations as it may adopt, "to make a just and equitable appraisement of the cash value of the several interests of each and every owner of the real estate and improvements thereon necessary to be taken for the public use, in accordance with the provisions of this act." I believe the honorable member's interpretation of the

section is right; but it would put it beyond all doubt if the words "at the time when the appraisement is made" were inserted.

Mr. TRUMBULL. I have no objection to that amendment. I think the section means that now.

Mr. JOHNSON. I think that is the legal effect of it, but I want to make it plain. I move to insert after the word "act," in the fourteenth line of the third section, the words "at the time of said appraisement."

The amendment was agreed to.

The bill was reported to the Senate as amended; the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House of Representatives had passed a bill (S. No. 138) to increase and fix the military peace establishment of the United States, with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House of Representatives had signed an enrolled bill (H. R. No. 730) relating to pilots and pilot regulations; and it was thereupon signed by the President *pro tempore* of the Senate.

APPROVAL OF A BILL.

A message from the President of the United States, by Mr. COOPER, his Secretary, announced that the President had approved and signed, on the 5th instant, an act (S. No. 99) granting lands to the State of Oregon to aid in the construction of a military road from Albany, Oregon, to the eastern boundary of said State.

RETROCESSION OF ALEXANDRIA.

On motion of Mr. WADE, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 280) to repeal an act entitled "An act to retrocede the county of Alexandria, in the District of Columbia, to the State of Virginia, and for other purposes."

The bill was reported to the Senate without amendment.

Mr. HENDERSON. As a member of the Committee on the District of Columbia, I had occasion to examine this bill, and I came to the conclusion that in all probability it ought not to be passed. My impression is that it will only complicate the difficulties that now surround the question. In 1846 that portion of this District which was originally ceded by Virginia was retroceded to that State with the consent of the Legislature of the State of Virginia, it being supposed at that time that it required the consent of Congress and the consent of the Legislature of that State. It was doubted then whether that act was constitutional. I have not given the constitutional question as thorough an examination as might have been given to it; but I am very clearly of the opinion that the act of retrocession to the State of Virginia was constitutional. I cannot doubt that. I cannot doubt to-day that constitutionally Congress may remove the capital to any part of the country that it chooses. It will be recollected that this was not a cession to the State of Virginia of anything except what we had procured from the State of Virginia originally by her cession. Some question might arise, in all probability, whether Congress could cede to the State of Maryland that portion of the District which it received from Virginia, or could cede to Virginia that portion of the District north of the Potomac river, which it received originally from the State of Maryland; but this was a retrocession clearly of the territory acquired from the State of Virginia back to that State. It was supposed to be necessary to obtain the consent of the Legislature of the State of Virginia to the act. It was obtained; and not only that, but the people themselves living on the territory. I believe,

voted in favor of the proposition, and the territory thereby went back to the State of Virginia. It has been under the jurisdiction of Virginia from that time until this. The municipal organization of the county of Alexandria has had uninterrupted jurisdiction over that portion of the District which was retroceded. The people have been required to pay taxes to the State of Virginia; and the courts of the State of Virginia have been held there; and to all intents and purposes the territory has been clearly under the jurisdiction of that State. The question, I believe, of the transfer of jurisdiction has not been disputed in any of the courts. That question could readily be adjudicated at any time. For instance, a case could be brought up from the courts of Virginia to the Supreme Court of the United States on the ground of the unconstitutionality of the transfer, or any citizen of Alexandria could refuse to pay taxes to the State of Virginia, and upon that refusal a case could be brought to the Supreme Court of the United States, and an adjudication be had.

Now, Mr. President, what is the object of this bill? It is to repeal what is denominated an unconstitutional act. The assertion is made that the act of Congress retroceding to Virginia that portion of the District of Columbia originally ceded by Virginia to the United States is unconstitutional. As I have already stated, I have no doubt on that subject, or scarcely any. I think that it was a constitutional act. But if it be not constitutional, it is a very easy matter to test it any day. Any one of the citizens of Alexandria can test it any day that he chooses. He may, for instance, refuse obedience to the laws of the State of Virginia; if he were indicted in one of the courts of Virginia, in the county of Alexandria, he could ask to be relieved from the penalty by a writ of *habeas corpus* upon the ground that there was no jurisdiction in the State of Virginia over that territory, and thus have the question raised. Inasmuch as it is so very easy to test that question, I do not deem that it is proper legislation on our part to repeal the act simply because of the allegation that it was unconstitutional legislation.

Suppose we repeal the act without the consent of the State of Virginia, what sort of a fix shall we then be in? How will the people of Alexandria then be situated? There will be a jurisdiction exercised over them by the Congress of the United States; and the State of Virginia not giving her consent to this repeal, having once given her consent to the retrocession of the territory to her, of course will undertake to exercise jurisdiction also, and we shall have two conflicting powers exercising jurisdiction over the county of Alexandria. How will the question be determined? How is it to be determined? You can only determine it by the courts. The State of Virginia will not relinquish her jurisdiction over the territory, but will still claim it. She will tax the citizens of Alexandria; and the levy commissioners of the District of Columbia, under the authority of Congress, will also undertake to levy a tax upon them. Now, I ask Senators, how will the question be determined? It can only be determined, of course, by a decision of the Supreme Court of the United States, because that is the court of last resort where a question of this sort must be determined; and in order to relieve these citizens of the difficulties which they now say they are laboring under, the question must yet be tested there. Why not, then, leave the jurisdiction exactly as it is? If there be any inhabitants of the old District of Columbia south of the Potomac river, in the county of Alexandria, who believe that the act of retrocession was unconstitutional and who are unwilling to render obedience to the laws of the State of Virginia, it is surely an easy matter for them to test the question. It is a much easier matter to test it now than it will be after the passage of this bill. All I can see in the repeal by Congress of the act of retrocession is that we shall thereby indicate to the Supreme

Court the opinion of Congress that that act was an unconstitutional act. I presume that that ought to have very little weight with the Supreme Court in deciding that question. The Supreme Court ought to decide such questions irrespective of the views and opinions of members of Congress, however correct or entitled to respect those opinions may be.

Hence, inasmuch as we shall only accumulate the difficulties that now surround the question by the passage of this bill, I thought in the Committee on the District of Columbia, and I think now, that the bill ought not to be passed. I sympathize very much with that portion of the people of Alexandria who desire to fall again under the jurisdiction of Congress, for the reason that I suppose those who desire to return are very generally Union men, and they do not wish to rest longer under the jurisdiction of the State of Virginia. If I thought that by any act of mine, if it was a mere act of expediency or of policy in my mind, that I could relieve them from their difficulties, there is no Senator who would go further than myself to do it; but I cannot consent to complicate the difficulties now surrounding the question and which may be settled by a simple adjudication of the Supreme Court, by passing this bill, because we can do nothing that will relieve us of the difficulty without the consent of the Legislature of Virginia. That is to say, if this was a constitutional transfer of this territory to the State of Virginia, we cannot get it back without the consent of that State, of course; and the passage of an act of Congress for that purpose without obtaining the legislative consent of that State will accomplish nothing, but will leave us just where we were before. But suppose that the act of retrocession was an unconstitutional act; then it is the easiest matter in the world for one of the citizens of Alexandria to test it and get a decision to that effect. If a case is brought up here, and the Supreme Court decides against the view of Congress, what shall we have done by this legislation? We shall have the levy commissioners of the District of Columbia levying a tax upon these people, one half of the people resisting the levy commissioners, and the State of Virginia also levying a tax upon them, and the other half perhaps resisting the State of Virginia. We shall have merely complicated the difficulty. It is an easy matter to settle it otherwise, by the proper tribunal.

Mr. HOWARD. Mr. President, it is exactly twenty years and one day since the cession of that portion of the District to Virginia took effect, and during the whole of that time it has been just as easy for any individual or combination of individuals to bring this legal question to a proper test as it is to-day or will be after this bill shall have become a law. What have the people of the District been doing during the past twenty years that they have not instituted a suit in some form and obtained a decision of the Supreme Court upon this very important question? I do not see that the reasons urged by the honorable Senator from Missouri for abstaining from the passage of this bill with a view to get a decision of the Supreme Court have more weight at this time than similar reasons have had during the last twenty years. We have as yet no decision on the subject; and I think, sir, if there be any real ground for such a judicial inquiry we should be more likely to bring it before the proper court by the passage of this bill than by abstaining from its passage.

For my own part, as I remarked a few days ago, I entertain no doubt about the unconstitutionality of the act of 1846, commonly known as the retrocession act. I do not believe it was competent for Congress to make that retrocession, because by the Constitution itself, when the United States acquired this District, they acquired it for a particular purpose; and that purpose was, that it should be used by the Government as the seat of Government, and as the permanent seat of Government. It has always been so regarded and so treated in our legislation and by our supreme tribunals. The Uni-

ted States, therefore, as a nation, as a Government, having received the District in trust to use it as the seat of Government, are not only bound in law, in my judgment, but bound upon every principle of honor and equity so to continue to use it as the seat of Government until the people of the United States in constitutional form, shall have relieved us from that obligation.

One word right here respecting the removal of the capital—an event which, perhaps, may be anticipated in the distant future as population shall become more dense and interests more weighty in the western or central parts of the continent. I have this to say, that, construing the Constitution as I do, I do not see where the power is at present in the Constitution to remove the seat of Government; and, that if it shall be removed, in my judgment the removal must be necessarily effected by an alteration of the Constitution giving to Congress that power. The Constitution declares that Congress shall have power, among other things—

"To exercise exclusive legislation in all cases whatsoever over such district, not exceeding ten miles square, as may, by cession of particular States and the acceptance of Congress, become the seat of the Government of the United States."

The language plainly implies a trust and confidence on the part of the ceding States as well as on the part of Congress that the tract ceded shall be held and used by the United States as the permanent seat of Government. The reasons for it were very strong at that time, and we have seen during the last few years that they have been equally strong at this period.

Sir, I look upon the act of retrocession as unauthorized by the Constitution and therefore totally void; and I look upon it in another light, as having been one of the initiatory steps in bringing about the civil war from which we have recently emerged. It was undoubtedly the purpose of the original schemers that introduced the bill to retrocede a part of the District to use it for military purposes whenever the proper occasion should present itself and as a means of attacking and destroying the Government; and we know quite well the inconveniences under which the authorities at Washington labored on the breaking out of the war in consequence of the possession of the right shore of the Potomac here by the State of Virginia. I think the time has come for us to resume the proper jurisdiction of Congress over this retroceded tract. It possibly may produce some confusion in the private affairs of individuals in that part of the District; but I do not see now how a court acting upon private interests could fail to recognize the authority of the government existing there *de facto* whether it was that of Virginia or some other government. I hardly think a court would undertake to assume in a matter between private persons, that proper jurisdiction of that portion of the District was not in Virginia. They would be very likely to recognize the authority of the government *de facto* in all matters pertaining to individual rights. At all events we have no space enough without that small tract upon the right bank of the Potomac for our seat of Government. It was wisely and properly arranged by the fathers; it received the sanction of General Washington, than whom, I suppose, no better judge of the necessity of such a seat of Government and of the particular extent needed for it has ever lived; and I shall with the utmost cheerfulness vote for the passage of this bill to resume the jurisdiction of the Government over that tract.

Mr. HARRIS. I was not aware, Mr. President, until a few days since the Senator from Ohio brought up this bill for consideration, that the subject-matter was pending before Congress. The statement then made attracted my attention and interested me, and since then I have given the question a little attention. I am satisfied, myself, that the act of 1846 was void, and I am inclined to vote for this bill. It is quite probable that it will result in litigation; but I believe that the best way to get along

with this question, attended with some embarrassment and difficulty obviously, will be to pass this bill, assert our jurisdiction over the whole territory, and let the question arise as it may and be settled by the courts. I believe, myself, that Congress has no power to cede any part of this District to the States to whom it originally belonged. The provision of the Constitution is that Congress may accept from the States the cession of a district of ten miles square; and then it is provided that Congress, having accepted that cession, shall have exclusive legislation over the District, the exclusive right to legislate for the District. I find nothing in that provision which satisfies me that it was the intention of the framers of the Constitution to authorize Congress to cede away the territory which they were thus authorized to accept. I believe that Congress has no power to part with the territory composing the District of Columbia. I think it was the object of the framers of the Constitution to establish a permanent seat of Government, and I do not believe it can be changed. I disagree, therefore, with the Senator from Missouri. I do not believe Congress has the power to change the seat of Government; I believe it can only be done by an amendment of the Constitution. I think that was the object of the framers.

But whether that is so or not, conceding that Congress has the power to cede away the jurisdiction of the District of Columbia, or any part of its territory, Congress has not done it. It is true Congress passed a bill called an act to retrocede to the State of Virginia a portion of the District of Columbia, but it is not a law. The legislative power of the United States is vested in Congress. Congress must exercise it. Congress cannot delegate the right to legislate to the people of the District, or to any other body of men. It has no constitutional right to delegate the legislative power. It attempted to do it in this case. Look at this act of 1846. No man can tell by reading it whether it is a law or not. It is supposed we can ascertain what the law of the land is by looking at the statute. Here is this act; no man can tell whether it is a law or not. Congress itself did not know after it had adjourned whether it was a law or not. Why? Because it was to be a law if the people of the county of Alexandria voted that it should be a law, and if they voted against it then it was to be no law; and no man by reading the statute now can tell whether it is a law or not. I cannot tell, by anything I find in the statute-book, whether it is a law or not. That is no legislation. Such a proceeding as that is void, utterly void. The act says, on its face, that it shall not be a law if the people do not sanction it, and it shall be valid if a majority of the people do sanction it. That is no legislation at all. It is no exercise of the constitutional power of Congress to make laws for the country. I am therefore in favor of repealing that act, wiping it out, getting it out of the way, asserting jurisdiction over the whole District of Columbia, and letting the legal question arise as it may and be settled finally by the courts.

Mr. JOHNSON. I was a member of the Senate when the act of 1846 was passed; and the question was then stated as it is now stated by the honorable member from New York, whether Congress had the authority to part with any portion of the territory that had been acquired for the seat of Government. I thought then (and I have never seen any reason to change that opinion) that the power is a very clear one. The provision of the Constitution is not that the seat of Government is to consist of ten miles square of territory. It may be one square mile or less. It cannot exceed ten miles square. The provision is that Congress is "to exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may by cession of particular States" be conveyed to the United States for that purpose. It is clear, then, that when the ten miles square were obtained originally we might have obtained less. We could then have acquired just what we have now in fact—only so much of

the ten miles square as lies this side of the Potomac. And it would seem to be singular that while Congress were at liberty to acquire only what the United States now have, they should put it out of their power to have only what they want, because in the exercise of the power they had got the ten miles square; that is to say, to me it would seem singular that under an authority to buy ten miles square, if it was once purchased, although the authority would have authorized the purchase of less than ten miles square, we should be compelled during all time to keep the ten miles square. What for? Only because it is the seat of Government; but parting with any portion of the ten miles square does not part with the seat of Government.

Mr. FESSENDEN. Will the Senator allow me to ask him a question here?

Mr. JOHNSON. Certainly.

Mr. FESSENDEN. I ask him whether, according to his course of reasoning, it would not be perfectly in the power of this Congress to cede the rest of the District to the State of Maryland, and leave ourselves without a capital at all.

Mr. JOHNSON. I have no doubt about it, because I have no doubt that Congress can change the capital.

Mr. FESSENDEN. Simply cede it, leaving us without a capital.

Mr. JOHNSON. That is another matter.

Mr. FESSENDEN. Why not?

Mr. JOHNSON. You must have a seat of Government; and if the honorable member will admit that we can change the seat of Government—I do not understand by his question that he doubts that—why is it not within our power?

Mr. FESSENDEN. So far as the constitutional question is concerned, can we cede it to-day and trust to luck to get another capital afterward?

Mr. JOHNSON. That is not the question before the Senate. I suppose we had a Government before the cession was obtained—I forget now how long it was after the Constitution was adopted before the territory was acquired—and during the whole of that time I imagine we had a Government. There is no authority in the Constitution to procure a seat of Government at all except with the assent of the States; and if the honorable member supposes that the absence of a seat of Government is to put an end to the Government, then we had no Government during the interval that elapsed from the adoption of the Constitution up to the period of this acquisition; and to that result I am sure he will not come.

This power, as I was going on to say when interrupted by my friend from Maine, is given solely for the purpose of vesting in Congress the exclusive authority to legislate, and nothing else. It is a continuing power that may be exercised at any time that Congress may think proper to exercise it, if it can; and if, therefore, Congress at any time hereafter shall think proper to change the seat of Government, they may, with the consent of the States in the locality which they may select, procure a place for the seat of Government. Now, suppose that is done; are they compelled then to continue the owners of these ten miles square? The very object of their becoming the owners will then have terminated. The purpose of making them the exclusive owners of the property was to give them the exclusive authority to legislate, and nothing else. It was to protect the legislative and executive departments of the Government of the United States from the possible failure to perform their duty by the States in which they might be sitting, to make this Government capable of defending itself by any means that it thought proper; and the sole purpose, therefore, was to clothe Congress with the authority of exclusive legislation. It had nothing in the world to do with any particular territory, except the particular territory that Congress might hold from time to time as the seat of Government and have acquired under the authority of the Constitution.

Again, my friend from New York tells us that,

once acquired, we must continue to hold it; we cannot get rid of it. He denies, therefore, the authority to change the seat of Government at any time without a change of the Constitution, and he supposes that to be the case because the power conferred is a power to exercise exclusive legislation over the ten miles square or any portion less than the ten miles square that Congress may occupy. Does not the honorable member see that if his argument is sound it really applies to all the other territory which Congress may acquire under the same provision of the Constitution? It says they are "to exercise exclusive legislation." That was the thing the Convention had in view, to protect the rights of the Government, to maintain its safety, "to exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings."

We have from time to time purchased with the assent of the States portions of territory for the purposes mentioned in the provision which I have just read. Does the honorable member mean to say that if we cease to want those places for forts, arsenals, or dock-yards we cannot abandon them and surrender them to the States? I should think not; and yet in one sense the title acquired in such portions of territory is a title acquired under the Constitution.

But the error of my friend's argument, if he be in error, as I think he is, is in confounding the object of the provision with what he supposes to have been its purpose. The object of the provision was solely to enable the Government to acquire territory for the purposes therein mentioned, not to compel them to hold it after they had acquired it. If they acquired it for a fort or an arsenal, and afterward it was discovered that it was not suited for either, or that the exigency which had rendered it necessary in the first instance was terminated, it should certainly be in the power of the Government to cede it back; and as the language with reference to forts and arsenals is identical with that which is used with reference to the ten miles square, why is it that it is not in the power of Congress to cede the whole or a part of it back when Congress becomes satisfied that it is necessary no longer to keep the whole or a part of it? I never heard it questioned. The only doubt that has ever arisen—and, as I understand them, that is the ground stated by my friend from Michigan and my friend from New York—is because this particular territory is to be used for the seat of Government. That is true. You cannot abandon it and keep it for the seat of Government without failing to accomplish what the Constitution intended to accomplish, which was that the seat of Government should be under the exclusive legislation of Congress. But if you can part with territory acquired under the same clause for either of the other purposes mentioned in the clause, I ask my honorable friend from Michigan upon what logical ground he can deny to Congress the right to get clear of this as well as any other territory acquired under that clause.

The suggestion of my friend from Michigan that the act of 1846 was the beginning of the rebellion is only the result of a teeming fancy. He has hated the rebellion so keenly, and has viewed it—so properly—with such abhorrence, that it raises itself up in his imagination upon almost every occasion. Now, let me say to the honorable member that in 1846, when that law was passed, there was no man, woman, or child in the United States who dreamed that such a rebellion was contemplated by any one. Certainly, as far as I know, and I had some reason to know, the suggestion fell from the lips of no one that it was intended to accel-

erate in any way the bringing about of such a rebellion, or that it could have a tendency to accelerate such a rebellion.

Mr. HOWARD. Will the honorable member allow me to ask him if he is able to give the date of the somewhat celebrated letter of Mr. Calhoun in which he called upon his friends to fire the southern heart? I do not recollect the precise date of it, but I think it was about that time.

Mr. JOHNSON. Nor do I remember its date; but that friend who was so anxious to "fire the southern heart" was enabled to do it in a great measure because of northern legislation.

Mr. HOWARD. I was only asking for the date of the letter.

Mr. JOHNSON. I do not know what the date of the letter was. He found he could not fire the southern heart at that time; but certainly there was no man here in the councils of the nation, as far as I am advised, who dreamed that the southern heart could be capable of being fired to such an act of folly, to say nothing of it as an act of criminality.

Mr. HOWARD. I think it was about the time we acquired Texas.

Mr. JOHNSON. But at that time, for there was nobody interested in this but Virginia, let me say to my friend what may have escaped him, perhaps, that there was no State in the Union more violently opposed to the course of South Carolina than the State of Virginia. I do not believe there was a single man in the State who ever dreamed that she could be brought into the condition of following, even if it was indicated at that time, the course which South Carolina subsequently pursued.

How is that to defend us, either? Is it possible that our protection against rebellion is to depend upon whether we hold six miles square or ten miles square; whether we have the command of both sides of the Potomac for a limited distance? The United States, as has been demonstrated, possess a power that is not to be limited by lines of that description, and that can in no measure be increased or diminished by territorial limits to the seat of Government of the United States.

There is another reason that renders it, I think, unnecessary to pass this bill, and that was stated by my friend from Missouri. If the act of 1846 was unconstitutional, it is void clearly, and will be so decided. If it is constitutional, we cannot in any way affect it or impair it. That is a judicial question, and the decision of that question the one way or the other depends in no manner whatever upon the vote of the Senate on this bill. If the transfer was properly made, it is an act executed which it is now beyond the power of the Government to open except with the assent of the other party.

A word now in answer to a suggestion of my friend from New York, and I shall have done. He seems to suppose that the act of 1846 was not an act of legislation. Why not? Because its effect was to depend upon the vote of the people of Alexandria. That is done in every State in the Union. Laws, general as well as local, are made to depend upon the vote of the locality or of the State where the laws may be passed. Mr. Adams, hating slavery as much as any man could upon principle, born with principles inconsistent with such a condition of man, always maintained (incorrectly as I think, but not because there was anything wrong in the course which he recommended) that Congress should not, and he even went so far as to say that it could not, but he was still more positive in affirming that it should not, abolish slavery in the District without the consent of the people of the District. Can anybody doubt that a law of that description would have been valid if passed in that form? And yet what difference is there between a law of that kind and the law in question, ceding back to Virginia, with her consent and the consent of the people to be affected by it, that portion of the ten miles square which was originally ceded by Virginia to the United States?

I submit, therefore, that it is unnecessary,

looking to the object to be accomplished, to pass the bill; that the act of retrocession was constitutionally passed, and that there is nothing in the objection that the validity of that act was made to depend upon the votes of the people who were to be affected by it.

Mr. STEWART. I am compelled to differ from the Senator from Maryland upon the question of law which he last discussed, and to concur fully with the Senator from New York. I think if there is anything well settled—I have had several occasions to examine it—it is that a legislative body clothed with the authority to make laws has not the power to delegate that authority. The Constitution has vested the legislative power in Congress, and has given Congress no authority to delegate that power. The question has arisen in many of the States and has been thoroughly considered, and the decisions are uniform. It arose in California some ten years ago, where an act was passed making the location of several county seats dependent upon a vote of the people. It was held that the act of the Legislature was void, that it had no authority to delegate its power of legislation. I have a case before me where the same question was decided in New York, and I desire to call the attention of the Senator from Maryland to this case, in which the law is stated very clearly. It is the case of *Barto vs. Himrod*, 4 Selden's Reports, page 483. I will read the syllabus:

"The act establishing free schools throughout the State was unconstitutional and void, for the reason that the fact of its being a law was made to depend upon the result of a popular vote.

"Laws must be enacted by the legislative bodies to whom the legislative power is committed by the constitution. They cannot divest themselves of the responsibility of their enactment by a reference of the question of their passage to their constituents."

The syllabus states the case very well, and in the opinion of the court several decisions to the same effect are cited. In examining the question on a former occasion I found that laws had been passed in many of the States submitting different propositions to the people, and they had been, I think, uniformly held by the courts to be unconstitutional and void. A very obvious reason is that if such a practice is allowed it becomes impossible for the people to know after a lapse of time what the law is, it existing in parol and not in the statute-book. Then it is delegating to an irresponsible body the power of legislation.

I have no doubt upon that consideration, if there were no other, that this act of retrocession is absolutely void, that the retrocession of that portion of the District was not in fact made even if Congress had the power to make it. Although Congress may not have had the power to cede away a portion of the District, still the existence of this act leaves us in confusion; the courts are embarrassed; the question is a disturbing one. Courts always hesitate before they undertake to declare a law unconstitutional, particularly where it refers to territorial jurisdiction. They are much inclined to follow the legislative department; and I think it important that the legislative department should declare itself clearly upon this question and resume jurisdiction, and there is no doubt that the courts will follow it, and that will end the whole controversy in a short time. If it is left to a long course of loose litigation, in which no party is specially interested, if it is left to individuals to contest it when it is the duty of Congress to legislate directly, great evils may ensue. I believe this bill is a good one and should pass.

Mr. HENDERSON. The Senator from New York and the Senator from Nevada seem to rely entirely upon the ground that the act of retrocession was made conditional upon a vote of the people in that part of the District retroceded to Virginia. I apprehend that, notwithstanding some of the State courts have declared that legislation submitted to the people by the State Legislatures and made conditional upon a vote of the people is unconstitutional, they have always done so under the peculiar provisions of the constitution of their State. I apprehend that those learned Senators will not

undertake to say that Congress cannot pass any act which is made conditional upon some subsequent act of the people. I fear that if that is the case my State, which I had fondly supposed was in the Union since 1821, is not in at all, and that it is within the proper power of any court now to declare that Missouri is not in the Union. It will be recollected that in 1820 the constitution of the State of Missouri was adopted and Congress objected to one of its provisions. The constitution was submitted here, and it was made necessary before the State could be admitted that the people of the State or their authorities should repeal a certain provision of their constitution, and when that was done the State was to be admitted upon the proclamation of the President. The act which was passed for the admission of the State of Missouri, March 2, 1821, provided:

"That Missouri shall be admitted into this Union on an equal footing with the original States, in all respects whatever, upon the fundamental condition that the fourth clause of the twenty-sixth section of the third article of the constitution submitted on the part of said State to Congress shall never be construed to authorize the passage of any law, and that no law shall be passed in conformity thereto, by which any citizen of either of the States in this Union shall be excluded from the enjoyment of any of the privileges and immunities to which such citizen is entitled under the Constitution of the United States: *Provided*, That the Legislature of the said State, by a solemn public act, shall declare the assent of the said State to the said fundamental condition, and shall transmit to the President of the United States, on or before the fourth Monday in November next, an authentic copy of the said act; upon receipt whereof the President, by proclamation, shall announce the fact; whereupon, and without any further proceeding on the part of Congress, the admission of the said State into this Union shall be considered as complete."

There was a condition-precedent, a public act of the State of Missouri, and the thing to make it final and complete was the proclamation of the President. It will be remembered that two years ago Colorado was, by an act of Congress, to be admitted upon the condition-precedent that a majority of her people voted for it, and the President's proclamation announcing that fact was *ipso facto* to operate as an admission of Colorado as a State. Senators have had it up here and have discussed it during this session of Congress. The whole question has been discussed and rediscussed here. It will be seen, therefore, that the doctrine laid down by the learned Senators, as deduced from the decision of the court of appeals of the State of New York, will not hold good so far as the legislation of Congress is concerned. Why, Mr. President, States again and again have been admitted upon the condition that their people, a majority of the people of the Territory, should vote in favor of the proposition and the President so proclaimed the fact.

How was it in regard to the vote of Alexandria? The act of 1846 provided that the question should be submitted to the people of Alexandria. I read from the fourth section of the act:

"That this act shall not be in force until after the assent of the people of the county and town of Alexandria shall be given to it in the mode hereinafter provided."

Provision is made for an election to be held, and it is declared:

"If a majority of the votes so given shall be cast against accepting the provisions of this act, then it shall be void and of no effect; but if a majority of the said votes should be in favor of accepting the provisions of this act, then this act shall be in full force, and it shall be the duty of the President of the United States to inform the Governor of Virginia that this act is in full force and effect, and to make proclamation of the fact."

Congress provided its own commissioners to take the vote, and one copy of it was to be filed with the President of the United States, one with the Governor of Virginia, and the other to be filed in the clerk's office of the county court of Alexandria. When that was done, and the fact was proclaimed by the President, then, of course, Alexandria passed under the jurisdiction of the State of Virginia.

Now, there is no difference between that legislation and the legislation in regard to the admission of any State into the Union—not one

particle of difference between that and the legislation in regard to Colorado. The President was to proclaim that a majority of the people of Colorado had voted for the admission, and upon the proclamation of the President the State was to enter the Union. It was legislation of Congress, dependent in the one case upon the action of the Legislature of the State of Missouri, and in the other dependent upon the vote of the people of Colorado. Now, there can be no question that legislation of this sort has been sanctioned again and again. I might instance other Territories and other legislation, but it is useless so to do.

Now, in reference to this matter, it strikes me as being the most astonishing proposition in the world that Congress has no power to change the seat of Government. I think the fallacy of that proposition has been demonstrated beyond any doubt by the Senator from Maryland. If, as he very justly says, Congress cannot relinquish its jurisdiction over any part of the District of Columbia, when that jurisdiction has once attached, it is also an utter impossibility for Congress to relinquish its jurisdiction over any of the forts, arsenals, or dock-yards of the United States, because the authority is identical and given in the same provision of the Constitution. Hence the argument of the able and distinguished Senator from New York falls to the ground. There certainly cannot be force in it, because the authority is identical in the two cases, and Congress has again and again yielded its jurisdiction to the States from which it acquired tracts of land for military purposes.

Mr. President, the very object of acquiring the seat of Government was that we should have room for the capital and public buildings. It is clearly within the jurisdiction of Congress any time to change the capital of the United States. It may be changed to Cincinnati; it may be changed to Detroit; it may be changed to Boston; it may be removed to any other city in the Union. I cannot doubt it. It may be asked, if the capital should be removed, what becomes of the people of the District? Does not the very same law apply that would apply in the case of a dedication by an individual to public uses? The State of Maryland and the State of Virginia ceded the District to the Government of the United States for certain purposes. If gentlemen are curious to look at the legislation of those States in 1789 and 1790, they would find that the cessions of Virginia and Maryland were made for a specific purpose, and that was for a seat of Government.

Now, suppose that Congress within its discretion shall remove the seat of Government, what results as a matter of course? Suppose this transfer had never been made, of course, naturally, without any legislation, the jurisdiction of the respective portions given by Maryland and Virginia would fall back to those respective States. Suppose that a party laying out a town dedicates to certain public uses a portion of the ground specified upon the plat, and the city afterward ceases to use that particular portion in the manner indicated upon the plat, have not the courts all over the country decided again and again that the soil reverts back to the original grantor? And so it is with this District. I apprehend that if Congress removed the seat of Government it would revert back, the respective portions, to the States that gave it. I cannot look at it in any other light. Hence it is that owing to the fact that I honestly think we shall complicate the difficulties now presented by the passage of this act, I have opposed it. If the act of 1846 be unconstitutional on account of the vote of the people that can be tested, and I cannot see that the passage of this bill will enable a man to test it any better than he could without. Hence I must vote against the bill.

Mr. STEWART. I cannot see the point of the illustration made by the Senator from Missouri. He says that Congress may delegate its authority to legislate for the reason that it admits a State upon condition that that State will perform some particular act. Let me remind

him that the admission of a State into this Union is not a matter wholly within the power of Congress; it requires the concurrent action of the State and of Congress, and their respective acts are dependent upon each other. It is not within the power of the legislation of Congress to make States and bring them into the Union without the action of the States. But it is within the power of Congress to pass laws without asking a little squad of people to sanction those laws. There is no parallel whatever between the cases. Because we admit States and negotiate with States to bring them into the Union, requiring them to do certain things before they shall have a voice here, it does not follow that we may make our laws dependent upon the action of the people of a particular locality. A State has a right to be heard upon the question whether it will come into the Union. You cannot bring a State into the Union merely by your legislation. But where a matter is within the scope of legislation it is the duty of Congress to legislate, and not ask a little squad of voters to legislate for it. There is not a case in all the books in which such legislation has not been held to be invalid; no, I will not say that, because in the first instance, some of the inferior courts were disposed to respect such acts, but I believe it has become universal now in the highest courts of all the States, where the question has come up, to hold that the legislative authority cannot be delegated; and I say that the case of the admission of a State upon complying with its part of the conditions proposed, concurrent action being required, is not analogous.

The act in question here does not deal with a sovereign State; it deals with the people living along the other side of the Potomac for a few miles, and asks them to vote upon the question of whether it shall be a law or not; refers it to them. Where is the record of your law? How are the rights of persons and property to be determined hereafter, hundreds of years hence, if the Government shall continue that long, when you have no record evidence of your law? Laws so framed have not been held to be constitutional in the States. No precedent that is worthy of consideration can be found in favor of such a law. It shows very conclusively that there is no precedent in point when the Senator from Missouri is forced to illustrate his view of the case by a reference to our dealings with sovereign States.

Mr. POMEROY. Allow me to say that there are some precedents against it.

Mr. STEWART. Plenty of them.

Mr. POMEROY. I remember once to have been a member of a Legislature which passed what was called a Maine liquor law, but it was submitted to the people to say whether it should become a law or not, and the people voted by a majority that it should become a law. The courts held that act to be unconstitutional because it allowed the people to legislate; it delegated the power of legislation to the people, who were no part of the Legislature, who could not as a people be a part of the Legislature.

Mr. STEWART. I apprehend there is no point of law better settled than that question.

Mr. POMEROY. The case to which I allude was decided in the State of New York.

Mr. STEWART. It has been decided in very many of the States. I had occasion to look up the authorities, and I found that many of the western States had submitted questions of the location of county seats and the like to the people; but in all the books I never saw a citation of the fact that Congress had admitted States upon conditions as proof that the people had a right to legislate.

Mr. WADE. Mr. President, I hope the Senate will not come to a conclusion on this subject without a due consideration of its importance. When the framers of our Constitution and the old statesmen of that day deliberated on any matter and came to a deliberate conclusion, we have generally found when we have undertaken to depart from what they laid down that their reasoning was better than ours.

Sir, if at the period when this capital was located there was anything that engrossed the attention of the statesmen of that day more than this subject I should like to know what it was. Previously the seat of Government was locomotive; it had sometimes been in one city, sometimes another; and it depended very much upon the temper and disposition of the States in which it happened to be located whether it could find a comfortable residence there or not. As I stated when I was up the other day, this was a great question, agitating the whole Union, North, South, East, and West. As everybody knows, when you undertake to locate even a county seat, or a State capital, and, much more, the capital of the United States, it is always a very agitating question, and one about which local interests compete with more avidity than upon almost any other question that we can imagine. The same great difficulty arose here. The statesmen of that day were fully impressed with the idea that there must be a permanent location of the seat of Government. It was claimed in various States and in various situations. It was exceedingly desirable by any State that the seat of this great Government should be located within its limits; and hence the competition on the question, which was the most solemn and the most agitating of anything that had arisen in the Government up to that time, and as much so as almost any question that has succeeded it until this day.

I do not know how they would have located it had it not been for another subject that was up at that time and was almost as much debated as that, and which elicited almost as much interest as that, and that was the great question whether the debts of the revolutionary war should be funded or should not be funded. The southern States contended that they should not be funded, and that the Government should rather be dissolved than that they should be funded; and the northern States contended as strenuously that the seat of Government should not be brought as far south as the banks of the Potomac. The Congressmen of that day separated upon that subject, and a dissolution seemed inevitable. The great statesmen of the time, the head patriots of Congress at the period got together, and conceiving that a compromise might be made upon these great questions, undertook to make a compromise, and they did effect it after great difficulty. The South agreed that the debt might be funded and made a general burden upon the Federal Government, and, in consideration of that, the North conceded that the capital might come here. Thus it was located upon one of the most solemn compromises that had ever been made. Whenever there has been an endeavor in Congress to remove the capital, as the history of the legislation of Congress will show, it has been claimed at all times by those who were in favor of continuing the location here, that if the proposed removal was not unconstitutional, it was a violent breach of faith to attempt it; and so it would have been, because it was upon this compromise that it was located here.

It is not less important in our estimation. What have we done this very day, in the bill which preceded the one now before the Senate? Why, sir, the laying out of millions upon this Capitol, after expending immense sums of money here, shows that it is the intent of the statesmen of this day to make this the permanent seat of Government. If it is not so, what means the vote that you have just taken about enlarging the grounds of the Capitol at an untold expense? Expense forms no consideration in the minds of men as they go forth to embellish this Capitol, which is an honor to the nation, the architecture of which, as I am told, rivals that of the best edifices in the whole world, and is not exceeded by any of them; and to-day you have voted to extend the grounds around it. And yet, sir, you are going to leave it so that a partisan Legislature, in times of great civil commotion, may, by a vote taken in a moment, mutilate and destroy the symmetry of the whole. Will you permit that to be done?

I brand this act of 1846 as being only a preliminary step to that rebellion that took place afterward. Who got it up? It was the head men of the secession that afterward levied war against the Government. They could do nothing more to promote the cause of the rebellion than to cede back to Virginia that territory that she gave up for this capital. It rendered you less capable of defense. Why did the fathers in locating the seat of Government here make it ten miles square? Have you ever thought of that? This very city is large enough for all the purposes of legislation. We should find no inconvenience in a legislative capacity even in this city, circumscribed in one mile square. The fathers knew as well as you did that your capital might be built as magnificent as you pleased upon a mile square, and that all your public buildings to carry on the business of this great Government might be located upon such a tract. But, sir, they had encountered difficulties in the States where the capital had been located; they had found that the States interfered with the freedom of their deliberations; they had threatened to drive them out frequently and to interfere with their legislation; and when they came to deliberate upon the question of a permanent seat of Government, with General Washington at their head, who had conducted your armies successfully through the terrible war of the Revolution, they knew full well that it was necessary that you should have room and verge enough to defend the deliberations of Congress against the interference of any local legislatures whatever; and therefore it was that they said, "Let it be ten miles square, that we may be entirely independent; that the Federal Government shall meet with no interference in behalf of States or anything else; anything less than that will open it to the interference of other tribunals and legislatures; we must be independent."

Sir, how profound, almost prophetic, was that wisdom! What disadvantages did we not suffer when this war broke out on account of this retrocession, under which the enemies of the Government could have planted their cannon upon their soil to batter down your Capitol! That retrocession brought this District and this great Capitol that you have erected at so much expense right under the guns of the enemy. What did we dread more than anything else? That old Virginia would fortify the heights on the opposite side of the Potomac and plant her cannon there upon her own soil to batter down the Capitol and to lay your capital city in ashes. Contemplating such a contingency, General Washington said, "The permanent seat of Government shall be ten miles square, and the capital erected in the center of that, will have the means of defending itself against all local legislatures and all interference from every quarter." Was it not a righteous foresight? Would you suffer that wisdom to be trampled under foot by the politicians in modern times and in times of great turmoil, and when men were preparing for civil war to overthrow your capital and your Government itself? It was under such contemplations that this act of 1846 was passed, and passed by the very men that sought the first opportunity to go out of the Union, as they said, and make war upon your Constitution itself. Mr. Hunter was the great mover in this business. He and the secession politicians of old Virginia, contemplating in their hearts the destruction of your Government, first of all sought to undo the work of General Washington, the man who did honor to that State. They must mutilate his counsels, destroy what he had done, destroy the foresight of that great patriot and trample it under foot, in order to be able to bring their guns to bear on your capital; and they did it by an act entirely unconstitutional. Does anybody doubt that? I was exceedingly pleased to hear the Senator from Kentucky, [Mr. DAVIS,] who was here and took part against this mutilation, say, with all the temptations that party can heap upon his head, that he viewed the act of retrocession as unconstitutional then, and he views it in the same light now. He voted against the

act in 1846, and if he votes the other way now it is not that he has the least doubt that the act of mutilation was utterly void.

Now, Mr. President, to show how this subject was viewed by the great patriots of the day when this capital was fixed permanently in this District, I wish to read a short extract from the speech of the President of the United States on the opening of Congress in 1800. I have here also the proclamation of General Washington fixing the capital at this place, showing the great pains and the minuteness with which he went forward in anticipation of all the evils that might fall upon the country hereafter to point out and fix its boundaries with that care and that prudence that characterized him everywhere, and in all he did. I will read the congratulations of the President at that day when this capital was fixed here to show you the great achievement they supposed they had worked out when they had fixed it permanently here. On the 22d of November, 1800, the President of the United States, Mr. John Adams, in his speech at the opening of Congress, said:

"I congratulate the people of the United States on the assembling of Congress at the permanent seat of their Government; and I congratulate you, gentlemen, on the prospect of a residence not to be changed."

It was to be a permanent seat of Government and a residence not to be changed. That was the idea that the President of the United States had after all the conflict of that day in fixing this site for the capital. He congratulates Congress upon the fact that at last they had found a home; they had found a place where they could be, as it were, under their own vine and fig-tree, undisturbed by local legislatures or anything else.

"It is with you, gentlemen, to consider whether the local powers over the District of Columbia, vested by the Constitution in the Congress of the United States, shall be immediately exercised. If, in your opinion, this important trust ought now to be executed, you cannot fail, while performing it, to take into view the future probable situation of the territory for the happiness of which you are about to provide. You will consider it as the capital of a great nation, advancing with unexampled rapidity in arts, in commerce, in wealth, and in population; and possessing within itself those resources which, if not thrown away or lamentably misdirected, will secure to it a long course of prosperity and self-government."

The House of Representatives, in answer to that congratulation, responded in like terms. I need not read them. I need not read the proclamation of Washington establishing the seat of Government here. I know, sir, that we have done a great wrong. We have mutilated this capital that was the hope and desire of our fathers; we have suffered the enemy to approach to its very doors and threaten us any day by a fortification on Arlington heights that will overshadow your capital and threaten us perpetually, and will falsify the hopes of the fathers that we had established ourselves where no local interference could disturb us.

Sir, was that act of retrocession constitutional? I need not argue that question. Was there a statesman at the time the act was passed who came forward and said that what he was doing was constitutional? How have courts and lawyers and everybody else treated it since; and why? I need not argue it. You will see, if you go minutely into it, that the cession of this District was made originally by two States as a contemporaneous act, concurring in the same thing; for the act of cession of Maryland and the act of cession of Virginia were in the same language and at the same time, and made for the identical purpose of complying with the constitutional provision that enabled Congress to accept from the States a certain territory, not exceeding ten miles square, to be the capital of the nation, and to have jurisdiction over it in all cases whatsoever. In words the most ample that the English language could supply the Constitution conferred upon Congress jurisdiction forever "in all cases whatsoever," disavowing this District from the States to which it formerly belonged as perfectly as it could be done by human language; and when you make a retrocession of it you can make it just as well to the State of Ohio or Rhode Island as to Maryland or Virginia. All claim to it on the

part of the States was gone. No lurking interest remained that would suffer them to come in and claim anything from it, but it was under the entire control and jurisdiction of the General Government in all cases whatsoever, and it was forever to remain there.

Now, sir, if these two States concurred in this grant, in one grand act, could one of them, without the consent of the other, receive back the grant? Could anything less than they who were authorized to make the original cession rescind and annul that cession? Is it not a general principle of law, that it takes the same power to undo and annul a contract or a cession that it does to make it? Can one do it without the consent of the other? Was Maryland consulted on the subject of this retrocession to Virginia? Would not Maryland, had she been consulted, have said, "We made our cession upon the faith that Virginia had made hers, and both together granted such a site as we deemed proper for the capital of the nation?" Could one disavow it without the other? I say to you, no, sir; you could not do it without reversing every principle of law with which I am conversant. There is the reason going to the very root of the matter and showing that you only half did the work when you undertook to steal from the capital half of its territory. Virginia, rebellious, always ready and prompt to agree to undo all that the fathers had done, was willing at once to take back the cession.

Mr. HOWE. "Barkis is willin'."

Mr. WADE. Yes, sir; Barkis was willing. They were willing to take back the cession, if it could be made; but they were not willing to consent that loyal Maryland should say whether she who had concurred in the original design would consent that the retrocession should be made. She was not consulted at all; and therefore, for that, if for no other reason, your pretended retrocession was void, was a fraud upon one of the parties, and could not have been done.

Again, sir, how did you undertake to do it. I agree entirely with the Senators who have raised the constitutional question that a sovereign power cannot part with a sovereignty and transfer it to anybody. It cannot be delegated. That is the language of the law. This power cannot be delegated. It is a matter of confidence between the people and their representatives, and is not to be farmed out to anybody for any consideration whatever; and so the courts have decided as often as the question has arisen in the courts. What did they attempt to do here? The Senator from New York and the Senator from Nevada have interposed arguments that never can be met before any judicial tribunal in the world, because, first, they are founded in the reason of the thing, and secondly, upon a line of precedents unbroken from the foundation of the common law. Here was an attempt by a partisan Congress to cede, to give away, one half of the territory which had been acquired with so much care, so much circumspection, so much spirit of compromise in the fathers, without any ceremony, if the people on the other side would barely vote to take it. Why did you not consult all the people if you were going to consult anybody? Had the people on the Virginia side belonging to the District of Columbia any more right to speak on this subject than the people on this side of the Potomac? Were they not all one people combined for this purpose under the jurisdiction of the Government of the United States?

Mr. STEWART. Had those people any better right to determine the question than all the people of the United States?

Mr. WADE. No, sir; no better right than all the people of the United States or any of the people of the United States; but it was an utter absurdity to have an election of the people of the District and consult them to see where they would go, and leave them with a sovereign power, legislating and determining this great question by a vote of the people—an act as transitory as a flash of lightning, where no record is to be left, no track to be followed up. You do not know to-day whether the

ballot-boxes were stuffed or whether the vote was legal or illegal. It is not in this transient way that jurisdictions over peoples are to be transferred. Sir, you would hardly sell a horse on such a contract as that; and yet your idea is that you may transfer, not only your jurisdiction over a territory given you, but give away the people with it as though they were dumb beasts subject to be sold from one jurisdiction to another. Sir, that is not an American idea. It may do in a despotism; but certainly nothing less than the sovereign power of the United States was necessary to make the transfer of the free people of the United States, if anybody could do it. I have argued and attempted to show that it could not be done, especially that it could not be done without the concurrence of all that combined to do the act, and yet Congress undertook to single out a portion of the people of the District and say, "We will vote away the sovereignty of this Government that was conferred by all the States under the Constitution, and we leave it to a town meeting to say whether all this shall be annulled." The absurdity is most apparent. No statesman ever dreamed of such a power, and if such a power exists, you hold your liberties upon a more feeble tenure than we ever supposed.

Mr. President, I am in earnest upon this subject because I am impressed with its transcendent importance. It is not like much of our legislation, a matter of a day or an hour. While we are gradually preparing this great capital to be the magnificent city of the world, where freedom and new forms of government shall be held up as a beacon light to entice the whole world to abandon the absurdity of their old Governments and come over to us, while we are preparing in this magnificent city to raise a Capitol commensurate with the growing greatness and grandeur of this great people, we are suffering the old disloyal statesmen of old Virginia, backed by a few of their copperhead associates over there, to take it all away. It will not do, sir. We are bound to undo what they have so ignominiously done. I wonder that the statesmen of Virginia had not more reverence for the great men of the preceding age, who, in view of the growing greatness and glory of this nation, had laid the foundation for the magnificence of its capital commensurate with all that it was to be hereafter, than to throw it away as a thing unworthy to be taken. They had no right to do it.

The law of 1846, for the reasons that I and other Senators have given, is utterly void. It was a nefarious attempt, not only to give away the magnificence of your capital and to give away its power of defense against an enemy, but it was a mean and contemptible attempt to mutilate and destroy that which the great statesmen of Virginia had contended for so so long and so earnestly. The act was void. Everybody adjudges it to be void, except my colleague on the committee, the Senator from Missouri, who thinks that it was undoubtedly and unquestionably one of the best acts that was ever established in the world. Sir, there is no question that it was a mere abortion, and would not stand the investigation of a court or a jury or a legislative body for a moment.

The Senator says, then why not go to law about it? Why not turn around to your courts? Sir, what kind of courts have we had? Dred Scott decision courts; courts in which justice was a mockery and freedom a burlesque till the present time, or nearly till the present time. In ancient times who would have thought of bringing such a question as this, which was devised and born in sin and iniquity, born of that spirit of disloyalty that has spread over the southern land and infected all their statesmen, before a court? And yet we are asked, why did you not do it twenty years ago? Sir, I would prosecute the devil in his dominions as quick as I would expect justice in such a court as that. This is the reason why the loyal people of this District over there have suffered themselves to be sold out by a void law, which is a mockery in the sight of justice

and liberty. They knew they could not appeal to any court that would uphold them. Your court that decided the case of *Dred Scott*, a court under the domination of a narrow partisanship that forbade any man to seek justice at their hands—you ask me why they did not seek it there. Sir, it was not necessary that they should do so. This act was done in defiance of justice, right, and liberty, and in favor of secession and revolution. It must be undone. This magnificent capital, which was providently fixed and provided for us that we and those who shall come after us may rest secure from all outward oppression or interference, must not be granted away, must not be mutilated, must not be handed over to any other jurisdiction. The majesty and the dignity of Congress require that we, the defenders of our own capital and of our own legislative Hall, shall not hand it over to be settled by courts anywhere. It is undignified and wrong. If Congress heretofore has passed an unconstitutional law, we will wipe it out, and let those who oppose our act go to court, after we have put those affected by it right, and not leave them with this burden of sin upon them to overcome in order to get into court. Let us sweep it away, and then let those who oppose our action prosecute in the courts.

Now, sir, I hope Congress will vindicate its own jurisdiction. I hope it will vindicate the providence of our ancestors. I hope that we shall not fail, so far as legislation is concerned, to put these most wronged and injured people back into the condition in which they were before they were sold out by secession and rebellion. We owe it to them to do so. If there are any Union men there who were opposed to the secession of that State, and if we, the Congress of the United States, have brought this trouble upon them without their fault, should not a better Congress in a more enlightened age remove this act from them? Then if those who oppose the repeal wish to litigate the question before the judicial tribunals, let them do so; but let us reinstate the people there in the same condition that they were in before the act of retrocession was passed.

Mr. SAULSBURY. Mr. President, it is always to be regretted that in the discussion of questions involving principles of law, whether that discussion takes place in courts of justice or in legislative bodies, feeling should become excited and passion engendered. Such questions ought always to be approached in calmness and coolness of mind, and all extraneous influences and considerations should be avoided in the discussion. In a discussion of this kind, which involves principles and interests of some magnitude, it is proper that we should bend our minds to the proper considerations which necessarily arise in it. In the discussion of this question, whether it is proper, in the first place, to repeal the act of 1846 retroceding a portion of the District of Columbia to the State of Virginia, and in the second place, whether we have the power to do it, almost every subject has been brought in. We have been told that the object of procuring the act of retrocession was to set on foot this great rebellion, as it is called; that it was with the design to kindle up the flames of war; that twenty years and a day ago the people of Virginia and the people of the South were meditating the destruction of this great Government, and that more effectually to accomplish their purposes they procured from Congress the passage of an act retroceding about five miles extent of territory on the opposite shore of Virginia.

Mr. President, are great civil wars, are great rebellions which are to convulse a whole land, started by instrumentalities so feeble, so inefficient as that? Is it possible that a cool mind can believe that twenty years ago there were plotters throughout the southern States to destroy the fabric of this Government, and that in their cogitations, with all their wisdom as statesmen, they could devise no better or more efficient instrumentality as a beginning in the work of mischief than to pass a retro-

cession of a few acres of land on the opposite side of the Potomac? Why, sir, twenty years ago I do not suppose there was a man in the State of Virginia that dreamed of anything like a disruption of the Union or that desired it. Virginia—noble, ancient, glorious Virginia—glorious in her ruins, glorious in her historic fame, glorious in the illustrious names that adorn her annals, glorious in the work which her statesmen did in laying the deep foundations of the Republic, covered all over with the glory of revolutionary times—she plotting the destruction of that temple of liberty which her own sons reared!

Sir, I approve not the action of the State of Virginia when she attempted to secede from the Federal Union; I indorse no such action as that; but even now her sons may look upon her wasted fields, upon her ruined and dilapidated houses, and they may feel proud that they had their birth-place on a soil consecrated to freedom and a soil which gave birth to the noblest spirits that ever adorned the annals of American history. While the name of Washington shall endure, while Madison shall be remembered, while the name of the author of the Declaration of Independence shall be cherished, and while the other worthy names which have adorned the annals of that State and illustrated its history shall be remembered, the sons of Virginia may feel a noble pride that they are the inheritors of their fame and that Providence has vouchsafed to them the blessing to be born on the same soil.

Sir, twenty years ago Virginia contemplated no such movement as that of secession or revolution. When, in 1832, a sister State attempted, not to secede, but to annul an act of the Federal Government, who sent the messenger of peace? Whose son was deputized to go down to the refractory State and act as mediator between the Federal Government and that State? It was then that the statesmen of Virginia, ardent in their attachment to the Federal Union, devoted to the cause and to the principles of constitutional liberty, sent a Lee and said to South Carolina, "Stay your hand; attempt not that which may engender strife and lead to war." She was the State that said, "Let there be peace." And when the madness and the folly of fanaticism, when the fell demon of abolitionism had again brought this country to the verge of destruction, and when maddened men in the North and maddened men in the South were coöperating together for the accomplishment of a common purpose, the dissolution of the Union, it was then that Virginia again, through the action of her noble statesmen, said, "Let there be no strife between us, for we are all brethren;" and, after having first invited the other States of the Union to meet in this capital in a peace convention, she sent her noblest men here to save your Federal Union, to act in conjunction with patriotic men from every State of the Union. It was no fault of hers that war came. It was no fault of hers that constitutional liberty was broken down in this country. It was no fault of hers that war raged through the South. From the very foundations of your Government—ay, sir, before the foundations of your Government were laid—to the time when the fatal step of secession was taken, the example of that noble old Commonwealth was an example worthy of the imitation of all her sister States, and her statesmen stood a head and shoulders above the statesmen of any other State in this Union. And now that the foot of power grinds her to the dust, now that her sons are denied a representative upon this floor, now that her people have no one here to plead her cause or to assert her rights, it becomes those who admire her noble history and the glorious example which she has given to her sister States to stand up and defend her character when assailed.

But, sir, I did not intend to go into any eulogium upon the character of the State of Virginia. Whatever of political science I have learned, whatever of the true principles of constitutional liberty I have learned, I have learned

from the writings and the teachings of the statesmen of Virginia. Her noble doctrine of State rights, now derided, is a glorious heritage which her early statesmen left to the present times. He who studies the principles of constitutional law aright, and who studies the principles in which the foundations of this Government were laid correctly, will recur, in all after time, to the sages of Virginia for proper enlightenment and proper instruction.

Mr. President, two questions naturally arise in the consideration of this subject. One is, is there any necessity for the repeal of this act? That is independent of all questions of the constitutionality of the act retroceding a portion of the District of Columbia to the State of Virginia. Has the Federal Government any use for that portion of what formerly belonged to the District of Columbia lying south of the Potomac? I have not heard what use they are going to make of it. They do not want it for the purpose of erecting any public buildings upon it. When they get it they do not propose to do a thing with it, except, I suppose, to give it the benefit of congressional legislation. From such benefits, good Lord deliver them! It is not contended that that portion of the District of Columbia which is still retained under the control of Congress is not sufficient for all the purposes of the national Government.

But it is said there are patriots over there who, with longing eyes, are looking to you as their deliverers from the oppression under which they groan by the action of the authorities of Virginia. I hope they are all patriots. Those who were not secessionists I hope are patriots now, although there is many a man who did not go into secession who is as big a traitor as those who did. Those who coöperated with them by their legislative action, by their political action, and did that which necessarily led to the same result, are in the same category with them. If there are any there who were secessionists, I think they have got a lesson they will never forget. I think they will never try that game any more. I think they are about as well reconstructed as you can possibly reconstruct men. I have seen no evidence in Virginia or elsewhere of any disposition on the part of the people again to attempt any opposition to any rightful Federal authority. I believe that you might remove every soldier out of the southern States to-day and there would not be a disturbance of the public peace, with the exception of those casual disturbances which occur everywhere. No, sir; that is not the spirit of the people of Alexandria; nor is it the spirit of the people of the South. When the southern people said, "We submit to the arbitration of the sword; we struggled for the accomplishment of a purpose, and we have failed; you have been too strong for us on the field of battle; we give our word of honor that we shall not renew this contest; that in future we will obey the laws of the Federal Government, and support the Constitution of the United States," I want no oaths from them; I want no other security. I know their high character as men of honor, and that is all the security that I want.

Mr. POMEROY. I ask the Senator if he remembers the speech that he made at the beginning of the war in which he assured the Senate and the country that the war was not waged for peace; that the South never would surrender to our arms; and that the only way to secure peace was by concession and compromise and kindness. That the war would prove a failure was the language of the Senator, if I recollect aright.

Mr. SAULSBURY. I am very glad the Senator from Kansas has reminded me of what I said in the commencement of this war. I have said a great many good things which I had forgotten, and that is one of them.

Mr. POMEROY. I understand the Senator to say now that the war did produce the very result which he said then it would not produce.

Mr. SAULSBURY. I did say that war was

no way to settle this difficulty. I say so now. You have overcome the physical strength of the South, but you have struck down constitutional American liberty. When I said that war was no way to accomplish your purposes, I had in contemplation the preservation of the American Union with the constitutional rights of the people of every State in the Union preserved.

Mr. POMEROY. I understand the Senator now to say that he knows of no men in the South, or no considerable number of men, who are averse to the Union, but they accept the situation. I do not know but that he went so far as to say that they would rejoice in it. At any rate, he said that they accepted it; they are reconciled to it; they acquiesce in it, and have been brought to that result by the war.

Mr. SAULSBURY. If the gentleman will just be easy and quiet for a moment, I will explain it all to him, so that he who runs may read. The Senator has been so polite as to remind me of my record. I did not know that the record of so humble a Senator had attracted the attention of so distinguished a one; but, sir, I hold that there is a perfect symmetry in my record. This is a digression not occasioned by me, because the Senator has referred to my record and I must rejoice.

Sir, when, in 1860, it was apparent to every one that unless there could be some terms of compromise or agreement between the contending sections war was inevitable, I said that war was not the proper mode of settling your differences; that you ought not to be wiser than your fathers; that you ought in an emergency of that kind when you saw that war was inevitable, a war which you—I do not refer to the Senator individually, but I speak with reference to the political opinions of those who acted with him—helped to bring about by advocating doctrines which you knew if practically carried into operation would of necessity lead to a dissolution of the Union; when men advocating those sentiments, and men advocating just as foolish things down in the Gulf States, all coöperating for the accomplishment of the same purpose; when men with inflamed passions and maddened brains in both sections of the country were striving to bring about a dissolution of the Union, it was then, when you determined that if the South undertook to secede you would invoke the sword and the cannon, that I said that was no way to preserve the Union. I did not say just at that time, although I believe I did say it afterwards, that you could not conquer the South, and I did think at one time that you never could. I believe that if they had been all in earnest, if they had all gone into it, that that people could not have been conquered even by all your importations from foreign countries. That people fought the whole world. I am glad that the Union is not dissolved. I am glad the South did not bring about a separation of the country. I am just as glad of it as you are. I never wanted to see a separation of the country. But I said then as I say now, that war was no way to preserve the Federal Union; and I say now, sir, that you have not preserved the Federal Union. You have destroyed it temporarily. Its restoration will have to be the work of men entertaining principles like the founders of the Government. If it is ever restored, it will have to be restored by the action of that good old great Democratic party that studied the master minds of American history.

Talk about preserving the American Union with twenty-two vacant seats upon this floor and eleven States not represented here! The Constitution of your country says that each State shall be entitled to two Senators, and provides for membership in the other House from each State. And yet, sir, you come here, two thirds of the American Union, you call yourselves the Congress of the United States, and you shut and bar the doors against whom you please. The southern States are perfectly reconstructed for the purpose of sending constitutional amendments to them that they may vote upon them; but when they propose to

come here to participate in making the laws by which they as well as you are to be governed, they are not reconstructed exactly; you do not know exactly whether they are in the Union or not!

You have succeeded in conquering the physical force of the South; and I am glad that they have submitted—as glad as you are. I have as much interest in the preservation of the Federal Union as you have. My ancestors have lived upon this continent as long as yours have. You have children to live here after you and so have I. Therefore I am glad from the bottom of my heart that the country has not been separated by any geographical line. Otherwise, I say in response to your question, you have not preserved the American Union. You have struck down constitutional liberty wherever you could lay your hands upon it. In carrying on your war, which you might have avoided by peaceable measures in adjusting your differences as your fathers did, there was no principle of constitutional liberty which you and those who acted with you did not ruthlessly lay your hands upon and utterly destroy; and this day you yourselves say that the Union is not restored.

But, sir, this is a digression. When interrupted by the Senator from Kansas I was coming to the consideration of the two points only involved in this case.

Mr. POMEROY. I do not like to interrupt the Senator and never do interrupt any one; but I do not understand the Senator now to say whether he was wrong when he said that the war was no road to peace; that the South never would submit; or whether he is right now when he says that they have submitted, and that there is no part of the South anywhere that is not reconciled to submit to its condition. I have been here for five years with the Senator, and we never have had the South here since I have been here, and we were never supposed to be responsible for their not being here. We never sent them out; they went out of their own accord. If the way is not clear, it is their fault.

Mr. SAULSBURY. And wrongfully went out; I admit all that.

Mr. POMEROY. We are not to blame for it.

Mr. SAULSBURY. If the Senator understood me to say that the physical power of the South could not be overcome, and if I did say that, I was mistaken. It has been overcome. I have no doubt I have formed many erroneous opinions in my life, which subsequent events have proved to be erroneous; and, if I expressed any such opinion as that, it was erroneous. I say the physical power of the South has been overcome, although at one time I did not believe it ever would be, because I believed the people there were united and earnest; but they had the good sense, when they got whipped, to say so, and give their word of honor that they would observe the law and the Constitution of the United States in future, and I believe they will do it. I want no test oaths.

Mr. President, I shall now proceed to the only two points involved in this case. One is, is there any necessity for the passage of this act, whether the act retroceding that portion of Virginia called Alexandria to the State of Virginia was constitutional or not? I have heard but one reason assigned, and that was by the honorable Senator from Ohio, to whom I always listen with great pleasure, because I think he is one of those Senators who always says what he means, and means what he says. He says it boldly and frankly, and there is no dodging around questions with him. He assigns this reason, that it may be necessary for the defense of the capital, and he says that the Government experienced great difficulty in the early part of the late war because that portion of the District had been retroceded to Virginia. Let us look at the reason for a moment. How is it possible that the retrocession of that part of this District to Virginia could in any way affect the

military operations of this Government? Why, sir, the armed forces of the confederacy were not within hundreds of miles of the Potomac bank until they removed their capital to Richmond; the country was all open. When the confederates fired upon the flag at Sumter, and the President of the United States called for volunteers, did he bring his volunteers here and station them in Washington, and keep them here and refuse to let them go over on the heights of Arlington? Did he wait until the confederates came up near the heights of Arlington before he sent his soldiers over there, and took possession of those heights? Not at all. They may have remained in Washington a few days; but it was but a very short time before they were in possession of Arlington heights and all that country, not only that portion which had been in the District of Columbia, I believe, but other portions of Virginia, and fortifications were erected. The forces of Virginia did not attempt to drive the Federal soldiery off; they could not have done it.

Suppose now that war should spring up between Virginia and the United States, do you suppose the United States would stop to ask the State of Virginia whether they should go on Arlington heights or not and fortify them again? No, sir. It could have had no possible effect, as to whom the eminent domain was in, Virginia or the United States; it did not make a particle of difference when there were armies to be marched; and for all purposes of defense you were just as secure with that portion of what was formerly the District of Columbia in the State of Virginia as you would have been if it were in the Federal Government, because though it be in the limits of the State of Virginia you hold the doctrine that you have got the right to send your armies into any State of the Union. You will not stop to ask the consent of the State.

But old Virginia, it is said, may plant her cannon on the opposite banks and batter down your capital. Why, sir, Virginia is not allowed to keep a standing army. How can she go to erecting fortifications? Is there no power in this Government, if Virginia were to undertake to rear fortifications with guns bearing on the capital, to prevent it? Where is your Army to tear them down? She is not allowed to keep an army or a navy, under the Constitution of the United States. This is the only reason assigned as I understand why it is necessary to annul the act of 1846, and that is no reason at all.

Then, Mr. President, it is a question of law. It is said that the act retroceding Alexandria to the State of Virginia was unconstitutional and void; and it is said to be unconstitutional and void upon two grounds: first, that Congress having accepted ten miles square, had no power to part with any portion of the land thus accepted. The honorable Senator from Maryland has argued that question so fully and satisfactorily that it is unnecessary for me to say a word on the subject. I agree with him in opinion entirely.

But, sir, it is said this is a legislative power, and a legislative power cannot be delegated. I admit the principle. Legislative power cannot be delegated. But the question arises here, is this a delegation of legislative power? If it is a delegation of legislative power, then I admit that the act retroceding this portion of the District to the State of Virginia is utterly null and void; but if it be not a delegation of legislative power, then the act is constitutional, and is not null and void.

What is the authority cited? In twenty years' practice at the bar I have frequently seen cases brought into court and cited which had very little to do with the subject; and I think that the case cited here has but very little to do with it. What was the act retroceding this portion of the District to Virginia? It was a solemn act of Congress. Congress enacted it, declared that Alexandria county should be retroceded to the State of Virginia, with the consent of the people of Alexandria,

and afterward it provided that in case that consent was not given the law should be null and void. Does that make a delegation of legislative power? All the forms of legislative enactment were observed; but the going into operation of the act, so to speak, was to depend upon a contingency. There is nothing more common in legislation than that the legislative body enacts a law, but provides that in the happening of a certain contingency the law shall not be operative. It is so in all your school-district laws in almost every State in this Union; and in many other respects. The law was perfect. It is just the same thing in principle as if Virginia had been claiming \$100,000 from the Government of the United States, and the Congress of the United States had passed an act declaring that \$100,000 should be paid out of any money in the Treasury to the State of Virginia, provided that if A. B., who is hereby appointed arbitrator in the case, shall report that nothing is due to the State of Virginia, then this act shall be null and void. It amounts to that, and nothing more.

But the case cited was this: property was levied upon in the State of New York for the payment of a school tax; that tax was levied under a particular act of the Legislature of New York; suit was brought by the person whose property was taken to recover the value of the property so taken, and judgment given in favor of the plaintiff; the defendant took an appeal, and the judgment was affirmed. But why was it affirmed? Were the provisions of the act of New York the same as the provisions of the act of Congress in reference to the retrocession of that portion of the District of Columbia called Alexandria to Virginia? No, sir; but New York passed no law at all. The tenth section of her act declared:

"The electors shall determine by ballot at the annual election, to be held in November next, whether this act shall or shall not become a law."

It did not pass any law; it left it to the people to pass a law. The Congress of the United States did not leave it to the people of Alexandria to say whether the act of retrocession should become a law or not; but they said it was the law, and they provided that if the people of Alexandria did not wish to go under the jurisdiction of the State of Virginia, but wished to continue under the jurisdiction of Congress, in that contingency the law should not operate. It was a covenant. The act of Congress and the acceptance by the State of Virginia became a compact between Congress and the State of Virginia; the one to give and the other to accept a grant of land; and they agreed that that grant should be operative in case the people of Alexandria assented to it. The people of Alexandria did assent to it. The terms of the compact and the agreement between the Government of the United States and the State of Virginia were complete and perfect when that assent was made. And now, after twenty years' enjoyment of the benefits of that contract by both parties, one of the parties comes into this high court, if I may so speak, and attempts to avoid the performance of its part of the covenant and contract, and of its own motion, without consulting the other party, attempts to annul its agreement upon the ground that the high contracting party now attempting to annul it had no right or authority to enter into the compact.

Sir, if the Congress of the United States had no authority to enter into this compact or agreement, there is a tribunal known to the law that can test the matter. Why should one party step in and say, "We absolve ourselves from all the obligations of this contract and will not consult you about it" when there is an impartial tribunal open alike to each party? Why should this Government undertake to tear its seal from the bond without consulting the other party to the bond? It is seen now, even in the Senate of the United States, that Senators differ on the subject. Men, whose profession it has been to study the law, whose business it has been for years to try to master the prin-

ciples of the law, differ in reference to the principles of law involved in this case. You have the distinguished Senator from Maryland, than whom no man stands higher in the legal profession in this country, expressing no doubt at all in reference to the constitutionality of that act; and you find the distinguished Senator from New York and others who have adorned the bench differing with him in opinion. There being this difference of opinion, then, what does propriety, what does justice say ought to be done? One party should not step in and undertake to determine it for itself, but it should appeal to a tribunal which stands impartial as between the parties. The case should go to the courts as it now stands, without either party attempting to alter the *status* of the case. Do that and I have no doubt the people of Alexandria will be satisfied.

We have been told that the mass of the people of Alexandria are in favor of this bill. I have but very little acquaintance in the city of Alexandria, and was never there but once in my life; but I have met with gentlemen from there since this bill has been before Congress, and they tell me very differently indeed. Of the persons born on the soil, the real inhabitants of the place, I am told that nine tenths, if not more, are opposed to the passage of this bill. We all know that since the war people have gone from other sections and squatted about temporarily wherever they thought there was a chance to make money. They are birds of passage, here to-day and gone to-morrow—men flowing all over with patriotism, and wanting to change the condition of the people among whom they go. Such persons may want to enjoy the benefits of a congressional government; but I am told that the substantial men, the native inhabitants of the place, are utterly opposed to this measure. If you pass this act, do not pass it with a view of punishing those people. Heaven knows they have suffered enough. Allow your citizens, and the other citizens who are there temporarily, or who are there permanently, to go to an adjoining room in this Capitol, and there ask the judges of the Supreme Court of the United States what is the law in this matter, and I have no doubt both parties will be satisfied.

Mr. President, I have engaged the attention of the Senate much longer than I had intended. I had no idea when I rose of entering into questions of a political character, but somehow or other those questions are dragged into every subject which comes before the Senate, and I have been guilty of the impropriety of imitating an example which my judgment does not approve.

Mr. CONNESS. If there is no chance of getting to a vote on this bill to-night, I should like to call up some other business; and therefore I shall move to postpone the consideration of this bill at the present time.

Mr. WADE. I hope not. Let us dispose of it now.

Mr. FESSENDEN. Several of us want to make speeches on the subject.

Mr. WADE. I am in hopes of getting a vote on this bill to-day.

Mr. GRIMES. Let us have an executive session.

Mr. WADE. If you postpone this matter now, you will have this debate all over again. I hope if we can take a vote now that we shall be allowed to take it. If there is to be further debate I will not resist its postponement.

Mr. DAVIS. I should like to say a few words further on this bill. It is not my purpose to occupy much time; but I should like to engage the attention of the Senate for a few moments.

Mr. FESSENDEN. Let us have an executive session.

Mr. DAVIS. I have no objection to that. The PRESIDING OFFICER, (Mr. CLARK in the chair.) The bill is before the Senate as in Committee of the Whole.

Mr. CONNESS. I move that the further consideration of the bill be postponed until to-morrow.

Mr. WADE. I hope it will not be postponed,

but that it will be left as the unfinished business to come up to-morrow. If we go into executive session, what is the object of postponing it?

Mr. CONNESS. I propose to postpone it in order to have an opportunity to take up some other business.

Mr. WADE. I object to that. I hope we shall not postpone this bill now to take up other business.

Mr. CONNESS. If the Senator from Ohio and the Senate will consent to lay this bill aside informally, so that I may call up a Senate bill that has been returned from the House of Representatives with amendments, for the purpose of acting on those amendments, I will then agree to go into executive session.

Mr. WADE. I have no objection to that.

The PRESIDING OFFICER. The Senator from California asks unanimous consent to lay aside the bill before the Senate and proceed to other business. Is there any objection?

Mr. HOWARD. I object until the Senator informs us what it is.

Mr. CONNESS. A California bill that was passed by the Senate, and has been returned from the House of Representatives with amendments.

Mr. HOWARD. Will it occasion debate?

Mr. CONNESS. No, sir; I merely desire to get action on the amendments made by the House of Representatives. It will take but a moment.

Mr. DAVIS. I wish to ask what has been done with the subject that was under discussion.

The PRESIDING OFFICER. It is before the Senate and at the control of the Senate.

Mr. DAVIS. Well, sir, I would as lief say what I have to say now as at any other time.

Mr. CONNESS. I move that the bill under consideration be postponed until to-morrow at one o'clock, and be made the special order for that hour. That will be equivalent to leaving it as the unfinished business, and the Senate can do as it pleases to-morrow.

The motion was agreed to.

LAND TITLES IN CALIFORNIA.

Mr. CONNESS. I now move to take up the measure which I have indicated.

The motion was agreed to; and the Senate proceeded to consider the amendments of the House of Representatives to the bill (S. No. 343) to quiet titles in California.

The first amendment was on page 1, line sixteen, section one, after the words "mineral land," to insert "or to any land held or claimed under any valid Mexican or Spanish grant;" so that the proviso will read:

Provided, That no selection made by said State contrary to existing laws shall be confirmed by this act for lands to which any adverse preemption, homestead, or other right has, at the date of the passage of this act, been acquired by any settler under the laws of the United States, or to any lands which have been reserved for naval, military, or Indian purposes by the United States, or to any mineral land, or to any land held or claimed under any valid Mexican or Spanish grant, or to any land which, at the time of the passage of this act, was included within the limits of any city, town, or village, or within the county of San Francisco.

The next amendment was on page 5, line nine, section seven, to strike out the words "conterminous proprietors."

The next amendment was on the same page, in section seven, line sixteen, after the word "office," to insert "joint entries being admissible by conterminous proprietors to such an extent as will enable them to adjust their respective boundaries; provided, that the provisions of this section shall not be applicable to the city and county of San Francisco; provided, that the right to purchase herein given shall not extend to lands containing mines of gold, silver, copper, or cinnabar."

The next amendment was in section eight, line five, to strike out the word "made" and insert "requested within ten months from the passage of this act."

The next amendment was on page 6, section eight, line eleven, to strike out the word "made" and insert "requested."

The next amendment was in the same section, lines twelve and thirteen, to strike out the words "six months after such final confirmation," and to insert "ten months after the passage of this act or any final confirmation hereafter made."

The next amendment was in the same section, line fifteen, after the word "the," to insert "expiration of ten months from the."

The next amendment was in the same section, line fifteen, after the word "confirmation," to insert "hereafter made."

The next amendment was to add at the end of section eight the following: "provided, that nothing in this act shall be construed so as in any manner to interfere with the rights of *bona fide* preemption claimants."

The next amendment was to add to section nine, at the end of the bill, the following proviso:

Provided, however, That from decrees of the district courts, as aforesaid, made after July 1, 1865, and prior to the passage of this act, an appeal may be taken to the United States circuit court for the State of California within one year from the approval of this act: Provided, That in any such case in which an appeal may be taken under the provisions of this section the said circuit court shall not be precluded by the terms of the decree of confirmation, or by reason of any clerical mistake therein, from determining the boundaries of the land claimed in accordance with the original grant and the real justice and merits of the case.

Mr. CONNESS. The amendments have been considered separately by the members of the Committee on Public Lands. I move that the Senate concur in all the amendments except the last one.

The motion was agreed to.

Mr. CONNESS. Now, in regard to the last amendment, I move that the Senate non-concur.

The PRESIDING OFFICER. The Chair will put the question in the affirmative, Will the Senate concur?

The amendment was non-concurred in.

UNION PACIFIC RAILROAD.

Mr. HOWARD. I move to take up for consideration Senate joint resolution No. 125.

The motion was agreed to; and the joint resolution (S. R. No. 125) granting the right of way through military reserves to the Union Pacific Railroad Company and its branches was considered as in Committee of the Whole. It proposes to grant, subject to the approval by the President, the right of way, one hundred feet in width, and the necessary grounds for depots, stations, shops, &c., to the Union Pacific Railroad Company and the companies constructing the branch roads connecting therewith, for the construction and operation of their roads over and upon all military reserves through which they may pass; and the President is also authorized to set apart to the Union Pacific Railway Company, eastern division, twenty acres of the Fort Riley military reservation for depot and other purposes in the bottom opposite Riley City; also fractional section one on the west side of the reservation, near Junction City, for the same purposes; and also to restore, from time to time, to the public domain, any portion of the military reserve over which the Union Pacific railroad or any of its branches may pass, and which shall not be required for military purposes; the same when so restored to be subject to existing laws concerning public lands, in the same manner that they would have been if the reserves had never been made; but the President is not to permit the location of any such railroad or the diminution of any such reserve in any manner so as to impair its usefulness for military purposes, so long as it shall be required therefor.

Mr. HOWARD. I wish to suggest a verbal amendment, to strike out the word "the" before "approval," in line three, so as to read, "subject to approval by the President."

The PRESIDING OFFICER. That amendment will be made if there be no objection.

Mr. BROWN. I rather think this joint resolution ought to be referred to a committee, or else we ought to have some explanation of it from the Senator who has presented it.

Mr. HOWARD. I do not deem it necessary

to refer this joint resolution to any committee. It simply grants the right of way to the Union Pacific Railroad Company across military reserves wherever the line shall run through those reserves, under such rules and regulations as the President of the United States shall approve. It is necessary particularly in regard to the military reserve at Fort Riley. The company now at work there in constructing the eastern division of the Union Pacific railroad find it necessary to have such a law as this passed in order to enable them to pass through that reservation.

Mr. GRIMES. I inquire how much land is embraced in "fractional section one" on the west side of the Fort Riley military reservation "near Junction City."

Mr. HOWARD. I am not able to inform the Senator as to the exact amount, but no more is to be occupied by the road than is necessary for the accommodation of the line and its necessary buildings. Of course it will be for the Department to see to it that no more is taken than is absolutely necessary for the road.

Mr. SHERMAN. Has this resolution ever been referred to any committee?

Mr. FESSENDEN. It seems not.

Mr. HOWARD. I do not deem it necessary to refer it at this period of the session.

Mr. SHERMAN. The twenty acres of land granted at Fort Riley may be of immense value. It seems to me the resolution ought to be examined by a committee.

Mr. GRIMES. It not only grants twenty acres of land at Fort Riley, but it also grants a fractional section, which may be one hundred acres or six hundred acres. It certainly ought to go to the Military Committee, that they may let us know what the War Department has to say about the propriety of cutting up this military reserve. I make that motion, that the joint resolution be referred to the Committee on Military Affairs.

Mr. HOWARD. I hope it will not be referred.

Mr. CONNESS. It will not delay it materially.

Mr. HOWARD. It will delay it so that it will not be passed at this session. I hope the resolution will be passed at once without a reference.

The PRESIDING OFFICER. The question is on the motion of the Senator from Iowa to commit the joint resolution to the Committee on Military Affairs and the Militia.

The motion was agreed to.

GEORGETOWN AQUEDUCT.

Mr. HENDERSON. I move to take up for consideration the bill (S. No. 395) relating to the aqueduct bridge of the Alexandria Canal Company over the Potomac river at Georgetown, in the District of Columbia.

The motion was agreed to.

Mr. GRIMES. I move now that the Senate proceed to the consideration of executive business.

The motion was agreed to; and after some time spent in executive session the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, July 10, 1866.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. C. B. BOYNTON.

On motion of Mr. RICE, of Maine, by unanimous consent, the reading of the Journal of yesterday was dispensed with.

PERSONAL EXPLANATION.

Mr. LE BLOND. I ask unanimous consent to make a personal explanation. There was no objection.

Mr. LE BLOND. Mr. Speaker, some days ago, after the honorable gentleman from Maryland [Mr. HARRIS] had concluded his very able speech in which he asserted the right of secession and that the States lately in rebellion were out of the Union and required an enabling act before they could be represented in Congress, I deemed it proper as a Democrat to

repudiate the doctrine he enunciated. In doing so I said that the Democratic party differed from him as well as from the honorable gentleman from Pennsylvania [Mr. STEVENS] and his coadjutors. I said substantially that we held, before, during, and since the war, that a State once in the Union is always in, unless the bonds were broken by successful revolution.

On last Friday the honorable gentleman from Pennsylvania [Mr. STEVENS] rose to a personal explanation growing out of my remarks. It is difficult to determine whether the object of that explanation was to sugar-coat his offensive doctrine that it might be more easily taken by the people, or to relieve himself of a surplus of venom against the President which had accumulated during his brief illness. If the latter, I trust he has found relief, without, I am sure, doing the least injury to the Executive; but if the former, then he has added one more testimonial to the truth that an error needs constant support to make it believed by the people, while truth carries with it its own conviction to the heart of every man.

On the 4th of December, 1862, the gentleman from Pennsylvania introduced into Congress a series of resolutions, the first of which reads as follows:

"Resolved, That this Union must be and remain one and indivisible forever."

It will be remembered that at that time all the States had passed their ordinances of secession, armies were organized, and battles had been fought. If, then, their "declarations" carried them out, they were out before the honorable gentleman resolved that this Union "must remain one and indivisible forever." If he meant that their acts of war carried them out, then I say that their armies had not been overthrown, and there were better reasons for saying that the Union was dissolved than to say it now when they are completely disarmed. The "Union must remain one and indivisible forever," said the distinguished gentleman; and now, when the rebellion is overthrown, he says that the Union is severed and shall so remain until the sovereign will of his party decrees otherwise. But the honorable gentleman says in his explanation that—

"Because I have declared that the confederate States had by their acts and declarations placed themselves outside the Union (at our election) gentlemen have asserted that it admitted the right of secession. He is a very stupid man who cannot discern between the existence of a crime and its justification."

Sir, if these States are out of the Union they are out by the force of their ordinances of secession, and not by their acts of war, for in the latter they were finally unsuccessful. If out by their ordinances it must be because they had the reserved right to go out, and the gentleman from Maryland [Mr. HARRIS] and the gentleman from Pennsylvania [Mr. STEVENS] are right in asserting that they are out. A State acts through its representatives, and the representatives are circumscribed in their action by the constitution and laws of the State and the United States. The State constitution and laws are at all times subordinate to the Constitution and laws of the Federal Government. If then the representatives of these States exercised rightful authority in the passage of their ordinances of secession they are out by their declarations.

But, sir, the party to which I have the honor to belong holds the converse of the proposition to be true. They had no authority to pass any ordinance of secession, and not having any authority under the Federal Constitution or in the reserved rights of the States, those ordinances were a nullity, and leaves the Union, in the language of the gentleman from Pennsylvania [Mr. STEVENS] in his more patriotic days, "one and indivisible forever." But the gentleman says "he is a very stupid man who cannot discern between the existence of a crime and its justification." I grant it, and he must be more than stupid who will day after day assert that a State, a corporation, a

thing without a soul, without a mind, without locomotion, can commit a crime and must be punished. Treason is the highest of crimes in all Governments; but who except the gentleman from Pennsylvania [Mr. STEVENS] ever heard of a State committing treason?

Imagine the honorable gentleman acting as a judge in the trial of the State of Virginia for treason. Grave, sedate, and dignified as he is, he sits upon the judicial bench surrounded by the sheriff, bailiffs, clerk, and a cordon of motley witnesses. He directs the sheriff to bring in the State of Virginia for trial upon an indictment for treason. How long, think you, Mr. Speaker, would the venerable judge wait for inanimate, soulless, speechless Virginia to come before the bar of the court to plead to the indictment? All admit treason to be a crime; but it can only be committed by individuals, not by corporations, not by States. All those who voluntarily took part in the rebellion are guilty of treason, and may be indicted, tried, and convicted, and there are none so stupid as not to be able to discern between the existence of the crime in an individual and its justification. But he who can conceive the idea that a State can commit the overt act of treason can "see what is not to be seen." The idea that a State can commit treason is an absurdity, and will require at the hands of the venerable gentleman from Pennsylvania daily personal explanations. Now, sir, let us draw a parallel, and I have done.

The honorable gentleman from Maryland [Mr. HARRIS] says the southern States are out of the Union by the exercise of their reserved rights, and the gentleman from Pennsylvania [Mr. STEVENS] says they are out of the Union by their "acts" and "declarations." The former says they have no right of representation, being out of the Union by virtue of the exercise of their reserved rights. The latter says they are out of the Union by their acts and declarations and are not entitled to representation. The former says that before they are entitled to representation they must be admitted into the Union. The latter says that they must be admitted into the Union by an enabling act before they are entitled to representation. I leave the public to determine the difference in effect, if any exist, between those two gentlemen. We believe that the ordinances of secession were nullities, and that the States were never out of the Union. The laws of the Federal Government were for a time suspended, but now they are enforced over every foot of territory and the people are entitled to immediate representation.

LEAVE OF ABSENCE.

The SPEAKER. The Chair has been requested by the gentleman from Maine, Mr. BLAINE, to ask leave of absence for him for the remainder of the session, on account of indisposition.

Leave was granted.

On motion of Mr. TROWBRIDGE, indefinite leave of absence was granted to Messrs. UPSON and BEAMAN.

TARIFF BILL.

The SPEAKER stated the first business in order was the unfinished business of yesterday, House bill No. 718, to provide increased revenue from imports, and for other purposes, reported on yesterday from the Committee of the Whole with amendments; upon which Mr. MORRILL was entitled to the floor.

Mr. MORRILL. I yield the floor to the gentleman from Illinois, [Mr. WENTWORTH.]

Mr. WENTWORTH. In revising the revenue system of this country, we should remember that the amount paid into our Treasury during the fiscal year ending the 30th June last, is the largest ever collected by any country. It nearly reaches \$530,000,000. It is larger by \$150,000,000 than Great Britain ever collected. And as we are acting upon the tariff it may be well to remember that we have collected from customs \$170,000,000 in gold. Gold has averaged 140 through the year. Reducing this to legal tenders, and our imports have

amounted to \$238,000,000. As our custom revenues, however, have always been collected in gold, my calculations will all be in gold. Our receipts from customs before the war never reached \$60,000,000 save in the years 1854, 1856, and 1857; and we all know that financial disasters followed, which were attributed by some to excessive importations under an erroneous tariff system. Indeed, they never reached \$50,000,000 save in the additional years of 1853, 1855, and 1860. They were, in—

1861.....	\$39,000,000
1862.....	49,000,000
1863.....	69,000,000
1864.....	102,000,000
1865.....	84,000,000

And this year they have reached \$170,000,000; more than double those of last year and more than \$100,000,000 in excess of any year but the last two of our governmental existence. Our Government is the greatest landed proprietor in the world in its own right, to say nothing of its interests in the land of its citizens yet undeveloped. Its lands, richer in their vegetable mold than the most highly cultivated lands of the Old World, abounding in the most valuable timber and water power, are given away to those who will cultivate them. And yet we are importing agricultural products. With the mechanic arts as highly developed as those of any country on the globe, we are patronizing foreign mechanics. Needing laborers, we are carrying work to foreign labor which starvation would drive to us if we did not go to it.

Here is a wrong which every one will admit should be remedied. And how shall it be remedied? Every one promptly replies, revise the tariff. But how shall it be revised? "*Hic labor, hoc opus est.*" As President Johnson said of the word "*veto*," I would inform you, Mr. Speaker, that this is Latin, and, applied to the present day, means that nine members of this House, constituting the Committee of Ways and Means, cannot frame revenue bills to suit everybody. For six months have we labored more assiduously than any committee of this House ever did labor. We have been in session mornings, evenings, and holidays, and also during the sessions of the House. I have devoted so much attention to the subject of revenue that I have neglected to introduce a single constitutional amendment or to make a single reconstruction speech, although, like others, I have had several old ones on hand that might bear repeating. Nor have my colleagues upon the committee been very prolific in this respect. Yet we have all done our full share of voting; and the Washington Chronicle has come to the relief of such of us as were in danger of losing our *status* on the slavery question at home because we did not neglect the duties assigned to us to attend to those satisfactorily performed by others.

We labored long and patiently upon the internal revenue bill. But it did not satisfy this House. It was amended in important particulars. It then went to the Senate where it was amended in over six hundred particulars. The tariff bill now before us, the product of equal labor, is also unsatisfactory, and has been amended by the House. Manufacturers denounce it as a free-trade tariff. Commerce more strongly denounces it as a prohibitory tariff. Agriculture knows that in many respects it is neither, but regrets that it cannot make a tariff of its own. For while agriculture is the largest of all interests requiring the fostering care of Government, and does the most of the tax-paying in peace, and the most of the fighting in war, it has ever been, is now, and is likely to be, numerically the smallest of all interests in legislative assemblies. Yet farmers can judge more disinterestedly of the workings of the tariff system than can any other class of people. A revision of the tariff is called for as the panacea of the times. But if a man is very sick and calls a physician, he does not get much information when the physician says, take medicine. What medicine shall be taken, is the inquiry. What revision shall the tariff have, is our inquiry. To answer

this let us take a fair start; let us find a section corner and survey from that.

First, we want revenue. And those means of revenue are the most popular which are the least felt in collection. I will not argue the comparative merits of free trade and protection now, because free trade is an absurdity unless all other nations favor it; and because our debt and interest are so excessive that we are now in no situation to favor it if other nations did. Our few years of experience in internal taxation demonstrates its injustice and oppression. That part of it which is inquisitorial is as odious as it is cruel. Aged people may object to a sinking fund, as they think it is enough for men of their age to be taxed for interest. But Young America will insist that the use of stamps, the inspection of private books, and the publication of annual losses and gains shall be stopped at the earliest possible period; and will endure the greatest privations to get our debt out of the way so that they shall be stopped. And I believe that the people will annually the more strongly insist that such a policy shall be adopted as shall require no more revenue in this annoying way than is absolutely necessary to pay our interest and gradually extinguish our debt. And the annually perceptible decrease of our interest will be an impetus to a liberal sinking fund and a consequent decrease of inspectors and inquisitors. With this policy we must pay as far as practicable the ordinary expenses of our Government from duties upon imports. And as those expenses in a time of peace will not vary much from year to year, we ought to be able to give all our industrial and business pursuits what they especially need, a comparatively stable tariff.

We can never expect the needed extension of manufactures to the West until capitalists have some greater assurance than they heretofore have had that the ground upon which they build at one Congress shall not be taken from under them at the next. We must have a permanent tariff policy. If we say that our custom duties shall equal our ordinary governmental expenses we have got a starting-point. It only remains then to say upon what articles these duties shall be raised, and how much shall come from luxuries, how much from necessities, and how much from articles coming in competition with those manufactured by ourselves. A commission composed of one farmer, one manufacturer, and one commercial man, upon the doctrine of compensation, could in time arrange all this, after an average annual amount has been agreed upon. The interests that would be represented by these three commissioners are inseparable in war as well as in peace. Commerce nurtures seamen; manufactures make the ships and the guns; and agriculture furnishes the rations. All I have in this country shares the fate of agriculture. I am a farmer, and I believe I could make a fair bargain for the farmers with the manufacturers when the amount to be raised shall be agreed upon. I should get the advantages of a home market, which is a great consideration in these days of tolls, transshipments, storage, and commissions. And if I saw an honest difference between them and myself about the tariff on hoes, spades, shovels, &c., I would insist upon compensation by having the duties reduced upon some of the foreign articles of prime necessity to the farmer. I could pay a little more for my cultivators and mowers if I could get my tea and coffee a little cheaper; and the increased demand for these foreign necessities would help commerce. Only fix the amount you want, live up to it in your appropriations, and let a sensible and honest commission apportion it to our various interests and localities, and the tariff would soon cease to be an apple of discord. In other words, take the tariff out of politics. Let politicians name the amount if you please, as our tax-ridden people will force them to economy. But let commerce, agriculture, and manufactures apportion it.

Is this scheme practicable? Before the war we had no internal revenue tax. We paid all

our expenses from imposts, the public lands, and miscellaneous resources, and liquidated debts considered formidable in their day. The returns are not all in for the fiscal year ending with 30th June last, but they are near \$530,000,000.

From customs.....	\$170,000,000
From internal revenue.....	310,000,000
From miscellaneous.....	50,000,000
Exclusive of loans.....	\$530,000,000

From this sum the Secretary of the Treasury had reduced the public debt to 1st June \$87,000,000, and paid interest about \$142,500,000. But as the miscellaneous receipts are so largely creditable to sales of useless war materials, and as so many expenditures are chargeable to the war, I prefer to estimate by the present year, beginning July 1. In his estimate for this year the Secretary calls for \$284,000,000 for expenditures. But this Congress has so exceeded his estimates that he will want \$800,000,000 for expenditures. To meet his expenditures he estimates the following receipts:

Customs.....	\$100,000,000
Internal revenue.....	275,000,000
Miscellaneous.....	21,000,000
	\$396,000,000

This will leave \$96,000,000 to apply upon the public debt. But without a change of the tariff this estimate will be too low for customs. There is no reason without that change why they should not go on as they are now going. But if we call them \$139,000,000, and our miscellaneous as above, \$21,000,000, we have \$160,000,000. This will pay all the ordinary expenses of Government. For the Secretary wants \$300,000,000 in all, and of this he wants \$140,000,000 for interest, which I propose to pay out of the internal revenue fund, and then we can either reduce the internal revenue fund to \$140,000,000, or we can set apart the surplus for a sinking fund.

Now, if you revise the tariff, you must have some regard to a revenue basis. How much do you want to raise by it? We will say \$140,000,000. To this add your receipts from lands and all other sources usually denominated miscellaneous, and you have \$160,000,000. And this is all the money we want for ordinary expenses of Government. The balance goes for interest, \$140,000,000, which would be all that we should require from internal sources if we pay nothing for the liquidation of our debt. Cannot the tariff be so revised as to produce a sum like this, on an average, for the next four years, taxing heavily luxuries, lightly necessities, and everywhere encouraging domestic industry, thus making both a revenue tariff and a protective tariff? For these interests have got to be compromised, and the sooner the better for both parties. Indeed, I have taken particular pains among the large number of manufacturers who have come before our committee this session to inquire if they would not prefer a revision of our present very unfair tariff upon principles that would so bring revenue with additional protection as to give them a reasonable hope of an early deliverance from the annoyance of the stamps, the inquisitors, and the spies that are a necessity from our internal taxation system. I have received but one response, and that has been, God speed the day!

With \$140,000,000 (being \$30,000,000 less than this year) from the tariff, and with \$20,000,000 from miscellaneous sources, let us see where our internal revenue tax will land us at the end of this fiscal year.

But, while I have assumed \$160,000,000 for the ordinary expenses of Government, I protest against any such extravagance. With our currency placed upon an honest basis, the ordinary expenses of Government should never exceed \$100,000,000. I also protest against the assumption of the gentleman from Pennsylvania, [Mr. STEVENS,] that our debt will yet be increased to \$4,000,000,000. If almost any one else had made such an assumption I

should have inferred that he was in favor of paying the rebel debt. But I suppose he means our debt is to be increased by paying for the losses to loyal men from rebel sources. When this subject comes up it will be found that losses of health, of life, and of limb, will have to be taken into consideration as well as losses of fences, of garden vegetables, of haystacks, peach orchards, buildings, &c. It is lamentably true that many persons suffered greatly from losses of property. But how inestimably greater were the losses of those who risked their all to defend such property. When a commission is appointed to estimate the losses of this war, the cripples, the orphans, and the widows must be heard; for our pensions are wholly inadequate.

The Secretary of the Treasury, at the commencement of this Congress, estimated \$275,000,000 from internal revenue. Our legislation will vary this somewhat, as well as uncontrollable circumstances. For instance, the income tax returns (being last year \$58,000,000) show a falling off of about thirty per cent., or \$17,000,000. Then from the reduction of prices and decrease of business attendant upon the close of the war we must estimate a loss of about forty million dollars. We have added largely to the free list. The loss therefrom is estimated at \$65,000,000. This makes a total of \$102,000,000 to come from \$275,000,000, leaving \$173,000,000 of the Secretary's estimate. And as we want but \$140,000,000 for our interest, (the tariff and miscellaneous having paid all other expenses,) we should have left \$33,000,000 to apply upon the liquidation of our debt in this case.

But I believe the legislation of this Congress upon internal revenue will largely increase this amount, although we did not need the increase except for a sinking fund. Now that the cotton tax is out of the woods I can safely say this. It will be remembered that this House put the cotton tax at five cents. The Senate begrudgingly put it at two cents. We had to compromise on three cents. Commissioner Wells estimates that we will raise \$7,000,000 from this source; from our more stringent whisky law \$25,000,000, and from the new law upon legacies, successions, tobacco, licenses, &c., \$18,000,000. This would make \$45,000,000 from new legislation. Add this to the former \$33,000,000 and we have \$78,000,000 to apply upon our national debt, with a tariff yielding \$140,000,000. But will this tariff yield \$140,000,000? It is the highest ever even asked for, even with gold at par. To the duties asked for in this bill what shall we add for the difference between gold and currency? During the last fiscal year gold has averaged 140. With gold at less than 125 Government cannot convert its seven-thirty notes. This guaranties at least twenty-five per cent. to the duties provided for in the bill. The Secretary is prohibited by law from reducing the currency fast enough to keep gold even at this point. Supposing gold averages the same as last year, then the duties, unprecedentedly high in the bill even for currency, are raised forty per cent. What is gold to be the present year? What landmarks have we? Where is the plummet for our soundings, or the polar star for our direction?

And here is a breaker in sight. We have near one hundred million dollars of goods in bond. The gold duties due upon them will average \$40,000,000. These duties are due one year from the date of the bond at any rate. If this bill pass, these goods must either be taken out of the country or pay this \$40,000,000 before the bill goes into effect, or be subject to the new duties, which are greatly increased. And large orders have been given out and some of the goods are on the way. Now, we know that the Secretary of the Treasury has the most of the gold in the country, and if he should sell, judging by the past, it would go abroad quite as fast as he would sell. To meet this \$40,000,000 and all other gold demands, good judges say that there is not \$10,000,000 in the market. Some limit it to less. And the Secretary of the Treasury is

daily making drafts upon this, while the gold interest of July is already paid. If this bill passes in its present shape, may not gold go to 100, and thus all the duties be doubled until a reduction of imports shall reduce its price?

Does this bill tend to revenue, to protection, or prohibition? The two former I want. The latter I oppose, as among other evils it will prolong the abominations attendant upon the internal revenue system. Upon many of the items in the bill I know nothing save from the statements of the numerous gentlemen of great tact who have appeared as interested parties before the committee, and the adverse comments upon them since the bill has been published. I wish I could be convinced that the duties would be productive of revenue as well as protective in all cases; for I know that the interests of agriculture and, in fact, of all industrial pursuits require a change of the present law. With so much unimproved land as we have we ought to induce, by all practicable means, foreign cultivators to emigrate here. Our manufacturers, too, see the necessity of inviting foreign laborers, especially skilled laborers, here in greater numbers than sufficient to make good the half million we lost in the war. I want to see American legislation fraternize with American industry. I want to see American farmers patronize American manufacturers, and American manufacturers in turn patronize American beef, pork, mutton, wool, flax, flaxseed, &c. We are daily told that to enrich and populate our country we must labor to diversify American pursuits. This is the truth, and it is equally true that we should diversify agriculture. For, while it is true that we cannot all be farmers, it is equally true that all farmers cannot depend upon the same crop. We cannot all be growing cereals and prosper.

Does this bill tend to diversify agriculture? Are its advantages equivalent to its burdens upon agriculture? For, if the bill is not satisfactory to the manufacturers of all kinds it has not been for the want of effort on their part, nor for the want of an appreciation of their real necessities on the part of the committee. And I will leave the great interests of commerce to those who so ably represent it on this floor, and who are better able to speak for it than I am. I will speak for the few agriculturists on this floor, and yet in behalf of the most numerous interest in the country. "*Ne sutor ultra crepidam.*" As the President told us about the word "*veto*," I tell you again, Mr. Speaker, that here is Latin, and it means, in this case, let a man only talk upon what he best knows.

Our chairman, in his opening speech, has alluded favorably to the provisions concerning wool, as being an honorable compromise between the wool-growers and the manufacturers of wool. From his stand-point, where the wool is near the manufacturers, his views may be correct. He resides in a State where every acre of land is inclosed and used to its full capacity; where it commands the highest price, and where land is so scarce to the wants of its ever enterprising inhabitants that his State is daily sending out emigrants who never fail wherever they plant their feet to become models in industry, in enterprise, in morals, and in everything else that tends to advance and adorn a State. Vermont sheep, owing to the untiring skill of her breeders, have added more to her credit than her renowned Morgan horses, whose fleetness for short distances may have occasionally been surpassed, but whose patient endurance, like that of our chairman, is proverbial. It was her Campbell, who after a series of triumphs at American State fairs, took back the American descendants to the Old World, and at the World's Fair, amid the competition of nations, heard plaudits from connoisseurs of every clime as the righteous judge tied the triumphal ribbon around the emblems of innocence from the Green Mountain State. It was then that her enterprising breeder, more worthily than the Emperor Alexander, could cry because he had no more to conquer. This tri-

umphant is to Vermont wool and Vermont sheep, embracing all their numerous descendants in all the States of the Union, almost a guarantee against competition. And here is a proper place for me to indorse all our chairman has said respecting the superior strength and durability of cloth made from American wool. If there were means of always designating it, those having investigated the merits of the domestic and foreign article would always purchase the former. But as there are not, I think it fully needs all the protection given it by this bill, which I consider hardly equal to that given to the manufacturers of wool. Yet fairness requires me to say that I am leaving out the advantages of a contiguous wool manufactory, which the western wool-growers, oppressed with high freights, high fares, high tolls, and high commissions, with the tedium of frequently breaking bulk and an unstable currency, greatly need, and which protection is designed to secure to them; and I believe the new States can never get their needed manufactories of any article until protection from foreign competition shall excite a greater competition at the East, when our abundant water, cheap breadstuffs, and recently developed coal-fields will incite them West. I would, however, have made but one class of wool, and fixed but one rate of duty thereon. I would have given the poorest quality of wool the same protection as the best. For the whole doctrine of protection implies that the moment you depart from the strict revenue point it must be to encourage the new and struggling industries rather than the old and well established. France, with her densely-settled land, finds it for her interest to keep one sheep to the acre. England one to every three acres. We, with our millions of acres of waste lands, have scarcely a sheep for every thirty acres. Under our past unfavorable tariff, dictated by the manufacturers at the East, our fine wool interest, constantly improved by the skill of American breeders, has extended itself quite as well as could have been expected. It would do much better under the tariff bill now before us.

Our mutton-sheep interest, or what is more generally known as the South Down or middle-wool interest, owing to low duties, and more especially to the reciprocity treaty has had but a slight extension, and then only among farmers who kept them for their own eating. Many manufacturers, while noted for their clamor for the protection of their own fabrics from foreign competition, have gone to Canada for their mutton, and to South America, Egypt, and Syria for their wool. This interest greatly needs all the protection that is given it, and it will require more honest valuations than are generally secured and more honest and shrewder appraisers than are generally appointed to render that protection effective. The great popularity of American beef naturally increases its foreign demand, while the desolations of the rinderpest have for years removed it from competition in the Old World. To all this add the havoc of the American war, and the awful fact stares us in the face that henceforth good beef is to be denied to the poorer operative classes save as an occasional high-priced luxury. The laborer may successfully strike for higher wages and fewer hours. But he vainly strikes for that strength and that endurance which animal food furnishes as things now are, the late Dr. Graham to the contrary notwithstanding. Physiology and all animal economy teach but one lesson upon this subject. You can have health but not strength without animal food. Ask the octogenarian sailor who has rioted all his life upon an ocean full of fish for his opinion upon this subject, and he will tell you that he had rather make the awful sacrifice of losing his grog than lose his beef. It is a painful reflection that our poorer classes are to be deprived of the strength-creating properties of beef. And yet we have an excellent substitute in American mutton, which will never be beyond the reach of the operative classes if we can confine American manufactories to American wool. Wool prop-

erly protected will pay for the rearing of the sheep. Wool protection will be the angel of mercy to our suffering poor, as it will give them mutton without money and without price. It is more important, then, for the operative classes to strike for wool protection than for more wages or fewer hours.

There is another kind of wool which has never yet got but a nominal foothold in this country. It is placed under the head of class No. 3, and designated as "carpet and other similar wools." This kind of wool has never been raised in this country, because manufacturers have made untiring and successful efforts to have our people believe that it could not be, and they have been successful in their efforts to so discriminate against it by congressional action that it could never be proven whether it could be or not. I believe there is a climate somewhere between the north line of Minnesota and the south line of Texas under which wool capable of supplying the place of every kind of wool used in the United States for any purpose can be successfully raised; and I believe that the United States, as a great landed proprietor, which for want of a market is so generously giving away its lands, should encourage the experiment. There is nothing now said in discouragement of this enterprise that was not once said in discouragement of raising merinos, so far as climate is concerned. We have waste lands as well as other Governments. We can raise shepherd dogs, ponies, and horses as cheaply as any other Government. We can also furnish children and disabled soldiers to ride our ponies and horses while herding them.

It might be an act of civilization as well as of public policy to encourage our Indians to raise these coarse wools, the trade in which is now monopolized by persons of no higher civilization than themselves in other countries. We certainly could better illustrate to the Indians the teachings of Christianity while acting in the capacity of shepherds; for no other calling is so honorably mentioned and so conspicuously brought forward in the New Testament. Upon them was conferred the honor of the first sight of the angel of the Lord revealing the good tidings of great joy that a Saviour was born. It was they who first went to Bethlehem. It was they who first saw the Babe in the manger. It was they who first glorified Him. How many appropriate hymns have we that we could teach these savages to sing, while acting in the capacity of shepherds, that would lead them almost imperceptibly to become interested in Scripture teachings. For instance:

"While shepherds watched their flocks by night,
All seated on the ground,
The angel of the Lord came down,
And glory shone around."

Now, there is no other class of men around which either mythology, fiction, or history has made any such glory shine; not even around the world's greatest statesmen, greatest inventors, or greatest conquerors.

And again:

"Shepherds, in the field abiding,
Watching o'er your flocks by night;
God with man is now residing;
Yonder shines the infant light."

And again:

"Shepherds, hail the wondrous stranger!
Now to Beth'lem speed your way."

We have now in this House a gentleman who was once a distinguished clergyman. His health requiring more activity, he has become one of the greatest shepherds in America. I have no doubt but that it was the beatification of that calling in the Scriptures and hymns that he read that turned his mind in that direction. All travelers in heathen countries tell us that shepherds are the most devout of idolaters. It is impossible for a man to be a shepherd and not realize that there is a Power somewhere that "tempers the wind to the shorn lamb."

I am for making the most energetic efforts to ascertain if these coarsest of wools cannot be raised somewhere in the country, and if it is not possible for the never-daunted genius

of America to make a carpet exclusively of American products. If an officer of the General Government, or of any State, should purchase a carpet made in a foreign country our manufacturers would soon find it out and have him denounced, when the very carpet with which they would replace it would be composed largely, if not entirely, of foreign wool. A member of Congress could not wear in peace a woollen garment that was manufactured abroad. Yet I venture the assertion that half the woollen garments worn by the members of Congress are composed of foreign wool. Manufacturers say, "American carpets for America;" and I rejoin, "American wool for American carpets." If these manufacturers tell us that these coarse wools cannot be raised as cheaply in this country as foreign countries, I tell them that the same reasons that they urge in favor of protecting themselves against the degraded labor of the Old World apply with greater force to the growers of coarse wools, inasmuch as Government has so much land that needs occupation.

But I am opposed to these differences in classification, because all experience proves that where there are different duties upon different qualities of the same article the grossest frauds are perpetrated, and every one labors to bring his importations under the lowest class. Having uniform standard samples will remedy these frauds to some extent. But appraisers in custom-houses are often appointed because of their political services or because they are the poor relatives of an influential man as for their honesty and capacity. It is not every man who is honest who is a good judge of wool even by the sample. There are not a dozen members of this intelligent House who would not be wrong half the time in judging even by sample between some combing and some carpet wools. And yet the duty on one is twelve cents per pound and ten per cent. *ad valorem*, and on the other (which I contend can be profitably raised in this country) only three cents. It takes about four pages of our bill to bring about this discouragement of coarse wools in this country and this chance to evade the law, whereas only a few words are necessary. Four letters spell wool, and a few more spell out the uniform duty. All that then will be required of an appraiser will be to know what is wool. And every one knows what wool is, without distinction of race or color. But as the committee of wool-growers have agreed to this arrangement, I find the House generally assenting to it; but I cannot pass the subject by without giving it as my opinion that the committee of wool-growers rather acquiesced in it as the very best thing they could do rather than approved of it, and that the wool-growers will never consent that the manufacturers shall have the market of the world for any kind of wool unless they themselves can have the same market for woollen fabrics.

If this bill should pass at this session, it will be too late to do the poorer class of wool-growers any good this year, as they are not able to hold their clip. Much of it is already in the hands of speculators.

From wool I pass to another great agricultural interest that greatly needs protection. I mean that of flax, flaxseed, and the oils therefrom. Flax is the northern man's cotton. The late civil war caused many experiments as to its utility which developed the most cheering prospects. Flax is also the poor man's linen. If we owe an obligation to the colored man for replacing the white soldier who fell in the darkest hour of the late rebellion, are we not under an equal obligation to encourage the efforts of our citizens to bring to greater utility our only substitute for cotton? During the sessions of the Committee of Ways and Means we have had the most gratifying specimens of cotton and linen imitations; but, like all new developments of genius in industrial and agricultural pursuits, they were too expensive to cope with well-established and highly protected industries. Our Government ought not only to protect flax in all its relations, but

it ought to make a liberal appropriation for experiments as to its utility. As we have an experimental garden here, I hope our Commissioner of Agriculture will devote as much of his attention as he can spare to the collection of flaxseed from all quarters of the globe and to experiments in the difference of the fiber and oils of the product of the different seeds.

The culture of flax has been retarded in this country by the prevalent idea that it is the most exhaustive of the soil of all crops. It is an old scarecrow that you cannot raise flax upon the same soil but once in seven years. Now, the wool crop has been called the most remunerative of all crops to the soil. The longer you feed your sheep upon a given quantity of land the richer it becomes. Hence this Government should insist that not one pound of wool should be brought into the United States from any quarter whatever unless under circumstances of an extraordinary character. For, although the sheep may be deficient in wool and deficient in carcass, she everywhere leaves the soil richer than she found it. She can restore what is better than gold to our exhausted mineral regions and carry vegetation to the peaks of our mountains. Now, strange as it may seem, agricultural experiments, backed by chemical analysis, prove that the flaxseed crop is more remunerative to the soil than the wool crop. What a wonderful advantage over its successful competitor in peace, the cotton crop. While France has exhausted legislation to save her sewerage, and chemistry to learn how to make up its deficient ammoniacal properties and to turn it to the best account, more crafty England, while profiting by French lessons and experience, makes herself the best patron of oil-cake in the world; and we, as false to agriculture as we were when we made the reciprocity treaty with Canada, have been allowing a drawback upon all oil-cake exported. We had better have allowed a drawback upon exported gold; for we can live without gold, but not upon an exhausted soil. Were it not that I might be charged with mistaking this House for an agricultural society, I should be pleased to give the results of my own experience upon this subject, and also to make a few extracts from the recent lectures of Professor Mechi, the great agricultural lecturer of England. If we are to leave a large debt to posterity, let us at least leave to it the soil as rich as we found it, so that they can dig out their annual taxes. This bill rightly abolishes the drawback. My assertion is this: that he who sells his flaxseed and takes home with him to feed out the product of that seed in oil-cake, and uses his manures judiciously, keeps his farm continually improving, and more so than if he kept sheep. Hence we should not only encourage the raising of flaxseed, but also the manufacture of oil from the seed. We want no foreign flaxseed competing with us. American seed alone should be ground at American mills and no oil-cake should be exported. Besides its usefulness it is ornamental. Thousands of dollars have been paid by American breeders in England for cattle when they had better at home; and the fact would have been apparent had they used oil-cake instead of corn for food. Oil-cake has not only all the fattening qualities of corn when used in the utmost profusion, but it gives a luster and velvet touch to the hair of animals which can only be attained by the most costly oils when fed upon corn. Corn is the girl in the kitchen, the animal in the shambles. Oil-cake is the same girl in the ball-room, the same animal upon the fair-grounds. Admitting that under the homestead law a man gets his land for nothing, this bill hardly affords the flax and flaxseed grower proportionate protection to other interests.

We first dig the holes for the posts with spades that are protected. Then come the cedar posts protected also. Then come the boards protected also. Then come the nails that are protected also, as well as the saw, the ax, and the hammer. We then go to work

inside. The plows, the harrows, the planters, the cultivators, and the harvesters are all protected. And we pay our protection in advance. After running the risk of the drouth, floods, and frosts, we may get a crop to sell. We make no account of our liability to sickness. Transportation long and expensive is still against us. The agricultural interest asked for forty cents duty upon a bushel of seed, and forty cents upon a gallon of oil. The bill gives it thirty cents, which is a large increase upon former protection. Yet it is not proportionately large to some of the articles in the bill which are absolute necessities to farmers.

The same may be said of the duty upon cattle and all agricultural products. It is such an improvement as strongly inclines me to favor the bill, and I should do so if the excesses upon other articles could be curtailed to a protective revenue point. For the moment you make a tariff prohibitory upon articles manufactured by a few, and thereby destroy all foreign competition, home combinations at once raise the prices to oppressive rates, and the agricultural interest at once loses more than it has gained by its protection.

Several instances have occurred, at this session, where gentlemen have proposed to take the duties from all agricultural products on the ground that provisions ought to be cheap. I do not see how it would cheapen provisions to ruin all our farmers, as it certainly would if the farmers were to be taxed highly by duties to protect all their agricultural implements and other necessities and then they be compelled to compete on equal terms with Canadian and other farmers who have no war taxes to pay. If you want cheap food, lighten the taxes upon your farmers and thereby multiply them and encourage competition. Pennsylvania has taken a step in the right direction. She has taken the State taxes off from farms, the better to enable their owners to patronize her manufactories which are aggrandizing her State. The farmers are not a complaining class of people. The nature of their calling accustoms them to burdens of all kinds. But when they see the candies, sweetmeats, and champagne carried around, they know of no reason why they should be passed by. They know of no reason why the same protection extended to other vocations should be denied to them.

One of the advantages of this bill is that it provides for a Bureau of Statistics which every legislator, and especially upon the subject of the tariff, much needs. To show the want of such a bureau let us take the official statement of the exports and imports of the year just closed:

Exports.....	\$466,646,132
Imports.....	409,411,513
	<u>\$57,234,629</u>

Here is a balance in our favor of \$57,000,000, when our official coin and bullion statement stands as follows:

Exports.....	\$77,496,083
Imports.....	8,823,975
	<u>\$68,672,108</u>

Now, all this surplus has not gone abroad for interest. Yet our official tables tell us that our exports have exceeded our imports. Making all allowances for our shameful foreign undervaluations and home fraudulent appraisements, we still know that the balance of trade has been largely against us. The discrepancy arises from the fact that our imports are reckoned in gold and exports in currency. But this discrepancy cannot be easily cast by outsiders, as gold has varied from 125 to 150 the past year, averaging 140. Yet we must know the price of gold the day the duties were paid. It is as probable that they were all paid when gold was lowest or highest as when at the average. The existing manufacturers in the West, although comparatively not very numerous, are unanimous and persistent in their entreaties for a change in the present tariff. Capitalists, all ready to lay the foundations for new establish-

ments there, assure me that their work shall never commence without such a change.

Whilst I regret that I cannot support the bill in the shape in which it is likely to be presented, I should regard it as a calamity for this Congress to adjourn without a change. Should this bill be defeated, I shall strive to move a reconsideration, with every confidence that the bill can be so modified as to pass by a large majority. Should it be successful in this House, I shall rely upon the ability of the distinguished chairman of the Senate Finance Committee, the late Secretary of the Treasury, to so reform it that, while encouraging every struggling American industry, it will quiet the apprehensions of some of our wisest economists as to its deleterious effects on the finances of the Government.

Mr. MORRILL. Mr. Speaker, I am quite sensible that one of the grossest evils which characterizes American legislation, especially on the subject of the tariff, is instability. It is an evil so great and of such constant recurrence that I almost wonder that men can be found willing to embark their capital in commerce, trade, or manufactures. Beyond the ordinary vicissitudes which affect the business of the world, we have the vicissitudes of politics and the changes of whole delegations, even in the absence of any political change, in consequence of the system of rotation which prevails, and of which I do not complain, but mention as a fact. Although not much of a veteran myself, yet there is now no member in the House from New England who commenced service when I did, and but two other members from any part of the country who began and have been in continuous service for the same length of time. New members come from different stand-points and reach different conclusions. Amid something good in all this there is somewhat of evil. Our standing committees stand for one Congress only and then they are all made up anew.

When I came here last December I fondly anticipated that our first duty would be to lighten the burden of internal taxation. That duty has been laboriously and faithfully performed by both branches of Congress. I believe the law on that subject, as finally passed and as a whole, will be approved by the judgment of the country, and it may be hoped by another year that nothing in our political or financial condition will then exist which will prevent our going still further in the same direction. I did not, however, expect that we should be called upon to increase the tariff, except upon wool, and, as merely compensatory, upon wooleens. On the other hand, I even hoped for some reduction upon many articles of foreign growth or production. The action of Congress interdicting any measures for retiring our redundant paper money, except to a very limited amount, and the unexpectedly reluctant action of the Secretary of the Treasury in exercising even what power he has had to effect the same great object, changed the whole aspect of our financial affairs. Paper money became dominant, and it was at once apparent that it must to a large extent rule our financial affairs for several years to come. From necessity the business of the country and our tax and revenue laws must be gauged by that standard, fluctuating as it may be, and never for one moment at rest. To-day the wave sets in from the farthest West, and money in Wall street is abundant. Gold goes up. Tomorrow a demand from abroad or a demand to move the produce of the great basin drained by the Mississippi springs up and the wave retires. There is a stringency in Wall street, and gold goes down. That barometer, as its rising or sinking indications are flashed over the telegraphic wires, regulates the business transactions of the next hour at Eastport and St. Paul, at New Orleans and San Francisco. The cost of living is unreduced. The laborer abates nothing of his wages while paid in a currency that has an exchangeable value equal to only two thirds of its nominal value. Our people at once find themselves in competition with those

whose industry is based on a gold standard, and the cry from one end of the land to the other immediately arises, "Save us or we sink!"

Intelligent men and men of the highest integrity from all parts of the country have been before the Committee of Ways and Means for the past six months, and their testimony shows that we cannot keep our people at work at their accustomed avocations without immediate and, what under ordinary circumstances would be considered, extraordinary measures.

The Committee of Ways and Means in reporting this bill, whatever gentlemen may think about it, have scarcely in any instance reported propositions bearing anything like the proportions which have been earnestly represented to them as no more than adequate to the occasion. Let me say that these demands for a higher tariff come less from New England than any other quarter. The bill will be more in aid of the "infantile branches of industry" in the middle States and the West, as the gentleman from Iowa [Mr. KASSON] calls them, than from those longer established and requiring less care. The bill also is not by a great deal so high in its rates as those proposed by the revenue commission. The judgment of this commission has received much and deserved credit throughout the country, and yet the Committee of Ways and Means deemed it unwise, if not imprudent, to accept of their recommendations as a whole as to the tariff, and have reported a bill far short of the rates advised, (more especially by the learned and distinguished gentleman, Mr. Colwell, who gave this subject the largest share of attention.)

The tariff bill presented to the Committee of Ways and Means by the revenue commission proposed one and a half cents per pound on bar-iron, but we only reported one and a quarter cents. On sheet-iron, where three cents was proposed, we offered two and a half cents. On chains less than one quarter inch in diameter, eight cents was proposed and but five was reported in the bill. On galvanized iron eight cents per pound was proposed, while in the bill the rate is only four and a half cents. On smiths' vises the commission proposed eight cents per pound, and the article in the bill was reported at four and a half cents. Common ten by fifteen window-glass was reported to us at two and three fourth cents per square foot, and we offered only two cents. Above thirty by forty inches square it was reported at seven cents per square foot, while we only placed it at four cents. So that it will be seen the carefully considered rates of the revenue commission were not only not accepted but very severely razeed by the Committee of Ways and Means. I do not cite these facts to prove that all the rates of duty in the bill are now right, but to show that the committee, or a part of them at least, were not inclined to adopt what may be considered extreme rates.

I shall not undertake to defend all the propositions found in this bill. Many of them did not receive my approval in the Committee of Ways and Means, and the action of the House has disappointed me. The tendency here has been rather to increase than diminish the rates proposed, but I shall not now turn my back upon the bill, as I believe something should be done at any rate, and passing the bill in this House will insure the usual and proper revision of it by the Senate and by its able Committee on Finance, just as surely as it would to recommit the bill to the Committee of Ways and Means, and will accomplish this object perhaps more speedily. Certainly Congress ought not and I believe will not adjourn until some tariff bill shall have been passed, even if it prolongs the session until September. I know there is a great clamor made against the bill from a quarter where we had a right to expect a calmer judgment. Those States where capital has not yet had time to accumulate; where less machinery is at work, and where the steam-engine does not yet do the work of hand labor, have most need of some increase of the tariff. The more abundant capital, the skilled labor, and

the improved machinery of older and more densely populated States might get along, perhaps, with a tariff merely adjusted for revenue purposes. Much more than that produces a home competition quite as sharp as anything to be dreaded from abroad.

Ohio is rapidly becoming a great manufacturing State and now produces but little more breadstuff and butcher's meat than she requires for her own consumption. Illinois, that prodigy of growth among States, having a breadth and fertility of soil equal to the support of ten million of people, will very soon quit the business of exporting grain or even of cattle. Her coal mines foretell her destiny, and she will also soon cease to be merely what is called a grain-growing State. Her advantages of water communication, by lake and river, and her magnificent railway improvements, will enable her to leap at a bound into the front rank of manufacturing States. Wealth and population is all she now needs to this end, and these she is acquiring in the most rapid manner. Missouri and Iowa have equal natural advantages, possibly superior, and are certainly not without ambition for a friendly race on the same course. At present these and other States are dependent for a market for their agricultural products upon artisans employed outside of their own limits. Will it be wise for them to destroy that market and at the same time to postpone indefinitely the idea of building up a market at home? Do they wish to drive all parts of the country into the pursuit of agriculture alone? I have before said, and I repeat it, that within the lifetime of some of us who are now present these great western States are destined to assume the pre-eminence in manufactures. Cheap coal, cheap bread, and cheap meat all point in this direction. They have, therefore, a more direct and abiding interest in the tariff than any other portion of the Union. There should at least be no local or political jealousies on a financial question of this kind which is so interwoven with the future power and greatness of our country.

There is about the usual amount of hue and cry from free-trade quarters, from millionaires enriched by foreign trade, against the present tariff bill. Hired hack-writers are particularly active in defaming the measure. New York city appears to be the center from whence most of these denunciations emanate. It is also the prolific mother of free-trade pamphleteers. I am proud of that great city which takes such an active and controlling part in the commerce of the world. But even there foreign commerce is not all that should engage the mind or heart of the statesman. That city is the seat of a great diversity of manufactures and of the mechanic arts. The amount of their productions in the aggregate is immense, and the number engaged therein, though not the ruling class in political economy, must be far greater than all who are engaged in or dependent upon foreign commerce. Crippled by many circumstances during the war, I would gladly do anything to restore our ship-owners to their former prestige, but they ought not to require legislation for their exclusive benefit and to the detriment of the whole country. Let all parts of the country prosper, but if one part of the country only can grow at one and the same time, shall we not prefer a new State in the West with a half million of people to the addition of that number to a city already so swollen in numbers that it sometimes threatens to withdraw that fealty which is due to its own State?

I cannot forget that an equal hue and cry and even greater amount of ridicule came forth at the time of the passage of the tariff of 1861. That tariff has since been largely increased, and yet its present rates have fully vindicated the measure, and those who first stigmatized it as a prohibitive monstrosity now admit its general propriety and maintain that it is exactly what is needed as a revenue tariff. Nothing that we do now can be but for temporary purposes. If we had been able to reduce our currency no action on the tariff would have been necessary. It

may be useless to argue the abstraction whether gold has risen in value or whether paper has fallen. The fact stares us in the face that it takes a very large sum of our paper money to buy a small amount of property. Our currency measured by gold is only as three to two, and the value of gold itself, the standard, by its unprecedented increase for the past fifteen years throughout the world has beyond any doubt largely diminished.

The fair question is, whether we shall ignore these facts or whether we shall not on the other hand do something to take care of the various industries of the country for the time being or until we have funded our national indebtedness and retired the excess of legal-tender notes? It is a question whether or not the laborer shall be compelled to reduce his wages before the value of our present currency is increased. If the products of his labor have got to be sold for less it is plain he must work for less. Capital will seek and prefer idleness to loss. It will not employ labor and get nothing in return. It is therefore a question which mainly concerns labor, capital always being better able to take care of itself.

Let us look at the extravagancies proclaimed as to the rates proposed on iron. I am free to say that a moderate increase of the present duties upon iron and a maintenance of the existing classification might have been the wisest and most prudent course to adopt, but others, to whose opinions and votes I could not but defer, thought differently, and I trust they will stand by their opinions now in the hour of trial. The new classification, by placing lower grades among the higher, increases the rates of duty quite as much as any nominal addition thereto; and by singling out the various descriptions of iron manufactures for specific duties, in a temporary measure, where such articles only were to be touched as would afford some prospect of additional revenue, or such as were in imminent peril of extinction from foreign competition, I foresaw would arouse a jealousy difficult to appease, and also that no symmetry could be preserved in the bill. Having gone so far in that direction we could not refuse equal claims presented in other quarters, and yet we had not the time for a complete revision of the whole subject.

But look at the present price of bar-iron in our markets and see whether after all the bill is really so very objectionable. It will be found quoted at \$115 to \$125 in currency per ton, and we have raised the duty five dollars or from twenty dollars up to twenty-five dollars in gold per ton of two thousand pounds. Upon cut nails we proposed two cents a pound. The present price is seven cents, and it would not be less if the duty was put at one and a half cent. Common sheet-iron is worth from six to eight cents per pound, and the duty proposed is from two and a quarter to two and three quarters per pound. Russia or polished sheet-iron is worth twenty-seven to twenty-eight cents per pound in currency, and the duty proposed is four cents per pound in coin. These duties are high enough, but they are not so high as to frighten grave legislators from their propriety.

Let us look at some other features of the bill. Take ten by fifteen common window-glass. The price is \$7 75 per one hundred feet, and the duty will amount to \$2 25. Pig lead sells for eleven cents per pound, and the duty proposed is three cents per pound. Copper is now worth about thirty-two cents per pound, and the duty proposed is five cents. In consequence of the duty upon cotton some compensatory changes have been made upon a few articles, but the main bulk of cotton goods remain as heretofore. The duties upon lumber at the termination of the reciprocity treaty were in much need of revision. These in the main as they stand in the bill are now believed to be satisfactory, though if the bill had been accepted on this subject just as it was reported, I am inclined to think all parts of the country would have been better suited.

On the subject of wool and woolsen a tariff with increased rates seems to have been ex-

pected by the whole country. The question had been largely agitated, and after long consideration had been placed before Congress in due form as agreed upon by the parties interested. It is true the duties are high, but so fair were they deemed that this part of the bill has encountered little or no opposition in the House. Can it be that the enemies to higher duties on wool have laid in ambush with the purpose of defeating in the end the whole bill? I cannot believe it. This sort of tactics in the end cannot prevail. The interest is too large and much too worthy to be sacrificed in this way. Gentlemen may find that it is not so safe now as it may have been in the days of John Randolph to "go a mile out of the way to kick a sheep." The wool-growers are a power throughout the land, and legislators will find they cannot be treated with contempt.

The rates upon flax and linen goods have been increased, first to obtain additional revenue and to increase if possible the home demand for flax, as the culture of that article for the seed alone is surely much less profitable to the farm and the farmer than it would be if cultivated for the fiber. The increased rates upon crockery-ware will give increased revenue, and besides that, having the best raw materials for its manufacture, found all the way from New Jersey to Missouri, we ought not to be so largely dependent on Europe that we cannot sit down to an ordinary dinner without calling in the resources of France, Germany, and Great Britain for the common utensils of the table. I have no doubt the House will fix the duty upon railroad iron satisfactorily. We have no time now to present a new bill if this should be rejected. There is no doubt the Senate will speedily remove whatever may cause some of our friends to hesitate about voting for the bill, and with some little pruning I have just as little doubt, while our currency remains in anything like its present magnificent proportions, it will yield as much or more revenue as will our existing law.

In regard to those articles for which the British Provinces seek our markets, it has appeared to me, while their admission free of duty was wholly incompatible with our interests, that a moderate system of duties would prove the wisest economy. If the rates were kept within proper bounds no considerable part of the revenue collected would be paid by our own people, but it would fall entirely on the other side. If raised too high we should compel them to find other markets, which cannot be done without a severe struggle and great loss. Besides this, by high duties we shall drive the Provinces to make a market at home to consume their own products by setting up enterprises which do not exist now for the production of articles which they now obtain of us, or we shall compel them to go where exchanges can be made on better terms. The rates in the original bill seemed to me as too severe, and these have been in some instances largely increased, but I hope the House, on reflection, will not adhere to the extreme positions taken. Let us not have on our statutes anything with the appearance of passion. We can maintain our just rights firmly without spite. The time will undoubtedly come when these Provinces will find shelter under the stars and stripes. We are in no hurry. Meantime they buy corn and pork of us. They buy nearly as much coal of us as we do of them. Is it, then, sound policy for us to fix such rates as would, if adopted by them, shut these articles out of their markets? I submit the question to the decision of the House. We can afford to be just, but we cannot afford belligerent legislation without adequate provocation.

I have some doubt whether we can afford to reduce the duties upon tea and coffee until after our floating debt shall have been permanently funded. I know it is the practice of England to obtain a large revenue from these articles which distributes the tax without much regard to persons. The aristocracy of birth and wealth govern there and our policy should

be different. Except in great exigencies, such as now exist, these articles, as well as sugar, should be free or nearly so. Let the tax fall heavily upon articles of luxury or such as minister to vicious tastes and habits, but lightly on the prime necessities of life. Property, not persons, should here bear the heaviest part of taxation. For another year, however, I think the present tax should be retained.

The information received by the Committee of Ways and Means from the many delegations before us impressed the committee with the opinion that aid must be given in the tariff, or our factories, shops, and forges must cease their operations, leaving us to look for most of our supplies of goods from foreign importation; as well as leaving us dependent for whatever revenue the Treasury is to obtain entirely upon the duties on the importation of foreign goods and merchandise. Whether this break would occur in the absence of the proposed legislation, or if it should occur how long it would continue, others must judge. It does not seem possible to place the business of the country upon a proper footing until we return to specie payments. No duties that we impose, until that time, will be likely to prove prohibitory. Then a tariff sufficient to obtain the amount of revenue we shall require, and one which shall not actually discriminate against American industry, will be satisfactory to all parts of the country.

The foreign articles from which we derive the most of our revenue are either articles of luxury required to satisfy the taste or the pride of those both able and willing to pay for them, or they are such as can be and ought to be produced or made by our own people. Taxation upon these articles is certainly greatly to be preferred to any kind of internal taxation. But the importing merchant steadily prefers to sell all sorts of foreign rather than American merchandise, and labors to persuade the people that it is for their interest to buy where they can buy cheapest, forgetting that the American purchaser has an equal interest in the prices of the commodities he has to sell as in those which he buys, and that unless he can sell his own products at remunerative prices he cannot buy at all. Ask the merchant why he prefers to sell foreign goods and his ready answer is that he can realize more profits upon such sales than upon the sale of American goods. Their actual cost is always a myth; the styles cannot instantly be reproduced and duplicated; when made to order or otherwise a monopoly is more easily obtained; but American goods have no secrets; only fair and regular profits can be charged; and Miss Flora McFlimsey will not wear goods made at Manchester, New Hampshire, lest she finds the same pattern on Bridget the next week, and she will not place on the floor of her sumptuous drawing-room a Lowell carpet lest she might recognize in her summer rambles among her country cousins the same figure in a room only fourteen feet square. Princely fortunes are made upon capital embarked in a foreign trade. Its sympathies are all for its perpetuation, and it is blind to the fact that an increase of American productions would enable our people to consume even larger quantities of those brought from abroad.

Woolen and cotton manufacturers have had various fortunes in our country, and if they have made any large and exceptional dividends for the past few years it may be accounted for mainly from the fact that they are compelled to hold stocks both of raw materials and of goods on hand, which usually amount to as much as their entire capital. A small rise on such stocks makes a large figure in dividends. But these parties, sooner or later, have got to return to a specie standard, and it is difficult to see how they are to do this without being subjected to a reversal of the process by which profits have heretofore been made when gold advanced in price. Few prudent men, at any rate, would now esteem it a good time to buy or hold manufacturing stocks. Some of these dividends are made on shares of capital stock now rated at \$100, which originally cost \$1,000

each; and some of these companies of no more than a million of capital have paid the Government the past year over \$400,000 in taxes. A careful examination made by competent parties, I am informed, shows that taking the entire capital invested in woolen manufactures since 1825 the whole has not yielded over two per cent. per annum; many of the companies making heavy losses, others making no dividends for years, while a few have done remarkably well. But the importers and holders of large stocks of foreign goods within the past five years have made heavy gains quite as often as any other class of men in the country. It is all well enough for them, but any such luck on the part of manufacturers seems to be a crime.

My State is almost purely an agricultural State, and I care nothing for manufacturers only as I regard them as a great public benefit to the nation and to the places where they are located; and I wish there were, as there ought to be, one hundred thousand more of them to-day employed in Vermont. That is the only way we can hope for any considerable improvement in our future prosperity, and it is the shortest way for any great and solid improvement in many of our western States. With this a steady growth in wealth and population may be justly anticipated, and we can welcome all the immigrants that may arrive on our shores without fear of crowding any of the pursuits of life, but all the time preserving that equilibrium which should exist among all those engaged in agriculture, commerce, manufactures, and the mechanic arts.

Congress has now been in session more than seven months. After labors the most incessant and after the disposal of questions of unprecedented gravity we find ourselves exhausted and anxious to return to our respective homes. We must not be too eager to rush to the approaching field of autumn politics. One subject more demands our consideration. Its difficulties, though great, are far from being insurmountable. Our broad country has many and varied interests, increasing in importance year by year, and we, as the representatives of the nation, are bound to look over the whole field and unfold them within our guardianship. A generous feeling, to be just to all parts of the Union, doubtless animates every breast. The palpitating interests of every section of our country command equal regard. Congress regulates commerce. Whatever their wants may be the States can do nothing. Over four hundred millions, and reckoned in our currency over six hundred millions, of foreign goods were last year purchased by our people. This immense trade absorbs the means sorely needed to fund our national debt, now rapidly falling due, and threatens to paralyze the chief sources of our internal revenue. Let us, then, shirk no real duty and be frightened at no unreal obstacles. We cannot each one of us hope to triumph at all points in any tariff bill—much of the business of life is a compromise—but let us adhere to our work, like the gallant chieftain, Grant, "if it takes all summer," until we have brought out something which will satisfy the just expectations of the people; and then, congratulating ourselves upon harmonious action at last, we shall joyfully quit these heated Halls and depart, sure of a welcome home.

Mr. DELANO next addressed the House. [His remarks will be found in the Appendix.]

Mr. MORRILL. I desire to give notice that I shall endeavor to reach a vote on this question at half past three o'clock.

Mr. HOOPEK, of Massachusetts. It is not necessary, Mr. Speaker, for me to say that I am in favor of the policy of protecting domestic manufactures and of encouraging in every way the development of all the great productive resources of our country. Agriculture is the true foundation of national wealth and prosperity. That foundation is insignificant or grand according to the superstructure upon it. Agriculture cannot flourish by itself; it must be aided by diversity of employment among the people, in order that those engaged

in other pursuits may create a market that will furnish a ready sale for the products of agriculture. It is not alone the supply of food to the workmen employed in manufacturing and mining and commerce that creates such a market. The development of mechanical skill that converts into articles of value the great staples of agricultural production, like wool, cotton, flax, hemp, and various other products, is of far greater importance. Many articles are thrown away as useless until manufacturing skill imparts value to them. The cultivation of those great staples would yield no profit but for the mechanical skill and industry developed by manufacturing. Their bulk renders the transportation of most of such products to distant foreign markets so expensive as often to consume the whole of their value, leaving no profit to the producer.

This country possesses advantages over every other in the world, in its diversity of climate, in its mineral wealth, and in its abundance of fertile lands that require only labor to make them productive. But of what use is it to extend the cultivation of those fertile lands if there are none to consume the products? A few acres supply food to the cultivator; and there is no incentive to industry and energy unless there is a market for his products. The farmers of the West have in many instances within a few years consumed their corn for fuel, because there was no cheap mode of transportation to supply it to miners, who gladly would have furnished coal in exchange for that corn. How much more must this be the case when the farmer depends on a foreign demand for a market, subjecting his products to the cost of thousands of miles of transportation. The opponents of protection to home industry say we should be content to find markets abroad for our agricultural products and depend on the foreign manufacturer to supply what we need; by which means the value of everything the farmer raises is diminished by the high charges for transportation by land and by sea, and the cost is enhanced of all he receives in return for his products, instead of placing the farmer, the miner, and the manufacturer side by side, where each can aid and supply the wants of the other, and thereby save the immense cost of transportation hither and thither across the ocean.

My theory of protection to American industry does not differ materially from the practice of the English theory of "free trade," as applied to the interest of British industry and commerce; which is to encourage free trade in all raw materials for manufacture which cannot be produced in Great Britain, and in all articles which Great Britain can produce cheaper than any other country. This British idea of free trade is identical with my idea of what the protection policy of this country should be as applied to the interest of American industry and commerce, namely, to encourage free trade in all the materials for manufacture which we cannot produce, or which we can produce cheaper than any other country, and to impose duties for the protection of American labor against the competition of the cheaper labor of foreign countries on all articles which we can produce, and for revenue alone on those other articles which we cannot produce.

The tendency of a purely agricultural community is aristocratic; the large landed proprietor and the laborers who till the soil composing mainly such a community. In Europe, where ever this condition of society exists, the laborers constitute what is termed "the peasantry." In the only portions of our own country where purely agricultural communities were preferred, that labor has been performed by slaves. Field labor under the supervision of the proprietor of the land, or his agents, requires but little skill or intelligence. In such communities skilled labor is not appreciated, and education and the improvement of the laboring class are discouraged as useless and tending to create discontent and insubordination. In a community where agriculture is combined with manufacturing, mining, and mechanical pursuits,

intelligent skilled labor is absolutely essential, and to that end the education and improvement of all classes of the people are demanded for the public interest. For this reason in a community where the protection of industry encourages diversity of occupation, combining agricultural with manufacturing and mechanical employments, there will be found school-houses, churches, and lyceums, in every city, town, and village, and it will be rare to find a native-born citizen who cannot read and write and converse intelligently on almost any topic of general concern. The effect of a free-trade theory, favoring a purely agricultural community dependent on foreign commerce for its supplies of manufactures, may have been seen in the condition of most of the slave States, in which the community generally consisted of some large landed proprietors, some poor whites, and a great many slaves, and where it was said to be exceptional to find a laboring man, black or white, who could read and write.

I confess that I am proud of the condition of New England, considered in this aspect; and I am so well satisfied with my own State, which enjoys the reputation of taking the lead in all the great moral and intellectual reforms to raise the standard of intelligence and culture, that I am never offended by any of the sneers or denunciations of Massachusetts, by rebels and rebel sympathizers, and which are sometimes even heard on the floor of this House.

In regard to this tariff bill, I am not aware that New England has asked for anything in it; the changes it proposes do not generally favor her interests. The manufacturers of New England have been for several years supplied with coal, free of duty, from the neighboring British Provinces. This tariff bill imposes upon it a duty of \$1 50 per ton, which is equal to five dollars per ton on every ton of iron produced in New England—more than three tons of coal being consumed in the manufacture of a ton of rolled or cast iron. The gentleman from Philadelphia [Mr. KELLEY] says, however, that this will benefit New England manufacturers; but they cannot see it in that light. I shall ask for a special vote on it in the House, with the hope that the amendment made in the Committee of the Whole House will be rejected, and thereby restore the section taxing coal as it was reported from the Committee of Ways and Means with the approval of the distinguished Representative from the Pittsburgh district of Pennsylvania, [Mr. MOORHEAD.]

The duty on salt has been increased seventy-five per cent., making the whole duty equal to about three hundred and fifty per cent. on the foreign cost. This article is largely used in New England for preserving and packing fish. Our fishermen and packers cannot understand how they are to be benefited by this increase of duty, though the gentleman from Philadelphia says they will be benefited. The crushers of linseed along the eastern coast are simply "crushed out" by this tariff; and we must hereafter import the oil, as it will be a long time before the West can supply the requisite quantity to meet the consumption of the whole country. I think our distinguished chairman of Ways and Means will be unwilling to have this bill, if it becomes a law, known as the "Morrill tariff." It would be more justly designated as the "Pennsylvania and western tariff."

I shall vote for this bill, however, because other portions of the country than New England say that it is necessary for their protection, and because I believe in the theory of protecting the labor and of encouraging the development of the great material resources of this country. But I am opposed to such high rates of duty as this tariff imposes, except as a temporary measure to meet the exigencies of the present time, growing out of the expansive condition of the currency and the scarcity of labor, which are inevitable results of the war in which the nation has been engaged. I believe that when the injurious effects of the war

have passed away, and our currency, which measures the value of property, is restored to the standard of coin, lower rates and a permanent scale of duties will better protect the substantial interests of industry and promote the prosperity of the whole country.

Mr. KASSON. Mr. Speaker, I observe this morning in the House some signs which the friends of this bill evidently regard as signs of demoralization of those gentlemen who yesterday seemed confident of success in defeating the principal features of this bill. I trust that when we come to a vote upon several of the great questions involved in the bill it will be found not only that the West is neither demoralized on the one hand nor correctly represented in its interests on the other by the distinguished gentleman from Ohio, [Mr. DELANO,] and also that New England is not converted by the gentleman from Ohio to entertain the theory that he has put forward this morning.

So far as I can remember the substance of the remarks of the gentleman from Ohio, they rested mainly upon the necessity of protecting the wool-growing interest of this country. To that subject I desire the attention of the House for a few moments. The wool that is imported from foreign countries at the lower rates of which they speak, now comes mainly from Australia and the ports of Brazil. It is produced chiefly there because land is cheap, grass is abundant, the winters are mild, and the sheep are healthy. The attempts of the wool-growing interest in this country east of the Mississippi valley to secure prosperity to itself and a rich return for the culture of wool will prove vain unless you can upset the arrangements of divine Providence in this country. The far West possesses all the conditions of cheap production. It is hardly five years since sheep were introduced in any quantity into the State of Iowa. We have increased the number from hundreds of thousands to about two millions in that State. No protection which you of the East can get will enable you to permanently devote yourselves to this interest, and you must turn your attention to some other investment. Why, sir, when you get sheep on the western plains, especially in the buffalo range and on the Arkansas and neighboring streams, where the grass is sweet and nutritious and where animals range the entire winter, you will find sheep produced there so easily and so cheaply that you cannot compete with the vast future production of wool on the plains of the West.

In the East, where your land is worth twenty dollars and thirty dollars per acre, where for nearly six months in the year you feed your sheep upon the grass that has been cut and dried at great expense, where hay is costly; I say that where these things exist you cannot compete with the production of the West, where the winters are short, and where we need but a small amount of forage for the winter. The attempt is vain to do it. Therefore I say it is necessary to adjust tariffs upon other principles than by the attempt to confer bounties upon a particular branch of industry to secure the development of that branch in a particular part of the country. Whatever gentlemen may say to the contrary, I say that to-day the raising of wool in Iowa is one of the most lucrative branches of business to which farmers can direct their attention, and it will be still more lucrative as you go further West, where still cheaper elements of production will be found.

Now, let me say that my objection to this tariff bill consists mainly in this, that it rests upon no fixed principle in itself, and upon no fixed policy that hangs upon a correct principle of adjustment. Just so certain as you yield to this interest and that interest and the other interest the particular protection which it demands, just so certain do you run from the one branch to another in order to equalize what you have given to one by giving more to another, to compensate for whatever injury may possibly be done to it.

Mr. WOODBRIDGE. Will the gentleman yield to me for a moment?

Mr. KASSON. I would rather yield when

I have got through my argument. But if the gentleman desires it, I will yield now.

Mr. WOODBRIDGE. I merely wish to say to the gentleman from Iowa [Mr. KASSON] that we Puritans of New England do not war against the laws of Providence. And if fifty years hence we find we cannot raise wool there, we will raise something else, for we can do it. But we ask the gentlemen of the West to come forward and help us now, and also help the West, and God will take care of the future.

Mr. KASSON. If I understand the gentleman from Vermont [Mr. WOODBRIDGE] correctly, in his opinion as well as mine the title of this bill should be changed so as to read, "A bill to prevent the diffused blessings of divine Providence from being enjoyed by the people of the United States." It is an attempt against the laws of Providence to force the people of this country to pay more for what they need than the laws of Providence would otherwise require. As I was going on to say, this system of protecting one of the articles that you raise the cost of by this bill, compels you to go immediately to another interest and raise the price of that. Take the article of wool, for instance: no sooner do you propose to increase the tariff on wool than you immediately go to the manufacturers of wool and give them an increased protection on their manufactures. And thus those who raise the wool pay back a large part of the bounty that is paid for the raising of wool to contribute to the bounty given to the manufacturer, and the non-producer of wool pays both bounties in buying his clothing. And so it is in relation to the article of iron, or upon any other particular branch upon which you increase your tariff, you immediately go off in another direction and increase the tariff upon other collateral interests affected by it; and so you build up a gigantic system of bounties upon all these interests upon the plea of protecting them.

The fundamental error in this bill is this: you endeavor to make the people of this country grow rich off each other. I remember that upon a former occasion I illustrated my argument in this way: one man in a village was buying lots of another, and the other was buying lots of him. They were buying and selling with each other. As one of them remarked, "We are trying to grow rich off each other." And thus it is in this system of protection by high bounties. You are aiming to make the people of this country grow rich, not by selling to foreign people and making their profits from abroad, for that you could do by a correct tariff; but here you are attempting to make one class of people in this country grow rich by the burdens you impose upon another class of people. I will agree to any tariff which will enable you to sell abroad in foreign countries and make your profits off foreign people. But you now ask me to vote for a bill which is going to build up one portion of the people of this country by the impoverishment of another portion. Develop your industry in such a shape and arrange your tariff in such a manner that you can sell your goods to foreign countries, and you not only aid to make the manufacturers of the United States rich off the people of foreign countries, but you also benefit the people of this country by reducing the cost of what you manufacture to the consumers of this country.

Now, sir, to illustrate. Instead of granting your bounties everywhere upon the manufacture of certain articles in this country, admit on your free list most of those articles which are at the base of our manufactures. Diminish the cost of the manufactures of this country, and then you accomplish two purposes: you sell more cheaply, and at the same time without loss of profit to yourselves. You sell more cheaply to the people of this country; and you begin to prepare yourselves for shipping abroad and underselling foreign manufacturers in their markets. But when you pile your tariff duties upon the raw materials, and then of necessity pile them upon the manufactured articles, and then of necessity pile

them upon other dependent interests in this country to enable them to raise the means to buy your manufactures at the increased prices, you are doing nothing under heaven but endeavoring to make one portion of the people of this country rich at the expense of another, and then turning round and endeavoring to enrich the latter by taking away from the former. The result will be the same as if you should attempt, with a capital in one interest of \$50,000,000 and the same amount of capital in another interest, to take the profits that one makes and give them to the other, in order to restore the equilibrium. What you call protection, therefore, is simply a system of borrowing from one to pay to another. To this system of tariff I object; and I understand the people of the West to object to it, because those who produce nothing in the way of manufactures are obliged to foot all the bills of these accumulated bounties granted by this tariff bill to special interests.

Now, sir, take the article of railroad iron. There are some scores of millions of dollars, it is claimed, invested in the production of railroad iron in this country. To protect that interest you increase the tariff upon railroad iron. Now, in the ten States and Territories of the West there are \$500,000,000 of capital invested in railroads. The increased profits realized by the makers of railroad iron fall at once as an increased burden upon that interest of \$500,000,000—an interest important to all the great interests of the West. The burden is at once felt by the people in the matter of increased freights resulting from the increased cost of the railroads. That which bears us down in the West is, as I stated yesterday, the terrific cost of getting our products to market. You propose to increase this cost. You tell the farmers of the West that they are to get their compensation by building up cities in the East to buy their breadstuffs, yet you embarrass the construction of proper lines of communication; the very means by which we are to get our breadstuffs to those cities. What you call protection amounts, therefore, simply to a system of equal robbery; taking from one home interest to pay to another. When you have done this you say that you have framed an equal tariff law, and that its equal protection is diffused over all the different interests. I say that this is illogical; it is absurd. You must change your theory of a tariff or else you must perpetually fail in your effort to gain a system that shall actually make the United States rich. If that is your object you must diminish the cost of the production of your manufactures; and when you have done that you have taken a great step toward protecting both the manufacturers and the people of the United States. But if we go on in the present plan of adding to the cost of everything we produce, there is not another country on the face of the globe that will contribute one cent to enrich the people of the United States or be able to buy a single article of our production.

Now, sir, when the claim is made here, as it is so frequently, that these interests in Pennsylvania and elsewhere are in danger of ruin, I appeal to the evidence of my own eyes, and I deny it. Upon every line of railroad over which business or duty calls me, I see improvements everywhere going on for the development of manufactures. You cannot go from here to Baltimore, from Baltimore to Philadelphia, from Philadelphia to the West; you cannot go to New England, you cannot go anywhere that you will not see new manufacturing establishments going up; and if any are going to ruin themselves it is in this way. If this is ruin then we had better let them go on in the direction of this action; for I never saw, and I do not believe in any part of the world to-day there is such wide-spread success and general prosperity as in the northern States of the Union. But you will point me to this establishment and to that, and tell me that it has been obliged to stop. I admit that. I know there are foolish investments made in all States of the Union. If a capital of \$300,000 be put in the erection

of a mill where it ought not to be put, and you there attempt to compete with mills on the line of railroads, near coal, iron, water, and raw materials, your mill must be by comparison a failure. You should not protect bad investments by making the balance of the country pay for them. That is the only species of suffering I have seen or heard of in any part of the manufacturing region—the result of misplaced, or mismanaged, or extravagant investments.

But suppose you do not make as much this year as last; it is so with farmers. I know one spring we sell corn at a dollar and the next spring at fifty cents, and then again we burn it as cheap fuel. Do we go about moping and complaining to the American Congress asking for bounty to stop our losses? No, we stand to the laws of Providence and the changes of trade. We know that in the current of years no other country in the world can compete with us of the West in the production of all the necessities of life. Sir, this protection to these special interests is all wrong. You are demanding for these interests what you never think of giving to the agriculture of the West. When you put your tariff upon farm products and on cattle what do we care for that? There is no country upon the American continent, except possibly Mexico—no, not even Mexico, for Texas can furnish them as cheaply as Mexico—can compete with us in the production of beef and pork. But then you strike at us on packing the articles by putting an enormous tariff upon salt. If there be one necessary thing to human existence it is salt. Yet that interest comes here and asks increase of protection so that we cannot pack or use our beef and pork except at this enormous increase of expense. It is rather hard, for in Iowa and many other parts of the West we are not near salt-works. But I say to these salt gentlemen that when our railroad gets to the Salt Lake they will require at least five times the bounty they ask in this bill to keep their salt-works going, for there you have nothing to do but to rake it up and grind it. There, again, you are undertaking a war against divine Providence.

Sir, we must abandon this peculiar conception of a protective tariff, and for that reason I want the bill sent back to the Committee of Ways and Means in order that it may be fundamentally changed. We must have freer admission into the country of certain bases of manufacture, which are indispensable and must be free to make our manufactures successful. I want to press this upon the attention of the House. For then you not only help the manufacturer, but you diminish the cost to the consumers on the one hand, and on the other you enable the manufacturer to compete with those who sell the same article abroad, and induce him to draw his wealth from foreign countries, in part, instead of seizing it by force of law exclusively from our own people.

Mr. GRISWOLD. Will the gentleman tell me what branch of our manufactures, except of coarse cottons, can stand the free admission of foreign goods to compete with it? And I would ask further whether his ideas of free trade are not derived from these free-trade tracts published by the Free-Trade League of which he is a member?

Mr. KASSON. I will answer, Mr. Speaker, that that gentleman is much better informed as to the purposes, objects, by-laws, and organization of the Free-Trade League than I am. I know nothing whatever of its purposes, except the general purpose which has been maintained by some of the best statesmen in this country, that a tariff should be created for revenue with incidental protection to the industry of this country. I think that is right, and if it is not the principle of the gentleman from New York I think he is entirely wrong.

Mr. GRISWOLD. Do I understand the gentleman to say that he was not aware that he was one of the officers of the Free-Trade League?

Mr. KASSON. No, sir. I understand that I have the distinguished honor of being a

"councilor" elect to it, and I am now giving my counsel to it and to all the people of the country, and I hope they and my friend will take the counsel I offer.

Mr. WOODBRIDGE. I congratulate the Free-Trade League on having so able a counsel. Now I ask him whether he approves of this paper that is on my desk entitled "An Address from the Free-Trade Association of London to the American Free-Trade League of New York."

Mr. KASSON. I shall have to give time to the gentleman to read it, for I have never read it myself. Those gentlemen who are so well informed I hope will be duly impressed by whatever information they have. As for myself, I speak from an American point of view. They may speak from a British point of view.

Mr. DAVIS. The gentleman has stated that in his travels in this country he has found evidences of new manufactories springing up in every direction. I want to know in what part of the country he has found the people so fortunate now as to be able to embark in new, untried manufacturing enterprises.

Mr. KASSON. I do not think the gentleman can go into the city of Baltimore without seeing three large new establishments, before he enters the city, going up. And there are many establishments in Connecticut which, from information that I have received of a perfectly reliable character, have made from fifty to one hundred and fifty per cent. on the investment during the last year.

Mr. DAVIS. The gentleman is stating upon information and belief. I will say to him that to-day in the city of Syracuse three large establishments engaged in the manufacture of iron have closed their doors, and that one third of all the salt blocks are unoccupied and not running.

Mr. KASSON. I can point my friend from New York to some fifteen or twenty mercantile and banking concerns and numerous other business concerns that have gone down. There is not any branch of industry very probably that has not suffered in some of its members. I can point to farmers almost ruined by embarrassment, who can hardly get enough to take what they have to market and realize clothing and shelter under your high protective system.

And now what does this bill do? It raises the tariff on lumber, which is so necessary to the western prairie farmer; on nails, without which he cannot drive his boards on his house or build his fence; and on salt, without which he cannot preserve his beef and pork. There is hardly a thing we consume which this bill forgets to raise the duty upon. Every prominent necessity of life, food, fuel, shelter, and clothing, is embraced and made more expensive to the consumer throughout the country. Even on boys' pocket knives the duty is increased about three times—six hundred per cent. one member of the committee tells me. And yet it is said this is a tariff for mere protection. Why, sir, you are protecting the American people until they will not be able to buy one solitary thing that is protected if this system is to go on.

Mr. DAWES. I understand the gentleman from Iowa to base his hostility to this bill upon the fact that it is in the interest of eastern manufacturers and against the interests of the West.

Mr. KASSON. No, sir; I think if the gentleman's ears were as open as they usually are he would understand very well that my objection to it is that it is an attempt to legislate for special interests, and then to balance the good done to one by the injury done to another.

I give New England credit as not being responsible for this bill. New England is necessarily moderate in her tariff views if she is loyal to all her great interests. She builds ships and sends seamen afloat on the ocean; she carries our commerce across the great waters. She has no right to a prohibitory tariff or to be an advocate of one. She would sacrifice the interests of half her people for the benefit of the

other half if she was. I say, therefore, that New England ought not to support this bill.

Mr. DAWES. In whose interest is this bill?

Mr. KASSON. In the interest of every manufacturer whose interest is protected by increasing the bounties on manufactures to be paid by the people who consume them, whether they be in the East or in the West. The manufacturing concerns have got from twenty to six hundred per cent. added to the tariff on various manufactures. Now, sir, under these circumstances I ask if any gentleman who seeks to protect to some extent the consumers of this country, who constitute the great mass of the people, can possibly support this bill.

Sir, I know very well that the iron interest, the cotton interest, the glass interest, and many others, can send gentlemen here to advocate their interests, and that they may be heard before the committee and may fill our lobbies; but the great interest of the consumers of the country is not organized into a system of mutual protective associations. That interest must be heard by members on this floor who seek to protect it. It must be heard here as much as these organizations of capital. Consumption represents millions; capital only thousands.

I repeat, in conclusion, that my objection to this bill rests upon the ground that it goes upon a false theory, that it enables one portion of the people of the country to derive all the benefit of its enactment into law at the expense of the other portion, and opens no opportunity for the manufacturers of this country to undersell any foreign country in the markets of the world.

Mr. GARFIELD obtained the floor.

Mr. WILSON, of Iowa. I ask the gentleman from Ohio to yield me ten minutes.

Mr. GARFIELD. I yield to the gentleman.

Mr. WILSON, of Iowa. I rise more for the purpose of explaining the motion which I intend to submit to the House than for the purpose of submitting any remarks upon the bill, though I cannot permit this occasion to pass without noticing the peculiar position in which I find this measure standing before the House. New England has nothing to do with it and does not desire it to pass.

Mr. DAWES. We do not repudiate it, neither do we father it.

Mr. WILSON, of Iowa. That is to say that if they can get the West to vote for it, they are willing to take the benefit of it.

Mr. DAWES. We will go for it if you will.

Mr. WILSON, of Iowa. New England is standing off a little on her dignity. She has a tariff that suits her now. She does not ask this bill. The gentleman from Ohio [Mr. DERAND] has undertaken to speak for the West. He gets down on his knees and begs New England to vote for this tariff, on the ground that it will increase their protection. Sir, it is a most singular spectacle. It is something I never expected to witness in this House.

I have no doubt that the gentleman from Ohio will be successful in the appeal which he has made to the New England members, and that this bill will receive their support. This, I presume, will merely be the carrying out of the arrangement which the gentleman from Ohio tells us has been made between the wool-growers and the wool manufacturers. Certain persons residing in the East, in the middle States, and in the West, engaged in raising wool constitute the one party. Certain gentlemen in the East who are manufacturing woolen fabrics constitute the other party. New England is now endeavoring to "fly the track" and repudiate the bargain; and the gentleman from Ohio, on behalf of the other party, insists that this shall not be done. Sir, as a western man, I know nothing of any such bargain; nor will I be bound by any bargain of that kind. Neither will I permit my voice as a Representative to favor any such bargain.

The gentleman from Ohio has said that heretofore all our tariff laws have been in favor of the East; that the great agricultural interests—the wool-growing interests and the flax-grow-

ing interests—have never been protected; that the protectionists of the West have always favored tariffs for the benefit of the East, and that now they want a share of protection. Well, sir, I propose now to submit a proposition (and I hope that the gentleman from Ohio has made no bargain which will prevent him from voting for it) which will afford the members from the West an opportunity to vote in favor of a western measure without disturbing the protection which the East now has.

I propose to move, sir, that this bill shall be recommitted to the Committee of Ways and Means with instructions to report a bill which shall embody the first section of the present bill. This is the section which will protect the great wool-growing interests for which the gentleman from Ohio so eloquently pleaded. It is the section which will place the great wool-growing interests within the circle of the protected interests, and will enable them to have a voice in any future readjustment of the tariff. Thus the interest, the protection of which appears to be the paramount desire of the gentleman from Ohio, will be protected.

My motion proposes, in the next place, that the sixth section of the present bill, the section in relation to liquors and cigars, shall be included in the bill to be framed by the committee. Next, that the twelfth section of the bill as originally reported—a section which protects agricultural interests—shall be embraced in the new bill. Next, that the committee shall embody in the bill to be reported by them the reduced duties upon tea and coffee, as already determined upon by the House. Next, that the duty on railroad iron shall be reduced to seventy cents per hundred pounds, a reduction which many of the iron men have told me, within the last few days, they are willing shall be made. Again, that the committee shall embody in the new bill the provisions of the present bill in relation to linseed, flaxseed, hempseed, rapeseed, and oils manufactured therefrom. This is a protection to another of the great interests for which the gentleman from Ohio pleaded. Next, I propose by my motion that the committee shall reduce the other duties embraced in the bill to a standard not higher than the actual necessities of the interests to be affected thereby require, not exceeding, in any case, twenty-five per cent. above the rates now fixed by law; leaving the administrative portions of the bill as they have already been determined upon by the Committee of the Whole, as they are now pending in the House.

I have thus stated the proposition which I design to submit. I trust that the members from the West will vote for it. An appeal has been made to them in behalf of this bill by the gentleman from Ohio, who admits that the bill is full of most objectionable features. He has urged them to vote for the bill for the purpose of securing the benefits it provides for the great interests of the agricultural portions of the country. I ask the members of the West to vote for this proposition, because it will secure protection for those interests, without encumbering the measure with the other provisions which are denounced almost all over the House as iniquitous, imposing duties exorbitantly high. Why, sir, so far as regards the arrangement which, as it is said, has been made between the wool-growers and the wool manufacturers, I find that the benefit to be derived by the wool-growing interests is entirely counterbalanced and neutralized by the other features of the bill. After an increased duty has been put upon wool, an increased duty is placed upon woolen manufactures more than equal to that placed upon wool, it being forgotten in the mean time that by the internal revenue bill which we have passed we have relieved the woolen manufacturers, as well as all other manufacturers, of a part of the internal taxation which they have hitherto paid. What will be the result of this? Wool grown in Iowa cannot be transported to Boston as cheaply as South American wool can be transported there. The eastern manufacturer has

in this bill more than a corresponding advantage as compared with the wool-grower. The result will be that the manufacturer of woolen fabrics will be able to purchase just as much foreign wool as he now purchases. You will not, by the passage of this bill, relieve the American wool-grower from the injurious effect of the competition of the foreign wool. In this respect you leave him in the same position in which he is at present.

The SPEAKER. The ten minutes of the gentleman from Iowa have expired.

Mr. GARFIELD. I yield five minutes to the gentleman from New York, [Mr. DODGE.]

Mr. DODGE. Mr. Speaker, I have watched the progress of the debate upon this bill in Committee of the Whole with deep interest, and I might have contented myself with simply casting my vote; but coming as I do from a commercial city, I feel bound to state why I vote "ay" upon this bill.

Mr. Speaker, brought up in my youth in a village which was the seat of a cotton manufacturing industry, I early learned to sympathize with what was known as the "American system;" and from that day to this I have witnessed a great excitement and predictions of ruin to commerce whenever a new tariff has been produced; and yet we have continued to prosper under each successive change; for whenever any one article manufactured here gained such a position as to supplant the foreign, some other article was produced to supply its place in the list of imports, and thus the total amount of importations from abroad have gone on increasing, until now, under the present tariff which was denounced as prohibitory, we have imported a larger amount the last year than in any previous year.

As I have but a few minutes allowed me, I hasten to say that I am impressed with the conviction that the commercial interests of the city which I in part represent will be promoted by the prosperity of the agricultural and manufacturing interests, and by the ability of the country, which alone can come from that prosperity, to buy and pay for the vast amounts of imports which I am confident, notwithstanding this tariff, will continue to flow to this country. The bill proposes a duty on wool and woolen goods which will undoubtedly stimulate the growth of wool to the general advantage of the country. If the increased duties in time shut out a portion of the coarser woolen fabrics there will be an increased ability of the West and South to purchase largely the finer foreign clothes. The increased duty on flaxseed will not only encourage the manufacture of the coarser articles of linen, but will give a greater ability to purchase the finer articles of linen made abroad.

The duty on iron will stimulate the manufacture of rails in the West on the banks of the Mississippi, and thus save the cost of transporting wheat twelve hundred miles by railroad and then three thousand miles across the Atlantic to purchase rails to build roads in the very vicinity of immense beds of coal and iron, the manufacture of which will create a home market for the wheat.

There are many things in the bill which I think should have been amended. The duties on many articles are unnecessarily large, and could have been reduced without any detriment to the country. I trust they will yet be adjusted in the House. But in view of the state of our finances, and feeling the conviction that the increased tariff will, notwithstanding the predictions to the contrary, secure us an amount of revenue equal to the estimates of the Secretary of the Treasury, I shall vote for the bill.

I had hoped that the proposition of the gentleman from Massachusetts [Mr. DAWES] to recommit the bill, with instructions to the committee to report it at the next session, would be adopted, as it would have given time for the better adjustment of the bill to the different interests of the country.

Mr. GARFIELD. Mr. Speaker, at this late hour of the session, and after the protracted

discussion in which so many gentlemen have engaged, I would not further trespass upon the patience of the House but for the fact that this bill has been so gravely misrepresented here and so unjustly assailed from without that there has been raised no small clamor against it for iniquities which it does not contain and for omissions which have not been made. This is not the time to enter into any elaborate discussion of those general principles which underlie the most complicated of financial subjects, the trade between the United States and other nations.

The abstract theories of free trade and protection, as laid down in the books, can be of little practical value in the consideration of this bill. The disciples of either school would be puzzled to apply their doctrines to the present situation of our trade and commerce, as has been strikingly illustrated during the progress of this debate. There is scarcely a free trader on this floor who has not, since this discussion began, in order to secure a higher duty on some product in which his constituents were interested, made use of arguments and doctrines which met the hearty approval of the most extreme protectionists; and, on the other hand, when these same protectionists have been desirous of bringing into this country some article important to their people, we have heard them again and again defend their propositions by declarations which would bring down thunders of applause from an audience of free-trade leaguers.

There are two extremes of opinion in this House and in the country to which I cannot assent. During the past year I have been frequently solicited to subscribe publicly to the dogmas of various organizations based on opposite and extreme doctrines in relation to our financial policy; but I have steadily declined to do so, partly for the reason that I could not assent to all their articles of faith, and partly because I preferred to approach the question on which we were to legislate untrammelled by any abstract theory, which, apparently sound, might be impracticable when applied to the facts of our situation. I would not be misunderstood, nor for any political advantage to myself personally would I allow my constituents to suppose that I indorsed any doctrines which, though they should be pleasing to many of them, do not meet with my own convictions of truth and duty.

If to be a protectionist is to adopt the practice which characterized the legislation of Great Britain and the leading nations of Europe for more than two hundred years, and which is now commended to us by some of our political philosophers and statesmen, then I am no protectionist and shall never be one. If to be a protectionist is to base our legislation upon the policy which led the Parliament of Great Britain from the days of Elizabeth to Charles II to forbid the exportation of sheep and wool from the kingdom under penalty of confiscation and imprisonment for the first offense, and torture and death for the second; which led the same Parliament in 1678 to pass a law entitled "An act for the encouragement of woolen manufactures," which ordered that every corpse should be buried in a woolen shroud; a policy which led the Lord Chancellor to declare the necessity of going to war with Holland because the commerce of the Dutch was surpassing that of Great Britain; which led the diplomatists of England to insist in an article in the treaty of Utrecht of 1713, in accordance with which the finest harbor in northern Europe was filled up and hopelessly ruined, lest by its aid the trade of France should eclipse that of England; a policy which tortured industry in every imaginable way, and ignored all the great laws of value, of exchange, and of industrial growth; which cost England her North American colonies and plunged Europe into more wars during the seventeenth and eighteenth centuries than all other causes combined—if to be a protectionist means this, or anything fairly akin to this, then, I repeat, I am no protectionist. That policy softened down in

its outward manifestations, but essentially the same in spirit, is urged upon us now by those who would have us place so high a duty upon foreign merchandise as to prohibit the importation of any article which this country produces or can produce. Besides placing ourselves in an attitude of perpetual hostility to other nations, and greatly reducing our carrying trade, we should make monopolists of all the leading manufacturers of this country, who could fix the price of all their products at their discretion.

If, on the other hand, we should adopt the theories of the radical free trader, and declare that our tariff shall be only for revenue, and nothing for protection, and particularly were that doctrine to be put in practice at such a time as in 1836, when we had no debt, and a large surplus in the Treasury to be given away, no one can fail to see that we should break down the dikes which our predecessors have erected for the defense of American industry, and should destroy or seriously cripple our manufacturing industry, which produces nearly one half the annual income of our people, (for the manufactured products of this country in 1860 were valued at \$1,900,000,000,) we should revolutionize our industrial system, and place ourselves at the mercy of foreign manufacturers. Let either of these parties frame the tariff, and the result will be calamitous in the highest degree.

If to be a free trader means all this, and pledges us to let the competition of the world come in upon our people, and thus to disjoin and derange the industrial system of the United States, then I am no free trader and can never be. One of the worst features in our industrial system is the irregularity and uncertainty of the legislation in reference to the tariff. It subjects the business of manufacturing to the uncertainty of a lottery investment. If the prohibitionists succeed one year the profits of manufacturers are enormous. If, as is quite probable, the reaction of the next year puts free traders in power, the losses are equally great.

What, then, is the point of stable equilibrium where we can balance these great industries with the most reasonable hope of permanence? We have seen that one extreme school of economists would place the price of all manufactured articles in the hands of foreign producers, by rendering it impossible for our manufacturers to compete with them, while the other extreme school, by making it impossible for the foreigner to sell his competing wares in our market, would have no check upon the prices which our manufacturers might fix upon their products. I hold, therefore, that a properly adjusted competition between home and foreign products is the best gauge by which to regulate international trade. Duties should be so high that our manufacturers can fairly compete with the foreign product, but not so high as to enable them to drive out the foreign article, enjoy a monopoly of the trade, and regulate the price as they please. To this extent I am a protectionist. If our Government pursues this line of policy steadily we shall year by year approach more nearly to the basis of free trade, because we shall be more nearly able to compete with other nations on equal terms. I am for a protection which leads to ultimate free trade. I am for that free trade which can only be achieved through protection.

I desire to call attention briefly to some of the fallacies and misrepresentations by which this bill has been assailed. In the first place it has been stated again and again that this is a New England measure, and repeated attempts have been made to arouse sectional jealousy based on that allegation. I affirm that this is not a New England measure, but more than any tariff ever framed by Congress it protects and aids the agricultural interests of the country. If there has ever been an agricultural tariff this is one.

Look at its provisions. On the subject of wools it is proposed to increase the duty on foreign competing wools from six cents per pound to ten cents per pound, and ten per

cent. *ad valorem*, making the total tariff about eleven and a half cents per pound on foreign wool. It takes two pounds of the mestiza wool of South America to equal one pound of our American wool. It is therefore protection of twenty-three cents per pound on American wool of the finer qualities, which comprise the great bulk of our wool. Now, there is grown in the United States one hundred million pounds of wool per annum, and yet the gentleman from Iowa [Mr. KASSON] tells us that in consequence of the peculiarity of the climate and soil of South America we can never compete with that country in the product of wool. In the same short speech the gentleman confused himself by declaring that wool-growing was so profitable in Iowa that it did not need protection.

Mr. KASSON. I beg to correct the gentleman. I said distinctly that in the West, on the prairies and on the plains where land is cheap, grass abundant, and the winters mild, we should ultimately be able to compete with the world.

Mr. GARFIELD. Then what became of his praise of the superior advantages of South America? I did not so understand the gentleman. Now, sir, I am surprised that any Representative from the State of Ohio, where we have six million sheep and where we raise one fifth of all the wool in the United States, should be found to oppose this measure as being framed in the interest of New England. Let me notice another agricultural feature of the bill. There are fifty ships trading constantly with Calcutta, bringing India flaxseed to our shores. In order to encourage the home growth we have raised the duty on flaxseed from sixteen to thirty cents per bushel, and on linseed oil from twenty-three to thirty cents per gallon; yet gentlemen say this is a bill for New England. If there be any protection in any existing law more clearly in the interest of agriculture, I shall be obliged to any gentleman if he will name it.

Now, I do not deny that there are some features in this bill which I desire to see changed. I believe we ought to reduce and I believe we shall reduce the proposed duty on several articles named in this bill. But if a dozen articles out of the hundreds named in this bill should be somewhat reduced, I would be pleased if any gentleman here would point out its supposed exorbitant features and alleged enormities. It is very easy to join in a general clamor which others have raised, but not so easy to state the cause of the outcry.

Mr. FARQUHAR. I desire to ask the gentleman what, in his judgment, would be the effect of increasing the duty on railroad iron one hundred per cent., as it is increased by this bill, including the amount of deduction made by the internal revenue bill, upon the great interests of the West, now largely engaged in the construction of additional railways.

Mr. GARFIELD. I am willing as a compromise, and to favor the building of railroads, to vote for a reduction of the proposed duty on railroad iron, and I presume the Committee of Ways and Means will agree with me in this. I think we should also reduce the proposed duty on salt, and I have no doubt in several other particulars we will be able to reduce the rate of duty.

Mr. STEVENS. Why not at once come out honestly and accept the proposition of the gentleman from Iowa, [Mr. WILSON], which is a much better and more ingenious one?

Mr. GARFIELD. I will tell the gentleman why before I am done. The gentleman from Iowa [Mr. KASSON] says we ought to adopt the policy of protecting the industries of this country that we can make money at, and if the people cannot make money out of manufacturing enterprises, let them go into something more profitable. He says we can raise grain for the world without protective legislation. Let me repeat to him a little of the history of grain-raising in this country.

There was a time when New England was a great grain-raising country. At a later period New York was the granary of the New World.

Later still the granary was Pennsylvania, then Ohio; then still further to the West. But what is the situation now? New England raises wheat enough to feed her people three weeks in the year; New York raises enough to feed her people six months; Pennsylvania just about enough to supply the wants of her people with none to spare, and Ohio produces a surplus of three million bushels. You must now go to the prairies of the West before you reach the granary of this country.

Mr. ELDRIDGE. I would like to ask the gentleman if New England, at the time she raised a large quantity of grain, was in favor of a tariff anything like this.

Mr. GARFIELD. I do not see the pertinence of the gentleman's question. Now, I wish to say that this talk about putting our people wholly into the business of raising grain for the world is utterly absurd and mischievous. Let me put a practical question to these extreme free-trade gentlemen in reference to this matter. Suppose that to-day we were at war with the great Powers of Europe, and suppose we had always been practicing their precepts and were engaged wholly in raising grain—having no manufacturing establishments, as we should not have had but for the protection that has been accorded to that class of industry by our predecessors—would we not be completely at the mercy of the other nations of the earth?

Edward Everett declared in a speech in 1831, after making a careful estimate, that the extra amount paid by the Government of the United States for woolen blankets and clothing for their soldiers during the war of 1812 largely exceeded the amount of revenue ever derived by the United States from all its tariffs for the protection of all our industry from the foundation of the Government to 1831, and it would have effected a great saving to the Government if Congress had expended many millions of money directly from the Treasury before that war, and had built up and had in readiness these manufactories for the use of the Government during the war.

Against the abstract doctrine of free trade, as such, very little can be said. As a theory, there is much to commend it; but it can never be applied to nations except in time of peace. It can never be applied to the nations of the earth except when they are on the same range of growth and culture. Let war come and it utterly destroys and overturns the whole doctrine in its practical application. Says Prescott:

"Nothing is easier than to parade abstract theories, true in the abstract, in political economy, nothing harder than to reduce them to practice. That an individual will understand his own interests better than the Government can, or what is the same thing, that trade if left alone will find its way into the channels of the whole most advantageous to the community, few will deny. But what is true of all together is not true of any one singly; and no one nation can safely act on these principles, if others do not. In point of fact, no nation has acted upon them since the formation of the present political communities of Europe. All that a new State, or a new government in an old one, can now propose to itself is, not to sacrifice its interests to a speculative abstraction, but to accommodate its institutions to the great political system of which it is a member. On these principles and on the higher obligation of providing the means of national independence in its most extended sense much that was bad in the economical policy of Spain at the period under review may be vindicated."

The example of England has been held up before us. A word about that example. There is a venerable member in this Hall who was a member of this House long before England had professed her free-trade doctrines, while she was one of the most highly protective nations on the face of the earth. For two hundred years she pursued a policy that was absolutely prohibitory; then followed a protective period; now she professes free trade. When she had built up manufactures and was able to compete successfully with the world in matters of commerce, she graciously invites all nations to drop their protective policy and become free traders. It is like a giant or an athlete, who after months of training should ask all the delicate clerks and students to come out

and fight or run with him single-handed and on equal terms.

I have before me a statement of the revenues of Great Britain during the last year. Her total revenue for last year was \$334,000,000. Of this sum \$115,000,000, or thirty-two per cent., she raised from customs, and it is a remarkable fact that that is precisely the per cent. of our revenue that was raised from customs last year. That shows that she raises as much by her tariff as we do in proportion to the amount of our revenue. If gentlemen desire simply to prostrate us before England; if they desire to capitulate to her in commerce as we never have capitulated in arms, let them follow in the lead of these free-trade philosophers. I hold a pamphlet in my hand that was laid upon the desks of members this morning; and in reply to the question of my colleague, [Mr. DELANO,] who in this country is demanding that this bill be defeated or postponed, I will tell him. Here is the address of the Free-Trade Association of London to the American Free-Trade League, and if I had time I would read a few extracts from it. Let me read you some of the headings. Here is one: "protection unnecessary to foster manufactures in their infancy."

They have evidently outgrown their teachers, for John Stuart Mill admits that much. England never taught that doctrine until her manufactures had passed beyond their infancy and stood breast-high with the world in the full vigor of manhood.

I read another sentence from this disinterested lecture of Englishmen to Americans; of the shop-keeper to his customer; of the "nation of shop-keepers" to the nation of customers and grain-raisers that some gentlemen would have us become. "You have most truly remarked in your constitution that protection to the producer means robbery to the consumer."

Now, the gentleman from Iowa, [Mr. KASSON,] who has just made his speech, proceeds upon the doctrine that protection is itself robbery, and of course he will vote against this bill and against all other bills that propose to throw any protection whatever around American industry. Two propositions are before the House to keep us from acting directly upon this bill. The real question is, will we pass the bill after the requisite amendments have been made? But fearing it may pass, the gentleman from Iowa [Mr. WILSON] picks out a few pleasant items that refer mainly to the West, with a sprinkling for the East, and asks us to have the bill sent back to the committee with instructions to report those items alone. He offers a bait to one section of the Union to induce its representatives to neglect another. Mr. Speaker, it is painful to listen to the sectional language we hear every day in our debates. One gentleman sneers at New England, and says, "This measure is a New England pet;" another points at Pennsylvania, and hits her off in an epigrammatic sentence; another turns to the rough, sturdy West, and splinters his lance in a sharp assault upon her. I always understood, during the terrible struggle of the past four years, that we did not fight for New England, we did not fight for Pennsylvania, we did not fight for the West, but we fought for the Union, with all its oneness, its greatness, and its glory. And if we are now to come back, after the victory is won, and hold up our party flags, and talk about "our section" as against "your section," we are neither patriots nor friends.

There should be no division of interest in all great matters of national legislation. And if New England has got further advanced than Pennsylvania or the West and does not need protection so much she must bear with her sisters until they, following in her footsteps, can stand on a basis of equal growth and prosperity. I hope, therefore, no such partial legislation as that suggested by the motion of the gentleman from Iowa [Mr. WILSON] will prevail. I would be ashamed to vote for a measure that singled out the interests of my own State and neglected the interests of others.

Mr. WILSON, of Iowa. Permit me to correct the gentleman, for he is entirely mistaken in regard to the proposition I made. It does not pick out a few interests, but leaves a margin on everything embraced in the bill not exceeding twenty-five per cent.

Mr. GARFIELD. I want to say in regard to the margin of twenty-five per cent. that nothing can be more absurd than to say that any one rate per cent. shall be the limit put upon all articles under any and all circumstances. And that reminds me of a point I was about to forget. I wish to call the attention of the House to the reason why any revision of the tariff is needed at this time. The present tariff law was passed in 1864, when gold was at 200, and it rose during the year to 235. Our tariff was adjusted to that situation of the currency; and what would be highly protective then might give no protection now, or when gold shall be as low as it has been since this House met in session. That is the great trouble with us now. We are afloat without any fixed standard of value, and that which would be a proper duty to-day may be a high duty to-morrow and a low one next day.

I greatly regret that we have not been able to reach nearer to the solid basis of specie, base our currency and all our legislation upon some fixed standard. But while we are tossing as we now are, going up and down twenty and thirty per cent. on gold in the space of a month, it is necessary that we have a tariff, temporarily at least, that will safely shield the interests of the country until we have passed the dangers and reached a more stable financial condition.

One other proposition has been submitted, and with the notice of that I will conclude. The gentleman from Massachusetts [Mr. DAWES] proposes that the whole subject be laid over until another winter. For many reasons I should be glad if we could have more time to perfect the measure. It would be well if we could give two or three months of careful study to the problems connected with this bill. But gentlemen must remember that the chances and changes of the next five or six months may be disastrous to our industries if we do not before the close of this session adopt some legislation to protect them against sudden danger. I am sorry, therefore, that my friend from Massachusetts saw fit to offer that proposition, for it is really another mode of killing the bill, and I can hardly believe he desires such a result.

I hope, sir, that both the propositions to which I have referred will be voted down; that we shall amend the bill in several particulars, making it as equitable as possible in all its provisions; that we shall pass it; and when the country comes to understand clearly what we have done I believe that the clamor of which we have heard so much will cease and that the wisdom of this measure will be vindicated.

Mr. STEVENS. I desire to inquire whether it is the understanding that debate shall now close.

Mr. MORRILL. I propose that debate shall close when the gentleman from Pennsylvania [Mr. STEVENS] shall have concluded.

Mr. STEVENS. Well, Mr. Speaker—

Mr. FARQUHAR. Will the gentleman from Pennsylvania allow me to interrupt him a moment?

Mr. STEVENS. Certainly.

Mr. FARQUHAR. I desire to inquire of the chairman of the Committee of Ways and Means [Mr. MORRILL] whether the arrangement was not that debate should close on the conclusion of the remarks of the gentleman from Ohio. [Mr. GARFIELD.]

Mr. MORRILL. That was the understanding. We did not then know that the gentleman from Pennsylvania desired to speak. The gentleman will recognize the propriety of giving the senior member of the House five to ten minutes if he desires it.

Mr. FARQUHAR. I shall be very happy, of course, to have the distinguished gentleman from Pennsylvania proceed with the debate; but I simply desire to say this: after hearing yesterday the remark of the honorable chair-

man of the Committee of Ways and Means with regard to the range of debate which might be allowed to-day, I prepared some remarks which I had hoped to be allowed to present, that my people might understand my reasons for the vote which I may have to give. Understanding, however, that debate was to be closed, I cheerfully waived the privilege of making those remarks. I am, however, very desirous to hear the gentleman from Pennsylvania.

Mr. STEVENS. I will surrender the floor to the gentleman from Indiana, [Mr. FARQUHAR,] and then let the debate close.

Several MEMBERS. Let us vote now.

Mr. MORRILL. I certainly desire to accommodate gentlemen of the House; but I did hope that we should be able to reach a vote upon the bill and close it to-day. There are, I understand, several other gentlemen who would like to speak; but it is obvious that if we are to dispose of the bill to-day we must very soon commence to vote. I do not desire to exclude any remarks of the gentleman from Pennsylvania or the gentleman from Indiana; but if neither gentleman desires to occupy any time now I propose, Mr. Speaker, that the several amendments which it was agreed might be offered at this stage of the bill shall now be proposed; that the previous question shall then be called upon the amendments; and after that the motion of the gentleman from Iowa [Mr. WILSON] and that of the gentleman from Massachusetts [Mr. DAWES] will be in order.

Mr. STEVENS. I had intended, Mr. Speaker, to make a few remarks on the merits of the bill; but I see that under the circumstances it might not be fair to other gentlemen. Besides, as a remark made by the last speaker, [Mr. GARFIELD,] with reference to the course of the Committee of Ways and Means upon the bill renders it quite probable that I shall not be able to vote for the bill in the shape it may finally assume, I feel the less desire now to make any remarks in advocacy of the measure.

Mr. FARQUHAR. I desire to say to the House and to the distinguished gentleman from Pennsylvania that my purpose in rising was not to interpose any objection to the gentleman proceeding with his remarks; and I hope that he will not so regard it.

Mr. STEVENS. Not at all; but I see the impropriety of my occupying the time.

Mr. MORRILL. I move on page 9, line six, to fill the blank with "three," so that it will read, "on cotton, raw or unmanufactured, three cents per pound."

The amendment was agreed to.

Mr. MORRILL. I now yield the floor to the gentleman from Iowa [Mr. WILSON] to move an amendment to the following paragraph on page 21:

On iron bars for railroads or inclined planes, made to pattern, ready to lay down, one cent per pound.

Mr. WILSON, of Iowa. I enter a motion to strike out "one cent per pound," and in lieu thereof to insert "seventy cents per hundred pounds."

Mr. FARQUHAR. I move still further to amend by making it "fifty" instead of "seventy."

Mr. ALLISON. I move to make the duty on cotton five cents per pound.

The SPEAKER. That has been already passed, the duty being fixed at three cents per pound by vote of the House on motion of the gentleman from Vermont.

Mr. MORRILL. No one seems disposed to move an amendment in reference to coal, and I therefore demand the previous question.

The previous question was seconded and the main question ordered.

An understanding, by unanimous consent, was entered into that the amendments of the Committee of the Whole on the state of the Union should be considered as agreed to in gross, excepting those on which separate votes might be asked.

The first amendment, on which a separate vote was asked by Mr. ALLISON, was to strike

out "nine" and insert "ten;" so that the paragraph will read, "on iron in pigs, ten dollars per ton."

The House divided; and there were—ayes 35, noes 83.

So the amendment was non-concurred in.

Mr. WASHBURN, of Illinois, moved to reconsider the vote by which the amendment was rejected; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

The next amendment, on which a separate vote was asked by Mr. DODGE, was to strike out "crash" in the following paragraph:

On brown and bleached linen, damask table linen, brown Hollands, blay, coatings, crash, duck, drills, diapers, and huokabucks, valued at thirty cents or less per square yard, six cents per square yard, and, in addition thereto, thirty per cent. *ad valorem*.

The House divided; and there were—ayes eighty-four, noes not counted.

So the amendment was concurred in.

The next amendment of which a separate vote was asked was the following:

Strike out the words, "on all bituminous coal mined and imported from any place not more than thirty degrees of longitude east of Washington, fifty cents per ton of twenty-eight bushels, eighty pounds to the bushel;" and in lines two hundred and fifty-five and two hundred and fifty-six, strike out the words, "thirty degrees of longitude east of Washington," so that the paragraph will read:

On candle on cannel coal, and on all bituminous coal mined and imported from any port or place, \$1.50 per ton of twenty-eight bushels, eighty pounds to the bushel; on anthracite, and all other coal not herein otherwise provided for, \$1.50 per ton of twenty-eight bushels, eighty pounds to the bushel; on coke and culm of coal, twenty-five per cent. *ad valorem*.

The House divided; and there were—ayes 77, noes 69.

Mr. RANDALL, of Pennsylvania, called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 75, nays 72, not voting 35; as follows:

YEAS—Messrs. ANCONA, Anderson, Delos R. Ashley, James M. Ashley, Barker, Benjamin, Boyer, Brownell, Buckland, Bundy, Reader W. Clarke, Sidney Clarke, Cobb, Coffroth, Davis, Dawson, De-frees, Dodge, Eggleston, Eldridge, Farquhar, Finck, Glossbrenner, Grider, Aaron Harding, Hayes, Hotchkiss, Asahel W. Hubbard, Chester D. Hubbard, James R. Hubbell, Johnson, Kelley, Kolso, Kerr, Latham, George V. Lawrence, Le Blond, Loan, Longyear, Marshall, McCullough, McKee, Mercer, Miller, Myers, Niblack, O'Neill, Orth, Paine, Phelps, Plants, Price, Samuel J. Randall, William H. Randall, Ritter, Ross, Rousseau, Sawyer, Schenck, Seefeld, Shanklin, Spaulding, Stevens, Strouse, Thayer, Francis Thomas, John L. Thomas, Thornton, Trimble, Robert T. Van Horn, Henry D. Washburn, Welker, Whaley, Williams, and Stephen F. Wilson—75.

NAYS—Messrs. Alley, Allison, Ames, Baker, Baldwin, Banks, Baxter, Bergen, Bingham, Boutwell, Cook, Dawes, Delano, Deming, Dixon, Donnelly, Driggs, Eliot, Farnsworth, Ferry, Garfield, Griswold, Hale, Harris, Hart, Henderson, Higby, Holmes, Hooper, Demas Hubbard, John H. Hubbard, Hulburd, Humphrey, Ingersoll, Jencks, Julian, Kasson, Ketcham, Ladin, William Lawrence, Marston, Marvin, McClurg, McRuer, Moorhead, Morrill, Moulton, Newell, Nicholson, Patterson, Perham, Pike, Pomeroy, Alexander H. Rice, John H. Rice, Rogers, Rollins, Shellabarger, Sitgreaves, Taber, Taylor, Trowbridge, Van Aernam, Burt Van Horn, Ward, Elihu D. Washburn, William B. Washburn, Wentworth, James F. Wilson, Windom, Woodbridge, and Wright—72.

NOT VOTING—Messrs. Beaman, Bidwell, Blaine, Blow, Brandegee, Broomall, Chanler, Conkling, Culom, Culver, Darling, Denison, Dumont, Eckley, Goodyear, Grinnell, Abner C. Harding, Hill, Hogan, Edwin N. Hubbell, Jones, Kuykendall, Lynch, McIndoe, Morris, Noell, Radford, Raymond, Sloan, Smith, Starr, Stilwell, Upson, Warner, and Winfield—35.

So the amendment was concurred in.

During the vote,

Mr. WASHBURN, of Indiana, stated that his colleague, Mr. STILWELL, who would have voted for the amendment, was paired with Mr. BLAINE, who would have voted against it.

The vote was then announced as above recorded.

The next amendment on which a separate vote was asked was the following:

Strike out all after the enacting clause of section eighteen and insert, "that the Secretary of the Treasury be, and he is hereby, authorized to extend to the Alabama and Florida Railroad Company (of Florida) a credit of five years on the duties on the railroad iron and fastenings necessary to relay thirty-seven

miles of the track of the Alabama and Florida railroad, between the city of Pensacola and the Alabama State line, from which the rails and fastenings were removed by the rebel forces (against the remonstrances of the officers of said company) during the late rebellion: *Provided*, That the said railroad company shall first give security, to the satisfaction of the said Secretary, for the payment in coin of such duties with semi-annual interest at the rate of six per cent. on or before the expiration of said credit; and that the said iron shall be used for no purpose but that before stated until said duties have been paid; and further, that the United States authorities can use said securities in payment for any services said railroad company may render for them, should any services be rendered."

The question being taken on agreeing to the amendment, there were—ayes 60, noes 72.

Mr. BINGHAM demanded the yeas and nays.

The yeas and nays were refused.

So the amendment was disagreed to.

Mr. WASHBURNE, of Illinois, moved to reconsider the vote by which the amendment was disagreed to; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

The next amendment reported from the Committee of the Whole upon which a separate vote was reserved was on page 39, section twelve, line ten, to strike out "ten" and insert "thirty;" so that it will read, "on apples, garden fruit, and vegetables, thirty per cent. *ad valorem*."

The amendment was agreed to.

The next amendment reserved for a separate vote was on page 40, line twenty-seven, to strike out "ten" and insert "twenty;" so that it will read, "on potatoes, twenty cents per bushel."

The amendment was agreed to.

The next amendment reserved for a separate vote was on page 41, lines fifteen, sixteen, and seventeen, in regard to lumber, to strike out the words "six dollars or less per thousand feet, one dollar per thousand feet; when valued at over six dollars and," so that it will read, "when sawed and valued at not over ten dollars per thousand, two dollars per thousand feet."

The amendment was agreed to—ayes 72, noes 40.

Mr. FERRY moved to reconsider the vote by which the amendment was agreed to; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

The next amendment reserved for a separate vote was on page 40, after line sixteen, to insert, "on tea, twelve and a half cents per pound."

The amendment was agreed to—ayes ninety-five, noes not counted.

The next amendment reserved for a separate vote was to insert after the amendment just read, "on coffee, two and a half cents per pound."

The amendment was agreed to.

Mr. WASHBURNE, of Illinois, moved to reconsider the vote by which the last two amendments were agreed to; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

The next amendment reported from the Committee of the Whole, on which a separate vote was demanded by Mr. WILSON, of Iowa, was on page 21, line one hundred and forty-eight, in relation to railroad iron, to strike out "one cent per pound" and insert "seventy cents per hundred pounds," to which an amendment was moved by Mr. FARQUHAR, to strike out "seventy" and insert "fifty;" so that it will read, "on iron bars for railroads or inclined planes, made to pattern, ready to lay down, fifty cents per hundred pounds."

The question being taken on the amendment to strike out "seventy" and insert "fifty," there were—ayes 62, noes 72.

Mr. ALLISON demanded the yeas and nays.

The yeas and nays were ordered.

The question being taken, it was decided in the negative—ayes 57, nays 90, not voting 35; as follows:

YEAS—Messrs. Allison, Anderson, James M. Ashley, Baker, Benjamin, Bergen, Bromwell, Cobb, Cook, Defrees, Donnelly, Eldridge, Farnsworth, Farquhar, Finck, Grider, Grinnell, Aaron Harding, Abner C.

Harding, Harris, Henderson, Hogan, Hulburd, Humphrey, Ingersoll, Julian, Kasson, Kerr, Ladin, Le Blond, Marshall, Marston, McRuer, Moulton, Niblack, Nicholson, Orth, Patterson, Pike, Pomeroy, Ritter, Rogers, Rollins, Ross, Roussau, Shanklin, Sitgreaves, Taber, Taylor, Thornton, Trimble, Robert T. Van Horn, Elihu B. Washburne, Henry D. Washburn, Wentworth, James F. Wilson, and Windom—57.

NAYS—Messrs. Alley, Ames, Ancona, Delos R. Ashley, Baldwin, Banks, Barker, Baxter, Bingham, Boutwell, Boyer, Buckland, Bundy, Reader W. Clarke, Coffroth, Davis, Dawes, Dawson, Delano, Deming, Dixon, Dodge, Driggs, Eckley, Eggleston, Eliot, Ferry, Garfield, Glossbrenner, Griswold, Hale, Hart, Hayes, Higby, Holmes, Hooper, Hotchkiss, Asahel W. Hubbard, Chester D. Hubbard, Demas Hubbard, John H. Hubbard, James K. Hubbell, Jenckes, Johnson, Kelley, Kelso, Ketcham, Latham, George V. Lawrence, William Lawrence, Loan, Longyear, Marvin, McClurg, McKee, Mercer, Miller, Moorhead, Morrill, Myers, Newell, O'Neill, Paine, Perham, Phelps, Plants, Price, Samuel J. Randall, William H. Randall, Alexander H. Rice, John H. Rice, Sawyer, Schoenck, Scofield, Shellabarger, Spalding, Strouse, Thayer, Francis Thomas, John L. Thomas, Trowbridge, Van Aernam, Burt Van Horn, Ward, William B. Washburn, Welker, Whaley, Williams, Stephen F. Wilson, and Woodbridge—90.

NOT VOTING—Messrs. Beaman, Bidwell, Blaine, Blow, Brandegee, Broomall, Chanler, Sidney Clarke, Conkling, Cullom, Culver, Darling, Denison, Dumont, Goodyear, Hill, Edwin N. Hubbell, Jones, Kuykendall, Lynch, McCullough, McIndoe, Morris, Noell, Radford, Raymond, Sloan, Smith, Starr, Stevens, Stilwell, Upson, Warner, Winfield, and Wright—35.

So the amendment was disagreed to.

During the roll-call,

Mr. ANCONA said: My colleague, Mr. DENISON, is absent on account of sickness; if he had been here I think he would have voted with me on all these amendments.

The result having been announced as above recorded,

The question recurred on the amendment to strike out "one cent per pound" and insert "seventy cents per hundred pounds."

Mr. STROUSE. I demand the yeas and nays.

Mr. SPALDING. I move that the House adjourn.

The motion was disagreed to—ayes 43, noes 98.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, announced that the Senate had passed a bill (S. No. 386) to enlarge the public grounds surrounding the Capitol.

ENROLLED BILL.

Mr. TROWBRIDGE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 730) relating to pilots and regulations.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, announced that the Senate had passed a bill (S. No. 401) to increase and fix the military peace establishment of the United States, in which the concurrence of the House was requested.

The message further announced that the Senate had passed without amendment a bill (H. R. No. 726) to extend to certain persons the privilege of admission, in certain cases, to any of the United States Government asylums for the insane.

The message further announced that the Senate had passed a bill (H. R. No. 334) to fix the number of the judges of the Supreme Court of the United States, and to change certain judicial circuits, with an amendment, in which the concurrence of the House was requested.

TARIFF BILL—AGAIN.

The question recurred upon the amendment to reduce the duty on iron from one cent per pound to seventy cents per one hundred pounds, upon which Mr. STROUSE had called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—ayes 109, nays 39, not voting 34; as follows:

YEAS—Messrs. Alley, Allison, Anderson, Baker, Banks, Benjamin, Bergen, Bingham, Boutwell, Bromwell, Buckland, Bundy, Reader W. Clarke, Sidney

Clarke, Cobb, Cook, Dawes, Dawson, Defrees, Delano, Deming, Dodge, Donnelly, Driggs, Eckley, Eggleston, Eldridge, Eliot, Farnsworth, Farquhar, Ferry, Finck, Garfield, Grider, Grinnell, Aaron Harding, Abner C. Harding, Harris, Hayes, Henderson, Higby, Hogan, Asahel W. Hubbard, James R. Hubbell, Hulburd, Humphrey, Ingersoll, Julian, Kasson, Kelley, Kelso, Kerr, Ketcham, Ladin, William Lawrence, LeBlond, Loan, Longyear, Marshall, Marston, Marvin, McClurg, McCullough, McRuer, Morrill, Moulton, Newell, Niblack, Nicholson, Orth, Paine, Patterson, Perham, Phelps, Pike, Plants, Pomeroy, Price, William H. Randall, Alexander H. Rice, John H. Rice, Ritter, Rogers, Rollins, Ross, Roussau, Sawyer, Schenck, Shanklin, Shellabarger, Taber, Taylor, Francis Thomas, Thornton, Trimble, Van Aernam, Burt Van Horn, Robert T. Van Horn, Ward, Elihu B. Washburne, Henry D. Washburn, William B. Washburn, Welker, Wentworth, Whaley, James F. Wilson, Windom, Woodbridge, and Wright—109.

NAYS—Messrs. Ames, Ancona, Delos R. Ashley, James M. Ashley, Baldwin, Barker, Baxter, Boyer, Coffroth, Davis, Glossbrenner, Griswold, Hale, Hart, Holmes, Hotchkiss, Chester D. Hubbard, Demas Hubbard, John H. Hubbard, Jenckes, Johnson, Latham, George V. Lawrence, McKee, Mercer, Miller, Moorhead, Myers, O'Neill, Samuel J. Randall, Scofield, Sitgreaves, Stevens, Strouse, Thayer, John L. Thomas, Trowbridge, Williams, and Stephen F. Wilson—39.

NOT VOTING—Messrs. Beaman, Bidwell, Blaine, Blow, Brandegee, Broomall, Chanler, Conkling, Cullom, Culver, Darling, Denison, Dixon, Dumont, Goodyear, Hill, Hooper, Edwin N. Hubbell, Jones, Kuykendall, Lynch, McIndoe, Morris, Noell, Radford, Raymond, Sloan, Smith, Spalding, Starr, Stilwell, Upson, Warner, and Winfield—34.

So the amendment was agreed to.

Mr. ALLISON moved to reconsider the vote by which the amendment was agreed to; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

Mr. EGGLESTON. I move that the House adjourn.

Mr. WILSON, of Iowa. Will the gentleman from Ohio [Mr. EGGLESTON] yield to me for a moment?

Mr. EGGLESTON. Certainly.

UNION PACIFIC RAILROAD, EASTERN DIVISION.

Mr. WILSON, of Iowa. I desire to enter a motion to reconsider the vote referring to the Committee on the Pacific Railroad a bill explanatory of an act to amend an act entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri river to the Pacific ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," approved July 2, 1864.

The motion was entered upon the Journal.

Mr. EGGLESTON. I now renew my motion to adjourn.

The question was taken; and upon a division there were—ayes 53, noes 80.

So the motion to adjourn was not agreed to.

TARIFF BILL—AGAIN.

The next question was upon the amendment of Mr. PRICE to the paragraph in section nine relating to the duty on salt, to strike out "forty-two" and insert "thirty-six," and to strike out "thirty" and insert "twenty-four;" so that the paragraph would read as follows:

On salt in sacks, barrels, and other packages, thirty-six cents per one hundred pounds; on salt in bulk, twenty-four cents per one hundred pounds.

The question was taken; and upon a division there were—ayes 86, noes 32.

Before the result of the vote was announced, Mr. DAVIS called for the yeas and nays.

The yeas and nays were not ordered.

The amendment was accordingly agreed to.

Mr. MOULTON moved to reconsider the vote by which the amendment was agreed to; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

The next question was upon the motion of Mr. LAWRENCE, of Ohio, to strike out the following section:

SEC. 23. And be it further enacted, That there shall be established in and attached to the Department of the Treasury a bureau to be styled the Bureau of Statistics, and the Secretary of the Treasury is hereby authorized to appoint a Director to superintend and conduct the business of said bureau, who shall be paid an annual salary of \$3,500. And it shall be the duty of the Director of the Bureau of Statistics to prepare the report on the statistics of commerce and navigation, exports and imports, now required by

law to be submitted annually to Congress by the Secretary of the Treasury; and said report, embracing the returns of the commerce and navigation, the exports and imports of the United States, to the close of the fiscal year, shall for the first day of December next succeeding; and the said Director, as soon as practicable after the organization of this office, shall, under the direction of the Secretary of the Treasury, prepare and publish monthly reports of the exports and imports of the United States, including the quantities and values of goods purchased or withdrawn from warehouse, and such other statistics relative to the trade and industry of the country as the Secretary of the Treasury may consider expedient. And the Director of the Bureau of Statistics shall also prepare an annual statement of all vessels registered, enrolled, and licensed under the laws of the United States, together with the name and tonnage of each vessel, the class to which she belongs as to build and rigging, the name of her home port, and such other information as the Secretary of the Treasury may deem proper to embody therein; and to enable the said Director to furnish the information required the Secretary of the Treasury shall have power, under such regulations as he shall prescribe, to establish and provide a system of numbering all vessels so registered, enrolled, and licensed; and each vessel so numbered shall have her number deeply carved or otherwise permanently marked on her main beam; and if at any time she shall cease to be so marked, such vessel shall be no longer recognized as a vessel of the United States. The said Director shall also prepare an annual statement of all merchandise passing in transit through the United States to foreign countries, each description of merchandise, so far as practicable, warehoused, withdrawn from warehouse for consumption, for exportation, for transportation to other districts, and remaining in the warehouse at the end of each fiscal year; and to aid him in the discharge of these duties, the several clerks now employed in the preparation of statistics in the Treasury Department, or any bureau thereof, shall be placed under his supervision and direction. It shall be the further duty of said Director to collect, digest, and arrange, for the use of Congress, the statistics of the manufactures of the United States, their localities, sources of raw material, markets, exchanges with the producing regions of the country, transportation of products, wages, and such other conditions as are found to affect their prosperity. The said Director shall also collect, digest, and arrange for the use of Congress the statistics of the mining industry of the United States, the number and location of the mines, the products, wages of labor employed therein, and such other matters as may exhibit the condition and affect the prosperity of that branch of industry. And the said Director shall also annually prepare a report, to be laid before Congress, concerning the general course and influence of trade with foreign countries, exhibiting the distribution of the domestic exports of the United States among them, and the exchange of commodities with them, and the cost of production in the respective countries wherever attainable, and by what means the export trade of the United States may be increased; which report shall extend to such particulars and shall be arranged in such manner and form as may be required by the Secretary of the Treasury. And for all these purposes the said Director shall have access to the statistics, papers, and records of the several Departments of the Government; and, in addition to the clerical service heretofore provided, the Secretary of the Treasury shall detail such other clerks as may be necessary to fully carry out the provisions of this act. And the expenses of the Bureau of Statistics for clerical service, publication of reports, stationery, books, and statistical periodicals and papers required by the bureau shall be defrayed, on the order and approval of the Secretary of the Treasury, out of any moneys in the Treasury not otherwise appropriated. And all letters and documents to and from the Director of the Bureau of Statistics, relating to the duties and business of his office, shall be transmitted by mail free of postage.

The question was taken; and upon a division there were—ayes 54, noes 74.

Before the result of the vote was announced, Mr. LAWRENCE, of Ohio, called for the yeas and nays.

The yeas and nays were not ordered. The motion to strike out was accordingly not agreed to.

The question then recurred on ordering the bill, as amended, to be engrossed and read a third time.

Mr. WASHBURNE, of Illinois. I move that the bill be recommitted to the Committee of Ways and Means, with instructions to report the same at the next session, with such modifications or changes as they may see fit to make; and upon that motion I demand the previous question.

Mr. ELDRIDGE. I move to lay the bill on the table.

The motion was not agreed to.

Mr. McKEE, (at twenty minutes past five o'clock p. m.) I move that the House now adjourn.

The motion to adjourn was not agreed to.

The question recurred upon seconding the demand for the previous question.

Mr. WILSON, of Iowa. Will the gentleman from Illinois [Mr. WASHBURNE] withdraw the call for the previous question to allow me to move an amendment to his motion?

Mr. WASHBURNE, of Illinois. I will withdraw the motion for that purpose.

Mr. WILSON, of Iowa. I move as a substitute for the motion of the gentleman from Illinois [Mr. WASHBURNE] that this bill be recommitted to the Committee of Ways and Means, with instructions to report a bill embracing the first section of the pending bill; the sixth and twelfth sections, as originally reported, and including the amendments relative to the duty on tea and coffee; the duties on linseed, flaxseed, hempseed, rapeseed, and upon oils manufactured therefrom, as provided in the bill; a reduction of the duty on railroad iron to seventy cents per hundred pounds; a reduction of all other rates embodied in the bill to a standard not higher than the actual necessities of the interests affected thereby require, not exceeding in any case twenty-five per cent. above the rates now fixed by law; and section fourteen, and all subsequent sections, with such changes as previous modifications may require, if any.

Mr. WASHBURNE, of Illinois. I now call the previous question.

Mr. HOTCHKISS. I move to reconsider the vote by which the House agreed to the amendment of the Committee of the Whole in regard to the duty upon bituminous coal, and upon that motion I call the yeas and nays.

Mr. J. L. THOMAS, (at twenty-five minutes past five o'clock p. m.) I move that the House adjourn.

The question was taken; and upon a division there were—ayes 88, noes 95.

Before the result of the vote was announced, Mr. J. L. THOMAS called for the yeas and nays on the motion to adjourn.

The question was taken upon ordering the yeas and nays, and there were—ayes fifteen, not one fifth of the members present.

Mr. J. L. THOMAS called for tellers on ordering the yeas and nays.

Tellers were not ordered.

The yeas and nays were not ordered.

And the motion to adjourn was accordingly not agreed to.

The question recurred upon the motion of Mr. HOTCHKISS to reconsider the vote agreeing to the amendment in relation to bituminous coal.

Mr. STEVENS. I move to lay the motion to reconsider on the table.

The question was taken; and upon a division there were—ayes 81, noes 52.

Before the result of the vote was announced, Mr. HOTCHKISS called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—ayes 73, nays 70, not voting 39; as follows:

YEAS—Messrs. Ancona, Anderson, Delos R. Ashley, James M. Ashley, Barker, Boyer, Bromwell, Buckland, Bundy, Reader W. Clarke, Sidney Clarke, Cobb, Coffroth, Davis, Dawson, Donnelly, Driggs, Eckley, Eggleston, Eldridge, Farnsworth, Farquhar, Finck, Glossbrenner, Grider, Hale, Aaron Harding, Hayes, Henderson, Asahel W. Hubbard, Chester D. Hubbard, James R. Hubbell, Johnson, Kelley, Kelso, Kerr, Latham, George V. Lawrence, Loan, Longyear, Marshall, McCullough, McKee, Mercier, Miller, Myers, Niblack, O'Neill, Orth, Paine, Phelps, Plants, Samuel J. Randall, William H. Randall, Ritter, Ross, Schenck, Seofield, Shanklin, Stevens, Strouse, Thayer, Francis Thomas, John L. Thomas, Thornton, Trimble, Robert T. Van Horn, Elihu B. Washburne, Henry D. Washburn, Welker, Whaley, Williams, and Stephen F. Wilson—73.

NAYS—Messrs. Alley, Allison, Ames, Baker, Baldwin, Banks, Baxter, Bergen, Bingham, Boutwell, Cook, Davies, Deming, Dixon, Dodge, Eliot, Ferry, Garfield, Grinnell, Abner C. Harding, Harris, Hart, Higby, Hogan, Holmes, Hooper, Hotchkiss, Demas Hubbard, John H. Hubbard, Hulburd, Humphrey, Ingersoll, Jencks, Julian, Kasson, Ketcham, Laffin, William Lawrence, Marston, Marvin, McClurg, Mercur, Moorhead, Morrill, Morris, Moulton, Newell, Nicholson, Patterson, Perham, Pike, Pomeroy, Alexander H. Rice, John H. Rice, Rogers, Rollins, Rousseau, Shellabarger, Sitgreaves, Taber, Taylor, Trowbridge, Van Aernam, Burt Van Horn, Ward, William B. Washburn, Wentworth, James F. Wilson, Windom, Woodbridge, and Wright—70.

NOT VOTING—Messrs. Beaman, Benjamin, Bid-

well, Blaine, Blow, Brandegee, Broomall, Chanler, Conkling, Cullem, Culver, Darling, Deftrees, Delano, Denison, Dumont, Goodyear, Griswold, Hill, Edwin N. Hubbell, Jones, Kuykendall, Le Blond, Lynch, McIndoe, Noell, Price, Radford, Raymond, Sawyer, Sloan, Smith, Spalding, Starr, Stilwell, Upson, Warner, and Winfield—39.

So the motion to lay the motion to reconsider on the table was agreed to.

Mr. ELDRIDGE. I move to lay the bill on the table.

Mr. WARD, (at twenty minutes to six o'clock p. m.) I move that the House now adjourn.

The question was taken; and upon a division there were—ayes 50, noes 84.

So the motion to adjourn was not agreed to.

The question recurred upon the motion of Mr. ELDRIDGE to lay the bill on the table.

Mr. ELDRIDGE. Upon that motion I call for the yeas and nays.

The yeas and nays were ordered.

Mr. FARNSWORTH. I move that the House adjourn.

The motion to adjourn was not agreed to.

The question was then taken on the motion to lay the bill on the table; and there were—ayes 25, nays 121, not voting 86; as follows:

YEAS—Messrs. Barker, Bergen, Cook, Eldridge, Finck, Glossbrenner, Aaron Harding, Harris, Hogan, Humphrey, Kerr, Le Blond, Marshall, Niblack, Nicholson, Ritter, Rogers, Ross, Shanklin, Sitgreaves, Taber, Taylor, Thornton, Trimble, and Wright—25.

NAYS—Messrs. Alley, Allison, Ames, Ancona, Anderson, Delos R. Ashley, James M. Ashley, Baldwin, Banks, Barker, Baxter, Benjamin, Bingham, Boutwell, Boyer, Bromwell, Buckland, Bundy, Reader W. Clarke, Sidney Clarke, Cobb, Coffroth, Davis, Davies, Dawson, Deftrees, Delano, Deming, Dixon, Dodge, Donnelly, Driggs, Eckley, Eggleston, Eliot, Farnsworth, Farquhar, Ferry, Garfield, Grinnell, Griswold, Hale, Abner C. Harding, Hart, Hayes, Henderson, Higby, Holmes, Hooper, Hotchkiss, Chester D. Hubbard, Demas Hubbard, John H. Hubbard, James R. Hubbell, Hulburd, Johnson, Julian, Kasson, Kelley, Kelso, Ketcham, Laffin, Latham, George V. Lawrence, William Lawrence, Longyear, Marston, Marvin, McClurg, McCullough, McKee, Mercur, Mercer, Miller, Moorhead, Morrill, Morris, Moulton, Myers, Newell, O'Neill, Orth, Paine, Patterson, Perham, Phelps, Pike, Plants, Pomeroy, Price, Samuel J. Randall, William H. Randall, Alexander H. Rice, John H. Rice, Rollins, Sawyer, Schenck, Seofield, Shellabarger, Spalding, Stevens, Strouse, Thayer, Francis Thomas, John L. Thomas, Trowbridge, Van Aernam, Burt Van Horn, Robert T. Van Horn, Ward, Elihu B. Washburne, Henry D. Washburn, William B. Washburn, Welker, Wentworth, Whaley, Williams, James F. Wilson, Stephen F. Wilson, Windom, and Woodbridge—121.

NOT VOTING—Messrs. Beaman, Bidwell, Blaine, Blow, Brandegee, Broomall, Chanler, Conkling, Cullem, Culver, Darling, Denison, Dumont, Goodyear, Grider, Hill, Asahel W. Hubbard, Edwin N. Hubbell, Ingersoll, Jencks, Jones, Kuykendall, Loan, Lynch, McIndoe, Noell, Radford, Raymond, Rousseau, Sloan, Smith, Starr, Stilwell, Upson, Warner, and Winfield—36.

So the motion to lay the bill on the table was not agreed to.

The question recurred upon seconding the call for the previous question upon the motion to recommit.

The SPEAKER. If the previous question is seconded, and the motion to recommit should be voted down, the previous question will not be exhausted until the third reading of the bill.

The previous question was seconded and the main question ordered.

Mr. ASHLEY, of Ohio, (at ten minutes to six o'clock p. m.) I move that the House now adjourn.

The motion was not agreed to.

The question recurred upon the amendment proposed by Mr. WILSON, of Iowa, to the motion of Mr. WASHBURNE, of Illinois, to recommit the bill to the Committee of Ways and Means with instructions to report a bill embracing the first section of the pending bill; the sixth and twelfth sections, as originally reported, and including the amendments relative to the duty on tea and coffee, the duties on linseed, flaxseed, hempseed, rapeseed, and upon oils manufactured therefrom, as provided in the bill; a reduction of the duty on railroad iron to seventy cents per hundred pounds; a reduction of all other rates embodied in the bill to a standard not higher than the actual necessities of the interests affected thereby require, not exceeding in any case

twenty-five per cent. above the rates now fixed by law; and section fourteen, and all subsequent sections, with such changes as previous modifications may require, if any.

Mr. WILSON, of Iowa. Upon that I call for the yeas and nays.*

The yeas and nays were not ordered.

The question was taken; and upon a division there were—yeas thirty-one, noes not counted.

So the amendment was not agreed to.

The question recurred on the motion of Mr. WASHBURN, of Illinois, that the bill be re-committed to the Committee of Ways and Means, with instructions to report the same at the next session of Congress with such modifications or changes as they may see fit to make.

Mr. WASHBURN, of Illinois, called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 62, nays 87, not voting 83; as follows:

YEAS—Messrs. Allison, Anderson, James M. Ashley, Baker, Baldwin, Benjamin, Bergen, Broomwell, Cobb, Cook, Dawes, Defrees, Donnelly, Briggs, Eggleston, Eldridge, Eliot, Farnsworth, Farquhar, Finck, Glossbrenner, Grider, Aaron Harding, Abner C. Harding, Henderson, Hogan, Humphrey, Ingersoll, Julian, Kasson, Kerr, Le Blond, Marshall, McCullough, Moulton, Niblack, Nicholson, Orth, Phelps, William H. Randall, Ritter, Rogers, Ross, Rousseau, Shanklin, Sitgreaves, Taber, Taylor, John L. Thomas, Trimble, Robert T. Van Horn, Elihu B. Washburne, Henry D. Washburn, Wentworth, James F. Wilson, Windom, and Wright—62.

NAYS—Messrs. Alley, Ames, Ancona, Delos R. Ashley, Banks, Barker, Baxter, Bingham, Boutwell, Boyer, Buckland, Bundy, Reader W. Clarke, Sidney Clarke, Coffroth, Davis, Dawson, Delano, Deming, Dixon, Dodge, Eckley, Ferry, Garfield, Grinnell, Griswold, Hale, Harris, Hart, Hayes, Higby, Holmes, Hooper, Hotchkiss, Chester D. Hubbard, Demas Hubbard, John H. Hubbard, James R. Hubbell, Hulburd, Jenckes, Johnson, Kelley, Kelso, Ketcham, Latham, George V. Lawrence, William Lawrence, Longyear, Marston, Marvin, McClurg, McKee, McRuer, Mercer, Miller, Moorhead, Morrill, Morris, Myers, Newell, O'Neill, Paine, Perham, Plants, Samuel J. Randall, Alexander H. Rice, John H. Rice, Rollins, Sawyer, Schofield, Seofield, Shellabarger, Spalding, Strouse, Thayer, Francis Thomas, Trowbridge, Van Aernam, Burt Van Horn, Ward, William B. Washburn, Welker, Whaley, Williams, Stephen F. Wilson, and Woodbridge—87.

NOT VOTING—Messrs. Beaman, Bidwell, Blaine, Blow, Brandegee, Broomall, Chanler, Conkling, Culver, Darling, Denison, Dumont, Goodyear, Hill, Asahel W. Hubbard, Edwin N. Hubbell, Jones, Kuykendall, Loan, Lynch, McIndoe, Noell, Patterson, Radford, Raymond, Sloan, Smith, Starr, Stevens, Stilwell, Upson, Warner, and Winfield—83.

So the motion to recommit with instructions, as proposed by Mr. WASHBURN, of Illinois, was not agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question being on the passage of the bill, Mr. MORRILL called the previous question. The previous question was seconded and the main question ordered.

Mr. ELDRIDGE. I move that the bill be postponed until the first Monday of December next.

The SPEAKER. That motion cannot be entertained now, as the main question has been ordered upon the passage of the bill.

Mr. FINCK. I call for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 95, nays 52, not voting 35; as follows:

YEAS—Messrs. Alley, Ames, Ancona, Delos R. Ashley, Baldwin, Banks, Barker, Baxter, Bingham, Boutwell, Boyer, Buckland, Bundy, Reader W. Clarke, Sidney Clarke, Coffroth, Davis, Dawson, Delano, Deming, Dixon, Dodge, Eckley, Grinnell, Griswold, Hale, Hart, Hayes, Henderson, Higby, Holmes, Hooper, Hotchkiss, Chester D. Hubbard, Demas Hubbard, John H. Hubbard, James R. Hubbell, Hulburd, Jenckes, Johnson, Kelley, Kelso, Ketcham, Latham, George V. Lawrence, William Lawrence, Longyear, Marston, Marvin, Moorhead, Morrill, Morris, Myers, Newell, O'Neill, Paine, Patterson, Perham, Pike, Plants, Price, Samuel J. Randall, Alexander H. Rice, John H. Rice, Rollins, Sawyer, Schofield, Shellabarger, Spalding, Strouse, Thayer, Francis Thomas, Trowbridge, Van Aernam, Burt Van Horn, Ward, William B. Washburn, Welker,

Whaley, Williams, Stephen F. Wilson, and Woodbridge—95.

NAYS—Messrs. Allison, Anderson, Baker, Benjamin, Bergen, Broomwell, Cobb, Cook, Defrees, Eggleston, Eldridge, Farnsworth, Farquhar, Finck, Glossbrenner, Grider, Aaron Harding, Abner C. Harding, Harris, Hogan, Humphrey, Ingersoll, Julian, Kasson, Kerr, Le Blond, Marshall, McCullough, Moulton, Niblack, Nicholson, Orth, Phelps, William H. Randall, Ritter, Rogers, Ross, Rousseau, Shanklin, Sitgreaves, Taber, Taylor, John L. Thomas, Thornton, Trimble, Robert T. Van Horn, Elihu B. Washburne, Henry D. Washburn, Wentworth, James F. Wilson, Windom, and Wright—52.

NOT VOTING—Messrs. James M. Ashley, Beaman, Bidwell, Blaine, Blow, Brandegee, Broomall, Chanler, Conkling, Culver, Darling, Denison, Dumont, Goodyear, Hill, Asahel W. Hubbard, Edwin N. Hubbell, Jones, Kuykendall, Loan, Lynch, McIndoe, Noell, Pomeroy, Radford, Raymond, Sloan, Smith, Starr, Stevens, Stilwell, Upson, Warner, and Winfield—35.

So the bill was passed.

During the call of the roll the following announcements were made:

Mr. POMEROY. On this question I am paired with my colleague, Mr. WINFIELD. If he were here he would vote against the bill, while I should vote for it.

Mr. KETCHAM. My colleague, Mr. RAYMOND, is paired on this question with the gentleman from Pennsylvania, Mr. BROOMALL. My colleague, if he were here, would vote against the bill, while Mr. BROOMALL, if present, would vote for it.

Mr. WASHBURN, of Indiana. My colleague, Mr. STILWELL, is paired upon this question with the gentleman from Maine, Mr. BLAINE. The latter, if present, would vote for the bill; and my colleague, if he were here, would vote against it.

The result of the vote was announced as above stated.

Mr. MORRILL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONTESTED ELECTION

Mr. PAINE. Mr. Speaker, I rise to a privileged question, and call up the report of the Committee of Elections upon the case of Fuller vs. Dawson, from the twenty-first district of Pennsylvania. I do not desire, of course, that the House shall proceed with the consideration of this question at the present time; my intention is simply that it shall come up as the unfinished business to-morrow morning immediately after the reading of the Journal.

Mr. MORRILL. I move that the House adjourn.

The motion was agreed to; and thereupon the House (at fifteen minutes after six o'clock p. m.) adjourned.

PETITION.

The following petition was presented under the rule and referred to the appropriate committee:

By Mr. HARDING, of Illinois: A petition of people of Camp Point, Adams county, Illinois, for a bridge at Quincy, over the Mississippi river.

IN SENATE.

WEDNESDAY, July 11, 1866.

Prayer by the Chaplain, Rev. E. H. GRAY.

On motion of Mr. CONNESS, and by unanimous consent, the reading of the Journal of yesterday was dispensed with.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a message from the President of the United States, transmitting, in compliance with a resolution of the Senate of the 20th ultimo, a communication from the Secretary of the Treasury furnishing a statement of the moneys expended by the United States for the various public works of the Government in each State and Territory of the Union and in the District of Columbia, from the year 1860 down to the close of the year 1865; which was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

Mr. WILSON presented the petition of C. G. Ryman, and others, citizens of Pennsylvania,

praying for an increase of the duties on imported goods, so as to afford better protection to American industry; which was referred to the Committee on Finance.

Mr. HOWARD presented the petition of Walter F. Halleck, late a second lieutenant in the Veteran Reserve corps, praying that he may be reinstated in his former position in that corps, and that he may receive pay and allowances from September 6, 1865; which was referred to the Committee on Military Affairs and the Militia.

Mr. SHERMAN presented two petitions of citizens of Pennsylvania, praying for an increase of the duty on scrap iron; which was referred to the Committee on Finance.

Mr. HENDERSON presented additional papers in relation to the claim of the University of the State of Missouri for compensation for damages done to their property by the military forces of the United States; which were referred to the Committee on Claims.

Mr. WILSON presented the petition of James F. Wade, and others, officers of the United States Army, praying to be allowed the three months' pay proper allowed officers of volunteers by the act of March 3, 1865; which was referred to the Committee on Military Affairs and the Militia.

REPORTS OF COMMITTEES.

Mr. LANE, of Indiana, from the Committee on Pensions, to whom was referred a bill (S. No. 410) for the relief of Solomon P. Smith, reported it without amendment, and submitted a report in writing; which was ordered to be printed.

Mr. SUMNER, from the Committee on Foreign Relations, to whom was referred the memorial of James C. Pickett, formerly *chargé d'affaires* to Peru, praying for the passage of a resolution authorizing the adjustment of his accounts, reported it back with a recommendation that the petitioner have leave to withdraw his memorial from the files of the Senate; which was agreed to.

He also, from the same committee, to whom was referred the petition of John P. Brown, secretary and dragoman of the legation of the United States at Constantinople, praying for compensation for services rendered to the United States in the capacity of *chargé d'affaires ad interim*, reported it back with a recommendation that the petitioner have leave to withdraw his petition and other papers from the files of the Senate; which was agreed to.

Mr. MORRILL, from the Committee on the District of Columbia, to whom was referred a bill (H. R. No. 615) legalizing marriages, and for other purposes, in the District of Columbia, reported it without amendment.

He also, from the same committee, to whom was referred a bill (S. No. 384) to incorporate the Washington Land and Building Company of the District of Columbia, reported it with amendments.

Mr. WILSON, from the Committee on Military Affairs and the Militia, to whom were referred the following petitions and memorial, asked to be discharged from their further consideration; which was agreed to:

Two petitions of citizens of Mercer county, New Jersey, who were mustered into the service of the United States in the years 1861, 1862, and 1863, praying for the balance of the bounty which they allege to be due them;

A petition of officers of the Army, stationed in Texas, praying for a renewal of the law authorizing an increase in the commutation of officers' rations;

A petition of Edmund F. Prentiss, of the second Rhode Island infantry, praying for a bounty of \$100;

A petition of Edward Jenkins, of the fourth regiment United States colored troops, praying for a bounty;

A petition of Samuel Redfield, praying that the soldiers of the war of 1812 may be included in the bill for the equalization of bounties to soldiers;

A petition of Henry Hofen, praying for a bounty;

A petition of citizens of New York, praying for the organization of a military corps to consist of officers and privates on the pension-list who may volunteer to enter the military service of the United States, and that all officers who may so volunteer may be allowed to hold the same rank as before being mustered out of service; and

A memorial of the Legislature of Ohio, in favor of an increase of the regular Army, and recommending the appointment of competent volunteer officers to fill positions therein.

WARD R. BURNETT.

Mr. LANE, of Indiana. I am directed by the Committee on Pensions, to whom was referred the memorial of Ward B. Burnett, praying for arrears of pension, to report a bill (S. No. 418) for the relief of Ward B. Burnett, accompanied by a report, and to ask for its present consideration. It is to remedy a mistake, and give him his arrears of pension for three years. The facts of the case are set out in the report, if any gentleman desires to hear it read.

There being no objection, the bill was read twice and considered as in Committee of the Whole. It directs that there be paid to Ward B. Burnett the sum of \$540, being the balance of pension to which he was entitled at the rate of fifteen dollars per month from the 4th of March, 1863, to the 4th of March, 1866, and which was improperly retained from him.

Mr. GRIMES. I call for the reading of the report.

The Secretary read the following report:

The Committee on Pensions, to whom was referred the memorial of Ward B. Burnett, having had the same under consideration, report:

The memorialist was colonel of the first regiment New York volunteers during the war with Mexico, during which he was severely wounded, and for which he was pensioned at the rate of thirty dollars per month, being for total disability of an officer of his rank. He received a pension at this rate up to the 4th of March, 1863. In September, 1863, it became necessary for him, under a new law to submit himself to a biennial examination by surgeons appointed for that purpose by the Pension Office. The surgeon who then examined him pronounced him only half disabled, which reduced his pension to fifteen dollars per month.

Since the examination in 1864, he has exhibited to the Pension Office the certificates of Surgeon General Barnes and others, which have satisfied the Commissioner of Pensions that he was entitled to the full pension of thirty dollars per month, and he is now restored to his former pension by the Commissioner, from and after the 4th of March, 1866. The Department not having the authority to pay the pension in arrear, he appeals to Congress for it.

It is obvious that injustice was done the memorialist by the examining surgeon in September, 1863, and that the injuries received in the Mexican war continued during the time his pension was reduced, and are certified to be the same which produced his present entire disability.

The committee therefore recommend the passage of the bill for his relief, which they herewith report.

Mr. GRIMES. I suggest that the bill lie over, and that the report be printed. It is going to establish a very dangerous precedent.

The PRESIDENT *pro tempore*. Objection being made, the bill lies over under the rule, and the order to print the report will be entered.

PORT OF DELIVERY AT WHITEHALL.

Mr. MORGAN. The Committee on Commerce have had under consideration the bill (H. R. No. 611) to provide for making the town of Whitehall, New York, a port of delivery, and report it back and recommend its passage. It is a bill of a single section, and I should be glad to have it acted upon at this time. It is recommended by the Treasury Department.

By unanimous consent, the bill was considered as in Committee of the Whole. It provides that the town of Whitehall, in the State of New York, which by existing law is a port through which imported merchandise may be exported in bond and for drawback to the adjacent British North American Provinces, be constituted a port of delivery within the collection district of Champlain, and that a deputy collector, as now authorized by law, shall there reside, who shall receive the same compensation as is paid to the deputy collector now stationed at that port.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

UNIFORM BANKRUPT LAW.

Mr. POLAND, from the Committee on the Judiciary, to whom was referred a bill (H. R. No. 598) to establish a uniform system of bankruptcy throughout the United States, reported it with amendments.

He also, from the same committee, to whom were referred petitions of citizens of Iowa and Illinois and a memorial of the Chamber of Commerce of the State of New York, praying for the passage of a uniform bankrupt law, and a memorial of the Board of Trade of the city of Charleston, remonstrating against the passage of a bankrupt law, asked to be discharged from their further consideration; which was agreed to.

Mr. SUMNER. I should like to ask the Senator from Vermont, who has just reported the bankrupt bill, whether he expects to proceed with its consideration during the present session.

Mr. POLAND. It is not specially in my charge, but I know of no reason why we should not proceed with its consideration.

Mr. SUMNER. As the Senator reported it I thought it might be specially in his charge, and that he would be able to answer the question.

Mr. POLAND. I am hardly able to give any more definite answer. I know no reason why it should not be proceeded with.

Mr. SUMNER. I hope it may be proceeded with.

PLATES OF WILKES'S EXPEDITION.

Mr. HOWE. I am instructed by the Joint Committee on the Library to report a joint resolution to authorize the use of certain plates of the United States exploring expedition by the Navy Department, and I ask that it may be considered at the present time.

The joint resolution (S. R. No. 126) was read twice, and considered as in Committee of the Whole by unanimous consent. It proposes to instruct the Joint Committee on the Library to grant to the Navy Department the use of such of the engraved plates of the United States exploring expedition, under Captain Wilkes, now in charge of the committee, as may be desired for the purpose of printing a supply of charts for the use of the Department.

Mr. GRIMES. I suggest to the chairman of the Committee on the Library if he had not better amend that resolution so as to require those plates to be deposited in the Navy Department. It will be remembered that we have, in accordance with the practice of other maritime nations, this year established a hydrographic bureau in connection with the Navy Department, where the various charts of the foreign and domestic seas are to be deposited. Among other plates are these that were made to describe the surveys made by the expedition under Commodore Wilkes, which, in the absence of having any better place for them, have been left in charge of the Library. It seems to me that the plates properly belong to that bureau, and should be deposited there.

Mr. HOWE. The Senator from Iowa, I think, is quite right; and when the Navy Department is prepared to take the whole of that paraphernalia, and take care of it in some fire-proof place, the Library would be very glad to get rid of it; but there is an immense amount of it, very little of which the Navy Department would ever perhaps want to use, and it is hardly worth while, I think, to separate the mass. It is very likely to be lost sight of; at least the completeness of it would be broken up. Just now they want the use of some of these plates; this is what the Secretary of the Navy asked for, and it is perhaps all that we had better do at the present time.

The resolution was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. HARRIS asked, and by unanimous con-

sent obtained, leave to introduce a joint resolution (S. R. No. 127) in relation to the American Atlantic Cable Telegraph Company, of New York; which was read twice by its title, and referred to the Committee on Commerce.

Mr. EDMUNDS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 419) repealing an act entitled "An act repealing certain provisions of law concerning seamen on board public and private vessels of the United States," approved June 28, 1864; which was read twice by its title and referred to the Committee on Commerce.

Mr. GUTHRIE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 420) to revive and continue in force the provisions of an act granting public lands in alternate sections to the State of Mississippi to aid in the construction of railroads in said State, and for other purposes, approved August 11, 1856; which was read twice by its title and referred to the Committee on Public Lands.

Mr. WILSON asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 128) in regard to contracts in the quartermaster's department; which was read twice by its title and referred to the Committee on Military Affairs and the Militia.

ARIZONA AND SONORA.

Mr. NESMITH submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the Committee on Military Affairs and the Militia be instructed to inquire into the closing of the route from the Arizona line to the port of Guaymas, Sonora, Mexico, by the Liberal or by the Imperial forces in Sonora, and into its effect upon the industrial enterprises of Arizona, and the cost of supplying the United States forces in that Territory, and to report thereon; and if any practical remedy can be devised by which the route can be opened for the transportation of bullion and supplies.

Mr. NESMITH submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of State and the Secretary of War be requested to communicate to the Senate any information they may have in reference to the seizure of property belonging to citizens of the United States, residents of Arizona Territory, on the road from the Arizona line to the port of Guaymas, Sonora, Mexico, by armed bands of Mexicans; and if said bands were organized upon United States territory, and also any information in reference to the alleged massacre of American citizens at Hermosillo, Mexico, by armed Mexicans.

AGRICULTURAL COLLEGES.

Mr. RAMSEY. I move to take up for consideration House bill No. 50.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 50) to amend the fifth section of an act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, so as to extend the time within which the provisions of said act shall be accepted and such colleges established. It proposes to extend the time in which the several States may comply with the provisions of the act of July 2, 1862, so that the acceptance of the benefits of that act may be expressed within three years from the passage of this act, and the colleges required by it may be provided within five years from the date of the filing of such acceptance with the Commissioner of the General Land Office. But the States now represented in Congress which have not availed themselves of the grant of lands contained in the act of July 2, 1862, are so to avail themselves of those benefits by complying with the provisions of that act and of this act, according to their present representation in Congress; and when any Territory shall become a State and be admitted into the Union, such new State shall be entitled to the benefits of the act of July 2, 1862, by expressing the acceptance therein required within three years from the date of its admission into the Union, and providing the college or colleges within five years after such acceptance. Any State which has heretofore expressed its acceptance of the act shall have the period of

five years within which to provide at least one college, as described in the fourth section of that act, after the time for providing that college, according to the act of July 2, 1862, shall have expired.

The Committee on Public Lands reported the bill with two amendments. The first amendment was in line thirteen, after the word "office," to strike out the following proviso:

Provided, That the States now represented in Congress which have not availed themselves of the grant of lands contained in the said act of July 2, 1862, be, and they are hereby, entitled to so avail themselves of the benefits thereof by complying with the provisions of the said act and of this act, according to their present representation in Congress.

The amendment was agreed to.

The next amendment of the committee was in line nineteen to strike out the word "further" after the word "provided."

The amendment was agreed to.

The bill was reported to the Senate as amended; the amendments were concurred in and ordered to be engrossed, and the bill to be read a third time. The bill was read the third time and passed.

METROPOLITAN MINING COMPANY.

Mr. WADE. I move to take up Senate bill No. 178.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 178) to incorporate the Metropolitan Mining and Manufacturing Company.

Mr. WADE. I move to amend the bill by striking out the sixth section and inserting as a substitute the following:

*And be it further enacted, That the president and directors are hereby empowered and fully authorized on behalf of the said company to carry on the business of mining iron ore and other native minerals, and manufacturing and preparing the same for market; and to purchase and hold by deed for a term or in fee-simple, such real estate and other property within the District of Columbia and the State of Virginia as may be necessary and proper for the purposes aforesaid; and to issue bonds, not exceeding one half of the capital stock, upon such terms as may be deemed for the best interests of the company: *Provided, That no bond shall be issued for a less sum than \$100, or bearing interest at a rate exceeding six per cent. per annum.**

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments made as in Committee of the Whole were concurred in. The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

ELECTION OF SENATORS.

Mr. CLARK. I move now to take up for consideration the bill (S. No. 414) to regulate the times and manner of holding elections for Senators in Congress.

The motion was agreed to; and the bill was read the second time and considered as in Committee of the Whole. It provides that the Legislature of each State which shall be chosen next preceding the expiration of the time for which any Senator was elected to represent the State in Congress, shall, on the second Tuesday after the meeting thereof, proceed to elect a Senator in Congress, in the room of such Senator so going out of office, in the following manner: each House shall openly, by a *viva voce* vote of each member present, name one person for Senator in Congress, and the name of the person so voted for, who shall have a majority of the whole number of votes cast in each House shall be entered on the Journal of each House by the clerk or secretary thereof; but if either House shall fail to give such majority to any person on that day, that fact shall be entered on the Journal. At twelve o'clock meridian, of the day following, the members of the two Houses shall convene in joint assembly and the Journal of each House shall then be read, and if the same person shall have received a majority of all the votes in each House, such person shall be declared duly elected Senator to represent the State in the Congress of the United States; but if the same person shall not have received a majority of the votes in each House, or if either House shall have failed to take proceedings as required by the act, the

joint assembly shall then proceed to choose, by a *viva voce* vote of each member present, a Senator, and the person having a majority of all the votes of the joint assembly, a majority of all the members elected to both Houses being present and voting, shall be declared duly elected; and in case no person shall receive such majority on the first vote, the joint assembly shall continue to vote for Senator, without interruption by other business, until a Senator shall be elected.

Whenever, on the meeting of the Legislature of any State, a vacancy shall exist in the representation of the State in the Senate of the United States, the Legislature shall proceed, on the second Tuesday after the commencement of its session, to elect a person to fill such vacancy, in the manner provided for the election of a Senator for a full term; and if a vacancy shall happen during the session of the Legislature, then on the second Tuesday after the Legislature shall have notice thereof.

It is also provided that it shall be the duty of the Governor of the State from which any Senator shall have been chosen to certify his election, under the seal of the State, to the President of the Senate of the United States, which certificate shall be countersigned by the secretary of state of the State.

Mr. CLARK. The object of this bill is to secure uniformity in the manner of electing Senators of the United States, that we may avoid the questions and differences that have sometimes existed. The bill provides that the Legislature chosen next preceding the expiration of a senatorial term, shall, on the second Tuesday of its session, each House by itself, vote for some person to represent the State in the Senate by *viva voce* vote, and shall enter upon the records the name of the person who shall have a majority in each House. On the next day of the session the two Houses are to assemble in joint convention, and if it be found that the same person has been chosen by the two Houses he is then the Senator; but if the two Houses have not selected the same person by the vote of each House then the two Houses, in joint convention, are to proceed to ballot for a Senator, and to continue so to do until they have chosen. It provides first for an attempt to elect by a concurrent vote of the two Houses; and if the two Houses fail to do it, then they meet the next day in joint convention, and by joint ballot elect. I think this statement embraces the provisions of the bill. Its object is to secure uniformity in the election of Senators in all the States. It has been reported from the Committee on the Judiciary.

Mr. FESSENDEN. I would suggest to the Senator who called up this bill that one provision of it may lead to trouble. It provides that the Legislature "shall, on the second Tuesday after the meeting thereof, proceed to elect a Senator in Congress." It not unfrequently happens—it has happened, I think, twice or three times in my own State—that the Legislature does not succeed in organizing until several weeks after the regularly appointed day for the meeting. In my State that arose from the fact—and I ask my colleague whether the constitution has ever been changed in that particular, for I am not aware that it has been—that our constitution required the Senators in the Legislature to be elected by a majority of votes. It has happened twice within my recollection that a majority of the Senate, which by the constitution constitutes a quorum, was not elected by the people at the general election, and consequently for several weeks after the Legislature met there was a difficulty in organizing. It was so, I know, in the year 1853 or 1854. The bill says that the Legislature shall proceed to elect on the second Tuesday "after the meeting thereof."

Mr. CLARK. Say "meeting and organization."

Mr. FESSENDEN. Very well, that will do; but I had proposed to put in "organization" simply, instead of "meeting." I think the amendment suggested by the Senator from New Hampshire would entirely cover the case.

Mr. CLARK. I move to amend the bill in that particular by inserting the words "and organization" after "meeting," in the sixth line of the first section; so as to read, "after the meeting and organization thereof."

The amendment was agreed to.

Mr. FESSENDEN. I see that this bill, as reported by the committee, provides that all elections of Senators by the Legislatures shall be by *viva voce* vote. That changes the mode of proceeding in several sections of the country, and provides specifically what may not be satisfactory to some persons who have been accustomed to a different mode of proceeding. I think, in New England, there is no such thing as a *viva voce* vote in the election of officers by a Legislature.

Mr. ANTHONY. There is in our State.

Mr. FESSENDEN. It is not so in Maine; it is not so in New Hampshire, and it is not so, I think, in Vermont or Massachusetts or Connecticut. I do not know how many other States are in the same category. It is generally considered that the ballot is a more free and unembarrassed mode of voting. I doubt very much whether requiring the adoption of this mode of proceeding by *viva voce* vote will be satisfactory to some sections of the country where they have been accustomed to a different mode.

I suggest this to the consideration of the Senate; and I shall propose to amend the bill by leaving that matter to the Legislatures, unless very good reasons can be given to the contrary. If the committee have considered the question and have come to the conclusion that the best mode is that which they have reported, I should like to hear their reasons, and I may be persuaded to let it go so. I have no choice myself about it; I simply speak with reference to what has been the ordinary custom, I think, in most of the States, and merely mean to express a doubt whether the mode of voting had not better be left to the Legislatures themselves.

Mr. TRUMBULL. This bill was very carefully considered in the committee, and that very question was talked over. The committee were aware that there was a difference in this respect in the different States. I think most of the new States, so far as I am acquainted all the western States, elect by a *viva voce* vote. The reason that is given for it there, and it has always struck me with considerable force, is that the members of a Legislature act in a representative capacity and their constituents have a right to know how they vote. They are acting for their constituency. Then there is this additional reason: it prevents any deception or cheating by putting in false ballots or double ballots or anything of that kind. Where each person's name is called and he responds how he votes, every member of the body knows and the constituency know how each representative votes. Upon principle it would seem that they ought to have that right. It is desirable to have the practice uniform, and that is the very object of the bill. It occurred to the committee that there could not be any serious objection to voting in this way, and, indeed, no objection except such as would grow out of a former practice. We are all a little wedded to our habits and customs and ways of doing business; but, outside of that, it was thought by the committee that it would be much better to make the mode of voting uniform.

I will say further, that the committee were unanimous in regard to this bill. It is a bill the want of which has been felt ever since I have been a member of Congress whenever a contested election has arisen; and such cases have most frequently arisen out of the difficulty of the two Houses of a Legislature meeting together. It has always been considered desirable that Congress should pass some law on the subject, and I think the Judiciary Committee, of which I have been a member for the last eight or ten years, in discussing this matter have always agreed that it was desirable that Congress should pass some law on the subject and avoid those contests that arise from the

fact that a factious opposition in one branch of the Legislature or the other sometimes prevents the two Houses from meeting together. Several occasions have passed by and it has remained, until another occasion recently arose to call attention to the subject. Then some member of the Senate, I think the Senator from Oregon, [Mr. WILLIAMS,] introduced a resolution instructing the Committee on the Judiciary to inquire into this matter, and this bill was prepared in consequence of that resolution which went to the committee. It is impossible to make it conform exactly to the practice which has prevailed in the several States, because the practice has been unlike in the different States. In my State we have always elected by joint convention; we never had separate action in each House; but out of deference to the practice which has prevailed, I think, in most of the New England States, and also in the State of New York, of voting in separate Houses, it was thought better, as no evil could result from that, to adopt that plan for the election of Senators; but in case that failed, to provide that the two Houses then should come together and make an election.

The public interest requires that each State should be represented in the Senate of the United States, and it may sometimes happen that the two branches of the Legislature are of different politics and then will not meet together to elect a Senator. We think the public interest is not subserved by leaving a State unrepresented; the intention of the Constitution is that it should be represented, and it is for the public good that we should have a law that will produce uniformity in these elections and secure representation.

In regard to the suggestion that the Senator from Maine has made in reference to the ballot, I do not see that there can be any substantial reason given against the other mode of voting, and there are some reasons for it, that I think in some of the States they would be somewhat tenacious of. I know it has been discussed in my State; we have had this question of voting by ballot and *viva voce* very extensively discussed in the State of Illinois during the last ten or fifteen years, and we altered our constitution in that respect.

Mr. FESSENDEN. Do you elect by a *viva voce* vote?

Mr. TRUMBULL. We elect by a *viva voce* vote in the Legislature, but our ordinary elections by the people in that State are now by ballot. Formerly every citizen came up to the polls, gave his name, and stated whom he voted for for the different offices, Governor, member of Congress, member of the Legislature, or whatever they might be; he gave an open vote; but that was changed. The matter was very extensively discussed in our State. It was said that a citizen had a right to vote just as he pleased, and nobody else had any business to know how he voted; that that was his own business; but that a representative, who voted for others, had no right to conceal his vote from them.

I have given the reasons which actuated the committee in coming to this conclusion, and I think it will be better to have it uniform. That is the very object of the bill. If you leave it to each State to settle, then there may be difficulty about it, and you may get no election at all. I hope the Senator from Maine will be satisfied to leave it as the committee have fixed it. Perhaps the other way might be thought to be better in some of the States; but I do not see any reason why it should be, except a reason growing out of habit and custom.

Mr. FESSENDEN. I perfectly agree with the committee that it is advisable and very desirable to have this matter regulated by law, and I am very glad to see this bill brought in for that purpose, in order to prevent the failure of elections which sometimes occur in consequence of leaving the States to adopt their own mode of doing it. The thing has been done in my State. I believe the first time I was voted for as Senator—not the first time I was voted for, but the first time I was voted for

with any possible chance of success—I was elected eighteen times on the part of the Senate, but the House refused to concur. No choice was made at that session of the Legislature, and the State was unrepresented in the Senate of the United States until the succeeding session.

I should, individually, have no sort of objection to the mode of election provided in this bill. My only difficulty arises from the fact that I fear it may create dissatisfaction in the States that have been accustomed to elect in a different manner. There is something to be said on each side with reference to it. The Senate are aware that many evils are supposed to arise from the fact that in England the votes are given *viva voce* in the election of members of Parliament, and many have thought that very much would be gained by voting by ballot. The people could then vote as they pleased without being questioned. The only objection that would arise with reference to this representative capacity which the honorable Senator speaks of, is one that will arise from the fact that men might be under restraints from party discipline, which would lead them to act against their conscientious convictions of what was right and proper in the individual case, and which might bring a sort of compulsory pressure upon them which might be objectionable, although I perceive the force of the reasoning of the Senator. Inasmuch as the ballot is the mode that has always been followed in my own State, and inasmuch as I do not see that the mode of voting is material, I shall offer an amendment to the bill in that respect. The great object which we have to accomplish is to secure the election of a Senator, to provide something with reference to the time of election and the manner of proceeding in such a way that the election shall not fail. That I think is very highly desirable; but after all, you cannot secure that beyond the possibility of doubt, because in requiring a majority for an election, as I believe this bill requires, if there be three or four candidates and no one obtains a majority in the convention, there will be no election. There would be a failure in such a case. For the sake of testing the sense of the Senate on the subject, I will move to strike out in the eighth and ninth lines of the first section the words "openly, by a *viva voce* vote of each member present, name one person for," and to insert "proceed to the election of a;" so that it will read:

Each House shall proceed to the election of a Senator in Congress from said State.

Then at the end of line ten I will move to change the word "name" to "names," and in line eleven to strike out the words "the person so" and to insert "all persons;" and in the same line to strike out the words "who shall have a majority of the whole number of votes cast in each House;" and in line fourteen to strike out the word "such" before "majority" and to insert the word "a;" so that it will read:

And the names of all persons voted for shall be entered on the Journal of each House by the clerk or secretary thereof; but if either House shall fail to give a majority to any person on said day, that fact shall be entered on the Journal.

That I believe would accomplish the purpose of the change, and it would leave every Legislature to settle the kind of vote to be given, whether it shall be by ballot or by a *viva voce* vote. We saying nothing about it each Legislature then would suit itself as to the mode of proceeding. The time then is fixed; the mode is fixed by which they shall come to a vote, and very properly fixed I think; there is no objection to it; and all that will be left to them will be to say whether they will vote by ballot or *viva voce*. I think myself that that would be better, and I will move that amendment in order to test the sense of the Senate on the subject.

The PRESIDENT *pro tempore*. That amendment will be read at the desk.

The SECRETARY. It is proposed to amend the first section by striking out in lines eight and nine the words, "openly, by a *viva voce*

vote of each member present, name one person for" and to insert "proceed to the election of a;" so that the clause will read:

Each House shall proceed to the election of a Senator in Congress from said State, &c.

Mr. FESSENDEN. Then I propose to alter the subsequent parts of the section. However, the question may as well be taken on that, and if that should be adopted the other amendments may be made afterward.

Mr. WILLIAMS. I hope that that amendment will not be adopted, because I think that the *viva voce* mode of voting in a representative body is the correct mode. It generally obtains in the western States, and for the reasons that have been stated by the chairman of the Judiciary Committee. There is no doubt in my mind that the constituents of a member of the Legislative Assembly ought to know how he votes upon the question of the election of a United States Senator; because a member of the Legislature is generally chosen, when an election of that kind is pending, as much with reference to that approaching election as to any other question; and certainly there is no question of greater magnitude that can be presented to the people of a State. Members of the Legislative Assembly are frequently instructed by their constituents as to how they shall vote in the choice of a Senator, and I think those constituents have a right to know as to whether or not that representative obeys those instructions. If voting by ballot is adopted they will not know whether he does or does not comply with their wishes. I understand that it is the duty of a representative in the choice of a United States Senator as much, if possible, to carry out the will of his constituents as it is in the enactment of any law. Certainly upon all questions of legislation the constituents have a right to know the action of a member, and no State Legislature can possibly enact a law that is of more consequence, not only to the State but to the whole country, than the election of a United States Senator.

I think that voting in a representative capacity is altogether different from voting in a primary capacity, although in the State which I in part represent here the *viva voce* mode of voting prevails at the polls. All our voting is *viva voce*; and so far as I have been able to judge between that mode and any other mode that is quite as good, if not preferable. I think, therefore, that this mode is preferable on that account.

Then, again, as has been suggested, it avoids any fraud. There is no possibility of committing any fraud in the election of a United States Senator when every man is required to vote *viva voce* when his name is called, when he is required openly and publicly to designate his choice for that office; and in a body consisting of comparatively a few persons, numbering, perhaps, from twenty-five to one hundred or two hundred, or four hundred perhaps in some of the States, there is more or less danger, where the struggle is severe between aspirants, that fraud in some way may be committed unless every guard is adopted to prevent anything of that kind. This will tend to prevent corruption. Members of the Legislative Assembly, knowing the wishes of their constituents, if they are bound to vote *viva voce*, will carry out the wishes of their constituents as far as they can; but if they vote by ballot, and if they are approachable by improper means, they may profess publicly to carry out the wishes of those by whom they are elected, and at the same time they may vote contrary to the wishes and the interests of their constituents; and in that way there may be more or less of corruption introduced into the election of a United States Senator.

These elections are not as free from improper influence as they ought to be. It is altogether more easy to influence a body of one hundred men by improper means than it is to influence the entire constituency of any man; and the smaller the number, the easier it is to bring these improper influences to bear. These influences are of various kinds and descriptions.

So long as the representative is required to vote openly and publicly, everybody can determine from that vote as to whether he is honest, as to whether he is trying to carry out the will of his constituents, or as to whether he is actuated and controlled by improper motives in his official conduct.

I do not see that there can be any objection to this mode of voting. None has been suggested, none can be suggested, as it seems to me; and no reason is given for this amendment that I have heard. I have not heard all that has been said, except that in some States the other mode has prevailed. The Constitution of the United States contemplates that Congress shall fix the time and the manner of the election of Senators, and it is as important in these elections to provide the manner as it is the time of the election. If the time simply is fixed, and no regulation made as to the manner, it opens a door through which persons who are so disposed may possibly defeat an election. In every point of view it seems to me that the bill reported by the Committee on the Judiciary is a good one so far as this part is concerned, and ought to be adopted.

Mr. ANTHONY. I quite agree with the Senator from Oregon. I think that the open ballot is the true mode of voting, not only in a representative assembly, but at the polls. It prevents corruption; it prevents deception, and cultivates a manly spirit everywhere. I think it is the only way in which a man ought to vote. The man who votes at the polls votes in a representative character. Every man who votes represents four people who are unable to vote, and he is responsible to them and responsible to the State for the suffrage which he gives. The constitutions of almost all the States, following the Constitution of the United States, require that upon the most unimportant matter a member of the legislative body, at the request of one fifth of the body, shall place upon record his vote. Certainly, in the election of a United States Senator there should be as much provision for responsibility and publicity.

I should like to have the bill amended in one other particular, unless it is desirable to have perfect uniformity, so that the Legislatures may have the option either of voting in the manner provided by this bill or of voting at once in joint ballot; but if it is deemed of paramount importance that the system shall be perfectly uniform in all respects, perhaps it might be better as it is.

The PRESIDENT *pro tempore*. The morning hour having expired, it becomes the duty of the Chair to call up the unfinished business of yesterday.

Mr. WADE. I move to postpone all prior orders and proceed to the consideration of the special order which was fixed for to-day at one o'clock.

Mr. TRUMBULL. Let us dispose of this bill.

The PRESIDENT *pro tempore*. The unfinished business of yesterday is now before the Senate, being the bill (S. No. 395) relating to the aqueduct bridge of the Alexandria Canal Company over the Potomac river at Georgetown, in the District of Columbia. It is moved by the Senator from Ohio that the Senate postpone the pending and all prior orders and proceed to the consideration of Senate bill No. 280.

Mr. CLARK. I hope that, by the unanimous consent of the Senate, as we have progressed so far with this bill, and it will not probably take much longer time, that we shall be allowed to finish it now. I think it will expedite the business of the Senate.

Mr. WADE. I will not object to that, as I do not think it will take a long time to dispose of it.

The PRESIDENT *pro tempore*. Is the motion to postpone the present and prior orders withdrawn?

Mr. WADE. I withdraw it for the purpose of finishing this bill.

Mr. HENDERSON. I am perfectly willing that the bill of the Senator from New Hamp-

shire [Mr. CLARK] may now be proceeded with, provided it does not displace the pending bill, which is the unfinished business of yesterday. I am willing that that bill may be passed over informally, in order to proceed with this measure.

The PRESIDENT *pro tempore*. The Chair will put the question. It is suggested that the unfinished business of yesterday be laid aside by common consent, informally, in order that the discussion may proceed upon the bill that was before the Senate at the expiration of the morning hour. Is there any objection to that course? No objection being made, that will be the understanding, and the bill that was laid aside is now before the Senate as in Committee of the Whole, being the bill (S. No. 414) to regulate the time and manner of holding elections for Senators in Congress.

Mr. SUMNER. I was impressed by a remark of the Senator from Illinois, to the effect that while we were undertaking to regulate the election of Senators it would be well that we should require, in all respects, uniformity. I was impressed by that remark, for it seemed to me that it presents a key to this whole question. If this be in reality the key, if it be of importance to require uniformity in all respects, then it seems to me we ought to prescribe in all respects the manner of the election. Nothing should be left uncertain. This, I understand, the bill now before us undertakes to do. The proposition of the Senator from Maine, if adopted, would leave the manner of election in one particular open to the caprice of each Legislature, so that one Legislature might act in one way and another in another way. One might choose Senators by an open vote, and another by a secret vote.

Now, sir, I remark, in the first place, that it seems to me there should be uniformity. The question then is, which system shall be adopted, the system of open voting or the system of secret voting? While I am entirely satisfied that at popular elections the system of secret voting is preferable, and that every citizen, when about to give his vote at any such election, has a right to the protection of secrecy, I do not see my way to that conclusion with regard to votes which are given in a representative capacity. Such votes do not belong to the individual, if I may so express myself, but belong to his constituents. I think a sound policy would require that his constituents should be able to see the vote that is given by the representative; but that can be only where the system of open voting is adopted. The argument, then, for open voting by those who vote in a representative capacity seems to me to be unanswerable in principle.

When the Senator from Maine alluded to popular elections among us, which are by secret voting, and contrasted it with the system adopted in England for the election of members of Parliament, he adduced an example which does not seem to me to be applicable. The voting for members of Parliament is at a popular election, and there, according to the principle I have already recognized, it seems to me that the voter is entitled to the protection of secrecy; but if I may continue the allusion to England, when the representative comes to vote in Parliament, then it seems to me he should so vote that his constituents should see what he does. What is the precedent that we may derive from England? While in the election of members of Parliament there is open voting, we see also that in elections by Parliament itself—as for instance in the choice of Speaker—there is open voting, or voting by *viva voce*.

Mr. FESSENDEN. We do not do it here in the election of a President of the Senate.

Mr. SUMNER. I know we do not do it here. We do not do it here, the Senator says, in the election of a President of the Senate. Well, I am disposed to think that in not doing it we fail to follow the best example. I was observing, however, that the precedent of the British Parliament, if it be of any value, would be in favor of open voting. There is no question now how

the voting shall be at popular elections. The simple question now is on voting in a representative capacity.

Now, sir, glancing for a moment, if you please, at what I suppose is historically the origin of the different systems prevailing in the different parts of the country, I think I do not err if I say that in Virginia and the States to the south of Virginia the system of open voting, even at popular elections, was adopted from the beginning. They borrowed it from the English practice in election of members of Parliament, and then from the practice of Parliament itself. The western States, I need not remind you, were carved out of Virginia. The Northwestern Territory was originally but a territory of Virginia, and I presume that the habit which the Senator from Illinois tells us prevails throughout those States, and in his own State of Illinois, was derived originally from Virginia, as Virginia derived it originally from the English custom. If we come to New England the usage is entirely different. New England borrowed her system of secret voting at popular elections, and then again at elections by the Legislature, from the usage of the corporation which originally settled the country, a corporation of Puritans, following the simplest ways. And history records that all the early elections were determined by secret voting, in which beans were used as ballots. Thus a person was named and each voter dropped a black bean or a white bean into a box in order to determine whether he was for or against him. In this way secrecy was preserved. The rule that prevailed at popular elections was carried into elections by the Legislature.

I believe this is a history of the difference in the manner of election which has grown up in the different parts of the country; the West deriving theirs from Virginia and from England, and New England deriving hers from the practice of a small corporation which introduced the system of secret voting. New England has adhered to her usage from the beginning down to this day, with the exception of Rhode Island, which, it will be remembered, was organized under an entirely different charter, being a charter of Charles II, having some essentially distinctive features.

Now, sir, the question is distinctly presented whether we shall recognize what may be called the New England system of secret voting or the English and almost universal system of open voting. I must say that I am in favor of the system of open voting where persons vote in a representative character, and I think it is becoming to the Senate now, as it undertakes to regulate this matter, that it should stamp it with uniformity, and that this uniformity should be according to the best and the most generous principles, to the end that the representative may be held to the strictest accountability, and that what he does may be in the light of day. "Give me to see."

Mr. SAULSBURY. It is to be regretted, Mr. President, that there is nothing so sacred or so worthy of respect in the past legislation of the country that it is not to be subjected to the innovating spirit of the present times. From the very formation of the Federal Constitution in 1787 to the present time, a period of nearly eighty years, we have found no inconvenience under the present system of electing Senators to the Congress of the United States; or at least it has not been deemed necessary in any past period of the history of our country to change the system which has generally been in use and practice. Each State has been left heretofore to elect its Senators to Congress in such mode and manner as each particular State should determine for itself.

Now, sir, I hold it to be a sound principle of legislation that laws should not be changed, experiments in legislation should not be made, unless there is some practical necessity for the change, unless there is some inconvenience or wrong to be remedied. Has there been any inconvenience in the past that calls for this legislation? Has the legislation of the country suffered on account of the present mode of electing Sen-

ators to the Congress of the United States? Has any act passed Congress injurious to the interests of the country owing to this system that would not have been passed if the system now proposed had been adopted?

Mr. President, I hold it to be a sound principle that the Federal Government in its legislative action should not interfere with the freedom of action of the States in reference to a matter in which they are peculiarly interested, beyond the extent of absolute necessity. As much freedom should be left to the several States of the Union in selecting their Senators in Congress, or in reference to other matters in which they have a peculiar interest, as is possible consistent with the general good. Why, Mr. President, if there had been any great practical inconvenience experienced from the operation of the present system, if such a measure as this was called for by any great public exigency, do you not suppose that the men who preceded us in these Halls would have perceived it and would have remedied it? When did the inconvenience begin to be experienced? What was the commencement of it? It may be true that sometimes Legislatures have failed to elect, but very seldom, and I do not know that that has been any very great inconvenience. If they had failed to elect a little oftener perhaps it would have been for the public good, but certainly the legislation of the country has not suffered owing to this fact.

Then, sir, you propose to declare by Federal law that the mode of electing Senators by the States shall be by *viva voce* vote; and what is the reason urged for it? That the people who elected the members of the Legislature have an interest to know how they vote. Is it possible that we can persuade ourselves that the people who send a representative to the State Legislature do not know for what particular man that representative votes, whether the vote be by ballot or *viva voce*? I presume there is not a State in this Union that when a Senator is elected by their Legislature the people who send the members there do not know exactly how their representative votes. There are always plenty of aspiring men in every State who wish to come to the Senate of the United States, for now it has got to be a great thing to come to the Senate of the United States, and men go crazy for a seat in this body; there are plenty of aspiring men who will have faithful agents watching the vote of every member of the Legislature, and who will know just as well as the member knows himself how he votes; and no wrong can be perpetrated, I apprehend, upon the constituency of a member of the Legislature because the vote is by ballot instead of *viva voce*. There may be very strong reasons urged why the vote should be by ballot. In the State which I in part represent upon this floor we have no *viva voce* vote, either at general elections or in the Legislature, when it comes to vote for State officers or members of the Senate of the United States. There may be members of the Legislature who are under deep obligations to particular individuals, who may be under pecuniary obligations to particular individuals. Such individuals may set themselves up as candidates for a seat in the Senate of the United States; they hold the rod over such a member; they watch his vote. If he votes out *viva voce* against the particular person who has him in power, that power may be exercised to his ruin, provided the person having the member in his power chooses to exercise it. I am speaking now in case the secret ballot could prevent the vote from being made public.

Whatever advantage, therefore, there may be, I apprehend is in behalf of the mode of voting by ballot. Whatever of wrong might arise, I apprehend might arise from the system of voting *viva voce*. But, sir, I do not consider it very material as far as the constituency of the member is concerned whether the vote is by ballot or *viva voce*, because, as I said before, I apprehend the vote would be just as well known by one mode as the other.

But the point of my objection to this bill is

that it is an attempt to legislate by the Federal Government in reference to every matter, to leave nothing to the free option of the States and to the State Legislatures. For one, sir, I have seen enough of the grasping power of the Federal Government, the attempt to swallow up every right and privilege of the States, to object on all occasions to any further attempt to extend this power practically in the legislation of the country. Believing that the States ought to be left free as to the mode and manner of selecting their representatives in this body, I am utterly opposed to this bill and shall vote against it.

Mr. GUTHRIE. Mr. President, I believe the Constitution provides that we may pass such a law as this in order to produce uniformity in the mode of electing Senators to this body; and therefore I can see no constitutional objection to the legislation proposed. I am opposed, however, to the first voting provided by the bill. It is provided that each House shall vote by itself and record its vote, and that both Houses shall meet the next day to count over the result, and then if the two Houses have not separately agreed upon the same man they are to have an election by joint ballot. I should have no objection to an election by joint ballot after preliminary nominations in each House. Substantially that is the mode we have practiced in Kentucky from the beginning. The two Houses agree upon a day when they will go into convention and elect a United States Senator. Each House, when the day comes, puts its candidates in nomination and reports them to the other House, and when it is seen who are nominated in each House they proceed to vote. The name of each member is called and he answers *viva voce* for whom he casts his vote. The clerk records the votes and the two Houses compare them by a committee, who report to each House whether any person has got the majority. We have had *viva voce* voting always in our legislative elections, as, indeed, we vote at the polls *viva voce*.

I think mischief might come, and it would be likely to increase, by adopting the provision for the first day's voting, because, unless the two Houses then chance to agree upon the same man, they are not bound by that vote. It is not provided in the bill that nobody else shall be elected by the convention on the second day, but some of those voted for on the first day by the separate Houses. It leaves all that unprovided for.

Then the provision that they shall continue to vote and do nothing else until they elect a Senator may create great difficulty. It may be impossible to secure an election. The votes may be scattered so that they can come to no conclusion; but, according to this bill, when they commence to elect they can do nothing else until an election is secured. In our State we tried the provision of a State law to say when the Legislature should elect, and we, regularly, as if it were to put ourselves in opposition to the statute law of the State, contrive to postpone the election to some other time. It might be a very great convenience to have the election through at once, but if you cannot make it at the time provided, can it be made at any other time? No other business can be done until it is made; all legislation is to be stopped. This feature of the bill, I think, is decidedly objectionable.

I would have very little objection to this bill if it merely provided for an election by a joint vote of the two Houses, whether they were brought into the same room to vote, or whether the votes were cast in separate rooms and compared by a committee, as is done in Kentucky. There is very little difference between those two modes. Sometimes it is convenient, where you have large Halls, to get them together. Sometimes, where you have small Halls, you cannot very well get them all together.

There is something certainly due to the fact that hitherto this entire matter has been left to the States, and the result has been to secure,

generally at least, a tolerable share of fairness and success. It is impossible to adopt any mode under which there may not sometimes be a contested election and charges of unfairness. The Senator from Massachusetts thinks that uniformity is a very great thing. Sir, God, in making man and His other creatures, did not set us that example. He made us widely different. In all free countries, where thought and action are free, the mode and manner of doing everything cannot be uniform. That is not to be expected. If the substance, free choice and fair choice, is secured, I think we ought to be satisfied.

Mr. MORRILL. I ask for the yeas and nays on the pending amendment offered by my colleague, [Mr. FESSENDEN.]

The yeas and nays were ordered; and being taken, resulted—yeas 6, nays 28; as follows:

YEAS—Messrs. Clark, Fessenden, Howard, Morrill, Pomeroy, and Saulsbury—6.

NAYS—Messrs. Anthony, Conness, Cowan, Cragin, Davis, Doolittle, Edmunds, Foster, Guthrie, Harris, Howe, Kirkwood, Lane of Indiana, Morgan, Nesmith, Norton, Poland, Riddle, Sherman, Sprague, Stewart, Sumner, Trumbull, Van Winkle, Wade, Willey, Williams, and Wilson—28.

ABSENT—Messrs. Brown, Buckalew, Chandler, Creswell, Dixon, Grimes, Henderson, Hendricks, Johnson, Lane of Kansas, McDougall, Nye, Ramsey, Wright, and Yates—15.

So the amendment was rejected.

Mr. DAVIS. I do not perceive, myself, any necessity, or even propriety, for any legislation upon this subject; but if Congress is to pass any measure on the subject, I see no good sense in prescribing two rules for the government of the election, one to take place on the first day and a different rule to be applicable to the next or any subsequent day. If I understand the bill, on the first day the two Houses vote separately, and on the second day they meet together in convention, and the Journals of the two Houses of the first day are to be read, and if upon reading the Journals of the two Houses, on the second day, it is ascertained that any one man has received a majority of the votes of each House, he is to be declared to be the duly elected Senator; but if, on the contrary, no man has received a majority of the votes of each House, the two Houses then act as a joint convention and proceed to the election of a Senator, upon the principle that if any man receives a majority of the aggregate vote of both Houses in this joint convention he is to be the Senator.

I think the last is the simplest rule and most practical. That rule would always, or nearly always, result in the choice of a Senator. The rule, though provided here for controlling the election on the first day, practically would not produce an election at all, because it would often occur that the same man would not get a majority of the votes of each House. Why, then, postpone the election from the first to the second or subsequent day? Why not adopt the rule for the first day's voting that is adopted for the subsequent day's voting, and proceed to an election upon the simplest rule and in the shortest time practicable? I suppose that in many cases it would result in no election whatever on the first day, and that the convention of the two Houses that is provided for would necessarily be required; and in all cases where the convention became necessary, the simple rule of electing upon joint ballot, and he who received the majority of the whole vote upon joint ballot being elected, would be adopted. I am in favor of adopting it for the first day's operation.

My colleague stated correctly what has been the practice of our Legislature from the beginning of the State, and it seems to me that that is a simple, certain, and equitable mode of making the election. It does not introduce the confusion of bringing the two Houses into one Chamber and there having a commingled vote, but its practical effect is the same. The two Houses vote separately for whom they please. They interchange messages; and upon the interchange of messages, if it is found that any candidate has received a majority of the aggregate vote of both Houses, he is declared elected.

I do not believe that mode or principle of election can be improved. If the Senate is to legislate on the subject at all, I think with my colleague, that that mode and principle of election ought to be prescribed.

I concur in another objection made by my colleague to this measure. When the two Houses have met in convention no legislative business can proceed until an election is effected. We do not know what inconveniences such a rule might introduce until it is tested by experience; but we may well imagine great difficulty and great delay in making an election at all. It might be that the two Houses in joint meeting would have to proceed for a series of consecutive days in ineffectual efforts to make an election, because no single candidate would receive a majority of the whole number of votes cast, and not only the whole number of votes cast, but what is a proper principle, I think, a majority of the whole number of votes in the two Houses of the Legislature in the aggregate. To suspend the course of business until an election is effected upon that principle might at least seriously obstruct the legislative proceedings of the States, and in that point of view, I think, it is objectionable.

I believe, myself, that this subject might as well be left entirely to the action of the State Legislature; but if Congress is determined to take up the subject and to pass a law upon it, I think the law might be in a better form than this bill is, and I hope it may be the pleasure of the Senate to refer the bill back to the Committee on the Judiciary, and that that committee may adopt the plain, simple rule of requiring a majority of the whole number of members of both Houses, either by a separate vote or upon a joint ballot, and declaring that the man who receives such a vote as that shall be the Senator-elect.

Mr. CLARK. I move further to amend the bill in the fifth line of the second section by inserting the words "and organization" after the word "commencement."

The amendment was agreed to.

Mr. CLARK. I move further to amend the bill in the ninth line of the second section by inserting after the word "Legislature" the words, "shall have been organized and;" and in line ten, after "notice," to strike out "thereof" and to insert "of the vacancy."

Mr. JOHNSON. How will it read then?

Mr. CLARK. "And if a vacancy shall happen during the session of the Legislature, then on the second Tuesday after the Legislature shall have been organized, and shall have notice of the vacancy."

Mr. TRUMBULL. I suggest to the Senator from New Hampshire that that can hardly be necessary. This provision is "if a vacancy shall happen during the session of the Legislature." Is it a "session" of the Legislature until it is organized?

Mr. CLARK. It may be. The Legislature may be together and sitting, but not organized. I want to avoid that difficulty.

Mr. TRUMBULL. I have no objection to it.

Mr. CLARK. I think it would make it a little more specific to insert these words.

The amendment was agreed to.

Mr. SHERMAN. I think myself that we should have uniformity in the mode of electing Senators of the United States, if possible, but practically it will be very inconvenient to prescribe one rule to affect the action of thirty-six different political bodies. Some difficulties occur to me in reducing this to practice, which I think ought to be considered. Many of the Legislatures are elected biennially; it is so in my own State and in many of the States. Some of them are elected two years before the vacancy occurs. Under this bill the Legislature would be compelled to elect at least fifteen or eighteen months in some of the States before the vacancy occurs. This may be convenient sometimes, but at other times it may be very inconvenient. It may be better to postpone the election until near the time of the vacancy, or it may be wise when the Legislature convenes to act on the

subject. That depends on circumstances. Now, to prescribe a uniform rule to compel the Legislature to act at a particular time in every case might be very unwise.

Then there is another objection made by the Senator from Kentucky, [Mr. GUTHRIE,] which it seems to me has a good deal of force. You stop all the proceedings of the Legislature until they act on the question of electing a United States Senator. It is the interest of every State to have a Senator and there will always be a strong inclination in every State to have that election disposed of, because it generally stands in the way of public business; but is it wise for Congress by an arbitrary enactment to prevent a Legislature from doing any business until this question is disposed of? It seems to me it is better to leave it to the Legislature.

Practically there has been but very little difficulty in this matter since the foundation of the Government. It is always the interest of every State to elect a member of the Senate; but where the two Houses disagree there is sometimes a vacancy until the matter can be submitted to the people. I do not think that practice has resulted in any evil. The various States elect in different modes. In my State they elect by joint convention and by ballot. I would much prefer to substitute the *viva voce* voting for the ballot, but I see no reason for having an additional mode of electing before the joint convention; that is the election by the separate Houses. It is a complex mode. I know our people would be unaccustomed to it. The first vote prescribed by this bill may disclose a difference between the two Houses; and then how easy will it be for a portion of each House to prevent an election. Suppose after the first effort has been made to elect by a separate vote, they go into joint convention, how easy it will be to organize a third party, such as exists in almost every election of United States Senator. It is very rare that one man on the first ballot would get the requisite majority. How easy then to organize a third party, composed say of a few men holding the balance of power between two rival parties, and thus stop the Legislature of the State from doing any kind of business, thus giving a few men combining together the power to control the majority or else to stop all the business of the Legislature. Is not that a possible and a probable contingency? Has it not occurred over and over again?

Such things have occurred in several States. In my State a small minority of six men have by simply holding out compelled the majority to yield. If, in addition to the ordinary power of such a small minority, they have the power to stop all action by the Legislature upon all legislative business, is it not a very great power? If we pass this bill a Legislature could only elect a Senator in the mode prescribed, because this bill will be passed in pursuance of an express provision of the Constitution, and when we step in and prescribe the mode of electing a Senator, the Legislature has no right to vary that mode; and therefore, under the language of this bill, the whole proceedings of the Legislature must stop until either this minority faction is bought off, or got off, or yielded to; and thus the will of the people in the election of the Legislature may be defeated. I think it is much better to leave the mode and manner of electing Senators to the people of the States themselves through their Legislature, to allow the Legislature, if necessary, to change the law or modify it to suit the exigency. It makes no difference to the United States; it is only a question as to the mode and manner of electing a Senator.

I think it is better for us, on a question so important as this, to follow the example of those who have gone before us, as for seventy years we have had no substantial trouble, only occasionally a vacancy from a State. I think it is better to run the risk of an occasional vacancy in a State, an occasional disagreement, rather than to prescribe by an arbitrary rule a mode which may sometimes be defeated by a

small minority, and thus stop the whole legislative business of the State. This is the view that occurs to me. I would not be willing to vote for this bill with my impressions. If a bill is to be adopted, I would be in favor of striking out the intermediate vote by separate Houses, and coming directly to the joint vote *viva voce* at once, so that there will be no chance for combination, because it seems to me this preliminary vote (which is entirely new to me, but I am told is adopted in some of the States,) will invite just such combinations as will tend to prevent an election and postpone all legislative business by disclosing, in advance, the preference of every member of both branches of the Legislature.

Mr. CLARK. The fact that different States have adopted different methods of choosing Senators accounts probably for the fact that different Senators prefer different methods. In my State we have always elected by a concurrent vote. I prefer that method of electing. In the State of Kentucky they have elected by a joint ballot. The Senator from Kentucky prefers that method of election.

Mr. DAVIS. In Kentucky the Houses vote separately, but the votes are counted as though they voted together.

Mr. CLARK. That amounts to the same thing.

Mr. DAVIS. Practically.

Mr. CLARK. They only give their votes in two ballot-boxes, which are brought together and counted just as if they had met together in the same Chamber. It is practically the same thing; but the two Houses do not actually come together to do it. The Senators from Kentucky prefer that method; it is the method to which they have been accustomed. So the Senator from Ohio prefers the method to which he has been accustomed. The Senator from Vermont probably would prefer the method to which he has been accustomed. The Senator from Maine prefers the method to which he has been accustomed and the vote by ballot. The Senator from Rhode Island prefers his method and the vote *viva voce*. Now, the object is to have uniformity in the mode of electing, and of course we have got, each of us, to surrender something or to unite on a plan which shall combine the whole of these things.

The committee propose, in the first place, to let the two Houses vote in the regular way, acting separately, for Senator, each House by itself. If the two Houses happen to elect the same man, then he is to be the Senator of the United States, selected in the ordinary way; but if there is found to be a disagreement, then the two Houses, for the purpose of settling that disagreement, combine their votes, and in joint convention select a Senator. That is to prevent disagreement.

I think, during the existence of the Government, in New Hampshire we have never failed in more than one instance in electing a Senator by concurrent vote. In Maine the Senator says he was balloted for some eighteen times, and then they failed in regard to it. Now, to prevent such a failure and to combine the two methods together, the committee have reported this bill, first to let the two Houses act by concurrent vote, and if they fail in that way then to let them act in joint convention. It secures an election in the end.

The objection made by one of the Senators from Kentucky can hardly, it seems to me, be worthy of much notice, that one of the Houses may have elected one man, the other House may have elected another man, and then when they come together in joint convention they may choose a third man. Why not? If the House selects a man not agreeable to the Senate, and the Senate a man not agreeable to the House, and they can together in joint convention agree upon a third man and thus select a man acceptable to them, why not take him? I do not see any objection to that. It secures undoubtedly a proper man, and it results in securing at least a Senator, so that there shall be no vacancy.

Objection is made to the provision that the

convention shall keep voting until a Senator is elected. That cannot, it seems to me, be any interruption to the business; and it is for the purpose of securing an election of the Senator that the two Houses shall not separate and afterward, on account of some difference, refuse to go into joint ballot again and elect. I do not believe it would occur once in a hundred years that any third party would stand out in the way which the Senator from Ohio suggests and thus prevent the ordinary legislation of the State. The very fact that they were prevented from proceeding with other business might operate to induce them to come into a choice, because the business might be pressing behind, and they might say to themselves, "We cannot do any business until we settle this election, and therefore we will settle it." It seems to me that it is a wise plan to secure the election of a Senator in the end.

Mr. SHERMAN. In a memorable case in the House of Representatives some years since the same rule applied, and legislation was delayed for nine weeks at a time because of the failure of the House to elect a Speaker. The Senate could not proceed with business until the House was organized; and a few men, six in one instance and fifteen in another, held the balance of power for weeks and weeks, almost creating a revolution in this country.

Mr. CLARK. And yet if that House could have gone to other business without electing, what would have been the consequence?

Mr. SHERMAN. The only way that difficulty was got over was by violating the very rule here prescribed; that is to say, the House concluded finally to make an election by a plurality. If the provision in this bill had been the law of the House of Representatives and a plurality could not elect, they never would have organized except by a revolution.

Mr. CLARK. It is for the purpose of securing uniformity in these cases that the bill provides that the election shall be by a majority. I do not think there is any great danger of such events occurring. They occur in a House like that of Representatives in high party times where each party is very tenacious of its candidate; but I do not think they would be likely in a State Legislature where the members were voting for a United States Senator. It seems to me the bill is wise as it is. It clearly allows an adjournment of the joint convention from day to day, because a body so constituted has power by parliamentary law to adjourn. It does not prevent that.

Mr. HOWE. I wish to move an amendment, the importance of which was suggested by the Senator from Ohio. I move, in the first section, lines thirty-two, thirty-three, and thirty-four, to strike out the words "vote, the joint assembly shall continue to vote for Senator without interruption by other business until a Senator shall be elected," and in lieu of them to insert "day, the two Houses shall meet in joint convention at twelve o'clock meridian of each succeeding day and take at least one vote until a Senator shall be elected;" so as to read:

And in case no person shall receive such majority on the first day, the two Houses shall meet in joint convention at twelve o'clock meridian of each succeeding day and take at least one vote until a Senator shall be elected.

Mr. SHERMAN. I suggest to my friend from Wisconsin whether it would not be a great deal better to substitute a plurality rule after a certain number of ballots. ["No." "No."] Then you will have difficulty. Under this bill I believe that after all the members have disclosed their preferences, either ambitious or corrupt minorities, factions, may defeat an election, may prevent any business being done, and may create just the very condition of things that occurred once in Ohio where they almost got to fighting each other, and which existed twice in the House of Representatives, when if it had not been for the adoption of the plurality rule when General Banks was elected Speaker we should never have organized the House, and if it had not been for the withdrawal of one of the candidates in the other case to which I have referred there would not

have been an organization then. We shall get in the same difficulty here that we had in the House of Representatives on those occasions.

Mr. CLARK. Let us try this first and see.

Mr. HOWE. Managing elections which are necessary to the organization of a House, is one thing; controlling elections which are only to choose a member of another House, is another thing. It seems to me the proper penalty, and the only proper penalty, to impose upon a State for omitting to elect a Senator is to leave it without that much representation in this body. I do not see any necessity for imposing any other penalty; but it seems to me that it is proper, while we are prescribing regulations, to require the Legislature to meet every day and to make a *bona fide* attempt each day of the session to make an election, requiring the two Houses to come together for that purpose; but if being together they refuse to concur, a majority of them, in the selection of a man, then the penalty falls upon the State of being without one Senator in this body. I do not care to impose any other.

Mr. JOHNSON. The amendment suggested by my friend from Wisconsin would not leave the State unrepresented, which he seems to suppose is a sufficient penalty, because they are to continue to sit from day to day until they elect, as the amendment reads. They would not be at liberty to adjourn until there was an election. Therefore his object, if his amendment stands as it is now worded, would not be accomplished. But I rose not for the purpose of saying that so much as to say that I think the bill as it stands with the amendment suggested by the Senator from Maine should be passed.

Mr. FESSENDEN. The amendment I moved was negative.

Mr. JOHNSON. I meant the first amendment suggested, adding the words "and organization" after the word "meeting." The first section of the bill provides that each House is to vote by itself. The Senate are of course aware that in the beginning—and the same opinion continued to be entertained a good while after the Constitution was adopted—it was very much doubted by some of the best men of the country whether any election could be made by the Legislature in any other way than by the votes of both branches acting concurrently where the Legislature of the State consisted of two bodies. The language of the Constitution is that "the Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof." I do not speak with certainty, but either Chancellor Kent or Mr. Justice Story, in his Commentaries, has said that it was exceedingly doubtful whether the true meaning of that provision is not that the choice is to be made by the Legislature legislatively, and of course that they are to act in the way in which they are alone authorized to act by their State constitutions under which they exist in the passing of laws. Whether the doubt was originally well founded I am not prepared to say; I rather think it was; but the States have acted upon a different construction of the Constitution since. They have, however, adopted no uniform rule, and we have seen, upon more than one occasion, the embarrassment consequent upon the absence of a uniform rule. It was illustrated in the recent case of the gentleman who supposed himself to be a Senator from the State of New Jersey. I do not propose, of course, to argue that question again; but that was a difficult question, in the judgment of a great many; the Senate were nearly equally divided on the matter; and I think every member of the Senate who reflects upon the circumstances of that case, and the actual and honest differences of opinion which prevailed among ourselves, must have come to the conclusion that it is very desirable to adopt some uniform rule if we can do it. This bill proposes to adopt a uniform rule; it places it out of the power of the States to adopt any other; and not only that, but it makes it the imperative duty of the States to elect according to this prescribed rule.

Now, my friend from Ohio says that the bill is very objectionable, in providing that where the Houses fail to agree upon a Senator, they are to meet in joint meeting and to do nothing else as a Legislature until a Senator is elected. That, instead of being an objection, recommends the bill to me. The Government of the United States cannot go on without a representation in the Senate of the United States. The Constitution assumes that every State in the Union will elect Senators; and the Constitution in its spirit is obligatory upon every State to make such an election. The only way, as I think, to compel the States to perform that constitutional obligation is to stop the wheels of the government of the State until that higher duty is performed. It is infinitely a higher duty upon the part of the States and the members of the Legislatures of the several States to elect Senators of the United States, the Government of the United States being important to all the States, than it is to go on with their ordinary legislation. The wheels of the government of the State may be stopped, and the business of the country may not be injured, the character of the country may not in any manner be affected, the power of the Government may in no manner be diminished by that; but all of this, or may be, the result of a failure to elect Senators to the Congress of the United States. It is no penalty at all which provides that the Legislatures are to remain in session until they make the election. It is merely prescribing that as a duty. They are subjected to no penalty for not performing it. They are brought together merely by this bill and told, "The business of your Legislature is to be arrested until this paramount duty which you owe to the Constitution of the United States is performed of electing a Senator to represent your State in the Senate of the United States." Not only is the particular State interested in having that duty performed, but every State is interested. I have as much interest in having the State of Ohio represented upon this floor as in having my own State represented. I am not here as the representative of Maryland, nor is the Senator from Ohio here as the representative of Ohio. We represent our respective States because we represent all the States; and it is our duty, and the same duty, to take care of the interests of all as to take care of the interests of our own State; and (to state it in other words) we do take care of the interests of our respective States when we take care of the interests of all, for we are bound altogether, to stand or to fall together, as we generally and not individually prosper.

As has already been said, there can be no doubt about the authority to pass the bill before the Senate, and I have no doubt that the framers of the Constitution anticipated as very possible that the time would come when it would become necessary for Congress to interfere in this matter. They would not have made the provision except on account of an anticipation that the necessity for its exercise would subsequently arise. They therefore said in the Constitution that "the times, places, and manner of holding elections for Senators" "shall be prescribed in each State by the Legislature thereof; but the Congress may at any time, by law, make or alter such regulations except as to the place of choosing Senators." The selection of the place they left entirely to the authority of the State; but as to how they shall elect the Senator, what regulations shall be prescribed for that purpose, the Constitution provided should be (if Congress should see proper to exercise the power afterward) decided upon by Congress. Why put that provision in the Constitution? Is it not obvious that it was inserted for the purpose of accomplishing some uniform regulation? Congress cannot adopt partial regulations, regulations to be enforced in Maine, and different regulations to be enforced in Maryland. The regulations which Congress are authorized to pass, and are only authorized to pass, are regulations which are to apply equally to all the States. The Convention, therefore, looked to the coming of a period when different regula-

tions might exist in the several States, or no regulation might exist, which would render it the duty of Congress, with a view to the interest and the safety of the Government, to guard against the mischief consequent upon the absence of regulations, or the existence of improper regulations, to provide for both cases.

As to the objection stated by my friend from Ohio, that this bill will enable some factions minority of each branch to defeat an election, they can do it now; they have done it, according to his own statement. It has happened in Ohio; it has happened in Tennessee; it has happened in two or three other States. I think it happened in my own State in relation to one Senator. The existence of that was a mischief, an admitted evil. It cannot happen under the provisions of this bill, because it is incumbent on the Legislature to meet on a certain day and act, each House in its separate legislative capacity, and failing to accomplish the end, then it is made their duty to meet in joint meeting on the subsequent day, and there continue in session until they do elect, all other business being arrested.

It appears to me—I thought so in committee, and I have but been confirmed in the opinion since—that it is the interest of the Government and in a great measure the safety of the Government that this bill or some bill like it should become a law.

Mr. HOWE. The Senator from Maryland seems to think that the effect of the amendment proposed by me would be such as to require the Legislature to continue permanently in session until a Senator was elected, and would in fact deprive them of the power of adjourning until that event took place. I did not intend that effect. I think I have not given it that effect. The amendment simply requires the two Houses, while they are in being, to meet each day, and to take at least one vote. When they have taken one vote they have fulfilled the requirement of the law, as it will be if the amendment is adopted, and having taken that one vote the joint convention will be at liberty to dissolve, and, having dissolved, each House will meet by itself and go on with its ordinary business, and in the prosecution of its ordinary business each House can vote to adjourn the body, and when the Legislature is adjourned the two Houses are no longer in existence, and the law will cease to act upon them. But if I am mistaken in supposing this is the true interpretation of it that can be corrected by inserting after the words "each day" the words "of the session."

Mr. FESSENDEN. Suppose they do not elect, can a succeeding Legislature elect?

Mr. HOWE. So long as there is a Legislature in being it is made the duty of the two Houses composing that Legislature to meet every day.

Mr. FESSENDEN. That is true, but the bill says in the beginning "the Legislature of each State which shall be chosen next preceding the expiration of the time for which any Senator was elected to represent said State in Congress." That is the Legislature designated.

Mr. TRUMBULL. The second section meets the case now suggested.

The PRESIDING OFFICER. (Mr. POMEROY in the chair.) Does the Senator from Wisconsin modify his amendment?

Mr. HOWE. Yes, sir; by inserting the words "of the session" after "each day." And now one word upon the question whether we should impose any other penalties upon the State for not electing than simply the loss of its representative here. The Senator from Maryland puts this matter of electing Senators in the light of a duty—a duty which the State owes to the Government; and so he is for imposing very severe penalties upon the State for a neglect or an omission or an inability to discharge that duty. I have always held, and I still hold, that this matter of electing Senators and Representatives to Congress is not a duty charged upon the State, but a right conferred by the Constitution upon the States.

Mr. JOHNSON. Will the Senator permit

me to ask what would be the effect upon the Government if a majority of the States declined to exercise the right, as he calls it, of not sending representatives to the Senate? The wheels of the Government would be stopped.

Mr. HOWE. If a majority of the States should neglect to avail themselves of the right to choose Senators and Representatives the consequence would happen that a majority of the States would not be represented here, but that the wheels of the Government would be stopped thereby I do not concede for a moment. I deny it utterly. If it be a right, as I assume, and not a duty, no penalty falls upon the nation because a State neglects to avail itself of that right. The nation would survive this neglect on the part of a majority, or four fifths, or nine tenths of the States. I have once said, and I still repeat, that as long as any two States or any one State avails itself of this right, and sends its Representatives here, then you have a national Legislature; a Legislature which can enact laws for the whole Union.

I am sorry to hear, especially from the Senator from Maryland, these very extreme remedies urged upon us for the mere neglect of a State right. I am for upholding the rights of the States; I am for upholding the right of a State to elect Representatives; but I am for upholding the right of a State to omit to elect Representatives, and I am for upholding that view of the Constitution under which the authority of the nation is not impaired simply because a State neglects its rights. When a State disregards a positive injunction, violates a duty imposed upon it by the Constitution, then I agree with the Senator from Maryland that very extreme penalties may be resorted to. But I recollect that when I advanced the doctrine that when States had not only refused to choose Senators and Representatives to Congress, but had actually taken up arms to overthrow the Government of the United States, we had a right to stop the wheels of their government and to prohibit them from making laws for the government of their own citizens, the Senator from Maryland objected to it as rather extreme and radical doctrine; but here to-day, for the simple omission to elect its own Senator, I find the Senator from Maryland insisting that we have a right to deprive a State of the power of making laws for itself, going to the whole extent of whatever I claimed we might rightfully do for the crime of revolution and rebellion itself. Hereafter I have only to say that I hope no man will class me among the radicals. [Laughter.]

Mr. TRUMBULL. Before the question is taken on the amendment of the Senator from Wisconsin, I suggest to the Senator that he should modify it so as to avoid the objection that was suggested that they should meet from day to day indefinitely. It should be during the session of the Legislature.

Mr. HOWE. I have put that in.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Wisconsin as modified.

The amendment was agreed to.

Mr. HENDERSON. In lines twenty-nine and thirty of the first section I move to strike out the words "a majority of all the members elected to both Houses being present and voting." I do not see that we have a right here to determine what shall be the Legislature of a State. The Constitution provides that Senators shall be chosen in each State by the Legislature. Suppose the Legislature of a State is composed, as was once the case in Pennsylvania, of only one branch; there can be no doubt that the people of a State may by their constitution abolish their Senate and have a Legislature composed of but one branch; and I do not see that the Federal Government could interfere with it.

It will be observed that this bill provides first that the Senator shall be elected by the two branches of the Legislature. To that I do not object with the facts before us, because every State now has two branches to its Legislature. It then provides that the Senator shall

be voted for in each House separately, and it will be observed that a different rule is prescribed for the election before the two branches acting separately from that prescribed for them when they go into joint session. In all the western States we elect by joint session. The constitution of my State provides that the election shall be by the Legislature in joint session. Hence this law will override the constitution of the State of Missouri. There is no provision in our constitution that we shall elect in the separate branches of the Legislature; and the member of the Legislature who refuses to go into joint session for the election of a Senator certainly will do so in the face of the constitution and in obedience to this law when it shall have been passed. It is provided in this bill that—

At twelve o'clock, meridian, of the day following that on which proceedings are required to take place, as aforesaid, the members of the two Houses shall convene in joint assembly and the Journal of each House shall then be read, and if the same person shall have received a majority of all the votes in each House, such person shall be declared duly elected Senator to represent said State in the Congress of the United States; but if the same person shall not have received a majority of the votes in each House, or if either House shall have failed to take proceedings as required by this act, the joint assembly shall then proceed to choose, by a *viva voce* vote of each member present, a person for the purpose aforesaid, and the person having a majority of all the votes of the said joint assembly, a majority of all the members elected to both Houses being present and voting, shall be declared duly elected.

What is "a majority of all the votes in each House?" Is it a majority of all elected? Surely not. It means a majority of what the State constitution may determine to be a quorum. A Senator can be elected in the New England States by a majority of a quorum. It is in the power of the several States, I apprehend, to make a quorum consist of less than a majority of all the members elected. Is there any power in Congress to say that a State Legislature for legislative purposes shall consist only of a majority of all elected? I think not. Suppose the constitution of the State of Missouri provided that for all legislative purposes one third of the members elected to each branch of the Legislature should constitute a quorum to do business; if they have a right to do it for legislative purposes they have a right to do it under the constitution for the purpose of electing a Senator. What is the Legislature of a State? Has Congress the power to declare what the Legislature shall consist of in a State, because of the fact that it has the right to prescribe the time and manner of electing Senators? In other words, can Congress decide that one branch only shall be consulted in the election? Surely not. That is not pretended.

In the latter part of the clause which I have read, it is provided that when the two Houses go into joint session, not a majority of a quorum to do business, but a majority of all the members elected shall be present. Thus it undertakes to prescribe what shall be a quorum of the Legislature. I apprehend that we have no authority to do that. All the authority we have on the subject is derived from the clause of the Constitution which empowers us to prescribe the time and manner (not the place) of choosing Senators. If we have a right to determine what shall be a quorum in the Legislature, we have the right to determine what the Legislature is, because the same clause that gives us the right to prescribe the time and manner also says that the Senator shall be elected by the Legislature. What is the Legislature, and who is to determine what the Legislature of a State is? Can Congress determine it? If Congress can determine it for the election of Senators, I do not see why it cannot for purposes of legislation. Is there any difference? The Legislature is the body that makes the laws, and the Constitution says that the same Legislature shall elect Senators. In any State one third of all the members elected to the Legislature may be declared a quorum to do business by its constitution; and yet here it is proposed to say that a majority of all the members elected must be present.

I do not think Congress has the right, in

determining the manner of electing Senators, to go so far as to say what shall constitute a quorum of a State Legislature. There is the difficulty and the only difficulty I see in this bill. I think most clearly that that part of the bill ought to be stricken out, because if we can go to the extent of determining it we certainly can exercise a very dangerous power in determining what the Legislature of a State may be.

Mr. DAVIS. I understand the Senator from Missouri to assume that anybody that is competent to pass laws for a State may elect Senators.

Mr. HENDERSON. I do.

Mr. DAVIS. I think so clearly.

Mr. CLARK. I hope this amendment will not be agreed to. It was put in here for the purpose of securing a majority of all the persons elected to both Houses in case the Legislature came into convention, so that less than a majority should not be present at the meeting, or they should not elect when there was less than a majority present. I think it is a safe rule. There is a difference between the two Houses assembled in joint convention for the purpose of an election and the two Houses acting separately in their ordinary legislative capacity. It would be competent for them, undoubtedly, to prescribe their quorum in each House, but when they go into joint convention under the law of the United States for the purpose of electing a Senator, it seems to me entirely competent for the law of the United States to prescribe what shall be a quorum for that purpose.

Mr. HENDERSON. I should like to ask the Senator why he makes a difference in the election through the two branches and in joint session. Why is it that a New England State, which now elects under its constitution in the separate Houses, may prescribe that less than a majority of all elected shall constitute a quorum, and they may have a Senator here with less than a quorum, and we in the West, who prescribe a different mode, cannot? I should like to know the reason of the difference.

Mr. CLARK. We have prescribed no rule for New England and no rule for the West.

Mr. HENDERSON. I do not refer to New England particularly, because I do not know how they elect, but it is generally assumed that they elect separately there.

Mr. CLARK. When the Legislature undertakes to elect a Senator in the ordinary way of its transactions, that is, each House voting by itself, the bill does not propose to regulate what shall there be a quorum. The Legislature regulates that matter itself, or the State constitution regulates it. But when we provide that those two Houses may quit their ordinary method of legislation and go into joint assembly for the purpose of election, then we provide what shall be a quorum in that joint assembly, that there shall be at least secured a majority of the two Houses when they come to act together.

Mr. HENDERSON. Now, Mr. President, I submit to the Senate that if the constitution of the State of Missouri or the State of Ohio to-day determines that all the legislative business shall be done in joint session, and they see fit to adopt that plan, it is perfectly proper and constitutional, and we cannot interfere with it. All the legislative business of the State of Illinois to-day can be done in joint session of the Legislature, provided the State constitution so provides. If the people desire it they can do so. I do not see any reason in the world for prescribing a different rule for electing Senators through the two branches and in joint session. If the people of one State desire to elect in joint session, and they call that, by their constitution, a Legislature for the purpose, let it be governed by the same rules that govern in the other case; but do not declare what is to be a quorum in either case unless you do it in both. I hold that you have no right to do it in either.

The amendment was rejected—ayes ten, noes not counted.

The bill was reported to the Senate as amended and the amendments were concurred in.

Mr. WILLIAMS. I should like to ask a question with reference to the language used in the twenty-ninth line of the first section. It reads:

And the person having a majority of all the votes of the said joint assembly, a majority of all the members elected to both Houses being present and voting.

Is it intended by that phraseology to require a majority of each House, or a majority of both Houses?

Mr. CLARK. A majority of both present. There is to be a majority of the two, counting together as one body.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. SAULSBURY. I once heard an eminent physician say that the best thing to do with cucumbers was to dress them well with vinegar, pepper, salt, and mustard, and then throw them to the hogs. [Laughter.] I think the best thing to do with this bill is to indefinitely postpone it, and I therefore move that it be indefinitely postponed.

The motion was not agreed to.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. SAULSBURY. On that question I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 25, nays 11; as follows:

YEAS—Messrs. Anthony, Clark, Conness, Cragin, Edmunds, Fessenden, Foster, Grimes, Harris, Howard, Howe, Johnson, Lane of Indiana, Morgan, Morrill, Nesmith, Nye, Poland, Pomeroy, Stewart, Sumner, Trumbull, Wade, Wiley, and Williams—25.

NAYS—Messrs. Cowan, Davis, Doolittle, Guthrie, Henderson, Norton, Kiddle, Saulsbury, Sherman, Sprague, and Van Winkle—11.

ABSENT—Messrs. Brown, Buckalew, Chandler, Creswell, Dixon, Hendricks, Kirkwood, Lane of Kansas, McDougall, Ramsey, Wilson, Wright, and Yates—13.

So the bill was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House of Representatives had passed without amendment the bill (S. No. 357) to aid in the construction of telegraph lines, and to secure to the Government the use of the same for postal, military, and other purposes.

The message further announced that the House of Representatives had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. No. 145) for a grant of lands to the State of Kansas to aid in the construction of the Northern Kansas railroad and telegraph.

The message also announced that the House of Representatives had agreed to the amendment of the Senate to the bill (H. R. No. 456) to extend the benefits of section four of an act making appropriations for the support of the Army for the year ending June 30, 1866.

The message further announced that the House of Representatives had agreed to some and disagreed to other amendments of the Senate to the bill (H. R. No. 261) making appropriations for the consular and diplomatic expenses of the Government for the year ending 30th June, 1867, and for other purposes, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUFUS P. SPALDING of Ohio, Mr. NATHANIEL P. BANKS of Massachusetts, and Mr. JOHN WENTWORTH of Illinois, managers at the same on its part.

The message further announced that the House of Representatives had passed a joint resolution (H. R. No. 187) recommending the organization and instruction of the militia by the several States, and providing for the distribution of ordnance and ordnance stores, in which it requested the concurrence of the Senate.

PREVENTION OF SMUGGLING.

Mr. CONNESS. I ask leave to present a report from the committee of conference on the bill (S. No. 222) further to prevent smuggling,

and for other purposes. The report of the committee on this bill was presented once before, but there was some error found in it, owing to the fact that the whole of the amendments were not enumerated in the report. It is now correct, and accordingly I ask leave to present it, and I should like to have action upon it now.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 222) entitled "An act further to prevent smuggling, and for other purposes," having met, after full and free conference they have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate agree to the first, second, third, fourth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, and fifteenth amendments as the same were made by the House of Representatives.

That the Senate agree to the fifth amendment of the House of Representatives to the bill with the following amendment, to wit: insert in place of the words stricken out by the House of Representatives the words following: "in all cases where the possession of such goods shall be shown to be in the defendant, or where the defendant shall be shown to have had possession thereof, such possession shall be deemed evidence sufficient to authorize conviction, unless the defendant shall explain the possession to the satisfaction of the jury."

That the House of Representatives agree to the said amendment to the bill.

JOHN CONNESS,

LOT M. MORRILL,

Managers on the part of the Senate.

THOMAS D. ELIOT,

JOHN L. THOMAS,

Managers on the part of the House.

The report was concurred in.

ORPHANS' FAIR.

The PRESIDENT *pro tempore* laid before the Senate a communication from Mrs. J. C. Carlisle, secretary, inviting the members of the Senate to be present at the closing of the National Soldiers' and Sailors' Orphans' Fair on Thursday evening, the 12th instant.

ORDER OF BUSINESS.

Mr. WADE. I move now to postpone all other orders and proceed to the consideration of Senate bill No. 280, to repeal an act entitled "An act to retrocede the county of Alexandria, in the District of Columbia, to the State of Virginia," and for other purposes.

Mr. HENDERSON. The pending order of business is Senate bill No. 395, relating to the aqueduct bridge of the Alexandria Canal Company over the Potomac river at Georgetown, in the District of Columbia, which was informally passed over with a view of continuing the discussion upon and disposing of the bill in regard to the election of Senators. I had no idea at the time that that bill would take so long. This is a bill that I desire should at least be read; I wish that the Senate should become somewhat informed upon it; and I will say to the Senator from Ohio that then if there is any disposition to discuss the measure, inasmuch as he has had his bill up once before and I feel a delicacy in putting any obstacle in the way of it, I shall agree that it be laid over until to-morrow. I apprehend, however, that there will be no objection and no debate upon my bill, but that we can get through with it in a few moments. However, if opposition should develop itself, then I shall be willing to listen to a motion from the Senator to postpone it; but I prefer to have it read at least now. It is a bill that the Senator understands as well as myself.

Mr. WADE. I believe I understand that bill. I can really see no reason for reading it before we take up the Alexandria bill. That bill was discussed yesterday, and I gave away because it was said an executive session was desired; but after that was moved, or supposed to be moved, gentlemen got up other measures, and my colleague on the District Committee, the Senator from Missouri, moved, just as we went into executive session, to take up his bill after mine had been made the special order for to-day. It has been partly finished; it is in the minds of Senators now; they know precisely how the thing stands; and I think we had better proceed with and finish it. I wish to have a decision of the Senate upon it.

The PRESIDING OFFICER. The question is on proceeding to the consideration of the bill named by the Senator from Ohio.

Mr. HOWE. I feel almost as if I was a little swindled myself. Yesterday I moved that the Senate proceed to the consideration of the bill for the construction of a canal around the falls of Niagara. It was then said that the Senator from Maine [Mr. MORRILL] desired to be present when that bill was considered, and that he might be present, I consented that the bill should lie over, and asked the Senate to make it the special order for to-day at one o'clock; but at the suggestion of gentlemen all about me, who said there would be no difficulty in taking it up at one o'clock to-day, I did not press that motion. There was no objection then, however, to its being considered at one o'clock to-day; but on the motion of the Senator from Ohio the bill to which he has just referred was then taken up, and I supposed it was the unfinished business; and understanding that the Senator wished to conclude that, I did not insist upon taking up the other bill; but I think now that the Senate ought really to conclude that bill, if he insists upon it, and then I think the bill which we consented yesterday should be taken up to-day at one o'clock ought to be proceeded with.

Mr. WADE. I am the friend of both these measures, both the ship-canal bill and the bill of the Senator from Missouri, but I think we had better finish this matter before we take up any other. We are too apt to mix things up, and I do not think we gain anything by doing it. We had better finish one thing at a time. I hope we shall take up this bill and finish it.

The PRESIDING OFFICER put the question on the motion of Mr. WADE and declared that the ayes appeared to prevail.

Mr. HENDERSON. Let us have a division. My bill is the pending measure as it is the unfinished business, and I shall never be able to get it up if it be put aside now. I only want to have it read. I want the Senate to become informed of the nature of the measure and understand what it is. The Senator from Wisconsin now says that as soon as the bill of the Senator from Ohio is disposed of he will move to take up the Niagara ship-canal bill. The truth is I have been trying for a week to get the floor, but I have been cut off on account of the absence of the Senator from Maine. I now ask that the bill be read, and then if the Senator from Ohio insists on going on with his Alexandria bill, which is also a bill from the Committee on the District of Columbia, I shall interpose no objection. I feel no further interest in it than that it has been placed in my charge.

Mr. WADE. If the Senator will let my bill be taken up, I will then let his bill be read.

Mr. HENDERSON. But that will displace my bill entirely; it will be no longer before the Senate, and the Senator from Wisconsin has given me notice that he will antagonize the ship-canal bill against it, as soon as the Senator's bill is disposed of. Now, as I have got the floor, as I have the privilege, as I have my measure before the Senate, I state to the Senator that if he will permit his bill to be passed over informally until this bill is read, I will suffer his bill to come up, but I do not want to lose my place before the Senate.

Mr. WADE. It is very strange to me that this antagonism should be made. The Senate most deliberately yesterday made the bill I have moved to take up the special order for one o'clock to-day.

Mr. HENDERSON. Move to pass over this bill informally.

Mr. WADE. Your bill is a very long one, I believe.

Mr. HENDERSON. No, sir; it is a very short one.

Mr. WADE. As the Senator only desires to have his bill read, I do not know but that I had better consent to have it read, rather than try a division.

Mr. HENDERSON. In order to settle the matter, as I do not wish to be pertinacious, if

the Senator will move to pass over informally this bill, which is now regularly before the Senate as the unfinished business, I shall make no objection. But he makes a different motion; to postpone this measure and take up his.

Mr. WADE. If my measure is before the Senate, I am very willing that it shall lie over informally, to allow the Senator's bill to be read.

Mr. HENDERSON. It is not before the Senate.

Mr. WADE. I wish to have it brought before the Senate, and then I will consent to let your bill be read.

Mr. CLARK. The point is this: the Senator from Ohio makes a motion to postpone all prior orders, and that displaces entirely the Senator from Missouri. The Senator from Missouri says that if the Senator from Ohio will let the unfinished business be laid aside informally, so as not to displace him, he will allow this bill to come up. I think the Senator from Ohio had better do that, if the rest of the Senate do not object.

Mr. WADE. I have no objection. Any way to get along the easiest is my way, of course.

The PRESIDING OFFICER. The unfinished business can be laid aside by unanimous consent.

Mr. WADE. Then let us take up my bill and go on with it.

Mr. CLARK. Your bill is before the Senate if that unanimous consent is given.

Mr. WADE. If my bill is before the Senate that is all I want.

The PRESIDING OFFICER. The Chair understands there is no objection, and therefore the bill moved by the Senator from Ohio is before the Senate.

RETROCESSION OF ALEXANDRIA.

The Senate resumed the consideration of the bill (S. No. 280) to repeal an act entitled "An act to retrocede the county of Alexandria, in the District of Columbia, to the State of Virginia," and for other purposes.

Mr. CLARK. As I have been unable to bring my mind and judgment to the same conclusion with the Senator from Ohio, that it is best to pass the bill now before the Senate, and as he has declared that the retrocession of Alexandria to Virginia was a secession measure, I feel impelled to give the reasons which will induce me to vote against the repeal of that measure which he calls a secession measure. I do not like to be found voting with the rebels nor with any plan of the rebels; and if I believed that that was a part of the scheme of the rebellion, carried to the end for that purpose, I might perhaps vote for the repeal under ordinary circumstances.

Mr. WADE. Right here, if the Senator will permit me, I should like to say a word.

Mr. CLARK. Certainly.

Mr. WADE. I did say that in my judgment the measure was moved originally by those intending rebellion. I did not suppose that the great numbers of those who voted for it had any such idea. It was, in my judgment, only some of those Virginia gentlemen who moved it here who had such motives; but that I only guessed at. I did not lay it down as a fact that it was so, and most assuredly did not intend to reflect upon anybody who had voted for the measure without any such idea.

Mr. CLARK. I supposed it would come to that, that it was guess-work.

Mr. WADE. That part of it.

Mr. CLARK. Or perhaps an *ad captandum* speech for carrying the present measure, because when I come to refer to the record in the House of Representatives of those who voted for it, I find such names as Douglas, of Illinois; Foot, of Vermont; Ingersoll, of Pennsylvania; Andrew Johnson, now President; Marsh, of Vermont; Ramsey, of Minnesota; Rockwell, of Massachusetts; Schenck, of Ohio; Truman Smith, of Connecticut; Caleb B. Smith, of Indiana; Vinton, of Ohio; and Winthrop, of Massachusetts. And when I turn to the Senate I

find Cameron, of Pennsylvania; Cilley, of New Hampshire; John M. Clayton, of Delaware; Corwin, of Ohio; Crittenden, of Kentucky; Davis, of Massachusetts; Dayton, of New Jersey; Johnson, of Maryland; and Simmons, of Rhode Island. I could not well perceive, myself, that they had got into any scheme of rebellion.

But, Mr. President, laying aside that view of the case, I have not been able, as I say, to come to the same conclusion with the Senator from Ohio, because it seems to me that it would only increase the difficulty under which we now labor. Either the act of 1846 was constitutional or it was unconstitutional. If it was a constitutional act, and reconveyed that territory to the State of Virginia, that was a cession with which we have now nothing to do. We cannot recall it. It was an act done, and the territory passed under their jurisdiction. If it was an unconstitutional act, it is a question for the courts to decide. Congress when it passed it undoubtedly thought it was constitutional. I do not think it is quite the prerogative of this Congress to judge of the act of another Congress and say it was unconstitutional, and therefore repeal it on that ground, but to leave it to the court to say whether it was constitutional or not; especially when if you attempt to repeal it you only increase the difficulty under which you now labor. You passed the act of 1846, and by that act, constitutional or not, you actually transferred all that territory to the jurisdiction of Virginia. It has been ever since within the jurisdiction of Virginia for twenty years. The people there have acknowledged the laws of Virginia, by your act, by your direction, by your cession.

Now, it seems to me hardly right for the Congress of the United States to repeal that act. I believe they will increase the difficulty by saying "we will repeal that act; we will resume the jurisdiction which we granted away," thus producing a conflict between the two jurisdictions—the State of Virginia and the District of Columbia. I think it is far better for the peace of the country, for the safety of the country, for the quiet of the neighborhood; I mean to let that territory remain under the jurisdiction of Virginia until the question can be tried by the courts. If the courts decide the law to be unconstitutional, then the whole jurisdiction must revert to the District of Columbia. If it is decided to be constitutional, we have no power over it; and if you repeal the act, it must remain as it was. You do not escape the difficulty by the repeal of the act. There may be persons within that district who will say, "this Territory passed to the State of Virginia by the act of 1846; it was an act done, and the cession was complete; you cannot recall it; we do not acknowledge the right of the District of Columbia over us; we prefer the jurisdiction of the State of Virginia;" and they appeal to the courts, and the courts decide that that first act was constitutional; what then? It must remain there; the repeal cannot alter it; so that, in either case, you do not escape the difficulty. You only make matters worse, it seems to me. I prefer that the matter should remain as it is, so far as I am concerned, until it is decided by the proper tribunal, to wit: a court of the United States.

Mr. DAVIS. I wish to say one word on this subject. I myself never heard of any movement or intention of secession as connected with the retrocession of Alexandria to Virginia. I voted against it, and Jefferson Davis voted against it at the same time. There was about as much blending of votes that had a tendency and an anti-tendency to secession on that subject as could occur upon almost any other subject whatever.

The first movement, as I learn from a respected friend who is a citizen of this District, for the retrocession of Alexandria was made about the year 1820. The considerations upon which that movement was made were about these: there was one system of civil law for that portion of the District northeast of the Potomac, and there was a different system of

law for that portion of it that was subsequently ceded to Virginia, southwest of the Potomac. There were three judges of the District court, and all resided either in Washington city or Georgetown. There was no judge resident on the other side of the Potomac, and when men had business, either as lawyers or as parties to suits, and wanted to get a writ of injunction or any other restraining order, they had to come up from Alexandria to Washington city in order to get the order of the proper judicial officer. This friend of mine informed me that the movement was made very earnestly at that time, and with the full sanction of all the people of Alexandria; and to operate upon the sentiment of the people of Alexandria in favor of the retrocession, some industrious lawyer or gentleman compiled all the appropriations of money by the Congress of the United States to the different portions of the District. There had been millions appropriated to that portion of the District on this side, and on the other side there was but a solitary appropriation, and that was to build a jail.

To alleviate this inconvenience in some respect an act of Congress was passed requiring that one judge of the District court of the District of Columbia should reside in Alexandria; but before that law was observed so as to induce one of the judges to remove his residence to that city, or to procure the appointment of a judge resident in that city, the law was repealed. I have understood from this respected friend of mine that at various times, two or three times at least, after the year 1820 and previous to the year 1846, there was a similar movement of the people of Alexandria to have a retrocession of the portion of the District that had been ceded by Virginia, and never in connection with secession or with any political object whatever, but simply to detach that portion of the District from the government of Congress, and to throw it back to the government of Virginia.

I make these statements of facts for the purpose of vindicating this act of retrocession from every imputation connected with secessionism or any other form of disloyalty to the Government of the United States; and having done this much I will take my seat.

Mr. JOHNSON. Mr. President, the more I think of the effect of the bill now before us the more I am persuaded that it will be attended with mischievous results. It is now twenty years since that part of the District was ceded back to Virginia. Virginia accepted it, and the people of the district ceded acquiesced in it. If I can get the attention of the honorable member from Ohio who has charge of this bill, perhaps I can persuade him that he will do more harm than good by passing this bill.

Before 1846, before this law was passed, the jurisdiction of the courts of the District extended over this portion of the ten miles square. When the retrocession was made in 1846 there were pending in the Supreme Court of the United States a variety of cases that had been carried by writ of error or appeal from the court in Alexandria to the Supreme Court. The act of 1846 made no provision for such cases. There was nothing in that act which took from the Supreme Court the jurisdiction which they antecedently had. But the practical difficulty was that they could not send their mandates down after the cases were disposed of to the United States court in Alexandria from which they came. It was impossible, therefore, to decide those cases beneficially, and there they must remain. Congress, looking to that state of things, on the 5th of July, 1848, passed another act authorizing the Supreme Court of the United States, when they should decide the cases then on appeal before that tribunal from the county of Alexandria, to transmit the mandates to the proper court of the State of Virginia; and it was not questioned in 1848 that Congress had authority to make that provision. The first case, and the only case so far as I am advised that is reported, that was sent by the Supreme Court of the United States to the

court of Virginia under the authority of the act of Congress of July 5, 1848, was argued in that court, among others, by the late Henry Winter Davis, of whose capacity it is unnecessary to speak in this presence, and especially in the presence of the honorable member from Ohio. I think he held him as high as most people, and most people held him very high. He was eminent as a lawyer as well as a politician, and in my judgment more often wrong in the latter capacity than he was in the first. The Virginia court, in deciding the case that came before them under the authority of the act of July, 1848, used these words:

"It is admitted on all hands that Congress had the constitutional power of retroceding and Virginia of accepting the retrocession of territory ceded by the latter to the former as above mentioned."

Mr. Davis's interest, or rather the interest of his client, would have been to deny the validity of the retrocession act of 1846. The case before the court of Virginia involved that question, it was a preliminary question to their decision, and yet, as you see, they state that it was a concession on the part of all counselors, as well as judges, that the act of 1846 was constitutional, or, to repeat their language:

"It is admitted on all hands that Congress had the constitutional power of retroceding and Virginia of accepting the retrocession of territory ceded by the latter to the former as above mentioned."

Mr. FESSENDEN. What case is that?

Mr. JOHNSON. The decision of the supreme court of Virginia upon a case which, at the time of the retrocession, was before the Supreme Court of the United States upon a writ of error from the United States court in Alexandria, and which they were afterward directed to send to the supreme court of Virginia when they should have decided it. From that day to this the validity of that act never has been questioned. But the effect of the act of 1848, if the Senate will recur to that, is to repeal all the laws by which, as far as the United States were concerned, that portion of the District was governed under the authority of the United States. They have no laws there now except such laws as Virginia, through its Legislature, has adopted. Then, if you pass this act and make no other provision, you will have that part of the District without any laws at all regulating their courts.

Mr. FESSENDEN. They have the old laws.

Mr. JOHNSON. The old laws were the laws of Virginia, but they would not come in force because they are all repealed, unless we shall pass a law reviving them. All their conveyances, all their contracts that required recording, all their marriages, everything that was regulated by law before, since the retrocession of the District have been regulated by the laws of Virginia; and, if we shall determine that the act of 1846 was not constitutional, all those marriage and other contracts which have not been perfected in the manner pointed out by the laws in force at the time of the retrocession, but have been regulated by the laws of Virginia, will be void.

Another objection was taken and urged yesterday with some force, that the act of 1846 was unconstitutional because it was made to depend upon the vote of the people of Alexandria as well as upon the consent of the Legislature of Virginia. I have but a word to add on that subject. This is not an act of legislation at all in that sense. The United States became the owners of this property as one contracting party. The land originally belonged to Virginia. The United States had no authority to become the owner of it without the consent of Virginia. It was therefore a contract as between the United States upon the one hand, and the State of Virginia upon the other, by which the United States became the owner of this property. The United States had no authority to become the owner of it by force of legislation. The form of legislation was adopted because the Congress of the United States cannot contract in any other form; but although the form was that of a legislative act, yet, what was done by virtue of that act, and by virtue

of the subsequent assent on the part of Virginia, was neither more nor less than a contract, which either party, with the consent of the other, had a right to modify at any time. I suppose that to be very clear.

The honorable member from Nevada [Mr. STEWART] supposes that a case referred to in one of Selden's Reports, I forget the volume, bears upon this question. I have not looked at that case; I have had no opportunity of doing it. I prefer to stand upon the authority of the Supreme Court of the United States. They have decided cases of this description, and nobody in that court ever dreamed of denying the validity of a contract which was entered into under the circumstances which I am about to state. In the construction of the many railways that are now passing through the West the charters granted by the State to those railways gave authority to the cities and the towns and the boroughs through which a road was to pass to subscribe for stock in the road, provided a majority of the people of such towns or cities or boroughs voted in favor of the subscription. That was done in a variety of cases. The first case that came before the Supreme Court of the United States, or the first that I recollect—the subsequent cases I argued—was the case of *Aspinwall vs. The Commissioners of the County of Davis, a county in Indiana*, I think. The language of the charter of that case was:

"Provided, That if a majority of the votes given shall be in favor of subscription the county board of said county shall subscribe, and not otherwise."

So that the operation of that charter in that particular was made to depend upon the approval or disapproval of the people who were to be affected by it; and nobody dreamed of denying that if the majority of the people decided against a subscription there would be no authority in the county to subscribe, or if they decided in favor of a subscription, that it was not within the authority of the county to subscribe, and that the subscription would not be valid. That was done in this instance. A majority did decide in favor of subscribing, and a subscription was made and they issued their bonds. They afterward determined that they would not pay, first, because some formality had not been observed, and secondly, because they had been cheated. The Supreme Court decided that the issuing of the bonds with the knowledge of the county, coupled with the fact that the subscription had been made for the payment of which the bonds were issued, was conclusive evidence of the validity of the subscription, because it was conclusive evidence that a majority of the people had decided that there should be such a subscription. There are twenty cases since going to the same effect.

There are other difficulties in this case, and I want my friends from West Virginia to consider them, if their minds are not made up. What is the present Legislature of Virginia? How was it elected? Elected in part by the people of this very territory. Where did the convention meet that determined there should be elections? Within the limits of this very territory. How was the assent to the creation of West Virginia granted?

Mr. WILLEY. By the Legislature of Virginia at the city of Wheeling.

Mr. JOHNSON. Very well. How was it chosen? Were there not members from Alexandria?

Mr. WILLEY. Yes, sir.

Mr. JOHNSON. That is what I mean. It is perfectly immaterial where they sat. A portion of that Legislature was chosen by the people of Alexandria, and nobody dreamed at that time that that portion of what originally was Virginia was not as much Virginia as the portion in which the town of Wheeling was situated. We have ever since, by act after act and by judicial action, recognized the validity of the act of 1846, by considering what is now Virginia as made up in part of the county of Alexandria. I do not know what the vote was; I do not know how many members composed the Legislature of Virginia at the time the as-

sent was given to the creation of West Virginia. They were but very few. There were only five or six counties, I think.

Mr. WILLEY. There were some forty members.

Mr. JOHNSON. Where were they from?

Mr. WILLEY. From West Virginia principally.

Mr. JOHNSON. But not from the eastern portion of Virginia. Very few of them were from the eastern portion of Virginia. West Virginia of course was for it, but West Virginia had no right to represent East Virginia as Virginia then stood, and the only Representatives of the State of Virginia at the time that assent was given were, I believe, nearly all from this portion of the country, from this very town of Alexandria; and that Legislature has now chosen Senators. You have not received them, but they have not been refused admission upon the ground that Alexandria county was not a part of Virginia, but, on the contrary, was a part of the District of Columbia; but upon other grounds equally applicable to all the other States in the Union who are not now represented as well as to East Virginia or Virginia proper.

Now, suppose you decide—as you do by the passage of this bill, provided you have the right to decide it—that the act of 1846 was void, what may be the consequence upon West Virginia? What may be the effect upon your legislation since? What may be the effect upon titles to real and personal property which have come into existence by contracts since 1846, contracts authorized and only authorized by the laws of Virginia? You multiply all kinds of difficulties. Why should you? Why should it be done? As I said yesterday, we do not want that two or three miles of territory to protect us. Who asks for it? I do not know. I have not seen the application. I know there are more than a thousand names here against it. When the act of 1846 was passed, upon that act being submitted to the approval or disapproval of the then voters of that portion of the ten miles square, and the polls being kept open for two days, the vote for retrocession was 763, the vote against it was 222; making of course a majority in favor of it of 541 out of a total of 985, nearly four to one. Now, what has produced the change? I do not know. Who asks for the change? I am equally ignorant. I assume, because I believe it to be true, that they are all new comers comparatively, who would prefer being under the Government of the United States. Whether that is a wise preference or not is another matter; but is it fair, is it just, when by your legislation you submitted it to the people in 1846, and they decided in favor of retrocession, and they have acted on the faith of the validity of that retrocession, that you should now, at the end of twenty years, undo all that you have done?

But that is not all. Will you not increase the expenses of the Government? How many more courts must you have? How many more officers must you have? How many additional judges, probate judges, and judges of other descriptions, recorders of deeds, marshals, clerks of courts? And what is it to cost? You will give, I suppose, the same compensation you give here; and then it will be seen probably that a good many of the persons who are now asking for this act of retrocession will become applicants for offices. That I can understand.

But there is another objection. It is a solecism; it is contrary to the very spirit of our institutions that persons should be legislated about in their persons and their property without representation. The exception of the ten miles square was made because of considerations tantamount in importance, as it was supposed, to those which established in a free Government representation and taxation as going together. Now, what are you about to do? You want to extend the franchise, many of you, to the black man, who has just been emancipated. Why? Because it is necessary to his protection, necessary to the full enjoy-

ment of his freedom. Now, you are about to bring back into the District some fifteen hundred or two thousand people, a large majority of whom are protesting against it, when by bringing them back you subject them to taxation without representation and to just as much taxation as you may think proper to impose.

I am far from saying that the provision in the Constitution was not a very advisable one and an absolutely necessary one, which gives Congress the exclusive right of legislating for the seat of Government; but I submit it, as due to principle, that if you have enough territory to answer all the purposes of a seat of Government, it is wrong in principle to seek to get more, when by getting more (and you can only get more by coming to that result) you deprive the people who are now represented in Virginia of the right of representation, and subject them to taxation without representation—not even entitled to a Delegate on the floor of the House—slaves, in one sense, as far as slavery exists because of the absence of the right of representation, and made slaves in that sense only because the Convention deemed it necessary in order to secure the councils of the nation from improper interruption and from State control. But we are in that condition now. The provision, as the Senate know, was that the District should not exceed ten miles square. Congress might have taken as much less as they thought proper. They might have taken this side of the Potomac at the beginning, and then this difficulty could not have arisen; but the argument is, that because they took more than has been found necessary or expedient by actual experience and practice, they have no right to get clear of any part of it, and that notwithstanding they have remained undisturbed and without anybody questioning the security of the Government while in the possession only of that part of the original ten miles square which is found on this side of the Potomac.

Mr. HOWARD. Mr. President, when this bill was before us yesterday I took occasion to state to the Senate very briefly my reasons for holding that the act of 1846 was unconstitutional, and that it was incompetent for Congress to retrocede any portion of the District of Columbia either to Virginia or Maryland. I have listened, as I always do, with great interest to the arguments of the learned Senator from Maryland, taking a contrary view and coming to an opposite conclusion. I propose to say a word in reply to what I regard as the main point of his argument.

He says that by the first clause of the provision of the Constitution authorizing Congress to exercise exclusive legislation, &c., over the District of Columbia, Congress merely acquired the right of exclusive legislation, and that that was the great object of the clause; but that the latter clause of the same provision, giving the United States a right to acquire lands in States for the purpose of dock-yards, arsenals, &c., plainly, in his judgment, recognizes the right of Congress to transfer those places or to retrocede them to the States in which they may happen to lie, and that if Congress may retrocede a dock-yard or an arsenal *ergo* it may retrocede a part or the whole of the District of Columbia. With great respect to the logical powers of the Senator from Maryland I regard this as a *non sequitur*. It may be that Congress has power to retrocede dock-yards, arsenals, &c., or even to sell them to individuals, and still be divested of the power to retrocede the District of Columbia; and I insist that such is the fair construction of the provision. How does the District of Columbia become the seat of Government of the United States, and how do dock-yards, &c., become the property of the United States? The clause is very carefully drawn. It says:

"The Congress shall have power to exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States."

Now, sir, look at this language. By what means is it that the District becomes the seat

of Government of the United States? Not by purchase, for the language does not contemplate a purchase; but by a voluntary cession of the States concerned, and by an acceptance of the cession by Congress. When these two events concur—the cession by the States and the acceptance by Congress—then, in the language of the Constitution, the tract so ceded and accepted "becomes the seat of the Government of the United States;" and the language itself implies that this seat of Government shall continue to be the permanent seat of the Government. Certainly the learned Senator will not contend that although Congress has accepted a cession from Virginia and Maryland of the District of Columbia, it may proceed and establish another and a second seat of Government. And why not? Because the language of the Constitution declares that this District has become, by those two concurrent acts, the seat of Government of the United States, and excludes the idea that any other portion of the United States can assume the same character and quality. It follows very clearly from this language of the first clause that it was the intention of the framers of the Constitution, and of the people who ratified it, that the seat of Government should be permanently fixed in the district which might be so ceded and accepted; and such has ever been the light in which it has been viewed. The earliest statute of the United States on this subject, passed as early as 1791, speaks of the acquisition as being the permanent seat of Government; and General Washington in his proclamation uses the same language; and indeed the clause is capable of no other construction or interpretation but that this District thus acquired is to be forever the seat of Government. It is, in short, as permanent, as enduring as the Constitution itself which has created it the seat of Government.

Mr. DOOLITTLE. Do I understand the honorable Senator to maintain that we cannot change the seat of Government without changing the Constitution?

Mr. HOWARD. Yes, sir. I stated that yesterday; and that is the conclusion I draw, and which flows inevitably from the premises I assume. It is fixed here in permanency because the Constitution fixes it here.

Mr. JOHNSON. Is the honorable member under the impression that the Constitution says it is to be the permanent seat of Government?

Mr. HOWARD. I do not say that such is the express language, but that such is the inevitable inference from the language. How can it be otherwise? Congress "shall exercise exclusive jurisdiction in all cases over such district as may"—how? "By cession of particular States and acceptance of Congress become the seat of the Government." It is the cession and the acceptance that constitute it the seat of Government, and the cession and the acceptance both depend upon the Constitution which imparts to Congress the right and the power to perform those two acts, and it is, in its very nature, as permanent as the clause itself under which the power is claimed.

This is not true of the second clause of the same provision declaring that Congress shall have power "to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same may be for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings." All the power that is here given to Congress is the right to purchase, not to accept a cession merely as a cession, which implies in itself both the right of soil, if the party ceding possesses the right of soil, as well as of jurisdiction. Under this latter clause Congress can only purchase the lands of private individuals for the purpose of establishing forts, &c. That is the plain effect of the terms. Congress purchases of individuals private lands for the purpose of establishing dock-yards, &c., and when this purchase has been made with the consent of the States, but not until then, the right of exclusive jurisdiction on the part of the Government accrues. Congress may undoubtedly purchase

of individuals lands for these purposes lying within the limits of a State; but it does not get the right of exclusive jurisdiction over them until the assent of the Legislature of the State has been given to the grant; and this principle has been held by the courts in repeated instances; so that the title itself which the Government gets in the latter case differs essentially from that which it obtains in the former case. In the former case it takes the title in trust for a specific purpose; that is, to hold the land as the seat of Government permanently, according to the Constitution; in the latter case it becomes merely a purchaser, and may, I should suppose, cede it or grant it away to any person that may consent to become the purchaser or grantee. I see no difficulty in that. But because it may grant away dock-yards and arsenals, it by no means follows that it can grant away the seat of Government, which, by the Constitution, properly interpreted, is to be permanent and enduring.

I see no force, therefore, in the somewhat plausible argument of my learned friend from Maryland. We must construe this article as it is written, and construe it with reference to the events transpiring at the time and the occasion which produced it, and endeavor to elicit the intention both from the text itself and from the historical events by which the Convention was actuated. Sir, can we violate a trust? Is it competent for Congress under the Constitution, having such a trust imposed upon them and having accepted it, to violate and disown it? It may be said that with the consent of the *cestuis que trust*, that is, of Maryland and Virginia, the ceding parties, Congress may grant away the District. That argument has no force. Who were the parties in interest? Who were the *cestuis que trust*, the beneficiaries, under the Constitution? Were Maryland and Virginia, or the people of those two States, the only beneficiaries interested in it? No, sir; the whole people of the United States were the parties interested, one State as well as another, one citizen as well as another; and I contend it is not in the power of Congress to divest themselves of this trust without the consent of the whole people of the United States, who, and who alone, are the parties interested as *cestuis que trust*, without an amendment of this clause giving the power. I hold, therefore, that the act of retrocession to Virginia of 1846 was absolutely void, as a violation of the trust imposed by the Constitution, and it is time for us to resume the jurisdiction.

The Senator from New Hampshire tells us that he declines to vote in the interest of the rebellion; and to show that the act of 1846 was not passed in the interest of the prospective rebellion he reads from the record the names of various northern Senators and Representatives who voted for it. It is not at all surprising that northern gentlemen should have voted for the act of retrocession. No man need be astonished at it. It is some relief to me, and it ought to be some relief to the honorable Senator from New Hampshire, to know that the fugitive slave act of 1850, passed only four years after this retrocession, and which no man will deny was in the minds of the leading secessionists an initiatory measure to the rebellion, which no man will deny was intended to fire the southern heart, and, in the language of Mr. Calhoun's letter of 1847, intended "to force the issue upon the North," was approved by a northern Chief Magistrate no less conservative than Millard Fillmore. Certainly, Mr. Fillmore did not intend that as a measure initiatory to a general rebellion or that it would become such; that probably was farthest from his thoughts; but still at this day, I take it, no man will deny that such was the real purpose of that wicked measure. It was drawn by James M. Mason, submitted to this body by him, was engineered through the Senate by his persuasion. What his object really was, is best determined by looking at the history of that individual from that time down to the present moment. He became a rebel and is now an

outlaw, not daring to show his face in the country that gave him birth.

Mr. SAULSBURY. I wish to ask the honorable Senator to be good enough to explain to the Senate, because I ask for information, how it is possible that the enactment of a fugitive slave law could contribute to bringing about a rebellion in this country on the part of the southern States, who would be benefited by the enactment?

Mr. HOWARD. The question of the honorable Senator opens a very wide field for discussion, and involves the recital of numerous historical events of which he is as well aware, I take it, as I am. I will not, therefore, consume the time of the Senate in answering his question further than to say that in my opinion—and that opinion is borne out by the history of the times—the fugitive slave law of 1850 was enacted by that Congress, under the engineering of Mr. Mason and others, for the very purpose of insulting the northern mind, of insulting the citizens of the free States, by attempting to make every man of them a slave-catcher at the beck of a southern master in pursuit of his slave. Common sense would have taught the authors of that law that it could possibly lead to no good, that it could have no other effect but to irritate and excite the northern people on the subject of slavery, and make it still more difficult to bring about a settlement of the controversies which were then raging throughout the country. It was intended as an insult; it was intended to produce such a state of feeling, both at the North and South, as should, within the shortest possible time, eventuate in a bloody conflict between the two sections; and it contributed, in my judgment, (and I have been a careful observer of passing events,) more than any other act passed by Congress, or any other cause, to produce the civil war. It was intended as a means of initiating secession and dissolution.

Mr. SAULSBURY. It is not my intention to detain the Senate; I spoke longer on this subject yesterday than I intended; but there is one view in which this subject may be considered which then escaped my memory, which I wish to mention to the Senate, and I will simply state it now.

If this were a controversy between private individuals, instead of between the Government of the United States and the State of Virginia, there can be no doubt as to how it would be decided in a court of law. I contended yesterday that the act of retrocession of this portion of the District of Columbia to the State of Virginia was not unconstitutional, but was constitutional; but even if we were to admit, for the sake of the argument, that the original act of retrocession was unconstitutional, yet at this late day it would not be competent for the Congress of the United States to repeal the act, provided the same rules of law and principles of equity would obtain in a controversy between the State of Virginia and the United States as would obtain between private individuals. There is no principle of law more clearly recognized than this, that where a party claiming an interest, for instance, in a tract of land, attends a public sale, sees that tract of land sold to an innocent purchaser for a valuable consideration, sees improvements erected upon that tract of land, and folds his arms and acquiesces in it, the party who has the legal title to the land by his acts has forfeited that title and cannot recover the land as against an innocent purchaser.

Now, what is the application of this principle of law to the present case? In 1846 the Congress of the United States by solemn act retroceded this portion of the District of Columbia to the State of Virginia. For twenty years the United States Government has acquiesced in that act. By many subsequent acts of legislation she has recognized this former portion of the District of Columbia to be a portion of Virginia. She has levied direct taxes upon the inhabitants of Alexandria as inhabitants of the State of Virginia. She has stood by and

seen the State of Virginia erecting at the public expense and out of the public treasury of that State three railroads in that territory. She has admitted to seats in the House of Representatives of the United States, Representatives elected by the inhabitants of that portion of a congressional district of Virginia. She applied her confiscation act to the inhabitants of that former portion of the District of Columbia as citizens of the State of Virginia. The Congress of the United States, in levying its direct tax, provided that in case of non-payment of that tax by these very people, inhabitants of Virginia, they should be subjected to an additional penalty of fifty per cent.

Mr. JOHNSON. And appointed collectors and assessors under the revenue act.

Mr. SAULSBURY. And appointed collectors who are residing in Virginia. In every form, in every shape, in which Congress could recognize Alexandria as being in the State of Virginia, it has done so from the year 1846 when it passed the act of retrocession. And yet, in the face of all the solemn acts of the Government of the United States in every department, executive, legislative, and judicial, and that continuously for a period of twenty years, you are now asked to repeal the law and to say that Alexandria is no portion of the State of Virginia. Why, sir, if this was a controversy between individuals in a court of law or in a court of equity, upon the mere presentation of the facts to the court they would not hear argument on the subject. They would say you are estopped in law or you are estopped *in pais*; your own acts conclude you. Sir, you cannot blow hot and cold at the same time. You have made your election, and even if the original act was absolutely void, your subsequent acts rendered the retrocession valid and complete. There is no lawyer that has ever studied an elementary book upon the principles of the law that can gainsay or deny the correctness of the opinion I have now passed.

Mr. President, let not prejudice or passion warp our judgments as legislators. When the principle governing the case is as clear as the sun at noonday, do not let us fly in the face of reason and of law and say, simply because we have numbers sufficient to pass the act that therefore, right or wrong, legal or illegal, we will pass it. There is not a member of the legal profession on this floor who, if this was a controversy between private individuals, and the plaintiff in the case was standing in the same attitude toward the defendant that the United States stands in reference to the State of Virginia, would take a fee to go into a courthouse to argue the case. And yet, sir, because it is Virginia, which is in ruins, and because the United States Government is a great and powerful Government, and because there is a disapproval of the action of the public men of Virginia in attempting to secede from the Federal Union, we are asked to pass this bill directly in the face of our own action for twenty years, directly in contravention of the plainest and simplest principles of law, and directly and palpably in contravention of the plainest principles of justice. Seize upon that portion of what was formerly the District of Columbia, appropriate to yourselves the money of Virginia that has been expended in the erection of railroads and other improvements in that district, and then lay your hands upon your hearts and say that this is all just and fair!

But, Mr. President, I was struck with a remark that fell from the honorable Senator from Ohio the other day. He went further, and contended, if I understood him aright, and I do not wish to misrepresent him, that even if the law of retrocession was constitutional, yet that the Congress of the United States had the power, and, as I understood him, could rightfully repeal the act.

Mr. WADE. Certainly.

Mr. SAULSBURY. The Senator nods assent.

Mr. WADE. I will tell you why when you get through.

Mr. SAULSBURY. I shall be glad to hear

the "why." Let me put a case. In most of the States of this Union there are what are called vacant lands, the title to which is in the State. There has been a great deal of that kind of land in my State. We have a law, as I presume most States have for their vacant lands, that gives the privilege to any person who knows where there is vacant land to petition the Legislature of the State for a grant of the land; and the Legislature may grant for a consideration, or they may grant it without any consideration. Suppose now that the Legislature of a State where there are vacant lands located, does by solemn act of the Legislature grant to A B five hundred acres of vacant land situated in such a hundred or such a township. That, then, is the law of the land. Suppose A B goes into possession of that land, ditches it, makes improvements upon it, will the honorable Senator say that it would be competent for the Legislature of that State to repeal that act and divest the title granted? It is a contract, as most of the law is resolved into contract; it is a contract between the State and the individual.

When the grant is made by the State and accepted by the individual the contract is perfected, and it is not in the power of the grantor to divest the grantee of the title. So in this case, if the right to that portion of the District of Columbia was in the United States, and Congress had the power to part with it—and I shall not discuss that aspect of the question, because it has been already exhausted by the Senator from Maryland—when the Government of the United States, acting through its legislative department, made a grant of that portion of the District to the State of Virginia, and that grant was accepted by the State of Virginia and she went into possession, it became a contract executed, which no one of the parties has the right, without the consent of the other, to revoke. A contrary doctrine would lead to the most disastrous consequences in every State of this Union. What! make a solemn grant, part with your title by the most solemn mode in which you can part with it—because the most solemn and formal way in which the Government of the United States can part with title to property is by an act of the Congress of the United States—part with your title, vest it in A B, see him go on, and after he has accepted the grant improve the subject-matter of it, and then turn around and say you have a right to divest it! Why, sir, this principle, if applied practically, would destroy an amount of title to real estate in this country, destroy an amount of property valued at millions and untold millions; and it is the first time in my life I ever heard the doctrine advanced. It is not in any book, not even, as an eminent lawyer of my State once said, "in 17 Dogberry, bound in boards." There cannot be found such a principle in any law book, not even in the old black-letter law books, nor in any law book in any State in this Union, or in any court where English law is administered. Such a principle is totally subversive of the law which governs titles to estates.

Mr. President, some of us supposed before now that we knew a little about law; but if these principles be correct, then I apprehend that nineteen twentieths and ninety-nine out of every hundred lawyers will have to go back to the A B C of the law, and see if they cannot dig up some hidden meaning which has escaped the observation of all those who have essayed the paths of the law heretofore.

Mr. President, I have said all I have to say on this subject, and will now hear the reasons which the honorable Senator can assign wherein, if the act of retrocession be constitutional, Congress gets the power to repeal it.

Mr. WADE. I am in hopes I shall convince the gentleman, loath as I see he is to be convinced of anything against his side of the question. I do not propose to go over the arguments I have made on this subject twice before with regard to the constitutionality of the act of 1846 upon general principles of law on which I sought first to place it. I believe

they stand firm yet against all the arguments that have been made. I have heard nothing to shake my confidence in the position that was assumed by the Senator from New York, [Mr. HARRIS,] the Senator from Nevada, [Mr. STEWART,] and the Senator from Michigan, [Mr. HOWARD,] and therefore it is unnecessary for me to undertake to reinforce their arguments by anything that I can say upon the general subject. But the Senator from Delaware wishes to know, on the supposition that their arguments are unsound and that the original act was constitutional, how it is that Congress has power now to repeal the act and to bring back those people into the District of Columbia again. I am astonished that he did not see that there was a principle of law that would sweep away all this stuff we have been talking about and put it clearly within the power of Congress to place this part of the District wherever they pleased, and that, too, upon principles of the highest public law.

Suppose that in 1846—for I am only making the supposition—the arguments of the gentlemen that go against me upon this question were all right, and that the law was strictly constitutional then, that all parties concurred in it, and that Congress had a right to undo what they had done at the origin of the Government, as I do not admit, however, does the gentleman forget the principle of law that where there are compacts between different nations and war breaks out between them the compacts are all annulled? Did you ever hear of such a law? Did you not know that your act of rebellion in the State of old Virginia put it in our power, at our will, to annul everything we had done, even if it had been constitutional at the time? Can you deny that there is such a principle of law as that? Do you want me to go to the books and look up authorities to show that the breaking out of a war between nations annuls every compact and places the parties, as it were, in a state of nature, clear from anything, putting an end to all compacts or agreements that have been entered into? It is in this way, sir, that I answer you, even if your arguments were just and your logic true, it is notwithstanding in our power, nay, sir, it is our highest duty that we owe to the loyal people of that district, to place them back where they were before.

If this compact was made with the State of Virginia in 1846, was it not made upon the hypothesis that that State should remain faithful to the Constitution and to the Government of this nation? Would you, sir, would the men who it has been shown voted for that proposition, ever have thought of doing it if you had told them that in less than fifteen years after they transferred these people over to the State of Virginia she would be in violent, flagrant war with the nation? What did this grant presuppose? Only perfect faithfulness on the part of Virginia; I mean provided all the preliminary steps were right, which I deny.

Now, Mr. President, I am told by the petitioners, and I am assured by hundreds of those who do not petition, that the conduct of the State of Virginia toward the Union men of that portion of this District is perfectly unbearable, savage, rude, outrageous; they are treated with contumely, their rights trampled under foot through the prejudices of that old State under whose jurisdiction you have placed them. That State has made war upon them, and for their Unionism they are persecuted. Their petitions are exceedingly numerous, and I am informed by some of the best men in that part of the District that there is no doubt a majority of the people there who are prompt, eager, anxious to be brought back into the District again because of the persecution of that State. They are deprived of their rights; it is impossible for them to hold up their heads there against the overbearing insolence of the State of Virginia.

It thus being put in our power by a right that nobody ever controverted, what is our duty? Shall we turn the cold shoulder on those just men who were transferred by you like cattle to

a jurisdiction to which they objected—for I do not suppose that at the time this vote was taken there was a single man of the minority who did not dread to go under the jurisdiction of that old and prejudicial State as they dreaded the gates of death and hell. I say, sir, you have departed, yea, widely departed, from the great principles of American freedom and American law when you suffered a majority to transfer the minority of freemen into a foreign, hateful jurisdiction. It is not in accordance with the principles of American law nor the spirit of our institutions. Besides, it was flagrantly unconstitutional.

Now, let me ask the Senator from Delaware, is there anything in the law I have laid down that you cannot understand; are you answered? Even if all you have said is true and your logic is just, are you not answered? Virginia has made war upon the Union people of this portion of the District; they have been subjected to her insolence, her terrible persecution, her unwarrantable jurisdiction; you placed them there against their will. Had you a right to do so? Even if you had, when this war broke out, when the State of Virginia waged unwarrantable, violent war on this nation, did it not release those loyal people, did it not confer upon the Government the right at its will to end this compact, if it may be so called, and bring back this territory to where it properly belonged? Most assuredly it did. Is there any gentleman in the Senate so craven-spirited as to say that he will leave these loyal people under these accursed persecutions? Will you from Delaware do it? Oh, you do not believe they are abused! Nevertheless, just men, true men, Union men, men who have become martyrs for standing up for the rights and jurisdiction of the United States, whose truth never was doubted, tell me tales of tyranny and oppression that prevail in that portion of this District such as have not been visited upon any Union people in any other part of this Union. If you decide against them, if you turn them coldly away, if you leave these just men in the power of their enemies, they have got to flee from the homes of themselves and their fathers. They cannot live there. They are trampled under foot; and the prejudices of the old State of Virginia are such that they cannot get their rights in her courts.

I say there is full right, full liberty in Congress, on your own principles to pass this bill. You need not go back to that sophistry we have heard here to prove that this original assigning away of American citizens was just. You cannot lay hold of that as a bridge over this abyss of iniquity. Even if the compact was a truthful and a righteous one, it is within our power to say to Virginia, "You have broken it, you have violated it, you have trampled down the rights of American citizens there whom we trusted to your generosity and your equity and your righteous dealing; you waged war against them and against the Union, and thereby gave us jurisdiction over the whole subject, and having that jurisdiction, we will use it to protect men that have a right to the protection of American law." This view is in my judgment so conclusive that it is entirely unnecessary for me to follow all the sophistry we have heard to prove that the act of retrocession was constitutional. I endeavored to show upon ordinary principles of law that it was clearly unconstitutional; but when we come to this great principle lying at the bottom, is there a gentleman here who doubts the right of this Government to relieve these men from oppression and take them out from under the faithless control of that State to whom you consigned them? No, sir. You not only have the right, but it is your paramount duty before God and man to do this; it shall have my vote, and I hope will receive the vote of a majority of the Senate.

Mr. SAULSBURY. Mr. President, the honorable Senator from Ohio has placed now the justification of this act upon totally different grounds from any which he mentioned in any former argument. He now goes back to

the "higher law;" the law that as between two foreign nations every compact is broken by war; and he treats this case now as though Virginia was a foreign nation; the United States foreign to her; that there was an existing contract between them; that war broke out and was waged between them; and this Government being the conquering Government has a right to dispose of the soil of Virginia as she pleases. That is an abandonment of the position formerly taken when treating Virginia as a State of the Union, and the view now asserted in support of the position which he takes, that Virginia is not a State in the Union; and that none of the States which assumed to secede are to-day States of the Union, because if he admits them to be States in the Union, then they have all the right that every other State in the Union has in reference to the question of the eminent domain over their territory.

But, sir, I apprehend that the doctrine that Virginia is not a State in the Union, and that the other States which assumed to secede are not States of the Union, although attempted to be inaugurated at the commencement of this session, has been totally abandoned. We have not heard for months upon this floor, although it was feebly whispered in the beginning of this session, that these southern States are not States in the Union. You cannot by possibility now say that they are not States in the Union, because you have passed your constitutional amendments and propose to submit them to those States as States in the Union; you appoint your revenue collectors in those States as States in the Union; you levy your taxes upon them as States in the Union, and in every act where it was necessary to name them, you named them "the State of Virginia," "the State of South Carolina," "the State of Alabama," &c. There are hundreds of acts upon your statute-books since the commencement of this war making this clear recognition of those States as being States in the Union; and the honorable Senator cannot support his view that you have a right to dispose of any portion of the State of Virginia as you please unless he goes for the doctrine that Virginia is not a State in the Union.

Mr. President, the doctrine of the honorable Senator would lead to this: if you have a right to take any portion of the State of Virginia and appropriate it to yourselves you have the right to take the whole of it. You have a right to wipe out State lines entirely, you have a right to take the whole of South Carolina and every other southern State, blot out State lines, and call it "the territory of rebellion," and hold it regardless of any former status. That is the only ground you have got to assume that Virginia is not a State in the Union, and that you have a right to wipe out State lines throughout all the southern territory and reduce them to one common territory, to be held subject to your absolute will, or the argument of the Senator falls. The proposition opens up a field of argument which, if I had time, would take hours to exhaust.

A compact, says the learned Senator, is broken by a war between the parties to the compact; applying that principle as between foreign nations to the States of this Union when a conflict arises between the States of the Union. Mr. President, I deny the application of any such principle, however applicable to the wars between foreign Powers, to a war between the different States of this Union. If you have power to make war upon any State of this Union or any number of States, what gives you the power? In what principle has it its origin? In this and nothing else, that the States agreed, in the Constitution which they formed, to live together in a common Union upon certain terms and conditions, each pledging its faith to observe those terms and conditions. If one party fails in the due performance of that duty, and you get the power to make war upon that State, for what purpose is it? You declared it in the commencement of the war. Such a doctrine as that now advanced was then scouted. You declared that

the war was to preserve the Union with all the dignity and rights of the several States unimpaired; and when that object was accomplished the war ought to cease. The only pretense of right that you could have claimed for making war upon Virginia or any other southern State was on the assumption that they had violated their agreement and had failed to live with you upon the terms upon which they and you agreed upon.

If you had the power to make war at all, it was for the purpose of compelling those States to live up to their contract; and when you broke down their physical force, subdued their military power, you accomplished your purpose, and you had no right to alter or interpolate the contract when you had obtained a decree to compel a specific performance, by military power, of the contract to live according to the terms and conditions of the Constitution. If any man basis the right of this Government to wage war against the southern States upon any other principle than this, he placed it upon a ground wholly untenable, and in the prosecution of a war for any other purpose would become an aggressor himself and a dissolver of the Federal Union. Why, sir, if the principle for which the Senator contends be true, if you do not admit Virginia to be a State, you would have a right to say that she should be represented by one Senator on this floor instead of two, because according to his theory war discharges all obligations, puts an end to all contracts and compacts, and it would be a mere matter of grace and favor on the part of the Congress of the United States to admit Virginia and the other southern States here with one Senator on this floor. And yet the Constitution of the United States says each State shall have two Senators.

Mr. President, the argument of the Senator, in my judgment, rests upon a wholly wrongful perception of the true nature, theory, and character of our Federal system. He thinks that because the State of Virginia attempted to secede, therefore she was out of the Union, and you have absolute control over her territory and people; that you may reduce the whole southern States into one territory, hold them subject to your absolute will and pleasure; that you may take any portion of their soil and annex it to this District, or you may annex it to any State in the Union. According to his theory, you may annex Virginia to Massachusetts; you may do what you please with it.

But, sir, I will not argue against a proposition which the general public sentiment and opinion of the whole country now condemns. The doctrine of "dead States" no longer exists in the fancy of the most imaginary. The principle which has been started now for the first time in reference to this question, that war puts an end to all compacts, has no possible application to a war between the States of this Union, the war being waged for the preservation of the Union under and in accordance with the Constitution of the country. I will not detain the Senate any longer.

Mr. WILLEY. I do not rise, sir, to add anything to the remarks which I made the other day on the propriety of bringing the former county of Alexandria back into the District of Columbia. The discussion of this bill has only increased my conviction of the impropriety originally of transferring the section of the District south of the Potomac to the State of Virginia. That it ought to be a part of the District, it seems to me is perfectly obvious; but at the same time I hesitate as much about the propriety of passing this bill now as I did at first. It seems to me to be exclusively a question of law. It must result in that at last; and the passage of this bill under existing circumstances, if I am correct in my conception of what must be the ultimate result of the question, would only serve to complicate the difficulties already existing and to entail mischief and misery upon the people of Alexandria and on that side of the river.

If the law retroceding the county of Alexandria to the State of Virginia be constitutional,

it seems to me that it is utterly beyond our control. Virginia, by a solemn act of her Legislature, agreed to accept the cession if made. The cession was made. Here, then, is a compact executed, complete, beyond our control, provided Congress had the constitutional power to pass that act. If, therefore, it was constitutional it is beyond our control, and any act that we may pass will only place ourselves in a false position, and, as I said just now, complicate the difficulties that are upon us. If the law of retrocession be unconstitutional, then our action is equally nugatory; it is repealing a law which in point of fact does not exist; it is making that null and void which is null and void; and the only way in which that fact can be certainly and satisfactorily ascertained will be by a resort to the judiciary, that we may have the thing decided by a tribunal whose decisions shall be ultimate in the premises. If we pass this bill it will only drive the party on the other side into court. Why not, if necessary, pass a joint resolution directing the Attorney General of the United States to make a case by *quo warranto* or some other proceeding?

But, sir, I rose principally to ask the attention of the honorable Senator from Ohio to some of the provisions of this bill. I have nothing to add to what I said the other day on the impropriety of passing the bill; but I respectfully suggest to the honorable Senator from Ohio that before this bill passes, if it shall pass, it ought to be subjected to very critical and thorough revision. Allow me to direct his attention to the first section. It is there declared "that the act of Congress approved July 9, A. D. 1846, retroceding to the State of Virginia that portion of the district ten miles square, as provided by the Constitution"—I do not understand that; I do not understand that the Constitution ever provided that we should receive from Virginia ten miles square, but that seems to be the provision of this section—"known as the District of Columbia."

Mr. WADE. I do not think there is any obscurity in it. Perhaps there is more language there than there need be; but it is not obscure; it is easily understood.

Mr. WILLEY. As I understand the terms of this bill, it means that Congress did retrocede to Virginia the whole District ten miles square.

Mr. WADE. Oh, no.

Mr. WILLEY. Certainly that is the language of the section. It wants a modification in some portion or other to designate the portion of the District to which reference is had.

I also desire to direct the attention of the Senator to the fifth section. It provides "that from and after the passage of this act all civil offices in the said portion of the District of Columbia south of the Potomac, in the city of Alexandria and what is known as the county of Alexandria, shall be declared vacant"—all officers of every kind, as I understand—"and the vacancies so created shall be filled by new appointments or elections, to be made and held under the laws, regulations, and qualifications provided by Congress for elections and electors in the District of Columbia."

What is to become of that portion of the country during the interval? Those offices are to be vacated upon the passage of this act. According to the terms and provisions of this act they cannot be filled except by an election under the laws and regulations of the District of Columbia. It will require some time to give the notice. I am not familiar exactly with what the provisions of law are in the District of Columbia regulating elections, but certainly it would require some time to give notice of the election. In the mean time, as I understand it, under the operation of this section the city government of Alexandria would be wholly dissolved, there would be no means of keeping the peace, there would be no means of administering justice at all, there would be a perfect interregnum in the existence of all authority to execute the laws or to maintain order. It seems to me that the section ought to be modi-

fied, and that these offices should not be vacated until elections can be had, if the bill shall pass.

I would also direct the attention of the Senator to the second section. It seems to me that the provisions of the bill are very vague and indefinite, and if passed in its present form must necessarily involve the people of the county of Alexandria in great difficulty.

Mr. WADE. I have looked pretty carefully into this bill, and it provides for every contingency I can think of that will arise after the repeal. It may be that there is some reason why it should be altered, but the first section does not, as I understand, attempt to convey any more than that portion of the original territory which was taken from Virginia. It speaks of the act of 1846, by which "that portion of said ten miles square, lying south of the Potomac, was ceded back to the State of Virginia, in violation of the intent and meaning of the Constitution," &c. That is as definite as I could make it.

Mr. WILLEY. But it is the first section to which I referred.

Mr. WADE. This is in the first section. The section goes on to recite about the cession of ten miles square, and the like, and when it comes to describe the act repealed it specifies the act of 1846, by which "that portion of said ten miles square lying south of the Potomac was ceded back to the State of Virginia." I do not think it could be made more definite.

Mr. WILLEY. The Senator is quoting from the preamble.

Mr. WADE. The section refers to that act by which the retrocession was made. I cannot make it any more clear. It refers directly to that.

Mr. WILLEY. The first section reads as follows:

That the act of Congress approved July 9, A. D. 1846, retroceding to the State of Virginia that portion of the district ten miles square, as provided by the Constitution, known as the District of Columbia.

What "portion of the District" is that?

Mr. WADE. Let us look at the preamble and see if there is any obscurity; if there is, I cannot discover it. The preamble recites, among other things, that "by an act of Congress approved July 9, A. D. 1846, that portion of said ten miles square lying south of the Potomac was ceded back to the State of Virginia, in violation of the intent and meaning of the Constitution of the United States, and to the great peril of the capital as aforesaid;" and then the first section "therefore" proceeds to enact "that the act of Congress approved July 9, A. D. 1846, retroceding to the State of Virginia that portion of the district ten miles square, as provided by the Constitution, known as the District of Columbia, be, and the same is hereby, henceforth, and forever repealed and declared null and void."

Mr. WILLEY. What "portion?"

Mr. WADE. That portion that came from Virginia, of course.

Mr. WILLEY. It does not say so.

Mr. WADE. I cannot see that there is any obscurity in it. I do not think it is defective in that particular. The act is referred to by the date of its enactments and by everything else, and I do not see any ambiguity in the description of the act itself. I think the bill is very well provided with all the safeguards that such a bill ought to have, in my judgment.

Mr. WILLEY. I do not think I got the Senator's ear when I referred to the fifth section.

Mr. WADE. If the Senator can suggest an amendment I shall be very happy to have it done.

Mr. WILLEY. I think the fifth section would leave the county of Alexandria in a very embarrassing condition from the date of the passage of the act until the time that the offices vacated by the act shall be filled by an election. There seems to be no provision whatever for the interim.

Mr. GUTHRIE. I am satisfied that we shall do more harm than good by the passage of this bill, and it is trenching on the prerogative

of another department of this Government. If the act of 1846 is void, the courts can readily declare it so; if it is not void, we shall do infinite mischief in relation to the government of Alexandria and the people on that side of the river by repealing it. Even if I was satisfied that the original act was void, as I am not, I do not see any benefit to accrue to the country or to the harmony of the States by the passage of this bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. JOHNSON. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

Mr. LANE, of Indiana. Before the vote is taken I desire to say that I have paired with my colleague [Mr. HENDRICKS] on this question. If he were here he would vote against the bill; and if I were at liberty to vote I should vote for it.

Mr. RAMSEY. The Senator from Iowa [Mr. GRIMES] desired me to say, when he was leaving the Hall, that he had paired off with his colleague [Mr. KIRKWOOD] on this question.

The question being taken by yeas and nays, resulted—yeas 13, nays 17; as follows:

YEAS—Messrs. Anthony, Conness, Edmunds, Harris, Howard, Howe, Nye, Pomeroy, Ramsey, Stewart, Sumner, Wade, and Wilson—13.

NAYS—Messrs. Clark, Davis, Doolittle, Fessenden, Foster, Guthrie, Henderson, Johnson, Morgan, Norton, Kiddle, Saulsbury, Sprague, Trumbull, Van Winkle, Willey, and Williams—17.

ABSENT—Messrs. Brown, Buckalew, Chandler, Cowan, Cragin, Creswell, Dixon, Grimes, Hendricks, Kirkwood, Lane of Indiana, Lane of Kansas, McDougall, Morrill, Nesmith, Poland, Sherman, Wright, and Yates—19.

So the bill was rejected.

CONSULAR AND DIPLOMATIC BILL.

The Senate proceeded to consider its amendments to the bill (H. R. No. 261) making appropriations for the consular and diplomatic expenses of the Government for the year ending 30th June, 1867, and for other purposes, disagreed to by the House of Representatives; and on motion of Mr. FESSENDEN, it was

Resolved, That the Senate insist upon its amendments to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. SUMNER, Mr. TRUMBULL, and Mr. GRIMES.

ORDER OF BUSINESS.

Mr. RAMSEY. I move that the Senate proceed to the consideration of the bill (S. No. 387) to secure the speedy construction of the Northern Pacific railroad and telegraph line, and to secure to the Government the use of the same for postal, military, and other purposes.

Mr. HENDERSON. I suppose that the bill which was taken up on my motion last evening, and which came up regularly at one o'clock to-day, but which I then consented should be informally postponed in order to allow other measures to be taken up, is now the business properly before the Senate. That being so, I move that the Senate do now adjourn, so that that bill may be left as the unfinished business to come up to-morrow. I desire that the Senate shall act upon it.

Mr. HOWARD. I hope the Senator from Missouri will withdraw his motion, and let us take the vote on the proposition of the Senator from Minnesota.

Mr. HENDERSON. I insist upon my motion. The motion was agreed to; there being, on a division—yeas 15, noes 11; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, July 11, 1866.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. C. B. BOYNTON.

Mr. HALE. I move that the reading of the Journal be dispensed with.

Mr. WASHBURN, of Illinois. I object.

The SPEAKER. Objection is made and the Journal will be read.

The Journal of yesterday was read and approved.

DORENCE ATWATER.

Mr. HALE. I ask unanimous consent to submit the following resolution, under instruction of the select committee, in the case of Dorence Atwater:

Resolved, That the Secretary of War be directed to communicate to this House copies of the record and proceedings of the court-martial held at the city of Washington, in or about the month of September, 1865, in the case of Dorence Atwater, late a private in the general service of the United States Army, including all testimony taken before the said court-martial in said case, together with all orders and papers relating to the finding and sentence of said court-martial in said case, and to the execution thereof; and also copies of a communication or report made by the Judge Advocate General of the United States Army to the President of the United States, in or about the month of June last, in relation to said case, and of a communication from General Townsend, Acting Adjutant General of the United States Army, to the President about the same date, in relation to the said case, being the same papers of which copies were requested from the President by a resolution of this House, passed June 25, 1866, and which papers have not been furnished to this House.

There being no objection, the resolution was considered and agreed to.

LEAVE OF ABSENCE.

The SPEAKER asked indefinite leave of absence for Messrs. DIXON and DAVIS.

Leave was granted.

ELECTION CONTEST—FULLER VERSUS DAWSON.

Mr. PAINE. I rise to call up the report of the Committee of Elections in the contested-election case of Smith Fuller against John L. Dawson, from the twenty-first district of the State of Pennsylvania.

Mr. STEVENS. I ask the gentleman to yield to me to submit reports from the Committee on Appropriations in reference to general appropriation bills, which I do not think will take up much time.

Mr. PAINE. I yield for that purpose.

CONSULAR AND DIPLOMATIC BILL.

Mr. STEVENS, from the Committee on Appropriations, reported back amendments of the Senate to House bill No. 261, making appropriations for the consular and diplomatic expenses of the Government for the year ending 30th June, 1867, and for other purposes, recommending concurrence in some and non-concurrence in others.

Mr. SCHENCK. The consul at Quebec is included in the category of those whose salary is to cease at the termination of the war. Now, this should be corrected. We have had a consul starving there, while the consul general and others who are familiar with the subject say his salary should be \$1,500.

Mr. STEVENS. That will be considered in the committee of conference.

Mr. RICE, of Massachusetts, moved to transfer the consulate at "Spezzia," Italy, from schedule C to schedule B, and insert it next after "Smyrna."

The motion was agreed to.

Mr. RAYMOND. Does that fix the salary?

Mr. KASSON. That will be considered by the committee of conference.

The report of the committee was adopted.

Mr. STEVENS moved that the House do further insist on its disagreement to the amendments of the Senate and ask for a committee of conference.

The motion was agreed to.

TARIFF BILL.

Mr. WRIGHT. I want to know whether my vote is recorded correctly on the vote taken yesterday in reference to the duty on coal. I voted to strike out \$1 50 a ton and in lieu thereof to insert fifty cents.

The SPEAKER. The gentleman stands recorded as voting against concurrence in the amendment of the Committee of the Whole on the state of the Union.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. STEVENS, from the Committee on Appropriations, reported back the amendments

of the Senate to House bill No. 213, making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th of June, 1867, recommending concurrence in some and non-concurrence in others.

It was agreed, by unanimous consent, that the report of the committee should be adopted without question, except where a separate vote was demanded.

The first amendment upon which a separate vote was demanded was in the clause relating to the Library of Congress, to strike out "three," and insert "five" and strike out "\$10,800" and insert "\$12,600;" so that the clause will read:

For compensation of the librarian, five assistant librarians, messenger, and laborers, \$12,600.

Mr. WASHBURN, of Illinois. What is the reason for that increase?

Mr. KASSON. It is made necessary because of the extension of the Library.

Mr. STEVENS. The committee of the Senate investigated the matter and reported that the increase was necessary.

Mr. HULBURD. Another reason is that the Smithsonian library has been transferred to the Library of Congress, which involves the necessity of increased assistance. It has been unanimously agreed to by the Joint Committee on the Library.

The amendment was concurred in.

Mr. BINGHAM. I move to insert the following:

For compensation of the bailiff of the Court of Claims, \$1,500 in full for his services for the current year, at which sum his salary is hereby fixed.

Mr. WASHBURN, of Illinois. Is not that a private bill? If it is, it is not in order to a general appropriation bill.

The SPEAKER. This is a public office, and it has been held that an amendment to change the salary of a public office is in order to a general appropriation bill.

Mr. BINGHAM. I will say that this has been done at the suggestion of more than one of the judges of that court. The salary at present of \$1,000 is insufficient to supply his family. He is engaged a greater part of the year, and is a faithful officer. He has no perquisites.

Mr. KASSON. Will the gentleman from Ohio state whether this has been recommended by the judges of the court or by any committee?

Mr. BINGHAM. I can only say this: that it was suggested to me by some of the judges of the court, and I mentioned it to the chairman of the committee, who told me to offer the amendment.

Mr. WASHBURN, of Illinois. I hope the House will not pass any such proposition as this, to go back and increase the salary of a messenger upon a bill that has made the progress which this has; and I think it is out of order to move such an amendment at this time. It is not reported by any committee.

Mr. BINGHAM. It is not uncommon to make an amendment of this sort; and I trust the House will consider that the bailiff of this court has official duties to perform which are essential to the discharge of the functions of the court itself, and that the salary is insufficient, as must be known to every member of the House. Talk of a thousand dollars a year to sustain a bailiff and his family!

Mr. WASHBURN, of Illinois. How many days does this court sit during the year?

Mr. BINGHAM. I cannot answer that fully, but I know the fact that it has sat generally hitherto four or five months in one session continuously, and then held adjourned sessions. It now has adjourned to meet, I believe, during the current month, after having held a session of three or four months.

Mr. WASHBURN, of Illinois. It probably is in session about six months, and that is longer than it should be. I think it is going on so far with its jurisdiction that it will be the imperative duty of Congress to repeal the act.

The bailiff of the Supreme Court only gets three dollars a day, and now it is proposed to give this man \$1,500 a year.

Mr. BINGHAM. Mr. Speaker, this is a grand exhibition of economy. The gentleman thinks this court ought to go without a bailiff and be suspended altogether. I undertake to say that the official records of that court establish the fact indisputably that it has saved to the Treasury of the United States within the last twelve months \$10,000,000.

Mr. WASHBURN, of Illinois. I take issue with the gentleman on that, and I will go to the jury.

Mr. BINGHAM. The gentleman can take issue with me as quick as he pleases. I undertake to say that the claims rejected by the court within the last year amount to \$10,000,000.

Mr. WASHBURN, of Illinois. I would like to ask how many millions of dollars that court has allowed.

Mr. BINGHAM. I will say this: it was my good fortune to serve some three months in that court at the request of the President of the United States, owing to a difficulty that arose between himself and a solicitor of the United States, and my recollection about it now is, that the court during that term passed upon claims in the aggregate to the amount of about ten million dollars, and the whole amount of its decrees against the Treasury was not more than \$60,000 in gold. I trust the gentleman is answered. There was not a million, nor a half million, nor a quarter of a million dollars decreed during the term against the Treasury. I know that there was one decree rendered of \$80,000 which was adjudicated in the previous year.

Mr. WASHBURN, of Illinois. Was that the grant case?

Mr. BINGHAM. No, sir.

Mr. KASSON. Will the gentleman from Ohio allow this to come to a vote pretty soon instead of discussing the general character of this proposition? There are many amendments to be acted upon.

Mr. BINGHAM. I am willing to have a vote upon it. I demand the previous question. The previous question was seconded and the main question ordered.

The question being taken on the amendment offered by Mr. BINGHAM to the Senate's amendment, there were—yeas 34, noes 34; no quorum voting.

Tellers were ordered, and the Speaker appointed Messrs. WASHBURN, of Illinois, and BINGHAM.

The House divided; and the tellers reported—yeas 51, noes 50.

Mr. WASHBURN, of Illinois. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 54, nays 65, not voting 63; as follows:

YEAS—Messrs. Anderson, Delos R. Ashley, James M. Ashley, Baxter, Bidwell, Bingham, Boyer, Reader W. Clarke, Dawson, Donnelly, Driggs, Eckley, Garfield, Griswold, Harris, Hart, Hayes, Higby, Hooper, Chester D. Hubbard, Ingersoll, Jencks, Julian, Kelley, Kelso, Kerr, Kuykendall, Le Blond, Longyear, Marston, McCullough, McKuer, Miller, Morris, Myers, Niblack, Nicholson, O'Neill, Orth, Paine, Patterson, Plants, Raymond, Alexander H. Rice, Rogers, Rousseau, Spalding, Strouse, Thayer, John L. Thomas, Thornton, Robert T. Van Horn, Whaley, and Woodbridge—54.

NAYS—Messrs. Alley, Allison, Baker, Baldwin, Barker, Benjamin, Bergen, Boutwell, Bromwell, Broomall, Cobb, Coffroth, Cook, Deftrees, Eggleston, Eldridge, Eliot, Farquhar, Ferry, Finck, Glossbrenner, Hale, Aaron Harding, Abner C. Harding, Henderson, Holmes, Asahel W. Hubbard, John H. Hubbard, James R. Hubbell, Hulburd, Kasson, Ketcham, Latham, George V. Lawrence, William Lawrence, Marshall, Marvin, McClurg, McKee, Mercer, Newell, Perham, Pike, Price, John H. Rice, Ritter, Rollins, Ross, Sawyer, Seefeldt, Shellabarger, Sitgreaves, Taylor, Trowbridge, Van Aernam, Burt Van Horn, Ward, Elihu B. Washburne, Henry D. Washburn, William B. Washburn, Wentworth, Williams, James F. Wilson, Windom, and Wright—65.

NOT VOTING—Messrs. Ames, Ancona, Banks, Beaman, Blaine, Blow, Brandegee, Buckland, Bundy, Chanler, Sidney Clarke, Conkling, Culiom, Culver, Darling, Davis, Dawes, Delano, Deming, Denison, Dixon, Dodge, Dumont, Farnsworth, Goodyear, Grier, Grinnell, Hill, Hogan, Hotchkiss, Demas Hub-

bard, Edwin N. Hubbell, Humphrey, Johnson, Jones, Ladin, Loan, Lynch, McIndoe, Moorhead, Morrill, Moulton, Noell, Phelps, Pomeroy, Radford, Samuel J. Randall, William H. Randall, Schenck, Shanklin, Sloan, Smith, Starr, Stevens, Stillwell, Taber, Francis Thomas, Trimble, Upson, Warner, Welker, Stephen F. Wilson, and Winfield—63.

So the amendment to the amendment was not agreed to.

During the roll-call,

Mr. ASHLEY, of Ohio, said: If I had been present last evening, I should have voted against the tariff bill.

The result of the vote having been announced as above recorded, the amendment of the Senate was agreed to.

Mr. STEVENS. I am reminded by the gentleman from Wisconsin [Mr. PAINE] that the half hour has expired.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, their Secretary, informed the House that the Senate had passed a bill (H. R. No. 611) to provide for making the town of Whitehall, New York, a port of delivery.

Also that the Senate had passed a bill (H. R. No. 50) to amend the fifth section of an act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, so as to extend the time within which the provisions of said act shall be accepted and such colleges established, with amendments, in which he was directed to ask the concurrence of the House.

The message further informed the House that the Senate had disagreed to the tenth amendment of the House to the bill of the Senate (No. 343) to quiet land titles in California, and had agreed to the other amendments of the House to said bill.

Mr. PAINE resumed the floor.

LAND GRANT TO KANSAS.

Mr. LOAN. I rise to a privileged question. I desire to make a report from a committee of conference.

Mr. PAINE. Is that in order when I have the floor?

The SPEAKER. It is a report of a committee of conference, which can be received even during a call of the House, and on page 72 of Barclay's Digest it is held that, "like the motion to go to the Speaker's table, it may interrupt a member who is on the floor speaking."

The report of the committee of conference was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 145) entitled "An act for a grant of land to the State of Kansas to aid in the construction of the Northern Kansas railroad and telegraph," having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate agree to the amendment of the House, with an amendment, as follows: strike out all after the word "that," in the first line, section one, of said bill, and insert in lieu thereof the following:

"There is hereby granted to the State of Kansas for the use and benefit of the St. Joseph and Denver City Railroad Company, the same being a corporation organized under the laws of the State of Kansas, to construct and operate a railroad from Elwood, in Kansas, westwardly, via Maryville, in the same State, so as to effect a junction with the Union Pacific railroad, or any branch thereof not further west than the one hundredth meridian of west longitude, every alternate section of land in Kansas, designated by odd numbers, for ten sections in width on each side of said road, to the point of intersection. But in case it shall appear that the United States have, when the line or route of said road is definitely fixed, sold any section or any part thereof, granted as aforesaid, or that the right of preemption or homestead settlement has attached to the same, or that the same has been reserved by the United States for any purpose whatever, then it shall be the duty of the Secretary of the Interior to cause to be selected for the purposes aforesaid, from the public lands of the United States nearest to tiers of sections above specified, so much land, in alternate sections or parts of sections designated by odd numbers, as shall be equal to such lands as the United States have sold, reserved, or otherwise appropriated, or to which the rights of preemption or homestead settlements have attached as aforesaid; which lands, thus indicated by odd numbers, and selected by direction of the Secretary of the Interior as aforesaid, shall be held by the State of Kansas for the use and purpose aforesaid: *Provided*, That the land to be so selected shall in no case be

located further than twenty miles from the line of said road: *Provided further*, That the lands hereby granted for and on account of said road shall be exclusively applied in the construction of the same, and for no other purpose whatever, and shall be disposed of as in this act hereinafter provided: *Provided also*, That no part of the land granted by this act shall be applied to aid in the construction of any railroad or part thereof for the construction of which any previous grant of land or bonds has been made by Congress: *And provided further*, That any and all lands heretofore reserved to the United States by any act of Congress, or in any other manner by competent authority, for the purpose of aiding in any object of internal improvement, or for any other purpose whatsoever, be, and the same are hereby, reserved to the United States from the operations of this act, except so far as it may be found necessary to locate the route of said road through said lands; in which case the right of way, one hundred feet in width on each side of said road only shall be granted, subject to the approval of the President of the United States.

"*Sec. 2. And be it further enacted*, That the sections and parts of sections of land which by such grant shall remain to the United States, within ten miles on each side of said road, shall not be sold for less than double the minimum price of the public lands when sold; nor shall any of said lands become subject to sale at private entry until the same shall have been first offered at public sale to the highest bidder, at or above the increased minimum price, as aforesaid: *Provided*, That actual and bona fide settlers, under the provisions of the preemption and homestead laws of the United States, may, after due proof of settlement, improvement, cultivation, and occupation, as now provided by law, purchase the same at the increased minimum price aforesaid: *And provided also*, That settlers on any of said reserve sections, under the provisions of the homestead law, who improve, occupy, and cultivate the same for a period of five years, and comply with the several conditions and requirements of said act, shall be entitled to patents for in amount not exceeding eighty acres each, anything in this act to the contrary notwithstanding.

"*Sec. 3. And be it further enacted*, That the grant of lands hereby made is upon condition that said company, after the construction of its road, shall keep it in repair and use, and shall at all times be in readiness to transport troops, munitions of war, supplies and public stores upon its road for the Government when required to do so by any Department thereof, the Government at all times having the preference in the use of the road for all the purposes aforesaid at fair and reasonable rates of compensation, not exceeding that paid by private individuals or the average paid for like services on other roads. And the lands hereby granted, held, and reserved as aforesaid shall inure to the benefit of said company, as follows: when the Governor of the State of Kansas shall certify that any section of ten consecutive miles of said road is completed in a good, substantial, and workmanlike manner as a first-class railroad, then the said Secretary of the Interior shall issue to the said company patents for so many sections of the land hereinbefore granted as lie opposite to and contemporaneous with the said completed sections; and when certificates of the Governor, aforesaid, shall be presented to said Secretary of the completion, as aforesaid, of each successive section of ten consecutive miles of said road, the said Secretary shall in like manner issue to said company patents for the said sections of said land as aforesaid, for each of said sections of road until said road shall be completed: *Provided*, That if said railroad company or its assigns shall fail to complete at least one section of said road each year from the date of its acceptance of the grant provided for in this act, then its right to the lands for said section so failing of completion shall revert to the Government of the United States: *Provided further*, That if said road is not completed within ten years from the date of the acceptance of the grant hereinbefore made, the lands remaining unpatented shall revert to the United States.

"*Sec. 4. And be it further enacted*, That as soon as the said company shall file with the Secretary of the Interior maps of its line, designating the route thereof, it shall be the duty of the said Secretary to withdraw from the market the lands granted by this act, in such manner as may be best calculated to effect the purposes of this act and subserve the public interest.

"*Sec. 5. And be it further enacted*, That the United States mail shall be transported on said road and its extension, under the direction of the Post Office Department, at such prices as Congress may by law provide: *Provided*, That until such price is fixed by law the Postmaster General shall have power to fix the compensation.

"*Sec. 6. And be it further enacted*, That the right of way through the public lands be, and the same is hereby, granted to said St. Joseph and Denver City Railroad Company, its successors and assigns, for the construction of a railroad as proposed; and the right is hereby given to said corporation to take from the public lands adjacent to the line of said road material for the construction thereof. Said way is granted to said railroad to the extent of one hundred feet in width on each side of said road where it may pass through the public domain; also all necessary ground for station buildings, workshops, depots, machine-shops, switches, side-tracks, turn-tables, and water-stations.

"*Sec. 7. And be it further enacted*, That the acceptance of the terms, conditions, and impositions of this act by the said St. Joseph and Denver City Railroad Company shall be signified in writing, under the corporate seal of the said company, duly executed pursuant to the direction of its board of directors first had and obtained, which acceptance shall be made within six months after the passage of this act and

not afterward, and shall be deposited with the Secretary of the Interior."

And that the House agree to the same.

S. C. POMEROY,
B. GRATZ BROWN,
GEORGE READ BIDDLE,
Managers on the part of the Senate.
BENJAMIN F. LOAN,
SIDNEY CLARKE,
CHARLES A. ELDRIDGE,
Managers on the part of the House.

Mr. LOAN. I deem it necessary only to say to the House in explanation of this report, that the committee of conference agreed to take substantially the first two sections of the Senate bill and the last section of the House bill and make of them a new bill, with this single exception, that the conterminous principle, as it is called, contained in the Senate bill has been added to the House bill. It is simply the bill as it passed the House with the first two sections of the Senate bill substituted for the first two sections of the House bill, with the conterminous principle, as it is called, of the Senate bill added to the House bill. I call the previous question on the report of the committee of conference.

The previous question was seconded and the main question ordered; and under the operation thereof the report of the committee of conference was agreed to.

Mr. LOAN moved to reconsider the vote by which the report of the committee of conference was adopted; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

ELECTION CONTEST—AGAIN.

The House resumed the consideration of the contested-election case of Smith Fuller vs. John L. Dawson, of the twenty-first congressional district of the State of Pennsylvania, upon which Mr. PAINE, from the Committee of Elections, had submitted a report in favor of the sitting member.

Mr. PAINE. The chairman of the Committee on the Post Office and Post Roads [Mr. ALLEY] seems to think it a hardship that he should be robbed of the morning hour to-day, and therefore I promised to move that this case be postponed until after the expiration of the morning hour to-day. But I would not have made that promise if I could have foreseen that an hour and a half would have been taken up by other business. But having made the promise, I will move to postpone the further consideration of this subject until after the expiration of the morning hour to-day.

The motion to postpone was agreed to.

ORGANIZATION AND INSTRUCTION OF MILITIA.

Mr. PAINE. Before the morning hour commences, I ask unanimous consent to introduce for consideration at this time a joint resolution recommending the organization and instruction of the militia by the several States, and providing for the distribution of ordnance and ordnance stores.

No objection was made.

The joint resolution was read a first and second time.

The joint resolution was read at length. It provides that in order to preserve and perpetuate the military knowledge now possessed by the people of the United States, and to render useful to some extent the large amount of ordnance and ordnance stores that have been accumulated by the Government of the United States, it is for the interest of the Republic that, until a uniform militia system shall have been adopted by Congress, the several States and Territories should thoroughly organize, arm, equip, and instruct the militia in accordance with their own laws; and such organization, arming, equipment, and instruction is hereby recommended to the several States and Territories.

The second section provides that two thirds of all the ordnance and ordnance stores of each and every kind now in the possession of the United States, excepting only such as may be required for the Navy or the permanent fortification of the country, shall be distributed by

the Secretary of War to the several States and Territories and to the District of Columbia, at the expense of the United States, in accordance with the provisions of the act of April 3, 1808, entitled "An act making provisions for arming and equipping the whole body of the militia of the United States," and the act of March 3, 1855, entitled "An act making appropriations for the support of the Army for the year ending the 30th of June, 1856, and for other purposes;" provided, that the quantity issued to either of the Territories or to the District of Columbia shall not exceed the proportion to which the smallest State shall be entitled by law; and provided, also that the distribution to the late rebel States shall be postponed until hereafter authorized by law, but the distribution to the other States and to the Territories shall be made forthwith.

The question was upon ordering the joint resolution to be engrossed and read a third time.

Mr. KASSON. Is this joint resolution before the House by unanimous consent, or has it been reported from a committee?

The SPEAKER. It was introduced by unanimous consent by the gentleman from Wisconsin, [Mr. PAINE.]

Mr. KASSON. I hope the gentleman from Wisconsin [Mr. PAINE] will not press this joint resolution to a vote now. It provides for the disbursement of what has cost the Government several million dollars, and a great deal of which would be utterly useless to the States when distributed to them. I should like to read it in print, and I suppose it will appear in the Daily Globe to-morrow.

Mr. PAINE. This measure has been very carefully considered by myself, and I hope it will be passed now. I hope the gentleman will not press his objection to it.

Mr. WILSON, of Iowa. I would inquire of the Chair if the joint resolution is now pending before the House.

The SPEAKER. It is; and the question is upon ordering it to be engrossed and read a third time.

Mr. PAINE. I call the previous question. Mr. LE BLOND. I desire to say that if I had heard the joint resolution read, I should have objected to it in the first instance. But we had no means of knowing what was in the joint resolution until it was finally reported.

The SPEAKER. The title was reported, as is usual, and no objection was made.

Mr. THAYER. I think the general impression of the House was that it was read through simply for information. The House should not certainly pass so important a measure as this without consideration.

Mr. PAINE. If the motion for the previous question is in order I insist upon it.

Mr. FINCK. I would have objected to the introduction of this joint resolution if I had known what was in it.

The SPEAKER. Any member had the right to reserve his objection until after it was read through; but no member reserved any such right.

Mr. KASSON. Do I understand that an objection will not prevail now?

The SPEAKER. It will not.

Mr. ROSS. Is it in order to move to refer this joint resolution to the Committee on Military Affairs?

The SPEAKER. It is not pending the call for the previous question. If the previous question is not seconded then the motion will be in order.

The question was taken upon seconding the demand for the previous question; and upon a division there were—ayes 53, noes 40.

Before the result of the vote was announced, Mr. FINCK called for tellers.

Tellers were ordered; and Messrs FINCK and PAINE were appointed.

The House again divided; and the tellers reported—ayes sixty-six, noes not counted.

So the previous question was seconded and the main question was ordered.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question was upon the passage of the joint resolution.

Mr. PAINE. I call the previous question on the passage.

The previous question was seconded and the main question ordered.

Mr. ELDRIDGE. I ask for the yeas and nays on the passage of the joint resolution.

The yeas and nays were not ordered.

Mr. FINCK. Is a motion in order to refer this bill to the Committee on Military Affairs?

The SPEAKER. That motion is not now in order, as the House is acting under the operation of the previous question.

Mr. FINCK. I think that the bill ought to receive the examination of some committee before being passed.

The joint resolution was passed.

Mr. PAINE moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NATIONAL BANKING SYSTEM.

Mr. HOOPER, of Massachusetts. I am directed by the Committee on Banking and Currency to report back the bill (H. R. No. 677) entitled "An act to amend an act entitled 'An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof, and for other purposes,'" with an amendment in the nature of a substitute. I move that the substitute be printed; and that the bill be made a special order for Friday next immediately after the morning hour.

The motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The morning hour has now commenced, and the first business in order is the presentation of reports from the Committee on the Post Office and Post Roads.

GOVERNMENTAL USE OF TELEGRAPHS.

Mr. ALLEY, from the Committee on the Post Office and Post Roads, reported back the bill (S. No. 357) entitled "An act to aid in the construction of telegraph lines and to secure to the Government the use of the same for postal, military, and other purposes."

The bill, which was read at length, provides, in the first section, that any telegraph company now organized or which may hereafter be organized, under the laws of any State in the Union, shall have the right to construct, maintain, and operate lines of telegraph through and over any portion of the public domain of the United States, over and along any of the military or post roads of the United States which have been or may hereafter be declared such by act of Congress, and over, under, or across the navigable streams or waters of the United States. Such lines of telegraph are to be so constructed and maintained as not to obstruct the navigation of such streams and waters, or interfere with the ordinary travel on such military or post roads. And any of said companies shall have the right to take and use from such public lands the necessary stone, timber, and other materials for its posts, piers, stations, and other needful uses in the construction, maintenance, and operation of the lines of telegraph, and may preempt and use such portion of the unoccupied public lands subject to preemption through which its lines of telegraph may be located as may be necessary for its stations, not exceeding forty acres for each station, but such stations not to be within fifteen miles of each other.

The second section provides that telegraphic communications between the several Departments of the Government of the United States and their officers and agents shall, in their transmission over the lines of any of the companies, have priority over all other business,

and shall be sent at rates to be annually fixed by the Postmaster General.

The third section proposes to enact that the rights and privileges granted shall not be transferred by any company acting under this act to any other corporation, association, or person; and it is provided that the United States may at any time after the expiration of five years from the date of the passage of this act, purchase, for postal, military, or other purposes, all the telegraph lines, property, and effects of any or all of the companies at an appraised value, to be ascertained by five competent, disinterested persons, two of whom shall be selected by the Postmaster General of the United States, two by the company interested, and one by the four so previously selected.

The fourth section provides that before any telegraph company shall exercise any of the powers or privileges conferred by this act, such company shall file their written acceptance with the Postmaster General of the restrictions and obligations required by this act.

Mr. KASSON. I ask the gentleman from Massachusetts [Mr. ALLEY] to yield to me that I may offer as an amendment a provision that—

No powers, grants, or privileges hereby conferred shall be construed to apply to any telegraphic communication between the United States and any foreign country.

The gentleman will recollect we have offered some special inducements to the construction of an Atlantic telegraph, and this bill might be construed so as to reopen the whole subject. I hope there will be no objection to the amendment.

Mr. ALLEY. I should be glad to give way to the gentleman from Iowa that if my amendment, for I see no objection to it except that if any amendment be adopted by the House the effect will be to send the bill back to the Senate, which of course I could not consent to at this late period of the session. I therefore must decline to allow this or any other amendment to be made to the bill.

Mr. KASSON. I think an amendment like that I offer certainly will not expose the bill to be lost in the Senate.

Mr. ALLEY. No one knows better than the gentleman from Iowa that if the bill goes back to the Senate with an amendment, however unimportant, it will fail to pass at this session.

Mr. KASSON. A Senator asked me to get the House to send something to them because they were passing fancy bills for want of something to do.

Mr. ALLEY. This is an important bill to the American people. Influences have been brought to bear upon the House and the Senate to defeat it; I may say influences of an extraordinary character. Appeals have been made by those who are opposed to this bill to allow them to amend the bill, and they have expressed a willingness to vote for it if allowed to submit the most unimportant amendments. It is well understood what their object is. It is, sir, to kill the bill.

Now, while the bill may be made possibly more perfect in some particulars, it is a measure of such vast consequence to the American people, and so understood, that I cannot, for one, assume the responsibility of allowing it to be amended in the House so as to send it back to the Senate, there to sleep the sleep of death. I cannot consent to yield the floor for the purpose of giving an opportunity to any gentleman to move an amendment. I concede that some amendment might be made that would be beneficial to the bill, but the gentlemen who desire in good faith to offer amendments can, after this bill has been passed, present them and have them adopted in a supplemental proposition, which, if defeated at this session of Congress, may be adopted at the next session.

Mr. HALE. I inquire of the chairman of the Committee on the Post Office and Post Roads whether we are to understand from his remarks he proposes to bring this bill to a vote without any opportunity for discussion or amendment of any kind whatever.

Mr. ALLEY. I have stated that I intend to bring this bill to a vote without yielding the floor to the enemies of the bill to propose amendments which I know are sure to kill it. I do not propose to deny to any gentleman who desires to discuss the bill in good faith opportunity to do so; but at this late period of the session we cannot discuss it as fully as I would like.

Mr. HALE. I wish to discuss this bill, but I cannot say now whether I will discuss it in good faith or not, but I have never been in the habit of discussing measures in any other.

Mr. ALLEY. To be sure not. This bill is important to the interests of the American people; but it is more important now than at any other period, for the reason that nearly all the telegraph companies of the country have recently been consolidated into one. This company now represents a capital of nearly \$41,000,000. It is the most gigantic monopoly in this country if not in the world. It has in its hands nearly all the telegraphic lines within its control in the country, and the American people are substantially subjected to its dictum in this regard. We know the power of the telegraph and how influential it may be in affecting the destinies of subordinate interests and the prosperity of the nation. Then I think the House will agree with me that under such circumstances we ought to pass the bill at once and protect the rights and interests of the people. When I say this consolidated company is a great monopoly I do not mean in any invidious sense. The members of the company whom I know are gentlemen of high character and respectability, and I do not doubt they will conduct the affairs of this company, perhaps, as well as any other gentlemen would who are intrusted with the same amount of power and responsibility.

Now, Mr. Speaker, it was my fortune, as is well known to you, to have had something to do with the enactment of the telegraph bill which established telegraphic communication with the Pacific coast, and with the single exception of their conduct in relation to conveying telegrams over that line, I have nothing to say against them in particular. But I do say here, and I defy contradiction, that the company have not acted in good faith to this Government so far as its promises were concerned. In reference to its service upon that line and the requirements of the bill which we passed in 1860 granting them great privileges and subsidies, they were required to charge but three dollars a message of ten words from the Missouri river, I think, to the State line of California. They accepted the act with the understanding and the promise, so far as they could make such a promise at that time, that four dollars a message of ten words was all that should be charged from St. Louis, or rather, I think, from Washington to San Francisco. Now, what are the facts? They neither complied with the spirit or letter of the law, inasmuch as they charge nearly eight dollars for a message from here to San Francisco and to intervening points in Nevada and the distant Territories. They have violated the letter of the law in demanding this exorbitant rate, certainly at the other end of the line, and if I am not mistaken at this end also, in coin. They refuse to receive their pay in the lawful currency of the country. Therefore, I say, they violate the spirit of the law in charging indirectly double what was expected and promised, and the letter of the law in demanding coin.

Mr. Speaker, the capital stock of the Western Union Telegraph Company in May, I think, 1864, was \$11,000,000. They watered their stock from eleven to twenty-two millions. This stock in the market at that time, or very soon after, was worth two hundred per cent. Of this I do not complain, but simply wish to show by the statement how necessary it is that we should have competition. Now, sir, such gigantic fortunes as have been made by individuals connected with these telegraph companies have never been witnessed, I believe, anywhere else on the face of the earth by legitimate pursuits.

And can they complain now that the Congress of the United States steps in and gives not an exclusive but a general privilege to any and every company properly chartered under the laws of any State of this Union? An exclusive privilege, Mr. Speaker, was asked for, but the Senate refused it and gave them a general bill, which enables all companies receiving these powers at the hands of any Legislature to construct telegraph lines over military and postal routes of the United States and over the public domain. That is all substantially that this bill grants, and surely it does seem to me in view of the important interests involved, that this House cannot object to granting to American citizens, for such a good purpose, such a trifling boon as this. My colleague on the committee [Mr. FINCK] wishes to say a few words, and I will give way to him for ten minutes.

Mr. FINCK. Mr. Speaker, the condition of my health will prevent me from detaining the House even for the ten minutes which have been yielded to me. There is no man more desirous than myself to oppose anything like a monopoly in this country, nor more disposed to favor and sanction any proper and legitimate measure which may be inaugurated to restrict the monopolies which now exist. But I have been unable to bring my mind to sanction the bill now pending before the House, reported by my colleague, the chairman of the Committee on the Post Office and Post Roads.

The gentleman admits that amendments of some character ought perhaps to be made to the bill. Sir, what we do now ought to be done properly. The bill should at this time be amended. I will not now argue the question whether Congress has the power to authorize the construction of these telegraph lines through the States without the consent of the States. I shall confine the few remarks which I propose to submit to the House to one of a number of objections which I have to the passage of this bill in its present shape. It provides in the first section that any telegraph company now organized, or which may hereafter be organized, shall have certain rights which are conferred by this bill, among which is the right to construct, maintain, and operate their lines of telegraph through and over any portion of the public domain of the United States. I have no doubt as to the authority of Congress to grant that much. But the bill goes on further and proposes to confer the right also to construct such lines of telegraph through the States "over and along any of the military or post roads of the United States which have been or may hereafter be declared such by act of Congress, and over, under, or across the navigable streams or waters of the United States."

Now, what does this bill do? It undertakes to authorize these companies to go into the States and to put down their posts and all the necessary apparatus for the purpose of operating telegraph lines.

Now, I deny that without some provision by which the consent of the land-owners shall be obtained, or by which some remedy shall be provided to the owners of the soil for obtaining compensation for the property appropriated, Congress has any right to do what is proposed by this measure. To whom does the soil belong, or the right of way, on which these post roads and military roads have been established? Certainly, the right is in some individual or company. If the property has been condemned merely for the use of a railroad, it is to be used only for the purpose of such railroad; it is to be operated and used for that single purpose, and the right of way belongs to the company which has condemned or purchased it. It belongs to them to that extent, and when they cease to use it for the purposes for which the land was condemned, when they cease to use and operate it for railroad purposes, the right reverts to the owner of the fee.

But the bill authorizes private property to be taken and used by these telegraph companies. That property belongs to some person or some company, and you cannot by this enactment

give to the telegraph companies the right to use this particular property, the right of way, or the soil without making some provision by which the owners of the right of way or the owners of the soil shall receive just compensation for the property taken.

Now, sir, if there were any provision in the bill authorizing some legal way by which to ascertain the value and provide for the payment of the property taken for which compensation is to be made, it would remove one of the objections which I have to this bill. Every one knows that private property cannot be taken in this way without just compensation.

If we pass this bill and authorize these companies to construct these telegraphic lines through the States, there will likely occur controversies between the State authorities and this legislation of the Federal Government.

It seems to me that my colleague, the chairman of the committee, ought not to be so rigid in adhering to the declaration he made this morning, that he would not allow any opportunity to amend the bill. Let the bill be perfected. I should like to vote for some proper measure by which we might organize a system which would tend to check the monopoly which now exists in the telegraphic system of the country. But I do not believe that this bill is constitutional. There are other objections to the bill which I cannot now discuss, but for the reasons I have stated I must oppose its passage.

Mr. ALLEY. I now yield ten minutes to the gentleman from New York, [Mr. HALE.]

Mr. HALE. Mr. Speaker, the chairman of the Committee on the Post Office and Post Roads stated an unquestionable fact when he stated that this was a bill of very great importance. I sincerely trust that this House will not pass upon it under the pressure of the previous question with only the limited debate which the morning hour of one day affords. I propose now simply to specify one or two objections to this bill which strike me as vital. I cannot properly discuss them in the ten minutes that the gentleman has accorded me, and which is all that he could give me of the time allotted to him. Before entering, however, upon these points, let me say that the gentleman from Massachusetts intimates that this bill is a measure in behalf of freedom of operations to individuals and companies to prevent the engrossment by a great monopoly of all the telegraphic lines within the United States.

Now, sir, if by that the gentleman from Massachusetts [Mr. ALLEY] means to convey the idea that those who oppose this bill here are the advocates of a monopoly, are for sustaining the rights of a single corporation or of any set of individuals at the expense of the rights of the people of the Republic, then for one I most emphatically disclaim and repel any such idea. I have never raised my voice and never cast a vote upon this floor in favor of chartered exclusive rights to the prejudice of the general rights of the community, and I trust I never shall.

The first objection that exists to this bill has been already discussed by the gentleman from Ohio, [Mr. FINCK], a member of the Committee on the Post Office and Post Roads, and therefore I need add nothing to what he has said. The objection is conclusive, and I challenge any man to dispute the positions he has taken. This bill provides that telegraphic companies may enter upon and occupy private property for their purposes without making any compensation whatever. Sir, that provision is in direct conflict with that provision of the Constitution which provides that private property shall not be taken for public use except upon just compensation. I will not go over that ground, but simply ask the House not to put itself in the position of framing a bill containing an unconstitutional provision merely for the reason that it may be remedied by the courts, which will declare that provision to be a nullity.

Another provision in this bill strikes me as objectionable, highly objectionable, on another ground; that is, on the ground that it goes to take away the general rights of the people and

give them over into the hands of a monopoly, and that, too, a monopoly not of our own creation and not of our own regulation. I fasten upon this bill the charge that it has been framed in the interests of foreign corporations claiming exclusive rights; that it is designed and tends directly to put into the hands of a corporation created by a foreign Government the power of holding exclusive communication between its shores and the shores of this country. Look at it. This bill provides that telegraphic wires may be laid "over, under, or across the navigable streams or waters of the United States" by any company.

The "navigable waters of the United States" include a marine league from the shore of the ocean. Take a single instance. The government of Cuba has chartered a telegraphic company and given to them exclusive rights upon the shores of Cuba, to connect with the shores of the United States. No American company can connect with the shores of Cuba. Under this bill any company, being authorized to go outside of the marine league, may there enter into an agreement with the Cuban company by which they will have the exclusive privilege of connecting with Cuba, of telegraphic communication with Cuba, and every other company is by the terms of this bill cut off from any such communication. And why? Simply because so long as the power rests with Cuba to say with whom they will connect when they get outside of the marine league, the moment we have given to any company the right to go across that marine league they have nothing to do but to make that connection and then the Cuban company has the monopoly.

On the other hand, if we should pass such a bill as we ought to pass, one which shall provide that no company shall be permitted to form a connection across our marine league until the Government of the country with which it connects gives to all American companies the same privileges upon their shores, we then keep the matter entirely in our own hands. Nothing short of that legislation will do it. And until we do that this bill itself does create the greatest monopoly and confers the greatest exclusive privilege upon a foreign corporation, entirely free from our control. There are other objections to this bill, which in the brief time allowed me I shall have no opportunity to notice. But the two objections to which I have referred, the one the want of constitutional power on our part to pass this bill, the other the giving exclusive privileges to a foreign corporation, are or should be conclusive against it.

Mr. THAYER. I would like to ask the gentleman from New York what section of the bill proposes to grant power to take and use private property without compensation.

Mr. HALE. I will answer the gentleman. It is provided in the first section that—

Any telegraph company now organized or which may hereafter be organized under the laws of any State in this Union shall have the right to construct, maintain, and operate lines of telegraph through and over any portion of the public domain of the United States, over and along any military or post roads of the United States which have been or may hereafter be declared such by act of Congress.

"Post roads of the United States" include as well public highways which have been declared post roads as railroads. In either case there is a right of private property involved. In the case of a public highway, the easement, the servitude of travel, is in the public, while the right to the soil is in the private individual through whose land it passes; and you have no more right to authorize a telegraph company to erect poles and stretch a wire over a highway that crosses my land without compensation to me, than you have to authorize the company, without making compensation, to build a house upon my farm. In the case of a railroad the company generally owns the fee, but will any gentleman contend that Congress has the right to authorize a telegraph company to make their excavations and erect their structures on the land of a railroad without compensation? All this the bill proposes to do.

Mr. THAYER. Does the gentleman think that any practical injury could result to anybody from carrying a telegraph wire along the public highway, or that anybody's rights would be materially injured by such an act?

Mr. HALE. The gentleman will allow me to say that it is not a question whether rights are "materially injured." Does the gentleman from Pennsylvania mean to say that because it would be no material injury to me the Government has a right to authorize him to cross my farm and set up telegraph poles upon my land without making compensation to me? I ask him that question. His answer to that will be my answer to his inquiry.

Mr. THAYER. I do not understand that the bill gives the right to any company to cross anybody's farm. It simply gives to the companies the right to carry their wires along the public roads or highways. If there be in that any injury at all it is what lawyers call *damnum absque injuria*.

Mr. HALE. Mr. Speaker, where a highway passes through my farm, as I have before said, the soil of that highway, subject to the public servitude of travel, is as absolutely mine as any right of mine in the world; and it strikes me that the gentleman from Pennsylvania makes a great mistake when he says that a violation of this right is *damnum absque injuria*, and that Congress may authorize him to walk across my land if I choose to say that I prefer his footsteps shall not press it. Whether there be any *injuria* or not, there is in such a case a *damnum* which Congress has no power to impose upon me.

The SPEAKER. The ten minutes of the gentleman from New York have expired.

Mr. ALLEY. Mr. Speaker, in the several speeches which have been made by gentlemen opposed to this bill no one of them has ventured to raise his voice in opposition to the merits of the measure. Every gentleman with whom I have conversed upon the subject has been forced to admit that it is a bill of great merit, that it proposes to remedy a great and increasing evil, the power to remedy which ought to exist somewhere—

Mr. HOTCHKISS. If the gentleman will allow me, I desire to inquire what is the present value of the stock of the Western Union Telegraph Company.

Mr. ALLEY. The present value is fifty-three dollars per share, the par value being \$100.

Mr. HOTCHKISS. It has been, I understand, \$200.

Mr. ALLEY. That was before the stock was watered. A gentleman near me says that it has been watered sixteen times. In this he is mistaken. It has not been watered so many times as that; but I cannot say how many times it has been.

Mr. HOTCHKISS. Will the gentleman from Massachusetts give an opportunity for gentlemen to "raise their voices in opposition to the bill?"

The SPEAKER. Does the gentleman from Massachusetts yield to the gentleman from New York, [Mr. HOTCHKISS?]

Mr. ALLEY. I do not, unless the gentleman wants to ask a question.

Mr. HOTCHKISS. I have asked a question.

Mr. ALLEY. And I am going to answer it. The gentleman asks me what is the present value of the stock of the Western Union Telegraph Company.

Mr. HOTCHKISS. The gentleman has answered that question. My other question was whether the gentleman would give to other gentlemen an opportunity "to raise their voices in opposition to this bill."

Mr. ALLEY. I understand full well the purpose of certain gentlemen with regard to this bill—

Mr. HOTCHKISS. Will the gentleman answer my question?

Mr. ALLEY. I am going to answer the gentleman's question in my own way. If he will be quiet he will get my answer.

Mr. HOTCHKISS. Will the gentleman answer the question directly, without any condition about my being quiet?

The SPEAKER. The gentleman from Massachusetts is entitled to the floor; and the gentleman from New York is not in order.

Mr. ALLEY. I will answer the gentleman, but I deny his right or the right of any other gentleman upon this floor to tell me how I shall answer a question. If the gentleman will hear me I will answer his question.

Mr. HOTCHKISS. If you do not give the privilege of discussing the matter you should not say no man dares question its propriety.

Mr. ALLEY. I would give every gentleman an opportunity to be heard fully on this question if we had the time. Nothing would afford me more satisfaction than to go into the history of this company from the beginning to the end. I could a tale unfold in regard to telegraph companies which would not be disputed here or anywhere else, and which I am sure would secure the vote of every member of this House on this bill; unless, perhaps, some might be deterred by what they regard as constitutional objections, which, of course, I respect. So far as the constitutional question is concerned, sir, I have nothing to say. I am no lawyer. I give gentlemen credit for being sincere and conscientious in their objections on constitutional grounds; and I believe no gentleman here if he was thoroughly informed upon the subject would find it in his heart to oppose the passage of this bill on its merits outside of any constitutional question. But I have only to say in reference to the constitutional points raised, that the most eminent lawyers of Congress or with whom I consulted on the bill say that it is perfectly constitutional and right in all of its parts. All these points and all these objections have been raised in the committee as well as upon this floor, and have been fully considered. I expected most earnest opposition to this bill. I understand what appliances have been resorted to; I know that the chief manager of this great monopoly has been here upon the floor of this House to-day calling members from their seats and soliciting their aid in opposition to this bill.

If I had time I think I could show on the merits of this measure that the interests of the American people imperatively demand its passage. But I have not time to go into that at any great length, but I trust I have said sufficient to obtain the sanction of this House to this measure, and have only to say in regard to the constitutional question, if this great Government and the people of this country are in the hands of a few individuals in regard to the use of the telegraph, from whom there is no escape, then God help the nation! Yet with such important interests at stake, if we are to be prevented from exercising our rights in this matter because of constitutional impediments, it seems to me we are in a bad way.

Mr. KASSON. I inquire whether the bill cannot be improved by amendment.

Mr. ALLEY. I know the bill can be improved in some particulars. Of that I have no doubt. But I will say that the bill was thoroughly matured by an able committee of the Senate. It was reported to the Senate and passed by that body after an elaborate discussion, and came to this House. I have taken great pains to become satisfied in regard to the points raised, and have consulted some of the most eminent lawyers in Congress, who, without a single exception, save one, I believe, are of the opinion that the bill is constitutional.

Mr. KASSON. The gentleman does not understand me. The difficulty I have is a practical one. The bill does not reserve to the United States the right to regulate the tariff of charges, which I think ought to be done. There is nothing to prevent the company acting under this bill with the old monopoly. We are now paying an extravagant and unprecedented rate of duty for telegraphing. It should be put in connection with the Post Office Department as far as possible. To that I agree. But we should fix the maximum rates

the company should charge. In view of these amendments I ask my friend whether he thinks the mysterious influences of which he has spoken, but of which I am fortunately ignorant, will have changed the opinion of the Senate since they passed this bill, if we send it back to them.

Mr. ALLEY. While I do not say any improper influence has been or will be brought to bear upon the Senate, still I believe the bill will be lost if we send it back to them, and with that strong conviction I should be recreant to my convictions of duty thus to jeopardize its passage.

Mr. WASHBURN, of Illinois. I have not looked at this bill before this morning, but if it will tend in any way to break up the present stupendous monopoly I am for it. It must be apparent to every member that this telegraph monopoly has become oppressive to the people and they ought not to be called upon to bear it any longer. The gentleman says it is an outrage. They are combining, confederating, and consolidating until it seems that they have almost every telegraph line within their clutches; they are taxing the people to a most enormous extent; and now, if this bill will in any way tend to break down that monopoly, I am for it. The gentleman from Massachusetts [Mr. ALLEY] is pretty sound on this question of telegraph monopoly—I wish he was equally sound on some other questions which may come up here—and I desire to carry out the ideas which the gentleman has expressed. Now, the third section contains a very important provision. I do not think it goes far enough. It is intended to prevent the transfer of the "privileges hereby granted."

Mr. HALE. As the gentleman has entered freshly into this case, I wish to ask him if in his eager haste to break down telegraph monopolies he is willing to violate the Constitution by taking private property without compensation, and whether he is willing to sacrifice an American monopoly for the benefit of a foreign monopoly.

Mr. WASHBURN, of Illinois. I do not propose to violate the Constitution or build up any monopoly, as the gentleman suggests, at all; but I have an amendment that I wish to propose to this bill.

Mr. HALE. You cannot do it; the gentleman from Massachusetts will not let you.

Mr. WASHBURN, of Illinois. Oh, I think he will. I was calling the gentleman's attention to an amendment which I think he will agree to. I have no fear that it will not be concurred in by the Senate or that they will not pass the bill during the present session. I want a provision incorporated by which, in case the company undertake to sell out their rights, this act shall be repealed. I propose to amend the third section, which provides "that the rights and privileges hereby granted shall not be transferred by said company to any other corporation, association, or person without the consent of Congress," by adding these words, "and any such transfer, either direct or indirect or under any color or pretense whatever, shall operate as a repeal of this act."

Mr. ALLEY. I object to the amendment and call the previous question.

Mr. JOHNSON. I appeal to my colleague on the committee.

Mr. ALLEY. I decline to yield.

Mr. JOHNSON. I must say this is a violation of faith on the part of the chairman of the committee.

Mr. ASHLEY, of Ohio. The chairman of the committee can yield to the gentleman after the previous question is seconded.

Mr. JOHNSON. We were assured we would have an opportunity to debate it. I did not want to occupy more than ten minutes.

On seconding the demand for the previous question no quorum voted.

Tellers were ordered; and the Speaker appointed Messrs. ALLEY and FINCK.

The House divided; and the tellers reported—ayes 51, noes 45.

So the previous question was seconded.

Mr. HALE. On ordering the main question I demand the yeas and nays.

The yeas and nays were ordered.

The question being taken on ordering the main question, it was decided in the affirmative—yeas 74, nays 60, not voting 48; as follows:

YEAS—Messrs. Alley, Allison, Ames, Anderson, Delos R. Ashley, James M. Ashley, Banks, Barker, Baxter, Bidwell, Bingham, Boutwell, Buckland, Bundy, Reader W. Clarke, Sidney Clarke, Cook, Dawes, Dawson, Defrees, Delano, Deming, Donnelly, Eckley, Farquhar, Garfield, Grinnell, Abner C. Harding, Hayes, Henderson, Hooper, Asahel W. Hubbard, John H. Hubbard, James R. Hubbard, Jenckes, Julian, Kelley, Kelso, George V. Lawrence, Loan, Longyear, Marston, McClurg, McKee, McRuer, Mercer, Miller, Morrill, Orth, Paine, Perham, Pike, Plants, Price, William H. Randall, Alexander H. Rice, John H. Rice, Rousseau, Sawyer, Schenck, Shellabarger, Smith, Spaulding, Stevens, Thayer, Robert T. Van Horn, Ward, Henry D. Washburn, William B. Washburn, Welker, Whaley, James F. Wilson, and Stephen F. Wilson—74.

NAYS—Messrs. Ancona, Baker, Baldwin, Benjamin, Bergen, Broomall, Cobb, Darling, Driggs, Eldridge, Ferry, Finck, Glossbrenner, Grider, Hale, Aaron Harding, Harris, Hart, Hogan, Holmes, Hotchkiss, Chester D. Hubbard, Hulburt, Humphrey, Johnson, Ketcham, Kasson, Kerr, Ketcham, Kuykendall, Laffin, Latham, William Lawrence, Marshall, Marvin, McCullough, Moorhead, Morris, Myers, Newell, Niblack, Nicholson, O'Neill, Samuel J. Randall, Raymond, Ritter, Rogers, Rollins, Ross, Scofield, Strouse, Taber, Taylor, Francis Thomas, John L. Thomas, Thornton, Van Aernam, Burt Van Horn, Elihu B. Washburne, Williams, and Wright—60.

NOT VOTING—Messrs. Beaman, Blaine, Blow, Boyer, Brandegee, Bromwell, Chanler, Coffroth, Conkling, Cullom, Culver, Davis, Denison, Dixon, Dodge, Dumont, Eggleston, Eliot, Farnsworth, Goodyear, Griswold, Higby, Hill, Demas Hubbard, Edwin N. Hubbard, Ingersoll, Jones, Le Blond, Lynch, McIndoe, Moulton, Noell, Patterson, Phelps, Pomeroy, Radford, Shanklin, Sitgreaves, Sloan, Starr, Stillwell, Trimble, Trowbridge, Unson, Warner, Winfield, and Woodbridge—48.

So the main question was ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time.

Mr. FINCK. Is it in order to move to recommit?

The SPEAKER. Not pending the operation of the previous question.

The bill being engrossed was accordingly read the third time.

Mr. ALLEY. I demand the previous question on the passage.

Mr. HALE. I move to lay the bill on the table, and on that I demand the yeas and nays.

Mr. JOHNSON. I would like to make a motion to postpone it till December next.

The SPEAKER. The motion to lay on the table has priority.

Mr. HALE. I will withdraw the motion to lay on the table, and will call the yeas and nays on the passage.

Mr. JOHNSON. Will the chairman of the committee yield for a motion to postpone?

Mr. ALLEY. I decline to yield for that purpose.

The previous question was seconded.

Mr. FINCK. Is it not always in order, Mr. Speaker, to postpone to a day certain?

The SPEAKER. It is not. The previous question has priority of it, also the motion to lay on the table. The motion to postpone to a day certain is fourth on the list.

The main question was ordered on the passage of the bill.

Mr. HALE. I demand the yeas and nays on the passage.

The yeas and nays were ordered.

The question being taken on the passage of the bill, it was decided in the affirmative—yeas 72, nays 62, not voting 48; as follows:

YEAS—Messrs. Alley, Allison, Ames, Anderson, Delos R. Ashley, James M. Ashley, Baker, Banks, Barker, Baxter, Bidwell, Bingham, Buckland, Bundy, Reader W. Clarke, Sidney Clarke, Cook, Dawson, Defrees, Delano, Deming, Donnelly, Eckley, Eggleston, Farquhar, Garfield, Grinnell, Abner C. Harding, Hayes, Henderson, Asahel W. Hubbard, John H. Hubbard, James R. Hubbard, Ingersoll, Jenckes, Julian, Kasson, Kelley, Kelso, George V. Lawrence, William Lawrence, Loan, Marston, McClurg, McKee, McRuer, Miller, Morrill, Orth, Paine, Perham, Pike, Plants, Price, William H. Randall, John H. Rice, Rousseau, Sawyer, Schenck, Scofield, Shellabarger, Smith, Spaulding, Stevens, Thayer, Robert T. Van Horn, Ward, Henry D. Washburn, William B. Washburn, Welker, Whaley, and Windom—72.

NAYS—Messrs. Ancona, Baldwin, Benjamin, Bergen, Boutwell, Boyer, Broomall, Cobb, Darling, Eliot, Finck, Glossbrenner, Grider, Hale, Aaron Harding, Harris, Hart, Higby, Holmes, Hotchkiss, Chester D. Hubbard, Hulburt, Humphrey, Johnson, Kerr, Ketcham, Kuykendall, Laffin, Latham, Marshall, Marvin, McCullough, Mercer, Moorhead, Morris, Myers, Newell, Niblack, Nicholson, O'Neill, Patterson, Samuel J. Randall, Raymond, Ritter, Rogers, Rollins, Ross, Shanklin, Strouse, Taber, Taylor, Francis Thomas, John L. Thomas, Thornton, Van Aernam, Burt Van Horn, Elihu B. Washburne, Wentworth, Williams, James F. Wilson, Woodbridge, and Wright—62.

NOT VOTING—Messrs. Beaman, Blaine, Blow, Brandegee, Bromwell, Chanler, Coffroth, Conkling, Cullom, Culver, Davis, Dawes, Denison, Dixon, Dodge, Driggs, Dumont, Eldridge, Farnsworth, Ferry, Goodyear, Griswold, Hill, Hogan, Hooper, Demas Hubbard, Edwin N. Hubbard, Jones, Le Blond, Longyear, Lynch, McIndoe, Moulton, Noell, Phelps, Pomeroy, Radford, Alexander H. Rice, Sitgreaves, Sloan, Starr, Stillwell, Trimble, Trowbridge, Unson, Warner, Stephen F. Wilson, and Winfield—48.

So the bill was passed.

After the roll-call had commenced,

Mr. JOHNSON said: I was told by the chairman of the committee that he would give me a part of his time.

The SPEAKER. The roll-call has commenced.

The result having been announced as above recorded,

Mr. ALLEY moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider upon the table.

Mr. HALE. On the latter motion I demand the yeas and nays.

The yeas and nays were not ordered.

The motion to lay on the table was agreed to.

FAIR FOR ORPHANS' HOME.

The SPEAKER, by unanimous consent, laid before the House the following communication:

WASHINGTON, July 11, 1866,

To the honorable the members of the House of Representatives of the United States Congress:

The directors of the National Soldiers' and Sailors' Orphan Home take the liberty to invite your honorable body to honor the fair by your presence on the occasion of its final close, and the presentation of the articles voted for the successful candidates, on Thursday evening, the 12th instant, at nine o'clock.

Very respectfully, Mrs. J. C. CARLISLE, Secretary.

ASSISTANT HOUSE STENOGRAPHER.

Mr. ROLLINS. I ask unanimous consent to report back the following resolution from the Committee of Accounts:

Resolved, That the Speaker be authorized to appoint a competent stenographer as assistant official reporter to the committees of the House, who shall be paid out of the contingent fund, commencing the 1st of June, 1866, the same compensation paid to the official reporter, and whose term of service shall expire March 4, 1867.

Mr. HALE. I object to that, unless there is opportunity for discussion and amendment.

Mr. ROLLINS. Very well. I will withdraw it.

GERMAN TARGET ASSOCIATION.

Mr. ASHLEY, of Ohio, by unanimous consent, introduced a bill to incorporate the German Target Association of the city of Washington; which was read a first and second time and referred to the Committee for the District of Columbia.

PACIFIC RAILROAD BONDS.

Mr. PRICE, by unanimous consent, introduced a bill to authorize the issue of certain bonds in denominations greater than \$100; which was read a first and second time and referred to the Committee on the Pacific Railroad.

CALIFORNIA LAND TITLES.

Mr. BIDWELL. I ask to take up from the Speaker's table Senate bill No. 343, to quiet land titles in California, with the action of the Senate on the amendments of the House thereto.

No objection was made.

Mr. BIDWELL. The Senate have agreed to all the amendments of the House to this bill except the tenth. I move that the House recede from that amendment.

The tenth amendment of the House, disagreed to by the Senate, was read as follows:

Add to section nine, at the end of the bill, the following proviso:

Provided, however, That from decrees of the district courts, as aforesaid, made after July 1, 1865, and prior to the passage of this act, an appeal may be taken to the United States circuit court for the State of California within one year from the approval of this act; Provided, That in any such case in which an appeal may be taken under the provisions of this section the said circuit court shall not be precluded by the terms of the decree of confirmation, or by reason of any clerical mistake therein, from determining the boundaries of the land claimed in accordance with the original grant and the real justice and merits of the case.

Mr. JULIAN. That is an amendment which was agreed to by the Committee on Public Lands, and I can see no objection to it. I hope the House will not agree to the motion to recede from that amendment, but will appoint a committee of conference to arrange the difference between the two Houses.

Mr. BIDWELL. The effect of the amendment is to allow the circuit court to review and open a case which has been confirmed by the Supreme Court. We think that is wrong. The whole object of this bill is to quiet land titles in our State, and I hope the House will recede from its amendment.

Mr. JULIAN. I want to ask the gentleman from California why that amendment was adopted.

Mr. PAINE. This matter seems to be taking up some time. I must resume the floor.

The SPEAKER. The Chair thinks the amendment is before the House.

Mr. JULIAN. I do not propose to detain the House at all.

Mr. BIDWELL. I have moved that the House recede from its amendment.

Mr. JULIAN. I move that the House insist on its amendment and ask a committee of conference. I wish to make a simple statement to the House. The difficulty arises from a clerical error in the records of the Supreme Court, affecting large landed interests. The boundaries of a tract described were impossible boundaries; they did not inclose the land at all; and the object of this amendment is to cover that case and allow the Supreme Court on appeal, to correct that clerical error in the record of the court below; and there can be no objection to it.

Mr. HIGBY. What case is that?

Mr. JULIAN. I have the statement from gentlemen from California, and upon their statement the committee adopted this amendment.

Mr. PAINE. I yielded the floor to the gentleman from California with the express stipulation that he should only hold it for five minutes, and if he has any parliamentary right to hold it longer, it is due to me that he should withdraw his motion. Personally I would be perfectly willing to give him all the time he asks, but there is another question of privilege behind mine, and the gentlemen who have charge of it insist that I either go on now or yield to them.

Mr. BIDWELL. I have not taken up any time, and I merely ask a vote.

Mr. WASHBURN, of Illinois. I desire to move to postpone the consideration of this question until to-morrow morning.

Mr. BIDWELL. I withdraw my request.

The bill was therefore returned to the Speaker's table.

ELECTION CONTEST—AGAIN.

The House then proceeded to the consideration of the following resolution reported by Mr. PAINE from the Committee of Elections:

Resolved, That Hon. John L. Dawson is entitled to retain his seat as Representative in the Thirty-Ninth Congress from the twenty-first district of the State of Pennsylvania.

Mr. PAINE. I yield to my colleague on the committee from Pennsylvania [Mr. SCOFIELD] to move an amendment for the resolution reported by the committee.

Mr. SCOFIELD. I submit the following

amendment to the resolution reported by the Committee of Elections:

Resolved, That Smith Fuller is entitled to a seat as a Representative in the Thirty-Ninth Congress from the twenty-first district of Pennsylvania.

Mr. PAINE addressed the House for an hour. [His remarks will be found in the Appendix.]

Mr. SCOTFIELD obtained the floor.

Mr. PAINE. I have not yet commenced my argument in this case.

Mr. INGERSOLL. Is it in order to move to extend the time of the gentleman from Wisconsin?

Mr. SCOTFIELD. I have the floor, I believe.

Mr. INGERSOLL. I supposed I made my motion in time.

Mr. SCOTFIELD. I obtained the floor, and object to being taken off it without my consent. I was going on to say that I had no objection to the gentleman from Wisconsin going on and finishing his speech if the House is willing that he shall do so. I was going to ask the House to grant him an opportunity to continue his speech.

Mr. PAINE. I do not ask any such privilege. I shall have an opportunity to close this debate.

Mr. SPALDING. I desire to ask the gentleman from Pennsylvania if there is any probability that a vote will be taken on this question this evening.

Mr. SCOTFIELD. I know nothing about it. I shall only occupy ten or fifteen minutes.

Mr. SPALDING. I wish to give notice that as soon as this case is closed I shall call up the report of the select committee on the recent breach of privilege.

Mr. SCOTFIELD. Mr. Speaker, this is a question which involves, to some extent, the right of soldiers of Pennsylvania to vote. We had before us here a question involving the right of the soldiers of Michigan to vote, in the early part of this session. But this is not a case like that. That depended upon the constitution of the State; but when it was ascertained in Pennsylvania that the soldiers had no right to vote the great anxiety of the public to extend to them this high privilege induced them to amend their constitution, and, under the amended constitution, the Legislature passed an act providing the place, manner, and form under which the soldiers should cast their votes.

The law of Pennsylvania as it stood prior to the passage of that act, as respected the home vote, under the decisions of our courts, waived almost all of what may be termed technicalities in the returns, and determined that where ever a return was sufficiently intelligible to be understood by the judges who were to act upon the case, the voters' will should be registered. But for fear that even that little remnant of formality might not be understood by our soldiers distant in the field and in the camp, the Legislature of Pennsylvania further provided that "no mere informalities in the manner of carrying out or executing any of the provisions of the act should invalidate any election held under the same or the returns thereof," using the word "return," as a Legislature is always bound to do it, in a technical sense.

Now, sir, I would not say a single word about this case but for one thing. I know the fairness and industry of my colleagues upon the Committee of Elections. I know the vast amount of labor that is imposed upon them, and I admire the impartiality with which they have attempted to discharge their duty. I would not, for the mere sake of determining whether my friend in front of me [Mr. Dawson] should occupy the seat, or the contestant outside [Mr. Fuller] should occupy it, say a single word. We have majority enough now, and there is no need of another vote. But I believe the committee have done a great wrong to the Legislature and soldiers of Pennsylvania in the construction which they have given our laws. Our courts have construed our laws for home voting, where we have experienced and intelligent clerks to perform the duties, to mean simply that you shall have an intelligible return, cov-

ering, as some here hold, even the oath of office, under presumption that the officers have discharged their duties and taken the oath when it is not legally certified. But to make the soldiers doubly sure of their votes the Legislature passed this act, in addition to our judicial decisions, providing that no mere informality or omission of form should set aside the soldiers' return. They designed to make allowance for the haste, the inconvenience, and inexperience of the camp, and give effect at home to the absent warrior's vote, however informally cast. I am unwilling to see this House, even upon the recommendation of the committee, pass sentence of disfranchisement upon these soldiers and of condemnation upon the law.

The majority of the committee have made two mistakes: one of law, in the construction of the soldiers' voting act; and the other of fact, in the rejection of votes, even according to their own wrong construction of that law. The correction of either their mistake of law or their mistake of fact will give the contestant the seat. Their mistake in law consists in construing the soldiers' voting act out of existence. It amounts to a judicial repeal of the sections that waive informalities and omissions. Instead of giving the soldier greater latitude than is given to the clerk at home, they have given him less. They not only require that the returns must be perfect, but even that the oaths take by the officers must be drawn up in full, and signed and certified to by the person that administers them, and some of the committee go further than this, and demand a perfect tally-list and poll-book in addition. By this construction they exclude from the count a large number of soldiers' votes; some for each candidate, to be sure, but between thirty and forty more of those cast for Mr. Fuller than for Mr. Dawson. This changes the majority of 16 for Mr. Fuller into a majority of 15 for Mr. Dawson. But even under this erroneous construction of the law Fuller would still have a majority of 2 if they had not committed another error in the application of their own rule to the facts.

I will now briefly call the attention of the House to the mistakes in fact. I am not going to refer to them; only enough to show that their majority of 15 for Dawson should be a majority of 2 for Fuller, if they would only follow their own bad rule of construction. The gentleman from Wisconsin [Mr. PAINE] admits that if we count all the votes that were returned, leaving out of question the formalities which are supposed to be wanting, the contestant has a majority of 16 votes.

Mr. PAINE. I admit just this: that if you count all the votes that appear upon the papers presented to us by the contestant, and which he calls "returns," then he has a majority of 16 votes. But I do not admit that votes enough were ever returned from military precincts, either to the prothonotary's office in Pennsylvania, or to the office of the secretary of the Commonwealth, to give the contestant a majority of 16. I do not know how that is; but I do know that no proof of anything of the kind has ever been made to the committee.

Mr. SCOTFIELD. The gentleman from Wisconsin reasserts his admission instead of retracting it. If all the returns, informal and otherwise, are to be counted, the contestant, as he states, has a majority of 16 votes. But when you come to apply the technical rules, which to some extent the gentleman from Wisconsin indorses, and which I believe the chairman of the committee [Mr. DAWES] indorses to a greater extent—for he is a great admirer of forms—and to count these votes in accordance with them, then you exclude thirty or forty more for the contestant than you do for the sitting member.

Mr. PAINE. I beg the gentleman to allow me to interrupt him for one moment.

Mr. SCOTFIELD. There are two or three gentlemen who are intending to reply to me, and I only want ten minutes in all. However, if it is only for a question, I will yield.

Mr. PAINE. That is all I want; I do not

want to make a speech. Will the gentleman be kind enough to tell this House whether he regards the return in the case of Camp Hamilton as anything upon which this House can act?

Mr. SCOTFIELD. I shall not reply to the gentleman just now by giving him an answer about Camp Hamilton, because votes from other camps are in issue now.

Mr. PAINE. Will the gentleman allow me to say to this House that the return in the case of Camp Hamilton is nothing but the oaths and the certificates of oaths, without any poll-book, tally-list, or anything to show how the votes were cast?

Mr. SCOTFIELD. Is it counted or not?

Mr. PAINE. The gentleman, I understand, insists that it shall be counted.

Mr. SCOTFIELD. No, sir; I do not insist upon any such thing. If the gentleman will compose his nerves and, as he has spoken an hour, listen to me for ten minutes he will probably see what I do propose to count and what I do not. I am only stating now that after the votes which have been returned formally and informally have been counted the contestant has a majority of 16; and by counting out a portion of those votes, taking from the list in favor of the contestant 30 or 40 more than they do from the sitting member, they give him a majority of 15. That is, they count off the 16 majority that the contestant has, making them even, and then they count off 15 more from the contestant, leaving the sitting member 15 ahead.

Now, sir, I am going to content myself with taking only the three returns which the gentleman from Wisconsin has discussed, and I submit to the House whether, even under their construction of the law of Pennsylvania—wrong as that construction is, unjust as it is to the soldiers and to the Legislature of our State—the committee have not made sufficient mistakes in the application of their own rule to give the contestant the seat.

Company A, one hundred and fifty-fifth regiment, the gentleman from Wisconsin himself admits, ought to be counted. There are 7 votes for Fuller. He contends, however, that the report made some time ago in the case of *Koontz vs. Coffroth* by the majority of that committee, contains a few words which are adverse to the counting of those votes. I deny that even that had precedent can justify the exclusion. The gentleman cannot lean even upon that decision, wrong as it is, because in that case it was only the certificates of oaths that were wanting. If there is any phraseology employed by the majority of the committee which goes further than the facts, it is not warranted by the case. It is what we call *obiter dictum*, and if it were contained in the decision of a court, would not be regarded as of binding force.

If gentlemen will take the large book, called "No. 2," and turn to pages 59 and 60, they will find a full return of company A, one hundred and fifty-fifth regiment, and then below it the oaths taken by the officers and the certificate of the oaths. It was the absence of the certificate of oaths, in the case to which the gentleman has referred, that caused the exclusion of the soldiers' votes. Now, sir, before we had adopted in Pennsylvania the law which waives formalities in favor of the soldier the return would have been counted by any court in our State under the old law, which did not waive formalities at all. That question has been decided over and over again; and the decisions of Pennsylvania courts on this question were presented to the committee. Thus, sir, there are 7 votes which the gentleman from Wisconsin concedes should be subtracted from the 15, leaving the sitting member only 8 according to his own count.

Now, sir, take the votes returned from Lincoln hospital. The majority of the committee occupy two pages of the report in the endeavor to show that the votes returned from Lincoln hospital should not be counted. It would, in my humble judgment, take many more pages

of even foggier reasoning than we have here to convince a man of ordinary understanding that the votes returned from Lincoln hospital should be excluded for the reason given by the committee; and I am not surprised, therefore, that they occupy two pages of this brief report to deprive seven soldiers at Lincoln hospital of their votes. The officers of that hospital held the election and received, as they were authorized by the soldiers' voting act to receive, the votes of that congressional district. Two of the voters were from Fayette county, five from Indiana county, and eight, I believe, from Westmoreland county. When the officers had gone through with the election, they made up the papers in due form and sent them to the prothonotary of Westmoreland county, because they could not at the same time send them also to Indiana and Fayette counties. The prothonotary of Westmoreland county certifies to those 15 votes, five from Indiana county, two from Fayette, and eight from Westmoreland. The committee say, "We will count the 8 votes from Westmoreland county; but inasmuch as the prothonotary of that county had no right to certify to the votes of the other two counties, we will not count them."

The committee conclude their very cunning argument by generously saying:

"But there is another instrument of proof—the certified transcript of the secretary of the Commonwealth, who is the lawful depository of military returns for every county in the State. This is not produced in the present case, and only eight of the votes contained in this return can be counted."

Sir, I take issue with the committee on this point. I say that this certified transcript was produced. It was presented in this House and was by the House referred to the committee. Let me state the evidence upon which I come to this conclusion. All these various documents which were presented, numbering nearly a hundred I believe, were numbered in regular order with red ink. The transcript for Lincoln hospital was numbered sixty-four. All the numbers up to sixty-three, inclusive, are in the possession of the committee. No. 64 is missing. Then we find No. 65, and all the others following in regular order.

Mr. PAINE. By whom were they numbered?

Mr. SCOFIELD. I will not say by whom they were numbered, because I do not know. But they were all so numbered, and the gentleman will not deny it.

Mr. PAINE. I would like to make a single statement just here. I think that from the remarks of the gentleman the House will not understand the fact correctly.

Mr. SCOFIELD. I am going to make the House understand it, if the gentleman will give me a chance. This is an intelligent House, and the gentleman from Wisconsin must not think that he is the only man who can get an idea into the heads of the members of this House. [Laughter.] If members will only give me half the attention they gave the gentleman from Wisconsin, I believe I can make them understand the matter.

I was stating the evidence upon which I base my conclusion that this return was referred to that committee and somehow lost—unintentionally of course. The different records were found, numbered in regular order up to sixty-three; No. 64 was missing; and then the records were found again numbered in regular order from sixty-five upward. Now, would any one numbering those records omit No. 64? As soon as we learned from the gentleman from Wisconsin, who had the various papers put into his hands for the purpose of preparing the report, that No. 64 was wanting, we telegraphed to the Governor of Pennsylvania, who immediately sent on a duplicate, marking it "duplicate"—showing that another record of the same kind had been sent before. Here it is with the broad seal of our good old Commonwealth and the name of her patriotic Governor upon it. Here, too, is an affidavit showing the loss of the first certificate.

Thus the majority of the committee would deprive of their votes these seven soldiers from Indiana and Fayette counties, who were de-

tained in Lincoln hospital by sickness; and the ground upon which the committee would do this is because the whole return was sent to Westmoreland county, instead of being divided and a part sent to Westmoreland, a part to Indiana, and a part to Fayette—a perfect impossibility. Counting these seven votes, as they justly ought to be counted, for the contestant, we leave the sitting member with a majority of one vote according to the report of the committee.

Take next the return from McClellan hospital; and I am only going to refer to those returns the rejection of which the gentleman from Wisconsin seemed to think needed a little bolstering up in advance. McClellan hospital gave 3 votes for the contestant; and if they are allowed, with the 7 from Lincoln hospital and the 7 which the gentleman concedes should be counted from company A, one hundred and fifty-fifth regiment, the contestant has a majority of 2.

Now, what is the difficulty in regard to the vote of McClellan hospital? The majority of the committee admit that they cannot find anything missing in this case. The return is there; the poll-book is there; the tally-list is there. On page 6 of the large book we find all these facts set forth. "But," say the majority of the committee, "the certificate of the oaths is not there. The certificate that the officers who conducted the election were sworn is not there; and, although they state that they were duly sworn, we should have the certificate of the clerk that the oath was taken, giving the form of the oath."

But, sir, after looking a great while the committee, with their extraordinary industry, (to which I am always ready to testify, although the gentleman seems to insinuate that I am a little lazy,) found these oaths on page 380, all in due form, sworn to by the officers, signed by the officers, and certified to by the clerk. They found this at last, and as the gentleman from Wisconsin says, they found it even without the aid of the contestant. What now is the difficulty? They have got all the forms. Why, they say the certificate of oaths was not attached to the other papers; that one is on page 380 in the printed book and the other on page 6. That is all. There is the certificate of oaths signed by the officers of election, certified by the clerk that it was taken by them, but in the printed book they are some three hundred pages apart, and the committee want us to believe that they were never introduced to each other in the camp.

Now, taking the construction that the committee have wrongly given to the soldiers' voting act, blot out that provision of the law of Pennsylvania that says that no informalities shall deprive a soldier of his right to vote, and take the construction that the committee have taken, and you must still count 17 more votes for Fuller. Company A, one hundred and fifty-fifth regiment, cast 7 votes; Lincoln hospital, 7 votes; and McClellan hospital 3 votes, making the 17 that should be counted on the committee's own showing, but which they failed to count. But the gentleman from Wisconsin gave us an elaborate argument to justify the committee, and had the record read to show how many members of the committee they got—five out of nine, three Republicans and two Democrats—to justify the exclusion of these three returns, and then concluded by telling us that he does not assent to it himself, although he wrote the report.

I am reminded that there are 6 more votes that the committee propose to count for Mr. Dawson in case of necessity. In the report they are held as a kind of reserve, neither counted nor cast out. This will compel me to examine a few more of the returns favorable to Mr. Fuller, but rejected by the committee. The 15 set down as sure are already offset by the 17 shown to be improperly rejected. To offset their uncertain 6, I will take Camp Parole, 1; battery H, fourth independent artillery, 4; camp in the field, two hundred and sixth regiment, 2; and Satterlee hospital, 5. Camp

Parole is rejected for informality, while, in point of fact, the papers are perfect. Some of them were printed and are to be found on page 31 of the second book, and the remainder are on file with the clerk of the committee. Battery H was rejected because the oaths taken by the officers were not set out in full, although they certify that they were duly sworn and the tally-papers, list of voters, and returns are all in proper form on pages 6 and 7 of the second book. To "camp in the field" there is even less informality. The oaths here are signed by the officers, but the formal certificate of the officer who administered the oaths is wanting. The fact that the officers took the oath is proved by their own certificate in the caption of the poll-book and by their signatures to the form of oath. These oaths, with the poll-book, list of voters, tally-papers, and return are to be found on page 37 of the third book. In Satterlee hospital the papers are all perfect except that the judges do not sign the form of oath, although the officers who administered them certify that they did so, and the judges themselves certify in the caption of the poll-book that they were duly sworn. Here then are 12 more votes for Mr. Fuller to offset the 6 that the committee contingently propose to count for Mr. Dawson.

One word before I sit down, going back to where I began. I have been attempting to show that these 17 votes should be counted even upon the committee's wrong construction of the law. These alone give the contestant 2 majority. If the 6 doubtful Dawson votes are to be counted, then there are 12 less doubtful Fuller votes that must be also counted, giving him 8 majority. If that construction is to be overruled, as I think it ought to be, then it will be conceded that Mr. Fuller has 16 majority. The difficulty in the way of the gentleman from Wisconsin making a full concession in clear and unequivocal language, I think, is simply this: that he does not want to admit, even for the sake of argument, that these were proper returns, because they lacked the proper forms. But supposing they had the proper forms—and I have attempted to show that they have, the committee themselves being judges—they give Mr. Fuller 2 majority. If you give vitality at all to the soldiers' voting law of Pennsylvania, then you must count the balance of the votes given for both of those gentlemen, and that gives Mr. Fuller 16 majority.

Mr. LAWRENCE, of Pennsylvania. Mr. Speaker, I have a very little to say on this question, but I prefer to say it to-morrow morning, and I will yield to the gentleman from California.

LAND TITLES IN CALIFORNIA.

Mr. BIDWELL. I move the appointment of a committee of conference on the disagreeing votes of the two Houses on Senate bill No. 343, to quiet land titles in California.

The motion was agreed to.

REPORT OF RECONSTRUCTION COMMITTEE.

Mr. LE BLOND. I rise to a privileged question. I find that the report of the joint committee on reconstruction has been brought into the House bound, but incomplete. It was ordered by the House that the whole report be published, together with the testimony. In this volume I find the minority report is not included. I understand the order of the House embraced the minority as well as the majority report. It may be said that the minority report was not brought in simultaneously with the majority report. I grant it. But at the time that the majority report was presented notice was given by a member of the committee that the minority report would be submitted in a short time. That was notice to the House and should have been notice to the Printer, or to the Committee on Printing.

Mr. WASHBURNE, of Illinois. I do not see that this is a question of privilege.

The SPEAKER. It is, but the gentleman must condense his remarks.

Mr. WASHBURNE, of Illinois. Let it be

referred to the Committee on Printing to report upon.

Mr. LE BLOND. I do not know who is responsible for this omission, whether the Committee on Printing or the Public Printer, but unless it was a mere accidental omission it certainly merits the censure of this House. It is just as necessary that the minority report should go to the country as the majority.

The SPEAKER. The gentleman has raised his question. The majority report was ordered to be printed on the 8th of June; the minority on the 19th, eleven days afterward. The House subsequently ordered a certain number of copies of the testimony to be printed. It may possibly solve the difficulty if the Committee on Printing examines the matter.

Mr. GRIDER. The report of the majority of the committee is the first matter contained in this volume. The testimony comes after that, although it was taken long before there was a majority report.

The SPEAKER. The Chair will remind the gentleman from Kentucky of the fact of which he must be well aware, as an old member of Congress, that whenever a report with testimony is printed the report always precedes the testimony.

Mr. GRIDER. I desire to state that the minority report was ordered to be printed two days after the majority report was ordered to be printed.

The SPEAKER. The Chair is informed that it was eleven days after.

Mr. GRIDER. After that the chairman of the committee on reconstruction on the part of the House [Mr. STEVENS] moved for the printing of an increased number, and he himself moved that the reports both of the majority and minority should be printed.

Mr. WASHBURN, of Illinois. I must object to further discussion on this matter. If gentlemen opposite want further investigation into this matter let them have it.

Mr. WENTWORTH. Let us have the order to print read.

The SPEAKER. The Chair will state that the Journal shows that the majority report was made upon the 8th of June and the minority report upon the 19th of June.

Mr. GRIDER. I do not want to be misapprehended. I know the reports were so made. But leave was granted to the minority to make a report immediately after the majority report was received.

Mr. LE BLOND. I desire some action on this matter; but as this book has already been published I do not exactly see how any correction can be made now.

The SPEAKER. If any wrong has been done, however, it can be reported to the House.

Mr. WASHBURN, of Illinois. It is due that the facts which appear on the record should be known, and that can only be done by a reference to the Committee on Printing.

Mr. LE BLOND. I move the reference of this matter to a select committee of five, with instructions to ascertain why this book is published in violation of the orders of the House.

Mr. WASHBURN, of Illinois. I object to a select committee, and move that the subject be referred to the Committee on Printing and on that motion I demand the previous question.

Mr. WENTWORTH. What is the question before the House?

The SPEAKER. The point made by the gentleman from Ohio [Mr. LE BLOND] is that an order of the House has not been complied with.

Mr. WENTWORTH. Do I understand the gentleman from Ohio to make such a specific charge as that?

The SPEAKER. The gentleman from Ohio has stated at some length the facts upon which he bases the charge.

The previous question was seconded and the main question ordered.

The question was put on the motion of Mr. WASHBURN, of Illinois; and there were—ayes 47, noes 36; no quorum voting.

Tellers were ordered; and Mr. WASHBURN, of Illinois, and Mr. LE BLOND, were appointed.

Mr. LE BLOND. Inasmuch as there is probably no quorum present, I am willing to let this question stand over until to-morrow. I move, therefore, that the House do now adjourn.

The motion was agreed to; and thereupon (at five o'clock and fifteen minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule and referred to the appropriate committees: By Mr. ANCONA: The memorial of Charles M. Pott, asking to have the provisions of an act increasing the rates of pensions in certain cases extended to him.

By Mr. HULBURD: The petition of Edward A. Persons for American enrollment and license of the schooner George Harvey, &c., late of Toronto.

By Mr. KELLEY: The petition of Messrs. Daniel S. Clurg, William W. Hall, and William B. Rogers, sureties for J. J. Simpkins, deceased, late collector for the port of Norfolk, Virginia, appealing to the justice of Congress to be released from the payment of a certain amount of money which remained in the hands of the said Simpkins on the breaking out of the late war, which amount was ordered by John Letcher, then Governor of the State of Virginia, to be surrendered to the treasury of that State, the order being communicated to Simpkins through General Benjamin Huger, then commanding the army in and near the city of Norfolk, then in arms against the United States, and having full power to enforce the order.

IN SENATE.

THURSDAY, July 12, 1866.

Prayer by the Chaplain, Rev. E. H. GRAY.

On motion of Mr. WILSON, and by unanimous consent, the reading of the Journal of yesterday was dispensed with.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Navy, transmitting, in answer to a resolution of the Senate of the 19th of March last, a report from Rear Admiral Charles H. Davis, Superintendent of the Naval Observatory, in relation to various proposed lines for interoceanic canals and railroads between the waters of the Atlantic and the Pacific oceans; which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. GRIMES subsequently said: I move to reconsider the vote by which the communication from the Navy Department was referred to the Naval Committee. I understand that it is in relation to the routes of transit across the Isthmus of Darien, and was called for by a resolution of the Senator from California, [Mr. CONNESS.] It is not properly a naval question. I suggest that the document be permitted to lie on the table until he shall be in the Senate, and then he can make such a disposition of it as he chooses.

The PRESIDENT *pro tempore*. No objection being made, the vote will be regarded as reconsidered, and the communication will lie on the table.

Mr. CONNESS afterward moved the reference of the communication to the Committee on Post Offices and Post Roads, and the motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. ANTHONY presented the memorial of Richard H. Bryan, a loyal citizen of Stafford county, Virginia, praying for compensation for supplies furnished to the Army during the war; which was referred to the Committee on Claims.

Mr. JOHNSON presented a memorial of dealers in cutlery and hardware in Baltimore, complaining of the excessive duties proposed by the pending tariff bill to be imposed upon imported cutlery and hardware; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. WADE. The Committee on Territories, to whom was referred a bill (H. R. No. 315) for the relief of inhabitants of towns and villages in the Territories of New Mexico and Arizona, have had it under consideration. This bill refers entirely to land titles and to

modifying the homestead bill, &c., and does not properly belong to the Committee on Territories. I move that that committee be discharged from it and that it be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. WADE, from the Committee on Territories, to whom was referred the bill (S. No. 404) to regulate the selection of grand and petit jurors in the Territory of Utah, and for other purposes, reported it with amendments.

Mr. POMEROY, from the Committee on Public Lands, to whom was referred the bill (S. No. 420) to revive and continue in force the provisions of an act granting public lands in alternate sections to the State of Mississippi to aid in the construction of railroads in said State, and for other purposes, approved August 11, 1856, reported it without amendment.

Mr. EDMUNDS, from the Committee on Commerce, to whom was referred the bill (S. No. 419) repealing an act entitled "An act repealing certain provisions of law concerning seamen on board public and private vessels of the United States," approved June 28, 1864, reported it without amendment.

Mr. MORGAN, from the Committee on Finance, to whom was referred the bill (H. R. No. 674) to establish additional offices for the assay of gold and silver, and for other purposes, reported it with an amendment.

Mr. STEWART, from the Committee on Public Lands, to whom was referred the bill (S. No. 415) to amend an act entitled "An act to grant the right of preemption to certain settlers on the Socol ranch in the State of California," reported adversely thereon, and moved the indefinite postponement of the bill; which motion was agreed to.

Mr. POLAND. I am instructed by a majority of the Committee on the Judiciary, to whom was referred the joint resolution (S. R. No. 102) construing and giving effect to the joint resolution entitled "A resolution for the relief of the State of Wisconsin," approved July 1, 1864, to report it back with an amendment; and I am also instructed by the same committee, to whom was referred a memorial of the Milwaukee and Rock River Canal Company on that subject, to ask to be discharged from its further consideration.

REGISTERS TO VESSELS.

Mr. HOWE. The Committee on Commerce, to whom was referred the bill (H. R. No. 727) declaratory of an act entitled "An act authorizing the Secretary of the Treasury to issue registers to vessels in certain cases," approved February 10, 1866, have directed me to report it back with two amendments, and to recommend its passage. The bill has to go back to the House of Representatives, and if there be no objection I should like to have it considered now. It is very brief.

By unanimous consent, the bill was considered as in Committee of the Whole. It declares that the act approved on the 10th day of February, in the year 1866, entitled "An act further to regulate the registering of vessels," shall not be deemed or construed to affect or limit the operation of the act approved on the 23d day of December, 1852, entitled "An act authorizing the Secretary of the Treasury to issue registers to vessels in certain cases," or the practice under the same, but it shall be in full force and effect, anything in the act first named to the contrary notwithstanding.

The first amendment reported by the Committee on Commerce was in line five, after the word "act," in the quotation of the title of the act of February 10, 1866, to strike out the word "fourth."

The amendment was agreed to.

The next amendment was in lines ten and eleven to strike out the words "or the practice under the same."

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

It was ordered that the amendments be engrossed and the bill be read the third time.

The bill was read the third time and passed. The title of the bill was amended so as to read "An act to regulate the registering of vessels."

DITCHES, ETC., IN PACIFIC STATES.

Mr. STEWART. I am instructed by the Committee on Public Lands, to whom was referred the bill (H. R. No. 365) granting the right of way to ditch and canal owners over the public lands in the States of California, Oregon, and Nevada, to report it back with an amendment and with a recommendation that it pass; and I ask for its present consideration for the reason that the substitute reported is the same that was in a section of a bill that was considered by the Committee on Mines and Mining and passed. It has already been considered and passed by the Senate and is well guarded, and I should like to have the bill out on its passage now.

The PRESIDENT *pro tempore*. The Senator from Nevada asks for the present consideration of the bill just reported by him. It requires unanimous consent to consider a bill on the day it is reported. No objection being made, it is before the Senate.

THE TARIFF BILL.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 718) to provide increased revenue from imports, and for other purposes, in which it requested the concurrence of the Senate.

Mr. FESSENDEN. I hope the Senator from Nevada will allow me to take up the tariff bill, which has just been brought in, for the purpose of having it referred and printed.

Mr. STEWART. This will take but a moment.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent to take up the tariff bill just received from the House of Representatives. The Chair hears no objection.

The bill (H. R. No. 718) to provide increased revenue from imports, and for other purposes, was read twice by its title.

Mr. FESSENDEN. I move that the bill be referred to the Committee on Finance. It will be printed, of course, under the rules.

Mr. GRIMES. I move to amend that motion by referring the bill with instructions to the committee to report it on the second Wednesday in December next.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Iowa to the motion to refer.

Mr. CONNESS. This will necessarily lead to discussion, and I hope the pending bill will be allowed to be disposed of first.

Mr. FESSENDEN. If the tariff bill is to be referred to the committee it is very important that it should be printed, and it is very important that it should be done immediately. It is very late in the session, and the question ought to be settled on the motion of the Senator from Iowa.

Mr. CONNESS. Very well, I will not interpose.

Mr. GRIMES. Mr. President—

Mr. POMEROY. I suggest that this matter be laid aside informally until we get through with the morning business.

The PRESIDENT *pro tempore*. The Senator from Iowa is recognized by the Chair as having the floor.

Mr. GRIMES. I do not know, Mr. President, that it will be in order for me to discuss the general merits of this proposition on such a motion as this; and I have no disposition to do so, even if it were in order, but I wish to submit one or two observations in connection with the motion that I have made.

We are now in the eighth month of a very long and arduous session of Congress. The members of this body have been laboriously engaged, more laboriously than ordinarily, during that long period of time. This tariff bill, which affects the prosperity of the country and the personal and business interests of every man in it, reaches us at this late period, and I un-

dertake to say that the members of this body are not prepared to enter upon the consideration and discussion of such a subject as this is, affecting the vital interests that it does, at this time. I think that a bill making such radical changes as this bill proposes to make should be laid a sufficient length of time before the people of the country in order that there may be some response from them as to what their judgment is of the merits of the proposition.

Another reason why I think it should be postponed is that we should give an opportunity for our finance committees and the Treasury Department, the men who have the charge of our finances, and the people of the country themselves, to see what may be the effect of the internal revenue law which we have recently passed. I am convinced, for myself, that that law will afford sufficient relief to all the industrial interests that are sought to be protected by the provisions of the bill now on your table. I understand from a gentleman who has made a most thorough investigation and in whose conclusions and whose judgment I place the most implicit reliance, that under the provisions of that law there will be a relief to the industrial interests of the State of Pennsylvania alone of from eighteen to twenty-five millions on the three articles of coal, iron, and steel.

Another reason why I desire that this bill should be postponed is that we may know whether or not it is to effect the advantages which some of its advocates claim that it will effect in some sections of the country. We were told, as I see by the newspapers—I did not happen to be present at the time—by the Senator from Massachusetts, [Mr. WILSON,] the other day, that this was a northwestern measure, and I think that there were two members of a coordinate branch of this Government who stated in another body that this was a northwestern measure. It may be, Mr. President, but we have not thus far been able to conceive it to be that kind of a measure, and we want an opportunity to satisfy our constituents, if it be to their advantage, that it is going to operate to their advantage. As an evidence that we do not so regard it, I would refer the Senator from Massachusetts to the vote in another body, to which, perhaps, I have no right specifically to allude, where he will find that although the New England States voted solid for it, it being a northwestern measure, yet of the fifty-two votes that were polled against it forty of them were from the Northwest. I am not going to deny that there may be individuals in the Northwest and there may be individual interests in the Northwest that may conceive that they will be advantaged by the passage of such a bill as this upon your table; but I do deny that there is any very considerable portion of that part of the Northwest which I represent that is in favor of any such proposition at this time. It may be possible that after due consideration and discussion of this measure they may conclude that it would be to their advantage to pass such a bill; but I think that it will be some time before we shall be able to bring the people of the Northwest up to the belief that it is to their advantage to increase the duty on salt, an essential to their existence and their prosperity, thirty-three per cent. I do not believe that you can convince the people of my State that it will be to their advantage to put a duty upon that necessary to the development of their State, lumber, without which they cannot fence up their farms and make them productive of a single cent, of three dollars a thousand. I do not believe that you can convince the people of my State that it will be to their advantage to increase the duty on iron variously from ten to fifty dollars a ton; or that it will be for their advantage to increase the duty on the low grades of cutlery, such as go into every farmer's house, six hundred per cent.

Mr. POMEROY. If the Senator will allow me, he knows that I agree with him, but I think it is entirely out of order to discuss the merits of the bill on the question of reference.

Mr. GRIMES. I am not discussing the

merits of the bill. I understand that on a question of this kind I have a right to assign the reasons why I think the bill ought to be postponed.

Mr. POMEROY. But I was speaking of the merits of the bill. On the question of the postponement of the bill to next December, of course the reasons why it should or should not be postponed may be stated; but I do not think it is proper to discuss the whole merits of the bill.

Mr. GRIMES. Mr. President, I have no desire to discuss the merits of the bill, but I have assigned, as I think, three reasons which are substantial reasons in my view why this question should go over until December. The bill, according to its provisions, cannot go into effect until the 1st of August. I do not think that the Committee on Finance can give it that consideration and investigation that it deserves, and that they will be disposed to bestow upon it, and be able to report it back and have it acted upon by this body before the 1st of August. The postponement therefore until the 1st of December will only be for four months. In the mean time we can learn what the sentiment of the country is in regard to a measure of this kind, and we can determine whether or not, in view of the law which we have passed in regard to internal taxation, there is absolutely any necessity for the passage of any such bill as this.

Mr. WADE. Mr. President, I have been taken entirely by surprise by this motion. I do not think we have any right, because it is supposed we are overworked and have been in session a great while, therefore to neglect what we consider the best interests of the country. I do not believe any of us are so entirely overworked as that we ought to shrink from endeavoring to maintain the best interests of the country according to our knowledge and ability. No one can be more anxious than I am to get out of this place; I should like very much to go at large for awhile; but I will never consent to desert my post as long as I think there are material interests that require investigation and action and labor, if necessary, here. I think, therefore, that that part of the argument ought not to apply.

It is said that the merits of the bill are not before us for consideration, and they are not, because they are not open to our scrutiny at present; but we do know that there are some great outside reasons why this bill should not be postponed for a single moment. We know that under the present tariff bill foreign imports are pouring into the country to such an extent that our exports bear no proportion whatever to our imports; that the country is drained of all its gold and silver the moment they are dug from the earth; and with all the capabilities of the great West to produce grain and provisions of all kinds, we are told, and I believe it is true, that wheat is now imported from Europe into this country for the sustenance of our people. Something therefore is wrong about it.

I do not like to see this question dealt with as a sectional question, for, in my judgment, it is not. It has none of the characteristics of such a question; and if it has, in my judgment, the Northwest, to which I belong, is altogether more interested than any other portion of this country. What is the Northwest now endeavoring to do at a vast expense to your Treasury, and I am not averse to it? You are endeavoring somehow to hew out channels by which you can convey your gross materials to a market either in the eastern States or in Europe. I am told that corn has been burned for fire-wood, or sold for ten or twelve cents a bushel in some parts of the Northwest, and you are endeavoring to make a channel whereby you may transport that article thousands of miles to market and make something in that way. Sir, that has been tried long enough. It is utterly absurd. The Northwest will never prosper under such a state of things as that. Something is wrong. I know it is said that eastern manufacturers grow rich by manufacturing. I hope they do;

and I hope, if it should be proved that they do, that we of the Northwest will have the sense and sagacity to make use of the same means to enrich ourselves that enrich the manufacturers of the East. It is all idle to tell me that men in the East may be overgrown in wealth acquired by reason of a tariff on manufactures, and that we of the West cannot avail ourselves of it. In my judgment we ought to do it; in my judgment we ought not to let all of our produce go to Europe and take the avails of their pauper labor, rather than to bring manufactures nearer to hand. To me the proposition looks as absurd as the old fashion was said to be of putting your wheat in one end of a bag and a stone in the other and going to mill. I hope we shall not leave the country in this condition for a single hour longer than is necessary for us to adjust this thing.

But the Senator says it is to try an experiment. Since 1816 we have been trying the experiment of protection and free trade by turns, and every man conversant with the history of the country during this long period will find that in every instance the prosperity of the country has been exactly commensurate with the degree of protection that you gave to your own manufactures and your own industry; for it is not manufactures alone that are benefited by a tariff. Every kind of labor that human ingenuity can devise is benefited by it. By a free-trade system the countries of Europe, with their overgrown wealth and their skill in manufacturing, and by means of their pauper and unpaid labor, are enabled to underbid us; and when they do that they bring their articles into competition with everything that we raise as well in the Northwest as anywhere else.

The Senator speaks of iron. Will the people of Iowa be benefited by putting a further duty on the article of iron, or will they be benefited by sending their wheat, and their corn, and their beef to Europe, and having their iron and cutlery manufactured there and paid for in these gross articles at this immense expenditure of transportation? What is the iron manufactured abroad composed of? How much of the provisions that you raise in Iowa for sale are comprised in a ton of iron, or in a given quantity of cutlery that you speak of? Do not the workmen, from the time they enter the mines, have to feed upon some provisions that they get somewhere, and so on until the ore comes to be manufactured into cutlery and everything else? Those provisions are not of your furnishing, they are furnished abroad; they enter into every manufactured article that comes here, and which comes into competition with the provisions of the Northwest as much as it does with the manufactures of the East. It prevents our people from availing themselves of the benefit of their own labor, except that half savage labor that barely produces the grossest of articles.

Sir, I am satisfied that the country can never prosper under it. As to the suggestion that we are not now informed on the subject, let me ask if we did not appoint commissioners to spend the whole of the last vacation in investigating this very subject, men who were supposed to be of the highest skill and the most competent for such an investigation. Have they not made a very elaborate report upon the whole subject? What was that done for? Why did we pay those commissioners if no heed was to be given to the result of their investigations when they reported it? Does anybody criticize their report? Does anybody say that those men did not come to just conclusions? If we took such pains to ascertain what should be done, through competent persons, it would seem that we ought to be somewhat prepared now to enter upon the subject. When shall we be better prepared than we are now? Of course we cannot investigate the different items in this bill now while it is a sealed book to us; but there is no reason why we should not proceed to consider it. It has undergone the most thorough investigation in the other branch of Congress where the proper committee bestowed more labor upon

it than was ever bestowed by any committee upon any subject before. After the committee reported it to the House, that body perfected the bill with great deliberation and great industry, and have come to a conclusion satisfactory to themselves. Because it involves a little labor shall we fail to look into the bill, and thus defeat their work? Sir, out of respect to the other branch, out of respect to the earnest demands of the country, we ought to second the motion they have made, take up this bill, discuss it, and if the bill is so absurd as some seem to suppose, reject it and be rid of it; but if it is beneficial, we should shrink from no labor necessary to bring us to a result in which the country is so vitally interested. I hope it will not for any of these reasons be postponed.

Mr. FESSENDEN. Perhaps I ought to say a word or two on this subject; but I do not propose to discuss the merits of the bill at all. I have kept pace in some degree with the examination that has been made of it in the other House while it has been under discussion there, and I know enough of the bill in its present condition to be very well satisfied that if it is sent, as I propose, to the Committee on Finance, it will involve very considerable labor on the part of that committee, for the bill will need very careful revision; and as to some of the conclusions to which the other House arrived I do not hesitate to say that my mind is entirely unconvinced of their correctness. But, sir, although that is the case, I wish to add that so far as the Committee on Finance are concerned they are perfectly ready to enter upon the examination of the bill, if committed to them by the Senate, and to devote to it all the labor which may be necessary in order to put it in such a shape as may be satisfactory to them, and which will, I hope, be satisfactory to the Senate after the labors of the committee shall have been concluded.

I agree with the Senator from Ohio that if it is advisable or necessary for the interest of the country to pass a bill revising the tariff at the present session, it ought not to be postponed from any consideration of our own convenience. I am as anxious to get away from here as anybody; I know that if the session is continued I must bear a very reasonable proportion of the labor to be gone through with in order to close the business at the proper time; but nevertheless, as I said before, the committee is ready and I am ready to enter upon the examination of the bill and to give to it all the time and all the care that we may think necessary in order to bring it properly before the Senate. It is very evident that it is a bill which will excite considerable discussion in whatever shape it may be put; and I will add that there are some provisions in the bill that I think absolutely essential, that ought to be passed at the present session in some shape. For instance, there is a section extending the time for the collection of the direct tax in the southern States, which I think is a measure of relief absolutely essential to them and which ought to be attended to at this session.

Mr. JOHNSON. That can be taken up separately.

Mr. FESSENDEN. Yes, it might be put in a separate bill. There are other business sections that also require immediate attention, and there are some matters now in the hands of the Committee on Finance which I had designed and hoped to put on this bill as amendments, which I also thought to be necessary.

With regard to my own individual opinions upon the general subject, I believe they are perfectly understood, and it is not necessary that I should say anything about them. I am, within all the limits allowed by the Constitution, what is called a protective tariff man. I have always been so since my entrance into public life, and I shall probably adhere to my opinions on that subject. As to the vote that has been given in the House of Representatives, I have nothing to say about it. I agree with my friend from Massachusetts who stated his views the other day, in one particular, and

that is that this can by no means be considered a bill got up in the interest of New England, although I notice that some of the western papers take great pains to suggest that idea. Notwithstanding that, the vote of New England was pretty much solid for the bill; and I mention it not as proving in my judgment that it was peculiarly applicable to New England interests, but as proving the loyalty of New England and their disinterestedness—their loyalty to their belief, and to the system which they have always advocated. If they need these things now less than other sections of the country, it does not follow that it is part of the character of New England to shrink from what they deem necessary to be done for the good of the whole country. The gentlemen of the other House from different sections of the country are, however, responsible for their own votes, and they must consider what it is best for them to do. The result, what they have done, is before us. They have sent this bill to us; and yet it is for us now to consider whether we shall proceed to complete the work which they have begun, revise it if necessary, and make the necessary changes, or whether we shall direct, so far as we are concerned, that the matter shall not be considered at the present session.

On that point I do not intend to offer any remarks whatever. It is not for me to settle. All that I have to do is to express my own readiness to enter upon the work if such is the desire of the Senate, and to express my wish that it should be entered upon, believing that a revision of the tariff is necessary; but every member of the Senate is as well able to judge of that necessity as I am. If that necessity has been brought about, I think it has been brought about by action for which I am not responsible, and more by the action of members of both Houses from other sections of the country than my own, in their opposition to what I conceived to be a very necessary reduction of the currency, which, in reality, is creating, in my judgment, a great part of the difficulty that we are now laboring under. Whether this is necessary in order to meet the difficulties thus occasioned, and whether we should act immediately on the subject, Senators will consider. It has been before them a long time. This bill was under debate in the other House for several weeks. Senators all know the result. They have all been thinking of it. They know their own position. I shall not undertake at present, in this stage of the bill, on a motion to refer it to the Committee on Finance, of which I happen to be chairman, to discuss the general question. I presume, from what has been passing in this Chamber for the last three or four days, the mind of every Senator is made up on the point whether we are to enter upon the examination of the subject at the present session or not. Whatever the Senate does I shall endeavor to be satisfied with, and if any other duty is imposed upon me or the committee of which I am a member at the present session, I can only repeat that we are perfectly ready to enter upon it and discharge it to the best of our ability.

Mr. HENDERSON. I do not wish to take up the time of the Senate; but I am very much in hopes that the Senate will consent to postpone to a future day the consideration of this bill. Of course it would be improper, even if I were informed of the different provisions of the bill that the House has sent to us, to enter into a discussion of the merits of it at this time. I am not and cannot be sufficiently acquainted with it to speak of its details until it shall have been printed and laid before us; but, sir, I understand the general character of the bill is to increase the duties upon imports. I believe it decreases the duty upon scarcely any article whatever.

Mr. GRIMES. It does on Surat cotton.

Mr. HENDERSON. Then that is an additional reason why it ought to be postponed. By our recent internal revenue act the internal taxation is increased but upon one article, and that is the article of cotton.

In 1862, the first excise act was passed by Congress, and its passage was made the excuse immediately for a bill increasing the duties on imported articles. Of course, it was said, if we levied a tax upon the manufacturer in this country, it became absolutely necessary to protect the manufacturer against the tax that he had to pay to the Government, and we raised the tariff in that year, and the next year, 1863, it was again materially increased. The internal taxes have been increased every year since that time until the present year; and every session, immediately upon an increase of internal taxes, we have thought it necessary, and perhaps it was necessary, to increase the tariff. I made no resistance to that increase of the tariff from year to year. I cannot say, however, that I am, as the Senator from Maine avows himself to be, a protective tariff man. I have never been, and I am not yet convinced of the necessity for it; and the legislation of the last four years satisfies me more than anything that has ever occurred in this country of the utter futility of what is called a high protective tariff to prevent excessive importations into this country.

In 1863 I remember that upon a kindred subject, the banking question, I said to the Senate that importations would always exceed exportations as long as we had an inflated currency. Pass this prohibitive bill which has been sent here by the other House, because I regard it as a prohibitive bill—it would be prohibitive under a currency of four or five hundred millions—but pass it with your nine hundred and seventeen millions of currency that you now have, and I have but little question that importations will largely exceed exportations. This is not the point for Congress to commence at in order to reform the excessive importations into our country. We have to reduce our inflated currency; and until we make the paper currency of our country equal to coin and keep it there, we shall never prevent importations in excess of exportations. Whenever an importer can buy his goods with gold at 25, and sell them with gold at 52 he will import, I care not what your tariff may be. His patriotism may be very extensive; it may be very large; but if he can make money—and he can always make money to the extent of the increase in the price of gold from the time he imports to the time he sells—his patriotism will never be large enough to conquer his interest, because he thinks the country can yet prosper and he can grow rich. Until you prevent fluctuations in the paper currency we shall never get rid of the difficulty referred to by the Senator from Ohio. He says we should increase the tariff because our importations are excessive. Mr. President, you may pass this bill, and if you will just add one hundred millions to your currency, as is asked for by the Comptroller of the Currency, I will guaranty that your importations will be larger next year than they were last year.

Mr. WADE. Will the Senator tell me how he is about to reform this inflated currency while all your specie goes out of the country to pay for foreign goods? He says the first thing necessary is to regulate the currency. I should like to know how that can be done.

Mr. HENDERSON. Really that would open up a discussion that would be very burdensome upon me. The Senator has heard my views upon currency questions, if he paid any attention to them, on several occasions when I have addressed the Senate. I cannot now enter upon that subject. It is certainly too vast a field for me to enter upon. I may say, however, that there are various ways in which there might be a curtailment of the currency. If I had my way, I could tell the Senator very plainly how I would begin it; but of course he would differ with me so essentially in that regard that my argument would amount to nothing in his estimation.

But, Mr. President, I was saying that since 1862 we have been annually increasing the tariff, and what has been the excuse for it every year? We all know that it was because

we were levying internal duties, and it was said that a corresponding increase of the tariff was absolutely essential to save our manufacturers from oppression and ruin; but what have we done at this session? This year we have decreased the excise tax on all manufactured articles from six per cent. to five per cent. We have taken a large number of manufactured articles previously taxed and put them on the free list. Now, will any gentleman tell me, under such circumstances, what excuse there is for a still higher tariff than we had before? If I understand it, there is an increase of the duties upon railroad iron in this bill to the extent of about eight dollars per ton.

Mr. WADE. None at all.

Mr. HENDERSON. Then it has been very recently altered.

Mr. FESSENDEN. Yes; it was altered in the other House.

Mr. HENDERSON. It must have been altered just before the bill was passed. I understand, at any rate, that on almost all articles of iron manufacture there is a very large increase of duty; for instance, on cutlery an increase of from seventy-five to two hundred per cent.

Mr. JOHNSON. Three hundred and forty-five per cent. in several cases.

Mr. HENDERSON. Will you tell me the reason for that? Have we not taken the internal taxes off iron in almost every instance? We have certainly decreased the excise tax on the manufacturers of iron in almost every case, and yet we have a tariff bill increasing largely the duty upon iron and all its manufactures.

Our New England friends, some years ago, found much joy in a high tariff, because it always tended to protect manufactures, and manufactures were almost exclusively confined to that land of ingenuity and enterprise, for which I have always given them credit. I, like the Senator from Ohio, desire exceedingly that my own State shall become a manufacturing State. I should be glad to make it as much so as the State of Ohio. But, sir, the manufactures of Ohio do not need the encouragement that the Senator is asking for in this bill. He has referred to the corn that we are burning for fuel in our section of country. Why is it that we have no sale for it? Can we export articles to other countries and expect other countries to pay for them unless we buy something from those countries? We are not yet exactly prepared to begin manufacturing to such an extent in the West. We want a market for our wheat; we want a market for our corn; we want a market for the thousands of agricultural productions that we have in the West for which we can get no market in this country. Will the Senator from Ohio impose a high tariff duty on corn in order to protect the western farmer? What good would it do? If you levy duties sufficient to enable the constituents of my friend from Iowa and my constituents to enter upon manufacturing what will be the result? It will be a bonus to the manufacturers of the State of Ohio, at least until we can get under headway in our section, and it takes a long time.

I have no aversion to protection. I am very glad to give it where I can do it with justice to every section of the country. I am not opposed to building up the manufactures of this country. On the other hand, I am in favor of doing it; and inasmuch as during this session of Congress we have decreased the internal taxes so largely and made a great many articles free that we formerly taxed, I ask, in the name of sense, why is it necessary just now to increase the tariff? The excuse in former years, ever since 1862, has been that we were increasing the excise tax, and therefore must increase the tariff. Now that excuse is gone, and the only argument left is the cogent one presented by my friend from Ohio.

Mr. President, as I before stated, that is not the point to begin at. Unless we can make it so as to have exchanges regular between Europe and this country we shall never get rid of these excessive importations; they will con-

tinue on our hands, and raising the tariff with a view to decrease importations and save the gold in this country will amount to nothing. Forty millions of gold have gone from our country within a few months past, perhaps fifty millions since the 1st of January, and not less than thirty-five millions within the last six or seven weeks since the panic in Europe in commercial and financial matters. Why is that? There is a double reason for it. One reason is that they have hurried goods upon us; they wanted to get rid of goods in Europe, and they have forced them upon the market at as low rates as they could possibly afford to sell them. The desire there was to get rid of property because a war was threatened, and they forced goods upon us. Another reason is that our bonds have been driven back upon us and coin called for to go abroad. But another thing, and the chief point, is what I have already suggested, that the war in Europe necessarily increased the price of gold in this country, and that in itself induced individuals to import, because men who at the beginning of these troubles bought gold in the gold-room at New York, feeling certain that gold would rise in consequence of European troubles, also felt certain that goods would rise in this country in consequence of the increased price of gold. What has been the result? Some time ago a merchant could buy exchange when gold was at twenty-five per cent. premium, for about ten per cent. added to that, making 135 for exchange on London. How is it now? That same exchange is worth 160. Of course, therefore, a merchant can sell goods which he bought at 135 for 160, besides the usual percentage that he adds upon his transactions. That, of course, tends to enrich him, but what is the result upon the general interests of the country? Just in proportion as the importer is enriched, just in that proportion does the country at large lose, and just in that proportion is financial difficulty brought upon the whole country.

We do not get rid of these difficulties by increasing the tariff; and I now prophesy, as I did in 1863 when a proposition was made here to increase the tariff, that if you increase the present tariff your importations next year, unless we can in some way curtail our excessive and redundant circulation, will in all probability exceed what they were last year. When the present tariff was proposed what did our financial men tell us? They said it would produce a revenue of seventy or eighty millions. It has produced to the Government \$170,000,000.

Mr. WADE. Will the Senator allow me to ask him a question right here?

Mr. HENDERSON. Certainly.

Mr. WADE. If an increase of the tariff will increase our revenue so much and not stop the importation of foreign goods, ought we not certainly to make use of it as a revenue measure? Some pretend to say that the importations will fall off. The Senator says they will not.

Mr. HENDERSON. I think not.

Mr. WADE. If they will not fall off, is it not the most obvious thing in the world that we ought to put on a higher tariff?

Mr. HENDERSON. They may fall off or they may increase; it is owing entirely to the condition of the country. If gold continues to go down, of course they will decrease; if gold goes up, they will increase; and if panics in this country produce revulsions in the money market, of course importations will be large. That is my construction; and I cannot be mistaken, because the past history of the country demonstrates it beyond doubt; and I have shown the reasons for it. The interest of the merchants is, of course, in that direction.

As this bill is a general increase of the tariff, I see no necessity for it. The Senator says we want it as a revenue measure. He is mistaken. Why is it that we have decreased the excise tax? It is because we collected last year more money than we needed. Was not that it? If we need the vast amount of money that the

Senator imagines, why is it that we have decreased so largely the internal tax? I imagine that we have thrown off at least fifty millions by the change recently made in the internal revenue law. Is it the policy of Congress to throw off fifty millions from the internal revenue and to collect fifty or one hundred millions of increased duties upon the tariff? What sort of a policy is that? Is that justice?

Mr. President, our New England friends have found out that the tariff system begins to operate in two ways. They find that our friends in the central States have now power sufficient to make them pay something in the shape of tariff duties. For instance, a few years ago they were in the habit of getting their coal from Nova Scotia and other British Provinces, and they received it free of duty. Now Pennsylvania and Maryland step in and say, "While you are taxing everything, suppose you put a tariff duty upon coal which you have been using in your manufactures in New England," and they have had to yield. They fought against it, but I understand that that duty is left in this bill. Hence it is that New England says she has not much interest in it now, after having enjoyed the benefits during the last four or five years of increasing duties all the time. I say that without any aspersion upon New England, because these high tariffs have been a necessity heretofore, and I applaud the loyalty, the intelligence, and the shrewdness of our New England friends. I do not blame them for supporting tariffs; but now our friends in the central States find themselves strong enough to make New England begin to pay; and hence New England folds her arms and says, "We have no especial interest in this tariff." Why, sir, New England has a very great interest in it, because it is a large manufacturing country; but they are injured by this bill in a great many of their interests, and I suppose in this one of coal; but in many other respects they are greatly benefited by the bill. I am not, therefore, surprised that, however much New England grumbled and complained in the lower House against many of the provisions of this measure, yet when it came to the final vote, as has been stated, the New England men voted for it simply because, taking it all together, it was beneficial to that section. I do not blame my friend from Ohio for arguing in favor of the passage of this measure, because Ohio is now one of the largest of our manufacturing States.

But, sir, if we are going to pass a tariff bill, it is a measure of great importance, and it needs more consideration than we can possibly give it now. I do not think, taking it altogether, that much has been made by our friends in the wool interest. Some of the western men supposed they were going to gain much in this tariff by a duty on wool; but when they come to look at the final result, they will find that they have scarcely increased the tariff on wool at all, and yet have increased it from thirty to fifty per cent. upon woolen manufactures; and I think in view of that result they will be disposed to draw back. It turns out that the duty on the raw material, wool, is not increased very largely, but by the peculiar phraseology of the bill, if I do not misunderstand it, it is a tariff upon woolen manufactures instead of upon wool. Hence it is that we have gone shearing, and have not got anything. That is my idea about it, and if my friend from Ohio insists upon this plan being carried out, and it is done, he will find in the course of a few years that coin will be sent from the country entirely, bankruptcy will succeed, the paper of your national banks will fall to the ground, and we shall find ourselves not only individually bankrupt but the nation in bankruptcy. That is my idea; I cannot help so thinking; and we shall find that agricultural productions which are burned as fuel now will be continued to be burned as fuel in the West.

To mature a tariff bill requires more time than we have now. There is no necessity for it now. We have decreased the internal taxes already, and we now have a very high protect-

ive tariff, and the idea of increasing it for the purpose of preventing importations is all moonshine. The idea that I must give one half of my fortune to my neighbor in order to save the public finances and to save the public credit, is all moonshine. Gentlemen may make a learned argument, and a very plausible one, to induce me to believe it; but I will not believe it. Tell it to the Jews; tell it not to me.

I know it has been said, year after year, for the last five years; that we should check excessive importations; but just as you increase the tariff so you increase the paper currency of the country and increase prices, and one merely urges on the other; one is an aggravation of the other, and it will continue so until after awhile everything is done upon a false credit in the community.

Mr. President, I perceive from the remarks of the able chairman of the Finance Committee that he is not disposed to examine this bill at this session. The weather is warm. We cannot be expected to remain here much longer; we ought not to be required to do so. The necessary legislation, that which is absolutely essential, ought to be passed upon at once, and then we ought to be permitted to leave this capital. The people of the country ought not to require at our hands that we should stay here during this warm weather. This bill is a measure of vast importance, one affecting the financial, one affecting the commercial, one affecting the agricultural and manufacturing interests of the country to such an extent that we ought to give it more time and more consideration than we can possibly devote to it at this session. I think, therefore, the Senator from Iowa has made a motion for which the country is indebted to him. It is exactly the motion that ought to have been made. We ought to get rid of the examination of this measure at the present session, because it is one not pressed upon us by any important interest of the country; it is not needed by any of the great interests of the country; but so far from it, it is a measure which strikes, in my judgment, at the best interests of the country both North and South, because while it may benefit a few individuals it strikes at the national heart, and ultimately, in my honest judgment, will subvert all the great and best interests of the land. Therefore it ought to be postponed, and at the next session we should begin at an early day and revise the tariff duties in such a way as to do justice to North and South, East and West.

Mr. WILSON. I shall vote, Mr. President, to commit this bill to the Committee on Finance with instructions to report early in December. I shall so vote because I believe the permanent interests of the whole country demand that the adjustment of the tariff should be made after the most thorough examination, research, and care. Congress cannot take too much time nor devote too much attention to the proper adjustment of a measure that so deeply concerns the revenues of the Government and the varied productive interests of the country. This great work should be carefully performed, and it must be carefully performed, if it is to continue, as it ought to continue, for some years. Nothing can be more fatal to the industries of the country than the frequent changes in the revenue laws that have marked the last half dozen years.

We have revised the internal revenue system of the country after the most elaborate examination, and the adjustment of the duties on foreign imports demands and should receive the same intelligent care. The internal revenue bill just passed will remove the burdens imposed in time of war upon the productive interests of the country. I think it can do no harm if we shall wait four months to see how this great measure shall affect the business interests of the people. If we wait until December, if we bestow the same care upon the revision of the tariff that we have bestowed upon the internal revenue system, we shall not be forced to change it within the next year or two.

I know, sir, that there are some interests that will be promoted by the immediate passage of this bill that comes to us from the House of Representatives. There are other and great interests that will not be promoted by its enactment. I have received many letters from business men of intelligence and character showing how certain provisions of this bill will injuriously affect some of the leading interests of the country. There are mistakes and errors in this measure—mistakes and errors that can only be corrected by devoting more time than we can now command to its examination. Surely the interests of the country will not materially suffer by the delay of a few months.

The Senator from Missouri tells us that the wool-growing interest has made but a poor arrangement—that they went wool-gathering and got fleeced. I think the Senator is altogether mistaken. At any rate the wool-growing interest has made an arrangement that will annually impose upon the manufacturers of the country an average of at least \$40,000,000 for the next five years. The passage of this measure will stimulate the raising of wool, especially in the West, and the increased supply will after four or five years unquestionably reduce the prices of the article. On a large portion of the articles manufactured from the wool protected by this bill, the manufacturers gain nothing by this arrangement. There are, however, some woolen manufactures that would gain by the passage of this measure.

Mr. HENDERSON. There is a large increase upon every woolen manufacture.

Mr. WILSON. There is an increased duty on all articles manufactured from wool; but the increase on some of them is less than the increase on the wools out of which they are manufactured. There is one interest that has sprung up during the past few years that will be largely benefited by the passage of this bill; I mean the worsted interest. Eight or ten million dollars have been invested in the manufacture of worsteds, making an annual product of eighteen or twenty millions. The wools are imported from Canada, and under the reciprocity treaty came in duty free. These wools now pay a duty, and the worsted interest is suffering greatly by the duty imposed upon the Canadian wools. This interest ought to be relieved, and I wish we could secure such legislation as would afford immediate relief.

I said the other day, Mr. President, in reply to the remarks of the Senator from Indiana, that this tariff had a western origin. I again repeat that this tariff originated, not in New England, but in the Northwest. It came from the wool-growers west of the Alleghenies, who have a deeper interest in its passage than the people of any other section of the country. I do not oppose the passage of the bill now because it had a western rather than an eastern origin. What I objected to the other day and what I object to now is that New England should be singled out and charged with the sin of the paternity of this measure. While the representatives of Massachusetts, and of New England have voted on general principles for this bill, they have so voted with a great deal of hesitation, doubt, and reluctance. They saw what was clear to the comprehension of gentlemen of ordinary intelligence, that this measure imposed increased duties upon raw material, increased largely the cost of production, and subjected the manufacturing and mechanical interests of their section to the censure and hostility of those who spare no occasion to manifest their hostility to that section of our country.

I am not among those who believe that the lasting interests of the country will suffer by allowing this proposed revision of the tariff to be carefully examined by commissioning the Finance Committee, in whom we have confidence, and in whom the country has great confidence, to bestow upon this measure the time required to make as perfect a measure as the wit of man can devise. Believing that it will be for the lasting interests of all sections of the country that this new tariff bill shall be wisely

framed, I shall vote for the motion made by the Senator from Iowa, to instruct the Finance Committee to report the bill at the beginning of the next session of Congress. I hope then to see reported a tariff for revenue, with incidental protection, in which the conflicting and varied industries of the people will be so adjusted and harmonized that it will receive the vote of Congress and the approval of the public judgment, and remain for years an evidence of the intelligence and integrity of the two Houses of Congress.

Mr. SPRAGUE. I do not desire to occupy the attention of the Senate more than a moment upon this question. I simply wish to express the hope that the Senate will refer the bill, without instructions, to the Committee on Finance, and that they will report a bill in accordance with the usual manner pursued by that committee. It will be recollected, in reference to the tax bill, that that committee entertained the subject at a very late period of the session, occupied but a very few days in its consideration, and presented it to the Senate in a comparatively perfect manner. It was promised by all those who took an interest in the subject of taxation that after the disposal of that bill the tariff would be adjusted in accordance with the revision of the tax bill. This bill is but a continuation of the tax bill; it is a part and parcel of it; and without it the other one is of no value and no consequence to the country, to its interests, to its industry, or to anything that at present occupies the attention of the people.

Now, sir, in regard to the point that has been made here that there has been no time devoted to the consideration of this subject, I will say that the committee in the other House devoted seven long months to its consideration. They have sent a measure here as perfect as, in the nature of things, it could be sent. There are some points in it in regard to which men from New England may differ as to its particular advantage to that section. Everybody may well concede that; but, sir, that the interest of this whole country is not very much benefited by this tariff, I deny; and I deny, also, that the manufacturing and other industrial interests of this country are not very much in need of an adjustment of the tariff. Why, sir, the whole woolen industry of this country is prostrate. It cannot live, it will not live, if the present state of things continues. No new enterprises will be entered into; and if you strike a blow at it now the old ones will hesitate, will pause, and cease to operate.

You have throughout the whole session been devoting your attention to see how you would dispose of the public money. There has been hardly a day that I have occupied a seat here but what there have been propositions before us to appropriate the public money for some object or another. To-day when a measure is introduced to enable us to raise the money to be devoted to those appropriations, what do you say? You have not time to devote yourselves to the great industries of this country. I have heard no reason adduced by any Senator who has opposed the present consideration of this measure that seems to me worthy of attention, or sufficient to make any Senator, favorable to a tariff and to the protection of American industry, hesitate as to the vote he shall give. New England may complain at lumber being taxed, at coal being taxed, and because there is a duty on salt; but, sir, those in my judgment are very immaterial elements in connection with this bill. The tax on the coal that is introduced into this country from Nova Scotia really amounts to nothing, for the reason that it has been discovered by all those who have used the two articles of coal that the southern coal, the Maryland and Virginia coal, is superior to the coal received from Nova Scotia, and sufficiently so to counterbalance the difference in duties.

There are in this country two great interests that have recently gained some strength and some foundation. One is the woolen interest, but a youthful growth. It has been within the

last twelve years that it has gained any foundation or any strength. The linen interest is another. The attention of the people of the country and of the legislation of the country has been directed to them, and at this session the Senate legislated specially for one of those interests.

Mr. President, to my mind every consideration connected with the industry of the country, the finances of the country, and the prosperity of the people, demands that this bill should be taken up at the present time, should be legislated upon, and given to the country as the law of the land.

The PRESIDENT *pro tempore*. The motion before the Senate is that the bill from the House of Representatives be referred to the Committee on Finance. As an amendment to that motion the Senator from Iowa moves that the committee be instructed to postpone their report until the second Wednesday in December next; and the question is on the amendment to the motion.

Mr. EDMUNDS. I demand the yeas and nays on that amendment to the motion.

The yeas and nays were ordered.

Mr. WADE. There is only one thing I wish to add to what has been said as a reason why this measure should not be postponed. It is a view that has hardly been touched, I believe, in the course of the argument, and it is one that occurs to me as being of very great weight. Of course I am not prepared to take the bill up, if it was in order to do so, and to argue it in detail; but I feel the exceeding importance of the measure before us in one view that is now perfectly in order; and that is, the business of the country is languishing and embarrassed all the time because we do not fix upon something in relation to the tariff. We have been here for nearly eight months, and we have kept business men in perfect uncertainty as to what we would do about it. They stand in peril and in jeopardy every hour, because they do not know what course we are to take upon this subject; and now you propose to keep them in this kind of suspense for five or six or eight months longer, perhaps to the very end of the next session; and then the argument would be just as applicable as it is now.

Gentlemen tell us about the great deliberation that should be given to this subject. There is not a Senator who does not know that from the hour this Senate adjourns not a gentleman here will turn his attention to this subject for a single moment until we meet again, and if the agitation of it has brought it under his consideration now, he will during the vacation forget what he knows upon the subject at present. It is all idle to talk about that. I know the Senator from Massachusetts says he is going to have it so entirely perfect that it will stand forever. The House of Representatives have been nearly eight months in coming to a conclusion satisfactory to themselves, with all the light that the commissioners who had the subject under consideration could throw upon it; and yet gentlemen rise here and say they are not prepared to vote upon it, but they have seen enough of it to know that it is full of all kinds of the most egregious errors and absurdities. That is not very complimentary to those who have had it under consideration so long and who have come to conclusions satisfactory to themselves. I do not know but that gentlemen can see great errors in it; I do not know but that the subject is one about which mathematical certainty can be brought to bear; but I never heard that it could, and I never believed that it could. No one man can comprehend it all, or begin to comprehend it all; but when the best minds of the country, those having the greatest experience and knowledge on this subject, have deliberated upon it for eight long months, with every facility that this Legislature could place in their hands to come to a right conclusion, I am not prepared to say that all their work is most absurd and ought to be revised from beginning to end. I do not believe it; and I believe we are as ready now, to-day, to enter upon the consideration of the bill as

we ever shall be, and I know that the interests of the country are languishing on account of this delay. Sir, you had better stand by your present tariff to-day than to postpone this measure and keep the business of the country in this jeopardy of suspense all the time. It is better that you should say you will not revise your present tariff, full of errors as it is, than that you should postpone this bill. If you postpone it, the question with business men will be, as it has been for a year past, "What will Congress do when they come together? How can we invest our money, and how can we engage in business?" "What will Congress do about the tariff?" will be a question that will be attended with the constant stagnation of business.

I am astonished that western men object to this tariff bill. I know that the wool-growing interest of the Northwest is an immense interest. I do not believe there is a gentleman here from that region but what has been overwhelmed with letters on the subject, endeavoring to get a tariff on wool, from the Northwest everywhere. If there is such a one his experience has been very different from what mine has been. I believe that while this tariff is not all they would wish for on that subject, it is of great importance to them, and they are ready and anxious that it should be acted upon. Talk to me about localities! They have nothing to do with it. If New England, under the protecting influence of former tariffs and the ingenuity of her people, has been enabled to overcome all the difficulties that are incumbent upon a people just entering upon these manufacturing establishments, as they have been overcome, so that in many branches of business they can compete with the world, and do not care about your protection, that is no reason why we in the Northwest, who are in the same condition that they formerly were when they wanted protection, should throw it off and throw everything in their hands. In my judgment, it is the same species of absurdity for the great Northwest to go to New England for everything of a manufactured kind that she wants as it is for her to go to Old England. All the difference is in distance; in principle it is the same. That great Northwest, which is destined yet to be the glory of this great nation, will never attain the condition she ought to have in this Republic until by protection she does build up manufactures and can vie with the world in that respect. There is no other way to do it except by protecting our infant establishments against the great monopolies that can overwhelm us, and without protection it is their interest to overwhelm us in New England, and in England and other European countries. There is nothing but labor that makes a people great or rich or influential. If you do not encourage labor; if you do not bring every hand to work at profitable labor, you never will build up your institutions to that degree of prosperity which they ought to attain; and you never can do it except by protection. I say to-day, even before we have established our institutions at the West, a tariff would be infinitely to our advantage.

Does any gentleman here wish to bring the American mechanic and laborer in his daily wages down to the miserable starvation pauper prices of Europe? Does selfishness dictate that you shall adopt a policy that will compel you to do that? Sir, my sympathies are with the laborer, and I never will make the American mechanic compete with the pauper of Europe. I will pay him more. His work then will be more profitable; it will be infinitely more enlightened; and very soon you will find that the paid, intelligent labor of the American citizen, built up under the protecting influence of the Government, will be infinitely superior, even to the employer, than the pauper labor is. Who here is the advocate of trampling down the American mechanic and the American laborer? I am for building them up. I am for protecting the American laborer everywhere against the pauper rivalry of Europe, or New England, if you please; and I

hope that this great subject will not be postponed for a moment.

What was the argument of the Senator from Missouri? He says if we put a tariff on higher than what we have had, it will increase importations, and we shall be overwhelmed with foreign goods. That is a way of considering the subject that I never had thought of; but if there is any truth in it, it shows the greater necessity immediately of raising your tariff. Our poverty in this country, and our inflated currency, arise from the fact that your gold mines are absorbed at once by Europe. Your gold does not stay here an hour; it goes right off to Europe to pay for what? The clothes you wear upon your backs and wherewith you clothe your families, and for the products of their manufactories, coming in direct competition with the raw material here, because the raw material raised in other countries is worked up and brought in here in competition with our own.

Sir, I am the advocate of the wool-grower's interest, and every other interest in the Northwest; and, in my judgment, western gentlemen stand in their own light when they throw open the trade of the world to the monopolies of England or even New England. I feel that New England is comparatively indifferent on this subject. She will vote for the measure. She will vote for it on patriotic principles, if none other, because I am not the man to disparage New England. But, sir, as I said before, her establishments, which when in their infancy were built up by the protection of the Government, have now become strong enough to stand on their own feet, and in all the coarser fabrics perhaps can compete with the world, and are not very solicitous for a tariff for protection. It is true, on many of the finer and more costly fabrics they need protection now; but they can do very well with the coarser kind; and in that way they are indifferent, as I said before. But we of the Northwest are vitally interested in it, for our vast products of wheat, corn, beef, flour, &c., cannot profitably find a foreign market; they are too bulky; the transportation is too expensive; their whole value is absorbed by the conveyance. The way to prevent that is to encourage manufacturing establishments to grow up among us, where they can take the advantage of our cheap food, and have the manufacturer along-side of the consumer. I should think every man would be for it; but the Northwest I know and feel are interested in it; and I am a northwestern man.

The Senator says that Ohio is a great manufacturing State. Sir, that is not so. What few manufactories we have are in their infancy, and free trade would annihilate them at a blow.

He says we have increased the tariff during the war. So we did; and your war would have been a failure and your bonds would have been no better than confederate bonds to-day if you had had no tariff. Your paper would have been multiplied endlessly, and would have been worth nothing. It was your tariff that upheld it. It is your tariff that by encouraging American labor must keep your specie from going out of the country. There is no other way to do it. The gentleman talks of increasing the specie basis. How are you going to do it? He could not tell us how he would do it. He says that fifty millions of specie, in less than six months, have gone out of the country. I say that all your specie, if you get one hundred millions from all the mines of your country, will go out to pay foreign productions that could be made much better at home as fast as you can dig it out of the mines. We must have a better policy. This unreasonable method must give way to a more enlightened policy.

Why does Great Britain send her emissaries here preaching free trade all the time, subsidizing presses to advocate it, hiring traveling agents to preach it, expending millions to pervert our minds on that subject? Why, sir, her people were the most highly protected on the face of the earth, until by encouraging her own labor and building up her own manufactures she had acquired the monopoly of manufactures

throughout the world by the very process of protection; and when she stood so high, with her machinery all perfect, her wealth infinite and ready to annihilate any infant establishments, then, for the same reasons that she had secured the exclusive manufactures of the world by protection, she preaches now free trade, that she may keep that monopoly and prevent other nations from growing up and manufacturing to vie with her. That is all there is of that. Besides, sir, most of her croaking about free trade is perfect hypocrisy; for if you look at her tariff to-day it is more protective than ours. She raises a greater revenue to-day from the importation of foreign goods than we do; yet she is croaking about protection all the time. Every article that she can manufacture; every article that will build up her interests she protects; and where she has such a monopoly that she can overwhelm other establishments in other countries, there she preaches free trade. Sir, I hope we shall not be gulled by this song of free trade from across the ocean. "Take no counsel of your enemies" is the first lesson of war. She teaches that to us, and it ought to be a beacon to warn us off the coast. She never teaches anything for our advantage knowingly; for a more selfish nation never existed on the face of God's earth, nor a more tyrannical one, nor one that grinds down the face of the poor with such remorseless energy as does Great Britain.

Now, sir, I can see no reason on earth why the Senate of the United States, with so elaborate a system, almost perfected, except that we are to pass our judgments upon the work before us, should postpone its consideration. It has been got into shape, and does not require the labor they had to go through with in the House in order to understand it. It is organized; the evidence is all at hand; it is ready; the brief is made up, and the judge can take his notes and go through with it in one tenth of the time and with one tenth part of the labor that was bestowed upon it in the House, and come to an enlightened conclusion. In view of this fact, and while the great interests of the country are watching for us to fix something that they may rely upon, for Heaven's sake let us not disappoint them by our indolence, our childish impatience to leave these Halls and go home. Let us not sacrifice the great interests of the country. Let us stay here until we have perfected our work, if it takes us the year round. That is why we took upon ourselves the burdens of this position, and we have no right to relinquish it while anything profitable to the country is to be done. That is all I wish to say about it.

Mr. GRIMES. Mr. President, I am really curious to know where the Senator from Ohio has discovered that trade and business are in such a languishing condition as he has represented, and what particular branches of industry are in such a bad condition. So far as I have heard or been able to investigate the subject, my opinion is exactly the reverse of that of the Senator from Ohio. I suppose that the best evidence upon this subject is to be found in your internal revenue returns. They show that during the last month the receipts were upward of twelve million dollars; and I see published in the newspapers that in one day during the present month we have received upward of two million dollars. Does that show that business is languishing anywhere? Are not the mills all running to their full capacity? Are not the iron manufactories in Pennsylvania, and elsewhere, rolling out all the iron they can possibly roll out? Does the Senator suppose that they roll it out to a disadvantage or a loss to themselves? And if they have not made such immense profits during the past year, how much, let me ask the Senator from Ohio, have we relieved them by the passage of the internal revenue law? We have removed the entire excise upon railroad iron; we have removed all the excise upon bloom and pig metal; we have removed a portion of the excise on all other manufactures of iron; we have removed all excise upon the coal. Will

that cause their business to languish? Will not that, on the contrary, be an incentive for them to push their works to a still greater extent than they have already pushed them? Are not these men to be satisfied with what we have already done? Is it possible that they are not willing to allow us to deliberate two or three months to see how this bill may affect our interests; but after having succeeded in inducing Congress to relieve them from these burdens, as they considered them, will they still insist that we must pass another bill specially for their benefit and to our disadvantage?

But the Senator talks a great deal about the pauper labor of Europe. I have heard a great deal of that kind of discussion upon the stump. Sir, I stand here as the representative of the laboring man quite as much as the Senator from Ohio, and it is not to be thrown in my teeth that I am not as willing as he, or as anybody else, to protect the laboring man. I do not stand here as the representative of a class. I do not stand here as the representative of the wool-growers alone, who, among my constituents, are not more than one in a thousand. How is this wool duty, which the Senator says has come to us all prepared, the judge's notes drawn out, and all that is necessary for us to do is merely to reduce the thing to form, and then we have discharged our duty and can go quietly home? Why, sir, they induced the western wool-growers, it seems, to consent to a slight change in the classification of wool by which there will be an increased duty of four or five per cent. The wool-growers tell me that it will increase the value of their article, they suppose, five cents a pound, not more; and what then? They have got that change made in order to protect the wool-grower from introducing what is called the mestiza wool from South America and the Cape of Good Hope, which, coming in a very dirty condition, is of low value, but when cleansed and scoured competes with our wool and makes the same kind of fabric that the American wool does. The wool manufacturer says, "We will consent to this addition to your duty, but you must consent to add forty per cent. to the duty on the woolen fabric when it is made;" and that is done. Now, does it not strike the Senator from Ohio that the wool manufacturer, if he can get that additional duty upon his manufactured fabric, can afford to pay for the mestiza wool under this tariff just as much as he could afford to pay for it under the old tariff? Where, I ask the Senator from Ohio, is the advantage to the wool-grower under that condition of things? The manufacturer gets the additional duty that you impose upon the foreign wool; and then what is the condition of the consumers, who I say here are as nine hundred and ninety-nine in this country to one producer of wool? They are compelled to pay the burden that is put upon wool, and then compelled to pay the burden that is also imposed upon the woolen fabric; and with the passage of such a bill as this, an ordinary coat, such as the Senator and I wear in the winter season, would cost from \$100 to \$200 I expect, or something in that neighborhood.

Mr. President, I have not come here to represent the wool-growers. I come here to represent the mass of the people of my State who wear the woolen fabric when it is made up into goods; and they do not tell me to vote for any such provision as this. They do not tell me to put three dollars a thousand on lumber which is to go into the houses and to fence the farms on the western prairies, for the sake of getting any such tax as this on wool. They do not tell me to agree to put fifty dollars a ton on iron, which goes into their wagons and their plows and their harrows for the sake of getting a little advantage to a few wool-growers. They do not tell me to oppress the mass of the people for the sake of securing an advantage to a select few. Sir, the wool-growers of my State are intelligent men. They have never asked me nor my colleague to vote for any such bill as this. They do not want us to do it. They would repudiate us, and I believe justly re-

puddate us, if we imposed such a bill as this upon them.

The Senator talks about British free-trade agents, and says that British gold has been distributed among members, perhaps, or among agents—

Mr. WADE. I did not say any such thing.

Mr. GRIMES. The Senator spoke about British gold being used to influence the legislation of Congress. That was his idea.

Mr. WADE. I said what I believe to be true, that it subsidized papers, printed books, and hired traveling agents to disseminate their free-trade system.

Mr. CLARK. It sends documents here every day.

Mr. WADE. I get them every day.

Mr. CLARK. My mail is full of them.

Mr. GRIMES. I can only say that this British free-trade institution knows what Senators to apply to, for it has never applied to me on the subject; it never sends its communications to me. And let me say to the Senator that I was raised as a tariff protection Whig, and I still entertain the same notions in regard to tariffs as those in which I was early educated, and am just as much in favor of a tariff as the Senator from Ohio is; but I am not in favor of this tariff, nor am I in favor of any tariff except the one that is now upon our statute-books, until we can see what may be the operation of our internal revenue law that we have already passed. I know nothing about this British Free-Trade League. I know there is a Free-Trade League in New York, of which I have heard, and I have seen some publications that have been made by that organization. My mind has not been influenced in the slightest degree by what they have said; nor has it been influenced by another organization gotten up by the iron and coal men of Pennsylvania, whose agent is about these Halls, and has been here since this subject has been under consideration, using his influence with members to induce them to vote for this bill. I do not know but that the free-trade men have just as inherent a right to organize, make publications, raise money, disseminate information, and control public sentiment in Congress or out of it, as have the men who are in favor of the passage of such a bill as this. I supposed that any citizens of this country had a right to entertain their own notions upon this or any other subject, and had the right to impress them upon their fellow-citizens in any honest and legitimate way.

The Senator says that he wants this tariff bill to pass. How long does the Senator suppose it will remain upon our statute-books if we do pass it? Does he not know that if it is discovered, as I believe it will be, that it is improperly adjusted to our internal revenue law it will be repealed and another one substituted for it in December, or when we assemble together again? Is it to the interest of the manufacturers themselves that the tariff law should be changed at every session of Congress? If I were a manufacturer of anything I would implore this Congress to let this bill rest where it is, and when we shall have come together again in December and have seen what is the condition of our foreign trade, what is the condition in which the passage of the internal revenue law has placed us, and seen, also, what we are going to do in regard to the currency of the country, then I would come before Congress and ask them to pass such a law with a view to having it remain permanently on the statute-book, as I would be able to conduct my business under it with some view to permanency. I will tell the Senator that some of the largest manufacturers in this country—I know one man, a citizen of Massachusetts, a man of immense wealth, a millionaire; the largest portion of whose property is in the coal and iron fields of Pennsylvania and Maryland, who has written to the effect that he does not want this bill to pass, but would prefer that it should be postponed until further consideration can be given to it by Congress; and I say that that man, in

my view, has exercised a wise discretion in desiring it to be postponed.

Mr. President, if I have betrayed any unnecessary heat in the course of this discussion I desire the Senate to remember that this is a question which in my opinion—I may be wrong—is vital to the interests of the State that I have the honor in part to represent. I say that the passage of this bill in anything like the shape in which it is now lying upon your table will be ruinous to the prosperity of Iowa. In view of the considerations that I have presented, in view of the fact that at the best we cannot pass this bill until some time in August, and that all the postponement that I ask is for three or four months, until we can come together again, when we shall understand the operation of the laws bearing upon the questions of finance that we have already passed—in view of all these considerations I do hope that the Senate will agree to its postponement.

Mr. GUTHRIE. Mr. President, I feel inclined to vote for this postponement: The present existing tariff is surely high enough. Under the tariff as it stands we have collected during the last year \$170,000,000. That is almost double the amount of tariff duties that we collected in prosperous times before the war. I do not object to the amount; I do not desire to see it reduced until I can see a fair expectation of our funding our national debt, to provide for its interest, and to commence the work of reduction.

I understand that this new tariff bill goes upon the predication that the tariff is too low; that we are importing too many goods; that we are obtaining too much money, and that we will repress the importations by an increase of duties. It will have that effect, in my judgment, and if we pass it we shall not get as much from this tariff by nearly one half, if not quite, as we get under the existing tariff. I do not see how we can spare the money in the present exigency of the times. Gentlemen may lament over the exportation of the specie that we have taken from our mines. I have no lamentations for that. It is the product of labor; it is part of our national income; and we have as much right to seize upon that to pay for our foreign importations as any production of the Northwest or any production of the South or the accumulated wealth and hoardings of the North. They are all within the range of the annual production of the country.

I desire to have this bill postponed because I want to see the operation of the tax bill and the reductions that we have made there, and how a large and increased tariff, such as this is, reducing our income from importations, will square with the means that we have provided to pay our interest, how it will affect the funding of our debt, and how it will operate upon that interest. I cannot see that it is going to operate in any way beneficially to the great consuming interests. If this tariff reduces the foreign importations, to some extent it will increase the consumption of domestic manufactures and productions; but will it cheapen them? No, for the price will be put on to bring them just within the tariff that you impose upon them, and the great consuming interests of the United States will fail to be relieved, though the Government will be relieved of the income that we had for the payment of the national debt.

I think we should be careful in investigating the bearing of this measure, not only in connection with the new tax bill and the reduction of the revenue, but in relation to the different sections of the country. Having relieved railroad iron from the domestic tax imposed upon our manufactures, I do not want them to put more than that on the price of their domestic article by increasing that duty. I believe they can live and prosper under the present tariff. Besides, there are a great many goods in this country, and if we increase the tariff the importers will claim the advance; they will exact it; and we shall be legislating it into their

pockets. This matter of interfering with the tax laws materially, as this bill does, is a very serious thing to the commerce and trade of the country. What is to be the effect of peace upon our foreign commerce? It has been substantially broken and destroyed during the war.

Besides, I want to go home. I am one of those "childish" men that the gentleman from Ohio mentions. I do not think it will do me any harm to go home and breathe my native air, and talk with my constituents on the subject of this tariff. I have always inculcated the doctrine that the national debt should be paid, that the honor of the nation is involved in it, and that provision should be made for it certain and sure. We should never act upon any other calculation than that every dollar of it is to be paid, for the honor and credit of the nation are involved. I want, even in this thing, to have an opportunity to say to my constituents, "So far as my voice could be raised in favor of the payment of the national debt and the saving of the honor of the Union I have discharged my duty." I want to bring to their attention the bearings that this extravagant tariff, as I believe, shutting up our ports and destroying and limiting our foreign trade, will have upon their future interests. Sir, I want the United States to compete for the commerce of the world as she did before. Her sails whitened every sea; her ships reached every country, and obtained for us that proportion of wealth to which we were entitled as a great, industrious, commercial people in comparison with other nations.

I do not think it will do us any harm or the country any harm to postpone the consideration of this measure until the next session. The gentleman from Ohio thinks we are shirking our duty if we postpone it, and that we are ready to consider it. If gentlemen had been as hasty in settling the great point of interest, the restoration of all the States to their relations with the Union, they would not deny us three months more about this thing; they would consider that we needed it for its proper consideration. We have been thinking about other things during the year than the question of the tariff, except, perhaps, some few gentlemen who have brought it in in the other House, where the bill was bound to originate. I am sure it will do us no harm to postpone it and consider it, and it will do the country no harm. I believe it will result in a material modification of this measure to the great interests of the people and the commerce of the country.

Mr. WILSON. I do not know when the vote will be taken on this question, and I ask the unanimous consent of the Senate to introduce a resolution which it is very important should be passed to-day.

Several SENATORS. Let us take the vote now.

Mr. WILSON. Very well; if the vote is to be taken, I will not insist on introducing the resolution now.

Mr. COWAN. I suppose it is not necessary that I should say anything in order that my opinions may be made public upon the subject now under consideration. I am sorry that this question is presented to us at this late time in the session for our consideration; but as I believe it is an important measure, one vital to the interests of the country, I think we should not now avoid giving to it that attention which it deserves. I had thought that when we were obliged to levy a large amount by internal taxation upon the industrial resources of the country, the vexed question of the tariff would be settled, and settled, perhaps, finally. It seems, however, that it is not. At the same time, I cannot but think gentlemen must see the necessity of adjusting the tariff so as to make it correspond with our internal system of taxation. It seems to me perfectly clear that if we, for instance, levy two dollars a gallon on whisky, it would be madness to admit the importation of whisky free. Everybody knows that that would be to destroy our own manufacture and

to put into the hands of foreigners the control of the market of that article; and so it is with a thousand other things; in fact, I may say everything. There is not a manufacture in the country from one end to the other that is not more or less affected by our internal revenue laws. Everything now costs two or three times as much as it did six years ago. The production of every article, no matter what, costs in the same ratio. If we are to be exposed to foreign importations under these circumstances, what is the consequence? The foreigner reaps all the advantage that is to be achieved by our inconvenient condition. Under these circumstances I think it is our duty so to adjust our tariff of imposts as that it will protect the manufacturer here, not only against the pauper labor of Europe, not only against the greater abundance of capital there and its cheapness, but that we must protect it against those burdens under which it labors on account of the fact that we are so heavily taxed here at home.

Now, sir, in order to the fair and proper adjustment of the tariff for the purpose of protecting our own people, in order that they may not suffer from the fact that a heavy debt is imposed upon us which we are obliged to pay by internal taxation, I think it is only prudent that we should take this subject up and consider it, and give it that careful and prudent attention which it deserves. I am not in favor of monopolies; I am not in favor, exactly, of a tariff merely for protection; I would rather call it a tariff for self-defense. I would not have the American manufacturer receive bounties; but I would have him put upon an equal footing with his neighbors, and I would not allow him to be crushed out and sacrificed by some factitious happening of certain fancies at home.

I think, in a very short time, if the progress of the world keeps pace as it has done for perhaps the last quarter of a century, we shall be relieved of a great many of the difficulties which surround this question. I think there will be an equalization all over the world in the price of labor in a very short time. When it happens that the laborer can seek the highest market for that which he brings into it, the same as merchandise now seeks it, then we shall be relieved of that which has heretofore annoyed us—competition with the pauper labor of Europe. A very great change has recently taken place in that respect. Formerly the laborer was almost chained to the spot which gave him birth. He could not get away from it, and he was there ground down to the subsistence point. But recent improvements have enabled him to get away, and he now goes to Australia with more facility than he used to come to this country. When he came to this country formerly, it took him a hundred days before he could colonize a hundred miles away from the coast. By our recent improvements, inaugurated by our western friends in the shape of Pacific railroads, and all that kind of thing, he is thrust, the moment he lands on our shores, into the heart of the wilderness; and he is offered a fine farm, and if you please, a mine to satisfy his cupidity. So it is with capital. Capital is finding its places of investment all over the world with much more readiness than it has hitherto done. I think that all we need is a fair and honest exercise of the power of the Government in its right to levy imposts, so that we may keep our industry as far as possible at home.

I am rather inclined to think that the general law, not only of the family, but of nations, is this, that whenever we go abroad to purchase that which we could ourselves produce, in the same proportion we shall have a sufficient number of idlers who, if they were at work, would produce that which we go abroad to buy. It may be a singular proposition, but I am rather inclined to think that it can be sustained from the experience of the past. Why is it that New England has been more industrious than Pennsylvania? It is only because her industry has been more varied. No man is naturally

idle if you give him that which he wants to work at, that which he wants to do; and if he lives in a community where all kinds of operations are going on, where all the varieties of things necessary to satisfy human wants are being made, he will have something to do, and he will find that which is congenial to him to do. And I may ask why it was that the inhabitants of Pennsylvania were more industrious than the people of the South were. In the South there was nothing but planting and farming going on, and of course all men who did not find it according to their tastes to engage in planting or farming did nothing, and therefore the number of idlers was certainly sufficient, if they had been set to work, to produce all that which the South would have needed to come from abroad; and they would have been so much richer to-day on that account.

I think it is the policy of the American people so to regulate their excises and their imposts that everything which they can produce of themselves they should produce here instead of going abroad to purchase it; and in that way all their people will be employed, and all will grow rich in consequence. Why should my friend from Iowa go abroad to buy railroad iron? He is not buying railroad iron exactly. What is the composition of a ton of railroad iron? It is not a certain amount of iron ore exactly. If you take the trouble to take down a ton of railroad iron and unroll it you will get out of it a stack of hay; you will get out of it a few dozen bags of oats; you will get out of it two or three fat hogs; you will get out of it a barrel of flour; and you will get out of it, I believe, about forty days of human labor. The iron ore which enters into the composition of it is the very smallest part of it; the rest is labor and agricultural products. Does he desire that labor shall be imported into this country in order to compete with Iowa labor? Does he desire that barrels of flour shall be imported into this country in order to compete with Iowa flour or oats or hay or pork or beef or even whisky, because I believe Mr. Morell, of my neighborhood, who manages the largest single mill in the world, says it requires two gallons of whisky to make a ton of railroad iron, or at least that two gallons of whisky are absorbed in the manufacture of that article. Now if my honorable friend will just take into consideration the constituent elements of a ton of iron he will see that in protecting it as against the foreigner, he is protecting the productions of his own people.

Mr. POMEROY. I should like to ask the Senator if he thinks putting railroad iron on the free list in the tax bill is not a sufficient protection to the producer now. I was told that the internal revenue tax was about eight dollars a ton. Four or five Pennsylvania manufacturers called upon me last year, when we were putting on that tax, and told me that the internal revenue tax would cost them eight dollars a ton, directly and indirectly. Now, we took that all off in the tax bill just passed. One of your manufacturers also told me that last year he paid \$250,000 to the Government as internal revenue tax from his manufactory alone. That is all taken off. If he was able to manufacture at all last year, that \$250,000 divided among the hands this year will be quite an item, even without any tariff. My point, therefore, is simply to know if putting iron on the free list is not a sufficient protection.

Mr. COWAN. If iron was actually and in fact put upon the free list, perhaps it might be a sufficient protection; but iron is not put upon the free list, except nominally. Iron itself is put upon the free list; but all the elements which enter into the composition of iron are taxed. Everything that the laborer eats, almost everything that the laborer wears, is taxed. Every part of it and almost every element of it is subject to a tax indirectly, not directly, I agree. But it is enough to say, in answer to the question, that the prices of almost everything in the country are doubled, sometimes they are trebled; and it requires

no especial sagacity on the part of any man to see that if in the country itself you double or treble or quadruple the prices of commodities generally, you increase the cost of manufacturing in the same proportion; you increase the cost of production in the same proportion. It is notorious that you cannot employ a laborer now for less than two or three times what you could have employed him for five or six years ago. You cannot get anything that he eats, anything that he wears, without paying two or three prices for it. So it is with everything. The standard of value rises uniformly. It is like water; it finds its level over a large space at the same time; and whenever you affect one of the elements you affect all the rest. Hence it is not true that exempting iron *eo nomine*, or by name, from a tax is a sufficient protection as against the foreign producer, all other things being equal; because while you exempt it you subject to extraordinary burdens all the elements that enter into its composition, and it is well that that be taken into the account.

Mr. President, I am admonished by some friends near me that I am sufficiently understood upon this question; and as I have no fancy at this stage of the session or at my stage of life to make a speech merely for the sake of a speech, I shall consider the admonition in a friendly spirit and say no more.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Iowa to the motion of the Senator from Maine.

The question being taken by yeas and nays, resulted—yeas 23, nays 17; as follows:

YEAS—Messrs. Brown, Davis, Doolittle, Foster, Grimes, Guthrie, Harris, Henderson, Hendricks, Johnson, Kirkwood, Lane of Indiana, Morgan, Nesmith, Norton, Pomerooy, Riddle, Saulsbury, Sumner, Trumbull, Willey, Williams, and Wilson—23.

NAYS—Messrs. Anthony, Chandler, Clark, Conness, Cowan, Cragin, Edmunds, Fessenden, Howard, Howe, Poland, Ramsey, Sherman, Sprague, Stewart, Van Winkle, and Wade—17.

ABSENT—Messrs. Buckalew, Creswell, Dixon, Lane of Kansas, McDougall, Morrill, Nye, Wright, and Yates—9.

So the amendment to the motion was agreed to.

The PRESIDENT *pro tempore*. The question now is on the motion, as amended, to refer this bill to the Committee on Finance, and that the committee be instructed to postpone their report until the second Wednesday in December next.

The motion, as amended, was agreed to.

Mr. SHERMAN. I desire to offer a resolution in connection with this same subject, the reading of which will explain itself, and to which I know there will be no objection.

The Secretary read the resolution, as follows:

Resolved, That the Secretary of the Treasury is instructed to cause to be prepared a statement showing, in tabular form, the duties levied on different articles of imported goods under the several tariffs since the tariff act of 1842, and including in such tables the duties proposed by the tariff act now pending in the Senate; and that he report the same to the Senate at the beginning of its next session, with such further information as he may possess as to the proper duties on imported goods.

The resolution was considered by unanimous consent, and agreed to.

Mr. SHERMAN. In connection with the same matter, I desire to submit a motion that one thousand extra copies of the tariff bill be printed.

The PRESIDENT *pro tempore*. That motion will go to the Committee on Printing, under the rule.

BILL INTRODUCED.

Mr. BROWN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 421) to authorize the construction of a submerged tubular bridge across the Mississippi river at St. Louis; which was read twice by its title and referred to the Committee on Post Offices and Post Roads.

RELIEF OF PORTLAND SUFFERERS.

Mr. WILSON. I ask the unanimous consent of the Senate to introduce a joint resolution.

The PRESIDENT *pro tempore*. The bill

reported by the Senator from Nevada, [Mr. STEWART,] which was laid aside by common consent, is before the Senate, and nothing can be received, except by unanimous consent, until that is disposed of. The Senator from Massachusetts offers a resolution. Is there any objection to its being received?

Mr. WILSON. I ask that it be read by its title, and then I do not think there can be any objection to it.

The joint resolution (S. R. No. 129) to authorize the President to place at the disposal of the authorities of Portland, Maine, tents, camp and hospital furniture, and clothing for the use of families rendered houseless by the late fire, was read a first time and passed to a second reading.

Mr. CLARK. I hope that will be considered and passed at the present time.

Mr. WILSON. I ask for its present consideration. I desire to have it passed to-day, if possible.

By unanimous consent, the joint resolution was read the second time and considered as in Committee of the Whole. It authorizes the President of the United States to place at the disposal (without charge) of the city authorities of Portland, Maine, such clothing condemned or ordered to be sold, and such surplus camp and garrison equipage, bedding, and hospital furniture on hand as can be spared by the Army, for the use of families rendered houseless and destitute by the recent conflagration; and it is to be the duty of the quartermaster's department to deliver these articles at Portland, and receive and properly dispose of them when no longer needed.

Mr. WILSON. I have a letter here from General Meigs, in which it is stated that the Government has a large amount of condemned clothing ordered to be sold on the 28th of this month. They have all these other articles on hand in great abundance, and they can be used now for a good purpose and will cost the Government very little. It is a matter of humanity, and I hope that no Senator will oppose it.

Mr. HOWE. I will suggest to the Senator that the quartermasters ought to be required to take a receipt from the mayor; otherwise there will be no way of settling their accounts.

Mr. WILSON. They will take care of that.

Mr. HOWE. But the resolution does not make the receipt of the mayor evidence. The quartermasters are charged with this property, and the resolution ought to make somebody's receipt evidence that they have properly disposed of it.

Mr. CONNESS. That is matter of administration.

Mr. CLARK. The authority to give it is sufficient for that purpose.

Mr. HOWE. What is the evidence that they do not credit themselves with twice the amount they actually deliver over to the city?

The PRESIDENT *pro tempore*. The joint resolution is open to amendment.

Mr. HOWE. The resolution is not printed, and I have it not in my hand, but I move that it be so amended as to require the quartermaster to take a receipt of the mayor of the city.

Mr. WILSON. I have no objection to that. I take it the quartermaster at any rate will keep an accurate account of what he delivers there, because after they have been used they are to be returned to him, such as can be returned. He is to take care of them. Many of the articles will be worn out.

Mr. HOWE. He should have some vouchers by which to settle his accounts.

The PRESIDENT *pro tempore*. It is moved to amend the resolution by inserting after the word "Portland" the words, "and to take a receipt for the same of the mayor of said city."

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in. The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

MINORITY REPORT ON RECONSTRUCTION.

Mr. ANTHONY. The Committee on Printing to whom was referred a resolution for the printing of fifty thousand extra copies of the views of the minority of the joint committee of fifteen appointed to inquire into the condition of the States which formed the so-called confederate States of America on the subjects treated of in the report submitted to the Senate on the 8th of June, have instructed me to report it back without amendment and recommend its passage. I ask for its present consideration.

By unanimous consent, the Senate proceeded to consider the following resolution:

Resolved, That fifty thousand additional copies of the views of the minority of the joint committee of fifteen be printed to accompany the report made by that committee on the 8th of June.

Mr. POMEROY. I ask what is meant by having it "accompany" the other report. Is it to be put in the same volume?

Mr. ANTHONY. It cannot accompany the other report, because the other report has been printed and distributed.

Mr. POMEROY. I do not want this to accompany any that I have got. I have no objection to its being printed as a sort of appendix.

Mr. ANTHONY. The resolution may be so amended as to omit those words. It cannot accompany the other report, because that has been distributed.

Mr. FESSENDEN. As they will have to be printed separately, the phraseology of the resolution had better be changed.

Mr. ANTHONY. I move to amend the resolution by striking out that part which speaks of this document accompanying the majority report and inserting the words "for the use of the Senate."

The amendment was agreed to.

Mr. SUMNER. I think we should prefix to the publication of this document the resolution of the Senate that was adopted on the motion of the Senator from Illinois, [Mr. TRUMBULL,] stating the character of the document, and I move that that resolution be prefixed to it. I presume there will be no objection to this.

Mr. DOOLITTLE. I should like to know what that resolution is.

The PRESIDENT *pro tempore*. The resolution referred to is not on the table of the Senate.

Mr. CONNESS. It was a resolution giving the consent of the Senate to the reception of the document.

Mr. SUMNER. Senators do not seem to think it necessary; I will not press it.

The PRESIDENT *pro tempore*. The question is on the resolution.

Mr. HOWARD. I wish to inquire of the chairman of the Committee on Printing what number of copies of the report of the majority of that committee was published.

Mr. ANTHONY. The same number. It has been customary, when we printed the views of a minority at all, to print the same number that is printed of the majority report. In the House of Representatives they go together. This was not presented here until some time after the printing of the report was ordered; but although the number is very large, we thought it was but following the usual practice, and was according to the common courtesy, and the expense is not very great.

Mr. HOWARD. Courtesy of course would require me to vote for the printing of the number proposed by the resolution of the report of the minority; but at the same time I take occasion to say that I regard that document, so far as it undertakes to inculcate principles of constitutional law with reference to the seceded States and the effect of the civil war upon the rebellious States as, in my judgment, a very dangerous document. I certainly have read no document recently, emanating from a Union-loving author which, in my judgment, strikes so heavy a blow at what I regard as the sound and permanent principles of the Constitution as does that report of the minority. If

the question were put to me whether I would pay out the public money for the circulation of that document, and the question was entirely aside from all considerations of courtesy, I certainly would not vote a dollar nor a cent to put it in circulation.

The resolution was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed, without amendment, the joint resolution (S. R. No. 129) to authorize the President to place at the disposal of the authorities of Portland, Maine, tents, camp and hospital furniture, and clothing for the use of families rendered houseless by the late fire, and the bill (S. No. 369) to establish certain post roads.

The message also announced that the House insisted upon its tenth amendment disagreed to by the Senate to the bill (S. No. 348) to quiet land titles in California and asked a conference on the disagreeing vote of the two Houses, and had appointed Mr. JOHN BIDWELL of California, Mr. G. W. JULIAN of Indiana, and Mr. G. W. ANDERSON of Missouri, managers at the conference on its part.

The message also announced that the House had concurred in some and had non-concurred in other amendments of the Senate to the bill (H. R. No. 218) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending 30th June, 1867, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. THADDEUS STEVENS of Pennsylvania, Mr. J. A. KASSON of Iowa, and Mr. W. E. FINCK of Ohio, managers at the conference on its part.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. No. 367) to aid in the construction of telegraph lines, and to secure to the Government the use of the same for postal, military, and other purposes; and the enrolled joint resolution (S. R. No. 129) to authorize the President to place at the disposal of the authorities of Portland, Maine, tents, camp and hospital furniture, and clothing for the use of families rendered houseless by the late fire; and they were signed by the President *pro tempore*.

DITCHES, ETC., IN PACIFIC STATES.

Mr. HOWE. I move that the Senate proceed to the consideration of House bill No. 344.

Mr. CONNESS. I beg leave to remind the Senator that there is already a pending question which was laid aside informally and which will only occupy a few minutes. I hope that will be first disposed of.

Mr. STEWART. I hope so. We have given way ever since fifteen minutes past twelve o'clock.

Mr. HOWE. If there is a bill before the Senate I do not press my motion now.

The PRESIDENT *pro tempore*. The bill (H. R. No. 365) granting the right of way to ditch and canal owners over the public lands in the States of California, Oregon, and Nevada, is before the Senate as in Committee of the Whole, the question being on the amendment reported by the Committee on Public Lands.

The Secretary read the amendment, which was to strike out all of the bill after the enacting clause, and insert the following as a substitute:

That whenever by priority of possession rights to the use of water for mining, agricultural, manufacturing, or other purposes, have vested and accrued, and the same are recognized and acknowledged by the local customs, laws, and the decisions of the courts, the possessors and owners of such vested rights shall be maintained and protected in the same, and the right of way for the construction of ditches and canals for the purpose aforesaid is hereby acknowledged and confirmed: *Provided, however*, That, whenever after the passage of this act any person or persons shall, in the construction of any ditch or canal, injure or damage the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the parties injured for such injury or damage.

The amendment was agreed to.

Mr. STEWART. It is desirable, perhaps, that another amendment be made, and, to give time to consider it, I move that the bill be postponed for the present.

The motion was agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. FESSENDEN. I move to take up the message from the House relative to the legislative, executive, and judicial appropriation bill, in order that we may agree to the conference proposed.

The motion was agreed to; and the Senate proceeded to consider its amendments to House bill No. 213.

Mr. FESSENDEN. I move that the Senate insist on the amendments disagreed to by the House and agree to the conference proposed by the House.

The motion was agreed to.

The PRESIDENT *pro tempore* was authorized, by unanimous consent, to appoint the conferees on the part of the Senate, and Messrs. FESSENDEN, WILLIAMS, and HENDRICKS were appointed.

THE MARBLE ROOM.

Mr. DAVIS. I offer this resolution and ask for its consideration:

Resolved, That any Senator having occasion to confer with any person on business shall have the privilege of the Marble Room for such conference.

This is for the convenience of all of us, and I hope it will be adopted.

The PRESIDENT *pro tempore*. Is there any objection to the consideration of the resolution?

Mr. FESSENDEN. I should like to understand the meaning of it.

Mr. DAVIS. The Marble Room is now closed against persons having business with Senators. The object is simply that the officers may allow Senators conferring with individuals upon business to have the use of the Marble Room for that purpose.

The PRESIDENT *pro tempore*. No objection being made, the resolution is before the Senate.

Mr. DAVIS. The effect of it will be simply this: if a stranger or an acquaintance sends a message to a Senator that he wants to confer with him on business, the Senator shall have the privilege of taking that individual into the Marble Room for conference. It does not extend beyond that privilege.

Mr. HOWE. I hope my friend from Kentucky will let the resolution lie over as it is evidently going to lead to debate.

Mr. FESSENDEN. I hope the Senator from Kentucky will consent to let it lie over until to-morrow, that we may have a chance to think it over.

Mr. DAVIS. Very well; I will consent to let it lie over.

CALIFORNIA LAND TITLES.

On motion of Mr. CONNESS, the Senate proceeded to consider the message of the House relative to the bill (S. No. 343) to quiet land titles in California.

Mr. CONNESS. I move that the Senate insist on its disagreement to the tenth amendment of the House to that bill and agree to the conference asked by the House.

The motion was agreed to; and the President *pro tempore* being by unanimous consent authorized to appoint the committee on the part of the Senate, Messrs. POMEROY, CONNESS, and SPRAGUE were appointed.

NIAGARA SHIP-CANAL.

On motion of Mr. HOWE, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 344) to incorporate the Niagara Ship-Canal Company, the pending question being on the amendment reported by the Committee on Commerce to add the following proviso to section twenty-one:

And provided further, That no money shall be loaned to said corporation by the United States, nor borrowed by it from any other source, until the full sum of \$2,000,000 subscribed to its capital stock shall have been collected and in good faith expended upon the construction of said work, which expenditure shall

be duly verified by the oaths of the president and engineers aforesaid, and thereafter such loan shall be advanced only upon the terms and conditions in this section prescribed: *And provided further*, That all interest accrued on any bond to be issued to said corporation by the United States under the provisions of this act prior to the date of its delivery shall be duly canceled prior to its delivery.

The amendment was agreed to.

The PRESIDENT *pro tempore*. All the amendments reported by the Committee on Commerce have now been disposed of.

Mr. HOWE. The amendment reported as the twenty-eighth section has not been acted on.

The PRESIDENT *pro tempore*. The Chair understands that the record shows that that amendment was amended by striking out "one year" and inserting "two years," and then adopted.

Mr. HOWE. I move to amend the twenty-first section by striking out in the third line "three hundred thousand" and inserting "two million."

The amendment was agreed to.

Mr. HOWE. I further move to amend the same section by inserting the word "so" at the end of the eighteenth line.

The amendment was agreed to.

Mr. HOWE. I move to amend the section further by striking out all after the word "treasurer," in the twentieth line, down to and including the word "aforesaid," in the twenty-fourth line.

The words proposed to be stricken out were read, as follows:

To the amount of \$200,000 at a time, or such parts thereof as may be necessary to make the whole sum hereby ordered and directed to be loaned upon such certificates and proof of expenditure as aforesaid.

The amendment was agreed to.

Mr. HOWE. I move to amend the twenty-second section by striking out the word "ten," in the third line, and inserting "twenty."

The amendment was agreed to.

Mr. HOWE. I move further to amend the twenty-second section by adding to it these words: "and such application shall be made annually until the whole sum loaned by the Government, with annual interest thereon at six per cent. per annum, shall be repaid."

The amendment was agreed to.

Mr. HOWE. I move to amend the first section by striking out in the twentieth and twenty-first lines the words "the use of the United States for the purpose aforesaid" and inserting "that use."

The amendment was agreed to.

Mr. HOWE. I move to amend the twelfth section, on page 12 of the bill, by striking out all after the word "States," in line one hundred and six, and to including "sixty-four," in line one hundred and nine.

The words proposed to be stricken out were read, as follows:

Which shall not exceed the rates of toll or charges imposed on vessels and property passing through the Welland canal, in Canada West, in the year 1864.

The amendment was agreed to.

Mr. HOWE. Now, to conform to that, the words "instead of the limit to the toll above provided," in line one hundred and eleven, should be stricken out.

The PRESIDENT *pro tempore*. That correction will be made to make the bill correspond with the previous amendment.

Mr. TRUMBULL. I am under the impression that section twenty-eight has never been agreed to. It certainly was not agreed to when I was present, and it is a section which I regard as important, perhaps vital to the bill itself. I think that could not have been agreed to. If it was done it must have been done inadvertently. That is the section which declares that the act shall not take effect unless the Legislature of the State of New York shall, within two years from the date hereof, give its assent thereto. There was an alteration made in the section, but if any vote was taken upon the section itself it certainly escaped my notice. I think no such vote was taken.

Mr. HOWARD. There was no vote at all

taken upon it except upon the verbal amendment.

Mr. TRUMBULL. That was all.

The PRESIDING OFFICER. (Mr. HARRIS in the chair.) The Chair is informed by the Secretary that the record shows that that amendment was agreed to.

Mr. HOWARD. I am quite sure that the Senate have not voted on this section twenty-eight.

Mr. HOWE. My recollection coincides with the statements of the Senator from Illinois and the Senator from Michigan. My recollection is that we proceeded with all the amendments reported by the committee, passing over the one to the twenty-first section, to which our attention was called on resuming the consideration of the bill to-day; but when we reached the amendment proposed by the committee as the twenty-eighth section I stated that the Senator from Maine [Mr. MORRILL] felt great interest in that question, and that it was deemed desirable that he should be here when it was considered, and therefore it was laid over.

Mr. TRUMBULL. The fact about it is, I presume—and I understand that is the way it is reported in the Globe—that after this verbal amendment was made changing "one year" to "two years" it was suggested by the Senator from Wisconsin that the Senator from Maine was peculiarly interested in this section, and thereupon it went over without having been acted upon. It is very natural that an incorrect entry may have been made, because there was an agreement to an amendment to the amendment changing "one year" to "two years." I think that is the condition of it; but as there seems to be a misunderstanding about it, I presume there will be no objection to a reconsideration of it, so as to bring it before the Senate.

Mr. HOWE. The question will come up again before the Senate, anyhow, on concurring in the amendment.

Mr. TRUMBULL. We can try it in the Senate, and that, perhaps, will be sufficient.

Mr. GRIMES. How does it stand now?

Mr. TRUMBULL. It stands now with that section in the bill, but I do not think we ever voted upon it.

Mr. HOWE. The twenty-third section, I understand, was not stricken out.

The PRESIDENT *pro tempore*. The amendment reported by the committee proposing to strike out that section was rejected.

Mr. HOWE. I move to amend the section by striking out, in the third and fourth lines, the words "once in every five years after the completion of said canal" and inserting "at any time after eight years from its completion, and once in five years thereafter."

Mr. TRUMBULL. Why prolong it to eight years?

Mr. HOWE. I will simply say that inasmuch as the paying qualities of the enterprise are presumed to be matter of experiment, to some extent, the capitalists who put their money in ought to be allowed to fix their own rates of toll for at least eight years. That is controlled by other provisions which allow the Government to purchase the work at any time at the cost price, with ten per cent. added.

Mr. TRUMBULL. I should prefer leaving the provision as it is.

The amendment was rejected.

Mr. HOWARD. I move to amend the bill on page 12 by inserting after the word "gunboats," in line ninety-one of section eight the words "ships-of-war of all kinds," so as to remove any possible ambiguity which might arise from the language of the clause in its present form, and to cover that class of craft beyond all doubt.

The amendment was agreed to.

Mr. MORGAN. I move to postpone the further consideration of this bill until the second Tuesday in December next, and if this motion prevails I intend to follow it with a resolution providing for the obtainment of estimates from the engineer department. There

are many reasons why this bill should be postponed, and I hope the Senate will consent to postpone it. The question of power, in the first place, is not one to be trifled with. The question of power is one that ought to be well considered by the Senate, because the principle involved is, whether Congress has the power to create a private corporation within one of the States of the Union, the franchise to be exercised solely in that State. Perhaps the Senate will decide that Congress have that power; but if they do so decide, the decision will, I think, be in conflict with the best opinions of the early statesmen, and in conflict also with the practice of the Government for nearly eighty years. A bill which proposes that the Congress of the United States shall create a private corporation and authorize it to build a canal around the falls of Niagara, in the State of New York, for ships to navigate the water or to go through the air, as this bill provides, and which appropriates \$6,000,000 from the Treasury of the United States to the private corporation thus created, without ever having any survey or reliable estimate from the engineer department of the Government as to the cost, whether it will be \$6,000,000 or \$30,000,000, and without knowing whether the project is feasible or not, and without having shown any public necessity for it, and this as a commercial measure, for commercial purposes, in time of peace, when the country is borne down with enormous taxation, is, to say the least of it, a measure of a very grave character, and which, it appears to me, should not be entertained for a moment if we expect to retain the confidence and respect of the country as wise and prudent legislators.

The State of New York is entitled to some voice in this matter. It seems to me that it would be entirely proper to give as long a time as is proposed, until December next, on that account, for that State has public works that are to be jeopardized, perhaps destroyed; and it is not for the interest of Senators representing western States to undertake any measure that shall result in disaster to the Erie canal. There has been one deliberate, well-considered, but bold attempt to sell the Erie canal to a large and powerful corporation. That was made a little less than ten years ago. It failed then, but it may be made again. If this bill passes, and this ship-canal is built and is successful, and a large portion of the transportation is taken from the Erie canal to this ship-canal, there will come up a cry from all parts of the State to sell the Erie canal, to have the constitution amended and have the canal sold, as has been done in the State of Pennsylvania. That will come whenever taxes become extremely heavy. Well, sir, there is but one buyer, there can be but one buyer; that buyer will be the New York Central railroad; and of course, after buying the Erie canal they will get control of this corporation around Niagara falls, for that would be a very simple process; and when they get the entire control and make a monopoly of the carrying trade, I think it will be the darkest day for the agricultural products of the West that they have ever yet seen.

The Senator from Ohio said this morning they burnt their corn for fuel. Let this monopoly once be created, and the Erie canal will be made to pay \$100,000,000; and they will not only be compelled to burn their corn in the West but they will also burn their wheat. They will be looking around very soon for a new channel. It has taken from thirty to forty years to secure this channel; and how long will it take to secure another?

Sir, the interests of the West and the interests of the East are identical; there should be no rivalry; there should be no rival route. What should be done would be to enlarge the locks of the Erie canal, and that measure will be done by the State of New York. I feel confident that the locks upon the Erie canal will be enlarged; measures will be taken during the next winter; and those locks can be enlarged in a single year so that boats of from

five hundred and fifty to six hundred tons can be taken through. I hope, therefore, the motion to postpone will prevail.

Mr. SHERMAN. When this subject was up the other day, I think I indicated a purpose to move to postpone the bill, but I withdrew it at the suggestion of other Senators. Further reflection has convinced me, although the necessities of my immediate constituents are very much in favor of the construction of this ship-canal, yet that we ought not at the present session of Congress undertake by this bill to commence the construction of that work. The State of New York, as the Senator from New York has properly said, is now in possession of a work that has always been liberally managed to the West. As long as that work is controlled by the State of New York there is no doubt that the tolls will be put as low as they can be consistent with the proper repair of the work and a small income from it. No complaint has ever been made of unreasonable or improper tolls on that canal, but the canal itself is not sufficient to transport vessels of proper size, schooners and the like, from the waters of the lakes to the waters of the Hudson, and therefore sooner or later some mode of transit around Niagara falls will be constructed. But the question with me is whether we should commence the construction of that work by giving to a corporation of citizens, over whom we shall have no control, over whose tolls we shall have no control, who will only be controlled by their own interests, a monopoly of this work. I am inclined to think that if this work is ever done by a corporation, they will levy such a tribute upon the transportation of the West as to make it oppressive, and we shall all regret that we had any agency in this transaction.

Mr. TRUMBULL. The Senator has not examined the bill, surely. We have control over the tolls by the bill.

Mr. SHERMAN. Then the bill has been altered from what it was originally. I have not noticed the amendments that have been made.

Mr. TRUMBULL. The twenty-seventh section authorizes Congress at any time to alter, amend, or repeal the act; and then we provide for a board to meet every five years to revise the tolls.

Mr. SHERMAN. The authority to amend or repeal the act does not amount to anything.

Mr. TRUMBULL. We provide in section twenty-three for a board of commissioners to meet every five years to revise the tolls.

Mr. SHERMAN. I know that for a considerable period of time there is no limit on the tolls, and then a revision is to be made by five commissioners, one to be appointed by the President, one by the Governor of New York, one by the Governor of Massachusetts, one by the Governor of Illinois, and one by the canal company. I look upon a tribunal of that kind to revise tolls as of very little account. At any rate it is not the proper way to place it under the control of five men, one interested, being appointed by the company, another appointed by the President of the United States, and three appointed by the Governors of New York, Massachusetts, and Illinois. Why confine the appointments to those particular States? The State of Ohio will have much more interest in this canal when built than any other State. In New York it will be a rival to works held by the State itself. The State of Massachusetts has no interest in it whatever that I know of. The produce going through this canal will either go on to the sea through the St. Lawrence, or will go through the Oswego canal on its way to New York, so that I cannot see why Massachusetts is designated as one of the States which is to have the appointment of a commissioner.

At any rate this mode of regulating tolls is a very insufficient one, and I think that when this work is done it ought to be done by the Government of the United States. In the mean time we have the benefit of the Welland canal and we have the benefit of the Erie canal. We have those two modes of transit now. It will be a long time before this work

is completed under the management of a company, and we are to undertake to guaranty their bonds to the amount of \$6,000,000. The water privileges conferred by this improvement will be immensely valuable. They ought to be controlled by the Government when constructed. This is the great navigable stream, the great boundary between the Canadas and the United States. It will be a work of great cost and of great importance, and it ought to be under the control of the Government.

It seems to me that under these circumstances we ought not to embark in an operation that will involve us in the ultimate payment of \$6,000,000 and the interest that may accumulate upon that sum, because no Senator here, I imagine, supposes that this canal company will ever pay back the money. That has not been the usual custom in dealing with Government in such matters. With a single exception no money ever spent by the United States in a work of internal improvement has been refunded. It is very common to put in the bills a provision for refunding the money, but it has never been actually done except in the case of the Louisville and Portland canal. That is the only exception, and there the mere principal was refunded after a long while, and then the tolls were applied to buy out all the private interests. It was found necessary and indispensable in that case to buy out all the private interests and vest the whole property substantially in the United States. That work, which was built by the Louisville and Portland Canal Company, the United States owning one half of the stock and individuals owning the other half, was conducted with great success, and finally the Government of the United States received back the principal of its money, and then it became necessary to reduce the tolls. The interests of private individuals, however, would not yield to a proper reduction of the tolls, and the result was that by the consent of Kentucky and the United States a law was passed which authorized the United States, substantially, to buy out the interests of the private stockholders. That has been done, and now the whole property is owned by the United States, and no tolls are received except enough to keep the canal in repair and to enlarge it. That is always the result of the dealing of the Government with a public improvement, and it ought to be the result.

It seems to me that if we place this franchise and the construction of this work within the power of any corporation, we shall either be compelled to buy out that corporation, as we did in the case of the Louisville and Portland canal, or we shall have constant complaints about the tolls, constant struggles for their decrease; and if the danger with which the Senator from New York threatens us should occur, then we certainly should be in a very bad predicament. A single corporation would control both charters, because if the New York Central railroad should ever buy out the Erie canal they would undoubtedly buy out this competing line, and the result would be that one huge monopoly would control this whole business.

Under the circumstances I feel disposed to postpone the bill, especially as one section of it which is still retained, and without which this bill could not have passed the House, provides that no action can be taken under it until after the meeting of the Legislature of New York and its assent shall have been given. I have it from members of the House who are in favor of the bill that it could not have passed the House and could not have had the sanction of the committee that reported it without that section.

Mr. TRUMBULL. That section was reported in the Senate by our committee.

Mr. SHERMAN. I beg pardon; I meant to say that the bill could not have been reported to the Senate by our committee without that section.

Mr. HOWARD. The bill passed the House without that clause by a large majority.

Mr. SHERMAN. I understand from a member of our committee that the bill could not have been reported to the Senate without that section in it.

Mr. HOWARD. I do not know how that may be, but the statement of the honorable Senator was that this bill could not have passed the House of Representatives without that clause being in. I refer him to the fact that it did pass without it.

Mr. SHERMAN. I withdraw that part of my statement. I simply meant to say that I was informed by a member of the Senate committee that this bill would not have been reported to the Senate by the committee except with that clause in it. Now, if we strike it out, it is really a bill that has passed without the sanction of the committee which reported it. No harm can result from postponing the bill until next December. No proceedings can be had under it in the mean time. Although my State, probably, as I said before, is more interested than any other in the construction of a canal to avoid this great natural obstruction and secure free navigation to the sea through the St. Lawrence, I am yet disposed to vote for the postponement of the bill at the present session.

Mr. HOWARD. Mr. President, I cannot but notice that those gentlemen who are in favor of postponing the bill until next December proclaim in the same breath their opposition to it. I shall not, therefore, expect their votes in favor of the bill even next December. So far as they are concerned, the bill has no favor to expect.

I hope, sir, the bill will not be postponed. I think it a measure of so much importance as to challenge the continual attention of Congress until it is passed, and I venture to say that the apprehensions which seem to be entertained by the honorable Senator from New York, that the establishment of such a work as this will render the Erie canal and the New York Central railroad valueless, are entirely imaginary.

Mr. MORGAN. I did not say that.

Mr. HOWARD. I understood the honorable Senator to say that one effect of this work would be to render the Erie canal valueless.

Mr. MORGAN. I stated that if this canal were built, and should prove a success, it would so divert trade from the Erie canal as to cause large taxation, and cause the people of the State of New York to demand an amendment of the constitution and a sale of that canal. I said that in that event there could be but one buyer; there could be no purchaser except the New York Central railroad corporation, for a very large amount of money would be required, and that corporation, while it might buy the canal for fifteen or twenty million dollars, would, after it once had perfect control, get an income on a capital of perhaps a hundred million dollars, and make it extremely valuable instead of valueless; but they would, at the same time, inflict very severe injury upon the agricultural products of the West. That was the point which I raised.

Mr. HOWARD. I did not entirely misapprehend the honorable Senator. The point of his objection is that if this work shall be established by Congress, and shall become a success, in his phrase, it will in some way increase taxation in the State of New York to such a degree that the people will clamor for a sale of the Erie canal. Is that a logical consequence? Is it possible to conceive how it is that the success of the Niagara ship-canal will increase taxation in the State of New York so as to make it necessary that that State should sell it?

Mr. MORGAN. I can answer the Senator.

Mr. HOWARD. Very possibly the Senator can answer; but as at present informed, I am unable to perceive the sequence which seems to connect these two events in his mind. I cannot understand how the establishment of a canal round the falls of Niagara and the success of that work can have the effect to increase the taxation of the State of New York; I mean the State taxation. I suppose that is what the honorable Senator means:

Mr. MORGAN. Will the Senator yield to me for a moment?

Mr. HOWARD. Certainly, I will yield for an explanation.

Mr. MORGAN. By the constitution of the State of New York a certain amount in every year is placed to the credit of the sinking fund to provide for the interest and the redemption of a portion of the principal debt. During the present year the State has been compelled to tax the people \$1,500,000 to support the canals and to make good the constitutional requirement of the sinking fund. If this canal should be built and divert the trade still further, it might make that tax, instead of \$1,500,000, \$3,000,000; and it would if it were a success. It would depend altogether upon that.

Mr. HOWARD. After all, Mr. President, the Senator will pardon me for saying his remarks show that he entertains the apprehension that the success of the Niagara ship-canal will have the effect to reduce the revenues of the New York canal to such a degree as to make it necessary to impose additional taxation upon the people in order to fill the treasury of the State. That is to say, it will have a tendency to reduce in some degree, and according to him, in a very great degree, the revenues which the State of New York now derives from the tolls upon her canal. That is all there is about it, as I understand.

Now, Mr. President, I shall not undertake to detain the Senate with a detailed statement of the insufficiency of the means of transportation through the State of New York for western products at the present time. The whole commercial world understands this perfectly well now. The West are paying very large tribute to the State of New York on the transportation of their goods and passengers passing upon the canal as well as upon the Central railroad, which, I suppose, also pays a specific tax into State treasury. Does it not?

Mr. MORGAN. It does not.

Mr. HOWARD. I was under a misapprehension, then, as to that. In proof of this I beg to call the attention of Senators to the fact that during the last summer there was a commercial convention held at the city where I reside, Detroit, who among other subjects, took into consideration the necessity of constructing a ship-canal around the falls of Niagara. I know that a vast majority of that convention voted in favor of this great enterprise. I will not undertake to say that the convention were unanimous upon the question, but the majority was so great as to approach very nearly to unanimity. And I undertake to say further, what the honorable Senator from New York will not deny, that that convention was composed of the most intelligent, the most enterprising men throughout the United States, as well as various gentlemen who did them the honor to come from the British Provinces and participate in their deliberations.

In the minds of that convention there was no doubt or hesitation about the necessity of this great work as an additional avenue for the outlet of western and northwestern productions to the eastern markets. That fact is, of itself, in my mind, quite sufficient to justify the interest which I feel, and which other western men feel, in the construction of this work. And I apprehend, sir, it will turn out in the end that, however great and striking may be the success of the Niagara ship-canal, that success will not rest with the weight of a pepper-corn upon the revenues of the State of New York arising from the Erie canal. The canal and the railroads of that State, and all other facilities she can afford for the outlet of western products, will be filled to their utmost capacity in relieving the West of its surplus productions.

Sir, I would say not one word by way of disparaging the great and generous State of New York. It is to the policy of that glorious State, inaugurated under the immortal Clinton, that the Northwest is to-day indebted for a vast share of the prosperity, wealth, and power she enjoys. The Erie canal had the magic effect

to create a commercial empire in the West, and it has grown with most marvelous rapidity from the day that canal reached to Buffalo until the present. Its growth has never been checked, but has been constantly in progress, and it is destined to go on from year to year and from century to century with this continued, almost miraculous growth, until we, or rather our posterity, will see the ripe fruits of De Witt Clinton's great conception of a canal connecting the waters of the Atlantic with those of the Lakes.

I will not occupy the time of the Senate longer except to say, in reply to some observations that fell from the Senator from Ohio, that I most earnestly object to the establishment of this work as a Government work. I do not believe the Government is well fitted either to construct or to carry on such a work, and it is my firm conviction that we shall pay out double, treble, perhaps even quadruple, the amount of money in the construction if we undertake to do it simply as a Government work, than will be required if the same work shall be done by a private corporation. By erecting a private corporation for the purpose we appeal to private interest; we invoke the vigilance of private interest to keep guard over this work, and to prevent unnecessary waste and unnecessary expenditure.

As to another observation which fell from the honorable Senator from New York, that it is not competent for Congress to erect a private corporation in the State of New York for this purpose, I can only say that I entertain an entirely different opinion. Nor do I understand that there has been any decision or any announcement of principles by the great and wise men to whom he referred which goes to establish the doctrine that the United States can create no corporation for commercial purposes within the limits of a State. It will be found that our legislation itself contains many contradictions of that asserted principle of constitutional law. I have no doubt of the power of Congress to erect a corporation for just such a purpose; nor do I doubt that if the question shall ever be brought fairly before the Supreme Court of the United States, that tribunal will hold that we are invested with full power under the Constitution to establish it. Indeed, sir, if the twenty-eighth section shall be retained in the bill, so deep is my conviction of the unconstitutionality of it that I shall, I fear, be constrained to vote against it, for being satisfied that Congress is vested with adequate power to create this corporation in the State of New York, I feel reluctant to consent that our legislation shall depend upon the will of the State of New York, or upon the consent of any other body on the face of the earth.

Mr. President, I hope the bill, without that section, will be passed, and not be postponed. I ask Senators, especially from the West, to pay a proper regard to what they must see are the interests of their own constituents, and to the opinions which have been so often expressed by our wisest and best commercial men. I ask them to have a proper regard to the interests of western agriculture, commerce, and trade, and, if possible, to relieve us, so far as practicable, from the heavy burdens our productions are subjected to in their transit to eastern markets.

Mr. SHERMAN. There is one observation that I neglected to make when I was up, that I had intended to make; and that is that at this session we have appropriated between one and two million dollars for the improvement of the lake defenses and the rivers which form this line of communication. We have already done at this session more than has been done for a number of years. What has been most desired by our constituents is what will give them immediate relief. We have appropriated sufficient to put all the harbors of the upper lakes that are now in use in a good state of repair. It seems to me at this time, when we have undertaken so much of an extraordinary character, so much more than is usually done, that we ought not now, in addition, to embark in this

large expenditure. For the improvement of every harbor for the improvement of which an estimate had been made from Chicago through the whole series of the lakes and down to the St. Lawrence, within our territory, there has been ample provision made. Having already attended to the immediate wants of our constituents on the northern border, we ought not in reason to involve the Government in so large a contract as this will be. There is no limitation on the amount. This guarantee is only so many millions, but we know very well from the history of other appropriations of a similar character that if this amount is not sufficient more will be called for, and more will be given; and we have no estimate of the cost. We have no estimate made by any United States engineer as to the amount that will be necessary to complete this work. There is no sufficient guarantee for its completion. I think, therefore, until we get fuller information, until we know what the cost of this work will be, where it is proposed to be located precisely, and the mode and manner of the construction of the work, we ought not to make this contract.

Mr. GRIMES. Mr. President, being one of the Senators from the West to whom the Senator from Michigan has made his appeal to properly protect and represent the interests of their constituents, and differing from him slightly as to what my duty is in this regard, I wish simply to say that I think I shall be representing their true interests when, with the Senator from Ohio, also a western Senator, I shall vote for the motion of the Senator from New York to postpone this bill.

Every person who is familiar with the legislative history of Congress must be struck with the wide departures that are now being constantly made from the former practice in regard to questions of this kind. Until within the last two or three years, I think, no great work of this description was ever undertaken without a regular survey having first been made and a report predicated upon that survey by Government officials in the employ and under the direction of the Government. Why, sir, if my recollection serves me aright, we spent more than a million dollars in making what were deemed to be necessary surveys of the Pacific railroad. I think that the Government did not embark in the construction of even the "national road," so called, a common highway, until after surveys had been made of it; and the surveys always progressed as the work proceeded far in advance of the construction of the road. Now we are asked, without any survey, so far as I know, certainly without any survey authorized by Congress, without any survey made by anybody under our official sanction, to pass a bill for a vast internal improvement which, if I do not misunderstand it, appropriates \$6,000,000, and according to the statement of the Senator from Ohio, may require untold millions to complete it. I wish it to be understood, and I think I stated to the Senate before, that no man is more anxious to have channels of communication between the West and the East than I am, although I confess that I am not so anxious to have them as some gentlemen seem to be for the purpose merely of making the West an agricultural country, for the purpose of continuing us merely as an agricultural population, as the producers of heavy articles for export. I may be mistaken about it, but I think I am representing the interests of that section when I decline to vote for this bill to-day.

The tendency of all corporations now seems to be to consolidation. I would ask the Senator from Wisconsin to look to the railroads in his State, how they have been consolidated within the last two or three years, so that they have almost acquired a monopoly of all the transportation in the State of Wisconsin. I do not know that it is possible for a citizen of Minnesota to get his produce to Chicago from St. Paul by any of the lines of railroad without paying tribute to that immense monopoly, the Northwestern railroad; and I understand from the newspapers that it is attempting to engross

the trade further south, and is negotiating in order to secure even the Rock Island road, in the State of Illinois. It already controls the traffic that passes over two lines of road in the State of Iowa, and is attempting to engross another.

Now, I have the fears which the Senator from New York has expressed, that if we pass this bill for the benefit of a company the time is not far distant when the company to whom you grant this subsidy will sell out its franchise to the parties that own the lines of transportation across the State of New York. Why, sir, I am credibly informed that the New York Central railroad, the Harlem railroad, and the Hudson River railroad are now run and controlled in the same interest. They have been attempting to secure the Erie canal. Whenever you construct this ship-canal so as to make the support of the Erie canal a burden upon the people of New York; if it shall be in some future years as it has been, I understand, in the last year, when they were compelled to tax the people of the State of New York \$2,000,000 in order to keep up the Erie canal, how long do you suppose it will be before there will be a public sentiment in the State of New York that will compel the Legislature of that State to put its canal up in the market for sale, just as Pennsylvania put up her canal? Not long. What will be the result? The result will be that this immense monopoly that now owns the New York Central, the Hudson River, and the Harlem roads will get possession of the Erie canal. Then how are you going to be benefited? The Senators who advocate this bill say that they will have an outlet into Lake Ontario through this proposed Niagara canal construction; but that leaves you with no means of getting any further unless you are tributary to the monopoly by going through the Oswego canal to the Erie canal. You are still tributary to this great monopoly.

Mr. SHERMAN. Allow me to state to the Senator if they attempt to go down the St. Lawrence they have to go through Canada and pass through the Lachine locks.

Mr. GRIMES. The Senator has well said that when we get into Lake Ontario we have the choice of going two ways; we can go through Canada, through the Lachine locks, or whatever they are called, down to Montreal and pay tribute to Canada; or we can take the New York canal at Oswego, go down to Rome and then continue on the main line of the Erie canal to Troy or Albany, paying tribute to this grand monopoly that engrosses the New York Central road and the Erie canal; and after they have accomplished that, when they shall find that it will be their interest to do it, then they will put their hands upon this franchise that you give to this company, and then where are the people of my country? In the hands of a soulless monopoly.

The Senator from Michigan says he never will consent to the Government of the United States undertaking this work as a national work. I never will consent to the Government of the United States making it in any other light than as a national work. I am not disposed to let a company occupy the only unoccupied ground for a transit route that there is between the Mississippi river and the Atlantic ocean, and then set all the people that are west of it at defiance and charge just such tolls as they choose.

I suppose that this bill has provisions, but I think they were stricken out to-day, limiting the tolls. There is probably a provision, or will be, in the bill, authorizing Congress to legislate on that subject. I would not give the snap of my finger for any such provision as that in any bill. Congress will not legislate about it. They never will change it. If it has not got the power now, they will give the power to the company to transfer its franchise to any other company. That will be the result of it.

Mr. HOWE. It cannot be done.

Mr. GRIMES. It cannot be done, the Senator says. It can be done. They are not authorized to do it by the terms of the charter,

but they can buy up the stock of the company; they will run it, not in the name of the New York Central railroad or of the New York and Erie canal, but they will conduct it in the name of the present company that you authorize, they deriving all the benefit from it and controlling it. That is the way in which they can do it, by buying up all the stock, putting in their own creatures or their own friends as directors and controllers of it. Now, sir, for these reasons I am disposed to postpone this measure until the day specified by the Senator from New York; or if the committee in charge of the bill will introduce a measure authorizing the engineer department to make a survey, and that survey shall be reported upon favorably, I am ready to vote this minute for an appropriation of six millions, if you please, to aid in the construction of the work; and if that is not enough I will vote for whatever may be necessary.

The Senator from Michigan says that it will cost the Government a great deal more if the Government undertakes to build it than if this company undertakes to build it. Very likely it may; I presume the Senator is correct in that regard; but we can afford to pay a great deal more. When we have made it we are not to be oppressed with tolls in the future; we shall have the control of that subject. All that it will be necessary for us to do will be to keep it in repair and furnish the gate-keepers and the agents. They can be paid through a small toll to be levied, or they can be paid directly from the Treasury of the United States; but under the provisions of this bill, it seems to me we shall subject ourselves to the imposition of just such tolls as this company may see fit to impose.

Mr. FESSENDEN. I shall vote for this postponement, and I am free to say that if it is not postponed in the present attitude of the bill, I shall vote against the bill itself, although I stand precisely in the category referred to by the honorable Senator from Michigan—not that I should inevitably be opposed to constructing this canal. At a proper time and under proper circumstances I am inclined to think that I might favor it. That is my present impression in relation to the matter, although I have not examined the subject sufficiently to be prepared to give a definite answer on that point; but there is nothing in my mind in reference to it that would necessarily prevent my doing so, and I am favorable to the object.

My difficulty is of another description. I did not vote for the Pacific railroad bill. I did not vote at all on that measure. I believe there were only five votes against it. If my vote would have defeated the bill as it stood, I probably should have voted against it, not that I was opposed to the construction of the Pacific railroad, but I have been from the beginning opposed, even for the purpose of obtaining a very considerable good, to violating what I supposed to be a constitutional provision, or at any rate of transcending the limits of the power which we had under the Constitution. My view with regard to the Pacific railroad was that we could only construct it under what is called the war power, connecting the country together for the common defense. I supposed to that end that it was not necessary for us to go any further than to construct the road through the Territories of the United States, from State to State; and the mode in which I thought it ought to be done was that it should be properly surveyed. We had already had general surveys; but as it was a national work, the propriety of the thing required that the national Government should ascertain where the road ought to be built, lay it out, decide upon the line, fix it, and then build it for national purposes. I have been opposed always to putting national works into the power of corporations; and since the vote was taken on that subject my objection has been growing stronger and stronger every day, for it is getting to be the case under the legislation of Congress, in my judgment, that the country is to be controlled by great corporations and our

legislation is to be controlled by them, so that we are no longer really to have any power left in relation to such subjects.

Now, sir, look at this proposition. It is put on two grounds by some gentlemen. I believe my friend from Massachusetts [Mr. SUMNER] puts it on the commercial power. Well, sir, I am in some degree a strict, perhaps it may be said a narrow, constructionist; but, as has been observed before, it is only very recently that it has been found out that under the power to "regulate commerce" the Government had the power to make a communication through States; that is to say, to make a channel of commerce where none before existed, either in the way of railroads or canals, or anything of that description. It is a very modern doctrine. It used to be held, especially by the Democracy, very strongly and very thoroughly, (and I fell into their views upon that subject,) that in relation to commerce, where we found that it existed by nature, where there were channels of commerce made for us, we had the power to improve them under the power to regulate; but the idea that we could make new channels in the shape of railroads or canals, or anything of that sort, for the sake of increasing the commercial convenience of the country was a doctrine that, if carried out, led to a most unlimited expenditure of money, and was assuming, under a power to regulate, the power to create, which did not, in my judgment, exist. Perhaps I may be wrong upon this subject; but I mention it simply to show to my friend from Massachusetts that the question is not so clear to me as in his remarks the other day he supposed it ought to be to everybody, so that there could not be any dispute about it. It has failed to approve itself to my mind. I stand as yet by the old landmarks. I do not know but that I may be convinced by and by; but at present I am not convinced that they ought to be removed.

Then comes the question of the war power, whether we can do it under the provision giving power to Congress to provide for the general defense. I think we can, and I think we are the proper tribunal to decide on that subject. But I have yet to be convinced that, under the power to provide for the general defense, we may construct a public work and then pass that work over into the hands of a corporation and cease to own and control it. If a public work is necessary for the general defense of the country, that work must necessarily, when made, belong to the country, and be under the control of the country. This idea of constructing important public works, which ought not to be constructed at all unless they are important to the defense of the country in the first place, and which may be of the last importance in case of war, and then parting with the power over those works, either in peace or war or at any time, has always struck me as very curious.

Entertaining those ideas, I come to the same conclusion in reference to this work that I did with reference to the Pacific railroad, that if constructed at all it should only be after a careful examination by the Government of the United States; that it should be a Government work; that it should remain under the control of the Government; else it has not the character and cannot be subject to the necessity upon which it is supposed to be founded. Those are the ideas, in short—I have neither strength nor inclination to make a speech on the matter—upon which I have proceeded hitherto and to which I have adhered; and believing that the doctrines are sound I cannot vote for this bill which proposes to put into the hands of a corporation the power to make a public work to suit itself, on its own surveys, without reference to any judgment by the Government of the United States upon the character of the work itself in reality, and to be left in their hands with power to go into a single State, making no communication from one State to another, and make a new channel of commerce for commercial purposes or to undertake to construct a work for the general defense which

when constructed will not be a work of the Government itself, belong to it, appertain to it, be under its control, or subject to its authority.

For these reasons I shall vote to postpone this bill, in the hope that at another session the friends of the measure may bring in a bill which I can vote for, which is not subject to the objections I have stated; but if this bill is not postponed, but is pressed at the present session, I shall, for the reasons I have given, feel under the necessity of voting against it.

Mr. WILSON. I do not suppose this vote is to be taken to-night, and I should like to have unanimous consent to take up a little bill that I suppose everybody is for, or ought to be for—a bill to revive the grade of general in the Army. I am very anxious to get that bill up.

Mr. FESSENDEN. That is in the Army bill you passed.

Mr. HOWE. I do not understand the Senator from Massachusetts to submit a motion.

Mr. WILSON. I do not submit a motion. I only ask to take it up by unanimous consent.

Mr. JOHNSON. Is not that provided for in the Army bill?

Mr. WILSON. No.

Mr. FESSENDEN. The creation of a general is.

Mr. HOWE. I am in hopes that we can obtain a vote on this bill to-night, and sustained by that hope I will not make a long speech. I desire to submit two or three remarks, perhaps half a dozen of them, in reply to what has been urged in support of this motion to postpone the consideration of the bill until the next session.

The first remark I have to make is that every reason which has been urged for the postponement of the bill is a reason more or less cogent against the passage of the bill, but, as I understand, is no reason why we should not vote upon the passage of the bill at this session just as well as at the next. I do not hear any reason offered by any one why we shall be better prepared to vote upon this bill at the next than we are at the present session. The Senator from Maine says that if we can get a good bill we shall be prepared to vote on it. Mr. President, if you postpone this bill until December you will have this bill then before you, no better and no worse than it is now, and you will be guided by the same considerations in voting yea or nay upon the passage of this bill in December as you are in July.

This general remark brings me to consider for a moment whether this is a proper bill to be passed or not. It is urged by several Senators that this proposition has been preceded by no survey of the work on the part of the Government. That is true; and the answer to that and the reason for that is that the Government does not propose to build the canal.

Mr. FESSENDEN. They would if you passed a bill directing them to have a survey made.

Mr. HOWE. If we had a bill here directing a survey to be made by the engineers of the Government and providing for appropriations out of the national Treasury to complete the work when the surveys had been made, then, it is true, we should have such a proposition, and upon that we could vote; but unless the Government proposes to build the canal there is no reason why the Government should survey the line of it or estimate its expense. The simple question for us to consider is, is it a work of national importance, of sufficient importance to the nation to warrant us, not in giving money to its construction, but in loaning money to those who shall undertake its construction?

Upon this question, whether it is a work of national importance or not, I shall not spend a moment's time, for the plain reason that nobody denies it. Everybody here admits that it is a work of the very first importance to the whole country. If it is a work of that importance, then it is to be executed. If it is to be executed somebody should do it. If anybody

is to do it, it must be done by the Government or by private individuals either associated into a company or not. Senators may say it should be done by the Government. The first answer I have to make to that suggestion is, that the Government has stood here nearly one hundred years and has not attempted it; and I think I am authorized to say that unless by some such measure as this it be attempted the Government will stand here two hundred years longer and will not attempt it. If, then, you will rely on the Government to execute this enterprise by appropriations out of the national Treasury, it is to be postponed, not till next December, but until a million of Decembers have passed us by.

But why should the Government execute this work by appropriations out of its own Treasury? The Senator from Maine says that it may have control of the work when it is done. The Senator from Iowa says that it may have control over the tolls upon the work. Why, sir, when the Government has executed this work by appropriations out of its own Treasury its tolls will be subject only to the control of Congress, and the use of the canal will be subject only to the control of Congress. Sir, whoever reads the bill as it lies on his desk will see that that same control is given in both respects over this canal when it is built by a private company. Regarded as a measure of national defense the Senator from Maine urges that we ought not to pass the control over to a company. Why? What does the nation want of it as a measure of defense but to pass its gunboats, its troops, its property to and fro upon it? Under the provisions of this bill that can be done by the sanctions of law and without paying a dollar's tribute. You have just as complete, just as absolute control over this work for the purposes of national defense when built by a company under this bill as you could have if you built it yourselves and out of your own Treasury.

The Senator from Iowa says it will be built more cheaply by a company than by the Government. I hold him to the admission. I say, then, by so much as it will be built cheaper by a company than by the Government, by so much is the country benefited in the mere matter of economy.

Mr. GRIMES. My admission is that it is possible, probable, indeed, that it will cost more to the Government; but I want free communication. The Senator from Wisconsin wants every one to pay tolls that passes through.

Mr. HOWE. I am not ambitious that anything should pay tolls unnecessarily. The Senator from Iowa wants that it should be free communication. Does he stand by that?

Mr. GRIMES. Yes.

Mr. HOWE. Then I will stand with him. I hold him to his admission that it can be built more cheaply and will be built more cheaply by the company. This bill authorizes you, whenever you see fit, to take it of the company and pay it the reduced cost which he admits it will be subjected to, with the simple addition of ten per cent. thereon. The company will build it cheaper than the Government, and when the company has built it at that reduced cost, if the Senator is still hungering and thirsting after making it a free communication, he has simply to vote with me and the other friends of this measure to purchase it of these cheap constructors, and we have it, and we have free communication.

Mr. President, the Senator from New York reminds us as a reason, he says, not why we should not build the canal, but why we should postpone the passage of this bill until December, that we are overborne by taxation; we are burdened with a great debt. Does the Senator imagine that our debt is particularly larger now in July than it will be in December? Will that argument be any less weighty against the consideration of the bill in December than it is now in July? But what has that suggestion to do with the question at all, either now or in December next? Sir, if this meas-

ure is not one, as I said the other day, to strengthen the people of the United States, to make them more wealthy, more independent, more able to stand up under this burden, then we have no business to pass this bill in July, nor shall we have any business to pass it in December. You all concede, when you concede its importance, that it will make the people stronger. If it will not, it is not important. Well, sir, if it will make them stronger, for God's sake do they not need it more now when they are weaker than they ever were in the world? If you ever mean to nurse and nourish by Government appropriations the people, do they not need it now when they stand confronted by this great debt and are groaning under it? It is as a measure of relief that I ask you to embrace this, of popular relief, and I ask you to embrace it now, not postpone it to another day.

The Senator from New York urges that this is a measure antagonistic to that State. If it is antagonistic to the State of New York, how will this antagonism be got over between this and December? Will it be less antagonistic then than now? That may be a reason why we should not pass the bill at all. I submit to the honorable Senator that it is not, and that it cannot be a reason why we should postpone its consideration to another session of this body. But is it a reason why we should not pass the bill? How is it to come in antagonism with the State of New York? I do not concede the fact that it is so. It may be antagonistic to the interests of the Erie canal; but I understand that the wealth of New York lies in the fact that it has the great commercial metropolis of the nation within its boundaries, and that through its gateway the bulk of whatever comes into or goes out of the country must pass, and that it is to-day and it must be but a thoroughfare through which the commerce of the nation shall pass to and fro between the sea-board and the interior. Whatever enriches the nation, therefore, does and must of necessity enrich the State of New York. Why, sir, the growth of the West, consequent upon the construction of the Erie canal, is to-day what makes New York what she is. The Senator from Michigan remarked that the Northwest was indebted to the Erie canal for being what she is. I should not have expressed myself exactly in the same way; I should have said that the nation was indebted to the Erie canal for the existence of the Northwest. But for the Erie canal you would have had no Northwest, or none to speak of.

Mr. MORGAN. That is true.

Mr. HOWE. That is true, says my friend from New York. We are agreed upon one point, then. Now, I have to say to my friend, if he likes the style of the goods, why not increase the production? Enlarge the facilities for communicating between the Northwest and the sea-board, and you will get more of the same style of goods. The Northwest has but begun to develop, but you cannot stand a much larger development; you have not the facilities. Commerce groans on its way between the interior and the sea-board now. You must enlarge the facilities or we shall cease to grow, and so will you, for when we cease to grow you must. You depend upon us as much as we do upon you. The dependence is mutual. There can be no sectional interest here.

But it may be said that this measure is antagonistic to the Erie canal, and that we ought to be grateful to the Erie canal for what it has done. So we are grateful to the Erie canal for what it has done. Our gratitude is manifested, if you call it gratitude. The account is not against us. We paid you for the Erie canal, and we paid you a large sum beside. We have paid more than nine million dollars. The tolls levied upon this commerce which we are trying to provide for have paid for the Erie canal, and more than nine millions beside. It has therefore cost you nothing, but you are the gainers by nine millions of money through the construction of that simple work.

Now, Mr. President, ought not New York to be willing to square accounts with us? We do not ask her to pay back that \$9,000,000, but ought she not to be willing to settle, to jump the accounts, that being the way the thing stands? I conceive so. Ought she to insist that this already great country, in the basin of the lakes and in the valley of the Mississippi, already grown great, and which wants to grow greater, shall make its commerce trickle through that little one-horse canal? No, sir; we want a two-horse canal at once to do the business; a larger one as soon as we can get it. Steam must be employed not merely around the falls of Niagara; not merely between Lake Erie and Lake Ontario; steam must be employed to do that work the whole distance to the sea-board; and sooner or later it will be. This is one of the steps.

But the Senator from New York rather undertakes to frighten us from the prosecution of this design by holding up to us the prospect that the Erie canal, finding itself depreciated in usefulness by the construction of this work, will get impatient and discouraged and insist upon being sold, and that the people of New York will demand to have it sold. Well, Mr. President, when the Erie canal becomes useless by the construction of a larger, a more capable, a more generous rival, I shall not have any particular objection to its being sold, and I shall have no particular objection to the New York Central Railroad Company buying it. But I am extremely inclined to think that when that day comes it will be about the last piece of property that the New York Central Railroad Company would care to invest in. The New York Central Railroad Company will never want the Erie canal unless it can do business, and the Erie canal never can do business when there are larger and more capable rivals by its side; so that I am not specially terrified by that consideration.

But, says the Senator from Ohio, why will you agree to the construction of the work provided for in this bill, and abandon all control over the tolls, and allow an incorporated company to put such tolls upon the canal as they see fit to levy? Why, sir, we do not propose any such thing. There is every variety of control given to us that could be thought of. First we provide that once in five years a board of commissioners, one to be appointed by the President, one by the Governor of each of several States which are named, and one by the company, shall meet together for the purpose of revising the tolls; and secondly, we provide that at any time the Congress of the United States may regulate the tolls just as they please, put them high or put them low; and thirdly, we provide that if we are dissatisfied with both these measure of control we may purchase the property, pay for it, and make the canal free. Do you want any more absolute control than that? Can you have it? Build it yourselves and you will not have any more control. Then Congress can put the tolls just as they please, and now they can put them just as they please.

But, says the Senator from Ohio, we have been already making liberal appropriations; this year we have appropriated from one to two million dollars for the improvement of harbors and the creation of defenses. That is a good thing to do. That makes the country just so much more wealthy; but is that any reason? Because you have a coat, Mr. President, is it any reason that you should not seek for a pair of pantaloons? Because you have harbors by which you can get into the ports on Lake Michigan and Lake Superior, is it any reason why you should not have a channel by which you can get to those harbors? Your harbors are in a measure useless without these added channels of communication. Why do you want to provide for commerce to go into your harbors unless you will provide the ways for commerce to get to them?

But it is said it is a monopoly. What is a monopoly? This company; a company under the absolute control of the national Legislature,

besides all these other controls! I repeat that the moment it begins to be a monopoly or act like a monopoly you have only to do what the Senator from Maine and the Senator from Iowa say they want to do, to wit, just launch the money out of the Treasury and buy it.

Mr. President, I am not going to detain the Senate. I could deluge the body with figures enforcing the necessity of this work; but I shall not do it. If figures were as cooling and refreshing as water, such a day would be the day to do it, perhaps. They are not, and I shall not occupy the time. I only ask gentlemen to be logical; I only ask gentlemen to act consistently with their own admission, with their own confession. They admit the necessity of the work; then let us build it. That is all there is of it. The committee thought it more prudent and more economical to employ a company.

I do not mean to go into the constitutional question. The Senator from Maine has raised it. I think the Supreme Court has decided, and I believe the country has acquiesced in it, that whatever the Government may do directly by itself, either in the prosecution of commerce or of national defense or in any other way, it may do by the creation of a company. I believe that that is the established law of the land to-day; but that there is any constitutional objection to this, I am not prepared to admit, nor am I prepared to take the time to argue against the assertion of it.

If it is supposed that the State of New York ought to be consulted, that her assent ought to be required; upon that we have not definitely determined; that is not involved in this question of postponement. That we can consider as well this year as next; that is a question to be considered when that amendment shall be under consideration in the Senate. Although I voted for that amendment in committee, I have no more belief that we are under obligations to ask the permission of one State when the commerce of the United States shall pass through it, or how it shall pass through, than I feel obliged to ask my consent when it can pass by my house.

Sir, it seems to me if we are dealing honestly with this great interest we shall consider to-day or at this session whether it is one which the people demand or not. If we say it is one which the people do not demand, we shall vote against it. If we conclude (which every Senator here concedes) it is one which the people do demand, we should commence to build it to-day. This company is required to exhibit its faith by its works before the United States is called upon to contribute a dollar; it is never called upon to contribute a dollar; but before you are asked to loan a dollar, this company must contribute to the stock, pay in, and expend in the construction of the canal \$2,000,000. When you inaugurated the Pacific Railroad Company, you required, I believe, but about two hundred thousand dollars to be paid in before you commenced to loan. This company is required to pay in and expend in the prosecution of this work \$2,000,000, and when it has done that it has got to contribute \$300,000 as often as you contribute \$200,000; and that contribution—I speak of it so because others speak of it—is a loan. A loan to whom? To this company. It, the company, is worthless; it will not be repaid. Do you say that? Then your admissions fall to the ground, for you admit that the work is a necessary one, and you are only afraid the tolls will be too high and that it will do too much. If that assumption is correct, then the loan must be perfectly safe and the work will be built without costing the United States a dollar. Sir, I will not detain the Senate longer.

Mr. FESSENDEN. I move that the Senate adjourn.

Mr. GRIMES. Let us have an executive session.

Mr. FESSENDEN. I vary my motion and move an executive session.

Mr. HOWARD. I hope before that vote is taken I may be allowed to take up a certain bill.

Mr. HOWE. I hope the Senate will not go into executive session. Why not take a vote on the bill?

Mr. FESSENDEN. Because other gentlemen want to speak upon it, and it is late, and it is hot, and we have worked hard enough and long enough to-day.

Mr. HOWE. It is no hotter in the open Senate Chamber than it will be in the Chamber after the doors shall have been closed.

Mr. FESSENDEN. I presume there will not be much business to be attended to in executive session.

Mr. LANE, of Indiana. Only a minute for a matter I want attended to.

Mr. HOWE. I do not know any Senator who wants to speak on the bill.

Mr. FESSENDEN. I do.

The PRESIDENT *pro tempore*. The question is on the motion to proceed to the consideration of executive business.

The motion was agreed to; there being, on a division—ayes 19, noes 7; and, after some time spent in executive session the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, July 12, 1866.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. C. B. BOXTON.

Mr. DAVES. I move to dispense with the reading of the Journal.

Mr. LE BLOND. I object.

The Journal of yesterday was then read and approved.

ORDER OF BUSINESS.

Mr. STEVENS. I ask the consent of the House to allow us to take up and finish the amendments of the Senate to the legislative appropriation bill, so that we may conclude our action upon them and have a committee of conference appointed before we proceed to any other business. It will take but a few minutes, and it is very important.

Mr. LE BLOND. I would say that I suppose that by the rules the question that was raised by me last night in regard to the printing of the minority report of the joint committee on reconstruction has precedence of every other business. It will take but a few moments to dispose of it, and then I will have no objection to the proposition of the gentleman from Pennsylvania, [Mr. STEVENS.]

LEGISLATIVE APPROPRIATION BILL.

Mr. STEVENS. I will ask the House to agree to this proposition: that the recommendations of the Committee on Appropriations be concurred in, and that a committee of conference on the disagreeing votes of the two Houses be asked for.

Mr. LE BLOND. I have no objection to that.

No objection was made; and accordingly the recommendations of the Committee on Appropriations in regard to the amendments of the Senate to the legislative appropriation bill were agreed to and a committee of conference on the disagreeing votes of the two Houses was directed to be asked for.

PRINTING OF REPORTS.

The SPEAKER. The first business in order is the unfinished business pending at the adjournment of yesterday, being the question of privilege raised by the gentleman from Ohio [Mr. LE BLOND] in regard to the printing of the views of the minority of the joint committee on reconstruction, upon which he moved that a select committee of five be appointed to examine and report upon the same. The pending question is upon the motion of the gentleman from Illinois [Mr. WASHBURN] to amend the motion of the gentleman from Ohio [Mr. LE BLOND] so as to refer the subject to the Committee on Printing.

Mr. LE BLOND. I would like to make one suggestion to the House. This question seems to embrace the action of the Committee on Printing. Such being the case, it certainly

would not be proper to refer that proposition to that committee for investigation.

Mr. WASHBURN, of Illinois. I understand that the matter is susceptible of the fullest and most complete investigation. And if the gentleman from Ohio [Mr. LE BLOND] will withdraw his motion for investigation, the chairman of the Committee on Printing, [Mr. LAFLIN], as soon as he can obtain the facts, will make an explanation which will undoubtedly satisfy him. If he does not make such explanation, then the gentleman from Ohio [Mr. LE BLOND] can ask for further action.

The SPEAKER. The Chair would state to the gentleman from Ohio [Mr. LE BLOND] that the question would again come up for consideration, whatever committee may be designated to consider it, whenever the committee shall report upon the subject.

Mr. LE BLOND. All that is very true. But I simply wish to say this: the volume in question has already been printed and bound, and no investigation that can be made by the Committee on Printing or by a select committee can change the character of the volume now. Now, I do not wish to have a committee raised particularly with the view to investigate the matter, which, let it result one way or the other, will produce no change. These volumes must now go to the country without the minority report. And all I wish to say in conclusion is, that whoever may have made that omission, made it in violation of the order of this House. And therefore they are sending to the country the majority report accompanied by the testimony, but without its antidote. And it strikes me, and I felt that that was the case when I made the motion I did last night, that it was intended to go to the country as an electioneering document, emanating from that committee, for that purpose, and that alone. And now they are sending it to the country without the minority report, which is a complete vindication of the position taken by the minority, and a complete answer to the position taken by the majority. With these remarks I withdraw my motion for an investigating committee, for it must fall as all others do, still-born.

Mr. ELDRIDGE. I object to the withdrawal of the motion. I understand that all these reports are not yet printed, and perhaps the action of this House may to some extent remedy the evil and prevent the mischief or wrong which otherwise will be inflicted.

The SPEAKER. The gentleman from Ohio [Mr. LE BLOND] has the right to withdraw his motion; but the gentleman from Wisconsin [Mr. ELDRIDGE] can renew it if he thinks proper.

Mr. ELDRIDGE. Then I renew the motion for a select committee of five to inquire into the matter and report the facts why the report of the minority was not included.

Mr. WASHBURN, of Illinois. I move to lay the whole subject on the table.

Mr. LAFLIN. Will the gentleman withdraw the motion until I can make a personal explanation?

Mr. WASHBURN, of Illinois. I will withdraw it for that purpose.

Mr. LAFLIN. Mr. Speaker, on the 13th day of March last the House adopted the following resolution:

"That twenty-five thousand extra copies of each of the reports of testimony taken by the joint select committee on reconstruction, together with the accompanying documents, be printed for the use of the House."

In accordance with that resolution the Superintendent of Public Printing, receiving the report of the testimony from the clerk of the committee on reconstruction, proceeded to execute the order of the House. The testimony was printed immediately after it was presented; and when the committee of fifteen made their report, as is always customary with all such reports, it was sent with the testimony to the bindery immediately upon its being printed. The House will bear in mind that after the presentation of the majority report some ten or twelve days elapsed before the minority made any report to the House. The Superintendent

of Public Printing, acting under the direction of the House, printed twenty-five thousand copies of the report of this committee. There was no report from the minority of the committee at the time these were sent to the bindery; and if there had been—

Mr. LE BLOND. If the gentleman will permit me a moment, I will ask him whether this document was printed at the time the minority report was handed in. Will the gentleman say that it was printed at that time?

Mr. LAFLIN. I am not able to answer.

Mr. LE BLOND. Then I wish to ask the gentleman another question: whether the minority did not give notice at the time the majority report was handed in that they were preparing a minority report, and would hand it in to be published with the other, and whether it was not presented to the House eleven days after the majority report came in and the House received it for the purpose of publication with the majority report?

Mr. LAFLIN. Mr. Speaker, I do not understand that, when the House consented to receive the report from the minority, it consented at that time to the publication of that minority report. There was nothing said about that. But the fact is that the minority report was presented ten or eleven days after the report of the majority. At the time the minority report was presented a motion was made that fifty thousand extra copies of that report be printed. That motion was referred to our committee.

Mr. LE BLOND. Will the gentleman allow me to correct an error right here? The order of the House subsequently was that there should be so many copies of the majority and minority reports published together, but without the testimony.

Mr. LAFLIN. Will the gentleman permit me to finish? I see no reason why he should endeavor to anticipate what I am about to say. The Committee on Printing reported a resolution in favor of printing fifty thousand extra copies of the majority and the minority reports; and if I remember aright a motion was made on the other side of the House that these reports should be printed independently of each other. And now the great complaint is that they are not printed together, even in the books in which they were not ordered to be printed together.

Mr. HALE. Will the gentleman permit me to interrupt him a moment?

Mr. LAFLIN. Yes, sir.

Mr. HALE. According to my recollection, Mr. Speaker, the order of this House was express that the two reports should be printed together.

Mr. LAFLIN. If the gentlemen would only allow me to finish my statement, neither my colleague [Mr. HALE] nor the gentleman from Ohio [Mr. LE BLOND] would find the least necessity for asking me these questions.

Mr. HALE. The gentleman will excuse me. He finished his sentence, and, as I supposed, his statement. I asked leave to interrupt him, and did so with his permission. I do not perceive that I am guilty of any impropriety.

Mr. LAFLIN. Not at all. But I was going on to say that when the Committee on Printing reported, they reported in favor of printing fifty thousand extra copies of the majority and the minority reports together. The House amended this so as to print one hundred thousand copies of the majority and minority reports. That order of the House is now being executed; and we have here now the report of the joint committee on reconstruction, the majority and minority reports bound together, of which there are now being printed one hundred thousand copies. Now, this is the explanation of the matter.

Mr. HALE. I hope my colleague will allow me—

Mr. WILSON, of Iowa. Let me ask a question.

Mr. WASHBURN, of Illinois. I only withdrew the motion to lay upon the table to hear the explanation of the chairman of the Committee on Printing.

Mr. ELDRIDGE. I wish to know of the gentleman from New York, if to his knowledge or belief a single copy of this bound volume of testimony and the majority report was bound at the time when this House made the order to print the minority and majority reports together.

Mr. LAFLIN. I am not able to answer that question.

Mr. ELDRIDGE. I think that is the only material question here.

Mr. WILSON, of Iowa. I ask whether the House has ever made an order to have the majority and minority reports printed in one volume.

Mr. LAFLIN. At no time.

Mr. HALE. Let the resolution authorizing the publication of the report or reports be reported, so that we may know what it is.

Mr. ELDRIDGE. I should like to know of the gentleman from New York whether this volume is printed in accordance with the direction of the Committee on Printing; whether it is printed as they directed, without the minority report being included.

Mr. LAFLIN. I say that all matters printed are printed under the direction of the House, and not of the Committee on Printing. The Committee on Printing do not constitute themselves agents.

Mr. ELDRIDGE. I wish the gentleman would answer my question.

Mr. LAFLIN. They had no direction except as the House directs.

Mr. GRIDER. I wish to ask a question: whether there is any order of the House to print the testimony taken together with the report of the majority in one book?

The SPEAKER. The Clerk will read the resolution.

The Clerk read as follows:

"Resolved, That twenty-five thousand extra copies of each of the reports of testimony taken by the joint select committee on reconstruction, together with the accompanying documents, be printed without covers for the use of the House."

Mr. LE BLOND. I wish to say this in reference to that resolution, which in my judgment amounts to nothing more than the order of the House originally: gentlemen upon this floor who are old members understand well when there are majority and minority reports the House makes an order to print, which carries with it both the majority and minority reports; that the minority report is just as essential as the majority report itself in order to make the whole subject-matter complete; and when the chairman of the Committee on Public Printing undertakes to say to this House and the country—

Mr. FARNSWORTH rose.

Mr. LE BLOND. I cannot yield for a moment. I say when the chairman of the Committee on Public Printing undertakes to declare to this House and the country that that committee carried out the order of the House merely, he is saying to this House and the country what is in violation of every principle governing the subject of public printing in this or any other deliberative body. Sir, the remarks of the chairman of that committee convince me that this omission of the minority report was by order of that committee, and he undertakes to screen himself by giving a construction to the order of the House that is unwarranted.

Mr. FARNSWORTH. I ask whether an order to print the report carries both the majority and minority reports. Is there any such thing as a minority report recognized by the rules? What is usually called the minority report is nothing more than the views of the minority which are allowed to be printed by courtesy.

The SPEAKER. The Chair will state, in reply to the point made by the gentleman from Illinois, [Mr. FARNSWORTH,] that there is no such thing in parliamentary law known as a minority report. The report of the majority is the report of the committee. But parliamentary bodies always allow the minority to express their views in what is called the views of the minority. That is well understood, probably, by old members of the House.

Mr. LE BLOND. I think the gentleman from Illinois [Mr. FARNSWORTH] might read in vain to find in the rules of the House anything showing that the minority report shall accompany the majority. But the gentleman being a lawyer, knows that custom makes rules and laws that are just as binding as though they were written. There is scarcely a day passes in the transaction of business in this body, or any other deliberative body, when you do not find a minority report coming in and being published with the majority report. It has become so universal that it is not regarded as necessary to incorporate it into the rules of any deliberative body. It has become common law, and the necessity of such a thing is too apparent to everybody.

Look at it. Here you have a committee selected for the purpose of making an examination and investigation into some particular subject. The committee go to work and take testimony, and when they have concluded their labors they undertake to agree upon some fact that is established by this testimony. Here we have a committee of fifteen who have had under consideration the investigation of a plan for the reorganization of the States. When they undertake to come to a conclusion, as they did in this case, they find a portion in favor of one thing and a portion in favor of another. Perchance there may be a majority of only one upon the committee in favor of the report, and they publish that to the country for the purpose of communicating information. But, sir, the House is relieved of any common-law doctrine relative to the authority to print the minority report for the reason this House, under the notice given to the House at the time the majority report was handed in, that a minority report would soon be made, which was done, not only authorized it to be made but received it and ordered it to be printed, which should have been done.

Mr. WASHBURNE, of Illinois. I appeal to the gentleman not to trespass any further upon my courtesy. I merely gave way to the gentleman from New York [Mr. LAFLIN] to make his explanation.

Mr. LE BLOND. I believe I am speaking to a resolution introduced by the chairman of the committee, and I do not think I am indebted to the courtesy of the gentleman.

The SPEAKER. The gentleman from Ohio withdrew his question of privilege, and the gentleman from Wisconsin [Mr. ELDRIDGE] renewed it. The gentleman from Illinois [Mr. WASHBURNE] then took the floor and moved that it lie on the table.

Mr. ELDRIDGE. I thought I had the floor. The SPEAKER. The gentleman did have the floor, but he certainly was not making any remarks.

Mr. ELDRIDGE. I was slow of speech, and had not got through. [Laughter.]

Mr. LE BLOND. If the gentleman from Illinois [Mr. WASHBURNE] will indulge me five minutes I will be done.

Mr. WASHBURNE, of Illinois. I think that is cutting it rather fat after having spoken about ten minutes. [Laughter.]

Mr. LE BLOND. I know the kindly feeling of the gentleman.

Mr. WASHBURNE, of Illinois. I am pressed by other gentlemen around me who want to get at other business.

Mr. LE BLOND. Then I will give way.

Mr. HALE. Will the gentleman from Illinois yield for a suggestion?

Mr. WASHBURNE, of Illinois. Yes, sir.

Mr. HALE. My suggestion is this: that a charge is made by the minority of this House of an improper execution of an order of the House. The charge involves a question of privilege. Now, I have the most perfect confidence in my colleague, the chairman of the committee, [Mr. LAFLIN,] but I submit to gentlemen on both sides that the fact that such a charge is made by the minority is of itself sufficient to call imperatively for a proper investigation. It is a question of that character that no man can afford to disregard it.

Mr. WASHBURNE, of Illinois. I now renew my motion to lay the subject on the table.

Mr. ELDRIDGE. On that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 84, nays 29, not voting 69; as follows:

YEAS—Messrs. Alley, Anderson, James M. Ashley, Baker, Banks, Barker, Baxter, Benjamin, Bingham, Boutwell, Bromwell, Broomall, Reader W. Clarke, Sidney Clarke, Cobb, Cook, Dawes, Defrees, Deming, Donnelly, Eckley, Eggleston, Eliot, Farnsworth, Farquhar, Ferry, Garfield, Grinnell, Abner C. Harding, Henderson, Higby, Holmes, Hotchkiss, Demas Hubbard, John H. Hubbard, James R. Hubbell, Hulburt, Jenckes, Julian, Kasson, Kelso, George V. Lawrence, William Lawrence, Loan, Longyear, Marston, McClurg, McKee, McNair, Mercer, Miller, Moorhead, Morrill, Moulton, Myers, Newell, O'Neill, Orth, Paine, Perham, Plants, Price, William H. Randall, Raymond, Alexander H. Rice, John H. Rice, Rollins, Sawyer, Schenck, Scofield, Shellabarger, Shaulding, Stevens, Van Aernam, Burt Van Horn, Robert T. Van Horn, Warner, Elisha B. Washburne, Henry D. Washburn, William B. Washburn, Wentworth, Williams, James F. Wilson, and Windom—84.

NAYS—Messrs. Ancona, Bergen, Boyer, Coffroth, Dawson, Eldridge, Finck, Glossbrenner, Grider, Hale, Aaron Harding, Harris, Hogan, Johnson, Kerr, Kuykendall, Le Blond, McCullough, Niblack, Nicholson, Phelps, Ritter, Rousseau, Shanklin, Sitgreaves, Strouse, Taber, Taylor, and Thornton—29.

NOT VOTING—Messrs. Allison, Ames, Delos R. Ashley, Baldwin, Beaman, Bidwell, Blaine, Blow, Brandegee, Buckland, Bundy, Chanler, Conkling, Cullom, Culver, Darling, Davis, Delano, Denison, Dixon, Dodge, Briggs, Dumont, Goodyear, Griswold, Harb Hayes, Hill, Hooper, Asabel W. Hubbard, Chester B. Hubbard, Edwin N. Hubbell, Humphrey, Ingersoll, Jones, Kelley, Ketoham, Latham, Lynch, Marshall, Marvin, McIndoe, Morris, Noell, Patterson, Pike, Pomroy, Radford, Samuel J. Randall, Rogers, Ross, Sloan, Smith, Starr, Stilwell, Thayer, Francis Thomas, John L. Thomas, Trimble, Frowbridge, Upson, Ward, Welker, Whaley, Stephen F. Wilson, Woodbridge, Winfield, and Wright—69.

So the whole subject was laid upon the table.

Mr. FINCK. I ask the unanimous consent of the House to introduce a resolution providing for the printing of one hundred thousand extra copies of the report of the minority of the committee on reconstruction.

Mr. WASHBURNE, of Illinois. I object.

ELECTION CONTEST—FULLER VERSUS DAWSON.

The House resumed the consideration of the contested-election case from the State of Pennsylvania, Dawson vs. Fuller, upon which the gentleman from Pennsylvania [Mr. LAWRENCE] was entitled to the floor.

Mr. LAWRENCE, of Pennsylvania. I yield to the gentleman from Wisconsin, [Mr. PAINE.]

Mr. PAINE. I wish to give notice to the House that the previous question on this case will not be called before half past three o'clock this afternoon, and it may not be called as early as that. I now move that the consideration of this case be postponed until after the termination of the morning hour in order to carry out the agreement I made yesterday with the chairman of the Committee on the Post Office and Post Roads.

The motion was agreed to.

Mr. PAINE. I repeat the notice that the previous question on the contested-election case will not be called before half past three o'clock to-day. I now insist on the regular order of business.

FOREIGN TELEGRAPHIC COMMUNICATION.

The SPEAKER proceeded, as the regular order of business, to call the committees for reports, resuming the call where it was suspended yesterday, with the Committee on the Post Office and Post Roads.

Mr. ALLEY. I wish to present, with the approval of the Committee on the Post Office and Post Roads, a bill for the better protection of international communication. It is thought by many to be necessary after the passage of the telegraph bill.

The bill was read a first and second time. It provides that no line of magnetic telegraph cable or cables from foreign shores shall be landed, maintained, or operated on or over the coast or shores of the United States without special permission of Congress.

Mr. ALLEY. I call the previous question on the bill.

Mr. HALE. Allow me to offer an amendment to the bill.

Mr. ALLEY. I cannot yield for amendments.

Mr. HALE. I hope the gentleman will allow me to point out what I think is a very serious defect in the bill.

Mr. ALLEY. I have shown the bill to a great many gentlemen, who saw no objection to it. It seems to me that it is very plain. I believe it is almost precisely the amendment proposed yesterday by the gentleman from Illinois, [Mr. WASHBURN], and I think the gentleman from New York can have no objection to it. But if there is really any objection to the bill I shall not press it at this time, but shall move that it be recommitted.

Mr. JOHNSON. I want to ask the gentleman from Massachusetts [Mr. ALLEY] a question. I understood him to state that the Committee on the Post Office and Post Roads had agreed to this bill. I desire to inquire of him when the committee had this bill before them. This is the first time I ever heard of it.

Mr. ALLEY. The gentleman misunderstood me. I stated to the House, as they will remember, that it received the approval of the committee. I presented it this morning to every member of the committee, I believe, but the gentleman from Pennsylvania, [Mr. JOHNSON], who was not in the House at the time, and they all approved it.

Mr. JOHNSON. Then it was not considered by the committee at all as a committee.

Mr. ALLEY. I insist upon my motion to recommit, and upon that motion I call the previous question.

Mr. HALE. I really wish the gentleman from Massachusetts [Mr. ALLEY] would allow somebody to point out the defects in this bill. But if the House is of opinion that it ought not to be done—

Mr. ALLEY. I have offered this bill because I believed there could be no possible objection to it. But there are persons in this House, I know, who want to delay the business.

Mr. HALE. I rise to a question of order. I inquire by what authority this bill comes before the House.

The SPEAKER. The Chair thinks it is too late now to raise a point of order in regard to the reception of the bill, though it probably would have been a good point if it had been made in time.

Mr. HALE. My point of order is this: this bill was introduced without any one having an opportunity to object to it, supposing it came regularly from the committee. I now understand that no such bill has ever been referred to or considered by the committee as a committee, and therefore it comes here irregularly.

The SPEAKER. The question of reception can be raised only when the measure is offered; but after the House has considered a measure it is too late to raise the question.

Mr. HALE. If I had not supposed that the gentleman from Massachusetts [Mr. ALLEY] had been authorized to report the bill, I should have objected to its reception.

Mr. FARNSWORTH. If my recollection is correct, when the bill was presented by the gentleman from Massachusetts [Mr. ALLEY] it was stated either by the Chair or by the Clerk—probably by the Chair—

The SPEAKER. By the Chair, in the usual form.

Mr. FARNSWORTH. It was stated by the Chair that "the gentleman from Massachusetts, from the Committee on the Post Office and Post Roads, reported the following bill." I supposed that it was a report from the committee; so did gentlemen who sit around me. And I think it was so understood by the Chair.

The SPEAKER. It was. But if the point of order can be made now it can be made after two or three hours' discussion.

Mr. HALE. I wish to call further attention to the point of order; and that is, that the objection was made at the first moment that the

fact was disclosed to the House that the report was irregularly made.

The SPEAKER. That may be. But if the debate on this bill had been continued for two days before that fact was disclosed, it is evident that the objection would be too late. The question upon the reception can be raised only when the measure is introduced, and it is generally made by some member of the committee who dissents from it, and who discloses the fact that the committee had not formally authorized the report.

Mr. SCHENCK. I rise to a question of order upon this state of facts; the Speaker will correct me if I am wrong. I understand that this morning the floor was yielded by the member of the Committee of Elections [Mr. PAINE] to the gentleman from Massachusetts, [Mr. ALLEY], the chairman of the Committee on the Post Office and Post Roads, to continue making reports from his committee. A bill was introduced purporting to come from the Committee on the Post Office and Post Roads; it was announced from the Clerk's desk, and read by the Clerk as a report from that committee. In the course of its consideration the fact was disclosed that the bill was not from the committee, but was an outside report. Now, the point I make is that if the question of reception is raised as soon as the fact is disclosed that is soon enough to raise the question. And if it were two days or two weeks after it was presented that the fact is disclosed that the House has been misled into believing that it was acting upon the report of a committee, when such was not the fact, it is then time enough to make objection to it. That which purported to be a report has been made; it has not been acted upon in any way. Before it has been acted on this disclosure is made, and the House comes into the possession of the knowledge that it is not a report from the committee. Then the gentleman from New York [Mr. HALE] makes his objection.

The SPEAKER. The Chair overrules the point of order upon the ground that the uniform usage of the House has been different. When a report is presented, and it is disputed whether the report has been authorized to be made, the question can be raised whether the House will receive and consider the report. In this case the report has been received and considered. The point of order, therefore, is too late.

Mr. SCHENCK. How can the House know, at the moment of the presentation of a report, whether the committee have authorized the presentation of that report?

The SPEAKER. It is true that the House may not know; but the point cannot be raised after the report has been received and debate upon it continued at some length. The Chair will state an illustration which is in point. The chairman of the Committee on Military Affairs [Mr. SCHENCK] might report an Army bill, and after the House had been engaged for a week or two in the consideration of the bill, the point might be raised that the bill had never been formally agreed upon in the committee-room. It would certainly be too late then to entertain the question, "Will the House receive and consider this report?" for it would already have been received and considered.

Mr. SCHENCK. Well, sir, there ought to be a remedy somewhere.

Mr. FARNSWORTH. I rise to a point of order. How can a motion be made to recommit this bill when it has never been committed?

The SPEAKER. Because it has been treated by the House as having been reported by the committee, the report having been made by the chairman.

Mr. GARFIELD. I rise to a question of order. I wish to inquire why this is not a report from the committee. Is it necessary that the committee should have gone into their committee-room and acted? The chairman of the committee has stated that he had the consent of every member of the committee save one to the reporting of the bill, that consent being obtained on this floor. Now, I have known dozens

of cases in which reports of this kind have been made and received, the committee having had a consultation, but not in the committee-room. Some gentlemen near me say that this subject was never referred to that committee, either by petition or bill. I answer that the subject of this very telegraph bill has been referred by the House to the committee.

The SPEAKER. Both the usage and the rule of the House are against the point as suggested by the gentleman from Ohio, [Mr. GARFIELD.] The report of a committee, to be legal in the parliamentary sense, must be the result of the action of the committee in session, upon the call of the chairman or two members. On page 54 of Barclay's Digest it is stated that "a committee meet when and where they please if the House has not ordered time and place for them; but they can only act when together, and not by separate consultation and consent, nothing being the report of a committee but what has been agreed to in committee actually assembled."

Mr. GARFIELD. I desire to ask the Chair whether he does not recollect—

Mr. ALLEY. To obviate all difficulty, I move that this whole subject be laid on the table.

Mr. GARFIELD. Mr. Speaker, I believe that I am entitled to the floor.

The SPEAKER. The gentleman from Ohio [Mr. GARFIELD] is upon the floor on a question of order. If he has not concluded the presentation of his point, he will proceed.

Mr. GARFIELD. I desire to remind the Speaker that last winter a bill reported from the Committee on Military Affairs being rejected in this House, the members of the committee consulted upon this floor and agreed upon a substitute, which, in less than five minutes, the chairman reported from that committee. Objection was made by other members of the committee; and answer was made that the consultation had been had here; and the bill was reported by the chairman as from the committee.

Mr. SCHENCK. I desire to correct the statement of my colleague, [Mr. GARFIELD.]

The SPEAKER. The Chair will first respond to the point of order which has been presented. Very often the chairman of a committee states, when the question is raised, that he has been authorized by the action of the committee to report a substitute or an amended bill; he takes upon himself the responsibility of declaring that he has the authority of the committee. In such a case, of course, the Chair accepts the statement and entertains the report.

Mr. SCHENCK. I wish to add a word with reference to the facts in the case to which my colleague has referred. In that case no question was made as to where the committee had assembled. The members of the committee did, in fact, get together and agree upon a report, although they did not assemble in their committee-room. The point made in that case was that the committee could not have met, because the report had been agreed upon during the session of the House; and that was answered by showing from the record that the Committee on Military Affairs had authority to meet during the sessions of the House, which the Chair considered as a sufficient answer to the objection.

The SPEAKER. The gentleman from Massachusetts [Mr. ALLEY] moves that the whole subject be laid on the table.

Mr. HALE. I hope the gentleman will withdraw that motion, in order that—

Mr. ALLEY. I insist on the motion.

The question being taken, there were—ayes 35, noes 39; no quorum voting.

The SPEAKER, under the rule, ordered tellers; and appointed Mr. ALLEY, and Mr. WASHBURN of Illinois.

Mr. ALLEY withdrew the motion to lay upon the table.

Mr. WASHBURN, of Illinois. This is to supply an omission in the bill hurried through yesterday, to which I called the gentleman's attention without effect. I well knew if he un-

dertook to pass that bill in the shape in which he did this question would arise, that it would permit any company of any foreign nation to land telegraph wires upon your shore and you cannot help it.

Mr. ALLEY. The gentleman from Illinois was in favor of the passage of the bill. He told me so. His object was an ulterior one. His object was to prevent our getting at other bills which he was opposed to.

Mr. WASHBURN, of Illinois. The gentleman has no authority to make an assertion of that kind; and when he makes it he makes an unwarranted assertion. I was in favor of his bill, in good faith, if I could get such an amendment in which he now comes here and asks us to pass.

Mr. ALLEY. I insist on the demand for the previous question.

The previous question was seconded and the main question ordered.

The House divided; and there were—ayes 64, noes 31.

So the bill was recommitted.

Mr. HALE moved to reconsider the vote by which the bill was recommitted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS THE MISSISSIPPI.

Mr. ALLEY, from the Committee on the Post Office and Post Roads, reported back Senate bill No. 236, to authorize the construction of certain bridges, and to establish them as post roads, with amendments; and he also gave notice he would move as an amendment a bill for the construction of a bridge at Clinton, Iowa.

Mr. HALE. Does this bill come regularly before the House? Has it been referred to that committee, and has the committee authorized it to be reported?

The SPEAKER. So far as the Chair is aware it is regularly before the House.

Mr. HALE. My object is to see whether this bill comes before the House in the same manner as the one just recommitted.

The SPEAKER. If the gentleman makes a point of order he must state some specific ground for objecting, on which the Chair will rule.

Mr. HALE. I want to know whether the bill is regularly reported.

The SPEAKER. The bill is indorsed as having been referred to that committee.

Mr. HALE. That is satisfactory.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for any person or persons, company or corporation, having authority from the States of Illinois and Missouri for such purpose, to build a bridge across the Mississippi river at Quincy, Illinois, and to lay on and over said bridge railway tracks, for the more perfect connection of any railroads that are or shall be constructed to the said river at or opposite said point, and that when constructed all trains of all roads terminating at said river, at or opposite said point, shall be allowed to cross said bridge for reasonable compensation, to be made to the owners of said bridge, under the limitations and conditions hereinafter provided. And in case of any litigation to the free navigation of said river, the cause may be tried before the district court of the United States of any State in which any portion of said obstruction or bridge touches.

Sec. 2. And be it further enacted, That any bridge built under the provisions of this act may, at the option of the company building the same, be built as a draw-bridge, with a pivot or other form of draw, or with unbroken or continuous spans: Provided, That if the said bridge shall be made with unbroken and continuous spans, it shall not be of less elevation in any case than fifty feet above high-water mark, as understood at the point of location, to the bottom chord of the bridge, nor shall the spans of said bridge be less than two hundred and fifty feet in length, and the piers of said bridge shall be parallel with the current of the river, and the main span shall be over the main channel of the river, and not less than three hundred feet in length: And provided also, That if any bridge built under this act shall be constructed as a draw-bridge, the same shall be constructed as a pivot-draw-bridge, with a draw over the main channel of the river at an accessible and navigable point, and with spans of not less than one hundred and sixty feet in length in the clear on each side of the central or pivot pier of the draw, and the next adjoining spans to the draw shall not be less than two hundred and fifty feet; and said spans shall not be less than thirty feet

above low-water mark, and not less than ten above extreme high-water mark, measuring to the bottom chord of the bridge, and the piers of said bridge shall be parallel with the current of the river: And provided also, That said draw shall be opened promptly upon reasonable signal for the passage of boats whose construction shall not be such as to admit of their passage under the permanent spans of said bridge, except when trains are passing over the same; but in no case shall unnecessary delay occur in opening the said draws after the passage of trains.

Sec. 3. And be it further enacted, That any bridge constructed under this act, and according to its limitations, shall be a lawful structure, and shall be recognized and known as a post route; upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for their transportation over the railroad or public highways leading to the said bridge.

Sec. 4. And be it further enacted, That it shall be lawful for the Chicago, Burlington, and Quincy Railroad Company, a corporation whose road has been completed to the Mississippi river, and connects with a railroad on the opposite side thereof, having first obtained authority therefor from the States of Illinois and Iowa, to construct a railroad bridge across said river, upon the same terms, in the same manner, under the same restrictions, and with the same privileges as is provided for in this act in relation to the bridge at Quincy, Illinois.

Sec. 5. And be it further enacted, That a bridge may be constructed at the town of Hannibal, in the State of Missouri, across the Mississippi river, so as to connect the Hannibal and St. Joseph railroad with the Pike County and Great Western railroads of Illinois, on the same terms and subject to the same restrictions as contained in this act for the construction of the bridge at Quincy, Illinois.

First amendment:

In section two insert "during or;" so it will read, "but in no case shall unnecessary delay occur in opening the said draws during or after the passage of trains."

The amendment was agreed to.

Second amendment:

Insert:

And be it further enacted, That a bridge may be constructed across the Mississippi river between Prairie Du Chien, in the State of Wisconsin, and North McGregor, in the State of Iowa, with the consent of the Legislatures of Wisconsin and Iowa, on the same terms and under the same restrictions as are contained in this act for the construction of a bridge at Quincy, Illinois.

Mr. ALLISON. Will the gentleman yield for a question?

Mr. ALLEY. Yes, sir.

Mr. ALLISON. I desire to ask the gentleman from Massachusetts [Mr. ALLEY] what has become of an amendment that was sent to the committee by my colleague, authorizing any railroad companies whose lines terminate on the Mississippi river to build bridges on the terms and specifications of this bill; or if it is the design of the committee only to authorize special railroads to build these bridges at particular specified points, excluding other companies from the benefits of this bill. Why not propose a general provision that will include every railroad that wishes to cross the Mississippi river?

Mr. ALLEY. The committee were of opinion, I think unanimously, that it was improper to pass a general law of that kind. So they considered all the cases that were presented upon their merits separately, and it was on that ground that the amendment offered by the gentleman from Iowa was rejected.

Mr. FINCK. I desire to say that I understood distinctly that all the amendments came from the committee without any recommendation whatever.

Mr. ALLEY. My colleague will allow me to correct him. The amendments were adopted by the committee, I think by a unanimous vote, with the understanding that the bill itself was to be reported to the House without recommendation; but if the House in its judgment should think best to pass the bill, then it was thought proper on the part of the committee that these amendments should be adopted.

Mr. FINCK. I desire to state to my colleague that I cannot be mistaken on this subject. I was opposed in the committee, as I am here, not only to the bill, but to the amendments, and it was only with the understanding that the whole subject should be referred to the House that we consented to report them without any recommendation. Certainly I could not favor the amendments when they involve precisely the points of the bill itself.

Mr. FARNSWORTH. I rise to a point of order. It is improper to state what takes place in committee.

The SPEAKER. The Chair sustains the point of order. Statements can only be made in writing, in the conclusions of their report.

Mr. KASSON. Will the gentleman from Massachusetts [Mr. ALLEY] allow me a word?

Mr. ALLEY. Yes, sir.

Mr. KASSON. Several inquiries have been made touching the amendment I offered, which was referred to the committee, proposing to grant a general right to all railroad companies upon reaching that river to bridge it upon the same terms. Now, I wish to say that I waived that amendment for two reasons. One was that my colleague of the district in which Keokuk is situated had an amendment which covered the object I had in view; and the other was, that I thought the privilege was a little too much to take away entirely the discretion of Congress in all cases as to where it should allow that river to be bridged. I thought the special attention of Congress should be called in each case to the points to be bridged, and that that discretion might be exercised at the time the privilege was asked. I therefore cheerfully waived that amendment, and in lieu of it agreed to accept that which my colleague from the first district will offer.

Mr. WASHBURN, of Illinois. I wish to state what perhaps may be a question of order, in order to call the attention of the House to what our legislation has already been on this subject, and I particularly desire to direct the attention of the gentleman from Massachusetts—

Mr. ALLEY. I do not give way for that purpose.

Mr. WASHBURN, of Illinois. I hope we shall have a fair discussion. There has seldom been in this country a question of so much interest as this.

The SPEAKER. The gentleman from Massachusetts declines to yield.

Mr. HOGAN. Will the gentleman yield to me only for a question?

Mr. ALLEY. I will after we get the bill in a proper shape.

Mr. HOGAN. It is merely a preliminary question.

Mr. ALLEY. I will yield.

Mr. HOGAN. I ask the gentleman whether we have not during this session directed the Secretary of War to make a survey of the Mississippi river, with a view to ascertain where bridges can be built; and whether it would not be proper to defer further action until that matter is settled.

Mr. ALLEY. I believe it is true that the Secretary of War has been instructed to make a survey, but I see nothing in this bill incompatible with that action, if this House sees fit to pass it. The Senate has passed the bill, and I believe by a very large vote, notwithstanding the action of the Senate and the House upon the subject to which the gentleman refers.

Now, Mr. Speaker, I wish it distinctly understood between myself and my colleague on the committee [Mr. FINCK] how this matter stands. I think he will agree with me if he understands my statement, which is this: that I was instructed to report back this bill without any recommendation. The committee were undecided in regard to it, but with regard to the amendments they were unanimously of the opinion that as they involved the same principle, if the bill itself was passed, there could be no objection to the amendments. It was on that ground, and that alone, that they agreed to the amendments. Am I right?

Mr. FINCK. I hardly think there will be any difference between the gentleman and myself when we come to understand each other. I understand that these amendments involve the same principle as is involved in the bill itself, and an opposition to the bill would be an opposition to the amendments. There is no doubt that the gentleman was authorized to report the amendments. I do not concur in the amendments, nor do I concur in the bill.

Mr. ALLEY. I did not mean to intimate to the House that the gentleman from Ohio, my colleague on the committee, did approve of these amendments. But they stand upon the same ground as the bill, and if the House should decide that the bill itself should pass, then there is no reason in the world for the exclusion of these bridges provided for in the amendments.

Mr. RANDALL, of Pennsylvania. I desire to make a motion, and in support of that motion I desire to say a word or two.

Mr. ALLEY. I cannot yield now.

Mr. WASHBURN, of Illinois. What is the question before the House?

The SPEAKER. The question is on the demand for the previous question on the second amendment reported from the Committee on the Post Office and Post Roads.

Mr. RANDALL, of Pennsylvania. I desire to move to recommit the bill to the committee with a view of having a report.

The SPEAKER. That motion is not in order pending the demand for the previous question.

Mr. RANDALL, of Pennsylvania. Then I hope the House will not sustain the previous question, so that I can make my motion, and on it I desire to say a single word.

Mr. ALLEY. I cannot yield for any such purpose.

Mr. RANDALL, of Pennsylvania. You will certainly hear me.

Mr. ALLEY. The gentleman must allow the bill to be perfected.

Mr. RANDALL, of Pennsylvania. I want the committee to perfect the bill.

The SPEAKER. The gentleman from Massachusetts must either insist on the demand for the previous question or withdraw it.

Mr. ALLEY. I insist upon it.

The question was put upon seconding the demand for the previous question; and there were—ayes 57, noes 36.

So the previous question was seconded.

The main question was then ordered; and being put, the second amendment was agreed to.

The third amendment reported by the committee was read, as follows:

Add the following as an additional section:
SEC. 7. *And be it further enacted*, That the right to alter or amend this so as to prevent or remove all material obstructions to the navigation of said river by the construction of bridges is hereby expressly reserved.

Mr. ALLEY. I yield now to the gentleman from Iowa, [Mr. WILSON.]

Mr. WILSON, of Iowa. I move to amend the amendment by adding to it the following:

And be it further enacted, That the Keokuk and Hamilton Mississippi Bridge Company be, and is hereby, authorized to construct and maintain a bridge over the Mississippi river between Keokuk, Iowa, and Hamilton, Illinois, of the same character, description, and construction as provided in this act for the bridges at Quincy and Burlington, and the said bridge, in its use and operation, shall be subject to the same restrictions that apply to said bridges at Quincy and Burlington by the terms of this act.

Mr. WILSON, of Iowa. I desire to say that this is one of the most important railroad crossings on the river; and if any bridge should be made, it should be this one. I ask the previous question on the amendment to the amendment.

Mr. WASHBURN, of Illinois. I would ask if this amendment to the amendment is recommended by the Committee on the Post Office and Post Roads.

Mr. ALLEY. It has not received the formal approbation of the committee, but I believe the majority of the committee, considering that it involved the same principle as the other amendment, made no objection to it.

The previous question was seconded and the main question ordered; and under the operation thereof the amendment to the amendment was agreed to.

Mr. WILSON, of Iowa, moved to reconsider the vote by which the amendment to the amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The question recurred upon the amendment as amended.

Mr. WINDOM. I move to further amend the amendment by adding thereto the following:

And that the Winona and St. Peter's Railroad Company, a corporation existing under the laws of the State of Minnesota, is hereby authorized to construct and operate a railroad bridge across the Mississippi river between the city of Winona, in the State of Minnesota, to the opposite bank of said river, in the State of Wisconsin, with the consent of the Legislatures of the States of Minnesota and Wisconsin; and said bridge by this section authorized is hereby declared a post route, and subject to all the terms, restrictions, and requirements contained in the foregoing sections of this act.

This amendment stands in precisely the same relation to the bill as the one just now passed, offered by the gentleman from Iowa, [Mr. WILSON.] I believe a majority of the Committee on the Post Office and Post Roads are in favor of it, though I was requested to offer it. I now call the previous question on the adoption of the amendment to the amendment.

Mr. COBB. I have abundant reason to oppose this amendment to the amendment, and I hope the House will not sustain the call for the previous question.

Mr. WASHBURN, of Illinois. I ask the gentleman from Minnesota [Mr. WINDOM] to withdraw for a moment his call for the previous question. This subject involves a matter of two bridges which were discussed for perhaps a whole day in the Senate. It is certainly a question which this House ought to understand before they vote upon it; and I trust the gentleman from Minnesota [Mr. WINDOM] will not press his demand for the previous question until the House can understand precisely what it is that they are asked to pass upon. It is a matter in which the gentleman from Wisconsin [Mr. PAINE] and one half of the people of Wisconsin are deeply interested.

Mr. PAINE. The gentleman is right; I am very much interested in having it adopted.

Mr. WINDOM. I insist upon the call for the previous question.

The question was taken; and upon a division there were—ayes 52, noes 39; no quorum voting.

Mr. COBB. I ask for tellers upon seconding the call for the previous question.

Tellers were ordered; and Mr. WINDOM, and Mr. WASHBURN, of Illinois, were appointed.

The House again divided; and the tellers reported—ayes 60, noes 35.

So the previous question was seconded.

The question recurred upon ordering the main question to be put.

Mr. WASHBURN, of Illinois. Upon that I ask for the yeas and nays.

The yeas and nays were not ordered.

The question was taken; and upon a division there were—ayes 62, noes 31.

So the main question was ordered, which was upon the amendment of Mr. WINDOM to the amendment.

Mr. WASHBURN, of Illinois. Upon that question I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 80, nays 34, not voting 68; as follows:

YEAS—Messrs. Alley, Ames, Baker, Banks, Baxter, Bergen, Bidwell, Bingham, Bromwell, Bundy, Sidney Clarke, Coffroth, Conkling, Cook, Darling, Defrees, Donnelly, Driggs, Eckley, Eldridge, Farquhar, Ferry, Garfield, Glossbrenner, Grider, Grinnell, Hart, Henderson, Higby, Holmes, Hotchkiss, Asahel W. Hubbard, Demas Hubbard, John H. Hubbard, James R. Hubbard, Ingersoll, Jenckes, Julian, Kasson, Kelley, Kelso, Ladin, William Lawrence, Le Blond, Loan, Marston, Marvin, McClurg, McKee, McRuer, Miller, Morris, Moulton, Myers, Newell, Orth, Paine, Perham, Pike, Plants, Pomeroy, Price, William H. Randall, Raymond, John H. Rice, Rollins, Rousseau, Sawyer, Seefeldt, Thayer, Francis Thomas, John L. Thomas, Van Aernam, Robert T. Van Horn, Henry D. Washburn, William B. Washburn, Wentworth, Whaley, Windom, and Woodbridge—80.

NAYS—Messrs. Allison, Ancona, Anderson, Benjamin, Broomall, Buckland, Reader W. Clarke, Cobb, Deming, Eggleston, Eliot, Finck, Hale, Aaron Harding, Hogan, Kerr, Ketcham, Kuykendall, George V. Lawrence, McCullough, Mercier, Niblack, Neill, O'Neill, Ritter, Rogers, Ross, Schenck, Shanklin, Spaulding, Taber, Taylor, Thornton, and Elihu B. Washburne—34.

NOT VOTING—Messrs. Deloe, R. Ashley, James

M. Ashley, Baldwin, Barker, Beaman, Blaine, Blow, Boutwell, Boyer, Brandegee, Chanler, Cullom, Culver, Davis, Dawes, Dawson, Delano, Denison, Dixon, Dodge, Dumont, Farnsworth, Goodyear, Griswold, Abner C. Harding, Harris, Hayes, Hill, Hooper, Chester D. Hubbard, Edwin N. Hubbell, Hulburd, Humphrey, Johnson, Jones, Latham, Longyear, Lynch, Marshall, McIndoe, Moorhead, Morrill, Nicholson, Patterson, Phelps, Radford, Samuel J. Randall, Alexander H. Rice, Shellabarger, Sitgreaves, Sloan, Smith, Starr, Stevens, Stillwell, Strouse, Trimble, Trowbridge, Upson, Burt Van Horn, Ward, Warner, Welker, Williams, James F. Wilson, Stephen F. Wilson, Winfield, and Wright—68.

So the amendment to the amendment was agreed to.

Mr. WINDOM moved to reconsider the vote by which the amendment to the amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. WASHBURN, of Illinois. Has the morning hour expired?

The SPEAKER. It has, and the bill goes over until Saturday morning next.

PRINTING OF TAX LAWS.

Mr. LAFLIN, from the Committee on Printing, reported the following resolution; which was read, considered, and agreed to:

Resolved, That there be printed for the use of the House twenty-thousand copies of the internal tax laws, as they shall stand after incorporating provisions of the act recently passed, so that as far as is practicable the provisions of the different laws upon the same matter shall be printed in connection.

POST ROADS.

Mr. ALLEY, by unanimous consent, from the Committee on the Post Office and Post Roads, reported back Senate bill No. 369, to establish certain post roads.

The reading of the bill was dispensed with.

Mr. ALLEY stated that the bill contained nothing but provisions for post roads.

The bill was ordered to a third reading; and it was accordingly read the third time and passed.

Mr. ALLEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

Mr. ALLEY, by unanimous consent, from the same committee, also reported a bill to establish certain post roads; which was read a first and second time, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. ALLEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

DEPUTY COLLECTOR AT PORTLAND, OREGON.

On motion of Mr. HIGBY, the Committee on Appropriations were discharged from the further consideration of the matter of increase of pay of the deputy collector at Portland, Oregon, and the same was referred to the Committee on Commerce.

PAY OF CLERKS.

On motion of Mr. HIGBY, the Committee on Appropriations was discharged from the further consideration of a petition in reference to the pay of clerks, and the same was referred to the Committee of Ways and Means.

TAPPING GOVERNMENT WATER-PIPES.

Mr. F. THOMAS, by unanimous consent, introduced a bill in relation to the unlawful tapping of the Government water-pipes; which was read a first and second time and referred to the Committee on the Judiciary.

ABELARD GUTHRIE.

Mr. SPALDING. I move that the Committee on Appropriations be discharged from the further consideration of the claim of Abelard Guthrie, and that the same be referred to the Committee of Elections.

Mr. DAWES. I should like to have the gentleman give some reason why it should be so referred. The Committee of Elections had

the case before them and reported it back. It was then referred to the Committee of Claims, and on being reported back from that committee it was referred to the Committee on Appropriations. If it is going around again, why not have it done to-day?

Mr. SPALDING. If the Committee of Elections will report this man has a good case, then the Committee on Appropriations will report to pay him.

Mr. DAWES. The Committee of Elections and the Committee of Claims have reported several times.

Mr. SPALDING. The Committee of Claims reported against it.

Mr. SCHENCK. It has been referred four or five times, and there seems to be no possibility of this man having his claim considered by the House.

Mr. PAINE. I move to refer it to the Committee on Revisal and Unfinished Business.

The SPEAKER. That committee is composed of four chairmen of principal committees.

There was no objection, and it was so ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, announced that the Senate had insisted on its amendments disagreed to by the House to the bill (H. R. No. 261) making appropriations for the consular and diplomatic expenses of the Government for the year ending 30th June, 1867, and for other purposes; had disagreed to the amendments of the House to the ninth amendment of the Senate; had agreed to the conference asked by the House, and had appointed Messrs. SUMNER, TRUMBULL, and GRIMES conferees on the part of the Senate.

The message further announced that the Senate had passed the bill (H. R. No. 727) entitled "An act declaratory of an act entitled 'An act authorizing the Secretary of the Treasury to issue registers to vessels in certain cases,' approved February 10, 1866," with amendments, in which the concurrence of the House was requested.

The message also announced that the Senate had passed a bill (S. No. 414) entitled "An act to regulate the times and manner of holding elections for Senators in Congress," in which the concurrence of the House was requested.

ELECTION OF SENATORS.

On motion of Mr. COOK, Senate bill No. 414, to regulate the time and manner of holding elections for Senators was ordered to be printed.

ENROLLED BILL SIGNED.

Mr. COBB, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the Senate of the following title; when the Speaker signed the same:

A bill (S. No. 357) to aid in the construction of telegraph lines, and to secure to the Government the use of the same for postal, military, and other purposes.

ELECTION CONTEST—AGAIN.

The SPEAKER stated the regular order of business was the consideration of the report of the Committee of Elections in the case of Fuller vs. Dawson, from the twenty-first congressional district of Pennsylvania, on which the gentleman from Pennsylvania [Mr. LAWRENCE] was entitled to the floor.

Mr. LAWRENCE, of Pennsylvania. Mr. Speaker, there is no man in this House more averse to public speaking than I am, and nothing but an imperative sense of duty to the contestant, who is a personal acquaintance and esteemed friend, and to the Union men of the twenty-first district of Pennsylvania, induces me now to trespass on the attention of the House. I know almost all of these and know how anxious they have been and are to be properly represented, and there is not a more worthy or intelligent set of men in any district

in the State. They feel and have felt that great injustice is and has been done them, because by the soldier vote the sitting member was defeated in 1862, and Mr. Stewart, of Indiana, a competent and intelligent gentleman, elected over him.

Mr. DAWSON. I never heard that urged before.

Mr. LAWRENCE, of Pennsylvania. I repeat that the sitting member was defeated; the exact majority I cannot give, but have heard it was at least 50 votes, and perhaps more.

Mr. DAWSON. This is the first time I ever heard this urged, either here or in my district.

Mr. LAWRENCE, of Pennsylvania. If the gentleman denies it, then there is a question of veracity between us, for I assert it on the authority of the gentleman then elected and others. This district is composed of Fayette, Westmoreland, and Indiana counties, and is a close district—perhaps the Democrats have a small majority, but Dr. Fuller, the contestant, being a popular man, received more than the party vote, and I believe was duly and honestly elected, as was Mr. Stewart, in 1862. The latter was urged to contest the seat, but as the Democratic court of our State had declared the act authorizing the soldiers to vote unconstitutional, he did not contest. Yet the decision in the case of Baldwin against Trowbridge, decided this session, would have covered his case fully, and set aside that decision and making Congress the judge in the case of its own members. Had this case then been contested there can be little doubt the seat would have been awarded to Stewart.

I do not pretend that this is an argument against the sitting member, and only refer to it to show how unfortunate the district has been; and, I repeat, they feel, and justly so, that they have been misrepresented during the last Congress.

I will now come to the report of the committee, upon which members seem to rely, even without examining it. I have had members of the House tell me again and again that they never examined the report, but took it for granted that if the Committee of Elections reported in favor of the sitting member they were bound to take that report. I confess that I have done that myself in one or two instances which I am free to say I should have examined for myself. Now, sir, I undertake to say that if every member of the House had listened to the argument of my colleague on the committee [Mr. SCOFIELD] yesterday, there would not be five fair-minded men in the House who would have dared to vote in favor of the sitting member. I do not charge the committee with dishonesty by any means. I believe there is not a committee in this House composed of more honorable, high-minded, and intelligent men than that committee. But I say the majority of them are mistaken in indorsing this report.

Let me refer to the gentleman who wrote the report, [Mr. PAINE.] In his remarks yesterday he referred to something which the gentleman from Pennsylvania said to him. As I made the statement, of course he means me. I admit that I said I could find only two members of the committee that agreed to the report, and that is true. I did not talk with all the members of the committee, but I ascertained that the chairman of the committee [Mr. DAWES] and the gentleman from Wisconsin [Mr. PAINE] agreed to the report, and no other member of the committee. I afterward found that the gentleman from Missouri [Mr. McCLELLAN] had agreed to it. Now, how does it stand? It appears from the record that five members signed or agreed to the report. Now, I have as much respect for my friend from Illinois [Mr. MARSHALL] and his Democratic colleagues as any gentleman in this House; but we all know that they always sign the report in favor of their party, and that the party supports them. You cannot find an instance this session in which they have not done it.

Mr. ROGERS. I will state the reason. It is because every Democrat who has been turned out has been wrongfully turned out.

Mr. LAWRENCE, of Pennsylvania. Well, I will not undertake to say whether that is so or not. I voted with the committee myself, believing that they did not err in the matter; but I say now that I can figure for myself and am able to understand the facts that are presented in this case, and I know that Mr. Fuller had a majority of the votes cast in this district. And there is not an honest man in the district, who can read and reflect, who does not believe it, and that there has been a great outrage perpetrated by this report. But how is it in regard to the committee? The gentleman from Ohio, [Mr. SHELLABARGER], the gentleman from Pennsylvania, [Mr. SCOFIELD], the gentleman from Vermont, [Mr. BAXTER], and the gentleman from Michigan, [Mr. UPSON], who has been called home by sickness, refused or neglected to sign this report. It is fair to infer, therefore, that they are against it. So, then, you have four members refusing to sign it and three in favor of it. In other words, you have three Union members of the committee agreeing with the Democrats that sixteen or twenty soldiers shall be disfranchised in order to keep the sitting member in, and you have four Union members declaring that the contestant is entitled to the seat. Now, I do not consider that that makes a very strong case. Admitting that it is a majority, it is a majority of only one, and that made up of Democrats who vote on all occasions and under all circumstances that the gentleman of their party shall have the seat.

Mr. Speaker, we have been anxious that our soldiers should vote. I myself helped to pass a law giving them the right to vote. But the supreme court, being on the Democratic side, set it aside. I afterward helped to amend the constitution. We passed it through at two sessions of the Legislature and submitted it to the people. And how did the Democrats vote upon that? The returns show that 105,000 in Pennsylvania voted against it. And if I am not mistaken, the very county in which the gentleman [Mr. Dawson] lives gave a majority against that amendment. I do not believe there is a Democrat in Fayette county—and they are about as strongly impregnated with southern feeling as any other—that voted in favor of giving suffrage to the soldiers, unless it was some who had been in the Army. We labored hard to give the soldiers the right to vote, and we passed the constitutional amendment against the will of the Democrats.

Then we said to the men in the field that no technicality in the manner or count should deprive them of their votes. We did not expect the men in the field, fighting the enemy in front with their bullets, and the enemy in the rear with their ballots, could sit down and organize a board of clerks and all the paraphernalia of an election as they could do at home. Hence we provided that no informality in the law should deprive them of their votes. Now, my colleague [Mr. SCOFIELD] proved yesterday how this thing was done most conclusively. I do not say it was done unfairly. My friend from Massachusetts [Mr. DAWES] knows that no man holds him in higher regard than I do. But he is not infallible. I hold that the gentleman from Ohio [Mr. SHELLABARGER] and my colleague [Mr. SCOFIELD] each have as clear a head as he has, and they are both prepared to show to this House that if they agree to this report they disfranchise the soldiers. The committee make a long report, and they cover two pages of paper to prove that the votes of a single lot of soldiers, seven in number, in company A, one hundred and fifty-fifth regiment, ought not to be allowed.

Mr. PAINE. I merely wish to say in regard to that what I said yesterday, that of those two pages taken up in explanation of that return three fourths consists of the copy of the law of Pennsylvania, which the committee did not frame. I therefore could not well have written less.

Mr. LAWRENCE, of Pennsylvania. I am sorry the committee did not understand the laws of Pennsylvania, as it is very evident they did not. The laws of Pennsylvania were not designed to disfranchise the soldiers. And before I go further I want to say on behalf of the soldiers of Pennsylvania and other States, that in the camp, in the field, and in hospital they never voted to admit one of their enemies to this floor. I have said that this case was made up by special pleading. Let us exercise common sense. I admit I am not a lawyer, and have not looked into the technicalities of the case, perhaps, as much as some who have been educated at the bar. I am a farmer, but I claim to have some common sense, and I repeat that there is not a lawyer on this floor, I care not how astute, who can show that these figures are wrong. I will take my learned colleague, [Mr. WILLIAMS,] who has a legal reputation, perhaps, equal to any man in the State; I will give him one hour to prove that the sitting member is entitled to his seat by the facts and figures of this report, and if he can do it I will agree to vote for it. He has examined it, and so have other able lawyers in the House, and they have come to no other conclusion than that by adopting the report of the committee you disfranchise these soldiers.

Mr. DAWES. Not one.

Mr. LAWRENCE, of Pennsylvania. My friend shakes his head. I know how it will be when he comes to argue this case. I have not forgotten how he paced through these aisles when he made his argument in favor of the right of the gentleman from New York [Mr. DODGE] to his seat, and how he induced the House to set aside 200 majority there. I do not undertake to say but it was right, but I do want it understood that the *dicta* and the decisions of the chairman of the Committee of Elections are not always right, but that they have been overruled on former occasions. Not this session. But I say if there ever was a case where the decision of the committee ought to be overruled, it is this case. And I think if the contestant could have been here to present his own case that decision would be overruled.

And now let me show you why; and this will be the driest part of the case, of course. Company A, one hundred and fifty-fifth regiment Pennsylvania volunteers, gave Fuller 7 votes, Dawson none. But those returns are thrown out because the oaths are not attached to them. But I say the oaths are in the report, and any man can read them for himself. The majority of the committee have made a mistake, not willfully, I know, but it is a mistake, as my colleague [Mr. SCOTFIELD] showed yesterday. And the gentleman from Wisconsin [Mr. PAINE] had the frankness to admit it, and to say that these 7 votes should be counted. I take it for granted that they should be counted, for they were fairly polled in camp; and no man can show that they ought not to be counted. At Camp Parole there was 1 vote cast for Mr. Fuller; the papers are all right, all sworn to properly, and yet the vote is left out merely by negligence or oversight. I am now referring to votes that the gentleman from Wisconsin, [Mr. PAINE,] according to his theory, allows to be correct and right. And if any member desires to controvert that fact he has now an opportunity.

Now, the McClellan hospital vote is rejected by the committee, because the oaths were not properly certified on the return. Yet, in the caption of the poll-book it is set forth that the officers were sworn according to law. That is not denied, and the list of the officers is there. Yet the 3 votes from that hospital are ruled out. The majority of the committee claim that the sitting member has a majority of 15 votes. I want to show that upon their own theory the contestant, Mr. Fuller, has a majority of 16 votes.

Mr. PAINE. I understood the gentleman to say just now that the majority of the committee have found 15 majority for the sitting member.

Mr. LAWRENCE, of Pennsylvania. That is what the report says.

Mr. PAINE. Will the gentleman state in what part of the report he finds that?

Mr. LAWRENCE, of Pennsylvania. Here it is:

"Upon the hypothesis that the illegal returns, to which the contestant objected, were actually canvassed in favor of Mr. Dawson, and the notice of contest permits the contestant to attack them, the vote will be, majority for J. L. Dawson 15."

Mr. PAINE. I will explain now to the House the misunderstanding which the gentleman from Pennsylvania, [Mr. LAWRENCE,] in common with all those who take the view he does, have made in regard to this report. If he had read further he would have read:

"If it is assumed that these illegal returns were not canvassed, or that the notice of contest does not permit the contestant to attack them, Mr. Dawson's majority will be 21."

Then, turning back to page 9 of the report, he would find that there is no proof whatever in the case that those votes should have been counted; and therefore the conviction of the committee was that the majority of the sitting member was 21, and not 15.

Mr. LAWRENCE, of Pennsylvania. If the gentleman from Fayette [Mr. Dawson] was entitled to retain his seat by 21 majority, why did not the committee put it down in figures? In his argument yesterday the gentleman from Wisconsin [Mr. PAINE] claimed that the majority was 15. And when pressed by my colleague [Mr. SCOTFIELD] upon that, he now gives it up, and puts in a claim for 21 majority.

Mr. PAINE. We did not put it down in figures, but we wrote it all out in letters and words on page 12 of the report, in the very next sentence to what the gentleman read.

Mr. LAWRENCE, of Pennsylvania. I have had that page.

Mr. PAINE. Does not the gentleman find "twenty-one" there?

Mr. LAWRENCE, of Pennsylvania. Yes, I find it there. And now, if the gentleman will have patience, I will show where the other 6 votes came from. I have already shown 11 votes legally given and which should have been counted, for they were cast in camp by the soldiers under the law; and yet they have not been counted.

Then we have thus 11 votes for contestant. This return included the vote from Fayette, Indiana, and Westmoreland counties, making 15 votes in all. The committee refuse to count the 5 votes from Indiana county and the 2 votes from Fayette county, making 7 in all. Why do they refuse them? They do not deny that these votes are legal; but they object that the certificate was only from the prothonotary of Westmoreland county, and that he had no right to include in the return the votes of the other two counties. This at most is only a technical objection. The return is perfect. On page 5 of the third book will be found the evidence in regard to this matter: The return in full from the secretary of the Commonwealth of Pennsylvania was presented to the House and the committee, being numbered sixty-four. The duplicate of that return I have now here, and any member can examine it.

The certificate numbered sixty-four seems to have been lost. It is admitted that it was among the papers. The gentleman who made out the list swears that the paper was presented to the House; yet the committee by some means overlooked or lost the document; and when it was found that the return had by some means become missing, and when a duplicate had been furnished, the committee refused to count these votes. As soon as it was found that this paper was not among the papers in the hands of the committee, the contestant, or his attorney, procured from the office of the secretary of the Commonwealth, at Harrisburg, a duplicate copy of the return, with the seal of the State attached, accompanied with the affidavit of the proper officer; yet those 7 votes were not counted. Why? Not because the evidence was not furnished to the committee, for they admit they had it; yet they refuse to count these 7 votes. Adding these

7 to the 11, which I have already shown should be counted, make 18—3 more than the majority claimed for Mr. Dawson in the report.

Now, let us turn to the vote of the two hundred and sixth regiment in the field. In that case we have evidence that the officers conducting the elections were sworn. Yet the committee refuse to count the votes because, they allege, the officers were not "sufficiently" sworn. It is set forth in the caption of the poll-book that the officers were sworn, and the oath is given, signed by all the officers, showing that the officers were regularly sworn, and that they conducted the election regularly. Yet the vote thus returned is ruled out and disregarded. These votes would have made 2 more for the contestant. There is no reason why these votes should not have been counted. The law provides that the soldiers' votes shall not be ruled out on account of any technicality or informality. It was expressly intended by the Legislature that considerable latitude should be allowed for irregularities in the elections by soldiers in the field; that their votes should not be nullified on account of any informality. The 2 votes returned from this regiment would make 20 for the contestant.

In the fourth independent artillery there were 4 votes cast. The committee make the same objection to these votes. Yet, in the caption of the poll-book it is set out that the officers were all severally sworn according to law previous to their receiving any of the votes. Here are 4 more votes which the committee refuse to count, although it was admitted that they were polled, as is certified by the oaths of the officers. It is true there may be some informalities; but does the gentleman from Wisconsin, who has himself served so faithfully in the field, and who bears honorable scars, does he stand up in this case and declare that our Pennsylvania soldiers shall be disfranchised because some clerk has not included in the return every word that should have been inserted? It is admitted that the returns may be informal to a certain extent; but they are legally sworn to, and they are the very same class of returns upon which the majority have based their report in favor of the sitting member. Now, this makes 24 votes that Mr. Fuller is entitled to free of all doubt. I have shown this House, I think, that these 24 votes should have been counted for the contestant in this case.

But I have more here of the same kind. Take Satterlee hospital. It is proved that of 6 votes cast there 5 were cast for Fuller and 1 for Dawson; that will give Fuller 29 majority. Yet notwithstanding the evidence of the votes cast in these hospitals where the majority was largely in favor of the contestant and against the sitting member, making the majority of the contestant 29, we have here three members of the Republican party declaring to the world that the law of Pennsylvania is to be trampled under foot and the soldiers of that State are to be disfranchised. Now, will this House do this injustice to these soldiers after they had done so much for the country? I would like to see gentlemen go into their districts and defend themselves when they will throw out soldiers' votes because there has been some informality. But, sir, there has been no informality in one case that has not existed in the other. I think the facts will prove incontestably that my declaration is true.

Mr. Speaker, one word more and I will close. I know how hard it is to meet the report of the Committee of Elections or any other committee. I can call to mind several cases where the House by an overwhelming vote has refused to pass a bill reported by the committee. I may refer to the case of a bill reported by the chairman of the Committee on Military Affairs, one of the ablest members of the House, which was rejected by the House. It is no disrespect to the Committee of Elections when I say that four members of that committee, equal in intelligence, equal in discrimination to those of the majority, refused to sign the report. I know how members upon this floor have been button-holed to go for the sitting member in

this case. I know how personal appeals have been made to stand by the sitting member. I have noticed it, and whether honorable or not, I leave it to the friends of the sitting member to determine.

Mr. ROSS. As the other side have more than sufficient majority to pass laws over the President's veto, I do not see that there is any political reason why they should turn out any more members on this side. We have now only members enough to call the yeas and nays, and I ask why the gentleman will not let us remain as we are.

Mr. LAWRENCE, of Pennsylvania. I am glad the gentleman has put the question in that way. I say those gentlemen have treated the soldiers' vote with reproach and contumely. They have tried in every possible way to disfranchise them. Still, if any member is legally elected, I am in favor of giving him his seat. I admit that I have been in the habit of voting with the committee, although I do not know that their recommendation was always right.

Mr. ROSS. Did you not vote with the committee to turn out some members on this side who were entitled to their seats?

Mr. LAWRENCE, of Pennsylvania. The gentleman asks me whether I did not vote to turn out some members on that side who were entitled to their seats. I will say that none were turned out who were not turned out by the judgment of the committee; but some have been retained who ought not to have been retained, because I do not believe they were elected by the people. I know the power of personal influence. It is very easy for me to go and ask an old friend to stand by me. It is not very difficult to get a member who has not examined the question to say he will not vote to turn out a member with whom he is acquainted. Knowing what an effort has been made to keep out the soldiers' vote, believing the committee has come to a wrong conclusion, knowing that four members of the committee refuse to sign the report, I leave the case to the House with the hope that the House will do justice to this contestant.

I have much more which I would like to say but which I am precluded from saying by want of time. The contestant presented his case fully to the committee, and if the House will examine it I am sure they will agree with me that it is unanswerable.

Mr. MILLER obtained the floor.

Mr. MARSHALL. If the gentleman will permit me, I would like to say a few words in response to a remark made by his colleague, [Mr. LAWRENCE.]

Mr. MILLER. I will yield to the gentleman if it does not come out of my time.

The SPEAKER. It will not come out of the gentleman's time.

Mr. MILLER. Then I have no objection to yielding.

Mr. MARSHALL. I do not propose to discuss the merits of the question now before the House. It is in the hands of gentlemen who have studied it more thoroughly than I have, and are able to do justice to the report of the committee, and I should not have said a word had it not been for a remark that I was very much surprised to hear fall from the lips of the gentleman who has just taken his seat, and that remark, I think, was unworthy of him and unworthy of his position as a member of this House.

Mr. Speaker, I have listened here during a long session to a great many discourteous remarks made by gentlemen of the majority toward the minority on this floor. It has been the daily practice for gentlemen upon the other side of the House to sneer at the motives of gentlemen of the minority, and to speak of us as if we were not governed by the ordinary motives which actuate gentlemen and legislators acting upon their oaths and with all the responsibilities of their position resting upon them. It has been deemed a sufficient answer to any arguments that might be made from this side of the House that they came from Democrats, and the sneer "secessionists," "copper-

heads," "traitors," "sympathizers with the rebellion," and the like, have been deemed a conclusive and overwhelming answer to any arguments.

Now, I wish to say right here that gentlemen who cannot discuss the principles of a measure without attacking the motives and character of those who happen to disagree with them are unworthy of seats in a great deliberative body like this. It is disgraceful to the House and disgraceful to the country that great measures cannot be discussed here by gentlemen without impugning the motives and the character of gentlemen who happen to differ from those who are discussing those measures. When these general slings have been made against this side of the House, however unjust or discourteous, I have not been disposed to mingle in the debates, or to attempt to reprove those guilty of conduct which I think disgraceful to the country. But I understood the gentleman from Pennsylvania, [Mr. LAWRENCE,] whom I have regarded with great respect to say that the majority report in this case was made up by the concurrent votes of two gentlemen of the Democratic party, and that without their votes there would have been no majority in favor of the sitting member in this case, and that those gentlemen of the Democratic party would vote for a member of their own party without any regard whatever to the merits of the case.

Mr. LAWRENCE, of Pennsylvania. Will the gentleman allow me to explain? He has certainly misunderstood me.

Mr. MARSHALL. Of course I will.

Mr. LAWRENCE, of Pennsylvania. I desire to repeat what I did state. I said this: that the gentleman from Wisconsin who made this report spent half an hour in attempting to prove that this report was the report of a majority of the committee. I admitted that it was the report of the committee, but I said that the Democratic members of the committee had, during this session, voted uniformly on all occasions for their own friends. The gentleman from Illinois knows that there is no gentleman upon the other side of the House for whom I have a higher regard than I have for him, but I ask him if my statement is not true.

Mr. MARSHALL. You are mistaken in regard to that.

Mr. LAWRENCE, of Pennsylvania. If I am mistaken, I stand corrected; but I understand that in the Voorhees case the Democratic members of the committee voted to sustain Mr. Voorhees.

Mr. MARSHALL. Yes, sir; they did.

Mr. LAWRENCE, of Pennsylvania. In the Dodge case, did they not vote to sustain Mr. Brooks?

Mr. MARSHALL. Yes, sir.

Mr. LAWRENCE, of Pennsylvania. In the case of Koontz vs. Coffroth, you sustained Coffroth.

Mr. MARSHALL. In those three cases you are right and we were right.

Mr. LAWRENCE, of Pennsylvania. In the case of Fuller against Dawson, they voted to sustain Mr. Dawson.

Mr. MARSHALL. Yes, sir.

Mr. LAWRENCE, of Pennsylvania. In the case of Mr. Baldwin, of Michigan, they voted for Mr. Baldwin, although there was a majority of five or six hundred for Mr. Trowbridge.

Mr. MARSHALL. I remind the gentleman of the case of Follett against Delano.

Mr. LAWRENCE, of Pennsylvania. Oh, there was no real contest in that case. I want the gentleman to understand that I have no personal feeling toward him. I am only stating facts.

Mr. MARSHALL. I do not understand the gentleman yet to say that he did not make the remark which I understood him to have made, that we would vote for our own side without any regard to the merits of the case. What I intended to say was that this mode of discussing questions, so frequently indulged in by gentlemen, by attacking the motives and character of those who happen to differ from them, is

illegitimate and disgraceful to the House and the country.

Mr. LAWRENCE, of Pennsylvania. If the gentleman will have it so I cannot help it. If they will vote so they must bear the blame.

Mr. MARSHALL. That is no answer to what I have said. I said, and I repeat it, that this mode of discussion, which has been adopted to a great extent by gentlemen upon the other side of the House during this session, is disreputable to the House and the country, and for myself, personally, I do not intend to submit to it any longer.

Now, I would not have made these remarks had not the gentleman alluded personally to myself, because I happen to be a member of the Committee of Elections. And I wish to say that while I do not claim to be free from the imperfections of human nature, while I know that all men are sometimes unconsciously misled in their judgments by their preconceived ideas or predilections, when any gentleman imputes to me motives other than those which ought to actuate a gentleman and a legislator under the high responsibility of his oath and his position, he does that which is unworthy of him and he makes a charge which is in fact false.

Mr. LAWRENCE, of Pennsylvania. Mr. Speaker, I will not bandy words with my friend on the other side of the House. He knows that I have a high personal respect for him, as much as I have for any member of the Democratic party. The gentleman will admit that he has been so long associated with that party that it would be difficult for him to differ with them in opinion. I do not say that he does these things dishonestly at all—not by any means. I have simply stated facts. Let the gentleman explain the facts away and not abuse me.

SUFFERERS BY THE PORTLAND FIRE.

A message from the Senate, by Mr. FORNEY, its Secretary, announced that the Senate had passed a joint resolution (S. R. No. 129) to authorize the President to place at the disposal of the authorities of Portland, Maine, tents, camp and hospital furniture, and clothing for the use of families rendered houseless by the late fire, in which he was directed to ask the concurrence of the House.

Mr. RICE, of Maine. I ask unanimous consent to take up the joint resolution which has just been received and put it on its passage.

No objection being made, the joint resolution was read a first, second, and third time, and passed.

Mr. RICE, of Maine, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

Mr. MOULTON asked and obtained leave of absence for the remainder of the session for his colleague, Mr. CULLOM.

ELECTION CONTEST—AGAIN.

Mr. MILLER. Mr. Speaker, I consider this case one of very great importance, not only to our State but to the whole United States. In 1790 a constitution was adopted by the State of Pennsylvania, and on the 29th of March, 1813, an act of Assembly was passed under that constitution giving to soldiers in the field the right to vote. No person ever questioned the constitutionality of that act, nobody ever doubted it. And that law remained undisturbed until 1838.

In 1837 a convention was called in the State of Pennsylvania for the purpose of forming a new constitution, and in 1838 that new constitution was adopted. In framing that constitution a few words were changed from what they were in that of 1790. On the 2d of July, 1839, a law was passed by the Legislative Assembly of Pennsylvania and approved by the Governor, by which citizens of that State who were soldiers in the Army of the United States were allowed to exercise the right of the elective fran-

chise, notwithstanding they might at the time be outside of the State. That law remained undisturbed, no one doubting its constitutionality or making any objection to it until 1861.

When the soldiers of the State were called out to defend the country and to put down the rebellion, under the provision of the statute of their State of the 2d of July, 1839, though far from their homes and in the face of the enemy, they undertook to exercise the elective franchise in the same manner as they might have if done at their respective homes, but when those votes were returned the candidates against whom they were cast attacked them on the ground that they had not any right to vote, being out of the State and not within the district in which they claimed a right to vote when at home.

It finally came before the supreme court of Pennsylvania in the case of *Chase vs. Miller*, (5 Wright, page 403,) and by a majority the court in that case, after argument by able counsel, decided that the forty-third section of the election law of Pennsylvania, passed July 2, 1839, allowing citizens in actual military service to vote outside of the boundaries of the State, conflicts with the amended clause of the third article of the constitution, and is therefore unconstitutional, and consequently null and void; and therefore the soldiers' votes were thrown out and not allowed to be counted.

Now, under the constitution of Pennsylvania, amendments can be proposed to the constitution in this way: they are first submitted to a Legislature, and if approved by a majority of both Houses by yeas and nays duly entered of record, are then to be published in the papers for three months preceding the next general election for members of the Legislature. Then the amendments are submitted to the second Legislature, and if passed in a similar manner by both Houses, they are submitted to a vote of the people upon a like notice given. And if they are ratified by a majority of the voters they become part and parcel of the constitution of the State.

An amendment to the constitution was finally adopted in 1864, giving to soldiers in the service a right to vote, thus overruling the decision of the supreme court of our State. Under this amendment a law was passed on the 25th of August, 1864, fixing the mode and manner in which the soldiers in the field were allowed to exercise the right of voting.

Then, in pursuance of that law, election papers were sent to the soldiers in the field, and they proceeded to vote, and the question now is as to who is legally entitled to a seat upon this floor as the Representative from the twenty-first congressional district of the State of Pennsylvania, whether Dr. Smith Fuller, the contestant, or Hon. John L. Dawson, the sitting member. Sir, I will undertake to show by the record that it is as clear as daylight that Dr. Smith Fuller has a majority of the legal votes cast and is rightfully entitled to a seat in this House.

I have nothing to say against the sitting member or about political parties. This is a question not of party, but of law and fact. It has been alleged by the gentleman from Wisconsin [Mr. PAINE] that the returns were imperfect. By the law of Pennsylvania these directions are merely formal. In the fifteenth section of the act of 25th August, 1864, the language used as to forms is that the following shall be substantially the form of the poll-books, thus showing that no particular form of return, &c., is required; and besides, the uniform decisions of the State courts in all these election matters are, that the intention of the law is to ascertain the truth as to the votes polled, so that the voice of the people, as expressed at the ballot-box, shall be respected and allowed to have full force. I will show further, by the decisions of the highest courts of the country, that an oath is not necessary where there is other sufficient legal evidence.

Now, Mr. Speaker, let us examine for a few moments the facts of this case. In the first place, we find that in company A, one hun-

dred and fifty-fifth regiment, 7 votes were cast for the contestant. What objection is made to counting those votes? The objection urged by the honorable gentleman from Wisconsin is, in the first place, that the poll-book was absent; and in the second place, that the oaths are not certified. Now, sir, by reference to the books, it is shown that everything is here that is required. On pages 59, 60, and 61 of Document No. 2, containing the testimony in this case, I find the oaths all set out, and a certificate signed by the judges and the clerks, and stating that they were sworn, and which read as follows:

[No 56.]

Return of the Election.

At an election held by the electors of Westmoreland county, in company —, of the Signal corps, regiment of Pennsylvania soldiers, at Martinsburg, Virginia, on the second Tuesday of October, A. D. 1864, there were cast—

For Representative in the House of Representatives in the Congress of the United States, —; of which Smith Fuller had 2 votes.

For representatives in the House of Representatives of Pennsylvania, there were cast —; of which George E. Smith had 2 votes; James R. McAfee had 2 votes; James McElroy had 2 votes.

A true return of the election held as aforesaid, on the second Tuesday of October, A. D. 1864, certified by us the day and year aforesaid.

HORACE JACKSON,
W. B. C. MILLER,
SAMUEL T. HASLETT,
Judges of the said Election.

Attest:
THOMAS B. COULTER,
ROBERT A. PARK,
Clerks.

Westmoreland County, ss:

I certify that the foregoing is the return as received by me, on 18th of October, 1864, marked No. 56.
[L. S.] GEORGE BENNETT,
Prothonotary.

Westmoreland County, ss:

I, John Zimmerman, prothonotary of the court of common pleas of the county of Westmoreland, in the Commonwealth of Pennsylvania, do certify that the foregoing is a correct copy of the return of the election, marked No. 56, held by persons in the military service at the time and place stated in the caption, transmitted and received as indicated by the original on file in my office.

In witness whereof I have hereunto set my hand and affixed the seal of said court, at Greensburg, this 6th day of April, in the year of our Lord, 1866.

JOHN ZIMMERMAN,
Prothonotary.

[No. 57.]

Return of the Election.

At an election held by the electors of Westmoreland county, in company A, one hundred and fifty-fifth regiment Pennsylvania soldiers, at the camp of said regiment, near Poplar Grove church, Dinwiddie county, Virginia, on the second Tuesday of October, 1864, there were cast—

For Representative in the House of Representatives of the United States, —; of which Smith Fuller had 7 votes.

For representatives in the House of Representatives of Pennsylvania, James R. McAfee had 7 votes; James McElroy had 7 votes; George E. Smith had 7 votes.

For prothonotary, James Freeman had 7 votes.
For clerk of quarter sessions, over and terminer and orphans' court, J. C. Gamble had 7 votes.

For poor-house director, John J. Bovard had 7 votes.

For commissioner, H. H. Null had 7 votes.
For auditor, James Miller had 7 votes.

A true return of the election held as aforesaid, on the second Tuesday of October, 1864, certified by us the day and year aforesaid.

SAMUEL W. REYNOLDS,
Company A, 155th Regiment Soldiers,
A. J. HARBAUGH,
Company A, 155th Regiment Soldiers,
WILLIAM H. JUSTICE,
Company A, 155th Regiment Soldiers,
Judges.

Attest:
GEORGE W. FITCH,
HERMAN MEYERS.

We, Samuel W. Reynolds, Andrew J. Harbaugh, and William H. Justice, judges of this election, and George W. Fitch, Herman Meyers, clerks thereof, do each severally swear that we will duly perform the duties of judges and clerks of the said election, severally acting, as set forth in the act of the General Assembly of Pennsylvania, entitled "An act to regulate elections by soldiers in actual military service," according to law and to the best of our abilities, and that we will studiously endeavor to prevent fraud or abuse in conducting the same.

S. W. REYNOLDS,
A. J. HARBAUGH,
W. H. JUSTICE,
Judges.
GEORGE W. FITCH,
HERMAN MEYERS,
Clerks.

I hereby certify that the aforesaid Andrew J. Harbaugh and William H. Justice, judges, and George W. Fitch and Herman Meyers, clerks, were, before proceeding to take any votes at said election, first duly sworn as aforesaid by me. Witness my hand this 11th day of October, A. D. 1864.

S. W. REYNOLDS,
Judge of said Election.

I certify that Samuel W. Reynolds, judge of election as aforesaid, was also duly sworn according to law by me. Witness my hand and the date above written.

GEORGE W. FITCH,
Clerk of said Election.

Westmoreland County, ss:

I certify the foregoing to be the return as received by me on the 18th of October, 1864, and marked No. 57.

[L. S.] GEORGE BENNETT,
Prothonotary.

Westmoreland County, ss:

I, John Zimmerman, prothonotary of the court of common pleas of the county of Westmoreland, in the Commonwealth of Pennsylvania, do hereby certify that the foregoing is a correct copy of the return of the election (marked No. 57) held by persons in the military service at the time and place stated in the caption transmitted and received as indicated by the original of file in my office.

In witness whereof I have hereunto set my hand and affixed the seal of said court, at Greensburg, this 6th day of April, in the year of our Lord 1866.

JOHN ZIMMERMAN,
Prothonotary.

Let me say here, that these technical objections which the gentleman from Wisconsin seeks to raise have no bearing upon the case according to the law as enacted and construed in Pennsylvania. In that State we do not regard technicalities in a case of this sort. It is not expected that our citizens, when in the Army, will be able to comply strictly with all the legal formalities as may be done in an election at home, where we have experienced clerks. We have a clear statute regulating elections by the soldiers, and declaring that no informality shall defeat the expression of their will.

Rut, Mr. Speaker, proceeding further, we have the return from McClellan hospital, embracing 3 votes for the contestant. On pages 6, 7, 380, and 381 we find the poll-book of the election, and which reads thus:

[No. 6.]

Poll-book of the election held on the second Tuesday of October, in the year 1864, by the qualified electors of Westmoreland county, in the State of Pennsylvania, in the actual military service, under the requisition of the President of the United States, and being unable to attend any other proper place of election, this election being held at McClellan United States Army general hospital, which place the said electors being present have selected for opening a poll, and certify herein, William Cox, H. H. Walling, and John M. Kepler, being then and there duly elected judges of the said election, and Charles A. Stinn and A. F. Black being duly appointed clerks of the same, and having been duly sworn or affirmed according to law.

JOHN M. KEPLER,
WILLIAM COX,
H. H. WALLING,
Judges.
C. A. STINN,
A. F. BLACK, *Clerks.*

Number and names of the electors voting at said election who are residents of Westmoreland county, with their city, borough, township, ward, or precinct.

1, John Beardsley, "E," eleventh infantry, Denny township; 2, Sheppard Malone, "B," one hundred and forty-second infantry, Hempfield township; 3, J. Westly Thompson, "E," eleventh infantry, Cook township.

Tally-paper, or list of votes and returns for each person voted for at the said election by the qualified voters of Westmoreland county.

For Representative in the House of Representatives in the Congress of the United States, Smith Fuller had three (3) votes.

For representatives in the House of Representatives of Pennsylvania, George E. Smith had three (3) votes; James R. McAfee had three (3) votes; James W. McElroy had three (3) votes.

Westmoreland County, ss:

I certify that the foregoing is the return as received by me on the 14th of October, 1864, and marked No. 6.

[L. S.] GEORGE BENNETT,
Prothonotary.

We hereby certify that the aforesaid tally-papers, list of voters, and returns of the election held as aforesaid on the second Tuesday of October, A. D. 1864, certified by us the day and year aforesaid, is correct and a true return thereof; there having been

more than ten qualified voters of said State present at the election held as aforesaid.

JOHN M. KEPLER,
WILLIAM COX,
H. H. WALLING,
Judges of said Election.

Attest:
CHARLES A. STINE,
A. F. BLACK,
Clerks.

Poll-book of the election held on the second Tuesday of October, in the year 1864, by the qualified electors of — county, State of Pennsylvania, in the actual military or naval service, under the requisition of the President of the United States, and being unable to attend any company poll or other proper place of election: this election being at McClellan United States Army hospital, which place they, the said electors being present, have selected for opening a poll for the said election, and certify herein: W. H. Walling, hospital steward United States Army, William Cox, hospital steward United States Army, and Private John M. Kepler, company D, one hundred and forty-eighth Pennsylvania, being then and there duly elected judges of the said election, and Charles A. Stine, company M, fifteenth Pennsylvania volunteer cavalry, and Private A. T. Black, company F, fifty-ninth Pennsylvania volunteers, being duly appointed clerks of said election, being all severally sworn, according to the certificates herewith returned.

Oaths and affirmations of the judges and clerks.

We, William H. Walling, hospital steward, United States Army, William Cox, hospital steward, United States Army, and John Kepler, company D, one hundred and forty-eighth Pennsylvania volunteers, judges of this election, and Charles A. Stine and A. T. Black, clerks thereof, do each severally swear that we will duly perform the duties of judges and clerks of said election, severally acting as set forth in the act of the General Assembly of the State of Pennsylvania entitled "An act regulating elections by soldiers in actual military service," according to law and to the best of our abilities, and that we will studiously endeavor to prevent fraud, deceit, or abuse in conducting the said election.

WM. H. WALLING,
WILLIAM COX,
JOHN M. KEPLER,
Judges of the Election.

Attest:
CHARLES A. STINE,
A. T. BLACK,
Clerks of the Election.

I hereby certify that William H. Walling and John M. Kepler, judges, and Charles A. Stine and A. T. Black, clerks of the said election, were, before proceeding to take any votes at said election, first of all severally sworn as aforesaid by me.

Witness my hand this 11th day of October, A. D. 1864.
WILLIAM COX,
Judge of said Election.

I hereby certify that the aforesaid William Cox, hospital steward United States Army, judge of said election, was also duly sworn by me.

Witness my hand and date above written.
CHARLES A. STINE,
Clerk of said Election.

We hereby certify that the aforesaid electors present, being more than ten, did select the aforesaid McClellan United States Army general hospital to be the place for opening a poll for the said election. Witness our hands the day and year aforesaid.

Attest:
W. H. WALLING,
JOHN M. KEPLER,
Judges of the said Election.
CHARLES A. STINE,
A. T. BLACK,
Clerks.

Number and names of the electors voting at the said election, and their county, city, borough, township, ward or precinct of residence:

24. II. B. McFenfers, I, two hundred and sixth Pennsylvania, Indiana county, Pine township; 45. John Beardsley, E, eleventh Pennsylvania cavalry, Westmoreland county, Derry township; 46. Shepherd Malone, B, one hundred and forty-second Pennsylvania, Westmoreland county, Hempfield township; 69. J. Wesley Thompson, company E, eleventh Pennsylvania, Westmoreland county, Cook township; 81. Hiram Ferrier, company G, sixty-seventh, Indiana county, Montgomery township; 106. George Millard, F, fifty-fifth Pennsylvania, Indiana county, Brush valley.

It is hereby certified to by us that the aforesaid list of electors voting at the said election is correct, and that the number of electors of the different counties of the State of Pennsylvania voting at the said election amounts to one hundred and six, (106.) Witness our hands the day and year aforesaid.

W. H. WALLING, Hospital Steward, U. S. A.,
JOHN M. KEPLER, Company D, 148th P. V.,
WILLIAM COX, Hospital Steward, U. S. A.,
Judges of Election.

Attest:
A. T. BLACK, Private, company F, 55th Pennsylvania,
CHARLES A. STINE, Private, company M, P. V. C.,
Clerks of the Election.

Tally-paper or list of votes for each person voted for at the said election by the qualified voters of the several counties of the State of Pennsylvania.

For Representative in the House of Representatives of the United States, Smith Fuller, Westmore-

land county, had (3) three votes; Smith Fuller, Indiana county, had (3) three votes.

Here we have the record, showing that contestant received 3 votes in McClellan hospital. We have the return set forth almost word for word in the terms prescribed by the statute, though, as I shall show, those forms are merely directory.

Then we have the vote cast in Camp Parole. The return is given in full, showing 1 vote for the contestant, the record of which is in the hands of the committee, properly certified, supported by the oaths; so that there can be no mistake about the correctness of this vote. Thus far we have for the contestant 11 votes beyond all question.

Then we come to the vote returned from camp in the field, two hundred and sixth regiment. Here we find 2 votes cast for the contestant. On page 5 of the third book we find the return, which is as follows:

[No 43.]

Poll-book of the election held on the second Tuesday of October, in the year 1864, by the qualified voters of Westmoreland county, State of Pennsylvania, being in the actual military service under the requisition of the President of the United States, in the field and staff of the two hundred and sixth regiment Pennsylvania volunteers, held at camp in the field, Virginia, Army of the James; Hugh J. Brady, T. M. Laney, and J. L. Crawford being duly elected judges of the election, and John Lowry and Milton Shields being duly appointed clerks of said election, and being all severally sworn according to the certificates herewith returned.

We, Hugh J. Brady, T. M. Laney, and J. L. Crawford, judges of this election, and we, John Lowry and Milton Shields, clerks thereof, do each severally swear that we will duly perform the duties of judges and clerks of the said election, severally acting as set forth in the act of the General Assembly of Pennsylvania, entitled "An act regulating elections by soldiers in actual military service," according to law and to the best of our abilities, and that we will studiously endeavor to prevent fraud, deceit, or abuse in conducting the same.

T. M. LANEY,
JAMES L. CRAWFORD,
HUGH J. BRADY,
Judges.

JOHN LOWRY,
J. MILTON SHIELDS,
Clerks.

I hereby certify that the aforesaid T. M. Laney and J. L. Crawford, judges, and John Lowry and Milton Shields, clerks, were sworn before proceeding to take any votes at said election.

Witness my hand this 11th day of October, A. D. 1864.
Judge of said Election.

I certify that Hugh J. Brady, judge of election aforesaid, was also duly so sworn according to law by me. Witness my hand the day above written.

We hereby certify that the aforesaid electors present, being more than ten, did select the aforesaid to be the place for opening a poll for the said election. Witness our hands the day and year aforesaid.

Attest:
T. M. LANEY,
JAMES L. CRAWFORD,
HUGH J. BRADY,
Judges of the Election.

JOHN LOWRY,
J. MILTON SHIELDS,
Clerks.

Thus in this case the requirement with reference to the oath is substantially complied with. Let me remark, however, in speaking of this part of the case, that it is not necessary that the election officers should sign an oath. If it be stated in the body of the papers, that they were sworn it is the same as a *jurat*. If the record shows that they were regularly sworn it is not material that the return should include the form of the oath with their signatures attached. That may be required by the law of Wisconsin, but such is not the law of Pennsylvania. It never has been and never will be.

Now, sir, taking the votes returned from camp in the field, two hundred and sixth regiment, we have 13 votes substantially proved for the contestant beyond all cavil. Then we come to battery H, fourth independent artillery, where 4 votes were cast for the contestant. If you look to page 28, of the third book, you will find that the return is regularly signed by all the officers of the election, and that in the caption it states that the officers holding

the election were all duly sworn, which return is as follows:

[No. 5.]

Poll-Book.

At an election held at Seward light artillery barracks, Alexandria, Virginia, of the voters of Westmoreland county, State of Pennsylvania, of battery "H," independent Pennsylvania artillery, on the second Tuesday of October, 1864, Lieutenant William H. Askin and Sergeants John A. Floyd and John M. McGratty were duly elected judges of said election, and Corporal John J. Case and Private James L. Sutherland were appointed as clerks, and all being severally sworn according to law previous to receiving any of the votes. The following are the names of the persons voting and number of the votes cast:

David Jenkins, North Huntingdon township; Thomas Fouks, North Huntingdon township; Christopher Gordon, North Huntingdon township; John Fry, North Huntingdon township.

For Representative in the House of Representatives of the United States, Smith Fuller had four votes, (4) whole number of votes cast, four, (4).

For prothonotary, James Freeman had four votes, (4) whole number of votes cast, four, (4).

For representatives in the House of Representatives of the State of Pennsylvania, James McAfee had three, (3) whole number of votes cast, three, (3). James McElroy had three votes (3) whole number of votes cast, three, (3). George E. Smith had three votes, (3); the whole number of votes cast, three, (3).

For clerk of quarter sessions,oyer and terminor, and orphans' court, J. C. Gamble had four votes, (4) whole number of votes cast, four, (4).

For commissioner—whole number of votes cast, (4) H. H. Null had four votes, (4); all the votes cast.

For auditor—whole number of votes cast, four, (4) Joseph Miller had four votes.

For poor-house director—whole number of votes cast four, (4) John J. Bovard had four votes, (4) all the votes cast.

We, Lieutenant William H. Askin, Jr., and Sergeants John A. Floyd and John M. McGratty, judges of said election, and Corporal John J. Case and Private James L. Sutherland, clerks thereof, hereby certify that the foregoing is a just and correct poll of all the votes cast.

W. H. ASKINE, Jr., 2d Lieutenant,
JOHN A. FLOYD, Sergeant,
JOHN M. McGRATTY, Sergeant,
Judges of said Election.

Attest:
JOHN J. CASE, Corporal,
JAMES L. SUTHERLAND, Private,
Clerks.

Westmoreland County, ss:

I certify that the foregoing is the return as received by me on the 14th of October, 1864, and marked No. 5.

[L. S.] GEORGE BENNETT,
Prothonotary.

Westmoreland County, ss:

I, John Zimmerman, prothonotary of the court of common pleas of the county of Westmoreland, in the Commonwealth of Pennsylvania, do certify that the foregoing is a full and correct copy of the poll-book, &c., held by persons in the military service at the time and place stated in the caption of the original as of file in my office, rejected by return judges; and I further certify that the reason assigned for the rejection of said return was on account of the officers not being sworn.

In witness whereof, I have hereunto set my hand and affixed the seal of said court, at Greensburg, this 12th day of May, A. D. 1866.

JOHN ZIMMERMAN,
Prothonotary.

This makes 17 legal votes for the contestant, even taking the construction of the law laid down by the learned gentleman from Wisconsin, [Mr. PAINE.] Then taking the 15 votes put down by the majority of the committee for the sitting member, it still leaves a majority of 2 for Smith Fuller, the contestant. But we do not stop here. There is the Lincoln hospital, which gives 15 votes for Fuller, 8 of which are counted and the balance rejected. Why is this? The committee say they rejected them because the record from Harrisburg has been mislaid or lost, but do not dispute but that it had been before them. When it was discovered on the part of the contestant that the copy from the records at Harrisburg was missing, he sent to the Governor of Pennsylvania and received from the secretary of state a duplicate of the return, which I have here, under the broad seal of that State in due form. Would it be just that the contestant and his constituents should suffer in consequence of the committee losing some of his papers? The learned gentleman from Wisconsin does not now seriously object to the certified copy under the broad seal of the State of Pennsylvania in due form.

They say, however, that it was objected to on another ground, to wit, that these 7 votes would probably have been thrown out because they were returned to Westmoreland instead of

the counties of Indiana and Fayette, where they belong. But that was no substantial reason for rejecting them. Wherever the soldiers polled those votes they could have been returned to the proper places. The statutes required that the votes should be sent to the proper county, and also to the secretary of the Commonwealth, under the provisions of the seventeenth section of said act, which is as follows:

"Sec. 17. After canvassing the votes, in manner aforesaid, the judges shall put in an envelope one of the poll-books, with its tally-list, and return of each city or county, together with the tickets, and transmit the same, properly sealed up and directed, through the nearest post office, or by express, as soon as possible thereafter, to the prothonotary of the court of common pleas of the city or county in which such electors would have voted if not in the military service aforesaid, (being the city or county for which the poll-book was kept,) and the other poll-book of said city or county, enclosed in an envelope, and sealed as aforesaid, and properly directed, shall be delivered to one of the commissioners hereinafter provided for, if such commissioner calls for the same in ten days, and if not so called for the same shall be transmitted by mail or by express as soon as possible thereafter, to the secretary of the Commonwealth, who shall carefully preserve the same, and on demand of the proper prothonotary deliver to said prothonotary, under his hand and official seal, a certified copy of the return of votes so transmitted to and received by him, for said city or county, of which the defendant is prothonotary."

The return was sent to the secretary of the Commonwealth in pursuance of the statute showing that there were 7 votes in this county passed for Smith Fuller, as the certified copy of record in due form of law, which I hold in my hand, shows. I ask the gentleman who threw out in his count the 7 votes, under what rule of law or justice he did so, and on what principle he deprived those soldiers of one of their dearest rights? But we do not stop here. Suppose we take the say-so of the gentleman from Wisconsin that the sitting member had 21 votes. Take 21 from 24 and still Smith Fuller has 3 majority.

We come now to the Satterlee hospital vote. Six votes were cast for Smith Fuller and one for Dawson. Let us look at the record on pages 336, 337, 338, and 218 of second book. It shows the names of all those who voted, and according to the doctrine of the gentleman from Wisconsin, they ought to have been counted. Here is the record, and I ask all the members of this House whether these votes ought to have been thrown out. On page 338 we have clear proof that they ought to have been counted.

It is objected by the gentleman that there is no return because it is signed by the clerks instead of by others; but that is substantial compliance with the Pennsylvania statute. The pages 336, 337, 338, and 218 read as follows:

Return of the Election.

At an election held on the second Tuesday of October, A. D. 1864, the qualified electors of Fayette County, State of Pennsylvania, being in the actual military service aforesaid, and unable to attend any company poll, or their proper place of election at Carver hospital, being the place selected by the said electors for opening the poll for this election, there were cast—

For Representative in the House of Representatives of the United States, — votes; of which — had — votes.

(This return is composed entirely of blanks.—Printer.)

A true return of the election held as aforesaid, on the second Tuesday of October, 1864, A. D. 1864. Certified by us the day and year aforesaid.

GEORGE HINDS,
Hospital Steward, U. S. A.,
JOHN W. WINDSOB,
Private 170th company V. R. C.,
H. R. WEST,
Corporal company H, 143d Pennsylvania,
Judges of the said Election.

Attest:
WILLIAM C. STINE, Clerk Carver Hospital,
HERBERT S. GEE, Musician 52d company V. R. C.,
Clerks.

[No. 2.]

Poll-book of the election held on the second Tuesday of October, in the year 1864, by the qualified electors of the several counties, State of Pennsylvania, in the actual military or naval service under the requisition of the President of the United States, and being unable to attend any company poll, or other proper place of election, this election being at Satterlee hospital, in the county of Philadelphia, Pennsylvania, which place they, the said electors, being present, have selected for opening a poll for the said election, and certify herein: Ezra S. Little, James E. McLane, and James R. Baroux, being then and there duly elected judges of the said election, and Charles H. Green and Charles S. Bailey, being

duly appointed clerks of said election, being all severally sworn according to the certificates herewith returned.

Oaths and affirmations of the judges and clerks.

We, Ezra S. Little, James R. Baroux, and James E. McLane, judges of this election, and Charles S. Bailey and Charles H. Green, clerks thereof, do each severally swear that we will perform the duties of judges and clerks of said election, severally acting as set forth in the act of the General Assembly of the State of Pennsylvania, entitled "An act regulating elections by soldiers in actual military service," according to law and to the best of our abilities, and that we will studiously endeavor to prevent fraud, deceit, or abuse in conducting the said election.

Attest:

I hereby certify that James R. Baroux and James E. McLane, judges, and Charles S. Bailey and Charles H. Green, clerks aforesaid, were, before proceeding to take any votes at said election, first duly sworn as aforesaid by me.

Witness my hand this 11th day of October, A. D. 1864.

EZRA S. LITTLE,
Judge of said Election.

I certify that Ezra S. Little, judge of election aforesaid, was also duly so sworn according to law before me.

Witness my hand the date above written.
CHARLES H. GREEN,
Clerk of said Election.

We hereby certify that the aforesaid electors present, being more than ten, did select the aforesaid Satterlee United States Army general hospital to be the place for opening a poll for the said election.

Witness our hands the day and year aforesaid.
EZRA S. LITTLE,
JAMES R. BAROUX,
JAMES E. McLANE,
Judges of said Election.

Attest:
CHARLES H. GREEN,
CHARLES S. BAILEY,
Clerks.

Number and names of the electors voting at the said election, and their county, city, borough, township, ward, or precinct of residence.

Name.	County.	City, &c.
1. Elbridge G. Maize.	Union.	Lewisburg.
2. Jacob Bangs.	York.	Hanover.
3. A. Mothersbaugh.	Huntingdon.	Franklin.
4. Henry A. Belknap.	Wayne.	Buckingham.
5. Henry McCleary.	Bedford.	Napier.
6. Henry Sheldon.	Wayne.	Preston.
7. J. W. Smelker.	Huntingdon.	Shirley.
8. H. S. Thompson.	Center.	Half-Moon.
9. Geo. W. Glidwell.	Sullivan.	Eliksland.
10. Abraham Robison.	Blair.	Hollidaysburg.
11. Reuben Shark.	Erie.	Waterford.
12. Joseph L. Fraure.	Montour.	Danville.
13. David Love.	Center.	Warrior's Mark.
14. John Trump.	Dauphin.	Dauphin.
15. J. F. Chamberlain.	Lancaster.	Bart.
16. John James.	Mercer.	Mill Creek.
17. Benj. S. Riley, Jr.	Philadelphia	city, 24th ward.

18. Josephus W. Hull.	Lancaster.	Earl.
19. Fred'k Katzman.	Lebanon.	Myerstown.
20. Peter P. Love.	Jefferson.	Knox.
21. Wm. R. Siebler.	Union.	Mifflinburg.
22. Haley Wren.	Schuylkill.	Riley.
23. John Englebert.	Adams.	Straban.
24. William Eiters.	Center.	Burnside.
25. Thomas Collins.	Crawford.	Rockdale.
26. Frederick Links.	Franklin.	Chambersburg.
27. Josiah W. Fries.	Carbon.	Mauch Chunk.
28. Samuel Overdorff.	Indiana.	Brush Valley.
29. Naph. Woodburn.	Bradford.	Rome.
30. Wm. H. Divine.	Clarion.	Porter.
31. John A. Donnelly.	Westmore'd.	Unity.
32. John Shoemaker.	Crawford.	Wayne.
33. Wm. Vanorsdale.	Susqueh'a.	Montrose.
34. Hiram Michael.	Lancaster.	East Donegal.
35. John R. Lindsay.	Clarion.	Farrington.
36. William Russell.	Alleghany.	Price.
37. Henry Koover.	Schuylkill.	Ashland.
38. James U. Wiggins.	Wyoming.	Clinton.
39. Joseph K. Brown.	Fayette.	Connellsville.
40. John R. D. Say.	Venango.	Richland.
41. David C. Simpson.	Indiana.	Indiana.
42. Orlando A. Ellis.	Indiana.	E. Mahoning.
43. Andrew Artman.	Armstrong.	Tiscumintas.
44. Jos'a D. Thornton.	Luzerne.	Benton.
45. Nelson Keys.	Jefferson.	Warsaw.
46. William Kirkman.	Jefferson.	Pine Creek.
47. George Rapp.	Lycoming.	Aaronsburg.
48. Hiram Roth.	Lycoming.	Montoursville.
49. Samuel Marshall.	Washington.	Buffalo.
50. William A. Gavitt.	Bradford.	East Smithfield.
51. Chas. D. Sterling.	Wyoming.	Mesheppur.
52. Henry W. Carner.	Bradford.	Asylum.
53. Free'n N. Wilcox.	Bradford.	New Albany.
54. Isiah Pecht.	Mifflin.	Armagh.
55. Sam'l H. Phillips.	Mifflin.	Armagh.
56. Jacob Shultz.	Columbia.	Center.
57. Matthew Keys.	Jefferson.	Warsaw.
58. Harlan Potter.	Luzerne.	Huntington.
59. Edward E. Kelley.	Potter.	Alleghany.
60. Robert Hunter.	Mercer.	Charlestown.
61. Robert J. Kelley.	Center.	Worth.
62. Josiah Phillips.	Potter.	Ulysses.
63. Jacob U. Beal.	Somerset.	Northampton.
64. Frederick Vogle.	Venango.	Harmony.
65. James E. Curtis.	Susqueh'a.	Jackson.
66. George E. Sevin.	Alleghany.	Sewickly.

67. Wm. E. Barnard.	Susqueh'a.	Harford.
68. William A. Kech.	Mercer.	West Greenville.
69. Samuel J. Melvin.	Washington.	Eldersville.
70. Edwin G. Owen.	Bradford.	Wysox.
71. David Hart.	Lancaster.	West Earle.
72. Horace A. Roberts.	Susqueh'a.	Jessup.
73. Philip Rockwell.	Jefferson.	Winslow.
74. David Johnson.	Lawrence.	Plain Grove.
75. William Hozlett.	Alleghany.	Alleghany City.

76. Cornelius Sullivan.	Lawrence.	Union.
77. Lewis Mechling.	Westmore'd.	Mt. Pleasant.
78. John A. Robb.	Mercer.	French Creek.
79. Albert Dunn.	Erie.	McKean.
80. Wm. M. Zeigler.	Alleghany.	Baldwin.
81. James S. Starr.	Chester.	E. Bradford.
82. Wm. W. Watthour.	Westmore'd.	N. Huntingdon.
83. Richard Dye.	Union.	Lewisburg.
84. Charles M. McCoy.	Beaver.	Green.
85. Alex. Spaulding.	Bradford.	Rome.
86. James Lebar.	Tioga.	Westfield.
87. Daniel Chambers.	Butler.	Alleghany.
88. Lewis C. Pierce.	Butler.	Clary.
89. Charles H. Cole.	Bradford.	Wilnot.
90. Easie Kien.	Columbia.	Catawissa.
91. Edward P. Jones.	Center.	Worth.
92. Ezra S. Little.	Bradford.	Wysox.
93. John A. B. Myers.	Adams.	Gettysburg.
94. James E. McLane.	Venango.	Oil City.

It is hereby certified by us that the above list of electors voting at the said election is correct, and that the number of electors of the several counties in the State of Pennsylvania, voting at the said election, amounts to ninety-four (94.)

Witness our hands the day and year aforesaid.
EZRA S. LITTLE,
JAMES R. BAROUX,
JAMES E. McLANE,
Judges of Election.

Attest:
CHARLES S. BAILEY,
CHARLES H. GREEN,
Clerks of the Election.

Tally-paper or list of votes and return for each person voted for at the said election by the qualified voters of the several counties, State of Pennsylvania.

For Representative in the House of Representatives in the Congress of the United States, Smith Fuller had 6 votes; John L. Dawson had 1 vote.

For representatives in the House of Representatives of Pennsylvania, George E. Smith had 5 votes; James R. McAfee had 5 votes; James McElroy had 5 votes; John Hargrett had 1 vote; John W. Middle had 1 vote; John Mullen had 1 vote.

We hereby certify that the aforesaid tally-paper and list of votes is correct.

Witness our hands the day and year aforesaid.
CHARLES S. BAILEY,
CHARLES H. GREEN,
Clerks.

OFFICE SECRETARY OF THE COMMONWEALTH,
HARRISBURG, April 16, 1866.

Pennsylvania, ss:

I do hereby certify that the foregoing and annexed is a correct copy of the return of an election held on the second Tuesday of October, in the year 1864, at Satterlee hospital, in the county of Philadelphia, Pennsylvania, so far as the same relates to the vote for Congress in the counties of Westmoreland, Indiana, and Fayette, as the same remains on file in this office.

In witness whereof, I have hereunto set my hand and caused the seal of the secretary's office, [L. S.] this 16th day of April, A. D. 1864.

ELI SLIFER,
Secretary of the Commonwealth.

We next come to Camp Hamilton and Filbert street hospital. Camp Hamilton returns 2 votes for Fuller and Filbert hospital 1 for Fuller. The return here is unsigned, but the whole poll-book shows oath and bona fide vote. See pages 310, 331, and 312 of Book 2, which reads as follows:

[No. 46.]

Poll-book of the election held on the second Tuesday of October, in the year 1864, by the qualified electors of various counties of the State of Pennsylvania, being in actual military service, under the requisition of the President of the United States, in company F of the third Pennsylvania artillery, one hundred and fifty-second regiment of Pennsylvania volunteers, held at Camp Hamilton, near Fort Monroe, Virginia, Daniel Bailey, G. W. Kelts, and William Harper, being duly elected judges of the said election, and Theodore H. Blake and Richard W. Jackson, being duly appointed clerks of said election, being all severally sworn according to the certificates herewith returned.

Oaths of the judges and clerks.

We, Daniel Bailey, G. W. Kelts, and William Harper, judges of this election, and T. H. Blake and Richard W. Jackson, clerks thereof, do each severally swear that we will perform the duties of judges and clerks of the said election, severally acting as set forth in the act of the General Assembly of Pennsylvania, entitled "An act to regulate elections by soldiers in actual military service," according to law and to the best of our abilities, and that we will studiously endeavor to prevent fraud, deceit, or abuse in conducting the same.

DANIEL BAILEY,
G. W. KELTS,
WILLIAM HARPER,
THEODORE H. BLAKE,
R. W. JACKSON, Clerks.

I hereby certify that the aforesaid George W. Kelts and William Harper, judges, and Theodore H. Blake and Richard W. Jackson, clerks, were, before proceeding to take any votes at said election, first duly sworn as aforesaid by me.

Witness my hand this 11th day of October, A. D. 1864.
DANIEL BAILEY,
Judge of said Election.

I certify that Daniel Bailey, judge of election aforesaid, was also duly so sworn according to law by me.
Witness my hand the date above written.

T. H. BLAKE,
Clerk of said Election.

We hereby certify that the aforesaid electors present, being more than ten, did select the aforesaid Camp Hamilton, near Fort Monroe, Virginia, to be the place for opening a poll for the said election.

Witness our hands the day and year aforesaid.
DANIEL BAILEY,
G. W. KELTS,
WILLIAM HARPER,
Judges of said Election.

Attest:
THEODORE H. BLAKE,
R. W. JACKSON,
Clerks.

Number and names of the electors voting at the said election, and their county, city, borough, township, ward, or precinct of residence.

No. 85, Nicholas McCollah, (on age,) Fayette county, Wharton township.

It is hereby certified by us that the above list of electors voting at the said election is correct, and that the number of electors of — county, State of Pennsylvania, voting at the said election, amounts to —.

Witness our hands the day and year aforesaid.

Attest: _____
Clerks of the Election.

Tally-paper or list of votes for each person voted for at the said election, by the qualified voters of — county, State of Pennsylvania.

For Representative in the House of Representatives of the United States, — had — votes.
We hereby certify that the aforesaid tally-paper and list of votes is correct.

Witness our hands the day and year aforesaid.

Attest: _____
Clerks.

Return of the Election.

At an election held by the electors of — county, in company —, of the — regiment of Pennsylvania soldiers, at —, on the second Tuesday of October, A. D. 1864, there were cast—

For Representative in the House of Representatives in the Congress of the United States, — votes; of which Smith Fuller had 1 vote.

A true return of the election held as aforesaid, on the second Tuesday of October, A. D. 1864, certified by us the day and year aforesaid.

Attest: _____
Clerks.

OFFICE SECRETARY OF THE COMMONWEALTH,
HARRISBURG, March 31, 1866.

Pennsylvania, ss:

I do hereby certify that the foregoing is a correct copy of the return of an election held on the second Tuesday of October, in the year 1864, at Camp Hamilton, near Fort Monroe, Virginia, as the same remains on file in this office, so far as relates to the vote for Congress in the county of Fayette.

In witness whereof, I have hereunto set my hand and caused the seal of said office to be affixed, this 31st day of March, A. D. 1866.

ELI SLIFER,
Secretary of the Commonwealth.

We have now a majority of 17 votes for Smith Fuller, the contestant. The record, therefore, shows beyond all question that he is clearly elected.

Now as to the formality. Let me refer to the law of 1864 to which I have already adverted, the twenty-seventh section of which is as follows:

"Sec. 27. No mere informality in the manner of carrying out or executing any of the provisions of this act shall invalidate any election held under the same, or authorize the return thereof to be rejected or set aside; nor shall any failure on the part of the commissioners to reach or visit any regiment or company, or part of company, or the failure of any company or part of company to vote, invalidate any election which may be held under this act."

This section was put in just to prevent those who want to stop or stifle the voice of the people. We expected there would be no caviling or trouble after the amendment of the con-

stitution was adopted, but we were mistaken, and it was thought by the passage of the act of August 25, 1864, with this section it would be a quietus to all those who were opposed to the soldiers' vote.

Then in regard to the other part of the statute, providing that it shall be substantially a certain form, we fixed the form for them to follow, but it was merely to guide the election officers in the field as to some form. Hence the law declared that it should be *substantially* this form. Nobody thought that that would be attempted to be set aside if the form and the act should not be followed.

I will now refer to a few cases in point. In a contested-election case in the city of Philadelphia, (2 Phil. Rep., page 244,) the learned judge who delivered the opinion says:

"It has been properly held that mere irregularities, when there is no reason to infer that the election officers have acted in bad faith, will not invalidate the returns. (Boileau's case, 2 Parsons, 503.) Nor will the mere neglect of directory requirements produce that effect."

It is essential, however, that evidence of so great importance should exhibit those marks of care in its preparation, without which it may be rendered less efficient or entirely unreliable. Utter disregard of the requirements of the law, in the recording of votes, or in the preparation of the returns, amounting to strong evidence of bad faith upon the part of the officers, ought to, and will have the effect of destroying such returns as evidence."

Further on the court uses this language:

"We will not become parties to such a system, and the only rule we can consent to adopt is the plain one, already stated, that where honesty and integrity are apparent mere omissions will be disregarded, but gross acts of negligence and apparent frauds will at any stage of a case be regarded as the proper subjects of the closest investigation. If this be not determining a case upon its merits, we have mistaken the meaning of that term."

Now, in this case there is no allegation of fraud, but a mere objection on the ground of an alleged informal return, and that in consequence of such informality the terms of the statute were not complied with. If those voters had been at home they would have had a clear right to vote, and surely this flimsy objection ought not to prevail to deprive them of that right when in the field in defense of their country.

But I go further; I cite the case of the People vs. Cook, in the supreme court of New York, (14 Barber, 285,) in which the court says:

"It becomes important, in this case, to determine whether the objections which are taken to the inspectors of elections in the several cases presented in this bill of exceptions are of that character which should be held to invalidate the canvass in these several localities. These objections are of a twofold character, extending to the regularity or legality of their appointment, and of their omission to qualify, by taking the proper oath of office. I will not stop to inquire whether these inspectors, in these several cases, were inspectors *de jure* or not. It is sufficient that they were inspectors *de facto*."

On page 287, Judge Mason, of New York, says:

"The same rule was applied to the commissioners of highways, who had omitted to take the oath of office in the case of the People vs. Covert, (1 Hill 674;) and the same rule was applied to a constable in the case of the People vs. Hopson, (1 Denis 575;) and in the matter of the election of directors of the Mohawk and Hudson Railroad Company, (19 Went. 135,) the doctrine was applied to inspectors of elections; where it was expressly held that being officers *de facto*, their omission to take the oath prescribed by the statute did not invalidate the election. This disposes of the question of the oath in regard to these inspectors, as well as the clerks of the board; and the only and remaining question is, whether these inspectors are to be regarded as officers *de facto*, acting under color of legal authority."

In the same case, page 311, will be found the following:

"I cannot but think, however, that to hold that the omissions of these officers, through negligence, mistakes, or other inadvertence, to comply with all these directions of the statute, should have the effect to disfranchise the electors, would be unjust in the extreme, and, indeed, subversive of the fundamental principles of our Government. I think that the only sensible rule upon this subject is not to permit such omissions, whether they are the result of negligence, ignorance, mistake, or fraud, to invalidate the election, whenever, by going behind the returns, the canvass, or even the ballot-boxes, the true state of the canvass or ballot can be obtained, and the expressed will of the electors ascertained; and the cases in this court have already gone this length."

Still further, on page 325, is the following:

"No one will doubt the importance of a rigid adherence to all the provisions of the statute regulating

elections; nor will any one doubt that it is more important to ascertain the true result of the votes cast. To vote is a right secured by a paramount law, and lies at the foundation of our Government; while the statute was intended simply to regulate the conduct of those who receive, canvass, and make returns of the votes, for the benefit of those upon whom the right to vote has been conferred, unrestricted as to form, except that it shall be by ballot. If a strict adherence to the directions of the statute are indispensable to the validity of an election, and they are not complied with, the penalty falls upon the voter, notwithstanding the exact result has been ascertained, and that, too, through the medium of officers who, so far as the public and third persons are concerned, would make the regulation more important than the right—the statute and not the constitution the paramount law—and would result so far as concerns the election at which the statute directions have not been obeyed, either through the ignorance, carelessness, or design of the officers of elections, in a virtual disfranchisement of those upon whom the right to vote has been conferred, except in those cases where power is conferred to vacate an election, and restore the electors to their original rights. We have no such power. The result of an election, when controverted in court, is like a judgment sued upon."

Then further, on page 327:

"In 1830 a contest arose out of an election in Tennessee, where by the statute each ticket was required to be put in a box, to be locked up or otherwise well secured; the place made in the box for the reception of tickets to be sealed at the close of the polls, when the inspectors were to take charge of it and keep it until the next day, when the seal was to be removed. Upon an investigation, upon the petition of Arnold, contesting the seat of Sea, it appeared that in one portion of the district out of which the contest arose, a gourd instead of a box was used for the reception of tickets, which, at the close of the polls, was tied up in a handkerchief. In another portion of the district the inspectors of election were not sworn, and in another the ballot-box was not kept over night by an inspector but by a blind man, who locked it in a desk and kept it there over night. The committee to whom the petition was referred were of opinion that the omission by the inspectors to be sworn did not vitiate the election; and that, notwithstanding the irregularities in conducting the election, it had been conducted fairly and honestly; and that the seat of Sea ought not, therefore, to be vacated. A resolution to that effect was adopted by the House. (Contested Elections in Congress, 601, 602, 604, 605.) The principle adopted in each of these cases is sustained by one clearly implied in that of Bronson, J., in the case of the People vs. Vail, (20 Wend. 14,) where he repels the idea that the will of the electors, plainly expressed in the forms prescribed by law, can be defeated by the negligence, mistake, or fraud of the officers appointed to register the result of an election. And in the case of Strong, petitioner, (20 Rich. 491, 492,) Morton, J., says: 'It would be more in consonance with the spirit of our institutions, to inflict severe punishment upon the misconduct, intentional or accidental, of the officers, but to receive the votes, whenever they can be ascertained with reasonable certainty.' Upon principle, therefore, fortified by the opinions of experienced and learned judges of courts of justice, a departure, by the inspectors of elections or clerks of the polls, from the statute directing the manner of conducting elections, whether it be attributable to ignorance, negligence, or fraudulent design, cannot deprive the electors of their right, secured by a paramount law, unless one or more of the causes has rendered it impossible to ascertain the result with reasonable certainty."

I will refer to report of an election in Pennsylvania in 1865, in which the same question came up in regard to these soldiers. On page 9 of the report it says:

"Your committee is of opinion that the command of the twenty-seventh section of the act of 1864 speaks to all the tribunals before which such returns of soldiers' votes may come. It is a positive command to prothonotaries in certifying to returns. It is a like command to county return judges; also to district return judges. To courts on the trial of contested elections; to the clerk of the House in making out his roll of members; to the House in admitting them to seats; and to committees selected to try contested elections. No informality, or even bad faith, on the part of any one of these tribunals in rejecting soldiers' votes would bind the next tribunal before whom they might come. The effort of two district judges to throw out soldiers' votes enough to change the result of the election in any district could have no binding force upon the clerk of the House or upon the House itself. These judges were not acting within the scope of their legitimate authority. Their omission to sign the true return was but an informality, which the law expressly declares shall not vitiate. It is scarcely necessary to add that Messrs. Meyers and Finley never contested the seat awarded by the House to Messrs. Armstrong and Ross."

And on pages 11 and 12, I read the following:

"Your committee also called before them citizens of Westmoreland county, to whose testimony the attention of the House is invited. The prothonotary of that county pursued a different, but equally as extraordinary and illegal a course as the prothonotaries of the counties of Bedford and Adams. He declined to certify a copy of the return of votes from and by the soldiers, as directed by the act of 1864, but sent before the return judges the returns themselves. The said prothonotary was proven, before your com-

mittee, to have had an interview and understanding with certain attorneys of the town of Greensburg, one of whom was a return judge himself, and became the president of the board on their assembling. The evidence shows that, under the direction of this president, some twenty-two returns of votes from the soldiers in the field were thrown out, and that for mere informalities, specially provided for in said act of 1864. The evidence further shows a combination and party arrangement to reject said returns, and further shows that through some management the minority of the judges were induced to sign the necessary certificates, before the result had been ascertained, or before any action or decision was had on any question relating to said returns. This action, the minority of said judges had no doubt afterward of being a designed trick and advantage taken of them, and your committee may add that they have no doubt of the same.

"Upon a careful review of all the facts developed by the examination of the committee, we have concluded that further legislation is necessary, to protect the soldier in the exercise of the elective franchise. Your committee report herewith a bill which, in their judgment, is calculated to secure the end contemplated by their appointment. The people of the State have, as we believe, a high regard and sacred respect for the doctrine that the will of the majority shall be the law of the land. It must not be permitted that the confidence and respect always manifested by the people toward the decision of the majority at the ballot-box, shall ever be shaken, much less destroyed. There could be no more speedy method devised for the overthrow of our institutions than the adoption of a system which should convince the people that their voice, fairly expressed at the ballot-box, should be set aside by the tricks, frauds, or conspiracies of a few prothonotaries and return judges."

In summing up the votes, we have clearly 24 votes cast substantially in the form prescribed by the statute. Taking the 15 from the 24 leaves 9 majority in favor of the contestant. But suppose you allow 21, which is the highest number the committee take; that would leave 3 majority for the contestant. But, counting the whole number of votes clearly cast, there are 32. Take 21 from 32 and it leaves 11 majority. Or take 15 from 32 and you have 17 majority. So any way you please to take it there is a clear majority in favor of the contestant.

Now, I do not pretend to say that party has anything to do with this. I have not a word to say about party. We are, as I have already said, on higher ground than that. We found our claim upon the law and the facts. In Pennsylvania, instead of keeping our brave boys at home we sent them to the battle-field, and there, in the face of the enemy, we allowed them to vote. And they voted to elect members of Congress who would vote for laws to sustain them in the field while fighting for their country. Now, the question is, shall those votes be rejected by us? There is no evidence or allegation of fraud; nothing of the kind. They were lawful voters and deposited their ballots in good faith, and the question for the House is whether the little technicalities and informalities of which the gentleman from Wisconsin [Mr. PAINE] has said so much, shall deprive them of their votes. Is the Congress of the United States to require that every *t* must be crossed and every *i* be dotted and every comma put in the returns, or else the soldiers' vote shall be rejected? If that is so, then the law is but a dead letter so far as its intent and purpose is concerned.

I trust the House will take this matter into consideration, and not, because a majority of a committee have reported a particular way, go with the committee. I have heard the argument used here again and again, "Go with the committee," "Go with the committee." That is a strange argument. Is a committee of but nine members to rule the action of the Congress of the United States? For what is a committee appointed? To prepare business and report it to the House; and then the House is to decide whether the recommendation of the committee is right or wrong. If the committee is to decide all things, then Congress better go home and let the committee decide all these matters for us. I repudiate any such doctrine as that. I say this honorable committee, however fairly and honorably they may have acted, have been mistaken in regard to the law and disregarded the facts.

I have undertaken to show by the law that they were wrong. And now I appeal to the House and ask them if they will vote to keep

the sitting member in his seat merely because he is a fine and clever man, and deny to the people of that congressional district the Representative for whom they voted as their choice? I aver that according to the law and according to the facts Mr. Fuller is clearly elected, and I ask that he be allowed to take his seat. I do not ask it upon party grounds, because we have nothing to do with party in this matter. I claim it because the facts and the law are in favor of Mr. Fuller, and it is due to the electors of the twenty-first district of Pennsylvania that they should be represented in Congress by the man of their choice.

If you decide against the right of Mr. Fuller to the seat here, you decide virtually that the soldiers in the field shall not be allowed to vote, and that the men who periled their lives to save our country in her struggle shall be deprived of one of their most sacred rights. I do not believe that any lawyer upon this floor, or any member of this House, who has examined this case thoroughly, will hesitate a moment to say that the contestant is entitled to a seat here, and will so vote. And with these remarks I leave the question to be decided by the House.

Mr. DAWES obtained the floor.

Mr. GARFIELD. Will the gentleman yield to me for a moment?

Mr. DAWES. Certainly.

DEATHS OF PRISONERS OF WAR.

Mr. GARFIELD, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of War be directed to report to this House, at as early a day as possible, the whole number of Union soldiers who died during the war while held by the rebels as prisoners of war, and also the number of rebel soldiers who died while held by us as prisoners of war.

Mr. GARFIELD moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. COBB, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a joint resolution (S. R. No. 129) to authorize the President to place at the disposal of the authorities of Portland, Maine, tents, camp and hospital furniture, and clothing for the use of families rendered homeless by the late fire; when the Speaker signed the same.

CONTESTED ELECTION—AGAIN.

Mr. DAWES. Mr. Speaker, I sincerely regret to be compelled again to force myself upon the House in the discussion of these uninviting and tiresome questions arising in contested elections. I had humbly hoped that I had earned a discharge from labor so unwelcome. And nothing could now induce me to undertake again a task of this kind but the fact that the case before us is from necessity spread over so much ground that it is impossible for the learned gentleman [Mr. PAINE] who has made this report to present to the House all the circumstances and questions involved within the time which one member may occupy in the discussion. Hence I am induced to beg the attention of the House for a few moments to one particular part of this case, in order that I may thereby relieve the gentleman from Wisconsin from a labor which, although I am conscious it could have been better performed by him, might possibly, in the limited time allowed, go unperformed unless I should attempt, however inadequately, to perform it.

I am compelled further to ask the indulgence of the House, because in undertaking to speak to-day I am laboring under an indisposition which really unfits me for presenting to the House any ideas worthy of its consideration. I never attempt to present any views from this committee without feeling that it becomes it more than any other committee to be faithful to the House; for the subject-matters intrusted to it are always of such a character that the

investigation of their merits must to a great extent be performed in the committee-room; and while the committee can ask nobody to accept their views as final, yet as the questions cannot be examined in the House in the manner in which they can be in the committee, and in the manner in which their character may demand, there rests upon the committee the stronger obligation to be faithful to the House in the discharge of their duty.

Sir, the three learned gentlemen from Pennsylvania, while I admit their ability to examine this case with as much acumen as any other gentlemen, certainly as any other member of the committee, have failed altogether to touch the merits of the case. The question presented here is not, as those three gentlemen sought to have the House understand, a question of disfranchising soldiers. Unless I am altogether mistaken in the view which I take of this case, members will, when the facts are understood, be relieved from all anxiety lest they may, by following the report of the committee, unwittingly disfranchise soldiers who voted at the election here contested. Unless I mistake altogether this case, it is simply a question of fact—how many soldiers voted for the sitting member and how many for the contestant.

At the election which is now in dispute the sitting member had by the home vote 648 majority; and the whole question, the only question presented in the case, is whether the contestant had, on the soldiers' vote a sufficient majority to overcome the sitting member's majority of 684 on the home vote. The question presented by the contestant to the committee and the House is simply this: shall this House say that more soldiers voted for the contestant than for the sitting member merely because the contestant says so?

Mr. BINGHAM. Does the gentleman mean to be understood as saying that the contestant offers no proof as to the number of votes given for him, and that he has asked the committee and the House to act upon his statement alone?

Mr. DAWES. Mr. Speaker, nothing so embarrasses a member speaking in this House as to have other gentlemen paying such close attention to what he says that they anticipate his utterances, and question him to know whether he means to say this or that. I was just about to say, Mr. Speaker, that this case presents a peculiar feature, one which, according to my recollection, never appeared in any of the sixty different cases, in the examination and decision of which it has been my misfortune to participate; and that peculiar feature is this: a man comes here and contests the election of a sitting member who holds a certificate of the Governor of his State that he is entitled to the seat; yet the contestant does not offer one particle of testimony in support of his case. Notwithstanding these three large volumes, the testimony of a single witness has not been taken by the contestant in this case. I do not speak of ruling out testimony on technical grounds. There has been no attempt to examine a single witness on the stand anywhere touching the right of this man or proving that the majority should not declare the sitting member was entitled to the seat.

He has attempted, on the other hand, to support this claim by papers, papers of every sort and description, scraps of paper, abstracts of papers, papers without beginning or end, statements made to the Legislature of Pennsylvania in another election case in that body, certain papers from the prothonotary's office, certified papers from the secretary of state; but, sir, from the beginning to the end he has not attached those papers to his case or shown what application or influence they should have. I desire to go back and present this case from the stand-point of the reply made by the sitting member. The lucid and able report presented by the gentleman from Wisconsin closes with the contestant's side of the case; and when it is cleared away from the mistakes into which gentlemen naturally have fallen who depend upon their examination of the case here, it will be clear as sunlight that by the contestant's

side of the case it stands as reported by the gentleman from Wisconsin. But I propose to go to the other side and show to the House what is the reply to that case made by the sitting member, and to show what effect that has on the merits of the case before I reach the counting of the votes.

I give the House warning that I am obliged to wade through a system of practice, introduced for the first time in my recollection in this case, so utterly in defiance of statute regulation as I think the House will, when they come to understand it, agree to what the gentleman from Wisconsin said yesterday, that it was the opinion of the committee that they had gone too far in this case to oblige the contestant without going into what he calls the merits of the case.

Sir, the modes of trial indicated by statute system, the pleading adopted in courts, the rules of allegation and answer adopted in this House to govern the action of tribunals before which facts are to be elicited, have foundation in fact, and in the long run conduce toward the truth and cannot be abandoned without destroying the assurance we may have of arriving at the truth. And no court does justice to itself that countenances defiant efforts by parties before it contrary to the rules sanctioned by courts of law.

I ask you, Mr. Speaker, to listen to what this Congress has said shall be the mode and method of trying election cases. I ask whether you propose to abandon and throw up the case and say there shall be no such thing hereafter as compelling a contestant to give a sitting member notice of the particular ground upon which the contestant proposes to make the contest. Now, the statute says:

"Whenever any person shall intend to contest the election of any member of the House of Representatives of the United States he shall within thirty days"—

I want you to mark that.

"That he shall within thirty days after the result of such election shall have been determined by the officer or board of canvassers"—

I ask the House to remember that—

"or board of canvassers authorized by law to determine the same, give notice in writing to the member whose seat he designs to contest that it is his intention to contest the same; and in such notice shall state particularly the grounds upon which he relies in the contest."

It is hardly worth while to call attention to the reasonableness of this. It is the law, and it is not only the law, but it is founded in reason and justice. See how it was conformed to in this case. On the 4th of November, 1864, the board of canvassers determined the result in this district, and gave to the sitting member his certificate of election. Subsequently to that, in conformity to law, on the 30th of December, the Governor of the Commonwealth issued a general proclamation declaring that these judges had decided that the sitting member was elected, with others. Within thirty days, says the statute, any one intending to contest the seat shall serve upon the member notice thereof; and the statute says expressly that the notice shall be served upon him.

When this statute was enacted an attempt was made to provide for a notice at his house, or to a third person residing at his house; and expressly did the Congress of the United States vote down the proposition to give that authority, and declared that it must be a personal notice on him. And this House, during this very present session, has adopted that construction in the case of Follett vs. Delano. For a notice to be served upon the sitting member according to law, it must have been served upon him personally before the 4th day of December last; that would make the thirty days. Now, this Congress met on the 4th day of December; the sitting member was a member of it, and it was known to everybody in Pennsylvania that he would probably be in his seat here that day. And yet, on the 6th day of December, thirty-two days after the notice, and at a time when the contestant must have

known that the sitting member was in his seat here, what was done? I will read the return:

Fayette County, ss.:

On this 7th day of September, A. D. 1865, before me, the subscriber, one of the Commonwealth Justices of the peace in and for the county of Fayette, personally appeared Reason Lynch, who, being by me duly affirmed according to law, says that he served the within notice, by a true copy thereof, contesting the election of Hon. John L. Dawson, in the Thirty-Ninth Congress, by Smith Fuller, Esq., by leaving a copy of the same with Biddy Reynolds on the evening of the 6th day of December, A. D. 1864, at his residence, to which place he invited her, believing her to be his (Dawson's) housekeeper, she having the keys of his house, he and his family being absent from home at the time.

REASON LYNCH, Constable.

Affirmed and subscribed before me the day and date above mentioned.

WILLIAM L. WILKINSON,

Justice of the Peace.

That was all the notice that was ever served upon the sitting member, and it was given at his place of residence thirty-two days after he had received the certificate of election, and when it was known that he ought to have been in his seat here. They hunted up an Irish girl in some other part of the town, who had been, I suppose, although there is no evidence of the fact, a servant of the sitting member, enticed her to his house, and getting her to turn the door key handed over to her this notice; and that is all the notice that was ever served upon the sitting member. Now, I do not mean to impute to Mr. Smith Fuller any design to wait before serving his notice until the sitting member had come on here and taken his seat. I only say that if he did not know that the sitting member would leave his home before the 4th day of December, which was the end of the thirty days, then I am sorry for him.

The law says that the service of notice shall be personal. Now, how did we get over that? I am almost ashamed to tell the House; but in our anxiety to ascertain whether Smith Fuller really had any right to contest this seat on the merits, the committee put their heads together to get over this difficulty. And I will tell the House frankly, whatever opinion they may have of us as lawyers, how we got over it. We said, that for the purposes of this case, we would hold that the board of canvassers who canvassed the result and gave the certificate to the sitting member should not be considered as having determined the result, but that in order that justice might not fail, we would hold that the proclamation of the Governor stating who was elected should be the initial point from which the thirty days should run; and that he should have the right to serve his notice thirty days from that date. Well, we got into another trouble when we did that, because that proclamation was not issued until the 30th day of December, and the notice was served on the 6th; so that it was served twenty-four days too soon. I am on the "confessional" now, and I will tell you the whole story. He served his notice twenty-four days before the statute began to run; he fired off his gun too soon. [Laughter.] How did we get over that? We turned to the sitting member's answer, and we found this statement:

"This respondent is a Representative in the Thirty-Eighth Congress of the United States. The second session of that body commenced on the 5th day of December, 1864; and this respondent, to be in readiness for the discharge of his official duties, arrived in Washington city on the morning of the 4th. On the 12th of said month he received by mail, from Pittsburgh, Pennsylvania, a paper bearing date at Uniontown, Pennsylvania, December 3, 1864, with the name of Smith Fuller appended, purporting to be a notice to this respondent that the said Smith Fuller would contest his election as Representative of the twenty-first district of Pennsylvania in the Thirty-Ninth Congress of the United States. This respondent knew nothing of said papers until the said 12th day of December. Whether the same was written or signed by the said Smith Fuller, or by some other person, he does not know, and has no means of knowing."

That is to say, that in his answer he acknowledged that on the 12th day of December he got the notice. So we took him at his word. But that did not get us entirely out of the difficulty, because even that was eighteen days before the time began to run. We were therefore constrained to put our heads together again to get

over that difficulty, and we did it in this way: we ruled, in order that justice might not fail, that if the sitting member got the notice on the 12th of December, he probably kept it till the 30th, and that we would presume that on the 30th it was in his possession; or that if a man gets a notice too soon and answers it, and does not take advantage of that defect, we decide that he might reasonably be held to have waived that objection.

Well, then, we had another trouble, because in this answer the sitting member says:

"This respondent therefore excepts to said pretended notice, for the following reasons, namely:

"1. That said pretended notice was never served.

"2. That said pretended notice was never served on this respondent personally.

"3. That said pretended notice was not served within the time required by law.

"This respondent further excepts to said pretended notice that the same is insensible, unintelligible, and so vague and general in its allegations as to furnish this respondent with no means whatever of making even a conjecture as to the particular grounds upon which said Fuller designs to contest the validity of his election."

And last of all we were driven to rule, in order that the case might not fall right through, that excepting to the notice on the ground that it was not served within the time was not excepting to it on the ground that it was served before the time; and under that ruling we held the respondent to answer to this notice.

I submit, therefore, that the Committee of Elections might well query whether they had not gone too far for the ease and comfort of such men as may serve upon that committee in time to come. Now, I ask the House to listen for one moment to the allegations of the contestant, to see what it is that this respondent is required to meet. He undertook to sustain his case by eleven allegations, all of which but three he abandoned on the hearing before the committee. And he really undertook to sustain but one of them. Before I proceed further, however, I wish once more to read to the House from the statute what should be the character of this notice:

"And in such notice shall specify particularly the grounds upon which he relies in the contest."

Mr. SCOFIELD. The gentleman will allow me to ask him a question. The remarks of the gentleman in relation to this notice are an entire surprise to me, and I feel constrained to notice them. I want to ask the gentleman if the committee was not unanimous, himself leading off, in deciding that the time from which the thirty days began to run was the day upon which the Governor issued his proclamation, and if he did not himself decide, in a case which we had in the last Congress, that where the notice was given too early, if an acknowledgment of it was made by the sitting member or the contestant as the case might be, without objecting to the time, that was a sufficient notice. Was not the decision that the time began to run from the proclamation of the Governor in Pennsylvania, and did not the gentleman bring forward his own precedent in the case of the last session? Did not he himself approve it, and was not the decision unanimous by the committee? There was no such straining or arguing to evade the law or the fact presented by anybody in that committee.

Mr. DAWES. That the statement of the facts surprises the gentleman from Pennsylvania [Mr. SCOFIELD] does not surprise me so much as it does that he thinks his present statement conflicts at all with what I have said.

Mr. SCOFIELD. What I mean to say is this: there are a great many things which the gentleman has stated which I believe to be wholly and literally true. But his whole version of the matter is such a burlesque of the reasons that influenced the committee in deciding this question, that if it was anywhere else I would say that the gentleman was designing to burlesque it. Still, with his solemn voice and impressive manner, and marching up and down the aisle, I suppose he designs

to have the House understand that he is not making a burlesque of it.

Mr. DAWES. I will state that the gentleman has failed to point out wherein I have misstated one single thing. I admit that I tried all I could to get over this difficulty and reach the merits of the case. But I have never been over the ground in my own mind since without its seeming, as it strikes the gentleman from Pennsylvania [Mr. SCOFIELD] to-day, that it was more of a burlesque than a proper administration of the law. And hence it was that the committee, looking back to the standpoint of five weeks' examination, came to the conclusion that it was a pity they had not held these parties to the law and required of them that they should conform to it. Now, there never was any reason in the world given why the contestant waited thirty-two days, until Mr. Dawson had left his home for Washington city, and then went out and hunted up the house-keeper in the country, and persuaded her to go to the house while they went through the farce of serving this notice. There were thirty days in November while Mr. Dawson was at home, when the notice could have been served there properly.

Mr. WILLIAMS. Will the gentleman allow me to interrupt him a moment?

Mr. DAWES. Yes, sir.

Mr. WILLIAMS. Inasmuch as I can find nothing in the report of the Committee of Elections upon the point that my friend from Massachusetts [Mr. DAWES] is discussing, I would like to ask him, as a lawyer, whether the point as to the insufficiency of this notice has not been overruled by the committee in compelling the respondent to answer, thereby premitting all these merely formal matters.

Mr. DAWES. In entire frankness I will say to the gentleman that for the purpose of hearing this case we did require the respondent to answer under these circumstances. And I was about to ask the House to hear what the sitting member was compelled to meet, specifying the ground upon which this contest was based. It was this, and this only:

"11. For that in the counties of Fayette, Westmoreland, and Indiana, which comprises and forms the twenty-first congressional district of the State of Pennsylvania, of the votes cast for Congress in and for the said counties of said district on the 11th day of October, 1864, being the second Tuesday of October, 1864, Smith Fuller had for Congress 11,063 votes; John L. Dawson had for Congress 10,348 votes."

The whole statement may be summed up in seven words: "I had more votes than Mr. Dawson." Now, is that a conformity with the statute which requires that the party contesting shall state specifically the ground upon which he relies? He does not say whether in this county or that county he had more votes than the sitting member. He does not say whether the majority in this county or that is different from what the board of canvassers made it to be. He does not say whether they counted votes that ought not to have been counted, or whether they omitted to count votes that should have been counted. Let me ask the House, what notice is that to the sitting member that he can meet? And under that notice what could not the contestant prove, and therefore what could the sitting member have noticed that he was going to prove? There is no allegation known to the law of elections to which this notice would not apply just as well as to any other.

But the contestant claimed under this notice the right to recount all the votes in this district, and to show that by a recount he would have had a majority and the sitting member a minority. The committee gave him permission to show, if he could, that counting all the votes that were cast in this congressional district he had received more than the sitting member. Now, I ask again, Mr. Speaker, can you conceive of a case in which a contestant can oust a sitting member by a recount of all the votes, yet not take a single deposition? Is there any way—I put it to my learned friend from Pennsylvania, [Mr. THAYER,] who does

me the honor to listen to me—is there any way in which a contestant can show what votes were counted and what votes were not counted without taking somebody's deposition? Can any one, without taking depositions, give his certificate that certain votes were counted and certain other votes were not counted? If that cannot be done, then there is an end of this case; for there is not a particle of testimony in the whole proceeding to show what votes were counted and what votes were not counted. Here is the sitting member occupying the seat under the proclamation of the Governor or the certificate of the board of canvassers; and the contestant comes here—my distinguished colleague on the committee [Mr. SCOFIELD] will correct me if this is not the fact—asking to recount all the votes and bringing in what he calls evidence of votes, yet totally abstaining from showing what votes were counted and what votes were not. Ordinarily the presumption is that the man holding the certificate is elected; and he who seeks to reverse the decision of the board of canvassers, made in accordance with the law of the State, and maintains that another man has the majority, should at least undertake to prove it.

Mr. THAYER. I desire to ask the gentleman whether the contestant offered evidence under any other specification than that which the gentleman has mentioned.

Mr. DAWES. The contestant openly abandoned all the specifications but three; and he offered no evidence under any except the eleventh.

Mr. SCOFIELD. The gentleman will allow me to explain. At one time a remark was made which was understood as an abandonment of the greater part of the specifications; but afterward, when it appeared that the committee had put this construction upon the remark, the explanation was made on behalf of the contestant that it had never been his design to make any such abandonment.

Mr. DAWES. I have stated the matter in the hearing of all the members of the committee who were present. My friend from Pennsylvania and myself do not agree in our recollection of it. I think, however, the gentleman will admit that this eleventh specification is the only one under which the contestant offered any testimony. If the gentleman can point out any testimony offered under any other specification, I shall be glad to have him do so.

Mr. SCOFIELD. I will concede just what the gentleman himself said in the beginning—that there were no depositions. The evidence in the case on the part of the contestant was all record evidence. Yet I do not understand that this justifies the gentleman from Massachusetts in maintaining that the contestant presented no proof.

Mr. THAYER. I desire to ask the chairman of the committee whether there was any other specification to which the evidence would apply.

Mr. DAWES. There was not. I never, before to-day, heard anybody suggest that there was. I say this in the hearing of all the members of the committee who took part in the examination of the case. I have regretted exceedingly, and I regret it to-day more than ever, that the learned gentleman from Ohio [Mr. SHELLABARGER] was compelled to be absent during the hearing of this case by his duties upon another committee. The gentleman from Michigan [Mr. URSOX] was sick, and thus we lost his services. Two other members of the committee—the gentleman from Pennsylvania [Mr. SCOFIELD] and the gentleman from Vermont [Mr. BAXTER]—differed with the majority of the committee. I entertain a firm conviction that if we could have had the assistance of the gentleman from Ohio, with the exhaustive ability which he brings to the examination of every subject falling within his province to investigate, we should have had him to-day supporting actively the report of the committee.

Mr. SHELLABARGER. I avail myself of

the kindness of the chairman of the committee to say this in regard to the matter to which he has alluded, and which occurred when I was in attendance on the investigation of this case, and that is the matter of the abandonment or non-abandonment of a specification in the contestant's statement or petition. The only point of difference in our recollection in regard to that record is this: I think there was no abandonment, although I think the remark was once made, but was afterward withdrawn as having been made inadvertently, or as one they did not want the committee to abide by. So much for that. As to whether there is any evidence applicable to the case or not, from my absence from the deliberations of the committee I am unable to say.

Mr. DAWES. I will, Mr. Speaker, dispatch the rest of the case very rapidly. The counsel for the sitting member inquired of the contestant if the testimony which I hold in my hand was what he relied upon, and he stated affirmatively before the committee it was what he relied upon and all that he relied upon. Then we proceeded to the hearing of the preliminary questions. When we got through the preliminary questions we met to hear the parties on the book which I hold in my hand. The contestant was not there. We did not see his counsel for three weeks. Where he went and what he went for we knew not until the committee had a telegram from Harrisburg asking what testimony we wanted and whether the original records at Harrisburg would not answer. That was the first intimation we had of his whereabouts. This was after having stated this testimony was all that he relied upon. Yet, without telling the committee, he left and went we knew not whither.

Now, in due time this volume came back. The statutes of Pennsylvania require that the soldiers' vote shall be returned to two places—to Harrisburg and to the prothonotary's office in each county, so that there would be two papers. His paper consisted of simple statements, scraps of paper and not copies of anything in the world; simple statements of votes without stating before whom they were cast or how; 20 votes for Dawson here and 20 for Fuller there; so many in another place for Fuller and so many for Dawson, without telling how or when, giving the committee no knowledge whether they could be relied upon or not.

The other attempt was to get the poll-books, going to the prothonotary's office to get some and going to the secretary's office to get the others. It was not an attempt to get the whole of them at the secretary's office or the whole of them at the prothonotary's office, but some at the prothonotary's office and some at the secretary's office. It was an attempt to get a full poll-book wherever it was deemed to be desirable.

What the contestant says is that the whole vote of this district, upon which he relies, and upon which he argues before this committee and the House, gives him a majority of 18. Now, Mr. Speaker, we are asked to count these votes as shown in the certificates of poll-books purporting to come from the office of the prothonotary and from the office of the secretary of the Commonwealth. I say it is necessary, in the first instance, to prove these are returns. It is necessary to show when they came and whence they came. They were votes certified to be in the secretary's office, but I know that the certificate of election was given to the sitting member. I submit there ought to be evidence to show when they came there. The soldiers' law of Pennsylvania says if they shall come in after the time when they are sent in accordance with the law they shall be counted as well as those which came in before, so that they may not be lost. I submit to every lawyer in this House, that returns brought from the secretary's office fourteen months after that date should be accompanied with some testimony showing that it was taken at the proper place and at the proper time.

Mr. MILLER. I ask the gentleman if the seal of the State is not of some account.

Mr. DAWES. I submit that all that a man can certify to under the seal of the State is a copy of the record. He cannot certify a fact. If that be so, then the taking of depositions is useless. If he can certify anything except a record, I want to know what it is. There is no record, no minute, nothing in one of these papers showing when it came into the office. It was the easiest thing in the world to take the deposition of the secretary to show when they came there. They were not obtained till fourteen months afterward, and he could have sworn when they came there. But that is not all. I promised to relieve this case of every technicality sought to be thrown around it by the three gentlemen from Pennsylvania who have spoken upon it. I hold in my hand the statement of this whole vote as furnished to the committee by the contestant himself, entitled "classified statement of the entire military vote." I wish to ask my colleague on the committee, [Mr. SCOFIELD,] and the gentleman from the Harrisburg district, [Mr. MILLER,] and the other gentleman from Pennsylvania, [Mr. LAWRENCE,] if there is a single vote that is not on this paper.

Mr. SCOFIELD. I never saw the paper, and cannot, therefore, state.

Mr. DAWES. I regret to learn that the gentleman never saw the brief of the contestant in this case, furnished by him at the request of the committee, used by him in the argument of the cause, and printed by the committee at his request for the use of the House. And yet my friend, who has undertaken to argue this case to the House, says he never saw it and does not know what it is. I ask the gentleman from the Harrisburg district if there is a single vote in any camp or hospital that is not upon this paper entitled "classified statement of the entire military vote."

Mr. MILLER. I took all the votes that were referred to in the report. I did not see any brief that the gentleman speaks of.

Mr. DAWES. I ask the other gentleman from Pennsylvania [Mr. LAWRENCE] the same question.

Mr. LAWRENCE, of Pennsylvania. It is very easy to ask that question. Gentlemen on the committee say they never saw that brief. All we have stated is based on the report itself, which shows that the contestant has a majority.

Mr. DAWES. I thought nothing could be fairer, and therefore I put the question, so that the gentlemen might answer it if they could.

Mr. SCOFIELD. I do not know what the paper is, and I have not time to examine it. The gentleman gets up and swings a paper around triumphantly, and when I tell him I know nothing about it, that I have never seen it, he commences a sort of—I do not know what to call it. I do not know whether he is arguing or scolding at me.

Mr. DAWES. There is a copy of it.

Mr. SCOFIELD. I have no occasion to look at it, but if the gentleman wants to scold me about it, I would like to have him do it in a little different tone.

Mr. DAWES. I submit that I am not scolding anybody. I am dealing fairly with this case, and I did suppose that nothing could be fairer than to take the contestant's own statement of these votes and ask if there was any member of the House who knew of a single vote that the contestant claimed that is not on this paper. If there is, I would like to know it. I state on my responsibility as a member of the committee, that I hold in my hand a paper prepared by the contestant taking the whole vote of this district. It is printed and in circulation about the House. If I am wrong I am innocently wrong, and I will beg any member of the House to show me my error. The contestant here sums up the aggregate of Westmoreland, Indiana, and Fayette counties, miscellaneous returns and all, adds the civil vote, and brings out the result as follows: for the contestant, 10,984; for the sitting member, 10,966; majority for the contestant, 18.

I think I may assume that the House will believe me when I state that this is every vote he claims; and that upon this paper which I hold in my hand he has recounted the poll-books upon which he relies; and he has been kind enough to give us the pages upon which you can find any one of them.

Now, the first thing I desire to say about this paper is, that in order to be satisfied that this man's majority was 18, as he states, you must be satisfied that here are all the poll-books. I am not alluding now to that one which the gentlemen from Pennsylvania have claimed was omitted. That is in here. But is it not necessary, if he asks you to count the vote of the whole district, and brings in papers here which he claims are the poll-books of the whole district, that he should prove that this is the entire poll of the district? There is not one particle of evidence of that fact.

Mr. LAWRENCE, of Pennsylvania. I want to ask the gentleman if they have not records from all of these counties, made out by the prothonotaries and sworn to.

Mr. DAWES. No, sir; we have not a single scrap of paper sworn to except this affidavit in relation to Biddy Reynolds.

[Here the hammer fell.]

Mr. DAWES. I ask the House to allow me ten minutes that I may go through this paper. I think I can close in ten minutes, but I should not like to be limited to that time.

Mr. PAINE. I ask unanimous consent that the time of the gentleman from Massachusetts be extended.

No objection was made.

Mr. DAWES. I propose to show, without the slightest technicality, and by this man's own tables, that he was in a minority.

Before I come to that, however, let me say that no man can ask us to take these tables, and add up all these votes, and then say that the contestant has a majority over the sitting member, unless we are satisfied that the tables contain all the votes cast. And we cannot be satisfied of that without some evidence. There is not a man living who can say that there is a particle of evidence to show that. And not only that, there is evidence that one of the poll-books is gone, and no reason has ever been given for its disappearance. I call the attention of the House to the fact that poll-book No. 52, of Indiana county, is put down here in the returns as an entire blank; No. 51 is here, and No. 53 is here; but there is no return at all of No. 52, either from the prothonotary or the secretary of state. The entire poll is gone, and they give no reason for it in this paper; and yet, leaving out this one poll, the contestant claims a majority of 18.

But that is not all, Mr. Speaker. I ask you to look at this poll; it foots up, in the absence of one poll-book, 18 majority for the contestant; but that 18 is made up in this way, the votes in No. 51 and No. 61 in Indiana county, are counted twice. I take it, that however much he may love the soldiers, the soldiers' very warm-hearted friend from Pennsylvania [Mr. MILLER] would not require that we should count their votes twice. No. 61 in Indiana county was the Tyler hospital. There were but three votes cast, but they were counted, as you will find on page 144, and put down as cast at the Tyler hospital. The poll-book gives the names of the voters and their residence. Turn now to page 281, and you find there another poll-book, all perfect in form, except that the place where the poll was held is left blank. They asked us not to reject the poll-book because the place was left blank, and insisted that we should count the vote, and we did count it. But when you turn to the poll-book you find that the names and the places of residence are the same as those on the poll-book on page 144. So that 3 of the 18 votes have been counted twice, and that reduces the alleged majority to 15.

And upon pages 81, 83, and 89 there are three more that have been counted twice. Their names are James McCrackin of Brush Valley, Isaac Oberdorf of Brush Valley, and Jacob Crist

of Mount Pleasant. Their names are given, their companies are given, and their residences are given; and their votes are counted twice. That takes three more from his 18 majority, leaving him but 12.

And upon page 84 of the first book there are 31 votes counted for 30, a mistake of 1, reducing the majority claimed to 11. Then I call the attention of the House to page 81, to what is counted as 13 votes for Fuller and 1 for Dawson. It is this: "for senator in the Senate of the State of Pennsylvania, 14 votes, of which Smith Fuller had 13 votes and John L. Dawson had 1 vote." That is all there is in the return; there is no evidence of anything else. It is a solemn certificate that 14 votes were cast, 13 for Smith Fuller and 1 for Dawson, for senator in the senate of the State of Pennsylvania. And those votes are counted to help make up this majority of 18. Now, I do not know of any informalities that can be overlooked. It might have been a mistake, but if so it was the easiest thing in the world to take a deposition to show that it was a mistake. But all the evidence before us is to the effect that the votes thus given were cast for State Senator, and not for member of Congress. By deducting these votes you get a majority of 1 for the sitting member instead of 18 for the contestant. But that is not all.

Here is another, pages 232 and 235, company K, two hundred and thirty-first regiment, Fayette county, 6 votes. The tally-paper, the list of votes with the names of the persons who voted at the State election of the qualified voters of Fayette county, State of Pennsylvania, "for members in the House of Representatives of the United States, John L. Dawson, 2 votes; Smith Fuller, 8 votes." That is signed by nobody; it is a little strip of paper not signed by anybody. And yet those votes are counted to make out this majority of 18 for the contestant. Now, deducting also those 6 votes, and it puts him in a minority of 7 on his own paper. I will not insult the good sense of the House by arguing that a simple slip of paper with nobody's name signed to it should not be regarded. I might have made out the paper myself; *non constat* but I did make it. There is no evidence in the world whence it came or whither it goes.

Now, take McClellan hospital, No. 6, Westmoreland county. There is a return just like the last to which I have referred, signed by nobody, simply a piece of paper with a statement upon it, such as I might pick up in a dozen places in this House, with no name attached to it anywhere. Yet that is counted to give 3 more votes to the contestant, which, being also deducted, puts him in a minority of 10.

Then, on page 333, there is another return just exactly like these last, with nobody's name signed to it, without any more authentication than a mere newspaper paragraph, which is included to give 2 more votes to the contestant to make up his majority of 18. Now, deduct also those 2 votes, and upon his own paper he is placed in a minority of 12 votes.

Then there is Camp Hamilton, page 301, without a particle of testimony, a particle of evidence, with no certificate, with nobody's name signed to it whatever. That is used to give 1 vote to make up the 18 majority claimed by the contestant. Now, deduct that 1 vote also, and instead of the contestant having a majority of 18 votes, he is shown by his own paper to be in a minority of at least 13 votes. There is one paper having upon it a statement of 10 votes for the contestant and 13 for the sitting member; but this paper has no signature attached. So that the same rule would apply to that if the two papers stand upon an equality. But who produces it? The contestant produces it. Yet he does not show what use was ever made of it anywhere; he does not show that it was ever counted anywhere.

Thus, Mr. Speaker, if any member of this House, feeling an anxiety lest we should by our action deprive some soldier of his vote, has done me the honor to listen to what I have

said, I think he must be convinced of one of two things: either I have not stated the facts correctly, or the contestant is 13 votes in the minority by the showing of his own paper.

Mr. SCOFIELD. If the gentleman will allow me to interrupt him, I desire to say that if he will turn to the record in the case, for instance, of the vote in McClellan hospital, he will find on pages 6 and 7 the return properly signed, giving the names of the voters. It is true that the certificate of the oaths is wanting there; but this will be found fully given on page 380.

Mr. DAWES. There are two returns from McClellan hospital; one for Westmoreland county, the other for Fayette or Indiana county.

Mr. SCOFIELD. The gentleman is thinking of the returns from Lincoln hospital.

Mr. DAWES. Well, Mr. Speaker, I prefer to allow the contestant the benefit of those 3 votes, still leaving the sitting member with a clear majority, rather than detain the House by a minute examination of that matter.

This case, Mr. Speaker, has been examined by the committee with a patience and assiduity which, I venture to say, have scarcely a parallel in investigations of this character. The committee waived in behalf of the contestant every difficulty and objection which they possibly could waive in order to reach the merits of the case. The several gentlemen from Pennsylvania who have advocated the claims of the contestant with so much zeal and ability have directed their attention to various returns connected with this case, but no one of those gentlemen has even looked at the contestant's own brief. They all appear to have been ignorant of its existence until I called their attention to it here in the House. I have taken up that brief and have, I think, shown conclusively that the contestant on his own showing did not receive a majority of all the votes of the district.

There are other papers in this case to which I might refer in confirmation of the position which I have taken; but at this late hour I will not tax my own strength or the patience of the House by dwelling upon them. I repeat, that this case presents no question about disfranchising soldiers. I affirm that it is impossible to make out a majority of votes for the contestant unless you count votes which were cast for other officers, or count the same votes twice, or count votes which have no authentication whatever. I leave this case to the good judgment and good sense of each member of the House.

Mr. PAINE. I am informed that the gentleman from Pennsylvania [Mr. KELLEY] and the gentleman from Ohio [Mr. SHELLABARGER] desire to speak on this question. If they do I will yield the floor to them. If not I will call for the previous question to-morrow after the morning hour.

Mr. SHELLABARGER. I do not want to say anything this afternoon, but if permitted I may want to say a word or two to-morrow.

Mr. WASHBURN, of Illinois, demanded the previous question.

The previous question was seconded, and the main question ordered.

Mr. WASHBURN, of Illinois, moved to reconsider the vote by which the main question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

And then, on motion of Mr. PAINE, (at five o'clock and five minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule and referred to the appropriate committees: By Mr. BROOMALL: The petition of citizens of Chester county, in the State of Pennsylvania, asking for such change in the tax and tariff laws as will protect American labor against foreign competition.

By Mr. MOORHEAD: A petition from citizens of Alleghany county, Pennsylvania, praying for increased protection to American labor.

By Mr. SCHENCK: The memorial of the Rev. J. Eastburn Brown, rector of the Protestant Episcopal Mission chapel in Georgetown, District of Columbia,

asking for an amendment to the law in relation to the residence of vestrymen.

Also, the petition of H. B. Lacy, late major United States volunteers, praying relief for losses of property and vouchers taken and destroyed without fault or negligence on his part.

IN SENATE.

FRIDAY, July 13, 1866.

Prayer by Rev. Dr. HISCOX, of New York city.

On motion of Mr. EDMUNDS, and by unanimous consent, the reading of the Journal of yesterday was dispensed with.

PETITIONS AND MEMORIALS.

Mr. MORGAN presented five memorials from dealers in hardware and cutlery in New York, Boston, and Philadelphia, remonstrating against the excessive duties imposed by the tariff bill; which were referred to the Committee on Finance.

REPORTS FROM COMMITTEES.

Mr. POMEROY, from the Committee on Public Lands, to whom were referred various petitions and memorials concerning land grants in the southern States which expire in 1866, reported a bill (S. No. 422) to revise and extend certain of the provisions of an act approved the 3d day of June, 1856, entitled "An act granting public lands in alternate sections to the State of Alabama, to aid in the construction of certain railroads in said State and for other purposes;" and a bill (S. No. 423) amendatory of the act granting public lands in alternate sections to the States of Florida and Alabama, to aid in the construction of railroads in said States, approved May 17, 1856. The bills were severally read a first time by their titles and passed to a second reading.

Mr. GUTHRIE. I am directed by the Committee on Finance, to whom was referred the bill (S. No. 379) to amend the several acts to indemnify the States for expenses incurred by them in defense of the United States, and also a resolution, to report an amendment to the bill as a substitute for the bill and resolution; and I ask for its present consideration.

Mr. POMEROY. I hope we shall be allowed to complete the morning business, and therefore I trust the bill will not be considered now.

The PRESIDENT *pro tempore*. Is there any objection to the present consideration of the bill?

Mr. POMEROY. Yes, sir; I object.

The PRESIDENT *pro tempore*. Objection being made, the bill cannot be considered on the day it is reported.

Mr. GUTHRIE, from the Committee on Finance, to whom was referred the joint resolution (S. R. No. 115) respecting the payment of interest upon the war debts due the loyal States, asked to be discharged from its further consideration.

Mr. ANTHONY, from the Committee on Claims, to whom was referred the joint resolution (H. R. No. 115) for the relief of John Wells & Sons, of Baltimore, reported it without amendment.

Mr. CHANDLER, from the Committee on Commerce, to whom was referred the bill (H. R. No. 728) authorizing the Secretary of the Treasury to issue certificates of registry or enrollment and license to certain vessels, reported it without amendment.

Mr. WILLIAMS, from the Committee on Claims, to whom was referred the bill (H. R. No. 629) for the benefit of William G. Lee, reported it without amendment.

Mr. HARRIS, from the Committee on Public Lands, to whom was referred the bill (S. No. 396) for promoting the growth of forest trees on the public lands, reported it with amendments.

Mr. DAVIS, from the Committee on Claims, to whom was referred the memorial of Mary E. Walker, M. D., praying for compensation for services rendered by her to the Government during the late rebellion, reported adversely thereon.

He also, from the same committee, to whom

was referred the joint resolution (H. R. No. 119) for the relief of Isaac Ramsey, internal revenue collector for the eighth district of Ohio, reported it with amendments.

He also, from the same committee, to whom was referred the joint resolution (H. R. No. 170) for the relief of Caroline A. Randall, administratrix and widow of Charles B. Randall, deceased, reported it without amendment.

Mr. WILSON, from the Committee on Military Affairs and the Militia, to whom was referred the bill (S. No. 195) to amend an act to provide for the payment of horses and other property lost or destroyed in the military service of the United States, approved March 3, 1849, reported it without amendment.

He also, from the same committee, to whom was referred a joint resolution (S. R. No. 128) in regard to contracts in the quartermaster's department, reported it with an amendment.

He also, from the same committee, to whom was referred a bill (S. No. 41) explanatory of certain joint resolutions therein named, giving bounties to persons enlisting in the regular or volunteer service of the United States; and the joint resolution (S. R. No. 18) respecting the three months' extra pay to officers of volunteers when mustered out of service, asked to be discharged from their further consideration; which was agreed to.

He also, from the same committee, who were instructed by a resolution of the Senate to inquire into the expediency of boards of examination for retiring certain officers of the regular Army, asked to be discharged from the further consideration of the subject; which was agreed to.

He also, from the same committee, who were instructed by a resolution of the Senate to inquire into the expediency of changing the law so as to allow back pay and bounty due to colored soldiers on the same proof of marriage required by the act of July 4, 1864, asked to be discharged from the further consideration of the subject; which was agreed to.

He also, from the same committee, to whom was referred a memorial of J. B. Van Petten, late a colonel and brevet brigadier general, and a memorial of John L. Suess, late captain first New York volunteer engineers, praying an extension of the provisions of the act of March 3, 1865, relative to the three months' extra pay to certain officers, asked to be discharged from their further consideration; which was agreed to.

He also, from the same committee, to whom was referred a petition of J. W. Cairns, G. D. Phelps, jr., and others, praying for a certain proportion of cavalry in the reorganized Army, and a memorial of the executive committee of the National Freedmen's Relief Association of the District of Columbia, praying an appropriation for the relief of "contrabands," so called, asked to be discharged from their further consideration; which was agreed to.

UNION PACIFIC RAILROAD.

Mr. HOWARD. The Committee on Military Affairs and the Militia, to whom was referred a joint resolution (S. R. No. 125) granting the right of way through military reserves to the Union Pacific Railroad Company and its branches, have had it under consideration, and directed me to report it back to the Senate and recommend its passage; and I beg to ask the Senate to put the joint resolution on its passage now, because it is very necessary at this time. I hope, therefore, that it will be considered at once.

By unanimous consent, the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution.

Mr. FESSENDEN. Has that resolution come from any committee?

Mr. HOWARD. Yes, sir; it is just reported.

The PRESIDENT *pro tempore*. It is reported by the Committee on Military Affairs and the Militia.

Mr. FESSENDEN. I think it ought to be referred to the Committee on Public Lands.

Mr. POMEROY. I notice one feature in the

resolution by which it is provided that when these lands are not wanted for military purposes they shall be restored to the public lands. The lands in these military reservations are very valuable, and it has not been our system heretofore to restore them to the public at \$1 25 an acre. We have always had military reservations, when no longer wanted for military purposes, sold at whatever they would bring, but under this bill you restore them to the public lands and then they can be taken at \$1 25. I do not want to object to the resolution, but I say that is a feature which we have never adopted in any bill which came from the Committee on Public Lands.

Mr. SHERMAN. There is one clause of this resolution which I certainly object to. I have no objection to the grant of the right of way through the Fort Riley reservation to this railroad, and sufficient ground for the necessary stations; but the second clause of it, if I heard it read correctly, grants to all railroads running through reservations not only the right but all that is necessary for their buildings and station houses. For instance, suppose they should go through the reservation at Fort Leavenworth, an immensely valuable piece of property. The only limitation here is, I believe, twenty acres in the midst of the Fort Riley reservation for stations, &c. I do not wish to grant anything more than is necessary for the occasion. I have no doubt that the railroad named here ought to have the right of way through the Fort Riley reservation, with suitable stations and grounds; but I think they ought to be confined to that one object, and it should not be made general.

Mr. HOWARD. If the Senator from Ohio will look at the resolution he will see that none of those grounds can be taken by the railroad without the consent of the President.

Mr. SHERMAN. I know; but the President has not the information, and we ought not to throw this duty upon him.

Mr. HOWARD. As a matter of course it will be referred to the proper Department for examination, and if an extravagant quantity is required by the road, of course it will not be granted. I know of no safer mode than to refer such questions to the proper Department of the Government, who have access to the maps and public surveys and can determine better than anybody else as to the quantity that is required.

Mr. SHERMAN. The remark of the Senator might apply very well to a right of way, if the road must pass over a reservation, but not to station grounds on the reservation, because there will be grounds surrounding the reservation which the railroad companies could purchase.

Mr. HOWARD. It is not possible for us to lay down any more safe and accurate rule than this resolution contains in itself as to the quantity necessary to be taken.

Mr. POMEROY. It is very important that the company should have the right of way, but I suggest to the Senator from Michigan to put in a clause that when the reservation is not needed for military purposes, it shall be disposed of under such rules and regulations as the Secretary of the Interior may prescribe.

Mr. HOWARD. I have no objection to such an amendment.

Mr. POMEROY. I suggest it only.

Mr. SHERMAN. I move to amend the resolution by striking out, in lines four and five, the words "and the necessary grounds for depots, stations, shops," &c.; so as to make it read simply:

That, subject to approval by the President, the right of way, one hundred feet in width, is hereby granted to the Union Pacific Railroad Company and the companies constructing the branch roads connecting therewith, for the construction and operation of their roads over and upon all military reservations through which the same may pass.

It also then specifically grants to the eastern division twenty acres of the Fort Riley reservation.

Mr. HOWARD. I hope that amendment will not be adopted. The grounds for depots, sta-

tions, shops, &c., may be just as necessary in a military reservation as the right of way itself. It may be necessary to establish a depot upon a military reservation. It may be to the public interest to do so. Very often it is for the public interest. Why, then, should they be prohibited from having the necessary grounds for their depots and machine-shops, and everything else connected with a station?

Mr. SHERMAN. This resolution provides for a grant of twenty acres at the Fort Riley reservation; and if a case should hereafter occur at any reservation we can provide for it. They will not reach any other fort for a year or two, at any rate.

Mr. HOWARD. I cannot see the necessity for particular acts of legislation whenever a case of this kind may arise. Why not enact it in the shape of a general law, leaving the execution of the law to the President, under the advice of the heads of the proper Departments? There is no danger in it at all; on the other hand, I think the public interests will be better secured by this provision. I hope the amendment will not prevail.

The question being put, there were, on a division—ayes 18, noes 4; no quorum voting.

Mr. GRIMES. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 20, nays 5; as follows:

YEAS—Messrs. Anthony, Clark, Conness, Davis, Edmunds, Fessenden, Foster, Grimes, Guthrie, Hendricks, Johnson, Morgan, Norton, Saulsbury, Sherman, Sprague, Sumner, Trumbull, Van Winkle, and Wiley—20.

NAYS—Messrs. Howard, Lane of Indiana, Ramsey, Wade, and Wilson—5.

ABSENT—Messrs. Brown, Buckalew, Chandler, Cowan, Cragin, Creswell, Dixon, Doolittle, Harris, Henderson, Howe, Kirkwood, Lane of Kansas, McDougal, Morrill, Nesmith, Nye, Poland, Pomeroy, Riddle, Stewart, Williams, Wright, and Yates—24.

So the amendment was agreed to.

Mr. HENDRICKS. If it is the intention of this resolution to give these lands to the railroad company, then it should pass, I suppose, as reported; but if it is intended simply to give them the use of the land, then these words ought to be stricken out from the nineteenth to the twenty-second lines, "the same when so restored to be subject to existing laws concerning public lands in the same manner that they would have been if said reserves had never been made." If these lands happen to fall upon odd sections they will come, under the grant, to the railroad company; so that the company will have the absolute ownership under the original grant if these words are left in the resolution. If that be the purpose of the committee, and it is the pleasure of the Senate to do so, I have no objection; but to test that, I move to amend the resolution by striking out those words.

Mr. HOWARD. I have no objection to their being struck out.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in. The resolution was ordered to be engrossed for a third reading, and it was read the third time and passed.

THE TARIFF BILL.

Mr. ANTHONY. The Committee on Printing, to whom was referred a resolution to print a thousand copies of the tariff bill, have directed me to report it back without amendment and to recommend its passage. I ask for the present consideration of the resolution.

The resolution was considered by unanimous consent and agreed to, as follows:

Resolved, That there be printed for the use of the Senate, one thousand additional copies of the bill (H. R. No. 718) to provide increased revenue from imports, and for other purposes.

RETROCESSION OF ALEXANDRIA.

Mr. WILLIAMS. I move to reconsider the vote of the Senate refusing to pass Senate bill No. 280, to repeal an act entitled "An act to retrocede Alexandria in the District of Columbia, to the State of Virginia," and for other purposes. I do not propose to ask any im-

mediate action on the motion; but I desire to have it entered at this time.

The PRESIDENT *pro tempore*. The motion to reconsider will be entered.

BILLS INTRODUCED.

Mr. WILLEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 424) to incorporate the Washington Temperance Society of the city of Washington, District of Columbia; which was read twice by its title and referred to the Committee on the District of Columbia.

Mr. WILLEY also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 425) to provide for restoring to the States lately in insurrection their full political rights; which was read twice by its title.

Mr. WILLEY. The committee of fifteen having acted upon that subject, and desiring when their bill shall come up for consideration to offer the one I now propose as an amendment, I move that it be laid on the table and be printed.

The motion was agreed to.

Mr. WADE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 426) to punish adultery in the District of Columbia, and for other purposes; which was read twice by its title and referred to the Committee on the District of Columbia.

HOUSE BILL REFERRED.

The joint resolution (H. R. No. 187) recommending the organization and instruction of the militia of the several States, and providing for the distribution of ordnance and ordnance stores, was read twice by its title and referred to the Committee on Military Affairs and the Militia.

TONNAGE TAX ON VESSELS.

Mr. CONNESS asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. No. 130) to construe an act amendatory of certain acts imposing duties on foreign importations, approved March 3, 1865; which was read twice by its title.

Mr. CONNESS. I ask for the present consideration of the resolution; and on a slight explanation I know that the Senate will not object to it.

The PRESIDENT *pro tempore*. It requires the unanimous consent of the Senate to consider the resolution on the day it is introduced. No objection being made, the joint resolution is before the Senate as in Committee of the Whole, and will be read at length.

The Secretary read the joint resolution, which provides that the second proviso of section four of an act entitled "An act amendatory of certain acts imposing duties on foreign importations," approved March 3, 1865, shall be construed to include any ship, vessel, or steamer to or from any port in the Sandwich Islands or the Society Islands.

Mr. FESSENDEN. I will state to the Senator that that is one of the clauses in the tariff bill which was postponed until December next.

Mr. CONNESS. I knew that.

Mr. FESSENDEN. I presume the Senator knows it. The subject has been under consideration in the House committee, and I think it can hardly be worth while to separate this from others. There will be a bill brought in to amend several of those sections.

Mr. CONNESS. If the Senator will listen to me for a moment, I think he will have no objection to it.

Mr. FESSENDEN. I have no objection to it; I think it is all right; but it will be included with several other sections in a bill which will be reported and probably passed, and I see no occasion for separating it from the others.

Mr. CONNESS. At this session?

Mr. FESSENDEN. At this session.

Mr. CONNESS. Is that the intention?

Mr. FESSENDEN. That is the intention. If it is not done in the House it will be done by the Senate committee.

Mr. CONNESS. I hold in my hand a letter on the subject showing, and of course the

law itself shows, that it was the original intention to release all vessels making those short voyages from the payment of the tax, except once a year, while all those vessels are now subject to the payment of thirty cents tonnage on their trip. If the honorable chairman says that it will be reached at this session, of course that will be enough on the subject.

Mr. FESSENDEN. A bill will be reported from our committee unless the one reported in the House and now under consideration is speedily acted upon.

Mr. CONNESS. Then I move to refer the pending resolution to the Committee on Finance.

The motion was agreed to.

SEWARD A. FOOT.

Mr. POLAND submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That there be paid out of the contingent fund of the Senate to Seward A. Foot, the sum of \$180 in full for services as clerk of committee.

COMMITTEE CLERKS.

Mr. SPRAGUE. I move that the Senate proceed to the consideration of the resolution increasing the pay of the clerk of the Committee on Military Affairs and the Militia, and the clerk of the Committee on the District of Columbia.

The motion was agreed to; and the Senate resumed the consideration of the following resolution:

Resolved, That the annual compensation of the clerks of the Committees on Military Affairs and the Militia and the District of Columbia, shall hereafter be the same as that of the clerks of the Committees on Finance, Printing, and Claims, commencing July 1, 1866.

Mr. CHANDLER. I move to amend the resolution by adding the clerk of the Committee on Commerce.

Mr. GRIMES. Is there not a motion already pending? If I remember aright, I made a motion when this subject was under consideration before to refer the resolution to the Committee on Contingent Expenses to consider the whole subject as to all these clerks, and if it be necessary that their pay shall be increased, let the committee make it uniform.

The PRESIDENT *pro tempore*. An examination of the record shows that that is now the motion pending upon the resolution. The amendment therefore, perhaps, will not be in order without unanimous consent. It is moved that the resolution be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. SPRAGUE. I trust that will not be the disposition of this resolution. The object of a reference is for information, as I understand, upon all matters that come before this body. This resolution has already been before the Senate twice; it has taken up a great deal of its time, and is understood by every member. It is understood and wanted by the chairmen of the respective committees to which it refers. It is not perhaps so much necessary to the chairman of the Committee on the District of Columbia, though he would not object to it; but it is necessary for the proper administration of the business of the Committee on Military Affairs and the Militia. I believe it; the chairman believes it; he asks for it; and I can see no real objection to the Senate considering the subject at the present time.

Mr. FESSENDEN. I hope the resolution will be referred. The Senator from Rhode Island, I think, is very much mistaken in one respect. We get the information at second-hand, altogether. The chairman of the Committee on the District of Columbia, my colleague, [Mr. MORRILL,] told me expressly when he was in the Senate the other day, that this was done without his knowledge, without his assent, and that he did not think it necessary or advisable to make the clerk of the Committee on the District of Columbia a permanent clerk, nor did he think it advisable in the other instance. When such a motion is brought in

here, and the chairman of one of the committees concerned, which certainly has considerable business, deems this an unnecessary expense, I think the least we can do is to refer the resolution to the Committee on Contingent Expenses to examine into the matter. You see to what it leads. My honorable friend from Michigan moves to add the clerk of the Committee on Commerce, and somebody else will move to add the clerk of some other committee; and so it will go. I think the matter had better be sent to the appropriate committee, to be carefully examined.

Mr. RIDDLE. I merely wish to say one word in reply to the Senator from Maine, with regard to the clerk of the Committee on the District of Columbia. If there be a clerk connected with any committee, other than the Committee on Finance, who should be a permanent officer, it is the clerk of the Committee on the District of Columbia. That committee has, this session, had over one hundred bills before it. The clerk has been compelled to be present every day of the week. He is obliged to be familiar with the laws of the country and the regulations of the District. If you are to pick up a clerk to that committee for three months during the short session, for the period allowed during that time, you will have to take a man from this neighborhood, and you cannot expect to get a man who is experienced and able to discharge the duties. I have served upon that committee, and I know the duties the clerk has to discharge; and if the chairman of the committee were present he would indorse every word that I say on the subject.

Mr. FESSENDEN. I can only say in reply, that the chairman of that committee, who certainly ought to know as much about the labors of it as anybody, because I believe the labor of a committee generally falls on the chairman, expressly stated to me that the resolution was moved without his knowledge or assent, and that he did not consider it necessary or advisable to make the clerk to that committee permanent; that he thought the clerk should only be continued during the time Congress was in session; that to make him a permanent clerk would be a useless expense from which no good would come. This was substantially his statement to me and to others.

Mr. CHANDLER. I hope the reference will be made, for there is an evident injustice being done here to clerks of committees in this body. It may be that the Committee on Finance require a permanent clerk. I presume they do; but I think there is no other committee of this body that requires a permanent clerk, and I hope that if the subject is referred to the Committee on Contingent Expenses they will regulate the whole matter and report a proper provision on the subject. Now, in regard to the labors of clerks I am sure there is not a clerk of any committee of this body that has during the present session performed one half the labor that the clerk of the Committee on Commerce has performed; and if there is any committee, beside the Committee on Finance, that requires a permanent clerk, it is the Committee on Commerce. But I am willing that the reference should be made, and I hope the Committee on Contingent Expenses will give the subject a thorough investigation, and correct the wrong which is being done.

Mr. POMEROY. I suppose all that the Senator from Delaware has said in reference to the Committee on the District of Columbia might be said in reference to the Committee on Public Lands, but we have not thought of asking for any compensation for our clerk during the recess. I prefer that this matter should go to the Committee on Contingent Expenses. If they report a bill including all the clerks, it will be very well. If not, I think we had better let the matter remain as it is.

Mr. GRIMES. I apprehend that every chairman of a committee would say about the same thing in regard to the services performed by his clerk. I happen to have been for about four years, I believe, prior to the last session

of the last Congress, chairman of the Committee on the District of Columbia, and I know something of the duties required to be performed by the clerk of that committee, and I think I have a tolerable apprehension as to the duties required of each of the clerks named in the resolution. It seems to me that in order to prevent any misunderstanding, any invidious comparisons here in the face of the Senate, or any ill feeling among the clerks or among the chairmen of the various committees, the easiest and best and most proper way to dispose of this matter is to refer the resolution to the Committee on Contingent Expenses, and let that committee investigate the whole subject and report to the Senate.

Mr. DAVIS. I believe the Committee on the District of Columbia have unnecessarily and unwisely added nine tenths to their labors this session, and my own judgment would be for disallowing a clerk to that committee above all the committees of the Senate. If in that way we could stifle the mischief that they have been working, it would be a God-send to the country.

Mr. SPRAGUE. I must continue to object, though perhaps the objection will be in vain, to the disposition proposed to be made of this resolution. The Senator from Iowa is disposed to postpone this matter, as he is a great many others, as we found yesterday. I desire, however, to say one word in reference to the remark made by the Senator from Maine with regard to his colleague. I did not sanction that portion of the resolution with regard to the Committee on the District of Columbia unadvisedly. Before introducing the measure I applied to the chairman of that committee, and after it was introduced I had a conversation with him on the subject, and I got no such impression as that referred to and expressed by the honorable member from Maine.

Here are committees of this body employing a clerk during the long session of seven months. During that time he gets fully instructed as to his duty, and by the time Congress adjourns in July or August he is very well qualified. Then he goes out, and the question is whether you can get him at the short session. It is evidently important that persons of experience should occupy these positions. If the clerks are changed every session, I think you cannot get proper, judicious legislation based upon the information that a competent clerk will obtain for a committee. Almost every messenger in this whole Government is continued throughout the year. The clerks in most of the subordinate departments of your Government are continued throughout the year, with a pay equal to that received by these men, who are supposed to be, and whom it is desired should be, competent to discharge the duties required of them. The Committee on Finance would hardly be willing to commit its duties to an un instructed man as clerk. It would be difficult to find in the whole range of its vision one who could satisfactorily and ably discharge the great trusts necessarily reposed in the clerk of that committee. The same argument applies to other committees. I hope the resolution will not be referred.

The PRESIDENT *pro tempore*. The question is on the motion to refer this resolution to the Committee to Audit and Control the Contingent Expenses of the Senate.

The motion was agreed to—ayes twenty-three, nays not counted.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House of Representatives had passed, without amendment, the bill (S. No. 114) for the relief of A. T. Spencer and Gurdon S. Hubbard.

The message further announced that the House of Representatives had concurred in the amendments of the Senate to the following bills:

A bill (H. R. No. 702) granting a pension to Mrs. Charlotte E. Reed;

A bill (H. R. No. 739) for the relief of Samantha Rader;

A bill (H. R. No. 741) granting a pension to Jonathan W. Beach; and

A bill (H. R. No. 742) for the relief of the minor children of Salvador Accardi, deceased.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 456) to extend the benefits of section four of an act making appropriations for the support of the Army for the year ending June 30, 1866, approved March 8, 1865;

A bill (H. R. No. 513) to reduce internal taxation and to amend an act entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," approved June 30, 1864, and acts amendatory thereof;

A bill (H. R. No. 611) to provide for making the town of Whitehall, New York, a port of delivery; and

A bill (H. R. No. 726) to extend to certain persons the privilege of admission in certain cases to the United States Government Asylum for the Insane.

RECORD OF A COURT OF INQUIRY.

Mr. WILSON. I offer the following resolution, and ask for its present consideration:

Resolved, That the President of the United States be requested to furnish to the Senate the record of the court of inquiry upon the murder of twenty-three United States soldiers at Kingston, North Carolina, in 1864, by the rebel Generals Hoke and Pickett, under the alleged charge of being deserters from the rebel army, together with the proceedings of the said court of inquiry, and the action, if any, taken thereon.

Mr. FESSENDEN. I should like to hear the reasons for that resolution. I do not know what necessity there is for it. To copy the record will create a great deal of writing; it is a large record, I suppose.

Mr. JOHNSON. I object to considering the resolution now.

The PRESIDENT *pro tempore*. Objection being made, the resolution lies over under the rule.

WHITE BLUFFS AND HELENA ROAD.

Mr. NESMITH. I move to take up for consideration Senate bill No. 332.

The motion was agreed to; and the bill (S. No. 332) to provide for the construction of a wagon road from White Bluffs, in Washington Territory, to Helena, in Montana Territory, was considered by the Senate as in Committee of the Whole.

The Committee on Military Affairs and the Militia had reported an amendment, which was after the word "dollars," in line three of section two, to insert the words "or so much thereof as may be necessary."

The amendment was agreed to.

Mr. GRIMES. I now call for the reading of the bill as amended.

The Secretary read as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and empowered to survey, locate, and construct a wagon road from White Bluffs, in Washington Territory, via Pend Oreille lake, to Helena, in Montana Territory.

Sec. 2. *And be it further enacted*, That to enable the Secretary of the Interior to carry out the provisions of the foregoing section, the sum of \$100,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

Mr. POMEROY. What committee reports this bill?

Mr. NESMITH. The Committee on Military Affairs.

Mr. POMEROY. Then I suppose it is a military road; but the bill does not say so. It says "a wagon road."

Mr. GRIMES. I inquire if this has been estimated for by the War Department, or any recommendation made for such an appropriation.

Mr. NESMITH. I will state that there has been no estimate from the War Department.

This is simply a bill providing for the construction of a wagon road to connect the waters of the Missouri and the Columbia, four hundred and eighty miles across. The country is opening up now, and is of great mineral importance. This road is important in a military point of view. It is the nearest and most direct route connecting the waters of those two great rivers, the Missouri and the Columbia. Pend Oreille lake, which forms a portion of the line of communication by this route, has a navigation of sixty-five miles. This route is regarded by all military men in that country as of the greatest importance, and it is intended particularly to open up the commerce of that vast region. It is substantially such a bill as was passed last year opening up a road from Virginia City to Lewiston.

Mr. FESSENDEN. Is there any written report accompanying the bill?

The PRESIDENT *pro tempore*. The Chair is advised that there is not.

Mr. FESSENDEN. I hope, then, it will be postponed until we can have a regular report on it. Has there been any survey of the route?

Mr. NESMITH. There has been no survey of it by the Government for a wagon road.

Mr. FESSENDEN. Then the case is this: we have a general bill presented appropriating \$100,000 for the purpose of hunting up and discovering a route in the first place; with no estimate of what it will cost; no knowledge on the subject; no report as to the facts. I object entirely to this mode of legislation, and I wish to warn the Senate against it. We ought to proceed more understandingly with reference to these things. This idea of making a loose appropriation to satisfy everybody that asks for one, upon a mere statement of some member of a committee as to the facts, without any estimates and without any survey, is, to my mind, very unwise and very dangerous.

I do not know but that I might be in favor of an appropriation for this purpose if we had the proper information. I cannot tell what I should do on that point until I know something about the facts; but, sir, we have got into a habit, which is a very recent one here, of recommending these things loosely. They are brought in by a committee, with no report on the subject, no preliminary information, appropriating large sums of money to begin a thing, when we do not know what it is to cost in the end, and we act upon it because some member of the committee says that, on the whole, he thinks it is best. It is a very loose mode of legislation, and I object to it. I think the bill ought to lie over until the subject has been properly reported upon by a committee.

Mr. NESMITH. Mr. President, I will state that there has been no survey made of this route for a wagon road, but it is substantially the route which was surveyed by Governor Stevens in 1853 for a railroad route. The country is well known, and the War Department has all the information in relation to it. On the eastern side there is navigation to Fort Benton, and a very great commerce is carried on between that and the rivers on the other side of the mountains. There are four hundred and eighty miles of intervening country through which there is no regular road. It is a very rich mining country. The people on the Pacific side are using every means to send supplies there, but they are unaided by the Government; the matter is dependent entirely on private enterprise. There are now steamers on the upper Columbia and on the Pend Oreille lake, which embraces some sixty-five miles of this distance of four hundred and eighty. Of course there has been no appropriation made providing for a survey with reference to this particular wagon route, but there was an appropriation made for a survey of a railroad route, and this route was surveyed for that purpose by Governor Stevens. The reports on file show the feasibility of the construction of such a road. I think the commercial and mining interests of that country are such that the Government should do something to facilitate its means of transportation for the miners who are

now so rapidly developing it. It cannot all be left to private enterprise. It is pretty hard for men to engage in the production of the precious metals in a country so remote as that, with so many obstacles to overcome, entirely unaided.

I know that the objection which the Senator from Maine makes is the same that he has made to almost every appropriation for the development of the country on that side. No matter whether an appropriation is asked for a mint or a custom-house or a railroad or a wagon road or anything else, the same objection is constantly and continually made. I think the people of that country who open up its resources are entitled to some consideration. There are now within the boundaries of the country through which this road is proposed to pass fifty to sixty thousand people engaged in mining, and I think that the superior advantage those people would derive from this road for the transportation of the necessary supplies and the development of that country would in one year more than compensate the Government for its outlay. I hope, therefore, the Senate will consent to appropriate so small a sum as is proposed for so great and beneficial an object.

Mr. FESSENDEN. This talk about objection being made to every appropriation that is proposed for that section of country is very rash. Examination will show that since that region has been a part of the United States there is no section of the country to which so much money has been appropriated. My friend from Maryland [Mr. JOHNSON] suggests to me that it has received more than all other sections combined. I do not go so far as that; but there is not a section of the country that compares with the Pacific coast in the amount of appropriations which have been made for the accommodation of travel and for all other matters connected with the country. Any charge, therefore, with relation to that matter, is most unjust to Congress.

Now, sir, what is it that I ask in reference to this bill? I do not say that I shall be opposed to it if the necessity for the appropriation is shown; but what I contend for is that this loose method of legislation is most unwise and most dangerous. Let us have the statistics. It is not enough for a Senator from that section of the country, however high he may stand and whatever credit we may give to his statements, to get up here, and for us, on his single statement of what he thinks with reference to such a matter, to pass a bill appropriating \$100,000 to begin a work the final cost of which we do not know. What I want is that there shall be a report on the subject from a committee, that we may rely upon a report made after a thorough investigation of the question. In the first place, is this a military road? The Senator does not pretend that it is a military road, properly so called. It is not called a military road; it is called a wagon road; and yet the Committee on Military Affairs, of which the honorable Senator from Oregon is a member, and an influential member, reports the bill. With the vast amount of business that committee has in regard to military affairs, it must be, perhaps, a little difficult to suppose that they can investigate all questions of this kind which do not properly belong to them.

Then we have no report, we have no recommendation from the Department on the subject; we have no pointing out of the route; we have no survey; we have no statistics; we have no calculations upon which to proceed. We are called upon to begin a work of this kind on the mere statement of a Senator, coming from a committee. Now, sir, whatever credibility I give to that—and I give to the Senator from Oregon all that I would to any other member of the Senate, and I repose confidence in all his statements—this kind of legislation is loose and dangerous, and ought not to be indulged in by the Senate. It is a new practice which has grown up, I am sorry to say, within a very few years, and it does Congress no credit whatever. We ought to know more about these things before we commence works

of this description and appropriate these large sums of money for them.

Mr. NESMITH. It is not always convenient for us, living on the Pacific coast, so very remote from the seat of Government—and particularly does this apply to the country where the road is—to get estimates from the Department for such works. The Senator from Maine controverts the proposition which I made in regard to the amount of money that has been expended in that country, and in regard to his opposition to appropriations for it. I desire to say, for the information of the Senator, that I think \$40,000, or at most \$60,000, is all that has ever been appropriated for the development of that region of country to which this bill refers. In relation to his opposition to these appropriations, I will only say that the first measure I ever introduced into Congress for the benefit of that region of country was a small appropriation to enable the Indian department to extinguish the Indian title to the Nez Percés country. That was fought here for two days with great opposition by the Senator from Maine. The next was an appropriation of the small amount of \$45,000 for the improvement of the Columbia river, and that met the same opposition. The next was a proposition to establish a mint in Oregon. The history of that question is pretty well known, and the Senate remembers the pertinacity with which the Senator from Maine, the chairman of the Committee on Finance, opposed that bill. There appears to be a continual effort on his part to throw some obstacle in the way of the passage of all my measures for the interest of that country. I do not blame him particularly. He regards it as his duty as chairman of the Committee on Finance to guard and protect the Treasury. I have no particular objection to that; but I think it is a little invidious when that opposition is made to every measure coming from that particular country, and does not apply to measures coming from other sections.

Mr. GRIMES. I must be permitted to say that I think the remarks of the Senator from Oregon in relation to the Senator from Maine are not justified by anything that has occurred since I have been a member of this body. I am not aware that that Senator has ever interfered with the interests of the people of Oregon or any of the States on the Pacific coast in any respect; no more so, at any rate, than I believe he was not only justified but required to interfere.

Now, sir, look at this case. The Senator from Oregon undertakes to create an impression that there has been an attempt to do some injustice to the State of Oregon or to Washington Territory. Why, sir, I should expect the Senator from Maine, or somebody else to interpose an objection if I were attempting to pass through a bill under such circumstances as these. What is this? A military road? No. How came it before the Committee on Military Affairs? Who sent it there? What right had the Committee on Military Affairs to take jurisdiction of it? Has it been recommended by the Secretary of War? Not at all.

Mr. NESMITH. The Senate sent it there.

Mr. GRIMES. The Senate sent it there, I suppose at the instance of the Senator from Oregon. Who knows anything about this matter but the Senator from Oregon? Are we, the representatives of the people, men appointed and sworn to protect the Treasury of the country, to be assailed as being derelict in our duty and as attempting to injure the interests of any State or section?

Mr. NESMITH. With the permission of the Senator from Iowa I will say that I have assailed no person; I merely alluded to the circumstance that the Senator from Maine always opposed these appropriations. I did not assail anybody, not even the Senator from Maine. I said he supposed it to be his duty to protect the Treasury. I did not make any complaint of him or assail him; and I think the Senator from Iowa ought not to use the word "assail" in that connection.

Mr. GRIMES. I do not know what a Senator means when he gets up here and says that a particular Senator is invariably opposing all measures that are introduced for the benefit of a particular section of the country, unless it be that he assails that Senator for doing so. I do not mean by using the word "assail" to say that the Senator from Oregon uses epithets that are improper for a gentleman or a Senator to use. I simply mean that he attacked the Senator from Maine, and complained of him because he was unwilling that this bill should pass without challenge. Now, sir, I unite with the Senator from Maine in saying that this bill ought not to pass without investigation.

I should like to know how it happens that such a large appropriation as this is recommended by the Military Committee for the construction of a wagon road, the road not being a military road, not recommended by the War Department, not recommended by any of the Army officers who have been in that section of the country and who have been exploring for wagon roads, so far as I know. If Lieutenant Mullan or any of the officers who have been engaged in that kind of business in that section of the country has recommended the construction of such a road as this, let it be based upon a report, and let us be justified in our own eyes and in the eyes of the country in appropriating \$100,000 in a gross sum like this. I have no objection to the people of Oregon and Washington having all the roads that may be necessary, although I know very well, and I say it in no improper sense, that these wagon road appropriations as they used to be expended when my State was a Territory are mere jobs; the roads do not amount to anything when they are constructed. But if it be necessary that this wagon road should be constructed, I will vote the money most freely; but I should really like to know why I do it; and I should like to put something on the record to satisfy myself, when I come to review my action next year or the year after, that I was acting discreetly and wisely and judiciously when I voted for the appropriation of \$100,000 for this purpose. We have got no report in this case; the bill comes from a committee that had no jurisdiction of the subject; there has been no recommendation from the Interior Department or the War Department in favor of it; nobody, it seems, knew anything about this bill until it came up this morning, unless it be some members of the Military Committee.

Mr. WILLIAMS. Mr. President—
The PRESIDENT *pro tempore*. The morning hour having expired, it becomes the duty of the Chair to call up the unfinished business of yesterday.

NIAGARA SHIP-CANAL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 344) to incorporate the Niagara Ship-Canal Company.

Mr. CONNESS. We have been a great many days upon this bill, and I do not see but that it is going to occupy the whole time of the Senate during the remainder of the session in discussion. If we can come to a vote upon it, I shall be glad for one, because I am waiting patiently for a chance to get some business done. I do not know how many days this bill has occupied. I shall vote for its postponement unless we can get a vote upon it. That is all I mean to say about it.

The PRESIDENT *pro tempore*. The pending question is on the motion of the Senator from New York, [Mr. MORGAN,] that this bill be postponed until the second Tuesday in December next.

Mr. HARRIS. Mr. President, I hope the motion will prevail. I do not now question the power of Congress to pass such a law; I do not question at present the power of Congress to create a corporation with authority to construct such a canal; nor will I now question the expediency of the work. What I do question now is the expediency of passing such a law as this at this time. There is no reason

why such a measure as this should be forced upon the State of New York at this time. It is novel in its character and very important in its consequences. I say there is no necessity for it. At present, it cannot with truth be denied that the means of communication through the State of New York are sufficient for all the necessities of the West. New York has recently enlarged her canal threefold, and it is asserted by those best qualified to judge, who have the most competent knowledge on the subject, that the Erie canal is capable of transporting now one million tons of produce from the West beyond any quantity that has been presented for transportation in any one year. I believe it. That the time may come when greater facilities will be demanded I do not doubt; but it has not yet come, and there is, therefore, no necessity for passing this measure at this hour.

It would be, in my judgment, ungrateful and unkind in the West to force upon the State of New York, at this time, the construction of this work by a private corporation. Let New York have an opportunity to see what she will do. Let this question once more come before the Legislature of New York. New York has been generous, as was conceded by the Senator from Wisconsin yesterday, generous toward the West. A little more than forty years ago, when that State entered upon her great system of internal improvements, there were six or seven great States lying along on the northern lakes like so many sleeping giants, unconscious of their power and strength. It was the Erie canal and the construction of this great system of internal improvements that revealed their power more than anything else, far more than anything else. It was this that showed them their imperial strength.

Now, sir, is it wise for these States whose powers and resources have been thus revealed and developed by the New York system of improvements, to force this measure upon the State of New York? Let New York have an opportunity of doing this work herself, or, as she now contemplates, enlarging still further her canal. It is no light thing to create a corporation and send that corporation into the State of New York to occupy her soil without her consent or permission, and to construct this work there on her soil and territory, giving her no sort of control over it. It is unprecedented; and though Congress may have the power, it is not wise in a time like this to exert that power.

Mr. HOWE. Will the Senator allow me to remark that the bill as it stands proposes to consult New York?

Mr. HARRIS. I am aware of that; but I am also aware of the fact that an effort will be made by the gentleman from Wisconsin, who has charge of the measure, to strike that out before it is put upon its passage.

Mr. HOWE. The Senator will allow me to say that he cannot be aware of any such thing. I made no such effort, and propose none.

Mr. HARRIS. Certainly the purpose was avowed by some one yesterday.

Mr. HOWE. Not by me.

Mr. HARRIS. The State of New York some forty-odd years ago entered upon this system of internal improvements. She has expended upon it, including the original cost of the work, upon the enlargement of the Erie canal, which cost \$31,000,000, very recently completed, and including also interest, expenses of repairs, and superintendence, \$166,000,000. She has received in tolls from these works a little more than half that amount, not over \$90,000,000. Seventy-five million dollars have been provided for otherwise by the State. She has devoted to it her permanent revenues. She has taxed her people largely and liberally for this work. Within the very last year she has taxed her people about a million dollars for this work. We have not therefore exacted largely from the western States in tolls upon these canals. The State has put the toll as low as it was possible. When we commenced the work, we applied to Congress to aid us; but then it was unconstitutional to aid a work of internal improvement,

and we were obliged to undertake it at that early day single-handed and alone, and we have gone on with it. Now, it seems to me it is a little ungracious to send this foreign corporation there to occupy our soil without our consent. Under these circumstances, is it too much for New York to ask that this thing may be suspended for a few months, that she may see what she can do in the case, that this corporation may not now be created and vested with this power irrevocably to go on and occupy the soil and territory of New York and to construct this work under the circumstances I have mentioned?

Again, sir, New York is proud of these improvements. She has a right to be. Her people are sensitive in relation to them. And now for Congress to pass this bill and send this corporation there with the powers that it is proposed to confer upon them will inevitably create great excitement and agitation; and this is certainly not the best time to excite and agitate the people. We have questions of excitement and agitation quite enough on our hands now. I hope, therefore, for this reason, that the Senate will postpone the consideration of this bill.

The PRESIDENT *pro tempore*. Is the Senate ready for the question on the motion of the Senator from New York [Mr. MORGAN] to postpone the further consideration of this bill until the second Tuesday in December next?

Mr. HOWE. On that question I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. TRUMBULL. Mr. President, I trust that this motion will not prevail, and particularly at this stage of the bill. The friends of the bill have not yet been able to perfect it; and while it is in Committee of the Whole, not yet reported to the Senate, the Senator from New York moves to postpone it until the next session. I think we ought to be permitted to get the bill in as perfect a shape as we can, coming from a committee of this body, and an important provision of it not yet having been voted upon in the Senate, before this motion is made.

But, sir, I trust that it will not be postponed at any rate. If I can get the attention of Senators for a few moments I should like to answer some of the objections made to this bill, founded, I think, not in fact. The Senator from Maine [Mr. FESSENDEN] objected, or raised a question about its constitutionality. The Senator from Iowa [Mr. GRIMES] objects to this work being done by a company, and the objection is made that this is a novel proceeding; the authority of Congress is called in question. I think if the bill is looked at and its provisions understood, there will be no difficulty on that subject. It is no new thing in this Government, certainly, for the Government to undertake internal improvements of a national character. We have appropriated money for years to improve the Mississippi river; and what is this but making a canal around the falls of Niagara, on one of the greatest, I may say the greatest thoroughfare in this nation—a thoroughfare over which hundreds of millions of commerce passes annually—the most important in the nation? Have we not authority to canal around those falls? We have appropriated at this very session of Congress money to improve the Mississippi river at the Rock Island rapids. Does anybody doubt the authority, if it shall be thought most advisable, to make that improvement by canalling around the rapids at Rock Island? If we have authority to make the improvement, then, sir, we have authority to make that improvement in the most effective and judicious manner.

But it is objected that a company is going to do this. Who made the improvements on the Ohio river, at the falls of the Ohio, at Louisville? How was that improvement made? There is a canal around the falls of the Ohio, and vessels are locked around those falls. Who did that? It was not done directly by the Government of the United States, though the Government of the United States invested a large sum of money in that improvement; and how?

They took stock in the Louisville and Portland canal under an act of Congress passed as long ago as 1826. The Secretary of the Treasury was authorized and directed to subscribe for, and purchase, in the name and for the use of the United States, not exceeding one thousand shares of the capital stock of the Louisville and Portland Canal Company. We, at a subsequent period, purchased additional stock in the Louisville and Portland Canal Company; and that improvement was made, and has been in use for years. How does that differ in principle, I should like to know, from the improvement proposed to be made around the falls of Niagara? It is true, the Louisville and Portland Canal Company was not chartered by Congress; but it will not be doubted that Congress has authority to create a corporation. We have done that often; and if we could make use of a corporation created by the Legislature of Kentucky or of Ohio or of another State, and could become a joint stockholder with the corporation thus created, for the purpose of making an improvement around the falls of the Ohio, may we not become a joint stockholder with a company which we ourselves create for the purpose of making the improvement around the falls of Niagara?

But it is complained that we have no estimate; that this improvement is to cost a great many million dollars. Why, sir, the improvement is to be undertaken by the company, not by the Government of the United States; and by the provisions of this bill, until the company shall have expended \$2,000,000 the Government of the United States furnishes nothing. Is there no guarantee in this for the safety of the Government? Again, the Government of the United States does not propose to do this work; it is a mere loan to this company. By the provisions of the bill every dollar loaned to the company is to be returned again to the Government of the United States; the company is to make this first expenditure of \$2,000,000 before it receives anything, and then from that time forward the company is to expend more money than it borrows from the Government of the United States. When it spends \$300,000, I think, by this bill it is permitted to borrow \$200,000 from the Government of the United States. After it has expended the first \$2,000,000, then it must go on and spend three fifths of all the money subsequently that is used in making the improvement; the Government of the United States furnishing about two fifths, and that on a loan. That is this bill. Can there be any danger to the finances of the country in passing such a bill? But the Senator from New York tells us that we must wait, wait upon New York. He tells us that the Erie canal has capacity to carry a thousand tons—

Mr. HARRIS. A million tons.

Mr. TRUMBULL. A million tons of produce more than it has ever taken before. That may be true, if you could use it to its utmost capacity all the time; but how often is it blocked up, so that there is delay? Again, let me say to the Senator from New York that the great amount of commerce that is to pass from the West to the East and from the East to the West does not want to be dependent upon the Erie canal and the rates of toll that may be established upon it.

Mr. GRIMES. Will the Senator allow me to ask him how produce is going to get out of Lake Ontario when it gets through this Niagara ship-canal, except by the New York Central railroad?

Mr. HARRIS. They propose to take it down through the St. Lawrence.

Mr. TRUMBULL. We will take it every way. We will avail ourselves of every avenue to the ocean. That is what the people of my State and the people of the State of Iowa want. It is to open other avenues, increase the facilities and cheapen the expense of transportation. That is what we are after. We want to cheapen the expense, so that the state of things spoken of by the Senator from Ohio [Mr. WADE] the other day—an extreme case, which has very

seldom occurred—where corn was burnt for fuel, will not arise again. A wrong impression goes out to the country and to the world by these statements about burning corn for fuel. Such a case may have occurred, a solitary case; but, sir, my State is the greatest corn-growing State in the Union, and I never saw a fire made of corn. I have never seen corn used for fuel, although I doubt not there may have been, under some peculiar circumstances when there was inconvenience, perhaps, in procuring firewood, an instance where corn may have been used in that way. In all my residence in the State and acquaintance in it, however, I never knew or had brought to my knowledge a case of the kind. But, sir, I have seen corn sold out of the wagon in Illinois and delivered at the stable at eight cents a bushel; and during the last season in many portions of my State it has sold for fifteen cents a bushel.

Now, sir, we are interested, and deeply interested, in multiplying these ways to the ocean. We think it will aid us to some extent to have a canal around the falls of Niagara. It is a great national work. It is put upon the ground of the authority of the Federal Government to make an improvement which is national. Even John C. Calhoun, the strictest of the constructionists of the South, admitted, at a convention held on the Mississippi river at Memphis some years ago, that the Mississippi river was an inland sea, and that the Federal Government had authority to improve it because it was a great inland sea. It is no more a great inland sea than the great lakes are; and the hundreds of millions of commerce that pass through these lakes and seek an outlet to the ocean should have every facility afforded that the Government can give for cheap transportation.

Now, sir, I trust that we shall not postpone this measure. It is one in which my constituents take a great interest. It involves no immediate drain upon the Treasury. Not a dollar is to be called for, be it remembered, until this company shall have expended \$2,000,000, and then not a dollar until the company shall expend three dollars for every two which it borrows of the Government. Under these circumstances I trust that the Senate will consent at least to let us perfect this bill, and when perfected I hope it will consent to pass it.

Mr. HOWE. I did not mean to say anything more in the progress of this debate. I only rise now to correct the figures submitted to the Senate just now by the Senator from New York. He states the expenditures by the State of New York for the construction of her canals—not in the construction of the Erie canal, but of all her canals—at about one hundred and sixty million dollars, of which he says only about ninety millions have been refunded, leaving a debt on the State of about seventy millions.

Mr. HARRIS. No, sir; I stated that the expenditures upon the canals were \$166,000,000; that about ninety millions had been received back from tolls; that the other seventy-five or seventy-six millions had been provided for otherwise, of which, however, there is a debt of only thirty-three millions on the State. The rest has been paid by the State from other sources.

Mr. HOWE. The report of the canal board made on the 12th of March, 1866, states the account somewhat differently. It is here stated that all the canals of the State have cost in construction, land damages, superintendence, repairs, interest on loans, and everything else, in round numbers, about one hundred million dollars, instead of one hundred and sixty-six millions, and have paid back between eighty-three and eighty-four millions, leaving a debt upon them to-day of about sixteen millions. The report also states:

"No direct taxation upon the people on account of the canals remains to-day unpaid, but on the contrary the treasury of the State has been reimbursed principal and interest, in full, and has now in its coffers nearly one million dollars from the canal revenue in advance of any taxation for canal purposes. The Erie canal account shows the gratifying result of a credit of over nine million dollars above all cost to the State."

Thus stands the account with the State of New York. With the exception of the Erie canal, all the rest of the canals built under her system are for local uses, merely for the benefit of the State, and are in no way chargeable to the nation. The question was asked; a moment since, and it is the only other question that I propose to allude to, how is the commerce which is to pass from Lake Erie into Lake Ontario through this canal to be taken out of Lake Ontario? Several ways. The Senator from New York suggested that it can go down the St. Lawrence; and go out of the St. Lawrence. It can go down the St. Lawrence to Ogdensburg, where it will find one line of railway. It can leave Lake Ontario at Oswego, either by a canal or by a railroad connecting with the Erie canal or with the Central railroad. But what can be done beyond all this, and what I want to say to the Senate must and will be done, is to construct between Lake Ontario and the Hudson river a new and a larger water communication over which commerce can be moved by steam. This is one step toward it. This will overcome one half of the distance of the Erie canal. Your commerce that goes by the canal from Lake Ontario will only have about half the distance to be drawn by horses that it now has.

Mr. HENDRICKS. Mr. President, there are several reasons why I shall vote for the postponement of the consideration of this bill until the next session of Congress. In the first place, if it be necessary to pass the bill at all, the work need not be seriously delayed by its passage at the next session. It is not probable that the work will be commenced during this summer; and if the bill shall pass at an early day during the next session, the company could be organized and the organization could be so completed so that the work could commence in the spring. Therefore I think that the work itself, if ever so desirable, is not delayed seriously by the postponement of the consideration of the bill.

But, sir, I am not willing to vote for a bill creating a corporation, with great powers and large capital, to exercise its powers in the State of New York against the will of that State, without a very full consideration of the measure—a consideration which, I think, during the hot days of the summer we ought not to be called upon to give. The State of New York with great force says to us that she has invested very many millions of dollars in the construction of a canal, one of the greatest works of the world, which accommodates to a very large extent the commerce of the western States. She has made this investment, and we ought to consider very carefully, as a matter of justice and right to that State, before we establish a competing line or channel of commerce under the charge of a corporation created by an act of Congress. The Senator from Illinois has said that Congress has already appropriated money to a work of internal improvement to be used by a corporation. I ask that Senator if Congress incorporated the company that had charge of the work for the construction of the canal at the falls of the Ohio. I do not so understand. Congress made an appropriation to that work; but I do not recollect that Congress incorporated a company to improve the falls of the Ohio.

Mr. TRUMBULL. I stated distinctly that it did not; and I asked the question, if the Congress of the United States had a right to become a stockholder in a corporation created by a State to make a national improvement, had it not a right to create the corporation itself?

Mr. HENDRICKS. I will not discuss the question that the Senator presents; but in the case to which he refers the State of Kentucky was very anxious for that improvement; the State of Indiana, that occupied the opposite bank of the Ohio, was very anxious for that improvement; the State of Kentucky expressed that desire by incorporating the company, so that the expenditure of the money by the General Government was not only with the consent

but at the most earnest desire of the two States interested in the work. Now, we have the case of a great State, having invested a very large sum of money in the construction of a magnificent work to aid the commerce of the western States, objecting to the immediate passage of this bill.

Mr. TRUMBULL. If the Senator has read the bill, he will see that it contains a provision—I am opposed to the provision, but it is in the bill as it stands—that the work is not to be done without the consent of the State of New York.

Mr. HENDRICKS. I understand that very well; but the State of New York now, by her Senators here, objects to the consideration of this bill at the present time. Is it not fair to give to the Senators from New York an opportunity to consult with their constituents upon so important a work to her interest? What will be the effect of the passage of this bill should it go before the Legislature of New York? The appeal will be made there to the members that Congress has proposed to invest so much money within her limits to organize a company of this power, and the appeal will be made to the members of the Legislature to grant this privilege. The Senators from New York have asked that before this is done they shall have an opportunity, during the coming months, to consult their constituents. It seems to me that when the extraordinary proposition is before us, that Congress shall create a corporation to exercise its powers entirely within a State—not at all within the District of Columbia, not at all within any of those localities over which Congress has exclusive jurisdiction, but entirely within a State—and the Senators from that State are asking us to postpone its consideration for a few months, it ought not to be a debatable question. Northern Indiana is interested in this work; I know it very well; but northern Indiana will not ask an act of injustice to New York; nor will she ask that Congress shall do that which the Constitution forbids. I do not now propose to discuss that question, nor am I prepared to say that I have a decided opinion upon it. My impression is, however, that Congress has not the power to do what it never yet has done, establish a corporation to do a thing within a State exclusively.

The Senator from Illinois has referred to the condition of our markets; to the fact that corn, in southern Indiana and southern Illinois, during the past year, has been worth but fifteen cents a bushel. I have seen the statement that in his State corn has been used for fuel. I know nothing about it except as it is stated in the newspapers. If that be the condition of our commerce in southern Indiana and southern Illinois, what is the remedy? Not a ship canal around the falls of Niagara. That may be useful; but our great remedy is the restoration of commerce and trade with the southern States. Let us open up the rivers again; let there be a prosperous people, a money-making people along the shores of the Mississippi river and along the Gulf coast; let us find our ready and our natural market in the southern States, and corn will no longer be fifteen cents a bushel. I believe the Senator from Illinois was one of the Senators who voted to put a tax of sixteen hundred per cent. upon corn when it is reduced to a commodity that can be shipped to market. Corn that is worth, he says, but fifteen cents a bushel, one bushel making four gallons of whisky, has to pay, in that State, eight dollars of tax; and that Senator favored that oppressive measure against the interest of his own State and of the State that I represent.

Mr. TRUMBULL. I presume that the Senator from Indiana, with his usual fairness, for I think he means to state the position of Senators fairly, would not intentionally misrepresent any action which I have taken in this body. Sir, I opposed with all the power I was capable of, not a tax on whisky, but any such tax as two dollars a gallon on whisky. I never voted for it. I voted against it and talked against it; and I believe to-day that it is a most injurious tax, not only to the corn-grower, but to the revenue of this country. I think

that taxing the article of corn a thousand per cent., or sixteen hundred per cent., as the Senator from Indiana has it, is injurious in every aspect of the case. We have got no such revenue from whisky as we should have got with a reasonable tax upon it. We needed a revenue; I was willing that my constituents, with others, should submit to the payment of a revenue; but I never consented, so far as I was concerned, to the imposition of any such unequal and unjust tax, as I believe that to be which is imposed by the law as it has existed for the last year upon whisky.

Mr. HENDRICKS. I am very glad that the Senator has made the explanation, because I was misled in some way in regard to his course on that question. I had the impression that he had favored that high tax. Perhaps that impression grew out of the fact that the Senator favored a tax upon whisky on hand. I may have confused the two questions; and I am glad to hear the Senator speak as he now does upon that most unjust measure toward the State which he represents and toward the State which I represent.

But, Mr. President, I will ask the Senator from Illinois, what was his course the other day when it was proposed to tax cotton? The Senator cannot say that the interest of the Northwest is identified with that question. We want cotton to be raised on the shores of the Mississippi and the Gulf coast. We want it to be produced in the largest quantity, and to be sold to a profitable market, so that the people of the southern States may be able to buy our produce, which we want to sell. We do not want the people of the southern States to go into the production of corn and the articles which we produce in the Northwest, but we want them to divert their capital and their labor to the production of that which does not come in competition with our capital or with our labor. Our natural market is down the Ohio and the Mississippi rivers. Restore the relations between these States; give the southern States a representation in Congress; let this whole country once more feel that the States are united for every purpose; let fair legislation characterize everything that Congress does toward every section of the country, and we shall soon find our natural and our lucrative market. Open up the canals and give us an eastern market. What is that worth to us compared with our market down the river? What is that worth to us compared with a prosperous people on the shores of the Mississippi and on the Gulf? Nothing. Our corn will remain at fifteen cents a bushel in the localities to which the Senator has referred unless we can have this southern market. I know that the Mississippi river is open; there is no military interference with the passage of boats down the river; but I know that the confidence between the two sections upon which trade and commerce must rest has not been restored, and it will not be restored until the States are restored to all their political relations to the Federal Government.

But, sir, I do not intend to discuss that question now. I say that we ought to take time to consider so important a measure as this. It is the first time in the history of Congress, I believe, that it has been proposed to create a great corporation with powers to be exercised exclusively within a State. Let us take until next session for consideration of the subject. It is time now that we should adjourn. The interests of the country, I think, require an adjournment of Congress. Trade is uncertain until we do adjourn. The business men of the country cannot tell in what respect the acts of Congress may change their interests from day to day, and until we do adjourn the trade and business of the country will not be stable and fixed. I think it is for the interest of the country that we should adjourn; and I am sure it is for our own comfort. I am in favor of postponing this and any other general measure that can be postponed until the next session. We have done about enough. We have made up a considerable record here; let that go before the country; let the country

judge of it; and let a verdict be passed at the coming elections; and then, no doubt, the judgments of all of us will be aided by that verdict.

Mr. TRUMBULL. Mr. President, I do not yield to the Senator from Indiana in my desire for the restoration of harmony and peace and friendly intercourse between all the sections of this country. I desire it as ardently and as earnestly as he does; but I say to the Senator from Indiana that we will never have peace and harmony while he insists on putting the control of the late rebel States in the hands of traitors and rebels. His constituents and mine, the loyal men who went into the Army and by force of arms put down the hostile traitors, will never consent that the control of that country which they marched through and in which they dispersed the rebel hordes shall be given to the men they dispersed and scattered, so that those men shall take control of those States and persecute, oppress, and degrade loyal men. It is the Senator from Indiana, and those like him, who seek to uphold traitors in office in the South, that keep up this difficulty.

Is the Senator from Indiana in favor of placing the control of the States lately in rebellion in the hands of the rebels? Is the vice president of the rebel confederacy to come in here as a Senator? Is his colleague, Herschel V. Johnson, fresh from the rebel congress, to come here to legislate for the loyal people of this country? Let the Senator from Indiana shake off his party shackles and rise up to the Union sentiment of this country, and say to the people of the South, "You, rebels, that brought on this war and occasioned all this desolation and woe throughout the land, North and South, stand back; let the loyal men of the country rule the country." Let him unite with us, and they will take back seats; we will welcome the southern States lately in the rebellion in the control of loyal men; and I will unite with the Senator from Indiana in welcoming their loyal representatives to seats here and in the other House of Congress by the passage of laws that shall recognize those States at once as in friendly and constitutional relations with the Government.

If the Senator from Indiana wants harmony restored, if he wants friendly intercourse among the inhabitants of the late rebellious States, I tell him he cannot have it until there is a Union sentiment in the South that will protect a Union man in the South. He cannot have it when a man for his personal safety in traveling through the lately rebellious districts has to conceal his love of the Union. He cannot have it when the national flag cannot be borne in safety through the streets of Mobile. He cannot have it when loyal men and women are not permitted to go and scatter flowers upon the graves of the heroes who fell to maintain the Union. The loyal element of this country, the Union men of this nation, have suffered too much and too long to have affiliation and friendship with the traitors that brought upon them that suffering and who still persist in oppressing Union and loyal men.

Sir, I am betrayed into the making of these remarks in reply to the insinuation of the Senator that friendly intercourse and harmony between the different sections of the country are prevented by any action of mine. I came to this Congress determined to do all in my power to bring about that result at the earliest practicable period consistent with the safety of all; and till then he cannot have it.

One word as to the price of corn. Why, sir, it was before this rebellion that corn sold in my State at eight cents a bushel. I have never known corn as cheap as it was some years ago, before the rebellion, when the avenues of trade were all open; and for the Senator to undertake to say that because of the unfriendly relations that have existed between the North and the South, or because we do not recognize that traitors shall rule the South, therefore our prices are depressed, is an entire misapprehen-

sion. So far as the markets down the river are concerned, trade and commerce are as open and free as ever; and the price which corn has borne in the last year has not been so low as it was some years previous to the war. I presume the Senator himself is aware of that fact.

But, sir, I am sorry to be drawn off from the consideration of this bill, which I regard as of vital importance to his constituents and mine, by this discussion or any discussion in relation to the national affairs of the country as connected with the late rebellion. This is a great national work which we need in time of peace and harmony in the country. We shall need it more in time of war because it will open a passage for our war vessels in case of difficulty with a foreign nation who might hold the country north of us. Therefore, in a military point of view, it is a work of essential importance for the proper defense and security of the country.

The provision as to the State of New York giving her consent before this bill shall go into operation is one which I do not favor. I am for striking that provision out. The Senate has not yet taken the vote upon it. Under the motion made by the Senator from New York to postpone the bill, we cannot now get a vote upon it until that other question is disposed of. In my judgment that provision should be stricken out, because I go for this work as a national work. I hold that the Federal Government has a right to make this improvement, because it is an improvement necessary and essential and proper to be made for the defense of the country and for the national good of the country. If it is a work that the State of New York has a right to control, then it is a local work, and the Federal Government would have no right to construct a work for the benefit of New York or dependent upon the will of New York. It must be national in order to authorize the Federal Government to undertake it. It might perhaps aid in it, even if it was entirely a State work, incidentally; but to undertake a purely State work I think would be a stretch of the constitutional power of the Government. So much, then, for that proposition. As the bill stands, however, the consent of New York is necessary; and on this question of postponement we propose to postpone a bill to which the consent of New York is necessary before it can go into operation. I should be glad to have the consent of New York. I should be glad to have harmony. I should be glad if they would coöperate willingly in this work. I regret that a local work in the State of New York, in which her people feel a great pride, and justly so, one which has redounded to the credit of that State and to the honor of its projectors and to the benefit of the whole nation; I regret that that work should have such an influence upon the representatives of that great State here as to induce them to oppose this measure. Sir, it would be but adding another to the many honors justly belonging to New York to have her come in and aid to increase and open more perfectly these great thoroughfares which are to bind the Union together.

Mr. HENDRICKS. I do not intend to prolong the discussion upon a question that is not directly relevant to the bill before the Senate; but it is proper that I should very briefly reply to the Senator from Illinois. He states the proposition that the relations between these States cannot be restored while I and others who think as I do are in favor of placing the southern States under the control of rebels, and giving rebels a representation in Congress. Sir, I think that Congress has no control over the selection of the officers of the different States. As an Indianian, I am not willing to give up to the Federal Government, and I think as an Illinois man the Senator would hardly ask that Illinois should give up to the Federal Government the control of the officers of the State, or that the Federal Government should in any way control their selection. It may serve the Senator's purpose upon the hustings, but it will hardly serve his purpose here to say that I, or any who agree with me in opinion,

are now advocating the admission to seats in this body or in the House of Representatives of persons who were directly connected with the rebellion. The Senator knows very well that there now stands upon the statute-book of the country, there now stands upon the rules of the Senate, a provision requiring every person who claims a seat in the Senate to take a most solemn oath. I will read that oath that this question may be settled.

Mr. TRUMBULL. Will the Senator allow me to ask him if he is in favor of that oath and that rule?

Mr. HENDRICKS. My views upon that subject will be expressed by my motions and by my votes. I have not asked to repeal that law. I have not the power, nor have those who agree with me in the Senate the power to repeal it. Does the Senator consent to its repeal?

Mr. TRUMBULL. Certainly not; but I apprehend the Senator will not help me to keep it in force.

Mr. HENDRICKS. Mr. President, I will tell the Senator how far I will help him to keep it in force. If any man asks to take a seat here and proposes to take this oath when he cannot truthfully take it, I will not be for his admission. However unconstitutional I may regard the oath, I will not vote to let a man take a seat here who is willing to testify falsely even under an unconstitutional law. This is the oath which is required by law, and by the rules of the Senate, of any one who proposes to take a seat in this body:

"I do solemnly swear that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought nor accepted nor attempted to exercise the functions of any office whatever under any authority or pretended authority in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution within the United States, hostile or inimical thereto. And I do further swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter; so help me God."

The law which requires this oath is dated as far back as July, 1862. There has been no proposition during these four years for its repeal. It stands as the law of the country. It stands unrepealed, with all the force that an enactment of Congress, such as it is, can have. Then, sir, no man from the southern States can take a seat in either Hall of Congress unless he is prepared to swear, and unless the fact be, that he has had no voluntary connection with the rebellion; that he has given it no aid or counsel; that he has borne true faith and allegiance to the Government all the while; and that hereafter he will bear such faith and allegiance. Such men, the Senator from Illinois says, such men, the policy of his party says, shall not be admitted to represent the southern States. The question is not, shall rebels take seats in Congress—and there is no use in stating the question truly—the question is not, shall rebels take seats in Congress; the question is not, shall any man that has been connected with the rebellion in any way take a seat in Congress; but the question is, shall men selected by competent authority in the southern States, chosen according to the provisions of the Constitution, who have had no connection with the rebellion, who have stood out against it, during all the controversy have borne true faith and allegiance to the Government, loyal men as they are called—shall they be allowed to take seats in Congress; and you say no.

The men in the South whose allegiance to the Government during this struggle has been worth ten times, so far as suffering is concerned, so far as moral courage is concerned, as much as the allegiance of a man in the North, you say shall not be the representatives of the southern States. As was said by some Senator the other day, it has not been

much of a trial to be true to the country in the northern States. Public sentiment was all that way; it bore a man along as the tide of the ocean will bear a boat. It was not a matter of will, scarcely, in the northern States. It was no question of moral courage in the northern States. There it required moral courage to go against the Government in the controversy. What, then, have we to boast of in the northern States that we have been true all the while? We have gone with the popular current; we have gone where interest was; we have gone where ambition led; we have gone where gain was to be found. But the man of talent, of hope, of ambition in the South that dared to stand up for his flag and his Government during the five years of the war, with what had he to contend? There was no current carrying him on to high places of pride and ambition; there was no opportunity for wealth and gain in the form of rich contracts to the true man of the South. He had to meet a popular prejudice such as no Senator in this body has any knowledge of. Against the whole pressure of his section of the country he stood for the flag, the Constitution, and the Union. True in the midst of trial; true in the midst of persecution; true when every influence that can be brought to bear upon the human mind was brought to bear against his loyalty, his faith, and his allegiance to his country, and in the midst of it all he came out true; and you say that he shall not be a representative in this Hall! It is his cause that we plead under the law of the land. The law says that no other man shall be admitted to a seat. You cannot misrepresent it here, whatever may be done before the people. The oath is here; we have all taken it; and we know that before any man from Georgia or Tennessee can take a seat on this floor he must swear, as we have sworn, that he has had nothing to do with the rebellion.

The Senator asks me if I am in favor of the admission of the two distinguished gentlemen that he has mentioned from Georgia, Mr. Stephens and Mr. Johnson. I dare say that the Senator from Illinois has a high admiration for the course that Mr. Stephens pursued prior to and up to the very commencement of the war; but finally, yielding to the opinions which he entertained that his allegiance was to his State, when his State seceded he went with it. But the Senator cannot ask me if I am in favor of the admission of Stephens and Johnson. I am not while the law stands. The law says that Stephens and Johnson must take this oath. Can they take it? If they can in truth I am in favor of their admission; but while the law stands I am in favor of no man taking a seat in this Hall who cannot truthfully swear to this oath. Let any man come and propose to take this oath who cannot do it truthfully, and I am against his admission.

Then, sir, the question is, shall we admit the true men of the South? And that is the question which is to be fought before the people this year—the question whether the southern States shall be represented, not by rebels, not by traitors, but by men who in the midst of the great controversy, in the midst of the storm of passion and prejudice that bore down upon them, stood true to the flag, the Constitution, and the Union. I say we are bound to admit them by the resolution of 1861. We then said when the obligation to the Constitution was enforced the war should cease and the Union become restored. The Union being restored, the Constitution of our country says each State shall have two Senators in this body. That Constitution is not changed. It is a constitutional right, when they come prepared to take this oath under the law, to take their seats in this Hall. I am in favor of giving them their seats, restoring those States to all their practical relations to the Federal Government, and then let trade and commerce find their channels again. Let our trade on its way down the Mississippi find a prosperous people there ready to buy whatever we have to sell. I say that that state of things is worth a dozen Niagara

canals to the people of southern Indiana and Illinois.

Mr. President, it is not my intention to protract the discussion upon this question; but this has been so frequently misrepresented, or at least misstated, that I felt it to be my duty to correct it, to show just what was the question before the country and what is the question here. It is, who shall be admitted under the existing law?

Now, sir, this session of Congress has continued on until July. If we have got to take up bills like this and discuss and pass them and consider all their provisions, this session must last until some time in August. This certainly is not desirable. It is not necessary for the prosperity of this enterprise, even if Congress eventually shall agree to it. We can pass this bill at the next session, if it is desirable to pass it at all, and the work can commence in the spring of the next year. It could hardly commence this year if we passed this bill now. There is no delay then caused by postponing the bill, and a vote to postpone is not a vote in hostility to the measure. I think it is very proper to postpone it, considering the opposition that is made to the present consideration of the bill by the great State of New York. I think it is due to ourselves, considering the length of the session, as we have now gone into the middle of the summer months, and I think it is due to Congress and to the country that we should adjourn.

Mr. TRUMBULL. We have, in the course pursued by the Senator from Indiana, another illustration of the truth that practice and precept do not always go together. One would have supposed that a Senator so anxious to bring this session to a close, suffering so much from the heats of summer, and the apprehensions of protracting the session into August, would not introduce an extraneous matter upon this bill to take up the time of Congress and prolong its session. But, sir, not satisfied with having introduced the subject, and having made one speech upon it, to which I undertook to reply briefly, he repeats the speech over two or three times, and he says that nothing can be gained by stating the question untruly; that it might do upon the hustings, but it will not do here. Well, sir, I propose to go along with the Senator and see what he has stated and what he is for.

He says he is not for admitting persons here who will not take that oath as long as the law remains; and when I press him to know if he is in favor of the law, he says, "You will find out by my course." He speaks of the law as unconstitutional. Let us see, then, the position in which the Senator from Indiana has placed himself. He is in favor of enforcing that law, and he believes it unconstitutional! He is in favor here in this high assembly of the nation of enforcing a rule that he believes to be unconstitutional! He is sworn to support the Constitution; he believes the rule violates it, is unconstitutional; and under the solemn oath he has taken, and the appeal to his God that he will stand by the Constitution, he says he will enforce the law! He did not say it was unconstitutional, but he intimated as much. He used the word "unconstitutional;" but I suppose it was rather by way of circumlocution. I do not wish to misstate the Senator. I have no doubt he thinks so; but with that caution for which he is peculiar he made the statement in such a way as not to affirm positively that it was unconstitutional, though he said enough to leave the inference upon the mind of every one who heard him that he believed it to be unconstitutional. Now, I should like to know from him if that is not his opinion. I presume I should get the answer I received before, "You will ascertain by my course." He would admit these Senators from the South, and the day they took their seats he would vote to repeal the law that required the oath. Then who would come in here? The moment you get enough members into this body under the oath to repeal the law that required the oath, would you not repeal it? Dare

the Senator from Indiana rise in his place and say to this Senate and to his constituents and to the country that he would not vote to repeal the law any day that his vote would carry such a measure? Let him not, then, dodge behind this bulwark of a law or a rule of the Senate to which he is opposed, and which he believes to be unconstitutional, and seek to thrust in here men enough to repeal it in order that traitors may come unobstructed afterward.

But, sir, who is it that is raising this clamor about being kept out of Congress? Is it the loyal men of the South? Who is it that raises this howl about not being represented here? Your Stephens and your Johnsons and your Sharkeys, Orr, of South Carolina, and your men connected with this rebellion; the men who went from the Federal Congress into the rebel congress, and from the rebel congress became Governors of States, and now the boon companions of the Senator from Indiana with whom he has gone to bed, expecting to wake up on the 14th of August at Philadelphia. They are the men that raise the howl. Governor Orr has made his bed with the Senator from Indiana, and will meet him on the morning of the 14th of August at the city of Philadelphia to reconstruct the Union! They are the men that raise this objection; it is not the true, loyal men of the South. You do not hear it from Fowler, of Tennessee, from Stokes, of Tennessee, from Maynard, of Tennessee, from Hamilton, of Texas; you do not hear it from the true Union men of the South who stood out, as the Senator from Indiana so eloquently said, in defense of the Union in the midst of treason. They are not the men who are raising this howl. They want the South controlled by loyal men. They want the States lately in rebellion to be under the control of men true to the Union. Does the Senator from Indiana? If he does, why did he oppose the proposition in this body that men connected with the rebellion should not hold office in the South—a few of them only, the leaders? We brought in a proposition here that certain officers who had sworn to support the Constitution of the United States, and had disregarded that oath and taken up arms against the United States, should not be permitted to hold office in the southern States, and we find the Senator from Indiana opposing it. Are you in favor, then, of those men holding office in the South? I presume you are, just as you are in favor of their coming here, and you have taken shelter to-day behind a law which you would repeal the moment you have the power. I am for keeping this body and keeping this nation and keeping all the States of this Union loyal and true to the Constitution of the Union.

But, says the Senator, some of these persons can take the oath and you do not admit them; why do you not admit them? Because we have no evidence that they come from loyal constituencies. The Senator says he is ready to admit anybody that will take the oath. Would he admit a man as a Senator here who came from a State in flagrant war against the Government? The declaration he has made here to-day would compel him to do so. The only question he asks is, is the representative prepared to take this oath? Then what would have prevented South Carolina, in the midst of the war, from electing any man as her Senator and his being admitted here to a seat?

Mr. HENDRICKS. I supposed that I had expressed myself so clearly upon that question that the clear intellect of the Senator from Illinois could not misunderstand it. I said that I was in favor of admitting any one who came here from competent authority who could truthfully take this oath.

Mr. TRUMBULL. And did not the Senator further say that Congress had no right to determine what was competent authority?

Mr. HENDRICKS. I did not say so, sir.

Mr. TRUMBULL. I understood the Senator to say that Congress had no right to determine upon that question.

Mr. HENDRICKS. No, sir; I said nothing like it. I do not question the competency of

the Senate to decide upon the elections of its members.

Mr. TRUMBULL. Does the Senator question the authority of Congress to decide whether a State has a Legislature loyal to the Union and with authority to be represented? That is the question.

Mr. HENDRICKS. That is not the question that the Senator suggested. I said that I was in favor of admitting to this floor any man who could take this oath truly who came authorized by competent authority. The Senate, under the Constitution of the United States, may decide whether he comes from competent authority. That is my answer.

Mr. TRUMBULL. Then do I understand the Senator—and I want to keep him to the point; I am not talking about the Senate's authority to decide upon the elections, qualifications, and returns of its own members—I want to know of that Senator if he denies the authority of the sovereign power of this nation, the Congress of the United States, not the Senate, but the Congress of the United States, to determine whether the body claiming to be competent to elect Senators is the legislative authority of a State or not.

Mr. HENDRICKS. That is not the question which I discussed, and to which the Senator is replying; but I will say this, that the Constitution of the United States having conferred upon the Senate the exclusive power of judging of the elections, returns, and qualifications of its own members, it is not for Congress to decide any one of those questions, but for the Senate exclusively.

Mr. TRUMBULL. That is reasoning around a circle. The Senator repeats over the Constitution, which says the Senate of the United States has authority to determine upon the elections, returns, and qualifications of its members. We all know that. That is not the question I put. I have not been able to get a satisfactory answer from the Senator from Indiana as to whether he denies the power of Congress to determine whether a State is in rebellion against this Union or not. Sir, I hold that the power is in Congress to declare war; that the power is in Congress to provide for raising armies, to put down insurrection and rebellion, and nowhere else but in Congress; and that it is for Congress to determine whether the body of men assembled in Columbia, South Carolina, and undertaking to make war against the United States, is a competent authority to elect Senators or do any other act whatever. I hold that it is competent under a law of Congress, and not by any action of the Senate, to send our armies to disperse any such hostile body, called a Legislature, in South Carolina, Indiana, Illinois, or anywhere else. If a body of men assemble in Springfield, in my State, claiming to be the Legislature of that State, and proceed to organize troops, to set at defiance the authority of the Government of the United States, swear its members to disregard the Constitution of the United States, trample upon the flag of the United States, despise its laws and its officers, repudiate both, I say it is for Congress, not only to prevent such a body sending Senators here, but, if necessary, to shoot them upon the battle-field or hang them upon the gallows for their treason. Does the Senator deny the power of Congress to do all this?

Mr. HENDRICKS. Mr. President, if the Senator claims to be answering any remarks that I had the honor to submit to the Senate, he may ask me any question growing out of them; but he has no right to go into the discussion of another subject and propound questions to me to answer in a few words in the midst of his speech. Now, I understand the question that he asks to be about this: whether, if there be a rebellion or an insurrection in any of the States, Congress has power to authorize the putting down of that insurrection or rebellion. I have no question of that. I never doubted that. There was nothing in my remarks that suggested a doubt of that. I have been talking about the country as it is. The

war is over; there is no insurrection anywhere; and it is not true to history or to fact to say that there is a war. There is no rebellion North or South. Certain Legislatures have assembled in the southern States. They have elected men as Senators. They come here and present their credentials. I say it is exclusively for the Senate to decide upon their credentials; and the Constitution having given that power to the Senate, it is not for the House to participate in the decision of that question. As to what shall be done in a state of war, whether we shall put down an insurrection, that is another question. Of the power of the Government to put down an insurrection I have no doubt. It is expressly provided for in the Constitution. But the question that I discussed was the right of a man to take his seat when he came here with all the qualifications prescribed by the Constitution and the law in a time of peace, as we now have it; and the Senator upon that question cannot argue it as if we were in the midst of a state of war. What a State may do in the midst of war is another question. Thank God, sir, we have passed the point of war more than one year; and for one long year this country has anxiously hoped for a complete return of all the States to their practical relations to the Government.

Mr. TRUMBULL. I understood what the Senator from Indiana was arguing. It is no uncommon thing for advocates at the bar to avoid an issue and attempt to get up another one. He commenced this discussion by saying that the southern States were not represented here and insisting they were kept out of representation; and now he wants to go off into a discussion of the right of the Senate to determine upon the elections, qualifications, and returns of its own members. We shall have no difficulty about that point when there is anybody authorized to elect members; he and I will both agree. When you find some constituency competent to elect members the Senate will determine whether the persons they send here possess the requisite qualifications and were duly elected; and we shall have no difficulty about the qualifications, elections, and returns of the persons. But, sir, I deny that that clause of the Constitution has any application to the admission of Senators here from the Canadian Provinces, from the empire of Mexico or the empire of Japan. When Congress has declared the empire of Mexico a State of this Union, and recognized it as one of the States entitled to representation, then it will be for the Senate to pass upon the elections, qualifications, and returns of persons sent here from that Mexican State; but it is not for the Senate to decide whether the empire of Mexico is entitled to representation or not. I do not choose to follow the Senator from Indiana off after any *ignis fatuus* light that he may set up, to hang out false colors and raise false issues to the country. There is no issue between the Senator and myself as to the authority of the Senate to pass upon the elections, qualifications, and returns of its members, and never has been. It lies behind it, and it is there I wish to bring the Senator from Indiana, and there he is not willing to go.

Mr. HENDRICKS. If the Senator will allow me, upon his last illustration, as that is purely original in the present debate, though I heard it suggested some time ago in the course of another debate, I do not question that it is for the Congress of the United States to admit States, and until States have their relations to the Federal Government, either by the original formation of the Government or by an act of Congress, no distant community would have any right of representation in this body; but when the relation of a State has been fixed by the original formation of the Government which admitted into the Union the thirteen States, or by the acts of Congress admitting all the States that have come in since, when the relation of the State is fixed and it is in the Union, is it not for the Senate exclusively to decide upon the elections and

qualifications of its members? Can the House of Representatives participate in the decision of the question whether a Legislature is properly constituted to elect a Senator, or whether that Legislature being so constituted proceeds with sufficient regularity to elect a Senator? Is not that question exclusively with the Senate?

Mr. TRUMBULL. The Senator says that when the relation of a State has been fixed as a State in the Union, then the question is exclusively for the Senate to determine.

Mr. NYE. If the Senator from Illinois will allow me to interrupt him for a moment, I insist upon it that it is hardly fair for him to push the Senator from Indiana any further at this time before he has got settled in his new political associations. [Laughter.]

Mr. TRUMBULL. The Senator from Indiana assumes now—and I am willing to take up his position where he left it—that a State having its relations established with the Union, it is then for the Senate to determine for itself ever afterward, as I understand him, whether it is entitled to representation here. A moment ago when I pressed him on that point and wanted to know if when flagrant war existed the Legislature of South Carolina had a right to send members here, what was his answer? "I am not talking about war; I am talking about a time of peace." Now, the State of South Carolina once had relations established with this Union; she had once authority to be represented here. Does the Senator from Indiana, then, mean to assert that when flagrant war existed, when the Legislature of South Carolina passed an ordinance of secession declaring her relations with this Union dissolved, when she required an oath from every officer of that State in hostility to this Union and in favor of a government set up in hostility to it; I should like to know if the Senator from Indiana means to say that at that time she was entitled to representation here, when the authority of the Government was not recognized upon a single foot of her soil? Does he mean to say that she was entitled to representation here then? If not, there was a time she was not entitled to be represented. If there was such a time, when, under the authority of Congress, the President of the United States declared the people of that State to be in insurrection and rebellion against the Government, if at that time a people at war with this Government were not entitled to representation, will he tell me how they became entitled to it? Where is the authority to judge whether they have become entitled to representation except the same authority which declared them in rebellion against the Union? Is there any other? Does the Senator in his admiration or in his zeal for the new affiliations which he has formed, mean to contend that the President of the United States has any authority to determine what is the Legislature of a State? Has the President of the United States any authority to interfere with the Legislature of a State? When the Senator proclaimed peace throughout this land, when he said that the Union was restored and all was quiet, had he looked into the morning papers he would have seen an order issued by authority of the Lieutenant General demanding the armies all through the South to interfere in civil suits for the protection of the citizen. Does that look like peace there? Has the Army any authority to interfere with the citizen in time of peace? The morning papers contain an order issued from the Adjutant General's office, and of course by authority of the President, establishing military authority all over the rebellious States. They are at peace, are they? Is not the *habeas corpus* suspended throughout these rebellious States? Is it not suspended in Texas to-day? I have seen no evidence of its restoration.

Now, sir, it is for Congress to determine, not the President of the United States. He has no authority to organize Legislatures. He has no authority to say who shall be a probate judge in Mobile in time of peace. He has no authority to say who shall hold an office in Norfolk in time of peace; and yet all these things have

been done. It is idle for the Senator from Indiana to shut his eyes to what is apparent to the whole country, what everybody sees. Sir, the southern States lately in rebellion are not restored in their constitutional relations. They have not organized State governments with authority to representation in either House of Congress. The power which declared them in insurrection and rebellion is the only power to declare them out of that insurrection and rebellion. When that declaration shall be made—and I trust the facts and the circumstances of the country may admit of its being made at an early day—then, sir, it will be for each House to determine for itself whether the representatives possess the requisite qualifications and have been duly elected. That is the question. It is a mistaken notion to say that the constitutional relations of these States have been restored. Such is not the fact. They talk about the Executive Government having restored them. The Executive Government has no power to restore them; and if it had the power, it has not done it. It interferes every day. The ink is scarcely dry upon an order establishing military authority through every one of them. It has not been done even by the Executive. He has not pretended to do it. He could not do it if he tried. Now, sir, we are making all haste to restore these constitutional relations, and when that is done we shall be glad to receive representatives who are qualified and properly elected into both Houses of Congress.

The PRESIDING OFFICER, (Mr. POMEROY in the chair.) The question is on the motion of the Senator from New York [Mr. MORGAN] to postpone the further consideration of the bill until the second Tuesday in December next, upon which motion the yeas and nays have been ordered.

Mr. RIDDLE. I wish to state that I have paired off on this bill with the Senator from Illinois, who is absent, [Mr. YATES.] If I were at liberty to do so I should vote for the postponement and against the bill.

The question being taken by yeas and nays, resulted—yeas 24, nays 18; as follows:

YEAS—Messrs. Anthony, Brown, Buckalew, Clark, Cowan, Davis, Fessenden, Foster, Grimes, Guthrie, Harris, Henderson, Hendricks, Johnson, Lane of Indiana, Morgan, NeSmith, Norton, Saulsbury, Sherman, Van Winkle, Willey, Williams, and Wilson—24.

NAYS—Messrs. Chandler, Cragin, Doolittle, Edmunds, Howard, Howe, Poland, Pomeroy, Ramsey, Sprague, Sumner, Trumbull, and Wade—18.

ABSENT—Messrs. Conness, Creswell, Dixon, Kirkwood, Lane of Kansas, McDougall, Morrill, Nye, Riddle, Stewart, Wright, and Yates—12.

So the motion was agreed to.

RELIEF OF PORTLAND SUFFERERS.

Mr. FESSENDEN. I ask the permission of the Senate to allow me to offer a joint resolution, which it is necessary to pass immediately for the purpose of sending it to the House of Representatives, with reference to the sufferers by the late fire in the city of Portland. I think it will occasion no debate. If it does I will withdraw it. I send it to the desk to be read.

By unanimous consent leave was granted to introduce a joint resolution (S. No. 131) for the temporary relief of the sufferers by the late fire in Portland, in the State of Maine; and it was read twice, and considered as in Committee of the Whole.

It proposes to authorize the Commissioner of Internal Revenue to suspend the collection of such taxes as may have been assessed or as may have accrued prior to July 5, 1866, in the first collection district in the State of Maine against any person residing, doing business, or owning property in that portion of the city of Portland recently destroyed by fire; but this suspension is not to continue after the close of the next session of Congress.

Mr. FESSENDEN. I will say one word in explanation of the resolution. It is a mere authority to suspend the collection of taxes; and the great reason for it is that by the law if they are not paid in a certain time an addition of ten per cent. is made; and it is utterly

impossible for a great many of these persons to pay at present.

Mr. JOHNSON. Is there any time limited for the suspension?

Mr. FESSENDEN. It is limited so that it shall not be in force beyond the next session of Congress, so that Congress may then legislate further on the subject if necessary.

The joint resolution was reported to the Senate without amendment.

Mr. SHERMAN. An objection occurs to me from the reading of the resolution that it might extend to persons who did not suffer at all by the fire. It applies to all persons living in the burnt district, but many persons may have lived in that district who have not actually suffered, by reason of insurance.

Mr. FESSENDEN. It says distinctly "residing, or doing business, or owning property" in the burnt district. It was drawn by the Commissioner himself, and merely confers upon him the authority of suspending the collection of the tax.

Mr. SHERMAN. I have no objection to the objection.

Mr. FESSENDEN. The Commissioner stated to me that he should send to the collector to inform him of the cases where it would be advisable and necessary to make the suspension. The resolution does not compel him to suspend the collection. Let it be read again, and Senators will see that it is guarded. The Secretary read the resolution.

Mr. JOHNSON. Is the day named the day of the fire?

Mr. FESSENDEN. Yes, sir. I think it should read "prior to the 4th;" but "prior to the 5th" will do as well.

Mr. JOHNSON. I ask the honorable member if some taxes have not accrued since the 5th.

Mr. FESSENDEN. The fire was extinguished on the 5th; it was only two days.

Mr. JOHNSON. Have any taxes accrued since?

Mr. FESSENDEN. I do not know.

Mr. JOHNSON. If they have, this ought to extend to them.

Mr. FESSENDEN. The language of the resolution is, "such taxes as may have been assessed or as may have accrued." The resolution is carefully drawn.

Mr. SHERMAN. I do not wish to oppose the resolution; but I rise to suggest to the Senator from Maine that he will see himself that there might be very many cases where persons owning property in the burnt district have not been injured by the fire, even, perhaps, where they resided in the burnt district, and to whom this relief ought not to be granted. I suggest that there ought to be a discretion—

Mr. FESSENDEN. It is discretionary now.

Mr. SHERMAN. I know; but I would say, "in such cases where the evidence satisfies him that the parties have lost and are sufferers by the fire."

Mr. FESSENDEN. I am perfectly willing that the Senator shall put on any proviso that he pleases.

Mr. SHERMAN. This proceeding is rather unusual.

Mr. FESSENDEN. The resolution was drawn by the Commissioner; there are only two or three words inserted by me, such as "owning property." I wish to have it guarded properly.

Mr. SHERMAN. I do not wish to set a bad example.

Mr. FESSENDEN. That is right.

Mr. SHERMAN. I move to amend the resolution by inserting after the word "fire," in the sixteenth line, the words, "and who in the opinion of said Commissioner has suffered material loss by such fire."

The amendment was agreed to.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

INTERNAL TAXATION.

Mr. VAN WINKLE submitted the following

resolution; which was referred to the Committee on Printing:

Resolved. That there be printed for the use of the Senate, five thousand copies of the internal tax laws now in force, so that the several provisions in relation to the same subject shall be inserted in connection, together with a suitable index to the same, the whole to be compiled and prepared for printing under the direction of the Commissioner of Internal Revenue.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 779) to incorporate the National Soldiers' and Sailors' Orphan Home, in which it requested the concurrence of the Senate.

The bill was read twice by its title and referred to the Committee on the District of Columbia.

NORTHERN PACIFIC RAILROAD.

Mr. WILLIAMS. I move that the Senate proceed to the consideration of the bill (S. No. 387) to secure the speedy construction of the Northern Pacific railroad and telegraph line, and to secure to the Government the use of the same for postal, military, and other purposes.

Mr. SHERMAN. I call for the yeas and nays on the motion to take up this bill. It is a bill guarantying the payment of interest on the stock of the Northern Pacific Railroad Company. It is a bill involving millions upon millions of dollars. It is evident that we ought not to take up the few hours left of this session in discussing and considering so grave a measure. The committee, as a matter of course, were divided upon it. The bill proposes to guaranty for twenty years the interest on about one hundred millions of the Northern Pacific railroad stock. It is a bill of magnitude, and therefore it is hardly worth while to begin to discuss it at this period of the session.

Mr. ANTHONY. If the Senator from Ohio will yield me the floor, I will make a motion that will perhaps meet his views; and that is that the Senate proceed to the consideration of executive business.

Mr. SHERMAN. I think we had better have the sense of the Senate tested on taking up this bill; otherwise the motion will be made again to-morrow. I wish to test the matter now. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HOWARD. I hope this bill will be taken up. The Committee on the Pacific Railroad had the matter under consideration, and after the most thorough consideration they were able to give it, they felt it their duty to recommend its passage to the Senate. It has undergone a very thorough and careful investigation on their part. There is no doubt about the importance of the measure, as the Senator from Ohio has said; but I do not see why a bill so important as this confessedly is should be given the go-by in this way. I will not now go into the merits of the measure, because it would be out of order. I hope the Senate will at least pay respect enough to this bill, important as it is, to take it up for consideration. The Senator from Ohio will find before he gets through the discussion of it, if he shall participate in the discussion, that it is as worthy of the consideration of this body as any bill we are likely to consider between this and the adjournment of the Senate. I hope the bill will be taken up.

Mr. SHERMAN. I have but a word to say in reply. This bill will undoubtedly excite a good deal of discussion. That it merits discussion is shown by the fact that it involves so large a sum of money, and that it proposes to aid in the construction of a road to rival one which the Government is actually engaged in building. It is a great and important project, which ought not to be pressed at this period of the session, and I am rather surprised that it is called up. If it was merely called up to enable the Senator to express his views upon it, I should have no objection; but the idea of passing the bill or engaging in its discussion with a view to its passage at this period of the session I think ought not to be entertained.

The bill is now upon our tables; it will come up as unfinished business at the next session, and it can then be considered. The only effect of taking up the bill now will be to consume a considerable portion of time which might well be bestowed upon other business not likely to excite much opposition. It is simply a waste of time to take up the bill at this period of the session, in my judgment.

The question being taken by yeas and nays, resulted—yeas 20, nays 19; as follows:

YEAS—Messrs. Chandler, Clark, Conness, Cragin, Doolittle, Edmunds, Hendricks, Howard, Howe, Nesmith, Norton, Nye, Poland, Pomeroy, Ramsey, Sprague, Sumner, Wade, Williams, and Wilson—20.

NAYS—Messrs. Anthony, Brown, Buckalew, Cowan, Davis, Fessenden, Grimes, Guthrie, Harris, Henderson, Johnson, Kirkwood, Morgan, Riddle, Saulsbury, Sherman, Trumbull, Van Winkle, and Willey—19.

ABSENT—Messrs. Creswell, Dixon, Foster, Lane of Indiana, Lane of Kansas, McDougall, Morrill, Stewart, Wright, and Yates—10.

So the motion was agreed to.

Mr. ANTHONY. If the Senator from Oregon [Mr. WILLIAMS] does not wish to address the Senate this evening, I move that we proceed to the consideration of executive business.

Several SENATORS. Oh, no. Why go into executive session now?

Mr. ANTHONY. There are a great many executive messages that ought to be referred, and it is necessary for the expedition of business that it should be done from day to day unless we are to be detained here after the adjournment of Congress.

The motion was agreed to—ayes thirteen, noes not counted.

After some time spent in executive session the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, July 13, 1866.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. C. B. BOYNTON.

On motion of Mr. KUYKENDALL, and by unanimous consent, the reading of the Journal of yesterday was dispensed with.

LEAVE OF ABSENCE.

On motion of Mr. LOAN indefinite leave of absence was granted to his colleague, Mr. KELSO, after to-day.

A. T. SPENCER AND GURDON S. HUBBARD.

Mr. KUYKENDALL, by unanimous consent, from the Committee on the Post Office and Post Roads, reported back Senate bill No. 114, for the relief of A. T. Spencer and Gurdon S. Hubbard, with the recommendation that it do pass.

Mr. BOUTWELL. I should like to know the reason why this bill should be passed.

The bill authorizes and instructs the Postmaster General to audit and adjust the account of A. T. Spencer and Gurdon S. Hubbard, for carrying the United States mail from Chicago, Illinois, to Mackinac, Sault Ste. Marie, Marquette, Copper Harbor, Eagle Harbor, Eagle River, and Ontonagon, Michigan; La Pointe and Superior, Wisconsin, during the years from 1854 to 1859 inclusive, and allow therefor such amount as to him shall appear just and equitable, not exceeding the amount allowed for the same service to the party who afterward performed the same under contract; and the sum by him so found due shall be paid out of the Treasury of the United States out of any of the money therein not otherwise appropriated.

Mr. KUYKENDALL. It will be seen that the labor for which compensation is provided was performed from the year 1854 to 1859. The whole matter has been carefully investigated, and has not only been approved by the Postmaster General, but has been reported favorably six times by committees of Congress. If the bill passes now it will be the third time that the bill has passed this House.

Mr. BOUTWELL. What is the amount proposed to be paid?

Mr. KUYKENDALL. The Postmaster General is not to allow more than was authorized to be paid under the contract. It passed the committees of both Houses unanimously.

The bill was ordered to a third reading; and it was accordingly read the third time and passed.

Mr. KUYKENDALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

PENSION BILLS.

On motion of the SPEAKER, and by unanimous consent, the House took from the Speaker's table and concurred in the amendments of the Senate, which were merely verbal in their nature, to bills of the following titles:

An act (H. R. No. 702) granting a pension to Mrs. Charlotte E. Reed;

An act (H. R. No. 739) for the relief of Samantha Rader;

An act (H. R. No. 741) granting a pension to Jonathan W. Beach; and

An act (H. R. No. 742) for the relief of the minor children of Salvador Accardi, deceased.

ST. ALBANS BANK.

Mr. WOODBRIDGE, by unanimous consent, introduced a bill for the relief of the St. Albans Bank, of St. Albans, Vermont; which was read a first and second time and referred to the Committee on Banking and Currency.

DAVID WYMAN.

Mr. ANDERSON, by unanimous consent, introduced a bill for the relief of David Wyman; which was read a first and second time and referred to the Committee on the Post Office and Post Roads.

SOLDIERS' AND SAILORS' ORPHANS HOME.

Mr. MERCUR, from the Committee for the District of Columbia, reported a bill to incorporate the National Soldiers' and Sailors' Orphans Home; which was read a first and second time, ordered to be engrossed, and read a third time, and being engrossed, it was accordingly read the third time and passed.

Mr. MERCUR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. TROWBRIDGE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 456) to extend the benefits of section four of an act making appropriations for the support of the Army for the year ending June 30, 1866, approved March 3, 1865;

An act (H. R. No. 726) to extend to certain persons the privilege of admission, in certain cases, to the United States Government asylums for the insane;

An act (H. R. No. 611) to provide for making the town of Whitehall, New York, a port of delivery; and

An act (H. R. No. 513) to reduce internal taxation and to amend an act entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," approved June 30, 1864, and acts amendatory thereof.

ORDER OF BUSINESS.

Mr. STEVENS. I hope the House will agree to take up the miscellaneous appropriation bill for action.

The SPEAKER. The House is under the operation of the previous question in the contested-election case in the twenty-first district of Pennsylvania, and the gentleman from Pennsylvania asks unanimous consent to go into Committee of the Whole and consider the special order, the miscellaneous appropriation bill.

Mr. SPALDING. I object.

Mr. WASHBURN, of Illinois. I hope the gentleman will withdraw his objection, and let

the miscellaneous appropriation bill be taken up.

Mr. SPALDING. I have been waiting three days to get up a privileged question.

Mr. WASHBURN, of Illinois. I know the gentleman will hear me. His matter is one of privilege and can be taken up at any time, and it is certainly very important for us, if we want to get home at all, to act on the miscellaneous appropriation bill in order to get it to the Senate. We ought to get through it to-day. I do not think it will take a great while.

Mr. SPALDING. I withdraw the objection.

The SPEAKER. Does the gentleman from Wisconsin [Mr. PAINE] make objection?

Mr. PAINE. I will not insist upon it if the gentleman from Ohio [Mr. SPALDING] withdraws his objection.

MISCELLANEOUS APPROPRIATION BILL.

Mr. STEVENS. I move that the rules be suspended and that the House resolve itself into the Committee of the Whole on the state of the Union on the special order.

The motion was agreed to.

So the rules were suspended; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. RAYMOND in the chair,) and proceeded to the consideration of the special order, being bill of the House No. 737, making appropriations for sundry civil expenses of the Government for the year ending June 30, 1867, and for other purposes.

On motion of Mr. STEVENS, the first reading of the bill was dispensed with, and it was read by sections for amendment.

The Clerk proceeded with the reading of the bill by sections. The following paragraph having been read:

To establish national cemeteries, and to purchase sites for the same, at such points as the President of the United States may deem proper, and for the care of the same, \$50,000.

Mr. WASHBURN, of Illinois, said: I wish to make a suggestion in regard to this proposition. A bill is now before the Committee on Military Affairs, and I understand it is ready to be reported—a very proper one it is, too, I should say, because I drew it myself, [laughter]—providing for the establishment of national cemeteries, fencing them, and the erection of monuments in them in the manner prescribed by the bill. If that bill passes—and I hope and believe it will—it will be in contravention of what is proposed here, and will require a much larger appropriation than is made here. Now, my suggestion to the chairman of the committee is, that we should strike out this provision with a view of letting the whole subject go to the Committee on Military Affairs. That bill, which I trust will meet with no opposition—and certainly it will not meet with the opposition of any man who believes that the Government should honor the ashes of the dead who have fallen in the defense of the country—proposes that all those cemeteries where the remains of the soldiers are buried shall be fenced with iron, and provides for the manner in which monuments shall be erected. It also provides for porters' lodges and for the proper care of the grounds. I presume there will be no objection whatever. It will require a larger sum than is provided here, and as that would produce a sort of conflict, I hope the chairman of the committee will consent to strike out this appropriation.

Mr. BINGHAM. Allow me to make an inquiry. I wish to know whether the bill to which the gentleman refers, which is now before the Committee on Military Affairs, if it does not become a law in the form in which it was presented by the gentleman will not place this matter at the discretion of the Government as to the sites of these cemeteries.

Mr. WASHBURN, of Illinois. The sites are already fixed; they are the places where the soldiers are buried.

Mr. BINGHAM. Then it leaves the matter at the discretion of the Secretary of War.

Mr. STEVENS. I move to strike out the clause.

Mr. BINGHAM. I hope that will not be done. This provision can do no harm. I think myself that the Committee on Appropriations have done well in reporting this appropriation, because the gentleman from Illinois must see that if the House fails to pass the bill which he introduced this appropriation will be in aid of the general object.

Mr. WASHBURN, of Illinois. I merely made the suggestion. If the bill to which I have referred can be carried, this clause should be stricken out. If not, it ought to be retained.

Mr. STEVENS. In that view of the case I withdraw my amendment.

Mr. LAFLIN. I move to strike out the following clause:

For the purpose of printing and publishing the first volumes of the Medical and Surgical History of the Rebellion, under the direction of the Surgeon General, \$60,000.

And to insert in lieu thereof the following:

For the preparation for publication of the Medical and Surgical History of the Rebellion, \$20,000.

According to the terms of the bill, as reported by the Committee on Appropriations, the Medical and Surgical History of the Rebellion is not only to be prepared, but to be printed and published under the direction of the Surgeon General. The House will bear in mind that we already have a law which compels the publication of all such works at the Government Printing Office; and even if the House had already determined that it would assume the expenditure for the publication of this work, which it is universally conceded will amount to half a million dollars, I certainly cannot think that the committee would place the control of the publication of the work in the hands of the Surgeon General alone.

The amendment which I have offered allows the Surgeon General to continue the preparation for publication of the work which he is doing now, but it leaves it in the power of Congress to say who shall print and publish the work when completed. I think the chairman of the Committee on Appropriations will see the propriety of continuing the control of this question in the hands of Congress, and that the work shall be published, in accordance with the laws of Congress, at the Government Printing Office.

Mr. FARNSWORTH. I would say to the gentleman from New York that it requires no appropriation by Congress for the preparation of this report.

Mr. LAFLIN. I will say further, in reference to this matter, that the attention of the Committees on Printing of the House and of the Senate were called by the Surgeon General to this subject, and I will state that at the invitation of the Surgeon General both committees have had interviews with him and have examined these reports as far as they are prepared, and each committee has come to the conclusion to recommend the adoption of the amendment which has been read; and it is to their utter surprise and astonishment that we find here, sprung upon the House in an appropriation bill, an appropriation of \$60,000 to publish the first volume. And to publish it how? Just as the Surgeon General chooses to publish it. He may give the contract to whatever party he pleases, to any friend of his in the United States, and upon whatever terms he pleases. Here is a provision involving an expenditure of at least from three hundred to five hundred thousand dollars, according to the calculations of the Surgeon General. That is the lowest calculation made, and it only provides for an edition of five thousand copies. Are we prepared now, without knowing how many copies are to be published and on what terms, to leave it at the discretion of an officer of the Government, independent of the laws of Congress as they now exist, to contract upon his own terms and with his own friends for the publication of a work involving an expenditure of at least half a million dollars?

It is not yet determined that Congress will publish it. But I will state to this House a still further reason why the Committee on

Printing did not report in favor of publishing this work, in addition to the large amount of money that is required for the purpose. That reason is, that it has been intimated to us that if the Government will furnish this information, the material for the work, there are private establishments in the United States who would publish this work for the benefit of the world free of cost to the Government. It is really a question in the minds of some whether this information shall be given to the public at the private expense of the individuals that are most to be benefited by it, or whether it shall be given to the public at the expense of the Government for the benefit of certain favorite individuals connected with the office that will have charge of the publication. I also raise the point of order that there is no propriety in this clause at all.

Mr. STEVENS. If the Committee of the Whole determines to strike out this paragraph, I hope they will not insert what is proposed, for that would simply be giving a fee to officers whose duty it is to do this work without any fee. There is nothing proposed in this bill to pay the Surgeon General and his officials for their action in regard to this work. The whole that this proposition is for is the publication of this work. It is to be published, to be sure, under the direction of the Surgeon General. I do not mean to be understood by that that it is not to be published at the Government Printing Office; but the Surgeon General is to supervise the printing. If any gentleman chooses to move an amendment to that effect, I shall have no objection to it.

Mr. WILSON, of Iowa. I would suggest that the paragraph, as reported by the committee, be amended by inserting after the word "publishing" the words "at the Government Printing Office."

Mr. STEVENS. If the gentleman will move that amendment I will have no objection.

Mr. WILSON, of Iowa. I move the amendment I have indicated.

The amendment of Mr. WILSON, of Iowa, was agreed to.

The question recurred upon the amendment of Mr. LAFLIN.

Mr. STEVENS. I do not know how anybody but professional men can supervise and superintend the publication of a mere scientific work like this; one abounding in plates and in scientific terms and researches. There may be very adroit men in the Government Printing Office; among them I know is the Superintendent of Public Printing. But no man is universally learned. And although a celebrated orator, I remember, did assert that all branches of science were bound together by a common bond, he did not mean that every man knew them all, but only that they were themselves connected. Now, I think any man who has had an opportunity of examining the specimen of this work must agree that so valuable a publication in the medical and surgical department has never been given to the world. The opportunities afforded by our great war, the revolution made in the arms of defense and of attack, and the consequent increase and variety of wounds that were inflicted, the different applications made by our learned men going on from learning to learning until I think we have as good a surgical staff as the world ever saw; all this has been such that I do not think that even Larrey himself, with all his knowledge, could do it, because he had not the opportunity. I would say, from what little knowledge I could obtain from the examination of the work, that there is more genuine information upon that subject contained in this work than in any preceding publication upon the same subject. And I think the publication of it will be a public benefaction, and also be a high honor to the nation which produces the work.

Now, I have no idea of asking individuals to speculate upon a work of this kind. I have no idea of allowing enterprising private individuals to publish this work as they please, and to peddle it out as they please. So far as I am concerned I should feel mortified if, after

a work has been prepared as this has been, it should be thrown into some bookseller's shop to be published as he pleases, and when he pleases. Sir, I had hoped that this appropriation would meet the unanimous approbation of the House. I am sure that if gentlemen had examined the matter they would hardly have the heart to reject this proposition. While I am willing that this publication should be printed at the Government Printing Office, I think that the work should be done under the direction of the Surgeon General and his able assistants. The amount proposed to be appropriated is very small compared with the sums which other nations have appropriated for scientific publications.

Mr. LAFLIN. Mr. Chairman, I have listened to the remarks of the distinguished chairman of the Committee on Appropriations with a great deal of pleasure; for so far as he pays a compliment to the character of this work, he speaks my own views. No man can hold in higher estimation the utility of this work to the public and to the cause of science than I do. This is the unanimous opinion of all the members of the Joint Committee on Printing, both on the part of the Senate and the House. We have examined this work; and as I said before, it is to our utter surprise that, after we have been invited to an examination of this work, and when we have in our possession a letter from the Surgeon General consenting to an appropriation of a certain sum of money simply for continuing the preparation of this work for publication, we find introduced here an appropriation of \$60,000, which, though it may not be regarded in itself as an extravagant expenditure, may be the entering wedge to a system which may result in a vast outlay of money.

Under the terms of this appropriation the Surgeon General will have authority to contract with any person whom he may select for the publication of this entire work; and when the contract is made the Government will be bound thereby. I wish the House to understand distinctly that it is not the intention of my amendment to prevent the future publication of this work; but the object is to postpone the publication until the work shall be more thoroughly completed, with the view to disseminating this very valuable scientific information at a less expense than would be incurred by proceeding with the publication at once. I would like to inquire of the chairman of the Committee on Appropriations when it was that the committee first received from the Surgeon General a suggestion for the incorporation of this provision in the bill.

Mr. STEVENS. I do not remember the exact time. The recommendation for this appropriation has been before the committee for some months—since early in the session, I think.

Mr. LAFLIN. I understood so. I have been informed that the Surgeon General addressed a letter to the chairman of the committee as early as the middle of last January. Yet it is only three or four weeks since, by special invitation, the members on the part of the Senate and the House of the Joint Committee on Printing examined this work, and when we saw its condition we were satisfied that considerable additional progress ought to be made before commencing the publication of the work. A suggestion was made by the Surgeon General that we should introduce into our respective Houses a resolution calling for an appropriation of a certain sum of money and authorizing him to continue the preparation of the work for publication, leaving for the future determination of Congress how it should be published, whether at the Government Printing Office or by some private publication house. He told me himself at the time that, in his judgment, it would not cost over about ten thousand dollars to continue the preparation of this work; but when he came to draw a resolution he asked for a larger sum; and the sum has been fixed at \$20,000. If members are ready, in the face of these facts, and simply because

the proposition is contained in an appropriation bill, to put the control of this work in the hands of the Surgeon General, and allow him to expend half a million dollars among such people as he may select, they will of course do so. But if, on the contrary, they wish that this work shall be done with proper guards, they will adopt the amendment which I have proposed.

Mr. BINGHAM. I desire to ask the gentleman from New York, [Mr. LAFLIN,] what existing law there is to authorize an appropriation of \$20,000 for preparing a "medical and surgical history of the rebellion."

Mr. LAFLIN. The same law, I suppose, which authorizes the appropriation proposed in the bill.

Mr. BINGHAM. No, sir; they are very different things. The one is an appropriation for the publication of a work prepared by an officer in a bureau of the Government in the discharge of the duties of his office. The substitute which the gentleman proposes is that \$20,000 be appropriated to pay for the preparation of a work. I want to know what law there is authorizing such an appropriation, and who it is that is to receive this money.

Mr. LAFLIN. Mr. Chairman, this work has been prepared under the direction of the Surgeon General, with the assistance of certain volunteers who have been detailed in his department for that purpose. He has heretofore paid them for these services out of what he calls "slush money"—money made up by the sale of the *debris* around the camps.

There was a large amount of money from this source in his possession prior to the 1st of July, amounting, I think, to one or two hundred thousand dollars. That was the amount, if my recollection serves me.

Mr. STEVENS. Are these persons in Government employ, or persons hired outside?

Mr. LAFLIN. I expect they are in the employ of the Government.

Mr. STEVENS. Then why are they paid beyond their legal salary?

Mr. LAFLIN. I asked the question of the Surgeon General why it was necessary to get this money, and he said if they were not continued there they must be discharged, because there was no other occasion for their services. I am not able to tell anything in reference to the interior management of the Surgeon General's office. I am telling to the House just exactly what he told us. I believe the House now thoroughly understands this matter, and if this be voted I can only say we have done our duty.

Mr. CLARKE, of Ohio. The gentleman from New York proposes to reduce the appropriation from \$30,000 to \$20,000. How does he expect with an appropriation of \$20,000 any printing can be done this year. In my opinion, \$60,000 is not an extravagant sum if it is intended to soon begin the process of printing. It will run through a number of years, and the item of printing is a very large one.

This work is not only of great importance to the scientific world, but to every man, woman, and child in the country. It is of general importance that the work should be published. I am in favor of the appropriation, and I am in favor of such appropriation as will permit the printing to go on as fast as possible. In my judgment, \$60,000 is not more than enough. I do not say it should be commenced now, but if it be \$60,000 is not too large.

Mr. KASSON. Mr. Chairman, I have examined the letter of the Surgeon General to the committee, and I find in that letter if the action of the House is early enough in granting the appropriation, two volumes will be put to press this year. So, therefore, the intention of this appropriation is to proceed with the publication of the most important parts of it at once, giving the benefits of them to mankind. I ask the House whether, if they intend to publish at any time these most valuable medical statistics and improved appliances for the relief of humanity at large in the world, as well as in the United States, it is not expedient to proceed with the work at once. It is not a work

merely to gratify curiosity or to indulge extravagant designs of the medical department. It is to be for the relief of the misfortunes of mankind, especially that portion of those misfortunes which result from the perils of war.

It is the testimony, as we have seen before the committee, of the first medical men in Europe as well as in this country that no existing work will have equal value in the advancement of medical science. When we see nearly all of Europe being involved in war, when we remember this work is to teach surgeons of the world some new and remarkable operations in saving human life and the relief of human miseries, is it not a proper question for us, if we are to publish the work at all, why we should not publish it at once that the world may have the benefit of it? For this reason I agree with the gentleman from Ohio, a member of the Committee on Printing, who says if the work is to be published this appropriation is not too large. I hope the appropriation will be allowed to stand as it is.

Mr. LAFLIN. I renew my point of order. I make the point that the appropriation is not authorized by law.

The CHAIRMAN. The point of order comes too late, as the paragraph has been discussed.

The amendment of Mr. WILSON, of Iowa, was agreed to.

The amendment of Mr. LAFLIN was rejected.

Mr. PRICE. I move to strike out the paragraph, and I will state my reason. There is not more than one man in a hundred, if there be even that, to whom this work will be of any kind of use after being published. Now, this appropriation of \$60,000 is but for the commencement of a work which it is admitted will cost \$500,000 to complete. We are not here to publish philosophical or scientific works, and I protest against the expenditure of this money for a work of this kind which is of no use except to the profession. If professional men want it let them pay for it.

Mr. STEVENS. I rise to oppose the proposition by saying nothing, for it is the most extraordinary speech I ever heard of enlightened men.

Mr. PRICE. I presume that is the only thing the gentleman could say, for there is no answer to it. This is an expenditure of the people's money for a publication that probably not one in a hundred of this nation will ever see.

Mr. CONKLING. Mr. Chairman, the question how far it is ever well to appropriate money for the purpose of publishing philosophical books, or others, is one upon which a great deal can be said on both sides. But the proposition that this particular work is especially obnoxious to objection seems to me fallacious. As I understand, this proposition is not to publish a work popular in its character—a work designed for the million, and useful, in that sense, as the Agricultural Report, for example, may be, but it is to publish for the benefit of the medical profession, and thus for the benefit of humanity at large, a work which, I am assured by those competent to judge, will be not only without its fellow in medical literature, not only a pioneer, but useful beyond any cost which can possibly be involved, unless profligacy and not economy is observed in its production.

I understand, also, that in order to make the work useful and successful, it should be executed not in the ordinary way, not as you give to a publishing house an ordinary work to be done, but with an artistic excellence, particularly of illustration, which does not enter even into bank-note engraving, or anything of the sort to which we are accustomed. For example, it is designed to take a minute particle of morbid flesh, or bone, a particle, the integrity of which has been destroyed by disease, subject it to a very high magnifying power, and photograph it thus magnified, and then engrave it for insertion in the work. In this

way a particle, so small perhaps as not to be usefully discernible by the naked eye, may be represented in a large engraving, and may furnish to surgeons, physiologists, and pathologists the most valuable information which is now hidden from all except those possessed of very expensive and scientific facilities, or else of very rare advantages.

I am assured by the distinguished head of the insane asylum situated in my district, the third or fourth, I believe, in the world, who has given attention to this subject, that the value of the process to which I have just adverted, if that alone were to be effectuated by this work, is greater than can easily be measured, looking to the benefits which will result from it. Therefore, unless we are to drop altogether the business of book-making—and if that question were up I might agree with the gentleman from Iowa, [Mr. PRICE]—unless we are to discontinue the practice altogether, it seems to me there is a clear propriety in an appropriation adequate to the thorough execution of the work.

Mr. PRICE. The committee will remember that I have said nothing in reference to the publication of books in general.

Mr. STEVENS. The gentleman has already spoken twice on this question. I ask him, when he concludes his remarks, to move that the committee rise for the purpose of terminating debate.

Mr. PRICE. I would be willing to accommodate the gentleman from Pennsylvania in any way, but I think the House and this committee will bear me witness that I am not in the habit of making long speeches and not a great many short ones. The argument of the gentleman from New York [Mr. CONKLING] is simply this: that because we have been in the habit of publishing here all sorts and kinds and sizes of books at an expense which has made us ridiculous in the eyes of the nation, \$2,000,000 having been expended for that purpose, we must therefore expend \$500,000 more on a medical work that not more than one man in a hundred can understand anything about when he reads it. The fact that we have done wrong in publishing books heretofore is no justification for continuing in that wrong and expending the money of the people of this country when everybody knows we have not any money to expend. This is purely a scientific work. It will be useful to and for the benefit of one profession only, and outside of that profession it will be read but very little, and when read will be less understood.

Mr. CONKLING. I wish to know whether, when the gentleman says that this work will not be understood by one man in a hundred, he means that it will not be used or be useful in the case of all those who resort to medical works or scientific libraries on subjects of physiology or pathology.

Mr. PRICE. When I admit that it will be useful to all such persons, then I have proved by the gentleman that it will not be useful to one man in a hundred. Is there one man in a hundred that resorts to medical libraries to examine scientifically these questions? Everybody knows that there is not one man in five hundred who desires it, and it is for that reason that I protest against this lavish, and, I may say, foolish expenditure of the public money. If the reasons given by the gentleman are good for anything, let us publish medical works and mail them broadcast over the land, and let the people understand that we are to become a nation of surgeons and physicians.

Mr. STEVENS. I move that the committee rise for the purpose of closing debate.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. RAYMOND reported that the Committee of the Whole on the state of the Union had had under consideration the special order, being bill of the House No. 737, making appropriations for sundry civil expenses of the Government for the year ending June 30, 1867, and for other purposes, and had come to no conclusion thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, their Secretary, informed the House that the Senate insisted upon their amendments disagreed to by the House to the bill of the House (H. R. No. 213) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th of June, 1867, disagreed to other amendments of the House to other amendments of the Senate to the said bill, and agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Messrs. FESSENDEN, WILLIAMS, and HENDRICKS the conferees on the part of the Senate.

The message further informed the House that the Senate insisted on their disagreement to the tenth amendment of the House to the bill of the Senate (S. No. 343) to quiet land titles in California, agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Messrs. POMEROY, CONNESS, and SPRAGUE the conferees on the part of the Senate.

The message further informed the House that the Senate had passed a joint resolution (S. No. 125) granting the right of way through military reserves to the Union Pacific Railroad Company and its branches, in which he was instructed to ask the concurrence of the House.

Mr. ANCONA. I rise to a question of order. I desire to inquire whether it would not be in order now to demand that the regular order be taken up. Unanimous consent was given for the consideration of this bill, on the supposition, I suppose, that it would give rise to but little debate. Would it be in order to call for the regular order now, as this bill is likely to give rise to considerable debate?

The SPEAKER. It would not be in order to demand the consideration of the regular order at this time, because the House has given unanimous consent for the consideration of this miscellaneous appropriation bill.

MISCELLANEOUS APPROPRIATIONS—AGAIN.

Mr. STEVENS. I move that when the House shall again resolve itself into the Committee of the Whole on the state of the Union, all general debate upon the special order shall be closed.

The motion was agreed to.

Mr. STEVENS. I also move that when the House shall again resolve itself into Committee of the Whole on the state of the Union for the consideration of the special order, all debate upon the pending paragraph shall be closed in five minutes.

The motion was agreed to.

Mr. STEVENS moved that the rules be suspended and that the House resolve itself into the Committee of the Whole on the state of the Union on the special order.

The motion was agreed to.

So the rules were suspended; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. RAYMOND in the chair,) and resumed the consideration of the special order, being a bill of the House (No. 737) making appropriations for sundry civil expenses of the Government for the year ending June 30, 1867, and for other purposes.

The pending question was upon the motion of Mr. PRICE, to strike out the following paragraph:

For the purpose of printing and publishing at the Government Printing Office, the first volumes of the Medical and Surgical History of the Rebellion, under the direction of the Surgeon General, \$60,000.

Mr. BANKS. I do not think the objection made by the gentleman from Iowa [Mr. PRICE] to this paragraph is sufficiently strong to justify the Committee of the Whole in striking it out. The kind of information that is provided for in this work is not necessary for all people. And if it is imparted to one person in a hundred it perhaps serves all the purposes of the Government, and attains all the good that can be attained by a work of this kind. I have

been told, and I believe it is true, that if the information embraced in this work had been in the possession of our Army surgeons at the commencement of the late war it might have saved twenty per cent. of the life that has been lost. Now, if that is true in regard to the past, it will certainly be true in the future, if we shall be called to participate in another war; and it is also true in relation to the preservation of life in times of peace. It is a work calculated to instruct medical men in the best methods of preserving life, which is a consideration of very great importance to the country.

The question recurred upon the motion of Mr. PRICE to strike out the paragraph.

The question was taken; and upon a division there were—ayes ten, noes not counted. So the motion was not agreed to.

The Clerk resumed the reading of the bill. Mr. HUMPHREY. I move to insert before the paragraphs headed, "surveys of the coast," the following:

For the enlargement and repairs of the custom-house and post office building at Bangor, Maine, \$35,000.

The application coming from the city of Bangor, for the purpose of enlarging and repairing the custom-house and post office building, was referred to the Committee on Commerce. That committee examined into the facts of the matter with a great deal of care, so that there should be no question as to the propriety of making an appropriation for that purpose. An officer of the Treasury Department was sent to the city of Bangor to examine the building and make a report. That report was made, and upon that report, with other information that was presented to us, the committee have reported in favor of making this appropriation. As the report is a short one I ask that it be read by the Clerk, as it contains all the facts.

The Clerk read as follows:

Mr. HUMPHREY, from the Committee on Commerce, made the following report:

The Committee on Commerce, to whom was referred the memorial of the city council of Bangor, Maine, praying for an appropriation for the enlargement and repair of the custom-house and post office department of that place, report that they have had the matter under consideration, and, submitting the accompanying papers as a part of this report, would recommend an appropriation of \$35,000 to carry out the proposed objects.

ROOM OF COMMITTEE ON COMMERCE,
HOUSE OF REPRESENTATIVES.

SIR: I herewith inclose a memorial from the city council of Bangor, Maine, relative to improvement of the custom-house at that place, and would request your views as to the propriety of an appropriation, in the present state of the finances, for the purposes mentioned.

Very respectfully,
E. B. WASHBURN, M. C.
Hon. H. McCULLOCH, Secretary of the Treasury.

CITY OF BANGOR, IN CITY COUNCIL,
November 6, 1865.

Resolved, That the following memorial to Congress, with the accompanying plans, be, and the same are hereby, adopted as the sense of the city council of the city of Bangor; and the Representative from this congressional district is requested to present the same to and urge the adoption by Congress at its approaching session of measures necessary to carry into effect the prayer of said memorial.

IN BOARD OF ALDERMEN, November 6, 1865.
Adopted unanimously; sent down for concurrence.
SAMUEL H. DALE, Mayor.

IN COMMON COUNCIL, November 6, 1865.
Adopted unanimously, in concurrence.
N. L. PERKINS, President.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the city council of Bangor, in the county of Penobscot, and State of Maine, respectfully represents: that the building of the United States in this city which is occupied as a custom-house, post office, and by the United States district court, is too limited in its accommodations for the purposes for which it was intended, and that there are no Government rooms in this district for the internal revenue suitable for that department; that the post office accommodations are contracted and extremely inconvenient for the citizens, a portion of whom are obliged to stand out of doors during the distribution of the mails; that the court-room is low, small, dark, and may properly be termed mean, taking into view the purpose for which it was designed; that a plan prepared by a United States engineer (the supervising architect) has been exhibited to your memorialists, which, in their opinion, contem-

plates such improvements in the present Government building as will render it very convenient for all the Government purposes above mentioned. They therefore pray that Congress will make provision for enlarging the present custom-house in Bangor, and arranging it agreeably to said plan.

And, as in duty bound, will ever pray.
GEORGE W. SNOW, City Clerk.

A true copy of record.
Attest: GEORGE W. SNOW, City Clerk.

TREASURY DEPARTMENT,
OFFICE OF SUPERVISING ARCHITECT,
February 23, 1866.

SIR: I have visited Bangor, Maine, and examined the custom-house building in that city as directed by your letter of the 29th ultimo, and have the honor to report as follows:

I found the building small, inconvenient, and badly arranged. The ground floor, which is assigned to the post office department, is not only too small, but constructed without regard to the wants of the officers and the public. I consider increased accommodations an absolute necessity.

The second or custom-house story is ample for all the business of the port, and is, in fact, the only portion of the building that is at all adapted for the purpose for which it is designed. It is clean and in good repair, but the stairs by which it is approached are extremely inconvenient and even dangerous, and should the improvements be made, must be reconstructed.

The building is two stories and a half in height, the upper or attic story being devoted to the judiciary, and contains what is termed a court-room, though a more ill-conceived, inconvenient, and unfit building it would be difficult to imagine. The top of the windows is but four feet from the floor, and the room has no other means of ventilation; from which statements some idea can be formed of its fitness for the purpose. In fact, the court-room exists but in name, and is only used in cases of great emergency that cannot be transferred to Portland, and on such occasions as the judge cannot obtain the use of the county court-room. I therefore strongly recommend that suitable accommodations be provided.

I have also fully examined into the feasibility of extending the present building, and can see no objections to such a course. It would be not only more economical and more satisfactory to the citizens, but in all respects more advantageous. I have therefore prepared plans for an extension of the building with a view to furnish suitable accommodations for the post office, United States courts and judiciary, and the officers of the internal revenue, the estimated cost of which is \$35,000, which I believe will furnish the desired accommodations in the most economical and satisfactory manner, and which are herewith submitted for your approval.

Very respectfully,
A. B. MULLETT,
Assistant Supervising Architect.

Hon. HUGH McCULLOCH, Secretary of the Treasury.

TREASURY DEPARTMENT, March 2, 1866.

SIR: Upon the receipt of your letter inclosing the memorial of the city council of Bangor, Maine, requesting an extension of the custom-house at that place, I caused the proper investigations to be made, and believe, after a careful examination of the case, that the public interests demand the extension asked for. I therefore recommend that an appropriation of \$35,000 be granted for that purpose.

Inclosed please find copies of the papers in relation to the case, and of the report of the architect of this Department.

Very respectfully,
H. McCULLOCH,
Secretary of the Treasury.

Hon. E. B. WASHBURN, Chairman of the Committee on Commerce, House of Representatives.

OFFICE OF THE UNITED STATES ATTORNEY,
DISTRICT OF MAINE, PORTLAND.

I have the honor to represent that the room over the custom-house at Bangor, used as a court-room for the United States district court, is scandalously inconvenient and unfit for such purposes. It is too small for the accommodation of the officers of the court, to say nothing of the public. It is low, unventilated, and from faults of construction incapable of ventilation. Citizens of Bangor who have happened into the room while court was in session, and seen the judge, officers, and jurors sweating and panting in the hot weather of July, have begged, for the honor of their city, that we would accept the use of the county court building, which it has not often been in our power to do, because the State court was sitting simultaneously. The only light admitted to any of the rooms upon the upper story is by a few low windows close to the floor, and hard up, externally, under the eaves of the building. There has not been a year, since I have been in office, that I have not strained and injured my eyesight by the considerable amount of writing of minutes of testimony and indictments that I have been required to do in the United States court-room and the adjoining ante-rooms. In my opinion the building at Bangor should be remodeled, so as to give wider, higher, better ventilated, and better lighted rooms for the accommodation of the United States court.

GEORGE F. TALBOT,
Attorney of the United States for Maine District.

DISTRICT OF MAINE:
We concur fully with the opinion above expressed by the district attorney, as to the inconvenience of the United States court-room at Bangor, on account of its smallness and lack of sufficient light and ventilation, and respectfully urge such alterations in the

building as shall make these rooms more suitable for the purpose for which they were built.

CHARLES CLARK,
United States Marshal.

WILLIAM P. PREBLE,
Clerk United States District Court.

I concur in the general representations of the district attorney as to the inconvenience of the court-rooms at Bangor. If alterations are made in the building, a room much more convenient and suitable might be made at little expense. The present room is hot and very ill-ventilated, and the court sitting in high summer makes it hot and almost suffocating.

ASHUR WARE,

Judge United States District Court, Maine.

HOUSE OF REPRESENTATIVES,
WASHINGTON CITY, January 8, 1866.

SIR: I have the honor to submit for your consideration the memorial of the mayor, aldermen, and common council of the city of Bangor, Maine, asking for additional office accommodations for the United States officials in that city. A draught and plan has been recently made in your Department for the enlargement of the custom-house, to meet the necessity, but estimates of the expense have not been made, and cannot be with any degree of understanding and accuracy without personal inspection of the site and premises by a competent architect and engineer. I respectfully ask that such competent person may be detailed by you to examine and report upon the subject, as well for your own information as to enable Congress to act understandingly upon the memorial referred to.

Very respectfully, your obedient servant,

JOHN H. RICE.

Hon. HUGH McCULLOCH, *Secretary of the Treasury.*

The amendment of Mr. HUMPHREY was agreed to.

The Clerk resumed the reading of the bill.

Mr. O'NEILL. I am authorized by the Committee on Commerce to offer the following amendment:

Insert after line one hundred and forty-three the following:

To provide additional station-houses, life-boats, and other appliances for the better preservation of life and property from shipwreck along the coast of New Jersey, between Sandy Hook and Little Egg Harbor, \$10,000; and for repairing and relighting the light-house on Tucker's Beach, on the coast of New Jersey, \$5,000.

The amendment was agreed to.

The Clerk resumed the reading of the bill.

Mr. KASSON. The paragraph embracing lines two hundred and sixty-six to two hundred and seventy-one is in the present form somewhat imperfect in its language. I move to amend by striking out the words "at a sum not to exceed" and inserting after the word "dollars" the words "or so much thereof as may be necessary;" so that the paragraph will read as follows:

For care, support, and medical treatment of sixty transient paupers, medical and surgical patients, in some proper medical institution in the city of Washington, under a contract to be formed with such institution by the Commissioner of Public Buildings, \$12,000, or so much thereof as may be necessary.

Mr. WILSON, of Iowa. I desire to ask my colleague what is the object of the provision contained in this paragraph. I would like to have some explanation of it.

Mr. KASSON. We have been in the habit annually of making an appropriation for this purpose. Some such appropriation is always required. Many soldiers, coming to Washington to collect some claim or something of that kind, become destitute while here and they are permitted to find refuge in some institution under regulations provided by the Department. Besides, there are other creatures who humanity dictates should be cared for.

Mr. WILSON, of Iowa. Why is the number limited to sixty?

Mr. KASSON. Simply because there is an express agreement with an institution in this city to take that number at a cost not exceeding the sum named in the bill.

Mr. WILSON, of Iowa. If only one half the number should be received, will the institution still receive the same amount?

Mr. KASSON. It receives only so much as it is entitled to under the arrangement made with it by the Department.

The amendment of Mr. KASSON was agreed to.

The Clerk continued the reading of the bill, Mr. WASHBURNE, of Illinois. I move to amend by inserting after the word "closets," in line two hundred and eighty, the words "for putting a proper number of water-closets in the upper story of the Representatives'

Chamber;" also by striking out in the two hundred and eighty-fourth line the word "eight" and inserting "twelve;" so that the paragraph will read:

For annual repairs of the Capitol water-closets; for putting a proper number of water-closets in the upper story of the Representatives' Chamber; for stables, water-pipes, pavements and other walks within the Capitol square, broken glass, and locks, and for the protection of the building, and keeping the main approaches to it unencumbered, in addition to the sale of old material, \$12,000.

The amendment was agreed to.

The Clerk continued the reading of the bill.

Mr. KELLEY. In the absence of the chairman of the Committee on the Library, [Mr. HAYES,] who is to-day detained from the House by indisposition, I am instructed by the committee to move to amend by inserting after line four hundred and thirty-three the following:

For contingent fund for Joint Committee on the Library, \$5,000.

Mr. STEVENS. I understand the gentleman to say that this amendment is reported from the Committee on the Library.

Mr. KELLEY. It is. The last appropriation for this contingent fund was made as long ago as 1856; and the fund is now exhausted within, I think, two hundred and fifty or three hundred dollars.

Mr. STEVENS. I was aware that this fund was nearly exhausted, and I expected such a proposition as this.

The amendment was agreed to.

The Clerk continued the reading of the bill.

Mr. WILSON, of Iowa. I move to strike out the following:

Currency Printing Bureau:

For the purpose of erecting on the public land adjacent to the Treasury Department, a fire-proof brick building of sufficient capacity to accommodate the Currency Printing Bureau, and also to afford to the Treasury additional room for storage, \$200,000.

I think if the members would take up and read the testimony taken by the committee which investigated this department some two years ago, they would be satisfied that unless some change is made in the superintendency of it they ought not to agree to this appropriation thereby rendering it a permanent department of the Government. I hope it will be stricken out.

Mr. STEVENS. I hope that amendment will not be adopted. The Treasury Department is anxious that this appropriation should be made. The papers of the Internal Revenue Bureau are now kept in a hired building which is not fire-proof. The committee agree to the propriety of having this fire-proof building erected for the purposes of this Printing Bureau as well as for the safe-keeping of these papers. The necessity is urgent. We are now paying \$23,000 a year for the rent of the house now occupied by the Internal Revenue Bureau. It is not a fire-proof building, and a fire-proof building is necessary. The committee unanimously recommended the appropriation.

Mr. WASHBURNE, of Illinois. There may be something in the matter of having a fire-proof building to protect the papers of the Treasury Department, but I am unwilling to have anything go into this bill which looks like a perpetuation of this Printing Bureau. I hope the gentleman will consent to strike out that part of the clause, and let it provide only for additional room for storage.

Mr. KASSON. I send up a letter of the Secretary to be read, showing the necessity for this.

The Clerk read as follows:

TREASURY DEPARTMENT, May 23, 1866.

SIR: Allow me to call your attention to the circumstance that the office of Internal Revenue, with its records, bonds, and vouchers for at least \$400,000,000, is now located in a building not fire-proof and which is not the property of the Government.

In case of the total destruction of the building in question by fire, a direct loss to the Government would, it is represented to me, be several millions, while the indirect loss to the Treasury and the country from the interruption and derangement of the revenue business would certainly be much greater.

The proper location of the Internal Revenue office, from its intimate connection with all the Treasury business, is in the Treasury building; but at present there is no space available in this building for its ac-

commodation. If, however, the Currency Printing Bureau and the space occupied for storage could be transferred from the Treasury to some other adjacent building, properly constructed and fitted up, the office of the Internal Revenue could be brought back to its original location, thus avoiding the danger above pointed out and greatly facilitating the transaction of the business of the whole Department.

I therefore respectfully suggest to the Committee on Appropriations the expediency of authorizing the Secretary of the Treasury to erect on the public land adjacent to the Treasury Department a fire-proof brick building of sufficient capacity to accommodate the Currency Printing Bureau, and to also afford to the Treasury additional room for storage.

The estimates of the architect of the Treasury, which I herewith transmit, indicate that an appropriation of \$200,000 will be necessary to defray the expenditure required for the erection of such a building, and I would respectfully request that an appropriation for that amount and for such purpose be recommended to Congress by the committee.

I am, very respectfully,
H. McCULLOCH,
Secretary of the Treasury.

Hon. THADDEUS STEVENS,
Chairman Committee on Appropriations.

Mr. STEVENS. Let the clause read as follows:

Currency Printing Bureau:

For the purpose of erecting on the public land adjacent to the Treasury Department, a fire-proof brick building, to be under the direction of the Secretary of the Treasury, to also afford to the Treasury additional room for storage, \$200,000.

Mr. WASHBURNE, of Illinois. The chairman substantially agrees to the amendment I have suggested. I ask that it shall read as follows:

Currency Printing Bureau:

For the purpose of erecting on the public land adjacent to the Treasury Department, a fire-proof brick building of sufficient capacity to afford to the Treasury additional room for storage and the preservation of papers, &c.

Mr. STEVENS. Strike out the part in reference to storage, as they want to put clerks in there.

Mr. WASHBURNE, of Illinois. Very well.

The amendment was agreed to.

Mr. WASHBURNE, of Illinois, moved to strike out the heading.

The amendment was agreed to.

Mr. WASHBURNE, of Illinois, moved to reduce the appropriation to \$100,000.

The amendment was disagreed to.

The question recurring on the motion of Mr. WILSON, of Iowa, to strike out the paragraph, it was not agreed to.

Mr. WASHBURNE, of Illinois. I move to amend by adding the following:

And the legal representatives of the corporations of Washington and of Georgetown, and the portion of the county of Washington in the District of Columbia not included in said corporations be, and they are hereby, directed to provide and suitably furnish, without delay, a suitable room for the use of the orphans' court, and two contiguous rooms and a fire-proof vault for the use of the register of wills in and for said county; and for the repayment of the expenses to be incurred in executing this order, the said corporations of Washington and Georgetown, and the levy court in the county of Washington, in the District of Columbia, are hereby authorized and directed to levy and collect a suitable tax upon the property embraced within their respective jurisdictions.

The amendment was agreed to.

The Clerk resumed the reading of the bill. The following clause was read:

For surveying the public lands in Nevada, at rates not exceeding fifteen dollars per lineal mile for standard lines, twelve dollars for township, and ten dollars for section lines, \$15,000.

Mr. McRUER. I move to amend by striking out the word "twelve" and inserting "fourteen;" also by striking out "ten" and inserting "twelve;" so that it will read "fourteen dollars for township and twelve dollars for section lines." I have in my hand a letter from the United States surveyor-general of the State of California, in which he says that the present rates in California, which are fourteen dollars and twelve dollars, are as low as this work can be done. I believe this amendment meets the approbation of the chairman of the Committee on Appropriations, and I hope it will be adopted.

Mr. STEVENS. According to the best information we have had, the committee agreed to report the old rates, but the surveyor general since that has thought that some small change was necessary. I do not profess to be informed, and therefore I have nothing further to say.

Mr. McRUER. The surveyor general says that—

"In the present condition of the country these prices are as low as deputy surveyors can live at the business. They are compelled to pay gold for assistance and other expenses, while they are paid in greenbacks. As long as the currency continues in the present condition prices in California and Nevada ought not to be changed."

Mr. WASHBURNE, of Illinois. I would like to know upon whose suggestion this reduction of the rates was made. The Commissioner of the Land Office had all the information before him, I suppose, before he came to the conclusion that this was a sufficient rate to enable him to get this work done.

Mr. BIDWELL. Mr. Chairman, surveying in California is different from what it is in most States and Territories. It is very important to our State that the surveying should be carried on as fast as possible, in order to settle conflicting land titles. If there is one thing more than another that is important to our State it is that this should be done. What has brought us most into trouble has been the want of surveys for the purpose of adjusting land titles. We are so situated that it is frequently almost impossible to obtain surveyors. We are suffering from spasmodic emigration. New mining localities are discovered which call away sometimes ten or fifteen or twenty thousand of our people; consequently all kinds of service rule higher there than elsewhere. The old rates paid, as they necessarily must be in the surveying of the country, are said by those who know, and among them the United States surveyor general for California, who is entirely reliable, to be so low that it would be almost impossible to get surveying done. I hope, therefore, that the rates will be changed as proposed by the amendment of my colleague.

Mr. KASSON. I ask the gentleman if he has any information from the Commissioner of the General Land Office. I will state to the gentleman frankly that my objection to this change, being made is, that it is not in a condition to be revised by our committee. In other words, we have no communication from the Commissioner of the Land Office on the subject, to whom the report of the surveyor general should have come, in order to justify our action in a regular way.

Mr. BIDWELL. My colleague has a letter from the surveyor general.

Mr. KASSON. But it does not come through the Commissioner of Public Lands to enable him to adjust an equal system for all the States and Territories, and I suggest to the gentleman whether it would not be better to wait and get a recommendation from the Land Office.

Mr. BIDWELL. It is very important that surveys should be carried on as fast as possible.

Mr. HENDERSON. I bear my testimony in behalf of the necessity of keeping up the old rates of surveying. I wish to say to the House that there is a great amount of suffering at the present time on the Pacific coast for want of surveying. I received a letter yesterday from the surveyor general of Oregon stating that there are settlements of forty miles in extent in which there is not a particle of land surveyed, and that at least \$100,000 are needed to carry on the surveying in that State alone. Now, the point I make is this, that at these old rates surveying cannot be done. Surveyors cannot be got to do the work unless the rates are at least as high as the amendment proposes. The country is being settled up and the surveying needs to be completed. Public as well as private welfare demands it. I have a very high opinion of the Commissioner of the General Land Office, but I must say that his policy has been too stinted and close in reference to the public surveys on that coast.

Mr. WASHBURNE, of Illinois. I desire to say one word. The amendment of the gentleman from California changes the whole tenor of this bill, and I am certain the committee is not inclined, without further information, to override a bill drawn up by the Commissioner of the General Land Office fixing these rates.

The Commissioner is in a position to know what suitable rates are, and what the surveying can be done for, and he has drawn up this bill in conformity with that knowledge, and for us now to override what he and the Committee on Appropriations have done would be very improper, in my judgment.

The CHAIRMAN. Debate is exhausted on the amendment.

Mr. HIGBY. I move, *pro forma*, to strike out "fifteen," in the first line, and insert "sixteen." I do not know what higher authority the Commissioner of the Land Office can have than that which comes through the surveyor general of the States of California and Nevada. He would be very likely to go to them to get the prices, for the simple reason that a great portion of this work has not been done by the surveyor general himself, but by deputies and employés under him. And I will remark another thing: this does not contemplate an increase of the amount of the appropriation. There is no alteration in the amount, and I have it from the surveyor general himself that he thinks the gross amount will be sufficient for this year. The only question is as to the prices to be paid to these men who do the work. If we go to the Land Office there will be no other information obtained than what comes from the reports received from California through the surveyor general there.

Mr. BOUTWELL. It seems to me the great objection to this amendment is this: if the surveyor general of California and Nevada knew or had reason to believe that the work could not be done at these prices, he should have made his report to his superior, through whom the information would come to this House. To act upon information contained in a letter of an officer of the Government presented here in an irresponsible way is the most unsafe of all modes of legislation.

Mr. HENDERSON. I want to say that the recommendation of the Commissioner of the General Land Office does not come up to the recommendation of the officer on the Pacific coast. When the officer asks for \$30,000 for public surveys the Commissioner cuts it down to \$15,000; and when he asks twelve or fourteen dollars for section lines, it is cut down to ten dollars. The Commissioner does not give them what they ask for. And then for gentlemen to get up here and say that they know better than we do is a perfect absurdity, for we know the work cannot be done. This House and the Commissioner of the General Land Office may do as they see fit; but we know that these facts exist.

Mr. STEVENS. I move that the committee rise for the purpose of closing debate on this section, or these lines will run into other regions than California.

Several MEMBERS. We will take the vote now.

Mr. HIGBY. I withdraw my amendment.

The question being taken on the amendment of Mr. McRUER, it was disagreed to.

The Clerk resumed the reading.

The following clause was read:

For surveying public lands in Oregon, at rates not exceeding fifteen dollars per lineal mile for standard lines, twelve dollars for township, and ten dollars for section lines, \$15,000.

Mr. HENDERSON. I move to strike out "\$15,000" and to insert "\$30,000." That is considerably less than was asked for.

The amendment was disagreed to.

The Clerk resumed the reading of the bill.

Mr. DONNELLY. I move to amend the bill by inserting after line four hundred and eighty-seven the following:

For surveying the public lands in Idaho Territory, at rates not exceeding fifteen dollars per lineal mile for standard lines, ten dollars for township lines, and eight dollars for section lines, \$15,000.

For compensation of the surveyor general of Idaho and the clerk in his office, \$6,400.

For rent of surveyor general's office in Idaho, fuel, books, stationery, and other incidental expenses, including pay of messenger, \$1,500.

I desire to explain that since the estimates were furnished upon which this bill has been based a bill has passed Congress and been approved by the President, (House bill No. 391),

providing for the establishment of a surveyor general's district in Idaho.

Mr. KASSON. I would suggest to the gentleman that there are several cases of that kind to be provided for, and the Committee on Appropriations intend to report them, so far as known, in the general deficiency bill, the only remaining bill. I suggest to the gentleman to defer his amendment until we reach that bill.

Mr. DONNELLY. If that is the case I will withdraw my amendment at the present time.

The Clerk resumed the reading of the bill.

Mr. STEVENS. I move to strike out the paragraph relating to the publication of census returns, as follows:

For defraying the expenses of preparing for publication a statistical classification of the eighth census returns, and for the publication of a supplemental volume of the eighth census prior to second session of Thirty-Ninth Congress, in part, \$12,920, being for the annual compensation of the existing force of seven census clerks and one laborer.

I rather think it better be out, and if the Senate want it in, they can put it in.

The motion to strike out was agreed to.

The Clerk resumed the reading of the bill.

The following was read:

For the purchase, inclosure, and preservation of a parcel of ground at Des Moines, the capital of Iowa, as a site for the erection of a building for the use of Federal courts and for other Federal offices, \$15,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Interior.

Mr. WASHBURNE, of Illinois. I would inquire if there are any public buildings there now.

Mr. KASSON. This is to provide for the usual site, as we have always done for buildings in the capitals of western States.

Mr. WASHBURNE, of Illinois. I want to know what the usual site is. I understand that there are no public buildings there.

Mr. KASSON. This is the same provision we have habitually passed for the capitals of western States for the accommodation of the United States officers. It is recommended by a letter of the Secretary of the Interior as needed for the public service.

Mr. WASHBURNE, of Illinois. I undertake to say that there is no such legislation found on record. When Congress desires to have a public building built it makes an appropriation of so much money for the purchase of the ground and the erection of the building. This is a side entrance, to get the ground in the first place, and then they will come here for an appropriation for the building.

Mr. KASSON. I supposed this would meet the approbation of the gentleman from Illinois, [Mr. WASHBURNE,] as he has asked for \$50,000 for his State.

Mr. WASHBURNE, of Illinois. I did not ask anything of the kind.

Mr. KASSON. It is in the bill.

Mr. STEVENS. I appeal to the well-known liberality of the gentleman from Illinois [Mr. WASHBURNE] not to object to this provision. [Laughter.]

Mr. WASHBURNE, of Illinois. I am very much obliged to the gentleman for the acknowledgment, which is properly due. But I must move to strike out this paragraph.

The motion to strike out was not agreed to.

Mr. COBB. I move to amend this section by adding the following:

For the purpose of renewing the appropriation for building a court-house at Madison, Wisconsin, \$50,000, or so much thereof as has not been expended.

And I ask consent to make a short explanation of the amendment which I have offered. In 1856 an appropriation was made by Congress to build a court-house for the accommodation of the circuit and district courts of the United States at Madison, the capital of Wisconsin. This exact sum of \$50,000 was then appropriated. For some reason or other entirely unknown to me, though I think I can guess it, the Administration declined or neglected to expend any part of that appropriation, and consequently it lapsed. For some reason or other the appropriation has never been renewed. I now simply ask to have it renewed, so that the matter may be placed

where the statute of 1856 placed it, leaving it to the Administration to decide whether it will obey the laws of Congress, or whether it will neglect to do so, as the Administration of James Buchanan did.

Mr. STEVENS. I ask the gentleman whether there has been any communication from the Secretary of the Interior on this subject.

Mr. COBB. There has not been, so far as I know; but the facts, I think, will not be disputed by any one.

Mr. STEVENS. It is not customary to make appropriations of this kind without having some recommendation of a Department or something of the kind.

Mr. COBB. I have offered the amendment and stated the facts, which are of record. If the House does not choose to grant the appropriation we shall endeavor to do the best we can without it; but it seems to me that ten years is a considerable length of time to wait for the administration of a law by the officers of the Government.

The amendment was not agreed to, there being—ayes fourteen, noes not counted.

Mr. LYNCH. I move to amend by adding the following at the end of section one:

For the Government building at Portland, Maine, used as a post-office, custom-house, and for the United States courts, lately destroyed or rendered almost worthless by fire, to repair or rebuild the same, as may prove most advisable, \$200,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Treasury.

Mr. WASHBURN, of Illinois. I suppose that nobody will oppose a proper appropriation for this purpose, but it strikes me that the appropriation proposed is much too large.

Mr. LYNCH. I ask the Clerk to read the letters which I send to the desk.

The Clerk read as follows:

TREASURY DEPARTMENT, July 12, 1866.

SIR: I inclose herewith a letter to Hon. JOHN LYNCH, M. C., from the collector of customs, postmaster, judge, marshal, and clerks of United States courts at Portland, Maine, in regard to the rebuilding or repair of the custom-house building at that place, to which I desire through you respectfully to ask the attention of Congress.

I have already directed an architect to proceed to Portland and cause such immediate and temporary repairs to be made as may be absolutely necessary, and at the same time to prepare and report estimates for the thorough repairing of the present building, if possible, or the erection of a new structure, if that shall be deemed best, for the use of the post office, United States courts, and officers of internal revenue; but it is not probable that the report and estimates can be made in time for the action of Congress at the present session.

I have therefore to recommend that an appropriation should be made of sufficient amount for the erection of a new building, or the repair and extension of the present custom-house, so as to accommodate the various public officers in Portland, whichever shall hereafter be deemed best for the public interest.

I would suggest that the sum of \$200,000 should be appropriated, so much thereof only to be expended as shall be found necessary when it shall be determined whether it will be best to repair the present structure or erect a new building.

Very respectfully,

H. McCULLOCH,
Secretary of the Treasury.

Hon. THADDEUS STEVENS, Chairman Committee on Appropriations, House of Representatives.

CUSTOM-HOUSE, PORTLAND,
COLLECTOR'S OFFICE, July 7, 1866.

SIR: The custom-house building stands alone amid the desolation of two hundred acres of the central and business portion of the city. But it is uncertain whether it is not so much damaged by the fire that it will be necessary to rebuild it; at any rate it will require very extensive repairs. We would earnestly recommend that you ask for an appropriation of \$200,000, or so much thereof as shall be deemed necessary by the Secretary of the Treasury, for rebuilding or restoring and furnishing the structure. It is possible that it may be required, but it may be found to be impracticable. The Federal courts and officers, and the post office and the internal revenue are in need of the accommodations which this appropriation will secure.

Yours, truly;

I. WASHBURN, Jr.,
Collector of Customs.

WOODBURY DAVIS,
Postmaster.

NATHAN CLIFFORD,
Associate Justice Supreme Court United States.

EDWARD FOX,
District Judge of Maine.

CHARLES CLARK,
United States Marshal.

WILLIAM P. PREBLE,
Clerk United States District Court, Maine.

GEORGE F. EMORY,
Clerk United States Circuit Court.

Hon. JOHN LYNCH, M. C.

Mr. SPALDING. Mr. Chairman, I doubt whether the Secretary of the Treasury was aware, when he wrote that letter, that \$75,000 had already been appropriated, in a bill heretofore passed, for building a custom-house in Portland, and \$25,000 to repair the old one, making \$100,000. Of course the Secretary of the Treasury cannot suppose that \$200,000 is necessary in addition to the \$100,000 already appropriated. I may state that the Committee on Appropriations this morning instructed one of their members to inquire into this matter and see what amount is necessary, in addition to former appropriations, to rebuild this custom-house or put it in repair. Whenever we can form a correct judgment as to the amount necessary to be appropriated, I am ready to vote the sum required.

Mr. KASSON. In making the inquiry which has been referred to by the gentleman from Ohio, [Mr. SPALDING,] I find that the intention of the former appropriation was to build an entirely new custom-house on property now belonging to the United States. The sum appropriated for that purpose has not been expended. The building recently destroyed by fire has been used for a custom-house and, I believe, for some other Federal offices; but the building had become very much crowded; and this custom-house proper was to be built at any rate. But nothing was destroyed by the fire connected with that appropriation. This, then, is for the purpose of rebuilding the house now used as a custom-house, and which will be used for the purposes of the internal revenue, &c. I presume the gentleman from Maine can be more explicit than myself.

I think, if I may be permitted to say anything against the recommendation of the Secretary of the Treasury, that this is a larger sum than we ought to appropriate for restoring a building which is not to be the custom-house at Portland. I ask the gentleman from Maine whether it would not be right and proper and expedient for us to limit it to one half the appropriation made by the House until we know whether it is necessary to expend this large sum for the mere restoration of the building we now have.

I will simply add another word. The gentleman from Maine is well aware that the distinguished Senator from that State and that city will be ready to correct it if we get it wrong when it gets to the Senate.

Mr. LYNCH. Mr. Chairman, the question of how much we shall make this appropriation is entirely with the House. The matter has been brought to my attention by a letter signed by the collector of the port, the postmaster at Portland, a judge of the Supreme Court, and other officers of the Government; and they have officially notified the Secretary of the Treasury that if the building is to be rebuilt it will probably cost \$200,000. In reply to the gentleman from Ohio, [Mr. SPALDING,] who says that \$100,000 has already been appropriated for a custom-house, I desire to say this has nothing to do with that appropriation.

Mr. SPALDING. Was not \$25,000 appropriated for this very building?

Mr. LYNCH. No, sir. Five thousand dollars was appropriated at the present session of Congress for the alteration of the post office. This building is occupied as a post office, custom-house, and for the United States courts. The custom-house has been so crowded as to require a new building. It is necessary there should be a building for the custom-house alone; and the part of the building now occupied as a custom-house is needed for the internal revenue office. So that the appropriation for a custom-house is entirely distinct from this. It has nothing to do with it. This appropriation is necessary to rebuild this building to be used as a post office, for the United States courts, and for the Internal Revenue Bureau.

As to the appropriation being large, I will say this: if the building is rebuilt, and for the purposes of post office, &c., alone, the Government would not think of constructing it of the dimensions of the present one. It should

be enlarged to meet the increasing wants of the people.

Now, Mr. Chairman, I here disclaim all intention to take advantage of the sympathy which exists in this community toward the people of Portland for the losses they have suffered in the late fire; I disclaim any intention to take advantage of that sympathy to get an appropriation for this building. While one half of our city has been burnt, we have still there all the resources from which it was built, and we intend to build it up again, and that immediately. What we want is that the Government, which has been a joint loser with us, shall restore its building as we restore ours. The city of Portland lost a public building which would now cost double this amount, yet the city intends to rebuild it at once. I wish, also, to say that a single individual in that city has lost more than double the amount of this appropriation, and still he intends to go on and rebuild. Men are already at work there. We do not want the public buildings of the Government to stand in our city as a disgrace to the country. We want the Government, as the people of Portland are doing, to rebuild the property which has been destroyed.

Mr. THAYER. I desire to understand this matter. I ask whether this appropriation has been considered by the Committee on Appropriations.

Mr. LYNCH. It has been agreed to by the committee, but they can answer for themselves.

Mr. THAYER. I ask the chairman of the committee whether it has been approved by them.

Mr. STEVENS. It was sent to the committee after this bill was reported, and we thought it better to let the gentleman from Maine offer it. I hope the gentleman from Maine will agree to reduce it to \$100,000.

Mr. LYNCH. The Secretary of the Treasury declares that this amount is necessary.

Mr. STEVENS. I suggest to the gentleman from Maine, for his own benefit, that he reduce the amount of the appropriation to \$100,000.

Mr. THAYER. I am not prepared to vote for a proposition of this kind unless it is reported by a committee. I do not think that the House can safely abandon the fixed rule of legislation in this respect in regard to appropriation bills, which requires that propositions for the appropriation of the public money shall first undergo the investigation and scrutiny of the committee of this House appointed for that purpose; and it was upon that account that I appealed to the chairman of the Committee on Appropriations to know whether this proposition had the sanction of that committee; because, if it has not I will not vote for it.

Mr. STEVENS. This proposition came to us, but we had no time to consider it. Of course something ought to be given for this purpose, and we asked the gentleman from Maine [Mr. LYNCH] to offer the amendment upon the recommendation of the Department. I think that some appropriation should be made for this purpose; but my own idea is that \$100,000 is the proper amount.

Mr. THAYER. Then I hope the House will not exceed the amount recommended by the chairman of the committee. Obviously, if this House attempts to adopt any other rule of action in regard to the subject of appropriations than that which it has always adhered to, to require appropriations to be made upon the responsibility of the recommendation of a committee of this House, whose duty it is to examine all the estimates and details upon which the recommendations are based, there can be no safety in legislating upon these subjects; and I hope that the gentleman from Maine will either adopt the suggestion of the chairman of the Committee on Appropriations, or else that the subject may be deferred until that committee can have an opportunity to examine the estimates upon which the appropriation which is proposed by the gentleman from Maine is asked for.

Mr. LYNCH. I have no objection to accept the modification suggested by the gentleman

from Pennsylvania, [Mr. STEVENS,] and will make the amount of the appropriation \$100,000.

The amendment, as modified, was agreed to.

The Clerk read the second section of the bill, as follows:

Sec. 2. *And be it further enacted*, That the following sums be, and the same are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the objects hereinafter expressed, namely:

Office of United States depository, Louisville:

For salary of cashier, \$1,800.
For salary of book-keeper, \$1,500.
For salary of assistant cashier, \$1,320.
For salary of clerk, \$1,320.
For contingent expenses, \$625.

Office United States depository, Chicago:

For salary of cashier, \$1,600.
For salary of clerk, \$1,000.
For contingent expenses, \$400.

Office United States depository, Pittsburg:

For salary of cashier, \$1,500.
For salary of assistant cashier, \$1,000.
For salary of watchman, \$900.
For contingent expenses, \$200.

Office United States depository, Baltimore:

For salary of cashier, \$1,800.
For salary of clerk, \$1,500.
For salary of clerk, \$1,200.
For salary of clerk, \$1,000.
For salary of clerk, \$900.
For salary of messenger, \$900.
For contingent expenses, \$350.

Office United States Assistant Treasurer, San Francisco:

For salary of cashier, \$2,500.
For salary of book-keeper, \$2,000.

Office United States depository, Cincinnati:

For salary of assistant cashier, \$1,500.
For salary of assistant cashier, \$1,200.
For salary of assistant cashier, \$1,000.
For salary of teller, \$1,300.
For salary of book-keeper, \$1,500.
For salary of two clerks, \$2,500.
For salary of clerk, \$1,200.
For contingent expenses, \$2,000.

Mr. WASHBURNE, of Illinois. I move to add at the end of that section the following:

Provided, That none of the salaries of the officers named in this section shall be increased.

Mr. STEVENS. That is a most unheard-of amendment, after we have made a specific appropriation, to top it with such an unlegislative amendment. It is hardly consistent with the usual accuracy of the gentleman from Illinois in regard to such matters. I hope the House will not adopt the amendment.

Mr. WASHBURNE, of Illinois. What I desire to understand, and what the committee, I presume, desire to understand in relation to this matter is, whether this provision in fact carries out the existing law and makes an appropriation for the salaries which these men now receive, or whether it increases the salaries of these officers. The gentlemen of the Committee on Appropriations do not say that this is an appropriation to pay the salaries now fixed by law. My own idea is that the salaries of all these men are increased by this section of the bill, and if it be the intention of the committee to put in this broad increase of salaries, I propose to insert the amendment I have offered, which is perfectly just and proper.

Mr. STEVENS. I have no knowledge of any increase being involved here.

Mr. WASHBURNE, of Illinois. Then my amendment can do no harm.

Mr. STEVENS. But it is a most ridiculous provision.

Mr. WASHBURNE, of Illinois. My belief is that this clause does increase the salaries of these men, and I desire to have a provision inserted that there shall be no increase of salaries. It can do no harm, at any rate.

The question was put on Mr. WASHBURNE's amendment, and there were—ayes 40, noes 25; no quorum voting.

Mr. WASHBURNE, of Illinois. I think the gentleman from Pennsylvania had better let this question go to the House.

Mr. STEVENS. I am willing that the whole section should be stricken out, but I do not wish to top it off with such a provision as this.

Mr. WASHBURNE, of Illinois. Then let the amendment be considered as adopted, and then we can have a vote upon it in the House.

Mr. STEVENS. Well, I have no objection to the amendment being adopted, but then I shall have to move to strike out the entire section.

The question was taken on Mr. WASHBURNE's amendment, and it was agreed to.

Mr. RANDALL, of Pennsylvania. I rise to a point of order; and that is that when the committee have put in an amendment, they cannot immediately after that strike it out.

Mr. STEVENS. I hope my colleague will allow me to take care of this question myself.

Mr. RANDALL, of Pennsylvania. Well, I propose to have something to do with it. I believe I have one vote on this floor, which is the same number that my colleague has. [Laughter.] The point of order I make is, that the House has just voted in an amendment, and that it is not in order to vote it out again immediately.

The CHAIRMAN. The Chair would remind the gentleman from Pennsylvania [Mr. RANDALL] that the section must be perfected before a motion to strike out is in order.

The question was taken on the motion to strike out, and it was agreed to.

The Clerk resumed the reading of the bill.

Mr. WASHBURNE, of Illinois. I move to amend the third section of the bill, on line eleven, page 24, by inserting before the word "the" the words, "and the twenty-fourth section of an act to amend an act entitled 'An act for enrolling and calling out the national forces, and for other purposes, approved March 3, 1863,' and approved July 24, 1864, be, and the same are hereby, repealed."

The amendment was agreed to.

The Clerk read as follows:

And be it further enacted, That from and after the 30th day of June, 1866, the compensation of the men of the Metropolitan police force of the District of Columbia, be, and the same is hereby, increased as follows, namely: twenty dollars per month; also, an additional increase of ten dollars a month, said additional increase to be borne by the cities of Washington and Georgetown, and the county of Washington, in the District of Columbia, in the proportion equal to the number of patrolmen allotted severally to the city of Washington, to the city of Georgetown, and the county of Washington and Georgetown, and the levy court of said county be, and they are hereby, authorized and empowered to levy a special tax not exceeding one quarter of one per cent. for the purpose aforesaid, and for no other purpose whatsoever.

Mr. BOUTWELL. I would like to ask what the pay of the Metropolitan police force is at present.

Mr. WASHBURNE, of Illinois. The increase of pay is to be paid by the corporations.

Mr. STEVENS. I move to amend that section by inserting after the word "Georgetown" the words "and to the county of Washington outside of the corporate limits of said cities." I move further to strike out the word "county" where it occurs in a line below this, and to insert in lieu thereof "city."

The amendments were agreed to.

Mr. WRIGHT. I desire to move an amendment, to come in on page 3 of the bill.

The CHAIRMAN. That will require unanimous consent.

Mr. WARD. I object.

Mr. WRIGHT. Then I move to add to the bill the following:

For the improvement of the navigation of Newark bay and Passaic and Hackensack rivers, \$30,000.

Mr. WASHBURNE, of Illinois. That belongs to the river and harbor bill, if anywhere. I object to it that it is new legislation upon an appropriation bill, not carrying out any existing law. This subject has not been before the Committee on Commerce at all for consideration, nor has it been referred to any committee of the House.

The CHAIRMAN. The Chair sustains the point of order.

Mr. WARD. I move to strike out this sixth section. As I understand it, it is simply a provision to increase salaries in the District of Columbia of certain persons referred to in the section. I submit that this is no time to be raising salaries, and I therefore move to strike out the section.

The sixth section was as follows:

Sec. 6. *And be it further enacted*, That from and after the 30th day of June, 1866, the compensation of the men of the Metropolitan police force of the District of Columbia, be, and the same is hereby, increased

as follows, namely: twenty dollars per month; also, an additional increase of ten dollars a month, said additional increase to be borne by the cities of Washington and Georgetown, and the county of Washington, in the District of Columbia, in the proportion equal to the number of patrolmen allotted severally to the city of Washington, to the city of Georgetown, and the county of Washington, outside of the corporate limits, and the cities of Washington and Georgetown, and the levy court of said county be, and they are hereby, authorized and empowered to levy a special tax not exceeding one quarter of one per cent. for the purpose aforesaid, and for no other purpose whatsoever.

Mr. MORRILL. I move that the committee rise for the purpose of enabling me to report a bill from the Committee of Ways and Means and have it printed so that we may have it before us to-morrow.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. RAYMOND reported that the Committee of the Whole on the state of the Union, according to order, had had under consideration the bill of the House (No. 737) making appropriations for sundry civil expenses of the Government for the year ending June 30, 1867, and for other purposes, and had come to no resolution thereon.

PROTECTION OF THE REVENUE.

Mr. MORRILL, by unanimous consent, reported from the Committee of Ways and Means a bill to protect the revenue, and for other purposes; which was read a first and second time, ordered to be printed, and made the special order in the House for to-morrow after the morning hour.

WITHDRAWAL OF PAPERS.

Mr. SCOFIELD asked and obtained leave to withdraw from the files of the House the petition and papers in the case of William Irvin.

Mr. INGERSOLL asked and obtained leave to withdraw from the files of the House the papers in the case of G. C. Lanphere.

LEAVE OF ABSENCE.

Mr. McKEE asked and obtained indefinite leave of absence for his colleague, Mr. SMITH.

MISCELLANEOUS APPROPRIATIONS—AGAIN.

Mr. STEVENS. I move that when the House again resolve itself into the Committee of the Whole on the state of the Union upon the miscellaneous appropriation bill all debate upon the bill and amendments shall be closed in one minute.

The motion was agreed to.

Mr. STEVENS. I move that the rules be suspended and the House resolve itself into Committee of the Whole on the state of the Union on the special order.

The motion was agreed to.

So the rules were suspended; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. RAYMOND in the chair,) and resumed the consideration of the special order, being bill of the House No. 737, making appropriations for sundry civil expenses of the Government for the year ending June 30, 1867, and for other purposes.

The pending question was upon the motion of Mr. WARD to strike out the sixth section.

Mr. WARD called for tellers.

Tellers were ordered; and Messrs. WARD and INGERSOLL were appointed.

The committee divided; and the tellers reported—ayes 38, noes 59.

So the motion to strike out was not agreed to.

Mr. WARNER. I was not in the Hall at the time the consideration of this bill was begun or I should have offered an amendment in the proper place. I now move to add to the bill the following:

For the repair of the custom-house and post office, and the walks and fences adjoining the same, at Middletown, Connecticut, \$5,000, the same to be expended by direction of the collector of the port of Middletown.

I desire to say with reference to this matter, that this is a very large building—

Mr. WASHBURNE, of Illinois. I must object to the gentleman's amendment, unless he will strike out the last part.

Mr. WARNER. I have no particular preference as to what officer shall be designated to direct the expenditure of the money; but the collector of the port, being on the spot, seems to me the proper officer.

The CHAIRMAN. Debate is closed by order of the House.

On the amendment there were—ayes twenty-six, noes not counted.

Mr. WARNER called for tellers.

Tellers were ordered; and Messrs. WARNER and HIGBY were appointed.

The committee divided; and the tellers reported—ayes 63, noes 30.

So the amendment was agreed to.

Mr. NIBLACK. I am directed by the Committee on Appropriations to offer the following as an additional section:

Sec. —. *And be it further enacted*, That the sum of \$32,000 be, and is hereby, appropriated to pay Madison Sweetzer, upon condition that the said Madison Sweetzer shall first, by a good and sufficient deed, convey to the United States all his right, title, and interest in and to the following lands, conveyed by the United States to Joseph Richardville, sr., and Joseph Richardville, jr., by treaty at St. Mary's, October 6, 1818, to wit: the west half of section No. 26, the east half of section No. 28, and section No. 27, of township five south, range four east, lying in the county of Auglaize and State of Ohio.

Mr. WASHBURN, of Illinois. I rise to a point of order. I submit that is simply a proposition to pay a private claim. It is an endeavor to insert into an appropriation bill independent legislation. If this can be entertained as an amendment to a general appropriation bill, then any private claim whatever can be provided for in this way.

Mr. NIBLACK. The appropriation embodied in the amendment has been recommended to the Committee on Appropriations in regular form by the Secretary of the Interior. It has been considered by the committee and has received their approval. I cannot see why it is not appropriate as an amendment to this bill. It is in pursuance of an existing law of Congress, amended at the present session, providing for the appraisement of these lands and for the extinguishment of the title.

The CHAIRMAN. Does the gentleman from Indiana state that the appropriation proposed in the amendment is in pursuance of an existing law?

Mr. NIBLACK. It is.

The CHAIRMAN. The Chair thinks the point of order is not well taken.

Mr. WASHBURN, of Illinois. Does the Chair hold that this proposition is to carry out an existing law?

Mr. NIBLACK. There is a law of Congress—

Mr. WASHBURN, of Illinois. What law of Congress?

Mr. LE BLOND. I will say to the gentleman from Illinois that this is a matter relating peculiarly to my own district. In the Thirty-Eighth Congress I introduced a bill (which was passed and became a law) providing for the appraisement of the land for the purpose of extinguishing this title. The appropriation now proposed is in pursuance of that law.

Mr. WASHBURN, of Illinois. My point of order is that this is a proposition to pay a private claim, and cannot be in order on an appropriation bill. I do not now propose, when the House has closed debate, to go into a discussion of the propriety of this large appropriation of \$32,000. But it is to provide for no contingency of the Government; it is to carry out no existing law. If this proposition is in order, there is no private claim presented during this session that could not be provided for in an amendment to a general appropriation bill.

The CHAIRMAN. The Chair begs to state to the gentleman from Illinois that he asked the gentleman from Indiana [Mr. NIBLACK] whether this was in pursuance of existing law, and the gentleman replied that it was. On that statement the Chair thinks it is in order.

Mr. WASHBURN, of Illinois. I ask that the law may be produced. That is the ordi-

nary course when a question of this kind is raised. The Chairman of the Committee of the Whole very often suspends his decision until the law is produced. I have no doubt that the gentleman from Indiana thinks that he is correct; but the law ought to be produced, that the Chair as well as members of the House may understand what it is.

Mr. LE BLOND. If the gentleman from Illinois will reflect a moment, he will recollect that when the law upon which this appropriation is based was introduced here as a bill he himself made objection to its passage; but the House passed it almost unanimously.

Mr. WASHBURN, of Illinois. I ask the gentleman to produce the law.

Mr. LE BLOND. It can be produced from the records.

Mr. WASHBURN, of Illinois. When my friend from Indiana spoke to me in regard to this matter this morning I supposed that he was going to bring it up as a private bill. I had no idea he was going to present it as an amendment to a general appropriation bill.

Mr. ELDRIDGE. I rise to a point of order. The question of order raised by the gentleman from Illinois has been decided against him; and now he is arguing it after the decision of the Chair has been given.

The CHAIRMAN. The point of order is well taken. Debate is not in order.

Mr. WASHBURN, of Illinois. The Chair has a right to be properly informed in reference to this question. The Chair admits, unless in pursuance of existing law, this amendment is out of order. I hope that the Chair will require that the law shall be produced. It is incumbent upon the gentleman offering the amendment to produce the law if the question of order is raised.

The CHAIRMAN. If the gentleman from Illinois insists upon that as a point of order, the Chair will suspend his decision until the law is produced.

Mr. WASHBURN, of Illinois. If there is such a law let us see it; but my belief is that there is no such law.

Mr. JOHNSON. There is no question before the House. When two members of this House make the statement that there is such a law, no member has the right to rise up here and say that he believes there is no such law.

Mr. LE BLOND. In the Thirty-Eighth Congress a law was passed to which the section now offered refers. It authorized the Secretary of the Interior to appoint a commission to ascertain the amount and valuation of this land.

Mr. WILSON, of Iowa. I make the point that debate is not in order.

The CHAIRMAN. It seems that the uniform practice has been, when the point of order has been made, to insist on the production of the law; and the Chair will therefore reserve his decision until the law is produced.

Mr. HARDING, of Kentucky. I want the Clerk to read the amendment which was adopted a little while ago on motion of the gentleman from Illinois to amend the act for enrolling and calling out the national forces, and for other purposes.

The amendment was read.

Mr. HARDING, of Kentucky. I now ask the Clerk to read a section of the law which it proposed to amend.

Mr. WASHBURN, of Illinois. Is debate in order?

The CHAIRMAN. It is not.

Mr. HARDING, of Kentucky. I move to strike that amendment out.

The CHAIRMAN. It is not in order as that part of the bill has been passed.

Mr. HARDING, of Kentucky. The amendment is not germane to this bill. That law has vested rights in certain individuals, which it is now unconstitutional to attempt to deprive them of.

Mr. LE BLOND. I have the law here to which I referred, and I ask the Clerk to read it.

The Clerk read as follows:

An act for the relief of William Sawyer and others, of the State of Ohio.

Whereas by the treaty of St. Mary's with the Miami Indians of October 6, 1818, the west half of section No. 26, the east half of section No. 28, and section No. 27, lying in the county of Auglaize and State of Ohio, were reserved and granted to Joseph Richardville, sr., and Joseph Richardville, jr.; and whereas all of said lands have since been sold in several parcels to divers persons by the United States and by the State of Ohio, under and by virtue of a grant from the United States; and whereas by virtue of a judicial sale upon a judgment rendered against the said Joseph Richardville, jr., survivor and sole heir-at-law of the said Joseph Richardville, sr., the title granted to the said Joseph Richardville, sr., and Joseph Richardville, jr., by said treaty in all of said lands has become vested in one Madison Sweetzer, the purchaser at said sale; and whereas the said Madison Sweetzer has established his title to said lands by sundry judgments in ejectment, recovered in the circuit court of the United States for the northern district of Ohio, against the tenants in possession, holding under titles derived, directly or indirectly, from the United States as aforesaid: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he hereby is, authorized and required to cause the unimproved value of the said tracts of land to be ascertained by the valuation and assessment of a commissioner to be appointed by him for that purpose, and which commissioner shall, before he proceeds to the assessment and valuation of the same, take an oath faithfully and impartially to perform his duties as such commissioner. And when the said Secretary of the Interior shall thus ascertain the unimproved value of said lands he shall report the same to the House of Representatives at the earliest practicable moment.

Mr. WASHBURN, of Illinois. What has that to do with this subject?

Mr. LE BLOND. I know the captiousness of the gentleman from Illinois in regard to almost everything.

Mr. WASHBURN, of Illinois. I have done nothing that is captious; I have only done my duty.

Mr. LE BLOND. The gentleman has no right to object when he does not know what he is objecting to. When a man understands that a thing is wrong I recognize his right to object to it. The pending amendment is in pursuance of the law which has been read. The Secretary of the Interior appointed a commissioner who appraised these lands and made a report to Congress, which is upon the table of every member. That report is briefly this, that these parties had a title to these two sections of lands. One of the sections they sold to different individuals; the other was conveyed to the State of Ohio for canal purposes, and was sold by the State to private individuals in my district. The land lies within two miles of the town of St. Mary's, a flourishing place, containing some two thousand inhabitants.

This man Sweetzer had a judgment against Richardville, jr., an Indian, for goods sold. He believed that Richardville was the rightful owner of the land under the treaty of 1818, and thereupon he obtained a judgment against the Indian, levied upon the lands and sold them. Then he filed in the circuit court of the United States his petition against the occupants of the land, claiming that the title of the Indian was paramount. The district court, after hearing the case, decided in favor of Sweetzer. And now it stands in this shape: these occupants, about forty families, are without a title. The title which they derived through the State of Ohio and the United States has been declared void, and the title of Sweetzer, derived through this Indian, has been established as paramount. Now, Sweetzer having a judgment, can at any time oust these occupants by getting out a writ of ejectment. The occupants have applied to the Legislature of the State of Ohio, and have petitioned Congress to quiet their title.

The CHAIRMAN. The Chair is of opinion that this debate is not in order, and that the section is not properly introduced as an amendment. The original law makes no appropriation to carry it out.

Mr. STEVENS. I move that the committee rise and report the bill to the House.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. RAYMOND re-

ported that the Committee of the Whole on the state of the Union, according to order, had had under consideration the bill of the House (No. 737) making appropriations for sundry civil expenses of the Government for the year ending June 30, 1867, and for other purposes, had made sundry amendments thereto, and directed him to report the same to the House with a recommendation that the bill do pass.

Mr. STEVENS. I move to amend the bill by inserting section two, which was stricken out in Committee of the Whole, and I demand the previous question on the bill and amendments.

The amendment was read, as follows:

SEC. 2. *And be it further enacted*, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the objects hereinafter expressed, namely:

Office of United States depository, Louisville:
For salary of cashier, \$1,800.
For salary of book-keeper, \$1,500.
For salary of assistant cashier, \$1,320.
For salary of clerk, \$1,320.
For contingent expenses, \$625.

Office United States depository, Chicago:
For salary of cashier, \$1,800.
For salary of clerk, \$1,000.
For contingent expenses, \$400.

Office United States depository, Pittsburg:
For salary of cashier, \$1,500.
For salary of assistant cashier, \$1,000.
For salary of watchman, \$900.
For contingent expenses, \$200.

Office United States depository, Baltimore:
For salary of cashier, \$1,800.
For salary of clerk, \$1,500.
For salary of clerk, \$1,200.
For salary of clerk, \$1,000.
For salary of clerk, \$900.
For salary of messenger, \$900.
For contingent expenses, \$350.

Office United States Assistant Treasurer, San Francisco:
For salary of cashier, \$2,500.
For salary of book-keeper, \$2,000.

Office United States depository, Cincinnati:
For salary of assistant cashier, \$1,500.
For salary of assistant cashier, \$1,200.
For salary of assistant cashier, \$1,000.
For salary of teller, \$1,300.
For salary of book-keeper, \$1,500.
For salary of two clerks, \$2,500.
For salary of clerk, \$1,200.
For contingent expenses, \$2,000.

Mr. WASHBURNE, of Illinois. I desire to offer an amendment.

Mr. STEVENS. I decline to yield.

Mr. HARDING, of Kentucky. I appeal to the gentleman's generosity.

Mr. STEVENS. I have no generosity. [Laughter.]

On seconding the demand for the previous question there were—ayes 47, noes 46.

Mr. WRIGHT. I demand tellers.

Tellers were refused.

So the previous question was seconded.

On ordering the main question there were—ayes 63, noes 36.

Mr. LAWRENCE, of Ohio. I call for the yeas and nays on ordering the main question.

The yeas and nays were refused.

So the main question was ordered.

Mr. WASHBURNE, of Illinois. I ask for a separate vote on the amendments.

Mr. HARDING, of Kentucky. I ask for a separate vote on the amendment of the gentleman from Illinois [Mr. WASHBURNE] repealing a section of another law, which was not understood by anybody.

The SPEAKER. If there is no objection the amendment offered by the gentleman from Pennsylvania [Mr. STEVENS] will be reserved until the others are acted upon.

The question being taken on agreeing to the rest of the amendments reported from the Committee of the Whole, they were agreed to.

The question recurred on the amendment reserved on motion of Mr. HARDING, of Kentucky, namely, to add to section three the following:

And the twenty-fourth section of the act entitled "An act to amend an act entitled 'An act for enrolling and calling out the national forces, and for other purposes,' approved March 3, 1853," and approved July 24, 1864, be, and the same is hereby, repealed.

Mr. HARDING, of Kentucky. I ask to have the twenty-fourth section, which that amendment proposes to repeal, read.

Mr. ROLLINS. I object.

Mr. HARDING, of Kentucky. I appeal to the gentleman to withdraw his objection. I simply want the law read that you propose to repeal.

The SPEAKER. Debate is not in order.

Mr. HARDING, of Kentucky. I rise to a question of order. Is it in order in a mere appropriation bill to repeal an existing law that vests title without having that law read?

The SPEAKER. It is too late; the bill is reported from the Committee of the Whole.

Mr. HARDING, of Kentucky. Another point of order. I was sitting here all the time and the noise was such that I did not hear it, and I was not aware of the amendment being made until the gentleman told me. That was the first information I had.

Mr. ROLLINS. I withdraw my objection.

Mr. BINGHAM. I renew it. Every member of the House is supposed to understand what the law is.

Mr. HARDING, of Kentucky. I demand the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. TRIMBLE. I rise to a point of order. I think I have a right to know, before I vote on this question, what law is repealed.

The SPEAKER. The Chair overrules the point of order on the ground that every member of Congress is presumed to know every law that has been passed.

Mr. TRIMBLE. That is a very violent presumption. [Laughter.]

The question being taken on agreeing to the amendment, it was decided in the affirmative—years 83, nays 38, not voting 61; as follows:

YEAS—Messrs. Alley, Allison, Ames, Anderson, Delos R. Ashley, James M. Ashley, Baker, Barker, Baxter, Bidwell, Bingham, Bromwell, Bundy, Reader W. Clarke, Sidney Clarke, Cobb, Conkling, Cook, Dawes, DeForest, Deming, Donnelly, Driggs, Eggleston, Eliot, Ferry, Garfield, Grinnell, Abner C. Harding, Hart, Henderson, Higby, Holmes, Asahel W. Hubbard, John H. Hubbard, James R. Hubbell, Hubbard, Ingersoll, Jencks, Julian, Kasson, Kelso, Ketchum, Laffin, William Lawrence, Longyear, Marston, Marvin, McClurg, McKee, McKuer, Mercur, Miller, Moorhead, Morrill, Morris, Moulton, Myers, Newell, O'Neill, Paine, Perham, Pike, Price, Alexander H. Rice, John H. Rice, Rollins, Sawyer, Scofield, Spalding, Stevens, Thayer, Trowbridge, Van Aernam, Burt Van Horn, Robert T. Van Horn, Ward, Warner, Elihu B. Washburne, Henry D. Washburn, Welker, James E. Wilson, and Windom—83.

NAYS—Messrs. Ancona, Benjamin, Bergen, Boyer, Coffroth, Eldridge, Finck, Glossbrenner, Grider, Hale, Aaron Harding, Harris, Hogan, Chester D. Hubbard, Humphrey, Johnson, Latham, Le Blond, Marshall, Niblack, Nicholson, Noell, Phelps, Samuel J. Randall, William H. Randall, Ritter, Rogers, Ross, Rousseau, Shanklin, Strouse, Taber, Taylor, Thornton, Trimble, Whaley, Williams, and Wright—38.

NOT VOTING—Messrs. Baldwin, Banks, Beaman, Blaine, Blow, Boutwell, Brandegee, Broomall, Buckland, Chanler, Culom, Culver, Darling, Davis, Dawson, Delano, Denison, Dixon, Dodge, Dumont, Eckley, Farnsworth, Farguhar, Goodyear, Griswold, Hayes, Hill, Hooper, Hotchkiss, Demas Hubbard, Edwin N. Hubbell, Jones, Kelley, Kerr, Kuykendall, George V. Lawrence, Loan, Lynch, McCullough, Melndoe, Orth, Patterson, Plants, Pomeroy, Radiator, Raymond, Schenck, Shellabarger, Sitgreaves, Sloan, Smith, Starr, Stillwell, Francis Thomas, John L. Thomas, Upson, William B. Washburn, Wentworth, Stephen E. Wilson, Winfield, and Woodbridge—61.

So the amendment was agreed to.

During the roll-call,

Mr. WASHBURNE, of Indiana, stated that his colleague, Mr. ORTH, was confined to his room by sickness.

The result having been announced as above recorded,

The question recurred on the amendment of Mr. STEVENS to reinsert the second section of the bill; and there were—ayes 35, noes 30; no quorum voting.

Mr. WASHBURNE, of Illinois, demanded the yeas and nays.

The yeas and nays were refused.

Mr. WASHBURNE, of Illinois, demanded tellers on the yeas and nays.

Tellers were refused.

Tellers were then ordered on agreeing to the amendment; and the Chair appointed Mr. WASHBURNE, of Illinois, and Mr. STEVENS.

The House divided; and the tellers reported—ayes 60, noes 37.

So the amendment was agreed to.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. STEVENS. I demand the previous question on the passage.

The previous question was seconded and the main question ordered.

Mr. HARDING, of Kentucky. I demand the yeas and nays on the passage.

The yeas and nays were refused.

Mr. HARDING, of Kentucky. I demand tellers on the yeas and nays.

Tellers were refused.

The bill was then passed.

Mr. STEVENS moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

Mr. ANCONA. I demand the regular order.

ELECTION CONTEST—FULLER VERSUS DAWSON.

The House resumed the consideration of the regular order of business, being the consideration of the report of the Committee of Elections in the case of Fuller vs. Dawson, from the twenty-first congressional district of Pennsylvania, on which Mr. PAINE was entitled to the floor.

Mr. PAINE addressed the House. [His remarks will be found in the Appendix.]

The resolution reported by the Committee of Elections was as follows:

Resolved, That Hon. John L. Dawson is entitled to retain his seat as Representative in the Thirty-Ninth Congress from the twenty-first district of the State of Pennsylvania.

The pending question was upon the motion of Mr. SCOFIELD to amend by striking out all after the word "resolved" and inserting in lieu thereof the following:

That Hon. John L. Dawson is not entitled to retain his seat as Representative in the Thirty-Ninth Congress from the twenty-first district of the State of Pennsylvania.

Resolved, That Smith Fuller is entitled to a seat as a Representative in the Thirty-Ninth Congress from the twenty-first district of Pennsylvania.

Mr. SCOFIELD. I call for the yeas and nays on the amendment.

The question was taken upon ordering the yeas and nays; and upon a division there were—ayes 13, noes 95; not one fifth in the affirmative.

Before the result of the vote was announced, Mr. HOTCHKISS called for tellers on ordering the yeas and nays.

The question was taken; and there were, upon a division—ayes thirteen, not one fifth of a quorum.

So tellers were refused, and the yeas and nays were refused.

The amendment was then disagreed to.

The question recurred upon the resolution reported by the committee.

Mr. SCOFIELD. I call for the yeas and nays on agreeing to the resolution.

The question was taken upon ordering the yeas and nays; and upon a division, there were—ayes 16, noes 100.

So (one fifth not voting in the affirmative) the yeas and nays were not ordered.

The resolution of the committee was then agreed to.

Mr. PAINE moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. PAINE, from the Committee of Elections, reported the following resolution; which was read, considered, and agreed to:

Resolved, That there be paid to Smith Fuller, out of the contingent fund of the House, the sum of \$2,500 in full for time spent and expenses incurred in contesting the right of Hon. John L. Dawson to a seat in this House as a Representative from the twenty-first congressional district of Pennsylvania.

Mr. DAWES moved to reconsider the vote by which the resolution was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

PREVENTION OF SMUGGLING.

Mr. ELIOT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 222) entitled "An act further to prevent smuggling, and for other purposes," having met, after full and free conference they have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate agree to the first, second, third, fourth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, and fifteenth amendments as the same were made by the House of Representatives.

That the Senate agree to the fifth amendment of the House of Representatives to the bill, with the following amendment, to wit: insert in place of the words stricken out by the House of Representatives the words following: "In all cases where the possession of such goods shall be shown to be in the defendant, or where the defendant shall be shown to have had possession thereof, such possession shall be deemed evidence sufficient to authorize conviction, unless the defendant shall explain the possession to the satisfaction of the jury."

That the House of Representatives agree to the said amendment to the bill.

JOHN CONNESS,
L. M. MORRILL,
Managers on the part of the Senate.
THOMAS D. ELIOT,
JOHN L. THOMAS,
Managers on the part of the House.

The report of the committee of conference was agreed to.

Mr. ELIOT moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

OFFICERS OF THE ARMY.

Mr. BINGHAM. I ask unanimous consent to take from the Speaker's table Senate amendments to the joint resolution (H. R. No. 101) for the relief of certain officers of the Army.

Mr. HARDING, of Kentucky. I object.

ASSAULT UPON A MEMBER.

Mr. SPALDING. I rise to a question of privilege, and call up the resolutions of the select committee relative to the assault upon the gentleman from Iowa, [Mr. GRINNELL.]

Mr. ALLEY. If the gentleman from Ohio [Mr. SPALDING] will yield to me, I will move to adjourn.

Mr. SPALDING. I yield for that purpose.

Mr. ALLEY. I move that the House adjourn.

The motion was agreed to; and thereupon (at five o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule and referred to the appropriate committees: By Mr. KASSON: The petition of E. W. Fullerton, and others, for the passage of the bill (H. R. No. 304) granting aid to State Line railroad in Iowa.

By Mr. LONGYEAR: The memorial of John D. Parkhurst, late captain company A, eighth United States Veteran volunteers, asking relief touching certain money paid him by the United States through the Merchants' National Bank, of Washington, District of Columbia, and lost by the failure of said bank.

By Mr. SCHENCK: The petition of Private Edward Quinn, an old soldier of ordnance battalion, United States Army, praying to be relieved from the effect of loss of time between enlistments.

Also, the memorial of A. Giesou, and five others, of New York, officers of United States volunteers, who were promoted from the ranks after the 3d of March, 1865, praying that the law may be so amended as to extend to them the benefit of the three months' extra pay.

IN SENATE.

SATURDAY, July 14, 1866.

Prayer by Rev. T. G. FREEMAN, of New York.

On motion of Mr. WILSON, and by unanimous consent, the reading of the Journal of yesterday was dispensed with.

PETITION.

Mr. GUTHRIE presented a memorial of the board of directors of the Louisville and Portland canal, praying for a loan of \$1,000,000 in Government bonds, secured by a second mortgage on the canal and enlargements, to enable the company to complete the work; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. POLAND. I am instructed by a majority of the Committee on Public Buildings and Grounds, to whom was referred the peti-

tion of Henry S. Davis, to report a bill (S. No. 427) for the relief of Henry S. Davis, accompanied by a report, which I ask to have printed.

The bill was read a first time by its title and passed to a second reading, and the report was ordered to be printed.

Mr. POLAND. I am instructed by the chairman of the committee to say that he designs to submit a minority report, which he wishes to have printed with the bill reported by the majority of the committee.

BILL INTRODUCED.

Mr. JOHNSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 428) for the relief of the sufferers by the late fire at Portland, Maine; which was read twice by its title, laid on the table, and ordered to be printed.

COLORED SOLDIERS' BOUNTIES.

Mr. WILSON. I move to take up the joint resolution (H. R. No. 176) amendatory of a joint resolution entitled "A resolution respecting bounties to colored soldiers, and the pensions, bounties, and allowances to their heirs," approved June 15, 1866, for the purpose of recommitting it.

The motion was agreed to.

Mr. WILSON. I now move that the resolution be recommitment to the Committee on Military Affairs and the Militia.

The motion was agreed to.

EQUALIZATION OF BOUNTIES.

Mr. WILSON. I move to take up the House bill to equalize bounties with the view to have it specially assigned for Tuesday next.

The motion to take up the bill (H. R. No. 602) to equalize the bounties of soldiers, sailors, and marines who served in the late war for the Union, was agreed to.

Mr. WILSON. I now move that the bill be postponed until Tuesday next, and be made the special order for that day at one o'clock.

The motion was agreed to.

JOINT COMMITTEE ON RETRENCHMENT.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of the House concurrent resolution providing for the appointment of a joint committee on the subject of retrenchment.

The motion was agreed to; and the Senate proceeded to consider the following resolution, which was received from the House of Representatives on the 2d of July:

Whereas the financial condition of the United States demands the exercise of a rigid economy in all departments of the Government, in order to sustain the credit of the nation, and to relieve the people at the earliest possible day from the burden of excessive taxation; and whereas there is reason to believe that in many departments of the civil service abuses have for a long time existed, and still exist, in the perpetuation of useless offices and sinecures, in extravagant salaries and allowances, and in other unnecessary and wasteful expenditures: Therefore, *Resolved by the House of Representatives*, (the Senate concurring.) That a joint select committee be appointed, to consist of two members of the Senate and three members of the House, to be styled "the joint select committee on retrenchment;" that said committee be instructed to inquire into the expenditures in all the branches of the civil service of the United States, and to report whether any, and what, offices ought to be abolished; whether any, and what, salaries or allowances ought to be reduced; and generally how, and to what extent, the expenses of the civil service of the country may and ought to be curtailed. That said committee be authorized to sit during the recess of Congress, to send for persons and papers, and to report by bill or otherwise; and that said committee may appoint a clerk for the term of six months, and no more.

Mr. SHERMAN. I move to amend the resolution by striking out the word "civil" before "service" wherever it occurs, so that it may apply to all services.

The amendment was agreed to.

Mr. EDMUNDS. I move to amend the resolution by inserting after the word "reduced," in the seventh line the words, "what are the methods of securing accountability in public officers or agents in the care and disbursement of public moneys, whether moneys have been paid out illegally, and whether any officers or agents or other persons have been or are en-

gaged in the service without authority of law or unnecessarily."

The amendment was agreed to.

Mr. ANTHONY. I have an amendment, which I offer at the suggestion of the Senator from Missouri, [Mr. BROWN,] who requests me to offer it in his absence. I heartily concur in it. It is to insert after the word "curtailed," in the ninth line of the resolution, the following:

And also to consider the expediency of so amending the laws under which appointments to the civil service are now made as to provide for the selection of subordinate officers after due examination by proper boards, their continuance in office during specified terms, unless dismissed upon charges preferred and sustained before tribunals designated for that purpose, and for withdrawing the civil service from being used as an instrument of political or party patronage.

Mr. EDMUNDS. I certainly entirely agree to the propriety of what is contained in that amendment; but it appears to me, and has appeared to other gentlemen with whom I have consulted upon the subject of the amendment of the Senator from Rhode Island, for it has been talked about, that if this committee properly perform the duty which the resolution already provides for, it will have sufficient labor on its hands from now till the 1st of December, during all the time it would be willing to work. By providing for too many subjects of inquiry we are, I fear, likely not to accomplish anything. I would prefer, therefore, that this amendment should not be adopted to this resolution; but I should most heartily go for it as an independent proposition committed to some other committee, so as to be sure to have the service performed; for it is very important, certainly sufficiently important, to engage the attention of a special committee on that subject alone.

Mr. ANTHONY. I think that the committee cannot well examine the subject that is already committed to them by the resolution without taking into consideration the subject of the amendment of the Senator from Missouri. I think that in examining the first question they will be necessarily obliged to examine the second. If it should be found that they have not time to examine the whole, they might make a supplementary report; but it is better, I think, that the whole subject should be referred to one committee rather than to two.

Mr. EDMUNDS. There is great force in what my friend from Rhode Island says, and I shall not oppose the adoption of this amendment; but if it be adopted I shall propose an increase of the number of the committee, so that the work may be subdivided and the thing accomplished in that way.

Mr. ANTHONY. I will strike out the word "civil" before "service," to make it correspond with the amendment of the Senator from Ohio.

Mr. SHERMAN. Oh no; that should not be done, because officers in the military and naval service cannot now be dismissed except on the finding of a court-martial. They come within the rule proposed, so that this amendment should be confined to the civil service.

Mr. ANTHONY. Very well.

The amendment was agreed to.

Mr. EDMUNDS. I move now to amend the resolution by striking out the word "two," in the second line, and inserting the word "three;" and by striking out the word "three," in the third line, and inserting the word "five;" so that the committee will consist of three members of the Senate, and five members of the House of Representatives.

The amendment was agreed to.

Mr. JOHNSON. I ask for the reading of the resolution as amended.

The Secretary read it, as follows:

Whereas the financial condition of the United States demands the exercise of a rigid economy in all departments of the Government in order to sustain the credit of the nation and to relieve the people at the earliest possible day from the burden of excessive taxation; and whereas there is reason to believe that in many departments of the service abuses have for a long time existed, and still exist, in the perpetuation of useless offices and sinecures, in extravagant

salaries and allowances, and in other unnecessary and wasteful expenditures: Therefore,

Resolved by the House of Representatives, (the Senate concurring.) That a joint select committee be appointed, to consist of three members of the Senate and five members of the House, to be styled "the joint select committee on retrenchment;" that said committee be instructed to inquire into the expenditures in all the branches of the service of the United States, and to report whether any, and what, offices ought to be abolished; whether any, and what, salaries or allowances ought to be reduced; what are the methods of securing accountability in public officers or agents in the care and disbursement of public moneys; whether moneys have been paid out illegally; and whether any officers or agents or other persons have been, or are, engaged in the service without authority of law or unnecessarily; and generally, how and to what extent the expenses of the service of the country may and ought to be curtailed; and also to consider the expediency of so amending the laws under which appointments to the civil service are now made as to provide for the selection of subordinate officers after due examination by proper boards; their continuance in office during specified times unless dismissed upon charges preferred and sustained before tribunals designated for that purpose; and for withdrawing the civil service from being used as an instrument of political or party patronage; that said committee be authorized to sit during the recess of Congress, to send for persons and papers, and to report by bill or otherwise; and that said committee may appoint a clerk for the term of six months, and no more.

Mr. JOHNSON. The resolution is so framed, I suppose, that it is not to be submitted to the President. I think the language is:

"Resolved by the House of Representatives, (the Senate concurring.)"

I ask my friend from Vermont whether he supposes that that resolution is to be sent to the President in the ordinary way.

Mr. EDMUNDS. The honorable member from Maryland is much better versed in constitutional law than I am; but if he wishes my opinion, I will state it frankly, that I do not think a resolution of this description requires to be sent to the President of the United States for his approval; that it is a species of inquiry which Congress, as the grand inquest of the nation, as it is sometimes called, may, just as well out of session as in session, by its committees enter into if there be sufficient occasion for it.

Mr. JOHNSON. My honorable friend misunderstood me. I was not saying it was not in the power of Congress to institute an inquiry of this sort without the sanction of the President. I merely asked whether the resolution was intended to be a resolution of that description.

Mr. EDMUNDS. It is intended to be a resolution of inquiry and investigation of the two Houses.

Mr. JOHNSON. Merely?

Mr. EDMUNDS. Merely.

The resolution, as amended, was adopted.

UNIFORM BANKRUPT LAW.

Mr. POLAND. I move to take up the bill to establish a uniform system of bankruptcy. I do not ask to have it taken up for consideration now, but merely to fix a time for its consideration. I trust that it will be assented to and taken up for that purpose merely.

The motion was agreed to; and the bill (H. R. No. 598) to establish a uniform system of bankruptcy throughout the United States was taken up.

Mr. POLAND. I move that the bill be made the special order for next Monday at one o'clock.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had concurred in the report of the committee of conference on the bill (S. No. 222) further to prevent smuggling, and for other purposes.

CIVIL APPROPRIATION BILL.

The message also announced that the House had passed a bill (H. R. No. 737) making appropriations for sundry civil expenses of the Government for the year ending June 30, 1867; and on motion of Mr. FESSENDEN it was read twice by its title and referred to the Committee on Finance.

LEASING OF MINERAL SPRINGS.

Mr. HARRIS. I move that the Senate proceed to the consideration of Senate bill No. 351.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 351) to authorize the Secretary of the Interior to lease such of the public lands of the United States as are known as saline lands or lands containing mineral springs, and to provide for the preservation and development of the same.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. GRIMES. I call for the reading of the bill.

The Secretary read the bill as amended, as follows:

Be it enacted, &c., That authority is hereby given to the Secretary of the Interior to lease to responsible parties such saline land or lands containing mineral springs, situated east of the one hundred and second meridian of longitude, as in his judgment may be leased with advantage to the Government and the public: *Provided,* That no such lease shall be for a longer period than twenty-five years, subject to readjustment every five years by disinterested referees, nor at a rate of rental less than the revenue assessed from time to time on manufactured salt or income tax upon mineral springs by act of Congress.

Sec. 2. And be it further enacted, That the Secretary of the Interior shall prescribe all necessary rules and regulations for the leasing, preserving, and developing said saline lands and mineral springs, and for the securing and collection of the revenues due to the Government therefrom: *Provided,* That such rules and regulations may be subject to revision by Congress.

Mr. CONNESS. I should like to inquire of the honorable Senator who has charge of this bill what is meant by the words on the last line of the first page, "income tax upon mineral springs by act of Congress." What is the present "tax on mineral springs by act of Congress?"

Mr. HARRIS. I am not able to state what the income tax charged on mineral springs by act of Congress is.

Mr. CONNESS. My impression is that there is no such tax.

Mr. POMEROY. Mineral waters are taxed so much per bottle. I understand that when they are put up in bottles and made merchandise of they are taxed.

Mr. CONNESS. When this bill was called up the other day I submitted a few remarks in opposition to it. I regard it as one of the most mischievous acts that could possibly be put upon our statutes. I say so with great respect to the honorable Senator who has it in charge and to the committee who have reported it. It is the introduction of a policy that in my opinion never ought to prevail in this Republic. It is founded, in the first place, upon the monarchical idea and policy that all that is valuable in lands, particularly in the way of minerals, either the precious metals or otherwise, belongs to the sovereign and not to the subject. In other words, that whatever is valuable should be taxed as high as possible to the subject. Our system is not the one to attach, particularly by statutory enactment, this principle to, in my judgment. I do not know anything that is of sufficient value, either above the earth or in the earth or under the earth, not to be worthy of possession by an American citizen. With us we not only own the land but we own the Government, too. We own the sovereignty; the sovereignty does not own us; we are the sovereigns in the aggregate; and so we propose to provide for leasing to ourselves a thing because it has value. Why should not the ownership of that thing pass into the hands of the citizen? Is there anybody in the world, is there any power on earth which can find the value or develop the value of a thing faster and more certainly than its owner, and can there be any ownership of a higher character than that of the American citizen?

The whole system seems to me to be wrong. You are going to institute in one of your Departments a power to lease and let a part of

the public property to your own citizens, and no such lease, the bill provides, shall be for a longer period than twenty-five years, and then during the twenty-five years the lease is to be subject to readjustment every five years, by "disinterested referees." The Interior Department or the Land Office is to appoint referees every five years. Where shall they go? Shall they act in regard to a piece of property that they know nothing about except as they get information from the Land Office, that information coming through a bureau that perhaps knows nothing whatever about it? The readjustment is to determine the rental to be charged.

It appears to me to be a very small business for this Government to engage in. It is especially provided, it will be observed, that this bill shall not apply to the section of the country from which I come. We are not to be made tenants, and, for one, I am very much obliged to the committee for releasing us from such a vassalage; but why shall we be released from this vassalage and the people east of the Rocky mountains subjected to it? I do not understand it.

As I said, when up the other day, this is one of a class of measures originating in the Land Office, in my opinion not creditable to the Land Office, not founded in good policy, not consistent with our system or scheme of government.

Sir, it is hard to be called upon to discuss a measure of this kind when the thermometer stands as high as it does this morning in the Senate Chamber; but I feel as though my duty would be ill performed if such a measure should be allowed to pass without calling public attention to it. If the saline lands and the mineral springs belonging to the Government are to be leased, why not lease the gold and silver mines? They are of infinitely greater value; they attract the attention of mankind to a greater extent and concentrate the effort of man and the capital that man can bring to the development of natural resources to a greater extent than these more ordinary classes of property. But it is not in our time proposed to make tenants of the people who mine for gold or silver or copper or lead or iron or coal. There is indeed upon our statutes an act passed recently which proposes to sell coal lands, or lands suspected of containing coal, at a very high rate—a rate that they are not worth; and the way it acts is that it prevents operations in coal mining. No man can mine upon coal lands, or lands suspected to contain coal, upon the public domain, without paying twenty dollars per acre for the land, while he may go into Pennsylvania, into Illinois, into New Jersey, and other States of the Union and buy the best coal lands for from \$2 50 to five dollars an acre, containing real coal mines of valuable coal. There is no act now that calls so much for repeal as the so-called coal-land act. Occasionally we see a little paragraph in the papers stating that the Treasury has received a certain amount of money from the sale of coal lands. It is an absolute robbery in every case. That is what it is. We by statute propose that certain persons who fancy there is coal in a particular place shall not try to obtain it until they have paid an amount for the land which it is in no manner worth.

The second section of this bill provides that "the Secretary of the Interior shall prescribe all necessary rules and regulations for the leasing, preserving, and developing said saline lands and mineral springs, and for the securing and collection of the rental revenues due the Government therefrom; provided, that such rules and regulations may be subject to revision by Congress."

You are to have a code of rules adopted in the Interior Department, and Congress is to have the privilege of revising them; and those rules are for the leasing and the preserving of mineral springs. I suppose the rules will be in the nature of ordinances which shall inflict fines and punishment if anybody fills a bottle of mineral water from mineral springs without

paying the United States for it, without getting a permit from the Secretary of the Interior.

Now, Mr. President, if any Senator who can advocate this measure will give us facts, state to us the extent of this property, and what the United States is going to gain by instituting this system, I should like very much to hear it. If the Land Office is able to state it, I should like very much to hear it.

I am very certain that this bill had its origination in some cases that came up in my State, where citizens of ours have expended as high as \$150,000 of their property and means in developing mineral springs. There is nothing in the value of a mineral spring that should induce the Government to become its peculiar custodian. It is proposed now to make such a man—but we are exempted from the operations of this act; but if there be a like case on this side of the mountains it is proposed to make such a man a tenant.

But, Mr. President, I have said enough at present to call the attention of the Senate to the bill. I regret very much that the honorable Senator from New York, so enlightened, so liberal, and so generous upon all subjects, should undertake the advocacy of this bill.

Mr. HARRIS. Mr. President, since this bill was before the Senate the other day, I have taken occasion to consult with the Secretary of the Interior in relation to it. The bill originated with that officer, and not in the Land Office, as has been stated by the Senator from California. The Secretary informed me that there are in various places on the public lands salt springs. He pointed out on the map to me some very rich and valuable springs in Nebraska, others in the southwest part of Kansas. He informed me that he had repeated applications for the leasing of those salt springs. They are reserved from sale and are situated on the public lands. They are now unproductive, lying idle. Individuals are willing to take those springs upon leases, to improve, to erect the necessary structures for manufacturing salt, to construct the roads necessary to bring out the salt, and thus create a manufacture which will be valuable to the inhabitants of that section of the country.

He further stated what would not be pertinent to this bill, for the Committee on Public Lands, out of regard to the Senators from the Pacific coast—who are exceedingly sensitive whenever the hand of the Government is laid upon them—out of regard to their sensitiveness rather than from any conviction of their judgment, the committee have not made this bill operative upon the Pacific coast; and yet the Secretary informed me that there was an island in the bay of San Francisco for which he had been repeatedly offered a rent of \$2,000, an island reserved, which cannot be sold; and lying a little outside there is another cluster of islands for which he has been offered a rent of \$3,000—two items which would pretty nearly pay for the valuable services of the Senator from California, if we were allowed to let them.

Under these circumstances, I cannot see why the Government should not do as we as individuals would do, try to get a little revenue from this idle property. It seems to me we ought to do it; and I cannot see any possible objection to it. Why should we not allow these springs to be let to individuals who will go on and improve them, and thus perhaps derive many thousand dollars of revenue? We need it all. Why not allow it to be done? I can hardly account for the sensitiveness of the Senators from the Pacific coast on this subject.

Mr. CONNESS. I should like to inquire of the Senator whether he can tell us how and why saline lands or salt lands and mineral springs are reserved from sale, under what law.

Mr. HARRIS. I cannot point out the law, but I am sure there is one; and it has been the policy of the Government never to sell them. They have never been sold.

Mr. POMEROY. When a State is admitted into the Union it is allowed twelve—at least Kansas was—and the Government reserves the

remainder. We cannot buy a salt spring in my State.

Mr. HARRIS. As I understand it, each new State, on its admission, is allowed to receive some six springs, or some number of springs—

Mr. POMEROY. From six to twelve.

Mr. HARRIS. And the rest is reserved to the General Government.

Mr. CONNESS. The honorable Senator, when up, touched a point of this subject which throws a flood of light upon it. He says that this bill originated in applications made to the Interior Department for leases for such property, and that the Secretary of the Interior has had applications offering two or three thousand dollars per annum for islands in the bay of San Francisco and outside of the bay. Now, this explains the whole matter. Our people—I do not mean now the people of California, but the people of the United States—go and take possession of a soda or sulphur spring; they bottle the waters and send them into the market; they erect such works and improvements as are necessary to carry on that business; and then their envious and jealous neighbors, knowing that the title in fee has not passed to those persons, desire to get the legal possession from the United States, and thus make these forms of application.

That is the origination of this bill. Applications have been made, we are told, to the Secretary of the Interior for islands in the bay of San Francisco. What islands? There are only a few islands there. There are only three islands in that bay, namely Alcatraz, Angel Island, and Yerba Buena or Goat Island. They are all three Government reserves for military purposes. The Government has taken complete and entire possession of two of them, and nobody is permitted to go upon them except by leave of the Government. I do not know whether the Government has taken complete possession of the other, but there are parties living upon it who, however, have no title, the title being in the Government of the United States, and they are set apart by the President as part of the Government reserves for war or defensive purposes. It seems that parties apply for those islands. Why? Because they contain valuable quarries of stone which, in one case, the Government is now using. Parties, of course, would give \$2,000 for one of those large islands. Our troops occupying the harbor of San Francisco are stationed on those islands. They have farms and gardens for the support of the posts upon them.

Mr. HARRIS. Those are not the islands to which the Secretary of the Interior referred.

Mr. CONNESS. Certainly they are, for there are no other islands in the bay. The Secretary of the Interior refers also to the islands known as the Farallones, which are outside of the harbor. Those islands are held by certain parties who claimed them at a very early day, and they are very valuable because they are inhabited by vast flocks of wild ducks and other birds. They deposit their eggs upon the islands, and they are taken to market by persons who have had quiet possession of those islands since that country was settled. There have been a great many quarrels in regard to the possession of those islands, and parties who have failed to get legitimate possession now seek to get possession from the Government, and make applications for that purpose. The whole business seems to me to be utterly out of our sphere and improper to be done.

Mr. POMEROY. I do not like to occupy any time in regard to this bill; I will only say that it is entirely different from the bills which the Committee on Public Lands have usually reported. We have been charged almost every day with trying to get some lands from the Government that belong to the Government, and we thought we would see if we could get some revenue to the Government from the public lands. Under the tax bill of last year we taxed mineral water about two cents a bottle. It was thought to be, and it was, quite a source

of revenue. This year it is put on the free list. I believe in the new tax bill mineral water does not pay anything, so that the provision the Senator from California spoke of may as well be stricken out, because the present law does not require any tax on mineral water.

Mr. CONNESS. You had better strike it all out.

Mr. POMEROY. But I have this to add: it is as legitimate a source of revenue to the Government as any other source that the Government can apply to. The Senator from California says there is nothing too good for the American people; they own the whole country, Government and all. That is pretty nearly true; but while there is not anything too good for the American people that the Government owns, yet the Government is not in the habit of giving to the American people everything they have without some consideration. I do not know what right the Government, or Congress, which administers the affairs of the Government, has to give away valuable things without some consideration. If we were out of debt, and did not owe anything, and did not need to collect any revenue, we could afford to be very generous and give to individuals what belongs to the public; but I do not believe that that is right under the present condition of affairs. I believe the Government, and not individuals, ought to acquire what benefits can be derived from these springs; and whatever lease can be put upon these mineral springs that will produce money to the Government is a legitimate source of revenue. The Committee on Public Lands have not reported bills of this character heretofore, but we thought, as we were trying to get revenue out of everything, that this was a legitimate source of revenue. At any rate, it was recommended by the Secretary of the Interior, and we reported the bill. If the Senate do not want to pass it, they can kill the bill. We thought the Government would realize something out of it; but if the Senate think otherwise, let them defeat the bill.

Mr. GRIMES. If this bill emanated from the Secretary of the Interior it certainly came from a source that entitles it to the utmost consideration; but I trust that the Senate will not proceed to pass it until they have maturely deliberated upon the effect that it is likely to have and the new principle that is involved in it. I suppose the Senator from New York will agree with me that up to this time the Government never has embarked in this business of becoming a landlord, and having a portion of the people of the country become its tenants. I wish it to be understood, too, that this bill does not apply to the Pacific coast. The Senator from California says that it was doubtless intended to apply there, and as it was introduced it did apply there; but the Senator from New York, who has charge of the bill, has consented to an amendment by which its provisions shall only apply to that portion of the United States that is east of the one hundredth meridian.

Mr. POMEROY. I can explain that, if the Senator desires it, in one moment.

Mr. GRIMES. I suppose I understand it. I suppose I understand the whole of this bill. They intend that it shall apply to a few salt springs in Kansas and a few in the Territory of Nebraska. A gentleman, who may be in the galleries now, has been to see me within the last three or four days, and he told me that he had already perfected an arrangement by which he was to secure a lease on one or more of these salt springs.

Now, Mr. President, I have to say, in the first place, that this is the inauguration of a new principle. This Government never has and it never ought to become the landlord of a portion of the people of this country. That is not the relation that is encouraged by any of the laws of our States to any considerable extent, and it ought not to be encouraged by the Government of the United States. The true principle, I understand, in a republican Government is, that so far as possible every man shall be the owner of his own soil; the

owner of his own tools, the owner of his own labor, and his own machinery.

The Senator from Kansas says that the Government ought not to give the salt springs away. I agree with him in that. He thinks that they ought not to sell and part with their title at \$1 25 an acre. I agree with him in that. The Government ought to realize as much as it is possible to realize from these salt springs. In order that there may be the proper sort of rivalry among persons who wish to embark their money in salt-boiling or salt-evaporation in any manner, let bids be issued; let the Senator from Kansas and his neighbors have an opportunity to send in their propositions to the Secretary of the Interior or to the Commissioner of the General Land Office, stating what they will give for a given tract of land upon which they believe there is a salt spring of some value, and let the Secretary of the Interior sell it to the man who gives the highest price; and then you will have your salt springs developed. But so long as you undertake to maintain the relation of landlord to the persons who are going to carry on these salt-works, so long they will remain in an undeveloped state, and the country will never realize a tenth part of the advantage from the salt springs that we would realize if they were conducted by private enterprise alone. That is the experience of this Government and has been from its foundation. It is the experience of every Government on the face of the earth. All such enterprises as this should be carried on by private energy and by private means; and so long as you allow the man who conducts it to be the owner of the property, so long he will be willing to invest more and more means in the appliances that may be necessary to conduct his business to a successful result.

Mr. President, I feel a great deal of interest in this subject. I do not know of any salt springs that are of any value on the public domain except those in Kansas and Nebraska, immediately west of the State in which I live. We hope that the time is not far distant when we shall be able to secure our supply of salt from that region. We do not want to be compelled to become tributary to any such parties as may happen to be able to secure a long lease under the provisions of the bill that now lies upon your table. How long are these leases to run? What are the terms upon which they are to be made? We put the entire thing, if the bill passes, into the keeping of one man, and we may be bound up, as I understand, if I recollect the provisions of the bill, for an indefinite period.

Mr. HARRIS. The leases are not to be for a longer period than twenty-five years.

Mr. GRIMES. We shall be bound up for twenty-five years, almost the length of a generation. I move that this bill be postponed until the first day of the next session. It is a bill which we ought not to pass at any time, in my opinion, but certainly we ought not to pass such a bill as this without the most mature reflection. The idea of this bill is that the Government shall become a landlord. Why do you not apply the principle to your iron ores? Why do you not apply it in the same manner to all your iron on Lake Superior and in Missouri? Why do you not apply it to your gold and silver? Why is it that this absolute necessity of life, without which we cannot exist at all, is selected and put into the keeping of a few men who manage to secure a lease from the Government?

Mr. STEWART. I do not like the principle of this bill. It is not guarded so as to protect the people in these salt regions. It simply authorizes the Interior Department to lease the mineral springs. Of course those leases will depend upon the representations that the parties interested make to the Interior Department. It does not provide for having surveys or any authentic information on which we could act. Under the bill, one individual may obtain leases for all the mineral springs in a given section at a nominal price, and thus monopolize this most essential article for the region

round about those springs. The cost of it at present depends principally upon the freight. This bill throws it open to vast monopolies, and in my judgment it is a very dangerous bill.

If there is to be anything done with salt mines or any other mines the plan should be, when there is sufficient information about them, to bring them into market, when it can be done equitably. When the subject is understood; when a plan shall have been developed and we have acquired sufficient information to act upon it, let these salt springs and saline lands fall into private hands; let there be competition; let anybody make salt who desires to do so; but let us prevent a monopolizing of salt mining. Whenever a plan of that kind can be matured, we should pass it; but until then there should not be any action on the subject. Until then it ought not to be in the power of the Secretary of the Interior, or any other head of a Department, to make contracts whereby these most necessary springs shall be monopolized. It is a very dangerous thing. I do not know the extent of the springs in the East, in Kansas and Nebraska, but I know—

Mr. HOWARD. I wish to ask the Senator from Nevada whether it is not better that the Government should put these saline springs under some regulations, so that the rights of all parties to them may be understood and settled, rather than that the springs should become the object of a scramble on the part of squatters to go and take possession of them, and to hold them in defiance of the rest of the public and to the prejudice of the Government, while the spring itself yields no sort of revenue at all. That I understand to be the state of facts in regard to very many of these salt springs.

Mr. GRIMES. Let me say to the Senator he is entirely mistaken. All salt springs are reserved.

Mr. HOWARD. I know they are.

Mr. GRIMES. Nobody can take a preëmption on them; nobody can occupy them as squatters.

Mr. HOWARD. I do not speak of preëmption. Certainly they are not subject to preëmption, but they are subject to forcible entry and detainer on the part of the squatter, if he is bold enough to enter and take possession; and that is almost universally the case, I understand. The object of this bill is to endeavor to get some revenue for the Government and reduce the thing to regularity, so that the people may know what their rights are.

Mr. STEWART. There will be no revenue; that you may decide on in advance; there will be no revenue to the Government, but there will be some oppression to the people unless the bill is properly guarded.

Mr. DOOLITTLE. If the Senator will allow me, I will state a fact which occurred in Wisconsin, and which perhaps may illustrate this matter of leasing mines. The Government of the United States undertook to lease mineral lands in the State of Wisconsin and in the northern part of Illinois and Iowa. They leased them at a very early day. The result was that after considerable experimenting they abandoned the whole thing; and they paid back from the Treasury all the money they ever received from the lessees; and since I have been a member of Congress there have been one or two claims presented, and Congress has, by law, paid back the money which had once been received from the lease of the lead mines. Then there were agents and salaries and all that connected with the leasing. Now, some of these salt mines and mineral springs are found overflowing upon the face of the earth, but the great mass of salt springs are always found as we find the petroleum, by boring into the earth and finding the springs; and this matter of finding salt springs is a matter of mining, just like the mining for minerals of any sort. I think, however, that our experience in Wisconsin and Illinois is anything but such an experience as would induce us to enter upon such a policy in relation to the salt springs.

Mr. STEWART. I do not wish to be understood as being opposed to any regulation by

Congress on this subject. Whenever it can be understood and investigated so that a bill can be prepared whereby parties desiring to mine in these salt springs can obtain title, and that in small quantities, sufficient for their operations and no more, I shall favor such a bill. I am in favor of these salt springs falling into the hands of private proprietors as soon as possible. What I am opposed to is an arrangement whereby an unlimited quantity of leases of lands can be obtained, under the pretext that there are salt springs upon them, by a few individuals, the Department having no means of ascertaining how the thing is situated except by the representations of the parties who desire the leases. I am utterly opposed to inaugurating a system of this kind. The salt springs and salt mines ought to be in the hands of private proprietors. I know very well that if a bill of this kind were passed, it would be practical ruin to the State which I represent. There is salt enough in that State to supply the civilized world during all time. It is, only a question of freight. There is any amount of it there. There is a salt bed there which is said by those who have examined it to be the most remarkable that has ever been found in the world. It has never been surveyed, but it contains probably several thousand acres of rock salt in a pure state. It is of vast use to the community there. It costs only the expense of freight. Salt is essential in mining. A mining region could not progress without it. It is one of the essential elements of mining. The mining of it there now is free to all. If you allow men to lease these saline lands and monopolize them for twenty-five years, it would destroy the prosperity of the State. When a system shall be devised to operate all over the United States, allowing these lands to fall into the hands of private proprietors, so that there shall be no monopoly, no harm done to anybody, it is desirable that it should be done.

The Senate has passed a bill to allow the mineral lands to fall into the hands of private proprietors. I think it was said here that the miners would oppose it; but all the miners, so far as heard from, approve it. All they want is that the mines shall not be monopolized, but shall go into the hands of private parties, on the principle of the greatest good to the greatest number. I say, let the circumstances in regard to these salt springs be understood; let a bill be introduced; let it be perfected at the next session, or the session afterwards, if it cannot be done then. Let it be intelligently understood; let it prevent the possibility of these salt springs falling into the hands of a few; and then I shall favor the passage of such a bill. It is true that the present bill does not apply west of the one hundredth meridian; but still there are important interests connected with these salt springs in the East, and it will be a bad precedent. I am afraid if it is applied to any portion of the United States, it may eventually be applied to the whole country. Such a system, applied to the whole country, would be most destructive and most disastrous. It should never be applied to such a thing as salt, which is so essential for domestic use in the East, and so essential both for domestic use and mining in the West. These salt springs and lands should be so divided out and apportioned out among the *bona fide* salt miners that the whole community shall not suffer.

The PRESIDENT *pro tempore*. The morning hour having expired, it becomes the duty of the Chair to call up the unfinished business of yesterday, which is Senate bill No. 387.

USE OF THE MARBLE ROOM.

Mr. TRUMBULL. Before proceeding with that bill I ask the permission of the Senate, and of the Senator who has it in charge, to submit a resolution to which I trust there will be no objection. I will state before the resolution is read that there is a misunderstanding in regard to the rules of the Senate. The ante-room, known as the Marble Room, has always been used as a retiring room for Senators, and such

persons as they might wish to consult with during the open sessions of the Senate, and it is very convenient to have that use. We must have some place where we can take the persons who call upon us aside. The officers of the Senate understand the Marble Room to be a part of the floor of the Senate. It has never been so understood since I have been a member of this body. I think it is a misconstruction of the rule. But in order that there may be no difficulty about it I offer a resolution on the subject, which I ask the Secretary to read, and to which I trust there will be no objection.

The Secretary read the resolution, as follows:

Resolved, That the ante-room, known as the Marble Room, being designed as a retiring room for Senators and such persons as they may think proper to invite into the same, the officers of the Senate be directed not to interfere with such use of said room during the open sessions of the Senate.

The resolution was considered by unanimous consent, and agreed to.

CALEB T. FAY AND WILLIAM Y. PATCH.

Mr. CONNESS. With the consent of the honorable Senator having charge of the pending business, I ask unanimous consent to offer a resolution authorizing the Secretary of the Treasury to audit and settle the accounts of Caleb T. Fay and William Y. Patch, late assessor and collector of internal revenue at San Francisco. I also ask for the reading of the accompanying letter from the Secretary of the Treasury with the resolution.

The Secretary read the resolution, as follows:

Resolved by the Senate, (the House of Representatives concurring,) That the Secretary of the Treasury be authorized to audit and settle the accounts of Caleb T. Fay and William Y. Patch, late assessor and collector of internal revenue at San Francisco, as to him may appear just and equitable.

The PRESIDENT *pro tempore*. The Senator from California asks for the present consideration of the resolution. Is there any objection?

Mr. CLARK. I do not like to object to a resolution of this kind—

Mr. CONNESS. Will the Senator hear the letter of the Secretary of the Treasury read?

Mr. CLARK. Not now, because that would be the consideration of the resolution. I do not like this way of having a bill come up, and then allowing various little matters to come in, with the consent of the Senator having it in charge, because it tends to confuse business and is merely a method of getting in one thing ahead of another. I have not the least objection to the Senator's resolution; but I have an objection to its being considered while the other bill is really before the Senate.

The PRESIDENT *pro tempore*. Is there any objection to the present consideration of the resolution submitted by the Senator from California?

Mr. CLARK. I object.

The PRESIDENT *pro tempore*. Objection being made, it lies over under the rule.

Mr. CONNESS. I desire to get the attention of the Chair to make an explanation.

The PRESIDENT *pro tempore*. No explanation can be made when there is an objection to the consideration of the resolution. The first question is, Will the Senate unanimously consent to consider the resolution now? And any objection carries it over.

Mr. CLARK. I will withdraw the objection if the Senator desires to make an explanation, if I can have the privilege of objecting afterward.

Mr. CONNESS. Certainly.

Mr. CLARK. That will be for the Chair to decide.

The PRESIDENT *pro tempore*. The Chair thinks that if the objection be withdrawn for the purpose of explanation, it is withdrawn altogether, and that the resolution is before the Senate to be considered.

Mr. SHERMAN. I object to it, because I think it is a waste of time to be introducing resolutions in this way.

The PRESIDENT *pro tempore*. Objection being made, the resolution lies over.

NORTHERN PACIFIC RAILROAD.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 387) to secure the speedy construction of the Northern Pacific railroad and telegraph line, and to secure to the Government the use of the same for postal, military, and other purposes.

The first section of the bill, for the purpose of securing the construction of the Northern Pacific railroad and telegraph at the earliest practicable time, directs the Secretary of the Treasury, whenever and as often as the commissioners named in the fourth section of the act of incorporation shall report the completion of twenty-five or more consecutive miles of the road, to pledge the credit of the United States, in such form as the Secretary of the Treasury shall prescribe, to the payment of the interest of the stock of the company on the portion of the road thus completed, and at the rate per mile hereinafter specified, from the date of its issue and for a period not exceeding twenty years from that date, at the rate of six percent. per annum, payable semi-annually on the 1st days of July and January in each and every year, in the legal currency of the United States at the Treasury of the United States or any of its depositories, to the following extent, namely: for that portion of the road which is embraced between its eastern point or points of commencement, wherever the same shall be hereafter located, and the one hundred and first meridian, the interest upon two hundred and forty-nine shares per mile; between the one hundred and first and the one hundred and eleventh meridians, the interest upon three hundred and twenty shares per mile for six hundred and twenty miles; between the one hundred and eleventh and the one hundred and nineteenth meridians, being the mountain district, the interest upon nine hundred and eighty-nine shares per mile for five hundred and twenty miles; and between the one hundred and nineteenth meridian and the western point or points of termination, including the mountain ranges of the coast, the interest upon five hundred and seventy shares per mile.

The Committee on the Pacific Railroad proposed to amend the bill by adding to the first section the following clause:

And it shall be the duty of the board of directors of said company, under such rules and regulations as the Secretary of the Treasury may prescribe, to designate on the certificates of stock upon which such pledge of credit is to be given the particular section or portion of said railroad to which the certificate applies; and it shall be the duty of the Secretary of the Treasury to keep an accurate record of all such certificates, and to communicate such record, from time to time, to the Secretary of the Interior.

The amendment was agreed to.

The second section of the bill, for the purpose of relieving the Treasury of the United States at the earliest practicable time from the payment of interest on the stock described, directs the treasurer of the Northern Pacific Railroad Company, on the 1st days of April and October in each and every year, to pay into the Treasury of the United States so much of the proceeds of the sales of all the lands granted by the charter of the company, situated on the southerly side of the line of the railroad, as may be necessary to reimburse the Government for any moneys paid for interest. In case the money thus paid into the Treasury of the United States shall not be sufficient to reimburse the Government for interest paid on the stock, then for the further security of the Government for the payment of the interest over and above the deposit of the proceeds of the sale of lands, after the completion of the road according to the provisions of its charter, so that its cars shall run from its eastern terminus on Lake Superior, to Puget sound, the treasurer of the company is to pay into the Treasury of the United States one quarter part the net earnings of the road, to be applied to the payment of the interest on the stock as before provided, until the amount so paid by the company shall be equal to the amount paid by the United States as provided in section first, after which all further payments shall

cease; and to secure the payment of the deposit of the proceeds of the sales of the public lands as before provided, and quarter part of the net earnings, the Secretary of the Treasury, whenever in his judgment it shall be necessary for the safety of the Government to do so, is empowered to appoint an inspector, who shall have authority to examine the books and accounts of the company, and to direct the application of the net earnings and the deposit of the proceeds of the sales of the public lands.

The third section provides that none of the lands granted to the company shall be subject to any general or local tax for any purpose whatever till the lands shall have been finally sold and conveyed by the company, and that all expenses for engineering and commissioners provided for or required by this act shall be paid by the company.

The Committee on the Pacific Railroad proposed to amend this section by striking out the words "that none of the lands granted to said company shall be subject to any general or local tax for any purpose whatever until said lands shall have been finally sold and conveyed by said company, and."

The amendment was agreed to.

The committee also proposed to add to section three the following words: "and that the lands to which said company shall be entitled shall not be subject to any general or local taxation for any purpose whatever for the period of five years after the issuing of patents for the same."

The amendment was agreed to.

The committee proposed to strike out section four in these words:

Sec. 4. *And be it further enacted*, That whenever any grant, donation, power, or franchise shall be granted to and accepted by, or in any manner be acquired by, the Northern Pacific Railroad Company, in conformity with the provision of its act of incorporation, the acceptance by said Northern Pacific Railroad Company of said grant, franchise, donation, or power, shall confer upon the Northern Pacific Railroad Company all the rights, powers, and privileges of the grant or franchise so transferred and accepted, and the provisions of this act, together with all the privileges, grants, rights, immunities, limitations, and restrictions of the said act incorporating the Northern Pacific Railroad Company, shall be construed to apply to all such grants, franchises, and powers as may be conferred upon or acquired by the Northern Pacific Railroad Company, in the same manner and to the same effect as if such acquired grant, franchise, or power had been a part of the original line and grant of said company: *Provided*, That this section shall not be construed to authorize any pledge of the credit of the United States further than is hereinbefore in this act provided for.

The amendment was agreed to.

Section [five] four provides that the company may within the limitation prescribed by this act and the original act of incorporation from time to time alter and change the location of its line wherever such change will the better carry out the purposes set forth in the act of incorporation, by filing in the office of the Secretary of the Interior a description of the new line adopted; and that the line upon which the road shall be finally located and constructed shall determine the location of the lands granted to the company by its act of incorporation. And the company is to have power to increase its capital stock, if the same shall be necessary for the completion of its road, to an amount not exceeding \$150,000,000.

Section [six] five provides that three fourths of the board of directors shall always be citizens of the United States, and that no money shall be paid on account of this bill until an appropriation shall have been made for that purpose; and the words "Puget sound" in the charter and in this act shall be construed to mean all the waters connected with the Straits of Juan de Fuca.

The committee proposed to amend the section by inserting after the word "directors," in line two, the words "of said company."

The amendment was agreed to.

The next amendment was in the same section, lines three, four, and five, to strike out the words "and that no money shall be paid on account of this bill until an appropriation shall have been made for that purpose."

Mr. HOWARD. I hope the Senate will not concur in the amendment.

Mr. GRIMES. Why?

Mr. HOWARD. The reason for not concurring is that if the words be stricken out, when the bill goes to the House of Representatives it will become necessary to refer it to the Committee of the Whole.

Mr. GRIMES. Do I understand, then, that the bill makes an appropriation?

Mr. HOWARD. It does not make an appropriation.

Mr. GRIMES. Then why does the Senator desire to strike out those words?

Mr. HOWARD. It makes no appropriation.

Mr. GRIMES. Certainly; the idea is that the officers will be justified in paying out the money if these words are stricken out.

The question being put on the amendment, there were, upon a division—ayes 7, noes 15; no quorum voting.

Mr. GRIMES called for the yeas and nays, and they were ordered.

Mr. EDMUNDS. The object of this clause, as I understand it, is that this shall, after all, be kept within the control of Congress, and that the Treasury shall not pay out money in support of this grant unless there shall be a specific appropriation for that purpose. The committee supposing that to be unnecessary, in reporting the bill thought it proper to strike out those words. Now, in my opinion, they ought to stand, so as to keep it within the control of Congress, and in that opinion I understand the committee now concur.

Mr. HOWARD. Certainly.

Mr. EDMUNDS. Therefore I am desirous that the Senate should disagree to this recommendation of the committee, leaving these words to stand, so that it be a part of the law that money shall not be paid out without an appropriation for it. I am sure with that understanding no gentleman can object to retaining the words.

Mr. SHERMAN. On the question being put, I voted for striking them out, but I see that I voted under a misapprehension. I think the words ought to be retained in the bill, and then Congress may judge from time to time whether they will make appropriations.

Mr. HOWARD. Certainly; and that is my motion: that the Senate non-concur in this amendment of the committee.

Mr. POMEROY. If the Chair will put the question again it will be understood without calling the yeas and nays.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The call for the yeas and nays may be withdrawn by unanimous consent.

Mr. CLARK. I do not see how that can be. The last decision of the Chair was that there was no quorum. It is not competent to do any business until it is ascertained that there is a quorum here.

The PRESIDING OFFICER. The Senator from New Hampshire is correct.

Mr. GRIMES, and others. That can be ascertained by another division.

Mr. CLARK. I have no objection to allowing the call for the yeas and nays to be withdrawn by unanimous consent if we are to have another division.

The PRESIDING OFFICER. The Chair will regard the call for the yeas and nays as being withdrawn, and will put the question again on the amendment.

The question being put, there were, on a division—ayes none, noes thirty.

So the amendment was rejected.

Section [seven] six provides that the act shall take effect on and after its passage. The committee proposed to strike out the words "this act shall take effect on and after its passage," and to insert "Congress may at any time alter, amend, or repeal this act."

The amendment was agreed to.

Mr. HOWARD. I move to amend the fifth section by inserting "at least" after "that," in line one of section five; so as to read, "that at least three fourths of the board of directors

of said company shall always be citizens of the United States."

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

Mr. SHERMAN. I must confess my surprise, and under the circumstances of the country my chagrin, at the probable passage of a bill of this character at this period of the session. I supposed that when this project was introduced into the House of Representatives, elaborately debated and discussed there, and defeated by a very decided vote, after a full understanding of the subject, a more objectionable bill would not then be introduced into the Senate and be forced through at this period of the session. This bill proposes to grant to an existing corporation a guarantee of stock to the amount of \$102,143,000; and it proposes to pay to this company \$122,571,600. This company has already received from Congress a grant of land amounting to forty-seven million three hundred and sixty thousand acres, being twice the grant given to the same length of line of the Union Pacific railroad or any other railroad that ever was proposed or projected in this country. The land grant made to this railroad is twice as large as any that has been made to any other railroad; and it was on the express ground that it was to be a land-grant road. It was introduced and advocated and we passed it on the specific stipulation that no money grant and no guarantee should be made to this road. Its projectors pledged themselves and their reputation that they would build it upon the grant of land; and I remember very well that the chairman of the Committee on Public Lands, in introducing the bill, said that the grant was made twice as large as to any other road on that ground.

Mr. POMEROY. I wish to correct the Senator in one respect. The bill came from another committee altogether. It was reported by the Senator from Wisconsin. I was not on the committee that reported the bill. I objected a little to the grant of land on the ground that it was too large, but finally yielded to it because the road was to be a land-grant road.

Mr. SHERMAN. I remember hearing the Senator from Kansas state distinctly that he yielded to the grant on the ground that it was a Pacific railroad which was to receive no money, and therefore was entitled to double the usual grant of land.

Mr. POMEROY. But it came from another committee altogether.

Mr. SHERMAN. Very well. Here is a company which we organized ourselves, building a line of railroad along the British possessions to a port belonging to Great Britain, on the northern boundary of our country, to which we have already granted forty-seven million acres of the public lands on what they claim to be a favorable route, and upon a promise and guarantee that they would build the road for that amount of land. It is now proposed that we shall give to this company money to the amount of \$122,000,000. It is true that the company agrees to repay this, but what security have we for it? A mortgage of one half the land we give them! That is all. That is to say, we give them twice as much land as we have ever given to any other railroad company; and they mortgage the excess to us for our security! They do not agree to pay back any portion of the money paid by us until after this road is completed, and a continuous line is run along it from Lake Superior to the Pacific ocean. The second section of the bill shows that they do not set apart any of the proceeds of the road or make any agreement to refund the money until after the road is completed and finished. We are expected to pay this large sum of money in addition to the land grant, receiving nothing back except the proceeds of half the land we give them, and to wait for the interest we pay until the road is completed; and then there is no stipulation to pay the money, but there is a stipulation that they will set aside one fourth of the net pro-

ceeds of the road for the purpose of paying the Government.

Now, when you look at this bill, it is simply a gratuity of this sum of money at this period of our history to build a rival road to one which we are now engaged in constructing—a gratuity made in violation of the pledge and promise of those men who embarked in this road. It is rival to a road in which we have already embarked a guarantee of more than one hundred million dollars, for the building of which we are now daily issuing thirty-year bonds of the United States bearing six per cent. interest. It seemed to me yesterday, when it was proposed to take up this bill at this period of the session, that it might properly be resisted; and I should be very sorry indeed if we proceeded to any definite or conclusive vote.

As I said before, this bill, but in a less objectionable form, was debated in the other House for a long time, was fully considered, and was voted down by a vote of, I think, 76 to 56. Is it expected now that by passing the bill at this period of the session in such a form that when it goes to the House of Representatives it will not be necessary, according to the rules of that body, to refer it to a committee, you will be able to push it through that body? It is purposely framed with a view to avoid a reference to a committee in the House of Representatives, because the provision in this bill which was voted upon by the Senate a few minutes ago could only have been inserted for the very purpose of avoiding and evading the rule of the House of Representatives which requires bills involving appropriations of money to go to a committee. That clause was inserted for no other purpose except to enable the managers of this bill to pass it through the House of Representatives without reference to a committee. As the bill stands it may go to the House of Representatives, be taken from the Speaker's table, and forced to a final vote without a reference to any committee.

Mr. FESSENDEN. Why, then, did the Senator vote to retain that clause?

Mr. SHERMAN. I wanted the Senate to have the bill before it just as it is. I wanted to show precisely the purpose of it. I did not want to patch up the bill.

Mr. FESSENDEN. Suppose this clause was stricken out, as was recommended by the committee originally, what would be the result?

Mr. SHERMAN. Even then, if my friend from Maine will examine the phraseology of the bill, he will see that it avoids all appropriations, and that the declaration made in the clause referred to is but a declaration of the legal effect of the bill. Under the custom of the House, whenever a bill not only makes appropriations but makes a contract for an appropriation, they have usually held it to demand and require a reference. That is the point; but the clause alluded to is only putting in what is actually the legal effect of the bill; and it is done, and can only be done, for that purpose, in my judgment.

Mr. GRIMES. I inquire of the Senator if this bill did not come from the Committee on the Pacific Railroad.

Mr. SHERMAN. It came from the Pacific Railroad Committee; but that committee was divided about it. I thought a majority of the committee was against it, but I am not prepared to say that. Perhaps I ought not to say anything about the committee; but it is a fact that the Pacific Railroad Committee is divided on the bill. I am a member of this committee, and I am certainly opposed to the bill.

It seems to me that the passage of this bill, or of any bill of a kindred character, at this session of Congress, will tend to impair the public credit. The readiness with which, now being scarcely over a great civil war, with a debt of \$3,000,000,000 upon our shoulders, we embark in new enterprises before we have got to the hard-pan of specie payments; the readiness with which we contract now upon the basis of an inflated currency, when every dollar of this money will have to be paid in gold and silver, does tend to destroy the public credit.

Men who are prudent and careful will look upon reckless legislation of this kind, as I declare this to be, as tending more than anything else to impair the public credit. This world was not created in a day. Our generation is not to be expected to complete all the roads to the Pacific and all the works of internal improvement which may be devised by man. And when we are now less able to contract debt than ever before, when the debts we now contract are upon the basis of paper money, but must be fulfilled upon the basis of gold, we seem to be willing to embark in all sorts of enterprises. It is proposed that we shall embark in building a ship-canal in opposition to the canal of New York. It is proposed now that we shall build a second line of railroad to the Pacific.

If we pass this bill, with what right, with what show of justice or manliness can you refuse to build the Southern Pacific railroad? When the southern representatives come here, and demand aid for building a railroad through Texas and along the southern border, and say to you that you not only have a great Central Pacific railroad which accomplishes the national purpose of connecting the Pacific with the Atlantic, but that you have availed yourselves of their absence to appropriate \$120,000,000 to build a northern border road along the British possessions, how can you refuse to build a Southern Pacific railroad, or to give the same aid for it? You cannot do it. The very spirit of manliness and fair play will demand of Congress similar grants to that road.

In my judgment, prudence, a reasonable caution, a reasonable common sense requires us to confine ourselves now to the contracts we have already entered into. It is manifest that if the thing was to be done over again we should not build any of the branches provided for the present Pacific railroad, but we should confine the aid of the Government to building one great line of railroad from some point in the West to the Pacific. All these branches have been constant sources of trouble and annoyance, demanding constant changes in legislation. If we were to do the thing over again, it is admitted, I believe, on all hands, that it would be wisest and best to build one great line of railroad through to the Pacific ocean; but now it is proposed, in addition to the three eastern branches already provided for, to build another railroad stretching along our northern border with a gratuity of \$122,000,000 given to it and forty-seven million acres of the public lands.

I trust that the Senate will vote down this measure, or at least give us a little time for its consideration. This bill was never submitted to the Committee on the Pacific Railroad until within the last month. We never held, when I was present at least, more than one session of the committee to consider its provisions. There are no guards or guarantees thrown around this bill. The declaration was made in the committee that only last winter the grant of land of forty-seven million acres was about to be transferred to a foreign company and to be controlled by a foreign company. The only guard in this bill against the transfer of these public lands and of this large sum of money to a foreign corporation is the simple clause that three fourths of the directors shall be citizens of the United States. How easy would it be to have men of straw, citizens of the United States, made directors of this great and powerful corporation, and have the whole control of it in British hands! You have no guard against the very danger that these men once endeavored to defeat, and perhaps did defeat for the time being, except the simple provision that three fourths of the directors shall be American citizens. How easy would it be for British interests, controlling our trade for a hostile purpose, to get control of the board of directors by owning the stock, and compel the United States of America to pour into its coffers \$122,000,000, enough, in my judgment, to build the road, and a grant of forty-seven million acres of lands. Foreign capitalists may take the charter, use

our money to build the road, and control the charter and the road for foreign purposes.

Sir, I do not wish, at this period of the session and under the intense heat which we are now suffering, to enter further into the discussion of the measure. At the next session, if it should be postponed after debate, I will examine the subject more carefully. No one can say of me that I am hostile to any portion of the country through which this road passes. On the contrary, my reading of the reports has tended to convince me that the Northern Pacific route is a feasible route; that the fall in the spurs of the mountains along the forty-seventh and forty-eighth parallels may make it comparatively easy to build the road; and if the friends of the road are to be believed, they can build it for less than one hundred million dollars in gold. I have heard men who have traversed along this route say that there would be no trouble in building the road for about one hundred million dollars upon a gold basis. If so, the grant we have already given of forty-seven million acres of land ought to be enough aid, because, after all, the United States get no benefit from this road except the effect it has upon the improvement of the country. All the profits, all the tolls, all the charges for transportation and for passengers go into private hands. The Government takes all the risk, gives all the money, grants all the land, and receives in return—what? A mortgage of one half its own lands and a promise to pay over one fourth of the net proceeds of the road after it is fully completed. That is, the builders of the road receive forty-seven million acres of land and give us twenty-three millions of them; they take three fourths of the net earnings and we take one fourth! That is the proposition contained in this bill. It seems to me the mere statement of it is sufficient to put us on our guard, at least against any hurried passage of the bill.

Mr. HOWARD. Mr. President—

Mr. POMEROY. If this bill is to be discussed I desire to be allowed to present a report from a committee of conference. Does the Senator desire a vote on this bill to-day?

Mr. HOWARD. Certainly. I desire a vote on it at the earliest practicable moment.

Mr. POMEROY. Will the Senator yield to allow me to submit a report from a committee of conference?

Mr. HOWARD. I am willing to yield for that purpose.

NORTHERN KANSAS RAILROAD.

Mr. POMEROY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 145) entitled "An act for a grant of land to the State of Kansas to aid in the construction of the Northern Kansas railroad and telegraph," having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate agree to the amendment of the House, with an amendment, as follows: strike out all after the word "that," in the first line, section one, of said bill, and insert in lieu thereof the following:

"There is hereby granted to the State of Kansas for the use and benefit of the St. Joseph and Denver City Railroad Company, the same being a corporation organized under the laws of the State of Kansas, to construct and operate a railroad from Elwood, in Kansas, westwardly, via Marysville, in the same State, so as to effect a junction with the Union Pacific railroad, or any branch thereof not further west than the one hundredth meridian of west longitude, every alternate section of land in Kansas, designated by odd numbers, for ten sections in width on each side of said road, to the point of intersection. But in case it shall appear that the United States have, when the line or route of said road is definitely fixed, sold any section or any part thereof, granted as aforesaid, or that the right of preemption or homestead settlement has attached to the same, or that the same has been reserved by the United States for any purpose whatever, then it shall be the duty of the Secretary of the Interior to cause to be selected for the purposes aforesaid, from the public lands of the United States nearest to tiers of sections above specified, so much land, in alternate sections or parts of sections designated by odd numbers, as shall be equal to such lands as the United States have sold, reserved, or otherwise appropriated, or to which the rights of preemption or homestead settlements have attached as aforesaid; which lands, thus indicated by odd numbers, and selected by direction of the Secretary of the Interior as aforesaid, shall be held by the State of

Kansas for the use and purpose aforesaid: *Provided*, That the land to be so selected shall in no case be located further than twenty miles from the line of said road: *Provided further*, That the land hereby granted for and on account of said road shall be exclusively applied in the construction of the same, and for no other purpose whatever, and shall be disposed of as in this act hereinafter provided: *Provided also*, That no part of the land granted by this act shall be applied to aid in the construction of any railroad or part thereof for the construction of which any previous grant of land or bonds has been made by Congress: *And provided further*, That any and all lands heretofore reserved to the United States by any act of Congress, or in any other manner by competent authority, for the purpose of aiding in any object of internal improvement, or for any other purpose whatsoever, be, and the same are hereby, reserved to the United States from the operations of this act, except so far as it may be found necessary to locate the route of said road through said lands, in which case the right of way, one hundred feet in width on each side of said road only shall be granted, subject to the approval of the President of the United States.

"Sec. 2. *And be it further enacted*, That the sections and parts of sections of land which by said grant shall remain to the United States, within ten miles on each side of said road, shall not be sold for less than double the minimum price of the public lands when sold; nor shall any of said lands become subject to sale at private entry until the same shall have been first offered at public sale to the highest bidder, at or above the increased minimum price, as aforesaid: *Provided*, That actual and bona fide settlers, under the provisions of the preemption and homestead laws of the United States, may, after due proof of settlement, improvement, cultivation, and occupation, as now provided by law, purchase the same at the increased minimum price aforesaid: *And provided also*, That settlers on any of said reserve sections, under the provisions of the homestead law, who improve, occupy, and cultivate the same for a period of five years, and comply with the several conditions and requirements of said act, shall be entitled to patents for an amount not exceeding eighty acres each, anything in this act to the contrary notwithstanding.

"Sec. 3. *And be it further enacted*, That the grant of lands hereby made is upon condition that said company, after the construction of its road, shall keep it in repair and use, and shall at all times be in readiness to transport troops, munitions of war, supplies and public stores upon its road for the Government when required to do so by any Department thereof, the Government at all times having the preference in the use of the road for all the purposes aforesaid at fair and reasonable rates of compensation, not exceeding that paid by private individuals or the average paid for like services on other roads. And the lands hereby granted, held, and reserved as aforesaid shall inure to the benefit of said company, as follows: when the Governor of the State of Kansas shall certify that any section of ten consecutive miles of said road is completed in a good, substantial, and workmanlike manner as a first-class railroad, then the said Secretary of the Interior shall issue to the said company patents for so many sections of the land hereinbefore granted as lie opposite to and contiguous with the said completed sections; and when certificates of the Governor, aforesaid, shall be presented to said Secretary of the completion, as aforesaid, of each successive section of ten consecutive miles of said road, the said Secretary shall in like manner issue to said company patents for the said sections of said land, as aforesaid, for each of said sections of road until said road shall be completed: *Provided*, That if said railroad company or its assigns shall fail to complete at least one section of said road each year from the date of its acceptance of the grant provided for in this act, then its right to the lands for said section so failing of completion shall revert to the Government of the United States: *Provided further*, That if said road is not completed within ten years from the date of the acceptance of the grant hereinbefore made, the lands remaining unpatented shall revert to the United States.

"Sec. 4. *And be it further enacted*, That as soon as the said company shall file with the Secretary of the Interior maps of its line, designating the route thereof, it shall be the duty of the said Secretary to withdraw from the market the lands granted by this act, in such manner as may be best calculated to effect the purposes of this act and subserve the public interest.

"Sec. 5. *And be it further enacted*, That the United States mail shall be transported on said road and its extension, under the direction of the Post Office Department, at such price as Congress may by law provide: *Provided*, That until such price is fixed by law the Postmaster General shall have power to fix the compensation.

"Sec. 6. *And be it further enacted*, That the right of way through the public lands be, and the same is hereby, granted to said St. Joseph and Denver City Railroad Company, its successors and assigns, for the construction of a railroad as proposed; and the right is hereby given to said corporation to take from the public lands adjacent to the line of said road material for the construction thereof. Said way is granted to said railroad to the extent of one hundred feet in width on each side of said road where it may pass through the public domain; also all necessary ground for station buildings, workshops, depots, machine-shops, switches, side-tracks, turn-tables, and water-tanks.

"Sec. 7. *And be it further enacted*, That the acceptance of the terms, conditions, and impositions of this act by the said St. Joseph and Denver City Railroad Company shall be signified in writing, under the corporate seal of the said company, duly executed pursuant to the direction of its board of directors first

had and obtained, which acceptance shall be made within six months after the passage of this act and not afterward, and shall be deposited with the Secretary of the Interior."

And that the House agree to the same.

S. C. POMEROY,
B. GRATZ BROWN,
GEORGE READ RIDDLE,
Managers on the part of the Senate.
BENJAMIN F. LOAN,
SIDNEY CLARKE,
CHARLES A. ELDRIDGE,
Managers on the part of the House.

Mr. HOWARD. Of course it is utterly impossible for the Senate to understand the effect of the report of the committee of conference in this case. We have hardly listened to a word of it, and if we had listened with ever so much care we could not ascertain from the mere reading what will be the application and effect of the bill now proposed. I suggest to the Senator from Kansas the propriety of referring this report to the Committee on the Pacific Railroad, or to some other one of the standing committees of the Senate, in order that it may be examined, and that we may vote with more intelligence than we shall do now if we are required to vote upon it. I understand it is almost entirely a new bill, a new measure.

Mr. POMEROY. No, sir.

The PRESIDING OFFICER. A motion to refer to a standing committee a report of a committee of conference is not in order.

Mr. POMEROY. I will explain in a word that the difficulty with the bill was that it came from the Pacific Railroad Committee of the other House, who incorporated into it their system rather than the system adopted by the Committee on Public Lands. We have always reported our bills, putting in what is called the continuous principle, allowing no lands to be patented faster than each section of road is built. We have also always provided that the United States shall deal with States and not with companies. But the Pacific Railroad Committee, neither of the Senate nor of the House, regard these things; and when a bill goes to the Pacific Railroad Committee, it comes back in the shape of the former legislation which we had ten years ago; that is, giving lands one section in advance of completing any road; that is to say, the company get one hundred and twenty sections of land before they do anything. Under our system, the new legislation, they must build the road before they get any land, and as this bill is guarded there must be a hundred miles of road built before any land is granted.

The committee of conference thought it best to write it all out plain, make a model bill, one that we consider perfect, rather than to pursue the other course of numbering amendments, accepting some and receding from others by their numbers, so that nobody would know anything about it. The committee therefore wrote out in full exactly what they did mean; and it is regarded by those who have examined it as a most perfect model for a bill, because it has all the provisions that the Senate committee have insisted upon for the last four years, and these provisions are not insisted upon by the Pacific Railroad Committee.

Mr. CONNESS. I do not know anything about the bill that is now before us in the shape of a report from the committee of conference, and consequently shall not speak about it; I cannot tell what it is by hearing it read; but the statement of the honorable Senator in regard to the manner of transacting business in the Committee on the Pacific Railroad, I undertake to say, is not at all correct; and I am a little astonished that the honorable Senator, who is the chairman of the Committee on Public Lands, should avail himself of the opportunity to make such a statement as he has made.

Mr. POMEROY. It is entirely correct, so far as relates to the House Committee; it may not be as to the Senate Committee on the Pacific Railroad.

Mr. CONNESS. The statement of the honorable Senator was that what he stated was the practice of the Committee on the Pacific Rail-

road, both of the House of Representatives and of the Senate; and the report made by the reporter will show that to have been the Senator's statement.

Mr. POMEROY. I will correct it so far as relates to the committee on the part of the Senate. I think I was wrong in that respect.

Mr. CONNESS. The Senator then withdraws the charge so far as relates to the committee on the part of the Senate. I rose to say that the committee on the part of the Senate had not, since I had a seat in it, reported any bill which proposed to pass the title of an acre of land to any company whatever until the road was first built. The statement of the Senator was utterly and entirely incorrect, and a mistake; and it is a very wrong thing for a Senator to undertake to make an impression of this kind against a committee of this body who have taken so much care as the Committee on the Pacific Railroad have.

Mr. POMEROY. The Senator will agree with me, I think, that my remark was true of the committee of the House of Representatives. I have corrected it so far as relates to the Senate committee.

Mr. CONNESS. The difference to which the Senator called the attention of the Senate between the two modes of granting land for the construction of railroads, is this: on the one hand, the land is granted to the State for the company, to be disposed of by the State for the company; the disposition of the land, after the grant is made and the act is passed, is entirely under the direction of the State government; while, on the other hand, the plan is to provide that a certain amount of land shall be granted to a company and that the company shall not get an acre of it until the number of miles provided to be constructed by the company shall have been constructed and finished. The difference is, that in the one case the Government keeps within its own hands and possession all the land that it proposes to grant until the road is built correspondingly, and under the other system the Government passes the land to the State, and it is a matter of disposition between the State and the company thereafter. Between the two systems the one is infinitely, as I think, superior to the other. I do not wish, however, and I did not rise to comment upon the system which the Senator seems to have proceeded in accordance with, but to say that his statement in regard to the mode of doing business on the Pacific Railroad Committee is not correct, and is a mistake and an error. I know nothing about this bill.

Mr. POMEROY. I stated that so far as the present Committee on the Pacific Railroad in the Senate is concerned, I did make a mistake. I know I did, but my statement was correct so far as refers to the Committee on the Pacific Railroad of the House of Representatives.

Mr. FESSENDEN. I am very much averse to this kind of a report, and if we suffer such a practice to grow up I do not know where we shall land in the way of legislation. The report itself may be very well for aught I know; the bill reported may be a very much better bill than that which was originally proposed; I dare say it is, if the Senator from Kansas says so. But what is the course that has been adopted? I believe it was adopted once before, but not with my consent or my approbation. The idea that a committee of conference can take a bill upon which there is a disagreement of the two Houses with reference to certain provisions, and redraught it entirely from beginning to end, and put in new provisions that were not in the original bill—

Mr. POMEROY. I will say that there is nothing in this report that was not in one bill or the other. Every word of it was either in the House bill or the Senate bill.

Mr. FESSENDEN. "One bill or the other?" I take it we did not pass two bills. Did we pass two bills on the same subject?

Mr. POMEROY. The Senate passed one bill and the House sent back another bill as a substitute for it. We disagreed to that amend-

ment, and then both went to a committee of conference.

Mr. FESSENDEN. Then two separate bills in point of fact passed the different branches and were sent to a committee of conference, and the committee of conference have undertaken to draw a new bill. I think the practice is a very loose one. It leads to the adoption of provisions which neither House has ever had an opportunity to pass upon. That is the result.

Mr. POMEROY. It may result in that way sometimes; but in this particular instance every provision in this bill has been in one or the other bills.

Mr. FESSENDEN. That we do not know anything about until we see what is in it. It comes in here as the report of a committee of conference, and we have to take it as a whole. We have never discussed the bill of the House. It came here as a separate and independent bill, and it was not discussed or examined here, but was simply disagreed to and sent to a committee of conference. The result of this course is that the legislation of Congress passes entirely into the hands of a committee of conference. In the committees of conference of which I have been a member I have always been opposed to this course of proceeding, and I have succeeded in keeping off new matter which had not been considered by either branch. It may be that this report is all right. I have great confidence in the judgment of my friend from Kansas about the bill itself. It may be a good one and well guarded, but the practice is a very bad one. I am averse, therefore, to agreeing to this report of the committee of conference, and I think it ought not to be agreed to on the part of the Senate until the Senate have had an opportunity to compare it with the bills that were sent to the committee and see that there is nothing in it that was not contained in one or the other. For that reason I hope the Senator will consent that the report may be printed, in order that it may be compared with the other bills.

Mr. POMEROY. I certainly have no objection to that course. I agree with what the Senator has said in many respects; but I have found out that when he has made a report from a committee of conference, it has been generally that the Senate recede from one amendment and the House adopt another, numbered so and so, so that I am entirely at a loss to know how the bill stands when he gets through. If he would report exactly what the committee did agree to, I should always know then.

Mr. FESSENDEN. When I make a report, I always add to it that I am perfectly ready to answer any question with regard to the different parts of the report that any Senator desires to ask or explain the whole matter and state the differences.

Mr. POMEROY. I am perfectly willing to answer any question the Senator may desire to ask about this bill. If I am any judge of the matter, it is the best bill we have ever been able to report to either House.

Mr. FESSENDEN. I dare say it is; but if it were to be as good as could be put down by the recording angel, and he drew it, the practice is a bad one, and it would still be equally objectionable.

Mr. POMEROY. Both bills have been very thoroughly examined in the two Houses. I have no objection to any delay the Senator may desire; if he wants a postponement until Monday, be it so.

Mr. FESSENDEN. I think the report had better lie over and be printed.

Mr. CONNESS. It is printed now.

Mr. POMEROY. It is all in print; there is no new matter.

The PRESIDING OFFICER. Does the Senator from Maine move to print the report?

Mr. FESSENDEN. Not if it is already printed. I move to postpone it until Monday.

The motion was agreed to.

APPROVAL OF BILLS.

A message from the President of the United

States, by Mr. EDMUND COOPER, his Secretary, announced that he had, on the 13th instant, approved and signed an act (S. No. 125) granting aid in the construction of a railroad and telegraph line from the town of Folsom to the town of Placerville, in California; and an act (S. No. 221) relating to lands granted to the State of Minnesota, to aid in constructing railroads; and on the 14th instant, a joint resolution (S. R. No. 129) to authorize the President to place at the disposal of the authorities of Portland, Maine, tents, camp and hospital furniture, and clothing for the use of families rendered houseless by the late fire.

EXECUTIVE SESSION.

Mr. WILLIAMS. Under the circumstances, in view of the uncomfortableness of the room to-day, I move that the Senate proceed to the consideration of executive business.

Mr. WADE. I hope not. I have been trying to get the floor for some time in order to call up the bill equalizing the salaries of the employés of the Senate and House, but I have been unable to get the floor latterly. It is early to go into executive session now, and I hope we shall not do it.

The motion was agreed to; and after some time spent in executive session the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, July 14, 1866.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. C. B. BOYNTON.

The Journal of yesterday was read and approved.

ASSAULT UPON A MEMBER.

The SPEAKER. The first business in order is the consideration of the question of privilege pending at the adjournment yesterday. The gentleman from Ohio [Mr. SPALDING] is entitled to the floor.

Mr. SPALDING. I move that the further consideration of this question be postponed till the expiration of the morning hour.

The motion was agreed to.

BRIG RESOLUTE.

Mr. ELIOT. I ask leave to withdraw from the files of the House certain papers belonging to the owners of the brig Resolute, which were referred to the Committee on Commerce, and are now wanted at the Treasury Department. Leave was granted.

BRIDGE ACROSS THE MISSISSIPPI.

The SPEAKER. The first business in order during the morning hour is the consideration of the bill reported from the Committee on the Post Office and Post Roads by the gentleman from Massachusetts [Mr. ALLEY]—the bill (S. No. 286) to authorize the construction of certain bridges and to reestablish them as post roads. The pending question is upon agreeing to the amendment of the committee as amended by the House.

Mr. ALLISON. The gentleman from Massachusetts yields to me that I may offer as an amendment to the amendment the following, to come in as a new section:

And be it further enacted, That a bridge may be constructed and maintained across the Mississippi river, between Dunleith, in the State of Illinois, and Dubuque, in the State of Iowa, with the consent of said States previously given or hereafter acquired, with the same privileges, upon the same terms, and under the same restrictions as are contained in this act for the construction of a bridge at Quincy, Illinois.

On this amendment I demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the amendment to the amendment was agreed to.

Mr. ALLEY. I yield the floor to the gentleman from Missouri.

Mr. VAN HORN, of Missouri. I submit the following amendment to the amendment, and demand the previous question on its adoption:

And be it further enacted, That any company authorized by the Legislature of Missouri may construct a bridge across the Missouri river at the city of Kan-

sas, upon the same terms and conditions provided for in this act.

The previous question was seconded and the main question ordered; and under the operation thereof the amendment to the amendment was agreed to.

Mr. VAN HORN, of Missouri, moved to reconsider the vote by which the last two amendments to the amendment were agreed to; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

Mr. ALLEY. I now move the following amendment to the amendment:

And be it further enacted, That the bridge constructed over the Mississippi river at Clinton, Iowa, by the Albany Bridge Company, under authority of the States of Illinois and Iowa, be, and the same is hereby, declared to be a post route and highway of the United States, and may be maintained, provided it does not materially obstruct the navigation of said river.

Mr. WASHBURN, of Illinois. I ask the gentleman to let me present the following modification:

Provided, That nothing in this section shall in anywise interfere with any lawsuits now pending in any court in regard to the said bridge, and this section of this act shall not take effect until the said bridge shall be made to conform in width of draw and all other respects to what is required to be done in reference to all the bridges referred to in this act.

Mr. ALLEY. I decline to accept that as a modification of my amendment.

Mr. Speaker, this matter was originally referred to the committee, and after hearing all parties in interest, upon a full and thorough investigation it was unanimously decided, I believe with a single exception—I am not certain they did not all agree—that I should report this as an original independent bill to the House. Not having had an opportunity to do so, I report it as an additional section to this bill.

This is a bridge already built, but differing in some particulars from the bridges it is proposed to build by the bill now before the House. It has a draw of only one hundred and twenty feet, while the width of the draws of the bridges proposed to be built under the bill before the House is to be one hundred and sixty feet. This is the only difference so far as any important particular is concerned. Now, as this rests upon a different principle from the other bridges, I propose to consider it separately, and therefore have offered it as an additional section. I propose to give the gentlemen who are opposed to it an opportunity to give their views on this section.

The erection of these bridges involves interests of vast magnitude, not only to the people of the Northwest, but to nearly all the citizens of this widely-extended country. So important has it become to extend and increase our facilities of transportation across as well as upon navigable streams, that all are compelled to concede what was once disputed, the complete jurisdiction of Congress over this matter. No one contends, either, that it is possible to meet the demands of a constantly increasing inland commerce under our present railway system much longer without the erection of many bridges over the "Father of Waters." The constitutional objection being surrendered, and the necessities of the public admitted, that bridging of some kind is needed and must be had, it only remains to determine what kind of bridges you will authorize the erection of. That, and that only, is the point in issue at the present time.

As I said when I offered the amendment, this bridge occupies a position different from the others. It is already built, and it appears from the testimony before the committee that it is substantially built of the best materials, and at the best point between St. Louis and St. Paul, interfering little, if any, with the navigation of the river. It is guarded at all points. It is provided that it shall not materially obstruct the navigation of the river. Under the circumstances I hope the House will sanction the action of the committee and pass the bill. I will now yield ten minutes of my time to the gentleman from Missouri, [Mr. HOGAN.]

Mr. WASHBURN, of Illinois. I hope the

gentleman from Massachusetts will not undertake to put this section of his bill through the House under the gag. I tell the House that it is the most important measure with reference to the people of the Mississippi valley that we have considered this session. It involves the interests of eight million people. This bridge has been already built in defiance of law, and I ask the House to give the people a fair hearing.

Mr. ALLEY. Mr. Speaker, I did not yield the floor to the gentleman from Illinois.

The SPEAKER. The gentleman from Massachusetts has the floor, and it is for him to say whether he will allow the gentleman from Illinois to proceed.

Mr. ALLEY. The gentleman has better lungs than I have. [Laughter.]

The SPEAKER. The gentleman will state to whom he yields.

Mr. ALLEY. I yield now to the gentleman from Missouri, [Mr. HOGAN,] and I will inform the gentleman from Illinois that I will yield to him presently. I propose to give to the opposition just as much, if not more, time than we have on this side.

Mr. WASHBURN, of Illinois. Now, sir,

The SPEAKER. The gentleman from Massachusetts does not yield to the gentleman from Illinois.

Mr. WASHBURN, of Illinois. He said just now that he would.

Mr. ALLEY. But not now.

Mr. WASHBURN, of Illinois. I ask the gentleman to yield for a question.

Mr. ALLEY. Just for a question.

Mr. WASHBURN, of Illinois. I ask the gentleman from Massachusetts, in the spirit of fairness and honor which becomes a legislator, not to undertake to hold the floor and press this section through under the previous question. This matter must necessarily take the remainder of the time allowed to the Committee on the Post Office and Post Roads. We have plenty of time to consider this matter fully and fairly, and I appeal to the judgment, honesty, and fairness of the House to say if they mean to confine the discussion of this, which is one of the most important questions we have had before us, to a single hour.

Mr. ALLEY. I will say, in all fairness to the gentleman from Illinois, that discussion of this bill is the last thing in the world that I shall shrink from. I believe it is a bill which has great merits, and that it can stand on its merits. If it cannot, no man in this House is more willing that it should fall than I am. I would be quite willing to have it discussed the day through, if necessary, but I am under obligation to others, and I cannot consent at this late period of the session to allow much time to be taken in the discussion of the bill. I am willing to give all the time that the House thinks proper, but when I feel that the question has been discussed as much as the House is willing to allow, I shall then call the previous question and take the sense of the House upon it. The House will determine whether I am reasonable or not. With this statement I will now yield to the gentleman from Missouri, [Mr. HOGAN.]

Mr. WASHBURN, of Illinois. I understand the gentleman to say that he will call the previous question, and yield the floor to the gentleman from Missouri and myself at his pleasure. Now, I will not accept the offer of a few minutes at his pleasure, and will throw myself on the generosity of the House.

Mr. ALLEY. It is well known that the gentleman is a great strategist, and I do not think I shall yield the floor to him to take the bill out of my hands and make such disposition of it as he pleases. I intend to yield the floor to give opportunity for reasonable discussion. If I am unreasonable the House has the power to determine it. And I assure the gentleman that not a moment more of the time shall be allowed to the friends of the bill than to its opponents. I now yield to the gentleman from Missouri, [Mr. HOGAN.]

Mr. HOGAN. Mr. Speaker, I must express my wonderful obligations to the gentleman from Massachusetts [Mr. ALLEY] who has extended to me, in behalf of the great navigation interest of the Mississippi, ten minutes to discuss a measure of incalculable importance adverse to that interest—a measure which proposes to allow a chartered monopoly to take the business of the people into their own hands.

The Ordinance of 1787 requires that the Mississippi river and its tributaries shall be forever free and unobstructed to all the people of the United States, and now the gentleman from Massachusetts comes into this House at the bidding of the great monopolies of this country to destroy that navigation, to take away from the people the right that they have, as citizens of the United States, to the free navigation of the greatest river in the world, and I and other gentlemen, perhaps, who are similarly situated are condescendingly allowed ten minutes' time to present these matters.

Now, sir, here is a great measure that stops virtually the navigation of the Mississippi river. It was referred to the Committee on the Post Office and Post Roads, and for months it was discussed there. Gentlemen were brought before the committee; lawyers were employed by the monopolies in order to induce the committee to make a report favorable to them. But at a time when one member of the committee, who was known to be opposed to the measure, was sick, four members of the committee agreed with the other four that the bill might be reported to the House without any recommendation. The committee was fairly divided in regard to it, but they agreed that it might be brought before the House.

Mr. ALLEY. Allow me a word of explanation.

Mr. HOGAN. I will if it does not come out of my ten minutes.

Mr. ALLEY. The section now under discussion was unanimously reported by the committee.

Mr. HOGAN. I would ask the gentleman if the committee authorized it to be put into this omnibus bill.

Mr. ALLEY. They directed me to report the provision precisely as it is here, but not having an opportunity to report it alone I put it into this bill.

Mr. HOGAN. To give it strength I understand that the committee agreed that the measure might be brought into this House for its action. What was the next move? Why, to go around and gather up A, B, and C to put other measures on the bill in order to gain strength enough to force it through Congress. Sir, is that the way in which the rights of the western country are to be legislated away into the possession of monopolies? I say, sir, that this is not the bill that was before the Committee on the Post Office and Post Roads. The gentleman introduced a bill here which was framed by the attorney of this bridge company. It has lain here all this session, and now, at the heel of the session, the gentleman has stuck it on as an amendment to this bill so as to increase the omnibus, and thus, by possibility, pass it through the House.

Sir, I speak to-day in the interest of the people. I have no fee in order to induce my advocacy of the Mississippi river as a medium of commerce for this country. I am not the employed agent or attorney of any of these monopolies. They have their agents here upon this floor; they have their interested stockholders here to vote upon this measure; they have their feed attorneys here to vote upon this measure and rob the people of the West of the great, God-given right to navigate freely the great Mississippi river.

Mr. RANDALL, of Pennsylvania. Allow me a question.

Mr. HOGAN. I have but ten minutes.

Mr. RANDALL, of Pennsylvania. The gentleman says the company has attorneys on this floor; does he mean in seats here?

Mr. HOGAN. In their seats here.

Mr. RANDALL, of Pennsylvania. Who are they?

Mr. HOGAN. I do not choose to give names.

Mr. BOUTWELL. I insist on it as a point of order. The gentleman makes a distinct charge and I ask that his words be taken down at the Clerk's desk.

Mr. HOGAN's remarks as taken down by the reporters of the Globe were read, as follows:

"They have their agents here upon this floor; they have their interested stockholders here to vote upon this measure; they have their feed attorneys here to vote upon this measure and rob the people of the West of the great, God-given right to navigate freely the great Mississippi river."

The SPEAKER. The Chair thinks those words are not in order. They contain a reflection upon members of the House.

Mr. RANDALL, of Pennsylvania. The question is whether they are true. That is the material point.

Mr. HOGAN. I do not wish to say anything improper. I would not have made a solitary reflection upon any one in connection with this matter if an opportunity for deliberate debate had been allowed me.

Mr. BOUTWELL. I think the House, at this stage of the matter, has a right to know whether the gentleman from Missouri stands by the words he has used reflecting on members of the House, or does he retract them?

Mr. HOGAN. As the words are clearly not proper words to be used here, I prefer to withdraw the words I used on that subject. They are clearly not proper, and I say again—

Mr. BOUTWELL. I think the House must follow the gentleman from Missouri [Mr. HOGAN] one step further. It is not sufficient that he should retract the words; I think he must state to the House whether he used the words inadvertently and without authority, or whether he retracts them merely because he does not choose to stand by the reflection upon the members of this House.

Mr. SPALDING. I ask that the objectionable words may be again read.

The Clerk read the words as above recorded.

Mr. THAYER. I think the gentleman from Missouri [Mr. HOGAN] has done everything the House could desire him to do. He has withdrawn the words objected to, and I therefore move that he be allowed to proceed in order.

The SPEAKER. That motion must be taken without debate.

The motion was agreed to.

Mr. HOGAN. Now, Mr. Speaker, I say distinctly if the gentleman from Massachusetts, [Mr. BOUTWELL]—

Mr. BOUTWELL. I would like to know whether the retraction has been taken down; and if so, I ask that it be read to the House.

The SPEAKER. The gentleman from Missouri [Mr. HOGAN] has been allowed by a vote of the House to proceed in order, and is not to be interrupted while proceeding in order. What he says will be taken down by the reporters of the Globe.

Mr. BANKS. I think the House is entitled to a record of the entire transaction. If words uttered here are excepted to they are written down, and there is a record of them entered upon the Journal of the proceedings of the House. If the member makes a retraction, that retraction ought also to be taken down in writing and be made a part of the Journal of the proceedings of the House.

The SPEAKER. That might be, perhaps; but the rule does not so state. The Chair will decide by the rule. The first part of the sixty-second rule is as follows:

"If a member be called to order for words spoken in debate, the person calling him to order shall repeat the words excepted to, and they shall be taken down in writing at the Clerk's table."

The latter part of the sixty-first rule is as follows:

"If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, he shall not be permitted to proceed, in case any member object, without leave of the House."

The gentleman from Massachusetts [Mr. BOUTWELL] objected to the member from Mis-

souri [Mr. HOGAN] proceeding. The gentleman from Pennsylvania [Mr. THAYER] moved that the gentleman from Missouri be allowed to proceed in order. The majority of the House voted that the gentleman be allowed to proceed in order. Only the words excepted to are required to be taken down in writing, not the retraction.

Mr. ASHLEY, of Ohio. I understood the gentleman from Missouri to say that these attorneys were in their seats here.

The SPEAKER. The House has passed from that subject now, and the gentleman from Missouri [Mr. HOGAN] has the permission of the House to proceed in order.

Mr. ASHLEY, of Ohio. I move to reconsider the vote by which the gentleman from Missouri [Mr. HOGAN] was allowed to proceed in order.

Mr. GRIDER. Upon that motion I call for the yeas and nays.

Mr. BROMWELL. I move to lay the motion to reconsider upon the table.

Mr. GRIDER. Upon that motion I call for the yeas and nays.

The yeas and nays were not ordered.

The motion to reconsider was then laid on the table.

The SPEAKER. The gentleman from Missouri [Mr. HOGAN] is entitled to the floor for three minutes, unless another point of order is made, as he has the authority of the House to proceed in order.

Mr. HOGAN. Mr. Speaker, I will take part of my three minutes now to say—and I wish what I say to be taken down distinctly—that the remarks I made were improper. They should not have been made, and would not have been made, but that I felt that it was great provocation, on a great question like this, in which the people of my district and other parts of the West are so vitally interested, to be allowed only ten minutes to speak upon it, while other parties could have almost all the time they wanted. Now, I will say in reference to this matter—

Mr. ALLEY. Will the gentleman from Missouri yield to me a moment for a question?

Mr. HOGAN. Will this interruption come out of my time? If I could have time I would have no objection to answer all the questions that could be asked.

Mr. ALLEY. I wish to ask the gentleman from Missouri whether I did not go to him and tell him what I proposed to do and the circumstances under which I was placed, promising to give him ten minutes to speak upon this particular section, and that, if he desired it, after the previous question had been called and sustained, I would give him some additional time to speak upon the general merits of the bill. I understood the gentleman to express himself as perfectly satisfied with the arrangement; and certainly nothing has astonished me more than to hear the complaint which he makes this morning.

Mr. HOGAN. On that subject there must be some misunderstanding between the gentleman and myself. His proposition, as I understood it, was that if the Clinton bridge should not be put into the omnibus bill, then I could have ten minutes to speak upon the general merits of the whole bill. But the understanding which I had was that this Clinton bridge bill was to remain upon its merits as a separate measure. That was the way I understood it.

Mr. ALLEY. The gentleman will remember that previously to my asking the gentleman whether he would not consent, if this was not put into the bill, to go for the other, I called upon him in reference to that arrangement. I told him the reason why I was compelled to put it into this bill, because I could not get it in as a separate bill.

The SPEAKER. The ten minutes of the gentleman from Missouri have expired.

Mr. ALLEY. I yield five minutes more to the gentleman from Missouri.

Mr. HOGAN. Mr. Speaker, it is a remarkable stretch of magnanimity to allow to an advocate of the unobstructed navigation of the

Mississippi river five minutes to reply to efforts in behalf of chartered monopolies to destroy its navigation. Dogentlemen of this House know the magnitude of the business of the Mississippi river? Let me call their attention to the fact that in the year 1865 the enrolled carrying capacity of the steamers on the Mississippi and its tributaries was two hundred and ninety-two thousand one hundred and forty-four tons, there being nine hundred and ten steamers engaged in the navigation of that river. And those nine hundred and ten steamers have cost the people who have built them \$30,000,000. And dogentlemen know that the commerce of that Mississippi river, if left undisturbed by the power of moneyed monopolies endeavoring to destroy it, is equal to the whole foreign commerce of the United States?

It is not only the States bordering upon the river that are interested in this commerce. There are eleven States that could find outlets to market through that medium if left undisturbed by the monopolizing railroads. But it is not only those States that are interested. Gentlemen from Maine are as much interested in the free navigation of the Mississippi river as my constituents are. If the people of Maine are buying from the West six hundred thousand barrels of flour every year, let me assure them that they can transport that flour from the falls of St. Anthony, at the extreme upper part of the navigation of the river, to Portland, Maine, for one dollar or one dollar and a half less per barrel than they can transport it by any railroads now existing in the country. Every year nearly a million dollars is taken out of the pockets of the people of Maine for breadstuffs alone, in the shape of flour, to be put into the pockets of monopolizing railroad companies, who are seeking to destroy the navigation of that great river. I am not opposed to bridges. I have no opposition to bridges. I hope the Mississippi river may be bridged at every mile if that be wanted to be done. I have no objection as to how many bridges are constructed; but why shall you give the right to obstruct the navigation of that river to the railroad companies and prevent thereby the free transit of these commodities through that channel to the markets of the world?

These companies can construct bridges that will not obstruct the navigation of that river. It will cost a little more money to do it. I ask this Congress, members of all parties, whether they are going to disturb the interests of the people of the western country in the navigation of this river in order to save money to these few railroad kings who have grown up and fattened upon the spoils they have gathered from the people. If they would carry freight at fair rates I would have no objection to their bridging the Mississippi river. If they will build bridges so as not to obstruct the navigation of the river, I have no objection.

The Supreme Court has said, and Congress has enacted, that for the Ohio river a bridge must be fifty feet above high-water mark. Why should it not be so for the Mississippi river?

The SPEAKER. The gentleman's time has expired.

Mr. HOGAN. Are not those great interests to be fully heard?

Mr. ALLEY. I decline to yield further.

Mr. HOGAN. No, sir; these monopolies are too strong.

Mr. WASHBURNE, of Illinois. I rise to a question of order. Will not this continue to be the business of the morning hour till disposed of?

The SPEAKER. It will.

Mr. WASHBURNE, of Illinois. This is the most important question to my constituents before this Congress, and crowding me into a few minutes to make a speech showing all the facts, when there is no necessity for it, has never before been done within my knowledge or experience.

Mr. ALLEY. Am I to understand this will continue to be the pending business in the morning hour until disposed of?

The SPEAKER. No other committee can report till this bill has been disposed of. The next morning hour will be on Tuesday next.

Mr. WASHBURNE, of Illinois. This bill is before the House and is bound to be disposed of. It cannot be got rid of. If it were otherwise I would not ask the gentleman to yield to me.

Mr. ALLEY. I will yield to the gentleman for ten minutes.

Mr. WASHBURNE, of Illinois. I cannot accept that. If the House be determined to strike in this way, it must strike without my being heard at all. I am not willing to be limited to ten minutes in which to explain how this matter stands. It is something which has never been tolerated during my service here.

Mr. INGERSOLL. I rise to a point of order. Does not the next morning hour come on next Tuesday?

The SPEAKER. It will, unless interrupted by a question of privilege.

Mr. WASHBURNE, of Illinois. Will not this be the continuous business of the morning hour until disposed of?

The SPEAKER. It will, if not interrupted by questions of privilege.

Mr. INGERSOLL. And the reports of the other committees will be kept back.

Mr. ALLEY. I desire to be entirely fair, and to give everybody an opportunity to discuss the bill to their heart's content. No one intimated a desire to discuss it except the gentleman from Missouri and the gentleman from Illinois, and I thought I had made an arrangement with which they were satisfied. I give to the gentleman from Illinois ten minutes now, and will again yield to him after the previous question has been ordered to speak generally upon the bill.

Mr. WASHBURNE, of Illinois. I want to speak to this amendment. I expect to vote for the bill if this amendment be voted down.

Mr. ALLEY. It seems to me the gentleman ought to be able to explain his position in ten minutes.

Mr. WASHBURNE, of Illinois. The gentleman may be enabled to, but I tell the House that it is impossible for me to state all the facts. The evidence amounts to several pages, giving all the facts in relation to the obstruction of navigation by that bridge.

Mr. ALLEY. If the gentleman will allow me, I will say there is but one particular point in the matter, and that he can speak to in ten minutes. Indeed, I think five minutes is sufficient time, with his ability, to state the grounds of his opposition to this amendment, upon the only point which he can raise after the declaration he has made, that he is in favor of the general bill; for it differs from the general bill only in this particular, that the draw is a little narrower. Now, I can show that it is a great deal wider than any draw in the world was twenty years ago, and I do not know of but one draw in the world at the present time that is equal to it in width. I think there are other reasons which I can give for the gentleman's opposition which will explain it entirely, and if he chooses to take the ten minutes I do not want more than five minutes for reply.

Mr. WASHBURNE, of Illinois. I do not accept the ten minutes. The House, I trust, will allow me more time.

The SPEAKER. Then the gentleman from Massachusetts is entitled to the floor.

Mr. ALLEY. Then I will only say a very few words in reply to the gentleman from Missouri, [Mr. HOGAN.] I think his argument was more to the merits of the general bill than it was to this specific proposition. As I observed before, the only difference between this bridge and the bridges that it is proposed to build is in its width. I believe in all other particulars the provision is precisely like the others.

This bridge has been built and in operation eighteen months. It is one of the most substantial character, built in the best possible manner. The width of the draw in the clear is one hundred and twenty feet, and those who know anything about draw-bridges know that

that is ample. As I said before, it is wider than any draw in 1841.

Mr. HOGAN. Will the gentleman allow me a question?

Mr. ALLEY. Yes, sir.

Mr. HOGAN. Does the gentleman know anything at all of the character of the navigating interest of the Mississippi river? Does he know that the steamers have barges in tow, so that one hundred and twenty feet is not a sufficient width at all?

Mr. ALLEY. I will state that we have ample and complete testimony upon all these points by the navigators, by parties interested on both sides, by everybody that desired to say anything about it, and after listening to all the testimony, hearing all the facts, and examining them very carefully for a great length of time, we came to the conclusion, I think unanimously, or at any rate with one single exception, that the draw was ample, and that there was no force in the objection that was made. And now all this company asks, after having the authority from the States of Illinois and Missouri to build the bridge, is simply that it be declared a post route. That is the whole sum and substance of the proposition. And can the House refuse, after granting all these privileges to all these other companies, to allow this amendment to be adopted? And now let me say one word further with regard to the opposition of the gentleman from Missouri and the gentleman from Illinois. I cannot see why in the world they make so much objection to this particular proposition, when the only difference is in the draw, except that this objection occurs to my mind—and I throw it out for the benefit of the House, and they may attach such weight to it as they choose. There is a great rivalry between the cities of St. Louis and Chicago. I think no member of the House will fail to see it. This bridge affects somewhat injuriously, perhaps, the interests of the city of St. Louis.

Mr. HOGAN. I desire to ask the gentleman another question. If this bridge at Clinton is no obstruction to navigation, how can it possibly interfere with the business interests of Missouri?

Mr. ALLEY. A great spirit of rivalry exists between St. Louis and Chicago, and the city of Chicago is benefited somewhat by these additional facilities, and while it promotes the business interest of Chicago it does not take much of anything from the city of St. Louis, but being a rival city it excites jealousy and hostility. And with regard to the gentleman from Illinois, [Mr. WASHBURNE,] his city of Galena is somewhat in the same predicament. Now, anybody who has been in the House as long as I have with the gentleman from Illinois knows very well that any bill that does not bring any toll to his mill—and by his mill I mean the city of Galena—never receives much favor at his hands. I must confess that I am unable to see any serious objection that he can possibly make to this bill that does not exist against the general bill except it be the fact that Galena is not benefited by it.

Mr. WASHBURNE, of Illinois. I call the gentleman to order, and require that his words be taken down.

The words of Mr. ALLEY excepted to by Mr. WASHBURNE, of Illinois, as taken down by the reporters of the Globe, were read, as follows:

"Now, anybody who has been in the House as long as I have with the gentleman from Illinois, knows very well that any bill that does not bring any toll to his mill—and by his mill I mean the city of Galena—never receives much favor at his hands."

Mr. ASHLEY, of Ohio. I would like to ask the gentleman from Illinois if he calls the gentleman from Massachusetts to order because he has designated the city of Galena a mill. [Laughter.]

The SPEAKER. The Chair overrules the point of order made by the gentleman from Illinois, [Mr. WASHBURNE.]

Mr. WASHBURNE, of Illinois. I desire to be heard in regard to this matter.

The SPEAKER. It is not debatable. The gentleman from Massachusetts [Mr. ALLEY] will proceed.

Mr. WASHBURN, of Illinois. I now ask in consideration of what has been stated by the gentleman from Massachusetts—

The SPEAKER. The gentleman from Massachusetts [Mr. ALLEY] is entitled to the floor unless he yields. He must state whether he does yield or does not.

Mr. ALLEY. I do not.

The SPEAKER. Then the gentleman will proceed with his remarks.

Mr. ALLEY. I was going on to remark that so far as the gentleman from Illinois is concerned, I understand what his purpose is. He wants to use up the morning hour. I now call the previous question.

Mr. WASHBURN, of Illinois. I appeal to the House to hear me in response to the gentleman from Massachusetts.

The SPEAKER. Does the gentleman call the previous question on the amendment or on the whole bill?

Mr. ALLEY. On the whole bill. I have given the gentleman all the opportunity to be heard that I agreed to do, and I cannot consent to give him any more. I must insist on the previous question.

The question was put upon seconding the demand for the previous question; and there were—ayes 46, noes 42; no quorum voting.

Mr. WASHBURN, of Illinois. I hope the gentleman will withdraw the demand for the previous question.

Mr. INGERSOLL. I hope the previous question will be seconded.

Mr. ALLEY. I will give the gentleman from Illinois [Mr. WASHBURN] thirty minutes of my time after the previous question has been seconded.

The previous question was seconded and the main question ordered.

Mr. ALLEY. I now yield to the gentleman from Illinois [Mr. WASHBURN] for thirty minutes.

Mr. WASHBURN, of Illinois. Mr. Speaker, I wish in the first place to thank the House for coming so near to defeating the previous question as to secure to me the agreement that I may speak for half an hour. The members of this House have undoubtedly understood something of the interest I feel on this subject of bridges. And I ask the indulgence of the House while I state in a few words the reasons why I have felt so much interest in this question of damming up by bridging that magnificent and majestic highway of commerce which has been dedicated to the free intercourse of the commerce of the country. In the first place, without the authority of Congress, a bridge was built at Rock Island many years ago; and let me tell the House, what is the fact, and what has been proved by the record: that bridge has been a damage of \$5,000,000 to the commerce of the country. From the time the bridge was built in 1855, down to 1859, there were not less than sixty-four steamboats lost, wrecked, or damaged, worth in the aggregate \$2,000,000, and the sum of \$3,000,000 may have been added as a tax upon the commerce of the country by the additional rates of freight and insurance, owing to the dangers to navigation which that bridge has caused. But because there was a question of jurisdiction arising, as well as other questions, the people who have suffered this great injury have been without remedy, although this vast amount of damage has accrued to them.

Now I wish to direct the attention of this House briefly and hurriedly to this matter, as it now comes before us, for I feel that I am tied down here to a sort of bed of Procrustes, to one half hour. I desire to call the attention of the members to the enormity of this bill which has been brought in here. Notwithstanding the effect of this Rock Island bridge, another bridge was built at Clinton, which is the bridge it is now sought to legalize by this bill. Now, I say to you, Mr. Speaker, and I say to this House, that if I cannot demonstrate that this is one of the most impudent and one of the most outrageous measures that this House was ever called upon to sanction,

then I will give up the argument. Now, sir, what is this whole matter? I ask the gentleman from Massachusetts [Mr. ALLEY] to explain it. Here is a bridge built without authority of law, which is a great obstruction to the navigation of the Mississippi river, and which has caused the loss of vast sums of money to the people of the country. And we can have no adequate and speedy remedy for this great wrong on account of questions of jurisdiction and other questions, although there are suits now pending against the owners of the bridge. And yet this railroad interest, these monopolies that my friend from Missouri [Mr. HOGAN] has spoken of, come here and demand of us that we shall sanction this outrage, give it legal validity, and enable them as a part of a system to obtain millions and millions of dollars from the pockets of the people, not only from the pockets of the people of the West but the people of the East.

And how will my friend from Massachusetts [Mr. ALLEY] excuse himself to his constituents for coming here and urging upon us the legalization of this great obstruction to the navigation of the Mississippi river, impeding commerce and adding to the cost of transportation? What is the interest which he can have to dam up this river and add to the expense of living to his constituents? Do not we feed his constituents? Do not the cod-fishers at Marblehead, the clam-diggers at Danvers, and the shoemakers at Lynn, eat our flour and our pork? And does he not well know if you dam up or impede the navigation of this Mississippi river you add to the cost of transportation on these articles and take so much more money out of the pockets of his constituents? If I had the time I could show you by statistics here the additional cost of these things to the people of Massachusetts and all New England to whom we furnish them. Now, let me tell gentlemen that it is in the interest of the railroad companies that the Mississippi should be dammed up, for they want to make all the commerce of the country tributary to them. If they can get permission to dam up that majestic stream they will put whatever price they please upon the transportation of what you get. I have the statistics here showing that since the Mississippi river has become open and free, the price of freight on flour from the upper Mississippi to Boston or New York has come down from one to two dollars a barrel, and yet the gentleman from Massachusetts [Mr. ALLEY] comes here and asks us to legalize the erection of this bridge and thus inflict this additional cost upon his constituents. Why does he want to inflict this injury upon them to benefit railroad monopolies?

Mr. Speaker, this is not the question which is involved in the other sections of the bill. No, sir; I said before in this House that I will not oppose but am rather in favor of bridging the river, if it can be done without obstructing the navigation. Now, sir, let us see what the gentleman from Massachusetts does, and how he stands here before the House in regard to this matter. Sir, what is required by these amendments which the gentleman has introduced, and which were passed upon by the House? Sir, they require a draw of one hundred and sixty feet; and the piers are to be set in a particular way and the draw to be kept open. That, sir, is what the gentleman's committee said was right and proper; and after the committee have made that the rule for all other bridges, the gentleman comes in here and proposes that this bridge shall be made an exception to the general rule. What is his excuse? If a draw one hundred and twenty feet in width is enough, why did the gentleman require a draw one hundred and sixty feet in these other cases? Now, if the House wants to hear the testimony in regard to the obstruction of this bridge, I will read it. Pleading here the cause of the people, I ask them, if they must strike, to hear me. The monopolies are heard; but I ask you to hear the great voice of the people. I did not know that you would hear. I did not know but that you would be worse than the judge of the old my-

thology, Rhadamanthus, who was regarded as the most inexorable of all the infernal judges. He chastised, but he heard—*castigat, auditque*. You undertake to chastise, without hearing, my people and the eight million people in the Northwest, besides the gentleman's constituents and the people of the East.

I desire, Mr. Speaker, that this House shall, in considering this Clinton bridge, separate this amendment from the bill which is before the House. Here the gentleman from Massachusetts, after having got through a general bill, undertakes in the interest of a corporation to get through a special bill to legalize this bridge—a thing that has never before been done in this House in regard to a Mississippi river bridge, and which I supposed never could be done or would be done. And, sir, I wish members could realize the terror of the people in the Northwest in regard to what this Congress may do on these subjects. They have felt a keen solicitude with regard to what blow might be struck at their great interests. Sir, the people from one end of the river to the other have been deeply aroused in relation to this subject. Every navigating interest of the Ohio, the Illinois, the Missouri, and the Mississippi, every interest of New England, every interest of New York city and of Philadelphia, the whole commercial interest of the country is concerned in this question.

Now, sir, the gentleman from Massachusetts has the coolness to tell this House that this bridge with a draw only one hundred and twenty feet wide is no obstruction to the navigation, while in the bill before us it is declared, and he declares in reporting it, that a draw of one hundred and sixty feet is necessary.

Mr. WILLIAMS. Does not the gentleman overstate the width of the span of Clinton bridge? I have always understood, and my information has been received from parties familiar with the matter, that it is only one hundred and sixteen feet.

Mr. WASHBURN, of Illinois. It is one hundred and twenty feet. I have all the testimony here. It is forty feet less than the width which the gentleman from Massachusetts has said is necessary for these other bridges. I demand, why this discrimination in favor of this bridge? I have here the testimony of some fifty or sixty pilots and rivermen on the Mississippi river. I do not know that the testimony of the courageous, skillful, hardy men who navigate our commerce upon that river will receive any consideration from this House. But these men are in a position above all other men to know the truth in reference to this matter. What do they tell you? In the first place, they tell you that there is a suit pending in regard to this bridge. I proposed an amendment providing that this legislation should not interfere with any suit in court. This was objected to by the gentleman from Massachusetts. Have you ever, gentlemen of the House of Representatives, voted to take a suit out of court as this bill will do? Then I proposed to the gentleman to withdraw all my opposition to the bill and to vote for it, if he would accept an amendment providing that this bridge should be made to conform precisely to the other bridges before it should be declared a post route. Was not that fair? Was not that just? But the gentleman must have the "pound of flesh." He demands of us everything that we have. Nothing less will satisfy his insatiable desire to be revenged on the West that feeds his constituents. Does he want them to starve? The men interested in the navigation of this river say in their statement that—

"Said bridge is a dangerous nuisance, materially obstructing the navigation of the Mississippi river; that we respectfully pray and hope that Congress will in no manner interfere with the course of justice by legalizing this bridge."

Here, then, is the sworn testimony. We have the affidavit of some fifteen or twenty more pilots, and I ask the attention of the House to their declarations:

"The undersigned, pilots, captains, and experts in the navigation of the upper Mississippi river, and owners of boats engaged in the navigation of the

upper Mississippi river, being duly sworn, state on oath, that they believe the bridge across the Mississippi river at Clinton, Iowa, as at present constructed, is a very material obstruction to the navigation of the Mississippi river: that they each and all have had experience in the navigation through the draw of said bridge and speak from actual experience and knowledge: that the same causes great risk to life and property in passing through the same, and causes great delay and loss to owners by detention on account of wind or darkness at times when but for the bridge that portion of the river could be run with perfect ease and safety; that the said bridge is located where there is a curve in the river, and the piers are set at an angle of from ten to fifteen degrees to the current, causing great difficulty in the approach to the draw, and danger of collision; that the draw is only one hundred and twenty feet in width, and the difficulty is greatly increased when boats have barges in tow."

It is known to us in the West, although it may not be known to the members from the East, that we can carry grain better and cheaper in these barges on the Mississippi river.

"That the average width of a large boat, including guards, is nearly sixty feet, and the additional width of two barges would be about fifty feet more, so that only ten feet margin, or five feet on each side, is allowed. That where there is a current this margin is entirely too small for safe navigation, even in calm weather; and when there is any wind, or it is dark, the danger is greatly enhanced."

Will gentlemen sanction this? Will gentlemen sanction a bill of this kind? Will they say that this shall be a post route and there is to be no remedy in all time for the suffering people? Are we to be tied up forever? Are we to be made tributary to these railroad companies? I say no; and I call upon the House to place the seal of its condemnation upon this matter. The moment you strike at the free navigation of the Mississippi river you strike a deadly blow at every farmer in the Northwest.

How was it in regard to the Rock Island bridge? Although we had no remedy for want of jurisdiction, still it was such a nuisance that its friends finally gave it up. What has this House done? This House has passed an act at this session so that this bridge may be removed. We then hoped, when that great curse and obstruction was removed, we should be able to get this Clinton bridge removed or changed, so as not so greatly to obstruct navigation; but here comes a proposition to legalize this bridge and make it an eternal nuisance.

But does the House know another thing? After the Senate had passed upon this question of bridges, and after it was discussed there for days while we are cut down to half an hour; after they discussed it and passed the bill before the House, what did the Senate do? In the river and harbor bill they placed the following which we adopted, and it has since become the law of the land:

"Sec. 4. And be it further enacted, That the Secretary of War is hereby directed to cause examinations or surveys, or both, as aforesaid, to be made at the following points, namely: of the Mississippi river, between Fort Snelling and the falls of St. Anthony and the upper or Rock river rapids of the Mississippi river, with a view to ascertain the most feasible means, by economizing the water of the stream, of insuring the passage, at all navigable seasons, of boats drawing four feet of water; of the Minnesota river, from its mouth to the Yellow Medicine river, in order to ascertain the practicability and expense, by slack-water navigation or otherwise, of securing the continued navigability of said stream during the usual season of navigation, and for examining and reporting upon the subject of constructing railroad bridges across the Mississippi river, between St. Paul, in Minnesota, and St. Louis, in the State of Missouri, upon such plans of construction as will offer the least impediment to the navigation of the river."

That is what the Senate did. Believing nothing should be done without official examination, they put in that amendment, and we have adopted it, and it is now the law of the land.

Mr. DRIGGS. I ask the gentleman whether in his statement that sixty steamers and two millions of property had been lost on the river, he meant to say that these losses were on account of these boats coming in contact with the bridge, and whether the losses would have occurred had it not been for the bridge. As the gentleman did not make this point clear, I hope he will answer the question.

Mr. WASHBURN, of Illinois. I said we have evidence that sixty-four steamboats

were lost, wrecked, or injured by this bridge, and that the value of that property was estimated at \$2,000,000. One steamboat lost there was worth \$200,000—one of the most beautiful boats that ever floated on our waters. The Gray Eagle, the pride of the upper Mississippi, commanded by a friend and neighbor, Captain Smith Harris, the most skillful pilot on the river, going out full loaded with freight and passengers, ran against the pier and went down and all was lost. And not only has this vast amount of property been lost, but a great many lives have been lost also, as well as vast amounts of lumber.

Mr. PRICE. Mr. Speaker, my constituents will think it strange if I sit here and listen to the statement that sixty-four steamboats have been lost without making some reply. Now, I have lived in sight of the bridge, and see it every day, and there never have been but three boats lost there during the last season, one burned and two sunk. One of those sunk was the Gray Eagle, and another a small boat. This is news to all the people that live there.

Mr. WASHBURN, of Illinois. It may be news to the gentleman from Iowa, but it is not news to the commissioners that examined the matter. I have the book here.

Mr. PRICE. It may be in the book but not in the river.

Mr. WASHBURN, of Illinois. The book shows that sixty-four steamers and a large number of rafts were lost, wrecked, or damaged. This is a communication addressed to the Secretary of War by members of the House from the West, upon which he ordered the survey of the Rock Island bridge, which it is alleged is no greater obstruction to navigation than the Clinton bridge. One of the commissioners was Captain (now General) Humphreys, Captain (now General) Meade, and Captain (now General) Franklin. After applying certain principles to this examination they say:

"The board is constrained with extreme regret to report that all of these have been violated, thus rendering the bridge not only an obstruction to the navigation of the river, but one materially greater than there was any occasion for."

That is the testimony of these engineers, and is it not to be received here?

The gentleman from Massachusetts [Mr. ALLEY] has undertaken to tell me a great deal about this bridge. It is within sixty miles of where I have lived for more than twenty-six years, and among a people that I have always known, and there is not a day in the year that it is not a subject of conversation among them. Every steamboat man, every merchant, every lumberman talks of it. My friend from Minnesota [Mr. WINDOM] intimates that he is going to vote for this proposition of the gentleman from Massachusetts to dam up the Mississippi. If he do, I hope he will have a happy time with his constituents. I undertake to say it will add two cents to every bushel of wheat shipped from his State in the cost, and an additional freight and rate of insurances besides. And I would like to call his attention to something his own people have done in this matter of the free navigation of the great Father of Waters.

Mr. HUBBARD, of New York. I would like to ask the gentleman to state the number of accidents that have occurred there.

Mr. WASHBURN, of Illinois. I know there have been innumerable accidents there, and great damage done in various ways. I know the testimony is that this bridge is about the same kind of obstruction as the Rock Island bridge. Why, sir, you have made appropriations of hundreds of thousands of dollars to improve the rapids of the Mississippi. There is no person interested in navigation on the Mississippi who will not tell you that these bridges have been infinitely more damage to commerce than those rapids ever were from the beginning of navigation of the river. In the river and harbor bill you appropriated \$300,000 to improve the rapids, and now it is proposed to impede the navigation of the river, as you must do most effectually by this bill. If you do I would ask the House to repeal that

clause of the river and harbor bill, for the appropriation will do no good.

Mr. HUBBARD, of New York. Will the gentleman yield for a question?

Mr. WASHBURN, of Illinois. It is unreasonable for the gentleman to ask me to yield. He is on the Committee on the Post Office and Post Roads. I have been obliged to run over this subject very hurriedly. I have spoken very rapidly and disconnectedly, but with earnestness, because I feel in earnest. I have no interest in steamboat stocks or railroad stocks or any other stocks. I have very little interest anywhere except once in awhile when I see a deadly blow being struck at the people to whom I owe everything that I am—if I am anything—at the people among whom I have lived for more than a quarter of a century, and also have upheld and sustained me because I have upheld and sustained them. I have found that the people are a better reliance at the polls than your monopolies and your corporations. The people can give votes if they have not quite as much money as these corporations. Sir, I stand by the interest of the people, and there I intend to stand. I have appealed to this House to say that if this bridge is to remain it will be the same as all other bridges. No corrupt discrimination in favor of this Clinton bridge nuisance, but let all be equal. I ask my friend from Ohio, [Mr. BINGHAM,] so near me, who is a fair, honorable, and just man, why make this exception? Why, after its being shown that this is not a sufficient width of draw, as the committee themselves have decided by making it one hundred and sixty feet, why take this out from all the others and legalize it? I put that question to every member of the House. But my time presses, and I must close without saying half I wish to say. I agreed to yield a moment to my friend from Pennsylvania, [Mr. MOORHEAD.] I yield the remainder of my time to the gentleman from Pennsylvania, [Mr. MOORHEAD.]

Mr. MOORHEAD. I ask simply to have a letter of one of my constituents read. I will state before it is read that the writer, Captain Gray, is largely interested in steamboats navigating the river that pass right under this bridge, and he is one of the most intelligent steamboat men residing in my district.

The Clerk read as follows:

PITTSBURG, March 22, 1866.

DEAR SIR: Permit me to call your attention to the fact that a member of Congress will introduce a bill declaring the "Clinton bridge" a post route. Said bridge is only one hundred and sixteen feet wide in the draw, and is a serious obstruction to the navigation of the upper Mississippi, and a matter in which your constituents are largely interested. If all the bridges on the upper river were compelled to make the draws "two hundred feet in the clear" they would be comparatively no obstruction to navigation. I hope when this bill comes up that you will perceive the necessity of protecting the river interests, and offer such amendments as will do so. The great Mississippi should not be obstructed by any such barriers, and the people of the West have large portions of their grain shipped in "barges," and a few such bridges will effectually stop cheap transportation. I respectfully call your attention to this bill.

Yours, &c.,

R. C. GRAY.

Hon. J. K. MOORHEAD.

Mr. HARDING, of Illinois. I wish simply to state that I coincide with the views of my colleague in relation to the Clinton bridge, and I hope it will not be legalized by an amendment to this bill.

Mr. ALLEY. I now yield five minutes to my colleague on the committee, [Mr. JOHNSON.]

Mr. JOHNSON. I shall not occupy five minutes. My object in rising is to state my position as a member of the committee and also as a member of this House. My absence from the committee for a long time during the winter and spring prevented me from making that investigation of this measure that I desired. The rule which would govern me in this matter is that no draw-bridge ought to be established over any navigable waters unless it is clearly shown that the span of the bridge could not be erected without enormous expense. I have not had an opportunity of ascertaining whether that is the case with all these bridges or not. I have been satisfied in my own mind that in one or two

cases draw-bridges are absolutely necessary, and I would indicate the one at Winona as being of that character, there being no bluff at the river bank.

I have not seen any of this outside influence that has been referred to. I never heard an argument before the committee, although I have been attending there for the last six weeks pretty regularly. But now, after there have been intimations made of parties in interest in regard to these measures, I will say that when I hear gentlemen on this floor day by day undertaking to press measures of interest to private corporations or individuals, and when I hear cries against monopolies, it occurs to me with great force to ask the question of this House, are we not becoming the great monopoly of the country? Are we not monopolizing all the legislation of the States? Are we not undertaking to interfere with matters that might much better be referred to the representatives of the States who are prepared to act upon information of their own, and who have more time to deliberate than we have upon such subjects?

Do we not hear it here every day that even the committees have not had that opportunity for investigation that they ought to have? But when a bill is brought before the House under the spur of the previous question, we find the time farmed out, five minutes here and ten minutes there, for the discussion of questions of the most vital interest to the country. That was the case the other day in regard to the telegraph bill, and the gentleman from Illinois [Mr. WASHBURN] was then loud in his opposition to monopoly; and I have also heard him equally loud in his opposition to all railroad monopolies, not only railroads in Illinois, but in other parts of the country. Now, I think it is time that he and others should come to understand that the Congress of the United States is becoming the great monopoly of this country, and is undertaking to regulate all matters relating to the States as well as to the United States. If I had had time to investigate this matter, I should have been able to take a position upon this question. But in consequence of the anomalous action of the Committee of the Post Office and Post Roads, in referring this matter to the House without recommendation, I felt it necessary, being a member of that committee, to make this statement to the House as due to myself personally.

Mr. ALLEY. The gentleman from Illinois [Mr. WASHBURN] has occupied his thirty minutes chiefly in talking about matters that it seems to me have little relevancy to the question immediately before the House, which is, whether the House will vote in favor of making Clinton bridge a post route or not. He has talked a great deal about the Rock Island bridge. I have always believed that the Rock Island bridge was badly constructed, was badly situated. And if that question was before the House to-day it would not receive my vote. But it has no parallel in any respect with the one involved in the question before the House. The Clinton bridge bears no sort of comparison with the Rock Island bridge in its position, or in its structure, or in many other important particulars. It will be recollected that the House voted the other day to alter the Rock Island bridge and change its location, for reasons which I will not stop to relate. But it is not true, as the gentleman states, that there have been so many accidents and so much property destroyed even at that Rock Island bridge. His statements are gross exaggerations, so far as my information extends, even with regard to that bridge. But there is no use in wasting the time of the House upon that point, for it has nothing to do with the question before the House.

But allow me to say in regard to this Clinton bridge and the amount of property destroyed in consequence of it, that it has been in operation eighteen months and but two accidents have occurred, one entirely immaterial, by striking the bridge on going through by a boat, and injuring its guard a little, which did not detain it a single hour, and which did not sub-

ject it, I suppose, to an expense of fifty dollars. The other accident was the sinking of a barge, which was the result, according to the testimony, of the grossest carelessness, if not of design. Some charge upon the parties a design to sink the barge. It certainly was an exhibition of the grossest carelessness. Now, in regard to the letter presented by the gentleman from Pennsylvania, [Mr. MOOREHEAD,] allow me to say those statements must be incorrect, for they are the statements of an interested party, a party strongly interested against the bridge. The sworn testimony before the committee was that the draw was one hundred and twenty feet in the clear, while the party whose statements have been read say that it is but one hundred and sixteen feet.

Mr. HOTCHKISS. I desire to ask the gentleman from Massachusetts [Mr. ALLEY] if he intends to give my colleague [Mr. HUBBARD] an opportunity to be heard upon this subject.

Mr. ALLEY. I cannot at this stage.

Mr. HOTCHKISS. It was positively promised him.

Mr. ALLEY. I told the gentleman from New York [Mr. HOTCHKISS] that I should give my colleague upon the committee [Mr. HUBBARD, of New York] an opportunity to speak if he desired and I possibly could; and I purpose to do it. But I did not say when I would give it to him. If the gentleman wanted five minutes to speak I certainly should give it to him; but he has not asked it for himself.

Mr. HOTCHKISS. After I requested some time for my colleague, a half an hour's time was given to the gentleman from Illinois, [Mr. WASHBURN.]

Mr. ALLEY. Mr. Speaker, the gentleman from Illinois has stated that innumerable accidents have occurred at this bridge, and that the testimony so showed. Sir, this is not the fact. The testimony before the committee showed that there had been but two accidents there—one of the most trifling character, and the other, as I before stated, the result of the grossest carelessness.

Now, sir, the gentleman says that he is in favor of bridging the Mississippi; he admits that the necessities of the country require it; but he says that he cannot see how I, a Representative from Massachusetts, can answer to my constituents for advocating and supporting this bill. Mr. Speaker, I consider that my constituents are interested in the passage of this measure, as every member here and the constituents of every member are. I believe that these increased facilities for railroad communication will give us at the East cheaper food. I believe that this measure will benefit us very much indeed; but I admit that it will benefit the people of the Northwest in a much greater degree. In this respect I concur with the gentleman from Illinois.

Now, Mr. Speaker, the gentleman from Illinois has admitted that he is in favor of these bridges as they are reported by the committee in this bill. As I stated when I was previously on the floor, the only difference in the case of this bridge is that the draw is one hundred and twenty feet in the clear, which is a sufficient width, in the judgment both of the committee and of all the parties who came before us, except parties directly interested. They said that the draw should be one hundred and sixty feet wide, and that even this width would be insufficient. Now, sir, in view of the testimony and the facts of the case, these parties are obliged to concede that these draws one hundred and sixty feet wide will not materially obstruct the navigation of the river. They therefore have given up that point, and are willing now that this bill shall pass. Even the gentleman from Illinois has declared his purpose to vote for the bill if we would strike out the provision with reference to the Clinton bridge. Now, Mr. Speaker, I believe, as I before stated, that there can be adduced in opposition to the Clinton bridge no objection that will not apply with equal force to these seven or eight other bridges, if you view the case in all its bearings. The position of this Clinton bridge upon the river

is such that, considering all its advantages and disadvantages, the committee were clear in the opinion that this bridge is not so much an obstruction as the others. They had great doubts in reference to the others, and they instructed me to report the general bill without a recommendation, while they have instructed me to report this bill with a recommendation that it pass. While some members of the committee saw grave objections to the other bridges, they did not see any objections to this. The gentleman from Illinois, however, discovers serious objections which none others can discover.

Now, Mr. Speaker, after the committee had occupied weeks in the investigation of this whole matter—after they had listened to all the parties in interest, and in fact all who desired to be heard, including people from the Northwest and elsewhere—the committee were (with the exception of one member situated somewhat like the gentleman from Illinois) unanimous in their deliberate conclusion that no well-founded objection can be urged against this bridge, and they instructed me so to report. Under these circumstances it seems to me fair to presume that the gentleman from Illinois may be a little biased by the wishes of his constituents, by the wishes of those gentlemen in the city of Galena who are largely interested in navigation, who own largely of stock in boats, and whose business they fear may be somewhat interfered with by this measure. The gentleman has quoted here testimony which was adduced before the committee. He has introduced the petition of pilots, navigators, and stockholders interested in boating upon that river, and with a great flourish of trumpets he exhibits that as the voice of the people of the West. Now, Mr. Speaker, is there a man on this floor green enough to suppose that the pilots upon that river and the large owners of boats navigating the river are not opposed to these bridges which will give the people greater facilities for getting their corn and beef and pork and all their other products to the sea-coast by railroad just as cheaply to many points as by transporting them down the river? Does not the history of the world show that at all times when particular interests are imperiled people concerned in those interests rise up and cry out "monopoly?"

Mr. HOGAN. Will the gentleman from Massachusetts allow me to ask him a single question?

Mr. ALLEY. Certainly.

Mr. HOGAN. Does the gentleman mean to say that railroads carry freights as cheaply as they are carried on the rivers? I so understood him; I understood him to say that they can get freight carried as cheaply by railroad as by the river. Does he not know that it costs twice as much by railroad as by the river?

Mr. FARNSWORTH. Does the gentleman from Missouri hold that freight cannot be carried cheaper to the East by railroad than to take it down the river and all the way around by water?

Mr. HOGAN. It can be taken by water at one half the price.

Mr. ALLEY. The gentleman from Missouri asks me whether they can get their produce transported as cheaply by railroad as by water. They cannot to some points, but they can to New York and to the great markets of the East as cheaply as by the river. That is all I meant to say.

Mr. Speaker, the point is this, and only this, that these parties who appeared before the committee in opposition to bridging the Mississippi river were parties in interest. All the people who presented themselves there had direct interest against the erection of these bridges. I do not mention this in disparagement of these gentlemen or their judgment in reference to this matter, but only to show the simple fact that they were interested; that the House may attach only the importance to the testimony that such facts warrant.

Now, this opposition is no new thing. It has always been so all the world over. Macaulay tells us that in 1669, when they proposed to

run flying coaches from Oxford to London, it created the greatest commotion and excitement; petitions were immediately sent to the King and Privy Council in opposition to it; all the inn-keepers, all the stock-breeders, all the navigators upon the Thames—indeed, all of the innumerable class of people whose interests were affected loudly protested against it. Yes, sir, in England it created the greatest excitement when the simple proposition was made that flying coaches should run between Oxford and London between sunrise and sunset. It was thought to be intolerable, and denounced as the destruction of vested rights and an invasion that would work serious evils to many important interests. But flying coaches were established notwithstanding. I remember very well when railroads were established in my own State. I remember, when a boy, that when the railroad system as introduced there was the greatest excitement; and all the stage-drivers, tavern-keepers, all those who owned turnpike stock, got up petitions and remonstrances and made the greatest ado, declaring, in order to preserve their business, railroads must be stopped.

I consider this opposition on a par with that I have mentioned. What these men say ought to weigh but little under the circumstances. I do not think it should have the slightest force in determining the judgment of the House against this bill. I do not think the testimony and feelings of these captains and pilots should have any more weight or force than those of any other class of men engaged in any other vocation of life. The testimony on the other side was overwhelming that this bridge does not materially obstruct the navigation of the river. Now, in regard to the suits at law, to which reference has been made by the gentleman from Illinois, [Mr. WASHBURN.] It was stated, if not in the committee outside of the committee, that there were important suits pending against this bridge, and that this would be doing great injustice to the parties who had entered those suits. We made diligent inquiries of all parties who were on the stand, and who ought to have known if anybody knew, whether such suits were pending, and they testified that there were no such suits.

As I said before, this bridge is built in the most satisfactory manner, and the obstruction, if any, is very slight. Let me say, of all the boats which have passed there—ten hundred and forty-eight—in a single year, only these two accidents have happened. I leave it, therefore, to the House to determine whether, under these circumstances, with the great facility the bridge affords for transportation of all this produce, this amendment shall be adopted. Let me show what this was by the sworn testimony of parties who appeared before the committee. The freight over the bridge last year was one hundred and twenty-six thousand tons and fifty-five thousand passengers and twenty trains daily. They open the draw ordinarily in less than three minutes, but are often not more than two minutes. They can open it, as they frequently have done, in one minute. It appeared from the sworn testimony of the parties who were before the committee and who presented statistics that this was so. And not only that, Mr. Speaker, but it is shown that, while twenty trains run over this bridge daily, only four or five steamboats, on an average, pass under it during the season of navigation.

In addition to that, I will say—and it is an important fact in this case that I must notice—that several tons of mail matter go over this bridge daily; and further, that for four months of the year the navigation of the river is obstructed by ice. It is also navigable for small boats only during several weeks in the navigable season. When the river was closed by ice before the bridge was built all the freight had to lie over, and a great deal of it for months. This alone furnishes an argument of irresistible force in favor of bridging this great river; and I submit whether, under these circumstances, the House can refuse to sanction this recom-

mendation of the committee and declare this bridge a post route, when it is shown that the bridge was built in the best possible manner, that but one accident has occurred for eighteen months, and that it was built by the authority of the Legislatures both of Illinois and Iowa. All this was shown and it was shown further that the bridge offers no interference or obstruction worth talking of with the navigation of the river. I will yield now to the gentleman from New York.

Mr. HUBBARD, of New York. I was surprised, Mr. Speaker, to hear the remarks of the gentleman from Illinois. I am a member of the Committee on the Post Office and Post Roads, and this matter was thoroughly examined by that committee, and the committee came to the conclusion that the policy had been adopted that the rivers of this country must be bridged. Here is a company with a capital of some millions of dollars; they start from the eastern States and come to the Mississippi river; they find that the navigation of that river is obstructed by ice for two or three months in the year; they find that the States of Iowa and Illinois have granted the privilege of constructing a bridge across the river; they go on and erect a bridge and it has been in operation over a year. And I am surprised that the gentleman from Illinois, [Mr. WASHBURN,] with all his ability and experience, should get up here and dodge the question and argue the feasibility of another bridge.

Mr. WASHBURN, of Illinois. The gentleman misstates the case; I have referred to the testimony.

Mr. HUBBARD, of New York. I deny that there was any such testimony before the committee.

Mr. WASHBURN, of Illinois. That shows how little the gentleman knows about it.

Mr. HUBBARD, of New York. I must decline to yield. The gentleman speaks of this bridge being a nuisance. Let me tell him that the matter has been before the courts both of Illinois and Iowa.

Mr. WASHBURN, of Illinois. Will the gentleman yield to me for a moment?

Mr. HUBBARD, of New York. I will be as courteous to the gentleman as he was to me when he had the floor. He would not even answer my question. If the gentleman had not drawn upon his imagination, but had left the facts to speak for themselves, I would not have said a word. But I am a member of the Committee on the Post Office and Post Roads, and when the gentleman gets up here and charges the committee with having acted outrageously I cannot sit still. Why, sir, if there be any bridge on this river that should be authorized, it is this. It has been shown to the committee that the draw can be opened in three minutes, and that a vessel can pass in one minute, and it was shown before the committee that there never has been a steamboat or a raft detained there for a minute. There is, however, a conflict between the steamboat interest and the railroad interest. All the facts were brought out before the committee.

[Here the hammer fell.]

Mr. WASHBURN, of Illinois. I ask that the time of the gentleman from New York be extended sufficiently long to enable me to read the testimony which was taken before the committee in regard to the obstruction which this bridge offers to the navigation of the Mississippi river.

Mr. HUBBARD, of New York. I tell the gentleman from Illinois, that the testimony before the committee was right the other way.

Mr. WASHBURN, of Illinois. I would like to have my amendment read, although it is not before the House.

Mr. SPALDING. I object.

Mr. ALLISON. I demand the yeas and nays upon agreeing to the amendment to the amendment.

The amendment to the amendment is as follows:

And that the bridge constructed over the Missis-

issippi river at Clinton, Iowa, by the Albany Bridge Company, under authority from the States of Illinois and Iowa, be, and the same is hereby, declared to be a postal route and highway of the United States, and may be maintained provided it does not materially obstruct the navigation of said river.

The question was taken; and it was decided in the negative—yeas 54, nays 66, not voting 62; as follows:

YEAS—Messrs. Alley, Ames, James M. Ashley, Baldwin, Baxter, Bundy, Coffroth, Conkling, Eldridge, Farnsworth, Farquhar, Glossbrenner, Grinnell, Hart, Higby, Holmes, Hotchkiss, Asahel W. Hubbard, Deans Hubbard, John H. Hubbard, Hubbard, Humphrey, Ingersoll, Jenckes, Julian, Kasson, William Lawrence, Le Blond, Longyear, Lynch, Marston, McKee, McRuer, Mercier, Miller, Orth, Paine, Perham, Price, Alexander H. Rice, Ritter, Rogers, Rollins, Sawyer, Schellabarger, Trowbridge, Van Alstine, Burt Van Horn, William B. Washburn, Welker, Wentworth, James F. Wilson, Windom, and Woodbridge—84.

NAYS—Messrs. Allison, Ancona, Anderson, Delos R. Ashley, Baker, Banks, Benjamin, Bidwell, Boutwell, Boyer, Brownell, Buckland, Reader W. Clarke, Cobb, Dawson, DeFrance, Delano, Deming, Donnelly, Eckley, Eggleston, Eliot, Ferry, Finck, Grider, Griswold, Hale, Aaron Harding, Abner C. Harding, Henderson, Hogan, Chester D. Hubbard, James K. Hubbard, Johnson, Ketcham, Kykendall, Ladin, George V. Lawrence, Loan, Marshall, Marvin, McClurg, Moorhead, Morris, Mouton, Newell, Niblack, Nicholson, Neill, Samuel J. Randall, William H. Randall, Raymond, Rousseau, Scofield, Sitgreaves, Spaulding, Taber, Taylor, Thayer, Thornton, Warner, Elihu B. Washburn, Henry D. Washburn, Whaley, and Williams—60.

NOT VOTING—Messrs. Barker, Beaman, Bergen, Bingham, Blaine, Blow, Brandegee, Broomall, Chandler, Sidney Clark, Cook, Cullom, Culver, Darling, Davis, Dawes, Denison, Dixon, Dodge, Briggs, Dumont, Garfield, Goodyear, Harris, Hayes, Hill, Hooper, Edwin H. Hubbard, Jones, Kelley, Kelso, Kerr, Latham, McCullough, McIndoe, Morrill, Myers, O'Neill, Patterson, Phelps, Pike, Plants, Pomeroy, Radford, John H. Rice, Ross, Schenck, Shanklin, Sloan, Smith, Starr, Stevens, Stilwell, Strouse, Francis Thomas, John L. Thomas, Trimble, Upson, Robert T. Van Horn, Ward, Stephen F. Wilson, Winfield, and Wright—62.

So the amendment to the amendment was not agreed to.

During the roll-call,

Mr. JOHNSON said: My colleague, Mr. DENISON, is detained from the House by serious illness.

The result of the vote was announced as above recorded.

ENROLLED BILLS SIGNED.

Mr. TROWBRIDGE, from the Committee on Enrolled Bills, reported that the Committee on Enrolled Bills had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 369) to establish certain post roads;

An act (H. R. No. 114) for the relief of A. T. Spencer and Gurdon S. Hubbard;

An act (H. R. No. 742) for the relief of the minor children of Salvador Accardi, deceased;

An act (H. R. No. 741) granting a pension to Jonathan W. Beach;

An act (H. R. No. 739) for the relief of Samantha Rader; and

An act (H. R. No. 702) granting a pension to Mrs. Charlotte E. Reed.

BRIDGES OVER MISSISSIPPI—AGAIN.

Mr. WASHBURN, of Illinois, moved to reconsider the vote by which the amendment to the amendment was disagreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The question recurred upon the amendment reported from the Committee on the Post Office and Post Roads as amended by the House.

The amendment was agreed to.

The question was upon the third reading of the bill.

Mr. HOGAN. I move that the bill be laid on the table.

The motion to lay the bill on the table was not agreed to.

The bill, as amended, was then read the third time.

Mr. WASHBURN, of Illinois. My colleague [Mr. HARDING] is very anxious to have incorporated in this bill an amendment, which I will read, and which he understood that the

gentleman from Massachusetts [Mr. ALLEY] would not object to. It is as follows:

Strike out all after the enacting clause of section seven and insert the following:

That any bridge that may be constructed under the authority of this act shall not be so located, operated, or constructed as to materially obstruct the navigation of the Mississippi river.

Mr. ALLEY. That is all contained in the bill as it is.

Mr. HARDING, of Illinois. I wish the gentleman would refer to the clause containing that provision.

The SPEAKER. It requires unanimous consent to amend the bill at this stage.

Mr. SPALDING. Then I object.

The question recurred upon the passage of the bill.

Mr. FINCK. Upon that question I call for the yeas and nays.

The question was taken upon ordering the yeas and nays; and upon a division there were—ayes fourteen, noes not counted; not one fifth of the members present voting in the affirmative.

Before the result of the vote was announced,

Mr. FINCK called for tellers on ordering the yeas and nays.

The question was taken, and fifteen members voted in the affirmative; not one fifth of a quorum.

So tellers were refused, and the yeas and nays were refused.

The bill was then passed.

Mr. ALLEY moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McDONALD, its Chief Clerk, informed the House that the Senate had passed a concurrent resolution of the House for the appointment of a joint committee on retrenchment, with an amendment, in which the concurrence of the House was requested.

DIPLOMATIC APPROPRIATION BILL.

Mr. BANKS. I ask unanimous consent that the Clerk of the House be authorized to correct an error in the action of the House on the consular and diplomatic appropriation bill. By the record it appears that the House concurred in the sixth amendment, whereas the fact is that it did not concur.

There being no objection, the correction was made.

MISCELLANEOUS APPROPRIATION BILL.

Mr. NEWELL asked and obtained leave to print in the debates some remarks he had prepared upon the miscellaneous appropriation bill which was passed by the House yesterday.

[The speech will be published in the Appendix.]

PROVOST MARSHAL GENERAL'S BUREAU.

Mr. SHELLABARGER. The select committee appointed to investigate the statements and charges made by Hon. ROSCOE CONKLING, in his place, against Provost Marshal General Fry and his bureau, whether any frauds have been perpetrated in his office in connection with the recruiting service, and also to examine into the statements made by General Fry in his communication to Hon. Mr. BLAINE, read in the House April 30, 1866, having completed their labors as to one branch of the investigation, have instructed me to submit a report in part, which, together with the evidence herewith submitted, and the arguments of counsel, I move be laid upon the table and be printed; and in connection therewith I submit the following resolutions:

Resolved, That all the statements contained in the letter of General James B. Fry to Hon. JAMES G. BLAINE, a member of this House, bearing date the 27th of April, A. D. 1866, and which was read in this House on the 30th of April, A. D. 1866, in so far as such statements impute to Hon. ROSCOE CONKLING, a member of this body, any criminal, illegal, unpatriotic, or otherwise improper conduct or motives, either as to the matter of his procuring himself to be employed

by the Government of the United States in the prosecution of military offenses in the State of New York, in the management of such prosecutions, in taking compensation therefor, or in any other matter charged, are wholly without foundation in truth; and for their publication there were, in the judgment of this House, no facts connected with said prosecutions furnishing either a palliation or an excuse.

Resolved, That General Fry, an officer of the Government of the United States, and head of one of its military bureaus, in writing and publishing these accusations named in the preceding resolution, and which, owing to the crimes and wrongs which they impute to a member of this body, are of a nature deeply injurious to the official and personal character, influence, and privileges of such member, and their publication, originating, as in the judgment of the House they did, in no misapprehension of facts, but in the resentment and passion of their author, was guilty of a gross violation of the privileges of such member and of this House, and his conduct in that regard merits and receives its unqualified disapprobation.

Mr. WENTWORTH. I would inquire if arguments of counsel are ever reported to this House.

The SPEAKER. Any member has a right to object to the printing of the report and accompanying papers, and then the question will be submitted to the House.

Mr. WENTWORTH. I ask if gentlemen propose to this House to publish the speeches of the attorneys before that committee when they are all over town, everywhere. The report of the committee to this House is one thing, the speeches of the lawyers are quite another thing.

Mr. SHELLABARGER. The committee, in pursuance of what it understood to be the usages of the House in matters of this sort, have agreed to recommend the printing of the arguments of counsel on both sides. Those arguments are full and exhaustive, and will be useful to the House in disposing of the important matters that have been submitted by the committee. The committee have no opinion to express upon the subject, but merely desire to conform to the pleasure of the House upon that matter. I call the previous question on my motion to print.

The previous question was seconded and the main question ordered; and under the operation thereof the motion to print was agreed to.

Mr. SHELLABARGER moved to reconsider the vote by which the House ordered the report of the committee with the accompanying papers to be printed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COMPENSATION OF MEMBERS OF CONGRESS.

Mr. NIBLACK, from the Committee on Appropriations, reported a bill to provide for the regulation of the compensation of Senators and Representatives and Delegates in Congress; which was read a first and second time, postponed until Wednesday next, and ordered to be printed.

ASSAULT UPON A MEMBER.

Mr. SPALDING. I now call for the regular order of business.

The House accordingly resumed the consideration of the resolutions reported by Mr. SPALDING from the select committee on breach of privilege, in the matter of Hon. LOVELL H. ROUSSEAU of Kentucky, and Hon. JOSIAH B. GRINNELL of Iowa.

Mr. SPALDING. I ask that the report of the select committee be read.

The report was read, as follows:

The committee appointed by the House to investigate and report upon the facts in the case of the assault committed by Hon. Mr. ROUSSEAU, of Kentucky, upon the person of Hon. Mr. GRINNELL, of Iowa, have attended to that duty, and respectfully report:

That at the close of the session of June 14, while passing from the House through the portico of the east front of the Capitol, Mr. GRINNELL, of Iowa, was arrested by Mr. ROUSSEAU, of Kentucky, who stated to him that he had waited four days for an apology for his conduct toward him in the House. Not receiving from Mr. GRINNELL a satisfactory reply, Mr. ROUSSEAU immediately struck Mr. GRINNELL several blows, with a small cane, upon the face and head until the stick was broken. The time occupied in this transaction was but momentary. The weapon used was a small rattan cane, with iron end. There were from six to ten blows given. No resistance was

made by Mr. GRINNELL, and no serious personal injury resulted from the assault. After some words the parties separated, without the direct interference of any person. There were fifteen or twenty persons present upon the portico at the time of the assault, a part of whom were detained there by a shower of rain falling at the moment. No other member of the House was present than the parties named; no person was present as a friend or in company with Mr. GRINNELL; he was without arms or weapon of any kind. Mr. ROUSSEAU had no weapon except that which has been described.

Three persons were present as friends of Mr. ROUSSEAU; the first, on account of information received from Mr. ROUSSEAU that a personal assault was possible, if not probable; the second, on account of a suggestion or call from the first; and the third followed Mr. ROUSSEAU to the portico, on account of his excited appearance and manner when passing through the rotunda. It does not appear that any one of these parties was informed of his intended action except the first. These friends of Mr. ROUSSEAU were all armed with loaded revolver or pistol. The first had taken his weapon with him on the day of the affair, in expectation of what might occur. The second was armed with a pistol which he had carried on his person for a long time, in accordance with the general custom of the country in which he lived, where men from the same neighborhood had served in the Union or the rebel armies. The third was armed with a pistol which it was generally his custom to carry, and which he had upon his person on that day without any reference to the difficulty which occurred. These parties had all served in the Union Army during the war with General ROUSSEAU. None of them had their arms with them at the time of the investigation. It was admitted by them that, in the event of any interference on the part of outside parties, they should have taken part in the contest. No interference being offered, they took no part in the affair, except to advise Mr. ROUSSEAU to withdraw at the close.

No doubt exists as to the cause or purpose of the assault. It was in consequence of words spoken in debate by Mr. GRINNELL, and the object was to disgrace him as a member of the House of Representatives. This was stated by Mr. ROUSSEAU at the time of the assault, and was understood and admitted by one or more of the friends of Mr. ROUSSEAU, as well as by Mr. ROUSSEAU himself, to the committee during the investigation, as the only cause and purpose of the assault.

On the part of Mr. ROUSSEAU it was alleged that his character and conduct as an officer of the Union Army had been assailed by Mr. GRINNELL with epithets and aspersions to which no man could be expected or required to submit; and that as the House had failed to protect him, upon his appeal, in his privileges as a member, he felt it to be his right to vindicate himself and the people he represented.

On the part of Mr. GRINNELL it was alleged that his character had been publicly assailed by Mr. ROUSSEAU on the floor of the House and elsewhere, in such manner as to provoke and justify the remarks he had made.

Both parties presented official reports from the Globe of that portion of the debates connected with this subject, upon which the judgment of the committee was requested. This part of the debate is herewith presented with other evidence in this case.

Nothing occurred in the course of the inquiry to indicate that Mr. GRINNELL was actuated in the slightest degree by malice or personal feeling toward Mr. ROUSSEAU.

Nothing appeared on the part of Mr. ROUSSEAU, apart from the transaction which the committee was instructed to investigate, to impeach his character as a member of the House or as an officer of the Army. Official evidence, which, when presented, the committee could not refuse to receive, showed that he had steadily adhered to the cause of the Government in the period of its greatest peril; that he had been among those citizens who, against the influence of cherished friends and kindred, had honorably resisted the violent and treasonable efforts to sever the bonds of the Union, and firmly held the State of Kentucky to its duty, and that his services in the Army were alike honorable to himself, his State, and the country. Without considering in any manner the question of provocation or justification presented in this case, the committee has been compelled to decide, after mature deliberation, that no provocation can justify a resort to violence against the person of a member of this House. In enumerating the privileges of its members, the Constitution expressly declares that "for any speech or debate in either House they shall not be questioned in any other place." (Article one, section six.)

The theory upon which parliamentary assemblies are founded is that of the inviolability of the person of the representative. No tribunal or officer of the Government is authorized, except in cases of treason, felony, or breaches of the peace, to call him to an account for the part taken in the transactions of the assembly of which he is a member. The existence and authority of legislative assemblies depend upon the recognition of this fundamental law. This is due not less to the dignity of the assembly and the rights of its members than to the people they represent; an act of violence against a representative is an act of insurrection against the people he represents. It cannot be justified by any delinquency or wrong on the part of the representative, which they have not authorized, and for which they ought not to be held responsible or deprived of the rights of representation.

These prerogatives of the representative are so much a matter of public concern that they cannot be taken away by any act of the assembly of which he is a member except by an order of expulsion or its

equivalent, or annulled by the Legislature; and so far as they secure to him the right of attendance, it is not in the power of the representative to waive or surrender them. In his privileges are involved the right of representation of the people, and upon their proper recognition the existence of representative government and of political liberty depends.

The committee is therefore of opinion that in the assault upon the person of Hon. Mr. GRINNELL, of Iowa, on account of words spoken in debate, and for the acknowledged purpose of disgracing him as a member of the House and thereby depriving him of his due and just influence and power as a member of this House, Hon. Mr. ROUSSEAU, of Kentucky, committed an inexcusable breach of the privileges of this House, as well as of the people represented by Mr. GRINNELL, for which no provocation or justification can be pleaded, and which merits the strongest condemnation that it is in the power of the House to impose. In forming this opinion the committee has not overlooked the circumstances out of which the assault originated and which have been pleaded as ground of justifiable provocation. The imputation of cowardice in an officer of the Army is an offense to which no reply can be made.

It is difficult to prove the existence of personal courage. A man's character in this respect must be in a great degree a matter of opinion. When it becomes necessary to make an imputation of this character against a member of the House, it should be done with the formality of a charge of official misconduct, accompanied by a statement of the facts upon which it is based, and by which it is to be inferred or proved. The committee is unable to find in this case any justification for an imputation of this character against the Representative from Kentucky. His military services were voluntarily rendered in favor of the Government under which the House holds all its privileges and powers, against a large portion of the people of his own State as well as against his immediate fellow-citizens, relatives, and friends. If anything would justify a resort to violence, which the committee denies, it might perhaps be found in an imputation of this kind. The committee, therefore, recommends that the House express its disapproval of the personal reflection of Hon. Mr. GRINNELL, of Iowa, upon the character of Hon. Mr. ROUSSEAU as a violation of the orders of the House and a breach of the privileges of its members.

It appears from the evidence that three persons were present with arms at the time of the assault. One of them at least had been informed of its probable occurrence, and all of them expressed to the committee their intention to take part in the affair in the event of any unexpected interference on the part of outside parties on either side. It appears to the committee, after mature deliberation, that inasmuch as this occurred in a premeditated and actual assault upon the person of a member of this House, such presence and participation was an offense against the public peace and the privileges of this House which ought not to pass unnoticed. It is therefore recommended that these parties be brought to the bar of the House and held subject to its order.

In these recommendations the committee has performed the duty with which it was charged. But it is, perhaps, proper, in addition to what has been said, to call the attention of the House to the necessity of enforcing the rules of the House against personalities in debate. These rules are founded in a natural reason and right, as well as in ancient parliamentary law. It is the duty of every member of the House to see that they are observed. This depends more upon the temper and purpose of the House than upon its officers.

If the members of the House regard with indifference the violation of the rules of debate in this connection, the dignity of the House, the privileges of its members, and the rights of the people they represent cannot be maintained. Upon a full and careful consideration of all the facts in this case, the committee reports the following resolutions:

Resolved, That Hon. LOVELL H. ROUSSEAU, a Representative from Kentucky, by committing an assault upon the person of Hon. J. B. GRINNELL, a Representative from the State of Iowa, for words spoken in debate, has justly forfeited his privileges as a member of this House, and is hereby expelled.

Resolved, That the personal reflections made by Mr. GRINNELL, a Representative from the State of Iowa, in presence of the House, upon the character of Mr. ROUSSEAU, a Representative from the State of Kentucky, were in violation of the rules regulating debate and the privileges of its members founded thereon, and merit the disapproval of the House.

Resolved, That Charles D. Pomybak of Kentucky, L. B. Grisby of Kentucky, and John S. McGrew of Ohio, by their presence and participation in a premeditated personal assault between Hon. Mr. ROUSSEAU, of Kentucky, and Hon. Mr. GRINNELL, of Iowa, on account of words spoken in debate, in which the persons if not the lives of members of this House were imperiled, were guilty of a violation of its privileges, and they are hereby ordered to be brought to the bar of this House to answer for their contempt of its privileges.

R. P. SPALDING,
N. P. BANKS,
M. RUSSELL THAYER.

Mr. SPALDING. Mr. Speaker, I have called for the reading of this report—

Mr. WILSON, of Iowa. I desire to present a question of order.

The SPEAKER. The gentleman from Iowa desires to present a question of order, which he reserved at the time the report was made.

Mr. SPALDING. That can come in after-

ward. I propose now to address myself to the whole subject.

The SPEAKER. The gentleman from Iowa intended, as the Chair understood, to make the point at the beginning of the debate. If he now rises to a point of order he has the right to arrest all other debate.

Mr. WILSON, of Iowa. I do rise, as I have already stated, to present a question of order.

Mr. RAYMOND. With the permission of the gentleman from Iowa, I ask that the minority report be read.

The SPEAKER. Will the gentleman from Iowa suspend his point of order until the minority report is read?

Mr. WILSON, of Iowa. I will.

The SPEAKER. The report of the minority will be read.

The Clerk read as follows:

VIEWS OF THE MINORITY.

The undersigned concur with the majority of the committee in holding that General ROUSSEAU, in his assault upon Mr. GRINNELL, was guilty of a violation of the privileges of this House, for which there was no justification.

But, considering the very gross provocation received by General ROUSSEAU, the wanton and unjust imputations cast upon his military character and services, the failure of the House to protect him against an assault unwarrantable in itself and a violation of the privileges of the House, and the absence of any intention to inflict severe bodily injury upon Mr. GRINNELL, they are of opinion that expulsion is a punishment more severe than justice or the public interest requires.

They therefore recommend the adoption of the following resolution instead of the first of the series reported by the committee:

Resolved, That Hon. LOVELL H. ROUSSEAU be summoned to the bar of the House, and be there publicly reprimanded by the Speaker for the violation of the rights and privileges of the House, of which he was guilty in the personal assault committed by him upon Hon. J. B. GRINNELL for words spoken in debate.

In recommending the adoption of the other resolutions reported by the committee, the undersigned fully concur.

HENRY J. RAYMOND,
JOHN HOGAN.

Mr. WILSON, of Iowa. The point which I desire to present to the Chair relates to the second resolution reported by the committee. That resolution is in these words:

Resolved, That the personal reflections made by Mr. GRINNELL, a Representative from the State of Iowa, in presence of the House, upon the character of Mr. ROUSSEAU, a Representative from the State of Kentucky, were in violation of the rules regulating debate, and the privileges of its members founded thereon, and merit the disapproval of the House.

I design, sir, to question the authority of the committee to report that resolution to the House; and in order that I may present the point distinctly, I ask that the sixty-first and sixty-second rules of the House be read.

The Clerk read as follows:

"61. If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call to order; in which case the member so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide on the case, but without debate; if there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, he shall not be permitted to proceed, in case any member object, without leave of the House; and if the case require it, he shall be liable to the censure of the House.

"62. If a member be called to order for words spoken in debate, the person calling him to order shall repeat the words excepted to, and they shall be taken down in writing at the Clerk's table; and no member shall be held to answer, or be subject to the censure of the House, for words spoken in debate, if any other member has spoken, or other business has intervened, after the words spoken, and before exception to them shall have been taken."

Mr. WILSON, of Iowa. Mr. Speaker, so far as the sixty-first rule applies to this case, I think that it had its full operation on the day of the occurrence of the debate out of which arose this assault. My colleague [Mr. GRINNELL] was called to order on that occasion. He was called to order first by a member of the House, and subsequently by the Speaker. The sixty-first rule provides that upon a member being called to order the Chair shall decide he point; and "if the decision shall be in favor of the member called to order he shall be at liberty to proceed; if otherwise, he shall not be permitted to proceed, in case any member object, without leave of the House; and if the

case require it, he shall be liable to the censure of the House."

Now, sir, I find by referring to the proceedings of that day that my colleague was called to order by two members of the House, and subsequently by the Speaker. I hold that under the sixty-first rule, the House declining at that time to take any further notice of the language used, and permitting my colleague to proceed, it bars any subsequent action against him for language uttered at that time. In other words, if an offense against the rule was committed, the action of the House on that occasion was final and complete.

The next point is under the sixty-second rule, and is more important. That rule declares that no member shall be held to answer or be subject to censure of the House for words spoken in debate if any other member has spoken, or other business has intervened, after the words spoken, and before exception to them shall have been taken. I suppose it will be claimed that this case was taken—

Mr. ELDRIDGE. I rise to a question of order.

The SPEAKER. A question of order is already pending.

Mr. ELDRIDGE. Is the point of order debatable?

The SPEAKER. It is.

Mr. ELDRIDGE. I do not wish to cut the gentleman off, but only that the House may know whether it is debatable or not. I thought questions of order were to be decided without debate.

The SPEAKER. That is in reference to priority of business. The gentleman from Iowa is entitled to state his point of order and the ground upon which it is based.

Mr. ELDRIDGE. I will not further interrupt the gentleman from Iowa.

The SPEAKER. The Chair is of the opinion that the gentleman from Iowa is confining himself strictly to the statement of his point of order.

Mr. WILSON, of Iowa. I was saying that I presumed gentlemen would allege that this case was taken out of the operation of the rule by the terms of the resolution referring the case to the select committee. I will read the preamble and resolution:

"Whereas it is alleged in the public press that Hon. LOVELL H. ROUSSEAU, a member of this House from the State of Kentucky, did, on the evening of Thursday, the 14th instant, commit an assault upon the person of Hon. J. B. GRINNELL, a member of this House from the State of Iowa, because of words spoken in debate in this House by the latter; and whereas said assault, if committed, was a breach of the privileges of this House and of the member assaulted; Therefore,

"*Resolved*, That a select committee of five be appointed by the Speaker to investigate the subject and to report the facts, with such resolutions in reference thereto as in their judgment may be proper and necessary for the vindication of the privileges of the House and the protection of its members, and that said committee have power to send for persons and papers and to examine witnesses on oath."

I presume it will be claimed that by the terms of the resolution this committee were clothed with full power to investigate and report upon everything connected with the assault and alleged provocation. I wish to state, in answer, that what the House cannot do by itself it cannot do through a committee. It appears from the proceedings of that committee that in the proceedings of the House for several days thereafter business of various kinds was transacted. Many members addressed the House; and this resolution was not adopted until several days had transpired. Now, sir, it will be observed that the committee in submitting this report do not propose to change the rule of the House. There is no recommendation that the rule shall be modified in any manner. The resolution reported by the committee comes into this House with the sixty-second rule, which has been read as one of the standing rules of the House, and that rule says—the language of which I will repeat—that no member shall be held to answer or be subject to censure of the House for words spoken in debate if any other member has spoken or other business has intervened after the words spoken and

before exception to them shall have been taken. That is the rule of the House to-day, as it was when the resolution was passed providing for a select committee and referring this subject to them for examination. The second resolution reported by the committee and which relates to the words spoken by my colleague is in direct conflict with that rule of the House.

Now, sir, could the House itself at this time censure my colleague for words spoken on that occasion? If we could not do it by original act, can we do it on the basis of a resolution reported by a committee which is a creature of the House, the rule standing just as it existed when the committee was raised? I have not one precedent directly in point. There may be some; but I have one which involves the identical principle, if my view of the force of that report be correct. In the record of the Thirty-Seventh Congress I find that on the 24th of April, 1862, a resolution was offered by Mr. Hutchins in reference to words spoken by Mr. Vallandigham. The subject came up for consideration on the 25th of April, and I find the following report of the proceedings in volume forty-seven, page 1833, of the Congressional Globe:

"The SPEAKER. The question pending when the House adjourned was one of privilege, raised by the gentleman from Ohio, [Mr. HUTCHINS,] against his colleague, [Mr. VALLANDIGHAM.] The following is the resolution submitted to censure the gentleman from Ohio for disorderly words spoken in debate in the Committee of the Whole on the state of the Union:

"Whereas Hon. C. L. VALLANDIGHAM, a member of this House, of the State of Ohio, in Committee of the Whole, made use of the following language concerning Hon. B. F. WADE, a Senator in Congress:

"Mr. Chairman, I have waited patiently for three days for this the earliest occasion presented for a personal explanation. In a speech delivered in this city—not in this House—certainly not in the Senate—no such speech could have been tolerated in an American Senate—I find the following:

"Now, sir, here in my place in the House, and as a Representative, I denounce—and I speak it advisedly—the author of that speech as a liar, a scoundrel, and a coward. His name is BENJAMIN F. WADE."

"And whereas said remarks are a violation of the rules of this House and a breach of its decorum, and deserve the censure of the House: Therefore,

"Resolved, That C. L. VALLANDIGHAM, for said violation of the rules of the House and its decorum, is deserving of censure, and is hereby censured."

"On that resolution the question of order is made that under the express language of the sixty-second rule of the House the gentleman from Ohio could not now be held to answer, or be subject to the censure of the House, for the words spoken, another member having spoken and other business having intervened before exception to them was taken, and that consequently the preamble and the resolution could not be entertained by the House. The Chair will have read the sixty-second rule, and a paragraph from the Manual.

"The Clerk read, as follows:

"If a member be called to order for words spoken in debate, the person calling him to order shall repeat the words excepted to, and they shall be taken down in writing at the Clerk's table; and no member shall be held to answer, or be subject to the censure of the House, for words spoken in debate, if any other member has spoken, or other business has intervened, after the words spoken, and before exception to them shall have been taken.—Sixty-Second Rule.

"Disorderly words spoken in a committee must be written down as in the House, but the committee can only report them to the House for animadversion."—Manual, page 77.

"The SPEAKER. The Chair decides, the gentleman from Ohio [Mr. HUTCHINS] in his resolution not having complied with either the rule of the House or the provision of parliamentary law, that therefore the point of order is well taken."

Consequently the resolution was not considered. Now, I will state the difference between that case and this. This case was referred to a committee and that case was presented by resolution to the House. The Chair ruled that the House itself could not entertain that resolution because another member had spoken after the use of the words by Mr. Vallandigham and the introduction of the resolution. In this case the resolution was sent to a committee for investigation, and it is now claimed by the committee that that gave them jurisdiction of the branch of the case upon which they report the second resolution.

But in regard to that I wish to call the attention of the Chair to the language of the preamble and resolution which gave jurisdiction to the committee:

"Whereas it is alleged in the public press that Hon.

LOVELL H. ROUSSEAU, a member of this House from the State of Kentucky, did, on the evening of Thursday, the 14th instant, commit an assault upon the person of Hon. J. B. GRINNELL, a member of this House from the State of Iowa, because of words spoken in debate in this House by the latter; and whereas said assault, if committed, was a breach of the privileges of this House and of the member assaulted: Therefore,

"Resolved, That a select committee of five be appointed by the Speaker to investigate the subject and report the facts."

Investigate what subject and report what facts? Investigate the subject specified in the preamble, which was the assault by the member from Kentucky upon the member from Iowa, and report the facts in relation to the assault—

"with such resolutions in reference thereto as, in their judgment, may be proper and necessary for the vindication of the privileges of the House and the protection of its members, and that said committee have power to send for persons and papers, and to examine witnesses on oath."

Now, let it be observed that if the committee, in their investigation of this case, had arrived at the conclusion that some additional rule was necessary for the protection of members of Congress against the use of words such as were attributed to the member from Iowa, and had reported a rule for that purpose, they doubtless would have exceeded the jurisdiction conferred upon them. But that is not what they have done. They permit the rule to stand without modification, and they propose a censure of the member from Iowa. It may be said that this resolution is not one of censure, that it is merely a resolution of disapproval. But I apprehend that no member will conclude, upon an examination of the resolution, that it is anything other than a censure, if adopted by this House. Therefore it comes within the second clause of the sixty-second rule, which declares that a member shall not be subject to censure if any other business has intervened between the speaking of the words and the notice of them by the House. These, Mr. Speaker, are the considerations which have presented themselves to me in relation to this case.

Mr. GARFIELD. I would like to ask the gentleman from Iowa a question.

The SPEAKER. The gentleman from Iowa cannot yield for a question in stating a point of order. The Chair has indulged the gentleman from Iowa to the full extent on the point, which is one of so grave importance. He has examined the authorities, the construction of the rule, and its history, and he has no doubt as to his decision.

Mr. JOHNSON. I would like to make a single suggestion.

The SPEAKER. It is not a subject for debate, but after the decision is made it will be open to appeal.

Mr. JOHNSON. It is but a suggestion.

The SPEAKER. The Chair prefers to make his decision, after which any gentleman may take an appeal. The point raised by the gentleman involves in the first place the rules of debate and the manner of calling to order, and secondly the authority of the committee under instruction of the House.

The sixty-first rule, first read by the gentleman, was adopted, except that part in italics, by the first Congress under the Constitution, April 27, 1789. The sixty-second rule, upon which he mainly relies, is in the precise words in which it was originally introduced by John Q. Adams. The history of the sixty-second rule may perhaps show the reason for its introduction.

In 1832, Andrew Stevenson being Speaker, Mr. Stanberry, of Ohio, in the course of debate, denounced the Speaker for his political course in severe language. The chair was then occupied temporarily by James K. Polk, who was afterward Speaker. No notice was taken by the Speaker *pro tempore* or by any member of that denunciation until after the speech of Mr. Stanberry had been concluded, when exceptions were taken to it. The next day a motion was made to censure the member for denouncing the Speaker, which was regarded as contempt of the House. After a long debate that

motion prevailed by a large majority. But in the course of the debate there was a question raised as to what were the exact words used by the member in debate. There was then no Congressional Globe, nothing but Gales & Seaton's Register of the debates, which was not a *verbatim* report. To settle the question, however, Mr. Stanberry repeated and reaffirmed the language. The next day John Quincy Adams offered this rule, which was immediately laid on the table. Five years afterward it was taken up and adopted, and has since formed a part of our parliamentary law.

There are two ways to call to order. First, for irrelevant debate. That simply draws the member back to the subject. Second, for disorderly language, transgression of the rules of the House, or indecorum of any kind. The sixty-second rule applies precisely to that. The Chair will read it. Before that, however, the Chair will read the sixty-first rule:

"If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call to order; in which case the member so called to order shall immediately sit down, unless permitted to explain."

Under this, the oldest, rule, the primary responsibility of calling to order seemed to be devolved upon the Speaker, but under the sixty-second rule, and this has been the usage since its adoption, the primary responsibility of calling to order devolves upon the members of the House, as will be seen:

"If a member be called to order for words spoken in debate, the person calling him to order shall repeat the words excepted to, and they shall be taken down in writing at the Clerk's table, and no member shall be held to answer, or be subject to the censure of the House, for words spoken in debate, if any other member has spoken, or other business has intervened, after the words spoken, and before exception to them shall have been taken."

The inference is plain that some member calls to order, and the Speaker then rules upon the point. In "personal" explanations, which every Speaker dislikes, out of which grow so much of the trouble, discord, and strife there is in Congress, the Speaker is the only member who is not asked to give his consent to it. It is the unanimous consent of the other members of the House that is required. It is generally understood that the member who asks this consent intends to make some "personal" remarks in review of remarks made in Congress, in the press, or elsewhere, in which he claims to have been misrepresented. And the uniform usage of Speakers has been, with scarcely a single exception, searching far back in our parliamentary history, that when the House grants unanimous consent for a member to make "a personal explanation," the Speaker, who does not give his consent, whose consent is not asked, waits until some member rises to a question of order, when he promptly decides it. There have been very few exceptions, which, indeed, only prove the general rule. One was by the present occupant of the chair, upon the occasion involved in this report, who, after the gentleman from Iowa [Mr. GRINNELL] had been twice called to order by members on the floor, and the points had been sustained, stated that if this line of remark was continued, he should himself check him, and did so.

This sixty-second rule is divided in the middle by a semicolon, and the Chair asks the attention of the gentleman from Iowa [Mr. WILSON] to the language of that rule, as it settles the whole question:

"62. If a member be called to order for words spoken in debate, the person calling him to order shall repeat the words excepted to"—

That is, the "calling to order" is "excepting" to words spoken in debate—

"and they shall be taken down in writing at the Clerk's table; and no member shall be held to answer, or be subject to the censure of the House, for words spoken in debate, if any other member has spoken, or other business has intervened, after the words spoken, and before exception to them shall have been taken."

The first part of this rule declares that "calling to order" is "excepting to words spoken in debate." The second part of the rule declares that a member shall not be held subject to cen-

sure for words spoken in debate if other business has intervened after the words have been spoken and before "exception" to them has been taken. Exception to the words of the gentleman from Iowa [Mr. GRINNELL] was taken by the gentleman from Illinois, [Mr. HARRING,] the gentleman from Massachusetts, [Mr. BANKS,] the gentleman from Kentucky, [Mr. ROUSSEAU,] and also by the Speaker of the House, as the records of the Congressional Globe will show. The distinction is obvious between the two parts of the rule. In the first part it speaks of a member excepting to language of another and having the words taken down. In the last part of the rule it says he shall not be censured thereafter unless exception to his words were taken; but it omits to add as an essential condition that the words must also have been taken down. The substantial point, indeed the only point, required in the latter part of the rule is, that exception to the objectionable words must have been taken.

These rules, the sixty-first and sixty-second, are not always carried out to their full extent; it is not always required that the words excepted to shall be taken down in writing at the Clerk's desk, as we have the Congressional Globe in which are printed all the words spoken as taken down by the reporters in full. Sometimes, indeed quite often, the Chair rules upon the question of order as soon as it is raised, without the words excepted to being required by any one to be taken down in writing and read. Sometimes, as to-day, in the debate upon the bridge bill, a member calls another to order, and requires the words to be taken down in writing, when the Speaker rules upon the question of order. Sometimes the rule is carried a step further, and the demand is made that the member called to order shall take his seat until leave is granted by the House for him to proceed in order. Sometimes, but rarely, the House goes beyond this and carries out the rule to its fullest extent and rigor by censuring the offending member upon the spot.

The gentleman from Iowa [Mr. WILSON] read a precedent of Mr. Speaker Grow, from the Thirty-Seventh Congress. But he did not read the language of the Manual which was quoted by the Speaker at that time. The language of Mr. Vallandigham was uttered in Committee of the Whole, when the Speaker was not in the chair and could not be. The Manual lays down a specific rule regulating debate in Committee of the Whole; and this is the rule:

"Disorderly words spoken in a committee must be written down as in the House; but the committee can only report them to the House for animadversion."

The only way the House could have taken notice of the words excepted to in that case, was by having them written down in Committee of the Whole, to be reported to the House. The Committee of the Whole is a different body entirely from the House; it is presided over by a different person and is governed by different rules, as members are all aware. It has no power to censure a member for disorderly words, but must report them specifically to the House for its action.

The Chair is of the opinion, therefore, that under the sixty-second rule, which is composed of two parts, separated by a semicolon, it is distinctly shown by the first part that "calling to order" is excepting to words spoken in debate, and that that can be pursued further, if any member sees fit to do so; that any member can demand that the words excepted to shall be taken down in writing; or a member may demand that the person called to order shall take his seat until the Speaker decides the point. But even if the decision is adverse the Speaker cannot compel him to stop his speech, while any single member on the floor can, by demanding that he shall not proceed further unless by consent of a majority of the House. As this may seem strange to members, the Chair will read from the sixty-first rule:

"If the decision be in favor of the member called

to order, he shall be at liberty to proceed; if otherwise, he shall not be permitted to proceed, in case any member object, without leave of the House."

It is for any member to object to another, against whom a point of order has been successfully made, going on without the leave of the House. And the rule seems to be predicated on the presumption that if, out of all the members who heard the objectionable words and the Speaker's ruling against them, no one objects to his proceeding further, they are willing that he shall continue his speech. No such action was had in the House on the 11th of June, when this debate occurred. The Speaker promptly ruled upon every point of order which was raised. He ruled against the gentleman from Iowa [Mr. GRINNELL] upon every point. Any gentleman upon either side had the right to insist that the gentleman should resume his seat and should not proceed until the House had given him permission to proceed in order. But no one raised that point; and thereby the right to raise it was waived. But that does not interfere with the operation of the last part of this rule, which states (inverting the language) that a member can be censured if exceptions to the words spoken by him were taken at the time.

But this case is also settled by the resolution adopted by the House. The gentleman from Ohio [Mr. SPALDING] rose to a question of privilege, and submitted the resolution which has been read by the gentleman from Iowa. The Chair construes the preamble of that resolution somewhat differently from the gentleman from Iowa. That gentleman emphasized the latter part of the preamble, while the Chair thinks that the portion narrating the affair is the substantial part. The Chair will read the preamble and resolution so that the House may judge whether his construction of them is correct. It may be remarked, in passing, that no gentleman moved to amend them, and they were unanimously agreed to by the House as instructions to this committee:

"Whereas it is alleged in the public press that Hon. LOVELL H. ROUSSEAU, a member of this House from the State of Kentucky, did, on the evening of Thursday, the 14th instant, commit an assault upon the person of Hon. J. B. GRINNELL, a member of this House from the State of Iowa, because of words spoken in debate in this House by the latter; and whereas, said assault, if committed, was a breach of the privileges of this House and of the member assaulted; Therefore,

"Resolved, That a select committee of five be appointed by the Speaker to investigate the subject and to report the facts, with such resolutions in reference thereto as in their judgment may be proper and necessary for the vindication of the privileges of the House and the protection of its members, and that said committee have power to send for persons and papers and to examine witnesses on oath."

The resolution referring to the preamble, which states that the member from Kentucky did "commit an assault upon the person of Hon. J. B. GRINNELL, a member of this House from the State of Iowa, because of words spoken in debate in this House by the latter," and holding such assault to be a breach of the privileges of this House and of the member assaulted, instructs this committee to "investigate the subject and to report the facts, with such resolutions in reference thereto as in their judgment may be proper and necessary for the vindication of the privileges of the House and the protection of its members." The Chair thinks that this gave the committee full jurisdiction in the case, by the unanimous order of the House, no one proposing to limit their resolutions, but conferring on them full power to report whatever, on the facts ascertained by them, they deemed proper and necessary for the double object of vindicating the privileges of the House and the protection of its members.

Now, in the case cited by the gentleman from Iowa, in which Mr. Vallandigham used language reflecting upon Senator WADE, if the latter had been in the Hall at the time and when so offensively denounced, had immediately committed a personal assault upon the former, and if a committee had been appointed with instructions to investigate the matter as a violation of the privileges of a member of the House, is it not evident that the House would

have expected the committee to report with reference to the whole controversy, even if an immediate collision had prevented the words from being excepted to, taken down and read at the Clerk's table, and ruled on by the Speaker; that the committee should at least have embraced in their report anything closely connected with the transaction—bearing the relation, it might be said, of cause to effect? Certainly this would have been expected by the House. In accordance with this principle was the action of the select committee upon the case which arose in the Thirty-Fourth Congress, when a member from South Carolina, aided by another standing near by, assaulted a Senator from Massachusetts in his seat for words spoken in debate. In that case the committee reported upon the entire subject, including everything out of which the assault grew.

The Chair, therefore, is of opinion that under the instructions unanimously given in this case to the committee by this House the committee had authority to report upon the whole controversy, in accordance with the specific language of the preamble of the resolution providing for the appointment of the committee to investigate an assault caused by words spoken in debate. The Chair, therefore, overrules the point of order.

Mr. ELDRIDGE. Mr. Speaker, I desire to raise the question of order, whether the gentlemen named in the third resolution of the majority of the committee were subject to the jurisdiction of that committee. I mean the resolution referring to Charles D. Pennybaker, L. B. Grigsby, and John S. McGrew. I insist, Mr. Speaker, that the resolution raising this committee and giving them the authority under which they acted did not authorize them to report that resolution. I, of course, will not refer to the fact that no proof of complicity has been reported by the committee against L. B. Grigsby, of Kentucky, and John S. McGrew, of Ohio, for that is apparent to the House; and only a suspicion is reported by the committee in regard to Mr. Pennybaker, of Kentucky. I insist, under that resolution this committee has no right to take cognizance of these gentlemen. The utmost they were authorized to do or could have done was to report the facts to the House. They were not authorized to report a resolution condemning them, and more especially when those were the only witnesses in regard to the facts.

The SPEAKER. The Chair overrules the point of order, for the reasons already stated by him in his decision just made. The committee were authorized and instructed—

"To investigate the subject and to report the facts, with such resolutions in reference thereto as in their judgment may be proper and necessary for the vindication of the privileges of the House and the protection of its members."

It was a large authority, and if they had evidence that these gentlemen were connected in any way as accessories to the assault they had the right to report. Citizens have often been brought to the bar of the House for breach of its privileges. In the Fourth Congress the House of Representatives committed Randall and Whitney, two citizens, for attempting to corrupt the integrity of certain members of Congress, which the House decided to be a contempt and breach of its privilege. In the same Congress it was decided that a challenge given by a citizen to a member of Congress was a breach of privilege; and it was also decided, to be a breach of privilege for the official printer (elected under the old law) to publish paragraphs defamatory of Congress in the official organ. The Chair thinks the committee had the right to report the third resolution as well as the second, and therefore overrules the point of order.

Mr. BANKS. I desire to make a single remark in regard to the point of order raised by the gentleman from Wisconsin. In addition to the precedents cited by the Speaker, it has been decided by the Supreme Court of the United States that persons not connected with

either House who shall commit a breach of its privilege are subject to its jurisdiction.

Mr. ELDRIDGE. I see no foundation laid in this resolution for the action of the committee. In this respect I think the Speaker misunderstood my point of order. These persons had not been presented, and this committee was not charged with authority over them.

The SPEAKER. They were instructed not only to report the facts, but such resolutions in reference thereto as in their judgment may be proper and necessary for the vindication of the privileges of the House and the protection of its members. It is for the House to determine whether, on the evidence, this resolution shall be agreed to; but it cannot be ruled out as not in order.

Mr. SPALDING took the floor.

Mr. RAYMOND. Will the gentleman permit me to make a motion in the nature of an amendment?

Mr. SPALDING. I cannot do it. I understand what the motion is. I will give the gentleman ample time after I have closed my remarks.

Mr. RAYMOND. My object was to get the whole question before the House.

Mr. SPALDING. Mr. Speaker, I called for the reading of the report of the select committee for the reason that it is as good an argument as can be made in this case. It presents in very small compass the testimony which governs the case and the law which governs the facts. As I highly appreciate that report, I feel bound to give credit to the author of it. Although I had the honor of introducing it, the report was drawn up by the able and experienced member from Massachusetts, [Mr. BANKS.] I feel thankful to him, as I think the House will, for the manner in which he discharged the duty of making this report.

I have never before found myself associated and I never expect to find myself associated with gentlemen who will come to the investigation of a subject with more impartiality than the gentlemen with me on this select committee. We only desired, if possible, to discharge our duty to the House of Representatives and to the people of this Union. We considered it to be a duty of the last importance to the country to inquire whether the highest privileges of the people could be violated with impunity within the walls of this Capitol in defiance of the Constitution of the land and in defiance of the parliamentary law which has governed legislative bodies for more than three hundred years.

Yes, sir, three hundred years is a limited time, because three hundred years ago the House of Commons of Great Britain was first known as a distinct legislative body; and from that time the parliamentary law has been well defined on this subject. But, sir, I think we could go away back of that, even into the sixth and seventh centuries, and find in the council of the Witenagemote this protection for members of legislative bodies which we now ask. I have read in the books, and other gentlemen have done the same, in regard to breaches of privilege committed in Congress, both upon the floor of the House and in the corridors of this Capitol, since our Constitution was adopted. And we can go further back; we can go back to the Confederate Congress, and we find members of that Congress punished for breaches of a lesser degree than this. We can go into the State Legislatures, as well before the adoption of their constitutions as since, and find these breaches of privilege punished, on many occasions even to the extent of imprisonment during the whole of their respective sessions. We have all these before us as precedents. Then we have the constitutional provision, that no man shall be questioned in any other place for words spoken in debate in these assemblies. Here seems to rest much of the difficulty in the minds of members of this House, as well as in the minds of those who have preceded us. Because I have noticed that the argument made against the exercise of the power of punishing an offending member is, that the Constitution means simply to provide that no man shall be

sued for damages in one of the States, or in the District of Columbia, if you please, by reason of "words spoken in debate."

Now, sir, the only rational interpretation to be given to this language of the Constitution is this: that no member shall be called to an account for language used in debate. That embraces everything. He cannot be called to an account in an action for libel or slander; neither can he be called to account by men of superior physical ability, holding a rawhide or a rattan over his shoulders. That is the meaning of the Constitution. No man is to be questioned "for words spoken in debate."

Now, if I am right in this interpretation of the language of the Constitution, I ask you, where can a better-defined case be presented than the one which we have to deal with here now? A member of this House uses words in debate which provoke the ire of another member of the body. Four long days intervene, and upon the morning of the fourth day the offended member proclaims that he intends to have satisfaction for the language thus uttered in debate four days before.

Mr. WRIGHT. Does the gentleman mean to say that there is unlimited license for blackguardism in this House, and that a man has no right to protect himself from it? It is the duty of the Speaker to protect men from such assaults, and if he does not do it, it is the duty of the member assailed to protect himself.

Mr. SPALDING. The committee have reported that no word spoken in debate would be a sufficient justification for a member of this House personally to assault and beat another member. And in that I agree without any hesitation or doubt. No word that can be uttered on this floor in regard to a member would justify the infliction of a blow upon a fellow-member, either upon this floor or in any part of the corridors of this Capitol.

Mr. HUBBARD, of Connecticut. Allow me a word.

Mr. SPALDING. I see no necessity of yielding.

Mr. HUBBARD, of Connecticut. I only want to make an inquiry.

Mr. SPALDING. I design to give every gentleman who wishes to do so an opportunity to speak upon this question. I shall take no snap judgment upon it.

Mr. HUBBARD, of Connecticut. The question that I wish to ask is this: whether, if one member maliciously departs from the subject of debate and charges another member with cowardice, these words come within the meaning and spirit of the Constitution as "words spoken in debate?" [Laughter and applause.]

Mr. SPALDING. I wish, in the first place, to mark the outlines in this case. I have said that four days before the assault was committed the words which led to that assault were uttered upon this floor. On the morning of the fourth day the member aggrieved told a gentleman from his own State that he proposed to have satisfaction, and the understanding was that that satisfaction was to come out of the person of the member from Iowa during the course of the ensuing evening. This gentleman, who was a witness before the committee, says that upon that intimation he returned to his room, and that just before the adjournment of the House he came back here, supposing that an assault would be made that evening by the gentleman from Kentucky upon the member from Iowa, and that in the interim he had put his pistol, loaded with powder and ball, into his pocket, and that then he came to the House and accompanied the gentleman from Kentucky to the eastern portico.

Mr. HALE. Allow me a question. I would ask the gentleman if the evidence before the committee did not show that General ROUSSEAU was not aware of this gentleman being armed, that he had no knowledge of his having arms upon his person.

Mr. SPALDING. The testimony before the committee did not show whether General ROUSSEAU knew it or not, excepting so far as the disclaimer of General ROUSSEAU is concerned,

who stated that he was not armed and did not know that the others were.

Here is the testimony of Colonel Pennybaker:

"Answer. General ROUSSEAU sent for me on the morning of that day, and told me what would probably occur.

"Question. What did he tell you?

"Answer. He told me Mr. GRINNELL had used harsh language toward him.

"Question. Used harsh language toward him where?

"Answer. I suppose in the Hall of the House; and he was going to use a rattan on him.

"Question. What did he call it? Did he say he was going to chastise him, to flog him, or what?

"Answer. I do not remember what particular expression he used. It is my recollection he said he was going to use a rattan.

"Question. At what time was this?

"Answer. About half past eleven in the morning.

"Question. Where was it the general told you this?

"Answer. It was in the yard below here—between here and the Capitol gate, coming toward the Capitol, between eleven and twelve o'clock.

"Question. Did he tell you on the way when or where he designed to do it?

"Answer. No, sir. I rather inferred from his talk that he contemplated it that evening.

"Question. In consequence of that information did you stay by during that afternoon?

"Answer. I returned and went up to the House in consequence of that information that evening.

"Question. Did you go at the request of General ROUSSEAU?

"Answer. No; the general did not make any request at all. He asked me to come up in the evening, and I arrived there not more than ten minutes before the House adjourned.

"Question. Do you live in Kentucky?

"Answer. Yes, sir.

"Question. What arms had you on your person at that time?

"Answer. I had a three-inch Colt's revolver.

"Question. How was it loaded?

"Answer. Upon my word I do not know. It has been in my drawer for a long time. I suppose it was ordinarily loaded with powder and ball.

"By Mr. BANKS:

"Question. Had you carried it before that day?

"Answer. Yes, sir; it was one I kept in my drawer, and sometimes I put it in my pocket when I went out.

"Question. Had you had it in your pocket within a week before?

"Answer. Yes, sir.

"Question. Had you carried it the day before on your person?

"Answer. No; I think not.

"Question. Then you took it out on account of the information you had received?

"Answer. Yes, sir; I thought it would be as well to have it."

Now, no other inference, I stated, can be drawn from this testimony but that Colonel Pennybaker, being informed by General ROUSSEAU that he intended that evening to chastise the member from Iowa, put the pistol in his pocket and came here.

Mr. HALE. Will the gentleman allow me to appeal to his sense of fairness to read the five lines at the top of the first page so as to show what General ROUSSEAU's knowledge was in regard to the matter?

Mr. SPALDING. Before I do that I wish to say that Colonel Pennybaker testified that he had no intention of using the pistol at all; but it will be found, on a further examination of the evidence, that he and the other two gentlemen who accompanied the gentleman from Kentucky unite in saying, upon cross-examination, that the design was to use their pistols if there was what they called a "free fight;" or something of that kind—they used some western phrase—

Mr. RAYMOND. They intended to see that there was a free fight.

Mr. SPALDING. Yes; and if any person interposed in favor of either one then they expected they might be called upon to use their pistols. That was the evidence.

Mr. Speaker, it is in evidence that the member from Kentucky, after saying to the member from Iowa that he had waited four days for an apology for words spoken here upon this floor, and receiving in reply "What of that?" said "I will teach you what of that." And then he administered blows upon him with his rattan, until, after some eight or ten blows, the stick itself broke, and the pieces were gathered up from the pavement. Now, it is said that no injury was inflicted, and that no injury was designed to be inflicted. Why, sir, the very object of the member from Kentucky, as avowed by himself and sworn to by all the witnesses who said anything upon the subject, was to bring the member from Iowa into disgrace.

And how could he do it more effectually than to whip him around the face and the head and ears and shoulders with a small rattan, stopping occasionally to lecture him, and saying, "Now, you damned puppy and poltroon, look at yourself." The member from Iowa, after receiving half a dozen blows, exclaimed, "I don't want to hurt you." To which the reply was made, "I don't expect you to hurt me, you damned scoundrel, but you tried to injure me upon the floor of the House. And now look at yourself; whipped here, whipped like a dog, disgraced and degraded. Where are your one hundred and twenty-seven thousand constituents now?"

And for what was this assault committed? For words spoken in debate upon the floor of this House in open session; proved so by the witnesses; admitted to be so by the member himself. We have here, then, this bold case of a member of this House four days after he had uttered the language in debate upon this floor, being assailed with violence, and whipped, whipped like a dog, in the eastern portico of this Capitol, in the presence of ten, fifteen, or twenty men, without a hand raised in his defense. But, say gentlemen, this was provoked by the language used by the member from Iowa, derogatory to the character of the member from Kentucky as a chivalrous officer of our late Union Army. Mr. Speaker, whenever any gentleman upon this floor shall see fit to espouse the cause of LOVELL H. ROUSSEAU, and to portray him here as a patriot, as a high-minded gentleman, as a chivalrous soldier, as an officer who in the hour of his country's danger did as much with his bright blade as any other man perhaps, more perhaps than any other man from the old State of Kentucky—I say that whenever any member shall see fit to do that, I will say "amen" to the eulogy, and go him one better on it, in the language of the West. [Laughter.] For my part, if I have read aright the history of the battles of Shiloh, of Perryville, of Murfreesboro', the white plume of the gallant Henry of Navarre might well be paled when compared with that of ROUSSEAU. I doubt not his chivalry; I doubt not his courage. No man in this country, no woman, no child, has a right to disparage the fair military fame of LOVELL H. ROUSSEAU. And sitting in my seat as a member of this House, my blood chilled in my veins when I listened to an imputation to that effect. I cannot for a moment countenance any such imputation; I will set the seal of my reprobation upon it wherever I find it. But the more lofty the character of LOVELL H. ROUSSEAU, the more of a gentleman and a hero you make him out to be, the more of a star you make him in the bright galaxy of our heroes, the worse is the example for all time to come for this House of Representatives. For this hero, this patriot, this high-minded gentleman has seen fit, notwithstanding his four years of discipline in the school of the Army, to break over the discipline which is interposed by the Constitution and by parliamentary law, to violate not merely the privilege of a member of this House from the State of Iowa, but one of the dearest and most hallowed privileges of the people of our whole country.

Unless we can have freedom of discussion upon the floors of Congress, where are we? It was said, in the discussion of that celebrated case of Houston and Stanberry, by the old orator from Rhode Island, Tristram Burges, that free discussion and liberty were contemporaneous fires; they would blaze and brighten, or they would pale and be extinguished together. And, sir, I believe in that as a truth. Liberty among the people of our country depends mainly upon the freedom of debate in this Congress of the United States. How are we to protect freedom and independence in debate if we suffer the violation of these high privileges to be passed over with impunity? It may be said, "You can disapprove of the conduct of General ROUSSEAU as you disapprove of the conduct of the member from Iowa. You can call him to the bar of the House and reprimand him through the mouth of the Speaker."

That is true. All this is now within the power of the House.

But, sir, in a case so well defined as the case of ROUSSEAU and GRINNELL, where there is no possible room for doubt in regard to the intent with which the assault was committed; where it is avowed to have been committal for words spoken in debate, and where it was committed, not in the heat of debate, not when the passions were aroused and on fire, but after four days of cool and deliberate consideration; when with a fixed and fell determination to override the Constitution and the privileges of the House these ignominious blows are inflicted upon the person of a member, we are called upon to determine solemnly that we will content ourselves with nothing less than an ample vindication of the dignity and the privileges of this House.

The majority of the committee have, with great reluctance, come to the conclusion that they must recommend to the House the expulsion of the offending member as the only adequate penalty for an offense committed with so much coolness and deliberation and under such aggravated circumstances. I think, sir, that if it were the last vote I should be called upon to give in this House, I should do violence to my conscience should I give a vote for anything less than expulsion, knowing as I do that the offense has been clearly and perfectly proved, and knowing the consequences which must follow should the House lightly pass over such an infringement of its high privileges.

It may be said "the provocation was great." We all admit it. But, sir, the majority and the minority of the committee concur in the position that the provocation presents no justification whatever. It never will do for members to take into their own hands this administrative justice for offenses given to them on the floor of this House. I was asked awhile ago by a member of this House, "What would you do if a Representative on this floor should in the course of a speech utter words highly derogatory to the character of another member, affecting that member, perhaps, in the dearest family relations?" I care not how high you set the provocation; I say that no language which may be uttered here can justify a member in inflicting personal violence upon another member. "This House of Representatives can 'punish its members for disorderly behavior.'" It has this power by the express provision of the Constitution. It has full power over all the words, all the actions of every member of this body. It is competent for this House to punish a member, even to the extent of expulsion, for disorderly behavior, as well for words of this provoking character spoken in debate, as for any other conduct that is disorderly.

Mr. WRIGHT. Will the gentleman permit me to ask him a single question?

Mr. SPALDING. Certainly. I always yield to the gentleman from New Jersey.

Mr. WRIGHT. I desire to ask the gentleman this question: when one member of this body assails another in language so gross as to degrade the member assailed in his own estimation and in that of his associates, how is redress to be obtained from this House? How shall the member whose character is thus aspersed be relieved from such aspersions?

Mr. SPALDING. In reply to the gentleman I say, that if I could find myself in a mood which would enable me, after the history of the gentleman from Kentucky in connection with the Army, to charge him with cowardice or anything like cowardice, I would deem myself worthy to be expelled from this House. I trust the gentleman is satisfied with my answer.

Sir, with all due respect, I go further, and I say that this House looks at all times to its Presiding Officer to exercise a vigilant control over its proceedings. It depends upon his knowledge of parliamentary law, his experience, his discretion, his judicious use of that potent hammer which he holds in his hand. At the first word uttered by any member in

disparagement of a fellow-member, that gavel should sound its reproof, and the member should be called to order. Of this I have no manner of doubt; and I say it with all due respect. I state this, although I know the Speaker has stated it is not the practice of the Chair to call to order when gentlemen have the privilege of the House to make personal explanations. I conceive it will be found to be correct parliamentary law that members of the House at all times are under the authority of the Speaker, and that it is his bounden duty to see that the utmost courtesy prevails among members. If that be not the parliamentary law, then we should take some action to make it so.

It was with that view that the committee reported the second resolution, which disapproves of the language used by the member from Iowa, and they submit to the action of the House whether they will adopt it as their sentiment of disapproval. Now, it may be called a resolution of censure, impliedly a resolution of censure. It is merely a resolution that the House disapproves the language used by the member from Iowa at the time it is said this provocation was given. I suppose the member from Iowa thought himself entitled to use that language because of the precedents set him here at this and perhaps at the last Congress; but in my view such conduct is reprehensible, and the House owes it to itself, if not by the Speaker, that the members of the House themselves shall call to order. I would exert the power of the House as rigidly for the punishment for the use of such language as for the use of violence itself.

The third resolution recommends that three individuals who were advisedly present when these blows were inflicted, should be called to the bar of the House to be dealt with as the House may direct. In doing this the committee designed to establish a precedent which might be salutary hereafter. It is utterly impossible for us to close our eyes upon history. We know what has taken place inside this Hall and in the rooms adjacent to it in years gone by antecedent to the great war of the rebellion. Now, the question will arise in every thoughtful mind, shall we return to such scenes of barbarism as the House has seen here? Shall this House again be turned into a bear garden instead of a hall for deliberation? That is the question we have now to answer to our constituents by our votes. I confess, if it were left to myself, and no other persons were interested in the issue, I would prefer that the case of these gentlemen should be left open. My sympathy runs out to them. I do not wish to see either one of them brought to disgrace or reprehension, but I am looking to the privileges of the House and the liberty of this country. I am looking to the independence of debate and the freedom of discussion, and if we will uphold it we must have the manhood to inflict some of these penalties, not only to protect the rights of our own members, but those who may come hereafter.

I will not trouble the House longer. I have said all I wish to say. The legal question will not be doubted. It has been decided by the King's Bench and by the Supreme Court of the United States. I refer to the case in 6 Wheaton. It has been decided by the Supreme Court of the United States that the House of Representatives of the United States has the power to protect its own high privileges. It has the power to declare for itself what shall be considered a breach of its privileges, and to inflict penalty in that regard, although there may be no existing statute upon the subject. It is incident to the power of legislation.

Mr. ELDRIDGE. I wish to inquire whether these three gentlemen who are outsiders were ever notified that their conduct was under investigation by the committee, and whether an opportunity was afforded to them to present witnesses to be examined in their defense.

Mr. SPALDING. I say to the gentleman, no; they were not charged by the committee with any offense. They were severally inter-

gated; each made his own statement of the transaction as it took place, and they were then examined and cross-examined.

Mr. ELDRIDGE. They were examined, then, simply as witnesses?

Mr. SPALDING. Simply as witnesses to show the transaction.

Mr. ELDRIDGE. Were they apprised?

Mr. SPALDING. They were never at any time apprised that they were charged with any violation of the privileges of the House until the report was made.

Mr. ELDRIDGE. I desire to make one further inquiry: whether there is any evidence whatever against Mr. McGrew and Mr. Grigsby of any intention of being present at any difficulty between Messrs. GRINNELL and ROUSSEAU, or whether either of them had any notice or expectation that it was to take place at the time, and whether the report does not show expressly that no one, except perhaps Mr. Pennybaker, had any idea that the affair was to take place.

Mr. SPALDING. In answer to the gentleman I say distinctly that there was no evidence before the committee to show that either Colonel Grigsby or Dr. McGrew knew that this conflict was to take place when they came to the House or until they saw it actually commence at the Capitol. And I say further, that it appears, so far as the examination shows the fact, that they had pistols in their pockets by accident and not by design.

Mr. ELDRIDGE. Does it not appear further in the testimony—it seems to be so in the report—that those two gentlemen had no idea of taking any part in the transaction, but all they admit is, simply, that in case a difficulty had occurred by the interference of outside parties then they might have interfered?

Mr. SPALDING. I think it is not best to refine upon it too much. I will state the facts and the testimony as they were given. Those two gentlemen both disclaim having any knowledge of the chastisement intended to be inflicted by the member from Kentucky upon the member from Iowa. They both protested that they had no knowledge when they came to the Hall of the House that it was to take place. They followed up the other gentlemen for the purpose of accompanying them home to their lodgings; but they both agree that they had loaded pistols in their pockets, that they stood up in a convenient position during the time the blows were struck, and that they both would have interfered if there had been an interference by outsiders in favor of either of the parties. Mr. ROUSSEAU or Mr. GRINNELL.

Mr. ELDRIDGE. Exactly.

Mr. SPALDING. That I understand to mean, in case there was to be a free fight. [Laughter.]

Mr. ELDRIDGE. They did not either of them admit that they expected any such thing; on the contrary, they stated that they did not expect it.

Mr. SPALDING. That is so.

Mr. JOHNSON. I desire to call attention to one or two points in the report. The gentleman stated that these outside gentlemen said they intended to interfere. I understand him in his report, and in the substance of his statement here, to say that they had no previous intention, but when they saw this thing going on they made up their minds that if there was any outside interference then they would go in.

Mr. SPALDING. Decidedly so.

Mr. JOHNSON. Another point. I had intended to submit some remarks, but finding my health will not permit it, I merely call attention to these points. It is stated in the report that "three persons were present as friends of Mr. ROUSSEAU." It strikes me that that language is too strong. It conveys the idea that they were there by previous arrangement. It ought to read, it seems to me, that three persons were present who were friends of Mr. ROUSSEAU, not implying that they were there as his friends.

Mr. SPALDING. It would be more proper to say, one of them, Colonel Pennybaker, was

present by previous arrangement, and two of them by accident, or without any design. They did not know, they say, and there is no proof that they knew, that the assault was to be committed, but they were there with pistols in their pockets.

Mr. JOHNSON. Then I will suggest in this connection, that the fact that they were there with revolvers in their pockets does not indicate that they intended to use them on that occasion; because they did not put them in their pockets with reference to this transaction.

I call attention to this passage on page 2 of the report—

"On the part of Mr. GRINNELL it was alleged that his character had been publicly assailed by Mr. ROUSSEAU on the floor of the House and elsewhere in such manner as to provoke and justify the remarks he had made."

Passing over the next paragraph, I now read the following:

"Nothing occurred in the course of the inquiry to indicate that Mr. GRINNELL was actuated in the slightest degree by malice or personal feeling toward Mr. ROUSSEAU."

It strikes me that there is some inconsistency in those two paragraphs of the report.

Mr. SPALDING. That is hardly a legitimate subject of inquiry. The gentleman is putting his own construction on the language of the report. I will yield now to my colleague on the committee, the gentleman from New York, [Mr. RAYMOND.]

Mr. RAYMOND. I desire at present simply to move an amendment to the resolutions reported by the majority of the committee; and it is, to strike out the first resolution reported by the majority and to insert in lieu thereof the resolution reported by the minority of the committee, which is as follows:

Resolved, That Hon. LOVELL H. ROUSSEAU be summoned to the bar of the House and be there publicly reprimanded by the Speaker for the violation of the rights and privileges of the House, of which he was guilty in the personal assault committed by him upon Hon. J. B. GRINNELL for words spoken in debate.

I understand that my colleague [Mr. HALE] desires to move an amendment to that amendment, and I therefore refrain from any remarks at present, although I shall be glad, if the House sees fit to indulge me, to make some remarks on the general question before the debate is closed.

Mr. HALE. I will proceed to-night or yield for a motion to adjourn, if the House pleases. [Cries of "Go on!"] Then I offer the amendment which I send to the Clerk's desk as a substitute for the first two resolutions reported by the committee.

The SPEAKER. The amendment of the gentleman's colleague [Mr. RAYMOND] is to the first resolution, and the gentleman's amendment must apply to that.

Mr. HALE. What I wish is to substitute my amendment for the one offered by my colleague, and also for the second resolution reported by the committee.

The SPEAKER. That will not do. The amendment to the amendment must cover no more ground than the amendment itself.

Mr. SPALDING. I ask for separate votes upon the resolutions reported by the committee.

Mr. HALE. I ask my colleague [Mr. RAYMOND] to withdraw his amendment, so as to enable me to offer mine as a substitute for the first two resolutions reported by the committee.

The SPEAKER. The gentleman from Ohio [Mr. SPALDING] has demanded a separate vote on the resolutions, and therefore the gentleman from New York cannot move his amendment as a substitute for two resolutions. He can move it as a substitute for the first resolution, and if it be adopted, he can move to lay the second resolution on the table.

Mr. HALE. I accept the suggestion of the Chair, and now offer the following as an amendment to the amendment of my colleague:

Resolved, That this House, while expressing its unqualified condemnation and reprobation of the practice of personal reflection and remarks upon the floor of the House, reflecting upon the character of members in the House, and acts of violence toward members upon any provocation of words, however

severe and unmerited; and while expressly asserting its power and authority to protect the privileges of its members, both as respects person and character, yet, under all the circumstances of the case, deem it inexpedient to take any further action in the matter of privilege now pending, so far as affecting Hon. LOVELL H. ROUSSEAU and Hon. JOSIAH B. GRINNELL.

Finding myself, as I do, differing from the conclusions of the entire committee of investigation in this case, it is with great hesitation that I have offered the proposition I have submitted. And I will now proceed to discuss it. The committee which was appointed by the Chair was certainly a committee which commanded and now commands my entire confidence, as I have no doubt it did that of the House. It was a committee so composed as to be unobjectionable to every one, satisfactory to the friends of every party.

Mr. HARDING, of Kentucky. It is now getting to be late. Will the gentleman from New York [Mr. HALE] yield to me to make a motion to adjourn?

Mr. HALE. I will yield for that purpose.

Mr. HARDING, of Kentucky. I move that the House now adjourn.

The question was taken; and upon a division, there were—ayes 60, noes 44.

And accordingly (at four o'clock and twenty minutes p. m.) the House adjourned.

PETITION.

The following petition was presented under the rule and referred to the appropriate committee:

By Mr. PERHAM: The memorial of temporary clerks in the Patent Office, in regard to the continuance of their employment.

IN SENATE.

MONDAY, July 16, 1866.

Prayer by Rev. A. D. GILLETTE, D. D., of Washington.

On motion of Mr. STEWART, and by unanimous consent, the reading of the Journal of Saturday last was dispensed with.

PETITIONS AND MEMORIALS.

Mr. SUMNER presented a petition of citizens of Providence, Rhode Island, praying for the enactment of a law preferring for appointment to all offices persons honorably discharged from the military or naval service who have served for a period of three years during the rebellion; which was referred to the Committee on Military Affairs and the Militia.

REPORTS OF COMMITTEES.

Mr. WILSON, from the Committee on Military Affairs and the Militia, to whom was referred a joint resolution (H. R. No. 176) amendatory of a joint resolution entitled "A resolution respecting bounties to colored soldiers, and the pensions, bounties and allowances to their heirs," approved June 15, 1866, reported it with amendments.

He also, from the same committee, to whom was referred a resolution instructing the committee to inquire into the expediency of providing a system of education for soldiers, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred a resolution instructing the committee to inquire into the expediency of restricting all brevet promotions to such officers as have actually served in the field, asked to be discharged from its further consideration; which was agreed to.

Mr. CLARK, from the Committee on Claims, to whom was referred a joint resolution (S. R. No. 111) for the relief of Sergeant Milton McKinnon, reported it with an amendment.

He also, from the same committee, to whom was referred the petition of Janes, Fowler, Kirtland & Co., praying for compensation for damages resulting from the suspension by the Government of the work on the dome of the Capitol from May, 1861, to May, 1862, submitted a report accompanied by a bill (S. No. 429) for the relief of Janes, Fowler, Kirtland & Co. The bill was read and passed to a second reading, and the report was ordered to be printed.

He also, from the same committee, to whom was referred a bill (H. R. No. 518) for the relief of the owners of the bark Maria Henry, reported it without amendment.

Mr. RAMSEY, from the Committee on Naval Affairs, to whom was referred a bill (S. No. 267) authorizing the establishment of a navy-yard and a coal and naval depot at the harbor of Annapolis, asked to be discharged from its further consideration; which was agreed to.

Mr. SUMNER, from the select committee on coinage, weights, and measures, to whom were referred the following bills and joint resolutions, reported them severally without amendment:

A bill (H. R. No. 596) to authorize the use of the metric system of weights and measures;

A bill (H. R. No. 597) to authorize the use in post offices of weights of the denomination of grammes;

A joint resolution (H. R. No. 140) to enable the Secretary of the Treasury to furnish to each State one set of the standard weights and measures of the metric system; and

A joint resolution (H. R. No. 141) to authorize the President to appoint a special commissioner to facilitate the adoption of a uniform coinage between the United States and foreign countries.

Mr. DAVIS, from the Committee on Claims, to whom was referred the petition of Washington Crosland, praying for compensation for damages done to his property in the city of St. Louis, Missouri, by the United States in building a railroad across it, submitted a report, accompanied by a bill (S. No. 431) for the relief of Washington Crosland. The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. WILLIAMS, from the Committee on Claims, to whom was referred the petition of E. J. Curley, praying for compensation for corn furnished to the United States troops in Kentucky, submitted a report accompanied by a bill (S. No. 433) for the relief of E. J. Curley. The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. ANTHONY, from the Committee on Claims, to whom was referred the petition of Mrs. Amelia Feaster, praying for compensation for services rendered and supplies furnished to our soldiers while prisoners of war, submitted a report, accompanied by a bill (S. No. 434) for the relief of Mrs. Amelia Feaster, of Columbia, South Carolina. The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. CONNESS. The Committee on Post Offices and Post Roads, to whom was referred a communication of the Secretary of the Navy, communicating, in compliance with a resolution of the Senate of the 19th of March last, the report of Rear Admiral Charles H. Davis, Superintendent of the Naval Observatory, in relation to the various proposed lines for inter-oceanic canals and railroads between the waters of the Atlantic and Pacific oceans, have directed me to report it back, with a recommendation that it be printed, without the maps, for the use of the Senate, and that five thousand extra copies, with the maps, be also ordered to be printed.

The PRESIDENT *pro tempore*. The motion for printing the extra number of copies will be sent to the Committee on Printing under the rules.

RECOMMITTAL OF A BILL.

On motion of Mr. STEWART, it was

Ordered, That the bill (H. R. No. 365) granting the right of way to ditch and canal owners over the public lands in the States of California, Oregon, and Nevada; be recommitted to the Committee on Public Lands.

BILLS INTRODUCED.

Mr. ANTHONY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 430) to regulate the civil service of the United States, and promote the efficiency thereof; which was read twice by its title and referred to the Committee on the Judiciary.

Mr. BUCKALEW asked, and by unani-

mous consent obtained, leave to introduce a bill (S. No. 432) for the relief of C. F. Johnson, of Alabama; which was read twice by its title and ordered to lie on the table, as the Committee on Claims had previously reported on the subject.

COMMITTEE CLERKS.

Mr. SUMNER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the clerkships of the standing committees of the Senate be made permanent, at the same rate of compensation as is paid the permanent clerks of the standing committees of the Senate, commencing March 4, 1865; and that part of the duty of the clerks of the standing committees of the Senate shall be to direct and send off all documents published for distribution by order of the Senate.

EVENING SESSION.

Mr. CLARK submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Senate will at half past four, on Tuesday, the 17th instant, take a recess until seven o'clock p. m., the same day, for the purpose of considering bills and reports of the Committee on Claims, and no other business shall then be in order.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House of Representatives had passed a bill (S. No. 236) to authorize the construction of certain bridges, and to establish them as post roads, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House of Representatives had passed a bill (H. R. No. 775) to establish certain post roads, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House of Representatives had signed the following enrolled bills; which were thereupon signed by the President *pro tempore*:

A bill (S. No. 114) for the relief of A. T. Spencer and Gurdon S. Hubbard;

A bill (S. No. 369) to establish certain post roads;

A bill (H. R. No. 702) granting pension to Mrs. Charlotte E. Reed;

A bill (H. R. No. 739) for the relief of Samantha Rader;

A bill (H. R. No. 741) granting a pension to Jonathan W. Beach; and

A bill (S. No. 742) for the relief of the minor children of Salvador Accardi, deceased.

The message also announced that the House of Representatives had passed a resolution of the correction of its message to the Senate for the 11th instant, announcing its action upon the amendments of the Senate to the bill (H. R. No. 261) making appropriations for the consular and diplomatic expenses of the Government for the year ending June 30, 1867, and for other purposes, in respect to the sixth amendment of the Senate to the said bill, which was agreed to by the House with an amendment.

CONSULAR AND DIPLOMATIC BILL.

Mr. SUMNER. I send to the Chair a resolution for the correction of a message from the House. The House have passed an order on the subject, and it should be acted upon at once.

The PRESIDENT *pro tempore*. The message from the House will be read.

The Secretary read it, as follows:

IN THE HOUSE OF REPRESENTATIVES.

July 14, 1866.

Ordered, That the Clerk be directed to correct and supply an omission in the message announcing the action of the House on the Senate amendments to the bill (H. R. No. 261) making appropriations for the consular and diplomatic expenses of the Government, &c., on the 11th instant, as follows:

Instead of concurring in the sixth amendment of the Senate the House concurred in said amendment with an amendment, as follows:

After "Smyrna" add "Spezzia," and strike out "Spezzia" in schedule C consulates—being a trans-

fer of "Spezzia" from schedule C to schedule B consulates.

Mr. SUMNER. I now offer the following resolution agreeing to the correction made by the House:

Resolved, That the Senate agree to the correction of the message of the House of Representatives in respect to its action upon the amendments of the Senate to the bill (H. R. No. 261) making appropriations for the consular and diplomatic expenses of the Government for the year ending June 30, 1867, and for other purposes, as requested by the House.

The resolution was considered by unanimous consent and agreed to.

CALIFORNIA LAND TITLES.

Mr. POMEROY, from the committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 343) to quiet land titles in California, submitted a report that the Senate agree to the first proviso of the tenth amendment of the House, in these words: "Provided, however, that from decrees of the district courts as aforesaid made after July 1, 1865, and prior to the passage of this act, an appeal may be taken to the United States circuit court of the State of California within one year from the approval of this act;" and that the House recede from the second proviso of that amendment.

The report was concurred in.

HOUSE BILL REFERRED.

The bill (H. R. No. 775) to establish certain post roads was read twice by its title and referred to the Committee on Post Offices and Post Roads.

HENRY S. DAVIS.

Mr. BROWN. I desire to submit the views of the minority of the Committee on Public Buildings and Grounds, in opposition to the bill (S. No. 427) for the relief of Henry S. Davis. A majority report was submitted on Saturday, and notice was given at the time that the views of the minority would be submitted to-day. I move that they be printed.

The motion was agreed to.

MARINE HOSPITAL AT YOKOHAMA.

Mr. EDMUNDS. I move to proceed to the consideration of Senate bill No. 403, making an appropriation for the erection of a marine hospital at Yokohama, in Japan, and for other purposes. It is a short matter that will not excite any opposition.

Mr. CONNESS. I desire to call up for consideration the resolution that I submitted on Saturday, authorizing the Secretary of the Treasury to audit and settle the accounts of Caleb T. Fay and William Y. Patch, late assessor and collector of internal revenue at San Francisco. I believe it is in the form of a concurrent resolution, and I ask the Secretary to change it so as to make it a joint resolution.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the Senate now proceed to the consideration of Senate bill No. 403.

Mr. CONNESS. Is it not first in order to call up this resolution which was laid over by an objection on Saturday?

The PRESIDENT *pro tempore*. The Chair thinks there is no priority of resolutions over other subjects where a motion is made in regard to a bill; it stands on the same ground as a motion in regard to a resolution. It is in the power of the Senate of course to give a preference, when they see proper by their vote, to one subject over another. The question now is on the motion of the Senator from Vermont to take up the bill (S. No. 403) making an appropriation for the erection of a marine hospital at Yokohama, in Japan, and for other purposes.

The motion was agreed to; and the bill was read a second time and considered as in Committee of the Whole. It proposes to appropriate \$10,000 for the purpose of constructing a marine hospital for the use of the United States, and to furnish the same with proper furniture, instruments, and medicine, at Yokohama, in Japan. This sum of money, or so much thereof as shall be necessary for the pur-

poses stated, is to be expended under the direction of the Department of State.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

C. T. FAY AND W. Y. PATCH.

Mr. CONNESS. I move now to proceed to the consideration of the resolution that I named a moment ago.

The motion was agreed to; and the Senate proceeded to consider the joint resolution (S. R. No. 132) authorizing the Secretary of the Treasury to audit and settle the accounts of Caleb T. Fay and William Y. Patch, late assessor and collector of internal revenue at San Francisco.

Mr. CONNESS. I move that the Secretary be directed to insert a title to that resolution and make it a joint resolution. It was introduced as a concurrent resolution, but it should properly be a joint resolution.

The PRESIDENT *pro tempore*. The Senator can modify his resolution as it suits him.

Mr. CONNESS. I have done so. There is a letter accompanying the resolution, from the Secretary of the Treasury, which explains it fully—a very short letter, which I ask to have read, and then I shall ask for the present consideration of the resolution.

The Secretary read the following letter:

TREASURY DEPARTMENT, July 13, 1866.

DEAR SIR: I inclose to you herewith a proposed resolution authorizing the settlement of the accounts of Caleb T. Fay and William Y. Patch, late assessor and collector of internal revenue at San Francisco, upon an equitable and just basis.

From the report to me of clerks of this Department appointed as a committee to investigate the accounts of those officers, and to settle them, if possible, I am satisfied that by reason of informality in the appointment of certain persons who acted and were paid by the collector as assistant assessors, the accounts of these gentlemen cannot be justly settled without the aid of some legislation like that proposed in accompanying resolution. I therefore desire to call the attention of Congress through you to this subject.

Very respectfully,
H. McCULLOCH,
Secretary.

Hon. D. C. McRUE, M. C.,
House of Representatives.

The joint resolution was read three times and passed.

COMPENSATION OF OFFICERS OF SENATE.

Mr. WADE. I move to take up for consideration Senate bill No. 411, fixing the compensation of officers, clerks, messengers, and others in the service of the Senate.

Mr. HOWE. I appeal to the Senator to allow that bill to lie over until to-morrow, for this reason: the Joint Committee on the Library have adopted a proposition which they have instructed me to report as an amendment to that bill. It has not yet been drawn up; and I wish the Senator would allow the bill to lie over until to-morrow so as to allow that amendment to be drawn up.

Mr. WADE. I will inquire whether the proposition that the Committee on the Library is deliberating upon covers the same ground that this bill proposes to cover.

Mr. HOWE. The amendment does not cover the same ground, but it has reference to the pay of the officers of the Library.

Mr. WADE. That has nothing to do with this measure.

Mr. HOWE. I was instructed to offer it as an amendment to this bill.

Mr. WADE. I am afraid that this bill will not pass at this session if it is longer delayed.

Mr. STEWART. I hope the Senator will allow it to lie over temporarily until I can call up a bill which will not take any time.

Mr. WADE. I will let it pass by for the present, but I give notice that I shall call it up again to-morrow.

The PRESIDENT *pro tempore*. The motion is withdrawn.

TERRITORY OF MONTANA.

Mr. STEWART. I move to take up for consideration House bill No. 466, which has been reported from the Committee on Public Lands.

The motion was agreed to; and the bill (H.

R. No. 466) erecting the Territory of Montana into a surveying district, and for other purposes, was considered as in Committee of the Whole. It proposes to erect the Territory of Montana into a surveying district; and to authorize the President of the United States, by and with the advice and consent of the Senate, to appoint a surveyor general for that Territory, who is to hold his office at such place in the Territory as the Secretary of the Interior may direct, but the location of his office may be changed from time to time if, in the opinion of the Secretary of the Interior, the public interest should require it; and the powers, duties, obligations, and responsibilities of the surveyor general are to be the same as are now prescribed by law for the surveyor general of Oregon. His salary is to be \$3,500 per annum for his services, with proper allowance for clerk hire, office rent, and fuel; which allowance is not to exceed the amount now allowed, or that may hereafter be allowed by law, to the surveyor general of Oregon.

The Committee on Public Lands reported an amendment, which was to change the provision for the salary of the surveyor general from \$3,500 to \$3,000.

The amendment was agreed to.

Mr. STEWART. I offer the following amendment in the shape of additional sections:

And be it further enacted, That the said Territory of Montana be, and is hereby, created a land district, to bear the name of said Territory, the district land office of which shall be established at such place within the land district as the President of the United States may from time to time direct.

And be it further enacted, That for the purpose of carrying this act into effect, the President shall be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate as in similar cases, a register and receiver for said district, who shall be required to reside at the site of the district land office, and whose powers, duties, obligations, and responsibilities, compensation and emoluments shall be the same as now allowed by law for like officers in New Mexico.

The amendment was agreed to.

Mr. WADE. I offer the following amendment, to come in as an additional section:

And be it further enacted, That said surveyor general shall select and survey eighteen alternate odd sections of iron-mineral or timber lands within the said district, for the New York and Montana Iron Mining and Manufacturing Company, incorporated under the laws of the State of New York, which lands the said company shall have immediate possession of on payment of \$1 25 per acre, and shall have a patent for the same whenever, within two years after their selection they shall have furnished evidence satisfactory to the Secretary of the Interior that they have erected and have in operation on the said land iron-works with a capacity for manufacturing fifteen hundred tons of iron per annum: *Provided*, The said lands shall revert to the United States in case the above-mentioned iron-works be not erected within the specified time: *And provided*, That until the title to the said lands shall have been perfected the timber shall not be cut off from more than one section of the said lands.

The question being put, Mr. BUCKALEW called for a division.

Mr. WADE. As a division is called for, I wish to explain the amendment. It is certainly germane to the bill, and it proposes to permit this company to make iron in Montana and to have a certain number of the odd sections surveyed by the surveyor general in making his surveys for that purpose, that they may purchase them at the usual price; but it is to be land on which there are no minerals, but wood alone; nor are they permitted to take the wood, except upon one section, until they have complied entirely with the grant, paid for the land, and are making their iron according to it. This amendment, I believe, fails to encounter any of the objections which were made to the bill which was introduced before in regard to this company. None of the objections which the President had to the former bill apply to the provisions embodied in this amendment, and I believe it meets the approbation of most, if not all, the members of the Committee on Public Lands. I showed the amendment to all the members of the committee who were here at the time, and none of them had any objection to it. I hope it will be adopted, for I am sure nothing can be more beneficial to the people of that Territory than this will

be if it is permitted to pass. I hope no opposition will be made to it.

Mr. POMEROY. The amendment which the Senator from Ohio has proposed is, I think, free from the objections that were made to the former bill on this subject. I certainly am very willing that it should pass. I think there should be no objection to it.

Mr. WADE. I showed it to all the members of the committee who were present, but I believe there are some now present who were not here then.

Mr. BUCKALEW. I supposed it was precisely the same measure that had been vetoed.

Mr. POMEROY. This is drawn to obviate the objections of the President.

Mr. BUCKALEW. The only thing that occurs to me in this connection, after the explanation which has been made, is that it is a very remarkable section which it is proposed now to insert in this bill, that a certain survey shall be made to a particular party, excepting the case of those who are interested in this mining company from the operation of the general laws. I do not understand why we should select out the particular mining company in question and authorize them by act of Congress to have particular sections ordered to be surveyed to them. If they desire lands why do they not go in and take them up under the general laws? I do not understand the reason for this discrimination, unless it be to give some advantage which the general laws would not confer upon them.

Mr. WADE. It gives them no advantage over anybody else; it only anticipates the time when these men can go and take all the land they please by paying the Government price for it. Those composing this company are very anxious to try the experiment of making iron in Montana now. It will be some time before the land in that Territory will be surveyed. The proposition in this bill is to appoint a surveyor general to survey the Territory, but it will take a good while to do it. Now, if these men can secure wood enough to warrant them in attempting this enterprise they want to do it. There is no special advantage to them in this section. There is no mineral land grant; there is nothing else in it than simply allowing them to go in and locate themselves on this land at once, so that they may find enough wood to run a furnace to make iron.

Mr. JOHNSON. Are they to pay for the land?

Mr. WADE. Certainly, pay for all the land they get. They are anxious to pay for it. If they do not pay for it they do not get it; and if they do pay for it they do not get it unless they make fifteen hundred tons of iron a year, and it all comes back to the United States. There is nothing in the amendment but what is perfectly patent on the face of it. Here is a company who are willing to try the experiment; they are wealthy men, they are excellent business men, men of the highest character, that have been led to believe that they can do business there for their own benefit and greatly to the benefit of the people of the Territory if they can be permitted to go there and set up a furnace and make a large quantity of iron. But the difficulty under which they labor, as everybody can see, is in regard to securing title to woodland, for it will take a good deal of woodland to run a furnace that is worth anything. They have got to lay out, they say, nearly two hundred thousand dollars in their apparatus and in commencing their business, setting up a large furnace. The moment they begin to do it anywhere, everybody will see that they will want a great deal of wood and at once other men, taking advantage of what they are about, seeing what they want, will squat on all the woodland in the vicinity, and then the company will be entirely at the control of those who have got the wood around them. This is a wild country, heavily wooded. There is no trouble about wood in Montana. If any gentleman has read the surveys of that country he will find that they all represent it as an exceedingly heavy wooded

country; but then no prudent man would go there and lay out a large sum of money for a furnace unless he could assure himself that he would have wood enough to make coal to run it, and it will take a good deal.

Now, I ask, is there any possible objection to their having that? It was objected that the other bill gave them the right to take certain lands that had coal if they could find it. This is an entirely different thing. There is not a mineral land grant in this amendment; they are not even permitted to cut wood except from one section until the thing is entirely complied with. Is there any objection to that?

We have given away and granted, since I introduced that other bill, I do not know but a hundred million acres of land for railroads and other purposes; and if you look at your Northern Pacific railroad bill that passed here last, I think you will find it is subject to every objection that was made by the President to the little bill that I introduced. There the company take all the land; they are not restricted to coal land or anything else; and you are granting away millions upon millions of land by bills to which all the objections made to the little bill to enable these people to go in there and try the experiment of setting up a furnace apply. It is the smallest thing that I ever knew so strongly objected to, for I ask every candid man in this Senate, is there a sane man that can fail to see that in that remote country, where every pound of iron has got to be dragged a thousand miles at a cost of some thirty cents a pound before you can get it there, nothing would develop it more than to have a furnace on the spot that could make iron, and thereby enable the people to set up their mining establishments, their crushing-works, and everything else?

It seems to me that, so far from being any favoritism to a company, it would tend more to develop the country than anything else. It is a small affair, to be sure; but it is not indifferent to the people that are there and are going there. They all want it to be done as a matter of prime necessity in that remote country. I hope, sir, there will be no objection to it. The objections the President made to the other bill are entirely avoided by this. It seeks no advantage, and the other bill did not seek any advantage. It had things in it that might be objected to, but they were not sought, I am sure, to gain any advantage, for the features objected to were put on that bill by the Committee on Public Lands in putting it into such a shape that it ought to pass. All I ask is for such a measure as will accomplish the purpose of encouraging the production of iron in this remote Territory.

Mr. BUCKALEW. I think there is no analogy between grants of land to a railroad corporation and particular grants of land to a private party or to a private business corporation. A railroad is a public highway, and there are public objects connected with the making of improvements of that description which do not apply in other cases. I make this observation in answer to the suggestion of the Senator from Ohio that our grants to railroad companies of lands in the West will justify our grants, as I understand him, to individuals or to corporations wherever there are legitimate objects connected with the bill. But, sir, under the explanations which he has submitted, although I have not critically compared the present amendment with the bill which was recently vetoed by the President, I withdraw the call for a division.

The PRESIDENT *pro tempore*. The call for a division being withdrawn the amendment is agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in. It was ordered that the amendments be engrossed and the bill be read a third time. It was read the third time and passed.

CODIFICATION OF CUSTOMS LAWS.

Mr. CRESWELL. I move that the Senate

take up for consideration Senate joint resolution No. 82.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. No. 82) to provide for codifying the laws relating to the customs. It directs the Secretary of the Treasury to cause to be prepared and submitted to Congress at its next session a general customs revenue law, designed to supersede all other laws on that subject, and embracing all necessary provisions for regulating the foreign and coasting trades, the assessment and collection of duties on goods, wares, and merchandise imported from foreign countries, and other subject-matters immediately pertaining thereto; the expenses necessarily incurred in the preparation thereof to be paid from the appropriation for the expenses of collecting the revenue from customs.

The Committee on Commerce reported the joint resolution with two amendments. The first amendment was to insert after the word "session," in line five, the words "under the direction of one member of the Senate and one member of the House of Representatives, each to be appointed by the Presiding Officer of the body to which he belongs."

The amendment was agreed to.

The next amendment was to add at the end of the resolution the following proviso:

Provided, That the said expenses shall not exceed \$10,000.

The amendment was agreed to.

Mr. HARRIS. I desire to inquire of the Senator from Maryland whether this whole subject is not embraced within an act that has already been passed for the general codification of the acts of Congress. It seems to me it has been already provided for.

Mr. CRESWELL. My impression is that that bill has not passed the House.

Mr. HARRIS. It has passed the House and is a law; and candidates are already applying to the President for nomination to engage in that work of codifying the laws of Congress, embracing, of course, these laws as well as others.

Mr. CRESWELL. I can only say in regard to that, that the Secretary of the Treasury seems to feel the deepest interest in the passage of this resolution; and if it be passed and these laws be codified, they will be completed as that they will not only be of service to the Department, but of service to those gentlemen who may be appointed to codify all the laws. It is proposed that the laws applicable to the collection of duties and to the management of the revenues generally shall be prepared by certain officers of the Department, under the direction of one member of the Senate and one member of the House of Representatives, before the meeting of the next session of Congress, that a report shall then be had, and action finally taken upon it. If the gentlemen hereafter to be designated by the President shall undertake to codify all the laws of the United States, it is more than probable that it will be two or three years before they will be able to present such a report as will be accepted by Congress, and then it may be that a long delay will follow. This work seems to be absolutely necessary for the successful working of the Treasury Department, and I will read to the Senate what the Secretary of the Treasury himself says on this subject. Speaking of the complication of laws which has resulted, he says that in regard to the assessment and collection of duties alone based upon the act of March 2, 1799, up to the year 1845, there had been passed at least one hundred and twenty-five different laws, and since that time almost as many more. Besides that, there are other classes of laws which are necessary for the public convenience, one relating to the foreign and coasting trade and another relating to special provisions necessary to meet the necessities of commerce on the lakes and rivers for the northeastern, north-

ern, and northwestern frontiers, and in regard to them the Secretary of the Treasury says:

"The result is an immense complication in the details of the various provisions relating to the collection of the revenue and the carrying on of the coasting and foreign trades; and an intricate system of legislation on this entire subject has grown up, in which statute refers to statute and amendment to amendment on so many points, that the law governing a specific case is in many instances with difficulty discovered. This is a source of grave embarrassment to officers of the customs whose position requires prompt action and a clear application of the law to facts as they arise. This Department endeavors to render the laws intelligible by the issue of circulars and regulations; these are, however, but a partial remedy for the evil, and go but a short way toward supplying the want of a uniform and consistent code, with its subjects so arranged and classified that the law upon any given point may be summarily ascertained."

My impression is that this is a work that is absolutely necessary and should be done at once, and that it should not be delayed until all the laws of the United States have been codified in the manner proposed by the general proposition. No harm, certainly, can result from it; and I think this work being done in the Treasury alone, by officers who have a perfect knowledge of the difficulties arising out of the complication of these laws, it will, perhaps, forward the work of the gentlemen who are to be appointed to codify all the laws.

Mr. HARRIS. I am not at all opposed to this measure. I can see very well the necessity for a codification of the laws relating to the revenue. The difficulty I have is that we have already provided for it. Commissioners are to be appointed; we may expect their nomination any day; and the duty of those commissioners will be to codify all our laws. I have supposed that to one of those commissioners would be assigned the duty of codifying the revenue laws. Are we not likely, if we pass this resolution, to have two sets of commissioners at work on the same subject? It will be the duty of these commissioners, by law, to codify all the laws. It seems to me the Senator from Maryland must modify his proposition in some way so as to relieve the commissioners to be appointed under the law already passed from this portion of the duty now assigned to them; otherwise we shall have two sets of men engaged in the same work.

Mr. CRESWELL. The difficulty arising out of that is precisely the one that I have stated; that, owing to the immense deal of work that will devolve upon the codifiers appointed generally over the whole system of laws, it will necessarily be a long time before any definite result can be reached, perhaps five years.

Mr. SUMNER. No, not so long as that.

Mr. CRESWELL. It is very difficult to tell how long it will be. It is a very extensive work; it will require a great many corrections; and the entire operations of the commission will have to be carefully revised by certain gentlemen of both Houses of Congress, and they being called upon to act anew on the subject, it will necessarily lead to other long delays. I have had some experience on this subject myself in the State of Maryland, where we attempted to codify the acts of our Legislature, and it resulted in very great delays. It was some three or four years, or perhaps five years, before we had completed that system, and it was then full of defects; and the Legislature ever since has been endeavoring to correct it. What we want here is, to place at the disposition of the Treasury Department a certain correct system of the laws, presenting them, as it were, at one view; so that the Department may submit a uniform system of instructions and laws to all the officers of the General Government throughout the country. That seems to be a *desideratum*, for the want of which the Department has been suffering the greatest inconvenience; and the anxiety of the Secretary of the Treasury is so great on that subject, that I am disposed to call for the vote of the Senate upon this proposition, believing, as I do, that it will only facilitate the general work to which the honorable Senator from New York has referred.

Mr. SUMNER. The object of the Senator

from Maryland would naturally form a chapter in the labors of the commissioners that are about to be appointed for the revision and consolidation of all the statutes of the United States. Of course, in that revision a very important chapter would be all the statutes relating to the revenue service of our country. Now, as I understand the Senator, he proposes that another commission, in advance of the commission which has already been authorized by Congress, shall take this special subject of the revenue statutes. I have no evidence before me that the case is sufficiently urgent to justify this double effort, if I may so express myself; that is, if the motion of the Senator from Maryland shall prevail, we shall have two sets of commissioners at work on that same subject. Does the occasion require it? Are we justified in setting these two machines in motion? Is not one enough? I have no evidence before me to show that one is not enough.

Mr. GUTHRIE. This resolution, which was introduced by me and was referred to the Committee on Commerce, provides for an object which is thought to be necessary, of having a codification by Congress of the laws relating to the customs. I will state to the Senate that under a resolution of Congress during the time I was Secretary of the Treasury I caused to be compiled a code of the revenue laws, which was reported to Congress, but not acted on during the period that I remained in the Treasury.

At the instance of the present Secretary of the Treasury I introduced this resolution. The compilation as made then is printed and still exists in the Treasury. It will be a very light work to bring down that codification of these laws to the present time. I hope the Senator from New York and the Senator from Massachusetts will withdraw their opposition to this measure. The codification can be returned at the next session, and if adopted by Congress it can be printed as a portion of the general codification, for it will come in and be acted upon long before that general codification. I deem it absolutely and essentially necessary to a systematic and faithful performance of their duties by the officers engaged in the revenue service to have the revenue laws reduced into one body, so that all the collectors and other revenue officers and every merchant in the United States can understand the law. I think it is right enough to have a general codification of all the laws; but we cannot have that for five years, and I do not believe it will be finally passed by Congress in ten years. This codification is ready prepared, only needing some amendments to make it suit the present time and some modifications which the experience of the experts in the Department may have suggested. I trust gentlemen will withdraw their opposition to the resolution.

Mr. SUMNER. In what I said a moment ago I intimated a doubt as to the expediency of this second commission. I confess, however, that I have been very much impressed by what has fallen from the Senator from Kentucky. His argument in favor of this work seems to me to be very strong. It is quite patent that the main work cannot be completed for some time; but, as I understand from the Senator, the proposed codification of the statutes relating to the revenue ought to be done as soon as possible. I am told it is needed now, and if that is the case I shall certainly make no opposition.

The joint resolution was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

The resolution was ordered to be engrossed for a third reading, and was read the third time.

Mr. SPRAGUE. I move that the resolution be referred to the Committee on Finance, with instructions to report on the second Tuesday in December next. It is well known that an important bill from the other House has been referred to that committee, which, if passed at the next session, will alter the revenue laws very materially. It would seem to me very

appropriate to refer this resolution to that committee, that they may see whether it is necessary that these laws should be codified and arranged.

Mr. CRESWELL. I hope that will not be done.

Mr. HOWARD. If we are likely soon to come to a vote on the measure now before us, I shall not call for the order of the day. Otherwise, I must insist upon it.

Several SENATORS. Let us have the vote.

Mr. TRUMBULL. I trust that this joint resolution is not to pass. It seems to me a very singular species of legislation. We have at this session already passed through both Houses of Congress a law which has received the approval of the Executive, appointing three persons to codify and revise the laws of the United States; and now you are proceeding to do it by piecemeal in this way. The very object of our commission, which will cost the Government probably \$50,000, is thwarted by a proposition now to have the laws revised by some of the clerks in the Revenue Bureau, for I suppose they are to make this revision. I trust such a proposition as this is not to pass. This work ought to be done under the supervision of the commissioners appointed by the President, by and with the advice and consent of the Senate, to revise and codify the laws generally. If this portion can be got into shape at an earlier day so much the better. If labor has already been bestowed upon it, these commissioners will have the benefit of that labor. They will have authority to go on and make a report upon this branch of the laws before reporting the general revision of all the laws. It seems to me that this provision is incongruous with what we have already done, and such a proposition ought not to pass, and I trust it will not pass. If Senators had considered it, and what we have already done, it strikes me they would not now consent to a proposition of this kind becoming a law. To-morrow some one else will propose that the military laws be revised—they have been published in a separate volume under the supervision of some person already—and the next day the naval laws, and the next those relating to the courts. Thus we shall have no harmony, no simplicity, in the laws which are to be revised and consolidated, as we trust, so that everybody can understand them. These laws will have more or less bearing on other statutes. Has the Senator from Massachusetts, as I understand he is in favor of this measure, reflected that many of these laws relating to customs are mixed up with other statutes and have an important bearing on them?

Mr. CRESWELL. They must be codified, nevertheless.

Mr. TRUMBULL. Is the general codification of the laws to be made subservient to a revision got up probably by some clerks? I do not know who is to get out this revision. Does the Senator know?

Mr. SUMNER. No, I do not. I know nothing about it.

Mr. TRUMBULL. It seems to me this is all immature and inconsiderate. I do not know what committee it comes from.

Mr. GUTHRIE. The Committee on Commerce.

Mr. TRUMBULL. I hope the motion of the Senator from Rhode Island will prevail, and that this matter will be referred to the Committee on Finance, to be considered and reported on at the next session, or that we may make some other disposition of it than to pass it at the present time.

Mr. GUTHRIE. I hope the motion of the Senator from Rhode Island will not prevail. He might as well offer a resolution that until we are done legislating upon the subject of the customs we shall have no modification of the customs laws. He says we are to have the tariff bill reported from the Senate committee next December. They may not report that bill at all, or they may make it a very different bill from what it now is. That will be part of

the customs laws when passed, and so of any other bill passed at the next session. It is absolutely necessary and essential to the proper understanding of the revenue laws to have this codification. I have no question that we are losing money every year and every day for the want of it. There are over one hundred and twenty acts of Congress to be considered in assessing the revenues under the existing laws, and a great many of them conflicting and of difficult construction. Then we have the opinions of the Secretaries, and we shall have them again. They make a new explanation of the laws every once in awhile.

Mr. TRUMBULL. Will the Senator from Kentucky allow me to inquire of him who is making this revision?

Mr. GUTHRIE. When I was Secretary of the Treasury Congress passed a resolution providing for codifying these laws, and I had it done by experts in the office and a gentleman from Pennsylvania whom we employed under the resolution. The codification was reported to Congress, but they did not act upon it. I found the codification here printed this winter, just as it was reported to Congress, and in a conversation with the experts in the office they desired very much to have this codification completed and they prepared a resolution for that purpose which I introduced here, and which the Senator from Maryland has reported from the Committee on Commerce. The codification is already prepared, and it only wants the modification that different legislation since that time and the additional experience that has been acquired in the office renders necessary. It was introduced into this body before the measure to codify the general laws. That was not objected to because this was pending and should not have been, because if this codification should be reported to us and we should pass it next session, or the session afterward, it will be a long while before the general measure will come before Congress, and you will not get Congress to pass on that until some years after it has been reported and printed. I trust we shall vote down the proposition to refer the resolution to the Committee on Finance. I would rather see it rejected at once.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Rhode Island to refer the resolution to the Committee on Finance with instructions to report upon the same on the second Tuesday in December next.

The motion was not agreed to.

Mr. TRUMBULL. I call for the yeas and nays on the passage of the resolution.

The yeas and nays were ordered.

Mr. JOHNSON. Is it the purpose of the resolution that the commission, to be appointed under its authority, is to report to us a tariff bill, to revise the duties now imposed? ["Oh, no."] It seems to be very comprehensive in its terms.

Mr. GUTHRIE. It includes all the navigation laws.

Mr. CRESWELL. It is to be a revision of the existing laws affecting the customs and all kindred subjects.

Mr. SUMNER. I think that the expense ought not to exceed \$5,000; \$10,000 is too much. I think the Senate had better let the resolution be amended by substituting \$5,000 for \$10,000.

The PRESIDENT *pro tempore*. The resolution is not now amendable, except by unanimous consent.

Mr. CRESWELL. It only gives the Secretary of the Treasury a discretion up to \$10,000; he thinks it will require that much to do the work properly.

Mr. SUMNER. That is too much. I do not want to give that much.

Mr. GRIMES. I have no doubt in my mind that this resolution ought to pass and that the public interest will be subserved by its passage. As to the amount that is involved in the resolution, that, I suppose, will not be expended if the purposes can be accomplished in any other way.

I understand the Senator from Illinois and some other Senators to object to the passage of this resolution because if it is adopted we shall have a duplicate codification. Now, as I understand it, this is to relate to our navigation and commercial laws. The men who would be properly selected to codify the residue of our statutes, in relation to the judiciary, the definition of crimes, &c., would not be the proper men to investigate this subject and to report to us such a codification as we desire. This matter should be investigated and a report made to us by men of experience in commerce and navigation, and I think the Committee on Commerce is exceedingly wise in proposing it, and that it will save us a large amount of money, because now different constructions are put upon our various tariff laws. We have been told here that we are now attempting to administer the customs laws under nine different tariff acts. The purpose is to get all these into one law, so that we shall know really what the law is, so that the wayfaring man, though a fool, cannot err therein. I have not heard any measure latterly that I shall vote for with more pleasure than I shall for this proposition to codify the revenue laws.

Mr. SPRAGUE. I wish to call the attention of the Senate to the views expressed by the Senator from Iowa. Everything that relates to ships, to the Navy, to water, finds in him an advocate: while he is very tenacious about the expenses of all other departments of the Government. When any consideration is asked for bills relating to those branches of the public service, you find him on the alert and willing to extend any facility. It seems to me that when you are to modify your tariff laws at the next session, which will alter that whole branch of the subject, there can be no injury in delaying this matter from this time to that. Besides, it is very well known that but little work can be done here in this hot weather, and I presume all this work is to be done in Washington. I think the parties concerned will do just as much work commencing in December, if it is so thought advisable by the Finance Committee, as they would by commencing now. It seems to me they will simply get the pay between now and December and do no work. I trust the resolution will not pass.

Mr. CRAGIN. I hope the resolution will pass. For four years I was special agent of the Treasury Department, and had occasion to study these laws, and I say here to-day that there is almost absolute necessity for this codification.

The PRESIDENT *pro tempore*. The question is on the passage of the joint resolution.

The question being taken by yeas and nays, resulted—yeas 80, nays 8; as follows:

YEAS—Messrs. Brown, Chandler, Conness, Cowan, Cragin, Creswell, Davis, Edmunds, Foster, Grimes, Guthrie, Harris, Hendricks, Howard, Howe, Morgan, Morrill, Nesmith, Norton, Poland, Ramsey, Riddle, Sanbury, Stewart, Sumner, Van Winkle, Wade, Wiley, Wilson, and Yates—80.

NAYS—Messrs. Buckalew, Henderson, Nye, Pomeroy, Sherman, Sprague, Trumbull, and Williams—8.

ABSENT—Messrs. Anthony, Clark, Dixon, Doolittle, Fessenden, Johnson, Kirkwood, Lane of Indiana, Lane of Kansas, McDougall, and Wright—11.

So the resolution was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 787) exempting pensions from internal revenue tax, and a joint resolution (H. R. No. 188) for the appointment of a commission upon transportation between the western States and the Atlantic sea-board; in both of which the concurrence of the Senate was requested.

NORTHERN KANSAS RAILROAD.

Mr. POMEROY. I desire to call up the report of the committee of conference on the bill (S. No. 145) for a grant of land to the State of Kansas to aid in the construction of the Northern Kansas railroad and telegraph, which was submitted on Saturday, but which was laid aside at the request of the Senator from Maine, [Mr. FESSENDEN,] who has since examined it,

and says he has no objection to it. I merely desire to have a vote on the report. It has been read.

There being no objection, the Senate resumed the consideration of the report.

Mr. POMEROY. I move that the Senate concur in the report.

The motion was agreed to.

MISSISSIPPI RIVER BRIDGES.

The PRESIDENT *pro tempore*. The unfinished business of Saturday is the bill (S. No. 387) to secure the speedy construction of the Northern Pacific railroad and telegraph line, and to secure to the Government the use of the same for postal, military, and other purposes. Before proceeding to its consideration the Chair will present, by the indulgence of the Senate, a bill which has been returned from the House of Representatives with amendments.

The Secretary read the amendments made by the House of Representatives to the bill (S. No. 236) to authorize the construction of certain bridges, and to establish them as post roads.

Mr. TRUMBULL. I move that the Senate concur in those amendments of the House.

Mr. HENDERSON. I move to refer the bill and amendments to the Committee on Post Offices and Post Roads. I am not going to discuss this question; the weather is too warm to make anybody think of anything of that sort. The Senate know that I have opposed the passage of this bill. The bill was passed by the Senate authorizing a bridge at Quincy, one at Hannibal, and one at Burlington. I opposed that provision of it which allowed draw-bridges. The bill went to the House of Representatives and they have sent it back with amendments adding a bridge at Prairie du Chien, one at Keokuk, one at Winona, one at Dubuque, and one at Kansas City on the Missouri, making seven draw-bridges on the Mississippi river. Since the bill was passed in the Senate, a proposition by the chairman of the Committee on Post Offices and Post Roads was adopted in this body, sent to the lower House, and adopted there, providing for an actual survey of the Mississippi river to ascertain by a board of competent engineers whether it is advisable to bridge the river in this way or not, and to report at the next session of Congress. I hope that the Senate, after having passed that measure, will not insist upon passing this bill. If there is a proposition in which my constituents feel a deep interest, and which they would regret very much to see passed, perhaps more than any other measure, it is the one now before the Senate.

I will state another fact, that since the passage of this measure in the Senate a plan has been laid before us by General Palmer, who has built the bridges on the eastern division of the Pacific railroad, and who has very successfully built them, which plan I now hold in my hand. It is a submerged iron tubular bridge to be sunk entirely below the bed of the river. He assures us that it is perfectly practicable; and beyond that I have the indorsement of six or seven of the most eminent civil engineers in this country, and upon them is the indorsement of Mr. Linville, the eminent civil engineer of Philadelphia.

Mr. HOWARD. I perceive that the measure is going to lead to a protracted discussion, and I must therefore insist upon proceeding with the order of the day.

The PRESIDENT *pro tempore*. The order of the day being called for will be proceeded with.

Mr. HENDERSON. I cannot consent that this bridge bill shall be passed without explaining the matter.

Mr. TRUMBULL. It is evident that the Senator from Missouri, who has fought this bill from the beginning, will make all the delay he can.

Mr. HENDERSON. I will fight it to the close, undoubtedly.

Mr. TRUMBULL. We may as well meet it at one time as another. I trust that the bill

which has now passed both Houses of Congress is not to be defeated simply by dilatory action. Let it come up, and let us have the action of the Senate upon it. If a majority are opposed to bridging the Mississippi river; if they wish to recede from what was done here very deliberately—the Senator from Missouri contested the thing a whole day—be it so. I am entirely willing, except for the time it would take, to go over the argument with him again. I think it was shown, and it can be shown again, to be of the highest importance that this bill should pass. My State has quite as much interest in the Mississippi river as has the State which the Senator represents; she happens to be on the other side of the river from his State; that is all the difference. I wish to preserve the Mississippi river as well as to have these railroads accommodated.

The PRESIDENT *pro tempore*. Further debate on that bill is out of order, unless there is a motion to postpone all prior orders and proceed with it.

Mr. TRUMBULL. I desire to inquire of the Chair if this measure will not come up as soon as the other bill is disposed of.

The PRESIDENT *pro tempore*. Being business from the House of Representatives, the Chair would present it to the Senate at any moment when there was a cessation of business. Subject to a vote of the body at any time, business from the House of Representatives is considered as having precedence, and it is the duty of the Chair to lay it before the body always at all practicable times.

Mr. TRUMBULL. Before the special order is taken up, I desire the attention of the Senator from Missouri a moment on the bill with regard to the bridging of the Mississippi river. I understand that he desires to refer it to the Post Office Committee. I have no objection to its being referred if it is not to be delayed by that course.

Mr. HENDERSON. I do not seek any delay, but I desire the Post Office Committee, which has the profile that I held in my hand before it, to examine the matter again.

The PRESIDENT *pro tempore*. The Chair must again suggest that debate on the bill alluded to is out of order at the present time, unless there be a motion to postpone the order of the day.

Mr. TRUMBULL. I ask the consent of the Senator from Michigan to allow the special order to be laid aside informally for a moment, that we may refer the bridge bill so as to get it disposed of. I shall not object to the reference if it is not going to delay the bill.

Mr. HENDERSON. My motion is simply to refer it.

Mr. TRUMBULL. Let it be referred, then, to the Post Office Committee.

The PRESIDENT *pro tempore*. The question, then, is on the motion of the Senator from Missouri to refer the amendments of the House of Representatives to Senate bill No. 236 to the Committee on Post Offices and Post Roads.

The motion was agreed to.

Mr. BROWN. I desire to offer an amendment to the House amendments to that bill, which I ask leave to have referred also to the Post Office Committee.

The PRESIDENT *pro tempore*. The Chair is of opinion that on a motion to refer to a committee a bill of the Senate with amendments of the House of Representatives it is not so before the Senate that a motion to amend the House amendments is in order. When the bill shall have been reported from the committee, it will be in order to propose an amendment to the House amendments; but an amendment which comes from the House and by a vote of the Senate is referred to a committee, must be acted upon, in the opinion of the Chair, without any amendment from the Senate.

Mr. BROWN. Can I not, by unanimous consent, have my amendment referred to the committee, for the purpose of consideration there?

The PRESIDENT *pro tempore*. Certainly, by unanimous consent.

Mr. GRIMES. I object.
The PRESIDENT *pro tempore*. Objection being made, the amendment cannot be received.

UNIFORM BANKRUPT LAW.

Mr. POLAND. On my motion on Saturday, the House bill to establish a uniform system of bankruptcy was made the special order for to-day at one o'clock. I am aware that by our rules the unfinished business of Saturday takes precedence, and as that measure is one which I feel some anxiety to have passed, I do not wish to antagonize it with the bankrupt bill, but I desire to give notice that as soon as that measure is disposed of I shall ask the Senate to proceed to the consideration of the bankruptcy bill, and I hope we may be ready to have it considered.

NORTHERN PACIFIC RAILROAD.

The Senate resumed the consideration of the bill (S. No. 387) to secure the speedy construction of the Northern Pacific railroad and telegraph line, and to secure to the Government the use of the same for postal, military, and other purposes.

Mr. HOWARD. Mr. President, I did not expect the bill now under consideration would have encountered so earnest an opposition on the part of the Senator from Ohio, [Mr. SHERMAN.] I had hoped that looking upon the measure in the light in which I am compelled to regard it, we should have had the benefit of his support; but for some reason his convictions lead him to oppose the passage of this bill. In the fervor of his opposition he has made some statements to which it is my duty to endeavor to make a reply.

His first and leading objection appears to be that the Northern Pacific railroad is to be a rival line to the Union Pacific railroad. I do not regard it in that light. What is the route of the Union Pacific railroad? Proceeding from its eastern terminus, already fixed by an order of the President of the United States, and running to the Pacific ocean, you will find that its average latitude, so to speak, is about the fortieth degree. That will be the line, generally speaking, upon which that route will proceed from east to west. This will leave a region between that road and the northern national boundary line of nine degrees of latitude, a space no less than six hundred and twenty-five miles wide from south to north; while its length from east to west is not less than eighteen hundred miles; making a surface of not less than eleven hundred thousand square miles. By the charter of the Northern Pacific railroad, the company in laying down its line is required to run it, so far as practicable, upon the forty-fifth degree of latitude, from Lake Superior on the east, commencing either in Wisconsin or in Minnesota, running westwardly and terminating at Puget sound. The probability is that the general line will lie somewhat north of the forty-fifth degree of latitude. But if it shall run upon that line as required by the charter—and to this I desire to call the attention of the Senator from Ohio—the distance between this line and the Union Pacific line will not be less on an average than three hundred and forty-seven miles. The space lying between the two lines will be just about that number of miles in width, while the space lying between the Northern Pacific railroad route and the divisional boundary line between the United States and the British possessions will not, upon an average, be less than two hundred and seventy miles in width. I am utterly unable to see how it can happen that the Northern Pacific railroad is to be a rival of the Union Pacific, lying, as it must, three hundred and fifty miles to the north of it. The internal business that will be conducted upon these two roads will, of course, be furnished to the one and the other by the industry and the enterprise of the American people, who shall proceed into that distant region and settle and become the permanent owners of the soil, carrying on all the branches of industry and trade by which the necessary patronage is to be furnished to both roads. I

have yet to learn that railroad men have regarded two roads lying three hundred and fifty miles apart as necessarily or practically rival lines.

Sir, there is no rivalry, that I can perceive, except the very remote one in the East India trade; and I take it that my friend from Ohio would not oppose a measure like this upon the sole ground that the two roads might become competitors for the American trade in the East Indies. I apprehend that rivalry will have hardly a perceptible effect upon the revenues of either road. It will be so small, in comparison with the other business which both will transact, as not to be felt in the estimates; but even if it be felt, I can perceive no reason whatever why the northern portion of the United States, of which this region constitutes so large a part, should be deprived of any benefit which their industrious and enterprising population may be able to derive from the employment of the Northern Pacific railroad, and the East India trade in connection with it. It is useless to disguise the fact that it is the determination of the people of the northern States to open this great avenue to the East Indies, and to have those facilities which are necessary in carrying forward settlement and enterprise of all descriptions into this wild, and at present unsettled region. Gentlemen may depreciate it; they may doubt it; but, sir, the decree has gone forth, and it will not be in the power of Congress to reverse it, that a Northern Pacific railroad shall and will be constructed through that region, and that northern capital and northern enterprise and northern labor shall have the benefit of it.

The second objection made by the Senator from Ohio to the passage of the bill is that it "gives" to this company a no less sum than \$122,000,000 without security. I was not a little surprised at this statement. I cannot conceive what are the elements out of which it is made. He did not see fit to lay them before the Senate, or to refer to any data in his possession or within his knowledge justifying him in making so gross a misrepresentation of the scheme of the bill. I do not suppose the Senator designed making a misrepresentation of the contents of the bill. He possesses too much candor and too much honesty of heart to justify me in bringing such an imputation.

Mr. SHERMAN. As this is a matter of figures about which we certainly ought not to differ, I will state to the Senator that I take the amounts from the bill itself, and the distances furnished me by gentlemen interested in this road. I can give him the precise figures. I have the computation here.

Mr. HOWARD. I shall be very glad to be informed of the data upon which that statement was made.

Mr. SHERMAN. I will give you the data. The guarantee is for four hundred and fifty miles east of the one hundred and first meridian of longitude at \$24,900 a mile, given by the bill, making \$10,950,000. The guarantee is for six hundred and twenty miles west of the one hundred and first meridian of longitude to a certain point in the mountains at \$32,000 a mile, making \$19,840,000. The third guarantee is for five hundred and twenty miles west of and in the range of mountains, at \$98,900 a mile, making \$51,428,000. The guarantee for the western division, which is not fixed, but is estimated, is three hundred and fifty miles at \$57,000 a mile, making \$19,970,000; making the principal of the stock guaranteed \$102,143,000. You pay six per cent. interest on that for twenty years, which makes the precise amount I gave to the Senate, \$122,572,600, with a great probability of the length of the line being increased by the surveys of the route and the windings across the mountains to make it longer than is estimated for; but I give the distances as I find them in the terms of the bill. I do not think that as to the amount there ought to be any question.

Mr. HOWARD. Mr. President, that estimate is upon the assumption that the Government will

be called upon absolutely to pay the interest upon the principal sum which he has mentioned for twenty years and receive nothing whatever in return. That is a pretty broad assumption. It is in effect imputing to this company a design to get the guarantee of interest upon their stock, use their stock, build their road, and never pay the Government of the United States a single cent by way of reimbursement. Is that a fair mode of treating such a company as this? Is it not probable, I submit to the Senator, that this company will under the bill be compelled from time to time to pay to the United States whatever they may receive for the lands lying on the south side of the route? Certainly they will be so compelled. The terms of the bill require it. The moment they sell the lands upon the south side of their route they are required by this bill to pay over the proceeds into the Treasury of the United States. The Senator assumes that they will designedly cheat the United States by retaining the proceeds, which are a trust fund out of which payment is to be made. The Senator assumes further that for the transportation which the United States will necessarily require of that company during the twenty years, we shall not receive a dollar from the company. Does the Senator suppose that the United States will have no transportation upon that route? If he will look at the statement made by General Meigs of the amount of transportation through that wilderness region during the year 1865, he will find that the United States in 1865 paid out more than six million dollars for freight on Government stores and Government property of various kinds, all or a large portion of which would have been transported over this road had it been built. The road is to be completed at the end of ten years; and after it shall have been completed, as it must be according to its charter within that time, then twenty-five per cent. of the net earnings of the road is to be appropriated to the reimbursement of the United States on account of this interest. Sir, it struck me at the time that the honorable Senator from Ohio was somewhat too venturesome in his zeal against this bill in the statements he made. When examined in the light of the bill and of existing facts, it will appear that it vanishes into thin air, and that there is really no foundation for his assumption.

Another objection raised by the Senator was, that at the time of the passage of the Northern Pacific railroad charter, in 1864, it was agreed between the company and Congress that they would never ask the United States for any cash subsidy. I was not in my seat at that time, and cannot, therefore, speak with confidence as to any assurances they may have given. It is sufficient, however, to refer to the charter itself, in which it is declared that no money shall be paid out of the Treasury of the United States on account of this road; so careful was Congress to guard the Treasury against any obligations or liability of this description. What are the facts? The charter of the Union Pacific railroad requires the Government to lend to that company and its three branches, for every mile of road constructed, a sum of not less than \$16,000 to aid them in the prosecution of the work; and through the mountain regions along that route the Government is required to lend them \$48,000 per mile for a distance of three hundred miles in the whole. The liability of the United States under that charter, on account of the bonds it is to issue, will not be less than \$50,000,000, and will probably exceed that amount; while in reference to the Northern Pacific railroad the Government refused, in 1864, to lend them a single dollar, either in cash or credit. It is very true, as the Senator remarked, that Congress gave to the company twice the quantity of land per mile on the Northern road that is possessed by the Union Pacific, in the hope, undoubtedly—for it is not to be doubted that that was the hope and the expectation of Congress—that they would be enabled to proceed and finish this great and majestic undertaking solely by the proceeds of this liberal donation

of land. But, sir, it has turned out to be an impossibility. The bonds of the United States which are issued to this Union Pacific Railroad Company and its branches are in the market, and are coming monthly into the market, and are there offered to capitalists, who lend their money upon them at a rate at which no other party can borrow that does not possess equal facilities. It is utterly impossible, for this reason, for the Northern Pacific Railroad Company to go into the market and borrow money. So stringent was the charter which was passed in 1864 that it actually prohibits that company from mortgaging a single foot of its line from beginning to end for the purpose of raising money or any other purpose; while, at the same time that the Government makes this large cash subsidy to the Union Pacific railroad of \$16,000 and \$48,000 per mile, it allows that company to mortgage its road, section after section, as the sections shall be completed, and actually postpones the claims of the United States as a creditor lending money, to the claims of private persons who become lenders upon the bonds of the Union Pacific Railroad Company and its branches. Under this state of things it is palpable to every man who will reflect that it is totally impossible that the Northern Pacific can borrow money to such an amount and upon such terms as will enable it to proceed with its work.

Now, sir, let it be clearly understood that the guarantee demanded of the Government by this bill is solely for the payment of the interest upon the stock of the company at six per cent. a year as the various sections of twenty-five miles of road shall be completed. With the payment of the stock itself we have nothing to do. The bill requires no further liability from the Government than the payment of the interest of six per cent. upon the stock as the various sections shall be completed from time to time, and it is not to be supposed that a road such as this will be when it shall be constructed, or when part of it shall be constructed, will be without revenue. Persons who are acquainted with the character of northern men, persons who see the vigor and rapidity with which settlements are pressed forward into the far West, cannot doubt for a moment that this road will be productive of revenue; I think, in the end, it will turn out to be as productive of revenue to the company as will be the Union Pacific railroad. I have before me a table containing estimates, made with as much accuracy as is attainable at the present time, as to the amount of the liability of the United States on account of this interest; and with the indulgence of the Senate I will read a single passage. It is a pamphlet prepared under the direction of the company, which has been examined by its engineer and indorsed by him as being correct and as certainly not exceeding the reality.

"What, now, is the extent of this liability, and how fast will it be incurred?"

Which is certainly a very pregnant question, and deserving of our consideration.

"To a certain extent, this will depend upon the rapidity with which the road shall be constructed. Supposing that one hundred and fifty miles upon the eastern end be finished at the close of the year 1868, one hundred more on the eastern and fifty on the western end in 1869, and the same in 1870, making five hundred miles before the 1st of January, 1871; and after that time one hundred and fifty miles upon the eastern and fifty miles on the western end annually until the last year, when three hundred miles will remain to be built, the road may be constructed in ten years, the time prescribed by the charter. Taking this estimate as a basis, the following figures will show the amount of stock upon which the guarantee of the Government for interest will attach, and the amount of interest for the period of thirty years: Fifty miles eastern end, 1867, at \$24,900, equal to \$1,245,000; interest, \$74,700. One hundred miles eastern end, 1868, at \$24,900, equal to \$2,490,000. Total, \$3,735,000; interest, \$224,100."

And so the table proceeds from year to year through to the year 1877, showing that the whole amount of stock, the interest upon which is to be guaranteed, according to this bill, will not exceed the sum of \$95,710,000; and that the whole amount of interest accruing during

that period, and for which the Government will be liable, is only the sum of \$19,836,800. From and after that time, that is the end of the ten years, of course it will be impossible for this interest to increase. On the other hand, it would necessarily be diminished from year to year by the payment into the Treasury of the proceeds of the lands lying upon the south side of their route and by the twenty-five per cent. of the net earnings of the road, which, by the bill, are to be appropriated to the repayment of this interest on the completion of the road. Of course, it is not possible to make out an accurate and precise statement of the entire amount of Government liability under this bill, for the location of the road has not yet been fixed. We do not know exactly what is to be its length; and it is impossible, from the nature of the case, to come at a perfectly correct conclusion as to the amount which we shall be compelled to pay in the end; but, in my humble judgment, it is not at all probable that at any time the Government will be called upon to pay more than four or five or six million dollars in any year during the existence of this loan; and I think, on a careful examination of the data which have come within my reach, there is really no risk in the Government assuming the payment of this interest; but that, on the other hand, the Government will in the end be a great gainer, as will the people of the United States, because it will have the effect to press forward settlement and enterprise into those remote regions. It will have an immediate effect to develop and bring to light the rich mineral treasures which are now resting concealed beneath the soil of the Territories of Idaho, Montana, and Washington, through which this road will pass. In every point of view in which I am able to view, I think it a very necessary measure, and am quite sure that in the end Congress will find itself constrained to pass the bill, or some bill of this kind, to aid this company in the construction of this great work. As matters are now situated, as I remarked before, it is totally impossible for the company to raise money by loan in the markets and equally impracticable, for them to sell their lands to such an extent as to enable them to go on with the work. I hope, sir, the Senate will take an intelligent, reasonable view of this matter and pass this bill.

Mr. SHERMAN. Mr. President, I do not wish to prolong this discussion; but a further examination of this bill and some statements made by the Senator from Michigan induce me to reply very briefly to him. I find in the statutes of two years ago two railroad laws; one of them for the building of the Union Pacific railroad, which was an amendment to the law passed two years before that, and intended to give to the Union Pacific railroad increased facilities. Those facilities were granted, not by an additional guarantee by the Government, but by a provision in the law which authorized the company to issue their bonds to bear date prior to and of a higher lien than the liability to the United States. The second bill was a bill to incorporate the Northern Pacific Railroad Company. These two bills are framed upon an entirely different theory. One bill provides for a direct grant of money or bonds by the United States to the Union Pacific Railroad Company in addition to the ordinary land grants, and to the construction of this road the credit of the United States was pledged to the amount of about ninety million dollars, all told, including all the various branches; so that the utmost liability of the United States for the Union Pacific railroad, according to the estimated distance then before us, and all its branches, including three in the East and one in the West, was about ninety-eight million dollars. At the same time, and the two laws are here together, passing together at the same time—the bill to organize and incorporate the Northern Pacific railroad, instead of granting—

Mr. HOWARD. The Senator cannot have forgotten that the Union Pacific railroad bill was passed in 1862.

Mr. SHERMAN. I have already stated that. The Senator will find that I am not mistaken.

Mr. HOWARD. The Senator is speaking of the two measures as being contemporaneous. In that he is certainly mistaken.

Mr. SHERMAN. I have already stated that the original Union Pacific railroad act was passed in 1862. The second one, which gave further relief, was passed in 1864.

Mr. HOWARD. The amendatory act.

Mr. SHERMAN. The amendatory act upon which we are now acting.

Mr. HOWARD. But the amendatory act did not grant any additional subsidy.

Mr. SHERMAN. I have already stated that. If the Senator will listen, he will find that I am correct in my statement. The first road, the Union Pacific railroad, was to be built by a grant of bonds to the road directly, amounting in the aggregate to \$98,000,000, while the other railroad was to be built by a grant of lands. There is an entirely different frame-work for the two bills. One is an ordinary railroad grant; but the grant was given forty miles wide, running through the whole country along our northern border. The grant to the Northern Pacific railroad is larger than the States of Ohio and Indiana combined. It is as large as New England. If I have figured it up correctly, and I believe I have the precise quantity, it is forty-seven million acres of the public lands—a larger grant of land than has ever been given to any corporation in this country, or that was ever conceived to be given to any corporation, lying along a region that is fertile; according to the gentlemen who are engaged in the construction of this road, a region of land that is immensely valuable, and when they reach the Pacific coast in a climate that is very agreeable indeed. At the time the bill was passed, the gentlemen who were engaged in it said that they would build up this road as they went along with this increased grant of land, that they asked no money from the Government of the United States; and that stipulation was put in the body of the act in the nature of a condition precedent, upon which the grant was given. I will read that provision:

"Provided further, That no money shall be drawn from the Treasury of the United States to aid in the construction of the said Northern Pacific railroad."

Here were the two laws; here were the two railroads, one with a large grant of land, without any Government directors, to be managed by private enterprise, framed upon the ordinary basis of a land-grant road; and the other a Government road, to be aided by Government bonds, with Government directors, with Government agents, with Government commissioners, and the whole managed and controlled by the Government, and within the power of the Government at any moment; the one with an express stipulation that no money should be granted; the other with an express grant of money, and postponing the payment of the grant to a prior mortgage by the railroad company. These are the two laws; the map shows very clearly that the one railroad must creep along the northern boundary of this country. It must be, according to the terms of the bill, north of the forty-fifth degree of latitude; and if Senators will look at the map they will see from the course of the streams, from the course of the surveys, without any engineering at all, that it must go up as high as the forty-eighth degree of latitude; and, according to the surveys in the book which my friend from Michigan has before him, it is admitted that this road will lie between the forty-seventh and forty-eighth latitude, and occasionally probably crossing the Canada line.

Mr. McDUGALL. Let me ask the Senator a single question: whether it would not be well to improve our frontiers?

Mr. SHERMAN. It is proposed to run along our northern frontier until the western terminus is reached on British Puget sound.

Mr. McDUGALL. That is not British, but American.

Mr. SHERMAN. It is British in one sense,

because its outlet, Vancouver's Island, is British soil. This road is to run along our northern boundary, and the Hudson's Bay Company is just as much interested in its construction as we are. These men have embarked in the enterprise, have built a portion of the road; and now what is the modest proposition made to us at this period of the session? They do not surrender their land grant; they do not propose to take their road upon the same stipulations, conditions, and limitations as the Union Pacific railroad, with Government directors and Government agents; but they ask us now to appropriate, what? Nearly twice as much in money as is granted to the same length of line in the Union Pacific railroad. It astonishes me to see this proposition made. The grant to the Union Pacific railroad is \$16,000 a mile; for a portion of the road it is \$32,000 a mile; and for three hundred miles only it is \$48,000 a mile. That \$48,000 a mile is only allowed for three hundred miles in the mountains, where there will be probably tunneling; but for the great body of the road the grant is only \$16,000, or \$32,000 a mile. Now, what is proposed to be given to this railroad which has already been enriched by an enormous grant of lands? For five hundred and twenty miles \$98,900 a mile, more than twice the amount per mile, and for nearly twice the number of miles granted to the Union Pacific railroad. Again, for another large portion of it, consisting of three hundred and twenty miles, it is proposed to grant \$57,000 a mile; for six hundred and twenty miles, \$82,000 a mile; for three hundred and fifty miles, \$57,000 a mile, making more than twice the rate granted to the Union Pacific; and for the distance over the prairie, where it is confessed it can be easily built, the grant of guaranteed stock amounts to \$24,900 a mile, while the allowance to the Union Pacific is only \$16,000 a mile; so that it is proposed to grant to this company at this session—a company that was organized upon the express stipulation that there should be no money aid—more than twice as much per mile, on the average, as is granted to the Union Pacific, in addition to twice the quantity of land, and that to run a line along our northern border, which Canadian and British interests are likely to control. It seems to me that ought to be sufficient to dispose of this whole matter.

But there are other objections to this bill. It introduces, for the first time, into our financial history, so far as I know, a guarantee of the stock of a private railroad. This is a private enterprise, controlled by private interests, managed by private directors, with no stipulation except that three fourths of them shall be citizens of the United States, and managed for private interests. The Government of the United States has no power over this road. It has no directors or agents in the road. The original bill did not contemplate that the Government should take any care or guardianship of its financial interests; the only protection it had was that the land grant was only to be as they proceeded with the road; it contemplated no grant of money; and now it is proposed, without giving the Government any power over the road, any Government directors or any agents connected with the road, to give this company this enormous grant of money and to introduce into our system of finance a new guarantee. It does seem to me that we have got enough financial securities in the market now; we have got some twenty or thirty different kinds; but here is a proposition to guarantee the interest on the stock of a private company over which we have no control whatever, and that to these enormous amounts.

My honorable friend says that this guarantee does not amount to anything, because the company will pay the interest itself. It is not bound to pay a dollar of it until the road is completed. By the very stipulations of this bill they have ten years to complete this road, and, if necessary, we know how easy it will be to get an extension of the time; but they are not bound to pay back one dollar of this interest

until the road is completed. Here we may be going on paying interest on this stock guaranteed by us, over which we have no control, for ten years, without any stipulation by them to repay it; and when they repay it, do they give us back interest on our interest? Not at all; they only give us back the principal sum that we have paid. The idea that this railroad company will step forward at any period within twenty years and assume the payment of this interest is preposterous, it is idle.

Sir, if this grant is made this railroad will be built, and it will be the first built in this country. The guarantee of stock will more than build this railroad. I would pledge all I am worth in this world that I could take this guarantee and with two thirds of the amount thus given to the company build the road, if we can believe one half what is said by the surveyors. They admit themselves that two thirds of the distance is over a level plain, over a rich country, with more timber and coal and with more facilities to build a railroad than on the Union Pacific line; and that on account of the break in the spurs of the mountains the difficulties there are not so great. I say with this amount of money, reduced to the gold standard—and we must expect before these ten years go round to come back to a gold standard or all break up—with this amount in gold, two thirds of it, the road will be built. Before the war broke out railroads in Iowa and in my State were built at from sixteen thousand to twenty-five thousand dollars a mile, and in Illinois they were built for less than that. Many of the roads on the western plains were actually equipped, completed, and run for \$20,000 a mile. In this bill the guarantee of stock for the easiest portion of the road, where the country is level, is \$24,900, and in the most expensive portion, for the distance of six hundred miles, \$98,900; a cost greater than the cost of many of the Pennsylvania roads where they must creep along the spurs of the mountains all the way.

Now, sir, I say it is unwise legislation for us to attempt to pass this bill at this stage of the session, or indeed at any other stage. We have already involved the credit of the Government in the construction of one Pacific railroad, and our bonds are being issued daily for that purpose. I believe, myself, that this railroad can and will be built upon the land grant. I do not think the gentlemen interested in this road ought to come here and ask us to grant money to aid in the construction of this road. It is a violation of the stipulations upon which the grant was made to them, and it is neither reasonable nor right that they should seek to vary the contract. When they talk to us about giving security for the repayment of this money, pray what security is it? To give us a mortgage upon one half of our own lands; to give us a mortgage on the excess of that which they got over the other grant to the Union Pacific railroad. How idle and ridiculous! And then there is no power in the United States to compel this company to sell this land.

Mr. HOWARD. The Senator certainly cannot be ignorant of the fact that both the charter and the bill now under consideration contain a clause authorizing Congress at any time to alter, amend, or repeal the respective acts at any moment.

Mr. SHERMAN. I know that; but does not the Senator know very well that when we have made a bargain a sense of honor and good faith always prevents us from availing ourselves of that right, except to prevent some great wrong? If the company simply goes on and pursues its part of this stipulation, the company need never fear that Congress will violate its contract. I say that the contract itself is improvident in its terms, giving to this company a subsidy of an unreasonable amount.

Mr. McDOUGALL. If the Senator will allow me, I wish to make a single remark. I wish to observe that the Government does not make contracts in these matters; they make grants; and if a grant is not sufficient for the object, they may give an additional grant. It is not in the nature of a contract between man

and man. That is the difference between the two propositions.

Mr. SHERMAN. I have no doubt that this is a grant; and it is because it is a most excessive and unreasonable grant, as I think, that I oppose it.

There is another consideration. I said before that the line of this road is along the British possessions. The British Government is now endeavoring to divert the whole transit across this continent on to what is called the Grand Trunk railroad and the lines through Canada West. I see in a recent publication a statement that they have already contemplated—and perhaps have made surveys—the construction of a railroad as far as the Lake of the Woods, where they propose to connect with this Northern Pacific railroad; and it was an absolute fact that British capitalists had at one time the control of this enormous grant of our land twenty miles wide through the whole northern boundary. What is there in this bill to prevent these Canadian interests, controlling a large amount of money, from buying up the guaranteed stock of the United States issued to this road, guaranteeing an interest of six per cent.? What is there to prevent British capitalists from entering into the market and buying up this stock and thus controlling and owning not only a strip of land twenty miles wide through our whole country, but the franchise which compels the Government of the United States to pay an annuity to them of over six million dollars, and with that money to build a road to promote Canadian interests? Why, sir, they will do it as sure as this bill shall become a law. Puget sound is their natural terminus. That is not the natural terminus of our Pacific coast trade. Portland is the capital of Oregon, and the mouth of the Columbia river is the place where the interests about Oregon concentrate. In California they concentrate at San Francisco. Now, it is proposed by this enormous grant to build up a new rival interest on the western slope in the British possessions at Vancouver's Island where they may control the trade of the world, where they may seek to divert from California and Oregon this magnificent trade, gather it into a British port, taking it over a British road, subsidized by the national Government, to Montreal and the mouth of the St. Lawrence. Is that the purpose for which we should legislate now? I say it is not. In every sense in which I can look at this bill I think it is an improvident measure. I trust the Senate will recommit it or let it go over until next winter. No great harm can be done by the postponement; and I think that after this session we shall never hear of this bill in this form again.

Mr. McDOUGALL. Mr. President, there is no rivalry between the port of San Francisco and a line of road from the central part of the Union to the bay of San Francisco, and a northern line to Puget sound. There would be no rivalry as between them and a line of road down on our southern lines. The terminus of the line of road now proposed will be eight hundred miles north of the terminus of the Union Pacific road. It was my opportunity fourteen years ago to present the first bill in the House of Representatives for a Pacific railroad. Before that time I had studied the subject with great care, and had gone over three lines of this continent somewhat with reference to that same enterprise. The bill introduced and reported by the committee in the House of Representatives involved three lines, this northern line, the central line, and a southern line. It was thought that the interests of the Republic—not merely commercial interests, but great political interests—were involved in all those communications. It was thought that economy on the part of the Government was involved in them. I think I then demonstrated clearly that economy on the part of the Government was involved in the construction of them all on the terms then proposed. I came into the House of Representatives on purpose to urge that railroad communication; and I came to this Senate of the United States

for the particular purpose of again urging upon Congress to establish this communication. When the measure I had the honor to introduce had become a law, and it possessed vitality, I surrendered it to other and abler men, or at least if I did not surrender it, it was usurped from me.

When the bill to which this is an addendum was introduced, I regretted that it had not sufficiency enough in its provisions to achieve the result. I said to gentlemen who were in favor of the northern road, who came to see me about it, "Gentlemen, I am in favor of building that road, but this bill will not accomplish it; it is not strong enough; it has not got material enough in it to induce enterprise and command capital." I was pleased to see this measure come in here with strength enough to achieve so important a result. The wealth to the individual is the wealth to the nation. What will be built up on the line of this road will multiply the wealth of the Republic fifty times her investment. These things are not well considered, and some gentlemen have a habit of discussing these great public enterprises as if they were in a banking house, and taking bonds, mortgages, or indorsed notes. That is not the way great Governments transact great affairs; and it is against large policies that tend to large development and make the strength of nations.

When you run a line of road along our northern frontier to Puget sound, there is one of the most beautiful waters in the world. All the navies of the world could ride there at rest. It is our own land. It does not belong to Queen Victoria. Vancouver's Island lying across there, the boys could take any time, if they chose; but we do not want any controversy of that kind. There is a little quarrel about the island of San Juan which is not yet settled; but so far as the terminus of this road on the west is concerned, it is in American territory, and one of the most beautiful countries in the world. As to running along the line of the British possessions, as a matter of military policy, it would be sound within our own lines; and then, as to British capital going into the enterprise, I hope it may. They cannot hurt us by helping our own enterprises and building up our own country. The time is not far distant—we all know it—when those possessions will be ours by the common consent of States. What is the objection, then, to English capital coming in to aid this enterprise?

I understand the objection of the Senator from Ohio. There is a system of railroads in his part of the country, and he thinks the railroads of Canada in connection with this will carry off a portion of their trade. That is not a general, public reason; it is a local and personal one. We cannot do a better thing, in my judgment, than to pass a bill that will secure the connection of our country over our own soil with our northwest frontier by rail, and we should also have a rail down to our Southwest, and then with a rail along our coast, we could maintain at least the Austrian Quadrilateral. I say this bill should be passed, and there is no conflict between the Union Pacific and the Northern Pacific railroad.

Mr. MORGAN. Mr. President, I cannot vote for this bill. I shall vote to recommit it, if such a motion is made. I look forward to the time when there will be a Northern Pacific railroad and a Southern Pacific railroad in addition to the Union Pacific railroad already established; but I think this money application made at this time is one that should not be granted. A little more than two years ago Congress made a very liberal appropriation for the construction of the Union Pacific railroad. The whole appropriation, if I recollect aright, was not far from \$100,000,000. They also made appropriations to various roads in Kansas. In regard to those roads in Kansas, I think we have committed an error. I think it would have been better to have fixed the starting point and the point of termination for the Pacific railroad as one grand railroad, and to

that Congress should have made appropriations, and let all other competing lines run into the main trunk. But it is too late to correct that now, and we made, as I have stated, this large appropriation. I remember very well that it was considered a great step for Congress to take. I remember very well the remarks made by the Senator now dead from Vermont, Judge Collamer, who was a member of the Pacific Railroad Committee, in which he expressed great fears that Congress was going too far.

At a time a little subsequent to that we created another corporation and we made a grant to certain individuals for the Northern Pacific railroad, under the expectation, as has been stated by the Senator from Ohio, that there would be no money required from the Government and therefore a very large appropriation of lands was made; I think forty-seven million acres. The persons to whom that grant was made were not able to succeed with it, and it finally fell into the hands of a gentleman of the State of Maine by the name of Perham, known as Gift Enterprise Perham. He was not able to go through with it; he was not able to carry it on; and he disposed of it last winter to some gentlemen, I believe, for the sum of \$50,000, and those gentlemen now come in and ask Congress to make an appropriation of about one hundred million dollars. I am a little surprised at such an application. I think it is the most extraordinary application that was ever made to Congress, taking all the circumstances into consideration. The original grant of lands, as has been stated by the Senator from Ohio, was much larger than had ever been given before to any railroad company, and that was given under the expectation, perhaps under the promise, that there would be no further application. I do not know that we can ever prevent these applications from being made, but I shall not be at all surprised if, for the very road we have granted this session, called the Smoky Hill road, we shall, at an early day, have an application for money.

The Senator from Michigan expressed his surprise that the Senator from Ohio had opposed this bill. I, on the contrary, feel like expressing my obligations to the Senator from Ohio for the opposition that he has made to it. I hope, sir, that it will not be passed.

Mr. WILLIAMS obtained the floor.

Mr. HOWARD. I beg the Senator from Oregon to yield me the floor for one moment. The Senator from Ohio made one statement to which I wish to call his attention. If I understood him rightly, he said that the liabilities of the Government, in the shape of Government bonds granted or to be granted to the Union Pacific railroad and its several branches, would amount to \$98,000,000. Did I understand the Senator correctly?

Mr. SHERMAN. That, I believe, is the estimate, from ninety-five to ninety-eight million dollars.

Mr. HOWARD. I wish to inquire of the Senator whether he does not include in that estimate the value of the lands granted.

Mr. SHERMAN. No, sir.

Mr. HOWARD. I think the Senator must include the lands.

Mr. SHERMAN. I include all the bonds granted to the Union Pacific and to the Leavenworth branch, the Sioux City branch, and all its branches. I do not feel perfectly confident about it, but I think it is about ninety-eight million dollars.

Mr. HOWARD. My impression is that the Senator from Ohio must have included the value of the lands in that estimate. Now, let me call his attention to some facts and figures. Suppose the line to be eighteen hundred miles long from the one hundredth meridian of longitude to the ocean. The grant, according to the terms of the charter, being \$16,000 to the mile, except in the mountain districts where the grant is \$48,000 per mile in bonds, the whole amount of bonds—and this is including the three branches at the East, estimating the length of each branch at one hundred miles—

to be issued to that company and its branches will not exceed forty-eight million dollars. If to this we add for California, which has two sections, one mountainous and the other not, the share of bonds which would fall to the California Central, we have the total of \$57,120,000 in Government bonds to be issued to the Union Pacific railroad and all its branches.

Mr. SHERMAN. There is a statement on file—it just occurred to me, and I have sent for it—made by Colonel Simpson recently, in which he gives the entire distance at about twenty-two hundred miles for the railroad and its branches; three hundred miles at \$48,000 a mile, and perhaps a thousand at \$32,000. There are three different grades of road. I can show you the precise statement. I think it is \$98,000,000.

Mr. HOWARD. I think whoever has made such a statement must have made an overestimate. I do not think the liabilities of the Government on account of these roads will exceed \$57,000,000 for the bonds which it will be required to issue. But if we admit that the statement of the Senator is correct as to the amount of bonds thus to be issued, and that that amount is \$98,000,000, he will see that at the end of thirty years, during which we are to pay the interest at six per cent., if we never get anything back from those companies, the liability of the United States will be at least \$175,000,000 for interest, to which must be added the \$98,000,000 of principal which we are to issue in favor of those companies. The difference, it will be seen, is very great. I must think that the basis of the Senator's estimate is in some way vicious, as he will discover.

Mr. SHERMAN. I have examined the law, and there is no doubt of one thing, of our liability under this bill to guaranty a principal sum of stock of \$102,143,000 for twenty years. The amount we pay under this bill, at the lowest estimate possible, is \$122,571,600. There is no doubt about the amount in this case, at any rate.

Mr. HOWARD. Upon the assumption that the company will never pay back again, either in the shape of the proceeds of the lands, or by way of transportation upon its road, or by way of the twenty-five per cent. of its net earnings, after it shall have completed its road. That is not exactly a fair way to state any question, according to my judgment. It omits the most important elements that belong to it.

Mr. WILLIAMS. Mr. President, I do not propose to protract this discussion, as I know the Senate is very impatient for a vote upon the question; but two or three objections have been made to the passage of this bill that it seems to me deserve to be noted. One, upon which the Senator from Ohio particularly relies is, that if this appropriation is made to the road there is great danger that the company may sell it to some company organized in Canada and under the laws of Great Britain, so that this work may be transferred to the control of the subjects of the British Government. In the first place, I answer that objection by saying that it is extremely improbable that American citizens—and this bill requires that three fourths of the directors of this company shall be American citizens—would transfer a great work like this, connecting the two oceans, to the control of the subjects of Great Britain.

Mr. STEWART. I will inquire of the Senator if he thinks that English capital would be very ready to go into this enterprise with a view of using it adversely to the United States, with this provision in the bill that Congress may repeal or modify the law at any time.

Mr. WILLIAMS. I was about to add to the reason that I had just assigned that Congress has the power to amend, alter, or repeal the original charter at any time; so that if the company, in case this appropriation is made, should undertake to put the road under the control of the citizens of Canada, Congress has the power at any time to take away this charter.

Mr. SHERMAN. I will ask my friend whether he thinks Congress could repeal a guarantee. After the bonds or stock were

issued, could Congress then, by repealing the guarantee, refuse to comply with the stipulations of that guarantee printed on the back of the stock? Suppose a transfer is made ten years afterward, about the time the road is completed, and after the stock has been all issued and thousands of people interested, could the Government of the United States then, by repealing the charter, refuse to pay the guarantee of the interest on this stock? Certainly not.

Mr. WILLIAMS. I suppose that if a charter is granted by Congress to a company, and the charter declares that Congress at any time shall have the power to alter, amend, or repeal that charter, any person who contracts with the persons so incorporated contracts with a view to that part of the charter, and it becomes a portion of the contract; and I say that Congress has at any time—

Mr. SHERMAN. Let me ask my friend a question. Suppose we pass a loan law, which is liable to be repealed at any time, and we issue thirty-year bonds on that loan law; I will ask the Senator whether, under those circumstances, we could not repudiate the bonds because we have a right to repeal the laws under which they were issued. Is not that precisely this case? Here the stock is issued under a law passed by us, which is repealable like all other laws, and we guaranty stock issued under that law. We are bound to make good that guarantee. Whatever the company may do, that guarantee is binding upon us, and the faith of the United States is pledged for the payment of that interest for twenty years. There can be no doubt of it.

Mr. HOWARD. Does the Senator from Ohio suppose that the repeal of the law would vitiate and annul such a contract?

Mr. SHERMAN. It is the Senator from Oregon who seems to think so.

Mr. HOWARD. I do not understand that to be the law at all.

Mr. SHERMAN. Nor do I.

Mr. WILLIAMS. I undertake to say that if this company undertakes to transfer the powers that it derives from Congress under this amendment to their charter to citizens of Canada, Congress may repeal the charter and may repeal this law, and so put an end to the enterprise and prevent and defeat the construction of this road in the United States. In that way Congress has the entire control of this subject, and there is no reason to apprehend that this company will, under such circumstances, put the control of this road into the hands of citizens of Canada. This argument, if it amounts to anything at all as an objection to this bill, is an argument that may be used with equal force against any act of Congress of a similar nature; for it is possible for any company and every company organized by Congress for any purpose, to transfer the control of its franchise and its powers and its privileges to citizens of Canada or of any other portion of the world; and it is only brought in here simply because this road runs along the northern boundary of the United States. This idea is brought forward as a mere matter of conjecture, and Congress is required to defeat a bill of this description and this magnitude, so necessary to the development of the country and to the commercial interests of the entire world, upon a possible contingency that is exceedingly improbable, as the Senator must admit.

The honorable Senator argues that the road is objectionable because it runs along the northern boundary of the United States. I, on the contrary, claim that that is one reason why the United States should with all possible expedition cause the construction of this road. There is a plan now in contemplation of confederating the different States and Provinces of Canada, and British capital is contemplating the construction of a work like this from the Atlantic to the Pacific ocean within the British possessions, and if the United States decline or refuse to construct this road at this time, the time is not far distant, I apprehend, when British capital will construct a road through

the British possessions from Puget sound to the Atlantic ocean, and in that way will obtain the command of all the trade and commerce of that entire region of country. If this road is constructed the United States will obtain the control of all the trade of that region of country both in the British possessions and in the United States. The vast valley of the Saskatchewan, the Red river valley, the Assiniboin valley, and many other extensive valleys in the British possessions that are rich and populous will be made tributary to this thoroughfare through the United States, and all that portion of the British possessions lying contiguous to the northern boundary of the United States will be made tributary to the United States and to this road. I think, therefore, that it is for the manifest welfare of the country that this road should be constructed, and that the British possessions should be made tributary in that way to the United States, rather than this entire northern country be made tributary to the British possessions. This road traverses a vast region of country, a country that would make seven or eight or ten States as large as Pennsylvania, traveling through Minnesota, Dakota, Idaho, Montana, and Washington to Puget sound, and its construction would tend to the development of the agricultural and mineral resources of that country, and in an indirect way it would more than compensate the United States for all that it might expend in the construction of the road or become liable to expend if this bill should become a law.

The Senator from Ohio has presented an imposing array of figures here for the purpose of frightening the Senate from a favorable consideration of this bill; and he argues that the United States by the passage of this law becomes liable to pay \$100,000,000. That argument is just as sound as it would be if the Senator was to argue that the Government of the United States should cease all its operations because at the end of twenty years the expenses of governing the nation would be \$2,000,000,000 without taking into the account at all whatever the Government might receive during that time for the purpose of defraying those expenses.

The Senator says that there was a solemn promise when the original act was passed that no application should be made for money. I know not what promise was given. I do not know what individual or individuals had power to make such a promise or such a pledge. I have no doubt that it was the expectation at that time of everybody connected with this enterprise that an appropriation of this amount of lands would enable the company to construct the road; but after an effort of two years these lands have been found unavailable for that purpose, and the question is now submitted to Congress as to whether or not it will abandon this magnificent work, give it up altogether, surrender any effort to develop the resources of this vast country by the construction of such a road, or whether Congress will lend simply its credit to the enterprise in order to accomplish its speedy completion. That is the simple question. Is it wiser and better for Congress at this time to abandon the enterprise because it has been ascertained that this work cannot be constructed by the use of the lands at this time, and there is no other way in which this company can proceed except by this assistance, this credit which it asks at the hands of Congress?

It is perfectly apparent that these lands cannot be made in their present situation to build this road. What were the prairie lands of the State of Illinois worth in the interior of that State—lands that are now exceedingly valuable—before there was any railroad constructed in the State of Illinois? What were the lands in the western part of Iowa and Missouri, removed from the navigable waters of those States, worth before there were railroad lines connecting those lands with some commercial thoroughfare in the country? These lands lying in Minnesota, in Montana, and in Idaho would be rich and productive lands if they

could be cultivated; but now, when there are no means of access to them, they are worth little or nothing; they would produce nothing of any value to the individual; they would produce nothing of any value to the country; but build to them a railroad and then they become valuable; then they can be sold; then they will produce an income. But you cannot now go into the market with these lands and sell them to a man or to a company for any considerable amount. Nobody desires to invest money in lands so remotely removed from all possible connection with the commercial centers and channels of the country, without some probability that there will be a railroad or some means of connection constructed between the northern lakes or the lakes or railroads of the country and these valuable lands.

Now, sir, this has been ascertained, as I understand, that these lands cannot be made available; but this bill proposes that this company shall proceed, in the first place, and construct twenty-five miles of road without any assistance whatever from the Government, by the use of private capital. When the twenty-five miles of road are constructed, then the Government is asked to guaranty the interest upon the stock of the company to the amount of twenty-odd thousand dollars per mile from the date of its issue. The Government does not guaranty the payment of the stock, as the gentleman seems to imply, if he does not directly assert, but the Government simply guaranties the payment of the interest at six per cent. upon that stock; and the gentleman argues that in this way millions of indebtedness will accumulate against the United States. This company proposes, as security to the Government for this guarantee of interest upon the stock, to mortgage to the United States all the lands lying on the south side of the road, amounting to twenty sections per mile, more than has been donated, as the gentleman says, to the Union Pacific railroad. All these lands are to be applied to the payment of the interest upon this stock in case the Government is compelled to pay any portion of that interest. Now, here are twelve thousand eight hundred acres per mile of land that is to be applied, in the first place, to pay the interest upon the stock issued, which the Government guaranties, for each mile of this road. Anybody can see at a glance that that land of itself, assuming that it is worth anything at all, that it is worth the price for which the public lands of the United States sell—the proceeds of those lands will be sufficient to pay the interest which the Government would have to pay upon the stock that it might guaranty for each mile.

Then, again, when this road is constructed, after the expiration of ten years, within which time it is to be completed, one fourth of the net proceeds of the road is to be applied to the liquidation of any claim which the Government may have for interest advanced upon this stock. Now, supposing that the interest accumulates, that nothing whatever is received from the sale of these lands during the ten years—and that is not a reasonable supposition at all—at the end of ten years the entire interest per annum upon the amount that the Government will guaranty according to the terms of this bill will be about five million dollars per annum.

Now, Mr. President, I will ask the Senator if it is unreasonable to suppose, in case the road is constructed, that the net earnings of it will be \$16,000,000. I understand that the Pennsylvania Central in 1865 earned thirty-odd million dollars. It is not reasonable to suppose that the net earnings of this road, constructed from Puget sound to Lake Superior, would be \$20,000,000? And a quarter of that, \$5,000,000, is to be paid every year to the Treasury of the United States in case there be any claim remaining there for the interest advanced on this stock. Here you have the land lying on the south side of this road, one half of the munificent grant made by the United States to this company, half of the lands appropriated simply to the payment of the interest upon the stock, and then you have

one fourth of the net earnings of the road pledged. You pay nothing but the interest; there is no liability for the principal of the stock; and here is this vast amount of land and here is one fourth of the proceeds of this road pledged to the payment of the interest. So it does seem to me that there is no probability at all that the Government will be compelled to pay one cent which is not reimbursed to us under these provisions of this bill.

This is simply the Government loaning to this company its credit; it simply becomes an indorser of the stock. The company will pay the interest if it can. The simple object of this is to enable the company to negotiate its stock and raise the necessary money. Every man knows that railroads cannot be constructed in this country unless the road be mortgaged or bonds be given, unless some means are employed for raising money. What other way can this road adopt unless it be to have some guarantee of this description? Should the company apply to an individual to subscribe ten thousand or fifty thousand dollars for the construction of this road, that individual may not wish to invest his money because he does not know that other persons enough will take the balance of the stock so as to make the road a success; and if it is a failure, whatever he contributes in that way is lost to him; and so it is impossible to bring persons enough to agree to contribute capital enough by taking stock to make the road a certainty, to make its success a certainty, and each individual stands back, is unwilling to put forward his capital in this enterprise because he apprehends that there will not be capital raised elsewhere, put with his capital, to construct and finish the road; but whenever the Government guarantees the interest, men are willing to contribute their capital for this purpose, and the construction of the road becomes a certainty, a success.

Mr. President, I am taxing the patience of the Senate, and I will not say more.

Mr. CRAGIN. Mr. President, I did desire to make some remarks upon this bill; but the day is so oppressive here and the Senate so anxious to terminate the debate, that I will not attempt to detain the Senate but a very short time in any discussion. And sir, but for the extraordinary, as it seems to me, opposition to this bill, I would content myself with not saying anything whatever.

The gentlemen who oppose this bill assume that the Government is to pay \$122,000,000 of interest on the stock guaranteed to this road and never to receive a dollar back. That assumption, in my judgment, is unreasonable and unwarranted by anything contained in this bill. If gentlemen will consult this bill and will make figures, they will find that at the end of ten years, when this road is to be constructed, the Government cannot possibly have advanced over about nineteen million dollars as interest, and in that time the land will have been sold to pay those nineteen million dollars. After the road is completed then twenty-five per cent. of the net earnings are to be paid into the Treasury of the United States. But the Senator from Ohio tells us that the Government of the United States is to pay one hundred and twenty-two millions. Why, it will have advanced only nineteen millions up to the day that this road is constructed and running; and then twenty-five per cent. of the net earnings are to go into the Treasury of the United States. Is there a sensible man in this body who believes that after that day the Government will advance one single dollar more than it receives from the net earnings? If there is, I much misapprehend the meaning of this bill.

The gentleman says that the land grant to this road is sufficient to build it, and yet he says that this company offers no security to the Government for the contemplated aid. If the land grant is sufficient to build the road, half the land certainly is some security. I believe that the value of the lands granted to this road is sufficient to build the road, but they cannot now be made available, they cannot be sold. By this bill the company is to build twenty-

five miles of road, put in its own money, and then the Government is to guaranty the stock of the road to a certain amount.

Mr. HOWARD. On that particular section.

Mr. CRAGIN. On that particular section, and so on as it advances, and the moment the road begins to be built then the land will begin to be valuable and to be sold, and the proceeds of the lands on the south side will, as they are sold, go into the Treasury of the United States; and my own belief is here to-day that if this bill passes the Government of the United States will never advance \$5,000,000 to this company that they do not repay instantly. Up to 1871, it is estimated that the Government will advance about a million and a half dollars. By that time the lands will be selling, and the amount of the Government advance will be constantly reduced by this means; but if the lands should not be sufficient at the end of ten years, when the Government has advanced only about nineteen millions, as I remarked before, then comes in twenty-five per cent. of the net earnings of the road; and after that day, I repeat, in my judgment, the Government will never advance a single dollar.

Mr. HOWE. Allow me to ask the Senator a question. I have not examined this bill very carefully; but I perceive the Senator says that twenty-five per cent. of the net earnings, after the road is built, is to be paid into the Treasury of the United States. I suppose that is in liquidation of the interest.

Mr. CRAGIN. Certainly.

Mr. HOWE. What is to become of the other seventy-five per cent.?

Mr. CRAGIN. That goes to the company, I suppose.

Mr. HOWE. Is it supposed, then, that the company will expend three times as much in the construction of this road as the Government is asked to guaranty?

Mr. CRAGIN. It is estimated that the road will cost at least \$150,000,000, and they estimate this guarantee from the Government at about twenty-five millions, as I understand; and in order to make the Government perfectly secure and safe, in addition to mortgaging practically one half of the lands, the bill provides that if the lands do not reimburse the Government for this payment of interest twenty-five per cent. of the net earnings of the road shall be paid until the liquidation is complete.

Mr. HOWE. Now let me see if I understand the Senator. Do I understand his statement to be that the road will cost \$150,000,000?

Mr. CRAGIN. That is the estimate.

Mr. HOWE. Of that \$150,000,000 the Government is asked to guaranty the interest on \$95,000,000, which would leave the expenditure to be made by the company \$55,000,000. Then is it the operation of the bill to give them seventy-five per cent. of the net earnings to apply on \$55,000,000 of expenditure, while the Government has twenty-five per cent. to apply on \$95,000,000?

Mr. CRAGIN. The bill makes no provision in reference to that. That is merely an inference. All this time the lands are being sold.

Mr. RAMSEY. The anticipation is that the twenty-five per cent. will never be called for, that the land in the mean time will pay all the Government guaranties.

Mr. CRAGIN. I believe that the gentlemen who oppose this bill have unfairly stated the case. They have taken the figures at the very highest amount possible, and the Senator from Ohio, placing the guarantee at \$122,000,000, treats it as though the Government was never to receive one cent back, and in his comparison he makes it out that by this bill we are granting much more aid to this road pecuniarily than was granted to the Union Pacific railroad and its branches. He says that Congress has now granted to the Union Pacific railroad and its branches about ninety-eight million dollars. This he admits as simply the principal of the bonds, and yet the interest on those bonds added would more than equal the interest which is contemplated by this bill and make a total sum of \$272,000,000.

The Senator from Ohio also brings up another objection. He greatly fears this road is to fall into the hands of British capitalists, and for that reason he is opposed to the bill. It was mainly on this point that I rose to make a single remark. It happens that I am personally acquainted with nearly all the directors and managers of this road. I know them to be personally the ablest railroad men in the eastern part of this Union, and men of undoubted integrity and ability, and I have not the slightest apprehension that they would in any way be parties to any fraud of that kind. If this aid is granted they mean in good faith to build the road. That is their purpose. They are men of energy, and they wish to succeed in this enterprise. And, sir, is it a new thing in this body to hear about foreign aid? Were we not told a short time ago that the Union Pacific Railroad Company had sent abroad agents to negotiate a mortgage upon its whole line to raise funds in Europe? Certainly that statement was made here; whether true or not I do not know.

Sir, I hope this bill will pass. I believe that the interests of the country demand it. I believe that the Government will be the gainer by granting this little aid which is contemplated by the bill, for I do not think it will amount to any great sum. If I did not believe that the Government would be reimbursed fully and completely for this guarantee of interest I certainly should not vote for the bill. I do not believe it. On the other hand I believe that the Government will be fully reimbursed; and not only that, I believe the building of this road will open up valuable portions of this country; I believe it will develop the resources of this country to a very great extent, and that the revenues of the country will be increased to a vast amount. Not only will the Government have a lien upon one half of these lands, but the other sections which are owned by the Government will be enhanced in value and will bring into the Treasury money which otherwise would not come there. I hope, sir, that this bill will pass.

Mr. RAMSEY. Mr. President, a brief statement will show how unsubstantial are the arguments in opposition to this bill. If the bill be passed it will require five years—until 1871—to complete from two hundred to three hundred miles of this road, and all the surveys, according to the estimate of the company; and in all that time the Treasury of the nation will be called upon to contribute but \$1,700,000 to initiate this great work. The Senator from Ohio, who has arrayed himself in opposition to this bill admits that some day or other this work must be accomplished, and that it must be done by the aid of the Government, if not otherwise completed; he surely then will not persist in counseling the loss of five or six years, a period so momentous, as the last twenty years have shown us, in the development of new Territories, the enlargement of the boundaries of civilization, and the vast addition to the wealth and commerce of the world, for comparatively so insignificant a consideration.

Why, sir, the thorough survey of the continent on that line which this project will secure, and the two hundred or three hundred miles of road which it will construct, will be greatly more valuable than all the money we ask. You will get infinitely more than the worth of your money. As I speak so many advantages present themselves to my mind, the magnitude of the interests involved is so palpable, that I fear to enter upon the subject now would be to do injustice to the theme. But take a prosaic statement which alone will justify the passage of this bill. By making three hundred miles of road from the termination of Lake Superior westwardly, you reach the Red river country; and four hundred miles more bring you to the Missouri river. Thus by making seven hundred miles of railroad you connect twenty-five hundred miles of lake navigation with four hundred miles of navigation on the Missouri river, from Fort Union or Fort Berthole, into the heart of Montana, at Fort Benton, making nearly

thirty-five hundred miles of a continuous line of steam communication by lake, river, and rail. Thus by making seven hundred miles of railroad you are brought into the very heart of the continent. The Missouri river from Fort Union to Fort Benton is navigable more months of the year than it is below that point, down toward the borders of Kansas and Nebraska. The navigation below is often indifferent, but from Fort Union westward to Fort Benton there is good navigation through almost all the usual months of navigation upon that river.

It must be remembered that your principal lines of railroad between the East and the West are now about the line of forty degrees. This line would be about the forty-fifth degree. Now, look at the great development that has already taken place in the country north of forty-five degrees. There is the Territory of Montana with already a population claimed to be, and I suppose it is, quite forty thousand people, producing about one quarter of all the gold product of this continent, assumed now to be about a hundred millions. That Territory, so rich in gold, is said to produce about twenty-five millions annually. Then you have the whole of the Territory of Washington, lying north of forty-five degrees. You have not as yet provided any accommodation for the travel and development of that extensive district of country in the North; you are confining your accommodations and your appropriations to about the line of forty degrees; and it is not reasonable to suppose that the country will be longer satisfied with such a discrimination. Need I say more? I have merely interjected topics for consideration, and facts which are irresistible, on which, if the hour were more opportune, I should with pleasure dilate. Pass this bill and the expenditures it may occasion will be well repaid.

Mr. SAULSBURY. Mr. President, the Senators from the extreme Northwest seem to take a great interest in this measure. Now, I should like to inquire of some one where Congress gets the authority to guaranty the stock of a private corporation, to guaranty that the stockholders shall be paid six per cent. upon their stock. I should like some of the advocates of this bill to point out the section and the article of the Constitution of the United States giving to Congress the power to guaranty the payment of interest upon the stock of a private corporation. I apprehend that such a thing as that has not been done in the past history of the country. It never occurred before to members of the Senate and House of Representatives that such a power was vested in the Congress of the United States; and in the advocacy of this measure, which may involve such a vast expenditure of money on the part of the General Government, no one of its advocates has presumed to refer to the Constitution of the United States as conferring this power upon Congress. They seem to assume that Congress has the power. Sir, it is only another evidence that in our legislation, that limitation upon the powers of Congress and the other departments of Government is totally unheeded, absolutely unthought of. If you have the power to guaranty the payment of six per cent. upon the stock of this railroad, you have the authority likewise to guaranty the payment of six per cent. upon the stock of every private railroad in the United States. If you can guaranty lawfully the payment of this interest upon the stock of this railroad, your power is the same in reference to every other railroad in the United States.

Mr. WILLIAMS. I wish to remind the Senator that this bill relates to a company incorporated by a law of Congress. I ask, if Congress has power to incorporate a company, may it not prescribe the regulations under which that company may transact its business?

Mr. SAULSBURY. I suppose that if Congress has the power to incorporate a company it may do everything necessary for that purpose, as the gentleman says; but that is a very different question from the one I am discussing. In the first place, it involves the question of the power of Congress to incorporate any such rail-

road company. To be sure, it might give a corporation authority to cross the public lands not within the limits of a State. But that is a totally different question from the power of Congress to take money out of the public Treasury to guaranty a debt owing to private individuals. I go further and say, if you have a right under the Constitution of the United States to guaranty the payment of six per cent. upon this stock, you have just as much right to guaranty the payment of six per cent. upon the bond of A to B. The fact that the interest arises upon stock of a railroad company makes no difference in reference to the authority of Congress. If you have the authority to guaranty the payment of a private debt when that debt is due by a corporation, although that corporation may be chartered by yourselves, you have the power to guaranty the payment of interest on the bond of A to B. Adopt this principle and the United States becomes the great guarantor of every private debt in the country. I do not say they would do it in practice, but the same principle is involved.

Now, Mr. President, is it not time for us to wake up to a proper consideration of our powers as legislators? It cannot be pleaded that we are in a time of war and that necessity, absolute necessity, overriding fundamental laws, requires such an appropriation of money as this, or such a guarantee as this. No such plea can now be available. Neither can the plea that this railroad will be greatly beneficial to the section of country through which it passes, and that it will be of great public use, be available here, because Congress has not authority to do any and everything which may be for the public good. It is time, I say, that we should go back to something like the original views of the founders of the Government and institute an inquiry, where do we get the power to do these extraordinary things? I have no prejudice against this Northern Pacific railroad more than I have against the other. I would just as lief see the one built as the other; but I hold that the Congress of the United States has no authority under the Constitution to pass this act. It has no authority to guaranty the payment of six per cent. upon the stock of any corporation in the United States. Unless that authority can be shown I think we ought to vote unanimously for the defeat of this bill.

Mr. FESSENDEN. My friend from Ohio is a very acute Senator, and therefore I have been very much surprised at the fact that he supposes that any array of figures showing that inevitably the United States must be the loser by embarking itself in any enterprise of this sort, would have an effect upon the Senate when they have a scheme to carry through. The fact that he should be so green as to entertain such a notion as that surprised me very much. I have hardly ever known the time since I have been here that any array of figures showing that the Government must lose, or any clear, palpable proof that a thing was unconstitutional, had apparently more than the slightest effect, the effect of a ripple, in preventing the passage of a great scheme which had a good deal of money in it. How that happens I do not know and cannot pretend to say; but such has been my observation of the course of legislation for a very considerable time since I have been a member of the Senate.

Now, sir, from my location, I might be supposed to sympathize a good deal with the honorable Senators from the Pacific coast on this question. I believe they lay it down as a principle that everything that goes to the Pacific coast is right, in the first place, and constitutional in the second, and that it will not do for one of them to vote against it, under any circumstances, no matter what the argument is, because, if they did that, they would be opposing the interests of the Pacific coast; that is to say, they would not be coming up to the standing point on all occasions. They are very clever gentlemen, and I have very great respect and regard for them; but it seems they must stand

by their section of country, no matter what the cost to the Government and no matter what the result. It is a Pacific coast measure; *ergo*, it is right; *ergo*, it is constitutional; *ergo*, it must be adopted. All this is very acute logic, no doubt; I do not pretend to complain of it; I only say that I am unable to appreciate it, so far as I am concerned.

If this road is ever to be built—and I take it it will be some day or other—it is to be of more advantage on this side of the line to New England comparatively than to any other section of the old country, because there it will terminate substantially; and if beneficial to New England it will be particularly so to what was once the beautiful city in which I happen to live, for that is the terminus of the Grand Trunk railway, and would be substantially the terminus of this road on the Atlantic coast and it would help to make it a great city. Hence I should be exceedingly glad to have it done at an early day. I do not know but that I might say that personally, if I should live long enough, I might be almost as much interested as an individual in the result as most men who live there, for the reason that at present I am unfortunate enough to own a great many town lots which I can hardly carry, pressing me to the earth, and I should very much like a chance to sell them for a good price.

But, sir, in spite of all this, I cannot give my assent to this bill, more especially at the present time. I am very sorry to be placed in so disagreeable a predicament; but after all it is one of those cases in a man's life where he must meet the necessity of the occasion and act up to his convictions.

Mr. President, I did not vote for the Pacific railroad bill. I believe there were five votes against it in this body, and one or two members did not vote at all. I came into the Senate purposely out of my committee-room in order to throw my vote against the bill, but my colleague persuaded me not to do it. He said it was no use; the thing would go through; it was not a pleasant predicament to be in so small a company, and I had better say nothing about it. I concluded to let it go. The reason why I did not vote for that bill was not that I was not in favor of a Pacific railroad and would not have voted for a Pacific railroad bill if it had been got up according to my ideas of what was honest and true in such a policy. If the Government had fixed upon an initial point within its own territory, as near to any State as it saw fit, and surveyed the line and ascertained it to be a good line, and that it was feasible and the best, in the judgment of competent persons, to make a grand railroad line to the Pacific ocean, I should have voted for it and for any expenditure that was necessary to accomplish it. But when I saw that the effort was to make three lines, one north, one central, and one south—and I presume it never would have been carried if the southerners had not gone out, so as to let the extremes southern line break down—and then when I saw we must make three terminating in the States, one up somewhere in Iowa, another through Missouri, and another somewhere else, I do not exactly know where, but three long railroads running through the States, taking the public lands in the States in addition to a grant of the public money, thus bringing diverse interests together and combining them upon the principle, "You tickle my toe and I will tickle your elbow," without much reference to where the line should be for Government purposes, I regarded it as a mere scheme and bargain, one that ought not to be made, and one that I would not give my assent to under any circumstances. So I did not vote for it.

This is the second step in what was attempted at that time. That was to make three railroads to the Pacific substantially at the expense of the Government. The Government has undertaken—for it is substantially that—to make one great railroad; and we passed a bill the other day, which I was not in favor of, changing that measure in some degree so as to run a parallel line for a considerable distance—a bill which, it is said, came near being vetoed,

and I should have justified the veto, if there had been one, so far as my vote was concerned. But what is this? We have a northern frontier, for the greater part a wilderness; settlements have not gone there to any considerable extent; but it is a rich country. We have already contracted to build a central railroad, decided upon the route and the point of beginning, and have put the credit of the Government into it, having contracted to pay so much per mile. That runs for the most part through a wilderness, but is justified by the necessity of connecting the two oceans together. Since that time we have accumulated an enormous debt, a debt that we are taxing the people heavily to pay. Do gentlemen imagine that our credit both at home and abroad is to stand everything? It is as much as we can do to sustain our credit as it is, and it is as much as the people can bear to pay taxes in order to sustain that credit. We have this great central enterprise upon us. It is all that is necessary for the purposes of the Government. That obligation which is upon us goes in part to swell the sum of the debt for which we are responsible, and so far to operate upon the credit of the Government; but notwithstanding that it is just in its inception, we are just beginning it, and we have got that burden to carry.

Notwithstanding this and the enormous debt that is upon us, I have been astonished at the readiness of Congress to assume other and increased obligations. Sir, to this day we do not know and cannot know what the amount of the debt of this Government is, because we have not settled up the claims of this war. It is only within a few days that an obligation, which it is contended we took upon ourselves to pay for negroes who enlisted in the war in several of the States, has come upon us from the honorable Senator from Kentucky, who moved to add to one bill an appropriation of \$10,000,000 for the purpose of paying that claim. I am not certain that that is not right. The impression seems to be that that obligation exists. If so, we have got to meet it. In the House of Representatives, not long since, a bill was passed which, if it becomes a law, will take \$200,000,000 out of the Treasury, confessedly, on the pretense of equalizing the bounties of our soldiers; that is to say, paying a debt which we never contracted, never promised to pay, and never expected to pay, and it passed the House with only two or three dissenting voices, as I understand. Several members of the House have told me that they were exceedingly ashamed of it, and that if the question could have been taken without reference to the pressure brought from outside on their minds, they did not believe it could have got twenty votes, though I suppose they were mistaken in that respect. That bill, if it ever passes the two Houses, in my judgment, should have a new title, and that is, "A bill to pay the expenses of electing Senators and Representatives of the United States out of the public Treasury." That is about the character of it. That is one item of two hundred millions.

Now, here comes in a proposition just at this period when all these debts are upon us, when all these unsettled claims are upon us, and these other propositions to increase the amount of the debt are upon us, for what purpose? To do anything for the benefit of the Government? To meet any Government necessities? Not at all, except on the principle laid down here the other day, as a great discovery in modern finance, that a man who is deeply in debt must pitch in head over heels in order to pay it—increase his obligations as much and as fast as possible in order to get means to pay his debts! When there is no Government necessity, when we have already contracted to build one line of railroad to the Pacific coast, enough for every Government purpose and answering every Government necessity, a road which is not yet completed, here is a proposition to build another line, substantially, and the Government is to become the indorser of the contracts which may be made in order to carry it into execution, to the amount of \$114,000,000, it is said.

But, say gentlemen, the Government is not to pay the principal; it is only to pay the interest. Well, if I have got to pay the interest on a certain amount of money, I consider myself, generally, in debt to that amount, whatever it may be. If I have to pay the interest on \$5,000 every year I think I owe \$5,000 whether I ever expect to pay it or not. There was a great deal of pertinency and a great deal of his customary keenness in the observation of my honorable friend from Wisconsin [Mr. Howe] just now, that here, on the supposition that this road is to cost \$150,000,000, the company in its goodness, to which we have given forty-seven million acres of lands to build it, consents that we shall have one fourth of the net profits to secure our payment of interest on \$95,000,000, while they retain the other three fourths to secure themselves the interest of \$55,000,000. A very liberal proposition!

In fact, we are to build the road by our credit, for it is ours—they have not any—and to become responsible to that amount and to trust luck for the future. The road is to run through what is a wilderness now, and must remain comparatively so for a great series of years, not, to be sure, so long as it would be if we did nothing in that section of country. It is true the road will extend our settlements, and we shall secure another line to the Pacific ocean; but we are to undertake this before we have completed the first one to which we are pledged, and before we have made anything more than a barely appreciable progress in building it.

Now, sir, what will the moneyed world think of us as financiers? What will they think of this reckless legislation, piling on \$100,000,000 here or \$200,000,000 there, \$10,000,000 here and \$20,000,000 there? We had a scheme up the other day which I should be in favor of if it could be properly and decently done, and that is a ship-canal around the falls of Niagara. That bill began with a cost of \$6,000,000, to end, I suppose, with \$60,000,000 or \$100,000,000.

At this time, with so much on our hands to do, the idea that Government should undertake the new enterprise of indorsing paper for schemes that are got up, to the amount of \$150,000,000, to begin in a new country to build a second railroad to the Pacific, strikes me as about the strongest and strangest proposition that could be entertained and indulged in by sensible men who are looking out for the true interests of their whole country, the preservation of its credit, and the preservation of its reputation for sense and common, decent, prudent management, that I ever heard of in my life. I dare say I am mistaken, because I am not a business man. I do not understand these matters or how they are to be arranged. I confess I do not see how you are to make so much money by engaging in this business. I do not understand how we are to increase our credit by connecting ourselves with schemes of this kind, when they are not absolutely necessarily called for by any public necessity. It is a new idea to me, and being a new idea to me, it is not possible that I can give my assent to it at present. Now, sir, I know something about the way this has gone on. I will say to the Senator from Oregon that no matter whether there was authority to make a contract or not, I happen to know that it was the great boast of this company to whom the land grant was made that they asked no money.

Mr. SHERMAN. It was actually inserted in the bill itself in these words:

"No money shall be drawn from the Treasury of the United States to aid in the construction of said Northern Pacific railroad."

Mr. FESSENDEN. I know that was the great boast; it was the great argument at the time. I did not pay any sort of regard to it, because I had heard the same promise before in other cases and had seen it violated; and I had seen the Senate agree to the violation so many times in small matters that I supposed the same rule would apply to great ones. I tried it here once on the question of the Agricultural Bureau. My friend from Ohio, with

whom I agree on this question, thought we ought to establish an Agricultural Bureau. He told us it would not take a dollar, it would only be making that branch an independent bureau; the farmers wanted it; only the usual \$60,000 appropriation would be needed; no more money would be required. Next year the appropriation was \$150,000, and I do not know how much it is this year.

Mr. SHERMAN. About the same. That is modest.

Mr. FESSENDEN. I merely give that as an illustration of what reliance is to be placed on the statements of gentlemen as to what these things cost. They make them recklessly; they make them carelessly; I will not say they make them regardless whether they be true or not so that they accomplish their purpose; but the result is inevitable; it is always to burden the Treasury more or less. I never knew it to fail yet, and so it will be in this case as in others.

Now, sir, I should be exceedingly glad to have this road made. I believed originally that it was the best route, not perhaps for business purposes, but the best route to make a railroad over, because I paid some attention to the reports that were made, those great big volumes of which we have heard so much, and I came to the conclusion that the northern route was the best route. I had no idea that the road would go there, because there were not interests enough to carry it in that direction, and perhaps in a business point of view, as we were to build but one road, it was right to select a central line. I will not undertake to decide a question of that importance.

But, to go back, I know that when the charter was given to this company the statements were made and the arguments were addressed to Senators that they wanted no money, that land was all they asked. That was two years ago, and now comes in this proposition that the Government in fact shall build the road, and in my judgment if this bill passes the road will be wholly built upon our credit, and a very handsome surplus will be left to be divided among the projectors and the men interested, because it is enormous in amount and enormous in character. I read the bill with perfect astonishment, my attention being called to it, and my astonishment has not ceased to grow the more I have considered it. The time will come undoubtedly when in the progress of this nation this road will be built; but I beg gentlemen to consider this: it is an old saying that Rome was not built in a day; but it seems to be the idea of Congress nowadays that this country is to be built in a day, that nothing is to be left for the future, that we are to go on into every place where we imagine a thing ought to be done, without reference to the population, without reference to the actual necessities of the country, plunge ourselves in debt to any amount asked for to carry on great public works. Why should they not be graduated according to our means? Now that we have such an immense debt upon us and so many obligations, why should we be in such a hurry, in advance of the interests of the country, in advance of anything that is demanded by the Government itself for its own purposes, to increase these burdens? Why should we increase our responsibilities so that the men who look at us with reference to financial matters will be alarmed at the character of our legislation? If we do an unwise thing to-day, men of sense will say that we may do an equally unwise thing to-morrow. If with a debt of \$3,000,000,000 upon us we shall recklessly and without any necessity add three or four hundred millions more to that debt, as is proposed by the legislation of this Congress taking it altogether, it is to be expected that we shall do the same the next session, and the next, and the next; and men will be likely to say that we are apt to do it whenever schemes are brought in.

I know from experience that any word I could say in reference to these matters is of no avail at all. When I talk about the public money and the necessity of looking out for our

public credit and for the Treasury, if there is a thing to be done that gentlemen want done, they are not content to defer to the condition of the Treasury. They differ from me, as they have a right to do. I shall be happy to know, if these things are done, that they are done right, and that I have been behind the age, old fogged, not up to the requirements of the time, and really was mistaken in the views that I entertained; but I fear that it may not be so. If it turns out to be so, it will be like some other things in our country; because this is a country of great surprises; it disappoints everybody; everything seems to turn out here differently from common experience the world over, owing to our energy and our power and the peculiarities that are connected with us. I hope it may be so in this case, but I fear, and while I fear as much as I do in reference to this matter I cannot consent to vote for a bill of this kind. Nothing but necessity, the belief of a necessity, would ever induce me to vote to connect the Government with speculations of this sort. I think our Government was not made for any such purpose. It was made more for the purpose of developing the energies of the men who are in it, so far as it had anything of that sort to do, than of aiding to do it by money, letting them alone and letting private enterprise, guided by intelligence such as we have, go ahead and open the resources of the country. I believe that we shall do more harm than we shall good, as a general rule, and that the money will be wasted, when we undertake to take all this business out of the hands of the people and apply the funds of the Government, paid in by the people for other purposes, to projects of this description, unless they are at the time necessary for the purposes of the Government itself.

For these reasons I shall vote against this bill, either at this session or any other until, I was about to say, a sufficient time has elapsed to render it necessary; but when that time arrives I shall not be here.

FREEDMEN'S BUREAU—VETO MESSAGE.

The following message was received from the House of Representatives, by Mr. McPHERSON, its Clerk:

Mr. President, I am directed to inform the Senate that the President of the United States having returned to the House of Representatives in which it originated the bill (H. R. No. 613) entitled "An act to continue in force and to amend an act to establish a Bureau for the Relief of Freedmen and Refugees, and for other purposes," with his objections thereto, the House of Representatives proceeded in pursuance of the Constitution to reconsider the same, and have passed said bill by a vote of two thirds of the House.

Mr. WILSON. I move that the Senate now proceed to the consideration of the Freedmen's Bureau bill returned with the objections of the President.

Mr. HOWARD. I will consent to that very cheerfully, provided the bill which I now have in charge is not displaced in consequence. I am willing to lay it aside informally for the purpose of taking up the measure alluded to by the Senator from Massachusetts, but I should not like to have the bill lose its place.

Mr. JOHNSON. Is it the object of the honorable member from Massachusetts to have the subject of the veto message disposed of to-day?

Mr. WILSON. Yes, sir.

Mr. JOHNSON. To take the vote to-day?

Mr. WILSON. Yes, sir. The House have acted on it.

Mr. JOHNSON. The House may do a great many things that we will not do. I have not seen the message, do not know what it is.

Mr. SUMNER and Mr. TRUMBULL. It will be read.

Mr. JOHNSON. It will be read, of course; but I do not see any particular occasion for pressing this more than another veto message which has been upon our table for the last two months.

Mr. WILSON. Well, let us take the vote.

Mr. JOHNSON. I ask whether this is a privileged question, or whether a Senator has a right to object to the consideration of it now.

I only want to have it put off until to-morrow, to look at it.

The PRESIDENT *pro tempore*. It has no priority over other questions unless by the vote of the Senate.

Mr. JOHNSON. I object, then, and move that it be postponed until to-morrow.

Mr. TRUMBULL. I presume that the Senator from Maryland has no objection to having the message read.

Mr. JOHNSON. None in the world.

Mr. TRUMBULL. We can take it up and have it read; and afterward, if we think proper not to consider it now, that is another question. The other day, I recollect, when a message came in, it was insisted that it should be read that day, and I think we staid here to a very late hour one day to have it read.

Mr. JOHNSON. But, as well as I recollect, my friend from Illinois thought it ought not to be read and need not be read.

Mr. TRUMBULL. No; I never insisted that it ought not to be read. We have always read such messages.

Mr. JOHNSON. I do not think you insisted upon its being read; at any rate you acquiesced in what the Senate did. I have not the slightest objection to its being read now, unless the reading of it so brings it before the Senate that it must be considered to-day.

Mr. TRUMBULL. It is necessarily before the Senate, of course.

Mr. JOHNSON. What I desire is that the message be printed, and that we dispose of it to-morrow. It will make very little difference, so far as the measure itself is concerned, whether it is disposed of now or disposed of to-morrow; but I think it is due to those who have not seen the message—and I suppose none of the Senators have seen it—that they should have an opportunity of considering it.

The PRESIDENT *pro tempore*. There being a bill before the Senate, no other subject can be taken up, except by unanimous consent.

Mr. WILSON. I move to postpone the present bill and all other business in order to take up the message from the House of Representatives communicating the veto.

The motion was agreed to.

The action of the House of Representatives was read:

Several SENATORS. Now let the veto message be read.

The PRESIDENT *pro tempore*. The message of the President of the United States, returning House bill No. 613 will be read, with his objections.

The Secretary read the message, as follows:

To the House of Representatives:

A careful examination of the bill passed by the two Houses of Congress entitled "An act to continue in force and to amend an act to establish a Bureau for the Relief of Freedmen and Refugees, and for other purposes," has convinced me that the legislation which it proposes would not be consistent with the welfare of the country, and that it falls clearly within the reasons assigned in my message of the 19th of February last, returning without my signature, a similar measure which originated in the Senate. It is not my purpose to repeat the objections which I then urged. They are yet fresh in your recollection, and can be readily examined as a part of the records of one branch of the national Legislature. Adhering to the principle set forth in that message, I now reaffirm them, and the line of policy therein indicated.

The only ground upon which this kind of legislation can be justified is that of the war-making power. The act of which this bill was intended as amendatory was passed during the existence of the war. By its own provisions it is to terminate within one year from the cessation of hostilities and the declaration of peace. It is therefore yet in existence, and it is likely that it will continue in force as long as the freedmen may require the benefit of its provisions. It will certainly remain in operation as a law until some months subsequent to the meeting of the next session of Congress, when,

if experience shall make evident the necessity of additional legislation, the two Houses will have ample time to mature and pass the requisite measures. In the mean time the questions arise, why should this war measure be continued beyond the period designated in the original act; and why, in time of peace, should military tribunals be created to continue until each "State shall be fully restored in its constitutional relations to the Government, and shall be duly represented in the Congress of the United States?" It was manifest, with respect to the act approved March 3, 1865, that prudence and wisdom alike required that jurisdiction over all cases concerning the free enjoyment of the immunities and rights of citizenship, as well as the protection of person and property, should be conferred upon some tribunal in every State or district where the ordinary course of judicial proceeding was interrupted by the rebellion, and until the same should be fully restored. At that time, therefore, an urgent necessity existed for the passage of some such law. Now, however, the war has substantially ceased; the ordinary course of judicial proceedings is no longer interrupted; the courts, both State and Federal, are in full, complete, and successful operation, and through them every person, regardless of race and color, is entitled to and can be heard. The protection granted to the white citizen is already conferred by law upon the freedmen; strong and stringent guards, by way of penalties and punishments, are thrown around his person and property, and it is believed that ample protection will be afforded him by due process of law, without resort to the dangerous expedient of "military tribunals," now that the war has been brought to a close.

The necessity no longer existing for such tribunals, which had their origin in the war, grave objections to their continuance must present themselves to the minds of all reflecting and dispassionate men. Independently of the danger in representative republics of conferring upon the military in time of peace extraordinary powers—so carefully guarded against by the patriots and statesmen of the earlier days of the Republic, so frequently the ruin of Governments founded upon the same free principle, and subversive of the rights and liberties of the citizen, the question of practical economy earnestly commends itself to the consideration of the law-making power. With an immense debt already burdening the incomes of the industrial and laboring classes, a due regard for their interests, so inseparably connected with the welfare of the country, should prompt us to rigid economy and retrenchment, and influence us to abstain from all legislation that would unnecessarily increase the public indebtedness. Tested by this rule of sound political wisdom, I can see no reason for the establishment of the "military jurisdiction" conferred upon the officials of the bureau by the fourteenth section of the bill.

By the laws of the United States, and of the different States, competent courts, Federal and State, have been established and are now in full practical operation. By means of these civil tribunals, ample redress is afforded for all private wrongs, whether to the person or the property of the citizen, without denial or unnecessary delay. They are open to all, without regard to color or race. I feel well assured that it will be better to trust the rights, privileges, and immunities of the citizen to tribunals thus established, and presided over by competent and impartial judges, bound by fixed rules of law and evidence, and where the right of trial by jury is guaranteed and secured, than to the caprice and judgment of an officer of the bureau, who, it is possible, may be entirely ignorant of the principles that underlie the just administration of the law. There is danger, too, that conflict of jurisdiction will frequently arise between the civil courts and these military tribunals, each having concurrent jurisdiction over the person and the cause of action—the one judicature administered and controlled by civil law, the other by the military. How is

the conflict to be settled, and who is to determine between the two tribunals when it arises? In my opinion it is wise to guard against such conflict by leaving to the courts and juries the protection of all civil rights and the redress of all civil grievances.

The fact cannot be denied that since the actual cessation of hostilities many acts of violence, such perhaps as had never been witnessed in their previous history, have occurred in the States involved in the recent rebellion. I believe, however, that public sentiment will sustain me in the assertion that such deeds of wrong are not confined to any particular State or section, but are manifested over the entire country, demonstrating that the cause that produced them does not depend upon any particular locality, but is the result of the agitation and derangement incident to a long and bloody civil war. While the prevalence of such disorders must be greatly deplored, their occasional and temporary occurrence would seem to furnish no necessity for the extension of the bureau beyond the period fixed in the original act. Besides the objections which I have thus briefly stated, I may urge upon your consideration the additional reason that recent developments in regard to the practical operations of the bureau in many of the States show that in numerous instances it is used by its agents as a means of promoting their individual advantage; and that the freedmen are employed for the advancement of the personal ends of the officers, instead of their own improvement and welfare, thus confirming the fears originally entertained by many that the continuation of such a bureau for any unnecessary length of time would inevitably result in fraud, corruption, and oppression.

It is proper to state that in cases of this character investigations have been promptly ordered, and the offender punished whenever his guilt has been satisfactorily established. As another reason against the necessity of the legislation contemplated by this measure reference may be had to the "civil rights bill," now a law of the land, and which will be faithfully executed as long as it shall remain unreppealed and may not be declared unconstitutional by courts of competent jurisdiction. By that act it is enacted "that all persons born in the United States and not subject to any foreign Power, excluding Indians not taxed, are hereby declared to be citizens of the United States; and such citizens, of every race and color, without regard to any previous condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall have the same right in every State and Territory in the United States, to make and enforce contracts, to sue, to be parties, and give evidence, to inherit, purchase, lease, sell, hold, and convey real and personal property, and to full and equal benefit of all laws and proceedings for the security of person and property, as is enjoyed by white citizens, and shall be subject to like punishment, pains, and penalties, and to none other, any law, statute, ordinance, regulation, or custom to the contrary notwithstanding."

By the provisions of the act full protection is afforded, through the districts courts of the United States, to all persons injured, and whose privileges, as there declared, are in any way impaired; and heavy penalties are denounced against the person who willfully violates the law. I need not state that that law did not receive my approval; yet its remedies are far preferable to those proposed in the present bill; the one being civil and the other military.

By the sixth section of the bill herewith returned, certain proceedings by which the lands in the "parishes of St. Helena and St. Luke, South Carolina," were sold and bid in, and afterward disposed of by the tax commissioners, are ratified and confirmed. By the seventh, eighth, ninth, tenth, and eleventh sections, provisions by law are made for the disposal of the lands thus acquired to a particular class of citizens. While the quieting of titles

is deemed very important and desirable the discrimination made in the bill seems objectionable, as does also the attempt to confer upon the commissioners judicial powers, by which citizens of the United States are to be deprived of their property in a mode contrary to that provision of the Constitution which declares that no person "shall be deprived of life, liberty, or property without due process of law." As a general principle such legislation is unsafe, unwise, partial, and unconstitutional. It may deprive persons of their property who are equally deserving objects of the nation's bounty as those whom by this legislation Congress seeks to benefit. The title to the land thus to be portioned out to a favored class of citizens must depend upon the regularity of the tax sale under the law as it existed at the time of the sale, and no subsequent legislation can give validity to the rights thus acquired as against the original claimants. The attention of Congress is therefore invited to a more mature consideration of the measures proposed in these sections of the bill.

In conclusion, I again urge upon Congress the danger of class legislation, so well calculated to keep the public mind in a state of uncertain expectation, disquiet, and restlessness, and to encourage interested hopes and fears that the national Government will continue to furnish to classes of citizens in the several States means for support and maintenance, regardless of whether they pursue a life of indolence or of labor, and regardless also of the constitutional limitations of the national authority in times of peace and tranquillity.

The bill is herewith returned to the House of Representatives, in which it originated, for its final action. **ANDREW JOHNSON.**

WASHINGTON, July 16, 1866.

The **PRESIDENT pro tempore**. The bill is now before the Senate, and by the provisions of the Constitution is reconsidered. The question is, Shall the bill pass, the objections of the President notwithstanding?

Mr. JOHNSON. I move that the matter be postponed until to-morrow and made the special order at one o'clock, and that in the mean time the message be printed.

The question being put, the negative appeared to prevail.

Mr. JOHNSON called for the yeas and nays, and they were ordered, and being taken, resulted—yeas 18, nays 31; as follows:

YEAS—Messrs. Buckalew, Davis, Doolittle, Foster, Guthrie, Hendricks, Johnson, McDougall, Nesmith, Norton, Riddle, Saulsbury, and Van Winkle—13.

NAYS—Messrs. Anthony, Brown, Chandler, Conness, Creswell, Edmunds, Fessenden, Grimes, Harris, Henderson, Howard, Howe, Kirkwood, Lane of Indiana, Morgan, Morrill, Nye, Poland, Pomeroy, Ramsey, Sherman, Sprague, Stewart, Sumner, Trumbull, Wade, Willey, Williams, Wilson, and Yates—31.

ABSENT—Messrs. Clark, Cowan, Dixon, Lane of Kansas, and Wright—8.

Mr. HENDRICKS. Mr. President, no argument that could be presented would probably change the result of the vote of the Senate; yet, sir, I feel it to be my duty to say that I approve the sentiments of the veto message which has just been read. I think, sir, upon principle, as well as upon experience, we are justified in saying that a system such as the Freedmen's Bureau is necessarily vicious and can only produce evil.

It is a measure that places the labor of one section of the country under the control of a few. If we could say that all men are entirely honest and virtuous, then we should be safe in placing the labor of such a large class of persons under the control of a few; but when we know that where power is given to men without sufficient and sure restraints and control upon their conduct frauds and corruption must be the result, we are justified, I think, upon principle in saying that a system like this is vicious. We have not very satisfactory evidence, perhaps, upon the practical workings of the bureau. We have some evidence; we have the evidence communicated to the Senate in the early part of the session in a communication made by General Grant to the

President, which the President communicated to Congress, in which General Grant says that in many localities, at least in some localities, the affairs of the bureau are mismanaged. We have the reports of Generals Steedman and Fullerton upon the subject, and I say that so much wrong and so much corruption is not developed in any other report that has been made to Congress for the last two sessions.

An effort has been made in the country to depreciate that report by attacks upon the distinguished gentlemen who gathered the facts and communicated them to the President. That effort I think has not been successful. The report made by these two generals has commanded to a very large extent the confidence of the country, whatever action Congress may take upon this question. But, sir, very recently I observed in a journal of great weight and influence with some gentlemen a communication, the veracity and verity of which they cannot question, which sustains the report of Generals Steedman and Fullerton; and being justified somewhat by the example of the distinguished Senator from Massachusetts, I will read from this communication. It is found in a newspaper. This communication is dated Boston, June 18, 1866, and is signed "James Redpath," and is published as reliable in the National Anti-Slavery Standard. Ordinarily this paper does not have so much weight with me, [laughter,] but as evidence against the gentlemen who claim it to be authority, I read it. This writer says that he accompanied General Steedman, who was inspecting the operations of the Freedmen's Bureau, on a raid into Alabama, and then he goes on to mention some things that took place through that raid. That was during the war. He says:

"Let me say a few words about General Steedman. He belongs, honestly and heartily, to the President's party. He has gone so far and no further, and therefore he is neither a traitor nor a renegade. The same views which we denounce in the President to-day the general advocated, privately and vehemently, three years ago. I regretted and combated these views then, as I do now; but neither then nor since have I seen cause to brand either the President or the general as a traitor. Butler alone excepted, I know none of our generals who were so 'rough' on traitors as this Steedman. General Saxton was as true as Wendell Phillips is; yet neither of these eminent men ever hated a rebel. Their culture and character forbade hate. But Steedman was a terrible hater. Now, do not let us forget his past services in criticising his reports. If he is not just, we can well afford to be. And although I do not come forward to defend General Steedman, I feel impelled in justice to say that the same reports which he gave from North Carolina were made to me by men whom he did not see—men of unquestionable veracity, whose labors were among negroes, and who are as much devoted to their cause as you or I. To one of these gentlemen I said, 'It is only the radicals who support the bureau in the North.' He answered, 'If the radicals knew how the bureau is conducted in this State they would not support it.' I heard many stories in that State which staggered my faith in the utility of the bureau. It was only when I reached South Carolina and found how faithfully and well General Saxton guarded the rights of the negroes that I yielded my fast-growing belief that the bureau had better be abolished—in the interest of the freedmen."

"Again, I believe that there are several States in which it would be better for all parties, black and white, for the bureau to be abolished. How is it in Alabama, for example, and Arkansas and Georgia as a whole? If half the stories I have heard are true—stories told by anti-slavery men—the bureau in those States is an ally of the rebels."

Then he goes on to speak of the treatment General Saxton has received at the hands of the General Government. That part of it does not bear necessarily on the question before the Senate, and therefore I will not read it. He adds a postscript:

"P. S. I sent for this letter, after I had mailed it to you, because I found that I had omitted to show without possibility of misinterpretation, that I believed the commissioners had done a great wrong to General Saxton. At the same time I wished to add, that in my opinion, 'the President's spies,' as you call them, have rendered a valuable service to the bureau. It won't do, my dear sir, to defend bureau officers who cultivate plantations. This fact necessarily identifies their interests with the planters. This is not an opinion formed in my library; it is the result of my observations in the field. Let me add emphatically, since I see that you have praised General Whittlesey, that this opinion was forced on me in North Carolina, and that I believe that you are entirely in error respecting the anti-slavery character of that officer. In my opinion he should have been discharged long ago, for either he is no friend

to the negro or he is an inefficient officer. Teachers and others in North Carolina give evidence on this point too emphatic to be slighted. And I saw with my own eyes, and heard with my own ears too much that sickened me in North Carolina to be willing to reverse my impressions even in the face of your kindly mention of General Whittlesey.

"It is not the bureau that protects the negro; it is the presence of the military forces. I fear that our future history will show that the anti-slavery people erred in consenting to the existence of the bureau beyond the end of the war. Why? It is a compromise. It is not patronage that the negro wants, but justice. Enact impartial suffrage and the bureau may safely be abolished. But while it exists timid Republicans will gladly avail themselves of it to quiet their consciences and constituencies."

I shall not read the whole of the letter. Mr. President, I have referred to this communication from one of the most prominent anti-slavery men of the country, published in one of the most earnest anti-slavery journals of the country, as evidence that the report of Generals Steedman and Fullerton is true; not a matter of opinion given by this writer, but a statement of facts upon his own observation and knowledge of facts which he gathered in the country where the bureau has its field of operations, a statement of facts which he says made him sick at the outrages perpetrated by the agents of this bureau upon the blacks themselves, forcing upon him the conviction that the bureau ought to be abandoned in the interests of the freedmen.

I know, sir, that when the question comes up between a veto of the President and the Senate, even this communication will probably not control any votes; but it is right that this should be made somewhat public to the country when we now, against the reasons given by the President, fasten upon the country and the country's burdened Treasury an engine of oppression and corruption. I say that nowhere in the world is it safe to place one set of men in their labor under the control of a few. What are the facts? That in whole States the men who control the negroes by the thousands become interested in the cultivation of plantations; they become interested in cheap labor and the high price of productions; they become interested in a system and policy that restores the negro to slavery without imposing upon the master the responsibility and the interest of his protection. Under the old system the master had an interest in taking care of the slave, in feeding and clothing him well that he might be a useful property to him. But under this system the Freedmen's Bureau agent who becomes interested in the cultivation of plantations becomes interested in making for the year the most possible out of the labor which he controls with a power that is not restrained by any letter or word in the Freedmen's Bureau act. What is your definition of his power? What is your restraint upon his conduct? You simply say that there shall be a Freedmen's Bureau to "take charge of" the freedmen. What sort of a definition of power is that? Would you place the white men of this country under the control of an agency the power of which is defined by such power as that—"to take charge of?" What does that mean? What may he do? What may he not do? What is he doing? What he may not do no Senator from the language creating this bureau can say. What he ought to do, one Senator may give one opinion upon and another Senator a very different opinion. General Grant says that because of the difference of opinions among the different agents of this bureau the affairs of this bureau are managed very differently in different localities; while if you had a law that well defined the power and well restricted the exercise of that power you would have some uniformity in the conduct of the bureau's agents; but you have no such law. You have a general declaration that this bureau through its agents shall take charge of four million people. Do Senators say that that is a safe law? Would you enact such a law as that as a constitution and form of government for any set of white men in the world?

Would you say to the people of Montana, now perhaps thirty or forty thousand in num-

ber, we will appoint a Governor and secretary of state to take charge of you, and that shall be the limit and definition of their power? Among statesmen it is regarded as of the first importance when a government is established that its power shall be accurately defined and sufficiently restrained. It is the boast of our form of Government that the Constitution defines its power and restrains the officers in the exercise of those powers by well-expressed limitations; and when you come to establish a government for four millions of negroes, a government that not only touches the negroes, but reaches over upon the white people in their intercourse with the negroes—for such a government you consider it sufficient and safe and right to say in general terms that the agents who may be appointed by General Howard shall take charge of these people. When Whittlesey and his subordinates compelled these poor people to work for their profits; when they are amassing large fortunes out of the sweat of the negroes, they will say to you, "We have taken charge of them." They have not gone outside the letter of their authority, and they have not departed from the form of government that you gave them. That is, they have taken charge of them. They have taken charge of them and worked them that they and their families may grow rich; and you say that is for the safety of this country!

When the President of the United States informs us that such a system has resulted in fraud and corruption, it is not a matter of surprise, for such is the frailty of human nature, that if you give one man the unrestricted power of control over a large number, and he has the power to work them according to his pleasure, that there shall be fraud and corruption of course every one would expect. It is the history of the race that under such circumstances there will be fraud. To prevent it we establish our system of laws, restraints, and qualifications.

Then, sir, we have not only the assurance that we gather from human nature itself, from the loose character of the law that created this bureau, from the want of restraint and limitation upon the power of the officers of the bureau, but from the testimony of General Grant, from the testimony of Generals Steedman and Fullerton, and now from the testimony of the highest anti-slavery authority in the United States, that there is fraud, that there is corruption, that there is outrage under this bureau; and yet you are asked to pass a law over the veto of the President giving very strong reasons why the bill should not pass, to continue this bureau for two years longer. Where is the evidence that this bureau has in reality protected the black man anywhere? Where is a satisfactory assurance upon that subject? You have to rely for that testimony upon the agents themselves. Whittlesey, in North Carolina, who is well described by Redpath in his communication of last month, would tell you that his department is a model of government; that nothing like it is to be found on earth; that the negroes are happy as princes, and the white people as contented as lords. All is going on well, he would tell you, while the secret is that his subordinates have the opportunity to become rich under the operations of the bureau which he controls.

Mr. President, I shall regret to see this law continued for two years longer. Surely Senators know very well that there are in this bill several sections regulating real estate in the southern States, and that the bill in regard to those sections was only considered for a few hours in the Senate, and I venture to say outside the committee who examined the bill in the committee-room, there is no Senator here who can state what are the provisions of the bill in regard to the real estate which it reaches. You have a general idea that it confirms certain tax titles; you have a general idea that it relates to the lands set apart to the negroes by General Sherman; but what the provisions are, how it adjudges title, where it makes a title right that ought to be so, I think the Senators here have not that sort of information that they ought to have in passing a bill of this importance.

This bureau, as is suggested by the President in his message, is to continue for several months yet. I think it has done evil enough and little enough of good to justify us in abandoning it when it shall cease to exist according to the original provisions of the law creating it.

One suggestion more, Mr. President, and I shall leave this question, hoping not to refer to it again in the Senate. It is claimed that the negroes are citizens of the United States; that we have made them citizens by virtue of the civil rights bill, as it is called. If they are citizens, how is it that we can set over them a government peculiar in its framework, entirely unknown to the Constitution, not contemplated or thought of by the fathers? By virtue of what authority in the Constitution is it that you send an agent of a bureau down into Georgia to make and control a contract made by a citizen? Can you send an agent of this Government into Indiana to control me or my constituents in the making of their contracts? Every one says no. If I am a citizen I make my own contracts. I am free to regulate them according to my own pleasure. Then you say, and you enacted it into a law, that the negro is a citizen free as any of us. What! a man free to do everything except to regulate his contracts and his personal service? If he is not free for that, in what respect is he free? And yet you appoint a bureau, with its agents, without any restraint or authority, to control them in the making of their contracts, to force them to work. I saw a very singular order very recently made by one of the bureau officers. He stated that there had come to be within his region such laziness and vagabondism among the colored people that he would put them to work upon the roads—I think that was his language—if they did not return to the farms where they had made contracts to labor, to work out their time. If they did not do that he would put them to work upon the highways. Now, I ask Senators, where is the authority for this in the Constitution of the United States? Where is the authority for any officer of this Government to say that if a white man does not serve out his contract for a year's service, somebody will put him to work on the highways as a matter of punishment? I want to know where is the authority for the establishment within this Government of a system like this.

Mr. President, I feel that I have done my duty in resisting this thing. I believe that the country will sustain the President in his veto. He has sought that these people now made free shall be governed by the laws and the Constitution of the land. He has resisted to the extent of his constitutional power the establishment over them and the white people among whom they are found, of a system of government unknown to the Constitution and to our institutions. He has done his duty, and I believe, sir, that the country will sustain him.

MR. SAULSBURY. Mr. President, if there is anything for which the people of this country ought to thank Andrew Johnson, President of the United States, it is that he has set his face like a flint against the legislation of Congress wholly without constitutional authority, subversive of the principles of the fundamental law of the land, dangerous to the existence of republican principles, and grossly oppressive to the people of the whole country. For such a patriotic service he deserves the thanks of the nation; and I cannot but believe that in view of this extraordinary legislation on the part of Congress, and the firmness with which he meets it, a grateful people will hereafter reward him with its highest honors.

What is the question involved in this case? What is the principle involved? No less a principle than this: has the Congress of the United States the power to take under its charge a portion of the people, discriminating against all others, and put their hand in the public Treasury, take the public money, appropriate it to the support of this particular class of individuals, and tax all the rest of the peo-